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SENATE—*Wednesday, November 2, 1983*

(Legislative day of Monday, October 31, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Loving God, we are so immersed in the material and the secular that we lose all sense of spiritual reality. We come to believe only what we can see and touch and measure. We are victims of the visible, depriving ourselves of the larger reality. Yet we experience the invisible in breath and feeling and fragrance and love. Forgive us Lord, for ignoring Thee, the Supreme Reality.

Father in Heaven, Thou knowest the frustration which seems to build as the Senate nears the end of a session. Senator BAKER and Speaker O'NEILL have expressed a determination to adjourn November 18, yet few believe it will happen and disbelief is mixed with cynicism. Dear God, move in our midst to make this desire of leadership a reality. Make Thy presence felt in every heart, every home and every office in the Senate. Quicken us to the invisible, the spiritual, the transcendent reality. Prove Thy relevance to the hard business of legislation. Do it Lord—for Thy glory. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

WITH THE HELP OF THE LORD

Mr. BAKER. Mr. President, if there is anything I need, it is help to try to get this place adjourned. Not even I had thought to invoke the help of the Lord. But I appreciate the prayer this morning of the Chaplain. I am impressed, overwhelmed, and wish to state that I believe we shall make it on the 18th.

A TAILOR MADE THE CLOTHES—GOD MADE THE MAN

Mr. BAKER. Mr. President, I do not often indulge in personal observations, and I apologize to the Senate for doing so. In this morning's Washington Post, from page B3 under "Personalities," in the center column, the fourth paragraph, I wish to read what was printed.

> President Reagan has been named as one of America's 10 best dressed men in the government category, barely beating Senate Majority Leader Howard Baker and former vice president Walter Mondale.
>
> The poll, taken by the Tailor's Council of America, named John Travolta in the film category; Hal Linden, TV; Julius (Doctor J) Irving, athlete; Monty Hall, philanthropist; Don Rickles, comedian; Julio Iglesias, singer; and Jose Feliciano, musician, as winners of their categories.

I have had a lot of surprises in my life, Mr. President, but never as big as the surprise which faced me this morning before breakfast when reading the Washington Post. I want to say I have absolutely no taste in clothes, that I am so bad that my wife will not let me out of the house in the morning without first standing for inspection. I have even known in my lifetime tailors and haberdashers to call me on the telephone and urge that I must come and choose a suit or else they would send me one. During the Watergate hearings, I was flooded with gifts of clothing because people were ashamed to see me representing the forces of light and reason in my chosen attire. I am a slob. I am flattered in the extreme.

Mr. President, I began to wonder about the choice of the Tailor's Council of America. Then I noticed that they chose, in the category of motion picture films, John Travolta, who is almost always seen in a tee-shirt; they chose Hal Linden in television. Hal Linden has not had a haircut since early childhood. Julius "Dr. J." Erving for the category of athletes, who is seldom seen by the American public except in his underwear.

So it goes. That did take a little of the luster, burnish, and polish away from this accolade.

With these remarks, I wish to thank the Tailor's Council of America for this award and recognition, but I must also tell them that, one of these days, we have to understand each other better.

Now, Mr. President, down to the matters at hand.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I want to say that we will, of course, resume consideration of the pending business, which is the motion to proceed to the consideration of the natural gas bill, at 11 o'clock, after certain preliminary matters are out of the way. I should like today, in addition to the debate on that motion, against which a cloture motion has already been filed but will not mature for voting until tomorrow—since we cannot have the vote on the cloture motion until tomorrow, I should like for today to get to two or three other things if we can. I should like to take up the Treasury-Postal appropriations bill. It is one of the regular appropriations bills and I have notified the two Senators involved, the distinguished Senator from South Dakota (Mr. ABDNOR) and the distinguished chairman of the Appropriations Committee (Mr. HATFIELD), to try to get to it if possible before putting it in the continuing resolution.

I wish to state that, in addition to the Treasury-Postal bill, I would like to get to the Civil Rights Commission bill. I made a representation to the distinguished junior Senator from Texas (Mr. BENTSEN) that it was our intention to try to reach that bill this session, as indeed it is. I have repeated that statement a number of times. I support the Civil Rights Commission. I support its reauthorization. I sup-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

port the bill from the House of Representatives which is on the calendar. Parenthetically, I do not support the idea of cutting the President out of that loop. I shall not support a commission that is purely congressional, because I think it will diminish its standing, create an unnecessary controversy, and be counterproductive.

That is the extent of the statement I wish to make, Mr. President. Let me state now it is the intention of the leadership on this side to try to reach the Civil Rights Commission bill this week. I would like to do it today if I can. I shall first ask the Senate to turn to the Treasury-Postal appropriations bill, however.

That should be about 11:30 a.m., or 12 o'clock. So all Senators who have an interest in that should take account of the fact that there probably will be a request for the Senate to turn to the consideration of that appropriations bill around 11:30 a.m. or 12 today. If there is an objection—I hope there is not; I really hope there is not—but if there is an objection, then it would be my intention to proceed by motion to try to reach that bill.

SATURDAY SESSION

Mr. President, I announced yesterday and I wish to repeat today, as soon as we can get the Defense appropriations bill, we are going to take that up, too. This is going to be a full week. I am told now that we may have the Defense appropriations bill available tomorrow. That would mean we could either take it up tomorrow afternoon late, tomorrow evening, or Friday.

If we have not finished Defense appropriations—and almost surely we will not have finished Defense appropriations—by the close of business on Friday, we will be in on Saturday. I hate to make that announcement, Mr. President, but I have to redeem the pledge made by the Chaplain this morning and try to get us out on the 18th. So we will be in on this Saturday to do the Defense appropriations bill.

I am losing friends by the moment, especially among the pages, but we will, Mr. President. I expect it to be a full day, with votes.

The following Saturday, Mr. President, will follow a public legal holiday, which is Veterans Day. We will not be in on that Saturday. So we shall be out next week, Friday and Saturday, which reiterates the importance of trying to get as much done this week as possible.

I repeat, Mr. President, we are going to do a motion to proceed to the consideration of the natural gas bill today. Sometime around noon, 11:30 or 12, the leadership on this side will try to reach the Treasury-Postal appropriations bill. It is the hope of the leadership on this side that we shall finish that measure and attempt to reach the Civil Rights Commission bill today, also.

Tomorrow, there will be a cloture vote at a time which may be set by unanimous consent, otherwise 1 hour after the Senate convenes and after establishment of the quorum pursuant to rule XXII. If cloture is invoked on the motion to proceed, we shall attempt to debate that until the motion is disposed of.

If it is not, I expect to continue that debate and then to resume consideration of Treasury-Postal, if necessary, and perhaps Intelligence authorization. We will reach the Defense appropriations bill as soon as we can within reason. We will be in on this Saturday unless we finish the Defense appropriations bill by Friday, which is a highly unlikely prospect. I do not expect today to be a late day. Tomorrow may be. Tomorrow is Thursday and the usual late day. The Senate will not be in session the following Saturday.

Mr. President, that is all I believe I can announce at this time.

Mr. President, the acting minority leader is present, and I yield so that the Chair may recognize him under the standing order.

RECOGNITION OF THE ACTING MINORITY LEADER

The **PRESIDENT** pro tempore. The acting minority leader is recognized.

Mr. **BINGAMAN**. Thank you, Mr. President. I really do not have any morning business. I ask unanimous consent to reserve the minority leader's time for use later in the day if he desires to do so.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR SYMMS

The **PRESIDENT** pro tempore. The Senator from Idaho is recognized under a previous order.

Mr. **SYMMS**. I thank the Chair and I thank the majority leader for the time this morning.

AMERICAN DISAVOWAL OF THE 1962 KENNEDY-KHRUSHCHEV AGREEMENT, A MOVE TO PRESERVE WORLD PEACE

Mr. **SYMMS**. Mr. President, President Reagan on Monday, October 24, linked the terrorist bombing of the U.S. Marine Operations Center in Lebanon to Soviet ambitions in the Middle East.

President Reagan has explicitly made the U.S. Marine force in Lebanon and U.S. foreign policy objectives there an aspect of the East-West confrontation.

President Reagan stated:

> This region [the Middle East] . . . is vital . . . [to] . . . our allies in Western Europe [and to] the Japanese. It would be a disaster if a force took over the Middle East—and a force is ready to do that, as witness what has taken place in Yemen, in Ethiopia, and now the [Soviet] forces, the several thousand, that are there in Syria . . . the Free World can not stand by and see that happen . . . If Lebanon ends up under the tyranny of forces hostile to the West, not only will our strategic position in the eastern Mediterranean be threatened, but also the stability of the entire Middle East, including the vast resources areas of the Arabian peninsula. To the extent that the prospect for future stability is heavily influenced by the presence of our forces, it is central to our credibility on a global scale.

President Reagan has thus linked the terrorist bombings in Lebanon to Soviet ambitions, forces, and Soviet financing of international terrorism. I agree with the President's linkage of the situation in Lebanon to the East-West confrontation.

It would therefore follow from the President's statement that the United States should also take a tougher stand against Soviet influence in the Caribbean, our own front yard. Last week's October 25, 1983, peacekeeping operation in Grenada suggests that America is finally beginning to throw off the paralysis that has long gripped our foreign policy toward the Soviets.

I would like to make several summary propositions regarding the 1962 Kennedy-Khrushchev agreement in October 1962. U.S. disapproval of this agreement would be another act unshackling America from paralysis. It would also be an act of peacekeeping.

First, there was a binding United States-Soviet agreement in October 1962. Both the United States and the Soviets have repeatedly and openly reaffirmed the existence of a binding agreement in 1962 regarding Soviet withdrawal of offensive weapons from Cuba and the nonintroduction of these weapons into Cuba in the future.

Second, Mr. President, there is strong unclassified evidence that the Soviets have been violating this agreement since 1962. The Soviets have bomber, fighter-bomber, and submarine bases in Cuba, with twice the nuclear capability they had in 1962 when the Kennedy-Khrushchev agreement was entered into.

Third, each time the Soviets have violated the 1962 Kennedy-Khrushchev agreement, the State Department has, in effect, accepted a new protocol to the agreement allowing the Soviet violation. This has happened in 1971, 1978, 1979, and 1982. But these U.S. retreats from enforcing the original agreement have all occurred in secret.

The question that I think needs to be asked is: Is the State Department thus trying to cover up the diplomatic history of Soviet violations of the original 1962 Kennedy-Khrushchev agreement? Can the reason be that the State Department believes that the United States can do nothing else?

The primary reason for the State Department coverup of Soviet violations seems to be that the only way to enforce Soviet compliance is to reassert U.S. military superiority, but the U.S. military superiority is now gone. Is the second reason for the State Department coverup the belief that in order to avoid a new United States-Soviet Cuban missile crisis, the United States must simply successively redefine the terms of the 1962 agreement to allow the Soviet violations?

Mr. President, this U.S. acquiescence in Soviet violations can only be termed appeasement. The longer the U.S. Senate and the State Department condone these violations, the longer we all are complicitous in the Soviet violations. There is a better deterrent to the Soviet threat from Cuba than appeasement.

Fourth, President Reagan has already twice publicly accused the Soviets of violating the 1962 Kennedy-Khrushchev agreement, and three other top Reagan administration officials have publicly and explicitly made similar accusations. None of these three officials was from the State Department. These accusations confirm first that there is an accord and, second, they establish that the State Department has covered up the Soviet violations and the U.S. appeasement. Thus in my opinion the State Department has created a major political embarrassment for the President and his administration by covering up their appeasement.

With the original terms of the 1962 agreement and the evidence of major Soviet subsequent violations and U.S. accusations all being already openly public, the State Department coverup should be exposed. The longer the coverup continues, the more we are all guilty for perpetuating the coverup.

The State Department should explain to the American people whether it agrees with President Reagan's public accusations of Soviet violations. If the State Department disagrees with the President's accusations, then the American people need to know how the Soviet military activity in Cuba can be reconciled with the terms of the agreement. Will the State Department continue to publicly apologize for the Soviet violations? Alternatively, if the State Department agrees with the President, then the State Department must explain why it has tolerated and covered up this Soviet military activity in Cuba for so long. For example, why has the State Department repeatedly resisted congressional efforts to have testimony on the agreement? Why has the State Department denied the Joint Chiefs of Staff, the Secretary of Defense, the Arms Control Agency, the U.N. Ambassador, and even the NSC, the President's National Security Advisor, and even the White House itself, access to the diplomatic history of the Kennedy-Khrushchev agreement? Why has the State Department not exposed the Soviet violations? Why does the State Department alone have a different position?

Fifth, the Kennedy-Khrushchev agreement of 1962 in fact failed to prevent the Soviets from establishing afterward a military and strategic base in Cuba. After all, Soviet diplomat Kuznetsov told the United States in late 1962 that "never again will the U.S.S.R allow the U.S. to force it to retreat in a crisis. The Soviet Union will get even." The agreement also failed to prevent Soviet-Cuban subversion and aggression in the Western Hemisphere. Thus the Kennedy-Khrushchev agreement is inconsistent with the fundamental principle of U.S. foreign policy—the Monroe Doctrine. Moreover, the Kennedy-Khrushchev agreement is inconsistent with the 1962 law establishing U.S. objectives in the Caribbean which are: Enforcement of the Monroe Doctrine, no Soviet military base in Cuba, no Soviet-Cuban export of alien Marxist-Leninist revolution, and a democratic Cuba free from subjugation to a European power.

Sixth, having established Soviet violation of the 1962 Kennedy-Khrushchev agreement and the fact of the failure of the Kennedy-Khrushchev agreement to conform to the 1962 law on U.S. Caribbean objectives, the United States has good reason to disavow the Kennedy-Khrushchev agreement. An additional reason for disavowal is the fact that in August 1982 the Congress reaffirmed the 1962 law on U.S. Caribbean objectives, which are inconsistent with the agreement. Moreover, if the Soviets have already canceled and disavowed, the agreement themselves, as President Reagan has averred, then it provides the United States no protection from further Soviet offensive threats in Cuba, such as SS-20 missiles, strategic submarines, or backfire bombers.

Therefore the United States quids pro quo for Soviet removal of missiles and bombers in 1962 under the agreement should be withdrawn. Specifically, the United States believed that it had prevented the reestablishment of the Soviet military base in Cuba, and has also prevented Soviet-Cuban export of revolution. That was the supposition from which the agreement was entered into, and it was not accomplished then. These two factors were the grounds for the conditional U.S. pledge not to invade Cuba or aid those who would liberate Cuba. But these grounds have been repeatedly negated by Soviet actions. Further, the United States demanded United Nations onsite inspection of the Soviet withdrawal, and other Soviet assurances and safeguards against reintroduction. But Cuba would not allow United Nations onsite inspection of the 1962 Soviet removal of strategic weapons, no further Soviet assurances and safeguards were given, and Soviet offensive weapons therefore were later reintroduced. Hence a further U.S. condition in the 1962 agreement has been negated. Finally, the U.S. agreement to withdraw Thor and Jupiter MRBM's and IRBM's from Britain, Italy, and Turkey in 1962 as another United States quid pro quo to the Soviets related to the Kennedy-Khrushchev agreement should be reevaluated. Indeed, the Soviet violations and disavowal of the agreement gives the United States an additional reason to deploy new IRBM's in Europe in December 1983, to replace U.S. weapons previously withdrawn mistakenly.

Seventh, the fundamental, legal U.S. objectives for U.S. Caribbean policy can finally be achieved, once the paralysis of unilateral U.S. compliance with the Kennedy-Khrushchev agreement is lifted. Thus the United States can finally oppose a Soviet military base in Cuba and Soviet-Cuban export of revolution, by force of arms if necessary. The September 1962 law reaffirmed in August 1982 as the Symms Cuba resolution requires the United States to achieve these objectives. Moreover, the United States can legitimately support the goal of liberating Cuba and Grenada from Fidel Castro's oppressive Marxist-Leninist totalitarian regime. Kennedy has said repeatedly that the American pledge not to invade Cuba was a great Soviet victory. Finally, the United States can legitimately overturn the Marxist-Leninist totalitarian regime in Nicaragua and in Grenada, and support democratic forces in El Salvador. Indeed the United States should actually proceed to do in Nicaurague and El Salvador what we have already done in Grenada—roll back communism. Most importantly, if the Soviets have already violated, disavowed, annulled, and cancelled the agreement, then the agreement will not deter them from deploying SS-20's, Backfire bombers, or submarines in Cuba in December 1983. Thus the United States should likewise disavow the already flagrantly violated and cancelled agreement, and firmly warn the Soviets of the grave consequenses of any further offensive deployment to Cuba. Such U.S. disavowal and warning would be a deterrent and an act of peacekeeping by the United States.

In sum, ending U.S. compliance with the Kennedy-Khrushchev agreement, which is inconsistent with U.S. law, will end the muddle and paralysis in U.S. foreign policy in the Western

Hemisphere and in United States-Soviet relations generally. For there is a direct relationship between Soviet behavior under the Kennedy-Khrushchev agreement, an explicit arms control agreement, and Soviet behavior under détente and the SALT treaties. If the Soviets have violated the 1962 agreement, then their now clearly revealed willingness to violate and break out of all the SALT treaties is more easily understood. And a realistically tough U.S. Caribbean policy, consistent with U.S. law and the Monroe Doctrine, is related to a realistically firm U.S. policy on enforcing Soviet compliance with SALT treaties.

I now would like to restate the essence of the Monroe Doctrine. As President Monroe stated on December 2, 1823:

> "We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. * * * It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness. (President Monroe's message, Dec. 2, 1823.)

I now would also like to restate the resolving clause of the 1962 Senate Joint Resolution 230, which the Symms resolution of August 1982 reaffirmed verbatim as the "law of the land" on U.S. foreign policy objectives in the Western Hemisphere:

> So the joint resolution (S.J. Res. 230) was passed, as follows:
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States is determined—
>
> (a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;
>
> (b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and
>
> (c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

THE SOVIET VIOLATIONS OF KENNEDY-KHRUSHCHEV AGREEMENT

During mid-October 1983, a Soviet general made quite explicit the longstanding Soviet threat to create a danger to the United States analogous to the impending NATO Euromissile threat to the U.S.S.R. Soviet Gen. Nikolai Chervov stated that if the United States deploys Pershing II and ground-launched cruise missiles in Europe in December, as requested by the NATO decision 4 years ago, the Soviet Union will deploy missiles within "10 minutes" flying time of the United States. Soviet spokesmen are beginning to deny that they intend to deploy missiles in Cuba. Given the history of Soviet deception and duplicity, this can only mean deployment of new Soviet missiles in the Caribbean—probably SS-20's or SLBM submarines in Cuba or in Nicaragua, or Guyana.

But the Soviets have already created a very severe analogous threat to the United States in Cuba. Since 1969, the Soviets have been gradually expanding the limits of U.S. tolerance of Soviet offensive military activity, even nuclear weapons, activity in Cuba. The Soviets have now deployed in Cuba the following strategic nuclear offensive weapons systems. I think it is somewhat unclear whether the nuclear weapons themselves—the bombs or warheads—are in Cuba or are not in Cuba; and I think it is questionable as to whether we actually have the capability even to know that.

A squadron of 12 TU-95 Bear intercontinental bombers with bomb bays, which are counted as strategic offensive weapons under the SALT II Treaty;

Four squadrons totaling over 40 Mig-23 or Mig-27 Flogger nuclear delivery capable fighter bombers. These aircraft have longer range and more payload than the light IL-28 bombers that the Soviets deployed to Cuba in 1962. The IL-28 had a radius of 550 to 600 nautical miles and a payload of 6,000 pounds. The Mig-23/27 has a radius of 648 to 700 nautical miles and a payload of 6,500 pounds, according to official sources. Moreover, the Defense Department considers all Floggers deployed against NATO to be nuclear delivery capable, and the variants are indistinguishable, even by onsite inspection;

A strategic submarine base at Cienfuegos, complete with a nuclear warhead storage facility, which has been used to support Golf diesel submarines capabile of carrying nuclear tipped ballistic missiles counted in SALT I and Echo nuclear-powered submarines carrying nuclear armed long-range cruise missiles;

A combat brigade of ground forces, complete with artillery, mechanized, tank, and long-range air transport capability, which is reportedly guarding nuclear storage facilities. In 1979, the Carter administration said that this brigade was unacceptable, yet the United States accepted it.

The danger of these Soviet long-range capabilities to deliver offensive nuclear weapons against the United States are compounded by the highly significant but little realized fact that the United States has no capability to detect the presence of Soviet nuclear bombs or warheads in Cuba. That is, if the Soviets were to deploy offensive nuclear weapons to Cuba, the United States would not be able to detect this fact. The Soviets could easily deploy nuclear warheads and missiles to Cuba by air delivery at night. Indeed, even in 1962, the United States lacked the ability to determine whether or not the Soviets had actually deployed nuclear warheads and bombs to Cuba. This U.S. lack of nuclear detection capability should make us even more concerned about Soviet strategic nuclear offensive delivery capabilities already in Cuba.

Thus we should ask why the Soviets would deploy to Cuba bomb-bay equipped, long-range bombers, nuclear-delivery capable fighter bombers, and a nuclear warhead storage facility for submarine-launched missiles, if they did not also already have nuclear warheads in Cuba? There are already nine airfields in Cuba capable of operating Bears, Backfires, and Floggers.

In sum, the Soviets now have in Cuba a strategic nuclear offensive threat greater than they had in the October 1962 Cuban missile crisis. In October 1962, the Soviets had 42 SS-4 MRBM's and SS-5 IRBM's, plus 42 IL-28 light bombers. These forces total 84. However, only about 28 SS-4 MRBM's were operational at the height of the crisis, with the construction of SS-5 IRBM launch sites still being uncompleted, and the IL-28's mostly remained in their shipping crates.

Today in Cuba, the Soviets have 52 operational long- and medium-range bombers, together with the precedent already established that they can have 6 or more submarine launched nuclear missiles there. Thus the Soviet threat in Cuba today is twice what it was in 1962, 58 delivery vehicles, compared to only 28 operational in 1962.

THE KENNEDY-KHRUSHCHEV AGREEMENT

What is the significance of this greater Soviet strategic threat today from Cuba? It is extremely worrisome even beyond the context of any international United States-Soviet agreement prohibiting a Soviet strategic capability in Cuba. But indeed what about the United States-Soviet accord that ended the 1962 Cuban missile crisis? Do these Soviet capabilities violate this accord? The famous Kennedy-Khrushchev agreement is really quite simple to understand, consisting as it does of only four letters exchanged on October 27 and 28, 1962.

I noted in the CONGRESSIONAL RECORD of March 9, 1982, beginning page S1821 to page S1831 the key elements of Kennedy-Khrushchev agreement of 1962 ending the missile crisis. These key elements were as follows:

The Khrushchev letter to Kennedy October 27, 1962, stated:

> . . . I make this proposal: We agree to *remove* these weapons from Cuba *which you regard as offensive weapons* . . . (while) representatives of the U.N. Security Council could *control on-the-spot* the fulfillment of these commitments. (Emphasis added.)

The Kennedy letter to Khrushchev, October 27, 1962 stated:

> The first thing that needs to be done is for . . . *all* weapons systems in Cuba capable of *offensive* use to be rendered inoperable, under effective United Nations arrangements . . .
>
> (1) You would agree to *remove* these weapons systems from Cuba under appropriate United Nations observation and supervision, and undertake, with suitable safeguards, *to halt further introduction of such weapons systems into Cuba* . . . (Emphasis added.)

The requirement to halt further introduction of offensive weapons means that offensive weapons could not later be reintroduced into Cuba.

The Khrushchev letter to Kennedy October 28, 1962 stated:

> . . . The Soviet Government . . . has given a new order to *dismantle* the arms which you described as *offensive* and to *return them* to the Soviet Union." (Emphasis added.)

The Kennedy letter to Khrushchev, October 28, 1962 stated:

> . . . I consider my letter to you of October twenty-seventh and your reply of today as *firm undertakings* on the part of *both* our governments which should be promptly carried out . . . (Emphasis added.)

Thus the United States recognized the Kennedy-Khrushchev agreement as firm undertakings of both governments, pledged at the highest level.

The question arises as to what the Soviets considered offensive weapons. According to a Khrushchev letter of October 26, 1962:

> . . . only people, troops can attack. Without people any means however powerful cannot be offensive.

Therefore, troops are by Soviet definition offensive weapons. If the Soviets consider troops offensive weapons, then surely TU-95's, Mig-23/27's, and strategic submarines are also offensive weapons.

BINDING NATURE OF AGREEMENT CONFIRMED

On November 20, 1962, President Kennedy gave the most authoritative statement regarding the existence of a binding United States-Soviet agreement. Kennedy stated publicly:

> Chairman Khrushchev . . . agreed to remove from Cuba all weapons systems capable of offensive use, *to halt the further introduction of such weapons into Cuba* . . . In addition, the Soviet government has stated that all nuclear weapons have been withdrawn from Cuba, and *no* offensive weapons will be *reintroduced.* (Emphasis added.)

Moreover, also on November 20, 1962, Khrushchev wrote to Kennedy that "the U.S.S.R. intends to remove the IL-28 light bombers within a month or even sooner." Khrushchev also said that the U.S.S.R. is prepared to give firm assurances "that those types of weapons on the removal of which we have agreed are not brought back to Cuba."

This was a firm Soviet promise not to bring offensive weapons such as light bombers back to Cuba. The Mig-23/27 Flogger is much more capable than the IL-28, having greater radius and payload. Indeed, the United States considers all Soviet Floggers in the Warsaw Pact as capable of delivering nuclear weapons against NATO.

TASS made an "authorized" official statement on October 13, 1970, that the Soviet Union was not doing and would not do anything that would "contradict the understanding reached between the Governments of the U.S.S.R. and the United States in 1962."

On November 16, 1970, there followed the first public American confirmation of an understanding, when a State Department spokesman noted President Kennedy's statement of November 20, 1962, and the TASS statement of October 13, 1970 as the basis for a conclusion that:

> We are confident that there is an understanding by the two governments of the respective positions on the limits of their actions with regard to Cuba.

The State Department has repeatedly stated that the Kennedy-Khrushchev agreement was a legally binding agreement.

Dr. Henry Kissinger in his first volume of memoirs, "White House Years," also confirms that there was a binding 1962 Kennedy-Khrushchev agreement. Further, Kissinger confirms that this agreement prohibited all Soviet offensive weapons in Cuba. Kissinger wrote:

> On August 7 (I.E. 1970), I gave Vorontsov our reply. It noted with satisfaction the assurance of the Soviet government that the understandings of 1962 were still in full force. We defined these as prohibiting the emplacement of *any offensive weapon of any kind* or any offensive delivery system on Cuban territory. We reaffirmed that *in return* we would not use military force to bring about a change in the governmental structure of Cuba. (p. 634, Emphasis added.)

Kissinger added significantly:

> The Soviet Union can be under no doubt that we would view the establishment of a strategic base in the Caribbean with the utmost seriousness.

Kissinger made reference on September 25, 1970, to President Kennedy's November 20, 1962, press conference ending the Cuban missile crisis. Kissinger called new attention to Kennedy's November 20, 1962, press statement:

> As for our part [Kennedy stated], if all offensive weapons are removed from Cuba and *kept out* of the Hemisphere in the future, under adequate verification and safeguards, and *if Cuba is not used for the export of aggressive Communist purposes,* there will be peace in the Caribbean. (p. 646, Emphasis added.)

Kissinger added that the operative part was the requirement that all offensive weapons be removed from Cuba and be kept out of the hemisphere in the future.

Nikita Khrushchev's memoirs also contain an authoritative explanation of what the Soviets thought resulted from the 1962 Cuban missile crisis. Khrushchev stated:

> We sent the Americans a note [i.e., on November 20, 1962] saying that we agreed to remove our missiles and bombers on the condition that the President give us his assurance that there would be no invasion of Cuba by the forces of the U.S. or anybody else. Finally Kennedy gave in and agreed to make a statement giving us such an assurance. . . . It was a great victory for us . . . that we had been able to extract from Kennedy a promise that neither America nor any of her allies would invade Cuba. (pp/498, 500, "Khrushchev Remembers," Vol. I, Emphasis added.)

Khrushchev added in a letter to Castro:

> The main point about the Caribbean crisis is that it has guaranteed the existence of a socialist Cuba . . . Now that the climax of the tension has passed and we have exchanged commitments with the American government, it will be very difficult for the Americans to interfere . . . We won a socialist Cuba. . . . The Caribbean Crisis was a triumph of Soviet foreign policy . . . (p. 504, emphasis added.)

Thus Khrushchev also confirms that the Kennedy-Khrushchev agreement was a firm commitment on both sides.

Khrushchev concluded that:

> So far the United States has abided by its promise not to interfere in Cuba nor to let anyone else interfere . . .

He noted "Kennedy's promise not to invade Cuba. So far the Americans have not broken their word. If they ever do, we will have the means necessary to make good our own commitment to Castro to defend Cuba."

But Khrushchev ignores the fact that Kennedy's promise was only conditional, and each of the four U.S. conditions have been violated by the Soviets and the Cubans. First, the Cubans reneged on the U.S. requirement for United Nations onsite inspection to verify the Soviet removal of the missiles and bombers. Second, Soviet offensive weapons have in fact been brought back into Cuba. Cuba is, therefore, still a Soviet military base. Third, the Soviets provided no safeguards or assurances against the reintroduction of offensive weapons. Instead, the Soviets brought offensive weapons back to Cuba. Fourth, the Soviets and the Cubans are exporting revolution from Cuba. Thus the entire basis for the Kennedy-Khrushchev agreement has dissolved.

REAGAN ADMINISTRATION VIOLATION CHARGES

Have the Soviets complied with the 1962 Kennedy-Khrushchev agreement? On September 14, 1983, President Reagan for the second time as President made an important accusation against the Soviet Union. President Reagan was asked publicly if the Soviet Union was violating the 1962 Kennedy-Khrushchev agreement which ended the Cuban missile crisis. President Reagan answered:

> . . . That agreement [The Kennedy-Khrushchev Agreement of 1962] has been

abrogated many times by the Soviet Union and Cuba in the bringing of what can only be considered offensive weapons, not defensive, there.

This is the second time that President Reagan has accused the Soviets of violating the Kennedy-Khrushchev agreement. The word "abrogated" means to cancel, disavow, or annul. The Soviets thus have already canceled, disavowed, or annulled the 1962 agreement.

President Reagan previously accused the Soviets of violating the Kennedy-Khrushchev agreement in April 1982, on national television. In addition, CIA Director Casey, Under Secretary of Defense Ikle, and the Chairman of the Joint Chiefs of Staff have all during the spring of 1982 also explicitly accused the Soviets of violating the Kennedy-Khrushchev agreement ending the 1962 Cuban missile crisis.

President Reagan stated at a televised press conference in April 1982:

> There's been other things we think are violations also of the 1962 agreement.

OTHER REAGAN ADMINISTRATION ACCUSATIONS OF SOVIET VIOLATION

Mr. President, because of these Soviet activities in defiance of a solemn accord, the 1962 Kennedy-Khrushchev agreement, Reagan administration officials drew the appropriate conclusions.

In March 1982, CIA Director Casey stated that the "1962 Kennedy-Khruschev agreement has been violated for 20 years."

Also in March 1982, then Joint Chiefs of Staff Chairman General Jones testified to Congress: "We (the JCS) interpret Soviet actions in Cuba as a violation of the 1962 Agreement." Jones added: "They have gone beyond the 1962 accords."

Again, in March 1982, Under Secretary of Defense Ikle testified to Congress that the 1962 agreement "had been eroded away to nothing" by Soviet actions, and he confirmed press reports of a possible Soviet-nuclear-delivery capability from Cuba.

If the Soviets are violating and have canceled, disavowed, and annulled the very accord which ended the most dangerous nuclear crisis in history, is the world now thrust back into a dangerous nuclear crisis? Will Soviet deployment of SS-20 IRBM's or SLBM's in Cuba or in Nicaragua only compound the danger of an already unprecedented Soviet threat?

In sum, I believe that the United States must itself now also disavow the Kennedy-Khrushchev agreement of 1962, because the original U.S. quids pro quo have not been reciprocated, and the Soviets have violated the accord. Further, the agreement is inconsistent with the Monroe Doctrine and the U.S. law of the land dealing with Caribbean foreign policy objectives. Finally, if we are ever to stand up successfully to the Soviet-Cuban export of Marxist-Leninist revolution on our very front doorstep in Central America, we must disavow the agreement. We must be able to exercise whatever options are necessary to defeat Soviet expansionism in the Western Hemisphere.

Mr. President, it is interesting to see the enormous support from the American people for the President's action in Grenada. I think that is because the American people seem to understand the fundamental principle of American foreign policy, the Monroe Doctrine, better than some of the people at the State Department in Washington. The American people also know that the 1962 Cuba resolution, Senate Joint Resolution 230 and the 1982 Symms resolution express the law of the land on U.S. foreign policy in the Western Hemisphere. The United States has every justification, both legal and moral, for liberating Grenada from the clutches of the tyrants in Cuba and the Soviet Union. The American people know this better than our striped-pants diplomats.

All free people around the world are given great hope and great heart to think that the people of Grenada will be able to continue now with a life in which they have the opportunity for private property, for upward mobility, and to look forward to a future not in a Communist slave camp but an opportunity to live in a free land, thanks to the bold, decisive action on the part of our President.

It is interesting to see that the rationale is there, yet it appears to me that the State Department is not using their very best argument as to why this was done and why it should be done, and that is why I make these remarks this morning.

I thank the distinguished Presiding Officer for his indulgence, and I yield the floor.

Mr. President, I ask unanimous consent to have the following items printed in the RECORD: some unclassified questions which I intend to submit to the State Department; extracts from key statements related to the Kennedy-Khrushchev agreement of 1962; several articles dealing with the Monroe Doctrine, with the Caribbean Basin, with the situation in Grenada—two by Evans and Novak, one by Virginia Prewett, one by Jack Anderson, one from the New York Times, and one from Truth magazine.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNCLASSIFIED QUESTIONS BY SENATOR STEVE SYMMS ON THE STATE DEPARTMENT'S COVER-UP OF SOVIET ARMS CONTROL VIOLATIONS, FOR SECRETARY OF STATE SHULTZ, OCTOBER 20, 1983

THE KENNEDY-KHURSHCHEV AGREEMENT OF 1962

(1) President Reagan has twice publicly accused the Soviets of violating the 1962 Kennedy-Khrushchev agreement, and the CIA Director, the JCS Chairman, and an Under Secretary of Defense have all publicly agreed with the President. Only the State Department's position remains to be revealed. Do you agree with the President and the rest of the Administration? If so, why? If not, why not?

(2) What Soviets military activities in Cuba have raised questions about Soviet compliance with the Kennedy-Khrushchev agreement?

(a) Are Soviet MIG-23 "Floggers" and MIG-27 "Floggers" nuclear-delivery capable fighter-bombers, deployed in Cuba? Can these "Flogger" aircraft types be distinguished from each other by U.S. National Technical Means of Verification? Even with on-site inspection, can these "Flogger" aircraft types be distinguished from each other? Are they externally identical except for internal wiring for nuclear weapons delivery capability on the MIG-27 "Flogger"? Has the noted arms control expert, Dr. Raymond Gathoff, publicly conceded that both MIG-23 and MIG-27 "Flogger" aircraft are already deployed in Cuba?

(b) Do MIG-27 "Flogger" nuclear delivery capable fighter-bombers have longer operational radius—648 nautical miles according to authoritative unclassified Defense Department data—and heavier payload—6,600 pounds also according to the DOD's Soviet Military Power book—than the Soviet IL-28 light bombers (550 to 600 nautical mile radius, 6,000 pound payload) removed from Cuba in 1962? Do other official sources give "Flogger" radius at 700 nautical miles? Does the DOD consider all Warsaw Pact "Floggers" nuclear-delivery capable against NATO? Were Soviet "bombers" on the U.S. list of Soviet offensive weapons prohibited to be in Cuba under the October 23, 1962 U.S. Quarantine Declaration against the USSR and Cuba? Were IL-28's required to be removed from Cuba? Are all Soviet bombers, generally defined, banned from Cuba? Should MIG-27 "Floggers" also be required to be removed?

(c) Do Soviet TU-95 Fs in Cuba have operational bomb-bays? Are TU-95 Fs and Ds now permanently based in Cuba? Are all TU-95 Fs and Ds counted as strategic weapons in the SALT II Treaty Data Exchange?

(d) Is Cienfuegos, Cuba, a Soviet submarine base? Does Cienfuegos have piers suitable for servicing submarines? Does Cienfuegos have a nuclear warhead handling facility? Did a "Golf" class submarine appear at Cienfuegos in 1972, and an "Echo" class submarine appear there in 1974? Did these types of Soviet submarines also appear in and around Cuba during 1970, 1971, and throughout the 1970-1974 period? Does this establish the precedent that these or other types of strategic Soviet offensive submarines, which could reappear at any time, would be tolerated by the U.S.?

(e) Does the U.S. have the capability to detect whether or not there are Soviet nuclear warheads or bombs in Cuba? Did we have this capability in 1962? Did the Defense Department testify to Congress in 1982 that the U.S. did not have the capability to detect Soviet nuclear weapons in Cuba? Could Soviet nuclear warheads be flown into Cuba by air transport at any time during the night, without U.S. detection? Are there any tangible indications of Soviet nuclear weapons already in Cuba, such as nuclear delivery capable vehicles there, and nuclear weapons storage facilities?

(3) What is so secret about the diplomatic history of the 1962 Kennedy-Khrushchev

agreement, that Assistant Secretary of State Burt recently denied Judge Clark access to these documents? Is it true that the JCS, Secretary of Defense, Arms Control Agency, the United Nations Ambassador, the NSC and White House have all asked for and been denied access by the State Department to these documents?

(4) Why has the Secretary of State refused over 5 times since early 1981 to give open testimony to the Senate on the 1962 Kennedy-Khrushchev agreement? Does the Senate not have right to oversight upon these matters?

(5) On 14 September 1983, President Reagan publicly accused the Soviets of having "abrogated" the 1962 Kennedy-Khrushchev agreement. Soon thereafter, Judge Clark ordered the State Department to do an analysis of the Kennedy-Khruschev agreement for the President. Did the State Department defy this order? Is this defiance consistent with the Secretary of State's role as the prime foreign policy advisor to the President?

(6) In 1971, the Soviets established a strategic submarine base at Cienfuegos, Cuba. In 1978, the Soviets sent MIG-23/27s fighter-bombers, more capable than prohibited IL-28 light bombers, to Cuba. In 1979, the Soviet combat brigade in Cuba was discovered. In 1982, the Soviets began permanently basing TU-95s with operable bomb-bays in Cuba. What diplomatic communications with the Soviets were related to these Soviet deployments? Are these deployments consistent with the Kennedy-Khrushchev agreement of 1962 and the 23 October, 1962 U.S. list of Soviet offensive weapons quarantined from Cuba? Are there any secret agreements with the Soviets since 1962 which would modify the 1962 agreement? If so, why have these modifications not been submitted to the Senate? If not, then why has the State Department not enforced the 1962 Kennedy-Khrushchev agreement, by prohibiting these Soviet deployments?

(7) Has there been a State Department "cover-up" of Soviet violations of the 1962 Kennedy-Khrushchev agreement, and U.S. acquiescence in these Soviet violations? Has the U.S. appeased the Soviets' increasingly provocative "salami tactics" in Cuba? Is the U.S. Senate complicitous in this cover-up, despite the State Department's repeated attempts to exclude the Senate from knowledge of these matters?

(8) Has the Department of State created a major political embarrassment for the President by denying official access to the Kennedy-Khrushchev diplomatic history, while at the same time, covering up Soviet violations? Does the State Department agree with the Presidential, CIA, JCS, and Defense Department accusations of Soviet violations of the Kennedy-Khrushchev agreement? If not, why not? If so, why the extended cover-up?

(9) The U.S. gave the following quids pro quo and conditions for the Soviet withdrawal of SS-4, SS-5, and IL-28 offensive weapons from Cuba in 1962:

(a) The Soviet withdrawal was to be verified under United Nations on-site inspection, and further Soviet safeguards and assurances against the future Soviet reintroduction of offensive weapons were to be provided.

(b) The U.S. would not allow the Soviets to have an offensive military base in Cuba, and the Soviets and Cubans were not to be allowed to export revolution.

(c) The U.S., also in exchange for Soviet restraint, would in addition, withdraw its MR/IRBMs from Britain, Italy, and Turkey.

(d) The U.S. would, in exchange for this Soviet-Cuban restraint, not invade Cuba.

Were these U.S. conditions and quids pro quo of 1962 justified by Soviet-Cuban behavior since 1962?

(10) Has the Reagan State Department confirmed that the Kennedy-Khrushchev agreement of 1962 is legally binding? In a memorandum of January 16, 1982, did the Reagan State Department say that the 1962 exchange and understandings appear to be legally binding commitments? Did the memo add that it appears that a reasonable argument can be made that U.S. commitments against inaction versus Cuba were premised on the understanding that Cuba would not export its aggressive purposes by force or the threat of force against other Latin American nations?

(11) Did the Reagan State Department memo that both we and the Soviets have repeatedly referred, without qualifications, to the 1962 understandings as agreements? Did the State Department memo say that the Soviets recognized in 1962, 1970, and 1978 that the U.S. was the final arbiter of what Soviet weapons would be defined as offensive?

(12) Did a Carter State Department memorandum of November 22, 1978, refer to the understanding between the U.S. and the Soviet Union concerning the presence of offensive weapons of Cuba? Did this memo add that the United States and the Soviet Union both recognize that an understanding on this subject exists and that . . . the understanding covers any offensive weapons that alter the balance of power significantly and threaten U.S. security?

(13) Did the Carter State Department memo, of November 22, 1978 also state that the U.S. further referred to President Kennedy's press statement of November 20, 1962 as an authoritative statement of the U.S.-Soviet understanding arising out of the missile crisis? Did it also point out that all bomber aircraft were among the prohibited weapons embargoed from Cuba under the October 23, 1962 U.S. Proclamation of Quarantine against Cuba? Thus were all Soviet bombers of any kind prohibited in Cuba? Did the memo further point out in regard to the Soviet IL-28 light bombers in Cuba in 1962 that President Kennedy stated that the continued existence of such IL-28 light bombers in Cuba would require substantial measures of military defense in response by the U.S. Did this U.S. condition establish the key definition of offensive weapons necessary for enforcement of the Kennedy-Khrushchev agreement—any Soviet offensive weapons which requires substantial U.S. defensive efforts are prohibited?

(14) Is it true that according further to the 1978 Carter State Department memo, Kennedy wrote a letter to Khrushchev on November 6, 1962 which stated that the U.S. must attach the greatest importance to the personal assurances you have given that submarine bases will not be established in Cuba?

Is it true that in a letter to Kennedy on November 20, 1962, Khrushchev said that *the USSR gave firm assurances* that those types of weapons on the removal of which we have agreed—SS-4 and SS-5 MR/IRBMs and IL-28 light bombers—*are not brought back to Cuba*? (Emphasis added).

(15) Did the Soviets write the U.S. a note on October 6, 1970 reaffirming that in the Cuban question, the Soviet government continued to proceed from the understanding reached on this question in 1962?

(16) On October 9, 1970, did the U.S. give the Soviets a note stating the U.S. understanding that:

> The USSR will not establish, utilize, or permit the establishment of any facility in Cuba that can be employed to support or repair Soviet naval ships capable of carrying offensive weapons, i.e. submarines or surface ships armed with nuclear-capable, surface-to-surface missiles?

(17) On October 23, 1970, did Dobrynin take pains to tell Dr. Kissinger that the USSR did not have a military naval facility in Cuba, and that the USSR would abide by our understanding of 1962? Did Dobrynin add that the USSR was also making the exchanges from August 1970 onward part of the understanding of 1962?

(18) On May 21, 1971, did Dobrynin confirm that it was clear and understood that nuclear submarines and submarines carrying offensive weapons could not be serviced from Cuba?

(19) In a letter to Senator Fulbright on March 1, 1971, did the State Department state that there is an understanding that the Soviet Union will not install offensive weapons systems in Cuba, nor operate such systems from this Hemisphere. This understanding includes activities related to sea-based systems?

QUESTIONS ON THE SALT II TREATY[1]

(1) Is there written consensus within the U.S. national security bureaucracy that the Soviets have violated the SALT I and the SALT II Treaties? Is the Soviet SS-X-25 ICBM a second Soviet "new type" ICBM prohibited under Article 4 of the SALT II Treaty?

(2) Is the throw-weight of the Soviet SS-X-25 over 200% that of the old SS-13, when SALT II allows only a 5% increase?

(3) Is the telemetry of the SS-X-25 98 to 100% encrypted, which is inconsistent with Article 15 of SALT II?

(4) Is the SS-X-25 a follow-on to the SS-16, which is banned by 5 provisions of SALT II?

(5) Does the warhead of the SS-X-25 weigh less than one half of the throw-weight of the SS-X-25? Does this ratio violate SALT II?

(6) Is the SS-X-25 being flight-tested at night, with its mobile launcher continuously under camouflage, thereby violating SALT II's provision that the U.S. must be able to determine the relationship between a new missile and its launcher?

(7) Is the level of telemetry encryption on the following new Soviet missiles from 95 to 100%: SS-X-24 (PL-4), SS-X-25 (PL-5), SS-N-20 (Typhoon), SS-N-19, SS-18 Mod X?

(8) Former President Jimmy Carter made the following statement to the Joint Session of Congress on 18 June, 1979, just after returning from the Vienna SALT II Summit:

"It is the SALT II agreement itself which forbids concealment measures . . . it forbids the encryption or encoding of crucial missile test information. A violation of this part of the agreement—which we would quickly detect—would be just as serious as a violation of the limits on strategic weapons themselves."

Does the Reagan Administration agree with this statement?

(9) Frank Church's Foreign Relations Committee was so concerned about Soviet encryption of telemetry in 1979 that it adopted, by a 15 to 0 vote, an understanding to the SALT II Treaty proposed by Senator Biden. This understanding stated that telemetry encryption that impedes verifica-

tion "will be raised by the United States in the Standing Consultative Commission, and, if the issue is not resolved to the satisfaction of the U.S., the U.S. reserves the right to exercise all other available remedies including but not limited to the right to withdraw from the treaty." Has Soviet telemetry encryption been reduced, and if not, will the U.S. withdraw from compliance with SALT II?

(10) Does the Soviet SS-18 ICBM have a "rapid-reload" capability which violates or circumvents all the SALT II launcher ceilings?

(11) Does the Soviet SS-16 have an operational capability at the Plesetsk Test Range, which violates SALT II? Do you agree with Assistant Secretary of Defense Perle and former Arms Control Agency Director Rostow that there is compelling evidence of SS-16 deployment in violation of SALT II?

(12) Are the Soviets producing the Backfire bomber at a rate greater than 30 per year, in violation of an integral part of SALT II, Brezhnev's Backfire statement? Is Under Secretary of Defense DeLauer wrong in so testifying to Congress?

(13) Did the Soviets falsify the range of their AS-3 Kangaroo in the SALT II Data Exchange? (See Page 61 of the 1981 edition of the DOD's Soviet Military Power book.) Is deliberate falsification of the information base upon which a treaty rests or is being negotiated, under the 1969 Vienna Convention on the Law of Treaties, grounds for abrogation or withdrawal?

(14) Does Soviet failure to dismantle over 250 strategic delivery vehicles counted in SALT II "undercut" SALT II or reciprocate the U.S. "equal restraint" in U.S. unilateral deactivation of 292 delivery vehicles counted in SALT II but not required of the U.S. to be deactivated?

QUESTIONS ON SALT I ANTI-BALLISTIC MISSILE TREATY

(1) Is the new large Soviet radar under construction at Abalakovo almost identical to 5 other large Soviet ABM radars judged by the JCS to have an ABM battle-management capability?

(2) Is this sixth new Soviet AMB battle-management radar on the periphery of the USSR and pointed outward? Is this new radar located near Soviet ICBM fields? Does this constitute a violation of the SALT I ABM Treaty, Articles 3 and 5?

(3) Does this 6th new ABM battle-management radar constitute a base for a Soviet nationwide ABM defense, in violation of Article 1 of the SALT I ABM Treaty? Is this the fundamental constraint of the treaty?

(4) Have the Soviets tested the SAM-5, SAM-10, and SAM-12 air defense missiles and radars in an "ABM mode" prohibited by the SALT I ABM treaty? Do multipurpose systems, together with the ABM-3 system, with its moveable radar and missile in mass production, constitute other elements in a prohibited Soviet nationwide ABM defense?

(5) Have the Soviets tested a rapid reload ABM missile launcher? Do they have more than the 100 ABM launchers allowed deployed around Moscow?

(6) Do the Soviets have 25 large ABM radars? Is this many more than is allowed under the SALT I ABM Treaty?

(7) Is the Abalakovo radar pointed in the wrong direction and not configured to be a space-tracking radar, as the Soviets claim?

(8) Did the Soviets deploy a new ABM radar at Kamchatka in 1974, in violation of a Common Understanding to the SALT I ABM Treaty?

(9) Did Dr. Henry Kissinger, in September 1982, accuse the Soviets of violating the SALT I ABM Treaty, by testing SAM's in an ABM mode?

(10) Did construction on the 6th new ABM Battle-Management radar begin over two years ago? Was the decision to build it made before the Reagan Administration was inaugurated?

(11) Did the Soviets decide on a program to "break-out" of the ABM Treaty as early as 1973, when construction of the first ABM Battle-Management radar began?

(12) How do you now evaluate the 1973 intelligence report that Brezhnev told Warsaw Pact leaders then that by 1985 the USSR would dominate the world?

EXTRACTS FROM KEY STATEMENTS RELATED TO THE KENNEDY-KHRUSHCHEV AGREEMENT OF 1962

ADDRESS OF PRESIDENT KENNEDY, OCTOBER 22, 1962 (UNCLASSIFIED)

The characteristics of these new missile sites indicate two distinct types of installations. Several of them include medium-range ballistic missiles capable of carrying a nuclear warhead for a distance of more than 1,000 miles.

Additional sites not yet completed appear to be designed for intermediate-range ballistic missiles capable of traveling twice as far.

In addition, jet bombers, capable of carrying nuclear weapons, are now being uncrated and assembled in Cuba, while the necessary air bases are being prepared.

U.S. PROCLAMATION OF INTERDICTION OF OFFENSIVE WEAPONS, OCTOBER 23, 1962 (UNCLASSIFIED)

For the purposes of this proclamation the following are declared to be prohibited material:

Surface-to-surface missiles; bomber aircraft, bombs, air-to-surface rockets and guided missiles; warheads for any of the above items; and any other classes of material hereafter designated by the Secretary of Defense for the purpose of effectuating this Proclamation.

LETTER FROM KHRUSHCHEV TO KENNEDY, NOVEMBER 5, 1962 (UNCLASSIFIED)

I have just received information * * * that Mr. Stevenson handed him a list of weapons which your side calls offensive. I have studied the list and, I must confess, the approach of the American side to this matter has seriously worried me.

You spoke to the effect that missiles which you called offensive should be removed from Cuba * * * We agreed to that.

If, however, additional demands are made, * * *

Why, then, start now complicating the situation by minor things.

STATEMENT BY PRESIDENT KENNEDY ON CUBA AT PRESS CONFERENCE, NOVEMBER 20, 1962 (UNCLASSIFIED)

I have today been informed by Chairman Khrushchev that all of the IL-28 bombers now in Cuba will be withdrawn in thirty days.

* * * understandings between Soviet Chairman Khrushchev and myself as set forth in our letters of October 27 and 28.

The evidence to date indicates that all known offensive missiles in Cuba have been dismantled.

In addition the Soviet Government has stated that all nuclear weapons have been withdrawn from Cuba and no offensive weapons will be reintroduced.

[From the Washington Post, Oct. 31, 1983]

WHY USE MAKESHIFT RATIONALES?

(By Rowland Evans and Robert Novak)

While giving other reasons for the U.S. operation against Grenada, the State Department was sitting on a 1982 opinion by its own legal advisers which cites the 1962 Kennedy-Khrushchev agreement as providing a "legal right" for the United States to use force "to prevent aggression in the hemisphere."

That opinion was contained in a secret memorandum submitted on Jan. 16, 1982, to the secretary of state, Alexander Haig. He was seeking a military quarantine against Cuba, and the legal opinion suggested the 20-year-old agreement ending the Cuban missile crisis could be terminated based on Fidel Castro's violations of it. But Haig failed. Both the Pentagon and State Department flinched at military action.

Since then, President Reagan twice has publicly accused Moscow and Havana of violating the Cuban missile accords between John F. Kennedy and Nikita Khrushchev. But violations were not cited when he moved against Castroite expansionism into Grenada. Reagan invoked the request for help by other West Indian island states and the safety of American students.

That leaves this question: since Ronald Reagan has courageously bitten the bullet and barred the door to further Cuban subversion in the hemisphere, might he not base his policy on communist violation of the Kennedy-Khrushchev agreement rather than makeshift rationales? The State Department, struggling to keep Washington-Moscow channels open amid renewed Cold War, objects to accusing the Soviets of treaty-breaking on the Caribbean, just as it does on arms control.

Coincidentally, conservative Republican senators are nearing a climax in their struggle, dating back to the early days of the Carter administration, to disclose all details of the 1962 accord. They believe Moscow has systematically violated it and that Kennedy's pledge not to invade Cuba so long as the Soviets lived up to their end of the bargain should be declared null and void.

The senators have failed to force the State Department to make full disclosure. But in the Senate this week they are ready to disclose documents (some of which are in our possession) throwing light on significant parts of the problem.

Last year's legal memorandum to Haig said this of the accord: "The agreement when viewed in the context of the U.N. Charter . . . can also be said to recognize that we have the legal right to use . . . force to prevent aggression in the hemisphere." In typically cautious Foggy Bottom style, it said that "a reasonable argument can be made that U.S. commitments (against invading Cuba) were premised on the understanding that Cuba would not export its aggressive purposes by force or the threat of force against other Latin American nations."

This echoes a secret document of a dozen years earlier. A highly classified State Department letter to William Fulbright, then chairman of the Senate Foreign Relations Committee, on March 1, 1971, spoke of "an understanding" with the Soviet Union [the Kennedy-Khrushchev agreement] that rules out not only "offensive systems in Cuba" but also "such systems" anywhere in the Western Hemisphere.

These legal interpretations of the secret pacts ending the Cuban missile crisis would seem to warrant the right of U.S. intervention against Cuba because of subversion in El Salvador. But Grenada makes this point more relevant.

Grenada was being prepared as an outpost for aggression by Soviet-backed Cuban subversives. The two-mile-long airstrip nearly completed by Cuban construction workers and the huge arms cache discovered last Thursday could have only one possible use: the support of pro-Soviet, pro-Cuban operations elsewhere in the hemisphere.

The president never has explained his repeated accusations that the Soviets have violated the Kennedy-Khrushchev accords. His most explicit charge came in mid-September when he said: "That agreement has been abrogated many times by the Soviet Union and Cuba in bringing what can only be considered offensive weapons, not defensive, there." A year earlier he referred obliquely to "other things" that "we think are violations" of the 1962 accords.

Such violations center on new weapons brought into Cuba. These include Mig27 Flogger aircraft (with a damage-making capacity vastly superior to the old IL28 bombers the Soviets were forced to withdraw from Cuba in 1962) and suspected nuclear-submarine-handling facilities at Cienfuegos.

America's allies are criticizing Reagan for using force to free Grenada from Cuban tutelage, and some of Reagan's staunchest political friends at home think it high time that he harden his diplomatic case. With Americans bleeding and dying in the Caribbean, the president would find a receptive audience if he revealed just how Moscow and Havana have systematically violated the dramatic 1962 accord and converted it into a shield protecting their designs.

(From the Washington Post, Feb. 3, 1982)

THE BEARS IN CUBA

(By Rowland Evans and Robert Novak)

An early warning signal has been flashed to President Reagan that defense-oriented senators, many of them solid Reaganites, will break their self-imposed silence and demand decisive U.S. action against the Soviet arms buildup in Cuba, using a political backdrop that could embarrass the president.

That backdrop is the drama of President John F. Kennedy's spectacular success in backing down the Soviet Union in the 1962 Cuban missile crisis. What gives piquancy to the demand for action is the new disclosure that Cuban airfields now operate as a base for the Soviet TU95 heavy bomber called the Bear—far superior to the IL28 that Kennedy insisted be withdrawn.

Despite the rising demand for action by an administration that has been talking tough on Cuba and the Caribbean for a full year, but carrying a small stick, the consensus within Reagan's national security bureaucracy was described to us this way: "We all agree the Soviets are developing a fantastic strategic opportunity." But as for the U.S. counteraction, well, let's see what happens.

Twenty years ago, when the United States still held an unequivocal military margin over the Soviets, Kennedy extended the missile crisis beyond mere Soviet agreement to pull out the medium-range missiles surreptitiously unloaded on Cuban wharfs. He insisted, also, on the withdrawal of the Cuban-based IL28s.

Congressional agitation has been rising for months over U.S. intelligence reports that Soviet weapons have been piling up in Fidel Castro's Cuba. But the latest intelligence added a new dimension: Cuban-based TU95s, the aircraft classified in the SALT II treaty as the primary Soviet heavy bomber, have been engaged in reconnaissance flights against U.S. naval vessels along the Atlantic Coast for the first time. The Senate Foreign Relations Subcommittee that oversees Latin America and the Caribbean has asked State Department officials to give it details and documents of the 1962 agreements (that resolved the missile crisis) between John J. McCloy, representing the United States, and Vasily Kuznetsov, then a high-ranking official in the Soviet Foreign Office.

The subcommittee, headed by Sen. Jesse Helms, means business, but the State Department is exhibiting signs of wariness. Senate insiders say the administration does not want to reveal the fine print of the written and oral undertakings by the Soviets in the so-called "McCloy-Kuznetsov agreements." A closed-door session scheduled for this week was postponed for at least another week.

Rising Senate agitation is based on the suspicion, now nearing conviction, that the McCloy-Kuznetsov agreements have been torn to shreds by Moscow. The essence of those agreements was an embargo on "offensive" weapons in Cuba that could be used either against the United States or in Cuban political manipulations against Central America or elsewhere in the Caribbean.

Assuming the accuracy of American intelligence, the presence of Soviet Bear bombers on any one of nine different airfields equipped to handle them amounts to a quantum jump in proliferation of more ambiguous Soviet weapons. Crates recently unloaded from Soviet vessels are acknowledged to contain Mig23s, a late-model Soviet fighter that has been present in Cuba for many months. Some specialists, however, believe they may contain the bomber version of the Mig23, known as the Mig27, which would also appear to be a clear violation of the 1962 agreement.

Administration officials correctly fear that the coming Senate probe points to far more difficulties for the president than merely identifying Castro's most recent Soviet acquisitions. The true target is the president's curious lassitude in adopting a consistent policy to deal with Cuba's central role in spreading Marxist revolution or civil war throughout Central America.

What the senators are after is candid, public recitation of the extent and significance of the Soviet arms shipments, their use by Cuba and what the Reagan administration is going to do about it. It may be a lot more than they get.

[From the Washington Post, Oct. 31, 1983]

U.S.-SOVIET PACT ON CARIBBEAN MAY NOT EXIST

(By Jack Anderson)

Was the U.S. invasion of Grenada just a warm-up for an attack on Cuba? This startling possibility cannot be lightly dismissed. Here's why:

As far as President Reagan is concerned, the 1962 U.S.-Soviet agreement—no Soviet missiles in Cuba, no U.S. invasion of the island—does not exist.

And he is right—though for the wrong reasons. Reagan's view is that the Kremlin has abrogated the agreement by repeated violation of its provisions. Therefore, the United States is no longer bound by its pledge not to invade Cuba.

But the truth is: The supposedly ironclad agreement between President John F. Kennedy and Soviet Leader Nikita S. Khrushchev never actually existed. The Soviets did not agree never to deploy offensive weapons in Cuba, for the simple reason that the two sides disagreed over the definition of offensive versus defensive weapons. So the Soviets can "legally" put medium-range nuclear missiles on the island, within 10 minutes' flight time or less of most major U.S. cities and other targets.

On the U.S. side, the absence of an agreement means we can "legally" invade Cuba. We always could.

The fascinating thing is that for 21 years the State Department has kept up the pretense that there was an agreement. This diplomatic "Potemkin Village" has served as reassurance to the American people that the Kremlin had agreed not to put missiles or other offensive weapons in Cuba.

To maintain the fiction that an agreement was made, the State Department has kept a close hold on the secret portions of the 1962 U.S.-Soviet negotiations.

At his Sept. 14 news conference, Reagan said: "That agreement has been abrogated many times by the Soviet Union and Cuba, in the bringing of what can only be considered offensive weapons, not defensive, there."

To make sure he was on solid ground for that accusation, Reagan sent William P. Clark, who was then national security affairs adviser, to examine the 1962 documents to see exactly what they said. incredibly, the State Department stalled.

But my associate Dale Van Atta has gained access to the top-secret documents that the State Department denied to Clark and the president. He also obtained three different secret State Department reviews of the supposed agreement.

One of these, a 1981 memorandum, lets the cat out of the bag. It says: "We have in the past taken the position, at least internally, that the 1962 U.S.-Soviet exchanges were not legally binding agreements . . . [But] it would be ill-advised to continue to foster the view that these exchanges are less than legally binding understandings."

The secret documents make clear that while the Soviets removed their nuclear missiles from Cuba they did not agree that the weapons were "offensive in nature." When presented with a list of weapons the United States considered offensive, the Soviets balked.

After a Nov. 5, 1962, meeting with Soviet diplomat Anatoliy F. Dobrynin, Attorney General Robert F. Kennedy wrote a memo to his brother, the president, saying: "I explained to Dobrynin that from the first it had been made clear by the Soviet Union that they would get rid of any weapons which we considered offensive." But Dobrynin did not agree.

Two days later, a top-secret cable from Secretary of State Dean Rusk referred to "a confidential indication that the Soviet government takes strong exception to the list of weapons we consider offensive."

Khrushchev wrote to President Kennedy in a top-secret letter: "You yourself refer not to direct obligations of the sides but to the understanding implied by the American side in the expression 'offensive weapons.' "

[From the Washington Times, Oct. 28, 1983]

GRENADA MOVE THWARTS SOVIET EXPANSION BID

(By Virginia Prewett)

When Ronald Reagan and six island governments in the Caribbean sent combined forces to occupy tiny Grenada, they aborted Moscow's hardening of its Caribbean Gibraltar. The landing also impeded strategic, tactical and psychological threats from Soviet expansionism in the hemisphere.

In the strategic equation, Grenada was rapidly becoming a Soviet-Cuban Gibraltar essential to their scarcely noticed long-jump into northern South America's Suriname and Guyana—the latter English-speaking, like Grenada.

The murdered Maurice Bishop's Grenada was Guyana's revolutionary twin. And in Guyana's backlands, unknown to its people, the Soviet-Cuban axis has developed a hidden hornets' nest that could be used in Moscow's present nuclear threat against "U.S. territory." For weeks, high-ranking Kremlin spokesmen have warned that the Soviet will emplace "10-minute nuclear missiles" where they can menace U.S. territory if the United States deploys new intermediate-range nuclear missiles in Western Europe, as now scheduled, beginning within weeks.

Even before Grenada's army commander, Hudson Austin, catapulted the late Maurice Bishop into rule in March 1979 with the help of 640 Cuban commandos, Guyana's Marxist hardliner Cheddi Jagan was helping fund Bishop's Blue Jewel movement. When Bishop took power, Cubans and the Guyanese military were already building in Guyana's desolate Essequibo backlands up to ten 5,000- to 8,000-foot asphalted airstrips—for which Guyana has no economic use, never mind that it doesn't have an air force.

Aerial photos taken in July 1981 and December 1981, and closely studied by this writer, show the rapid improvement of the airstrips, and the mushrooming of Cuban military-type buildings near them. And the installation of at least nine strange metallic boxes on tall towers that intelligence experts believe are part of a sophisticated communications system.

In September 1982, the Soviet four-star Deputy Minister of Defense, Gennadiy I. Sazhenev, arrived in Grenada as ambassador—and the significance of the Grenada-Guyana twinship began to emerge. First, the Soviets began to stockpile on Grenada weapons and armored personnel carriers that were far beyond the regime's needs, but which could be rushed by Soviet-Cuban airlift to Guyana to keep its socialist prime minister, Forbes Burnham, in power—or in line, as Sazhenev might decree.

In late 1982, after Sazhenev settled in, the Soviet-Cuban axis sent Bishop to Suriname, where a leftist noncommissioned officer, Desi Bouterse, had seized power. Bishop carried directives to Bouterse to tighten his control. Bouterse did so by slaughtering at least 14 of his liberal critics, in December 1982. Guyana now had a Marxist ally of demonstrated reliability next door.

A *Naval Institute Proceedings* article by Timothy Ashby soon will report that in June 1983, Moscow signed agreements both with Nicaragua's Sandinistas and Grenada to construct advanced ground communications centers to be linked with its "inter-Sputnik" communications satellites. Ashby is an associate at the Hoover Institution who specializes in Moscow's Caribbean penetration. Guyana's backland communications towers by the Essequibo airstrips are nearest to Grenada, and there sat Sazhenev, the highest Soviet official in the New World—a personage ranking just below Moscow's five-star top marshals.

If the Soviets planned to make good on their threat to put missiles within 10 minutes of U.S. territory, they would hesitate to emplace them where U.S. counterstrikes would wipe out heavy investment, as in Cuba. Nicaragua or their strategic Grenadan Gibraltar. But longrange Soviet bombers with "standoff" nuclear missiles appearing among the nest of backland airstrips in Guyana's wilds would risk counterfire only on worthless scrubland.

The Soviet command center on Grenada could also launch tactical aircraft, chiefly MiGs from Cuba, to dominate every NATO sealane in and out of the Caribbean from the South American land mass northward to points where aircraft direct from Cuba could take over.

The decisive and successful U.S. decontamination of Grenada, so soon after the heart-breaking terrorist atrocity against our Marines at Beirut, has other practical and psychological advantages.

First, Reagan's prompt and decisive ordering of the landing foreclosed a repetition on Grenada of the U.S. embassy hostage situation in Iran, this time with the numerous American students at the medical school as captives. It bolsters U.S. military prestige, denied successes by the U.S. liberal-left since Inchon more than 30 years ago, except for the U.S. landing that saved the Dominican Republic's newborn democracy in 1965.

Although the English-speaking Caribbean island governments rather than the 1,000 Americans on Grenada called for White House help, those Americans were in very real danger. Grenada's Army strongman, Hudson Austin, is an Idi Amin type who burned barracks and killed a hushed-up number of Grenadians when he put Bishop in power. He raced around the island in arms-laden vehicles, and his trigger-happiness last week produced the bloodbath in which Bishop was slaughtered along with a reported 16 cabinet members and others.

Bishop's "crime against the revolution" was to resent Cuban Ambassador Julian Torres Rizo's arrogance. Bishop wanted to rule, and once wept with rage at Rizo's peremptory bossing.

All in all, Grenada's occupation may have spared America not only a replay of the helpless humiliation of another U.S. hostage crisis but also a variation of the 1962 Cuban missile crisis.

[From the Washington Times, Oct. 31, 1983]

Revisiting the Cuban Missile Crisis

(By Anne Crutcher)

It is 20 years since the Cuban missile crisis. It still has something to tell us about what works and what doesn't work in dealing with the Soviets.

What we saw back then in the Kennedy administration was the president standing firmly on a principle and thereby persuading the Soviets to draw back from one of their most insolent initiatives. If we but look, the message is still applicable to our most urgent problems in international affairs.

The plain truth is that the Soviets are always probing for weak spots in Western defenses all over the globe. When they find one, they push as far as we let them. If they encounter determined resistance, they drop that effort and move on to something more promising. There's always another point of vulnerability.

They, like us, are not eager for an all-out war. In fact, they know as surely as any freezenik that a nuclear holocaust is something to be avoided at almost all costs. They are content to make their gains by almost Fabian practices of gradualism. A little gain here, a little there, and soon the whole balance of power is different.

As they have shown so clearly in the KAL 007 incident, they are never at a loss for justifications or ways to blame the West for whatever happens. In their double-think world, there is scarcely any need for face-saving because it's always American spying and imperialism that are responsible for whatever is going on that anybody doesn't like.

Reducing the complexities of international relations to fit their formulas blurs the moral significance of events for both the Third World and the West. Hitler was the first to demonstrate the insidiousness of the lie as public policy but the Soviets have taken contempt for facts much farther than he ever did.

If the Cuban missile crisis has a lesson for us it is that we are right in Grenada and wrong in Lebanon. We responded in Grenada to clearly insufferable challenges. Anybody watching the televised images of American students kissing the ground when they arrived home knows there was a perceived danger to all our nationals on the island, nay-sayers notwithstanding.

It is unfortunate that the British found themselves in a position where they could not but reproach us for the action, given their continuing Commonwealth ties with Grenada. But the fact that the governor general was under house arrest when the Marines landed, argues that the British had lost control of the situation well before we entered it. We avoid using the word "invade" because it means moving into foreign territory for purposes of pillage and conquest, which are by no means our purposes. The Dominica precedent shows that we are indeed capable of ending a mission when it has achieved its goals.

Lebanon is something else. Henry Kissinger put it best when he said we must do more or less. The Marines' mission is not defined in a credible way. If it is peacekeeping, it must be more than a matter of passively taking shelter when the going gets rough. If the Marines are concerned simply with their own safety, as Kissinger pointed out, they would be better off back in Camp Lejeune.

This is not to argue that our Marines should go out and pick fights with anybody in Lebanon. But a readiness to act under provocation rather than retreating offshore or anywhere else is essential if they are to be worthy of the name of peacekeepers.

As in the Cuban missile crisis, the appearance of standing firm is what matters most. To the Soviets and consequently to us.

[From the Washington Post, Nov. 2, 1983]

Cuba Stronger Today Than in 1962 Crisis Year

(By Jack Anderson)

In an earlier column, I revealed that the historic 1962 "agreement" between President John F. Kennedy and Premier Nikita S. Khrushchev over Soviet nuclear missiles in Cuba was never a real agreement, and certainly not the ironclad understanding the American public believes has existed for the past 21 years.

The State Department has covered up this situation, even withholding from top White House officials the secret documents that chronicle the delicate U.S.-Soviet negotiations in the fall of 1962.

My associate Dale Van Atta has seen secret and top secret papers that show that the situation today is no better—and in some respects is worse—than when the missile crisis took the world to the brink of nuclear war.

The Soviets have many more offensive weapons in Cuba—and far more sophisticated ones—than the 42 medium-range ballistic missiles that touched off the 1962 confrontation.

Faced with a determined president and a clear American military superiority, Khrushchev reluctantly agreed not to deploy the missiles he had planned for Cuba and removed those in place. But he balked at the U.S. insistence that the Soviets also pull out the IL28 "Beagle" bombers on the island.

In a secret letter to the Soviets, U.N. Ambassador Adlai E. Stevenson listed the weapons the United States considered to be offensive in nature. The list specifically included bombers.

In a Nov. 5, 1962, memo to the president, Attorney General Robert F. Kennedy reported on a meeting with Soviet Ambassador Anatoliy F. Dobrynin. He said he had told the Soviet that "certainly it was very clear that the bombers, the IL28s, had to go."

But Khrushchev did not agree. Secretary of State Dean Rusk sent Stevenson these top secret instructions on Nov. 7:

"Soviets take position that Kennedy-Khrushchev agreement related only to missiles . . . . Our primary purpose is to get the MRBMs [medium-range ballistic missiles] and IL28 bombers out, and we would go far in reducing the list of offensive weapons in order to achieve this purpose."

On Nov. 20, Khrushchev wrote to President Kennedy, complaining that during their exchange of correspondence in October the president had not made a "single mention of bomber planes . . . . I informed you that the IL28 planes are 12 years old and by their combat characteristics they at present cannot be classified as offensive types of weapons."

Khrushchev then added that "we intend to remove them within a month" anyhow, so the United States should call off its quarantine of Cuba. After some stalling, the Soviets did remove the bombers and the U.S. quarantine was then lifted.

But the sad fact is that the Soviets now have more and better warplanes in Cuba than they did in 1962. They have a dozen Tu95 "Bear" bombers, some with strategic nuclear capability, and they have about 40 MiG23 or MiG27 fighter-bombers, the latter capable of carrying nuclear bombs. In secret testimony to Congress, top intelligence officials admitted that the United States has no reliable way to tell if the Soviet planes actually have nuclear weapons.

Delivery of at least six nuclear missiles by submarine was verified in 1972 and 1974, and the Cuban naval base of Cienfuegos is known to be linked by rail to a nuclear warhead storage facility.

Sens. Jesse Helms (R-N.C.) and Steve Symms (R-Idaho) have rightly raised questions about what they believed were Soviet violations of the 1962 agreement.

[From the New York Times, Sept. 15, 1983]

President Accuses Soviet on 1962 Pact—He Asserts Offensive Weapons Still Flow to West Despite Ending of Cuba Crisis

(By Francis X. Clines)

WASHINGTON, Sept. 14—President Reagan contended today that the Soviet Union and Cuba had repeatedly violated a 1962 agreement that ended the Cuban missile crisis by continuing to ship "offensive weapons" into the American hemisphere.

"As far as I'm concerned, that agreement has been abrogated many times by the Soviet Union and Cuba in the bringing in of what can only be considered offensive weapons, not defensive, there," the President said to a group of reporters.

His spokesman, Larry Speakes, later said the President was referring to violations of the "spirit of the agreement," an agreement that had essentially focused on nuclear weapons. Mr. Speakes did not cite specific violations, but said that the United States has no plans to abrogate its half of the agreement, which was not to invade Cuba.

Mr. Reagan outlined his interpretation of the agreement in response to a question about Soviet-Cuban activity in the hemisphere. The 1962 settlement was never agreed to in writing by President Kennedy and Premier Nikita S. Khrushchev or their representatives. The absence of a document and the ambiguity of the meaning of "offensive" has led to continuing disputes in the United States Government and with the Soviet Union. Nevertheless, it has been generally agreed that the terms applied only to nuclear weapons or weapons with a nuclear capacity.

HE SEES SOVIET ISOLATION

In other remarks, the President said the Soviet Union had become "increasingly isolated" in the world through such incidents as the downing of the Korean jetliner.

"If any good has come out of this tragedy," he said, "it is that the Western democracies better appreciate that peace will take more than gestures of good will and sincerity."

"We can't permit such a regime to militarily dominate this planet," Mr. Reagan said. "This incident should reaffirm our commitment and that of our allies to rebuild our defensive strength.

"That gruesome episode unmasked the Soviet regime for what it is: A dictatorship with none of the respect for human values and individual rights that we in the Western democracies hold so dear."

Mr. Reagan met today with the American delegation to the Council of the International Civil Aviation Organization. The organization has scheduled an emergency meeting Thursday in Montreal to consider the Korean jetliner downing.

INQUIRY IS EXPECTED

J. Lynn Helms, the Federal Aviation Administrator, predicted that the organization would vote for an international inquiry. He contended the Russians "would not dare" ignore the inquiry since this would be taken by the world as a sign that they were not interested in aviation safety.

In discussing Cuba, the President said that the Castro Government had used the outflow of refugees to Florida four years ago to "infiltrate subversives into our country."

Asked to elaborate, Mr. Reagan's spokesman, Mr. Speakes, said that there had been intelligence reports on this but he declined to discuss them.

Mr. Reagan's reference to "abrogating" the missile crisis agreement, Mr. Speakes said, was not intended to imply that any nuclear weapons had been brought into the hemisphere. "He meant it was a violation of the spirit of the agreement in the light of all the Soviet military equipment that's been shipped in to Cuba over the years," Mr. Speakes said.

INTERPRETATIONS CONTRADICT

The 1962 agreement has been subject to contradictory interpretations, but its initial focus was the nuclear missiles the Soviet Government sent to Cuba and later withdrew after a tense confrontation with the Kennedy Administration.

"It's a difficult issue to be certain about because the agreement itself was left somewhat ambiguous and it was never a formal document," Graham T. Allison, dean of Harvard University's Kennedy School of Government, said. He described the United States' main concern as the removal of the nuclear missiles and added that the agreement did not cover such issues as the stationing of Soviet troops in Cuba or the spread of Soviet arms to third parties.

In other comments, Mr. Reagan said he hoped for a "return to sanity" and an easing of some of the restrictions on conflict of interest that Government officials have had to submit to in the aftermath of the Watergate scandal. Describing the process as "humiliating" in the view of some professionals sought by the Administration, Mr. Reagan said that one person he wanted for the Cabinet had rejected the job because of the restrictions, "and all the reporting and revelations."

Mr. Reagan offered the account in explaining why there was no Hispanic Cabinet member. "This individual turned away and said, 'No, I don't want any part of it,'" Mr. Reagan said, without identifying the person.

The President appeared genuinely surprised by one question, whether the Administration had barred the disguising of intelligence agents in foreign countries as religious missionaries.

"For heaven's sake," said Mr. Reagan. "Have you got an answer on that? I don't." He promised to find out.

[From the Truth, fall 1983]

Monroe Doctrine in Tatters

(By E. W. Tuttle)

It is readily apparent that if the Monroe Doctrine, established in 1823 during the administration of James Monroe, had been observed and enforced by the United States, there would be no military crisis in the Caribbean and elsewhere in the Western hemisphere today. It was advised as an instrument to guide U.S. Foreign policy in this area for all times. As Jefferson said of the Monroe Doctrine and its projected influence: "this sets our compass and points the course which we are to steer through the ocean of time." Unfortunately, the United States has had navigators commanding the helm of the ship of state, who have had neither the courage nor the commitment to use the Monroe Doctrine as the compass which would safely berth U.S. foreign policy and its attendant national security.

TO COUNTER RUSSIAN, FRENCH THREAT

Regarding the Monroe Doctrine, it is necessary first of all to be aware of the reason for its promulgation. The underlying cause for its adoption was concern by President Monroe concerning potential incursion into the Western Hemisphere by certain European powers. Russia, for example, owned Alaska and threatened to move south.

Revolutions throughout South America had sounded the death knell for the Spanish empire in the Western Hemisphere. Even the rule of Spain's monarch, Ferdinand VII was threatened by an uprising which was only put down by force of French intervention under Louis XVIII. The French then threatened to intervene in behalf of Spain in the reacquiring of her lost colonies in the Western Hemisphere. It was determined by Monroe that a strong statement by the United States should be forthcoming to warn all European nations that an extension of their influence in the Western Hemisphere would be "dangerous to our peace and safety."

Thus, after extensive discussion with his cabinet, particularly Secretary of State John Quincy Adams, and elder statesmen Thomas Jefferson and James Madison, Monroe articulated his "principles," later to be known as the Monroe Doctrine, in a message to Congress on December 2, 1823.

Significant parts of the Doctrine are as follows: ". . . the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power. . . We owe it, therefore to candor and to amicable relations existing between the United States and those Powers, to declare, that we should consider any attempt on their part to extend their system to any portion of this hemisphere, as dangerous to our peace and safety."

AN UNMISTAKABLE WARNING

The warning is unmistakable, regarding colonies which had established themselves as free and self-governing countries: "we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as a manifestation of an unfriendly disposition towards the United States."

The Monroe Doctrine was only once challenged over a period of nearly 140 years. During the Civil War, France took advantage of the situation and Napoleon III actively supported the establishment of Archduke Maximilian of Austria as Emperor of Mexico. However, immediately after the war, 50,000 troops were sent under the command of General Sheridan to impress upon France US intentions of enforcing the Doctrine. France got the message, Napoleon withdrew his troops in 1867, and Maximilian was executed.

LIPPMANN SUPPORTED DOCTRINE

The importance of the Monroe Doctrine in preserving peace and security in the Western Hemisphere has been cited many times by scholars prior to its initial infringement in 1959 when Communist power was first established in the hemisphere by Fidel Castro's seizure of power in Cuba. One of the foremost supporters of the Monroe Doctrine as an instrument of peace and safety was the late Walter Lippmann, whose credentials as a "liberal" are well known even to the casual observer.

OAS OPPOSED TO COMMUNISM

The countries of Latin America, acting under the aegis of the Organization of American States (OAS) signed a number of agreements which clearly indicated their opposition to the presence of any foreign powers in the Western hemisphere. The Rio Treaty of 1947 provided that "an armed attack by any state against an American state shall be considered as an attack against all the American states." The Caracas Declaration, 1954, expresses "the determination of the American states to take necessary measures to protect their political independence against the intervention of international communism, acting in the interests of alien despotism."

OAS ministers at their conference at Punta del Esta in January, 1962, declared, "the present government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extra-continental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union." All pronouncements and agreements has a clear and unmistakable reference to the validity and importance of the Monroe Doctrine.

In his book U.S. Foreign Policy, Shield of the Republic, written in 1943, he wrote: "thus the true defensive region of the security of the United States is the land mass of North and South America. This is the region which must be defended against invasion, intrusion, and absorption by conspiracy within; and if it is lost, it would have to be liberated. Lippmann lashes out at those who profess peace as more important than freedom, and the sloth which had infected some people who were prone to take liberty for granted.

He found this not true of the founding fathers. The habits of mind of Americans of our generation are quite alien to those of the Founders of the Republic. Washington, Hamilton, Jefferson, Madison, Monroe, entertained none of the basic illusions and prejudices which have dominated the later generations of Americans. *They did not regard peace as more important than national security* (emphasis added) . . . this unearned security during a long century had the effect on our national habits of mind which the lazy enjoyment of income so often has upon the descendants of a hardworking grandfather. It caused us to forget that man has to earn his security and his liberty as he has to earn his living."

DOCTRINE BROKEN IN 1959

While Lippmann wrote prior to the forced establishment of communism in the Western Hemisphere, conservative Barry Goldwater wrote after Castro's assumption of power in Cuba. The Senator's book "Why Not Victory?" (1963) provides evidence which makes it abundantly clear that the U.S. State Department greased the skids which led to the abdication of power by Fulgencio Batista, and his replacement by Castro. This was a clear fracture of the Monroe Doctrine which, according to Goldwater, stated, "Stay out! Do not interfere with any of our governments by force or subversion, or we the United States, will intervene in behalf of the beleaguered country."

Goldwater provides ample evidence that the State Department possessed substantiated information that Castro was in fact a Communist prior to his assumption of power. Former ambassador to Mexico Robert C. Hill testified on June 12, 1961, saying the tenor of evidence "from 1957 forward and growing stronger as the years progressed, was that Castro was surrounded by Communists and influenced by Communists." Goldwater finds the refusal by the State Department either to act on this intelligence or even to reveal it as reprehensible—clear violation of the Monroe Doctrine.

1962 RESOLUTION BASED ON IT

In September 1962, Congress passed a resolution which provided that "the United States is determined by whatever means may be necessary, *including force of arms* (emphasis added), to prevent the Marxist-Leninist regime in Cuba from extending, by force or threat of force, its aggressive or subversive activities to any part of this hemisphere. This pronouncement was also based on the validity of the Monroe Doctrine.

President Kennedy made his controversial agreement with the USSR's Khrushchev in November of that year of the "missile crisis." Some observers believe that this agreement was inconsistent with the September resolution. They argue that the Resolution prohibited Kennedy from ever pledging not to invade Cuba if the Soviets agreed to remove their SS-4 and SS-5 missiles and light bombers under on-site inspection. Castro reneged on allowing the inspection, and so the U.S. non-invasion pledge was further invalidated. The agreement also provided that arms and ammunition would not be exported by the Soviets into the Western Hemisphere.

This Resolution, which, in effect, is *the law of the land* (emphasis added) was reaffirmed as the so-called "Symms Amendment" (Steve Symms, R-Idaho) in August, 982. In remarks given on the floor of the Senate on March 22, 1983, Symms concluded, "thus in sum it can be argued that U.S. foreign policy, established by law since 1962, has never been enforced."

PEACE AND SECURITY

Walter Lippmann provides direction for the American people today in his *US Foreign Policy.* First, he warns against the pacifist . . . "the vice of the pacifist ideal is that it conceals the true end of foreign policy. The true end is to provide for the security of the nation in peace *and in war.* This means that, as far as human foresight and prudence can make it so, the vital interests of the nation must be so legitimate that the people will think them worth defending at the risk of war—and that they must be safeguarded so that they can be defended successfully in case of war. A nation has security when it does not have to sacrifice its legitimate interests to avoid war and is able, if challenged, to maintain them by war."

As the matter now stands, the Monroe Doctrine is, in fact, in tatters. The Soviets violate its provisions with impunity. The U.S. Congress watches supinely as more and more materiel of war: bombers, guns, ammunition are moved into Central America via Cuba and even directly from the Soviet Union. Intelligence indicates that missiles will be implanted in Cuba, if they are not already, and the Bear bomber is reported to be already operational there.

Can America's interests be successfully defended in case of war, or, will we sacrifice our national interests to avoid war? The latter is, indeed, the way to a "Pax Sovietica" . . . a Soviet peace. Indeed, the people must make up their minds very soon. Are they ready to make the sacrifices necessary to preserve their freedom, to defend their liberty, or do they prefer to compromise their way through conciliation and appeasement to ultimate domination by the Soviet Union?

ROUTINE MORNING BUSINESS

The **PRESIDENT** pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 11 a.m., with statements therein limited to 5 minutes each.

SANCTIONS AGAINST POLAND

Mr. KASTEN. Mr. President, there are troubling reports this week that the administration intends to ease the sanctions we imposed on Poland. These reports, if true, are an affront to the courageous members of Solidarity, to Lech Walesa, and to those who oppose tyranny everywhere in the world.

The fact is that nothing has changed in Poland that would justify any relaxation of sanctions against that country. The Communist Government of Poland still has not met the three conditions laid down earlier this year by the administration as a necessary first step before normal relations could be reestablished. Of course, the advocates of "business as usual" argue that the conditions have been met. But have they? Has Poland really lifted martial law, has it really released political prisoners, has it really begun discussions with the Catholic Church and independent labor unions? To argue, as some do, that these conditions have really been met is to confuse the form of the law with its substance.

Let us examine the facts and determine whether conditions in Poland have significantly changed. To begin with, in many cases the new civil laws are harsher than the martial laws they replace. For instance, it is now impossible to strike legally; independent unions are banned completely; press censorship and restrictions on movement have been severely tightened; and the regime is able to declare an emergency whenever it decides there is a threat from internal factors. As General Jaruzelski said in July, "Any attempt at antistate activity will be curbed no less unswervingly than during martial law." No wonder that Lech Walesa declared: "If I were to choose between the new laws and martial law, I would choose martial law."

Second, there has been no real release of political prisoners. Some prisoners have been released, of course, but few, if any of them, were important members of Solidarity. And the true attitude of the Polish Government is indicated by the choice that it has recently given to the Solidarity leaders still locked up: They can either go into exile, renounce Solidarity, or remain in prison. We should be grateful, I suppose, that they were not told to renounce the Catholic Church as well.

Finally, there have been no negotiations between the Government and independent labor unions. This is understandable, I suppose, since the new civil law outlaws independent unions. I can just hear apologists for the Polish regime now, asking how we can demand that Poland break its own laws.

The point, Mr. President, is that Poland, even without martial law, is a lawless regime. A normal Poland is still a police state. All the rhetorical skill in the world cannot cover up this fact. Yet there is no end to attempts to do so. We are still told, by individuals who should know better, that if we only "give a little," then Polish authorities would have an incentive to "liberalize" more quickly and treat the Polish people less harshly. History teaches a different lesson.

Mr. President, it may seem like a small thing for a generous nation like the United States to relax sanctions against Poland. But there are important reasons why we should not do so until the Jaruzelski government makes substantive changes in policy. To begin with, those who are said to be the ones most injured by sanctions, the Polish people, do not want us to lift them. Information I have received from Polish-American groups, and from those with close connections to Solidarity, makes this clear. And it is also clear to me from discussions with these groups that to the extent we make it easier for the Polish Government to oppress the Polish people, the more we all become accomplices in the violations of human rights in Poland. In the words of Lane Kirkland, head of the AFL-CIO:

> If we falter in our resolve with regard to Poland, our demonstrations in force elsewhere in the world will not suffice to restore credibility to our declarations of support for freedom fighters around the world.

Mr. President, I am adamantly opposed to any relaxation of the sanctions against Poland or to rescheduling that country's debt until there is a real change in the Government's policies. We have shown enough restraint and good faith in our actions. Now let General Jaruzelski demonstrate good faith in his dealings with the Polish people.

The PRESIDING OFFICER (Mr. SYMMS). The Senator from Wisconsin is recognized.

EVEN A SMALL NUCLEAR WAR FOUGHT THOUSANDS OF MILES AWAY COULD DEVASTATE U.S. ENVIRONMENT

Mr. PROXMIRE. Mr. President, one of the most chilling and neglected findings to come out of the recent expert study of the long-term environmental consequences of nuclear war was the consequences to all human life of a relatively small nuclear war. At the moment, the nuclear arsenals of the United States and the Soviet Union include some 13,000 megatons of yield. On Monday, I discussed on the floor the devastating effect of a war between the United States and the Soviet Union in which 5,000 megatons of nuclear yield were exploded. The results of such a war included a reduction of the temperature of much of the Earth to 13° below zero with the temperature staying below freezing for months. The amount of sunlight would be reduced to a few percent of normal. Without sunlight, plants would die. Animals would die and the nuclear war survivors would starve.

What I did not point out Monday was what a much smaller war involving not 5,000 megatons of nuclear yield but only 100 megatons would do to the atmosphere of the Earth. Why is the 100-megaton consequence of special importance? Because the fear of mutual suicide might and probably will persuade the superpowers not to kick off an all-out nuclear war involving thousands of megatons. There is a much more likely probability. It is this: With out continued proliferation of nuclear weapons, with more and more countries building relatively small nuclear arsenals—involving 100 or so megatons—the likelihood of a "small" nuclear war breaking out increases. In fact, unless we reverse our feeble antiproliferation policies promptly, this Senator considers it inevitable that a "small" nuclear war will start somewhere on this Earth in the next 20 or 30 years.

So what would be the consequences of such a war? Recent studies made by top nuclear and environmental experts in this country find that such a war would have almost as devastating an effect on the Earth's atmosphere as the full 5,000-megaton treatment. Consider the words of Carl Sagan, the eminent director of planetary studies at Cornell University, and one of the principal authors of the new study. He writes:

> Perhaps the greatest surprise in our work was that even small nuclear wars can have devastating climatic effects. We considered a war in which a mere 100 megatons were exploded. . . . and only in low yield airbursts over cities. This scenario, we found, would ignite thousands of fires, and the smoke from these fires alone would be enough to generate an epoch of cold and dark almost as severe as in the 5,000-megaton case. The threshold for what Richard Turco has called the nuclear winter is very low.

Almost all of our attention has focused on the threat of a nuclear strike from the Soviet Union against our country. Such a foolhardy action is possible. But by far the likeliest beginning of a nuclear war would come from the newest membership in the nuclear weapons club. In "Living with Nuclear Weapons," a group of scholars at Harvard University lists six nations as having a nuclear weapons capability: United States, the Soviet Union, Great Britain, France, China, and India. Israel is a question mark. She probably, but not certainly, has nuclear capability. Five nations are considered to have some motivation to develop a nuclear capability within this century. They are Argentina, Brazil, Chile, South Korea, and Taiwan. And four other nations are deemed to have a high motivation to do so: Iraq, Libya, Pakistan, and South Africa. This is a modest list. And, indeed, the Harvard study specifies 23 other nations with the capability but with little motivation to develop nuclear weapons in the next 17 years.

For weeks now, Mr. President, I have been documenting here on the Senate floor the sale of nuclear equipment and materials by this country to nations that have not signed the antiproliferation act. What does that mean? That means our Government is licensing the sale of nuclear materials and equipment to nations who refuse to permit international inspection to determine whether or not they are diverting this equipment and material to building a nuclear arsenal. And these sales have included virtually every country listed by the Harvard scholars as having both the capability and the motivation to develop a nuclear arsenal by the year 2000.

Would this careless traffic in nuclear arms permit any of these countries to develop an arsenal with a 100-megaton yield? Remember such a yield would be less than 2 percent of the yield of either the United States or the Soviet nuclear arms stockpile. Until now, Mr. President, many Americans have been reading about these far-off wars in the Middle East and Asia and elsewhere as sad but remote—unless, of course, they involved the participation of American troops, as in Lebanon and Grenada recently. And our sale of nuclear equipment and materials has not been a matter of much concern by the American people or even most Members of the Congress. Well, Mr. President, it is time we sat up and paid attention. A few years from now, a war could take place in the Middle East, or in South America, or in Asia, involving no American troops and no American citizens. It would be a "small" nuclear war. Let us be optimistic and assume that it is contained and the explosive content of the war is only 1 percent of the nuclear explosive content of the arsenals of the superpowers. That would be a 130-megaton war. Let us assume not a nuclear explosive is dropped within thousands of miles of the United States and not a single American citizen is directly involved. If Dr. Sagan and the experts who have been studying the environmental consequences of such a war are right, the consequences to this country would give the worst environmental disaster in our history. The devastating fall in temperature and the loss of sunlight would ruin our crops, kill our animals, and literally starve tens of millions of Americans to death.

Mr. President, anyone who believes that this country does not have a stake in stopping nuclear proliferation should dwell on this.

PERSECUTION OF ETHIOPIA

Mr. PROXMIRE. Mr. President, an article with alarming implications appeared in Tuesday's Washington Post. The article, aptly entitled "Strangers and Exiles in Their Own Land," describes the persecution of Ethiopian Jews because of their religious beliefs. While the precise extent and nature of the persecution is a matter of contention, it is clear that the Jews in Ethiopia are stuck in a precarious position. Their cause is obscure, their numbers small. More importantly, their numbers are declining, rapidly and steadily. Though the Jewish population in Ethiopia has been decreasing since the 17th century, the decline this century, coupled with the allegations of increased persecution, is particularly distressing.

The statistics seem to indicate that this distress is well-founded. In 1900, there were 100,000 Jews in Ethiopia; today, there are 20,000. These 20,000 people have been caught in the crossfire of a civil war. They have been executed as government agents and supressed as dissidents. They have been pressured, both directly and indirectly, to renounce their religion. According to Nahum Ben Yosef, a Jew who escaped from Ethiopia in 1981, Jewish schools there have been closed, Jewish teachers dismissed and forbidden to work, and a select group of them were sent to jail and tortured. There are also allegations that the persecution is systematic; that the families of those who flee Ethiopia are imprisoned; that synagogues are being closed down; that national laws actually proscribe the practice of religion.

Mr. President, the Ethiopian Government denies the allegations of persecution, and the actual degree of discrimination is a matter of debate. Although it seems clear that persecution is occurring, it is probably not genocidal in nature. However, the persecution of a people because of their race or creed must always give us pause. This is especially the case when the group that is facing persecution is the same group that suffered the most barbaric and inhuman persecution of all time—the Holocaust of Adolph Hitler.

I truly hope that the situation in Ethiopia will never approach genocidal proportions. Indeed, I hope that such a situation never again occurs anywhere on this planet. However, Mr. President, hoping is not enough. There is a very real need for us to demonstrate our resolve to do everything we can to prevent another holocaust.

Ratification of the Genocide Convention should be the first step in this process. It would clearly signal that we see genocide as a crime against all humanity, and we intend to do something about it. And by signaling our support for the most basic of all human rights—the right to live—it would establish a foundation on which our support for all human rights can rest.

This result could effect the treatment of the Jews in Ethiopia, and of minorities everywhere. It would clearly demonstrate our position, and bring the weight of public opinion to bear on any government that fails to recognize the basic rights of its people. In short, Mr. President, ratification of the Genocide Convention can only help people everywhere.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KASTEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITED EXPORT OF ALASKA OIL

Mr. MURKOWSKI. Mr. President, I strongly believe it is in the national interest to permit limited exports of Alaska crude oil. Unfortunately, I have discovered in the last few months, as I have worked to achieve this end, that Alaska oil exports is a good idea which seems to be drowning in a sea of antiexport rhetoric.

The "disinformation" that narrow special interests have been spreading against export concerns me greatly, for it seems to have overwhelmed any possibility of serious, substantive debate on this issue. Over the next week, I plan to spend some time each day discussing the key benefits of Alaska oil exports and debunking some of the myths which have arisen around the subject of "Alaska oil."

Let me reiterate the reasons why I feel that exporting 200,000 barrels per day of current Alaska oil production, as well as any new production which comes on stream in the next decade, is a good idea:

It would increase Federal revenues so badly needed in these times of increasing deficits.

It would lead to increased oil production from Alaska's North Slope, thus enhancing U.S. energy security and energy independence.

It would also enhance U.S. energy security, by reducing the vulnerability of the world's second largest oil importer and one of our most important allies—Japan—and other Pacific region countries to oil supply disruptions.

It would benefit consumers in the long-term by increasing energy supplies.

And it would create jobs, in the oil industry and others.

Mr. President, let me point out that Alaska is the only State in the Union which is prohibited not by one law, but by six laws, from exporting any domestic oil production.

I ask you, Mr. President, is that fair and equitable? I think not.

Further, Mr. President, we export daily over 630,000 barrels of refined products under no restrictions of any kind, including approximately 10,000 barrels a day which is exported to the Soviet Union with no restriction. These are refined products utilized in high technology machinery. Some of the actual lubricants may have been used in the aircraft that shot down the Korean Air Line's 747.

Let me be perfectly clear in what I am talking about in the export of some 200,000 barrels per day. I am talking about the export of that oil in U.S.-flag tankers, the same tankers that are presently moving this oil from Alaska.

This oil represents about one-eighth of the total daily production, 200,000 barrels, and a fraction of 1 percent of this country's total production.

Countless myths exist about what would happen if we exported Alaska crude oil. Some people seem to think that the export ban lowers consumer prices and that imported oil is expensive and that American oil is cheap. Not so, as experts and your commonsense will tell you. But for some reason people believe that anyway.

Mr. President, oil is like water. It finds its own level. It is either competitive or it is not.

There seems to be something about the words "crude oil" which provides fertile grounds for these misperceptions.

The problem created by these misperceptions is a political one. There is a consensus among energy and security experts that limited export is good public policy. These myths, however, provide a good political cover for supporting narrow, special, interest groups which profit handsomely from the export ban. Thus, over the next week, Mr. President, I think it is very important to focus on these myths and see how they serve special interests and harm the public interest.

NATURAL GAS DEREGULATION

Mr. MURKOWSKI. Mr. President, I rise today in support of S. 1715, the Natural Gas Policy Act Amendments of 1983.

I believe it is clear that the only long-term answer to the natural gas pricing quagmire we face today is to phaseout all Federal controls on natural gas prices at the wellhead. Under current law, there are 28 different pricing categories for natural gas, and gas prices can range from around 20 cents to $9 or more per thousand cubic feet. Significant market distortions have resulted from this approach to pricing and regulating natural gas, not the least of which is the market's inability to fully respond to fluctuations in demand.

During the Senate Energy Committee's consideration of this complex issue, which began on March 9 and continued for several months, several basic points became clear. Almost every segment of the industry, including the producers in the field, the interstate and intrastate gas transmission companies, and the local distribution companies agreed that the Federal Government ought to eventually get out of the business of pricing natural gas—deregulation is the long-term answer. However, there was very little agreement among these different components of the industry as to how we get from the regulatory morass we have now to a deregulated, flexible market which can respond to variations in demand.

Mr. President, I would like to commend the distinguished chairman of the Energy Committee, Senator McClure, who guided the committee with patience and skill through the months of meticulous and sometimes tedious work on the bill. We had 30 markup sessions which spread over the course of nearly 4 months. What emerged is admittedly a complex bill that attempts to provide a transition leading to a freer, more rational natural gas market. Let there be no mistake about the fact that S. 1715 is a compromise, but it is also a comprehensive approach that reflects the committee's judgment that we are faced with a problem that must be addressed in a comprehensive manner.

With this bill, Mr. President, the committee has rejected the notion that there are simple answers that can address the complex problems which characterize today's natural gas market.

This bill does contain elements, such as reductions in take-or-pay gas purchase contract clauses, that many of my colleagues find appealing and might propose as a singular approach toward restoring market order. On the surface, it may seem simple enough to reduce take-or-pay clauses or cap indefinite price escalator clauses, without eliminating some of the provisions in current law that act to inhibit the operation of the free market forces. But let me caution my colleagues with the words of H. L. Mencken, "for every problem there is one solution which is neat, simple, and wrong."

For these reasons and for others that will become clear during the course of this debate, I will support S. 1715 as the best available way to address the natural gas pricing difficulties we face in a responsible and comprehensive manner.

Thank you, Mr. President.

DROUGHT RELIEF

Mr. BUMPERS. Mr. President, I will just take a few moments to describe what I feel is a really serious, an inequitable and unfair, thing this administration has done to my State.

To start off, my good colleagues, Senator Pryor and Senator Huddleston, sent a letter to Secretary Block of the U.S. Department of Agriculture requesting an investigation by the Inspector General of the Department of Agriculture into the question of political favoritism. They claim that 87 percent of the request for county disaster designations by Republican Governors had been approved, but only 53 percent of the request by Democratic Governors had been approved, and that it took the Department of Agriculture an average of 15 days longer to process a request from Democratic Governors than it did from Republican Governors. I happen to have a Democratic Governor in my State and the farmers ought not to be penalized because of that.

An article in the October 8 Arkansas Gazette has also shown that 56 percent of all the requests by Republican Governors for disaster relief have been granted and 16 percent of those from Democratic Governors had been granted. Shortly after that, as a matter of fact, I think just 2 days later, they finally declared 48 counties in my State disaster counties.

But listen to this: In the other 27 counties—we have a total of 75 counties—virtually every farmer had more than a 30-percent loss of his crops due to the drought. The threshold, for those of you who do not follow this, is that there has to be 30-percent damage. And here are 27 counties where not just 30 percent of the county but virtually every farmer in the county sustained 30 percent or more damage because of the drought and it was still not declared a disaster county.

Mr. President, here is a statistic that is worth noting, and I hope Secretary Block will take note of it: First of all, we are going to lose half a billion dollars in my State because of the drought. That will be the fifth highest State loss in the country. In the 27 counties which have not yet been declared eligible for drought disaster, there are 25,155 farmers, of which 7,578 suffered damage of 50 percent or more and 16,130 suffered damage of 30 percent or more.

We only have three counties in our State that have not suffered tremendous damage because of the drought.

Mr. President, I ask unanimous consent that the breakdown for the 27 counties in my State that have not been declared disaster counties be printed in the Record, together with a statement showing our losses in soybeans, cotton, sorghum and corn. I further ask unanimous consent that a letter I sent to Secretary Block on October 27, enumerating essentially what I have just said here be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COUNTIES NOT DECLARED DISASTER

Arkansas' total crop damage due to the drought is expected to exceed ½ billion dollars, the fifth highest state loss in the country.

In the 27 counties which were undeclared, there are 25,155 producers of which 7,578 suffered drought damage of 50% or more to their production—16,130 suffered drought damage of 30% or more to their production (7,578—30.1% of all producers; 16,130—64.1% of all producers).

Only Howard, Madison, and Searcy Counties reported slight drought damage.

The breakdown for the other counties:

County	Number of farmers	Number over 50 percent loss	Number over 30 percent loss
Benton	2,000	1,500	2,000
Clark	494	3	207
Clay	1,200	850	1,150
Cross	1,224	250	1,074
Drew	425	200	370
Franklin	773	0	690
Hempstead [1]	1,350		400
Hot Spring	465	265	465
Independence	1,042	0	1,042
Johnson	606	131	491
Lafayette	1,250	110	310
Lawrence	1,200	725	1,025
Logan	1,720	1,290	1,720
Marion	850	0	700
Miller	450	30	105
Nevada	435	355	355
Newton	450	30	105
Perry	302	50	235
Pansett	950	475	535
Prairie	625	66	307
Pulaski	474	403	474
St. Francis	750	400	500
Union	750	200	750
Yell	980	175	925
Howard	1,160		
Madison	1,700		
Searcy	1,330		
Total	25,155	7,578	16,130

[1] Only 400 reported.

SOYBEANS

Twenty-two of the 27 undeclared counties produce soybeans. Actual yields on the 1,058,020 acres in soybeans in the counties are 15,057,300, down 10,383,180 bushels from the yearly average of 25,440,480 bushels. At $5 a bushel, this production loss due to the drought will cost these counties $52 million; at $8.50, the loss will be over $88 million.

Also, 19,500 acres could not be planted in soybeans because of the drought. This is a loss of 468,000 bushels, which at $5 will cost the counties $2,340,000; and at $8.50, $3,978,000 in additional losses.

COTTON

Ten of the 27 undeclared counties produce cotton. Actual yields on the 58,459 acres in cotton in these counties are 29,150 bales, down 47,664 bales from the yearly average of 76,814 bales, using last year's per acre figure. At a conservative $350 a bale, the loss to these counties is $16,682,400.

SORGHUM

Twenty-one of the 27 undeclared counties produce sorghum. Actual yields on the 129,794 acres in sorghum in these counties are 5,582,428 bushels, down 2,475,212 bushels from the yearly average of 8,051,640 bushels. At $5.25 a cwt (1.8 bu. per cwt) this production loss due to the drought will cost these counties $7,219,364.

Also, 250 acres in Yell County could not be planted due to the drought. Expected production would have been 15,000 bushels. ($43,748 at $5.25 a cwt.).

The average yield per acre in these counties is 43 bushels, as compared to the yearly average of 60 bushels.

CORN

Ten of the 27 undeclared counties produce corn. Actual yields on the 8,534 acres in corn in these counties are 601,660 bushels, down 97,832 bushels from the yearly average of 697,542 bushels. At $3.30 a bushel, this production loss due to the drought will cost these counties $323,000.

Also, 1,500 acres in Clay County could not be planted due to the drought. Expected production would have been 123,000 bushels ($405,900 at $3.30 a bushel).

The average yield per acre in these counties is 70 bushels, as compared to the yearly average of 82 bushels.

OCTOBER 27, 1983.

Hon. JOHN BLOCK,
Secretary, Department of Agriculture,
Washington, D.C.

DEAR SECRETARY BLOCK: I am writing to share with you my grave concern and that of the many Arkansas farmers in counties that were not declared disaster counties eligible for FmHA relief.

I am aware that these 27 counties are still in the evaluation process, but I am completely perplexed and dismayed over USDA's decision-making process. Based upon the damage assessment reports provided to me and to USDA, only three counties of the remaining 27 fell below the USDA threshold, and nearly every farmer in Benton, Hot Spring, Logan, Independence and Clay Counties suffered at least a 30% loss in production. I understand how this declaration process actually functions, but also I believe the producers of my state deserve better attention from the Department of Agriculture. Many of them are desperate for relief. I would also like to express my concern that Governor Clinton was not notified in a timely manner about the declaration, as provided in the emergency procedure.

I would like to be able to reassure the farmers in the 27 remaining counties that you are doing everything legally possible for them, but based on USDA's actions thus far I am unable to do so.

I urge you to give immediate and favorable consideration to these 27 remaining counties.

Sincerely,

DALE BUMPERS.

Mr. BUMPERS. Mr. President, I also ask unanimous consent that an article by Ernest Dumas in the Arkansas Gazette, entitled "Cavalier Politics Gets in the Way of Drought Relief," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arkansas Gazette, Oct. 7, 1983]

CAVALIER POLITICS GETS IN WAY OF DROUTH RELIEF

(Ernest Dumas)

Leave it to the management experts in the Reagan administration to cut through the bureaucratic paperwork and come up with a simple, foolproof way to determine where the suffering from the drouth is greatest and thus where relief is most urgently needed. Check the statehouse directory and see where there are good Republican governors.

As of this week, 85 per cent of the disaster designations requested by Republican governors have been approved while 43 per cent of the applications from Democratic governors were approved.

Has nature visited greater troubles on states that elected Republican governors? The Agriculture Department's own analysis don't reflect that the drouth is worse in states that elected Republican governors in fact, more of the critically burned regions are across the South, according to a Department map showing the gradations of drouth severity. The Department has been particularly slow in declaring disaster areas across the South, including Arkansas, where all the governors but two are Democrats.

REFUSES ARKANSAS REQUEST

Farmers cannot qualify for emergency loans and other kinds of relief unless their counties have been designated as disaster areas. A farmer in a county that has not been designated may have his crop destroyed but be ineligible for relief. (Governor Clinton asked that all of Arkansas be declared a disaster area, but the Department finally turned him down and said that evidence had to be supplied and applications made for each county.)

Here were the figures on drouth relief approval on Wednesday: Republicans, 484 counties requested for relief, 412 approved; Democrats, 785 counties requested, 335 approved. Most of the governors are Democrats.

The differential might have been worse. One of the states governed by a Democrat that was approved early was North Carolina, whose senator, Jesse Helms, a Republican, is chairman of the Senate Agriculture Committee and will brook no dalliance from the administration with his state. North Carolina's other senator also is a Republican.

Another interesting case is Kentucky, where the Governor is John Y. Brown, a Democrat. The Agriculture Department last week showed Kentucky as mildly suffering from the drouth and Brown had requested that nearly all his counties be declared disaster areas, but the Department didn't respond.

Finally, President Reagan went to Kentucky last week to campaign for Republican Jim Bunning, who is running for governor against the Democratic nominee, Lieutenant Governor Martha Collins. The GOP has given a high priority to electing a Republican governor there. The administration decided to approve Kentucky for drouth relief.

While Mr. Reagan was in the state, his entourage told Bunning that 107 of the 120 counties would be approved for disaster relief so that the candidate could give the word to the state's harried farmers. The Department wouldn't give the official word to the governor, as the rules require. This week, it did, finally, and a Department official said the notification of the Republican nominee instead of governor was an "administrative error."

Such cavalier politics, which dallies with the livelihoods of people and the welfare of whole regions, is not new, but this administration has raised it to a new standard.

Last year, with Republican Governor William Clements of Texas in a tight race for re-election, the administration helped Clements by allowing him to announce days before the election that emergency feed grain had been released for ranchers in the panhandle hurt by a mild drouth and that disaster payments would be made to cotton farmers. Clements was defeated, anyway, by Democrat Mark White.

Although this year's drouth has been far worse on Texas farmers and ranchers, the emergency grain program has not been activated. Twenty-eight counties have been designated as disaster areas but conditions for obtaining low-interest loans are so tough that not a single rancher has applied, a Texas Agriculture Department official said Thursday.

The Agriculture Department had some good examples to follow. Remember the Environmental Protection Agency's Superfund to clean up toxic waste sites? The EPA used the fund to try to influence Senate and gubernatorial campaigns in the general election, most notably in the California Senate race. Linking the fortunes of farm families to election results is even more grievous.

Mr. BUMPERS. Further, Mr. President, I ask unanimous consent that two articles by an Arkansas Gazette reporter Carol Matlack, who first exposed what was going on in drought disaster relief at the Department of Agriculture, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Arkansas Gazette, Oct. 8, 1983]

LOWER APPROVAL RATE FOR DROUTH AID FOUND IN DEMOCRATIC STATES

(By Carol Matlack)

WASHINGTON.—Of the 28 states seeking county disaster declarations because of the summer's drouth, those with Republican governors have had 56 percent of their requests approved by Agriculture Secretary John R. Block, while states with Democratic governors have only a 16 percent approval rate.

Among the 10 southern and midwestern states that have submitted the biggest requests, the difference is even more pronounced: A 62 percent approval rate for Republicans, versus 9 percent for Democrats.

Those figures were compiled by the Gazette, based on a report released Thursday by the Agriculture Department. Arkansas is one of the states governed by a Democrat who has not had a single county designated as a disaster area. Governor Bill Clinton has asked that all 75 counties in the state be designated.

Under current administration policies, farmers can't qualify for emergency loans and other drouth relief unless the counties they farm in have been designated as disaster areas.

DENIES CHARGES

The Agriculture Department vehemently denies charges that there has been political favoritism in the awarding of disaster declarations. The agency's decisions are based solely on county-by-county crop damage assessments that each governor must submit, a spokesman said Friday. Some states, including Arkansas, have only submitted those assessments within the last few days, and the agency is still reviewing them, he said.

While there has been considerable grumbling in Washington about the agency's handling of disaster requests, no one interviewed by the Gazette Friday was willing to make open accusations of favoritism.

One official who has monitored the situation closely said there was "absolutely no question * * * that they took care of the Republican states first." He said Department officials settled on a Republicans-first policy this summer when they realized they were short of drouth-relief money because of burgeoning costs in other programs, especially the new Payment-in-Kind program. They broke the bank on PIK, and now there's no money left," he said. However, he declined to be identified because his organization is bipartisan and hasn't taken an official position on the issue.

"I have heard this [disparity between Republican and Democratic states] brought up," Senator David Pryor (Dem., Ark.) said Friday. "Whether it's based on politics I don't know." However, Pryor said many observers believed that Block was using "a very arbitrary decision making process * * * not following the normal and standard guideline in making disaster declarations.

SAY'S SOUTH HARDER HIT

Jim Johnson, a staff member for the House Agriculture Committee, said it was "very curious" that the Republican-governed states of Indiana and Illinois were among the first to receive disaster designations, while most southern states have lagged behind. Midwestern farmers "may have had a bad season," he said, "but generally southern farmers were harder hit by the drought because they tend to be poorer and have smaller farms."

Johnson noted that it probably takes longer to assess drouth damage in southern states because certain crops—soybeans, for example—might have recovered from the drouth if there were late-summer rains, while the midwestern corn crop was irreparably damaged early in the season.

Joe Kinney, an agriculture expert of the National Governors Association said Friday that while he couldn't comment on political motivations, "Some decisions for some states appear to be clearly out of sync with decisions for other states."

He agreed that southern farmers were hurt disproportionately by the drouth and said he was disappointed that the Department wasn't "more sensitive and concerned" about their plight.

To the suggestion that Democratic-governed states were slow to submit damage reports, critics reply that the Department was equally responsible for delays.

For instance, a spokesman for the Ohio governor's office said Friday that her state submitted damage assessment reports the first week in September but was told by Agriculture officials that the reports didn't arrive in Washington until September 19. The state finally was notified September 30 that 29 counties had been designated, of the 43 counties requested.

The delays were especially hard to stomach because neighboring Illinois and Indiana had gotten disaster declarations for most of their affected counties weeks earlier, she said.

Arkansas officials Friday said they were disappointed that no counties so far had been designated, but said they had no evidence that Arkansas was treated differently from other states. "It's frustrating, their unresponsiveness to the situation," Charles Eddie Smith, an aide to Mr. Clinton, said. "It's like they don't see there's a drouth."

Smith said state officials had wanted Block simply to declare the entire state a disaster area, then allow farmers to apply individually for relief so that anyone with over 30 percent crop losses could be helped, no matter what county he farmed in. Otherwise, he said, "some [farmers] will fall through the cracks."

The normal procedure for answering a disaster declaration starts when county agents of the federal Agricultural Stabilization and Conservation Service survey crop damage and submit reports to their state headquarters. A statewide emergency board, headed by the state ASCS director, reviews the reports and submits its finding to the state Office of Emergency Services, which then reports to the governor.

Officials said this week that complete damage reports weren't obtained from the counties until the last week in September. The emergency board met September 30, and three days later the reports were hand-carried to Washington by an official who was flying there for a meeting.

[From the Arkansas Gazette, Oct. 29, 1983]

INVESTIGATION SOUGHT OF POSSIBLE "POLITICAL FAVORITISM" IN DROUTH AID

(By Carol Matlack)

WASHINGTON—Senators David Pryor (Dem., Ark.) and Walter Huddleston (Dem., Ky.) called Friday for an investigation of possible "political favoritism" in the federal Agriculture Department's handling of drouth disaster aid requests.

"The record indicates that priority has been given to requests for designations from states with Republican governors," Huddleston said at a news conference.

In a letter sent Friday to Agriculture Secretary John R. Block, Pryor and Huddleston requested an investigation by the independent Agriculture Department inspector general. The inspector general can decide to start an investigation with or without Block's approval.

Huddleston and Pryor's letter complained that, as of Monday, Republican governors had had 87 percent of their requests for county disaster designations approved, while Democratic governors had only a 53 percent approval rate. Also they said the Department apparently bent the rules to help Republican governors and took an average of 15 days longer to process requests from Democratic governors than from Republicans.

QUESTIONS REPORT

But Frank W. Naylor Jr., the Agriculture undersecretary who oversees the drought assistance program, said in an interview later Friday, "I would seriously question those numbers." Naylor said that while he hadn't calculated percentage approval rates for Democratic and Republican governors, records in his office generally showed "no discrepancy" between the two. "These [requests] have been handled properly, timely and fairly," he said. "I think the record doesn't bear out the allegations."

Moreover, Naylor said, even if there were minor delays in processing requests, that wouldn't be significant because most farmers wouldn't start applying for emergency loans until early next year.

A spokesman for Huddleston said the figures he cited were compiled from Agriculture Department records. Huddleston and Pryor said the records showed that the processing of county disaster requests from Democratic governors took an average of 39 days, compared to 24 days for Republicans. Huddleston acknowledged that some requests could have been delayed because governors didn't submit all the necessary documentation when they first applied. Arkansas governor Bill Clinton, for instance, didn't submit county-by-county damage estimates until October 3, nearly a month after he first requested a statewide designation.

However, Huddleston said that in Illinois, Republican governor James Thompson was able to get county designations approved over the telephone, without having to file written damage assessments beforehand.

(The Associated Press reported that Marlyn Aycock, an official of the Farmers Home Administration, disputed Huddleston's account of the Illinois disaster application. He said the state had made its application in writing and had included damage assessments for 19 counties, which were then approved three days later.)

CITES TEXAS CASE

In Texas, where there is a Democratic governor, Huddleston said, "54 days elapsed from the time the first designation request was submitted until the first county designation was approved."

Also, Huddleston noted that in his home state of Kentucky, a Republican gubernatorial candidate received notice of county disaster designations before the incumbent Democratic governor—enabling the Republican, Jim Bunning, to announce the designations while President Reagan was visiting the state.

"Call these actions what you like but, at the minimum, there exists an appearance that the administration is playing politics with programs essential to the economic survival of thousands of family farm operations," Huddleston said.

Huddleston declined to say whether he thought the White House had a hand in the situation, but he said, "It may have been orchestrated by the political arm of the Republican Party that is looking ahead to next year."

CALLS FROM BANKERS

Huddleston said delays in the processing of disaster designations could force some farmers into bankruptcy. "Two weeks is a long time for a farmer who needs those low-interest loans to stay in business or for creditors concerned about the ability of farmers to meet their obligations," he said. He said his office had received calls from anxious bankers, worried that farmers couldn't pay their debts.

However, Naylor said most farmers wouldn't even start applying for emergency disaster loans until early 1984, the time they normally would apply for federal crop loans. "This is not a time-critical situation in the sense that somebody needs money tomorrow," he said.

As for Huddleston's allegation that the agency bent the rules for the Illinois governor, Naylor said, "I'm not aware of that. We normally would require the damage reports to be in hand."

Naylor testified before the Senate Agriculture Committee last week that the advance notice given to Bunning, the Republican candidate in Kentucky, was an administrative "snafu" that shouldn't have occurred.

Mr. BUMPERS. Mr. President, I yield the floor.

Mr. EXON. Mr. President, I would like to associate myself with the remarks just so eloquently delivered by my friend and colleague from the State of Arkansas. Back in the days when we both had the honor of representing our States as Governors our association began.

The way this administration has handled this drought disaster has played more politics with one of the most serious disasters we have ever had in this country. Yes, during my 8 years as Governor of Nebraska there were times when some degree of politics was played. I remember on one occasion when, as the Governor of Nebraska, I was notified of a disaster at the same time as the Members of the Nebraska congressional delegation. That was under a Republican President of the United States. I had no quarrel with that.

But the action taken by this administration, for which the President himself must bear the major responsibility regardless of who is pulling the strings, this particular political maneuvering of the announcement of drought disaster, is unbelievable. I will give a brief example.

Several weeks ago, after an extensive survey as required by the law, the Governor of Nebraska, who happens to be a Democrat, requested drought disaster for 12 Nebraska counties.

There was a long delay and finally, the announcement was made by a Republican Member of the House of Representatives from Nebraska that 6 of the 12 counties had been designated as the Governor had requested. The Governor of Nebraska read about this in the newspapers. We thought that was a little odd.

Contrast that, if you will, with the situation just across the State line in Iowa, where it happened to be a Republican Governor. In Iowa, the Republican Governor made the announcement.

I simply say that the administration had best get its house in order and quit playing politics with drought disaster, as it has now become obvious that politics was played with the ill-fated former Directors and Assistant Directors of the Environmental Protection Agency.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUMPHREY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEBT LIMIT

Mr. BURDICK. Mr. President, last Monday, this body finally took a stand and began to face up to its fiscal responsibilities by rejecting the debt ceiling increase. Without assurances that there are measures in the works to deal with our crisis proportion deficits, approval of a debt limit increase amounts to giving our blessing to this outrageous spending pattern.

The growing Federal deficit is the most severe problem facing this Nation today. Yet, this Congress and this administration have not made any serious attempts to address this burgeoning growth which threatens to choke off any hope of economic recovery. My distinguished colleague, Senator CHILES, provided the Senate with an opportunity to take concrete action on this problem last week. I supported Senator CHILES' amendment but unfortunately his efforts to tie the increase in the debt ceiling to a firm commitment to reduce the deficit by $86 billion over the next 3 years was defeated, despite the fact that Congress agreed to this last July in the budget reconciliation bill. We should take the medicine we prescribed in July if this country is to recover from the deficit problem. Even if a tentative recovery were to continue, we would still be faced with the prospect of $200-plus billion deficits for the foreseeable future. Something must be done before this problem becomes a nightmare, beyond our control.

Sky-high Federal deficits have contributed to maintaining high interest rates relative to the rate of inflation. The enormous pressure of Federal borrowing has taken resources away from productive private investment in plants and equipment, in addition to squeezing the housing market for funds. High interest rates in the United States make investments here at home more attractive to the foreign investor. Foreigners buy up dollars to make these investments, driving up the value of the dollar and depressing U.S. exports.

While some may argue with the theory that deficits have the effect of "crowding out" private investment, there is consensus on one aspect of the deficit problem namely, that higher deficits add to outstanding debt, which in turn increases the amount of interest we must pay on that debt.

According to Congressional Budget Office calculations, the interest payment on the Federal debt as a percentage of the budget has grown from 7.3 percent in 1970 to a projected 12.2 percent in 1984. The total interest payment in 1983 was $127 billion. This is the hard reality. Interest on the national debt is the fastest growing item in the Federal budget, contributing to the rising deficit. The interest we are paying now on the debt adds more and more to the rising deficits each year. We must break the vicious circle we have created.

The time for action is now, before the legislative process is paralyzed by the election year politicizing. I applaud the recent action of the Finance Committee to address some aspects of this problem, and its efforts to close some of the gaping tax loopholes, such as the sale leaseback arrangements and its recent hearing addressing corporate taxation. But this is only the very beginning of a long and complex process which we must begin now to significantly reduce the deficits.

Some of the tax reform measures which I see as potential deficit fighters include:

Capping the third year personal tax cut at $700. By placing a maximum ceiling of $700 on each return, we would not only distribute the benefits of the tax cut more equitably, but also save the Federal Government nearly $6 billion in 1984.

Repeal of tax indexing. Between the years of 1985 and 1988, the Federal Government could save some $90 billion by repealing tax indexing. Indexing accounts for approximately 10 percent of the projected deficit for these years.

Better methods of collection. We must renew our efforts to catch revenues which are falling through the cracks in the system due to faulty and incomplete returns. Some estimates have put the potential revenue gain as high as $80 billion.

Reform of corporate tax structure. Corporate taxes, as a percentage of total Federal tax receipts, has been declining dramatically since 1978, shifting more of the burden onto individual taxpayers. There is a real need for reform to see that the corporate sector carries its fair share. It has become obvious that the 1981 Tax Act gave entirely too much relief to the corporate sector.

Any realistic solution to this chicken-and-egg situation will have to include spending reductions as well as tax reform. There are many sources of potential savings for the Federal Government in the form of cost containment measures and spending cuts.

Several areas which I feel deserve serious consideration include:

Medicare/medicaid. Medicare and medicaid expenditures make up nearly 10 percent of the Federal budget. While I see very little room for cuts in benefits in these two programs nor do I favor higher deductibles or patient out-of-pocket payments, health care cost containment measures could make a considerable contribution to reducing the deficit by making use of alternative care systems.

Defense spending. By cutting the defense budget in the range of $10 to $12 billion a year, we would be taking less than 5 percent of the Pentagon's spending potential. To realize these savings, Congress must insist on major reform of procurement policies. We must also give serious consideration to eliminating weapons systems which do not significantly enhance our national security. For example, elimination of the MX would result in savings of $20 billion, cancellation of one nuclear aircraft would bring us savings of some $16 billion, and I would recommend that we not proceed with a chemical weapons program that may cost several billion over the next few years.

Foreign aid. Savings could be achieved through reductions in foreign military assistance programs, the economic support fund, foreign military sales credits, and international military education and training.

I strongly reiterate my call for action on the matters I have mentioned here and others currently being discussed. If we do not act soon, I feel the consequences of our inaction will be disastrous for the country. We must put aside many of our past differences and begin to work toward the common goal of reducing the looming deficits in the coming years and putting this country back on its way to economic recovery.

THE CONTINUING PLIGHT OF THE BAHA'IS IN IRAN

Mr. CRANSTON. Mr. President, I wish to direct my collegues' attention to the continuing plight of the Baha'is in Iran.

I am deeply concerned about the Iranian Government's continuing persecution of the Baha'is. The Baha'i faith, practiced worldwide, believes in the unity of mankind, peace, and brotherhood. It is a tragedy and an outrage that those who hold these laudable principles are being persecuted and executed for their belief.

Amnesty International reports that at least 151 Baha'is have been executed in Iran since the Khomeini rule began in February 1979. The Ayatollah Khomeini came to power in protest of the repressive regime of the shah. Yet even during the shah's reign, the Baha'is were allowed to practice their faith free from harassment. Under the Ayatollah Khomeini's rule, the Baha'is have faced brutal persecution, imprisonment and even death. I appeal to the Government of Teheran to stop its policy of persecution of the Baha'is community and to allow its members to practice their faith in peace, free from harassment and persecution. I urge Teheran to show humanity to the Baha'is. And I strongly encourage other governments to appeal to the Iranian Government on behalf of the Baha'is.

IN REMEMBRANCE OF BABI YAR

Mr. SPECTER. Mr. President, on Saturday, September 17, 1983, at the Yom Kippur services at Society Hill Synagogue in Philadelphia, Pa., Ms. Barbara Moskow made a very beautiful and moving statement and sang a song in Hebrew in remembrance of more than 50,000 Soviet Jews who were brutally murdered at Babi Yar on the outskirts of Kiev on or about September 29, 1941.

When I heard that message, I asked Ms. Moskow to prepare a transcript because that massacre should be known by the people of the world in order that it may never be repeated. Ms. Moskow's presentation has further significance as a reminder of the plight of Soviet Jews today and all the downtrodden wherever they may be and whatever faith they may hold, so that men and women of good will everywhere will work to protect and preserve human rights.

In July 1982, my wife Joan and I visited the Soviet Union, traveled to Kiev and saw the monument at Babi Yar. Ms. Moskow's presentation has made that experience much more meaningful.

So that Ms. Moskow's message may be preserved and reach a wider audience, I ask unanimous consent that this very meaningful message be inserted in the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF BARBARA MOSKOW

My name is Barbara Moskow. Last October I was asked to participate in a concert. The proceeds of the concert were to go towards the publication of a book of remembrance for those who perished at Babi Yar. At that time I had the chance to meet some of the people who had escaped and some of the survivors, and I began to think that those of us who lost loved ones, are usually surrounded by friends and family and we have a funeral and the Rabbi presents a eulogy, and we go to the cemetery and we come back, and we sit Shiva for a week and again we are surrounded by friends and by family, and we put up a monument and we put up a stone and we put names on a memorial tablet in the synagogue, and we print the names of our loved ones in a memorial book each year at Yom Kippur. These families who were wiped out at Babi Yar had absolutely nothing, it was as if they did not exist.

We talk in large numbers and it is impossible for the psyche to process this type of atrocity, but when you meet people and when you hold this book in your hand and you see pictures of children, women, men and families and you read first hand accounts of what happened. For some reasons this gets to another level of conscientiousness and you stop thinking in terms of numbers and you begin thinking in terms of people. If I may, I would like to read a few excerpts from this book and this is only the beginning, it is only a small attempt and a very first attempt to publish the names of those who perished at Babi Yar.

How did this happen? What happened? Here is a brief historic overview. The German invasion of the Soviet Union in June of 1941 provided the arena for the first mass killings of European Jewry. The first execution of the so-called "Final Solution" planned by Hitler to destroy all of Europe's Jews. Accompanying the German army were several hundred specially trained "Einzatz Gruppen" mobile killing units which swept through the plains and the forests of Eastern Poland, the Baltic states and Russia and

slaughtered over a million Jews in two sweeps.

Babi Yar has come to symbolize the tragic fate of Soviet Jewry during the war and the tragic experiences of Soviet Jews today. Who cannot mourn the Jewish war dead. Who cannot raise a monument to their memory or publish a book inscribing their names. By publishing this first volume of names of those who perished at Babi Yar, we restore the dignity of their spirits and sanctify their memory.

On September 28, 1941, 2,000 notices were posted throughout the city which read:

All Jews of the City of Kiev and its environs must appear on the corner of Milnicoff and Doravishotkoy beside the cemetery at 8 a.m. on September 29, 1941. They must bring their documents, money, valuables, warm clothing, etc. Jews who fail to obey this order and are found elsewhere will be shot."

Rumors were deliberately spread that Jews were to be evacuated and settled elsewhere. And the Jews of Kiev, like the Jews over the rest of the Soviet Union were completely unaware of what their fate would be. It should be recalled that as a result of the Stalin/Hitler pact of August 1939, which we in effect until the invasion on June 22, 1941, Jews in the Soviet Union knew nothing about the Nazi persecutions and the killings of Jews elsewhere in Europe. They were totally unprepared for the coming murderous actions. Older Jews who remembered the benign German occupation of certain parts of Russia during World War I, believed that the Germans would again treat them without undue harshness.

The invasion itself, of course, found all Russians shocked and unprepared, but the Jews were doubly so. The German Intelligent Officer later reported that Soviet Jews were shockingly ill informed about our attitude toward them. Babi Yar was a deep wooded ravine on the outskirts of Kiev. A group of Einzatz Gruppen numbering about 150 men and assisted by several hundred police were assigned to carry out the order to kill. The shooting started in the early afternoon of September 29th, two days before Yom Kippur.

The Jews apparently thought they were going to the railroad siding near the cemetery, but instead they were marched past the cemetery. The street was blocked with barbwire and Jews were cramped through a narrow path down the middle and they were whipped through. Those who fumbled along the way were set upon by police dogs. All had to run a gauntlet of rubber trunches and big sticks. As it was described, they were kicked and beatened with knuckles and clubs, with a drunken viciousness in a strange sadistic frenzy. Dazed and beatened, the terrified Jews could not grasp what they were living through. They were finally pushed through the passage way until they saw the open ravine ahead of them. They were ordered to remove their clothing put everything in a neat pile.

Those who resisted were beaten and their clothes were forcibly ripped off. Blood curdling screams rent the air as the shooting started. The first victims selected for shooting were forced to lie naked, face down at the bottom of the ravine and they were shot with automatic rifles. Some earth was thrown over the bodies and another group had to lie on top of the group below. Later the victims were placed on the edge of the ravine, sixty yards long and eight feet wide and they were shot in the back of the neck. Some children were thrown alive into the huge pit.

Within 36 hours, 33,770 Jews were shot. A killing rate that exceeded the gas chambers at Auschwitz. Within three days, 52,000 were killed. Nazis ordered people to undress completely. Men, women, children, old folks, there were no exceptions. The clothes were sorted out, put neatly in place. From naked people, men and women, rings were forcibly removed. In groups of 30 to 40 people, the executioners placed them on the edge of the deep ravine and they shot them point blank. Bodies fell, little children were pushed down alive. Many approaching the place of execution, lost their minds. This went on for three days. Three terrible days. Yet a few Jews saved their lives by running away from Babi Yar. Fate saved their lives to give humanity testimony and witness.

Here is a letter which was received from a woman by the name of Etta Forman, she lives in Brooklyn, New York and this is what she wrote:

"My childhood friend Rachel was a beautiful and intelligent girl and I loved her like a sister. She and I were married about the same time and both of our families lived with love and respect for each other. But full happiness was marred by the fact that Rachel remained childless and this gradually caused her deep concern and jealousy. In my girlfriend's family there started a deep discord, because her husband expressed many times his desire to have a child. I travelled with Rachel to many famous doctors and even to a few quacks, but as time went by, she remained childless. Husband and wife lived this way for 11 long years and finally in the twelfth year, Rachel gave birth to a girl. As it said in the Torah. When God blesses somebody, he blesses fully. After a year she gave birth to another girl, called Mehola. The first girl was given my Etta. Another year and a half passed by and Rachel gave birth to a boy Ovramela.

"Only a great writer could describe fully the happiness and contentment of her husband and all of us, together with their relatives and friends, we joined the family in the happiness. And in March of 1941 Ovramela was circumcised and the festivities in the house of Rachel and Mayer lasted a full week. Everything became chaotic when the war started. I with my husband and son were evacuated. But Mayer did not believe the many terrible stories about the Nazis' in the newly occupied territories. They can't be as bad as they are described, claimed Mayer and he started to make plans to open a store and start a business. All our arguments and Rachel's appeals to leave Kiev, fell on Mayer's deaf ears. When we returned to Kiev after the end of the war, we learned from the neighbors that Mayer had rented a horse and a wagon and that he had loaded all his belongings and his wife and children and he started a journey which proved to be very short and ended in Babi Yar.

Two policemen grabbed the little girl, one each leg, tearing her apart. Later they did the same with the other girl. Finally, with the 6 month old Ovramela, Rachel and Mayer tried to save the children, but they were both killed. An on-coming Nazi pushed the bodies with his boot to the gutter which was already filled up with many other bodies of killed Jews. My best friend, Rachel, whom I treated like my sister. Her stubborn husband Mayer and their children, all perished in Babi Yar. In my memory remains the day when my dearest friends, Rachel and Mayer, celebrated the birth of their first child."

This letter arrived from Yasha Koppier from Kiev in Russia:

"I, Yasha Koppier was one of 300 war prisoners, who for ten terrible days, dug out corpses in Babi Yar and then burned them to remove all traces of the criminal activities of the Facists monsters. We worked from sun-up to late night under the watchful eyes of the SS Officers. At night we were locked into small huts, previously prepared especially for us and were fed with watery soup. We understood that we also would be killed after finishing our job. The Nazis were not eager to have living witnesses. Collected keys, knives, cameras and all kinds of iron and succeeded in splitting the chains and running from the huts. We killed one nearby guard with our hammers and ran in different directions. The outside guard as soon as he became aware of our escape, opened machine gun fire and yet 15 of us remained alive. I reached the deep forest and I joined the partisans. Forty years have passed from this memorable day and I cannot forget those terrible days and nights when we were ordered by Nazi to burn the corpses of men, women and children. During all these years I have not slept peacefully. I am disturbed by terrible nightmares."

The final part of a letter that I would like to read came from a man who was a writer. His name is Shomon Kipnes and he emigrated to Philadelphia, but he was in Russia in the spring after liberation and he was present when a very famous actor and director by the name of Shlomo Mikhoeles came to visit. And he stepped onto the podium and he was holding crystal vases in each hand. And everyone wondered why the vase was full of black substance instead of flowers. It soon became clear when he began to speak and this is what he said:

"Before coming here to brief our friends and artists from the Jewish Theatre of Kiev, we bought this crystal vase and we went to Babi Yar. We filled up the vase with earth from Babi Yar. The same earth which heard the cries of our fathers and mothers and brothers and sisters and little children and boys and girls who never grew up, but who perished at the hands of the facists beasts. Raising the vase higher, he continued: If you examine the earth carefully, you would find shoelaces from shoes belonging to little Sarah who was struck down along with her mother. Look carefully and you will see tears streaming down an old woman's face.

"Look deeply and you will see your father praying to Sherma Israel with his eyes raised to the skies waiting for rescue from the good angel. Listen carefully and you will hear the thunder of the guns in the hands of the heroes of the Warsaw Ghetto fighting the facists murders. Listen intently and you will hear the chant of the martyrs deported from the Ghettos as they marched to the death camps, singing, never saying that this is the last road. Look further and you will see the earth is soaked with blood. The earth is trembling. It is the last breathing of our martyrs who gave their lives for us, for you my friends, so that we may continue our work for a Jewish nation, our Jewish culture, our Jewish language."

Mikhoeles then picked up a handful of earth from the vase and continued: "I brought you a vase of earth from Babi Yar. Throw in the seeds of flowers and they will bloom as a new flowering of the Jewish people whom Hitler sought to annihilate and obliterate from the face of the globe. In spite of him, we live and we will continue to live. We, the Jewish artists, no matter whom we represent, Teva the milkman, Shimele Soroker Hirschleckert Bour-Kochba, we will always have before us this sample of Babi Yar earth which calls to us and demands of us despite our enemies that we continue to live forever."

And now I would like to sing the lullabye of Babi Yar. This is a mother's lullabye and she sings:

"I would like to hang my baby's cradle from the beam of my house and rock him to sleep, but I have no beam of my house because the whole town has been destroyed with flames and with fire. Where can I rock my baby. I would hang the cradle from the bowel of a tree and I would rock my baby, but I don't even have a shoelace from the shoe or a thread left from a pillow case, how can I hang the cradle. I would even cut off my own hair and I would hang the cradle from my hair, but I don't know where my baby's bones are. How can I rock my baby. Help me mothers of the world. Help me to bemoan and to wail the lullabye that is Babi Yar."

She now sings the song in Hebrew.

MARIHUANA USE BY PREGNANT WOMEN

Mrs. HAWKINS. Mr. President, we do not need a behavioral psychologist to tell us that a mother's role in her baby's development is highly critical, especially during the first 3 years.

In fact, from the moment of conception, a baby shares the mother's bloodstream, food intake, hormone levels, and even her emotional state. Even in the womb, the baby's growth and health are affected by the mother's use of caffeine, alcohol, aspirin, and cigarettes. The mother's use of any kind of medication can upset her baby's proper development.

We all know that heroin addicts give birth to baby heroin addicts. But a study has come out recently that indicates that even Marihuana smoking by the mother can have disastrous consequences for her baby. Mothers who otherwise take no drugs may think Marihuana is not harmful, but they are dead wrong.

According to the New England Journal of Medicine, children whose mothers smoked pot during pregnancy may suffer slow development of their nervous system, abnormal facial features, and other defects at birth—some of which can be permanent.

A recent survey of pregnancy clinics in three cities found that about 15 percent of women used Marihuana while pregnant. Five infants born to Marihuana smokers in the survey were born abnormally small, suffered from tremors, and had facial abnormalities, such as eyes set farther apart than normal. The facial abnormalities appeared similar to those found in babies suffering from fetal alcohol syndrome—a developmental stunting of children born to drinking mothers, which may cause mental retardation.

Other studies have also found a link between pot use by pregnant women and stunted development of the infant's nervous system, including diminished response to visual stimuli, and low birth weight.

Some problems have subsided as time passed, and the infants tended to catch up growth in the first year of life. But there may be long-term effects that can harm the child's ability to function in school. And, worst of all, the child's observation and imitation of his mother's or father's use of Marihuana will warp his life forever.

THE ELECTION OF THE REVEREND I. DeQUINCY NEWMAN TO THE SOUTH CAROLINA STATE SENATE

Mr. HOLLINGS. Mr. President, some people may be shocked to learn that even in this day and age—three decades after the dawn of the civil rights movement—we are still knocking down racial barriers. But we are. And an event which happened recently in my home State, where 30 percent of our citizens are black, serves as a reminder that the struggle for equal opportunity continues to this day.

In a special election last week, my good friend the Reverend I. DeQuincy Newman became the first black to win a seat in the South Carolina State Senate since Reconstruction. The Reverend Newman won a 54-percent majority in a district that is two-thirds white—with the margin of victory coming from a black voter turnout that was, for the first time in anyone's memory, proportionately greater than that of white voters.

The Reverend Newman's victory last week is illustrative of the newest phase of the civil rights movement in America—that is, the influx of black Americans into mainstream politics. Next year, at least five more black State senators are expected to follow the Reverend Newman into the South Carolina statehouse when a new single district reapportionment plan takes effect. The number of black elected public officials across the Nation has increased more than threefold in the last decade, and it is sure to grow even more in the wake of current voter registration drives. More and more of our major cities are electing black mayors. And tomorrow, a black man will officially declare himself a candidate for the Democratic Presidential nomination.

This evolution of our political structure is healthy for the Nation—as thousands of black politicians reap the harvest of seeds sown in the 1950's and 1960's by the great civil rights leaders who came before them.

But there is a special reason why I rise today to draw attention to the election last week in that three-county senatorial district in South Carolina. You see, the Reverend Newman is not only today's beneficiary of the civil rights struggle—he was also yesterday's initiator. He walked with Martin Luther King, Jr. and Roy Wilkins, and was South Carolina's foremost civil rights activist as NAACP field secretary more than 20 years ago. In the years when equal opportunity and equal justice under the law were only a dream for the people of his race, the Reverend Newman was on the front line fighting the battles that dismantled the structure of segregation and discrimination. He led the sit-ins, the boycotts, and the demonstrations that roused the conscience of a nation and led to peaceful social revolution. He was once arrested for wading in the Atlantic Ocean at Myrtle Beach. How far we have come in the last 30 years. And through it all, the Reverend I. DeQuincy Newman was there.

I owe much to the Reverend Newman. And for that matter, so does our Nation. It was he who guided me on "hunger tours" of my State during my first full term as a U.S. Senator. He showed me that in this, the greatest and wealthiest of all nations, people were slowly starving to death. Those "hunger tours" gave me the information and resolve I needed to lead the successful fight in Washington for expanded hunger and nutrition programs.

Mr. President, the people and the government of South Carolina will benefit greatly from the wisdom and expertise of this inspirational individual as he assumes his seat in the State senate. And although we had to wait until 1983 for our first black senator since Reconstruction, I feel it is only fitting that the barrier be broken by a man who has devoted so much of his life to the cause of civil rights: The Reverend I. DeQuincy Newman.

Mr. President, an article by Jack Bass, which appeared in the October 30, 1983, edition of the Washington Post explains the significance of the Reverend Newman's victory in today's changing political scene. I ask that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The South Is Still Changing: South Carolina's Black Voters Show Their New Clout

(By Jack Bass)

Columbia, S.C.—Thirty-five years ago, Gov. J. Strom Thurmond of South Carolina ran as the Dixiecrat candidate for president after declaring, "There are not enough laws on the books of the nation, nor can there be enough laws, to break down segregation in the South." The other day Sen. Strom Thurmond voted to create a national holiday honoring Martin Luther King, Jr.

The changing political face of the South is still changing—in ways that may be ominous for Republicans like Thurmond and Ronald Reagan. We got a reminder of that here in South Carolina last week in the results of two special elections. In a three-county state senatorial district two-thirds of whose registered voters are white, the Rev.

BEST COPY AVAILABLE

I. DeQuincy Newman was elected the first black state senator since 1888.

This new turn in Newman's career represents almost as dramatic a change as has occurred in Thurmond's. During the 1960s Newman was South Carolina's most prominent civil rights activist as field secretary for the NAACP. He was once arrested for wading in the Atlantic Ocean at Myrtle Beach. He escaped into a swamp when police escorted him to the county line and put him out on the highway with an angry mob in hot pursuit.

But Newman learned that South Carolina politicians preferred accommodation to confrontation, and he sought reconciliation when possible. In 1969, he guided Sen. Ernest F. (Fritz) Hollings on a series of "hunger tours." Hollings returned to Washington and led a successful fight in Congress to expand food stamp and other federal programs to combat hunger and malnutrition.

An analysis of Tuesday's precinct returns show that Newman received less than 20 percent of the white vote in Richland County (Columbia), whose voters cast all but 6,000 of the almost 33,000 votes in the Senate race. But Newman won with a 54 percent majority; his margin came from a black turnout that for the first time in memory here was proportionately greater than that of whites.

In the closing days of the campaign, three black-oriented stations ran heavy schedules of radio spots in which Mayor Andrew Young of Atlanta exhorted listeners to help make history by voting for Newman. Newman said afterwards that Young's message "did a lot of good." Few whites heard the spots.

The large black turnout also assisted Tim Rogers, a white liberal who as a lawyer has done work for the American Civil Liberties Union. An experienced political organizer, Rogers received 58 percent of the vote to defeat a modernate Republican with prior legislative experience by roughly 400 votes in a much smaller state House district.

In the almost all-black Ridgewood precinct, where the turnout was 43 percent of registered voters, Newman won 414-42, and Rogers won by 374-41. In contrast, only 27 percent turned out in the nearby, almost all-white Riverside precinct, which Newman lost 329-71, and Rogers, 273-135.

Overall the turnout in this special election was 27 percent, but in black neighborhoods it averaged more than 35 percent.

Although 20 blacks now serve in the state House of Representatives, Newman will join 42 white men and three white women in the 46-member Senate. At least five black senators are expected to be elected next year when a single-member district reapportionment plan takes effect.

Newman's election and the promise of more black senators next year reflect a recognition of black political power as a fact of life in South Carolina, a result of years of effort in registering black voters in hundreds of communities. Newman, who attended the 1956 Republican National Convention as an alternate, was pushed to the Democrats by the Republican "Southern strategy." He was an alternate to the Democratic National Convention in 1968.

The national implications of the Tuesday race are intriguing. In 1980, a switch of less than 10,000 votes in each of seven Southern states would have given them to Jimmy Carter instead of Ronald Reagan. Successful campaigns such as Newman's increase awareness among blacks of the importance of voting, a trend that started with Harold Washington's victory in the Chicago mayoral race earlier this year. Such success also encourages the hundreds of thousands of unregistered blacks to get on the voting rolls.

Newman's decisive victory suggested that Thurmond may be vulnerable if opposed by a strong challenger next year. Gov. Richard Riley has ruled himself out, but Rep. Butler Derrick, 47, a popular 10-year Democratic congressman whose father played high school football under Thurmond's coaching, has left the door open.

If Thurmond is seriously challenged, it will be attributable in part to a revelation made by his 1978 pollster, Arthur Finkelstein. In an article published two years ago in The Southern Partisan, a conservative academic journal, Finkelstein wrote: "Very few people in the state (only 13.7 percent) were aware that Thurmond was over the age of 75 at the time and it became increasingly clear to me that if age were to become the issue in the campaign, we might be in for serious trouble."

Thurmond, who will be 81 in December, already has raised a campaign fund of more than $700,000 and received the endorsement of several state level Democratic officials. These signs of an early head start plus his unsurpassed record of constituent service have been orchestrated, in part by Lee Atwater, into an image of invincibility. Atwater, deputy director of President Reagan's campaign committee, helped manage Thurmond's 1978 campaign.

But last week's special elections here gave no comfort to Republicans in South Carolina.

MESSAGES FROM THE HOUSE

At 12:26 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 448. An act to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes.

The message also announced the House agrees to the amendments of the Senate to the bill (H.R. 2920) to amend title 38, United States Code, to revise and extend certain health-care programs of the Veterans' Administration, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House has agreed to the concurrent resolution (S. Con. Res. 59) to authorize the Librarian of Congress to study the changing role of the book in the future, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1428. An act for the relief of the estate of Nell J. Redfield;

H.R. 2389. An act for the relief of the estate of Elizabeth Schultz Rabe;

H.R. 3618. An act to extend the lease terms of Federal oil and gas lease numbered U-39711; and

H.J. Res. 402. Joint resolution declaring that the requirements of section 4(a)(1) of the War Powers Resolution became operative on October 25, 1983, when United States Armed Forces were introduced into Grenada.

At 5:35 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1558. An act for the relief of Allen H. Platnick;

H.R. 2853. An act to establish a National Oceans Policy Commission to make recommendations to Congress and the President on a comprehensive national oceans policy; and

H.R. 4185. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

The message also announced that the Speaker appoints Mr. KILDEE as a conferee in the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 726) entitled "An Act to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes", vice Mr. Miller of California, resigned.

HOUSE MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1428. An act for the relief of the estate of Nell J. Redfield; to the Committee on Finance.

H.R. 1558. An act for the relief of Allen H. Platnick; to the Committee on the Judiciary.

H.R. 2389. An act for the relief of the estate of Elizabeth Schultz Rabe; to the Committee on Finance.

H.R. 2853. An act to establish a National Oceans Policy Commission to make recommendations to Congress and the President on a comprehensive national oceans policy; to the Committee on Commerce, Science, and Transportation.

H.R. 3618. An act to extend the lease terms of Federal oil and gas lease numbered U-39711; to the Committee on Energy and Natural Resources.

HOUSE MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4185. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1926. A communication from the Assistant Secretary of Defense, Comptroller, transmitting, pursuant to law, notice of certain transfers of appropriated funds; to the Committee on Appropriations.

EC-1927. A communication from the Assistant Secretary of Defense, Comptroller, transmitting, pursuant to law, a secret supplemental listing of certain contract award dates for November 1 through December 31, 1983; to the Committee on Armed Services.

EC-1928. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report of foreign military sale to Egypt; to the Committee on Armed Services.

EC-1929. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Turkey; to the Committee on Armed Services.

EC-1930. A communication from the Deputy Assistant Secretary of the Air Force for Logistics and Communications transmitting, pursuant to law, a report on a decision to convert the word processing center function at Chanute Air Force Base, Ill., to performance under contract; to the Committee on Armed Services.

EC-1931. A communication from the Administrator of NASA transmitting, pursuant to law, a report on transferrable NASA research and technology; to the Committee on Commerce, Science, and Transportation.

EC-1932. A communication from the Secretary of the Interior transmitting, pursuant to law, notice of a proposed leasing system for the OCS Oil and Gas Sale No. 73—Central California, November 30, 1983; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2040. An original bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of mortgage backed securities, to increase the authority of the Federal Home Loan Mortgage Corporation, and for other purposes (with additional views) (Rept. No. 98-293).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 127. Resolution to make the Select Committee on Indian Affairs a permanent committee of the Senate (Rept. No. 98-294)

By Mr. MATHIAS, from the Committee on Rules and Administration, with an amendment:

S. Res. 239. Resolution relative to expenditures by the Select Committee on Indian Affairs (Rept. No. 98-295).

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

H.R. 1870. An act to require the Secretary of the Treasury to coin and sell a national medal in honor of the members and former members of the Armed Forces of the United States who served in the Vietnam conflict; and

H.R. 3348. An act to honor Congressman Leo J. Ryan and to award a special congressional gold medal to the family of the late Honorable Leo J. Ryan.

By Mr. HELMS, from the Committee on Agriculture, Nutrition and Forestry, with an amendment in the nature of a substitute and an amendment to the title.

S. 663. A bill to prohibit the payment of certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land. (Rept. No. 98-296).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Thomas J. Curran, of Wisconsin, to be U.S. district judge for the eastern district of Wisconsin.

By Mr. WARNER, from the Committee on Armed Services:

The following-named officer to be placed on the retired list in the grade of commodore, in accordance with article II, section 2, clause 2 of the Constitution:

To be commodore

Capt. Grace Hopper, U.S. Naval Reserve (retired), 162-26-8869, 1509.

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Lt. Gen. Raphael D. Tice, U.S. Army (Retired), to be assigned to a position of importance and responsibility designated by the President in the grade of lieutenant general, Rear Adm. Richard A. Miller, U.S. Navy, to be vice admiral. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Air Force there are 1,034 appointments to the grade of major and below (list begins with Thomas E. Cedel), in the Navy and Naval Reserve there are eight permanent appointments to the grade of commander and below (list begins with Scott A. Rudowski), Robert S. Williams to be colonel in the Air Force and in the Air Force there are two promotions to a grade not higher than colonel (list begins with John B. Kenney). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of October 18 and October 27, 1983, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

S. 2040. An original bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of mortgage-backed securities, to increase the authority of the Federal Home Loan Mortgage Corporation, and for other purposes; placed on the calendar.

By Mr. MOYNIHAN:

S. 2041. A bill to require the disposal of certain lands at Montauk Air Force Station, East Hampton Township, N.Y., for park and recreation purposes; to the Committee on Governmental Affairs.

By Mr. GRASSLEY:

S. 2042. A bill to amend title 18 of the United States Code to prohibit the robbery and burglary of airline tickets, and to prohibit the transportation or use in interstate or foreign commerce of counterfeit, fictitious, altered, lost, or stolen airline tickets; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 2043. A bill to amend the Internal Revenue Code of 1954 to reduce the rate of corporate income tax, to allow the rollover of gain on the sale of any property which is used to invest in small businesses, and for other purposes; to the Committee on Finance.

S. 2044. A bill to amend the Internal Revenue Code of 1954 to allow small businesses to elect the cash receipts and disbursements method of accounting, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. EVANS:

S. Con. Res. 83. A concurrent resolution to establish a Commission on Pay Equity; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. MOYNIHAN:

S. 2041. A bill to require the disposal of certain lands at Montauk Air Force Station, East Hampton Township, N.Y., for park and recreation purposes; to the Committee on Governmental Affairs.

TRANSFER OF CERTAIN SURPLUS FEDERAL PROPERTY

● Mr. MOYNIHAN. Mr. President, I am introducing a bill to direct the transfer of a piece of surplus U.S. property at Montauk Air Force Station, N.Y., to the town of East Hampton, N.Y., and so to put an end to Government vacillation over what is to be done with the property.

In 1981, the Federal Government deemed excess to its needs some 278 acres at Montauk Air Force Station, a base that was closed in 1980. Citizens and elected officials in the vicinity began making plans to use the surplus property as a park and recreation area.

They had good reason to think the land might be transferred to the town free of charge. Since 1949, when the GSA was established, Federal law has authorized the free transfer of surplus Federal property to State and local governments for park and recreation uses. Under this authority, hundreds of vacant Federal lots and buildings have been transferred and put to good public use. Some Federal land has been turned into public parks; Federal buildings have been turned into museums and other civic buildings.

Somehow it got in the minds of those in the Reagan administration that these transfers of surplus Federal property should end and that the properties could be sold, instead, to help retire the national debt. The program has been a failure. In September of last year, the National Journal summed it up by titling an article about the program, "What if the Government Held a Land Sale and Hardly Anybody Showed Up?"

In their frustration, the managers of the administration's program are now attempting to sell properties the Government still needs, to renege on surplus property transfers arranged years ago, and generally to ignore the plans and sentiments of local citizens and officials. The most recent maneuver in the administration's land rush involves the proposed sale of the 278-acre former Montauk Air Force Base at the eastern tip of Long Island.

As the respected Long Island newspaper Newsday said in an editorial, it was injury enough 3 years ago when the Air Force base was closed, depriving the town of East Hampton of the $1 million the base payroll meant to the local economy. Now the Government adds insult. Ignoring a unanimity of opinion among local elected officials and citizens that the land should be preserved for park use, the GSA proposes to sell it to the highest bidder.

This is not a matter of landowners simply not wanting to see development on the neighboring property. There does not exist sufficient water supply to sustain a new development in this area. It is as simple as that.

The legislation I propose today would simply direct the Government to do that which a 35-year-old statute would authorize and encourage it to do. I could not forgive—nor could the citizens of Long Island forgive the Government were it to sell this land at Montauk to a private developer.

I ask that a copy of the bill be printed in the RECORD following my remarks, along with an editorial from the newspaper Newsday.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services shall assign to the Secretary of the Interior for use as a public park or recreation area, portions of the Montauk Air Force Station in East Hampton Township, Suffolk County, New York, totaling two hundred seventy-eight acres that were declared surplus to the needs of the United States Government on December 21, 1981.

SEC. 2. The Administrator of General Services shall assign the land identified in the first section of this Act to the Secretary of the Interior within thirty days of enactment of this Act. Within thirty days of said assignment, the Secretary of the Interior shall, without monetary consideration, convey the property to the Town of East Hampton, New York, for public park or recreation uses in accordance with section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(2)).

[From Newsday, Sept. 22, 1983]

WHAT DOES THE GSA KNOW ABOUT MONTAUK?

Three years ago, when the Air Force closed its base in Montauk, the Town of East Hampton lost a payroll that annually pumped about $1 million into the local economy. But that was only the first part of a federal one-two punch.

The second part is being delivered by the federal General Services Administration, which has decided to ignore the opinions of state, county and town officials and sell the former base to a developer. According to a Boston-based GSA bureaucrat, "The highest and best use of the 278-acre base land is residential development."

That's wrong, but only to be expected from the Reagan administration. Its policy is to sell off surplus federal property at market value, so GSA officials tend to overlook such niceties as local opinion and environmental considerations.

Suffolk County planners have done extensive water-resource inventories in the East End, and they advised against residential development of the property because water is in short supply. Even before the base closed, the state had acquired about 137 acres of surplus federal land adjoining it for park use. State, county and town officials wanted to preserve most of the remaining acreage for parks. The town proposed to acquire the existing base housing and sell it to local low- and middle-income families.

But over the past three years the GSA has rebuffed local efforts to work out a way to save the land from development, and it now plans to sell to the highest bidder. The federal agency is running roughshod over informed local opinion, and the Long Island congressional delegation should head it off.●

By Mr. GRASSLEY:

S. 2042. A bill to amend title 18 of the United States Code to prohibit the robbery and burglary of airline tickets, and to prohibit the transportation or use in interstate or foreign commerce of counterfeit, fictitious, altered, lost or stolen airline tickets; to the Committee on the Judiciary.

AIRLINE TICKET THEFT AND COUNTERFEITING PENALTY ACT

● Mr. GRASSLEY. Mr. President, today I am introducing legislation to provide Federal jurisdiction over the theft or counterfeiting of airline tickets. This legislation would amend title 18 of the United States Code to prohibit the transportation or use in interstate or foreign commerce of counterfeit or stolen airline tickets. In order to provide the most efficient and effective use of Federal resources in dealing with the most serious cases, Federal jurisdiction would be limited to those cases involving at least $5,000 in value.

This bill is a successor to S. 585, which covered only the theft by robbery of airline tickets, as well as counterfeiting. This bill covers not only those areas, but also theft by burglary or other means. At a time in which many of our Nation's airlines face stiff competition from other carriers, and some have gone bankrupt with all of the attendant effects, it is essential that our Nation's airlines not be made to bear the additional drain of providing service to those who have obtained their tickets unlawfully, or unwittingly from others who have counterfeited them and will pay nothing to the airline carrier.

Airline tickets which have been stolen or fraudulently obtained are readily negotiable, and can be converted to cash or sold to the unsuspecting public for use in interstate and international air transportation.

For example, in New York on September 24, 1981, airline tickets valued at $5 million were stolen along with 3 ticket validating machines, 5 travel agency identification plates and 200 plates representing nearly every airline in the world.

The total potential liability that airlines were exposed to increased from $42,405,600 in 1981 to $51,187,200 in 1982. This alarming increase demonstrates the grim siege that is being waged upon our Nation's airline ticket offices.

At present, stolen airline ticket cases are handled in a fragmented manner under local and State statutes. A lack of coordination through one central agency has resulted in a limited number of successfu apprehensions and prosecutions. The investigation, apprehension, and prosecution of suspects involved in this type of criminal activity requires a coordinated nationwide approach which can be developed by providing Federal jurisdiction which would be the result of this bill's passage. I urge all of my colleagues to support this legislation.●

By Mr. BAUCUS:

S. 2043. a bill to amend the Internal Revenue Code of 1954 to reduce the rate of corporate income tax, to allow the rollover of gain on the sale of any property which is used to invest in small businesses, and for other purposes; to the Committee on Finance.

S. 2044. a bill to amend the Internal Revenue Code of 1954 to allow small businesses to elect the cash receipts and disbursements method of accounting, and for other purposes; to the Committee on Finance.

SMALL BUSINESS TAX LEGISLATION

Mr. BAUCUS. Mr. President, today I am introducing two small business tax bills, one to help small businesses raise capital and one to simplify their tax returns.

INTRODUCTION

This Nation's economy rests on a solid foundation of small businesses.

Small businesses create more than half of America's new jobs and provide an outlet for the entrepreneurial spirit that drives our economy.

This is especially true in Montana. There, only 13 businesses employ more than 500 people, but over 18,000 employ 50 of less. Montanans recognize the important role of small business to the economy and have worked hard to improve the State's business climate. And this work has paid off. For example, Inc. magazine just reported that Montana has moved up from the 27th to the 14th best State for small business.

But much more must be done. Small businesses still suffer because of problems that inhibit their ability to grow and to create even more jobs.

The Federal Tax Code causes many of these problems. In 1935, President Franklin Roosevelt recognized that:

> * * * our smaller corporations are fighting not only for their own local well-being but for that fairly distributed national prosperity which makes large-scale enterprise possible.

Therefore, he continued:

> * * * [it] seems only equitable * * * to adjust our tax system in accordance with economic capacity, advantage, and fact. The smaller corporations should not carry burdens beyond their powers * * *.

Today I am introducing two bills that, to use FDR's words, "adjust the tax system in accordance with economic capacity, advantage, and fact." They do so in order to help small businesses raise capital and to simplify their taxes.

The adjustments are drawn from proposals made by the 1980 White House Commission on Small Business, the 1982 SEC Small Business Forum, legislative proposals introduced during the past few years, consultations with small business groups, and hundreds of conversations with the operators of small businesses in Montana.

The first bill, the Small Business Long-Term Financing Act, would cut corporate tax rates for small businesses, permit small businesses to defer capital gains, and permit pension fund arm's-length investment. The second bill, the Small Business Tax Simplification Act, changes payroll tax deposit date requirements and permits more small businesses to use cash accounting and capital asset expensing.

THE SMALL BUSINESS LONG-TERM FINANCING ACT

The most basic business asset is capital. But the operators of small businesses often have great trouble raising capital, either to start or expand their business. And, as the 1980 White House Commission on Small Business concluded,

> Federal tax policy is the single most important instrument for encouraging or discouraging the flow of capital to small businesses.

The Small Business Long-Term Financing Act (LTFA) uses that Federal tax policy instrument three ways: by reducing and graduating corporate rates, by establishing a capital gains deferral, and by permitting certain arm's-length pension fund investments.

RATE REDUCTION AND GRADUATION

"Earnings," the SEC Forum recently said, "are a primary source of growth capital for smaller firms since traditional sources of capital are generally unavailable." To help smaller firms retain more earnings, LTFA section 2 reduces and graduates the corporate tax rates for small businesses.

Under current law, the corporate tax rates are 15 percent of the first $25,000 of a corporation's taxable income; 18 percent of taxable income between $25,000 and $50,000; 30 percent of taxable income between $50,000 and $75,000; 40 percent of taxable income between $75,000 and $100,000; and 46 percent of taxable income over $100,000.

This rate structure peaks too quickly, subjecting many small businesses to the same marginal rate as ARCO. That is why reducing and graduating the rate for small businesses has been a major objective of small business groups. The 1980 White House Small Business Commission said that

> * * * [a] more graduated corporate tax would help expand the retained earnings available to a small company for reinvestment, and retained earnings are the soundest and most reliable source of business capital.

Consequently, the Commission recommended that Congress increase the corporate rate peak from $100,000 to $500,000.

My proposal is a compromise between current law and the White House Commission proposal. Overall, it would increase the peak to $200,000. Specifically, the rates would be 12 percent of the first $25,000 of taxable income; 15 percent of taxable income between $25,000 and $50,000; 20 percent of taxable income between $50,000 and $100,000; 30 percent of taxable income between $100,000 and $150,000; 40 percent of taxable income between $150,000 and $200,000; and 46 percent of taxable income over $200,000.

To put this in perspective, the revised rate structure would produce total tax savings over current law of $750 for companies with $25,000 of taxable income; $1,500 for those with $50,000 of taxable income; $9,000 for those with $100,000 of taxable income; and $20,000 for those with $200,000 or more of taxable income.

CAPITAL GAINS DEFERRAL

Direct capital investments are another important source of capital for smaller firms. To help smaller firms attract capital investments, LTFA section 3 permits a capital gains deferral for investments in small business.

Under current law, gains from the sale or other disposition of property are generally taxed when they are realized.

There are, however, a number of statutory provisions under which gains or losses are not currently recognized if property is exchanged for or replaced with other qualifying property.

One such provision permits deferral of gain when property is involuntarily converted into money—for example, when it is destroyed or condemned—and the taxpayer replaces the property with similar property within a specified period.

Another permits deferral of gain on the sale of principal resident if a new principal residence is acquired within a specified period.

Congress recently has been reexamning the tax treatment of capital gains. Congress has been considering proposals to reduce the holding period and index the capital asset basis. Frequently, these proposals are justified on the ground that they will increase productive investment.

Small businesses are the most productive investments of all. The White House Commission found that, between 1969 and 1976, small businesses created 86.7 percent of new private sector jobs; and the National Science Foundation found that, for every R&D dollar, small businesses produced many more innovations than other businesses. Nevertheless, small businesses often have trouble raising capital from traditional resources.

Given this trouble, it is appropriate for Congress to consider proposals for adjusting the tax system to encourage investments in small businesses.

Section 3 embodies one such proposal, a capital gains deferral, or rollover. Generally, section 3 provides that if property is sold or exchanged and, within a 1-year period, any gain is reinvested in a qualified small business investment, the taxpayer may elect to rollover the gain; that is, to recognize the gain only to the extent that it exceeds the cost of the qualified investment.

Three technical provisions are important. First, the test for determining whether a business is a qualified small business so that investments in it are eligible for rollover treatment is whether it has average gross earnings of $2 million or less—essentially the same test that is used for determining whether a business is an eligible small business under current section 474.

Second, the basis of any qualified small business investment property acquired under this provision would be reduced by the amount of gain not currently recognized.

Third, the provision would establish an extended statute of limitations for assessing any deficiency arising from a failure to reinvest in a qualifying investment within the permitted time period.

PENSION FUND INVESTMENTS

Pension funds are another important source of capital. To help small businesses draw from pension funds, LTFA section 4 permits businesses to borrow and lease from their own funds, on an arm's length basis and subject to strict guidelines.

Before 1974, transactions involving pensions and profit sharing trust funds were subject to section 503(b) of the 1954 Internal Revenue Code, which, consistently with the common law of trusts, limited transactions between employers and their employee trusts to those commonly characterized as arm's length transactions. Loans of employee trust funds had to be adequately secured and had to earn a reasonable rate of interest. Fair and adequate consideration had to be paid for property purchased or leased from a trust, and the trust could not pay more than fair and adequate consideration for property purchased by the trust or for services provided to the trust.

In 1974, Congress, reacting to pension plan abuses, passed the Employee Retirement Income Security Act, or ERISA. Among other things, ERISA established a new set of prohibited transaction rules that prohibit transactions, even arm's length ones, between a pension plan and the employer maintaining the plan, unless the transaction is approved by the Secretary of Labor, who now has a substantial backlog of approval applications.

Mr. President, ERISA provides important protection for working people; that protection should not be significantly reduced. However, the prohibited transaction rules have had the unintended side effect of draining pension capital away from small businesses and small towns and into blue chip giant businesses and international money centers.

Given this unintended side effect, it may be possible to amend ERISA to increase small businesses' ability to draw from their own pension funds, without significantly reducing ERISA's protection.

That is what section 4 attempts to do. Basically, it establishes a new exception to the prohibited transaction rules. This exception permits a pension plan to make secured loans and leases to the employer maintaining the plan, as long as loans are for 10 years or less and are at competitive rates, leases are made at arm's-length, and the total amount of such loans and leases does not comprise more than 50 percent of the plan's assets.

Mr. President, I am very concerned about protecting working people's pension rights. I propose LTFA section 4 as a focus for debate, so that we can carefully consider whether we can maintain ERISA's protections without unnecessarily draining an important potential source of capital away from small businesses.

THE SMALL BUSINESS TAX SIMPLIFICATION ACT

Small businesses face heavy Federal paperwork burdens. Many of the burdens originate in the Tax Code.

Several major efforts to revise and simplify the corporate tax code now are underway, such as Senator BRADLEY's Fair Tax Act and the Senate Finance Committee staff's subchapter C review. But these efforts may not be concluded, if at all, for several years.

The Small Business Tax Simplification Act (TSA) would make more modest, but nevertheless important, tax simplification reforms, focused specifically on small business. It would do so in three ways: by reducing the payroll tax deposit payment requirement, by increasing the allowance for direct expensing of capital assets, and by expanding the permissibility of cash accounting.

PAYROLL TAX DEPOSIT DATE RELIEF

The most significant tax for small business is the payroll tax. This tax has been increasing steadily, from about 6 percent of Federal revenue in 1946 to about 30 percent now; and so has the paperwork associated with it. To reduce this paperwork, TSA section 2 permits some small businesses to file payroll tax payments less frequently than they otherwise would have to.

Under current law, all employees must withhold Federal FICA and income taxes from employee's paychecks and deposit them with the IRS, according to a schedule established by IRS regulations. Those regulations require employers whose monthly deposits are more than $500 but less than $3,000 to make their deposits once a month, and employers whose monthly deposits are more than $3,000 to make their deposits eight times a month.

For a small business, the difference between the two schedules is substantial. The accelerated eight-times-a-month schedule substantially increases paperwork and the likelihood of confusion, mistakes, and unnecessary confrontations with the IRS.

TSA section 2 would provide relief for these very small businesses. Specifically, it would increase the accelerated payment schedule threshold from $3,000 to $5,000—a level that generally includes businesses employing 20 or fewer employees. That way, it would reduce paperwork burdens and increase cash flow.

Mr. President, earlier this year, the Senate unanimously adopted a similar provision, which Senator ARMSTRONG and I sponsored, as part of its social security bill. That provision was unfortunately deleted in conference. This time, I hope we not only pass the provision, but quickly enact it into law.

CASH ACCOUNTING

Another major source of small businesses' tax-related paperwork is the rule that businesses that use inventories must use the accrual method of tax accounting. To reduce this paperwork, TSA section 3 creates a small business exception to the rule.

Under current law, businesses ordinarily must use the tax accounting method they use to keep their books, as long as that method clearly reflects income. Generally, this means they may use either the cash method or the accrual method as long as each clearly reflects income. Under the cash method of accounting, amounts are included in income when received; expenses are deducted when paid. Under the accrual method of accounting, amounts are included in income when all events have occurred to fix the right to receive the income and the amount of income can be estimated with reasonable accuracy. However, if, for a given business, the production, purchase, or sale of merchandise is an income-producing factor, that business must use the accrual method of tax accounting.

This current law system frequently requires small businesses to use the accrual method even though, as the SEC forum recently concluded, it disproportionately affects small businesses, because it extracts capital when most needed to finance startup costs, inventory accumulation, and needed receivables. Often the result is the early failure of desirable small businesses.

To reduce this problem, TSA section 3 creates a small business exception to the accrual method requirement. Section 3 permits qualified small businesses to use the cash method of accounting whether or not they are required to use inventories. Thus, taxpayers who make the election would include sales in income when proceeds are received and deduct all noncapital expenditures, including inventoriable costs, when paid.

The test for determining whether a small business is a qualified small business eligible for this exception is essentially the same as under LTFA section 4—whether it has average annual gross receipts of $2 million or less.

To prevent businesses from using the exception to evade taxes by manipulating inventories, section 3 contains two safeguards. First, the exception is limited to taxpayers who are active participants in the business. Second, the exception is limited to taxpayers whose inventories do not exceed the reasonable needs of the business.

EXPENSING THE FIRST $100,000 OF ANNUAL CAPITAL ASSET PURCHASES

Depreciation rules are among the most complicated tax rules for small businesses. Even after the 1981 ERTA depreciation revisions, small businesses frequently must manage hundreds of vintage accounts and depreciate each separately. TSA section 4 would simplify this system, for small businesses, by permitting them to expense their first $100,000 worth of capital assets each year.

Under current law, a business may elect to treat the purchase of up to $5,000 a year worth of business assets as a current, rather than a depreciable, expense; the amount increases to $10,000 by 1986.

If the direct expensing amount were increased even further for small businesses, their bookkeeping would be dramatically simplified. In fact, if the amount were increased to $100,000, many small businesses could write off their annual purchases of business assets like cars, machinery, and equipment without resorting to complicated depreciation rules.

TSA section 4 would accomplish this. It would permit a qualified small business to treat $100,000 worth of annual business purchases as a direct expense immediately deductible. At the same time, it would deny those businesses the extra investment tax credit for such purchases, thereby making the overall deduction system simpler.

The test for determining whether a business is a qualified small business is essentially the same as under LTFA section 4 and TSA section 3—whether it has average gross receipts of $2 million or less.

CONCLUSION

Over the past few years, several tax reforms important to small business have been enacted, including the reduced corporate surtax, the increased direct expensing amount, ACRS, the increased estate tax unified credit and reduced estate tax rate, and subchapter S reform.

Nevertheless, small businesses still face increased payroll taxes, which more than offset other reductions, and increased tax complexity; what is more, they typically cannot hire the sophisticated experts who have enabled many giant corporations to reduce their corporate tax to almost nothing.

As a result, small businesses suffer an ever-increasing tax burden. When this burden is coupled with increased barriers to obtaining capital, the small business picture remains bleak indeed.

To brighten the picture, we must take further steps to help small businesses raise capital and simplify their tax returns. That is what the bills I am introducing today are intended to do.

At the same time, I recognize that some of these bills' provisions may create a short-term Federal revenue loss. Given this, and given our current concern about reducing Federal budget deficits, it may be impossible to pass all of the provisions of both bills now. Nevertheless, I hope to use these bills to help focus our attention on the need to work diligently, over the long term, to improve the small business climate so that small businesses can create more and more jobs.

I ask unanimous consent that the text of both bills be inserted in the RECORD immediately after my statement.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Long-Term Financing Act of 1983".

SEC. 2. REDUCTION OF CORPORATE INCOME TAX.

(a) IN GENERAL.—Subsection (b) of section 11 of the Internal Revenue Code of 1954 (relating to amount of corporate income tax) is amended to read as follows:

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be determined in accordance with the following table:

"If taxable income is:	The tax is:
Not over $25,000	12% of taxable income.
Over $25,000 but not over $50,000.	$3,000, plus 15% of the excess over $25,000.
Over $50,000 but not over $100,000.	$6,750, plus 20% of the excess over $50,000.
Over $100,000 but not over $150,000.	$16,750, plus 30% of the excess over $100,000.
Over $150,000 but not over $200,000.	$31,750, plus 40% of the excess over $150,000.
Over $200,000	$51,750, plus 46% of the excess over $200,000.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of enactment of this Act.

SEC. 3. ROLLOVER OF GAIN ON CERTAIN SALES OR EXCHANGES.

(a) IN GENERAL.—Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1954 (relating to common nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1041. ROLLOVER OF GAIN ON THE SALE OF PROPERTY USED TO INVEST IN SMALL BUSINESS.

"(a) IN GENERAL.—If a taxpayer purchases any small business investment property within the period which begins 6 months prior to the date on which any property of such taxpayer is sold or exchanged and ends 6 months after such date, gain shall be recognized on such sale or exchange only to the extent that the gain realized on such sale or exchange exceeds the cost of such small business investment property.

"(b) SMALL BUSINESS INVESTMENT PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'small business investment property' means—

"(A) any section 38 property (within the meaning of section 48 (a)) used in carrying on a qualified small business, or

"(B) any security of a qualified small business.

"(2) QUALIFIED SMALL BUSINESS.—

"(A) IN GENERAL.—The term 'qualified small business' means any trade or business whose average annual gross receipts for the taxable year and the 2 preceding taxable years do not exceed $2,000,000.

"(B) CONTROLLED GROUPS.—In case of any trade or business conducted by a person who is a member of a controlled group, the gross receipts of all trades and businesses conducted by all other members of such controlled group shall be treated, for purposes of this paragraph, as gross receipts of the trade or business conducted by such person.

"(3) SECURITY.—The term 'security' means any—

"(A) share of stock in a corporation, or

"(B) bond, note, debenture, certificate, or other evidence of indebtedness issued by a corporation with interest coupons or in registered form.

"(c) BASIS OF ACQUIRED SMALL BUSINESS INVESTMENT PROPERTY.—If the acquisition of small business investment property by a taxpayer results in nonrecognition of any gain on the sale or exchange of other property of such taxpayer under subsection (a), the basis of such taxpayer in the acquired small business investment property shall be reduced by the amount of gain which was not so recognized. If such small business investment property consists of more than one item of property, the basis determined under the preceding sentence shall be allocated among such items in proportion to their respective costs.

"(d) DEFINITIONS; SPECIAL RULES.—For purposes of this section—

"(1) PURCHASE.—

"(A) IN GENERAL.—The term 'purchase' means any acquisition of property, but only if—

"(i) the property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707(b),

"(ii) the property is not acquired by one member of a controlled group from another member of the same controlled group, and

"(iii) the basis of the property in the hands of the person acquiring it is not determined—

"(I) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom such property was acquired, or

"(II) under section 1014(a) (relating to property acquired from a decedent).

"(B) SECURITY DEALERS.—No acquisition of a security by a dealer (within the meaning of section 2 (12) of the Securities Act of 1933) in the ordinary course of trade or business as a dealer shall be treated as a purchase of such security.

"(2) COST.—For purposes of this section, the cost of property does not include so much of the basis of such property as is determined by reference to the basis of other property held at any time by the person acquiring such property.

"(3) CONTROLLED GROUP.—Persons shall be treated as being members of a controlled group if such persons would be treated as a single employer under section 50B(g).

"(4) COST ONLY TAKEN INTO ACCOUNT ONCE.—Any portion of the cost of small business investment property which is taken into account under subsection (a) with respect to the nonrecognition of any gain shall not be taken into account under subsection (a) with respect to any other gain.

"(e) STATUTE OF LIMITATIONS.—If a taxpayer during a taxable year sells or exchanges any property at a gain, then—

"(1) the statutory period for the assessment of any deficiency attributable to any part of such gain shall not expire before the expiration of 3 years from the date the Secretary is notified by such taxpayer (in such manner as the Secretary may by regulations prescribe) of—

"(A) such taxpayer's cost of acquiring the small business investment property which such taxpayer claims results in nonrecognition of any part of such gain,

"(B) such taxpayer's intention not to acquire any small business investment property within the period which begins 6 months prior to the date of such sale or exchange and ends 6 months after such date, or

"(C) a failure to acquire any small business investment property within such period; and

"(2) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 381 of such Code (relating to carryovers in certain corporate acquisitions) is amended by inserting after paragraph (19) the following new paragraph:

"(20) SMALL BUSINESS INVESTMENT PROPERTY.—The acquiring corporation shall be treated as the distributor or transferor corporation after the date of distribution or transfer for purposes of applying section 1041.".

(2) Subsection (a) of section 1016 of such Code (relating to adjustments to basis) is amended—

(A) by striking out "and" at the end of paragraph (24),

(B) by striking out the period at the end of paragraph (25) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(26) to the extent provided in section 1041(c) in the case of the property the acquisition of which resulted in nonrecognition of gain on other property under section 1041(a);".

(3) Section 1223 of such Code (relating to holding period of property) is amended by redesignating paragraph (13) as paragraph (14) and inserting after paragraph (12) the following new paragraph:

"(13) In determining the period for which the taxpayer has held property, the acquisition for which resulted under section 1041 in nonrecognition of any part of the gain on the sale or exchange or any other property, there shall be included the period during which such other property was held by such taxpayer prior to such sale or exchange.".

(4) Paragraph (4) of section 1245(b) of such Code (relating to gain from disposition of certain depreciable assets) is amended by striking out "or 1033" and inserting in lieu thereof "1033, or 1041".

(5) Paragraph (4) of section 1250(d) of such Code (relating to gain from disposition of certain depreciable realty) is amended—

(A) by striking out "or 1033" in subparagraphs (A) and (E) and inserting in lieu thereof "1033, or 1041",

(B) by inserting "1041(a)" after "section 1033(a)(2)(A)" in subparagraph (B), and

(C) by inserting "or 1041(a)" after "section 1033(a)(2)" in subparagraph (C)(ii).

(6) Paragraph (2) of section 6212(c) of such Code (relating to notice of deficiency) is amended by inserting after subparagraph (C) the following new subparagraph:

"(D) Deficiency attributable to gain on the sale of property used to invest in small businesses, see section 1041(e).".

(7) Section 6504 of such Code (relating to cross references) is amended by adding at the end thereof the following new paragraph:

"(13) Gain on the sale or exchange of property used to invest in small businesses, see section 1041(e).".

(8) The table of sections for part III of subchapter O of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 1041. Rollover of gain on the sale of property used to invest in small businesses.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges of property made after the date of enactment of this Act.

SEC. 4. RETIREMENT INCOME ARRANGEMENTS.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) SPECIAL EXEMPTIONS.—Subsection (a) of section 408 of such Act (29 U.S.C. 1108(a)) is amended—

(A) by striking out "section 406(a)" in the sixth sentence and inserting in lieu thereof "section 406", and

(B) by inserting "with respect to plans described in section 4975(e)(1) of the Internal Revenue Code of 1954" after "this subsection" in the third sentence.

(2) EXEMPTIONS FOR CERTAIN LOANS, LEASES, AND SALES.—Subsection (b) of section 408 of such Act (29 U.S.C. 1108(b)) is amended by adding at the end thereof the following new paragraphs:

"(12) Any loan made by a defined contribution plan to an employer maintaining the plan who contributed at least 75 percent of the employer contributions under the plan for the preceding plan year if—

"(A) the loan bears a reasonable rate of interest which—

"(i) is consistent with the fiduciary duties under section 404, and

"(ii) is not less than the rate of interest which would be borne by comparable loans made to an unrelated third party in an arm's length transaction,

"(B) the loan is adequately secured,

"(C) the loan is limited to a term of not more than 120 months, and

"(D) immediately after the loan is made, the aggregate fair market value of the loans and personal property included in the assets of the plan does not exceed 50 percent of the aggregate fair market value of all assets of the plan.

"(13) The leasing of personal property between a defined contribution plan and an employer maintaining the plan who contributed at least 75 percent of the employer contributions under the plan for the preceding plan year if—

"(A) in the case of a lease under which the plan is the lessor, the consideration obtained from the lessee is not less than the consideration which would be obtained for a comparable lease entered into with an unrelated third party in an arm's length transaction,

"(B) in the case of a lease under which the plan is the lessee, the consideration obtained from the lessee is not more than the consideration which would be obtained for a comparable lease entered into with an unrelated third party in an arm's length transaction, and

"(C) immediately after the lease is made, the aggregate fair market value of the loans and personal property included in the assets of the plan does not exceed 50 percent of the aggregate fair market value of all assets of the plan.".

(3) EXTENSION OF PROHIBITED TRANSACTION EXEMPTION PROCEDURE TO OWNER-EMPLOYEES.—Subsection (d) of section 408 of such Act (29 U.S.C. 1108(d)) is amended by striking out "(a),".

(4) EXCLUSION FORM PLAN ASSETS OF INVESTMENTS IN POOLED SEPARATE ACCOUNTS OF INSURERS OR IN COLLECTIVE INVESTMENT FUNDS OF FINANCIAL INSTITUTIONS.—Section 408 of such Act (29 U.S.C. 1108) is amended by adding at the end thereof the following new subsection:

"(g)(1) For purposes of sections 406 and 407, the assets of a plan shall not include assets—

"(A) in a pooled separate account of an insurer; or

"(B) in a collective investment fund of a bank or similar financial institution supervised by the United States or a State.

"(2) For purposes of this subsection—

"(A) The term 'insurer' has the meaning set forth in section 401(b)(2)(A).

"(B)(i) The terms 'pooled separate account' and 'collective investment fund' mean, with respect to a plan, a separate account or fund—

"(I) in which plans of at least 5 plan sponsors who are not affiliates (including such plan) participate, and

"(II) in which no plan, either alone or together with plans of the same plan sponsor and its affiliates, has a 50 percent or more interest.

"(ii) For purposes of this subparagraph the term 'affiliate' means, with respect to a plan sponsor, any person if—

"(I) such person owns, directly or indirectly 50 percent or more of the outstanding ownership interest in such plan sponsor,

"(II) such plan sponsor owns, directly or indirectly, 50 percent or more of the outstanding ownership interest in such person,

"(III) 50 percent or more of the outstanding ownership interests of both such person and such plan sponsor are owned directly or indirectly by the same person or persons, or

"(IV) in any case in which both such person and such plan sponsor are an association, committee, joint board of trustees, or other similar group described in section 3(16)(B)(iii), 50 percent or more of the members of one of them are also members of the other.".

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954.—

(1) EXEMPTIONS FOR CERTAIN LOANS, LEASES, AND SALES.—Subsection (d) of section 4975 of such Code (relating to exemptions) is amended—

(A) by striking out "or" at the end of paragraph (14),

(B) by striking out the period at the end of paragraph (15) and inserting in lieu thereof a semicolon, and

(C) by inserting after paragraph (15) the following new paragraphs:

"(16) any loan made by a defined contribution plan to an employer maintaining the plan who contributed at least 75 percent of the employer contributions under the plan for the preceding plan year if—

"(A) the loan bears a reasonable rate of interest which—

"(i) is consistent with the fiduciary duties under section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104), and

"(ii) is not less than the rate of interest which would be borne by comparable loans made to an unrelated third party in an arm's length transaction,

"(B) the loan is adequately secured,

"(C) the loan is limited to a term of not more than 120 months, and

"(D) immediately after the loan is made, the aggregate fair market value of the loans and personal property included in the assets of the plan does not exceed 50 percent of the aggregate fair market value of all assets of the plan; or

"(17) the leasing of personal property between a defined contribution plan and an employer maintaining the plan who contributed at least 75 percent of the employer contributions under the plan for the preceding plan year if—

"(A) in the case of a lease under which the plan is the lessor, the consideration obtained from the lessee is not less than the consideration which would be obtained for a comparable lease entered into with an unrelated third party in an arm's length transaction,

"(B) in the case of a lease under which the plan is the lessee, the consideration obtained from the lessee is not more than the consideration which would be obtained for a comparable lease entered into with an unrelated third party in an arm's length transaction, and

"(C) immediately after the lease is made, the aggregate fair market value of the loans and personal property included in the assets of the plan does not exceed 50 percent of the aggregate fair market value of all assets of the plan.".

(2) EXCLUSION FROM PLAN ASSETS OF INVESTMENTS IN POOLED SEPARATE ACCOUNTS OF INSURERS OR IN COLLECTIVE INVESTMENT FUNDS OF FINANCIAL INSTITUTIONS.—Subsection (f) of section 4975 of such Code (relating to definitions and special rules) is amended by adding at the end thereof the following new paragraphs:

"(6) ASSETS.—The assets of a plan shall not include assets—

"(A) in a pooled separate account of an insurer; or

"(B) in a collective investment fund of a bank or similar financial institution supervised by the United States or a State.

"(7) INSURER.—The term 'insurer' has the meaning given to such term by 401(b)(2)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108 (b)(2)(A)).

"(8) POOLED SEPARATE ACCOUNT; COLLECTIVE INVESTMENT FUND.—The terms 'pooled separate account' and 'collective investment fund' mean, with respect to a plan, a separate account or fund—

"(A) in which plans of at least 5 plan sponsors who are not affiliates (including such plan) participate, and

"(B) in which no plan, either alone or together with plans of the same plan sponsor and its affiliates, has a 50 percent or more interest.

"(9) AFFILIATE.—The term 'affiliate means, with respect to a plan sponsor, any person if—

"(A) such person owns, directly or indirectly 50 percent or more of the outstanding ownership interest in such plan sponsor,

"(B) such plan sponsor owns, directly or indirectly, 50 percent or more of the outstanding ownership interest in such person,

"(C) 50 percent or more of the outstanding ownership interests of both such person and such plan sponsor are owned directly or indirectly by the same person or persons, or

"(D) in any case in which both such person and such plan sponsor are an association, committee, joint board of trustees, or other similar group described in section 3(16)(B)(iii) of the Employee Retirement Security Act of 1974 (29 U.S.C. 1002 (16)(B)(iii)), 50 percent or more of the members of one of them are also members of the other.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after the date of enactment of this Act.

S. 2044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Tax Simplification Act of 1983".

SEC. 2. TIME OF DEPOSIT OF FICA AND INCOME TAXES FOR CERTAIN EMPLOYERS.

(a) IN GENERAL.—Section 3501 of the Internal Revenue Code of 1954 (relating to collection and payment of taxes) is amended—

(1) by inserting "(a) COLLECTION AND PAYMENT.—" before "The"; and

(2) by adding at the end thereof the following new subsection.

"(b) TIME OF DEPOSIT FOR CERTAIN TAXES.—

"(1) IN GENERAL.—No employer shall be required to deposit qualified taxes prior to the date which is 15 days after the close of the calendar month in which such qualified taxes are required to be deducted and withheld by the employer if the aggregate amount of qualified taxes which are required to be deducted and withheld by the employer during such month does not exceed $5,000.

"(2) QUALIFIED TAXES.—For purposes of this subsection, the term 'qualified tax' means any tax which is—

"(A) required to be deducted and withheld by an employer under section 3102 or 3402, or

"(B) imposed upon such employer under section 3111.".

(b) CONFORMING AMENDMENT.—Section 6302(d) of such Code (relating to time or mode of collection) is amended by adding at the end thereof the following new paragraph:

"(3) For depositary requirements for certain employers, see section 3501(b).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar months beginning after the date of enactment of this Act.

SEC. 3. CERTAIN SMALL BUSINESSES PERMITTED USE OF CASH RECEIPTS AND DISBURSEMENTS METHOD OF ACCOUNTING WITHOUT REGARD TO INVENTORIES.

(a) IN GENERAL.—Section 471 of the Internal Revenue Code of 1954 (relating to general rule for inventories) is amended by adding at the end thereof the following:

(b) ELECTION BY CERTAIN SMALL BUSINESSES TO USE CASH RECEIPTS AND DISBURSEMENTS METHOD OF ACCOUNTING.—

"(1) CASH RECEIPTS METHOD.—A taxpayer may elect the cash receipts and disbursements method of accounting without regard to any requirement to use inventories if such taxpayer is a qualified small business for the taxable year and the 2 preceding taxable years.

"(2) QUALIFIED SMALL BUSINESS DEFINED.—For purposes of this subsection, the term 'qualified small business' means any person engaged in a trade or business if—

"(A) the average annual gross receipts of the taxpayer do not exceed $2,000,000 for the taxable year, and

"(B) at all times during the taxable year, active participants in such trade or business own—

"(i) in the case of trade or business other than a corporation, at least 50 percent of the capital and profits interests in such trade or business, and

"(ii) in the case of a corporation—

"(I) stock possessing at least 50 percent of the total combined voting power of all classes of stock of the corporation entitled to vote, and

"(II) at least 50 percent of the total value of shares of all other classes of stock of the corporation.

"(3) ACTIVE PARTICIPANT.—For purposes of this subsection, the term 'active participant' means an individual—

"(A) who is actively involved in the management of the trade or business, and

"(B) whose principal business activity is such trade or business.

"(4) NO APPLICATION IN THE CASE OF EXCESS INVENTORIES.—

"(A) IN GENERAL.—This subsection shall not apply in the case of any taxpayer whose inventories at the end of any taxable year are in excess of the reasonable needs of the trade or business of the taxpayer.

"(B) CERTAIN INCREASED LEVELS OF INVENTORIES ALLOWED.—For purposes of subparagraph (A), inventories which exceed the ordinary needs of the trade or business of the taxpayer shall be treated as being within the reasonable needs of such trade or business if—

"(i) the taxpayer demonstrated (by means other than the increasing of inventories) an intent to expand such trade or business, or

"(ii) such inventories are—

"(I) necessary in order to meet a reasonably anticipated increase in market demand for the items of such inventories, or

"(II) necessary due to seasonal factors.

"(5) SPECIAL RULES.—For purposes of this subsection—

"(A) CONTROLLED GROUPS.—

"(i) IN GENERAL.—In the case of a taxpayer which is a member of a controlled group, all persons which are component members of such group at any time during the calendar year shall be treated as a single taxpayer for such year for purposes of determining the gross receipts of the taxpayer.

"(ii) CONTROLLED GROUP DEFINED.—Persons shall be treated as being members of a controlled group if such persons would be treated as a single employer under section 50B(g).

"(B) COORDINATED WITH SECTION 481.—In the case of a taxpayer who changes its method of accounting by reason of an election under this subsection, under regulations prescribed by the Secretary, the net amount of adjustments required by section 481(a)(2) to be taken into account by the taxpayer in computing taxable income shall be so taken into account in each of the 10 taxable years beginning with the year of change.

"(C) ELECTION.—

"(i) IN GENERAL.—The election under this subsection may be made without the consent of the Secretary and shall be made at such time and in such manner as the Secretary may by regulations prescribe.

"(ii) PERIOD TO WHICH ELECTION APPLIES.—The election under this subsection shall apply—

"(I) to the taxable year for which it is made, and

"(II) for all subsequent taxable years for which the taxpayer is a qualified small business,

unless the taxpayer secures the consent of the Secretary to the revocation of such election.".

(b) TECHNICAL AMENDMENT.—Section 471 of such Code is amended by striking out "Whenever in the opinion" and inserting in lieu thereof the following:

"(a) GENERAL RULE.—Except as provided in subsection (b), whenever in the opinion".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

SEC. 4. EXPENSING OF DEPRECIABLE BUSINESS ASSETS OF SMALL BUSINESSES.

(a) IN GENERAL.—Subsection (b) of section 179 of the Internal Revenue Code of 1954 (relating to expensing of depreciable business assets) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) QUALIFIED SMALL BUSINESSES.—In the case of a qualified small business (within the meaning of section 471(b)(2)), the aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $100,000.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 179(b) of such Code (relating to dollar limitation) is amended by striking out "The aggregate" and inserting in lieu thereof "Except as provided in paragraph (2), the aggregate".

(2) Paragraph (3) of section 179(b) of such Code (relating to married individuals filing separately), as redesignated by subsection (a), is amended—

(A) by striking out "paragraph (1) shall" and inserting in lieu thereof "paragraph (1) or (2) shall", and

(B) by striking out "determined under paragraph (1)" and inserting in lieu thereof "determined under such paragraph".

(c) EFFECTIVE DATE.—The amendments made by this secion shall apply to taxable years beginning after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 555

At the request of Mr. MOYNIHAN, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 555, a bill to stop the proliferation of "cop-killer" bullets.

S. 996

At the request of Mrs. KASSEBAUM, the name of the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 996, a bill to amend the Natural Gas Policy Act of 1978 to limit natural gas prices and to improve natural gas pricing and marketing practices, and for other purposes.

S. 1059

At the request of Mr. DENTON, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1059, a bill to provide that it shall be unlawful to deny equal access to students in public schools and public colleges who wish to meet voluntarily for religious purposes and to provide district courts with jurisdiction over violations of this Act.

S. 1144

At the request of Mr. HEINZ, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1144, a bill to suspend periodic reviews of disability beneficiaries having mental impairments pending regulatory reform of the disability determination process.

S. 1145

At the request of Mr. DENTON, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1145, a bill to recognize the organization known as the Catholic War Veterans of the United States of America, Inc.

S. 1407

At the request of Mr. EXON, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 1407, a bill to protect purchasers of used automobiles from fraudulent practices associated with automobile odometer modifications, and for other purposes.

S. 1429

At the request of Mr. BUMPERS, his name was added as a cosponsor of S. 1429, a bill to amend the Small Business Development Act of 1980.

S. 1510

At the request of Mr. DURENBERGER, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 1510, a bill to establish uniform single financial audit requirements for State and local governments and nonprofit organizations and other recipients of Federal assistance, and for other purposes.

S. 1679

At the request of Mr. TRIBLE, the names of the Senator from Florida (Mr. CHILES), the Senator from New York (Mr. MOYNIHAN), the Senator from Wisconsin (Mr. KASTEN), the Senator from North Carolina (Mr. HELMS), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1679, a bill to amend the Federal Financing Bank Act of 1973 to require that programs financed through the Federal Financing Bank be included in the Federal budget, to require that certain types of obligations be offered for sale to the Bank, and for other purposes.

S. 1708

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1708, a bill to amend part D of title IV of the Social Security Act to assure that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of the economic status of their parents and that parents prevent their children from becoming a burden on taxpayers by fulfilling, to the best of their ability, their financial obligations on behalf of their children.

S. 1748

At the request of Mr. EAST, the name of the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of S. 1748, a bill to amend the National Labor Relations Act to apply explicitly the right-to-work laws of a State to Federal enclaves within the boundaries of that State.

S. 1762

At the request of Mr. THURMOND, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1762, a bill entitled the "Comprehensive Crime Control Act of 1983."

S. 1893

At the request of Mr. D'AMATO, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1893, a bill to prohibit foreign assistance to any member country of the United Nations that fails to vote in favor of resolutions deploying the Soviet attack on Korean Air Lines flight 007, or has failed to vote in favor of such resolutions already considered.

S. 1913

At the request of Mr. HUDDLESTON, the names of the Senator from Nebraska (Mr. EXON), the Senator from Alabama (Mr. HEFLIN), the Senator from Connecticut (Mr. WEICKER), and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1978

At the request of Mr. DOLE, the names of the Senator from Washington (Mr. GORTON), and the Senator from Maine (Mr. COHEN) were added as cosponsors of S. 1978, a bill to amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to assure equality of economic opportunities for women and men under retirement plans.

S. 2005

At the request of Mr. HELMS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2005, a bill to expand markets for U.S. agricultural products through increased targeting of Commodity Credit Corporation export funds, expanded exports of Commodity Credit Corporation dairy products, and expanded authority for the use of Commodity Credit Corporation stocks to facilitate export sales, to emphasize the need for increased exports of processed and protein fortified agricultural products, and for other purposes.

S. 2014

At the request of Mr. SPECTER, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 2014, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide assistance in locating missing children.

S. 2016

At the request of Mr. ZORINSKY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2016, a bill to allow State agencies to continue to elect to use a system of retrospective accounting for the purpose of determining benefits under the Food Stamp Act of 1977, and for other purposes.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theater Week."

SENATE JOINT RESOLUTION 132

At the request of Mr. RIEGLE, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of Senate Joint Resolution 132, a joint resolution to designate the week beginning August 7, 1983, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 181

At the request of Mr. BENTSEN, the names of the Senator from Michigan (Mr. RIEGLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Massachusetts (Mr. TSONGAS), the Senator from North Dakota (Mr. ANDREWS), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Joint Resolution 181, a joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

SENATE JOINT RESOLUTION 191

At the request of Mr. BYRD, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Joint Resolution 191, a joint resolution to require the Office of Federal Procurement Policy to review certain procurement practices and procedures of the Department of Defense and to report its findings, conclusions, and recommendations to the Congress.

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. DOMENICI, the names of the Senator from Virginia (Mr. WARNER), the Senator from North Carolina (Mr. HELMS), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of Senate Concurrent Resolution 70, a concurrent resolution expressing the sense of the Congress regarding actions the President should take to commemorate the anniversary of the Ukrainian famine of 1932-33.

SENATE CONCURRENT RESOLUTION 74

At the request of Mr. TSONGAS, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Concurrent Resolution 74, a concurrent resolution to encourage and support the people of Afghanistan in their struggle to be free from foreign domination.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. BYRD, his name was added as a cosponsor of Senate Concurrent Resolution 78, a concurrent resolution to establish a Commission on Civil Rights in the legislative branch of the Federal Government.

At the request of Mr. BIDEN, the names of the Senator from Michigan (Mr. RIEGLE), the Senator from Maine (Mr. MITCHELL), the Senator from Kentucky (Mr. FORD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Colorado (Mr. HART), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Montana (Mr. BAUCUS), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Michigan (Mr. LEVIN), the Senator from Illinois (Mr. DIXON), the Senator from Oklahoma (Mr. BOREN), the Senator from Connecticut (Mr. WEICKER), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Missouri (Mr. EAGLETON), the Senator from Connecticut (Mr. DODD), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Maryland (Mr. SARBANES), the Senator from California (Mr. CRANSTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Maryland (Mr. MATHIAS), the Senator from Arkansas (Mr. BUMPERS), the Senator from Arkansas (Mr. PRYOR), the Senator from Florida (Mr. CHILES), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Vermont (Mr. STAFFORD), the Senator from North Dakota (Mr. BURDICK), the Senator from Montana (Mr. MELCHER), the Senator from Vermont (Mr. LEAHY), the Senator from Georgia (Mr. NUNN), the Senator from Illinois (Mr. PERCY), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Tennessee (Mr. SASSER), the Senator from Ohio (Mr. GLENN), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Rhode Island (Mr. PELL), the Senator from Washington (Mr. GORTON), the Senator from North Dakota (Mr. ANDREWS), the Senator from New York (Mr. MOYNIHAN), the Senator from Nebraska (Mr. EXON), the Senator from Maine (Mr. COHEN), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Washington (Mr. EVANS) were added as cosponsors of Senate Current Resolution 78, supra.

SENATE CONCURRENT RESOLUTION 81

At the request of Mr. QUAYLE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Concurrent Resolution 81, a concurrent resolution expressing the sense of the Congress with respect to the urgency of extending the Japanese automobile export restraints beyond March 31, 1984, at the current level of 1,680,000 vehicles, to foster recovery and reduce high unemployment in the American automobile industry.

SENATE CONCURRENT RESOLUTION 83—ESTABLISHING A COMMISSION ON PAY EQUITY

Mr. EVANS submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 83

Resolved by the Senate (the House of Representatives concurring), That this resolution may be cited as the "Commission on Pay Equity."

DECLARATION OF POLICY

SEC. 2. It is the policy of Congress that men and women who serve in the legislative branch of the Federal Government should receive equal pay for jobs, which although not identical in nature, are comparable in skill, effort, responsibility, and working conditions, and such mandate should be vigorously enforced.

ESTABLISHMENT OF COMMISSION

SEC. 3. (a) For the purpose of carrying out the policy set forth in section 2, there is established a commission to be known as the Commission on Pay Equity (hereafter in this resolution referred to as the "Commission").

(b) The Commission shall consist of twelve members as follows:

(1) six members of the Commission shall be appointed by the President pro tempore of the Senate, upon the recommendations of the Majority Leader and the Minority Leader, no more than three of whom shall be from the same political party; and

(2) six members of the Commission shall be appointed by the Speaker of the House of Representatives, upon the recommendations of the Majority Leader and the Minority Leader, no more than three of whom shall be from the same political party.

(c) The members of the Commission shall be individuals who possess the demonstrated capacities to discharge the duties imposed on the Commission, and who have expertise in the study of the issue of pay equity.

(d) The Speaker of the House of Representatives and the President pro tempore of the Senate jointly may remove a member of the Commission only for neglect of duty or malfeasance in office.

(e) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made, subject to the same limitation with respect to party affiliation.

(f) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(g) Seven members of the Commission shall constitute a quorum for the transaction of business, but the Commission may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

FUNCTIONS

SEC. 4. In carrying out the policy set forth in section 2, the Commission shall—

(1) retain the services of a private contractor to institute a pilot study of the compensation paid to job classes in the legislative branch of the Federal Government to determine whether the compensation system is in compliance with pay equity as required by the laws of the United States, and

(2) establish a comprehensive plan to ensure equity in the pay system of the legislative branch if the results of this pilot study as described in section 4 (1) conclude that wage differentials exist.

(3) pursuant to the findings of such study, make recommendations on methods to ensure the effective implementation of pay equity laws applicable to the legislative branch of the Federal Government; and otherwise, to ensure pay equity in the legislative branch.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to:

(1) appoint, terminate, and fix the compensation without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates of such personnel as it deems advisable to assist in the performance of its duties, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(2) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services (including the services of a private contractor described in section 4(1)) to the same extent as is authorized by law for agencies in the executive branch but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule.

(b) Service of an individual as a member of the Commission, or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Commission, or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(c) The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

COMPENSATION OF MEMBERS

SEC. 6. (a) Each member of the Commission who is in the service of the Government of the United States shall serve on the Commission without additional compensation. Each member of the Commission who is not in the service of the Government of the United States shall be paid at a rate not to exceed a rate equal to the maximum daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of duties as a member of the Commission.

(b) All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission in accordance with subchapter I of chapter 57 of title 5, United States Code.

POWERS OF THE COMMISSION

SEC. 7. (a)(1) The Commission or, on the authorization of the Commission, any subcommittee thereof or any member authorized by the Commission may, for the purpose of carrying out this resolution, hold such hearings and sit and act at such times and places, take such testimony, have such printing and binding done, enter into such contracts and other arrangements (with or without consideration or bond, to such extent or in such amounts as are provided in appropriation Acts, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), make such expenditures, and take such other actions as the Commission or such member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such member.

(2) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this resolution.

(b) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require for the purpose of this resolution, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

(c) Upon request of the Commission, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out its duties under this resolution, unless the head of such agency determines that urgent, overriding reasons will not permit the agency to make such facilities, services, or personnel available to the Commission and so notifies the Chairman in writing.

(d) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) No officer or agency of the United States shall require the Commission to submit any report, recommendation, or other matter to any such officer or agency for approval, comment, or review before submitting such report, recommendation, or other matter to the Congress.

REPORTS AND TERMINATION OF THE COMMISSION

SEC. 8. (a) The Commission shall prepare and submit to the Congress such interim reports as the Commission deems to be appropriate and a final report not later than one year after the first meeting of the Commission.

(b) Thirty days after the submission to the Congress of its final report the Commission shall cease to exist.

EXPENSES OF THE COMMISSION

SEC. 9. Expenses of the Commission under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Commission.

Mr. EVANS. Mr. President, today I am submitting Senate Concurrent Resolution 83, to establish a legislative commission on pay equity, or as it is often called—comparable worth.

The notion of comparable worth calls for correcting the practice of paying women less than men for work that requires comparable skill, effort, responsibility, and working conditions.

It should be our intent, Mr. President, to consolidate the efforts of the Federal Government to eliminate wage differentials between male and female dominated jobs. This measure will focus on the enforcement of existing Federal laws which erase wage discrimination based on sex; namely title VII of the Civil Rights Act and title V of the United States Code.

Over the past two decades, women with the same level of education as men have entered the labor force in droves. Their salaries, however, have not been equivalent. In 1981, a National Academy of Sciences report concluded that the mean earnings of year-round, full-time civilian workers 18 years old and older illustrated a growing wage gap between men and women employees. According to the study men were earning an average of $17,547, and women earned an average salary of $9,939. Thus women were paid approximately 59 cents for every dollar earned by their male counterparts.

What we have is a situation where professions dominated by women receive substantially lower wages than those dominated by men. For example, the professions of practical nurse and correctional officer are considered comparable by the National Academy of Sciences study. Yet, correctional officers receive an annual salary of $17,232 and practical nurses' annual salary is $12,360.

This kind of underpayment by profession is discriminatory, inequitable, and unjust. Eight million American families are headed by women and one-third of these families live in poverty. We as a nation cannot afford this continued discrepancy.

Wage discrimination is without question unlawful under title VII of the Civil Rights Act. This was resolved in the landmark decision of the Supreme Court, Gunther against County of Washington. The Court ruled that an employer is violating title VII if a female worker's wages are below the value determined by the employer's own objective job evaluation, and a male worker's wages are fully valued. The Court concluded that Congress intended title VII to prohibit all practices which create inequality of employment opportunity and discriminate on the basis of race, religion, sex or national orgin.

The conclusion of the Supreme Court in Gunther was echoed recently in a Federal district court case, Washington Federation of State Employees against State of Washington involving the wage-setting practices of the State of Washington. The district court held the State of Washington in violation of title VII for setting the wages in job categories dominated by women below the levels paid in other categories requiring comparable skills and background.

I ask unanimous consent that the article "An Update on Washington State" by Helen Remick of the University of Washington, and the accompanying chart, be printed in the RECORD at the conclusion of my remarks.

Mr. President, the legislation that I have submitted today calls for Congress to convene a commission to study how the Federal Government and in particular the legislative branch, evaluate their labor forces—rooting out gender bias and outmoded concepts of worth. The deliberations of such a commission would clarify the concept of pay equity and establish a coherent procedure for its enforcement.

Mr. President, my legislation is essentially, patterned after the efforts of my administration when I was Governor of the State of Washington. The legislative commission I am proposing would have three functions.

First, it would hire a private contractor to conduct a pilot study of the existing wage structures in the legislative branch. An independent contractor would help insure nonbiased, nonpartisan activity of the commission. This is exactly what we did in Washington State in 1974. We hired John Willis and Associates, private management consultants, to examine and identify salary differences based on relative worth, especially in job classes predominantly filled by men compared to job classes predominantly filled by women.

Based upon the findings of the independent study, the second function of the commission requires development of benchmarks to identify jobs of comparable value where there are significant wage differentials. In the State of Washington "Phase II" of the Willis pilot study evaluated the State of Washington's job classifications against the benchmarks established in the pilot survey.

The third function requires the commission to make recommendations to the Congress on how we can develop methods to insure that existing Federal laws that insure pay equity are enforced. This final step is necessary if we are to bring together the commission's deliberations so that a viable solution can be offered to the Congress.

Mr. President, it is important to note that comparable worth is a fairness issue. It does not involve giving special consideration to special people. It simply means paying people a fair wage for their contribution.

Historically the Federal Government has been in the forefront of efforts to end discrimination. Once again, it is time for the Federal Government, with its 3 million employees, to provide a standard for the private sector, and at the same time, get its own house in order.

There being no objection, the material mentioned was ordered to be printed in the RECORD, as follows:

AN UPDATE ON WASHINGTON STATE

(By Helen Remick)

In 1974, the State of Washington used a point factor job evaluation system to assess the relative, or comparable, worth of a selected group of sex segregated positions in the State civil service system. This study (see Remick, Public Personnel Management, Dec. 1981, Vol. 10, No. 4, pp. 371-383 for details) was the first such study conducted for the specific purpose of determining whether an employer had differential rates of compensation for sex segregated jobs. The study showed female-dominated jobs to be compensated at an overall rate approximately 20 per cent below that of male-dominated jobs. The State used surveys of prevailing wages paid by private and other public employers in the State to set wages for State workers, thus making these findings representative of salary rates in all sectors of the State of Washington.

This study was updated in 1976 and 1980 and has since become the model for similar studies in many States and other jurisdictions. Connecticut, for example, hired the same consulting firm to conduct a similar study, and California used Washington data on which to base its recommendations of job classes to include for comparable worth adjustments in collective bargaining.

Considering the lead role Washington had in delineating the issue of comparable worth, the State might be seen as moving slowly toward implementation. Perhaps there was some need to pause while the concept gained wider acknowledgment and support. Events in the State in the last year or so have put us back to the fore with activity on two fronts: legislation and litigation.

LEGISLATION

In the 1982 legislative session, a bill was introduced committing the State to the concept of comparable worth but including no appropriation. The specific language provided:

"The [two personnel boards] shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for: . . . (16) Adoption and revision of salary schedules and compensation plans which reflect the prevailing rates in Washington State private industries and other governmental units for positions of a similar nature *but the rates in the salary schedules or plans shall be increased if necessary to provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions under an implementation plan under section 3 of this 1982 act* and which shall be competitive in the state or the locality in which the institution or related boards are located,. . .

Sec. 3. *Salary changes necessary to achieve comparable worth, providing similar salaries for positions that require or impose responsibilities, judgment, knowledge, skills, and working conditions, shall be implemented beginning with the 1983-85 biennium under a schedule developed by the department in cooperation* [between the two personnel boards]. *Increases in salaries and compensation solely for the purpose of achieving comparable worth shall be made at least annually. Comparable worth for the jobs of all employees under this chapter and chapter 28B. 16 RCW shall be fully achieved not later than June 30, 1993.* (New language in italic.)

Legislators appeared to be very reluctant to go on record opposing comparable worth in an election year, even though the Republican dominated houses were also not enthusiastic about passage of the legislation. The bill passed through two Senate committees, the full Senate and three House committees with virtually no discussion (though *increase* was changed to *adjust* in a House committee) only to die at the end of the session without coming to a vote in the full House; Senate members were thus able to go on record as in full support of comparable worth, and House members did not have to vote against the bill in order to kill it.

The 1982 elections resulted in Democratic control of both houses, a turnabout in part attributed to the "gender gap." Between the two sessions of the Legislature, American Federation of State, County and Municipal Employees (AFSCME) filed suit against the State over comparable worth (see discussion below). The clerical workers at the University of Washington voted to affiliate with Service Employees International Union (SEIU) District 925, thus forming the largest single bargaining unit in the State (3,000 workers), even though State workers in Washington cannot bargain for wages, this unit made implementation of comparable worth one of its primary goals.

As the 1983 legislative session got underway, women legislators of both parties pushed comparable worth as a primary issue. The issue appeared in two forms; Eleanor Lee, a Republican Senator, reintroduced the bill committing the State to implementation of comparable worth, and Shirley Galloway, a Democratic Representative, inserted $1.5 million in the appropriations bill to begin implementation. Media coverage was better than previously, though it was frequently negative. The biggest battle was over whether the implementing language should say salaries could be increased (only up) or adjusted (up or down). Increase parallels remedies offered by the Equal Pay Act of 1963, which specifically states that salaries cannot be lowered to bring about equality; adjust costs less and may be easier to administer. The bill was introduced in the Senate as adjust, amended in committee to increase, passed in the Senate as increase, passed in House committees as increase, amended and passed on the House floor as adjust, concurrence refused in the Senate, then passed in the House as increase.

This harrowing chain of events spanned a regular and a special session and involved coalitions of feminist groups and some unions (AFSCME, SEIU and Washington State Nurses Association, especially) and strong efforts by women legislators of both parties with good support by many male legislators. The importance of having a substantial number of female legislators in both parties cannot be overstated. These women worked tirelessly to educate some of their colleagues to the importance of 1) women as constituents and 2) comparable worth as a primary concern of women. I witnessed several very spirited and pointed interactions on these topics.

When Republican Governor John Spellman signed the bill in June 1983, Washington became the third state to appropriate money to the implementation of comparable worth. Each state has chosen a very different path to the same goal. Washington, with no collective bargaining for wages of state workers, is committed to gradual implementation over 10 years of a job evaluation study (Willis and Associates). New Mexico, the first to appropriate funds, conducted no study but rather raised salaries of its lowest paid jobs, allocating $3.3 million; 86 percent of the affected workers are female, and the 14 percent male workers are primarily Hispanic or Native American. Minnesota had been the second state to pass legislation committing itself to comparable worth, basing the law on the results of a previously conducted job evaluation study (Hay and Associates). This state appropriated $21.7 million in May 1983, to be distributed through collective bargaining units to jobs identified in the study as being undercompensated; were this rate of increase repeated, study results would be implemented in only four years. California was the first to pass implementing legislation, requiring consideration of data from studies in other public jurisdictions as indicators of which California classifications might be undercompensated. Comparable worth adjustments are to be determined through collective bargaining, as of July 1983, such process had not yet taken place. It should be obvious from these examples that there is no one "correct" or necessary method of addressing the undercompensation associated with female-dominated jobs.

The Washington appropriation is at this time primarily symbolic; the incumbents in those jobs paid at least 20% less than the average rate of compensation will receive an extra $100 per year ($8.33 per month) for the year July 1984–June 1985. Such a gesture is nonetheless very large in a state with very high unemployment and recent severe budget cuts in State government. Further appropriations will not be made until 1985.

The see-saw between increase and adjust in Washington State addresses an important issue in the battles over implementation of comparable worth. Seen strictly as a "women's" issue, the object of comparable worth is to close the gap between men's and women's wages; exactly how is a secondary consideration. From the vantage point of some conservative legislators, comparable worth is seen as the means to accomplish what otherwise seems impossible: by adjusting the high wages of some state workers (all male) can be contained and brought into reasonable alignment with other jobs. To a unionist, comparable worth is acceptable only if it does not threaten the hard-earned economic status of other unionized (male-dominated) jobs. Supply and demand economists cannot understand or justify such tinkering with the natural state of free market economics; in any case, whatever fuzzy thinkers may want to do to women's wages, lowering of salaries is ridiculous since they have obviously been set by the interaction of supply and demand, and lower wages would cause workers shortages—which can only be corrected by raising wages in those jobs. Liberals see comparable worth as a chance to counteract the increasing feminization of poverty by raising wages of the working poor, virtually all of whom are female.

These groups are obviously not mutually exclusive (nor exhaustive); opinions on adjust versus increase seem to be formed by some kind of weighing of allegiance to these various points of view. Thus during legislative consideration of the bill, the cast of "characters" including liberal feminists who wanted comparable worth in either form; conservative male legislators who opposed it in any form; liberal male legislators who would be satisfied with increase only for lower paid jobs; conservative female legislators who preferred adjustments; feminist unionist who saw this as an essential issue for organizing women workers but who could only support increase in order to protect male members; and so forth. Coalitions for or against were very difficult to maintain, since the areas of common interest was often small and views on other bills divergent.

A compensation manager I know was recently asked her view on comparable worth and responded that, as a woman she favored it, as a compensation specialist she saw problems with implementation which need consideration, and as a manager she opposes the high cost of implementation. I think she was hoping someone else would make the decision as to how her institution would stand on the issue. It is this emotional load to the issue, the high level of conflict between and within individuals, which makes "rational" discussion of comparable worth sometimes difficult—but always interesting.

LITIGATION

In 1981, AFSCME filed a complaint against the State of Washington with U.S. Equal Employment Opportunity Commission alleging that:

"The State of Washington has and is discriminating on ground of sex in compensation against women employed in state service by establishing and maintaining wage rates or salaries for predominantly female job classifications that are less than wage rates for predominantly male job classifications that require equal or less skill, effort and responsibility. The State maintains these lower rates or salaries for predominantly female classifications although a study commissioned by the State itself establishes that many predominantly female jobs are discriminatorily underpaid. (Charge of Discrimination, *AFSCME* v. *State of Washington*, September 1981)."

This complaint was one of a number filed by AFSCME as part of a national commitment to litigation on comparable worth. In July 1982, AFSCME chose Washington as the focus of its efforts in this area and filed suit against the State. Trial was set to begin August 29, 1983 in Federal District Court, Tacoma, Washington.

In the U.S. Supreme Court decision on *Gunther v. County of Washington*, the Court said:

"We emphasize at the outset the narrowness of the question before us in this case. Respondents' claim is not based on the controversial concept of 'comparable worth,' under which plaintiffs might claim increased compensation on the basis of a comparison of the intrinsic worth of difficulty of their job with that of other jobs in the same organization or community. Rather, respondents seek to prove, by direct evidence, that their wages were depressed because of intentional sex discrimination, consisting of setting the wage scale for female guards, but not for male guards, at a level lower than its own survey of outside markets and the worth of the jobs warranted." (footnotes omitted)

I am writing several months before trial begins; nonetheless, it seems safe to assume that AFSCME will argue that the State intentionally discriminates against women employees by having "evidence" that female-dominated jobs receive lower rates of compensation than male-dominated jobs but refusing to address this difference. By relying on salary surveys of prevailing rates, the State therefore adversely affects women. Proof of intention will require additional evidence of a pattern of discrimination.

The State will most likely base its defense on the acceptability of the use of prevailing wages as a nondiscriminatory means of salary setting. Because of the Supreme Court's careful avoidance of comparable worth in the *Gunther* decision, it will be interesting to see whether the State tries to label the AFSCME case as "just comparable worth" and AFSCME to avoid the term "comparable worth" at all costs—such are the ironies of law!

The "market" defense is an interesting one and is possibly undergoing major change in the courts. The judges in the first two comparable worth cases brought under Title VII of the Civil Rights Act of 1964, *Christensen v. University of Northern Iowa and Lemons v. City and County of Denver*, concluded that differing rates to differing occupations could be justified by reference to market rates. In equal pay cases, such as *Brennan v. Corning Glass Works*, prevailing wages were specifically denied as a basis for salary discrepancies between men and women. More recently, the court in *Pittman v. Hattiesburg School District* concluded that market conditions could not be a defense for lower compensation in a race discrimination charge under Title VII. In *Neeley v. MARTA*, special approval for starting salaries exceeding 110 percent of a new employee's previous salary and subsequent fixed percentage salary raises were ruled discriminatory against women under Title VII because of societal patterns of lower wages to women. *Kouba v. Allstate*, an equal pay case brought under Title VII, also deals with market rates. The District Court issued a summary judgment (the outcome of the case was so "obvious" that no trial was needed) in favor of Kouba, ruling that Allstate's policy of basing entry salaries in part on previous salaries was discriminatory against women because of women's patterns of lower wages. The Ninth District Court of Appeals ruled that the issue was perhaps not so clear cut and ordered a trial so that the defense case could be presented. Trial is scheduled for next year.

However *AFSCME v. State of Washington* is argued and ruled, it will no doubt be appealed by the losing side, possibly to the US Supreme Court. Such appeals mean it will be several years at minimum before we have a definitive, or maybe only a slightly clearer, ruling on employer liability under the concept of comparable worth. At the rate at which states are now passing legislation committing their civil service systems to studies, the concept, or implementation, we may find widespread implementation in the public sector before the courts rule. Should the Presidency change parties in 1984, we would also see stepped up enforcement by EEOC and OFCCP using comparable worth as a tool. In any case, increasing public awareness of the wage gap between men and women, stepped-up union organizing of women-dominated fields and an increasing sense of self-worth in women are all creating a societal milieu in which some means of addressing salary inequities are inevitable.

SELECTED RESULTS OF THE WASHINGTON STATE COMPARABLE WORTH STUDY

Benchmark title	Evaluation points	Average annual salary, 1983–84	
		Male dominated	Female dominated
Warehouse worker	97	$17,030	
Delivery truck driver	97	19,367	
Laundry worker	105		$12,276
Telephone operator	118		11,770
Data entry operator	125		13,051
Intermediate clerk typist	129		12,161
Civil engineering technician	133	18,796	
Library technician	152		13,963
Licensed practical nurse	173		14,069
Auto mechanic	175	22,236	
Maintenance carpenter	197	22,870	
Secretary	197		14,857
Chemist	277	25,625	
Civil engineer	287	25,115	
Senior computer systems analyst	324	24,019	
Registered nurse	348		20,954
Librarian 3	353		21,969

AMENDMENTS SUBMITTED

TREASURY, POST OFFICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND RELATED AGENCIES APPROPRIATION ACT

INOUYE AMENDMENT NO. 2480

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (S. 1646) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1984, and for other purposes; as follows:

On page 33, between lines 11 and 12, insert the following:

SEC. 407. No funds made available by this or any other Act may be expended by the General Services Administration to sell, dispose, transfer, donate, or lease the real property and improvements known as the Hickam Air Force Base Administrative Annex (identified by the General Services Administration control number 9-D-H1-477-B) unless such sale, disposal, transfer, donation, or lease is to the State of Hawaii or any agency thereof for use for airport development purposes.

COMPREHENSIVE CRIME CONTROL ACT OF 1983

LAXALT AMENDMENT NO. 2481

Mr. LAXALT submitted an amendment intended to be proposed by him to the bill (S. 1762) entitled the "Comprehensive Crime Control Act of 1983"; as follows:

1. Amendment to Title II, S. 1762:

On page 132, lines 8 through 10, delete "454(b) of the Comprehensive Employment and Training Act of 1973, as added by section 2 of the Act of October 17, 1978 (29 U.S.C. 927(b))", and insert in lieu thereof "425(b) of the Job Training and Partnership Act".

2. Amendment to Title VI, S. 1762:

On page 287, line 12, after the word "this" and before the word "person's" insert "part if such".

3. Amendment to Title X, Part K, "Assaults Upon Federal Officers," to include United States Magistrates in 18 U.S.C. 1114, "Protection of Officers and Employees of the United States:"

On page 329, line 14, insert "or any United States magistrate," after "ficer,".

4. Amendments to Labor Racketeering Amendments in Title VIII of S. 1762, to conform to analogous provisions of the Senate-passed labor racketeering bill, S. 336:

On page 306, line 22, delete "and" and substitute in lieu thereof "or".

On page 310, line 15, insert ", other than in his capacity as a member of such labor organization," after "capacity".

On page 310, line 23, delete "and" and substitute in lieu thereof "or".

On page 312, lines 7 and 8, delete "or employee benefit plan".

On page 313, line 1, delete "1102" and substitute in lieu thereof "802".

On page 313, line 2, delete "1103" and substitute in lieu thereof "803".

On page 313, line 11, delete "1103 and 1104" and substitute in lieu thereof "803 and 804".

5. Amendment adding to Title XII of S. 1762, a new part relating to Department of Justice Internal Operating Guidelines:

At the end of the bill, add the following:

PART J—DEPARTMENT OF JUSTICE INTERNAL OPERATIONS GUIDELINES

SEC. 1211. The Attorney General shall, not later than twelve months after the date of enactment of this Act, provide a detailed report to the Congress concerning—

(1) the extent to which internal operating guidelines promulgated by the Attorney General for the direction of the investigative and prosecutorial activities of the Department of Justice have been relied upon by criminal defendants in courts of the United States as the basis for due process challenges to indictment and prosecution by law enforcement authorities of crimes prohibited by federal statute;

(2) the extent to which courts of the United States have sustained challenges based upon such guidelines in cases wherein it has been alleged that federal investigative agents or prosecutorial personnel have failed to comply with the requirements of such internal operating guidelines, and the extent and nature of such failures to comply as the courts of the United States have found to exist;

(3) the remedial measures taken by the Attorney General to ensure the minimization of such violations of internal operating guidelines by the investigative or prosecutorial personnel of the Department of Justice; and

(4) the advisability of the enactment of legislation that would prohibit criminal defendants in the courts of the United States from relying upon such violations as grounds for the dismissal of indictments, suppression of evidence, or the vacation of judgments of conviction.

6. Amendment to Title XII, Part F, S. 1762, "Witness Security Program Improvements" relating to United States Marshals Service:

On page 385, insert after line 21, the following:

(d) Section 568 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Appropriations"; and

(2) by adding at the end thereof a new subsection to read as follows:

"(b) Without regard to the provisions of sections 3302 and 9701 of title 31 of the United States Code, the United States Marshals Service is authorized, to the extent provided in the Appropriations Act, to credit to its appropriations account all fees, commissions, and expenses collected for—

"(1) the service of civil process, including complaints, summonses, subpoenas, and similar process; and

"(2) seizures, levies, and sales associated with judicial orders of execution;

for the purposes of carrying out these activities. Such credited amounts may be carried over from year to year for these purposes.".

7. Amendment to Title III, Forfeiture, to Substitute a unified Department of Justice Forfeiture Fund for the present Drug Assets Forfeiture Fund:

On page 165, line 22, delete "subsection (j) of this section" and insert in lieu thereof "section 524(c) of title 28, United States Code".

On page 166, delete line 1 and all that follows through line 6 on page 169, and insert in lieu thereof the following:

SEC. 310. Section 524 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereinafter in this subsection referred to as the 'fund') which shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in Appropriations Acts for the following purposes of the Department of Justice:

"(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property; such payments may include payments for contract services and payments to reimburse any Federal, State, or local agency for any expenditures made to perform the foregoing functions;

"(B) the payment of awards for information or assistance leading to a civil or criminal forfeiture under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 800 *et seq.*) or a criminal forfeiture under the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C.

1961 *et seq.*), at the discretion of the Attorney General;

"(C) the compromise and payment of valid liens and mortgages against property that has been forfeited pursuant to any law enforced or administered by the Department of Justice, subject to the discretion of the Attorney General to determine the validity of any such lien or mortgage and the amount of payment to be made; and

"(D) disbursements authorized in connection with remission or mitigation procedures relating to property forfeited under any law enforced or administered by the Department of Justice.

"(2) Any award paid from the fund for information concerning a forfeiture, as provided in paragraph (1)(B), shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay an award of $10,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Adminstration. Any award for such information shall not exceed the lesser of $150,000 or one quarter of the amount realized by the United States from the property forfeited.

"(3) There shall be deposited in the fund all net amounts realized by the United States from the forfeiture of property under any law enforced or administered by the United States.

"(4) Amounts in the fund which are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

"(5) The Attorney General shall transmit to the Congress, not later than four months after the end of each fiscal year a detailed report on the amounts deposited in the fund and a description of expenditures made under this subsection.

"(6) The provisions of this subsection relating to deposits in the fund shall apply to all property in the custody of the Department of Justice on or after the effective date of the Comprehensive Forfeiture Act of 1983.

"(7) For the purpose described in paragraphs (1) (A), (B), and (C), obligations are authorized from the fund for fiscal year 1984 for not more than $20,000,000, for fiscal year 1985 for not more than $30,000,000, for fiscal year 1986 for not more than $40,000,000, and for fiscal year 1987 for not more than $40,000,000. For fiscal years 1984, 1985, 1986, and 1987, obligations are authorized in such amounts as may be necessary for the purpose described in paragraph (1)(D). The amounts credited to the fund shall carry over from fiscal year to fiscal year until the last fiscal year for which obligations are authorized from the fund, and the amounts to be carried over shall include the amounts necessary to liquidate the obligations remaining at the end of the fiscal year and the amount authorized for obligation in the succeeding year, *Provided*, that any amounts in excess of those authorized to be carried over shall be deposited in the General Fund of the Treasury of the United States. At the end of the last fiscal year for which obligations are authorized from the fund by this subsection, the fund shall cease to exist and any amount then remaining in the fund shall be deposited in the General Fund of the Treasury of the United States.

"(8) For the purposes of this subsection, property is forfeited pursuant to a law enforced or administered by the Department of Justice if it is forfeited pursuant to—

"(A) any criminal forfeiture, proceeding;

"(B) any civil judicial forfeiture proceeding; or

"(C) any civil administrative forfeiture proceeding conducted by the Department of Justice;

except to the extent that the seizure was effected by a Customs officer or that custody was maintained by the Customs Service in which case the provisions of Section 613a of the Tariff Act of 1930 (19 U.S.C. 1613a) shall apply.".

8. Juveniles as Adults," relating to the use and confidentiality of juvenile records:

On page 378, delete line 12 through line 4 on page 379, and insert in lieu thereof the following:

SEC. 1202. Section 5038 of title 18 of the United States Code is amended to read as follows:

"§ 5038. Use of juvenile records

"(a) Throughout and upon the completion of the juvenile delinquency proceeding, the records shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:

"(1) inquiries received from another court of law;

"(2) inquiries from an agency preparing a presentence report for another court;

"(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

"(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court;

"(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security; and

"(6) inquiries from any victim of such juvenile delinquency, or if the victim is deceased from the immediate family of such victim, related to the final disposition of such juvenile by the court in accordance with section 5037.

Unless otherwise authorized by this section, information about the juvenile record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Reponses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear and nontechnical language, of rights relating to his juvenile record.

"(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive juvenile records.

"(d) Whenever a juvenile is found guilty of committing an act which if committed by an adult would be a felony that is a crime of violence or an offense described in section 841, 952(a), or 955 or 959 of title 21, such juvenile shall be fingerprinted and photographed. Except a juvenile described in subsection (f), fingerprints and photographs of a juvenile who is not prosecuted as an adult shall be made available only in accordance with the provisions of subsection (a) of this section. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult defendants.

"(e) Unless a juvenile who is taken into custody is prosecuted as an adult neither the name nor picture of any juvenile shall be made public in connection with a juvenile delinquency proceeding.

"(f) Whenever a juvenile has on two separate occasions been found guilty of committing an act which if committed by an adult would be a felony crime of violence or an offense described in section 841, 952(a), 955, or 959 of title 21, the court shall transmit to the Federal Bureau of Investigation, Identification Division, the information concerning the adjudications, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matters were juvenile adjudications.".

9. Amendment to Title XI, S. 1762, relating to 18 U.S.C. 219:

On page 375, after line 15, insert a new Part J as follows:

PART J—18 U.S.C. 219 AMENDMENT

SEC. 1116. Section 219 of title 18, United States Code, is amended by:

(1) striking out "an officer or employee" and inserting in lieu thereof "a public official"; and

(2) adding at the end thereof the following new paragraph: "For the purpose of this section:

"Public official" means Member of Congress, the Delegate from the District of Columbia, or Resident Commissioner, either before or after he has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency, or branch of Government, thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror.

10. Amendment to Title VII, S. 1762, "Surplus Federal Property Amendments:"

On page 301, at the end of line 2, insert "If the Attorney General determines that any surplus property transferred or conveyed pursuant to an agreement entered into between March 1, 1982, and the enactment of this subsection was suitable for transfer or conveyance under this subsection, the Administrator shall reimburse the transferee for any monetary consideration paid to the United States for such transfer or conveyance."

11. Amendments to Title VI, S. 1762, "Justice Assistance:"

On page 253, after line 15, add the following:

"(7) an assurance that the State will take into account the needs and requests of units of general local government in the State and encourage local initiative in the development of programs which meet the objectives of Section 501."

On page 257, after line 2, add the following:

"(5) In distributing funds received under this part the State shall make every effort to distribute to units of local government and combinations thereof, the maximum amount of such available funds."

AMENDMENTS TO TITLE VI, JUSTICE ASSISTANCE

12. On page 250, line 9, insert after "ers;" the following:

"(12) with respect to cases involving career criminals and violent crime, expedite the disposition of criminal cases, reform sentencing practices and procedures, and improve court system management.";

"On page 250, line 10, strike "(12)" and insert "(13)".

On page 257, strike lines 16 through 17 and insert in lieu thereof "within such State giving priority to those jurisdictions with greatest need.".

13. Amendment to Title II, S. 1762, "Sentencing Reform," relating to the collection of criminal fines:

On page 40, between lines 19 and 20, insert the following:

The liability of a defendant for any unexecuted fine or other punishment imposed as to which probation is granted shall be fully discharged by the fulfillment of the terms and conditions of probation.

On page 42, between lines 9 and 10 insert the following: If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.

On page 49, line 13, after "defendant" insert ", relative to the burden which alternative punishments would impose".

On page 50, strike out lines 16 through 20 and insert in lieu thereof the following:

"(d) Time and Method of Payment.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court."

On page 51, between lines 9 and 10, insert the following:

"(g) Responsibility To Provide Current Address.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(h) Stay of Fine Pending Appeals.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendants fine obligation.

"(i) Delinquent Fine.—A fine is delinquent if any portion of such fine is not paid within 30 days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(j) Default.—A fine is in default if any portion of such fine is more than 90 days delinquent. When a criminal fine is in default, the entire amount is due with 30 days of notification of the default, notwithstanding any installment schedule.

On page 51, strike out line 10 through line 7 on page 52 and insert in lieu thereof the following:

"§ 3573. Modification or remission of fine

"(a) Petition for Modification or Remission.—A defendant who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) Order of Modification or Remission.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

On page 63, line 18, strike out "and".

On page 63, between lines 18 and 19, insert the following:

"(g) keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision and report thereon to the court placing such person on probation and report to the court any failure of a probationer under his supervision to pay a fine in default within 30 days after notification that it is in default so that the court may determine whether probation should be revoked; and

On page 63, line 19, strike out "(g)" and insert in lieu thereof "(h)".

On page 67, after line 12, strike the item relating to section 3613, and insert in lieu thereof the following:

"3613. Civil remedies for satisfaction of an unpaid fine.
"3614. Resentencing upon failure to pay a fine.
"3615. Criminal default.

On page 68, strike out lines 2 through 19 and insert in lieu thereof the following:

"(a) Disposition of Payment.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within 10 working days.

"(b) Certification of Imposition.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, or modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

On page 68, line 20, strike out "(b)" and insert in lieu thereof "(c)".

On page 68, after line 26, add the following:

"(d) Notification of Delinquency.—Within 10 working days after a fine is determined to be delinquent as provided in section 3572(i), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) Notification of Default.—Within 10 working days after a fine is determined to be in default as provided in section 3572(j), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within 30 days.

"(f) Interest, Monetary Penalties for Delinquency, and Default.—Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties.

"(1) Interest.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the 31st day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) Monetary penalties for delinquent fines.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause."

On page 69, strike out line 1 and insert in lieu thereof the following:

"§ 3613. Civil remedies for satisfaction of an unpaid fine"

On page 71, after line 23 and before the subchapter heading insert the following:

"§ 3614. Resentencing upon failure to pay a fine

"(a) Resentencing.—Subject to the provisions of subsection (b), if a defendant knowingly fails to pay a delinquent fine the court may resentence the defendant to any sentence which might originally have been imposed.

"(b) Imprisonment.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the defendant willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3615. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both."

On page 79, line 2, after the period insert the following: "No prisoner shall be released on supervision unless such prisoner agrees to adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner.".

On page 133, line 10, strike "and".

On page 134, line 12, strike the period, and insert in lieu thereof "; and".

On page 134, after line 12, insert the following:

"(d) the provisions of sections 227 and 228 shall take effect on the date of enactment.".

On page 138, between lines 15 and 16, insert the following:

Sec. 227. (a)(1) Except as provided in paragraph (2), for each criminal fine for which the unpaid balance exceeds $100 as of the effective date of this Act, the Attorney General shall, within 120 days, notify the person by certified mail of his obligation, within 30 days after notification, to—

(A) pay the fine in full;

(B) specify, and demonstrate compliance with, an installment schedule established by a court before enactment of the amendments made by this Act, specifying the dates on which designated partial payments will be made; or

(C) establish with the concurrence of the Attorney General, a new installment schedule of a duration not exceeding two years, except in special circumstances, and specifying the dates on which designated partial payments will be made.

(2) This subsection shall not apply in cases in which—

(A) the Attorney General believes the likelihood of collection is remote; or

(B) criminal fines have been stayed pending appeal.

(b) The Attorney General shall, within 180 days after the effective date of this Act, declare all fines for which this obligation is unfulfilled to be in criminal default, subject to the civil and criminal remedies established by amendments made by this Act. No interest or monetary penalties shall be charged on any fines subject to this section.

(c) Not later than one year following the effective date of this Act, the Attorney General shall include in the annual crime report steps taken to implement this Act and the progress achieved in criminal fine collection, including collection data for each judicial district.

Sec. 228. (a) Title 18 of the United States Code is amended by adding the following new chapter after chapter 227:

"CHAPTER 228—IMPOSITION, PAYMENT, AND COLLECTION OF FINES

"Sec.
"3591. Imposition of a fine.
"3592. Payment of a fine, delinquency and default.
"3593. Modification or remission of fine.
"3594. Certification and notification.
"3595. Interest, monetary penalties for deliquency, and default.
"3596. Civil remedies for satisfaction of an unpaid fine.
"3597. Resentencing upon failure to pay a fine.
"3598. Statute of limitations.
"3599. Criminal default.

"§ 3591. Imposition of a fine

"(a) Factors to be Considered in Imposing a Fine.—The court, in determining whether to impose a fine, the amount of any fine, the time for payment, and the method of payment, shall consider—

"(1) the ability of the defendant to pay the fine in view of the income of the defendant, earning capacity and financial resources, and, if the defendant is an organization, the size of the organization;

"(2) the nature of the burden that payment of the fine will impose on the defendant, and on any person who is financially dependent on the defendant, relative to the burden which alternative punishments would impose;

"(3) any restitution or reparation made by the defendant in connection with the offense and any obligation imposed upon the defendant to make such restitution or reparation;

"(4) if the defendant is an organization, any measure taken by the organization to discipline its employees or agents responsible for the offense or to insure against a recurrence of such an offense; and

"(5) any other pertinent consideration.

"(b) Effect of Finality of Judgment.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

"(1) modified or remitted pursuant to the provisions of section 3592;

"(2) corrected pursuant to the provisions of rule 35; or

"(3) appealed; a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

"§ 3592. Payment of a fine, delinquency and default

"(a) Time and Method of Payment.—Payment of a fine is due immediately unless the court, at the time of sentencing—

"(1) requires payment by a date certain; or

"(2) establishes an installment schedule, the specific terms of which shall be fixed by the court.

"(b) Individual Responsibilities for Payment.—If a fine is imposed on an organization, it is the duty of each individual authorized to make disbursement of the assets of the organization to pay the fine from assets of the organization. If a fine is imposed on an agent or shareholder of an organization, the fine shall not be paid, directly or indirectly, out of the assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

"(c) Responsibility to Provide Current Address.—At the time of imposition of the fine, the court shall order the person fined to provide the Attorney General with a current mailing address for the entire period that any part of the fine remains unpaid. Failure to provide the Attorney General with a current address or a change in address shall be punishable as a contempt of court.

"(d) Stay of Fine Pending Appeal.—Unless exceptional circumstances exist, if a sentence to pay a fine is stayed pending appeal, the court granting the stay shall include in such stay—

"(1) a requirement that the defendant, pending appeal, to deposit the entire fine amount, or the amount due under an installment schedule, during the pendency of an appeal, in an escrow account in the registry of the district court, or to give bond for the payment thereof; or

"(2) an order restraining the defendant from transferring or dissipating assets found to be sufficient, if sold, to meet the defendant's fine obligation.

"(e) Delinquent Fine.—A fine is delinquent if any portion of such fine is not paid within 30 days of when it is due, including any fines to be paid pursuant to an installment schedule.

"(f) Default.—A fine is in default if any portion of such fine is more than 90 days delinquent. When a criminal fine is in default, the entire amount is due with 30 days of notification of the default, notwithstanding any installment schedule.

"§ 3593. Modification or remission of fine

"(a) Petition for Modification or Remission.—A person who has been sentenced to pay a fine, and who—

"(1) can show a good faith effort to comply with the terms of the sentence and concerning whom the circumstances no longer exist that warranted the imposition of the fine in the amount imposed or payment by the installment schedule, may at any time petition the court for—

"(A) an extension of the installment schedule, not to exceed two years except in case of incarceration or special circumstances; or

"(B) a remission of all or part of the unpaid portion including interest and penalties; or

"(2) has voluntarily made restitution or reparation to the victim of the offense, may at any time petition the court for a remission of the unpaid portion of the fine in an amount not exceeding the amount of such restitution or reparation.

Any petition filed pursuant to this subsection shall be filed in the court in which sentence was originally imposed, unless that court transfers jurisdiction to another court. The petitioner shall notify the Attorney General that the petition has been filed within ten working days after filing. For the purposes of clause (1), unless exceptional circumstances exist, a person may be considered to have made a good faith effort to comply with the terms of the sentence only after payment of a reasonable portion of the fine.

"(b) Order of Modification or Remission.—If, after the filing of a petition as provided in subsection (a), the court finds that the circumstances warrant relief, the court may enter an appropriate order, in which case it shall provide the Attorney General with a copy of such order.

"§ 3594. Certification and notification

"(a) Disposition of Payment.—The clerk shall forward each fine payment to the United States Treasury and shall notify the Attorney General of its receipt within 10 working days.

"(b) Certification of Imposition.—If a fine exceeding $100 is imposed, modified, or remitted, the sentencing court shall incorporate in the order imposing, remitting, and modifying such fine, and promptly certify to the Attorney General—

"(1) the name of the person fined;

"(2) his current address;

"(3) the docket number of the case;

"(4) the amount of the fine imposed;

"(5) any installment schedule;

"(6) the nature of any modification or remission of the fine or installment schedule; and

"(7) the amount of the fine that is due and unpaid.

"(c) Responsibility for Collection.—The Attorney General shall be responsible for collection of an unpaid fine concerning which a certification has been issued as provided in subsection (a).

"(d) Notification of Delinquency.—Within 10 working days after a fine is determined to be delinquent as provided in section 3592(e), the Attorney General shall notify the person whose fine is delinquent, by certified mail, to inform him that the fine is delinquent.

"(e) Notification of Default.—Within 10 working days after a fine is determined to be in default as provided in section 3592(f), the Attorney General shall notify the person defaulting, by certified mail, to inform him that the fine is in default and the entire unpaid balance, including interest and penalties, is due within 30 days.

"§ 3595. Interest, monetary penalties for delinquency, and default

"Upon a determination of willful nonpayment, the court may impose the following interest and monetary penalties:

"(1) Interest.—Notwithstanding any other provision of law, interest at the rate of 1 per centum per month, or 12 per centum per year, shall be charged, beginning the 31st day after sentencing on the first day of each month during which any fine balance remains unpaid, including sums to be paid pursuant to an installment schedule.

"(2) Monetary penalties for delinquent fines.—Notwithstanding any other provision of law, a penalty sum equal to 10 per centum shall be charged for any portion of a criminal fine which has become delinquent. The Attorney General may waive all or part of the penalty for good cause.

"§ 3596. Civil remedies for satisfaction of an unpaid fine

"(a) Lien.—A fine imposed as a sentence is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of the judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to the provisions of subsection (b). On application of the person fined, the Attorney General shall—

"(1) issue a certificate of release, as described in section 6325 of the Internal Revenue Code, of any lien imposed pursuant to this section, upon his acceptance of a bond described in section 6325(a)(2) of the Internal Revenue Code; or

"(2) issue a certificate of discharge, as described in section 6325 of the Internal Revenue Code, of any part of the person's property subject to a lien imposed pursuant to this section, upon his determination that the fair market value of that part of such property remaining subject to and available to satisfy the lien is at least three times the amount of the fine.

"(b) Expiration of Lien.—A lien becomes unenforceable at the time liability to pay a fine expires as provided in section 3598.

"(c) Application of Other Lien Provisions.—The provisions of sections 6323, 6331, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 6323, 6331, 6332, 6334 through 6336, 6337(a), 6338 through 6343, 6901, 7402, 7403, 7424 through 7426, 7505(a), 7506, 7701, and 7805) and of section 513 of the Act of October 17, 1940 (54 Stat. 1190), apply to a fine and to the lien imposed by subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. For the purposes of this subsection, references in the preceding sections of the Internal Revenue Code of 1954 to 'the Secretary' shall be construed to mean 'the Attorney General,' and references in those sections to 'tax' shall be construed to mean 'fine'.

"(d) Effect on Notice of Lien.—A notice of the lien imposed by subsection (a) shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a notice of a tax lien. The registration, recording, docketing, or indexing, in accordance with 28 U.S.C. 1962, of the judgment under which a fine is imposed shall be considered for all purposes as the filing prescribed by section 6323(f)(1)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 6323(f)(1)(A)) and by subsection (c).

"(e) Alternative Enforcement.—Notwithstanding any other provision of this section, a judgment imposing a fine may be enforced by execution against the property of the person fined in like manner as judgments in civil cases.

"(f) Discharge of Debts Inapplicable.—No discharge of debts pursuant to a bankruptcy proceeding shall render a lien under this section unenforceable or discharge liability to pay a fine.

"§ 3597. Resentencing upon failure to pay a fine

"(a) Resentencing.—Subject to the provisions of subsection (b), if a person knowingly fails to pay a delinquent fine the court may resentence the person to any sentence which might originally have been imposed.

"(b) Imprisonment.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

"(1) the person willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

"(2) in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

"§ 3598. Statute of limitations

"(a) Liability to pay a fine expires.—

"(1) 20 years after the entry of the judgment;

"(2) upon the death of the person fined.

"(b) The period set forth in subsection (a) may be extended, prior to its expiration, by a written agreement between the person fined and the Attorney General. The running of the period set forth in subsection (a) is suspended during any interval for which the running of the period of limitations for collection of a tax would be suspended pursuant to section 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I) of the Internal Revenue Code of 1954 (26 U.S.C. 6503(b), 6503(c), 6503(f), 6503(i), or 7508(a)(1)(I)), or section 513 of the Act of October 17, 1940 (54 Stat. 1190).

"§ 3599. Criminal default

"Whoever, having been sentenced to pay a fine, willfully fails to pay the fine, shall be fined not more than twice the amount of the unpaid balance of the fine or $10,000, whichever is greater, imprisoned not more than one year, or both.".

(b) Section 3651 of title 18, United States Code, is amended by inserting after "May be required to provide for the support of any persons, for whose support he is legally responsible." the following new paragraph:

"If the court has imposed and ordered execution of a fine and placed the defendant on probation, payment of the fine or adherence to the court-established installment schedule shall be a condition of the probation.".

(c) Section 3651 of title 18, United States Code, is amended by striking out the last paragraph and inserting in lieu thereof the following:

"The defendant's liability for any unexecuted fine or other punishment imposed as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.".

(d) The second paragraph of section 3655 of title 18, United States Code, is amended to read as follows:

"He shall keep informed concerning the conduct, condition, and compliance with any condition of probation, including the payment of a fine or restitution of each probationer under his supervision, and shall report thereon to the court placing such person on probation. He shall report to the court any failure of a probationer under his supervision to pay a fine in default within 30 days after notification that it is in default so that the court may determine whether probation should be revoked.".

(e) Section 4209 of title 18, United States Code, is amended in subsection (a) by striking out the period at the end of the first sentence and inserting in lieu thereof "and, in a case involving a criminal fine that has not already been paid, that the parolee pay or agree to adhere to an installment schedule, not to exceed 2 years except in special circumstances, to pay for any fine imposed for the offense.".

(f) Subsection (b)(1) of section 4214 of title 18, United States Code, is amended by adding after "parole" the following: "or a failure to pay a fine in default within 30 days after notification that it is in default".

(g)(1) Section 3565 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 227 of title 18, United States Code, is amended by striking out the item for section 3565 and inserting in lieu thereof the following:

"3565. Repealed."

(h) Section 3569 of title 18, United States Code, is amended by—

(1) striking out "(a)"; and

(2) striking out subsection (b).

(i) This section shall be repealed on the first day of the first calendar month beginning 24 months after the date of enactment of this Act.

14. Amendment to Title X, Part B, S. 1762, "Solicitation to Commit a Crime of Violence."

On page 320, line 3, delete "crime of violence" and insert in lieu thereof "felony that has as an element the use, attempted use, or threatened use of physical force against the person or property of another".

15. Amendment to Title VI, S. 1762, "Justice Assistance," relating to rural crime:

On page 236, line 23, delete "successful." and insert in lieu thereof "successful;".

On page 236, after line 23, insert the following:

"(6) developing improved strategies for rural areas to better utilize their dispersed resources in combatting crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention."

On page 245, line 13, insert "rural crime," after "quents,":

On page 250, after line 9, insert the following:

"(12) provide training, technical assistance, and programs to assist State and local law enforcement authorities in rural areas in combatting crime, with particular emphasis on violent crime, juvenile delinquency, and crime prevention;".

On page 250, line 10, delete "(12)" and insert in lieu thereof "(13)":

On page 291, line 3, after "criminals." insert "In rural areas such training shall emphasize effective use of regional resources and improving coordination among criminal justice personnel in different areas and in different levels of government.".

16. Amendment relating to the status of Puerto Rico in the Justice Assistance part of S. 1762 (Title VI):

On page 262, line 24, delete "3" and insert in lieu thereof "one and one-half".

On page 262, line 25, delete "the Commonwealth of Puerto Rico,".

On page 263, line 4, delete "97" and insert in lieu thereof "ninety-eight and one-half".

On page 264, line 17, delete "the Commonwealth of Puerto Rico,".

17. Amendment to Title VI, S. 1762, "Justice Assistance:"

On page 300, between lines 7 and 8, insert the following:

SEC. 605. (a) Section 1028 of title 18, United States Code, is amended by adding at the end thereof the following:

"(f) To the maximum extent feasible, personal descriptors or identifiers utilized in identification documents, as defined in this section, shall utilize common descriptive terms and formats designed to:

"(1) reduce the redundancy and duplication of identification systems by providing information which can be utilized by the maximum number of authorities; and

"(2) facilitate positive identification of bona fide holders of identification documents.".

(b) The President shall, no later than three years after the date of enactment of this Act, and after consultation with Federal, State, local, and international issuing authorities, and concerned groups, make recommendations to the Congress for the enactment of comprehensive legislation on Federal identification systems. Such legislation shall—

(1) give due consideration to protecting the privacy of persons who are the subject of any identification system;

(2) recommend appropriate civil and criminal sanctions for the misuse or unauthorized disclosure of personal identification information; and

(3) make recommendations providing for the exchange of personal identification information as authorized by Federal or State law or Executive order of the President or the chief executive officer of any of the several States.

Mr. LAXALT. Mr. President, I am submitting for printing a second group of amendments to S. 1762 for inclusion in the RECORD. The group consists of substantive amendments by seven Senators. These have the approval of the managers of the bill, and we anticipate that they will be offered and approved en bloc without debate when the bill is considered. I submit them and a set of explanations, and ask unanimous consent that the explanations be printed in the RECORD.

There being no objection, the explanations were ordered to be printed in the RECORD, as follows:

EXPLANATIONS OF AMENDMENTS

1. On page 132, lines 8 through 10. The reference to the Comprehensive Employment and Training Act of 1973 is outdated because that Act has been superseded by the Job Training and Partnership Act.

2. On page 287, line 12. This amendment restores three words that were inadvertently omitted.

3. On page 329, line 14. This amendment includes United States Magistrates in 18 U.S.C. 1114 and thus brings this part of the bill in conformity with Title X, Part G.

4. Explanation of amendments to Labor Racketeering Amendments in Title VIII of S. 1762, to conform this title to the analogous provisions of the Senate-passed labor racketeering bill, S. 336:

The Judiciary Committee Report on the labor racketeering amendments of S. 1762 (Title VIII) notes that, with the exception of a provision regarding law enforcement authority of the Labor Department not included in S. 1762, the provisions of Title VIII are identical to S. 336 as passed by the Senate by a vote of 75 to 0 on June 20, 1983 (S. Rep. No. 98-225, 297, n. 1). The following minor amendments are necessary, however, to make these provisions identical. A set of technical amendments is also needed to reflect correct section numbers.

On page 306, line 22. Under present law, persons who have been disbarred from serving in certain labor or management organization positions or pension or benefit plan positions by virtue of conviction for certain crimes may obtain relief from disbarment either (A) upon restoration of citizenship rights revoked as a result of the conviction or (B) upon a determination by the Parole Commission that the person's service in one of the designated positions would not be contrary to the purposes of the applicable disbarment statute. Both S. 1762 and S. 336 increase the possible period of disbarment under the ERISA and LMRDA statutes from five to ten years, but also allow the sentencing court to reduce the period to a minimum of five years. S. 336 makes it clear that relief by the sentencing court is a separate avenue in addition to the existing bases for relief. However, S. 1762, by virtue of its use of "and" rather than "or" (as is used in S. 336), makes it appear that relief from the sentencing court is available only if one of the two existing bases for relief, restoration of rights or a favorable determination by the Parole Commission, is also met. Moreover, relief under one of the two existing bases does not appear to be independently available.

Thus, as presently formulated, S. 1762's amendments to 29 U.S.C. 1111 and 504 not only increase the possible period of disbarment, but also appear to make relief from disbarment more difficult (or at least procedurally more complex) than under current law. There is no indication that such a result was ever intended. Instead, authority for the trial court to reduce the ten-year period to one not less than five years was added to accommodate situations in which the new ten-year period might not be merited under the facts of a particular case. The Committee on Labor and Human Resources amended S. 336 to achieve this result and preserve the other avenues of relief provided under current law (S. Rep. No. 98-83). This amendment to section 802 of the bill, which amends the disbarment provision of ERISA (29 U.S.C. 1111), is identical to that adopted by the Committee on Labor and Human Resources and included in S. 336 as passed by the Senate. An identical amendment to the disbarment provision of the LMRDA (29 U.S.C. 504) is set out below.

On page 310, line 15. This amendment brings this provision of S. 1762 into conformity with the analogous provision of S. 336. It makes it clear that the disbarment provision of the LMRDA does not apply to a convicted person's mere membership in a labor organization. The purpose of the disbarment provision is to deny to persons convicted of certain serious crimes the ability to serve in decision-making or fiduciary positions within a labor organization. It is not intended to deny union membership to such persons. The Committee on Labor and Human Resources added language to S. 336 to clarify this issue. This amendment to section 803 of S. 1762 is identical to that made to S. 336.

On page 310, line 23. This amendment to the disbarment provision of the LMRDA is identical to the amendment of the analogous ERISA disbarment provision, discussed above. (Amendment No. 1.)

On page 312, lines 7 and 8. The reference to "employee benefit plan" is inappropriate in this part of the bill, since it is an amendment to the LMRDA (29 U.S.C. 504) which does not encompass employee benefit plans. The amendment brings this provision of S. 1762 into conformity with the analogous provision of S. 336 as passed by the Senate.

On page 313, line 1; On page 313, line 2; On page 313, line 11. These are technical amendments to section 804 of the bill to provide for correct references to other sections of Title VIII of S. 1762. (In the "Comprehensive Crime Control Act of 1983" as introduced, the labor racketeering amendments appeared as Title XI; in S. 1762, as reported, they appear as Title VIII.)

5. Explanation of proposed Part J, Title X, S. 1762 requiring studies by the Department of Justice of its Internal Operations Guidelines. At the end of the bill:

This amendment requires the Attorney General to report to Congress on a number of issues concerning defendants' use of Department of Justice internal operating guidelines in challenging the legality of indictments. The Attorney General is asked to report on the extent to which violations of such guidelines are invoked as the basis for due process challenges to prosecutions and on the extent to which courts sustain such challenges. Further, the Attorney General is required to report on measures taken to ensure that internal operating guidelines are followed and on the advisability of new legislation in the area.

6. Explanation of amendment to Title XII, Part F, of S. 1762 to permit the United States Marshals Service to credit to its appropriations account fees, commissions, and expenses collected for service of process and other similar activities:

On page 385, after line 21. The United States Marshals Service collects fees and commissions for litigation-related services that it performs such as service of civil process and executions against property to satisfy civil judgments. However, the Marshals Service is not permitted to credit these fees and commissions to their appropriations account. The Department of Justice Authorization bill, S. 1192, which has been reported by the Judiciary Committee, amended section 568 of title 28, United States Code to allow the Marshals Service to credit to its appropriations account fees and expenses collected "for the service of civil process, including complaints, summonses, subpoenas, and similar process". This amendment also adds such authority to 28 U.S.C. 568. Unlike the authorization bill, however, it makes it clear that the Marshals Service may also credit to its appropriation account fees and commissions collected from private litigants for the performance of such services as seizures, levies, and sales associated with judicial orders of execution.

7. Explanation of amendments to sections 309 and 310 of S. 1762 to substitute a unified Department of Justice Forfeiture Fund for the present Drug Assets Forfeiture Fund:

On page 165, line 22. Technical amendment.

On page 166. Section 310 of S. 1762 now amends title 21 to create a Drug Assets Forfeiture Fund, make up of the net proceeds of forfeitures of drug-related assets, from which moneys could be made available through the appropriations process to defray the Justice Department's expenses in seizing and forfeiting property under the drug laws. (A Customs Forfeiture Fund is established in section 317 of the bill.) The rationale of the fund is that moneys from profitable forfeitures should be made available to meet expenses in unprofitable forfeitures. Currently, forfeiture "profits" go to the Treasury, while "losses" must be borne out of agency budgets.

The seizure and forfeiture activities of the Department of Justice and the funding problems associated with those activities, however, are not confined to forfeitures of drug-related assets. For example, a recent GAO report focused on the need for better management of conveyances seized by both the Immigration and Naturalization Service and the Drug Enforcement Administration (as well as the Customs Service) and pointed to the need for improved funding mechanisms for both these agencies' seizure and forfeiture activities. The Department of Justice is also responsible for all judicial civil forfeitures as well as criminal forfeitures under the RICO statutes. Moreover, the Department recently concluded after an analysis of its current activities that a centralized program of asset management was necessary to combat present inefficiencies in storing, managing, safeguarding, and disposing of forfeitable assets. Thus, the scope of the Department of Justice's forfeiture fund should match its broad forfeiture responsibilities.

The amendment to section 310 of the bill takes the model of the existing Drug Assets Forfeiture Fund and expands it into a unified "Department of Justice Forfeiture Fund" that encompasses all forfeiture activities under laws enforced or administered by the Department of Justice. Also, the unified fund is consistent with a cost-efficent centralized assets management program within the Department of Justice. Like the Drug Assets Forfeiture Fund now appearing in the bill, the new fund would be established on a trial four-year basis.

The language establishing the proposed unified fund is to appear as a new section 524(c) of title 28, United States Code. The present Drug Assets Forfeiture Fund appears in title 21. The amendment to section 309(b) simply reflects the placement of the new unified fund, assuring that net proceeds of forfeiture under the drug laws are deposited in the unified fund established in title 28. The amendment to section 310 replaces the current Drug Assets Forfeiture Fund with the proposed unified Department of Justice Assets Forfeiture Fund. The differences between the drug fund and the proposed unified fund are the following:

(1) While the Drug Assets Forfeiture Fund applies only to civil and criminal forfeitures of drug-related assets under title 21, United States Code, the unified fund applies to all forfeitures under "any law enforced or administered by the Department of Justice." Similar language is used to define the scope of the Customs Forfeiture Fund established in section 317 of the bill (*i.e.*, "laws enforced or administered by the United States Customs Service"). The addition of a new paragraph (8) at the end of the fund provision provides that such forfeitures include: "(A) any criminal forfeiture proceeding; (B) any civil judicial forfeiture proceeding; or (C) any civil administrative forfeiture proceeding conducted by the Department of Justice."

(2) The one respect in which the fund's provisions are not expanded to encompass all DOJ forfeitures is its authorization of fund moneys to pay awards for information or assistance leading to a forfeiture. The current provision, now limited to cases involving drug-related forfeitures, is expanded only with respect to RICO forfeitures. The primary need for significant forfeiture rewards occurs in the area of large-scale criminal activity, such as racketeering and drug trafficking. Moreover, for many other types of forfeitures, reward authority is available through incorporation of the customs "moiety" authority. (The customs "moiety" provision is the reason awards payments are not among the authorized purposes of the Customs Forfeiture Fund.).

(3) Because the bill uses both "award" and "reward" to refer to payments with respect to assistance or information leading to a forfeiture, the term "award" has been substituted for "reward" for purposes of consistency.

(4) Because of the enlargement of the purposes of the unified fund over those of the drug fund, the authorization ceilings are doubled.

(5) Appropriate references to authorization of "obligations" rather than of "appropriations" are substituted in paragraph (7). This change gives the Department of Justice necessary statutory authority to spend moneys appropriated from the fund, authority not provided simply by authorizing appropriations. Target spending levels are retained, however, and it remains clear that availability of fund moneys for expenditure by the Department of Justice is still strictly subject to the appropriations process. (See paragraph (1) of the fund provision.)

(6) New language has been inserted in paragraph (7) to address the problem of start-up money at the beginning of the fiscal years for which the fund is authorized. As currently drafted, the fund is reduced to a balance of zero at the end of each fiscal year, with no carry-over permitted into the next fiscal year. Thus, despite the fact that obligations of a certain amount are authorized for the next year, in the early part of that next fiscal year, there will be little in the fund to meet expenses accruing at a constant level. The amendment permits a carry-over at the end of the fiscal year of amounts necessary to meet outstanding obligations and amounts that have been authorized for obligation in the next year. Any remaining fund balances, however, would be deposited in the Treasury.

8. Explanation of amendments to Title XII, Part A, of S. 1762 relating to the use and confidentiality of juvenile records:

Page 378, line 12. Under current law, all juvenile records must be sealed and can be released only by court order; this gives a judge the discretion to deny a legitimate request or at least delay acting. Therefore, courts and prosecutors generally do not have access to the records of younger criminals to aid in charging, bail, plea bargaining, and sentencing decisions. In effect, then, many juveniles are already career criminals but get a clean slate at age 18.

These amendments would make access to juvenile records automatic for courts, law enforcement authorities, and other qualifying persons. Moreover, after a juvenile's second delinquency adjudication for a felony crime of violence or drug offense, require transmittal of the information to the FBI.

9. On page 375, after line 15. This amendment clarifies the intent of 18 USC § 219 by substituting the words "public official" for "officer or employee" thereby maintaining consistency with 18 USC § 201 (Bribery of Public Officials and Witnesses).

10. On page 301, at the end of line 2. This amendment provides for reimbursement to State and local governments that have bought surplus property for correctional purposes from the Federal government during the limited period preceding enactment of this surplus property donation provision for such property. This is intended to encourage State and local governments that plan to acquire surplus Federal property through purchase not to delay their acquisition merely because legislation is pending that would donate such property to the States.

11. On page 253, after line 15. This amendment requires a State to include in its grant application assurances that the needs of local government have been considered, and the local initiative in the development of programs has been encouraged.

On page 257, after line 2. This amendment makes clear to the States that as much grant money as possible is to be distributed to local units of government.

12. On page 250, line 9. This authorizes grants to states for programs to improve court management of cases involving violent crime and career criminals. In short, states would be allowed to spend block grant funds on this type of program in addition to the twelve already in the legislation.

On page 250, line 10. Technical amendment.

On page 257, lines 16 and 17. This amends the section that requires block grant funds for which the state does not qualify to be distributed to local units of government within that state. The present provision allows distribution to localities "on the basis of criteria to be established." This amendment would provide a broad criterion for distribution of funds. This does not limit the Attorney General's discretion; it simply requires him to give priority to those jurisdictions with greatest need.

13. This amendment incorporates S. 1976, the Criminal Fine Collection Act, introduced October 19, 1983, by Senators Percy and Thurmond, into Title II of S. 1762. The purpose of this amendment is to improve the collection of criminal fines and otherwise make the fine sanction an effective sentencing alternative.

14. On page 320, line 3. Part B of Title X is designed to criminalize the offense of solicitation to commit a federal crime of violence. This amendment is intended to avoid any possible concern that such an offense might impinge on constitutionally protected speech, petition, and assembly rights under the First Amendment by limiting Section 1003 to "felonies that have as an element the use, attempted use, or threatened use of physical force against the person or property of another."

15. This amendment emphasizes the need to focus on rural crime in the Justice Assistance title of S. 1762 by (1) specifying rural

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crime as a target for the National Institute of Justice for the purpose of research and demonstration projects; (2) requiring the gathering and promulgation of rural crime statistics by the Bureau of Justice Statistics; (3) authorizing and encouraging federal matching grants for training, technical assistance, and programs to assist state and local authorities with the fight on rural crime; and (4) clarifying specific rural crime goals for FBI-assisted local and regional training programs for law enforcement officers.

16. Explanation of amendment relating to the status of Puerto Rico in Title VI of S. 1762:

The purpose of this amendment is to treat Puerto Rico as a State for the purpose of Title VI, Part G, "Criminal Justice Facilities." Puerto Rico is treated as a state throughout the rest of this Title. The amendment, therefore, conforms Part G to the rest of the Title. The amendment also adjusts from 3 percent to 1½ percent the allotment of money for renovation and construction of criminal justice facilities among Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands each fiscal year. The decrease reflects the removal of Puerto Rico from this group of islands.

On page 262, line 24. This amendment provides for up to one and one-half percent of the sums appropriated annually for the renovation and construction of criminal justice facilities to be allotted to Guam, American Samoa, the Virgin Islands, the Pacific Trust Territory, and the Northern Mariana Islands.

On page 262, line 25. This amendment deletes Puerto Rico from the list of islands originally eligible for an amount of up to three percent of the sums appropriated annually for the renovation and construction of criminal justice families.

On page 263, line 4. Technical amendment.

On page 264, line 17. This amendment removes Puerto Rico from the list of lands not to be considered as States for the purpose of Section 704.

On page 300, between lines 7 and 8.

17. This amendment directs the various federal agencies and departments utilizing federal identification systems to scrutinize, make recommendations, and implement changes in current identification systems. The intent of the legislation is the development of a uniform federal identification policy providing for positive identification of persons holding federal identification documents. The amendment also directs the President within three years of enactment of this act and upon consultation with various groups to make recommendations to Congress for the enactment of comprehensive legislation with regard to Federal I.D. systems.

UNIFORM SINGLE FINANCIAL AUDIT ACT OF 1983

McCLURE (FOR DURENBERGER) AMENDMENT NO. 2482

Mr. McCLURE (for Mr. DURENBERGER) proposed an amendment to the bill S. 1510, to establish uniform audit requirements for State and local governments and nonprofit organizations and other recipients of Federal assistance, and for other purposes, as follows:

On page 17, line 22, strike out "Financial".

On page 18, line 2, strike out "FINANCIAL".

On page 18, in the matter between lines 2 and 3, insert after the item relating to section 7508 the following:

"7509. Responsibilities of the Comptroller General.

On page 18, lines 8 and 9, strike out "and nonprofit organizations".

On page 18, line 14, strike out "and nonprofit organizations".

On page 18, line 15, strike out "other".

On page 18, line 15, insert "from such governments" before the semicolon.

On page 18, line 19, strike out "to".

On page 18, line 19, strike out "audit".

On page 18, line 19, insert "for the conduct of single audits" after "chapter".

On page 19, lines 1 and 2, strike out "from the enactment of this legislation" and insert "after the date of enactment of this chapter".

On page 19, line 3, strike out "to have Federal agencies and departments" and insert "have executive agencies".

On page 19, line 4, strike out "additional work" and insert "work in addition to the single audits required by this chapter".

On page 19, strike out lines 9 through 24 and insert the following:

"(1) 'entity' means a State or local government or a recipient of Federal assistance from a State or local government.

"(2) 'Federal assistance' means any assistance provided by an executive agency to an entity in the form of grants, loans, loan guarantees, property, cooperative agreements, interest subsidies, insurance, work study programs, or contracts for the procurement of goods and services for the United States, except that such term does not include direct Federal cash assistance to individuals or insurance or assistance provided by the Tennessee Valley Authority.

On page 20, line 1, strike out "(4) 'Generally" and insert "(3) 'generally".

On page 20, line 6, strike out "of the United States".

On page 20, line 9, strike out "(5) The term independent" and insert "(4) 'independent".

On page 20, line 14, strike out "(6) The term" and insert "(5)".

On page 20, line 18, strike out "(7) The term" and insert "(6)".

On page 20, lines 23 and 24, strike out "or tribal organization as defined in section 7502(8)".

On page 21, line 1, strike out "(8)" and insert "(7)".

On page 21, line 12, strike out "(9) 'Local" and insert "(8) 'local".

On page 21, beginning with line 19, strike out through line 2 on page 22 and insert the following:

"(9) 'Director' means the Director of the Office of Management and Budget.

"(10) 'Comptroller General' means the Comptroller General of the United States.

On page 22, line 3, strike out "'Recipient'" and insert "'recipient'".

On page 22, line 5, strike out "'Single financial'" and insert "'single'".

On page 22, strike out lines 19 through 23 and insert the following:

"(13) 'cognizant agency' means an executive agency designated by the Director to coordinate for executive agencies the performance of any work described in section 7504(c) of this title which is in addition to the single audit required by section 7504(a) of this title.

On page 23, lines 4 and 5, strike out "Federal agency and department" and insert "executive agency".

On page 23, line 10, strike out "financial".

On page 23, line 11, strike out "of the United States".

On page 23, lines 12 and 13, strike out "to the Director of the Office of Management and Budget" and insert "described in subsection (a) of this section to the Director".

On page 23, line 14, insert "described in subsection (a) of this section" after "regulations".

On page 23, line 15, strike out "agencies and departments" and insert "executive agencies".

On page 23, lines 16 and 17, strike out "of the Office of Management and Budget".

On page 23, lines 17 and 18, strike out "Federal agencies and departments" and insert "executive agencies".

On page 23, line 19, strike out "of the United States".

On page 23, beginning with line 20, strike out through line 12 on page 24 and insert the following:

"(c) Within one year after the date of enactment of this chapter, the Director, in consultation with the Comptroller General and Federal, State, and local officials, shall establish a plan of action to assure that single audits required under section 7504(a) of this title are conducted within three years after the date of enactment of this chapter and thereafter in accordance with the time periods prescribed by this chapter.

"(d) The Director, in consultation with the Comptroller General and Federal, State, and local officials, shall establish a plan of action to coordinate the performance of any work described in section 7504(c) of this title which is in addition to the single audit required by section 7504(a) of this title. The plan shall—

"(1) include the designation of the appropriate cognizant agencies; and

"(2) provide that any additional work described in section 7504(c) of this title which is performed for or by an executive agency with respect to an entity shall be coordinated with, to the extent feasible, and rely upon, the single audit conducted of such entity pursuant to section 7504(a) of this title.

On page 24, line 16, strike out "conduct" and insert "insure that".

On page 24, line 17, strike out "financial".

On page 24, line 18, insert "is conducted." before the period.

On page 24, line 21, insert "(A)" before "The".

On page 24, line 23, strike out "financial".

On page 24, line 25, strike out "The" and insert "Except as provided in subparagraph (B) of this paragraph, the ".

On page 25, line 1, strike out "financial".

On page 25, strike out lines 4 through 20 and insert the following:

"(B) In any case in which the total amount of Federal assistance expended by an entity in any fiscal year for an individual Federal assistance program—

"(i) exceeds $30,000,000; or

"(ii) does not exceed $30,000,000, but does exceed $500,000 or 3 per centum of the amount of Federal assistance expended by the entity for all Federal assistance programs for such fiscal year, whichever is greater.

a single audit shall be conducted of the individual Federal program in a manner consistent and in accordance with this chapter.

"(C) Five years after the date of enactment of this chapter, and every five years thereafter, the Comptroller General shall communicate by letter to the Chairman of the Committee on Governmental Affairs of the Senate and the Chairman of the Committee on Government Operations of the House of Representatives whether the provisions of subparagraph (B) of this paragraph should be modified by increasing the thresholds specified in such subparagraph.

On page 26, line 3, strike out "financial".

On page 26, line 6, strike out "grant or program." and insert "Federal program, unless such individual Federal program is required to be tested individually pursuant to paragraph (2) (B) of this subsection.".

On page 26, line 7, strike out "financial".

On page 26, line 10, strike out "financial".

On page 26, lines 11 and 12, strike out "financial".

On page 26, line 16, strike out "financial".

On page 26, line 20, strike out "financial".

On page 26, line 22, insert a period after "inspection".

On page 26, line 23 and 24, strike out "Federal agencies and departments" and insert "an executive agency".

On page 27, line 2, strike out "financial".

On page 27, line 2, insert before the period a comma and "or determining that the expenditures of Federal funds by the recipient entity are in accordance with applicable laws and regulations".

On page 27, line 4 an 5, strike out "the amount provided for in section 7504(a)(5)" and insert "25,000".

On page 27 lines 6 and 7, strike out "Federal agencies and departments" and insert "executive agencies".

On page 27, beginning with "program evaluations," in line 10, strike out through the period in line 12 and insert "and program evaluations.".

On page 27, lines 13 and 14, strike out "the Federal agencies and departments" and insert "an executive agency".

On page 27, line 15, strike out "financial audit" and insert "audit performed pursuant to subsection (a) of this section".

On page 27, lines 16 and 17, strike out "the Federal Executive agencies and departments" and insert "an executive agency".

On page 27, line 19, strike out "financial".

On page 27, beginning with "The" in line 19, strike out through "department" in line 20 and insert "An executive agency requesting additional work".

On page 28, line 4, strike out "financial".

On page 28, line 6, strike out "in" and insert "In".

On page 28, line 8, strike out "financial".

On page 28, line 10, insert "a direct or" after "provided for as".

On page 28, line 15, strike out "financial".

On page 28, line 23, strike out "financial".

On page 29, line 22, strike out "Federal agency or department" and insert "executive agency".

On page 30, lines 2 through 4, strike out "of the Office of Management and Budget under section 7503(c) of this chapter".

On page 30, line 5, strike out "chapter" and insert "title".

On page 30, lines 13 and 14, strike out "and, if those amounts are not sufficient, then to any other available Federal assistance".

On page 30, beginning with line 15, strike out through line 20 on page 31 and insert the following:

"§ 7507. Small business concerns

"(a) Small business concerns and socially and economically disadvantaged small business concerns shall have the maximum practicable opportunity to participate in the performance of contracts awarded to carry out the requirements of this chapter for the conduct of single audits. Each entity receiving Federal assistance shall—

"(1) assure that small business concerns and socially and economically disadvantaged small business concerns are used to the maximum extent practicable in carrying out the requirements of this chapter for the conduct of single audits;

"(2) make available information on opportunities for participation in contracts to carry out the requirements of this chapter for the conduct of single audits, and arrange schedules for such audits, in a manner which will encourage and facilitate participation in such contracts by small business concerns and socially and economically disadvantaged small business concerns;

"(3) consider, in awarding a contract to carry out the requirements of this chapter for the conduct of a single audit, whether the business concerns which are competing for such contract intend to award subcontracts to small business concerns and socially and economically disadvantaged small business concerns;

"(4) encourage the award of contracts to carry out the requirements of this chapter for the conduct of single audits to small business concerns and socially and economically disadvantaged small business concerns which have traditionally audited government programs, and, in any case in which such an award is not possible, assure that such concerns are given consideration for subcontracts of such contracts;

"(5) encourage the award of contracts to carry out the requirements of this chapter for the conduct of single audits to consortiums of small business concerns and socially and economically disadvantaged small business concerns in any case in which such a contract is too large to be performed by an individual small business concern or an individual socially and economically disadvantaged small business concern; and

"(6) use the services and assistance, as appropriate, of executive agencies such as the Small Business Administration and other appropriate organizations in the solicitation and utilization of small business concerns and socially and economically disadvantaged small business concerns to carry out the requirements of this chapter for the conduct of single audits.

"(b) For purposes of this section—

"(1) the term 'small business concern' has the same meaning as in section 3 of the Small Business Act; and

"(2) the term 'socially and economically disadvantaged small business concern' has the same meaning as in section 8(a) of such Act.

On page 31, lines 22 and 23, strike out "unless this section is expressly referred to,".

On page 31, line 23, strike out "financial".

On page 31, line 24, strike out "Act" and insert "chapter".

On page 32, insert before the period in line 2 a comma and "unless the provision of law establishing the requirement for such financial audit specifically refers to, and exempts such financial audit from, the requirements of this chapter".

On page 32, line 11, strike out the end quotation marks and the period the second place it appears.

On page 32, between lines 11 and 12, insert the following:

"§ 7509. Responsibilities of the Comptroller General

"The Comptroller General shall monitor bills and resolutions reported by the committees of the Senate and the House of Representatives and shall review provisions requiring financial audits of recipients of Federal assistance, if any, which are contained in such bills and resolutions. If the Comptroller General determines that a bill or resolution reported to the Senate or the House of Representatives contains requirements for financial audits of recipients of Federal assistance which are inconsistent with the requirements specified in this chapter, the Comptroller General shall, at the earliest possible date, report by letter such determination to the Committee on Governmental Affairs of the Senate (in the case of a bill or resolution reported by a committee of the Senate) or the Committee on Governmental Operations of the House of Representatives (in the case of a bill or resolution reported by a committee of the House of Representatives).".

On page 32, line 7, strike out "program-result" and insert "program results".

On page 32, beginning with line 15, strike out through line 14 on page 34.

Amend the title so as to read: "A bill to establish uniform single audit requirements for State and local governments who receive Federal assistance and for recipients of Federal assistance from such governments, and for other purposes.".

TO COMMEMORATE THE CENTENNIAL OF ELEANOR ROOSEVELT'S BIRTH

WALLOP AMENDMENT NO. 2483

Mr. McCLURE (for Mr. WALLOP) proposed an amendment to the joint resolution (S.J. Res. 139) to commemorate the centennial of Eleanor Roosevelt's birth, as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

That the Congress finds and declares that:

(1) Eleanor Roosevelt, who was First Lady of the United States from 1933 to 1945, was one of the country's great First Ladies;

(2) Born into wealth and privilege, herself, Eleanor Roosevelt nevertheless worked tirelessly to secure opportunities for disadvantaged Americans and to improve the lot of the needy elsewhere, and particularly in developing countries;

(3) Both during and after her service in the White House, Eleanor Roosevelt campaigned indefatigably for human rights in the United States and throughout the world;

(4) Eleanor Roosevelt devoted her efforts especially to promoting the welfare of children;

(5) For this service, for her articulate and compassionate advocacy of the highest American ideals, and for demonstrating by personal example the capacities of American women to succeed in areas of daily life and work from which they were frequently excluded in her day, Eleanor Roosevelt earned a place of honor and respect in the hearts of the American people; and

(6) October 11, 1984, marks the centennial of Eleanor Roosevelt's birth, and it is appropriate for Americans to mark this occasion with appropriate commemorations during 1984.

SEC. 2. (a) There is hereby established a Commission on the Eleanor Roosevelt Centennial.

(b) The membership of the Commission shall consist of the following:

(1) two Members of the House of Representatives, designated by the Speaker of the House;

(2) two Members of the Senate, designated by the President Pro Tempore of the Senate after consultation with the majority leader and the minority leader.

(3) the Director of the National Park Service, ex officio;

(4) the Archivist of the United States, ex officio;

(5) the Librarian of Congress, ex officio;

(6) the Governor of the State of New York, ex officio;

(7) the County Executive of Dutchess County, New York, ex officio;

(8) the surviving children of Mrs. Eleanor Roosevelt; and

(9) the chairman of the Eleanor Roosevelt Institute, ex officio.

For a particular meeting of the Commission any member of the Commission may appoint another individual to serve in his stead.

(c) Commission members shall designate one of their number as Chairman.

Sec. 3. The Commission established by section 2 of this resolution is authorized to—

(1) encourage and recognize appropriate observances and commemorations, throughout the United States, of the one hundredth anniversary of the birth of Eleanor Roosevelt; and

(2) provide advice and assistance to Federal, State, and local government agencies and to private organizations in establishing such observances and commemorations.

Sec. 4. (a) The Commission shall meet no later than thirty days after enactment of this resolution at a date and location determined by the Librarian of Congress, and at such locations and intervals thereafter as the Commission may decide. Unless otherwise provided by the Commission, a majority of the Commission shall constitute a quorum. The Commission shall cease to exist on January 1, 1986.

(b) The Commission may adopt such rules and regulations as may be necessary to conduct meetings and carry out its duties under this resolution.

(c) The Administrator of General Services and the Director of the National Park Service shall provide the Commission such assistance and facilities as may be necessary to carry out its proceedings.

(d) The Commission may accept donations of money, supplies, and services to carry out its responsibilities.

(e) The Eleanor Roosevelt Institute, a not-for-profit organization incorporated in the State of New York, and successor organization to the Eleanor Roosevelt Memorial Foundation, chartered pursuant to Public Law SS-11, shall provide staff assistance to, and coordinate policies and events for, the Commission.

(f) Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code, except that the total of payments made under this subsection for per diem in lieu of subsistence shall not exceed $10,000.

Sec. 5. In commemoration of the one hundredth anniversary of the birth of Eleanor Roosevelt, the Secretary of the Interior, acting through the Director of the National Park Service, shall complete such improvements and development in the Eleanor Roosevelt National Historic Site at Val-Kill in Hyde Park, New York, in fiscal year 1984, as will assure improved access and availability sufficiently to open the site to extensive public visitation.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy and Mineral Resources to examine the strategic petroleum reserve and the Department of Energy's baseline assessment of the SPR program. This oversight hearing will be held on Thursday, November 10, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

In addition, I would like to announce that the subcommittee has scheduled an oversight hearing regarding coal use by the Nation's railroads. This hearing will be held on Monday, November 28, beginning at 10 a.m. in Roanoke, Va. The exact location of the hearing will be announced at a later date.

Those wishing to testify or who wish to submit written statements for either of these hearings should write to the Committee on Energy and Natural Resources, Subcommittee on Energy and Mineral Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding the hearings, you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 224-5205.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on S. 1566, the Program Fraud Civil Penalties Act on Tuesday, November 15, at 9:30 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Jim McMahon at 224-3721.

Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on Oversight of Federal Regulation of the Lobbying Act of 1946 on Tuesday, November 15, at 2 p.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Paul Hewitt at 224-4718.

Mr. President, the Senate Committee on Governmental Affairs will hold a continuation of hearings on the Lobbying Act of 1946 on Wednesday, November 16, at 10 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Paul Hewitt at 224-4718.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has scheduled a nomination hearing for Wednesday, November 9, 1983, at 10 a.m. in room 328-A, Senate Russell Office Building.

The purpose of the hearing is to receive testimony on the nominations of Susan Meredith Phillips, of Iowa, to be Chairman of the Commodity Futures Trading Commission and Daniel Oliver, of Connecticut, to be general counsel, U.S. Department of Agriculture.

The committee will also consider any other Executive nominations that may be received from the President prior to the hearing.

Anyone wishing further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION, FORESTRY, AND ENVIRONMENT

Mr. JEPSEN. Mr. President, I wish to announce that the Subcommittee on Soil and Water Conservation, Forestry, and Environment of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing to receive testimony on S. 1851, a bill to establish wilderness areas in the White Mountain National Forest.

The hearing will be held on Tuesday, November 8, 1983, at 2 p.m. in room 328-A, Russell Senate Office Building.

Anyone wishing further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

Mr. COCHRAN. Mr. President, I wish to announce that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing in regard to the Perishable Agricultural Commodities Act, 1930.

The purpose of the hearing is to receive testimony on the provisions of the Senate companion to H.R. 3867 which amends the Perishable Agricultural Commodities Act, 1930 to establish a statutory trust for the benefit of sellers and suppliers of perishable agricultural commodities.

The hearing will be held on Monday, November 7, 1983, at 10 a.m., in room 328-A, Russell Senate Office Building.

Anyone wishing further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. McCLURE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the

Senate on Wednesday, November 2, to receive testimony from Dr. James Schlesinger on the Office of the Secretary of Defense and its relationship with other elements of the D.O.D. and the executive branch; to be followed by executive session to act on the nomination of Dr. Paul Myers to retire as lieutenant general in the Air Force.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. McCLURE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, November 3, at 10 a.m., to hold a hearing to receive testimony on the organization of the military unified and specified commands and the relationship with other Department of Defense and executive agencies.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. McCLURE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, November 3, to hold a hearing on the National Historical Intelligence Museum.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A COMMENDATION FOR AMATEUR RADIO OPERATORS

● **Mr. GOLDWATER.** Mr. President, I would like to speak briefly about something this Nation and its people are built on; namely, traditions. Over the past week, there have been a lot of activities which our country has lived and suffered through with no small measure of courage and determination. Our Marines are still in Beirut, despite the tragic bombing and the loss of many of their comrades—yet, they go about this task in a tradition filled with courage and resolve. In Grenada, our Rangers, Marines, and Seal teams along with those of the joint Caribbean force helped a tiny nation to rid itself of what most surely would have been a reign of tyranny and communism. The United States came to the aid of those nations to help them in a time of need and to protect our citizens in a foreign nation. Students who were evacuated from the island of Grenada spoke of our military and our country with patriotic pride—a tradition that in recent years has been missing in the United States. I hope that we can continue to strengthen these same traditions that have made this a great nation.

Mr. President, with all due respect to our fighting forces and what they have been through in the last several weeks, there are other traditions which perhaps have been less noticed—especially in the case of Grenada—that I do not think should go unnoticed.

As you and my other colleagues know, my hobby is amateur radio. It is not only a hobby, but to most hams as they are known, it is also a service. And it is this tradition of service from the amateur radio fraternity that I speak of today. During the first 2 or 3 days during which our forces were conducting operations in Grenada, the island was virtually cut off from the outside world communications-wise. Yes, we have spent millions of dollars on communications for our military for use in crisis and wartime situations. However, on this particular occasion, probably the most up-to-date accounts of what was happening in and around St. George's Medical College area, were given by ham radio operators. Mark Barettella, KA2ORK/J3, and Don Atkinson, J37AH, maintained communications throughout a very critical situation and were, at times, the only sources of information coming from Grenada. Ham radio operators here in the United States monitored frequencies used by Mark and Don and stayed in contact with them night and day. Ham radio operators provided a great service, not only to their government, but also to the people of the United States. Like hams that have gone before them, they have a tradition of service in times of local and national emergencies.

I think it is fitting today that we should honor these amateurs, and the amateur radio community in general, for also being a part of the finest traditions of this country. They are a national resource that we should be proud of and should appreciate.

Mr. President, in addition, I would like to enter into the record the call signs of at least a few amateurs that we know of at this point: N2DRA, K3RZR, W3DOS, KA3DTE, KC2PK, WD4CNR, K0IND, VE3AJN, K4MM, WA4ZHC, W4PP, W1ISO, WA4CCK, WD4AHE, WB4CKO, WR4S, WB4FTK, N4GFQ.

I am sure that there are many others who are known to us and who are not included in this list that should receive our thanks.●

A MAN WITH A MISSION

Mr. TSONGAS. Mr. President, on October 22, the Boston Globe published an article entitled, "A Man With a Mission: Leonard Zakim, the enemy is bigotry, and he's ready for battle." This profile highlights the career and background of Lenny Zakim, the executive director of the New England Anti-Defamation League of B'nai B'rith.

Lenny Zakim, in a very short time, has earned the respect and admiration of all of those in Massachusetts who struggle to end all forms of religious and racial prejudice. I cannot improve upon the characterization by Frank Jones, president of the Boston committee of Lenny as "dedicated, relentless (and) committed."

Lenny Zakim has become a close and dear friend. He has personally contributed greatly to the deepening of my understanding of the tensions and problems of the Middle East. Last winter, we traveled together, as part of an Anti-Defamation League delegation to Egypt and Israel.

During the portion of the trip that we were in Israel, much of the itinerary had been planned and arranged by Lenny Zakim. It quickly became clear that rather than making an effort to control what issues, ideas, and individuals I would be exposed to in Israel and on the West Bank, Lenny had acted on the conviction that the best way to persuade was to air the widest variety of perspectives possible. Although physically worn-out at the conclusion of the trip, I can never remember a more useful fact-finding journey. All of this was accomplished with great skill and competence, but most importantly, with the good humor and warmth which is so characteristic of Lenny Zachim.

Mr. President, I ask that the Boston Globe article which I have referred to appear in the RECORD following my remarks.

The article follows:

A MAN WITH A MISSION: LEONARD ZAKIM, THE ENEMY IS BIGOTRY, AND HE'S READY FOR BATTLE

(By R. S. Kindleberger)

Leonard Zakim was only 10 when he decided he wanted a career in law. It was right after the assassination of President John F. Kennedy and he had spent days moping around the house, bitterly stung and frustrated, hurt the way only a small child can be by events he cannot fathom.

Kennedy had been his hero, and now Kennedy was dead. But gradually the profound sense of hurt Zakim felt gave way to a determination to emulate the slain president by becoming a lawyer and making his own contribution to society.

Now 29, Zakim already has claimed a piece of his boyhood ambition. He has become a lawyer and six months ago was promoted to New England director of the Anti-Defamation League (ADL) of the Jewish fraternal organization B'nai B'rith.

In his five years with the organization, Zakim has gained a reputation as a tireless opponent of anti-Semitism who has also made fighting racial discrimination a top priority of the ADL in Boston.

"For us to remain silent in this city when blacks can't walk to different neighborhoods . . . I think would be malpractice or negligence," he said in a recent interview in his downtown Boston office.

THE RACIAL CLIMATE

In numerous public statements since joining the ADL, as its regional civil rights director, Zakim has condemned racial attacks against blacks and pushed for vigorous prosecution of the assailants. The links he has established with other civil rights groups have helped ease black-Jewish tensions and improve the overall racial climate in Boston, numerous observers agree.

At the same time, he has continued to battle anti-Semitism. Following the recent vandalism of a Malden synagogue, Zakim was on the phone to Malden police and the Middlesex County district attorney's office to seek assurances that the perpetrators would be held accountable.

Frank Jones, president of the civil rights group known as the Boston Committee, describes Zakim in terms he associates with the activists of the 1960s: dedicated, relentless, committed.

"For a person obviously as bright and as talented as he is, he could be doing a lot of other things," Jones added. "He believes in what he's doing, and it shows."

Many of Zakim's admirers see a brilliant future for the young lawyer no matter what he does. His rise to regional director last March, after four and half years with the organization, was described by a colleague as meteoric.

Talking animatedly in his office, Zakim chops at the edge of the desk in front of him with his right palm to underline a point. His bright blue eyes burn with intensity, set off by his wavy brown hair and neatly trimmed beard. This is a man with a mission, and it shows.

A NEW JERSEY BOYHOOD

His unusual determination was already evident during his school days in suburban New Jersey, where he grew up as the eldest of three children. His father, Gerald, said in a telephone interview that as an undersized end on his high school football team, Zakim was repeatedly named "hustler of the week" for his aggressive play.

But the hard edges of Zakim's ambition are softened by a gentler side of his personality, manifest most obviously in his love for family. Ranking a good family life among his most cherished values, Zakim talks with anticipation of the first child he and and his wife, Joyce, are expecting in December.

To Richard Glovsky, a former assistant US attorney who has handled probono work referred by the ADL, the key to Zakim's effectiveness lies in his ability to be "assertive without being offensive. He can disagree with you without alienating you."

Sol Kolack, who served as regional director for 31 years before he was succeeded by the man he hired as civil rights director five years ago, makes a similar point. Zakim, he said, has "the one quality that is really most important" in this kind of work: "the ability to relate."

Zakim had something else to recommend him when he applied for his first job with the ADL: a personal endorsement from Gov. Michael S. Dukakis and his wife, Kitty. He'd become their friend while working as a volunteer on Dukakis' 1978 reelection campaign shortly after leaving law school.

A job with the current Dukakis administration could be Zakim's for the asking, according to Joseph Feaster, former president of the Boston Chapter of the NAACP and now general counsel in the state Office of Administration and Finance.

POLITICAL TIES HELPFUL

US Rep. Barney Frank and Middlesex County Dist. Atty. Scott Harshbarger are other politicians with whom Zakim has forged useful alliances. Zakim said Frank helped him make contact with black leaders in Boston when he was beginning his job as ADL's civil rights director, and Harshbarger recently won the first conviction for anti-Semitic acts under the state's 1979 civil rights act, which Zakim helped write.

The young civil rights leader cuts an impressive public figure. When he spoke recently in Newton on "the challenge of contemporary anti-Semitism" before a chapter of B'nai B'rith, he was clearly the youngest person in the room. Despite initial signs of nervousness, Zakim was soon telling Jewish men and women twice his age what they should do about anti-Semitism.

He urged his listeners to condemn every instance of bigotry, even those that appear relatively harmless. While Jews have made enormous progress in this country, he said, they are still vulnerable to hate-mongers and extremists.

He said Jews must guard against believing the notion that they are "too sensitive . . . (and) get too excited about these things. The fact of the matter is that some of us have begun to believe that. And in believing that we've stopped acting."

HIS JEWISH IDENTITY

Zakim was raised in a Jewish family he describes as close but not particularly religious. He said he did not develop a strong feeling of Jewish identity until he visited Israel in 1973, shortly before the Yom Kippur war.

What he did develop, as one of the few Jewish students at school in his section of Wayne, N.J., was an uneasy sense of being different. The year his family moved to Wayne, when Zakim was entering the eighth grade, the town gained national notoriety from an outbreak of anti-Semitism which was later described in an ADL pamphlet entitled. "It can't happen here."

"Now I think I never really confronted anti-Semitism despite all that," Zakim said. "But what . . . I remember somebody saying to me, on finding out that I was Jewish, was 'You're not like other Jews.' And I'd say, 'How many other Jews do you know?' And they'd say, 'We don't know any Jews.' "

Exposed to politics at an early age by his father, Zakim has always felt confident of his ability to work within the system. When he and other students at the New England Law School became disenchanted with their dean in the mid-1970's, Zakim was the point man in going to the trustees to complain. Eventually the dean resigned at the trustees' request.

The episode was another example of "Lenny sticking his neck way out," according to Kevin O'Malley, an assistant district attorney for Middlesex County and close friend since their days at law school. O'Malley said Zakim, who was later elected student bar association president, provided "gutsy leadership" on a variety of issues important to students.

DAYS AS STUDENT ACTIVIST

Although he made dean's list frequently as an undergraduate at American University in Washington, Zakim did not stand out as a student at law school. Rather than making grades a priority, he explained recently, he decided to spend more time on student politics and volunteer legal work for the poor.

The activist style he developed then has continued during his work for ADL. Zakim has accused Boston Mayor Kevin H. White of a "failure of leadership" in addressing racial problems. He has prodded area police departments when he thought they were insufficiently vigilant in investigating acts of bigotry. And he has repeatedly criticized Suffolk County District Atty. Newman Flanagan's handling of civil rights cases.

In Flanagan's case, the criticism does not appear to have made a great impression. David Rodman, a Flanagan aide, said the district attorney was unable to comment on Zakim because he could not remember who he was.

Lt. Francis (Mickey) Roache, commanding officer of the Boston Police Department unit responsible for investigating racial disturbances, praises Zakim as someone who knows that constant vigilance is necessary if bigotry is to be kept in check.

"Because of ADL and people like him, I think we're doing much better than we were five years ago," Roache said.

REPRESENTATIVE STEPHEN J. SOLARZ ON THE FUTURE OF TAIWAN

● Mr. KENNEDY. Mr. President, last August, Representative STEPHEN J. SOLARZ delivered an outstanding speech to a large group of Taiwanese leaders who are working toward a more open and democratic political system in Taiwan. I have been proud to join with him in introducing congressional resolutions opposing martial law and supporting democracy and human rights in Taiwan.

In a clear and cogent analysis of the future of democracy and human rights in Taiwan, Mr. SOLARZ argues for the establishment of a democratic political system—not only because the people of Taiwan have a right to the fruits of freedom, but because it represents the best method to enhance Taiwan's security, its stability, and its relationship with the United States. As Representative SOLARZ states:

> I know that my fellow citizens in the United States and friends of decocracy around the world are watching with genuine hope and great expectations for a political miracle on Taiwan that, in its own way, will be as significant as the economic miracle which has contributed so much to the peace and prosperity of Taiwan.

I fully concur in this judgment and in this hope, and I request that the full text of Mr. SOLARZ's speech appear at this point in the RECORD.

The speech follows:

DEMOCRACY AND THE FUTURE OF TAIWAN: KEYNOTE SPEECH BY CONGRESSMAN STEPHEN J. SOLARZ AT LUNCHEON HOSTED BY NON-KUOMINTANG POLITICAL LEADERS IN TAIWAN

I stand before you today as a friend of the eighteen million people of Taiwan. As a friend, I believe I have a responsibility to express my personal views on the future of the island. I do not speak in order to interfere in your internal affairs, or to take sides in a family quarrel. That would be inappropriate and I do not intend to do so.

I speak because Taiwan's reputation in the world is one of its most important resources. I am convinced that if the United States and other countries in the world have a favorable impression of Taiwan, it will improve the prospects for a secure and prosperous life for the people of Taiwan. But if world opinion is negative, isolation and insecurity are more likely.

Because I care about the future of Taiwan, I think it would be a tragedy if your island's reputation were diminished. I am not in a position to dictate or determine that future. No foreigner has that right. But I do believe I have an obligation as a friend to state what is needed to preserve foreign sympathy and support, particularly in the minds of the people of the United States.

There can be no doubt that Taiwan has enjoyed a favorable international reputation. People the world over often speak of Taiwan as an economic miracle, as a showplace for economic growth. In a few short decades your island has changed from a rather poor, primarily agricultural economy, to a prosperous society that has mastered a variety of different industries and has now embarked on the ambitious transition to a technologically-based economy. Per capita income is one of the highest in Asia, and the benefits of economic progress are shared more equally than in most other developing countries.

It is true that American aid and advice in the 1950s and 1960s were helpful in fostering this economic development, and I think my country can take pride in the role we played. But the primary reasons for Taiwan's success were indigenous to Taiwan itself. The government devised sensible policies: moderate land reform, a partnership between government and private business, a receptivety to foreign capital and technology, and a willingness to adapt to volatile overseas markets. And millions of talented and hardworking people devoted strenuous effort to building a more prosperous life for themselves and their families.

But continued economic progress is not a sufficient guarantee of continued international sympathy. More significant, especially in the eyes of Americans and West Europeans, will be Taiwan's response to the other great challenge of the twentieth century, the challenge of political development. Will the people of Taiwan continue to have only a limited voice in political affairs, or will there be an evolution to a full and genuine democracy? Can the economic miracle, which has given you the benefits of prosperity, be matched by a political miracle which will give you the fruits of freedom?

I am not suggesting that democracy is a panacea for all the problems of a society. I recognize that even long established democratic systems must struggle against abuses of power and efforts by power elites to perpetuate their position. The Watergate scandal, in which it was revealed that the President of the United States and his associates had obstructed justice and then tried to cover up their crime, demonstrated that even American democracy is not immune from political corruption. Yet for all its imperfections, the checks and balances of pluralistic political systems are more likely to prevent such abuses than the monopolization of power in authoritarian regimes.

In the case of Taiwan. I am convinced that allowing the eighteen million people of Taiwan to have a more significant role in the decisions that affect their lives will enhance the future stability and security of the island. Denying them that note will only make the road ahead more difficult to travel.

Some will say that Taiwan already has democracy. Without a doubt, there are opportunities for political participation and the expression fo the popular will:

Provincial and local officials are popularly elected.

Some central-level offices are filled by elections.

More and more individuals born on the island are assuming positions of responsibility in the executive agencies.

Merit, not political affiliation, determines success in the educational spheres.

I know all this. But I also know that publications can be suspended or closed if the authorities decide that they "confuse public opinion and undermine the morale of the public and the armed forces," without defining what that phrase means. I know that electoral candidates of the ruling party benefit from its organizational backing, while opposition candidates must run as individuals. And I know that the judicial system does not have a reputation for protecting the rights of defendants and can be used for political purposes.

Some will say that since Taiwan is less repressive than many other systems, it is unfair to criticize it for falling short of a human rights standard that is met by only a small minority of the countries of the world. I fully agree that from a human rights point of view. Taiwan compares favorably with a number of other societies, such as the Soviet Union, South Africa, Poland, and the Chinese mainland. Those political systems justly deserve the criticism they have received on human rights grounds.

But is it enough for Taiwan to be merely better than the Soviet Union, which invented the Gulag Archipelago? Is it enough for Taiwan to be merely better than a workers' state like Poland which does not allow the workers to organize free trade unions?

Is it enough for Taiwan to be merely better than a country like South Africa, which has enshrined racism in the law of its land and which systematically discriminates against the great majority of the population just because of the color of the skin? Is is enough for Taiwan to be merely better than the Chinese mainland, whose leaders now freely admit that the so-called "Great Proletarian Cultural Revolution" was "ten years of disaster"? Surely Taiwan can be much better!

Some will say that democracy is irrelevant until a society has reached a certain stage of social and economic development. According to this point of view, people who are engaged in a daily struggle simply to survive, and who must worry constantly about food, clothing, and shelter simply do not care about whether they have an opportunity to shape the larger forces that govern their lives.

Whatever the theoretical attraction of this argument, it is clearly irrelevant to Taiwan, which has achieved a degree of economic security far above the subsistence levels which supposedly make democracy irrelevant to the poorest of the poor. Yet even on its own terms, I find the argument unpersuasive.

In my opinion, wanting a full belly and wanting the right to vote are not mutually exclusive propositions. India is a case in point; half of the population is below the official poverty line, but the mass of the people still regard political participation as an efficacious means of fostering social and economical change. And when they were temporarily deprived of democracy during the so-called emergency several years ago, the people proceeded to throw out via the ballot box the government responsible for the loss of their democratic freedoms.

Some will say that whether or not people want democracy, they are incapable of it unless they have reached a certain stage of social evolution. Even to the extent that this is true, and the case of India would again seem to believe it. I believe that Taiwan has already reached that level.

The social structure is complex, including a vibrant business community and many professional occupations.

The society is predominantly middle class, thus negating the possibility of deep cleavages between rich and poor.

The literacy rate is one of the highest in the world.

The educational system is training new generations of intelligent, thoughful, and responsible adults.

A sophisticated, varied mass media reaches every home on the island.

In short, Taiwan's social pluralism and civic culture bode well for a healthy democratic system.

Part of my confidence in this regard stems from observing your brothers and sisters in the United States. Not only have they made an economic contribution and enriched American education. They have also shown themselves to be adept at democratic politics and have joined the ranks of the many interest groups that give American democracy its dynamic quality.

Some will say that establishing a more open political system will jeopardize the stability on which the prosperity of Taiwan depends. On the contrary, I believe that liberalization will probably strengthen stability. It is the absence of political progress that contributes to instability. Confrontation and violence are more likely in situations where peaceful change is impossible. It is precisely because I categorically condemn violence as an instrument of political change that I vigorously advocate peaceful democratic reform.

Some will say that democracy is appropriate only in certain cultures, that it will work only in those societies that share the Western liberal tradition. Although democratic systems are most common in the West, they thrive in all parts of the world: Costa Rica and Venezuela in Latin America; Nigeria and Botswana in Africa; Israel and, from time to time, Lebanon in the Middle East; India in South Asia; and Japan in East Asia. All share a common commitment to the principle and practice of democracy.

Neither, if experience is any indication, is democracy incompatible with any particular religion or philosophical tradition. I can think, for example, of Catholic Spain, Jewish Israel, Hindu India, Muslim Malaysia, Buddhist Sri Lanka, and Confucian Japan—all of which have flourishing democratic systems.

With specific regard to Confucian East Asia, some have said that respect for authority and desire for harmony are too deeply instilled to accommodate democratic politics. In my opinion, however, this contrast between East and West is one of degree rather than kind. Americans despite their individualism, have substantial respect for authority once it has established its legitimacy. Americans must fashion consensus in their families, in their workplaces, and in politics.

What democratic politics offers is a creative balance between authority and individualism, between conflict and harmony. The balance point will be different for each society, and here culture may pay a role. Japan is a very East Asian democracy, but a democracy all the same.

Allow me to quote, with minor paraphrase, the views of a prominent East Asian personality on this subject:

Is there any just reason why we should oppose autocracy and insist on democracy? Yes, because with the rapid advance of civilization people are growing in intelligence and developing a new consciousness of self. * * * Which is more appropriate, autocracy or democracy? If we base our judgment on the people's intelligence and ability, we come to the conclusion that the sovereignty of the people is far more suitable to us.

These words were spoken almost sixty years ago by Dr. Sun Yat-sen. Can his insightful judgment be any less true today?

Finally, there will be those who assert that democracy is a luxury that those who believe they face a serious external threat cannot afford. To be sure, many governments around the world have used the reality or threat of military conflict to stifle dissent and justify repression.

Even the United States has been guilty on this score. President Lincoln suspended the writ of habeas corpus during the Civil War. President Franklin Roosevelt ordered the internment of thousands of Japanese-Americans during World War II. Yet I think it fair to say that, with the benefit of hindsight, a national consensus holds that these actions were both unwise and unjustified. It would be a double tragedy to use these acknowledged mistakes as a pretext for repression today.

For every country that has used an external threat to justify the absence of democracy, there are others that have successfully faced the challenge to their security and simultaneously maintained their commitment to an open political system.

In Western Europe, countries in the NATO alliance have faced for three decades now the overwhelming might of the Soviet Union and its Warsaw Pact allies, without ever compromising the democratic principles that bind them together.

In the Middle East, Israel, a country of three million people, faces the constant enmity of 130 million Arabs. It has fought five wars in thirty-five years but its democratic institutions continue to flourish.

In South Asia, India has fought three wars with Pakistan and two with Mainland China. With one two-year exception, it has maintained its commitment to democratic government.

What these examples demonstrate is that democracy, far from undermining the security of a society, can actually strengthen it—internally by giving its people a greater stake in the preservation of their way of life and externally by increasing the sympathy of other democratically inclined governments. One of the considerations that led the United States to support Britain in its war against Argentina over the Falkland Islands was the fact that Britain is a democracy and Argentina is a dictatorship. American support of Israel is clearly related to the fact that, of all the countries in the Middle East, it is the only one that completely shares our commitment to democracy.

For all these reasons, I believe that a political miracle is both possible and desirable in Taiwan. No one can say what the end result of such a process will be, for democracy can take many forms. History, social structure, and the level of economic development govern how it is institutionalized in a given society. Some systems are parliamentary, others presidential. Some are federal, others are unitary. Some have two parties, others have many parties. Some have unicameral legislatures, others have bicameral legislatures.

But all democratic governments, whatever institutional forms they take, work best when they possess a number of essential elements:

Democracy thrives where the people have the right to choose their leaders.

Democracy thrives where government decisions ultimately reflect the will of the majority but still take account of the rights of the minority.

Democracy thrives where political forces, whether they support or oppose the government, can organize to engage in political competition.

Democracy thrives where those who have power are prepared to peacefully relinquish it.

Democracy thrives where citizens have the right to express their views freely without fear of persecution.

Democracy thrives where the press has the freedom to criticize the government and its leaders.

Democracy thrives where an independent judiciary impartially enforces the dictates of the law rather then the will of those in power.

Obviously, there are no rights without responsibilities, and no freedoms without limits. Each society must achieve its own balance between freedom and control. Great Britain, for example, through its Official Secrets Act, limits freedom of the press when grave matters of national security are at stake. Laws against libel and slander constrain freedom of speech in the United States. In democratic societies, however, it is up to those who would limit freedom to prove that the limits are necessary.

Clearly, these elements of democracy are goals that are never perfectly realized. All democracies, even those with the longest history, are far from perfect and must strive constantly to improve. But they possess an important advantage—checks and balances that make it possible to correct abuses, to expose corruption, and to stimulate reform. As Winston Churchill so eloquently put it, "Democracy is the worst system, except for all those other systems that have been tried."

I have used the word "miracle" to characterize Taiwan's economic accomplishments and my hopes for its political future. But the word miracle, which implies something magical, is actually inappropriate. As I have already noted, Taiwan's economic progress is the result of the intelligence, talent, and hard work of millions of people. Similarly, building a democratic system will require intense effort, patience, and flexibility on behalf of many groups and individuals. Let me conclude by offering some words of encouragement to my friends holding different views.

To my friends in the Kuomintang: I encourage you to fulfill Dr. Sun Yat-sen's vision of a political system that befits the people's intelligence. I encourage you to take pride in the process of social and economic change you set in motion many years ago, and in the experiments in popular rule you have already conducted. I encourage you to take risks for the sake of broader democracy because I am confident you will strengthen Taiwan's stability and sense of security as a result. I encourage you to treat those who might oppose you with justice and humanity, and to compete with them in a spirit of fairness and mutual restraint. I encourage you to eliminate coercion as an instrument for achieving your political aims.

To my friends outside the Kuomintang: I encourage you to continue your quest for a democratic system of government that will enhance the stability and security of Taiwan. I encourage you to work with all those who share your goals, regardless of their political affiliation, because cooperation will facilitate genuine progress. I encourage you to engage in political competition in a spirit of fairness and mutual restraint. I know you agree with me that violence and coercion are politically counterproductive.

I said at the outset that I decided to speak to you today because I regard myself as a friend of Taiwan. There should be no doubt that I am also a friend of democracy. These two are not contradictory. I am confident that Taiwan can accelerate the trend toward democracy, and that a democratic system suited to Taiwan's conditions will enhance your society's security and stability. I know that my fellow citizens in the United States and friends of democracy around the world are watching with genuine hope and great expectations for a political miracle on Taiwan that, in its own way, will be as significant as the economic miracle which has contributed so much to the peace and prosperity of Taiwan.●

NOMINATION OF CAPT. GRACE MURRAY HOPPER

● Mr. WARNER. Mr. President, I rise to commend Capt. Grace Murray Hopper, who has been recommended by the Committee on Armed Services for promotion to flag rank. Captain Hopper is exceptionally well qualified and eminently deserving of promotion to flag rank.

She is acknowledged to be one of the founders of the computer science profession. She has received 10 honorary doctor's degrees, the Man of the Year award from the Data Processing Management Association, and has had an award for Outstanding Young Computer Professionals set up in her honor by the Sperry Corp.

Her career in the Naval Reserve began in 1943 and she was commissioned as lieutenant (j.g.) in 1944. Her initial assignment was with the Bureau of Ordinance's computation project at Harvard, where she programed the first large scale digital computer. She has continued to make outstanding contributions to the Navy in the field of data processing and has been awarded both the meritorious service medal and the Legion of Merit. Currently, Captain Hopper is serving on active duty as the special adviser to the commander of the Naval Data Automation Command.

Her promotion to commodore is well deserved and I wholeheartedly support it.

CALIFORNIA MORTGAGE BANKERS' WEEK

● Mr. WILSON. Mr. President, I ask that a proclamation to be read by the Governor of California, George Deukmejian, for California Mortgage Bankers' Week, November 6-12, 1983, be inserted in the Record as a tribute to the thousands of mortgage bankers who help make economic growth a reality for our Nation.

The proclamation follows:

MORTGAGE BANKERS WEEK: NOVEMBER 6-12, 1983

Whereas the mortgage bankers of California provide billions of dollars each year to homeowners and developers in order to purchase thousands of single family residences and develop apartment buildings, industrial and commercial complexes, thereby, building equity for the owners in California real estate and,

Whereas mortgage bankers provide one of the fastest growing and most important sources of mortgage credit in the country and,

Whereas mortgage bankers in California service over 1.5 million loans with the dollar volume in the excess of 70.2 billion dollars and,

Whereas mortgage bankers bring into California billions of investment dollars from out of state insurance companies, savings institutions, and pension funds and,

Whereas mortgage bankers in California subscribe to a Code of Ethics and a Code of Conduct for processing single family residential loans and firmly believe in the theme of this year's mortgage banking week "EQUITY FOR ALL", now

Therefore be it resolved that the week of November 6-12, 1983 be declared "Mortgage Bankers Week" as a tribute to the thousands of mortgage bankers and their employees who service thousands of California citizens each year by providing them with financing for their homes and development of industrial and commercial properties to meet the needs of this great state.●

DEMOCRACY IN ARGENTINA

● Mr. KENNEDY. Mr. President, I join in extending congratulations to Argentine President-elect Raul Alfonsin on his sweeping electoral victory. In last Sunday's Presidential elections, the Argentine people reaffirmed in clear terms their commitment to democracy and human rights. This election was a vote for democracy and indeed an important triumph for all the people of Argentina.

The path ahead for President Alfonsin holds many difficult decisions, both political and economic. However, the Argentine people can take heart in President Alfonsin's stand for civil rights, democracy, and national unity. This is a historic moment for the Argentine people. I know that all Members of Congress join in wishing President Alfonsin and his government success in their courageous efforts to restore human rights and justice in Argentina. As he himself has declared, "there is the Constitution and jail for the guilty," and not a return to violent repressive measures.

Once again, I welcome the progress of the people of Argentina toward democracy, justice, human rights, and freedom. I request that the New York Times articles on the Argentine Presidential elections be printed at this point in the RECORD.

The articles follow:

[From the New York Times, Nov. 2, 1983]

THE ARGENTINE RESULT: A VOTE FOR DEMOCRACY

(By Edward Schumacher)

BUENOS AIRES, Nov. 1—The election Sunday of Raúl Alfonsín as President appears to reflect a desire among Argentines to end decades of alternating military coups and union violence under Peronist governments.

In an election called by the ruling military, Mr. Alfonsín of the Radical Civic Union won an upset victory over the Peronist candidate, Italo Luder, by resounding margin of 52 percent to 40 percent.

The election of Mr. Alfonsín, who campaigned hard for clean government and civil rights, represents what could be a fundamental change toward genuine democracy in Argentina, according to many scholars and political analysts.

PEOPLE WANT TO PARTICIPATE

"We are at a historical moment," Roberto Russell, a leading political scientist, said in an inverview. "People are tired of authoritarian governments. They want to participate."

Mr. Alfonsín, a 56-year-old former congressman, appealed to the voters as a relatively new face and as a strong advocate of national unity, seeking to bridge deep class divisions by reaching out to workers and other traditional Peronist supporters.

The *middle-class* Radicals, Mr. Alfonsín conceded, had like most Argentine parties called on the military for coups in the past. But his own credentials as a democrat were impeccable; he was one of the few major political leaders to oppose the military overthrow of Isabel Martinez de Perón in 1976 and to fight actively for human rights.

The politics of he and Mr. Luder are similar, both being somewhat left of center by European standards. Mr. Alfonsín enjoys close relations with leading Social Democrats in Europe. But by Argentine standards he is a centrist, calling for more government spending on welfare and for wage increases, but also advocating a reduction of the country's huge state industrial sector.

Right-wing parties in Argentina are tiny and splintered. The Communist and other parties of the extreme left also drew negligible support in the elections, a result of Peronist domination of the unions, military suppression in the past and memories of leftist terrorism.

Argentina was equal to Canada in development before World War II, but political turmoil has led to its decline. Since a military coup in 1930, only one elected government has completed its term.

The Peronists had won every free election since the party was founded in 1945 by Juan Domingo Perón, but when in power they showed little tolerance for minorities, employed censorship and sometimes used union enforcers against its enemies.

The elections Sunday were called to end nearly eight years of military rule. More than any earlier military governments, the present one has been regarded by many Argentines as oppressive. More than 6,000 people disappeared in a campaign against leftist terrorists; the nation was humiliated by its defeat by Britain in the Falkland war, and the economy is in one of its worst crises ever, with inflation running at an annual rate of nearly 1,000 percent over recent weeks.

"Here we have lived a tough lesson that coups hurt everyone," Mr. Russell said.

Meanwhile, the Peronists, for the first time, were running without the charismatic presence of a Perón. General Perón died in 1974 and his third wife and successor, Isabel Martínez de Perón, who was overthrown by the military in 1976, is in self-exile in Spain.

The reputation of the party was marred by memories of its past, including terrorist fighting between party factions in the 1970's and by the move of old-line union leaders into the party leadership.

Women, who once voted overwhelmingly for Peronism, appeared this time to vote more against it, apparently because of its reputation for violence, according to preliminary studies of the returns by social scientists.

[From the New York Times, Nov. 1, 1983]

THE CIVILIAN CALLED TO COMMAND ARGENTINA: RAÚL ALFONSÍN

(By Stephen Kinzer)

During his more than 30 years in politics, Raúl Alfonsín, Argentina's President-elect, has been an outsider and, at crucial moments, a loser. But his image as a maverick served him well when Argentina, after seven years of military rule, began looking for leaders not associated with the failures of the past.

In his campaign, Mr. Alfonsín proved to be a master of consensus and a vigorous advocate for democracy and social justice. He pledged to wipe out illiteracy and malnutrition, increase the money spent on education to 30 percent of the total budget and suspend the purchase of arms.

"I honestly believe that Argentines at this moment are not divided by deep ideological differences," Mr. Alfonsín said in an interview in Buenos Aires a few weeks ago. "What we face is the need to address the problems of the unemployed, of child care, of school dropouts and the destruction of the national economy."

ATTENDED MILITARY ACADEMY

Raúl Alfonsín was born on March 13, 1926, in the town of Chascomús 70 miles east of Buenos Aires. Because there was no secondary school there, he was sent to a military academy and, on graduation, received a commission. But soon he returned to civilian life because, he said later "I became fed up with the military."

Mr. Alfonsín's father was a Spanish immigrant of passionate republican convictions, who sympathized with Radical Civic Union, a middle-class party that dominated Argentina until 1930. Mr. Alfonsín became an active Radical while still in law school. He won his first election in Chascomús at the age of 24 and rose through the state and national legislatures.

But though he built a solid base in his home area, Mr. Alfonsín was often at odds with leaders of his party. He founded an insurgent faction within the party, the Movement for Renovation and Change, and in 1972 challenged the veteran party chairman, Ricardo Balbín, for leadership of the Radicals. His defeat was so great that many commentators expected him to fade from the political scene.

In the sudden political thaw Argentina has enjoyed in the last year, Mr. Alfonsin has shown his organizational skills by signing up thousands of new party members, most of them young. Propelled by their votes, he won the party nomination for President by a margin that surprised even his supporters.

Mr. Alfonsin is married to Maria Lorenza Barrenechea, who is of Basque ancestry. They have six grown children, one of whom lives in the United States.

As he catapulted to national prominence, Mr. Alfonsin's appearance improved markedly from the habitually rumpled look of the past. Yet he retains a common touch, seeming to mix more easily with those of average means than with the polished elite. At the Globo restaurant where he often lunches with aides, he likes to walk into the kitchen and ask employees their opinion on current issues.

Mr. Alfonsin once edited a newspaper and considers himself a frustrated writer. He enjoys movies and has cited the early 1960's antiwar film "Hiroshima Mon Armour," by the French director Alain Resnais, as one of his favorites.

Argentina's challenge, Mr. Alfonsin declared during his campaign is "to overcome this decadence, overcome this immorality that has seeped into our society and join together in the long march toward peace and prosperity."

NEVER AGAIN, NEVER AGAIN

Mr. Alfonsin is viewed in sme quarters as antimilitary and there have been suggestions that the departing military leaders would have preferred his defeat. He has condemned the "repugnant methodology" used by the military in its suppression of terrorism in the 1970's. Early in the campaign, he accused several important officers of plotting to aid the Peronist party.

At a rally in Tucumán, Mr. Alfonsin broached the subject of how to deal with soldiers implicated in kidnappings or torture. Some in the crowd began chanting "Firing squad!" but Mr. Alfonsin retorted: "Never again, never again! There is the Constitution and jail for the guilty."

Some State Department officials reportedly have expressed fears that Mr. Alfonsin's leftist leanings might lead him into disagreement with Washington.

"The United States should revise its policy toward Latin America," Mr. Alfonsin told a group of American businessmen recently. He said the United States "has been almost exclusively interested in its own strategic and economic position while appearing uninterested in the social condition of the people who produce the wealth, the immense majority of whom live under feudal regimes and governments maintained by force."

Asked what qualities he considers important for political leaders, Mr. Alfonsin replied: "What I admire most is humility. What I cannot stand is arrogance."

CONCLUSION OF MORNING BUSINESS

Mr. McCLURE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. McCLURE. Has the time for morning business expired?

The PRESIDING OFFICER. The time for morning business has expired.

Mr. McCLURE. Mr. President, now what is the pending business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

NATURAL GAS POLICY ACT AMENDMENTS OF 1983

The PRESIDING OFFICER. The Senate will resume consideration of the pending business, which the clerk will report.

The legislative clerk read as follows:

> The motion to proceed to S. 1715, to amend the Natural Gas Policy Act of 1978, and so forth.

Mr. EXON. Mr. President, I object.

Mr. McCLURE. Mr. President, I think the Senator from Nebraska perhaps would indicate that he does not wish us to vote on that matter at this time. I think pending is the motion to proceed to the consideration of this act; is that correct?

The PRESIDING OFFICER. That is correct. It is a debatable motion.

Mr. McCLURE. And that motion is a debatable motion?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. Mr. President, there may be some on this side of the aisle who may wish to debate the motion to proceed. I do not see them on the floor at this time.

I might indicate as I did yesterday, Mr. President, that I understand that there are those who may disagree with S. 1715. Goodness knows there are plenty inside and outside of the Congress who find some reason to say there is some imperfection in the bill and granted their own perspective, their own viewpoint, and their own desires they would write a different bill than the one that came out of the committee. There are some who will say that they are opposed to any further action with respect to natural gas pricing and regulation. If it is their motive that they simply wish to stop any consideration of legislation, I can understand and I can respect their right to assert their prerogatives on the floor of the Senate to bring that about. But I am perplexed by those who say that that is not their motive, that all they want to do is write good legislation, and then persist in saying we cannot even consider legislation. I would hope that we can make a distinction very soon and very clearly between those who desire to legislate but have a question about what kind of legislation should be passed and those who do not want to legislate at all. I suggest that those who wish to make substantive changes in the legislation before us allow us to get to the bill so they can offer those substantive changes, and then this body can exercise its judgment with respect to what change ought to be made.

Mr. President, I have a lengthy statement, but the best thing for me to do at this time is to withhold making that statement because it may be possible, indeed, that the discussion yesterday satisfied the requirement on the part of some to have at least a little pause before we entered the deliberation and perhaps this body is ready to proceed to a vote on the motion to proceed to the consideration of the legislation.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I am not sure which are the various categories this Senator from Nebraska falls into as explained by the chairman of the committee, the manager of the bill before us.

There are those of us who spoke on this matter at some length yesterday, and there may well be those who wish to speak on the matter again today. As a result of the cloture motion filed by the majority leader on yesterday, I would anticipate that there would be a vote on it tomorrow.

For the clarification of the distinguished managers of the bill, who brought this bill out of the committee, I simply say that there are those of us who feel that major changes must be made in the legislation if it is ever passed on the floor of the U.S. Senate. Therefore, I freely admit that the delaying actions we are taking now is to try to give us some time to work out some kind of acceptable compromise that might attract enough support on both sides of the aisle so that we might address the real issues that many of us think are involved in the present debate.

One of the real issues that many of us think should be involved is not deregulation of old gas, which I think the Senate should know is the centerpiece of the administration's drive for deregulation of natural gas. Therefore, I simply say that there may well be others who wish to make expanded comments on the matter even before we would vote to proceed.

I simply say to my friends that we are in an impasse, it seems to me, where there are factions all across the board with regard to trying to do something at this time to encourage further exploration of gas, which has gone down steadily.

I guess the concerns of many of us can be summed up very adequately and ably by a rereading of the comments of the late, great Senator Henry Jackson, who served on the committee that reported the bill. Senator Jackson said, under "Minority Views Senator Jackson":

> When the Committee on Energy and Natural Resources began its hearings on the Administration's natural gas bill, I said that I believe, "The vital question before this Committee today is whether new legislation would be a net improvement over the existing law, or whether we would be substituting a new set of problems, and inequities, for an old one. The burden must be on those who want to amend the law to convince us that their approach would be better for all concerned."
>
> The bill reported by the Committee does not meet that burden.
>
> While it is easy to criticize the failures of the Natural Gas Policy Act of 1978, and to

characterize the ills of today's natural gas markets, it is not easy to prescribe a remedy to cure those ills. Indeed, the Energy and Natural Resources Committee has recognized that difficulty by reporting the bill to the Senate for consideration without endorsing it. Simply put, even my colleagues on the most expert Committee in the Senate cannot agree on the best course to follow.

I have several specific concerns about the bill being reported from the Committee. First, I cannot support the Committee's proposal to "phase up" the price of all old natural gas in three years. Second, I am particularly concerned about the long-term supply response if we deregulate old gas. Without the roll-in capacity of old gas, we will not be able to afford to explore for and develop some of the more promising areas which are particularly expensive to develop. Third, and perhaps most importantly, I am not convinced that the bill being reported from the Committee will work any better than the existing law it seeks to replace.

I remember the "Rube Goldberg" device cartoons used to depict the intricacies of the Natural Gas Policy Act of 1978. If anything, the intricate nature of the NGPA is made even worse by the Committee's proposal. The complex interrelationships of the "ramp down" and "ramp up" proposals, coupled with "continued delivery obligations" and numerous "market out opportunities" make the NGPA look like a model of simplicity.

Certainly there are some problems in the natural gas industry which should be addressed, but the bill being sent to the Senate does not solve those problems. As far as I am concerned, the Committee's proposal is far too generous to natural gas producers, without guaranteeing substantial price relief in either the short term or the long term or natural gas consumers. Nor does it guarantee that our long term natural gas supply needs will be met.

In summary, I do not believe that the Committee's proposed bill would protect natural gas consumers, particularly residential and small business consumers, from unwarranted price increases. As such, I cannot support it.

Mr. President, it seems to me that the material I have just read, authored by Senator Jackson, sums up the quagmire in which the Senate finds itself with the measure before us, without recommendation from the Energy Committee.

I am not sure that simply getting on with the debate and seeing what happens on the floor of the U.S. Senate is the proper action until we have had some time to work out some of the problems that confront the various groups that are very much concerned about this. I guess what I am saying is that this matter obviously has not been well thought out in committee. I am not sure that throwing it onto the floor of the U.S. Senate is going to guarantee that anything positive is going to happen.

In the meantime, I recognize that the White House is carrying on an intensive lobbying effort, along with big oil, to try to push through the committee bill.

I have heard rumors that even the leadership of the committee are now about to abandon the bill they put together and brought to the floor without recommendation. I guess what they are saying is that they would like to use this as a vehicle to try to work out something.

It seems to me that it would be much better if we could take a few hours or a few days to see if we might be able to come up with something that would be workable. I would be glad to cooperate in every way I can in that regard, so long as the administration's position that old gas deregulation be removed is the centerpiece of the bill that has been reported by the committee.

Mr. JOHNSTON. Mr. President, the matter that will be pending, should the motion to proceed be granted, is S. 1715. S. 1715 is not a universally-supported bill. I am well aware of that. There is a significant degree of controversy surrounding S. 1715, particularly among producers. Under S. 1715 there are winners and there are losers among producers; that is to say, those who have old gas get their gas ramped up and those who have new, more expensive gas get their gas ramped down. Therein lies the principal source of controversy.

However, one thing is clear about S. 1715. That is, with respect to consumers the price comes down. This is not just my own view. This is certified in a study just completed by the Natural Gas Supply Association which shows that for all States for which data is available, and that is over 40 States, the average price comes down. That average price comes down as much as 95 cents per thousand cubic feet. I might tell my distinguished colleague from Nebraska that the average price comes down by 34 cents in Nebraska after 1 year under S. 1715.

Why is it that if you are ramping up old gas the average price of gas comes down? It is pure mathematics and, if my colleagues will pay attention to the mathematics, I can show them very easily why this is so. What you do under the bill is ramp all gas that is below the weighted average price up to that average price, and ramp all gas that is above the weighted average price down to that average price.

So that means that on a weighted average cost basis, as much gas is going down as is coming up. It is not just the high-priced gas, the section 107 deep gas that is coming down. It is also the section 102 gas, or the so-called new gas, that discovered after 1977, which is also coming down. So as much comes down as goes up. It is an averaging process.

The key is this: You ramp down the expensive gas over a 1-year period. You ramp up the inexpensive gas over a 3-year period.

And therein lies the virtual mathematical certainty that your average price during that 3-year period is going to come down. Keep in mind that the maximum price of natural gas now is not set by the Natural Gas Policy Act, save in those inexpensive contracts that are down below the average. Rather they are set by the market.

Indeed, if you look at the market price of new gas, that is, section 102 gas, or indeed, section 107 gas, or the other higher priced gases, none of those categories of gas are today selling for the maximum price under the Natural Gas Policy Act. They are selling for well less than that because the market will not support that price.

What determines the market price? The market price is determined by the competing fuels. What does it cost to burn residual fuel oil which is the usual competing fuel of choice, the exchange fuel? Sometimes it is No. 2 fuel oil. Occasionally, it is coal. But generally it is residual fuel oil, and the cost of residual fuel oil is holding the price of natural gas down.

To give you another illustration of how this may work, suppose instead of dealing with natural gas we are dealing with orange juice. And let us say you are buying oranges at all kinds of different prices, squeezing it into one big container and selling the juice. That is in effect what you do with natural gas. The pipeline buys it at all different prices, some cheap, some expensive, some in between; and puts it together in one big pipeline. In effect you mix it together, and you sell it at the other end at what we call a rolled in or an average price. So let us assume that instead of doing this with natural gas we are doing it in orange juice and let us say that your kid has a pop stand on the street and he buys 10 oranges a day.

One cost a dime, one cost 20 cents, and on up to $1. So you have 10 oranges, each of which cost between 10 cents and a dollar at gradations of 10 cents between a dime and a dollar. If you squeeze the 10 oranges together and you get 10 glasses of orange juice that come out the other end, what is the average cost? If you add up a dollar, 90 cents, 80 cents, 70 cents, 60 cents, et cetera, and then divide by 10 your average cost is 5.5 cents per orange. That is the way the mathematics works out. Suppose you ramp everything down above 5.5 cents down over a period of 1 year, that is your expensive oranges and you ramp up your inexpensive oranges over a period of 3 years. What happens to your average cost of orange juice?

Mr. McCLURE. It should be 55 cents.

Mr. JOHNSTON. Excuse me. I am advised it is not 5.5 cents. It is 55 cents.

Mr. McCLURE. There you go.

Mr. JOHNSTON. What is a decimal?

Mr. McCLURE. What is a decimal?

Mr. JOHNSTON. Anyway, we were ramping our orange juice down over a period of 1 year and everything above 55 cents we ramp down over a period of 1 year and everything inexpensive we ramped up over a period of 3 years. What happens to the cost of that glass of orange juice after 1 year? If you work it out mathematically, it comes down from 55 cents a glass to 46 cents a glass. It is simple mathematics. Ramping down everything above over a period of 1 year and ramping up over a period of 3 years, mathematically works out to the benefit of the consumers. That is precisely what S. 1715 does.

You take your expensive categories of gas, an equal amount in price-weighted average, and ramp it down. But you ramp it down fast and ramp up the other more slowly. What happens at the end of 3 years? At the end of 3 years, all gas is selling at that weighted average price as determined by the market and again the factor that determines the weighted average price is going to be the cost of competing fuels.

What is the cost of that residual fuel oil in the plant that can switch to residual fuel oil, or switch back and forth between residual fuel oil and natural gas? I do not mean to say that the natural gas market is a perfect indicator of market forces. It is not. Indeed, we have take or pay contracts that have worked to put artificial skews into the market. Artificial because some of this gas is contracted for at a very high price with an obligation to take a certain percentage of the gas, maybe as high as 90 percent of deliverability. This is gas which you have to either take and use and pay for or, if you do not take it, then you have to pay for it anyway with the right to use it later.

Now, what has happened in some areas particularly Kansas and some other States is that some pipelines, because of their take-or-pay obligations on high-price gas, have felt constrained to take the high-price gas and not take a low-price gas available to them, thereby giving an artificially high cost of natural gas. Indeed S. 1715 deals with that problem by reducing the take-or-pay obligations to 50 percent the first year then 60 percent, then 70 percent. Most amendments to be considered to S. 1715 have adopted the idea implicit in S. 1715 of limiting take-or-pay obligations.

If this is a help for the consumer, why is everybody not for it? Consumer groups are not for it because they do not as yet understand the simple mathematics of what I have just explained. It is simple mathematics, as the study from Natural Gas Supply Association indicates, and it is commonsense. It is absolute commonsense.

Now, I do not know that S. 1715 is going to catch fire like a prairie fire and race across the Senate. You may not have people jumping on the bandwagon on S. 1715. I can tell you I rather doubt that will happen, because there are losers as well as winners.

Some of those losers are influential and very good people who produce natural gas and produce crude oil and they are my friends. They have got a very legitimate point of view. But that is not the consumer interest we are talking about. Consumers are winners under S. 1715.

Mr. McCLURE. Mr. President, will the Senator yield for just a comment or question with respect to the orange juice analogy?

Mr. JOHNSTON. Yes.

Mr. McCLURE. Maybe that is a good way to put it. We understand oranges better than oil rigs.

The Senator made reference to take-or-pay. Let us take that analogy that the kid making orange juice to sell on the street and let us assume he has 10 different sources of oranges and he signed a contract or has an agreement with certain people to supply him oranges; and he is going to either take those oranges at $1, 90 cents, or 80 cents, or he is going to have to pay for them whether he takes them or not. Then assume further that he has a regulatory agency that says, "Whatever the cost of oranges, we are going to guarantee you can sell the juice for whatever cost you have in your oranges."

He is confronted then with the necessity of paying $1 for oranges instead of buying some other oranges at 10, 20, or 30 cents, because he can get his money back if he buys and takes the $1, or 90 cent or 80 cent oranges. Which ones is he going to take?

It seems to me obvious, under those circumstances, where he is guaranteed that he can get back the money he put in, on the one hand, and he is bound by contract to pay for high-cost oranges that he does not take but is not bound by those contract provisions on the low side, he is going to take the high-cost oranges to make his juice, and the price out there on the streets for orange juice is going to go up. And that is what has been happening.

Mr. JOHNSTON. The Senator is absolutely correct. Perhaps that is the reason that an August 1983 issue of Natural Gas Monthly by Merrill Lynch points out the extreme profitability of natural gas pipelines.

On the average, natural gas pipelines achieved an average return on equity of 17.5 percent in 1982. That is higher than virtually every other industry except tobacco, drugs, oil service, and supply and appliances. That is ahead of beverages, personal care, publishing, radio and TV, office equipment, food/lodging, electrical/electronics, leisure time, food processing, natural resources—by the way, natural resources got an average return on equity of only 13.1 percent—and airlines, which were minus 8.9 percent, by the way.

I think this is a very interesting set of figures, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—*1982 Average Return on Equity for Natural Gas Pipeline*

Pipeline	*Percent*
Colorado Interstate (Coastal) Highest	36.34
Columbia Gas Transmission Lowest	11.31
Consolidated Gas Supply	22.27
El Paso Natural Gas [1]	13.50
Michigan Wisconsin Pipeline (American Natural)	18.30
Natural Gas Pipeline of America (MidCon)	21.30
Northern Natural Gas [1] (InterNorth)	14.00
Northwest Central Pipeline (Northwest Energy)	20.29
Northwest Pipeline (Northwest energy)	16.35
Panhandle Eastern Pipeline	13.20
Southern Natural Gas (Sonat)	18.10
Tennessee Gas Pipeline [1] (Tenneco)	17.00
Texas Eastern Transmission	15.46
Texas Gas	19.04
Transcontinental Gas Pipeline (Transco)	25.18
Transwestern Pipeline (Texas Eastern)	14.22
Trunkline Gas (Panhandle)	16.52
United Gas Pipe Line (United Energy)	27.44
Average	17.50

[1] Our estimates Companies would not provide all statistics to compute ROE.

Note.—Colorado Interstate's return on equity was calculated with production earnings included in net income. After excluding production earnings, we estimate that the pipeline's return on equity would approximate 23.0 percent.

Transco's net income in 1982 included about $24 million that was collected for prior years. After excluding that amount, we estimate the pipeline's ROE was about 19.9 percent.

Michigan Wisconsin's 1982 net income contained $22.7 million that should have been collected in prior years. Adjusting for that, Michigan Wisconsin's 1982 ROE was 16.8 percent.

After incorporating these three considerations, we estimate the pipelines collectively earned 16.8 percent on equity in 1982.

TABLE 2.—*1982 Average Return on Equity for Natural Gas Pipeline*

Industry	*Percent*
Tobacco	20.2
Drugs	19.2
Oil Service & Supply	18.0
Appliances	17.7
Pipelines	17.5
Beverages	17.2
Personal Care	16.7
Publishing, Radio and TV	16.6
Office Equipment	15.9
Food/Lodging	15.5
Electrical/Electronics	15.1
Leisure Time	14.1
Food Processing	13.5
Natural Resources	13.1
Service Industries	13.0
Aerospace	12.9
Retailing/Food	12.9
Banks	12.7
Utilities	12.7
Non-Bank Financial	12.3

Industry	*Percent*
Conglomerates	10.8
Trucking	10.7
Retailing/Non-Food	10.4
Instruments	10.3
Miscellaneous Manufacturing	10.2
Textiles/Apparel	9.2
Railroads	8.7
Chemicals	8.3
Containers	7.7
Real Estate/Housing	6.3
Tire and Rubber	5.3
Paper and Forest Products	3.9
General Machinery	3.8
Building Materials	2.8
Special Machinery	0.0
Automotive	−4.0
Metals and Mining	−5.8
Airlines	−8.9
Savings and Loan	−14.2
Steel	−19.0

Source: *Business Week*, except for natural gas pipelines, where RDE was computed from company supplied data and our own estimates.

Mr. JOHNSTON. I find that one of the big pipelines in my area, United Gas Pipe Line, got an average return on equity of 27.44 percent. I am not using any gas down in Louisiana now. If I were, I would probably be a little more upset by that 27.44 percent. But we correct that in S. 1715.

You know, I wish we could focus the debate on S. 1715 on the real questions. And there are some very serious questions in S. 1715.

Is it fair to abrogate contracts, for example? That is a real question, a legitimate question. Is it fair to penalize one kind of producer while you help another? Another legitimate question.

But it seems to me that, for example, the Citizens Labor Coalition, who I know has the interests of the consumer at heart, has the ability to understand what this bill does for consumers—not to consumers, but for them.

Now, if they want to focus on producers and what it does as between producers, then that is great. I think we ought to debate that. But I wish they would begin to understand what the bill does for consumers, because it clearly, definitely and without argument to the contrary, it seems to me, will help the consumer.

Mr. EXON. Mr. President, I have listened with keen interest to the discussions by the committee chairman and the ranking minority member of the committee.

If I could ask a question or two of my friend from Louisiana.

Did I understand him to say that he had a set of figures that would indicate that if the bill that is presently before the Senate passes in its present form there would be a reduction in my State of Nebraska, in the gas price next year?

Mr. JOHNSTON. Yes. The study, which is by the Natural Gas Supply Association, was put into the RECORD yesterday, but I have an additional copy of it. It indicates that in Nebraska there is a net price change of minus 34 cents in mcf. This is made up of some components of gas which go down in price by 65 cents and some go up by 31 cents, and the net price change is a minus 34 cents.

Mr. EXON. Is that for what year?

Mr. JOHNSTON. That is for 1 year following enactment of S. 1715.

Mr. EXON. What about the years thereafter?

Mr. JOHNSTON. The way it should work is this: your greatest price decrease is after your first year. Your second greatest is after your second year. At the end of the third year, you are at market price. However, the market price ought to be somewhat lower than the market price under the Natural Gas Policy Act, the present law, for these reasons:

The first reason is that you should have greater utilization of natural gas, owing to the lower price in the previous years. And the greater the use of natural gas, the more units of gas that you can spread over the cost of the pipeline. So that the more gas that is used, the lower the price to consumer, even though the price of the wellhead may be less. So at the end of the third year, you ought to have a lesser cost by that reason.

The second reason it should be lower is because of the take or pay reduction. It should also be lower because of the prudence standard as set forth in the bill. It should also be somewhat lower by reason of the contract carriage provision.

The degree by which the price would be less at the end of the third year is, I believe, impossible to compute and should not be as dramatic as this cost decrease at the end of the first year. Clearly, the first year is the biggest decrease, followed by the second year, and the third year you should be at what today's market price should be or less.

Mr. EXON. Well, Mr. President, let us return to the oranges concept. And I listened with keen interest on the breakdown and the fact that after you get all this magical mix that you would have a price of 55 cents and if you put this bill in place it would go down to 46 cents.

But I guess this is what I do not quite understand. I am the kid down the street a block. And many years ago, when I was 2½ and I am now 12, I recognized the fact that I could lock in a supply of oranges for less than what they are being priced at now, and therefore the contract that I have, which guarantees to bring in the oranges to my stand down the street, allowed me not to have a cost of 55 cents or 46 cents but a cost of 25 cents.

Certainly, the Senator from Lousiana is not implying that if I have that kind of a contract and if the bill before us eventually becomes law, that my basic 25-cent cost for orange juice is not going to go up.

Mr. JOHNSTON. The Senator says "If I was smart enough to do that." The Senator is from Nebraska and he happened to lock himself in to more expensive gas. That is why S. 1715 reduces his price of gas. So the Senator was not smart enough, shall we say, to buy the low-cost gas. The Senator got the high-priced gas. So it is going to help him.

Beyond that, it would not have been because of intelligence or impressions or anything else on the part of the Senator that caused him to buy gas at one price or another; it was because the Government set that price and because that is all a producer could charge for gas back in those days. That was the reason that gas was low-priced back in those days. It was not because you went out and shopped and were frugal and had all those good qualities. You bought gas at whatever price the Government set.

Mr. EXON. Let me phrase the question a different way, then. I have to take exception to the Senator from Louisiana saying whether it is gas or orange juice that we are using that we in Nebraska are paying a high price compared with what new gas is. The fact of the matter is, as I stated yesterday and again today, we happen to feel that we are in somewhat of a fair position today with old gas, which certainly is selling much cheaper today, for whatever reason, on the marketplace than new gas. Is that right?

Mr. JOHNSTON. There is no doubt about that. The old gas is much cheaper. But the question is, Are you helped by ramping up the old gas over 3 years while you ramp down the new gas over 1 year? The answer is first mathematically, yes; and, second, by commonsense, yes; and, third, by the studies, yes, you are helped in Nebraska at the end of 1 year by 34 cents per mcf. That is no small amount.

Mr. EXON. Is the Senator saying that he could assure the people of Nebraska and other States similarly situated that at the end of a 10-year period, let us say, if the bill the Senator is proposing is enacted, that the people of the great State of Nebraska and others similarly situated would be paying less over a 10-year period for the total cost of their consumption of natural gas?

Mr. JOHNSTON. Ten years is too far away in energy matters to predict. Most of that gas, whether it is old or new, if it is flowing today, is going to be gone at the end of 10 years. So it is very hard to predict. It clearly would not be higher at the end of 10 years. I think it would tend to be lower because it would be market based and there would be incentive to find more if it is market based.

Mr. EXON. If that is true, then why was there such lack of enthusiasm for the bill as reported out of the committee, and why is it that, as I understand, there probably are no more than 18 or 20 Members of the Senate for that position today? If it is the ideal answer to the problem, I cannot imagine why all 99 Senators, with the possible exception of this Senator from Nebraska, are not in support of it.

Mr. JOHNSTON. Those are not the only provisions there. First of all, you have a lot of independent producers who own this very expensive gas. They are getting, say, $5 an mcf for that gas and they do not want that price of that gas to come down to the average market price. That is a very legitimate objection on their part. It has nothing to do with the consumer price. It is a fight between different oil companies. That is No. 1.

No. 2, you have a lot of pipelines who are scared to death of what we call contract carriage. Under contract carriage a producer who has some gas and wants to get that gas to market can go to a pipeline and say, "I want you to carry this." If the pipeline refuses and if the pipeline has room on its system it can be required to transport that gas. That is what you call contract carriage. Many pipelines are very much afraid of that, particularly when they are a sole source pipeline. They have a monopoly now. They can tell the independent producer, "You can ship that gas on our terms. We set the terms. If you want to play our game, fine, but we have the only playing field in town and we are the only ones who can do that."

So some pipelines are deathly afraid of that. Some pipelines have a higher mix of the old gas than others do because the supplies of old cheap gas are not uniformly or proportionately spread around the country. So some would like to keep that old gas as they have it.

Some are scared to death of what we call our prudence rule here. Under this prudence rule, a pipeline cannot go out and bid more than 110 percent of the market price for new gas. If they do, they cannot pass that along automatically.

You see, in the past pipelines have been able to go out when the average market price might be $3 and they have been able to pay up to $9 and pass it along to the consumer. That is a very nice, comfortable thing; a very cozy relationship which the Congress created for pipelines. That is why they make these tremendous profits. The United Gas Pipeline made a 27-percent profit last year. That is very nice, to be able to do that, and I can understand why they would not want to lose that right.

But in S. 1715 to protect the consumer we said a pipeline cannot pay more than 110 percent of the average natural gas price for new supplies, and have that amount automatically passed through. That is the reason why you have so much different opposition to this bill.

I would say the principal opposition, and it is a legitimate opposition, comes from those producers of natural gas who own expensive supplies and do not want their prices to come down. That is where your principal opposition comes from. I do not say that is illegitimate at all. It is legitimate, but it has nothing to do with the consumer interests.

Mr. EXON. I would like to give my view of this. It may well be that there are serious objections in the areas the Senator from Louisiana has indicated, but I suspect that eventually the Senator from Louisiana will learn that it may be small or it may be large, but there are very dedicated, very determined numbers of U.S. Senators who are most concerned about what we consider the centerpiece of this administration bill that the Senator from Louisiana is supporting which simply wants to eliminate the protection that old gas now has in the act that is presently law.

Could either of the managers of the bill explain to me what their answer is to the objections raised in the minority views by the late Henry Jackson, who I believe served for a very long time on the committee? As I read his views once again, as I read them into the record a few minutes ago, it seems to me that in this case Senator Jackson was concentrating primarily on his concerns about the deregulation of old gas and, therefore, prices going up.

Mr. McCLURE. Will the Senator yield?

Mr. EXON. I am happy to yield.

Mr. McCLURE. I am happy to respond. I thank the Senator from Nebraska for asking the question because I think it is a very good question. Reason tells the Senator that where we have a supply of low-cost old gas under price control, that if you release from controls that price and it rises the consumer is going to pay more. What Senator Jackson, I am certain, was looking at, and what his views reflect, is that very obvious conclusion. But what his views did not address and which needs to be addressed here are the offsetting savings that are permitted and mandated under the bill, namely, high-cost supplies are reduced in cost and, therefore, the average cost to the consumer is more than offset by the savings made in other categories.

It can be argued, and I am certain some will argue on the floor of the Senate, as we get to this bill "Let us leave the controls on old gas and mandate the increases on the price of high-cost gas; then the consumers will benefit both ways."

As a matter of fact, what we tried to do in the bill is say, yes, we want to be fair to people on both sides of the equation. If we are going to abrogate contracts by mandating that the high-cost gas be reduced in price, we are going to have to have some balance in the bill to prevent the low-cost gas from rising in price so the industry on the whole does not see simply the extension of wage and price controls over one area of our economy. Incidentally, there are some long-range reasons that often have been debated here as to why wage and price controls always create higher costs in the long run. That is something I believe. You can depress the price for a while, but pretty soon, you have cut supply and price rises inexorably.

The Senator asked the question, can we make assurances that the users in Nebraska over the next 10-year period will pay less for natural gas in this bill than they will under current law? I have to make a couple of assumptions before I can answer that question. We have to assume that there is no major disruption in world energy costs or that there is no major supply interruption or major shortage of natural gas in this country. If you take both of those as given, you have a kind of stable world situation, a kind of stable supply situation.

Mr. EXON. Let us assume that that happens. We have to have some basis.

Mr. McCLURE. Yes, because otherwise, it is impossible to make any projections about the future. All the studies I have seen in which I have confidence indicate that with S. 1715 over the next 8-year period, at least—the aggregate cost to consumers in Nebraska would be less under S. 1715 than they are under current law. I say over the next 8 years because the DOE model set up to run computations happened to pick certain benchmarks. They picked 1982 as the beginning and 1990 to 1995 as the end.

Over that period of time, the price under S. 1715 is less than it is under current law.

Mr. EXON. Mr. President, I say to my friend, the chairman of the committee, that the companies having the responsibility for the delivery of gas and setting the rates there do not agree with the statement that was just made by the Senator from Idaho. They are very much concerned if old gas is deregulated, which I emphasize once again is the centerpiece of the administration's bill we are talking about—they say their costs would go up dramatically. They have brought that very well to the attention of myself and others. So I guess what we have here is a difference of opinion. It is the old axiom that figures do not lie but sometimes liars figure. I think no one is trying to mislead anyone else, but I guess there are serious differences of opinion as to whether 2 and 2 add up to 4 or do they add up to 5 or 6 or 3 or 2? When we are in a volatile situation such as we are in right now, with the state of the agricultural economy near rock bottom, there is widespread fear in the great Midwest that the further increase we think this bill will cause, particularly to the home users and particularly to our agriculture-related economy, would throw us back into an even deeper recession than we are trying to work our way out of at the present time.

Mr. McCLURE. Will the Senator yield?

Mr. EXON. I am happy to yield.

Mr. McCLURE. Mr. President, yes, there are various groups that have made statements that indeed the decontrol of natural gas will cost consumers. As I said yesterday, the studies we had run indicate that with the balance we have in the bill, which will cause some decreases in price, while permitting some other increases in price in disparate categories of gas, overall are favorable to consumers in this country in the aggregate. Again, I refer to the fact, as I did yesterday in my colloquy with Senator JEPSEN when he was here urging us to go forward with this bill, that over the next period of years, there are assumed savings. The aggregate savings to the consumers of this country between now and 1990 is $23 billion.

As the Senator from Louisiana has indicated, there are some winners and some losers in that process. Those winners and losers, however, lie out among the producers, the pipeline companies, and the distribution utilities, and not the consumers primarily. There will be perhaps some consumers who will have, under some scenarios, some more favored positions than do others in the country. But there is another matter that I am not certain is of as great importance to the Senator from Nebraska as it is to his immediate neighbors in the North and West, such as Montana and out in the Pacific Northwest, where we get our natural gas from Canada.

Canada has great difficulty because they have an administered pricing system up there. In other words, it is a political system that decides what the price will be. They have a provincial-Federal conflict, but they also have a very great difficulty in pricing their export supplies to the United States in a manner which is competitive in our market and therefore allows them to sell it, while at the same time we permit certain classes of producers in our country to get far more than is paid producers in Canada.

If you were a politician in Canada, I suspect you could understand the dilemma they have when somebody up there says, "Why, Mr. Minister, do you want us to export our supplies to the United States for the benefit of their consumers while they are permitting some of their own producers to get $9 and $10 per mcf?" So they are finding it very difficult to meet the competitive conditions in our market while we permit some producers in this country to get 3, 4, or 5 times as much in this market. I think we will see an almost inevitable result of rationalizing our own market in this country to average market price when there are also people in Canada who then find it politically acceptable to do what they know the market economics require—that is, to lower the price to reach the competitive market conditions in this country, which is where their market lies.

So, although it is not shown in all of the studies that have come up, the consumers of this country will benefit on those supplies that are imported from Canada.

Mr. EXON. Mr. President, I notice the Senator from Idaho agreed with the ranking member of the committee when he said he felt that other concerns rather than old gas were the main difficulty that plagued the committee in trying to come up with a recommendation.

Mr. McCLURE. It is not just old gas that is the problem. The question is how do you get enough support for a piece of legislation in which there are a great number of variables—different kinds of producers producing from different kinds of fields with different costs, costs that were sometimes incurred under regulation. In the last 3 years, we have encouraged people to go out and produce the highest cost gas they can find and encouraged the pipelines and distribution utilities to go out and buy the highest cost gas they could find, so some people are locked into high-cost supplies.

Some gases are expensive to produce. We have a dilemma about interfering in those contracts. They, in good faith, entered into those contracts on the basis of current regulatory requirements in this country. They say we are going to bankrupt them if we change those regulatory requirements, so let us not do that. That is one of the dilemmas we had.

One day, at hearings before our committee, the representatives of two pipeline companies sitting side by side at the witness table, one had about 70 percent old gas and 30 percent new, high-cost gas. The other had about 30 percent old gas and 70 percent new, high-cost gas. Although they are both pipelines out of the same industry, their relative position was almost diametrically opposed because of the mix of gases flowing through their system.

That is another one of the dilemmas; how do you write a policy that treats with fairness people who have grown up and established business relationships under a current body of law that permits, even requires, that kind of movement, and then say, "We are going to change the rules and treat you all the same," because the fellow that has the low-cost gas says, "Hey I don't want to change the rule; I want to keep on getting that low-cost old gas," and the fellow sitting there with the high-cost new gas says, "I want you to change the rules so you can ramp that price down and I can buy my gas cheaper." And I understand those interests.

Mr. EXON. Would the Senator from Idaho and chairman of the committee agree with me then, to put it as quickly and as efficiently as I can, that certainly the deregulation of old gas was a major concern of some of the members of the committee?

Mr. McCLURE. It was a major concern on both sides. It was a major concern primarily, from the standpoint that we wanted to make certain that in writing a bill which would permit old gas prices to rise that we did not unfairly penalize the consumers in the short run. As we have stated before, we believe S. 1715 protects the consumers in a variety of different ways, so I can say in total candor that the mix of policies represented in S. 1715 guarantee to the consumers of this country gas over the next 10 years that will cost them less than under current law.

Mr. EXON. Could the chairman of the committee possibly explain for the benefit of the Senate on the RECORD what the vote was in the committee? I assume that you tried to get enough votes to report this bill out with a majority. I understand that was not possible. How close was the vote and what was the breakdown? Were there other bills that were suggested as a substitute for this in the committee, or was this the only bill that was voted, and what was the vote in the committee?

Mr. McCLURE. We had a variety of suggestions that we debated over the 30 separate days that we had this in the committee for markup. We looked at a lot of other proposals. We voted on a number of other proposals in whole or in part that also may be offered to the Senate in whole or in part, and we rejected each alternative in turn.

S. 1715 was reported by the committee on July 29 by a vote of 11 to 9 without recommendation. I have said a number of times that if you are looking for an overwhelming mandate for a piece of legislation, an 11-to-9 vote without recommendation is scarcely that overwhelming mandate.

Mr. EXON. Was there a vote taken on simply reporting out the bill? I assume that must have failed. What was that vote in the committee?

Mr. McCLURE. There was not——

Mr. EXON. There was not a vote taken. In other words, the chairman did not put the question to the committee, "Let's report this bill out with a positive recommendation."

Mr. McCLURE. A vote was not taken on that, but my vote count, I would say in candor, indicated it would not have passed.

Mr. EXON. Would the Senator care to reveal the vote count you had? He is a pretty good counter, I know.

Mr. McCLURE. Well, it probably would have been 11 to 9 the other way.

Mr. EXON. Eleven to nine.

Mr. JOHNSTON. Ten to ten.

Mr. McCLURE. Or 10 to 10, and failed on a tie. Obviously, I wanted to get a positive vote, and I was polling members every day to find out what I could do to get a positive vote.

Mr. MELCHER. Will the Senator yield?

Mr. EXON. I yield the floor.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, the vote of 10 to 10, which means the bill would have failed, that has a nice ring to it, the 10 to 10 bill, not S. 1715 but the 10 to 10 bill. I think there is a real purpose to this discussion we are having today. I think it is rather puzzling to our constituents and puzzling to the public at large as to what we are doing debating the motion to proceed. Let me again give my view of it, an updated version of it from yesterday.

I think it is beneficial to be debating what is wrong with this bill, that it was reported out without a recommendation on the vote of 11 to 9, and if the bill had been voted out with a recommendation to pass, the vote would have been 10 to 10 in the committee, which means the motion would have failed; the bill would still be roosting in the committee; it would not be on the calendar.

We can set aside this argument or this filibuster, if we choose to call it that, over the motion to proceed at any time and probably will be set aside when the managers of the Treasury appropriation bill are ready to present that bill before the Senate. But what we are doing in drawing the public's attention and in fact drawing the attention of individual Senators to the bill itself is we are probably smoking out what will be the compromise, or the substitute is a more correct term to use, the substitute bill that will be offered as an amendment to this bill.

S. 1715, by the best count that can be taken at this time, looks like it would have 30 or 29 supporters on the Senate floor. I would think that that number would be even larger if it were really brought to a vote and probably some 30 odd, maybe even 40, but far short of a majority to pass it. So if there is any reason to call this bill up at this time in early November when the Senate and the House both expect to adjourn by November 18, it does mean that somewhere there is something in the making that will become the substitute for this bill and that will attract sufficient votes to pass it. Otherwise, there is no point in ever calling it up. And the majority leader is not prone to be calling up bills just to take up time, to occupy the floor during these days in November.

Mr. JEPSEN. Would the Senator yield?

Mr. MELCHER. If there is going to be a substitute offered that has some backing sufficient to get a majority vote, it is wise that it be debated and circulated, not just debated on the floor but circulated among all the people of this country so they enter into the debate and advise Senators what they feel about the bill. I think the process we are exercising on the Senate floor is a process to get to that point. If there is such a substitute, fine, let us get it out, let us let everybody look at it. Let us not just let a few Senators look at it, let us let all the Senators look at it and the public look at it to review to see what the reaction is.

The vote tomorrow on cloture will be a good exercise, too, because it will hasten the process of accomplishing a review of whatever might be the substitute that will be offered to replace this bill.

Mr. JEPSEN. Would the Senator yield to me for unanimous consent?

Mr. MELCHER. I yield to the Senator from Iowa without losing my privilege of the floor.

Mr. JEPSEN. Mr. President, I ask unanimous consent that privileges of the floor be granted to Larry Kumins during the consideration of the Senate bill 1715 today and each day the measure is pending and all the rollcall votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana.

Mr. MELCHER. Now, the Senator from Ohio is going to make a presentation very soon, and so I will conclude my remarks in very short order. If the public understands that the natural gas bill will affect them and the costs they have, either with their home heating or the business that they happen to be engaged in, I think we will have some feedback from consumers, and that is absolutely what is essential. On the other side of it, if there is going to be another bill offered in the nature of a substitute, an amendment in the nature of a substitute, the producers want to review it very carefully, too. We have had very protracted consideration of the bill in committee, S. 1715, before it was reported out.

That only points to the complexity of the question of what should be done about the Natural Gas Policy Act by amendments at this time.

Having had all that consideration of the package that was considered by the committee, it certainly follows that people will want to become familiar with what might be the substitute package, also. So the debate we are having here—at least in my view, for my purpose—is simply to arrive at what is a consensus, what is that substitute package that might garner a majority vote. Let us review it very carefully, and let us allow an opportunity for the side of the consumers and the side of the producers to review it.

Mr. McCLURE. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. MELCHER. I yield.

Mr. McCLURE. The Senator from Nebraska in effect, also said, what the Senator from Montana has now said—that we need some time to work out these details.

I want to point out again, as to the timing, that this matter came up in December of last year. We promised then that if the Senate did not legislate on this matter at that time, we would deal with it in the committee.

In February, the administration said they would be sending up a bill. We pressed them very hard to get us a bill as to what their proposal was. After we got their proposal, we held extensive hearings. On 30 days we had markup in the committee, as we explored all the alternatives. I doubt very much that there is any alternative being discussed now or that may be proposed on the floor that we did not at one time or another discuss or think about or vote upon within the committee.

Then, on July 29, we did report the legislation.

So it is not as though it is a matter of surprise to anybody in this body or throughout this country that this matter is before us. It has been before us for almost a year and has been out of the committee for months.

It seems to me that under those circumstances, we should be ready to legislate; that if indeed there is the will to get on with this legislation, then we should get on with it, rather than stand here and debate whether or not to get on with it.

If people have proposals, they should come to the floor and offer them; and if they come to the floor and offer them, we will do our best to get a vote on them. I have suggested that if people have alternatives and they will agree on a time limit, I will guarantee them an up-and-down vote on their proposal.

So I hope it is clear that the committee is ready to proceed. And I believe the Senate is ready to proceed. I hope the Senator from Montana will let us do that at some point, rather than insisting that we need more time to think about it.

Mr. MELCHER. I only state that what has been considered in the committee is a matter of record, and that can be reviewed by anybody, and many people have reviewed it.

What I am speaking of now is what are the components of a package that is generating the type of coalition vote that might reach a majority to produce a substitute for S. 1715. That is what I am talking about right now. I do not think I know what would be in that package, because I have not been privy to the discussion up to this point. But what is being discussed by a number of people is a package that would be a substitute for this bill.

I am going to emphasize again that such a package needs to be reviewed not only by the Senate but also needs to be reviewed by the public at large, and that cannot be done too quickly. It has not been yet. Whatever goes into a package will be points, of course, that we have discussed in committee, that have been discussed from time to time by the public and by various groups, either user groups or producer groups. But what is in that final package that might attract a majority vote in the Senate is of great interest to those groups, because having a portion of S. 1715 and a portion of another bill and a portion of somebody else's bill, with the deletions of parts of S. 1715, would be the final package, and how that would be placed together. It is absolutely essential that it be understood by the public.

That has not been available for review, and just to say that we get on to it and get on the debate on the Senate floor does not really solve much, because until you review the package placed together, you cannot use your best judgment on it. It is complex enough that how it is placed together and what the components of the package are is very significant.

I yield the floor.

Mr. **METZENBAUM.** Mr. President, I rise to set forth to this body the position I take in connection with the pending measure.

I am not a party to keeping the measure from coming to the floor for a vote. In fact, I believe it should come to the floor for a vote. I think it should, not because it is good legislation but because I think we need a vehicle on which to attach a substitute bill that will do that which has to be done for the consumers of this country. In doing so, I would hope that we would not cause such harm to the industry that they would not be able to see their way clear to accept the substitute which I intend to offer at an appropriate time.

It is a fact that Senator KASSEBAUM and I and others will offer a substitute at an early point in the debate proceedings, and I will support that. I am a cosponsor of it. I think it is a good proposal and would serve the Nation's interests well. But I am a realist enough to know that it may be difficult to get a majority for that particular proposal. If that be the case, then I would intend to come forward with what might be considered a stripped-down version of a contracts bill which is quite similar, if not identical, to the proposal I made in the Energy Committee.

However, the present measure before us, S. 1715, is the handiwork of the administration and some on the Energy Committee who were able to fashion it in such a manner that they were able to get it to the floor, although without recommendation.

Let me say categorically and without fear of contradiction that that bill will not become the law of the land. That bill, which we are attempting to get to the floor of the Senate at the moment, will not become the law of the land.

There is not a sufficient number of votes to pass that bill in its present form, and whether or not by substitution or by amendment we can put together a measure that can pass is something that is still in the problematical stage, but this Senator thinks that is possible. On the other hand, I may be wrong and it may be that the forces who advocate the decontrol of old gas will be able to prevail. If that be the case, I have publicly indicated and have no reservations in saying that I would extend every effort possible to defeat decontrol of the price of old gas.

But that is not the only issue we have before us today.

Six years ago, I stood on this floor and I said that partial decontrol of natural gas prices would send consumer bills into the ozone layer. Industry leaders said nonsense. Decontrol, they confidently reassured us, would only result in average annual price increases of 8 percent.

So, in Congress after delayed battle, after much contention on the floor of the Senate, after changing some of the parliamentary rules, the industry got what it wanted and the consumers of America got the short end of the deal. They got the shaft.

Since 1977, residential prices have soared, not 8 percent a year, but 193 percent, and wellhead prices have jumped more than 110 percent. Last winter, consumers from California to New York were floored by increases ranging from 20 to 65 percent.

So much for the credibility of those who promised moderate prices and a stable market under the NGPA.

Before I go further I wish to emphasize one point that seems to get lost in the shuffle. I was opposed to the NGPA and I did not think it was good legislation, and I do not think it is good legislation. But it should be made clear that there is nothing in the NGPA that causes prices to have a floor. The NGPA provides a ceiling. So anyone who says if they had more gas and they had a free market, prices would come down, should understand that to the extent of decreasing prices there is nothing in the law that precludes or prevents that from happening now.

But the industry and its supporters now want more decontrol. They want the whole ball of wax.

I say to my colleagues in the Senate we are not going to have decontrol of old gas if this Senator can possibly help it.

The producers blame the bill that they drafted and rammed into law in 1978 for keeping gas prices high. But there is nothing—I repeat—there is nothing, not a word in that law mandating high prices. Nothing keeps the prices from falling below NGPA's ceilings.

Today we have before us the Natural Gas Policy Act Amendments of 1983, the Energy Committee's solution to the problem of pricing natural gas prices. This bill would increase consumer prices by at least $40 billion over the next 7 years. That is not how I spell relief.

The cornerstone of S. 1715 is accelerated decontrol of all natural gas prices. Although the sponsors have clocked this bill in such jargon as ramp up, ramp down, and free market price indicators, I would just remind my colleagues that if it struts like a turkey and gobbles like a turkey and looks like a turkey, then it must be a turkey.

Mr. President, slice it any way you want, S. 1715 is a turkey. Not only does it decontrol old gas prices, a $40 billion transfer of wealth from the pockets of consumers to major oil companies, but it does so through a gerry-built, Rube Goldberg scheme shot through with loopholes, confusion, sleeper provisions, and special exemptions for producing States.

The NGPA provided for the gradual decontrol of new gas, gas from wells drilled after 1977. On January 1, 1985, this gas, roughly one-half of the total supply, will be totally decontrolled.

The other 50 percent of the Nation's gas supply, old gas—gas from wells drilled prior to 1977—was to remain under permanent Federal price controls, subject to annual inflation adjustments.

There was a logical reason for this dual approach. It provided higher incentive prices for newer, harder to find gas, while preventing windfall price increases for old, cheap gas that was already yielding substantial profits to producers and investors.

The decisions to drill old gas wells were made when prices ranged from 26 cents per 1,000 cubic feet to $1.42 per 1,000 cubic feet. The gas from these wells is already flowing. Producers do not need to make additional investments to continue production, and they are making a handsome profit. There is no logical reason, there is no persuasive reason, there is no reason to free this gas from controls; unless you want to make the oil companies a lot richer and some others who own these old wells and make the consumers of this country substantially poorer.

But logic obviously was not much of a factor in drafting this legislative pastiche.

The average price of old gas today is $1.43 per 1,000 cubic feet, compared with an average new gas price of $3.43. Thus, old gas decontrol means that one-half of the Nation's gas supply will more than double in price.

Ah, hold the fort. But we are told by the sponsors that this price spike will lead us to the promised land of ever abundant supplies. Of course, these are the same people who told us that the NGPA would moderate price increases.

In fact, the evidence suggests that old gas decontrol would result in less, I emphasize, less additions to U.S. gas reserves than would occur under current law, 5 trillion cubic feet less between 1985 and 1990.

Now, you say, oh, yes, that fellow METZENBAUM probably got those figures from one of those consumer groups, or one of those groups who are always playing loose with the figures.

Oh, no. These figures come from the Government, the Energy Information Administration, the independent research arm of the Department of Energy, and it is the Department of Energy that is pushing this bill for Ronald Reagan.

In contrast, the NGPA's system of targeted price incentives has worked. Since its passage, additions to reserves have averaged 94 percent of production, compared with a 48 percent level in 1968 to 1978. Furthermore, in 1981 and 1982, reserve additions were 114 and 111 percent of production respectively.

So why are we wasting time debating this issue today? Who is out there demanding the decontrol provisions of S. 1715? The independent producers are against them; the pipelines and distributors who buy the gas are against them; the consumer groups are against them, the utility commissions are against them. So who is for it?

I will tell you. Those great champions of consumer protection, the people who brought you massive oil price overcharges, the people who hoarded natural gas supplies for years to drive up prices, I give you the defenders of the public interests, the major oil companies.

And these fellows had the audacity, just about a week ago, to call a press conference and tell the people of this country how they were looking out for the consumers' interests by supporting this legislation.

There is good reason for their passionate advocacy of old gas decontrol—they own most of the Nation's old gas. According to most estimates, the top 20 oil companies control as much as three-fourths of our Nation's old gas supplies. Decontrol would increase the value of their reserves by $150 billion in one fell swoop.

I want to share something with my colleagues. If there really were going to be enough votes to pass this S. 1715, and if there were going to be enough votes in the House of Representatives to pass S. 1715, then we know that the President of the United States would sign it. And if all of that were to happen, I would tell you that you ought to be advising all of your constituents and friends and family and everybody else to run out and buy oil company stocks. But hold it. S. 1715 is not going to pass and the oil companies are not going to be able to pick up this $150 billion increase in the value of their reserves.

Now some people will say: "Well, Senator, you know the oil companies have been having a tough time recently. They really deserve a break. They are so vital to our economy."

After all, Exxon had to come into Cleveland and buy up Reliance Corp. and waste some billions on that. And then some other companies went out and bought all sorts of companies around the country. And most of the deals they made, as far as I can see, were bad deals. But the fact is, in spite of that, they have been doing well in the oil business.

Last week, most of the majors reported third quarter profits. Poor little Mobil, it was only up 42 percent; Occidental, 500 percent; Exxon, up 20 percent; Gulf, up 74 percent; Socal, up 11 percent.

How many natural gas consumers can point to commensurate increases in their net incomes? How many farmers and small business people can point to such improved balance sheets? Not very many.

Old gas decontrol would not only hurt the consumers, it is offensive because it would hurt the independent producers as well, the people who have drilled 88.6 percent of all new wells and 90 percent of all exploratory wells in recent years.

Between 1979 and 1982, 65 percent of all reserve additions were added by independent producers. These are the people finding tomorrow's gas supplies. Yet this bill would reward not the independents, but it would reward the major oil companies who have done little to enhance our Nation's energy security at the expense of independent producers.

Old gas decontrol alone is enough of a reason to oppose this bill. But the sponsors have studied it with other objectionable provisions that provide ample additional reasons to oppose it.

And so, Mr. President, I wanted to come to the floor to indicate that I actually am prepared to move forward with dealing with S. 1715, to do so with the sense of confidence that S. 1715 will not become the law of the land, to do so in order that we may offer amendments that I think have a good chance of becoming the law of the land and that I believe are needed in order to protect the consumers of this country and that I think would provide equity to all parties.

When this measure is finally brought to the floor of the Senate, I am prepared to offer appropriate amendments that I think can make a bad bill into a good bill. But in order to do that, it will be necessary to offer a substitute to the pending legislation.

I yield the floor.

Mr. McCLURE. Mr. President, I share with the Senator from Ohio some common views with respect to this legislation. It may shock some people to find out that he and I are on one side on one part of the issue, at least. I hope the Senator from Ohio has been persuasive to our friend from Montana that indeed we ought to get on with the business of legislating. We will then find out whether S. 1715 can pass and we will find out whether anything else can pass.

Here I want to get down to the bottom line very quickly with respect to this Senator. I want a bill. I think the consumers of this country need to have legislation. I think the Senator from Ohio is correct that we ought to have legislation to correct the misapplication and the misdirections of NGPA. For whatever reason, they have occurred. NGPA is not serving the people of this country well under its current provisions. It ought to be changed. And I agree with the Senator from Ohio on that point.

I also would agree with him that we need to find what will pass and then try to pass something.

Now the Senator from Ohio knows I do not agree with all of the background statements he had made with respect to who did what to whom or when or where or why. But I do agree with him about current law costing consumers more than it ought to have cost consumers for natural gas. Every study that I have seen indicates the price is higher than it ought to be, and that if we can pass appropriate legislation the price will drop.

The Senator from Ohio has a couple of differences with the Senator from Idaho. One is a vision of what S. 1715 will do, and the other is what kind of legislation can pass. But we need to get on to the business of debating the bill, of voting on amendments, of seeing substitutes offered, and finding out where that consensus lies that can indeed pass.

While the Senator from Ohio has said, in effect—and I do not mean to be abrasive, but I think I understood him to say if a bill comes up that has natural gas deregulation in it he will filibuster it. He did not use the term "filibuster," and if that is not what he meant, I will apologize now or later.

Mr. METZENBAUM. The Senator from Ohio does not find the term abrasive. The Senator from Idaho correctly interpreted the Senator from Ohio.

Mr. McCLURE. At this point, rather than at a later point, I will say the Senator from Ohio is depriving the people of this country from getting lower cost gas.

Whether it is the delay at this stage or the delay at that stage, what it means is we are not going to be permitted to legislate because of a minority viewpoint that says, "I do not like the current bill," whatever it might be.

I am convinced from every study that has been made, of which I am aware, that has credibility, that the people who have made the study are willing to come before us and tell us what the assumptions were, how they made the study and what the application will be, that we can lower the cost of natural gas to consumers in this country if we will legislate

Mr. METZENBAUM. I must say to my friend from Idaho, we shall overcome. We will get a bill where we will even get the Senator from Idaho to vote for it, the Senator from Louisiana and the Senator from Ohio. I believe there is an excellent chance for us getting a bill. When I talk about a need for filibustering, I am only talking about, by chance, there should happen to be sufficient votes to remove the control over old natural gas. I am hopeful that we will get a bill and that no party on this floor—and I recognize that the floor is open to anybody to use that procedure—will get a bill without decontrol. Nobody will be totally happy but most of us will be reasonably happy.

Mr. McCLURE. I understand what the Senator from Ohio is saying. I hope, indeed, if his view is correct, it will prevail and we will get a bill. But I am also convinced that there are people who are just as strongly committed to fairness within the oil patch as there are at the burner tip. While my views may be different from the Senator's, there are some who are quite certain, if it is within their perception, that to extend controls on high cost gas in order to give the consumers the benefit of Government coercion to reduce prices they are going to say, "Balance that, Senator, with something else, that gives some restraints on the price on old gas."

I will not make that prediction flatly. It has been my experience, however, looking at the past, that unless we are willing to balance this bill so it has elements of fairness to people on both sides, or perhaps, if you are looking through the other end of the telescope, unfairness on both sides, the bill will receive the undying opposition of the minority in this body, whether it be a minority of one on a motion to proceed or a minority of one on decontrol of natural gas, or a minority of one on getting anything else. We will have trouble getting this thing shut off in the time we have this fall.

What is the result of that? By every test the consumers of this country will pay more this winter for natural gas than they would if we can legislate. So I would say, whoever blocks passage of this legislation may indeed be the person who will get the blame, and ought to get the blame, from the consumers of this country who have to pay more for natural gas than they otherwise would have to pay.

It is suggested by some in the debate here today that nobody is in favor of this save a few big oil companies that have a large supply of old natural gas. Let me just again read for the record the list of the associations and organizations that are in favor of this bill. They are not saying that it is a perfect bill, or that it meets every objective that they have, or that they could not improve it if they were allowed to. But on balance, they are in favor of this bill.

And they are not all big oil companies that are in favor of this bill.

The American Farm Bureau Federation, the American Textile Manufacturers Institute, the National Cattlemens Association, the Fertilizer Institute, the Man-Made Fibers Institute, the Natural Gas Supply Association, the Independent Petroleum Association of America, the American Petroleum Institute, the Chemical Manufacturers Association, the American Mining Congress, the Business Round Table, the Chamber of Commerce of the United States, the Glass Packaging Institute, the Highway Users Federation, the National Association of Manufacturers, the National Coal Association, the Petrochemical Energy Group, the Process Gas Consumers Group, and the Society of Plastics Industry.

I inadvertently omitted one organization that supports S. 1715. They were concerned enough about their omission from that list that they called to ask that I mention that they are indeed also in support of S. 1715.

I shall read very directly from their statement in their own words as to why they are in favor of S. 1715.

The organization that was omitted is the American Iron & Steel Institute. So they should be added to that list, but it is their statement that is particularly appropriate at this time. In their words:

> If the depressed and downtrodden steel industry supports S. 1715, it must be because the steel industry expects a two-fold benefit—lower prices and an assured supply. At the moment, supply is no problem, but the rise in gas prices has prompted switching to oil in many instances. This is another manifestation of the skewered and irrational market resulting from NGPA.
>
> The steel industry continues to believe that a free marketplace is the best allocator of fuel supplies.

To say that no one favors this except a handful of big oil companies is simply to ignore the fact that a lot of people who are consumers of the product, the ones who pay the bill, the ones who pay the producer for the product they consume, a lot of those consumers have come forward and said, "On balance S. 1715 is what we will support."

I again want to reiterate that I do not know anybody on that list who really says S. 1715 is perfect from their standpoint. As a matter of fact, there are some on that list who probably perceive that in the short run it is going to cost them money to have this bill passed. But, nevertheless, they are in favor of it because they are convinced that in the long term the adequacy of supply and the reasonableness of cost will be enhanced by the passage of this kind of legislation.

There are those, indeed, who do believe this legislation should pass in spite of the opposition of some who say, "Let us think about it more," and others who do not even want to consider this now until some kind of a deal is made somewhere. I do not know exactly what it is they have in mind in putting together a compromise after weeks and months of discussion. Somehow or in some way some nebulous group of people will put together a compromise and then come forward on the floor and say, "Now that these people have decided what it ought to be, we understand what it is and we ought to pass it."

That kind of negotiated posture leads to more suspicion and more uncertainty on the floor than present now with respect to the provisions of S. 1715. Everybody has had a chance to look at S. 1715 over a long period of time. Everybody has had a chance to analyze it and listen to discussions by others as to what it means. Any compromise that comes up now that is different from the substitutes which have been offered over the last several weeks or several months, and during the weeks of consideration by the committee, will be subject to a great deal of suspicion by people who will say, again, as I suspect the Senator from Montana will say, "Gee, I do not know what this means. Let us take more time. Let us study it longer. Let us study it to death."

Mr. MELCHER. Will the Senator yield?

Mr. McCLURE. I yield without losing my right to the floor.

Mr. MELCHER. From what the chairman has said, since there are not enough votes to pass S. 1715 without serious and deliberate changing of it, would it not also be wise that whatever those changes might be should be discussed and considered by the various consumers of natural gas and the various producers?

Mr. McCLURE. Mr. President, I do not think the Senator from Montana has heard me say on the floor of the Senate that there are not enough votes to pass S. 1715. I have said going into it we cannot guarantee and I cannot produce or show you a full count right now of 51 Members in this body who will vote for S. 1715 at this time. I think that is accurate.

But I also think after they have looked at the color and complexion of several alternatives they may indeed think this is better, or at least they have had their chance, or at least they have discussed the benefits or shortcomings of several other alternative proposals.

Mr. President, let me suggest, too, that I am talking about others who look at this legislation and say that this is better than current law, and it is indeed better than current law with respect to the cost to the consumer. Also, I would say to my friend, who earlier was reciting what will happen with gas supplies, that a study by the Department of Energy that has just been updated, comparing S. 1715 and its provisions with the current law, indicates that additions to reserves would drop in the first year and the second year and rise in the third and succeeding years. So the net additions to reserves under S. 1715 will be greater than if we do not legislate. That is the same study, incidentally, that indicates over the next 10 years consumers will pay less for natural gas under S. 1715 than they would under current law.

Let me also share with the Members of the Senate something that they may not be aware of because it has not yet been released.

Some time ago, the Congressional Budget Office, CBO, was asked to make a study of what might happen under S. 1715 as compared to existing law. The study is in draft at the present time. I cannot tell my colleagues it is final, because it is just in draft. That draft study shows that if existing law is not changed, the wellhead price of natural gas will increase by 38 percent over the 1983 to 1990 period. The city-gate price of natural gas will increase by 51 percent over the 1983-90 period.

Contrast that with the situation if S. 1715 could be accomplished. It would lower both the wellhead and city-gate price of natural gas for the first 3 years following enactment as compared to existing law. It would increase natural gas reserves, annual reserve additions, and supply over the 1983-90 period as compared to existing law. It would reduce natural gas imports over the 1983-90 period under existing law, and it would, on net, overall, increase GNP and reduce inflation over the 1983-90 period as compared to existing law.

Mr. President, I do not know whether CBO is right. I have, at times in the past, questioned the result of studies they have made. As I say, this is just a draft. But we have been following it closely.

Incidently, Mr. President, those conclusions are borne out in the draft in table 1, tables 1 and 4, and table 5. So there is impressive evidence from all sources that passage of this legislation can reduce the cost to the consumers of this country, reduce the balance of payments, enhance GNP and reduce inflation, and increase the additions to reserves, as compared to existing law.

My friends will, at various times, come in with proposals that they think will be better than S. 1715. I suggest to them that they do that. If they can come in with something that looks like it is going to do a better job, that will bear the analysis of whether it will do a better job, they may, indeed, find me in support. But at the same time they do that, they are going to have to show me that it has a greater likelihood of passing; that somehow, the provisions that they would add to or subtract from this bill add to political support in this body, not subtract from it.

I think there is no secret that this is a tough issue, a tough issue upon which a lot of people will simply avoid taking a stand by saying, "I am in favor of something else, not this." "I am in favor of something else because it can't pass." "I am in favor of something else which I believe is better even though it cannot pass, and because I think something else will be better, I am willing to deny the American public the benefits of legislation that can lower the cost of gas to consumers in this country."

Mr. President, I know we all seek perfection in this body, and I know every one of us wants to be true to our principles. I hope that compromise has not yet become a dirty word in the American language, and I hope that consensus is not necessarily sacrifice of principle. Because if we seek perfection, if every one of the hundred Members in this body seeks perfection in legislation, they will find it not at all. If they refuse to support the composite of legislation that is an acceptable balance between the contending groups, they will never find a bill that will pass.

They can go home and say, do not blame me; I did not do it. But, as a matter of fact, if they deny us the opportunity to legislate, the responsibility will be on their shoulders for the inevitable price increases that will occur to the consumers this winter, next winter, and the winter after. I shall be on the floor of the Senate, reminding consumers across this country of who it was and why it was that we did not get around to giving them the price relief that is so clearly available to them in the market today.

The PRESIDING OFFICER (Mr. COHEN). The question is on agreeing to the motion to proceed.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

Mr. JOHNSTON. Mr. President, will the Senator withhold that?

Mr. MELCHER. I withhold it.

Mr. JOHNSTON. Mr. President, I was just discussing with the distinguished Senator from Montana the possibility of getting a time agreement on the Kassebaum amendment. She has an amendment which has been filed here. It is the same amendment contained in S. 996. I wonder if it would be possible to have that amendment laid down with a time agreement and thereby avoid the cloture vote. I ask that of my distinguished friend from Montana.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. JOHNSTON. Yes, I yield.

Mr. MELCHER. The question before us, of course, is a motion to proceed. I think we have been trying to make it clear that if S. 1715 only has 30 votes, and that seems to be the high point of anybody's count at the present time, there must be some sort of idea or plan that would permit some substitute to be offered that would receive a majority vote within the next few days, because the announced schedule of the Senate is, as far as is possible for the majority leader to control, that the Senate, along with the House, will adjourn sine die on November 18. The point is this: If events are going to unfold like that and the Senate and the House do adjourn on November 18, when we consider the other bills that are pending that must be enacted by that time, it would mean that consideration of a natural gas bill, a major policy decision by Congress, would require the bulk of that time, if not all, between now and November 18.

Mr. JOHNSTON. If the Senator will yield, I think he is absolutely correct. I think if we gave it all the time between now and November 18, there probably still would not be enough time, even if we did not have to take time out for a continuing resolution or a Defense appropriations bill or the extension of the debt ceiling. I think the Senator is entirely correct in his view.

Let me say the reason that I propose that we deal with the Kassebaum amendment is this: I think we must deal with that amendment, which I oppose and oppose strongly, by the way. But I think that amendment will be voted down. I feel reasonably confident that it will be voted down. But I think the voting down of the Kassebaum amendment is a necessary step before we can do anything else.

We must demonstrate that that does not have enough votes before we can go on and vote on an interim compromise or, indeed, certainly before we can vote on S. 1715.

Mr. McCLURE. Will the Senator from Louisiana yield?

Mr. JOHNSTON. Certainly.

Mr. McCLURE. A number of people, in looking at the timetable for the legislation before us, say you simply cannot deal with that question in the time we have. But I think we have to try. I will not be satisfied unless we try to bring relief to the consumers of this country. I think it would be a terrible indictment of this body if, without having tried at all, we were to adjourn and go home, and then say to those people as their bills come in during December and January, "Well, we are on recess, we didn't even try to help you."

Now, it may be that we cannot succeed, but I think we have to try.

Mr. JOHNSTON. I think the Senator is correct. That is why I say let us make progress toward that by dealing with the Kassebaum amendment. Now, if in fact the Senate is serious, and I believe the majority leader is serious, about going out on November 18—I spoke to him as recently as lunchtime today, and he advised that not only is he serious but that he gets calls from Speaker O'NEILL from time to time just to keep up his enthusiasm, as he said—if there is a view to get out November 18 or anywhere around that, it is going to be uncommonly hard to finally dispose of this bill. And I would say it would be impossible if the Senator from Montana wished to keep the matter going during that time. In fact, if any Senator is determined not to have it voted on for final passage before November 18, I believe he can be successful in so doing.

So I think it would be something within the control of the Senator from Montana. He need not worry that we would deal with the Kassebaum amendment, that it would fail, and that he would then be faced with an immediate vote on some compromise that he did not have sufficient time to amend or study or debate. That simply will not happen. But I do think we make progress if we can put down the Kassebaum amendment under whatever reasonable time agreement the Senator from Montana would think would be proper—10 hours, 5 hours a side, whatever he would wish—and then at least we will have made that much progress. I agree with the Senator from Idaho that we must do our best to bring relief to the consumer for this winter. If we try and do not succeed, well, we have done our best but at least we can make that progress.

Mr. MELCHER. Will the Senator yield?

Mr. JOHNSTON. Certainly.

Mr. MELCHER. I have no doubt in the sincerity of the Senator from Louisiana and the Senator from Idaho as managers of the bill that they would like to make some progress, but I again point out that while we understand what is in the Kassebaum amendment, since that was the subject the Senator from Louisiana was discussing, we would not know what might be the feeling of a lot of Senators on what, with the modifications of the Kassebaum amendment or some other substitute, might be advantageous in securing a majority vote.

Now, since this is a complex matter and since the vehicle before us under consideration is the motion to proceed to S. 1715, which is adequate to attract a majority of votes, it seems to me that we should be privy to all of the proposals that are now being made for a package that is sought. It is a complex matter, I repeat, and before we arrive at that point of having a majority willing to support one version or the other, I think we ought to be able to review what is in the mill right now, and I do not think we have been able to do that. At least I have not been able to do that.

I think there has been some progress made, quiet progress, to put together a package that will attract a broader number of votes than either S. 1715 or the Kassebaum amendment that has been considered in the committee. But I am also of the opinion that perhaps we are already beyond that as far as some Senators are concerned and are now reviewing a package they feel might mean 50-some votes or maybe even 60. At that point, we are going to also be faced with the question should we proceed. I think we make time by reviewing what might be that final package prior to that point. I do not have any feeling that this matter will be cleared up by November 18 either, as the Senator from Louisiana has just stated. I do not think it will be cleared up by that time. But whatever the plan is in calling up this bill now, I would like to know the full plan. I would like to see the rationale for even bringing it up, because we are not really doing very much if we get into a stage where we have looked at a couple of amendments and we go out over the Thanksgiving and Christmas and New Year period, not to come back until perhaps the third week in January. We have not resolved much of anything, and I do not see how that helps speed up the activities of the Senate.

We were told last night by the majority leader that he thought he would perhaps ask that this motion be laid aside so that the necessary appropriation bill for Treasury could be brought up or the Intelligence authorization bill. We are not doing that. But we are discussing what is wrong with S. 1715, and at least that is a starting point. I think we ought to continue that discussion until we see some further light on what could resolve the ills of S. 1715.

(Mr. GRASSLEY assumed the chair.)

Mr. JOHNSTON. Is the Senator saying that an attempt to negotiate a time agreement built around the Kassebaum amendment, that is, S. 996, and I am thinking of a time agreement which would involve the nonamendability of that amendment so you vote on that amendment up and down, would not be a constructive exercise?

Mr. MELCHER. I do not think it would be constructive at this time. In the normal course of events and the rules of the Senate, we would anticipate a vote on a cloture petition, filed yesterday, tomorrow 1 hour after we come in. Then I think we get some guidance from the entire body on how they wish to proceed. I might add right there, if the cloture petition is successful on the motion to proceed, I would not attempt in any way to encourage delay. I think I would make a short statement at that point if the cloture petition is successful, and I would not be encouraging other Senators, though normally they could use their right to speak to the motion. They might well do that. But I would not want to encourage them to use their right in order to further delay the Senate's consideration.

Mr. JOHNSTON. I ask the Senator this: Suppose cloture is invoked—and, of course, if it is invoked, under the rules, we must stay on that matter until it is completed, and if it is laid aside, I guess it would have to be laid aside by unanimous consent or by a motion to move to something else—would the Senator feel constrained to give consent to that?

Mr. MELCHER. I can state very candidly to the Senator from Louisiana that I will not oppose the majority leader's request at that time. If cloture is invoked, I would not want to be an impediment for the majority leader to exercise the necessary prerogatives of the majority leader for the Senate to function properly.

Mr. JOHNSTON. We have a dual question: One is moving on to something else, such as the appropriations bill; the other is a motion which cause the automatic return to the matter under consideration, the gas bill. If we moved on to another matter, it would take another motion to proceed to move back to this, unless it were done by unanimous consent.

Mr. MELCHER. My answer in both cases is that I would not seek to delay. I want the majority leader to exercise his prerogatives, and I would not

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object to such request, either to move off this bill to another matter or to return again to this bill.

Mr. JOHNSTON. That is very helpful in scheduling, and I thank the Senator for his answer.

Mr. President, does the Senator from Oklahoma have a statement to make?

Mr. NICKLES. I do, and I wish to be recognized in my own right.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I have listened with interest to our good friend from Montana with respect to his reluctance to let us proceed. I hope we could proceed, because the Senator knows that we are looking at about 16 days that we have left for action before we go out on recess.

Now about the same time we go on recess, we will see utility bills rise. A lot of the provisions in S. 1715 would provide for a great deal of consumer relief. A lot of provisions that are being contemplated today as amendments to S. 1715 also would provide for some degree of consumer relief.

Frankly, consumers are wondering right now why their fuel bills or natural gas bills continue to rise, when they read that there is a glut of natural gas, that we have surpluses of natural gas. My response—and I have studied it probably as long as anybody on the floor—is that Government regulation has caused a lot of inefficiencies in the marketplace and is really responsible for the fact that we have gas we cannot sell, and that we have gas which is priced too high. Both situations are due to overregulation.

We need to make changes. I do not think anybody says S. 1715 is perfect. I do not. I have an amendment.

The Senator from Montana said he was interested in what was floating around, the various alternatives. I will outline some of them for him, and this may enable him to have a better idea of what might be coming up when we do proceed.

The Senator from Louisiana mentioned the first alternative, a version he is pretty well aware of.

Additionally I think we will be looking at the Kassebaum bill, S. 996. The Senator is aware of the provisions of that. I am strongly opposed to it, but I think we should address it. Let us vote and find out what the sentiments of the Senate are.

We heard the Senator from Ohio today. He has an alternative bill similar to the one he offered as a substitute in the Energy Committee, one which modified contracts to a substantial degree.

Senators EAGLETON and DANFORTH have a bill to modify contracts which has been published for some time.

The Senator is aware that there are other Senators, myself included, who are very concerned about ramping up old gas prices and ramping down high-cost gas prices. I hope to eliminate that. I also hope, in the same amendment, to eliminate the marketing out provision.

There are also a lot of different amendments floating around and being discussed dealing with some type of price escalator provisions. We have previously talked about that.

That is really the scope of the amendments being discussed. They may be offered in combination or in a separate package, and many of those amendments may actually provide additional consumer relief.

However, the fact is that we are looking at a limited number of days. We are looking at a marketplace that is not working right now due to Government interference. I think almost everybody will agree that some changes are overdue in the Natural Gas Policy Act.

I think it is really a disgrace when the Senate is not moving forward and taking up some of these proposals. Whether or not we can finish this bill by the time the Senate adjourns on November 18 remains to be seen. Needless to say, it is quite a challenge and a difficult challenge, but it will be that much more complicated if we have unnecessary procedural delays.

I would be very happy to work with the Senator from Montana. He is aware that we have had long discussions on what we could or should do in dealing with imports. I would be happy to work with him on that or other issues that might be of benefit or concern to him or other Senators.

It is important to address the Kassebaum issue. If that amendment prevails, that will cast a different light on the situation. But we need to address that substitute, to find out where we stand, as well as the other substitutes. This will take some time.

I hope we will take up the bill and consider the alternatives and see if we can find a majority in the Senate who will take responsible action and bring about some changes which will be of benefit to the consumers and to the economy of our country. I think it is very important, and I hope the Senator will allow us to proceed with this bill today, so that we can take up a couple of these amendments and get to work on the bill.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. NICKLES. I yield.

Mr. MELCHER. I judge from the Senator's remarks and previous discussion and action in the committee that he would oppose the Kassebaum proposal which was introduced in the form of a bill earlier this year.

Mr. NICKLES. The Senator is correct.

Mr. MELCHER. Then, if it should be agreed to, what would the Senator feel he should do—roll over and play dead and let the bill become law?

Mr. NICKLES. I might mention to the Senator that I will keep my options open, but I think it is important that we bring up the bill. We know we will be voting on the Kassebaum proposal. That will take a little time. I have some serious reservations about it and would be quite opposed to its passage, but I think it is necessary to move forward. There may be some provisions in her bill that we might be able to accommodate. I do not know that we can start working on some of the negotiations until we actually get the bill up and go to work on it.

Mr. MELCHER. Mr. President, if the Senator will yield further, one of the reasons the administration gave for their proposal, also one of the reasons why S. 1715 would lower gas prices, was that, for example, the Anadarko Basin deep gas would be reduced. If that is reduced about $3 per 1,000 cubic feet, does the Senator from Oklahoma say he is in favor of the bill?

Mr. NICKLES. As the Senator is aware, I voted for the bill. I think it is important that we move forward toward deregulation. There are parts of the bill that I do not care for.

As I mentioned, and as the Senator is aware, I do not like the idea of abrogating contracts. We have some high-priced contracts in Oklahoma in the Anadarko Basin. A lot of those contracts have already been renegotiated, probably the great majority of them. Their prices already have been reduced. But I do not like the idea, and never have, of the Government ramping down prices to some type of free market indicator. So I have an amendment that would address that issue. I have been discussing it with some people and with some of our colleagues, and I think there is fairly strong support against the idea of massive contract abrogation.

My amendment cannot pass if we do not have the bill up and I cannot offer the amendment. I want to offer the amendment. I want to see where we stand. I want to see a bill pass out of the Senate and go to conference.

The Senator is well aware and I am well aware that this bill is going to be written in conference. I think it is important to move forward with as good a bill as possible through the Senate as quickly as possible, and hopefully this will encourage the House of Representatives.

I am not optimistic that the House of Representatives will pass a good bill. But even if they pass a bad bill and we pass a good bill, maybe we could come out of conference with something that would be a step in the right direction for consumers, for producers, whether they be independent or big ones.

I think it is important that we allow the marketplace to work because, quite frankly, the Government regulation that we now see under NGPA is not working. It has been a dismal failure. We are seeing unbelievably high escalations in gas prices because of Government regulation. Those regulations have had the exact opposite effect of their well-intentioned meaning.

Mr. MELCHER. Mr. President, will the Senator yield for 1 minute for a question?

Mr. NICKLES. I yield.

Mr. MELCHER. I thank the Senator.

The Senator has expressed some feeling that there is a possibility of passing a bill here prior to November 18 or on that date. But the Senator has no illusions that the House of Representatives will even get a bill out of the committee, let alone schedule it on the floor prior to that time.

So, in any event, the consumers that the Senator has spoken of with rising heat bills will still be subject to those same conditions.

Is that not true?

Mr. NICKLES. I am not sure I understand the Senator's question.

Mr. MELCHER. The Senator said that it might be possible to pass a bill here by November 18 in the Senate, but the Senator is also aware that there is not a bill reported out of the House committee, let alone being available for consideration on the floor. So I am asking the Senator is it not also true that no matter what we do here at this time, there is no possibility that there will be any action by Congress to relieve what the Senator has described as rising heat bills for consumers?

Mr. NICKLES. I would say the Senator is probably correct. It is very, very doubtful. I would not say it is impossible because the House, under their restrictive rules, could throw something up and now allow amendments and might possibly be able to get something passed. But I think when the Senator and I go back to our States and people are looking at unbelievably high escalating gas prices they are going to say, "What have you done?" We cannot say, "Well, the House was not going to act anyway so we decided not to act." I do not think that is the response I want to give them. I would like to say, "At least, yes, we tried."

I am also concerned about hearing that if we do not move forward now then when a CR comes up at the end of next week or the following week someone will say, "Yes, let us come up with just a little modification of natural gas contracts."

This Senator is not going to be too willing to do that. We have been working for months and I think it is important that we move forward and move forward now. If someone wants to put an amendment on the CR that deals with natural gas I am going to be inclined to oppose it at that time unless it is something we can work out amongst ourselves. I am willing to do that. I am willing to negotiate now.

Nothing that I have said is in total concrete. I think we have to have some flexibility. But we are never going to get there if we do not start. I do not know if we can get there if we started today and worked around the clock to November 18. I like to think that we could. But I do not know that we could. I know one thing. We cannot get there if we do not get started.

I urge the Senator to allow us to proceed on the motion and take the bill and then we will see where we are after a few days.

(Mr. JEPSEN assumed the chair.)

Mr. MELCHER. Mr. President, I again do not have any question of the sincerity of the Senator from Oklahoma.

I think his points are well made and that he approaches the whole complex situation with a great deal of sincerity.

However, I do not want it characterized that this discussion between a few Senators on the floor is not starting in motion the procedure which is going to be absolutely essential to pass amendments to the Natural Gas Policy Act.

What we have been doing yesterday and so far today has been discussion of where individual Senators are on the question, principally from Senators who serve on the Energy and Natural Resources Committee. But also, we should take note that there are other Senators. For instance, my friend from Nebraska, the junior Senator from Nebraska, has clearly laid out some of his concerns.

When the Senator from Oklahoma discusses his amendment, or his series of amendments, just by doing so it starts a process not just in the Senate for considering what we should have in the natural gas bill, but also starts a process of the public becoming aware that there is active consideration in the Senate of such a bill, and that serves a public interest.

Letting that information go out from our debates here on this floor serves a public interest to let us have the input of consumers and producers alike. Let us have your input.

This bill, S. 1715, does not have very much support at all in the Senate. I think that is news to a lot of people throughout the country.

By starting at that point and saying let us recognize that S. 1715 does not have sufficient votes to pass in the Senate, then we start the process of thinking, deliberation, and discussion that is necessary to arrive at what should be in a natural gas bill.

I think we are doing the right thing at this time. I think when we get to the vote on cloture we will see what the will of the Senate is on the matter, and if it is the will of the Senate to invoke cloture, then by all means we can start the process of looking at amendments, voting on the motion first of all to get the bill before us, and then looking at the various amendments. But we are not wasting time.

If it is really the desire of the body, particularly the majority side, to get into this bill, we will be doing just that and we will not have wasted any time in these preliminaries. If it is not the will of the body to get into this bill, then that becomes clear and I would trust we would not be involved much longer in this discussion.

Cloture is for a very definite purpose in the rules of the Senate. I welcome the fact that the majority leader filed a cloture motion yesterday so that there will be a preliminary vote coming before the Senate rather quickly.

I happen to agree with the Senator from Oklahoma, the Senator from Louisiana, and the Senator from Idaho that adjustments and amendments to the Natural Gas Policy Act are in the public interest. I happen to agree very emphatically that that is the case.

But if it is the case, and the Senate is going to act on it, I think we need to have the public aware of just what proposals are going to be considered that might attract a majority vote here.

For that reason, I think that we have begun this process to sort of smoke out those proposals and to get them not just before Senators but to get them before the public.

Mr. NICKLES. Mr. President, will the Senator yield for a question?

Mr. MELCHER. I am delighted to yield.

Mr. NICKLES. I understand what the Senator is saying. We can avoid the postcloture situation that we might find ourselves in, which in itself is complicated since amendments have to be germane and so on. It makes it very difficult to proceed even to other matters. Therefore I wonder, to get the Senator's vote that he seeks just to find out the Senate's sentiments, what about just voting on the motion to proceed, instead of on the cloture motion? Would the Senator find that acceptable?

Mr. MELCHER. No; I would not find that acceptable for the same reason that the Senator responded to me when I asked about what if the Kassebaum amendment, in the nature of a substitute, the bill that was before the Senate committee, were accepted by this body, what if that were done; the Senator responded if that were passed by affirmative vote he wants to have some flexibility and wants to have his options open. I think it can be said right now that I certainly do want flexibility and options open for myself and I think for other Senators in the Senate on both sides of the aisle.

I think what we are performing here is a function that is in the public interest because the flexibility and options being opened to individual Senators will be maintained by voting first of all on the motion to proceed through the means of seeing whether or not cloture can be evoked. At that point, if cloture can be invoked, as I have stated before, I intend to have no delay at all myself. I will make a short statement at that point and will not object to the majority leader using his option as majority leader to show progress in leading the Senate.

Mr. NICKLES. I appreciate the Senator's response to my question. If I might ask an additional question, again, in the interest of trying to move forward. I mentioned several bills or substitutes or amendments that are being kicked around or discussed by the various Senators that have an interest in this issue. Maybe as a means to accommodate the Senator from Montana, would the amendment that the Senator from Oklahoma was talking about—we have discussed it before—the one that would eliminate the ramping up and ramping down of contract prices and the market-out clauses, would that interest the Senator from Montana, insofar as the objections he has to the bill as it now is?

Mr. MELCHER. I can respond to my friend from Oklahoma that I do have an interest in the amendments and want to review them carefully and want to review them as a package. Because I think in the final analysis that to successfully pass the bill here, we are going to be looking at a package of amendments which are really a substitute for S. 1715. I think the Senator's proposals form one of those packages that can be considered.

I would suggest that, instead of offering one amendment and then offering another, that they be offered together, because, as the Senator has described, if one amendment carried and one fell, it would not accomplish, a single amendment would not accomplish, what the Senator desires. So I do want to review those very carefully for my own purposes but also for the purposes of discussing them with other Senators to see whether they can fit in this.

Mr. NICKLES. Will the Senator yield for one additional question?

Mr. MELCHER. Yes.

Mr. NICKLES. Are there other aspects the Senator from Montana would particularly like to have included in a possible amendment or a substitute or other form of package, whether they be indefinite escalation provisions or inclusion of imports? I am fishing to see what the Senator might want to have in a substitute.

Mr. MELCHER. At this point, I repeat what I said earlier yesterday. I think a substitute, to be successful, as far as I am concerned, must include a very direct treatment on the matter of imported gas from abroad and the pricing thereof to make it consistent with the pricing of natural gas produced here in the United States.

I see no reason to repeal the area of rate agreements. It seems to me they performed well, and there is no reason that I am aware of for repealing them.

I also think it is essential, on the question of the ramping up and ramping down—and that is a term we have used before. I guess we developed it in the Energy Committee. We arrive at prices to be changed which, in effect, are abrogating contracts. I think it must be very gradual and over a longer period of time than is in S. 1715.

Now, those are some of the basics, as I see them, that would be necessary in the bill.

Mr. NICKLES. I appreciate the Senator's comments. Again, I certainly agree we would be making a mistake in abrogating contracts by ramping up and ramping down the prices in those contracts.

The Senator mentioned his concern over imports. The ramp up and ramp down and market out, if we eliminate them as they now are in the bill, that would only apply to domestic contracts. The major contract modification we would have remaining would be reduction in takes, which I think we could apply uniformly to imports as well as domestic contracts. And so that would possibly help resolve a couple of the concerns of the Senator from Montana.

Again, the sooner we take up the bill, I think the sooner we will be able to address those concerns.

I thank the Senator from Montana for yielding.

Mr. MELCHER. I thank my friend from Oklahoma for his remarks.

I might add, on the question of imports, there is absolutely no justification for having a law in the United States setting the price on natural gas for domestic producers different from that by a wide margin for gas that is imported into this country.

While I have some sympathy for the gas producers in Alberta, Canada, as well as the gas produced by Pemex, a national government-managed or government-owned operation for petroleum in Mexico, I cannot justify in any way enacting legislation or continuing the Natural Gas Policy Act, which prices the natural gas for producers in this country, without touching those contracts of utility companies or pipeline companies that import gas and sell it to consumers under the law in the United States being fully 50 to 80 percent higher than the gas produced here in the United States.

I think that is almost an absurdity to have a law that affects our own producers and leave them holding their price down, and in fact, often holding much cheaper off the market, while contracts with producers in Alberta and contracts with Mexico are protected that are much higher.

Just to dramatize exactly what that is, natural gas at the border between Canada and Montana or other points in the United States is priced at $4.40 per 1,000 cubic feet. That is at the border. Transportation to wherever it is used and distributed is added to that. That is the same pretty much in the case in the gas imported from Mexico.

In Montana, we have natural gas producers that cannot sell their gas, cannot even find a market for it at $2.75. It is available at $2.75 by domestic producers, domestic production, and there is no market for it because, in our case in Montana, 35 percent of the gas consumed by Montana power consumers is under the Canadian contracts.

In revising the law as it affects NGPA—the Natural Gas Policy Act of 1978—it is essential, in my judgment, that we address this problem as it exists on imported gas.

I have only mentioned two sources. I could mention a third, and I will, and that is Algeria. That gas that is imported, liquefied gas, costs somewhere between $6 and $7 a thousand cubic feet.

Obviously, these are inequities. We must make some adjustments in pricing for domestic producers. It follows, in my judgment, that we should also make adjustments for those producers who are selling gas here in the United States and abroad. I do not think that is any more than fair. Recognizing that the marketplace does establish eventually what the price of gas will be under NGPA and S. 1715, over time, I think we can adjust prices of imported gas also, but put it in the same timeframe and under the same requirements we have for the gas produced here in the United States.

I am not talking just about the effects on the Montana consumers, but I am talking about matters that affect prices of natural gas distributed in some 20 other States, perhaps more, and that is part of the reason that natural gas prices for consumers have gone up.

The stated objective of S. 1715, as well as the administration's bill, and the stated objective of numerous other bills that have been considered by the Senate Energy and Natural Resources Committee, all have stated that they are attempts to at least hold the price of natural gas where it is or perhaps lower it slightly.

That being the case, the imported gas must be part of that consideration and we cannot avoid that consideration here on the Senate floor if we are going to do justice to American consumers.

Mr. President, I do not know that anybody is seeking recognition, but I do now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on the motion to proceed.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. McCLURE. Mr. President, my understanding is there are no persons on this side of the aisle that I know of who are desirous of being heard on the motion to proceed. I would be happy to yield to the Senator from Montana who may wish to speak on the motion.

(Mr. GORTON assumed the chair.)

Mr. MELCHER. Mr. President, there will be a number of other Senators who will want to do some more homework, develop some language, or review language as modifications of S. 1715. Whether the language they are reviewing is being discussed here on the floor, I am sure the process has started in serious consideration of this bill. It does, in my judgment, accomplish what the Senate should be about. The majority leader properly has decided what he feels is a test of the course for the Senate to follow. I am ready to get on to the bill at the appropriate time if it is the decision of the Senate to invoke cloture. I have previously stated that if that is the case, I will only take a few moments tomorrow outlining some of my interests in S. 1715 and what should be done to it, and will not pose any objection to any unanimous consent by the majority leader either to go off the bill and take up other matters or come back on the bill.

The point was made that if cloture is invoked, nongermane amendments would not be permitted. I hardly need to remind the Senate that under the circumstances, if we are going to adjourn this session of this Congress by November 18, we would not want to have nongermane amendments considered. It is really an exercise of the Senate's prerogatives when nongermane amendments are offered to bills. I have no quarrel with the rules on that. But I do think it is obvious that if it is the intention of the Senate to accomplish a final action on a bill of a complex nature, we hardly need nongermane amendments being offered to natural gas bills.

I, as other Senators, from time to time, want to use my prerogative as a Senator to offer a nongermane amendment to the pending legislation. I want that right. I respect that right. But I do understand what scant, short time will be available for consideration of natural gas legislation between now and November 18, because there will be other important bills that must be acted upon before the adjournment date.

I do not think we are losing any time on this bill. If the Senate does invoke cloture, we probably will be gaining a lot of time on this bill because of the prohibition against nongermane amendments. So that is a step in the right direction. I really do question very seriously that there will be any final action on this bill by November 18, no matter what we do.

Mr. McCLURE. Will the Senator yield?

Mr. MELCHER. Yes, I am delighted to yield.

Mr. McCLURE. Let me remind the Senator that there is a difference between a motion to invoke cloture on a motion to proceed to the consideration of a bill, and a motion to invoke cloture against the bill itself. A cloture motion on a motion to proceed to the consideration of a bill does not do anything with respect to amendments once we reach the bill. The argument of the Senator from Montana is premature at this point and certainly has no application to the current situation.

Mr. MELCHER. The Senator is absolutely correct. I thank him for that observation. I only make the point that if there are 60 votes on the motion to proceed, I assume there will be 60 votes available for cloture on S. 1715 also. It hardly makes any sense to vote for cloture on the motion to proceed without being willing also to vote for cloture on S. 1715. Mr. President, if it does not make any sense to be considering this bill at this time because nothing is going to be finalized between now and November 18, then I think that, too, may become a concern. I do not want to discourage those who would like sincerely to attempt to finalize action on this bill by November 18. That is a pretty short time for anything. I think it is a worthy goal. I think it is impossible to attain, but I do not want to dispute the sincerity of those who feel that it is a possibility.

The reason I chose to oppose the motion to proceed yesterday and today and tomorrow up until the time we vote on cloture is simply this basic reason: I do not believe S. 1715 has anywhere near enough votes to pass. I think that is a fair statement. Aside from that, since that is not going to be the vehicle that passes and there is an intention to make a serious, sincere desire to pass the bill by November 18, then I think it is absolutely imperative that we understand what that possible substitute might be.

As we understand it here as Senators, then, also, the public can understand it. On that basis, we might arrive at some consensus of sufficient votes to pass amendments to the Natural Gas Policy Act. But I believe that the sooner the Senate can understand what the possibilities are for a substitute, the likelihood is that the public can understand that, also. Until the public understands it and is fully aware, both consumers and producers, then I do not think we should be moving rapidly in enacting amendments to the NGPA.

Mr. President, I know there are other Senators here and I do not want to contine discussion or to occupy the floor if any other Senator chooses to speak on this matter or some other matter. I see no indication that any Senator wishes to speak, so I shall continue for a short time further.

When we were considering S. 1715 in committee, as has been related by managers of the bill, numerous other bills were considered and rejected. However, portions of various bills, portions of the same type of concept or same purpose, were enacted into S. 1715. The fact that it has not struck a balance between producers and consumers to be convincing to the various segments of our economy and our population that this is a good bill should not discourage further consideration of the matter.

It is absolutely true that, as has been stated by several Senators, the rapid escalation in natural gas prices has been of great concern to the consumers of natural gas and been one of the causes of frustration on their part at how to meet those bills. Let me talk of one group in particular, the senior citizens group. The elderly of America have for the most part found themselves on fixed incomes. Social security cost-of-living adjustments have been available for the past several years and that has given them some relief in meeting their escalating bills, whether for heat or food or shelter or clothing or for whatever purpose that their meager income has to be spent. That brings us to the point of what is the concern of senior citizens groups throughout the United States regarding S. 1715.

I can state in my own case, Mr. President, from being with constituent groups in Montana that this is one of the items in their budget that they fear will continue to rise. So far, I have not been successful, nor have I, with good conscience, been able to tell them that S. 1715 is a panacea for their fears on escalating heat costs. I do not, however, want to be harsh in my judgment on the project of the cost of natural gas should S. 1715 become law. There are reasons to believe that S. 1715, and also the administration's bill as it was proposed, would lead to leveling off the cost of natural gas.

The reason that would happen is twofold. Both of the bills would deregulate over a period of time the price controls on so-called old gas. That would cause some of the pipeline companies, the utility companies, and the distribution companies to have to raise their prices somewhat, because if they have a portion of their supply as old gas that has been held down to a certain level and that would be allowed to escalate upward under either bill then, indeed, that would add to their costs.

However, on the other side of the teeter-totter as to the cost of the supplies of gas that pipeline company or distribution company is producing would be the requirement in the administration's bill or in S. 1715 that the so-called high-priced gas, that is, that gas now selling above the national average, would have to come down to a certain level. And so between the two, between the high-price gas coming down as a requirement of either bill and also the deregulation of old gas permitting it to have a higher price, their models showed that consumers could depend upon gas not escalating, perhaps having a slight decrease from what it would otherwise be under NGPA in the years of 1985 and 1986 and 1987. So I am not going to be harsh on their projections of cost. Their models are probably as good as most models can be in projecting the cost of commodities and the cost of distribution, in this case the cost of the commodity natural gas and its distribution. But nothing is certain and nothing is perfect in projections of prices. The apprehension of the elderly as reflected in senior citizen meetings across the country has translated itself in opposition to either bill, because they simply are not convinced that those model projections are accurate. Only time would tell after the enactment of either bill whether those projections are correct.

Senior citizens have chosen, it seems to me, to be apprehensive for fear of what happened after the enactment of the NGPA when prices did, indeed, escalate for them. So they feel that enactment of the bill would probably permit prices to go higher or even set circumstances in motion that would require higher prices for their distribution company and therefore be reflected in higher home heating bills for them.

I cannot take their apprehensions, their feelings very lightly. While I give credit to the models as being as accurate as possible, all projections are somewhat doubtful, questionable, and uncertain. From their standpoint most senior citizen groups are saying to us, "Don't pass the bill." They are thinking primarily in the deregulation of old gas, and I understand their concern, that is a certainty; that if old gas is deregulated, one part of the equation in the bill would result in a portion of the gas of a distribution company being raised.

They are also told by the American Gas Association that from their study the bill will result in somewhat higher prices. That is one of the reasons the American Gas Association has been active in seeking modification of S. 1715, to try to blunt that, to try to avoid it.

Until we have a clear picture on this matter, I am not encouraging individual Senators to take a position on all gas decontrol except to state my underlying feeling that it in very difficult to keep a portion of a commodity under price control while the balance of the commodity is not under price control.

Mr. President, the difficulty of maintaining price control on a portion of a commodity while the rest is not under price control but by law is allowed to have higher prices is easily recognized.

However, there is an additional point that ought to be considered. If the price of old gas is to be decontrolled, that is, set in motion, a stage, an event under law where the price of old natural gas would rise up to whatever the market conditions called for in the price of gas, I believe it should be done over a very long period of time. In the bill I introduced earlier in the year, I suggested that period of time would be 4 years. However, I am not of strong opinion against it being 5 years or 6 years or 7 years.

I recognize that one of the main objections to S. 1715 is that one feature, the deregulation of old gas. Should the consensus of the Senate and the consensus of the votes in the House or final action on a bill for natural gas be of the nature that they refuse to address the question of decontrol of old gas—and there is a strong possibility that might be a part of a consensus of a substitute that is developed—let me warn, if that is the case, we may be missing part of the supply of gas that is available in the United States that would be part of the reserve that would protect and stabilize the price of gas into the future for American consumers. This point should not be ignored. We found it advisable in the case of oil wells, on those wells that were producing only in the order of from one up to eight or nine barrels per day, that it was advantageous in decontrol of oil prices that we treat them separately; that while the production was not very great from any one of these old stripper wells—that is the term that is used—for any 1 day or any 1 month or any 1 year, there was a great number of stripper wells; that if they could have a little higher price for the production that was obtained, however meager that production was in oil from those wells, the country would be well-served, and that the oil reserves in the United States would be greater and the available supply for American consumers would be greater.

I think the first time I heard the phrase "stripper well" or was made aware of the large number of such wells throughout the United States and the possible capture of a great deal more oil within the United States from those wells occurred during the time we were debating the Alaskan pipeline bill. The Speaker of the House strongly recommended that we give consideration to a different pricing arrangement on stripper wells. To make his point, the Speaker introduced us to the young Governor of Oklahoma, DAVID BOREN, who, after serving the State of Oklahoma as Governor, has become the senior Senator from the State of Oklahoma and now serves this body well, in the interests of the entire country, not just of Oklahoma.

The young Governor, DAVID BOREN, at that time told us very graphically and emphatically what the difference in pricing of stripper wells would mean in his State of Oklahoma, and he had some projections of what it would mean throughout the United States for increasing domestic production of oil.

A stripper oil well provision was included in the Alaskan pipeline bill, and since that time there have been numerous pieces of legislation that have been passed by Congress that recognized the advantages to the country in having different treatment on pricing for oil from stripper wells.

The same may well be the case with many of our old natural gas wells, and I do not want that point to be missed by the Senate or by the public.

I think arrangements could be made in any legislation that is finally enacted whereby we provide some opportunity for the enhancement of the recovery of the natural gas from low producing wells that are locked into what is called the old gas pricing restrictions.

If an old gas well is producing gas now in small quantities, and under current law is getting around $1 per 1,000 cubic feet, obviously it would be in the public interest if more gas were produced from that well at a slightly higher price. If it is true with some of the old wells in the United States, it is probably also true that some of the old gas fields, with a great number of these gas wells producing low quantities of gas, could be recognized in the legislation as being in the public interest—or gas reserves and gas supplies—to allow higher prices for them.

What I am leading up to is to outline for the Senate a separate concern I have on the consideration of the pricing of old gas. If we can enhance production from these older wells and older gas fields by different recognition of pricing and an arrangement that does allow for a little greater pricing, we may perhaps allay part of the fears of gas consumers throughout the country that we do not really have sufficient supply in order to have a stable price, let alone a declining price, over the next several years.

Mr. President, I have no particular remarks to add to this at this time. The floor is open for any of the other Senators who may be in the cloakroom or in their offices and who would like to speak to this matter. For that purpose, I now relinquish the floor.

Mr. McCLURE. Mr. President, I wonder if the Senator from Montana would answer one question at this point.

I do not mean to unfairly criticize the remarks made earlier. I want to be sure that I understand correctly what the Senator said. I was listening as carefully as possible.

My understanding is that the Senator has said that he does not intend to allow a vote on the motion to proceed today or at any time prior to the vote on cloture on tomorrow. Is that correct?

Mr. MELCHER. That is correct. That is absolutely correct. The Senator has interpreted my remarks correctly.

Mr. McCLURE. I do not want to unfairly criticize the remarks, but I do want to understand.

Mr. President, I have a statement which I will make at this time, which I withheld until this time because I wanted to make certain we knew where we stood with respect to the filibuster we are undergoing right now with respect to the motion to proceed to the consideration of the pending measure.

Mr. President, our inability to proceed to consideration of S. 1715 is to deny all Americans the benefits of much needed natural gas legislation. Legislation is needed to provide essential benefits to consumers, producers, pipeline operators, local distributing companies, and producing States. Our inability to proceed to the bill is to deny much needed benefits that cannot and will not occur under existing law. Under existing law there are excessive natural gas prices; there are severe economic hardships for residential and commercial users; there is industrial fuel switching from natural gas to petroleum; there is importation of high-priced gas with a cut back in lower priced domestic production; there are continued increases in natural gas prices despite a surplus of natural gas supplies; and there is a reduction in the exploration and development of new reserves.

I might add to that, if it is not apparent on the face of it, that this increases the consumption of petroleum, increases our balance-of-payments problems, and increases the clout of the OPEC cartel that wanted to dictate to us, at one time our economic conditions, and at other times and in other forms, our domestic and international policy.

Legislation is needed to alleviate these problems. Legislation is needed to achieve the economic benefits that can be derived from reduced natural gas prices paid by residential, commercial, and industrial users. Legislation is needed to assure we do not return in the late 1980's to natural gas shortages such as those experienced in the early and mid 1970's. Legislation is needed to provided incentives for the production of known low-cost supplies that cannot be made available under existing law. And legislation is needed to enhance competition among natural gas users. Yet, none of these objectives can be achieved in the near future unless we are permitted to proceed to Senate consideration of S. 1715.

S. 1715 is one proposal for correcting these problems and others that have resulted from excessive regulation of the natural gas market. Other proposals exist, each with its own merits. However, none of these proposals can be discussed unless we proceed to consideration of the bill, S. 1715.

Although I favor S. 1715, whatever the final decision of the Senate, our goal must be to obtain an adequate supply of natural gas at reasonable prices.

Mr. BAKER. Mr. President, will the Senator yield to me a moment?

Mr. McCLURE. I am happy to yield to the majority leader.

Mr. BAKER. Mr. President, I hope it is not necessary to pursue a second cloture vote but in case it is, I am prepared to file one.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send a cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 1715, a bill to amend the Natural Gas Policy Act of 1978, to protect consumers from those price increases that would occur because of market distortions as a consequence of current regulation of natural gas prices, to permit natural gas contracts to reflect free market prices, to provide for a phased deregulation of natural gas prices in order to achieve a free market by a date certain, to eliminate incremental pricing requirements for natural gas, to eliminate certain restrictions on the use of natural gas and petroleum, and for other purposes.

Senators Howard H. Baker, Ted Stevens, James A. McClure, Steve Symms, Slade Gorton, J. Bennett Johnston, Jennings Randolph, John Danforth, Don Nickles, Roger W. Jepsen, Paul Trible, Russell B. Long, Lowell Weicker, Strom Thurmond, Jake Garn, and Dan Quayle.

Mr. BAKER. Mr. President, I thank the Senator.

Mr. McCLURE. I thank the Senator from Tennessee.

Mr. President, as I was saying, although I favor S. 1715, whatever the final decision of the Senate may be our goal must be to obtain an adequate supply of natural gas at reasonable prices.

Anything less would not be responsive to the problems faced by many American consumers who depend on natural gas. This was the goal of the legislation submitted to the Congress by the President 8 months ago, and this was the goal of the committee when it considered S. 1715 during 30 business meetings.

Mr. President, it is clear that consumers are being poorly and unfairly served by the existing regulatory scheme under the NGPA—a system that prevents natural gas producers and their consumers from renegotiating old contracts and establishing new contracts that respond to market forces. Existing law also denies consumers the downward pressures on prices that otherwise would occur as a result of plentiful gas supplies and declining oil prices. There is widespread agreement that something must be done to relieve the current regulatory strait jacket in which the natural gas market operates. But to do so the Senate must be able to consider legislation such as S. 1715 as well as alternative proposals. Benefits delayed are benefits denied.

S. 1715 is a bipartisan proposal; it avoids resorting to seemingly simple "quick-fixes." Instead it is a comprehensive proposal.

Many of us believe that S. 1715 provides a means to achieve the combined benefits of consumer protection and efficient, economic use of our valuable natural gas resources. As I mentioned, there are other proposals as well, but none of these can be debated unless we can proceed to consideration of the bill.

For the moment, let us examine in greater detail how legislation benefits consumers, producers, pipeline operators and producing states.

The consumer—more than everyone else—stands to benefit from legislation. By freeing prices from artificially low levels set by the Government, the consumer will be assured of adequate supplies—not just for the short term, but for many years to come. It will be the consumer, operating within the marketplace, who will determine which fuels will be used at a price only as high as is necessary to balance supply and demand. Moreover, under a decontrolled market, natural gas prices will be able to respond swiftly to changing economic conditions and, in so doing, will minimize the impact of those changes on the consumer.

Mr. President, there is no doubt that comprehensive natural gas legislation is needed, and that it would result in direct consumer benefits in both the short run and the long run.

The Department of Energy has made a comprehensive analysis of the impact of S. 1715 on the natural gas market.

The Department's study found that S. 1715 would reduce wellhead prices from the date of enactment through 1995. This would directly result in lower consumer prices. For example, the Department's study shows that S. 1715 would lower residential gas prices by 30 cents per 1,000 cubic feet in the first year after enactment. S. 1715 would similarly lower industrial gas prices by 30 cents per 1,000 cubic feet the first year after enactment.

With respect to supply and reserves, the Department's study concludes that S. 1715 would both increase natural gas supplies and provide for higher reserve additions in the long term.

The Department's study also shows that as a result of this increase in domestic supply, S. 1715 would result in substantially lower volumes of high priced imported natural gas.

Mr. President, these findings are similar to those of the American Gas Association and the Natural Gas Supply Association. The AGA has concluded that S. 1715 would provide immediate price relief for utility gas consumers. The AGA's study shows that average utility retail gas prices would be substantial lower during the first 2 years after enactment, as compared to existing law. The Natural Gas Supply Association's study shows that the average price of gas would be significantly reduced in every State during the first year after enactment of S. 1715.

Mr. President, all of these studies appear in yesterday's RECORD. If Members wish to refer to those studies, they will find them in the RECORD.

Mr. President, I turn now to other important benefits that would be provided by the pending natural gas legislation. I am referring to benefits for the natural gas producers and pipelines, benefits that are essential to the financial health of those two critical components of the natural gas industry.

Many natural gas producers are suffering from serious losses of revenues, because pipelines are not buying sufficient quantities of gas. The reason is simple: the demand for gas in many areas of the country has declined. S. 1715 would increase the overall demand for gas, particularly over the long term, by eliminating the incremental pricing and the Fuel Use Act restrictions that are contained in existing law. Moreover, the mandatory contract carriage provision in the committee's bill, and the equal access provisions, would substantially increase the number of potential buyers of gas available for sale by any particular producer. Also, this bill would provide producers with the ability to renegotiate existing contracts in order to adjust the pricing provisions and take-or-pay provisions to reflect the current conditions in the natural gas market. Finally, and most importantly, S. 1715 would free producers from the inflexible pricing structure that is built into existing law, and it would provide producers with the assurance that in future years they can receive reasonable, market-oriented prices for their production.

Mr. President, there are also a number of extremely important benefits that would be conferred on natural gas pipelines by the committee bill and other pending legislative proposals. The pending bills are all designed to assist the many pipelines that are currently facing serious financial difficulties, particularly the ever-increasing obligations to pay for large volumes of gas that could not be taken from producers because of reduced demand. Pipelines would be permitted by all of the pending proposals to reduce their take-or-pay obligations substantially. This type of relief is critical to the financial well-being of the pipeline industry. In addition, S. 1715 would enable pipelines to immediately reduce the cost of their purchased gas. They could do that by applying the bill's price adjustment mechanism to their high-cost contracts, and the result would be the ramp-down over 12 months of the prices in those contracts. Other bills, such as Senator KASSEBAUM's bill, also provide a mechanism for reducing the price pipelines must not pay for purchased gas. Also, virtually all of the pending proposals resolve another serious problem facing pipelines: The triggering of indefinite price escalators on January 1, 1985, in contracts that would be decontrolled on that date. Some bills place a limit on those escalator clauses, others void them altogether. It is clear, whatever the precise remedy is, that something must be done about those contract provisions. The Senate should be permitted to debate, and decide on, the best means for providing the necessary relief. But we are not being permitted to do that.

I would hope, Mr. President, that the Senate will be permitted, without further delay, to begin the process of deciding how best to provide price relief, and other essential relief, to natural gas consumers, producers and pipelines.

Finally, for the producing States—and there are some 31 States with natural gas production—in varying degrees there is the opportunity for increased revenues from greater production of this valuable and clean burning fuel. There will be parity between interstate and intrastate consumers; greater access to out-of-State supplies; and the elimination of costly Federal regulations.

But—perhaps more important than the benefits to those in the industry and the producing States—legislation will provide substantial benefits for the Nation at large. All Americans will benefit from increased supplies, greater energy security and lower natural gas prices. All Americans will benefit from the decreased Government intervention in the marketplace and the subsequent lessening of the costs of implementing and monitoring that intervention. And all Americans will benefit from the jobs created through an expanding economy made possible by natural gas decontrol.

Mr. President, as we debate natural gas decontrol, we should all keep in mind that the poor people of America have a special stake in the natural gas pricing issue. The poor suffer the most from unnecessarily high energy bills, just as they suffer disproportionately from increases in the cost of other essential commodities.

But legislation will help lessen the cost of natural gas for all Americans—including those whose incomes are most adversely affected by energy costs. Just as certainly, passage of much-needed legislation will increase domestic natural gas supplies. And, under the laws of supply and demand, a larger supply creates a downward pressure on prices. Thus, legislation such as S. 1715 not ony provides for a marketplace averaging of natural gas prices but the incentive to create additional supplies of this critical fuel.

Mr. President, I would urge my fellow Senators to keep in mind the lessons of the 1970's and the results of crude oil decontrol thus far in the 1980's. Government controls failed to solve our oil-related problems; they made them worse. Decontrol of oil produced dramatic results: record-high drilling, more domestic production, substantially reduced dependence on foreign oil, and substantially lower gasoline and crude oil prices. The same benefits will result from natural gas decontrol—and poor people, as well as all other Americans, will be helped.

The Senate Energy Committee has worked long and hard to produce the best possible natural gas decontrol bill in S. 1715. I have said it before and I am sure I will say it again, S. 1715 is far from being perfect legislation, but its enactment would be a major step forward in equitably solving the current natural gas problems.

S. 1715 would place the reliance where it should be placed—on the marketplace. It would sort out the distortions in the natural gas market caused by the current price controls. It would increase the supply of natural gas and strengthen the Nation's economy. Enactment of this bill would be a long-overdue step that would finally permit natural gas to be subject to the laws of supply and demand. That is one of the most effective ways I can think of to truly show our compassion for our less fortunate citizens.

S. 1715 is a comprehensive answer to our current and recurring natural gas problems. It would lay the groundwork for free market pricing and straighten out a market that is now in terrible disarray.

The bill goes a long way toward accomplishing that goal. It would provide competitive pricing for natural gas, which would bring relief to U.S. consumers. It would straighten out the serious distortions afflicting the natural gas market, which would eliminate present inefficiencies. And it would increase the country's supplies of natural gas, which would benefit the Nation's economy as a whole.

Mr. President, I am convinced that it is in the best interest of all Americans to rethink our approach to natural gas policy. By removing price controls, we can put an end to the current market disorder, eliminate the inefficient allocation of industry resources and direct producers' efforts toward maximum production of our Nation's abundant gas reserves, particularly redirecting their efforts away from producing the highest cost gas toward producing that which costs the least.

S. 1715 is a bipartisan compromise. It is the product of months of detailed analysis of the failings of the current law by the Senate Committee on Energy and Natural Resources. It was put together with the concerns of all involved in mind. It reflects the concerns of natural gas consumers, the industry, the administration, and the Congress.

This bill is a critical step in the essential effort to free this country from decades of economically detrimental natural gas regulation.

However, before the benefits of this measure or the other proposals can be realized the Senate must be permitted to debate S. 1715 as well as the other proposals before us. As I mentioned earlier, benefits delayed are benefits denied.

Let me just cite as an example and, for the benefit of the Senator from Montana it may be worth noting, that enactment of S. 1715 along with the committee amendment on imports would reduce natural gas prices in Montana by 80 cents per 1,000 cubic feet. This 80 cents per Mcf reduction would save Montana gas consumers in the range of $39 million during the first year after enactment. This estimate is based on 1981 gas consumption figures, which is the latest available data. And this estimate was made by the Natural Gas Supply Association.

I do not mean to belabor the point, Mr. President, but all of the studies, including the Congressional Budget Office's study which is now in draft, have indicated that prices will decline, supplies will increase, GNP will increase and benefits to all of the consumers of all of the States will be enhanced as a result of the price and supply mechanisms set forth in the bill that the committee has reported.

(Mr. BOSCHWITZ assumed the chair.)

Mr. McCLURE. Mr. President, I said earlier that this is a bipartisan measure. I think it is also interesting to note the Senator from Louisiana, who is a supporter of this bill, will be critical of certain provisions of it, as I will be. He comes from a producing State. The people of Louisiana also consume a lot of natural gas, so there are consumers and consumers' interests in Louisiana just as there are elsewhere.

One of the major concerns I know the Senator from Louisiana has expressed in the legislation and in private conversations has been the impact upon the consumers of electricity in his State, just as they are from the Senator from Montana, a consumer interest that is one step away from the direct consumption of gas but is instead reflected in the price of electricity produced.

There is a reason for all of us to be very concerned about what happens to the citizens of our State, be we a producing State like Louisiana, or a consuming State, as is Idaho. There are over 30 States that produce natural gas in commercial quantities. As yet, Idaho is not one of them. But we do consume natural gas and we have a great stake in what happens. We also have industry in which natural gas is a feedstock. We are a consumer in an industrial sense.

Earlier today the Senator from Ohio made comments about what a terrible thing the NGPA is, how badly it has missed the mark. I would confess, Mr. President, that indeed Congress made some assumptions in passing that law. One of those assumptions was that we would continue to have inflation at predictably higher rates that we have seen since that time. The assumption proved to be false.

We also made the assumption that energy prices would escalate more rapidly than other prices in our economy, and aside from natural gas that has not been the case. Energy prices other than natural gas have declined. Natural gas alone among all of the energy sources has continued to escalate simply because of the provisions of the current law which we seek now to modify.

So the Senator from Ohio did suggest, indeed supported, the effort to get to the consideration of the bill so we can at least get together on modifying current law. I applaud that support and hope that we will be able to get there.

Finally, another assumption that was made at the time the NGPA was passed was that natural gas was a premium fuel that had its highest value, economically and otherwise, at the burner tip in the individual homes of consumers and, therefore, that the price to the consumer in the home heating market was the price that set the market for natural gas.

That has proved to be false. The real price-setting mechanism for natural gas is alternative energy in the industrial markets, where the industrial fuel user can switch to a different commodity. Because natural gas was assumed to be above market for everything else, and the law mandated it to be above everything else, the industrial consumer, who almost alone among all consumers can switch, switched very rapidly away from natural gas and left to the home heating market the responsibility for paying all of the fixed costs of the pipeline and distribution systems. The result was that the consumer got it two ways: The law required the bill to go up faster than it would otherwise, and a practice that shifted the burden of the distribution to the home heating market and away from the industrial market.

So it seems to me very strange that the Senator from Ohio, who says he is for the little guy and against the big guy, is in here urging arguments that really help the industrial user and penalize the little guy. That is exactly what we have under the existing law. I hope we can get on with the process of legislating the solution to the problem.

Let me say finally to my good friend from Montana, I am glad he is on the floor because I want to make this point and I want to make it very strongly, but I want to make it fairly: The Senator from Montana has said, "We need more time to sort this out."

We started the deliberations in the committee, after some weeks of hearings, in April. The first business meeting for this was on April 19. Between April 19 and July 26, when we finally reported the bill, there were a total of 30 days on which we held business sessions and pondered and deliberated amendments.

During that process, and the Senator from Montana was diligent in his attendance and attention to that matter, the Senator offered one amendment. That was defeated on a voice vote. It was offered on the last day that we considered the legislation.

It is not that we have not had the opportunity to think about it. It is not that there has not been enough time to think about it or to consider the alternatives. It is that the alternative is not clearly perceivable by anyone, not the Senator from Montana, not the Senator from Louisiana, and not the Senator from Idaho.

We have done the best we knew how to put together a package that had a chance of getting a majority vote.

I have said it before in the committee, I have said it in statements outside the Congress, I have said it repeatedly in these halls, that if anybody can bring in a package that has a better chance, let them come. If they can demonstrate that it will get more votes, let them offer it. But I have yet to see that package.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, as I said when we started this bill yesterday, and I said it again this morning, and I say it again at this time—and I will say it again every day while this bill is under consideration—there must be, on the subject of natural gas, a massive education program. It must go on not only with the American people and with the press but with our colleagues right here in the Senate. It is a very misunderstood subject.

The predicate for my saying that happens to be a "Dear Colleague" letter dated October 23, 1983, sent, of course, to every Senator and signed by 18 Senators. I will not name them because I know my colleagues know who they are. I know this letter was written entirely in good faith. But the letter is simply and plainly mistaken in its basic assumptions.

One of those statements here is—after they say "Three essential facts are clear" and their first fact is not a fact at all—"Total decontrol will drive up gas prices by at least $40 billion through 1990." I assume they mean by total decontrol in S. 1715.

That decidedly is not the truth. The studies indicate precisely the opposite. The Natural Gas Supply Association study shows that for every State for which there is data S. 1715 brings down prices and does not raise prices.

This assertion in the "Dear Colleague" runs counter to commonsense. The price of natural gas is today set by the market, that is to say by the price of alternative fuels in the industrial market. You cannot argue against that fact because it is a fact. The price of natural gas is not set by the Natural Gas Policy Act but prices of new gas are sold well below those ceiling prices and those prices are, in turn, determined by the cost of alternative fuels. This is particularly true for big industrial loads who have the choice, because they have the capability of burning either residual fuel oil or natural gas. Having that choice, they will, in fact, burn residual if the price of natural gas goes too high.

Therefore, it is clear that the price of natural gas, on the average, is set today by the market.

If that is so, how could the decontrol of prices raise the price of natural gas by $40 billion? As I say, it flies contrary to ordinary commonsense. It is impossible to have a price of natural gas which is today, by the market, being set at less than the maximums allowable under the law and say, "But if you take those maximums off which are allowed by the law" that the price will go well above those allowed by the maximum price.

The assumption that was made in this letter, I am quite sure, is that with the highest categories of natural gas being sold today, all the cheap gas would rise to those higher categories.

As I say, it simply does not make any sense at all.

There is a lot to criticize in S. 1715—legitimate arguments to be made. We have weighed all those factors and come in some instances to reluctant and in other instances close decisions in the Energy Committee. But we came up with what we thought was a pretty good package in S. 1715. It is not perfect. We know it is not going to satisfy everyone. But we at least know what the arguments are and what the issues are. Believe me, Mr. President, one of the issues is not whether this will raise the cost to consumers by $40 billion a year. That simply is not true. It cannot be true.

Reasonable minds cannot differ on that subject. It is, I think, established and it ought to be established by fair-minded Senators who will listen to the facts and study the very plain elements of the natural gas markets. It is plain that S. 1715 will save money to the consumer. It is a mathematical certainty that S. 1715 is going to save money after the first year. Indeed, the NGSA study so indicates.

Very plainly, to say that it is going to raise the price by $40 billion is laughable. I hope that those who wrote the letter and received the letter will study those very plain facts. We shall be repeating that over and over again, and I hope some of those who raise that assertion that it is going to increase the price by $40 billion will come on the floor and expose the basis upon which they make that claim. If they do, I think, with a little reasonable debate, they will understand that whatever other arguments they can make against S. 1715, that is not one of those arguments, because the consumer is clearly protected by S. 1715. The consumer is going to get, in the short term, a lower price for natural gas. I think in the long term, he is going to get a lower price for natural gas and a better supply of natural gas, which, after all, is in the real interest of consumers.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, the reference that was made a few moments ago by the Senator from Idaho, the chairman of the committee, was that there would be savings for consumers of Montana if S. 1715 were enacted. I do not recall the amount, but I will note and note it very emphatically that the Senator said along with enactment of S. 1715, import restrictions or pricing of imported natural gas will be changed.

The point is that S. 1715 does not have that provision at all. That is one of the amendments that was left for the floor. Supposedly, when we got to the floor with S. 1715, the amendment would be accepted, or some amendment would be accepted that would be what was being discussed in committee or better.

That is one of the problems with S. 1715. Just what is it supposed to say and what is supposed to be the final outcome of it? This question of imported natural gas pricing was simply not dealt with conclusively when we had it before us in the committee. That is one of the weaknesses, assuredly, of S. 1715.

What is the situation for natural gas consumers in Montana? Or, for that matter, producers? Let us consider them at the same time.

Natural gas produced in Montana is about adequate to supply all the needs of the State. Probably, if we used all the natural gas in Montana that is produced in Montana, we would have a little bit of a surplus and would sell it to other States.

Do we import much natural gas from Alberta? Yes, we do. The amount of natural gas that is imported by Montana Power, the largest distributor in Montana, is about 35 percent of the gas that they distribute. That is the percentage of it that comes to Montana. That is a pretty big change.

Mr. President, I think I misspoke myself. I said that is the amount of natural gas that comes into Montana from Alberta and is distributed by the Montana Power Co. That is a big chunk out of their gas that Montana Power distributes. To put this in the proper perspective, they distribute most of the gas in Montana—not just half, but substantially over half of the gas that is distributed and used in Montana. That means that there is some gas in Montana that is produced there that is exported out of the State.

Here is the situation. I tell you, Mr. President, Tiger Ridge Field is the best field in Montana. It is in central Montana. It produces a significant amount of natural gas. Those wells were drilled and the field established and production begun and contracts made prior to 1970. The gas that is produced there is all consumed out of State except for small amounts that are used by landowners across whose property the pipeline has been constructed that transports the Tiger Ridge gas. That gas is transported north out of Montana into Canada, not to be consumed in Canada, but just for transportation purposes, and then is brought back down into the United States in Minnesota. So that gas, which is almost all of the old gas of any quantity that is produced in Montana and, therefore, priced low, is consumed by and provides a benefit to gas consumers in Minnesota and the eastern edge of North Dakota. That gas is exported from the State almost in its entirety.

At the same time, we have other gas produced in Montana that is commanding prices under NGPA—that is, gas wells brought in since the enactment of NGPA—and is getting prices of around $2.75, some as high as $3 or slightly over $3 at the wellhead. There would be a lot more gas produced in Montana, because some of the gas that is produced there is in shallow fields, shallow gas wells where the likelihood of production is very good. That gas cannot find a market at $2.75 right now.

The gas that is imported from Canada costs $4.40 at the border and it is, of course, substantially higher than the gas produced within the State. That makes up the amount of gas that is produced and consumed in Montana and any bill that is passed that is beneficial to lower the price for Montana gas consumers will have to deal with the question of whether we should compel the pricing of gas imported into the United States to be similar to the pricing of gas that is produced within the United States.

I think the answer to that is yes, and I hope that when we do have final action on a bill it will contain such a provision.

Now, the Senator from Idaho in referring to myself when he was making his remarks a few moments ago said that I have stated that we need more time for the consideration of S. 1715. That is not exactly the case. That is not really representative of my statements on S. 1715 over the past several days, but what I have tried to emphasize is that we need to know what the game plan is in calling up S. 1715 at this time.

Obviously, the bill does not have sufficient votes for passage. While it may be true, as the Senator from Idaho has stated, that as time goes by there will be further votes found for the passage of the bill, I am not sure that is the case. Statements have also been made by the Senator from Idaho and others, whose sincerity I do not doubt, I do not question in the least, that amendments offered may be accepted to the bill and that will attract more votes. I think that, indeed, would be the case. My only thought right now is, since it is probably essential to have a substitute for the entire bill because natural gas bills are complex and amendments one at a time do not assure with any certainty what the final package would mean, both in pricing of natural gas and in the supplies that would be available from domestic production, the real likelihood is that an amendment in the nature of a substitute will be the final outcome of S. 1715. While I cannot be sure that would be the case, it seems to me that is most likely at this time to envision the final passage of a natural gas bill.

That being the case, I will repeat what I have stated earlier, that we ought to be looking at the possible substitutes and the people throughout the country ought to be informed on what those possible substitutes or the likely substitute is, what it is, what it looks like, what components it has in it, how does it dovetail with producer versus consumer interests. Let us understand it thoroughly. I do not think that is too much to ask, and I think the American people would like to know. I think they have a right to know. Before we go too much longer on this bill tomorrow or the next day, perhaps we will have circulated some kind of a substitute that seems to have the backing of a majority, at least a majority of the Senators so we can let the public understand just what is being considered and what the outcome might be.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NICKLES). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE—S. 1646

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of S. 1646, the Treasury-Post Office appropriations bill.

Mr. BYRD. Mr. President, reserving the right to object, I will have to object on behalf of two Senators, if I may say to my friend, and I am sorry I have to do that. I apologize for it.

Mr. STEVENS. I understand the distinguished Democratic leader.

Mr. President, I will make a motion to proceed. The reason is we are trying to do our utmost to get these bills, these appropriation bills, considered by the Senate and into conference in order that they might come out from under the coverage of the continuing resolution which must be passed by November 10. In order to keep that issue as uncluttered as possible, we believe that we can get this Treasury-Post Office bill completed before we go to the Defense bill. We go to the Defense bill either tomorrow evening or Friday morning. We would anticipate trying to pass that Defense bill by Monday or Tuesday at the latest.

We would hope that we would have this bill, the Treasury-Post Office bill, the Defense bill, the Agriculture bill and the State, Justice, Commerce bill out of conference so that those conference reports can be considered ahead of the continuing resolution. If we can do that, we can handle the continuing resolution in a very short period of time and complete it without the normal confusion that exists in considering a continuing resolution, which must be passed by November 10.

I do move that the Senate now proceed to the consideration of S. 1646, the Treasury-Post Office appropriations bill.

Mr. BYRD addressed the Chair.

Mr. STEVENS. I could ask unanimous consent that we set aside——

Mr. McCLURE. Mr. President, before doing that, I want to make one inquiry on the parliamentary situation that will obtain.

We are now on the natural gas bill, S. 1715. A cloture motion——

The PRESIDING OFFICER. The question is on the motion to proceed.

Mr. McCLURE. Of course, the Chair is correct and I misspoke myself. The cloture motion has been filed——

Mr. BYRD. Who has the Chair recognized?

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. BYRD. He does not have the floor. When he made the motion he lost the floor. I ask for recognition.

The PRESIDING OFFICER. The Chair was in the process of clarifying that the motion was not in order.

Mr. BYRD. What?

The PRESIDING OFFICER. The Chair was in the process of clarifying that the motion by the Senator from Alaska was not in order, to proceed to the Post Office appropriations bill.

Mr. STEVENS. Mr. President, I had intended to make the request necessary when the Senator from Idaho asked to make an inquiry before I make a unanimous-consent request to temporarily set aside the pending motion in order that we might proceed with this motion. I intend to request consent that the motion to proceed with the gas bill would then come back to the pending business once we finished with Treasury-Post Office.

Mr. McCLURE. Will the Senator yield for a parliamentary inquiry?

Mr. STEVENS. Yes.

Mr. McCLURE. Mr. President, as I understand it, the pending matter is still the motion to proceed to the consideration of S. 1715.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. And a cloture motion has been filed with respect to that motion.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. Under the Rules of the Senate, that cloture motion will be automatically before the Senate 1 hour after the convening on tomorrow. Am I correct?

The PRESIDING OFFICER. After a quorum has been established, the Senator is correct.

Mr. McCLURE. We will proceed 1 hour after the time of convening of the Senate on tomorrow to a quorum call, following which will be the cloture vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. That would be the case even though we, by unanimous consent, temporarily displace this measure and even though we might, by motion or otherwise, go to the consideration of some other matter?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. I thank the Chair.

Mr. STEVENS. Mr. President, I will try once again. I do ask unanimous consent that we lay aside the pending motion to proceed with the natural gas bill in order that I may move to take up the Treasury-Post Office bill at this time.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I am sorry to be put into this position but I have to object, at least for now.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. McCLURE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the motion to proceed to consider the natural gas bill, S. 1715.

Mr. McCLURE. Mr. President, I think it might be useful for all Members who are wondering what we are going to do to say that the leadership has attempted to move to the consideration of the Treasury-Postal Service appropriations bill, S. 1645, and it was impossible under the prevailing situation to get consent to move to that matter. It also appeared that any attempt to get consent to move to the consideration of that bill would also run into trouble at this juncture.

It was then attempted by the leadership to move to the consideration of the intelligence bill and it is impossible to get that matter before the Senate tonight. I think, therefore, that it is plain that unless there are some other consent matters that might be cleared on both sides of the aisle to which we could move, the Senate will continue on the consideration of the motion to proceed to the consideration of S. 1715.

Mr. BYRD. Will the Senator yield?

Mr. McCLURE. I am happy to yield to the minority leader.

Mr. BYRD. Mr. President, I think the RECORD should show that we on this side, as far as I know, are prepared to go to the intelligence bill today. We on this side were not prepared to go to the Postal Service-Treasury appropriations bill today, for reasons I have already explained. We are willing to go to the intelligence bill. I understand that the Senator has problems on his side for the moment on that.

We may be able to clear that bill for the morning and we are seeking to do that.

Mr. McCLURE. Mr. President, I believe it would also be correct and I think the minority leader would agree that, under the current situation, we shall move to a quorum call 1 hour after convening tomorrow and it is the hope that the intelligence bill can be cleared for consideration in that interval between convening and the time we move to the cloture motion, is that not correct, Mr. President? It has not been cleared.

Mr. BYRD. I am attempting on this side to clear that, Mr. President.

Mr. McCLURE. Mr. President, so all Members may be on notice as to what may be required of them for the balance of the day and starting tomorrow, that is what it now looks like. I am prepared to vote on the motion to proceed to the consideration of S. 1715, although there may be others who are not.

The PRESIDING OFFICER. Is there further debate?

Mr. BYRD. Mr. President, I was going to suggest the absence of a quorum, but I shall not, because I see the Senator from Montana on his feet. I take it that he is going to speak.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, it is somewhat disturbing to run into these logjams that we do in the Senate, where the bills that the majority leader would like to call up cannot be cleared for one reason or another. Perhaps it is worth noting that our debate on the motion to proceed to the consideration of the natural gas bill is sort of being used for filler until other bills are ready. Nevertheless, it does provide the opportunity for development of a type of bill that could be substituted or a series of amendments that could be offered en bloc, which may not be called a substitute but which nevertheless do make S. 1715 a whole bill.

Now, whatever the Senate will choose to do on that as a body I shall welcome. I think it is imperative that we understand just what is sought to be done to change S. 1715 so it can be a bill that will attract a majority vote in the Senate.

I do not think that is too much to ask. It is simple comity in proceedings of the Senate to allow for full understanding of all of the Senators so that they know what they are going to be voting upon and approximately when they will be voting if the amendments or the substitutes are offered.

More important, Mr. President, is that the public be allowed to know just what is considered or going to be considered in order to repair this natural gas bill to a State where it can attract a majority of votes. It is complex. The very nature of the body of law that covers natural gas and its distribution and sales within the United States is a complex body of law. It is augmented and made perhaps more complex by the fact that there are numerous cases decided by the Supreme Court establishing what the rules and requirements are for the production, sale, and distribution of natural gas.

We cannot change that overnight. The NGPA that was adopted in 1978 that is the Natural Gas Policy Act created some serious inadequancies in the law. It created the situation where the price rose at the same time that the supplies rose.

That is an unusual circumstance. Generally, with supply and demand factors when left alone, untouched by law, with an ample supply meeting the demand, the prices would not rise very dramatically. That has not been the case. The results of the Natural Gas Policy Act of 1978 have been, indeed, to increase the supplies, but at the same time it almost assured that the prices would rise for the users.

That is regrettable. Because of that, the Senate Energy and Natural Resources Committee has for months been considering amendments to that act. The result has been this bill, S. 1715. It, too, is a regrettable bill in its current state because it does not attract sufficient support from around the country, from consumers and producers alike, to reach a point where the Senate or the House are motivated toward enactment of this bill.

Now, I say that of the House, and I should explain it, Mr. President. The House is very reluctant to report out a bill from committee, and they have rejected some of the features already in subcommittee that are contained in this Senate bill. So I guess it is fair to say that as far as it has gone in the House of Representatives, it appears that some of the features now in S. 1715 would not find favor in that committee and possibly would not find favor on the House floor.

It was earlier stated in the debate today that perhaps the bill itself would be understood by the public when the conference committee between the House and the Senate, following passage of a natural gas bill in each body, met and resolved the differences. Only then would we finally know the final package that would be contained in amendments to the Natural Gas Policy Act.

There is not much question but what that is true, but the scope and the parameters of the bill should be understood by the Senate, and the parameters of the bill passed by the House should be understood by the House. In each case, the public should be able to find out exactly what those parameters are to make their judgments then on what the conference committee of the two bodies should ultimately resolve.

We are at the very beginning stages in the Senate. We have S. 1715 which was reported out of the Senate Energy and Natural Resources Committee by a vote of 11 to 9 on a motion to report it without recommendation to the Senate. It has been fairly stated by the managers of the bill that perhaps a true feeling of the members of that committee would have been 10 to 10 if the motion had been a motion to recommend to the Senate the passage of S. 1715.

So if that had been the motion, the 10 to 10 vote would have resulted in a tie, and therefore the motion would fail and the bill would not have been reported to the floor of the Senate.

So we have come upon a situation where in the Senate the bill that is before us probably does not have anywhere near a majority vote for passage.

Mr. President, the situation of S. 1715 will be pretty much in doubt as to its final enactment without rather major surgery. That is the reason why I think discussion of this motion to proceed is important, because of what that major surgery will be, whether it is, as I earlier stated, an amendment in the nature of a substitute or a series of amendments en bloc which accomplish about the same purpose. Whatever it is that will attract a majority of votes I think should be fully understood as quickly as possibly and, furthermore, that the public be informed as to the nature of the bill when passed by the Senate.

We come to a rather disturbing point here, Mr. President, and that is the very practical consideration of whether anything will truly be accomplished over the remaining days between now and November 18, should the Senate and the House adjourn on that date. We have had statements from the ranking minority member of the committee, the Democratic floor manager of the bill, made earlier today that probably there would be no hope of passage of a final bill between now and November 18.

I suggest, along with my friend from Louisiana, the ranking Democratic member of the Committee on Energy and Natural Resources, that that is probably the case. No matter what is done, there will not be final passage of this bill between now and November 18. If that is true, then what are we doing here now? We have had the opportunity to debate for the past 2 days what should be in a natural gas bill. Is it really productive for the Senate to continue to consider it?

I think that the rules of the Senate as used by the majority leader are entirely correct in this instance, when he submitted a cloture motion yesterday, filed it at the desk, to set up the vote for tomorrow.

It will be my intention, if cloture is invoked, to make a few remarks subsequent to that, and then to permit the majority leader, so far as I am concerned, to go ahead and ask for a vote on the motion to proceed, and then to follow whatever procedure he wishes after that. I think that then we would have established the opportunity for Senators to consider exactly what could be done.

We have other options, of course. Any Senator could move to table the motion, to bring it to a vote immediately; and then, if the majority leader felt that it should be tabled and that we should move on to other matters, that would be the will of the Senate.

I do not intend to make that motion—at least, at this time. I believe, as I stand here at this moment, that the cloture vote tomorrow serves that purpose—to give the Senate a chance to express its intentions regarding the natural gas bill, and particularly to express its intentions on what to do with it after we are going to adjourn this session of Congress sine die on November 18.

The leadership attempted to move on to other urgent bills this afternoon and was balled up in obtaining unanimous consent. We are debating a motion to proceed, and until that is voted upon and disposed of, we are stuck with it, except by unanimous consent.

I think that is one of the dangers of moving into a very complex, controversial bill shortly before the intended date of adjournment. I did not do that. The majority leader chose to do that, on the advice of the Members on his side of the aisle. But it does place us in a situation where it is an extra step sometimes not possible to obtain under unanimous consent, to call up or to move to proceed to another bill.

I stated earlier, and I continue to restate, that I have absolutely no objection to moving on to other bills. I assured the majority leader when we began the debate on this motion to proceed on the natural gas bill yesterday—gave him every assurance—that at any point he would desire to move off this motion and on to other legislation, I would be very cooperative and willing to follow his recommendation on that point. However, the motion to proceed puts us into the position where it has to be voted upon or to be set aside by unanimous consent. That unanimous consent was not given today on either of the two pending bills that the majority leader sought to bring up—that is, the appropriations bill for Treasury and Post Office or the authorization for intelligence.

So I started out to say in my discussion of this matter, and I will repeat, that what the natural gas bill is being used for right now is sort of a filler. I have had plenty of opportunity to bring up points concerning it. The ranking Member on our side and the chairman of the committee have had plenty of opportunity to bring up points from their viewpoint on the bill. Except for what we have said and others have said on the Senate floor yesterday and today regarding the bill, not much is being accomplished right now on the Senate floor with respect to amendments to the Natural Gas Policy Act of 1978.

I do remain optimistic, however, on this point, and that is that because we have initiated this discussion and some other Senators have participated in this discussion, and because the comments have been observed in the CONGRESSIONAL RECORD for yesterday, and Senators in their offices and some of their staffs have been listening on the radio to the comments made on the floor, there has been increased activity on the part of various Senators or groups of Senators to develop the types of amendments they are going to suggest for S. 1715, when and if we get on the bill itself. That is a plus, and that is a positive step forward.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HECHT). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. McCLURE. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

APPOINTMENT OF SENATOR ZORINSKY AS CONFEREE FOR TITLE II OF H.R. 2915

Mr. BYRD. Mr. President, will the distinguished acting leader yield to me for a request that we both have discussed?

Mr. McCLURE. I am happy to yield to the distinguished minority leader.

Mr. BYRD. Mr. President, last evening, consent was requested and given for the Senator from Nebraska (Mr. ZORINSKY) to be named as a conferee for title II only of S. 1342, in lieu of the Senator, from Ohio (Mr. GLENN).

I ask unanimous consent that the order be changed to provide that the Senator from Nebraska (Mr. ZORINSKY) be named as a conferee for title II only of H.R. 2915, in lieu of the Senator from Ohio (Mr. GLENN) and that the action last night which pertained to the wrong bill number be vitiated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I do not think I need unanimous consent for this, but for clarification purposes, I ask unanimous consent that the Senator from Ohio (Mr. GLENN) remain a conferee for all other titles in the bill H.R. 2915.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. I thank the distinguished Senator.

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1983

Mr. McCLURE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1129.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1129) entitled "An Act to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert: That this Act may be cited as the "Domestic Volunteer Service Act Amendments of 1983".

TITLE I—NATIONAL VOLUNTEER ANTI-POVERTY PROGRAMS AND ADMINISTRATION

VOLUNTEERS IN SERVICE TO AMERICA; STATEMENT OF PURPOSE

SEC. 101. Section 101 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) (hereinafter in this title referred to as "the Act") is amended—

(1) by inserting ", all geographical areas," after "all walks of life" in the second sentence;

(2) by striking out in the second sentence "elderly" and inserting in lieu thereof "low-income, elderly,"; and

(3) by inserting at the end of such section the following new sentence: "In addition the objective of this part is to generate the commitment of private sector resources and to encourage part-time volunteer service at the local level to carry out such purposes.".

ASSIGNMENT OF VOLUNTEERS

SEC. 102. (a) Section 103(a) of the Act is amended by—

(1) inserting ", including work" after "programs" the first place it appears;

(2) striking out in paragraph (2) ", under the supervision of nonprofit institutions and facilities; and" and inserting in lieu thereof a semicolon;

(3) redesignating paragraph (3) as paragraph (6); and

(4) inserting after paragraph (2) the following new paragraphs:

"(3) in addressing the problems of the homeless, the jobless, the hungry, and low-income youth;

"(4) in addressing the needs of illiterate or functionally illiterate youth or other persons;

"(5) in addressing the special needs of homebound elderly wishing to remain in their own homes and to enable institutionalized elderly to return to home settings; and".

(b) Section 103(b) of the Act is amended by—

(1) striking out all that follows the first sentence of such subsection; and

(2) inserting immediately before "The Director" the following new sentence: "The Director shall ensure that not less than 20 per centum of all volunteers under this part are fifty-five years of age or older.".

(c) Section 103 is further amended by—

(1) redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsections (c) and (d):

"(c) The Director shall provide each low-income volunteer with an individual plan for job advancement or for transition to a situation leading to gainful employment. Whenever feasible, such efforts shall be coordinated with an appropriate private industry council (PIC) under the Job Training Partnership Act.

"(d) The Director shall provide or arrange for educational and vocational counseling of volunteers and recent former volunteers under this part (A) encourage them to use in the national interest the skills and experience which they have derived from their training and service, particularly working in combating poverty as members of the helping professions, and (B) promote the development of appropriate employment opportunities for the use of such skills and experience, and the placement therein of such volunteers.".

(d) Section 103(f) (as so redesignated in subsection (c) of this section), is amended by striking out in the first sentence "duties or work in a program or project in any State unless such program or project" and inserting in lieu thereof "to work in a program or project in any community unless the application for such program or project contains evidence of local support and".

SUPPORT SERVICES

SEC. 103. Section 105(b) of the Act is amended by inserting "pre-service and in-service training," after "supervision,".

PARTICIPATION OF BENEFICIARIES

SEC. 104. Section 106 of the Act is amended by striking out "take all necessary steps to".

LIMITATIONS

SEC. 105. Section 108(a) of the Act is amended by—

(1) striking out in the first sentence "1977" and inserting in lieu thereof "1984"; and

(2) striking out all of the second sentence.

SERVICE LEARNING PROGRAMS; STATEMENT OF PURPOSE

SEC. 106. Section 111 of the Act is amended by—

(1) inserting immediately before "This" the following new sentence: "The purpose of this part is to assist students, through service-learning programs, to undertake volunteer service to low-income communities in such a way as to enhance the educational value of the service experience."; and

(2) striking out "encourage other students" in the third sentence and all that follows through the end of such subsection and inserting in lieu thereof the following: "provide technical assistance and training to encourage other students and faculty to engage in volunteer service on a part-time, self-suporting basis, to meet the needs of the poor in the surrounding community through expansion of service-learning programs and otherwise.".

SPECIAL SERVICE-LEARNING PROGRAMS

SEC. 107. (a) The heading of section 114 of the Act is amended to read as follows:

"AUTHORITY TO PROVIDE TECHNICAL ASSISTANCE AND TRAINING".

(b) Section 114(a) of the Act is amended by inserting "for technical assistance and training" after "grants and contracts".

SPECIAL VOLUNTEER PROGRAMS; STATEMENT OF PURPOSE

SEC. 108. Section 121 of the Act is amended by striking out ", by encouraging" and all that follows before the period at the end of such section.

AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS

SEC. 109. Section 122(a)(1) of the Act is amended by striking out "educational opportunities for veterans" and inserting in lieu thereof "career development, employment, and educational opportunities for unemployed and underemployed veterans".

LIMITATIONS ON GRANTS AND CONTRACTS

SEC. 110. The Act is amended by inserting after section 123 the following new section 124:

"LIMITATIONS

"SEC. 124. After the date of enactment of the Domestic Volunteer Service Act Amendments of 1983, recipients of grants or contracts for new projects under this part shall be selected through a competitive process which includes public announcement of the availability of funds for such grants or contracts, general criteria for the selection of new recipients, and a description of the application and review process.".

REVISION OF TECHNICAL AND FINANCIAL ASSISTANCE PROVISIONS

SEC. 111. (a) Section 123 of the Act is repealed.

(b) Title I of the Act is further amended by inserting after section 124 (as added by section 11) the following new part:

"PART D—TECHNICAL AND FINANCIAL ASSISTANCE TO VOLUNTEER PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 131. The purpose of this part is to provide technical and financial assistance to support voluntary organizations and volunteer efforts at the national, State, and local level. The purpose further is to encourage persons from all walks of life and from all age groups to perform meaningful and constructive volunteer service in institutions and situations when the application of human talent and dedication may help to meet such needs.

"AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS

"SEC. 132. The Director is authorized to make grants or contracts to provide technical and financial assistance to Federal agencies, State and local governments and agencies, and private nonprofit organizations, which utilize or desire to utilize volunteers in connection with carrying out the purposes of this part. Such assistance may be used to facilitate and improve (1) methods of recruiting, training, or utilizing volunteers; (2) the administration of volunteer programs; (3) national technical assistance and training programs, including the creation or expansion of private capabilities where possible; and (4) the development of new voluntary organizations and the development of a financially secure base for emerging and established organizations, with particular emphasis on low-income, minority, and community-based groups. In providing such technical and financial assistance, the Director, to the maximum extent feasible, shall utilize existing programs and shall seek to avoid duplication of existing programs in the public or private sector. There shall be public notice of the availability of funds for grants or contracts under this part and of the process required to apply for such funds.".

ADMINISTRATION AND COORDINATION; ESTABLISHMENT OF AGENCY

SEC. 112. Section 401 of the Act is amended by striking out all of such section after the fourth sentence and inserting in lieu thereof the following: "There shall also be in such agency one Associate Director who shall be appointed by the President, with the advice and consent of the Senate, and shall be compensated at the rate provided for level V of the Executive schedule under section 5316 of title 5, United States Code. Such Associate Director shall be designated 'Associate Director for Domestic and Anti-Poverty Operations' and shall carry out operational responsibility for all programs authorized under this Act. There shall also be in such agency three Assistant Directors, each of whom shall be appointed by the Director, and who shall report directly to the Associate Director for Domestic and Anti-Poverty Operations. One such Assistant Director shall be primarily responsible for VISTA and other antipoverty programs under title I of this Act, one such Assistant Director shall be primarily responsible for liaison with private voluntary organizations under part D of title I of this Act, and one such Assistant Director shall be primarily responsible for the Older American Volunteer Programs under title II of this Act. In the event of a vacancy in the position of Director, or in the absence or inability to act of the Director, the order of officials who shall act as Director of the ACTION Agency shall be, the Deputy Director, the Associate Director for Domestic and Anti-Poverty Operations, the Assistant Director responsible for Older American Volunteer Programs under title II of this Act, the Assistant Director responsible for VISTA and other anti-poverty programs under title I of this Act, and the Assistant Director responsible for liaison with private voluntary organizations under title I of this Act.".

AUTHORITY OF THE DIRECTOR

SEC. 113. (a) Section 402(1) of the Act is amended by inserting immediately before the semicolon at the end thereof the following: "except that the number of schedule B and C employees, individuals employed on a temporary basis at GS-8 or higher, experts, and consultants shall at no time exceed 8.5 per centum of the total number of individuals employed by the ACTION Agency".

(b) Section 402 is further amended by—

(1) striking out all of paragraph (13); and

(2) redesignating paragraphs (14) and (15) as paragraphs (13) and (14), respectively.

ELIMINATION OF NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

SEC. 114. Section 405 of the Act is repealed.

REPORTS

SEC. 115. Section 407 of the Act is amended by inserting at the end thereof the following new sentence: "Such report shall reflect the findings and the actions taken as a result of any evaluation conducted pursuant to section 416.".

CHANGES IN NOTICE AND HEARING PROCEDURES

SEC. 116. (a) Section 412 of the Act is amended by—

(1) inserting "(a)" after "412.";

(2) striking out in paragraph (1) "nor shall an" and all that follows to the end of such paragraph and inserting in lieu thereof a semicolon;

(3) redesignating paragraph (2) as paragraph (4);

(4) inserting after paragraph (1) the following new paragraphs:

"(2) an application for refunding under this Act may not be denied unless the recipient has been given (A) notice at least ninety days before the denial of such application of the possibility of such denial and the grounds for any such denial, and (B) opportunity to show cause why such action should not be taken;

"(3) in any case where an application for refunding is denied for failure to comply with the terms and conditions of the grant or contract award, the recipient shall be afforded an opportunity for an informal hearing before an impartial hearing officer, who has been agreed to by the recipient and the Agency; and"; and

(5) inserting at the end thereof the following new subsection:

"(b) In order to assure equal access to all recipients, such hearings or other meetings as may be necessary to fulfill the requirements of this section shall be held at locations convenient to the recipient agency.".

(b) The heading of section 412 of the Act is amended to read as follows:

"NOTICE AND HEARING PROCEDURES FOR FINANCIAL ASSISTANCE".

EVALUATION

SEC. 117. Section 416(a) of the Act is amended by striking out "periodically" and inserting in lieu thereof "biennially" and by striking out "or project evaluated." and inserting in lieu thereof "or any project of such program being evaluated. Such evaluation shall also measure and evaluate compliance with the equitable distribution requirement of section 414 of this Act.".

ELIGIBILITY FOR OTHER BENEFITS

SEC. 118. Section 418 of the Act is amended by inserting "workers' compensation," after "unemployment".

LEGAL EXPENSES

SEC. 119. Section 419 of the Act is amended by striking out "or section 8(b)(1) of the Small Business Act, as amended (15 U.S.C. 637(b)(1))".

REQUIREMENTS FOR PRESCRIBING REGULATIONS

SEC. 120. Section 420 of the Act is amended—

(1) by striking out in subsection (c)(1) "Except as provided in paragraph (2)(B) of this subsection, no" and inserting in lieu thereof "No";

(2) in subsection (c)(2)(A) by striking out "(A)" after "(2)";

(3) by striking out paragraph (B) of subsection (c)(2); and

(4) in subsection (d)—

(A) by striking out in the second sentence "Except as is provided in the following sentence, no" and inserting in lieu thereof "No"; and

(B) by striking out the third sentence.

AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

SEC. 121. Section 501 of the Act is amended by striking out "There is" and all that follows through the end of such section, and inserting in lieu thereof the following: "(a) There is authorized to be appropriated to carry out title I of this Act such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986. Of the amounts appropriated under this section, not less than $25,000,000 for fiscal year 1984, $28,000,000 for fiscal year 1985, and $30,000,000 for fiscal year 1986, shall first be available for carrying out part A of title I.

"(b) No part of the funds authorized for programs under part A of title I of this Act may be used to provide volunteers or assistance to any program or project authorized under parts B, C, or D of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.".

AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATION AND COORDINATION

SEC. 122. Section 504 of the Act is amended—

(1) by striking out "$30,091,000" and all that follows through the end of such section and inserting in lieu thereof "such sums as may be necessary for fiscal years 1984, 1985, and 1986.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 123. (a) The table of contents of the Act is amended—

(1) by striking out

"Sec. 114. Special service-learning programs."

and inserting in lieu thereof

"Sec. 114. Authority to provide technical assistance and training.";

(2) by striking out

"Sec. 412. Notice and hearing procedures for suspension and termination of financial assistance."

and inserting in lieu thereof

"Sec. 412. Notice and hearing procedures for financial assistance.";

(3) by striking out the item related to section 123 and inserting in lieu thereof the following:

"Sec. 124. Limitations.

"PART D—TECHNICAL AND FINANCIAL ASSISTANCE TO VOLUNTEER PROGRAMS

"Sec. 131. Statement of purpose.
"Sec. 132. Authority to Establish and Operate Programs.";

and

(4) by striking out the item related to section 405.

(b) Sections 112 and 122(c)(2)(B) of the Act are amended by striking out "103(d)" and inserting in lieu thereof "103(f)".

(c) Section 114(a) of the Act is amended by striking out "and (c)" and inserting in lieu thereof "and (e)".

EFFECTIVE DATE

SEC. 124. (a) Except as provided in subsection (b) of this section, this title shall take effect October 1, 1983.

(b)(1) The amendment made by section 113(a) of this title shall take effect January 1, 1984.

(2) The amendment made by section 114 of this title shall take effect January 1, 1986.

TITLE II—OLDER AMERICANS VOLUNTEER PROGRAMS AMENDMENTS

GENERAL AMENDMENTS REGARDING PROGRAMS

SEC. 201. (a) Section 201(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001(a)) is amended by striking out "he" each place it appears and inserting in lieu thereof "the Director".

(b) Section 201(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001(b)) is amended by striking out "30 per centum" and all that follows through "years", and inserting in lieu thereof "and 30 per centum in any subsequent such years".

(c) Section 211 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5011) is amended—

(1) in subsection (a) by striking out "he" each place it appears and inserting in lieu thereof "the Director",

(2) in subsection (b)(2)—

(A) by striking out ", and of a particular foster grandparent providing,", and

(B) by striking out "such relationship" and inserting in lieu thereof "such services",

(3) in subsection (d)—

(A) by striking out "he" each place it appears and inserting in lieu thereof "the Director", and

(B) striking out "$2" each place it appears and inserting in lieu thereof "$2.20", and

(4) by amending subsection (e) to read as follows:

"(e) For purposes of this part, the terms 'low-income person' and 'person of low income' mean—

"(1) any person whose income is not more than 125 per centum of the poverty line defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and adjusted by the Director in the manner described in such section; and

"(2) any person whose income is not more than 100 per centum of such poverty line, as so adjusted and determined by the Director after taking into consideration existing poverty guidelines as appropriate to local situations.

Persons described in paragraph (2) shall be given special consideration for participation in projects under this part.".

(d) Section 212(D) of the Domestic Volunteer Service Act of 1973 (32 U.S.C. 5012(b)) is amended to read as follows:

"(b) For purposes of this section, the term 'community action agency' means an eligible entity as defined in section 673(1) of the Community Services Block Grant Act (42 U.S.C. 9902(1)).".

(e) Section 213 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5013) is amended—

(1) in subsection (a) by inserting "services designed to enable persons to leave such institutions and live in settings in which home health care will be received;" after "other institutions;",

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)", and

"(B) by adding at the end thereof the following new paragraph:

"(2) The Director shall encourage agencies and organizations which receive funds for projects under this part—

"(A) to recruit unpaid volunteers who by reason of professional training (including training in medical sciences, social sciences, and home economics) and experience will be utilized to train senior companions—

"(i) to make initial assessments of the needs of older persons to whom services may be provided under this part; and

"(ii) to provide home health care and homemaking services; and

"(B) to make greater use of experienced senior companions who have special skills and leadership ability to assist, and to coordinate the activities of, other senior companions.", and

"(3) by adding at the end thereof the following new subsection:

"(c)(1) During the three-year period beginning on the effective date of subsection (b)(2), the Director shall conduct an evaluation of the impact of the actions taken as a result of such subsection. Such evaluation shall include information regarding—

"(A) the extent to which the cost of providing long-term care is reduced as a result of the services provided by senior companions;

"(B) the effectiveness of the services provided by senior companions;

"(C) the extent to which the health care needs of senior companions are reduced as a result of their participation in projects under this part;

"(D) the extent to which there is coordination of projects under this part and other Federal and State efforts designed to enable older persons to receive care in their own homes;

"(E) the effectiveness of using volunteers and experienced senior companions in the manner described in subsection (b)(2); and

"(F) such other matters relating to this part as the Director deems appropriate.

"(2) Not later than the expiration of such period, the Director shall submit to the Congress a report describing the results of the evaluation conducted under paragraph (1).".

"(f)(1) Section 222 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5022) is amended—

"(A) by striking out "SEC. 222." and inserting in lieu thereof "(b)"; and

(B) by inserting below the section heading the following:

"SEC. 222. (a) For purposes of making any grant or contract under this title, the Director may not take into consideration the amount of or the use made of any local contribution in excess of the amount of the local contribution required under this title if such use is consistent with the requirements of this title.".

(2) The heading of section 222 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5022) is amended to read as follows:

"AWARD DETERMINATIONS; PAYMENTS".

(3) The table of contents of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4051 et seq.) is amended by striking out the item relating to section 222 and inserting in lieu thereof the following new item:

"Sec. 222. Award determinations; payments.".

AMENDMENTS AUTHORIZING APPROPRIATIONS

SEC. 202. (a) Section 502(a) of the Domestic Vounteer Service Act of 1973 (42 U.S.C. 5082(a)) is amended—

(1) by striking out "$28,691,000 for fiscal year 1982 and"; and

(2) by inserting "$31,872,000 for fiscal year 1984, $33,306,000 for fiscal year 1985, and $34,638,000 for fiscal year 1986" after "1983,".

(b) Section 502(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(b)) is amended—

(1) by striking out "$49,670,000 for fiscal year 1982 and"; and

(2) by inserting "$58,797,000 for fiscal year 1984, $61,443,000 for fiscal year 1985, and $63,901,000 for fiscal year 1986" after "1983,".

(c) Section 502(c) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(c)) is amended—

(1) by striking out "$16,610,000 for fiscal year 1982 and"; and

(2) by inserting "$31,422,000 for fiscal year 1984, $32,296,000 for fiscal year 1985, and $33,108,000 for fiscal year 1986" after "1983,".

POVERTY LINE

SEC. 203. (a) Section 673(a) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) is amended—

(1) by striking out "established by the Director of the Office of Management and Budget" and inserting in lieu thereof "defined by the Office of Management and Budget based on Bureau of the Census data"; and

(2) by inserting "For All Urban Consumers" after "Consumer Price Index".

(b) Section 683(c)(1) of the Community Services Block Grant Act (42 U.S.C. 9912(c)(1)) is amended by striking out "section 624" and inserting in lieu thereof "section 624 or 625".

JUVENILE JUSTICE AMENDMENTS

SEC. 204. (a) Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611) is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(b) Section 241(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(b)) is amended by striking out "section 201(f)" and inserting in lieu thereof "section 201(e)".

EFFECTIVE DATES

SEC. 205. (a) Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) The amendments made by subsection (c)(3)(B) and subsection (e) of section 201 of this title take effect on October 1, 1983.

Amend the title so as to read: "An Act to extend and improve the Domestic Volunteer Service Act of 1973, and for other purposes.".

Mr. McCLURE. Mr. President, I move that the Senate disagree to the House amendments and agree to the conference requested by the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Messrs. HATCH, DENTON, NICKLES, DODD, and KENNEDY conferees on the part of the Senate.

UNIFORM SINGLE FINANCIAL AUDIT ACT OF 1983

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 336, S. 1510.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill to establish uniform single financial audits for State and local governments and nonprofit organizations and other recipients of Federal assistance, and for other purposes.

The PRESIDING OFFICER. Is there objections to the present consideration of the bill?

Mr. BYRD. There is no objection, Mr. President.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs with an amendment to strike out all after the enacting clause, and insert the following:

That (a) this Act may be cited as the "Uniform Single Financial Audit Act of 1983".

(b) Subtitle V of title 31, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 75—REQUIREMENTS FOR SINGLE FINANCIAL AUDITS

"Sec.
"7501. Purposes.
"7502. Definitions.
"7503. Promulgation of policies, procedures, and regulations.
"7504. Audit requirements.
"7505. Payment for performance.
"7506. Sanctions.
"7507. Small business concerns.
"7508. Relationship to other law.

"§ 7501. Purposes

"The purposes of this chapter are to—

"(1) improve the financial management of Federal assistance programs;

"(2) promote the efficient use of audit resources;

"(3) help relieve State and local governments and nonprofit organizations of the costs and paperwork burdens due to conflicting, redundant, and unreasonable audit requirements of Federal assistance programs;

"(4) provide for the establishment of consistent and uniform requirements for financial audits of State and local governments and nonprofit organizations and other recipients of Federal assistance;

"(5) specify standard financial audit requirements for Federal assistance programs established after the date of enactment of this chapter;

"(6) to have the audit requirements of this chapter phased in and met by each entity that receives Federal assistance within three years from the enactment of this legislation; and

"(7) to have Federal agencies and departments, in planning and performing any additional work, to the maximum extent feasible, rely upon and not duplicate work done pursuant to this chapter.

"§ 7502. Definitions

"As used in this chapter:

"(1) 'Federal agency and department' has the same meaning as is given to the term 'executive agency' in section 102 of this title.

"(2) The term 'entity' means a State government, a local government, or a nonprofit organization, or a recipient of Federal assistance from any of the foregoing.

"(3) 'Federal assistance' means any assistance provided by a Federal agency or department to an entity in the form of grants, loans, loan guarantees, property, cooperative agreements, or technical assistance, except that such term does not include direct Federal cash assistance to individuals, contracts for the procurement of goods and services for the United States, or insurance or assistance provided by the Tennessee Valley Authority.

"(4) 'Generally accepted government auditing standards' means the auditing standards for the financial and compliance element of the 'Standards for Audit of Governmental Organizations, Programs, Activities, and Functions', issued by the Comptroller General of the United States which incorporates the generally accepted auditing standards issued by the American Institute of Certified Public Accountants.

"(5) The term 'independent auditors' means constituted State and local government audit agencies who meet the definition included in generally accepted government auditing standards for external government auditors or public accountants.

"(6) The term 'public accountants' means certified public accountants, or public accountants who meet the definition included in generally accepted government auditing standards.

"(7) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any Indian tribe or tribal organization as defined in section 7502(8).

"(8) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established under, the Alaska Native Claims Settlement Act) which—

"(A) is recognized by the United States as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or

"(B) is recognized as an Indian tribe by the State in which it resides.

"(9) 'Local government' means any unit of government within a State, including a county, borough, municipality, city, town, township, parish, local public authority, special district, school district, intrastate district, council of governments, other interstate government entity, or any other instrumentality of local government.

"(10) 'Nonprofit organization' means an organization described in section 501(c) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code or any nonprofit scientific or educational organization or institution qualified under a State nonprofit organization statute which exempts such organization or institution from taxation under State law.

"(11) 'Recipient' means an entity receiving Federal assistance.

"(12) 'Single financial audit' means an audit performed by independent auditors to determine and report whether—

"(A) the financial statements of an audited entity present fairly the financial position and the results of financial operations in accordance with generally accepted accounting principles;

"(B) the entity has complied with laws and regulations that may have a material effect upon the financial statements; and

"(C) whether the entity has internal control systems to provide reasonable assurance it is managing Federal programs in compliance with laws and regulations.

"(13) The term 'cognizant agency' means the Federal agency or department designated by the Director of the Office of Management and Budget to coordinate for the Federal executive branch work performed in addition to that done pursuant to this chapter.

"§ 7503. Promulgation of policies, procedures, and regulations

"(a) The President shall prescribe policies, procedures, and regulations to implement this chapter. Each Federal agency and department and each entity to which this chapter applies shall comply with such policies, procedures, and regulations. Policies, procedures, and regulations prescribed under this subsection shall not impose requirements for audits of entities in addition to the requirements for single financial audits specified by this chapter.

"(b) The President of the United States may delegate the authority to prescribe policies and procedures to the Director of the Office of Management and Budget. The President may delegate the authority to prescribe regulations to the appropriate agencies and departments. In the preparation of policies, procedures, and regulations, the Director of the Office of Management and Budget and the appropriate Federal agencies and departments shall consult with the Comptroller General of the United States.

"(c) The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States and Federal, State, local, and nonprofit officials, shall establish a plan of action within one year of the date of this chapter, to assure that single financial audits required under this chapter are conducted within three years from the enactment of this legislation, and thereafter.

"(d) The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States and Federal, State, local and nonprofit officials, shall establish a plan of action to coordinate the work done pursuant to section 7504(c). The plan shall:

"(1) include the designation of the appropriate Federal cognizant agencies; and

"(2) provide that any additional work involving an entity performed by or for a Federal executive agency or department shall be coordinated, to the extent feasible, and rely upon the single financial audit performed pursuant to this chapter.

"§ 7504. Audit requirements

"(a)(1) Except as otherwise provided by this chapter, each entity that receives Federal assistance for a fiscal year which is equal to or in excess of $25,000 shall conduct at least biennially, but preferably annually, a single financial audit covering all of its funds. The audits shall be made by independent auditors and conducted in accordance with generally accepted government auditing standards.

"(2) The total amounts of Federal, State, local, and other assistance, respectively, received from all sources by the entity shall be used in a single financial audit for testing compliance with the financial requirements of Federal, State, local, and other assistance programs, respectively. The materiality level selected in a single financial audit for testing shall be based on the professional judgment of the independent auditor.

"(A) However, in the case of an individual grant, program, or project that is equal to or exceeds $500,000 or 3 per centum of the entities' total Federal expenditures, whichever is greater, the auditor shall test said grants, programs, or projects in a manner consistent and in accordance with the provisions set forth in this chapter. However, in no instance shall the determined level of materiality exceed $30,000,000.

"(B) Five years from the date of enactment of this legislation, and for each five-year period thereafter, the Comptroller General of the United States shall report to the chairman of the Committee on Governmental Affairs of the Senate, and to the chairman of the Committee on Government Operations of the House of Representatives, whether the provisions of paragraph 7504(a)(2)(A) should be modified by increasing the thresholds.

"(3) Each entity shall identify the internal control systems in place within the entity. The significant internal control systems shall be studied, evaluated, and reported on, by the independent auditor. The method of testing of internal control systems shall be based on the independent auditor's professional judgment.

"(4) Each single financial audit carried out pursuant to this chapter shall be an audit of all funds of the entity, and shall not be an audit of funds used by the entity pursuant to an individual grant or program. However, if the entity determines that a single financial audit of the entire entity is not feasible, the entity may audit by department or agency within the entity. However, such audits shall be consistent with the provisions of this chapter. If single financial audits are conducted biennially under this chapter, each single financial audit shall cover the entire two-year period.

"(5) This chapter does not apply to an entity which receives less than $25,000 per year in Federal assistance.

"(6) Copies of completed audit reports covering the results of the single financial audit required pursuant to this chapter shall be made available to Federal officials upon request.

"(7) Unless restricted by law or regulation, copies of reports containing the results of any single financial audit performed pursuant to this chapter shall be made available for public inspection.

"(b) Each entity receiving Federal assistance from Federal agencies and departments, and subsequently making a portion of the Federal assistance available to another entity, shall have the responsibility for ascertaining whether a single financial audit has been conducted of the recipient entity. This requirement does not apply if the amount made available to the recipient entity is less than the amount provided for in section 7504(a)(5).

"(c) This chapter does not limit the authority of Federal agencies and departments to conduct or contract for audits and evaluations of Federal assistance programs. This work includes, but is not limited to, economy and efficiency audits, program results audits, program evaluations, and audit requirements contained in Office of Management and Budget circulars such as A-102, attachment P. However, in planning and performing any additional work, the Federal agencies and departments, to the extent feasible, shall rely upon and not duplicate the single financial audit. Additional work performed by or for the Federal Executive agencies and departments shall be coordinated by the cognizant agency for the entity in order to coincide, to the extent feasible, with the performance of the single financial audit. The requesting Federal agency or department must arrange for funding the cost of such additional work.

"(d) This chapter does not limit the responsibility or authority of the Federal Government to enforce Federal law, regulations, procedures, or reporting requirements.

"§ 7505. Payment for performance

"(a) Subject to the provisions of this section, Federal assistance may be used to pay for or to reimburse an entity for the costs incurred to conduct a single financial audit required by this chapter.

"(b)(1) in the case of Federal assistance provided through a project grant, costs incurred to conduct that portion of a single financial audit required by this chapter with respect to such project grant shall be considered an administrative expense and shall be provided for as an indirect cost in accordance with the provisions of the grant. Any recipient of a project grant which is audited pursuant to this chapter as part of an entity which includes other agencies and departments shall transfer any funds received pursuant to this paragraph to the entity for which the single financial audit is conducted for such fiscal year in order to reimburse the entity for the costs incurred to conduct such audit with respect to the project grant.

"(2) In the case of Federal assistance provided through a formula grant, the State or local entity administering the formula grant may use the Federal assistance provided through such formula grant to pay the costs incurred to conduct the portion of a single financial audit required by this chapter with respect to such formula grant, subject to the provisions of any statute or regulation which specify the percentage or amount of the formula grant that can be used for administrative expenses.

"(3) For purposes of this subsection:

"(A) 'project grant' means a grant of Federal funds, which is not a formula grant, and which is provided pursuant to an application for a specific amount of Federal assistance that includes a detailed schedule of administrative expenses to be incurred in carrying out the grant; and

"(B) 'formula grant' means a grant of Federal funds which distributes such funds to all eligible recipients based on a formula specified in law or regulation.

"(c) Notwithstanding paragraphs (1) and (2) of subsection (b), the amount of Federal assistance used to pay for or to reimburse an entity for the costs of audits taken from any grant cannot exceed, as a fraction of the overall cost of the audit, that fraction which results by dividing the amount of the total grant expenditures by the entity's total expenditures from the previous fiscal year. However, this section shall not apply if some other provision for reimbursement is provided for by agreement between the grantee, entity, and the Federal program manager of the Federal agency or department responsible for the grant.

"§ 7506. Sanctions

"(a) Upon a determination by the Director of the Office of Management and Budget under section 7503(c) of this chapter that an entity has failed to comply with the requirement of section 7504(a)(1) of this chapter, the Director may arrange to have conducted any audit work necessary because of the entity's failure to comply with the requirements of this chapter.

"(b) Notwithstanding any other provision of law, the costs of audit work performed under this section shall be charged to any Federal assistance otherwise available to the entity which is designated for reimbursement of the entity's administrative costs and, if those amounts are not sufficient, then to any other available Federal assistance.

"§ 7507. Small business concerns

"(a) Small business concerns and business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practible opportunity to participate in the performance of contracts awarded to fulfill the audit requirements of this chapter. Entities receiving Federal assistance shall take the following affirmative actions to further this goal:

"(1) assure the small audit firms and audit firms owned and controlled by socially and economically disadvantaged individuals, as defined in Public Law 95-507, are used to the fullest extent practicable.

"(2) make information on forthcoming opportunities available and arrange timeframes for the audit so as to encourage and facilitate participation by small or disadvantaged audit firms.

"(3) consider in the contract process whether firms competing for larger audits intend to subcontract with small or disadvantage firms.

"(4) encourage contracting with small or disadvantaged audit firms which have traditionally audited government programs and, in such cases where this is not possible, assure that these firms are given consideration for audit-subcontracting opportunities.

"(5) encourage contracting with consortiums of small or disadvantaged audit firms, as described in paragraph (a) above, when a contract is too large for an individual small or disadvantaged audit firm.

"(6) use the services and assistance, as appropriate, of such organizations as the Small Business Administration in the solicitation and utilization of small or disadvantaged audit firms.

"§ 7508. Relationship to other law

"(a) Notwithstanding any other provision of law, unless this section is expressly referred to, single financial audits conducted in accordance with the requirements of this Act shall be deemed to be in lieu of any other financial audit requirement imposed on the entity by the Federal Government. The Comptroller General shall determine the extent to which a particular audit requirement is a financial audit requirement. Nothing in this chapter nor any determination by the Comptroller General shall relieve Federal agencies of their responsibilities to perform other audits, such as economy and efficiency audits or program-result audits, or affect their authority to perform audits of Federal assistance recipients and the programs administered by such recipients.

"(b) This chapter does not supersede State or local laws requiring audits of entities to which this chapter applies.".

(c) The table of chapters for subtitle V of title 31, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

"75. Requirements for Single Financial Audits .... 7501".

LEGISLATION MANDATING AUDIT REQUIREMENTS

SEC. 2. (a) Any bill or resolution reported by a committee of the Senate or the House of Representatives containing provisions which specify requirements for financial audits of recipients of Federal assistance which are inconsistent with the requirements specified in chapter 75 of title 31, United States Code (as added by the first section of this Act), shall be referred, if reported by a committee of the Senate, to the Committee on Govermental Affairs of the Senate and, if reported by a committee of the House of Representatives, to the Committee on Government Operations of the House, for a period not to exceed 30 days. During such period, the committee to which such bill or resolution was referred shall consider and report provisions to amend such bill or resolution to conform to the requirements contained in such bill or resolution for financial audits with the requirements specified in such chapter.

(b) The Comptroller General of the United States shall monitor bills and resolutions reported by the committees of the Senate and the House of Representatives and shall review provisions requiring financial audits of recipients of Federal assistance, if any, which are contained in such bills and resolutions. If the Comptroller General determines that a bill or resolution reported to the Senate or the House of Representatives contains requirements for financial audits of recipients of Federal assistance which are inconsistent with the requirements specified in chapter 75 of title 31, United States Code (as added by the first section of this Act), the Comptroller General shall, at the earliest possible date, report by letter such determination to the Committee on Governmental Affairs of the Senate (in the case of a bill or resolution reported by a committee of the Senate) or the Committee on Government Operations of the House of Representatives (in the case of a bill or resolution reported by a committee of the House of Representatives).

(c) The provisions of subsection (a) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

Mr. DURENBERGER. Mr. President, on Tuesday, June 21, 1983, I introduced the Uniform Single Financial Audit Act of 1983. Its cosponsors include Senators SASSER, ROTH, CHILES, WILSON, DIXON, PERCY, NUNN, DANFORTH, HATFIELD, and COCHRAN. The single audit concept is not new to either the Congress or the Federal executive agencies and departments. In the 96th Congress, Senator SASSER introduced a single audit bill that passed the Senate late in the second session and thus did not receive action in the House.

Since that bill was introduced the concept has continued to evolve. One of the first Government-wide efforts began in 1979 when the Office of Management and Budget issued attachment P to OMB Circular A-102. The attachment is a directive to Federal executive agencies and departments that, in effect, requires State and local governments who receive Federal assistance to conduct an independent single audit. Also, OMB issued a similar attachment to Circular A-110. This attachment, attachment F, affects hospitals, universities and other nonprofit organizations in the same way that Circular A-102 effects State and local governments. Both circulars have been successful to a degree, but not to the extent that State and local government officials and nonprofit board members or administrators would have expected by now.

In the late 1960's and early 1970's we in the Congress created a virtual explosion of new grant programs. Most of them carried specific financial and compliance audit requirements and regulatory mandates, included with the best of intentions. However, no one stopped to consider the effect of these partially overlapping, partially inconsistent, and clearly too numerous audit requirements.

The duplication and inconsistency became burdensome not only from an administrative standpoint, but also from a financial perspective. Auditing has a cost; the more detailed the statutory and regulatory the auditing requirements, the more expensive the audit. Several attempts have been made by the Federal Government to provide a mechanism to repay independent auditors for performing an audit. However, these attempts were hampered by program managers who were reluctant to set aside funds for that purpose.

Since administrative attempts to address this problem failed, we have a situation that is unacceptable and unworkable from both the Federal and State perspective. The Federal Government is mandating and designing audits, but not providing sufficient funds to pay for them.

The provisions of this legislation are straightforward. The bill requires that all State and local governments that receive in excess of $25,000 of Federal assistance during their fiscal year, must have an independent auditor conduct a single financial audit of all of their funds. Any entity that received less than $25,000 of Federal assistance during their fiscal year would not have to conduct a single audit pursuant to the provisions of this bill. However, the bill makes explicit that none of its provisions limits the Federal Government's authority to conduct or contract for audits and evaluations of recipients of Federal assistance regardless of the amount of Federal assistance received by the entity.

Under this bill, entities subject to the single audit requirement must have the auditor separate all Federal funds and test those funds for compliance with Federal laws and regulations. The degree and extent of such testing will be based upon the auditor's professional judgment, not upon a guide or mandate from the Federal Government. If, however, after reviewing the completed audit report, a Federal executive agency or department would like to conduct or contract for additional testing of a particular Federal program, they may do so; but they must first communicate that desire to the entity's cognizant agency and build upon all previously conducted audit work. Any additional audit work requsted shall be paid for by the requesting executive agency or department. That is a brief review of the bill.

Mr. President, I am also offering a technical amendment that makes minor editorial changes to the single audit bill, along with two other more substantive changes. I would like to make one or two comments on the substantive items. They are both made at the request of the Office of Management and Budget.

The first change is only an effort to eliminate any confusion that may have occurred because of the title of the bill. We introduced the bill as the Uniform Single Financial Audit Act of 1983. Some people, inside and outside the auditing profession, felt that if we continued to call our bill the single financial audit bill, we would risk implying that the required audit would not include any compliance testing. This is, of course, not true. One only has to look at our definition of single audit to see its similarity to that of the financial and compliance definition suggested by the Comptroller General in the "Standards for Audit of Government Organizations, Programs, Activities and Functions."

However, I must repeat that our bill leaves to the auditor's professional judgment the amount of compliance testing he or she feels necessary in order to render an opinion. I do not want this change in title to be misconstrued as a mandate to auditors of a desired level of compliance testing expected by the Federal Government.

The second change concerns nonprofit organizations. I believe we lack sufficient information on these types of organizations regarding single audits. We are therefore striking all reference to organizations from S. 1510. It is my hope, however, that if our colleagues in the House decide to take up this measure, they take time to establish a record regarding nonprofit organizations and whether they have the desire and ability to perform single audits.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter of support for S. 1510 sent to my office by the Municipal Finance Officers Association; a resolution of endorsement unanimously passed in support of this bill by the National Association of State Auditors, Comptrollers, and Treasurers; and a letter by my good friend, U.S. Comptroller General Charles A. Bowsher, without whose support and many hours of personal and staff effort this bill might not be before us today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MUNICIPAL FINANCE
OFFICERS ASSOCIATION,
Washington, D.C., October 17, 1983.

Hon. DAVID DURENBERGER,
Chairman, Subcommittee on Intergovernmental Relations of the Committee on Governmental Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Muncipal Finance Officers Association (MFOA) applauds and supports your steadfast efforts to turn the "single-audit concept" into a reality as embodied in the Uniform Single-Audit Act S. 1510.

As you know the Association has always been in the forefront of promoting improved public financial management and believes that S. 1510 contains the key element of clarity that will foster widespread implementation of the single audit.

Streamlining and simplifying the audit function for local governments is an essential goal in these times of reduced resources at all levels of government. We support the single-audit legislation because it puts the emphasis on quality not quantity, and reduces the costly burden of additional audit requirements that create confusion while producing few benefits.

The MFOA strongly endorses the principle contained in your single-audit bill and urges your colleagues in both Houses of Congress to push for speedy passage.

Sincerely,

JEFFREY L. ESSER,
Executive Director.

NATIONAL STATE
AUDITORS ASSOCIATION,
Providence, R.I., October 20, 1983.

Senator DAVID DURENBERGER,
Chairman, Committee on Governmental Affairs, Washington, D.C.

DEAR SENATOR: The National State Auditors Association remains strongly committed to the support of S. 1510 and is eagerly looking forward to its passage by the U.S. Senate.

The Association would like to take this opportunity to thank you and your staff for your efforts in behalf of single audit legislation.

Sincerely,

ANTHONY PICCIRILLI,
President.

NATIONAL ASSOCIATION OF STATE AUDITORS, COMPTROLLERS, AND TREASURERS—RESOLUTION NO. 3

Whereas, the Honorable Dave Durenberger has introduced in the United States Senate S. 1510, "A Bill To Establish Uniform Single Financial Audit Requirements For Federal Assistance To State and Local Governments And Other Recipients Of Federal Assistance, And For Other Purposes;" and

Whereas, the National Association of State Auditors, Comptrollers, and Treasurers in convention assembled at Kansas City, Missouri, from July 31 to August 3, 1983, has reviewed the bill dated June 21, 1983; and

Whereas, the National Association of State Auditors, Comptrollers and Treasurers finds that this bill would contribute materially to the more efficient and effective use of audit resources; to the elimination of audit duplication and overlap; to improved financial reporting with respect to expenditure of federal funds by State and Local Governments and Nonprofit Organizations, and to the elimination of much of the vagueness, uncertainty, and confusion which has heretofore existed with reference to the single audit concept;

Now, Therefore, be it resolved on this 3rd day of August 1983, by the National Association of State Auditors, Comptrollers and Treasurers that we do hereby express our endorsement of and support for the above described legislation.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington D.C., October 19, 1983.

Hon. DAVE DURENBERGER,
Chairman, Subcommittee on Intergovernmental Relations, U.S. Senate

DEAR MR. CHAIRMAN: I view the initiative to establish uniform single audit requirements for recipients of federal assistance to be one of the most important financial management issues facing us today.

I believe that Senate bill S. 1510, "Uniform Single Audit Act of 1983" is a sound bill and covers most of the major concerns and issues currently involving the audit of federal assistance and will result in more efficient and effective audits of recipients of federal assistance and better use of scarce audit resources.

I commend you and your Senate colleagues for your initiative in addressing a very important financial management issue and would encourage passage of Senate bill S. 1510.

Sincerely yours,

CHARLES A. BOWSHER,
Comptroller General of the United States.

● Mr. SASSER. Mr. President, the audit is the basic tool that the Federal Government has to control its $90 billion intergovernmental assistance system. Unfortunately, the Government's use of this instrument of accountability badly needs updating.

That is the objective of S. 1510, the Uniform Single Audit Act of 1983. In a nutshell, passage of this measure will promote the efficient use of audit resources and more effective management of Federal assistance programs.

The bill requires a single, uniform, comprehensive audit, at least every 2 years, of funds of State and local governments that receive Federal assistance totaling at least $25,000 a year.

We need to again demonstrate strong Senate support for the single audit in the 98th Congress to our House colleagues. I hope that they will follow our lead in accepting the concept of accountability in the administration of grant programs.

Until recently, audits of Federal aid to State and local governments were done on a "piecemeal" grant-by-grant basis. Two comprehensive studies done at the Federal level pointed out the massive problems with the coverage of audits of grant programs.

The joint financial management improvement program produced a study calling for audits of organizations carrying out grant programs in lieu of grant-by-grant audits. And a report by the General Accounting Office called for organizationwide audits.

The GAO report: "Grant auditing: A maze of inconsistency, gaps, and duplication that needs overhauling" points out that 80 percent of Federal grants just are never audited at all under the grant-by-grant system.

As a result of these studies and their recommendations, the single audit concept has been administratively implemented by the Office of Management and Budget at the Federal level, through audit requirements of Circular A-102. These requirements call for organizationwide audits to be made by State and local governments at least every 2 years.

I am pleased to note that the State of Tennessee, under the leadership of Comptroller William Snodgrass and State Auditor Frank Greathouse, has instituted the single audit for local governments under their jurisdiction. The comptroller also coordinates audits of the State departments.

However, I believe that the efforts of progressive States like Tennessee and of the Federal Office of Management and Budget need to be underscored by putting the single audit into statute. S. 1510 will accomplish this.

There is one point with regard to the coverage of S. 1510 that I would like to clarify for the record. The audits of the assistance programs of the Tennessee Valley Authority are exempt from the bill's requirements. This exemption is in recognition of the special situation of TVA as a quasi-Federal agency. The oversight of the Office of Management and Budget for TVA's audits would establish an unwarranted precedent.

This agency is 98 percent self financed through power rates levied on residencies and business in the Tennessee valley region. That is why the TVA Board has the primary authority for oversight of the agency's activities. The Office of Management and Budget has no statutory responsibility for the operation of TVA's power program.

There is no need for the Office of Management and Budget to review TVA's use of its power funds. The agency receives only minimal appropriations from the Federal Government. By law, the obligations of TVA are not the obligations of the U.S. Government. Nor is the U.S. Government their guarantor.

The purpose of the single audit legislation is to provide more effective oversight authority for OMB and the Federal agencies to guard federally appropriated funds. It is inappropriate for this authority to be extended to funds generated by the power program of the Tennessee Valley Authority.

However, I want to say here that the TVA Board of Directors should exercise the strongest fiscal oversight over the use of power system revenues for assistance purposes, just as they should carefully manage all aspects of the agency's activities. They have an important responsibility to the citizens of the Tennessee Valley region to use power system revenues wisely and well.

The exemption of the Tennessee Valley Authority from the provisions of S. 1510 recognizes that the TVA Board of Directors is the entity which must be accountable for insuring the proper use of TVA power system funds—not the Office of Management and Budget.

Putting the single audit into statute will make the authority clear to the Federal agencies and grant recipients. The objectives of S. 1510 are similar to those of Office of Management and Budget Circular A-102, attachment P, which now administratively directs the manner in which Federal assistance is to be audited.

I commend my colleague, Senator DURENBERGER, for his fine work in shaping and obtaining passage of S. 1510. Passage of this bill is a real step forward for efficiency in the auditing and management of Federal grant programs.●

Mr. McCLURE. The question is on agreeing to the amendment. I urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2482) was agreed to.

Mr. McCLURE. Mr. President, I move that the committee substitute be adopted as amended.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Uniform Single Audit Act of 1983".

(b) Subtitle V of title 31, United States Code, is amended by adding at the end thereof the following new chapter.

"CHAPTER 75—REQUIREMENTS FOR SINGLE AUDITS

"Sec.
"7501. Purposes.
"7502. Definitions.
"7503. Promulgation of policies, procedures, and regulations.
"7504. Audit requirements.
"7505. Payment for performance.
"7506. Sanctions.
"7507. Small business concerns.
"7508. Relationship to other law.
"7509. Responsibilities of the Comptroller General.

"§ 7501. Purposes

"The purposes of this chapter are to—

"(1) improve the financial management of Federal assistance programs;

"(2) promote the efficient use of audit resources;

"(3) help relieve State and local governments of the costs and paperwork burdens due to conflicting, redundant, and unreasonable audit requirements of Federal assistance programs;

"(4) provide for the establishment of consistent and uniform requirements for financial audits of State and local governments and recipients of Federal assistance from such governments;

"(5) specify standard financial audit requirements for Federal assistance programs established after the date of enactment of this chapter;

"(6) have the requirements of this chapter for the conduct of single audits phased in and met by each entity that receives Federal assistance within three years after the date of enactment of this chapter; and

"(7) have executive agencies, in planning and performing any work in addition to the single audits required by this chapter, to the maximum extent feasible, rely upon and not duplicate work done pursuant to this chapter.

"§ 7502. Definitions

"As used in this chapter:

"(1) 'entity' means a State or local government or a recipient of Federal assistance from a State or local government.

"(2) 'Federal assistance' means any assistance provided by an executive agency to an entity in the form of grants, loans, loan guarantees, property, cooperative agreements, interest subsidies, insurance, work study programs, or contracts for the procurement of goods and services for the United States, except that such term does not include direct Federal cash assistance to individuals or insurance or assistance provided by the Tennessee Valley Authority.

"(3) 'generally accepted government auditing standards' means the auditing standards for the financial and compliance element of the 'Standards for Audit of Governmental Organizations, Programs, Activities, and Functions', issued by the Comptroller General which incorporates the generally accepted auditing standards issued by the American Institute of Certified Public Accountants.

"(4) 'independent auditors' means constituted State and local government audit agencies who meet the definition included in generally accepted government auditing standards for external government auditors or public accountants.

"(5) 'public accountants' means certified public accountants, or public accountants who meet the definition included in generally accepted government auditing standards.

"(6) 'State' means any State of the United States, the District of Columbia, and Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any Indian tribe.

"(7) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established under, the Alaska Native Claims Settlement Act) which—

"(A) is recognized by the United States as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or

"(B) is recognized as an Indian tribe by the State in which it resides.

"(8) 'local government' means any unit of government within a State, including a county, borough, municipality, city, town, township, parish, local public authority, special district, school district, intrastate district, council of governments, other interstate government entity, or any other instrumentality of local government.

"(9) 'Director' means the Director of the Office of Management and Budget.

"(10) 'Comptroller General' means the Comptroller General of the United States.

"(11) 'recipient' means an entity receiving Federal assistance.

"(12) 'single audit' means an audit performed by independent auditors to determine and report whether—

"(A) the financial statements of an audited entity present fairly the financial position and the results of financial operations in accordance with generally accepted accounting principles;

"(B) the entity has complied with laws and regulations that may have a material effect upon the financial statements; and

"(C) whether the entity has internal control systems to provide reasonable assurance it is managing Federal programs in compliance with laws and regulations.

"(13) 'cognizant agency' means an executive agency designated by the Director to coordinate for executive agencies the performance of any work described in section 7504(c) of this title which is in addition to the single audit required by section 7504(a) of this title.

"§ 7503. Promulgation of policies, procedures, and regulations

"(a) The President shall prescribe policies, procedures, and regulations to implement this chapter. Each executive agency and each entity to which this chapter applies shall comply with such policies, procedures, and regulations. Policies, procedures, and regulations prescribed under this subsection shall not impose requirements for audits of entities in addition to the requirements for single audits specified by this chapter.

"(b) The President may delegate the authority to prescribe policies and procedures described in subsection (a) of this section to the Director. The President may delegate

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the authority to prescribe regulations described in subsection (a) of this section to the appropriate executive agencies. In the preparation of policies, procedures, and regulations, the Director and the appropriate executive agencies shall consult with the Comptroller General.

"(c) Within one year after the date of enactment of this chapter, the Director, in consultation with the Comptroller General and Federal, State, and local officials, shall establish a plan of action to assure that single audits required under section 7504(a) of this title are conducted within three years after the date of enactment of this chapter and thereafter in accordance with the time periods prescribed by this chapter.

"(d) The Director, in consultation with the Comptroller General and Federal, State, and local officials, shall establish a plan of action to coordinate the performance of any work described in section 7504(c) of this title which is in addition to the single audit required by section 7504(a) of this title. The plan shall—

"(1) include the designation of the appropriate cognizant agencies; and

"(2) provide that any additional work described in section 7504(c) of this title which is performed for or by an executive agency with respect to an entity shall be coordinated with, to the extent feasible, and rely upon, the single audit conducted of such entity pursuant to section 7504(a) of this title.

"§ 7504. Audit requirements

"(a)(1) Except as otherwise provided by this chapter, each entity that receives Federal assistance for a fiscal year which is equal to or in excess of $25,000 shall insure that at least biennially, but preferably annually, a single audit covering all of its funds is conducted. The audits shall be made by independent auditors and conducted in accordance with generally accepted government auditing standards.

"(2)(A) The total amounts of Federal, State, local, and other assistance, respectively, received from all sources by the entity shall be used in a single audit for testing compliance with the financial requirements of Federal, State, local, and other assistance programs, respectively. Except as provided in subparagraph (B) of this paragraph, the materiality level selected in a single audit for testing shall be based on the professional judgment of the independent auditor.

"(B) In any case in which the total amount of Federal assistance expended by an entity in any fiscal year for an individual Federal assistance program—

"(i) exceeds $30,000,000; or

"(ii) does not exceed $30,000,000, but does exceed $500,000 or 3 per centum of the amount of Federal assistance expended by the entity for all Federal assistance programs for such fiscal year, whichever is greater.

a single audit shall be conducted of the individual Federal program in a manner consistent and in accordance with this chapter.

"(C) Five years after the date of enactment of this chapter, and every five years thereafter, the Comptroller General shall communicate by letter to the Chairman of the Committee on Governmental Affairs of the Senate and the Chairman of the Committee on Government Operations of the House of Representatives whether the provisions of subparagraph (B) of this paragraph should be modified by increasing the thresholds specified in such subpargraph.

"(3) Each entity shall identify the internal control systems in place within the entity. The significant internal control systems shall be studied, evaluated, and reported on, by the independent auditor. The method of testing of internal control systems shall be based on the independent auditor's professional judgment.

"(4) Each single audit carried out pursuant to this chapter shall be an audit of all funds of the entity, and shall not be an audit of funds used by the entity pursuant to an individual Federal program, unless such individual Federal program is required to be tested individually pursuant to paragraph (2)(B) of this subsection. However, if the entity determines that a single audit of the entire entity is not feasible, the entity may audit by department or agency within the entity. However, such audits shall be consistent with the provisions of this chapter. If single audits are conducted biennially under this chapter, each single audit shall cover the entire two-year period.

"(5) This chapter does not apply to an entity which receives less than $25,000 per year in Federal assistance.

"(6) Copies of completed audit reports covering the results of the single audit required pursuant to this chapter shall be made available to Federal officials upon request.

"(7) Unless restricted by law or regulation, copies of reports containing the results of any single audit performed pursuant to this chapter shall be made available for public inspection.

"(b) Each entity receiving Federal assistance from an executive agency, and subsequently making a portion of the Federal assistance available to another entity, shall have the responsibility for ascertaining whether a single audit has been conducted of the recipient entity, or determining that the expenditures of Federal funds by the recipient entity are in accordance with applicable laws and regulations. This requirement does not apply if the amount made available to the recipient entity is less than $25,000.

"(c) This chapter does not limit the authority of executive agencies to conduct or contract for audits and evaluations of Federal assistance programs. This work includes, but is not limited to, economy and efficiency audits, program results audits, and program evaluations. However, in planning and performing any additional work, an executive agency, to the extent feasible, shall rely upon and not duplicate the single audit performed pursuant to subsection (a) of this section. Additional work performed by or for an executive agency shall be coordinated by the cognizant agency for the entity in order to coincide, to the extent feasible, with the performance of the single audit. An executive agency requesting additional work must arrange for funding the cost of such additional work.

"(d) This chapter does not limit the responsibility or authority of the Federal Government to enforce Federal law, regulations, procedures, or reporting requirements.

"§ 7505. Payment for performance

"(a) Subject to the provisions of this section, Federal assistance may be used to pay for or to reimburse an entity for the costs incurred to conduct a single audit required by this chapter.

"(b)(1) In the case of Federal assistance provided through a project grant, costs incurred to conduct that portion of a single audit required by this chapter with respect to such project grant shall be considered an administrative expense and shall be provided for as a direct or an indirect cost in accordance with the provisions of the grant. Any recipient of a project grant which is audited pursuant to this chapter as part of an entity which includes other agencies and departments shall transfer any funds received pursuant to this paragraph to the entity for which the single audit is conducted for such fiscal year in order to reimburse the entity for the costs incurred to conduct such audit with respect to the project grant.

"(2) In the case of Federal assistance provided through a formula grant, the State or local entity administering the formula grant may use the Federal assistance provided through such formula grant to pay the costs incurred to conduct the portion of a single audit required by this chapter with respect to such formula grant, subject to the provisions of any statute or regulation which specify the percentage or amount of the formula grant that can be used for administrative expense.

"(3) For purposes of this subsection.

"(A) 'project grant' means a grant of Federal funds, which is not a formula grant, and which is provided pursuant to an application for a specific amount of Federal assistance that includes a detailed schedule of administrative expenses to be incurred in carrying out the grant; and

"(B) 'formula grant' means a grant of Federal funds which distributes such funds to all eligible recipients based on a formula specified in law or regulation.

"(c) Notwithstanding paragraphs (1) and (2) of subsection (b), the amount of Federal assistance used to pay for or to reimburse an entity for the costs of audits taken from any grant cannot exceed, as a fraction of the overall cost of the audit, that fraction which results by dividing the amount of the total grant expenditures by the entity's total expenditures from the previous fiscal year. However, this section shall not apply if some other provision for reimbursement is provided for by agreement between the grantee, entity, and the Federal program manager of the executive agency responsible for the grant.

"§ 7506. Sanctions

"(a) Upon a determination by the Director that an entity has failed to comply with the requirement of section 7504(a)(1) of this title, the Director may arrange to have conducted any audit work necessary because of the entity's failure to comply with the requirements of this chapter.

"(b) Notwithstanding any other provision of law, the costs of the audit work performed under this section shall be charged to any Federal assistance otherwise available to the entity which is designated for reimbursement of the entity's administrative costs.

"§ 7507. Small business concerns

"(a) Small business concerns and socially and economically disadvantaged small business concerns shall have the maximum practicable opportunity to participate in the performance of contracts awarded to carry out the requirements of this chapter for the conduct of single audits. Each entity receiving Federal assistance shall—

"(1) assure that small business concerns and socially and economically disadvantaged small business concerns are used to the maximum extent practicable in carrying out the requirements of this chapter for the conduct of single audits;

"(2) make available information on opportunities for participation in contracts to carry out the requirements of this chapter for the conduct of single audits, and arrange schedules for such audits, in a manner which will encourage and facilitate participation in such contracts by small business concerns and socially and economically disadvantaged small business concerns;

"(3) consider, in awarding a contract to carry out the requirements of this chapter for the conduct of a single audit, whether the business concerns which are competing for such contract intend to award subcontracts to small business concerns and socially and economically disadvantaged small business concerns;

"(4) encourage the award of contracts to carry out the requirements of this chapter for the conduct of single audits to small business concerns and socially and economically disadvantaged small business concerns which have traditionally audited government programs, and, in any case in which such an award is not possible, assure that such concerns are given consideration for subcontracts of such contracts;

"(5) encourage the award of contracts to carry out the requirements of this chapter for the conduct of single audits to consortiums of small business concerns and socially and economically disadvantaged small business concerns in any case in which such a contract is too large to be performed by an individual small business concern or an individual socially and economically disadvantaged small business concern; and

"(6) use the services and assistance, as appropriate, of executive agencies such as the Small Business Administration and other appropriate organizations in the solicitation and utilization of small business concerns and socially and economically disadvantaged small business concerns to carry out the requirements of this chapter for the conduct of single audits.

"(b) For purposes of this section—

"(1) the term 'small business concern' has the same meaning as in section 3 of the Small Business Act; and

"(2) the term 'socially and economically disadvantaged small business concern' has the same meaning as in section 8(a) of such Act.

"§ 7508. Relationship to other law.

"(a) Notwithstanding any other provision of law, single audits conducted in accordance with the requirements of this chapter shall be deemed to be in lieu of any other financial audit requirement imposed on the entity by the Federal Government, unless the provision of law establishing the requirement for such financial audit specifically refers to, and exempts such financial audit from, the requirements of this chapter. The Comptroller General shall determine the extent to which a particular audit requirement is a financial audit requirement. Nothing in this chapter nor any determination by the Comptroller General shall relieve Federal agencies of their responsibilities to perform other audits, such as economy and efficiency audits or program result audits, or affect their authority to perform audits of Federal assistance recipients and the programs administered by such recipients.

"(b) This chapter does not supersede State or local laws requiring audits of entities to which this chapter applies.

"(c) The table of chapter for subtitle V of title 31, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

"75. Requirements for Single Finanical Audits .... 7501".

"§ 7509. Responsibilities of the Comptroller General

"The Comptroller General shall monitor bills and resolutions reported by the committees of the Senate and the House of Representatives and shall review provisions requiring financial audits of recipients of Federal assistance, if any, which are contained in such bills and resolutions. If the Comptroller General determines that a bill or resolution reported to the Senate or the House of Representatives contains requirements for financial audits of recipients of Federal assistance which are inconsistent with the requirements specified in this chapter, the Comptroller General shall, at the earliest possible date, report by letter such determination to the Committee on Governmental Affairs of the Senate (in the case of a bill or resolution reported by a committee of the Senate) or the Committee on Governmental Operations of the House of Representatives (in the case of a bill or resolution reported by a committee of the House of Representatives).".

The PRESIDING OFFICER. The amendment to the title of S. 1510 is agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CENTENNIAL OF ELEANOR ROOSEVELT'S BIRTHDAY

Mr. McCLURE. Mr. President, I call up Calendar No. 477, Senate Joint Resolution 139, and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S. J. Res. 139) to commemorate the centennial of Eleanor Roosevelt's birth.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to the consideration of the joint resolution.

AMENDMENT NO. 2483

Mr. McCLURE. Mr. President, I send an amendment to the desk on behalf of Senator WALLOP and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE), for Mr. Wallop, proposes an amendment numbered 2483.

Mr. McCLURE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

That the Congress finds and declares that:

(1) Eleanor Roosevelt, who was First Lady of the United States from 1933 to 1945, was one of the country's great First Ladies;

(2) Born into wealth and privilege, herself, Eleanor Roosevelt nevertheless worked tirelessly to secure opportunities for disadvantaged Americans and to improve the lot of the needy elsewhere, and particularly in developing countries;

(3) Both during and after her service in the White House, Eleanor Roosevelt campaigned indefatigably for human rights in the United States and throughout the world;

(4) Eleanor Roosevelt devoted her efforts especially to promoting the welfare of children;

(5) For this service, for her articulate and compassionate advocacy of the highest American ideals, and for demonstrating by personal example the capacities of American women to succeed in areas of daily life and work from which they were frequently excluded in her day, Eleanor Roosevelt earned a place of honor and respect in the hearts of the American people; and

(6) October 11, 1984, marks the centennial of Eleanor Roosevelt's birth, and it is appropriate for Americans to mark this occasion with appropriate commemorations during 1984.

SEC. 2. (a) There is hereby established a Commission on the Eleanor Roosevelt Centennial.

(b) The membership of the Commission shall consist of the following:

(1) Two Members of the House of Representatives, designated by the Speaker of the House;

(2) two Members of the Senate, designated by the President Pro Tempore of the Senate after consultation with the Majority Leader and the Minority Leader;

(3) the Director of the National Park Service, ex officio;

(4) the Archivist of the United States, ex officio;

(5) the Librarian of Congress, ex officio;

(6) the Governor of the State of New York, ex officio;

(7) the County Executive of Dutchess County, New York, ex officio;

(8) the surviving children of Mrs. Eleanor Roosevelt; and

(9) the chairman of the Eleanor Roosevelt Institute, ex officio.

For a particular meeting of the Commission any member of the Commission may appoint another individual to serve in his stead.

(c) Commission members shall designate one of their number as Chairman.

SEC. 3. The Commission established by section 2 of this Resolution is authorized to—

(1) encourage and recognize appropriate observances and commemorations, throughout the United States, of the one hundredth anniversary of the birth of Eleanor Roosevelt; and

(2) provide advice and assistance to Federal, State, and local government agencies and to private organizations in establishing such observances and commemorations.

SEC. 4. (a) The Commission shall meet no later than thirty days after enactment of this Resolution at a date and location determined by the Librarian of Congress, and at such locations and intervals thereafter as the Commission may decide. Unless otherwise provided by the Commission, a majority of the Commission shall constitute a quorum. The Commission shall cease to exist on January 1, 1986.

(b) The Commission may adopt such rules and regulations as may be necessary to conduct meetings and carry out its duties under this Resolution.

(c) The Administrator of General Services and the Director of the National Park Service shall provide the Commission such assistance and facilities as may be necessary to carry out its proceedings.

(d) The Commission may accept donations of money, supplies, and services to carry out its responsibilities.

(e) The Eleanor Roosevelt Institute, a not-for-profit organization incorporated in the State of New York, and successor organization to the Eleanor Roosevelt Memorial Foundation, chartered pursuant to Public Law SS-11, shall provide staff assistance to, and coordinate policies and events for, the Commission.

(f) Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code, except that the total of payments made under this subsection for per diem in lieu of subsistence shall not exceed $10,000.

Sec. 5. In commemoration of the one hundredth anniversary of the birth of Eleanor Roosevelt, the Secretary of the Interior, acting through the Director of the National Park Service, shall complete such improvements and development in the Eleanor Roosevelt National Historic Site at Val-Kill in Hyde Park, New York, in fiscal year 1984, as will assure improved access and availability sufficiently to open the site to extensive public visitation.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 2483) was agreed to.

The **PRESIDING OFFICER**. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 139) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. **McCLURE**. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. **BYRD**. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. **McCLURE**. Mr. President, I have the following items which I believe have been cleared on both sides: Calendar No. 478, H.R. 2809; Calendar No. 513, Senate Resolution 260; Calendar No. 514, Senate Resolution 261; Calendar No. 515, Senate Resolution 262; Calendar No. 516, Senate Resolution 263; Calendar No. 517, Senate Resolution 264; Calendar No. 519, Senate Resolution 266; and Calendar No. 521, Senate Concurrent Resolution 82.

Mr. **BYRD**. Mr. President, there is no objection on this side to proceeding with the calendar orders numbered as listed by the distinguished acting majority leader.

If he wishes to proceed en bloc, there is no objection to that.

Mr. **McCLURE**. I thank the distinguished minority leader.

I ask unanimous consent that the matters be considered en bloc and passed en bloc.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

NATIONAL FISH AND WILDLIFE FOUNDATION

The Senate proceeded to consider the bill (H.R. 2809) to establish a National Fish and Wildlife Foundation, which had been reported from the Committee on Environment and Public Works with amendments, as follows:

On page 2, line 11, strike "fish and wildlife" and insert "fish and wildlife, and plant".

On page 3, line 14, after "Board shall be filled" insert "within sixty days of said vacancy".

On page 6, line 23, strike "malfeasance;" and insert "gross negligence:".

On page 9, line 22, strike "October 1, 1983" and insert "October 1, 1984".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Fish and Wildlife Foundation Establishment Act".

SEC. 2. ESTABLISHMENT AND PURPOSES OF FOUNDATION.

(a) Establishment.—There is established the National Fish and Wildlife Foundation (hereinafter in this Act referred to as the "Foundation"). The Foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) Purposes.—The purposes of the Foundation are—

(1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the United States Fish and Wildlife Service; and

(2) to undertake and conduct such other activities as will further the conservation and management of the fish, wildlife, and plant resources of the United States, and its territories and possessions, for present and future generations of Americans.

SEC. 3. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) Establishment and Membership.—The Foundation shall have a governing Board of Directors (hereinafter referred to in this Act as the "Board"), which shall consist of nine Directors, each of whom shall be a United States citizen and—

(1) six of whom must be knowledgeable or experienced in fish and wildlife conservation; and

(2) three of whom must be educated and experienced in the principles of fish and wildlife management.

The membership of the Board, to the extent practicable, shall represent diverse points of view relating to fish and wildlife conservation. The Director of the United States Fish and Wildlife Service shall be an ex officio nonvoting member of the Board. Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.

(b) Appointment and Terms.—By December 31, 1983, the Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") shall appoint the Directors of the Board. The Directors shall be appointed for terms of six years; except that the Secretary, in making the initial appointments to the Board, shall appoint three Directors to a term of two years, three Directors to a term of four years, and three Directors to a term of six years. A vacancy on the Board shall be filled within sixty days of said vacancy in the manner in which the original appointment was made. No individual may serve more than two consecutive terms as a Director.

(c) Chairman.—The Chairman shall be elected by the Board from its members for a two-year term.

(d) Quorum.—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(e) Meetings.—The Board shall meet at the call of the Chairman at least once a year. If a Director misses three consecutive regularly scheduled meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (b).

(f) Reimbursement of Expenses.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation.

(g) General Powers.—(1) The Board may complete the organization of the Foundation by—

(A) appointing officers and employees;

(B) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provisions of this Act; and

(C) undertaking of other such acts as may be necessary to carry out the provisions of this Act.

(2) The following limitations apply with respect to the appointment of officers and employees of the Foundation:

(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers and employees of the Foundation shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS-18 of the General Schedule.

(B) The first officer or employee appointed by the Board shall be the Secretary of the Board who (i) shall serve, at the direction of the Board, as its chief operating officer, and (ii) shall be knowledgeable and experienced in matters relating to fish and wildlife conservation.

SEC. 4. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) IN GENERAL.—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States;

(3) shall have its principal offices in the District of Columbia; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

The serving of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(b) SEAL.—The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(c) POWERS.—To carry out its purposes under section 2, the Foundation shall have, in addition to the powers otherwise given it under this Act, the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

(1) to accept, receive, solicit, hold, administer and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to acquire by purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;

(4) to borrow money and issue bonds, debentures, or other debt instruments;

(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the Directors of the Board shall not be personally liable, except for gross negligence;

(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its function; and

(7) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

For purposes of this Act, an interest in real property shall be treated as including, among other things, easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Foundation.

(d) CERTAIN LANDS, WATERS, AND INTERESTS NOT SUBJECT TO CONDEMNATION.—No lands or waters, or interests therein, that are owned by the Foundation and are determined by the Director of the United States Fish and Wildlife Service or the Migratory Bird Conservation Commission, as the case may be, to be valuable for purposes of fish and wildlife conservation or management shall be subject to condemnation by any State or political subdivision, or any agent or instrumentality thereof.

SEC. 5. ADMINISTRATIVE SERVICES AND SUPPORT.

The Secretary may provide personnel, facilities, and other administrative services to the Foundation, including reimbursement of expenses under section 3, not to exceed then current Federal Government per diem rates, for a period of up to five years from the date of enactment of this Act, and may accept reimbursement therefor, to be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

SEC. 6. VOLUNTEER STATUS.

The Secretary may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the Department of the Interior, as volunteers in the performance of the functions authorized herein, in the manner provided for under section 7(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(c)).

SEC. 7. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—For purposes of the Act entitled "An Act for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (Public Law 88—504, 36 U.S.C. 1101-1103), the Foundation shall be treated as a private corporation established under Federal law.

(b) REPORT.—The Foundation shall, as soon as practicable after the end of each fiscal year, transmit to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with its purposes set forth in section 2(b); or

(2) refuses, fails, or neglects to discharge its obligations under this Act, or threatens to do so;

the Attorney General of the United States may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

SEC. 8. UNITED STATES RELEASE FROM LIABILITY.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

SEC. 9. AMENDMENT AND REPEAL.

The Congress expressly reserves the right to repeal or amend this Act at any time.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

For the ten-year period beginning on October 1, 1984, there are authorized to be appropriated to the Department of the Interior not to exceed $1,000,000 to be made available to the Foundation—

(1) to match, on a one-for-one basis, private contributions made to the Foundation; and

(2) to provide administrative services under section 5.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUTHORIZATION FOR REVISION AND PRINTING OF THE SENATE MANUAL

The resolution (S. Res. 260) authorizing the revision and printing of the Senate Manual for use during the Ninety-eighth Congress, was considered, and agreed to as follows:

S. RES. 260

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the Senate Rules and Manual for the use of the Ninety-eighth Congress, that said rules and manual shall be printed as a Senate document, and that two thousand additional copies shall be printed and bound, of which one thousand copies shall be for the use of the Senate, five hundred and fifty copies shall be for the use of the Committee on Rules and Administration, and the remaining four hundred and fifty copies shall be bound in full morocco and tagged as to contents and delivered as may be directed by the committee.

GRATUITY TO DEBORAH T. AMBERS

The resolution (S. Res. 261) to pay a gratuity to Deborah T. Ambers, was considered, and agreed to as follows:

S. RES. 261

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Deborah T. Ambers, daughter of LeRoy Ambers, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

GRATUITY TO JOHN D. BLACKER

The resolution (S. Res. 262) to pay a gratuity to John D. Blacker, was considered, and agreed to, as follows:

S. RES. 262

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to John D. Blacker, widower of Gwendolyn A. Blacker, an employee of the Senate at the time of her death, a sum equal to ten months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

GRATUITY TO RACHEL J. MILES

The resolution (S. Res. 263) to pay a gratuity to Rachel J. Miles, was considered, and agreed to as follows:

S. RES. 263

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Rachel J. Miles, widow of Willie T. Miles, an employee of the Senate at the time of his death, a sum equal to eight months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

GRATUITY TO SOL E. NEWMAN AND BEATRICE NEWMAN

The resolution (S. Res. 264) to pay a gratuity to Sol E. Newman and Beatrice Newman, was considered, and agreed to as follows:

S. Res. 264

Resolved, That the Secretary of the Senate is authorized and directed to pay, from the contingent fund of the Senate, to Sol E. Newman and Beatrice Newman, parents of Stefanie J. Newman, an employee of the Senate at the time of her death, a sum of each equal to one-half of two months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

GRATUITY TO SUZANNE RENEE WEINTRAUB

The resolution (S. Res. 266) to pay a gratuity to Suzanne Renee Weintraub, was considered, and agreed to as follows:

S. Res. 266

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Suzanne Renee Weintraub, widow of Robert E. Weintraub, an employee of the Senate at the time of his death, a sum equal to eleven months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

CONDOLENCES ON KILLING OF KOREANS IN BURMA

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 82) expressing sympathy and condolence on the tragic killing of Koreans in Burma.

Mr. MURKOWSKI. Mr. President, I am sending to the desk a resolution to express our condolences to the Korean people for the loss of 17 top-level Korean officials in the October 9 terrorist attack in Burma.

President Reagan will arrive in Seoul on November 12 after having spent several days in Japan. He will be in Korea at a time when U.S. assurances regarding our lasting friendship and solidarity with the Korean people are especially important. Korea is recovering from two national tragedies, the Soviet downing of KAL flight 007 and the brutal assassination in Rangoon. This resolution reaffirms the strength of our relationship and condemns the assassination, calling upon the international community to redouble its efforts to combat terrorism and to isolate, censure, and punish the perpetrators of such acts.

We in the Senate numbered many of the victims among our friends. Just last May, Foreign Minister Lee Bum Suk had coffee with the Senate Foreign Relations Committee. The closeness of our relationship was vividly displayed in the warmth and candor of our exchange with Foreign Minister Lee. He was an effective and articulate spokesman for Korea and will be sorely missed. He, as well as Deputy Prime Minister Suh Suk Joon, Secretary General Hahm Pyong Choon, Minister Whie, and Dr. Kim Jae Ik, were considered friends and colleagues here in the Senate. All of those killed were courageous patriots who have now given their lives to their country.

I understand that this resolution has been introduced on the House side which will be taking action on it soon. I ask that it be given immediate consideration here in the Senate as well so that it may be passed before the President's trip to Korea.

The concurrent resolution was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. Con. Res. 82

Whereas the people of the United States and the people of Korea are joined together by bonds of friendship and mutual commitment;

Whereas the people of Korea have recently suffered a grave tragedy through a terrorist attack on October 9, 1983, in Rangoon, Burma, which took the lives of seventeen Koreans, including senior members of the Government of the Republic of Korea; and

Whereas the victims of that attack included several individuals who had lived and studied in the United States, who had wide circles of friends here, and who were known and admired by a number of Members of Congress of the United States for their lasting contributions to the strong relationship between our two countries: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) expresses its most profound sympathy and condolence to the families of the Koreans who were the victims of the tragic killing in Burma and to the Korean people;

(2) reaffirms the lasting friendship and solidarity between the people of the United States and the people of Korea; and

(3) condemns this outrageous terrorist act and calls upon the international community to redouble its efforts to combat terrorism and to isolate, censure, and punish the perpetrators of such acts.

UNILATERAL VERSUS MUTUAL BUILD-DOWN

Mr. McCLURE. Mr. President, I ask unanimous consent that an article entitled "Build-Down: A Second Look" by Dr. Keith B. Payne and Dr. Colin S. Gray, be printed in the Record. I also ask unanimous consent that a letter to President Reagan led by Senator Helms and signed by me and a total of 16 Senators on the U.S. unilateral build-down be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Build-Down: A Second Look

(By Dr. Keith B. Payne and Dr. Colin S. Gray)

In an apparently successful bid to ease the way for the funding of the MX missile, President Reagan told three Senators in a letter of May 12th that "the principle of a mutual build-down, if formulated and implemented flexibly, and negotiated within the context of our modified START proposal, would be a useful means to achieve the reductions that we all seek."

The Cohen-Nunn "build-down" proposal, in its basic form, calls for the elimination of two older nuclear weapons for each new weapon added to the arsenal. This proposal apparently is viewed on Capitol Hill as a compromise to the freeze proposal.

The basic "build-down" proposal upon first glance appears to serve the goal of arms reduction well. Obviously, if two weapons must be eliminated for each newly deployed weapon, both sides, if they continue to modernize their forces, must progressively reduce their nuclear arsenals—though the significance of the reductions would vary between the parties, depending upon the absolute size of the forces available to accommodate the reductions. However, it is most unrealistic to believe that either superpower will reduce its nuclear arsenal to very low numbers unless all nuclear powers, and potential nuclear powers are involved in limitations, and unless it were feasible to monitor compliance with very deep force level reductions—two conditions which would be extremely difficult to meet. Additionally, how likely is it that the Soviet Union will be interested in very deep reductions given the fact that it has sacrificed much to elevate its nuclear capabilities above those of the other nuclear powers—most of which are unfriendly to the Soviet Union?

What would be the likely near-term effect of the basic (two-for-one) "build-down" proposal on deterrence stability? A build-down based upon current U.S. modernization programs would be likely to reduce stability by rendering U.S. forces more vulnerable to a Soviet first strike. For example, deployment of 100 MX ICBMs with approximatley 1,000 warheads would require the elimination of 2,000 weapons—equivalent to virtually the entire existing Minuteman ICBM arsenal. Reducing the number of ICBMs from 1,000 to 100 would be unwise because it would increase the vulnerability of the ICBM force unless those 100 ICBMs can benefit from additional survivability measures. The deployment of 100 new B-1B bombers with a nominal weapons load of 20-30 weapons each would require the elimination of 4,000-6,000 warheads or bombs from the U.S. arsenal. That requirement alone would eliminate the entire existing strategic bomber force (carrying approximately 2700 weapons) and a large portion of the nuclear missile carrying submarine force. If the recent Trident submarine modernization program is included, assuming a minimum of 11 boats carrying approximately 264 missile launchers with 2112 warheads, the U.S. would not have a sufficient number of older weapons to eliminate to permit the much needed ICBM, bomber, and submarine modernization programs.

The Senate authors of the basic "build-down" proposal have acknowledged that they are prepared to see that proposal designed and applied flexibly—a classification which is fortunate, given the analysis provided here, and given the qualifications placed upon the idea by the President in his letter of May 12th. Nonetheless, it must be noted that the basic two-for-one proposal, which doubtless will continue to be the focus of public attention, is not good arms control. One must question the wisdom of seeking to reduce the number of U.S. strategic launchers to 464 (assuming deployment of 100 MX ICBMs, 100 B-1B bombers, and

264 Trident missiles) from the (approximately) 1951 launchers now existing.

To place such limitations upon the U.S. force posture could actually reduce stability. Placing our strategic arsenal in such a limited number of "baskets" will be likely to increase the vulnerability of U.S. strategic forces unless extreme concern for the survivability of each of those systems is manifested. Consequently, there is little compatibility between the basic build-down proposal and the silo-basing plan for MX deployment.

To reduce the number of U.S. strategic launchers to several hundred would increase significantly the importance of verifying any treaty non-compliance. SALT agreements have not required an absolute verification capability given the likelihood that marginal treaty non-compliance would not affect the strategic balance. However, given a very limited number of strategic launchers, even marginal treaty non-compliance could be extremely significant. Severe verficiation standards would be mandated by a "build-down" arms control agreement: the more radical the reductions, the more rigorous would be the verification requirements.

This is not to claim that an exchange of modernized forces for older forces inherently is an unreasonable arms control proposal. However, the potential problems of a build-down based upon exchanging new for older warheads must be recognized. Such an arms control measure could be destabilizing and virtually impossible to verify adequately. It should be remembered that arms control should, as a priority, reduce the probability of war. A comprehensive "two for one build-down" would place all of America's strategic weapons in too few baskets—with the likely effect of decreasing the stability that has resulted from distributing deterrent forces among diverse and numerous launchers.

The President plainly had in mind reservations of the kind described above when he endorsed not the idea of a simple two-for-one "build-down," but rather a build-down that would be "implemented flexibly. . . . with reasonable latitude for each side." Unfortunately, while such reservations are warranted, they will make a seemingly simple idea extremely difficult to negotiate.

U.S. Senate,
Washington, D.C., October 5, 1983.

The President,
The White House,
Washington, D.C.

Dear Mr. President: The pursuit of a successful "build-down" proposal at the START negotiations will be seriously undermined if the United States unilateral "build-down" which is already underway is allowed to continue. We strongly urge that these unilateral actions be suspended, so that our negotiators in Geneva will be able to bargain from a position of strength.

In recent months, the United States has almost completed the unilateral deactivation of 292 strategic missiles and bombers counted in the SALT II Treaty, including Polaris SLBMs, Titan II ICBMs, and B-52D bombers. These forces carried over 500 nuclear warheads—or over one third of existing U.S. nuclear megatonnage. Although these forces were not the most modern weapons in our inventory, their gratuitous deactivation has precluded the chance to demand a quid pro quo from the Soviets at the START negotiations.

In addition to this unilateral deactivation, the Administration's strategic modernization program has also been cut back unilaterally by at least 46%, mostly because of MX and B-1B bomber reductions.

Moreover, Mr. President, the Administration has announced plans to deactivate unilaterally 90 B-52 G bombers which are also among the forces which we have told the Soviets that we count within the levels of SALT II. In addition, we understand that there are plans to deactivate unilaterally two Poseidon submarines carrying 32 SLBMs in order to continue compliance with the expired SALT I Interim Offensive Weapons agreement.

This program of unilateral deactivation by the United States surely lifts the burden from the Soviets, relieving them of the pressure to submit to equal restraint. The Soviet incentive to consumate a START "build-down" treaty must surely diminish when the Soviets can just sit back and keep building up their forces, while watching the United States unilaterally disarm even before protracted negotiations get started.

Thus the U.S. unilateral deactivation undercuts the Administration's instructions to our negotiators at Geneva to obtain a "build-down" START agreement, since the Soviets perceive that the U.S. has already guaranteed a "build-down" without any concessions from their side. At the very least, we ought to maintain our oldest forces, if only to exchange them for new forces under START.

The U.S. unilateral deactivation is particularly disturbing in the light of the Soviet record of violations of the SALT treaties. We are informed that even Dr. Henry Kissinger, the chief architect of detente and SALT, is saying that the Soviets are massively cheating on SALT. Why should we deactivate under SALT when the Soviet violations are so flagrant? The Senate has unanimously voted to request that you urgently report openly to the Senate with regard to the Soviet SALT violations, about which you have recently expressed your own serious concern to the United Nations. Without such a report, it will be hard to support the consensus necessary to ratify a START or INF treaty.

Accordingly, we respectfully suggest the following actions:

(1) Please send to the Senate as soon as possible a study of how the U.S. unilateral deactivations contribute to or derogate from our START build-down negotiating leverage.

(2) Please expedite your urgently needed, public report to the Senate on Soviet SALT violations, since you have already addressed the United Nations on this subject several times.

(3) Please send to the Senate a review of the contributions that the SALT I ABM treaty makes to our national security, in view of the mounting evidence of Soviet breakout from the ABM treaty in order to establish a prohibited nationwide ABM defense.

With warmest personal regards.

Sincerely,

Jesse Helms, Jake Garn, John P. East, Don Nickles, Chuck Grassley, Chic Hecht, Steve Symms, James A. McClure, Strom Thurmond, Paula Hawkins, Malcolm Wallop, Orrin Hatch, Roger W. Jepsen, Rudy Boschwitz, Jeremiah Denton, and Alfonse D'Amato.

Mr. McCLURE. Mr. President, the Payne-Gray article provides a useful analysis of the pitfalls of the build-down. The build-down arms control proposal could easily result in the cancellation or curtailment of all U.S. strategic modernization programs: MX, Trident, B-1B, ALCM, and even Pershing II and GLCM. The letter to the President suggests that the ongoing U.S. unilateral strategic build-down provides the United States absolutely no leverage to negotiate a mutual builddown, because the Soviets have a disincentive to negotiate seriously.

Finally, I would point out that the Soviets are already violating the SALT II Treaty's fundamental modernization constraint: Article IV prohibiting no more than one new-type ICBM. But as I have been arguing since March 1983, the Soviets have been testing two new type ICBM's, the SS-X-24 and the SS-X-25. Moreover, the Soviets are encrypting the telemetry signals on both these missiles almost completely, another serious SALT II violation. Thus the Soviets are already violating the main strategic modernization constraint of SALT II. Their SS-X-25 ICBM entails violation of at least six different provisions. In SALT I, the Soviets violated or circumvented the article II modernization constraint prohibiting Soviet replacement of light ICBM's with heavy ICBM's. Their heavy SS-19 ICBM replaced the light SS-11 ICBM on a large scale, in violation of article II.

In sum, the build-down proposal attempts to constrain strategic modernization of both sides, yet the Soviets violated the main strategic modernization constraints of SALT I and II. Moreover, the United States is unilaterally building down itself.

ORDER FOR STAR PRINT—S. 2031

Mr. BYRD. Mr. President, it is my understanding that the bill numbered S. 2031 introduced by Senator Moynihan needs to have a reflection of the correct title thereon. I, therefore, ask unanimous consent for a star print of S. 2031 to reflect the correct title.

Mr. McCLURE. Mr. President, we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

At 5:35 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1558. An act for the relief of Allen H. Platnick;

H.R. 2853. An act to establish a National Oceans Policy Commission to make recommendations to Congress and the President on a comprehensive national oceans policy; and

H.R. 4185. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

The message also announced that the Speaker appoints Mr. KILDEE as a conferee in the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 726) entitled "An Act to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes," vice Mr. Miller of California, resigned.

Mr. McCLURE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. Mr. President, the bill just received from the House goes to the calendar; is that correct?

The PRESIDING OFFICER. The Senator is correct.

ORDERS FOR THURSDAY

RECESS UNTIL 10 A.M.

Mr. McCLURE. Mr. President, I ask unanimous consent that when the Senate recesses tonight, it convene at 10 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF MAJORITY AND MINORITY LEADERS, SPECIAL ORDER FOR SENATOR DIXON, AND PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. McCLURE. Mr. President, I ask unanimous consent that following the hour of convening the two leaders be recognized under the standing order; that a special order not to exceed 15 minutes be issued in favor of the Senator from Illinois (Mr. DIXON), to be followed by routine morning business not to exceed 5 minutes with speeches therein not to exceed 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Under that rule and procedure then, Mr. President, would I be correct in stating that at 11 a.m. tomorrow morning there would be a quorum call under rule XXII with respect to the cloture vote on the motion to proceed to the consideration of S. 1715?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. McCLURE. I am happy to yield to the minority leader.

Mr. BYRD. Does the acting majority leader propose that the period for morning business then run right up to the expiration of the first hour?

Mr. McCLURE. It would be our hope that if morning business can be done expeditiously, we might then be able to obtain unanimous consent to move to the intelligence bill if that matter has then been cleared on both sides. It would also be our hope, in that event, that we might be able to extend the period before the cloture vote, again by unanimous consent, which would be cleared at that time, if at all possible.

Mr. BYRD. I thank the distinguished acting leader.

Mr. McCLURE. Mr. President, I know of no further business to come before the Senate this evening. I will ask if the minority leader has any further business.

Mr. BYRD. Mr. President, may I say to the distinguished acting majority leader, I appreciate his kind offer. I have no further business to suggest.

Mr. McCLURE. I thank the Senator.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. McCLURE. Mr. President, I now move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to, and the Senate, at 5:36 p.m., recessed until Thursday, November 3, 1983, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, November 2, 1983*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Almighty God, in whom we trust and from whom we receive strength, look with favor upon the work of Your people. Give power when we are weak and purpose when we need direction. In all things be our constant guide and presence that Your love will attend us in times of strife or uncertainty, in moments of sadness and want, in times of joy and celebration. In all the seasons of life, O gracious God, watch over us and give us Your blessing. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. **HARTNETT**. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The **SPEAKER**. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **HARTNETT**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 376, nays 27, answered "present" 4, not voting 26, as follows:

[Roll No. 440]

YEAS—376

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Badham
Barnes
Bartlett
Bateman
Bates
Bedell
Bennett
Bereuter
Berman
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Cooper
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dicks
Dixon
Donnelly
Dowdy
Downey
Dreier
Duncan
Dwyer
Dyson
Early
Edgar
Edwards (AL)
Edwards (CA)
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fish
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harrison
Hartnett
Hatcher
Hawkins
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Savage
Sawyer
Schaefer
Scheuer
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weber
Weiss
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—27

Beilenson
Clay
Coughlin
Daschle
Dickinson
Dorgan
Durbin
Eckart
Edwards (OK)
Emerson
Evans (IA)
Fields
Forsythe
Gejdenson
Goodling
Guarini
Harkin
Kolter
Lipinski
Miller (OH)
Roberts
Roemer
Sabo
Schroeder
Sikorski
Walker
Young (AK)

PRESENT—4

Dymally
Oberstar
Ottinger
St Germain

NOT VOTING—26

AuCoin
Barnard
Biaggi
Conable
Conyers
Corcoran
Crockett
Dingell
Ford (MI)
Hayes
Heftel
Jacobs
Jones (NC)
Kastenmeier
Lent
Mitchell
Neal
Pepper
Pritchard
Ridge
Schneider
Sharp
Smith (FL)
Wheat
Williams (MT)
Wilson

Mr. **BEILENSON** changed his vote from "yea" to "nay."

☐ 1010

So the Journal was approved.

The result of the vote was announced as above recorded.

☐ 1020

PERMISSION FOR COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TODAY DURING 5-MINUTE RULE

Mr. **FUQUA**. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology be permitted to sit today during the 5-minute rule.

The **SPEAKER**. Is there objection to the request of the gentleman from Florida?

There was no objection.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO SIT TODAY DURING 5-MINUTE RULE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be permitted to sit today during proceedings under the 5-minute rule.

This request has been cleared with the minority.

The **SPEAKER.** Is there objection to the request of the gentleman from Mississippi?

There was no objection.

VETERANS' ADMINISTRATION HEALTH PROGRAMS AMENDMENTS OF 1983

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2920) to amend title 38, United States Code, to revise and extend certain health-care programs of the Veterans' Administration, and for other purposes, with Senate amendments thereto, and to concur in the Senate amendments with amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments and the House amendments to the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

That (a) this Act may be cited as the "Veterans' Health Care and Programs Improvement Act of 1983".

(b) Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—VETERANS' ADMINISTRATION HEALTH CARE PROGRAMS

ADULT DAY HEALTH-CARE SERVICES

Sec. 101. (a) Section 620 is amended—

(1) by adding at the end of the catchline a semicolon and "adult day health care pilot program";

(2) in subsection (a), by striking out "the jurisdiction" and inserting in lieu thereof "the direct jurisdiction";

(3) in subsection (b), by inserting "or adult day health care" after "nursing home care";

(4)(A) by redesignating subsection (e) as subsection (f), and inserting "(1)" before "For"; and

(B) by adding at the end of subsection (f) (as so redesignated) the following new paragraph:

"(2) For the purposes of this section, the term 'adult day health care' means health and social services furnished to individuals in congregate settings during daytime hours for the purpose of enabling such individuals to reside in supportive home environments rather than in nursing home care facilities. Such health and social services may include medical services furnished on an outpatient or ambulatory basis, midday meals, and transportation, including transportation between home and the facility providing such health and social services."; and

(5) by inserting after subsection (d) the following new subsection:

"(e)(1)(A) Subject to subparagraphs (B) and (C) of this paragraph, the Administrator may conduct a pilot program of adult day health care under which the Administrator, in the case of a veteran described in paragraph (1) of subsection (a) of this section who is eligible for transfer pursuant to such subsection, may transfer such veteran for the purpose of such veteran being furnished such care, at the expense of the United States, to any public or private facility not under the direct jurisdiction of the Administrator which furnishes such care. Such care may not be furnished under this paragraph at the expense of the United States for more than 6 months in the aggregate in connection with any one transfer, except (i) in the case of a veteran whose hospitalization was primarily for a service-connected disability, or (ii) where in the judgment of the Administrator a longer period is warranted in the case of any other veteran.

"(B)(i) The terms and conditions set forth in subsections (b) and (c) of this section applicable (I) to the transfer or admission of veterans to institutions for nursing home care under this section, and (II) to contracts for the provision of such care, respectively, shall apply to the furnishing of adult day health care under this subsection.

"(ii) The authorities provided in the final sentence of subsection (a) of this section and in the first two sentences of subsection (d) of this section with respect to furnishing nursing home care to certain veterans shall be available to the Administrator for the furnishing of adult day health care to such veterans under this subsection.

"(C) Adult day health care may be furnished to a veteran under this subsection only if the Administrator determines that the cost per week of such care will be less than the lesser of the cost per week of furnishing such veteran nursing home care under this section or the cost per week of furnishing such veteran nursing home care in a facility under the direct jurisdiction of the Administrator.

"(2) In exchange for the United States being relieved from paying all or part of the expenses that would otherwise be paid by the United States under paragraph (1) of this subsection to a facility providing care to an eligible veteran under such paragraph, the Administrator may, pursuant to a contractual arrangement with such facility, provide such facility with inkind assistance through Veterans' Administration employees and the sharing of other Veterans' Administration resources. In any such contractual arrangement, the Administrator may agree to provide such assistance for utilization solely in the furnishing of adult day health care and only to the extent that the cost of such assistance is equal to or less than the amount of the expenses that, under such arrangement, the United States will be relieved from paying.

"(3) The Administrator may, as part of the pilot program under paragraph (1) of this subsection, establish and conduct at each of four geographically dispersed hospital or outpatient facilities over which the Administrator has direct jurisdiction a program of adult day health care for veterans who are eligible for such care under paragraph (1) of this subsection.

"(4) To the extent that the pilot program authorized by this subsection is carried out, the Administrator—

"(A) shall plan and conduct such program and a study thereof so as to provide for the assessment and demonstration of (i) any medical efficacy and costeffectiveness of furnishing adult day health care as an alternative for nursing home care, and (ii) the comparative advantages and disadvantages of providing such care through facilities not under the direct jurisdiction of the Administrator and facilities that are under such jurisdiction; and

"(B) may not furnish adult day health care under this subsection after September 30, 1987.

"(5) In the annual reports to the Congress for each of fiscal years 1984, 1985, and 1986 as required by section 214 of this title, the Administrator shall include detailed descriptions of the activities carried out under this subsection. Not later than December 1, 1986, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing—

"(A) the results of any study conducted under paragraph (4)(A) of this subsection; and

"(B) any recommendations for legislative and administrative action that the Administrator considers appropriate.".

(b) The table of sections at the beginning of chapter 17 is amended by amending the item relating to section 620 to read as follows:

"620. Transfers for nursing home care; adult day health care pilot program.".

VIETNAM-ERA VETERANS' READJUSTMENT ISSUES

Sec. 102. Section 612A is amended—

(1) in subsection (a), by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1985";

(2) in subsection (g)(1)—

(A) by striking out "September 30, 1984" and inserting in lieu thereof "September 30, 1985"; and

(B) by striking out "October 1, 1984" and inserting in lieu thereof "October 1, 1985"; and

(3) in subsection (g)(2)—

(A) by striking out "April 1, 1984" and inserting in lieu thereof "September 30, 1984";

(B) by striking out "on" after "report" and inserting in lieu thereof "containing (A) a description of"; and

(C) by inserting before the period a comma and "and (B) the Administrator's evaluation of the effectiveness of the readjustment counseling services provided pursuant to this section in helping to meet the readjustment needs of veterans who served on active duty during the Vietnam era, with particular reference to identification and treatment of post-traumatic stress disorder".

Sec. 103. (a) The Administrator of Veterans' Affairs shall design and conduct a comprehensive study of the prevalence, incidence, and effects of post-traumatic stress disorder and related problems in readjusting to civilian life among veterans who served on active duty during the Vietnam era, with particular emphasis on those who have service-connected disabilities and those who served in the Republic of Vietnam or elsewhere in the Vietnam theater of operations and with specific reference to women veterans.

(b) Not later than March 1, 1985, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the results of the study required by subsection (a). Such report shall contain (1) a description of the results of the study, (2) information

regarding the capability of the Veterans' Administration to provide treatment to the number of veterans identified in such study as suffering from post-traumatic stress disorder and related readjustment problems, (3) a description of the policy and procedures of the Veterans' Administration with respect to providing disability compensation for such disorder and problems, (4) a description of the activities of the Veterans' Administration to attempt to coordinate Veterans' Administration health-care and compensation programs with respect to post-traumatic stress disorder, and (5) such recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of the study results.

(c) For the purposes of this section, the terms "veteran", "service-connected", "active duty", and "Vietnam era" shall have the meaning provided in section 101 (2), (16), (21), and (29), respectively, of title 38, United States Code.

PREVENTIVE HEALTH-CARE SERVICES

SEC. 104. (a) Section 601(6)(A)(i) is amended by inserting "(in the case of a person otherwise receiving care or services under this chapter), preventive health-care services as defined in section 662 of this title" after "podiatric services".

(b) Section 661 is amended—

(1) by striking out "under which the Administrator may attempt to" and inserting in lieu thereof "in order to help";

(2) by inserting after "certain" the first place it appears "veterans otherwise being furnished care or services under this chapter, including";

(3) by striking out "for certain" the second place it appears; and

(4) by striking out "treatment" and inserting in lieu thereof "care or services".

(c) Section 663 is amended—

(1) in subsection (a)(1)—

(A) by striking out "may" and inserting in lieu thereof "shall, during fiscal years 1984 through 1988,";

(B) by inserting "otherwise being furnished care or services under this chapter" after "title";

(C) by striking out "and treatment" and inserting in lieu thereof "or services"; and

(D) by adding at the end the following new sentence: "In carrying out the pilot program under this subchapter, the Administrator may furnish such preventive health-care services to any other veteran described in section 612(f)(2) of this title.";

(2) by striking out subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) in subsection (c) (as so redesignated), by striking out "fiscal year 1984" and inserting in lieu thereof "each of fiscal years 1984 through 1988".

(d) Section 664 is amended by inserting "for each of fiscal years 1984 through 1988" after "Congress".

CHIROPRACTIC SERVICES

SEC. 105. (a)(1) Section 601 is amended by adding at the end the following new paragraph:

"(9) The term 'chiropractic services' means the manual manipulation of the spine performed by a chiropractor (who is licensed as such by the State in which he or she performs such services and who meets the uniform minimum standards promulgated for chiropractors under section 1861(r)(5) of the Social Security Act (42 U.S.C. 1395x(r)(5))) to correct a subluxation of the spine. For the purposes of this paragraph, such term does not include physical examinations, laboratory tests, radiologic services, or other tests or services determined by the Administrator to be excluded.".

(2) Subchapter III of chapter 17 is amended by adding at the end the following new section:

"§ 630. Chiropractic services

"(a) The Administrator shall, under regulations which the Administrator shall prescribe, reimburse a veteran eligible for medical services under this chapter for the reasonable charge for chiropractic services for which such veteran has made payment, or, in lieu of such reimbursement make payment of the reasonable charge for such chiropractic services directly to the chiropractor who furnished such services, if—

"(1) such chiropractic services were for the treatment of a service-connected neuromusculoskeletal condition of the spine,

"(2) the veteran is a veteran who has been furnished hospital care by the Veterans' Administration for a neuromusculoskeletal condition of the spine within a 12-month period prior to the provision of such chiropractic services, or

"(3) the veteran is a veteran described in section 612(f)(2) of this title who has been furnished hospital care or medical services by the Veterans' Administration for a neuromusculoskeletal condition of the spine, to the extent that such veteran is not entitled to such chiropractic services or reimbursement for the expenses of such services under an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement for the purpose of providing, paying for, or reimbursing expenses for such services.

"(b)(1) The Administrator shall, in consultation with appropriate public and nonprofit private organizations and other Federal departments and agencies that provide reimbursement for chiropractic services, establish a schedule of reasonable charges for such services, which schedule shall be consistent with the reasonable charges allowed under title XVIII of the Social Security Act (42 U.S.C. ch. 7).

"(2) The amount payable by the Administrator for chiropractic services furnished under this section shall not exceed $400 in any 12-month period in the case of any veteran.

"(c) Notwithstanding any other provision of this title, total expenditures for chiropractic services reimbursed under this section shall not exceed $2,000,000 in any fiscal year and no reimbursement or payment may be made under this section for chiropractic services furnished after September 30, 1987.".

(3) The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 629 the following new item:

"630. Chiropractic services.".

(b) Not later than December 31, 1984, and not later than December 31 of each of the next 3 years thereafter, the Administrator of Veterans' Affairs shall prepare and submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the use made of the authority provided for in the amendments made by subsection (a) of this section. Each such report shall contain specification of—

(1) the number of requests by eligible veterans for reimbursement or payment for chiropractic services in the fiscal year preceding the fiscal year in which the report is submitted under section 630 of title 38, United States Code (as added by subsection (a)(1) of this section), and the number of such veterans who made such requests;

(2) the number of reimbursements or payments made by the Administrator of Veterans' Affairs under such section in such fiscal year and the number of veterans to or for whom such reimbursements or payments were made; and

(3) the total amounts of expenditures by the Administrator of Veterans' Affairs for such reimbursements and payments under such section in such fiscal year.

COMMUNITY RESIDENTIAL CARE

SEC. 106. (a) Subchapter III of chapter 17 is amended by adding at the end thereof the following new section:

"§ 630A. Transfers for community residential care

"(a) Subject to the terms and conditions set forth in this section and regulations prescribed by the Administrator under this section, the Administrator may assist a veteran to whom the Administrator is furnishing hospital, domiciliary, or nursing home care or medical services on an outpatient basis or has furnished such care or services within the preceding 12 months and for whom placement in a community residential-care facility is appropriate by referring such veteran for and aiding such veteran in obtaining placement in such a facility.

"(b)(1) The Administrator may not provide assistance under subsection (a) of this section with respect to a community residential-care facility unless the Administrator has approved such facility in accordance with paragraph (2) of this subsection.

"(2) The Administrator's approval of such a facility under paragraph (1) of this subsection shall be based upon the Administrator's determination, after inspection of such facility, that such facility meets the standards set forth in the regulations prescribed under this section. Such standards shall include:

"(A) health and safety criteria, including a requirement of compliance with applicable State laws and local ordinances relating to health and safety;

"(B) a requirement that the costs charged for care by a community residential-care facility be reasonable, as determined by the Administrator, giving consideration to such factors as (i) the level of care, supervision, and other services to be provided, (ii) the cost of goods and services in the geographical area in which the facility is located, and (iii) comparability with other facilities in such area providing similar services;

"(C) criteria for determining the resources that a community residential-care facility needs in order to provide an appropriate level of services to veterans; and

"(D) such other criteria as the Administrator determines are appropriate to protect the welfare of veterans placed in community residential-care facilities under this section.

"(3) Payment of the charges for any care or services provided to a veteran whom the Administrator has referred to a community residential-care facility under this section shall not be the responsibility of the United States Government or the Veterans' Administration.

"(c)(1) The Administrator shall provide for periodic inspection of community residential-care facilities to determine continued compliance with the standards set forth in regulations prescribed under this section. Such standards and any report of inspection of such facilities under subsection (b)(2) of this section or under this subsection made by or for the Administrator shall, to the extent possible, be made available to all Fed-

eral, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such facilities.

"(2) If the Administrator determines that such a facility is not in compliance with such standards, the Administrator, in accordance with regulations prescribed under this section—

"(A) shall cease to refer veterans to such facility; and

"(B) may, with the permission of the veteran or the person or entity authorized by law to give permission on behalf of the veteran, assist in removing a veteran from such facility.

Regulations prescribed to carry out this paragraph shall provide for reasonable notice and, upon request made on behalf of such facility, a hearing before any action authorized by this paragraph is taken.

"(d) The Administrator shall prescribe regulations to carry out this section.

"(e) For the purpose of this section, the term 'community residential-care facility' means a residential facility that provides, at a minimum, room and board and such limited personal care for and supervision of residents as the Administrator determines, in accordance with regulations prescribed under this section, are necessary for such resident's health, safety, and welfare.".

(b) The table of sections at the beginning of chapter 17 is amended by adding after the item relating to section 630 the following new item:

"630A. Transfers for community residential care.".

STATE HOME PER DIEM INCREASE

Sec. 107. (a) Section 641(a) is amended by striking out "$6.35", "$12.10", and "$13.25" and inserting in lieu thereof "$7.30", "$13.95", and "$15.25", respectively.

(b)(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on April 1, 1984.

(2) With respect to months prior to September 1984, such amendments shall take effect only if adequate funds are specifically provided for such purpose in an appropriations Act.

PUERTO RICO

Sec. 108. (a) Section 601(4)(C)(v) is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1984".

(b) Not later than December 1, 1983, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing the plans of the Administrator, and the reasons therefor, for meeting the health-care needs of veterans (as defined in section 101(2) of title 38, United States Code) in the Commonwealth of Puerto Rico and in the Virgin Islands who are eligible for health care under chapter 17 of title 38, United States Code, and, most particularly, the health-care needs of veterans (as so defined) in that population whose disabilities are service-connected (as defined in section 101(16) of such title). Such report shall (1) take into account the report by the Veterans' Administration's Office of Inspector General entitled "Report of Special Audit, Veterans' Administration Medical and Regional Office Center, San Juan, Puerto Rico (Report No. 3R2-A05-043)", dated February 22, 1983, and (2) include, with respect to each construction project (if any) that the Administrator recommends in such plans and for which a prospectus would be required under section 5004(b) of such title if such project were proposed to the Congress by the President or the Administrator, a prospectus that meets the requirements of such section.

RESOURCE REALIGNMENT

Sec. 109. (a) Section 111(e) is amended by adding at the end the following new paragraph:

"(5)(A) In order to achieve compliance with the limitation in subsection (b) of section 109 of the Veterans' Health Care and Programs Improvement Act of 1983 on certain obligations under this section in fiscal year 1984, the Administrator is hereby authorized to and shall prescribe regulations to be effective on October 1, 1983, restricting, to the extent necessary to achieve such compliance, the making of payments under this section to persons other than persons receiving benefits under this title for or in connection with a service-connected disability.

"(B) The substantive provisions so restricting such payments may be continued in effect in regulations after the end of such fiscal year.".

(b) Notwithstanding any other provision of law and subject to subsection (e), not more than $71,209,000 may be obligated in fiscal year 1984 from the Veterans' Administration medical care account (hereinafter in this section referred to as "the account") for payments under section 111 of title 38, United States Code.

(c)(1) Of the funds that are appropriated to the account for fiscal year 1984, the Administrator shall direct that a total of not less than $20,000,000 shall be made available for obligation in fiscal year 1984 for—

(A) the provision of nursing home care and adult day health care to eligible veterans under section 620 of title 38, United States Code (as amended by section 101 of this Act), and

(B) the provision of preventive health-care services (as defined in section 662 of such title) under sections 610 and 612 and subchapter VII of chapter 17 of such title (as amended by section 104 of this Act),

over and above the amount that was requested to be appropriated for such care and services in the President's budget transmitted pursuant to section 1105(a) of title 31, United States Code (hereinafter in this section referred to as "the President's budget"), for fiscal year 1984. In so directing, the Administrator shall allocate such total of not less than $20,000,000 so as to make available for such care or services under each such section and under such subchapter a significant portion of such total.

(2) If at any time during fiscal year 1984 the Administrator estimates that obligations in such year from the account for payments under section 111 of title 38, United States Code, will be an amount less than $71,209,000, the Administrator shall direct that such amount be obligated, as specified by the Administrator, for care described in clause (A) of paragraph (1), services described in clause (B) of paragraph (1), or otherwise authorized activities that are conducted by facilities over which the Administrator has direct jurisdiction and that are designed to avoid the need for, or to shorten the periods of, the institutionalization of veterans, or a combination of such care, services, and activities.

(3) Not later than September 15, 1983, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate (hereinafter in this section referred to as "the Committees") a report containing information specifying—

(A) the total amount that the Administrator estimates will be obligated in fiscal year 1984 from the account for such payments (taking into account the effect of the regulations described in paragraph (5)(A) of section 111(e) of such title (as added by subsection (a)));

(B) the amounts requested in the President's budget for fiscal year 1984 to be appropriated for the care and services specified in paragraph (1) under each section and subchapter there specified; and

(C) the amounts of the portion of the total, over and above amounts so requested to be appropriated, that the Administrator has directed be made available for obligation for such care and services under each such section and subchapter and the justification for each such amount.

(4) On the same day that the President's budget for fiscal year 1985 is transmitted, the Administrator shall submit to the Committees a report containing information (A) with respect to each month of fiscal year 1984, as to the amounts of the portion of such total that have been or are estimated to be obligated for such care and services obligated under each such section and subchapter, and (B) specifying (i) any revisions that the Administrator has made, since submitting the report required by paragraph (3), in the amounts of the portions of such total that the Administrator has directed to be made available for obligation under each such section and subchapter, and (ii) the justification for any such revisions.

(d)(1) Not later than August 1, 1984, the Administrator shall submit to the Committees and to the Comptroller General of the United States a report containing, with respect to each category of care and services described in subsection (c)(1)—

(A)(i) information, for each month of fiscal year 1984 for which such information is then available, as to the amounts obligated and the amounts by which such obligation have exceeded one-twelfth of the amounts requested to be appropriated in the President's budget for fiscal year 1984, and (ii) taking into account the information provided pursuant to subclause (i), the amounts that the Administrator estimates have been or will be obligated in each remaining month of fiscal year 1984 and the amounts by which such estimated amounts will exceed such one-twelfth; and

(B) the justification for the Administrator's estimates of the amounts that will be obligated in each such category in fiscal year 1984.

(2) Not later than September 1, 1984, the Comptroller General shall submit to the Committees a report containing—

(A) the results of an analysis by the Comptroller General, conducted in consultation with the Director of the Congressional Budget Office, of the report required by paragraph (1); and

(B) the Comptroller General's determination whether, on the basis of such analysis, the total obligations, for care and services described in subsection (c)(1) in fiscal year 1984 can reasonably be expected to exceed by a total of $20,000,000 or more the amount requested to be appropriated for such care and services in the President's budget for fiscal year 1984.

(3) If the Comptroller General's determination under paragraph (2) is that the amount by which such total obligations will exceed the amount so requested to be appropriated for such care and services in fiscal

year 1984 cannot reasonably be expected to be $20,000,000 or more, subparagraph (B) of section 111(e)(5) of title 38, United States Code (as added by subsection (a)), shall lose effect on September 30, 1984, as if repealed by an Act of Congress.

(e)(1) If the Comptroller General of the United States determines, pursuant to paragraph (2), that the enactment of any law or any action of the Director of the Office of Management and Budget in connection therewith has made it impossible for the Administrator, based on the annual rate of appropriations that have been made to the account for fiscal year 1984 as of the date of such enactment, to comply with the provisions of subsection (c)(1) without causing to be diverted funds that have been appropriated to the account and intended by the Congress to be obligated for a purpose other than payments under section 111 of title 38, United States Code, then on the forty-sixth day after the date of the enactment of such law, the amendment made by subsection (a) and the provisions of subsection (b) shall lose effect as if repealed by an Act of Congress.

(2) Not later than 45 days after the enactment of each law making appropriations to the account for fiscal year 1984 or in any way restricting the obligation or expenditure of any funds appropriated to the account for fiscal year 1984, the Comptroller General, after consulting with the Administrator, shall submit to the Committees a report containing the Comptroller General's determination whether such law of such action so makes such compliance impossible.

(f) Not later than the date on which the President's budget for fiscal year 1986 is transmitted, the Administrator shall submit to the Committees a report containing (1) information as to the amounts actually obligated in fiscal year 1984 (A) from the account for payments under section 111 of title 38, United States Code, (B) for each category of care and services described in subsection (c)(1), and (C) any additional amounts obligated pursuant to subsection (c)(2) and the purposes for which they were spent; and (2) an explanation of the reasons for any significant differences between such actual obligations and the amounts of such expenditures during such fiscal year as estimated pursuant to subsection (d)(1).

TITLE II—PROVISIONS TO IMPROVE THE RECRUITMENT AND RETENTION OF CERTAIN PERSONNEL

SEC. 201. Section 4104 is amended—

(1) in paragraph (2), by striking out "physical therapists,";

(2) in paragraph (2), by striking out "bacteriologists" and inserting in lieu thereof "microbiologists";

(3) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(4) by adding at the end the following new paragraph:

"(3) Certified or registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses.".

SEC. 202. (a) Section 4105(a) is amended—

(1) in clause (1), by striking out "Physicians" and inserting in lieu thereof "Physician";

(2) by striking out clauses (8) and (9);

(3) by redesignating clause (10) as clause (8); and

(4) by adding at the end the following new clause:

"(9) Physician assistant, expanded-function dental auxiliary, certified or registered respiratory therapist, licensed physical therapist, licensed practical or vocational nurse, occupational therapist, dietitian, microbiologist, chemist, biostatistician, medical technologist, dental technologist, or other position—

"have such medical, dental, scientific, or technical qualifications as the Administrator shall prescribe.".

(b) Section 4105(b) is amended by striking out all beginning with "as physician" through "auxiliary" and inserting in lieu thereof "to a position listed in section 4104(1) of this title".

SEC. 203. (a) Section 4106 is amended by adding at the end the following new subsection:

"(g)(1) The Administrator, upon the recommendation of the Chief Medical Director, may use (A) the authority in subsection (a) of this section to establish the qualifications for and, subject to paragraph (2) of this subsection, to appoint individuals to positions listed in section 4104(3), and (B) the authority in subsection (c) of this section for the promotion and advancement of Veterans' Administration employees serving in such positions.

"(2) In using such authority to appoint individuals to such positions, the Administrator shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5, United States Code.".

(b)(1) Not later than 90 days after the enactment of this section, the Administrator of Veterans' Affairs shall publish in the Federal Register, for public review and comment for a period of not less than 30 days, proposed regulations for the continued implementation of paragraph (2) of subsection (g) of section 4106 of title 38, United States Code (as added by subsection (a)).

(2) Not later than 180 days after the date of the enactment of this section, the Administrator shall publish in the Federal Register final regulations for such implementation.

SEC. 204. Section 4107 is amended—

(1) in subsection (f)—

(A) by striking out the comma after "regulations" and inserting in lieu thereof "(1)"; and

(B) by inserting before the period a comma and "and (2) notwithstanding any other provision of law, when the Administrator determines it to be necessary in order to obtain or retain the services of certified or registered respiratory therapists, licensed physical therapists, or licensed practical or vocational nurses, the Administrator may, on a nationwide, local, or other geographic basis, pay persons employed in such positions additional pay on the same basis as provided for nurses in subsection (e) of this section"; and

(2) by amending subsection (g)—

(A) by amending clause (A) of paragraph (1) to read as follows:

"(A) of individuals employed in positions listed in paragraphs (1) and (3) of section 4104 of this title; or"

(B) by amending paragraph (3) by inserting "and licensed physical therapists" after "anesthetists"; and

(C) by amending paragraph (4) by inserting "with respect to health-care personnel described in clause (B) of such paragraph" after "subsection".

SEC. 205. The second sentence of section 4110(a) is amended to read as follows: "The majority of employees on a disciplinary board shall be employed in the same category of position as the employee who is the subject of the charges.".

SEC. 206. Section 4111 is amended—

(1) by inserting "(a)" before "There";

(2) in subsection (a) (as so designated by clause (1)), by striking out "paragraph (1)" and inserting in lieu thereof "paragraphs (1) and (3)"; and

(3) by adding at the end the following new subsection:

"(b) Notwithstanding any other provision of law, the Administrator may, after considering an individual's existing pay, higher or unique qualifications, or the special needs of the Veterans' Administration, appoint an individual to a position in the Department of Medicine and Surgery providing direct patient-care services or services incident to direct patient-services at a rate above the minimum rate of the appropriate grade.".

SEC. 207. (a)(1) Not later than January 1, 1984, the Administrator of Veterans' Affairs and the Director of the Office of Personnel Management shall submit a joint report to the Committees on Veterans' Affairs of the House of Representatives and the Senate (hereinafter in this section referred to as "the Committees") regarding the status of efforts to carry out the recommendations made in the report prepared by the Veterans' Administration, pursuant to section 117 of Public Law 96-330, entitled "Study of the Feasibility and Desirability of Converting Selected Health Care Occupations to title 38, United States Code" and transmitted to the Committees on September 1, 1982.

(2) Such report shall contain—

(A) with respect to each such recommendation, information on the decision that has been made as to whether such recommendation is being implemented in the manner described in the report and, if not, as to whether it is to be implemented in a modified form or not implemented and a statement of the reasons for such decision, and of the position of each agency with respect to such recommendation and such decision;

(B) the timetable for the actions planned for the implementation of each recommendation that is being implemented either in its original form or as modified;

(C) any further recommendations of the Administrator or Director or both for legislative or administrative action, or both, relating to the subject matter of such report; and

(D) such other information relating to the subject matter of such report as the Administrator or the Director or both consider appropriate.

(b)(1) Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the Committees a report on the implementation of the amendments made by this title, including the steps taken and planned to be taken (including the timetable therefor) and the justification therefor, to exercise the authorities provided by such amendments. Such report shall also contain a description and justification of the extent to which such authorities have not been or are not planned to be exercised.

(2) Not later than September 30, 1985, the Administrator shall submit to the Committees a report containing—

(A) descriptions of (i) the results of the exercise of the authorities provided in the amendments made by this title, and (ii) the efforts under section 4101(b) of title 38, United States Code, to develop and carry out programs of education and training for career advancement for nursing assistants, noncertified, nonregistered inhalation therapists, and other para-professionals employed in the Department of Medicine and Surgery who provide either direct patient-

care services or services incident to direct patient-care services;

(B) an evaluation of the effects of both the exercise of such authorities and such programs on the recruitment and retention of Veterans' Administration employees, on such employees' productivity and morale, and on such employees' effectiveness in carrying out the missions of the Veterans' Administration; and

(C) such recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of such evaluation.

TITLE III—WOMEN VETERANS

ADVISORY COMMITTEE ON WOMEN VETERANS

SEC. 301. (a) Chapter 3 is amended by inserting after section 221 the following new section:

"§ 222. Advisory Committee on Women Veterans

"(a)(1) The Administrator shall establish an advisory committee to be known as the Advisory Committee on Women Veterans (hereinafter in this section referred to as 'the Committee').

"(2) The members of the Committee shall be appointed by the Administrator from the general public and shall include—

"(A) appropriate representatives of women veterans;

"(B) individuals who are recognized authorities in fields pertinent to the needs of women veterans, including the gender-specific health-care needs of women; and

"(C) appropriate representatives of both female and male service-connected-disabled veterans, including at least one female service-connected disabled veteran and at least one male service-connected disabled veteran.

The Committee shall also include, as ex officio members, the Chief Medical Director and the Chief Benefits Director, or their designees, and one public member and one military member of the Department of Defense Advisory Committee on Women in the Services selected therefrom by the Administrator after consultation with the Secretary of Defense. The Administrator may also invite representatives of such other departments and agencies of the United States as the Administrator considers appropriate to participate in the meetings and other activities of the Committee.

"(3) The Administrator shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Administrator, except that a term of service of any such member may not exceed 3 years. The Administrator may reappoint any such member for such additional terms of service as the Administrator considers appropriate.

"(4) The Committee shall meet not less than three times in fiscal year 1984 and thereafter at such times as determined by the Committee but not less than two times in each fiscal year.

"(b) The Administrator shall, on a regular basis, consult with and seek the advice of the Committee with respect to (1) the administration of benefits under this title for women veterans, (2) reports and studies pertaining to women veterans, and (3) the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Veterans' Administration.

"(c) Not later than July 1, 1984, and not later than July 1 of each year thereafter, the Committee shall submit to the Administrator a report on the programs and activities of the Veterans' Administration that pertain to women veterans. Each such report shall contain (1) an assessment of the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Veterans' Administration, (2) a review of the programs and activities of the Veterans' Administration designed to meet such needs, and (3) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate. Within 30 days after receiving each such report, the Administrator shall submit it to the Congress with any comments concerning the report that the Administrator considers appropriate. The Committee may also submit to the Administrator such other reports and recommendations as the Committee considers appropriate. The Administrator shall submit with each annual report submitted to the Congress pursuant to section 214 of this title a summary of all reports and recommendations of the Committee submitted to the Administrator since the previous annual report of the Administrator submitted to the Congress pursuant to such section.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 221 the following new item:

"222. Advisory Committee on Women Veterans.".

FEE-BASIS CARE FOR WOMEN VETERANS

SEC. 302. (a) Section 601(4)(C)(iv) is amended by inserting after "veterans" a comma and "and, until September 30, 1989, medical services described in section 612(f)(1)(A) of this title for a woman veteran if the Administrator has determined, based on an examination by a physician employed by the Veterans' Administration (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), that a disability of such woman veteran relating to her gender precludes appropriate treatment in facilities described in clause (A) or (B) of this paragraph".

(b)(1) At the time the President's budget for each of fiscal years 1985 through 1989 is transmitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Administrator of Veterans' Affairs shall (as part of the documentation submitted by the Administrator in justification of such budget with respect to the Veterans' Administration medical care account) report to the appropriate committees of the Congress on (A) the Administrator's plans for, and estimated extent of, utilization in such fiscal year of (including estimated amounts of expenditures under) the authority provided by the amendment made by subsection (a), and (B) the activities undertaken and planned with respect to the utilization of (including estimated amounts of expenditures under) such authority in the fiscal year during which such budget is submitted. In so reporting with respect to fiscal years 1986 through 1989, the Administrator shall also provide information on activities undertaken (including amounts of expenditures) under such authority during the year or years preceding the fiscal year in which the report is submitted.

(2) Not later than September 30, 1988, the Administrator shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing (A) the Administrator's recommendations, and reasons therefor, with respect to whether the September 30, 1989, expiration date in such authority should be extended and, if so, the date to which such authority should be extended, or whether such authority should be made permanent, and (B) any other recommendations for legislative or administrative action that the Administrator considers appropriate with respect to the Veterans' Administration's meeting the gender-related health-care needs of women veterans. Prior to submiting such report to such Committees, the Administrator shall submit the proposed report to the Advisory Committee on Women Veterans, established pursuant to the amendments made by section 301(a) of this Act, and shall consult with the Advisory Committee which shall promptly advise the Administrator of its views on the Administrator's proposed report and its recommendations on the subjects covered therein, and the Administrator shall include such views in such report along with any comments the Administrator considers appropriate.

TITLE IV—PRESUMPTION CONCERNING DYSTHYMIC DISORDER

SEC. 401. Section 312(b) is amended—

(1) in clause (8), by striking out "or";

(2) in clause (9), by inserting after the comma "or"; and

(3) by adding at the end the following new clause:

"(10) dysthymic disorder (or depressive neurosis),".

TITLE V—STATUS AND ROLE OF ADMINISTRATOR OF VETERANS' AFFAIRS

SEC. 501. (a) The Congress finds that—

(1) the Nation has an historic and deeply-rooted commitment to providing benefits and services to those who served in the Armed Forces;

(2) this commitment must be continued and maintained, both to fulfill moral obligations to those who served in the past and to assure those now in the Armed Forces and potential service men and women that the Nation's obligations to those who serve will always be honored;

(3) the Veterans' Administration is the principal Federal entity responsible for veterans' benefits and programs;

(4) the Veterans' Administration has a potential population of beneficiaries totaling nearly thirty million veterans and over sixty-six million survivors and dependents;

(5) the Veterans' Administration will distribute over $13 billion in income maintenance payments and approximately $1.7 billion in education, training, and rehabilitation assistance payments in fiscal year 1983; operates one of the Federal Government's two major home loan guaranty programs, with over 4 million loans currently guaranteed; administers the largest direct insurance program in the Nation; operates 108 national cemeteries and provides burial assistance for nearly 350,000 deceased veterans annually;

(6) the Veterans' Administration operates the largest centrally administered health-care system—consisting of, among other facilities, 172 hospitals, 226 outpatient clinics, and 99 nursing home care units—in the United States;

(7) the Veterans' Administration health-care system serves as the primary backup to the medical resources of the Department of Defense in time of war or national emergency involving the use of the Armed Forces in armed conflict;

(8) in terms of share of the annual Federal budget, the Veterans' Administration ranks sixth among Federal departments and agencies, and among Federal departments and

agencies only the Department of Defense employs more personnel;

(9) the Administrator of Veterans' Affairs is the principal executive branch official responsible for the administration of the benefits, services, and programs of the Veterans' Administration and for seeking the coordination of veterans' programs administered by other Federal departments and agencies;

(10) there is a need for greater coordination between the Veterans' Administration and other Federal entities administering veterans programs and between the Veterans' Administration and other Federal entities providing similar benefits to individuals on a basis other than their status as veterans;

(11) by virtue of the Administrator of Veterans' Affairs not being included in the President's Cabinet, the Administrator generally is not included in Cabinet meetings and deliberations and generally does not have the ready access to the President and senior advisers on the President's staff that Cabinet members have; and

(12) as a consequence, Presidential decisions affecting veterans and the Veterans' Administration are made from time to time without an understanding of their full impact on veterans and on the Veterans' Administration's performance of its statutory missions.

(b) In view of the findings in subsection (a), it is the sense of the Congress that the Administrator of Veterans' Affairs should be designated by the President as a member of, and full participant in all activities of, the Cabinet and as the President's principal adviser on all matters relating to veterans and their dependents.

TITLE VI—RADIATION EXPOSURE STUDY AND GUIDE

SEC. 601. (a)(1)(A) Subject to paragraph (2)(B), the Administrator of Veterans' Affairs, through contracts or agreements with private or public agencies or persons (other than the Department of Defense or the Department of Energy) and in consultation with the Director of the Office of Technology Assessment, shall provide for the conduct of epidemiological study of the long-term adverse health (including psychological) effects of exposure to ionizing radiation from the detonation of a nuclear device in connection with the test of such device or with the American occupation of Hiroshima and Nagasaki, Japan, during the period beginning September 11, 1945, and ending on July 1, 1946, in persons who, while serving in the Armed Forces of the United States, may have been exposed to such radiation. Such study shall include, but not necessarily be limited to, a study of identifiable prevalent illnesses, including malignancies, in the persons potentially exposed and genetic and congenital problems suffered by the natural children of such persons.

(B) In the event that the Administrator determines that it is not feasible to conduct a scientifically valid study of any or all of the matters required under subparagraph (A) to be studied, the Administrator shall promptly notify the appropriate committees of the Congress of this determination and the reasons therefor.

(2)(A) The Director of the Office of Technology Assessment shall monitor the development of the protocol or protocols for and the conduct of study under paragraph (1)(A) and shall submit to the appropriate committees of Congress, at each of the times specified in the second and third sentences of this subparagraph, a report on such monitoring. Reports under the preceding sentence shall be submitted within 6 months after the date of the enactment of this Act, within 12 months after such date, within 25 months after such date, and annually thereafter until such study is completed, and shall contain a review of and comments on the most recent report of the Administrator required to be submitted under paragraph (5). In the event that the protocol for such study or any part thereof is not completed by the end of the 12-month period beginning on the date of the enactment of this Act, the Director shall submit to such committees, at the end of the 60-day period beginning at the end of such 12-month period and thereafter at the end of each succeeding 60-day period until such protocol is completed, a report on the status of such protocol.

(B) In the event that the Administrator notifies the Congress of a determination or determinations made pursuant to paragraph (1)(B), the Director, not later than 60 days after such notification, shall submit to the appropriate committees of the Congress a report evaluating and commenting on such determination and the reasons therefor. To the extent that the Director concurs in such determination or determinations of the Administrator, the matter or matters required under paragraph (1)(A) to be studied to which such determination or determinations apply shall, notwithstanding paragraph (1)(A), not be required to be studied. In the event that the Administrator has determined under paragraph (1)(B) that, taken as a whole, study under paragraph (1)(A) is not scientifically feasible and the Director concurs in the Administrator's determination, the requirement in paragraph (1)(A) that the Administrator provide for the conduct of epidemiological study shall lose effect as if repealed by an Act of Congress.

(3) Not later than 12 months after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of the Congress a report on the development of a protocol or protocols for study under paragraph (1)(A) and, in the event that such a protocol has not been developed, an estimate of the completion date therefor together with an estimate of the cost to be incurred in developing such protocol.

(4) At such time as the Administrator has entered into a contract or agreement with an agency or person for the conduct of a study under paragraph (1)(A), the Administrator and such agency or person shall submit a joint report to the appropriate committees of the Congress containing detailed information on the proposed study, including estimates of the number of individuals to be studied, the length of the study (specifying significant milestones prior to its completion), and the total cost of the study.

(5) Not later than 24 months after the date of the enactment of this Act, and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report on the status of study under paragraph (1)(A). Such report shall contain (A) a description of the progress on and any results obtained under such study, and (B) such comments and recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of such progress and results.

(6) Not later than 90 days after the submission of each report required by paragraph (5), the Administrator, based on the progress and results described in such report and the comments and recommendations thereon and any other available pertinent information, shall publish in the Federal Register, for public review and comment, a description of actions, if any, that the Administrator proposes to take with respect to programs administered by the Veterans' Administration. Each such description shall include a justification for any such action the Administrator proposes to take.

(7) The requirement in paragraph (5) for the submission of annual reports shall expire upon the submission of a report after the completion of study under paragraph (1)(A).

(b)(1) Not later than one year after the date of the enactment of this Act, the Administrator shall develop and publish an indexed reference guide, derived from existing pertinent research-result compilations, designed to provide appropriate Veterans' Administration personnel who either furnish health care or adjudicate claims for benefits under title 38, United States Code, with readily useable information regarding the state of medical and other scientific information on any long-term adverse health (including genetic and psychological) effects in humans of exposure to radiation, including nuclear-device, medical, and occupational exposures.

(2) Not later than 13 months after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of the Congress a report on the indexed reference guide developed under paragraph (1), together with such comments and recommendations for administrative or legislative action, or both, as the Administrator considers appropriate, including recommendations regarding (A) the need for any additional research that the Administrator considers necessary for the resolution of questions regarding adverse long-term health effects result from exposure to radiation, and (B) the departments, agencies, or instrumentalities that should carry out such research.

(3) The Administrator shall distribute (A) such guide to the Veterans' Administration personnel described in paragraph (1), and (B) such guide and such report to the departments, agencies, and instrumentalities described in subsection (c) and such other departments, agencies, and instrumentalities of the Federal Government as the Administrator considers appropriate and shall recommend to the appropriate such departments, agencies, and instrumentalities that they carry out any such additional research.

(4) The Administrator shall periodically review such guide and, to the extent the Administrator considers appropriate, update it based on the results of research completed after the guide was published or other available pertinent information.

(c)(1) For the purpose of ensuring that any study, research, or other activity carried out by the Federal Government with respect to adverse health effects in humans from exposure to radiation is scientifically valid and is conducted with efficiency and objectivity, the President shall ensure that—

(A) study under subsection (a)(1)(A), the development of the guide required by subsection (b)(1), and such additional research as may be identified pursuant to subsection (b)(2) are fully coordinated with studies or other activities which are planned, are being conducted, or have been completed by other departments, agencies, and instrumentalities of the Federal Government and which pertain to the adverse health effects in humans from exposure to radiation, including the radioepidemiological tables mandated by section 7 of the Orphan Drug Act (Public Law 97-414; 96 Stat. 2059); and

(B) all appropriate coordination and consultation is accomplished between and among the Administrator and the heads of such departments, agencies, and instrumentalities that may be engaged, during the conduct of study under subsection (a)(1)(A), in the design, conduct, monitoring, or evaluation of such radiation-exposure studies.

(2) Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of the Congress a report containing a description of the steps taken and plans made to ensure the coordination and consultation required by paragraph (1).

(d)(1) There are authorized to be appropriated for fiscal years after fiscal year 1983 such sums as may be necessary for the conduct of the study required by subsection (a)(1)(A).

(2) The authority to enter into contracts under subsection (a)(1)(A) shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriations Acts.

TITLE VII—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 701. Clause (3) of section 610(a) is amended by inserting "(A)" after "(3)" and by inserting at the end "or (B) a person who, but for a suspension pursuant to section 351 of this title (or both such a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such person's continuing eligibility for such care is provided for in the judgment or settlement described in such section;".

SEC. 702. (a) Section 203(b) is amended by striking out "not".

(b) Section 360 is amended by striking out "has suffered (1)" and inserting in lieu thereof "(1) has suffered".

(c) Section 361 is amended by striking out "United States Code,".

(d) Section 719(b) is amended by striking out "subsections" and inserting in lieu thereof "sections".

(e) Section 1682(c)(1)(C) is amended by inserting a comma after "week)".

(f) Sections 2002 and 2002A are amended by striking out "a Assistant" and inserting in lieu thereof "an Assistant".

(g) Section 3005 is amended by striking "subchapter II of chapter 7 of title 42" each place it appears and inserting in lieu thereof "title II of the Social Security Act".

(h) Section 4118(g)(3) is amended by striking out the comma after "title 31".

(i) Section 4142 is amended—

(1) in subsection (f)(2), by striking out "section 3324(a) and (b)" and inserting in lieu thereof "subsections (a) and (b) of section 3324"; and

(2) in subsection (i)(4), by striking out the comma after "not accepted".

(j) Section 5010(c)(2)(B) is amended by striking out "or" the first place it appears and inserting in lieu thereof "and".

Amend the title so as to read: "An Act to amend title 38, United States Code, to provide for adult day health care services for veterans, to establish a Veterans' Administration Advisory Committee on Women Veterans, to promote the recruitment and retention of certain health-care personnel in the Department of Medicine and Surgery of the Veterans' Administration; to extend the period for Vietnam-era veterans to request counseling under the readjustment counseling program, to establish a presumption of service-connection for former prisoners of war suffering from dysthymic disorder, to express the sense of the Congress with respect to the role of the Administrator of Veterans' Affairs, to require the Administrator of Veterans' Affairs to conduct an epidemiological study and develop a reference guide to long-term health effects in veterans of exposure to ionizing radiation; and for other purposes.".

House amendments to the Senate amendments:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

SHORT TITLE; AMENDMENTS TO TITLE 38, UNITED STATES CODE

SECTION 1. (a) This Act may be cited as the "Veterans' Health Care Amendments of 1983".

(b) Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—VETERANS' ADMINISTRATION HEALTH-CARE PROGRAMS

VIETNAM-ERA VETERANS READJUSTMENT COUNSELING PROGRAM

SEC. 101. (a) Subsection (a) of section 612A is amended by inserting a period after "life" and striking out all that follows in the first sentence.

(b)(1) Paragraph (1) of subsection (g) of such section is amended by striking out "September 30, 1984," and "October 1, 1984," and inserting in lieu thereof "September 30, 1988," and "October 1, 1988,", respectively.

(2) Paragraph (2) of such subsection is amended to read as follows:

"(2)(A) Not later than April 1, 1987, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Administrator's evaluation of the effectiveness in helping to meet the readjustment needs of veterans who served on active duty during the Vietnam era of the readjustment counseling and mental health services provided pursuant to this section (and of outreach efforts with respect to such counseling and services). Such report shall give particular attention, in light of the results of the study required by section 102 of the Veterans' Health Care Amendments of 1983, to the provision of such counseling and services to veterans with post-traumatic stress disorder and to the diagnosis and treatment of such disorder.

"(B) The report required by subparagraph (A) of this paragraph shall include—

"(i) the opinion of the Administrator with respect to (I) the extent to which the readjustment needs of veterans who served on active duty during the Vietnam era remain unmet, and (II) the extent to which the provision of readjustment counseling services under this section in a program providing such services through facilities situated apart from Veterans' Administration health-care facilities is needed to meet such needs; and

"(ii) in light of the opinion submitted pursuant to clause (i) of this subparagraph, such recommendations for amendments to paragraph (1) of this subsection and for other legislative and administrative action as the Administrator considers appropriate.

"(3) Not later than July 1, 1987, the Administrator shall submit to such committees a report containing a description of the plans made and timetable for carring out paragraph (1) of this subsection.".

STUDY OF POST-TRAUMATIC STRESS DISORDER AND OTHER POST-WAR PSYCHOLOGICAL PROBLEMS

SEC. 102. (a)(1) The Administrator of Veterans' Affairs shall provide for the conduct of a comprehensive study of the prevalence and incidence in the population of Vietnam veterans of post-traumatic stress disorder and other psychological problems in readjusting to civilian life (hereinafter in this section collectively referred to as "post-war psychological problems") and of the effect of post-war psychological problems on such veterans, with particular attention to veterans who have service-connected disabilities and with specific reference to women veterans.

(2) The study required by this subsection—

(A) shall be designed to yield information regarding any statistical correlations—

(i) between post-war psychological problems and physical disabilities (by type of disability) in the population of Vietnam veterans;

(ii) between post-war psychological problems and alchohol and drug abuse in such population;

(iii) between veterans in such population having post-war psychological problems and being members of minority groups; and

(iv) between post-war psychological problems in such population and the incarceration of such veterans in penal institutions;

(B) shall include an evaluation of the long-term effects of post-war psychological problems among Vietnam veterans on the families of such veterans (and on persons in other primary social relationships with such veterans); and

(C) shall include a survey of the extent to which Vietnam veterans with post-war psychological problems use care furnished by the Veterans' Administration.

(b) Not later than October 1, 1986, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the study required by subsection (a). Such report shall contain—

(1) a description of the results of the study;

(2) information regarding the capability of the Veterans' Administration to provide treatment to the number of veterans estimated in such study to be suffering from post-war psychological problems;

(3) descriptions of the policies and procedures of the Veterans' Administration with respect to providing disability compensation for post-war psychological problems;

(4) a description of the activities of the Administrator in attempting to coordinate Veterans' Administration health-care and compensation programs with respect to post-traumatic stress disorder; and

(5) such recommendations for administrative and legislative action as the Administrator considers appropriate in light of the results of the study.

(c) For the purpose of this section:

(1) The terms "veteran", "service-connected", and "active duty" have the meanings provided in sections 101 (2), (16), and (21), respectively, of title 38, United States Code.

(2) The term "Vietnam veteran" means a veteran who served on active duty in the Republic of Vietnam or elsewhere in the Vietnam theater of operations during the Vietnam era (as defined in section 101(29) of such title).

ADULT DAY HEALTH-CARE SERVICES

SEC. 103. (a)(1) Section 620 is amended by adding at the end the following new subsection:

"(f)(1)(A) The Administrator is authorized to furnish adult day health care as provided for in this subsection. For the purpose only of authorizing the furnishing of such care and specifying the terms and conditions under which it may be furnished to veterans needing such care—

"(i) references to 'nursing home care' in subsections (a) through (d) of this section shall be deemed to be references to 'adult day health care'; and

"(ii) a veteran who is eligible for medical services under section 612(f)(2) of this title shall be deemed to be a veteran described in subsection (a)(1) of this section.

"(B) The Administrator may provide in-kind assistance (through the services of Veterans' Administration employees and the sharing of other Veterans' Administration resources) to a facility furnishing care to veterans under subparagraph (A) of this paragraph. Any such in-kind assistance shall be provided under a contract between the Veterans' Administration and the facility concerned. The Administrator may provide such assistance only for use solely in the furnishing of adult day health care and only if, under such contract, the Veterans' Administration receives reimbursement for the full cost of such assistance, including the cost of services and supplies and normal depreciation and amortization of equipment. Such reimbursement may be made by reduction in the charges to the United States or by payment to the United States. Any funds received through such reimbursement shall be credited to funds allotted to the Veterans' Administration facility that provided the assistance.

"(2) The Administrator may conduct, at facilities over which the Administrator has direct jurisdiction, programs for the furnishing of adult day health care to veterans who are eligible for such care under paragraph (1) of this subsection, except that necessary travel and incidental expenses (or transportation in lieu thereof) may be furnished under such a program only under the terms and conditions set forth in section 111 of this title. The furnishing of care under any such program shall be subject to the limitations that are applicable to the duration adult day health care furnished under paragraph (1) of this subsection.

"(3) Adult day health care may not be furnished under this section after September 30, 1988.".

(2) The heading of such section is amended to read as follows:

"§ 620. Transfers for nursing home care; adult day health care".

(3) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

"620. Transfers for nursing home care; adult day health care.".

(b) If the Administrator of Veterans' Affairs furnishes adult day health care under section 620(f) of title 38, United States Code (as added by subsection (a)), the Administrator shall conduct a study of the medical efficacy and cost-effectiveness of furnishing such care as an alternative for nursing home care and of the comparative advantages and disadvantages of providing such care through facilities that are not under the direct jurisdiction of the Administrator and through facilities that are under the direct jurisdiction of the Administrator.

(c) Not later than February 1, 1988, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) the results of the study conducted under subsection (b) (if such a study is conducted);

(2) the Administrator's recommendation with respect to extending or repealing the date in subsection (f)(3) of section 620 of title 38, United States Code (as added by subsection (a)); and

(3) any other recommendation that the Administrator considers appropriate for legislative and administrative action with respect to the furnishing of such care.

COMMUNITY RESIDENTIAL CARE

SEC. 104. (a) Subchapter III of chapter 17 is amended by adding at the end the following new section:

"§ 630. Community residential care

"(a)(1) Subject to this section and regulations to be prescribed by the Administrator under this section, the Administrator may assist a veteran by referring such veteran for placement in, and aiding such veteran in obtaining placement in, a community residential-care facility if—

"(A) at the time of initiating the assistance the Administrator—

"(i) is furnishing the veteran medical services on an outpatient basis or hospital, domiciliary, or nursing home care; or

"(ii) has furnished the veteran such care or services within the preceding 12 months; and

"(B) placement of the veteran in a community residential-care facility is appropriate.

"(b)(1) The Administrator may not provide assistance under subsection (a) of this section with respect to a community residential-care facility unless such facility is approved by the Administrator for the purposes of this section.

"(2) The Administrator's approval of a facility for the purposes of this section shall be based upon the Administrator's determination, after inspection of the facility, that the facility meets the standards established in regulations prescribed under this section. Such standards shall include the following:

"(A) Health and safety criteria, including a requirement of compliance with applicable State laws and local ordinances relating to health and safety.

"(B) A requirement that the costs charged for care by a facility be reasonable, as determined by the Administrator, giving consideration to such factors as (i) the level of care, supervision, and other services to be provided, (ii) the cost of goods and services in the geographic area in which the facility is located, and (iii) comparability with other facilities in such area providing similar services.

"(C) Criteria for determining the resources that a facility needs in order to provide an appropriate level of services to veterans.

"(D) Such other criteria as the Administrator determines are appropriate to protect the welfare of veterans placed in a facility under this section.

"(3) Payment of the charges of a community residential-care facility for any care or service provided to a veteran whom the Administrator has referred to that facility under this section is not the responsibility of the United States or of the Veterans' Administration.

"(c)(1) In order to determine continued compliance by community residential-care facilities that have been approved under subsection (b) of this section with the standards established in regulations prescribed under this section, the Administrator shall provide for periodic inspection of such facilities.

"(2) If the Administrator determines that a facility is not in compliance with such standards, the Administrator (in accordance with regulations prescribed under this section)—

"(A) shall cease to refer veterans to such facility; and

"(B) may, with the permission of the veteran (or the person or entity authorized by law to give permission on behalf of the veteran), assist in removing a veteran from such facility.

Regulations prescribed to carry out this paragraph shall provide for reasonable notice and, upon request made on behalf of the facility, a heariang before any action authorized by this paragraph is taken.

"(d) The Administrator shall prescribe regulations to carry out this section. Such regulations shall include the standards required by subsection (b) of this section.

"(e)(1) To the extent possible, the Administrator shall make available each report of an inspection of a community residential-care facility under subsection (b)(2) or (c)(1) of this section to each Federal, State, and local agency charged with the responsibility of licensing or otherwise regulating or inspecting such facility.

"(2) The Administrator shall make the standards prescribed in regulations under subsection (b) of this section available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting community residential-care facilities.

"(f) For the purpose of this section, the term 'community residential-care facility' means a facility that provides room and board and such limited personal care for and supervision of residents as the Administrator determines, in accordance with regulations prescribed under this section, are necessary for the health, safety, and welfare of residents.".

"(b) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 629 the following new item:

"630. Community residential care.".

INCREASE IN PER DIEM RATES FOR CARE IN STATE HOMES

SEC. 105. (a) Section 641 is amended—

(1) by striking oui "$6.35", "12.10", and "$13.25" in subsection (a) and inserting in lieu thereof "$7.30", "17.05", and "$15.25", respectively; and

(2) by adding at the end the following new subsection:

(c) The Administrator shall submit every three years to the Committee on Veterans' Affairs of the Senate and House of Representatives a report on the adequacy of the rates provided in subsection (a) of this section in light of projections over each of the following five years of the demand on the Veterans' Administration for the provision of nursing home care to veterans eligible for such care under this section and sections 610 and 620 of this title. The first such report shall be submitted not later than June 30, 1986.".

(b) The amendments made by subsection (a) shall take effect on April 1, 1984.

PREVENTIVE HEALTH-CARE SERVICES

SEC. 106. (a) Section 601(6)(A)(i) is amended by inserting "(in the case of a person otherwise receiving care or services under this chapter) preventive health-care services as defined in section 662 of this title," after "podiatric services,".

(b) Section 661 is amended—

(1) by striking out "Under which the Administrator may attempt to" and inserting in lieu thereof "in order to help";

(2) by inserting "veterans otherwise being furnished care or services under this chapter, including" after "certain" the first place it appears;

(3) by striking out "for certain" the second place it appears; and

(4) by striking out "treatment" and inserting in lieu thereof "care or services".

(c) Section 663 is amended—

(1) in subsection (a)(1)—

(A) by striking out "may" and inserting in lieu thereof "shall, during fiscal years 1984 through 1988,";

(B) by striking out "otherwise being furnished care or services under this chapter" after "title";

(C) by striking out "and treatment" and inserting in lieu thereof "or services"; and

(D) by by adding at the end the following new sentence: "In carrying out the pilot program under this subchapter, the Administrator may furnish such preventive health-care services to any other veteran described in section 612(f)(2) of this title.";

(2) by striking out subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) in subsection (c) (as so redesignated), by striking out "fiscal year 1984" and inserting in lieu thereof "each of fiscal years 1984 through 1988".

(d) Section 664 is amended by inserting "for each of fiscal years 1984 through 1988" after "Congress".

REPORT ON HEALTH-CARE NEEDS OF VETERANS IN PUERTO RICO

SEC. 107. Not later than December 1, 1983, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the plans of the Administrator, and the reasons therefor, for meeting the health-care needs of veterans in the Commonwealth of Puerto Rico and in the Virgin Islands who are eligible for health care under chapter 17 of title 38, United States Code, and, particularly, the health-care needs of veterans whose disabilities are service connected. Such report (1) shall take into account the report by the Veterans' Administration's Office of Inspector General entitled "Report of Special Audit, Veterans' Administration Medical and Regional Office Center, San Juan, Puerto Rico (Report No. 3R2-A05-043)", dated February 22, 1983, and (2) shall include, with respect to each construction project (if any that the Administrator recommends in such plans and for which a prospectus would be required under section 5004(b) of such title if such project were proposed to the Congress by the President or the Administrator, a prospectus that meets the requirements of such section.

BENEFICIARY TRAVEL

SEC. 108. (a)(1) If by January 1, 1984, the Administrator of Veterans' Affairs has not prescribed the regulations that the Administrator is required by subsection (e)(2)(A) of section 111 of title 38, United States Code, to prescribe, payments for travel that occurs during the period beginning on such date and ending on the day on which the Administrator prescribes such regulations may not be made under such section to any person except—

(A) a person receiving benefits under such title for or in connection with a service-connected disability;

(B) a veteran receiving or eligible to receive pension under section 521 of such title; or

(C) a person whose travel to a Veterans' Administration facility was required to be performed by a special mode of transportation and such travel (i) was authorized by the Administrator before such travel, or (ii) was in connection with a medical emergency of such a nature that the delay incident to obtaining authorization under subclause (i) would have been hazardous to the person's life or health.

(2) For the purpose of this subsection, the term "service-connected" has the meaning given such term in section 101(16) of title 38, United States Code.

(b) the Administrator of Veterans' Affairs shall review the making of payments under section 111 for the purpose of effecting management improvements and economies in the making of such payments. Not later than April 1, 1984, the Adminstrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report describing and explaining the results of such review and including any recommendation for legislative and administrative action that the Administrator considers appropriate.

TITLE II—PROVISIONS TO IMPROVE THE RECRUITMENT AND RETENTION OF CERTAIN HEALTH-CARE PERSONNEL

AUTHORITY FOR CERTAIN APPOINTMENTS

SEC. 201. Section 4104 is amended—

(1) by striking out "Physical therapists," in paragraph (2);

(2) by striking out "bacteriologists" in paragraph (2) and inserting in lieu thereof "microbiologists";

(3) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(4) by adding at the end the following new paragraph:

"(3) Certified or registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses.".

QUALIFICATIONS OF APPOINTEES

SEC. 202. (a) Section 4105(a) is amended—

(1) by striking out "Physicians" in clause (1) and inserting in lieu thereof "Physician";

(2) by striking out clauses (8) and (9);

(3) by redesignating clause (10) as clause (8) and by striking out the period at the end of such clause and inserting in lieu thereof a semicolon and "and"; and

(4) by adding at the end the following new clause:

"(9) Physician assistant, expended-function dental auxiliary, certified or registered respiratory therapist, licensed physical therapist, licensed practical or vocational nurse, occupational therapist, dietitian, microbiologist, chemist, biostatistician, medical technologist, dental technologist, or other position—'have such medical, dental, scientific, or technical qualifications as the Administrator shall prescribe'."

(b) Section 4105(b) is amended by striking out "as physician" and all that follows through "auxiliary" and inserting in lieu thereof "to a position listed in section 4104(1) of this title".

APPOINTMENTS AND PROMOTIONS

SEC. 203. (a) Section 4106 is amended by adding at the end the following new subsection:

"(g)(1) Upon the recommendation of the Chief Medical Director, the Administrator (A) may use the authority in subsection (a) of this section to establish the qualifications for and (subject to paragraph (2) of this subsection) to appoint individuals to positions listed in section 4104(3) of this title, and (B) may use the authority provided in subsection (c) of this section for the promotion and advancement of Veterans' Administration employees serving in such positions.

"(2) In using such authority to appoint individuals to such positions, the Administrator shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.".

(b)(1) Not later than 90 days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall publish in the Federal Register, for public review and comment for a period of not less than 30 days, proposed regulations for the continued implementation of section 4106(g)(2) of title 38, United States Code (as added by subsection (a)).

(2) Not later than 180 days after such date of enactment, the Administrator shall publish in the Federal Register final regulations for such implementation.

PAY SCALES

SEC. 204. (a) Subsection (f) of section 4107 is amended—

(1) by striking out "Under standards which the Administrator shall prescribe in regulations, physician" and inserting in lieu thereof "Physician"; and

(2) by adding at the end the following new sentences: "Notwithstanding any other provision of law, when the Administrator determines it to be necessary in order to obtain or retain the services of certified or registered respiratory therapists, licensed physical therapists, or licensed practical or vocational nurses, the Administrator may, on a nationwide, local, or other geographic basis, pay persons employed in such positions additional pay on the same basis as provided for nurses in subsection (e) of this section. The Administrator shall prescribe by regulation standards for compensation and payment under this subsection.".

(b)(1) Paragraph (1)(A) of subsection (g) of such section is amended to read as follows:

"(A) of individuals employed in positions listed in paragraphs (1) and (3) of section 4104 of this title; or".

(2) Paragraph (3) of such subsection is amended by inserting "and licensed physical therapists" after "anesthetists".

(3) Paragraph (4) of such subsection is amended by inserting "with respect to health-care personnel described in clause (B) of such paragraph" after "subsection".

MEMBERSHIP OF DISCIPLINARY BOARDS

SEC. 205. The second sentence of section 4110(a) is amended to read as follows: "The majority of employees on a disciplinary board shall be employed in the same category of position as the employee who is the subject of the charges.".

APPOINTMENT OF ADDITIONAL CIVIL SERVICE EMPLOYEES

SEC. 206. Section 4111 is amended—

(1) by inserting "(a)" before "There";

(2) by striking out "paragraph (1)" and inserting in lieu thereof "paragraphs (1) and (3)"; and

(3) by adding at the end the following new subsection:

"(b) Notwithstanding any other provision of law, the Administrator, after considering an individual's existing pay, higher or unique qualifications, or the special needs of the Veterans' Administration, may appoint the individual to a position in the Department of Medicine and Surgery providing direct patient-care services or services incident to direct patient-services at a rate of pay above the minimum rate of the appropriate grade.".

REPORT ON STATUS OF RECOMMENDATIONS

Sec. 207. (a)(1) Not later than January 1, 1984, the Administrator of Veterans' Affairs and the Director of the Office of Personnel Management shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives (hereinafter in this section referred to as "the Committees") a joint report regarding the status of efforts to carry out the recommendations made in the report, prepared pursuant to section 117 of Public Law 96-330, entitled "Study of the Feasibility and Desirability of Converting Selected Health Care Occupations to title 38, United States Code", and transmitted by the Administrator to the Committees on September 1, 1982 (hereinafter in this section referred to as the "1982 report").

(2) The report required by paragraph (1) shall contain—

(A) with respect to each recommendation in the 1982 report, information on the decision that has been made as to whether such recommendation is being implemented in the manner described in the report and, if not, as to whether it is to be implemented in a modified form or not implemented and a statement of the reasons for such decision, and of the position of each agency with respect to such recommendation and such decision;

(B) the timetable for the actions planned for the implementation of each recommendation that is being implemented either in its original form or as modified;

(C) any further recommendation of the Administrator or Director, or both, for legislative or administrative action, or both, relating to the subject matter of the 1982 report; and

(D) such other information relating to the subject matter of the 1982 report as the Administrator or the Director, or both, consider appropriate.

(b)(1) Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the Committees a report on the implementation of the amendments made by this title. The report shall include—

(A) a description of the steps taken, as of the submission of the report, to exercise the authorities provided by such amendments and the justification for such steps;

(B) a description of the steps planned, as of the submission of the report, to be taken to exercise such authorities (including the timetable for the implementation of such steps) and the justification for such steps; and

(C) a description and justification of the extent to which such authorities have not been or are not planned to be exercised.

(2) Not later than September 30, 1985, the Administrator shall submit to the Committees a report containing—

(A) descriptions of (i) the results of the exercise of the authorities provided in the amendments made by this title, and (ii) the efforts under section 4101(b) of title 38, United States Code, to develop and carry out programs of education and training for career advancement for nursing assistants, noncertified, nonregistered inhalation therapists, and other personnel employed in the Department of Medicine and Surgery who provide either direct patient-care services or services incident to direct patient-care services;

(B) an evaluation of the effects of both the exercise of such authorities and such programs on the recruitment and retention of Veterans' Administration employees, on such employees' productivity and morale, and on such employees' effectiveness in carrying out the missions of the Veterans' Administration; and

(C) such recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of such evaluation.

TITLE III—WOMEN VETERANS

ADVISORY COMMITTEE ON WOMEN VETERANS

Sec. 301. (a) Chapter 3 is amended by inserting after section 221 the following new section:

"§ 222. Advisory Committee on Women Veterans

"(a) The Administrator shall establish an advisory committee to be known as the Advisory Committee on Women Veterans (hereinafter in this section referred to as 'the Committee').

"(b)(1)(A) The Committee shall consist of members appointed by the Administrator from the general public, including—

"(i) representatives of women veterans;

"(ii) individuals who are recognized authorities in fields pertinent to the needs of women veterans, including the gender-specific health-care needs of women; and

"(iii) representatives of both female and male veterans with service-connected disabilities, including at least one female veteran with a service-connected disability and at least one male veteran with a service-connected disability.

"(B) The Committee shall include, as ex officio members—

"(i) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment);

"(ii) the Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary after consultation with the Defense Advisory Committee on Women in the Services); and

"(iii) the Chief Medical Director and Chief Benefits Director, or their designees.

"(C) The Administrator may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

"(2) The Administrator shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Administrator, except that a term of service of any such member may not exceed 3 years. The Administrator may reappoint any such member for additional terms of service.

"(c) The Administrator shall, on a regular basis, consult with and seek the advice of the Committee with respect to—

"(1) the administrator of benefits by the Veterans' Administration for women veterans;

"(2) reports and studies pertaining to women veterans; and

"(3) the needs of women veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Veterans' Administration.

"(d)(1) Not later than July 1, 1984, and not later than July 1 of each second year thereafter, the Committee shall submit to the Administrator a report on the programs and activities of the Veterans' Administration that pertain to women veterans. Each such report shall contain (A) an assessment of the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Veterans' Administration, (B) a review of the programs and activities of the Veterans' Administration designed to meet such needs, and (C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate. Within 60 days after receiving each such report, the Administrator shall submit to the Congress a copy of the report, together with any comments concerning the report that the Administrator considers appropriate.

"(2) The Committee may submit to the Administrator such other reports and recommendations as the Committee considers appropriate.

"(3) The Administrator shall submit with each annual report submitted to the Congress pursuant to section 214 of this title a summary of all reports and recommendations of the Committee submitted to the Administrator since the previous annual report of the Administrator submitted pursuant to such section.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 221 the following new item:

"222. Advisory Committee on Women Veterans.".

GENDER-SPECIFIC HEALTH-CARE SERVICES

Sec. 302. The Administrator of Veterans' Affairs shall ensure that each health-care facility under the direct jurisdiction of the Administrator is able, through services made available either by individuals appointed to positions in the Department of Medicine and Surgery or under contracts or other agreements made under section 4117, 5011, or 5053 of title 38, United States Code, to provide appropriate care, in a timely fashion, for any gender-specific disability (as defined in section 601(1) of such title) of a woman veteran eligible for such care under chapter 17 or chapter 31 of such title.

TITLE IV—VETERANS' ADMINISTRATION REAL PROPERTY

REAL PROPERTY MANAGEMENT

Sec. 401. Section 5022 is amended—

(1) by striking out "30 days" in subsection (a)(2)(A) and inserting in lieu thereof "180 days"; and

(2) by adding at the end the following new subsection:

"(d) Real property under the jurisdiction of the Administrator may not be declared excess by the Administrator and disposed of by the General Services Administration or any other entity of the Federal Government unless the Administrator determines that the property is no longer needed by the Veterans' Administration in carrying out its functions.".

RELEASE OF REVERSIONARY INTEREST, BILOXI, MISSISSIPPI

SEC. 402. (a) The Administrator of Veterans' Affairs may execute such instruments as may be necessary to release the reversionary interest of the United States restricting to use as a public park or other public purpose the parcel of land described in subsection (b) which is a portion of a larger tract of land previously conveyed by the United States to the city of Biloxi, Mississippi, pursuant to the Act entitled "An Act to provide for the conveyance of certain real property to the city of Biloxi, Mississippi", approved October 4, 1966 (Public Law 89-629; 80 Stat. 876).

(b) The parcel of land referred to in subsection (a) is that parcel of land, consisting of approximately 7.24 acres, conveyed from the city of Biloxi, Mississippi, to Gulf Paving, Incorporated (a corporation organized under the laws of the State of Mississippi), by deed of June 29, 1973, recorded at book 65, page 589, in the records of the Office of the Chancery Clerk of Harrison County, Mississippi.

TITLE V—STATUS AND ROLE OF ADMINISTRATOR OF VETERANS' AFFAIRS

CONGRESSIONAL FINDINGS

SEC. 501. The Congress finds that—

(1) the Nation has an historic and deeply-rooted commitment to providing benefits and services to those who served in the Armed Forces;

(2) this commitment must be continued and maintained, both to fulfill moral obligations to those who served in the past and to assure current and potential members of the Armed Forces that the Nation's obligations to those who serve will always be honored;

(3) the Veterans' Administration is the principal Federal entity responsible for veterans' benefits and programs;

(4) the Veterans' Administration has a potential population of beneficiaries of over 28 million veterans and over 55 million survivors and dependents;

(5) the Veterans' Administration will distribute over $13.8 billion income maintenance payments and over $1.5 billion in education, training, and rehabilitation assistance payments during fiscal year 1984, operates one of the Federal Government's two major home loan guaranty programs, with over four million loans currently guaranteed, administers the largest direct insurance program in the Nation, and operates 108 national cemeteries and provides burial assistance for nearly 350,000 deceased veterans annually;

(6) the Veterans' Administration operates the largest centrally administered health-care system—consisting of, among other facilities, 172 hospitals, 226 outpatient clinics, and 99 nursing home care units—in the United States;

(7) the Veterans' Administration health-care system serves as the primary backup to the medical resources of the Department of Defense in time of war or national emergency involving the use of the Armed Forces in armed conflict;

(8) in terms of share of the annual Federal budget, the Veterans' Administration ranks sixth among Federal departments and agencies, and among Federal departments and agencies only the Department of Defense employs more personnel;

(9) the Administrator Veterans' Affairs is the principal executive branch official responsible for the administration of the benefits, services, and programs of the Veterans' Administration and for seeking the coordination of veterans' programs administered by other Federal departments and agencies;

(10) there is a need for greater coordination between the Veterans' Administration and other Federal entities administering veterans programs and between the Veterans' Administration and other Federal entities providing similar benefits to individuals on a basis other than their status as veterans;

(11) by virtue of the Administrator of Veterans' Affairs not being included in the President's Cabinet, the Administrator generally is not included in Cabinet meetings and deliberations and generally does not have the ready access to the President and senior advisers on the President's staff that Cabinet members have; and

(12) as a consequence, Presidential decisions affecting veterans and the Veterans' Administration are made from time to time without an understanding of their full impact on veterans and on the Veterans' Administration's performance of its statutory missions.

SENSE OF THE CONGRESS

SEC. 502. In view of the findings in section 501, it is the sense of the Congress that the Administrator of Veterans' Affairs should be designated by the President as a member of, and a full participant in all activities of, the Cabinet and as the President's principal adviser on all matters relating to veterans and their dependents.

TITLE VI—RADIATION EXPOSURE STUDY AND GUIDE

RADIATION EXPOSURE STUDY AND GUIDE

SEC. 601. (a)(1)(A) Subject to subparagraphs (B) and (C), the Administrator of Veterans' Affairs, through contracts or agreements with private or public agencies or persons and in consultation with the Director of the Office of Technology Assessment, shall provide for the conduct of epidemiological study of the long-term adverse health effects of exposure to ionizing radiation from the detonation of nuclear devices in connection with the test of such devices or in connection with the American occupation of Hiroshima and Nagasaki, Japan, during the period beginning on September 11, 1945, and ending on July 1, 1946, in persons who, while serving in the Armed Forces of the United States, were exposed to such radiation. Such study shall include, but not necessarily be limited to, a study of identifiable prevalent illnesses, including malignancies, in the persons exposed.

(B) If the Administrator, in consultation with the Director of the Office of Technology Assessment, determines that it is not feasible to conduct scientifically valid study of any or all of the matters required under subparagraph (A) to be studied—

(i) the Administrator shall promptly submit to the appropriate committees of the Congress notice of that determination and the reasons therefor; and

(ii) the Director, not later than 60 days after such notice is provided, shall submit to such committees a report evaluating and commenting on such determination.

(C) If the Administrator notifies the Congress of a determination or determinations made pursuant to subparagraph (B), the matter or matters required under subparagraph (A) to be studied to which such determination or determinations apply shall not be required to be studied. If the Administrator notifies the Congress of a determination made pursuant to subparagraph (B) that, taken as a whole, study under subparagraph (A) is not scientifically feasible, the requirement in subparagraph (A) that the Administrator provide for the conduct of epidemiological study shall cease to have effect as if repealed by law.

(2) Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of the Congress a report on the development of a protocol or protocols for study under paragraph (1)(A). With respect to any such protocol under consideration for development, or in the process of development, that has not been completed by the end of such year, the report shall include an estimate of the completion date for such protocol and an estimate of the cost to be incurred in developing such protocol.

(3)(A) The Director of the Office of Technology Assessment shall monitor the development of the protocol or protocols for, and the conduct of, study under paragraph (1)(A) and shall submit to the appropriate committees of the Congress, at each of the times specified in the next sentence, a report on such monitoring. Reports under the preceding sentence shall be submitted within 6 months after the date of the enactment of this Act, within 12 months after such date, within 25 months after such date, and annually thereafter until such study is completed.

(B) If any protocol to which paragraph (2) applies (or any part of such protocol) is not completed by the end of the 12-month period beginning on the date of the enactment of this Act, the Director shall periodically submit to such committees reports on the status of the development of such protocol.

(4) When the Administrator has entered into a contract or agreement with an agency or person for the conduct of a study under paragraph (1)(A), the Administrator and such agency or person shall submit to the appropriate committees of the Congress a joint report containing a copy of the contract and an estimate of the total cost of such study.

(5)(A) Not later than 24 months after the date of the enactment of this Act, and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report on the status of study under paragraph (1)(A). Such report shall contain (i) a description of the progress on and any results obtained under such study, and (ii) such comments, and such recommendations for administrative and legislative action, as the Administrator considers appropriate in light of such progress and results.

(B) The requirement in subparagraph (A) for the submission of annual reports shall expire upon the submission of a report after the completion of study under paragraph (1)(A).

(6) A contract to carry out study under paragraph (1)(A) may not be entered into unless (A) appropriations for payments under the contract have been provided in advance, or (B) the contract provides that the obligation of the United States to make payments under the contract is contingent upon the availability of funds appropriated for the making of such payments.

(7) There are authorized to be appropriated such sums as may be necessary for the conduct of study under subsection (a)(1)(A).

(b) Not later than one year after the date of the enactment of this Act, the Administrator shall develop and distribute to appropriate Veterans' Administration personnel an indexed reference guide, derived from existing pertinent research-result compilations, designed to provide Veterans' Administration personnel who either furnish health care or adjudicate claims for benefits under title 38, United States Code, with readily usable information regarding the state of medical and other scientific information on any long-term adverse health effects in humans of exposure to ionizing radiation, including nuclear-device exposure, medical exposure, and occupational exposure.

(c)(1) For the purpose of ensuring that any study, research, or other activity carried out by the Federal Government with respect to adverse health effects in humans from exposure to ionizing radiation is scientifically valid and is conducted with efficiency and objectivity, the President shall ensure that—

(A) activities of the Veterans' Administration in connection with (i) study under subsection (a)(1)(A), (ii) the development of the guide required by subsection (b), and (iii) such additional research as may be identified, as a result of such study or the development of such guide or otherwise, as necessary for the resolution of questions regarding such effects are fully coordinated with studies and other activities which are planned, are being conducted, or have been completed by other departments, agencies, and instrumentalities of the Federal Government and which pertain to such effects, including the radioepidemiological tables mandated by section 7 of the Orphan Drug Act (Public Law 97-414; 96 Stat. 2059); and

(B) appropriate coordination and consultation occurs between and among the Administrator and the heads of such departments, agencies, and instrumentalities that may be engaged, during the conduct of study under subsection (a)(1)(A), in the design, conduct, monitoring, or evaluation of such radiation-exposure studies or related activities.

(2) Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of the Congress a report containing a description of the steps taken and plans made to ensure the coordination and consultation required by paragraph (1).

TITLE VII—MISCELLANEOUS AND TECHNICAL AMENDMENTS

HEALTH-CARE ELIGIBILITY

SEC. 701. Clause (3) of section 610(a) is amended by inserting "(A)" after "a person" and by inserting a comma and "or (B) who, but for a suspension pursuant to section 351 of this title (or both such a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such person's continuing eligibility for such care is provided for in the judgment or settlement described in such section" before the semicolon.

TECHNICAL AMENDMENTS TO TITLE 38

SEC. 702. Title 38 is amended as follows:

(1) Section 203(b) is amended—

(A) by striking out "An appropriation" and inserting in lieu thereof "Any funds appropriated to the Veterans' Administration"; and

(B) by striking out "not" after "and the settlement is".

(2) Section 301(3) is amended by striking out the semicolon at the end and inserting in lieu thereof a period.

(3) Section 360 is amended by striking out "has suffered (1)" and inserting in lieu thereof "(1) has suffered".

(4) Section 361 is amended by striking out "United States Code,".

(5) Section 719(b) is amended by striking out "subsections" each place it appears and inserting in lieu thereof "sections".

(6) Section 1622(d) is amended by inserting "of this title" after "section 1631(a)".

(7) Section 1623 is amended—

(A) in subsection (a), by inserting "of this title" after "section 1624"; and

(B) in subsection (d), by inserting "of this title" after "section 1622(c)".

(8) Section 1632 is amended—

(A) by striking out the comma after "title 31"; and

(B) by striking out "section 1322(a)" the second place it appears and inserting in lieu thereof "such section".

(9) Section 1643 is amended by inserting "of this title" after "section 1622(c)".

(10) Section 1662(a)(1)(C) is amended by striking out "the effective date of the Veterans' Rehabilitation and Education Amendments of 1980" and inserting in lieu thereof "October 1, 1980".

(11) Section 1682(c)(1)(C) is amended by inserting a comma after "week)".

(12) Section 1701(a) is amended—

(A) in paragraph (1)—

(i) by striking out "title 37, United States Code," in clauses (A)(iii) and (C) and inserting in lieu thereof "title 37"; and

(ii) by inserting a comma after "thereunder" in clause (A)(iii); and

(B) in paragraph (9), by striking out "chapter 4C of title 29" and inserting in lieu thereof "the Act of August 16, 1937, popularly known as the 'National Apprenticeship Act' (29 U.S.C. 50 et seq.)".

(13) Section 1712(b)(2)(C) is amended by striking out "the effective date of the Veterans' Rehabilitation and Education Amendments of 1980" and inserting in lieu thereof "October 1, 1980".

(14) Section 1820 is amended—

(A) in subsection (a)(6), by striking out the comma after "title 31"; and

(B) in subsection (b), by striking out "section 5 of title 41" and inserting in lieu thereof "section 3709 of the Revised Statutes (41 U.S.C. 5)".

(15) Sections 2002 and 2002A are each amended by striking out "a Assistant" and inserting in lieu thereof "an Assistant".

(16) Section 3005 is amended by striking out "subchapter II of chapter 7 of title 42" each place it appears and inserting in lieu thereof "title II of the Social Security Act (42 U.S.C. 401 et seq.)".

(17) Section 3113(a)(2) is amended by striking out "section" and inserting in lieu there of "subsection".

(18) Section 4142(f)(2) is amended by striking out "section 3324 (a) and (b)" and inserting in lieu thereof "subsections (a) and (b) of section 3324".

(19) Section 5010(c)(2)(B) is amended by striking out "or" the first place it appears and inserting in lieu thereof "and".

(20) Section 5053(d) is amended by striking out "subchapter XVIII of chapter 7 of title 42" and inserting in lieu thereof "title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)".

AMENDMENTS TO ELIMINATE CERTAIN GENDER-BASED REFERENCES

SEC. 703. Title 38 is amended as follows:

(1) Sections 3010(k), 3010(l), 3010(m), and 3021(a)(3) are each amended by striking out "widow" each place it appears and inserting in lieu thereof "surviving spouse".

(2) Section 3107 is amended—

(A) by striking out "his wife" each place it appears and inserting in lieu thereof "the veteran's spouse";

(B) by striking out "his children" both places it appears and inserting in lieu thereof "the veteran's children";

(C) by striking out "his custody" both places it appears and inserting in lieu thereof "the custody of the veteran";

(D) by striking out "widow" both places it appears and inserting in lieu thereof "surviving spouse"; and

(E) by striking out "payable to him" and inserting in lieu thereof "payable to the veteran".

(3) Section 3110 is amended—

(A) by striking out "widow" and inserting in lieu thereof "surviving spouse"; and

(B) by striking out "his death" and inserting in lieu thereof "the death of the veteran".

(4) Section 3203 is amended—

(A) in subsections (a)(2), (b)(1), and (c), by striking out "wife" each place it appears and inserting in lieu thereof "spouse";

(B) in subsections (a)(2) and (b)(2), by striking out "him" and inserting in lieu thereof "the veteran's";

(C) in subsection (b), by striking out "his" each place it appears and inserting in lieu thereof "the veteran's"; and

(D) in subsection (d), by striking out "he" and inserting in lieu thereof "the veterans".

(5) Section 3402 is amended—

(A) in subsection (a)(1), by striking out "he" and inserting in lieu thereof "the Administrator";

(B) in subsection (a)(2), by striking out "his discretion" and inserting in lieu thereof "the discretion of the Administrator";

(C) in subsection (b)(1), by striking out "he" and inserting in lieu thereof "the individual";

(D) in subsection (c), by striking out "man" and inserting in lieu thereof "member".

(6) Section 3503(b) is amended—

(A) by striking out "his right" and inserting in lieu thereof "the right";

(B) by striking out "his wife" and inserting in lieu thereof "the veteran's spouse"; and

(C) by striking out "wife" in the second and third sentences and inserting in lieu thereof "spouse".

TECHNICAL AMENDMENTS TO PUBLIC LAW 98-77

SEC. 704. The Emergency Veterans' Job Training Act of 1983 (Public Law 98-77, 97 Stat. 443) is amended—

(1) in section 3(3), by striking out "'State'," and by inserting "'State'," after "'service-connected',"; and

(2) in section 7—

(A) in subsection (a)(2), by striking out "section" and inserting in lieu thereof "Act";

(B) in subsection (e)(2), by striking out "8" and inserting in lieu thereof "10"; and

(C) in subsection (h), by striking out "this Act" and inserting in lieu thereof "the provisions of this Act (other than subsections (b) and (d)(3))".

In lieu of the Senate amendment to the title of the bill, amend the title so as to read: "An Act to amend title 38, United States Code, to extend and improve various health-care and other programs of the Veterans' Administration; and for other purposes.".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unani-

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mous consent that the Senate amendments and the proposed House amendments to the Senate amendments be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Mississippi?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, I yield to the distinguished chairman of the committee to explain his request to the body.

Mr. MONTGOMERY. I appreciate the gentleman yielding.

Mr. Speaker, on May 23, by a voice vote the House passed and sent to the Senate H.R. 2920. The House-passed bill contains several provisions that, if enacted, will improve the quality of health care to our Nation's veterans.

The Senate passed the bill with several amendments.

We have reached agreement with the other body and the proposed House amendments are a compromise between the two bodies.

Bob Edgar, the distinguished chairman of our Subcommittee on Hospitals and Health Care, is on the floor, and I ask my friend to yield to Bob for a brief explanation of the major provisions of the proposed House amendments.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I yield to the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. Edgar).

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Speaker, I urge my colleagues in the House to unanimously endorse the legislation we are considering today, the Veterans' Health Care Amendments of 1983, H.R. 2920, as amended.

I say this because this legislation will extend the life of what is, in my opinion, one of the most important and effective programs devised to assist Vietnam veterans in readjustment to civilian life. I am referring to the Operation Outreach program authorized by this Congress in 1979. Storefront "vet centers" were first opened in 1980 and between that time and the present, these vet centers and their dedicated employees have demonstrated their value throughout the United States. It is doubtful that any other program could have provided the support, through readjustment counseling to veterans and their families, that is essential to the reintegration of certain Vietnam veterans into our society.

There are now 136 vet centers in operation nationwide employing 576 persons, the majority of whom are Vietnam-era veterans. However, their mission is not complete. During hearings on this legislation, it became clear to the members of the Committee on Veterans' Affairs that this program was just hitting its stride—that it was only beginning to achieve its maximum potential. This legislation will allow the continued operation of vet centers through 1988, and will eliminate the eligibility period expiration date.

This legislation also requires the Veterans' Administration to conduct a comprehensive study of posttraumatic stress disorder and other postwar psychological problems which affect veterans. This study is intended to give the VA and Congress sufficient information which can be used to make decisions on the future direction of the VA readjustment counseling program and other VA health care programs.

Another focus of this legislation is the adequacy of VA programs and their use by women veterans. A statutory advisory committee is created by this measure to focus on the particular effects on women of the programs which Congress has made available to all veterans. There is agreement that, in the past, certain specific health care needs of women were not being fully met at VA health care facilities—although women are eligible for such care on the same basis as male veterans. Recently, the VA Administrator, Mr. Harry Walters, has made a concerted effort to develop means of addressing these admitted shortcomings and I applaud this emphasis. The advisory committee established by this measure will serve as a forum for assessing the needs of women veterans, and should provide recommendations for further administrative or legislative changes needed to make benefits available to all veterans and especially women veterans.

Several parts of this legislation deal with the challenge of caring for veterans in their later years. This bill expands and improves the VA's authority to meet such needs through programs of adult day health care and community residential care, and through the State homes program which provides domiciliary, nursing home, and health care to thousands of older veterans. Meeting the health care needs of older veterans is a No. 1 priority of this committee, and these programs provide an essential resource that is used in achieving the goal of compassionate care for veterans.

H.R. 2920 calls for several other studies of health care problems in addition to the posttraumatic stress disorder study I mentioned earlier. They include the problems of providing care in Puerto Rico and the Virgin Islands and other territories and possessions of the United States, and the status of veterans exposed to ionizing radiation. In addition, this legislation expands the VA's authority to provide preventive health services at VA facilities throughout the country.

This legislation includes several innovative provisions which should improve the quality of health care at VA medical facilities. In this regard, the committee notes the VA's increasing difficulty in obtaining the services of certain health care professionals. Acute shortages in the number of persons seeking employment with the VA as respiratory therapists, physical therapists, and licensed practical or vocational nurses has affected the quality of care being provided at some VA facilities.

A "package" of incentives included in this legislation should make employment with the VA more attractive. It is noted that existing recruitment techniques, and an unresponsive OPM job classification system are the principal causes of this situation.

Mr. Speaker, I would like to emphasize that this committee, and the Congress as a whole, are committed to making treatment available to veterans both now and in the future. Therefore, I think it is rather shortsighted to have a "fire sale" of valuable property assigned to the VA which may be needed to provide necessary medical care in the future.

Thus, I am pleased that this measure contains a provision which gives the Administrator of Veterans' Affairs final authority to determine that property is no longer needed to carry out VA functions, and which increases the period for Congress to review such a determination from 30 to 180 days. This should prevent any forced sale of valuable Government property.

Mr. Speaker, as amended, the bill expresses the sense of the Congress that the President should designate the Administrator of Veterans' Affairs as a member of the Cabinet and as the President's principal adviser on all matters pertaining to veterans and their dependents or survivors.

This measure also includes an amendment which will give the United States greater flexibility in settling claims brought by individuals injured while receiving VA medical care. Another provision which should reduce unnecessary expenses requires a review of the payment to veteran beneficiaries of a "travel allowance" to cover certain costs incurred in obtaining treatment at a VA health care facility. A report on this review is due by April 1, 1984. A number of technical amendments to title 38 and the Emergency Veterans Job Training Act of 1983 are also included in this bill.

Mr. Speaker, I believe there is virtually unanimous agreement that the veterans Outreach program is a worthwhile program and that it deserves our support.

The 4-year extension of the program is designed as a signal to the Vietnam veteran population, vet center personnel and the VA of the Congress support for the long-term stability of the program. The House Veterans' Affairs Subcommittee on Hospitals and Health Care was unanimous in that determination. I am personally appreciative of their active support and interest in all the activities of the subcommittee this year. But, in particular, I would like to express my appreciation for the leadership on this issue demonstrated by Congressman Lane Evans whose original legislation H.R. 2323 calling for an extension of the readjustment counseling program was initially approved by the subcommittee. As a freshman member of the committee and a Vietnam-era veteran himself he has played a vital role in the shaping of this legislation and the overall policy of the subcommittee.

I urge unanimous support for this legislation.

I want to express my thanks to all the members of the Subcommittee on Hospitals and Health Care, and particularly to John Paul Hammerschmidt, the ranking minority member of the subcommittee, for their help in the preparation of this bill. I also want to thank the chairman of the full committee, Sonny Montgomery, who, as usual, provided counsel and support during our consideration of this measure. I also must mention the chairman of the Committee on Veterans' Affairs in the Senate, Alan Simpson. Consideration of this measure today was made possible because of the cooperation extended by Senator Simpson, Senator Alan Cranston, the ranking minority member of the Senate Committee on Veterans' Affairs, and their staffs.

I include the joint explanatory statement of the compromise agreement on H.R. 2920, the Veterans Health Care Amendments of 1983 as part of my remarks.

Explanatory Statement of House Bill, Senate Amendments (S. 578), and Compromise Agreement on H.R. 2920, the Veterans' Health Care Amendments of 1983

This document explains the provisons of H.R. 2920 as passed by the House of Representatives, the provisions of the bill as passed by the Senate with an amendment incorporating the provisions of S. 578 as reported, and the provisions of a compromise agreed to by the Veterans' Affairs Committees of the House and Senate. The differences between the House bill, the Senate amendment, and the compromise agreement are noted below, except for clerical corrections, conforming changes made necessary by agreements reached between the Committees, and minor drafting, technical, and clarifying changes.

VIETNAM-ERA VETERANS READJUSTMENT COUNSELING PROGRAM

Both the House bill (section 2) and the Senate amendment (section 102) would amend present section 612A(a) of title 38, United States Code, relating to eligibility for readjustment counseling for Vietnam-era veterans, to extend the period during which a veteran must request counseling in order to be eligible for it. The House bill would have provided a three-year extension (until September 30, 1987); the Senate amendment, a one-year extension (until September 30, 1985).

Under the compromise agreement (section 101(a)), the eligibility period expiration date is eliminated, thereby providing Vietnam-era veterans with ongoing eligibility to request such counseling for their psychological or other readjustment problems.

Both the House bill and the Senate amendment would amend present subsection (g) of section 612A, relating to the requirement that the Administrator of Veterans' Affairs take steps, during fiscal year 1984, to ensure the orderly transition, by the end of the period during which veterans may request readjustment counseling, of the program from a program run primarily through Vet Centers (facilities apart from other VA health-care facilities, e.g., hospitals and clinics) to a program run primarily through VA health-care facilities and requiring the Veterans' Administration to submit to the Committees by April 1, 1984, a report on its actions and plans for that transition. The House bill would extend by three years, until October 1, 1987, the deadline for completing the transition and by two and half years, until September 30, 1986, the deadline for the transition report. The Senate amendment would extend those deadlines by one year and by six months, respectively. The Senate amendment would further amend this report requirement to require the Administrator to include an evaluation of the effectiveness of readjustment counseling services in helping to meet the readjustment needs of Vietnam-era veterans.

The compromise agreement (section (101(b)) would postpone the deadline for the readjustment counseling program transition to October 1, 1988, and the deadline for the transition report to July 1, 1987. In addition, the agency would also be required to submit, by April 1, 1987, a report evaluating the readjustment counseling program in light of the post-traumatic stress disorder (PTSD) study, discussed below under the heading "Study of Post-Traumatic Stress Disorder and Other Post-War Psychological Problems".

With reference to the VA's readjustment counseling program, the Committees note that reports have been received of instances in which eligible veterans who have been referred by readjustment counseling (Vet Center) personnel to other VA health-care facilities for mental-health services beyond those available through the Vet Center have been unable to obtain these VA services in a timely manner. Such referrals in relation to a veteran's readjustment occur in two circumstances: First, when a veteran is referred to a VA health-care facility for a mental and psychological assessment under section 612A (a) and (b)(1) of title 38 to determine whether he or she requires treatment to help in readjusting to civilian life and for any treatment found necessary for that purpose and, second, when Vet Center personnel have been able to complete the assessment and have referred the veteran for treatment related to the veteran's readjustment problem.

The Committees believe strongly that once the VA assumes responsibility for a veteran's readjustment needs through this program and it is determined that the veteran needs mental health care to help in readjusting, the agency should take steps to ensure that the veteran receives that care on a timely basis. The Committees urge the Chief Medical Director to look into this matter of continuity of treatment and take whatever steps are necessary to ensure that the agency fulfills its obligations in this regard. The Committees also urge the Administrator to consider this issue in preparing the part of the April 1, 1987, report to the Committees setting forth his recommendations regarding program transfer from "storefront counseling centers" to VA Medical Centers.

STUDY OF POST-TRAUMATIC STRESS DISORDER AND OTHER POST-WAR PSYCHOLOGICAL PROBLEMS

Both the House bill (section 3) and the Senate amendment (section 103) would mandate a comprehensive VA study of Vietnam-era veterans' problems in readjusting to civilian life. The study in the House bill—a report on which would be due to be submitted to the Congress by December 31, 1985—would be a comprehensive study of Vietnam-era veterans' readjustment to civilian life, to include surveys of (1) the prevalence and incidence of PTSD and related readjustment problems, and (2) the current and past health status of the Vietnam-era veteran population in relation to that of the general population. The VA study in the Senate amendment, a report on which would be due by March 1, 1985, would be a comprehensive study of the prevalence, incidence, and effects of PTSD and related problems in readjusting to civilian life among Vietnam-era veterans.

The compromise agreement (section 102) would require the VA to conduct a study, and to submit to the Committees a report thereon by October 1, 1986, of the prevalence and incidence of PTSD and other psychological problems in readjusting to civilian life (collectively referred to as "post-war psychological problems") among veterans who served in the Vietnam theater of operations and the effects of such problems on these veterans.

The study provision in both the House bill and the Senate amendment would require separate findings with respect to veterans with service-connected disabilities, veterans who served in the Vietnam theater of operations, and women veterans. The readjustment portion of the study in the House bill would be required to include psychological, economic, and sociological evaluations of Vietnam-era veterans (including the long-term effect of PTSD among the veterans and on their families), and to be designed to yield information as to whether there are correlations between PTSD among Vietnam-era veterans and alcohol or drug abuse and between PTSD among Vietnam-era veterans and incarceration among these veterans. The health status portion of the study in the House bill would be required to be designed to determine the extent of the relationship (if any) between the occurrence of PTSD and related psychological disorders among the veterans and the occurrence of psychological or other medical disorders, as well as a survey of the veterans' use of VA health-care facilities.

The report under the Senate amendment would be required to provide information on the capability of the VA to provide treatment to the numbers of veterans identified as suffering from PTSD and related problems, a description of VA policy and procedure with respect to providing disability compensation for PTSD and such problems, and a description of VA efforts to coordinate treatment and compensation activities related to PTSD.

The compromise agreement would require that the study be designed with particular attention to veterans with service-connected disabilities and with specific reference to women veterans. The study would be required to yield information on any correlations that may exist in the population of Vietnam veterans—

(1) between post-war psychological problems on the one hand and physical disabilities on the other hand;

(2) between post-war psychological problems on the one hand and alcohol and drug abuse problems on the other hand;

(3) between such veterans having post-war psychological problems and being members of minority groups; and

(4) between post-war psychological problems on the one hand and incarceration in penal institutions on the other hand.

The study would also include an evaluation of the long-term effects of post-war psychological problems among Vietnam veterans on the veterans' families and persons in other primary social relationships with the veterans. In addition, the study would include a survey of the extent to which Vietnam veterans with post-war psychological problems use VA-furnished care. The report of the study would be required to contain a description of the results, information on the VA's capability to treat the numbers of Vietnam veterans estimated to be suffering from post-war psychological problems, descriptions of VA policies and procedures for providing disability compensation for post-war psychological problems, a description of VA efforts to coordinate its health-care and compensation programs with respect to PTSD, and the Administrator's recommendation for administrative and legislative action.

With reference to the issue of Vietnam veterans' general health status, the Committees note their intention that the study include information on the relationship between post-war psychological problems and Vietnam veterans' physical health. The Committees also wish to emphasize that the study be designed so as to yield statistically valid results (and thus be useful for making decisions on the future direction of the VA readjustment counseling program and other VA health-care programs) with reference to Vietnam veterans in general and the various specific groups of Vietnam veterans being studied (i.e., veterans with service-connected disabilities, women veterans, veterans in various minority groups, veterans with alcohol or drug problems, incarcerated veterans, and other groups on which the VA decides to focus).

The Committees recognize that there are various possible methods by which the prevalence and incidence data necessary for this study may be gathered and analyzed. The Committees do not express any view on what specific methodology should be followed, but intend, rather, that the Administrator have discretion regarding the design of the study.

ADULT DAY HEALTH CARE

The Senate amendment (section 101), but not the House bill, would amend present section 620 of title 38, United States Code, relating to the Administrator's authority to furnish veterans with nursing home care through contractual arrangements with non-VA facilities, to authorize the VA to conduct until September 30, 1987, a pilot program of adult day health care under which veterans eligible under section 620 for community (non-VA) nursing home care, could be furnished day health-care services in non-VA programs at VA expense and in programs operated by the VA itself (but not more than four such programs) and to evaluate the medical efficacy and cost-effectiveness of such services as an alternative to nursing home care.

The compromise agreement (section 103) contains this provision with amendments. Under the provisions in the compromise agreement, the VA would be authorized to provide adult day health-care services through fiscal year 1988 but the program would not be denominated as "pilot".

The Senate amendment provisions defining "adult day health care" are not included in the compromise agreement. The Committees expect the Administrator to include a definition of this phrase in program regulatons. The definition could include, but not necessarily be limited to, some or all of the elements included in the Senate provision such as "social services", necessary "transportation", and "mid-day meals".

The provisions in the Senate amendment providing adult day health-care eligibility only to veterans who are eligible for transfer from a VA hospital to a community nursing home for care at VA expense and those who require adult day health care primarily for service-connected disabilities have been modified in the compromise agreement to add to the categories of veterans eligible for adult day health care those who are 50-percent or more disabled.

The provision in the Senate amendment limiting to four the number of locations for VA in-house adult day health-care programs is deleted. Under the compromise agreement, the VA would have authority to conduct in-house programs at any VA health-care facility. The committees intend, however, that the VA, to the maximum extent feasible, utilize community facilities to provide adult day health care and to do so on an in-house basis only where it would be cost-effective to do so in terms of the numbers of eligible veterans and the availability of comparable services in the community.

The provision in the Senate amendment relating to the general 6-month limit on the period of eligibility for adult day health care (which does not apply to veterans whose hospitalization was primarily for a service-connected disability) is modified in the compromise agreement to clarify that this time limit would also be applicable to veterans (with the same service-connected exception) receiving such services in in-house VA programs.

The provision in the Senate amendment limiting the Administrator's authority to furnish adult day health care to situations in which the cost per week of such care for the veteran is less than the cost per week of providing the veteran with nursing home care, either in a VA nursing home care facility or in a community facility, is not included in the compromise agreement. Instead, the cost of adult day health care would not be permitted to exceed the maximum permissible VA payment for nursing home care in a community facility. This limit would be achieved by making the current law provision (in section 620(a) of title 38) applicable to the furnishing of adult day health care, thereby generally permitting the VA to pay for nursing home care in community facilities only where the cost does not exceed 45 percent of the cost of basic (nonsurgical) VA hospital care.

Although no other specific cost limitation would be imposed, the Committees expect that adult day health care furnished under this new authority generally will be substantially less costly than nursing home care and note their view that adult day health care is intended primarily as a cost-effective alternative to community nursing home care. Hence, it is the Committees' intention that the exercise of this new authority would entail no significant additional cost.

The explicit authority in the Senate amendment to provide transportation to veterans participating in adult day health-care programs, which was included as part of the definition of adult day health care, is not included expressly in the compromise agreement because, as noted above, the definition of "adult day health care" is not included. The compromise agreement does limit transportation between home and program for participants in in-house VA programs by providing for the application of the terms and conditions set forth in section 111 of title 38, United States Code (relating to VA beneficiary-travel-expense reimbursement) to the furnishing of necessary travel and incidental expenses for such veterans. Thus, for example, travel reimbursement in such cases would be subject to the prohibition in subsection (e)(2)(A) of section 111 against payments to veterans who are not in receipt of service-connected benefits and are, as determined pursuant to regulations required under that provision, able to defray the travel expenses.

The authority in the Senate amendment for the Administrator to provide inkind assistance to a facility which, pursuant to a contract with the VA, is providing veterans with adult day health-care services, is modified so as to remove the limitation that the cost of such assistance be equal to or less than the expenses the VA would be required to pay to the facility for care provided to eligible veterans. Instead, under the provision in the compromise agreement, the VA would be authorized to provide inkind assistance to an adult day health-care facility and to be fully reimbursed for such assistance by way of a reduction in the charges the VA would otherwise be required to pay to the facility, or by direct payment to the VA.

The committees intend that ordinarily the VA be provided reimbursement for the costs of its inkind assistance by way of offsets against charges payable by the VA for care and that direct payment be received in only temporary and extraordinary situations in which the costs of the inkind assistance exceed the total charges for the billing period involved.

Finally, instead of the Senate amendment requirement for the submission of annual reports on the program, the VA would be required, following implementation of this new authority, to submit only one such report, due on February 1, 1988 (eight months before the authority for the program would expire), on the operation of the program during the first four years. This report would include information on the medical efficacy and cost-effectiveness of furnishing adult day health care as an alternative to nursing home care and of doing so in-house as compared with by contract.

COMMUNITY RESIDENTIAL CARE

The Senate amendment (section 106), but not the House bill, would amend present subchapter III of chapter 17 of title 38, relating to miscellaneous provisions concerning hospital, nursing home care, and medical treatment of veterans, to add a new section 630 to provide the VA with express authority to conduct a program of referring VA veteran-patients to, and helping such patients obtain placement in and removal from, private VA-approved community residential-care facilities. This provision would codify and clarify the authority under which the VA provides veterans with such assistance at present.

The compromise agreement (section 104) contains this provision.

INCREASE IN PER DIEM RATES FOR CARE IN STATE HOMES

Both the House bill (section 4) and the Senate amendment (section 107) would amend section 641 of title 38, United States Code, relating to payments by the VA to State veterans' homes for providing care to veterans who are eligible for VA care, to increase the per diem rates—$6.35 for domiciliary care, $12.10 for nursing home care, and $13.25 for hospital care—paid under current law. Under the House bill, the rates would be increased, effective October 1, 1983, to $9.50, $16.00, and $16.90. The Senate amendment would increase the rates to $7.30, $13.95, and $15.25, with the increase to take effect during the period April 1 through September 30, 1984, depending upon the availability and amount of funds specifically appropriated for the increases to be provided prior to September 30. The House bill, but not the Senate amendment, would also require the Administrator to submit a report every three years on "the appropriate rates" for the per diem payments with the first report due not later than June 30, 1983.

Under the compromise agreement (section 105), the rates would be $7.30 for domiciliary care, $17.05 for nursing home care, and $15.25 for hospital care. The new rates would become effective April 1, 1984.

The Committees note that the 41-percent increase in the per diem rate for State home nursing home care corresponds to the total percentage increase that has been made since October 1, 1980, in the mximum per diem rate paid by the VA to community nursing homes for care furnished veterans under section 620 of title 38. The last increase in the State home nursing home per diem rate took effect on October 1, 1980. This substantial increase in the per diem rate for nursing home care, which applies to 56 percent of the average daily census in State homes, reflects the importance that the committees attach to the role of the State homes in helping meet the needs of eligible veterans for nursing home care in the years and decades ahead.

The compromise agreement would require the Administrator to submit a report every 3 years on the adequacy of the rates in light of projections over each of the following five years of the demand on the VA for nursing home care. The first report would be due not later than June 30, 1986.

PREVENTIVE HEALTH-CARE SERVICES

The Senate amendment (section 104), but not the House bill, would amend present section 601(6)(A)(i) of title 38, relating to the definition of medical services that the VA is authorized to provide to eligible veterans, to add, in the cases of veterans already receiving VA health-care services, preventive health-care services. Also, the Senate amendment, but not the House bill, would amend present subchapter VII of chapter 17 of title 38, authorizing a preventive health-care services pilot program, to make the pilot program mandatory as to veterans (1) who are receiving care from the VA for their service-connected disabilities, or (2) who have service-connected disabilities rated at 50-percent or more disabling and are receiving care from the VA. Thus, veterans in either of these categories would be provided with at least one preventive health-care service as part of their VA care and treatment. The program, which would be extended with a $15 million annual expenditure cap through fiscal year 1988, would remain discretionary as to veterans with service-connected disabilities rated at 50-percent or more disabling who are not otherwise receiving care from the VA.

The compromise agreement (section 106) contains these provisions.

STUDY OF HEALTH CARE NEEDS OF VETERANS IN PUERTO RICO

Both the House bill (section 5) and the Senate amendment (section 108) would amend present section 601(4)(C)(v) of title 38, relating to the Administrator's authority to provide hospital care and medical services in certain noncontiguous States (defined in present section 101(20) to include U.S. territories and possessions and the Commonwealth of Puerto Rico), to extend for one year—from September 30, 1983, until September 30, 1984—the VA's authority, on a contract basis, in Puerto Rico and the Virgin Islands and other Territories and possessions of the United States, to provide hospital care for non-service-connected disabilities and outpatient treatment to obviate the need for hospital admission for such disabilities.

The compromise agreement does not contain this provision in light of the action initiated by the Committees to proceed with a separate bill in light of the September 30, 1983, expiration date of the current-law authority. That bill, S. 1850, was enacted as Public Law 98-105 on September 30, 1983.

The Senate amendment, but not the House bill, would require the VA to submit to the Committees not later than December 1, 1983, a report setting forth and justifying the VA's long-term plans for meeting the health-care needs of veterans—particularly service-connected-disabled veterans—in Puerto Rico and the Virgin Islands. The report would be required to address the VA Inspector General's February 1983 audit report on VA programs in Puerto Rico and to include a prospectus for any VA construction project recommended for Puerto Rico.

The compromise agreement (section 107) contains this provision.

BENEFICIARY TRAVEL

The Senate amendment (section 109), but not the House bill, would realign certain resources within the VA health-care budget by requiring that $20 million in fiscal year 1984 funds be redirected from VA health-care beneficiary-travel expense reimbursements to the provision of community nursing home care, adult day health care, and preventive healthcare services to eligible veterans. The Administrator would be given authority to issue regulations to restrict beneficiary travel payments in the case of certain veterans in order to achieve the necessary reduction in beneficiary-travel payments. Both the cap on beneficiary-travel payments and the authority to issue regulations would be made contingent upon the compliance with the requirement that the $20 million in fiscal year 1984 savings is used for the above specified purposes.

In lieu of these provisions, the compromise agreement (section 108(a)) contains a provision pursuant to which the VA, after January 1, 1984, would be prohibited, with certain exceptions, from making certain non-service-connected beneficiary-travel payments unless it has prescribed regulations—required by a provision enacted in 1979 in Public Law 96-151—for making determinations of inability to defray travel expenses under section 111(e)(2)(A) of title 38, United States Code. If the regulations were not published by that deadline, beneficiary-travel payments could not be made for travel occurring between January 1, 1984 and the date that the regulations are published except to persons receiving benefits for or in connection with a service-connected condition, to veterans eligible for improved pension (i.e., pension under section 521 of title 38), and to persons who must travel to a VA facility by special modes, such as ambulance, if such travel is approved in advance or occurs in emergency situations.

The compromise agreement (section 108(b)) also would require the Administrator to conduct a review of the beneficiary-travel program for the purpose of effecting management improvements and economies in making beneficiary-travel payments, and to report to the Committees by April 1, 1984, on the results of that review. The Committees expect this review to include an assessment of the contribution of beneficiary-travel payments to maintaining the quality and accessibility of health care provided by the VA and of the needs—in terms of both need for care and financial need—of eligible veterans receiving beneficiary-travel payments. The Committees further intend that the review take into consideration reported abuses under the current system, eligibility criteria as set forth in the prescribed regulations described above, ability to pay and type of disability, and possible alternatives to the need for beneficiary-travel payments such as, but not limited to, the VA providing more accessible health care in underserved communities directly or by contract and direct provision of transportation by the VA. The Committees also expect the Administrator to report on how local VA health-care facilities utilize any excess beneficiary travel funds and whether allowing local flexibility in this regard is useful to permit local program initiatives which might be more beneficial to meeting the health-care needs of eligible veterans than payments for beneficiary travel.

The Committees recognize the importance of beneficiary travel in appropriate instances and direct the Administrator to reassess carefully how the program could be managed more effectively.

PROVISIONS TO IMPROVE THE RECRUITMENT AND RETENTION OF CERTAIN PERSONNEL

The Senate amendment (title II), but not the House bill, would amend various sections of present subchapter I of chapter 73 of title 38, relating to the general organization of the VA's Department of Medicine and Surgery (DM&S), to revise, extend, and improve various VA programs designed to enable DM&S to recruit and retain sufficient, qualified health-care personnel. Included are provisions to improve the VA's ability to recruit and retain personnel in health-care occupations—certified or registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses. These provisions would permit the Administrator to set rates of pay and qualifications standards for these three occupations without regard to civil-service laws, rules, and regulations; authorize the Administrator, when necessary for recruitment and retention purposes, to use additional pay authorities under title 38 to compensate individuals in these three occupations; and permit the Administrator to take action, without such action being statutorily subject to review by the President as under current law, to adjust rates of basic pay for individuals in these occupations when necessary for recruitment and retention purposes.

Other provisions would give the Administrator general authority to appoint DM&S personnel at above-entry pay levels in certain circumstances and would require that a majority of members of a disciplinary board, appointed pursuant to present section 4110(a) of title 38, be in the same occupation as the individual whose case is before the board.

With reference to the provision relating to the composition of a disciplinary board, the Committees note that this amendment codifies current VA practice as set forth in paragraph 3 of chapter 8 (Disciplinary Actions, Grievances and Hearings), VA Manual MP-5, Part II.

In addition, the Administrator would be required to report (1) within ninety days after the date of enactment, on plans to implement the new personnel authorities described above, (2) by September 30, 1985, on the results of the use of these new authorities on recruitment and retention, and (3) jointly with the Director of the Office of Personnel Management by January 1, 1984, on efforts made to carry out recommendations for administrative action in the report entitled "Study of the Feasibility and Desirability of Converting Selected Health Care Occupations to Title 38, United States Code", which was forwarded to the Committee on Veterans' Affairs by the Administrator in a letter dated September 1, 1982.

The compromise agreement contains these provisions.

The Committees note that it is not the intent of the provisions of this legislation relating to the three DM&S occupations involved to diminish or impair in any way the rights and protections guaranteed the employees in those occupations under the express provisions of chapter 71 of title 5, United States Code, relating to federal labor management relations.

ADVISORY COMMITTEE ON WOMEN VETERANS

Both the House bill (section 6) and Senate amendment (section 301) would amend subchapter II of present chapter 3 of title 38, relating to various administrative aspects of VA operations, to add a new section 222 to establish an Advisory Committee on Women Veterans (hereinafter referred to as the "Advisory Committee").

The compromise agreement (section 301) contains a provision to establish such a committee.

Under both the House bill and the Senate amendment, the Advisory Committee would include members appointed by the Administrator from the general public, as follows: representatives of women veterans and of both male and female veterans having service-connected disabilities, and recognized authorities in fields pertinent to women veterans' needs. Under the House bill, but not the Senate amendment, the Advisory Committee membership would include the Secretary of Labor (or a representative), the Secretary of Defense (or a representative), and the VA's Chief Medical Director and Chief Benefits Director (or their designees). Under the Senate amendment, but not the House bill, the VA's Chief Medical Director and Chief Benefits Director, or their designees, and one public member and one military member of the Department of Defense Advisory Committee on Women in Service would be ex officio members, and the Administrator would be authorized to invite representatives of other United States Government departments and agencies to participate in meetings and other activities.

Under the compromise agreement, the Advisory Committee membership would include, as ex officio members, the Secretaries of Labor and Defense (or their representatives) and the VA's Chief Medical Director and Chief Benefits (or their designees). The Administrator would be authorized to invite representatives of other departments and agencies to participate in the Advisory Committee's activities.

The Senate amendment, but not the House bill, would permit the reappointment of members to the Committee.

The compromise agreement contains this provision.

Both the House bill and the Senate amendment would require the Administrator to consult with and seek the advice of the Advisory Committee with respect to (1) the administration of benefits for women veterans (VA benefits under the House bill and title 38 benefits under the Senate amendment), and (2) the unique needs of women veterans with respect to compensation, health care, and rehabilitation. In addition, the Senate amendment, but not the House bill, would require the Administrator to consult with and seek the advice of the committee with respect to reports and studies pertaining to women veterans and the needs of women veterans with respect to outreach and other benefits and programs administered by the VA.

The compromise agreement generally follows the Senate amendment.

The Senate amendment, but not the House bill, would specify that the Committee shall meet not less than three times in fiscal year 1984 and not less than two times in each subsequent fiscal year.

The compromise agreement does not contain this provision.

Both the House bill and the Senate amendment would require the Advisory Committee to submit to the Administrator by July 1, 1984, a report on women veterans' needs and VA programs for meeting these needs. Thereafter, the submission of such a report would be required every two years by the House bill and annually by the Senate amendment.

The compromise agreement follows the House bill.

The House bill would require the Administrator "promptly" to submit to the Congress each biennial report from the Committee together with the Administrator's comments thereon. The Senate amendment would require the same submission by the Administrator to the Congress within 30 days after the Administrator receives each report.

The compromise agreement follows the Senate amendment but with an amendment to extend to 60 days the period of time the Administrator would have after receiving a report to submit it to the Congress.

GENDER-SPECIFIC HEALTH CARE

The Senate amendment (section 302), but not the House bill, would authorize the VA, through fiscal year 1989, to provide fee-basis ambulatory care for the treatment of gender-related, non-service-connected conditions of women veterans to whom the VA is unable to provide the needed care. In addition, the Administrator would be required to submit specific budget information annually regarding the use of this authority and a report by September 30, 1988, on whether the expiration date for this authority should be extended.

In lieu to this provision, the compromise agreement (section 302) contains a free-standing provision which would require the Administrator to take steps utilizing existing title 38 authorities to ensure that the agency is able to meet—at its own facilities or through sharing arrangements—the gender-specific health-care needs of women veterans.

The Committees note that, under new section 222(b) of title 38 (the provision relating to the Advisory Committee), the Administrator is required to consult with the Advisory Committee on a regular basis with respect to, among other things, the administration of VA benefits for women veterans and that this responsibility clearly would involve health-care benefits and the implementation of the new gender-related health care provision.

REAL PROPERTY MANAGEMENT

The House bill (section 7), but not the Senate amendment, would amend present section 5022 of title 38, United States Code, relating to the Administrator's authority to procure and dispose of property, to extend, from 30 to 180 days, the period during which the VA is precluded from transferring real property to another federal agency or a State or reporting real property as excess and to give the Administrator final authority regarding the disposal of any real property under VA jurisdiction that the General Services Administration has declared to be excess.

The compromise agreement (section 401) contains this provision.

RELEASE OF REVERSIONARY INTEREST, BILOXI, MISSISSIPPI

The House bill (section 8), but not the Senate amendment, would authorize the Administrator to release the reversionary interest of the United States in a parcel of land located in Biloxi, Mississippi, that was previously conveyed to the City of Biloxi in 1966.

The compromise agreement (section 402) contains this provision.

STATUS AND ROLE OF ADMINISTRATOR OF VETERANS' AFFAIRS

The Senate amendment (section 501), but not the House bill, would express the sense of the Congress that, in light of the importance of the VA's mission and the size of the agency, the Administrator of Veterans' Affairs should be designated by the President as a member of the Cabinet and be the President's principal adviser on all matters pertaining to veterans and their dependents or survivors.

The compromise agreement (sections 501 and 502) contains this provision.

RADIATION EXPOSURE STUDY AND GUIDE

The Senate amendment (section 601), but not the House bill, would require the Administrator, through contracts or agreements, to provide for the conduct—except as determined by the Administrator, with the concurrence of the Director of the Office of Technology Assessment, not to be scientific feasible—of epidemiological study of the long-term adverse health effects of exposure of persons to ionizing radiation from detonations of nuclear devices; would require the Administrator to develop and publish an indexed reference guide, derived from existing research-result compilations, regarding the state of medical and other scientific information on any long-term adverse health effects in humans from exposure to radiation; and would require the President to coordinate Executive Branch ionizing radiation research efforts.

The compromise agreement (section 601) contains these provisions with amendments.

The provision in the Senate amendment nullifying the study requirement to the extent that the Administrator determines and the Director of the Office of Technology Assessment concurs that it is not scientifically feasible to conduct valid study has been amended to delete the requirement that the Director concur in any determination of infeasibility in order for it to have the effect of nullifying part or all of the study requirement. Instead, the Administrator would be directed to consult with the Director prior to making a determination about scientific feasibility, and the Director would be required to provide the Congress with his or her evaluation of any determination of scientific infeasibility made by the Administrator.

The provision in the Senate amendment requiring the Administrator to carry out the epidemiological study through contracts or agreements with private or public agencies or persons has been amended to delete an express prohibition against contracting with the Departments of Defense and Energy.

The provisions in the Senate amendment requiring that the object of the epidemiological study be "the long-term adverse health (including psychological) effects" of exposure to radiation and that the study should include a study of prevalent illnesses in persons potentially exposed and genetic and congenital problems suffered by the natural children of such persons have been amended to delete the explicit references to psychological effects of exposure and to genetic and congenital problems in the natural children of those exposed, and the reference to persons who were "potentially" exposed.

The Committees note that, since the term "health effects" is commonly understood as including psychological effects and genetic and congenital problems, the degree of specificity in the Senate amendment is unnecessary. The deletion from the study provision of reference to persons who were potentially exposed reflects the Committees' view that the principal focus of the mandated study should be veterans who were actually exposed to ionizing radiation during their service. By this change, the Committees do not intend to exclude those veterans who were present in Hiroshima or Nagasaki, Japan, during the period September 11, 1945, through July 1, 1946. Rather, the Committees intend that these veterans would be included in such study.

The provisions in the Senate amendment requiring the Administrator and the study contractor, once a contract has been entered into, to submit a joint report to the appropriate committees of the Congress (which would include both the Appropriations and the Veterans' Affairs Committees of the House of Representatives and the Senate) containing detailed information on various matters relating to the scope and cost of the study have been amended—as has the provision that the authority to contract for the conduct of study would be effective only to such extent or in such amounts as are provided in advance by appropriations acts. Under the compromise agreement, if funds have not yet been appropriated for the contract, the contract would be required to be made contingent upon the availability of appropriated funds for the study contract. Once a contract is entered into (whether funds have already been appropriated or the contract is contingent upon funds being appropriated), the VA and the contractor would be required to submit a report to these Committees with an estimate of the total cost of the study and copy of the contract. Certain requirements in the Senate amendment for the submission of detailed information regarding the conduct of study under the contract—with estimates of the number of individuals to be studied and the length of the study (including significant milestones prior to its completion)—have been deleted in the compromise agreement.

The Committees note that it is their expectation that the requirements in the Senate amendment for detailed information should be unnecessary because the contract documents would be expected to provide it. Should any such information not be contained in the contract, the Committees would expect that the VA and the contractor would provide it in the report.

The provisions in the Senate amendment relating to reports to the appropriate committees of the Congress by the Director of the Office of Technology Assessment on the Director's monitoring of the development of the protocol or protocols for and the conduct of study has been modified to delete the requirement that the reports contain a review of and comments on the most recent report submitted by the Administrator of such study. Also, the requirement that, in the event the protocol for such study is not completed by the end of the twelve-month period beginning on the date of enactment of this measure, the Director submit a report every sixty days until the protocol is completed, has been modified to require the Director to submit such reports periodically on protocols underway or being considered for development.

The Committees do not believe it necessary to include in the compromise agreement detailed requirements for the content of the OTA Director's reports or a rigid timetable for reports in the event the protocol is not completed within twelve months. However, the Committees note their expectation that the Director would provide whatever comment on the Administrator's most recent report that the Director considers appropriate and, with reference to the timetable, would submit reports at such times as the Director considers appropriate in light of such factors as the strong public and Congressional interest in the progress on such study and the occurrence of any significant events bearing on the development of the protocol or protocols.

The provision in the Senate amendment requiring the Administrator, not later than 90 days after the submission of specified periodic reports on study results, to publish in the Federal Register for public review and comment a description of actions the Administrator proposes to take based on the results of study obtained up to that time has been deleted in the compromise agreement.

Although the Committees did not believe it necessary to establish rigid timetables as in the Senate amendment, the Committees note their intention that the Administrator take steps, including publishing information in the Federal Register for public review and comment, to respond to findings of the study at appropriate times.

The Committees note that the repeated references to "study" rather than "the study" both in the compromise agreement and this explanatory statement denote the conduct of scientific research.

The provision in the Senate amendment requiring the indexed reference guide (described above) to include readily useable information regarding the state of medical and other scientific information on any long-term adverse health effects, including genetic and psychological effects, in humans of exposure to radiation has been modified to delete—for the same reason that specific reference to psychological, genetic, and congenital effects has been deleted from the epidemiological study provisions (as discussed above)—specific references to such effects and to clarify that the focus is on "ionizing" radiation.

Nevertheless, the Committees intend that these aspects of overall health status be included in the indexed reference guide to the extent they are recognized and analyzed in pertinent research-result compilations on the effects of ionizing radiation exposure (from which the guide is to be developed).

Provisions in the Senate amendment requiring the Administrator (1) to submit to the appropriate committees of the Congress, not later than 13 months after the date of enactment, a report on the development of the guide, together with the Administrator's views on the need for legislative or administrative action or further research, (2) to distribute the guide and the Administrator's report on it to certain specified individuals and entities, and (3) periodically to review and, to the extent appropriate, update the guide have also been deleted in the compromise agreement.

The Committees expect the Administrator to take each of the described actions in any event and thus do not believe it is necessary that they be mandated.

MISCELLANEOUS AND TECHNICAL AMENDMENTS

The Senate amendment (title VII), but not the House bill, contains various miscellaneous and technical amendments to present title 38. The one substantive amendment (section 701) would amend present section 610(a)(3) of title 38, relating to eligibility for VA hospital, nursing home, and domiciliary care, to provide for continuing VA health-care eligibility for an individual injured while receiving VA care or vocational rehabilitation services who accepts a settlement or receives a court judgment for a tort claim in connection with such injury, but only to the extent provided for in the settlement agreement or court judgment.

The compromise agreement (sections 701, 702, and 703) contains these provisions along with other additional purely technical amendments to title 38 (some to remove gender-based references).

The compromise agreement (section 704) also includes provisions that would make technical and clarifying amendments to the recently enacted (August 15, 1983) Emergency Veterans' Job Training Act of 1983 (EVJTA). First, the compromise agreement would correct mistakes in two references: the reference (in section 3(3) of EVJTA) to the definition of "State" contained in section 101 of title 38, United States Code, and the cross reference (in section 7(e)(2) of EVJTA) to the section of EVJTA (section 10) authorizing training contracts with educational institutions. Second, the compromise agreement would amend the provision (section 7(a)(2) of EVJTA) requiring that, with certain exceptions, the Administrator approve the applications of employers who have submitted certain documentation to specify that the documentation must show compliance with the requirement under EVJTA—rather than only the requirements under a particular section (section 7) thereof. Thus, in addition to demonstrating compliance with the requirements set forth in section 7 of EVJTA, the documentation would need to show compliance with the minimum length-of-training period requirement in section 6. Third, the compromise agreement would amend the provision (section 7(h)) specifying that programs of apprenticeship or other on-job training approved for the purposes of GI Bill benefits are to be considered to have met all of the requirements established under EVJTA so as to clarify that the provision does not override the prohibitions (in section 7(b)) on approval of certain types of programs and to specify that this automatic approval provision does not override the requirement (in section 7(d)(3)) that an employer's hiring of veterans with EVJTA assistance not displace other employees of the employer.

CHIROPRACTIC SERVICES

The Senate amendment (section 105), but not the House bill, would provide for the reimbursement (or direct payment) of reasonable charges for chiropractic services, not otherwise covered by available health insurance or other reimbursement, furnished (prior to September 30, 1987) to certain veterans with neuromusculoskeletal conditions of the spine; and would limit the amount payable for such services furnished an individual veteran to $400 in any 12-month period and total VA expenditures for chiropractic services to $2 million in any fiscal year.

The compromise agreement does not contain this provision.

It is the understanding of the Committees that the VA generally has authority to provide chiropractic services to any veteran who is eligible to receive hospital care as defined in section 601(5)(A)(i) of title 38 or medical services as defined in section 601(6), and who is in need of chiropractic services. It may do so as part of such care and services directly through chiropractors whom it may employ or on a contract basis under the general criteria prescribed in section 601(4)(C) for the provision of contract care and treatment.

The Committees note, with some cautious optimism, recent reports that the VA has begun to use its existing contract authority to refer a limited number of veterans to chiropractors. The Committees believe that chiropractic services for the treatment of musculoskeletal conditions of the spine may be beneficial and necessary in some cases. Therefore, the Committees urge the VA's Department of Medicine and Surgery to act to encourage field stations, in consultation with veteran patients, to increase substantially the frequency of referrals of veterans to chiropractors for such treatment in appropriate cases.

PRESUMPTION CONCERNING DYSTHYMIC DISORDER

The Senate amendment (section 401), but not the House bill, would amend present section 312(b) of title 38, relating to presumptions as to certain diseases or disabilities, to add dysthymic disorder (or depressive neurosis) to the list of disabilities as to which presumption of service connection applies in the cases of former prisoners of war who were interned for 30 days or more.

The compromise agreement does not contain this provision.

The Committees note that the same provision is contained in S. 1388, the proposed "Veterans' Compensation and Program Improvements Amendments of 1983" as reported by the Senate Committee and that the House Committee expects to give favorable consideration to this provision in the context of that compensation measure.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I agree with what our distinguished chairman of the subcommittee said.

Mr. Speaker, I support H.R. 2920 as it is presently before the House. It is my opinion that the accommodations reached with the other body are very reasonable and it is my further opinion that the bill before us will most definitely improve and enhance the medical program of the Veterans' Administration. I urge my colleagues to support the unanimous-consent request of the distinguished chairman of the House Committee on Veterans' Affairs.

Mr. Speaker, this amended version of H.R. 2920 does several imperative things. It extends the psychological readjustment outreach program for Vietnam veterans—a program that has proved its worth and its necessity. It asks the Veterans' Administration to study a very complex issue—the matter of the much misunderstood medical problem of posttraumatic stress disorder and to report to the Congress on its findings. It mandates an advisory committee on the needs of women veterans. It calls for a solution of the complex VA medical problem in Puerto Rico and the Virgin Islands. It looks to the future needs of the aging population and seeks to address those needs. It lets the Veterans' Administration better compete for those employees in scarce categories such as physical therapists, respiratory therapists and licensed practical and vocational nurses. It seeks answers to the problems of veterans exposed to ionizing radiation. And, Mr. Speaker, it increases on a rational and much-needed basis Federal payments to State homes which provide nursing, domiciliary, and hospital care to veterans.

Mr. Speaker, H.R. 2920 also has one additional but most important feature. It expresses the sense of the Congress that the Administrator of the VA ought to be a member of the President's Cabinet. In essence, the bill says to the President that he ought to seriously consider upgrading that most important agency of government because of its size, its budget, and its tremendous impact on the Nation. Hopefully, the President will respond favorably to this resolution of the sense of the Congress.

Mr. Speaker, this bill is cost-effective, is within congressional budget guidelines, and is vitally needed. It has been carefully crafted after exhaustive hearings and many discussions and meetings. The other body has been most cooperative in deliberations upon it. In that regard, I offer my congratulations to Senator ALAN SIMPSON, chairman of the Senate Committee on Veterans' Affairs and that committee's ranking minority member, Senator ALAN CRANSTON of California. And, of course, Mr. Speaker, I congratulate the chairman of the House Committee on Veterans' Affairs, Mr. SONNY MONTGOMERY, and most particularly, the chairman of our Subcommittee on Hospitals and Health Care, the gentleman from Pennsylvania (Mr. EDGAR), who has provided excellent leadership as this matter has progressed through the congressional process.

Mr. Speaker, this is a good bill and I urge unanimous support for it as it now nears final passage by the Congress.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio, a member of the committee.

Mr. McEWEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the legislation.

Mr. DASCHLE. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. Further reserving the right to object, Mr. Speaker, I yield to the distinguished gentleman from South Dakota.

Mr. DASCHLE. I thank the gentleman for yielding. Mr. Speaker, I rise in support of the Veterans' Health Care Amendments of 1983. A number of important initiatives are included in this omnibus package which will significantly improve Veterans' Administration services and support facilities.

Probably the most significant portion of this bill is the extension of the Vietnam veteran outreach center program through 1988. Without question, this has been one of the most utilized and best received programs ever created for Vietnam veterans. The numbers speak for themselves. Well over 100,000 veterans and many more family members have now received counseling at one of the 136 storefront centers around the country.

Another important aspect of this legislation is the establishment of an advisory committee for women veterans. The advisory committee should be able to help the Veterans' Administration adapt their services and programs to facilitate the influx of women veterans that will occur throughout the next several years as a result of the armed services encouraging women to join the military and by opening up more job classifications for them.

Yet another important provision in this legislation is approval of new incentives for the retention and recruitment of respiratory therapists, physical therapists and licensed practical nurses. The Veterans' Administration has been limited in its ability to compete with the private sector in recruiting and retaining these most important employees involved in hands on care of veterans. Passage of this bill should to a great extent mitigate many of the problems the VA has had with respect to these employees.

Finally, this legislation expands and improves the VA's authority to assist older veterans. Additional assistance for adult day health care and community residential care programs as well as additional funding for State veterans' homes should greatly alleviate burdens and stress on the agency as a result of the increased needs World War II and Korean war veterans will have as they reach their sixties and seventies.

The subcommittee chairman, Bob Edgar, and ranking minority member, John Paul Hammerschmidt, deserve special thanks and recognition for their efforts in reporting this legislation as do all members of the Veterans' Affairs Committee.

Mr. EVANS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Illinois.

Mr. EVANS of Illinois. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the bill.

Mr. Speaker, I rise in support of the conference report on the Veterans' Administration Health Programs Amendments of 1983. I would also like to take this opportunity to congratulate the conferees for a very fair and admirable job in arriving at this compromise.

I take particular pleasure in finding that the conference report provides for a 4-year extension of the successful Vietnam veterans' readjustment counseling program, better known as the Vet Center Program. This worthwhile program was started only 4 years ago and has shown itself to be both popular and successful in providing veterans of the Vietnam era a successful reintegration into American society.

Having talked with hundreds of fellow Vietnam-era veterans about the problems they have encountered since returning to this country, it is clear to me that this storefront counseling program is vital to the elimination of the flashbacks, nightmares, and other forms of psychological trauma which are still an everyday occurrence for many of these veterans.

I strongly urge my colleagues to join in support of this legislation and again commend the conferees for their commitment to this Nation's veterans.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the bill.

Mr. BEDELL. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Iowa.

Mr. BEDELL. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 2920, the "Veterans' Health Care Amendments of 1983." This legislation before us today makes necessary improvements in the health care we provide to this Nation's veterans.

First, this important legislation will extend the life of the Operation Outreach Program, which provides psychological readjustment counseling to Vietnam-era veterans at community-based vet centers. These vet centers and their dedicated employees have demonstrated their value throughout the United States. I know that the veterans of northwest Iowa benefit from the vet center located in Sioux City, Iowa, where in an informal atmosphere Vietnam veterans and their families can receive family, marital, and employment counseling.

Mr. Speaker, I would like to share a letter I received recently from the Vietnam Veterans' of America Chapter No. 64 of Sioux City describing the importance and value of the vet center located in my district.

> Dear Congressman Bedell: This letter is a response from our heart. It concerns the Vet Center in Sioux City, Iowa.
>
> In the last two years, the Vet Center staff has enabled those of us who served our country during the Vietnam War, reasons to lift our heads and be proud.
>
> The staff has given us hope. Saved us from alcoholism, drug abuse, broken marriages, and a multitude of other character defects pronounced in the Nam Vet.
>
> It is with great respect and pride, I send this letter to you commending the staff of the Sioux City Vet Center.
>
> Sincerely,
>
> David Jacobs,
> *Secretary, VVA Chapter No. 64.*

Second, in addition to extending the operation of these vet centers through 1988, H.R. 2920 will make needed improvements in the quality of health care we provide for our veterans. This bill requires the Veterans' Administration to conduct a comprehensive study of post-traumatic stress disorder and other postwar psychological problems which affect veterans. Further, this legislation expands the VA's authority to provide preventive health services at VA facilities throughout the country.

Finally, H.R. 2920 also recognizes the fact that in coming years, millions of World War II and Korean conflict veterans will become eligible for and need veteran health care. This bill expands and improves the Veterans' Administration ability to meet these health care needs by providing for adult day health care and community residential care.

The bill also increases the per diem rates the VA pays to States providing care to veterans in State veterans' homes. Effective April 1, 1984, the following improved rates will apply: An increase from $6.35 to $7.30 for domiciliary care; from $12.10 to $17.05 for nursing home care; and from $13.25 to $15.25 for hospital care.

Mr. Speaker, I believe that we, as a nation, owe our veterans a great debt. I am proud to say that I have consistently supported veterans' programs and I am pleased to join my colleagues in supporting the important and necessary improvements in the veterans' health care program provided for in H.R. 2920.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. Further reserving the right to object, Mr. Speaker, I yield to the distinguished chairman of the committee, the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Speaker, I am delighted that we have finally reached agreement with the other body on the differences between the Senate and House-passed bills, and I urge my colleagues to adopt the proposed House amendments.

Mr. Speaker, I want to thank the distinguished gentleman from Pennsylvania, Bob Edgar, for the work he has done as the new chairman of our subcommittee. I know that he has already chaired six or seven regional hearings and another one is scheduled later this month. He has worked hard to become familiar with the Department of Medicine and Surgery and its functions. This bill is the first one we have considered since he assumed the chairmanship of the subcommittee. I predict that in the years to come there will be many legislative initiatives undertaken by the gentleman from Pennsylvania and brought before the House in pursuit of his goal to make certain that veterans receive top quality hospital care and treatment for their disabilities.

I want to thank my distinguished friend and colleague from Arkansas, the ranking minority member of the full committee, John Paul Hammerschmidt. He, too, has attended these field hearings that are now ongoing. He has served as ranking minority member of this subcommittee for many years and has been a major influence in a variety of health care issues that have come about in the past few years.

I appreciate the work of all members of the subcommittee and especially those who are serving for the first time on the Committee on Veterans' Affairs. I have rarely seen the enthusiasm they have shown, Democrat and Republican alike, in their work as members of the committee.

Finally, I want to pay tribute to the distinguished chairman of the Senate Veterans' Affairs Committee, the able Senator from Wyoming, ALAN SIMPSON, and the committee's ranking minority member, the distinguised gentleman from California, ALAN CRANSTON, Mr. Speaker, it has been my pleasure to work with each of these gentlemen for a number of years and although we have differences from time to time on specific issues, never have we had major difficulty in resolving our differences. This cannot be accomplished without the wonderful cooperation our committee has always had from each of them. I am grateful to all members of the Senate Veterans' Affairs Committee for their efforts in behalf of this bill.

Mr. Speaker, it is a good bill and one vitally needed if we are to continue to provide top quality health care for our Nation's veterans, and I urge my colleagues to adopt it. I can assure everyone that the President will sign this bill, and the Veterans' Administration is anxious to begin implementation of the new provisions at the earliest possible time.

Mr. PENNY. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. PENNY. I thank the gentleman for yielding.

Mr. Speaker, I, too, rise in support of the bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I withdraw my reservation of objection.

● Mr. SHELBY. Mr. Speaker, I rise in support of H.R. 2920, the Veterans' Health Care Amendments of 1983—an essential bill which benefits all segments of our veteran population. This measure improves the overall quality of VA health care for veterans in a variety of ways. In also focuses on the special needs of certain groups.

For instance, this bill extends the psychological readjustment counseling program for our Vietnam veterans by another 4 years. This program has experienced a high level of success at the 136 vet centers situated across the country and it is imperative that this program continues to operate so that other veterans who are just now hearing about it may also participate. Additionally, this legislation calls for a comprehensive VA study on the postwar psychological and other readjustment problems of Vietnam-era veterans. This study is due in October 1986, and I am sure it will be helpful in formulating future VA policy with regard to our Vietnam vets.

This bill is also geared to our women veterans as it statutorily establishes an advisory committee. Their role will be to assess the adequacy of VA medical care for women veterans who have special needs. We must insure that they not only have access to VA benefits on the same basis as men, especially in the area of hospital and medical care, but that their needs also be considered in future construction and renovation projects.

In response to the rapidly aging veteran population, this legislation also expands and improves the VA's authority to meet their needs.

Mr. Speaker, this bill is necessary to help the VA meet its mission of providing the very best of care to our veterans who selflessly fought for our country, in particular those who were disabled in its behalf.

I therefore urge my colleagues to support the provisions contained in H.R. 2920.●

The SPEAKER. Is there objection to the initial request of the gentleman from Mississippi?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the legislation just considered.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PARTISANSHIP STOPS AT THE WATER'S EDGE

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, ordinarily I do not respond to comments that are made by our colleagues on the 1-minute rule or in special orders.

Yesterday afternoon, however, at the conclusion of all legislative business, the gentleman from Pennsylvania (Mr. WALKER) took a 1-hour special order in which, among other things, he said that Mr. O'NEILL, in reference to our Speaker, had "said some very insulting things about the character of the President." Following that, he went on to make other references to matters of public policy and arbitrary attributions to the Speaker of various positions.

□ 1030

I take this time simply to straighten out that unfortunate comment. Speaker O'NEILL has never on any occasion said an insulting thing about the character of this or any other President of the United States. I have had the privilege to be in the President's office with Speaker O'NEILL when he has been conducting business with the President on behalf of the House. The Speaker has always done so in a very bipartisan manner and a characteristically patriotic and responsible manner.

Speaker O'NEILL in the instance of the invasion of Grenada did not agree with the decision of the President, but he did not make that disagreement a point of national controversy. In a very patriotic, thoroughly responsible, and most honorable way Speaker O'NEILL withheld any comment as to his personal views during that critical period in which American troops were engaged in combat. I think that his behavior was in the very best bipartisan tradition of this country.

Partisanship stops at the water's edge, and it has done so in the comments, the demeanor, and the behavior exhibited on behalf of this House by our Speaker. I believe, given his strong personal convictions on this and other matters, all Members should know and be proud of the manner in which Speaker O'NEILL has consistently upheld the tradition of honor and integrity and respect for the Office of the Presidency of the United States.

AUTO CONTENT LEGISLATION

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, this administration recently completed a 1-year voluntary auto restraint agreement with Japan. It fails as a 1-year, quick-fix deal that will only enhance the erosion of our Nation's industrial base. This agreement to increase imports conveniently expires just 10 weeks after the next Presidential inauguration. When the agreement expires, we can expect the floodgates to open and the Japanese share of the U.S. market to jump to 35-40 percent, from an already too high 22 percent. That means the loss of thousands of jobs for American workers. And it will mean the demise of the American small car industry.

I support the domestic auto content bill presently before the House. It sends a clear message that this Congress will not tolerate the mass shipment of American jobs overseas, or the continuing increase of our auto trade deficit with Japan. This auto trade deficit already stands at $13 billion. Last year, only 3,100 American-made cars were sold in Japan. Yet 1.8 million Japanese cars were sold in the United States. Mr. Speaker, we must wake up to the trade realities of the world. It is time to level the playing field of automobile trade.

"THE PAST IS PROLOGUE" IN LEBANON

(Mr. HARRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRISON. Mr. Speaker, of course we cannot simply pull our troops out of Lebanon right away. By retreating from one act of murder we would only encourage others elsewhere. But we must remember why we are there in the first place. It was to police an agreement the contending parties themselves had already reached. To keep a peace already established.

That peace obviously no longer exists. I hope and pray it can be renegotiated in Geneva. But the fact is that may not be possible. And if it is not, we must face the fact that our peacekeeping task is at an end if there is no peace to protect.

The greatest danger, it seems to me, is that in our frustration at the parties' inability to agree on a solution, we might attempt to impose one upon them.

We cannot do it, Mr. Speaker. We cannot solve 1,000 years of hatred in one confrontation of arms.

And if we try, the history books will record that the tragedy of Vietnam was, to us, like the words engraved on the Archives: "The Past Is Prologue."

Someone once asked Mark Twain what those words meant and he replied, it means: "You ain't seen nothing yet."

THE FEDERAL DEFICIT

(Mr. WISE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, today I have joined as a cosponsor of that important resolution calling for a bipartisan National Commission on Federal Deficit Reductions.

I do not believe we can continue accepting those $200 billion deficits that are projected. The deficit, for instance, will be $150 billion or an unprecedented 3.5 percent of the gross national product by the year 1986. This is seven times the 1981 level as a percent of GNP, 12 times higher than during the 1970's when the economy was experiencing much greater growth.

What are the long-term effects? We are now financing the deficit through Government borrowing. In the next few years the deficit will absorb 75 to 85 percent of net savings. This means that much needed money for redevelopment in my State of West Virginia will not be available.

How long do we wait until we take action? The Congressional Budget Office estimates that $1.3 trillion will be added to that deficit over the next 5 years if no action is taken. The Social Security Commission put together a compromise package months ago to guarantee the fund's future.

Mr. Speaker, I strongly support the establishment of a Presidential commission because this issue needs to be addressed by both the President and the Congress.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2729

Mr. SIMON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2729, the Product Liability Act of 1983.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REFLECTIONS ON THE ANNIVERSARY OF HUBERT HUMPHREY'S ADDRESS TO THE HOUSE

(Mr. SIMON asked and was given permission to address the House for 1 minute.)

Mr. SIMON. Mr. Speaker, I would remind my colleagues in the House that 6 years ago today this House experienced one of the most emotion-laden moments in our years in public life. Hubert Humphrey spoke to this House that day just a few weeks before he died. None of us who were here that day will ever forget it.

One of the things that Hubert Humphrey did—something that we need more of today—he dreamed; he had visions. We are so bogged down in fighting for status quo, whether it is as individuals or businesses or labor unions or communities or schools, that we forget to dream. A nation that does not dream is a nation that is dying.

Mr. Speaker, on this anniversary of the day that Hubert Humphrey spoke to us with such great eloquence, let us remember to dream a little bit.

GRENADA—NO BLANK CHECK

(Mr. PANETTA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, there was a report on the morning news that the administration has dispatched a U.S. naval task force to the vicinity of Cuba as a "show of force."

I think it is very important for the President and the administration to understand that whatever support the American people and the Congress have provided for the limited action in Grenada, justified largely in terms of protecting American lives, is in no way to be interpreted as a blank check for broader or more careless military adventurism in the Caribbean or any-place else.

This is not a time to seek out new targets to flex our military muscle. This is a time to use the signals provided by the actions in Grenada as a basis to begin to flex our diplomatic arm, to reestablish our ties to Latin and Central American countries, and to try to reestablish our national character and commitment to the basic principles of diplomacy for peace.

Mr. Speaker, that has been the basic source of strength of the Unted States in the world and the basic distinction between this country and the Soviet Union.

A SALUTE TO U.S. TROOPS IN GRENADA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute.)

Mr. MAZZOLI. Mr. Speaker, while we may have differing opinions on the wisdom or the unwisdom of having sent our troops into Grenada—and I myself still have unanswered questions about that activity—I would very simply like to take this time to salute the American military forces who were engaged in this venture for their constant professionalism, for their valor, for their discipline, for their competency, and for their fine esprit.

If battles have to be fought in this world, I, as an American, am very proud, and, as a Member of Congress, extremely proud, that the kind of young American who was deployed in this venture in Grenada is available to his Nation.

We hope and pray that these military actions are few and far between. We do not like to have our American people subjected to hostile action and to possible death and injury.

But once again, Mr. Speaker, I say that our troops performed in the highest standards of this Nation. While we may have differing views on the whys and wherefores by which the orders were issued, once the orders were issued, our American troops carried their orders out in the highest traditions of this land.

□ 1040

MAKE NOVEMBER 12 ANTI-DEFAMATION LEAGUE DAY

(Mr. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATTERSON. Mr. Speaker, yesterday I introduced House Joint Resolution 408, which is a very important matter and I ask your help and that of all my colleagues.

This resolution designates November 12, 1983, as Anti-Defamation League Day in honor of the 70th anniversary of the founding of the ADL of the B'nai B'rith.

Now, the difficulty we have not with content but with timing. We only have 10 days from today to get the 218 cosponsors necessary to pass this House joint resolution. Again, the resolution designates November 12, 1983, as Anti-Defamation League Day.

I urge my colleagues to review the resolution, to seek me out on the floor today or to call my office as soon as possible so that we can get 218 cosponsors within the next few days.

LEBANON

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, Winston Churchill used to quote Lord Solisbury, who warned England generations ago never to trust the experts: He said:

> If you believe doctors, nothing is wholesome. If you believe theologians, nothing is innocent. If you believe soldiers, nothing is safe.

What are the experts saying about our debate today on Lebanon?

Our Speaker, a good man and surely an expert, says the vote will be close.

David Broder in his column this morning says:

> Surely America can see that Marines are just targets now, and Lebanon is a disaster.

Well, I am not an expert, but I have a prediction as to what the House will do today. I think the House will do the same thing today as it did more than a year ago when the marines were first sent—look the other way.

I think the House will do the same thing today as it did when marines first started dying—hide itself behind tough rhetoric.

I think the House will do today as it did when 230 men were massacred—wrap itself in the flag.

I think the House will do today what it seems always to do in times that require leadership, vision and guts—nothing, absolutely nothing.

REPUBLICANS—THE ONLY PARTY THAT LOOKS FORWARD TO YESTERDAY

(Mr. COELHO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, from time to time—indeed, with understandable regularity, the Republican Party decides it needs a facelift. With that in mind, 55 House Republicans caucused in Baltimore last weekend. Their purpose was to find the single word that best describes their philosophy.

Well, you put 55 Republicans in a room together and there is no telling what may happen. It did.

They came up with such innovations as “openness,” “opportunity,” “vision,” and the acronym “C-O-S,” meaning “conservative opportunity society” as opposed to the “L-W-S”—“liberal welfare state,” of course. But the one that carried the day was “Z-Z-A-Z-I-P”—ZZAZIP.

How about “G-O-ZZAZIP” for “Grand Old ZZAZIP”? Seriously, now, “ZZAZIP” is “PIZAZZ” spelled backward. There is no indication from the 55 intellectural leaders of the Republican youth wing if this is deep dish pizazz or thin crust pizazz.

That the Republicans are forced to spell their new slogan backward explains something I have long suspected: Their platform is backward, their ideas are backward; their vision is backward.

Supply side economics is really double-digit unemployment, backward. The balanced budget is $200 billion deficits, backward. Peace is war, backward. And fairness is medicare cutbacks, backward.

The Republicans are the only party that looks forward to yesterday.

TIME TO PULL OUR TROOPS OUT OF GRENADA

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, it is time to pull our troops out of Grenada.

All the Americans who wanted to leave that country have been evacuated—and evacuating endangered citizens was the only valid purpose for being in that country.

All major resistance to the U.S. invasion of Grenada has ended.

The longer we stay in Grenada, the more chance we have of being sucked into another Vietnam in that region.

The longer we stay in Grenada, the less credibility we have with neighbors in the hemisphere that we are a nation of peace, not an invading force.

Mr. Speaker, we can argue another day about how our troops got to Grenada, but I do not think anyone wants them to stay there.

That is why the troops have to come home now—not by Christmas Eve when the War Powers Act would require them to come home.

Our troops must come home now.

Therefore, if given the opportunity I intend to offer an amendment to the fiscal year 1984 Defense appropriations bill that would require that our troops be pulled out of Grenada 15 days after the President signs the appropriations bill.

That is more than enough time for an orderly withdrawal.

The Secretary General of the British Commonwealth has said that he has enough members states to enable a Commonwealth force to replace the U.S. troops in a matter of weeks.

We have run out of excuses for remaining in Grenada.

It is time to come home.

WHEN WILL WE STOP A POLICY OF NATIONAL SUICIDE?

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, each month the Export-Import Bank reports to the House and Senate Banking Committees the financial assistance it has granted to Communist countries during that month. The report for August shows that almost $4 million went to Hungary and Yugoslavia. During the past 27 months, the Eximbank has granted $607 million in credits to Communist countries, 43 percent more than in the last 27 months of the previous administration. The Eximbank has authorized more than $700 million in such credits to Communist countries in the past 27 months.

This credit, designed to increase American exports, is increasing only our unemployment figures and our defense budgets. It is foolish to finance competing industries overseas, especially in Communist countries. The export of American technology helped build the Soviet military industrial complex. This point was made by none other than Richard Perle, Assistant Secretary of Defense, when he said that more than 150 Soviet weapons systems, including the SS-20, SAM's, ICBM's, and air-to-air missiles, use technology acquired from the West. Further, he says that our defense budget could be “reduced significantly” if this technology transfer were slowed.

Mr. Speaker, subsidizing the Communist wastes our resources, exports our jobs, increases the threat to our national security, and makes questionable any professed anticommunism that comes from the Government. According to Antony Sutton of the Hoover Institution, 95 percent of the Soviet Union's military-industrial complex is of Western origin, and much of that was and is being subsidized by the United States and Western governments. When are we going to stop this policy of national suicide?

TELEPHONE SERVICE FOR THE ELDERLY

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, everyone recognizes that telephone service and the telephone are vital to every American household, but this is especially true for our elderly population, because many times the telephone is the only link between them and the pharmacy, ambulance service, hospitals, doctors, relatives, friends, and so forth.

Given the uncertainties that face us as Americans with the pending changes in the telephone industry, it is important that we take steps now to insure that telephone service will remain available to our low-income elderly people.

That is why today I am introducing legislation that will guarantee that portions of the moneys that will be raised by the planned telephone divestiture process will be devoted to guaranteeing subsidization of the low-income elderly to maintain certainty in their telephone usage.

HELP GET THE SPEAKER OFF THE HOOK

(Mr. KINDNESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINDNESS. Mr. Speaker, I would like to ask for the assistance of my colleagues to help the Speaker of the House of Representatives off the hook.

We all know, if we have been paying attention, that the bankruptcy courts of the United States have some definite problems. In a state of suspension for many months now, with uncertainty about how judges will be appointed, what type of judges they will be, and how the bankruptcy courts will proceed, the House of Representatives has not acted on the resolution of that problem.

The other body has acted. We must resolve this problem.

Today I have filed at the Clerk's desk Discharge Petition No. 6, which would be effective in bringing to the floor of the House, House Resolution 346, discharging the Rules Committee from further consideration of that rule. That rule would make in order the consideration of H.R. 3, the Judiciary Committee bill, H.R. 3257, the bill that I along with others on a bipartisan basis have introduced to deal with this matter, and H.R. 1800 from the gentleman from Oklahoma (Mr. Synar) which deals with the consumer bankruptcy aspects of the bankruptcy problems that confront us.

I ask your support for Discharge Petition No. 6 as quickly as possible.

□ 1050

THE HYPOCRICY OF U.N. DELEGATES

(Mr. HANSEN of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN of Utah. Mr. Speaker, remember the reaction of the delegates of the United Nations when the Soviet Union invaded Afghanistan, when the Soviets crushed the free trade union Solidarity in Poland, when they shot down the innocent Korean airliner over the Sea of Japan?

Many delegates sat idly by and twiddled their thumbs and looked bored as the Soviet Union used its brute force to murder, to intimidate, and to smother the light of freedom.

However, when the United States finally showed some courage, finally had the backbone and guts to step in to help a weak and struggling nation avoid oppressive Marxist-Leninist tyranny, these same U.N. delegates immediately woke up and the walls of the United Nations reverberated with their speeches of indignation, denouncing the United States and her allies who assisted in the Grenada operation.

The scriptures tell us that righteous people should be no respectors of persons and should treat all people the same way. The scriptures also have a word for people who act as the delegates of the United Nations acted. The English word is "hypocrite."

I have been a reluctant supporter of the United Nations for most of my life, but now I am beginning to wonder why we waste our time with people who are so blatantly dishonest.

MINIMAL LEVEL OF RESPECT FOR OUR FELLOW MEMBERS AND THE PRESIDENT

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER. Mr. Speaker, for our Government to function, it is necessary that we as elected officials show a certain minimal level of respect for one another, and that is particularly important when we are talking about individuals such as the Speaker of the House and the President of the United States.

Now, we find ourselves in a debate over whether or not remarks attributed to the Speaker in yesterday's New York Times indeed show that minimal level of respect for the President of the United States. Let us look at the words precisely.

The Speaker is reported to have said, and I quote: "It's sinful that this man is President of the United States."

Webster's Dictionary defines "sinful" as, "tainted with or full of sin, highly culpable."

I am not going to attempt to resolve this argument. I would just say that if I got up in the House of Representatives and said about one of my colleagues with whom I disagreed, that, because he disagreed with me he was tainted with or full of sin, my words would be taken down and rightfully so. If I got up and said of one of my Democratic colleagues that it was "sinful" that he had been elected in a debate in the House, that would be viewed as a serious breach of the comity of the House and rightfully so.

Members must ask themselves what those words mean when they are directed by any of our Members toward the President of the United States.

THE BEST HOPE OF THE AMERICAN PEOPLE

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, Mr. Coelho just talked about the Republican conference in Baltimore, and we in the Republican Party are very happy to see the head of the Democratic Campaign Committee so concerned, because I think he knows full well what our main subject was at Baltimore. The main problem we addressed was that, although the majority of the American people consider themselves conservative and believe in the Republican philosophy of productivity and growth and a strong national defense, we have not yet captured control of the House to go along with Republican control of the executive branch and the Senate.

What Mr. Coelho fears, Mr. Speaker, is the best hope of the American people. And that is a Republican landslide in 1984.

NEED FOR A NATIONAL UNIFORM DRINKING AGE OF 21

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I was deeply disturbed to learn that the Reagan administration is opposed to Federal legislation to establish a national uniform drinking age of 21.

Every year approximately 50,000 people are killed in traffic accidents. More than one-half of those deaths are caused by drunken drivers. A disproportionate number of those killed are teenage drivers. I have cosponsored legislation, H.R. 3870, introduced by my distinguished colleague from New Jersey, Mr. Florio, which would prohibit the sale of alcoholic beverages to those under 21.

Statistics show that raising the drinking age to 21 nationwide would prevent thousands of traffic fatalities. The administration strongly agrees that raising the drinking age to 21 would save lives.

However, the administration opposes this legislation for very weak reasons.

I am appalled at the administration's reluctance to take action when so many lives are at stake. While my State of New Mexico has raised the drinking age to 21, 33 States have not done so.

Mr. Speaker, I strongly respect the rights of States to manage their affairs, but I also feel the Federal Government has a responsibility to make certain the lives of America's youth are not cut short by traffic accidents caused by teenage alcohol abuse. I hope the administration will reconsider its position and I urge Members to support H.R. 3870.

THE MAJORITY OF THE HOUSE WILL CHANGE

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, a few minutes ago we heard the head of the Democratic Congressional Committee come before us and criticize a conference that was held in Baltimore over the weekend where the Republican Party got together to deal in some original thinking.

Well, I can understand that, because the Democratic Party has not had a new idea in 25 years, and really they do fear the replacement of the liberal welfare state with a conservative opportunity society, because that would stress work over welfare.

It would stress independence over dependence. It would stress opportunity over paternalism. It would give people a chance rather than burden people with giveaways. It would create a society in which life, liberty, and the pursuit of happiness are meaningful to our public policy.

The Democratic Congressional Committee fears these kinds of ideas, because they know that they represent the majority viewpoint in this country. When America discovers that the candidates backed by the Democratic Congressional Committee are tools of the liberal welfare state, the majority here is certain to change.

GENERAL LEAVE

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 4185) making appropriations for the Department of Defense for fiscal year ending September 30, 1984, and for other purposes, and that I may be permitted to include tables and extraneous material in connection with the bill.

The SPEAKER pro tempore (Mr. Swift). Is there objection to the request of the gentleman from New York?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1984

Mr. ADDABBO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4185) making appropriations for the Department of Defense for fiscal year 1984, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. Addabbo).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4185, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, November 1, 1983, the Clerk had read through line 3 on page 37.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I ask the indulgence of the Committee as I try to explain a fairly complicated parliamentary situation in which we may shortly find ourselves because of the Lebanon issue.

There may be a motion to rise at the end of the consideration of the next two titles. I am told that may not occur but if there is a motion to rise, I would ask Members to vote against it, no matter how they feel on the issue of Lebanon, so that we can have an opportunity to have a full airing of the House's views on that subject.

I personally hate the idea of limitations on appropriation bills. Anybody who knows me knows that I feel that way about it. But this is the only vehicle that we will have to try to change administration policy on Lebanon between now and next May. And if we do not take it because of a parliamentary problem, we will be really foreclosing our ability to act at that time.

When we do get to the end of the bill, the gentleman from Maryland, Dr. Long, will attempt to offer language on Lebanon which does the following: It would say that none of the funds appropriated by this act may be obligated or expended for operations of land-based forces in Lebanon after March 1, 1984, unless the Congress has adopted a resolution which contains three findings.

□ 1100

First, that the President has defined a clear and realistic mission for United States forces in Lebanon. Second, that the President has established a set of policy goals in Lebanon which are achievable. Many of us believe that our present goals are not achievable and therefore doom those marines to be there for a long time.

Also that the President has a clear agenda for implementing those goals. We have no argument with the sentiments behind the administration's goals. We do question whether those goals are achievable and whether there is in fact a specific game plan which can implement those goals, whatever they might be.

The third stipulation in that resolution would be that security arrangements for American forces in Lebanon had been upgraded to the maximum extent possible.

As you know, the rules, under ordinary circumstances, prohibit legislating on an appropriation bill, and so frankly the language which the gentleman from Maryland (Mr. Long) will offer is subject to a point of order.

I would ask Members to not make that point of order so that we can raise the issue in the manner in which we are trying to raise it.

We do not want to be forced into the parliamentary position of having to offer a substitute amendment which would be the only kind of language which would be eligible if a point of order is lodged, language which would simply provide that the funds would be cut off after March 1, 1984.

I would hope that Members would understand that it is not our intention here today to try to have the Congress bring the troops out of Lebanon. I personally would like to see that happen but that is not the intention of this amendment, because we understand that even if it were to pass the House the President would obviously be able to veto it and we would therefore be in a position where Congress would not be able to withdraw troops from Lebanon.

What we are trying to do is to get a large enough vote on our amendment to make clear to the administration that if it does not clearly redefine the mission of the Marines in Lebanon, if it does not establish more reachable and realistic goals, if it does not improve the security of the marines, that congressional support for their policies will run out. That is what we are trying to convey.

We are trying to structure a parliamentary situation in which we can use our own individual differences of opinion on Lebanon.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. Obey) has expired.

(By unanimous consent Mr. Obey was allowed to proceed for 2 additional minutes.)

Mr. OBEY. I really think most of us have almost the same goals on Lebanon. We have some questions about how to achieve those goals and what we are trying to do is to use those differences over tactics and methods and policies to try to make clear to the administration that we believe that it is imperative for them to redefine their mission and their polcy with much more clarity than they have to date.

That is what we are going to be attempting to do. I do not want to take a lot more time now on the issue because I know there are other issues involved. But I simply wanted to bring that to the attention of the House at this time.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Would the gentleman agree that if an objection is made to the first amendment, the amendment which imposes the longer language, then what basically they will be doing is accepting responsibility for an amendment which requires a definite date cutoff.

We do not want a definite date cutoff and we can understand the objections of many people here who feel that a definite date cutoff may be a mistake.

But if they object to our amendment which establishes something much more reasonable, they do have to accept responsibility for doing that.

Mr. OBEY. I would say that I basically agree with the gentleman. I would ask people not to do what certain Members did last week on the abortion issue when they tried to eliminate the language in the bill on the abortion issue and then after they had knocked it out on a point of order then attacked the language which was offered as a substitute because it did not have the modifications which they themselves just knocked out on a point of order.

I opposed the efforts to do that last week on the abortion issue, even though I disagreed in substance, because I think that we should try to avoid playing those parliamentary games with each other.

I would ask you to allow us to offer the amendment in the way in which it is intended.

Mr. GREEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I, too, rise to alert the House to an amendment that I propose to offer if I am recognized by the Chair prior to adoption of a motion to rise and report.

Essentially my amendment will give us one more look at the MX situation in a way that I hope will appeal to some of those Members who voted for the MX and against the Addabbo amendment yesterday.

Obviously there are some Members in this House who think that the MX is a very good weapon, a very cost effective weapon, and they are not going to vote for my amendment.

There are other Members in the House who have consistently voted against the MX because they think it is a poor weapon for one reason or another and I would hope that as they voted for the Addabbo amendment yesterday they would vote for my amendment today.

But my amendment is not a replay of the Addabbo amendment, because it is aimed at what I think is a third group of Members, and that is a group of Members who have never had a lot of confidence in the MX as a weapon, thought it was not worth the money, not survivable, dangerous for one reason or another, but who did not want to vote against the MX because they felt the MX was a valuable bargaining chip for our negotiators in Geneva and that therefore we ought to keep going down the track so that that bargaining chip would be preserved.

My amendment is an effort to preserve the bargaining chip and yet avoid some of the destabilizing consequences of the MX for the next year.

Basically what my amendment would do is to say that we will not test the MX for the balance of the fiscal year after this appropriation bill is signed into law, so long as from that time forward the Soviets do not test their next MIRV'd MX missile.

So in essence it sets up a parallel situation where there is a quid pro quo in the course of the year for our not moving ahead with testing of the MX; namely, that the Soviets do not move ahead with their next generation, far more reliable, MIRV'd missile.

Thus we are both spared for the year that hair trigger situation that has been discussed in the past. This, of course, will keep MX fully alive in Geneva as a bargaining chip for whatever purposes it may be used by our negotiators, and in the course of keeping it alive it will at the same time extract a quid pro quo from the Soviets because if they then conduct a single test of their next generation MIRV'd MX missile, we will be free to go ahead and complete the testing on the MX.

So I would urge the Members not to vote to rise and report so that we may consider my amendment.

I yield back the balance of my time.

Mr. McHUGH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would first like to express my appreciation to the chairman of the subcommittee, the gentleman from New York (Mr. ADDABBO), the ranking member, the gentleman from Alabama (Mr. EDWARDS), and the other members of the Defense Appropriations Subcommittee for their dedication and hard work in putting this important bill together. In truth, there is nothing more important than the security of our Nation. On this we can all agree. Yet, the particular issues which must be considered and decided are very complex. It takes serious, responsible people to sift through the enormous weight of material and come to responsible, thoughtful conclusions on these issues. It is not easy. There are no simple answers to most of these complex questions.

On a number of fundamental issues, there is real controversy. In a number of instances, I believe the subcommittee has erred, notably in funding the MX missile and the B-1 bomber. In my judgment these expensive weapons systems are not essential to our national security and, in the case of the MX missile, production and deployment will actually reduce our security. Nontheless, the subcommittee has approached its task with a sense of purpose and professionalism, for which we owe its members a debt of gratitude. With respect to those decisions about which we have reservations, we have had an opportunity to debate the decisions and work our will.

Mr. Chairman, although there are a numer of serious issues about which I have major concerns, I would like to focus particularly on one issue which I addressed personally in our committee deliberations. It relates to the Reagan administration's plans to move ahead with advanced procurement for a new, sophisticated antisatellite (ASAT) weapons program.

Although the subcommittee had originally recommended that we fully fund the Air Force request for the ASAT program, the full committee decided to delete all of the funds requested for advance procurement of the new antisatellite weapons, the space defense system.

While I had hoped that the commitee would also agree to limitations on the flight testing of this weapon, the bipartisan compromise that was finally agreed upon by the committee is a reasonable and important one. As I mentioned, that compromise deletes the funds for advance procurement, a total of $19,408,000. It also requires that a report be submitted to Congress by March 31, 1984, detailing the administration's arms control plans and objectives in the field of ASAT and space weapons. More specifically, the committee has directed that the report detail the specific steps the administration contemplates undertaking, within the context of United States-Soviet negotiations, to achieve a verifiable agreement with the Soviet Union to ban or strictly limit existing and future ASAT systems.

As a result of this decision, I believe that the committee has taken an important step in slowing the headlong rush toward an arms race in space. Approval of advance procurement for this new, sophisticated ASAT weapon would have signaled our acceptance of a policy the implications of which have not been fully examined by the

American people or their representatives in Congress.

There are many questions that must still be answered about the implications of antisatellite weapons for our national security, for existing arms control treaties, and for the course of United States-Soviet relations. The requirement for a report from the administration regarding the arms control implications of ASAT and space-based weapons is thus an important first step in examining whether the United States should reverse a policy which has guided our activities in space to date.

Mr. Chairman, because of his contribution in helping to raise this issue in full committee, I would like to thank my colleague from Pennsylvania, Mr. COUGHLIN, as well as other key members of the committee such as Mr. ADDABBO, Mr. EDWARDS, and Mr. DICKS who played important roles in fashioning the bipartisan compromise which we could all support. I know that they share my concern that we are on the threshold of a new arms race in space that could not only prove exceedingly expensive, but dangerously destabilizing since it could ultimately threaten the national security of both the United States and the Soviet Union.

ASAT is only the first step in this arms race in space. As we all know, the Washington Post carred an article on October 18 indicating that Defense Secretary Weinberger and former National Security Adviser Bill Clark had placed before the President a proposal for an accelerated space-based weapons program that could cost between $18 billion and $27 billion over the next 5 years for research and development alone.

That is a reflection of the significant path upon which we are about to embark, Mr. Chairman, and yet Congress has not really focused on this issue. We risk backing into a new phase of the arms race without fully understanding what we are doing.

Accordingly, the action of our committee represents an effort to focus greater attention on what our policy is with regard to ASAT and space-based weapons, and is intended to send an important signal to the administration that Congress wants a meaningful effort to negotiate a ban or strict limits on ASAT's and other space-based weapons on both sides.

Clearly, satellites are vital to our national security. Over 70 percent of all long-haul U.S. military communications are carried by satellite. Satellites are also critical in the verification of arms control agreements and in providing an early warning against a Soviet attack on the United States or our allies. While the Soviets are somewhat less dependent upon satellites, they have similar interests and thus the capacity to attack and destroy each other's satellites is likely to create a hair trigger situation.

The Soviet Union now has a primitive antisatellite capability. The Soviet ASAT is launched from the ground by an ICBM booster and can destroy U.S. satellites in low orbit by exploding in their vicinity and knocking them out with shrapnel. Because it is only designed to attack satellites in low orbit, the Soviet system does not now threaten our most important satellites for communication, verification, and early warning, all of which are in much higher orbits. Their system also threatens Soviet satellites in the vicinity.

For these reasons, our defense experts have testified that the current Soviet ASAT system does not seriously threaten our national security. By way of contrast, the U.S. ASAT now being tested would be far more sophisticated. It would be launched from F-15's flying at the very edge of space and would be boosted into space by a rocket carried by an F-15. A miniature homing vehicle (MHV) attached to the rocket would then lock on to the enemy satellite and destroy it by a direct hit. Because of its small size, the U.S. ASAT would pose serious verification problems for the Soviets, a problem which we do not presently face with the ground-based Soviet ASAT system.

Unlike the Soviet system, the U.S. ASAT would have the capability of striking most Soviet satellites and would thus represent a major strategic advantage for the United States in the short term. Unfortunately, it is clear that our advantage would be only temporary. In the course of hearings before the committee, Dr. Robert S. Cooper of the Defense Advanced Research Projects Agency testified that the Soviet Union would respond to an advanced U.S. ASAT capability with production of a similar or more sophisticated system within a very few years. As we know, this is the history of the arms race.

In short, we are now at an important turning point in the arms race, a turning point that is similar to the one which marked our decision in 1970 to MIRV our Minuteman III intercontinental ballistic missile. At that time, some U.S. officials favored proposing a ban on MIRV's in the Strategic Arms Limitation Talks, but this was rejected because others believed that MIRV's would give us a strategic edge over the Soviets. Many experts now recognize that we made a mistake in 1970. The issue today is whether we can avoid making a similar mistake with regard to ASAT's and other space-based weapons.

I believe that we can avoid such a mistake only if we are prepared to negotiate a treaty banning or strictly limiting the testing and deployment of ASAT's. The Soviet Union has expressed an interest in negotiations. They have submitted a formal proposal on ASAT's to the United Nations, and as recently as last August Yuriy Andropov indicated to a group of Senators that he was interested in pursuing negotiations on this subject and would be willing to dismantle the Soviet Union's existing system within the context of a treaty.

We really do not know whether the Soviet Union is serious about negotiations, as important as they are to both sides. Unfortunately, our administration has shown virtually no interest in negotiations and has not tested Soviet good faith. It has not responded to the Soviet offer. Nor has it responded to congressional inquiries about its plans for negotiations. Indeed, as the Washington Post article I mentioned previously suggests, the administration seems determined to move ahead with an accelerated space-based weapons program.

That is why I believe the committee's decision to eliminate advance procurement funds and to require a report is so important, and that is why I hope that the administration will take the committee's request for a report seriously. Many questions should be answered before we move ahead with procurement of antisatellite weapons. Among the most important questions the report should address are the following:

First, an assessment of the current threat posed by the Soviet ASAT system to existing and future American satellites, including which satellites are threatened, to what degree, and how changes in U.S. satellite systems will change that degree of threat.

Second, an indication of the defensive measures, both contemplated and potential, which could increase the survivability of U.S. space assets.

Third, a full explanation of the military utility of the U.S. ASAT, including a description of which Soviet satellites it would be capable of attacking and the threat those satellites pose to U.S. military operations.

Fourth, an indication of the military and technolcgical alternatives to ASAT weapons which the United States could utilize, or has utilized, in order to offset the threat to military operations posed by Soviet satellites.

Fifth, an indication of the likely Soviet response to deployment of the U.S. ASAT system.

Sixth, an assessment of possible U.S. and Soviet follow-on ASAT systems, and the potential implications of these technologies for the 1972 United States-Soviet ABM Treaty.

Seventh, an assessment of the willingness of the Soviet Union to resume bilateral negotiations to limit ASAT weapons.

Eighth, a detailed analysis of the latest Soviet proposed draft treaty on

ASAT systems, and of any other available draft treaties, as to the suitability of such draft treaties as the basis for United States-Soviet negotiations.

Ninth, an assessment of the effects of a 6-month to 1-year moratorium on the testing of both American and Soviet ASAT systems on potential United States ASAT negotiations, and upon the projected initial operating capability date for the U.S. ASAT weapon.

Tenth, an assessment of the verification problems which would be posed by deployment of the U.S. ASAT weapon.

Eleventh, an assessment of the verification problems which would be posed by a joint United States-Soviet moratorium on flight testing of all ASAT systems.

In addition to dealing with each of these points, I would also hope that the report could address the questions raised by the gentleman from Washington (Mr. DICKS) during hearings before the Subcommittee on Defense Appropriations on March 23, 1983. Over 7 months have elasped since those questions were asked. To date, no responses have been received from the Defense Department.

As I said at the outset, Mr. Chairman, I am pleased that the committee has begun to seriously address this issue, one that will have a profound effect on future American defense policy and our national security. Obviously, the deletion of funds for advance ASAT procurement will not answer all of the questions we have. However, the bipartisan action in deleting those funds should make clear to the administration that there is growing concern in Congress with its apparent policy of accelerating efforts to develop space weapons without due attention being paid to the need to prevent through negotiations a new phase in the arms race—a race in space which is likely to be at least as costly and dangerous as that which has preceded it.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. McHUGH. I yield to my colleague.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman from New York (Mr. McHUGH) has made a very important contribution by bringing this matter both to the full committee's attention and the House's attention.

I am very concerned that before we start off on another aspect of the arms race that we find out just what this administration's arms control plans are as they relate to antisatellite systems. I think by continuing testing but not going the next step into advanced procurement, we have taken proper steps that will give us a period of time to find out what the administration intends to do.

I asked a series of questions in the oversight hearings that were held on March 23 that the administration did not even answer until October 30.

We are going to go through those answers, and talk to the people at ACDA about this important subject. But I think it is terribly critical that we try to see if there is an arms control answer before we launch into a multibillion-dollar expenditure and developments that could be very dangerous for both sides because of the importance of these satellite systems.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. McHUGH. I would be happy to yield to the gentleman.

Mr. HUNTER. I thank the gentleman for yielding.

I appreciate the gentleman's (Mr. McHUGH) comments but I would like to ask the gentleman, is the gentleman saying that somehow we are presently restraining Soviet development of space weapons systems? I understand they are presently expending a tremendous amount of money and human capital in developing these systems, regardless of whether we are in the race or not.

Mr. McHUGH. I would respond to the gentleman (Mr. HUNTER) by saying that both sides are spending funds on research and development antisatellite weapons and even more sophisticated weapons for ultimate deployment in space. The point that the committee wanted to make and the point I am trying to make today is that the only way to prevent this type of arms race in space is by a negotiated mutual, verifiable agreement. The committee is simply asking our administration to provide Congress with some detail about what plans it has or might have.

The committee did not touch in any way the research and development work which continues.

The CHAIRMAN. The time of the gentleman from New York (Mr. McHUGH) has expired.

(By unanimous consent, Mr. McHUGH was allowed to proceed for 2 additional minutes.)

Mr. McHUGH. What our committee did was delete funds for advanced procurement in fiscal year 1984 and requested a report from the administration. This is obviously an issue which we will have to consider again and I certainly would not suggest that we stop indefinitely while the Soviets proceed. However, the Soviets have expressed interest in negotiations; whether they are serious I do not know, but we should test their good faith. It is very clear that if both sides continue on the present path, both sides will develop increasingly more sophisticated and expensive weapons systems in space. Such systems will threaten the satellites of both nations, satellites which are absolutely critical to our national security and theirs. That is destabilizing as well as expensive.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. McHUGH. I yield to my colleague.

Mr. DICKS. The gentleman made a very important point.

Mr. Chairman, up until 1979 we had arms control negotiations under way on this subject. There were broken off because of the Soviet invasion into Afghanistan.

The Soviets have expressed an interest to go back and renew those negotiations.

In answer to the gentleman's (Mr. HUNTER) question directly, yes, the Soviets have tested ways of proceeding against our satellites. They are very crude and very rudimentary at this point. What we are talking about here is a very significant increase in capability on our side.

What we are trying to find out is: Is there an arms control answer before we start off on a very expensive escalation? Particularly when there are a lot of other things like improving our conventional forces that, in my judgment, should be a priority for this bill rather than getting into another area where we are going to spend a lot of money, for questionable benefit.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. McHUGH. I yield to my colleague from Alabama.

Mr. EDWARDS of Alabama. But both gentlemen will agree, Mr. Chairman, I take it, that we did not restrict testing and we did not cut any money out of R&D?

Mr. DICKS. Mr. Chairman, will the gentleman yield further?

Mr. McHUGH. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

The Edwards amendment was adopted and that is exactly what the Edwards amendment did.

Mr. EDWARDS of Alabama. I did not realize that that was the name of it.

Mr. DICKS. We characterized it as that way and we appreciate the leadership of the gentleman from Alabama who offered I think a very decent compromise that satisfies those who think we ought to continue to development and testing without going into procurement at this point.

Mr. GIBBONS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my first experience with the House of Representatives started in this gallery over to my right about 25 years ago. I came here as just a public citizen to listen to the debate and I was disappointed.

The Members of the House spent an hour explaining why they could not talk on the subject. I remember Mel Laird, I remember Ed Derwinski and many Members from our side of the aisle complaining that, you know, here is an important matter we must be talking about and yet we cannot talk.

Well, the same issue has faced us more times than I would care to mention here.

I rise to point that out because I think that Mr. STRATTON, Mr. OBEY, and Mr. LONG of Maryland have come forward with a positive constructive way in which we can at least have some debate on perhaps one of the more serious problems that this country faces.

This is not a partisan matter. But as the people's representatives we should take the time to at least discuss it here on the House floor.

I hope that when the motion is made to rise that Members will vote no, regardless of what their individual position is on the matter involving Lebanon.

The national security of this country, the future of the world could be at stake on the decisions that are made.

Perhaps we are not the ones to make that decision. Perhaps we will never have the opportunity to make that decision, but we should not pass up the opportunity to discuss it, coolly, logically and not just in 1 minute speeches we are allowed to make here in the well.

I hope that when the vote is taken on the motion to rise that all of us will vote no. It may be the last time that we have a chance as the people's Representatives to do what is our constitutional duty. All of us know that as Representatives our powers are very limited. Essentially we can declare war, probably a function that is now obsolete; we can try to structure the debate, a function that is not very effective, that is national debate; or we can cut off the funds, something that none of us want to do.

But those are the responsibilities that we have, those are the powers we have. And whether we are Republican or Democrat, whether we are hawk or dove, whether we are trying to duck the issue or not, we should take the time, it is our duty, responsibility to those who elected us, to debate this subject and to vote.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman.

Mr. SHARP. I appreciate the remarks of the gentleman.

Mr. Chairman, I think the gentleman has made an important point. I would hope that those who feel very strongly that the policy is right would recognize that by rising or by a point of order, by trying to structure so that we do not have debate or we skew the debate, they will only intensify the opposition.

□ 1120

It is only going to make it more difficult to do what I think has to be done in this country, and as the gentleman has said very eloquently on the floor and in the Democratic Caucus, to try to reach out and find a policy that is going to preserve American interests and preserve American lives. And the fact is the opposition will intensify if we do not have this debate and the fact is then, I am afraid, we will see the language both for and against escalate so that we have greater commitments than anyone now intends at all.

I appreciate the gentleman's remarks and I hope Members will take them seriously.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I thank the gentleman for yielding.

Would the gentleman not agree that if we are not able to bring this up because of a motion to rise, that this will then, from the standpoint of those who believe that the marines should stay there, result in what could be concluded by the public as a tainted vote? They will never be able to say that the position of keeping the marines there was supported by the House on the merits of the issue; would the gentleman agree with that?

Mr. Chairman, I move to strike the last word.

Mr. Chairman, we, of course, urge that there be a "yes" vote on the Long-Stratton-Obey amendment.

The amendment will force the President to explain what the mission of the Marines is, something no one seems to know. Everyone seems to give a different explanation.

How those goals can be achieved and how he intends to upgrade the security of the marines. What on Earth quarrel could anybody have with those objectives.

If a point of order is raised against the amendment in that form, then we will have to offer the abbreviated version, with the intent to take this language back in conference. And that will mean, of course, that the burden will be on those who object to explaining why they want to make it a specific date, which we would not have if the full amendment were accepted.

The extended time period, until March 1, will enable the President to set up a process for the orderly and phased withdrawal of U.S. forces and hopefully their replacement with either a United Nations or some other multinational force.

Any other proposal lacks the teeth to force the administration to take action.

Any new force should be made up of nonsuperpowers that have no stake in Lebanon, that will not be seen as an ally or adversary of either side and therefore a target. The role would be similar to that played by the United States in the Sinai.

Withdrawal of the Marines in March of next year does not mean that the Unites States is abandoning Lebanon or our interests there. It only indicates that one means to that end has not worked.

To keep the Marines in Lebanon for 18 months under the present conditions, under the present theory, is to sacrifice American soldiers to a theory that has failed, or never even given an adequate chance to work.

It is an act of courage to recognize that our means have not succeeded. And keeping the Marines in Lebanon for 18 more months will not change that fact. It will simply result in the killing of more marines.

Mr. Chairman, I would like to yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I appreciate the gentleman yielding.

It is my understanding that the gentleman from Alabama (Mr. EDWARDS) has indicated that he would not offer the motion to rise if we would get into a detailed discussion of this issue at the proper time, rather than now.

In that event, I certainly would think that we ought to move on. This issue would presumably, under the parliamentary procedure, be the last item in the bill.

I certainly have no objection to this proposal of the gentleman from Alabama.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

It is not my intention to move to rise until after we have properly completed the action on the amendment of the gentleman from Maryland.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I thank the gentleman for yielding.

Mr. Chairman, I must say what I would do on a motion to rise depends on how long the Members want to talk about it now. There is a proper time to talk about it and this is not it.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we evidently are not going to find ourselves in the complicated parliamentary procedure the gentleman from Wisconsin described a few minutes ago because of the graciousness of the gentleman from Alabama. He is going to allow debate upon an item what will be a limitation amendment. I certainly respect his viewpoint on that, but I do think we need to have some discussion of why we found ourselves in the position that was discussed here a few minutes ago.

It is a complicated parliamentary procedure. This will be the first time that we will have allowed an amendment to go forward without the chairman of the subcommittee or the chairman of the committee getting up and moving that the committee rise.

In other words, when it comes from their side it is perfectly acceptable, but when there are important issues coming from our side, we have this parliamentary motion to rise. And it has happened all the time during this Congress.

And so, therefore, some issues are worth discussing and some issues are not worth discussing. And I think that is wrong. It was wrong at the beginning of this Congress and it was wrong for all the reasons that the gentleman, who discussed this issue previously here today, said it was wrong.

The gentleman from Maryland said that what you do when you cast votes of that type on moving to rise, when there are issues of importance involved, is that you cast a tainted vote. That is exactly what has happened around here on numerous occasions earlier this year, we have been forced to cast tainted votes. And that is wrong.

And it is wrong because we adopted very bad rules at the beginning of this Congress. The problem is in the rules. It is a twofold problem. The rules require a vote just to get to the issue, if someone stands up and says that we should have a motion to rise, if the chairman offers that kind of a motion.

At the beginning of the Congress, the majority leader of this House defended that kind of procedure by saying:

> If it appeared likely to the manager of the bill or such other Members as might be appropriately recognized that the Members did not wish to interminably be harassed or further bothered by the necessity for voting on legislative language coming under the guise of limitation, then he or she might move that the committee do now rise and report.

That was the justification for the rule that we adopted, that the Members might be harassed by having to vote on legitimate issues. And we found ourselves today coming close to the point where we were going to be, once again, harassed by having to vote or having to discuss an issue of some importance to the American people.

It was also discussed that those same rules say that you cannot put legislation on an appropriation bill. That is right, the rules do say that, but they are the rules once again adopted by the majority party. Once again, the Members who voted for those rules at the beginning of this Congress voted for rules that put us in that kind of a box when we are discussing matters of importance to the American people.

We were told yesterday that another reason for voting on such procedures, in having such a procedure in place, namely, the motion to rise, is because it would make certain that we prevent trivial matters from coming before the Congress. Trivial matters.

Earlier in this Congress, when we had the HUD and independent agencies bill before the House, I had an amendment to do something about job creation in this country. And the Members of this House voted to rise rather than discuss a jobs creation amendment. This is a trivial matter?

I suggest to the American people that they ought to go back then and check the RECORD of who voted to rise at that point, because what they were saying was, this is a trivial matter that does not deserve discussion on the House floor.

That is the problem. That is the problem. It is not up to us within our rules to decide what is important to the American people. It is up to the individual Members of Congress to make some of those decisions and get a vote, if we can, under the proper procedure where we really debate the matters at hand.

That is why I was going to support the Members who are offering the Lebanon amendment in their effort not to have the committee rise. I was going to vote "no" and let them discuss the issue, because I thought it was that important. I did not agree with them on the issue. I think it is a bad amendment. I think particularly where they are going to end up procedurally it would be a particularly bad amendment. So I did not agree. But I thought it was important that we discuss the issue. It is too bad that we do not have that kind of decision made by Members on the other side of the aisle when there are matters of importance to the minority that need to be discussed, too.

□ 1130

It is too bad that they vote to rise in those kinds of instances.

Well, where do we find ourselves is with rules that were adopted by the Democrats earlier this year, and those rules are a problem here. All of those who voted for them are a part of the problem.

Mr. HUNTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to speak briefly on another subject, and it is a subject which is manifested in section 791 of the bill and also page 84 of the report, and it appears to me that in the Subcommittee on Defense Appropriations, some pretty tough shots were taken at San Diego shipyards, and I am referring to the section entitled, on page 84 of the report, "Ship Overhaul Bidding Procedures."

The thrust of that is that the committee felt that somehow under the IFB method of bidding—that means low cost wins—some of the San Diego yards were low-balling on these contracts, and it cites several ships which were overhauled in San Diego; one of them was the *Dubuque*, and it said a San Diego yard bid the *Dubuque* in at about $9 million even though the Navy estimated it would cost $18 million; ultimately it cost about $18 million plus a little more to do the job.

And I would like to simply state that the RFP method or the method that some Members would prefer to use, that is, a method where price is not the controlling factor, where we use other subjective criteria, such as technical capability, management capability, and other factors, has not worked well, and I would like to point out several ships that went to the Northwest on the Pacific coast. One of them is the U.S.S. *Wilson*. It was bid by a San Diego firm at $17.5 million to the American taxpayers. The Navy estimated it would cost about $33 million. That was the Navy's estimate. Well, we used this formal source selection method, where all these subjective factors could be included, and I would suggest that some of the subjective factors have included intense lobbying by some members of the delegations where the ships ultimately went.

The U.S.S. *Wilson* was sent to a Northwest firm that bid $32 million, even though a San Diego firm had bid about $17 million. Ultimately the U.S.S. *Wilson* cost the American taxpayers in excess of $50 million, far beyond the Navy's estimate, a tremendous waste of taxpayers' money.

So I would object, Mr. Chairman, to the language in this particular report and to the provision, section 791 of the bill, and I intend to offer a point of order against that provision when the time comes.

Mr. AuCOIN. Mr. Chairman, I strongly disagree with the remarks just made by my friend from California. And I regret that he has raised a point of order against this provision in the bill. I would like to first address his comments about the work done on the U.S.S. *Henry B. Wilson*. As the gentleman well knows this work was performed in Portland, Oreg., by Northwest Marine Iron Works. The overhaul did end up costing more than what Northwest Marine originally bid for the contract, but the increases were due to change order modifications requested by the Navy which amounted to $12 million. In fact, Northwest Marine was awarded a special achievement award from the Navy for the high quality and ontime work they performed. This overhaul was extremely complex. It was the first time a DDG-2 class ship was overhauled in the private sector. And it was extremely important that the work be completed on time in order to insure that fleet operating schedules were maintained. Northwest Marine accomplished a very difficult, technical, and first-of-a-kind overhaul in a highly professional and innovative manner—and, it delivered the ship to the Navy almost a month early.

The GAO has agreed with the Navy's decision to award the contract to NW Marine even though there were lower bids from yards in the San Diego area. In particular, the GAO audit noted that, "The Navy decided to accept the higher cost proposal because a source selection panel had determined it was technically superior and more realistic cost-wise."

And that is what the committee was driving at by directing the Navy to use the request for proposal (RFP) process when bidding overhaul work rather than the invitation for bid (IFB). Clearly, Northwest Marine put together a superior technical package, and a more realistic cost estimate. The Navy got high quality work and the taxpayers got a good deal.

There is no question that shipyards all across this country are in bad shape. Our industrial base is slipping away and we are all concerned about that. This situation has made competition intense, and some firms are lowballing their bids to get contracts which are awarded strictly on a low bid basis, then making up for the loss through cost escalation, delays, and so forth. The Secretary of the Navy knows this is happening and the U.S. Attorney, FBI, and Naval Investigative Service have investigated massive fraud in some awards. If you compare bid prices for Navy work and commercial work between the private yards, you find that Navy bids for IFB work in some cases range from $10 million to $24 million for an overhaul. Commercial work bids, however, tend to vary only by hundreds of thousands.

I would like to quote Secretary Lehman's remarks which appeared in the San Diego Union on March 20, 1982. He said,

> The fact is the last four overhauls we have done here in San Diego overran an average of 80 percent. That is inexcusable. That's what we call, in the Navy contracting business, 'buying in'. It is not an acceptable process for us, and I think that those contractors that have had these overruns in the past better shape up if they want to stay competitive.

Now I expect that the gentleman's point of order will be successful. If so, I will certainly raise the issue during conference with the Senate on this bill and press for some action. The Navy is losing money because of this process, the U.S. taxpayers are being cheated, and on top of it all, good marine repair yards that do quality work without overruns and on schedule are being run out of business while our industrial base deteriorates further.

The CHAIRMAN. The Clerk will read.

Mr. ADDABBO. Mr. Chairman, I ask unanimous consent that the balance of title VII and title VIII be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

POINTS OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I have a point of order.

The portion of the bill to which the point of order relates is as follows:

> SEC. 786. None of the funds appropriated by this Act shall be available to provide professional special pay to any physician or dentist whose primary duties are administrative or managerial in nature. This prohibition applies to continuation and professional pay for dentists and variable, additional, board certified, and incentive pays for physicians.

The CHAIRMAN. The gentleman from Florida will state his point of order.

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against section 786 of title VII, page 76, on the grounds that it violates clause 2, rule XXI, legislation on an appropriations bill.

The CHAIRMAN. Does the gentleman from New York (Mr. ADDABBO) wish to be heard on the point of order?

Mr. ADDABBO. Mr. Chairman, the chairman concedes the point of order and will advise my colleagues who have asked about whether we can restore the funds for physicians that we will probably restore it in conference.

The CHAIRMAN. The gentleman from New York (Mr. ADDABBO) concedes the point of order.

The point of order is sustained.

Mr. BENNETT. Mr. Chairman, I make a point of order against section 790.

The portion of the bill to which the point of order relates is as follows:

> SEC. 790. During the current fiscal year the Navy shall induct no less than 54 ships for overhaul.

The CHAIRMAN. The gentleman from Florida will state his point of order.

Mr. BENNETT. Mr. Chairman, I raise a point of order against section 790. I make the point of order that section 790 constitutes legislation on a general appropriations bill and is not in order under rule XXI, clause 2.

The CHAIRMAN. Does the gentleman from New York (Mr. ADDABBO) wish to be heard on the point of order?

Mr. ADDABBO. Mr. Chairman, the Chair concedes the point of order.

The CHAIRMAN. The gentleman from New York (Mr. ADDABBO) concedes the point of order.

The point of order is sustained.

Mr. GIBBONS. Mr. Chairman, I have two points of order. I will give them one at a time or in serial, whichever the Chair prefers.

The CHAIRMAN. The Chair would request the gentleman from Florida to raise the points of order one at a time.

Mr. GIBBONS. The first point of order is against section 722.

The portion of the bill to which the point of order relates is as follows:

> SEC. 722. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding $10,000, shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or specialty metals including stainless steel flatware, or hand or measuring tools, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of the standardization and interoperability of equipment requirements within NATO so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 2457 of title 10, United States Code: *Provided further*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: *Provided further*, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations other than certain contracts not involving fuel made on a test basis by the Defense Logistics Agency with a cumulative value not to exceed $4,000,000,000, as may be determined by the Secretary of Defense pursuant to existing laws and regulations as

not to be inappropriate therefor by reason of national security considerations: *Provided further,* That the Secretary specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards of such contracts will be made at a reasonable price and that no award shall be made for such contracts if the price differential exceeds 2.2 per centum: *Provided further,* That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

The CHAIRMAN. The gentleman from Florida will state his point of order.

Mr. GIBBONS. Mr. Chairman, I make a point of order against section 722 because of rule XXI, clause 2. This imposes additional duties, and it violates our rules.

The CHAIRMAN. Does the gentleman from New York (Mr. ADDABBO) wish to be heard on the point of order?

Mr. ADDABBO. Mr. Chairman, the Chair concedes the point of order.

The CHAIRMAN. The gentleman from New York (Mr. ADDABBO) concedes the point of order.

Mr. EDWARDS of Alabama. Mr. Chairman, does the gentleman from Florida (Mr. GIBBONS) make a point of order against the entire section?

Mr. GIBBONS. Yes, the entire section, section 722.

The CHAIRMAN. The point of order is sustained.

Mr. GIBBONS. Mr. Chairman, I make the same point of order against section 772.

The portion of the bill to which the point of order relates is as follows:

SEC. 772. None of the funds available to the Department of Defense during the current fiscal year shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

The CHAIRMAN. The gentleman from Florida will state his point of order.

Mr. GIBBONS. Mr. Chairman, section 772 violates rule XXI, clause 2, which has been interpreted to mean that an amendment or language in an appropriation bill may not impose on a Federal official additional duties not required by law or make appropriations contingent upon performance of such duties.

The CHAIRMAN. Does the gentleman from New York (Mr. ADDABBO) wish to be heard on the point of order?

Mr. ADDABBO. Mr. Chairman, reluctantly, we have to concede the point of order.

The CHAIRMAN. The gentleman from New York (Mr. ADDABBO) concedes the point of order.

The point of order is sustained.

Mr. HUNTER. Mr. Chairman, I make a point of order against section 791.

The portion of the bill to which the point of order relates is as follows:

SEC. 791 None of the funds appropriated by this Act shall be available to award a contract for overhaul of Navy ships to commercial shipyards: *Provided,* That this limitation shall not apply for competitively negotiated contracts which are awarded on the basis of price and other factors such as technical capability, cost realism and capability to deliver on time.

The CHAIRMAN. The gentleman from California will state his point of order.

Mr. HUNTER. Mr. Chairman, I make a point of order against section 791 because section 791 constitutes legislation on a general appropriation bill and is not in order under rule XXI, clause 2, simply because that provision would prevent the Navy from overhauling ships in commercial shipyards unless the contract for the overhalul is awarded on a competitive basis, and that provision constitutes legislation in an appropriation bill and violates House rules.

The CHAIRMAN. Does the gentleman from New York (Mr. ADDABBO) wish to be heard on the point of order?

Mr. ADDABBO. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from New York (Mr. ADDABBO) concedes the point of order.

The point of order is sustained.

Mr. BADHAM. Mr. Chairman, I have three points of order, which I will take up one at a time. My first point of order is against section 758 on page 64.

The portion of the bill to which the point of order relates is as follows:

SEC. 758. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines:

(a) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(b) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(c) where the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

The CHAIRMAN. The gentleman from California will state his point of order.

Mr. BADHAM. Mr. Chairman, I make a point of order that section 758 constitutes legislation on a general appropriation bill and is not in order under rule XXI, clause 2.

The CHAIRMAN. Does the gentleman from New York (Mr. ADDABBO) wish to be heard on this point of order?

Mr. ADDABBO. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from New York (Mr. ADDABBO) concedes the point of order.

The point of order is sustained.

Mr. BADHAM. Mr. Chairman, I make a further point of order against section 784 on page 75.

The portion of the bill to which the point of order relates is as follows:

SEC. 784. None of the funds appropriated by this Act may be obligated or expended to formulate or to carry out any requirement that, in order to be eligible to submit a bid or an offer on a Department of Defense contract to be let for the supply of commercial or commercial-type products, a small business concern (as defined pursuant to section 3 of the Small Business Act) must (1) demonstrate that its product is accepted in the commercial market (except to the extent that may be required to evidence compliance with the Walsh-Healey Public Contracts Act), or (2) satisfy any other prequalification to submitting a bid or an offer for the supply of any such product.

The CHAIRMAN. The gentleman from California will state his point of order.

Mr. BADHAM. Mr. Chairman, I make a point of order that section 784 constitutes legislation on a general appropriation bill and is therefore not in order under rule XXI, clause 2.

The CHAIRMAN. Does the gentleman from New York (Mr. ADDABBO) wish to be heard on the point of order?

Mr. ADDABBO. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from New York (Mr. ADDABBO) concedes the point of order.

The point of order is sustained.

Mr. BADHAM. Mr. Chairman, my third and last point of order is against section 792 on page 77.

The portion of the bill to which the point of order relates is as follows:

SEC. 792. None of the funds appropriated by this Act shall be used to adjust any contract price for amounts set forth in any claim, request for equitable adjustment, or demand for payment or incurred due to the preparation, submission, or adjudication of any such claim, request, or demand under a contract entered into after the date of enactment of this Act, arising out of events occurring more than eighteen months prior to the submission of such claim, request, or demand. For the purposes of this Act, the requirement for "submission" of a claim, request, or demand is met only when the certification required in section 6(c)(1) of the

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Contracts Disputes Act of 1978 is provided and the claim, request, or demand is fully documented and substantiated in accordance with regulations to be promulgated by the Secretary of Defense.

The CHAIRMAN. The gentleman from California will state his point of order.

Mr. BADHAM. Mr. Chairman, I make the point of order that section 792 constitutes legislation on a general appropriation bill and is not therefore in order under rule XXI, clause 2.

The CHAIRMAN. Does the gentleman from New York (Mr. ADDABBO) wish to be heard on the point of order?

Mr. ADDABBO. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from New York (Mr. ADDABBO) concedes the point of order.

The point of order is sustained.

Mr. ZABLOCKI. Mr. Chairman, I make two points of order. My first point of order is against section 745.

The portion of the bill to which the point of order relates is as follows:

SEC. 745. None of the funds provided in this Act shall be available for the planning or execution of programs which utilize amounts credited to Department of Defense appropriations or funds pursuant to the provisions of section 37(a) of the Arms Export Control Act representing payment for the actual value of defense articles specified in section 21(a)(1) of that Act: *Provided*, That such amounts so credited shall be deposited in the Treasury as miscellaneous receipts as provided in section 3302(b) of title 31, United States Code.

The CHAIRMAN. The gentleman from Wisconsin will state his point of order.

Mr. ZABLOCKI. Mr. Chairman, I make a point of order that section 745 of this appropriation bill constitutes legislation on a general appropriation bill and is, therefore, not in order under rule XXI, clause 2.

The CHAIRMAN. Does the gentleman from New York (Mr. ADDABBO) wish to be heard on the point of order?

Mr. ADDABBO. Mr. Chairman, the Chair concedes the point of order.

The CHAIRMAN. The gentleman from New York (Mr. ADDABBO) concedes the point of order.

The point of order is sustained.

Mr. ZABLOCKI. Mr. Chairman, I make a point of order against section 766.

The portion of the bill to which the point of order relates is as follows:

SEC. 766. None of the funds appropriated by this Act shall be available to approve a request for waiver of the costs otherwise required to be recovered under the provisions of section 21(e)(1)(C) of the Arms Export Control Act unless the Committees on Appropriations have been notified in advance of the proposed waiver.

The CHAIRMAN. The gentleman from Wisconsin will state his point of order.

Mr. ZABLOCKI. Mr. Chairman, section 766 of this appropriation bill constitutes legislation on a general appropriation bill. It is, therefore, not in order under rule XXI, clause 2.

Mr. Chairman, section 766 would change the application of the Arms Export Control Act and alters authorities of the executive branch to support U.S. foreign policy objectives respecting NATO, Japan, Australia, and New Zealand. Such a provision, therefore, should not be considered in this bill because it is legislation.

The CHAIRMAN. Does the gentleman from New York (Mr. ADDABBO) wish to be heard on the point of order?

Mr. ADDABBO. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from New York (Mr. ADDABBO) concedes the point of order.

The point of order is sustained.

Are there further points of order?

Mr. ADDABBO. Mr. Chairman, I ask unanimous consent that all debate on title VII and title VIII and all amendments thereto conclude at 1 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Are there amendments not precluded by clause 2(c), rule XXI?

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Mr. SABO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and Members of the House: I want to bring to the attention of the Members of the House another amendment which will be before you for consideration later today providing, again, that we get past the motion to rise. That is an amendment relating to the deployment of the Pershing and cruise missiles in Western Europe. I, and several other Members of the House, will be offering an amendment which would delay that deployment until July 1, 1984, or until March 1, 1984, if the President certifies that no progress has been achieved in obtaining substantial Soviet reductions in intermediate-range missiles targeted toward Western Europe.

I know, Mr. Chairman, that most of our attention today is focused on the question of Lebanon. However, in my judgment, we are headed for a serious situation in terms of our future posture in Western Europe, with as much danger to the future of our society and Western civilization as on any other issue we face.

If we have the opportunity, we will talk at length about that issue later on. In my judgment, it is fair to say that the deployment of Pershing II and cruise missiles in Western Europe represent the ultimate failure in diplomacy. If we proceed, we are going to move clearly to major escalation of the nuclear arms race in Western Europe.

So I ask the Members of this House, after we have debated Lebanon, and if a motion is made to rise, I would hope that, again, you would vote against that motion so we would have the opportunity to debate the very serious issue facing this country of the deployment of the Pershing II missile and cruise missile in Western Europe starting in December of this year.

Mr. HIGHTOWER. Mr. Chairman, will the gentleman yield?

Mr. SABO. I would be happy to yield to the gentleman from Texas.

Mr. HIGHTOWER. I thank the gentleman for yielding.

Mr. Chairman, does the gentleman have any feeling that by postponing this matter to March that he may be aiding our negotiators in Geneva?

Mr. SABO. Do I believe that we will be aiding our negotiators? Yes, I feel very strongly that we will. I think it is very clear that we started out in 1979 on a dual track of negotiation for potential deployment. The goal of that dual track was negotiation and a treaty, not deployment.

The fact is that for 4 years we have been in overdrive in moving toward deployment, while for the bulk of that time negotiations have been stalled and have been in neutral a substantial period of time. Only recently have we seen substantial modification, both on the part of the Soviets and on our part in terms of bringing the differences between the Soviets and ourselves closer.

I think it would be a dreadful mistake at this time, when there is progress being made, to cut that off by deploying the missiles.

Mr. HIGHTOWER. If the gentleman will yield further, at that point I think it is significant that we try to understand if there has been some progress made, and if there is a feeling that perhaps this diplomatic process, with a little more time, might be successful. From what I read in the newspapers and the information we have, I have not seen that there has been any progress made, and that the Russians seem to think that if they do not do anything, then this Congress will take the action for them. We have heard that argument so many times here.

Is the gentleman saying that if those negotiators had just a little more time, then their efforts might be crowned with success?

Mr. SABO. I cannot guarantee the future, as neither one of us can. The fact is, the President, I think, made some significant adjustments in the American position in late September. The Soviets have made adjustments in terms of indicating a willingness to lower the number of SS-20's that they have. Both countries have indicated a willingness to look at the question of bombers. The Soviets have indicated a willingness to move from the position of counting launchers to warheads.

All of those are changes which have occurred within the last 2 months or so. It would seem to me and strike me as very foolish to cut off the potential for moving toward agreement when I think it is quite clear that deployment clearly will cut off those negotiations. It will mean that we deploy more missiles in Western Europe with the likely result of increased Soviet missiles in Eastern Europe.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. SABO) has expired.

(On request of Mr. HIGHTOWER and by unanimous consent, Mr. SABO was allowed to proceed for 3 additional minutes.)

Mr. HIGHTOWER. If the gentleman will yield further, what the gentleman has said disturbs me a little bit because when he started his remarks he talked about the fact that they needed more time. Then toward the end of what the gentleman was saying in his initial remarks, he was saying that we would have more time for our debate in this House about what to do.

I do not think this House is where the debate ought to be. What we are interested in is what is happening over there. We all want progress on those talks. If I thought that there was something that we could do here, some slight delay might be very helpful to the U.S. negotiators, then that would be one thing. But I would not want us to delay action just so that this House could have more time to ultimately make the decision and take it away from the arms negotiators.

Mr. SABO. I think the gentleman misunderstood me. When I talk about more time for us to debate, that relates to the bill that is before us today, the debate would occur later today, and the final judgment would be made, yes or no, within this House today.

Mr. HIGHTOWER. The gentleman is not talking about debating until March.

Mr. SABO. No. I am talking about our having the opportunity to debate this issue today on this bill and to provide the forum for the last time we will have available before we begin the deployment of the missiles.

I think it is a significant issue. It is clearly of enough importance to spend an hour or so debating within this House.

Mr. BADHAM. Mr. Chairman, I move to strike the last word.

● Mr. MARKEY. Mr. Chairman, I rise in strong support of the gentleman from Minnesota's amendment to delay the deployment of Pershing II and ground-launched cruise missiles in Europe to give the INF negotiations a chance.

Mr. Speaker, we are going to have to decide whether we are interested in arms control for Europe or whether we are simply interested in deploying missiles there.

I would hope that this Congress is interested in arms control for Europe instead of deployments. But somewhere along the line we have let the deployments take priority over arms control.

And now we have painted ourselves into a corner.

In less than 2 months, a deployment will begin that no one really wants—least of all the European public.

A deployment will begin that has very little military value.

A deployment will begin that makes absolutely no arms control sense.

A deployment will begin, whose political justification has long become cloudy and out of date.

Let us look back for a minute at the justifications for these missiles.

The proposed deployment of the Pershing II and cruise missiles was supposed to be part of a two-track decision the United States made with its NATO partners 4 years ago. Four years ago. We are moving lockstep with a decision that was made 4 years ago.

On one track the United States was supposed to negotiate arms control treaties with the Soviet Union that would make these deployments unnecessary.

Let me just read to you from the December 12, 1979 NATO minister's communique on this two-track decision. The communique emphasized that the NATO countries "attached great importance to the role of arms control in contributing to a more stable military relationship between East and West."

The communique wanted "to further the course of arms control in the 1980's."

The communique also noted "the contribution which the SALT II Treaty makes to achieving these objectives."

Our European allies never assumed that the deployment would be automatic.

What they did assume was that the negotiating track would be pursued as vigorously—if not more vigorously—than the deployment track.

They assumed that SALT II would be ratified.

They assumed that the superpowers would be well on their way to completing SALT III.

And they assumed that the INF questions would have been incorporated and resolved within the context of the SALT negotiations.

Well, as it turned out, the train has been barreling down the deployment track.

And as for the negotiating track? Well, that train has barely left the station.

SALT II remains unratified, even though the President considers the treaty valuable enough to abide by it.

The START talks are dead in the water.

And the only talk at INF is how quickly the Soviets will walk out once the deployment begins.

Let us look at the justifications that have been made for these missiles.

First, there was the military justification that these missiles are needed to modernize NATO and deter the Soviet buildup in SS-20's.

Yes, we should be concerned about the Soviet SS-20 force. Yes, they have increased it beyond any legitimate security needs.

But most defense experts recognize that Pershing and cruise missile deployment is of little military value in detering the SS-20 force.

Who are the military experts who believe that the Pershing II and cruise missile have little military value?

Well, one of them is none other than the Pentagon's own Richard Perle, the Assistant Secretary of Defense for International Security Policy.

According to a June 2 report in the Boston Globe, Mr. Perle told a group of reporters and editors that the United States made a mistake when it decided to deploy the Pershing II and cruise missiles.

According to the Globe, Mr. Perle told the reporters and editors that the Pershing and cruise missiles never had much military utility mainly because they are vulnerable to attack.

Now there is not much that I agree with Mr. Perle on, but in this case I could not agree with him more.

If we were concerned about military matters here, the last thing we would deploy in Europe would be vulnerable land-based missiles like the Pershing and the cruise.

In fact, in the 1960's, then Secretary of Defense Robert McNamara removed land-based missiles from Europe. He removed vulnerable systems like the Thor, Jupiter, Mace, and Matador missiles in favor of less vulnerable submarine-launched ballistic missiles.

And let us not forget that even though the Soviet buildup in SS-20's is serious, those SS-20's represent only a tiny fraction of the 50,000 nuclear weapons both sides have stockpiled.

Let us not forget that the SS-20 deployment still does not change the overall nuclear parity that exists between the United States and the Soviet Union.

A second justification for the deployment is that it is needed to show NATO's unity.

But what is happening is that the deployment is only showing NATO's determination to stick to a bad decision—a bad decision, incidentally, that was made 4 years ago.

No, the deployment, rather than unifying NATO, is tearing the alliance apart.

Opinion polls show that a majority of Europeans oppose the deployment or favor some type of delay in the deployment.

Two weekends ago, millions and millions of Europeans demonstrated peacefully against the deployment.

Even the West German Social Democratic Party, which was one of the architects of the two-track decision, is expected to come out in favor of a delay in the deployment.

The only remaining justification left for deploying the missiles is the bargaining chip justification—that is, we need to deploy these missiles to force the Soviets to negotiate reductions in their SS-20's;

That is, the Soviets will not get serious about the INF negotiations until we begin deploying the missiles.

Now that is a nice, neat theory. It is one that enjoys a lot of popularity around here.

So much popularity, in fact, that everyone seems to believe it is true.

Well, I hate to be the one to break the bad news, but this justification rests on a very thin assumption.

This justification assumes that Yuri Andropov's spine is weaker than Ronald Reagan's spine.

This justification assumes that once we begin the deployment, Mr. Andropov will crawl meekly to the INF table and agree to negotiate reductions.

This justification assumes that Mr. Andropov will suddenly do an about face and reverse all the statements he has made about the missiles being a grave threat to Soviet security.

Just consider this assumption for a moment. What do you think Ronald Reagan would do if Yuri Andropov told him he was going to deploy SS-20 missiles in Nicaragua but he would not deploy them if Mr. Reagan dismantles 300 Minuteman III missiles.

You know what Mr. Reagan would tell Mr. Andropov in that situation.

Yet if you turn the tables here, this is the same situation the Soviet leadership is in.

So what are the Soviets going to do when we begin deploying the Pershing and cruise missiles?

Well, they have done everything but take a blood oath that they are going to walk out of the Geneva talks and put the West under a similar quick-strike threat, perhaps by deploying SS-22 missiles in East Germany and Czechoslovakia.

Now some may say so what. Let us stand up to the Russians. After all, gunboat diplomacy is in fashion now.

But just think about it for a moment. Those SS-22's would be about 2 minutes from their targets in the West. Our Pershings would be less than 10 minutes from their targets in the Soviet Union.

If the situation evolves, both sides would have to rely more on computerized warning systems because reaction times would be too short for human decisions.

In other words, we would not only have to rely on our computers working properly so we do not accidentally start World War III—we would also have to rely on the Soviet computers working properly.

It is time to back away from this collision course we are on.

It is time to recognize that our real goal in Europe should be reaching an arms control agreement, not deploying the missiles.

That is why I urge my colleagues to support the gentleman from Minnesota's amendment to delay the Pershing and cruise missile deployment for up to 6 months to give the negotiations an opportunity to achieve some results.

We are not backing down by delaying the deployment.

We are not giving in to the Russians by delaying the deployment.

We are not undercutting NATO by delaying the deployment.

We are not showing any weakness by delaying the deployment.

We are simply recognizing that our primary goal in Europe is arms control.

And by delaying the deployment we are saying to the world that the United States is willing to go the extra mile to reach an INF agreement.

Mr. Chairman, the United States desperately needs to show the world that it is a nation that seeks international peace and stability.

The United States desperately needs to show the world that we are a nation wholly committed to arms control.

What with the events of recent weeks, the United States needs to show the world that our foreign policy does not come at the end of a gun barrel.

The United States needs to delay the Pershing and cruise missile deployments to give the negotiations a chance.●

● Mr. FRENZEL. Mr. Chairman, I rise in opposition to H.R. 4185, Department of Defense Appropriations for fiscal year 1984.

This bill calls for $246.4 billion in new spending, an increase of $14.6 billion, or 6.2 percent, over last year. In afterinflation terms, defense spending would be 2.1 percent above last year's bill. Spending would be $3.58 billion below the 302(b) budget limit set by the budget resolution, and $14.61 billion below the President's initial request.

However, Mr. Chairman, nonetheless I feel that the increase called for is still too large. In my judgment, this year's budget limit for defense is not realistic. If we really mean to do anything about $200 billion deficits, spending limits must be much lower in all areas, including defense. The fact that this bill is below a bloated budget resolution which allows such awesome deficits, is not a compelling reason to vote for it.

Moreover, we ought to look beyond just this year's funding commitment. This bill includes initial financial commitment to several new programs, including the B-1B, the MX and several conventional defense programs, which will require additional tens of billions of dollars in outyear appropriations. When undertaking these commitments, we should be fully aware of the obligations for future year spending. These programs, once adopted, become long-term entitlements increasing each year.

Mr. Chairman, our current economic difficulties require that we simply cannot afford to have a business-as-usual attitude. Even good systems must wait until long-term recovery is assured by deficit reduction. I have no choice but to support amendments to cut spending to a more reasonable, affordable level.

I would support an amendment to delete funds altogether for the B-1B program. Since Congress seems committed to the MX and the later Midgetman programs, the need to modernize our airborne nuclear deterrent ought to be deferred for a while. I will support the amendment to bar multiyear procurement of the B-1B and approve only single year purchases of the plane. The program has been plagued by large cost increases, and we should expect further cost increases. Disallowing multiyear procurement would be an important means to restrain costs in that very expensive program. With respect to the MX and B1, we can probably afford either one. We probably cannot afford both.

Unfortunately, there will be few other amendments to reduce spending. As a result, my opposition must take the form of voting against amendments to increase the number and size of our defense programs.

Despite my belief that our defense budget should be lowered, I shall not support the amendment to delete funds for the MX. Sinced last spring, a coalition for an arms control and security policy has formed between the President and concerned Members of Congress. The President has followed through on his pledge to support arms control initiatives commended to him by many Members, some of whom previously opposed his defense and arms control policies. I want to continue and encourage this consensus policy.

I will also vote against the amendment to defer the deployment of Pershing II for 6 months. In my estimation, the Soviets are playing a dangerous game in testing the political winds in Western Europe, hoping that anti-nuclear pressures will force unilateral cancellation of the missiles. The United States has offered a new initiative in the intermediate range force (INF) talks, as have the Soviets. Both proposals address legitimate objections of the other side. After initial chilly receptions, the U.S. and the U.S.S.R. seem to be seriously examining each other's proposals. In my judgment, Congress should make its views known, but should not interject into the intricacies of delicate negotiations.

Mr. Chairman, we need a strong defense. But we truly cannot afford to rebuild our entire Defense Department simultaneously. I oppose the high spending this bill entails, and urge my colleagues to vote against it.●

Mr. BADHAM. Mr. Chairman and Members, with the gentleman from Minnesota making his comments about the dual track decision, and his plea for a further delay in deployment of Pershing II and cruise missiles, I feel constrained to address that subject, in response to that gentleman.

Members of the House of Representatives and members of the House Armed Services Committee and Foreign Affairs Committee went as delegates to the North Atlantic Assembly to The Hague to discuss this very important matter with members of the parliaments of the NATO nations' allies.

We went also to Geneva to discuss this matter personally not only with Ambassador Nitze and Ambassador Rowny on the subject of deployment and START talks, as well as the Intermediate Nuclear Force talks, but we discussed this with the Russians also, Russian generals, Russian ambassadors, Russian negotiators.

Let me just say this for the record in response to the gentleman's offering about delaying: When we asked our people in Geneva whether it would help or hinder their efforts at negotiation to do away with the deployment of cruise missiles and Pershing II missiles, they said that to delay deployment at this time—these are the American Ambassadors to those talks, dealing daily with the Russians—they might as well pack up and come home because there will be no further negotiation, there will be no further sense in negotiating. Our credibility with our NATO allies will be destroyed.

The Russians have the same idea. They will not even start to negotiate until deployment commences, because they just do not have any incentive. The year of the missile is not 1983, friends and colleagues; the year of the missile was 1976 when the Soviets started deploying SS-20's.

In 1979 there was a unanimous agreement by the NATO allies to pursue negotiations to withdraw intermediate nuclear missiles from Europe, or to deploy by 1983.

Members of Congress, be you timid or assertive, the time has come, and the time cannot go by when we must deploy to maintain our credibility in the community of nations, nations that are allied and those which are on the other side.

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One particularly good comment, I thought, was made by one of our advisers at the INF talks in Geneva. He said it would be like postponing the game at halftime when our team is behind 1,000 to nothing. That is how many SS-20 warheads the Soviets have in the European theater right now. We have none. We must not leave the field when the score is 1,000 to zero.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I am delighted to yield to the gentleman from Wisconsin, the distinguished Chairman of the North Atlantic Assembly delegation.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding.

As the chairman of our delegation to the NATO assembly at The Hague, I want to confirm what the gentleman has stated as to the attitude of our NATO parliamentarian partners regarding the deployment of the missiles at this time. Postponement would give the wrong signal. It would only hurt the arms limitations negotiations that are now underway. If an amendment, postponing the deployment of the Pershing II and the cruise missiles is offered I hope that it will be defeated.

Mr. BADHAM. Mr. Chairman, I thank the very able chairman of the delegation and of the Committee on Foreign Affairs for his contribution.

One last comment I would make is that as far as I am concerned, from the standpoint of a purist philosophy, I would be inclined to vote against the motion to rise for the simple reason that these issues should be discussed, and I feel confident of the positon of this House. Because that would be stifling the debate, I would be inclined to vote against that motion.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, I thank the gentleman for yielding.

I hope that we will have time to visit more extensively about this subject later on today. I am curious about this. Is the gentleman telling us that if we deploy, then negotiations will make substantial progress?

Mr. BADHAM. Mr. Chairman, I would say to the gentleman that in dealing with the Soviets and in dealing with our Ambassadors and negotiators, like the chairman of the Foreign Affairs Committee has said, I, along with virtually all the rest, have come to the same conclusion, that if we deploy, we will not stop negotiating; indeed if we do deploy, the Soviet Union will know—for sure—that we are serious and mean what we agree to. If even after deployment we reach accord, the U.S. positon is that we would gladly withdraw our missiles.

The CHAIRMAN. The time of the gentleman from California (Mr. BADHAM) has expired.

Mr. BADHAM. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. ADDABBO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

SEC. 796. No part of the funds appropriated herein shall be available for the purchase of more than 50 per centum of the fiscal year requirements for aircraft power supply cable assemblies of each military facility from industries established pursuant to title 18, United States Code: *Provided,* That the restriction contained herein shall not apply to small purchases in amounts not exceeding $10,000.

The Clerk read as follows:

Amendment offered by Mr. PENNY: Page 79, after line 14, insert the following new section:

SEC. 797. Notwithstanding any other provision of this Act, each dollar figure in title IV of this Act shall be reduced by 3 percent.

The CHAIRMAN. The gentleman from Minnesota (Mr. PENNY) is recognized for 5 minutes in support of his amendment.

Mr. EDWARDS of Alabama. Mr. Chairman, not having seen the amendment, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Alabama (Mr. EDWARDS) reserves a point of order on the amendment.

Mr. PENNY. Mr. Chairman, I can get the gentleman a copy of the amendment if he does not have one.

The CHAIRMAN. The gentleman from Minnesota (Mr. PENNY) is recognized for 5 minutes.

Mr. PENNY. Mr. Chairman, my amendment is very short and to the point. I propose that we simply reduce the Department of Defense appropriation for procurement by $2.5 billion—$2.5 billion is approximately 1 percent of our total military budget for fiscal year 1984. It amounts to 3 percent of the procurement title.

We must exercise some restraint on this budget, and we should exercise that restraint in the area that is growing the most rapidly, which is procurement.

Let me make it clear that my amendment would not affect military pay; my amendment would not reduce by 1 cent the funds necessary for the operation and maintenance of our Armed Forces; my amendment would not cut support for research and development; and my amendment would not touch the retirement pay in title II that goes to our veterans who have served our country so well. My proposal is not an across-the-board cut.

Mr. Chairman, I take a back seat to no one in patriotism or support for a strong military for the defense of our country. But I know that we need to make choices and we must wisely spend our money for the defense of this great country. That is why this amendment is targeted at procurement.

The amendment reduces the appropriations for title IV by $2.5 billion out of a total procurement budget of $85,150 million. In vote after vote in defense authorizations and defense appropriations, we have demonstrated that we are unable to cut weapons systems. We did not cut the MX missile; we did not eliminate the B-1B bomber; we did not stop the Pershing II missile; and we did not reject antisatellite weapons. The list goes on. We have demonstrated an inability to choose between these systems to reduce the waste and duplication within this military budget.

Because we cannot choose, let us improve our cost effectiveness by 3 percent in each category by adopting this amendment.

This amendment can be supported by both liberals and conservatives. This amendment can be supported by both Republicans and Democrats. This amendment can be supported by both proponents and opponents of the various weapons systems in title IV. The record shows that this House apparently cannot choose between weapons systems. Let us at least choose to accomplish $2.5 billion of budget savings by improving cost effectiveness in our military procurement.

Mr. Chairman, I urge adoption of the amendment.

Mr. HIGHTOWER. Mr. Chairman, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Texas.

Mr. HIGHTOWER. Mr. Chairman, let me ask the gentleman, just what now did he say he wanted to come out of procurement? The gentleman does not want to affect salaries, he does not want to affect a lot of things, but he wants us to buy less.

We have made decisions to keep certain missile systems and certain other military systems, but we are going to buy less.

Are we going to buy less food? Are we going to buy less ammunition? Just what are we going to buy $3 billion less of?

Mr. PENNY. Mr. Chairman, the 3-percent cut is applied against the dollar figures in title IV. Title IV is an authorization for spending on procurement for the Navy, for the Army, for the Air Force, and for the Marines.

It is a 3-percent cut in the dollar figure stipulated for each and every one of the weapons systems, the missile systems, the ammunition and other items that are listed in that title.

Mr. HIGHTOWER. Mr. Chairman, may I suggest to the gentleman that I would much rather see him cut personnel. I would rather not recruit, I would rather not train, and I would rather not put people in positions of danger where they are serving the United States than to not give them the weapons they need when they get there.

Mr. PENNY. Mr. Chairman, they are going to get the weapons. We need not spend quite so much to purchase them.

All of us are familiar with the report that came out that indicated that in 1 day alone on the last day of the fiscal year the Department of Defense spent over $4 billion in procurement because had they not spent it by the end of the fiscal year, they would not have been allowed to make those expenditures.

Mr. Chairman, we know that they can achieve savings. What I am saying is that at the outset we ought to try to achieve a 3-percent saving in each one of those procurement categories.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. PENNY) has expired.

Mr. AUCOIN. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota (Mr. PENNY) be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

Mr. ADDABBO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Chair will inquire, does the gentleman from Alabama (Mr. EDWARDS) insist on his point of order?

Mr. EDWARDS of Alabama. Mr. Chairman, I withdraw my reservation of a point of order, and I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes in opposition to the amendment.

Mr. EDWARDS of Alabama. Mr. Chairman, let me say to the Members of the House that this sounds like a very appealing amendment, but let me refresh our memories as to what the committee did. I spoke about this in the original debate on this bill.

We have cut from the budget some $13.9 billion. This bill provides for about 2½ percent real growth. The President originally requested 10 percent real growth. He amended that request later and asked for 8.3 percent real growth. The budget resolution provided for 5 percent real growth. The authorization committee provided for 6.2 percent real growth. We came in at 2.5 percent real growth.

That is not the end of the story. We came in at a negative 1 percent real growth in procurement. We have a minus 1 percent real growth in procurement. The gentleman's amendment would literally have us falling backward instead of trying to hold the line. We cut some $8 billion out of the President's budget on procurement alone.

☐ 1200

This request would ask us to cut another $2.5 billion out of procurement. Where would the gentleman have us cut?

We have got to provide for the procurement of the systems for the troops to use. I agree with the gentleman from Texas, that you might as well cut the troops instead of the items that they need in time of war or in time of defense.

So I think our committee has done a credible job in the total bill. I would argue that we have cut too much in procurement and the last thing we need is another $2.5 billion cut in addition to the $8 billion that we cut in the committee.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentlewoman from California.

Ms. FIEDLER. Mr. Chairman, I watched the debate regarding the defense budget. It went through both the Budget Committee of which I am a member and it came to the floor, and the majority bill was accepted, not the minority bill, but the majority bill and they went through rather a good deal of hassle between the House and the Senate and between their Members to come up with a figure that they felt was appropriate, a figure that many of us felt was far too low.

Perhaps the debate regarding the total amount of spending should have been done at that time. To come in here at this point with a $1½ or $2½ billion reduction without very solid evidence that this particular reduction is one that is critically needed seems to me to be totally out of place and without substantiation at this time and really puts the gentleman offering the bill in a position of contradicting the budget agreement of his own majority party.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I thank the gentleman from Alabama for yielding.

I think the gentleman from Alabama has made his case very well. The President's budget this year started out with a 10 percent real growth rate. As I review the figures out of our Subcommittee on Defense Appropriations, and they have not been adjusted much here on the floor, we had a 2.5 percent real growth rate, and with pay which we expect later in the year, we are going to have a 3.2 percent real growth rate.

Now, we have met the mandate of the House Budget Committee which set a 4 or 5 percent real growth rate in defense.

I have stood up and fought against amendments like this. If somebody wants to cut out a weapons system or wants to argue on the merits that we ought to take something out of the procurement account, let us argue it; but these across-the-board amendments I think are very dangerous. It does not direct itself at specific items. It just says to slash everything. You cannot do it that way.

I would suggest to the gentleman who offered the amendment that if he has got recommendations to the Defense Subcommittee about what ought to be cut out of procurement, we would certainly consider them in our committee in our hearings; but to do it this way simply does not make any sense.

The CHAIRMAN pro tempore (Mr. KAZEN). The time of the gentleman from Alabama has expired.

(At the request of Mr. PENNY, and by unanimous consent, Mr. EDWARDS of Alabama was allowed to proceed for 1 additional minute.)

Mr. PENNY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Minnesota.

Mr. PENNY. Mr. Chairman, a reminder to Members of two items; first of all, I am not a member of the committee that brought this bill to the floor; and second, we are talking about a 3-percent reduction in the 1984 appropriation for procurement—procurement, not the entire Defense Department budget.

The figures do show that there has been a dramatic growth in the procurement budget in the last few years. It is the largest area of growth in the military budget. From 1981 to 1982, the increase was from $48 to $64 billion, a 26-percent real growth, 34-percent nominal growth.

From 1982 to 1983, an increase from $64 to $80 billion, an 18-percent real growth, 25-percent nominal growth.

There has been growth here. What I want to do is slow down that kind of leap frogging growth in the procurement budget.

Mr. EDWARDS of Alabama. Mr. Chairman, I would suggest to the gentleman that the committee did, in fact, slow it down. We have come to the floor with a 1-percent negative real growth in procurement.

Mr. WRIGHT. Mr. Chairman, it seems to me that the gentleman from Minnesota has made a perfectly responsible and thoroughly valid suggestion. I do not know what chance it has, but it presents to us a question of what we think about our spending priorities. Any of us who have stood here and complained about deficits while military procurement has grown by 26 percent a year in real terms, it seems to me have the responsibility to look honestly within ourselves and ask if this is not a reasonable proposition—just to stretch it out a little bit, just to cut this by 3 percent.

God knows, we have cut everything else. We have cut education much more than that. We have cut help to the elderly much more than that. We have cut the women's and infants' and childrens' feeding programs much more than that. We have cut clean air and clean water much more severely than that. The gentleman from Minnesota is not suggesting that we cut it from last year's level. He is suggesting that we cut the rate of increase, which is a very substantial rate.

On October 17, 1972, Caspar W. Weinberger, who at that time was Director of the Office of Management and Budget, had this to say, and I am quoting:

> The identification of a threat to security does not automatically require an expenditure in the defense budget to neutralize it. The nation's total resources being limited, it is necessary to consider what is being given up to meet the threat. Some may feel it more important to invest money in education or in health than to provide against what they consider remote contingencies in the national security field.

Went on Caspar Weinberger at that time to say:

> The defense budget, in short, must be seen not only in terms of what we must defend ourselves against, but what we have to defend, and the more we take from the common wealth for its defense, the smaller it becomes.

In last Thursday's New York Times the following report was given, that Mr. Weinberger has proposed a $322.5 billion budget for the Defense Department to be presented to Congress in January for the 1985 fiscal year that begins October 1, 1984. That would amount to more than a 20-percent increase over this year's budget. The story says that Secretary of Defense Weinberger has swiftly turned the situations in Grenada and Lebanon into an argument that the Reagan administration should approve a 20-percent increase in military spending.

Now, it just seems to me that we really need to get our priorities straight. If we are honest in feeling that these $207 billion deficits are serious retarding factors to the growth of this economy, if we believe that education is essential to first-class defense, as I believe; if we believe that everything must be cut to some degree and that the American people are willing to suffer some sacrifice if they feel that the sacrifice is falling evenly, then we might consider the fairness of this suggestion.

We have asked the elderly to sacrifice. Just last week we put a 4-percent cap on the amount that they might receive in COLA's. We have asked public employees to sustain a 4-percent increase and no more in pay. We have asked other people to suffer sacrifices; education, as I have said. All public welfare programs and public social programs have suffered by a total of about $47 billion this year below the current services level that would have applied as of 1980.

In other words, let us face it. We have cut domestic programs on a current services basis by about $47 billion a year, but we have increased military spending by about $100 billion a year.

□ 1210

It seems to me that the gentleman from Minnesota makes a perfectly valid and thoroughly reasonable suggestion, one which we should consider if we are serious in our feeling that the budget ought to be brought somewhere nearer balance, and that all spending priorities ought to be considered seriously.

Mr. HIGHTOWER. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, it is with reluctance that I take serious disagreement with my friend, the majority leader, but as I have listened carefully to what he said, I am reminded that back in the days of my childhood, every year about this time we would get a catalog from Sears, Roebuck, and the whole family would go through it.

It was a wish book, and everyone had certain things that they would like to have for Christmas, and we made sure that mother and dad knew about what page in the wish book that they could find what we wanted for Christmas.

As I listened to the majority leader, it made me think that all of the things that we do, all of the purchases that we make from all the Departments and agencies in providing for the needs of the people of the United States are from the same wish book, all on an equal level. That some people want more dams, and some want more for education, some want more for welfare. Everybody has to give up. Nobody gets all they want, and Defense should not have all that they want. Let me say to my colleagues that the priorities are not the same.

Now, there are certain things that we must have. There are certain things that we must do. There are certain purchases that we must make, and it is not just the same as trying to give everybody a little bit of what he or she wants and keeping everybody satisfied.

The Constitution provides that this Congress has the responsibility for the defense of this country. If we are not going to provide for the defense of this country, who is? All of these jobs up here are tough, and every Member of Congress has to make tough decisions. This Defense Subcommittee, hour after hour after hour, and the Armed Services Committee sitting in the role as authorizing committee, have listened at great length to the requests for what we need for the defense of this country—what we must have. If we fail there, we have failed everywhere. We have made some tough decisions.

A lot of times I have gone down to the committee room thinking, "I really think we could cut this several million or billion, for this or that program." Then, after hearing the testimony, and understanding what it is all about, decide, "Well, it is tough, but we are going to have to do it."

This amendment would cut procurement. As I suggested a minute ago to the author of the amendment, I would much rather cut out troops, not recruit them, not tell them that we want them to serve the country, tell them that they are not needed than to cut out the materiel, the arms, and the ammunition that they must have if they are going to do the job.

Certainly, this bill has waste in it. I am sure we have not had a bill, since I have been in Congress, and I am sure for 200 years, that has not had waste in it. I wish that we were all wise enough to write the amendments that would cut out the waste—we cannot do that. There are some arms purchases that are of higher priority than others, but we must provide for the defense of this country, and this bill here, these figures represent our best effort, combined with the efforts of the Committee on Armed Services, of trying to tell the Congress what we are going to need.

Maybe it is too high. I would have preferred that the gentleman from Minnesota brought an amendment that said which particular purchases ought to be eliminated, but when you have a multibillion-dollar amendment that says we are just going to cut it, and we do not really care about the consequences of a particular cut, we are actually threatening the defense and security of this country.

I urge my colleagues to vote against the amendment.

Mr. ROBINSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I want to commend my colleague from Texas, the member that just spoke, because I agree completely with what he said in terms of opposing this amendment.

We have seen these across-the-board meat ax amendments before and we know exactly how they work when they are applied. No. 1, we will find that it is impossible to make an across-the-board cut. The Government has firm, fixed price contracts which cannot be violated, and you have to pay those bills or the good faith and credit of the Government suffers. For that reason, you cannot make an across-the-board cut like this in the case of procurement in particular.

Second, that being the case, the place that these cuts would be made, should this ill-conceived amendment go into place, will be in exactly the spots that you would not like to see cut if you had any choice in the matter. That simply is the way that it works when you come right down to the nitty-gritty of the proposition.

Last, again let me emphasize that the subcommittee in bringing this bill to the floor has already cut over twice as much out of procurement as the gentleman suggests. What is the point in the committee working to try to do a good job if when we come to the floor, you are simply going to say, well, no matter how much you cut, it is not enough and we are going to cut some more, an additional 3 percent. Your judgment is not worth a hoot so we are going to take 3 percent in addition to what has been cut out of the bill already. The cuts already made are deeper than any cuts that have been made since I have been on this subcommittee, I want to tell the gentleman.

Mr. HIGHTOWER. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON. I yield to the gentleman from Texas.

Mr. HIGHTOWER. I thank the gentleman for yielding.

The gentleman brings up the fact that many of these contracts would require termination, and one of the toughest things that we do is hear termination costs.

Something that really irritates me and would offend the taxpayers generally is to know what we have to spend to terminate a contract where we actually get nothing, is that not right?

Mr. ROBINSON. That is exactly right. I agree with the gentleman completely.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I thank the gentleman for yielding.

I listened with great interest to the majority leader's comments, and especially his reference to Secretary Weinberger's comments some 10, 12, years ago.

The truth is, Secretary Weinberger is not on trial here. The question here is whether this committee met the test laid out for it in its responsibility. I would argue to you that this committee has met the test. We in fact have cut more than three times as much in procurement as the gentleman from Minnesota would have us cut. We in fact cut almost 10 percent of the President's request for procurement in this bill, and I agree with the gentleman from Virginia. It is the deepest cut in procurement that we have made in the years that I have been here, and I do not think this committee has to apologize for its work. I certainly think it would be unwise to adopt an amendment across the board after we have finely tuned the cuts that we have made in this particular part of the bill.

Mr. PENNY. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON. I yield to the gentleman from Minnesota.

Mr. PENNY. I thank the gentleman for yielding.

The gentleman from Virginia expressed some concern that we are asking for an across-the-board cut in the procurement section, and indicated that it is unusual to promote that kind of a cut because across the board just does not work.

Just a few years ago, the minority leader in this Chamber offered a $1 billion across-the-board cut to eliminate waste in the Labor-Health and Human Services-Education budget, and I am sure that had the support most Members on that side of the aisle.

What I am talking about is zeroing in on the part of the military budget that has grown the most. There is a lot of talk today about how this year you have cut, cut, cut in procurement; but the facts are military procurement has grown, grown, grown in the last few years.

I am offering us an opportunity to moderate that growth by encouraging cost-effective purchasing. If the Department cannot procure the same quantity for 3 percent less, I would be surprised, especially in this Department which was able to spend $4 billion on the last day of the fiscal year for procurement simply because they wanted to spend it quickly before their authority lapsed.

☐ 1220

The CHAIRMAN pro tempore. (Mr. KAZEN). The question is on the amendment offered by the gentleman from Minnesota (Mr. PENNY).

The amendment was rejected.

The CHAIRMAN pro tempore. Are there other amendments not precluded by points of order?

AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Long of Maryland:

Page 80, after line 2, insert the following:

Title IX

UNITED STATES ARMED FORCES IN LEBANON

Sec. 901. None of the funds appropriated by this Act may be obligated or expended for the continued deployment of land-based United States Armed Forces participating in the Multinational Force in Lebanon after March 1, 1984, unless the Congress of the United States adopts a joint resolution which contains the following findings:

(a) That the President of the United States has defined a clear and realistic mission for U.S. forces in Lebanon.

(b) That the President has established a set of policy goals in Lebanon that are achievable and has a clear agenda for achieving those goals.

(c) That security arrangements for American forces in the area have been upgraded to the maximum extent possible.

POINT OF ORDER

Mr. EDWARDS of Alabama. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. EDWARDS of Alabama. Mr. Chairman, I make a point of order against the gentleman's amendment because it constitutes legislation in an appropriation bill, which is in violation of clause 2, rule XXI.

The gentleman's amendment prohibits the use of funds to support U.S. Armed Forces in Lebanon after March 1, 1984, unless Congress adopts a concurrent resolution which contains certain Presidential findings. Not only is this a contingent event which in itself is legislation, but substantial additional duties will be required to have the President submit findings to the Congress regarding definition of mission, establishment of policy goals, and upgrading of security arrangements in Lebanon. Currently, the President is not required to submit such findings to the Congress, and this amendment will institute a new requirement on the President to submit such findings prior to March 1, 1984, or face a cutoff of funds.

Mr. Chairman, the amendment constitutes legislation in an appropriation bill, and I ask for a ruling by the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Maryland (Mr. Long) wish to speak to the point of order?

Mr. LONG of Maryland. Mr. Chairman, I would yield to the gentleman from Wisconsin (Mr. Obey).

Mr. OBEY. Mr. Chairman, I would like, if I could, to contest the point of order on at least the one ground raised by the gentleman because the gentleman indicated that this amendment requires the President to establish a number of additional findings.

That is not what the amendment does. The amendment says, and I would repeat, the amendment says that:

> None of the funds * * * may be obligated or expended for the continued deployment of land-based Armed Forces participating in Lebanon after March 1 unless the Congress of the United States adopts a joint resolution containing the following:

So we are not asking an administrative agency of the Government to establish findings. Those duties would fall on the Congress itself.

The CHAIRMAN pro tempore. The Chair is ready to rule, unless the gentleman from Wisconsin (Mr. Zablocki) wishes to say something on the point of order.

Mr. ZABLOCKI. I thank the Chair. I do want to associate myself with the point of order that was made by the gentleman from Alabama.

Also, I would add that section 842 of the House Rules and Manual states that:

> An amendment making an appropriation contingent upon a recommendation or action not specifically required by law is legislation.

I submit, Mr. Chairman, that the amendment offered by the gentleman from Maryland (Mr. Long) violates clause 2(c) of rule XXIII.

The CHAIRMAN pro tempore. The Chair is ready to rule.

The amendment clearly requires that additional duties will be imposed upon the Congress and upon the President since a joint resolution would have to be signed by the President and there must be some findings made by the President.

For all of these reasons, the point of order is sustained.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so because I assume that the gentleman from Maryland (Mr. Long) is now about to offer what I guess we would call the second Long amendment having to do with Lebanon. I would ask the gentleman to respond if that is his intention.

Mr. LONG of Maryland. Will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. LONG of Maryland. That is correct.

Mr. EDWARDS of Alabama. Then, Mr. Chairman, I would like to state prior to the offering of that amendment that this gentleman from Alabama will not request a motion to rise in connection with the gentleman's amendment if, in fact, the chair recognizes the gentleman for that amendment.

The leadership on this side of the aisle and this gentleman agree that the debate on Lebanon is too important to slough it off on a procedural point. It is not my intention to ask for a motion to rise at this time.

I do believe that there should be a debate on the subject and the point of order having been sustained on the gentleman's first amendment, I think the second amendment is a logical vehicle for that debate.

So, I would urge other Members, since any Member in the Chamber has a right to ask for a motion to rise, that we allow this debate on Lebanon to go forward. I would say again that this gentleman does not intend to ask for a motion to rise.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. MYERS. I agree with the gentleman from Alabama and, of course, he is closer to this bill than I am.

But there is one thing to be said, and that is that the people who made these rules and made this procedure necessary ought to have to live with them also. If you do not require that vote then they have the pleasure of ducking in and out of their own rules that they brought on the rest of us.

Mr. EDWARDS of Alabama. I thank the gentleman for his comment.

The gentleman from Pennsylvania (Mr. Walker) adequately addressed that point earlier in the debate and I understand all of the reasons why Members may want to vote or not vote to rise. But I think in this particular instance it would be better to let this debate go forward.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from New York.

Mr. ADDABBO. As I stated earlier, it is not the intention of the chairman of the subcommittee to ask the committee to rise so that we can have full debate on the matter.

But before we get into the amendment, I wish to point to a few important facts.

No. 1, I will be supporting the amendment to be offered by the gentleman from Maryland.

But first, there is no money specifically requested or appropriated in this bill for the current operations in Lebanon.

The Navy and Marine Corps, to date, have been using appropriations generally made available for training and operations.

The type of unit involved is basically a forward element, called a "Marine Amphibious Unit," which may typically be composed roughly of about 3,000 marines, 30 helicopters, 5 tanks, 8 howitzers, and other items of equipment.

In addition, the Navy currently has 12 ships offshore.

I believe one of the options that the President should have taken was to station the marines aboard the ships offshore rather than keeping them in the precarious position where they were easily attacked, as we saw in the devastating attack by terrorists which resulted in the deaths of some 230 marines and Navy people.

The Navy and Marine Corps estimate that they have spent or will spend about $46.3 million in fiscal year 1983 and about $43.3 million in fiscal year 1984. And, if we go the full 18 months, there will be an additional $21.1 million in fiscal year 1985, or a total of $110.7 million spent on this operation.

I believe the Congress should demand of the President and the Secretary of Defense that they take the necessary action to prevent any further needless sacrifice of our dedicated military personnel, and possibly station them aboard the ships if they are to stay there until March.

I would say they should be taken out right now.

Mr. EDWARDS of Alabama. Mr. Chairman, in view of Chairman ADDABBO's comments, I guess I should state to the Members that by saying that we should debate the Lebanon issue fully and by saying that I will not ask for a motion to rise, I do not want that construed as my support of the Long amendment. I shall oppose the Long amendment.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LONG of Maryland: Page 80, after line 2, insert the following:

TITLE IX

UNITED STATES ARMED FORCES IN LEBANON

SEC. 901. None of the funds appropriated by this Act may be obligated or expended for the continued deployment of land-based United States Armed Forces participating in the Multinational Force in Lebanon after March 1, 1984.

☐ 1230

The CHAIRMAN pro tempore. Before the Chair recognizes the gentleman from Maryland (Mr. LONG) for debate, the Chair wishes to state that the time limitation does not apply to this amendment since this is providing for a new title. Therefore, the time constraints on the bill do not apply to this amendment.

PARLIAMENTARY INQUIRY

Mr. EDWARDS of Alabama. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. EDWARDS of Alabama. Mr. Chairman, do I understand this special rule to mean that the debate will proceed under a 5-minute rule and any Member shall be entitled to the floor?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. LONG of Maryland. Mr. Chairman, I rise in support of my amendment.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes.

Mr. LONG of Maryland. I think those who listened carefully to the description of the first amendment which has been ruled out of order will recognized that that was an amendment which did not set absolute rules, which undertook to do what everybody in this country has been hoping we could do, that is to get the President to tell us what we are doing in Lebanon.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield for a unanimous consent request?

Mr. LONG of Maryland. I would be glad to yield to the gentleman.

Mr. ADDABBO. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 2 o'clock.

The CHAIRMAN pro tempore. Does the gentleman from Maryland (Mr. LONG) yield for that purpose?

Mr. LONG of Maryland. Mr. Chairman, I yield to the gentleman from New York for that purpose.

The CHAIRMAN pro tempore. Is there objection to the unanimous consent request of the gentleman from New York (Mr. ADDABBO) that debate on this amendment and all amendments thereto terminate at 2 o'clock?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. STRATTON. Under the unanimous-consent agreement, does that mean only those who were standing at the time the agreement was entered into may enter into the debate?

The CHAIRMAN pro tempore. The Chair will continue to allow time under the 5-minute rule.

Mr. STRATTON. I thank the Chair.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I hope that all that debate did not come out of my time.

The CHAIRMAN pro tempore. The gentleman from Maryland (Mr. LONG) is recognized for 5 minutes.

Mr. LONG of Maryland. I think all would recognize that what we are trying to do was to get the President to define a clear and realistic mission for the forces in Lebanon; to tell us why they are there, and to set up a set of policy goals in Lebanon that would be achievable, and offer a real agenda for achieving those goals.

And then also tell us what every American in this country wants and that is a program for protecting the marines and keeping them from being shot like fish in a barrel.

As you know the Commandant of the Marine Corps has said that not only are they there on some kind of a diplomatic mission, which is a new description of why they are there, but that there was no way in which he could protect them and we are bound to have these casualties in the future. This is the kind of thing that I think the American people were entitled to have explained. Since we were ruled out of order on this we have to fall back on our getting out by March 1.

Getting out by March 1 has a real value. For one thing, it will enable the President to give time to set up a process for the orderly and phased withdrawal of the U.S. forces.

Hopefully their replacement would be with either a United Nations or multinational force. And the new force, we would hope, would not include a superpower because I think the fact that the superpowers are really playing chicken there with the future of this planet. We are creating a confrontation between superpowers and that is one thing we definitely do not want to involve.

Any other proposal lacks any teeth to force the administration to take action.

The administration has already said that it does not regard a War Powers Act as binding; the administration regards the War Powers Act as unconstitutional. So there is no way that you can force it except to cut off funds and that is what we propose to do.

Now let me say the withdrawal of marines in March of next year does not mean that the United States is abandoning Lebanon or our interests there; it only means that one means to that end has not worked. It is based on a phony theory. The theory is that if you put American uniformed men there the enemy would not shoot at them.

Well that is all right if you have responsible adversaries who have reached a peace agreement and have agreed that they will not shoot at them. But you have here in Lebanon a situation which has become obvious; the enemy, where he is, not only will shoot at them but they take great joy in doing it and will die in an attempt to kill American soldiers.

In that case the theory has been blown up along with the marine barracks and it is now clear that we are keeping them there under a false theory.

We are trying to sacrifice American soldiers to a theory that has failed.

Now I think they will say "You know, well, we are chickening out."

Let me tell you, it takes courage to recognize when you are wrong. We went in there under a wrong theory, we went in there under a theory that Congress had nothing to do with establishing; we are there under an act of, under a declaration of, war which the Congress did not participate in violation of the Constitution.

It is time I think we recognized that keeping our marines there any longer is not going to have any result except to kill more marines.

And I might say that the Senator from South Carolina, Mr. HOLLINGS, I think, put it about as well as anybody. He said:

> If the marines are there to fight, there aren't enough of them. If they are there to die, there are too many of them.

I urge the Members to support my amendment.

Mr. McKINNEY. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, this morning on television I watched the French President stand at a ceremony where 53 dead young Frenchmen, average age 20, were being honored before their burial in their separate towns and communities in France. One cannot describe the horror of it. Yet, there is no question in the French press, there is no question from the French people as to why France is in Lebanon.

I have almost a unanimous and consistent record in this House of voting against nuclear weapons, voting against this particular bill, voting against Vietnam; but sooner or later one cannot sit back and wonder how any representative of the U.S. people can say we do not know why we are there.

I would rather have a multinational force; I would rather have that erratic body that I support, the United Nations, there; I would rather have a lot of other things. But we in this country have either got to decide that we are in fact a leader or we have got to disappear to the world of Peter Pan and pour ourselves back to our borders and just forget about it.

If in fact we leave Lebanon, every single human being that has an ounce of brains knows what is going to happen; Lebanon will either be partitioned or it will immediately go under the Syrian interests.

If in fact it comes under Syrian interests, what we are committing the world to is a major war in the Mediterranean within the next 5 to 15 years.

I for one, forgetting the fact that I am a father of two young sons, am not willing in the shortsighted political stand of things to commit this Nation to a major war in the Middle East.

I am not willing to commit this Nation to the signature of the death throes of the State of Israel because we have left the Russians and the Syrians in charge on the southern Mediterranean.

I am not willing to sit back and watch Lebanon, under Syria, undermine the Egyptian Government that this country has worked so long and hard to stabilize.

The fact of the matter is that what happened to our boys was awful. I am critical of the Marine Corps. The Marine Corps was not remembering the basics. First of all, you do not put 400 men in 1 building in a war zone. Second, you put in far better security. And third, you let the poor guys that are there have some ammunition. But one Moslem terrorist, belonging to a group with less members than the Marines they killed, should not be able to tell, to force us to run from our duty to try and bring peace. Should we turn around and say, "Okay, Syria, here is Lebanon, okay, Americans and Marines, here is a real war coming your way." We are there to try to stabilize a nation that is the keystone to trying to bring peace to the southern Mediterranean.

We are there to try and keep a nation together so that the State of Israel can, one of these days, know how it is to live without constant military terror a way of life for their very existence.

□ 1240

The stakes are very high. This statement is probably going to cost me a lot of friends, but I would say something to my colleagues, if we do not react as a leader now, we commit this Nation to one of the horrifying thoughts I can think of, atomic war in the Mediterranean.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the coauthor of the Long-Obey-Stratton amendment a number of people have challenged me as to why, having been for so many years a strong supporter of defense, I am now the coauthor of an amendment to begin the withdrawal of our marines from Lebanon. How can I oppose a President whose defense and foreign policy I have generally supported, even enthusiastically supported?

Well, the answer is a very simple one. I have been to Beirut. I have talked with our marines. I have talked with our military leaders. And since our House Armed Services Committee delegation returned from Lebanon, I, like every other American, have been following the daily news accounts with increasingly deep concern. The ceasefire that went into effect on the day that we left had all but collapsed.

The marines, at the time that we were there, said they did not think people were really shooting at them. The situation was so confused, they said, that they were simply the victims of enemy artillery that had been misdirected.

And then we found out later on in that 1 week that the marines were now actually being picked out by snipers, shot down one by one in that very dangerous and unfavorable environment.

As a result of those changes on the ground I was moved to write an article for the Washington Post suggesting that we ought to take the marines out of Lebanon because we were not making the "overall peace plan" work. And I said the indications were that the longer they stayed there, the rougher it was going to get. That article was published in the Washington Post on October 21, just 2 days before the massacre at the marine headquarters.

As a strong supporter of defense I am interested in the welfare of our military personnel. I have been a longtime admirer of the Marines. But I am convinced, however, that they are being misused in Lebanon. The Marines, in fact, are our front line, elite offensive, combat organization. And they are manifestly not being used in that capacity in Lebanon. They are not using the skills they were trained for. And as the events of the past few weeks have amply demonstrated, those valuable assets are being grievously wasted in Lebanon and if we continue to keep them there, they are going to continue to be wasted.

Yesterday morning, Gen. P. X. Kelley, the Marine Corps Commandant, testified, as we had previously been told, but it was even more significant when he gave it to us, that the mission of the Marines in Lebanon is to be a "visible presence." You do not find "visible presence" in any document or any book on military capability. And General Kelley said in those exact words this was not a military mission. It was a political and a diplomatic mission. General Kelley said the marines were supposed to be seen in Lebanon. They were supposed to be part of the normal life in Lebanon. That is the reason they could not be walled away in an armed fortress.

And that, very simply, is the reason why the marines could not reasonably anticipate and guard against the suicidal terror attack against their headquarters billet that killed over 230 of them.

But it is not General Kelley only who does not like the kind of nonmilitary, amorphous mission that the marines have been given in Lebanon, because of which they have suffered the horrible casualties they have suffered.

Just the other day in the New York Times, the Pentagon correspondent, Richard Halloran, reported that the Joint Chiefs of Staff never favored assigning the marines to Lebanon as a peacekeeping force, because they also regarded that mission as not a military mission but a political mission.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. STRATTON) has expired.

Mr. STRATTON. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BONIOR of Michigan. Mr. Chairman, reserving the right to object, and I will not object at this time, but I raise it for the purpose of finding out how the time will be allocated. Of course, the Chair has the discretion and the gentleman from Michigan recognizes that.

But I would hope that Members who speak on this issue will speak clearly and obviously limit their remarks to the 5 minutes. There are a number of Members who wish to speak on both sides of this issue and that will not happen under the 2 o'clock deadline if Members get extensions ad infinitum.

Mr. Chairman, I will not object at this time, but I will object in the future.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York (Mr. STRATTON)?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from New York (Mr. STRATTON) is recognized for 3 minutes.

Mr. STRATTON. Mr. Chairman, as I was saying the Joint Chiefs of Staff, Mr. Halloran reported, had never favored assigning the marines to Lebanon as a peacekeeping force because they regarded that particular mission as General Kelley did, that it was not a military mission, it was a political mission.

And I would also point out that it has been an open secret in Washington for some time, over the past year, that the Secretary of Defense also shared this point of view.

The fact is that the presence of the marines over the past year has not brought stability to Lebanon. All you have to do is go over there and take a look at Lebanon. You do not even have to do that. Just look at the pictures in Time and Newsweek. That is not stability. The fighting has gone on with increased violence and the September 23 massacre clearly demonstrates that fact.

The presence of the marines in Beirut has not brought about the so-called reconciliation talks, which was another task that the marines were supposed to accomplish.

On the contrary, the violence in Beirut has become so bad that the various confessional factions refused to convene in Beirut, particularly at the airport where the marines are located. Instead they went 1,000 miles to the west to Geneva, where there is no Marine presence at all.

Does it really make sense to leave the marines in this exposed position, where, in fact, they have become the prime target? Does it really make sense to leave on the books a resolution that we will approve of keeping them in Lebanon another full year and a half? And General Kelley testified that they are going to continue to be vulnerable there. They hope that they will be able to improve the security, but I would not count on that too much.

The Speaker believes that we should keep them there. The President of the United States says we should keep the marines there.

But, my colleagues, the American people want the marines out of that Lebanese trap. I am sure Members' mail is the same as mine, running five and six to one, to bring them back. Should we not listen to our constituents.

Of course we would like to see peace come to Lebanon. We would like to see a democratic government in Lebanon on a fairly balanced confessional formula. But these objectives are surely not the highest priority of the U.S. foreign policy. And is this an objective really worth the price that we have already paid and that we will continue to pay? I believe not.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

The gentleman noted that stability has not yet come to Lebanon. I think everybody here agrees with that. And he mentioned all the things that the presence of American Marines has not done.

But one thing that the presence of the American marines has done, and probably the presence of the French, Italians, and the British has contributed to, is the prevention of Syrian occupation of Beirut.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. STRATTON) has again expired.

(At the request of Mr. HUNTER and by unanimous consent, Mr. STRATTON was allowed to proceed for 1 additional minute.)

Mr. HUNTER. If the gentleman will continue to yield, one thing we do know is that the Syrians have not come into Beirut due to the American presence and due to the presence of the other members of the multinational force.

And I realize our State Department does not say, and the President does not say, we are there so that the Syrians will not come in. There is only a slight chance—I agree—that the Lebanese military will gain the strength and the cohesiveness that it is going to need to bring stability to the Lebanese Government. But they do have a chance, and we are there to give them that chance.

□ 1250

Mr. STRATTON. Let me just say to the gentleman that the intelligence estimates that we have been given by our Government indicate that there is a very slight chance, very slight, that we are ever going to be able to put this confessional balance together, and this is supposed to be the key to bringing peace to Lebanon.

Mr. RATCHFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was brought up with the belief that a bipartisan foreign policy was the best foreign policy. In fact, I was brought up with the belief that the only foreign policy should be a bipartisan policy. I was brought up with the belief that critical comment on foreign policy was not something we should engage in.

But the Vietnam experience changed all of that for me, because in that case a bipartisan foreign policy, with the silent acquiescence of this Congress, led to an American tragedy.

Ladies and gentleman, Members of this body, a bipartisan policy if it is wrong should not be supported, should not be silently acquiesced in. It should be rejected by this body.

We do not have clearly defined goals in Lebanon; we do not know who we are fighting; we cannot say today who murdered the marines.

Many of the Members went to that briefing that was conducted by the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and they could not collectively tell us who murdered the marines.

If that is the case, who is our enemy in Lebanon?

Now, I had the sad experience, together with many of you, of placing a phone call to a family after the word had come in that a marine from my district was killed in Lebanon. And this was a family in a working community, Naugatuck, Conn. This was a family in a factory town, this was a family in a middle America community, proud of the service of that marine.

But this is what the father said, after we exchanged sad words about the tragedy that had occurred:

> Congressman, if we cannot provide security for those marines, please don't leave them there like fish in a barrel for people to shoot at.

That is what we have done. We have left them there like fish in a barrel for people to shoot at.

That is the message of what is occurring in Lebanon. We do not have a goal. We have not defined the enemy. The marines have moved from peacekeepers in the summer of 1982 to the targets in the fall of 1983—there like fish in a barrel, there in a swirling religious civil war, there for any radical group to shoot at so that they can obtain what they are looking for, worldwide publicity.

The United Nations ought to be in. Some say there will be a veto in the Security Council. Have we asked them to come in? If they cannot come in, a truly international peacekeeping force ought to be in so that the controversy of the marines, so that the uniform of the marines, so that the American flag does not remain the target in this civil war.

Members of this House, we are engaged in the pursuit of a bipartisan policy which is wrong. No longer should we silently acquiesce, no longer should we vote yes. The time now is to support this amendment and to head off another American tragedy.

Mr. COLEMAN of Missouri. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to suggest that the issue is more than just Lebanon. The real issue is America's commitment to peace in the Middle East, because Lebanon is simply one part of a very complex puzzle of putting the entire peace process to work in the Middle East.

If you want to define what exactly our national interest is in having peace in the Middle East, let me direct my remarks on some very basic things. And while we are concerned about having free elections and we are concerned about our allies' stability and their security, when it comes down to the bottom line and the American people, they want to know why we are in the Middle East, to begin with, and in Lebanon, in particular.

OIL

The Middle East's importance to the United States can be generalized in one simple word—oil. Our Nation's reliance, as well as those of our allies, makes us increasingly vulnerable to the potential consequences of an oil cutoff from this region. The Congressional Research Service recently released a report which attempted to project the economic consequences of a major cutoff of Middle Eastern oil. CRS's study assumed that "all oil tanker traffic through the Strait of Hormuz ceased abruptly, eliminating access to most of the oil produced in the Persian Gulf region," something which Iran has in recent weeks threatened to do.

The CRS study listed the following possible consequences of such a cutoff if it had occurred in 1980:

Oil shortfall: The seven major industrialized nations would have experienced an aggregate shortfall of 7.1 to 7.7 million barrels of oil per day, or 20 to 25 percent of their oil requirements.

Oil price increases: Crude oil prices in this scenario could escalate from the base price of $30 per barrel to at least $90 a barrel and perhaps as much as $300 per barrel.

Decrease in GNP: The United States could experience a short-term decline in real GNP in the range of 11 to 29 percent.

Employment: Employment in the United States could decline between 13 and 28 percent.

Impact on Western Europe and Japan: In almost every case, the economic impact on the industrialized nations of Europe and Japan would be even more severe than for the United States.

International trade: The consequences of this staggering blow to all of the world's major trading powers would be a severe downturn in international trade. This sudden constriction in world trade would deal an additional blow to each of these economies, thus even further exacerbating the economic crisis.

The Third World debt: The effect of such a scenario on the developing world could be devastating. Many non-oil-producing LDC's are already straining under the burden of higher oil prices and have amassed extremely high foreign debts as a result. The potential oil price increase envisaged by the CRS study would certainly be too much for them to bear. Defaults would seem inevitable, thus contributing to considerable uncertainty and potential chaos in the international financial markets.

I think if we recognize some of these economic facts, we understand why we are in Lebanon, why the Middle East is important, even though it is thousands of miles away from us and there is not a constituency, many times, in our own districts for this. We have got to recognize the overall big picture of this item.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has made some excellent points. We hear so much talk against the so-called presence explanation. We say, "well, we are there because we have to show presence." And they say, "Why should we have to show presence?"

What most Americans do not realize right now is that we maintain a marine force in the Mediterranean. The marines are not coming home. They have been in the Mediterranean for a long time, and they are going to stay there, along with all of the naval support ships and personnel who are necessary to support their mission. Their mission in the Mediterranean is presence. You could use exactly the same argument that you are using against having marines located in Beirut and say that there is no such thing as a legitimate presence mission. And that means bringing the marines home from the Mediterranean. Why do they sail up and down the Mediterranean engaging very regularly in exercises with our allies in the Mediterranean countries? Because that presence is important and because our allies and our adversaries attach a great deal of importance to it.

I would like to hear any Members speak who think that we should leave the Mediterranean area. If they think we should take the marines home, then I would like to hear their explanations.

Mr. AuCOIN. Mr. Chairman, I move to strike the requisite number of words and speak in favor of the amendment.

Mr. Chairman, I am really surprised with the comments of the gentleman from Missouri, who has just told the House that we have some 1,500 to 2,000 marines sitting in a totally indefensive military position on a flat runway in Beirut because somehow they are going to protect oil.

That is the most preposterous statement I have heard in days. I want to tell the gentleman that it is a preposterous statement.

Maybe the gentleman can explain how those marines who are not able to go out on patrols, who cannot even load their rifles under the existing orders, can somehow protect American oil.

The gentleman does not even seem to understand that our country is not nearly as dependent upon Persian Gulf oil as are European countries or Japan. Only a small fraction of our oil comes from there. Why are Japanese boys not sitting in an indefensible position on the runway in Beirut?

The point is: Our marines, as General Kelley said in testimony the other day, are there fundamentally not for a military purpose; they are there for a diplomatic, symbolic purpose, to show the flag, to try to convey support by our country of the Government of Lebanon.

□ 1300

They have no military utility. Their guns are not even loaded. Do not talk to me about oil. Let us talk about symbolism. The trouble with this particular kind of symbolism is that we lost over 200 young, brave men because we had them there as symbols. That is absolutely untenable from a military standpoint; it is untenable from a moral standpoint.

What this amendment says is, after March 1 of 1984 the deployment of land-based troops shall not go forward. Land-based troops. It permits putting those troops on a battleship offshore, still showing the flag, but at least having them in a secure location.

I do not know how the gentleman can argue with that.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I would be pleased to yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. I thank the gentleman for yielding.

Mr. Chairman, I know the gentleman listened to my remarks and understood the thrust of my remarks was to put this in the context of the Middle East. I obviously never said what the gentleman said I said about these marines defending oil. I said that in the context of the Middle East, where we have allies, oil-producing nations that could be destabilized. That is the point I was making.

The gentleman from Missouri never said that these marines were there to guard oil. Let us put it in the full context of my remarks.

Mr. AuCOIN. Mr. Chairman, if I may reclaim my time, I heard the gentleman's comments. I was listening to them very carefully. In fact, I did not intend to speak, but the gentleman was so off point I felt the need to speak.

If the gentleman is concerned about oil, he ought to be advocating that our marines be inserted into the war between Iran and Iraq. That is where the oil is. We are not going to find oil in Beirut.

The gentleman is wrong. Those who oppose this amendment are wrong. We are saying our forces should not be deployed on land in militarily indefensible positions. That is a militarily sound proposition. The gentleman who offered it (Mr. STRATTON) is no peacenik. The gentleman who offered it is as gung-ho on military policy as any Member of this House. I think he is right and I think we ought to be voting for this amendment.

Mr. GIBBONS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first let me commend those who did not move to request the Committee to rise so that we could have this debate. Let me commend those who have participated in the debate so far, because it has been substantive and it has been meaningful.

Let us examine the issue here. I do not think there is any doubt that our forces are in a tactically indefensible position. No one, no military commander, would pick out the low ground, flat, low ground in the middle of a built-up area to defend if he had to defend an area. No one would pick that out to control or patrol an area. It is tactically, militarily indefensible.

Second, is there a need for our ground-based presence in Lebanon? I think so. Let us examine the history of Lebanon.

Way back from the time that this land was called Phoenicia, way back before the time of Christ, this has been a land of religious warfare. We are caught up now in the midst of that religious warfare, a war that we should not be in, a religious civil war.

The Syrians have had an interest in this country for as long as there has been a Syria. In fact, the Syrians have been in Lebanon, at our suggestion, since 1976 and the Syrians in that time have not tried to take over Lebanon for good reason. They do not have the ability to take it over because they know that their enemy, the Israelis, could stop them.

So that is not the issue here. Now, did the Israelis ask us to go to Lebanon? The answer is no. Do the Israelis insist that we stay in Lebanon? The answer is no.

Then why are we there? We are there because of an accident, we went in to try to keep some peace and to cut down on what looked like the slaughter of the PLO. I am not going to wax eloquently about the PLO, but if anybody deserved our attention, it certainly was not the PLO. But we saved the lives of perhaps 7,000 PLO, and unfortunately, those same PLO members are right back there shooting at us right now.

We then withdrew and rushed back in after a slaughter in some of the ghettoes around Beirut. We never did have any real good reason there. If you examine the President's reason, you will notice that he has escalated from a humanitarian reason to an East-West confrontation. This type of thinking in which events make policy. Our policy is not being made by logic, it is the same kind of decisionmaking that got us in trouble in Vietnam. We should not let that happen again in our lifetime. It should never happen again.

Lebanon has no oil, it has no gas, it has no vital minerals, it has no important ports, it is not a communications center. Lebanon is not essential to our interest in the Mideast. There are no Americans caught there except our 1,200 marines. And there is no good reason for us to be there in an indefensible, land-based position.

That is what we are talking about. The Stratton-Obey-Long amendment puts an end to this in a reasonable length of time. March of 1984 is sensible. It is certainly not a cut-and-run situation. Those troops will still be there on troop transports and aircraft carriers, but they will not be like fish sitting at the bottom of a barrel with plunging fire coming down on them. The President can withdraw them any time he wants to before March 1984, but this will be our last chance to act before that time.

Mr. BENNETT. Mr. Chairman, I move to strike the requisite numbers of words, and I rise in favor of the amendment.

Mr. Chairman, I realize that the person who spoke earlier probably did not want his words to be interpreted in the way in which they were interpreted. But it was really quite shocking to hear the gentleman say that there was a purpose in having people over there—our soldiers, our marines, to be shot at, not being able to reply—and that was for oil, or that was for Third World debt. Nothing could leave me further from being enthusiastic about this program than those words that were spoken, although I am sure they were misconstrued and the gentleman who spoke them probably did not mean them that way.

Our Constitution provides that Congress shall decide when we go to war. That was a thing to do, because our forefathers did not want us to go lightly to war. We are practically in a war now, except we are not shooting back.

Our troops should be placed on ships now. If we want to run patrols on a rotating basis there, that would be all right. There is nothing from the Department of State, nothing from the Department of Defense in the hearings that we have had that indicates there is any end—any end—in the next decades, in the next centuries, or the next millenium—to the problems which exist in that land. So it is not a thing that is going to be soluble. We would be lucky if we came out like we did in North and South Korea. But in no way will this be that. It will be more comparable, only more bitter, to the North and South Ireland situation.

Is our country a country that should lay upon the altar of humankind our fine, noble soldiers to be sacrificed in that way, not being able to return to our country, not feeling that our country is really standing behind them?

Lebanon has had over a year—over a year—to address its 1932 census disproportion. It was their population voting basis—a population census of 1932. They have had over a year to move toward a one-man, one-vote situation to allow people in Lebanon to have a more reasonable type of government. They have not done it. That is not our fault. We have provided that 1-year opportunity for them.

□ 1310

I hope they work out something in Geneva. But should our forces be placed there in that situation where the commanding general, General Kelley, says that that is a political-diplomatic type of presence, I submit it is not a military presence.

Other nations can do the same thing, as I have suggested. They can put their soldiers on our ships, or we can put them on their ships. We can continue that as a temporary situation until we work this out.

It is not basically right to put young men who are the cream of our American society there to die and not to be able to shoot back for purposes which cannot probably be attained. The purposes probably cannot be achieved, because that is the testimony which both the Defense Department and the State Department have suggested to us. They have not given us any kind of idea that these things are going to work out. Perhaps they will, but to make these young men sacrifice their lives under those circumstances is something which is not right, and our country should be more noble and make sure that we protect those who are trying to protect us.

So, Mr. Chairman, I urge very much that we agree to this amendment which the gentleman from Maryland (Mr. LONG), the gentleman from New York (Mr. STRATTON), and the gentleman from Wisconsin (Mr. OBEY) have put before us.

Mr. HAMILTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Long-Stratton amendment. That amendment cuts off all funds for the deployment of the U.S. armed services after March 1, 1984, approximately 4 months from now.

Members should appreciate the circumstances surrounding the vote on this amendment. Both our friends and adversaries in the Middle East see the Lebanon issue as a test of American credibility and resolve in the region.

Our friends will be disheartened by a signal of withdrawal now. They will be less secure and they will be less willing to take risks for peace.

Our adversaries will be pleased by a signal of withdrawal. U.S. influence and prestige will be reduced and radical and rejectionist elements will be strengthened.

I choose to vote against this amendment for several reasons:

First, this is the worst possible time to signal we will withdraw the marines at a date certain for two reasons:

First, a delicate national reconciliation process in now underway in Geneva. This is the first such meeting of all political groupings in Lebanon in 40 years. We must give that political process a chance to succeed. For the United States, a country which has pursued its objectives in the Middle East with honor and vigor for many years, to signal a withdrawal right now would only undermine the reconciliation process in its infancy. The hand of the Central Government of Lebanon is only as strong as the position of its military protectors, that is, the Lebanese Army and the multinational peacekeeping force, including the marines. We cannot walk away from Lebanon and abandon support for the reconciliation process after we have achieved the extraordinary and promising step of bringing the contending partries together for discussions on reconciliation.

Second, the United States should not signal withdrawal precipitously right after the ghastly terrorist attack against the marines. That would hand the victory to the terrorists and make hollow our insistence that diplomacy be given a chance.

Second, this amendment has all the problems any amendment has which sets a deadline. No matter what the deadline is, you cannot force a difficult negotiating process into a time straitjacket.

We should link withdrawal, not to time, but to conditions that serve our national interests. In my view those conditions would be:

To give the national reconciliation process a chance;

To set up a better security system in the country; and

To internationalize the peacekeeping operations in the country.

These are achieveable goals but they cannot be dated. They are part of a process that needs a chance.

Third, a signal of withdrawal now would jeopardize the Government of Lebanon. We would be abandoning the pursuit of U.S. objectives in Lebanon:

The withdrawal of all external forces from Lebanon;

The formation of a sovereign, independent united Lebanon; and

The security for Israel's northern border.

By defeating the Long-Stratton amendment, we will give diplomacy a little more time to work. If the United States says today it is pulling out at a time certain, the Lebanese will be less willing to make the needed political concessions necessary for the country to be stabilized.

Fourth, those of us who oppose this amendment must be realistic about our mission and purpose in Lebanon. If we say, as the President has, that we are in Lebanon until there is a united, sovereign Lebanon and stability in that country our commitment is too open.

If we signal we are simply going to leave now, or within a few weeks without accomplishing any of our objectives, as this amendment would have us do, our commitment is too feeble.

Better, I think, if we are more realistic about our objectives. We should not be surprised if we cannot accomplish a united sovereign Lebanon, free of all foreign influence. We should not be disappointed if we accomplish something less. The U.S. national interest can be well served with a solution in Lebanon which may be a de facto confederal or cantonal system. While far from the ideal of a united, sovereign Lebanon with a strong central government, such a system could endure. Such a solution could reduce tensions, produce a degree of national reconciliation and stability, even if it is not all we would like. It could be both achievable and consistent with our basic national interests in the country. It would, among other things, permit us to move forward on the peace process.

Such an outcome, which I consider more likely than the prompt accomplishment of a united, sovereign Lebanon, could only be achieved by the defeat of the Long-Stratton amendment.

This amendment, by signaling withdrawal, could only defeat our objectives in Lebanon, even our intermediate objectives.

The CHAIRMAN pro tempore (Mr. KAZEN). The time of the gentleman from Indiana (Mr. HAMILTON) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. HAMILTON was allowed to proceed for 2 additional minutes.)

Mr. HAMILTON. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY) for his very generous gesture.

Mr. Chairman, let me just say finally that a signal of U.S. withdrawal now would help Syria to dictate its own terms in Lebanon, hand the Syrians a major victory, and create the perception that the United States had been defeated by the Soviet Union's most important Middle East friend.

This amendment, if adopted, would enable Syria to:

Dominate Lebanon;

Influence the direction of the Arab-Israeli conflict;

Enhance its prestige within the Arab world; and

It would diminish the ability of our Arab friends in the area to work toward a reasonable settlement.

Mr. Chairman, I urge my colleagues to vote against this amendment, and to vote for giving diplomacy more time.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I want to commend the gentleman from Indiana (Mr. HAMILTON) for his brilliant statement. I agree with every word in it, and I would suggest that the only change since this body passed a resolution granting 18 months to resolve our problems over there has been a brutal terrorist attack.

This amendment is a response to that terrorist act, and it gives absolutely the worst possible signal. It says that terrorism pays off, and it invites more terrorism.

Mr. Chairman, I thank the gentleman for yielding.

Mr. HAMILTON. Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I agree with virtually every word just uttered by the gentleman from Indiana (Mr. HAMILTON). He listed all of the things that would happen that could be deleterious to this country were this amendment to pass, and I agree with almost every word he has just uttered.

The fact is, however, that today we are not talking here about whether this amendment is going to pass. I would like it to pass. I am one of the authors of it. I obviously would like it to at least pass the House.

But what we are trying to do here today is not to force through the system, House, Senate, and White House, a congressionally mandated withdrawal of troops from Lebanon because we recognize that that is not going to happen, and for a number of the reasons listed by the gentleman from Indiana it probably should not happen.

What we are trying to do, however, is to maximize the vote in this House for an amendment which sends a clear message to the administration that if they do not change their policy, if they do not redefine their policy or clarify it, if they do not clarify the mission of the marines, if they do not upgrade the security of the marines, if they do not find goals which are more achievable, more realistic, and more in line with what is possible to attain, then their support in this body is going to run out.

That may seem like a quaint argument to make, but, very frankly, that is where we are at, because everybody on both sides of this argument knows that this amendment is not going to pass.

I just tell the Members this: The message that we want to come off here today is: "Mr. Secretary of State, we never again want to have the kind of briefing that we had a week ago, where we got response after response after response to hardnosed questions but no answers."

We cannot afford the kind of sloppy thinking that that briefing demonstrated because that kind of sloppy thinking is what has led to the death of those marines in Lebanon.

□ 1320

Now, I happen to also understand why the leadership of both parties have to stick with the President. I understand what the obligations of leadership are; but those of us who feel very strongly that the administration is not being sufficiently realistic in its policy also have an obligation to try to send the strongest signal possible to the administration that they have to do a number of things, and the things we are trying to get them to do are the three items which were laid out in the Long amendment before the point of order was made.

We are trying to say to the administration, "Mr. President, you have to define a clear and realistic mission for U.S. forces in Lebanon."

We are trying to say, "Mr. President, you have to establish a set of policy goals in Lebanon that are realistic and achievable and you have to have a clear agenda for implementing those goals," and I submit right now that we do not have that.

We also are trying to say, "Mr. President, in spite of the comments made about the assurances that the marines have been secure, you have to upgrade that security."

Does anybody here really believe that unless the administration changes its policy direction that there is a significant chance for a strong government in Lebanon, as the President has indicated he wants to create?

Do they really believe that there is any real prospect for a very quick progress in the overall Middle East negotiations, as the Secretary of State seemed to imply in that briefing with us last week?

Does anybody really believe that unless we have a substantial vote for this amendment today, the administration is going to be able to convince the Lebanese Government that they must make the kinds of concessions necessary about power sharing if, in fact, the conference that everybody is talking about is going to succeed? That is what we are trying to do.

The authors of this amendment are trying to use our legitimate differences about methods to send the clearest possible message to the administration to toughen up its policy, to toughen up its thinking, so that those marines are not going to be stuck there for 18 months, as they are now under the congressional mandate under the War Powers Resolution.

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me, because I think he misspoke.

Mr. OBEY. I yield to the gentleman from New York.

Mr. STRATTON. The gentleman said that everybody knows that this amendment is not going to pass the House. I think the gentleman meant that it is not going to be signed into law.

Mr. OBEY. That is correct.

Mr. STRATTON. We certainly do hope that it will pass the House.

Mr. OBEY. That is correct.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. OBEY. Yes, surely.

Mr. SHARP. Mr. Chairman, I certainly share what the gentleman has said. If our distinguished colleague, the gentleman from Indiana (Mr. HAMILTON) were the Secretary of State, if he were the National Security Adviser to the President, I would be willing to follow his leadership on this issue.

The fact is the statements coming from the administration are not as well defined, they are not as modest as to what our purposes and goals are and what we expect to achieve; and what I think is a danger today is the way they are escalating the goals and the rhetoric.

Mr GREEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the problem I have with the statement made by the gentleman from Wisconsin, and I think it was a good statement, is that it tells us all about the previous amendment, which was ruled out of order, and not the amendment that we are debating now. The amendment that we are debating now does not do all the good things that the gentleman's previous amendment did.

I very much liked the gentleman's previous amendment. Much of it sounded like the statement I released after the terrible tragedy that happended to our marines in Lebanon.

I, too, believe that the administration has to clarify what its objectives are in Lebanon and how the presence of the marines is helping those objectives.

I, too, believe that the security of those marines has to be improved.

If that were what the pending amendment did I would be a supporter of the gentleman's amendment; but unfortunately, the rules of the House have not permitted us to vote on the gentleman's previous amendment, which did that. What the gentleman is asking us to vote on is, as the gentleman himself has acknowledged, something that he does not want to become law, It sets a relatively imminent date certain for withdrawal, something that can only prejudice the Geneva negotiations. It is hard for me to see how I could vote for something that I do not want to become law.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I am delighted to yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Chairman, I want to commend the gentleman from New York for the statement he is making. It is an honest statement and I realize that.

In the legislative process, though, despite the fact that the amendment is supported by the majority of the Members in the House, it cannot be the one that is debated here.

In the legislative process, if it passes here, it will go to the Senate. Perhaps the Senate because it does not have the kind of gag rules that we do can add language to it. That is the intention of the sponsors of this amendment, that it be considered in the light in which it was presented here before the unfortunate point of order.

Mr. GREEN. Mr. Chairman, if I may reclaim my time, I do not think the Members of this body can rely on the Members of the other body to do the work of this body; so I really do not see how I can support this amendment as it now stands.

Mr. OBEY. Mr Chairman, will the gentleman yield?

Mr. GREEN. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would just like to point out that this is not the first time we have been in this position. We have done this twice within the last month on the abortion issue.

The fact is that the only way that we can get to conference, so that we can accept the kind of conditional language in the original amendment, is for us to adopt this amendment. If we do not do that, there is no other mechanism by which we can accomplish anything on Lebanon.

Mr. GREEN. Mr. Chairman, if I may reclaim my time, the problem is that there is today a conference among the warring factions in Lebanon going on in Geneva. If this amendment is adopted, the text that the participants in that conference will read is not some other text that some other body may produce at some other time. It will be this text that this body produces this day. That is something that I cannot support.

Mr. ZABLOCKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Stratton-Long amendment.

The motivations for this amendment are laudable. They certainly are understandable. We all share the outrage and horror of the recent terrorist attack on our marines in Lebanon. We all would love to have them back from Lebanon tomorrow. We share the grief of the families and hope that the wounded will have a speedy and full recovery.

Nonetheless, Mr. Chairman, the U.S. Marines are performing an important mission in Lebanon. Those who are a bit fuzzy about why they are there and want the administration to articulate a clearer policy must understand the marines are not in Beirut to fight the war for Lebanon. Together with the French, the British, and the Italians, the marines are part of a multinational force attempting to bring about stability in the area so that a political solution can be obtained.

It is a difficult, yes, it is a dangerous mission, but one which is clearly defined.

The amendment before us would make the achievement of that mission impossible. How? If our forces have a time-certain deadline the Syrians will simply wait us out. To remove the marines would also add to the difficulty in bringing about the negotiated agreement that we wish will be achieved in Geneva. For the first time in 40 years the factions are getting together.

Will it be easy? Of course not. But should we not give it a chance? Of course, we must.

Why should we place obstacles in front of that effort?

Certainly the withdrawal of the marines would lead to a greater threat to the marines, since they would be perceived as a force in retreat.

It has been said, and I must fully agree, that if we pull the marines out as is advocated by this amendment, we will be rewarding terrorism. More than that, we will be encouraging terrorism.

□ 1330

God knows we do not want to lose any more marines, to remove them now will generate terrorism in other areas, not only in Lebanon. Why? Because the cowards who use terrorism will know that they can get away with it and that it pays off.

We must not lose our will. We must follow through.

Another consequence which would follow if this amendment were adopted would be the collapse of the multinational force, since the other national contingents in the force would surely follow the American withdrawal.

The collapse of the Gemayel government, and a full-scale civil war would be the next step to be followed by a possible direct Israeli-Syrian confrontation and the possibility of regional war.

For all these sound reasons I oppose the amendment and urge its overwhelming defeat.

Mr. KEMP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, one point has been made by some of my colleagues that needs to be reiterated. At this very moment, the Lebanese Reconciliation Conference is underway in Geneva. This is the first time in over 10 years that all the leaders of the various factions in Lebanon have met together to try to iron out their differences. It will be a difficult process, but everyone can see that this conference holds out the best hope for the reestablishment of a sovereign, democratic Lebanon at peace within itself and with its neighbors. Mr. Chairman, to pass the Long-Stratton amendment here today would doom this vital reconciliation process to certain failure. It would send an unmistakable signal to our friends and adversaries alike. To our friends it would say, sue for the best terms of surrender you can get, because the United States will not back you up. To our adversaries it would say, demand the maximum, the United States has lost the will to stop you.

Mr. Chairman, if we withdraw our marines from Lebanon, the consequences can be easily foreseen. In very short order the entire multinational force would also withdraw from Lebanon. I don't see how we can expect our allies, the French, the British, and the Italians to stay in after we pull out. The withdrawal of the multinational force, in turn, would almost certainly mean the renewal of a savage civil war in Lebanon, with antigovernment forces aided and abetted by Syria. The goal of Syria, as always, would be to incorporate as much of Lebanon as possible into a greater Syria. At the very least, the Gemayel government would fall and be replaced by a Syrian puppet government. The only part of Lebanon that would remain outside of Syrian domination would be the area, south of the Awwali River, controlled by Israel. Is there anyone who believes that such an outcome would be in American interests, or for that matter in the interests of peace in the Middle East? Mr. Chairman, our withdrawal would do serious harm to the chances for a lasting peace in the Middle East.

Some of us have spoken about the irreparable damage to American prestige that would necessarily result from such a withdrawal in the face of the attack on our forces. We are not just talking about our image in the world, although that is important. No one here should have any doubt that to pull out in the face of such an attack will invite the same kind of attacks again and again and in many other parts of the world. But we are also talking about our role as a peacemaker in the Middle East. For years, starting with Camp David, it has been clear to all the nations of the Middle East that only the United States can help bring peace to the region. It was Anwar Sadat who once said that the United States holds 99 percent of the cards in the Middle East, and that was why he made the decision to get out from under Soviet control and come to Camp David to make peace with Israel. Mr. Chairman, if we withdraw from Lebanon under the present circumstances, it will be clear to all the nations of the Middle East, both friend and foe, that the United States does not hold 99 percent of the cards anymore, that we may not even hold 50 percent of the cards. We will lose our ability to bring peace to the Middle East because we will cease to be a relevant power in the region. There will be no hope left for the Camp David process.

Let us not imagine, therefore, that what we do in Lebanon has no bearing on what goes on throughout the rest of the Middle East. Let us not delude ourselves that if we fail to act resolutely to bring peace to Lebanon, we will still be able to bring peace to the Middle East. Mr. Chairman, in the name of peace in Lebanon, in the name of peace in the Middle East, I ask my colleagues to please vote down the Long-Stratton amendment.

The CHAIRMAN. The Chair recognizes that there are more Members rising that wish to participate in the debate than time will permit.

The Chair has the discretion of dividing the time among Members who wish to participate in the debate, and the Chair would also make a request that those who have already entered into the debate not seek further time.

Those Members who wish to participate in the debate will please rise.

The Chair will reserve 2 minutes for the gentleman from Alabama (Mr. Edwards) to conclude the debate.

Members standing will be recognized for 1½ minutes each.

The Chair recognizes the gentlewoman from Colorado (Mrs. Schroeder).

Mrs. SCHROEDER. Mr. Chairman, I think this amendment is one of the most important votes we will make, because it deals with the incredible trust that the people have conveyed to us.

The last few days we have all been moved and reminded that Americans are willing to help around the world, and even give their very own children that others may live under democratic freedoms as we have. Americans trust us, elected Members, not to commit their children losely.

We cannot violate that trust; unless we pass this amendment, we are in violation of that trust. We will forfeit our oversight. This is a very important challenge facing this body. It is easier to delegate authority but wrong to do it. I do not like the parliamentary procedure surrounding this amendment for we are forced to confront this issue in such a crude way. I would prefer to deal with the amendment as it was originally written. For anyone to argue this amendment mandates withdrawal is wrong. We all know nothing is final and we can reconsider in March. That is the good part. We must stay involved and be sure we do not violate the trust.

Another major factor that we must talk about is we keep hearing that we are in Lebanon because it is a moderate Arab nation. That it is, but it is under Christian Phalangist control and that is the problem. We look like we are trying to impose Christian rule on a Arab nation. If this body passed this resolution it would be a message to our other Arab allies in the region, particularly Saudi Arabia and Jordan, that the time has come that they should get interested in the reconciliation process. Peace will come only if the reconciliation process works. They ought to try helping us between now and March to make sure it works rather than stand by the sidelines. We cannot do it alone and since they are Arab nations, live in the area, they could really help.

The real question whether the United States with 3 percent of the population of the planet can go and do everything everywhere. We are willing to do whatever we can whenever we can but there is a limit. Others must share or we will reach the limit much sooner.

Those who mention oil must know it is of much more value to our allies than us. They must help. We will pull our oar, but others must also.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Philip M. Crane).

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. PHILIP M. CRANE. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the Long-Stratton amendment to end American participation in the peacekeeping force in Lebanon.

A little over 1 month ago, this House overwhelmingly approved the bipartisan resolution for continued U.S. participation in the peacekeeping force in Lebanon. The tragic attack on our marines must not end our efforts for peace in Lebanon. My heart goes out to the marines and their families. But let us ask ourselves one vital question: Did our marines sacrifice their lives only to strengthen the hands of anti-American extremists and terrorists? The Long-Stratton amendment would send the message to these groups that their terrorist efforts were successful. It would provide a victory to those who use and support the use of terrorism.

Our objectives in Lebanon continue to be the withdrawal of all external forces for Lebanon and the support of a sovereign, independent Lebanon dedicated to national unity.

The overriding U.S. interests hanging on the outcome in Lebanon are the stability in the entire Middle East, with all that implies, including security for our ally Israel and Western oil supplies. Our interests in Lebanon now must also include the credibility of the United States as a nation with the capability and will to honor our commitments.

If we allow Syria and the Soviets to dictate the future direction of Lebanon, American strategic interests in the region, including the resources of the Pershing Gulf will be jeopardized.

Lebanon has the right to decide for itself how to achieve its sovereign objectives, free from outside pressure, threat, or blackmail. This dispute should be settled by peaceful means, not by the use of or the threat of terrorism. If our efforts for peace are overwhelmed by force and by the use of terrorism, the role of United States in the world will be dramatically weakened.

The continued short-term deployment of the peacekeeping force is essential to the success of diplomacy. Withdrawing the American forces because we are threatened by terrorists would have grave and lasting consequences. Those who condone the use of terrorism should not be allowed to determine the outcome in Lebanon. The Long-Stratton amendment would undermine the confidence of our allies and alert our adversaries that the United States will no longer defend American interests against radical and anti-American terrorist attacks.

I respectfully request that you oppose the Long-Stratton amendment.

Mr. PHILIP M. CRANE. Mr. Chairman, it seems to me there is a time and place for everything and back in September when we had the debate on the War Powers Act, I stated that it was my feeling that whatever useful purpose we were serving in Lebanon had long since passed, and at that time I truly believed that we were better off out of that country rather than in. And one of the concerns I had was just exactly what subsequently happened and that was that appalling loss of life with the act committed by some terrorist killing our marines in the barracks.

For that reason, however, it seems to me to take this kind of designated action at this time is clearly in our worst interest. It sends the wrong signal in my estimate to terrorists, sends the wrong signal to Syria and to the Soviets and it sends the wrong signal to the unreconciled parties that are meeting in Geneva right now hopefully to achieve some reconciliation of the differences and form a united Lebanese Government.

□ 1340

For those reasons, I urge, Mr. Chairman, the defeat of the amendment.

If I have time remaining I would like to relinquish it to my distinguished colleague from Alabama (Mr. Edwards).

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. Markey).

Mr. MARKEY. Mr. Chairman, I reserve my time.

The CHAIRMAN. The gentleman should take his time now.

Mr. MARKEY. Mr. Chairman, we are in two different hostile situations in the world right now.

In Grenada we are at war. We have been pilloried by our allies in NATO and the Organization of American States for this invasion.

We have been, in effect, trying to overturn a government and prop up in its place a new government that is more to our liking.

In Lebanon we have moved in as a peacekeeping force. We moved in with the support of our allies—Britain, France, and Italy—nations which have castigated us for our invasion of Grenada.

In one instance we are making war. In the other we are making peace.

We have a great opportunity to give a peacemaking opportunity to the Mideast region, to allow the negotiations a chance to work, to not undercut the potential that we have over the next several months of giving the government one last, albeit small, but still existent opportunity to make this country work.

I believe that in Grenada we ought to end our presence, and we should have a chance to vote on that today. But in Lebanon we ought to stay and give peace a chance.

I intend to offer an amendment that would require the withdrawal of U.S. Armed Forces from Grenada 15 days after enactment of the Defense appropriations bill.

I would like to clarify that. Since that would be a limiting amendment, under the new procedures there may be a motion to rise before it may be considered. I urge my colleagues to defeat the motion to rise, regardless of what position they may taken on the issue. I repeat: The continued presence of U.S. Armed Forces in Grenada is something that should be voted on by Congress, as the original invasion was not.

It is time to bring U.S. Forces home from Grenada. According to the State Department, all Americans wishing to leave Grenada—about half—have been evacuated. All organized resistance to the invasion of Grenada has ended.

United States Armed Forces should not be used as an occupying force in Grenada. We should remove this country from the tensions of the East-West conflict.

Grenada is part of the British Commonwealth. If the Grenadians want an interim military presence before elections, that presence should be supplied by fellow British Commonwealth countries.

The Secretary General of the British Commonwealth has already said that a Commonwealth force could replace our forces within weeks. Canada and New Zealand have already offered to participate in such a force, and Great Britain has indicated that it would probably take part as well.

Our closest allies have been genuinely enraged by the precipitous nature of the U.S. invasion of Grenada. World tensions have been exacerbated, and the relations among Caribbean nations have been damaged by this action.

The credibility of the United States as an ally that will consult with other allied nations in matters of mutual concern has suffered a tremendous blow. The British Government has been humiliated and greatly disturbed by the lack of real prior consultation before the invasion of a British Commonwealth nation, an invasion which Britain opposed.

This occurs just as the United States is preparing to deploy Pershing II and cruise missiles in Europe, amid serious reservations among Europeans about the caution and cooperativeness of the United States as an ally that will not act hastily or unilaterally when European security is at stake.

The Caribbean nations have been divided by the invasion of one of their own.

And throughout Latin America, the memories of an era of American intervention that some hoped we had left behind us are being stirred to life. Anti-Americanism in the hemisphere has been given a tremendous propaganda victory. The amount of damage that has been done to our standing and our relations with our democratic allies will become apparent in days and months to come.

Let our invasion not become an occupation. Enough damage has been done to the fabric of international relations, and to the standing of the United States in the world.

Our forces should come home. Fifteen days after the enactment of the Defense appropriations bill will give them ample time to do so and for the establishment of any Commonwealth presence that is required. If a longer U.S. presence is needed, let Congress authorize it.

I urge my colleagues to support this amendment, and to oppose a motion to rise.

The CHAIRMAN. The Chair recognizes the gentlewoman from California (Mrs. BOXER).

Mrs. BOXER. Mr. Chairman, I say thank God we are a representative body in this House and that some of us have fighting aged children, grandchildren, and brothers.

Let me tell you why. We have to put this Lebanon situation to a very serious test and the test is this: Do we send our young men on a peacekeeping mission where there is no peace? I say that is mission impossible.

I want to point out that this amendment, which I support, does not preclude our Marines from being stationed offshore. What it does do is end our ground based presence, a prudent and a sensible move.

Our will to bring peace in the Middle East has never been questioned. We can boast about the Camp David accords which were arrived at not militarily but politically.

This amendment will get us back on that track, the diplomatic track, the political track.

I hope the House has the courage to pass this needed amendment, and I yield back the balance of my time.

The CHAIRMAN. The Chair now recognizes the gentleman from Michigan (Mr. SILJANDER).

Mr. SILJANDER. Mr. Chairman, I think what we need to assess is what price for freedom are we willing to pay, what price for freedom in the world.

I believe we are in a growing attitude of what I would term a creeping cowardice. It is a Vietnam syndrome that everything we look at in Grenada, in Central America now, in fact, case in point Lebanon, that it will be another serious mistake in American foreign policy.

Maybe because we are too comfortable as American citizens, maybe because we are too flourishing here that we can afford to have an isolationist attitude.

But I would submit to the Members of the House that our attitude must change. We must assess what price we are willing to pay for freedom worldwide and what price we will pay for our own courage.

Should we stay in Lebanon forever? Certainly not.

The peace process is now moving. Every single major contributor to the peace process has told the American Government that it is because of the multinational force and that is why they are sitting down discussing this very moment in Geneva, Switzerland, a reconciliation process for Lebanon.

Is peace possible in that country? From 1920 to 1958, nearly four decades——

The CHAIRMAN. The time of the gentleman from Michigan (Mr. SILJANDER) has expired.

(By unanimous consent Mr. TRAXLER yielded his time to Mr. HERTEL of Michigan.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HERTEL).

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, I rise in strong support of the amendment and encourage the membership to vote for it. My constituency, that wonderful Middle Western State of Michigan, my constituency strongly supports this concept and hopes that the Congress will respond to the wishes of the American people.

Mr. HERTEL of Michigan. I thank my good friend for the time and for his excellent statement.

The only thing wrong with this amendment is the date certain. I agree with the gentleman from Indiana about that. I do not like a date certain, and if we have one I wish it was much sooner because for the last few days at my request the Armed Services Committee has been holding hearings on the security of the Marine installation in Beirut for the last 2 days.

Let me tell you some of the things that we have found out. I hear Members talking about the "big picture." Let us talk about the real picture.

Let us look at the facts affecting American marines that we are responsible for in Beirut, let us look at what the situation is today and what it was last week.

General Kelley, the Commandant of the Marine Corps, told us their role is not peacekeeper. That is an exact quote. Their role is presence.

General Kelley told us that presence is not in the military dictionary and presence is not in the military manual.

Choice. Do you know how they chose the position they are in now at the airport? The general told us it was not a tactical decision whatsoever. He has told us that they have a diplomatic mission.

He has told us, though, that their role has been changing because while they do not use the term "combat situation," they are in combat. Over a million rounds of ammunition have been fired, and that is comparable to a battle, a full-scale battle in World War II.

You know the losses.

You know also of the jets that we have used and the big guns we have used from our ships in the Mediterranean. That is combat and that is how the other side, the enemy, views it, as combat.

Do you know that we are not even responsible for the total security of that base? Do you know that we do not have the responsibility of checking the vehicles that go down the road adjacent to our position? That is a Lebanese responsibility.

Do you know that the Lebanese do not check those vehicles, even though there have been reports from our intelligence of 100, 100 car bombs in the area?

The general told us that there will be terrorist acts in the future, he is sure of it. The general told us that we cannot stop those terrorist acts.

We have the responsibility for the lives and safety of our marines.

The CHAIRMAN. The Chair recognizes the gentleman from New Mexico (Mr. RICHARDSON).

Mr. MORRISON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. Mr. Chairman, I rise in support of the amendment.

The linchpin of our security interests in the Middle East is Israel. Our relationship with that country is crucial to our entire foreign policy in the Middle East. Some have mistakenly come to believe that our presence in Lebanon helps Israel. In fact, we are risking the needless sacrifice of American lives while undermining our ability to act effectively, diplomatically, and otherwise to protect Israel and to stabilize the situation in the Middle East.

Our marines in Lebanon cannot be an effective force for peacekeeping. That is because the United States is not neutral as to how the political disputes in Lebanon are ultimately resolved. Our interests in protecting the security of Israel as well as advancing the prospects for long-term stability in the Middle East preclude the United States from advancing itself as a disinterested party. We care deeply not only about whether the conflicts in Lebanon are resolved, but also how those conflicts are resolved.

As such, we have not served as peacekeepers. Rather we have been a lightning rod for terrorist attack. Our 1,800 marines will not prevent Syrians or any other group in Lebanon from advancing their own interests. On the contrary, our presence in Lebanon has made a bad situation worse in terms of the violence and the activities of the Syrians since the peacekeeping force was installed.

It was a mistake for us to return to Lebanon after we had completed the mission of overseeing the removal of the PLO from Beirut. That earlier mission was both clear and limited. We acted to stabilize the situation in Beirut, thereby avoiding the necessity for Israel to enter Beirut to remove the PLO. That is no longer the case. What is needed today is a genuinely neutral peacekeeping force, a role that we cannot serve.

In some sense, this is not a good time to set a deadline to leave Lebanon. Unfortunately, there is no good time for us to leave. But the alternative is much, much worse. We must not continue a mistaken policy as justification for what has already occurred.

I support the Long amendment. It provides a reasonable time for us to withdraw our troops from their deployment in Lebanon. The amendment sets a deadline of March 1, 1984. That is a reasonable period during which appropriate steps can be taken to replace American forces with a truly international peacekeeping force composed of neutral nations and, hopefully, supported by the United Nations.

If that time period proves to be too short it can always be extended; however, if the 18-month period previously enacted continues in effect, we are leaving ourselves with an open-end commitment. We are not placing any reasonable pressure on the various warring groups to conclude their negotiations and to seek a truly national government representative of all the people of Lebanon.

The deaths of over 200 marines were a demonstration of the vulnerability of our forces. In part those deaths can be traced to an administration which failed to provide proper security arrangements. But we cannot really expect to protect this relatively small force in a land that is torn by conflict and civil war. We should remember that the instability in Lebanon and the absence of an independent, secure Lebanon is not a new phenomenon. Lebanon has been effectively divided for more than a decade and has suffered from strife among various religious groups for a much longer period of time. We cannot expect the presence of our marines to change that, and we should not needlessly sacrifice the lives of our marines to pursue that unattainable goal.

The attainable goals of limiting the advances of the Syrians and giving an opportunity to the Lebanese Government to establish a truly national representative government can be achieved within the time frame established by the amendment followed by the introduction of truly neutral peacekeeping forces.

Mr. RICHARDSON. Mr. Chairman, all I have heard this afternoon is talk about sending diplomatic signals and let diplomacy work and that we are encouraging terrorism.

I submit: What about the terrorism that we are encouraging on our marines?

I was a member of a delegation that weekend of Republicans and Democrats, liberals and conservatives, that were in Beirut for 8 hours and we saw those marines. And we saw the lack of security.

We saw that the fact that they are on low ground makes them vulnerable to all kinds of snipers.

We saw that the traffic at the Beirut Airport makes it almost impossible to stop any intruder from coming in.

We were told also that our marines are new targets of new boys in town, the Syrians and Palestinians.

We were told also that our marines are in a defensive position, peacekeepers. They cannot shoot.

They told us also that the reason the security was lax was because at the entrance of that marine guard entrance those weapons were not ready to be loaded.

Mr. Chairman, all Americans have been buffeted by the tragic events in Lebanon this past week.

A few members of the Veterans' Affairs and Armed Services Committees stepped behind those grim headlines 2 days ago to visit our military hospitals and mortuaries in West Germany and to inspect the site of the barbarous attack on our marine positions in Beirut.

I was privileged to be included in that congressional delegation headed by the distinguished chairman of the Veterans' Affairs Committee, Congressman G. V. (SONNY) MONTGOMERY, and I offer here today a few personal observations.

In Wiesbaden, we saw through our tears row upon row of our fallen, broken soldiers. All of the 230 known blast victims have now been transported to West Germany. We can report that while the identification process is agonizingly slow and although our specialists are working around the clock, regrettably, it will not be for another 2 weeks before all the bodies have been returned home at the rate of 15 to 20 each day.

Additionally and tragically, grim-faced experts have warned us that it may be impossible to positively identify all the remains.

I believe a thorough review of our entire identification procedures and policies conducted by the appropriate congressional panels would be in order in the weeks ahead.

Before we left Andrews Air Force Base on this somber mission, we listened to President Reagan's address to the Nation of Friday evening. It was a powerful and impressive performance. But speeches fade over time, while policies last.

Over 200 of our American sons have been killed in a terrorist attack thousands of miles from home. We grieve as one Nation for the families of those who have been murdered, and we have a moral obligation to redouble our resolve to protect their brothers who remain.

Our principal concern must now be to protect those young Americans in Beirut from any needless risk. Never, ever, should we ask any marines to serve in any part of the globe, for whatever policy or purpose, without first taking every conceivable step to insure their safety from needless risks.

Time after time, the Congress was assured by our top military officials that our marines in Beirut were secure. Yet there were no roadblocks, nor ditches that might have deterred this trucked-in, 5,000-pound Pearl Harbor from crashing into our barracks. Under express orders, our sentries's guns were unloaded. Marines told me in Beirut there were ample numbers of tar-filled drums available as barricades, but they remained unused because "they were pretty heavy to move."

It will be a sad but necessary duty to inquire into the circumstances surrounding the catastrophic breakdown in security in Beirut. Let us not seek scapegoats—for that will serve little purpose. But let us resolve to never let anything like this happen again.

Last April, our Embassy in Beirut was destroyed in another terrorist attack by a car bomb. There is some evidence to suggest that following that attack more effective security steps were taken to protect our diplomatic personnel than our marines. Both, of course, warrant the maximum protection that can be provided.

But there is still cause for great concern. General Kelley predicts our marines will again be terrorist targets in the days ahead. Our combat forces are literally sitting in the bull's-eye in a highly vulnerable, highly exposed position next to the Beirut Airport. If we are unable to provide for the safety of our marines in that 2½-square-mile position, then they should be stationed on our fleet offshore and transported back to Beirut as the situation warrants.

Let us pray that the talks currently underway in Geneva make meaningful progress. Those of us in the Congress should continue to press the administration to make a negotiated settlement the first priority. At this time, I do not advocate that our marines get out of Lebanon lock, stock, and barrel. But if those talks in Geneva fail, then we may have to recognize that a diplomatic solution to this age-old war is simply not possible at this time.

There will be no peace to keep and there will only be more lives to lose. Then it will be incumbent on us not only to reassess our policy in Lebanon, but our role there as well.

That role and that policy will be the subject of intense debate here in Washington and throughout our land in future days. My own constituents in New Mexico are still sorting through these dreadful events in an effort to come to grips on what the proper course is for our Nation to follow. The Lebanese Ambassador to the United States will be traveling to Santa Fe next weekend to lend his perspective in an open town meeting on Lebanon.

The debate will echo across America. And I would remind my colleagues that examination, or even criticism, of our public policy does not weaken the Nation; rather, it serves to refine, correct, and strengthen our national course. If the policy is sound, it will become better understood and, therefore, more effective under the searchlight of honest debate; if it is not sound, then it can best be remedied by constructive examination and frank discussion.

So let this great debate continue—our soldiers and our country will be safer.

For only with the support of an informed citizenry can we restore a truer sense of our purpose and a sounder policy, so that we can become the great and good land we can be when we are faithful to the ideals that gave us birth.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, a minute and a half is just not enough time to say what is on my mind and what I have tried to say for weeks. But let me respond to a point made earlier in the House.

It has been said let us not hand victory to the terrorists, as if somehow changing our policy in and around Beirut with these 1,600 or 1,800 marines would hand a victory to the terrorists.

Do you think we would frighten the terrorists if we stay? Frankly, we would frighten them more if we left.

If you were a terrorist in Beirut, what would you like to see next week, next month, next year?

☐ 1350

I say that you would like to see 1,605 men on 11 acres in an indefensible position. That is what you would want to see if you were a terrorist.

The marines are a target for the terrorists. That's why we either ought to defend and protect the marines or get them out of Beirut. That is exactly what this amendment does. Support Long-Stratton as a first step toward a Middle-East policy that makes sense.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. BERMAN).

Mr. MINETA. Mr. Chairman, will the gentleman from California yield to me?

Mr. BERMAN. I yield to the gentleman from California.

Mr. MINETA. Mr. Chairman, I rise in support of the Long amendment.

The bloody massacre of more than 200 U.S marines was a tragedy for our entire Nation. Sadly, this tragedy reminds us that our soldiers are now victims of a war and not preservers of a peace. There can be no mistake: Our marines are in a war zone.

The barbaric suicide mission undertaken last week highlights both the explosive nature of conditions in Lebanon and the incoherence of the administration's current approach to the war in Lebanon. Many U.S. citizens and many Members of Congress have been concerned for months about the absence of a clear mission for the marines who are stationed in that country. These marines cannot preserve a peace which does not exist, and they cannot facilitate a withdrawal which nobody now plans.

As my local paper, the San Jose Mercury, has said, the marines in Lebanon are honorable men, and U.S. policy in Lebanon does not do those soldiers justice.

The administration must provide coherent and achievable goals for U.S. forces in Lebanon. And we must gain a

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reasonable idea about what pursuing those goals will entail.

I voted against the resolution which sanctioned the aimless deployment of the marines to Lebanon for 1½ years because no such provision had been offered.

We cannot afford to deploy our soldiers without a clear and achievable mission for those forces. We cannot afford that form of negligence, because the price of negligence has been senseless death.

When U.S. soldiers risk and lose lives, we should have a very, very clear idea about what those soldiers are fighting for. That is the simple and supportable principle which lies behind the Long amendment, and I urge my colleagues to adopt that amendment.

Mr. BERMAN. I thank the gentleman.

Mr. Chairman, I am concerned about setting a date certain only a few months from now for the marines to leave Lebanon.

Once we set that date, negotiations are doomed. The factions know we are getting out. They can afford to sit tight and wait.

It would be better to pull the marines out tomorrow than to set an early date certain for withdrawal. But let us understand what that means. It means that terrorist attacks have accomplished their purpose. It means we increase the potential for an Israeli/Syrian conflict and, therefore, enhance the possibility for United States-Soviet conflict. Beirut will again be open to the PLO and other forces still committed to destroying Israel.

No one in this Chamber would deny that the security of the marines has to be foremost in our considerations. Intelligence failures and lack of adequate protection must be addressed. The marine security arrangements have to be improved and improved quickly.

But, if there is to be any hope for peace in Lebanon, Congress cannot beat a hasty retreat.

A far more responsible role for Congress is to review the negotiating record and help develop a more effective strategy to achieve peace.

Peace in Lebanon is worth a serious American effort. For years, chaos in Lebanon has fueled broader conflicts. There can be no peace in the Middle East if there is no peace in Lebanon.

The administration's efforts toward peace in Lebanon and the Middle East have been woefully inadequate.

The administration pressed Israel to agree to withdraw from Lebanon, but did not apply simultaneous pressure for Syrian withdrawal.

Now, it seems the administration is afraid to press Arab nations to urge Syria to withdraw.

The administration too often publicly backs one faction in Lebanon against the others, when the United States should press all factions equally to reconcile their differences.

We in Congress must give our best effort to help formulate a negotiating strategy that will succeed. If the administration is not receptive, if American diplomatic efforts do not improve, then Congress should withdraw the marines.

But congressional responsibility in foreign policy means more than vetoing policies that are in trouble. It requires that Congress first formulate policies that have the best possible chance for success.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. Bonior).

Mr. BONIOR of Michigan. Mr. Chairman, we all recognize that it is the obligation of Congress to share in the decision concerning the participation of U.S. troops in the multilateral force in Lebanon, and in the broader formulation of U.S. policy in the region. And we are all shocked, outraged, and grieved by the terrorist bombing in Beirut and the loss of so many American lives. This is a time of deep soul searching for all Americans.

Yet what will we solve by enacting the Long-Stratton amendment?

What will this amendment contribute to the security and stability of Lebanon? The amendment implies that the presence of U.S. troops has not added to the diplomatic process, yet in the month since we passed the War Powers Resolution, negotiations have begun. Negotiations are now just 2 days old. Can anyone responsibly declare them a failure already?

If we pass the Long-Stratton amendment we shall surely undermine our own influence in Geneva, and pull the rug out from under the entire effort. It is still the case that U.S. guarantees are the most important factor that can force the necessary concessions from all sides, especially from the Gemayal government, to provide a workable basis for the future of Lebanon.

What signal will we send the world? To adopt the Long-Stratton amendment will indicate that our commitment to the Middle East is ephemeral, and that we honor it only when it is relatively cost free. It will indicate that we are not bound by our international commitments, by our long-term policy goals, or by the promise of diplomacy, but that we bend to the whims of terrorists.

What will this amendment do for the security of our marines? If we determine here today that they must be withdrawn by next March, what does that do for their security tomorrow, next week, or even next February? We all recognize that there are serious security problems in protecting our contingent of the multinational force, and are concerned, that effective measures have not been taken up to this time. Yet this amendment not not solve those problems. Nor does it address the problem of how to find alternative modes of guaranteeing the peace, instead it undercut our own leverage in the peacemaking process.

What will this amendment do for Congress role in our Middle East policy? Congress may at some point decide that our policy in the Middle East is not working. That decision should not be made precipitously or in the heat of emotion. If we are to be responsible actors in foreign policy, Congress must be able to keep its eye on the long-term effects of our policy, and we must have confidence in our ability to shape the direction of that policy. When it has been truly proven that our policy has failed, then that is the time for action.

We have many unanswered questions about recent events in Lebanon, and about the direction of U.S. policy. The Long-Stratton amendment answers none of these. Instead it sets a precipitous and rigid deadline on U.S. involvement in the peacekeeping force; it will show that we are swayed by the tragedies of the moment rather than the strength of our judgment and our policy commitments.

(By unanimous request, Mr. Bonior of Michigan yielded the balance of his time to Mr. Solarz.)

Mr. SOLARZ. Mr. Chairman, we clearly have an interest in a political settlement in Lebanon which will facilitate the emergency of a viable, central government and eventual withdrawal of all foreign forces from that country. In the absence of such a settlement, fighting in Lebanon will not only continue but intensify and it is likely to lead to a larger conflict in the region which could have incalculable consequences for all of us.

To be sure the prospects for such a settlement are not good, but neither are they nonexistent. For the first time in almost a decade representatives of all the forces and factions in Lebanon are now sitting down at the negotiating table to resolve their differences. Of all of the forces and factions, whatever their disagreements, can agree on the fact that they want a united Lebanon rather than a partitioned Lebanon.

In a similar sense, none of the forces and factions in Lebanon want a Lebanon dominated by foreign powers. Another encouraging indication is the extent to which all of the forces and factions are now suffering from a sense of exhaustion.

After 8 years and the loss of 125,000 lives in one of the most bitter and bloody civil wars in history, there is a widespread feeling that this is their last opportunity to put all the pieces together and if they cannot reach an agreement there will be no future at all for their country.

Last, over the course of the last few months, the Lebanese Army, itself, has emerged as a relatively effective force. It has held together and it holds the promise of being able to establish eventually security throughout the country.

Yet if we withdraw the marines now it would constitute a political and psychological body blow to the central government in that country, which would undoubtedly collapse and, with it, would collapse whatever chances there may be of achieving a political settlement in that country.

There are, to be sure, circumstances under which we should be willing to withdraw the marines. After current negotiations are still born, after central government collapses, after Lebanese Army disintegrates, if civil war envelopes the nation, under any or all of these circumstances we should be willing to leave.

But if we go now, while the negotiations have just gotten underway, they will undoubtedly collapse. The chances for a political settlement will collapse. A larger conflict is likely to ensue. And we would be doing a fundamental disservice to larger American interests in the region.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. McCloskey).

Mr. McCLOSKEY. Mr. Chairman, I rise in strong support of the Stratton-Obey-Long amendment.

Mr. Chairman, there has been some loose talk on the House floor to the effect that this is a cut-and-run amendment. I would suggest that it is not the case, that if you are for either immediate withdrawal or a negotiated settlement over a reasonable amount of time, you can be very much for the Stratton-Long-Obey amendment.

As Mr. Hertel of Michigan started to elaborate, the Marine Commandant's statements this week in the Committee on Armed Services, were enlightening.

There was much talk as to whether a disaster of the sort that we saw last week was foreseeable or not. We all know when we voted on that 18-month amendment that this was more than eminently foreseeable.

So I say, if you listen to the real concern of people of your districts, you will vote to wind up what could be an even more grisly thing.

As the Marine Commandant, General Kelly, pointed out, this thing could go on. Another disaster could happen at any time. He could make no strong assertions or pledges about ongoing adequacy of Marine security to prevent future disaster. Our marines are in a most untenable position.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. Levin).

Mrs. KENNELLY. Mr. Chairman, will the gentleman from Michigan yield to me?

Mr. LEVIN of Michigan. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Long amendment which will prohibit the use of funds for the Marine peacekeeping force in Lebanon after March 1, 1984.

We are not assembled here today, less than 2 weeks after America lost 230 marines in Beirut, to debate the events of that tragic Sunday morning on October 23. We know what happened—230 brave Americans died for their country. Those men knew they were in danger. They had seen their fellow marines killed by sniper fire. They knew they were in a city filled with religious and political fanatics. Our men were carrying out their orders; they were doing their job. Now they are heroes.

Our debate today focuses on several issues concerning Lebanon: The administration's apparently rudderless foreign policy in Lebanon; the political symbolism in basing our Marines at Beirut airport instead of at a more strategic location; and what we feel the President should do in light of recent tragic turn of events in Beirut.

Important questions remain unanswered: Why has the United States not spelled out its policy goals for our mission in Lebanon? Why was there inadequate security at the airport, and what immediate steps are going to be taken to protect our marines from future attacks?

In short, today we are debating an important component of American foreign policy in the Middle East. And debate we should. we all sincerely differ on the amendment before us, and I know my colleagues have strong, sincere feelings about Lebanon. We face a difficult choice, one in which I know carries with it the weight of emotion we have all felt over the past 10 days.

As free men and women we can differ with each other, and that is our strength. As free men and women our conviction gives us courage. As free men and women we differ with words, not guns; we differ with ideas, not human lives. The people of Beirut do not have that luxury.

I differ with the President of the United States on this issue. I do not agree with his placement of our troops in Lebanon, and I fully support the passage of the Long amendment.

Mr. LEVIN of Michigan. Mr. Chairman, like everyone else in this seat of government, I have grieved these last 10 days for the 230 young men of our country who were murdered in Beirut and for their mothers and fathers, brothers and sisters, wives and children who have suffered the deep wounds of loss of a loved one. For each and everyone of these people, whether for the dead or their families there is no adequate memorial. The best that we can do today, as we approach the aftermath of 10 days ago and decide on the next steps in Lebanon, is to search honestly our own judgments and our own conscience.

It must be understood that votes today against the Long-Stratton amendment are not votes for the status quo on security for our troops in Lebanon. In my judgment, there was a tragic major failure in security arrangements in Beirut, especially in view of the previous bombing of the American Embassy. More effective security must be undertaken immediately. Since this amendment does not propose an immediate withdrawal of U.S. troops, all of us, proponents or opponents, have an equal stake in insisting on more effective action on security in Beirut.

Shortly before the suicide bombing of the American installation, a ceasefire had been reach in Lebanon. It more or less was holding at the time of the horrible event of Sunday, October 23. It provides a backdrop, even with the violations, against which negotiations have begun in Geneva among the key Lebanese factions in their bitter war.

All but cogenital optimists acknowledge the immense difficulties facing these negotiations. The odds remain against their success. When I voted for the original war powers resolution in Lebanon, I underlined how difficult were the odds relating to a peaceful solution in Lebanon.

If one can be absolutely certain that the talks in Geneva are doomed to failure today, tomorrow, and in the immediate future, then this amendment probably should pass. But when stakes are high, acting on long odds seems better than forsaking them. Whatever prospects exist in the foreseeable future for pulling together Lebanon and avoiding any further plunge into a bloodbath, they hang by the slender thread of the present negotiations in Geneva.

While it is not certain that the presence of the multinational force was a major factor leading to the negotiations, it may have been an important ingredient. It simply does not seem prudent to disturb the fragile state of affairs in Lebanon at this very moment of negotiations in Geneva.

I want to send a message to the President regarding security of our troops and other issues relating to our present in Lebanon. But not at the expense of sending the wrong message to Geneva. In the discussions of the dire dilemma in Lebanon, there have been various references to Vietnam. We must avoid another Vietnam—at all costs. Vietnam demonstrated poignantly that the American people will not submissively stand the loss of the lives of their loved ones and be assuaged simply by leadership provoking words of patriotism. Instead, we learned that a Presidency is in jeopardy if it perseveres in misguided or ineffective policies while Americans are dying. With our national elections now on the horizon, there is a built-in, implicit, and pressing deadline for our policies vis-a-vis Lebanon to see progress, or they will be altered, one way or another. The deadline put forth in this amendment at this time is not, on balance, a wise proposal.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. COURTER).

Mr. COURTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. COURTER. Mr. Chairman, I oppose this amendment for two basic reasons. First of all, I think the timing is absolutely abominable. It has been mentioned for the first time in many years the warring parties in Lebanon are sitting down at the table of peace.

To give that type of message now would be absolutely deplorable.

Second, and I think most important, people assume that taking our troops out of Lebanon is without risks. I do not think so. I do not think when we leave Lebanon, Israel is going to go away. If we leave Lebanon our national interests, and everybody in this room says we have significant national interests in the Middle East, they are not going to be pulled out with the troops. The problems in Lebanon are not going to be solved by pulling out our troops. I think it is important to recognize that we have embarked on a difficult decision. For us now to change courses would be absolutely wrong, the wrong signal to everybody. If we pull out the multinational force will go down the drain, the government in Lebanon will go down the drain, Gemayel's government will go down the drain. There is no doubt about the fact that we are probably giving another influence and step-hold to the Soviet Union. You cannot do that at the present time.

Please, it is important, I believe, to vote no on this amendment. It is a difficult decision and a difficult vote, but I believe it is absolutely the proper one.

(By unanimous request, Mr. SABO yielded his time to Mr. OBEY.)

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The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, we have heard a lot of overblown rhetoric this afternoon. The fact is 1,800 marines are not going to stop Syria; 1,800 marines are not going to save Lebanon; 1,800 marines are not going to assure the success of the peace conference. American political and diplomatic leadership might, clear achievable goals might, a specific plan to reach those goals just might.

I would also like to make one other point. Do not cry about the fact that this amendment now has a date certain. For the opponents of this amendment to do that is like a child shooting his parents and then asking for sympathy because he is an orphan.

If this amendment has a date certain it is because the opponents of the amendment knocked out the original amendment procedurally and they know full well that if this amendment passes as is right now, in conference we would accept the modifications to eliminate that date certain, unless the administration does not change policy.

That is what we are trying to do, achieve a change of policy so that the presence of those marines in Lebanon in the end will lead to some reasonable purpose.

(By unanimous consent, Mr. EDWARDS of Alabama yielded his time to Mr. MICHEL.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I am going to be brief because we all know the arguments.

In my view the best argument against this amendment are the U.S. Marines.

Two hundred and thirty of them died in the terrorist attack. But there is absolutely no doubt in the minds of their fellow marines that if the victims of the terrorist attack were alive today, they would never want the marines out of Lebanon until their mission is accomplished.

We do not have to praise them. What they have done, just by faithfully doing their duty, is beyond our power to praise.

All they ask is that they be allowed to do the job that the Commander in Chief has asked them to do.

And that is what we should allow them to do.

This issue is now between the marines and those who would drive them out by terror.

Nobody has ever done it to our marines before. And we should not let it happen now.

We owe that much to them.

I can understand the frustration, the outrage, and the sadness that motivates our Members supporting this move. This is a bitter cup our Nation is forced to drink from.

But if the hearts of our marines cannot be broken, should we not take a lesson from them?

If out of the ashes and rubble of that terrorist attack, the marines have vowed to do their duty, should we not say to them: "In your pain we grieve with you, in your sense of duty we support you?"

That is what we owe to the marines, living and dead. To do anyting else to say that the terrorists of the world can dictate our policies is the worst thing we can do.

I wish I could stand before you and say: I know that I am absolutely right, there is no doubt in my mind.

But that is not true. There are doubts. There are questions. Yet it is precisely when doubts and questions arise that courage, leadership and a call to duty remind us that we do not have the luxury of certainty in foreign policy.

We do the best we can on the facts as we see them.

To those who do not see the facts as I do, all I can say is: I understand. I am filled with the same sense of outrage. I share your emotion—but I do not share your answer.

But to those who see this issue, as I do, as one in which the marines, living and dead, have shown us by example how to act, I say:

Vote down this amendment. Its motivations are understandable but its results will not honor those who have died or those who live to carry out the duty assigned to their fallen comrades.

● Mr. BEREUTER. Mr. Chairman, for reasons fully explained in this Member's dissenting views in the House Foreign Affairs Committee report on the resolution permitting the President to continue deployment of U.S. Marines in Lebanon for an 18-month period (H.J. Res. 364), and as further explained by this Member's floor statement on the same resolution, this Member believes that the key stated objective for the deployment of our forces in Lebanon is unachievable. Therefore, if the geopolitical context or objectives are not appropriately changed, this Member believes our marines should be withdrawn from their current disposition, although not precipitously or unilaterally.

Even so, the Long amendment should be opposed and this Member does oppose it. Setting a specific withdrawal date by cutting off funds, especially one as close as March 31, 1984, will only serve to encourage forces inimical to our interests to increase the intensity of hostile actions against the multinational force and put our forces in still greater danger.

The objectives of the proposed Stratton-Long-Obey amendment, which is parliamentarily nongermane, are certainly commendable and would be strongly supported by this Member if or when that opportunity is provided. Attaching a March 1, 1984, deadline on such a submission of findings or objectives still is undesirable in that it will increase the level of hostilities to which our military personnel are subjected.●

● Mr. FOGLIETTA. Mr. Chairman, the rules of the House have forced many Members, like myself, to take a position on our forces in Lebanon that neither reflects fully our views, nor expresses the direction in which we would like to see American military policy there go. Because the House has ruled out of order an amendment by the gentleman from Maryland which calls for a reevaluation of our policy in Lebanon, we are forced to vote "yes" or "no" to cut off all funds for our forces in Lebanon on March 1, 1984. Reluctantly, I must vote "no."

Mr. Chairman, I was prepared to vote today for an amendment which would terminate our military involvement in Lebanon on March 1, 1984, if the following preconditions were not met. Prior to March 1, Congress would have to pass a joint resolution which would, First, certify that the President has defined a clear and realistic mission for the U.S. Armed Forces stationed in Lebanon; second, that the President has established a set of policy goals in Lebanon that are achievable and has a clear agenda for reaching those goals; and third, that security arrangements for U.S. forces in the area have been upgraded to the maximum extent possible.

These conditions are essential in the continuing congressional examination of our Lebanese policy. The action which we are being asked to take today, a full, irrevocable cutoff of our military support for the peace process in Lebanon is simply too inflexible. Negotiations in Lebanon are finally beginning. We cannot know their outcome yet. The conditions which prevail in Lebanon have helped bring about these negotiations, and to change those conditions, or to make a unilateral gesture such as setting a specific date for the withdrawal of our troops would give impetus to the very forces we are trying to moderate in the Lebanese crisis. The inflexibility of this amendment makes it one I cannot support.

I have been, for the most part, supportive of the President in Lebanon. I voted for the compromise resolution to allow the marines to remain in Lebanon for 18 months. Yet the tragic events of the past weeks have brought home how great the need for a reevaluation of our policy in Lebanon is. The status quo is not acceptable. We must, in this body, weigh our international commitments in the light of our responsibilities to our troops. Our commitment to our allies cannot outweigh our commitment to the lives of our young men.

I received, earlier this week, a letter of sympathy, and thanks, from the Lebanese Ambassador to the United States, Abdallah Bouhabib. In his letter, the Ambassador offered an assessment of America's role in the cease-fire now holding in Lebanon. He said, and I quote:

> These American servicemen have provided stability to our country's democratic institutions and security to the Lebanese . . . their support was crucial in securing the recent cease-fire agreement. They have restrained foreign forces that occupy our country and the militias that rely on these forces. Their presence in Lebanon itself has dramatically demonstrated American support. . . . Ultimately, for democratic principles and for a return to peace and freedom . . . in helping bring about the cease-fire, the American presence also opened the door to a conference on national reconcilliation.

Mr. Chairman, these are important achievements, ones which, I believe, we have truly helped to bring about. But they cannot be allowed to overwhelm the fact that policy objectives, no matter how important or worthwhile, must be seen in the costs they inflict on the Nation. We must do everything we can to reduce those costs. I believe, in light of the bombing which claimed over 200 American lives, that we are failing in this task. This is inexcuseable.

As our commitments in Lebanon have dragged on from a few weeks to a few months to more than a year, the mission which sent our troops to Lebanon has itself changed. Initially we went there to protect, by our presence, the Palestinians as they left Beirut under siege. When we returned, we went to restrain foreign forces. In each case our mission has been defined by the phrase peacekeepers. Yet today we are more targets than anything else. This does little to impart credibility on the assertion that we are still seen by all sides as impartial peacekeepers. Our mission is changing, if not on paper, then on the ground.

Mr. Chairman, I am not suggesting that the value of our presence in Lebanon is necessarily over. But I am saying that the President must articulate a new policy, clearly defining the mission of our marines, one which is feasible, and one which takes every possible precaution to safeguard the lives of those marines. If that means removing them from the shores, and billeting them on navy ships off the coast, or some other defensive measure, then so be it. But we must make them more secure in their positions, regardless of their visibility.

I have been concerned since we first committed men to Lebanon that the stability of the region would come to depend on their presence. It is certainly reasonable to argue that to pull them out now would only insure their return, in the face of a much wider and more devastating conflict, in the near future. But such concerns, and justifications, must be defined and elaborated. The rules of the House prevent us from forcing the President to do this by law, but it must not stop us from applying pressure in every way possible.●

● Mr. BOLAND. Mr. Chairman, I must oppose the amendment offered by our colleague from Maryland (Mr. Long) which would terminate the use of funds for the deployment of U.S. Armed Forces in Lebanon after March 1, 1984.

At the outset, let me state my position on our military presence in Lebanon. Since our marines were redeployed in Lebanon after the 1982 massacres in the refugee camps, we have been told that they were there to keep the peace and, in so doing, to deter any violence which might surround the withdrawal of foreign forces from the country. Negotiations to effect that withdrawal have not been successful, largely due to Syrian intransigence, and mounting frustration on the part of the various factions in Lebanon has produced an escalation in the levels of violence. There has been, in short, precious little peace to keep and under the circumstances, the mission of the marines cannot be fulfilled. That mission, I believe, must be reassessed and clearly defined. Without that reassessment, the marines will continue to be what they have become, targets for the kind of despicable act of violence which was perpetrated against them on October 23.

While I believe that the role of the marines in the multinational peacekeeping force must be reconsidered, and that steps must be taken to improve their security, I also believe that the United States has a role to play in encouraging the process of national reconciliation in Lebanon. This is the context in which I approached the Long amendment—would its passage increase or decrease the chances for a negotiated settlement to the political differences in Lebanon? I have concluded that the adoption of the amendment would impair whatever chances might exist to bring peace to Lebanon through negotiation, rather than through the use of force.

Representatives of the chief political factions in Lebanon have just begun to discuss their differences at meetings in Geneva. No one can gage the prospects for the success of these talks but I am convinced that the knowledge that the marines were leaving Lebanon on a date certain would not encourage the parties to concentrate their efforts on the negotiation process. It would instead encourage those parties who have never wanted to compromise on anything but their own terms, who have never wanted the process of reconciliation to succeed, who have nothing to offer except more killing and more destruction, to continue in their efforts to thwart the cause of peace in Lebanon.

Our marines cannot, and should not, stay in Lebanon forever; and I believe that there may be much to be gained by their phased withdrawal and replacement by a peacekeeping force under the direction of the United Nations. We should be working toward that goal, but, in the meantime, we must not adopt a course of action which would be detrimental to the discussions now underway in Geneva, and which would ignore the considerable effort and sacrifice we have already made in Lebanon. To set a deadline for the withdrawal of our forces, so soon after the start of the Geneva talks, would be that kind of action.

We have suffered a grievous loss as a nation with the destruction of marine headquarters in Beirut. Steps can, and must, be taken to improve the security of our forces. We must not, however, compound that tragedy by handing to the forces of terrorism a victory they will never deserve. Let us look again at the kind of mission we have given our marines, let us reexamine the goals we expect diplomacy to achieve, and let us work toward the replacement of our troops with others who might not provide as inviting a target to terrorists; but let us not act in a manner that would guarantee the failure of the very process of reconciliation that we have been encouraging.●

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Maryland (Mr. LONG).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 274, not voting 6, as follows:

[Roll No. 441]

AYES—153

Addabbo
Andrews (NC)
Applegate
Archer
AuCoin
Bates
Bedell
Bennett
Bosco
Boucher
Boxer
Brooks
Brown (CO)
Bryant
Burton (CA)
Carper
Carr
Clay
Collins
Conte
Conyers
Craig
Crockett
Dannemeyer
Daschle
de la Garza
Dellums
Derrick
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dymally
Early
Eckart
Edgar
Edwards (CA)
Evans (IL)
Fazio
Ferraro
Fields
Florio
Ford (MI)
Frank
Garcia
Gaydos
Gejdenson
Gibbons
Glickman
Gonzalez
Gray
Hall (IN)
Hall (OH)
Hall, Sam
Harkin
Hawkins
Hayes
Hefner
Hertel
Hillis
Horton
Howard
Jacobs
Jones (OK)
Kasich
Kastenmeier
Kennelly
Kildee
Kolter
Kostmayer
Kramer
Leach
Lehman (FL)
Leland
Levitas
Lipinski
Long (MD)
Lowry (WA)
Luken
Lundine
Martin (IL)
Martinez
McCloskey
Miller (CA)
Mineta
Minish
Moody
Morrison (CT)
Mrazek
Murphy
Nowak
Oberstar
Obey
Olin
Ottinger
Owens
Patman
Patterson
Paul
Pease
Penny
Perkins
Petri
Rangel
Ratchford
Richardson
Rodino
Roemer
Rose
Roth
Roybal
Russo
Sabo
Savage
Schroeder
Seiberling
Sensenbrenner
Shannon
Sharp
Sikorski
Skelton
Smith (IA)
St Germain
Staggers
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Tauke
Torres
Torricelli
Towns
Traxler
Udall
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Wirth
Wise
Wolpe
Wyden
Yates
Young (MO)

NOES—274

Ackerman
Akaka
Albosta
Alexander
Anderson
Andrews (TX)
Annunzio
Anthony
Aspin
Badham
Barnard
Barnes
Bartlett
Bateman
Beilenson
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Breaux
Britt
Broomfield
Brown (CA)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Cooper
Corcoran
Coughlin
Courter
Coyne
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Daub
Davis
DeWine
Dickinson
Dicks
Dreier
Duncan
Dwyer
Dyson
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Fascell
Feighan
Fiedler
Fish
Flippo
Foglietta
Foley
Ford (TN)
Forsythe
Fowler
Franklin
Frenzel
Frost
Fuqua
Gekas
Gephardt
Gilman
Gingrich
Goodling
Gore
Gradison
Gramm
Green
Gregg
Gunderson
Hall, Ralph
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harrison
Hartnett
Hatcher
Heftel
Hightower
Hiler
Holt
Hopkins
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kaptur
Kazen
Kemp
Kindness
Kogovsek
LaFalce
Lagomarsino
Lantos
Latta
Leath
Lehman (CA)
Lent
Levin
Levine
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCollum
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (OH)
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
O'Brien
Oakar
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Pepper
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Ray
Regula
Reid
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rostenkowski
Roukema
Rowland
Rudd
Sawyer
Schaefer
Scheuer
Schulze
Schumer
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Sisisky
Skeen
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
Stangeland
Stump
Sundquist
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Vandergriff
Vucanovich
Walker
Weber
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wolf
Wortley
Wright
Wylie
Yatron
Young (AK)
Young (FL)
Zablocki
Zschau

NOT VOTING—6

Conable
Guarini
Hance
McCurdy
Mitchell
Schneider

☐ 1420

The Clerk announced the following pairs:

On this vote:

Mr. Guarini for, with Mr. Hance against.

Mrs. Schneider for, with Mr. Conable against.

Mr. FOGLIETTA changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the last word.

Mr. ROBINSON. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Virginia.

Mr. ROBINSON. I thank the gentleman for yielding.

Mr. Chairman, before debate on this bill ends, I feel compelled to bring to the House's attention new legislation provided in sections 749 and 750 of the Defense appropriations bill. The Appropriation Committee, in my opinion, may have done much more than rename the "Reserve for Contingency Fund" the "Contingency Reprograming Fund." This legislative change could be construed as coming dangerously close to rewriting a very important legal provision relating to our national security. The cumulative effect of these provisions and portions of the classified annex could be interpreted by some as an attempt to significantly alter the provisions of section 501 of the National Security Act of 1947. I, along with many other Members of this body, would and should have grave reservations regarding any effort to substantively change an important and delicately balanced legal provision which insures needed flexibility in meeting challenges to our national security.

I choose not to pursue the clause 2, rule XXI point of order against these provisions because such action would not clarify the remaining language nor would it improve upon the committee language. For similar reasons, I will not pursue amended language and because I do not believe this the proper legislative vehicle in which to address this issue.

Rather, I wish to state my concern that the Defense Subcommittee on Appropriations did not adhere to the usual practice of providing information to Members sufficiently in advance—to review general provisions, study background information and thoroughly familiarize themselves with information relating to the intelligence items—prior to the Defense Subcommittee markup. This year, the wording of certain general provisions relating to intelligence items were closely held—there were no preliminary discussions regarding such proposals prior to markup. The intelligence items were not shared with the subcommittee members until the day of markup. I cannot help but feel that had there been the usual full consideration, several of the items would not have been approved in their present form as they appear in the bill.

I think the membership of the House should know too that at the same time the chairman was trying to gavel the Defense appropriation bill through full committee, the Intelligence authorization bill was being considered on the floor of the House. I and Congressman YOUNG of Florida were forced to divide our attention and time between items of interest in the full committee and items of vital interest to us as members of the Intelligence Committee. As a result, some general provisions were accepted as a lesser of two evils, rather than an optimum compromise upon which both sides could rest assured that the issue had been thoroughly discussed and adequately reviewed.

Mr. PURSELL. Mr. Chairman, I would like to take this opportunity to thank Members both in the House and the Senate for eliminating funding for chemical weapons from the 1984 Defense Department appropriation bill. We have had a moratorium on these weapons since 1969 and I think it would be wrong to lift that ban.

My objections to chemical weapons are based on personal experiences. As an infantry officer, I had the distasteful experience of training young men in chemical survival.

Try to imagine a situation in which grown men were lying on the ground vomiting, choking, gasping for fresh air. The only purpose of chemical weapons is to inflict death and destruction in the most horrible ways.

Furthermore, in light of last week's military operations in Grenada, I believe the chemistry is not right now for resuming chemical weapon production. We have been criticized by other nations for the actions we took in Grenada. If we vote to lift this ban we would be open to more criticism. We would be accused of planning to use these weapons. I believe we should be trained and prepared in this area. But to suggest the United States might use chemical weapons as part of our conventional weapons system is wrong.

In conclusion, Mr. Chairman, I think our decision not to fund chemical weapons sets a positive example for the world. It shows that we want to achieve peace and eliminate the threat of war by leaving chemical weapons out of our arsenal.

● Mr. GAYDOS. Mr. Chairman I rise in support of Mr. RAHALL's amendment if it would have been allowed. It will put in balance a well-intentioned concession that is being abused to the harm of American workers and producers and, ultimately, the Nation.

This Nation and our trading partners have agreed to open government procurement mutually with goods made in each to have access to the procurement of the others. As usual, the access is only one way—into the United States.

One example is a case arising in West Germany which was presented recently to the Steel Caucus Executive Committee. An American company, Huntington Alloys, wanted to sell an alloy it developed for use in high temperature gas cooled reactors in a nuclear power project in West Germany. Data were submitted for government study and approval, and an application for patent is pending.

Subsequently, a West German producer, which previously had no such alloy in its line, began to make the same metal and got the work for the nuclear project.

It appears that the Germans stole the alloy, Mr. Chairman, but that question is before the courts of West Germany and will take years to settle.

Yet it takes only a moment to know what the Germans think about mutually open procurement.

Nevertheless, in the area of specialty metals, the Department of Defense is opening procurement to foreign producers as widely as possible; and when you look at the $81 billion for procurement in this bill, you can surmise the opening is pretty wide.

Specialty metal alloys and specialty steel go into almost every piece of hardware this bill would provide for our armed services. From the M1 tank through the F-16 fighter to the MX missile, the ability to perform stems from exotic alloys.

These alloys—the peak of metals technology—were developed by American companies answering the call of the national interest as well as a corporate interest; and some of them are produced at little profit because there is not a high civilian demand; but the Nation needs them.

Specialty metals are covered by a buy American provision, but in the interest of international agreements, the Department of Defense is waiving the requirement.

A waiver is an exception to a rule; but the caucus has heard testimony that waivers on specialty metals are the rule in the Department of Defense. They are granted at a low level and as a matter of routine.

On the other hand, the comments of some American companies that have tried to do business around the world indicate that our allies buy virtually nothing from us that they can produce themselves. This holds true in matters both civilian and military.

For example, when a foreign nation buys American-developed F-15 fighters they often are built in the purchasing nation under licensing arrangements.

In fact, I understand that some of our allies will pay up to twice the price for a home-made F-15 that they would pay for one delivered from us. It is the price they pay for maintaining their capability and their jobs.

There are no waivers overseas when it is a question of maintaining capability and maintaining jobs.

Yet when the Department of Defense routinely, and without good cause, waives the buy American provision for foreign goods—which could be subsidized or sold below cost just to keep overseas mills open—it waives American jobs.

When overseas producers supply key alloys developed by American firms, the Department of Defense waives the ability of some U.S. producers to survive—at least two have failed recently—and of others to spend the money necessary to develop the more exotic alloys we will need in the future. We are weakening ourselves.

In addition, this matter of routine waivers could have us dependent on easily interrupted foreign supplies. Moreover, there is some reason to believe these imported specialty metals contain such material as nickel and other rare metals bought from the Communist block.

Where would the United States be if we had to depend in a crisis on sources that depended on Cuban nickel and Russian chrome? We would be without metal for replacement parts, that is where.

Mr. RAHALL's amendment will eliminate the routine one-way waiver. It is necessary to restore the intent of Congress in passing buy American provisions, to prevent the sacrifice of jobs at home to subsidies abroad, to bring balance to trade in Government procurement and to preserve the ability of the United States to maintain a critical lead in metals technology.

I strongly would have urged acceptance of the amendment.●

● Mr. LAGOMARSINO. Mr. Chairman, the amendment that Mr. GREEN seeks to offer to H.R. 4185, Defense Department appropriations, would bar funds to be used for flight testing of the MX Peacekeeper missile, a missile which is designed to redress the current imbalance between Soviet and U.S. ICBM capabilities. In the continued debate over the MX funding, we have heard arguments which assume that the United States is moving forward with a new ICBM which would upset the delicate balance that supposedly now exists between the United States and the Soviet Union in ICBM capabilities. The facts belie this argument, however.

The Soviets have flight tested several ICBM's since the SALT talks were initiated. The Soviets have, currently operational, over 300 SS-18 and SS-19 ICBM's. Both of these systems were modernized, or improved in 1979. As you all undoubtedly know, the SS-18 contains 10 warheads—like the proposed MX—and the SS-19 has 6 warheads. In addition, the Soviets have deployed and subsequently modernized, the SS-17 with four warheads. Serious questions were raised by several key arms control experts during the ratification debate on SALT II as to the inequality in the large numbers of Soviet ICBM's each with a greater MIRV capacity than our Titan's and Minutemen. This inequality, I believe, must be redressed immediately. We need the MX missile.

In addition, the amendment would inadvertantly allow the Soviets to test an additional ICBM—even though they have already flight tested a new ICBM recently. As most of you know, the Soviets began testing a new land-based MIRV'd ICBM, the SS-X-24 in 1982, with plans to continue testing this year, and with plans to deploy the SS-X-24 sometime in 1984 or early 1985. The DOD and State Departments have briefed Members on the new MIRV'd, land-based SS-X-24, and this program itself could very well be a concrete violation of the never ratified SALT II agreement. Were this amendment to pass, the Soviets would be allowed to design and test another new ICBM, even though they have tested the SS-X-24 recently with plans to deploy in the not-so-distant future, and have already operationally deployed three types of MIRV'd land-based ICBM's, the SS-17, SS-18, and SS-19.

I urge the defeat of the Green amendment.●

● Mr. RAHALL. Mr. Chairman, had section 722 not been deleted from this bill on a point of order by the gentleman from Florida (Mr. GIBBONS) I would have offered an amendment to delete the words "specialty metals or" from page 49, line 2, of the Department of Defense appropriation bill, H.R. 4185. The intent of this provision is to prevent the Department of Defense from abusing the intent and purposes of the Trade Agreements Act of 1979 and the Buy American Act as they relate to the procurement of specialty metals.

Our specialty metals industry provides component parts for jet engines, nuclear reactors, and advanced weapons systems. This industry is vital to our Nation if we are to maintain a lead in the technology provided by the specialty metals industry. I am one of those who believe that our Government must maintain a strong industrial base. One vital component of our industrial base is the specialty metals industry.

We have all seen the cancer that has stricken many of our basic industries that are important parts of our industrial base. This cancer is composed of illegal government subsidies, closed foreign markets, and procurement practices which give foreign companies an unfair advantage over our domestic firms. The question today is whether we are going to stand idly by and watch another one of our vital industries slowly die as a result of this cancer, or are we going to take the action necessary to insure the continued superiority we need in the specialty metals industry?

The problem arises that during the past several years DOD has been requesting waivers to Buy American guidelines that allow it to buy specialty metals from from foreign nations even when those products are available in the United States. These waivers have generally been enacted on appropriation bills. With the continued enactment of this waiver language, our domestic specialty metals industry has experienced a loss of business due to contracts being awarded to foreign firms—in many cases without being given the opportunity to even present a bid.

The congressional steel caucus, which I am a member of, has been trying to monitor the effect of these waiver provisions on our domestic industry. We asked GAO to prepare a report on the use of the waiver provisions. The Department of Defense could only provide information on those products which are not available in the United States.

According to the August 30, 1983, GAO report, "information on the extent to which other exceptions to the specialty metals provision were used was not available because these exceptions are automatic and the Department's do not have the systems to accumulate the information on them." It strikes me as appalling that the Department of Defense does not keep records of all the purchases it makes of foreign products. Then again, that would make them accountable to those hard-working Americans who lose their jobs because of DOD's procurement policies.

Our domestic industry senses that the Department of Defense is getting carried away with its use of waivers. We are losing business to foreign firms that could put hard-working Americans back to work. Representing a State that has lead the Nation in unemployment since January, I can honestly say to Congress and the Department of Defense—we need jobs. Our domestic industry is not subsidized and it is not protected by quotas. Specialty metals are not covered under the quotas we are imposing on specialty steel products. there is a difference between specialty metals and steel. Specialty metals are high performance alloys that generally have less than a 50-percent iron content and contain more than 20-percent by weight of the following individual elements: Nickel, chromium, copper, molybdenum, cobalt, columbium, titanium, or manganese.

Another important point to think about is that Cuba and Russia supply many foreign specialty metals firms with raw materials. I find it rather ironic that our Department of Defense is receiving some strategic components with the indirect cooperation of Cuba and Russia.●

The issue here is jobs for hard-working Americans. It is not an issue of offsets, standardization, or coproduction agreements. These are arguments used by foreign nations to convince us to subsidize their unemployed while putting Americans out on the jobless lines.

We must ask ourselves, as a governing body, do we have the right to protect our strategic industries from the cancer I described before? I believe the answer to that question is a very strong yes. I urge the House to adopt this amendment so that we can help keep Americans working and maintain our technological lead in the area of specialty metals. We must protect the Department of Defense from cutting off its own feet and destroying an industry that is so vital to our workers, our industrial base, and our defense.

Now that this entire section has been deleted on a point of order, I hope that in conference language can be adopted that will demonstrate congressional intent to protect American jobs and to protect America's strategic industries.●

PREFERENTIAL MOTION OFFERED BY MR. EDWARDS OF ALABAMA

Mr. EDWARDS of Alabama. Mr. Chairman, we have had a free and open debate now on the issue of Lebanon, and we have voted on that issue. I have looked at the other amendments at the desk. They are all in one way or another a rehash of issues we have already voted on.

Mr. Chairman, I have a preferential motion at the desk which I now offer.

The CHAIRMAN. The Clerk will report the preferential motion.

The Clerk read as follows:

> Mr. EDWARDS of Alabama moves that the Committee do now rise and report the bill back to the House with sundry amend-

ments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Alabama (Mr. EDWARDS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GREEN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 195, not voting 5, as follows:

[Roll No. 442]

AYES—233

Akaka
Alexander
Andrews (NC)
Andrews (TX)
Annunzio
Archer
Aspin
Barnard
Bartlett
Bateman
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boner
Borski
Boucher
Britt
Brooks
Broomfield
Broyhill
Burton (IN)
Byron
Campbell
Carney
Carper
Chandler
Chappell
Chappie
Cheney
Coleman (MO)
Coleman (TX)
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dowdy
Dreier
Duncan
Dyson
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Fascell
Fiedler
Fields
Flippo
Florio
Foley
Forsythe
Fowler
Franklin
Frost
Fuqua
Gaydos
Gekas
Gephardt
Glickman
Goodling
Gore
Gradison
Gramm
Gunderson
Hall, Ralph
Hall, Sam
Hamilton
Hansen (ID)
Hansen (UT)
Harrison
Hartnett
Hatcher
Hefner
Heftel
Hightower
Hiler
Hillis
Holt
Horton
Hoyer
Hubbard
Huckaby
Hutto
Ireland
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kazen
Kemp
Kindness
Kolter
Kramer
LaFalce
Lagomarsino
Latta
Leath
Lent
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McKernan
McNulty
Mica
Michel
Mikulski
Miller (OH)
Minish
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murtha
Myers
Natcher
Nelson
Nichols
Nielson
O'Brien
Ortiz
Oxley
Packard
Parris
Pashayan
Patman
Paul
Pepper
Pickle
Price
Pritchard
Pursell
Quillen
Rahall
Ray
Regula
Roberts
Robinson
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rowland
Rudd
Sawyer
Schaefer
Schulze
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith, Denny
Smith, Robert
Snowe
Solomon
Spence
Spratt
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Vandergriff
Watkins
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wise
Wolf
Wortley
Wright
Wylie
Yatron
Young (AK)
Young (FL)
Zablocki
Zschau

NOES—195

Ackerman
Addabbo
Albosta
Anderson
Anthony
Applegate
AuCoin
Badham
Barnes
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Boland
Bonior
Bonker
Bosco
Boxer
Breaux
Brown (CA)
Brown (CO)
Bryant
Burton (CA)
Carr
Clarke
Clay
Clinger
Coats
Coelho
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
D'Amours
Daschle
Dellums
Dingell
Dixon
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edgar
Edwards (CA)
Evans (IA)
Evans (IL)
Fazio
Feighan
Ferraro
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Garcia
Gejdenson
Gibbons
Gilman
Gingrich
Gonzalez
Gray
Green
Gregg
Guarini
Hall (IN)
Hall (OH)
Hammerschmidt
Harkin
Hawkins
Hayes
Hertel
Hopkins
Howard
Hughes
Hunter
Hyde
Jacobs
Jeffords
Johnson
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kogovsek
Kostmayer
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lungren
Mack
MacKay
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McKinney
Miller (CA)
Mineta
Moakley
Moody
Moore
Morrison (CT)
Mrazek
Murphy
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ottinger
Owens
Panetta
Patterson
Pease
Penny
Perkins
Petri
Porter
Rangel
Ratchford
Reid
Richardson
Ridge
Rinaldo
Ritter
Rodino
Roe
Roth
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Sensenbrenner
Shannon
Sikorski
Simon
Smith (FL)
Smith (NE)
Smith (NJ)
Snyder
Solarz
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tauke
Torres
Torricelli
Towns
Traxler
Udall
Vento
Volkmer
Vucanovich
Walgren
Walker
Waxman
Weaver
Weber
Weiss
Wheat
Williams (MT)
Wirth
Wolpe
Wyden
Yates
Young (MO)

NOT VOTING—5

Conable
Hance
Lowry (WA)
Mitchell
Schneider

☐ 1440

The Clerk announced the following pair:

On this vote:

Mr. CONABLE for, with Mrs. SCHNEIDER against.

Messrs. CARR, LANTOS, McCLOSKEY, and TORRICELLI changed their votes from "aye" to "no."

Mr. LOWERY of California changed his vote from "no" to "aye."

So the perferential motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly the committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 4185), making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FORSYTHE

Mr. FORSYTHE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FORSYTHE. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FORSYTHE moves to recommit the bill, H.R. 4185, to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EDWARDS of Alabama. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 328, nays 97, not voting, as follows:

[Roll No. 443]

YEAS—328

Ackerman
Addabbo
Akaka

Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Archer
Aspin
Badham
Barnard
Barnes
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Borski
Boucher
Breaux
Britt
Brooks
Broomfield
Broyhill
Bryant
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conte
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dingell
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Eckart
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Franklin
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gregg
Guarini
Gunderson
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harrison
Hartnett
Hatcher
Hefner
Heftel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kasich
Kazen
Kemp
Kennelly
Kindness
Kolter
Kramer
Lagomarsino
Lantos
Latta
Leath
Lehman (CA)
Lent
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Mikulski
Miller (OH)
Minish
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
O'Brien
Oakar
Olin
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Rudd
Sawyer
Schaefer
Scheuer
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
Staggers
Stangeland
Stenholm
Stratton
Stump
Sundquist
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wise
Wolf
Wortley
Wright
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—97

Anthony
Applegate
AuCoin
Bates
Bedell
Beilenson
Berman
Bonior
Bonker
Bosco
Boxer
Brown (CA)
Brown (CO)
Burton (CA)
Clay
Collins
Conyers
Crockett
Dellums
Dixon
Donnelly
Dorgan
Dymally
Early
Edgar
Edwards (CA)
Evans (IA)
Florio
Forsythe
Frank
Frenzel
Garcia
Goodling
Gray
Green
Hall (OH)
Harkin
Hawkins
Hayes
Hertel
Kaptur
Kastenmeier
Kildee
Kogovsek
Kostmayer
LaFalce
Leach
Lehman (FL)
Leland
Levin
Lowry (WA)
Luken
Markey
McKinney
Miller (CA)
Mineta
Moakley
Moody
Morrison (CT)
Nowak
Oberstar
Obey
Owens
Paul
Penny
Rahall
Rangel
Ritter
Rodino
Roybal
Russo
Sabo
Savage
Schroeder
Seiberling
Shannon
Sikorski
Smith (IA)
St Germain
Stark
Stokes
Studds
Swift
Tauke
Torres
Towns
Vento
Walgren
Waxman
Weaver
Weiss
Wheat
Williams (MT)
Wirth
Wolpe
Wyden
Yates

NOT VOTING—8

Conable
Gekas
Hance
Hansen (ID)
Lundine
Mitchell
Ottinger
Schneider

☐ 1450

The Clerk announced the following pairs:

On this vote:

Mr. Hance for, with Mr. Ottinger against.

Mr. Conable for, with Mr. Mitchell against.

Mr. Hansen of Idaho for, with Mrs. Schneider against.

Mr. TORRES changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4185, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1984

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, the Clerk be authorized to correct section numbers, punctuation, cross references, and make other necessary technical adjustments.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mr. McCURDY. Mr. Speaker, I was unavoidably detained during the vote on the Long-Stratton amendment to H.R. 4185. Had I been here, I would have voted "aye."

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON HOUSE JOINT RESOLUTION 403, FURTHER CONTINUING APPROPRIATIONS, 1984

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the joint resolution (H.J. Res. 403) making further continuing appropriations for fiscal year 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I would like to make an announcement.

I would like to urge the members of the Appropriations Committee to come to room H-140 so we may proceed immediately to the further consideration of the continuing resolution. I thank the Speaker.

☐ 1500

RESIGNATION AS CONFEREE AND APPOINTMENT OF CONFEREE ON S. 726, TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT OF 1978 AMENDMENTS

The SPEAKER pro tempore laid before the House the following resignation as a conferee:

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 1, 1983.

Hon. THOMAS J. O'NEILL, JR.,
House of Representatives, H-204 Capitol, Washington, D.C.

DEAR TIP: My name has inadvertently been placed on the list of House conferees for S. 726, the Tribally-Controlled Community Colleges Amendments. I would like to resign from this position.

Thank you.

With warm regards,

GEORGE MILLER,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Without objection, as a replacement, the gentleman from Michigan (Mr. KILDEE) is appointed as a conferee.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

FAIR PRACTICES AND PROCEDURES IN AUTOMOBILE PRODUCTS ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 336 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1234.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1234) to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States, with Mr. MILLER of California, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Friday, October 28, 1983, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the reported bill shall be considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Practices and Procedures in Automotive Products Act of 1983".

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the remainder of the bill, H.R. 1234, is as follows:

SEC. 2. CONGRESSIONAL FINDINGS, PURPOSE, AND DISCLAIMERS.

(a) FINDINGS.—The Congress hereby finds that automotive products are being imported into the United States for sale and distribution in interstate commerce in such increased quantities and under such conditions as to cause, or threaten to cause, serious injury to the domestic manufacturers of like or directly competitive automotive products sold and distributed in interstate commerce, and to the domestic workers producing such products.

(b) PURPOSE.—The purpose of this Act is to prevent or remedy the serious injury described in subsection (a) to such domestic manufacturers and workers for such time, as determined by subsequent Act of Congress, as may be necessary by encouraging the production in the United States of automotive products which are sold and distributed in interstate commerce.

(c) CONGRESSIONAL DISCLAIMERS.—It is the intent of Congress that this Act shall not be deemed to modify or amend the terms or conditions of any international treaty, convention, or agreement that may be applicable to automotive products entered for sale and distribution in interstate commerce and to which the United States, on the date of the enactment of this Act, is a party, including, but not limited to, the terms or conditions of any such treaty, convention, or agreement which provide for the resolution of conflicts between the parties thereto. Nothing in this Act shall be construed (1) to confer jurisdiction upon any court of the United States to consider and resolve such conflicts, or (2) to alter or amend any law existing on the date of enactment of this Act which may confer such jurisdiction in such courts.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—As used in this Act—

"(1) The term "automotive products" means motor vehicles and parts for use in the production of new motor vehicles.

"(2) The term "added domestic value", when used with respect to a vehicle manufacturer for any model year, means the aggregate of—

(A) the production costs of all automotive products sold by the vehicle manufacturer in the United States, other than for export, during that model year, and

(B) the export value of all automotive products that were either—

(i) manufactured by the vehicle manufacturer in the United States and exported from the United States by, or on behalf of, such manufacturer during that model year, or

(ii) manufactured in the United States by any other person and purchased by the vehicle manufacturer and exported from the United States by, or on behalf of, such manufacturer during that model year, but only to the extent that the export value of such automotive products is not included in automotive products to which clause (i) applies;

reduced by the aggregate appraised value, as determined for purposes of the customs laws, of all automotive products that were entered by, or on behalf of, the vehicle manufacturer during that model year.

(3) The term "Advisory Council" means the United States Automobile Industry Advisory Council established under section 4(b)(1).

(4) The term "domestic content ratio" means, with respect to a vehicle manufacturer for any model year, the percentage determined by multiplying by one hundred the factor obtained by dividing—

(A) the added domestic value determined for that manufacturer for that model year under paragraph (2); by

(B) the production costs determined, for purposes of paragraph (2)(A), for that manufacturer for that model year.

(5) The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(6) The term "model year" means a vehicle manufacturer's annual production period (as determined by the Secretary) which includes January 1 of a calendar year, or if a vehicle manufacturer does not have an annual production period, the calendar year. A model year shall be designated by the year in which January 1 occurs.

(7) The term "motor vehicle" means any three-wheeled or four-wheeled vehicle propelled by fuel which is manufactured primarily for use on the public street, roads, and highways (except any vehicle operated exclusively on a rail or rails), and which is rated at ten thousand pounds gross vehicle weight or less. Such term does not include (A) any motorcycle, or (B) any vehicle determined by the Secretary to be an automobile capable of off-highway operation within the meaning of section 501(3) of the Motor Vehicle Information and Cost Savings Act.

(8) The term "production cost" means, with respect to an automotive product, the wholesale price to dealers in the United States for that product as set forth in the vehicle manufacturer's official dealer price list that is in effect at the time the product is sold at wholesale.

(9) The term "Secretary" means the Secretary of Transportation.

(10) The term "vehicle manufacturer" means any person engaged in the business of producing motor vehicles for ultimate retail sale in the United States and includes as one entity all persons who control, are controlled by, or are in common control with, such person. Such term also includes any predecessor or successor of such a vehicle manufacturer.

(b) DETERMINATION OF ADDED DOMESTIC VALUE.—For purposes of applying paragraph (2) of subsection (a)—

(1) Two or more vehicle manufacturers may not include, for purposes of determining their respective added domestic values, the value of the same automotive product; but such manufacturers may, under rules prescribed under section 5(b), apportion the value of that automotive product among them.

(2) The term "export value" means, with respect to an automotive product—

(A) the free-on-board price for which the vehicle manufacturer sells the product for exportation from the United States; or

(B) if the vehicle manufacturer sells the product for such exportation to a buyer that controls, is controlled by, or is under common control with, such manufacturer, the price at which such or similar products are freely offered for free-on-board sale to all purchasers in the principal markets of the United States in the usual wholesale quantities and in the ordinary course of trade for such exportation.

SEC. 4. DOMESTIC AUTOMOTIVE PRODUCTS STRATEGY STUDY.

(A) FORMULATION OF DOMESTIC AUTOMOTIVE PRODUCTS STRATEGY.—(1) The Secretary, in consultation with the Advisory Council, shall conduct a study for the purpose of formulating a strategy, consistent with the purpose of this Act, to increase the domestic production of automotive products for sale and distribution in interstate commerce. Such strategy may not include (A) macroeconomic measures designed to stimulate general economic growth, or (B) deregulation.

(2) The strategy required under paragraph (1) shall be formulated on the basis of analyses, which shall be carried out by the Secretary on a regular basis, of—

(A) the domestic automotive products markets, including an analysis of production and sales trends by vehicle manufacturers and of current and projected domestic content; and

(B) those factors that significantly affect domestic production of automotive products for sale and distribution in interstate commerce.

(3) Before the first anniversary of the date of the enactment of this Act, the Secretary shall submit to the President and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report on the study containing the initial strategy formulated under paragraph (1) and a summary of the initial analyses made under paragraph (2). Before each anniversary of the date on which the first report under this paragraph is submitted, the Secretary shall submit to the President and the committees a report covering such period that contains—

(A) any changes in such strategy deemed necessary by the Secretary;

(B) a summary of the analyses made under paragraph (2) during such period; and

(C) a description of the extent to which action, if any, was taken under the authority of sections 5, 6, and 7 of this Act or other law to implement any part of the reports and an evaluation of the results of such implementation.

(4) Each report submitted under this paragraph shall include such recommendations for administrative and legislative action as the Secretary deems necessary.

(5) Before submitting each report required under paragraph (3), the Secretary shall submit a draft of the report and analysis to the Advisory Council for its views and recommendations thereon. The Advisory Council shall provide its views and comments (including any views and recommendations of individual members and recommendations by the Advisory Council for administrative or legislative action consistent with the purpose of this Act that may be in addition to, or different from, those of the Secretary) to the Secretary in document form, a copy of which shall be appended to such report.

(b) United States Automobile Industry Advisory Council.—(1) There is established in the Department of Transportation the United States Automobile Industry Advisory Council.

(2) The Advisory Council shall—

(A) assist, where appropriate, the Secretary in carrying out the provisions of this Act; and

(B) review and prepare its views and recommendations regarding the matters covered in the reports and analyses required under subsection (a).

(3)(A) The Advisory Council shall consist of the following members:

(i) Four individuals who represent management in the production in the United States of motor vehicles.

(ii) Five individuals who represent organized labor in the production in the United States of motor vehicles.

(iii) One individual who represents manufacturers in the United States of parts for motor vehicles.

(iv) Three individuals who represent consumers of motor vehicles manufactured in the United States.

(B) The President shall appoint the individuals referred to in subparagraph (A) from the respective lists of nominees prepared as follows:

(i) The Speaker of the House of Representatives shall prepare and submit to the President a list of at least three nominees for two of the appointments required under subparagraph (A)(i), at least four nominatees for three of the appointments required under subparagraph (A)(ii), and at least three nominees for two of the appointments required under subparagraph (A)(iv).

(ii) The majority leader of the Senate shall prepare and submit to the President a list of at least three nominees for the remaining two appointments required under subparagraph (A)(i), at least three nominees for the remaining two appointments required under subparagraph (A)(ii), at least two nominees for the appointment required under subparagraph (A)(iii), and at least two nominees for the remaining appointment required under subparagraph (A)(iv).

The initial lists required under this subparagraph shall be submitted to the President within thirty days after the date of the enactment of this Act.

(C) The initial appointments required to be made under subparagraph (B) shall be made within forty-five days after the date the lists are submitted to the President under subparagraph (B).

(D) A vacancy on the Advisory Council shall be filled in the manner in which the original appointment was made.

(4) Members of the Advisory Council shall each be paid, subject to annual appropriation, the daily equivalent of the rate of basic pay in effect for grade GS-16 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Advisory Council.

(5) The members of the Advisory Council shall elect two of their number as Cochairmen, one of whom shall be elected from among members appointed under paragraph (3)(A)(i) and one of whom shall be elected from among members appointed under paragraph (3)(A)(ii). A majority of the members of the Advisory Council shall constitute a quorum but a lesser number may hold hearings. The Advisory Council shall meet at the call of either of the Cochairman or a majority of its members. All decisions of the Advisory Council require a quorum and the majority vote of those members present and voting.

(6)(A) For purposes of carrying out its functions, the Advisory Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Advisory Council considers appropriate.

(B) The Advisory Council may secure directly from any department or agency of the United States information necessary to enable it to carry out its functions. Upon request of either of the Cochairmen of the Advisory Council, the head of such department or agency shall, in accordance with applicable provisions of law, furnish such information to the Advisory Council.

(7) The Secretary shall provide to the Advisory Council such personnel and administrative support services and technical assistance, including space for the Advisory Council and its staff, as may be necessary; except that nothing in this section shall be construed as precluding the Advisory Council from acquiring its own staff in accordance with applicable provisions of law or as requiring the Advisory Council to rely on personnel provided by the Secretary.

(c) Construction.—Nothing in this section shall be construed to affect or change the obligations of the Secretary to carry out and enforce the other provisions of this Act.

SEC. 5. DOMESTIC CONTENT RATIOS FOR MODEL YEAR 1985 AND THEREAFTER.

(a) Ratios.—In order to carry out the purpose of this Act, for each model year beginning after January 1, 1984, the minimum domestic content ratio for a vehicle manufacturer shall not be less than the higher of—

(1) the domestic content ratio achieved by the vehicle manufacturer in model year 1984 reduced by 10 per centum; or

(2) the applicable minimum content ratio specified in the following table:

Number of motor vehicles produced by the manufacturer and sold in the United States during such year:	Minimum domestic content ratio:
Model Year 1985	
Not over 100,000	0 percent
Over 100,000 but not over 900,000	The number, expressed as a percentage, determined by dividing the number of vehicles sold by 30,000.
Over 900,000	30 percent.
Model Year 1986	
Not over 100,000	0 percent.
Over 100,000 but not over 900,000	The number, expressed as a percentage, determined by dividing the number of vehicles sold by 15,000.
Over 900,000	60 percent.
Each Model Year After Model Year 1986	
Not over 100,000	0 percent.
Over 100,000 but not over 900,000	The number, expressed as a percentage, determined by dividing the number of vehicles sold by 10,000.
Over 900,000	90 percent.

(b) Allocation of Automotive Products Among Manufacturers.—In order to carry out the purpose of this Act, the Secretary shall prescribe rules for allocating automotive products among vehicle manufacturers in appropriate cases such as where—

(1) a vehicle manufacturer sells automotive products manufactured by it in the United States to another vehicle manufacturer;

(2) two or more vehicle manufacturers in joint venture produce automotive products in the United States; and

(3) a vehicle manufacturer produces motor vehicles for ultimate retail sale in the United States, some of which will be sold by that manufacturer and some by another vehicle manufacturer.

SEC. 6. INFORMATION AND REPORTS.

(a) Vehicle Manufacturers Records and Information.—Each vehicle manufacturer that produces more than one hundred thousand motor vehicles for sale in the United States during any model year after model year 1983 must establish and maintain such records, and provide such information, regarding the production and sale of automotive products by it as the Secretary by rule shall require for purposes of carrying out section 5(a) and the enforcement provisions of section 7.

(b) Authority To Obtain Information.—(1) The authority granted to the Secretary under subsection (b)(1) of section 505 of the Motor Vehicle Information and Cost Saving Act (as in effect on the date of the enactment of this Act) to obtain information and data, and access thereto, that is deemed advisable by him for purposes of carrying out part V of that Act may be used by the Secretary for purposes of obtaining the information and data, and access thereto, that is necessary or appropriate to carry out section 5(a) and section 7.

(2) The authority granted to the district courts of the United States under subsection (b)(2) of such section 505 to enforce compliance with action taken by the Secretary under subsection (b)(1) of such section may be used by such courts to enforce actions taken by the Secretary under paragraph (1) for purposes of carrying out this Act.

(3) The Secretary shall disclose any information and data obtained under this subsection and subsection (a), to the public only in accordance with section 552 of title 5, United States Code; and any matter described in subsection (b)(4) of such section 552 shall not be disclosed to the public, except that where such matter may be relevant to any administrative or judicial proceeding to enforce this Act, such matter may be disclosed in such proceeding only in a manner which would not result in competitive damage or disadvantage, as determined by the Secretary or a court, because of such disclosure.

(c) INFORMATION AVAILABILITY.—The Secretary shall compile and periodically make available to the Advisory Council and to the public for review and copying the domestic content ratio achieved by each motor vehicle manufactured for each model year beginning with model year 1985.

SEC. 7. ENFORCEMENT

(a) PENALTY FOR FAILURE TO MEET DOMESTIC CONTENT RATIOS.—(1) In furtherance of the purpose of this Act, it is unlawful for a vehicle manufacturer to fail to meet for any model year the applicable minimum domestic content ratio required under section 5(a).

(2) If the Secretary finds, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that a vehicle manufacturer has violated paragraph (1), the Secretary shall issue an order prohibiting the vehicle manufacturer from entering, or having entered on its behalf, during the twelve-month period beginning on the date on which the finding becomes final—

(A) a quantity of motor vehicles that exceeds the total quantity of motor vehicles that was entered by, or on behalf of, that manufacturer during the model year in which such violation occurred reduced by the number of motor vehicles that bears to such total quantity the same percentage by which the vehicle manufacturer failed to meet the domestic content ratio for that model year; and

(B) parts for motor vehicles in an aggregate value (as appraised for purposes of the customs laws) that exceeds the total aggregate appraised value of parts for motor vehicles that were entered by, or on behalf of, that manufacturer during the model year in which such violation occurred reduced by parts of an aggregate value that bears to such total aggregate value the same percentage by which the vehicle manufacturer failed to meet the domestic content ratio for that model year.

(3) An order issued pursuant to paragraph (2) shall specify the total number of motor vehicles and the aggregate appraised value of parts for motor vehicles that may be entered during the applicable twelve-month period by, or on behalf of, the vehicle manufacturer.

(4) Any person against whom an order is issued under paragraph (2) may, within sixty calendar days after the date of the order, institute an action in the United States court of appeals for the appropriate judicial circuit for judicial review of such order in accordance with chapter 7 of title 5, United States Code. The court shall have jurisdiction to enter a judgment affirming, modifying, or setting aside in whole or in part, the order of the Secretary, or the court may remand the proceeding to the Secretary for such further action as the court may direct.

(b) OTHER VIOLATIONS.—(1) Any person who knowingly violates any provision of this Act (other than failure to meet the applicable domestic content ratio for any model year) or any rule or regulation issued under this Act shall be liable, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to the United States for a civil penalty of not more than $10,000. Each day of a continuing violation under this subsection shall constitute a separate offense.

(2)(A) Before issuing an order assessing a civil penalty against any person for violation of paragraph (1), the Secretary shall provide to such person written notice of the proposed penalty.

(B) The Secretary shall promptly assess such penalty, by order, after the date of the receipt of the notice under subparagraph (A) of the proposed penalty.

(C) If the penalty has not been paid within ninety calendar days after the assessment order has been made under subparagraph (B), the Secretary shall institute an action in the appropriate district court of the United States for an order affirming the assessment of the civil penalty. The court shall have authority to review do novo the law and the facts involved, and shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part, such assessment.

(D) If any person fails to pay an assessment of a civil penalty after the appropriate district court has entered final judgment in favor of the Secretary under subparagraph (C), the Secretary shall institute an action to recover the amount of such penalty in any appropriate district court of the United States. In such action, the validity and appropriateness of such final assessment order or judgment shall not be subject to review.

(3) The Secretary may compromise, modify, or remit, with or without conditions, any penalty that is subject to imposition or that has been imposed under this subsection.

SEC. 8. GENERAL EFFECTIVENESS AND IMPACT STUDY.

(a) CONTINUING STUDY.—Beginning not later than one year after enactment of this Act, the Secretary and the Federal Trade Commission, in consultation with the heads of other interested Federal agencies and with the Advisory Council, shall conduct a continuing study of the adequacy of the actions taken to implement and enforce the provisions of sections 5, 6, and 7, and the extent to which such provisions and their implementation and enforcement—

(1) are achieving, or will achieve, the purpose of this Act; and

(2) are affecting in any way—

(A) retail prices to consumers in the United States of new motor vehicles sold and distributed in interstate commerce,

(B) the availability and choice of models and makes of motor vehicles sold and distributed in interstate commerce,

(C) the importation into the United States of automotive products for sale and distribution in interstate commerce,

(D) the United States balance of trade in automotive products,

(E) employment at ports in the United States where automotive products are regularly entered into the United States for sale and distribution in interstate commerce,

(F) investments by foreign and multinational corporations related to the production of automotive products in the United States for sale and distribution in interstate commerce, and

(G) the exportation of agricultural commodities and products from the United States, and the exportation of goods, industrial and other products, and services from the United States.

In order to ensure that the continuing study required by this section is balanced and comprehensive, the Secretary and the Federal Trade Commission shall identify and consider all other factors that are relevant to an understanding of, or have an effect on, the matters required to be studied under this subsection, including, but not limited to, governmental policies and practices affecting such matters.

(b) REPORTS.—The Secretary and the Federal Trade Commission shall jointly submit a report to the Congress and the President within two years after the study required by this section is initiated and every two years thereafter. Each such report shall be submitted to, and reviewed by, the Advisory Council in the same manner and to the same extent as are the reports to which section 4(a)(5) applies.

SEC. 9. STUDY OF DISCRIMINATORY PRACTICES AFFECTING DOMESTIC PRODUCTION OF MOTOR VEHICLE PARTS.

Within eighteen months after the date of the enactment of this Act, the Secretary and the Federal Trade Commission shall jointly undertake an investigation, and submit to Congress a written report, regarding those policies and practices of vehicle manufacturers that are used to persuade United States motor vehicle dealers, in choosing replacement parts for motor vehicles, to favor foreign-made parts rather than domestically produced parts. Such report shall include, but not be limited to, recommended administrative or legislative action that the Secretary and the Federal Trade Commission consider appropriate to assure that domestic producers of replacement parts are accorded fair access to the United States market for such parts.

SEC. 10. IMPACT STUDY REGARDING MOTOR VEHICLE DEALERSHIPS.

(a) IN GENERAL.—The Secretary, in consultation with the Advisory Council, shall conduct a continuing study of the extent to which this Act has affected employment in any way at retail motor vehicle dealerships located in the United States including, but not limited to, dealerships which have either—

(1) franchises for at least one make of motor vehicle manufactured by domestic manufacturers for sale and distribution in interstate commerce and at least one make of motor vehicle imported into the United States for such sale and distribution; or

(2) franchises for one or more makes of motor vehicles imported into the United States for sale and distribution in interstate commerce but no franchises for any make of motor vehicle manufactured by domestic manufacturers for sale and distribution in interstate commerce.

The study shall identify and consider all factors affecting such employment and shall establish an employment base period for all such dealerships which the Secretary shall utilize in the conduct of the study.

(b) REPORTS.—The Secretary shall submit a report of the study to the President and Congress within twelve months after the date of the enactment of this Act and at the end of each eighteen-month period thereafter. The report should include the views of the Advisory Council in the same manner and to the same extent as the reports required by section 4 of this Act.

Mr. OTTINGER. Mr. Chairman, I move to strike the last word.

(By unanimous consent Mr. OTTINGER was allowed to proceed for 5 additional minutes.)

The CHAIRMAN pro tempore. The gentleman from New York (Mr. OTTINGER) is recognized for 10 minutes.

Mr. OTTINGER. Mr. Chairman, we are about to mark up the so-called domestic content legislation which those of us who support it feel is absolutely vital to preserving the industrial base of the United States, to prevent the tremendous erosion in not only automobile jobs but in the jobs of related industries such as steel and glass and rubber. These industries represent the hard core of our manufacturing capability within the United States.

We believe this legislation is critical from the standpoint of national security. In every past challenge or major conflict we have had, it has been our industrial base that has enabled us to prevail.

We further believe that from the point of view of competitiveness of the United States with our trading competitors, this bill is absolutely vital.

I would like to address, particularly at the outset, the query that I have had from a great number of Members. I have had queries from a good number of Members with respect to the effect of the agreement that was just announced between Japan and the United States to extend the voluntary quotas for another year at the level of 1.85 million automobiles.

I would like to address this query at the outset of the debate. First of all, that agreement allows an additional 170,000 automobiles into the United States, and it is estimated to cost the United States some 78,000 additional jobs. Twelve thousand of these jobs are in direct manufacture, and about three and a half times that many are in auto-related jobs. With the impact that would have on the ability of consumers in the supplier industry to the auto industry to be able to purchase the additional jobs, this would make up a total of 78,000 jobs.

In addition, the Chrysler Corp. and the Ford Co. have said that they cannot afford to continue to manufacture small cars as they have planned to do so in the United States if General Motors goes ahead and imports some 300,000 small Japanese cars into the United States.

This agreement would allow a very substantial start by General Motors toward that plan, to bring in some 300,000 small cars from the Isuzu and Suzuki companies.

But perhaps even more important than that, as a part of this agreement, which incidentally the trade representative, Mr. Brock, said he was able to obtain only because of the leverage provided by the fact that domestic content legislation was pending and that the Japanese consider that to be a sufficient threat to oblige them to proceed with the extension of the voluntary agreement, nothing was done with respect to the whole variety of Japanese restrictions with respect to beef, citrus, leather, and dairy products, cigarettes and tobacco, sorghum, and telecommunications equipment and many other aspects in which Japan presently discriminates against the United States trade.

The only way that we are going to persuade the Japanese to lower their most pervasive protectionistic policies is by having a real threat on the table on the other side, and the only instrument that we have, and have had, to do this effectively is domestic content.

So if this bill is defeated, I can assure you that any Japanese promises of reducing restrictions with respect to these agricultural products, leather, and so forth are just going to go out the window.

The other thing I would like to comment on is the continual statement by the opponents of this bill that the U.S. auto industry has so recovered and is making such high profits, there has been such a reemployment of workers, that this bill is no longer needed.

The fact of the matter is that to compare 1983 with 1982, which was the worst year in our automobile companies' history, is simply unfair, unrepresentative, and inaccurate.

If you want to make a fair comparison, the comparison ought to be made with the peak year in the automobile industry, 1978.

If you do that you will find that domestic car sales are still 28.8-percent below sales in the same period of 1978. Trucks sales lag 1978 by 37.8 percent. Production worker employment in the motor vehicle and equipment industry stands at 577,000, certainly up from the depression year of 1982 average of 506,000 but still far below the 782,000 average for 1978.

Some 180,000 workers in the automobile industry are still unemployed, some 600,000 workers in the auto parts industry, and most of them are not being recalled because the domestic manufacturers are fast increasing their parts out-sourcing, the purchasing of parts from other countries. So the need for this in the automobile industry is still critical.

The need is to strike a blow showing the congressional determination that we are going to insist on fair trade—we are perfectly willing to have free trade, but that free trade policy has to be reciprocated. This is the best instrument we have to be able to cause that reciprocation.

For those reasons I hope that the membership will resoundingly support the domestic content bill this year as they did last year.

□ 1510

I yield to the gentleman from New York (Mr. LENT).

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, did I understand the gentleman (Mr. OTTINGER) to say that he thought this bill would result in a net increase in jobs in this country or just a net increase in auto and auto related jobs?

Mr. OTTINGER. There is no question in my mind it will cause a tremendous net increase in all jobs. The studies which show that there would be a loss in jobs assume, I think completely without credibility, that there would be retaliation, that Japan would pull out all of its auto manufacturing from the United States and that Japan and other countries would initiate GATT proceedings against the United States with respect to other products.

I would like to point out that every single automobile manufacturing country in the world, except the United States, restricts automobile imports.

The European countries which are the other biggest manufacturers, restrict auto imports very sharply by quotas. France has only a 3 percent quota, recently rolled back to 2.1 percent; England has a 10 percent quota; Germany has an 11 percent quota, and Italy allows only 2,200 Japanese cars in, and there has been no retaliation.

Thirty-one countries have domestic content legislation; there has been no retaliation.

Mr. LENT. So, what the gentleman (Mr. OTTINGER) is saying is that our own Congressional Budget Office which estimated there would be a net loss of some 66,000 jobs, the Wharton econometric studies, the Commerce Department study, the Trade Representative study, every single one of these, including Mike Mansfield's, are wrong.

Mr. OTTINGER. I reclaim my time, because all the studies which predict a loss of jobs work on the premise of retaliation. I think that is an incredible assumption.

The Congressional Budget Office actually did find that if there were no retaliation there would be 5.5 additional jobs created for every additional job that was restored in the automobile industry, using this figure, and assuming no retaliation, there would be better than 1 million jobs added to our economy.

So I think those studies are deficient in that respect. I think the prospects for retaliation are nil.

In fact, the only way we are going to get some equity with Japan is to have them start purchasing our agricultural products and lowering their barriers, and domestic content is our best lever in those negotations.

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Michigan.

Mr. WOLPE. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from New York (Mr. OTTINGER) and to commend him and also the distinguished chairman of the Committee on Energy and Commerce for their leadership on this terribly vital question.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Chairman, can the gentleman (Mr. OTTINGER) point to the part in the bill, the section of the bill that says that this whole program is inoperative, assuming that we can negotiate some kind of reciprocity with Japan?

The CHAIRMAN. The time of the gentleman (Mr. OTTINGER) has expired.

(On request of Mr. BROYHILL and by unanimous consent, Mr. OTTINGER was allowed to proceed for 2 additional minutes.)

Mr. BROYHILL. Mr. Chairman, will the gentleman yield further?

Mr. OTTINGER. I yield to the gentleman from North Carolina.

Mr. BROYHILL. The gentleman was saying that the passage of this bill would send a message and that thus we would be able to get some reciprocity. I do not see that in this bill.

Mr. OTTINGER. The way the bill is presently constructed, it would be up to Congress to alleviate the pressure of domestic content requirements if there were no longer an injury because of Japanese imports. If we could find that the Japanese have dropped their other restrictions, Congress could take action.

As the gentleman knows, congressional vetoes are no longer permitted under the decision of the Supreme Court of the United States. So this seemed to be the best mechanism that we could have.

At any time we feel that equity has been achieved, we could put in a simple bill to repeal the provisions of this act as of that time.

Mr. BROYHILL. What the gentleman is saying then is that this would have to be repealed and there is nothing in here that says that it will come to an end.

The way I see it, this bill is a mandatory, regulatory program and notwithstanding any negotiations or any agreements that we might arrive at with our trading partners, the bill and the program would still be in effect.

Mr. OTTINGER. The gentleman is correct. The way the bill is presently constructed, the relief would have to come by an act of Congress rather than from any kind of Presidential determination.

That is because the President expressed himself as being totally hostile to this legislation even though his trade negotiator acknowledged that it is a very effective instrument in negotiating with the Japanese. Giving the President discretion would clearly be tantamount to not passing the legislation at all.

So we have left that determination in Congress.

Mr. BROYHILL. If the gentleman would yield for a comment, as the gentleman knows, I have offered to him to work with him on a reciprocity type legislation. But this legislation will not accomplish that and that is why I am opposed to it.

It seems to me if the gentleman wants to achieve reciprocity we ought to work on that kind of legislation.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is probably worthwhile to follow up on the comments of the gentleman from New York (Mr. OTTINGER) with what I consider to be the real story on domestic content.

I think some of us were surprised after the new voluntary restraint agreement was announced that this bill was not pulled off the floor.

What the true story is, under the new restrictive agreement, which is voluntary only in the dreamiest ideas of those who do not realize that we forced it on the Japanese Government. While sales of automobiles will increase greatly in the United States over the next 2 years, the Japanese sales will grow by less than half the rate at which domestic producers sales will grow. During the extended life of the VRA the Japanese share of the U.S. market will be the lowest it has been since 1979.

The promoters of this bill said that was what they were shooting for. Since it has now been achieved, obviously their aims are something else. The something else of course, is to insure that U.S. consumers pay more than a car is worth so that high wages in the auto industry will be maintained.

And, as a matter of fact, it has been pointed out by almost every economist, not employed by the UAW, who has studied this problem, that consumer costs will go up. And indeed not only will the U.S. car costs be higher without the Japanese competition, but the Japanese shippers will send over, and are sending over, more expensive cars which lay off that extra cost on to the consumer.

The auto agreement is only part of the overall picture. The gentleman from New York (Mr. OTTINGER) tells us that the bill will create jobs. Again, almost every other economist not associated with the UAW or the AFL-CIO assures us that the job loss will be enormous.

Against 38,000 jobs created in the automobile industry, there will be about 104,000 jobs lost and therefore a net job loss of 66,000.

We are told by Commerce and CBO that the cost of each job protected in the auto industry will be three-quarters of a million dollars. Better we should give them an annuity than to give them domestic content to protect them.

And, in addition, most of the elements of our society, again with the exception of the UAW which seeks to protect a wage level that is far above that of the average wage in the U.S. manufacturing, have opposed this bill.

The Farm Bureau, the small business groups, the chamber of commerce, all of the business groups of any kind, the auto dealers, whether they sell foreign or domestic cars or both, have been very strongly opposed and indeed, up until this year, the car companies themselves. And still several of them do oppose it.

So, I think we need to reset the stage as we go into the 5-minute rule of debate to remind Members of what happened during the scheduled debate last week.

During that debate all of these facts were delivered on the floor. Members have a chance to look them over. But I think it is a good thing to be reminded that this bill is an exercise in greed, it seeks to protect the jobs of a few, to hurt the jobs of the many, and to lay the additional costs of job protection on unwilling American consumers.

□ 1520

That kind of an exercise in self-interest is not unknown in this Congress. However, it is not always successful. And I hope it will not be successful today.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: Page 14, strike out lines 11 and 12 and insert the following:

This Act may be cited as the "UAW Wage Differential Protection and Anti-Auto Consumer Act of 1983".

Mr. DINGELL. Mr. Chairman, I reserve a point of order against the amendment.

Mr. DANNEMEYER. Mr. Chairman, last year when the House debated almost an identical bill we had a vote in December and at that time the margin was 215 to 188 in support of it. Now the House in the 98th Congress is composed substantially differently and I am told by count today that about 410 of our colleagues have pretty well made up their mind how they are going to vote. So I suppose that the debate today and tomorrow, or however long it takes, is going to be directed to those 25 Members who are on the fence or have not made up their mind how they are going to vote.

This first amendment that this Member from California is offering, I think, is consistent with one I offered to this bill last year. I offered an amendment in the process last year that would rename it the Smoot-Hawley Tariff Act of 1982.

I have changed the title this year to one that I think reflects truly what is behind this whole piece of legislation. And its title is, "United Auto Workers Wage Differential Protection and Anti-Auto Consumer Act of 1983."

The reason that I make that suggestion for a change is that there is not anything that will be considered in the 98th Congress that is more anticonsumer to the automobile purchasers of our country than this legislation.

The Congressional Budget Office has said that this bill, if adopted, will cost the purchaser of a domestic or foreign made car an increase of $333 per car on average.

The Department of Commerce, a $450 increase. The Federal Trade Commission, a $527 to $838 increase. Wharton Econometrics, 10 percent more. Harbridge House Inc., $1,300 more per import car.

You cannot blame the leaders of the United Auto Workers for coming here to Congress and seeking this law to protect their wage differential because by virtue of their monopoly status in supplying labor to the various automobile companies in this country, they have been successful in raising the wage rate of their workers at least 28-percent higher, and some economists say twice that, if one adds fringe benefits to wage rates above the average American manufacturing employee.

When you add the decline in productivity of the American automobile industry that has taken place in the 1970's, specifically making reference to the fact that for a subcompact car it takes 200 hours to make that car in the United States; it takes 111 hours in Japan. With the factors of lower productivity in this country and a higher wage rate, a subcompact car, made in Japan, landed in Los Angeles, Calif., in my home State, has a price advantage to the consumers of my State of $2,000.

Now, what would this legislation really do? Well, some may say, well, to this Member from California, "You are obviously partisan. You are a member of the Republican Party and most Republicans are opposed to it and most Democrats are supporting it, aren't you a little biased in your assessment?"

I would like to quote a noted economist, Charles Schultze now working for the Brookings Institution, who was Chairman of the Council of Economic Advisers during the Carter administration. And Mr. Schultze was quoted in an article written by John Berry in the October 1983, Financier magazine. And this is what Mr. Schultze says, the adviser to President Carter:

> We have excessive wage scales in a small number of major industries. Relative wages that are way out of line. The two biggest examples are autos and steel. In the late 1960s, steel and auto wages and fringes were about 25 percent above the manufacturing average. By 1980, they were more than 60 percent above. And industrial policy, incidentally, with its inevitable protectionist overtones, would make sure those wages never got back in line.

The problem facing displaced workers, they declared, does not involve employment difficulties or a shortage of jobs, rather it involves wages.

But while real wages were falling on average, they were rising in some industries, including steel and autos. The economists found that the higher the workers union wage premium lose over average wages, the more likely he is to join the ranks of displaced workers, employees permanently laid off, because their employers will never need their labor again.

Only in extremis and often not then have union workers in autos and steel shown any willingness to take wage cuts. And certainly not of such magnitude.

For instance, the changes in the Chrysler contract needed to secure congressional passage of the loan guarantee bill were only narrowly approved by UAW members at that company.

The CHAIRMAN. The time of the gentleman from California (Mr. DANNEMEYER) has expired.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. DANNEMEYER. The pleas for help focused on the workers who are losing jobs and communities that are losing the companies' payrolls.

It ought to be obvious by now, however, that protection will not do the trick. Something much more is needed.

Finally, wages which companies and workers have under their full control remain another matter. The workers for so many years got their annual 3-percent productivity increase, plus whatever else the unions could negotiate, that they seem unable to realize, even now, that they no longer have a hammerlock on their markets.

The worst thing we could do to the consumers of America is to pass this legislation.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

Now, this legislation is coming out of the same committee, as I understand it, that is dealing with the question of access charges on telephones; is that correct?

Mr. DANNEMEYER. That is correct.

Mr. LUNGREN. Now, in that case we are concerned about the possibility of charging the average consumer of telephones several dollars a month to use the telephone; is that right?

Mr. DANNEMEYER. That is the concern.

Mr. LUNGREN. Now what are we talking about here? If we are talking about some of the estimates where the American International Automobile Dealers Association estimates that new car prices would increase from $850 to $3,200 more than they are now and the National Automobile Dealers Association testifying that the increase in cost would be about $1,300, does the gentleman have any idea whether we are talking about more or less than the access charge that has become such a political concern of many in this House?

Mr. DANNEMEYER. Well, the gentleman has put his finger on what the true motivation behind this legislation is. It is just full of political rhetoric.

The United Auto Workers, through their friends here in the House, is trying to use those of us in Congress to put into concrete a wage rate that is higher than the marketplace of this country will sustain. You have to admire them.

Mr. LUNGREN. What is the impact on the consumer?

The CHAIRMAN pro tempore (Mr. DELLUMS). The time of the gentleman from California (Mr. DANNEMEYER) has again expired.

(At the request of Mr. LUNGREN and by unanimous consent, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. DANNEMEYER. Depending on what estimate the gentleman wants to believe. The Congressional Budget Office says that every buyer of a car, domestic or foreign, would have an average cost increase of $333 if this is the law.

The Department of Commerce has estimated $450 per car average. And the Federal Trade Commission has estimated an increase in auto prices to consumers of $527 to $838.

I do not know of a claim—maybe our colleagues on this side, who are proponents of the legislation, who say the price to consumers in America is going to go down, if this legislation is adopted—I have only heard that the price to consumers will go up. Does someone here claim that it is going to go down?

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman for yielding.

I am not going to tell the gentleman what is going to happen to prices, but I will tell him this, we are going to have some jobs so that the people are going to be able to buy automobiles.

Mr. DANNEMEYER. But what about those jobs that are going to be lost in the ports and other places in this country that are going to deprived from people working in the imported auto business?

Mr. DINGELL. If the gentleman will yield further, I would observe to him that one of the studies that has been referred to was paid for by the Japanese Government. One was paid for by the import automobile industry. If I pay for a study, I can get most any response I want.

□ 1530

Mr. DANNEMEYER. Surely the gentleman is not suggesting that every one of these studies has been paid for by the Japanese car manufacturers.

Mr. DINGELL. I just mentioned that two were. I would observe to the gentleman further, however, and I am sure the gentleman would know this, that the assumptions in several of these studies were that there would be enormous retaliation by the Japanese.

I would simply observe that there is very little retaliation the Japanese could do because they started retaliating right after World War II.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from California.

Mr. LUNGREN. I just wonder, are we saying that the CBO is somehow paid by Japanese auto manufacturers?

Mr. DANNEMEYER. No, I do not think my distinguished chairman is suggesting that.

Mr. LUNGREN. Did not the CBO give us an analysis of how many jobs would be lost in this country?

Mr. DANNEMEYER. Their analysis was that there would be a net job loss of 67,000 to Americans as a result of the adoption of this legislation.

Mr. LUNGREN. That is the Congressional Budget Office, and that is an arm of this institution.

Mr. DANNEMEYER. The Congressional Budget Office, that is correct.

The CHAIRMAN. Does the gentleman from Michigan (Mr. Dingell) reserve his point of order?

Mr. DINGELL. Mr. Chairman, I think this is a bad amendment; it is not subject to a point of order, but I hope the House will reject it, just as surely as they did the last.

The CHAIRMAN. Then the gentleman withdraws his reservation of a point of order?

Mr. DINGELL. Mr. Chairman, I withdraw my reservation of a point of order.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words.

The last time this bill was up, I voted against it because I basically am inclined toward free trade. But since then I have spent a lot of time in this. I come from the State of Michigan, but I may also say that I am not supported by the UAW-CIO in any way. Many of their members, fortunately, vote for me, but the organization does not, it being virtually the Democratic Party of Michigan, as a practical matter.

But after having gotten into this in depth, I have decided that regardless of the UAW's support for the bill, I am prepared to vote for the bill at this point.

The automobile industry is not just a widget-and-gidget situation. The basic idea of free trade was that if we make widgets better and they make gidgets better, we would do better making widgets and let them make the gidgets. But the automobile industry controls directly or indirectly about six of all of the jobs in the United States, about one out of six; and we cannot afford, any more than we can afford to lose steel, that essential an industry. It goes right to our national defense and has a ripple effect. Even carpeting, for example, the biggest market is automobiles. Rubber, glass, steel, aluminum, all types of industries are affected. And I just think that in this point of time we cannot afford to let a major industry of that scope be raped by foreign competition.

Now, reasonable competition is all right, but now we are getting up into almost 25 percent of our market, and the industry is destined to failure. It is not the inefficiencies of our manufacturers or their lack of design. It is not the overpayment of the automobile workers. Essentially, the biggest problem is the yen versus the dollar. We are at a $750 disadvantage right off the bat just because of the differential in the yen and the dollars.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Michigan.

Mr. DINGELL. I want to commend the gentleman for his comments.

That figure is $2,000, $1,500 to $2,000. And Viscount Davignon, who is one of the most important people in the trade area in the European Common Market, has told me that while we cannot assign this as a specific and determined identifiable effort by the Government of Japan, no event of this kind can persist for 10 to 20 years without it being a matter of deliberate policy.

I thank the gentleman for yielding.

Mr. SAWYER. I got my figure about 2 weeks ago from Phil Caldwell, the chairman of Ford, who said $750, but I will take the gentleman's word.

In any event, the most severe disadvantage we have is the artificial cheapness of the yen on the international market and the artificial highness or strength of the dollar, which loses us $750 right off the bat, without any other competitive elements.

In addition, there is the tax structure of Japan on automobiles, both the forgiveness of taxes related to the production of export automobiles and the taxation of our imported automobiles, that adds about another $750 to $1,000 to the differential.

Now, we just cannot sit and let an industry that impacts one out of every six jobs in the United States go down the tube, any more than, in my opinion, we can see the steel industry, which is essential to our own economy, go down the tube.

And if you want to see how the Japanese behave, look at what they do with their farmers. Their farmers produce about 50 percent of all of the food that they consume. They are 50 percent dependent, but they are certainly not going to see that 50 percent go down the tube. And while there are little patches of land, where they have to virtually hand pluck the rice, and they feed a cow out behind the barn like we might feed a cat or a dog, they protect them to the death, to where it is $1 an orange, or you cannot buy a steak in downtown Tokyo for less than about $25 a copy, the last time I was there. And they do that, and they have rice at three times the world market, just to protect their farmers. And that is how they feel about important critical industries. I do not blame them. I might feel that way, too, if we were dependent for 50 percent of our food from overseas and from foreign sources. I would be very jealous about letting the other 50 percent go down.

Now, I think they would be better off to subsidize their farmers and open up their markets because they are asking for retaliation. But I nevertheless feel that we just cannot sit by and let the Japanese decide that out of the goodness of their hearts they are going to limit their quota to the United States to 1.85 million cars instead of the 1.67 they did.

Mr. GAYDOS. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Chairman, I would like to commend the gentleman for his commonsense approach to this problem, his obvious perception of what basically is the problem here.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. Sawyer) has expired.

(On request of Mr. Gaydos and by unanimous consent, Mr. Sawyer was allowed to proceed for 2 additional minutes.)

Mr. GAYDOS. Mr. Chairman, if the gentleman will continue to yield, there are all of these fancy arguments, but the gentleman has really delved right down to the crux of the problem, and that is, from a practical standpoint, automobiles and steel must be saved, and they must be saved and looked at in a realistic manner. We are not saying to exclude every other competitor internationally, but I think the gentleman makes commonsense, makes good points, and I think he is fundamentally very sound. I want to associate myself with the gentleman's remarks.

Mr. SAWYER. I thank the gentleman.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, the gentleman was complaining about beef sales in Japan, and so do I. Guess who is the biggest buyer of American beef abroad. Japan. Guess who takes 60 percent of all of our beef exports. Japan. Guess who is the biggest soybean buyer abroad. Japan.

Mr. SAWYER. The gentleman will notice that they are great buyers of raw material with no labor content, or very little. They will not take processed food; they will take raw food. They will not take plywood or manufactured furniture or other wooden-made articles; but they will take raw lot. Why? Because they have not got any other place to get them or they cannot get them as cheap anywhere else. But if you look at what they will take with a labor content in it, you will find that it is precious little and as little as they can afford to get by without taking it.

Mr. FRENZEL. If the gentleman will yield further, I have been as stern a critic, I think, as the gentleman, and I have spent a good deal more time trying to get the Japanese to take more in different forms; but at the same time I do not want to belittle what they are taking now, nor to suffer the risk of the loss of it.

But I am a little bit at a loss to know what the gentleman finds unacceptable about the auto agreement, since it causes a decrease in the Japanese percent of our market from 22 to 20 to 18.5 percent. Is that unfair? Our market grows. We give them a correspondingly less share of it.

Mr. SAWYER. But the gentleman is measuring that at the height of the recession. Those are the lowest automobile sales in the United States for almost a decade, or a decade, in the last several years, and we have crucifying unemployment in Michigan as a result of it. And not just in Michigan.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. Sawyer) has again expired.

(On request of Mr. Frenzel and by unanimous consent, Mr. Sawyer was allowed to proceed for 1 additional minute.)

Mr. FRENZEL. I do not disagree that there have been low sales.

Mr. SAWYER. The percentage of the market is really not the criterion. It is the units that spell the jobs, and they are going from 1.67 to 1.85 million.

Mr. FRENZEL. Yes, but while the market is going up over 20 percent, we are going to give them 11-percent increase. So obviously the U.S. producers are getting a lion's share, a disproportionate share, of the market increase. And what that means, of course, is that they are being protected even more than they were being protected when the agreement was built. Each year they are getting increasing protection.

Mr. SAWYER. Is that not too bad, that we get a disproportionate share of our own market?

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Chairman, I would like to enter into the colloquy at this point because it is my understanding that 3 years ago, when the 1.68 million figure was agreed to, the projection of U.S. market was for 10 million vehicles, and that was thought to be what would be an equitable share.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. Sawyer) has again expired.

(On request of Mr. Hillis and by unanimous consent, Mr. Sawyer was allowed to proceed for 2 additional minutes.)

Mr. HILLIS. And that this would be an equitable share out of a 10 million market in 1979. We all know that that 10 million figure was illusory. It did not ever happen. But the Japanese sold all of that quota of 1.68 million when our market was down. So they got approximately 700,000 more vehicles than if they had been retained at a percentage share based on 10 million rather than a numerical share based on 1.68.

☐ 1540

So they got a windfall. Now they are coming back and asking for more, and they also are asking not to include 4-wheel-drive vehicles and vans and units that go to Puerto Rico. They are getting more here, a bigger piece of pie, than really that figure shows.

Mr. SAWYER. And on top of that, it is not like we are being mean to the Japanese. We are being kinder to them even with the domestic content law than virtually any modern country in the world. France now has dropped from 3 percent down to 2.1 percent of their sales market that can go to Japanese. The British are 10; the Germans are 11. Most of the countries, many of the countries, have domestic content laws in place law. We are about the only one sitting here with no protection at all, and this is an industry just like steel, and I have no steel in my district, but we cannot afford any more than the Japanese can afford to lose the agriculture, we cannot afford to lose industries of that magnitude, either.

Mr. HILLIS. If the gentleman will yield further, I would just like to say in conclusion that I associate myself with the remarks of the gentleman. I agree with him 100 percent.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. Sawyer) has again expired.

(On request of Mr. Dannemeyer and by unanimous consent, Mr. Sawyer was allowed to proceed for 1 additional minute.)

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from California.

Mr. DANNEMEYER. I thank the gentleman for yielding.

Mr. Chairman, I appreciate my friend from Michigan so much because he provides leadership in this House.

I would just like to ask the gentleman, why is it that the newpapers in Detroit, in Michigan, the Detroit News, the Detroit Free Press, and the Saginaw News, all have editorialized against this piece of legislation? If they are so important to the State of Michigan, why would these responsible newspapers be opposed to this legislation?

Mr. SAWYER. Well, when you categorize the Detroit Free Press as responsible, I may have some reservation, but the Detroit News, I would agree, and the Saginaw paper is kind of a country-town paper that I do not read, so I really do not know.

I know it has a lot of support. Interestingly enough, it now has the support of Ford and Chrysler, too, who are terrified that General Motors is going to give up the production of their Chevette and their lighter cars and import them all under these increased quotas from Japan and go in with Toyota to build a medium-size car in Japan. Part of the quid pro quo is the import of the light cars from Japan, which would put two major manufacturers out of business.

Again, neither of these are in my district, but they are something to really be concerned about.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. Sawyer) has again expired.

(On request of Mr. Lent and by unanimous consent, Mr. Sawyer was allowed to proceed for 2 additional minutes.)

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, the gentleman made the statement earlier that there were many other countries that had domestic content laws.

Mr. SAWYER. About 30-odd, as I recall. I checked them the other day, and I think there are 30.

Mr. LENT. Let me give the gentleman what the facts are.

According to the International Trade Administration's analysis with respect to auto local content laws in other countries, as of May 1983, only three industrialized nations imposed domestic content requirements on automotive industries, and they are Portugal, Spain, and Australia.

Mr. SAWYER. I know that is wrong, because Brazil, right off the top, has them in this hemisphere, and there are some 30 of them.

Mr. LENT. And both Spain and Portugal plan to eliminate these requirements upon entry into the EEC sometime very shortly. So that will leave only Australia among industrialized countries that have local auto domestic content laws.

Mr. SAWYER. Does the gentleman consider Brazil an industrialized country?

Mr. LENT. Brazil is considered as a developing country. It is not an industrialized country.

Mr. SAWYER. The gentleman can apply his definition of "industrial country," but some 30-odd countries do, and most of them in Europe have quotas, not just domestic content, France as low as 2.1 percent now, Britain 10 percent, West Germany 11 percent, Italy 2,200 cars.

And here we are allowing them to ship in 1,800,000 cars.

Mr. LENT. Mr. Chairman, if the gentleman will yield further, we have quotas in this country in many different industries. No one questions that. But there is not a single nation in Europe in the EEC that has a domestic auto content law.

Mr. SAWYER. You do not have to with France, with 2.1 percent of their market as all that they permit the Japanese to send in, the British 10 percent, the Germans 11 percent, and Italy 2,200 automobiles total. Why do they need a domestic content bill?

The CHAIRMAN. The time of the gentleman from Michigan (Mr. SAWYER) has again expired.

(On request of Mr. DINGELL and by unanimous consent, Mr. SAWYER was allowed to proceed for 2 additional minutes.)

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman for yielding.

Mr. Chairman, I would just like to tell my free-trading colleagues in this Chamber that the French practice free trade. They tell the Japanese they can bring in any number of cars the Japanese want into France, any number; but they can only sell an equivalent of the number that was suggested by the gentleman from Michigan, 2.1 percent.

This is the only nation in the world that says you can bring in anything you want in any amounts without any regard to jobs and opportunity in this country. Every other automobile manufacturing country in the world says, "We are going to protect our industry."

What my colleagues over there do not understand is that we are not only concerned here with the automobile industry. We are concerned with glass, we are concerned with steel, we are concerned with iron, we are concerned with nonferrous metals, and we are concerned with textiles and computers. The automobile industry is the largest consumer of each and every one of those named products in this country. It is not just automobiles that we are protecting; it is the supplier industry and all the materials from paint to rubber to steel to computers and the textiles that go into the industry.

That is what we are protecting, the entire American industrial base.

Mr. SAWYER. Mr. Chairman, if I may reclaim my time, it is kind of interesting with the French with a 2.1 percent of their market limit on Japanese are the very coiners of the word "laissez faire." They coined it.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Michigan.

Mr. ALBOSTA. I appreciate the gentleman yielding.

Mr. Chairman, I have enjoyed very much listening to the gentleman's debate today and really appreciate his remarks.

Let me just point out a couple of things to those people who are talking about fair trade. Let us take agricultural commodities. We think that we can ship agricultural commodities freely any place in the world. That is not so. We cannot ship beef to Japan. They do not allow it to come in there.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. SAWYER) has again expired.

(By unanimous consent, Mr. SAWYER was allowed to proceed for 2 additional minutes.)

Mr. ALBOSTA. Mr. Chairman, if the gentleman will yield further, I think it is very important that we recognize what other countries. We have tried to be the leader in fair trade. We have tried it, but it has not been fair. They have discriminated against us time and again, as the gentleman from Michigan has pointed out.

I think it is time that we stand up for what we think is right for our workers, the people in this country who have to have a job, who want the dignity that goes with that job. I know the people in my district are unemployed. I have some areas yet that will almost exceed 20 percent. I do not know what they are today, but they are very close to that.

Much of it is because the automobile business is still down in our State. We probably will never get it back to the level it was. But all the textiles that the gentleman from Michigan was talking about a minute ago, they reflect way down to the Carolinas where this carpeting business is located. It is all over the country that the rubber and glass come from. It is not only Michigan. Michigan is suffering more than the other areas, and our unemployment is still 13. 6 percent.

So I appreciate the gentleman's comments very much and am glad to work with him to try to get this piece of legislation passed.

Mr. GIBBONS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, unfortunately, I had to miss the debate last week because I had a pressing engagement in my own district. Frankly, I would just as soon vote on this matter right now. I am not sure that there are enough votes around here to pass this legislation.

Let me make some statements, though, to begin with.

□ 1550

I am not here to explain Japan, to apologize for Japan, or to protect Japan. I am here to talk about what is good for America, what affects our great and vital interests. That is what this debate should be all about.

The problems that we face are large, but we should not duck and hide behind those problems. People who have to make invetments around the world are investing money heavily in America. They are not investing it in Japan, they are not investing it in Europe, they are not investing it in Canada, and they are not investing it in France. Why should we imitate those countries?

Our policy has been one of success. Our policy has been one that says, "Let's go out and meet the competition, and let's go out and beat the competition. Let's do it fairly and squarely and demand that others live up to that standard."

Now, let me speak for the Members who thought hard about this problem. I believe the members of the Ways and Means Committee did that. On the Subcommittee on Trade, after hours and hours of hearings and debate last year, we voted, and we voted 9 to 3 against this bill. The full Ways and Means Committee voted 19 to 13 against this bill. The committee did that because we thought that it was the best move for America, although perhaps not the best move for the UAW or for the one or two struggling automobile companies we have in America.

But we in America cannot go around trying to sweeten up every lemon, trying to prop up every ill-run business and industry, every noncompetitive business and industry that we have, because if we do, we are going to go bust, just like Brazil with its domestic content, just like France with its domestic content, and just like perhaps even Canada with its domestic content.

I cannot name a successful industrial country that has a domestic content law. There is just no such thing. Even the wise leaders in the developing countries tell us that domestic content is not good economic policy, and the wise leaders in those developing countries, the ones that are moving ahead, have rejected this kind of nonsense.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. No, I will not yield. There is plenty of time available, and I do not want to yield right now.

So, Mr. Chairman, I hope that we will keep our eye on the target, our eye on the ball. What is best for America?

In our society, everyone has an opportunity to succeed or to fail. The labor cost in the automobile industry is the second highest labor cost in the world. Now, that would be justifiable if we were a productive economy in the automobile industry, but, unfortunately, in our automobile industry it takes far more man hours to manufacture a car in our country than it does in our competitor's country.

Also, if we would go into the automobile factories and examine the job that is being done by American labor, we will come to the conclusion that this is a low-skilled, labor-intensive job.

Now, one cannot make water run uphill. We cannot make a low-skilled, labor-intensive job the second highest paid job in America and expect success. It will not work.

The CHAIRMAN pro tempore (Mr. Dellums). The time of the gentleman from Florida (Mr. Gibbons) has expired.

(By unanimous consent, Mr. Gibbons was allowed to proceed for 5 additional minutes.)

Mr. GIBBONS. Mr. Chairman, we cannot make water run uphill. We cannot run against what are the facts. I regret that many people have thought that this job is such a skilled one, so desirable and so productive that a worker can get that kind of a reward for it. But there are many jobs in my own district and throughout the United States that require far more training, far more skill, far more education, and far more physical ability than does building and assembling an automobile.

This is not a skillful job. It is not a job that has a highly skilled labor content in it. It is essentially a repetitious, monotonous type of job for which really the true demands are for much less pay vis-a-vis the other American laborers in industry.

Mr. Chairman, the American automobile industry is alive. Last year, about this same time a year ago, many Members stood in the well and said that unless this terrible piece of legislation, the domestic content legislation, is passed, the American automobile industry will die. Well, it has not died. The fact is that employment is up—not as much as some people would wish, not as much as it is going to be, but it is up. The U.S. automobile manufacturers, thanks to the fact that the market has been manipulated through these quotas that have unfortunately been placed upon them on the importation of foreign cars, are having the most successful financial year ever in the history of those companies. Ford, Chrysler, and General Motors will probably have a profit at the end of the year of about $5 billion. Never in the history of that industry, never in the history of the United States, has this kind of economic recovery taken place.

Mr. Chairman, that brings us to this question: Why should we move the automobile workers and the automobile industry to the head of the line?

I remember when I was in school, there were a couple of big fellows, bigger than me, that used to always go ahead of the line in the lunch room. They took advantage of their size, they just got up at the head of the line, and the rest of us little runts had to stand there. Well, one day we caught up with them and we broke that apart.

There is no reason why we should move Ford, Chrysler, General Motors, and the UAW up to the head of the line. Everybody knows that the quality of Ford, Chrysler, and General Motors slipped, and that their design content slipped. They will all admit it. They do not deserve any better treatment than all the rest of the American industries. The UAW does not deserve any better treatment than all the rest of American labor who must use their product. The only reason they seek it is because they are big and because they have political influence.

I submit to the Members that if we ever let that happen in America, then we are going to ruin the American system. Might does not make right in our system, largeness does not make right in our system, and greed does not make right in our system. You earn your way in America by the quality of your work and the quality of your product, and that is what puts you ahead.

So this bill is important to the American economic system, because if we adopt it, how can we say to all the rest of the American workers, "You are second-class workers, and we are going to reward those who least deserve it because they have the political clout and because they have the might"? That is why this bill is so important, and that is why this bill ought to be defeated.

Mr. Chairman, now let me answer some of the arguments that have been made here by my distinguished opponents. There is no provable evidence that the Japanese have been unfair in their automobile practices.

☐ 1600

And, as I say, I am not here to defend the Japanese or to apologize and explain for them; but that is not a correct argument.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. Gibbons was allowed to proceed for 2 additional minutes.)

Mr. GIBBONS. The Japanese did not even target the automobile industry to be one of their industrial successes. In fact, they tried to penalize the automobile industry, but the automobile industry in Japan struck back against their own government and proved that their government was wrong. I think that is a good reason why we probably should not adopt an industrial policy in which we make decisions on this House floor or down in the faceless bureaucracy about which industries should get ahead.

Japan has not opened up its markets the way I want it to, but the pure fact is that the Japanese economy is not very strong. Should we imitate them? Should we harm ourselves by hurting our economy the way they are hurting theirs?

If you go to Japan and you get out of Tokyo go out and see how the Japanese worker lives. You are going to find that the average Japanese worker lives just a little better than our welfare recipient. Their economy is not strong. We should not be emulating what they do. We should not be harming ourselves because we want to reform them. They are going to have to learn that they have to reform themselves.

We should keep our eye on the target. This bill will cost America jobs. It will build inefficiency in our economic system. It will increase inflation. It will mean that America will be weaker, not stronger. It will be a bad signal to the other economic interests in America if we are going to reward those in an industry that does not need to be rewarded, that has not earned the right to have that kind of reward, such as the one they seek here through the legislative process. That is the issue that is before us now.

I hope that we will reach the end of debate here soon and that we will vote this bill down.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, nobody has talked about the amendment in a while so I thought I would say a few words about the amendment and maybe we can get to a vote.

The amendment changes the title of the bill to the UAW Wage Differential Protection and Anti-Auto Consumer Act of 1983.

That is an inappropriate title.

The fact of the matter is that the Consumer Federation of America and the National Consumer League, the two largest consumer organizations in America, support this legislation, because they know that it will result in more competition with the Japanese coming in here and producing cars in the United States to compete with our own. This will reduce prices, not increase prices. These two biggest consumer protection organizations would not be supporting this legislation were that not so.

The fact of the matter is that the United States represents 20 to 35 percent of the market of the largest Japanese auto manufacturers, Toyota, Nissan, and Honda. There is no way they are going to abandon the U.S. market. That would be just illusory.

Second, with respect to productivity, the gentleman from California says, well, this is just a UAW wage differential bill, and the gentleman from Florida says the same. They say the reason we are not competitive is that our wage scales are too high.

The fact of the matter is that the UAW has been the pioneer in working with management to get better cooperative relationships and in many cases they have taken very severe cuts in wages.

The productivity in the U.S. automobile industry has, in fact, been increasing far faster than the Japanese. Ours has been increasing almost twice the rate of the Japanese for the last 2 years; so we are making substantial progress. The new title that the gentleman from California would like to put on this bill is completely inappropriate.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, the gentleman who offered the amendment, I assume, was doing so facetiously, so I did not raise the question of jurisdiction before; but since the gentleman is a very active member of the Post Office and Civil Service Committee, the gentleman knows as well as any Member of the House that if he wishes to salute and commemorate an outstanding organization, whether it is the UAW or the Boy Scouts or what else, the appropriate thing to do is to introduce a resolution which would then be referred to our committee. I can assure the gentleman that if he wants a commemorative resolution for the UAW, incorporating all the factors that he outlined today about their success in elevating working class people into the middle class of this country and turning them into consumers, I will be glad to cosponsor with the gentleman and assure him a prompt and speedy handling by the committee.

I wish the gentleman would consider that proper legislative remedy to reach his goal and withdraw this facetious amendment at the moment.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Chairman, I have a question to pose to my chairman, the gentleman from the State of Michigan.

Is the gentleman now suggesting or moving that this bill be referred to the Post Office and Civil Service Committee?

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield to me?

Mr. OTTINGER. I am glad to yield to my friend, the gentleman from Michigan.

Mr. FORD of Michigan. No; I am once again trying in the friendliest possible way to walk my friend, the gentleman from California, through the simple rules of the House and point out to the gentleman that if it is his intention to commemorate or recognize an organization, no matter how worthy, this is not the proper vehicle. This is not germane to this kind of a bill.

I would join the gentleman in commending the UAW. I think they have done all the things the gentleman has said and it is for those reasons that they have been one of the most effective friends of labor and the working people in this country.

I will be very happy, and very happy as the chairman of that committee, to consider it properly, but I respect the rules of the House so much that I would ask the gentleman to consider what he is doing by giving our committee's jurisidiction away by using a bill like this as a vehicle to recognize his favorite organizations.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Chairman, the gentleman from New York mentioned the Consumer Federation of America as being in support of this bill. It is not true that Stephen Brobeck, the executive director, said that the federation supports the legislation on its merits. The executive committee was motivated in no small measure by gratitude and goodwill toward the UAW for its help in lobbying on consumer legislation over the years.

Well, that is quite a statement. It is one thing to recognize your friends, but is that a basis for really rationally, objectively, supporting a piece of major legislation? I would have to ask the gentleman that question.

Mr. OTTINGER. Well, they said they did it on the merits.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to my friend, the gentleman from Michigan.

Mr. ALBOSTA. Mr. Chairman, I thank the gentleman from New York for yielding.

I think the gentleman's opposition to the amendment, it ought to be pointed out, that it is very logical opposition, simply because the UAW does not have all the automobile workers in the United States. In fact, a recent plant built in the Midwest by the Nissan Corp. of Japan is a nonunion shop. The UAW is not the only one that benefits from workers in this great land of ours. Those people that choose not to have union representation, also benefit from cars being built in this country and all of the ripple effect that goes along with it.

I am sure the gentleman from New York understands that very clearly and that is why he opposes the amendment.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, if the gentleman is sincere, apparently we are to believe then that this legislation, which is blatantly protective, blatantly anticonsumer, is somehow being dressed up.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(By unanimous consent, Mr. OTTINGER was allowed to proceed for 1 additional minute.)

Mr. OXLEY. Mr. Chairman, will the gentleman continue to yield?

Mr. OTTINGER. I continue to yield.

Mr. OXLEY. It is being suggested that somehow this legislation is being dressed up and paraded out here today as some kind of consumer legislation.

I think it has been very clear from the debate that even the proponents of the bill have to concede that the cost of every automobile sold in this country will go up anywhere from $333 at the low end to $1,300 for a foreign unit that has been done by outside consultants; so I think it is very

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clear here that the vote, if you will, on this particular protectionist piece of legislation should be one of the real key votes for all these so-called consumer groups that parade around the country, come in here and testify and talk about how they like to protect and work for the consumer.

This is blatantly anticonsumer and in the time I have left I would also like to point out to the gentleman from Michigan that the plant is a Honda plant that is built in Marysville, Ohio. It employs a good number of people. They have just gone on to the second shift. They are American workers who are producing an excellent product, who sell at Honda of America to the consumers of America.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. Ford of Michigan, and by unanimous consent, Mr. Ottinger was allowed to proceed for 2 additional minutes.)

Mr. OXLEY. Mr. Chairman, will the gentleman continue to yield?

Mr. OTTINGER. Mr. Chairman, I yield briefly to the gentleman from Ohio to conclude.

□ 1610

Mr. OXLEY. I wish to point out that that plant would not have been here in my State producing jobs for Ohioans if this legislation had passed only a year ago.

A year ago today is when they opened that plant and the first Honda Accord rolled off that assembly line. They are producing 300 a day and will go ultimately to 600. They have just opened up their second shift. That is a great opportunity for American workers in this country. This legislation is totally antithetical to what we want to do with providing those jobs in Ohio. I would say to those gentlemen who try to persuade us this is consumer legislation, it would not wash.

Mr. OTTINGER. This is consumer legislation.

It is exactly that kind of investment that Honda made in Ohio that we are seeking to stimulate.

It is consumer-oriented in two respects: First is that it will encourage that additional competition by having the foreign companies invest in the United States and provide more competition; and second, it will permit the consumers in the producing States like Ohio and Michigan to be able to consume again, to be able to revive the economies of those States, to be able to buy more automobiles, to be able to buy more clothes, to be able to restore again the buying power that has been so badly hurt by the Reagan recession.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. I thank the gentleman for yielding.

At the present time, we represent purchasers of about one-third of the total automobile production each year in Japan, and the gentleman on the other side would have us believe if they were forced by this legislation to come here and manufacture part of that automobile, they would give that market up and go peddle something else.

That is patently ridiculous. It is absolutely insane that anybody that has been as successful in this business as Nissan and Honda and the rest would just walk away from it.

We are trying to get them to open up more Marysville, Ohio.

(On request of Mr. Dannemeyer and by unanimous consent, Mr. Ottinger was allowed to proceed for 1 additional minute.)

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from California.

Mr. DANNEMEYER. I thank the gentleman for yielding.

I know you are from New York. If this is such a good piece of legislation, why would the Wall Street Journal, the New York Times, and the Christian Science Monitor, Newsday, Journal of Commerce, and the Staten Island Advance, all editorialize against this bill?

Mr. OTTINGER. Well, they have the strongest commitment to free trade which I consider to be a blind commitment. We will never get to free trade unless the United States has some leverage. They acknowledge, and you read in their columns, that Mr. Brock comes back from Geneva and Japan emptyhanded, not having done anything to remove restrictions against citrus fruits, leather, and other commodities, and not having done anything for automobiles. Also, Japan has been making out like a bandit under the current automobile quotas. Three-quarters of the profits the Japanese have made have been due to the quotas on American sales.

(By unanimous consent, Mr. Ottinger was allowed to proceed for 1 additional minute.)

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Michigan.

Mr. ALBOSTA. I thank the gentleman for yielding.

I think the gentleman from California brought out a very important point.

First of all, there are bargaining chips. The President of the United States says we need the MX missile for a bargaining chip, we need the cruise missile for a bargaining chip. What is to say that we do not now need a bargaining chip to make sure that we get fair trade all over the rest of the world. What is so wrong with this domestic content bill in terms of comparison to the MX missile or the cruise missile and a bargaining chip for the President of the United States to deal with the Soviet Union, what is basically the difference?

Mr. OTTINGER. I do not see why we get so high and mighty about automobiles with respect to restrictions. The administration has put restrictions on motorcycles, and they put them on steel, textiles to China. They put them on sugar. There are drastic sugar quotas.

Why should we discriminate against automobiles?

I urge defeat of the amendment.

Mr. OXLEY. Mr. Chairman, I move to strike the requisite number of words.

I would like to respond to the gentleman from Michigan and others on the other side. It is very clear that the operations of Nissan and Honda, which have both testified, by the way, before the Florio subcommittee of our full Committee of Commerce, said that the continuation of their U.S. operations would be threatened if this legislation were enacted. They made it very clear and also made it very clear, I would have to say, that any further building of auto plants in the United States would be restricted, if not totally curtailed, by passage of this legislation.

This is indeed blatantly anticonsumer legislation. There has been no argument whatsoever from the proponents of this legislation that automobile prices would go down. They would obviously go up.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

I made the argument—the gentleman may not accept it—that Japan in fact will not retaliate, that it will build more plants like that which has been built by Honda in Marysville, there would be more competition and you would get lower prices.

Mr. OXLEY. Apparently the gentleman from New York does disagree with our Ambassador Mike Mansfield who said quite the opposite in his interview and statements on this very important issue. It is also important to point out that there have been a great number of economists, as a matter of fact, 37 economists, including a couple of Nobel winners, Kenneth Arrow and James Tobin among them, who have sent a letter to all of the Members of the House of Representatives pointing out their total disagreement with this legislation and urging defeat. They talk about the long-term reductions in economic growth that would result in employment, and the consumer welfare. Prices to consumers, they indicate, would go up between $300 and $1,000 per vehicle; employment and sales in the U.S. export sector would decline, our trading partners would retaliate.

They clearly make the point that our trading partners would retaliate. Those of us from exporting States, particularly in the agricultural sector, are very, very cognizant of that potential problem. They say the proposed legislation does not go to the root of these problems. For American industries and workers as a whole the real villain is high interest rates.

I think that 37 noted economists, including a couple of Nobel winners, clearly put the onus where it belongs.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

I want to restate the point the gentleman said, and that is all of the foreign producers who have come to the United States say this bill, if it becomes law, will drive them out of the United States and prevent them from building additional plants here.

One of the good things that has come out of the dialog between the United States and Japan is that we have given the Japanese an invitation to come over here. They have built some plants. They are employing U.S. labor. They have made U.S. investment, and that is good.

We ask them to do that. Now, they have come to us and said we cannot continue this if domestic content becomes law.

The gentleman who has one of these plants in his district understands that very well.

I think the point has to be made and remade, because it is one of the success stories of our negotiations with Japan in which Americans have been given jobs that they would not have gotten with U.S. auto company investment.

Mr. OXLEY. I had the opportunity to tour the Honda plant just a few weeks ago and go through this incredibly modern plant that they built in Ohio, and the plant manager as we went through said:

> It is our philosophy to put our product and to put our factories where the market is.

That is what they have done. They have done it in Ohio, and they are doing it in Tennessee. They will do it throughout this country, which creates jobs for American citizens. I saw a lot of Americans in that plant and a lot of people in my district working at a very, very good wage in that plant, and that is really the future of the American auto industry, along with our ability to export our own, and I think that this bill is clearly taking us in the backward way instead of a forward-looking approach.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. I thank the gentleman for yielding.

I can quite understand the gentleman's sensitivity and concern for the welfare of the Honda Motor Co., since it made this substantial investment in his district. In 1981, American auto sales of Hondas represented 35 percent of their entire worldwide sales.

For the gentleman to say that now that they are making them here and would, therefore, qualify to bring in more than 100,000 automobiles because that is how many you have to bring in before the law triggers on you, that they would move out because we had a content bill. They have already got their foot in the door.

You are sitting on a golden plant there. Your company is way ahead, and if they want to still sell 35 percent of their products in the United States, the only way they would be able to do it is enlarge Marysville and produce.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. OXLEY) has again expired.

(On request of Mr. OTTINGER and by unanimous consent, Mr. OXLEY was allowed to proceed for 2 additional minutes.)

□ 1620

Mr. OXLEY. I yield to the gentleman from New York.

Mr. OTTINGER. I would just like to point out that I mailed out to all of the Members of this body a letter dated June 3, 1983, from Howard Wachtel, chairman of the department of economics at American University, to Chairman DINGELL, a letter signed by over 50 prominent economists in the United States strongly supporting the legislation. So the economists' point of view on this is by no means one-sided.

I will include a copy of that letter in the RECORD.

The letter referred to follows:

THE AMERICAN UNIVERSITY,
Washington, D.C., June 3, 1983.

Hon. JOHN DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The Energy and Commerce Committee is now considering H.R. 1234, the Fair Practices in Automotive Products Act. I want to bring to your attention that a group of economists have studied this proposal and support it.

The enclosed statement supporting H.R. 1234 was written by four economists, Professor Barry Bluestone of Boston College, professor David Kotz of the University of Massachusetts at Amherst, Professor Peter Phillipps of the University of Utah, and Randy Barber of the Center for Economic Organizing. To date, a total of over fifty economists have endorsed their statement. A list of their names and affiliations is also enclosed.

The statement examines the current auto crisis and the part that this legislation can play in preventing that crisis from deepening. We hope that you will take this opportunity to read the statement and will support this legislation.

Sincerely,

HOWARD WACHTEL,
Chairman, Department of Economics.

A STATEMENT ON H.R. 1234/S. 707

As economists, we are concerned by the depression conditions now faced by workers in the auto and related industries. The loss of perhaps one million auto and related jobs in the past three years is causing untold human suffering, destroying families and communities. Many factors are responsible for the auto depression. One such factor is the tight money policies advocated by the Reagan Administration and its monetarist advisors and carried out by Federal Reserve Chairman Paul Volcker. The United Auto Workers union has called for a shift to an expansionary monetary policy in order to promote economic recovery, a measure which we support.

A second cause of job loss in the auto sector is the sharp increase in imported vehicles sold in this country. As the dollar strengthened in response to the high interest-rate policy of the Fed, imports' market share grew from 18 percent of U.S. auto sales in 1978 to 28 percent in 1982. Even if U.S. auto sales do recover in the near future, the share of domestic sales produced abroad is expected to continue its rise, as the effect of imports of foreign cars is compounded by the big three U.S. auto makers' move toward "outsourcing" abroad.

In response to this structural problem, the UAW has called for new legislation to require both foreign and domestic auto giants with a large volume of sales in the U.S. market to maintain substantial production facilities in this country. The bill, H.R. 1234/S. 707 (the) "Fair Practices in Automotive Products Act"), is known informally as the Domestic Content Act. It would require companies selling over 100,000 autos and light trucks annually in the U.S. to carry out a portion of their production here. The required percentage of domestic content rises with U.S. sales, topping off at 90 percent for 900,000 annual sales or more; the requirements would be phased in over four years to allow time for adjustment.

As economists who share an internationalist perspective, we support H.R. 1234/S. 707 for the following reasons:

1. The retention of a domestic auto industry is a desirable aid of economic policy. As an industry, auto production is a major market for such other industries as steel, chemicals, rubber, machine tools and high technolgy products. If the U.S. is to retain a viable economic base of technically advanced, high productivity, goods producing industries, then the auto industry must be preserved over the foreseeable future.

2. Unregulated trade, or the so called "free market" applied to international transactions, does not necessarily produce the most desirable economic outcomes. Sudden shifts in exchange rates or key commodity prices (such as energy) can lead, through the unregulated market, to massive shifts in trade patterns. This can entail enormous social costs in the form of destruction of the value of physical capital (plants and equipment, transportation and

power facilities, schools and shopping centers), devaluation of labor skills, and the social welfare costs of providing for the unemployed, on top the unmeasurable human suffering that accompanies massive job loss. The "free market," by its very nature, does not account for any of these costs when there are sudden swings in trade patterns. The U.S. needs to have trade patterns which are planned and regulated. Such a system, which would be designed to take account of all costs and benefits associated with trade, would be far superior to the chaotic and distorted process of the "free market." H.R. 1234/S. 707 be seen as one piece of a desperately needed overall industrial policy.

3. A local content bill would regulate trade in autos by focusing on investment and production decisions by giant auto manufacturers, but it would leave U.S. consumers with the choice of purchasing vehicles made by domestic, Japanese and other foreign firms. This would have the advantage of maintaining competitive pressure on the U.S. auto giants to offer the types of cars that the public wants, at prices they can afford.

4. A local content bill would not be likely to cause retaliation. All other major auto producing countries limit auto imports, and many countries already impose content requirements. The major companies that would be affected by this bill are Japanese (VW already meets the bill's requirements); past experience with other countries' domestic content requirements suggests that the major Japanese producers would respond by producing here (as Honda has already), rather than trying to obtain retaliatory actions by their government against U.S. exports to Japan.

5. Any move toward directly controlling imports carries the potential of encouraging hostility to foreigners. But this bill, by calling for an investment in the U.S. by foreign firms, minimizes such overtones, and is preferable to quotas or tariffs in this respect.

6. H.R. 1234/S. 707 would regulate, to some extent, the investment activities of giant multinational auto companies, domestic and foreign. This may be seen as a first step toward democratic control over the investment activities of giant multinationals, which, if unhindered, seek to play off country against country and community against community in the search of maximum profits.

In conclusion, we support this domestic content law as a step to preserve a domestic auto sector, as a step toward planned international trade and investment that is preferable to tariffs and quotas, and as a step toward making mulitnational corporations—American, Japanese or whatever—more accountable to the citizens of the countries in which they operate.

Supporters of H.R. 1234/S. 707

Frank Ackerman, University of Massachusetts, Economics Department.

Gar Alperovitz, Co-Director, National Center For Economic Alternatives.

Robert Aronson, School of Industrial and Labor Relations, Cornell University.

Randy Barber, Center for Economic Organizing.

Professor Solomon Barkin, Department of Economics, University of Massachusetts.

David Blitzstein, Department of Research, United Food and Commercial Workers.

Barry Bluestone, Boston College.

Irving Brotslaw, School for Workers, University of Wisconsin.

William Burns, Research Analyst, United Food and Commercial Workers.

Martin Carnoy, Center For Economic Studies, Stanford University.

Mr. Ben Clements, Instructor of Economics, Old Dominion University.

Charles Craypo, The N.Y. State School of Industrial & Labor Relations, Division of Extension and Public Service, Cornell University.

Steven Deutsch, Labor Education and Research Center, University of Oregon.

Dudley Dillard, Professor of Economics, University of Maryland.

Peter Eckstein, Director of Research, Michigan State AFL-CIO.

Jeff Faux, Co-Director, National Center for Economic Alternatives.

Dan Fusfeld, Department of Economics University of Michigan.

Mr. Woodrow Ginsburg, Center for Community Change.

Lenny Goldberg, Office of California Assemblyman Tom Bates.

David Gordon, New School for Social Research, Department of Economics.

Michael Harrington, Queens College.

Bennett Harrison, Department of Urban Studies, Massachusetts Institute fo Technology.

Robert Heilbroner, Graduate Faculty, New School for Social Research.

Suzanne W. Helburn, Dept. Of Economics, University of Colorado.

E. K. Hunt, Chair, Dept. Of Economics, University of Utah.

David Kotz, Economics Department, University of Massachusetts.

Robert Lekachman, New York University.

Peter M. Lichtenstein, Dept. of Economics, Boise State University.

Ann Markusen, University of California—Berkeley.

Mr. Ray Marshall, L.B.J. School of Public Affairs, University of Texas,

David D. Martin, Business Economics & Public Policy, Indiana University School of Business.

Ken Mericle, University of Wisconsin.

Mr. Larry Mischel, School for Industrial and Labor Affairs, Cornell University.

David Moberg, In These Times.

Leslie Nulty, Research Director, United Food and Commercial Workers.

Carol O'Cleireacain, AFSCME, District 37.

Peter Philips, Economics Department, University of Utah.

Michael Piore, Department of Economics, M.I.T.

Michael Podursky, Department of Economics, University of Massachusetts.

Mr. Leonard Rapping, Dept. of Economics, University of Massachusetts.

Michael Reich, Department of Economics, University of California.

Jack Russell, Office of Policy Development, Michigan Department of Commerce.

Ronald Seeber, Cornell University.

Derek Shearer, Occidental College.

Stephen C. Smith.

Hal Stack, Wayne State University, Weekend College Program.

Jaroslav Vanek, Department of Economics, Cornell University.

Paula B. Voos, Ass't Professor of Economics and Industrial Relations, University of Wisconsin—Madison.

Howard Wachtel, American University.

Charles Webster, Federal Reserve Bank of Kansas City, Research Department.

Nat Weinberg, UAW Special Projects Director, Retired.

Tom Weisskopf, Department of Economics, University of Michigan.

Mr. MARRIOTT. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Utah.

Mr. MARRIOTT. I would just like to rise in opposition to this bill and say that normally a good indication of how well a bill is needed is what our constituents say.

I have not had one of my constituents, one of my domestic car producers lobby me in favor of this bill. To the contrary, statistics I have show that in 1983 auto sales were about 10.4 million and that is going to be over 14 million in sales in 1984.

The automobile industry employment is increasing by 85,000 this year. Chrysler is showing a tremendous profit, and it is estimated that Chrysler, Ford, and GM will have a combined profit of over $5 million.

I am hearing good things from my automobile people, and I do not see any need for this bill. This is a misguided piece of legislation. It is not in tune with the free enterprise system. It does not spur competition. It is the kind of a bill that really goes against the grain of all of us who are pushing for free enterprise and competition in this country.

There will be a loss of U.S. jobs. There will be less incentive to produce a cheaper, better automobile. There will be a higher increase in automobile prices, from $300 to $800 per car just in 1984.

I do not see what the need of this bill is, so it must be something deeper.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. OXLEY) has again expired.

(On request of Mr. FORD of Michigan and by unanimous consent Mr. OXLEY was allowed to proceed for 2 additional minutes.)

Mr. OXLEY. I yield to the gentleman from Utah.

Mr. MARRIOTT. It must be something deeper than what most of my people out in Utah are thinking.

Mr. OXLEY. I would just simply comment and then be glad to yield, my only comment to the gentleman from Michigan is that it is one thing to talk about bargaining chips. It is quite another to use the American consumer as those bargaining chips, and that is indeed what we are doing if we pass this legislation.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I will be happy to yield to my friend from Michigan.

Mr. ALBOSTA. I appreciate the gentleman yielding.

I used the reference of bargaining chip simply in the context of the fact that the President of the United States certainly would not disagree that we can destroy the world 10 or 12 times over with the nuclear bombs we have now and the missiles to carry them. We just wanted to make it a little bit more difficult for the Soviet Union at the Geneva talks and we wanted to try to persuade them in reference to what I said.

I simply said that this becomes a very good bargaining tool in trying to get the Japanese to give us fair trade, in trying to get the Europeans to give us fair trade. So if we are going to deal in fair trade, then we ought to have fair trade all over. It should not be just fair trade with us.

Mr. OXLEY. I will reclaim my time simply to ask the gentleman from Michigan then is he saying then that this bill has no chance of passing and indeed the only really attractive part of this bill on the floor of the House today is the fact that we will never pass it and have it become law; is that what the gentleman is saying?

Mr. ALBOSTA. No; that is not so at all. What I am saying is the MX missile bill, the Defense bill passed today, and it had the MX in it, it has the cruise in it, it has the B-1 bomber in it.

What I am saying is let us pass this legislation. Let us put it on the books and let us see if it is not a bargaining chip and get free, fair trade with all of the nations of the world.

Mr. OXLEY. And then we can repeal it?

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. OXLEY) has again expired.

(On request of Mr. MARRIOTT and by unanimous consent Mr. OXLEY was allowed to proceed for 2 additional minutes.)

Mr. MARRIOTT. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Utah.

Mr. MARRIOTT. It just seems to me the problems we have in this country are not associated with these types of protectionist bills. For our automobile industry to succeed we need more prudent management, we need labor and cost benefits in relationship to productivity. We need to build a better automobile at lower prices and then I think we will force people in this country by doing that to buy U.S.-made automobiles.

I would simply want to again make the point that in the name of free enterprise and competition let us vote down this bill. We all know what we are going to do. I do not think we have to continually go on with all kinds of destructive amendments. Everyone knows their position on this bill. Let us have a vote. The President is going to veto the bill anyway.

It seems to me we ought to have a vote and get on with it.

Mr. OXLEY. I thank the gentleman and I yield back the balance of my time.

Mr. OTTINGER. Mr. Chairman, we have devoted a long time to this amendment and I think we would all like to make progress on the bill, so I ask unanimous consent that all debate on this amendments and all amendment thereto end in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. ROBERTS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was agreed to will be recognized for approximately 1 minute each.

The Chair recognizes the gentleman from Pennsylvania (Mr. GAYDOS).

Mr. GAYDOS. Mr. Chairman, it has been stated on two or three occasions that this is a consumer bill.

Let me suggest to my friends on the other side supporting this amendment, and also repeatedly stating the consumer aspect, that the facts show that 850,000 Subarus have been sold in the United States since 1977, and 874,000 have been recalled; 84,000 of the 1980 models were recalled. That was to keep the seats from falling over. And 43,000 of the 1981 and 1982 models were recalled to keep the steering wheels from coming off.

The point I am making is that they are always talking about consumer legislation and it is unfair. They make a better car and we cannot compete.

The facts indicate that is not true.

(By unanimous consent, Mr. COATS yielded his time to Mr. DANNEMEYER.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Chairman, I would simply point out when we were talking about consumerism, it seems to me the height of arrogance for this Congress to tell the American people what kind of car they can buy, how much they have to pay for it, because really that is what we are talking about in this legislation.

We should not turn our backs on the consumers of this country, but allow the consumer to make his own decision in the marketplace as he has done so well over the years and let him decide, and not have to tell him what kind of automobile he can buy.

I think that really is the bottom line here. I think that is why you will see a substantial negative vote on this legislation because it really is not in the best interests of the consumer and it certainly is not in the best interest of the country, as our friend from Florida so ably pointed out.

I yield back the balance of my time.

□ 1630

(By unanimous consent, Mr. FORD of Michigan yielded his time to Mr. HERTEL of Michigan.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HERTEL) for 2 minutes.

Mr. HERTEL of Michigan. I thank my distinguished colleague very much.

Mr. Chairman, you know we just finished the Defense appropriations bill. With the world situation, we are all very concerned about the defense of this Nation.

Let me let all of you know that the auto industry, the steel industry and others are the backbone of the defense industry of this country.

Detroit used to be known as the arsenal of democracy. The reason we won the Second World War was because the people in the auto industry and related industries were ready and prepared and strong enough to move ahead and rearm America sufficiently.

Some people want to rely on the Japanese having a bigger slice of domestic car sales in this country. Let me tell them the Japanese Government is not even willing to defend its own nation; we are doing that; they are not paying their fair share.

Let me tell them so that they can understand that our domestic automakers want to go worldwide so they can have more jobs in other countries.

Let me tell them that will weaken our Nation again if we allow American automobile companies to build overseas.

Who is going to buy the cars if we do not pay people a decent wage so that they are employed? Who is going to buy cars? What shape will this economy be in then as bad as it is now?

The fact is we have over 300,000 Americans in the auto related industries unemployed. Their families are suffering. They are concerned about the future.

I have been here 3 years and I have yet to hear any alternatives to the domestic content bill, alternatives that could work, that will send the message to the Japanese to let them know that we are not afraid to stand up and protect our industries as they have protected their industries.

We do harm to our economy in the eyes of the world when we are afraid to stand up for our own working people and our own ability. I ask you to vote against this amendment and for the bill.

(By unanimous consent, Mr. FRENZEL yielded his time to Mr. ROBERTS.)

(By unanimous consent, Mr. ROBERTS yielded his time to Mr. DANNEMEYER.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. LEVIN) for 1 minute.

Mr. LEVIN of Michigan. Mr. Chairman, I say to those who oppose the proposal, that what you do is to conjure up the argument that those who are for this legislation are giants. The reason the giants, so-called, are for this is because of the people they represent.

I went door to door last year and met people with 15 and 20 years of seniority who were laid off. They are the ones asking for this legislation, people who want a job, people who want to put bread on the table.

And the only alternative we have heard in terms of the auto industry is to continue the long-term unemployment for tens of thousands of people in this country who want nothing more than to work and to work with their hands.

And you have an obligation, if you do not like this, to suggest something else and you also have an obligation to refrain from conjuring up wrong images of those who support this.

(By unanimous consent, Mr. Dingell yielded his time to Mr. Levin of Michigan.)

(By unanimous consent, Mr. Albosta yielded his time to Mr. Levin of Michigan.)

The CHAIRMAN. The gentleman from Michigan (Mr. Levin) is recognized for 2 additional minutes.

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. LEVIN of Michigan. I will be glad to yield.

Mr. COATS. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman misunderstands. We are not attempting to take jobs away from anyone. What we are saying is that the impact of this legislation will adversely affect those of us who represent farmers and other manufacturers who depend on exports. So to protect one industry, other industries are hurt.

Mr. LEVIN of Michigan. All right, I understand that.

You can come before this Congress and present legislation that will provide job opportunities for farmers and for other people in this country but this Congress has an obligation to respond to the needs of the tens of thousands of automobile workers who want nothing more than to provide an opportunity to eat and to live in decency for their families.

You have tens of thousands of people who have been laid off, as I said before, not for days, not for weeks, but for months and for years.

They receive nothing but silence from the White House and nothing but silence from many of you, and what you do is to try to turn the issue. You deflect it by saying, "Well, what about the farmer? What about this person? Or what about that person?" And we, with dignity and force, stand up here not for any organization, please do not conjure that up, we stand up for the tens of thousands of people that we have met who want out of this country something but slogans and something but negativism. And this legislation, what it does is to say to companies in this country and outside of this country, "If you want to sell here, you produce here and provide the people of this country who want to work, with a job." That is what it is all about.

I strongly urge, with force, that we stand up and pass this legislation and then the ball will be over in the Senate, whether they want to do anything but say "no" to the American worker.

(By unanimous consent, Mr. Walker yielded his time to Mr. Dannemeyer.)

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. Bonker.)

Mr. BONKER. Mr. Chairman, the fact is that our domestic economy is no longer sufficient to meet our growth needs in the future and as this whole debate illustrates, we are in a fiercely competitive world economy, with Japan and other countries challenging our preeminence.

The United States used to have 18 percent of world markets; that has now declined to 12 percent. When you measure our export performance as to GNP, we are sadly lacking behind other countries.

But the answer is not domestic content. The answer is to remove the impediments in the way of our potential exporters. The answer is to find positive incentives for exporters so we can compete more fairly and effectively in world markets. If we proceed with protectionist legislation, we only invite that kind of retaliatory action in other countries.

Let us approach this problem positively and develop the policies like the Export Trading Company legislation, reciprocity legislation and other things being developed by this Congress to make the United States more competitive in the world marketplace.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Lent).

Mr. LENT. Mr. Chairman, one fact that the advocates of this legislation continually seem to ignore during this debate is that this legislation is a jobs loss bill. The fact is that it would not put a single unemployed auto worker back on the job either this year or next year.

An independent analysis of the legislation prepared by the Congressional Budget Office, the Commerce Department, the Wharton Forecasting Association, have all concluded that it would eliminate far more American jobs than it would ever create.

CBO indicated it would mean a loss of 67,000 American jobs; Wharton estimated a net loss of 365,000 American jobs.

Now, I think it is one thing that the proponents have failed to acknowledge, the debilitating effects that this legislation would have on the American economy.

I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Dannemeyer) the author of the amendment, for 5 minutes.

Mr. DANNEMEYER. Mr. Chairman, the consumers in my State of California over the last decade voted with their purchases, you might say, of automobiles and they have, with those votes, purchased about half of the automobiles foreign made in California.

When I talk to my constituents and find out why, I initially thought it was related to price. That is a major factor but it is also related to quality. I do not believe it is in the interest of my consumers in California for me in this House to add a tax on to them for the cars they purchase of anywhere from $300 to $1,000 to save the wage differential now enjoyed by the United Auto Workers in this country. That is the reason for the amendment I have offered.

I think we all believe in truth in lending and truth in labeling; that is the spirit in which this amendment is offered. If it is a fish, label it a fish, if it is a duck and quacks like a duck, label it a duck. This is a turkey, we have not been calling it a turkey, but in this instance that would be a little facetious so I am offering the closest thing that I have been able to figure out which correctly and adequately labels this bill; namely the United Auto Workers Wage Differential Protection and Anti-Auto Consumer Act of 1983.

□ 1640

This measure also marks an historical change between the two great parties in this country, because historically in the 200 years' history of our Republic, the Democratic Party, the great Democratic Party, has flown the flag of free trade. And it has been the Republican Party that has been flying the flag of protectionism. And this major change, major difference between the two great parties was manifested last December when we voted on this measure, when 74.7 percent of the Democrats voted for it, and 74.7 percent of the Republicans voted against it.

My colleagues have heard me make this remark before, but I think it deserves mentioning time and time again. The Republican Party carried the flag of protectionism in this country in 1930 to its disaster, really. In 1930 we adopted the Smoot-Hawley Tariff Act to protect American agricultural products from foreign competition. And Congress responded to that pressure and adopted the Smoot-Hawley Tariff Act and thereafter we had a substantial downturn in national trade, which led to the Great Depression.

And today in the 1980's my Democratic colleagues are the ones that are flying the flag of protectionism in America. And since we are all charitable people here, I can only conclude, and I only hope for my Democratic colleagues, that flying the flag of protectionism in the 1980's will do for them what flying the flag of protectionism did for the Republican Party in the 1930's.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. OTTINGER) to conclude debate.

Mr. OTTINGER. Mr. Chairman, I urge the defeat of this amendment. I do not think it is really a seriously intended amendment, but one intended to raise some of the issues.

As I indicated, the biggest consumer organizations in the United States support this legislation. They believe, as I do, that there would not be retaliation, that Japan will in fact invest in the United States. We will have more companies producing quality automobiles in the United States at lower prices. That will be of ultimate benefit to the consumers.

I would like to point out on the free trade question, I have always been a champion of free trade, but one has to take a look at the realities that exist in the world.

When you have Japan effectively limiting to the point where the prices are double what they are in the United States, the imports of beef and citrus, leather, egg products, cigarettes, where you have standards that keep out naphtha petroleum, petrochemicals, you do not have free trade. The only way you will get there is by strong legislation of this kind.

I urge defeat of the amendment and passage of the bill.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. DANNEMEYER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: On page 27, after line 10, insert the following new subsection:

"(c) INAPPLICABILITY OF RATIOS IN THE CASE OF PRESIDENTIAL PROCLAMATION.—Ratios determined under this section shall have no effect with regard to a nation in the event that the President issues a proclamation not less than ninety days before the first day of the model year stating that that nation is not imposing unfair restrictions against the entry of United States products into its domestic market."

Mr. DINGELL. Mr. Chairman, I reserve a point of order against the amendment.

Mr. OTTINGER. Mr. Chairman, I also reserve a point of order against the amendment.

Mr. GLICKMAN. Mr. Chairman, I will try to make this brief because I believe that there is some problem with the germaneness of this amendment, but I would like to press it anyway right now.

This is a reciprocity amendment. The amendment would allow waiver of domestic content ratios in the bill in the event that the President determines that the nation in question, whether it is Japan, whether it is England, whether it is Mexico, Canada, whatever, is not at that time imposing unfair trade restrictions against products from the United States being marketed in its domestic market.

The concept is very straight forward in that it would mean simply if you do not treat us unfairly, we will not restrict your access to our automotive markets.

In the case of the Japanese, it seems apparent that there are currently a good number of restrictions imposed on a wide range of U.S. products and services. Many are cited in the Energy and Commerce Committee report.

Under this amendment, the Japanese could then extricate themselves from the imposition of domestic content ratios if—and I say if—they eliminate those trade barriers against U.S. products to the President's satisfaction. Otherwise, the restrictions would go into effect as provided for under the bill.

And I would tell my colleagues this, the bill as currently prepared is unacceptable to me because it is an indirect way of trying to get at reciprocity. And in doing so I think that we mess up the whole question of our relationships with Japan, not being straight with them, trying to send signals, as my colleague from Michigan (Mr. HERTEL) just said. The Japanese do not need signals. They need to know exactly what we are going to do.

I admit this amendment is not perfect, but the whole concept of the amendment is straight forward. If you restrict our access to your markets, we are going to impose restrictions on your products.

I think that is the kind of thing that I have heard gentleman from the other committees talking about before. In that way at least we can be treating all of our products alike, that we will not be spearheading the effort against those things that Japan is currently importing from us and hurting that possibility that we want to continue to sell agricultural products overseas and the other products in the Japanese market.

So, again, this is a straight reciprocity amendment. I offer it because I think that it is an intellectually honest way of approaching what the Members in this bill are trying to do.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York (Mr. OTTINGER) insist on his point of order?

Mr. OTTINGER. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York (Mr. OTTINGER) is recognized on the point of order.

Mr. OTTINGER. Mr. Chairman, this amendment makes ineffective the content provisions of H.R. 1234 with regard to a nation if the President issues a proclamation that such nation is not imposing unfair restrictions of any kind against entry of U.S. products, not just automobiles, into the domestic market.

The amendment to be in order must be germane to the committee substitute. The substitute relates to an injury suffered by the domestic auto industry and its workers due to auto imports sold in interstate commerce in the United States and establishes a content level for the sale of autos in such commerce.

It is not a general trade bill. It does not relate to other U.S. products, such as beef, citrus, baseball bats, high technology products—which in fact Japan does exclude.

The purpose of the substitute is to remedy the injury with respect to automobiles.

The amendment's purpose is to halt the content level on a nation by nation basis, contingent on the President finding that each nation is not imposing unfair restrictions on any kind of other product, be it citrus, beef, or whatever.

To be germane, the amendment must meet the fundamental purpose test. This amendment does not.

Also, it must not contain an unrelated contingency, as noted by the chairman on December 15, 1982, at page H 9879, concerning H.R. 5133. This amendment does contain such a contingency.

The amendment is not confined to trade in autos. It covers a broad range of products. It does not relate to the general subject matter of the substitute.

And, therefore, I urge the point of order be sustained.

Mr. GLICKMAN. Mr. Chairman, I will do my best to try to argue with that extraordinarily good defense of the gentleman's point of order.

Mr. Chairman, I think, one, the bill might make reference to things in a generic concept outside of automobiles, but the ramification of this bill would definitely affect other sectors of the economy. And, therefore, I think that the amendment is germane on that ground.

The bill was referred to the Ways and Means Trade Subcommittee because of trade implications. Hence, changes to address those issues should be allowed on the floor as well.

The amendment would not alter any other statutes and it merely adds flexibility in implementing quotas. I would add that under the committee bill the President has significant responsibilities in that bill. And this amendment merely adds some additional responsibilities to the President.

□ 1650

And if this kind of corrective amendment cannot be added, I might just personally add that the bill should be defeated.

Mr. OTTINGER. Mr. Chairman, let me just respond, if I may, to a couple points.

The President does not have responsibility under this bill. We felt that giving the President discretion would be the equivalent of not passing the legislation, so we have prescribed the formula.

The bill would have been referred to the Ways and Means Committee, regardless, for sequential referral, dealing, as it does, only with automobile trade. It has no implications with respect to wider trade implications.

Therefore, I urge that the point of order be sustained.

Mr. GLICKMAN. Mr. Chairman, while it is true that on its face the purpose of this bill is to remedy automobile ratios and quotas, I think that the intent of the bill, judging from all of its proponents, is to slap some of our trading partners with respect to all products that are involved in trade and, therefore, I think that the intent of the amendment is germane.

The CHAIRMAN (Mr. Panetta). The Chair is prepared to rule.

The bill that is before the Committee deals with domestic content with regard to automobiles. It does not deal with broader trade issues that affect all other products.

The amendment that the gentleman from Kansas has introduced in its language provides:

> Ratios determined under this section shall have no effect with regard to a nation in the event that the President issues a proclamation not less than 90 days before the first day of the model year stating that that nation is not imposing unfair restrictions against the entry of U.S. products into its domestic market.

It is the position of the Chair that that opens it up to all products and, therefore, extends it beyond the subject matter that is contained within the bill.

In addition to that, the Chair would cite the precedent of the House that an amendment is not germane if it makes the effectiveness of a bill contingent upon an unrelated event or determination.

It is for those reasons that the Chair sustains the point of order.

Are there other amendments to the bill?

AMENDMENT OFFERED BY MR. COATS

Mr. COATS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Coats: Page 36, after line 4, insert the following:
>
> SEC. 11. INEFFECTIVENESS OF ACT IN CASE OF COMPENSATION BY, OR RETALIATION AGAINST, UNITED STATES AGRICULTURAL OR OTHER INDUSTRIES
>
> Notwithstanding any other provision of law, neither the Secretary nor any other party shall take any action under this act if the implementation of any provision of this Act either—
>
> (1) would violate the obligations of the United States under the General Agreement on Tariffs and Trade and could therefore result in retaliation by another country; or
>
> (2) would entitle any other country to compensation from the United States in the form of reduced restrictions on imports of agricultural, industrial or other products from other countries or to retaliation against the United States in the form of increased restrictions against exports of agricultural, industrial or other products from the United States.
>
> Notwithstanding any other provision of this Act, the United States district court for the appropriate judicial district shall have jurisdiction to resolve disputes arising under this section.

Mr. DINGELL. Mr. Chairman, I reserve a point of order against the amendment.

Mr. OTTINGER. Mr. Chairman, I reserve a point of order against the amendment.

Mr. COATS. Mr. Chairman, many of the Members of this body remember the eloquence with which Mrs. Fenwick of New Jersey offered an amendment when this bill was last before us. Mrs. Fenwick's amendment was adopted, and I think rightly so, because it simply said that if this act, H.R. 1234, were found to violate the provisions of the general agreement on tariffs and trade that this country has entered into with other countries around the world, then the act would not be effective. And that amendment passed.

GATT is a binding obligation on the United States. It is an executive agreement negotiated by the President under the authority granted by the Congress under the Trade Agreements Extension Act of 1945 and a binding international obligation.

Domestic content, in my opinion and in the opinion of many who have studied this, directly violates GATT in a number of ways, and we can get into that. But the crux of the argument is this: The basic argument against the domestic content bill is that it will involve retaliation by other nations and that retaliation will in turn cost Americans jobs, it will cost this country exports, it will result in a trade war that will not benefit any Americans. And so under the guise of protecting the automobile industry workers, one particular industry, we end up costing many, many more Americans jobs throughout this country.

I have spoken many, many times on this floor and in committee about the effects of that retaliation. It is going to affect farmers dramatically, and Members have received a letter from the Farm Bureau, the National Grains, the Secretary of Agriculture, and others, that fear direct retaliation.

Members should observe the amount of agricultural exports each particular State makes around the world, and I have a list here that shows the leading State of Illinois with $3.3 billion of agricultural exports in 1982, followed by Iowa, also over $3 billion, but not just the farm States, California $2.8 billion, Texas $2.6 billion, and on down the line many, many States exporting valuable agricultural products, yes, to Japan, in a value of over $6 billion a year.

Not only those industries but a long, long list of other industries that actively oppose the domestic content bill because they fear retaliation, industries that are in the forefront of leading this country out of the recession and leading us into the next century, the aerospace industry, the Electronics Association, Caterpillar Tractor Co., makers of machinery, Computer & Business Equipment Manufacturers Association, retail merchants, semiconductor industries, all of these industries that are looking to the future and fearing this type of retaliation.

Because of the fear of retaliation, because H.R. 1234 violates GATT, and because under GATT those countries then have the legal right to impose restrictions on the United States, to demand compensation in the form of lesser restrictions on imports of their products that we make in this country, and the right to impose higher restrictions on the exports of U.S. products, the issue becomes very critical and very real to us.

So we have to make a determination, in my opinion, as to whether or not H.R. 1234 violates GATT, because if it does, this country, the workers of this country, the industries of this country, the future of this country will be severely impacted. It will result in not a gain of jobs but a net loss of jobs, as the Congressional Budget Office indicated.

That is why so many groups, the League of Women Voters, the American Association of Retired People, many consumer groups, and all these industries have come out in direct opposition to H.R. 1234 because they see it as a well-intentioned but narrowly drafted piece of legislation directed to try to save one industry at the expense of other industries.

Now, there are alternatives. Someone stood up and said, "Well, what alternative do we have? This is all we have."

We have pieces of legislation in this Congress. I attempted to offer in the Energy and Commerce Committee a reciprocity bill that addressed the question of subsidies and dumping and addressed the question of our access to international markets. That was ruled nongermane. It seems like every other alternative attempt is ruled nongermane. Why? Because we are trying to protect one tiny bill that impacts directly on one industry but impacts devastatingly on many, many other industries. I have UAW workers in my district that manufacture products other than automobiles that are sold overseas, and they fear retaliation and the cost of jobs. So it is not just a monolithic type of thing to save one particular union. We are in a world of international trade. This country depends on that.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. COATS) has expired.

(On request of Mr. LAGOMARSINO and by unanimous consent, Mr. COATS was allowed to proceed for 2 additional minutes.)

Mr. COATS. Mr. Chairman, it is important that we recognize that we are, as the gentleman from Florida said, looking out for the good and the benefit of all Americans.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. COATS. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for offering this amendment and for his remarks on the amendment and on the legislation itself.

With the success of President Reagan's policies in bringing about strong economic recovery this year, many of the possible arguments for supporting domestic content legislation have vanished.

Sales of domestically made cars are up substantially from 1982. The increase in this calendar year alone is about 16 percent. The U.S. auto industry in September was operating at over 80 percent capacity compared to slightly over 35 percent at its low point last year. This improvement is reflected in substantially falling unemployment levels in the industry. In short, many of the reasons for this protectionist legislation no longer exist.

Furthermore, such legislation undermines our ongoing efforts to break down trade barriers around the world to assure the unhindered flow of American produced goods and services into foreign markets. The comparable imposition of such domestic content requirements on our goods abroad would greatly hinder American exporting and marketing opportunities.

As President Reagan undertakes crucial and difficult negotiations with our Japanese friends in Tokyo later this month, such legislation as we consider today hinders those efforts to eliminate quotas and problematic tariff and nontariff barriers for American manufactured goods, services and American agricultural products.

I urge my colleagues to oppose this unnecessary and counterproductive legislation.

□ 1700

I do not want to prejudge the Chair in terms of the germaneness of the issue, but I would like to point out that should the Chair rule that it is not germane, it may not be in the eyes of the Chair, but it is certainly germane in farm country.

The gentleman has gone down the list of the top 30 States that are involved in exporting in regard to our products, and I am talking about our farm products. There are $6.6 billion worth of agricultural products involved here last year, $1.8 billion in corn, $1.1 billion in soybeans, $615 million in wheat, $504 million in cotton, $225 million worth of leather for hides, and $302 million for tobacco.

I do not mind folks talking about jobs and about revitalizing industry. I think all of us are for that. But I wonder at whose expense this is incurred. Who actually incurs the expense? It has been pointed out by other colleagues that we are actually endangering 365,000 jobs in the export business, and it is going to cost consumers another 10 percent on their sticker price. Talk about sticker shock; we are in for a real surprise.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. COATS) has expired.

(On request of Mr. ROBERTS and by unanimous consent, Mr. COATS was allowed to proceed for 1 additional minute.)

Mr. ROBERTS. If the gentleman will yield further, I am a little disturbed that there are people who should know better, who I would refer to as "aggies," or people who have agriculture interests here, who want to send a message to Japan, and that is what this bill is all about. It is simply a message.

They talk about rolling the dice and sending a message that they can understand. I would prefer, I think, to work it in an atmosphere of calm and reason, and under the GATT agreement we ought to negotiate, we should not retaliate; we ought to negotiate, we should not violate. That is exactly what this bill does.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. COATS. I would be glad to yield to the gentleman from Michigan.

Mr. ALBOSTA. I thank the gentleman for yielding.

Mr. Chairman, I think it is a very important issue that the gentleman touches on and that my good friend, the gentleman from Kansas has touched on, whether or not we are going to interfere with exports of agricultural commodities. There is no one in this House who stands for exporting agricultural commodities any more than I do, and I still stand for this legislation. I do it for a reason.

Japan buys a lot of our commodities, and when soybeans drop to $5 a bushel in this country, Japan still charges its processors the rate that the crop is supported at in the country of Japan. We do not sell more commodities because we lower the price, not one bushel more; nor does it benefit the Japanese people. Neither does it when they buy a bushel of wheat, because they charge that price to that processor to make that loaf of bread or to bake those biscuits that they have, in turn, taken the funds between what they bought it at here and what they sold it at to their processor and put it into their general fund to do such things as support their automobile production and manufacturing.

That is not fair trade. That is unfair trade. I think it is very important that we remember that we are not going to lose that agricultural market.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. COATS) has again expired.

(On request of Mr. ALBOSTA and by unanimous consent, Mr. COATS was allowed to proceed for 5 additional minutes.)

Mr. ALBOSTA. Mr. Chairman, if the gentleman will yield further, I think it is very important to remember that the Japanese people have not benefited from the low prices of our agricultural commodities. The Government of Japan has benefited from those low prices. We have to do something in this country not only to straighten out that difference that exists there, but the difference that exists in their automobile production simply because we are giving them millions, hundreds of millions of dollars, and parhaps billions of dollars, in their agricultural imports to put into their general fund so that they can expend that to produce cars cheaper to sell them over here.

Mr. COATS. Mr. Chairman, if I may reclaim my time and respond to the gentleman, I think two points are to be made here.

No. 1, the fact is that regardless of what the Japanese do in terms of the sale price on the product that they import from the United States, the fact is that $6.6 billion worth of agricultural products from the United

States was imported by Japan last year, and that $6.6 billion went to not only U.S. farmers, but all the people who derive a benefit from the farmers spending the money.

The second point is, I would agree with the gentleman that we do need to address the problem of fair trade with Japan. I have attempted to do that. I have introduced legislation, I have supported reciprocity legislation. We do not need to close the doors to Japan, we need to open the doors to Japan.

H.R. 1234 closes the doors. Reciprocity legislation, fair trade legislation, would open the doors and allow us to deal more not only with Japan but with nations throughout the world.

Mr. ALBOSTA. Mr. Chairman, if the gentleman would yield further, I do not think this legislation closes the door to Japan. The companies can move over here. They can build their products over here.

That signal, I believe, is going to be the strongest possible signal that we can send to Japan today, primarily because Japan is not treating us fairly in other areas. If they would treat us fairly, we can be competitive in producing automobiles, we can be competitive in producing anything that the world wants that we have a resource for. I do not fear that one bit, and I believe in free trade, but it has got to be fair.

I think the issue that we have here should not be one that we are addressing that we are going to lose those markets. I believe that is the wrong signal to send to other Members of Congress today on this particular piece of legislation, because we are not going to lose those markets. Japan is making money on agricultural products that they import and they are using that to subsidize their automobile industry.

Mr. COATS. I thank the gentleman. The gentleman and I share a common interest in getting our trade on a fair and level basis. We disagree as to the vehicle which accomplishes that. I think the concerns that have been raised by many in terms of retaliation indicate that this is the wrong vehicle and we ought to be pursuing other methods of legislation.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. COATS. I would like to yield to the gentleman from Texas.

Mr. STENHOLM. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana. As they say back in the Texas Legislature, "This is a bad ol' bill."

We can stand here for hours and argue the legal nuances of whether imposing domestic content requirements will violate the General Agreement on Tariffs and Trade (GATT) Treaty. But we do not have to speculate about the results of passing this kind of bill: This is the kind of action that does provoke retaliation.

I will give you a case in point: Earlier this year, the Reagan administration was unable to reach agreement with the People's Republic of China over imports of Chinese textiles into the United States and imposed a quota instead. What was the Chinese response? They scaled back their purchases of U.S. grain and American farmers lost about $500 million in wheat sales, and I ask how many jobs were lost in that one instance. Despite a minimum purchase agreement with this country, China will probably purchase only about 4 million tons this year, less than half of what they bought in 1982.

When you pick a fight, someone will retaliate. And the results of that retaliation will be widespread. Using the 1982 value of agricultural exports, here is the export volume we are putting at risk in some of our States:

Top 30 States exporting agricultural products against whom retaliation will occur due to H.R. 1234

State:	[1] *1982*
(1) Illinois (billions)	$3.3
(2) Iowa (billions)	3.0
(3) California (billions)	2.8
(4) Texas (billions)	2.6
(5) Minnesota (billions)	1.9
(6) Nebraska (billions)	1.8
(7) Indiana (billions)	1.6
(8) Kansas (billions)	1.6
(9) Missouri (billions)	1.4
(10) North Dakota (billions)	1.3
(11) Arkansas (billions)	1.3
(12) North Carolina (billions)	1.2
(13) Ohio (billions)	1.1
(14) Washington (millions)	946
(15) Mississippi (millions)	787
(16) Oklahoma (millions)	781
(17) Michigan (millions)	752
(18) Kentucky (millions)	731
(19) Georgia (millions)	706
(20) South Dakota (millions)	655
(21) Louisiana (millions)	626
(22) Colorado (millions)	612
(23) Wisconsin (millions)	592
(24) Montana (millions)	559
(25) Idaho (millions)	551
(26) Florida (millions)	586
(27) Tennessee (millions)	590
(28) Alabama (millions)	481
(29) Oregon (millions)	423
(30) Arizona (millions)	404
Subtotal (billions)	35.7
Total United States (billions)	39.1

[1] Value of agricultural exports.

In other words, the stakes are big, and the risk is widespread. Thirteen States in 1982 had agricultural exports valued at over at $1 billion. Thirty States each had agricultural exports valued at over $400 million.

Ambassador Mike Mansfield has called the domestic content bill "a dangerous form of protectionism * * * (that) could bring about retaliation." Under article XIX of the GATT Treaty, retaliation can occur even if this bill is GATT-legal. Secretary of Agriculture Block has warned that retaliation against American agriculture "would be particularly severe * * * particularly from the European community and Japan, which together bought $13.8 billion of U.S. agricultural products in 1982, over 38 percent of our total exports of agricultural productrs in that year."

The agricultural groups around the nation that oppose such domestic content requirements are numerous and include:

American Soybean Association.

Grain Sorghum Producers' Association.

International Apple Institute.

MFA Incorporated.

Millers' National Federation

National Association of Wheat Growers.

National Broiler Council.

National Corn Growers Association.

American Farm Bureau Federation

National Council of Farmer Cooperatives.

National Forest Products Association.

National Grain Trade Council.

National Grange.

National Soybean Processors Association.

National Turkey Federation.

Poultry and Egg Institute of America.

Without an amendment such as the one the gentleman is offering, this bill is anticonsumer; it will destroy many, many hundreds and thousands of jobs; it will only make our current trade problems worse; and it will not help the industry it is designed to help. It also does more: It is a direct and provocative invitation for retaliation, with grave consequences likely for American agriculture, that very sector of our economy to which everyone seems to be turning for help with our trade problems.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. COATS) has again expired.

(On request of Mr. FRENZEL and by unanimous consent, Mr. COATS was allowed to proceed for 3 additional minutes.)

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. COATS. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman for his statement and for his amendment, which I think goes to point out one of the real drawbacks of this particular type of bill, the domestic content bill.

I would invite the Chamber's attention to article III in GATT calling for national treatment and prohibiting quantitative regulations, and to article XI, calling for general elimination of quantitative restrictions which, of course, is what we are talking about here.

□ 1710

And then further I cite article XXIII, the nullification or impairment article, in which contracting parties are able to claim compensation when there have been restrictions such as those contained in this bill.

To those people who say our trading partners will not retaliate, I would simply like to inform them that they do have to retaliate. All they have to do is claim compensation under GATT, change the rules, and revoke any arrangements we have with them that allow us to put our products into their countries more easily. I would remind the body also that those products that are going to be affected by compensation are the things that we do very well and can move into Japan or into third country markets in great quantities. These products are agricultural products, airframes, business machinery, computers, and high tech machinery.

So the gentleman's amendment points out the problems with the violation of GATT, that our trading partners do not have to retaliate. They can claim compensation without taking the trouble even to retaliate.

Mr. Chairman, I thank the gentleman for giving this Chamber a chance to consider this very negative aspect of the domestic content bill.

Mr. COATS. Mr. Chairman, I yield back the balance of my time.

Mr. PANETTA. The Chair will inquire, does the gentleman from Michigan (Mr. Dingell) seek to be heard on the point of order at this time?

Mr. DINGELL. Mr. Chairman, I am ready to be heard on the point of order if that is the wish of the Chair.

The CHAIRMAN. The gentleman from Michigan (Mr. Dingell) may proceed with his argument on the point of order.

POINT OF ORDER

Mr. DINGELL. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. Chairman, it is within the rules of the House and the interpretation of the rule of germaneness that the amendment must relate to the purposes of the legislation before the House.

I would observe that the purposes of the legislation before the House are to assure that automobiles will have a certain percentage of domestic content in automobiles which are sold inside the United States. The legislation before the House at this time deals with automobiles and the trade in automobiles inside the boundaries of the United States. The legislation before the House sets up no new causes of action.

There are provisions in the legislation which are essentially disclaimers. The Chair will note that on page 15, in line 5, there is language which relates to disclaimers of an intention to violate GATT and which do not confer any new jurisdiction upon any court in the United States to consider or to resolve conflicts related to GATT or "to alter or amend any law existing on the date of enactment * * *."

I would observe that the amendment is much more broad, and I would like the attention of the Chair with regard to a number of points.

First of all, in the last four lines of the amendment, the language is:

> Notwithstanding any other provision of this Act, the United States district court for the appropriate judicial district shall have jurisdiction to resolve disputes arising under this section.

That is a very broad conferral of jurisdiction upon all of the Federal courts of the United States in their respective judicial districts to deal with disputes. That kind of an amendment would necessarily have either gone initially or sequentially to the Judiciary Committee because of the jurisdiction of that committee relative to disputes and causes of action. I would refer the Chair to the letter which relates to this matter as written by Chairman Rodino on judicial matters.

Mr. Chairman, there are some other points I would like to make concerning the scope and the sweep of this matter. First of all, the jurisdiction conferred upon U.S. district courts would be to determine whether the Secretary had carried out his responsibilities under lines 4 through 7 of the amendment, as to whether the Secretary or any other party had taken any other action under the act if the implementation of any provision of this act—and then it goes on to say this—"would violate the obligations of the United States under the General Agreement on Tariffs and Trade * * *."

So that question would be reviewable. The question would also be reviewable as to whether or not the action of the Secretary would result in retaliation by another country. I would observe than an amendment which is contingent upon some future indeterminate action is also violative of the rules on germaneness.

Beyond this, the question would be placed before the courts upon action by any citizen feeling aggrieved, under the last four lines, lines 19 through 22, as to whether any other country would be entitled to compensation from the United States in the form of reduced restrictions on imports of agricultural, industrial, or other products.

This section confers jurisdiction relative to actions which would be taken in other countries regarding a whole series of other commodities, agricultural, industrial, and whatever they might happen to otherwise be.

In addition to this, it says, "or other products from other countries or to retaliation against the United States in the form of increased restrictions * * *."

So those matters would again be subject to judicial review and independent litigation by any person under the provisions of this amendment.

I would point out further that the amendment says, Mr. Chairman, that the Secretary may not take action to implement the law if it violates GATT. It also says, if it would entitle any other country to compensation from the United States.

Now, in Cannon's, VIII, 3029, it states that an amendment delaying operation of a proposed enactment pending an ascertainment of a fact is germane when the fact to be ascertained relates solely to the subject matter of the bill.

Here the condition to be ascertained, whether the act violates GATT or would entitle another country to compensation, is not germane.

There are general foreign policy questions and concerns that have to be addressed, as in the case of the prior amendment offered by the gentleman from Kansas (Mr. Glickman) and which caused that to be ruled out of order as not germane.

Mr. Chairman, the bill also creates a broad new jurisdiction in the U.S. district court, a form of judicial relief to determine if the act violates GATT. That is, of course, an entirely new provision relating to commodities, agricultural, industrial, or other, which is far more broad than that in the bill.

While this bill does allow the district court to enforce the bill, this is an entirely new form of review and confers a cause of action far more broad than any found anywhere else in the legislation.

Mr. Chairman, I would point out that this would confer broad jurisdiction on private persons to enter the courts of the United States. A provision of this sort would necessarily involve jurisdiction of the committee having jurisdiction over that matter, and that is, of course, the Judiciary Committee.

The CHAIRMAN. Does the gentleman from Indiana (Mr. Coats) wish to be heard on the point of order?

Mr. COATS. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana (Mr. Coats) may proceed.

Mr. COATS. Mr. Chairman, I ask unanimous consent that I may be permitted to revise and extend my remarks.

The CHAIRMAN. The Chair will advise the gentleman that in presenting his remarks on the point of order, he cannot make a request to revise and extend.

Mr. COATS. I will withdraw my unanimous consent to revise and extend my remarks, Mr. Chairman.

The CHAIRMAN. The gentleman may proceed.

Mr. COATS. Mr. Chairman, the committee report issued by the Committee on Energy and Commerce chaired by the gentleman from Michigan (Mr. DINGELL) specifically states in section 2(c), which was an amendment to the bill adopted by the committee, that:

> It is the intent of Congress that this act shall not be deemed to modify or amend the terms or conditions of any international treaty, convention, or agreement * * *.

That alone expands the jurisdiction of the bill beyond specific auto content.

□ 1720

Second, we also adopted an amendment which directed the Secretary of Transportation and the Federal Trade Commission, in fact it mandated a study as to the impact on agriculture. That again expands the jurisdiction beyond what the gentleman claimed in his point of order, that it is auto-specific. It is broader than auto-specific because the bill itself as adopted by the committee contains a direction that a study be conducted of the impact on agriculture and that goes directly to the heart of the amendment that I am offering.

In addition, let me just make a couple comments about the jurisdiction of the courts. In the Energy and Commerce Committee, the bill's proponents offered language which would in effect strip the U.S. courts of jurisdiction to hear disputes under the act. After lengthy debate on this issue, some of that language was withdrawn and the bill now purports to be neutral on juridiction.

This language in the amendment simply makes clear that as is the normal case in any other case, U.S. courts would have jurisdiction under this section to resolve disputes. These matters of conflict between U.S. international obligations and U.S. statutes should be decided by U.S. tribunals and not left solely to international machinery.

So I think it is clear that the amendment before us clearly fits within the bill that we are taking up, that the jurisdiction is broader than just an auto-specific content, as stated by the congressional findings, purpose, and disclaimer, section 2(c) and as stated in section 8(G) on page 33, which mandates a study as to the effect on agriculture by the Secretary of Transportation and the Federal Trade Commission.

For that reason, I urge the Chair to rule against the point of order.

Mr. FRENZEL. Mr. Chairman, may I be heard against the point of order?

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FRENZEL. Mr. Chairman, I am not going to repeat the arguments of the gentleman from Indiana that his amendment is clearly germane to section 2(c) on page 15 of the bill, but I think the Chair's perusal of that section will verify that fact.

The point I would like to add in addition is that when the Chair ruled against the Glickman amendment, it took pains to specifically point out that the effect of the Glickman amendment or its effectuation would take place because of items external to the workings of the bill.

The Coats amendment, on the other hand, would be effectuated clearly by items that are covered by the bill and, therefore, it is, to use a pardonable phrase, "a horse of quite a different color."

The CHAIRMAN. Is there any further argument with regard to the point of order?

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I would just observe that my good friend, the gentleman from Minnesota, has been reading the language of a disclaimer. Never, I believe, in the history of the House has a disclaimer been used to expand the jurisdiction or to expand the purposes or the scope of legislation for purposes of defining whether or not a matter is germane.

Now, if the Chair will refer to the report of the committee, the Chair will find that the disclaimer is constructed, and it says how the disclaimer is to be constructed, and the disclaimer says as follows:

> The subsection also contains a disclaimer that the Act should not be construed to confer new jurisdiction on any Federal court to consider and resolve such conflicts. In short, it states that the Act is not to be construed to confer jurisdiction where none presently exists. At the same time, it declares that the Act does not alter or amend any law existing on the date of enactment of this Act which may confer such jurisdictions on the courts.

Mr. OTTINGER. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from New York is recognized.

Mr. OTTINGER. Mr. Chairman, under the General Agreement on Tariff and Trade, there is an elaborate procedure that is prescribed with respect to complaints under that act. There is no jurisdiction in the Federal courts at the present time that somebody can go in and seek to enforce the provisions of GATT in our courts.

What the bill says on page 15 is that nothing in this act shall be construed to confer jurisdiction.

Were we to have gone ahead and sought to confer jurisdiction, it clearly would have been beyond the jurisdiction of our committee. It would have had to go to the Judiciary Committee. The disclaimer was put in to protect that at the express request of Chairman RODINO.

Therefore, since this amendment does seek to confer jurisdiction which presently is not there, and that is a matter not within the jurisdiction of the bill, I urge that the Chair sustain the point of order.

The CHAIRMAN (Mr. PANETTA). Are there any further arguments with regard to the point of order?

If not, the Chair is prepared to rule.

First of all, the Chair would note that the bill before the House at the present time differs from the bill that was before the House in the last session.

In the legislation that is currently before the House, the committee dealt with the issue of the relationship between this legislation and other law in section 2(c) which states:

> It is the intent of Congress that this Act shall not be deemed to modify or amend the terms or conditions of any international treaty, convention, or agreement that may be applicable to automotive products entered for sale and distribution in interstate commerce and to which the United States, on the date of the enactment of this Act, is a party, including, but not limited to, the terms or conditions of any such treaty, convention, or agreement which provide for the resolution of conflicts between the parties thereto. Nothing in this Act shall be construed (1) to confer jurisdiction upon any court of the United States to consider and resolve such conflicts, or (2) to alter or amend any law existing on the date of enactment of this Act which may confer such jurisdiction in such courts.

Section 2(c) therefore addresses the issue of interpretation of the bill as it applies to treaties, conventions, and other agreements applicable to automotive products.

The amendment that has been offered by the gentleman from Indiana deals specifically with the actions of the Secretary in the implementation of provisions that may relate to treaties, specifically the General Agreement on Tariffs and Trade.

It would appear, therefore, that the amendment does relate to subject matter that has already been introduced in the bill by virtue of section 2(c).

With regard to the court jurisdiction argument, that issue is addressed within the bill, specifically on page 30, relating to appropriate judicial circuits for judicial review and other provisions that relate to the jurisdiction of Federal courts. So the Chair feels that the issue of court jurisdiction has, in fact, been presented within the legislation.

With regard to the disclaimer argument, it is the position of the Chair that if the provision in the bill was merely a narrow and technical disclaimer, then the argument of the gentleman from Michigan might prevail; but since it can be read as an overall provision that relates to the broad interpretation of the bill as it applies to trade agreements, and since the test the Chair must apply is the relationship of the amendment to the bill as a whole, it is the position of the Chair that the point of order should not be sustained.

Is there any further discussion with regard to the amendment?

□ 1730

Mr. GIBBONS. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

First, I want to commend the Chair for the wisdom of his ruling but before I do that, I should commend the gentleman, Mr. COATS, for the great skill of his in crafting an amendment that goes to the heart and the guts of this entire argument.

I frankly did not think that the Chair would rule such an amendment in order, but I want to say, I am delighted that the Chair has made this ruling, because this shows this bill for what it is.

This bill is nothing more than an attempt to put the UAW workers ahead of everybody else in the United States, and the Chair's historic ruling has said, you cannot do it, you cannot do it.

Now obviously if this amendment is adopted, this bill has had the same thing happen to it as if the enacting clause had been stricken, because there is no doubt in my mind or in any reasonable person's mind, that this is absolutely totally a violation of our international agreements, and of our solemn agreements that we have entered into under the General Agreement on Tariffs and Trade.

The whole complexion of this debate has turned. Mr. COATS has struck a body blow to this bill. Frankly, I was ready to vote a long time ago because I did not think anybody could strike this kind of blow. I do not think the proponents of this bill have the votes to pass this bill, and the Coats amendment just makes an honest person out of this bill.

Obviously if we pass this bill, someone has the right to retaliate against us. It could be the Canadians. It could be the Mexicans. It could be the Brazilians. It could be anybody on the face of the Earth that could retaliate against us, and they probably would. They have lost their mind.

The Coats amendments goes to the heart of the argument. If we pass this bill, the UAW vote will be rewarded, but all the people who tend the fields, who raise our crops, who work for far less per hour than the UAW members work for, provide their own capital, take their own risks, would be penalized.

We must adopt the Coats amendment. It is the only thing in this entire legislation that makes any sense. It is the only thing that we can do to play fair with all of the rest of the American economic sector.

I hope that this Coats amendment will be widely supported, that it will be adopted, and that the proponents of this legislation will withdraw this legislation from further consideration of the House.

That is what ought to happen. That is what we ought to be doing. This bill is a bad piece of legislation. It will cost America jobs. It will cause increased inflation in the American economy, because it will make our economy much less efficient.

It will open up all sorts of economic raids against the rest of American industry that has not had the selfishness or the gall or the political muscle to push a piece of legislation this far.

We should not in our desire to punish the Japanese hurt America. That is what the argument is all about. I hope the Coats amendment will be adopted, and that the bill will be withdrawn. If not, it will be defeated.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

This is a very mischievous amendment today, because it would for the first time throw determinations under the General Agreement on Tariffs and Trade into the courts. It was for that reason that we felt very strongly that the amendment was not germane.

The General Agreement on Tariffs and Trade is not a treaty. It is an agreement, and it sets up a very elaborate procedure whereby if a country feels that a particular action by another country violates the agreements that have been made thereunder, the country who feels aggrieved can take this to a commission, and the commission can make a determination. If it makes an adverse determination, the country that was determined to have been discriminated against can propose retaliatory measures. It is not the kind of a determination that lends itself to court proceedings.

Furthermore, in the legislation itself, we specifically addressed this time, as the chairman of the committee indicated, the question of possible GATT violation by making the determination that is required thereunder for an exemption, and the first finding under the act is:

> Congress hereby finds that the automotive products are being imported into the United States for sale and distribution in interstate commerce in such increased quantities and under such conditions as to cause, or threaten to cause serious injury to the domestic manufacturers of like or directly competitive automotive products sold and distributed in interstate commerce, and to the domestic workers, producing such products.

That finding is a finding defined exactly in the language again with respect to the exemption for serious injury.

The people on the other side say, you cannot just make the finding, you have to have some substance behind it. Well, there is plenty of substance behind it that has caused this subcommittee and this committee to make the finding that it made, and all of the provisions in this very thick hearing go in fact to substantiating the finding that is made under the act.

We specifically stated in order to be in tune with the Judiciary Committee, and in tune with the existing GATT legislation, on page 15, and I will quote from section (c), page 15, line 5:

> It is the intent of Congress that this Act shall not be deemed to modify or amend the terms or conditions of any international treaty, convention, or agreement that may be applicable to automotive products entered for sale and distribution in interstate commerce and to which the United States, on the date of the enactment of this Act, is a party, including, but not limited to, the terms or conditions of any such treaty, convention, or agreement which provide for the resolution of conflicts between the parties thereto. Nothing in this Act shall be construed (1) to confer jurisdiction upon any court of the United States to consider and resolve such conflicts, or (2) to alter or amend any law existing on the date of enactment of this Act which may confer such jurisdiction in such courts.

The act was intentionally designed by the committee to make the finding that is required by GATT, to substantiate that finding, and to provide that there shall be no new jurisdiction created by the courts which would have violated the jurisdiction of this committee.

To create that jurisdiction now to allow the courts to come in and make these very difficult determinations, how is a court going to decide what kind of retaliation may be justified, what kind of retaliation may not be justified, what statistics justify or do not justify a finding of a violation under GATT? That is not a proper judicial procedure. It is proper procedure under the machinery that was set up under the General Agreement on Tariffs and Trade.

This amendment would create great violation to GATT, great violation to the jurisdiction of the courts and great mischief to proceedings under the General Agreement on Tariffs and Trade, where I am convinced that if a complaint were filed based on the passage of this act—I ask defeat of the amendment.

Mr. HERTEL of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am appalled that this amendment has been offered because, as the chairman, the gentleman from New York, has pointed out, it would say that we are going to allow foreign powers, foreign countries, to decide what this statute means and how this statute should be implemented; and, further, that we are going to specifically allow the U.S. district court to make that determination.

A lot of us think that the court legislates too much. It makes too many decisions and overrules too many decisions of this Congress in present situations. In fact, the intent of this bill, as was pointed out by the chairman, is to say that we have suffered under unfair trade provisions by other nations. Now, specifically the auto industry has suffered in that regard. This amendment would say that other countries under GATT, other treaties, under agreements—agreements, mind you, not just treaties—if they would decide to bog this down, could decide what a law passed by this Congress meant, not the Representatives of the American people. It would not surprise me if this amendment was written by a foreign country because of what it does to this legislation.

It does it, however, severely. It does allow for foreign powers to interpret the laws passed by this Congress. It gives special consideration created under the provision of this act for the U.S. district court to have all jurisdiction to resolve disputes arising under this section.

□ 1740

Specifically, that would allow a foreign power to come under this act and to go into U.S. district court and allow that court to rule against the provisions of this act.

The evidence is clear, and the chairman has pointed out, that there have been unfair trade restrictions placed on the American automobile industry. And I would be very shocked if the Congress of this country would give this kind of power to foreign countries.

Mr. COATS. Mr. Chairman, may I make a point of personal privilege?

The CHAIRMAN pro tempore. (Mr. DELLUMS). The gentleman's request is not permitted in the Committee of the Whole. The gentleman can make a unanimous-consent request to proceed.

Mr. HERTEL of Michigan. Mr. Chairman, I will yield to the gentleman from Indiana (Mr. COATS) because I know he is serious about the amendment.

Mr. COATS. I thank the gentleman for yielding.

Maybe I misunderstood what the gentleman said. I thought I heard the gentleman from Michigan (Mr. HERTEL) say that he would not be surprised if this amendment were drafted in a foreign country. I want to make the gentleman perfectly clear that the amendment was drafted by legislative counsel of the House of Representatives in Washington, D.C.

Now I know a lot of people think Washington is a foreign place and has a lot of strange people running around, but to the best of my knowledge the employees of the legislative counsel in the House of Representatives are American citizens and they are the ones that helped to draft this legislation.

I also want to inform the gentleman that I have not taken any junkets and I am not listed as taking any junkets. I have not been to Japan. I have not consulted with any Japanese or Chinese or Taiwanese or anyone else in the drafting of this amendment.

Mr. HERTEL of Michigan. I will take back my time. I am glad to make the clarification.

My statement was it would appear that foreign powers could have drafted this. I am sure the gentleman, my colleague, had it drafted by the Legislative Service Bureau and I am sure legally they did an excellent job.

What I am trying to point out, though, through this debate is the harm that this would do to our country and the good effect it would have for foreign powers that have hurt trade, domestic trade in the auto industry of America. That is the point I am trying to make, and I clearly do not allege that it was written any place else.

Mr. COATS. I thank the gentleman for his clarification.

Mr. HERTEL of Michigan. But I would say to the gentleman that it was written wrongly and for the wrong reasons because it would benefit foreign powers.

For those reasons I ask the Members to pay attention to this debate on this amendment and to defeat this amendment.

Mr DINGELL. Mr. Chairman, I move to strike the requisite number of words.

I rise to ask some questions of the author of the amendment to try to understand what it does. If I could have the attention of the gentleman from Indiana, the author of the amendment, the amendment, as I read it, confers jurisdiction on the U.S. district court in the appropriate judicial districts to resolve disputes arising under this section.

Does this conferring of power on the U.S. district courts confer power on foreign governments to enter those courts to sue the United States or to sue any other person in a dispute involving the provisions of the section?

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. COATS. That is clearly not the intent of the amendment. I do not think a foreign nation would have any standing to enter the district court for this reason.

This confers jurisdiction and standing to those aggrieved parties in the United States who would, for instance, be representing agricultural exports or other exporters who would be injured as a result of the GATT legal retaliation or demand for compensation by an increase of export duties or decrease to go into court, to address the specific question of whether or not H.R. 1234 violates their rights or has injured them in any way.

Mr. DINGELL. I thank the gentleman. The amendment says:

> Notwithstanding any other provision of this Act, the United States District Court for the appropriate judicial district shall have jurisdiction to resolve disputes arising under this section.

The section, as amended, would relate at line 8, subsection 1, to any actions which would "violate the obligations of the United States under the General Agreement on Tariffs and Trade."

Then, second, which "would entitle any other country to compensation from the United States in the form of increased restrictions against exports of agricultural, industrial, or other products."

Nowhere are the parties who could enter the courts to sue defined.

What I am asking is could that be or is that limited to citizens of the United States? Is it persons who are outside of the boundaries of the United States? Is it foreign nationals inside the boundaries of the United States? Is it foreign corporations outside the United States? Is it foreign countries acting though U.S. attorneys appearing in court on their behalf?

The persons who might enter the courts to sue are nowhere defined in the amendment offered by the gentleman. Now can the gentleman tell me who all is covered here?

Mr. COATS. Will the gentleman yield?

Mr. DINGELL. I am glad to yield.

Mr. COATS. The amendment does nothing more than clarify the existing rights under existing agreements and treaties for jurisdiction in the U.S. district court.

Mr. DINGELL. If the gentleman would permit, that does not respond to my question. My question was: Who are the persons who could go into court to sue under this amendment?

Mr. COATS. All those persons who have rights udner existing agreements or treaties under this act.

Mr. DINGELL. Is that a foreign government who is a signatory to a treaty?

Mr. COATS. No.

Mr. DINGELL. Is it a foreign government who is a signatory of GATT?

Mr. COATS. No.

Mr. DINGELL. Is it a foreign corporation outside of the United States?

Mr. COATS. The gentleman is asking me to make a determination of standing.

Mr. DINGELL. It is not my amendment. The amendment is offered by the gentleman.

Mr. COATS. It is a determination that has to be made by the district court. When a case is filed standing is one of the issues that is before the courts. It is not my intent to determine for the court who shall or shall not have standing under a dispute.

Mr. DINGELL. This is not my amendment. This is the gentleman's amendment. What I am trying to find out—I might want to accept the amendment offered by the gentleman—what I am trying to figure out is who are the people who could run into court to sue.

Now, the gentleman has said that standing is decided by the courts. That may or may not be. The courts are going to look into the debate to find out what the intention of the House and what the intention of the gentleman was in offering the amendment and who he was covering. That is a very important question, and what I am trying to do is to figure out who are the persons who could go in to sue.

Mr. COATS. Will the gentleman yield?

Mr. DINGELL. I am delighted to yield to my friend.

Mr. COATS. The courts would make a determination as to who has standing. The amendment does not address the question of who has standing.

Mr. DINGELL. I concede to the gentleman that the courts will decide who has standing to sue. Now I am asking the gentleman to help me and to help the courts by telling me who those persons are. Who does the gentleman intend to be covered? Does he intend, for example, Japan is covered, so Japan can enter the district court of the United States to sue? If so, the gentleman is conferring jurisdiction on district courts.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

(By unanimous consent Mr. DINGELL was allowed to proceed for 5 additional minutes.)

Mr. DINGELL. I am trying to find out whether the gentleman is conferring jurisdiction on the U.S. district courts to try cases involving the Government of Japan inside the United States against either a U.S. citizen, a U.S. Government official, a private U.S. corporation, or the United States. What I am trying to do is figure out what is the sweep of jurisdiction that the gentleman is conferring now.

Can the gentleman tell me?

Mr. COATS. The gentleman is not presumptuous enough to tell the courts who has or who has not standing under this act. The amendment does not deal with the question of who has standing and I am not going to be so presumptuous as to define who does and who does not have standing. That is an issue to be decided by the court.

Mr. DINGELL. Is the gentleman telling me he does not know who is going to come in and sue under this amendment?

Mr. COATS. That is correct, I do not know. That is a decision that shall be made by the court.

Mr. DINGELL. Let us talk about this here some more. The gentleman confers jurisdiction to resolve, and I am quoting from line 21, confers jurisdiction on the U.S. district courts to "resolve disputes arising under this section."

The Constitution always refers to cases and controversies in the sections relative to the constitutional courts. What is a dispute and what is the difference between a dispute and a case in controversy, and why is the gentleman using the word "dispute" instead of the words "cases in controversy" which are found in the Constitution?

I yield to the gentleman.

Mr. COATS. I think the legislative counsel advised that that was the proper word to use in the drafting of this amendment. And I think it is a matter of interpretation between the gentleman and myself as to whether a claim or dispute or some other word would be the proper word.

□ 1750

I think the intent is very, very clear.

Mr. DINGELL. What is a dispute? Is it a suit for an injunction against the Secretary or against a private person? Is it a suit for damages? Is it a suit for damages by some foreign government because of violation of GATT? Is it a suit which would be started by a foreign government for compensation under the provisions of GATT?

Mr. COATS. If the gentleman will yield further.

Mr. DINGELL. Of course I yield.

Mr. COATS. I do not think we can at this point on the floor of the House of Representatives make a determination as to the type of suit that is being offered, whether it is a meritorious suit, whether it is a frivolous suit, whether the party bringing the suit has jurisdiction—whether the court has jurisdiction to hear it, whether the party has standing.

The amendment does nothing more than clarify the existing rights under existing agreements and treaties.

Mr. DINGELL. Well if the gentleman will permit, the gentleman is clarifying this in a most obscure way.

First of all my good friend from Indiana cannot tell me who can come in and sue; second of all he cannot tell me what they can come in and sue on; third of all he cannot tell me what the disputes are; fourth of all he cannot tell me whether the context of the litigation is matters which relate to treaties, which relate to matters which occur inside the United States or outside the United States.

What I am trying to do is to find out what the gentleman's (Mr. COATS) amendment does.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield to me?

Mr. DINGELL. Mr. Chairman, I have the floor and I would be delighted to yield to the gentleman if he can help resolve the questions that we have.

Mr. GIBBONS. I thank the gentleman for yielding.

Mr. Chairman, I was just going to say to the gentleman from Michigan that he acts like that young scholar we used to talk about in law school, you know. "If you haven't got any facts you argue the law. If you haven't got any law or facts you argue the judge."

Mr. DINGELL. Well, I thank the gentleman, but I want to observe that I am not arguing anything.

Mr. GIBBONS. I understand that. I understand that very well.

Mr. DINGELL. I am just trying to find out what this amendment does.

If the gentleman wants to tell me what this amendment does I will be delighted to yield to him. If he wants to tell funny stories I would be delighted to go back into the cloakroom with him.

Mr. GIBBONS. No, I think this is serious.

The CHAIRMAN. The time of the gentleman (Mr. DINGELL) has expired.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent that the gentleman (Mr. DINGELL) be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FRENZEL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. GIBBONS. Mr. Chairman, I would suggest the gentleman let him have a little more time. He is messing himself up.

Mr. FRENZEL. I am inclined to agree. I think he is doing a good job for us.

Mr. Chairman, I withdraw my objection.

The CHAIRMAN. Without objection, the gentleman (Mr. DINGELL) is recognized for 1 additional minute.

There was no objection.

Mr. DINGELL. Mr. Chairman, I do not seek additional time unless somebody here, like the gentleman from Florida, can clarify the amendment, can answer the questions instead of telling us funny stories.

The CHAIRMAN. The time of the gentleman has expired.

● Mrs. COLLINS. Mr. Chairman, I rise today in support of H.R. 1234, the

Fair Practices in Automotive Products Act. As a cosponsor of this legislation, I sincerely believe that its passage will benefit our economy by helping to balance our trade deficit with Japan and put back to work hundreds of thousands of unemployed auto workers.

H.R. 1234 requires all auto manufacturers selling more than 100,000 vehicles in the United States to include in their cars specific levels of American generated content for each model year. This would encourage the production of automotive products here. The legislation also establishes an industry advisory council within the Department of Transportation and directs the council to formulate a strategy to increase the domestic production of automotive products.

Opponents of this legislation argue that this is "protectionism." It is not. It is an attempt to redress a very serious imbalance in the so-called free trade system. A system which presently allows foreign competitors to dump their cheaply made goods on the United States while American firms are unable to sell to them because of high tariffs and similar devices. This problem is especially acute when it comes to the United States-Japanese trade problem. At a time when our economy is struggling to keep afloat, we in Congress must be willing to use our influence to see that the U.S. auto industry with its thousands of jobs is protected from unfair competition.

It is my sincere belief that unless we take specific steps to retain and protect our local production base we will continue to suffer from the flood of imports. We will also continue to be witness to an increasing number of our American companies being put at a disadvantage or out of business because foreign competitors benefit from targeted Government assistance. This assistance has allowed our major foreign competitor, Japan, considerable margin to finance quality automotive improvements and expand their U.S. market share through advertising.

Passage of this legislation would also send a strong signal to the administration and Japanese that the United States must seek at least 2 more years of voluntary restraints upon Japanese car imports. It would also prevent U.S. automakers from abandoning plans to build new small cars in the United States and importing cars from Japan. Preventing our own companies from rushing to bring in imports protects jobs at U.S. auto plants and people working in the various auto support industries.

We would also be in a position to strongly warn Japan against either increasing imports from the current level of 1.68 autos to 2.2 million or committing for only 1 year of voluntary restraint. To do anything less would only increase the number of jobless American autoworkers and our already spiraling trade deficit.

As a strong supporter of H.R. 1234, I truly believe that its passage would be a first step in devising an American industrial policy that would combine both domestic and foreign economic policies. We would also encourage foreign automakers to produce their cars in the United States.

I urge my colleagues to support the legislation and vote for its passage.●

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, there are 23 more amendments at the desk, some from our side, some from theirs. There are still a lot of Members who want to talk on this amendment.

The hour is getting late. Therefore, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. PANETTA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1234) to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3244, ENERGY POLICY AND CONSERVATION ACT AMENDMENTS

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 98-469) on the resolution (H. Res. 357) providing for the consideration of the bill (H.R. 3244) to amend the Energy Policy and Conservation Act to eliminate preemption of a State's authority to establish or enforce any energy efficiency standard or similar requirement if a Federal energy efficiency standard has not been established, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4248, PANAMA CANAL AUTHORIZATION ACT, FISCAL YEAR 1984

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 98-470) on the resolution (H. Res. 358) providing for the consideration of the bill (H.R. 4248) to authorize appropriations for fiscal year 1984 for the operation and maintenance of the Panama Canal, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3435, EDUCATION OF THE HANDICAPPED ACT AMENDMENTS OF 1984

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 98-471) on the resolution (H. Res. 359) providing for the consideration of the bill (H.R. 3435) to revise and extend the Education of the Handicapped Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I was necessarily absent on Monday, October 31, when the House voted on H.R. 3222, State, Justice, Commerce, Judiciary appropriations. Had I been present, I would have voted "yea" on rollcall No. 431, and "nay" on rollcall vote No. 432.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 316

Mr. CROCKETT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 316.

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from Michigan?

There was no objection.

OFFER TO DELAY DEPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 5 minutes.

● Mr. FISH. Mr. Speaker, our goal in arms reduction talks with the Soviet Union has consistently been to minimize the number of nuclear missiles and warheads on both sides. Our objective in theater nuclear talks is to reduce the threat of SS-20's aimed at Western Europe. It is not simply to increase our arsenal aimed at Soviet targets. Otherwise why have we tried for some time to reach an agreement with the Soviet Union on these intermediate range forces? At issue is the deployment of SS-20's.

We are planning to deploy Pershing II and ground-launched cruise missiles in Europe to help stabilize the balance of power and protect our allies. The Soviets do not share our views, seeing this action as an imminent threat to their homeland. In fact, 150 SS-20's have been added in the last year. The possibility exists of a Soviet overreaction and a new escalation of the arms race. Our allies could be endangered when all we want to do is make them safer. Is there a silver lining in the Soviet's fear of the Pershing II's?

Mr. Speaker, allied unity has been firm on deployment of the Pershing II and cruise missiles. However, I do not believe there is any magic in the December date for the beginning of deployment; this deadline is self-imposed.

I think it is still possible to achieve our disarmament goals, meet our commitment to our allies, and avoid potential adverse consequences of deploying Pershing II and cruise missiles.

President Reagan and President Andropov have both made recent, serious offers to break the stalemate. These proposals should be explored. The stakes are simply too high on both sides to ignore attempts at compromise and plunge ahead with deployment.

We must remember that our prime concern is to vastly reduce the number of SS-20's, not the deployment of Pershing II's. The President's leadership in pushing harder for an agreement than for placing unpopular and potentially destabilizing missiles on their soil should be welcomed by our allies.

I recommend that the President propose a 3-month delay in deployment in return for an agreement in principle by the Soviets to reach at least an interim agreement. Such an offer by the President would put real pressure on the Soviet Union. If the offer is rejected, deployment will take place. If accepted and negotiations fail, we have lost nothing.

Regrettably, under the rules of the House an amendment embodying my proposal is not in order as we considered the Defense appropriations bill for fiscal year 1984.●

DAVID G. HOSKINS, A MARINE IN LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. DANIEL) is recognized for 5 minutes.

● Mr. DANIEL. Mr. Speaker, a little over a year ago, and shortly after marines were reintroduced into Lebanon, I went over to Beirut to examine firsthand the conditions under which our troops were functioning.

At that time, I sought out Marine and Navy personnel whose homes were in the district I represent, so that I might report back to their wives and parents. On October 26, the Bee (Danville, Va.) carried a feature story on one of those with whom I spent some time, David G. Hoskins, then a lance corporal in the Marine Corps. I read the article with much interest, and am pleased to report that Mr. Hoskins maintains, to this day, the same attitude I saw time and again among the young men we have sent to the Middle East. He knew why he was in Beirut, and he was proud of the role he and his fellow marines are playing.

I commend this article to you, and include it in the RECORD at this time:

HOSKINS: WITH THE MARINES GOES HOPE: DANVILLE NATIVE RELATES HIS EXPERIENCE IN BEIRUT

(By Bonnie Ross Cooper)

Marine Lance Cpl. David G. Hoskins stood amid the rubble of Beirut, Lebanon, and wondered why.

Why were the U.S. Marines in Beirut?

The answer, for Hoskins, was in the faces of the children. "I saw mothers crying, children bleeding and pandemonium on a little street I was overseeing," Hosking says. Their tears and fears convinced him as long as the Marines could enforce peace they should stay, for the children.

But that was a year ago.

Now home in Danville, the 24-year-old Hoskins says the Congress and president should listen to the Marines who are in Beirut. "I'm not there and I don't know whether it's a war situation or a peacekeeping situation," he says. "But so long as the Marines are able to keep peace or enforce peace I feel they should stay. If it's a lost cause, we should come home.

The question, Hosking says, is whether it's a lost cause.

"If we were to pull out now, the people in Lebanon know, once we go, there goes hope."

A 1977 graduate of George Washington High School, where he was an offensive guard on the football team for three years, this Danville native joined the Marine Corps Feb. 29, 1980.

He is the son of Eleanor P. Bogart, formerly of Danville and now living in Pennsylvania. His father now deceased, was a retired, 26-year Army veteran.

After boot camp and infantry training school, Hoskins was stationed in Camp Geiger at Camp LeJeune, N.C. His battalion left Jan. 20, 1981, for a Mediterranean cruise, Hoskins' first, aboard the helicopter carrier Iwojima.

Hoskins says the Iwojima is now one of the ships in the amphibious task force off Lebanon.

"Ironically, we had a liberty port in Haifa, Israel, and toured all over Israel," he says. They left Israel May 1, 1981.

"At that time, there were Soviet-made missiles in the mountain region (of Lebanon). We were called into a state of MOD-LOC."

Off the coast of Beirut, the Iwojima steamed up and down in case the U.S. Embassy needed to be evacuated, Hoskins says. They stayed until they were relieved, returning to the United States July 1, 1981.

Then his batallion was given more training, this time at Fort Pickett. Hoskins, who married Sandra Worley of Danville on March 8, 1982, left on his second "Med float" the following May aboard the helicopter carrier Guam.

Hoskins says the Guam is now down at Grenada. "I agree with what's going on there because those are American lives at stake," he says.

In the spring of 1982, the ship arrived in Rota, Spain. That very night, Hoskins says, the Marines were called to go off to the coast of Beirut where the Guam went into a state of MOD-LOC "for quite a while."

On Aug. 25, they entered Beirut to oversee the evacuation of the Palestine Liberation Organization. Hoskins was in Beirut for 17 days on this first mission. "I felt that this was a peace-keeping mission and I still do because the people who were the main reason that Israel was bombing Beirut were leaving."

After the PLO left, Hoskins says, it was "boring."

His battalion left Sept. 10 and headed for Naples, Italy.

Hoskins called his wife to tell her he was safe.

But they were called back to Beirut immediately because of the massacre of civilians at two Palestinian refugee camps. The Associated Press reported on Sept. 24, "In the Mediterranean, 1,800 U.S. Marines aboard the helicopter carrier Guam steamed toward Beirut to join a new three-nation peace-keeping force charged with guarding against further Christian-Moselm bloodletting."

The Marines re-entered Beirut Sept. 27.

"Our mission was to help provide stability to the Lebanese government and to secure the areas that we were in, through force if necessary," says Hoskins.

On the night of Sept. 30, Hoskins was on the first patrol. "That night we got word the first Marine was dead." Cpl. David L. Reagan was killed and three other Marines were injured by parts of a cluster bomb tripped by patrolling Marines.

"Things were tense," says Hoskins. "We were at the University of Science and Medicine in Beirut, in sight of the airport." The university, he says, had been occupied by Israelis, Syrians, Palestinians and finally Americans and had not been open to students for seven years. When Hoskins left Beirut Oct. 30, he said the university was preparing for students last year.

The happiest day of his life, Hoskins says, was Nov. 24, 1982, the day he arrived in the United States at Morehead City, N.C., boarded a bus and headed for Camp Geiger.

"When I got off the bus, there was my wife," he says. "A lot of people say the Marines were brave going over there.

"Maybe so. We were tense. But I think the people who really went through the most were my wife and mother." Hoskins and his wife are expecting their first child in December.

"I thank God I am living on this earth to see that," Hoskins says. "I am proud to have served as a U.S. Marine in Beirut."

THE GRAPES OF WEALTH: CORPORATE AMERICA MAKING MILLIONS ON PIK; THE EXAMPLE OF BANGOR PUNTA CORP.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, Thursday, November 3, the Ways and Means Select Revenue Measures Subcommittee will hold a hearing on the PIK (payment-in-kind) program. The GAO will testify, giving data on the largest 10 recipients of Federal subsidies for not growing crops.

One of the top 10 was South Lake Farms of Fresno, which is receiving, according to the GAO, approximately $2,449,553 for not growing cotton.

South Lake is part of the $600 billion-plus Bangor Punta Corp. conglomerate. Bangor Punta owns some

17,000 acres of cotton land in the region.

According to Bangor Punta's 1982 annual report, Producers Cotton Oil, the operator of South Lake Farms, is an integrated grower, processor, warehouser, and merchandiser of cotton and related byproducts. Producers operates 43 cotton gins in California and 21 cotton gins in Arizona in addition to two oilseed mills and extensive warehousing facilities in California. "It is the largest processor of cotton in the Western United States," says the 1982 annual report.

An examination of Bangor Punta's annual reports for 1982, 1981, and 1980 reveals that—

Its cotton operations have generally had a better return on average assets than its other divisions, such as Piper Airlines and Smith & Wesson;

Bangor Punta has been selling off much of its farmland and concentrating on its ginning operations—and these land sales have provided important profits to the parent corporation. For example, the 1982 annual report notes that in fiscal 1981 the gain on the sale of farmland was $19,364,000, nearly half the corporation's profits for that year;

Land is being sold despite the fact that in 1981, Producers Cotton had record operating profits, of $13.9 million for a profit margin of 11.8 percent and a return on average assets of 24.5 percent.

The tax on the gain on these land sales has been at about 31 percent, not the corporate rate, because of capital gains;

The sale of the land was particularly profitable, because "the farmland's value since acquisition has appreciated at a rate greater than general inflation as measured by the CPI-U." (quote from 1981 annual report); and

Eight thousand of the conglomerates remaining 17,000 acres are farmland restricted under the Reclamation Act of 1902. In other words, this is, or will be, land subsidized by the public through cheap water—even when the corporation is being paid millions not to grow.

Mr. Speaker, looking at this one case—where nothing illegal was done in any way—is a classic of what is wrong with the administration's farm policy.

It is a policy which helps the wrong people.

It helps big farmers and corporations. No one has ever considered giving the small businesses in my district money not to produce and not to hire. Farm foreclosures have continued all this year, as the small farmer and the family farmer fails to be helped enough by USDA.

It is a policy which pays people in areas of California not to grow, at the same time the Interior's Bureau of Reclamation is subsidizing them to grow. In the case of this Bangor Punta Corp., the Government is paying them to sit on their land and do nothing—but wait for it to appreciate so they can sell it off at huge profits taxed at a low rate.

This is not cotton farming—it is the harvesting of the grapes of wealth.●

TRIBUTE TO THE LATE GEORGE HALAS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to "Papa Bear" George Stanley Halas, Chicago Bears owner for nearly six decades and founder of the National Football League, who died on Monday at the age of 88. The entire city of Chicago has lost one of its finest citizens and football enthusiasts throughout the country have lost one of the great legends of the game.

Born on February 2, 1895, the son of Bohemian immigrants, George Halas was destined to transform the game of football into a prominent American sporting event and also into a major entertainment industry. He attended college at the University of Illinois, where he was a fierce competitor, and excelled as a halfback and end in football, as a basketball guard, and as a baseball outfielder. After graduating from college, he played professional baseball for a short time for the New York Yankees, until an injury ended his promising baseball career. He soon turned his energies to professional football, where he laid the cornerstone for the great game it is today.

At the time of his death, Mr. Halas was the last survivor of a group of 12 men who founded in Canton, Ohio, on September 17, 1920, what would later become the National Football League. He loved the game and participated with overwhelming success as a player, an owner, and a coach. Under his outstanding leadership and guiding spirit, the Chicago Bears won the championship in 1921, 1932, 1933, 1940, 1941, 1943, 1946, and in 1963, when at age 68, George Halas coached the Bears to their last NFL title.

Through his nearly 64 seasons as a Bear owner, Mr. Halas was the driving force in the National Football League, sustaining the league during its struggling years and promoting it during its years of prosperity. By the time he stopped coaching at age 73, his record, including playoff games over four separate 10-year periods, was 320 wins, 147 losses, and 30 ties, for an impressive .685 winning percentage.

Not only was he a great sportsman, but also George Halas was a dedicated and active community leader. Throughout his life he lent his name and devoted much of his time to many worthy community and neighborhood projects, and charitable causes, and received countless awards and accolades for his humanitarian achievements. A quiet and humble man off the playing field, he often was an anonymous philanthropist, and frequently declined many awards and civic testimonials in his honor.

George Halas was also a devoted family man, and patriotic American, who served our country with distinction in the Navy during both World Wars. He was the director of the Metropolitan Fair and Exposition Authority which made possible the construction of McCormick Place in Chicago, and also served on the board of St. Joseph's College in Rensselaer, Indiana and Loyola University. His humanitarian concerns, business attributes, and coaching capabilities, combined to make him a great citizen of the city of Chicago. He will be sorely missed for he won the hearts of all Chicagoans. Not long ago he visited with me in my Washington office, and it was a personal pleasure knowing a man of his stature, dedication, and effectiveness.

George Halas will remain a legend in the history of football and in the history of Chicago. Mrs. Annunzio and I extend our deepest sympathy to the members of his family who survive him. His life was an inspiration to all who had the privilege of knowing him and he will never be forgotten.

Mr. Speaker, excerpts from an article about the life and accomplishments of George Halas, from the November 1 edition of the Chicago Sun-Times follow:

GEORGE HALAS DIES—OWNER OF BEARS WAS 88

(By Kevin Lamb)

Papa Bear is dead.

When George Stanley Halas died in his North Side apartment Monday evening, the world lost a reassuring link with the past. In an era when corporate symbols alternate between boardrooms and boredom, the Chicago Bears' patriarch recalled a time when successful people were big enough to reach down for their bootstraps. The man actually invented an entertainment business.

Mr. Halas had been the last surviving founder of the National Football League for several years before he died at 8:35 p.m. He was 88 and had been ill with heart disease, pancreatic cancer and other ailments for more than a year. He was declared dead by Dr. Neal Stone, said his grandson, Rich McCaskey, Halas' daughter, Virginia McCaskey, was with him when he died, McCaskey said.

The Chicago Bears franchise that had cost George Halas $100 in 1920 had grown in value to an estimated $40 million.

"I never thought it would be this big," Mr. Halas said of the league on his 82nd birthday. "My goodness, it was beyond comprehension."

Professional football and Mr. Halas grew side by side, each nurturing the other, until the sport became a national institution and the man became a legend. "It has been the most priceless privilege of my professional life to see our dreams come true and to watch our ugly duckling grow up to be a magnificent eagle," Mr. Halas said. The NFL is big enough to get along without its father now, but it will not be the same without Mr. Halas.

He was a strong-willed man of old-fashioned values, but his innovations helped chart professional football's course through American fancies. They also helped make him the most successful coach in NFL history. In 40 years of coaching the Bears, Mr. Halas had a league record of 320 victories, with 147 losses, 30 ties and a .685 winning percentage.

His teams slipped from the standards Mr. Halas set as a younger man, though, failing to win so much as a divisional championship after the Bears' last NFL title in 1963.

Mr. Halas, a lifelong Chicagoan who was born Feb. 2, 1895, on the West Side, coached the Bears to six of their eight professional championships, including the most recent in 1963. It would have been seven of nine, but after the Bears beat the Cleveland Bulldogs 23-0 in an unofficial 1924 title game, the championship was awarded at a league meeting.

"I left the meeting to go to the washroom and when I got back, they had awarded the championship to Cleveland" he once recalled with a grin.

That was an uncharacteristic moment of bad luck for Mr. Halas. This youngest son of a Bohemian tailor seemed marked for special fortune from the summer day in 1915 when he decided at the last minute not to ride the lake steamer Eastland.

The Eastland capsized at its dock, killing 812 people, and Halas originally was reported among the missing.

"When I missed connections with the ill-fated Eastland, I realized I was a very lucky man," Mr. Halas once said. "Nothing which has happened since has given me any reason to think otherwise."

His best stroke of fortune, Mr. Halas said later, came six years later. He had been hired in 1920 by A. E. Staley, a sports fan and starch magnate, to organize a semipro football team in Decatur. But by 1921, the country was in a slight recession. Staley could not afford to support the team and gave Mr. Halas $5,000 to move it to Chicago and call it the Chicago Staleys for one season.

"We had a player limit of 18 players and the salary was $1,000 a man or $100 a game," Mr. Halas would recall. "I got $100 for coaching and playing and I gave Dutch Sternaman 50 percent of the club and made him an assistant coach." The Chicago Staleys played in Wrigley Field and became the champions of professional football with a 9-1-1 record. But they also showed an operating loss of $71.63.

The franchise became upwardly mobile in 1922. Mr. Halas, out of deference to the city's baseball playing Cubs, re-named it the Chicago Bears. The professional football league, which had been called the American Professional Football Association since 1920, was renamed the National Football League. Mr. Halas said he never discarded the financial records that showed a $112 profit for 1922. Two years later, the Bears made $20,000.

It all started two years earlier. Mr. Halas remembered back to before the beginning, when the seeds of professional football were planted on the field where Halas' Decatur Staleys played Jim Thorpe's Oorang Indians.

"I had caught a pass in the game and started crawling with the ball," Mr. Halas recalled. "You could do that back then, but the defensive player could throw his knees into you. Well, Jim Thorpe just got on me like I was a horse and rode me to the ground. I always appreciated that and went to him after the game to thank him for not throwing his knees into me.

"He said, 'It's a nice crowd, isn't it?' I said, 'Yes, Jim, we ought to have another game.' Well, his manager, Ralph Hay, wrote to me and we did play another game. It was Ralph Hay's letter that brought us to his automobile showroom in Canton."

That showroom in Canton, Ohio, is considered the birthplace of the National Football League. Mr. Halas, representing the Decatur Staleys, was one of seven men who gathered around the running board of a brand new Hupmobile on Sept. 17, 1920, and organized the first professional football league. Thirteen teams paid $100 each to join the league.

"The only thing I know then was it was a good game," Mr. Halas said. "The year I graduated from the University of Illinois, in 1918, coach Bob Zuppke spoke to the team and said, 'Goodbye makes no sense whatever. Just when all of you begin to know something about football, I lose you. Football is the only sport that ends a man's career just when it should be beginning.' That always stuck in my craw."

As coach of the Bears' powerhouse teams between world wars, Mr. Halas became the first to make the sport a full-time job. The Bears were the first team to film games and study the movies, the first to hire their own band, the first to publish and distribute a team newspaper for fans, the first to encourage radio broadcasts of their games, the first to have an annual homecoming for ex-players and the first to practice daily.

The daily practices, which began in 1928, were a direct result of Mr. Halas' single-minded determination to win. "A big city is filled with varied attractions for a young athlete," he once explained. "If a player has to report for morning practice, he won't do too much playing of a different sort at night."

Mr. Halas always looked for the edge that would make his team better. A film from the 1930s shows an official throwing his cap down to mark where a punt went out of bounds. When the official turned his head to retrieve the ball, Mr. Halas moved the cap upfield a few feet.

His coaching career had its low points. The 1934 NFL championship game against the New York, Giants was the one Mr. Halas remembered most vividly. The Bears, undefeated all season, slipped and slid to a 10-3 halftime lead on the icy field of the Polo Grounds in New York. In the second half, though, the Giants changed from football cleats to tennis shoes and won 30-13.

Even then, Mr. Halas went down fighting. "You know what I told my players?" he said. "I told them to step on their feet."

But for every disappointment, Mr. Halas had several moments to cherish. He often said his greatest coaching thrill was the 1940 championship game, which the Bears won 73-0 against the Washington Redskins. The National Academy of Sports Editors recognized that game as football's all-time best in 1963, but it was more than a game. It was the overture for football's modern era.

The Bears had been experimenting for years to develop an offense that would make them clearly dominant. It would feature a man in motion and ends split away from the interior linemen. Ever since the Bears unveiled that T-formation offense in the 1940 championship game, it has been the basis of all football offenses.

Mr. Halas' technical innovations repeatedly changed the game and kept the Bears near the top of the league.

In 1932, a controversial two-yard touchdown pass by Bronko Nagurski gave the Bears an NFL championship and inspired Mr. Halas to encourage a change in the forward pass rule. Nagurski was accused of throwing the ball from within five yards of the line of scrimmage, which then was illegal.

"I thought, why not make it legal to throw anywhere behind the line of scrimmage?" Mr. Halas said. "That opened the game up and did it more good than anything else. I'm proud of being the architect of that rule."

It also was Mr. Halas' urging that led to the first draft of college football players in 1936, which gave chronic losers a chance to compete with perennial winners like the Bears. "You just look out for the good of the league above all," he explained.

Probably the best thing Mr. Halas ever did for the league was to take college star Red Grange on a national barnstorming tour the winter after signing him Nov. 22, 1925. "I've always thought it was the tremendous publicity generated by the Grange tour that established pro football as a national sport," Mr. Halas said later.

The 19-game, three-month tour took the Bears to places that had never seen pro football and drew average crowds of between 10,000 and 30,000. The Bears had a 13-5-1 record on the trip, including a 19-7 victory over the Giants in New York that drew 73,561—5,000 more than had watched the Army-Navy game at the same stadium a week earlier.

When every NFL team was collecting about $5.5 million a year from television networks in the late 1970s, Mr. Halas said, "It all started with Red Grange. Grange opened the doors to the public. He was then and still remains the most publicized player in history. He was in his day what radio and TV were to become later."

The signing of Grange, who was a junior at the University of Illinois, also led to the rule prohibiting the signing of collegians before their class graduated, which helped bring about a peaceful relationship between the colleges and pro football.

Mr. Halas' parents, Frank and Barbara, came to Chicago in the 1880s from Pilsen, Bohemia, and settled in the heart of the city's Bohemian neighborhood around 18th and Ashland. His earliest childhood memories were of softball games on the corner of 18th Pl. and Wood, where he would team with his older brothers, Frank (who died in 1972) and Walter (who died in 1959).

His brothers were outstanding area softball players whose example encouraged Mr. Halas to letter in baseball, basketball and football at Crane Technical High School. His football career began as a Crane Tech sophomore, playing tackle on the school's lightweight team.

But baseball was his favorite sport at the University of Illinois, where he again was a three-sport letterman and earned a degree in civil engineering. Mr. Halas very likely would not have become a professional football player if he had not injured his hip while running out a triple for the New York Yankees in spring training of 1919. By May he was sent to St. Paul in the American Association. He was an .091-hitting outfielder, unable to hit a curveball.

Mr. Halas always remembered his brief baseball career fondly. In 1971 he told Sun-Times columnist Mike Royko that his greatest day in sports was when he batted against Hall-of-Fame pitcher Walter Johnson.

"Johnson was in his prime," Mr. Halas recalled. "What a fastball! Nobody ever threw a ball harder. But that day, I hit two balls over the fence off him." The balls went barely foul, but the memory stayed sharp forever.

Fortunately, he did not abandon his football career. He was an ensign stationed at Great Lakes Naval Training Station when the base's football team played the Mare Island Marines in the 1919 Rose Bowl. Mr. Halas was the game's most valuable player.

"That was the only game I ever starred in," he said later. "Although the Marines were favored, we beat them 17-0. I caught two passes from [Paddy] Driscoll for touchdowns. I also intercepted a pass and returned it 77 yards."

After his baseball season with New York and St. Paul, Mr. Halas played his first pro football in the fall of 1919 with the Hammond Pros. His wages of $100 a game were almost double his weekly salary as a civil engineer with the Chicago, Burlington & Quincy Railroad. "My mother often suggested I should go back to the CB & Q Railroad," Mr. Halas said.

But he did not. Playing end from 1920 through 1929, Mr. Halas was named to the NFL all-decade team of the 1920s.

He also set an NFL record in 1923 that stood for 49 years. Against the Oorang Indians Nov. 4, he recovered Thorpe's fumble and ran 98 yards for a touchdown. He credited his run to the fear of being chased by Thorpe, a former Olympic gold medalist.

The Bears won championships in 1932 and 1933 and again in 1940, 1941 and 1943, when their four-year record was 41-6-1, including postseason games. Mr. Halas reenlisted in the Navy for World War II in 1943, but he returned and won another title in 1946.

After a run of lean years in the '50s, Mr. Halas made good on his promise to let longtime friend Paddy Driscoll coach the team in 1956. He returned in 1958 but won only one more championship, in 1963, when he was 68.

Mr. Halas did see 18 Bears, including himself, reach the NFL Hall of Fame. The last were linebacker Dick Butkus in 1979 and quarterback-kicker George Blanda, better known as an Oakland Raider and Houston Oiler, in 1981. "And each one of them has been a man of great character," Halas said with fatherly pride.

Although he never stopped going to the office six days a week, Mr. Halas always maintained he never worked a day in his life. On his 82d birthday in 1977 he said:

"If you enjoy it, it's not work. I've loved sports since I was old enough to cross a Chicago street by myself."●

INTRODUCTION OF TWO BILLS SUBMITTED BY THE ADMINISTRATION RELATIVE TO INDIAN AFFAIRS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

● Mr. UDALL. Mr. Speaker today I have introduced two bills at the request of the administration relating to Indian Affairs, with the cosponsorship of Mr. LUJAN, Mr. MCNULTY, and Mr. MCCAIN.

The first bill provides for the statutory designation of the position of Assistant Secretary of the Interior for Indian Affairs and for the elimination of the position of Commissioner of Indian Affairs. The bill would also make conforming amendments to various statutes that refer to the Commissioner of Indian Affairs and would repeal other laws referring to the Commissioner of Indian Affairs which the administration deems unnecessary.

The Committee has considered other legislation to create the position of an Assistant Secretary for Indian Affairs in past Congresses, but no bill was enacted. As a matter of policy, the Department of the Interior assigned one of its authorized Assistant Secretary positions to Indian Affairs in 1977. The statute creating the post of Commissioner of Indian Affairs remains on the books.

We are, thus, left with a statutory scheme that calls for both the Assistant Secretary for Indian Affairs and the subordinate position of Commissioner of Indian Affairs to be filled by the President, by and with the advice and consent of the Senate. The position of Commissioner has remained unfilled since the administrative creation and designation of the Assistant Secretary for Indian Affairs.

This bill will simply bring statutory clarification to the administration of Indian Affairs within the Department of the Interior.

The second bill requested by the administration would allow variable interest rates for Indian trust funds held in trust by the United States. This legislation will amend the act of February 12, 1929 (25 U.S.C. 161a) to provide that Indian tribal funds held in trust by the United States shall be invested by the Secretary of the Treasury, at the request of the Secretary of the Interior, in public debt securities which shall bear interest at rates determined by taking into consideration current market yields.

The act of February 12, 1929, fixes the interest rate on Indian trust funds held by the Secretary of the Treasury under that act at 4 percent per annum. Amendment of that act in the manner proposed by this bill will bring the law into conformity with other laws governing the investment of Indian trust funds.●

THE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

● Ms. KAPTUR. Mr. Speaker, the Reagan administration has released the actual deficit figure for fiscal year 1983 and that figure is an astounding $195.4 billion. This amount is greater than the 4-year deficit of the Carter administration. The Reagan administration's focus on tax breaks and exorbitant defense spending has defeated the objective of fiscal responsibility.

The President's strategy appears to be to ignore the huge deficit, to claim his program has had no part in it, and to hope that the deficit does not tear the economy apart before the 1984 election. Congress cannot follow this lead. We cannot wait to act until the economy fails. Instead, we must act now to prevent the pain of another recession.

An excellent opportunity for action will be before us shortly in the form of the tax reform bill. This bill and related amendments to broaden the tax base and close loopholes will result in a total of $73 billion in additional revenues over the next 3 years. As we have met spending targets in the first budget resolution, so we must meet revenue targets. These added revenues will fulfill our obligation to fiscal responsibility.●

TRIBUTE TO HHAS HOMEMAKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROYBAL) is recognized for 5 minutes.

● Mr. ROYBAL. Mr. Speaker, today the Homemaker Health Aide Service of the National Capital Area, Inc. (HHAS) celebrates a historic event—a quarter century of service to the District of Columbia and the surrounding Maryland and Virginia communities. This represents 3,200,000 hours of home care for 49,000 individuals. This private, nonprofit United Way agency provides only one service—homemaker health aide service. These trained and professionally supervised homemakers offer care in the home for elderly, ill and disabled adults and disabled children during times of special need or crisis. Without this program many of these persons would have been forced to leave their homes in order to receive institutionalized care.

To mark today's anniversary, the agency is rendering special recognition to 33 dedicated women who have shared their skills, energy and enthusiasm in order to improve the quality of life of others. Their commitment is a long-term one, spanning 10 to 19 years of their lives.

Mrs. George H. Bush presented scrolls today to 22 of these veteran homemakers in recognition of their years of service. This presentation took place at a reception at the home of the Vice President. As a tribute to the outstanding community service which these homemaker health aides have rendered so unselfishly, I would like to take this opportunity to acknowledge each of them:

Name	Title	Years of service
Jeralean Covert	Field counselor	19
Rose Coleman	do	18
Elizabeth Nelson	do	18
Mary Crump	Homemaker	18
Mary Barnes	do	17
Camoline Gales	do	17
Marie Winston	do	17
Agnes Gill	do	16
Bessie Miller	do	16
Ruth Bobo	do	15
Frances Ferebee	do	15
Constance Shipp	do	15
Mozelle Lyde	do	14
Lena Williams	do	14
Mae Rogers	do	13
Dinah Thomas	do	13
Alberta Shiords	do	13
Emma Gibbs	do	13
Mattie McCall	do	13
Mable Boddie	do	12
Sarah Johnson	do	12
Annie Maynor	do	12
Rita Butler	do	11
Ruth Irving	do	11
Emily Poole	do	11
Janie Taylor	do	11
Grace Whitmore	do	11
Anne Albritton	do	10
Rachel Caudle	do	10
Lillie Geter	do	10
Queen Cook	do	10
Ruby Oliver	do	10
Gloria Thomasson	do	10

As the proportion of elderly continues to increase, the benefits of homemaker health aide services both in cost savings and enhancement of quality of life will become even more critical. The homemakers being recognized today serve as role models for others wishing to mobilize support networks to foster the maintenance and promotion of health within the home environment.

I congratulate and commend each of these ladies for their outstanding and exemplary service to the community. And, I offer my heartiest congratulations to the Homemaker Health Aide Service of the National Capital Area, Inc. (HHAS) for making this service possible on the celebration of 25 years of services.●

A PLEA FOR SANITY IN CENTRAL AMERICA

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I would like to call to my colleagues' attention a letter form Carlos Fuentes, one of Mexico's foremost writers, to Henry Kissinger, head of the Commission on Central America. Mr. Fuentes outlines a humane and dignified approach for the United States toward Central America, one that considers the national and international interests of the Latin American countries, as well as those of the United States. He correctly points out,

Peace through negotiations is the only real, politically enduring and politically self-interested solution. There are dangers and there are costs. But these are infinitely lower than those assured by the recourse to war.

The United States has adopted a policy of advocating peace and practicing war. Like the schoolyard bully, we sense rejection and respond with threats and force; instead of nurturing friendships and becoming a positive contributor in the resolution of entrenched conflict, we foment more conflict and sever our credibility as a potential ally. Whatever false peace we may hope to win with covert war or outright invasion cannot hold in a region entrenched in civil conflict bred by decades of ineqiuity and brutal repression. The Contadora Group has given us an open door to useful, constructive negotiation. Let us finally accept that invitation to peace.

SEPTEMBER 15, 1983.

Dr. HENRY A. KISSINGER,
National Bipartisan Commission on Central America, Washington, D.C.

DEAR MR. SECRETARY: Thank you for inviting me to communicate a few thoughts on the matters concerning the work of the Commission on Central America.

Your questions seem orientated towards obtaining a consensus based on a true appreciation of the national interests of the United States of America in the region.

This is as it should be and I applaud it. Too often, what we have witnessed in Latin America is the lack of identification of such interests by those most concerned: namely, the *norteamericanos* themselves. Even, at times, it would seem that we, *latinoamericanos*, better understood the interests of the United States and issued timely warnings against what might have been—and indeed often were—costly historical errors.

As a Mexican, I am particularly concerned by this problem, since United States policy in Central America will inevitably hurt or help my country.

This is a situation which could create immense difficulties for the De la Madrid Administration, since it would come at a time when Mexico is living through the most acute economic crisis since the Revolution. That the crisis is not yet political is due to the Revolution itself. Whatever the failings of the Mexican experience since 1910 (and God knows they are many and large), we have managed to obtain a remarkable stability and to avoid the extremes of anarchy or repression. This is so because the revolution created institutions which then furthered stability. This was not understood by the successive American administrations from Taft to Hoover. When it was understood by Roosevelt, our relations changed both qualitatively and quantitatively and Mexico has never again been perceived as the source of "Bolshevik subversion" imagined by President Coolidge in 1927.

What we see in Central America, from our Mexican experience, is the absence or weakness of political institutions, the resistance of the prevailing structures to reform, and the desperation of many groups suffering under the long-standing injustice in the region. The causes are indigenous, the complaints are old, and the solutions have been postponed over and over again. The United States has long been perceived as the upholder of the stagnant colonial system inherited from Spain.

But there are also the external problems that have very little to do with the Soviet Union or Cuba and a lot to do with the deterioration of the international economy. Central America spawned a significant economic boom in the sixties and early seventies. Middle-class expectations rose accordingly. Greater wealth was had, even if unevenly distributed. As the weakest chain of the Latin American economy (and weak in world terms as well) Central America was hit hardest and earliest by the crisis. This is an objective reason for unrest; it must be dealt with objectively, but it has now become utterly enmeshed with the political and even military aspects of revolution and counterrevolution. Can the two themes (one historical, political, ideological; the other having to do with trade, income debt, production) be separated first, then reconciled on positive terms? Is it too late?

Because they are small and weak, the countries of Central America are proud, self-conscious and have long memories. They sometimes remind me of the Baltic Republics. It has been very difficult for the Central American countries to assert their own personality. Their national viability has sometimes been in doubt. The remarkable wealth of their cultural production is an indication of their desperate attempt to be. With a combined population of 23 million in an area about the size of Texas, these five nations have produced the greatest modernist poet of the Spanish language, the Nicaraguan Ruben Dario; the first Latin American novelist to win the Nobel Prize for Literature, the Guatemalan Miguel Angel Asturias; and a veritable pleiade of poets, philosophers, painters and musicians.

These matters must be understood because they pertain to an intangible issue: that of the national pride of very small and very weak countries: our Estonias, Lithuanias, and Latvias, but without the degree of material progress and democratic reform the Baltic nations achieved during the period between the two world wars.

What does "Sandinismo" mean to many of these humiliated peoples? It means that you no longer take orders from the United States ambassador. It means that you are no longer a United States base. It is as simple as that. The problem for many Latin Americans is not that Nicaragua might become a Soviet base. It is that Nicaragua should never again be a base against governments that the United States wishes to overthrow. The invasions against Guatemala in 1954 and against Cuba in 1962 were launched from Somoza's Nicaragua. Many people in the region are impervious to thoughts about Soviet danger because they have only known one danger against their national integrity and that has been the American danger.

The perception of the United States as the paramount regional power in terms comparable to the perception of the Soviet Union by the people of Eastern Europe should not be underestimated. Many defects and errors of a revolutionary regime are pardoned or overlooled by the majority of the people because they feel that the new government has finally lifted the weight of American hegemony. Therefore, attacks by the United States only serve to strengthen the government Washington would like to see overthrown.

The same would be true, mutatis mutandi, if a right-wing, militantly Catholic, anti-Semitic, and fascistic government managed to come to power in Poland. These policies would generally be accepted if at the same time such a neo-Pilsudskian government broke Polish subservience to the USSR.

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A second reality follows: that the revolutionary regime, on the basis of its anti-American posture, can mobilize the people for its internal radical goals. Again, many Latin Americans feel that, whatever their shortcomings, the regimes in Cuba and Nicaragua have done what no previous government in those countries was capable of doing: mobilizing the people, finding solutions to problems of literacy, health, nutrition, and life expectancy, and at the same time imposing, at a high price, a politics of equality. These are seen as enormous achievements in the light of a history dominated by privilege, extreme inequality, and callousness towards the needs of the majority. The association of the name "democracy" with governments incapable of coming to grips with these problems or indeed bent on maintaining the status quo, only furthers the derogatory comparisons.

All of this further permits the revolutionary governments to act implacably against their internal foes as long as these are minoritarian. As my friend Adam Smith puts it, "Everybody in Cuba is better off than before the Revolution, except those who were not better off, and they left."

The problem for a revolutionary regime comes when it has to face a revolt of the majorities. As has happened throughout modern revolutionary history, from the United States to France to Mexico to Russia to China, the emigres have left. Many will come back. The revolution, it can be argued, was not made for them. No revolution is made for everybody. And the vacuum left by the emigres can be filled by the revolution. One of the most effective Cuban assets in Latin America has been the proof that even if most of the medical profession left the island in the 1960s, Cuba now exports doctors to the Third World.

Yet a revolution which does not face, sooner or later, its duties to the democratic dimension runs the danger of sacrificing even its best material achievements. As a writer I am of course concerned by the problem of political freedom, human rights, and intellectual liberties in revolutionary societies. My concern is nuanced by the experience of my own country: Mexico has not achieved a fully democratic polity, although it has made gigantic strides towards nationhood while keeping open the channels of intellectual diversity. As I see the new revolutions coming, my preoccupation is perhaps not the central preoccupation of countries which have never practiced true democracy. But the question remains. The people now read. The children do not die. What will they read; what kind of political beings shall they grow up to be?

One answer lies in the very mobilization I have referred to. The people of Central America have never been asked to move, but to abide. In Nicaragua, as in Mexico in the 20s and 30s, a liberation from traditional servitudes has occurred; the people are participating in myraid aspects of the national life from which they were historically excluded. They have been handed arms. This also happened in Mexico under Cardenas. An irreversible momentum is thus gained, and its goal is greater freedom, even beyond the regime's expectations. This momentum is not measured in evening news slots. It is not something instantaneous. It is a response to situations that began with Columbus. Remember: for the first time in over four hundred years, some people in Latin America are being freed from bondage to the land, illiteracy, or plain sickness.

It is just this dynamism which first provokes enthusiasm and then serious misgivings as the price of national mobilization rises. Then a renewed solidarity appears as the United States responds with excessive alarm to different aspects of the new situation. A point is reached when we would all like to see the revolutions enter a stage where anti-Americanism is not defined negatively, but as positive independence. Mexico has reached this stage. Cuba and Nicaragua have not. The United States perhaps must pay in patience for the many decades of its political and economic abuse of Central America and weather the rhetoric by which small but proud nations sublimate old and often justified animosities. After all, Anastasio Somoza and his brood were not put in power by Joseph Stalin.

But then, as part of this historical response to the United States, shall not these countries fall into Marxism-Leninism and/or the Soviet sphere of influence? Does this not pose a danger to the security of the United States?

As regards Marxism-Leninism: I believe this to be the latest incarnation of a Latin American penchant for what the French sociologist Gabriel Tarde called "extralogical imitation." This consists in adapting the latest, or prevalent, or most "universal" philosophical mode to our national realities, whether it suits them or not. In Latin America, this attitude derives from our refusal of the Spanish and Indian pasts, judged barbaric and retrograde when we became independent in the 1820s, under the then-subversive banners of the French enlightenment and the American revolution. We adapted liberalism, positivism, and now Marxism as our passports to modernity. We believe we can thus overcome our historical shortcomings. If the philosophy at hand frightens the United States, so much the better.

Once more, Mexico has been fortunate in admitting its own cultural heritage, both Indian and Spanish, as the basis for its overall development. Our institutions must arise from our culture and our history. They cannot be imposed (not even self-imposed) from prestigious world models, capitalist or communist. This is a process that takes time. Again, patience is the watchword. We can all afford to be patient. Especially if the label "Marxist-Leninist" is seen as precisely that: a label, generally disguising an ecclesiastical aberration that takes many Latin Americans from one church to another: dogma, hierarchy, and protection.

But if it also means (and to be a Marxist does not necessarily mean it: witness Yugoslavia and China) an alliance with the Soviet Union, then the danger is perceived, not only in the United States, but also in many parts of Latin America. Two questions then arise: First, what sort of danger? Second, how do you deal with it?

For some United States commentators, the danger is military and of the gravest consequences: it affects shipping lanes, the Panama Canal, and even the national territory of the United States. But we all know that if the United States does not need a Korean airliner to obtain military intelligence about Sakhalin island, neither does the Soviet Union need bases in Nicaragua or El Salvador to hit the continental USA. A nuclear submarine does it in quicker, cleaner, and more efficient fashion.

Furthermore, it is questionable whether there exists any power which can subordinate the political, military, and economic (not to mention cultural) factors needed to pose an unsurmountable, monolithical threat to the United States. This is certainly not the case of the Soviet Union in Central America.

So we are dealing with fear, and fear can be negotiated away. Indeed, it has been repeated many times that a general settlement on Central America would include the assurance that no Soviet military capabilities would ever be installed there, in exchange for the assurance that the United States would not intervene against the established revolutionary regimes.

But what about the alleged Cuban and Nicaraguan interventions in other Central American countries? What about the strength of the Nicaraguan army? What about the fear of Nicaraguan aggression against its neighbors? At this stage of the game, all these questions have spectral twins: What about United States intervention in El Salvador and Honduras? What about the strength of American naval flotillas on both shores of Nicaragua? What about the fear of American aggression through proxies against Nicaragua? Indeed, what about the aggression against stability and national integrity in Costa Rica and Panama?

All of this, so symmetrically poised, can and should quickly be the object of negotiations. As seen from Mexico, the dangers are several but basically they are covered by the fear that the problems of Central America will continue to be generalized, wrenched out of their historical context and, in the name of East-West confrontation, going to the source, proving American strength in its "backyard" or whatever, the circumscription of the problems would be forgotten and a generalized military response be promoted, sucking everything and everybody into the conflict. The opportunities for negotiation, if seriously pursued, can defuse these dangers.

Let me now try to articulate what I consider the view from Mexico:

(a) The Soviet Presence.—We do not see a Soviet threat to or from Central America. Soviet interests are purely peripheral there and the Soviet Union, which believes in spheres of influence as much or more than the United States does, is not about to wantonly wander into Washington's yard—front or back or whatever. Would the United States wander provocatively into Czechoslovakia or Poland? Rather, the USSR would do in Central America what the United States would do in Eastern Europe or Afghanistan: show solidarity with forces antagonistic to the other power's hegemony.

Naturally the USSR is delighted if the United States is distracted from more important pursuits: the arms race, the Western alliance, the Middle East, or the smoldering problems of Brazil, Mexico, and the Southern Cone. Of course the USSR is delighted if public opinion forgets Poland and Afghanistan and fixes its sights on contra bombings in Nicaragua and death-squad murders in El Salvador.

But can the USSR seriously offer or assume a real commitment in peripheral states—indeed, I would think, in any state which the armed forces of the USSR cannot reach overland? This is serious for them: they only feel that their frontiers are "sacred" where they can assure that the frontiers of their neighbors are not.

Cuba is the only Soviet stake in the New World. But Cuba has always been a trans-Atlantic nation. Its African excursions are part of its peculiar overseas orientation. This was the last nation to obtain independence from Spain and, along with Puerto Rico, the only Spanish dependency that would not join the general movement of revolution in Latin America in the 19th century. Perhaps Cuba has been compensating recently for its historical abstention yesterday.

Can the USSR give Nicaragua (or El Salvador) $4 billion a year?

Can the USSR suffer a most probable defeat if it were indeed engaged in military provocation in Nicaragua (or El Salvador)?

And if the USSR is indeed at the source of revolutions in Central America and these pose such a dire threat to the United States, why, ask many Latin Americans, does the United States never treat the Soviet Union as if it were really the source of the "troubles"? Why is it denounced as the exporter of revolution and rewarded with the export of grain and pipeline?

(b) El Salvador.—This conflict was born and bred in the political history of that unfortunate nation. Cuba and Nicaragua can well sink into the sea, and the USSR contract to medieval Novgorod: the local, bitter struggle in El Salvador would continue.

Only the direct involvement of American armed forces can defeat the guerrillas (momentarily: wait five, ten, or twenty years * * *). This is an unlikely event. Therefore the Salvadoran army does not want victory. That would mean the end of American aid. It does not want successful negotiations for the same reason. In effect, the United States has become the captive of the Salvadoran military, not the other way around.

Perhaps the rebels, who want victory in order to transform the structures of El Salvador, also see negotiations as a short-cut to success. Yet I am constantly amazed at the incapacity or fear of the American governments in their dealings with Latin American revolutions. Perhaps Castro was not driven, but always wanted to go, into the Soviet embrace. What an extraordinary failure for a power such as the United States to have had no responses for this except the one that would most surely clinch the Havana-Moscow alliance: armed intervention against the Castro regime.

Revolutions in Latin America pose challenges to American diplomatic imagination. Lessons from the past have not been learned. The lesson for the future is how to achieve some balance between the nationalist fervor, the anti-American rhetoric, and the internal transformations on one hand, and, on the other, normal diplomatic relations, cool-headedness in dealing with provocation, and constant political action through the multilateral organizations, the major Latin American nations, Japan, and Western Europe, filling in the void while the revolution passes through its early recriminatory and radical stages. Instead of cutting off aid, blocking loans from the Inter-American Bank, and other spiteful actions, behave coolly, let the aid flow from other quarters, multiply the ties of the new revolution with institutions and nations free from the stigma of past American actions in Central America.

In El Salvador, negotiations do not signify "power sharing." They simply signify that the army shall be brought under some sort of control so that truly free elections can then take place. Please recall that the opposition in El Salvador (and in Guatemala) has been and continues to be decimated by death squads whenever its members have tried to join the political process. Who will answer for the deaths of Alberto Fuentes Mohr in Guatemala City or of Federico Alvarez Cordoba in El Salvador? They should be testifying before your commission. Instead, they are buried. Who wins by this? This would happen again if the army is not controlled. This should be the central theme of negotiations in El Salvador. In the course of such an apertura an opportunity might conceivably arise to reconstitute a semblance of the left-center alliance that democratically won the elections in 1972 and was promptly thwarted from taking power by the military. Such an opportunity should now be seized if it appears. It cannot come if the stalemate and the violence continue endlessly. Only diplomatic action can interrupt this. International positions on El Salvador should not become rigid, no matter how rigid the opponents in El Salvador itself might seem.

(c) Nicaragua.—What we fear in Mexico is that the consequences of a military action there have not been truly thought out. Nicaragua is not Guatemala in 1954 or Chile in 1973: the government in Managua has an armed populace behind it. The overthrow of the government would only take it to the maquis. They are perfectly prepared to offer a longer-term resistance. Sandino managed to pin the Marines down in Nicaragua during six years. He only had rifles and machetes. The tide this time would engulf the country in one of the most bitter civil wars this continent has known. The contras back in Managua would stage a blood bath and restore the old tyranny: what would avoid it? The wild cards of Pastora and Robelo coming from the south would add to the confusion and the strife. The quick-fix would turn out to be a prolonged agony.

(d) Honduras.—We see this country becoming an American base and liquidating its modest political gains under outright military takeover. Already, General Gustavo Alvarez Martinez is considered the man who gives the orders, not President Suazo Cordoba. The civilian government withers, the Salvadoran collusion of a corrupt military and a corrupt oligarchy takes over, the military start milking the United States, and the stage is set for a new El Salvador as the center-left becomes marginal and desperate.

(e) Costa Rica.—This country does not want to become a U.S. base. San Jose is already the Beirut of Central America, with all the contending factions of the region represented there. This tinderbox will explode if the government of Costa Rica cannot maintain sovereignty over its borders under the pressure of U.S.-backed contras. Already, the Foreign Ministry in San Jose has let it be known that the contras are acting out of Costa Rica under the explicit orders of the United States. This not only will create frictions between Costa Rica and the United States: it will erode the civilian government of a nation without armed forces. Costa Rica might turn out to be the sorriest victim of this conflict.

(f) Panama.—The gains in relations obtained by the Canal Treaty negotiations run the risk of souring as this nationalistic country, under severe political pressure after the death of Torrijos, feels that it is being used as a springboard in an American war against Nicaragua. Ugly demonstrations will take place; strains will increase.

(g) Guatemala.—This country offers the best example of why the "quick fix" does not work. The elected moderate left government of Jacobo Arbenz, itself the product of the Guatemalan revolution of 1944, was overthrown in 1954 by an invasion led by Colonel Carlos Castillo Armas and avowedly financed and directed by the CIA and the American ambassador in Guatemala City. The Arbenz programs were less radical than those pressed by the United States on the present Salvadoran government. But Guatemala was misjudged as a dangerous country and Secretary Dulles rammed a resolution against Guatemala at the Caracas Interamerican Conference which not only led to the overthrow of the elected government, but to deep and destabilizing repercussions in the only two Latin nations which backed Arbenz, Mexico and Uruguay. Guatemala has known nothing but civil strife, repression, and economic distress during the past twenty-two years. The fugitives from a policy akin to genocide press on the Mexican border and spill over. Nothing was gained by intervention. Three decades were lost: a democratic Guatemala would have been to everybody's benefit.

(h) Mexico.—Finally, would be the most eminent victim of war in Central America. It must be understood that the stability of my country depends on an equilibrium based on a large national consensus. Mexican foreign policy in Central America is national: it has been practiced continuously since 1909, when Porfirio Diaz stood up to Philander Knox on the issue of the overthrow by American forces of the legitimate government of Santos Zelaya in Nicaragua. These policies come from the traumatic event of the war of 1847 with the United States and they have been reinforced by all the postrevolutionary administrations. Thanks to them, Mexico has managed to maintain a balanced attitude towards conflicts in this hemisphere. It has come unscathed out of several bitter confrontations (the latest: the Malvinas) or held itself in reserve for other, more protracted conflicts (the oldest: Cuba). Mexican diplomacy has been engaged in keeping the bridges open, whenever possible.

For this, it is essential that the conflicts in the region be properly characterized. When a truly East-West confrontation appeared during the Missile Crisis of 1962, Mexico was the first Latin government to support President Kennedy. But when such a confrontation is either fictitious, improbable, or remote, Mexico is interested in rooting the conflicts in their national grounds. A generalized conflict presented as an East-West confrontation would force Mexico to choose sides, forego its expert diplomatic shuffle, and break the equilibrium. If the government is seen as choosing the American side, it will lose its nationalist legitimacy and this is its strongest suit for internal stability. If it seems to come down on the side of Nicaragua, it will be judged as pro-Soviet and open to pressures and even reprisals from Washington or American companies. In either case, it will face unrest from the left or the right, destroying the P.R.I.'s carefully constructed umbrella. A political vacuum might then develop, coupled with inflation, unemployment, demographic pressures, and a huge international debt. Is this what the United States wishes on its southern border?

Throughout the region, including Mexico, Colombia, and Venezuela, young people are talking of forming brigades to join the Sandinistas in case of outright conflict. These brigades would catch (are catching) the imagination of many unemployed youths in these countries. There would be death counts of Mexican, Colombian, and Venezuelan boys on Mexico City, Bogota, and Caracas TV.

And beyond the region, the gravest problems accumulate in Brazil and the Southern Cone. As these countries grope back toward democracy, they are as conscious, if not more, than the Central Americans of the role played by the United States in the past twenty years. Many people in Chile, Brazil, Uruguay, and Argentina associate American policies with the end of democracy and the rise of the military, with recent winks in the direction of human rights violations, with mixed signals that seemed to authorize absured military adventures, with the deployment of brutal internal security measures with American aid, and, finally, to an international economic situation in which anti-Americanism is coupled with anti-Bankism. A frightful brew. But even if the United States were totally absent from the picture, the deterioration of economic, social, and political structures is such that huge problems are certain to arise, next to which the Central American problems will seem small indeed.

Is the United States prepared for this? Mexico, Argentina, Chile, and Brazil cover three-quarters of the Latin American territory and contain three-quarters of its people and its productive capacity. The challenge is there, not in Managua.

Sum up the dangers of war and misdirection of energies. In order to arrest a debatable Soviet influence in Central America, the United States would first alienate, destabilize, corrupt, and build up the future problems of the region, from Mexico to Panama. It would probably end up sacrificing lives: American and Latin American. It would gain nothing from giving in to the ambitions of the military in Central America: neither democracy nor social gains are to be had through them.

Central America is a big overdone cheese souffle. Take it out of the oven. Rein in your appetite. Do not eat it. Let it sink and reach its real level of attention, which should not be too high.

Nothing is gained by loose talk about the partition of Central America. This creates an even greater barrier towards the general normalization of relations which should be the ultimate target of diplomacy in the region. Revolutions will not occur except where indigenous conditions exist for it to occur. The exportation of revolution invariably flops: witness the artificial movements in Venezuela (where the guerrillas were finally absorbed into a truly democratic structure) or Bolivia (where they were savaged by a military government because they did not have any popular support in a country that thinks it has had a revolution already). Revolutions that gain a real presence should be considered seriously. Patience and magnanimity should be exercised by the major regional power, even in the face of provocation. The souffle will finally find its level.

Peace through negotiations is the only real, politically enduring and politically self-interested solution. There are dangers and there are costs. But these are infinitely lower than those assured by the recourse to war.

Peace through negotiations would enhance the standing of the United States in the nations allied to the negotiating process: Mexico, Venezuela, Colombia, and Panama. These governments are serving your interests better than you serve them yourself. They are not being supported in their efforts by the present Administration in Washington. Gunboat diplomacy is felt as a danger not only in Managua, but in all four Contadora capitals.

Yet the issues for negotiation have been spelt out clearly and tacitly approved by all concerned, except the United States. These issues include: No Soviet bases or armed capabilities in Central America; border patrols; no passage of arms; no foreign military advisers; progressive demilitarization; strict respect for the internal processes of each nation.

The success of negotiations would isolate the Soviet Union from the process of change in Central America and bring in the plural forces of Western Europe, Japan, and the multilateral organizations.

All of this does not mean that the United States is going to roll over, but rather that it is going to face a creative challenge in the region. This has never been done seriously. Let me call this challenge "positive non-intervention." Negative non-intervention is what I have been describing all along. Non-non-intervention is impossible because the United States just weights too much in the region. Positive non-intervention means normalizing relations with everyone, respecting everyone, acting in concert with Latin America, Japan, and Western Europe, discreetly channeling help through multilateral agencies, and dealing evenhandedly with everyone. Doing what the Soviet Union would not dare do in its hermetic sphere of influence.

I would not go as far as suggesting that the United States, in the name of its own origins, should embrace the revolutionary movements in Latin America and love them to death. But since the United States obviously cannot influence the status quo, why doesn't it attempt to influence change . . . for a change?

Perhaps no other great power in recent history is as well prepared, because of its internal texture, institutions, and origins, to live with cultural difference. Latin America is the great challenge to the very raison d'etre of the United States: can you learn to live with the other, with the complexity and intractability of different cultures?

As I write, a motorcade passes under my window. It bears Robert Mugabe, the President of Zimbabwe, to the White House. I remember the situation there five years ago. The blood bath, the fatalism, the sense that Rhodesia had no solution, the characterization of Mugabe as a Marxist, Soviet stooge. Lord Carrington and Christopher Soames proved that this problem did have a solution and that the solution was diplomatic negotiations. Perhaps today, the United States might be willing to take a page from the book of British diplomacy and apply it to Central America.

Sincerely yours,

Carlos Fuentes.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. Fiedler) to revise and extend their remarks and include extraneous material:)

Mr. Fish, for 5 minutes, today.

(The following Members (at the request of Mr. Levin of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. Daniel, for 5 minutes, today.

Mr. Stark, for 5 minutes, today.

Mr. Richardson, for 30 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 30 minutes, today.

Mr. Udall, for 5 minutes, today.

Ms. Kaptur, for 5 minutes, today.

Mr. Dymally, for 60 minutes, today.

Mr. Kastenmeier, for 5 minutes, today.

Mr. Bonior of Michigan, for 60 minutes, on November 3.

Mr. Roybal, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. AuCoin, immediately after Mr. Hunter.

Mr. Bereuter, immediately proceeding the vote on the Long amendment.

Mr. Pursell, at the end of debate on H.R. 4185.

Mr. Ottinger, and to include extraneous material notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,932.

(The following Members (at the request of Ms. Fiedler) and to include extraneous matter:)

Mr. Lagomarsino.
Mr. Shaw.
Mr. McKernan.
Mr. Dannemeyer in three instances.
Mr. Fish in two instances.
Mr. Hillis.
Mr. Cheney.
Mr. Fields.
Mrs. Roukema.
Mr. Bereuter.
Mr. Duncan in two instances.
Mr. Parris.
Mr. Stump.

(The following Members (at the request of Mr. Levin of Michigan) and to include extraneous matter:)

Mr. Coyne.
Mr. Gore.
Mr. Stark in two instances.
Mr. Rodino.
Mr. Lehman of Florida.
Mr. Hamilton in two instances.
Mr. Simon in two instances.
Mr. Markey.
Mr. Mineta.
Ms. Kaptur.
Mr. Jacobs.
Mr. de Lugo.
Mr. Florio.
Mr. Torres.
Mr. Bonker.
Mr. Anthony.
Mr. Lipinski.
Mr. Clay.
Mr. Frank.
Mr. Morrison of Connecticut.
Mr. Clarke.
Mr. Rangel.
Mr. Kazen.
Mr. Guarini.
Mr. Sharp.
Mr. Ottinger in two instances.

ADJOURNMENT

Mr. LEVIN of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p.m.) the House adjourned until tomorrow, Thursday, November 3, 1983, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the third quarter of calendar year 1983 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
ARMS CONTROL PANEL TRIP, June 30–July 9, 1983											
Byron, Cong. Beverly B.	6/30	7/1	England	131.85	202.00					131.85	202.00
	7/2	7/4	Greece	18,610	225.00					18,610	225.00
	7/5	7/7	Austria	3,609.75	202.00					3,609.75	202.00
	7/7	7/9	Switzerland	348.35	164.00					348.35	164.00
Less per diem refund					51.00						−51.00
Transportation, Department of State (commercial).							1,953.00				1,953.00
Mavroules, Cong. Nicholas	7/1	7/1	England	65.92	101.00					65.92	101.00
	7/2	7/4	Greece	18,610	225.00					18,610	225.00
	7/5	7/7	Austria	3,609.75	202.00					3,609.75	202.00
	7/7	7/9	Switzerland	348.35	164.00					348.35	164.00
Less per diem refund					51.00						−51.00
Transportation, Department of State (commercial).							1,655.00				1,655.00
Ray, Cong. Richard	7/5	7/7	Austria	3,609.75	202.00					3,609.75	202.00
	7/7	7/9	Switzerland	348.35	164.00					348.35	164.00
Transportation, Department of State (commercial).							1,949.00				1,949.00
Charter flight to meet plane in Atlanta to connect overseas.							250.00				250.00
Klein, Adam J	6/30	7/1	England	131.85	202.00					131.85	202.00
	7/2	7/4	Greece	18,610	225.00					18,610	225.00
	7/5	7/7	Austria	3,609.75	202.00					3,609.75	202.00
	7/7	7/9	Switzerland	348.35	164.00					348.35	164.00
Less per diem refund					51.00						51.00
Transportation, Department of State (commercial).							1,953.00				1,953.00
Local group transportation			Lebanon			2,000	449.14			2,000	449.14
			Switzerland				60,789	782.00		1,650	782.00
			Greece					60,789	59.96	60,789	59.96
CHINA DELEGATION, Aug. 15–26, 1983											
Badham, Cong. Robert E	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					738.75	375.00
	8/23	8/26	Thailand	5,358.50	234.00					4,358.50	234.00
Transportation, Department of the Air Force							9,736.23				9,736.23
Courter, Cong. James A.	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					738.75	375.00
	8/23	8/26	Thailand	5,358.50	234.00					5,358.50	234.00
Transportation, Department of the Air Force							10,783.99				10,783.99
Dickinson, Cong. Wm. L.	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					738.75	375.00
	8/23	8/26	Thailand	5,358.50	234.00					5,358.50	234.00
Transportation, Department of the Air Force							10,783.99				10,783.99
Dyson, Cong. Roy	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					738.75	375.00
	8/23	8/26	Thailand	5,358.50	234.00					5,358.50	234.00
Transportation, Department of the Air Force							5,570,87				5,570.87
Transportation, Department of State (commercial).							2,130.00				2,130.00
Lloyd, Cong. Marilyn	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					738.75	375.00
	8/23	8/26	Thailand	5,358.50	234.00					5,358.50	234.00
Transportation, Department of the Air Force							10,783.99				10,783.99
Martin, Cong. David O'B.	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					238.75	375.00
	8/23	8/26	Thailand	5,358.50	234.00					5,358.50	234.00
Transportation, Department of the Air Force							10,783.99				10,783.99
Ortiz, Cong. Solomon P.	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					738.75	375.00
	8/23	8/26	Thailand	5,358.50	234.00					5,358.50	234.00
Transportation, Department of the Air Force							10,783.99				10,783.99
Price, Cong. Melvin	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					738.75	375.00
	8/23	8/26	Thailand	5,358.50	234.00					5,358.50	234.00
Transportation, Department of the Air Force							10,783.99				10,783.99
Spence, Cong. Floyd	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					738.75	375.00
	8/23	8/26	Thailand	5,358.50	234.00					5,358.50	234.00
Transportation, Department of the Air Force							10,783.99				10,783.99
Stump, Cong. Bob	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					738.75	375.00
	8/23	8/26	Thailand	5,358.50	234.00					5,358.50	234.00
Transportation, Department of the Air Force							10,783.99				10,783.99
Whitehurst, Cong. G. Wm.	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					738.75	375.00
	8/23	8/26	Thailand	5,358.50	234.00					5,358.50	234.00
Transportation, Department of the Air Force							10,783.99				10,783.99
Won Pat, Cong. Antonio B.	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					738.75	375.00
	8/23	8/26	Thailand	5,358.50	234.00					5,358.50	234.00
Transportation, Department of the Air Force							7,010.33				7,010.33
Bauser, Mr. Edward J.	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					738.75	375.00
	8/23	8/26	Thailand	5,358.50	234.00					5,358.50	234.00
Lally, John F.	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					738.75	291.00
	8/23	8/26	Thailand	5,358.50	234.00					5,358.50	234.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Transportation, Department of the Air Force							10,783.99				10,783.99
Price, Wm. David	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					738.75	375.00
	8/23	8/26	Thailand	5,358.50	234.00					5,358.50	234.00
Transportation, Department of the Air Force							10,783,99				10,783.99
Schafer, Robert F.	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					738.75	375.00
	8/23	8/26	Thailand	5,358.50	234.00					5,358.50	234.00
Transportation, Department of the Air Force							10,783.99				10,783.99
Tsompanas, Paul L.	8/15	8/18	Korea	229,310	291.00					229,310	291.00
	8/18	8/23	China	738.75	375.00					738.75	375.00
	8/23	8/26	Thailand	5,358.50	234.00					5,358.50	234.00
Transportation, Department of the Air Force							10,783,99				10,783.99
Local group transportation Thailand							800.96				800.96
			Thailand							669.25	
CENTRAL AMERICA DELEGATION, Sept. 9–13, 1983											
Davis, Cong. Robert W.	9/9	9/11	Costa Rica	6,465	150.00					6,465	150.00
	9/11	9/13	Honduras	912	156.00					912	156.00
Transportation, Department of the Air Force							6,744.00				6,744.00
Kramer, Cong. Kenneth B.	9/9	9/11	Costa Rica	6,465	150.00					6,465	150.00
	9/11	9/13	Honduras	912	156.00					912	156.00
Transportation, Department of the Air Force							6,744.00				6,744.00
Bayer, Carl T.	9/9	9/11	Costa Rica	6,465	150.00					6,465	150.00
	9/11	9/13	Honduras	912	156.00					912	156.00
Transportation, Department of the Air Force							6,744.00				6,744.00
VISIT TO CENTRAL AMERICA, Sept. 2–6, 1983											
Skelton, Cong. Ike	9/2	9/6	Panama		202.85						202.85
	9/2	9/6	Honduras								
Transportation, Department of the Army (commercial).							1,491.75				1,491.75
Kriser, Lou	9/2	9/6	Panama		202.85						202.85
	9/2	9/6	Honduras								
Transportation, Department of the Army (commercial).							1,282.00				1,282.00
INDIVIDUAL COMMITTEE TRAVEL DURING 3D QUARTER											
Aspin, Cong. Les	9/8	9/11	Canada		322.00						322.00
Transportation, Department of the Air Force							500.37				500.37
Battista, Anthony R.	8/21	8/26	Italy[3]								
	8/26	8/27	France[3]								
	8/27	8/28	Germany	454.08	172.00					454.08	172.00
Transportation, Department of State							3,923.00				3,923.00
Transportation, local by military							880.46				880.46
Holton, Edward J.	6/29	7/2	Germany	573.75	225.00					573.75	225.00
Transportation, Department of the Air Force						798					798.00
Moore, Alma B.	7/3	7/5	Philippines	1,650	150.00					1,650	150.00
	7/9	7/11	Japan	84,591	351.00					84,591	351.00
Transportation, Department of the Army						7,204.52					7,204.52
Waters, James C.	8/8	8/18	Germany	2,079.68	776.00					2,076.68	776.00
LEBANON DELEGATION, Sept. 23–26, 1983											
Cong. Beverly B.	9/23	9/26	Cyprus	40,720	75.00					40,720	75.00
	9/23	9/26	Lebanon		150.00						150.00
Less per diem refund					−65.00						−65.00
Transportation, Department of the Air Force							4,624.11				4,624.11
Daniel, Cong. Dan	9/23	9/26	Cyprus	40,720	75.00					40,720	75.00
	9/23	9/26	Lebanon		150.00						150.00
Transportation, Department of the Air Force							4,624.11				4,624.11
Dickinson, Cong. Wm. L.	9/23	9/26	Cyprus	40,720	75.00					40,720	75.00
	9/23	9/26	Lebanon		150.00						150.00
Transportation, Department of the Air Force							4,624.11				4,624.11
Hopkins, Cong. Larry J.	9/23	9/26	Cyprus	40,720	75.00					40,720	75.00
	9/23	9/26	Lebanon		150.00						150.00
Transportation, Department of the Air Force							4,624.11				4,624.11
Hunter, Cong. Duncan L.	9/23	9/26	Cyprus	40,720	75.00					40,720	75.00
	9/23	9/26	Lebanon		150.00						150.00
Transportation, Department of the Air Force							2,044.40				2,044.40
Nichols, Cong. Bill	9/23	9/26	Cyprus	40,720	75.00					40,720	75.00
	9/23	9/26	Lebanon		150.00						150.00
Transportation, Department of the Air Force							4,624.11				4,624.11
Ray, Cong. Richard	9/23	9/26	Cyprus	40,720	75.00					40,720	75.00
	9/23	9/26	Lebanon		150.00						150.00
Transportation, Department of the Air Force							4,624.11				4,624.11
Spratt, Cong. John M. Jr.	9/23	9/26	Cyprus	40,720	75.00					40,720	75.00
	9/23	9/26	Lebanon		150.00						150.00
Transportation, Department of the Air Force							4,624.11				4,624.11
Stratton, Cong. Samuel S.	9/23	9/26	Cyprus	40,720	75.00					40,720	75.00
	9/23	9/26	Lebanon		150.00						150.00
Transportation, Department of the Air Force							4,624.11				4,624.11
Stump, Cong. Bob	9/23	9/26	Cyprus	40,720	75.00					40,720	75.00
	9/23	9/26	Lebanon		150.00						150.00
Transportation, Department of the Air Force							4,624.11				4,624.11
Barrett, Archie D.	9/23	9/26	Cyprus	40,720	75.00					40,720	75.00
	9/23	9/26	Lebanon		150.00						150.00
Transportation, Department of the Air Force							4,624.11				4,624.11
Ford, John J.	9/23	9/26	Cyprus	40,720	75.00					40,720	75.00
	9/23	9/26	Lebanon		150.00						150.00
Transportation, Department of the Air Force							4,624.11				4,624.11
Nelson, Warren	9/23	9/26	Cyprus	40,720	75.00					40,720	75.00
	9/23	9/26	Lebanon		150.00						150.00
Transportation, Department of the Air Force							4,624.11				4,624.11
Wincup, G. Kim	9/23	9/26	Cyprus	40,720	75.00					40,720	75.00
	9/23	9/26	Lebanon		150.00						150.00
Transportation, Department of the Air Force							4,624.11				4,624.11
Local group transportation, Cyprus							221.75				221.75
Local group miscellaneous, Cyprus									273.09		273.09
Committee total					24,195.70		14,094.08		1,002.30		298,321.08

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Pending confirmation from State Department.

MELVIN PRICE, Chairman, Oct. 28, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1, AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sander Levin	7/5	7/8	El Salvador		[3] 225.00		[4] 699.74				924.74
Hon. E. E. Torres	8/17	8/18	Venezuela		81.00						81.00
	8/18	8/19	Columbia		86.00						86.00
	8/19	8/20	Panama		80.00						80.00
	8/20	8/22	Mexico		150.00		[4] 1,412.00				1,562.00
Hon. Richard Lehman	8/12	8/14	France		200.00						200.00
	8/14	8/17	Austria		303.00						303.00
	8/17	8/18	Poland		75.00						75.00
	8/18	8/20	Cypress		150.00						150.00
	8/20	8/23	Israel		300.00						300.00
	8/23	8/24	Syria		101.00						101.00
	8/24	8/27	Pakistan		225.00						225.00
	8/27	8/29	Ireland		200.00		[5] 9,191.00				9,391.00
Diane Dorius	8/21	8/26	Sweden		648.00		[4] 1,635.00				2,283.00
David Kiernan	8/21	8/28	Sweden		864.00						864.00
	8/28	9/1	Finland		424.00		[4] 1,992.00		45.87		2,461.87
Hon. John LaFalce	8/31	9/3	Germany		390.00						390.00
	9/3	9/6	France		387.00						387.00
	9/6	9/6	Belgium								
	9/7	9/9	England		417.00		[5] 3,518.24		135.18		4,070.42
Hon. Stan Lundine	8/31	9/3	Germany		390.00						390.00
	9/3	9/6	France		387.00						387.00
	9/6	9/6	Belgium								
	9/7	9/9	England		417.00		[5] 3,518.24		135.17		4,070.41
Hon. Bruce Vento	8/31	9/3	Germany		390.00						390.00
	9/3	9/6	France		387.00						387.00
	9/6	9/6	Belgium								
	9/7	9/9	England		417.00		[5] 3,518.24		135.18		4,070.42
Hon. George Wortley	8/31	9/3	Germany		390.00						390.00
	9/3	9/6	France		387.00						387.00
	9/6	9/6	Belgium								
	9/7	9/9	England		417.00		[5] 3,518.24		135.17		4,070.41
Hon. Marge Roukema	8/31	9/3	Germany		390.00						390.00
	9/3	9/6	France		387.00						387.00
	9/6	9/6	Belgium								
	9/6	9/9	England		417.00		[5] 3,518.24		135.18		4,070.42
Mr. Donald Terry	8/31	9/3	Germany		390.00						390.00
	9/3	9/6	France		387.00						387.00
	9/6	9/6	Belgium								
	9/6	9/9	England		417.00		[5] 3,518.24		135.17		4,070.41
Mr. Charlie Jones	8/31	9/3	Germany		390.00						390.00
	9/3	9/6	France		387.00						387.00
	9/6	9/6	Belgium								
	9/6	9/9	England		417.00		[5] 3,518.24		135.18		4,070.42
Ms. Alene Wendrow	8/31	9/3	Germany		390.00						390.00
	9/3	9/6	France		387.00						387.00
	9/6	9/6	Belgium								
	9/6	9/9	England		417.00		[5] 3,518.24		135.17		4,070.41

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] $150 returned to State Department.
[4] Commercial air transportation.
[5] Military air transportation.

FERNAND ST GERMAIN, Chairman, Oct. 31, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rep. James R. Jones	8/6	8/9	Brazil	188.110	302.00						302.00
	8/9	8/13	Peru	548.550	300.00		[3] 81.99				381.99
	8/13	8/16	Ecuador	14,448	300.00		[4] 12.87				312.87
Department of Air Force Transportation							3,292.77				3,292.77
Rep. Lynn Martin	8/6	8/9	Brazil	188.110	302.00						302.00
	8/9	8/13	Peru	548.550	300.00		[3] 81.99				381.99
	8/13	8/16	Ecuador	14,448	300.00		[4] 12.87				312.87
Department of Air Force Transportation							3,292.77				3,292.77
Peter Storm	8/6	8/9	Brazil	188.110	302.00						302.00
	8/9	8/13	Peru	548.550	300.00		[3] 81.99				381.99
	8/13	8/16	Ecuador	14,448	300.00		[4] 12.87				312.87
Department of Air Force Transportation							3,292.77				3,292.77
John R. Multop	8/9	8/11	Canada		267.00		369.33				636.33
Peter D. Robertson	8/1	8/5	Federal Republic of Germany		298.52		803.00				1,101.52
Committee total					3,271.52		11,335.22				14,606.74

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Round trip Lima, Peru/Cuzco, Peru.
[4] 1-way Quito, Ecuador/Guayaquil, Ecuador.

JAMES R. JONES, Chairman, Oct. 18, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rep. Frederick Boucher	8/14	8/16	El Salvador	592.50	150.00		801.63	[3] 18.29	[3] 4.63		1,106.26
	8/16	8/18	Nicaragua		150.00						
Rep. Frank Harrison	8/14	8/16	El Salvador	592.50	150.00		847.00	[3] 18.29	[3] 4.63		1,151.63
	8/16	8/18	Nicaragua		150.00						
Committee total					600.00		1,648.63		9.26		2,257.89

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Prorated driving services, San Salvador.

CARL D. PERKINS, Chairman, Oct. 28, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Agris, N.	8/27	8/31	Honduras		[3] 295.00						295.00
	8/31	9/1	Costa Rica		[3] 54.47						54.47
	9/1	9/4	Nicaragua		225.00						225.00
	9/4	9/8	El Salvador		[3] 250.38						250.38
Commercial transportation							1,076.85				1,076.85
Barnds, W. J.	8/24	8/25	India		119.00						119.00
	8/25	8/30	Pakistan		390.00						390.00
	8/30	9/3	India		[3] 368.27						368.27
Commercial transportation							3,025.00				3,025.00
Barnes, M.	7/4	7/7	Switzerland		345.00		484.75				829.75
	7/7	7/10	Austria		402.00						402.00
Commercial transportation							3,295.00				3,295.00
Bonker, D.	8/29	9/7	China (PRC)		675.00		64.70				739.70
Committee total					3,124.12		7,946.30				11,070.42
Boyer, R. K.	6/27	7/1	Mexico		300.00						300.00
Commercial Transportation							793.00				793.00
Bush, R. C.	8/7	8/11	Republic of Korea		[3] 304.85						304.85
	8/11	8/14	China (PRC)		233.75						233.75
	8/14	8/15	Hong Kong		121.00						121.00
	8/15	8/17	Taiwan		[3] 2.50						2.50
	8/17	8/20	Philippines		225.00						225.00
	8/20	8/23	Thailand		[3] 16.40						16.40
	8/23	8/24	Singapore		151.00						151.00
Commercial transporation							4,096.00				4,096.00
Crockett, G. W.	7/7	7/9	Philippines		150.00						150.00
	7/9	7/11	Japan		351.00						351.00
Committee total					1,855.50		4,889.00				6,744.50
Dymally, M.	8/5	8/7	United Kingdom		196.00						196.00
	8/10	8/15	Soviet Union		530.00		574.50				1,104.50
	8/15	8/17	Switzerland		164.00		194.44				358.44
	8/17	8/21	Germany		436.00						436.00
	8/21	8/23	Israel		200.00		653.00				853.00
	8/23	8/25	France		200.00						200.00
	8/25	8/27	United Kingdom		294.00						294.00
Commercial transportation							6,742.00				6,742.00
Garcia, R.	8/6	8/7	Italy		130.00						130.00
	8/8	8/11	Ethiopia		324.00						324.00
	8/11	8/14	Zaire		525.00						525.00
	8/14	8/17	Zimbabwe		345.00						345.00
	8/17	8/19	Ivory Coast		172.00						172.00
	8/19	8/21	Algeria		382.00				110.95		492.95
Committee totals					3,898.00		8,163.94		110.95		12,172.89
Garcia, R. (continued)	8/21	8/23	Morocco		150.00		123.47		156.21		429.68
	8/23	8/25	Greece		150.00						150.00
Military transportation							7,222.32				7,222.32
Gejdenson, S.	8/27	8/31	Honduras		375.00						375.00
	8/31	9/1	Costa Rica		75.00						75.00
	9/1	9/4	Nicaragua		225.00						225.00
	9/4	9/6	El Salvador		150.00						150.00
Commercial transportation							1,145.37				1,145.37
Grunberg, C. A.	6/27	7/1	Yugoslavia		300.00						300.00
	7/1	7/7	France		552.00						552.00
Commercial transportation							1,843.00				1,843.00
Harmon, R.	8/6	8/7	Italy		130.00						130.00
	8/8	8/11	Ethiopia		324.00						324.00
	8/11	8/14	Zaire		525.00						525.00
	8/14	8/17	Zimbabwe		345.00						345.00
Committee total					3,301.00		10,334.16		156.21		13,791.37
Harmon, R. (continued)	8/17	8/19	Ivory Coast		172.00						172.00
	8/19	8/21	Algeria		382.00				110.95		492.95
	8/21	8/23	Morocco		150.00		123.47		156.21		429.68
	8/23	8/25	Greece		150.00						150.00
Military transportation							7,222.32				7,222.32
Harris, E. D.	7/31	8/5	Switzerland		690.00						690.00
Commercial transportation							3,613.00				3,613.00
Holloway, A.	8/6	8/7	Italy		130.00						130.00
	8/8	8/11	Ethiopia		324.00						324.00
	8/11	8/14	Zaire		525.00						525.00
	8/14	8/17	Zimbabwe		345.00						345.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	8/17	8/19	Ivory Coast		172.00						172.00
	8/19	8/21	Algeria		382.00				110.95		492.95
	8/21	8/23	Morocco		150.00		123.47		156.21		429.68
Committee total					3,572.00		11,082.26		534.32		15,188.58
Holloway, A. (continued)	8/23	8/25	Greece		150.00						150.00
Military transportation							7,222.32				7,222.32
Jenkins, R.	8/27	8/31	Honduras		375.00						375.00
	8/31	9/1	Costa Rica		75.00						75.00
	9/1	9/4	Nicaragua		225.00						225.00
	9/4	9/8	El Salvador		300.00						300.00
Commercial Transportation							1,076.85				1,076.85
Johnson, V. C.	8/27	8/31	Honduras		[3] 245.00						245.00
	8/31	9/1	Costa Rica		75.00						75.00
	9/1	9/4	Nicaragua		225.00						225.00
	9/4	9/8	El Salvador		[3] 284.05						284.05
Commercial Transportation							1,076.85				1,076.85
Committee total					1,954.05		9,376.02				11,330.07
Kostmayer, P.	8/27	8/31	Honduras		[3] 345.00						345.00
	8/31	9/1	Costa Rico		[3] 67.23						67.23
	9/1	9/4	Nicaragua		225.00						225.00
	9/4	9/8	El Salvador		[3] 241.52						241.52
Commercial transportation							1,076.85				1,076.85
Lonie, D.	8/6	8/7	Italy		130.00						130.00
	8/8	8/11	Ethiopia		324.00						324.00
	8/11	8/14	Zaire		525.00						525.00
	8/14	8/17	Zimbabwe		345.00						345.00
	8/17	8/19	Ivory Coast		172.00						172.00
	8/19	8/21	Algeria		382.00				110.95		492.95
	8/21	8/23	Morocco		150.00		123.47		156.21		429.68
	8/23	8/24	Greece		75.00						75.00
Committee total					2,981.75		1,200.32		267.16		4,449.23
Lonie, D. (continued)	8/23	8/24	Greece		75.00						75.00
	8/24	8/26	Tunisia		237.00						237.00
Military transportation							3,611.16				3,611.16
Commercial transportation							1,833.00				1,833.00
Luks, H. P.	7/2	7/5	France		368.00						368.00
Commercial transportation							1,811.00				1,811.00
Majak, R. R.	8/28	8/29	Japan		117.00						117.00
	8/29	9/7	China (PRC)		675.00		64.70				739.70
Commercial transportation							2,825.30				2,825.30
Pena, R.	8/27	8/31	Honduras		[3] 340.00						340.00
	8/31	9/1	Costa Rica		75.00						75.00
	9/1	9/4	Nicaragua		225.00						225.00
	9/4	9/8	El Salvador		300.00						300.00
Commercial transportation							1,076.85				1,076.85
Committee total					2,412.00		11,222.01				13,634.01
Pubillones, L. T.	8/27	8/31	Honduras		[3] 320.00						320.00
	8/31	9/1	Costa Rica		75.00						75.00
	9/1	9/4	Nicaragua		225.00						225.00
	9/4	9/8	El Salvador		[3] 234.43						234.43
Commercial transportation							1,076.85				1,076.85
Abdul-Rahim, S.	8/6	8/7	Italy		130.00						130.00
	8/8	8/11	Ethiopia		324.00						324.00
	8/11	8/14	Zaire		525.00						525.00
	8/14	8/17	Zimbabwe		345.00						345.00
	8/17	8/19	Ivory Coast		172.00						172.00
	8/19	8/21	Algeria		382.00				110.95		492.95
	8/21	8/23	Morocco		150.00		123.47		156.21		429.68
Military transportation							3,611.16				3,611.16
Committee total					2,882.43		4,811.48		267.16		7,961.07
Ramsay, C.	8/24	8/26	India		238.00						238.00
	8/26	8/30	Pakistan		243.06						243.06
	8/30	9/3	India		[3] 362.00						362.00
Commercial transportation							3,025.00				3,025.00
Roberts, A.W.	6/28	7/1	Yugoslavia		225.00						225.00
	7/1	7/77	France		552.00						552.00
	7/7	7/10	United Kingdom		[3] 283.52						283.52
Commercial Transportation							4,111.00				4,111.00
Roth, S.	8/7	8/11	Korea		366.00						366.00
	8/11	8/14	China (PRC)		233.59						233.59
	8/14	8/14	Hong Kong		[3] 99.49						99.49
	8/15	8/17	Taiwan		[3] 146.69						146.69
	8/17	8/20	Philippines		225.00						225.00
	8/20	8/22	Thailand		[3] 16.83						16.83
Committee totals					2,991.18		7,136.00				10,127.18
Roth, S. (continued)	8/22	8/24	Singapore		302.00						302.00
	8/24	8/26	Philippines		150.00		68.00				218.00
Commercial transportation							3,812.00				3,812.00
Rovner, C. P.	6/27	7/1	Yugoslavia		300.00						300.00
	7/1	7/7	France		552.00						552.00
Commercial transportation							1,843.00				1,843.00
Solarz, S.	8/6	8/11	Korea		463.00						463.00
	8/11	8/14	China (PRC)		233.59						233.59
	8/14	8/15	Hong Kong		121.00						121.00
	8/15	8/17	Taiwan		184.00						184.00
	8/17	8/20	Philippines		225.00						225.00
	8/20	8/22	Thailand		195.00						195.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	8/22	8/24	Singapore		302.00						302.00
	8/24	8/25	Philippines		75.00		68.00				143.00
Committee totals					3,102.59		5,791.00				8,893.59
Solarz, S. (continued)	8/25	8/30	Pakistan		390.00						390.00
			India		[3] 368.00						368.00
Commercial transportation							4,568.00				4,568.00
Solomon, G	8/6	8/7	Italy		130.00						130.00
	8/8	8/11	Ethiopia		324.00						324.00
	8/11	8/14	Zaire		525.00						525.00
	8/14	8/17	Zimbabwe		345.00						345.00
	8/17	8/19	Ivory Coast		172.00						172.00
	8/19	8/21	Algeria		382.00				110.95		492.95
	8/21	8/23	Morocco		150.00		123.47		156.21		429.68
	8/23	8/24	Greece		75.00						75.00
Military transportation							3,611.16				3,611.16
Commercial transportation							1,633.00				1,633.00
Committee total					2,861.00		9,935.63		267.16		13,063.79
Strand, G	8/6	8/7	Italy		130.00						130.00
	8/8	8/11	Ethiopia		324.00						324.00
	8/11	8/14	Zaire		525.00						525.00
	8/14	8/17	Zimbabwe		345.00						345.00
	8/17	8/19	Ivory Coast		172.00						172.00
	8/19	8/21	Algeria		382.00				110.95		492.95
	8/21	8/23	Morocco		150.00		123.47		156.21		429.68
	8/23	8/25	Greece		150.00						150.00
Military transportation							7,222.32				7,222.32
Tavlarides, M. J.	8/11	8/22	Greece		750.00						750.00
	8/15	8/16	Cyprus		75.00		24.30				99.30
	8/16	8/17	Israel		100.00		168.50				268.50
Commerical transportation							3,933.00				3,933.00
Torricelli, R. G.	7/6	7/10	Israel		300.00						300.00
	7/10	7/12	Italy		291.00		331.08				622.08
Committee total					3,694.00		11,802.67		267.16		15,763.83
Verstandig, T.	8/19	8/21	Algeria		382.00				220.95		602.95
	8/21	8/23	Morocco		150.00		123.47		156.21		429.68
	8/23	8/24	Greece		75.00						75.00
	8/24	8/27	Tunisia		237.00						237.00
Commercial transportation							4,054.00				4,054.00
Weiss, T.	8/6	8/7	Italy		130.00						130.00
	8/8	8/11	Ethiopia		324.00						324.00
	8/11	8/14	Zaire		525.00						525.00
	8/14	8/17	Zimbabwe		345.00						345.00
	8/17	8/19	Ivory Coast		172.00						172.00
	8/19	8/21	Algeria		382.00				110.95		492.95
	8/21	8/23	Morocco [3]		(3)		123.47		156.21		279.68
	8/23	8/25	Greece		150.00						150.00
Military transportation							7,222.32				7,222.32
Committee total					2,872.00		11,523.26		644.32		15,039.58
Weissman, S.	8/6	8/7	Italy		130.00						130.00
	8/8	8/11	Ethiopia		324.00						324.00
	8/11	8/14	Zaire		525.00						525.00
	8/14	8/17	Zimbabwe		345.78						345.78
	8/17	8/19	Ivory Coast		172.00						172.00
	8/19	8/21	Algeria		382.00				110.95		492.95
	8/21	8/23	Morocco		150.00		123.47		156.21		429.68
	8/23	8/24	Greece		75.00						75.00
	8/24	8/26	Tunisia		237.00						237.00
	8/26	8/29	France		200.00						200.00
Military transportation							3,611.16				3,611.16
Commerical transportation							1,788.00				1,788.00
Wolpe, H.	8/6	8/7	Italy		130.00						130.00
	8/8	8/11	Ethiopia		324.00						324.00
	8/11	8/14	Zaire		525.00						525.00
Committee total					3,519.78		5,522.63		267.16		9,309.57
Wolpe, H. (continued)	8/14	8/17	Zimbabwe		345.00						345.00
	8/17	8/19	Ivory Coast		172.00						172.00
	8/19	8/21	Algeria		382.00				110.95		492.95
	8/21	8/23	Morocco [3]		(3)		123.47		156.21		279.68
	8/23	8/25	Greece		150.00						150.00
Military transportation							7,222.32				7,222.32
Yatron, G.	8/11	8/22	Greece		750.00						750.00
	8/15	8/16	Cyprus		75.00		24.30				99.30
	8/16	8/17	Israel		100.00		168.50				268.50
Commercial transportation							3,933.00				3,933.00
Zschau, E.	8/29	8/31	Honduras		225.00						225.00
	8/31	9/1	Costa Rica		[3] 55.00						55.00
	9/1	9/4	Nicaragua		[3] 211.00						211.00
Committee total					2,465.00		11,471.59		267.16		14,203.75
Zschau, E.	9/4	9/8	El Salvador		[3] 197.00						197.00
Commercial transportation							1,398.66				1,398.66
Committee total					197.00		1,398.66				1,595.66
Grand total 3d quarter											184,339.09

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Represents refunds of unused per diem.

CLEMENT J. ZABLOCKI, Chairman, Oct. 30, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Barnard, Jr.	7/1	7/5	France	3,815	500.00		904.00				1,404.00
	7/5	7/7	Austria	3,609.75	202.00						202.00
	7/7	7/10	Italy	590,536	388.00						388.00
Hon. William Clinger, Jr.	7/1	7/5	France	3,815	500.00		904.00				1,404.00
	7/5	7/7	Austria	3,609.75	202.00						202.00
	7/7	7/10	Italy	590,536	388.00						388.00
Peter Barash	7/1	7/5	France	3,815	500.00		1,811.00				2,311.00
	7/5	7/7	Austria	3,609.75	202.00						202.00
	7/7	7/10	Italy	590,536	388.00						388.00
Theodore T. Jacobs	7/1	7/5	France	3,815	500.00		2,035.00				2,535.00
	7/5	7/7	Austria	3,609.75	202.00						202.00
	7/7	7/10	Italy	590,536	388.00						388.00
Transportation cost for entire delegation provided by U.S. military.							53,477.20				53,477.20
Hon. John Convyers, Jr.	8/6	8/12	U.S.S.R.				3,637.00				3,637.00
Received in United States before departure					311.50						311.50
Received in Leningrad				66 R	86.11						86.11
Paid to hotel in Leningrad				76 R	99.15						99.15
Received in Moscow [3]											
Paid hotel in Moscow					429.53						429.53
Committee total					5,286.29		62,768.20				86,054.49

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] The Congressional Travel Office at the U.S. State Department has advised us to submit this incomplete report until they are able to confirm the exact amount dispersed in Moscow by the U.S. Embassy there. Unlike the Embassy in Leningrad the Moscow Embassy did not provide Travel Advance Applications or a cable reporting charges to the congressional account. Ms. Terry Patin with Congressional Travel at U.S. State Department advises that the Moscow Embassy has not provided such information since January 1983.

JACK BROOKS, Chairman, Oct. 25, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Antonio Won Pat, MC	7/7	7/9	Philippines	1,650	150.00						150.00
	7/9	7/12	Japan	84,591	351.00		[3] 5,178.25				5,529.25
Jeffrey Farrow, staff	7/7	7/9	Philippines	1,650	150.00						150.00
	7/9	7/12	Japan	84,591	351.00		[3] 5,178.25				5,529.25
Thomas Dunmire, staff	7/7	7/9	Philippines	1,650	150.00						150.00
	7/9	7/12	Japan	84,591	351.00		[3] 5,178.25				5,529.25
Joanne Hildebrand, staff	7/7	7/9	Philippines	1,650	150.00						150.00
	7/9	7/12	Japan	84,591	351.00		[3] 5,178.25				5,529.25
Dan Kish, staff	7/7	7/9	Philippines	1,650	150.00						150.00
	7/9	7/12	Japan	84,591	351.00		[3] 5,178.25				5,529.25
June Lusby, staff	7/7	7/9	Philippines	1,650	150.00						150.00
	7/9	7/12	Japan	84,591	351.00		[3] 5,178.25				5,529.25
Manuel Lujan, Jr., MC	7/7	7/9	Philippines	1,650	150.00		[4] 1,043.00				193.00
	7/9	7/12	Japan	84,591	351.00		[3] 5,178.25				5,529.25
James Moody, MC	7/7	7/9	Philippines	1,650	150.00		[4] 1,126.00				1,276.00
	7/9	7/12	Japan	84,591	351.00		[3] 5,178.25				5,529.25
Edward J. Markey, MC	8/14	8/16	El Salvador	592.50	150.00						150.00
	8/16	8/18	Nicaragua		150.00		868.63		[5] 23.16		1,041.79
Ron de Lugo, MC	9/16	9/20	St. Kitts		324.00		1,050.00				1,374.00
					4,632.00		45,513.63		23.26		50,168.79

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military transportation—equivalent commercial air fare.

[4] Commercial transportation to join congressional party.

[5] Driving services for entire delegation.

MORRIS K. UDALL, Chairman, OCT. 17, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mickey Leland	8/6	8/7	Italy		130.00						130.00
	8/8	8/11	Ethiopia		324.00						324.00
	8/11	8/14	Zaire		525.00						525.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	8/14	8/17	Zimbabwe		345.00						345.00
	8/17	8/19	Ivory Coast		172.00						172.00
	8/19	8/21	Algeria		382.00				110.95		492.95
	8/21	8/23	Morocco		150.00		123.47		156.21		429.68
	8/23	8/25	Greece		150.00						150.00
Military transportation								7,222.32			7,222.32
Hon. Katie Hall	8/6	8/7	Italy		130.00						130.00
	8/8	8/11	Ethiopia		324.00						324.00
	8/11	8/14	Zaire		525.00						525.00
	8/14	8/17	Zimbabwe		345.00						345.00
	8/17	8/19	Ivory Coast		172.00						172.00
	8/19	8/21	Algeria		382.00				110.95		492.95
	8/21	8/23	Morocco		150.00		123.47		156.21		429.68
	8/23	8/25	Greece		150.00						150.00
Military transportation							7,222.32				7,222.32
Hon. Patricia Schroeder	8/17	8/29	Australia		906.00		394.40				1,300.40
	8/29	9/1	Fiji		264.00		170.00				434.00
Commercial transportation							973.00				973.00
Andrew Feinstein	8/22	8/29	Australia		630.00		143.00				773.00
	8/29	9/1	Fiji		264.00		170.00				434.00
Commercial transportation							973.00				973.00
					6,420.00		17,514.98		534.32		24,469.30

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM F. FORD, Chairman, Oct. 28, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Moody, Jim, Cong	8/6	8/7	Italy	204,750	130.00					204,750	130.00
	8/8	8/11	Ethiopia	663.97	324.00					663.97	324.00
	8/11	8/14	Zaire		525.00						525.00
	8/14	8/17	Zimbabwe		345.00						345.00
	8/17	8/19	Ivory Coast	69,316	172.00					69,316	172.00
	8/19	8/21	Algeria	851.40	382.00				110.95	851.40	492.95
	8/21	8/23	Morocco	1,080	150.00		123.47		156.21	1,080.91	429.68
	8/23	8/25	Greece	13,332	150.00	[3]	7,222.32			13,332	7,372.32
Ferraro, Geraldine, A., Cong	8/12	8/15	Hong Kong	2,602	352.00					2,602	352.00
	8/15	8/20	Japan	115,128	468.00		130.00			115,128	568.00
Bosco, Douglas, H., Cong	8/31	9/1	Costa Rica	1,232.50	75.00					1,232.50	75.00
	9/1	9/4	Nicaragua		225.00						225.00
	9/4	9/6	El Salvador		225.00						225.00
Air transportation only						4,270	1,623.00			4,270	1,623.00
Committee total					3,523.00		9,098.79		267.16		12,888.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military.

JAMES J. HOWARD, Chairman, Oct. 31, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Cong. Parren J. Mitchell	8/6	8/7	Italy	204,750	130.00					204,750	130.00
	8/8	8/11	Ethiopia	663.97	324.00					663.97	324.00
	8/11	8/14	Zaire		525.00						525.00
	8/14	8/17	Zimbabwe		345.00						345.00
	8/17	8/19	Ivory Coast	69,316	172.00					69,316	172.00
	8/19	8/21	Algeria	1,851.40	382.00				110.95		492.95
	8/21	8/23	Morocco	1,080.41	150.00		123.47		156.21		429.68
	8/23	8/25	Greece	13,332	150.00					13,332	150.00
Military transportation							7,222.32				7,222.32
Thomas G. Powers	9/7	9/14	Singapore	1,496.24	706.27		4,515.00	75.50	35.64		5,256.91
Committee total					2,884.27		11,860.79		302.80		15,047.86

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PARREN J. MITCHELL, Chairman Oct. 25, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bob McEwen	8/15	8/18	Korea		291.00						291.00
	8/18	8/23	China		375.00						375.00
	8/23	8/26	Thailand		234.00						234.00
Department of Air Force—prorated share							[3] 10,783.99				10,783.99
Committee total					900.00						11,683.99

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

G. V. MONTGOMERY, Chairman, Oct. 27, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Beryl Anthony	8/12	8/16	Hong Kong	2,620.20	352.00		164.00		63.67		579.67
	8/16	8/20	Japan	115,128	468.00						468.00
Hon. Byron Dorgan	8/27	8/31	Honduras		375.00						375.00
	8/31	9/1	Costa Rica		75.00						75.00
	9/1	9/4	Nicaragua	225.00		1,237.00					1,462.00
Hon. Sam M. Gibbons	8/6	8/9	Brazil		302.00						381.87
	8/9	8/13	Peru		300.00		81.99				381.99
	8/13	8/16	Ecuador		300.00		12.87				312.87
Transportation by Department of Defense							3,292.77				3,292.77
Hon. Marty Russo	8/12	8/14	France	1,646	200.00						200.00
	8/14	8/17	Austria	5,826.70	303.00						303.00
	8/17	8/18	Poland	7,304.20	75.00						75.00
	8/18	8/20	Cyprus	81.35	150.00						150.00
	8/20	8/23	Israel		300.00						300.00
	8/23	8/24			101.00						101.00
	8/24	8/27	Pakistan	2,985.75	225.00						225.00
	8/27	8/29	Ireland	166.67	200.00						200.00
Air transportation provided by military; transportation equivalent to 1st-class fare.							9,191.00				9,191.00
Ann Flaig DuLaney	8/18	8/21	Germany	655.28	252.00	188.37	71.35				323.35
	8/21	8/24	Czechoslovakia	2,863.65	255.00						255.00
Refund					(5.43)						(5.43)
	8/24	8/26	Hungary	10,157.60	228.00						288.00
	8/26	8/29	Romania	2,268.50	167.50						167.50
	8/29	8/31	Bulgaria	159.89	162.00						162.00
Franklin C. Phifer, Jr	8/18	8/21	Germany	655.28	252.00	188.37	71.35				323.35
	8/21	8/24	Czechoslovakia	2,863.65	255.00						255.00
Refund					(5.87)						(5.87)
	8/24	8/26	Hungary	10,157.60	228.00						228.00
	8/26	8/29	Romania	2,268.50	167.50						167.50
	8/29	8/31	Bulgaria	159.89	162.00		2,192.07				2,192.07
Committee total					6,068.70		18,654.40		63.67		24,786.77

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Oct. 26, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Oliver, R. Spencer	6/5	6/5	Portugal [3]				107.38				
Finerty, John J	7/1	8/6	Spain	407,258	2,775.00		(4)				
Richmond, Yale W	7/7	7/19	Spain	132,150	900.00		[5] 2,115.00				
Wise, Samuel G	8/22	9/11	Spain	225,585	1,575.00		[6] 738.00 [7] 1,166.08				
Donovan, Margaret A	8/31	9/11	Spain	124,905	825.00		[6] 1,059.00 [7] 1,166.08				
Burns, Deborah M	8/31	9/11	Spain	124,905	825.00		[6] 713.00 [7] 1,166.08				
Davidson, Lynne A	9/6	9/11	Spain	56,737	375.00		[7] 1,166.08				
	9/12	9/16	France	3,840	480.00		[6] 437.00				
Markey, Edward	9/6	9/11	Spain	113,474	750.00		[8] 2,332.16				
Fascell, Dante B	9/6	9/11	Spain	56,737	375.00		[8] 2,332.16				
Burris, Barbara	9/6	9/11	Spain	56,737	375.00		[8] 2,332.16				
O'Regan, Charles R	9/6	9/11	Spain	56,737	375.00		[8] 2,332.16				
Oliver, R. Spencer	9/6	9/11	Spain	56,737	375.00		[8] 2,332.16				
Deychakiwsky, Orest	9/6	9/11	Spain	56,737	375.00		[8] 2,332.16				
Finerty, John J	9/6	9/11	Spain	56,737	375.00		[8] 2,332.16				
Sletzinger, Martin C	9/6	9/11	Spain	56,737	375.00		[8] 2,332.16				
Hand, Robert	9/6	9/11	Spain	56,737	375.00		[8] 2,332.16				
Hoffmann, Michael	9/6	9/11	Spain	56,737	375.00		[8] 2,332.16				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Farrell, Leslie J	9/6	9/11	Spain	56,737	375.00		[8] 2,332.16				
Edwards, Barbara	9/6	9/11	Spain	56,737	375.00		[8] 2,332.16				
Cosman, Catherine	9/6	9/11	Spain	56,737	375.00		[8] 2,332.16				
Richmond, Yale W	9/6	9/11	Spain	56,737	375.00		[8] 2,332.16				
Miscellaneous local transportation costs							1,553.62				
Committee totals					13,380.00		44,037.56				57,417.56

[1] Per diem constitutes lodging and meals. [2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended. [3] Local transportation Lisbon to Madrid. [4] Filed in last report. [5] Round trip. [6] One way. [7] Military. [8] Round trip military.

DANTE B. FASCELL, Chairman, Oct. 17, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Brown, E. A	8/6	8/9	Mexico		320.00		[3] 83.20		50.17		453.37
	8/9	8/12	Peru		216.00						216.00
	8/12	8/14	Bolivia		216.00				204.18		420.18
	8/14	8/18	Colombia		476.00						476.00
	8/18	8/12	Jamaica		426.00						426.00
Military transportation							3,961.27				3,961.27
Collins, C.	8/6	8/9	Mexico		320.00		[3] 83.20		50.17		453.37
	8/9	8/14	Peru		540.00						540.00
	8/14	8/18	Colombia		476.00						476.00
	8/18	8/21	Jamaica		426.00						426.00
Military transportation							3,961.27				3,961.27
Cusack, J. T	8/6	8/9	Mexico		320.00		[3] 83.20		50.17		453.37
	8/9	8/12	Peru		216.00						216.00
	8/12	8/14	Bolivia		216.00				204.18		420.18
	8/14	8/18	Colombia		476.00						476.00
Subtotal					4,644.00		8,172.14		558.87		13,375.01
Cusack, J. T. (continued)	8/18	8/21	Jamaica		426.00						426.00
Military transportation							3,961.27				3,916.27
Gilman, B. A	8/6	8/9	Mexico		320.00		83.20		50.17		453.37
	8/9	8/12	Peru		216.00						216.00
	8/12	8/14	Bolivia		216.00				204.18		420.18
	8/14	8/18	Colombia		476.00						476.00
	8/18	8/19	Jamaica		[4] 146.00						146.00
Military transportation							1,980.63				1,980.63
Commercial transportation							266.00				266.00
Guarini, F. J	8/6	8/9	Mexico		320.00		83.20		50.17		453.37
	8/9	8/12	Peru		216.00						216.00
	8/12	8/14	Bolivia		216.00				204.18		420.18
	8/14	8/18	Colombia		476.00						476.00
	8/18	8/21	Jamaica		426.00						426.00
Subtotal					3,454.00		6,374.30		508.70		10,337.00
Guarini, F. J. (continued):											
Military transportation							3,961.27				3,961.27
Laremont, R. L	8/6	8/9	Mexico		320.00		83.20		50.17		453.37
	8/9	8/14	Peru		540.00						540.00
	8/14	8/18	Colombia		476.00						476.00
	8/18	8/21	Jamaica		426.00						426.00
Military transportation							3,961.27				3,961.27
Lewis, T	8/6	8/9	Mexico		320.00		83.20		50.17		453.37
	8/9	8/12	Peru		216.00						216.00
	8/12	8/14	Bolivia		216.00				204.18		420.18
	8/14	8/18	Colombia		476.00						476.00
	8/18	8/21	Jamaica		426.00						426.00
Military transportation							3,961.27				3,961.27
Lowe, R. B	8/6	8/9	Mexico		320.00		83.20		50.17		453.37
	8/9	8/12	Peru		216.00						216.00
	8/12	8/14	Bolivia		216.00				204.18		420.18
Subtotal					4,168.00		12,133.41		558.87		16,860.28
Lowe, R. B. (continued)	8/14	8/18	Colombia		476.00						476.00
	8/18	8/21	Jamaica		426.00						426.00
Military transportation							3,961.27				3,961.27
Rangel, C. B	8/6	8/9	Mexico		320.00		83.20		50.17		453.37
	8/9	8/12	Peru	216.00							216.00
	8/12	8/14	Bolivia		216.00				204.18		420.18
	8/14	8/18	Colombia		476.00						476.00
	8/18	8/21	Jamaica		426.00						426.00
Military transportation							3,961.27				3,961.27
Towns, E.	8/6	8/9	Mexico		320.00		83.20		50.17		453.37
	8/9	8/14	Peru		540.00						540.00
	8/14	8/18	Colombia		476.00						476.00
	8/18	8/21	Jamaica	426.00							426.00
Military Transportation							3,961.27				3,961.27
Subtotal					4,318.00		12,050.21		304.52		16,672.73
Committee total					16,584.00		38,730.06		1,930.96		57,245.02

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Car tental.
[4] Denotes refund of unused per diem.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2085. A communication from the President of the United States, transmitting request for fiscal year 1984 supplemental appropriations (H. Doc. No. 98-127); to the Committee on Appropriations and ordered to be printed.

2086. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Ambassador-designate Diego C. Asencio, and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

2087. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Ambassador-designate William H. Luers, and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

2088. A letter from the Secretary of Transportation, transmitting updated apportionment factor tables for interstate construction and for substitute highway and substitute transit projects to reflect withdrawals of interstate segments approved by September 30, 1983, to supplement estimates previously submitted (Ex. Com. No. 1794), pursuant to 23 U.S.C. 103(e)(4); to the Committee on Public Works and Transportation.

2089. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report prepared for the Corps of Engineers, Baltimore District, on the results of an investigation of the use of the Potomac River estuary as a possible supplemental water supply source for the Washington metropolitan area, pursuant to section 85(b)(2) of Public Law 93-251; to the Committee on Public Works and Transportation.

2090. A letter from the Secretary of Labor, transmitting a report on the study of black lung benefits, and other benefits received by recipients of black lung benefits, pursuant to section 203(c) of Public Law 97-119; jointly, to the Committees on Education and Labor and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. Commercial production and distribution of domestic marihuana (Rept. No. 98-461). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3376. A bill to declare that the United States holds certain lands in trust for the Makah Indian Tribe, Washington (Rept. No. 98-462). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs H.R. 2644. A bill to require the Secretary of the Interior to enter into an agreement with the State of North Carolina with respect to the repair and maintenance of a certain highway of such State located with the Cape Hatteras National Seashore Recreational Area; with an amendment (Rept. No. 98-463). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3885. A bill to provide for the restoration of Federal recognition to the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes; with amendments (Rept. No 98-464). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3111. A bill to declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma (Rept. No. 98-465). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 357. Resolution providing for the consideration of H.R. 3244, a bill to amend the Energy Policy and Conservation Act to eliminate preemption of a State's authority to establish or enforce any energy efficiency standard or similar requirement if a Federal energy efficiency standard has not been established. (Rept. No. 98-469). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 358. Resolution providing for the consideration of H.R. 4248, a bill to authorize appropriations for fiscal year 1984 for the operation and maintenance of the Panama Canal, and for other purposes (Rept. No. 98-470). Referred to the House Calendar.

Mr. WHEAT: Committee on Rules. House Resolution 359. Resolution providing for the consideration of H.R. 3435, a bill to revise and extend the Education of the Handicapped Act, and for other purposes (Rept. No. 98-471). Referred to the House Calendar.

Mr. DINGELL: Committee on Education and Commerce. H.R. 4194. A bill to extend the expiration date of section 252 of the Energy Policy and Conservation Act (Rept. No. 98-472). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAZZOLI: Committee on the Judiciary. H.R. 724. A bill for the relief of Carlos Mebrano Gatson (Rept. No. 98-466). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 932. A bill for the relief of Harry Chen Tak Wong; with an amendment (Rept. No. 98-467). Referred to the Committee of the Whole House.

Mr. LUNGREN: Committee of the Judiciary. H.R. 2087. A bill for the relief of Hans Robert Beisch (Rept. No. 98-468). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SHARP:

H.R. 4277. A bill to amend the Natural Gas Policy Act of 1978 to provide consumer price relief, to facilitate the transition of the natural gas industry to a more competitive market, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANNUNZIO:

H.R. 4278. A bill to provide for the temporary extension of the ban on credit card surcharges; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ANTHONY:

H.R. 4279. A bill to amend section 144 of title 23, United States Code, to authorize the construction of bridges to replace ferryboat service; to the Committee on Public Works and Transportation.

By Mr. CLAY (for himself, Mrs. Roukema, Ms. Ferraro, Mr. Erlenborn, Mr. Ford of Michigan, Mr. Kildee, Mr. Murphy, Mr. Martinez, Mr. Miller of California, Mr. Biaggi, Mr. Perkins, Mr. Bartlett, Mr. Chandler, Mrs. Schroeder, Ms. Snowe, Mrs. Boggs, Ms. Kaptur, Mrs. Boxer, Mrs. Collins, Mrs. Hall of Indiana, Mrs. Johnson, Mrs. Kennelly, Ms. Mikulski, Ms. Oakar, Mrs. Schneider, Mr. Simon, Mr. Williams of Montana, Mr. Harrison, Mr. Ackerman, Mrs. Burton of California, Mr. Jeffords, Mr. Packard, Ms. Fiedler, Mr. Hayes, Mrs. Holt, Mrs. Martin of Illinois, and Mr. Rinaldo):

H.R. 4280. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve the delivery of retirement benefits and provide for greater equity under private pension plans for workers and their spouses and dependents by taking into account changes in work patterns, the status of marriage as an economic partnership, and the substantial contribution to that partnership of spouses who work both in and outside the home, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. COYNE:

H.R. 4281. A bill to direct the Administrator of the Environmental Protection Agency to make grants to the city of Pittsburgh, Pa., to pay the costs of constructing the uncompleted portion of the Saw Mill Run relief sewer; to the Committee on Public Works and Transportation.

By Mr. DASCHLE:

H.R. 4282. A bill to amend the Military Selective Service Act to provide that retired members of the Armed Forces may serve as members of local boards of the Selective Service System; to the Committee on Armed Services.

By Mr. GEKAS:

H.R. 4283. A bill to amend the Communications Act of 1934 to assure that any system of access charges provide funding for reduced telephone rates for low-income elderly residential subscribers; to the Committee on Energy and Commerce.

By Mr. GLICKMAN (for himself, Mr. Emerson, Mr. Daschle, Mr. Volkmer, Mr. Stenholm, and Mr. Evans of Iowa):

H.R. 4284. A bill to amend the Federal Crop Insurance Act to authorize the Federal Crop Insurance Corporation to insure producers against losses of commodities incurred as a result of the insolvency of certain persons who store grain or Upland cotton on behalf of such producers, and for other purposes; to the Committee on Agriculture.

By Mr. GLICKMAN (for himself, Mr. Emerson, Mr. Daschle, Mr. Volkmer, Mr. Stenholm, Mr. Evans of Iowa, and Mr. Evans of Illinois):

H.R. 4285. A bill to require that certain financial information be acquired and disseminated by the Secretary of Agriculture with respect to non-Federal facilities approved for the storage of certain grains owned or controlled by the Commodity Credit Corporation; to the Committee on Agriculture.

H.R. 4286. A bill to amend title 11, United States Code, to provide for expedited determinations of interests in grain and the proceeds of grain, held by debtors who own or operate grain storage facilities, and for other purposes; to the Committee on the Judiciary.

By Mr. MONTGOMERY (for himself, Mr. Hammerschmidt, Mr. Edgar, Mr. Shelby, Mr. Dowdy of Mississippi, Mr. Guarini, and Mr. Duncan):

H.R. 4287. A bill to amend the Internal Revenue Code of 1954 with respect to the unrelated business taxable income of private corporations established under Federal law; to the Committee on Ways and Means.

By Mr. MOORHEAD:

H.R. 4288. A bill to protect patent owners from importation into the United States of unpatented goods made overseas by use of patented processes, and to encourage innovation and stimulate trade by making necessary and appropriate amendments to the patent and copyright laws; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. Rangel, Mr. Ford of Tennessee, Mr. Downey of New York, Mr. Fowler, Mr. Matsui, and Mr. Shannon):

H.R. 4289. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the earned income credit, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL (for himself, Mr. McNulty, Mr. Lujan, and Mr. McCain):

H.R. 4290. A bill to provide for the statutory designation of the position of Assistant Secretary of the Interior for Indian Affairs, eliminate the position of Commissioner of Indian Affairs, make conforming amendments, repeal unnecessary provisions of law referring to the Commissioner of Indian Affairs, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself, Mr. McNulty, Mr. Lujan, and Mr. McCain) (by request):

H.R. 4291. A bill to allow variable interest rates for Indian funds held in trust by the United States; to the Committee on Interior and Insular Affairs.

By Mr. SIMON:

H. Con. Res. 205. Concurrent resolution expressing the sense of the Congress that the President should form a National Commission on Natural Gas Policy to make recommendations to the Congress; to the Committee on Energy and Commerce.

By Mr. FEIGHAN (for himself, Mr. Evans of Illinois, Ms. Kaptur, Mr. Applegate, Mr. McEwen, Mr. Bilirakis, Mr. Harrison, and Mr. Slattery):

H. Res. 360. Resolution expressing the sense of the House of Representatives that the Veterans' Administration should develop a comprehensive, unified policy for the study and treatment of post-traumatic stress disorder and establish a central office to advise persons in Veterans' Administration hospitals and outpatient facilities who are setting up post-traumatic stress disorder wards and treatment programs; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PASHAYAN introduced a bill (H.R. 4292) for the relief of Wesley P. and Lois R. Kliewer, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mr. Sisisky.

H.R. 295: Mr. Clarke.

H.R. 408: Mr. Pease.

H.R. 1087: Mrs. Holt.

H.R. 1092: Mrs. Hall of Indiana.

H.R. 1249: Mr. McNulty.

H.R. 1295: Mr. Edgar and Mr. Leland.

H.R. 1320: Mr. Whittaker and Mr. Dorgan.

H.R. 1418: Mr. Clarke.

H.R. 1955: Mr. Britt, Mr. Dickinson, Mr. Rowland, Mrs. Smith of Nebraska, Mrs. Vucanovich, Mr. Young of Missouri, and Mr. Scheuer.

H.R. 2053: Mr. Evans of Illinois and Mr. Whitehurst.

H.R. 2085: Mr. Winn.

H.R. 2124: Mr. Gephardt, Mr. Lewis of Florida, Mr. Fascell, Mr. Carr, Mr. Latta, Mr. Bilirakis, Mr. Boucher, Mr. Dickinson, and Mr. Sensenbrenner.

H.R. 2127: Mr. Bedell.

H.R. 2262: Mrs. Johnson and Mr. Madigan.

H.R. 2374: Mr. Bedell.

H.R. 2447: Mr. Oxley.

H.R. 2888: Mrs. Hall of Indiana.

H.R. 3282: Mr. Weber.

H.R. 3546: Mr. Courter.

H.R. 3684: Mr. Udall, Mr. Dixon, Mr. Frost, Mr. Markey, Mr. Weiss, Mr. Chappell, Mr. Ottinger, Mr. Mineta, and Mr. Hayes.

H.R. 3711: Mr. Dymally.

H.R. 3755: Mr. Owens and Mr. Marlenee.

H.R. 3791: Mr. Reid, Mr. Edwards of California, Mr. Roybal, Ms. Oakar, Mrs. Boggs, Mr. Bates, Mr. Dymally, Mr. Matsui, Mr. Martinez, Mr. Fazio, Mr. Levine of California, Mr. Torres, Mr. Miller of California, and Mr. Berman.

H.R. 3792: Mr. Reid, Mr. Edwards of California, Mr. Roybal, Ms. Oakar, Mrs. Boggs, Mr. Bates, Mr. Dymally, Mr. Matsui, Mr. Martinez, Mr. Fazio, Mr. Levine of California, Mr. Torres, Mr. Miller of California, and Mr. Berman.

H.R. 3870: Mr. Forsythe and Mrs. Hall of Indiana.

H.R. 4011: Mr. Annunzio and Mr. Russo.

H.R. 4030: Mr. Fascell.

H.R. 4078: Mr. Stenholm.

H.R. 4105: Mr. Oberstar.

H.R. 4110: Mr. Bonior of Michigan and Mr. Reid.

H.R. 4193: Mr. Addabbo, Mr. Yates, Mr. Fauntroy, Mr. Markey, Mr. Florio, Mr. Evans of Illinois, Mr. Pritchard, Mr. Frank, Mr. Edwards of California, Mr. Oberstar, Mr. Torres, Mr. Brown of California, Mr. Mitchell, Mr. Leland, Mr. Owens, Mr. Solarz, Mr. Ford of Tennessee, Mr. Stark, Mr. Corrada, Ms. Kaptur, Mr. Berman, Mr. Britt, Mr. Frost, Mr. Smith of Florida, Mr. Ottinger, Mr. Stokes, Mr. Murphy, Mr. Levine of California, Mr. Lehman of Florida, Mr. Howard, Mrs. Kennelly, and Mrs. Boggs.

H.R. 4206: Mr. Tallon, Mr. Hawkins, Mr. Erdreich, Mr. Udall, Mr. Hillis, Mr. Jenkins, Mr. Minish, Mr. Rodino, Mr. Martinez, Mr. Pickle, Mr. Robinson, Mr. Sawyer, Ms. Fiedler, Mr. Spratt, Mr. Dicks, Mr. Flippo, Mr. Heftel of Hawaii, Mr. Lundine, Mr. Anderson, Mr. Kramer, Mr. Donnelly, Mr. Zschau, Mr. Bateman, Mr. Guarini, Mrs. Boxer, Mr. Synar, and Mr. Breaux.

H.J. Res. 103: Mr. Applegate, Mr. Clarke, Mr. Conable, Mr. Levin of Michigan, and Mr. Minish.

H.J. Res. 160: Mr. Clarke.

H.J. Res. 334: Mr. Harrison, Mr. Towns, Mr. Berman, Mr. Barnes, Mr. Dingell, Mr. Panetta, Mr. Feighan, Mr. Beilenson, Mr. Smith of Florida, Mr. Bonior of Michigan, Mr. Mitchell, Ms. Mikulski, Mr. Fauntroy, Mr. Evans of Illinois, Mr. Ratchford, Mr. Simon, Mr. Lantos, Mr. Hughes, Mr. Forsythe, Mr. Mrazek, Mr. Fazio, Mr. Mineta, Ms. Ferraro, Mr. Richardson, Mr. Stokes, Mr. Biaggi, Mr. Frenzel, Mr. Edgar, Mr. Owens, Mr. Conyers, Ms. Oakar, Mr. McNulty, Mr. Tallon, Mr. Stratton, Mr. Lent, Mr. Leland, and Mr. Rostenkowski.

H.J. Res. 382: Mr. Bedell, Mr. Daniel, Mr. Jeffords, Mr. Kogovsek, Mr. Markey, Mr. Stenholm, Mr. Weaver, Mr. Winn, and Mr. Wise.

H.J. Res. 383: Mr. Stump, Mr. Hunter, Mr. Roth, Mr. Taylor, Mr. Emerson, Mr. Young of Florida, Mr. Ortiz, Mr. Brown of Colorado, Mr. Burton of Indiana, Mr. Moody, Mrs. Martin of Illinois, Mr. Sundquist, Mr. Clinger, Ms. Oakar, Mr. Leath of Texas, Mr. Anthony, Mr. Gonzalez, Mr. Jones of Tennessee, Mr. Downey of New York, Mr. Stenholm, Mr. Dickinson, Mr. Roberts, Mr. Shaw, Mr. Bliley, Mr. Whittaker, Mr. Wirth, Mr. Florio, Mr. Leland, Mr. Sikorski, Mr. Bryant, Mr. Nielson of Utah, Mr. Weber, Mr. Robinson, Mr. Packard, Mr. Neal, Mr. Sawyer, Mr. Jones of Oklahoma, Mr. Dingell, Mr. Sharp, Mr. Slattery, Mrs. Collins, Mr. Tauzin, Mr. Fields, Mr. Myers, Mr. Evans of Iowa, Mr. Stangeland, Mr. Bartlett, Mr. Badham, Mr. Schulze, Mr. Daniel, Mr. Solomon, Mr. Loeffler, Mr. Latta, Mr. Conable, Mr. Kindness, Mr. Mack, Mr. McCain, Mr. Goodling, Mr. Long of Maryland, Mr. Sam B. Hall, Jr., Mr. Hiler, Mr. Gregg, Mr. Pritchard, Mr. Walker, Mr. Broomfield, Mr. Michel, Mr. Carney, Mr. Kasich, Mr. Pashayan, Mr. Paul, Mr. Dellums, Mr. Denny Smith, Mr. Gunderson, Ms. Fiedler, Mr. Hawkins, Mr. Stark, Mr. Martin of North Carolina, Mr. Bethune, Mrs. Holt, Mr. Morrison of Connecticut, Mr. Murphy, Mr. Albosta, Mr. Owens, Mr. Frank, Mr. Wheat, Mrs. Lloyd, Mr. Smith of New Jersey, Mr. O'Brien, Mr. Lowery of California, Mr. Moakley, Mr. Fish, Mr. Bennett, Mr. Hammerschmidt, Mr. Moorhead, Mr. Lantos, Mr. Spratt, Mr. Marriott, Mr. Beilenson, Mr. Minish, Mr. Mineta, Mr. Garcia, Mr. MacKay, Mr. Ratchford, Mr. de la Garza, Mr. Pickle, Mr. Nichols, Mrs. Byron, Mr. Hoyer, Mr. Thomas of California, Mr. Whitten, Mr. Lott, Mr. Wyden, Mr. Synar, Mr. Coats, Mr. Swift, Mr. Luken, Mr. Dreier of California, Mr. Edwards of Alabama, Mr. Weaver, Mr. Kildee, Mr. Petri, Mr. Courter, Mr. Walgren, Mr. Tauke, Mr. Oxley, Mr. Rinaldo, Mr. Richardson, Mr. Ralph

M. Hall, Ms. Mikulski, Mr. Shelby, Mr. Davis, Mr. Gilman, Mr. Livingston, Mr. Conte, Mr. Clarke, Mr. Ottinger, Mr. Brooks, Mr. Miller of Ohio, Mr. Bereuter, Mr. Parris, Mr. Bateman, Mr. Cheney, Mr. McDade, Mr. Gekas, Mr. Natcher, Mr. Dicks, Mr. Yates, Mr. Levitas, Mr. Anderson, Mr. Markey, Mr. Aspin, Mr. Panetta, Mr. Pepper, Mr. Wright, Mrs. Boxer, Mr. McCloskey, Mrs. Schroeder, Mr. Mavroules, Mr. Wilson, Mr. Gore, Mr. Miller of California, Mr. Montgomery, Mr. Hillis, Mr. Rogers, Mr. Green, Mr. Lagomarsino, Mr. Moore, Mr. Ritter, Mr. Snyder, Mr. Vander Jagt, Mr. Edwards of Oklahoma, Mr. Williams of Ohio, Mrs. Schneider, Mr. Price, and Mr. Hartnett.

H. Con. Res. 173: Mr. Bereuter, Ms. Mikulski, Mr. Bonker, Mr. Durbin, Mr. Mineta, and Mr. Bedell.

H. Con. Res. 181: Mr. Bilirakis, Mr. Boehlert, Mr. Corcoran, Mr. McKernan, Mr. Ray, and Mr. Tallon.

H. Res. 334: Mr. Hillis.

H. Res. 349: Mr. Clay, Ms. Kaptur, Mr. Frank, Mr. Won Pat, Mr. Pepper, Mr. Quillen, Mr. Matsui, Mr. Pashayan, Mr. Guarini, Mr. Boehlert, Mr. Andrews of Texas, Mr. Levine of California, Mr. Ford of Tennessee, Mr. Britt, Mr. Horton, Mr. Oberstar, Mr. Roth, Mr. Barnard, Mr. Wilson, Mr. Sunia, Mrs. Vucanovich, Mr. Foley, Mr. Hughes, Mr. Snyder, Mr. Swift, Mr. Kastenmeier, Mr. Mollohan, Mr. Regula, Mr. Barnes, Mr. Wortley, Mr. Markey, Mr. Brown of California, Mr. Biaggi, Mr. Daub, Mr. Rowland, Mr. Skelton, Mr. Mazzoli, Mr. Levin of Michigan, Mr. Sisisky, Mr. Howard, Mr. Frost, Mr. Smith of Florida, Mr. Harrison, Mr. Lewis of California, Mr. Forsythe, Mr. Hatcher, Mr. Gekas, Mr. Roe, and Mr. Ratchford.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2729: Mr. Simon.

H.J. Res. 316: Mr. Crockett.

EXTENSIONS OF REMARKS

THE BRETTON WOODS INSTITUTIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my foreign affairs newsletter for October 1983 into the CONGRESSIONAL RECORD.

THE BRETTON WOODS INSTITUTIONS

The International Monetary Fund and the World Bank were established by the United States and its allies in 1944 at a meeting in Bretton Woods, New Hampshire. These "Bretton Woods Institutions" have played a central role in promoting growth across the world. Today, the Fund does much to ensure the stability of the international monetary system, and the Bank is the key source of official long-term financing for development. We were instrumental in bringing both institutions to life, and support for them has been a hallmark of our foreign policy. Many Presidents and members of Congress have extolled the agencies for helping to create a global environment that favors our economic, political, and strategic interests.

Our participation in the Fund and the Bank is being called into question by people spanning a broad political spectrum. The event focusing attention on the institutions is Congress's action on legislation to increase our commitment to the Fund. This legislation has become controversial. Given the scrutiny it is getting, we should review what the agencies do and why we need them.

The origin of the International Monetary Fund lies in the 1930's, when many nations tried to prosper in the face of shrinking markets abroad by cheapening their currencies to boost exports and raising trade barriers to cut imports. In self-defense, other countries adopted the same policy, which only aggravated the depression. Recognition grew that such a policy was self-defeating, and that a world code of finance and trade was needed.

At the outset, the Fund had 44 members. Now, there are 146 members. The Fund's charter states that the institution will help stabilize exchange rates, foster cooperation in monetary affairs through consultation, promote balanced growth in trade, and make temporary loans so that members can correct problems without resorting to measures which would destroy prosperity.

In many ways, the Fund is like a credit union. It loans from the quotas of its members. All members open accounts by making deposits, and all have the right to draw. To draw a large amount in relating to its deposit, a nation must undertake economic reforms, the extent of which depends on the loan's amount and the severity of the nation's problems. A loan cannot extend more than three years and must be paid off within ten years. No nation has ever failed to repay.

The World Bank includes three entities: the International Bank for Reconstruction and Development (IBRD), the International Development Association (IDA), and the International Finance Corporation (IFC). These entities aim to raise standards of living in developing countries by channeling financial resources and technical expertise to them from the richer nations.

The IBRD finances its lending primarily from its own borrowing, backed by government guarantee, in world capital markets. Loans from the IBRD have repayment periods longer than those of loans from the Fund. Also, the IBRD directs its loans toward particular projects in countries at higher stages of development. It may lend only for productive purposes, and its loans must stimulate growth. It must consider the prospects for repayment. Each loan goes to a government or a government-supported concern on the basis of economics alone.

The IDA and the IFC give the Bank's operations even wider scope. Like the IBRD, the IDA makes developmental loans, but its clients are the poorest countries, a fact reflected in the lenient terms of its loans. Unlike the IBRD, the IDA gets its monies directly from the richest nations. The IFC attempts to aid less developed countries by promoting private-sector growth.

The mission, structure, and function of the Bretton Woods Institutions are clear, but not as clear are the reasons why American taxpayers should care about them and the nations they help.

The Fund and the Bank are vital to our well-being because we have far-reaching economic, political, and strategic interests. Focusing on our economic interests, we find that we have used the Fund, drawing without conditions, more than any nation except Great Britain. As to our economic interests elsewhere, we find that in 1980, the developing countries bought 40 percent of our exports, an amount greater than that purchased singly by Canada, Japan, or western Europe. Our exports to developing countries grew at an average annual rate above 19 percent between 1970 and 1980, while exports to developed countries grew more slowly. Two million jobs and 25 percent of the cultivated acreage here at home depend on consumption, investment, and demand for imports in the developing world. Our main customers in the developing world are primary recipients of loans from the Fund and the Bank. These loans help them buy from us.

If these general statistics are convincing, specific cases are even more so. The events of the past year in Mexico provide a forceful illustration. In 1981, we exported $18 billion in manufactured goods and farm products to Mexico. Since that time, however, Mexico has gone through an economic crisis, and our exports to her have plummeted by $9 billion, taking with them hundreds of thousands of American jobs. Hope for a rise in our exports to Mexico lies with special financing from the Fund. With this financing, conditioned on economic reform and renewal of commercial lending, Mexico will pick itself up and boost its purchases from us. Without the financing, it will sink even further, costing us more exports and jobs.

The importance of the Fund and the Bank extends beyond economics. In Central America, for example, poverty has created a fertile field for insurgents whose aim is to replace pro-western governments in the region with pro-Cuban ones. If the economic problems of these societies are not solved, military victory over the insurgents will be temporary at best. A program of development backed by loans from the Fund and the Bank can help quell an insurgency or, better yet, prevent it from arising at all. The stability which attends development serves high political and strategic interests as well as economic ones.●

SUPERFUND REAUTHORIZATION NEEDS A SECURE SOURCE OF FUNDING

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. FLORIO. Mr. Speaker, during the next several weeks the Subcommittee on Commerce, Transportation and Tourism will be holding hearings on reauthorizing Superfund, the law enacted in 1980 which was designed to clean up America's thousands of hazardous waste sites. We have already learned that the $1.6 billion fund—derived primarily from a tax on chemical feedstocks—will only be enough to clean up about 175 sites. There are now 547 sites on the EPA priority list and several thousand more of comparable severity which have not yet been added to the list. In reauthorizing Superfund, it will become obvious to all concerned that the cost of proper hazardous waste cleanup across the country will be many times $1.6 billion.

In recent months there has been considerable discussion about deploying a "waste-end" or "disposal-based" fee as the source of funding for a reauthorized Superfund program. This type of funding mechanism is advocated as a way of encouraging companies to reduce their waste volume and to recycle as much of their waste stream as possible. These are certainly very laudable objectives. It should be kept in mind, however, that the primary—and obviously unfulfilled—goal of Superfund is the cleanup of hazardous waste sites. To achieve this goal, there must be a secure source of funding, and a waste-end tax may not be the best method of supplying that secure source.

I, therefore, bring to my colleagues' attention a recent article in the New York Times which reports that the

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

State of New York's waste-end fee system only generated $3 million during its first year of operation when the State's objective was to raise $10 million. It should be emphasized that a waste-end tax could encourage an increase in illegal "midnight" dumping as well as intentional underreporting of the hazardous wastes generated. These activities can cause revenue collection to be unpredictable and thus jeopardize the effectiveness of a Superfund program.

Although I intend to keep an open mind on this issue, the problems associated with a waste-end tax should not be overlooked.

[From the New York Times, Oct. 23, 1983]

STATE'S WASTE CLEANUP FUND FALLING SHORT OF INCOME GOAL

ALBANY.—New York State's so-called superfund, created by the Legislature in July 1982 to help clean up toxic waste, generated only $3 million—far below the $10 million originally predicted—in its first year of operation, officials said this week.

The superfund is financed entirely by fees paid by industry. The fees range from $2 a ton for waste incinerated on a plant site to $12 a ton for waste buried in landfills.

The State Environmental Conservation Commissioner, Henry Williams, attributed the low earnings to the sluggish economy and to an apparent shift by many companies away from use of toxic chemicals.

In addition, he said many out-of-state companies that once shipped their waste to New York for disposal are now sending it to other states.

POSSIBLE RISE IN FEES

The Commissioner indicated that he would seek to increase the superfund's earnings in 1984 by pressing for a rise in fees for generating and disposing of hazardous waste.

Last Thursday, Mr. Williams met for the first time with the eight-member Superfund Management Board, which will make policy decisions on how the money is spent. The Department of Environmental Conservation has identified hundreds of inactive dump sites across the state that need attention because of improper disposal of hazardous wastes.

The department gave the first indication in February that superfund earnings would be lower than expected. It said then that only $718,000 had been collected during the first three-month period, from September through November 1982.

Earnings dropped to $655,000 in the second quarter, but rose to $792,000 during the next three-month period. Earnings for the final period this fall rose to $905,000—an increase that Mr. Williams said could be attributed to the economic recovery.

MORE INFORMATION NOW

Mr. Williams supported a bill this year, sponsored by Assembly Speaker Stanley Fink, that would have doubled fees charged to waste-producing companies. The bill was not enacted.

The Commissioner said he would continue to push for a fee increase next year, although possibly not as large a rise as Mr. Fink had sought.

"We have more information now," he said. "We know what revenue we'll actually need."

The environmental agency has been authorized by the State Division of the Budget to spend $4.45 million to clean up inactive dump sities in cases where officials do not know which company is responsible for the waste. The figure includes the $3 million from the superfund, as well as other department funds.

In cases where a company has been identified as responsible for the improper disposal of hazardous waste, cleanups could be financed by the superfund, which later would be reimbursed by the company.●

STATEMENT ON GAO'S OPINION RE THE $50,000 CAP APPLYING TO THE PAYMENT IN KIND PROGRAM

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. STARK. Mr. Speaker, yesterday, the GAO sent to the Secretary of Agriculture a legal opinion that the Department has been breaking the law by making payment in kind or PIK payments in excess of $50,000 to farmers.

My Ways and Means Select Revenue Measures Subcommittee will hold a hearing on Thursday, November 3, on the PIK program, in which the GAO will detail how various farmers have received millions of dollars' worth of PIK payments for literally doing nothing.

Mr. Speaker, I agree with the GAO. The failure to impose a cap is illegal. It is another example of how this administration gives to the rich, in the hope that it might trickle down to the middle and low income. In farm terms, the administration has decided to feed the sparrows in the field by giving the horses oats.

The PIK program should have had a $50,000 cap. It would have cost the taxpayer less. It would have helped smaller farmers, and would not have contributed to the growth of agribusiness. And most of all, it would have been legal.

We first imposed a $50,000 cap on cash payments to individual farmers in 1970. As one Congressman said then, and as I say now:

> The taxpayers of this country rightfully resent tax funds being drained off in individual payments of hundreds of thousands, even millions of dollars, and part of this resentment is unfairly rubbing off on the small and moderate-sized farmers for whom this program was originally intended. These large payments are jeopardizing the very existence of the entire farm program. . . .

In this era of record unemployment, homelessness, and hunger, the administration has dragged its feet on distributing surplus food and has repeatedly slashed feeding programs for the truly needy. Yet under the PIK program, they have given over $3.6 million worth of commodities to just one farmer in central California. That amount of money would have paid for the feeding of 8,080 individuals under the women, infant, and children program (WIC) for 1 year. It would have paid for the feeding of 2,942 families or almost 9,000 people under the food stamp program for 1 year.

Never, Mr. Speaker, has an administration had its priorities so distorted. Not only are large PIK payments illegal. They are immoral.●

TRIBUTE TO RICHARD L. BALDWIN: FARM ADVISER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. LAGOMARSINO. Mr. Speaker, at the end of this year, Mr. Richard L. Baldwin, farm adviser of the University of California Cooperative Extension in Ventura County, Calif; will retire after 28 years of service to the university and the agricultural community.

I believe it appropriate that I should bring this occasion to the attention of my colleagues. Richard Baldwin's contribution to agriculture not only in Ventura County and southern California, but throughout the Nation, is significant.

During his years of service, with the UC Cooperative Extension, he has proven to be a leader in solving the practical problems confronting agricultural industries. He investigated the effects of salinity on strawberry production and developed methods of growing strawberries under saline conditions; he developed an effective method, adopted by the industry, of spraying the undersides of strawberry leaves for mite control; he developed measures of selective control of kikuyugrass, a weedy grass that threatens much of the turf grass in California; he discovered how to achieve rapid plant absorption of growth regulators, a method now utilized by industry.

Raised on a dairy farm in Ramona, Calif; Richard graduated from the University of California at Berkeley and received a masters degree in horticulture from the University of California at Davis. As a dairy farmer, he taught on-the-farm courses in agriculture.

In addition to his research and daily duties of advising farmers how to solve practical problems to assure maximum success for their farming efforts, Richard Baldwin has shared his knowledge and experience with the industry far beyond the boundaries of Ventura County. He has presented valued papers to the Weed Science Society, the International Society of Arboriculture, the American Society of Consulting Arborists, Agronomy Society and Turfgrass Institute. He has conducted training courses in park and golf course maintenance at the local, county, State and Federal levels.

His articles have been published in trade journals, California Agriculture, Flower and Nursery News, Turfgrass and other industry publications. He is a pioneer in teaching diagnosis of plant disorders. He serves as education chairman of the Western Chapter of the International Society of Arboriculture and is a participating member of the International Plant Propagator Society, the American Society of Consulting Arborists, the American Forestry Association, the American Society for Horticultural Sciences, the American Society of Agronomy and the Santa Barbara Botanic Garden.

Throughout this exceptional career characterized by accomplishment, Richard Baldwin contributed his time and energy for the betterment of education and economic success of the American horticultural industry. He deserves our thanks and heartfelt gratitude.●

TRIBUTE TO A KITTERY EAGLE SCOUT

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. McKERNAN. Mr. Speaker, I rise to join my colleagues in honoring Troy Litsenberger, a member of troop 307 from Kittery, Maine, who received the coveted Eagle Scout Award on October 30. The 13-year-old son of Mr. and Mrs. Gary E. Litsenberger is an honor student at Frisbee Memorial School.

Troy assisted in the opening of the new wing at York Hospital for his Eagle Scout project, with tasks including tagging luggage and furniture to be moved, as well as moving people to the new wing.

While there are only 21 badges required for the award, Troy has earned 26. The positions which he has held in the troop include: scribe, chaplain, den chief, assistant patrol leader, and senior patrol leader.

I commend Troy's parents, friends, and Scout leaders for encouraging this young man in his pursuit of excellence. I wish the new Eagle Scout continued success in the future.●

WE MUST HAVE INCENTIVE PROGRAMS FOR TALENTED HIGH SCHOOL STUDENTS WHO WANT TO BE TEACHERS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. SIMON. Mr. Speaker, the merit pay task force of the Committee on Education and Labor issued its report on October 11. The task force acknowledges that one important element of raising the quality of our Nation's educational system is attracting the brightest and most capable students into teaching. The task force recommended that the Federal Government institute several incentive programs, including college scholarships for talented high school students who want to be teachers.

I am discouraged by polls that say that only a small percentage of college bound high school students intend to become teachers. But I am encouraged by reports that we are still attracting bright, talented, and dedicated students into teaching. This article illustrates the situation, and helps make the case for Federal action.

The article follows:

[From the Chicago Tribune, Oct. 16, 1983]

TEACHING IS LOSING APPEAL TO MANY OF THE BEST AND BRIGHTEST

(By Jim Gallagher)

COLUMBUS, OHIO.—In high school they decided that they wanted to be teachers, but their relatives and friends soon made them change their minds.

Dana Schwava's mother kept reminding her of the relatively skimpy salaries teachers earn today, and when Dana enrolled at Ohio State University two years ago, she planned to be a marketing major.

Jana Miller spent her freshman year taking computer courses "because my father thought that teachers were at the bottom of the social ladder, like a lot of people do right now."

Jeff Winger was swayed because "none of my friends looked upon teaching as a worthwhile career, so I came to think of it as not noble enough and went into pharmacy instead."

According to series of recent reports on the shortcomings of American public schooling, the lack of appeal that teaching holds for the brightest college students is one of the teaching profession's most worrisome problems.

As measured by scores on standardized tests, the caliber of students entering teacher training programs—and ultimately the teaching profession—has declined steadily over the last 10 years. In addition, many of the top products of education programs, especially those with specialties in math or science, are siphoned off by private industry and never teach at all.

"Why should that surprise people?" Winger asked. "How many good students, after paying out more than $20,000 to get through college, want to go into a field where they start you off at about $12,000 per year and where most people don't respect the work you're doing?"

What is perhaps more surprising is that some gifted students still do opt for teaching careers, given all the drawbacks associated with the profession.

Last Wednesday, when more than a dozen students in a course called Professional Introduction to Education were learning how to draw up lesson plans, Winger, Schwava and Miller were among them.

Despite the more limited financial prospects and the badly tattered public image of the typical teacher, the three have concluded that they want to pursue careers in the classroom after all. They've discovered that they want personal fulfillment from their life's work more than they want material rewards.

"Deep inside me, I knew I really wanted to teach," said Winger, 20, who hopes to be a high school math instructor. "You've got to get up and go to work every day, and that must be hard to do if your job doesn't please you." An accomplished wrestler, Winger expects to supplement his basic salary by coaching after school.

"We really need to take a hard new look at teacher education, look for some alternatives," conceded Donald Anderson, the acting dean of education at Ohio State. "We're not recruiting the kind of people into the profession that we once used to, and while factors beyond our control like very low salaries are partly to blame, we have to accept some of the responsibility ourselves."

Many education schools have already started to upgrade admission standards and curricula somewhat, but what may really be needed, Anderson said, is a radical set of solutions, which could include closing down many of the existing education institutions or even doing away entirely with teacher training on the undergraduate level.

"The profession has to become more attractive to good students," Anderson explained. "Higher salaries will help, but we also have to improve the status of the profession. Maybe the way to do that is to make teacher training, like the training of doctors and lawyers, a postbaccalaureate thing."

Reform proposals like these are winning widening support among teacher training specialists, especially in large institutions like Ohio State that would continue to play a major role in educating teachers no matter how dramatically the process is revised.

About 900 people complete its undergraduate program here each year, although less than half of them actually end up with teaching jobs, either because of the shrinking demand for instructors in some subjects or more lucrative opportunities in other fields.

Not surprisingly, the confusion and defensiveness of teacher trainers is also shared by many of their students. Recent surveys indicate that the gap between education students and their counterparts in other programs at Ohio State is not nearly as wide as it is at other schools, but several education majors acknowledged that they feel uncomfortable identifying themselves as such.

"Right away people tell you you should be studying something else that will pay more or give you a better chance to get a job," said Linda Mercer, who wants to teach elementary school. "People look down on teachers," said Lisa Riley, another education major, "so you worry that they look down on you too."

Michael Kerns, who is taking a double major in education and Japanese, said he plans to teach overseas because "there's not enough respect for teachers in this country. My two roommates are engineering students, and they keep kidding me that education is an easy course. In a way, they're right. We do a lot of busy work that's not really intellectually demanding."●

VOTER PARTICIPATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, November 2, 1983, into the CONGRESSIONAL RECORD:

VOTER PARTICIPATION

Next Tuesday, November 8, is election day. Thousands of Hoosiers and other Americans will go to the polls to cast their ballots. But perhaps twice that number of eligible voters will not vote. Declining voter participation is an alarming trend in the United States.

Almost 74 million eligible voters declined to cast ballots in 1980. Almost twice as many chose not to vote as voted for President Reagan. Only 54 percent of the eligible voters actually cast ballots, making the 1980 presidential election the lowest turnout since 1948. By contrast, about 80 percent of those eligible voted in 1880. Despite the enfranchisement of women, blacks, and youth and the elimination of such voting barriers as literacy tests, poll taxes, and residency requirements, only slightly more than half of our citizens are now exercising their right to vote.

Voting is the process by which citizens select those who will govern. It is also the means by which government is made representative of the groups and interests that make up the nation and responsive to the needs and interests of these groups. Voter participation tends to be higher among white, educated citizens with above-average incomes than it is among the non-white, the less-educated, and the poor. This means that blacks, Hispanics, other minorities, the unemployed, the low-wage employed, the poor, and those lacking education are underrepresented in the body of active voters. A result may be that government is insufficiently responsive to the needs and interests of such people, which in turn causes them to lose faith in government and to ask themselves "Why bother to vote?" or "What difference does my vote make?

The most important aspect of voting is one that is seldom mentioned. By voting, the citizen expresses his confidence in democracy and his belief that it is good for America, that it will yield, more likely than any other political system, honorable leadership, wise policy, and effective restraint on government power.

Low voter turnout concerns me, particularly when I note that voters turn out in greater numbers in 18 other democracies. There are two basic reasons why America lags so far behind: many citizens do not register to vote, and many of those who do register do not vote.

Americans do not register for a variety of reasons. Some are deterred by the hassle and red tape involved in registration or just do not get around to registering until it is too late. How many times have you heard people complain about the inconvenience of going to the courthouse to file registration forms? How often have you known people who did not really get interested in voting until the last weeks before an election, only to find out that it was too late to register and, therefore, that they could not vote? Regrettably, these experiences are too common.

Recent studies have suggested that voter turnout might be increased by as much as 9 percent by reform of voter registration procedures. One study of states and foreign democracies suggests a direct link between convenient registration rules and high voter turnout.

Several steps can be taken to make voter registration easier. The registration hours can be increased to assist people who work long hours and cannot register between 8 a.m. and 4 p.m. Also, the closing date for registration can be eliminated or set much closer to Election Day so that those who become interested in the election late are not deprived of their right to vote. Under Indiana law, registration closes 30 days prior to an election, but four states already allow voters to register on Election Day, a practice which lowers the "personal cost" of voting by making it a "one-trip" rather than a "two-trip" investment. North Dakota has no voter registration. Election-day registration also encourages voting by those who travel or move often. Registration by mail can be used as well to lower the "personal cost" of voting.

What about those who register, but who do not vote? One of the problems, it seems to me, is the actual time available for voting. Our polling places in Indiana are only open from 6 a.m. to 6 p.m. Some of us who work long hours or who work some distance from polling places and others of us who lead just plain busy lives cannot make it to the polls by 6 p.m. One proposal that appears to have some merits is to have 18 to 24 consecutive hours of voting. Anyone who wished to vote could find a convenient time within the period and, consequently, more voters would come to the polls and vote. A controversial new technique, in use in one state, is "absentee voting without cause." It allows everyone the chance to vote in advance, and removes much of the inconvenience of voting.

Sometimes those registered persons who choose not to vote are dissatisfied with the choice of candidates in a particular election. Only improving the quality of candidates, the conduct of the campaigns, media coverage, and the ability of our political parties to provide real choices for the voters can solve this problem.

The much more difficult problem in nonvoting is attitudinal. Many citizens will not get involved in the political life of America, regardless of how easy it is, because of a lack of interest in politics, a negative attitude toward politics, a belief that "the system does not work for me", a lack of party identification, or a low level of education. Many people feel alienated from the voting process and are convinced that it is rigged, too complicated, and dominated by political activists and other groups over which they have no influence. This suggests that failure to get involved is due in part to pervasive forces that will not be overcome by simply reforms in registration and voting processes and rules. These forces must be dealt with, over the long run, by improvements in our educational system, by better performance in government, and by proving to all that a more representative and responsive political system, one that comes about through greater participation in the electoral process, can work for all of us.●

POLISH FALCONS NEST 104 MARKS 75 YEARS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. RODINO. Mr. Speaker, on November 5 the Polish Falcons Nest 104 will celebrate three-quarters of a century with a mass of thanksgiving at St. Casimir's Church in Newark, N.J.

At the beginning of the 1900's, many of the immigrants who had recently arrived in this country formed social, cultural, religious, educational, and athletic groups. One of these was a group of Polish immigrants who met informally for folk dancing and gymnastics until 1908, when they applied for a charter to the Polish Falcons. The group became Nest 104, with physical training as its main purpose and "A Sound Mind In A Healthy Body" as its creed and motto.

In the past 75 years since then, Nest 104 has seen two World Wars, the Great Depression, and a host of changes to our society. The organization has adapted and expanded to these changes, but has still retained its emphasis on physical training and youth development.

I am very proud of the way Nest 104 has served not only its own members, but the entire community. The dedication and spirit demonstrated by its members and leaders is an inspiration to us all, and I wish them all the best on this very special occasion.●

UNIVERSITY OF SOUTHERN CALIFORNIA'S WASHINGTON PUBLIC AFFAIRS CENTER CONGRATULATED

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. MINETA. Mr. Speaker, and Members, I rise today to convey my congratulations to the Washington Public Affairs Center of the University of Southern California's School of Public Administration on the occasion of its 10th anniversary.

As the Washington Public Affairs Center enters its second decade of operation here in our Nation's Capital, all of those associated with it can be proud of providing students of public administration and practitioners of government the opportunity to gain greater insight into the workings of our Federal system.

Realizing the need for a strong academic curriculum combined with rigorous training in, and observation of government, members of the University of Southern California's School of

BEST COPY AVAILABLE

Public Administration established public affairs centers in both Washington, D.C., and Sacramento, Calif.

The University of Southern California's School of Public Administration graduate programs are consistently considered one of the best in the Nation, and it is to their credit that some very fine administrators currently serve at all levels of government.

In addition to placing both graduate and undergraduate students in internships here on Capitol Hill, in Federal agencies, and with private organizations, the Washington Public Affairs Center has also provided graduate instruction to many Federal employees seeking to improve their public management skills.

The hard work, determination, and vision of all of those associated with the USC School of Public Administration's Washington Public Affairs Center deserves commendation. These people have pursued both the academic study of public administration and direct involvement in government.

Mr. Speaker, I hope you and all Members of this House will join me in congratulating the Washington Public Affairs Center of USC's School of Public Administration.●

THE RETIREMENT OF CLEMENT J. HOLEWINSKI

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Ms. KAPTUR. Mr. Speaker, last week, one of the finest trade unionists I have ever known retired from his last major post of the United Auto Workers. Clement J. Holewinski has given all of his adult life for the cause of working people, and his community. With his retirement from the Toledo Area UAW-CAP Council, after serving 15 years as its only president, Clem completes a professional career in the trade union movement that spanned nearly 50 years.

Clem Holewinski has been a UAW leader not only at the local level, but at the national level as well. He attended the first UAW Convention in Detroit in 1935 and has not missed one since, with the exception of the time he was serving his country in the U.S. Army. Clem is the only rank and file member ever to have received the UAW's Social Justice Award.

In his hometown, Clem Holewinski has been a vital force in shaping not only the local labor movement, but the entire community. He was an officer of UAW Local 12 since 1941 and president of the local from 1950 to 1977. Clem was a leading figure in the health and retiree center and the children's summer camp—two institutions that have served our community so well over the years. In addition, he has been active in local veterans and civic organizations.

Clem Holewinski's warmth, compassion and strength have been a source of confidence and inspiration to all those with whom he has worked. All that he has done in his life has been for the purpose of helping others.

Mr. Speaker, on behalf of the U.S. House of Representatives and Ohio's Ninth District, I congratulate Clem Holewinski on his retirement from the UAW-CAP Council and wish him the very best in the future.●

AWESOME POWER OF FCC INTIMIDATES STATION OWNERS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. DYMALLY. Mr. Speaker, today I am asking permission to enter into the RECORD a letter which I have sent to Mark Fowler, Chairman of the Federal Communications Commission. The letter points out what can happen to citizens when a Government agency becomes so all powerful within its sphere of jurisdiction that the mere threat of its power is sufficient to cause some citizens to deny others first amendment rights to free speech.

The FCC holds not only the power to issue and revoke broadcast licenses, but also the power to review those licenses almost at will. Moreover, the Communications Act of 1934 as amended—the act which bestows power on the FCC—so broadly defines FCC authority that the FCC is able to initiate an investigation of a television or radio station for almost any reason, and it is able to require the station to divulge any and all information about itself under penalty of law. Not even law enforcement agencies have that kind of power. I hope that each and every Member reads this letter, because each and every Member needs to know the effect of too much power:

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 31, 1983.

MARK S. FOWLER,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR MR. CHAIRMAN: In May of this year KHOF TV, Channel 30 in San Bernardino was ordered by the FCC to go dark. The station is owned and was operated by Faith Center Church, whose pastor is the Reverend Gene Scott. Channel 30 had been in operation since 1956 in Southern California and a large number of Southern Californians, including hundreds of citizens in my Congressional District, had come to rely on the religious broadcasts of Channel 30 and the Reverend Scott.

Not having the benefit of its own broadcast station, Faith Center and Dr. Scott began to purchase air time on other stations so that religious communications services to our area would not be lost even though Channel 30 had gone dark. To Reverend Scott's surprise, some stations were extremely reluctant to allow Reverend Scott to purchase air time. Their reason? They feared that if the FCC learned that they had sold air time to Reverend Scott the FCC would find reasons to conduct investigations of their stations, and that as a result of such investigation they might lose their broadcast license! It is a powerful organization indeed that can cause station owners to curtail the First Amendment rights of others in order to avoid reprisal. It is perhaps inevitable that your organization which possesses such broad investigative and licensing power would elicit fear from those who rely on you for their survival. It is quite another matter if those fears have a foundation in fact.

As one who represents a number of people who have already been shocked and saddened by the exercise of your power, I would like to have some written assurance that there is no basis in fact for the fears of the stations that have refused to sell broadcast time to Reverend Scott. Ideally, I would like to know what radio and television stations in California have experienced or are experiencing FCC license reviews for whatever reason including routine renewal reviews. This information should be relevant from June 1983 to the present. I would also like to know what the status of each of these cases is. Finally, I would like to know what prompted each of the California license reviews begun since June 1983.

Your prompt attention to this matter is of great importance to me because the public interest, convenience and necessity of my constituents are being affected by the fear which now exists of FCC action.

Sincerely,

MERVYN M. DYMALLY,
Member of Congress.●

MARTIN LUTHER KING HOLIDAY

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. CHENEY. Mr. Speaker, I recently voted to establish a national holiday for Dr. Martin Luther King, Jr.

Establishing a holiday for Martin Luther King is not just a matter of honoring Dr. King, although a lot of people felt very strongly about that. This holiday is a symbol for the completion of the American Revolution.

Our Declaration of Independence says: "We hold these truths to be self-evident, that all men are created equal."

At the time Thomas Jefferson wrote these words to justify American emancipation from British tyranny, black Americans could legally be treated as slaves.

Not long after the first American Revolution, the contradiction between the bold, ringing words of the Declaration we issued to the world, and the laws of our own country, became too great. We fought a massive Civil War, which nearly destroyed us. Victory came to the Union, which stood for the principle that slavery should end throughout the United States.

Even so, for nearly 100 years after the end of the Civil War, the United States tolerated, in many cases, official racial discrimination against minorities.

In the past 20 years, we have made new progress toward realizing the original American dream, that all men are, in fact, created equal. Part of this progress was due to the work of Dr. King, who laid down his life for his beliefs. I personally disagreed with Dr. King on many issues, but I believe a prominent newspaper was accurate in saying:

> It can be said of him as of few men in like positions, that he did not fear the weather and did not trim his sails, but instead challenged the wind itself to improve its direction and to cause it to blow more softly and more kindly over the world and its people.

Old customs and practices die hard, but on such fundamental issues as civil rights, there is no turning back. I share Dr. King's dream that our children should be judged on the basis of their character, not on the color of their skin. A holiday for Dr. King means national recognition of the simple justice of the principle that in America, all men and women should be equal before the law.●

HELPING JACKSON MEMORIAL HOSPITAL

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, Miami can be proud of the progress that Jackson Memorial Hospital has made in the past 10 years. The recently elected chairman of the board of trustees of the Public Health Trust of Dade County, Sue Rose Samuels, has worked hard on behalf of Jackson Memorial Hospital. I thought that my colleagues might be interested in reading this article which appeared in the Miami Herald on October 30, 1983:

KEEPING THE COUNTY HOSPITAL HEALTHY

(By Ellen Livingston)

Sue Rose Samuels leans forward in a chair in her North Miami Beach law office and reflects on her recent election as chairman of the Board of Trustees of the Public Health Trust of Dade County.

"This is a highly sought-after appointment," she says of her position on the trust, which sets policy for Jackson Memorial Hospital. "People are always lobbying for this job. God knows why! People don't realize how much work it is.

Samuels, a 54-year-old lawyer who works out of a private office on North Miami Beach Boulevard, has spend eight years on the board. The job doesn't pay, and she estimates she devotes three working days a month to Jackson, the fifth busiest hospital in the county.

Samuels is proud of the progress the 1,250-bed Jackson has made in the past 10 years. In 1973, when it was operated directly by the county, the hospital came close to losing its accreditation. It was then that the Metro Commission announced plans to set up the Public Health Trust, and staff it with experienced administrators and business people.

The trust has trimmed operating costs and juggled finances.

"We've got a smaller percentage of the county budget than we used to, and serve more people," says Samuels. "If any institution in the county government can do that, they've done a good job.

"I think there's still room to cut," she says, "but I don't want to cut so that we're not on the edge of medical science. That scares me."

Samuels says that her top priority as chairman will be to uphold the trust's goal of "one standard of care for everyone who enters the hospital," whether they foot their own bills or not. "Poor people deserve the best medical treatment this country can provide."

She will also, she says, try to alleviate chronic overcrowding in the maternity ward, and "decentralize" health care by negotiating contracts between Jackson and community programs.

Samuels first got involved with the trust in 1973, when it was still in the planning stages. At the time, she was just out of the University of Miami Law School and working for Legal Services of Greater Miami. At the prodding of Al Feinberg, a prominent Legal Services attorney, she got involved.

"Al used to say to me, 'I'm worried about what's going to happen to Jackson,'" Samuels recalls. "'It's the only hospital the poor can go to. What happens if this board they're talking about makes it a big fancy hospital? The poor will slowly be closed out.'

"I said, 'Al, what's this got to do with me?'" Samuels said. "He said, 'Sue, you're the same kind of person as the people on the board. They'll listen to you.'"

Samuels attended early meetings of the interim planning board that had been designated to create the trust, suggesting that the poor be represented on the board.

Several years later, when a board position opened up, Samuels lobbied for the job. By then she had served on two Health Systems Agency task forces, and learned the ropes of health administration. She wanted the job, she says, because "Al's prodding had stayed with me. I had an ear to the very community that was not represented on the trust."

She has played an active role on the board ever since. "She has done a highly effective job," says Miami Dolphins owner Joe Robbie, newly appointed board treasurer. "She's served as chairman of important committees and participated at policy levels in hospital planning. I think she'll have a successful and constructive term."

Outgoing chairman Cyrus M. Jolivette concurs. "Sue is a team person, a very caring, very strong person," he says.

Samuels prides herself on "doing her homework" in every task she undertakes. Over the years, there have been many: married since age 18, Samuels had three school-age children when she started college.

"I had the feeling my kids were going to be a lot smarter than I was in a few years," she laughs.

She graduated at 39, entered law school at 40, got her law degree at 43. She spent two years at Legal Services and a year at a private firm before setting up her own divorce practice.

"People think it's depressing," she says of her work. "It's not. If you can help people put their lives in order, you've done something constructive."

Her work at Jackson is much the same, she says. "People here deserve to have a leading hospital, and we're pretty damn good," she says. "It isn't the fanciest, but I have a great sense of security that it's the best." ●

CLOSE THE EDUCATION GAP

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. SIMON. Mr. Speaker, recent reports of national commissions and task forces have pointed out serious problems in our schools, and have called for a new emphasis on educational quality.

I believe this movement, now underway, is going to make a significant difference in how well our students achieve. I am certain, though, that educators and education policymakers must continue to consider most carefully the education provided to those students who are disadvantaged.

This article by Dr. Lloyd V. Hackley, chancellor of the University of Arkansas at Pine Bluff—which appears in the Pine Bluff newspaper—makes the case clearly for special attention for students whose educational problems stem from economic, social, and cultural deprivation.

The article follows:

CLOSE THE EDUCATION GAP

(By Lloyd V. Hackley)

Among the evidence cited in the increasing attacks upon America's school systems is the performance of the disadvantaged on high school competency tests and other "standardized," universal measures of educational accomplishment such as the SAT and the ACT. Many have attacked standardized tests as culturally biased in favor of middle class Americans and against those in lower socio-economic groups. Such castigation nearly always includes the term "discrimination." Certain criticism and attitudes may be serious obstacles to the progress of the disadvantaged in education.

It must be understood that much of what can be measured as education can be aquired in a non-school setting. Those considered to be socially, culturally and economically deprived do not experience many of those activities which normally add up to attributes that are measurable as education. This constitutes the important definition of cultural deprivation insofar as progress is concerned. For those who occupy the lower socio-economic subcultures, the educational system constitutes nearly the total source of knowledge and skills that society in general has deemed necessary if one is to be considered educated.

It is clear that the unified school systems of today are not meeting the needs of tremendously large numbers of the economically deprived students. Be this as it may, in order to make long-term, effective changes in any situation, the factors leading to the situation must be correctly assessed. With specific regard to academic testing, I will accept that standardized tests may yield a score that is not indicative of education attained or attainable. However, disregarding such scores may do as much harm to the disadvantaged as an over-reliance on such scores, maybe more.

A high score generally will indicate that certain educational skills and knowledge have been acquired, as well as the ability to indicate what one has learned. If, as has been argued convincingly, the ACT and SAT measure learned skills and not aptitude, a high score on such tests shows years of training, motivation and confidence as required to do well in college. A high score also indicates that high scoring youngsters have acquired another teachable skill: test-taking.

A low score, on the other hand, may indicate a lack of test-taking ability, or a lack of educational achievement. It is critically important that the difference be clearly delineated. While a score—low or high—may not indicate motivation or aptitude, a low score could very well indicate that a student has had his education curtailed at a very low level. Students who graduate from high school without having learned to read, write or do mathematics are indicative. A college admitting such students needs very much to know what is required to remedy academic deficiencies; students, teachers and parents need to know the amount of work and time that may be required to make up for years of educational deprivation. Failure to consider these facts cheats both the student and the society. Misled students too often fail ultimately, develop shattered self-concepts, and are lost to both the lower echelons and to the larger society.

We must accept that the objectives of education, in large measure, should be directed toward preparing students to be functional in the society in which they are citizens. Using mainstream knowledge and skills as the "standards" by which educational progress is measured, it is obvious that some students will come to our schools with knowledge and skills which exceed the standards. Others will arrive without having acquired such measurable knowledge and skills. The educational process is expected to close the gap which students as individuals and as members of deprived subcultures bring to the schools. Without testing, an important element of accountability is removed.

Seen from this perspective, a low score on the ACT or SAT does not reflect cultural deprivation, but rather educational deprivation. Cultural deprivation is a valid criticism only when students have not been exposed to the very institutions that have been established to remove educational obstacles derived from culture. The scores on tests ought not be a function exclusively of how well students have benefited from their non-school environment, but of how effectively the schools have closed the gap between entering abilities of students from lower socio-economic levels and the academic standards set by the schools. All testing from kindergarten through twelfth grade—quizzes, mid-terms, finals, competency tests after elementary school, junior high school, and the eleventh grade—are preliminary to and preparation for such general achievement tests as the ACT and SAT. A lack of specific educational standards, a dearth of testing and ineffective systems of accountability hurt the disadvantaged much more than they affect the advantaged. The disadvantaged are more likely to be deprived of a meaningful education wherever standards of achievement are amorphous, wherever evaluation of educational attainment is missing and wherever social promotion is prevalent.

Enriched classroom experiences are essential in overcoming educational problems that stem from economic, social and cultural deprivation. Evidence is clear that students who are exposed to quality education and who really put in a meaningful effort in their studies, not only score higher on "standardized" tests, but also increase their likelihood for graduating from college.

It seems clear from an analysis of current education that political and educational leaders from across the entire social-economic spectrum have not developed the proper educational approach that would reduce the gap between advantaged and disadvantaged students. This fact holds true from kindergarten through college. It is critical, therefore, after some two decades of ostensibly unified school systems, that we come to grips with facts, develop clear plans from those facts, and implement sound educational plans soon. Failure to do all this will mean, in no uncertain terms, that disadvantaged youngsters will continue to be deprived of a meaning full education, and it will be necessary to continue to request special consideration in application of univeral measurements of educational achievement and academic standards.●

GEORGE SAYENGA: AN OCTOGENERIAN HUMANITARIAN

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. COYNE. Mr. Speaker, the Myasthenia Gravis Association of Western Pennsylvania will be honoring George Sayenga on the occasion of his 84th birthday on November 17.

Mr. Sayenga, an octogenerian humanitarian, served as chairman for 10 years of the association, which is dedicated to fighting myasthenia gravis, a crippling neuromuscular disease of weakness.

Since 1955, when his daughter Carol was stricken with the disease, Mr. Sayenga has served on the board of directors of the association. He now serves as chairman emeritus. A World War I veteran, he is a retired vice president of the Union National Bank.

The devotion of Mr. Sayenga to good works has continued in his years of retirement. For the past 7 years, he has served as a volunteer driver 2 days a week for the Brookine Meals on Wheels program for the elderly. During the past 4 years, he has assisted disabled veterans and their families at the Oakland Veterans' Administration hospital.

Mr. Speaker, by his deeds, Mr. Sayenga shows us that one need not retire a concern for the community upon leaving full time employment. For someone such as Mr. Sayenga, humanitarianism is a lifelong proposition. I commend him, and the Myasthenia Gravis Association, for their good works and inspirational examples.●

THE ADMINISTRATION AND COMPETITIVE TELECOMMUNICATIONS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. MARKEY. Mr. Speaker, it is rare that I rise in support of an action taken by President Reagan's administration. But increasingly over the past few weeks, we have seen one telecommunications issue that crosses party lines. That is the issue of the future of competition in the long distance service business.

The August decision by the Federal Communications Commission to sharply increase the tariff paid by competitive carriers to access the local network—known as ENFIA—will devastate this nascent industry. The Energy and Commerce Committee has recognized this and has embodied a "freeze" on the ENFIA tariff in the bill it reported last week, H.R. 4102.

This freeze, which was attached to the legislation in subcommittee by Congressman BRYANT and myself, was sustained in a vote in full committee as well. There, on a motion to strike, 26 of the committee's 42 members agreed that the freeze was necessary to preserve the future of competition in the long distance business.

Now, the administration has taken a similar position. In a letter to Chairman Mark Fowler of the FCC, Secretary of Commerce Malcolm Baldrige stated his support for the pending petitions at the Commission to reconsider the ENFIA increase. Furthermore, the National Telecommunications and Information Administration (NTIA), the administration's telecommunications policy voice, has filed comments on behalf of the reconsideration petitions.

Mr. Speaker, I hope that these are harbingers of what the administration's policy will be throughout the debate over telecommunications legislation. At the very least, I am encouraged by their support for an ENFIA rollback, and therefore include a copy of Secretary Baldrige's letter for the RECORD:

DEPARTMENT OF COMMERCE,
Washington, D.C., October 25, 1983.

Hon. MARK S. FOWLER,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR MARK: Federal policy has sought to foster more effective competition in the long-distance communications field for more than a decade. The Commission's *Access Charges* decision is consistent with this policy. The decision makes possible more cost-based pricing. Such pricing is necessary to sustained and effective competition.

The parts of the decision increasing the access charges assessed AT&T's long-distance service competitors, however, are a matter of serious concern. The decision would substantially increase competitors' costs. It would do this before they are afforded the benefits of equal interconnection required under the AT&T antitrust settlement.

AT&T's long-distance service competitors have petitioned the Commission urging a reduction in their charges until fully equal interconnection is achieved. We have carefully reviewed these petitions and believe that they advance a sound case for further revising the Commission's decision.

The Department's National Telecommunications and Information Administration is filing detailed and extensive comments in support of the petitions filed by the competitive carriers. I want to stress the importance of assuring that the transition to cost-based pricing and more effective competition is as smooth as possible. I urge the Commission to give prompt and serious consideration to this matter.

Sincerely,

MALCOLM BALDRIGE,
Secretary of Commerce.●

GRENADA: BLACK CONSCIENCE

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. DE LUGO. Mr. Speaker, a column in this morning's Washington Post should put the Grenada dilemma confronting many of this House sharply into prospective. Abhoring international aggression as we all do, consciences are troubled by questions of whether the President's actions were right and necessary. In his article, Carl Rowan accurately and succinctly explained why our Nation had no choice but to intervene in the Communist chaos of that Caribbean Island.

Mr. Rowan lays out the sequence of events, and concludes with this remark: "Given the context of the crisis in the eastern Caribbean, the United States could not honorably refuse to respond."

I urge my colleagues to read Mr. Rowan's persuasive column and I ask that the text of Mr. Rowan's article be included in the RECORD in its entirety.

The article follows:

GRENADA: BLACK CONSCIENCE

(By Carl T. Rowan)

The invasion of Grenada produced a lot of agony of conscience for liberals and Democrats, and especially black Americans. The natural thing would have been for them to embrace Walter Mondale's statement that the invasion "undermines our ability to effectively criticize what the Soviets have done in their brutal intervention in Afghanistan, in Poland and elsewhere."

But many Democrats and liberals rejected the Mondale line. Black Americans, viewing the invasion as a big "white" country crushing a tiny black one, might normally join the Rev. Jesse Jackson in crying that all Americans "should feel a sense of outrage and disgrace." But there was no outpouring of black denunciation—just a lot of black ambivalence. I heard some blacks express disgust over two leaders of small Caribbean countries sitting in "photo opportunities" where Reagan posed as their savior, even at the time Reagan was firing three members of the U.S. Civil Rights Commission. I heard allegations, made without evidence, that these Caribbean leaders never really wanted a U.S. invasion, but were "bought" into collaboration by Reagan's promises of U.S. aid.

But in deciding whether to support or condemn the invasion, I think a lot of liberals and blacks did what I did: we put ourselves in the place of these Caribbean leaders. Here is the chronology of events that I face as I sit in their shoes:

I see democratic government wiped out as Maurice Bishop takes over along with other leftists who call themselves the "revolutionary council."

In 1979 I see the beginning of a massive Cuban buildup on Grenada, including arms that could be given to dissidents in my country. I expressed my concern to Bishop, who says he is "in control of things" and will consider reverting to constitutional government.

My representatives in Grenada report to me that Bishop seems to be falling out of favor with his deputy prime minister, with Gen. Hudson Austin and other Marxist activists who are having more and more clandestine meetings with the Cubans and the incredibly large number of Russians on the island. My unease deepens . . . and climbs close to panic when on Oct. 12 Bishop is put under house arrest and supplanted by Austin, head of the Revolutionary Military Council.

When Bishop is executed on Oct. 19, I am telephoned by other Caribbean leaders about raising a multinational force to deal with what we all perceive to be a mushrooming menace within our midst.

We meet and face the reality that no combination of military and police forces in our Caribbean countries can hope to strike at Grenada and smash the communist forces we believe to be on the island. We know that only the United States has sufficient power to deal with this threat. But I ask myself whether I, a black leader in the Caribbean, can ask for U.S. military intervention without being branded a "traitor" for life.

Then my colleagues and I get a secret message requesting military help from Grenada's governor general, who is being held under house arrest. I conclude that I must join in a call for U.S. military intervention.

Given the context of crisis in the East Caribbean, the United States could not honorably refuse to respond. A remarkable number of liberals and blacks understand this.●

JAPANESE AUTO IMPORT QUOTA DOES NOT INCLUDE VANS, FOUR-WHEEL-DRIVE VEHICLES, AND CARS SHIPPED TO PUERTO RICO

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. HILLIS. Mr. Speaker, yesterday it was announced in Tokyo that the Japanese Government had agreed to extend, for another year, its automobile export quota to the United States. However, the new quota will be raised from 1.68 million vehicles a year to 1.85 million—about a 10-percent increase. The chairman of the Chrysler Corp., Lee Iacocca, points out, however, that the actual number of imports will likely be much higher than the agreed-upon quota. I am inserting Mr. Iacocca's remarks into the RECORD today and I urge all Members to read them carefully.

STATEMENT BY L. A. IACOCCA, CHAIRMAN OF CHRYSLER CORP., ON THE UNITED STATES-JAPANESE NEGOTIATIONS ON THE AUTO EXPORTS

This so-called "transitional agreement" for one year of voluntary restraints is incredible to me. There are four problems with it.

It substantially increases the number of Japanese cars that will come into the country next year. It guarantees the Japanese 25 percent of our car market with a serious permanent loss of U.S. jobs.

The "transitional agreement" is for one year only and how anyone thinks the auto trade problems between Japan and the United States can be fixed in one year is beyond me.

There were three loopholes in the original agreement which brought the real number of Japanese imports to 1.83 million rather than the announced 1.68 million. These loopholes (vans, four-wheel-drive vehicles, and cars shipped to Puerto Rico) are not corrected by the "transitional agreement." In fact, they are made bigger. The new total number is 2.018 million, not the announced 1.85 million.

Perhaps most important of all, the "transitional agreement" does not address the fundamental issues—the seriously undervalued yen and the 22½ percent commodity tax rebate on cars shipped to the United States. These two problems result in a $2,000 cost advantage per car for the Japanese producers. The increase—the real increase—from 1.83 million to 2.018 million accommodates the Japanese strategy. We are waiting to see if the additional vehicles are given to GM to support its new Japanese import strategy.

Make no mistake, this "transitional agreement" is a serious blow to the U.S. auto producers, suppliers, dealers, their employees and laid off workers who are being hurt by the unfair advantages enjoyed by the Japanese auto industry and whose problems were not corrected by these negotiations.

The fate of Chrysler's small car production plans and the investment of more than $600 million remain very much in doubt and depend on actions the Administration takes to resolve these problems.●

RESOLUTION THAT THE VETERANS' ADMINISTRATION DEVELOP A COMPREHENSIVE, UNIFIED POLICY FOR THE STUDY AND TREATMENT OF POST TRAUMATIC STRESS DISORDER

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. FEIGHAN. Mr. Speaker, today I am introducing a resolution that I believe will be of help to the literally thousands of Vietnam-era veterans who suffer from a debilitating disorder known as post traumatic stress disorder (PTSD).

PTSD is a very serious disorder that affects victims of traumatic or life-threatening situations. It is estimated that as many as 1 million service men and women who faced active combat or other life-threatening situations during the Vietnam era suffer from some form of PTSD.

The typical PTSD sufferer is mistrustful, cynical, and restless, and has difficulty sleeping and controlling his or her temper and emotions. Most veterans suffering from PTSD are obsessed with their Vietnam experiences, and question why they survived when others did not. Without help, what began as a traumatic episode can become a chronic and almost unchangeable personality trait, affecting the life not only of the sufferer but of his family, colleagues, and friends and often leads sadly to drug and alcohol abuse, divorce, criminal behavior, inability to keep a job, and family abuse.

I first became aware of the problem of PTSD as it affects the Vietnam veteran, when the Cleveland Plain Dealer ran a series of six special interest articles about the problem.

I learned that presently, the vast majority of veterans who have been diagnosed as suffering from PTSD seek help at outpatient "vet centers"—which are storefront clinics run under the auspices of the Veterans' Administration. These "vet centers" are largely staffed with Vietnam veterans, and provide emotional support and psychological counseling to the veteran by means of "rap groups" at which the PTSD sufferer is encouraged to talk out his feelings with other veterans who also are manifesting PTSD symptoms. Considering the fact that the centers are often overcrowded and understaffed because of the enormity of the problem as compared to available funding, the centers do an admirable job and have had much success in helping these veterans in overcoming their PTSD.

For the more seriously ill veteran, however, obtaining special treatment for PTSD may be more of a problem. Recognizing the seriousness of this relativley newly diagnosed condition, many Veterans' Administration hospitals have attempted to create special wards and special programs for the PTSD sufferer who needs inpatient care. However, at present, only about 10 VA hospitals actually have such wards and/or programs for PTSD treatment and care.

When the VA hospital in Brecksville, Ohio, which is in my district decided to set up its own PTSD treatment program, it found difficulty in obtaining needed information and policy direction through the Veterans' Administration on how best to do so. While PTSD is a relatively new disorder, and its causes, effects, and treatment are still not fully understood in spite of the vast numbers afflicted, I am concerned that the Veterans' Administration has not developed either a comprehensive, unified policy establishing a continuum of treatment options for PTSD, nor has it established any central office for the purpose of advising its own hospitals and outpatient clinics that wish to set up special PTSD treatment wards or programs on how they might do so in order to best serve the needs of the veterans they hope to help overcome the disorder.

I believe that it would greatly aid those hospitals and outpatient groups that want to create these special treatment programs, if the Veterans' Administration itself provided a policy statement in regard to the treatment options for PTSD, as well as a central office whose purpose is to provide advice and assistance to those attempting to set up PTSD wards and treatment programs.

The resolution I am introducing today states that it is the sense of the House of Representatives that the Veterans' Administration should develop such a statement of policy and central office to assist and advise VA hospital and outpatient facility personnel in setting up these programs.

I am proud that Mr. APPLEGATE, Ms. KAPTUR, and Mr. MCEWEN—all Ohio delegation members of the Veterans' Affairs Committee, as well as Mr. EVANS, Mr. BILIRAKIS, Mr. HARRISON, and Mr. SLATTERY, also Veterans' Affairs Committee members, are joining me today as original cosponsors of this legislation to provide assistance to those who want to help the PTSD sufferer—thus, helping the PTSD sufferer himself.●

TEXAS TO COMMEMORATE HISTORICAL CEMETERY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. FIELDS. Mr. Speaker, As Americans, we are blessed to have a diverse and rich cultural heritage. Perhaps, the strength of our Nation lies in that diversity. We, today, are the beneficiaries of the remarkable achievements of our predecessors. Therefore, it is in one sense a responsibility, but in a greater sense an honor to commemorate the courageous contributions of our Nation's early settlers.

The Texas Historical Commission and the Harris County Historical Society have approved a historical marker for the Theis(s) cemetery in Klein, Tex. The dedication and unveiling of this marker is to take place on November 6, 1983.

I am pleased to pay tribute to the first German settlers in northwest Harris County, Johann Heinrich and Katherina Benner Theis. A brief history of the Theis family follows:

THEIS (THEISS) FAMILY

Among the first German settlers in northwest Harris County was Johann Heinrich Theis (b.1800), who arrived in 1846 with his wife, Katherina (Benner) (b.1804) and their four children. The following year, Johann acquired 200 acres of land in the Rosehill community, where the Theis family joined other German settlers in organizing the Salem Lutheran Church. In 1854, Johann and Katherina's oldest son, Jacob, purchased 557 acres in a nearby area. Then they settled among other German immigrants in what later was known as the Klein community.

In the 1890's some confusion developed in mail delivery to the Theis families in the Rosehill and Klein communities. As a result, Theis family members in Rosehill came to spell their name with a single "s", and those at Klein with a double "s".

Buried in this cemetery at the edge of Jacob Theis' original acreage are Johann Heinrich and Katherina Theis and their son, Christian. Although the graveyard is small and the tombstones are missing, the site is a memorial to these early German immigrants. In the family tradition of community involvement and leadership, several descendants have served as trustees of the Klein Independent School District.●

TELLICO DREAM TAKES SHAPE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. DUNCAN. Mr. Speaker, Tellico Lake was once a dream to the people of east Tennessee. Since the completion of the Tellico Dam that dream has begun to shape, and now it appears close to reality.

The dam was originally funded in 1966 by the Congress. A number of setbacks delayed completion until 1979 when the Tennessee Valley Authority closed the gates and Tellico Lake was born. Today, the optimism of the people of the Tellico region is growing.

Over a year ago the TVA turned over the land acquired for the project to a local agency composed of representatives of the three counties bordering the lake. This agency, the Tellico Reservoir Development Agency (TRDA), has been able to recruit industries to the region, and in the offing are plans to develop a city on the lakeshore.

The developments have brought about a great deal of enthusiasm for the prospects of the region. A recent article in the Knoxville News-Sentinel stated:

> Tellico Lake transformed the landscape, and a citizens force is altering it even more.
>
> The result: New jobs. The promise: Still more.

The first company to set up a plant in the area is Sea Ray Boats, Inc. The company will begin producing two types of boats in the near future. A 72,000-foot plant is near completion and 25 company employees are now in training. Plans are underway for 300 workers to turn out 80 boats a week within the next 3 years.

TRDA officials continue their recruiting efforts meeting with industrial prospects across the country and in Canada. The signs are encouraging to the people of Monroe, Loudon, and Blount Counties. Farmers in the area will be receiving fertilizer and other minerals through a lake terminal to be finished in the next 2 months. The cargo will be distributed to the farmer's cooperatives in the Tellico region. As industry expands barges will begin hauling products down the river.

The latest development in the region is a proposed city on the banks of the lake. A preliminary agreement has been made for preparation of a site with approximately 4,000 homes. The lakefront community would house commuters to Knoxville, Maryville, and Lenoir City, as well as provide homes for those involved with the Tellico Lake industries.

The hopes of those in the Tellico Lake area were expressed in a recent editorial by the Daily Post-Athenian which stated:

> The folks in Monroe pushing for a new city, new industries and a whole new era have been traveling time after time to the edge of success only to be stymied again.
>
> This time it's different and 1984 can be the year their dream starts fulfilling.●

ADM. HYMAN G. RICKOVER

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. PARRIS. Mr. Speaker, yesterday, Adm. Hyman G. Rickover, father of the nuclear Navy, was presented with a Congressional Gold Medal to honor his 60 years of distinguished service to the U.S. Navy.

Admiral Rickover has made a tremendous contribution to the United States and our naval forces throughout his years of command. As a pioneer in the role of developing nuclear reactor technology and safeguards for the use of nuclear energy, Admiral Rickover demonstrated his foresight and determination in insuring the expansion of our nuclear Navy.

In addition to his contributions to the development of the nuclear Navy, Admiral Rickover also led the scientific, technical, and industrial team which developed and constructed the Shippingport Pressurized Water Reactor at Shippingport, Pa.; and the first nuclear powered electric utility central station in the United States.

The Admiral is a resident of northern Virginia and I am proud to join with my colleagues to wish him well in the future and to congratulate him for his past achievements.●

HONORING THE CHICANA SERVICE ACTION CENTER, INC., WOMAN OF THE DECADE DOLORES G. SANCHEZ

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. TORRES. Mr. Speaker, on November 13, 1983, Dolores Sanchez will be honored as the Chicana Service Action Center, Inc., "Woman of the Decade." She is a woman who, over the years, I have had the opportunity to work with and have come to admire. For years, Dolores has been at the forefront of the struggle to establish equal rights for women.

The Chicana Service Action Center (CSAC) was founded in order to create career opportunities for women, to enhance the quality of their lives and the lives of those around them. Through services provided, such as their child day care program, women throughout the Greater Los Angeles area have been able to actively become a significant part of the labor force.

Dolores is the epitome of this kind of women who has not only enhanced her life but also the lives of so many others. She is most noted in the business community for her position as the current president and chief executive officer of Eastern Group Publications, Inc. Eastern Group is the only all Hispanic-owned chain of community newspapers in the Nation. This corporation is an all female company formed by Dolores and two other women for the purposes of publishing a book about the different cultures in Los Angeles. The book is to be published in four languages: English, Spanish, French, and Japanese. It is also officially licensed by the Los Angeles Olympic Organizing Committee.

Dolores was also a former retail and wholesale grocer and a former shareholder and corporate officer of Civic Center Sales, Inc., Save More Groceries Outlet, and La Quebradita Stores, Inc.; all of them located in the Los Angeles area.

Among her many civic activities, Dolores is currently a member of the Los Angeles Olympic Organizing Committee, Fine Arts Commission, and Los Angeles Mayor Tom Bradley's Advisory Committee on Education. She was also appointed by Gov. Jerry Brown to serve as the Chair of the California Employment and Training Council. In 1978 President Jimmy Carter appointed Dolores to a 4-year term as a member of the National Commission on Unemployment Compensation. She is also active in many community organizations such as the Comision Femenil Mexicana Nacional and the Mexican American Political Association. Dolores is a member of the board of directors of the Mexican Legal Defense and Education Fund, the media advisory committee of the University of La Verne, the advisory committee of Community Cancer Control, Inc., and the media advisory committee of the March of Dimes.

Mr. Speaker, I ask my fellow colleagues to extend our best wishes and heartiest congratulations to Dolores Sanchez on this most memorable occasion.●

AMEND UNITED STATES CODE TO AUTHORIZE CONSTRUCTION OF BRIDGES TO REPLACE FERRYBOAT SERVICE

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. ANTHONY. Mr. Speaker, I have introduced a bill to amend section 144 of title 23, United States Code, to authorize the construction of bridges to replace ferryboat service.

As presently worded, the code allows usage of bridge replacement funds only for the replacement or rehabilitation of existing bridges. In my home State of Arkansas, there are four ferries left on the highway system that have not been replaced by bridges or where bridges are not presently under construction. I am certain similar situations exist in other States. I believe that the replacement of a hazardous and inadequate ferry is just as important as replacing a short, narrow bridge on a secondary road.

In order to accomplish this goal, this amendment to the code is necessary. I urge its timely consideration so that the necessary authority for bridge construction can be provided.●

ROUKEMA PRAISES WILLIAM NEIMANN

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mrs. ROUKEMA. Mr. Speaker, I want to take this opportunity to pay tribute to a very special gentleman from Glen Rock, N.J. For the past 65 years, Mr. William H. Neimann, Sr., has been actively involved with the Boy Scouts of America, and the last 42 years he has been an inspiration to the Ridgewood-Glen Rock Scouting Council.

Very few individuals within the Scouting organization have achieved the level of recognition and honor that Bill Neimann has attained. In 1979 he became only the second individual in the United States to be honored with the National Scouting Recognition Award. Further, in February 1983 the Scouting headquaters for the Northeast was named the "William Neimann Building."

Mr. Neimann puts his own philosophy of voluntarism most succinctly when he states: "If you can keep a boy a day, a month, a year longer on the right path, represented by the 12 Scout laws, you do not need so many policemen on the street." The valuable service of Bill Neimann is an inspiration to all of us concerned with the future of our youth. We, the Members of the House of Representatives congratulate Mr. Neimann, and thank him for serving as a shining example of citizenship and community leadership.●

RESULTS OF HOUSE EXPORT TASK FORCE TRADE SURVEY ANNOUNCED

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. BONKER. Mr. Speaker, I am introducing into the RECORD today the results of a recent survey on trade legislation conducted by the House Export Task Force, which I chair. Questionnaires were sent to every Member of the House. More than 65 Members, from both parties, responded. While this sample may not be large enough to precisely measure the opinion of Congress on current trade issues, I believe the results of this survey are nonetheless significant and instructive.

I would like to draw my colleagues' attention to several of the survey's more interesting results:

Over 75 percent of those responding to the questionnaire agreed that trade reorganization is needed.

Over 50 percent of the respondents, including 75 percent of the Democrats, supported the inclusion of an Industrial Policy Office in a new trade department.

Responses relating to H.R. 1234, the domestic auto content bill, were just about even, with opponents of the measure barely outnumbering supporters. Tellingly, however, among those supporting House passage of domestic content, 20 percent opposed actual enactment of the legislation.

By 49 percent to 28 percent, respondents supported the proposition that the Foreign Corrupt Practices Act, as written, is unclear and ambiguous. It should be noted that a plurality of the Democratic respondents agreed with this appraisal.

On another question regarding FCPA, a majority agreed that a company should not be held liable for the illegal acts of its foreign agents, if such company has no actual knowledge of wrongdoing.

The poll responses indicate strong support for continuation of the generalized system of preferences. Only 5 percent favored letting the program expire. A large majority in both parties, however, favored the establishment of a mandatory "graduation" process for the more advanced developing countries.

The responses to the task force poll uniformly demonstrate support for legislation that will serve to promote U.S. exports and expand international trade generally. In sum, the survey's results reveal a growing awareness in the House that international trade does indeed matter to the economic health of this country. It is my urgent hope that the opinions expressed through this survey will be translated into majority votes on the House floor.

RESULTS OF EXPORT TASK FORCE POLL

[In percent]

Question	Yes	No	No opinion
1. Do you believe trade reorganization is needed?			
Democrat	76	7	17
Republican	82	14	4
Total	78	9	13
2. Do you support the President's trade reorganization plan?			
Democrat	38	38	24
Republican	77	14	9
Total	51	31	18
3. Would you support an industrial policy office in a new department of trade?			
Democrat	75	5	20
Republican	14	48	38
Total	53	21	26
4. Do you think the FCPA is unclear or ambiguous?			
Democrat	41	37	22
Republican	61	13	26
Total	49	28	23
5. Should an American firm be held liable under the FCPA for the illegal acts of its foreign agent, if that firm has no actual knowledge of its agent's actions?			
Democrat	34	47	19
Republican	22	57	21
Total	29	52	19
6. Do you favor repeal of the FCPA?			
Democrat	3	80	17
Republican	22	48	30
Total	9	69	22
7. Do you think FCPA should be left in its present form?			
Democrat	33	43	24
Republican	13	61	26
Total	26	50	24
8. Do you support House passage of domestic auto content?			
Democrat	68	32	
Republican	14	86	
Total	49	51	
If yes, do you support enactment of domestic auto content?			
Democrat	75	18	7
Republican		50	50
Total	70	20	10
9. Do you support the President's DISC replacement proposal?			
Democrat	36	21	43
Republican	52	9	39
Total	41	17	42
10. Would you prefer to ignore the GATT's findings and retain the DISC program in its present form?			
Democrat	8	65	27
Republican	9	57	37
Total	9	61	30
11. Do you favor outright repeal of the DISC?			
Democrat	20	35	45
Republican	9	48	43
Total	16	41	43
12. Do you support extending GSP without any substantive changes?			
Democrat	20	59	21
Republican	26	39	35
Total	22	52	26
13. Would you favor extending GSP, but requiring a mandatory "graduation" system for the most advanced LDCs?			
Democrat	68	15	17
Republican	57	9	37
Total	63	14	23
14. Do you think GSP should be ended?			
Democrat	5	76	19
Republican		70	30
Total	5	73	22

Democratic responses: 42 (64 percent)
Republican responses: 23 (35 percent)
Unidentified responses: 1 (1 percent)
Total: 66 (100 percent)

Over 15 percent of the House of Representatives responded to the survey.●

YOUTH EMPLOYMENT PROGRAM

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. FISH. Mr. Speaker, the Northeast-Midwest Congressional Coalition recently held a national conference on employment and training "Shaping the Workforce of the Future." I had the privilege of chairing one of the six workshops; "Youth: Improving Their Employment Opportunities." I would like to share with my colleagues, the statement of one of the panelists, Ms. Jane Lee J. Eddy, who is executive director of the Taconic Foundation. She has been with the foundation since 1958. Its current priority interests are economic development, housing, and youth employment. Ms. Eddy is an active participant in the Council of Foundations, and is president and a member of the board of directors of the Smokey House project in Danby, Vt., and the New York Regional Association of Grantmakers.

In this statement, Ms. Eddy focuses on the issue of vocationally at-risk youth and explains how the achievement of learning can be translated into employability indices that are meaningful to employers. Mr. Speaker, I urge you and our fellow colleagues here in the Congress to take the time to read the following statement:

Testimony of Jane Lee J. Eddy, Executive Director, Taconic Foundation, Before the Northeast/Midwest Congressional Coalition

My name is Jane Lee Eddy. I reside in New York City and Pleasant Valley, Dutchess County , New York. I am employed as Executive Director of the Taconic Foundation in New York City, and I have a direct connection with two youth employment programs, serving as President of Smokey House Project in Danby, Vermont, and Chairman of the Board of the Corporation for Youth Energy Corps, in New York City. I appreciate very much being invited to appear before you this morning.

My assignment today is to talk with you about a means of providing a credential of employability to previously unemployable youth who become job-ready through worksite training—credentials that reflect actual achievement and can be relied upon by employers. In order to do this, I'd like to begin by describing work we have been involved with that leads us to regard such a credential as a critical need—and a need that can be met when worksite training programs are designed to insure this outcome.

Taconic Foundation's interest in youth employment began in the early 1960s when a major matter on the public agenda was what we then called juvenile delinquency. Like the Congress, other foundations and the public at-large, Taconic was concerned with this question, and stood ready to commit resources. It appeared to us, however, that in addition to all the other prescriptions being offered, attention should be paid to employment for young people. At Taconic we set about seeing what could usefully be done on this front. Thus began the work of more than twenty years which led us to seek out effective programs to fund, and when we couldn't find them, to help others develop them from the ground up or even to develop them ourselves.

Our early explorations in the youth employment field indicated that little effective work was being done. We encountered well-intentioned people who talked about the problems, but their programs failed to create a solid bridge from the street corners—where idle young people were standing around—to real jobs which these youth wanted.

We did find, however, some programs that promised to make a substantial difference in outcomes for disadvantaged youth. Taconic provided funding to establish the Minority Apprenticeship Program, conceived by Dr. Kenneth Clark and others, and recognized eventually by the U.S. Department of Labor as a successful model which it funded across the country. Taconic also enlisted Judge Mary Kohler—later to become a widely recognized expert in youth programs—to survey existing youth employment training programs and to prepare a bibliography on the subject. We published her findings.

In the late '60s Taconic provided funding to help develop and start a program to enable junior high school youngsters to learn about work and careers in New York. This program, now nationally known, is Open Doors; it operates in conjunction with the New York City Board of Education and is now affiliated with the New York City Partnership. Fifteen years ago, Open Doors pioneered in, and has continued to do, two significant things; bringing people from the business and professional community into the schools, and taking students and their teachers out to workplaces. Moreover, related curricula have been developed that are now used in many school systems around the country.

In the early Seventies, Taconic began funding Jobs for Youth, a New York City organization, that made a real difference to unemployed youngsters—a true bridge was created—by connecting them directly with job opportunities, counseling them in advance and following them up after placement. Taconic also provided funding to help duplicate that program in Boston and it has since been adapted in Chicago.

During these years, Taconic funded other programs with indifferent results. We learned from both the successes I've described and the failures. One clear lesson was that in order to become employable, the most disadvantaged young people need to learn how to work on the one hand and to see the vital connection between real work and classroom learning on the other, to that they will attain the high school diploma that most employers require. The other important lesson was that in order to move at-risk youth out of the school drop-out/no-hope-for-jobs limbo, a program must be based upon the situation of the young people themselves. Statistics and theory were of little help, but common sense observations about kids could provide the framework for making a difference in outcomes for these youth.

Who are these young people? What are they like? First, they are adolescents 14-19 years old. Some cannot read very well; many have suffered from inadequate parenting; many need help with emergencies ranging from medical and legal to housing and child care; they often have trouble relating to teachers in classrooms (and this is apt to spill over to trouble relating to adults in general); few have much hope for success in school; all want real work and a chance to feel good about themselves; all need money.

In 1973, Taconic began to put what we had learned into practice by developing a youth employment program on property in Danby, Vermont that the Foundation had inherited from its donors, Audrey and Stephen Currier. The program, Smokey House Project, was based on the common sense observations about young people I have just described. In close cooperation with the schools, we employed local youth to see whether a practical-minded program of work and training could make a difference in both their employment prospects and classroom progress. (I want to point out here that Senators Stafford and Leahy and Congressman Jeffords are well acquainted with the Smokey House program and have been unstinting in their support.)

Now, ten years later, we are confident in stating that such a program does enable at-risk youth to reach the level of employability. This is true not only in Vermont, but in Harlem, Brooklyn, and the South Bronx where programs conducted by the Youth Energy Corps (based on the Smokey House model) have succeeded with Black and Hispanic youth by engaging them in weatherizing low-income apartments. Moreover, the Smokey House program is now being adapted in Dutchess County, New York, where the ethnic mix of at-risk youth is broad and worksite training is available in parks and may be extended to weatherizing and the like—work that serves as the vehicle for training youth how to work, and as the means of demonstrating to private employers that the youth have become employable. (Our chairman this morning, Congressman Fish, recently spent an entire morning acquainting himself with the Dutchess County worksite training program and the participating youth. This unusual demonstration of interest in a program for at-risk youth was a shot in the arm for everyone, but I want to tell you that it was electrifying for the young people themselves. Their crew leaders report that morale and determination, already high among the youth, soared to new heights.)

The goal of work-site training for all these young people is to enable them to reach the level of employability. Here I make a sharp distinction between two kinds of training: (1) training in the basic of how to work; and (2) specialized skills training. The two are not the same, yet the first is the essential building block for the second; that is to say, it is necessary to learn how to work in order to be eligible for programs in specialized skills training.

What are the criteria for entry level employability? Employers are virtually unanimous in reporting that they cannot hire youth who have not learned how to work, who have no familiarity with the habits and attitudes required in the workplace, who cannot accept supervision or get along with their peers, who have not learned to be punctual and reliable in their attendance or to be responsible for their own actions, as these affect work and fellow workers. Employers also agree that the young people I have just described, those who lack "work maturity," are not ready to undertake specialized skills training.

Educators, on the other hand, increasingly recognize that work in the classroom alone fails to motivate these youth to learn the cognitive skills that today's employers require. Real work, as a supplement to the classroom, offers non-achieving young people an opportunity to prove themselves, to feel a part of "the real world" (as they call it), and to begin to grasp the connection between classroom learning and their own lives. Thus, from the viewpoint of both employers and schools, work-site training for at-risk youth is effective and essential to enable youth to do the following: (1) Develop the basic attributes of "work maturity" that employers require; (2) reach the level of eligibility for training in specialized skills; and (3) become motivated to attain the level of cognitive skills necessary for (1) and (2).

Work, by itself, will not enable at-risk youth to reach these goals. The actual work, the work crews, supervision, and regular recording and documentation of progress, must all be organized in a manner that will help ensure these outcomes. Existing model programs such as Smokey House Project and Youth Energy Corps and the Dutchess County Youth Preparatory Program can serve as the basis for setting up effective training procedures. Such a program consists of six basic ingredients: (1) real work (for pay) under structured worksite conditions, with high standards of workmanship and worksite conduct; (2) an apprentice-like situation in which youthworkers are closely supervised by a competent adult crew chief (6:1 ratio) who works alongside them; (3) "benchmarking"—individual goal-setting and regular recording and documentation of the youthworker's progress; (4) attention to cognitive skills development in direct relation to work being performed; (5) collaboration with schools or GED programs: no school/no work rule, and academic credit for worksite learning; and (6) certification of youth employability—according to standards set by employers—upon completion of program.

This last point brings us to the first premise of employability certification: private sector employer must have confidence in the quality of such training in order to insure that previously unemployable youth who become job-ready have access to entry level employment opportunities or to skills training programs. Two additional program elements are necessary to achieve this goal. First, the quality of work performed by work crews, and the worksite knowledge of the youthworkers must be assessed by representatives of appropriate businesses or industries. Second, the young people themselves and the organizations doing the training must have before them at the start an employability credential against which the young person's progress at the work-site can be regularly recorded and measured. Both the plan for private sector assessment and the employability credential must be developed with cooperation from the private sector. The local Private Industry Council might serve as the vehicle for bringing about this essential cooperation.

I want to show you a draft of the kind of simple, usable employability credential that both youth and employers need in order to demonstrate work readiness of previously unemployable youth. It has been adapted from the American Council on Education's "Job Readiness Report", and has been reviewed by experts at Columbia University and Bank Street College (helpful comments from the latter have not yet been incorporated). It will also be reviewed by a major New York City employer and by employers in Vermont and Dutchess County, New York.

Such a credential provides not only standard information such as grade level attained and previous work experience; it also provides the employer with reliable assessments of the young person's capacity to meet the standards employers say they require in the work place: for example, punctuality, dependability, job performance, ability to accept supervision and to work harmoniously with peers. The assessments are based upon regular documentation—"benchmarking"—of the youth's progress and achievement in the kind of worksite training I have described, including assessment by the private sector of the quality of work performed by the youth crews that participate in the worksite training.

Thus, the credential of employability offers previously unsuccessful youth a clear and official statement of his or her employability and at the same time provides employers with a reliable assessment of the young person's capacity—an assessment that is based upon documented evidence.

If we are serious about changing the bleak outlook for our at-risk youth (and the severe economic and social consequences of doing nothing to change it), it is essential to provide both the training that will enable them to become productive workers and evidence that employers can rely upon that the young people have attained this level.

Thank you.●

"GATEKEEPERS" IN PRIMARY CARE NETWORKS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. DUNCAN. Mr. Speaker, one of the most important patterns now developing in the field of medical care delivery is the so-called gatekeeper function for many of the new primary care network systems being developed throughout the country, which have been made possible by various regulatory waivers and congressional actions in recent medicare legislation.

Dr. Bergein F. Overholt of Knoxville, Tenn., is president of the American Society for Gastrointestinal Endoscopy. He sets forth the pros and cons of the gatekeeper proposal in the following article which appeared in the American Journal of Gastroenterology. I recommend this article to all of my colleagues who are concerned with medical care delivery.

The article follows:

THE SOCIOECONOMIC AND POLITICAL FUTURE OF GASTROENTEROLOGY: PRIMARY CARE NETWORK—THE GATEKEEPER

Increasing interest in the "Gatekeeper" concept (Primary Care Network or PCN, Case Management System) by the Federal and state governments as a means of reducing accelerating medical costs in Medicaid programs deserves careful analysis by patients and health care providers.

HOW DOES THE SYSTEM WORK?

The patient chooses or is assigned to an approved primary care physician (or HMO) who in turn is responsible for the overall medical care of that patient and must approve all diagnostic studies, specialty referrals, hospitalizations, etc. A normal monthly fee is provided the phsycian by the contractor (usually the state Medicaid agency) as well as reimbursement for each patient encounter. All diagnostic studies, referrals, hospitalization, etc. are paid for only if approved by the PCN physician. This physician may or may not be at financial risk, but if their individual utilization and cost averages exceed certain percentiles, the performance of the physician will be "reviewed" with resulting warnings or removal from the program. The patient may or may not have freedom of choice in choosing a PCN physician or a referral physician, but many proposed plans are directed toward eventual elimination of the patient's freedom of choice in selecting a physician. In addition, because not all physicians will participate in the program, limitation of freedom of choice is inherent in the Gatekeeper concept.

WHAT'S HAPPENING

Federal law originally guaranteed the right of each and every Medicaid patient to choose the physician of their choice. However, the Omnibus Reconciliation Act of 1981 (Section 2175, Public Law 97-35) approved by Congress provided states with the option of applying for waivers of their right to choose health care providers without intervention. Armed with this far-reaching legislation, the Health Care Financing Administration proceeded to publish its interim final regulations, BPP-181-SC, "Medicaid Programs; Freedom of Choice: Waivers of Exceptions to State Plan Requirements" 46 Federal Registry 48525, October 1, 1981. The American Society of Internal Medicine objected, stating to Health Care Financing Administration [1] that the regulations should have been published first as a notice of proposed rule-making to allow input by interested parties "consistent with hearing and comment requirements" (House Report 97-208, page 964) and [2] that "the regulations are flawed because they provide inadequate guidance to states on how to make their Medicaid programs most cost-effective without denying patient access to quality medical care" [1]. The advice went unheeded. Even a government agency questioned the regulations. The United States General Accounting Office stating that "current regulations contain little guidance on the standards your Department will apply in evaluating whether state requests for waivers of recipients' freedom of choice meet the requirements contained in the law" has recommended to Secretary Schweiker of Health and Human Services "that you provide additional guidance to states on the information necessary to show compliance with the law for waivers to limit freedom of choice of Medicaid recipients" [2].

The legislation and regulations have subsequently led to the development of the Gatekeeper concept for Medicaid enrollees. Actually the essentials of the program have been in place in some existing HMO's. The American College of Physicians has essentially approved the Gatekeeper HMO model and has stated that "a legitimate function of HMO patient management may include organizing its medical staff in such a way that limits direct access by patients to specialist care." To protect patient rights, the American College of Physicians adds "prospective HMO enrollees shoud be advised of any patient's self-referral limitations and advised of the circumstances under which they can seek alternative services"[3].

One needs only to peruse the proceedings of the National Governors Association Conference on Medicaid and Primary Care Network/Case Management Systems, December 1981, to realize the profound impact the Gatekeeper concept will have on medical practice as we know it today. "The Network consists of individual or groups of primary care physicians and is augmented by a panel of specialists selected by the PCN or each primary care physician. Patients are 'locked in' to their primary care physician who approves all specialty care. Non-emergency self-referrals are not reimbursed. The primary care physician is financially at risk for primary care, specialty care and hospitalization. Reimbursement arrangements, however, may vary. They can be fee-for-service with a percentage of the fee held back to cover costs in excess of targeted amounts. If expenditures are less than expected, these

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References at end of article.

'hold back' funds are distributed at the end of the year as a bonus. Reimbursement can be a straight capitation arrangement in which the physican receives a predetermined payment for providing services to an enrollee. In either case, the primary care physician reviews and approves all expenditures made on behalf of his patient"[4].

Michigan has established a PCN program to eventually include 323,000 of Detroit's 400,000 Medicaid eligibles. Maryland's less restrictive program began July 1, 1982. California's PCN plan for Santa Barbara and Monterey counties will include negotiated fees not only for Gatekeepers, but for specialists also. Effective January 1983, the California state Medicaid program (Medi-Cal) will be allowed to negotiate contracts with physicians to provide services to the poor on a prepaid basis. In St. Louis, MO, and Grand Junction, CO, patients will be assigned to PCN physicians and will not have the right to choose the physician. Medicare patients in Baldwin County, Georgia may join an experimental PCN program that is voluntary at this time. Arizona's waiver has been approved and will allow the state to negotiate contracts with hospitals and physicians. The Arizona Health Care Cost Containment System, known as ACCESS, is scheduled to enroll up to 100,000 Medicaid patients during September 1982. Public and business employees can also join, thereby spreading the financial risk for the state. Of interest is the point that long-term or nursing home care which consumes 50 percent of the health care budgets of some states will not be assumed by the state. It will be left to the county governments. Whether in the form of a PCN, HMO or Individual Practice Association, the Gatekeeper concept for Medicaid is being considered by other states including Hawaii, Massachusetts, New Hampshire, New York, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, and Wisconsin. Others will undoubtedly join this list.

The PCN has furthermore extended into third party insurors and HMO's including Blue Shield, Prudential, INA, Wisconsin Physician Services, Group Health Plan of Northeast Ohio, and Safeco's United Health Care (now up for sale). This list is growing and will probably continue to do so.

ADVANTAGES OF THE PCN

Advocates find the Gatekeeper concept appealing for the following reasons (4).

(1) PCN's can reverse expensive financial incentives in the fee-for-service system. Although physicians receive only 19 percent of total health care expenditures, they are responsible for 75 percent of total health care costs in that they control decisions on tests, procedures, and hospitalizations. By making the Gatekeeper medically responsible and financially at risk, a point of accountability is established. "The professional in charge will typically have a less expensive style of practice than the specialist." Furthermore, states may become "prudent buyers," selecting those providers who furnish the most cost-effective care.

(2) PCN's constrain patient misuse of the system. By locking patients into a Gatekeeper and denying reimbursement for nonemergency out-of-plan services, unnecessary "doctor shopping" and costly nonemergency visits to emergency rooms and hospital outpatient departments can be curbed. Patients who abuse the system and incur unnecessary medical care expenses can be identified earlier.

(3) PCN's guarantee clients a point of entry into the health care system. PCN's guarantee enrollees access and service to a physician for as long as the client accepts and adheres to conditions of PCN membership.

(4) PCN's are more flexible and easily established than traditional HMO's. PCN's do not require new institutions or large alterations in existing relationships that physicians have with hospitals or other providers. Hence, they may be established more easily, effectively, and perhaps less expensively.

(5) PCN's can lead to improved continuity of care. Since a client is assigned to or chooses a particular Gatekeeper physician and that physician is responsible for total medical care during the period the patient adheres to the PCN membership conditions, continuity of care should improve.

DISADVANTAGES OF PCN

As with any health care system. PCN's have built-in disadvantages centering around quality, accessiblity, and costs.

(1) Marginal care. Major differences in quality of care exist among physicians be they primary care, specialists, board certified physicians or not. By assignment, PCN's may "lock-in" a patient into the care of marginal physicians.

(2) Restricted services. By increasing the Gatekeepers control over the patient and placing him at financial risk, the Gatekeeper may not allow the patient to receive needed services, consultations, and care. This adverse incentive could lead to inadequate care.

(3) Over-utilization of services. If the Gatekeeper receives a fixed payment for primary care and is not at risk for referrals, the Gatekeeper may refer as much care as possible ot other physicians in order to maximize his income in relation to time utilized for care of the patients.

(4) Under-utilization of services. If the Gatekeeper receives a fixed monthly payment for primary care regardless of patient encounters or not, he may discourage or delay patient visits thereby providing more time for other matters.

(5) Adverse selection. If Medicaid enrollees have the option of joining a PCN or remaining in the fee-for-service system, the Gatekeeper could encourage his healthiest patients to join the PCN. The healthy patient would use or could be encouraged to use the PCN services infrequently. The Gatekeeper would continue to receive the monthly case management fee, to his financial benefit. The chronically ill patient could be encouraged to remain in the fee-for-service program to maximize reimbursement.

(6) Physician overload. Patients may sign up with the "best" physician thereby over loading his practice with healthy, ill, or both types of patients.

(7) Physician conflict. "The success of PCN's rests, however, with the ability of the primary care physicians to monitor and, if need be, to challenge the authority of specialists. It is a role with which many physicians will be unfamiliar and it is not one to which many will easily adjust" (4). The primary care physician may not be willing or may be unable to fulfill this requirement. Regardless, if he does or does not, significant conflict for the Gatekeeper is inevitable.

(8) Capping. For specialty referral care, the number of return visits may be restricted or "capped," thereby of return visits may be restricted or "capped," thereby limiting the access of patients to specialty care.

(9) Restriction of patients' freedom of choice to their physican. A basic principle of a PCN is that the Gatekeeper will approve any additional physician referrals. In contrast, the medical care system in the United States has been built on the principle of freedom of choice for both the patient and the physician. The right of freedom of choice is removed in the Gatekeeper/PCN setting.

(10) Anticompetition. Medical practice is inherently competitive resulting in the necessity of a physician to remain current in his skills. If the Gatekeeper has total control, there will be no competition and no incentive to continue to upgrade his skills. Mediocrity is the anticipated result.

(11) Delayed diagnosis and treatment. With incentives to reduce costs and limit services, delays in diagnosis and treatment can be reasonably anticipated. Short-term cost savings may be realized, but the short- and long-term effects on (1) the patient's emotional and physical well-being, (2) the medial consequences, and (3) the economic burdens of delayed diagnoses and treatments must be considered.

(12) Malpractice issue. With incentives to limit services and referrals and with the resulting anticipated delays in diagnosis and treatment, the Gatekeeper places himself in an exceptionally vulnerable position for malpractice claims. "A general practitioner who does not refer his patients to a specialist, where under the circumstances a reasonably careful and skilled general practitioner could and would do so, may be held to the standard of a specialist in the field." [5].

(13) Antitrust implications. This issue is not settled but restricting program providers in some situations can have antitrust implications.

(14) Union activities. State agencies that contract with primary care physicians to serve as Gatekeepers may well find themselves negotiating with Gatekeeper physicians in a formal or informal collective bargaining setting for working conditions, management fees, etc. Unless the Gatekeeper is dependent upon the agency for a major portion of his income, the Gatekeeper's "total control" of the health care system for enrollees will provide tremendous leverage for the physicians.

(15) State administrative systems may be inadequate. Changing from a fee-for-service to a Gatekeeper system will necessitate significant changes for the state to consider. For example, over-utilization and under-utilization must be monitored. Enrollment, disenrollment, and grievances are but a few of many additional problems to be carefully considered by the state agency before implementing the PCN.

(16) Physician monitoring. One state Medicaid medical director has indicated that physician monitoring will likely entail review of the physician's office records [6]. Other states will presumably follow this route.

DISCUSSION

The fact that Medicaid presents a problem for states because of increasing costs is

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References at end of article.

not questioned. How to deal with the costs while assuring quality of care, accessibility to the best care available, freedom of choice for the patient and the physician, and the American medical tradition of free-for-service is a problem. The PCN/Gatekeeper concept is one alternative solution being considered by increasing numbers of states, HMO's, IPA's, third party insurors, and the Federal government. By assigning each patient to a primary care Gatekeeper physician who has total responsibility for medical care and who is financially at risk, advocates believe costs can be constrained.

Let there be no question, although quality of care and accessibility are mentioned by advocates, the primary purpose of the Gatekeeper concept is cost containment. Advantages have been listed earlier in this paper. These are immediate concerns, but long range consequences must also be addressed. Initially, the impact may be cost savings, but access and quality will suffer. The PCN physician will undergo increasing scrutiny by bureaucrats to hold costs down. Patients will likely have limited access to specialty care and the technology that has helped produce the world's finest medical care system.

Some have stated that the Gatekeeper/PCN system is akin to the British National Health Service [7]. If as proposed, the Federal government takes over Medicaid in addition to its existing Medicare program, and if the Gatekeeper concept remains in place, we will indeed have taken a major step toward a socialized national health program in the United States.

How should the physician prepare for this rapidly developing concept? Individual physicians and state specialty societies should urge the state medical association to become fully knowledgeable about state government activities in Medicaid and PCN's. With its vast resources, the state medical association is indeed in the best position to impact on the development of PCN programs. State medical association and physician input and involvement early in the planning process is essential! Typically there will be a committee of physicians from the medical association that will be asked by the state government to assist in developing alternatives to deal with Medicaid costs, including the PCN programs. Pilot programs with careful evaluation over at least 1 to 2 years are desirable. These physicians must be thoroughly aware of all ramifications of these programs for they are representing all physicians in their states in an area that has far-reaching consequences for patients, physicians, and our medical system.

REFERENCES

1. Comments to the Health Care Financing Administration on the Interim Final Rule "Medicaid Program; Freedom of Choice: Waivers of and Exceptions to State Plan Requirements". American Society of Internal Medicine, December 30, 1981.

2. United States General Accounting Office. B-208181, July 20, 1982.

3. A Position Paper: Direct Access to Specialist Care Within Health Maintenance Organizations (HMOs). American College of Physicians, January 12, 1982.

4. Medicaid and Primary Care Networks. A Concept Paper and the Proceedings of the NGA Conference on Medicaid and Primary Care Networks/Case Management System. Washington, D.C.: State Medicaid Information Center, Center for Policy Research, National Governors' Association, December 2, 1981.

5. Professional Liability Guide. Boston: The Massachusetts Medical Society, 1980.

6. Alsup P. Address to Saint Mary's Medical Center's Medical Staff. Knoxville, TN. July 20, 1982.

7. Direct Patient Access to Specialist Care. Transcript of Proceedings. American Academy of Dermatology, April 13, 1981.●

BIOGRAPHY OF STANLEY J. KLONOWSKI

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Ms. OAKAR. Mr. Speaker, the Cleveland Society recently passed a resolution to name our new library at Broadway and Fleet after Stanley Klonowski. The following is his biography:

Stanley J. Klonowski was born in Zawidz, Poland, in 1883. He came to the United States in 1907 and settled in Cleveland, Ohio.

Klonowski came to the United States with little money. However, his proficiency in five languages, including Polish, Russian, German, French, and English, allowed him to quickly gain employment.

Initially, Klonowski applied his proficiency in languages at a Polish-American newspaper in Cleveland for $12.00 per week. Soon he became involved in assisting newcomers to the United States with many problems, which led to his becoming an agent for steamship companies, his establishment of a real estate office, an insurance agency, and the first Polish-American savings institution in the United States, Klonowski Savings.

Klonowski Savings was organized in 1913. The name was eventually changed to the Bank of Cleveland.

Klonowski and his bank were instrumental in financing loans for the residents of the Broadway area of Cleveland, an area known then and now as "Little Warsaw." The loans enabled newly arrived Polish immigrants to purchase homes and to bring their families to this country.

* * * * *

Klonowski's success was the product of hard work and perseverance. His story epitomizes the American Dream, which lured millions of immigrants to this country. Interestingly, much of what Klonowski learned in his life was not the result of formal education, although he did attend school in Poland and night school in this country. A good deal of his knowledge and success was attributable to reading books and magazines, which he poured over regularly and absorbed like a sponge.

Klonowski's house at 7203 Broadway was in many respects a miniature library. Shelves both upstairs and down were filled with his books, which ranged from treasuries of humor to books on business principles and treatises on philosophy.

Similarly, Klonowski's office in the Bank of Cleveland reflected his interests as a bibliophile. The books there concerned primarily business, and banking in particular. Klonowski arranged the volumes according to his own system, which was not too dissimilar to organizational systems adopted in public libraries. This business library still exists in its original form in Klonowski's old office, which is now part of the National City Bank Building at 7100 Broadway Avenue.

Klonowski's interest in learning through reading was further evidenced by his tenure on the Board of Trustees of the Cleveland Public Library. Appointed to the Board on January 12, 1948, Klonowski served as its vice president from 1950 to 1954, its president in 1955, and its secretary from 1964 until 1969. He resigned from the Board in 1970, at the age of 80 years, after having served for 25 years.

In addition to his service with the Cleveland Public Library Board, Klonowski was quite active in many other community affairs. he was past president of the Cleveland Society of Poles, a fourth degree member of the Knights of Columbus, on the board of University Settlement, and a member of the National Conference of Christians and Jews, Alliance of Poles of Amercia, Union of Poles of America, Polish Falcons, Polish National Alliance, Polish Roman Catholic Union, Citizens League, and the City Club. He was also active in the establishment of Marymount Hospital in Garfield Heights, and served on the executive committee of the Catholic Charities Corporation Board.

In short, Stanley Klonowski achieved the financial success that many of his contemporaries sought when they came to the United States. While achieving obvious material success. Klonowski refused to compromise his values, and he served his community with zeal. Perhaps Klonowski's personality was best described by Paul Stetzelberger, a retired Vice President of the Federal Reserve Bank of Cleveland. Stetzelberger described the three "C's" needed for a bank loan: character, capacity, and capital. Klonowski, he said, had ten "C's": charity, capacity, capital, candor, character, compassion, competence, conduct, courage, and captainship of industry.

In view of Stanley J. Klonowski's self-made success, his intense community participation, and his contributions to the Cleveland Public Library over 25 years of service, it is quite appropriate that the Board of Trustees of the Cleveland Public Library consider naming the new branch library at Fleet and Broadway after him. So naming the branch would commemorate Klonowski's life and service; but, moreover, it would serve as a monument to the neighborhood that he helped to build and in which he resided, across the street from the library site, for all of his years in America.●

U.S. POLICY IN LEBANON

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. GEJDENSON. Mr. Speaker, when I voted last month in favor of House Joint Resolution 364 to authorize an 18-month deployment for the marines in Lebanon, I did so in the belief that this legislation, while far from ideal, was the most restrictive measure the President would sign.

The measure imposed important restrictions on Presidential authority with respect to our marines. I favored the language in the bill that restricts their role militarily and geographically as well as the limitations placed on their numbers. I also strongly supported the bill's recognition of the validity of the War Powers Act. It is important to recall that in passing House Joint Resolution 364, Congress reserved the right to withdraw the marines at any time that this body felt such action was warranted.

In passing House Joint Resolution 364, Congress decided that it would entrust the administration with the responsibility for securing the marines' safety and for developing a Lebanon policy that would promote peace in that troubled nation. It gave the President the 18-month marine deployment that he requested. In exchange, the Congress received a Presidential nod to the validity of the War Powers Act and assurances that all diplomatic efforts would be made to promote peace and that the marines' safety would be given the highest priority.

Today, after countless briefings from the Secretary of Defense, the Secretary of State, and the Marine Commandant, I have concluded that the administration has failed to live up to its responsibilities. Marine lives, even after the tragic loss of 230 of their men, remain in jeopardy. General Kelley and Secretary Weinberger have shown neither an ability nor a willingness to take steps to enhance marine security in Lebanon. The administration's diplomatic efforts have been lackluster. The days go by and still no one of any stature has been put in charge of Lebanon policy.

It seems to me at this point, that if we can neither secure marine safety nor contribute to the peace process in Lebanon, we ought not be there.

We cannot continue to put American lives at risk in Lebanon while the administration fails to take appropriate action. Mr. Speaker, I must, therefore, cast my vote today in favor of the Long amendment to end marine deployment by March 1, 1984.

Although I would have preferred the original Long amendment, it was not brought to the House floor for consideration. This amendment would have prohibited the use of funds for the marine peacekeeping force after March 1, 1984, unless the Congress adopted a concurrent resolution containing the following findings: First, that the President has defined a clear and realistic mission for the U.S. Armed Forces stationed in Lebanon; Second, that the President has established a set of policy goals in Lebanon that are achievable and has a clear agenda for reaching those goals; and third, that security arrangements for U.S. forces in the area have been ungraded to the maximum extent possible.

I found this original amendment preferable because it addressed the specific concerns many of us have about U.S. policy in Lebanon. Despite the House's failure to consider this amendment, I would strongly urge that the President give serious consideration to the points made in the Long amendment because we will continue to voice the concerns until they are addressed.●

SOVIET ABUSE OF HUMAN RIGHTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. FRANK. Mr. Speaker, the situation of Jews in the Soviet Union, which was never good, had been deteriorating rapidly. As the Members of this body know, emigration is at a low ebb and the Soviet authorities have embarked on a new anti-Semitic propaganda campaign. We in Congress must do everything we can to express our outrage at Soviet abuse of human rights, and whenever possible we should extend the hand of solidarity to those Soviet citizens who attempt to exercise those rights and live their lives in dignity.

Vladimir Lifshitz, with his wife Anna has sought to join his cousin Lisa Shukel, who lives in my district. He was first denied permission to emigrate in December of 1981; his most recent refusal came this past January. Vladimir has announced that, starting today, he would go on a hunger strike in a desperate attempt to obtain permission to emigrate. His wife Anna is expected to join him in a week.

Mr. Speaker, it is possible that the Soviet authorities will be able to continue to ignore the plight of the Lifshitzes. We in Congress, however, will not allow the violation of the Soviet Union's international commitments on human rights to go unnoticed.●

H.R. 4277—NATURAL GAS

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. SHARP. Mr. Speaker, by direction of the Subcommittee on Fossil and Synthetic Fuels of the Energy and Commerce Committee, I am introducing H.R. 4277, a bill incorporating the text of a committee print on natural gas, as amended and approved by the subcommittee by a vote of 10 to 9. I did not vote for this measure, and for an alternative I direct Members concerned about consumer gas prices to the proposal Chairman DINGELL and I have circulated, and which is explained in the RECORD of Friday, October 28.●

THE ALAMO SILVER WINGS AIRBORNE ASSOCIATION

HON. ABRAHAM KAZEN, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. KAZEN. Mr. Speaker, the city of San Antonio is justifiably proud of a unique, new civic organization which has captured the imagination of the people, and which is destined to become one of the major service associations in Texas.

I am speaking of the Alamo Silver Wings Airborne Association, which was founded February 18, 1981, by Valentin Martinez, who had retired after 26 years of military service in 1980.

Members of the organization share present and past associations with airborne divisions, corps, brigades, special forces groups, independent parachute infantry regiments, and regimental combat teams. They also share a devotion to our country and a desire to serve their fellow citizens.

In the short time since ASWAA was founded, members have worked closely with the Police Athletic League's Amateur boxing tournament and Boys Club, and assisted in Christmas programs for needy children.

The association has participated in the Avenida Guadalupe Parade, the Veterans Day Parade, the Rey Feo Parade, the Fiesta Week Flambeau Parade, and was the official escort for the Medal of Honor winners at the 1983 Fourth of July celebration at Market Square.

This year the city of San Antonio selected the association to escort and assist President Ronald Reagan during the Cinco de Mayo celebration.

Current Commanding Officer Roberto Garcia and his staff, Bonifacio Lopez, Jr., Guadalupe Flores, E. C. Hernandez, Luis Charles, Miguel De La Pena, Valentin Martinez, John B. Coker, Adrian Gonzales, and Father John Shelton Davis are active in starting other chapters in Texas and beyond, anywhere that the motto "Airborne All the Way" strikes a chord of pride, service and loyalty.

I want to commend all of the members of ASWAA for their fine work and for the many contributions they will make in the future.●

NEW HAVEN PAYS TRIBUTES

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, on October 17, 1983, the New Haven Firefighters Local 825 of the International Association of Firefighters held its 22d Annual Salute to Retirees dinner in my district. Thomas Bullock, Patrick J. Callan, Raymond Carboni, Henry J. McNamara, Thomas Petrucci, William J. Ryan, Edward Sheilds, Eugene Sullivan, Nicholas Tirozzi, and John F. White were recognized on the occasion of their retirement. I would like to commend them all for their years of brave service to the citizens of New Haven.

I would also like to congratulate Chief Robert T. Gilhuly, this year's recipient of the Lt. James Dillon Award for his continued contribution to local 825.

Robert T. Gilhuly, Sr., was appointed to the department of fire service on July 3, 1953. He was assigned to Engine Co. No. 4, located at old Central Station on Olive Street and Grand Avenue. He later was assigned to Engine Co. No. 14 which was located on Highland Street.

He was promoted to the rank of lieutenant on January 1, 1968. He then worked as a liaison officer with the New Haven school system as its fire education officer.

On January 2, 1974, Bob was promoted to the rank of captain and assigned to Truck Co. No. 5 on Fountain Street in the Westville section of the city. He remained there until his promotion to the rank of battalion chief on September 8, 1982, at which time he was assigned as east battalion chief.

Bob is married to the former Gail Leonard and has three children, Firefighter Robert Gilhuly Jr., currently assigned to Engine Co. No. 4 at Central Station, another son, Michael, and a daughter, Lynn.

Bob's career as an officer in local 825 began with his election to the grievance committee. After serving in this capacity for 2 years, he was elected to the position of treasurer for two terms. He then ran for and was elected to the position of president, a position he held for three terms.

During his tenure as president, the members of this local attained a 42-hour work week, something we still currently enjoy. Also, during his presidency, local 825 signed the first written contract with the city of New Haven.

Finally, I wish to express my gratitude to Joseph Dwight Crowley, and to congratulate him for receiving this year's "Civilian Appreciation Award."

Joseph Dwight Crowley was born in New Haven, Conn. on February 8, 1934 and attended local public schools until 1974. He graduated from Exeter in 1951 and was elected to the Cum Laude Society. In 1955 he graduated from Yale magna cum laude and was in the top third of his class at Harvard Law School where he graduated in 1958.

Between 1957 and 1959 Mr. Crowley's grandfather, uncle and father died and being the family's oldest surviving male, he became president and chief executive officer of the family business—the New Haven Terminal, Inc. It is a deep-water terminal in New Haven Harbor which unloads and stores petroleum and petrochemicals, steel from Scandinavia. Western Europe and the Far East; lumber from the Canadian Northwest, copper from Chile and other bulk cargos. It outloads 200,000-300,000 tons of scrap iron a year to worldwide destinations. Successful port investments require attention to the international economic environment and to the markets for the commodities which move through the port. Mr. Crowley has traveled often to Europe and the Far East and reads and speaks both French and Spanish.

In 1968 Joseph Crowley and Charles Peters were cofounders of the Washington Monthly. Mr. Crowley was its first publisher, but the demands of the family business required him to resign.

Mr. Crowley is a member of the "New Haven Democratic Town Committee, the Democratic House and Senate Council and the National Finance Council of the Democratic National Committee". He is treasurer of the Long Wharf Theatre, a trustee of Connecticut Public Television, the American Shakespeare Theatre and the Connecticut Ballet.

He belongs to the Foreign Policy Association and in 1977, was invited to attend Mortimer Adler's seminar at the Aspen Institute.

Joe Crowley is also director of the Greater New Haven Chamber of Commerce and is a member of the New Haven Development Commission. He was recently appointed to the board of finance by Mayor DiLieto.

For the past 23 years he has been married to Phyllis Frierson. They have four sons, three of them are attending Yale.●

HOUSE JOINT RESOLUTION 408

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. PATTERSON. Mr. Speaker, 1983 marks the 70th anniversary of the Anti-Defamation League of the B'nai B'rith. Yesterday, I submitted a joint resolution, House Joint Resolution 408, to the House designating November 12, 1983, as "Anti-Defamation League Day." I urge my colleagues in the House of Representatives to join me in recognizing the valuable contributions of the ADL by cosponsoring House Joint Resolution 408.

During the course of its existence, the ADL has been instrumental in promoting civil liberties and in protecting human rights. Through its 28 regional offices, the ADL has formed an impressive network of support. Its members supplant ignorance and misunderstanding with the values of education. Through the endeavors of its national and local affiliates, the ADL has represented a broad spectrum of legislative issues.

The Anti-Defamation League has become a well-respected voice in deliberations over public policy affecting Americans of all races, religions, and walks of life. Its concentrated efforts toward passage of fair housing legislation and in bringing an end to anti-Semitism in the United States and abroad are notable examples of its courageous work.

With this resolution, we honor the founding of the Anti-Defamation League of the B'nai B'rith and we pay tribute to the continuation of its humanitarian efforts. Mr. Speaker, I request that House Joint Resolution 408 be printed in the RECORD and urge my colleagues to cosponsor this resolution.

H.J. RES. 408

Designating November 12, 1983, as "Anti-Defamation League Day" in honor of the 70th anniversary of the founding of the Anti-Defamation League of the B'nai B'rith

Whereas the Anti-Defamation League of the B'nai B'rith since its inception has worked to strengthen the democratic underpinnings of American society and to establish a harmonious unity of friendship and understanding amidst this Nation's religious, racial, and ethnic diversity;

Whereas the Anti-Defamation League has combated, counteracted, and educated against anti-Semitism, racism, and the extremists of totalitarianism;

Whereas the Anti-Defamation League represents the special concerns and interests of the American Jewish community in upholding human rights and civil liberties in this country and throughout the world;

Whereas the Anti-Defamation League is an effective advocate for friendship and alliance with Israel;

Whereas the Anti-Defamation League, and its leaders and supporters, set an example of leadership and participation in events and programs to affect the well-being and future of all people; and

Whereas the Anti-Defamation League, in purpose and program, espouses and fulfills the highest ideals and aspirations of Americans of all faiths, races, and cultural origins: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That, in honor of the 70th Anniversary of the founding of the Anti-Defamation League of the B'nai B'rith, November 12, 1983, is designated "Anti-Defamation League Day." The President is requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.●

PERSONAL EXPLANATION

HON. JAMES McCLURE CLARKE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. CLARKE. Mr. Speaker, on October 21, 1983, I was necessarily absent for three votes. I would like to make clear my position on those measures considered in the House.

On the amendment to H.R. 3324, the Close Up Foundation grants, to strike language transferring the law-related education program from the State block grant to the Education Secretary's discretionary fund, rollcall No. 408, I would have voted "nay."

On the final passage of H.R. 3324, the Close Up foundation grants, rollcall No. 409, I would have voted "yea."

On the final passage of the conference report on H.R. 3929, to extend the Federal Supplemental Compensation Act of 1982, rollcall No. 410, I would have voted "yea."

Mr. Speaker, I appreciate having this opportunity to make my position known for the RECORD.●

TIMOTHY SCHMIDT, NATIONAL BLIND WORKER OF THE YEAR 1983

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. STUMP. Mr. Speaker, I would like to take this opportunity to honor Timothy Schmidt of Phoenix, Ariz., this year's recipient of the Peter J. Salmon National Blind Worker of the Year Award.

Many people have worked hard to ovecome a disability and become independent, contributing members of society and this is indeed an admirable feat. Timothy Schmidt, with constant determination and self-confidence, has accomplished this feat no less than three times in the past 6 years.

When Timothy was a junior in high school he was diagnosed as having retinitis pigmentosa and his vision rapidly deteriorated. Timothy perservered and earned his high school diploma. He also earned letters for managing the football, basketball, and baseball teams.

After graduation, Timothy attended a junior college but he was not happy. He withdrew from college and became totally dependent on his family for food and shelter. His self-confidence had so dwindled, he felt the public transportation system was too complicated to figure out and he depended on his family for transportation too. Finally, Timothy realized he could not continue existing this way. He wanted to live life rather than watch it pass him by, so he visited the State vocational rehabilitation division. Within a month, Timothy was receiving on-the-job training as a teacher's aide in the work activities program at Arizona Industries for the Blind (AIB)

As Timothy's responsibilities on the job increased, so did his self-confidence and his desire to become independent. He tackled the public transportation system and became such a competent traveler that he began assisting his coworkers. Timothy prepared for the day when he would live on his own by taking instruction in home managment, including budgeting, shopping and cooking. Timothy was promoted to occupational therapy aide and used his sports experience to provide exercise training for the agency's clients.

Timothy's determination had no limits until the summer of 1981 when he required surgery to remove an enlarged spleen. The operation was debilitating and further complicated by infection. Timothy thought he might never be able to return to work and his future was bleak.

But Timothy had pulled himself up by his bootstraps before and he was ready to do it again. Within 4 months he was back at AIB looking for a job. His doctors and the staff thought it best for Timothy to take a job in the production unit where he could avoid the physical and mental stress of his previous job and rebuild his skills at his own pace.

And what a pace he set for himself. Not content to merely assemble small parts, Timothy worked his way through more complex assembly right up to machine operations. He attained a position on a continuous belt blister packing machine and his productivity rose from 65 to 99 percent.

Soon after that Timothy moved into his own apartment and began caring for and supporting himself. For 1 year all was well in Timothy's world, but during the winter of 1982 he was once again put to the test. Within 2 month's time, Timothy lost both his brother and father.

Since then he has been a great source of emotional support for his mother, dividing his off-work hours between his apartment and his mother's home. Through it all Timothy has continued his outstanding attendance record and consistently improves his skill level and productivity. A level II machine operator, Timothy recently achieved 107 percent overall on activities as varied as shrink wrapping, skin packing, and die cutting.

As Timothy's supervisor said, "There does not seem to be any limit to what Timothy Schmidt can learn and do." Timothy is a valuable asset to the Arizona Industries for the Blind and a worthy recipient of NIB's 1983 Peter J. Salmon National Blind Worker of the Year Award.●

STETSON UNIVERSITY TO CELEBRATE ITS CENTENNIAL

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. SHAW. Mr. Speaker, on Friday, November 4, Stetson University will celebrate its 100th anniversary. Stetson is Florida's oldest university and since its founding in 1883 by Henry A. Deland, it has been a trend setter of "firsts" in educational and cultural enhancement.

Stetson University was the first institution of higher education in the State to admit women as students. Between 1893 and 1900, Florida's first college of law, first school of business administration, and first school of music were established at Stetson. In 1907, Mary Stewart Howarth graduated from Stetson's College of Law, becoming the first woman to receive a law degree in Florida and the first woman licensed to practice law in the State.

Stetson was also the first university in Florida to require college examinations for admission, and in the 1950's, Stetson was the first to begin a program of early admission for high school students of superior preparation and ability.

In comparison to Stetson's first class of approximately 50 students, today Stetson University serves more than 3,000 undergraduate, graduate, and law students on three campuses. For more than 100 years, Stetson University has been committed to the goals of academic excellence and development of character and high personal standards. Literally thousands of graduates have made this a better world in which to live, making significant contributions in the fields of public service, law, the environment, music, religion, business, and education.

I urge my colleagues to joint me in saluting the achievements and contributions of Stetson University and in rejoicing in the centennial celebration of this historic and distinguished institution.●

CALL FOR BIPARTISAN ACTION ON THE DEFICIT

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. BATEMAN. Mr. Speaker, I rise today to commend the gentleman from Ohio and the gentleman from Oregon for calling this special order to highlight the urgent need to resolve the Federal deficit crisis. I applaud the introduction of their resolution calling for the establishment of a "National Commission on Federal Budget Deficit Reductions."

I support the idea of a tax and spending policy that makes meaningful reductions in the Federal deficit. I have long felt that the Federal deficit has been one of the leading causes of soaring interest rates and the resulting economic troubles which have paralyzed growth and prosperity in this country. At this time of $200 billion deficits, we must now come to grips with spending if we are to realize a sustained and meaningful economic recovery. Our Nation needs positive action now and our constituents are demanding that we take action immediately.

Although there are many of us that are fighting to keep spending under a tight rein, it is hard to be optimistic about prospects that Congress will take responsible action to cut the deficits. The partisan fighting that has taken place over the deficit issue and the efforts of special interests to actually increase spending levels for a variety of programs have hampered our attempts at deficit reduction.

Twice in recent times we have turned to a bipartisan commission to overcome partisan roadblocks on critical issues that needed immediate attention: First, in the area of social security reform and later with respect to the MX missile system. I support the resolution to create a commission to study the deficit problem and to develop proposed solutions.

It is embarrassing that we have not been able to develop these solutions within this body, but the need is immediate and action must be taken to resolve this issue and to bring the deficit down. I urge all of my colleagues to come together, support the formation of this Commission and take meaningful action on deficit reduction.●

IS THE MONSTER DEAD?

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. OTTINGER. Mr. Speaker, last week the Clinch River breeder reactor was denied further funding in fiscal year 1984. The Department has announced that it will take steps to terminate the project and minimize further cost to the taxpayer.

Unfortunately, many of us who have watched this project over the past dozen years knows, as an October 31, 1983, editorial in the Los Angeles Times stated, "The project still could rise some night and sink its teeth back into the U.S. Treasury." In fact, there have already been rumors floating that attempts may be made to include as much as $600 million on the continuing resolution under the guise of termination costs. Before this Congress votes one nickel to the project for termination costs, it is important that we receive a full and accurate accounting. I have written letters to both the Department of Energy and the General Accounting Office to provide just such information.

As the Los Angeles Times Halloween editorial concluded,

> The breeder project has seemed safely buried before, only to be dug up and revived. Continued vigilance is indicated, particularly when the moon is full.

I would like to share with you the editorial:

[From the Los Angeles Times, Oct. 3, 1983]

IS THE MONSTER DEAD?

The U.S. Senate buried the Clinch River breeder reactor last week. But it did not drive a wooden stake into the heart of the monster, and the Reagan Administration may agree with Clinch River's best friend Senator Majority Leader Howard H. Baker Jr. (R-Tenn.), that there "Is a flicker of hope left." The project still could rise some night and sink its teeth back into the U.S. Treasury.

The breeder reactor has been in a state of permanent ground-breaking for years. It never had much going for it, except the majority leader and a dogged hope that it might keep a promise that other nuclear technologies could not—that fission power would eventually make electricity too cheap to meter.

Over the years the potential price tag for a single experimental plant in Clinch River, Tenn., rose from an estimated $700 million in 1970 to what critics now say is $8.4 billion, and what even its supporters admit is $4.1 billion.

During that same time the project, which is designed to create more plutonium than it burns (hence the name breeder), deepened concern among those who believe that the world already has more weapons-grade fissionable material than makes sense.

Finally, with the demand for electricity virtually flat, the General Accounting Office estimated that no breeder reactor would be commercially useful for 40 years.

The Reagan Administration persisted, supporting an arrangement under which private investors would pay the bulk of the costs for finishing the plant while the federal government would guarantee them against loss. The Congressional Budget Office suggested last month that this approach would cost more than if the government simply paid for the plant itself.

With that much evidence before them, a coalition of the cost-conscious and the bomb-conscious in the Senate defeated Clinch River, 56 to 40. "We put some money down a rat hole," said Sen. Dale Bumpers (D-Ark.), "and decided not to spend any more."

But the breeder project has seemed safely buried before, only to be dug up and revived. Continued vigilance is indicated, particularly when the moon is full.●

ILLINOIS SENATE RESOLUTION 338

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. LIPINSKI. Mr. Speaker, I would like to call attention to a problem which, if not addressed, can only grow worse. There has been a stream of products flowing into the United States from Soviet forced labor camps. The importation of these goods, in particular, tractor parts and wooden chairs, is in clear violation of section 307 of the Tariff Act of 1930. This act specifically prohibits the importation of goods produced by forced labor, unless domestically produced goods cannot meet domestic demand.

Only strict enforcement of section 307 of the Tariff Act of 1930 can halt the illegal flow of products from Soviet labor camps into the United States. I would like to introduce into today's RECORD an Illinois Senate resolution, sponsored by Illinois State Senator LeRoy Walter Lemke, urging stricter enforcement of section 307. Without uncompromising enforcement, section 307 of the Tariff Act of 1930 will become meaningless and American dollars will continue to subsidize Soviet labor camps.

SENATE RESOLUTION NO. 338

Whereas, Section 307 of the Tariff Act of 1930 provides in relevant part that "all goods, wares, articles, and merchandise . . . produced, or manufactured wholly or in part in any foreign country by . . . forced labor . . . under penal sanctions shall not be entitled to entry at any of the ports of the United States . . .," unless they are not "produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States"; and

Whereas, allegations have recently surfaced claiming that, despite the fact they are clearly subject to the prohibitions of Section 307, a number of products from Soviet forced-labor camps have been brought into the United States; and

Whereas, included in the illegal stream of commerce exported from the Soviet Union are wooden folding chairs identified by the serial number 133340, which were made in labor camps in the Urals and Siberia, where women fell the timber for the chairs, and children as young as 14 years old are forced to assemble the chairs and package them for shipping; and

Whereas, Belarus tractors and tractor parts produced in Mordovian forced-labor camps are further examples of illegally imported Soviet goods, the purchase of which not only finances the Soviet forced-labor system, but also contributes to economic dislocation and unemployment in this nation's large-implement industries, included in which are such Illinois employers as International Harvester and Caterpillar; and

Whereas, without strict enforcement, the provisions of Section 307 will be denied any practical effect, and American dollars will continue to reimburse the Soviet Union for its operation of forced-labor camps; therefore, be it

Resolved, by the Senate of the Eighty-Third General Assembly of the State of Illinois, That this House urges the federal government to provide for the strict enforcement of Section 307 of the Tariff Act of 1930 and halt the illegal flow of products from Soviet labor camps into this country; and be it further

Resolved, That this House requests the federal government to urge its allies in the free world to similarly prohibit the importation of Soviet forced-labor-produced goods; and be it further

Resolved, That suitable copies of this preamble and resolution shall be sent, respectively, to President Ronald Reagan, Secretary of the Treasury Donald Regan, Commissioner of Customs William Von Raab, Vice President George Bush in his capacity as President of the Senate, Speaker of the House Thomas P. O'Neill, and the Members of the Illinois Congressional Delegation.●

RAISING THE EARNED INCOME TAX CREDIT: A WAY TO OFFSET TAXATION OF THE POOR

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. STARK. Mr. Speaker, today I am pleased to have my colleagues, Mr. FORD of Tennessee, Mr. DOWNEY of New York, Mr. FOWLER, Mr. MATSUI, and Mr. SHANNON join with me in introducing legislation to make the earned income tax credit (EITC) the meaningful credit it was originally intended to be. By raising the maximum eligibility and benefit levels and eliminating its interaction with the aid to families with dependent children program, this proposal will restore the goals of the earned income tax credit in aiding the working poor.

Through the 1960's and 1970's Congress attempted, through several tax reduction bills to eliminate the tax burden on families whose incomes were below the poverty line. It did this by increasing to above the poverty level the amount of income at which a family begins to pay income tax—termed the tax threshold or tax entry point. Several tools have been used to achieve this goal: The personal exemption, the zero bracket amount, and the earned income tax credit. In the past few years, however, these provisions have not kept pace with inflation, and as a result the income tax threshold has fallen well below the poverty line. This shortfall will continue to grow for too many poor families even after indexing takes effect in 1985, because the earned income tax credit is not slated to be increased nor are there plans to increase the income levels qualifying for the credit. According to the staff of the Joint Commiteee on Taxation, one of the "most cost-effective tools to reduce the tax burden of the poor" has been the earned income tax credit (EITC).

EITC—HOW IT WORKS

Although little known and infrequently referred to, the EITC is one of the five major welfare programs in this country. Last year some 6.9 million families benefited from the EITC credits, with 1.9 million receiving lower tax bills and 5 million getting refunds from the Treasury. Established in 1975, the EITC is a tax credit intended to provide a cash income supplement to working parents with relatively low earnings. It should be emphasized that this is the only program specifically available to working couples who have a least one dependent child. Also the EITC is the only tax credit which is "refundable," meaning that a person does not need to owe any income tax to receive the credit. For those whose tax liability is smaller than the credit, the Internal Revenue Service makes a direct payment of the credit.

Under current law, a refundable tax credit is available to a parent—or parents—with earnings whose adjusted gross income is not above $10,000 annually and who maintain a household for, first, a child who is either under 19 or a student; or second, a son or daughter who is an adult but disabled and who can be claimed as a tax dependent. The credit equals 10 percent of the first $5,000 of earnings. Between earnings of $5,000 and $6,000 the maximum credit of $500 is received. For each dollar of adjusted gross income above $6,000 the credit is reduced by 12.5 cents and phases out at $10,000. To receive the credit, a person must either file an income tax return at the end of the tax year or file an earned income eligibility certificate with their employer for advance payments of the credit.

Congress enacted the EITC to serve as an offset against income and payroll taxes for the working poor. It was also meant to be a work incentive as an earnings subsidy for low-income wage earners.

RISE OF POVERTY/EROSION OF EITC

Mr. Speaker, these laudable goals of the EITC program to aid America's working poor have been badly eroded. Hearings by two Ways and Means subcommittees held last week dramatized the extent to which the EITC and other Federal programs aimed at eliminating poverty in this country have failed. In short the "war on poverty" has been reduced to a skirmish. The Congressional Budget Director Randolph Penner reported the rate of poverty has jumped sharply since 1978. Today a shocking 15 percent of the population—the highest since 1965, is struggling in poverty. This means that the number of Americans considered officially poor has increased from 24.5 million to a record 34.4 million in 1983. These statistics are particularly ominous, because Government figures show that more than half of those who joined the poverty ranks in 1981 and 1982 were adults or children in traditional husband and wife families. Female heads of household also show an increase in poverty. This is because one out of three full-time working women earn less than $7,000 and three out of five earn less than $10,000. According to several witnesses at the hearing, a return to economic growth will not bring rapid improvement for these groups.

It has been argued that if we count cash and inkind benefits, the rate of poverty would be reduced to 9 percent. However, even if we count these benefits, Economist Timothy Smeeding, who authored the recent Census Bureau report to Congress on the effects of inkind benefits on poverty, estimates that since 1972 poverty has increased by 50 percent. More importantly, the Urban Institute has concluded that major reductions in income-related benefit payments "were done in a manner that creates major work disincentives for the near and working poor." They go on to say that the changes could increase the vulnerability of the working poor to economic dependency. Given the high rate of unemployment, the last thing we should be doing is increasing disincentives to work. The EITC, unlike the other entitlement programs was meant to serve as a work incentive. By increasing the EITC we could offset the disincentive resulting from the loss of benefits and significantly increase the incentives to work harder or seek higher paying jobs.

Both Mr. Penner of CBO, and Mr. Smeeding testified that increasing the size of the credit and/or lowering the phaseout would aid the working poor and lower the work disincentive.

Major cuts in social programs is but one of the reasons for the rise in poverty. The recession, high unemployment, and an increase in the number of families headed by females have all added to the problem. However, these are all fairly obvious reasons and the Congress has begun to address them.

TAXING THE POOR

Less obvious and a frequently overlooked factor is the growing tax burden on lower income wage earners. Mr. Smeeding estimates that, not counting State and local taxes, a family of four at the poverty line—$9,862—paid $956 in income and payroll taxes last year. While Federal income and payroll taxes have increased from $35 in 1978 to $440 for a family of three with earnings equal to the poverty threshold—$7,690. We must ask why has the taxation level so sharply increased for those already struggling in poverty. The answers are found in the "bracket creep" resulting from inflation and the increase in payroll and income taxes.

Bracket creep has had a devastating effect on those the Government deems at the poverty level. Inflation since 1975 has brought the poverty level 11.5 percent above the tax threshold in 1982, and it is anticipated that by 1984 the gap will increase to 17.2 percent, the largest gap since 1969. This means that a family of four fully utilizing the earned income tax credit will have taxable income even though their income is a woefully inadequate $8,783. This is a full $1,000 below the poverty threshold for a family of four.

The following table 1 will illustrate dramatically how despite congressional efforts to adjust the tax threshold, families living in poverty have had to pay Federal income taxes. Because the EITC has not kept pace with inflation and is not scheduled to be indexed, the shortfall will continue to grow for too many poor families even after indexing of the personal exemption and the zero-bracket amount takes effect in 1985.

TABLE 1.—RELATIONSHIP BETWEEN INCOME TAX THRESHOLD AND POVERTY LEVEL FOR A FAMILY OF 4, 1959–84

Year	Income tax threshold	Poverty level	Percentage gap between tax threshold and poverty level
1959	$2,667	$2,973	−10.3
1960	2,667	3,022	−11.7
1965	3,000	3,223	−6.9
1966	3,000	3,317	−9.6
1968	3,000	3,553	−15.6
1969	3.000	3,743	−19.9
1970	3,600	3,968	−9.3
1971	3,750	4,137	−9.4
1972	4,300	4,275	+0.6
1973	4,300	4,540	−5.3
1974	4,300	5,038	−14.6
1975	6,692	5,500	+21.7
1976	6,892	5,815	+18.5
1977	7,533	6,191	+22.0
1978	7,533	6,662	+13.1
1979	8,626	7,412	+16.4
1980	8,626	8,414	+2.5
1981	8,634	9,287	−7.0
1982	8,727	9,862	−11.5
1983	8,783	[1] 10,166	[1] 13.6
1984	8,783	[1] 10,613	[1] 17.2

[1] Estimated.

Notes.—Tax thresholds assume full use of the earned income tax credit.

It should be emphasized that tax increases from inflation are far from equally distributed. They hurt low-income taxpayers significantly more than the middle class and the rich. In fact in 1981, inflation added a whopping 28 percent to the income taxes of families earning under $10,000 and 9 percent to income taxes of families earning $10,000 to $20,000. On the other hand, for those making more than $200,000, bracket creep due to inflation added a mere 1 percent to their tax bills.

The bottom line is that only well-off taxpayers ended up as real winners from the 3-year individual tax cut program. For example, for those with income over $200,000, the tax cuts will total an average of just under $60,000. But taxpayers earning less than $10,000 will face real tax bills—their tax bill adjusted for inflation—up by 22 percent compared to 1980; families earning $10,000 to $15,000 will face net hikes of 7 percent.

Mr. Speaker, it seems to me that rather than helping the rich we ought to be committed to helping those the Government has officially recognized as poor with their excessive tax burden.

Not only heavier income taxes face the poverty-level worker, but payroll tax increases are disproportionately overburdening the working poor. Table 2 illustrates very graphically the payroll tax burden as well as the income taxes paid by those at the poverty level. By 1984, for example, a four-person family whose income is at the poverty line will pay as much as $711 in payroll taxes, and a six-person family as much as $953. Adding income taxes of $365 for the 4-person family and $570 for the 6-person family, the tax burden is projected to be an overwhelming $1,076 and $1,523 respectively for these two families.

TABLE 2.—TAX THRESHOLDS, POVERTY LEVELS, AND FEDERAL TAX AMOUNTS FOR DIFFERENT FAMILY SIZES WITH EARNINGS EQUAL TO THE POVERTY LEVEL, 1978–84

	Family size					
	1	2	3	4	5	6
Income tax threshold:						
1978	$3,200	$5,200	$6,930	$7,520	$8,183	$9,167
1982	3,300	5,400	8,237	8,727	9,216	9,706
1983–84	3,300	5,400	8,315	8,783	9,251	9,719
Poverty level:						
1978	3,311	4,249	5,201	6,662	7,880	8,891
1982	4,900	6,280	7,690	9,860	11,680	13,210
1983	5,052	6,475	7,928	10,166	12,042	13,620
1984	5,274	6,750	8,277	10,613	12,572	14,219
Income tax at poverty level:						
1978	16	0	−280	−134	−12	0
1982	202	106	−134	285	417	491
1983	206	118	−91	318	431	507
1984	226	150	−9	365	480	570
Payroll tax at poverty level:						
1978	200	257	315	403	477	538
1982	328	421	515	661	783	885
1983	338	434	531	681	807	913
1984	353	453	555	711	842	953

What is even more shocking about these heavy tax burdens is that at poverty level incomes of $10,613 and $14,219 these four- and six-member families will not be eligible for 1 penny of earned income tax credits because the credit does not apply to families with incomes above $10,000. In other words, even though these poverty-level families will incur income and payroll taxes of $1,076—family of four—and $1,523—family of six—they will not receive any EITC to offset these enormous tax burdens.

Taxing the poor sounds remote and archaic. It seems obvious that no modern income tax ought to tax the incomes of those who have so little as to be designated as poor. Yet our tax rules require poverty-level earners to help pay for the Federal budget, generally at the same time as the public is called on to support the same needy families.

LEGISLATIVE PROPOSAL

Mr. Speaker, if we are going to begin to offset the tax burden of families struggling in poverty, we must raise the credit amount and the income levels for which the credit is available. Likewise, if we are to put back a work incentive in the program, the credit and income levels need adjusting.

My proposal is to change the adjusted gross income limit from $10,000 to $15,000 in order to aid large families and to increase the work incentive. I also propose changing the benefit from 10 percent of the first $5,000 with a $500 maximum, to an EITC of 10 percent of the first $8,000 of earnings. Between $8,000 and $10,000 the maximum credit of $800 would be received. Thus three- and four-member families with incomes at the poverty threshold would receive the maximum credit to offset their income and payroll taxes. For each dollar of adjusted gross income above $10,000 the credit would be reduced by 16 cents so that when the adjusted gross income reached $15,000 the EITC would be completly phased out.

This legislation also eliminates the unfair interaction of the EITC with the aid to families with dependent children (AFDC) program. Since October 1, 1981, under Public Law 97-35, the EITC must be assumed available to an AFDC recipient, whether or not it is actually received. A three-State survey—California, Kansas, and New York—conducted earlier this year indicates that this system of advance imputation is difficult to administer, is cost inefficient and could actually put people out of work as employers do not want to deal with the Federal redtape involved. Further, everyone surveyed agreed that reconciling any differences between the amount of the EITC assumed and actually received by the AFDC recipient was going to prove an administrative nightmare. Perhaps most important of all, the assumed advance imputation of the credit has failed to save money, which was its original goal. In short, the evidence is compelling for repealing the assumed imputation of the credit.

Lastly, the bill eliminates the interaction between the AFDC and EITC so that the credit is not to be counted as income for benefit purposes or in calculating the 150 percent income limitation for eligibility for AFDC benefits. It seems to me cruel and a costly bad joke to give hard-working people a tax credit on the one hand and then tell them to count it as income and take it back in the other hand. I do not believe the Congress has ever asked a corporation to consider a tax credit as income. Needless to say, the business community would revolt if the Federal Government pushed for such a practice. Likewise, this practice is unfair to low-income earners. So too, it is foolish because it wipes out any work incentive inherent in the program and encourages the working poor to become nonworking and dependent poor.

Mr. Speaker, a poverty rate of 15 percent, which has destroyed the gains made by the last four Presidents, is simply unacceptable. The return to better times, jobs, and increasing inkind benefits will go only so far in aiding the working poor. Without providing some income and payroll tax relief for low-income wage earners, we will have failed to solve a significant reason for the rise in poverty. With 9.3 percent unemployment, we badly need a program which encourages work initiatives, provides for the needy, and encourages the maintenance of the family structure. My proposed legislation seeks to help achieve these worthy goals, and I urge my colleagues on both sides of the aisle to support this tax relief for the working poor.

H.R. 4289

A bill to amend the Internal Revenue Code of 1954 to increase the amount of the earned income credit, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN EARNED INCOME CREDIT.

(a) GENERAL RULE.—Subsection (a) of section 43 of the Internal Revenue Code of 1954 (relating to earned income credit) is amended by striking out "$5,000" and inserting in lieu thereof "$8,000".

(b) PHASEOUT BETWEEN $10,000 AND $15,000.—Subsection (b) of section 43 of such Code (relating to limitation) is amended—

(1) by striking out "$500" and inserting in lieu thereof "$800",

(2) by striking out "12.5 percent" and inserting in lieu thereof "16 percent", and

(3) by striking out "$6,000" and inserting in lieu thereof "$10,000".

(c) TECHNICAL AMENDMENTS.—

(1) Paragraph (2) of section 43(f) of such Code is amended—

(A) by striking out "$10,000" each place it appears and inserting in lieu thereof "$15,000", and

(B) by striking out "$6,000" and inserting in lieu thereof "$10,000".

(2) Paragraph (2) of section 3507(c) of such Code (relating to earned income advance payment amount) is amended—

(A) by striking out "$5,000" in subparagraph (B)(i) and inserting in lieu thereof "$8,000",

(B) by striking out "$6,000 and $10,000" in subparagraph (B)(ii) and inserting in lieu thereof "$10,000 and $15,000",

(C) by striking out "$2,500" in subparagraph (C)(i) and inserting in lieu thereof "$4,000", and

(D) by striking out "$3,000 and $5,000" in subparagraph (C)(ii) and inserting in lieu thereof "$5,000 and $7,500".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1982.

(2) ADVANCE PAYMENT.—The amendments made by subsection (c)(2) shall apply to remuneration paid after December 31, 1983.

SEC. 2. TREATMENT OF EARNED INCOME CREDIT UNDER PROGRAM OF AID TO FAMILIES WITH DEPENDENT CHILDREN.

(a) GENERAL RULE.—Subsection (d) of section 402 of the Social Security Act is amended to read as follows:

"(d) Any refunds of Federal income taxes made to an individual by reason of section 43 of the Internal Revenue Code of 1954, and any payment made by an employer under section 3507 of such Code, shall not be taken into account as income or receipts for purposes of determining the eligibility of such individual (or any other individual) for benefits, or the amount or extent of benefits under a plan approved under this part."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1984.●

STRATEGIC PETROLEUM RESERVE

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. SHARP. Mr. Speaker, yesterday the Department of Energy released a management report on the strategic petroleum reserve. The conclusions present a damaging condemnation of management practices not only within the SPR but throughout the Department of Energy. Within virtually every SPR area of responsibility—maintenance, property management, security, fire protection, contract administration—there were significant deficiencies.

In addition to our concern about the rate of oil purchases for the reserve and the inadequate planning for use of the oil in an emergency, the Fossil and Synthetic Fuels Subcommittee has regularly questioned Department officials about management practices and allegations of abuse. Repeatedly the Department witnesses have appeared before the subcommittee and assured Members that internal audits demonstrated that the SPR was a well managed program. Now this report not only draws into question the management of the SPR but also the thoroughness of the departmental oversight organizations which previously had found only minor problems within the program. Either Department investigators did not previously find the problems now demonstrated to exist, or the problems were found but publicly denied. If this is the performance of management within the SPR, what is the level of management competence within the rest of the Department that these same teams are responsible for reviewing?

The Department of Energy should take this current report as a departure point from which to correct the identified deficiencies. The Department must also review its internal oversight procedures to see why these problems were allowed to go undetected so long. The public has reason to be outraged when the Department's own report indicates that officials within the SPR are simply not doing the job they are paid to do.

Corrections must be rapid but fair. SPR does have many dedicated individuals who have worked hard to put over 360 million barrels of oil in storage. This is a significant accomplishment. This achievement, however, should not be allowed to overshadow the absolute need for prudent management expected of all public servants.

The acknowledgement of many problems in the strategic petroleum reserve program emphasizes the need for a test drawdown and sale of a significant quantity of SPR oil. Recently I introduced a bill to improve the reliability of the SPR and build public confidence by demonstrating the Department's ability to withdraw and sell oil. As part of the Department's SPR improvement program, it is essential that they conduct such a test. The Nation has spent $12 billion in creating this reserve, and we need to know that the reserve can be used efficiently during time of emergency. I intend to incorporate this bill into broader legislation dealing with emergency preparedness. I hope we can pass it early in the next session as part of an overall effort to increase the reliability of the strategic petroleum reserve and improve this Nation's planning for energy emergencies.●

THE PORT OF LONG BEACH OPPOSES H.R. 1234

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. ANDERSON. Mr. Speaker, as you know, a tremendous lobbying campaign has taken place in recent months on H.R. 1234, the domestic content bill.

Like most of my colleagues, I have reviewed one study after another on the potential impact of this legislation upon the economy and, of course, the consumer.

Although it is claimed by the bill's supporters that, if passed into law, this legislation will restore jobs to thousands of unemployed workers, most studies indicate that the jobs created in one sector of the economy would be more than offset by jobs lost elsewhere.

One of the most thought-provoking studies I came across was recently completed by the nonpartisan Congressional Budget Office (CBO). The CBO estimates that if H.R. 1234 is passed into law, we could expect a 6-

percent increase in automobile prices to consumers; it would cost consumers $160,000 per job saved; 66,000 jobs would be lost in automobile and export sectors; and the Consumer Price Index (CPI) would increase .20 percent.

Focusing more on my district, it is important to note that when a similar proposal was considered last year, the Department of Transportation (DOT) estimated that over 18,000 jobs would be lost in the Ports of Long Beach and Los Angeles.

As you can see, a bill such as this would drastically affect the already depressed longshore and shipping industries. This is further evidenced by correspondence I have recently received from the executive director of the Port of Long Beach, Mr. James H. McJunkin. Mr. McJunkin states that, in the import automobile business alone, over 14,000 workers would be impacted in the State of California if H.R. 1234 is adopted. Inasmuch as we can expect to begin having recorded votes today on this proposal, I thought my colleagues might be interested in reviewing Mr. McJunkin's views on this matter in greater detail. His letter follows:

THE PORT OF LONG BEACH,
Long Beach, Calif., October 18, 1983.
Hon. GLENN M. ANDERSON,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: I am writing regarding H.R. 1234, the "Fair Practices and Procedures in Automotive Products Act of 1983." The Port of Long Beach, as a conduit for both imports and exports, is always concerned with protectionist legislation such as H.R. 1234. Such legislation can well invite retaliatory action from other countries and severely effect export business.

The Port of Long Beach is well aware of the unemployment in the U.S. auto industry. But we do not believe H.R. 1234 provides any assurance that it will put these workers back to work. The import automobile business in the United States is also a large employer. This legislation could have a very negative impact on the over 165,000 workers in this industry, including the over 14,000 workers in California.

This legislation appears to attempt to legislate the market preference of the U.S. consumer. This cannot be done. In fact, we believe this legislation will result in higher costs to the consumer, as the domestic manufacturers' ability to trade internationally and obtain lower-cost components would correspondingly be restricted.

As the largest automobile import port on the west coast, and having received the Department of Commerce "E" Star Award for excellence in exporting, we request your consideration of our comments. We do not believe the passage of H.R. 1234 is in the best interest of the United States or the Port of Long Beach.

Yourts truly,

JAMES H. MCJUNKIN,
Executive Director.●

"D-DAY"—DEFICIT DAY

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. WINN. Mr. Speaker, today, November 2, has been designated as "D-Day"—Deficit Day—by the National Association of Homebuilders. So, to all of my colleagues assembled here today, may I wish everyone a "Happy Deficit Day."

Obviously, though, it is not a very happy occasion, is it? In fact, it is downright sad, but necessary, to draw attention to the number one problem facing the country today—a $200 billion deficit. That's right, we are $200 billion in the hole. That is a heck of a lot of money, and it is standing in the way of lower interest rates, improved capital formation, employment, and the balance of trade. There should be no question in anyone's mind that continued high profits will interfere entirely with the economic recovery which has been underway for about a year.

It is all too obvious that a legislative gridlock exists among us, thwarting the development of any comprehensive strategy to reduce the size of the deficit. I know that we all have our own grand ideas on how to solve the problem—I certainly have some things in mind that I would like to see done—but if you put all of our ideas together, we would undoubtedly have 435 of them. While that is not surprising, it is completely unproductive.

A good way to get around that problem is to create an objective third party to come up with suggestions for solving the problem. Where can we find this third party? I think two of my colleagues, Mr. WYLIE and Mr. AUCOIN, have come up with an idea that has merit—one that I believe the administration, the Congress and the American people should support and respect. A national commission on Federal budget deficit reductions would be directed to review both fiscal and monetary policy, analyze all options which would result in deficit reductions and provide recommendations. Such a commission would be an excellent way to produce a consensus on how we are going to solve our problem.

I am realistic enough to know that some of the recommendations coming out of the commission may not thrill me, but I also know that certain compromises or sacrifices will simply have to be made. I am willing to make them, and I hope everyone else is, too.

A national commission on Federal budget deficit reductions is a good idea, and one that I hope my colleagues and the American people will indicate their support for as well.

A $200 billion deficit is not going to go away. It will go away if we work together and develop a workable, pragmatic strategy for making it go away. Until that time, and I hope it is very, very soon, we will just have to keep talking and talking about the problem of the deficit. Eventually, everyone will realize that solutions are possible, and that we can truly insure complete economic recovery for the Nation.●

A TRIBUTE TO FATHER VICTOR R. YANITELLI, S.J. ON THE 50TH ANNIVERSARY OF HIS ORDINATION

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. GUARINI. Mr. Speaker, I wish to share my joy and pleasure observing the 50th anniversary of a dear friend and a true servant of God and man.

On Sunday, November 6, 1983, Reverend Victor R. Yanitelli, S.J., will be honored on the occasion of his 50th anniversary as a member of the Society of Jesus. The festivities will begin at 12 noon with a mass in the chapel at St. Peter's College, followed by a reception and dinner in the Pavonia room at the college.

Father Vic, as he is affectionately known by his friends, has had a very fruitful and dedicated life in the service of others. His career has been an illustrious one serving his God and his fellow man.

Father Vic was born in New York City of Italian immigrant parents on December 16, 1914. He attended Fordham Prep where he graduated June 1933. The following September, he entered the Jesuit novitiate at Wernersville, Pa., where he prepared for the Jesuit priesthood. After 7 years of study, he taught modern languages at Fordham Prep between 1940 and 1943. In 1943, he went to Woodstock College in Maryland to do his final theological studies in preparation for ordination which took place in the spring of 1948.

During the 1950's, Father Vic served as an instructor of both French and Italian at Fordham University. In 1953, he became director of student personnel. In 1958, he was promoted to the position of vice president for student personnel. Father Vic was one of the first college administrators in the country to see the importance of the student personnel office, where he developed programs to work with students to improve their environment while they attended college.

In 1963, Father Vic moved from Fordham University to St. Peter's College where he served as director of student personnel services until September of 1965 when he was appointed president. St. Peter's College was truly fortunate to have Father Vic as its president. During his tenture from 1965 to 1978, the college grew both physically and spiritually. The number of students doubled and the number of buildings quadrupled.

Father Vic became an integral part of Jersey City, Hudson County and the State of New Jersey. During these years, he served as a member of the board of managers of the Jersey City Medical Center, the board of directors of the National Conference of Christians and Jews, vice president of the Jersey City Board of Education, chapter chairman of the Jersey City Chapter of the American Red Cross, and treasurer of the New Jersey Association of Independent Colleges and Universities.

He became a life member of the NAACP, an honorary member of the Knights of Pythias, a member of the board of directors of the Jersey City Chamber of Commerce and the Garden State National Bank, as well as Seatrain, Inc.

In 1973, Father Vic was appointed by New Jersey Gov. William Cahill as a commissioner of the Port Authority of New York and New Jersey. He was reappointed to this position in 1975 by Gov. Brendan Byrne. In every way, Father Vic contributed to the spiritual and physical needs of the community he served. He was an inspiration to students, faculty and administrators at St. Peter's College because of his involvement and concern for the poor and the downtrodden.

In 1978, Father Yanitelli resigned his position as president of St. Peter's College and became chancellor of the college where he dedicated his abilities to guaranteeing the future financial stability of St. Peter's College. He continued his community activities and continued to be the confidant and counselor of the leaders of both business and government in the State of New Jersey.

In 1980, the Society of Jesus called Father Yanitelli to be pastor of St. Ignatius Loyola parish, which is located on Park Avenue in New York City. Here he faced a new challenge. No longer was he involved with the education of the young. Now he was involved with fulfilling the needs of those older Christians who were trying to find a direction in their lives. Father Vic met the challenge and enthusiastically became involved in parish council and school activities. In 1981, Terence Cardinal Cooke selected Father Vic to become the vicar of east Manhattan where he became responsible for the spiritual well-being of parishioners of over 20 parishes located in the central part of east Manhattan.

Father Vic is still as enthusiastic and energetic today as he was when he entered the novitiate in 1933. He continues to live his life based upon the principles of St. Ignatius Loyola, the founder of the order of which he is a member. The Jesuit motto, "To the Greater Glory of God" has been his guiding principle and his life is an example of this motto.

I appreciate the input of my dear friend Assemblyman Jeseph V. Doria, Jr., an administrator at St. Peter's College and a very dear friend of Father Vic, in preparing this message.

With his departure from Jersey City an era was ended in New Jersey but, however, since he went back across the river, a new light seems to be shining there.

Indeed a jewel was added to Father Vic's crown when in 1976 St. Peter's College completed construction of its recreational life center which has been named in his honor. This center combines all the qualities which mark Father Vic's remarkable humaneness and accessibility to others, shattering the stereotype of some college presidents who appear distant and unapproachable. His openness has been a trademark of his leadership in any community he has served.

I believe the following to be a most appropriate editorial which appeared in the Jersey Journal shortly after the announcement that Father Yanitelli would leave Jersey City. It reads:

> The Rev. Victor Yanitelli, S.J., is leaving Jersey City after 17 years and he will be missed.
>
> He leaves more than a recreation center bearing his name. His contribution to St. Peter's College and to Jersey City will continue to benefit both in the years to come.
>
> He came within a couple of heartbeats of being mayor of Jersey City and who knows what he might have accomplished in that office with his warmth, sincerity, considerable intelligence and his invaluable gift of inspiring the confidence and cooperation of others?
>
> Honesty rubs off from Father Vic. When you think and talk about him you find yourself being more honest with him—and yourself—than you normally are. That makes it easier to say Father Vic had a lot of friends and there also are many who are not exactly friendly toward him.
>
> Many, for example, considered him "a black vote" on the Jersey City Board of Education. Others say he has not been outspoken enough as a Port Authority commissioner. Think about it and you realize the first criticism means he helped minorities and the second, that he is a diplomat.
>
> Nobody, however, has successfully questioned his motives or his conduct in public and community activity.
>
> Losing Father Vic is like losing one of our natural resources.
>
> He will be a difficult man to replace.
>
> Father Vic is held in high esteem by the National Conference of Christians and Jews for his brotherhood work. He indeed echoes the words of Senaca, working to bring all women and men of good will together:
>
> We are members of one great body, planted by nature in a mutual love, and fitted for a social life.
>
> We must consider that we were born for the good of the whole.

Father Vic in his clerical tasks has manifested the words of Dag Hammarskjold:

> The Cross . . . should not separate those of Christian faith from others but should instead be that element in their lives which enables them to stretch out their hands to peoples of other creeds in the feeling of universal brotherhood."

This year marks the 20th anniversary of Pope John Paul XXIII's famous encyclical "Pacem in Terris," who wrote in the opening sentence:

> Peace on earth, which people of every era have most eagerly yearned for, can be firmly established only if the order laid down by God is dutifully observed.

Judging from the recent conflicts in various parts of the world including Grenada, Afghanistan, Lebanon, the Falkland Islands, and elsewhere, we wonder whether many of our world leaders are paying attention. A review indicates:

> There have been 65 major wars since 1960 fought on the territory of 49 countries representing two-thirds of the world's population;
>
> One-half of all governments in developing nations are military-dominated with poor human rights records;
>
> Our world spends over $600 billion a year on things military—or over one million dollars a minute;
>
> Nuclear weapons represent an explosive force of 3.5 tons of TNT for every man, woman and child on earth;
>
> The U.S. and the U.S.S.R. spend over half the world's military budget, export 58 percent of all arms on the international level, and control 96 percent of the world stockpile of nuclear weapons."
>
> The time factor must not be considered paramount in this fiftieth anniversary celebration for Father Vic, for it was Ward Beecher who said:
>
> "The deeper man goes into life, the deeper is his conviction that this life is not all; it is an unfinished 'symphony.' A day may round out an insect's life, and a bird or a beast needs no tomorrow. Not so with him who knows that he is related to God and has felt the power of an endless life."

May God continue to bless Father Vic Yanitelli with many years of good health.●

JUDGE CLARK

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 2, 1983

● Mr. DANNEMEYER. Mr. Speaker, today I had the opportunity to testify before the Senate Committee on Energy and Natural Resources on the matter of Judge Clark's nomination as Secretary of the Interior. This was an important occasion not only because Judge Clark is duly qualified to serve as Secretary of the Interior, but also it provided a forum for me to address the real agenda of many environmental groups that stand in opposition to Judge Clark's nomination. I would

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now like to share some of my remarks with my colleagues in the House.

First, I would like to commend the National Wildlife Federation and the National Audubon Society for remaining neutral on the subject of Judge Clark's nomination. At the same time, I must also voice my criticism of other environmental groups such as the Friends of the Environment, Sierra Club, and the Wilderness Society. This, because these groups oppose Judge Clark's nominaiton, in part, for self-serving reasons; namely, that they fear the well of taxpayer dollars that have flowed in their direction so generously will no longer be flowing with the same force that they have come to enjoy and even expect.

Granted, these groups are free to espouse whatever viewpoint they desire because we live in a free society. But the larger issue is whether the American taxpayer, the majority of whom do not support their viewpoint, must subsidize the activities of these extremist environmental groups.

The influence of the environmental extremists can be felt in this House of Congress, and I would like to point out one example of how that presence is manifested. In my own home State of California, where a majority of its voters support leasing the Outer Continental Shelf, there are only 6 Members out of the total delegation of 45 who reflect the position taken by their constituents.

These same environmental groups have also been party to the last-man-out-the-door-clean-out-the-safe philosophy that reigned during the waning days of the Carter administration. At that time, we witnessed grants to the National Wildlife Federation, Natural Resources Defense Council, and the Environmental Action Foundation, in the amounts of $451,600, $816,382, and $145,601, respectively. And I shall provide an accounting of those sums for the record.

The same accounting that I am referring to will also reveal that other environmental groups have been financed by taxpayer dollars and that they have experienced a marked decline in revenue since the Reagan administration took office. For example, in 1981, as a result of the Carter administration's policies, the Sierra Club received $256,250 in Federal moneys. In the following year, under the Reagan administration, the Sierra Club received only $46,894 from the Federal Government. Similarly, the policies of the Carter administration netted the Center for Renewable Resources $787,510 in Federal funds for 1981, but in 1982 that amount was reduced to zero by the Reagan administration.

Therefore, I question whether these extremist environmental groups are as concerned about striking the delicate balance between the development of out natural resources and preserving the environment as they seem to be about the loss of taxpayer revenue to finance their activities. In this light, it becomes apparent why these groups may have been so vocal in their opposition to James Watt, and it is equally apparent to this member why they might now seek to discredit Judge Clark and oppose his nomination. I ask that my fellow Members of the House consider the facts that I have presented and that they not let the truth of my assertions be obscured by self-serving rhetoric.

ENVIRONMENTALIST FEDERAL FUNDING

Organization	Membership	Annual income	Award grants		Granting agency
		(millions)	Year	Amount	
(1) Sierra Club	167,000 (1980)	$8.5 (1980)	1978	$68,700	EPA
	365,000 (1982)	13.0 (1982)	1979	176,713	EPA
			1980	61,297	
				(60,097)	EPA
				(1,200)	DOE
			1981	256,250	EPA
			1982	46,894	EPA
Total				609,854	
(2) National Wildlife Federation	4,000,000 (1980)	24.0 (1980)	1978	57,372	EPA
	4,100,000 (1982)	37.1 (1982)	1979	58,500	EPA
			1980	208,701	EPA
			[1] 1981	607,604	
				(564,167)	EPA
				(43,437)	DOE
			1982	74,508	EPA
Total				1,006,685	
(3) National Audubon Society	350,000 (1980)	8.0 (1980)	1977–81	221,483	DOE, EPA, NEH.
		22.0 (1982)			
(4) Natural Resources Defense Council	35,000 (1980)	1.9 (1980)	1979	25,000	DOE
		4.5 (1982)	1980	360,000	EPA
			[2] 1981	816,560	EPA
			1982	132,423	EPA
Total				1,333,983	
(5) Friends of the Earth	22,000 (1980)	0.67 (1980)	1978	6,425	DOE
		1.3 (1982)	1979	30,000	DOE
			1980	14,500	DOE
			1981	1,345	EPA
			1982	0	
Total				52,270	
(6) Environmental Defense Fund	44,000 (1980)	1.6 (1980)	1981	36,349	
				(19,999)	DOE
		2.8 (1982)		(17,350)	DOI
			1982	99,534	EPA
Total				135,883	
(7) Citizens/Labor Energy Coalition			1981	10,000	EPA
(8) Center for Renewable Resources			1979	613,153	
				(183,093)	EPA
				(430,060)	DOE
			1980	172,000	
				(80,000)	EPA
				(92,000)	DOE
			1982	787,510	DOE
			1982	0	
Total				1,573,663	

ENVIRONMENTALIST FEDERAL FUNDING—Continued

Organization	Membership	Annual income (millions)	Award grants Year	Award grants Amount	Granting agency
(9) Environmental Action Foundation			1977	58,728	EPA
			1978	0	
			1979	59,000	EPA
			1980	0	
			[3]1981	179,644	EPA
			1982	0	
Total				297,372	
Total				5,240,193	
Carter money				3,459,554	
Reagan money				1,780,639	

[1] $451,600 of the 1981 grant money took place during the Carter lameduck period. The balance, $156,004 was Reagan money.

[2] $816,382 of the 1981 grant money took place during the Carter lameduck period. The balance, a whopping $178, was Reagan money.

[3] $145,601 of the 1981 grant money took place during the Carter lameduck period. The balance, $34,043, was Reagan money.

EPA GRANTS TO ENVIRONMENTAL GROUPS DURING THE LAME-DUCK CARTER ADMINISTRATION

[Between Nov. 4, 1980 and Feb. 1, 1981. The date extends to February because lower-level administration officials were mostly Carter appointees or hirees until that time]

	Date	Amount
Environmental Action Foundation	1/28/81	$74,508
1/29/81	71,093	
National Wildlife Federation	1/23/81	451,600
Natural Resources Defense Council	12/17/80	4,810
	1/21/81	816,382
Sierra Club	12/17/80	6,852
Total or 28 percent of the entire grant money given to environmental groups over the last 6 yr		1,425,245

Note.—United States Code 42, 4368 (7) governing EPA grants reads as follows: "No financial assistance provided under this section shall be used to support lobbying or litigation by any recipient group." The environmental groups get around this law by using their moneys "to increase public participation."●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, November 3, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 4

9:30 a.m.

Commerce, Science, and Transportation
Communications Subcommittee

To resume hearings on S. 1707, proposed Competition in Television Production Act.

SD-106

*Finance

To hold hearings on S. 1822, to encourage investments in mortgage-backed securities through trusts for investments in mortgages.

SD-215

Joint Economic

To hold hearings on employment/unemployment statistics for October.

SD-628

10:00 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee

To hold oversight hearings on the implementation of the Toxic Substances Control Act (Public Law 94-469).

SD-406

Foreign Relations

To hold hearings on the nominations of Thomas P. Shoesmith, of Virginia, to be Ambassador to Malaysia, and Daniel A. O'Donohue, of Virginia, to be Ambassador to the Socialist Republic of the Union of Burma.

SD-419

NOVEMBER 7

9:30 a.m.

Budget

To hold hearings on the President's private sector survey of cost control (Grace Commission).

SD-608

10:00 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee

To hold hearings on proposed legislation to modify certain provisions of the Perishable Agricultural Commodities Act of 1930 to establish a statutory trust for the benefit of sellers and suppliers of perishable agricultural commodities.

SR-328A

Foreign Relations

To hold hearings on the nominations of Robert E. Lamb, of Georgia, to be Assistant Secretary of State for Administration, and Frank J. Donatelli, of Virginia, to be an Assistant Administrator of the Agency for International Development.

SD-419

Judiciary

To hold hearings on S. 1680, to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee

Business meeting, to mark up S. 873, establishing a fund within the Department of the Treasury to provide assistance to certain organizations for research and training in Soviet and Eastern European studies, and proposed student loan consolidation amendments.

SD-628

1:00 p.m.

*Commerce, Science, and Transportation

To hold hearings on the nominations of Neal B. Freeman, of Virginia, to be a member of the Board of Directors of the Communications Satellite Corporation (Comsat), James T. Hackett, of Virginia, and William Lee Hanley, Jr., of Connecticut, each to be a member of the Board of Directors of the Corporation for Public Broadcasting.

SR-253

2:00 p.m.

Finance
International Trade Subcommittee

To hold hearings on S. 50, to provide access to trade remedies to small businesses, and S. 1672, to streamline trade relief procedures and make trade relief more accessible to small businesses.

SD-215

*Foreign Relations

To hold hearings on the nominations of Frank V. Ortiz, Jr., of New Mexico, to be Ambassador to Argentina, and Clayton E. McManaway, Jr., of the District of Columbia, to be Ambassador to Haiti.

SD-419

2:30 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

NOVEMBER 8

9:00 a.m.

Labor and Human Resources

To hold hearings on the nomination of Elliot Ross Buckley, of Virginia, to be a member of the Occupational Safety and Health Review Commission.

SD-430

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold oversight hearings on the transportation of household goods.

SR-253

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold hearings on S. 1535, to increase the effectiveness of patent laws.

SD-226

Labor and Human Resources

To hold hearings on the human resources impact on American families and women in transition.

SD-430

10:00 a.m.

*Environment and Public Works

Business meeting, to consider pending calendar business.

SD-406

Joint Economic

Economic Goals and Intergovernmental Policy Subcommittee

To hold hearings on the impact of the deficit of savings and the dollar.

SD-562

10:15 a.m.

Foreign Relations

To hold hearings on the nomination of Lewis A. Dunn, of Virginia, to be Assistant Director for Nuclear Weapons and Control of the U.S. Arms Control and Disarmament Agency.

SD-419

2:00 p.m.

Agriculture, Nutrition, and Forestry

Soil and Water Conservation, Forestry and Environment Subcommittee

To hold hearings on S. 1851, to establish additional wilderness areas in the White Mountain National Forest in New Hampshire.

SR-328A

Judiciary

Courts Subcommittee

To hold hearings to examine the status of civil case backlogs in Federal district courts.

SD-226

Labor and Human Resources

Alcoholism and Drug Abuse Subcommittee

Business meeting, to mark up S. 503, to make it unlawful to manufacture, advertise, distribute, or possess a drug which is an imitation of a controlled substance.

SD-430

NOVEMBER 9

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings on S. 197, authorizing funds for fiscal year 1984 to provide for a study on the adequacy of certain airline industry practices and Federal Aviation Administration rules and regulations concerning air quality aboard aircraft.

SR-253

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nominations of Susan M. Phillips, of Iowa, to be Chairman of the Commodity Futures Trading Commission, and Daniel Oliver, of Connecticut, to be General Counsel of the Department of Agriculture, and other pending nominations.

SR-328A

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Business meeting, to mark up proposed legislation authorizing funds for fiscal years 1984 and 1985 for the Nuclear Regulatory Commission.

SD-406

Foreign Relations

To hold hearings on S. Res. 74, expressing the sense of the Senate concerning the future of the people on Taiwan.

SD-419

Governmental Affairs

Civil Service, Post Office, and General Services Subcommittee

To hold hearings on S. 1662, with respect to the authority of the Special Counsel of the Merit Systems Protection Board, S. 1664, to designate the Chairman of the Federal Labor Relations Authority as the chief executive and administrative officer of the Authority, and S. 1665, to authorize the President to appoint an employee of the Federal Labor Relations Authority to act as General Counsel during any vacancy in such office.

SD-124

Judiciary

Criminal Law Subcommittee

To hold hearings to examine capital offenses by Federal prisoners.

SD-226

Labor and Human Resources

To resume hearings to review Federal and State efforts to impose higher standards in education.

SD-430

*Joint Economic

To hold hearings to examine changes American women have undergone in the labor force in the last three decades.

340 Cannon Building

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

Joint Economic

To hold hearings on agricultural and environmental policies.

SR-485

NOVEMBER 10

10:00 a.m.

Energy and Natural Resources

Energy and Natural Resources Subcommittee

To hold oversight hearings to examine the strategic petroleum reserve and the Department of Energy's baseline assessment of the SPR program.

SD-366

*Environment and Public Works

Business meeting, to resume markup of S. 1739, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.

SD-406

NOVEMBER 14

11:30 a.m.

Finance

Health Subcommittee

To resume hearings on long-term health care.

SD-215

NOVEMBER 15

9:00 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on the direction of the development of a civil space station.

SR-253

Energy and Natural Resources

Energy and Mineral Resources Subcommittee

To hold oversight hearings on the current condition of America's coal industry.

SD-366

9:30 a.m.

Governmental Affairs

To hold hearings on S. 1566, proposed Program Fraud Civil Penalties Act.

SD-342

Small Business

Government Regulation and Paperwork Subcommittee

To hold oversight hearings on the implementation of the Paperwork Reduction Act of 1980 (Public Law 96-511).

SR-428A

Select on Indian Affairs

To hold oversight hearings on the impact that certain coal land exchanges between the Department of the Interior and western land grant railroads, the Burlington Northern and Union Pacific will have on the value of Indian-owned coal.

SD-583

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the state of Soviet agriculture.

SR-328A

Environment and Public Works

To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95).

SD-406

Governmental Affairs

Civil Service, Post Office, and General Services Subcommittee

To hold hearings on Federal employees health benefit programs.

Room to be announced

Labor and Human Resources

Aging Subcommittee

To hold hearings to redefine old age provisions contained in the Older Americans Act.

SD-430

2:00 p.m.

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold oversight hearings on acquisition of land and acquisition and termination of grazing permits or licenses issued by the Bureau of Land Management pursuant to the Taylor Grazing Act (43 U.S.C. 315 et seq.) at the

White Sands Missile Range in New Mexico.

SD-366

Governmental Affairs

To hold oversight hearings on Federal regulations of the Lobbying Act of 1946.

SD-342

NOVEMBER 16

8:30 a.m.

Veterans' Affairs

To hold oversight hearings with the House Committee on Veterans' Affairs on the adequacy of VA standards and procedures with respect to funeral and burial services provided for veterans whose remains are unclaimed at VA medical centers.

334 Cannon Building

9:00 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

9:30 a.m.

Labor and Human Resources

To hold hearings on private sector initiatives to promote the health and well-being of the American family.

SD-430

10:00 a.m.

*Agriculture, Nutrition, and Forestry

Soil and Water Conservation, Forestry and Environment Subcommittee

To hold hearings on S. 1610, to designate certain lands in Wisconsin as wilderness.

Room to be announced

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Foreign Relations

To hold hearings on the future of United States and Soviet relations.

SD-419

*Governmental Affairs

To continue oversight hearings on Federal regulations of the Lobbying Act of 1946.

SD-342

2:00 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Production, Marketing, and Stabilization of Prices Subcommittee

To hold oversight hearings on the operation and management of the Federal Crop Insurance Corporation, Department of Agriculture.

SR-328A

Energy and Natural Resources

Energy Regulation Subcommittee

To hold oversight hearings to review current gas markets and alternatives for delivery of Alaskan gas through the Alaska natural gas transportation system to those markets.

SD-366

2:30 p.m.

Select on Ethics

Closed business meeting.

S-207, Capitol

NOVEMBER 17

9:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Credit and Rural Electrification Subcommittee

To hold hearings on S. 1300, to insure that rural electric and telephone systems will be able to continue to provide high quality, affordable electric and telephone service to consumers in rural America.

SR-328A

Labor and Human Resources

Handicapped Subcommittee

To hold hearings on section 504 of the Rehabilitation Act of 1973, relating to institutional care and services for retarded citizens.

SR-428A

9:45 a.m.

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold oversight hearings on Federal arts policy.

SD-430

10:00 a.m.

Environment and Public Works

To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95).

SD-406

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers' union (HEREIU).

SD-342

2:00 p.m.

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To resume oversight hearings on Federal arts policy.

SD-430

NOVEMBER 29

10:00 a.m.

Labor and Human Resources

Aging Subcommittee

To hold hearings to review targeted scarce resource provisions of the Older Americans Act.

SD-430

NOVEMBER 30

9:30 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

DECEMBER 6

10:00 a.m.

Labor and Human Resources

Aging Subcommittee

To hold hearings to review long-term care policy provisions of the Older Americans Act.

SD-430

DECEMBER 7

9:30 a.m.

Labor and Human Resources

To hold oversight hearings on the status of Job Corps programs.

SD-430

DECEMBER 14

9:00 a.m.

Labor and Human Resources

To hold hearings on pending nominations; to be followed by a business meeting, to consider pending calendar business.

SD-430

10:00 a.m.

Labor and Human Resources

To hold oversight hearings on activities of the Equal Employment Opportunity Commission.

SD-430

CANCELLATION

NOVEMBER 3

10:00 a.m.

Governmental Affairs

Civil Service, Post Office, and General Services Subcommittee

To hold hearings on the substances of S. 1563, to provide for the use of proceeds from the sale of surplus Federal real property to reduce the national debt.

SD-138

SENATE—*Thursday, November 3, 1983*

(Legislative day of Monday, October 31, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Gracious Father in Heaven, our prayer today concerns the personal needs of all who work here and their loved ones. In the realization that each of us is his own biggest problem, we lift up to Thee the struggles which confront us—not external struggles caused by others, but those within for which we ourselves are responsible.

In mercy dear Lord, give grace to each of us who struggle with anger, a bitter or vindictive spirit, lust, pride, greed, or covetousness. Help those of us with a low self-image, who do not love ourselves and therefore cannot love others, who suffer a sense of failure. Be near to those who feel unloved, alienated, rejected and totally alone. Encourage those who feel persecuted, discriminated against, who are tempted to quit or even end their lives. Loving God, minister to those who are overwhelmed by guilt or plagued by some besetting sin which overtakes them no matter how hard they try to resist. May they realize Thou art a merciful, full-of-grace, loving God, who graciously forgives those who come to Thee and confess their need. In the name of the Saviour and Lord, we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, this morning, after the recognition of the two leaders under the standing order, the distinguished junior Senator from Illinois (Mr. DIXON) will be recognized under a special order for not to exceed 15 minutes. Then there will be a period for the transaction of routine morning business in which Senators may speak for not more than 1 minute each. There is only a period of 5 minutes for morning business today. If that does not serve the purpose, we can provide additional time, either now or later in the day.

I call the attention of Senators to the fact that, under the provisions of rule XXII, 1 hour after we convene—that will be at 11 a.m.—there will be a quorum call pursuant to the provisions of rule XXII to establish the presence of a quorum. As soon as a quorum is present, a vote will occur on the motion to end debate on the motion to proceed to the consideration of the Natural Gas Policy Act; if cloture is invoked, of course, we stay on that matter until we finish with the motion. I hope that if cloture is invoked, and it may be, in my opinion—I hope it will be—I hope we can get on with the vote on the motion to proceed or simply lay the matter before the Senate by unanimous consent. I must report that I am afraid we may have a filibuster on our hands on the bill also. So I urge that we get on with the business at hand.

Mr. President, I would also like to do the intelligence authorization bill today, perhaps Treasury-Post Office, and a couple of other things we might do. The House has now acted on the Defense appropriations bill and it should be over here—it is here, I am told. That is one of the major appropriations bills. In my opinion, we ought to try to do that to keep it off the continuing resolution. So it will be the intention of the leadership to try to get to the Defense appropriations bill yet this week, perhaps as early as this afternoon. That may mean temporarily laying aside consideration of either the motion to proceed to natural gas or natural gas itself.

I remind Senators in that respect that another cloture motion was filed against debate on the motion yesterday, which means that even if we set it aside temporarily, a vote will occur if necessary on cloture on the motion to proceed tomorrow 1 hour after we convene as well.

I would dearly love to have a time agreement on the Department of Defense appropriations bill. I always feel guilty when I say these things, but I must say them. That is, if he can do that in a time certain for passage, I shall consult with my friend, the minority leader (Mr. BYRD), and my conscience to see if we can avoid a Saturday session.

Mr. President, there are many other things I can and perhaps ought to say, but I believe those are the things I want to say at this point. There is one other matter that may be taken care of now if the minority leader wishes to attend to it.

APPLICATION OF WAR POWERS RESOLUTION TO GRENADA

The PRESIDING OFFICER (Mr. KASTEN). The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask that the message from the House on House Joint Resolution 402 be read the first time.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The bill clerk read as follows:

> A House joint resolution (H.J. Res. 402) declaring that the requirements of section 4(a)(1) of the War Powers Resolution became operative on October 25, 1983, when United States Armed Forces were introduced into Grenada.

Mr. BYRD. Mr. President, I ask that the same resolution be read the second time.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, I object to further proceedings on that measure at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Mr. President, I thank the minority leader for undertaking the rule XIV procedure he has just done. That, of course, is his right. It will almost surely end with this matter going on the calendar pursuant to unanimous consent.

Mr. BYRD. Mr. President, I thank the majority leader.

SATURDAY SESSION

Mr. BAKER. Mr. President, I have no further need for my time this morning.

Mr. BYRD. Before the majority leader yields back his time, could he tell the Senate what we may expect by way of a Saturday session?

Mr. BAKER. Yes, Mr. President, I expect to be in on Saturday. I have announced that, as the minority leader knows. I am sincere about that. I believe we will be in, transact business, and have votes on Saturday. The only way I know to avoid it, with only a few days being left before our target date for adjournment, is if we get on with the business at hand, but more importantly if we complete the consideration and passage of the Defense appropriations bill. If we can do that, we will not be in on Saturday. But I expect to be in on that day.

Mr. BYRD. I thank the majority leader. I also thank the majority leader with respect to the House message on House Joint Resolution 402, which is a House resolution, that which came over. I appreciate the fact that the majority leader has accommodated me in this matter.

Today is Thursday, Mr. President. How soon would the majority leader feel that he could speak with greater certitude regarding a Saturday session?

Mr. BAKER. Mr. President, I think after this vote on cloture, which will occur a little after 11 a.m., and when I have an opportunity to confer with the distinguished chairman of the Appropriations Committee (Mr. HATFIELD) and the distinguished chairman of the jurisdictional subcommittee (Mr. STEVENS), I shall almost surely be in a position to make a further announcement. I have asked our staff on this side to begin preliminary exploration on our side of a time agreement for passage. That is probably premature, but I wanted to get on with it.

I may say to my friend, the minority leader, that what I am shopping for on our side is a time certain for passage of the Department of Defense appropriations on Monday by the close of business. What I had in mind was if we could get that, though I would not like to be in on Saturday, I think we must be in unless we can finish the Department of Defense appropriations bill.

Mr. BYRD. I say to the majority leader that I shall vote for cloture on the motion to proceed.

I believe that if cloture succeeds, the speeches on the motion to proceed itself will be short and probably not numerous at all. What will happen after the bill is before the Senate is quite a different matter. There is a division in the Senate and outside the Senate on that subject. But I will personally be voting for the cloture motion to proceed.

Mr. BAKER. I thank the Senator. Mr. President, we will once again be together on that point.

Now, Mr. President, I have a request from the Senator from Alaska for time, my time, but I do not have any. But there is time for morning business. Mr. President, I think the Senator will have time one way or the other.

Could I ask the minority leader, if he has any time left over and no other requests, if he will be inclined to yield it to the Senator from Alaska?

Mr. BYRD. If I have any time left over, I will yield it to the Senator from Tennessee.

Mr. BAKER. I thank the Senator.

Mr. BYRD. I will yield it to him. Because he is so often accommodating to me, I will do the same.

Now, Mr. President, am I recognized?

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

GOD AS CHAIRPERSON

Mr. BYRD. Mr. President, in "Through the Looking-Glass," the White Queen tells Alice, "Why, sometimes I've believed as many as six impossible things before breakfast."

Taken in context, that comment is not surprising. "Through the Looking-Glass" is an absurd fantasy—a world of Humpty Dumpty, Tweedledee and Tweedledum, "Jabberwocky," and the Walrus and the Carpenter. Lewis Carroll did not expect anybody to take his Alice stories seriously, and nobody does. People laugh at "Alice in Wonderland" and "Through the Looking-Glass" because they are unbelievable, nonsensical, and absurd.

But last month, a committee of the National Council of Churches brought out a publication that people are supposed to take in dead earnest. On October 14, the task force on sexism in the Bible of the National Council of Churches Division of Education and Ministry published the first of a three-volume "Inclusive Language Lectionary," to be used in public worship. According to the committee, their new lectionary is "the first attempt to rethink the language of Scripture as inclusive of both men and women."

To some, that might appear a laudable goal. In recent years across the board, Americans have made giant strides in opening opportunities to women on the basis of ability rather than on the basis of gender alone. And I am a strong, strong believer in that. As a matter of fact, in my 31 years on Capitol Hill, my administrative assistant has been a woman—various women, I believe three in number over those 31 years, with the exception of one period of a year and a half or two when I had a male administrative assistant. I have always seen to it that the salaries of the women on my staff and the men on my staff are determined by what I view as merit. If they are capable, whether they are men or women, they are treated the same. I do not ask anybody who joins my staff what their political party is, and I do not know today how many on my staff are Republicans and do not care. I do not ask them what their religion is. I just ask them if they have an arrest record. If they have an arrest record, I will not have them, depending on what the arrest record is for. If they are arrested only for speeding once or twice, I am not going to hold that against them. But I have always believed in equal pay for equal work and equal merit.

Women doctors, women lawyers, women politicians, women construction workers, and women coal miners are, more and more, becoming regular members of America's social and economic fabric.

And in the congregations of most religious denominations, women have moved into new areas of responsibility, in growing numbers serving as ministers, denominational executives, and local congregational leaders. As in society as a whole, women in the churches are finding new outlets for their creativity and ability.

But the National Council of Churches new "Inclusive Language Lectionary"—which, if a copy ever comes to my personal office, will go in the waste basket—bears a sharper resemblance to "Alice in Wonderland" than to the real world of women's ambitions and achievements. In a drive for inclusiveness, the National Council's new versions of Scripture torture the English language and mangle the original Hebrew, Greek, and Aramaic texts on which our English Bibles are based.

Indeed, the National Council lectionary goes to absurd lengths to avoid masculine references. God is no longer called King or Lord, but Ruler and the Sovereign One. "God the Father" becomes "God the Father and Mother." "Man" and "Mankind" as generic references to the human species are discarded in favor of "humankind."

"Humankind," how silly can we get? I suppose the manholes in the streets of Washington should be called personholes.

From Genesis, the words "Then the Lord God said, 'It is not good that the man should be alone; I will make him a helper fit for him,' " is interpreted, "Then God the Sovereign One said, 'It is not good that the human being should be alone; I will make a companion corresponding to the creature.' " "Our Father who art in Heaven"—I suppose we are to say, "Our person who art in Heaven"—is to read, "Our Father and Mother who art in Heaven." And "Christ humbled himself," in pidgin English comes out, "Christ humbled self."

In recommending that the 6,000-plus congregations of the Lutheran Church in America not use the National Council's new lectionary, Bishop James R. Crumley, Jr., said that the lectionary is "often inaccurate and sometimes written in a poor and inadequate linguistic style," and that its jabs at inclusive reference to the Deity make God bisexual rather than asexual. The Asheville, N.C., Citizen-Times is reported to have called the new lectionary blasphemous.

My problem is not in understanding the King James version of the Bible which is written in such extraordinarily beautiful English. My problem is not in understanding the Bible, and I do not understand a lot of it, especially the Book of Revelations. My problem is living up to what I do understand. My primary concern is not theological, though the 11-person committee concocting this effort has been roundly criticized on that basis. For example, the lectionary rejects the Biblical nomenclature "Son of Man" as a title for Jesus in favor of the emasculated "Human One," and in so doing ignores and loses the meaning of an ancient symbolic metaphor that Biblical scholars have long known is intrinsic to the early church's understanding of who Jesus thought himself to be, and what the early church believed Jesus to be. Changing "Son of God" to "Child of God" is, on the other hand a confusion of metaphors that the original scrolls will not support, I am told. As the Reverend Walter Mycoff of the St. Matthews Episcopal Church in Charleston, W. Va., said:

> When you change classical theology to suit human ritual, you're playing with fire. You're changing eternal truths by vocabulary and not for theological reasons. You may get a response but you're doing it for the wrong reasons. To neuterize language to make some people happy and change eternal truths, is too great a price to pay.

But theology aside, the National Council's new lectionary is a cultural and scholarly offense. Dr. Bruce Metzger of Princeton Theological Seminary and chairman of the Revised Standard Version planning committee, says, "The role of the translator is to provide a faithful rendering of whatever the Biblical text says." The 17th century Biblical translators who gave us our King James Bible followed that principle and created a crown jewel of English literature. Perhaps next to Shakespeare, no more beautiful words or more dramatic writing can be found in our language. And the Revised Standard Version, though not as aesthetically pleasing, is faithful to the original meaning and spirit of those scribes who, century after century, authored the poetry and paragraphs of the Scriptures. But of "The Inclusive Language Lectionary," Dr. Metzger says that that work is "tantamount to rewriting the Bible," adding, "Such changes are in my view altogether unacceptable."

And with wisdom that the National Council of Churches might do well to heed, Dr. Metzger advises, "It is necessary to tell people that God is not an old man, but to explain that God transcends differences of gender is the work of the religious educator, not the Bible translator."

Certainly, religious education would be a more fruitful means of helping break negative gender stereotypes than the effort proposed by the National Council of Churches. Church history is littered with religious perversions perpetrated by misguided zealots—the Crusades, the medieval flagellants who went about the countryside beating themselves with whips, and the Salem witch trials, to name but a few. "The Inclusive Language Lectionary" is flirting with a like perversion of religious and literary truth in trying to bend the English Bible to serve an ideology that has overstepped itself.

In the Lord's Prayer, we find the petition, "Lead us not into temptation." One of modern man's temptations is to appear more "with it" than one's neighbor. Being "trendier than thou," may be the National Council of Churches' temptation. In spite of plans to push "The Inclusive Language Lectionary" in the member denominations of the National Council and in future editions of the Revised Standard Version of the Bible, I hope that wiser heads will prevail, and that the National Council of Churches will put to quiet and unheralded rest a project that even the Mad Hatter would have found absurd.

I prefer the King James Version over any other. I grew up as a child who lived with religious fosterparents who read to me from that Bible. The best translation of the Scriptures I have ever known was the one that my foster mother and foster father gave me—they translated the Bible into real life.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, if I have any remaining time, I yield this to the majority leader.

The PRESIDING OFFICER. The time of the Democratic leader has expired.

The majority leader.

Mr. BAKER. Mr. President, ordinarily, this would be routine, but maybe it is not, on account of other circumstances.

I ask unanimous consent that the time for morning business be extended for 10 minutes, in which Senators may speak for 4 minutes each. That is going to cut down on the time we have available for the intelligence bill, which I should like to call up before 11 a.m.

However, let us play it one step at a time; and if that request is granted, we will see what we can do next.

Mr. DIXON. I have a special order.

Mr. MURKOWSKI. I also have a special order.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I simply want to tell the majority leader that we are making every effort to clear the intelligence bill for action before the cloture vote, which may mean extending the time for the cloture vote a little.

Mr. BAKER. I would like to do that, if we could get them both out of the way.

I am prepared now to extend the time, if the Senate will agree.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. I thank the Chair, and I thank the minority leader.

RECOGNITION OF SENATOR DIXON

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois (Mr. DIXON) is recognized for not to exceed 15 minutes.

AMERICA BUYS A LEMON

Mr. DIXON. Mr. President, I would like to take a few minutes to address the critical issue of Japanese automobile imports in light of the news Monday that the Japanese Government has made an offer that the United States should refuse.

I have entitled these remarks "America Buys a Lemon."

Chrysler chairman, Lee Iacocca, issued a statement on this agreement Monday, which I shall insert in the RECORD at the end of my statement.

I have been on record, along with many others in this body, in support of an extension of the current level of voluntary restraints on Japanese auto imports for a period of at least 2 years.

I joined 11 other Senators in a letter to the President, expressing our support of this position, and urging him to seek this extension with the Japanese. I also wrote a letter of my own to the President, and joined others in the introduction last week of Senate Concurrent Resolution 81. There are now 20 cosponsors of that measure, an equal number from both sides of the aisle.

When I was informed of the decision reached by the Japanese Monday, I was amazed at the fact that this issue was settled in advance of the President's visit there next week. The news reports Monday said that "the Japanese had been eager to settle the question this week to avoid an embarrassing feud during Reagan's state visit next week."

Well, I think that it would have been an important matter for the two heads of the world's largest trading nations to discuss. In fact, it could be the most important issue between our countries, not only for the automobile industry, but for our entire trade relationship.

Prior to the Williamsburg summit last June, I wrote to the President about the yen-dollar relationship. This is something that not ony affects the automobile industry, but is also of deep concern to others. Lee Morgan, chairman of the board of Caterpillar Tractor, Co., headquartered in my State, has spoken to me personally on several occasions about this issue. He testified at a hearing in Chicago of the Northeast-Midwest Coalition on Employment and Training Issues, which I chaired, about the disparity between the actual and realistic value of the yen.

Ambassador Brock, in his statement announcing the results of his visit to Tokyo, expressed the U.S. Government's appreciation to Japan for making such a difficult decision. He recognized that 1.85 million cars which the Japanese agreed to send to the United States is an increase over the 1.68 million which are currently being sent. He then said:

> This means that more new cars sold in America will be built in America, and that's good news for an industry that has weathered some hard times. The bottom line is more jobs for American workers, and more sales for U.S. car companies.

Well, I would agree with Ambassador Brock's "bottom line" of more jobs for American workers and more sales for U.S. car companies, but there is no way this agreement accomplishes that. It will result in a loss of jobs which we can ill afford.

We have 350,000 auto workers laid off across this country, and the Congressional Budget Office and the Library of Congress estimate that the ratio of imported cars to jobs lost is 6.5 to 1. With increased Japanese exports, an even higher ratio will result.

The decision has a great impact on my State. We currently are suffering from a 10.1 percent unemployment rate. Chrysler Corp. has a major production facility in Belvidere, Ill., which employs 4,200 workers who build the Plymouth Horizon and Dodge Omni. Chrylser had intended to invest $600 million in the production of a new model, the "P" car, to replace these successful small cars. Now that is in doubt, as are the 16,000 Illinois jobs that are linked to such a decision.

It is estimated that some 550,000 American jobs are at stake with the relaxation of the Japanese import restraints.

I am deeply disturbed that the President ignored the requests of many of us to at least try to encourage the Japanese to continue the agreement at current levels. What we have here is an agreement to allow more Japanese cars into this country, no resolution of the yen-dollar relationship, no agreement that the Japanese will grant us greater access to their markets for our products, and a continuing $2,000 advantage to the Japanese for their cars in this country because of a failure to address these critical issues.

That does not strike me as a deal for which we should be appreciative. It does not strike me as any kind of resolution to our problems at all. And it also says that this administration apparently believes that because the domestic automobile market has improved, all our troubles are over, and that another year of restraints is all we need.

Well, I wish that were so, but I do not think that is the case. With the increase in Japanese cars comes another decision that American automobile producers will not develop smaller, fuel-efficient cars to compete with foreign products. They will join the bandwagon and import them, rather than investing in the development of new models which will keep domestic companies as full-line producers. They will import cars and export American small car jobs.

Mr. President, this is not an issue that is going to resolve itself in a year. It is merely going to get this administration through another election. We have seen a similar attitude in the President's insistence on an 18-month extension of the Federal supplemental compensation program. They simply do not want to deal with issues of critical importance in an election year.

I urge the President to reconsider this matter before he arrives in Japan next Wednesday for his state visit.

These are issues which must be discussed and resolved. The future of our entire industrial base rests on it. The future of American workers depends on it. The stability of our economy requires it. The security of our Nation demands it.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Lee Iacocca that was released this past Tuesday, November 1, on this question.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY L. A. IACOCCA, CHAIRMAN OF CHRYSLER CORP., ON THE UNITED STATES-JAPANESE NEGOTIATIONS ON THE AUTO EXPORTS

> This so-called "transitional agreement" for one year of voluntary restraints is incredible to me. There are four problems with it.
>
> It substantially increases the number of Japanese cars that will come into the country next year. It guarantees the Japanese 25 percent of our car market with a serious permanent loss of U.S. jobs.
>
> The "transitional agreement" is for one year only and how anyone thinks the auto trade problems between Japan and the United States can be fixed in one year is beyond me.
>
> There were three loopholes in the original agreement which brought the real number of Japanese imports to 1.83 million rather than the announced 1.68 million. These loopholes (vans, four-wheel-drive vehicles, and cars shipped to Puerto Rico) are not corrected by the "transitional agreement." In fact, they are made bigger. The new total number is 2.018 million, not the announced 1.85 million.
>
> Perhaps most important of all, the "transitional agreement" does not address the fundamental issues—the seriously undervalued yen and the 22½ percent commodity tax rebate on cars shipped to the United States. These two problems result in a $2,000 cost advantage per car for the Japanese producers. The increase—the real increase—from 1.83 million to 2.018 million accommodates the Japanese strategy. We are waiting to see if the additional vehicles are given to GM to support its new Japanese import strategy.
>
> Make no mistake, this "transitional agreement" is a serious blow to the U.S. auto producers, suppliers, dealers, their employees and laid-off workers who are being hurt by the unfair advantages enjoyed by the Japanese auto industry and whose problems were not corrected by these negotiations.
>
> The fate of Chrysler's small car production plans and the investment of more than $600 million remain very much in doubt and depend on actions the Administration takes to resolve these problems.

Mr. DECONCINI. Mr. President, will the Senator from Illinois yield me 3 minutes of his time?

Mr. DIXON. I do yield 3 minutes of my time to the Senator from Arizona.

Mr. CHILES. Mr. President, I wonder, if the Senator from Illinois has any further time at the conclusion of that, will he yield a few minutes to the Senator from Florida?

Mr. DIXON. I am delighted to yield the remainder of my time. I had a 15-minute allocation.

The PRESIDING OFFICER. The Senator has 4½ minutes remaining.

Mr. DECONCINI. Mr. President, I thank the Senator from Illinois. I compliment the Senator for bringing the issue of which he spoke, which is very timely, and associate myself with it.

A LUCKY MAN WITH TWO MOTHERS

Mr. DECONCINI. Mr. President, I rise in a moment of personal heartache and also of great pride. We all in life have mothers, and most of us are fortunate to have had their care and attention during our young years. We also have been fortunate, many of us, to share much of our adult lives in a relationship with our mother that is much different than the early years, but is one that is a share of respect, love, and confidence in each other.

I rise today on the Senate floor, in what might be an exceptional circumstance, where the junior Senator from Arizona considers himself one of the most fortunate Members, having had the opportunity to share in my adult life, two mothers. One, of course, is my own mother, Ora DeConcini, who has been a great source of strength and encouragement in my lifetime. The other, is my mother-in-law, Mrs. Norman Hurley, who passed away on Tuesday, October 25, in Phoenix, Ariz. Mrs. Hurley, whom we referred to as Peggy, was 80 years old at the time of her demise, and she was one of the most active, successful women that Arizona has produced.

Peggy Hurley served as an active participant in the community and was extremely active in the Arizona Republican Party. She was vice chairman of the State party for a number of years. She ran for public office, was active in the Welfare League and president of the Junior League of Phoenix. She was awarded, in 1957, the Woman of the Year by the Advertising Club of Phoenix. She took part in commercial ventures, being the first woman in Arizona to hold the position of bank director in 1963. She served her community on hospital boards, being the organizer and former president of the Visiting Nurse Service at St. Joseph's Hospital and Medical Center and was a member of St. Luke's Medical Center Board of Visitors.

These things just point to the outstanding career she had in her own, but as it relates to this Senator, it was a different story. Peggy Hurley, though having a different political persuasion than myself, was a very generous mother-in-law. She spoke highly of her family, and cared about not only her blood relatives, but those that became her extended family. She was, indeed, a friend of mine to the extent that she would travel with us in the summertime to vacation on the west coast. We enjoyed sharing the many years that we had with her, and the exchange of views and opinions.

In the course of our lives, we realize how much grief and sarcasm, as well as humor, is portrayed about mothers-in-law. In fact, my experience has been just the opposite and it is with this gratefulness, Mr. President, that I rise to pay tribute to an outstanding woman, wife, mother, businesswoman, community participate, political leader, and an outstanding mother-in-law.

I thank the Chair.

REPATRIATION OF CUBAN NATIONALS

Mr. CHILES. Mr. President, I rise today to again encourage President Reagan to insist that the Cuban Government agree to take back the Cuban nationals incarcerated in prisons throughout the United States as a condition of repatriation of Cubans captured in Grenada. Hostilities have ceased on Grenada and the wounded have been returned to Havana. It is my understanding that the repatriation of the able-bodied Cuban nationals now held on Grenada will take place in the next few days.

It looks doubtful now that the repatriation of the Cuban nationals will include the condition recommended by the Senate to return the Cuban prisoners incarcerated in prisons throughout the United States since the Mariel Boat Lift of 1980. As the sponsor of the amendment with 26 other Senators recommending this action to the President, I will sorely regret it if the administration throws away this opportunity to return the criminals Fidel Castro forced upon the United States. The U.S. Government has been attempting to return the Cuban criminals to Cuba for 4 years but the Castro government refuses to cooperate. The administration should not ignore the best point of leverage we have had in dealing with the thousands of Cuban criminals we have housed since 1980. I again ask the administration to comply with the Senate recommendation adopted last Friday.

I have heard that some Members of the Senate and the administration feel that the condition recommended by the Senate is illegal or unconstitutional. But, no one will really be specific. Some were afraid that the amendment would violate U.S. immigration law. I would contend that it would not. My amendment was carefully directed at those Cuban aliens already classified as deportable under our immigration laws, who in most instances would have been deported to their home countries almost immediately. But, Cuba led by Mr. Castro would not take them.

Some contend that my amendment was violating the civil liberties of the Cuban criminals. My response is that these illegal aliens have been afforded more due process and attention than most illegal aliens ever receive. Again, the persons to whom my amendment is addressed are those who have already been classified as excludable entrants who never would have been allowed to enter the United States if we had better control of the situation and our borders. Instead, Fidel Castro had control.

Some contend that the Senate recommendation violates the sentiments of the Geneva Convention. I would ask how? Hostilities had not ended in Grenada when the Senate acted on my recommendation and the negotiations on repatriating the Cuban nationals had not even begun. My amendment certainly did not call for, or even imply, torturing or brainwashing the captured. I did not advocate holding the prisoners hostage. My amendment solely recommended that the President consider the condition of returning the Cuban criminals with the Cubans captured in Grenada.

Mr. President, the administration will be doing us a great disservice by allowing the Cuban criminals to remain in our prisons and letting this opportunity to return them slip by.

Yes, we will continue to spend millions housing them, feeding them, guarding them, and providing them legal counsel.

Yes, we will continue to jeopardize the American public's security by allowing them to remain here.

Yes, we will continue to crowd our overcrowded penal institutions with this some 6,000 Cuban Nationals.

But, even more irritating and humiliating to the United States is the fact that Mr. Castro will continue to have his way.

In one of the communiques issued to the State Department during the past week Castro stated:

> Let the Government of the United States not even think that the bodies of the dead caused by the cowardly attack, nor the wounded in heroic combats, or the compatriots illegally retained by its Armed forces, can be used to blackmail, pressure and humiliate Cuba!

Humiliate Cuba indeed—Mr. Castro has been humiliating the American public ever since he used the many Floridians who rushed to Cuba to carry their families and relatives back to the United States. Instead of relatives, the shocked Floridians found that they were forced to take hundreds of Cuba's more undesirable inmates of prisons and mental hospitals. Castro did not want them. So, he thrust them upon us. And, because our immigration policy was weak and undefinitive, we took them and yes, we were humiliated.

Mr. President, the support for this recommendation on returning the Cuban criminals has been overwhelming. Not only are the people of Florida behind the Senate's recommendation, but I have received responses from all over the country. "Make Castro take them back" is the theme of most of the calls and letters.

I sincerely hope the administration is not going to let this opportunity pass us by. I call on the President to heed the Senate's recommendation and "make Castro take them back". It is about time.

Mr. President, I ask unanimous consent to have printed in the RECORD a study by the Congressional Research Service outlining the fact that this would be legal action.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C., November 2, 1983.

To: Hon. Lawton Chiles.
From: American Law Division.
Subject: Constitutional Issues Implicated by the Chiles Amendment (No. 2459) to H.J. Res. 308.

This memorandum is being forwarded in response to an October 31, 1983, request regarding the above-captioned subject. Time constraints have precluded an exhaustive analysis of the question submitted. Nevertheless, the principles and authorities discussed below appear to suggest that the Chiles amendment does not raise any serious constitutional objections. Whether statutory or treaty provisions may be inconsistent with the language or intent of the amendment is beyond the scope of this memorandum.

The Chiles amendment expresses it to be the sense of Congress that the President condition repatriation of Cubans captured in Grenada on the acceptance back by Cuba of Cubans who arrived in the United States during the 1980 Mariel boatlift and who subsequently have been found deportable. It reads as follows:

At the end of the joint resolution, add the following:

Sec. 2. (a) The Congress finds that—

(1) United States forces in Grenada currently hold in confinement more than 600 Cuban nationals captured during hostilities;

(2) the government of Cuba during the Mariel boatlift of 1980 forced a large number of undersirable and often dangerous persons on the United States;

(3) an estimated 6,000 of these Cuban nationals are now incarcerated in State and Federal prison facilities in the United States;

(4) many of these individuals have been found to be deportable under the immigration laws of the United States;

(5) these Cuban nationals represent a burden to law enforcement, the criminal justice system and ultimately to the American taxpayer;

(6) ongoing legal proceedings may result in the release of many of these prisoners posing a serious threat to the security of American citizens; and

(7) efforts by the President to negotiate a return to Cuba of these Cuban criminals have been unsuccessful.

(b) It is the sense of the Congress that the President should insist that as a condition for repatriation of Cuban nationals captured by United States Armed Forces in Grenada the Government of Cuba should agree to the return to Cuba of all Cuban nationals in the United States who are found to be deportable under the immigration laws of the United States, 129 Cong. Rec. 29950 (daily ed. October 27, 1983).

Whether the Cubans captured in Grenada have any rights under our Constitution depends on the degree that those rights apply extraterritorially. Generally, aliens enjoy constitution protections only if they have entered the United States or certain of its territories. E.g., *Shaughnessy* v. *Mezei*, 345 U.S. 206 (1953). Indeed, until recently courts had held that aliens apprehended at our shores may be denied constitutional protection with respect to indefinite detention here pending return to their homeland. E.g., *Fernandez* v. *Wilkinson*, 505 F. Supp. 787 (D. Kan. 1980). Recent case law has extended some constitutional protection to indefinitely detained aliens, but has done so solely on the basis of their presence within the territory of the United States. *Fernandez-Roque* v. *Smith*, 81-938A (N.D. Ga. July 7, 1983).

One case that is particularly instructive on the present issue is *Johnson* v. *Eisentrager*, 339 U.S. 763 (1950). There nonresident enemy aliens were captured in China by the United States Army and tried and convicted in China by an American military commission. Subsequently, they were transferred to American-occupied Germany and imprisoned. At no time were they within the territorial jurisdiction of any American civil court. Nevertheless, the respondents claimed that their trial, conviction, and imprisonment violated articles 1 and 3 of the Constitution and the fifth amendment.

Finding for the government, the Supreme Court in part stated:

But, in extending constitutional protections beyond the citizenry, the Court has been at pains to point out that it was the alien's presence within its territorial jurisdiction that gave the Judiciary power to act. In the pioneer case of *Yick Wo* v. *Hopkins*, the Court said of the Fourteenth Amendment, "These provisions are universal in their application, *to all persons within the territorial jurisdiction*, without regard to any differences of race, of color, or of nationality; . . . ." (Italic supplied.) 118 U.S. 356, 369. And in *The Japanese Immigrant Case*, the Court held its processes available to "an alien, who has entered the country, and has become subject in all respects to its jurisdiction, and a part of its population, although alleged to be illegally here." 189 U.S. 86, 101.

We are here confronted with a decision whose basic premise is that these prisoners are entitled, as a constitutional right, to sue in some court of the United States for a writ of *habeas corpus*. To support this assumption we must hold that a prisoner of our military authorities is constitutionally entitled to the writ, even though he (a) is an enemy alien; (b) has never been or resided in the United States; (c) was captured outside of our territory and there held in military custody as a prisoner of war; (d) was tried and convicted by a Military Commission sitting outside the United States; (e) for offenses against laws of war committed outside the United States; (f) and is at all times imprisoned outside the United States.

We have pointed out that the privilege of litigation has been extended to aliens, whether friendly or enemy, only because permitting their presence in the country implied protection. No such basis can be invoked here, for these prisoners at no relevant time were within any territory over which the United States is sovereign, and the scenes of their offense, their capture, their trial and their punishment were all beyond the territorial jurisdiction of any court of the United States.

If the Fifth Amendment confers its rights on all the world except Americans engaged in defending it, the same must be true of the companion civil-rights Amendments, for none of them is limited by its express terms, territorially or as to persons. Such a construction would mean that during miltiary occupation irreconcilable enemy elements, guerrilla fighters, and "werewolves" could require the American Judiciary to assure them freedoms of speech, press, and assembly as in the First Amendment, right to bear arms as in the Second, security against "unreasonable" searches and seizures as in the Fourth, as well as rights to jury trial as in the Fifth and Sixth Amendments.

Such extraterritorial application of organic law would have been so significant an innovation in the practice of governments that, if intended or apprehended, it could scarcely have failed to excite contemporary comment. Not one word can be cited. No decision of this Court supports such a view. *Cf. Downes* v. *Bidwell*, 182 U.S. 244. None of the learned commentators on our Constitution has even hinted at it. The practice of every modern government is opposed to it.

339 U.S. at 771, 777-78, 784-85. See also Developments in the Law: The National Security Interest and Civil Liberties, 85 Harv. L. Rev. 1130, 1257 (1972) ("In the exercise of commander-in-chief power abroad, operations involving the destruction of property and life, which, if carried out at home, would raise the gravest questions of legality, are routinely executed. But this broad executive power stems in part from the Supreme Court's view that aliens outside the territorial jurisdiction of the United States are not entitled to constitutional guarantees."). It would thus appear that Cubans confined in Grenada by United States armed forces have no protections emanating from the Constitution nor any right of recourse to our courts on the basis of any such alleged rights.

Aliens within our borders that are subject to the Chiles amendment include "all Cuban nationals in the United States who are found to be deportable under the immigration laws of the United States." On its face, this language would not appear to implicate any constitutional issues. The amendment does not appear to revise or avoid any procedural right of Cubans in exclusion or deportation proceedings. Nor does it seem to seek to establish a new category of excludable or deportable aliens, "all Cubans" for example. Rather the amendment appears designed solely to seek a means to remove from this country aliens found removable pursuant to current constitutional and statutory standards. 129 Cong. Rec. S 14783-84 (daily ed. October 27, 1983) (statement of Senator Chiles).

Even if the Chiles amendment were stated in other than purely hortatory terms and were in any manner to be construed as seeking to revise current statutory standards, such a revision may be quite extensive yet not raise constitutional problems. The Supreme Court long has characterized Congress and the executive as possessing the inherent right of a sovereign to decide what noncitizens may be allowed within its borders and the conditions of their stay. E.g., *Fong Yue Ting* v. *United States*, 149 U.S. 698 (1893). This plenary right of Congress to define classes of aliens that may enter into and remain in the United States has never been challenged successfully. Indeed, the Supreme Court even has upheld application of a newly defined deportable class retroactively to aliens who had lawfully entered the United States decades ago and whose offending conduct clearly was legal when undertaken. See, e.g., *Harisiades* v. *Shaughnessay*, 342 U.S. 580 (1952). Thus, any change in the substantive standards relative to the excludability or deportability of the boatlift Cubans would appear constitutionally permissible.

Changes in the procedural standards by which those substantive standards are applied appear more problematic constitutionally. Even though not facially evident, it would appear that the Chiles amendment may be intended to apply to at least one group of aliens that technically is "excludable" rather than "deportable:" namely, Cubans presently incarcerated in United States Penitentiary in Atlanta who have been detained since arrival on our shores. Aliens such as these, who have yet to gain a foothold in this country, traditionally have been denied any due process protection: "Whatever the procedure authorized by Congress is, it is due process as far as an alien denied entry is concerned." *Shaughnessy* v. *Mezei*, 345 U.S. 206, 212 (1953), quoting *Knauff* v. *Shaughnessy*, 338 U.S. 537, 544 (1958). Furthermore, the recent cases of *Jean* v. *Nelson*, No. 82-5772 (11th Cir. Apr. 12, 1983), and *Fernandez-Roque* v. *Smith*, No. 81-938A (N.D. Ga. July 7, 1983), do not appear to question this principle for present purposes, despite holding that excludable aliens have constitutional rights in some contexts. Indeed, Judge Shoob in *Fernandez-Roque* repeatedly emphasizes that he is not dealing with, nor is he quarreling with, a denial of due process rights with respect to "an application for admission." Slip Op. at 16-29. Were Cuba to accept back excludable aliens, the issue with respect to the Cubans confined in Atlanta presumably would shift from the legitimacy of indefinite detention as in *Fernandez-Roque* to the right to be admitted into and remain in the United States as in *Mezei*.

In contrast to the Cubans detained since arrival, boatlift Cubans who gained a firmer foothold in the United States and then committed a deportable act clearly may be entitled to due process rights. E.g., *Wong Yang Sung* v. *McGrath*, 339 U.S. 33 (1950); *The Japanese Immigrant Case*, 189 U.S. 86 (1903). Any reading of the Chiles amendment suggesting curtailment of procedural rights of deportable (as opposed to excludable) aliens thus may raise serious constitutional obstacles.

LARRY M. EIG,
Legislative Attorney,
American Law Division.

The PRESIDING OFFICER (Mr. GORTON). The time allotted to the Senator from Florida has expired.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 10 minutes with statements therein limited to 4 minutes each.

The Senator from Alaska.

ALASKA OIL EXPORTS AND THE ENERGY SECURITY MYTH

Mr. MURKOWSKI. Mr. President, there are those who would like us to believe that the Alaska oil export ban is a vital part of our effort to achieve energy independence and that keeping Alaska oil to ourselves somehow insures our ability to weather the next oil shock. However, this is really a myth—U.S. energy security is not enhanced by the ban on the exports of Alaska oil. Our energy security is actually weakened, for the ban discourages domestic production and forces our Pacific rim allies to depend on unstable oil suppliers.

Unfortunately for all Americans, perpetuating this myth serves the interests of a small group of people who benefit handsomely from the export ban. Today, I want to shed some light on this issue and discuss how limited export in U.S.-flag tankers would directly enhance our energy security.

First, oil like water finds its own level. Oil is traded, like countless other commodities, on a world market. There is a world market price, adjusted for quality differentials, which we all pay. No producer, including Alaska oil producers, is basically selling oil for less than this price and no producer is selling it for more.

Price is set by the quantity available on the world market. If the quantity is reduced, the world price rises until demand falls in line with what is available. It is the world oil price, not availability per se, which makes the United States vulnerable to oil supply disruptions.

The export ban currently prevailing does nothing—in the short term—to affect the supply of oil on the world market. Obviously, then, it cannot affect the price we pay for oil—one way or the other. Americans would not be affected if a limited amount of oil is exported to Japan or another Pacific rim ally. The price at the gas pump would stay the same.

Even in a supply disruption, limited export would not hurt domestic consumers. We would all be paying more for oil, but simply because there would be less oil available on the world market. Alaska oil would be priced at the world market price whether it is sold in Texas or in Japan. The export ban did not make us immune from price increases in 1979 and it will not make us immune in the future. In fact, the limited export of Alaska oil would actually place downward pressure on oil prices in a supply disruption, for reasons I will go into tomorrow.

Meanwhile, the export ban is having an effect—a negative effect—on long-term supplies. The export ban reduces the wellhead price on oil, by several dollars a barrel, from new Alaska fields exempt from the windfall profit tax. This takes away a considerable incentive from the oil companies to invest the billions of dollars required, to say nothing of the 8 to 10 years of development work, to bring an Alaska North Slope oilfield into production.

Remember, Alaska's mammoth Prudhoe Bay field is one of the factors that is putting downward pressure on world oil prices. But, production from Prudhoe will fall within the decade. No oilfield has been developed, or is expected to be developed under the export ban, which will replace that production. But, make no mistake, there is plenty more oil in Alaska. The export ban just discourages companies from producing it.

In the long term, the export ban is endangering this country's energy security by discouraging new production, in a politically stable area of the world. Permitting the export of new field production would be an incentive to more development in Alaska, helping stabilize long-term oil prices.

I ask my colleagues how we can talk about the importance of energy security and, at the same time, vote to destroy incentives for the new oil production that would contribute to that security?

Mr. President, the energy dimension of our national security is often downplayed and/or misunderstood in the public debate over the wisdom of easing oil export restrictions. Dispassionate analysis indicates that limited export would, in fact, enhance rather than diminish U.S. national security.

Earlier this year, Mr. Joseph Nye, professor of government at Harvard University and former State Department official, outlined the national security case for limited oil export in an op ed piece for the Boston Globe. I commend his comments to my colleagues for serious reflection.

Mr. President, I ask unanimous consent that Mr. Nye's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, May 23, 1983]

A VOTE SUPPORTING ALASKAN OIL EXPORTS

(By Joseph S. Nye)

In the next few months, Congress must decide whether to renew a ban on the export of Alaskan oil to Japan and other Pacific Basin nations. Since there is a surplus of oil on the West Coast, the effect of the law is a wasteful transport of oil across Panama to Texas Gulf ports. The economic waste is often justified on national security grounds, but that argument rests on misunderstandings.

Ever since the oil shocks of 1973 and 1979, Americans have been acutely aware of the energy dimension of our national security. But they have not always understood the nature of the threat or appropriate responses. Some think the problem is one of securing a physical supply of oil, and that if we do so we could avoid damage to the United States. But this is not the case. Despite the current glut, and even if all our imports came from physically safe sources such as Mexico, we could suffer direct damage to our economy and indirect damage to our foreign policy interests if a crisis were to stop the flow of Persian Gulf oil.

One reason is that a shortfall of oil anywhere quickly drives up prices everywhere. The price of Mexican oil would be driven up by other countries trying to replace the oil they lost from a disrupted Persian Gulf source. Indeed, a country such as Japan, which is 99 percent dependent on imported oil, would have even stronger incentive to bid for undisrupted oil than would the United States, which is two-thirds self-sufficient.

Experience in 1973 and 1979 shows that under such conditions, contracts would be renegotiated, the price of oil imports to Japan and the United States would reach the same rough (high) level, and the shortfalls would be roughly the same for both. The damage would be done to our economy by a sudden rise in oil prices. This would be the case if we imported only Mexican oil and whether we export Alaskan oil or not.

The extent of our energy security cannot be measured solely in terms of imports. They indicate dependency, not vulnerability. For most commodities, we tolerate some dependence on foreign sources while ensuring ourselves against supply interruption by maintaining multiple sources and stockpiles. Our vulnerability depends not only on the level of imports but also on the remedial instruments and policies that we put in place.

The export of Alaskan oil would only slightly affect this equation and would certainly not matter in terms of physical security of oil. The lower 48 states produce about seven million barrels a day, more than 14 times the armed forces' daily requirements. The physical security of the 700,000 barrels per day of Alaskan oil shipped across Panama would not make much difference to the damages our economy would suffer from global disruption.

Physical availability will be less important than price effects for the U.S. economy, no matter what the source of imported oil, and those price effects can be reduced by sensible stockpile and emergency demand-restraint measure.

The nature of the world oil market also explains why an Arab oil embargo targeted at the United States sounds more impressive than it would be. The Arabs tried to use this weapon in connection with the Arab-Israeli wars in 1956 and 1967 but failed because of surplus world oil production capacity. It partly succeeded in 1973 because of tightness in world markets.

The market raised prices and distributed the shortfall fairly evenly. Since then, the consumer countries have backed up the market forces by agreeing to an emergency oil-sharing plan under the auspices of the International Energy Agency in Paris. Thus the dangers of an embargo targeted against a particular country are slight.

In addition to the direct damage an oil disruption anywhere can do, our security can be indirectly damaged by negative effects on our foreign policy. Since 1945, the prosperity and security of the Western alliance have been central to the global balance of power. The great centers of industrial and technological strength, Europe and Japan, though geographically closer to the Soviet Union, have been politically allied with the United States.

In fact, differences in our allies' vulnerability to energy disruption present the Soviets—and others—with better opportunities to disrupt Western alliances than do military threats. Our concern about maintaining alliances leads us to spend hundreds of billions of dollars for the military. It would be ridiculous at the same time to ignore the threats energy security can pose.

Finally, there is no inconsistency, as some people imagine, in exporting Alaskan oil at the same time that we fill the Strategic Petroleum Reserve in Texas and Louisiana. The stored oil can be removed quickly at a time of crisis.

Banning the export of Alaskan oil is a more expensive way to prepare for a crisis than to develop and sell the oil to Pacific Basin countries and purchase other oil as cheaply as possible to fill the oil reserve. In fact, the export of Alaskan oil would raise the returns to producers there (by saving on transportation costs) and thus would provide additional incentives to explore and develop this non-OPEC oil, as well as provide additional government revenue that could be used to help defray the cost of purchasing oil for reserve.

SECURITY OF MARINES IN LEBANON

Mr. SASSER. Mr. President, in late September when we were debating whether or not to invoke the War Powers Resolution for Lebanon, I expressed a genuine concern that American service personnel would be killed and wounded, and their friends and relatives would never know why they have made that sacrifice. Only a few weeks later, a truck carrying 5,000 pounds of explosives detonated in the Marine Headquarters in Beirut, killing more than 230 American servicemen and severely wounding many others.

Mr. President, I still do not understand why those servicemen are there. President Reagan has said that their mission, in part, is to protect the Beirut Airport. Yet now, Gen. P. X. Kelley, Commandant of the U.S. Marine Corps, has testified before the Senate that our mission is one of "presence" and that it is the responsibility of the Lebanese Armed Forces to protect that airport. We see the President on television, and he now tells us that American vital interests are at stake in Beirut and links our presence in Beirut to protecting the vital oil pipeline coming out of the gulf states.

Now, I confess to some confusion. I still do not understand precisely what our policy is, and I do not know just what to tell the parents and kin of those serving in Lebanon who come from my State.

I can and do understand the anguish of the parents, wives, brothers, sisters, and friends of those who have died or been wounded in Lebanon. To them I offer my deepest sympathy.

But I do not believe that sympathy is enough. Regardless of the reasons American servicemen are in Beirut, I believe they should be assured the highest degree of security possible. And with the terrorist attack on the 23d of October, it is clear that there has been a breach in that security.

As a Member of the U.S. Senate, as a representative of the people of Tennessee, and as a personally concerned citizen, I believe Congress should exercise its prerogative to probe into the reasons for that breach in security and, beyond that review, should see that every possible option is considered for reducing the threat of terrorism to American servicemen and diplomats in Beirut.

We all know that terrorism is a fact of life in Beirut and has been for years. Car bombs there are a common occurrence and are the weapon of choice of the terrorists. In November 1982, a car bomb exploded on an area of the beach secured by U.S. forces; in April of this year the American Embassy was destroyed by a car bomb, resulting in 39 deaths; as the cease-fire went into effect on the 26th of September, intelligence reports indicated the continued threat of terrorist attacks; and only 4 days before the Marine Headquarters were destroyed, a car bomb disrupted a U.S. supply convoy in Beirut.

The threat of terrorist attacks was not only perceived through intelligence reports, it was real, as demonstrated by repeated attacks on U.S. servicemen and diplomats. Why then were our servicemen not better prepared for the assault of October 23?

General Kelley has indicated that the marines were housed in the headquarters building because it was structurally sound and had proven an effective barrier to the almost daily sniper and mortar attacks to which the marines were subjected. He points out that in the 18 months prior to the attack, not a single serviceman residing in this building was killed or injured.

This may have provided some justification for housing the marines in a single location, but it is my understanding, and commonsense should support the contention, that such practice is generally contrary to military procedure. Because this concentration is contrary to normal military procedures, I do not understand why stronger measures were not taken to protect the building from a direct attack.

Why was a public parking lot allowed to remain open immediately adjacent to this building—allowing easy access by the assaulting truck and preventing guards from reacting to an emergency quickly and without fear of civilian casualties?

Why were the barriers to entry not stronger and more complex, as are those practiced by the British, who have had so much experience with terrorist attacks?

Why were the guards not equipped with weapons that could have deflected a direct assault? The rifles they had could not have stopped that truck even had they been loaded, according to General Kelley.

If "presence" is our primary mission in Beirut, why do our servicemen have to be located in a position that is described as a very active, commercial airport that is extraordinarily vulnerable both to daily sniper fire and terrorist attack?

These are only a few of the unanswered questions which have not been adequately addressed. I am not asking these questions in an effort to play Monday morning quarterback. Rather, I am asking them because in drawing attention to these questions, I hope to gain a better understanding of what can be done to prevent such a tragedy from happening again.

And let there be no misunderstanding, Mr. President. The terrorist attacks are not going to stop. General Kelley himself has stated emphatically that it is unrealistic to expect no further casualties from terrorist assaults. They will seek out our vulnerable spots and hit us where it will hurt the most. It is our duty and responsibility to pinpoint those vulnerabilities and make every effort to either alleviate them or adequately protect them.

Repeatedly, we are informed that the U.S. mission in Lebanon is a political one and not a military one. However, a balance must be struck so that U.S. lives are not sacrificed needlessly. Clearly we do not have such a balance and the responsibility must be shared by both the military commanders and their civilian leaders.

In a recent speech, Adm. James D. Watkins, Chief of Naval Operations, said:

A commander's responsibility remains absolute and that commander must be held accountable for the safety, well-being, and efficiency of his command.

I believe the appropriate military commanders should be held accountable for the loss of life on October 23.

But equally, I believe, the civilians who establish the policies and define the parameters of the mission should accept a measure of responsibility for this tragedy.

President Kennedy, following the failure of the Bay of Pigs invasion of Cuba noted: "There's an old saying that victory had a hundred fathers and defeat is an orphan." Standing before the American people, he said "I am the responsible officer of Government."

President Reagan has indicated that he is determined to find the perpetrators of the terrorist action and to seek justice. I respectfully suggest, Mr. President, that the President of the United States should also look to his own policies and decisions to determine how best he might protect the lives of our servicemen as they carry out his mission in a hostile land.

THE GENOCIDE CONVENTION—A NOT-TO-BE-FORGOTTEN TREATY

Mr. PROXMIRE. Mr. President, recently, an article appeared in the Georgetown University student newspaper that eloquently discussed the Genocide Convention. The author of the piece is Gabriel Sucher, a third-year law student at Georgetown University. Sucher poignantly points out that "it is time to ratify the treaty against genocide."

Sucher begins his article by outlining important background information on the Genocide Convention: First, the Nazi Holocaust against European Jewry and the "ashes of World War II" provided the motivation for the adoption of the treaty; second, over 80 nations have ratified the treaty since its adoption in 1948, while it continues to languish in our Senate; third, the prevailing forces of xenophobia and unfounded legal arguments forced the Senate to refuse ratification of the convention.

Sucher goes on to explain the Genocide Convention and define its terms. More importantly, he points out that arguments against the treaty are well-refuted, and fears about its potential powers are groundless. Many opposed the convention in fear of untamed international law and "Un-American courts." As Sucher notes, they now find their arguments thoroughly challenged; the treaty will not subject American citizens to international tribunals or trials on foreign soil—our own courts will handle the cases under our own laws.

Sucher also shows that those who opposed the treaty on the notion that States' rights were infringed find their arguments on shaky ground. The States are barred from making any treaties with foreign nations; the Constitution guarantees the right to make international treaties to the Federal Government only.

The author points out that those who fear the treaty because they think we would be irrevocably bound to an unchangeable argeement miss two very important aspects of the treaty—article 16 allows governments to amend the pact and article 14 allows them to withdraw from the pact.

Mr. President, Gabriel Sucher gives us a persuasive argument for the ratification of Genocide Convention. Indeed it is time for us to ratify this treaty; the arguments against it have been muted and the fears about it have been subdued. Even the American Bar Association reversed its position and since 1976 strongly favors the treaty. Our ratification of the Genocide Convention will show that we still want our America "to be a beacon of freedom and hope abroad."

Mr. President, I ask unanimous consent that Gabriel Sucher's article entitled "The Forgotten Treaty" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the HOYA, Oct. 28, 1983]

THE FORGOTTEN TREATY: IT'S TIME TO RATIFY THE TREATY AGAINST GENOCIDE

(By Gabriel Sucher)

Fifty years ago Adolph Hitler seized power in Germany and crushed the tottering Weimar Republic. Within a decade, this racist madman had imposed "the final solution" on six million European Jews, systematically slaughtering them.

A horrified world, recovering from the ashes of World War Two, swore "Never again!" It was for this reason that the United Nations General Assembly, in one of its first official acts, made genocide a crime under international law. World leaders approved the Convention on the Prevention and Punishment of the Crime of Genocide, which American diplomats helped draft.

In 1951, three years after its adoption by the General Assembly, the pact entered into force, having been ratified by twenty nations. Regrettably, the United States—whose opposition to the Nazis was crucial in ensuring their defeat—was not among these countries. And over a quarter of a century has now passed with the genocide treaty languishing in America's Senate, even though over eighty nations have ratified the document.

Why is this so? Sad to say, the American Bar Association played a pivotal role in halting the move toward U.S. Senate approval of the convention. In the same year President Truman proposed ratification, federal Judge Orie L. Phillips took the pages of the A.B.A. Journal to plead against the treaty. Yale law professor Myres McDougal provided a definitive rebuttal, but the forces of xenophobia prevailed.

The pact defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group."

The agreement, in addition to punishing genocide itself, proscribes conspiracy, complicity, direct public incitement and the attempt to commit genocide. Persons accused of these crimes would be tried by courts of the states where the acts occurred, or before an international penal tribunal, if such an organ is ever created.

Haynes Johnson, a columnist for the Washington Post, correctly notes that "Arguments against the treaty are patently phony." For the sake of completeness, let us nevertheless examine the two chief claims proferred by those who oppose ratification.

First, it is maintained that U.S. citizens may become subject to the jurisdiction of foreign and international courts. Second, it is objected that the fifty states would lose power that the American Constitution reserves to them.

"UN-AMERICAN COURTS"

This phobia has been illustrated by the hypothetical example of an American living in Iran being charged with "genocide" because of his pro-Israel views. Such a wild occurrence is highly unlikely. And America's failure to ratify the convenant did nothing to prevent Ayatollah Khomeini's fanatics from kidnapping the entire staff of the U.S. embassy in Teheran.

Concern over a hostile international tribunal is misplaced. The only global judicial forum in existence, the International Court of Justice, ruled decisively that the Iranians' seizure of our embassy violated international law. These judges have no criminal jurisdiction. If such a court ever were constructed, it would be modeled on the Genocide convention is that it forbids only the systematic physical extermination of a people, such as Hitler's murder of the Jews, or the Turks' 1915 massacre of the Armenians.

FEDERALISM

The United States government is one of limited powers, and the prerogatives not delegated to the federal level by the Constitution are reserved to the states by the Tenth Amendment. The most notable domain of the states is the "police power," which consists of the right to enact local legislation protecting the public's safety, health and welfare.

The genocide treaty does nothing to intrude on this area. It is obviously inconceivable that any state of our nation would ever want to legalize genocide. In addition, Articles two and Six of the Constitution specifically grant the federal government the authority to conclude treaties. Article One denies states the right to enter into any treaty.

The real reason for the "states' rights" argument was sheer, naked racism. One must recall that the genocide convention was signed before the Supreme Court's historic decision in *Brown v. Board of Education.* Southern schools at the time were still segregated. Advocates of "massive resistance" to the Court's ruling feared the treaty might make their bigotry even less defensible. This disgusting and immoral motive only shows how worthwhile the pact is.

There may be some clash of values implicit in our ratification. For example, the treaty should not be misinterpreted to proscribe birth control, a vital necessity in the effort to contain the world's population explosion. The prohibition of incitement to genocide may run afoul of the First Amendment. After all, the United States is a big country, with strong democratic traditions, and can absorb a large amount of verbal filth before the political atmosphere becomes irreparably polluted.

All these problems, whether real or imagined, can be rectified by having the Senate approve reservations while ratifying the document. And if the unthinkable were to happen, and the treaty misused by other nations, Article 16 of the pact allows amendments, and Article 14 authorizes governments to withdraw from the convention.

Jacob Javits, the highly respected former Republican Senator from New York, has articulated the frustration caused by our failure to act: "It really does make my blood run cold . . . to sit here and hear after all of these years the same points repeated. That is one of the most shocking failures of our country, of our system . . . If we could only ignite enough Americans to feel as . . . I do . . . why this thing would have been ratified long before this. It is just shocking and shameful."

The message is finally getting through. In 1976, for example, the American Bar Association reversed its position, and now supports the pact.

It is time to ratify the treaty against genocide. President Reagan must stop being silent. He should support this document—as all his predecessors have done. This would be an admirable way for the administration to signal the world that it really does want America to be a beacon of freedom and hope abroad.

ADMINISTRATION'S BUILD-DOWN PROPOSAL WOULD KILL ARMS CONTROL

Mr. PROXMIRE. Mr. President, on Monday night, October 31, the Senate voted to table a sense of the Senate resolution supporting a nuclear freeze. It then turned around and voted against tabling a sense of the Senate nuclear build-down proposal. Neither action will have any legislative consequence. The freeze resolution lost. The build-down proposal was withdrawn after the Senate beat the tabling motion. Ah, but for the great majority of Americans who favor a nuclear freeze those votes had great significance. Those votes showed the Senate far out of step with America's public opinion on how to prevent nuclear war. And they dramatized the impasse between the two Houses of the Congress on this issue.

Consider the following:

First, earlier this year the House voted by a roughly 2-to-1 margin in favor of the nuclear freeze. It did so after having rejected the freeze by a 1-vote margin last year. So the Senate vote to table the freeze put the two Houses into conflict.

Second, by its vote the Senate repudiated the consistent and overwhelming popular support the freeze has won throughout the country. The freeze carried in 8 out of 9 statewide referendums that have been held on the issue. It won by an overwhelming margin in a nationwide Foreign Policy Association poll of more than 8,000 members that had taken place after intensive debate. Public opinion polling by Gallup and by Harris had both shown 3-to-1 support for the freeze. That strong level of support had held up month after month for the past 2 years through a series of foreign policy developments.

Three, on the other hand, there has been no demonstrated public support for the so-called build-down proposal which the Senate supported on Monday night, and for a understandable reason. The freeze would stop the arms race cold. The so-called build-down would not. The arms race would continue even if the build-down were negotiated successfully. We would still, under the administration's program, spend $64 billion in 1984 on nuclear weapons and $450 billion over the next 6 years. And the build-down despite its name would also encourage a similar or greater amount of spending by the Russians on nuclear arms.

As the advocates of build-down have formulated it, it would trade off old nuclear arms for new arms on a varying ratio. For stationary, multiwarhead missiles, it would require the retirement of two weapons for every one new deployment. For submarine-launched ballistic missiles it would require a retirement of three old missiles for each two new ones established. For single warhead missiles, the substitution would be 1 for 1. Sounds good so far? Sure it does. And it gets better. The build-down now incorporates an overall reduction in nuclear warheads on each side to 5,000 from the present level of about 10,000. That sounds too good to be true. And that is exactly the trouble. It is.

To see what is wrong with build-down compare it to the freeze. The freeze would end the arms race by stopping it. But would not the build-down do even better? Would the build-down not actually reduce both the number of nuclear weapons in the arsenal and the number of warheads? Yes, but what else would the build-down guarantee? It would guarantee that new nuclear weapons would constantly come into both arsenals. Now, Mr. President, can you imagine either the Defense Department or the Russian equivalent putting a new weapon in the arsenal unless it were more destructive and more deadly than the weapons or weapon it replaced? I cannot. The so-called build-down would guarantee an intense pressure on research and development to produce ever more deadly and ever more destructive weapons systems—within the build-down limits. Anyone who does not believe that progress under these circumstances would simply mean more death and destruction within the package should consider how it could work.

It would follow the observation:

Man's most consistent progress ever since the world began is ever better weaponry to slay his fellow man.

Suppose a huge nation had agreed to a build-down of the kind now proposed in primitive times. Suppose that nation had a million spears. Along comes gunpowder, under build-down they turn the million spears in for half a million muskets. Next comes the machinegun. Out go the half million muskets and in come 250,000 machineguns. Then comes the blockbuster bombs. The nation trades in the quarter million machineguns for 125,000 blockbusters. Then comes the primitive atomic bomb. Out goes the blockbuster, in comes the 62,500 fat atomic bombs. And finally the hydrogen million-person killer. The nation that had started out with a million spears ends up with more than 30,000 hydrogen bombs. Numerically it is a build-down. Actually it is a mammoth build up.

Is this far fetched? Of course not. Under the stipulations of build-down this course would be inevitable. No U.S. general who would ever sit in the Defense Department competing with the Russians under the build-down, and with access to nuclear testing that undergirds our weapon development could or would do anything else but build up his killer capability over his Soviet adversary. Build-down is a formula for continuing that historic progress of ever better weaponry to slay our fellow man.

THE 1983 WINNER OF THE GENE BRITO AWARD: CHARLEY BOSWELL

Mr. HEFLIN. Mr. President, recently it was my pleasure to participate in a presentation luncheon of the Touchdown Club of Washington, D.C., at which the 1983 Gene Brito Award was bestowed upon an outstanding human being, Charley Boswell. I would like to take a few minutes, Mr. President, to say a few things about the Touchdown Club, the Gene Brito Award, and, most of all, Charley Boswell.

The Touchdown Club of Washington was founded in 1935, as a nonprofit organization dedicated to the welfare of the youth of the city. Through the years, the club has followed through with this objective, as well as providing a great sense of fellowship for the members.

In the past few years, the club's charity arm has been formalized as Touchdown Club Charities, Inc., more popularly known as the Timmie Fund. Aside from revenues received from the awards dinners and the annual membership drive for funds, the club has successfully copromoted such events as three college football games at RFK Stadium. Some 30 youth activities and charities now receive annual contributions. The charity also provides six college scholarships each year for local youths.

One award given annually by the Touchdown Club is the Gene Brito Achievement Award. The award is named for a former football player with the Washington Redskins, who passed away in 1965 at the age of 39. Brito spent the majority of his career here in Washington with the Redskins, and was a crowd favorite. Five different times, he was chosen to play in the Pro Bowl game, once being named the most valuable lineman in the game.

After his tragic and premature death from a crippling muscular degenerative affliction, the Touchdown Club began giving an award named for Gene Brito, in recognition of his courage and achievement in working with the disadvantaged.

This fall, the Touchdown Club chose a truly outstanding person when they selected Charley Boswell, a famous blind golfer from Alabama.

Charley Boswell attended the University of Alabama, where he was a star halfback for the Crimson Tide football team and a member of the 1938 Rose Bowl squad. In addition, he was an outstanding baseball player, and signed a professional baseball contract just before he entered World War II in the spring of 1941.

On November 30, 1944, Charley Boswell was wounded in a tank explosion, and received injuries resulting in total blindness. Though he had lost his sight, he did not lose his competitive spirit.

In 1946, even though Boswell had never played a round of golf, he was invited to play by a young corporal. That day he began a love affair with golf that has never ended.

After being shown the fundamentals of the sport, Boswell hit his first shot—about 200 yards down the middle. He began playing regularly, with the help of a seeing eye coach.

Within a year, Boswell was playing in—and winning—blind golf tournaments. From 1947 until his retirement from competition in 1976, he won the Blind Golfers Association National Championship 17 of 24 times, and collected international championships in 11 of 15 tries.

Boswell's best score for 18 holes has been 81—better than many golfers who have the advantage of sight.

He has received many awards. In 1957, the Philadelphia Sports Writers Association named him their most courageous athlete. In 1958, he received the Ben Hogan Trophy, presented annually to a golfer who overcame some physical handicap on the road to success.

He is a member of the Alabama Sports Hall of Fame and the Alabama Academy of Honor. He has received the President's Distinguished Service Award from the Committee on Employment of the Handicapped.

For me to list all of his awards and honors would be endless. To have listed none would have been unacceptable.

In 1974, he began hosting the Charley Boswell Celebrity Golf Classic, with proceeds going to Birmingham's Eye Foundation Hospital. The 1983 event drew 204 participants and raised some $75,000 for the hospital. Because of the tournament, the hospital has been able to buy several pieces of extremely valuable equipment, including two operating room microscopes, life care infusion pumps, a micro-video camera, and an Argus laser tube.

Charley Boswell served my home State for 8 years as revenue commissioner, has been a member of the Advisory Board of the President's Council on Physical Fitness, and is a member of the board of trustees of the Eye Foundation Hospital.

Helen Keller was a product of Alabama, having been born and raised in my hometown of Tuscumbia, Ala. She became the ambassador of courage and inspiration for the handicapped of the world. Charley Boswell has become the successor to Helen Keller as America's ambassador of courage and inspiration.

Like all Alabamians, I am proud of him, and congratulate him on this most recent award.

THE CHICAGO WHITE SOX

Mr. PERCY. Mr. President, the Chicago White Sox are the toast of Chicago. With the enthusiastic support of millions of baseball fans in Illinois and throughout the country, the White Sox brought home to Chicago their first American League division title since 1959. Finishing the regular season with the best record in the major leagues, the spirited "southsiders" captured the fancy of us all.

Standing and cheering with thousands of other Sox fans at Comiskey Park during the American League championship series, I took great pride in this gutsy group of disciplined and exciting players. Displaying a great sense of unity and teamwork, the White Sox are now one of the premier teams in baseball. American League manager of the year Tony LaRussa, Cy Young Award winner LaMarr Hoyt, the many other talented players, and the dedicated management of the White Sox represent a true success story in American sports.

I know that I speak for thousands of fans in Illinois when I say to the Chicago White Sox: Thank you for a great year. And as for the Orioles—wait until next year.

GOVERNMENT CONTRACTS AND EXCESS PROFITS

Mr. PERCY. Mr. President, I recently had the opportunity to attend an event sponsored by the Better Government Association in Chicago at which Admiral Rickover spoke on the problem of abuses in Government contracting.

As many of my colleagues know, the Better Government Association (BGA) has operated in Chicago for many decades, and I have had the privilege of working with them for 30 years. They are one of the finest watchdogs of government—State, local, and Federal—that I have ever worked with.

It was especially fitting, then, that highly respected Admiral Rickover, who has been an outstanding critic of waste in Government contracting, should appear before the BGA to share his diverse experiences and provocative proposals on contracting abuses.

Mr. President, I ask unanimous consent that Admiral Rickover's statement before the BGA be printed in the RECORD. Although we may not necessarily agree with every recommendation he makes, I think we all will agree that defense contracting abuse is a terribly important problem which demands our attention. Admiral Rickover offers us a valuable perspective.

The being no objection, the statement was ordered to be printed in the RECORD, as follows:

GOVERNMENT CONTRACTS AND EXCESS PROFITS—SEEING STRAIGHT THROUGH THE LOOKING GLASS

(By Adm. H. G. Rickover)

My humble arrival at the age of six to this country from Poland, my being chosen to attend the Naval Academy, and the honor to serve my country for more than 63 years as a naval officer have led to my old-fashioned love for the United States. She has allowed an immigrant boy to realize every opportunity available to those who work hard. This is why I continue to speak out against those who cheat our Government by making unjust and excessive profits in dealing with it.

There are those who say I am too strident in my statements about the wrong-doing of those who accept Government contracts. My feeling is that I am not strident enough. I have always tried to save the taxpayers' money, and acted against those who tried to cheat our Government.

Such cheating has been going on in defense contracting for many years. It reminds me of a story of a cat and a mouse.

A mouse dived into a hole in the wall for safety from a cat. Waiting for the cat to go away, the mouse heard what he thought was a dog barking. The mouse came out, confident that the cat would not remain in the vicinity of a barking dog. Whereupon the cat, as he pounced on the mouse, said exultingly: "How useful it is to know a foreign language."

If ever there was an analogous cat-and-mouse situation, it is in the spider webs of words and fig-leaf phrases told us by the accountants and lawyers who work for defense contractors.

In testimony before the House Committee on Procurement and Military Nuclear Systems, I said recently that four companies were making profits from 25 percent to 66 percent on naval contracts.

The U.S. General Accounting Office was asked to verify my allegations and provide any special or extenuating circumstances surrounding the procurements that should be considered in evaluating the reasonableness of the profits.

The General Accounting Office found that the profit figures cited by me were accurate. The GAO published its findings on April 12, 1983, in a report entitled "Observations Concerning Profit Rates on Selected Navy Contracts."

I must admit that the GAO did find I had made one mistake. I had stated that one company making large valves for nuclear-powered ships had made a 66-percent profit. The accountants and lawyers for the company alleged that their profit was only 6.2 percent. The GAO found that the company only made 61.3 percent profit. So I was a little high, but the company's figures were ridiculous. In response to questions about the GAO report, the Secretary of the Navy, Mr. Lehman, as quoted in the May 23, 1983, issue of Time magazine as saying: "We want our contractors to make a nice, solid profit." To contractors and to the Navy this could only mean the highest official in the Navy saw nothing wrong with contractors making 66-percent profit on Navy contracts.

I cannot help but wonder whether defense contractors and their accountants and lawyers do not have ready at hand a copy of Lewis Carroll's "Through the Looking Glass." In it is the colloquy between Alice and Humpty Dumpty:

"When I use a number," Humpty Dumpty said in a scornful tone, "It means, just means, just what I choose it to mean—neither more or less."

"The question is," said Alice, "whether you can make numbers mean different things."

"The question is," said Humpty Dumpty, "which is to be the master, that's all."

What can Congress do to make our system of government contracting more responsible? How can we, as citizens, ensure that our Government will not be cheated by excess profits?

I recently recommended to Congress that one way to make government contracting more responsible is to reestablish the Contract Renegotiation Board, which was allowed to expire in 1976.

For many centuries merchants have profited greatly from selling arms—particularly in time of their country's great need. George Washington, in 1778, described war profiteers as "those murderers of our cause" and "the greatest enemys we have to the happiness of America." He want on to state: "No punishment in my opinion is too great for the man who can build his greatness upon his country's ruin."

The problem of profiteering continued to plague the Nation during the War of 1812, the Civil War, the Spanish-American War, and World War I.

In 1934, Congress authorized expansion and modernization of the Navy by the Vinson-Trammell Act. The act limited profits to 10 percent for ships and to 12 percent for aircraft. In 1942, Congress passed a Renegotiation Act which empowered the Government to recapture excessive profits.

The Korean war resulted in the Renegotiation Act of 1951. It established a board to determine excessive profits. The board was temporary and required renewal every two to three years until 1976—when it expired. Throughout this period, the act was continually weakened as defense contractors introduced loopholes as a condition of extension. For example, contractors were allowed to consolidate profits among their various businesses and subsidiaries. Contractors also won the right to carry forward losses for five years as an offset against future excessive profits.

During this period, the board was plagued with some members who got the job for political reasons. Many of them had no qualifications or interest in the job, except for the salary and prestige. Further, the board's small budget allowed only a small staff. As the renegotiation process became less effective, the sums recovered declined dramatically from the levels achieved in the 1950's. Large companies were frequently able to avoid renegotiation altogether by disputing board determinations and tying matters up in court for years.

Due to efforts in the house of representatives in 1976, a reform bill was passed to plug the loopholes in the renegotiation process. Unfortunately, the opponents of renegotiation stopped the bill in the Senate and thus prevented its further extension. So, the renegotiation act expired and the renegotiation board was abolished.

In opposing the Renegotiation Act, defense industry lobbyists and the Department of Defense spokesmen maintained that renegotiation was unnecessary. Citing average profit figures, they testified that defense procurement regulations were adequate to prevent excessive profits. Of course, average profits were not the issue. The issue was how the Government would be able to recover excessive profits when there was not true competition.

When the Renegotiation Act expired, the Vinson-Trammell Act profit restrictions—10 percent on ships and 12 percent on aircraft—came back into effect. Under that law, the Secretary of the Treasury, in agreement with the Secretary of Defense, was required to issue regulations for determining excess profits, but they never did this. The Treasury Department and the Defense Department were able to stall for several years. They hoped that Congress would eliminate the profit limitations of the Vinson-Trammell Act altogether.

In 1980 and 1981, the House Armed Services Committee held hearings on the profit limiting feature of the Vinson-Trammell Act. As was to be expected, the Department of Defense, that toothless watchdog, and the defense contractor lobbyists contended that defense procurement procedures were so effective that no legislation to limit profits or to extend the Government's right to recapture excessive profits was necessary. Once again, they pointed to statistics concerning average profits of defense contractors and argued they were not excessive. By the same logic, people cannot drown in a river if the average depth is only three feet.

Unfortunately, after the 1981 hearings, Congress repealed the Vinson-Trammell profit limiting provision. In its place, Congress gave the President authority to promulgate profit limiting regulations in the event of war or a national emergency.

I do not contend that all defense contractors—or even the majority of them—make excessive profits. Many firms do quality work, on time, at reasonable prices. They deserve a fair profit. But contrary to what defense contractor lobbyists would have you believe, there are companies that make excessive profits through over-pricing.

It is hard to sympathize with defense contractors who bemoan the low percentage of profit against sales, because not one weapon is built that has not already been sold. I believe where there is no risk, there should be less profit . . . than, say, 66 percent.

Government employees are constantly being exhorted by the executive branch and by Congress to avoid waste, fraud, and abuse. They often express concern when examples of overcharging come to light. For example, many have expressed outrage about the recent, much publicized example where the Sperry Corporation charged the people of the United States $110 for a 4-cent diode. Yet, it was Congress—urged on by defense contractor lobbyists and the Defense Department itself—that allowed the Renegotiation Act to expire, abolished the Renegotiation Board, and repealed the profit limits of the Vinson-Trammell Act. As a result, the Secretary of the Navy, and other defense officials, find themselves in the position where they can only politely ask the contractor "would you be so kind as to consider returning the money which you took." In the words of Davy Crockett, "It don't even make good nonsense."

In comparison, consider the position of a working man whose income tax return has been questioned by the Internal Revenue Service experts. He must not only pay the full amount quickly; he must also pay interest on the amount.

It is a popular belief that the problem can be solved simply by ordering the Defense Department to "get competition." However, this is merely "cheerleading" and not helpful. There are, no doubt, many instances of unnecessary sole-source procurements and there is always room for improvement. However, because of the nature of defense work, the vast majority of military prime contracts will, of necessity, be awarded in an environment where there is little, if any, real competition. How many shipyards can the Navy afford to maintain to build aircraft carriers, or Trident submarines? How many aircraft manufacturers can the Navy afford to manufacture F-18 fighters or the like? For such weapon systems, the one-time production set-up costs are large, the market uncertain, and the quantities small. The firm that wins the first contract enjoys an enormous pricing advantage over any competitors he might have on later units.

My experience through the 1970's showed that sole-source contractors were in the driver's seat in pricing non-competitive procurements such as aircraft carriers and nuclear submarine overhauls. In such cases, there simply was no alternative but to buy from a single source.

Conversely, where there was apparent competition between two shipyards for the latest class of attack submarines, the more efficient shipyard was repeatedly underbid by the less efficient one. In the end, the Navy had to pay more for the ships it bought from the low bidder than it would have paid, had the contracts been given to the high bidder. I have often wondered what would have happened to the Eiffel Tower, had it been built by the low bidder.

Many pricing problems in defense procurement take place at the subcontracting level, where the Defense Department pays little attention to contracting practices or to subcontractor prices and profits. In noncompetitive situations a contractor makes more profit over the long run with higher material costs, since profits are negotiated based on total estimated costs.

A number of the examples I reported to the House Armed Services Committee in 1981 involve subcontractors. Because of a lack of alternative sources of supply, many of them were in a position to price on a take-it-or-leave-it basis. Although the vast majority of defense contractors and subcontractors may not fall into this category, those that do should be subject to strong sanctions. They not only cheat the U.S. taxpayer, they are even allowed to enjoy an unfair advantage over firms that exercise self-restraint.

What does constitute an excessive profit depends upon many factors—innovation, investment, traditional profits in the industry under truly competitive situations. In some cases a two-percent profit might be large; in other cases, a 15-percent profit might be reasonable. For this reason, an arbitrary limit on profit percentage is not the solution. On the other hand, the Government must have a system to recover excessive profits—if not on a contract-by-contract basis, then by product line. In that way, large conglomerates cannot hide excessive profits in one line of business by averaging profits with another.

The administrative effort required to recover excessive profits does not need to be large. The Defense Contract Audit Agency regularly audits major defense contractors, both at the prime and at the subcontract level. I see no reason why contractors should not be required to report annually to the Defense Contract Audit Agency the actual profits they made under completed contracts and subcontracts. These figures could be verified by the Defense Contract Audit Agency and reviewed by an independent board that would determine whether the profits are excessive, considering risk, investment, and so on.

This board's determination should be final. It would not be wise to set up a system whereby extensive litigation would enable contractors to tie up the board in court for years.

There is no getting around the fact that the vast portion of the defense procurement budget will continue to be spent in circumstances where competition is inadequate to ensure reasonable prices. Defense procurement procedures alone are not able to preclude overpricing in these cases.

It is Congress, not the military, that is to blame for the situation we are in. It was Congress that dismantled all systems of screening for excessive profits and for recovering them. It can be said of some in Washington, D.C.—not counting your Senators from Illinois—they have bigger propellers than rudders. Two weeks ago, in testimony before Congress, I told them that they were not doing their jobs.

The need for a renegotiation Act still exists to protect the American taxpayer. This requires legislation by Congress, and I strongly urge that this gathering of concerned citizens let your representatives know this country needs renegotiation legislation. Congress cannot legitimately blame the executive branch for permitting overcharges when at the same time it is not willing to provide statutory authority to recover excessive profits for the taxpayers. And no citizen can blame Congress if he ceases to exercise civic responsibility by letting his elected representatives know that he does not want his tax money wasted. Jean Jacques Rousseau said, "As soon as public scrutiny ceases to be the chief business of its citizens, the state is not far from its fall."

The second recommendation I make to "clean up" this Government contract mess is to throw in jail a few of the characters who are in charge of the companies found to be cheating the Government. Stealing from the Government is stealing from you and me. Stealing is a criminal act and should be treated as such. Jail a corporate president for wrongful actions he knew about, or should have known about, and I assure you, it will deter others from such activities. But a civil penalty, a fine of a few hundred dollars means nothing. And this is the situation we presently face.

And what of my constant attention and warnings to Congress and the public about cost overruns? Less than two months after my retirement, four billion dollars of claims against the Government for shipbuilding was quietly paid by the Department of Justice. Of the legal cases against the shipbuilding contractors for fraud, only one may finally be tried. The fraud case involving the largest sums was recently closed. "Not enough evidence," says the Justice Department.

And the Fraud Unit at the Justice Department has been all but disbanded—for fiscal reasons, says the Justice Department.

I have repeatedly spoken and written, and for many years, about excess profits from Government contracts. Nevertheless, I am reminded of the ancient philosopher who came to a city. He was determined to save its inhabitants from sin and wickedness. Night and day he walked the streets and haunted the marketplaces. He preached against greed and envy; against falsehood and indifference. At first the people listened and smiled. Later they turned away; he no longer amused them. Finally, a child asked, "Why do you go on? Do you not see it is hopeless?"

The man answered, "In the beginning, I thought I could change men. If I still shout, it is to prevent men from changing me."

I feel like that man as I talk to you today. I have fought for reform in Government for years. If I still shout, it is because I am afraid that no one listens and that our nation will soon no longer be able to endure.

MARINE DISASTER IN LEBANON

Mr. PRESSLER. Mr. President, the slaughter of U.S. marines while they slept at the Beirut, Lebanon airport raises serious questions about the failure of security measures to protect these men.

I opposed sending our troops there in the first place, but also said that they should be supported and protected once they were put ashore in Lebanon. Yet one cannot explain away this human disaster by saying that it is nearly impossible to prevent kamikaze suicide attacks. This issue is much more complicated than that answer permits.

Why were over 400 marines and sailors sleeping under one roof together in an area known to be crawling with their enemies? During my service in Vietnam in the Army, I observed that 40 was the limit of troops sleeping in one barracks. This was an inexcusable breach of security. The explanations given so far are unacceptable. Those in command positions should satisfactorily explain this fatal error or be relieved of their command responsibilities. The American people will not tolerate another cruel disaster like this. In Vietnam, Korea, and other countries in which American soldiers have fought, it has always been standard military procedure to prevent such problems by billeting personnel under one roof, only in smaller numbers.

I am also highly offended, Mr. President, as are millions of people in this country, that casualty information came out in such a haphazard and inadequate fashion. The parents, wives and other relatives of men known to be serving in the Lebanon area were kept waiting for days and weeks to learn whether their young men survived the bombing attack. This, too, is inexcusable and unacceptable. When I served as an Army officer in Vietnam, I knew where those men for whom I was responsible were at all times. If I had not known their whereabouts, I would have been—and should have been—fired for failure to perform my duties properly. I see no reason why more prompt personnel location procedures are not being used by the U.S. Marines and U.S. Navy. The tension, sorrow, and unnecessary psychological aggravation these delays have caused should never be repeated.

Mr. President, I ask unanimous consent that an article on this subject, as well as an accompanying letter from the mother of a South Dakota marine, from South Dakota's Watertown Public Opinion be printed in the RECORD.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

HE'S ALIVE!

(By Bob Mooney)

With a little bit of luck, Lance Corporal Elroy Goble might be home for Christmas.

His parents, Jim and Sharon Goble, still haven't heard directly from the 20-year-old Marine who is stationed in Beirut, Lebanon, but at least they know he is alive. They've been waiting to hear that since Sunday when a terrorist blew up a Marine command post, killing more than 200 U.S. servicemen and injuring scores more.

"I was lying in bed reading when the phone rang," Sharon Goble said while sitting at her kitchen table about 1 a.m. today (Friday). "It was about 10:45 p.m. and I dashed out and grabbed the phone. I thought maybe it was one of the radio stations or newspapers and I figured it must be important because they usually don't call that late."

The caller, however, was a relative from Alaska who told Sharon she had finally contacted military authorities in Washington and they told her that Elroy Goble was alive and well.

"Really? are you sure?", Sharon remembered asking the caller. "I'm gonna call. I'm gonna call. I have to hear for myself."

It took Sharon Goble two or three tries to get through and when she finally did she was put on hold.

"I must have been waiting five minutes. I kept saying 'Come on. Come on.' Finally, the man answered and told me Elroy was all right. He said Elroy was accounted for and had reported for duty. I asked him if he was sure and when he said yes I said 'Oh, thank you', hung up the phone and started crying like a baby."

Jim Goble walked in the door a few minutes after the good news came. He had been at a dinner and business meeting and before the front door to the family's house was closed his wife told him about their son.

"I just put my head in my arms, leaned against the banister and said 'Oh my God, thank you,' " Goble said.

Right from the beginning, the Gobles said they were confident their son was alive and well. But, like others who have sons or brothers or fathers stationed in Beirut, they were also prepared to accept the worst.

"I've thought of the man at the door," said Goble, referring to Marine representatives who arrive in person to tell of a death in the family. "I'd feel very, very sad if my boy was dead. But death is a part of life and life has got to go on.

"Some of the guys at work said I was kind of cold hearted. But you have to realize that sometimes people have to die to keep this country the way it is. Every one of us better be damn glad we're fortunate enough to be in this country."

It still may be a few days before the Gobles actually get to speak with their son. Mrs. Goble said she was told the Marines in the companies that had the most casualties are being allowed to call home first. Even without a direct call, though, Sharon Goble said she is satisfied her son is well and she is now looking forward to Christmas.

"His tour of duty was for six months and he was hoping to be home by Christmas," she said. "He went over in May and is supposed to leave at the end of November. He'll be coming home by ship and it takes 21 days so he should be getting here around Christmas."

The Gobles left this morning for Minnesota to visit friends and relatives and spend a few days relaxing. They know when their son comes home there is a possibility he could be sent back to Beirut.

"If he wants to go back," Mrs. Goble said, "that's up to him. He's very proud to be a Marine and he's mean and tough. But the next time he goes, they better make sure those boys have bullets for their guns each and every day they are there."

A MOTHER'S LETTER

This is the start of a letter Sharon Goble was writing to her Marine son in Beirut. After learning Thursday night that he was safe, she left the letter unfinished.

OCTOBER 22, 1983.

DEAR ELROY: Here we are into the fifth day of not knowing what has happened to you, Dad and I are very confident that you are alright, we are praying you are, that's why I am writing to you.

Everyone is waiting for word from you, we have been watching the news all the time, we just seen today that you all are allowed to call home, we jump every time that phone rings, and believe me it has been ringing off the wall. You wouldn't believe the people that has called us about you, family, relatives, friends, 4 newspapers, TV stations, radio stations. Curt has called us twice, we are going to call him when we get word from you or the Marines. In fact we will call a lot of . . .

NEW MEXICO'S ILLEGAL DRUG PROBLEM

Mrs. HAWKINS. Mr. President, even though 80 percent and billions of dollars worth of the illegal drugs in this country pass through south Florida, my State is not the only State in the Union with a major drug-smuggling problem. In fact, the administration's crackdown on the drug trafficking in the Caribbean has slowed the drug traffic through Florida, and the smugglers are discovering other routes into the country.

Out West, the barrenness of New Mexico's terrain—highlands, plains, and desert—draws drug traffickers looking for an empty back road into the country. According to David Hoover of the DEA, "We've seen a shift to the Southwest and to the interior Southeastern States." Planeloads of marihuana, cocaine, and heroin are being smuggled into New Mexico on their way to other points in the Nation.

Another reason for the rising amount of drug traffic in New Mexico is an increase in the production of heroin from Mexico. Eight years ago the Federal Government began an eradication program with Mexico to wipe out the fields of opium poppies traditionally grown in the areas around Culiacan. But in the past years the amount of Mexican heroin confiscated in New Mexico has soared, along with the number of arrests and deaths attributed to heroin.

Other drugs, particularly cocaine, however are more often the focus of investigations because more of them are available on the New Mexico market. Cocaine presents special problems because a relatively small amount can turn a tremendous profit and because the drug has become as acceptable among many people as alcohol.

The most common drug—and for that reason possibly the most harmful in the long run—is marihuana, whose traffic has soared in New Mexico. In fact, New Mexico now ranks seventh in the country in the number of marihuana plants seized by police.

Mr. President, I request permission to enter into the RECORD an article from the Albuquerque Journal on New Mexico's marihuana trafficking.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MARIJUANA: N.M.'S FASTEST-GROWING CASH CROP

There's only one thing wrong with New Mexico's fastest-growing cash crop—it's illegal.

In fields and forests, public land and private, marijuana is springing up in ever-increasing amounts as growers seek a fast profit.

"It has exploded," said Capt. D. C. Jackson, head of the state police narcotics division. "We had eight or nine fields reported last week.

"It's hard to accept that the state of New Mexico is all of the sudden exporting marijuana."

Because of a surge last year, New Mexico now ranks seventh in the country in the number of marijuana plants seized by police, said David Hoover, a spokesman for the Drug Enforcement Administration in Washington, D.C.

The top-ranked states are, in order, Hawaii, Georgia, Kentucky, Tennessee, Oklahoma, North Carolina and New Mexico; he said. And, it's growing, he said.

In 1982, he said, law enforcement officers eradicated 2.5 million marijuana plants, or about 1,653 metric tons. The previous year, an estimate of the entire crop—confiscated or not—totaled only 1,200 metric tons, he said.

New Mexico's number soared last year because of the seizure of a single field—a 50-acre "plantation" near Portales, said Lorraine Sanchez, a statistical analyst with the state police.

Ms. Sanchez said a total of 127,647 plants with a street value of $451.4 million was seized last year, with the majority of those in the Portales crop.

In 1981, nine plantations, were seized containing 8,514 plants with a street value of $14.6 million. In 1980 only five plantations were seized, their 3,898 plants worth $7.3 million on the street.

While most of last year's capture was in the one field, the number of plantations uncovered rose to 23.

"The others were real small," Ms. Sanchez said. "The number of plants in each went down to 200 or 100 or 75."

Ms. Sanchez said it's too early to formulate statistics for 1983 because the growing season still is under way.

The 50-acre field in Portales, seized by police in September, set records for such a find.

"Without a doubt, it was the biggest field ever confiscated (in the United States)," said Bruce Van Matre, head of the DEA in New Mexico.

It cost state police at least $65,000 to guard and destroy the crop, which finally was plowed under after nearby farmers protested plans to burn the marijuana after it was sprayed with a herbicide.

Howard Powers, who owned the land where the field was located, initially was charged with possession of more than 100 pounds of marijuana with intent to distribute. However, the state charge later was dropped because federal officials said they would file a federal charge that carried a stiffer penalty.

U.S. Attorney Bill Lutz said recently the federal charge still had not been filed.

The DEA is funding an eradication program to help officers locate and then destroy marijuana fields.

But protective measures taken by growers hamper the eradication efforts.

"Cultivation is done in about any way you can think of," Van Matre said. "A lot of them grow them in the national forests."

Spotting fields from the air is one of the more effective ways to locate the fields of leafy green plants, but funds and airplanes are scarce, authorities say.

"About the only way we find fields is if somebody tells us," he said. "The state's too big to find them all from airplanes."

While growing marijuana in remote areas of national forests apparently still is the most popular method, Jackson said more and more growers are leasing isolated portions of land and using it for cultivation.

"They'll put up a locked gate and put some security on it and then just wait for it to finish growing," Jackson said. "Then they'll smuggle it out.

"Due to the financial end of it, they become quite successful."

ADDRESS OF GERALD P. ELDEN

Mr. STENNIS. Mr. President, because of the importance of the textile fiber, fabric, and garment industry to Mississippi's economy, I noted with particular interest a speech recently given by a prominent industry leader at the annual meeting of the Man-Made Fiber Producers Association. The speaker was Mr. Gerald P. Elden, group vice president of American Hoechst Corp. and chairman of the board of that association. I had the opportunity to meet Mr. Elden this past summer, and I think that his comments regarding the changes that this industry must face in the remaining years of this decade are extremely interesting and enlightening. He called on his industry to take a fresh look at challenges and opportunities that lie ahead and to reevaluate past practices in order to determine how this vital American industry can best remain competitive in a worldwide marketplace.

There is no question as to the importance of this vast industry to the economy and military preparedness of our whole country. Because of this and the present threats it faces due to imports, I ask unanimous consent that Mr. Elden's remarks be printed in full in the CONGRESSIONAL RECORD so that they may be called to the attention of a wider audience.

Let me also add a personal word, Mr. President, about the outstanding service that Charlie W. Jones has provided to the Man-Made Fiber Producers Association. Mr. Elden's speech touches on this as well, but I want to expand upon it a bit.

I have watched Charlie's career with deep personal interest for many years, and I have noted the valuable contributions he has made to the association and to the textile industry in general.

Charlie was born in Noxubee County, Miss., which is right next door to my own home county, Kemper, and Charlie's career is a most excellent example of the kind of leadership that Mississippi can produce. A commitment to hard work, dedication, and integrity—those are the traits that we stress in Mississippi, and those are the qualities that mark Charlie's career.

I must also point out, Mr. President, that Charlie is a graduate of Mississippi State University, where he received a degree in agriculture.

Many times I have found Charlie's good judgment and sound advice indispensable. He worked as a very valuable member on my staff from 1954 to 1960. I quickly learned that I could depend on Charlie to be there when I needed him and to get the job done. My contact with Charlie did not end when he left my staff. We have continued to have a close relationship.

Mr. President, at the end of this year Charlie will retire from his position with Man-Made Fiber Producers Association. I commend him for the excellent work that he has done for that organization. He will be greatly missed. I also express to him my personal appreciation for the many services he has performed for me and the industry.

Finally, Mr. President, I cannot conclude without mentioning Charlie's fine family. His wife, Pattie, and their four children, Cathy, Ann, Dorothy, and Bob, are all very special to me. I cherish their friendship.

I wish Charlie and Pattie well as Charlie enters this new phase of his life. I am confident that they will continue to be active in important national affairs, and I know that they will maintain their commitment to a life of service to others. They have my deepest best wishes.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF GERALD P. ELDEN

Good evening, ladies and gentlemen, as I did last year, I will not repeat the report of our past 12 months activities, which is contained in the annual report booklet and about which you will hear in detail tomorrow. I will rather talk about our association's posture and position for the future, how it must be a mirror image of the collective philosophy of its members, what I believe will be some of the changes we, as an industry, will be facing in the remaining years of this decade, how our association must maintain its independence within a larger, all encompassing industry, and how our association must remain a two-way communications link with government.

What, indeed, are some of the changes that have come about since the establishment of a free trade philosophy in the early 1950's, and particularly some of the changes that have come about in the shocking decade of the 1970's? It is obvious that the world economic environment today is vastly different than when free trade principles were established in the early 1950's. The post-war free trade ideal was appropriate to its time, an era of unprecedented increasing demand and mass consumption of standardized goods.

But, as Professor Robert Reich of Harvard said, clouds appeared on the horizon at that time already in agriculture and in textiles, and those two exceptions to the post-war ideal of free trade contained "the seeds of its disintegration". World markets for textiles as well as markets for food were expected to grow, but early in the post-war era it was clear that low-wage countries were better suited for some, possibly much, textile manufacturing and, therefore, the free trade principles and codes and institutions, such as GATT, that were growing up around it, made no reference to the problems of future structural adjustment. Today, therefore, it is obvious that the free trade ideal has become hopelessly inadequate to guide, and to be the watchword of international trade.

The result of that inadequacy, notwithstanding all that has gone on over the last thirty years, inclusive of a recent multi-fiber agreement and various and sundry bilaterals with our trading partners, has lead to an ever increasing threat to our industry, as imports from around the world continue to inundate the United States. The 1970's, characterized primarily by constant international conflagrations, Israel and its Arab neighbors, the Falkland Islands, Afghanistan, internal strife in Poland as well as the major economic shocks of that decade, the oil shocks and the demise of the gold standard, the resulting inflation, brought with them major social changes and changes in the value orientation and quality consciousness of the American consumer. Also, a disbelief in the politics of the extreme left or the extreme right, a major recession recently, bringing on unemployment that has produced further social pressures from a splintered citizenry of this country.

We, I believe, are facing difficult times and at the same time interesting times, since there is no question that we as a country must change to some extent from the way we have been doing business in the past. We must learn to adapt, we must learn to manage better, we must once again strive for excellence, which is something that we may have forgotten in the decade of the 1970's, we must try, as Mr. Mahoney of Monsanto said, "To rekindle pride and an entrepreneurial attitude", we must take risks, and we must dare to invent, we must redevelop leadership, and we must learn to change old institutions. We must be willing to work together with those whom we might have shunned before in order to secure the standard of living and the freedom that has made this country great, and we must ask ourselves whether we can homogenize this country to the extent that we can define and achieve national economic goals. Obviously, the United States to date has no coherent trade strategy, no visible industrial philosophy, no basic, worldwide economic plan to maintain our strength and leadership over the next thirty years. If we are not capable or willing to develop a new plan in today's environment, and if we are not capable or willing to even think about possibly adapting our basic economic philosophy, and I don't mean to say by that that smokestack industries, as some people say, will totally fade from the picture, if we are not able to develop an economic philosophy which will, on the one hand, move us forward as a coherent mass, while on the other hand safeguard our economic liberty, the basis for ultimate political and military power, Professor Michael Novac tells us, "we face the potential destruction of an economic experiment that started some 200 years ago." He has defined our system of democratic capitalism as "a system that draws on the strengths and resources of Government, and on the liberty, imagination and creativity of all people, that resources only become resources through the intervention of mind, of intellect, and invention, and if that is really so, we must recognize that the importance of skill-intensive production in a highly industrialized country makes comparative advantage a matter of developing and deploying our inventive and intellectual human capital."

So, if we can leave aside political considerations that very often, as we have learned in our negotiations with our trading partners, overshadow economic interests, if we can, for the moment, assume that, to retain comparative advantage, our country requires the development of our intellectual human capital and therewith redistribution of labor into new and emerging industries, we have on the one hand a major dislocation of our intellectual human capital into new industries, and on the other a dying out of some non-skill intensive ones.

How can we then, therefore, homogenize the citizenry of this country if we assume the demise of some of our old industries? And if we put that into microcosm, simply recognize that the fiber/textile/apparel industry may be symptomatic of the whole. Are we willing to stand together with our industry to safeguard its future, where there is a future, and to be honest enough with ourselves and with our customers and our customers' customer that there may, indeed, be no future for certain portions of this huge industrial complex.

We might, therefore, paraphrase one part of JFK's inauguaral address by saying, "Ask not what your customer can do for you, but ask what you can do for your customer".

If we believe in all of that, it provides us with an opportunity to strengthen the industry downstream through creative support beyond the range of our normal spectrum of products, and services, relating to those products. Each of us could conceivably make some of our talent available part-time to some of our forward-looking customers for the technical and qualitative upgrading of their own businesses.

The American Fiber Textile Apparel Coalition and its Buy American campaign represents a valiant as well as valid effort to make the American consumer understand that there are products being made in the U.S. that are fully competitive in all respects to those that are produced in other areas of the world. We must also face the facts that this may not be true in each and every case. Let us then decide whether we can, in the future, face our industry as a whole with true and honest and independent thought, whether we can possibly help our downstream customers, if feasible, to remain competitive in a worldwide marketplace, and to be willing, on our own part, to take a position and assume a posture towards government, presenting that which we truly believe is a position that secures the future.

Our industry, the man-made fiber producing industry, is a highly sophisticated capital-intensive, research-oriented industry. It is an industry that, I believe, fosters the imagination and creativity of its people, that uses the mind, intellect, and inventive capital employed within it, and that definitely qualifies as an industry, providing comparative advantage over our worldwide competitors. Our association must, therefore, be an outward mirror image of an industry that has such creativity and such comparative advantage. The association must consider stepping out of a stereotyped political posture. It should no longer provide unquestioning support of some who may not be the vanguard of the future. Our association must be able to adapt, as have its members, to a changing world, and must present itself to our government as an enlightened, forward-looking representative of its membership.

So, the time may be at hand, where some risks must be taken, where old institutions, practices, and fears might be laid aside, and where a new protocol for the future might be forged by this association to meet the challenges that are upon us.

It is not too late, but with each passing day that we do nothing, some comparative advantage accrues to our competitors, in other parts of the world.

We can, yes we must adapt to a changing world, and by adapting and employing our intellectual human capital wisely, regain the economic strength and comparative advantage this country has enjoyed throughout most of this 20th century.

In closing, I would like to recognize President Charlie W. Jones. As you know, our board regretfully accepted his decision to retire at the end of this year. At the request of the board, Charlie willingly and effectively served the association two and one-half years beyond normal retirement time, completing 13 years of dedicated service to MMFPA and the industry. Certainly no decade in the association's 50-year history has been more productive or expansive than the one now ending under the competent leadership of Charlie W. Jones.

Thank you and good evening.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER.** The time for morning business has expired.

Mr. **BUMPERS.** Mr. President, the time for morning business has expired, but I do not think the intelligence bill has been cleared yet. What happens next?

The **PRESIDING OFFICER.** The clerk will report the motion to proceed.

Mr. **BUMPERS.** Mr. President, does the Senator from Wyoming have the authority of the majority leader to extend morning business?

Mr. **WALLOP.** This Senator does not. Mr. President, I suggest the absent of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **BAKER.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT OFFICER.** Without objection, it is so ordered.

The majority leader.

ORDER OF PROCEDURE

Mr. **BAKER.** Mr. President, there is not much time before the quorum call at 11 a.m. I believe we can do the intelligence authorization bill in that time. I would like to do that now. I do have a unanimous-consent request.

Mr. President, the Senator from Arkansas will be allotted time in his own right. I would propose to go to the bill now and hope we can do it very promptly, very quickly.

Mr. **BYRD.** Mr. President, at 11 a.m. would the majority leader seek to extend the time?

Mr. **BAKER.** Mr. President, at 11 a.m., I would seek to extend the time for the consideration of this bill so we can finish it before the quorum call prior to the vote on the cloture motion.

Mr. **BYRD.** Mr. President, if Senator BUMPERS is to have 10 minutes, the time should be extended.

Mr. **BUMPERS.** Mr. President, my request for 10 minutes was on a matter not related to the intelligence bill.

Mr. **LEAHY.** Mr. President, if the Senator will yield, I will advise the leadership that, as I said before, I have absolutely no objection to the intelligence authorization going through, and going through as quickly as possible, but I do have a statement that will take anywhere from 15 to 20 minutes. I have notified both sides of the aisle and the committee that I wanted to present that statement. I still intend to do that.

Mr. **BAKER.** Mr. President, will the minority leader be willing to entertain a unanimous-consent request that the time for the quorum call begin at 11:30 instead of 11 a.m.?

Mr. **BYRD.** That would be all right.

Mr. **BAKER.** Mr. President, I think we better do that.

ORDER FOR RULE XXII QUORUM CALL AT 11:30 A.M.

Mr. President, I ask unanimous consent that the time for the quorum call under rule XXII on the motion to proceed to consider S. 1715, the Natural Gas Policy Act Amendments of 1983, begin at 11:30 a.m.

Mr. **EXON.** Mr. President, reserving the right to object, and I may not object, I would like to get some clarification from the majority leader on that request. First, let me see if I understand what the majority leader is undertaking.

He wants to proceed with the intelligence authorization matter, and I have no objection to that. That, as I understand it, should be disposed of as quickly as possible.

However, since this Senator is involved in the matter of the cloture motion on S. 1715, I would like to have 10 or 15 minutes before that cloture vote. If I am protected, I would have no objection to the request.

Mr. **BAKER.** Mr. President, I ask unanimous consent that the time for the quorum call occur at 11:30 a.m., and then that 10 minutes prior to that time the minority leader would have control of the time for debate on the motion to proceed. There would be 10 minutes under the control of the minority leader and 5 minutes on this side. The control of the time would be in the usual form, with 10 minutes allocated to the minority leader and 5 minutes to the majority side. That will begin when we finish the intelligence

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bill. If we get started right now, we would have about 20 minutes.

Mr. MOYNIHAN. Mr. President, I do not think we could do that.

Mr. BAKER. Mr. President, I withdraw the request. Let me inquire of the managers how much time they would need on the intelligence bill.

Mr. GOLDWATER. Mr. President, I think the whole thing could be handled in a maximum of 40 minutes.

Mr. MOYNIHAN. I agree.

Mr. BAKER. To be absolutely sure, we will provide 1 hour, with the time to be controlled in the usual form. After the bill is disposed of, or at the expiration of the hour, there will be 15 minutes of additional debate on the motion to proceed to the consideration of S. 1715, and the rule XXII quorum call will begin at the end of that 15 minutes.

What that will mean, Mr. President, is that 1 hour and 15 minutes from now, approximately, if all time is used, at 12:15, we would anticipate the mandatory quorum call under rule XXII.

Mr. BYRD. Reserving the right to object, does either Senator managing the intelligence matter anticipate any amendments?

Mr. BAKER. Mr. President, could I include in this request that no amendments will be in order?

Mr. WALLOP. Other than the technical amendments.

Mr. BAKER. I include that in the request, Mr. President.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BAKER. I am advised that the distinguished chairman of the Foreign Relations Committee is not prepared to enter into this agreement at this time. Let me see how far we can get without an agreement.

EXTENSION OF TIME FOR QUORUM CALL TO 12 NOON

Mr. BAKER. I ask the Chair to lay before the Senate S. 1230, Calendar Order No. 274.

The PRESIDING OFFICER. At the present time, it is 11 a.m.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the quorum call under rule XXII be extended until the hour of 12 noon.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

INTELLIGENCE ACTIVITIES AUTHORIZATION, 1984

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1230, Calendar Order No. 274.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the bill.

The legislative clerk read as follows:

A bill (S. 1230) to authorize appropriations for the fiscal year 1984 for intelligence activities of the United States Government, the Intelligence Community Staff, the Central Intelligence Agency retirement and disability system, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Armed Services with amendments:

On page 3, line 6, after "Senate,", insert the following: "as amended by the classified appendix of the Committee on Armed Services of the Senate";

On page 5, line 20, strike "or Deputy Director";

On page 6, line 3, strike "or Deputy Director";

On page 6, line 10, strike "or Deputy Director";

On page 6, line 17, strike "or Deputy Director";

On page 7, line 9, strike "or Deputy Director";

On page 7, after line 13, insert the following:

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1984".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) Funds are authorized to be appropriated for the fiscal year 1984 for the conduct of intelligence activities of the following elements of the United States Government:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(b) The amounts authorized to be appropriated under subsection (a) for the conduct of the intelligence activities of the elements referred to in subsection (a) are those specified in the classified Schedule of Authorizations for the fiscal year 1984 prepared by the Select Committee on Intelligence of the Senate, as amended by the classified appendix of the Committee on Armed Services of the Senate. Such Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

(c) During the fiscal year 1984, funds may not be made available for any activity for which funds are authorized to be appropriated by this Act unless such funds have been specifically authorized for such activity or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of the Congress of the intent to make such funds available for such activity.

(d) The authorizations of appropriations provided in this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

(e) The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for the fiscal year 1983 under section 102 and 202 of the Intelligence Authorization Act for Fiscal year 1983 (Public Law 97-269) and in excess of the numbers authorized for the fiscal year 1984 under this section when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS AND PERSONNEL

SEC. 201. (a) There is authorized to be appropriated for the Intelligence Community Staff for the fiscal year 1984, $17,500,000.

(b) The Intelligence Community Staff is authorized two hundred and eleven full-time personnel as of September 30, 1984. Such personnel may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(c) Any employee who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that an employee may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary duties as required by the Director of Central Intelligence.

(d) Except as provided in subsections (b) and (c), the activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

APPOINTMENT OF DIRECTOR OR DEPUTY DIRECTOR OF THE INTELLIGENCE COMMUNITY STAFF

SEC. 202. (a) If a commissioned officer of the Armed Forces is appointed as Director of the Intelligence Community Staff, such commissioned officer, while serving in such position—

(1) shall not be subject to supervision, control, restriction, or prohibition by the Department of Defense or any component thereof; and

(2) shall not exercise, by reason of his status as a commissioned officer, any supervision, control, powers, or functions (other than as authorized as Director of the Intelligence Community Staff) with respect to the military departments, the Armed Forces, or any component thereof, or with respect to any of the military or civilian personnel thereof.

(b) Except as provided in subsection (a), the appointment of a commissioned officer of the Armed Forces to the position of Director of the Intelligence Community Staff, his acceptance of such appointment, and his service in such position shall in no way affect his status, position, rank, or grade in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank or grade. Any such commissioned officer, while serving in the position of Director of the Intelligence Community Staff, shall continue to hold a rank and grade not lower than that which he was serving at the time of his appointment to such position and to receive the military pay and allowances (including retired or retainer pay) payable to a commissioned officer of his grade and length of service for which the appropriate military department shall be reimbursed from any funds available to defray the expenses of the Intelligence Community Staff. In addition to any pay or allowance payable under the preceding sentence, such commissioned officer shall be paid by the Intelligence Community Staff, from funds available to defray the expenses of such staff, an annual compensation at a rate equal to the excess of the rate of compensation payable for such position over the annual rate of his military pay (including retired or retainer pay) and allowances.

(c) Any commissioned officer to which subsection (a) applies, during the period of his service as Director of the Intelligence Community Staff, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the Armed Force of which he is a member, except that only one commissioned officer of the Armed Forces occupying the position of Director of Central Intelligence or Deputy Director of Central Intelligence as provided for in section 403 of title 50, United States Code, or the position of Director of the Intelligence Community Staff under this section, shall be exempt from such numbers and percentages at any one time.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There are authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for the fiscal year 1984, $86,300,000.

TITLE IV—PROVISIONS RELATING TO INTELLIGENCE AGENCIES

LIMITATION ON AGE OF CERTAIN APPOINTEES

SEC. 401. Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended—

(1) by striking out the "and" at the end of subsection (d);

(2) by striking out the period at the end of subsection (e) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new subsection:

"(f) Notwithstanding the provisions of any other law, determine and fix the minimum and maximum limits of age within which an original appointment may be made to an operational position within the Agency in accordance with such criteria as the Director, in his discretion, may prescribe.".

AUTHORITY TO MAKE CERTAIN AWARDS

SEC. 402. (a) The Director of Central Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency or to the Intelligence Community Staff, in the same manner as such authority may be exercised with respect to the personnel of the Central Intelligence Agency and the Intelligence Community Staff.

(b) The authority of subsection (a) of this section may be exercised with respect to Federal employees or members of the Armed Forces detailed or assigned to the Central Intelligence Agency or to the Intelligence Community Staff on or after a date which was five years before the date of enactment of this section.

REIMBURSEMENT TO THE STATE OF VIRGINIA

SEC. 403. The Central Intelligence Agency is authorized to reimburse the State of Virginia in an amount not to exceed $3,000,000 for the design and construction of highway improvements associated with construction at the Central Intelligence Agency headquarters compound.

COMPENSATION OF DIRECTOR AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE

SEC. 404. (a) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"( ) Director of Central Intelligence.".

(b) Section 5313 of title 5, United States Code, is amended by inserting "Deputy" before "Director of Central Intelligence".

(c) Section 5314 of title 5, United States Code, is amended by striking out "Deputy Director of Central Intelligence".

BENEFITS FOR CERTAIN EMPLOYEES OF THE DEPARTMENT OF DEFENSE ASSIGNED ABROAD

SEC. 405. (a) The Director of the Defense Intelligence Agency, on behalf of the Secretary of Defense, may provide to military and civilian personnel of the Department of Defense who are United States nationals, who are assigned to Defense Attaché Offices and Defense Liaison Offices outside the United States, and who are designated by the Secretary of Defense for the purposes of this subsection allowances and benefits comparable to those provided by the Secretary of State to officers and employees of the Foreign Service under paragraphs (2), (3), (4), (5), (6), (7), (8), and (13) of section 901 and under sections 903, 705, and 2308 of the Foreign Service Act of 1980 (22 U.S.C. 4025; 22 U.S.C. 4081 (2), (3), (4), (6), (7), (8), and (13); 22 U.S.C. 4083; 5 U.S.C. 5924(4)).

(b) The authority of the Director of the Defense Intelligence Agency, on behalf of the Secretary of Defense, to make payments under subsection (a) in effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

(c) Members of the Armed Forces may not receive benefits under both subsection (a) and title 37, United States Code, for the same purpose, the Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

TITLE V—GENERAL PROVISIONS

INCREASES IN EMPLOYEE BENEFIT AUTHORIZED BY LAW

SEC. 501. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

Mr. GOLDWATER. Mr. President, today marks only the seventh time that a separate budget authorization bill has been introduced for U.S. intelligence activities. The budget authorization process is now standard procedure and represents clear evidence that our constitutional responsibilities can be fulfilled while, at the same time, maintaining the confidentiality necessary for an effective intelligence system.

No other nation in the world does what we have been doing now for the past 7 years. No other nation in the world allows its legislative branch to oversee, in detail, and authorize the budget for its intelligence community. In my judgment, this is the best system there is to provide accountability for the intelligence activities of our Government. The annual authorization process is now an established practice in our Government. I think that it works very well to insure that we have a strong and effective intelligence community which is, at the same time, responsive to the needs of our people.

Earlier this year, the Budget Subcommittee of the Senate Select Committee on Intelligence held numerous closed hearings and we have engaged in hundreds of hours of staff interviews and briefings in putting together the bill which is on the floor today. We have examined in detail the budgets of the Central Intelligence Agency, the National Security Agency, and the intelligence activities of the Departments of Defense, State, and Treasury, and of the Federal Bureau of Investigation.

Additionally, the full committee met many times to further refine this budget authorization bill. In particular, we devoted a tremendous amount of attention to the administration's covert action requests. So I want to reaffirm to my colleagues the seriousness with which we take our responsibilities for authorizing these activities. Also, I wish to reiterate to all Members that documentary materials in possession of the committee are available for review. If Members have a question about what we are doing or what we have done, they should let us know, and we will be glad to share these materials with them under the provisions of Senate Resolution 400.

Mr. President, I thank my colleagues, in particular, Senator WALLOP and Senator INOUYE, the distinguished chairman and vice chairman of our Budget Subcommittee, for their hard work and effort in preparing this legislation. These two gentlemen and their colleagues on the Budget Subcommittee are responsible for much of the work, and they are to be commended for it. Given the extremely short time period we have had to finish this process this year, I want to say that the cooperation and patience that was shown to us by all concerned was a tribute to the professional attitude and dedication of these people.

Also, I would like to thank the staff of the Senate Intelligence Committee and to acknowledge the fine work they have done in preparing and presenting this bill. In particular, Mr. President, I wish to draw attention to the contribution of Mr. Herb Kline, our former Senior Budget Officer. Herb has served our committee in this capacity ably over the past 12 months. He has played a very important role in the budget authorization process and we are most grateful to him for his contribution. As well, I thank Keith Hall of the committee budget section, and Angelo Codevilla, Senator Wallop's designee on the committee.

Mr. President, the Intelligence Authorization Act for fiscal year 1984 is an important piece of legislation. Its provisions are the result of a thorough bipartisan debate and consensus. I urge my colleagues to support it.

I yield the floor to Senator WALLOP, and ask him to manage this bill on my behalf.

The PRESIDING OFFICER (Mr. COCHRAN.) The Senator from Wyoming.

Mr. WALLOP. Mr. President, I ask unanimous consent that the amendments reported by the Armed Services Committee be considered and agreed to en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments were agreed to en bloc.

AMENDMENT NO. 2484

(Purpose: To make technical corrections)

Mr. WALLOP. Mr. President, on behalf of the Select Committee on Intelligence, I send to the desk an amendment to make technical corrections and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. WALLOP) proposes an amendment numbered 2484.

On page 7, line 17, strike out "section 403 of title 50, United States Code," and insert in lieu thereof "section 102 of the National Security Act of 1947 (50 U.S.C. 403)".

On page 10, line 1, strike out "( )".

Mr. WALLOP. Mr. President, I urge adoption of the technical amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2484) was agreed to.

Mr. MOYNIHAN. I move to reconsider the vote.

Mr. WALLOP. I move to lay that motion on the table.

The motion is lay on the table was agreed to.

Mr. WALLOP. Mr. President, it is my privilege again this year to introduce the intelligence authorization bill, which authorizes appropriations for U.S. intelligence activities for fiscal year 1984.

This legislation authorizes appropriations for those programs and activities of the U.S. Government which serve the intelligence needs of our national policymakers. This includes the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, and the national intelligence activities of the Departments of Defense, State, Treasury, and Energy, and the Federal Bureau of Investigation. It also authorizes appropriations for the intelligence community staff, and the Central Intelligence Agency retirement and disability system, and includes certain legislative provisions to enhance the effectiveness of our intelligence agencies.

The committee views the annual budget authorization process as one of the principal means of fulfilling its oversight responsibilities, because of the insight and leverage it provides in influencing the long-term scope and direction of U.S. intelligence efforts. This year, as in the past, the committee conducted a comprehensive examination of the intelligence budget request, which included testimony from the Director and Deputy Director of Central Intelligence, and key officials of other departments and agencies.

The committee continues to believe that strengthening and improving the U.S. intelligence system should remain among our highest national priorities. As we have emphasized for the past few years, investment in intelligence must grow to insure the system is able to meet the challenges U.S. policymakers will face in the 1990's. Our assessment has not changed; we see no lessening of the worldwide competition with our principal adversaries while, at the same time, developments in the Third World and global issues will grow in importance to our national security.

Resource constraints, and the lack of a longer term strategic perspective, have seriously limited the intelligence community's ability to implement the steps necessary to insure that it would be able to meet these challenges adequately. Initiatives undertaken in recent years may improve this situation somewhat, but in future years the intelligence community will have to show greater flexibility and the Congress will have to authorize more money. In fiscal year 1984, we have provided significant investments for analysis and analytic support systems, for the modernization of the worldwide intelligence support infrastructure, and for a new generation of technical collection systems. But these do not represent solutions to the long-term problems which a hostile world is posing for us. We are trying to expand human source collection abroad. We are pushing for improvements in our capabilities to analyze counterintelligence and to counter foreign espionage and international terrorism. But we have a long way to go.

Major investments will continue to be required to fully recapitalize the intelligence system. That will be relatively easy. But to acquire the capabilities necessary to satisfy the complex and broad range of policy needs likely to emerge in the decade ahead will be more difficult. The committee is persuaded that these and future investments are absolutely essential and that the appropriations recommended for fiscal year 1984 represent a minimum first step for achieving these goals.

Because of the sensitive nature of our intelligence operations, I cannot discuss the details of the committee's recommendations in open session. They have, however, been set forth in a classified committee report which has been made available to Members under the provisions of Senate Resolution 400.

Mr. President, intelligence is the Nation's first line of defense; it is also one of our major assets for maintaining world peace. In these perilous times, when miscalculations could have such devastating consequences, it is more important than ever that this Nation maintain a strong intelligence system. I strongly urge my colleagues' support for this important legislation.

Mr. President, I ask unanimous consent that the following letter from the Congressional Budget Office submitted pursuant to section 403 of the Congressional Budget Act of 1974 be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C. June 9, 1983.

Hon. BARRY M. GOLDWATER,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate on S. 1230, the Intelligence Authorization Act of Fiscal Year 1984, as ordered reported by the Senate Select Committee on Intelligence on May 3, 1983.

Should the Committee so desire, we would be pleased to provide further detail on the attached cost estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

JUNE 9, 1983.

1. Bill number: S. 1230.

2. Bill title: Intelligence Authorization Act for Fiscal Year 1984.

3. Bill status: As ordered reported by the Senate Select Committee on Intelligence on May 3, 1983.

4. Bill purpose: To authorize appropriations for the fiscal year 1984 for intelligence activities of the United States Government, the Intelligence Committee Staff, the Central Intelligence Agency retirement and disability system, and for other purposes.

The bill includes provisions which do not have a significant cost impact.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

Function 050	1984	1985	1986	1987	1988
Estimated authorization [1]	108	1	1	1	1
Estimated outlays [1]	105	4	1	1	1

[1] Does not include costs of sec. 101 which are classified.

BASIS OF ESTIMATE

All estimates assume that funds will be appropriated for the full amount of the authorization.

Section 101 authorizes funds for the conduct of intelligence activities of several elements of the United States government. The amounts authorized by this section are classified and are excluded from this cost estimate.

Section 201 authorizes $17,500,000 for the Intelligence Community Staff. This amount provides for 211 full-time personnel as of September 30, 1984.

Section 301 provides $86,300,000 for the Central Intelligence Agency Retirement and Disability System.

Section 403 authorizes up to $3,000,000 to reimburse the State of Virginia for highway improvements associated with construction of the Central Intelligence Agency headquarters compound.

Section 405 authorizes the Director of the Defense Intelligence Agency, on behalf of the Secretary of Defense, to provide Department of Defense military and civilian personnel, who are assigned to Defense Attache Offices and Defense Liaison Offices, with benefits comparable to those provided to officers and employees of the Foreign Service. No duplicate payments may be made when other sections of the United States Code are applied. Based on information supplied by the DoD, CBO estimates that nearly 1,000 persons are entitled to one or more of the nine benefits provided by this section, at a total cost per year of $1 million.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Patrick L. Haar (226-2840).

10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

Mr. WALLOP. Mr. President, I yield to the Senator from New York (Mr. MOYNIHAN).

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I wish to take a few moments to summarize, if I may. The Senator from Vermont wants to speak at greater length. In any event, a matter has come up which may complicate things further or may not. We have until the hour of noon, in any event.

Mr. President, I want first to be the first person this morning to express the appreciation of the whole committee, in which I know that our beloved chairman will join me, to the Senator from Wyoming, who has taken on the most detailed and tedious of the tasks that the committee must perform. That is the budget task. He has done so in the company of the Senator from Hawaii in a bipartisan manner that has won the admiration and appreciation of this committee. This report comes to the floor with the overwhelming support of the committee, a committee which is bipartisan and has remained so. I want him to know of our gratitude to him and, of course, to the people who do the work with him.

Mr. WALLOP. Mr. President, I thank the Senator from New York. I particularly thank the Senator from Hawaii, who sits with me on that subcommittee and most times, I would say, we sit alone. I thank the Senator very much for his kind remarks.

I add my tribute as well to the staff.

Mr. MOYNIHAN. Mr. President, this year, as in several previous years, we have remarked that the rebuilding of the intelligence capabilities of the country continues apace from a decline not generally understood in the Nation. Adm. Bobby Inman, just last year, when he was Deputy Director of the Central Intelligence Agency, noted that from 1964 to the mid-1970's, the number of personnel in the intelligence establishment declined 40 percent. I do not know of any comparable decline in any other major activity of the Government. We began to rebuild, in a bipartisan effort. The first distinct increase came under the previous administration and continues under the present. If the time comes when it begins to level off, it will be because there is a bipartisan understanding that we have done what we set out to do.

And so, we say again that the authorization bill for the fiscal year 1984 marks another step in the rebuilding of our intelligence capabilities, at least at the quantitative level. In this connection, the select committee's report notes that:

> During the 1970's, resource constraints and the effects of inflation seriously degraded the Intelligence Community's capability to adequately support U.S. foreign policy-making objectives.

The report goes on to state:

> Initiatives funded during the 1980's have worked to improve that situation. Deficiencies remain and additional investments will be necessary to revitalize intelligence capabilities throughout the 1980's.

It is important to emphasize that the rebuilding process has been bipartisan and underway for some time. The Deputy Director of Central Intelligence, John McMahon, made this point during his nomination hearing last year. The downward trend in intelligence resources and capabilities, he said, has been reversed beginning with fiscal year 1980. Mr. McMahon went on to observe that the improvements occurred principally on the initiative of Congress.

Although the trend line continues up in this year's bill, clearly the resources available for intelligence are not limited. The Intelligence Community, too, must live within the constraints of the budget. The administration did not receive all that it requested. We believe, however, that the reductions we made were the product of a prudent regard for both our intelligence needs and capabilities.

As the committee's report points out, a considerable amount of attention during our review of the budget was devoted to counterintelligence. As the recent arrest of one James Harper reminds us—as it should have in the previous cases of Messrs. Bell, Kampiles, Boyce and Lee—our intelligence capabilities must not only include the capacity to collect sensitive information, but also must include the ability to keep it.

An adequate counterintelligence ability is vital if we are to develop adequate security countermeasures and to assess the reliability of our positive intelligence judgments. There is no stronger a proponent of improved counterintelligence than the Senator from Wyoming. We on the committee are most appreciative of his efforts.

Mr. President, it would be incomplete for any summation of the statement not to touch on the subject of Central America and our activities there. No subject is of more concern. This committee, which of necessity meets by itself in a room in the dome—we may yet get a room of our own in the Hart Building, but I am not sure about that.

On October 20, our colleagues in the House of Representatives adopted a version of the Intelligence Authorization Act for fiscal year 1984 which cuts any funds that might have gone for support of paramilitary activities in Nicaragua. Today, we will be doing otherwise. Neither the Senate nor the House Intelligence Committees, I assure my colleagues, has made their decisions lightly or without a great amount of painstaking review and consideration. Over the past year alone our committee has met to discuss this matter on at least a dozen occasions. I know of no issue during my 7 years on the committee that has required so much of our attention, our concern, and, at times, our exasperation. The matters of Central America and Nicaragua have been continuously on our agenda.

An important point I wish to make today is that the debate that has taken place in our committee and our sister committee in the House is not a return to the kind of debate that dominated the period leading up to the new system of congressional oversight of intelligence. The debate over Central America and Nicaragua, while at times passionate, has not had the fundamentally adversarial character of the debate of those years.

The issue has been one of policy. The question is not one of dealing with a "rogue elephant." The debate has not been adversarial in any way with the administration, but, rather, it has been concerned with the question of what is best to do.

Whatever the outcome may finally be after we meet in conference with the House, we should not let pass without notice that our efforts in the committee stand as evidence of the committee's determination to provide the United States with the best Intelligence Community that it can. But I caution that this determination rests upon a fragile consensus that cannot be sustained without prudential and effective leadership. As Samuel P. Huntington in his "American Politics: The Politics of Disharmony" correctly notes:

> The immediate legacy [of the earlier period to which I referred earlier] with respect to public attitudes was . . . high levels of distrust in government and relatively deep beliefs that little could be done to correct that situation. So long as Americans perceived their government to have deviated far from their ideals as to what governments should be, they were, perforce, driven to either a moralistic or cynical response. So long as they remained morally exhausted by the passions of [those earlier] years, they were, perforce, inclined to cynicism.

Our deliberations, I have regretfully to say, were not aided by the statement which the President made, I note, at a news conference. Most of us have said things at a news conference which we wish we had not said. The President said on October 19:

> . . . I do believe in the right of a country, when it believes its interests are best served, to practice covert activity . . .

I underscore "its interests." That raises a question, what are the obligations of the United States under international law? Also the question, have we no interest as such in seeing law prevail in the conduct of nations? The failure of the President to affirm our adherence to the law of nations is disturbing especially to those of us who have insisted on a redefined Nicaraguan program that we deem to be consistent with that principle.

Mr. James Reston, of the New York Times, characteristically responded—noticed that line—and wrote on the 23d of October:

> What if everybody acted on this idea? Why should the United States support this vicious notion so central to Soviet policy? And why did President Reagan defend the right of nations to do anything they please if their own interests were at stake.

Mr. Reston also offered this observation:

> In back of . . . [the House of Representatives] vote against the Administration is clearly a feeling that the Administration is not telling the truth, and is engaged in an operation that is violating the treaty commitments of the United States not to use or threaten force to achieve its political objectives.

I shall not attempt to articulate the administration's legal rationale for its Central American program. I do believe that the public is entitled to a full explanation, but I would want it understood what our rationale is. It is our conviction that the Government of Nicaragua has violated international law. This is recognized in express findings in the intelligence authorization bill passed by the House.

Mr. President, I want it clear that the House committee and the Senate committee are closer in these matters than might be supposed. The House committee declares in its bill passed, H.R. 2968, that activities of the Government of Nicaragua violate international treaty obligations. One finding states that:

> . . . by providing military support (including arms, training and logistical command and control, and communications facilities) to groups seeking to overthrow the government of El Salvador and other Central American governments, the Government of National Reconstruction of Nicaragua has violated article 18 of the Charter of the Organization of American States which declares that no state has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other state.

The House bill contains another finding that the Government of Nicaragua has violated the Charter of the United Nations, which prohibits the threat or use of force against the territorial integrity or political independence of any state, and the Rio Treaty of 1949, which contains a similar provision.

Let there be no mistake about the seriousness of the conduct of the Sandinistas. The House Intelligence Committee reported that

> [The insurgency in El Salvador] depends for its lifeblood—arms, ammunition, financing, logistics and command-and-control facilities—upon outside assistance from Nicaragua and Cuba.

The findings in the House bill referred to the misconduct of the Government of Cuba as well as of the Government of Nicaragua. They express, I think, the view of Senate Select Committee on Intelligence. From that view it follows that we have obligations as well as rights to respond to the violations of law by these other nations.

Mr. President, in 1975, Eugene V. Rostow, then professor of law at Yale and now the dean designate of New York Law School, wrote to the Select Committee's predecessor, the Church committee, on the legal basis for the conduct of foreign covert operations. He stated:

> One of the accepted rules of . . . international law, both before and since the enactment of the Charter of the United Nations, authorizes the international use of force by way of proportional response to the use of force by or from another nation in breach of its obligation in international law.

Professor Rostow tells us that these responses may be covert as well as overt. In addition, the doctrine of self-defense embraces lawful defense of others.

Writing more recently, in the New York Times of August 26, 1983, Professor Rostow urged against abolishing the distinction between aggression and self-defense in international law and treating them as politically and morally equivalent. He affirms that the United States has a legal right to assist El Salvador by helping a rebellion against the Nicaraguan Government until Nicaragua complies with international law and its obligations under the OAS Charter.

In short, a covert assistance policy based upon reciprocating the Sandinista's export of revolution is arguably a justifiable, proportional response to the Government of Nicaragua's breaches of law.

Now, Mr. President, these considerations were much in my mind when, in the aftermath of the landing of American forces on Grenada, I offered my personal view that this constituted a violation of the charter of the OAS and of the United Nations. This could only be the view of one Senator, and it could be wrong. I am aware that my statement has caused pain to many, but I would ask that it be understood that I believe in law and have taken an oath to uphold it. This extends to treaty law, which under article VI, section 2 of the Constitution is the supreme law of the land.

Equally important, of course, is the requirement that any covert action be employed in conjunction with the overt foreign policy objectives of the Nation. Our overt and covert policies must be compatible and mutually supportive if they are to succeed. Accordingly, the objectives of any covert action in Nicaragua must not be a substitute for, but rather an aid to American diplomatic efforts.

A major difficulty the Select Committee on Intelligence has had since it was first informed about a program for Nicaragua has been the vagueness with which the goals of the program were stated and the seeming lack of coordination between it and our diplomatic initiatives. Moreover, at times, the covert program appeared to be preceeding policy and not following it.

Last May we made clear to the administration that its program was much too broad and not sufficiently specific with respect to what was being undertaken and on what grounds and with what objective. The committee then took the rather unusually step of requiring that, before we approved any more funding, the administration articulate in a clear and coherent fashion its policy objectives in a new Presidential finding.

By late summer a new finding was well on its way to being signed by the President. Director of Central Intelligence, William J. Casey appeared before the committee on August 3 to report the outlines of the proposed finding. I believe it was the judgment of a large segment of the committee that the proposal was much too broad and ambitious. There was no hesitation on the part of the members of the committee to tell Director Casey precisely that. To his credit, the Director appeared quite willing to hear what we had to say.

On September 20, a new Presidential finding was presented to the committee by Director Casey and in his first appearance before us, Secretary of State, George P. Shultz from whose counsel he greatly benefited. Its goals were more precise and much more limited than those with which we had been in August. In large measure, the new finding reflected the concerns the committee had raised with Director Casey in that prior meeting. In the view of this Senator—I can speak for no other—there was a response to our counsel.

Remember, Mr. President, we do not have the right to approve or disapprove a Presidential finding. We are entitled to learn of it, we are required to know of it, and we are entitled to offer our counsel in the manner of advice and consent, at least the advice function of the Senate under the Constitution.

It was particularly of interest to us the following day to read in the press, again the New York Times, quoting an administration official with respect to the new finding and the previous day's hearing:

> We were always being questioned . . . on whether we were going beyond our program of interdicting arms. Now we say; Yes, we are supporting the rebels until the Nicaraguans stop their subversion in neighboring countries.

That article went on to say:

> The administration official stressed that this approach should end the argument over whether the administration was violating its pledge by doing more than just stopping the arms flow. The official also said that there was no thought of the administration backing the insurgents in trying to overthrow the Sandinista government.

That I think was a welcomed statement. Thereafter, the committee voted moneys for the program provided in new finding.

I stress, Mr. President, that the administration official said that, and no member of our committee spoke about it at all, but it made public what in private we felt, that there had been a response, that we were acting under law—acting under not just law, but under principles of law that obligated us to act. And it is with that view and in harmony on the point of international law that we hope this bill will pass and we will join our friends and colleagues in the House in conference.

In anticipation of the Conference, I should like for a moment to refer to a development of 2 weeks ago. The Government of Nicaragua presented a set of treaties to be signed by it, the United States and its neighbors which were to prohibit interference in each other's affairs. The administration promply labeled the proposed accords "deficient." Obviously, coming as they did on the heels of the House vote and prior to the Senate's consideration of the matter, a measure of caution was warranted.

Moreover, according to the press reports, the proposals were short on detail and long on rhetoric. Yet, the fact is, the proposals were made. The fact that the Sandinistas wish to be seen as conciliatory is not an unwelcome development. The bona fides of the probe should be tested to determine whether it might indeed constitute a first step by Nicaragua in reaching a modus vivendi with its American neighbors or merely another propaganda ploy.

It is my intention, and I am certain the committee's, to watch with some care the seriousness with which the administration takes the Nicaraguan proposals. Our goal with this covert program should be nothing more, nor nothing less, than bringing the Government of Nicaragua into conformity with the accepted norms of international behavior. I note in this connection Professor Rostow's conclusion to his op-ed in the August 26, New York Times:

> To throw the compass of law overboard could hardly help the President and Congress navigate the turbulent waters of modern world politics.

Mr. President, this advice should not be lightly disregarded by the executive branch. As I reminded another President some years ago, "The sense of institutions being legitimate—especially the institutions of government—is the glue that holds society together. When it weakens, things come unstuck."

I ask unanimous consent that the aforementioned articles by Mr. Reston, Professor Rostow and the Times article of September 21 be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

More Aid to Nicaraguan Rebels Backed

Washington.—The Reagan Administration told the Senate Intelligence Committee today that it planned to continue covert military aid to the Nicaraguan insurgents until the Sandinista Government stopped giving military support to the rebels in El Salvador, according to participants in the meeting.

William J. Casey, Director of Central Intelligence, and Secretary of State George P. Shultz met for several hours behind closed doors with the committee, which is headed by Senator Barry Goldwater, Republican of Arizona. Senator Goldwater had requested a report on plans for the fiscal year that begins on Oct. 1.

The Administration is obliged to report to the intelligence committees of both houses on the goals and objectives of any covert activity. The committee had declared in May that it would cut off the aid in the absence of a new report by Sept. 30.

Most of the committee members were reportedly satisfied by the limited nature of the Nicaraguan program. Some had been concerned because Mr. Casey had reportedly suggested before the Congressional recess last month that the Administration might decide to back the Nicaraguan "contras," as the insurgents are known, with the aim of overthrowing the Managua Government, which is supported by Cuba and other Communist states.

VERY IMPRESSED WITH SHULTZ

"The members were very impressed with Shultz," one participant said. "They thought the plan was much more sensible than in the past. It looked as if it had some coherence and practicality."

President Reagan has said publicly that the United States had no intention of overthrowing the Sandinista Government. Administration officials had said that the $19 million which had been appropriated in the current fiscal year for covert aid was only meant to prevent arms from Nicaragua from going to the insurgents in El Salvador.

An Administration official said that the program outlined by Mr. Casey and Mr. Shultz went beyond the scope of the current program. He said it was not limited to interdicting arms, but was more broadly stated in general support of the Nicaraguan rebels. "We were always being questioned," an official said, "on whether we were going beyond our program of interdicting arms. Now we say, 'Yes, we are supporting the rebels until the Nicaraguans stop their subversion in neighboring countries.'"

"It was a very positive statement," the official said, adding that "I wished the press would have been able to bear it."

HONDURAS AND COSTA RICA INCLUDED

One participant said that the covert aid was to be used, not only until the Sandinistas stopped supporting insurgents in El Salvador, but in Honduras and Costa Rica as well.

The Administration official stressed that this approach should end the argument over whether the Administration was violating its pledge by doing more than just stopping the arms flow. The official also said that there was no thought of the Administration backing the insurgents in trying to overthrow the Sandinista Government.

The House earlier this year passed a bill cutting off all covert aid to the Nicaraguan insurgents for the 1983 fiscal year, but it stood little chance of passage by the Senate. In the absence of action by both houses to cut off the aid, it continued. Today's committee meeting seemed to clear the way for Senate approval for the 1984 fiscal year, which begins Oct. 1. The House will have to decide whether it wants to vote again to cut off covert aid in the next fiscal year.

The Senate Intelligence Committee has generally been supportive of the Administration's actions in Central America. The chief critic of the Administration on the committee is Senator Joseph R. Biden, Democrat of Delaware.

According to participants in the session, the Administration witnesses presented a formal finding by President Reagan that it would be in the national security interest to continue a para-military program directed against the Sandinistas.

REAGAN ON SUBVERSION

(By James Reston)

WASHINGTON.—In his most recent news conference—his first in three months—President Reagan defended his resorting to subversive warfare in Central America, and the necessity of keeping such covert military actions secret.

"I do believe," he said, "in the right of a country, when it believes that its interests are best served, to practice covert activity . . ."

Mr. Reagan has a way of saying what he truly believes in news conferences, which may be why he has so few of them. For when he asserts that he believes in the right of a country to engage in subversive warfare when it thinks its national interest are "best served," there is a problem.

This is precisely what the Russians believe. They believe that their national interests are "best served" by practicing "covert activity" in Central America, Angola, Syria, the Horn of Africa, Europe, Southeast Asia and many other places, including the U.S.

It is also precisely what President Reagan has been condemning them for doing, which puts him in the awkward position of claiming the "right" to do what he denies to his adversaries.

The odd thing about this is that Leonid M. Zamyatin, who runs Moscow's lie factory, will be delighted, for dictatorships are much better at subversive warfare than are democracies.

They live by secrecy. They control all communications. Pravda and Izvestia never question their masters, even when they shoot down civilian airplanes.

Yuri Andropov, unlike Mr. Reagan, has no Congress or Tip O'Neill to cut off funds, say, to Castro in Cuba or Soviet troops in Afghanistan, or to ask why he's spending so many rubles on missiles when hungry people have no food to eat. Subversion is an unequal game.

Obviously, the United States has to play it from time to time, and as the President pointed out the other night, it has been doing so ever since the beginning of the Republic.

For example, General Washington subverted the German Hessians who were fighting with the British during our War of Independence by offering them land and freedom in Virginia if they would throw away their guns.

He set them up in Fauquier County, where they lived for generations with their own laws, churches and taxes in what was called the Free State of Virginia.

I know a little about this because my wife and I have had a log cabin in the Free State for 40 years. Though the Hessians are now gone, the stock having run out through intermarriage, this first experiment in subversive warfare paid off fairly well.

Yet, it's not at all clear in this different day and age that democracies, and expecially America, can or should try to compete with the Russians on the low level of subversive warfare.

We have our C.I.A. spooks all over Central America, our warships off the coast of Nicaragua. We are not trying to overthrow the governments the Reagan Administration says it doesn't like there, but everybody knows that is precisely what we are trying to do by subversive warfare.

This is why the House of Representatives here has voted to cut off funds for the Nicaraguan rebels. There is a revolt in the House against the Reagan Administration's subversive warfare in Central America, for a majority of the House, right or wrong, simply doesn't believe this C.I.A. subversive operation is right or is working.

In back of this vote against the Administration is clearly a feeling that the Administration is not telling the truth, and is engaged in an operation that is violating the treaty commitments of the United States not to use or threaten force to achieve its political objectives.

In short, the House rejects the President's principle that it is "the right of a country, when it believes that its interests are best served, to practice covert activity . . ."

What if everybody acted on this idea? Why should the United States support this vicious notion, so central to Soviet policy? And why did President Reagan defend the right of nations to do anything they pleased if their own interests were at stake?

The answer around here is that he didn't mean that his principle should be applied to the Russians but only to ourselves, and otherwise, he didn't think about it at all.

That's the way it is with the President. He wants to get government off our backs, but intends to shove a gag law down the throats of Government employees.

He says he'll agree to a Martin Luther King Day, but when he's asked whether Dr. King was a Communist sympathizer, says, "We'll know in about 35 years, won't we?"

Every day is a new performance. Every statement stands alone. There are no connecting rods between one light-hearted pronouncement and the other. This is why his staff recommends that he stay out of news conferences as much as possible.

ADHERING TO WORLD LAW

(By Eugene V. Rostow)

PERU, VT.—Cuba and Nicaragua hint that they would be willing to stop sending men and arms to promote the rebellion in El Salvador if the United States agreed not to help the Salvadoran Government put the rebellion down. The agreement they propose would abolish the distinction between aggression and self-defense in international law and treat both as politically and morally equivalent. For the United States to embrace that proposition should be unthinkable.

With remarkable consistency, the modern rules of international law have been applied to hold a state liable for any use of force from its territory to attack the territorial integrity, political freedom, citizens, armed forces or other sovereign interests of another state. The rules recognize the inherent right of "individual and collective self-defense" in peacetime—that is, the right of a state being attacked, and of states helping it, to use a limited, proportional amount of armed force if peaceful remedies are not available.

The pattern of response to the illegal use of force has not always been effective, and in recent years it has become alarmingly ineffective. But the expectations and prescriptions of the law have long been clear in the rulings of courts and arbitrators and in the conditional reflexes of foreign offices and defense ministries. Thus, during Biafra's attempted secession from Nigeria, the world community treated aid to Biafra as obviously illegal, while international military support for Nigeria was accepted as obviously proper. Similarly, Libya's assistance to rebels against the Government of Chad is universally considered aggression, whereas French and United States help to the Government of Chad is considered normal.

Moreover, the law does not confine the defense against the illegal use of force to parrying and repelling aggression. When Pancho Villa raided the United States from Mexico, Woodrow Wilson sent Gen. John J. Pershing across the border and also sent forces to Tampico. In Central America today, the United States and Honduras have chosen to assist El Salvador by helping a rebellion against the Nicaraguan Government. They have a legal right to do so until Nicaragua complies with the law.

These rules of international law, reaffirmed in the United Nations Charter, reflect the nature of states, and conditions necessary for their cooperation in the hazardous environment of the state system. Many international commissions have attempted to establish exceptions to the rules in order to legitimize international use of force in behalf of causes to which particular states are attached—notably, "socialism," "national liberation" and "self-determination." All these efforts have failed for the same reason: No state will support a rule that might be invoked to restrict its right of collective self-defense or to justify a guerrilla attack from a neighbor's territory against itself.

One great advantage of basing our foreign policy explicitly on international law is the neutrality of the law. The rules of law on the international use of force rest on a policy of preserving the state system, in which every state has an equal and overwhelming interest. International law does not protect the "status quo"; it establishes procedures for encouraging peaceful change. It says nothing about the right of a people to revolt against tyranny. It deals only with the international use of force, and it protects Poland and East Germany as categorically as it protects El Salvador and South Korea.

Apart from the various applications of the Brezhnev Doctrine, before which the West has stood mute, there has been only one deviation from the pattern or conduct sketched by these rules in modern times: the "nonintervention" policy that assured destruction of the Spanish Republic. Ironically, the leaders of Cuba and Nicaragua take a leaf from the book of Hitler and Mussolini: During the mid-1930's, Hitler and Mussolini sent military supplies and then troops to assist Franco's revolution. This was open aggression against Spain. Other Western nations were legally entitled to help Spain defend itself against the revolution but did not, hoping to appease Hitler and Mussolini.

The United States must not consider repeating the mistake it made by supporting the "nonintervention" policy for Spain. We should never again abandon the rules of international law that condemn aggression and uphold states' right of individual and collective self-defense. The most fundamental goal of our foreign policy—achievement of a just, stable world order—will be beyond our reach until the rules on the international use of force are generally and reciprocally observed. To throw the compass of law overboard could hardly help the President and Congress navigate the turbulent waters of modern world politics.

[From Yale Law Report, Spring 1976]

EUGENE V. ROSTOW ON FOREIGN COVERT ACTION OPERATIONS

(Mr. Rostow is Sterling Professor of Law and Public Affairs.)

(We reproduce here the text of a September 23, 1975, letter from Mr. Rostow to William G. Miller, staff director, and Frederick A. O. Schwarz, Jr., chief counsel, of the Select Committee to Study Government Operations with Respect to Intelligence Activities. U.S. Senate.)

I am happy to respond to your letter of July 30, asking my views (1) on the legal basis for the conduct by the President of what you call "foreign covert action operations" in the absence of specific statutory authority; and (2) whether, or to what extent, Congress may by statute limit or prohibit the conduct of such "foreign covert action operations" by the President. Your letter gives several examples of what you mean by the phrase, ranging from the Bay of Pigs episode to sabotage, propaganda, and assistance to foreign political groups.

I have prepared this letter during a sabbatical in the country, without benefit of library. It will therefore be general and informal in character.

In brief, my answers to your questions are as follows:

(1) In the absence of statutory authority, the President has inherent constitutional power to conduct "foreign covert action operations" because he is the President under our Constitution: that is, he is the sole organ of the nation in the conduct of foreign relations; the commander-in-chief of our armed forces; and the head of State.

(2) Congress cannot prohibit the President from carrying out "foreign covert action operations," but it may establish and regulate the methods through which the President carries them out, as it establishes and regulates the work of the courts and the action of the President in other aspects of his duty. Congress cannot deny the President the capacity to function effectively in this area any more than it could deny the courts the capacity to carry out their independent constitutional duties, or deprive the President, for example, of his pardoning power, or his power to remove Cabinet officers at will.

I

Let me start with the unassailable proposition that since 1776 the United States has been a nation among the nations, fully vested with sovereignty, as that concept is known to international law, and endowed with the capacity to do whatever nations do in world politics, in accordance with the effective norms of international law.

But the limitation of the previous sentence does not help much in articulating a sound answer to your questions. The nations are of course under an obligation to respect and obey the generally accepted norms of international law. The United States has always purported to base its foreign policy on scrupulous respect for international law, a policy I strongly support. But other nations do not always follow the same policy. And international law fully acknowledges the fact that nations have the sovereign power, if not the right, to breach their obligations under international law and take the consequences. Our constitutional law fully recognizes this fact (*Gray v. United States,* 21 Ct. Cl. 340 (1886); *Diggs v. Schultz,* 470 F.2d 461 (Ct. App. D. of C. 1972)). It follows, both under international law and our own constitutional law, that we must be capable of employing the remedies to self-help contemplated as legitimate under international law to deal effectively with such wrongful acts. International law does not know the remedy of specific performance.

To paraphrase Chief Justice Hughes' famous comment about the scope of the war power, the authority of the nation to protect its interests in world politics is the authority to protect those interests successfully. As a matter both of international and of constitutional law, the extent of the nation's rights, duties, powers, and privileges in foriegn affairs will therefore depend upon the condition of world politics and upon circumstance. In all legal systems law derives from the nature of things. What the United States can do turns on what it must do: that is, on what its responsible political officials believe it should do to safeguard the security, prosperity, and honor of the nation, both in serene times, and in times of trouble.

Under the Constitution of 1787 the authority of the United States to act as a sovereign nation in "the great external realm" is divided between the Presidency and the Congress. The allocation of power between Congress and the Presidency in dealing with external affairs has never been and can never be mapped with precision. As Hamilton said, the threats which may arise to plague the nation are infinite and beyond prediction. The powers of the nation must always be adequate to deal with whatever menace may arise. The point I am trying to make is nowhere more evident than in the astonishing arrangements we have made, and take for granted, about the President's singular duties with regard to the nuclear weapon. Since the Presidency is the only institution of our government capable of dealing with the problem, we entrust it to the President.

A familiar constitutional paradox dominates your enquiry. On the one hand, the Presidency is one of the three autonomous branches of the government, often called "independent"; on the other, as Madison saw from the beginning, the principle of the separation of powers does not mean that the three branches of the government are really separate at all. For the most part, their powers are commingled and shared. They are therefore not independent but interdependent, although there are some functions unique to each branch. Only a judge can issue a mandamus. Only Congress can declare war. Only the President can order the troops into battle. If one visualizes the powers of the President and of Congress in the field of foreign affairs diagramatically, they could be represented by two circles, tangential to each other, with a third circle, its center on the point of tangency, including about half of each of the others. The parts of the first two circles outside the third would represent the distinct and independent powers of Congress and of the Presidency; the third circle, the powers they share. I shall not attempt here to survey the field, reconciling the respective foreign affairs powers of Congress and the President. You are familiar with Corwin's magisterial book on the Presidency and Professor Louis Henkin's comprehensive recent treatise. I examined one panel of the problem in an article in the Texas Law Review, "Great Cases Make Bad Law," 50 Tex. L. Rev. 833 (1972).

Suffice it to say, for the purposes of this letter, that nearly two centuries of experience permit us to identify the ideas which govern the division of authority between the Presidency and Congress in the Foreign Relations Law of the United States.

In my judgment, that allocation of authority corresponds to functional necessity—that is, to the nature of the tasks involved and of the institutions themselves. I have no quarrel with the existing consitutional plan, difficult as it is to carry out. In my opinion, it corresponds to the nature of our constitution and people, combining the capacity for swift executive action with ample means for assuring democratic responsibility.

The President speaks for the nation in diplomacy. He is commander-in-chief of the armed forces. And he is head of state, endowed therefore with residual emergency powers Lincoln used. In many areas, the President makes policy himself, in addition to carrying out the policies of Congress. The Monroe Doctrine, for example, is a presidential policy but not less a national policy for that reason.

The Congress is the legislature, deliberately denied any executive power. The Senate has a special role in certain appointments and in treaty-making. And only Congress can declare war.

Defining the limits of Congressional power in relation to the inherent authority of the other two branches is never an easy task, but it is a familiar one in our constitutional system. We know, for example, that while Congress can regulate the jurisdiction of the federal courts and the appellate jurisdiction of the Supreme Court, it has never deprived the courts of the capacity to carry out their judicial duties. Confronting such a possibility, Justice Story once said that the courts would exercise their inherent rulemaking power to assert jurisdiction. The test has never arisen, and I trust it will never arise. But I believe Justice Story was right. There is a point beyond which regulation becomes usurpation. In relation to the Presidency, too, all sorts of limits are recognized. Congress can, for example, establish a Civil Service System, but it cannot deprive the President of his indispensable power to remove Cabinet officers and other high officials at will. Nor can Congress interfere with the President's pardoning power, although it can, I should suppose, pass amnesty statutes of its own.

What your letter identifies as "foreign covert action operations" belong to two realms in which the President and Congress are at once independent and interdependent—the conduct of foreign relations and the international use of force. Perhaps it would be more accurate to say that diplomacy and the limited use of coercive measures are equally normal aspects of the conduct of foreign relations in times of war and peace alike. As the Supreme Court once commented, secret services "are sometimes indispensable to the government," both in hostilities and in "matters respecting our foreign relations." ***Totten*** **v.** ***United States,*** **92 U.S. 105, 106-107 (1876).** Since the conduct of foreign relations under our Constitution is peculiarly Presidential in character, especially in those of its aspects where secrecy is essential, the task of defining the limits of Congressional authority with respect to the secret aspects of diplomacy is unusually difficult.

II

I assume that you are mainly interested in the international and constitutional legal problems raised by foreign covert action operations during peace time. Once Congress has moved the nation to a state of war, within the intendment of international law, most of the questions suggested by your letter disappear.

International law contemplates the possibility that a long list of limited coercive measures may be employed in international relations during peace time to redress violations of international law which cannot be dealt with by less drastic means. They range from ordinary intelligence gathering procedures to the exercise of what Article 51 of the United Nations Charter acknowledges as each nation's "inherent right of self-defense" against armed attack (or the imminent threat of armed attack), and its equally "inherent" right to respond reciprocally to lesser forms of coercion or to assist another nation under attack or threat of attack. The clumsy drafting of Article 51 subsumes a comprehensive array of measures of self-help a nation may take in peace time to defend itself against violations of international law by another nation to its detriment. Some involved the use of force. Others, like ordinary diplomacy and less visible methods of gathering information, seek to discover, to anticipate or to deal with harmful or hostile actions other states may be planning or taking against the best interests of the United States. Such measures of self-help should be limited and addressed to the breach itself. They are never intended as acts of general war, nor are they intended to affect the territorial integrity or political independence of the nation to which such defensive measures are addressed.

One of the accepted rules of this branch of international law, both before and since the enactment of the Charter of the United Nations, authorizes the international use by force by way of proportional response to the use of force by or from another nation in breach of its obligations in international law. For example, when guerillas conducted raids within the territory of the United States from Spanish Florida in 1819 or from Mexico in 1916, Spain in the one case and Mexico in the other had violated their duties to us under international law by failing to prevent such activities from their territories. Prompt relief being unavailable through diplomatic channels, the United States was legally authorized to send troops in order to eliminate the danger. We acknowledged the principle when the shoe pinched the other foot. In 1837, armed bands assembled in up-state New York to help an insurrection in Canada. We conceded that, in such a case, Great Britain could send troops into the United States for the limited purpose of eliminating the threat to Canada if the United States did not disarm and disperse the guerrillas with dispatch.

This principle of international law has been appropriately invoked nearly every week in the Middle East during recent years, when Israel has raided guerrilla camps in Jordan or Lebanon from which attacks have been launched against it, or made limited attacks in Egypt or Syria, in response to guerrilla attacks from those countries.

Constitutionally, such limited use of force to defend the United States or its allies against breaches of international law have been considered to be among the duties of the President, acting alone. The President has sometimes had the support of a Congressional Resolution before or after the event in cases of this kind. It is always desirable, when it is also feasible, for the Congress to join the President in putting the full weight of the nation behind an American warning or other act of permissible self-help. But congressional support is not necessary to the legality of such actions under the Constitution. Thus, the President has used force on his own authority many, many times since 1789, not only in dealing with armed attack, like those from Spanish Florida or Mexico. I have just mentioned, but also in protecting American citizens and property abroad, when they were subjected to treatment which violated the standards of international law and when, as a practical matter, political or judical remedies could not be obtained immediately.

The practice is so familiar that it requires no evocation of precedents. The *Mayaguez* episode is the most recent occasion on which a President deemed it necessary to use force in the exercise of his responsibility to protect American citizens and property abroad against a breach by another state of its obligations to us under international law.

The use or the threat to use military force or other coercive measures is also a familiar feature of diplomacy, especially, of course, during periods of turbulence like the modern era. Thus, the United States put 50,000 troops on the Mexican border after the Civil War to back the President's suggestion that France withdraw its support from the government of Maximilian. The United States made this threat to use force on the authority of the President alone, as an integral part of his responsibility for the conduct of foreign relations in general and the enforcement of the Monroe Doctrine in particular. Under our constitutional practice, it would have been time to involve Congress formally before or after hostilities broke out if the President's warning had failed of its purpose.

President Kennedy's handling of the Cuban Missile Crisis in 1962 should be viewed, I believe, in the same perspective, as permissible self-help authorized by Article 51 of the Charter. We actually used a small amount of force, in stopping Soviet vessels on the high seas, and threatened a greater use of force, in order to reinforce a diplomatic demand on the Soviet Union. Our policy in the Cuban Missile Crisis of 1962 was not a move to defend the United States against the threat of imminent nuclear or other attack. There was no risk of any such attack. As President Kennedy pointed out at the time, the emplacement of Soviet missiles in Cuba was not in itself the crux of the controversy: Soviet Missile-carrying submarines roamed the Atlantic at will.

Here again, the action taken was Presidential. Because of the controversy over the constitionality of President Truman's course in Korea and the amendment to the Constitution proposed by Senator Bricker, a hasty Resolution had been passed by Congress purporting to deal with the Cuban crisis. But it did not cover the situation as it developed. There is no doubt, however, that Congress support the President in what he did.

The most recent and most portentous threat to use force in aid of diplomacy was President Nixon's series of warnings to the Soviet Union not to attack China. This was the essence of his diplomacy for achieving a rapproachement with China as a step towards stabilizing the relationships among the Soviet Union, China, and the United States and its European and Asian allies. The President was addressing the ominous Soviet mobilization on the Siberian frontier between China and the Soviet Union. What he said, in context, was a secret threat to use force in the event of a Soviet attack on China. Thus far, that Presidential threat has been effective.

Here too, what the President did has had general and Congressional support. I am not aware of any criticism of President Nixon's rapproachement with China on constitutional grounds.

In all these instances, and many others, the action required of the United States was Presidential in character. In some—like President Nixon's recent warnings to the Soviet Union to protect China and Israel—secrecy added to the possibility of success and was perhaps essential to success. It is easier for a nation to yield to a secret than to a public threat. In such affairs a hint is far more likely to be effective than an ultimatum. All were situations requiring a quick response and a nearly continuous course of action. They were "executive" rather than "legislative" in nature—if those two slippery words can be considered to posses tangible cores of meaning. They involved either limited defensive responses to an attack on the interests of the nation or equally limited recourse to pressure in aid of diplomacy.

III

What you describe as "foreign covert actions" are accepted and relatively minor examples which fit into both the general categories I have sketched out in the second part of this letter.

The Soviet Union and some other nations engage in large-scale and systematic programs of "foreign covert operations" directed against our interests all over the world. I assume your Committee has carefully studied the events behind the important Mexican decision in 1971 to expel over fifty Soviet diplomats and the corresponding decision of the British government (in the same year, I believe) to expel an even larger number "for espionage and sabotage." These were dramatic instances which came close to the surface of public knowledge. Neither customary international law nor the law of the United Nations Charter—insofar as it may differ from customary international law—provides any remedies against such policies, save self-help in the pattern of Article 51. Are we to stand by and allow NATO allies, like Portugal, Italy, Greece, or Iceland to be subverted and conquered by well-financed Soviet programs of propaganda, sabotage, and even direct revolutionary activity (like that publicly revealed in Mexico in 1971) without any response?

It seems to me that the long tradition of using secret agents in diplomacy provides the simple and sensible answer to that question. That answer must be, "Of course not." The use of secret agents was a familiar feature of the diplomacy our Founding Fathers knew and practiced. It has been commonplace ever since. And today it is employed by our adversaries on a larger and more sophisticated scale than at any previous time in history. It makes no sense to claim that either international law or our own Constitutional law prevents the United States from defending its interests against such pressures.

The defense of the nation against these unremitting pressures may sometimes involve elements of international coercion which would be of doubtful international legality if they were not intended to defend our interests against illegal coercive pressures mounted against us by the Soviet Union or other states. But they are far less burdensome than the uses of coercion mentioned in Part II of this letter. If it was permissible under international law for President Wilson to send troops into Mexico in order to capture Pancho Villa—and it was—it is *a fortiori* legal for the United States to provide funds for democratic newspapers or political parties in Chile or Portugal or to engage in some of the other kinds of foreign covert actions contemplated by your letter. Such operations should be deemed proper exercises of our inherent rights of self-defense, as activities normal to the conduct of our foreign relations in this period of intense and dangerous international rivalry.

IV

Finally, I come to the question whether Congress can constitutionally limit or prohibit the activities of the President in this field.

Let me start by making it crystal clear that I oppose, and I believe our constitution opposes, unreviewable power in any branch of the government. The American constitutional system is based on the principle of democratic responsibility. It has an answer for the famous and ultimate question of all government, "Quis custodiet custodes?" Our answer in plain, and the passion of our convictions on the subject was fully revealed in the Watergate affair through which we have just passed.

The forms and methods of public accountability are not uniform, however. Some involve judicial or congressional review; for others, the only available remedy is at the polls. If the Supreme Court errs, in the judgment of the country, the remedy is a statute or a constitutional amendment, embodying the sober second thoughts of the American people.

Many, many decisions of government are necessarily entrusted by the Constitution and the laws to the uncontrolled discretion of the President, or Congress, or both. These are the so-called "political questions" courts cannot review. Some are purely Presidential; others purely Congressional; many involve the action of both branches—a declaration of war, for example. For such exercises of the power of the political branches to make political decisions, the appropriate way to assure democratic responsibility is oversight and ultimate recourse to the political process. Great Britain, France, and other democratic countries make it a rule never to discuss their secret services in public. So strict a standard is not congenial to our political system. Nonetheless, in my view, Congress should follow the holding in the *Totten* case, which requires the courts to respect the government interest in secrecy and conduct their oversight hearings in private.

Such, I believe, is the constitutionally correct predicate for an answer to the questions posed by your letter, "Can Congress limit or prohibit the President's activities in the field of foreign covert action operations?"

The question of prohibition is easy, I think. Congress cannot deny the President authority to use secret agents in the conduct of his constitutional duties as President any more than it could interfere with any other "inherent" or "independent" feature of his power.

Regulation within the boundaries established by our constitutional history is another matter.

The problem, I suggest, is like that involved in establishing and organizing the State Department. Only Congress can establish ongoing governmental institutions to assist the President in carrying out his responsibility for the conduct of foreign relations. It can pass comprehensive legislation to regulate the functioning of the State Department. But in doing so, Congress cannot limit or control the exercise of the President's constitutional discretion. It could not, for example, decide questions of recognition or non-recognition. They are for the President alone. It cannot, I believe, require the President or any other executive officer to reveal what Chief Justice Marshall, in *Marbury* v. *Madison*, called "the secrets of the cabinet." Congress could not require the President to act only on the recommendations of the Secretary of State, or the National Security Council, or the Senate Foreign Relations Committee. It could not require the President to use only members of the Foreign Service or Ambassadors as his agents in diplomacy. From the time President Washington sent the Chief Justice to negotiate Jay's Treaty to the day of Colonel House, Harry Hopkins, or Henry Kissinger (before he became Secretary of State), Presidents have often chosen to conduct diplomatic business through channels convenient to them.

Similarly, Congress cannot control the President's discretion as Commander-in-Chief, save through its power of the purse, although it can and does legislate on a large scale to organize and regulate the military establishment. It could not order President Roosevelt to start a Second Front in France or prevent a President from negotiating and signing an armistice or a cease fire.

In the nature of world politics today, what your letter calls "foreign covert action operations" will often be "indispensable to the government" to recall the phrase from the *Totten* case. Under most circumstances, they come well within the areas of action the President is fully authorized to take on his own responsibility. In *Totten* the Court ruled that in hiring a secret agent without statutory authority, the President made a contract binding on the United States and payable from contingent funds entrusted to him by Congress. Congress can probably alter that practice and regularize the President's mode of making such contracts. But it cannot deprive him of the function.

Can Congress limit or control the President's discretion in carrying on foreign covert operations, save through a refusal to appropriate funds? To a degree, I believe it can. For example, I see no reason why Congress could not declare that it is against the policy of the United States to engage in political assassination. To my official knowledge, that was the firm and immutable policy of the United States while I served in the government in high enough positions to know, and I was assured that it had always been the policy of the United States. Congress has passed legislation and ratified treaties dealing with many aspects of the law of war. Those statutes and treaties restrict the powers of the President as commander-in-chief. If the Senate can ratify treaties and Congress pass legislation outlawing the use of poison gas or the bombing of open cities, I see no reason why Congress could not outlaw certain practices by our CIA agents, so long as the function itself is not crippled or controlled.

Mainfestly, there is no chance whatever that the rules of the game for the secret services will ever be prescribed by international agreements like the Geneva Conventions regulating the use of force in war and other hostilities. Whether it is prudent to consider such legislation is therefore a difficult question. But your letter asks only whether under the Constitution Congress has the power to pass any substantive legislation at all in the field beyond housekeeping statutes.

My answer to that question is a qualified "Yes." In my opinion, Congress can pass legislation dealing with foreign covert action operations of the President as chief diplomat of the nation, commander-in-chief of its armed forces, and head of state, so long as it does not cross the intangible boundary between the legislative and executive aspects of the problem. Admittedly, the delineation of that frontier is difficult and will always be difficult for the reasons I suggested earlier. Certainly my colleague Professor McDougal was correct when he wrote to you on August 21 that "Congress has no more authority to regulate the independent power of the President than the President has to regulate the independent powers of the Congress." But which part of the President's powers are truly independent and which are shared with Congress? There are many fields in which the President can and should act in the absence of Congressional action but where Congress can act if it wishes to do so: the abrogation of treaties for example; the exclusion of aliens; the regulation of international cables and other devices of telecommunication.

In trying to analyze the division of the foreign affairs power and the war power between Congress and the President, the conduct of foreign covert action operations is surely an aspect of diplomacy and of the President's duties as commander-in-chief, which should be classified close to the presidential end of the spectrum. It is necessarily secret and intimately associated with the conduct of foreign relations, rather than the articulation of legislative policy. Nonetheless, I should be the last to deny that there is some room for substantive policy legislation in the field, so long as the basic process of the Constitution is respected.

The democratic quality of American life depends ultimately not only on the rectitude of our governors but on the inevitable rivalries and jealousies of the three branches of government. Those rivalries produce the tensions which have made it possible to preserve our Constitutional system for nearly two centuries and thus to protect our liberty. The present study of your Select Committee represents one manifestation of that consitutionalt tension. Of course tension should not be carried so far as to paralyze government. It never has. But it should go far enough to satisfy us that any abuses of the system have been cured; that every reasonable precaution against possible future abuse has been established; and, above all, that the proper functioning of the President's secret services as indispensable agencies of government has been facilitated and assured.

Mr. President, I hope I have not been tedious. This is a subject of the greatest concern to many. I see the distinguished Senator from Vermont is on his feet, and I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I will try to be brief because I understand that the chairman and vice chairman of the committee and the distinguished chairman of the Budget Subcommittee of the Intelligence Committee wish to be able to get this authorization bill through as written, subject, I believe, only to some technical amendments. I, too, join in that wish. I hope that before the noon hour when we go back to natural gas, this bill can be finished, passed, and available to the conference, because there will be a number of conference items, as we know. I think it is important for us to get on to the conference. That is where the controversy will really be addressed, and I hope that this bill can go there without a lot of extraneous material on it.

Mr. President, an unclassified statement by the Select Committee on Intelligence notes that the fiscal 1984 intelligence authorization bill authorizes funds for "covert paramilitary operations in Central America."

Because of the parliamentary situation, now is not the time to make a lengthy statement on the President's policy toward Nicaragua. Instead, I will limit myself to reaffirming my opposition to the covert paramilitary action program.

The House has twice voted to terminate funding for the covert paramilitary action program directed at the Sandinista government. In an unclassified statement, our committee declared the following to be its position:

> None of the funds authorized or available to the Central Intelligence Agency in Fiscal Year 1984 or beyond, may be used for the purpose of any covert paramilitary operations in Central America, or support thereto unless:
>
> 1. The Committee has been informed, in advance, of the specific goals, and risks associated with the proposed covert paramilitary action; and
>
> 2. The Committee has specifically approved the covert paramilitary action by a majority vote, confirmed in writing to the DCI by the Chairman and Vice Chairman.

I am a political realist. I can also count. At this point, the Senate should pass intelligence authorization bill as it stands. I think that is where the majority in this body would lie. There is disagreement with the House, to which I have alluded, so a conference will be necessary. I do not want to jeopardize by extraneous matter on this bill the chances of a compromise in that conference committee.

Mr. President, we should not be attempting to overthrow the Government of Nicaragua. I hold no brief whatsoever for the Sandinista regime. In many ways it has betrayed its own revolution.

I told some of the members of the Sandinista leadership, when I visited Nicaragua, that I was disappointed that they were being dishonest, not only to me but also to at least one other Senator there at that time.

Mr. President, may we have order?

The **PRESIDING OFFICER.** The Senator's point is well taken. Will the Senate be in order?

Mr. **LEAHY.** I thank the Chair.

As I said, I hold no brief for the Sandinista regime, but whatever anyone thinks about it, it is the internationally-recognized government of a sovereign nation. It should not be the function of the United States to overthrow regimes because it does not like their ideological character.

There are many reasons why the covert paramilitary action program is contrary to our national interests. Let us look at this operation not from the standpoint of what is in the best interests of Central America or Nicaragua or anywhere else, but purely in our own national interests. I should like to list what I see as the four most important reasons why it is contrary to our national interests.

First, Nicaragua is yet another example of this administration's substitution of covert action and military force for a sophisticated foreign policy. Someone should remind the President that he has other nonmilitary tools at his disposal to further our national interests. Covert action is never an adequate substitute for a foreign policy. It has not been so in the past in this country, and I doubt if we will ever see a situation where it will be so in the future.

Second, military pressure against Nicaragua is bringing about results completely opposite to what the administration tells us it is seeking.

Instead of promoting pluralism and democracy in Nicaragua, the covert action program is strengthening the hand of Sandinista radicals for bringing in Cuban and Soviet military assistance.

It unites the Nicaraguan people, even those who fear the Sandinistas, against a common enemy. Whatever their differences, most Nicaraguans are against the hated Somocistas who control the insurgents. They also remember the painful history of American military occupation of Nicaragua in the 1920's and 1930's, and our support for the brutal Somoza dictatorship.

It undermines regional stability by increasing tensions between Nicaragua and Honduras. This is not a situation which involves just the United States and Nicaragua. We should not overlook what happens to other countries in that area as a consequence of what we do. We should not overlook Honduras, a country that we have encouraged along democratic paths, where we would like to see democracy flourish, a place where we could point to the success of democracy in Central America. Nicaragua may be goaded into attacking Honduras. If it does, the United States will be asked to intervene with military force to defend our ally. This will be a catastrophe. The American people will not support a Central American War.

I ask: which will be worse? A situation where we say we will support Honduras in a war, knowing that the American people are not behind that? Or do we say to Honduras, a country with which we have worked closely, "We're sorry; it's now your problem; we're going to leave you"? Either way would be considered unacceptable.

Third, the President's course of action is illegal. The U.N. Charter, the OAS Treaty, and the Rio Treaty, all of which we have signed, commit us not to intervene in the affairs of sovereign countries.

The Boland amendment to the continuing resolution adopted in December 1982—and still valid—prohibits the use of funds by the Central Intelligence Agency or the Department of Defense:

> To furnish military equipment, military training or advice, or other support for military activities to any group or individual, not part of a country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras.

There is no need to cite innumerable declarations by the insurgents about their aims. They are not risking their lives to interdict the flow of arms to El Salvador or to share power with the Sandinistas. The insurgents intend to throw the Sandinistas out and take power themselves. They are very simple and very open about their desires. It is sophistry to argue that because we have different objectives, U.S. support for these insurgents does not violate the intent of the Boland amendment.

Fourth, Mr. President, is that often mocked but real force in America—morality. It is against our best traditions to compel others to believe as we believe, to live as we live, to govern themselves as we govern ourselves. We are a nation founded on diversity and toleration. That is our ideal, and we strive to live up to it, however often we may fall short. It is not good enough to say that because the Soviets flout international law and decent behavior, we must do the same. I like to think that America lives by a standard different from that of the Soviet Union.

That is one of the many reasons why I am so proud to be an American. It is one of the reasons why I would not want to be a citizen of any other country. It is also one of the reasons why, as a U.S. Senator, I feel that it is incumbent upon me, as it is on all of us, to speak out if we feel that the United States does not live up to those high ideals, the highest ideals in the world, which we set for ourselves.

There is another moral dimension to this covert action program, one that few ever mention. With our aid, people are going into Nicaragua to fight and to die. What happens when we decide we have achieved our own goals? Do we tell them "thank you, sorry about all your dead and wounded, but that is the end of our support?" Do we simply abandon these people then? For me, that is carrying ruthlessness too far.

Mr. President, I have already gone on longer than I planned, so let me finish by posing a few questions:

First. What happens if the insurgents win and seize power in Managua? Does anyone really think the Sandinistas would simply quit and become model citizens or that the insurgents would install a reformist democracy dedicated to eradicating centuries of social and political injustice? Is it not more likely that the Sandinistas will go back into the hills and brutal war would continue? How would a new regime survive unless the United States provides massive military backing, probably for decades?

Second. Where do we draw the line in Nicaragua? When do we decide that enough pressure has been exerted and it is time to stop?

Third. Is Congress ready to support American participation in a much wider war in Central America if that is where the covert action program leads?

So I hope we on the committee can find a way, during the conference with our colleagues from the other body, and I think it is in the best interests of the country and Congress to pass this bill now so we can go to conference, to restrain this administration's tendency to resort to covert action as a first, rather than a last, resort.

Covert action can never be a substitute for a good foreign policy, not for the United States.

Mr. President, I see the distinguished chairman of the subcommittee in the Chamber, and I yield the floor.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. LEAHY. I yield.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

PROBLEMS WITH AN OVERT ARMS INTERDICTION PROGRAM

Mr. GOLDWATER. Mr. President, the question has been raised as to whether Congress should support an overt program of arms interdiction in Central America. This approach has been promoted largely in the House of Representatives, in the context of the so-called Boland-Zablocki amendment (H.R. 2760) which passed the House by a vote of 227 to 194 on October 20, 1983. Similar legislation has also been introduced by Senators KENNEDY and PELL (S. 1713 and S. 1927).

Mr. President, the question of any overt interdiction program has been considered by the Senate Intelligence Committee. I think it is fair to say that we think this approach has a number of practical problems.

Earlier this year, I wrote to the Secretary of Defense on just this issue. On September 21, 1983, he responded to me in part, as follows:

> Your letter of September 15, requests the Defense Department's reaction to S. 1713 which would prohibit U.S. support of military or paramilitary operation in Nicaragua and authorize an overt arms interdiction effort in cooperation with governments of Central American nations. This resolution duplicates restrictions contained in H.R. 2760 recently passed by the House of Representatives. As you know, the Administration is strongly opposed to this legislation for a number of reasons. I am pleased to provide you with a response to your questions. Under Secretary Ikle is providing additional information under separate cover.
>
> Past experience tells us that the support of an insurgency movement is nearly impossible to interdict if the insurgents have the advantage of a nearby sanctuary area, protected against any and all interdiction efforts, which can be used to direct and funnel supplies over many different routes. The prohibitions contained in S. 1713 would effectively turn Nicaragua into such a sanctuary.
>
> Any interdiction program which treats Nicaragua as a sanctuary would be prohibitively expensive and would be very unlikely to succeed. Our preliminary estimates indicated that interdiction against ground supply flow alone could cost upwards of $300 milliion the first year, and at least $100 million for each subsequent year. Even at this level of spending, we would be able to achieve very little interdiction of air or waterborne supplies.
>
> Moreover, given the limited resources and shortage of trained personnel in friendly Central American nations, any interdiction program of the magnitude envisioned would require extensive deployment of U.S. personnel to the area. If the insurgents and their supporters in Nicaragua chose to fight the interdiction efforts, U.S. personnel would become the target of enemy attack, thus increasing the chances that the U.S. would become directly involved in combat in the region.
>
> In short, the overt interdiction program envisioned in S. 1713 coupled with its prohibitions on covert operations constitutes a high cost, high risk approach while offering almost no chance of success. The insurgency in El Salvador would be unable to survive without the financing and assistance from Nicaragua and Cuba. This critical support cannot be curtailed through interdiction efforts that have to treat the territory of Nicaragua as a sanctuary.

The problems with this overt interdiction approach have also been addressed by the Under Secretary of Defense—The Honorable Fred C. Ikle—in a letter to me dated September 19, 1983. Mr. Ikle's response says in part:

> Your letter of September 16th requests our judgment on the effectiveness of an overt arms interdiction program in Central American as detailed in both S. 1713 and H.R. 2760. I am pleased to provide you with this information.
>
> Our preliminary analysis indicates that an overt arms interdiction program would require a tremendous commitment of funds and resources. Even with such a commitment, the prospects for success are small.
>
> Past experience tells us that support of an insurgency movement is nearly impossible to interdict if the insurgents have the advantage of a nearby sanctuary area. S. 1713 would effectively turn Nicaragua into such a sanctuary. This situation would force upon neighboring countries the tactical numerical and fiscal disadvantages of defensive reactive operations against insurgents and terrorists operating from Nicaragua, enjoying all the advantages of a sanctuary whose inviolability would be guaranteed by the United States.
>
> In short, the proposals and prohibitions contained in S. 1713 and H.R. 2760 would dictate a course that is much more costly and risky than our present policy and would be far less likely to succeed.
>
> I hope that the attached materials, provided per your request, will be of assistance in evaluating the proposed legislation.

Mr. President, I have strong reservations about the cost and the effectiveness of any overt program envisioned by the Boland-Zablocki or the Kennedy-Pell amendments. These reservations can be summarized by saying that:

First. It would be nearly impossible to interdict Nicaraguan-sponsored arms traffic if the insurgents have the advantage of a sanctuary, a protected area which Nicaragua would become under the present provisions of the Kennedy-Pell amendment;

Second. The borders of Nicaragua would be nearly impossible to seal off because of the nature of the terrain, so the flow of small arms and ammunitin would probably continue;

Third. Our allies in friendly Central American nations have limited resources to carry out any such interdiction program, and I suspect that, given the limited resources and shortage of trained personnel in these Central American countries, extensive deployment of U.S. personnel into that area would be required. That means U.S. personnel would be on the frontlines directing communication and interdicting efforts. If the Nicaraguans decide to fight the interdiction efforts, then U.S. personnel would become the target of enemy attack.

Fourth. Costa Rica, a nation without regular armed forces would probably not participate in such an interdiction effort against Nicaragua as they have no standing army; and

Fifth. The interdiction program would be prohibitively expensive. In the Department of Defense's estimate, an attempt at interdiction would cost upward of $300 million the first year, and at least $100 million for each subsequent year. Yet S. 1713 and S. 1927 provide only $50 million for overt interdiction for 1984, which is far below the estimated need.

Mr. President, the Department of Defense cost estimates for this program are real. The increased risks of this overt approach are also real. The risks of U.S. personnel involvement and the risks of escalation of conflicts in Central America are greatly increased by pursuing a policy which is suggested by the Boland/Zablocki and the Kennedy/Pell amendments. I caution my colleagues against supporting this approach.

EFFECTIVENESS OF THE PROGRAM

Mr. President, during the recent debate on this issue in the House of Representatives, a number of people said that the covert paramilitary operation was not working. I do not believe this is the case. By most objective criteria, I think this operation is working very well.

First, there appears to be a good deal of popular support for the contra movement. When the Contras went into Nicaragua earlier this year, they were quickly joined by literally thousands of ralliers, or what they call agregados. In fact, the numbers of ralliers to their cause was so large, it caused a logistical burden for the Contras and definitely slowed their operations. So there is no question that there has been popular support for their activities.

Second, there is no question in my mind that the existence of the Contra forces has caused the Sandinista regime to focus inward. This, in turn, has resulted in some of the resources of the Sandinista government being taken away from their export of revolution to El Salvador, Honduras, and Costa Rica. The best example of this fact lies in the fate of an insurgent force trained in Cuba and inserted into Honduras from Nicaragua earlier this year. Because the Sandinistas were preoccupied with their own internal difficulties, many of them caused by the Contra forces, they allowed this Honduran guerrilla force to wither without supplies or support to the point that it has now largely disappeared.

As well, I am told that guerrilla operations in El Salvador which previously had received substantial amounts of weapons, equipment, and support from Nicaragua, are encountering difficulties along the same lines. So I think there is no question that the Contras have forced the Sandinista government in Nicaragua to look inward and to devote less time, effort, and resources to the export of revolution into neighboring countries of the region.

Third, U.S. diplomats have stated in closed testimony before the Senate Select Committee on Intelligence that the Sandinista regime in Nicaragua is more open to diplomatic meetings and discussions today than they were a year ago.

Mr. President, some people in the media have gone as far as to say that this operation is not working because the contras have failed to achieve their objective of overthrowing the Sandinista government. Well, this is absolutely absurd. While it may be true that some members of the Contra organization expressed their support for overthrowing the Sandinista government, this has never been the objective of the U.S. Government in supporting these forces. The fact that the Contras have yet to seriously threaten to overthrow the Sandinista government in Managua, while simultaneously distracting that government from its export of revolution abroad, is a perfect example of how well the operation is working.

COMMITTEE ACTION ON CENTRAL AMERICA

Mr. President, ever since President Carter signed the first Presidential finding on Nicaragua, the Senate Select Committee on Intelligence has engaged in effective oversight of covert action directed against the Sandinista regime of Nicaragua. Although all Members of this body have full access to all documents pertaining to this oversight under the provisions of Senate Resolution 400, it may be useful to review some of our most recent oversight activities.

On May 6, 1983, the Intelligence Committee voted 13 to 2 to authorize and fund a covert paramilitary action program directed against the Sandinista regime subject to certain conditions stipulated by the committee. The committee placed all funds requested by the President for fiscal year 1984 into the reserve for contingencies for the purpose of supporting a redirected, redefined covert paramilitary action program based upon formulation of a new Presidential finding.

Some of my colleagues may recall that at the time we asked the President to come up with a new program on the whole of Central America before September 30, 1983.

The committee subsequently met on September 20, 1983, to consider the new Presidential finding on Nicaragua. Witnesses at the hearing included Secretary of State Shultz, the Director of Central Intelligence Casey, and the Assistant Chairman of the Joint Chiefs of Staff. At the conclusion of that hearing, the committee met again on September 21 to discuss the matter further. The point in recounting this background is to emphasize the importance which the committee places on carefully evaluating this program and its role in the President's foreign policy for Central America.

After careful consideration, the committee agreed overwhelmingly to approve the covert paramilitary action program for Nicaragua. Our vote was bipartisan in nature with only two dissenting votes cast.

On September 23, the vice chairman and I wrote to Director Casey on this matter. Given the high level of interest in this program by the committee, we requested that certain procedures be followed for funding this program in fiscal year 1984.

Mr. President, our committee has worked long and hard on this issue. At the same time, I believe the administration has made a good faith effort to accommodate our interests. The President's new finding on Nicaragua was shown to committee members before it was signed. This is unprecedented. The finding was over two pages in length. This detail is unprecedented. It was the subject of a special meeting of the National Security Council which was personally chaired by the President. All of this is very unusual, and demonstrated the close, cooperative, bipartisan effort this committee and the administration have pursued in this matter.

It is my sincere hope that this spirit of bipartisanship can continue as we act on the Intelligence authorization bill for fiscal year 1984 here today, and as we move to the conference with the House on this important issue.

Mr. WALLOP. Mr. President, I have a statement which to some extent counters the arguments just made by the Senator from Vermont.

Mr. President, this year the Intelligence Authorization Act has become controversial because the House of Representatives, acting along party lines, attached an amendment to its version of the bill that would prohibit any aid to those Nicaraguans who are now fighting against the totalitarian, Soviet-line Sandinista regime in that country. That amendment is not part of the bill approved by the Senate Select Committee on Intelligence. Hence the conference will have to decide whether to accept or reject it. As floor manager for this bill I want to make clear why the Senate's conferees find that amendment unacceptable, and why, under no circumstances whatever will we accept it.

That amendment is unacceptable if only because of how it was passed. I believe it is dangerously wrong to toy with foreign policy for partisan purposes. There is a war going on in Central America. It began in the 1960's and became a clear and present danger to the United States in the late 1970's. The United States did not start that war. Anyone who cares to read the back issues of World Marxist Review published in Prague in 15 languages, and the various publications of the Tricontinental Congress, and similar Communist literature cannot help but realize how patiently, purposefully, and long, the Soviets and their allies have worked to start the war we now see in Central America. It is false and not honest to charge that this war is somehow the doing of this President. This is partisan politics in its most self-destructive manifestation.

Even more importantly, the Boland-Zablocki amendment is unacceptable to the Senate because of what it is. It is not, as it purports to be, a program for turning a covert American program in Central America into an overt one. Rather, it is a sure, unequivocal prohibition of any aid to military or paramilitary forces in Nicaragua. The amendment cuts out real aid and in the name of a promise of open military assistance to friendly governments in the area that is unworkable. Passage of this amendment would help Nicaragua's Communist tyrants crush the legitimate opposition that they have raised up by their own brutality. It would establish a sanctuary for Communist military and paramilitary action against the countries of Central America.

We should remember from Vietnam what a terribly foolish thing it is to grant a sanctuary to an enemy. A sanctuary for the Sandinistas, Cubans, Soviets, and so forth, in Nicaragua would mean that Communist soldiers could come across the Boland-Zablocki demilitarized zone, attack, kill, and destroy, and return for undisturbed rest in Nicaragua. Today the Sandinistas and their allies do not have that luxury. They ought not to have it.

Above all, a decision by the United States to establish a sanctuary for Communist aggression in Nicaragua would tell everyone in the area, friend and foe alike, that the United States had taken one step back, that Nicaraguan Communist tyrants are the winning side. We should be signaling quite the contrary.

Adoption of the Boland-Zablocki amendment would do nothing to "interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America." The amendment would authorize $50 million to be offered to countries in the area for this purpose in fiscal year 1984. I know of no country foolish enough to touch any part of this money. Fifty million is not even arguably adequate for building passive defenses around Nicaragua to interdict supplies. The Secretary of Defense has stated that such a program would cost $300 million the first year, and $100 million every year thereafter. More important, any attempt to use the regular armed forces of the countries in the area for this purpose, however impotent, is likely to set off a real conventional war between those countries and Nicaragua.

In addition, the Boland amendment would require the use of American troops to build the fortifications. Would they then leave? If they did, they would leave Honduras, Costa Rica, and El Salvador in the lurch. That is one reason why these countries would have no part of this inadequate but provocative plan. If, on the other hand, the free countries in the area were somehow to agree to the notion of building some kind of interdictive screen around Nicaragua, and presented us the bill for making a serious try, that is to say, for doing what we did in Vietnam—amounting to about a billion dollars—would even the partisan proponents of this move agree to pay that bill? I doubt it. Why should we prefer such a huge expense, and the expenditure of American lives, to the current program which, rather inexpensively, is achieving serious results against the Sandinista regime?

We should have some idea of the difficulties involved in trying to isolate a mountainous jungle area against infiltration of arms. We tried it once, under that Kennedy appointee, Robert McNamara. All of us should remember the expensive follies of the McNamara line we tried to build in Vietnam.

Mr. President, I ask unanimous consent that an article on this subject in the U.S. News & World Report, September 18, 1967, 16 years ago, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MCNAMARA'S FENCE AGAINST THE REDS: WILL IT REALLY WORK?

SAIGON.—The U.S. plan to build a kind of anti-Communist obstacle course across Vietnam is being scorned by some military men.

Laos and Cambodia fear the construction of such a barrier will intensify Communist pressures against them.

Defense Secretary Robert S. McNamara announced the plan in Washington September 7 and said the barrier would be built with barbed wire and "highly sophisticated devices."

Mr. McNamara declined to discuss details, saying that to do so would give vital information to North Vietnam.

MORE DIFFICULT, BUT—

The Secretary said the purpose of the barrier was to make infiltration more difficult, adding: "We know, of course, that no obstacle system can stop the infiltration of men and supplies from North to South."

The barrier would stretch 43 miles through the sector held by the Marines, from the South China Sea to Laos.

Initial Marine reaction to the plan was summed up by one officer thus: "We can live with it, but what the hell. . . ."

Construction of a barrier just south of the Demilitarized Zone has been under way from some time. A 600-yard-wide strip has already been cleared inland from the sea for a distance of 8 miles. An additional 7 miles is being cleared.

The strip was designed originally to bolster the defense of the huge Marine base at Da Nang. Upon completion, the left flank of the barrier is to rest on the foothills of the rugged mountains reaching to Laos.

AN END RUN?

On a map, the McNamara plan looks simple, a fence against Communists.

The western end of the fence, however, would dangle in the jungle highlands of Laos, now controlled by the North Vietnamese.

Presumably, even if the barrier were airtight, the Communists could simply walk around the end and open new trails farther to the south.

One of the cardinal rules of counterinsurgency warfare is: Never tie your forces to fixed positions.

The French Maginot Line in World War II had on open flank. The German Army simply moved around it through Belgium.

The French tried the strong-point system in Vietnam. The Japanese tried it in China. Chiang Kai-shek tried it against the Communists.

In all three cases, the French, the Japanese and the Chinese Nationalists found themselves confined to the fixed positions while the enemy controlled the countryside in between.

WHY MILITARY IS WARY

The objections of the Marines—and other military men—to the scheme, in summary:

The "sophisticated devises" will have to be protected by strong points, subject to constant harassment.

The areas between the strong points will have to be patrolled. Patrols will be easy to ambush. Large forces will have to be kept in reserve to extricate the patrols under attack.

All Marine battalions in Vietnam have the antipersonnel radar device known as the TPS 21. Unofficially, these devices are called the "Tipsy 21s."

Each battalion also has seismic devices which supposedly can detect an enemy footfall. They don't work very well in sandy terrain.

Both devices are easily confused by the pounding monsoon rains. Further, the "Tipsy 21" is sometimes activated by falling leaves, waving branches and stray animals.

Whether these are the "highly sophisticated devices" Mr. McNamara has in mind, nobody can say.

The terrain beyond the coastal plain is split by valleys, chopped by ravines and laced with streams.

The Marines do not believe an effective barrier can be put together, especially in the highlands, without tying down enormous numbers of men.

Ever since the U.S. entered the Vietnam conflict, military men have been determined to avoid the French mistakes. The stress has been on mobility.

THREAT TO LAOS?

As for the Laotians, they fear McNamara's plan. One Laotian general said:

"It is like water being dammed up. If you halt the infiltration through the zone, the Communists are sure to step up their infiltration through Laos."

Cambodia is already having troubles with the Communists from Vietnam, North and South. Red terrorism is seen as a warning to Cambodia not to interfere with North Vietnamese operations.

American sources say Cambodia is now a rest camp for the Communists and a source of their food and medical supplies.

If the McNamara barrier is effective, Cambodians fear their country will become an even more important staging area for the North Vietnamese. This, they feel, could ultimately involve Cambodia directly in the Vietnamese war.

Mr. WALLOP. Mr. President, the idea of a barrier for interdicting arms made no military sense then, and it makes none now. Now as then, such a barrier would tie down scarce forces, subjecting them to harassment. Patrols would be ambushed. The electronic devices would be spoofed, and the entire arrangement would be outflanked as it was in Vietnam. I understand that Representative BOLAND of Massachusetts, has proposed that we should actually build a chain link fence along every foot of the borders between Nicaragua, Honduras, and Costa Rica. Does the partisan group that prevailed in the House really think that a chain link fence is a serious barrier to a determined campaign of geopolitical expansion, orchestrated by the Soviet Union, and staffed in part by every Soviet-line organization in the world including the PLO, the Bulgarians, Libyans, and the Vietnamese who have some experience with these things? I just do not understand how anyone could seriously argue this. That strengthens my conclusion that this amendment, which the Senate rejects, is not a serious attempt to futher the interest of the United States, but is mere partisan ploy.

Perhaps this unreasonable attitude flows from the premise that our final interest regarding Nicaragua is interdicting the flow of military equipment to its indigenous allies in the region. That premise is mistaken. Nicaragua is far more a logistical agent for indigenous revolutionaries in El Salvador, Honduras, and so forth. If it were only that, it would make sense to focus on "interdiction" alone—that is, if interdiction were possible. But Nicaragua is much more. It is an integral part of a Soviet-led coalition, which includes some Salvadorans, and Hondurans just as it includes Cubans, Vietnamese, and members of the PLO. Nicaragua is dangerous to us Americans because it is part of that coalition, and because that coalition is not about to abandon its goal of overthrowing the government of Central America, on its way to Mexico.

Let me make this unmistakably clear: All responsible American policymakers who have looked at Nicaragua since the months following the Sandinistas' takeover have agreed that the danger to the United States comes not so much from any act that the Sandinistas undertake from time to time, but from the nature of the beast: A totalitarian regime that is part and parcel of a powerful Soviet drive against every citizen of this country. That is why every responsible American policymaker since 1979 has made it the policy of the United States to alter the nature of the Sandinista regime. In 1979, President Jimmy Carter, who had done so much to help the Sandinistas come to power, and who certainly cannot be accused of "inordinate fear of communism" communicated to the Congress his intent to alter the shape of the Nicaraguan regime by a variety of covert means. I will say no more in open session. Every Member should be aware however, how wrong and hypocritical it is for anyone to charge the present administration with having made a new departure, broken new ground, by deciding that in the long run the United States simply dare not suffer a totalitarian Soviet ally in Managua. The decision to use a variety of covert means, intended not to interdict arms but to alter the character of the Sandinista regime in Managua, goes back to 1979, and to the signature of Jimmy Carter. It also happens to be correct.

Mr. President, let us examine for a monent some other arguments that have been raised by some who are against proceeding with the covert paramilitary program in Central America.

First, some say that the program is illegal. The crux of the argument seems to be that somehow the President is violating the first Boland amendment (for fiscal year 1983), because the "Contras" in Nicaragua have as their goal the overthrow of the Sandinista government. Proponents of this argument are overlooking the legislative history of that Boland amendment. Prior to adopting that amendment last year, the House of Representatives voted down an amendment which would have prohibited the use of funds to support opposition groups whose intentions were the overthrow of the Nicaraguan regime. Thus those whc charge that the President is violating the law are charging him with violating a legislative proposal that the Congress specifically voted not to adopt. The provision that Congress adopted instead, the Boland amendment, specifically deleted any reference to the intent of the opposition groups, Therefore, the Boland amendment allows us to aid groups which are fighting to overthrow the Sandinistan. The amendment says that the United States cannot have the intent of overthrowing the Sandinistas. In fact, it is not U.S. policy to overthrow the Sandinistas. Our policy is, and has always been to see to it that the Sandistas do not escape the consequences of their aggression against their own people and their neighbors. The Sandinistas—and the Soviets, Cubans, PLO, North Koreans, East Germans, and so forth, should not enjoy sanctuary in Nicaragua. They should suffer proportionately to the suffering and dangers they impose on others. Our policy is proportionality: to do to the Sandinistas what they do to others. The President is acting legally and is in full compliance with that Boland amendment.

Mr. President, if the Sandinista regime falls, it will not be due to the small amount of support provided by the United States to the Nicaraguan freedom fighters. It would be caused only by the lack of support for the regime by the Nicaraguan people themselves, who see in the Contras a chance to fulfill the promise of the Nicaraguan revolution.

Another argument raised is that by supporting the Contras the United States is acting immorally. Mr. President, I believe that the United States should not pursue covertly programs that the American public would not support. The citizens of the United States have always supported those who desire freedom and oppose oppression. I believe the American public remains committed to that principle and expects its Government to act accordingly. Too often, this Government does not act, but, instead, does things to make it feel good. Resolutions are passed deploring the Soviet invasion of Afghanistan or the shootdown of Korean airliners. We call for freedom in Poland. Even the Boland-Zablocki amendment exhorts the Sandinista regime to cease its totalitarian practices. But, Mr. President, these are just words. Aside from making us feel good they accomplish nothing. Paying mere lipservice to freedom, mouthing outrage to oppression, and doing nothing is not moral, but rather the reverse.

Mr. President, I make no apologies for the program in Central America. Surely the American public would not find it immoral that we are acting in support of American ideals and principles. In fact, I would submit that the opposite is true: If we were to cut off our assistance as proposed by the House, we would be acting immorally.

Finally, Mr. President, some have said that we are supporting so-called Somocista groups in Nicaragua. This is factually wrong. The groups we are supporting in Nicaragua have grown up in response to Sandinista abuses. They are not creatures of Mr. Somoza, who is dead and whose memory has no followers, or of the United States. The National Directorate of the FDN includes only one guard officer from the Somoza era whom even the Sandinistas admit was not implicated in any illegal activity. The other Directorate members are people who had opposed Somoza and who worked for his removal from power, including some who worked with the Sandinista regime before it betrayed its original promises to the people of Nicaragua. Honest people should try to document the charge of "Somocismo" or not use it.

I have said many times that we should do nothing covertly that we are unwilling proudly to defend overtly. Covert support to Nicaraguans who are fighting against a totalitarian regime, for the freedoms we enjoy in this country, and who happen to be the only effective barrier to Nicaragua's conquest of its neighbors, short of the U.S. marines, is something I am proud to defend in public. I should think the Members of this body who have voted to put U.S. taxpayers' money into the hands of the Communist totalitarians in Managua—possibly out of ignorance—would be ashamed to stand up and say, no; we helped the totalitarians, the tools of the Soviet Union to gain a foothold on our continent, but we will not help the people who are trying to throw them out.

For the sake of curiosity I wish someone would put on the record the reasons why the U.S. Government should apply the Soviet Union's Brezhnev doctrine in our hemisphere. You are all familiar with the Brezhnev doctrine: The control of pro-Soviet forces over any territory they have gained, anywhere on Earth, must never be challenged. This body should realize that the Boland-Zablocki amendment is the application of the Brezhnev doctrine to Central America. This body has never voted and will never vote to uphold the Brezhnev doctrine anywhere—especially in Central America. I hope this matter is not finally resolved as a partisan test of will. Our country deserves better.

Let me now turn briefly to the arguments of the Senator from Vermont. It is not the opinion of the Senator from Wyoming nor of the subcommittee nor of the committee that the purpose of the United States is to overthrow the Government of Nicaragua. The Senator from Vermont says covert action is not a substitute for foreign policy. I agree with that. But I note that covert action always has been a tool of foreign policy and argue that we should not deprive ourselves of that tool in this situation. I also do not understand how anyone can continue to ascribe legitimacy to revolutions which have been hijacked from their democratic purposes, or how anyone can consider legitimate and immune from temporary despotic regimes that have forcibly overthrown constitutional governments. It strikes me that it is a prescription for the demise of democracy and liberty in the world for democratic peoples forever to make apologies and ascribe legitimacy to such despotic regimes.

If we consider a regime legitimate merely because it has seized power and we are willing to say that in the name of stability, international law or anything else rulers are not to be molested merely because they have managed to seize power from a helpless population, then we will not long be a force for freedom and democracy in the world.

I end by noting a most disconcerting piece of news. Since Saturday in Nicaragua Sandinista mobs have interrupted masses at church, threatened churchgoers, and vandalized property in a score of churches in Managua. Two priests were assaulted. Another priest and 12 conscientious objectors have been arrested. In the face of this, on Sunday morning church authorities decided to suspend masses in Managua for the remainder of the day, and for All Souls Day, which is an important Catholic religious holiday, especially in Central America.

Hence, Mr. President, the Sandinista leaders are not people who have the support of the masses that they claim. We are simply dealing with people who have taken control of the masses by force. We should not lose sight of that.

I yield the floor.

Mr. LEAHY. Mr. President, I shall be very brief.

While I do not know what is in those statements placed in the RECORD, I just wish to respond to a couple points the Senator raised.

I am well aware that covert action has sometimes been part of foreign policy and I have no doubt that in the future, whether in this administration or any other, covert action will still be part of foreign policy.

If I did not feel that way, there would really be no need for any of us even to be here, nor would there be a reason for the Select Committee on Intelligence. I do not question that at all.

What I am saying is that it never works if covert action substitutes for foreign policy, if indeed the tail begins to wag the dog, as it were. That is what I am afraid has happened here. I do not think that Congress certainly, one of the three branches of Government, has said that this country is going to overthrow the Sandinistas in Nicaragua, no matter how disagreeable we find them.

I happen to find them a most disagreeable group and one, as I said, that betrayed their own revolution.

But the end result may well be the same if the people we are supporting have as their sole goal not to interdict arms, nor any other reason, but to overthrow the Sandinistas.

The questions I have raised here are simply to call the attention of this body to some of the things which may happen down the road, and how deeply we may find ourselves involved.

I yield the floor.

Mr. WALLOP. I do not quarrel with the Senator. We should consider what to do down the road. However, I have a different view of what we may see down the way. I believe that to go the way the Senator suggests is more rather than less likely to involve us in things we do not want to be involved in. No doubt we will deal with those differences in the conference.

Mr. MOYNIHAN. Mr. President, I see that the distinguished Senator from Kentucky is on his feet.

I yield to the Senator from Kentucky.

Mr. HUDDLESTON. I thank the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. HUDDLESTON. I thank the Chair.

Mr. President, for the first time since the establishment of the Select Committee on Intelligence in 1976, the annual Intelligence Authorization Act has become a matter for serious disagreement in the Congress. The House vote last month to terminate funding for any covert military or paramilitary operations against Nicaragua reflects widespread doubts, both in Congress and throughout the country, about U.S. policies in Central America.

The fact that an issue of covert action by the CIA has become public is regrettable. It is unfortunate that the Congress must openly discuss any operation that is supposed to be conducted covertly. We can do that, even though many of us have never talked before in public about a covert operation, because the President himself revealed last May that it was U.S. policy to support the insurgents fighting against the Government of Nicaragua.

The fact is now known that the United States is involved there, even though the full details of the specific nature of that involvement remain secret. The President's statements were rather startling to some of us who have served on the Intelligence Committee from the beginning and have worked hard to protect the secrets entrusted to us.

I might add that the committee has been more successful in protecting sensitive intelligence information than probably any other arm of the U.S. Government. While the committee did not itself disclose the existence of this operation, we must recognize the fact that its existence has now become overt, not covert.

For that reason, the chairman and vice chairman of the Select Committee on Intelligence announced publicly, last May, the action of the committee on this issue in the closed markup of the Intelligence Authorization Act for fiscal year 1984. An overwhelming bipartisan majority voted not to authorize funds for continuation of the operation, as it was then authorized and conducted, beyond the end of fiscal year 1983. The funds for fiscal year 1984 were shifted to the CIA reserve for contingencies. In its classified report, as announced by the chairman and vice chairman, the select committee said that funds could be released from the contingency reserve for further operations only if the President submitted a new finding to redirect the operation and that finding was approved by a majority of the select committee.

I supported this action of the select committee because I did not believe that the operation, as it was then authorized and conducted, served the interests of the United States. That decision reflected my deep concern about U.S. policy in Central America.

From the evidence available, it is obvious that both Cuba and Nicaragua have been engaged in activities designated to overthrow the Government of El Salvador and to foment violence and revolution in the area. It is just as obvious that it is in the interest of the United States to counter these efforts by Cuba and Nicaragua.

Nevertheless, I have great misgivings about the focus on covert activities in Nicaragua which are no longer covert and which are questionable in terms of international law. These activities hold the potential for leading us into a deeper involvement that may only result in controversy and failure. On August 3, I wrote to the President urging that the current covert activities be redirected and that future U.S. efforts be undertaken in concert with other nations of the region, especially the Contadora group.

The President submitted a new finding on Nicaragua to the select committee in September, and the committee voted to approve that finding and thereby allow withdrawal of funds from the contingency reserve to carry out further operations.

Although I joined with the majority of the committee, it was with certain reservations about the Presidential finding, the objectives of the operation, and the manner in which it is being carried out.

The approach taken by the select committee at this particular time, in essence, is that we are permitting the operation to continue with a limited amount of funding, only enough funding for a relatively short time. And if within that time period more persuasive evidence is not presented, then a different course of action may be adopted.

The alternative of taking the House action at this time is unsatisfactory, because precipitously pulling the rug out from under an ongoing operation can cause some very serious consequences.

The reason it makes sense to go ahead with an operation that is no longer truly covert, and that is known by the entire world, is that it may accomplish one objective. That is to persuade the Government of Nicaragua that it is not in their best interest to continue to support the rebels in El Salvador and create difficulties in other countries in Central America. If there is movement in that direction, then perhaps the operation may turn out to be successful and our support for the insurgents in Nicaragua can be withdrawn.

This must be our sole objective. The interests of the United States are at stake because the Marxist government in Nicaragua is attempting to intervene in the affairs of other countries. The justification for our own actions against the Nicaraguan regime can only be as a means of countering and, ultimately, curbing Nicaraguan attempts to overthrow the governments of neighboring countries.

Nevertheless, the policy of supporting insurgents who seek to overthrow the Government of Nicaragua itself is not, in my judgment, the best way to achieve this objective. The risk is endless involvement in the domestic political struggles of that country, rather than constructive action to foster stability in the area and encourage the development of free and democratic institutions.

It is with considerable reluctance and caution, therefore, that I have supported the action of the Select Committee on Intelligence to permit the use of funds for this operation for an additional, limited period of time. The prospects for success are uncertain. We can only hope that the Nicaraguan Government's recent proposals represent the beginning of serious negotiations that will lead to some kind of peaceful settlement in the region.

Finally, at the end of this limited time period, the Intelligence Committee must assess the Nicaragua operation in the broader context of U.S. policy toward the Caribbean and Latin America generally. By that time we will have a better understanding of the impact and consequences of the U.S. decision to send military forces into Grenada. That decision holds the potential for making significant changes in the U.S. role in the entire region. The operations in Nicaragua and Grenada may reflect a growing commitment by the administration to the use of force as the primary instrument of U.S. policy in Latin America. It may represent an abandonment of meaningful diplomatic or political initiatives to bring stability to that part of the world.

If these developments occur, then many of us will no longer be willing to give the administration the benefit of the doubt. I hope that we can avoid such a confrontation between the Congress and the President. But, that can be achieved only if the administration turns away from its preoccupation with military solutions to problems that are essentially political and social.

There is no "quick fix" in this part of the world. The struggle to bring peace and build healthy democracies in Central America, the Caribbean, and throughout Latin America will continue for many years to come. If the United States becomes identified with the use of military or paramilitary force, the long-term damage to our influence in the area will far outweigh any temporary advantages. I urge the administration to put its priorities in the proper order, and I urge the Senate to accept this approach to the intelligence appropriations bill.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the RECORD be held open for a statement to be submitted by Senator BENTSEN and that it appear in the RECORD before the vote. I make that request for any member of the committee who has not spoken.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WILSON. Mr. President, the official policy of the United States in supporting covert aid is not the overthrow of the Sandinista government. That may well be the design and intention of some of those who are receiving some of that aid, but the fact is the extent of the aid we are providing will not make that possible.

But what is far more important, Mr. President, is a rather intriguing statement made in the colloquy between the Senator from Wyoming and the Senator from Vermont. It is clear from his remarks that the Senator from Vermont is under no illusions with respect to the Sandinista government. In fact, it was his statement that that government, having seized power from the people, has, to quote him accurately, in many ways betrayed the ideals of their revolution.

Mr. President, I think the Senator from Vermont understates it considerably, but at least it is clear to him as it is to me, and I would hope to all Members of this body, that not only has the Sandinista Government betrayed the ideals of its revolution; it has gone far beyond that. It is a regime perhaps even more cruel and repressive than the contemptible Somoza regime which it replaced.

But the remark to which I refer, Mr. President, was the comment made by my good friend from Vermont when he said, in response to the point that we are having a firm foreign policy, that covert aid is no substitute for foreign policy.

The distinguished Senator from Wyoming replied, and I think quite properly, it is no substitute but it is indeed a tool of a foreign policy.

At that point the Senator from Vermont said his concern was that the tail not wag the dog.

Well, I share that concern, Mr. President. It seems to me that in this body, and certainly among our colleagues in the House, there has been all too much discussion of covert aid. Indeed, I think that discussion has been guilty of precisely that fault, the tail has been wagging the dog. If, as he has indicated, my friend from Vermont supports a firm foreign policy, if he is aware, as we all must be, of the Soviet and Cuban presence within the Sandinista regime and aware that that presence and the Sandinista regime threatens the violent export of revolution beyond the borders of Nicaragua, which its neighbors do not wish, then I think he and I and other Members of this body have no alternative but to support a foreign policy which will have meaning, which is to say that those who are the neighboring States of Nicaragua, who are asking economic and military assistance to contain the export of that violent revolution by political subversion and perhaps even overt aggression, those neighboring

States are entitled to our assistance and in a far fuller measure than anything we have yet provided.

So if the Senator from Vermont agrees with the necessity for a firm foreign policy, I would say this: The Senator from Kentucky has, in my view, illustrated the wisdom of agreeing with the select committee's recommendation on covert aid. But what we must all, I think, agree with, whether we are agreed on the legality of that covert aid, upon which we could wrangle, or if we are even disagreeing, is there is a need for support of the legitimate governments of fledgling democracies that surround Nicaragua that are threatened by their neighboring state under the Sandinista regime.

I hope, Mr. President, that when the time comes for this body to respond to a plea from those neighboring States for increased assistance, both military and economic, we will find that the dog is a very thin dog indeed, one that is in need of our support.

The tail has indeed been wagging the dog. We have spent far too much time arguing about covert aid. What is necessary, Mr. President, is that we provide the Governments of Central America threatened by the Sandinista regime with the economic and military assistance to resist. By doing so, we will not only permit them to make continued advances toward the kind of democratic reforms—the reforms in the area of human rights which every Member of this body must seek, but we will also, at the very least, contain the threat of violence and subversion with which those reforms and, indeed, those nations, are now threatened.

At this point, Mr. President, I shall look for my good friend from Vermont, my good friend from Kentucky, indeed, all of the Members on this floor, to exercise a wise and realistic view of what will be even then a rather modest investment in the vital interest of Central America and of the United States.

I simply point out to my good friends on the floor that when I returned from Central America during the August recess, it took me less time to fly in the same airplane from Central America to Houston, Tex., than from Houston, Tex., to California.

Mr. President, it is time that the tail ceased wagging the dog and that we got very realistic about the nature of things in Central America and the magnitude of assistance that is required to deal with that true nature of things.

I thank the Chair.

Mr. GOLDWATER. Mr. President, will the Senator yield to me?

Mr. WALLOP. I yield.

Mr. GOLDWATER. Mr. President, I do not want this moment to pass without paying my utmost respects to my vice chairman, the distinguished Senator from New York (Mr. MOYNIHAN), and to thank the Senator from Wyoming for his superb work. I doubt that there is any committee budget on this Hill which receives more close scrutiny than this one does through the effort of Senator WALLOP.

I also thank every member of our committee. As I have said before, I have served on many committees on this Hill and I do not think I have ever served on one in which there is such universal interest and attention by the members.

Finally, but not last, I thank all the members of the staff, without whose loyal assistance and constant work we could not operate.

I yield the floor.

Mr. PERCY. Mr. President, I would simply like to indicate that I have to go back a number of years to a time when we had eight committees dealing with intelligence, when the Governmental Affairs Committee decided to try to look at this whole picture. We held hearings on it and Bill Colby came before us and testified. When I asked him, "What percentage of time do you spend preparing for committees, testifying before these eight committees?" He said over 30 percent of his time in 3 years on that job was spent just on congressional committees—not doing his work but explaining what he is trying to do. Then of course, there were the chances of leaks.

I think this committee has been absolutely invaluable. There is no way we can conduct our work in the Committee on Foreign Relations without the invaluable work of this committee. We have had always the cooperation of the distinguished chairman, the ranking member, and the outstanding staff. We are proud to have two members of the Foreign Relations Committee serve on this committee. It is a vitally important link. No nation such as this Nation could possibly conduct its affairs without intelligence. This gives the people of the country the assurance that there is very, very careful oversight.

I believe it is a fine thing for Senator GOLDWATER to indicate the dedication of the members of that committee to the work of the Intelligence Committee. It is one of the most important functions we carry on.

Mr. MOYNIHAN. The Senator is most generous. His remarks are most appreciated.

Mr. BINGAMAN. Mr. President, there are really two questions we should be addressing. The more limited in scope deals with American involvement in and support for the activities of the so-called Contras in Nicaragua. But the larger question we must face is whether this administration or any administration should spend tens, perhaps hundreds, of millions of taxpayers' dollars for clandestine operations to overthrow governments with which we maintain normal diplomatic relations. I would submit that the answer to the larger question is "No," absent any direct and unambiguous threat to the immediate security of the United States.

If the answer to that larger question is no, then it follows that we must agree with the decision of our colleagues in the House of Representatives, who voted to terminate the very overt "covert" operation in Nicaragua.

I think it should also be made very clear that this does not imply approval of the policies of the Sandinista Government in Nicaragua, nor does it necessarily mean that the United States should unilaterally renounce all covert operations. In time of war or national emergency, the ability to engage in clandestine activity is vital to our national security. But we are not at war with Nicaragua—at least, this Congress has not declared that to be the case. None of our friends and allies is at war with Nicaragua. It has not been shown that Nicaragua is a clear and present danger to American interests in this hemisphere. There is no national consensus in this country that would support an attempt to unseat the current regime in Managua.

If dissatisfied elements within Nicaragua wish to challenge the Sandinista leadership, let them do so. That is a decision for Nicaraguans to make. It is not our job to decide who should rule in Nicaragua, nor is it our job to arm, equip, advise, and finance one faction against another.

Mr. President, I would ask my colleagues to consider for a moment what support for the Contras really means. Such a decision is against international law, against the moral and ethical principles which we have always understood as differentiating the actions of our own democracy from the cynical manipulations of powers such as the Soviet Union, and against the efforts of our sister nations of this hemisphere, many of whom are working to decrease the level of political violence in Central America rather than underwrite it.

We might also ask what might be the consequences of continuing our covert commitment to the Contras. Basically, they will either win or they will lose. If they lose, what will be the impact on Central America of 10,000 or 12,000 well-armed guerrillas with no place to go? Are they likely to settle down in Costa Rica or Honduras and become peaceable democrats? I suggest that we are creating—in fact, we have created—an armed force over which we have little ultimate control. Rather than bringing democracy to Nicaragua, we may be insuring chaos for the rest of Central America. Or, if the Contras fail, we may find ourselves with a repeat of the unfortunate Bay of Pigs scenario. One Nicaraguan, when asked where the Contras would go if they failed, replied "Miami."

What if the Contras actually succeed, driving the Sandinistas from Managua and setting up a new regime in their stead? First of all, what kind of regime would it be? Would we really see the flowering of pluralist democracy, or would see some of the more unsavory aspects of the Somoza era reincarnated? One thing we would certainly see is the irrevocable damaging of the image of the United States throughout the hemisphere. The positive images of the good neighbor policy and the Alliance for Progress would be gone forever, replaced by the impression of the North Americans of the first decades of this century who felt it was their God-given right to topple governments and set up puppets across the Caribbean and the Central American Isthmus. What we will be saying to our neighbors to the South is that they are incapable of handling their own affairs and that, 1984 being upon us, Big Brother must make their decisions for them.

Mr. President, I am not saying anything today that my colleagues have not heard before. Last July, together with the very able and distinguished senior Senator from Hawaii, I submitted a sense of the Senate resolution which, among other things, called upon the administration to terminate the ill-advised program of covert activity in Nicaragua. Twenty-one other Members of this body have joined us as cosponsors.

Ultimately the Congress will come to see that the interests of this country are being damaged by the course the administration has chosen to follow in this case. I sincerely hope we come to that decision sooner rather than later.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. I thank the Senator.

Mr. President, I ask for third reading of S. 1230.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. WALLOP. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2968, calendar order No. 490, the companion bill to S. 1230.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2968) to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed immediately to the consideration of the bill.

Mr. WALLOP. Mr. President, I move to strike all after the enacting clause of H.R. 2968 and to substitute in lieu thereof the text of S. 1230, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. WALLOP. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WALLOP. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WALLOP. I inquire of the Chair what the parliamentary situation is. We have not yet had third reading of H.R. 2968 but we have of S. 1230 and we have substituted the text of S. 1230. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WALLOP. Mr. President, I ask unanimous consent that it be in order for me to move to third reading of this bill but Senators who have expressed their desire to talk on this within the time limit may be permitted to do so at the conclusion of that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, I request third reading and urge passage of H.R. 2968, as amended.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Is there further debate on the House bill?

The PRESIDING OFFICER. The bill having been read the third time, the question is shall it pass?

The bill (H.R. 2968), as amended, was passed as follows:

Resolved, That the bill from the House of Representatives (H.R. 2968) entitled "An Act to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes", do pass the following amendment:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1984".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

Sec. 101. (a) Funds are authorized to be appropriated for the fiscal year 1984 for the conduct of intelligence activities of the following elements of the United States Government:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(b) The amounts authorized to be appropriated under subsection (a) for the conduct of the intelligence activities of the elements referred to in subsection (a) are those specified in the classified Schedule of Authorizations for the fiscal year 1984 prepared by the Select Committee on Intelligence of the Senate, as amended by the classified appendix of the Committee on Armed Services of the Senate. Such Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

(c) During the fiscal year 1984, funds may not be made available for any activity for which funds are authorized to be appropriated by this Act unless such funds have been specifically authorized for such activity or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of the Congress of the intent to make such funds available for such activity.

(d) The authorizations of appropriations provided in this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

(e) The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for the fiscal year 1983 under sections 102 and 202 of the Intelligence Authorization Act for Fiscal Year 1983 (Public Law 97-269) and in excess of the numbers authorized for the fiscal year 1984 under this section when he determines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 per centum of the number of civilian personnel authorized under such sections for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS AND PERSONNEL

SEC. 201. (a) There is authorized to be appropriated for the Intelligence Community Staff for the fiscal year 1984, $17,500,000.

(b) The Intelligence Community Staff is authorized two hundred and eleven full-time personnel as of September 30, 1984. Such personnel may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(c) Any employee who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that an employee may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary duties as required by the Director of Central Intelligence.

(d) Except as provided in subsections (b) and (c), the activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

APPOINTMENT OF DIRECTOR OR DEPUTY DIRECTOR OF THE INTELLIGENCE COMMUNITY STAFF

SEC. 202. (a) If a commissioned officer of the Armed Forces is appointed as Director of the Intelligence Community Staff, such commissioned officer, while serving in such position—

(1) shall not be subject to supervision, control, restriction, or prohibition by the Department of Defense or any component thereof; and

(2) shall not exercise, by reason of his status as a commissioned officer, any supervision, control, powers, or functions (other than as authorized as Director of the Intelligence Community Staff) with respect to the military departments, the Armed Forces, or any component thereof, or with respect to any of the military or civilian personnel thereof.

(b) Except as provided in subsection (a), the appointment of a commissioned officer of the Armed Forces to the position of Director of the Intelligence Community Staff, his acceptance of such appointment, and his service in such position shall in no way affect his status, position, rank, or grade in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, position, rank, or grade. Any such commissioned officer, while serving in the position of Director of the Intelligence Community Staff, shall continue to hold a rank and grade not lower than that in which he was serving at the time of his appointment to such position and to receive the military pay and allowances (including retired or retainer pay) payable to a commissioned officer of his grade and length of service for which the appropriate military department shall be reimbursed from any funds available to defray the expenses of the Intelligence Community Staff. In addition to any pay or allowance payable under the preceding sentence, such commissioned officer shall be paid by the Intelligence Community Staff, from funds available to defray the expenses of such staff, an annual compensation at a rate equal to the excess of the rate of compensation payable for such position over the annual rate of his military pay (including retired or retainer pay) and allowances.

(c) Any commissioned officer to which subsection (a) applies, during the period of his service as Director of the Intelligence Community Staff, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the Armed Force of which he is a member, except that only one commissioned officer of the Armed Forces occupying the position of Director of Central Intelligence or Deputy Director of Central Intelligence as provided for in section 102 of the National Security Act of 1947 (50 U.S.C. 403) or the position of Director of the Intelligence Community Staff under this section, shall be exempt from such numbers and percentages at any one time.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There are authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for the fiscal year 1984, $86,300,000.

TITLE IV—PROVISIONS RELATING TO INTELLIGENCE AGENCIES

LIMITATION OF AGE OF CERTAIN APPOINTEES

SEC. 401. Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended—

(1) by striking out the "and" at the end of subsection (d);

(2) by striking out the period at the end of subsection (e) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new subsection:

"(f) Notwithstanding the provisions of any other law, determine and fix the minimum and maximum limits of age within which an original appointment may be made to an operational position within the Agency in accordance with such criteria as the Director, in his discretion, may prescribe.".

AUTHORITY TO MAKE CERTAIN AWARDS

SEC. 402. (a) The Director of Central Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency or to the Intelligence Community Staff, in the same manner as such authority may be exercised with respect to the personnel of the Central Intelligence Agency and the Intelligence Community Staff.

(b) The authority of subsection (a) of this section may be exercised with respect to Federal employees or members of the Armed Forces detailed or assigned to the Central Intelligence Agency or to the Intelligence Community Staff on or after a date which was five years before the date of enactment of this section.

REIMBURSEMENT TO THE STATE OF VIRGINIA

SEC. 403. The Central Intelligence Agency is authorized to reimburse the State of Virginia in an amount not to exceed $3,000,000 for the design and construction of highway improvements associated with construction at the Central Intelligence Agency headquarters compound.

COMPENSATION OF DIRECTOR AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE

SEC. 404. (a) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following: "Director of Central Intelligence."

(b) Section 5313 of title 5, United States Code, is amended by inserting "Deputy" before "Director of Central Intelligence."

(c) Section 5314 of title 5, United States Code, is amended by striking out "Deputy Director of Central Intelligence."

BENEFITS FOR CERTAIN EMPLOYEES OF THE DEPARTMENT OF DEFENSE ASSIGNED ABROAD

SEC. 405. (a) The Director of the Defense Intelligence Agency, on behalf of the Secretary of Defense, may provide to military and civilian personnel of the Department of Defense who are United States nationals, who are assigned to Defense Attaché Offices and Defense Liaison Offices outside the United States, and who are designated by the Secretary of Defense for the purposes of this subsection allowances and benefits comparable to those provided by the Secretary of State to officers and employees of the Foreign Service under paragraphs (2), (3), (4), (6), (7), (8), and (13) of section 901 and under section 903, 705, and 2308 of the Foreign Service Act of 1980 (22 U.S.C. 4025; 22 U.S.C 4081 (2), (3), (4), (6), (7), (8), and (13); 22 U.S.C 4083; 5 U.S.C 5924(4)).

(b) The authority of the Director of the Defense Intelligence Agency, on behalf of the Secretary of Defense, to make payments under subsection (a) is effective for any fiscal year only to the extent that appropriated funds are available for such purposes.

(c) Members of the Armed Forces may not receive benefits under both subsection (a) and title 37, United States Code, for the same purpose. The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

TITLE V—GENERAL PROVISIONS

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 501. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WALLOP. Mr. President, I once again ask the indulgence of the Senator from California.

Mr. President, I move to indefinitely postpone S. 1230.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MOYNIHAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WALLOP. Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses on H.R. 2968, and that the Chair be authorized to appoint the conferees on the part of the Senate.

BEST COPY AVAILABLE

The motion was agreed to and the Presiding Officer appointed Messrs. GOLDWATER, WALLOP, NUNN, GARN, BENTSEN, DURENBERGER, ROTH, COHEN, MOYNIHAN, INOUYE, and LEAHY, and from the Committee on Armed Services, Mr. WARNER.

Mr. **GOLDWATER.** Would the clerk read the list again?

The legislative clerk read as follows:

Messrs. GOLDWATER, WALLOP, NUNN, GARN, BENTSEN, DURENBERGER, ROTH, COHEN, MOYNIHAN, INOUYE, and LEAHY, from the Committee on Armed Services, Mr. WARNER.

Mr. **GOLDWATER.** Mr. President, I do not believe that list is correct. I do not know where it came from. It did not come from me. It did not come from the vice chairman.

Mr. **WALLOP.** Mr. President, I ask unanimous consent that the Chair be authorized to appoint the conferees at an hour prior to 1 p.m. this afternoon.

The **PRESIDING OFFICER.** Is there objection?

Mr. **GOLDWATER.** What is the request?

Mr. **WALLOP.** That the Presiding Officer be permitted to appoint the conferees at an hour prior to 1 p.m. this afternoon.

Mr. **GOLDWATER.** Mr. President, I have a list of conferees that the vice chairman and I have agreed to.

Mr. **WALLOP.** I withdraw the request.

Mr. **GOLDWATER.** I want to submit my own list. I send it to the desk.

The legislative clerk read as follows:

Messrs. GOLDWATER, GARN, LUGAR, WALLOP, COHEN, MOYNIHAN, INOUYE, LEAHY, BENTSEN, and NUNN.

Mr. **WALLOP.** Mr. President, I wish to express my appreciation to professional staff members Keith Hall, Herb Kline, Angelo Codevilla, Charlene Packard, the budget section secretary, and to Dr. Gary Schmitt, the minority staff director.

Mr. **MOYNIHAN.** And Mr. Sullivan, the minority counsel.

Mr. **WALLOP.** Mr. President, I believe the Senator from California was seeking recognition.

The **PRESIDING OFFICER.** The Senator from California

Mr. **WILSON.** Mr. President, first, I ask unanimous consent——

Mr. **BAKER.** Mr. President, what is the pending business?

The **PRESIDING OFFICER.** As soon as the Senator from California completes his remarks, the pending business will be the motion to proceed to S. 1715.

Mr. **WALLOP.** The Senator from Arizona wished to make a brief remark.

Mr. **BAKER.** Are we still on the intelligence bill?

The **PRESIDING OFFICER.** The bill has been passed but there was a unanimous-consent request that Senators who did not begin to speak are being permitted to speak on that subject.

Mr. **BAKER.** Mr. President, there is a complication and we can solve it this way, I believe: There is a request to speak on the motion to proceed before the quorum begins. I ask unanimous consent that the quorum call begin not at 12 o'clock as previously ordered but at 12:10.

The **PRESIDING OFFICER.** Without objection it is so ordered.

(Further statements at this point concerning intelligence activities authorization are printed earlier in the RECORD, prior to passage of the bill.)

ORDER OF BUSINESS

(Mrs. **KASSEBAUM** assumed the Chair.)

Mr. **EXON.** Madam President, I wish to make a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator will state it.

Mr. **EXON.** Will the Chair please advise this Senator what the arrangements are? I was on the floor eariler and I thought we had specifically reserved some time for debate prior to the quorum call, which I understand now is about to take place at about 12:10. Was there not such an arrangement in the unanimous-consent request which was previously agreed to on the floor this morning?

The **PRESIDING OFFICER.** The leader announced consent to have the quorum at 12:10. The time prior to that would be for debate on the motion to proceed. That was an understanding; it was not an agreement.

Mr. **EXON.** Will the Chair advise the Senator from Nebraska whether or not he is correct that part of that agreement was that we had an understanding that, immediately after the vote on the measure which was then pending, which was passed by a voice vote, we would return to discussion of the natural gas bill prior to the cloture vote?

The **PRESIDING OFFICER.** That was an understanding but not an order.

Mr. **EXON.** I ask the Chair, under that understanding, would it be appropriate now to return to debate on the pending cloture motion?

The **PRESIDING OFFICER.** The Senator is correct.

NATURAL GAS POLICY ACT AMENDMENTS OF 1983

The **PRESIDING OFFICER.** Does the Senator from Nebraska wish to be recognized?

Mr. **EXON.** Madam President, what is the pending business now before the Senate?

The **PRESIDING OFFICER.** The pending business is the motion to proceed to consideration of S. 1715, which the clerk will state.

The motion to proceed to S. 1715, to amend the Natural Gas Policy Act of 1978, and so forth.

The **PRESIDING OFFICER.** The Senator from Nebraska is recognized.

Mr. **EXON.** Madam President, much mention has been made over the course of this debate about a study by the Natural Gas Supply Association. I would ask my colleagues to note at least two points about this study.

First of all, I believe we should examine the makeup of the Natural Gas Supply Association itself. This group is an amalgamation of many of the major oil companies. In fact, the president of the association is a former Washington representative of the Exxon Corp.

Madam President, that is spelled with two x's and it is pronounced "X-on," as opposed to the traditional English pronunciation of my name, which is "X-un."

Second, I believe that my colleagues should note that the so-called study only examined the impact of S. 1715 for 1 year after the bill would pass. This is the ramp-down period and also the time when the bill reduces take-or-pay obligations to 50 percent. After that first year, old gas is ramped up and take-or-pay obligation rise to 60 percent then 70 percent. In addition, the so-called study makes assumptions about a very vague and undefined concept called efficiency gains which is used to prop up the hocus-pocus numbers.

Another point of contention appears to be the use of the figure of a $40 billion transfer to "big oil" over the next 7 years. According to Wall Street analysts Paine Webber, Inc., the transfer would amount to some $6 to $10 billion in yearly revenues over the next 3 or 4 years. I ask unanimous consent that this analysis by Paine Webber, Inc., be entered into the RECORD at this point.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

IMPACT OF DECONTROLLED GAS PRICES—ANALYSIS BY PAINE WEBBER, MITCHELL HUTCHINS, INC.

SUMMARY

The Reagan Administration proposals for decontrol of natural gas prices could have enormous impact across a broad spectrum of the U.S. energy industry. Major beneficiaries would be producers of "old" gas that would have stayed controlled under the Natural Gas Policy Act of 1978—primarily the major oil companies. Independents and exploration companies concentrated in "new" gas stand to lose, especially those with high-cost gas reserves.

Among the pipeline companies, those plagued by high-cost gas supplies, take-or-pay problems and short reserve lives stand to gain from provisions for contract abrogations of take-or-pay obligations. In contrast, companies that have cautiously contracted for large amounts of moderate cost gas supplies may see their advantage vanish. Many observers and people in the pipeline industry believe the proposed legislation is quite negative for the industry, and the stocks therefore may come under pressure. However, we feel the proposals would turn out to be neutral to positive for the industry, at least relative to the stresses and uncertainties currently faced.

COMMENT

It is hard to overstate how drastic the effects of the Reagan proposals could be. The key means by which decontrol would be implemented are:

Prices on new contracts would be deregulated immediately, as would prices for any old contracts that pipelines and producers agree to renegotiate.

As of January 1, 1985, contracts not yet rewritten could be abrogated by either party, giving pipelines a chance to get out of high priced contracts and giving producers a way out of cheap ones. During 1985 the new price could not exceed a "cap" set as an average of prices in new contracts or those already renegotiated.

From January 1, 1986 forward, all natural gas prices would be decontrolled, including those for "old" Section 104 and 106 gas that would have stayed forever cheap under the NGPA.

The burden of consumer protection from exorbitant price increases would rest on the pipelines, who would not be allowed to pass on automatically any increased gas costs above inflation.

WHAT THIS MEANS

Pipelines

For pipelines, the rules would be so thoroughly rewritten it might seem the game had switched from tennis to soccer. The wholesale abrogation of contracts is alien in the exteme for an industry whose basic business is contracting for supplies and building the pipe to deliver them. Some early pipelines were financed and certificated on the strength of gas supply contracts on one end of a pipe and sales contracts on the other, and reserve life data remains the stock in trade of a pipeline analyst. The resultant uncertainty from changing all this would be enormous.

Nonetheless, when the shock recedes the industry may find benefits in some proposals. The "fly-up" nightmare, in which gas contracts provisions send new gas to unmarketable levels at the NGPA decontrol date (January 1, 1985) would recede. The Fuel Use Act, which restricts the sale of natural gas, could be repealed, opening potential new markets. Pipelines might make extra money while fulfilling their prescribed obligation to arrange transport for gas under an abrogated contract.

On the negative side, requirements for FERC hearings before passing through gas cost increases above inflation could delay cost recovery and erode returns. The inflation limit is causing worry because average gas prices would automatically tend to rise as older cheaper supplies are used. However, in light of lower oil prices, it seems projected market clearing prices may impose such limits anyway. The low-case wellhead price projection for 1985 ($2.85 per Mcf) that appears in Table 1 represents only a 5 percent annual gain over the roughly $2.45 1982 average.

TABLE 1.—DEREGULATION OF GAS PRICES POTENTIAL TRANSFERS OF ECONOMIC BENEFITS BETWEEN PRODUCERS OF "NEW" AND "OLD" GAS 1985 CONDITIONS [1]

	Low oil price case	Mid oil price case	High oil price case
Refiner's acquisition cost of crude, per barrel	$30.30	$32.90	$36.30
Average retail residual fuel oil price to large industrial customer per barrel	27.30	29.60	32.70
Fuel oil price in dollars per million BTU's	4.55	4.95	5.45
Market clearing price for natural gas per Mcf [2]	4.55	4.95	5.45
Less: Transmission and distribution margin	1.70	1.70	1.70
Derived average wellhead price for natural gas per Mcf	2.85	3.25	3.75
(Old gas as percent of total, 43 percent; new gas as percent of total, 57 percent)			
Regulated scenario:			
Old gas price per Mcf	1.52	1.52	1.52
New gas price	3.84	4.54	5.44
Average wellhead price	2.85	3.25	3.75
Deregulated scenario:			
Old gas price per Mcf	2.85	3.25	3.75
New gas price per Mcf	2.85	3.25	3.75
Average wellhead price	2.85	3.25	3.75
Price difference per Mcf:			
Old gas	$1.33	$1.73	$2.23
New gas	(0.99)	(1.29)	(1.69)
Transfer of economic benefits (mil):			
Gains to old gas producers	$5,920	$7,700	$9,925
Losses to new gas producers	(5,840)	(7,610)	(9,970)

[1] The year contract abrogations would be permitted.

[2] Assuming 1,000 Btu/cf.

[3] Covers only 10,350 of U.S. gas sales for which base data available of 18,000 total estimated.

Gas producers

For gas producers, proposed decontrol involves a redistribution of economic benefits on a grand scale. Calculations given in Table 1 indicate that some $6-10 billion in yearly revenues could shift from "new" gas producers to those with "old" gas. This probably represents a peak figure in the year of maximum decontrol activity—either 1985 if contract renegotiations are widespread then and in prior years or else in 1986. Some effect would be seen in 1983-84, as contracts were renegotiated, while the dimensions of the redistribution would shrink gradually in later years due to production declines in old reserves.

As mentioned, primary beneficiaries would be major oil companies, and a list of those showing lowest recent prices—and therefore greatest presumed potential for revenue recapture—appears in Table 2. More generally, any long-standing producer in the traditional gas provinces such as Kansas' Hugoton Basin or West Texas stands to gain—average gas prices in the Hugoton Basin last year were just $0.57 per Mcf.

TABLE 2.—GAS PRICES

[Sales volume in billions of cubic feet; sales prices in dollars per thousand cubic feet]

	1981		1982[1]	
	Bcf	Dollars/Mcf	Bcf	Dollars/Mcf
Exxon	1,228	$1.47	1,055	$1.70
Texaco	791	1.25	720	1.50
Indiana Standard	832	2.15	725	2.60
Mobil	684	1.62	805	1.90
Gulf	647	1.54	555	1.70
Shell	664	2.02	610	2.30
Atlantic Richfield	448	1.77	450	2.15
Standard of California	440	2.03	423	2.25
Union of California	414	2.00	410	2.35
Tenneco	437	2.14	400	2.60
Sun	380	1.94	335	2.20
Getty	319	1.86	325	2.50
Cities Service	301	1.63	285	2.10
Superior	288	2.52	275	3.05
Phillips	266	1.67	250	2.15
Pennzoil	193	2.21	180	2.70
Total	8,362	1.78	7,603	[2] 2.16

[1] Estimated.

[2] Volume weighted average.

Sources.—Pennzoil Co.

But why should producers of new gas lose? Regulation of gas prices created a classic "economic surplus" between real market value and artificially depressed sales prices for gas. Originally this went to consumers. As gas supplies grew short, pipelines used the surplus as a "cushion" to average down the cost of higher priced supplies. As the value of the cushion decreases—through natural reservoir decline curves or via higher prices for cushion gas—less subsidy is available. As shown in Table 1, without a cushion, high cost gas must sell for less, while expanding a cushion via higher market clearing prices has a dramatic positive effect on possible new gas prices.

In this scenario, of course, producers of highest cost gas are most at risk—those in the Deep Anadarko Basin, the difficult and deep sections of the Rocky Mountain Overthrust Belt and so on.

Consumers

For consumers, effects of decontrol as proposed by the Reagan Administration are likely to be negligible. Pipeline purchases of high cost gas have just about used up consumers' once-large share of the cushion. Indeed, industrial gas consumer groups have lobbied strongly for decontrol because they know the cushion is gone and will settle for adequate and reliable gas supply.

Gas Prices

The Reagan Administration appears to be correct in thinking its proposals will lower gas prices, at least to some degree. Near term, the Administration's move may add impetus to the already evident trend to lower prices on new contracts. The pipelines will react worriedly and hold out for lower prices. Prices for 102 gas in Texas already are close to the $3.00 mark on new contracts compared to $3.40 allowed by law, while prices for deep deregulated gas in the Anadarko Basin have been quoted below $3.50. Based on average recent intra-state gas prices to electric utilities, it seems that the market clearing price for gas might be getting closer to $2.85 in Texas and Louisiana (and perhaps less), given lower prices for fuel oil.

Therefore, it seems likely that the prevailing price for new gas contracts could soon move to the $2.75-2.85 range for 102 gas in Texas.

TABLE 3.—PROJECTED VOLUMES AND PRICES OF WELLHEAD PURCHASES—1981–82 FOR ALL NGPA CATEGORIES

[Volumes in billion cubic feet; prices in constant January 1982 dollars per thousand cubic feet]

	Period covered [1]					
	Mid-1981		Late 1981-Early 1982		Mid-1982	
	Volume [2]	Average price	Volume [2]	Average price	Volume [2]	Average price
Pipeline companies:						
Cities Service	344	1.54	303	1.97	236	2.21
Colorado	281	2.36	[3] 287	[3] 2.48	292	2.60
Columbia	597	2.29	678	2.76	633	2.75
Consolidated	104	2.42	102	2.51	102	2.58
El Paso	1,015	2.00	1,013	2.28	1,132	2.55
Florida	137	1.91	132	1.88	118	1.92
Kansas-Nebraska	76	1.69	[3] 70	[3] 1.82	63	1.98
Michigan-Wisconsin	540	1.93	583	2.20	547	2.29
Natural	848	1.77	863	1.81	900	1.92
Northern	727	1.68	[3] 705	[3] 1.181	683	1.95
Northwest	135	1.97	156	1.90	162	2.14
Panhandle Eastern	511	1.57	520	1.65	524	1.77
Southern Natural	453	2.59	445	2.73	458	2.53
Tennessee	1,037	1.87	1,075	2.08	1,094	2.43
Texas Eastern	554	1.20	509	1.32	485	1.34
Texas Gas	468	1.95	459	2.20	451	2.27
Transcontinental	849	2.77	844	2.78	879	2.90
Transwestern	269	1.80	268	1.96	297	2.12
Trunkline	591	2.40	578	2.55	589	2.64
United	633	2.18	670	2.40	705	2.56
Total [4]	10,170	2.01	10,260	2.19	10,352	2.35
Range of pipeline prices		1.20–2.77		1.32–2.78		1.34–2.90
Interquartile range of pipeline prices [5]		0.52 (1.77–2.29)		0.74 (1.81–2.55)		0.50 (1.95–2.60)

[1] Exact dates covered differ from company to company (see Appendix A). The effective dates of the PGA filings fall within the following intervals: mid-1981, January 1 through June 30, 1981; late 1981-early 1982, July 1 through December 31, 1981; mid-1982, January 1 through June 30, 1982.

[2] Volumes are at an annual rate.

[3] Volumes and prices are averages of first and third submissions for companies that report annually (and so have no second submission).

[4] Total wellhead gas purchases includes miscellaneous sections not included in any category report (Sections 311 and 312) and slight volumes for which no section was reported or imputed.

[5] Interquartile range refers to the central 50 percent of volumes.

Note.—Totals may not sum due to independent rounding.

Long term, we believe average wellhead prices would have reached the same market clearing level under either NGPA or the Reagan proposal. However, the contract provisions in the proposed bill could well smooth and expedite the process.

CONCLUSION

On balance, the Reagan Administration proposal appears likely to result in satisfactory price trends for U.S. consumer. Battles in Congress, however, will tend to revolve around "who gets what" concerns. Decontrol of old gas, in particular, may prove unpalatable for Midwest Senators and Congressmen, whose consumer constituents have just passed a winter expressing extreme and sometimes violent discontent about rising natural gas prices. Whatever the realities, handing benefits to "big oil" while consumers are screaming about energy prices rises is not the most politically palatable move for a Congressman.

We anticipate lengthy debates and many amendments before any decontrol bill is passed by the legislature. We would not expect passage much before the end of the session, and anticipate that the final bill will be, though not 180 degrees turned from the Reagan proposal, at least 75 degrees askew.

Mr. EXON. Madam President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks communications from a number of individuals and organizations which have been received in my office, which refute the so-called consumer benefits of S. 1715 as alleged by its supporters.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAKER. Madam President, will the Senator yield to me for a moment?

Mr. EXON. I am happy to yield.

EXTENSION OF TIME FOR QUORUM CALL

Mr. BAKER. Madam President, earlier, I had extended the time for the mandatory quorum call, fully aware of the fact that the Senator from Nebraska, and I believe the Senator from Arkansas, had asked for time to speak on the motion to proceed before we get to the motion to proceed. Now 12:10 p.m. is within seconds of this moment. I ask unanimous consent that the quorum call occur at 12:20 now instead of 12:10. If we need to adjust it again, we shall adjust it again.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. EXON. I thank the majority leader for his usual courtesies and understanding.

Mr. Dan Dienstbier, president of Northern Natural Gas Co., headquartered in Omaha, Nebr., has indicated that S. 1715 would impose additional gas purchase costs to that company in excess of $1 billion compared to costs under the existing NGPA. Northern is supplied with nearly 55 percent old gas.

Mr. Stuart Wheeler of the Kansas-Nebraska Pipeline Co. in Hastings, Nebr., that the company's old gas could rise as much as $1.38 per Mcf, above current NGPA prices. This could mean billions in additional costs to the pipeline, and ultimately the consumer. Kansas-Nebraska is supplied with nearly 65 percent old gas.

Mr. Fredrick Scott, of the Midcon Corp., estimated that Natural Gas Pipeline, of Chicago, which has some service in my State, would see over $2 billion in additional costs over the next 7 years.

Mr. Robert Bell, general manager of the Metropolitan Utilities District which serves Nebraska's largest metropolitan area of Omaha, has forwarded a resolution passed by the distribution company board stating that Omaha's ratepayers have expressed opposition to any old gas decontrol scheme due to higher prices which will be passed on to its customers.

Mr. President, in addition to these Nebraska firms, my office has heard from others who view S. 1715's old gas decontrol as bearing severe hardship on a great number of Americans.

The American Association of Retired Persons has written and expressed opposition to S. 1715 and, in particular, old gas decontrol.

The American Hospital Association has written in to express serious concerns about the impact on the Nation's health care sector which depends upon natural gas. Old gas decontrol would severely impact hospital operating budgets and energy costs could increase over 60 percent, adding $830 million more in gas costs.

The National League of Cities has written to oppose the decontrol of old gas, noting that, for New York City alone, gas costs would increase by $5.8 million. In addition to this increase in direct gas costs, added municipal expenses would be incurred.

The American Small Business Energy Conference has written to express opposition to old gas decontrol.

The National Governor's Conference has written to oppose old gas decontrol.

All of these groups, Mr. President, have endorsed the concept of enacting a contracts bill—one that addresses the problems of take or pay clauses and indefinite price escalators. I would hope that, as the Senate continues to consider S. 1715, we can focus on such a measure and pass it quickly.

Madam President, I am willing to work toward a constructive proposal to address the contracts problem with my colleagues. I intend, at a later time, to submit language which I believe narrowly and precisely addresses these primary problems confronting the Senate and natural gas consumer.

I do not consider this language to be the final word. However, I believe that, if any constructive legislation is to be produced in this session, and I hope that it is, we must concern ourselves with the problem of the contractual rigidities which have turned the current law's price ceilings into price floors.

My proposal, which is only for discussion now, would address only three areas of vital concern: A reduction in take or pay requirements for 3 years to 50 percent; voiding all indefinite price escalator clauses; and the establishment of a prospective prudent purchase rule for purchased gas adjustments.

First of all, this amendment would provide greater relief to consumers from burdensome take or pay clauses by reducing the required take to 50 percent for 3 years. This reduction would be triggered at the election of the purchaser, after notice is provided to the seller no less than 30 days prior to the delivery of the reduced volumes. The volumes not taken would then be released to the seller for sale to another purchaser and, if the original purchaser was a pipeline, that pipeline would be obligated to transport the gas for a just and reasonable consideration. In addition, this section would ban contract provisions which would operate to prevent adequate makeup of gas volumes which have been paid for but not taken.

Second, this amendment would void all indefinite price escalators. This is consistent with previous orders of the Federal Power Commission, the FERC's predecessor, and court decisions as well. In 1961, the FPC prohibited certain indefinite price escalators, such as most-favored-nation clauses which allow prices to automatically escalate to any higher prices that any other purchaser is paying in a certain geographic area. In 1968, the U.S. Supreme Court indicated that indefinite escalator clauses by their design and function alone may be incompatible with the public interest.

In fact, most indefinite escalators are prohibited in contracts subject to FERC's jurisdiction—but they exist nonetheless because the Commission's power to prohibit such clauses ceases as gas is deregulated. Come January 1, 1985, these indefinite escalators will kick in and threaten, what the GAO has called, a "contractual price spike" on all decontrolled gas.

Such clauses insulate producers from downstream market signals and provide an ever upward moving price floor in the contract.

By voiding indefinite escalators, producers and pipelines can go back to the table and negotiate. A fixed escalation or deescalation provision that is market sensitive would appear to be more appropriate and provide greater stability and predictability to natural gas prices.

The 1961 FPC order and U.S. Supreme Court decision affirming that order concluded that at least three versions of indefinite escalators were against public policy—the-favored-nation clause, the spiral escalation clause, and the price determination clause. These provisions were prohibited because they allowed the producer to increase prices through the operation of factors which had no relation to his cost of production.

I would suggest that this is sound policy for the Senate to consider at this time.

Finally, the third element of this amendment would establish a prudent purchase rule by adding a new subsection to section 601(c) of the Natural Gas Policy Act. This rule would apply prospectively to contracts entered into or which have been renegotiated after the enactment of this provision. To provide some guidance to the Commission, this rule would adopt prudence rules developed by the FPC in 1975 for review of short-term, emergency sales of natural gas. This 1975 FPC order established five guideposts for the Commission to consider in determining whether a purchase is prudent or not.

In 1975, the FPC, in reviewing an application of Transcontinental Gas Pipeline, articulated the conditions of a prudent purchase in the context of five relevant factors. These were: First, the pipeline's need for the gas; second, the availability of other gas supplies; third, the amount of gas dedicated to the purchase; fourth, a comparison of the price with appropriate market prices in the same or nearby areas, and fifth, the relationship between the purchaser and the seller. These criteria were utilized again by the Commission in a 1978 case involving Tennessee Gas Pipeline wherein that company was found to have been clearly prudent.

This amendment would incorporate the FPC's criteria as guidance to the Commission on the prudency standard and avoid the blank check approach of some or the 10-percent guarantee approach of others.

I would submit this proposal for purposes of discussion and in the hopes that it will be helpful in this process.

Again, I emphasize that this proposal does not represent all that could be done, but it is my sincere attempt to provide my colleagues with a simplified contracts bill which contains the elements on which, I believe, a majority of the Senate can agree as a valid starting point for addressing the complex issues of the natural gas market.

Preliminary estimates, which I shall submit later, demonstrate that a contracts bill could provide a price drop in natural gas, in real terms, of 1 to 2 percent over each of the next 5 years. Lower prices would result, coupled with encouragement in exploration and drilling.

I am hopeful that the Senate will proceed to constructive action for the sake of the Nation's consumers.

EXHIBIT 1

NORTHERN NATURAL GAS CO.,
Omaha, Nebr., October 25, 1983.

Hon. J. JAMES EXON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EXON: On September 20, I sent you a letter about the impact of the ramp up/ramp down decontrol provision of S. 1715. Our initial evaluation showed this provision would increase Northern's gas acquisition costs by about $249 million over the first three years. This is because Northern has very little high cost gas to ramp down.

For that analysis, we used the price of 103 gas as the "free market price indicator" (FMPI) as used in S. 1715 for the first six months. Using our projections for crude oil prices, the 103 gas price is about 58% of refiners acquisition cost (RAC) of crude oil.

To illustrate the sensitive relationships of gas cost forecasting to market assumptions: if, as we believe, the FMPI turns out to be 65% of RAC, the additional cost to Northern would be in excess of one billion dollars over these three years, as opposed to the $249 million in our initial evaluation. Both of these projections are compared to the current NGPA, with the additional assumption that indefinite price escalator clauses would be eliminated.

The bottom line for the gas industry is that the indefinite price escalator clauses will drive the purchased cost of deregulated gas unacceptably high. In Northern's case, the additional cost of these escalators could exceed one billion dollars in 1985 and 1986.

It is imperative to solve the indefinite price escalator problem but S. 1715 is not the answer. Because of the ramp up/ramp down provisions, it could result in a price increase to our customers equivalent to the cost of the escalator clauses the bill proposes to eliminate.

We continue to urge you to oppose deregulation of "old gas" and to support legislation to provide relief from indefinite price escalator clauses.

If you have additional questions, please call me at 402/633-4466 or our Washington

Office and ask for Tom Jetton or George Seitts at 789-1638.

Sincerely,

DAN DIENSTBIER,
President.

Senator EDWARD ZORINSKY,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR ZORINSKY: It is my understanding that you have received material from the Natural Gas Supply Association relative to an estimated impact of S. 1715 on Nebraska natural gas prices. We wish to take issue with some of the conclusions.

About 62.6 percent of the wellhead purchase of K N Energy is "old gas" priced at $.86/Mcf. Using the assumptions of the Natural Gas Supply Association, the price of that old gas may increase to $.93 or one-third of the free market price indicator (FMPI) in one year. However, there are other years to consider. It may very well be that after three years it may reach the level of the projected price of high priced gas or $2.80. If that happens, we may be looking at this wellhead price of K N's old gas increasing by about $1.38/Mcf. We think that any consideration of price projections must be looked at in terms of a time frame of more than one year.

It would be in the consumers' best interest for Congress not to act rather than to act without full knowledge of the consequences.

Thank you very much for your consideration.

Sincerely,

STUART L. WHEELER.

METROPOLITAN UTILITIES DISTRICT,
Omaha, Nebr., October 10, 1983.

Hon. J. JAMES EXON,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR EXON: The attached Resolution relatvie to deregulation of natural gas was adopted by the Metropolitan Utilities District Board of Directors at its last regular meeting.

Management has been following the subject through its entirety and we realize that with your closeness to the problem, you may suffer less consternation than we have over the various bills that are either in Committee or out of Committee.

The entire Board was not unanimous; as a matter of fact, our Chairman, Mr. McCollister, was opposed to the recommendation of Management on this subject. It did, however, receive the four votes necessary for approval. I have visited with one of the other Board members opposing the Resolution since its adoption, and he indicates merely difficulty with understanding the total problem, which I know you realize exists many places today.

Sincerely,

ROBERT W. BELL,
General Manager.

RESOLUTION

Whereas the Senate Committee on Energy and Natural Resources has reported to the full Senate S. 1715, a bill providing for the decontrol of "old" natural gas and mandatory pipeline carriage, and containing other provisions which would adversely affect the cost of natural gas to Metropolitan Utilities District and its customers; and

Whereas the Subcommittee of Fossil and Synthetic Fuels of the House Energy and Commerce Committee has reported to the full Committee and substitute bill which would also decontrol "old" natural gas through an enhanced recovery provision and would also mandate pipeline carriage; and

Whereas the Metropolitan Utilities District has been advised by its pipeline supplier, Northern Natural Gas Company, that the decontrol of old gas will result in substantially higher gas prices to the District and its customers; and

Whereas mandatory pipeline carriage will make it possible for large industrial customers to circumvent established distribution systems thereby increasing the cost of gas to residential and small commercial customers and may also pose a serious threat to supply security for these customers; and

Whereas the ratepayers of Metropolitan Utilities District have already suffered financial hardship as a result of unsatisfactory legislation attempts to balance an adequate supply of natural gas with the consumer's interest of natural gas prices; Now, therefore, be it

Resolved, That this Board exhort each Congressman representing residents of the State of Nebraska to work for the rejection of the aforementioned bills as they now read and to support legislation that provides for the following:

1. Retain controls of old gas.
2. Place a Fifty Percent (50%) limitation on take-or-pay contract provisions.
3. Limit or invalidate indefinite price escalator clauses and most favored nation clauses.
4. Provide for natural gas carriage by pipeline on a voluntary basis.
5. Repeal of incremental pricing and Fuel Use Act restrictions: be it further

Resolved, That each Congressman be advised that legislation limiting take-or-pay contract provisions and limiting or banning indefinite price escalator clauses and most favored nation clauses is urgent and, in the absence of such legislation, excessive gas rate increases to the District and its customers may result: be it further

Resolved, That the General Manager be directed to send a copy of this resolution to each Congressman in the Nebraska delegation.

MIDCON CORP.,
Washington, D.C., August 16, 1983.

Hon. J. JAMES EXON,
Hart Senate Office Building,
Washington, D.C.

DEAR SENATOR EXON: MidCon Corp.'s subsidiary, Natural Gas Pipeline Company of America (Natural) has reviewed the recently reported Senate Energy Committee bill S 1715. We find that the ramping up of old gas prices will have a $2 billion impact on midwest consumers gas rates.

The adverse cost impact by years is as follows:

Cost increase of domestic gas supplies over the NGPA

	Millions
1985	$109
1986	198
1987	367
1988	434
1989	387
1990	345
1991	261
Total	2101

Natural supplies gas to a number of small communities in your state. As a consequence your residential heating constituents will bear a share of this cost increase. The adverse cost impact shown above will, at a minimum, cause an approximate 10 percent increase in annual residential heating bills. This ramping up provision of the bill effectively removes all opportunity for Natural to maintain or to reduce its gas rates to your consumers.

MidCon earnestly solicits your support in deleting the decontrol of old gas from the bill. We will be glad to work with you and your staff on amendments to the proposed legislation to achieve this goal.

A copy of the study with assumptions is attached and I will be glad to discuss it with you at your convience.

Very truly yours.

FREDERICK L. SCOTT.

NATURAL GAS PIPELINE CO. OF AMERICA ANALYSIS OF SENATE BILL S. 1715

The following summarizes the results of Natural's recent analysis of the effect on its cost of gas of the Bill S. 1715 just reported out by the Senate Energy Committee. For purposes of the study, the proposed legislation was assumed to be effective by November of 1984. The analysis is based upon a conservative assumption that the price of new gas forming the basis for the Free Market Price Indicator: (FMPI) would be $3.14/Mcf in 1984 increasing to $4.63/Mcf by 1991. The ramp up/ramp down provision of the legislation would operate to bring existing supplies to that price level by 1987.

The bill, if passed in its present form, would increase Natural's cost of domestic gas supplies by an estimated $2.1 billion through 1991 over current projected costs under the Natural Gas Policy Act now in effect. This represents annual average cost increases of $300 million or approximately 15% higher than the NGPA. The increases are due primarily to the 3 year ramp up in old gas prices.

The above results represent the impact of proposed legislation on Natural's domestic supply only. The considerable uncertainty surrounding the future price of Canadian supplies with or without legislation make any projection of differences in this area extremely speculative.

Even though the proposed legislation only carries a three year ramp up in old gas prices, Natural has studied the impact of a 6 year ramp period. This study results in a $1 billion increase in gas prices by 1991.

ASSUMPTIONS

I. Base (NGPA) case: This case was the reference from which the price increases were computed. In the base (NGPA) case, the price of all Section 102 and 103 gas scheduled to deregulate on 1/1/85 was assumed to go to the Section 103 price on that date and increase with inflation through 1991.

II. S. 1715 (Proposed NGPA Amendment of 1983) case:

1. In this case, the proposed Amendment is enacted September 30, 1984, and the first changes take effect November 1, 1984.

2. FMPI=October, 1983 Section 103 price ($3.08/Mcf) plus projected inflation.

Calendar year and annual average FMPI (dollars per Mcf)

1984	3.14
1985	3.30
1986	3.47
1987	3.66
1988	3.86
1989	4.09
1990	4.34
1991	4.63

3. Inflation:

Calendar year:	Percent
1984	4.7
1985	5.1
1986	5.3
1987	5.4
1988	5.9
1989	6.0
1990	6.6
1991	6.6

4. All low-priced/high-priced contracts begin phase-up/phase down on 11/1/84. There is no contract termination, market-out, or take-or-pay reduction action taken.

5. Phase-down of high priced gas takes 12 months, phase-up of low-priced gas takes 36 months.

6. Severance tax and Btu content were assumed to be identical for all categories of gas.

7. Volumes and prices do not include domestic pipeline purchases, Canadian gas, or non-traditional sources.

IV. Gas Purchases Volumes: Volumes are the same for all cases and are shown attached.

NATURAL GAS PIPELINE CO. DOMESTIC GAS VOLUMES [1] AFFECTED BY PROPOSED LEGISLATION

[Volumes in BCF]

Section	1984	1985	1986	1987	1988
Gas which phases up:					
104	443.7	379.3	307.3	249.2	197.6
106	20.3	18.0	15.3	13.4	11.6
109	15.5	16.2	11.5	10.7	9.5
Contract rate	12.5	9.9	8.2	6.8	5.1
Total	492.0	423.4	342.3	280.1	223.8
Gas which phases down:					
102	228.9	224.8	287.7	303.6	319.5
107	10.3	12.0	14.3	14.9	15.8
108	5.1	4.1	3.3	2.5	1.9
Subtotal	244.3	260.9	305.3	321.0	337.2
Gas unaffected:					
103 [2]	69.1	57.3	49.9	44.7	36.1
Total domestic supply	552.3	805.4	741.6	697.5	645.8

[1] Does not include pipeline purchases.

[2] Section 103 is unaffected by the proposed legislation.

AMERICAN SMALL BUSINESS
ENERGY CONFERENCE,
Washington, D.C., October 21, 1983.

Hon. J. JAMES EXON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EXON: As President of the American Small Business Energy Conference (ASBEC), I urge you to vote against S. 1715 when it is considered on the Senate floor.

ASBEC is an organization representing the interests of small businessmen on energy issues. Small business is too often left out of the energy policy-making process. ASBEC has been organized to provide a strong, responsible voice on energy matters.

We oppose S. 1715 for the following reasons:

It decontrols old gas: Decontrol of old gas would cause gas rates to jump. Oil decontrol in 1979 caused gasoline, diesel and heating oil prices to triple. Decontrol of old gas will be responsible for transferring billions of dollars from small business users to windfall profits for producers. We cannot afford it. As the employers of most of the workers in this country, we urge you to oppose the decontrol of old gas.

It creates "mandatory contract carriage": Mandatory carriage allows large users of natural gas to purchase supplies directly from producers, and forces pipelines to deliver that gas without protections for existing users as now required by FERC. Large industrial users could avoid paying their fair share of the gas system's cost. Small business customers may have to pay a larger share of fixed costs, including prepayments for gas that now cannot be resold. Industrial users could also purchase most of the cheap old gas currently in surplus supply because of the recession. Pipelines, currently unable to sell these excess volumes, would be forced in the long term to purchase more expensive volumes of gas—forcing rates up to the remaining small business users.

We urge you to vote for proposals that modify certain provisions in gas purchase contracts that are causing market disorders such as:

Take-or-pay contract clauses: Take-or-pay clauses force pipelines to take or pay for gas whether they can resell it or not. This has forced pipelines to "shut in" supplies of cheap gas, and pass through more expensive volumes of new gas, pushing rates up. Imposing a mandatory 50% ceiling on take-or-pay for a three-year period would solve this problem.

"Most favored nation" or third-party escalator clauses: These contract clauses could potentially cause new gas prices to "spike" in 1985 by tying wellhead prices to more expensive deep gas, or fuel oils. By nullifying these clauses, a smooth transition to free market prices would occur.

Remove demand restraints: ASBEC supports repeal of laws that restrict the use of natural gas such as incremental pricing and the Fuel Use Act. These laws stop industrial users from joining the utility system by imposing bans on natural gas use. Since industrial users cover a large portion of the "fixed" or "system" cost of the utility, the more industrial load a utility has, the lower the rates are for all consumers.

Protection for existing users: Small business users must be protected from shortage of supplies and massive increases in rates. Capacity diverted for use by mandatory carriage customers would cause allocation problems in times of shortage. Additionally, if large industrial users are allowed to leave and rejoin the utility system at will, the fixed cost burden on small businesses could increase drastically. ASBEC supports efforts like the FERC's recent "Blanket Certificate" program that allows voluntary carriage while still protecting long term supply for existing customers at reasonable rates.

Affordable energy is essential to small business and small business is essential to our economy. I would be pleased to discuss this further with you or a member of your staff. Thank you for your time and attention.

Sincerely,
THOMAS R. KINGSLEY,
President, American Small Business Energy Conference.

NATIONAL GOVERNORS' ASSOCIATION: BACKGROUND ON NGA POSITION ON NATURAL GAS

Wellhead Price Controls: NGA policy supports the deregulation of new gas wellhead prices. This was provided for in the Natural Gas Policy Act of 1978 (NGPA) and the Governors' policy is supportive of the decontrol schedule established in the NGPA.

NGA policy does not support efforts to either expand the decontrol of gas beyond the schedule in NGPA or to recontrol gas by extending that schedule. In effect, the Governors' position is based on a belief that the NGPA provides for an orderly deregulation of most gas supplies (90 percent of gas would be decontrolled by 1990 under NGPA). Further, the Governors are convinced that contract and other regulatory issues are the real problems in today's gas market and neither decontrol nor recontrol are appropriate responses to these problems.

Take-or-Pay: These contract provisions can require pipelines to take as much as 90 percent of contracted supplies (average requirements are in the 70-90 percent range) and pay for such supplies regardless of whether they can be marketed. In some cases, it has caused lower cost supplies to be shut-in while higher cost supplies are taken to satisfy contract requirements.

NGA policy calls for legislation to include a market-out provision to be exercised by purchasers in all existing and future contracts. This would allow pipelines to break a contract which included take-or-pay provisions or to use the threat of breaking the contract to win reductions in their take requirements.

It appears that this "market-out" recommendation faces limited chances for success in the Senate at this time. Therefore, NGA is supporting take-or-pay limitations of 40 percent extending beyond the three year provision contained in S. 1715. Forty percent take limitation over the life of the existing contracts would provide greater protection for consumers, ensure pipelines and enhanced ability to alter their gas mix to minimize gas rates, and would increase the incentive for renegotiation of prices and other contract terms.

Indefinite Price Escalator Clauses: These clauses tie the future (post 1985) price of gas to either some other energy source (the price of oil or other competing fuel) or to the sale price of gas from other wells in the area (Most Favored Nation Clauses). These types of contract provisions tend to artificially inflate the cost of gas.

NGA policy supports a provision to void indefinite price escalators in all existing and future contracts.

Pipeline Accountability: Current law provides for the virtually automatic approval by FERC of the pass-through to consumers of increased purchased gas costs incurred by an interstate pipeline. The standard for FERC to deny the pass-through of these costs is quite high, requiring a finding of "fraud or abuse".

NGA policy supports increasing pipeline accountability for increased gas costs by including a requirement that costs be "prudently incurred". This would increase FERC's ability to critically review pipeline practices that do not serve the public interests.

Affiliate Contracts: In those cases where pipeline companies purchase gas directly from affiliated production companies, consumer interests may not be adequately protected. Seven of the ten largest interstate pipeline companies are associated with affiliated production compaines.

NGA policy supports legislation to strengthen FERC's review authority and ability to limit the pass-through of increased costs resulting from contracts between pipelines and affiliated producers. It supports a requirement that cost pass-through should be allowed only where costs are just, reasonable and prudently incurred. In addition, the policy supports a provision to prohibit pipelines from taking greater proportions of gas from affiliated contracts than they are taking from their lower cost non-affiliate contracts.

Contract Carriage: Many of today's pipeline companies provide more than gas transportation services. Most of those companies negotiate and purchase gas from producers and then resell the gas to local distribution companies for delivery to the ultimate consumer.

NGA policy includes a broad statement supporting "mandatory carriage of gas". Under this type of arrangement, gas customers (distribution companies and industrial users) would be free to negotiate directly with producers and could petition FERC to require interstate pipelines to use available capacity to transport the gas.

Gas Imports: Non-domestic production has become an important supplement to U.S. gas supplies. Last year, non-domestic sources provided just less than 5 percent of U.S. gas consumption. These imported supplies, however, have been well above the $2.43 average wellhead value in 1982 for domestic gas supplies, with Canadian border prices of $4.92/tcf, Mexican at $4.94/tcf, and Algerian LNG at $5.21/tcf.

Under current law, gas imports can only be allowed after review and issuance of an import license. Such a license must be issued unless the Economic Regulatory Administration makes a finding that to do so would not be consistent with the public interest.

NGA has adopted a two-part policy on gas imports:

Existing LNG Contracts: For this limited class of imports, NGA policy would have FERC determine if contract terms, including the delivered price, for these imports are just and reasonable. If they were not, ERA would be empowered to suspend these existing import licenses.

Future Contracts: Including both LNG and all other imports, NGA policy would require that contract terms and prices be just and reasonable as a prior condition for granting future import authorizations.

National League of Cities,
Washington, D.C., October 28, 1983.

Dear Senator: The National League of Cities strongly opposed legislation to deregulate the price of old gas, or to change the current schedule for deregulation of new gas under the Natural Gas Policy Act of 1978. In our view, shifting the burden to producers and carriers to require a demonstration that any proposed price adjustment is "just and reasonable" will moderate the acceleration of natural gas prices affecting the nation's cities without removing incentives for exploration and production.

Since cities are affected both directly and indirectly by natural gas prices, natural gas policy issues are a top priority issue for NLC. Cities are affected directly in a variety of ways. All cities, of course, are purchasers of energy and municipal operations. Energy has, in fact, become the second most expensive portion of municipal budgets. Likewise, many cities are owners of municipal utilities. Finally, city housing authorities represent disproportionately large direct energy consumers. For instance the New York City Housing Authority spends close to $2 million annually for natural gas. (The Housing Authority purchased 4,391,098 mcf for cooling and heating in 1982; the city government purchased only 1,389,110 mcf for 1981.)

Indirectly, there are numerous impacts on cities from natural gas price increases. Most importantly, each increase removes significant amounts of funds from the local economy. For instance, a recent non-purchase gas rate increase proposed by Texas Eastern would have increased costs to New York City by $20,000, and to the city housing authority by $79,000. But the increase would have cost New York residents an additional $5.8 million. Moreover, as rate increases affect municipal residents, cities have become the last resort for those who can no longer pay their gas bills. Rising natural gas costs mean added municipal expenditures with a consequent export of local revenues.

We devoted considerable resources to assist our members in considering what national municipal policy we should adopt with regarding to natural gas deregulation. We solicited and received the benefit of the administration's views both at our Congressional-City Conference in March and immediately prior to our EENR Committee's deliberations. We received briefings from the General Accounting Office, producers, pipelines, distributors, manufacturers, and representatives of consumer groups. We went to great lengths to secure a full diversity of views.

Our efforts, moreover, were successful in achieving a consensus. Our committee, like our organization, represents a wide array of elected officials with diverse interests. The members are Republican, Democratic, and nonpartisan, and they are elected from cities in producer states such as Alaska, Oklahoma, Wyoming, and Texas, as well as consumer states. Nevertheless, the committee was unanimous in its decision on key pricing issues.

Clearly, the most significant issue is that of price control. In a unanimous vote, the committee elected to oppose the decontrol of old gas. There would be significant price increases, but too little in the way of increased benefits. The General Accounting Office and Congressional Budget Office reports both indicate that old gas decontrol is likely to lead to the highest cost to consumers and to a potential windfall to the major producers. There is little evidence to indicate that this windfall would be likely to be invested in new exploration and production.

At the same time, our members are concerned that the relative monopoly with regard to natural gas distribution is not conducive to a free market system. While there are nearly 12,000 producers of natural gas, cities are usually served by only one interstate gas pipeline. Moreover, city residential consumers, unlike industrial and commercial consumers, are largely captive—they do not have the capacity to switch fuels. As the Congressional Research Service concluded, pipelines meet the criteria for a natural monopoly. As such, it is our view that reasonable regulation is necessary to assure just and reasonable pricing.

Our members were also unanimous, however, in recommending retention of the current phased deregulation for new gas. Some of our cities were among the most adversely impacted by the severe gas shortage of 1976-77. Our members felt that the current schedule, with statutory changes governing contract provisions, would provide reasonable price protection while continuing to provide incentives for exploration and production of new supplies. The committee noted that the NGPA had been successful in reversing the long term erosion of natural gas supply and producing in 1981 the first surplus in production over supply since 1970.

Finally, the committee considered contract provisions. It voted to limit "take or pay" provisions in natural gas contracts to 50 percent of the obligated amount. They voted to eliminate all "indefinite escalator" provisions in existing and future contracts. The committee believes that these provisions have tended to increase natural gas prices to the highest permissible levels, creating the current oversupply. Further, the committee voted to prohibit FERC from automatically approving purchased gas adjustments. Instead, it is our recommendation that all requests for rate increases be made public, that FERC be required to review them, and that the producer or pipeline requesting the adjustment be required to bear the burden of proof to demonstrate that the adjustment was "just and reasonable."

Having spent so much time considering the complexities of any equitable resolution of these issues, we urge the Senate to act on this issue before still another heating season and higher prices are upon us. We would be pleased to provide you with any further information or to assist in any other way which you would judge appropriate.

Alan Beals,
Executive Director.

American Hospital Association,
Washington, D.C., October 27, 1983.

Re Natural Gas Policy Act Amendments of 1983 (S. 1715).

Hon. J. James Exon,
U.S. Senate,
Washington, D.C.

Dear Senator Exon: The Natural Gas Policy Act Amendments of 1983 (S. 1715) has been proposed to cover the deficiencies in the Natural Gas Policy Act of 1978—P.L. 93-621 (NGPA). The American Hospital Association, which represents more than 6,300 hospitals, is concerned about the effect this bill could have on hospitals' ability to obtain adequate supplies of natural gas at a price that would not be unduly burdensome to the nation's health care institutions.

In anticipation of the removal of price controls on natural gas, AHA in 1980 conducted a national survey of hospital energy use and cost. The major findings from this survey prompt the Association to draw the Senate's attention to the health care sector's heavy dependence upon natural gas, the adverse impact decontrol will have on hospital operating budgets, and the unique constraints that limit the hospital's ability to absorb major price increases or to seek alternative fuel supplies.

DEPENDENCE OF HEALTH CARE SECTOR ON NATURAL GAS

Based upon a sample of 3,522 hospitals, the AHA 1980 Hospital Energy Survey revealed that 69 percent of the nation's hospitals, or more than two-thirds, depend upon natural gas as their primary fuel. Moreover, at least 60 percent of the hospitals in seven of the nine census divisions reported natural gas as a primary fuel.

The survey findings also indicate that, although supplies of natural gas were generally adequate in 1980, 6 percent of the hospitals (211 hospitals of the 3,522 as surveyed) experienced some degree of difficulty in obtaining natural gas supplies. Only 25 percent of the surveyed hospitals reported having firm natural gas contracts. The low percentage of hospitals with firm natural gas contracts calls attention to the sector's vulnerability to supply disruptions.

Due to the uncertainty regarding the impact S. 1715 would have on natural gas supplies, AHA wishes to express its concern that an uneven distribution of price-controlled gas among pipelines and markets after 1985 could adversely affect hospitals' ability to obtain natural gas supplies.

COST IMPACT ON HOSPITAL OPERATING BUDGETS

Hospitals, which must operate 24 hours a day, 365 days a year, are large consumers of natural gas. According to the 1980 AHA Hospital Energy Survey, hospitals currently spend approximately $873.7 million per year for natural gas, based on a price of $4 per 1,000 cubic feet (Mcf). Although estimates of the cost impact of decontrolling natural gas prices vary widely, the Department of Energy's (DOE) and the American Gas Association's forecasts suggest that prices will increase significantly.

Based upon DOE's projection of price increases for the industrial and residential sectors under complete decontrol in 1985, the AHA estimates that natural gas prices for hospitals could increase 60 percent over 1982 costs (based on 1981 dollars per Mcf). This projection would mean an increase of $524 million in natural gas costs to hospitals by 1985. Under a projection by the American Gas Association (AGA) the outlook is even worse. AGA estimated in November, 1981, that complete decontrol by 1985 could lead to natural gas price increases of 95 percent for commercial users, a price category that includes most hospitals. Under AGA's projection, hospitals would be spending approximately $830 million more for natural gas in 1985 than now (at $4/Mcf and zero inflation).

In both the Natural Gas Policy Act of 1978 (NGPA) and the National Energy Conservation Policy Act of 1978 (NECPA), Congress recognized that energy price increases are particularly burdensome on not-for-profit institutions. Since enactment of these bills, the financial environment in which hospitals operate has changed dramatically. In the first phase of a 10-year Hospital Cost and Utilization Project, the National Center for Health Services Research recently concluded that 36 percent of rural hospitals and 23 percent of urban hospitals have been identified as financially distressed institutions.

These potential price increases for natural gas will occur at a time when hospitals are seeking ways to reduce their overall operating expenses in response to major reductions in the growth of federal health care expenditures. Further, the move toward prospective payment for health care services under Medicare limits the hospital's ability to absorb major operating cost increases. The facility is placed at risk for costs incurred in excess of predetermined health care payment limits.

The Association is concerned that the combined pressure of higher natural gas prices coupled with reduced federal health care expenditures will further deteriorate the financial stability of many hospitals.

LIMITATIONS ON FUEL CONSERVATION

Although some hospitals do maintain emergency back-up fuel storage reserves, such reserves have been established to enable facilities to operate for short periods during local emergencies (tornadoes, earthquakes, etc.) that affect hospital fuel supplies.

Lacking adequate alternative fuel storage facilities, many hospitals are severely handicapped in their ability to negotiate natural gas contracts at reasonable prices. Further, most hospitals using natural gas as a primary supply are on interruptable service arrangements rather than more expensive non-interruptable service contracts. Although this dollar-saving measure has sufficed in past years as natural gas supplies were rarely interrupted, such contracts add complexity and uncertainty to the hospitals' status in negotiations with natural gas suppliers.

Due to lack of agreement concerning the impact various decontrol proposals would have on the price and availability of natural gas and due to the uncertainty that exists regarding the effect S. 1715 amendments would have on hospital users of natural gas, the Association wishes to reiterate its recommendation that the schedule of decontrol as specified by the Natural Gas Policy Act of 1978 be maintained, subject to the following reforms that the Association believes would ensure a smooth transition to total decontrol of natural gas prices:

Limit the scope of "take-or-pay" control obligations to 50 percent.

Void deregulation clauses in existing and future contracts.

Require bilateral market out provisions in all contracts for the first rate of natural gas.

Void price provisions in existing and future contracts which are tied to indefinite price escalator clauses.

Require the Federal Energy Regulatory Commission (FERC) to implement the pipeline accountability standards in the Natural Gas Act.

Mandate FERC to be the repository for first purchase contracts and make those contracts available for public review.

In view of the enormous implications that decontrol of natural gas will have for hospitals, we strongly urge Congress to consider the Association's recommendations in formulating a natural gas policy that will help hospitals adapt to the decontrol of prices without compromising hospital access to natural gas supplies.

Your consideration of our views is very much appreciated.

Sincerely

JACK OWEN,
Executive Vice President.

AMERICAN ASSOCIATION
OF RETIRED PERSONS,
Washington, D.C., October 28, 1983.
Hon. JOHN C. DANFORTH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DANFORTH: The American Association of Retired Persons, representing 14 million elderly Americans, urges you to vote against S.1715, the Natural Gas Policy Amendments of 1983. By freeing the price of "old" gas (dedicated before April 1977), the bill would raise the cost of natural gas to all consumers without a commensurate increase in output and serve primarily to increase the revenue of the large oil companies who own most of the old gas. Since this gas has already been discovered, the bill would give the owners of "old" gas a true windfall, for which they will provide little or no additional gas.

The situation is different with respect to "new" gas (dedicated after April 1977). Prices of new gas will be decontrolled by January 1, 1985. In this case, incentives exist to continue to explore for, and produce, additional supplies of gas. We feel that the nation cannot afford a repetition of the gas shortages that occurred in the mid-1970's, even though the decontrol policy involves accepting the necessity of paying market-determined prices for new gas, which will probably be much higher than current prices.

This AARP policy is basically a reaffirmation of that embodied in the Natural Gas Policy Act of 1978, the principles of which we think are still valid.

Sincerely,

PETER W. HUGHES,
Legislative Counsel.

Mr. EXON. I yield the floor.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. The vote that will occur on cloture within the hour is a vote to determine how much flexibility and how many options individual Senators want to retain for themselves in consideration of S. 1715, the amendments to the Natural Gas Policy Act of 1978.

S. 1715 is not a bill that will be adopted. That is clearly understood. It will be amended. If it is to be passed, it will be amended in so many places that it would be wise to amend it in the nature of a substitute.

It is an unusual event for a controversial bill such as S. 1715 to be called up this late in the session. The last time we passed the Natural Gas Act, which was finalized in 1978, it took several weeks on this floor, and when it went into conference it took a year to complete the conference committee work to finally have a conference report available to vote on by the Senate and the House.

So there is no idea that by springing S. 1715 in the waning days of this Congress it would be enacted into law. The question really is, What would be enacted into law if a bill is going to be passed? Since that is not clear, the debate on the motion to proceed has served the purpose of attempting to smoke out from the various groups what particular type of package a substitute bill would be proposed that might garner a majority vote in the Senate.

Naturally, that is going to take some time. After it is debated, it will still take a lot of study by various people throughout the various groups throughout the country that are interested in a natural gas bill.

I have no real strong feeling about cloture, except to this extent: I shall vote against cloture because I retain then to myself the greatest amount of options and the greatest amount of flexibility in consideration of anything that might follow dealing with natural gas in this session and in the next session of Congress.

The position we may find ourselves in if cloture is invoked is a rapid procedure to the motion to proceed and a vote on that, and then, following that, rapid consideration of S. 1715.

By saying "rapid consideration," I do not mean that it will be a rapid passage. I do not think that is possible. I think what we will find ourselves doing is from time to time coming back on natural gas amendments and proposals intertwined among the consideration of other urgent legislation.

I do not know whether that is an opportune place to be. I would prefer to set it aside and consider it next year in continuity then, one day after the other, where it would be the primary business of the Senate. I think that is the best way to proceed. For that reason, I shall vote against cloture in the hope that the majority leader would then place the bill aside until the next session of this Congress.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. How much time remains before the quorum call?

The PRESIDING OFFICER. One minute.

Mr. JOHNSTON. Madam President, I was listening on my squawkbox to my distinguished friend from Nebraska speaking about the Natural Gas Supply Association study and criticizing that study on the ground that one or some of its members might be associated with Exxon or other major oil companies.

I do not think there is any doubt that they have affiliations with major oil companies, but I would submit to the Senator that their methodology and the figures are mathematically accurate and correct. All they did was take what we call the purchase gas adjustment figures filed by interstate pipelines with the Federal Energy Regulatory Commission and compute the mathematical change in those prices which would occur as a result of the passage of S. 1715.

I cannot understand why anyone can say that S. 1715 would raise the price to consumers. It is mathematically not correct. It is as simple as the mathematical equation that it embodies that S. 1715 will not raise the price to consumers.

The PRESIDING OFFICER. The hour of 12:20 having arrived, the clerk will report the motion to invoke cloture.

Mr. EXON. Madam President, I ask unanimous consent that the time be extended for 1 minute, so that I may reply to the Senator from Louisiana.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. EXON. Madam President, I thank the Senator from Louisiana for his explanation.

All the information I have been able to collect, all the letters I have just inserted in the RECORD so that all can read, overwhelmingly, all the people associated with the gas industry in whom I have great confidence, do not agree with the figures as presented by the organization to which the Senator has just referred.

It might well be that we could use the old axiom that is heard from time to time, and I do not accuse the Senator or any other Senator of this. But the figures that have been forwarded and presented, indicating that there would be no increase in gas prices to the consumer, might be one of those situations in which figures do not lie, but sometimes liars figure.

The PRESIDING OFFICER. The 1 minute has expired.

Mr. THURMOND. Mr. President, I rise in support of the motion to proceed to consideration of the Natural Gas Policy Act Amendments of 1983, S. 1715.

I realize that some of the changes proposed by this bill are complex and controversial, and I do not necessarily support all of them. Clearly, sharp differences exist between the interests of various regions of the Nation and parties with regard to this legislation. As is the case with any major economic legislation, there will be some winners and some losers if S. 1715, or some variation of it, is passed.

If we fail to act, however, we may all be assured of one very important loser—the citizen consumers of this Nation. We now have a myriad of controls and categories for natural gas that has resulted in a paradoxical situation of artificially high consumer prices coupled with inadequate incentives for the development of less costly conventional gas supplies. Yet, according to a number of reliable experts, if S. 1715 were passed, the average family using natural gas for heating would save over $100 next year. As winter and its attendant burdens of home heating approach, we will not have served the public well if the Congress adjourns without making every effort to legislate more reasonable, sensible natural gas policies to better serve the energy needs of our Nation.

We simply must not fail in our duty to address the natural gas issue. I strongly believe that decontrol of natural gas prices, on a phased-in schedule, will benefit the Nation. I stand ready to consider any constructive, reasonable proposal to reach that end. If deficiencies in S. 1715 exist, let us make the necessary changes. Let us not fail the American people by refusing to even consider this important legislation.

Mr. President, I sincerely hope that Senators who oppose this bill will allow us to move forward with the work of the Senate by proceeding to the consideration of S. 1715. Only if we get the measure before the Senate, will there be an opportunity to work out a compromise natural gas bill that has sufficient support to gain congressional approval.

Mr. McCLURE. Mr. President, yesterday I reviewed in detail the implications of our inability to proceed to consideration of S. 1715. This inability to proceed has delayed for all Americans the benefits of much needed natural gas legislation. Essential benefits are being denied consumers, producers, pipeline operators, local distributing companies, and producing States.

Our current natural gas problem cannot be addressed unless we are permitted to proceed to Senate consideration of S. 1715. Other proposals exist, each with its own merits. None of these proposals can be discussed, however, until we proceed to consideration of the bill, S. 1715.

Our goal is to obtain an adequate supply of natural gas at reasonable prices. Anything less would not be responsive to the problems faced by American consumers who depend on natural gas.

Consumers are being poorly and unfairly served by the existing regulatory scheme under the NGPA. By freeing prices from the artificially low levels set by Government, the consumer will be assured adequate supplies—not just for the short term, but for many years to come.

Without legislation, natural gas producers and pipelines also are being denied benefits that are essential to the financial health of these two critical components of the natural gas industry.

Many natural gas producers are now suffering from serious losses of revenues, because pipelines are not buying sufficient quantities of gas. The reason is simple: the demand for gas has declined in many areas of the country.

Legislation would free producers from the inflexible pricing structure that is built into existing law. Producers would be provided with the assurance that in future years they can receive reasonable, market-oriented prices for their production.

Without legislation, a number of important benefits are being denied natural gas pipelines, also. The pending legislative proposals are all designed to assist the many pipelines currently faced with serious financial difficulties. All of the pending proposals would permit pipelines to reduce their take-or-pay obligations substantially. Virtually all of the pending proposals resolve another serious problem facing pipelines: the triggering of indefinite price escalators on January 1, 1985, in contracts that would be decontrolled on that date.

Unless the Senate is permitted to debate natural gas legislation, it cannot decide on the best means for providing price relief, and other essential relief, to natural gas consumers, producers, and pipelines.

The Senate must be permitted to proceed to debate S. 1715. As I stated yesterday, benefits delayed are benefits denied. Therefore, I would appreciate your support for cloture.

Mr. President, I ask unanimous consent that a copy of a letter from the Secretary of Energy be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington D.C., November 3, 1983.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in connection with the current Senate debate concerning natural gas legislation.

The Administration believes the American consumer should not be expected to endure another winter of rising natural gas bills. Unless Congress acts quickly, however, the heating season will begin without any relief for consumers.

Under your leadership, the Senate Committee on Energy and Natural Resources devoted more than 40 days to extensive hearings and committee meetings on natural gas legislation. After this lengthy deliberation, the Committee reported S. 1715, a comprehensive bill which will assure the American consumer adequate supplies of natural gas at reasonable prices. The Administration supports enactment of S. 1715.

It is my understanding that the Senate leadership believes now is the right time for the full Senate to consider S. 1715. The Administration agrees. We must begin substantive consideration of natural gas legislation, and we strongly urge all members of the Senate to move in this regard.

Sincerely,

DONALD PAUL HODEL.

Mr. DIXON. Mr. President, I plan to vote for cloture on the motion to proceed to S. 1715, the Natural Gas Amendments of 1983, because the people of this country are demanding help with their ever-rising utility bills.

For the past year we have discussed national gas legislation. There have been many proposals and counterproposals, but we must now perform our legislative duty and debate the merits of the administration's bill.

The current system of producing, transporting, and distributing gas is fatally flawed. The marketplace is not working. Currently, there is an oversupply of natual gas, and yet the price of gas continues to go sky-high. It is a system that defies logic and defies fairness to consumers.

I do not think that every point in the administration's proposal is sound. But that should not preclude the Senate from debating this measure. We must consider the bill so that, through the amendatory process, we can get it into shape so it will be of real help to consumers in my State of Illinois, as well as all 49 other States.

We simply must bring down outrageous utility rates for natural gas.

Along with my Senate colleagues, I want to rid the natural gas industry of inequities and inefficiencies that have been plaguing the consumers of this country for far too long.

Mr. President, we did not do our duty by taking action last winter. We are now going into the winter of 1984. Will this be another winter of consumer discontent because of our failure to act?

To set the stage for action, I will support the motion for cloture.

I thank the Chair.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 1715, a bill to amend the Natural Gas Policy Act of 1978, to protect consumers from those price increases that would occur because of market distortions as a consequence of current regulation of natural gas prices, to permit natural gas contracts to reflect free market prices, to provide for a phased deregulation of natural gas prices in order to achieve a free market by a date certain, to eliminate incremental pricing requirements for natural gas, to eliminate certain restrictions on the use of natural gas and petroleum, and for other purposes.

Senators Howard Baker, Ted Stevens, Strom Thurmond, Jesse Helms, Jake Garn, Steven Symms, Don Nickles, James A. McClure, Chic Hecht, Malcolm Wallop, Dan Quayle, Lowell Weicker, Bob Packwood, Mark Hatfield, John Danforth, Richard G. Lugar, Orrin G. Hatch, and *Jennings Randolph.

*November 1, 1983, Mr. Randolph added by unanimous consent.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The bill clerk called the roll, and the following Senators answered to their names:

[Quorum No. 16 Leg.]

Bentsen
DeConcini
Exon
Ford
Hawkins
Hollings
Jepsen
Johnston
Kassebaum
Lugar
Matsunaga
Nunn
Pryor
Randolph
Stevens
Tower

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The legislative clerk resumed the call of the roll.

After some delay, the following Senators entered the Chamber and answered to their names:

Abdnor
Andrews
Armstrong
Baker
Baucus
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cranston
D'Amato
Danforth
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Garn
Goldwater
Gorton
Grassley
Hatch
Hatfield
Hecht
Heflin
Heinz
Huddleston
Humphrey
Inouye
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Packwood
Pell
Percy
Pressler
Proxmire
Quayle
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Zorinsky

The PRESIDING OFFICER. A quorum is present.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that the debate to proceed to the consideration of S. 1715, the Natural Gas Policy Act Amendments of 1983, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN), the Senator from Washington (Mr. EVANS), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. BYRD. I announce that the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

The yeas and nays resulted—yeas 86, nays 7, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—86

Abdnor
Andrews
Armstrong
Baker
Bentsen
Biden
Bingaman
Boren
Bradley
Burdick
Byrd
Chafee
Chiles
Cochran
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Eagleton
East
Ford
Garn
Goldwater
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Helms
Huddleston
Humphrey
Inouye
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Matsunaga
Mattingly
McClure
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Wallop
Warner
Weicker
Wilson
Zorinsky

NAYS—7

Baucus
Boschwitz
Bumpers
Durenberger
Exon
Melcher
Proxmire

NOT VOTING—7

Cohen
Evans
Glenn
Hart
Hollings
Mathias
Tsongas

The PRESIDING OFFICER (Mr. STAFFORD). On this vote there are 86 yeas and 7 nays. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Idaho.

NATURAL GAS POLICY ACT AMENDMENTS OF 1983

Mr. McCLURE. Mr. President, I thank all Members.

I think that the vote on cloture indicates the determination of this body to deal with the question of natural gas pricing, and I very much appreciate the sense of determination and the sense of urgency that all Members have brought to this question.

Mr. President, at the same time, after having said that, it is unfortunate, in my opinion, that for 2 days the Senate has been denied the opportunity to proceed to the debate on natural gas legislation. Consequently, all American Consumers have been denied benefits that would have accrued from earlier consideration of comprehensive natural gas legislation.

Our legislative goal is to obtain an adequate supply of natural gas at reasonable prices, not just in the short term, but in the long term. Anything less would be unresponsive to the problems faced by all those American consumers who depend on natural gas. This was the goal of the legislation submitted to the Congress by the President 8 months ago. And this is the goal of the legislation reported by the Committee on Energy and Natural Resources after 30 business meetings.

If 2 days ago the Senate had been permitted to proceed to consideration of natural gas legislation, considerable progress could have been made in freeing this country from the economically detrimental straitjacket imposed by current law. Significant progress can be realized once the Senate is permitted to debate the merits of S. 1715, and the various other proposals before the Senate.

S. 1715 is a bipartisan, comprehensive proposal; it avoids resorting to seemingly simple "quick-fixes." It provides a means to achieve the combined benefits of consumer protection and efficient, economic use of our valuable natural gas resources.

Mr. RANDOLPH. Mr. President, will the Senator from Idaho yield for a question?

Mr. McCLURE. I am happy to yield to the distinguished Senator for a question.

Mr. RANDOLPH. Mr. President, do we correctly understand from what is being advocated in the Natural Gas Policy Act amendments and by the Senator that natural gas, in general purchases of all types, will cost less if this bill becomes law?

Mr. McCLURE. There is no doubt in this Senator's mind, in this market of today, and compared to the provisions of current law, that the price of natural gas will go down if we can pass this bill.

Mr. METZENBAUM. Mr. President, may I ask a question——

Mr. RANDOLPH. May I ask a further question?

Mr. METZENBAUM. I was going to ask the Senator if he will yield to some of us with a contrary view.

Mr. RANDOLPH. I will yield in just a moment.

A further question: Does this mean the consuming residential public in the United States—individual homes served by whatever varieties of gas are available to them—this body politic will profit by the passage of this legislation?

Mr. McCLURE. The Senator is correct. The analysis that has been made shows that there are short-term and long-term benefits to the economy that would occur from the passage of this legislation.

Mr. RANDOLPH. This further comment and then I shall ask my colleague from Ohio the same question: On December 10, 1973, I joined with Senator Buckley of New York in bringing to the Senate an amendment for the deregulation of new natural gas in interstate markets. We came within two votes (45 to 43) on passage of that amendment. On October 22, 1975, the Senate considered another amendment providing temporary provisions to assure the availability of natural gas, which would have also quickly deregulated reserves. That vote was 50 to 41 in favor of deregulating natural gas in the Senate. This measure was later defeated in the House.

Several categories of "high risk" gas have already been deregulated under the Natural Gas Policy Act of 1978. Categories of new gas are scheduled for deregulation in 1985.

I add this for the record only to indicate the Senate has been moving toward total, phased deregulation of natural gas supply during the last decade.

I thank my colleague from Idaho.

May I ask a question or would he rather proceed?

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senator from West Virginia may be permitted to ask me a couple questions and I may be permitted to respond and the Senator from Idaho not lose his right to the floor.

Mr. McCLURE. I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I am ready.

Mr. METZENBAUM. Mr. President, the Senator asked the Senator from Idaho whether prices would go down. The Senator should understand that the proponents and opponents of this legislation are diametrically opposed with respect to the answer to that question. The local distribution companies, that is the companies that sell gas at the local level, Columbia Gas, Consolidated Natural Gas, and about 30 other companies, agree with the consumer advocates who say that the price will go up if this bill passes.

As a matter of fact, it should be pointed out that the Energy Information Administration, which is an arm of the Department of Energy, also says that if this bill passes in its present form, prices will go up and they say something further. The Energy Information Administration also says that there will be a lesser supply of natural gas until some considerable number of years into the future.

Senator McCLURE and I do not agree with respect to the results. The administration claims prices will go down. But the official arm of Government charged with determining the answer to that question, the EIA of the DOE, says prices will go up.

Mr. JOHNSTON. Mr. President, will the Senator yield at this point?

Mr. METZENBAUM. Under the circumstances, that I may yield to him without the Senator from Idaho losing his right to the floor.

Mr. JOHNSTON. I ask unanimous consent that I be able to join in this colloquy without the Senator from Idaho losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. I say to my distinguished friend from Ohio, I believe he is mistaken in the characterization of the Energy Information Administration study. There has not been a study by the Energy Information Administration on the effect of S. 1715 on prices. There has been a study on general decontrol, which is an entirely different thing. That would entail just ramping up of prices without a corresponding ramp down. It is the ramping down of prices that at least equalizes the ramping up, thereby not penalizing the consumer and, indeed, with a ramp up of 3 years and a ramp down of 1 year, there will be an undeniable savings to the consumer.

So I think if the distinguished Senator would check that EIA study, he would find that is correct.

Mr. METZENBAUM. I think the Senator from Louisiana is correct on that point. But the fact is that I think it is pretty generally agreed certainly by the distribution companies, certainly by the consumer advocates, and, as a matter of fact, even by many of the independent producers who do not support this bill, that prices will indeed go up.

The sad part is that the increased prices that will result from passage of this bill will enrich the major oil companies of this country and they would gain about 70 percent of the $40 billion in increased costs that the consumers of this country would have to bear.

Mr. JOHNSTON. May I reply?

Mr. METZENBAUM. Let me finish my sentence.

And further I should point out that such an impact would be an extremely devastating impact upon the overall economy of this country, and I feel certain that it would hurt industry in West Virginia, it would hurt it in Ohio, and I would guess it would hurt it in Louisiana and Idaho, and every other State in this Union wherever gas is used.

Mr. JOHNSTON. If I may say to my distinguished friend, not only is it not agreed that that bill would raise prices, I think——

Mr. METZENBAUM. Did the Senator say "greed" or "agreed"?

Mr. JOHNSTON. Agreed.

Mr. METZENBAUM. I thought he said "greed."

Mr. JOHNSTON. I say to my distinguished friend, and I know Senator Howard Metzenbaum represents the consumer and seeks to protect them—on that his credentials are totally good—I will tell my friend with as much sincerity as I know how to muster that in my judgment this bill will not and cannot raise the price to consumers. I think anyone who says anything to the contrary is simply mistaken and has not looked at the mechanism by which this bill works. There are plenty of reasons to criticize this bill, but price increase to the consumer is not one of them. That is because, if the Senator would agree with me, the price of section 107 and 102 gas as it comes online today is not set by the NGPA; rather, it is set by the market and market prices in turn, are set by the prices of alternate fuels. The price of the exchange fuel, in most cases residual fuel oil, is what is setting the market price or the average acquisition cost of gas today. Will the Senator agree with that point?

Mr. METZENBAUM. No, I will not because actually the NGPA does not set any prices. All the NGPA does is provide a ceiling. But if free competitive forces are going to work with passage of this bill, those same free competitive forces could work to bring the prices down below the NGPA prices. I am sure will agree with that.

Mr. JOHNSTON. What I am saying is that today those competitive forces have operated to bring those prices down well below NGPA maximum lawful prices, is that not correct?

Mr. METZENBAUM. In some instances they have, but in many instances they have not and the overall impact is that since we passed the NGPA the industry has been successful in pushing up prices over 190 percent just since the passage of the NGPA.

Mr. JOHNSTON. That is not happening today.

Mr. METZENBAUM. Pardon?

Mr. JOHNSTON. That is not happening today. Since the first of the year, the prices at the wellhead have actually gone down by 2 cents.

Mr. METZENBAUM. I think that is correct. They go down by 2 cents, and everyone gets excited, but they have gone up by about $1.50 to $2 since the passage of the NGPA.

Mr. JOHNSTON. There is no doubt about that. The point I am making is that today there is not a gas field in the country in which a new gas supply eligible for the section 102 new gas price—which I think today is $3.49—there is not a gas field in the country where you could get that price because the market is holding it down. The market is holding it down because the alternate fuel, which is residual fuel oil, does not permit companies to sell gas at that price. So, therefore, the price is well below the 102 maximum.

Mr. METZENBAUM. I understand.

Mr. JOHNSTON. Is that not right?

Mr. METZENBAUM. As I understand it, I think the average market price today is about $3.43, not including, of course, old gas. But the $3.49 figure I think is the permissible maximum. I am not positive about this, but it is my understanding that the market price is about 6 cents less than that, maybe a little bit more.

Mr. JOHNSTON. No. Actually the average natural gas wellhead price of natural gas peaked at $2.65 in February. The 102 price is above that but well below the $3.40 that the Senator refers to. I am talking about the new contracts. And if in turn that is true, then it means that the market is holding that price down. If you are going to ramp expensive gas down to an average market price, which is $2.63 today, and ramp the cheap gas up over a period of 3 years, this bill cannot raise the price to consumers.

Mr. METZENBAUM. I disagree, but I want to respond and say that I think it is great that the Senator from West Virginia was asking me a question, the Senator from Idaho was kind enough to yield, and we wound up with an extensive colloquy between the Senator from Louisiana and myself.

I yield back the floor to the Senator from West Virginia.

Mr. McCLURE. I would be happy to yield further to the Senator from West Virginia for a question.

Mr. RANDOLPH. I am very grateful for the Senator's generosity.

As I understand it, the bottom line in this debate, the basic question we must all answer in this Chamber is whether this legislation, if it passes and becomes law, will benefit the entire consuming public by providing secure gas supply at a stabilized price. Is that correct?

Mr. McCLURE. The Senator is exactly correct.

Mr. RANDOLPH. I appreciate that.

Mr. McCLURE. I appreciate the contribution of the Senator from West Virginia. It is, as always, a constructive addition to the discussion. I think the colloquy that did ensue between the Senator from Ohio and the Senator from Louisiana also points up the fact that there are differences of opinion.

I agree with exactly what my colleague from Louisiana has said. I suspect we will revisit many of those arguments over the debate with respect to provisions of the bill.

Mr. JOHNSTON. Will the Senator yield for one moment?

Mr. McCLURE. I am happy to yield, without losing my right to the floor.

Mr. JOHNSTON. Just to set the record straight, the actual figures from the Energy Information Agency, the Natural Gas Monthly, on page 23 indicate for 1983 the wellhead price for January was $2.62; February, $2.65; March, $2.64; April, $2.63; and May, $2.63. That is the average wellhead price, as against which the maximum price for section 102 gas, which is now $3.49. So that it is over 80 cents below the maximum price under NGPA today. I thank the Senator for yielding.

Mr. McCLURE. I thank the Senator very much.

I do not mean to prolong the debate before we get to the motion to proceed to the consideration of the bill, but I do want to make just three or four comments that will take just a few minutes. Obviously most of the Senate agrees with getting to the legislation so we can legislate.

Over the long term S. 1715 would increase the overall demand for gas by eliminating incremental pricing and the Fuel Use Act restrictions that are contained in existing law. The mandatory contract carriage provision and the equal access provisions of the bill would substantially increase the number of potential buyers of gas.

In addition, the bill provides producers with the ability to renegotiate existing contracts in order to adjust pricing provisions and take-or-pay provisions to reflect current conditions in the natural gas market.

Finally, and perhaps most importantly, S. 1715 frees producers from the inflexible pricing structure that is built into existing law. It also would assure producers that in future years they can receive reasonable, market-oriented prices for their production.

There also are important benefits for natural gas pipelines. Pipelines would be permitted, by all of the pending proposals, to substantially reduce their take-or-pay obligations. This type of relief is critical to the financial well-being of pipelines. Virtually all of the pending proposals resolve another serious problem facing pipelines: the triggering of indefinite price escalators on January 1, 1985, in contracts that would be decontrolled on that date.

Finally, for the some 31 producing States, in varying degrees, under S. 1715 there is the opportunity for increased revenues from greater production of this fuel.

The Department of Energy comprehensive analysis of the impact of S. 1715 on the natural gas market found that it would reduce wellhead prices from the date of enactment through 1995. For example, S. 1715 would lower residential gas prices by 30 cents per thousand cubic feet in the first year after enactment. Similarly, it would lower industrial gas prices by 30 cents per thousand cubic feet the first year after enactment.

Similar results were found by the American Gas Association and the Natural Gas Supply Association. These studies appear in Tuesday's RECORD.

The Senate Energy Committee worked long and hard to produce the best possible mechanism for natural gas decontrol in S. 1715. Although far from being perfect legislation, its enactment would be a major step forward in equitably solving the current natural gas problems.

Comprehensive natural gas legislation can provide substantial benefits for the Nation at large. All Americans will benefit from increased natural gas supplies and lower prices. All Americans will benefit from the decreased Government intervention.

As I stated yesterday, legislation is needed to achieve those economic benefits that can be derived from reduced natural gas prices paid by residential, commercial, and industrial users. Legislation is needed to assure we do not return in the late 1980's to national gas shortages such as those experienced in the early and mid-1970's. Legislation is needed to provide incentives for the production of known low-cost supplies that cannot be made available to consumers under existing law. And legislation is needed to enhance competition among natural gas users.

Yet our current natural gas problem cannot be addressed unless we are permitted to proceed to Senate consideration of S. 1715, which is one proposal. Other proposals exist, each with their own merits.

After 2 days of debate, I would hope, Mr. President, that the Senate will be permitted, without further delay, to begin the process of deciding how best to provide price relief, and other essential relief, to natural gas consumers, producers and pipelines.

Mr. President, I ask unanimous consent that a copy of a letter from the Secretary of Energy be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, D.C., November 3, 1983.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in connection with the current Senate debate concerning natural gas legislation.

The Administration believes the American consumer should not be expected to endure another winter of rising natural gas bills. Unless Congress acts quickly however, the heating season will begin without any relief for consumers.

Under your leadership, the Senate Committee on Energy and Natural Resources devoted more than 40 days to extensive hearings and committee meetings on natural gas legislation. After this lengthy deliberation, the Committee reported S. 1715, a comprehensive bill which will assure the American consumer adequate supplies of natural gas at reasonable prices. The Administration supports enactment of S. 1715.

It is my understanding that the Senate leadership believes now is the right time for the full Senate to consider S. 1715. The Administration agrees. We must begin substantive consideration of natural gas legislation, and we strongly urge all members of the Senate to move forward in this regard.

Sincerely,

DONALD PAUL HODEL.

Mr. METZENBAUM. Mr. President, will the Senator from Idaho yield for a question?

Mr. McCLURE. I am happy to yield to the Senator from Ohio.

Mr. METZENBAUM. It is the opinion of the Senator from Ohio, and I think it is pretty widely shared, that S. 1715 has very little support on the floor of the Senate. I publicly stated that it is not going to pass, and I say that only because every indicator that I can find suggests that it just does not have the votes.

In order that we might get to the issues on this matter and the real issue of trying to fashion a bill that will protect the consumers and do it in rather short order, I would like to propose to my colleague from Idaho that, after he offers his first-degree amendment, a second-degree amendment be offered which encompasses in toto S. 1715 so that we may have a test vote of how little support S. 1715 has.

Now, there is no secret about the fact that if it has great support, then we probably are in for some fulsome debate. But I am convinced that it has almost no support. As a matter of fact, I know that the Wall Street Journal, within the last 24 hours, had an article indicating that Reagan's gas decontrol bill is meeting opposition by some big banks and insurers.

The procedure that the Senator from Ohio is suggesting would give everybody in the Senate, in the entire Nation, an opportunity to take stock and recognize that S. 1715 is dead as a legislative proposal, but it would not be dead as a vehicle in order to try to bring about an adequate result.

Now, so that there be no secret about it, I would then suggest, although this would not be a condition of that proposal, that if S. 1715 did not pass as a second-degree amendment, then I would suggest that we have another kind of a test vote; and that is a test vote with a second-degree amendment to encompass the striking out of the ramp-up and ramp-down provisions of S. 1715.

If we did those two procedures, we would clear the air. We would let the country know, the Senate know, and anybody else who wants to know, including the White House, that S. 1715 is dead, and we would also let them know that which I believe to be the fact, and that is that there is far more support for striking out the ramp up and ramp up provisions which means striking out the decontrol provisions of the bill.

I, for one, am prepared to lend my support and effort to that procedure. If the Senator from Idaho feels that he has the votes to pass S. 1715, then this would make it possible for such a test vote to occur in very short order.

Mr. McCLURE. Mr. President, let me respond to the Senator from Ohio by first saying that I understand the concern and the innovative suggestion which he has made. I think it is obvious that the Senator from Ohio believes that the bill as presented by the committee will not pass, else he would not have been so eager to support cloture on the motion to proceed.

That does not come as a great surprise to me. I have understood the motivation which led him to be on my side on that issue. It makes both of us nervous to be on the same side, but we survived that and got past it. It produced great results, as the rollcall indicates.

There may be a time, after we have had the opportunity to look at S. 1715 for a while and perhaps perfected it by the amending process, that we ought to determine whether it has the votes before we move to other substitutes. But I am not prepared to say that this is the time to make that agreement, any more than I suspect the Senator from Ohio would agree to waive his right to prolonged debate in the event he failed in that attempt.

Mr. METZENBAUM. I am not asking the Senator from Idaho to waive any rights. I am just saying that I think this is a poker game and I am prepared to play showdown. I am prepared to say I do not think you have the chips on your side. I think in this instance we have the chips on our side. Therefore, I am ready to go to the table.

Mr. McCLURE. I did not know that the Senator from Ohio was a gambler.

Mr. METZENBAUM. This is not gambling. This is a sure thing.

Mr. McCLURE. Obviously, the Senator knows the language of the poker table which indicates he has been there before.

Mr. METZENBAUM. That I have.

Mr. McCLURE. I appreciate knowing that because I have suspected that of the able Senator before.

Again, as I said at the outset, I think it would be premature at this time, until we have had the opportunity to probe what it is the Senate really desires, to go to that kind of an all-or-nothing showdown in which the Senator plays all of his cards, or plays all of his chips, as he might decide, but at the same time reserving to himself the right to another hand and another stack of chips. This Senator from Idaho is not necessarily that foolish.

So I think it is premature although it is an interesting suggestion.

Mr. METZENBAUM. Is the question before the Senate the motion to proceed to the consideration of S. 1715?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. Does the Senator from Montana wish to speak on the motion?

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER (Mr. DANFORTH). The Senator from Montana.

Mr. MELCHER. Are we under cloture?

The PRESIDING OFFICER. We are under cloture.

Mr. MELCHER. I do not think it is necessary for me to instruct the Senator as to what cloture calls for.

Let me make my position clear. I do not intend to use my hour. I will use only a small amount of time. I cannot speak for other Senators, but at the time the individual Senators have either exercised their option to use time or there is no one present to use time, I shall not have any problems with proceeding directly to the vote. Personally, I am not going to ask for the yeas and nays. A voice vote is satisfactory to me.

Mr. President, I have been listening with a great deal of interest and a bit of amazement to the remarks of the chairman of the committee, the Senator from Idaho. Those statements that the Senator made a few moments ago about some desire or some feeling that we should not have debated at all during the past 2 days on the motion to proceed would sort of lead us to believe that if that had occurred we would be a long ways down the road in the consideration of S. 1715.

That makes me ponder.

I do not believe that the Senator intended that there be any misleading of this body or the public about the reluctance of the Senate to pass S. 1715. The remarks that were made would lead one to believe that if we just had this bill before us we would be plowing through all these amendments and we would be in position to know when we could bring it to a conclusion.

Well, that would not be possible under any circumstances this week. Now I have been informed that if the urgent business, the appropriations bills, the debt-ceiling bill and the conference reports, could be disposed of next week, after we set this bill aside in the next hour or so, we will return to it on November 14, the Monday preceding the announced date for adjournment sine die for this session of the Congress.

Well, the 14th to the 19th, the last days of this session, will probably not produce any resolution of S. 1715.

I want to speak with candor and call a spade a spade. This bill is not thought by very many in this body to be a vehicle for passage as it now stands. By every vote count taken by various groups and by individual Senators, and by both cloakrooms, it shows that the bill can count on 27 to 30 solid votes.

By the same vote count, there are 50 or more opposed, and perhaps as high as 60 Senators out of the 100 who have already decided to vote against S. 1715.

What hope is there?

This bill has had a history of a long discussion in the Senate Energy and Natural Resources Committee. It was finally cobbled together, and I am being generous when I use the term "cobbled." It was put together in a haphazard fashion in order to get 10 Senators out of the 20 who would not oppose its being reported to the floor—10 to 10.

So we come to the floor in an unusual manner; 10 to 10 will not bring a bill out of committee. So how did it get out of committee? It got out of committee on an 11 to 9, on a motion to report without recommendation. So the bill started out in deep trouble.

Can it be repaired in such a way that the Senate can actually get to a final vote on it, a final vote in the affirmative? Well, that is the question.

The Senate finds itself in this posture:

One, a controversial natural gas bill is before the body that cannot be passed in its present form.

Two, legislation dealing with natural gas has always generated strong feeling, both pro and con.

Since the bill, as far as I am concerned, will be before us very shortly, the pertinent questions are: What is needed? What are the components of a bill that might attract a sufficient number of votes, more than a majority, that would assure its passage in the Senate?

I think these are very relevant questions because these comments that I have just heard from the chairman of the committee—comments about the Senate needs to act quickly so that heating bills will not continue to rise for the homeowners—are nice comments but they are not pertinent to this particular bill in this winter at this time.

They are pertinent when we can get a bill put together that will pass. Knowing full well that the House committee over there has not even scheduled the consideration of such a bill, it is entirely misleading to the public to let them think that perhaps, if the Senate would only get their act together, we would have something put together for the consumers of America so they could rest assured that there would be lower heating bills for them or at least a leveling off of heating costs for them this winter.

Mr. President, that cannot possibly happen no matter what the Senate does. So we had better be thinking very seriously about what is needed to place a bill in a position of passage here by more than a majority of votes so we can say truthfully and honestly to the consumers of this country and the industrial and business users of natural gas in this country that we have acted in positive manner in the public interest to pass a bill that, at some point in 1984, might be beneficial to them.

There is no need of this palavering about if we had only acted a little bit faster. I do not control the flow of legislation on this floor and I am not going to be critical of the majority leader, on the other side of the aisle, who does control the flow of legislation to the Senate floor, but I think it is ill-advised for any of us to be engaged in misleading the public about what can be or what may possibly be done about natural gas.

It is rather odd that, since the current situation in the United States is that we have an excessive amount of natural gas available that can be used at present, prices to consumers are so high. Particularly shocking to homeowners is that their heating bills have climbed over the last 2 years at an alarming rate.

We know what part of those causes is. No. 1, the so-called take-or-pay contracts, that are contracts for gas at high cost, have raised prices considerably in the last 2 years. We can correct that. S. 1715 attempts to correct that; although not in a completely satisfactory way, perhaps in the best way. That is one of the intents and purposes of the bill before us.

Take-or-pay contracts are those contracts that were entered into between producers and pipelines or distributors of natural gas where the producer was assured that a certain amount of gas would be taken, purchased, by the pipeline or the distributor from the producer at a certain price. The contract is of the nature that they either take the gas at that price or they pay as if they had taken the full amount of the gas. On those contracts that were entered into for high-priced gas, we are now finding that the pipelines that have no other distributors cannot possibly sell the gas at those prices. They cannot sell the quantity, No. 1, and they are having a hard time selling anywhere near the volume that is available under the contracts at the higher prices.

As I have said, S. 1715 does attempt to correct that. Perhaps we will find some refinement of that. I hope we do, because it is considered to be one of the serious flaws of the bill.

Second, while we have what is termed a glut of natural gas available in the United States at this time, we also find ourselves paying high prices on imported gas, whether from Canada, Mexico, or Algeria. That should be corrected and must be corrected before we have final action on a bill in the Senate to place the imported gas in the same price structure under the same rules, under the same requirements that we impose on domestic gas. After all, to use Canada as an example, the Alberta gas producer does not get much more for that natural gas than if he had produced it just south of the border in my State of Montana. If that price is around $2.75 per thousand cubic feet at the wellhead, which is pretty much the case, why, then, is the natural gas priced at $4.40 at the border? That is the price of Alberta gas imported into the United States. It was arrived at in the following way.

The Federal Government of Canada decided that, by law, there would be a uniform pricing at any point of the common border between the United States and Canada when natural gas was sold to U.S. interests. $4.40 is considerably more than the $2.75 that the Alberta producers receive. Part of that differential of $1.65 covers the cost of transportation to the border. I shall give an example that need not be an example for every sale, but it is a common example. It could be applied to many sales of natural gas from Alberta to interests here, in the United States.

If the gas producer at the wellhead receives $2.75 for the gas and it costs 40 cents per 1,000 cubic feet to transport the gas to the border, that would result in a combined price, with transportation and paying for the gas, of $3.15. What happens to the other $1.25? It is absorbed by the Federal Government of Canada and is a form of revenue.

What happens then to the consumers who are served by pipeline companies or other distribution companies that purchase this gas under contract? They are going to pay the $4.40 that is part of the base bill for them for that imported gas, plus the transportation and cost of distribution for the pipeline or distribution company. In effect, consumers in America who are using gas from Canada are paying part of the revenue for the upkeep and expenses of the Federal Government in Canada.

In our case in Montana, there are gas producers that would be delighted to have contracts to drill more wells and, indeed, to sell some of the gas from wells already drilled at around $2.75 at the wellhead. That would mean for Montana consumers a drop in the cost of at least a portion of the natural gas that they use.

In our State, 35 percent of the natural gas distributed and sold by Montana Power Co. comes from Canada. It is the highest priced gas that they purchase, and it has caused part of the escalation of home heating costs and business uses and industrial uses in our State.

Our State is not alone in that matter. There are some 20 other States whose consumers are also affected by the high-priced imported gas whether from Canada, Mexico, or Algeria.

So I repeat, an essential ingredient of whatever bill we pass is a correction of this inequity and requiring that purchasers of natural gas, whether it be a distributor or a pipeline, in this country only be allowed to pay, under contracts for imported gas, the equivalent of whatever the requirement is per purchase from producers within the United States.

There are a number of things that should be done in order to make certain that we have an opportunity for further development of natural gas, because it is true that natural gas reserves within the United States are declining and, if you project that over the next 5 or 6 years, the decline is very much of a concern to everybody and could be a catastrophe in the making.

How about drilling new wells for natural gas? Well, that also is declining. It has declined to probably the lowest level in the past two or three decades and is of great concern to everybody that follows the production, distribution, and sales of natural gas.

To correct that, there are a couple of incentives that can be used that are already in S. 1715, and I hope will be in any package that finds enough votes in the Senate for final passage, and that is repeal the Fuel Use Act and repeal incremental pricing.

As to these points that I have raised, S. 1715 is not satisfactory on the question of take or pay contracts, although it attempts to resolve some of the problems concerned with that. It simply fails to correct it in an equitable and a balanced way.

Second, as to imported gas, S. 1715 does not have a provision in it to correct that serious flaw. What the Committee on Energy and Natural Resources has reported is an amendment that would attempt to do that and could be considered at some point in our deliberation on the Senate floor.

As to the latter two, S. 1715, of course, does repeal the Fuel Use Act and also repeals incremental pricing.

One of the failures of S. 1715 which I would like to draw to the attention of the Senate is that it does not in any way deal with the question of area rate clauses in a fair and equitable manner. Forty-four months after passage, area rate clauses in any contract would be set aside.

Why that is recommended as a component of S. 1715 is, indeed, a mystery to me. Area rate clauses provide that for purposes of establishing a price for gas in a certain area, they be established on an area rate basis. They have worked very well, and they should be retained. There are parts of the country where gas is produced that they are very significant. To change them now would be creating a disservice not only to gas producers in certain areas of the country, but it would work to the detriment of consumers throughout the country. I hope we can put that in the final version of any bill that is passed.

Last, I would like to dwell for a short time on the question of changing the requirements on the pricing of old natural gas, because that is the part of the bill S. 1715 or any bill that deals with natural gas that always seems to strike the most opposition, cause the most debate and, as a matter of fact, is a general hang-up in the Senate.

There is about 35 to 40 percent of the gas reserved in the United States that fits into this category that is called old gas. S. 1715 sets in motion a 3-year period—36 to 38 months, to be exact—where old gas would be deregulated and be phased in over that period of time to be allowed to receive, on sales of old gas, such prices as other gas would receive depending upon market conditions.

Personally, I have been of the opinion that to have one part of a commodity under price controls while the rest is put under different types of controls is a very difficult position. However, I recognize that if there is any gelling of opinion in the Senate on what needs to be in a bill, there seems to be more Senators who hold this out to be the most significant part of the bill, and there seems to be more Senators seeking to strike any deregulation of old gas from the bill in its entirety.

There are two possibilities that we should consider in this regard. One is, Is it worthwhile moving into a posture in the bill where old gas contracts, when they come up for renewal, will be renegotiated and, therefore, will be subject to whatever agreement can be arrived at under the market conditions by both producer and purchaser? That should be very seriously considered.

The second point that should be considered and not be ignored, whatever we do about old gas, we should create the opportunity for the enhancement of old gas wells where production could be increased if the price was slightly better. That does not apply to old gas wells where that circumstance might be true. That is, if the well were repaired or if there were means taken that might cost additional money and other gas might be recovered, that also applies to old gas fields. We would find that we could significantly increase the gas reserves in the United States if we could handle that problem in such a way that it would be part of the bill.

Having said all of this, Mr. President, let me make clear that we are nowhere near arriving at a package containing these elements which I believe will be essential to pass the bill in the Senate with a majority vote. Perhaps it will be necessary to have 60 votes for a vote on cloture so that a bill can be resolved.

It must not be thought, and it would be misleading to the public, that one would take this from the standpoint that, well, it is a producer group that will need to be doing the filibustering or it is a consumer group that will need to be doing the filibustering. We do not know.

S. 1715 will not be passed as it is right now, so we will be looking at a different set of components having these major features in it.

I seriously doubt, if we follow the procedure that has been outlined—that is, continue on this bill for another half hour or so and set it aside and take it up on November 14—that we could reach that point between now and the time of the announced adjournment for this session of Congress on November 18 or 19.

However, having reached this point, where we are going to proceed to the consideration of S. 1715, I think it behooves all of us in the Senate to get our own positions in order and our own judgments in order so that we can seriously consider the various proposals that are made regarding the bill when it does come back before us on November 14 or 15.

Whatever happens in that week, if nothing is completed—and it is my firm belief that nothing will be completed during that week—perhaps we will have alerted the public and the House of Representatives to the fact that we are engaged in hacking out a natural gas bill and that finally one will be resolved by the Senate sometime in 1984, and we will have an opportunity for all the input and all the advice that the public at large can give us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on the motion to proceed.

The motion was agreed to.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1715) to amend the Natural Gas Policy Act of 1978, to protect consumers from those price increases that would occur because of market distortions as a consequence of current regulation of natural gas prices, to permit natural gas contracts to reflect free market prices, to provide for a phased deregulation of natural gas prices in order to achieve a free market by a date certain, to eliminate incremental pricing requirements for natural gas, to eliminate certain restrictions on the use of natural gas and petroleum, and for other purposes.

AMENDMENT NO. 2485

(Purpose: Local distribution company automatic purchased gas cost savings passthrough requirements)

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho (Mr. McClure) proposes an amendment numbered 2485.

Mr. McCLURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard.

The amendment will be read.

The bill clerk read as follows:

On page 38 following line 18 insert the following:

"Sec. 302. The Natural Gas Policy Act of 1978 is amended by adding the following new section:

'SEC. 603. LOCAL DISTRIBUTION COMPANY AUTOMATIC PURCHASED GAS COST SAVINGS PASSTHROUGH REQUIREMENTS

'(a) General Rule.—Any purchased gas cost savings received by any local distribution company shall be automatically and immediately passed through by such local distribution company to all gas consumers on a volumetric basis.

'(b) Purchased Gas Cost Savings Subject to Automatic Passthrough.—For the purposes of this section, any reduction in the amounts paid by a local distribution company for the purchase of natural gas from any interstate pipeline as a result of section 601(c)(3(G), or any other reductions in amounts paid for natural gas by a local distribution company, shall be deemed a purchased gas cost savings.

'(c) Commission Rules.—Within sixty days of the enactment of this section, the Commission shall promulgate such rules as may be necessary to provide for the automatic passthrough to customers of local distribution companies of the purchased gas cost savings specified in subsection (b).

'(d) Prohibition on Offsetting Modifications in Rates and Charges.—Any modification of the method of allocating costs to the rates and charges in effect on the date of enactment of this section of such local distribution company, which has the effect of creating any offset in the rates and charges for natural gas to any customer served by such company for the amount of any purchased gas cost savings received by such local distribution company, is prohibited.

'(e) Additional Enforcement Authority.—In addition to such enforcement authority as may be available pursuant to section 504(b)(1), the Secretary, the Commission, or, on the request of the Secretary of Energy or the Commission, the Attorney General, may institute a civil action for injunctive or other equitable relief as may be appropriate to assure compliance with the provisions of this section requiring the passthrough of purchased gas cost savings received by any local distribution company. Such action may be instituted in any district court of the United States in the State in which such local distribution company conducts business or in the District Court of the United States for the District of Columbia.

'(f) Preemption of State or Local Law.—The requirements of this section shall preempt and supersede any provision of State or local law to the extent such provision of law would preclude the passthrough of any purchased gas cost savings pursuant to the provisions of this section, or prevent the application of the requirements of this section.'"

"Sec. 303. The Natural Gas Policy Act of 1978 is amended by inserting in Sec. 504(b)(1) after "Except as provided in paragraphs (2) and (3)," the phrase "and section 603(e),"."

Mr. METZENBAUM. Mr. President——

Mr. JOHNSTON. Mr. President——

Mr. McCLURE. Mr. President——

AMENDMENT NO. 2486

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. Metzenbaum) proposes an amendment numbered 2486:

At the end of the pending amendment insert the following:

"Notwithstanding any other provision, no provision in this bill that results in the decontrol of old gas shall become effective."

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, it is my understanding that there are those who would like to set this bill aside in order to go to the Department of Defense bill, and I think that would be the inappropriate thing to do.

I think there is a sense of urgency that exists in this country at the present time having to do with the whole question of the price of natural gas in the fall and winter seasons.

As I understand the procedure that was contemplated, it was contemplated that the managers of the bill would send an amendment to the desk and then a second-degree amendment; and, as a consequence, the rest of us would not have an opportunity to go to issue with respect to proper consideration of this legislation. The Senator wants to go to consideration of the bill. This

Senator thinks that this is the time to do it, not in January or February or March or April, after the gas season starts to wind down. I believe that when you are facing a situation where people are going to find themselves in an impossible position with respect to heating their homes, it is time that we deal with the substance of the issues that are before us.

I have offered the second-degree amendment so it would crystallize the issue. But I am trying to say that there was some general understanding that Senator KASSEBAUM would have the right to offer her amendment and that there would be some limitation on time with respect to that amendment, and I am completely agreeable to that procedure. But I am not agreeable to offering a first-degree amendment and a second-degree amendment by the managers of the bill and blocking out realistic consideration of this legislation.

I am perfectly satisfied to let the Kassebaum amendment come to the floor and be voted on. I support the Kassebaum amendment, and I think it would be good legislation. If we cannot adopt the Kassebaum amendment, we move forward with the disposition of this bill.

I have already said that I am prepared to offer S. 1715 as a second-degree amendment to the first-degree amendment and give the Senate an opportunity to vote on that issue, in order that we may show how few votes S. 1715 has.

But that is not the will of the managers of the bill. And as a consequence I have sent this amendment to the desk so that the issue may be crystalized.

If the Kassebaum amendment does not pass, and I might say that I will yield on a unanimous-consent request to set my amendment aside in order that her amendment may be considered, but I want to get on with the bill. We have been waiting a long time for this issue. I believe that it is an imperative and I do not think that the local distribution companies or the independent gas producers or the fuel oil companies or the consumers of this country should be forced to sit back and wait while the Senate attends to a host of other matters.

I think the votes are here to indicate that the Senate does not want to decontrol old gas, and I think the votes are here to indicate that the Senate will not approve S. 1715, and I would hope that the managers of the bill would see fit to roll forward and let the Kassebaum amendment come up.

I believe it has 11 or 13 cosponsors and I am proud to say that I am one of them. But let us not just bring the bill up after cloture and then take it down.

That is the reason I believe it important that we try to move forward with natural gas legislation at this point.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. JOHNSTON. Mr. President, will the Senator yield to me?

Mr. McCLURE. May I first make a response and then I will be happy to yield to the Senator from Louisiana.

Mr. President, I first say to the Senator from Ohio, there is not anyone present or anyone who is not present, a Member of this body, who wants more than I to stay on this bill and dispose of this legislation.

The Senator from Ohio knows, I am certain, from his discussions with the Senator from Kansas, that I have told the distinguished Senator from Kansas that I will do my best to see that at the earliest possible moment she gets the opportunity to offer her bill as an amendment and to get a vote on or pertaining to that amendment.

I have said to her a number of times, and I have said to a number of others as well, that indeed I hope we can come to an arrangement under which the time would be limited on the Kassebaum amendment, and that an appropriate agreement with respect to other amendments could be entered into, and that we can by that means guarantee to the sponsors of that bill, S. 996, I believe, an opportunity for an up or down vote on that amendment.

But, Mr. President, I think it is also obvious that we are not sole players in this process, that the Senate has others who have bills that they wish considered as well.

While the Senator from Ohio and the Senator from Idaho might well desire that we stay on this bill and that there be no changes at all in the procedure of the Senate, that we stay on it until it is disposed of however long that might take, be it 3 or 4 days or 3 or 4 weeks, there are certain other imperatives on the scheduling of legislation, and I have been counseled by the distinguished majority leader and the minority leader with respect to those priorities, one of which, as the Senator knows, has been the desire on the part of many in this body to arrange our schedule in such a manner that we will be out of here by November 18.

Whether we make that or not is something else. But that is the goal that has been stated often by the leadership on both sides of the aisle and on both sides of the Capitol.

Second, we do have a continuing resolution that expires on November 10, and we must by November 10 either dispose of appropriations bills or pass another continuing resolution.

The Senator from Ohio knows, I am certain, that the distinguished Senator from Oregon, the chairman of the Appropriations Committee, has worked diligently this year to get all the appropriations measures to the floor. And there are other appropriations matters that need to be dealt with prior to the passage of the continuing resolution, so that they will not have to be covered by a continuing resolution that once again says to the American public that the Senate is not capable of dealing with the appropriations process and must go year after year without passing the appropriations bills.

I understand why the Senator from Oregon feels that way and why, if I were in his position, I would probably be urging that we give appropriations measures the kind of priority that the majority leader has promised they would have when they are ready for action on the floor of the Senate.

So it seems to me that we should recognize that the continuing resolution with a date of November 10, is a must, and that we must yield to the necessity for considering the appropriations bills. As I was urging the majority leader to schedule this matter, I knew very well that if, we got it up, it would be subject to the request of the leadership to set it aside when, as, and if, we got to these appropriations matters. That is not necessarily something I was enthusiastic about. But it certainly is a matter of fact that those are considerations which the majority leader and the minority leader have to keep in mind as they try to schedule actions on the floor of the Senate, and considerations which I am certain will be urged with respect to the continuation of our consideration of this piece of legislation at this time.

The House of Representatives completed action on the Defense appropriation bill yesterday and certainly that is an important matter. I do not think the Senator from Ohio would argue the point that it has some important issues in it. Whether or not it is more important to the American public than the pending matter is something else that perhaps is debatable, but nevertheless I am informed that it will be the desire of the leadership to move from this legislation to that because it was passed by the House yesterday, it is on the calendar in the Senate, it is ready for action in the Senate, and I suspect that they will try to move to the consideration of that piece of legislation.

Several Senators addressed the Chair.

Mr. JOHNSTON. Mr. President, I rise on a point of privilege.

The PRESIDING OFFICER. The Senator from Idaho has not yielded the floor.

Mr. McCLURE. I have not yielded the floor as yet, and I take this time only, Mr. President, to indicate that there is no desire on my part to frustrate the efforts of the distinguished Senator from Kansas to get to her bill considered, and she knows that we have discussed this often, earlier today as well as yesterday and the day before, and we discussed how long it would take. She again has indicated it will take 3 or 4 hours at a minimum.

We were discussing what might be done with respect to a time limit on that bill as an amendment to this bill. With the number of cosponsors that it has, and with the issues that would be involved, I would think 3 or 4 hours is not an unreasonable time estimate at a minimum.

I am informed by the leadership that we do not have 3 or 4 hours for this at this point.

Mr. METZENBAUM. Will the Senator yield for a question?

Mr. McCLURE. If I may do so without losing my right to the floor.

Mr. JOHNSTON. I object. The Senator from Louisiana has been trying to get recognition here as the rules and customs provide. I have been frozen out. I stand here as a representative of the minority leader and I think I am entitled to be recognized before we have any repartee between the representative of the majority leader and other Senators.

Mr. METZENBAUM. If I may say so I——

Mr. JOHNSTON. I object, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho has the floor and the Senator from Idaho is entitled to yield for a question if he wants.

Mr. McCLURE. Mr. President, I understand the concern of my friend from Louisiana. I will not prolong this very much longer, and will be happy to yield for a question only.

Mr. METZENBAUM. Will the Senator from Idaho be receptive to permitting a vote to come up on the amendment of the Senator from Ohio, which I will modify, but not in a major manner, if we had a limitation of time in connection with the debate of anything the Senator from Idaho wanted, an hour, a half hour?

Mr. McCLURE. On the second-degree amendment?

Mr. METZENBAUM. Yes. Twenty minutes?

Mr. McCLURE. I would say at this time that is not a possibility.

Mr. METZENBAUM. I want the Senator from Idaho to understand I am prepared to go to a vote promptly and not delay the Senate proceedings.

Mr. McCLURE. I understand. Perhaps under the circumstances the best thing I could do at this time is to yield the floor so the Senator from Louisiana may seek recognition.

Mr. JOHNSTON. Mr. President, a moment ago the Senator from Louisiana as the floor manager of the bill and as the representative of the minority leader sought recognition simultaneously with the Senator from Ohio. The Senator from Louisiana was not recognized. I have some reason to believe that the Senator from Ohio, by prearrangement, had spoken to the Chair about his desire to be recognized.

Mr. METZENBAUM. I beg to correct my friend from Louisiana. I have not had one word with the Senator from Missouri. I have not spoken to him. I do not even think I said hello to him yet today let alone talk to him about recognition.

Mr. JOHNSTON. In that case I withdraw that statement. The reason I said that was because I had informed the Senator from Ohio that I planned to offer an amendment.

The PRESIDING OFFICER. The Chair will say, if the Senator from Louisiana will yield, it is the opinion of the Chair that the Senator from Ohio, by a fraction of a second, did seek recognition first.

Mr. JOHNSTON. Mr. President, I do not accept that.

Mr. President, I call the Chair's attention to the Senate rules, page 880, as follows:

> In 1937, the Vice President announced a policy of giving priority of recognition to the majority and minority leaders when they were on their feet seeking recognition. The action of the majority leader in yielding, after being recognized, to a Senator to move to proceed to the consideration of a bill having been challenged as not being in conformity with the rule, the Vice President held that the majority leader could not farm out his time.

Mr. METZENBAUM. Will the Senator yield?

Mr. JOHNSTON. No, I will not yield at this time.

I will also invite the Chair's attention to page 883 of the rules of the Senate which states as follows:

> Under the traditions and practices of the Senate, the leadership is given preferential recognition when they seek the floor simultaneously with other Senators. Leaders and managers of a bill are given preferential recognition as compared to other Senators generally.

Now, Mr. President, it is very clear that I was on my feet, I had been on my feet for sometime awaiting the end of the reading of the amendment. I did not wait to rise, I was on my feet awaiting recognition. The Chair must have known that. The Chair must have known about those rules of the Senate. I believe the Chair acted improperly. And it is not a minor thing, because the question of which amendment comes in first is indeed a prerogative of the leadership and of the managers of the bill. I believe the Chair's action constituted a major departure from the rules and customs of the U.S. Senate.

The PRESIDING OFFICER. The Chair will inform the Senator from Louisiana that the rules provide as follows:

> The power of recognition is lodged in the Chair, from which there is no appeal according to the precedents of the Senate. Under the rule, the Chair is required to recognize "the Senator who shall first address him." Of course, this gives the Chair discretion when several Senators simultaneously address the Chair.

The Presiding Officer was aware that there were three Senators standing at the time of the prior amendment being read. The Presiding Officer listened very carefully, knowing the three Senators were seeking recognition, to whom asked for recognition first. It is the judgment of the Chair that the Senator from Ohio first asked for recognition.

Mr. McCLURE addressed the Chair.

Mr. JOHNSTON. Mr. President, I still have the floor.

Mr. President, I simply invite the Chair's attention to the fact that when two Senators are standing simultaneously, it is the duty to recognize the minority leader or his representative when the majority leader is not standing. I understand the Chair has discretion. I understand there is no appeal. I am not making an appeal to anything other than the judgment of the Chair other than the fact that this should have been done.

I can tell you that I have not seen, since this majority leader has been majority leader, any time when simultaneously there were Senators seeking the floor when the majority leader was not recognized. I can tell you that. Recognition of Senators is a prerogative of the Chair; indeed, the Chair can run this show any way he wishes. But that does not make it right.

I can tell you that it is very clear that I was on my feet, had been on my feet for not seconds, but throughout the reading of that amendment. And if there was a millisecond difference, it is a difference which I could not accept.

I simply say that in my judgment the action of the Chair was improper.

Mr. McCLURE addressed the Chair.

Mr. JOHNSTON. Mr. President, I still have the floor.

Mr. President, to speak about the amendment that the distinguished Senator from Ohio has introduced—and I might say to the distinguished Senator from Ohio that I did not have to tell him I was going to introduce a second-degree amendment, but I did so. And it is entirely within his right to introduce this amendment.

Now, I do not know what he thinks this amendment does, but I can tell you it does not do away with the ramp-up of old gas. The ramp-up of old gas under S. 1715 and the decontrol of old gas are two separate and distinct things. Is it only the market out at the end of the process which he is complaining about, or is it the increase in price or the ramp-up of old gas that he intends to get at by this amendment?

Mr. METZENBAUM. The Senator from Louisiana was not willing to permit me to get the floor in my own right. I will be very happy to respond to him at such time as I do get the floor in my own right and clarify the situation.

Mr. JOHNSTON. Very well, Mr. President, I simply asked the Senator a question and if he does not wish to answer it, that is his right.

I yield the floor.

Mr. McCLURE addressed the Chair.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, it is obvious we have gotten to a kind of sticky situation which I regret.

I say to the Senator from Ohio that the kind of cooperation that has been extended so far does not bode well for the balance of this bill. We provided the Senator with a copy of the amendment before it was read so he could follow through it. And he took advantage of that, in my judgment, by seeking recognition, which is his right, at precisely the same time, as the Chair properly observed, the Senator from Louisiana and the Senator from Idaho were seeking recognition.

I would say to the Chair, Mr. President, with all due respect to the occupant of the chair and to the position of the Chair, that I followed the clerk in the reading of the amendment and the very instant that the amendment was completed, I sought recognition. I will not argue that the Senator from Ohio was not on his feet nor the Senator from Louisiana on his feet, but if it requires us interrupting the clerk in order to seek recognition first, and if it requires us yelling louder than anybody else does in order to get recognition, then the Senator from Idaho can play that game, too. But comity goes out the window when those tactics are followed, and when the Chair indulges the following of that tactic in making it successful.

I just want to say to the Chair, in all earnestness and sincerity, the Chair may indeed think he exercised his discretion appropriately, but the Senator from Idaho does not agree that that is the case.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I think the start of the consideration of S. 1715 has proved my earlier point; that we were not ready to take it up; that if we took it up the one thing about Thanksgiving that would occur this year for every Member of the Senate would be indeed it would be a very welcome day, because I hope we are not in session then.

I think there ought to be another observation made. Mr. President, the Senator from Ohio has offered this amendment—a very telling amendment, I might say—and has referred to the bill of the Senator from Kansas, the junior Senator from Kansas, S. 996, to be offered, I would assume, in the nature of a substitute. I do not believe that S. 996, if it is offered in the nature of a substitute, is the kind of vehicle that the Senator from Ohio is looking for in terms of creating a substitute that will meet with the approval of this body.

And I say that on the basis of the number of reconsiderations that have been made on S. 996 by the people in the gas industry, particularly that portion of the gas industry that are pipeline companies and distribution companies.

They have concluded that, from their standpoint, they think it would be disastrous.

They say that, in all seriousness, on the basis of full knowledge of what would be entailed should that bill become law. I would assume that consumers must take heed of that judgment of pipeline companies and distribution companies.

That being the case, I think it points out that even if that were offered first, it probably would not be any type of resolution for the inadequacies of S. 1715, the bill we are now considering.

So I think we are a long ways away from the point of resolving this problem, what the final package should be, and I would not hazard a guess at this time when we will arrive at that package.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The clerk will report the modification.

Mr. METZENBAUM. Mr. President, is it necessary that I ask for consideration of this modification? Do I not have a right to modify my amendment?

The PRESIDING OFFICER. The modification does not have to be read.

Mr. METZENBAUM. Am I correct, then, that the amendment has now been modified?

The PRESIDING OFFICER. The Senator's amendment has been modified.

Mr. METZENBAUM. I thank the Chair.

The amendment, as modified, is as follows:

> At the end of the pending amendment insert the following:
>
> "Notwithstanding any other provision, no provision in this bill that results in the decontrol of old gas shall become effective."
>
> Further, nothing in this bill that results in ramping down or ramping up of gas prices or abrogation of existing contracts shall become effective.

(The names of Mr. EAGLETON, Mr. LEVIN, and Mr. RIEGLE were added as cosponsors of the modified amendment.)

Mr. METZENBAUM. Mr. President, I think it important that we clear the air around here as to what last transpired.

It is a fact that I was told there would be a first-degree and a second-degree amendment offered. As a matter of fact, I did not see them, but I was told that they would be offered, and generally speaking, something of what they would contain. But because of that fact, there is no reason that the Senator from Ohio is precluded from the opportunity to put the issue in the proper perspective and permit the Senate to vote on a real issue.

The amendment and the second-degree amendment that were to be offered were to be offered on the basis that they would close out any other amendment. The Senator from Ohio did not want that to happen. So the Senator from Ohio proceeded under the Rules of the Senate to do that which any Member of this body has the right to do, and that is to seek recognition from the Chair.

My good friend from Louisiana, and he is my good friend, read part of the rules. As a matter of fact, the Parliamentarian made it possible or suggested, I gather, to the Chair that another portion of those rules be read. But there is one portion of the rules that has not as yet been read and I think it also ought to be included because it certainly confirms the fact that the Chair was acting appropriately.

At the top of page 880, it reads as follows:

> In the ordinary course of the consideration of a bill or other matter, the Senator who rises and first addresses the Chair is entitled to recognition, and a Senator managing the bill who may be sitting in the majority leader's seat, but did not address the Chair, would have no preferential status as to recognition.

The Senator from Louisiana would argue he did address the Chair, but the facts are that the Chair has the right to recognize the first person whom he hears. I did make a strong effort to be that first person on his feet seeking recognition.

I believe that it is imperative that we move, that we get this show on the road. I offered to submit S. 1715 in its entirety as a second-degree amendment to the first-degree amendment of the Senator from Idaho in order that we might indicate how few votes that bill has for it.

The Senator from Idaho did not relish that thought, did not look with favor on it, and, therefore, I did not offer that amendment and I did not do so. I thought that was comity in not offering his bill to my amendment if he did not welcome it.

In respect of my own amendment, I think it raises the issue, it makes the issue. The amendment is quite simple:

> Notwithstanding any other provisions, no provision in this bill that results in the decontrol of old gas shall become effective.
>
> Further, nothing in this bill that results in the ramping down or ramping up of gas prices or abrogation of existing contracts shall become effective.

The issue is clear. Either you are for that or you are willing to accept my amendment, which makes it clear how you stand on the issue of decontrol, ramping up and ramping down.

Mr. President, there has been some concern that this debate might take too long. I am ready to vote. I am ready to vote now. I have been urging that we move to the matter of voting at the earliest possible time.

Mr. President, I am ready to vote whenever the Senator from Idaho and the Senator from Louisiana indicate that they are prepared to move in that same direction.

Mrs. KASSEBAUM. Will the Senator from Ohio yield?

Mr. METZENBAUM. I yield.

Mrs. KASSEBAUM. I would like to say that I am certainly in support of the Energy Committee, and the chairman, the Senator from Idaho, has certainly been more than gracious in scheduling a time that S. 996 would be debated. I also think the Senator from Ohio has gone really to the heart of the matter. It is what is done as far as decontrolling old gas.

I think in grabbing the initiative at this particular moment in time, it is an amendment which will actually sort the wheat from the chaff in this and see where the votes are on this issue.

I would strongly be supportive of a vote on this amendment in order to help clarify some of the crucial points in this debate.

While it was my wish to have really a fairly full and extensive debate on S. 996, we became hampered by a time problem because of the Department of Defense appropriations. There was not going to be adequate time to do it today or tomorrow.

I certainly concur with those who believe the status quo on the question of natural gas legislation is not acceptable and we all desire to move forward on this issue.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, it is no secret that I was not anxious to bring up the natural gas bill at the particular time we did, although I can see some utility in it, and, indeed, I have seen some utility from the discussion which has flowed on this floor.

One reason is I simply did not think we were ready at that point to debate it. Nevertheless, we have taken it up. But I think it is also clear that we are not going to be able to finally get this bill passed in the U.S. Senate, at least not by November 18, if, in fact, November 18 is the date set for adjournment. I am advised that that still is the date.

In my view, it will take 2 or 3 weeks to deal with this issue.

I do not disagree with the Senator from Ohio when he says we ought to have a vote on the various formulations. S. 996, by the distinguished Senator from Kansas, I think ought to be voted on. It suits me to vote on S. 1715, although I do not think that issue is ripe at this point because you must have some discussion on the floor so that Senators will understand what this whole issue is about.

It is easy to be against the different formulations of natural gas decontrol. It is very hard to be for something. It is for that reason that, after weeks and weeks, indeed months, of consideration of the matter, that the Senate Energy Committee, although without much enthusiasm, without much of a margin, put out S. 1715 on the floor.

It does not have the votes at this time. That is clear. Whether it can get the votes or not, in fact whether anything can get the votes on the floor of this Senate, will have to await a more measured debate.

I do know that it is not a way to legislate, to just write amendments on the spur of the moment.

For example, this amendment of the distinguished Senator from Ohio would make it impossible to do anything about take-or-pay relief. One of the central points of S. 1715 is to give relief to pipelines and, in turn, to consumers who have what we call take-or-pay obligations. That means that you have large amounts of gas under contract at very high prices where, if the pipeline does not take that gas, it must nevertheless pay for it. The pipeline would have the right to take it at a later time. We are in a recession time right now, where factory utilization is down, the demand for gas, the ability to use the gas, the need for gas on behalf of the pipelines, has been down. So we felt that in S. 1715 there ought to be an abrogation of contracts to the extent that take-or-pay obligations were concerned—that is to say, to limit the take-or-pay obligation in the first year to 50 percent of the contract, 60 percent the second year, and 70 percent the third year. But the amendment of the distinguished Senator from Ohio would have the effect of making it impossible to abrogate contracts for the purpose of forgiving take-or-pay obligations.

It would also do away with the lowering of the high gas prices. Another one of the central points of S. 1715 was to take the very high gas prices in some situations, gas prices which exceed $6 per mcf, over twice the amount allowed under the Natural Gas Policy Act, and ramp those prices down. The amendment of the distinguished Senator from Ohio would make that ramp down of those gas prices impossible.

Mr. President, we have used the terms "ramp up" and "ramp down" on the floor of the Senate as if this were a term of art and as if it were something you could identify in the bill. As a matter of fact "ramp up" and "ramp down" as used in this amendment are not terms of art and may not make sense when used in the context of this bill.

Mr. President, there are a lot of other reasons why we ought not to pass this amendment, but I suppose we will have to vote on it. I am like anybody else; I would like to finish this gas bill today if it were possible, but we know that is not possible. The real question is, Are we going to recess the Senate on November 18 or not? If we are not and if we are going through Christmas Eve—and I am prepared to stay here until Christmas Eve—then we can finish this gas bill. Then the issue can ripen so that we can deal with the whole issue of natural gas.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I would like to suggest to the Senator from Louisiana, who has enormous knowledge in this area, that I regard this amendment in a way as just a test vote, if you will, or almost a sense of the Senate on the issue of old gas and how that will be handled in the bill. There are many good parts to S. 1715 that would have to be revisited and fashioned again. But I do not share the Senator's concerns that, indeed, this amendment would be the destruction of the other things that are very important—as a matter of fact, essential—to the whole issue of new natural gas legislation. I think that this is an amendment that really helps us decide what the will of the Senate is on a very key part of the legislation.

I wish to join, Mr. President, as a cosponsor of the amendment that Senator METZENBAUM has proposed. I ask unanimous consent that I be added.

The PRESIDING OFFICER (Mr. SYMMS). Without objection, it is so ordered.

The Senator from Idaho.

Mr. McCLURE. Mr. President, I think it is unfortunate that we have gotten to the position we are in, and I understand perfectly well that the Senator from Ohio is operating under the rules of the Senate. There is no question of that. That is precisely why I was seeking recognition in the first possible instance, because the Senator

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from Ohio knows that rule and so does the Senator from Idaho.

I regret what has happened because I think, instead of furthering the process of getting on with the legislation, it has hampered our ability to get on with the legislation. Indeed, at the appropriate time, it will take effort to get this amendment off the bill. I say that in deference to both the Senator from Ohio and the able Senator from Kansas, because indeed, the issue of natural gas pricing and the issue of whether or not old gas shall be treated as an essential element of any natural gas legislation and must be decided by the Senate.

I submit, Mr. President, that it is very important that in that process, we also understand and understand very clearly that there are tradeoffs in legislation; that there are people out in the industry who have different points of view and legitimate points of view; and that you cannot very well say to the industry as a whole, we are going to take, take, take from you but we give nothing; we are going to load this bill all on one side, with nothing on the other side.

We have high-cost gas on which the Senator from Kansas is anxious to have the price reduced, and its impact upon consumers reduced. But I say we cannot really expect that the Senate is going to be permitted to vote, and is going to vote, on a bill that simply reduces on the one side and does not give anything at all in balance on the other side. That, I think, is the essential argument as to what is the appropriate balance and how you balance it.

The Senator from Louisiana has suggested that the terms "ramp up" and "ramp down" have become kind of words of art. They are his words and they are perhaps now imbedded in the lexicon dealing with natural gas pricing. That idea of how you balance between the two forces that we are trying to balance—those who have old, low-cost gas and those who have new high-cost gas—and how you balance the equities between those parties, led to the solution which was offered in the committee by the Senator from Louisiana and which was ultimately adopted by the committee after a great deal of debate and after we had looked at the alternatives.

That was to give the consumer as much as possible of a reduced cost; we will reduce the cost of the high-cost new natural gas very quickly, over a 12-month period. There is a 60-day period at the beginning and a 6-month period at the end, so it is actually 20 months from the beginning to the end of that process before you get to the market-out provision.

On the low-cost gas, in order to give some relief on that side without hitting the consumers too hard, the bill would allow the low-cost gas to rise more slowly before it got to the market-out provision. That was the balance.

Not everybody is affected exactly the same—not every producer is. What we are trying to do is make sure that the composite price of the natural gas does not move too precipitately at any point in this process; hence the ramp-up-ramp-down provisions.

There are other balances that are sought here. The distinguished Senator from Iowa has a solution in addition to a number of others that have been offered with respect to the take-or-pay provisions, remembering, of course, that we did at the outset recognize that contracts have been entered into because of the provisions of the Natural Gas Policy Act. The NGPA has provisions in it that say that on new gas produced after the date of that act, you can pay anything in the world you want to pay for it. As long as old gas was under contract at low cost that cannot be varied, there was every temptation and every reason for people who were not then producers to go out and explore for the gas that cost more.

We had a deep gas provision in that bill that said if your gas is deeper than 15,000 feet, you can sell it for whatever you can get for it. So they went out and drilled wells that were over 15,000 feet deep. As a matter of fact, there was a lot of joking about any well driller who discovered gas above 14,999 feet would get canned. He had to go below 15,000 feet before he hit gas because that got under the incentive provisions of the NGPA.

But one of the silliest of all results was that the NGPA by that action guaranteed that because of the cushion of low-cost old gas they would go out and bring to the market first the highest cost gas that could be found in the United States—and they did it. As a matter of fact, we said to them, "If you will import it from overseas, we do not care what it costs, so go out and sign contracts for overseas supplies." And thus we got LNG into this country at a tremendously high price. Why did the pipeline company not care? Why did the distribution company not care? Because in each instance they are allowed to average that against the old low-cost gas that they had. They were guaranteed that they could pass that through their system and hang it on the consumer, and that is what they did. That is why we are trying to get some balanced provisions in a bill that will permit us to get out of some of those things that are hurting consumers in this country. That is the reason why I believe it is essential for us to deal with the freedom of the marketplace for the old natural gas as well as for the new, and to do it in an orderly manner that allows us to adjust our markets over a period of time, rather than having the compulsive change that will occur if, indeed, you try to do it all at once.

I would say to the sponsor of this amendment that you cannot have it both ways and expect to pass the bill. You cannot take and yield nothing and still get the consensus that is necessary to pass a bill. As I said at the outset, I appreciate the efforts of the Senator from Ohio and others to support us in getting to the bill, voting for cloture to bring about the conditions under which we could debate the bill, in which we could exercise our discretion on the floor of the Senate to bring about some of those changes in the Natural Gas Policy Act and other existing law so that the consumers of this country can benefit from the fact that there is a large supply of natural gas available to the consumers that is not reaching them today because of the inhibitions of current law. It seems to me to be silly to be operating under a law that in effect mandates price increases in an energy market that is declining.

Now, it has been suggested on the floor of the Senate that those are ceiling prices, they are not floors. But anybody who has ever looked at wage and price controls or the efforts to protect consumers by legislating price knows that the floor becomes the ceiling, the ceiling becomes the floor. Whatever it is you legislate becomes the negotiating posture around which all the deals are made. There is not anything else.

The result is when you put a price escalator in the law, as NGPA has, old gas will rise at the inflation rate. It does not matter whether that inflation rate is the same thing that the energy market reflects; it will rise along with the inflation rate, and that is precisely what has been happening. It does not matter that as a matter of fact under the NGPA new gas can escalate at inflation rate plus 4 percent. It does not matter that that has no relationship to market value today; it is going to rise at inflation rate plus 4 percent.

So we start talking about freezing COLA's around here, and we have had some discussion about cost-of-living escalators and wages and prices and benefits. We have dealt with that in social security, and we have said, "Hey, it is bad enough to have all these COLA's automatically ramping it up."

We also have got it in the NGPA; that is current law. What this committee was trying to do in reporting S. 1715 was to get to the floor of the Senate an opportunity for us to make judgments with respect to what is the best way to get out of the situation that we are in today under NGPA.

Now, there are different opinions about what is the best way to amend the law. There are different opinions about what are or are not the vote counts on specific provisions of the bill that is before us or on certain amendments that may be offered. But I submit, Mr. President, one thing beyond any doubt is that it is very difficult to erect a majority in favor of anything on this kind of legislation. It has been suggested that we ought to vote on S. 1715 up front because people do not support S. 1715. I suggest, going into this kind of legislation, there probably is not a clear majority in favor of anything. That is why I have been urging that we get on with it, so that we could find out what people will support. It seems wrong to come in at the beginning of the process and try to remove one of the essential negotiating elements within the entire package.

If you ruled out one possible area of compromise, you may well have ruled out the one thing that will make it possible for us to get a bill. If we say up front, "No, we are not going to touch the old natural gas prices at all, we are going to require that to remain under control forever," you may have removed the one element that will make it possible for us to erect a balance that has the promise of getting a majority vote.

While I understand that there are those who say either now or have said in the past that they are opposed to any deregulation of old natural gas—and I think they are sincere about that—I think that they are wrong. I think that in order to pass this kind of legislation and get it through and get it passed both in this body and in the other body and get it to the President for his signature, and hopefully to get his signature, you have to have some elements of give and take in the entire process. I do not see that evidenced in this effort at this time to remove as one of the elements one that must necessarily be on the bargaining table in the effort to forge a compromise. Therefore, for that reason, it seems to me that we ought not at the beginning of the discussion prejudice our opportunity to come to some kind of a conclusion on a passage that must include many elements, of which this is a possible, and, I would urge, a very important part.

Mr. President, I want also to indicate, as the Senator from Kansas has already mentioned, that we have discussed at various times the opportunity to get her legislation up as an amendment, and we have been seeking to get a unanimous consent agreement with respect to the time that it would take to do that and the conditions under which that could be done, because I believe that the distinguished Senator from Kansas, who has worked on this as hard and as long as anyone in this body perhaps, is entitled to that opportunity. She and the cosponsors of her legislation are serious in seeking a legislative vehicle, and we were seeking unanimous consent that would give us the opportunity to get to and do it in a way that she would know would give her an up or down vote on that measure.

I still desire to get to that point if it is at all possible. I discussed this matter with the Senator from Louisiana as well, because I do believe that she is entitled to that. If we can get a unanimous consent agreement, we will still get there. But I do not think we can get there if in the meantime we have removed some of the elements that are absolutely necessary to the discussion of the final legislation.

Now, the amendment of the Senator from Ohio is pending. He stated that at one time yesterday he understood what we were trying to do with respect to offering an amendment and offering a second-degree amendment was so that we could freeze him out. He knows that because we told him what we intended to do, which may be the last time. I thought he was entitled to know it. And as a matter of fact, we laid our cards on the table instead of playing them close to our vest, and the next time they will be closer to our vest.

I would say, too, that in that process we are not trying to seek advantage of anybody. I was trying to protect the Senator from Kansas in her desire to have her substitute up first. Now, her amendment, S. 996, offered as an amendment, has been estimated to take 3 to 4 hours minimal. I knew that 3 to 4 hours was not available to us on this measure today, so in order to protect her right to offer her amendment as one of the first amendments, it seemed to me that we might well offer an amendment that was not controversial, that I think has almost universal appeal and agreement with respect to the cost savings. We could offer that amendment in such a way that we would not get distracted and destroy her ability to get her amendment up first.

It seemed to me that was the right thing to do. So we have an amendment offered which was designed to guarantee to the Senator from Kansas that she could get her amendment up first so we could protect the foor and the flow so we could get to the time when we had 3 or 4 hours when we could give her the chance that she so honestly wants and which I so honestly want to give her, but I say where we are now, frustrates that effort.

Mrs. KASSEBAUM. Mr. President, if the distinguished Senator from Idaho will yield, I say to him that the most reasonable of scenarios sometimes falls apart. I certainly appreciate what he is saying.

I do know that there was a willingness to have an up-and-down vote. I agree that there should be more debate on the issues involved, which are very complex and which have many facets.

However, some of these options have been removed—one, by the fact that there was going to be a limited amount of time for debate because of the Defense appropriations bill, which is going to be before us relatively soon, and the belief of Senator METZENBAUM that it was important to move ahead and deal with an amendment which was really the crux of this matter, and a controversial one.

So, as long as that is the pending amendment, I think it would be useful to go ahead and proceed with the vote on that amendment at that time, if that would be the will of the Senator.

Mr. McCLURE. Mr. President, I appreciate the suggestion the Senator from Kansas has made, but I think the pending amendment, which was originally offered by the Senator from Ohio, and to which the Senator from Kansas has added her name as a cosponsor, makes that impossible.

While I still desire to give her the opportunity to offer S. 996 at the earliest possible time, it seems to me that that effort has been frustrated by the amendment which has been offered.

As I said earlier, I had offered an amendment which would guarantee that whatever savings there are from wellhead price adjustments of contract adjustments as reflected in consumers' bills, there would be an automatic, complete passthrough, which has almost universal acceptance in this body.

There are many people outside who may take advantage of the price at the wellhead and pocket that price, rather than reduce the price to the consumers. I do not believe that is reflective of any large opinion in this body.

The amendment seemed to me to be as noncontroversial as any I know of that could be offered to this bill and at the same time move us forward and toward the resolution of the bill, preserving the options of the Senator from Kansas to become the author of the first major amendment to be offered, which would present a package of issues to be decided by the Senate in that manner.

That was and has been my intention. But it seems to me that when, at the first crack out of the box, we go at the heart of the bill before us and gut it completely, we have no option at this point by which we can agree to time limitations and obtain the agreement to bring up the Senator's amendment as I had hoped.

I hope we will work our way out of this, but the problem does exist. Until we get that problem solved, I suggest that we are not going to get S. 996. I am not sure what we will get to next.

It is a tragedy, as a matter of fact, when there is so much widespread agreement to legislate, that at the first opportunity the roadblock is thrown up that makes it almost impossible to move. I hope to find a way to get around that roadblock or to remove it so that we can legislate. But we may be nearer the end of the process than I had hoped was the case.

Mr. President, as I said earlier, I know it has been the desire of the leadership to move from this piece of legislation to the appropriations bill. The impasse in which we find ourselves may make that more difficult rather than less difficult.

Having known that from the outset that it makes no sense for us to become involved in a 3-day or 4-day debate in a manner that could not be resolved today, we would try to take care of matters that could be resolved today. Instead, we got ourselves involved in a fight that will take longer than today and tomorrow and perhaps the next day to resolve.

Mr. METZENBAUM. Mr. President——

Mr. SARBANES. Mr. President——

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Maryland.

Mr. SARBANES. Mr. President, I want to make one brief observation.

It seems to me that the point that was made by the Senator from Kansas, that the second-degree amendment now pending provides an opportunity to take a gauge of the views of the Senate on some very fundamental questions involved in this legislation, has a lot of merit.

The bill came out of the committee by a vote of 11 to 9, without recommendation. There is no recommendation attached to the bill; and even then, the committee split 11 to 9 as to whether they ought to even send it to the floor without a recommendation.

I listened carefully to the Senator from Idaho, but it seemed to me that it would help to expedite the matter and certainly make it much clearer as to where the Senate stood if we could take some votes early on, on the basic issues that are involved. If the Senate reflects a strong judgment in one direction, then obviously that has to become the working point from which this legislation is going to be developed.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, the Senator from Idaho has indicated that my offering this amendment created a roadblock. So that there may be no question about the fact that the Senator from Ohio does not want to create any roadblock, I repeat that I am ready to vote. If we do not have the votes, we will lose the amendment. I am ready to vote.

I understand that the regular order is that we now proceed to a vote. I therefore ask for regular order.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, the regular order would be for debate to continue on the pending amendment, which is the Metzenbaum amendment.

Mr. President, I would not like to continue with that. I indicated earlier that at some point during this day I want to go to the Defense Department appropriations bill. That bill is here now, and we have been shopping for a unanimous-consent agreement that would provide for the consideration of that measure and for final passage. that is not yet fully cleared, I believe, but I should like to pursue that with the minority leader.

What I would like to do, however, is to proceed to the Defense Department appropriations bill at this time, and I inquire of the distinguished Senator from Ohio——

Mr. METZENBAUM. He is out campaigning—the senior Senator.

Mr. BAKER. I said "the distinguished Senator from Ohio." Surely, the distinguished Senator from Ohio is not out campaigning. [Laughter.]

Mr. METZENBAUM. I thought you said "the senior Senator."

Mr. BAKER. Mr. President, I hope the Senator from Ohio will not object to going to the Department of Defense appropriations bill at this time.

I just consulted with the Parliamentarian to find out what the status of this would be when we return to it.

If I move to the consideration of it, which I intend to do if I can get consent to it, and if that motion succeeds, the bill would go back to the calendar, but it would go with these two amendments.

Mr. President, a parliamentary inquiry. Is it not true that if this bill goes back to the calendar, when it returns, if it returns—and I expect it will—as the pending business, both the McClure amendment and the second-degree Metzenbaum amendment would return with them as the pending question?

The PRESIDING OFFICER. The Senator is correct.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BAKER. Mr. President, what I wish to do now is get to the Defense appropriations bill by unanimous consent, which would not put this back on the calendar but leave it exactly as it is at this moment to recur as the pending business when we finish the Department of Defense appropriations bill, which I expect to be the first part of next week and without prejudice to any party's rights.

That is what I wish to do.

Mr. METZENBAUM. Mr. President, let me be certain that I am clear because I have no objection. As I understand it, what the majority leader has suggested is that we have unanimous consent to set aside S. 1715, that we take up the Department of Defense appropriations bill, that immediately at the conclusion of the Department of Defense appropriations bill or if it is set aside for any of a number thereof reasons, we would immediately thereafter return to the gas deregulation bill and at that time the pending amendment would be my amendment to the bill.

Mr. BAKER. Yes, Mr. President, that is my intention.

Mr. METZENBAUM. I have no objection.

Mr. BAKER. Mr. President, I do not see the minority leader in the Chamber at this moment, but I have indicated to him previously that I wanted to get to this bill at about 3 p.m. While we wait for him to arrive, Mr. President——

Mr. McCLURE. Mr. President, will the Senator yield to me one moment?

Mr. BAKER. I yield to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

I think Senators should be aware that if we have to move to set this bill aside it goes back to the calendar and is subject again to another motion to proceed to consideration and subject to another filibuster on that question.

Mr. METZENBAUM. I said I have no objection.

Mr. McCLURE. So I hope we will be able to do it by unanimous consent and I certainly support what the majority leader is doing and understand the necessity for doing it.

But before doing that, Mr. President, I wish also to indicate that I am prepared to support an amendment, indeed I will offer it if no one else does. But my understanding is that the Senator from Wyoming, Mr. WALLOP, and/or the Senator from Texas, Mr. TOWER, may well offer an amendment with respect to S. 1715 which would eliminate the market-out provisions at the end of the ramps, and if they did that and if that amendment were adopted it would have the following effect:

In the case of old gas, controls would be removed at the end of 44 months. At that time the price would be determined by the contract as follows: If the contract contained an area rate clause, then the free market price indicator would apply. If the contract contained a most-favored-nations clause or an indefinte price escalator, then that would apply. If the contract contained a fixed price, then the price would revert back to that contract provison.

Naturally, if a contract were renegotiated, then the contract would operate by its new terms.

In the case of high-priced gas, decontrol would occur at the end of 44 months. The ramp-down would be the same as in S. 1715. The stretch-out would be extended from 6 to 30 months so that decontrol would occur at the end of 44 months. At the end of the ramp during the stretch-out period up until 44 months, the free market price indicator would apply. Therefore, existing price controls would effectively end at the end of 20 months. At the end of 44 months, the contract would operate by its terms including any renegotiated terms.

I thought in order to give the Members of the Senate some idea of what might be occurring in the future—I understand that Senators WALLOP and TOWER may indeed offer this amendment. All persons who have an interest in the legislation should be aware of that, and so that they might be more fully informed, I ask unanimous consent that the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 11, line 7, delete "six" and insert in lieu thereof "thirty".

On page 20, strike lines 17 through line 16 on page 25.

On page 33, line 21, after "(2)" insert "except as provided in section 131(d)".

On page 8, lines 20 and 22, delete "six-months".

Make such technical and conforming amendments as may be required by this amendment.

Mr. McCLURE. Now, Mr. President, I say before yielding the floor that I do not know that this amendment will be offered. But I am informed that Senators WALLOP and TOWER are considering it and indeed may offer it. I am not certain that it will be offered, however, but in the event it were I wish Senators to have preliminary information of what is in it.

The PRESIDING OFFICER. The majority leader still has the floor.

Mr. BAKER. Mr. President, I thank both the Senator from Ohio and the Senator from Idaho for their cooperation.

Mr. President, what I wish to do now, to restate the issue, is to take us off the natural gas bill and get us on the Department of Defense appropriations bill, and I propose to do that by unanimous consent because the effect of that, of course, would be to temporarily lay aside the bill that will recur as the pending business and the pending question will be the second-degree Metzenbaum amendment when we return to it, and to express the intention to follow that procedure and go back to the natural gas as soon as we get through with DOD appropriations.

As I say, all Senators should be aware of the intention of the unanimous-consent request that I shall now propose to make.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield to the minority leader.

Mr. BYRD. If I understand the majority leader, he wishes to move to the Defense appropriations bill.

Mr. BAKER. Yes, Mr. President.

Mr. BYRD. And to do that immediately.

Mr. BAKER. And to do it by unanimous consent.

Mr. BYRD. And to do it by unanimous consent.

There is no objection on my part.

Mr. BAKER. Very well.

Mr. BYRD. May I say that when I say there is no objection on my part, I think I am representing Senators from my side because we have been working on this throughout the day and I find no objection.

Mr. BAKER. I thank the minority leader.

Mr. President, then I ask unanimous consent that the pending business, which is S. 1715, calendar order No. 330, be temporarily laid aside and the Senate proceed to the considerations of calendar order No. 527, H.R. 4185, a bill making appropriations for the Department of Defense.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. METZENBAUM. Mr. President, reserving the right to object, I just want to be certain that as the majority leader has previously stated, immediately upon the conclusion of consideration of that measure or if it is set aside from any reason, the gas bill will immediately recur and come back to the floor and my amendment will be the pending business.

Mr. BAKER. Mr. President, that reminds me of one other thing I wish to do.

I wish to finish this bill. I add to the request that no call for the regular order will bring back the natural gas bill until the completion of the Department of Defense appropriations bill. The effect of that will be when we finish DOD it will come back automatically and on the call for regular order by any Senator that would bring it back at that point.

Mr. METZENBAUM. I merely was raising the question—I do not wish to create a problem—that if for any reason the majority leader determined that he wanted at some point to set aside the DOD bill, and we would not then have in fact finished with the DOD bill, I wish to be certain that if that would occur we would come back to the gas dereg bill. The majority leader might want to set aside DOD for some of a number of purposes. Do I make myself clear to the majority leader?

Mr. BAKER. It is clear.

I really hesitate to do it that way because there may be things that we can do in just a moment, for example, a conference report, or something else that needs to be done as long as it is not pending.

Mr. METZENBAUM. As long as the majority leader assures me it is his intent we will go back to the gas bill all right.

Mr. BAKER. Yes, I assure my friend of that.

Mr. METZENBAUM. I thank the majority leader.

Mr. BYRD. Mr. President, reserving the right to object, I do not know what the Senator is wanting. I am here as the minority leader to protect Senators.

Mr. METZENBAUM. What I want to be certain of is when we either conclude the DOD bill or for some reason we decide to set it aside for a day or two that the gas bill will immediately return to the floor, and the reason I raise the question was that the majority leader had used the language "when we finish with the DOD bill," and in the event there is that interim period I wanted to be protected for that period of time.

If there is some minor matter, such as any one of a host of things that we take up for 5 or 10 minutes, I certainly have no objection to that.

Mr. BYRD. I understand. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank all Senators, and I especially thank the Senator from Ohio, the Senator from Idaho, and the minority leader for cooperation in that respect.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1984

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, let me say that I wish to explore the possibility of a unanimous-consent agreement that would provide for an allocation of time on this bill and a time for final passage.

I would suggest 6 p.m. in the afternoon on Monday next, which is November 7. I would be willing to go until 2 p.m. in the afternoon on Tuesday. In either event, I would be willing to take the risk that the Senate would not be in on Saturday and that we could finish this bill in time to do other things that are required of us before we go out. I will not now put such a request, but I would like to urge Senators to consider that request.

Mr. President, on the matter of the balance of this day, today is Thursday, and of course, Senators are always on notice of the possibility of a late day on Thursday. But that is a matter that should address itself, in my opinion, not only to the leadership, but to the managers on both sides. So 6 or 6:30 or 7 p.m. would be a normal day, but if the managers wish to go longer than that, we will. I would like, however, to come in early tomorrow in order to get a good start on this bill.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. **BAKER**. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 9 a.m. tomorrow.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDERS FOR FRIDAY

Mr. **BAKER**. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, the distinguished Senator from Alaska, Mr. MURKOWSKI, be recognized on a special order of not to exceed 15 minutes; that the time remaining after the special order and prior to the hour of 10 a.m. be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes each; and that at 10 a.m. tomorrow the Senate resume consideration of H.R. 4185

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BAKER**. Mr. President, I commend the bill to the tender mercy of the two managers.

The **PRESIDING OFFICER**. The Senator from Alaska.

Mr. **BAKER**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **STEVENS**. Mr. President, I ask unanimous consent that order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **STEVENS**. Mr. President, I ask unanimous consent that the Senate authorize printing of the House-passed Department of Defense appropriations bill for the fiscal year 1984, which is H.R. 4185, in a form that incorporates amendments of the Senate Committee on Appropriations.

I want to explain that this is the same procedure we followed last year. It does not approve the Senate committee amendments. It just presents them as a document, as would be the case as they came out of the Senate committee, and we will have in one printed form all of the amendments to the House version of this bill that the Senate has recommended.

We will make a request, after this request is considered, as to the amendments that we do not wish to present to the Senate as committee amendments. But for the time being, we ask merely that the Senate authorize us to print this House-passed document in the form that it has been reported from the Senate committee.

We reported the Senate bill, not the House bill, because we did not have the House bill at the time. So this would give us a chance to do that, to handle that bill by the same procedure we have in the past.

Once we get that bill before us in that fashion, I will make a request concerning the approval of the individual amendments. In particular, I have discussed one with the Senator from Ohio. I assure him we will not offer that amendment or any kind of unanimous-consent request to approve that particular amendment as it is presented to the Senate.

Mr. **BYRD**. Mr. President, reserving the right to object. No objection.

The **PRESIDING OFFICER**. Is there objection? Hearing none, it is so ordered.

Mr. **METZENBAUM**. Mr. President, the Senator from Ohio would like to leave the floor, but the Senator leaves the floor with the understanding that if and when the matter that the Senator and I talked about comes up, the Senator from Ohio would be alerted in order that he may come to the floor.

Mr. **STEVENS**. I will alert the Senator. But he does not need to be present just for us to put it aside, does he?

Mr. **METZENBAUM**. No, not to put it aside.

Mr. **STEVENS**. We can assure the Senator we will not prejudice his rights in any way in that regard.

Mr. President, while there are sufficient Members of the Senate on the floor, I ask for the yeas and nays on the bill.

The **PRESIDING OFFICER**. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. **STEVENS**. Mr. President, we bring to the Senate today this Defense appropriations bill which is brought to the Senate late, we do admit that. It has been an unusually protracted committee markup process. We did begin our hearings in February, but we did not conclude those hearings until mid-September. We have been involved in subcommittee and full committee markup on this bill for more than a month. And again this year, because of the continued obstacles to the movement of appropriation bills, we have had to mark up and report the original Senate bill instead of awaiting for the House-originated bill and developing amendments to it.

The unanimous consent request that was just granted takes care of many problems associated with that procedure.

The House Appropriations Committee did not report a defense bill until October 20, and we knew we would have to move ahead with a separate Senate bill in order to secure prompt Senate passage and a conference agreement before the continuing resolution expires on November 10.

Handling the bill this way, Mr. President, vastly complicates the already complex task of developing a Defense appropriations bill, the single largest appropriation measure before Congress. I continue to hope that Congress will streamline its procedures in order to prevent this unnecessary logjam of spending measures each year.

Mr. President, the committee is recommending a fiscal year 1984 Defense appropriation bill containing $251.7 billion in new budget authority. This is nearly $19.7 billion over 1983 appropriations, or a real growth of nearly 4.5 percent. The recommended allowance is $9.2 billion below the President's request but is $5.4 billion above the House allowance in the bill passed by that body just yesterday. This allowance is about $2.5 billion below the committee's target under the congressional budget process in terms of new budget authority, but I must point out that it is very close to the outlay ceiling adopted under that same process. As detailed on page 9 of the committee report, estimated outlays in the reported bill totaled $227.1 billion, or less than $800 million below the section 302(b) target. If we are to honor the outlay goals we have adopted, there really is no room for any substantial increase in the total committee recommendation when we consider future supplemental requirements and unexpected costs that often occur later in the year.

On balance, then, I commend the bill to the Senate as one that supports all of the administration's major defense initiatives, particularly in readiness and modernization, without breaking any of the congressional ceilings that we have adopted.

Nonetheless, I recognize many Senators may be concerned about the recommended budget authority total dropping below our section 302(b) target.

Let me point out that with only a few exceptions, however, the committee has not offered any drastic program revisions or substantial cutbacks in the initiatives the President and Congress have supported. One of those exceptions would be chemical weapons, which were sharply reduced. But most of the recommended reductions are simply based on an honest "scrub" of the budget estimates. We have eliminated excessive or redundant estimates, particularly in the area of contingencies, and we have tailored spending requests to fit more recent contract pricing information than was available at the time the budget was formulated. We have also recommended cutbacks wherever we found what we judged to be excessive program growth, and we have adopted the reductions contained in the Defense authorization bill. At the same time, however, the committee has recommended several important initiatives that were not contained in the budget estimates:

There is an unbudgeted $1.8 billion in the bill to cover the 4-percent pay raise authorized by Congress for military and civilian personnel starting January 1.

There is an increase of about $1 billion in authorized increases for Reserves and National Guard modernization.

A $300 million fund has been established to finance badly needed cleanup of hazardous and unsightly wastes resulting from defense activities.

There is an additional $300 million recommended for transfer to the Coast Guard to address its separate modernization requirements including drug interdiction needs.

We have fully funded the authorized growth in military manpower while proposing changes in the area of special pay, bonuses, and other benefits to help slow the spiraling costs of military personnel.

A funding growth of more than 9 percent has been supported for operation and maintenance with full support for all the key readiness initiatives in the budget.

Despite a reduction of nearly $7 billion in procurement, we have still provided substantial investment growth in modernization. For the Navy we have funded three cruisers, three nuclear attack submarines, one Trident nuclear submarine, and another frigate; we have expanded production of key Army weapons such as the AH-64 attack helicopter, Patriot air defense system and M-1 tank and sustained production of other major systems such as the multiple launch rocket system and Bradley fighting vehicles, we have increased aircraft production by nearly 20 percent and funded 21 MX Peacekeeper and 95 Pershing II ballistic missiles along with production of 120 ground launched cruise missiles.

We have supported real growth in research and development of about 13 percent on top of the actual 9 percent growth funded last year. This includes full support of nearly every phase of the strategic forces program including the small ICBM, or Midgetman system, as proposed by the President following the Scowcroft Commission report.

Mr. President, at this time, in terms of the overall problems we face in the budget, I commend this report from the Appropriations Committee to the attention of the Senate. I will be presenting one amendment to reduce one item myself. We do hope that Senators will alert the committee as to any amendments they wish to raise. We stand by and are prepared to answer any questions any Member may have concerning this matter.

The majority leader has indicated that we will come in early tomorrow and we will proceed through the day. We will be back on the bill on Monday. I am hopeful we will be able to finish the bill on Monday, but in any event no later than Tuesday afternoon.

I want to call attention to the very significant problem we face. The people in the House with whom we must confer on the Defense appropriations bill will be involved on the floor on the continuing resolution if we do not get this bill to them before Tuesday noon. We must be able to go into conference by Tuesday afternoon at the latest because the House will be on the continuing resolution starting Wednesday. The House conferees cannot meet with us and be involved on the floor at the same time.

If the Senate wants to avoid repetition in dealing with Defense appropriations, I urge them to cooperate with the two of us who are managing the bill and call to our attention any items they want to bring up. We are ready to debate them and to have the bill settled as quickly as possible.

It would be to the advantage of everyone concerned if we could finish by Monday night. Then we can assure the Senate that we can bring this bill out of conference before the Senate has to deal with the continuing resolution.

I now want to yield to my good friend, the ranking Democratic member of the subcommittee, the former chairman of our committee, Senator STENNIS, with whom I have had the pleasure of working. I want to say once again what a pleasure it really is and how helpful he and his staff have been to us as we have tried to present this bill in the most appropriate form possible under the budget circumstances that constrain any action of the Senate these days.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I want to especially thank the Senator from Alaska for his very generous words, and I want to again publicly testify to his enormous capacity to absorb and work over these bills year after year. He has put almost 12 months out of the last 13 into these bills. This is the largest one we have ever had. He is resourceful in his planning and his working, getting all these hearings completed and adjustments made. We have a unanimous vote on the bill itself.

Mr. President, it is just a privilege to take even a small part, and my part is relatively small, in working up and presenting a bill of this magnitude and of such tremendous importance.

Of all the worry that we may have about various events in world affairs, and we have been bogged down with the problems of the last 10 days—Lebanon, Grenada, in-between matters—I have never had one moment's trouble or thought of uncertainty about our being prepared. We are prepared for most everything—not all things but most everything—that could happen through vast, active, around-the-world contacts that we have in trade, commerce, intercourse of various kinds. We have the manpower of the right type, I think, the machinery, the guns, and the advanced knowledge, technology, and all the things that go with it.

I think the things that can be done through a bill or program for our intelligence capability is very superior, although it is getting to where it is most difficult, as we saw in Lebanon and elsewhere to be prepared in modern times without having real intelligence.

Mr. President, I have never seen any bill that has been more carefully gone over, more thoroughly considered by the committee members, by the witnesses who testified as to the facts, by the constructive ones that come to represent various industries or companies that might be interested. They are helpful to a degree. Overly insistent, some are, but that does not get very far either.

A tremendous amount of work has gone into ths bill. I just have a feeling that it will be passed rather readily here after some explanations and debate on some amendments.

Mr. President, the bill we are recommending to the Senate today, the defense appropriation bill for fiscal year 1984, is the largest spending measure ever to come before this body—in either war or periods of peace. Our recommendation of $251.9 billion is an increase of $19 billion above the appropriations for fiscal year 1983.

The bill we are considering today comes at a period when severe unrest exists in many areas of the world where our forces are deployed. I am certain that each Member has considered the merits of this measure as they have pondered the recent disaster in Lebanon and the use of our Armed Forces in Grenada.

Mr. President, this bill will provide for a continuation of our country's commitment to a strong national defense. The committee recommendation will provide for real growth above the fiscal year 1983 appropriation of over 4 percent and provide the armed services with the resources to meet our responsibilities as a leader of the free world. Our armed services represent the strongest, most powerful military force in the world. It is essential that this force be maintained with the capability for our Nation to respond to the ever-changing international situation.

The committee recommendation will continue to strengthen the readiness of our Armed Forces, as well as provide for substantial increases in our arsenal of weapon systems and military equipment. It will continue the fielding of the M-1 tank in Europe, provide for initial production of the M-X Peacekeeper missile, provide for procurement of 95 Pershing II intertheater ballistic missiles, continue procurement of the B-1B bomber, and accelerate production of the Army's AH-64 Apache attack helicopter. For the Navy, the committee recommendation provides for three guided missile cruisers, three nuclear attack and one Trident ballistic missile submarines, and one guided missile frigate.

For the Reserves and the National Guard, the recommendation will provide more than $1 billion for equipment to assure that these important components of our total military force have the capability to meet their assigned responsibilities. The recommendation includes $176 million in a dedicated appropriation for National Guard and Reserve component equipment and $378 million for 24 F-16 Falcon fighter aircraft which were specifically included to increase the tactical fighter capability of the Air National Guard.

With respect to the ceilings of the budget resolution, the committee recommendation is within the allocation for defense under the first concurrent resoultion for fiscal year 1984. In fact, in budget authority, the subcommittee recommendation is $2.4 billion below the full Appropriations Committee allocation of the first concurrent budget resolution for the activities of the Department of Defense.

Mr. President, fiscal year 1984 has already begun. The authority contained in the continuing resolution for the Department of Defense expires on November 10, 1983. Most of us recall that the defense appropriations for fiscal year 1983 were included in an omnibus continuing resolution. I hope this will not be the case this year. I believe it is our duty and responsibility to complete final congressional action on a defense appropriations bill prior to the expiration of the current continuing resolution.

I do not believe we will have to resort to the procedures of last year. We now have a House-passed bill. It is my recommendation that the Senate proceed expeditiously on consideration of this most important measure.

Mr. President, I join in the request by the manager of the bill to those who have amendments. We will soon be ready for them, I judge. I hope they will accommodate not us, particularly, but the entire membership of the Senate and the machinery that makes the Senate move to get this matter under consideration. I believe that a few hours of debate and explanation is all that will be required. I hope we do not have to suspend or interrupt the presentation of these amendments.

Perhaps the Senator from Alaska has someone who has an amendment they want to present. I yield the floor, Mr. President.

Mr. STEVENS. Mr. President, I might say to my good friend from Mississippi that we are awaiting now the approval of a request to make the committee amendments original text without waiving any points of order any right of any Senator to amend in any way those committee amendments because, as the Chair knows, that is the normal request concerning the original text. We do have an understanding that we shall set aside one amendment and it will not come up until last. Right now, we cannot proceed until we get this one request cleared. Pending any information that we can make that normal request to make the committee amendments the original text, I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HECHT). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I just made a unanimous-consent request that we print the House bill in the form in which it has been reported to the Senate with the Senate Appropriations Committee amendments. I now ask unanimous consent that the Senate be permitted to proceed this afternoon using the committee print of the House bill displaying the Senate amendments as we await the official document as printed by the Government Printing Office. It is identical to what we would get but, pending the arrival of the official document printed pursuant to my request, I ask unanimous consent that we may use the Senate's version of that print. I state that we have had 150 copies run off on our Xeroxes and they are available for use by any Senator or the staff of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I now ask unanimous consent be granted that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendment as original text provided that no point of order shall be considered to have been waived by agreeing to this request and providing further that section 799 not be included in this request and that section 799, which is in fact about the next to the last amendment in the bill, be the last amendment to be considered on this bill.

The PRESIDING OFFICER. Is there objection?

Will the Senator clarify his request? Does he mean that no amendments would be in order after section 799 would be considered?

Mr. STEVENS. No. I mean that section 799 would be the last amendment to be presented by the committee. We will present it when the Senator from Ohio is present. That is the agreement we have reached. It is excepted from my request. I am not including that as original text for the purpose of amendment. The burden is on the committee to present that amendment, and I state it will be the last amendment to be offered by the committee when the Senator from Ohio is present.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Reserving the right to object, I was not on the floor when the distinguished Senator from Alaska was——

Mr. STEVENS. Will the Senator let me just clarify one thing?

I do not intend that to become the pending business. Now, as I said, the committee reserves the right to present that amendment, and we intend to present it as the last amendment as this bill is considered.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Reserving the right to object, I was not on the floor and I may have misunderstood the distinguished Senator from Alaska, but what exactly is the amendment in question?

Mr. STEVENS. The amendment in question is the McNeil Island amendment, which is an amendment that is in section 799. At the request of the Senator from Ohio, it is being excepted from my normal unanimous-consent request that the bill be considered original text for the purpose of amendment. We have an understanding with the Senator from Ohio that, too, will be presented when he is on the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(The text of the House bill, H.R. 4185, with the amendments of the Committee on Appropriations, except the language of section 799 on page 88, is set forth below. House language stricken by the Committee on Appropriations is shown in brackets; new language added by the Committee on Appropriations is shown in italics. The text as thus amended follows:)

H.R. 4185

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

Military Personnel, Army

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; [$15,074,758,000] *$15,401,626,000.*

Military Personnel, Navy

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; [$11,181,477,000] *$11,447,097,000: Provided, That notwithstanding any other provision of law, funds made available by this Act shall be available for payment of the Aviation Officer Continuation Bonus pursuant to agreements accepted from officers of all aviation specialties where shortages exist.*

Military Personnel, Marine Corps

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); [$3,447,324,000] *$3,515,159,000: Provided, That notwithstanding any other provision of law, funds made available by this Act shall be available for payment of the Aviation Officer Continuation Bonus pursuant to agreements accepted from officers of all aviation specialties where shortages exist.*

Military Personnel, Air Force

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; [$12,603,391,000] *$12,902,253,000.*

Reserve Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3019, and 3033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; [$1,346,850,000] *$1,426,600,000.*

Reserve Personnel, Navy

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty under section 265 of title 10, United States Code, or personnel while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; [$739,800,000] *$758,600,000.*

Reserve Personnel, Marine Corps

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; [$176,200,000] *$180,100,000.*

Reserve Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8019, and 8033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; [$380,000,000] *$389,400,000.*

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 265, 3033, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; [$1,857,950,000] *$1,977,600,000.*

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; [$589,100,000] *$604,400,000.*

TITLE II

RETIRED MILITARY PERSONNEL

Retired Pay, Defense

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and Air Force, including the reserve components thereof, retainer pay for personnel of the Inactive Fleet Reserve, and payments under section 4 of Public Law 92-425 and chapter 73 of title 10, United States Code; $16,592,600,000.

TITLE III

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law [as follows: for general purpose forces $6,188,223,000; intelligence and communications $1,019,080,000; central supply and maintenance $4,690,069,000; training, medical, and other general personnel activities $3,695,027,000; administration and associated activities $1,088,208,000; and support of other nations $96,377,000; in all $16,776,984,000. Of the total amount of this appropriation;] not to exceed $8,490,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes. [Of the total amount of this appropriation,] *$17,334,571,000, of which* not less than [$1,260,200,000] *$1,247,000,000 shall be available only for the maintenance of real property facilities.*

Army Stock Fund

For the Army stock fund; [$379,400,000] *$408,600,000.*

[Army Industrial Fund

For the Army industrial fund; $99,400,000.]

Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law [as follows for strategic forces $1,933,012,000; general purpose forces $10,107,473,000; intelligence and communications $997,953,000; airlift and sealift $275,400,000; central supply and maintenance $5,568,299,000; training medical, and other general personnel activities $1,909,618,000; administration and associated activities $561,526,000; and support of other nations $2,493,000; in all

$21,355,774,000. Of the total amount of this appropriation]; and not to exceed $2,700,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes [Of the total amount of this appropriation,] *$22,266,908,000, of which* not less than [$605,000,000] *$670,700,000* shall be available only for the maintenance of real property facilities: *Provided, That of* [Of] the total amount of this appropriation made available for the alteration, overhaul, and repair of naval vessels, not more than [$3,100,000,000] *$3,150,000,000* shall be available for the performance of such work in Navy shipyards: *Provided further, That funds* [Funds] *herein provided shall be available for payments in support of the LEASAT program in accordance with the terms of the Aide* Memoire, dated January 5, 1981. [Obligations incurred or to be incurred hereafter for termination liability in connection with the TAKX and T-5 programs, for which the Navy has already entered into agreements to charter (including conversion or construction related to such agreements or charters) shall, so long as the Government remains liable for termination costs, be considered as obligations in the current Operation and Maintenance, Navy, appropriation account, to be held in reserve in the event such termination liability is incurred, for the purpose of title 31, United States Code, in an amount equal to 10 percent of the outstanding gross termination liability.]

NAVY STOCK FUND

For the Navy stock fund; [$634,069,000] *$632,869,000.*

[NAVY INDUSTRIAL FUND

For the Navy industrial fund; $181,900,000.]

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law [as follows: for general purpose forces $887,532,000; central supply and maintenance $327,297,000; training, medical, and other general personnel activities $203,666,000; and administration and associated activities $92,455,000; in all $1,510,950,000. Of the total amount of this appropriation,] *$1,547,050,000, of which* not less than [$231,000,000] *$237,100,000* shall be available only for the maintenance of real property facilities.

MARINE CORPS STOCK FUND

For the Marine Corps stock fund; [$20,780,000] *$22,280,000.*

[MARINE CORPS INDUSTRIAL FUND

For the Marine Corps industrial fund; $2,300,000.]

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, including the lease and associated maintenance of replacement aircraft for the CT-39 aircraft to the same extent and manner as authorized for service contracts by section 2306(g), title 10, United States Code [, as follows: for strategic forces $2,931,147,000; general purpose forces $3,794,751,000; intelligence and communications $1,734,586,000; airlift and sealift $1,110,038,000; central supply and maintenance $5,115,689,000; training, medical, and other general personnel activities $1,911,108,000; administration and associated activities $475,222,000; and support of other nations $7,705,000; in all $17,080,246,000. Of the total amount of this appropriation]; *and* not to exceed $4,770,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes [. Of the total amount of this appropriation,] *$17,871,056,000, of which* not less than [$1,217,200,000] *$1,243,600,000* shall be available only for the maintenance of real property facilities.

AIR FORCE STOCK FUND

For the Air Force stock fund; [$1,241,225,000] *$1,353,325,000.*

[AIR FORCE INDUSTRIAL FUND

For the Air Force industrial fund; $80,600,000.]

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law [as follows: for general purpose forces $391,422,000; intelligence and communications $2,201,020,000; central supply and maintenance $1,477,957,000; training, medical, and other general personnel activities $2,037,210,000; administration and associated activities $396,129,000; in all $6,503,738,000. Of the total amount of this appropriation,] *$6,584,744,000: Provided, That* not to exceed [$9,360,000] *$8,571,000* can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes. Of the total amount of this appropriation, not less than $78,000,000 shall be available only for the maintenance of real property facilities.

DEFENSE STOCK FUND

For the Defense stock fund; [$43,600,000] *$47,000,000.*

[DEFENSE INDUSTRIAL FUND

For the Defense industrial fund; $150,300,000.]

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications [as follows: for mission forces $398,470,000; depot maintenance $8,045,000; and other support $281,835,000; in all $688,350,000. Of the total amount of this appropriation,] *$677,100,000, of which* not less than [$39,000,000] *$39,500,000* shall be available only for maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications [as follows: for mission forces $404,340,000; depot maintenance $87,123,000; and other support $167,437,000; in all $658,900,000. Of the total amount of this appropriation,] *$639,500,000, of which* not less than [$29,500,000] *$30,000,000* shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications [as follows: for mission forces $27,109,000; depot maintenance $1,571,000; and other support $23,349,000; in all $52,029,000. Of the total amount of this appropriation;] *$52,879,000, of which* not less than $2,200,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications [as follows: for mission forces $511,288,000; depot maintenance $128,418,000; and other support $134,444,000; in all $774,150,000. Of the total amount of this appropriation;] *$790,900,000, of which* not less than [$19,000,000] *$20,000,000* shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft) [as follows: for training operations $223,088,000; logistical support $861,269,000; headquarters and command support $84,404,000; and medical support $8,589,000; in all $1,177,350,000. Of the total amount of this appropriation,] *$1,169,800,000, of which* not less than [$40,000,000] *$41,000,000* shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau [as follows: for mission forces $1,269,137,000; depot maintenance $388,153,000; and other support $112,060,000; in all $1,769,350,000. Of the amount of this appropriation,] *$1,807,300,000, of which* not less than $38,800,000 shall be available only for the maintenance of real property facilities.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses, in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; and the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; $899,000, of which not to exceed $7,500 shall be available for incidental expenses of the National Board; and from other funds provided in this Act, not to exceed $680,000 worth of ammunition may be issued under authority of title 10, United States Code, section 4311: *Provided*, That competitors at national matches under title 10, United States Code, section 4312, may be paid subsistence and travel allowances in excess of the amounts provided under title 10, United States Code, section 4313.

CLAIMS, DEFENSE

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of the National Guard units thereof; [$160,400,000] *$172,900,000.*

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; $3,372,000, and not to exceed $1,500 can be used for official representation purposes.

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the XXIII Olympiad) provided by any component of the Department of Defense to the 1984 games of the XXIII Olympiad; [$50,000,000] *$45,000,000; Provided, That the Department of Defense may also provide support to the Los Angeles Olympic Organizing Committee on a reimbursable basis, with such reimbursements to be credited to the current applicable appropriation accounts of the Department.*

ENVIRONMENTAL RESTORATION, DEFENSE

For expenses, not otherwise provided for, for environmental, restoration programs, including hazardous waste disposal operations and removal of unsafe or unsightly buildings and debris of the Department of Defense, and including programs and operations at sites formerly used by the Department of Defense; $300,000,000 to remain available until expended.

TITLE IV

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

[(INCLUDING TRANSFER OF FUNDS)]

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$3,198,448,000] *$3,255,530,000,* [*and in addition, $22,500,000 to be derived by transfer from "Aircraft Procurement, Army, 1983/1985",*] *to remain available for obligation until September 30, 1986.*

MISSILE PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor: specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes[, as follows: For Other Missile Support, $9,200,000; for the Patriot program, $885,000,000; for the Stinger program, $137,800,000; for the Laser Hellfire program, $218,800,000; for the TOW program, $189,200,000; for the Pershing II program, $407,700,000; for the MLRS program, $532,100,000; for modifications of missiles, $123,300,000; for spares and repair parts, $261,702,000; for support equipment and facilities, $108,200,000; in all: $2,845,002,000, and in addition $37,300,000 to be derived by transfer, to remain available until September 30, 1986: *Provided*, That within the total amount appropriated, the subdivisions within this account shall be reduced by $28,000,000 for revised economic assumptions;] *$2,857,500,000, and in addition, $32,600,000 to be derived by transfer from "Missile Procurement, Army, 1983/1985", to remain available until September 30, 1986.*

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts and accessories thereof; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$4,542,196,000] *$4,598,244,000,* and in addition, [$83,800,000] *$111,6000,000,* to be derived by transfer from "Procurement of Weapons and Tracked Combat Vehicles, Army, 1983/1985", to remain available for obligation until September 30, 1986: *Provided, That nothwithstanding any other provision of law, within three months after enactment of this Act the Secretary of the Army shall complete and submit to the Committees on Appropriations and Armed Services of the House and Senate a study on the feasibility and cost effectiveness of establishing a second production source for the AGT 1500 engine for the M-1 tank, together with the Secretary's determination, based on the findings of such study, whether a second production source contract is in the national interest. The Secretary may implement his determination sixty days after the submission of the findings and determination: Provided, That current production of the AGT 1500 engine shall not be interrupted or reduced by the establishment of a second production source.*

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, modification of ammunition, and accessories thereof; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized in military construction authorization Acts or authorized by section 2673, title 10, United States Code, and the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$1,965,989,000, of which $1,200,000 shall be available only for the procurement of 9mm handgun ammunition] *$1,943,500,000,* to remain available for obligation until September 30, 1986.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support (including not to exceed fifteen vehicles required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $100,000 per vehicle), and nontracked combat vehicles; the purchase of not to exceed two thousand one hundred and forty-one passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [$4,604,616,000] *$4,753,077,000, of which $24,400,000 shall be available for the M9 Armored Combat Earthmover under a multiyear contract, to remain available for obligation until September 30, 1986.*

Aircraft Procurement, Navy

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, modification, and modernization of aircraft, equipment including ordnance, spare parts, and accessories therefore; specialized equipment; expansion of public and private plants, including the land necessary therefore, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; [$9,994,245,000] *$10,321,701,000, and in addition, $22,100,000, to be derived by transfer from "Aircraft Procurement, Navy, 1983/1985"*, to remain available for obligation until September 30, 1986.

Weapons Procurement, Navy

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, as follows: For missile program [$2,977,900,000] *$2,989,500,000;* for the MK-48 torpedo program, $124,600,000; for the MK-46 torpedo program, [$243,000,000] *$212,900,000;* for the MK-60 captor mine program, [$73,900,000] *$78,500,000* for the MK-30 mobile target program, [$14,700,000] *$17,600,000;* for the MK-38 mini-mobile target program, $2,000,000; for the antisubmarine rocket (ASROC program, $17,300,000; for modification of torpedoes, $111,800,000; for the torpedo support equipment program, $72,100,000; for the MK-15 close-in weapons system program, $120,400,000; for the MK-45 gun mount/MK-6 ammunition hoist $16,100,000; for the MK-75 gun mount program, $11,100,000; for the MK-19 machine gun program, $900,000; for the 25 mm gun mount, $700,000 [for the 9mm handgun, $500,000]; for small arms and weapons, $2,500,000; for the modification of guns and gun mounts, $13,600,000; for the guns and gun mounts support equipment program, $9,300,000; in all: [$3,767,832,000] *$3,764,900,000, and in addition, $73,200,000, to be derived by transfer from "Weapons Procurement, Navy, 1983/1985"*, to remain available until September 30, 1986: *Provided*, that within the total amount appropriated, the subdivisions within this account shall be reduced by [$44,568,000, as follows: $8,568,000 for spares and repair parts and] $36,000,000 for revised economic assumptions.

Shipbuilding and Conversion, Navy

(INCLUDING TRANSFER OF FUNDS)

For exenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Status, as amended, as follows: for the Trident submarine program, [$1,398,400,000] *$1,709,000,000* for Trident submarine advance procurement, $306,500,000] for the T-AK cargo ship conversion program, $900,000; for the SSN-688 nuclear attack submarine program, [$1,988,000,000] *$1,874,400,000*; for the reactivation of the [U.S.S. Wisconsin] *U.S.S. Missouri*, $57,700,000: *Provided, That none of these funds shall be available for obligation unitl the Secretary of the Navy reports to the Committees on Appropriations on the decision whether to implement the phase II battleship modernization, and any decision to proceed with phase II shall be accompanied by a plan for implementation to include cost and schedule data;* for the aircraft carrier service life extension program, $95,900,000; for the CG-47 AEGIS cruiser program, [$3,200,550,000] *$3,360,000,000*; for the DDG-51 guided missile destroyer program, [$53,000,000] *$79,000,000*; for the LSD-41 landing ship dock program, [$405,500,000] *$406,900,000: Provided, That a multiyear contract may be awarded only after the Secretary of the Navy certifies that real savings of at lease 10 percent over competitive annual procurement are available under such multiyear contract*; for the FFG-7 guided missile frigate program, [$218,000,000 which shall be derived by transfer from subdivisions of the paragraph] *$116,400,000*, and in addition [not to exceed $100,000,000 may be transferred pursuant to this provision to the FFG-7 guided missile frigate program from other subdivisions of this account, provided that the FFG-7 guided missile frigate shall be constructed with an upgraded MK-92 fire control system and an X-band phased array radar] *the following amounts shall be derived by transfer: from the FFG-7 guided missile frigate program of "Shipbuilding and Conversion, Navy, 1980/1984", $26,500,000; from the FFG-7 guided missile frigate program of "Shipbuilding and Conversion, Navy, 1981/1985", $19,100,000; from SSN-688 nuclear attack submarine, FFG-7 guided missile frigate, T-AGOS ocean surveillance ship, and escalation programs of "Shipbuilding and Conversion, Navy, 1982/1986", $66,000,000; and from the Trident submarine, SSN-688 nuclear attack submarine, FFG-7 guided missile frigate, CVN aircraft carrier, and escalation programs of "Shipbuilding and Conversion, Navy, 1983/1987", $72,000,000; in all, $183,600,000 to be derived by transfer*; for the T-AO fleet oiler ship program, [$349,900,000] *$335,500,000*; for the MCM mine countermeasures ship program, [$221,000,000] *$301,000,000*; for the MSH coastal mine hunter program, $65,000,000; for the T-AGS surveying ship program, [$34,500,000] *$17,000,000*; for the T-AKR fast logistics ship program, [$219,000,000] *$236,400,000*; for the T-AH hospital ship program, [$210,000,000] *$176,000,000, and in addition, $44,000,000 to be derived by transfer from the T-AH hospital ship program of "Shipbuilding and Conversion, Navy, 1983/1987"*; for the T-AFS combat stores ship program, $11,000,000; for the LHD-1 amphibious assault ship program, [$1,365,700,000] *$1,379,700,000*; for the strategic sealift program, $31,000,000; for craft, outfitting, post delivery, cost growth, and escalation on prior year programs, [$1,040,600,000] *$1,071,900,000;* in all [$10,913,650,000] *$11,184,200,000, and in addition, $227,600,000 to be derived by transfer*, to remain available for obligation until September 30, 1988: *Provided, That additional obligations may be incurred after September 30, 1988, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction; and each Shipbuilding and Conversion, Navy, appropriation that is currently available for such obligations may also hereafter be so obligated after the date of its expiration: Provided further*, That within the total amount appropriated, the subdivisions within this account shall be reduced by $140,500,000, as follows: $27,500,000 for consultants, studies, and analyses, and $113,000,000 for revised economic assumptions: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

Other Procurement, Navy

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed one vehicle required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $100,000 per vehicle and the purchase of not to exceed six hundred and sixty-seven passenger motor vehicles of which six hundred and twenty-five shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, as follows: For ship support equipment, [$673,909,000] *$677,007,000;* for communications and electronics equipment, [$1,562,750,000] *$1,555,233,000;* for aviation support equipment, [$686,757,000] *$715,928,000;* for ordnance support equipment, $926,162,000 [of which $698,000 shall be available only for procurement of 9mm handgun ammunition] for civil engineering support equipment, $196,622,000; for supply support equipment [$112,474,000] *$113,662,000;* for personnel/command support equipment, [$267,601,000] *$323,091,000;* in all: [$4,295,412,000] *$4,393,705,000,* to remain available until September 30, 1986: *Provided*, That within the total amount appropriated, the subdivisions within this account shall be reduced by [$130,863,000] *$114,000,000* as follows: [$16,863,000 for spares and repair parts;] $20,000,000 undistributed reduction; $4,000,000, for consultants, studies, and analyses; and $90,000,000 for revised economic assumptions.

Procurement, Marine Corps

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including purchase of not to exceed two hundred and four passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands, and interests therein, may be acquired and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; [$1,694,793,000] *$1,748,461,000* to remain available for obligation until September 30, 1986.

[Procurement of Additional Weapons and Tracked Combat Vehicles, Army

For additional construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts and accessories therefor; specialized equipment and training devices; expansion of public and private plants for the foregoing purposes; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $110,000,000.]

Aircraft Procurement, Air Force

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; [$21,070,610,000] *$21,100,400,000,* of which $5,626,800,000 shall be available only for purchase of the B-1B bomber under a multiyear contract; of which $112,100,000 shall be available for contribution of the United States share of the cost of the acquisition by the North Atlantic Treaty Organization of an Airborne Early Warning and Control System (AWACS) and, in addition, the Department of Defense may make a commitment to the North Atlantic Treaty Organization to assume the United States share of contingent liability in connection with the NATO E-3A Cooperative Programme; and in addition, [$300,300,000] *$304,100,000,* which shall be derived by transfer from "Aircraft Procurement, Air Force, 1983/1985," of which [$278,300,000] *$288,200,000* shall be from the A-10 program, [$14,000,000 shall be from the C-135 modification program,] *$7,900,000 shall be from the 30mm gun pod program to be available only for the purchase of 30mm gun pods,* and $8,000,000 shall be from the C-130H program to be available only for the purchase of C-130H aircraft; and in addition, [$47,700,000] *$12,900,000,* which shall be derived by transfer from "Aircraft Procurement, Air Force, 1982/1984," from the Civilian Reserve Airlift Fleet modification program to be available only for the C-135 *Civilian Reserve Airlift Fleet* modification program [, to remain available for obligation until September 30, 1986:] *Provided*, That none of the funds in this Act may be obligated under the four major fiscal year 1984 production contracts for the B-1B bomber if the current dollar costs of such production contracts would exceed the Air Force's original current dollar estimates for the four major fiscal year 1984 B-1B production contracts based on the production portion of the $20,500,000,000 estimate for the B-1B bomber baseline costs expressed in fiscal year 1981 constant dollars; *to remain available for obligation until September 30, 1986; Provided, That none of the funds appropriated by this Act may be obligated for procurement of the alternate fighter engine until the Secretary of the Air Force notifies the Appropriations Committees of both the House and the Senate of his decision as the source selection authority: Provided further, That nothing in this paragraph shall prohibit award of separate long lead contracts for essential parts and components necessary to meet the required delivery schedule for the alternate fighter engine.*

Missile Procurement, Air Force

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; [$7,787,112,000] *$7,553,417,000, of which $81,600,000 shall be available for the purchase of the phase III Defense Satellite Communication System (DSCS III) under a multiyear contract: Provided, That this authority shall be available only after the Secretary of the Air Force certifies to Congress that at least 10 per centum savings is available under multiyear contracting; and in addition, $55,000,000, to be derived by transfer from "Missile Procurement, Air Force, 1983/1985"*, to remain available for obligation until September 30, 1986.

Other Procurement, Air Force

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed five vehicles required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $100,000 per vehicle and the purchase of not to exceed one thousand two hundred and sixty-one passenger motor vehicles of which seven hundred and thirteen shall be for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; [$6,793,265,000] *$6,982,231,000,* [of which $1,000,000 shall be available only for procurement of 9mm handguns and $446,000 shall be available only for the procurement of 9mm handgun ammunition] to remain available for obligation until September 30, 1986.

National Guard and Reserve Equipment

For procurement of aircraft, missiles, tracked combat vehicles, and other procurement for the reserve components of the Armed Forces, not to exceed [$125,000,000] *$176,000,000,* to remain available until September 30, 1986, distributed as follows: Army National Guard, not to exceed $100,000,000; Air National Guard, not to exceed $25,000,000; *Naval Reserve, not to exceed $51,000,000.*

Acquisition, Construction, and Improvements, Coast Guard

For acquisition, construction, and improvements, not otherwise provided for; $300,000,000, to be transferred to the Coast Guard: "Acquisition, Construction, and Improvements", to remain available for obligation until September 30, 1986.

Procurement, Defense Agencies

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed seven vehicles required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $100,000 per vehicle and the purchase of not to exceed seven hundred and twenty-two passenger motor vehicles of which three hundred and ninety-three shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; [$942,657,000] *$957,646,000*, to remain available for obligation until September 30, 1986.

TITLE V

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, Development, Test, and Evaluation, Army

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$4,141,624,000] *$4,169,939,000*, of which $15,000,000 shall be available only for integration (including qualification) of the Hellfire missile on the UH-60 helicopter, to remain available for obligation until September 30, 1985.

Research, Development, Test, and Evaluation, Navy

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$7,473,937,000] *$7,487,554,000* [of which not less than $72,593,000 shall be available only for the Mark 92 fire control system which includes the phased array radar improvement program and of which not less than $61,165,000 shall be available only for the Marine Corps Assault Vehicles program which includes the MPGS, LVT(X), and LAV subprojects] to remain available for obligation until September 30, 1985.

Research, Development, Test, and Evaluation, Air Force

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$12,121,001,000] *$12,323,026,000, of which $23,500,000 shall not be made available for obligation on visible/ultraviolet laser technology prior to the submission of a report by the Department of Defense Defensive Technologies Study Team recommending a plan for the expenditure of laser technology funds*, to remain available for obligation until September 30, 1985.

Research, Development, Test, and Evaluation, Defense Agencies

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [$2,680,153,000] *$2,736,728,000, of which $20,000,000 shall not be made available for obligation on short wavelength laser technology prior to the submission of a report by the Department of Defense Defensive Technologies Study Team recommending a plan for the expenditure of laser technology funds*, to remain available for obligation until September 30, 1985: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes of time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs to be merged with and to be available for the same time period as the appropriation to which transferred.

Director of Test and Evaluation, Defense

For expenses, not otherwise provided for, of independent activities of the Director of Defense Test and Evaluation in the direction and supervision of test and evaluation, including initial operational testing and evaluation; and performance of joint testing and evaluation; and administrative expenses in connection therewith; $49,000,000, to remain available for obligation until September 30, 1985.

TITLE VI

SPECIAL FOREIGN CURRENCY PROGRAM

For payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for expenses in carrying out programs of the Department of Defense, as authorized by law; $3,050,000, to remain available for obligation until September 30, 1985: *Provided*, That this appropriation shall be available in addition to other appropriations to such Department, for payments in the foregoing currencies.

TITLE VII

GENERAL PROVISIONS

Sec. 701. The expenditures of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 702. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Sec. 703. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty stations and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

Sec. 704. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

Sec. 705. Appropriations contained in this Act and in subsequent appropriation Acts for the Department of Defense shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries; payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned; reimbursement to General Services Administration for security guard services for protection of confidential files; and all necessary expenses, at the seat of government of the United States of America or elsewhere, in connection with communication and other services and supplies as may be necessary to carry out the purposes of this Act.

Sec. 706. Any appropriation available hereafter to the Army, Navy, or Air Force may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Army, Navy, or Air Force custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

Sec. 707. Appropriations available to the Department of Defense for the current fiscal year and hereafter for maintenance or construction shall be available for acquisition of land or interest therein as authorized by section 2672, 2675 or 2828 of title 10, United States Code.

Sec. 708. Appropriations for the Department of Defense for the current fiscal year shall be available (a) for transportation to primary and secondary schools of minor dependents of military and civilian personnel of the Department of Defense as authorized for the Navy by section 7204 of title 10, United States Code; (b) for expenses in connection with administration of occupied areas; (c) for payment of rewards as authorized for the Navy by section 7209(a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (d) for payment of deficiency judgments and interests thereon arising out of condemnation proceedings; (e) for leasing of buildings and facilities including payment of rentals for special purpose space at the seat of government, and in the conduct of field exercises and maneuvers or, in administering the provisions of the Act of July 9, 1942 (56 Stat. 654; 43 U.S.C 315q), rentals may be paid in advance; (f) payments under contracts for maintenance of tools and facilities for twelve months beginning at any time during the fiscal year; (g) maintenance of defense access roads certified as important to national defense in accordance with section 210 of title 23, United States Code; (h) for the purchase of milk for enlisted personnel of the Department of Defense heretofore made available pursuant to section 202 of the Agricultural Act of 1949 (7 U.S.C. 1446a), and the cost of milk so purchased, as determined by the Secretary of Defense, shall be included in the value of the commuted ration; (i) transporting civilian clothing to the home of record of selective service inductees and recruits on entering the military services; (j) payments under leases for real or personal property, including maintenance thereof when contracted for as a part of the lease agreement, for twelve months beginning at any time during the fiscal year; (k) pay and allowances of not to exceed nine persons, including personnel detailed to International Military Headquarters and Organizations, at rates provided for under section 625(d)(1) of the Foreign Assistance Act of 1961, as amended; (1) the purchase of right-hand-drive vehicles not to exceed $12,000 per vehicle; (m) for payment of unusual cost overruns incident to ship overhaul, maintenance, and repair for ships inducted into industrial fund activities or contracted for in prior fiscal years: *Provided*, That the Secretary of Defense shall notify the Congress promptly prior to obligation of any such payments; (n) for payments from annual appropriations to industrial fund activities and/or under contract for changes in scope of ship overhaul, maintenance, and repair after expiration of such appropriations, for such work either inducted into the industrial fund activity or contracted for in that fiscal year; and (o) for payments for depot maintenance contracts for twelve months beginning at any time during the fiscal year.

SEC. 709. Appropriations for the Department of Defense for the current fiscal year shall be available for: (a) donations of not to exceed $25 to each prisoner upon each release from confinement in military or contract prison and to each person discharged for fraudulent enlistment: (b) authorized issues of articles to prisoners, applicants for enlistment and persons in military custody; (c) subsistence of selective service registrants called for induction, applicants for enlistment, prisoners, civilian employees as authorized by law, and supernumeraries when necessitated by emergent military circumstances; (d) reimbursement for subsistence of enlisted personnel while sick in hospitals; (e) expenses of prisoners confined in nonmilitary facilities; (f) military courts, boards, and commissions; (g) utility services for buildings erected at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; (h) exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law; (i) expenses of Latin American cooperation as authorized for the Navy by section 7208 of title 10, United States Code; (j) expenses of apprehension and delivery of deserters, prisoners, and members absent without leave, including payment of rewards of not to exceed $75 in any one case; (k) for carrying out section 10 of the Act of September 23, 1950, as amended; and (l) providing, with or without reimbursement, not to exceed $60,000,000 to procure secure communications systems, equipment and related items throughout the United States Government.

SEC. 710. The Secretary of Defense and each purchasing and contracting agency of the Department of Defense shall assist American small and minority-owned business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by increasing, to an optimum level, the resources and number of personnel jointly assigned to promoting both small and minority business involvement in purchases financed with funds appropriated herein, and by making available or causing to be made available to such businesses, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by assisting small and minority business concerns to participate equitably as subcontractors on contracts financed with funds appropriated herein, and by otherwise advocating and providing small and minority business opportunities to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

SEC. 711. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 712. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of section 1512 of title 31, United States Code, whenever he deems such action to be necessary in the interest of national defense.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty subject to existing laws beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of section 3732 of the Revised Statutes (41 U.S.C. 11).

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

SEC. 713. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or estimated cost of utilities as may be furnished by the Government and of shrinkage, spoilage, and pilferage of merchandise under the control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenues from sales of commissary stores to make such reimbursement: *Provided*, That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further*, That no appropriation contained in this Act shall be available to pay any costs incurred by any commissary store or other entity acting on behalf of any commissary store in connection with obtaining the face value amount of manufacturer or vendor cents-off discount coupons unless all fees or moneys received for handling or processing such coupons are reimbursed to the appropriation charged with the incurred costs: *Provided further*, That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

SEC. 714. No part of the appropriations in this Act shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purpose of proficiency flying, as defined in Department of Defense Directive 1340.4, except in accordance with regulations prescribed by the Secretary of Defense. Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in cases of members who have been assigned to a course of instruction of ninety days or more.

SEC. 715. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in any one shipment having a net weight in excess of thirteen thousand five hundred pounds.

SEC. 716. Vessels under the jurisdiction of the Department of Transportation, the Department of the Army, the Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

SEC. 717. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of civilian components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

SEC. 718. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided*, That the foregoing authority shall not be available for the conversion of heating plants from coal to oil at defense facilities in Europe: *Provided further*, That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Office of Management and Budget a full report of such property, supplies, and commodities received during such quarter.

SEC. 719. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the Service concerned.

SEC. 720. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses of off-duty training of military personnel (except with regard to such charges of educational institutions (a) for enlisted personnel in the pay grade E-5 or higher with less then 14 years' service, for which payment of 90 per centum may be made or (b) for military personnel in off-duty high school completion programs, for which payment of 100 per centum may be made), nor for the payment of any part of tuition or expenses for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training: *Provided*, That the foregoing limitation shall not apply to the Program for Afloat College Education.

SEC. 721. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense.

SEC. 721A. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding $10,000, shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or specialty metals including stainless steel flatware, or hand or measuring tools, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: Provided, That nothing herein shall preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of the standardization and interoperability of equipment requirements within NATO so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 2457 of title 10, United States Code: Provided further, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: Provided further, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations other than certain contracts not involving fuel made on a test basis by the Defense Logistics Agency with a cumulative value not to exceed $4,000,000,000, as may be determined by the Secretary of Defense pursuant to existing laws and regulations as not to be inappropriate therefor by reason of national security considerations: Provided further, That the Secretary specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards of such contracts will be made at a reasonable price and that no award shall be made for such contracts if the price differential exceeds 2.2 per centum: Provided further, That none of the funds appropriated in this Act shall be used except that, so far as pacticable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

SEC. 722. None of the funds appropriated by this Act may be obligated under section 206 of title 37, United States Code, for inactive duty training pay of a member of the National Guard or a member of a reserve component of a uniformed service for more than four periods of equivalent training, instruction, duty or appropriate duties that are performed instead of that member's regular period of instruction or regular period appropriate duty.

SEC. 723. Appropriations contained in this Act and in subsequent appropriation Acts for the Department of Defense shall be available for the purchase of household furnishings, and automobiles from military and civilian personnel on duty outside the continental United States, for the purpose of resale at cost to incoming personnel, and for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of the Department of Defense on duty outside the continental United States or in Alaska, upon a determination, under regulations approved by the Secretary of Defense, that such action is advantageous to the Government.

SEC. 724. During the current fiscal year, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by section 5901, of title 5, United States Code.

SEC. 725. Funds provided in this Act for legislative liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed $9,500,000 for the current fiscal year: *Provided*, That this amount shall be available for apportionment to the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense.

SEC. 726. Of the funds made available by this Act for the services of the.Military Airlift Command, $100,000,000 shall be available only for procurement of commercial transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: *Provided*, That the Secretary of Defense shall specify in such procurement, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil reserve air fleet.

SEC. 727. During the current fiscal year, appropriations available to the Department of Defense for operation may be used for civilian clothing, not to exceed $40 in cost for enlisted personnel: (1) discharged for misconduct, unsuitability, or otherwise than honorably; (2) sentenced by a civil court to confinement in a civil prison or interned or discharged as an alien enemy; or (3) discharged prior to completion of recruit training under honorable conditions for dependency, hardship, minority, disability, or for the convenience of the Government.

SEC. 728. No part of the funds appropriated herein or in subsequent appropriation Acts for the Department of Defense shall be available for paying the costs of advertising by any defense contractor, except advertising for which payment is made from profits, and such advertising shall not be considered a part of any defense contract cost. The prohibition contained in this section shall not apply with respect to advertising conducted by any such contractor, in compliance with regulations which shall be promulgated by the Secretary of Defense, solely for (1) the recruitment by the contractor of personnel required for the performance by the contractor of obligations under a defense contract, (2) the procurement of scarce items required by the contractor for the performance of a defense contract, or (3) the disposal of scrap or surplus materials acquired by the contractor in the performance of a defense contract.

SEC. 729. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $1,200,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority.

SEC. 730. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that transfers between a stock fund account and an industrial fund account may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer.

Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified Congress prior to any such obligation.

SEC. 731. Not more than $225,400,000 of the funds appropriated by this Act shall be made available for payment to the Federal Employees Compensation Fund, as established by 5 U.S.C. 8147.

SEC. 732. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass, or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

SEC. 733. None of the funds available to the Department of Defense shall be utilized for the conversion of heating plants from coal to oil at defense facilities in Europe.

SEC. 734. None of the funds appropriated by this Act shall be available for any research involving uninformed or nonvoluntary human beings as experimental subjects: *Provided*, That this limitation shall not apply to measures intended to be beneficial to the recipient and consent is obtained from the recipient or a legal representative acting on the recipient's behalf.

SEC. 735. Appropriations for the current fiscal year and hereafter for operation and maintenance of the active forces shall be available for medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel, except elective private treatment); welfare and recreation; hire of passenger motor vehicles; repair of facilities; modification of personal property; design of vessels; industrial mobilization; installation of equipment in public and private plants; military communications facilities on merchant vessels; acquisition of services, special clothing, supplies, and equipment; and expenses for the Reserve Officers' Training Corps and other units at educational institutions.

SEC. 736. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 737. No funds appropriated by this Act shall be available to pay claims for nonemergency inpatient hospital care provided under the Civilian Health and Medical Program of the Uniformed Services for services available at a facility of the uniformed services within a 40-mile radius of the patient's residence: *Provided*, That the foregoing limitation shall not apply to payments that supplement primary coverage provided by other insurance plans or programs that pay for at least 75 per centum of the covered services.

SEC. 738. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services under the provisions of section 1079(a) of title 10, United States Code, shall be available for (a) services of pastoral counselors, or family and child counselors, or marital counselors unless the patient has been referred to such counselor by a medical doctor for treatment of a specific problem with results of that treatment to be communicated back to the physician who made such referral; (b) special education, except when provided as secondary to the active psychiatric treatment on an institutional inpatient basis; (c) therapy or counseling for sexual dysfunctions or sexual inadequacies; (d) treatment of obesity when obesity is the sole or major condition treated; (e) surgery which improves physical appearance but which is not expected to significantly restore functions including, but not limited to, mammary augmentation, face lifts and sex gender changes except that breast reconstructive surgery following mastectomy and reconstructive surgery to correct serious deformities caused by congenital anomalies, accidental injuries and neoplastic surgery are not excluded; (f) reimbursement of any physician or other authorized individual provider of medical care in excess of the eightieth percentile of the customary charges made for similar services in the same locality where the medical care was furnished, as determined for physicians in accordance with section 1079(h) of title 10, United States Code; or (g) any service or supply which is not medically or psychologically necessary to prevent, diagnose, or treat a mental or physical illness, injury, or bodily malfunction as assessed or diagnosed by a physician, dentist, clinical psychologist, optometrist, podiatrist, certified nurse-midwife, certified nurse practitioner, or certified clinical social worker, as appropriate, except as authorized by section 1079(a)(4) of title 10, United States Code: *Provided*, That any changes in availability of funds for the Program made in this Act from those in effect prior to its enactment shall be effective for care received following enactment of this Act.

SEC. 739. Appropriations available to the Department of Defense for the current fiscal year shall be available to provide an individual entitled to health care under chapter 55 of title 10, United States Code, with one wig if the individual has alopecia that resulted from treatment of malignant disease: *Provided*, That the individual has not previously received a wig from the Government.

SEC. 740. Funds appropriated in this Act shall be available for the appointment, pay, and support of persons appointed as cadets and midshipmen in the two-year Senior Reserve Officers' Training Corps course in excess of the 20 percent limitation on such persons imposed by section 2107(a) of title 10, United States Code, but not to exceed 60 percent of total authorized scholarships.

SEC. 741. None of the funds appropriated by this Act shall be available to pay any member of the uniformed service for unused accrued leave pursuant to section 501 of title 37, United States Code, for more than sixty days of such leave, less the number of days for which payment was previously made under section 501 after February 9, 1976.

SEC. 742. None of the funds appropriated by this Act may be used to support more than 300 enlisted aides for officers in the United States Armed Forces.

SEC. 743. No appropriation contained in this Act may be used to pay for the cost of public affairs activities of the Department of Defense in excess of $34,200,000.

SEC. 743A. None of the funds provided in this Act shall be available for the planning or execution of programs which utilize amounts credited to Department of Defense appropriations or funds pursuant to the provisions of section 37(a) of the Arms Export Control Act representing payment for the actual value of defense articles specified in section 21(a)(1) of the Act: Provided, That such amounts so credited shall be deposited in the Treasury as miscellaneous receipts as provided in section 3302(b) of title 31, United States Code.

SEC. 744. No appropriation contained in this Act shall be available to fund any costs of a Senior Reserve Officers' Training Corps unit—except to complete training of personnel enrolled in Military Science 4—which in its junior year class (Military Science 3) has for the four preceding academic years, and as of September 30, 1983, enrolled less than (a) seventeen students where the institution prescribes a four-year or a combination four- and two-year program; or (b) twelve students where the institution prescribes a two-year program: *Provided*, That, notwithstanding the foregoing limitation, funds shall be available to maintain one Senior Reserve Officers' Training Corps unit in each State and at each State-operated maritime academy: *Provided further*, That units under the consortium system shall be considered as a single unit for purposes of evaluation of productivity under this provision: *Provided further*, That enrollment standards contained in Department of Defense Directive 1215.8 for Senior Reserve Officers' Training Corps units, as revised during fiscal year 1981, may be used to determine compliance with this provision, in lieu of the standards cited above.

SEC. 745. (a) None of the funds appropriated by this Act or available in any working capital fund of the Department of Defense shall be available to pay the expenses attributable to lodging of any person on official business away from his designated post of duty, or in the case of an individual described under section 5703 of title 5, United States Code, his home or regular place of duty, when adequate government quarters are available, but are not occupied by such person.

(b) The limitation set forth in subsection (a) is not applicable to employees whose duties require official travel in excess of fifty percent of the total number of the basic administrative work weeks during the current fiscal year.

SEC. 746. (a) None of the funds appropriated by this Act shall be available to pay the retainer pay of any enlisted member of the Regular Navy, the Naval Reserve, the Regular Marine Corps, or the Marine Corps Reserve who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of title 10, United States Code, on or after December 31, 1977, if the provisions of section 6330(d) of title 10, are utilized in determining such member's eligibility for retirement under section 6330(b) of title 10: *Provided*, That notwithstanding the foregoing, time creditable as active service for a completed minority enlistment, and an enlistment terminated within three months before the end of the term of enlistment under section 6330(d) of title 10, prior to December 31, 1977, may be utilized in determining eligibility for retirement: *Provided further*, That notwithstanding the foregoing, time may be credited as active service in determining a member's eligibility for retirement under section 6330(b) of title 10 pursuant to the provisions of the first sentence of section 6330(d) of title 10 for those members who had formally requested transfer to the Fleet Reserve or the Fleet Marine Corps Reserve on or before October 1, 1977.

(b) None of the funds appropriated by this Act shall be available to pay that portion of the retainer pay of any enlisted member of the Regular Navy, the Naval Reserve, the Regular Marine Corps, or the Marine Corps Reserve who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of title 10, United States Code, on or after December 31, 1977, which is attributable under the second sentence of section 6330(d) of title 10 to time which, after December 31, 1977, is not actually served by such member.

Sec. 747. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except, for: (a) funds appropriated for the [Contingency Reprograming Fund] *Reserve for Contingencies,* which shall remain available until September 30, 1985; and (b) funds appropriated for Headquarters Construction, which shall remain available until September 30, 1988.

Sec. 748. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of unobligated and deobligated appropriations into the [Contingency Reprograming Fund] *Reserve for Contingencies* of the Central Intelligence Agency.

Sec. 749. None of the funds appropriated by this Act may be used to support more than 9,901 full-time and 2,603 part-time military personnel assigned to or used in the support of Moral, Welfare, and Recreation activities as described in Department of Defense Instruction 7000.12 and its enclosures, dated September 4, 1980.

Sec. 750. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

Sec. 751. None of the funds provided by this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

Sec. 752. None of the funds appropriated by this Act shall be used for the provision, care or treatment to dependents of members or former members of the Armed Services or the Department of Defense for the elective correction of minor dermatological blemishes and marks or minor anatomical anomalies.

Sec. 753. None of the funds appropriated by this Act shall be available for the purchase of insignia for resale unless the sales price of such insignia is adjusted to the extent necessary to recover the cost of purchase of such insignia and the estimated cost of all related expenses, including but not limited to management, storage, handling, transportation, loss, disposal of obsolete material, and management fees paid to the military exchange systems: *Provided,* That amounts derived by the adjustment covered by the foregoing limitations may be credited to the appropriations against which the charges have been made to recover the cost of purchase and related expense.

Sec. 754. None of the funds appropriated by this Act or heretofore appropriated by any other Act shall be obligated or expended for the payment of anticipatory possession compensation claims to the Federal Republic of Germany other than claims listed in the 1973 agreement (commonly referred to as the Global Agreement) between the United States and the Federal Republic of Germany.

Sec. 755. During the current fiscal year the Department of Defense may enter into contracts to recover indebtedness to the United States pursuant to section 3718 of title 31, United States Code, and any such contract entered into by the Department of Defense may provide that appropriate fees charged by the contractor under the contract to recover indebtedness may be payable from amounts collected by the contractor to the extent and under the conditions provided under the contract.

Sec. 755A. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines:

(a) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(b) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(c) where the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

Sec. 756. None of the funds appropriated by this Act shall be available to provide medical care in the United States on an inpatient basis to foreign military and diplomatic personnel or their dependents unless the Department of Defense is reimbursed for the costs of providing such care: *Provided,* That reimbursements for medical care covered by this section shall be credited to the appropriations against which charges have been made for providing such care.

Sec. 757. None of the funds appropriated by this Act shall be obligated for the second career training program authorized by Public Law 96-347.

Sec. 758. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses during the current fiscal year for the purposes of demilitarization of surplus nonautomatic firearms less than .50 caliber.

Sec. 759. During the current fiscal year, not to exceed $125,000,000 of the funds provided in this Act for the Civilian Health and Medical Program of the Uniformed Services may be used to conduct a test program in accordance with the following guidelines: In carrying out the provisions of sections 1079 and 1086 of title 10, United States Code, the Secretary of Defense, after consulting with the Secretary of Health and Human Services, may contract with organizations that assume responsibility for the maintenance of the health of a defined population, for the purpose of experiments and demonstration projects designed to determine the relative advantages and disadvantages of providing pre-paid health benefits: *Provided,* That such projects must be designed in such a way as to determine methods of reducing the cost of health benefits provided under such sections without adversely affecting the quality of care. Except as provided otherwise, the provisions of such a contract may deviate from the cost-sharing arrangements prescribed and the types of health care authorized under sections 1079 and 1086, when the Secretary of Defense determines that such a deviation would serve the purpose of this section.

[Sec. 760. None of the funds in this Act shall be available to execute a multiyear contract which employs any economic order quantity procurement or which includes an unfunded contingent liability in excess of $20,000,000 unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified in advance: *Provided,* That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for major weapons systems except as specifically provided herein.]

Sec. 760. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for major systems unless specifically provided herein. For purposes of this provision, a major system is defined as a system or major assembly thereof whose eventual total expenditure for research, development, test, and evaluation is more than $200,000,000, or whose eventual total expenditure for procurement is more than $1,000,000,000.

Sec. 761. None of the funds appropriated by this Act which are available for payment of travel allowances for per diem in lieu of subsistence to enlisted personnel shall be used to pay such an allowance to any enlisted member in an amount that is more than the amount of per diem in lieu of subsistence that the enlisted member is otherwise entitled to receive minus the basic allowance for subsistence, or pro rata portion of such allowance, that the enlisted member is entitled to receive during any day, or portion of a day, that the enlisted member is also entitled to be paid a per diem in lieu of subsistence: *Provided,* That if an enlisted member is in a travel status and is not entitled to receive a per diem in lieu of subsistence because the member is furnished meals in a Government mess, funds available to pay the basic allowance for subsistence to such a member shall not be used to pay that allowance, or pro rata portion of that allowance, for each day, or portion of a day, that such enlisted member is furnished meals in a Government mess.

Sec. 762. None of the funds appropriated by this Act shall be available to pay the retired pay or retainer pay of a member of the Armed Forces for any month who, on or after January 1, 1982, becomes entitled to retired or retainer pay, in an amount that is greater than the amount otherwise determined to be payable after such reductions as may be necessary to reflect adjusting the computation of retired pay or retainer pay that includes credit for a part of a year of service to permit credit for a part of a year of service only for such month or months actually served: *Provided,* That the foregoing limitation shall not apply to any member who before January 1, 1982: (a) applied for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve; (b) is being processed for retirement under the provisions of chapter 61 of title 10 or who is on the temporary disability retired list and thereafter retired under the provisions of sections 1210 (c) or (d) of title 10; or (c) is retired or in an inactive status and would be eligible for retired pay under the provisions of chapter 67 of title 10, but for the fact that the person is under 60 years of age.

SEC. 762A. None of the funds appropriated by this Act shall be available to approve a request for waiver of the costs otherwise required to be recovered under the provisions of section 21(e)(1)(C) of the Arms Export Control Act unless the Committees on Appropriations have been notified in advance of the proposed waiver.

SEC. 763. Funds available to the Department of Defense during the current fiscal year shall be available to [establish] *continue* a program to provide child advocacy and family counseling services to deal with problems of child and spouse abuse.

SEC. 764. None of the funds appropriated by this Act shall be available for the transportation of equipment or materiel designated as Prepositioned Materiel Configured in Unit Sets (POMCUS) in Europe in excess of four division sets: *Provided,* That the foregoing limitation shall not apply with respect to any item of equipment or materiel which is maintained in the inventories of the Active and Reserve Forces at levels of at least 70 per centum of the established requirements for such an item of equipment or materiel for the Active Forces and 50 per centum of the established requirement for the Reserve Forces for such an item of equipment or materiel: *Provided further, That no additional commitments to the establishment of POMCUS sites shall be made without prior approval of Congress.*

SEC. 765. (a) None of the funds in this Act may be used to transfer any article of military equipment or data related to the manufacture of such equipment to a foreign country prior to the approval in writing of such transfer by the Secretary of the military service involved.

(b) No funds appropriated by this Act may be used for the transfer of a technical data package from any Government-owned and operated defense plant manufacturing large caliber cannons to any foreign government, nor for assisting any such government in producing any defense item currently being manufactured or developed in a United States Government-owned, Government-operated defense plant manufacturing large caliber cannons.

[(c) None of the funds in this Act shall be used, in any way, directly or indirectly, to sell or otherwise provide the AN/SQR-19 Towed Array Sonar to any foreign country, directly or indirectly, including any administrative and military and civilian personnel costs in connection with the arrangement of the sale of the AN/SQR-19 Towed Array Sonar to any foreign country.]

SEC. 766. None of the funds appropriated in this Act may be made available through transfer, reprograming, or other means for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

SEC. 767. Of the funds appropriated by this Act for strategic programs, the Secretary of Defense shall provide funds for the Advanced Technology Bomber program at a level at least equal to the amount provided by the committee of conference on this Act in order to maintain priority emphasis on this program.

SEC. 767A. None of the funds available to the Department of Defense during the current fiscal year shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

SEC. 768. None of the funds available to the Department of Defense shall be available for the procurement of manual typewriters which were manufactured by facilities located within States which are Signatories to the Warsaw Pact.

SEC. 769. None of the funds appropriated by this Act may be used to appoint or compensate more than 37 individuals in the Department of Defense in positions in the Executive Schedule (as provided in sections 5312-5316 of title 5, United States Code).

SEC. 770. None of the funds appropriated by this Act shall be available to convert a position in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard occupied by, or programed to be occupied by, a military technician to a position to be held by a person in an active Guard or Reserve status if that conversion would reduce the total number of positions occupied by, or programed to be occupied by, military technicians of the component concerned, below the number of positions occupied by military technicians in that component on September 30, 1982 [: *Provided,* That none of the funds appropriated by this Act shall be available to support more than 28,108 positions in support of the Army Reserve or Army National Guard occupied by, or programed to be occupied by, persons in an active Guard or Reserve status: *Provided further,* That none of the funds appropriated by this Act shall be available to support more than 25,714 positions occupied by, or programed to be occupied by, persons in an active Reserve or Guard status in support of the Army Reserve or Army National Guard after February 1, 1984: *Provided further,* That none of the funds appropriated by this Act may be used to include military technicians in computing civilian personnel ceilings, including statutory or administratively imposed ceilings, on activities in support of the Army Reserve, Air Force Reserve, Army National Guard or Air National Guard.]

SEC. 771. None of the funds provided in this Act may be used to impose civilian personnel ceilings on Department of Defense industrially funded activities: *Provided,* That any increase in civilian personnel of such industrial funds in excess of the number employed on September 30, 1982, shall not be counted for the purposes of any statutory or administratively imposed civilian personnel ceiling otherwise applicable during fiscal year 1984.

SEC. 772. Appropriations or funds available to the Department of Defense during the current fiscal year may be transferred to appropriations provided in this Act for research, development, test, and evaluation to the extent necessary to meet increased pay costs authorized by or pursuant to law, to be merged with and to be available for the same purposes, and the same time period, as the appropriation to which transferred.

SEC. 773. The proviso contained in section 790 of the Department of Defense Appropriation Act, 1983, as enacted in Public Law 97-377 is hereby repealed.

SEC. 744. During the current fiscal year and subsequent fiscal years, for the purposes of the appropriation "Foreign Currency Fluctuations, Defense" the foreign currency exchange rates used in preparing budget submissions shall be the foreign currency exchange rates as adjusted or modified, as reflected in applicable Committee reports on this Act.

[SEC. 775. None of the funds appropriated by this Act may be obligated or expended by the Central Intelligence Agency, the Department of Defense, or any other agency for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual. This provision shall take effect:

(1) upon the enactment of authorizing legislation for intelligence programs for the fiscal year 1984, except to the extent that such obligations and expenditures are not prohibited by such authorizing legislation, or

(2) on April 1, 1984, if no authorizing legislation has been enacted by such date.]

SEC. 775. So far as may be practicable, Indian labor shall be employed, and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of Defense.

SEC. 776. None of the funds made available by this Act shall be used in any way for the leasing to non-Federal agencies in the United States aircraft or vehicles owned or operated by the Department of Defense when suitable aircraft or vehicles are commercially available in the private sector: *Provided,* That nothing in this section shall affect authorized and established procedures for the sale of surplus aircraft or vehicles: *Provided further,* That nothing in this section shall prohibit such leasing when specifically authorized in a subsequent Act of Congress.

SEC. 777. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 778. No funds available to the Department of Defense during the current fiscal year may be used to enter into any contract with a term of three years or more, inclusive of any option for contract extension or renewal, for any vessels, aircraft or vehicles, through a lease, charter, or similar agreement, that imposes an estimated termination liability (excluding the estimated value of the leased item at the time of termination) on the Government exceeding 50 per centum of the original purchase value of the vessel, aircraft, or vehicle involved for which the Congress has not specifically provided authority in an appropriation Act for the obligation of 10 per centum of such termination liability.

SEC. 779. None of the funds appropriated by this Act may be obligated or expended to formulate or to carry out any requirement that, in order to be eligible to submit a bid or an offer on a Department of Defense contract to be let for the supply of commercial or commercial-type products, a small business concern (as defined pursuant to section

3 of the Small Business Act) must (1) demonstrate that its product is accepted in the commercial market (except to the extent that may be required to evidence compliance with the Walsh-Healey Public Contracts Act), or (2) satisfy any other prequalification to submitting a bid or an offer for the supply of any such product.

Sec. [779] *780.* None of the funds appropriated in this Act may be obligated or expended in any way for the purpose of the sale, lease, rental, or excessing of any portion of land currently identified as Fort DeRussy, Honolulu, Hawaii.

[Sec. 780. None of the fund made available by this Act shall be available to operate in excess of 247 commissaries in the contiguous United States.]

Sec. 781. None of the funds provided in this Act shall be used to procure aircraft ejection seats manufactured in any foreign nation that does not permit United States manufacturers to compete for ejection seat procurement requirements in that foreign nation.

Sec. 782. No more than $203,322,000 of the funds appropriated by this Act shall be available for the payment of unemployment compensation benefits.

Sec. [781] *783.* None of the funds appropriated by this Act should be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve *troop program* unit that he or she is employed to support. *Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.*

Sec. [782] *784.* Notwithstanding any other provision of law, the Export-Import Bank of the United States may transfer to the Department of the Air Force, [specifically for the Air National Guard,] without reimbursement, five (5) DC-10 aircraft and associated spare parts in the possession of the Bank as a result of a default of a borrower from the Bank.

Sec. 785. None of the funds appropriated by this Act may be obligated or expended to adjust a base period under section 1079(h)(2) of title 10, United States Code, more frequently than the Secretary of Defense considers appropriate.

Sec. 786. None of the funds appropriated by this Act shall be available to pay Variable Housing Allowance pursuant to section 403(a) title 37, United States Code, in amounts that exceed the amount of Variable Housing Allowance to which the member would otherwise be entitled under section 403(a), title 37, United States Code, minus the difference between the amount of Bachelors Allowance for Quarters such member is receiving and the Bachelors Allowance for Quarters payable to a member of the same rank and grade on September 30, 1983.

Sec. 787. None of the funds appropriated by this Act shall be used to adjust any contract price for amounts set forth in any claim, request for equitable adjustment, or demand for payment or incurred due to the preparation, submission, or adjudication of any such claim, request, or demand under a contract entered into after the date of enactment of this Act, arising out of events occurring more than eighteen months prior to the submission of such claim, request, or demand. For the purposes of this Act, the requirement for "submission" of a claim, request, or demand is met only when the certification required in section 6(c)(1) of the Contracts Disputes Act of 1978 is provided and the claim, request, or demand is fully documented and substantiated in accordance with regulations to be promulgated by the Secretary of Defense.

Sec. [783] *788.* Under regulations prescribed by the Secretary of Defense, the Department of the Air Force, *and Defense Logistics Agency* may test a flat rate per diem system for military *and civilian* travel allowances: *Provided,* That per diem allowances paid under a flat rate per diem system shall be in an amount determined by the Secretary of [the Air Force] *Defense* to be sufficient to meet normal and necessary expenses in the area in which travel is performed, but in no event will the travel allowances exceed $75 for each day in travel status within the continental United States: *Provided further,* That the test approved under this section shall expire on September 30, 1985, or upon the effective date of permanent legislation establishing a flat rate per diem system for military *and civilian* personnel, whichever occurs first [however, the test shall not begin until after the House and Senate Armed Services Committees have been notified of the intention to initiate such a test.

Sec. 784. None of the funds appropriated pursuant to this Act shall be used to purchase animals or otherwise fund the use of animals for the purpose of training Department of Defense students or other personnel in surgical or other medical treatment of wounds produced by any type of weapon.

Sec. 784. None of the funds appropriated by this Act shall be used for the transfer of the Department of Defense Dependents Schools (DODDS) to the Department of Education, as prohibited by section 1223 of the Department of Defense Authorization Act 1984.

Sec. 786. No part of the funds appropriated herein shall be available for the purchase of more than 50 per centum of the fiscal year requirements for aircraft power supply cable assemblies of each military facility from industries established pursuant to title 18, United States Code: *Provided,* That the restriction contained herein shall not apply to small purchases in amounts not exceeding $10,000]

Sec. 789. None of the funds appropriated by this Act shall be used to purchase dogs or cats or otherwise fund the use of dogs or cats for the purpose of training Department of Defense students or other personnel in surgical or other medical treatment of wounds produced by any type of weapon: Provided, That the standards of such training with respect to the treatment of laboratory animals shall adhere to the Federal Animal Welfare Law and to those prevailing in the civilian medical community.

Sec. 790. Beginning on April 1, 1984, or on the effective date of the next adjustment in the General Schedule of compensation for Federal classified employees, whichever occurs first, none of the funds appropriated by this Act shall be available to pay Variable Housing Allowance to a member pursuant to section 403(a), title 37, United States Code, in an amount that exceeds the difference between $700 and the amount of Bachelors Allowance for Quarters such member receives pursuant to section 403, title 37, United States Code, in the case of members with dependents, or the difference between $475 and the amount of Bachelors Allowance for Quarters such member receives pursuant to section 403, title 37, United States Code, in the case of a member without dependents.

Sec. 791. The land and building located on the parcel described as lot four (4), block four (4), Fairbanks Original Townsite, section 10, townsite 1 south, range 1 west, Fairbanks meridian, shall be transferred to the city of Fairbanks.

Sec. 792. (a) Except as provided in subsection (b), none of the funds appropriated by this or any other Act may be obligated or expended for the procurement of a weapon system unless the prime contractor of such system provides the United States with a written guarantee—

(1) that the system was designed, manufactured, and equipped so as to conform to the Government's performance requirements as specifically delineated (A) in the production contract, or (B) in any other agreement relating to the production of such system entered into by the United States and the contractor;

(2) that the system, at the time it is provided to the United States, is free from all defects (in materials and workmanship) which would cause the system to fail to conform to the Government's performance requirements as specifically delineated (A) in the production contract, or (B) in any other agreement relating to the production of such system entered into by the United States and the contractor; and

(3) that, in the event of a failure of the weapon system to meet the conditions specified in clauses (1) and (2)—

(A) the contractor will bear the cost of all work including repairing or replacing all parts promptly that are necessary to achieve the required performance requirements; or

(B) if the contractor fails to repair or replace such parts promptly, as determined by the Secretary of Defense, the contractor will pay the costs incurred by the United States in procuring such parts from another source.

(b) The Secretary of Defense may waive the requirements of subsection (a) in the case of a weapon system if the Secretary—

(1) determines that the waiver is necessary in the interest of the national defense; and

(2) notifies the Committees on Appropriations of the Senate and the House of Representatives in writing of his intention to exercise such waiver with respect to such weapon system.

Sec. 793. No funds appropriated herein may be obligated or expended for the procurement of production facilities and equipment for the BLU-80/B(BIGEYE) binary chemical bomb until the Secretary of Defense certifies to Congress that the technical problem causing a one year delay in the program has been solved and that the revised bomb design has been successfully tested.

(a) It is the sense of Congress that a complete, verifiable ban on the development, production, and stockpiling of chemical weapons should remain the primary United States chemical warfare objective and that the production of new lethal chemical weapons for deterrence is only an interim step until such a treaty can be achieved. Consequently, all chemical agent and munitions production shall cease when such a treaty enters into force. Stockpiles and production facilities shall then be destroyed in accordance with the terms of the agreement. Development of lethal chemical agents and munitions shall similarly cease with the exception that research into agents and possible delivery means may continue only for the purpose of designing and testing chemical protective equipment and procedures as a

safeguard against treaty violations or as specified in the agreement. It is further the sense of Congress that the United States chemical agent and munitions stockpile should be sized to the minimum level required to deny any potential aggressor a significant military advantage from chemical use and thus create an effective deterrence against initiating chemical warfare. The existing stockpile should be demilitarized in parallel with acquisition of modern binary munitions. The Department of Defense shall submit a plan with options to demilitarize the existing chemical stockpile by 1990, 1995, and 2000, identifying estimated costs as well as military, arms control, and environmental implications. In order to ensure the United States stockpile of chemical agents and munitions does not grow beyond the minimum level essential for deterrence, the Department shall begin large scalc demilitarization of the existing stockpile within one year of initiating binary munitions production at a rate of destruction of agent at least equal to the rate of new production. This action shall be in addition to the requirement to render a serviceable artillery projectile useless for every binary munition produced.

(b) No lethal chemical weapons may be produced to support the deterrent and retaliatory needs of United States allies unless an ally or alliance requests such production. In no case shall the number of weapons produced to support allied needs exceed their stated requirements, and in all cases such weapons shall remain under United States custody and control until chemical retaliation has been authorized by the National Command Authority.

(c) In conjunction with the fiscal year 1985 budget submission, the Secretary of Defense shall submit a report to the Committees on Appropriations of the House and Senate on the status and potential shortcomings, as well as recommendations for overcoming any such shortcomings, of United States chemical demilitarization capabilities as they relate to the requirements for such demilitarization established by this Act.

SEC. 794. None of the funds appropriated by this Act shall be obligated under the competitive rate program of the Department of Defense for the transportation of household goods to or from Alaska and Hawaii.

SEC. 795. No funds appropriated for the Departments of Defense, Army, Navy, or the Air Force shall be obligated by their respective Secretaries for architectural and engineering services and construction design contracts for Military Construction projects in the amount of $85,000 and over, unless competition for such contracts is open to all firms regardless of size in accordance with 40 U.S.C. § 541, et seq.

SEC. 796. None of the funds made available by this Act shall be used to initiate full-scale engineering development of any major defense acquisition program until the Secretary of Defense has provided to the Committees on Appropriations of the House and Senate—

(a) a certification that the system or subsystem being developed will be procured in quantities that are not sufficient to warrant development of two or more production sources, or

(b) a plan for the development of two or more sources for the production of the system or subsystem being developed.

SEC. 797. Funds appropriated by this Act shall be available for such studies and analyses contracts with federally established nonprofit corporations which operate Federal Contract Research Centers as the Secretary of Defense may determine in accordance with procedures in effect on June 1, 1983, notwithstanding any other provisions of law.

SEC. 798. It is the sense of the Senate that the Secretary of Defense should formulate and carry out a progam under which contracts awarded by the Department of Defense in fiscal year 1984 would, to the maximum extent practicable and consistent with existing law, be awarded to contractors who agree to carry out such contracts in labor surplus areas (as defined and identified by the Department of Labor).

TITLE VIII

RELATED AGENCIES

INTELLIGENCE COMMUNITY STAFF

For necessary expenses of the Intelligence Community Staff; [$17,083,000] *$18,440,000.*

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $86,300,000.

This Act may be cited as the "Department of Defense Appropriation Act, 1984".

AMENDMENT NO. 2488

Mr. STEVENS. Mr. President, I want to get things going here; and in order to alert the Members of the Senate that there are going to be votes and that there are going to be substantive votes, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2488:

On page 20, line 22, delete "$4,598,244,000" and insert in lieu thereof "$4,424,544,000".

Mr. STEVENS. Mr. President, this amendment removes from the bill approximately $168.7 million that is above the budgeted production level for the M-1 tank.

In the committee, the committee increased the production levels for the M-1 tank from 720, as is recommended by the budget, to the level of 840—from 60 tanks per month to 70 tanks per month. That would increase the cost of the M-1 tank program in this fiscal year by $168.7 million.

This tank is vitally needed, and one that I have always supported. But we have reached the point now where we must consider the outyears so far as the budget is concerned in the Department of Defense.

The Department requests—and I have a letter from the Department which I will read as soon as I get it—that this procurement level be maintained at 720. If it is increased to 840, it puts a demand on the Defense budget in the outyears to maintain that level of production that is beyond what we think we can sustain, and it will require reducing production in later years.

We are very pleased with the results of the record of the Abrams tank. I have gone out to Texas and driven it and fired its main gun. I recommend that to anyone who is interested in seeing what is happening so far as some of these new systems are concerned. I was joined on that trip by several members of our subcommittee.

There is no question that the M-1 tank is a good tank. There are questions. What level can we afford? Should we, because we have made other reductions in the defense spending area, just increase the level to 840 because of considerations which go beyond military necessity?

The Department of Defense has analyzed the necessity for this tank and has told us that 720 tanks a year will meet their objectives. I feel that we should hold the level of production to that level.

The difficulty we have—and I hope Members will come to the floor and speak their piece in regard to this matter—is that many people see this bill as a jobs bill. They want to see the impact in their communities changed because of considerations that have no direct relationship to our military needs. I know that is a legitimate position for Members of the Senate and Members of Congress to take while representing the people who have sent them here.

However, we have recommended a figure which will produce tanks above the minimum efficient rate of production. We are not going to save anything by producing more tanks. We are not going to do anything more than complicate the problems for the Defense budget in the outyears.

I call the attention of the Senate to the fact that when we originally started this year, we started in January with a projection of 10 percent real growth, and over $265 billion requested in this bill. We are now dealing with the bill that has roughly $251 billion in it. The President reduced that somewhat in a September amendment, taking into account fuel cost savings and inflation reductions that were possible. We are still over $5 billion above the House.

The House has a 2 percent real growth. We have approximately a 4.5 percent real growth. Just since the beginning of the year, that has come down from 10 percent.

Those of us who are looking to try to maintain this modernization program through 1985 realizing that, in all probability, the level of real growth we will be able to manage is in the vicinity of 2.5 percent to 3 percent above this bill.

For us to increase tank production beyond the level requested by the Department would get us in the position

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that in 1985 we may have to reduce production, and we may well have to come down below 720. This is clearly below the minimum efficient rate of production.

It is my position that, when anyone calls for ramping up production, going from 720 to 840, and then going out for a period of time and then coming down, it is going to cost the taxpayers more in the long run. There is no reason for it. The only reason I know—as I said, it is a legitimate request—is based upon the jobs that will be produced by increasing production beyond the request. It is an authorized increase; there is no question about that. But the budget called for 720 tanks per year.

I hope the Senate will accept my advice—that is, to fully fund the request of the Department. I remember the days when we could never even achieve that. Our subcommittee recommended fully funding the request of the Department of Defense for the M-1 tanks, and here we have the situation where we are asked to produce the tank beyond that which is required, as declared by the Department of Defense.

Again I say that I do not know who is going to state a position on this. The committee, very frankly, did not have proxies, and we were outvoted. I think it is something that each Senator should be addressing.

From my point of view, 720 M-1 tanks are sufficient. That is all the Department of Defense asks us for. That is all the President asks us for. There is no reason to go beyond that.

I note further that when we originally authorized the M-1 tank, it was designed to cost $600,000 a copy. It costs over $2.7 million a copy now. These are not inexpensive items.

Included in the amendment that I have offered is a deletion of the amount that is included in the bill as a result of the amendment adopted in the committee to provide for advanced procurement money for 1985. For the 1985 production, there is an increase here of $42 million that represents the money that has to be spent in 1984 if we are to continue production into 1985 at the rate of 840 per year. There is also some $10 million in this bill for spare parts to support the increased production of 120 extra tanks.

As I indicated, the net reduction to the bill if the Senate adopts the recommendation that I have presented will be $168.7 million for 1984 and the moneys that would be left in the bill would fully fund the request of the budget in this area.

Mr. STENNIS. Mr. President, I will certainly be fairly brief in presenting this question as I see it and the Senator from Alaska who is very thorough has presented a good argument here.

Mr. President, we have been working many years on this tank in question. I know and I remember every year that I gave it attention while I was the chairman of the committee and nearly every year was disappointed that more progress has not been made. One trouble after another kept appearing and reappearing, and we were getting behind.

The boys who really are up front must do a lot of the hard fighting with modern weapons and the tank is a mighty big part of the modern weaponry that goes to make up prospective battles.

So, we stop and start and stop and start. But beginning in 1970 I believe it was this tank was conceived. Another tank that we had been trying to build for about 10 years as I recall was abandoned. We finally just gave it up. We just gave it up. We could not perfect it. We could not make it carry out its functions and we gave it up and started on this one, and one of the reasons we gave up the old one was because it was approaching where it might cost $1 million per copy.

One place where these tanks were definitely needed was in Western Europe. It was the talk of the military world that perhaps the Soviets had a tank that was better than ours.

I got tired of hearing those things year after year and we put special emphasis on it. We increased whatever appropriation the Army asked for. But, finally, at long last now, it is agreed that this tank performs splendidly, that it carries out the functions for which it was intended.

And these functions and performances were considerably more now than they were when it was first conceived and started. The cost now per copy is somewhere in the neighborhood of $2.5 million each. The estimate when it was started was it would cost $1 million each.

So if I may just use an old-fashioned expression, I have gotten tired of putting off and putting off and putting off the day when we would be well supplied. Unquestionably, we should if we have the misfortune of having an encounter, particularly in Western Europe.

So I am not wedded to any particular figure, but the need this year was estimated by the Army to be 840 vehicles.

Someone reduced that, and I am not trying to criticize them or hold them for any accountability, but the Armed Services Committee itself went into this thoroughly, up one row and down the other side, and they came out with a conclusion, the majority at least, that the larger number were needed.

Those on the committee who are not as quick maybe to vote military money as some other members voted for the larger figure. I voted for the larger figure.

And now we would produce the greater number of tanks that we are going to buy anyway and going to need and continue to need for a while. We need them now and this increased production per year will save about $50,000 per tank.

So I think this is a case where we should stretch the thing a little and go even beyond the one estimate that came out of the Pentagon.

I have a letter here dated October 5, 1983, from Chief of Staff of the Army, John A. Wickham, Jr. The last paragraph is on this subject:

> I support the fiscal year 1984 authorization bill at a rate of 840 M-1 tanks provided additional requisite funds are adopted by the Congress.

That is not the final word but it is evidence of the actual need.

So I feel as I just kind of have it in my bones by experience here over these years of waiting, the price is going up all the time for something we need, something we know we are going to buy, and I would just accelerate it a little bit as I have outlined.

That is the majority position of the Armed Services Committee.

Mr. HUDDLESTON. Mr. President, will the Senator yield?

Mr. STENNIS. Yes.

And also a majority of the Appropriations Committee, too, voted the same way.

Yes; who was it asked me to yield? All right. I yield to the Senator from Kentucky.

Mr. HUDDLESTON. I have a statement to make.

Mr. STENNIS. I thought he wanted me to yield.

I yield the floor, Mr. President.

Mr. STEVENS. If the Senator will yield, he wants to make a statement on this.

Mr. HUDDLESTON. I wish to make a statement on this particular amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, as one of the principals who offered the amendment in the committee to increase the tank procurement to the level of 840, I rise in opposition to the amendment offered by the distinguished chairman of the subcommittee. I am always reluctant to oppose his suggestions on defense appropriations legislation because no one works any harder than the distinguished Senator from Alaska to put together a budget that will meet the needs of our armed services and at the same time stay within the budget constraints that we have to operate under.

But there are good and sufficient reasons to increase procurement of the M-1 tank to the 840 level. First of all, the modernization of our Army must stay on track and in order to stay on schedule we should continue this level of tank procurement.

The M-1 tank, as we all know, has had its difficulties through the design, testing, and production stages, but those difficulties appear to be over.

The so-called bugs in the tank appear to have been worked out in both the engine and the tank itself. In competitive trials, recently, in Europe, this tank performed with excellence, and it has been determined to be the finest fighting tank in the world today.

Here we are arguing about whether the United States should produce 720 or 840 of these tanks when our major adversary, the Soviet Union, is producing about 2,000 tanks a year now and they already outnumber us in tanks by 4 to 1.

In view of that, there is some urgency in going forward with the maximum purchase that is prudent and economically feasible. It has been determined that by increasing the production to 840 over the 720 would reduce the per tank cost by about $50,000 per tank. That is a substantial savings.

No one has suggested, not even the Senator from Alaska, that we reduce the total buy below the 7,000 figure that we referred to.

So the question is, Do we purchase the tanks in the faster and more economical way and at the same time provide the protection that these tanks would give us in our forces in a prompter fashion?

There has been some discussion over the fact that the Department did not request the 840 level. The fact is the Chief of Staff of the Army, as recently as early October, did by letter indicate that his request is still for 840 tanks per year. We all know what happens with requests from the various services. They go through the budget process, and different people have different priorities, and then some requests are reduced.

But the fact is the Army wants the 840 tanks a year. They need them. There is a place for them right now and it is prudent and economically sound to proceed with that level of procurement.

Finally, I would like to mention another figure that I think is significant: given the savings that have come from prior year tank productions and receipts from foreign military sales of the M-48 and the M-48A5 to five other countries, we have some $116.6 million that can be transferred to the M-1 program. With that amount in transfers, we are talking about only $57 million in new budget authority beyond the budget request. Consequently, it seems to me it would be very wise to devote that money to the increased production of the M-1 tank.

The committee, as the distinguished ranking minority member from Mississippi has already indicated, considered this matter, had a considerable amount of debate on it, and voted 16 to 12 in favor of the increased appropriation and the provision that is in the bill as it now stands.

So I hope that the full Senate will accept the action of the committee and will continue to fund the procurement rate of 840 tanks per year.

I yield the floor.

Mr. STEVENS. Mr. President, the Senate has previously voted on the M-1 tank this year. It voted for the authorization bill when it first came through from the Senate Armed Services Committee. At that time, it is an interesting thing, the Senate voted for a level of 600 tanks a year.

I want to read from the Senate Armed Services report that accompanied S. 675 when it was presented this year. This is from the report on the Abrams tanks, the M-1.

> The Administration requested $1,757.3 million for the procurement of 720 M-1 Abrams tanks. The M-1 is a highly mobile combat vehicle with significantly improved survivability provided by improved armor protection and compartmentalization. The M-1 will initially mount a 105 millimeter gun; however, the last 120 vehicles in the fiscal year 1984 program were to be transitioned to the 120 millimeter gun which will be standard for all future programs.
>
> The Committee staunchly supports the M-1 as the finest armored vehicle in the world. In all tests and exercises it is proving itself, with the greatest praise coming from the young men and women who operate and maintain this tank.
>
> However, as a result of congressionally mandated budget limits the Committee has reduced the Army's M-1 tank buy from the requested 720 vehicles to 600 vehicles—a rate of 50 per month which is the same as the rate for the Bradley Fighting Vehicle. The Army itself had dropped its previous plans to increase production to 1,080 per year in the out-years and is proposing to build tanks at a steady rate of 720 per year. The Committee questions the Army's ability to procure at a rate of 720 per year in future years because of resource constraints. However, the Committee has provided advance procurement to support a production rate of 60 M-1 tanks per month in fiscal year 1985 if the Army can afford the program. The Committee feels that the Army should stabilize both the Bradley and the Abrams at a fixed monthly rate which it can afford and seek to enter into multiyear, fixed price contracts to minimize costs. As in the case of the Bradley, the Committee supports facilitization to permit higher production rates which could be exercised, if necessary, during mobilization.

Now, I want the Senate to be on notice that when this was reviewed by our own Armed Services Committee, they only recommended 600. As a result of the conference with the House, we came back with an authorized level of 840. My proposal will put in this bill enough money to keep the budget rate and stabilize the rate of production at 720. This is what is necessary to keep costs from becoming excessive.

We have had the Grace Commission report. It reports to us that one of the basic problems is stabilization of production rates. And that is exactly what we in the Defense Subcommittee attempted to do, to stabilize the rate of production at 720.

Now I do not understand why we should be asked to go up to 840 when it is in excess of what has been requested by the Department. And I have here the Deputy Secretary of Defense's letter dated October 6.

Let me read it:

> The purpose of this letter is to clarify the Department's position with regard to the production rate of the M-1 tank in fiscal year 1984.
>
> During formulation of the fiscal year 1984 President's budget, this issue was discussed at some length. It was determined that an annual quantity of 720 tanks was a prudent and affordable production in both the near term and far term.
>
> Although the tank program is going well, I cannot support increases in this area knowing that it will result in reductions in other areas of higher priority.
>
> I, therefore, continue to support a M-1 tank program of 720 tanks as requested in the fiscal year 1984 President's budget.

Signed, "Sincerely, Paul Thayer."

Again, my amendment would fully fund the budget, would maintain the rate of 720, which is 120 tanks more than we authorized when the authorization bill was before the Senate. And I really believe that we need a stabilized production at a rate which can be afforded beyond a single budget in this tank.

I hope that the Senate will listen to us and listen to the concept that we should not alter the rates of production when we get into something as vital as this tank. We want to keep the rate of 720 right through until we fulfill the amount that we should produce which is the 7,058 tanks ultimately.

Mr. GOLDWATER. Will the Senator yield?

Mr. President, it is true that in the Armed Services Committee we did talk at one time about a buy of 600 tanks, but we later went to 840 tanks. In fact, the Senator is aware, I believe, that we were attempting to put into practice the long-range buy and when we want to supply the Army say with 8,000 tanks, we buy 8,000 tanks and not buy dribbles of 50 here and 60 there and 70 there. I just would like to read from the Committee on Appropriations report of October 31 of this year, page 90.

> M1 Abrams tank.—The M1 is a 105mm gun tank with three secondary armament systems equipped with day and night fire control systems and shoot-on-the-move capabilities. The M1E1, with a 120mm gun, will enter production this year.
>
> The Committee recommends $1,343,900,000 for procurement of 840 M1 tanks.

This is your committee.

> This is $17,300,000 below the request and is offset in part by a $111,600,000 transfer of

> prior year funds. The reduction of $7,400,000 below the authorized level eliminates funds for the establishment of a second engine producer, pursuant to restrictions in the authorizing act. Further, the Committee directs the Army to utilize the $24,900,000 budgeted in 1983 for the second engine source to buy additional spare engines and modules to fully support the deployed M1 fleet.

This is what I get to:

> The committee recommends an additional $42 million above the budgeted amount for a total of $293,100,000 for 1985 advance procurement of 840 tanks.

Did the Senator attempt to get the number reduced at that time, the number he is trying to get to now?

Mr. STEVENS. Yes. I might say to the Senator the recommendation presented by the subcommittee was the 720 level. The reason was that that was the budget level and that is the sustainable level of production. I might point out that the Bradley fighting vehicle is still at the rate recommended by the Armed Services Committee, only 600.

Mr. GOLDWATER. That is what the Senator started with.

Mr. STEVENS. We started with 600 tanks, too. We tried to keep them in tandem. Now we find, by virtue of the House-authorized level of 840, and with 600 from here, the authorization came out of the conference committee on the authorization bill at 840. But the Bradley fighting vehicle is still down at 600. Our initial position was to try to get these two to go in tandem.

Mr. GOLDWATER. What I am trying to get at is that your subcommittee did recommend 840 tanks a year.

Mr. STEVENS. No, our subcommittee recommended 720. The full committee, the vote that the Senator from Kentucky mentioned, increased that to 840 over my recommendation and the recommendation of the chairman of the committee, I might add, and I think the recommendation of a majority of the subcommittee. We only wanted 720. The decision to go to 840 is an economic decision, it is not a military decision.

Mr. GOLDWATER. Might I inquire? This report is a little vague. Did you put money back in for a second engine source?

Mr. STEVENS. We put the language in permitting the second source. We have not funded the second source yet because it has not been authorized. There is language right below on that same page about the tank engine competition. We have added a requirement that the current engine production not be interrupted or reduced by the establishment of a second production source. We have sought an option for a second production source.

Mr. GOLDWATER. Mr. President, I know the Senator is very concerned about the armed services of our country and I admire him for it. I would like to repeat what I said earlier. We are trying to get to a continuing buy of equipment like the M-1 tank. We will not try to do this in every instance, but I think it would be much cheaper in the long run to be able to say to a manufacturer, "We are going to buy this many tanks from you. You can consider that a firm order." And then go ahead and buy the amount needed each year to keep the production up and keep the cost down.

The way we have been buying tanks it is up 1 year and down the next year. We have a second engine source 1 year and we do not have it the next year. We have a 105-millimeter 1 year and we have a 120-millimeter the next year.

I am particularly concerned with this one weapons system becasue I do not think in the more than 20 years that this weapon has been in development—the more years than that that I have been associated with the armed services—that I have known of any weapons system that has received so many erroneous, misleading, downright dishonest reports.

Before I sit down, and I do not want to debate any longer on this, I ask unanimous consent that some material from the Association of the United States Army be printed in the RECORD at this point.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

M1 TANK

Point: The M1 costs too much.

Counterpoint: Most reports on M1 costs are wrong or misleading. The fact is that there has been excellent cost control during the M1 program. When development began in 1972, Congress accepted a unit production cost of $507,800 in 1972 dollars. Today, even with substantial pre-planned product improvement (120mm gun, improved armor and better chemical, biological and nuclear protection), the unit production cost of the tank in 1972 dollars is $651,700.

The unit hardware cost of the M1 is currently little more than one-third greater than that of an M60A3, not two or three times as expensive as often mistakenly alleged.

Or, as the London Economist has pointed out, the ratio of the cost of the remarkably agile and speedy M1 to a modern fighter aircraft is essentially the same as the ratio between the costs of tanks and fighter aircraft which existed in World War II.

In short, although the M1 is more expensive than the M60A3, it is markedly superior, possessing a combat edge over current Soviet tanks which the M60A3 lacks and providing our soldiers an ability to fight effectively and win outnumbered on a modern battlefield.

Point: The M1's unprecedented breakdown rates will cause it to be the slowest tank in the world—in real battlefield situations.

Counterpoint: There has been no "unprecedented breakdown rate." The M1 is in fact the fastest and most agile tank in the world today.

Although it has been in production only two years, it has already achieved 351 mean miles between failure (MMBF), appreciably better than the 320 MMBF goal.

In comparison, after 12 years of production, the M60 attained a rate of 242 MMBF. Today, after 21 years of production and continuous product improvement, it has attained a rate of 407 MMBF.

Point: The M1 track pad wears out too quickly.

Counterpoint: It is true that track life remains a problem in peacetime operations.

With twice the power of the M60 tank and continued employment on road and cross-country at much higher speeds, the M1 track wears out sooner than that of the M60. The current track pads, which were designed to last for 2000 miles, are wearing out in somewhat more than 1000 miles. A solution to this problem has not been found within the current state of the art of track manufacturing.

It should be understood that this is primarily a peacetime problem because the M1 track does meet combat performance needs. Since the shorter than desired service life of the track does, however, increase operating and support costs, the Army is continuing research in technologies to improve track durability.

Point: The M1's turbine engine is easily detected because it emits a very strong infrared signature.

Counterpoint: Thermal detection is such that all tanks, turbine or diesel powered, are readily detectable. Visually, however, the M1 turbine exhaust is not detectable while the distinctive visible exhaust plume of the M60 and other diesel powered tanks is readily detectable, particularly when accelerating.

Point: The turbine exhaust is a target for heat-seeking missiles.

Counterpoint: If the Soviets were to employ a heat-seeking—and they do not appear to have one now—anti-tank missile, it would be able to home on diesel engine tanks as well as the turbine powered M1. This is a potential threat to all combat vehicles, not just the M1.

Point: The hot turbine engine prevents operations in dry woods due to danger of fire.

Counterpoint: Not true. In over 200,000 miles of testing and a year's operational use by troops, much of it cross-country through dry grass and woods, the M1 has not started a fire. The allegation apparently attempts to present a problem where none exists because the M1 categorically can operate in dry grass and wooded terrain.

Point: The M1 tank turbine engine is a gas "guzzler," using more fuel than the M60 tank.

Counterpoint: It is true that the M1 uses more fuel than the M60, but it should be no surprise to anyone that a 1500 hp engine will use more fuel than a 750 hp engine. The Army has understood from the beginning that the M1 would consume more fuel than the M60 but is willing to pay the price to gain the spectacular improvements in speed and battlefield agility, mobility and shock power which come with doubling the horsepower.

Despite the added fuel consumption which is a reasonable tradeoff for its greatly improved capabilities, the M1 has sufficient range to operate for a full 24-hour "combat day" without refueling.

Point: Although the Army is aware of many problems with the M1 tank, it has refused to do the testing necessary to determine their real severity.

Counterpoint: This allegation is categorically untrue. In fact, the M1 has been tested more than any other U.S. tank. Crew safety and survivability have been paramount throughout the development production process.

While no tank is invulnerable, the following special features of the M1, which enhance crew survivability, have been thoroughly tested:

Compartmentalization of fuel and ammunition in areas away from the crew;

Ammo compartments with blow-off panels which, if a fire is started or ammo is struck by enemy fire, permit the force of an explosion to be vented to the outside, away from the crew compartment;

An automatic fire detection and suppression system;

During testing the M1 has been shot at or blown up in every conceivable way, using both Soviet and U.S. ammunition;

Test results confirm that crew survivability far exceeds that of the M60.

Point: Large numbers of American tankers are likely to die unnecessarily due to M1's highly flammable hydraulic fluid.

Counterpoint: This is not true.

Fire resistant hydraulic fluid was adopted for use in the M60 tank as a result of the 1973 Arab/Israeli War experience. It has a much higher flame ignition temperature than earlier fluids, and it reduces significantly the possibility of hydraulic fluid fire in the crew compartment.

The M1 uses the identical fluid. Its hydraulic lines and connectors have been strengthened to reduce the possibility of rupture, and an automatic fire detection/suppression system using Halon gas to smother fires has made the M1 much more fire safe than previous U.S. tanks. These were included in the M1 design specifically to minimize casualties from fire.

Point: The M1's side and rear armor is thinner than that on the M60.

Counterpoint: The M1's special armor is totally different from, and vastly superior to, M60 armor.

Live fire tests against M1 armor and components have shown that the M1 provides far superior armor protection overall for both vehicle and crew, with at least equal protection from all aspects.

Mr. GOLDWATER. I intend to vote against the amendment of the Senator. I intend no disrespect by that. I am sure the Senator understands that.

Mr. STEVENS. I just think the Senate ought to address the question whether we increase production beyond the rate requested in the budget when there is no savings from the increased production. If someone can turn to me and say, "If you build 840 tanks, I can prove to you, you are going to get 840 at a different price, you are going to reduce the cost," that would be another matter. That is not the claim here. It may come out now, but I have never heard it in this debate before. We have no proof that increasing this rate of production to 840 will really save any money. What it will do is buy 120 more tanks this year.

Incidentally, we are only producing the Bradley vehicle at 600 per year. These are supposed to be tandem systems, Bradley following the tank at a high rate of travel with the infantry in the armored vehicle behind.

We are getting out of phase. Earlier this year the Senate approved the Armed Services Committee recommendation—the Senate Armed Services Committee—for 600 tanks and 600 fighting vehicles. Now we are asked to fund 840 tanks but only 600 fighting vehicles. There is no savings projected by that of any magnitude. The only savings I might know would be that you might save additional inflation costs.

Mr. LEVIN. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. LEVIN. I have asked the Army, for the record, the question of whether or not producing the M-1 at the 840 rate would save the taxpayers' money compared with producing it at the 720 yearly production rate and the Army's answer is "Yes." I am happy to make this answer part of the record.

The following table represents the program savings resulting from an 840 instead of 720 yearly production rate, on this basis: 840 tanks in fiscal year 1984 only, 840 in fiscal year 1984 and fiscal year 1985 only, 840 for the program fiscal year 1984 through fiscal year 1988. The savings over the life of the program, if you just went with the 840 rate in fiscal year 1984 is $106 million, according to the Army. If you produced 840 M-1's in both fiscal year 1984 and fiscal year 1985, the savings are $214.3 million. If you produce at the higher annual rate in fiscal year 1984 through fiscal year 1988, it is $473 million. This is the answer to my question, in an Army information paper dated September 22, 1983. I will ask unanimous consent that a copy of this response from the Army be included in the RECORD. The Army says, "By staying at 720 per year, we are increasing program penalties of the magnitude shown above." The Army then describes how it arrives at its savings of $106 million.

The savings per tank is $50,000 for 840 tanks, for a total of $42 million. Operating costs to produce 120 tanks in 1991 are $23 million. The cost increase for 120 tanks in 1991 is $19 million. The total is $85.5 million. Escalated for inflation it is $106 million.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

INFORMATION PAPER

SEPTEMBER 22, 1983.

Subject: Response to Mr. Lennon (Senator Levin (SASC) Staffer) Regarding 840 vs 720 M1s.

1. The following table represents the program savings resulting from an 840 instead of 720 yearly production rate for these conditions: 840 in FY84 only, 840 in FY84 and FY85 only 840 for the program FY84 thru FY88 (FYDP, Pres Budget).

840 versus 720 program savings (escalated dollars)

Fiscal year:	*Millions*
1984 only	[1] 106.0
1984 and 1985 only	214.3
1984 through 1988	473.0

[1] This equates to the $85,500,000 (fiscal year 1984 dollars) previously provided.

2. Conversely, by staying at 720/year, we are increasing program penalties of the magnitude shown above.

3. How the above savings are arrived at can be illustrated by breakdown of the FY84 only savings of $106.0M (esc$s) or $85.5 in FY84 $s.

	Millions
Savings per tank $50,000 times 840	$42.0
Operating costs for 120 tanks production in 1991	23.8
Cost delta for 120 M1E1's in 1991	19.7
Total	85.5
Escalated	106.0

Mr. STEVENS. Mr. President, I will not object to that. That is the projected inflation saving by increasing and going up to 120 more per year now instead of building those same tanks in 1990. But what they do not tell us is how much it costs to borrow that money now as compared to waiting until the economy comes back, the deficits decrease, and the interest rates are not as high.

I want the Senate to understand one thing, and I think we should understand it very clearly. The problem is we have a rate of production right now at 69 per month. As a matter of fact, we have held them at not to exceed 60 a month because of the problems they have had on this tank.

But, Mr. President, if you look at the budget for 1985, the budget that we have to reduce is projected at producing 720 tanks.

We have to reduce that future budget already because of what we have done now. Yet, included in that budget we have to reduce is a level of 120 less than this bill would require in 1985 because we have long-leadtime items here to keep a production rate of 840 when the budget is projected by the President, with his 10-percent increase rate, at 720. I am telling the Senate, the money is not there.

Mr. LEVIN. Will the Senator yield on a question?

Mr. STEVENS. I want to make sure my point is clear: We cannot maintain a rate of production at 840 tanks and live within the budget resolution for 1985 at anything less than a projected rate of real growth in excess of what we know we will have.

Mr. LEVIN. Will the Senator yield on the question of the production rate?

Mr. STEVENS. Yes, I yield.

Mr. LEVIN. Will the Senator concede that in the fiscal 1983 budget, approved last year, we authorized a production rate of 855 M-1 tanks—not 720, but 855?

Mr. STEVENS. Yes, Mr. President. We considered the fiscal year Defense bill in 1982, when we had a surplus and were adding all kinds of money; we authorized a rate of production of 855. In my memory, in that figure were some foreign military sales and prior year savings. We literally had money we did not know where to put at that time. Then we developed problems and we later said, do not produce this at more than 60 per month. So the actual role of production should not have gone beyond 60 per month.

Mr. LEVIN. But it is expected it will be at 70 or more per month starting in February, is that not correct?

Mr. STEVENS. Well, if we pass this——

Mr. LEVIN. No, without passing this bill before us because, in the fiscal 1983 budget, we expect the production rate will be up to 70 monthly in February.

Mr. STEVENS. We have not removed the reduction. I do not know if the Senator is familiar with that. We have limited production of 60 a month and we cannot take that off until some test results come in. They have not arrived.

Mr. LEVIN. The Senator repeatedly has said what the current production rate is and acts as though this bill will be an increase in the authorized rate. As a matter of fact, the fiscal 1983 authorized rate, last year's budget authorized rate, was 855. And there is a reasonable expectation—not a certainty—that we shall be at the 855 rate this February so that the amendment of the Senator from Alaska would then result in a severe reduction in the rate.

Talk about stability in the tank program. Let me tell you something: There is no stability in the tank program where there is a reasonable expectation, based on last year's budget, that we were going to get to 855 in February and now the Senator would come and reduce it to 720.

Mr. STEVENS. The Senator is on the Armed Services Committee. The Senate Armed Service Committee recommended 600, and the Senate approved 600.

What we are saying is based upon the fact that we gave them more money—they could have gone up to 840 if they could have gotten their act together a year ago. But they did not. We told them to finish their tests before they could spend the money we gave them at the higher rate. They have not recommended it yet.

Mr. LEVIN. Senator, you must admit——

The PRESIDING OFFICER (Mr. RUDMAN). The Chair would appreciate it if the Senators would observe the rules of the Senate and address the Chair.

Mr. STEVENS. I thought I did that, Mr. President. I beg the Chair's pardon.

I brought this up and I lost in the full committee. Anybody with any sense will look around and see we have people—with due respect to my colleagues from Kentucky, from Louisiana, from Michigan—all over the country involved in the M-1 tank now. It has a constituency of its own and it is growing. It is going to be hard to keep this production even at the level of 840 if it keeps up.

There is one thing, and I ask everyone as they vote to keep this one thing in mind: What are we going to do when the Budget Committee tells us next year the projected fiscal year 1985 budget of the President, which currently assumes 10 percent real growth over the original request of $273 billion, is going to have to to be trimmed to 2.5 percent? Where are we going to cut?

I will tell you, Mr. President, we cannot maintain a rate of production of 840 into 1985, and 1986 is even worse than that. Fiscal year 1986 is going to be the worst year we face in Defense procurement because of the effect of quantity increases we are now endorsing.

We are going to have to pay those bills on things we have already authorized.

Mr. President, all I want to do is make the Senate think. When the Senate acted on the M-1 tank earlier this year, we said 600 was enough. We finally authorized 840. The Department only wants 720. People are asking me, Are we going to stay within this budget? What is the message we are going to send to the country? Are we going to appropriate more money for these individual systems than the Department wants? If so, why are we doing it?

There is no convincing military reason that has been advanced here for 840 tanks. Again, we may not have the engines, we will not have the Bradley fighting vehicles to go along with them. There is no reason to roll off those 840 tanks. We should keep that production at the current efficient rate of production, which is 720.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. First, Mr. President, I congratulate the distinguished Senator from Alaska for the really fine work he has done on this bill. I rarely disagree with him on defense matters. He is thorough. He is trying to do a very difficult job of keeping a strong national defense within the budget structures we have.

However, Mr. President, I believe the Appropriations Committee was correct and the distinguished chairman is wrong on the M-1 tank. The Army requested, the Congress authorized 840 tanks per year on the thesis that we save, first of all, $50,000 per tank. It was based upon that plus the need that the Appropriations Committee, by a vote of 16 to 12, authorized the higher level of 40 tanks per year.

Mr. President, the statement has been made that we do not have the money to sustain 840 tanks per year. I commend to my colleagues a letter dated just today—this is November 3—from David A. Stockman, Director of the Office of Management and Budget. Let me tell the chairman what Mr. Stockman, the authority, says about this budget. This is from a letter to Hon. HOWARD BAKER.

> The Senate is scheduled to vote on the 1984 Defense Appropriation Bill soon. The Administration is concerned that the full Committee's recommendation is $10.3 billion below the amended request or $14.7 billion below the original January request, excluding the committee's addition of $1.9 billion for civilian and military pay raises. A reduction of this magnitude, approximately $4 billion more than was taken in the enacted authorization, is particularly troublesome to the Administration. Moreover, the Committee's recommendation is over $3 billion below the Budget Resolution 302(a) level. This level of reduction in Defense funding is unacceptable to the Administration.

Mr. President, I do not know how I could have it stated any plainer. Not only is there money enough for this, but the administration, in the very person of David A. Stockman, Director of the Office of Management and Budget, is concerned we cut too much. He wants to add money back. I do not think we ought to follow Mr. Stockman in everything he says.

Mr. President, I ask unanimous consent that a copy of this letter be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., November 3, 1983.

Hon. HOWARD BAKER, Jr.,
U.S. Senate
Washington, D.C.

DEAR HOWARD: The Senate is scheduled to vote on the 1984 Defense Appropriation Bill soon. The Administration is concerned that the full Committee's recommendation is $10.3 billion below the amended request or $14.7 billion below the original January request, excluding the committee's addition of $1.9 billion for civilian and military pay raises. A reduction of this magnitude, approximately $4 billion more than was taken in the enacted authorization, is particularly troublesome to the Administration. Moreover, the Committee's recommendation is over $3 billion below the Budget Resolution 302(a) level. This level of reduction in Defense funding is unacceptable to the Administration.

In his appeal the Secretary of Defense will raise specific objections to some of the detailed recommendations and will seek to have the program mix in the bill made more in line with the Administration's request.

I know that you share the Administration's commitment to a strong national defense. I hope that you will encourage the Senate to reconsider the Committee's action and to provide funding more consistent with the President's request.

Sincerely,

DAVID A. STOCKMAN,
Director.

Identical letters sent to Hon. Mark O. Hatfield and Hon. John C. Stennis.

Mr. JOHNSTON. Mr. President, I do not mean to suggest that we ought to follow Mr. Stockman's suggestion and add $10.3 billion to this bill. I think that would be too much addition.

Mr. Stockman does not say anything about the M-1 tank, to be sure. But it is certainly clear that his letter is proof positive that there is not only money for the M-1 tank but there is money to do a lot of other things, too, if we wanted to.

Mr. President, the M-1 tank revolutionizes ground warfare. There has never been a tank, there is not today a tank anywhere in the world like the M-1. It does one thing that is absolutely unique and another that is very unusual. The unusual thing is it has a night-firing capability, with infrared but the most unusual, revolutionary thing is the turret is gyroscope-controlled so that the tank can proceed along at 45 miles an hour in rough terrain while the gunners are in almost suspended animation where they do not feel the bumps and the gun is also in suspended animation so it does not feel the bumps, and you can aim while proceeding along over bumps at 45 miles an hour.

As a matter of fact, I would commend to my colleagues a trip to the Aberdeen, Md., test facility where they have a test of the tank and drive it over concrete bumps that are over a foot high at 45 miles an hour. Indeed, you can stand up in the turret of the tank as if you were driving down a flat highway because there is no motion at all while the bottom of the tank is going over these bumps over a foot high at 45 miles an hour.

What are the implications of that?

The implications are that it can revolutionize ground warfare. Just think if you are in a tank attack. If you are able to move and fire at the same time, then not only are you able to hit the other fellow while you are moving, but he cannot hit you well while you are moving. And if you are able to move at those speeds—I guess it is the fastest tank available in the world today. At least there is none faster. It is capable of speeds of 60 miles an hour. There is no tank faster—we ought to be deploying that tank into our units as quickly as we can.

As members of the Armed Services Committee and the Defense Authorization Committee know, most of our Army units are equipped with the 20-year-old M-60 tank, and some of our National Guard units are equipped with tanks that are even older, the M-48 tank. We ought to be speeding these tanks to the troops as quickly as we can. That to me is really a more powerful argument than the $50,000 per tank savings, because we all know, while it is, I think, a real savings—and that is the figure that was given to us—sometimes those savings have a way of disappearing. It appear that there is a $50,000 per tank savings. The main thing is we need these tanks in the field.

Mr. President, this Senate has found money for every strategic weapon that anybody ever dreamed up. We have money for the B-1, even though I thought it was a mistake to proceed with and accelerate that program. But we had plenty of money for that. We have had plenty of money for the MX. I reluctantly have voted for the MX. I think the case is clouded, but I come down on the side of yes. But whatever it is on the strategic side, we have funded it. The problem is we have left wanting traditional warfare. There is a lot bigger chance that these M-1 tanks are going to get into a shooting war than it is that our strategic weapons are going to be used. And thank goodness for that. But we ought to begin to deploy these tanks as quickly as we can, and that is why I support the 840-tank-per-year level of production.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the question of military necessity has been raised, and I first would like to comment on that question.

According to the Congressional Research Service, at the end of 1982 the Soviets had 49,800 tanks, the United States had 11,881 tanks. That is over four times as many tanks as the United States had. I would say of all the military gaps that exist between us and the Soviet Union, there is no wider gap than this one. There are defense areas where we are ahead of the Soviet Union. There are areas of defense where we happen to be stronger than they are, but there are several areas where we are behind where they are, and there is no more glaring gap than in the area of tanks.

Between 1970 and 1982, the Soviet Union outbuilt the United States in tanks by 9,200 to 1,884, based on official data supplied to the Congressional Research Service. That is almost a 5-to-1 ratio by which the Soviet Union in the last 12 years has outbuilt us in tanks.

The chairman of our Armed Services Committee is quoted in the Army magazine of November 1982 as follows:

> Senator Tower said that we have been derelict in modernizing the Army's filed forces and pledged his personal dedication to helping see this program through.

And he is quoted as saying:

> One of the problems has been the people think in strategic and force projection terms and haven't thought quite so much about the necessity of keeping our Army modernized.

Lt. Gen. James H. Merryman, who is the Army's Deputy Chief of Staff for Research, Development, and Acquisition, before Senator GOLDWATER's Tactical Warfare Subcommittee on March 10, 1983, was asked what the Army's No. 1 priority was and his answer was the M-1 tank. Gen. Bernard Rogers, NATO's Supreme Allied Commander and Commander of all U.S. Forces in Europe, has testifed about the essential nature of getting the M-1 tank in the field. As a matter of fact, when this administration came to office in early 1981, it made a projection for how many tanks we would be producing in the future, and it said we would reach the 1,080 per year tank production rate by fiscal year 1984 and would hold that rate in the years beyond. So when this administration came to office, after it had pointed out some of the deficiencies in our conventional forces and argued that we wanted to be stronger in defense, its own 5-year projection was that we would reach the 1,080 annual production figure by this time. Instead, the majority of the Appropriations Committee approved a very modest, may I say, 840-per-year figure for the M-1 tank in fiscal 1984. President Carter said that we would reach the 1,080 figure, by the way, by fiscal year 1982.

So we are significantly behind where both Presidents Carter and Reagan said we would be on the production of the M-1 tank by this time.

My good friend from Alaska raised the question: Well, why did the Senate Armed Services Committee then adopt a 600-per-year figure for the M-1 tank in the fiscal 1984 authorization bill? And it seems to me the answer to that question is what happened in conference. At the conference of the authorization committees, the Senate receded to the House. It did not even split the difference between the House figure of 840 and the Senate figure of 600. It accepted the House figure of 840, and it was very obvious from the background of our 600 figure and from what happened in conference that the 600 figure was adopted by the authorizing committee initially as a bargaining weapon. We simply had a number of items that on which we wanted the House to recede. They had a number of items on which they wanted us to recede and we knew going in to the conference that that 600 figure was going to be unacceptable, even to us, and we readily acceded and receded to the House figure of 840 tanks.

The final word that the Senate Armed Services Committee had on the figure for tanks, if I can remind my friend from Alaska, was not 600. The final figure was 840, which we accepted in conference and which came back to the Senate. So I would say that the more accurate reflection of where the Senate Armed Services Committee is on the question of what the tank production level would be is the last rate—not the first rate we reported but the last rate that we accepted; that is, what we accepted in conference, brought back to the full Senate and had authorized by the full Senate. That is the rate of 840.

My friend from Alaska said that an 840 rate in fiscal 1984 would require a ramping down of the rate in later years. Let me again repeat that it is the Army's intention, assuming that these tests pan out, which they are now expected to do, to be at the 855 level of production on an annual basis in February of next year. So that it is expected that the 855 level would be reached in just a few months. If we accepted the 720 tank amendment of the Senator from Alaska, we would actually be significantly reducing what the Army expects to be producing by this time next year, which is about 850 per year.

What would the message to the country be if this amendment were accepted? The message would be that we want to reduce our conventional defense capabilities, reduce them, because we are right now projecting the tank rate at 855 a year starting in February. That is where we hope to be starting in February of next year. We talk a lot about conventional military weakness. This country is clearly behind the Soviet Union on the ground in Europe. They have more than four times as many tanks as we do.

Both recent Presidents have said that we would be producing tanks at more than the 840 by now. When President Reagan came to office in early 1981, he said we would be at the 1,080-per-year rate by now. President Carter said we would be at the 1,080 rate per year by 1982. Here we are arguing whether or not we should sustain the Appropriations Committee rate of 840 or cut that back to 720.

I think the least we can do, if we want to put any emphasis on conventional capability around this place, is to get our tank production rate up and keep it up.

Last year, in the 1983 budget, we decided to increase that rate to 855. This year, I hope we will maintain it at least at the 840 rate.

Mr. President, I have already put into the RECORD a document showing significant savings at the 840 level, and I will not repeat at this time what those savings are. But according to the Army, there are significant savings by utilizing the 840 rate rather than the 720 rate.

I suggest that the very stability argument which my friend from Alaska uses would require that we keep the level at 840, as the majority of his own committee voted for.

Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I know that the Senate would like to vote, and I do want to vote. I just want to point this out.

We are now producing 720 tanks a year. Starting in fiscal year 1984, one-third of them will go to war reserves; one-third to POMCUS for storage in warehouses in Europe; and one-third to the Active Force. So by increasing production another 120 per year, you are not getting any more tanks, any great number to the Active Force, but are increasing the cost of getting these things and storing them somewhere in the event something might happen in the future.

I say that we should maintain a steady rate of production. I listened to the Senator from Michigan and he said we should have 840, and he would like to go to 1,000 and maybe higher than that.

I asked where he was going to get the money. I want to see how people vote on this. That is why I brought it up.

Everyone has been telling me, "You have to cut the defense budget." I am the chairman of the sub-committee, and I am giving you a chance to cut the defense budget. If people are sincere about cutting the defense budget, here is a chance to cut it to what the President of the United States requested—720 tanks a year. If we want to start spending more than the budget for defense, this is the time to do it.

People will tell us, "Let's cut out M-1 tanks and multiyear production and a lot of other things." But this is a test. This is going to fall on the ears of the American public, by the people who are going to increase the number of tanks solely for economic reasons, in terms of jobs in certain localities in the country. We could spend our way into oblivion that way.

It is not right to increase the rate of production of a very significant portion of the Department's arsenal beyond what they have requested. We will still produce, if my amendment is adopted, 120 more tanks a year than the Bradley fighting vehicle. Two years later we can produce the same number of tanks and will not have to borrow the money long in advance to produce them.

I knew what I was doing when I brought this up, because I want people to think; and I think the Senate should think before we face these other amendments.

How many people are now going to increase the budget for defense over and above the President's request, just for the purpose of producing 120 more tanks per year in order to have a jobs program out of the Department of Defense?

Mr. LEVIN. Mr. President, first, I should like to correct my friend from Alaska on the question of where these 120 additional tanks in fiscal 1984 would be deployed. We have asked the Army where they would be distributed. They will not go into POMCUS or war reserves. As a matter of fact, these 120 will go directly to Active and National Guard Forces in the United States and Europe, 51 to U.S.-based active units, 26 to the National Guard and 43 to active Army units in Western Europe, according to official Army documents.

Mr. LEVIN. Mr. President, finally, on the question of whether or not this is a jobs bill: This is a conventional military strength catchup bill, and it is long overdue.

We have been saying year after year after year—President Carter said it; President Reagan said it—that we would get to a 1,080-per-year tank production rate long before now. President Carter said it in 1979. He said we would get to 1,080 tank production rate by 1982.

A month after President Reagan came to office, based on strengthening our conventional forces—in part, that was his election promise—President Reagan said we would get to 1,080 production rate by 1984. We are at 1984. That is what this budget is.

The question now is whether we are going to do what we all know we must do just to try to close the gap between us and the Soviets in Europe, in the area of tank numbers. We finally have a better tank, but it is not going to do us much good if we are outnumbered 4 to 1.

Last week, we heard from commander of all our Army troops in Europe, Gen. Glenn K. Otis, as to how beautifully the M-1 tank has performed in the recent Reforger combat exercises and how much it is needed on military grounds. That is why this tank is needed, because we need the conventional strength. General Otis said the following:

> . . . the M-1 again demonstrated that it was the best tank on the battlefied in Reforger '83, and that it represents a major improvement to our Army's conventional combat capabilities.

I ask unanimous consent that General Otis complete letter be included in the RECORD at this point. It is a strong demonstration of the need for procuring 840 M-1's, not 720, in fiscal 1984.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE COMMANDER IN CHIEF,
U.S. ARMY, EUROPE AND SEVENTH ARMY
New York, October 26, 1983.

Hon. CARL LEVIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LEVIN: Let me take this opportunity to respond to your recent request for information about the performance of the M-1 main battle tank in the latest Reforger combat exercises in Western Europe. As you know, Reforger is the largest of our annual exercises to test, under realistic and fast-moving combat conditions, the capabilities of American military forces tasked to help defend NATO Europe.

Reforger '83, just held September 19-29, was the second in which the M-1 participated, and I am happy to report that the tank's performance this year again demonstrated the outstanding performance qualities which were manifested during Reforger '82. This year, 53 M-1's of the First Squadron, 11th Armored Cavalry Regiment participated, with the following excellent results:

Even though the unit is the latest to receive M-1's, and thus has had only limited operational experience with the tank, the M-1 was able to demonstrate a 98 percent operational readiness/availability rate for the entire exercise period. At the end of the 11-day, intensive exercise, in which each tank averaged almost one-third to one-half of its total annual miles operated in Europe, all 53 M-1's remained operational.

Tactical performance again was superior, with the increased speed, cross-country mobility, target acquisition, and night fighting capabilities of the M-1 providing the squadron with marked advantages over its opposing forces.

AGT 1500 tank turbine engine performance was excellent, with only two engine-related failures: the replacement of one reduction gear box and one engine rear module. This is equivalent to replacing about half an engine, so that no entire engine from the supply system was consumed. (This also demonstrated the worth of the M-1 engine's "modular replacement concept" for increased maintainability and logistics supportability, since tank diesel engines must be completely replaced if they fail.)

All maintenance work during the exercise was accomplished by elements of the squadron's District Support Maintenance Company. The normal repair parts supply system was used to support the M-1, without the benefit of any special advanced stocking of an increased supply of spares.

In summary, the M-1 again demonstrated that it was the best tank on the battlefield in REFORGER '83, and that it represents a major improvement to our Army's conventional combat capabilities. In view of the continued improvement in Soviet/Warsaw Pact ground forces, especially in the armor and anti-armor areas, the M-1's contribution to our national security as part of the Army's modernized combined arms team cannot be overemphasized.

Sincerely,

GLENN K. OTIS,
General, USA, Commander in Chief.

Mr. LEVIN. The Army is pleading for more of these tanks, and I think we should support the majority of the Appropriations Committee on buying 840 tanks, not 720, in this bill. The majority of that committee has used good sense in the priority it selected, which is, at long last, to put some more money into conventional capability improvements. That is what is signified by this vote, and I hope the Senate will sustain the majority of the Appropriations Committee.

Mr. STENNIS. Mr. President, just to complete the record, the 720 tanks we have been talking about are going to cost the Treasury $1.361 billion in round numbers. The 840 tanks we are talking about would cost $1.351 billion, which is a lesser amount. The difference, though, will be taken up from money that has already been appropriated, and all of it has not been obligated for the last 2 years. So the cost in dollars will be the amount as related by the Senator from Alaska. But the cost to the Treasury now, and the President's account in the budget, will not actually be increased.

For my part, I have seen this tank program drag along and drag along. We have a worldwide reputation for being far behind when it came to modernity and effectiveness for an up-to-date tank. We have not caught up yet. But since we have the quality now, I think we should build up the amount, and I hope that this larger figure will prevail.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN), the Senator from Washington (Mr. EVANS), the Senator from Maryland (Mr. MATHIAS) and the Senator from Connecticut (Mr. WEICKER), are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. EVANS), would vote "yea."

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 45, nays 48, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—45

Abdnor
Andrews
Armstrong
Baker
Boschwitz
Burdick
Chafee
Chiles
Cochran
Danforth
Dole
Domenici
Durenberger
Eagleton
Garn
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heinz
Jepsen
Kassebaum
Kasten
Laxalt
Lugar
Mattingly
McClure
Melcher
Murkowski
Nickles
Percy
Pressler
Proxmire
Pryor
Roth
Rudman
Simpson
Stafford
Stevens
Trible
Wallop
Warner
Zorinsky

NAYS—48

Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Bumpers
Byrd
Cranston
D'Amato
DeConcini
Denton
Dixon
Dodd
East
Exon
Ford
Goldwater
Heflin
Helms
Huddleston
Humphrey
Inouye
Johnston
Kennedy
Lautenberg
Leahy
Levin
Long
Matsunaga
Metzenbaum
Mitchell
Moynihan
Nunn
Packwood
Pell
Quayle
Randolph
Riegle
Sarbanes
Sasser
Specter
Stennis
Symms
Thurmond
Tower
Tsongas
Wilson

NOT VOTING—7

Cohen
Evans
Glenn
Hart
Hollings
Mathias
Weicker

So Mr. STEVENS' amendment (No. 2488) was rejected.

Mr. HUDDLESTON. I move to reconsider the vote by which the amendment was rejected.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, I thank the Chair.

The PRESIDING OFFICER. Will the Senator suspend? The Senate is not in order. The Chair requests that the staff refrain from conversation. Will the Chamber be cleared of those wishing to converse? Senators will take their seats so the Democratic leader can be heard.

Mr. BYRD. I thank the Chair. I have sought recognition at this point to see if we can determine what the schedule is for the rest of the day and for the rest of the week, and to indicate that I have a unanimous-consent time agreement that we are prepared to go with on the Civil Rights Commission.

Mr. STEVENS. Mr. President, I am not prepared to speak about the remainder of the week. I am prepared to speak about this bill. It is my understanding that the Senator from Nebraska has an amendment which we can work out. As far as this bill is concerned, I would not contemplate any more votes tonight on this bill. I have to talk to the majority leader to determine what the program of the Senate will be. He is here. I cannot speak to the total breadth of the leader's request about the overall program when the majority leader is on the floor.

As far as the intent of the committee on this bill, we will go back on this bill tomorrow. If we can secure an agreement on a time to vote on this bill on Monday or Tuesday, it would be my recommendation to the majority leader that we do not need to meet on Saturday on this bill. I do not know if he has any other bill he wants to take up on Saturday. We do expect a couple of close votes on this bill.

I am sure everyone realizes that we have subjects to cover that are going to be fairly close. The MX and the chemical weapons systems will be close. If we can reach an understanding we can take those up on Monday, we ought to be able to close this bill out on Monday night. I think the Senator from Mississippi will agree with that. We have not been served with notice on any amendments other than those two which are substantial in nature.

Mr. STENNIS. Will the Senator yield?

Mr. BYRD. I yield.

Mr. STENNIS. Mr. President, I think there is a mighty good chance, but if we start putting it off on Monday until Tuesday, I think we ought to work all day here tomorrow and make some real progress. I will agree with whatever the majority manager wishes.

Mr. STEVENS. If the Senator will yield to me again, I have no way of compelling Senators to come forward with their amendments. I would be prepared to stay tonight if someone will come forward with a major amendment, but I know of none. We do have one from Senator EXON. I will move to go to third reading tomorrow if we do not have those amendments forthcoming tomorrow. I think that would be in order.

Mr. BYRD. I have a unanimous consent on the civil rights matter.

Mr. THURMOND. Will the Senator yield?

Mr. BYRD. Yes.

Mr. THURMOND. Mr. President, as chairman of the Senate Judiciary Committee, I want to say that we are ready at any time to take up this bill that the majority leader or the assistant majority leader sees fit to call it up.

Mr. STEVENS. I would say to my friend I hope he would realize that we have a deadline of November 10 in terms of the continuing resolution. Our current goal is to try to get these appropriation bills out of the way so that we may meet that goal. It is not possible for those of us involved in the Defense appropriations bill to confer with the House if they are on the continuing resolution on the floor. We cannot then have any conference on the Defense bill.

It is not possible right now to bring up the civil rights matter at a time when we are trying to get this Defense bill through. We have Treasury-Post Office to finish and then the continuing resolution.

There is no timeframe that I know of that has been imposed upon the Congress in the Civil Rights Commission matter. We have a November 10 deadline so far as appropriations are concerned. If the Senate will cooperate with us and help us get rid of this bill, pass it, and deal with the Treasury-Post Office and the continuing resolution by November 10, I am sure we will have time to address the matter such as the Civil Rights Commission. We are not prepared to agree to a time agreement on that now.

(Mr. ARMSTRONG assumed the chair.)

Mr. THURMOND. Will the Senator yield? I just wanted to say that we are not rushing. Just whenever the Senate is ready we will be ready to take it up. I think I agree with the acting majority leader that we ought to finish the appropriations bill first.

Mr. BYRD. Mr. President, I have not heard anyone suggest that we put this bill aside and take up the Civil Rights Commission measure. I am simply saying that we have an agreement ready. It has been my experience that if you can get an agreement, you better take it.

Because there can always be something that can fall through the cracks. Maybe tomorrow we will not get it. I have an agreement on the Civil Rights Commission measure. I am simply saying I have an agreement here. I am not saying we should take it up now, but that the agreement would be in effect at such time as the Civil Rights Commission measure is called up before the Senate.

Here it is.

I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, does the Senator wish to finish the Defense bill first?

Mr. BYRD. That is perfectly all right with me.

Mr. THURMOND. Then we can take up the Civil Rights Commission bill after that.

Mr. STEVENS. Mr. President, I cannot agree to that. If the Senator from West Virginia will yield to me, we have to deal with the appropriations bills in order to get them done by November 10. We are not prepared to enter into any time agreement dealing with this subject until we get the appropriations bills cleared.

I am sorry to say to my good friend; I am just not prepared to recommend that until we can get these appropriations bills out of the way.

Mr. BYRD. Mr. President, I must say to my dear friend from Alaska that this is the first time I have ever run into anything like this. I am not suggesting at all that we take up the Civil Rights Commission measure first, before this Defense bill is finished. I am simply saying I have an agreement which says that at such time as the Civil Rights Commission measure is called up, thus and so will be the time agreement.

Mr. STEVENS. I say to my good friend, if he will yield, we are waiting for a response to the time agreement on this bill.

Mr. BYRD. Let me give the Senator a response on this bill: we are working on it.

Mr. STEVENS. Well, we are working on that one. This is the bill that is before the Senate.

Mr. BYRD. In other words, Mr. President, the Senator is saying that his side is not ready to enter into an agreement on the Civil Rights Commission bill.

Mr. STEVENS. No; I am saying I have requested of my good friend to give us his consent to have a unanimous-consent agreement on the Defense appropriations bill. If we can get this one cleared, if we can know when we are going to get this finished, then maybe we can give an answer as to when we are going to start on the Civil Rights Commission. We have this one, the Treasury-Postal, the debt ceiling bill and the reconciliation bill all to deal with before next Thursday, So I think we have plenty of unanimous-consent agreements out there waiting for approval. I would like to see to it that we get that agreement.

Mr. President, I am informed that I can say to the Senate that there will be no further votes tonight. We shall be dealing with several small amendments—they are amendments that do not require rollcall votes, let us put it that way. When we finish with the agreement with my good friend, we shall come in tomorrow and be back on this bill at 9:45 a.m. I do hope that by that time tomorrow morning, I shall be able to talk to my good friend. I would extend that Civil Rights Commission right now by unanimous consent if I were majority leader. I do not have any problem with that. My problem right now is to get the Defense bill out of the way.

Mr. BYRD. Mr. President, I am telling the distinguished deputy leader that we are working on it on this side. We may get the agreement. I thought he would be interested in taking this agreement on the Civil Rights Commission measure, which would be in effect at such time as the leadership may wish to call it up.

Mr. STEVENS. Mr. President, I say to my good friend, that bill will have my complete support. I shall be happy to work out the agreement at the time we finish the appropriations bill.

Mr. BYRD. Mr. President, I am sorry, I cannot guarantee that I can give him the agreement tomorrow morning.

Mr. STEVENS. Mr. President, I am sorry about that.

As I have indicated, there will be no further votes, Mr. President. The Senator from Nebraska has an amendment we have worked on. I yield the floor.

Mr. PRYOR. Mr. President, will the distinguished manager yield to me?

Mr. STEVENS. If I may before yielding the floor, yes.

Mr. PRYOR. I appreciate the courtesy of the distinguished Senator from Nebraska and the distinguished Senator from Alaska.

Mr. President, there is not order in the Senate.

The PRESIDING OFFICER. The point of order is well taken. The Senator will suspend for a moment. The Chair asks the Senate to be in order.

The Senator from Arkansas.

Mr. PRYOR. Mr. President, a moment ago, the distinguished Senator from Alaska made reference to a possible amendment relative to the production of chemical weapons—nerve gas, in other words. I wonder if the Senator could more directly pinpoint the possibility of what date that might come on—whether it might come on a Friday, the possibility of a Monday, or when the Senator might see that amendment come to the floor.

Mr. STEVENS. Mr. President, I really have not conferred with the Senator who will offer that amendment. I see the distinguished chairman of the full committee is on the floor now. He would be deeply involved in that amendment, I know, but it has not been determined who will offer than amendment. I really cannot answer the question.

I do expect it before we are through. I think the Senate expects it. I am hopeful it will be Monday.

Mr. PRYOR. I thank the Senator.

AMENDMENT NO. 2489

(Purpose: To allow the military departments to use funds made available in the act to pay for round trip transportation between the United States and overseas areas for certain dependents of military members stationed overseas in accordance with section 430 of title 37, United States Code)

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I send an amendment to the desk in behalf of myself, Senator WARNER, and Senator RANDOLPH and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Nebraska (Mr. EXON) for himself, Mr. WARNER, and Mr. RANDOLPH proposes an amendment numbered 2489.

At the appropriate place in title VII of the bill, insert the following new section:

"SEC. . Within the funds made available under title III of this Act, the military departments may use such funds as necessary, but not to exceed $2,300,000, to carry out the provisions of section 430 of title 37, United States Code."

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, the amendment offered by myself, Senator WARNER, and Senator RANDOLPH today would allow the military services to use funds appropriated in the act to pay for the new dependent student travel benefit. It would require no additional appropriation requiring reprograming from the eventual appropriation to cover any costs.

Earlier this year, the Manpower and Personnel Subcommittee of the Armed Services Committee learned that Foreign Service personnel and civilian employees of the U.S. Government who serve overseas can be reimbursed for one round trip per year for their children who attend college in the United States. However, no such authority existed to reimburse military personnel overseas for similar travel by their dependents. This was deemed unfair to our military personnel.

To eliminate this disparity, the Armed Services Committee adopted an amendment offered by myself and Senator WARNER to the fiscal year 1984 Defense Authorization Act. Under this amendment, military personnel serving overseas can be reimbursed for one annual round trip for their dependents to attend school in the United States. The provision specifically states that this travel benefit is not authorized for secondary school students if there is a Department of Defense dependent's school in the vicinity of the member's duty station. Also, to minimize the cost to the Government, the provision directs that transportation by the Military Airlift Command or the Military Sealift Command be used on a space-required basis whenever possible.

This legislation was one of the items requested by the Defense Department in the fiscal year 1984 budget. Dr. Larry Korb, the Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics, along with witnesses from each of the military services, testified in favor of this legislation before the Manpower and Personnel Subcommittee earlier this year.

At the time we offered this amendment, the Defense Department indicated that the cost would be approximately $800,000 per year. I understand that the Defense Department has since indicated that the cost may be higher, possibly as much as $2.4 million. Since my amendment directed the services to use military transportation on a space required, rather than space available, basis for this benefit, I would be surprised if the cost is as high as the most recent projections. At any rate, the Armed Services Committee intends to carefully review the implementation of this new benefit by the Defense Department next year to insure that the military services do everything possible to hold down the costs.

Mr. President, the Defense appropriations bill before the Senate today does not include any funds in fiscal year 1984 for this dependent student travel benefit. The Appropriations Committee's report on the bill states that the services can reprogram the necessary funds to pay this benefit in fiscal year 1984.

The trouble with this, is that any such reprograming would have to be approved by the Congress. That process of approval would probably take until early next year, after the Thanksgiving and Christmas holidays have passed.

My amendment does not add any money to the bill. It simply allows the military services to use funds already included in the bill to begin paying this allowance on the date of enactment of the bill, which should be in time for both the Thanksgiving and Christmas holidays.

Mr. President, I realize this is a small issue in the context of this huge bill, but it is very important to the military families stationed overseas who will be affected by it. I hope my colleagues will join me in supporting this amendment to insure equal treatment for dependent travel for the families of military and civilian employees of the U.S. Government stationed overseas.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I support the amendment of my distinguished colleague from Nebraska for one space-required annual round trip for educational travel purposes of student family members of active duty service personnel of our Armed Forces stationed outside the United States.

Today, most service personnel must defray the costs for travel of their dependents from their personal funds, adding to the already considerable expense of sending their dependents to college.

In 1980, the Foreign Service Act provided this space-required benefit to the student family members of all Federal Government civilian employees. I mention this point only to highlight an obvious inequity between how we treat our Federal civilian employees and our active duty military personnel.

The Committee on Armed Services authorized this benefit this year. The House, on October 26, 1983, agreed that the provision makes good sense and should be implemented. I believe that the Senate should follow the lead of the House and agree to fund it for the following reasons:

First, it removes the inequity between the treatment of our civilian and military personnel.

Second, at small cost, this action reaps significant benefits in terms of reduced reluctance of experienced military personnel to serve overseas. This, in turn, ultimately improves readiness.

Third, it is only fair we treat our military as we treat our Federal Government civilian employees.

This amendment will not add to the total amount appropriated. It simply gives the services the latitude to reprogram.

The services unanimously support this action. I strongly urge this distinguished body unanimously to support this travel entitlement for the student family members of our Armed Forces stationed overseas.

Mr. President, I am quite pleased to join my distinguished colleague from Nebraska in this amendment. I congratulate him. I have attended together with him the Armed Services Committee. He has been very conscious of the needs of military personnel and their families. This is an amendment that will help a great deal. I urge that it be adopted.

Mr. THURMOND. Mr. President, I ask unanimous consent that I be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we have been pleased to work this matter out with the distinguished Senator from Nebraska. It extends to students who are dependents of military personnel the same benefit that is available, one round-trip per year—I want this to be on record; no more than once a year—as is extended to dependents of Foreign Service personnel stationed overseas. I want everyone to understand, I want the record to be clear that we do not want to expand this program beyond what is in effect for the Foreign Service dependents.

That is my understanding of the Senator from Nebraska's amendment. Am I correct?

Mr. EXON. Mr. President, if the Senator will yield, I would be glad to answer the question.

Mr. STEVENS. Yes, I do yield.

Mr. EXON. The Senator from Alaska is absolutely correct. The amendment is accurate the way he has just described it. What we are attempting to do is merely place the dependents of our military people serving overseas with the same rules, regulations and benefits——

Mr. STEVENS. May we have order, Mr. President? I cannot hear the Senator. I want to make sure the Record reflects our agreement.

The PRESIDING OFFICER. The Senator will suspend while we seek order.

The Senator may continue.

Mr. EXON. Let me digress for just a moment, Mr. President. After we announce that there will be no more rollcall votes, when the Chamber usually empties and there are two or three of us remaining, I would hope that the Senators who are not interested in this debate and members of the staff would kindly leave the floor so that we could get on with the business and go about our way as those who have already left with the announcement that there will be no more rollcall votes.

Mr. President, I still do not think the Senate is in order, and I do not propose to go ahead until it is.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

Mr. EXON. I thank the Chair.

Let me state again that the Senator from Alaska is absolutely correct. All that we are doing in this amendment is providing for dependents of the military people that we send overseas to have the same benefits for sending a child of theirs who qualifies home once a year. We are only putting them in the same category with our foreign service people.

Mr. STEVENS. I thank the Senator, Mr. President, and on that basis I am prepared to recommend to the Senate that we accept this amendment.

We had indicated in our report on page 24 that we would accept reprograming for this purpose. By virtue of the limitation that the Senator has put in his amendment, that it is not to exceed $2,300,000, it would mean that that amount of money would be available to allow the students to travel once per year. Particularly by virtue of putting it in this bill and not waiting for a reprograming request, it would mean that that trip could be either at Thanksgiving or Christmas. It is a worthwhile amendment. I recommend that the Senate adopt the amendment that has been offered by the Senator from Nebraska and cosponsored by so many of our colleagues.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. EXON. Mr. President, it is my understanding—I did clear it with the manager on this side, Senator Stennis—it is also cleared on this side of the aisle, and therefore I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2489) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, if any other Senator has a similar amendment that we might dispose of this evening, we would be happy to be informed about it.

Mr. HUDDLESTON. We are looking at one that might be acceptable and that we can dispose of tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 268 PLACED ON THE CALENDAR

Mr. STEVENS. Mr. President, I yield to my good friend for the purpose of a resolution being put on the calendar.

Mr. BYRD. Mr. President, on behalf of Mr. Chiles and other Senators, I send to the desk a resolution and ask unanimous consent that it be placed on the calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The resolution (S. Res. 268) is as follows:

S. Res. 268

Whereas, America's schools and personnel play a significant role in helping families ensure their children's growth and development;

Whereas, America's teachers contribute significant effort to encouraging the intellectual development of American citizens;

Whereas, America's schools help youngsters acquire important and positive social skills that help them survive the vagaries of change and of chance;

Whereas, America's tremedously productive and imaginative work force are products of the country's universal education system;

Whereas, America's scientists and inventors, the harbingers of our future, are educated in America's schools;

Whereas, America's education has been and remains the crucible for encouraging the collaboration of our ethnic and cultural diversity; and

Whereas, America's schools have consistently provided an informed citizenry who have been willing to work for a free nation and a free world: Now, therefore, be it

Resolved, That as the week of November 13-19 is designated American Education Week, 1983, the Senate of the United States, while fully recognizing the difficulties currently facing America's educational system, extends its thanks to America's teachers and other educational personnel for the many positive contributions American education has made to the quality of our lives. Further, the Senate calls on all Americans to join together in working for the restoration of America's educational system to its rightful place of preeminence among America's other great cultural institutions.

Mr. CHILES. Mr President, I am pleased to introduce a resolution expressing the appreciation of the Senate to America's educators during American Education Week, November 13-19. The resolution calls on the

American people to work together to restore our educational system to its rightful place of preeminence among our greatest institutions.

The companion to this resolution was introduced in the House of Representatives by Congressman **Pat Williams** and 23 of his colleagues last week. Forty Members of the Senate have joined me and Senator **Hollings** as original sponsors of the measure over here. I think the support from both sides of the aisle for a resolution like this shows a general consensus that we have a lot to be grateful for in American education.

Yes, there are a number of reports and assessments out that present alarming findings about our schools. Yes, there is a lot of activity at the national, State, and local level to respond to the current crisis in American education. At a time like this, when we have been jolted out of complacency about one of our most cherished institutions—when we are both distressed and challenged by the size of the job ahead of us—when we are debating and searching for the road to educational recovery—it is particularly important to remember and acknowledge the positive things about our educational system.

American education helped get us where we are today. It produced a nation where the quality of life is envied throughout the world. Our schools trained the scientists and inventors who have given us technological advances beyond our imagination. Our representative democracy is protected through the education of a literate citizenry. Our schools provide the work force on which free enterprise and America's tremendous industrial capacity depend. And education has furthered the cultural heritage and artistic accomplishments of which we are so proud.

Equally important is what our schooling, and the influence of dedicated educators, has meant to each of us personally. America's educators have been role models for our parents, ourselves, and our children. Which of us cannot remember that special teacher whose selfless devotion inspired us to work hard and make the extra effort to master a difficult task? How many times have we recalled a teacher's praise or a coach's encouragement when we faced a challenge that looked bigger than we could handle at the moment? Our love of learning, ability to adapt to change, and individual accomplishments can so often be traced to those who taught us and the experiences we had in school.

Our schools hold a special place in each community. They have been the melting pot where children of every race and ethnic background, every religion and creed, have grown in understanding and cooperation. As access for disadvantaged, handicapped, and limited-English students to equal educational opportunities has increased, so have the full participation and contributions of these individuals to our society. As our society has become more mobile and age segregated, it is often the schools where neighboring families meet and the young interact with the old.

In a sense, 1983 is becoming "American Education Year" as we reassess our schools and look for positive answers to our educational problems with a sense of alarm and urgency. Therefore, I think it is appropriate that we focus the special week we have designated as American Education Week on both the great traditions we value in our educational system, and our commitment to the challenge before us in restoring excellence.

Mr. SASSER. Mr. President, I rise as a cosponsor of the resolution offered by my distinguished colleague from Florida, Senator **Chiles**. This resolution expresses the Senate's deep appreciation for the invaluable contribution to our society made by America's educators and calls on the American people to join together in a national effort to improve our Nation's schools.

In the midst of the recent flood of national reports criticizing our Nation's system of education, we have often failed to recognize the many accomplishments achieved by this system. As the report conducted by the Carnegie Foundation states:

> The United States has the largest, oldest, and most comprehensive public education system on Earth.

Our high schools range from those with less than 50 students to those with more than 5,000. Most American high schools are comprehensive, offering college preparatory courses, vocational programs for students planning to obtain jobs directly after high school, and programs for both gifted students and students with remedial learning disabilities. These schools offer counseling services and a wide variety of extracurricular activities, ranging from student government programs to intramurral sporting events. In addition, we have a host of magnet schools as well as schools for alternative learning.

The citizens of the United States have insisted that all citizens be given an equal opportunity to receive a quality education. To this end, our Federal assistance programs serve over 4 million handicapped school children, and another 4.7 million low-income and minority students.

As the United States continues its position as a leader among the industrial nations, we must remember the priceless contribution made by our Nation's educational professionals. These educators must instill in our children a basic understanding of America's system of values. They must provide our children with basic learning skills, and they must inculcate a sense of worth and self confidence in our school children, so they are able to make individual and unique contributions to our society.

And because of the diverse population which we continue to serve in our Nation's schools, teachers and school administrators must not only be knowledgeable but also creative, not only decisive but also flexible. The tasks with which we change our teachers and school administrators are immense and critically important, and they should be commended for their efforts.

November 13 through 19 we will celebrate "American Education Week." As we do so, let us not forget the indispensable service of our educational professionals. As U.S. Senators, we should take the lead in applauding the efforts of our teachers, and join with the entire educational community in the crusade to establish a superior system of education able to serve all American citizens. I urge my colleagues to join me in this crusade by supporting the resolution offered by the Senator from Florida.

VETERANS' HEALTH CARE AMENDMENTS OF 1983

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 2920, the Veterans Health-Care Programs Improvements Act of 1983.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 2920) entitled "An Act to amend title 38, United States Code, to revise and extend certain health-care programs of the Veterans' Administration, and for other purposes", with the following amendments: In lieu of the matter inserted by the said amendment to the text of the bill, insert:

SHORT TITLE; AMENDMENTS TO TITLE 38, UNITED STATES CODE

Section 1. (a) This Act may be cited as the "Veterans' Health Care Amendments of 1983".

(b) Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—VETERANS' ADMINISTRATION HEALTH-CARE PROGRAMS

VIETNAM-ERA VETERANS READJUSTMENT COUNSELING PROGRAM

Sec. 101. (a) Subsection (a) of section 612A is amended by inserting a period after "life" and striking out all that follows in the first sentence.

(b)(1) Paragraph (1) of subsection (g) of such section is amended by striking out "September 30, 1984," and "October 1, 1984," and inserting in lieu thereof "September 30, 1988," and "October 1, 1988,", respectively.

(2) Paragraph (2) of such subsection is amended to read as follows:

"(2)(A) Not later than April 1, 1987, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Administrator's evaluation of the effectiveness in helping to meet the readjustment needs of veterans who served on active duty during the Vietnam era of the readjustment counseling and mental health services provided pursuant to this section (and of outreach efforts with respect to such counseling and services). Such report shall give particular attention, in light of the results of the study required by section 102 of the Veterans' Health Care Amendments of 1983, to the provision of such counseling and services to veterans with post-traumatic stress disorder and to the diagnosis and treatment of such disorder.

"(B) The report required by subparagraph (A) of this paragraph shall include—

"(i) the opinion of the Administrator with respect to (I) the extent to which the readjustment needs of veterans who served on active duty during the Vietnam era remain unmet, and (II) the extent to which the provision of readjustment counseling services under this section in a program providing such services through facilities situated apart from Veterans' Administration health-care facilities is needed to meet such needs; and

"(ii) in light of the opinion submitted pursuant to clause (i) of this subparagraph, such recommendations for amendments to paragraph (1) of this subsection and for other legislative and administrative action as the Administrator considers appropriate.

"(3) Not later than July 1, 1987, the Administrator shall submit to such committees a report containing a description of the plans made and timetable for carrying out paragraph (1) of this subsection.".

STUDY OF POST-TRAUMATIC STRESS DISORDER AND OTHER POST-WAR PSYCHOLOGICAL PROBLEMS

SEC. 102. (a)(1) The Administrator of Veterans' Affairs shall provide for the conduct of a comprehensive study of the prevalence and incidence in the population of Vietnam veterans of post-traumatic stress disorder and other psychological problems in readjusting to civilian life (hereinafter in this section collectively referred to as "post-war psychological problems") and of the effects of post-war psychological problems on such veterans, with particular attention to veterans who have service-connected disabilities and with specific reference to women veterans.

(2) The study required by this subsection—

(A) shall be designed to yield information regarding any statistical correlations—

(i) between post-war psychological problems and physical disabilities (by type of disability) in the population of Vietnam veterans;

(ii) between post-war psychological problems and alcohol and drug abuse in such population;

(iii) between veterans in such population having post-war psychological problems and being members of minority groups; and

(iv) between post-war psychological problems in such population and the incarceration of such veterans in penal institutions;

(B) shall include an evaluation of the long-term effects of post-war psychological problems among Vietnam veterans on the families of such veterans (and on persons in other primary social relationships with such veterans); and

(C) shall include a survey of the extent to which Vietnam veterans with post-war psychological problems use care furnished by the Veterans' Administration.

(b) Not later than October 1, 1986, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the study required by subsection (a). Such report shall contain—

(1) a description of the results of the study;

(2) information regarding the capability of the Veterans' Administration to provide treatment to the number of veterans estimated in such study to be suffering from post-war psychological problems;

(3) descriptions of the policies and procedures of the Veterans' Administration with respect to providing disability compensation for post-war psychological problems;

(4) a description of the activities of the Administrator in attempting to coordinate Veterans' Administration health-care and compensation programs with respect to post-traumatic stress disorder; and

(5) such recommendations for administrative and legislative action as the Administrator considers appropriate in light of the results of the study.

(c) For the purpose of this section:

(1) The terms "veteran", "service-connected", and "active duty" have the meanings provided in sections 101 (2), (16), and (21), respectively, of title 38, United States Code.

(2) The term "Vietnam veteran" means a veteran who served on active duty in the Republic of Vietnam or elsewhere in the Vietnam theater of operations during the Vietnam era (as defined in section 101(29) of such title).

ADULT DAY HEALTH-CARE SERVICES

SEC. 103. (a)(1) Section 620 is amended by adding at the end the following new subsection:

"(f)(1)(A) The Administrator is authorized to furnish adult day health care as provided for in this subsection. For the purpose only of authorizing the furnishing of such care and specifying the terms and conditions under which it may be furnished to veterans needing such care—

"(i) references to 'nursing home care' in subsections (a) through (d) of this section shall be deemed to be references to 'adult day health care'; and

"(ii) a veteran who is eligible for medical services under section 612(f)(2) of this title shall be deemed to be a veteran described in subsection (a)(1) of this section.

"(B) The Administrator may provide in-kind assistance (through the services of Veterans' Administration employees and the sharing of other Veterans' Administration resources) to a facility furnishing care to veterans under subparagraph (A) of this paragraph. Any such in-kind assistance shall be provided under a contract between the Veterans' Administration and the facility concerned. The Administrator may provide such assistance only for use solely in the furnishing of adult day health care and only if, under such contract, the Veterans' Administration receives reimbursement for the full cost of such assistance, including the cost of services and supplies and normal depreciation and amortization of equipment. Such reimbursement may be made by reduction in the charges to the United States or by payment to the United States. Any funds received through such reimbursement shall be credited to funds allotted to the Veterans' Administration facility that provided the assistance.

"(2) The Administrator may conduct, at facilities over which the Administrator has direct jurisdiction, programs for the furnishing of adult day health care to veterans who are eligible for such care under paragraph (1) of this subsection, except that necessary travel and incidental expenses (or transportation in lieu thereof) may be furnished under such a program only under the terms and conditions set forth in section 111 of this title. The furnishing of care under any such program shall be subject to the limitations that are applicable to the duration of adult day health care furnished under paragraph (1) of this subsection.

"(3) Adult day health care may not be furnished under this section after September 30, 1988.".

(2) The heading of such section is amended to read as follows:

"§ 620. Transfers for nursing home care; adult day health care".

(3) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

"620. Transfers for nursing home care; adult day health care.".

(b) If the Administrator of Veterans' Affairs furnishes adult day health care under section 620(f) of title 38, United States Code (as added by subsection (a)), the Administrator shall conduct a study of the medical efficacy and cost-effectiveness of furnishing such care as an alternative for nursing home care and of the comparative advantages and disadvantages of providing such care through facilities that are not under the direct jurisdiction of the Administrator and through facilities that are under the direct jurisdiction of the Administrator.

(c) Not later than February 1, 1988, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) the results of the study conducted under subsection (b) (if such a study is conducted);

(2) the Administrator's recommendation with respect to extending or repealing the date in subsection (f)(3) of section 620 of title 38, United States Code (as added by subsection (a)); and

(3) any other recommendation that the Administrator considers appropriate for legislative and administrative action with respect to the furnishing of such care.

COMMUNITY RESIDENTIAL CARE

SEC. 104. (a) Subchapter III of chapter 17 is amended by adding at the end the following new section:

"§ 630. Community residential care

"(a)(1) Subject to this section and regulations to be prescribed by the Administrator under this section, the Administrator may assist a veteran by referring such veteran for placement in, and aiding such veteran in obtaining placement in, a community residential-care facility if—

"(A) at the time of initiating the assistance the Administrator—

"(i) is furnishing the veteran medical services on an outpatient basis or hospital, domiciliary, or nursing home care; or

"(ii) has furnished the veteran such care or services within the preceding 12 months; and

"(B) placement of the veteran in a community residential-care facility is appropriate.

"(b)(1) The Administrator may not provide assistance under subsection (a) of this section with respect to a community residential-care facility unless such facility is approved by the Administrator for the purposes of this section.

"(2) The Administrator's approval of a facility for the purposes of this section shall be based upon the Administrator's determination, after inspection of the facility, that the facility meets the standards established in regulations prescribed under this section. Such standards shall include the following:

"(A) Health and safety criteria, including a requirement of compliance with applicable State laws and local ordinances relating to health and safety.

"(B) A requirement that the costs charged for care by a facility be reasonable, as determined by the Administrator, giving consideration to such factors as (i) the level of care, supervision, and other services to be provided, (ii) the cost of goods and services in the geographic area in which the facility is located, and (iii) comparability with other facilities in such area providing similar services.

"(C) Criteria for determining the resources that a facility needs in order to provide an appropriate level of services to veterans.

"(D) Such other criteria as the Administrator determines are appropriate to protect the welfare of veterans placed in a facility under this section.

"(3) Payment of the charges of a community residential-care facility for any care or service provided to a veteran whom the Administrator has referred to that facility under this section is not the responsibility of the United States or of the Veterans' Administration.

"(c)(1) In order to determine continued compliance by community residential-care facilities that have been approved under subsection (b) of this section with the standards established in regulations prescribed under this section, the Administrator shall provide for periodic inspection of such facilities.

"(2) If the Administrator determines that a facility is not in compliance with such standards, the Administrator (in accordance with regulations prescribed under this section)—

"(A) shall cease to refer veterans to such facility; and

"(B) may, with the permission of the veteran (or the person or entity authorized by law to give permission on behalf of the veteran), assist in removing a veteran from such facility.

Regulations prescribed to carry out this paragraph shall provide for reasonable notice and, upon request made on behalf of the facility, a hearing before any action authorized by this paragraph is taken.

"(d) The Administrator shall prescribe regulations to carry out this section. Such regulations shall include the standards required by subsection (b) of this section.

"(e)(1) To the extent possible, the Administrator shall make available each report of an inspection of a community residential-care facility under subsection (b)(2) or (c)(1) of this section to each Federal, State, and local agency charged with the responsibility of licensing or otherwise regulating or inspecting such facility.

"(2) The Administrator shall make the standards prescribed in regulations under subsection (d) of this section available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting community residential-care facilities.

"(f) For the purpose of this section, the term 'community residential-care facility' means a facility that provides room and board and such limited personal care for and supervision of residents as the Administrator determines, in accordance with regulations prescribed under this section, are necessary for the health, safety, and welfare of residents.".

(b) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 629 the following new item:

"630. Community residential care.".

INCREASE IN PER DIEM RATES FOR CARE IN STATE HOMES

SEC. 105. (a) Section 641 is amended—

(1) by striking out "$6.35", "12.10", and "$13.25" in subsection (a) and inserting in lieu thereof "$7.30", "17.05", and "$15.25", respectively; and

(2) by adding at the end the following new subsection:

"(c) The Administrator shall submit every three years to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the adequacy of the rates provided in subsection (a) of this section in light of projections over each of the following five years of the demand on the Veterans' Administration for the provision of nursing home care to veterans eligible for such care under this section and sections 610 and 620 of this title. The first such report shall be submitted not later than June 30, 1986.".

(b) The amendments made by subsection (a) shall take effect on April 1, 1984.

PREVENTIVE HEALTH-CARE SERVICES

SEC. 106. (a) Section 601(6)(A)(i) is amended by inserting "(in the case of a person otherwise receiving care or services under this chapter) preventive health-care services as defined in section 662 of this title," after "podiatric services,".

(b) Section 661 is amended—

(1) by striking out "under which the Administrator may attempt to" and inserting in lieu thereof "in order to help";

(2) by inserting "veterans otherwise being furnished care or services under this chapter, including" after "certain" the first place it appears;

(3) by striking out "for certain" the second place it appears; and

(4) by striking out "treatment" and inserting in lieu thereof "care or services".

(c) Section 663 is amended—

(1) in subsection (a)(1)—

(A) by striking out "may" and inserting in lieu thereof "shall, during fiscal years 1984 through 1988,";

(B) by inserting "otherwise being furnished care or services under this chapter" after "title";

(C) by striking out "and treatment" and inserting in lieu thereof "or services"; and

(D) by adding at the end the following new sentence: "In carrying out the pilot program under this subchapter, the Administrator may furnish such preventive health-care services to any other veteran described in section 612(f)(2) of this title.";

(2) by striking out subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) in subsection (c) (as so redesignated), by striking out "fiscal year 1984" and inserting in lieu thereof "each of fiscal years 1984 through 1988".

(d) Section 664 is amended by inserting "for each of fiscal years 1984 through 1988" after "Congress".

REPORT ON HEALTH-CARE NEEDS OF VETERANS IN PUERTO RICO

SEC. 107. Not later than December 1, 1983, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the plans of the Administrator, and the reasons therefor, for meeting the health-care needs of veterans in the Commonwealth of Puerto Rico and in the Virgin Islands who are eligible for health care under chapter 17 of title 38, United States Code, and, particularly, the health-care needs of veterans whose disabilities are service connected. Such report (1) shall take into account the report by the Veterans' Administration's Office of Inspector General entitled "Report of Special Audit, Veterans' Administration Medical and Regional Office Center, San Juan, Puerto Rico (Report No. 3R2-A05-043)", dated February 22, 1983, and (2) shall include, with respect to each construction project (if any) that the Administrator recommends in such plans and for which a prospectus would be required under section 5004(b) of such title if such project were proposed to the Congress by the President or the Administrator, a prospectus that meets the requirements of such section.

BENEFICIARY TRAVEL

SEC. 108. (a)(1) If by January 1, 1984, the Administrator of Veterans' Affairs has not prescribed the regulations that the Administrator is required by subsection (e)(2)(A) of section 111 of title 38, United States Code, to prescribe, payments for travel that occurs during the period beginning on such date and ending on the day on which the Administrator prescribes such regulations may not be made under such section to any person except—

(A) a person receiving benefits under such title for or in connection with a service-connected disability;

(B) a veteran receiving or eligible to receive pension under section 521 of such title; or

(C) a person whose travel to a Veterans' Administration facility was required to be performed by a special mode of transportation and such travel (i) was authorized by the Administrator before such travel, or (ii) was in connection with a medical emergency of such a nature that the delay incident to obtaining authorization under subclause (i) would have been hazardous to the person's life or health.

(2) For the purpose of this subsection, the term "service-connected" has the meaning given such term in section 101(16) of title 38, United States Code.

(b) The Administrator of Veterans' Affairs shall review the making of payments under section 111 for the purpose of effecting management improvements and economies in the making of such payments. Not later than April 1, 1984, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report describing and explaining the results of such review and including any recommendation for legislative and administrative action that the Administrator considers appropriate.

TITLE II—PROVISIONS TO IMPROVE THE RECRUITMENT AND RETENTION OF CERTAIN HEALTH-CARE PERSONNEL

AUTHORITY FOR CERTAIN APPOINTMENTS

SEC. 201. Section 4104 is amended—

(1) by striking out "physical therapists," in paragraph (2);

(2) by striking out "bacteriologists" in paragraph (2) and inserting in lieu thereof "microbiologists";

(3) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(4) by adding at the end the following new paragraph:

"(3) Certified or registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses.".

QUALIFICATIONS OF APPOINTEES

SEC. 202. (a) Section 4105(a) is amended—

(1) by striking out "Physicians" in clause (1) and inserting in lieu thereof "Physician";

(2) by striking out clauses (8) and (9);

(3) by redesignating clause (10) as clause (8) and by striking out the period at the end of such clause and inserting in lieu thereof a semicolon and "and"; and

(4) by adding at the end the following new clause:

"(9) Physician assistant, expanded-function dental auxiliary, certified or registered respiratory therapist, licensed physical therapist, licensed practical or vocational nurse, occupational therapist, dietitian, microbiologist, chemist, biostatistician, medical technologist, dental technologist, or other position—

"have such medical, dental, scientific, or technical qualifications as the Administrator shall prescribe.".

(b) Section 4105(b) is amended by striking out "as physician" and all that follows through "auxiliary" and inserting in lieu thereof "to a position listed in section 4104(1) of this title".

APPOINTMENTS AND PROMOTIONS

SEC. 203. (a) Section 4106 is amended by adding at the end the following new subsection:

"(g)(1) Upon the recommendation of the Chief Medical Director, the Administrator (A) may use the authority in subsection (a) of this section to establish the qualifications for and (subject to paragraph (2) of this subsection) to appoint individuals to positions listed in section 4104(3) of this title, and (B) may use the authority provided in subsection (c) of this section for the promotion and advancement of Veterans' Administration employees serving in such positions.

"(2) In using such authority to appoint individuals to such positions, the Administrator shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.".

(b)(1) Not later than 90 days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall publish in the Federal Register, for public review and comment for a period of not less than 30 days, proposed regulations for the continued implementation of section 4106(g)(2) of title 38, United States Code (as added by subsection (a)).

(2) Not later than 180 days after such date of enactment, the Administrator shall publish in the Federal Register final regulations for such implementation.

PAY SCALES

SEC. 204. (a) Subsection (f) of section 4107 is amended—

(1) by striking out "Under standards which the Administrator shall prescribe in regulations, physician" and inserting in lieu thereof "Physician"; and

(2) by adding at the end the following new sentences: "Notwithstanding any other provision of law, when the Administrator determines it to be necessary in order to obtain or retain the services of certified or registered respiratory therapists, licensed physical therapists, or licensed practical or vocational nurses, the Administrator may, on a nationwide, local, or other geographic basis, pay persons employed in such positions additional pay on the same basis as provided for nurses in subsection (e) of this section. The Administrator shall prescribe by regulation standards for compensation and payment under this subsection.".

(b)(1) Paragraph (1)(A) of subsection (g) of such section is amended to read as follows:

"(A) of individuals employed in positions listed in paragraphs (1) and (3) of section 4104 of this title; or".

(2) Paragraph (3) of such subsection is amended by inserting "and licensed physical therapists" after "anesthetists".

(3) Paragraph (4) of such subsection is amended by inserting "with respect to health-care personnel described in clause (B) of such paragraph" after "subsection".

MEMBERSHIP OF DISCIPLINARY BOARDS

SEC. 205. The second sentence of section 4110(a) is amended to read as follows: "The majority of employees on a disciplinary board shall be employed in the same category of position as the employee who is the subject of the charges.".

APPOINTMENT OF ADDITIONAL CIVIL SERVICE EMPLOYEES

SEC. 206. Section 4111 is amended—

(1) by inserting "(a)" before "There";

(2) by striking out "paragraph (1)" and inserting in lieu thereof "paragraphs (1) and (3)"; and

(3) by adding at the end the following new subsection:

"(b) Notwithstanding any other provision of law, the Administrator, after considering an individual's existing pay, higher or unique qualifications, or the special needs of the Veterans' Administration, may appoint the individual to a position in the Department of Medicine and Surgery providing direct patient-care services or services incident to direct patient-services at a rate of pay above the minimum rate of the appropriate grade.".

REPORT ON STATUS OF RECOMMENDATIONS

SEC. 207. (a)(1) Not later than January 1, 1984, the Administrator of Veterans' Affairs and the Director of the Office of Personnel Management shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives (hereinafter in this section referred to as "the Committees") a joint report regarding the status of efforts to carry out the recommendations made in the report, prepared pursuant to section 117 of Public Law 96-330, entitled "Study of the Feasibility and Desirability of Converting Selected Health Care Occupations to title 38, United States Code", and transmitted by the Administrator to the Committees on September 1, 1982 (hereinafter in this section referred to as the "1982 report").

(2) The report required by paragraph (1) shall contain—

(A) with respect to each recommendation in the 1982 report, information on the decision that has been made as to whether such recommendation is being implemented in the manner described in the report and, if not, as to whether it is to be implemented in a modified form or not implemented and a statement of the reasons for such decision, and of the position of each agency with respect to such recommendation and such decision;

(B) the timetable for the actions planned for the implementation of each recommendation that is being implemented either in its original form or as modified;

(C) any further recommendation of the Administrator or Director, or both, for legislative or administrative action, or both, relating to the subject matter of the 1982 report; and

(D) such other information relating to the subject matter of the 1982 report as the Administrator or the Director, or both, consider appropriate.

(b)(1) Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the Committees a report on the implementation of the amendments made by this title. The report shall include—

(A) a description of the steps taken, as of the submission of the report, to exercise the authorities provided by such amendments and the justification for such steps;

(B) a description of the steps planned, as of the submission of the report, to be taken to exercise such authorities (including the timetable for the implementation of such steps) and the justification for such steps; and

(C) a description and justification of the extent to which such authorities have not been or are not planned to be exercised.

(2) Not later than September 30, 1985, the Administrator shall submit to the Committees a report containing—

(A) descriptions of (i) the results of the exercise of the authorities provided in the amendments made by this title, and (ii) the efforts under section 4101(b) of title 38, United States Code, to develop and carry out programs of education and training for career advancement for nursing assistants, noncertified, nonregistered inhalation therapists, and other personnel employed in the Department of Medicine and Surgery who provide either direct patient-care services or services incident to direct patient-care services;

(B) an evaluation of the effects of both the exercise of such authorities and such programs on the recruitment and retention of Veterans' Administration employees, on such employees' productivity and morale, and on such employees' effectiveness in carrying out the missions of the Veterans' Administration; and

(C) such recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of such evaluation.

TITLE III—WOMEN VETERANS

ADVISORY COMMITTEE ON WOMEN VETERANS

SEC. 301. (a) Chapter 3 is amended by inserting after section 221 the following new section:

"§ 222. Advisory Committee on Women Veterans

"(a) The Administrator shall establish an advisory committee to be known as the Advisory Committee on Women Veterans (hereinafter in this section referred to as 'the Committee').

"(b)(1)(A) The Committee shall consist of members appointed by the Administrator from the general public, including—

"(i) representatives of women veterans;

"(ii) individuals who are recognized authorities in fields pertinent to the needs of women veterans, including the gender-specific health-care needs of women; and

"(iii) representatives of both female and male veterans with service-connected disabilities, including at least one female veteran with a service-connected disability and at least one male veteran with a service-connected disability.

"(B) The Committee shall include, as ex officio members—

"(i) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment);

"(ii) the Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary after consultation with the Defense Advisory Committee on Women in the Services); and

"(iii) the Chief Medical Director and Chief Benefits Director, or their designees.

"(C) The Administrator may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of theCommittee.

"(2) The Administrator shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Administrator, except that a term of service of any such member may not exceed 3 years. The Administrator may reappoint any such member for additional terms of service.

"(c) The Administrator shall, on a regular basis, consult with and seek the advice of the Committee with respect to—

"(1) the administration of benefits by the Veterans' Administration for women veterans;

"(2) reports and studies pertaining to women veterans; and

"(3) the needs of women veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Veterans' Administration.

"(d)(1) Not later than July 1, 1984, and not later than July 1 of each second year thereafter, the Committee shall submit to the Administrator a report on the programs and activities of the Veterans' Administration that pertain to women veterans. Each such report shall contain (A) an assessment of the needs of such veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Veterans' Administration, (B) a review of the programs and activities of the Veterans' Administration designed to meet such needs, and (C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate. Within 60 days after receiving each such report, the Administrator shall submit to the Congress a copy of the report, together with any comments concerning the report that the Administrator considers appropriate.

"(2) The Committee may submit to the Administrator such other reports and recommendations as the Committee considers appropriate.

"(3) The Administrator shall submit with each annual report submitted to the Congress pursuant to section 214 of this title a summary of all reports and recommendations of the Committee submitted to the Administrator since the previous annual report of the Administrator submitted pursuant to such section.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 221 the following new item:

"222. Advisory Committee on Women Veterans.".

GENDER-SPECIFIC HEALTH-CARE SERVICES

SEC. 302. The Administrator of Veterans' Affairs shall ensure that each health-care facility under the direct jurisdiction of the Administrator is able, through services made available either by individuals appointed to positions in the Department of Medicine and Surgery or under contracts or other agreements made under section 4117, 5011, or 5053 of title 38, United States Code, to provide appropriate care, in a timely fashion, for any gender-specific disability (as defined in section 601(1) of such title) of a woman veteran eligible for such care under chapter 17 or chapter 31 of such title.

TITLE IV—VETERANS' ADMINISTRATION REAL PROPERTY

REAL PROPERTY MANAGEMENT

SEC. 401. Section 5022 is amended—

(1) by striking out "30 days" in subsection (a)(2)(A) and inserting in lieu thereof "180 days"; and

(2) by adding at the end the following new subsection:

"(d) Real property under the jurisdiction of the Administrator may not be declared excess by the Administrator and disposed of by the General Services Administration or any other entity of the Federal Government unless the Administrator determines that the property is no longer needed by the Veterans' Administration in carrying out its functions.".

RELEASE OF REVERSIONARY INTEREST, BILOXI, MISSISSIPPI

SEC. 402. (a) The Administrator of Veterans' Affairs may execute such instruments as may be necessary to release the reversionary interest of the United States restricting to use as a public park or other public purpose the parcel of land described in subsection (b) which is a portion of a larger tract of land previously conveyed by the United States to the city of Biloxi, Mississippi, pursuant to the Act entitled "An Act to provide for the conveyance of certain real property to the city of Biloxi, Mississippi", approved October 4, 1966 (Public Law 89-629; 80 Stat. 876).

(b) The parcel of land referred to in subsection (a) is that parcel of land, consisting of approximately 7.24 acres, conveyed from the city of Biloxi, Mississippi, to Gulf Paving, Incorporated (a corporation organized under the laws of the State of Mississippi), by deed of June 29, 1973, recorded at book 65, page 589, in the records of the Office of the Chancery Clerk of Harrison County, Mississippi.

TITLE V—STATUS AND ROLE OF ADMINISTRATOR OF VETERANS' AFFAIRS

CONGRESSIONAL FINDINGS

SEC. 501. The Congress finds that—

(1) the Nation has an historic and deeply-rooted commitment to providing benefits and services to those who served in the Armed Forces;

(2) this commitment must be continued and maintained, both to fulfill moral obligations to those who served in the past and to assure current and potential members of the Armed Forces that the Nation's obligations to those who serve will always be honored;

(3) the Veterans' Administration is the principal Federal entity responsible for veterans' benefits and programs;

(4) the Veterans' Administration has a potential population of beneficiaries of over 28 million veterans and over 55 million survivors and dependents;

(5) the Veterans' Administration will distribute over $13.8 billion in income maintenance payments and over $1.5 billion in education, training, and rehabilitation assistance payments during fiscal year 1984, operates one of the Federal Government's two major home loan guaranty programs, with over four million loans currently guaranteed, administers the largest direct insurance program in the Nation, and operates 108 national cemeteries and provides burial assistance for nearly 350,000 deceased veterans annually;

(6) the Veterans' Administration operates the largest centrally administered health-care system—consisting of, among other facilities, 172 hospitals, 226 outpatient clinics, and 99 nursing home care units—in the United States;

(7) the Veterans' Administration health-care system serves as the primary backup to the medical resources of the Department of Defense in time of war or national emergency involving the use of the Armed Forces in armed conflict;

(8) in terms of share of the annual Federal budget, the Veterans' Administration ranks sixth among Federal departments and agencies, and among Federal departments and agencies only the Department of Defense employs more personnel;

(9) the Administrator of Veterans' Affairs is the principal executive branch official responsible for the administration of the benefits, services, and programs of the Veterans' Administration and for seeking the coordination of veterans' programs administered by other Federal departments and agencies;

(10) there is a need for greater coordination between the Veterans' Administration and other Federal entities administering veterans programs and between the Veterans' Administration and other Federal entities providing similar benefits to individuals on a basis other than their status as veterans;

(11) by virtue of the Administrator of Veterans' Affairs not being included in the President's Cabinet, the Administrator generally is not included in Cabinet meetings and deliberations and generally does not have the ready access to the President and senior advisers on the President's staff that Cabinet members have; and

(12) as a consequence, Presidential decisions affecting veterans and the Veterans' Administration are made from time to time without an understanding of their full impact on veterans and on the Veterans' Administration's performance of its statutory missions.

SENSE OF THE CONGRESS

SEC. 502. In view of the findings in section 501, it is the sense of the Congress that the Administrator of Veterans' Affairs should be designated by the President as a member of, and a full participant in all activities of, the Cabinet and as the President's principal adviser on all matters relating to veterans and their dependents.

TITLE VI—RADIATION EXPOSURE STUDY AND GUIDE

RADIATION EXPOSURE STUDY AND GUIDE

SEC. 601. (a)(1)(A) Subject to subparagraphs (B) and (C), the Administrator of Veterans' Affairs, through contracts or agreements with private or public agencies or persons and in consultation with the Director of the Office of Technology Assessment, shall provide for the conduct of epidemiological study of the long-term adverse health effects of exposure to ionizing radiation from the detonation of nuclear devices in connection with the test of such devices or in connection with the American occupation of Hiroshima and Nagasaki, Japan, during the period beginning on September 11, 1945, and ending on July 1, 1946, in persons who, while serving in the Armed Forces *of the United States, were exposed to such radiation. Such study shall include, but not necessarily be limited to, a study of identifiable prevalent illnesses, including malignancies, in the persons exposed.*

(B) If the Administrator, in consultation with the Director of the Office of Technology Assessment, determines that it is not feasible to conduct scientifically valid study of any or all of the matters required under subparagraph (A) to be studied—

(i) the Administrator shall promptly submit to the appropriate committees of the Congress notice of that determination and the reasons therefor; and

(ii) the Director, not later than 60 days after such notice is provided, shall submit to such committees a report evaluating and commenting on such determination.

(C) If the Administrator notifies the Congress of a determination or determinations made pursuant to subparagraph (B), the matter or matters required under subparagraph (A) to be studied to which such determination or determinations apply shall not be required to be studied. If the Administrator notifies the Congress of a determination made pursuant to subparagraph (B) that, taken as a whole, study under subparagraph (A) is not scientifically feasible, the requirement in subparagraph (A) that the Administrator provide for the conduct of epidemiological study shall cease to have effect as if repealed by law.

(2) Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the appropriate committees of the Congress a report on the development of a protocol or protocols for study under paragraph (1)(A). With respect to any such protocol under consideration for development, or in the process of development, that has not been completed by the end of such year, the report shall include an estimate of the completion date for such protocol and an estimate of the cost to be incurred in developing such protocol.

(3)(A) The Director of the Office of Technology Assessment shall monitor the development of the protocol or protocols for, and the conduct of, study under paragraph (1)(A) and shall submit to the appropriate committees of the Congress, at each of the times specified in the next sentence, a report on such monitoring. Reports under the preceding sentence shall be submitted within 6 months after the date of the enactment of this Act, within 12 months after such date, within 25 months after such date, and annually thereafter until such study is completed.

(B) If any protocol to which paragraph (2) applies (or any part of such protocol) is not completed by the end of the 12-month period beginning on the date of the enactment of this Act, the Director shall periodically submit to such committees reports on the status of the development of such protocol.

(4) When the Administrator has entered into a contract or agreement with an agency or person for the conduct of a study under paragraph (1)(A), the Administrator and such agency or person shall submit to the appropriate committees of the Congress a joint report containing a copy of the contract and an estimate of the total cost of such study.

(5)(A) Not later than 24 months after the date of the enactment of this Act, and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report on the status of study under paragraph (1)(A). Such report shall contain (i) a description of the progress on and any results obtained under such study, and (ii) such comments, and such recommendations for administrative and legislative action, as the Administrator considers appropriate in light of such progress and results.

(B) The requirement in subparagraph (A) for the submission of annual reports shall expire upon the submission of a report after the completion of study under paragraph (1)(A).

(6) A contract to carry out study under paragraph (1)(A) may not be entered into unless (A) appropriations for payments under the contract have been provided in advance, or (B) the contract provides that the obligation of the United States to make payments under the contract is contingent upon the availability of funds appropriated for the making of such payments.

(7) There are authorized to be appropriated such sums as may be necessary for the conduct of study under subsection (a)(1)(A).

(b) Not later than one year after the date of the enactment of this Act, the Administrator shall develop and distribute to appropriate Veterans' Administration personnel an indexed reference guide, derived from existing pertinent research-result compilations, designed to provide Veterans' Administration personnel who either furnish health care or adjudicate claims for benefits under title 38, United States Code, with readily usable information regarding the state of medical and other scientific information on any long-term adverse health effects in humans of exposure to ionizing radiation, including nuclear-device exposure, medical exposure, and occupational exposure.

(c)(1) For the purpose of ensuring that any study, research, or other activity carried out by the Federal Government with respect to adverse health effects in humans from exposure to ionizing radiation is scientifically valid and is conducted with efficiency and objectivity, the President shall ensure that—

(A) activities of the Veterans' Administration in connection with (i) study under subsection (a)(1)(A), (ii) the development of the guide required by subsection (b), and (iii) such additional research as may be identified, as a result of such study or the development of such guide or otherwise, as necessary for the resolution of questions regarding such effects are fully coordinated with studies and other activities which are planned, are being conducted, or have been completed by other departments, agencies, and instrumentalities of the Federal Government and which pertain to such effects, including the radioepidemiological tables mandated by section 7 of the Orphan Drug Act (Public Law 97-414; 96 Stat. 2059); and

(B) appropriate coordination and consultation occurs between and among the Administrator and the heads of such departments, agencies, and instrumentalities that may be engaged, during the conduct of study under subsection (a)(1)(A), in the design, conduct, monitoring, or evaluation of such radiation-exposure studies or related activities.

(2) Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of the Congress a report containing a description of the steps taken and plans made to ensure the coordination and consultation required by paragraph (1).

TITLE VII—MISCELLANEOUS AND TECHNICAL AMENDMENTS

HEALTH-CARE ELIGIBILITY

Sec. 701. Clause (3) of section 610(a) is amended by inserting "(A)" after "a person" and by inserting a comma and "or (B) who, but for a suspension pursuant to section 351 of this title (or both such a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such person's continuing eligibility for such care is provided for in the judgment or settlement described in such section" before the semicolon.

TECHNICAL AMENDMENTS TO TITLE 38

Sec. 702. Title 38 is amended as follows:

(1) Section 203(b) is amended—

(A) by striking out "An appropriation" and inserting in lieu thereof "Any funds appropriated to the Veterans' Administration"; and

(B) by striking out "not" after "and the settlement is".

(2) Section 301(3) is amended by striking out the semicolon at the end and inserting in lieu thereof a period.

(3) Section 360 is amended by striking out "has suffered (1)" and inserting in lieu thereof "(1) has suffered".

(4) Section 361 is amended by striking out "United States Code,".

(5) Section 719(b) is amended by striking out "subsections" each place it appears and inserting in lieu thereof "sections".

(6) Section 1622(d) is amended by inserting "of this title" after "section 1631(a)".

(7) Section 1623 is amended—

(A) in subsection (a), by inserting "of this title" after "section 1624"; and

(B) in subsection (d), by inserting "of this title" after "section 1622(c)".

(8) Section 1632 is amended—

(A) by striking out the comma after "title 31"; and

(B) by striking out "section 1322(a)" the second place it appears and inserting in lieu thereof "such section".

(9) Section 1643 is amended by inserting "of this title" after "section 1622(c)".

(10) Section 1662(a)(1)(C) is amended by striking out "the effective date of the Veterans' Rehabilitation and Education Amendments of 1980" and inserting in lieu thereof "October 1, 1980".

(11) Section 1682(c)(1)(C) is amended by inserting a comma after "week)".

(12) Section 1701(a) is amended—

(A) in paragraph (1)—

(i) by striking out "title 37, United States Code," in clauses (A)(iii) and (C) and inserting in lieu thereof "title 37"; and

(ii) by inserting a comma after "thereunder" in clause (A)(iii); and

(B) in paragraph (9), by striking out "chapter 4C of title 29" and inserting in lieu thereof "the Act of August 16, 1937, popularly known as the 'National Apprenticeship Act' (29 U.S.C. 50 et seq.)".

(13) Section 1712(b)(2)(C) is amended by striking out "the effective date of the Veterans' Rehabilitation and Education Amendments of 1980" and inserting in lieu thereof "October 1, 1980".

(14) Section 1820 is amended—

(A) in subsection (a)(6), by striking out the comma after "title 31"; and

(B) in subsection (b), by striking out "section 5 of title 41" and inserting in lieu thereof "section 3709 of the Revised Statutes (41 U.S.C. 5)".

(15) Sections 2002 and 2002A are each amended by striking out "a Assistant" and inserting in lieu thereof "an Assistant".

(16) Section 3005 is amended by striking out "subchapter II of chapter 7 of title 42" each place it appears and inserting in lieu thereof "title II of the Social Security Act (42 U.S.C. 401 et seq.)".

(17) Section 3113(a)(2) is amended by striking out "section" and inserting in lieu thereof "subsection".

(18) Section 4142(f)(2) is amended by striking out "section 3324(a) and (b)" and inserting in lieu thereof "subsections (a) and (b) of section 3324".

(19) Section 5010(c)(2)(B) is amended by striking out "or" the first place it appears and inserting in lieu thereof "and".

(20) Section 5053(d) is amended by striking out "subchapter XVIII of chapter 7 of title 42" and inserting in lieu thereof "title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)".

AMENDMENTS TO ELIMINATE CERTAIN GENDER-BASED REFERENCES

SEC. 703. Title 38 is amended as follows:

(1) Sections 3010(k), 3010(l), 3010(m), and 3021(a)(3) are each amended by striking out "widow" each place it appears and inserting in lieu thereof "surviving spouse".

(2) Section 3107 is amended—

(A) by striking out "his wife" each place it appears and inserting in lieu thereof "the veteran's spouse";

(B) by striking out "his children" both places it appears and inserting in lieu thereof "the veteran's children";

(C) by striking out "his custody" both places it appears and inserting in lieu thereof "the custody of the veteran";

(D) by striking out "widow" both places it appears and inserting in lieu thereof "surviving spouse"; and

(E) by striking out "payable to him" and inserting in lieu thereof "payable to the veteran".

(3) Section 3110 is amended—

(A) by striking out "widow" and inserting in lieu thereof "surviving spouse"; and

(B) by striking out "his death" and inserting in lieu thereof "the death of the veteran".

(4) Section 3203 is amended—

(A) in subsections (a)(2), (b)(1), and (c), by striking out "wife" each place it appears and inserting in lieu thereof "spouse";

(B) in subsections (a)(2) and (b)(2), by striking out "him" and inserting in lieu thereof "the veteran";

(C) in subsection (b), by striking out "his" each place it appears and inserting in lieu thereof "the veteran's"; and

(D) in subsection (d), by striking out "he" and inserting in lieu thereof "the veteran".

(5) Section 3402 is amended—

(A) in subsection (a)(1), by striking out "he" and inserting in lieu thereof "the Administrator";

(B) in subsection (a)(2), by striking out "his discretion" and inserting in lieu thereof "the discretion of the Administrator";

(C) in subsection (b)(1), by striking out "he" and inserting in lieu thereof "the individual"; and

(D) in subsection (c), by striking out "man" and inserting in lieu thereof "member".

(6) Section 3503(b) is amended—

(A) by striking out "his right" and inserting in lieu thereof "the right";

(B) by striking out "his wife" and inserting in lieu thereof "the veteran's spouse"; and

(C) by striking out "wife" in the second and third sentences and inserting in lieu thereof "spouse".

TECHNICAL AMENDMENTS TO PUBLIC LAW 98-77

SEC. 704. The Emergency Veterans' Job Training Act of 1983 (Public Law 98-77, 97 Stat. 443) is amended—

(1) in section 3(3), by striking out " 'State'," and by inserting " 'State'," after " 'service-connected',"; and

(2) in section 7—

(A) in subsection (a)(2), by striking out "section" and inserting in lieu thereof "Act";

(B) in subsection (e)(2), by striking out "8" and inserting in lieu thereof "10"; and

(C) in subsection (h), by striking out "this Act" and inserting in lieu thereof "the provisions of this Act (other than subsections (b) and (d)(3))".

In lieu of the matter inserted by the amendment of the Senate to the title of the bill, insert: "An Act to amend title 38, United States Code, to extend and improve various health-care and other programs of the Veterans' Administration; and for other purposes.".

Mr. SIMPSON. Mr. President, I rise in strong support of H.R. 2920, the proposed "Veterans' Health Care Amendments of 1983." This measure embodies a compromise agreement between the House and Senate Committees on Veterans' Affairs. It is, I believe, a fair and reasonable compromise—worked out after extensive discussions and negotiations. It contains provisions to extend authorizations for existing successful programs, to establish programs for enhancing the cost-effectiveness in delivering quality VA health care, and to authorize the VA to address certain unmet needs.

Mr. President, this measure is now before the Senate as a privileged matter in lieu of a formal conference report. I urge that the Senate concur in the amendment of the House and send this measure on to the President for his signature.

I am pleased to speak today in favor of this proposed legislation and to highlight certain provisions in the compromise agreement, especially those which address the needs of those veterans who are aging, those who served during the Vietnam era and those who are women.

The compromise agreement contains a provision which I originally introduced which would authorize the VA to conduct a program in adult day health care which would provide an alternative to nursing homes and other forms of institutional care for aging veterans who do not require around-the-clock medical care and who have some personal and family resources. The compromise agreement also would provide the VA with the authority to administer a program for community residential care.

The compromise agreement would eliminate the cutoff date for requesting readjustment counseling from the VA and would establish a new deadline for the transition of the readjustment counseling program from a program run primarily through vet centers to a program run primarily through VA health-care facilities. The deadline for reports on such a transition would be postponed until April 1, 1987, in order to provide time for a more careful evaluation of the ongoing program to insure that veterans in need of these counseling services could continue to receive them with a minimum of disruption during the transition.

A related provision would mandate a study of the incidence, prevalence, and effects of post-traumatic-stress disorder (PTSD) and other psychological problems in readjusting to civilian life among Vietnam-era veterans. Mr. President, the information resulting from this study would have significant impact for veterans, for policies of the VA, and for the state of knowledge about stress reactions related to traumatic events. For these important reasons, I strongly support all efforts which would insure that the design and conduct of the study be able to withstand the widest and most thorough possible scrutiny. Hence, I suggest that the VA arrange for a review of this study's goals and methods to be undertaken by a non-VA peer review group such as the Office of Technology Assessment.

The compromise agreement would also address the concerns of another important segment of our veteran population—women veterans. It would require the VA to establish an advisory committee on women veterans that would evaluate VA programs, services, benefits, and other activities as they relate to women veterans and would also authorize the VA to provide, on a fee-for-service basis, certain outpatient care for non-service-connected gender-specific disabilities of women veterans when the VA is unable to provide appropriate in-house care for those disabilities.

Mr. President, I would wish to sincerely congratulate the current VA Administrator, Harry N. Walters, on his initiatives in the area of women veterans. His administrative establishment of an advisory committee on women veterans is surely a timely move for this group of veterans and the proposed statutory establishment of such an advisory committee is intended to insure the continuation of his conscientious efforts. The provision in this compromise agreement should be taken positively as an endorsement of Mr. Walters' action.

Another provision in the compromise agreement would enable the VA to compete more effectively with other non-VA health-care providers in attracting and retaining certain highly qualified health-care personnel. This would be achieved by giving the VA certain new authorities to determine the qualifications of applicants for positions in the Department of Medicine and Surgery and for advancement and promotion, as well as the authority to set rates of pay. This latter authority would cover both basic pay and special pay for work outside of the regular workday or workweek, for the following three occupations—licensed physical therapists, licensed practical/vocational nurses, and certified or registered respiratory therapists—while leaving them within the title 5 personnel system.

The compromise agreement would increase the per diem rates paid to State veterans' homes for providing care to veterans eligible for VA care. It would also mandate a preventive health services program for the VA. It would codify and clarify VA authority with regard to VA-approved community residential-care facilities. It would express the sense of the Senate that the Administrator of Veterans' Affairs should be designated a member of the President's Cabinet. It would require the Administrator to carry out—except if determined to be scientifically infeasible—epidemiological study of long-term adverse health effects of exposure to ionizing radiation from detonations of nuclear devices, and to develop and publish an indexed reference guide regarding the state of medical and scientific information on long-term adverse health effects of such exposure. It would require the Administrator to conduct a review of the beneficiary travel program for the purpose of effecting management improvements and economies in making beneficiary travel payments, and to prescribe regulations pursuant to which determinations of inability to defray travel expenses would be made.

Three provisions which were contained in either the House and Senate versions of H.R. 2920 are not contained in the compromise agreement. The provision which would provide for an extension of certain contract health care in Puerto Rico, the Virgin Islands and other territories was introduced as a separate bill in order to avoid a lapse in that authority. It was passed by both Houses of the Congress, and was signed into law by the President on September 30, 1983, as Public Law 98-105. The provision which would add dysthymic disorder, or depressive neurosis, to the list of presumptive diseases for former POW's was included in S. 1388, the proposed "Veterans' Compensation and Program Improvements Amendments of 1983," as reported by the committee on September 28, 1983, and will be considered in the deliberations concerning that bill.

The provision in the Senate bill which would have provided for the reimbursement or direct payment of reasonable charges for chiropractic services to certain veterans with neuromusculoskeletal conditions of the spine is not in the compromise agreement. However, while we agreed to recede on this provision, I would wish to encourage the VA Department of Medicine and Surgery to increase the frequency the VA Department of Medicine and Surgery to increase the frequency of referrals of veterans to chiropractors in appropriate cases.

Mr. President, all the compromise provisions of H.R. 2920 are explained fully in the joint explanatory statement which follows my remarks. However, I do wish to highlight several of the major provisions.

ADULT DAY HEALTH CARE

Mr. President, I am pleased that the compromise agreement contains a provision derived from legislation which I originally introduced as S. 578 on February 23, 1983. The central purpose of S. 578 as introduced, was to provide the VA with certain specific authority to address further the strains which are already being felt on the present VA medical care system and which are caused by what has been referred to as the "graying of the American veteran". We are all aware of the number of aging veterans: Presently there are 11.4 million veterans of World War II who average 62 years of age. We are also aware that age brings with it the need for more frequent medical care and for medical care of longer duration. However, many aging veterans—similar to the U.S. aging population in general—may need medical services but do not require the intensity of expensive acute inpatient care or round-the-clock institutional care such as is provided in nursing homes. Many of these veterans may have some personal and family resources. The adult day health care provision is aimed primarily at meeting the needs of this category of elderly veterans whose medical treatment requirements and home living situations necessitate daytime care only, thus avoiding the need for institutionalization in a VA hospital, nursing home, or domiciliary.

Under the compromise agreement regarding adult day health care, the program would not be denoted as a "pilot," although it would be authorized only through fiscal year 1988. However, it is my clear intent that the experiences from this program form the basis for the report which is required 8 months prior to the expiration of the program. The compromise agreement does not include a requirement for annual reports as in the Senate provision. However, the intent is that the report be a comprehensive assessment of furnishing adult day care as an alternative to nursing home care. This report would be used for planning within the VA and for information in both VA and non-VA health-care arenas. Careful documentation of the implementation of the program, its regulations and records is imperative to insure that useful data are available for program evaluation.

The compromise agreement regarding adult day health care does not include a definition of adult day health care, but the committees note in the explanatory statement that the Administrator is expected to include a definition in the program regulations. Since there is already considerable interest in the VA in the adult day health-care concepts, it seems appropriate that the VA would be given the latitude to develop its own definition consistent with the requirements of this provision. I note that the compromise agreement would add to the categories of veterans eligible for this program—those who are 50 percent or more disabled. However, I wish to reiterate strongly my intention that this program be a clear and a less costly alternative to placement in nursing homes. I and other Members of the House and Senate committees are aware that there are categories of veterans other than those who qualify for nursing home care who might also benefit from adult day health care services. The purpose of limiting the potential participants during the duration of this 4-year authorization is intended to facilitate a thorough monitoring and evaluation of the operation of the program, a report on which would include information on medical efficiency and cost-effectiveness of furnishing adult day health care as an alternative to nursing home care.

COMMUNITY RESIDENTIAL CARE

Mr. President, a provision which is related to adult day health care in its purpose and is also derived from my original bill, S. 578, would authorize the VA to set standards governing community residential care facilities—that is, private homes inspected by the VA but chosen by the veteran, where the veterans would receive, at their own expense, room, board, personal care, and supervision. Veterans who would be eligible for this program no longer require hospitalization but are not able to live independently because of their health care needs and have no suitable family resources to provide the needed care.

Since 1951 the VA has been referring previously institutionalized veterans to residential care facilities—originally only certain psychiatric patients, but more recently, medical and surgical patients as well. However, the VA currently has no specific statutory authority to set standards for residential care facilities to which it refers eligible veterans. It is important for the VA to be provided legislative authority to administer this program, and specifically to set program standards, establish guidelines for procedures involving the approval of the residences, conduct annual inspections, and examine services received by the veterans within the facilities. These standards would include criteria for health and safety; costs of care, supervision, and other services; resources that a facility needs in order to provide an appropriate level of services; and other factors which the Administrator would determine to be appropriate to protect the welfare of veterans placed in community residential facilities. This authority would affect only those facilities wishing to receive referrals from the VA. A facility's participation in a VA assessment of standards would remain entirely voluntary, and its operators would be under no obligation to accept any recommendation by the assessment team. Those facilities that do participate but are found not to comply with the VA standards would receive notice and an opportunity for a hearing prior to the cessation of referrals from the VA.

BENEFICIARY TRAVEL

Another provision in the compromise agreement, Mr. President, which is also derived from my original legislation, S. 578, is the provision relating to beneficiary travel. The House bill did not contain a companion provision. the Senate provision would have realined certain resources within the VA health-care budget by requiring that $20 million in fiscal year 1984 funds be redirected from beneficiary expense travel reimbursement to the provision of certain health services to eligible veterans. It is with extreme reluctance that I have agreed to accept a compromise provision which does not contain this resource reallocation component. In view of the current budgetary strains on the VA health-care system resulting in part from the growing aging population which I noted previously, I believe that serious thought must be given to assessing priorities within the VA health-care system. Such an assessment is opposed by some who shrink from the considerable emotion which is stirred up among those who have grown accustomed to everexpanding benefits and fear that any slight deviation would signal downward spiral of all benefits. That simply would not occur. I believe that by planning carefully and acknowledging the increasing caseload, a thorough evaluation of programs will, in the long run, free up resources to provide most appropriately the benefits and services more needed by eligible veterans.

So far there has been enough room and resources in VA medical centers in most States to accommodate all eligible veterans. But as patient loads increase and resources remain constrained, we are jarred from our complacency of the past and are left with two options: to choose carefully how we spend and manage our resources or to be faced with massive spending based on policies and programs which have not been adapted to changing needs.

I am satisfied that this compromise is a small step in the right direction because it would require immediate action. Its purposes are to provide information about the beneficiary travel program in order to effect management improvements and economies and to understand the contribution of beneficiary travel payments relative to other programs which might be more beneficial to meeting health-care needs of eligible veterans. I will also request similar information from a review of the beneficiary travel program to be undertaken by GAO. I trust that these efforts will result in more careful thinking and guidelines on the part of the VA to insure that the beneficiary travel program contributes positively to the direct health-care needs of eligible veterans.

This compromise provision is still a long distance from my intent contained in S. 578, as introduced, which would have realined certain funds from the beneficiary travel program in order to allow additional money to fund the adult day health care, community nursing home care, and preventive health-care programs.

I believed, and still do, that by realining a small amount of certain beneficiary travel funds to fund the adult day care and certain other programs, more veterans would benefit; direct health-care services would be provided and at no additional cost to the already strained medical care budget.

The House refused to accept the realinement and, in the interest of obtaining a compromise, I reluctantly agreed to accept the compromise provision on the beneficiary travel program.

VIETNAM-ERA VETERANS READJUSTMENT ISSUES

The compromise agreement would remove the deadline for eligibility to request readjustment counseling and would extend the date by which the VA must report to Congress on the VA's plans for continuing to provide readjustment counseling.

Public Law 96-22, the Veterans' Health Care Amendments of 1979, established the authority for the VA to provide readjustment counseling to Vietnam-era veterans. Under that law, eligible Vietnam veterans had 2 years from the date of their discharge, or until September 30, 1981, to make an initial request for counseling.

In 1981, Public Law 97-72, the Veterans' Health Care, Training, and Small Business Loan Act of 1981, extended the period of eligibility to request readjustment counseling by 3 years, until September 30, 1984. In providing that extension, the Congress recognized that the VA's readjustment counseling program—referred to as the vet center program—had, of necessity, taken a considerable period to get underway and begin operating effectively and that there was indeed a continuing need for the services offered by the program. Public Law 97-72 also mandated the VA to study how to meet the Vietnam-era veterans' readjustment needs after the September 30, 1984, cutoff date and to submit a report to Congress by April 1, 1984, on its plans in that regard.

Mr. President, I believe it is important to note that the first vet center did not open until January 1980 and that quite a few centers have now been open for less than a year. According to the VA, as of March 1983, the 136 vet centers and satellites have been open on an average of 27.7 months. The agency further reported that 28 of these centers, opened in calendar year 1982, had been open an average of only 10.5 months.

The House bill would have extended the period of eligibility to request readjustment counseling by 3 years, until September 30, 1987. The Senate bill would have extended the period of eligibility by 1 year, until September 30, 1985. Both committees believed that the extension of the period of eligibility would address the concerns raised by the VA that the vet centers are experiencing a continuing increase in the counseling workload and that this increase suggests that there remains an unmet need among Vietnam-era veterans for readjustment counseling services. The 1-year extension as proposed in the Senate bill was specifically designed to enable those Vietnam-era veterans who feel the need for readjustment counseling to continue to have access to such counseling without interruption while the VA plans for the future of the vet center program. It was the view of the Senate committee that an extension of only 1 year would provide the VA with the incentive to complete its review of the program and to report to Congress on its recommendations for the future of the program in a timely manner. After a careful consideration of the goals of the vet center counseling program, I have personally concluded that a modified approach to the extension of the eligibility expiration date would be the most appropriate means of insuring continued counseling for Vietnam-era veterans and of enabling the VA to review and plan for the future of the program. The compromise version would eliminate the eligibility expiration date entirely. I believe that such a change is consistent with the goals of both committees to provide a continuing access to readjustment counseling services for Vietnam-era veterans. The VA can now focus its efforts entirely on evaluating the program and planning for its future.

The changes contained in the compromise agreement would permit eligible veterans to continue to request counseling services up to the time of the program's transition from storefront centers to a program within the VA. This approach will add the stability necessary to identify and serve the needs of such eligible veterans and will give veterans in areas where vet centers have recently opened a fair opportunity to utilize the program.

Extending the due date of the VA's report and eliminating the expiration date for the period to make the initial

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request for counseling should give the Congress a better chance to review the various alternatives for the future.

In connection with these changes to the readjustment counseling eligibility authority, the compromise agreement would require the Administrator to carry out a study on the issues of PTSD and related readjustment problems of Vietnam veterans. The purpose of this study would be to determine the prevalence, incidence, and effects of PTSD and related readjustment problems in such veterans. The Administrator would be required to place particular emphases on veterans with service-connected disabilities and women veterans. These particular emphases should insure that information is developed to assist the VA in evaluating the effectiveness of past efforts to provide assistance to veterans in the groups involved and, to the extent particular problems are identified in one or another of the specific groups, to fashion appropriate remedies.

No specific methodologies have been proposed in this compromise provision. However, knowledge about the timing and frequency of onset of PTSD, as well as the prevalence of PTSD cases, is important.

I would note that I look forward to reviewing as soon as possible both the two-part analysis of the vet center program currently underway by the Office of Program Planning and Evaluation and the recommendations of the VA's readjustment counseling task force. These reviews should help to determine the current status of the program and add substantially to the decisionmaking process of whether or not the program should eventually be transferred from "storefront counseling centers" to VA medical centers.

HEALTH CARE PERSONNEL PROVISIONS

Mr. President, the compromise agreement contains a number of provisions that are designed to improve the VA's ability to attract and retain various health-care personnel employed in the VA's Department of Medicine and Surgery (DM&S) and to insure that the VA will be able to compete effectively with non-VA health-care employers for the services of qualified health-care personnel.

In response to the Congress longstanding concern that the VA has significant recruitment and retention difficulties with respect to certain DM&S health-care personnel, Public Law 96-330 directed the VA to conduct a study and report to Congress on recruitment and retention problems of DM&S health-care personnel that provide direct patient care services or services incident to direct patient care services. The DM&S task force report, entitled "Study of Feasibility and Desirability of Converting Selected Health-Care Occupations to Title 38, United States Code," was a comprehensive survey of the current situation regarding title 5 health-care personnel with DM&S, and contained many recommendations. The task force found that certified or registered respiratory therapists, physical therapists, and licensed practical or vocational nurses experience "severe difficulties in recruitment, retention, and morale on a nationwide basis."

The compromise agreement would give the Administrator new authorities as to these occupations for determining the qualifications of applicants, for appointing individuals to positions in DM&S, for advancing and promoting individuals, and for setting rates of pay including both basic pay and special pay for work outside of the regular workday or workweek.

By giving the Administrator greater flexibility in these areas, the attractiveness of the VA as a career for the members of these occupations who are licensed, certified, or registered should increase. I am particularly pleased that special emphasis to promote career development and career ladders for other members of these occupations is included. The committees decided that these recruitment and retention problems could be addressed without converting these three occupations to the title 38 personnel system, by making certain amendments in title 38 to give the Administrator significant new authorities for use in hiring individuals in the three occupations and in setting their rates of pay.

Regarding the provision in the compromise agreement which provides for the study of certain veterans who may have been exposed to low level ionizing radiation and development of a guide for VA health care and claims personnel on radiation exposure, Mr. President, I would wish to reiterate my concerns about the feasibility of such a scientific effort and the questionable benefit to be derived therefrom. While I agree that the idea of scientific feasibility can certainly be conceptually separated from the idea of cost, I believe it is important that the anticipated value of any results should be carefully weighed against the anticipated cost and benefits to be derived. This is especially important in view of expert testimony received in committee hearings that the study might be "very expensive, very difficult to accomplish and of dubious value."

Thus, in expressing my support for this provision, I would emphasize my expectation that any such study must overcome two significant obstacles before it will be required to be carried out: First, there must be a specific determination of feasibility, and second, consideration of an appropriations request for funds to conduct the study must include a careful comparative analysis of expected gains in scientific knowledge in relation to the expected costs of the study.

Mr. President, in concluding, I should wish to sincerely thank my friend and distinguished ranking minority member from California, Senator AL CRANSTON, for his invaluable help throughout the entire process of crafting the bill and reaching an equitable compromise, my fine friend, chairman of the Judiciary Committee, and distinguished colleague, the Senator from South Carolina, Senator STROM THURMOND, for his contributions and to each of the other committee members and colleagues, all of whom cosponsored this measure when it was reported by the committee.

In addition, I should like to thank the very able members of the majority staff for their efforts—Tom Harvey, chief counsel and staff director; Julie Susman, legislative director; Vic Raymond, Cindy Alpert, Scott Wallace, Carol DeAngelus, Becky Hucks, Kay Eckhardt, Laurie Altemose, and our editorial staff Harold Carter and James MacRae; as well as members of the capable minority staff—Jonathan Steinberg, Ed Scott, Bill Brew, Ingrid Post and Charlotte Hughes. The hard work and cooperation of my friend and most worthy counterpart on the House Veterans' Affairs Committee, G. V. "SONNY" MONTGOMERY, the steady hand of JOHN PAUL HAMMERSCHMIDT, ranking minority member, and the very able committee staff headed by Mack Fleming, chief counsel, and Rufus Wilson, minority counsel, were most essential to the achievement of this equitable compromise.

Mr. President, I urge my colleagues to join me in supporting this measure.

Mr. President, I submit the House/Senate explanatory statement which has been prepared in lieu of the joint statement which would accompany a formal conference report and ask unanimous consent that it appear in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT OF HOUSE BILL, SENATE AMENDMENT (S. 578), AND COMPROMISE AGREEMENT ON H.R. 2920, THE "VETERANS' HEALTH CARE AMENDMENTS OF 1983"

This document explains the provisions of H.R. 2920 as passed by the House of Representatives, the provisions of the bill as passed by the Senate with an amendment incorporating the provisions of S. 578 as reported, and the provisions of a compromise agreed to by the Veteran's Affairs Committees of the House and Senate. The differences between the House bill, the Senate amendment, and the compromise agreement are noted below, except for clerical corrections, conforming changes made necessary by agreements reached between the Committees, and minor drafting, technical, and clarifying changes.

VIETNAM-ERA VETERANS READJUSTMENT COUNSELING PROGRAM

Both the House bill (section 2) and the Senate amendment (section 102) would amend present section 612A(a) of title 38, United States Code, relating to eligibility for readjustment counseling for Vietnam-era veterans, to extend the period during which a veteran must request counseling in order to be eligible for it. The House bill would have provided a three-year extension (until September 30, 1987); the Senate amendment, a one-year extension (until September 30, 1985).

Under the compromise agreement (section 101(a)), the eligibility period expiration date is eliminated, thereby providing Vietnam-era veterans with ongoing eligibility to request such counseling for their psychological or other readjustment problems.

Both the House bill and the Senate amendment would amend present subsection (g) of section 612A, relating to the requirement that the Administrator of Veterans' Affairs take steps, during fiscal year 1984, to ensure the orderly transition, by the end of the period during which veterans may request readjustment counseling, of the program from a program run primarily through Vet Centers (facilities apart from other VA health-care facilities, e.g., hospitals and clinics) to a program run primarily through VA health-care facilities and requiring the Veterans' Administration to submit to the Committees by April 1, 1984, a report on its actions and plans for that transition. The House bill would extend by three years, until October 1, 1987, the deadline for completing the transition and by two and half years, until September 30, 1986, the deadline for the transition report. The Senate amendment would extend those deadlines by one year and by six months, respectively. The Senate amendment would further amend this report requirement to require the Administrator to include an evaluation of the effectiveness of readjustment counseling services in helping to meet the readjustment needs of Vietnam-era veterans.

The compromise agreement (section 101(b)) would postpone the deadline for the readjustment counseling program transition to October 1, 1988, and the deadline for the transition report to July 1, 1987. In addition, the agency would also be required to submit, by April 1, 1987, a report evaluating the readjustment counseling program in light of the post-traumatic stress disorder (PTSD) study, discussed below under the heading "Study of Post-Traumatic Stress Disorder and Other Post-War Psychological Problems".

With reference to the VA's readjustment counseling program, the Committees note that reports have been received of instances in which eligible veterans who have been referred by readjustment counseling (Vet Center) personnel to other VA health-care facilities for mental-health services beyond those available through the Vet Center have been unable to obtain these VA services in a timely manner. Such reeferrals in relation to a veteran's readjustment occur in two circumstances: First, when a veteran is referred to a VA health-care facility for a mental and psychological assessment under section 612A(a) and (b)(1) of title 38 to determine whether he or she requires treatment to help in readjusting to civilian life and for any treatment found necessary for that purpose and, second, when Vet Center personnel have been able to complete the assessment and have referred the veteran for treatment related to the veteran's readjustment problem. The Committees believe strongly that once the VA assumes reponsibility for a veteran's readjustment needs through this program and it is determined that the veteran needs mental health care to help in readjusting, the agency should take steps to ensure that the veteran receives that care on a timely basis. The Committees urge the Chief Medical Director to look into this matter of continuity of treatment and take whatever steps are necessary to ensure that the agency fulfills its obligations in this regard. The Committees also urge the Administrator to consider this issue in preparing the part of the April 1, 1987, report to the Committees setting forth his recommendations regarding program transfer from "storefront counseling centers" to VA Medical Centers.

STUDY OF POST-TRAUMATIC STRESS DISORDER AND OTHER POST-WAR PSYCHOLOGICAL PROBLEMS

Both the House bill (section 3) and the Senate amendment (section 103) would mandate a comprehensive VA study of Vietnam-era veterans' problems in readjusting to civilian life. The study in the House bill—a report on which would be due to be submitted to the Congress by December 31, 1985—would be a comprehensive study of Vietnam-era veterans' readjustment to civilian life, to include surveys of (1) the prevalence and incidence of PTSD and related readjustment problems, and (2) the current and past health status of the Vietnam-era veteran population in relation to that of the general population. The VA study in the Senate amendment, a report on which would be due by March 1, 1985, would be a comprehensive study on the prevalence, incidence, and effects of PTSD and related problems in readjusting to civilian life among Vietnam-era veterans.

The compromise agreement (section 102) would require the VA to conduct a study, and to submit to the Committees a report thereon by October 1, 1986, of the prevalence and incidence of PTSD and other psychological problems in readjusting to civilian life (collectively referred to as "post-war psychological problems") among veterans who served in the Vietnam theater of operations and the effects of such problems on these veterans.

The study provision in both the House bill and the Senate amendment would require separate findings with respect to veterans with service-connected disabilities, veterans who served in the Vietnam theater of operations, and women veterans. The readjustment portion of the study in the House bill would be required to include psychological, economic, and sociological evaluations of Vietnam-era veterans (including the long-term effect of PTSD among the veterans and on their families), and to be designed to yield information as to whether there are correlations between PTSD among Vietnam-era veterans and alcohol or drug abuse and between PTSD among Vietnam-era veterans and incarceration among these veterans. The health status portion of the study in the House bill would be required to be designed to determine the extent of the relationship (if any) between the occurrence of PTSD and related psychological disorders among the veterans and the occurrence of psychological or other medical disorders, as well as a survey of the veterans' use of VA health-care facilities.

The report under the Senate amendment would be required to provide information on the capability of the VA to provide treatment to the numbers of veterans identified as suffering from PTSD and related problems, a description of VA policy and procedure with respect to providing disability compensation for PTSD and such problems, and a description of VA efforts to coordinate treatment and compensation activities related to PTSD.

The Compromise agreement would require that the study be designed with particular attention to veterans with service-connected disabilities and with specific reference to women veterans. The study would be required to yield information on any correlations that may exist in the population of Vietnam veterans—

(1) between post-war psychological problems on the one hand and physical disabilities on the other hand;

(2) between post-war psychological problems on the one hand and alcohol and drug abuse problems on the other hand;

(3) between such veterans having post-war psychological problems and being members of minority groups; and

(4) between post-war psychological problems on the one hand and incarceration in penal institutions on the other hand.

The study would also include an evaluation of the long-term effects of post-war psychological problems among Vietnam veterans on the veterans' families and persons in other primary social relationships with the veterans. In addition, the study would include a survey of the extent to which Vietnam veterans with post-war psychological problems use VA-furnished care. The report of the stud would be required to contain a description of the results, information on the VA's capability to treat the numbers of Vietnam veterans estimated to be suffering from post-war psychological problems, descriptions of VA policies and procedures for providing disability compensation for post-war psychological problems, a description of VA efforts to coordinate its health-care and compensation programs with respect to PTSD, and the Administrator's recommendation for administrative and legislative action.

With reference to the issue of Vietnam veterans' general health status, the Committees note their intention that the study include information on the relationship between post-war psychological problems and Vietnam veterans' physical health. The Committees also wish to emphasize that the study be designed so as to yield statistically valid results (and thus be useful for making decisions on the future direction of the VA readjustment counseling program and other VA health-care programs) with reference to Vietnam veterans in general and the various specific groups of Vietnam veterans being studied (i.e., veterans with service-connected disabilities, women veterans, veterans in various minority groups, veterans with alcohol or drug problems, incarcerated veterans, and other groups on which the VA decides to focus).

The Committees recognize that there are various possible methods by which the prevalence and incidence data necessary for this study may be gathered and analyzed. The Committees do not express any view on what specific methodology should be followed, but intend, rather, that the Administrator have discretion regarding the design of the study.

ADULT DAY HEALTH CARE

The Senate amendment (section 101), but not the House bill, would amend present section 620 of title 38, United States Code, relating to the Administrator's authority to furnish veterans with nursing home care through contractual arrangements with non-VA facilities, to authorize the VA to conduct until September 30, 1987, a pilot program of adult day health care under which veterans eligible under section 620 for community (non-VA) nursing home care, could be furnished day health-care services in non-VA programs at VA expense and in programs operated by the VA itself (but not more than four such programs) and to evaluate the medical efficacy and cost-effectiveness of such services as an alternative to nursing home care.

The compromise agreement (section 103) contains this provision with amendments. Under the provisions in the compromise agreement, the VA would be authorized to provide adult day health-care services through fiscal year 1988 but the program would not be denominated as "pilot".

The Senate amendment provisions defining "adult day health care" are not included in the compromise agreement. The Committees expect the Administrator to include a definition of this phrase in program regulations. The definition could include, but not necessarily be limited to, some or all of the elements included in the Senate provision such as "social services", necessary "transportation", and "mid-day meals".

The provisions in the Senate amendment providing adult day health-care eligibility only to veterans who are eligible for transfer from a VA hospital to a community nursing home for care at VA expense and those who require adult day health care primarily for service-connected disabilities have been modified in the compromise agreement to add to the categories of veterans eligible for adult day health care those who are 50-percent or more disabled.

The provision in the Senate amendment limiting to four the number of locations for VA in-house adult day health-care programs is deleted. Under the compromise agreement, the VA would have authority to conduct in-house programs at any VA health-care facility. The Committees intend, however, that the VA, to the maximum extent feasible, utilize community facilities to provide adult day health care and to do so on an in-house basis only where it would be cost-effective to do so in terms of the numbers of eligible veterans and the availability of comparable services in the community.

The provision in the Senate amendment relating to the general six-month limit on the period of eligibility for adult day health care (which does not apply to veterans whose hospitalization was primarily for a service-connected disability) is modified in the compromise agreement to clarify that this time limit would also be applicable to veterans (with the same service-connected exception) receiving such services in in-house VA programs.

The provision in the Senate amendment limiting the Administrator's authority to furnish adult day health care to situations in which the cost per week of such care for the veteran is less than the cost per week of providing the veteran with nursing home care, either in a VA nursing home care facility or in a community facility, is not included in the compromise agreement. Instead, the cost of adult day health care would not be permitted to exceed the maximum permissible VA payment for nursing home care in a community facility. This limit would be achieved by making the current law provision (in section 620(a) of title 38) applicable to the furnishing of adult day health care, thereby generally permitting the VA to pay for nursing home care in community facilities only where the cost does not exceed 45 percent of the cost of basic (nonsurgical) VA hospital care.

Although no other specific cost limitation would be imposed, the Committees expect that adult day health care furnished under this new authority generally will be substantially less costly than nursing home care and note their view that adult day health care is intended primarily as a cost-effective alternative to community nursing home care. Hence, it is the Committees' intention that the exercise of this new authority would entail no significant additional cost.

The explicit authority in the Senate amendment to provide transportation to veterans participating in adult day health-care programs, which was included as part of the definition of adult day health care, is not included expressly in the compromise agreement because, as noted above, the definition of "adult day health care" is not included. The compromise agreement does limit transportation between home and program for participants in in-home VA programs by providing for the application of the terms and conditions set forth in section 111 of title 38, United States Code (relating to VA beneficiary-travel-expense reimbursement) to the furnishing of necessary travel and incidental expenses for such veterans. Thus, for example, travel reimbursement in such cases would be subject to the prohibition in subsection (e)(2)(A) of section 111 against payments to veterans who are not in receipt of service-connected benefits and are, as determined pursuant to regulations required under that provision, able to defray the travel expenses.

The authority in the Senate amendment for the Administrator to provide inkind assistance to a facility which, pursuant to a contract with the VA, is providing veterans with adult day health-care services, is modified so as to remove the limitation that the cost of such assistance be equal to or less than the expenses the VA would be required to pay to the facility for care provided to eligible veterans. Instead, under the provision in the compromise agreement, the VA would be authorized to provide inkind assistance to an adult day health-care facility and to be fully reimbursed for such assistance by way of a reduction in the charges the VA would otherwise be required to pay to the facility, or by direct payment to the VA.

The committees intend that ordinarily the VA be provided reimbursement for the costs of its inkind assistance by way of offsets against charges payable by the VA for care and that direct payment be received in only temporary and extraordinary situations in which the costs of the inkind assistance exceed the total charges for the billing period involved.

Finally, instead of the Senate amendment requirement for the submission of annual reports on the program, the VA would be required, following implementation of this new authority, to submit only one such report, due on February 1, 1988 (eight months before the authority for the program would expire), on the operation of the program during the first four years. This report would include information on the medical efficacy and cost-effectiveness of furnishing adult day health care as an alternative to nursing home care and of doing so in-house as compared with by contract.

COMMUNITY RESIDENTIAL CARE

The Senate amendment (section 106), but not the House bill, would amend present subchapter III of chapter 17 of title 38, relating to miscellaneous provisions concerning hospital, nursing home care, and medical treatment of veterans, to add a new section 630 to provide the VA with express authority to conduct a program of referring VA veteran-patients to, and helping such patients obtain placement in and removal from, private VA-approved community residential-care facilities. This provision would codify and clarify the authority under which the VA provides veterans with such assistance at present.

The compromise agreement (section 104) contains this provision.

INCREASE IN PER DIEM RATES FOR CARE IN STATE HOMES

Both the House bill (section 4) and the Senate amendment (section 107) would amend section 641 of title 38, United States Code, relating to payments by the VA to state veterans' homes for providing care to veterans who are eligible for VA care, to increase the per diem rates—$6.35 for domiciliary care, $12.10 for nursing home care, and $13.25 for hospital care—paid under current law. Under the House bill, the rates would be increased, effective October 1, 1983, to $9.50, $16.00, and $16.90. The Senate amendment would increase the rates to $7.30, $13.95, and $15.25, with the increase to take effect during the period April 1 through September 30, 1984, depending upon the availability and amount of funds specifically appropriated for the increases to be provided prior to September 30. The House bill, but not the Senate amendment, would also require the Administrator to submit a report every three years on "the appropriate rates" for the per diem payments with the first report due not later than June 30, 1983.

Under the compromise agreement (section 105), the rates would be $7.30 for domiciliary care, $17.05 for nursing home care, and $15.25 for hospital care. The new rates would become effective April 1, 1984.

The Committees note that the 41-percent increase in the per diem rate for State home nursing home care corresponds to the total percentage increase that has been made since October 1, 1980, in the maximum per diem rate paid by the VA to community nursing homes for care furnished veterans under section 620 of title 38. The last increase in the State home nursing home per diem rate took effect on October 1, 1980. This substantial increase in the per diem rate for nursing home care, which applies to 56 percent of the average daily census in State homes, reflects the importance that the Committees attach to the role of the State homes in helping meet the needs of eligible veterans for nursing home care in the years and decades ahead.

The compromise agreement would require the Administrator to submit a report every three years on the adequacy of the rates in light of projections over each of the following five years of the demand on the VA for nursing home care. The first report would be due not later than June 30, 1986.

PREVENTIVE HEALTH-CARE SERVICES

The Senate amendment (section 104), but not the House bill, would amend present section 601(6)(A)(i) of title 38, relating to the definition of medical services that the VA is authorized to provide to eligible veterans, to add, in the cases of veterans already receiving VA health-care services, preventive health-care services. Also, the Senate amendment, but not the Hosue bill, would amend present subchapter VII of chapter 17 of title 38, authorizing a preventive health-care services pilot program, to make the pilot program mandatory as to veterans (1) who are receiving care from the VA for their service-connected disabilities, or (2) who have service-connected disabilities rated at 50-percent or more disabling and are receiving care from the VA. Thus, veterans in either of these categories would be provided with at least one preventive health-care service as part of their VA care and treatment. The program, which would be extended with a $15 million annual expenditure cap through fiscal year 1988, would remain discretionary as to veterans with service-connected disabilities rated at 50-percent or more disabling who are not otherwise receiving care from the VA.

The compromise agreement (section 106) contains these provisions.

STUDY OF HEALTH CARE NEEDS OF VETERANS IN PUERTO RICO

Both the House bill (section 5) and the Senate amendment (section 108) would amend present section 601(4)(C)(v) of title 38, relating to the Administrator's authority to provide hospital care and medical services in certain noncontiguous "states" (defined in present section 101(20) to include United States Territories and possessions and the Commonwealth of Puerto Rico), to extend for one year—from September 30, 1983, until September 30, 1984—the VA's authority, on a contract basis, in Puerto Rico and the Virgin Islands and other Territories and possessions of the United States to provide hospital care for non-service-connected disabilities and outpatient treatment to obviate the need for hospital admission for such disabilities.

The compromise agreement does not contain this provision in light of the action initiated by the Committees to proceed with a separate bill in light of the September 30, 1983, expiration date of the current-law authority. That bill, S. 1850, was enacted as Public Law 98-105 on September 30, 1983.

The Senate amendment, but not the House bill, would require the VA to submit to the Committees not later than December 1, 1983, a report setting forth and justifying the VA's long-term plans for meeting the health-care needs of veterans—particularly service-connected-disabled veterans—in Puerto Rico and the Virgin Islands. The report would be required to address the VA Inspector General's February 1983 audit report on VA programs in Puerto Rico and to include a prospectus for any VA construction project recommended for Puerto Rico.

The compromise agreement (section 107) contains this provision.

BENEFICIARY TRAVEL

The Senate amendment (section 109), but not the House bill, would realign certain resources within the VA health-care budget by requiring that $20 million in fiscal year 1984 funds be redirected from VA health-care beneficiary-travel expense reimbursements to the provision of community nursing home care, adult day health care, and preventive health-care services to eligible veterans. The Administrator would be given authority to issue regulations to restrict beneficiary travel payments in the case of certain veterans in order to achieve the necessary reduction in beneficiary-travel payments. Both the cap on beneficiary-travel payments and the authority to issue regulations would be made contingent upon the compliance with the requirement that the $20 million in fiscal year 1984 savings is used for the above specified purposes.

In lieu of these provisions, the compromise agreement (section 108(a)) contains a provision pursuant to which the VA, after January 1, 1984, would be prohibited, with certain exceptions, from making certain nonservice-connected beneficiary-travel payments unless it has prescribed regulations—required by a provision enacted in 1979 in Public Law 96-151—for making determinations of inability to defray travel expenses under section 111(e)(2)(A) of title 38, United States Code. If the regulations were not published by that deadline, beneficiary-travel payments could not be made for travel occurring between January 1, 1984 and the date that the regulations are published except to persons receiving benefits for or in connection with a service-connected condition, to veterans eligible for improved pension (i.e., pension under section 521 of title 38), and to persons who must travel to a VA facility by special modes, such as ambulance, if such travel is approved in advance or occurs in emergency situations.

The compromise agreement (section 108(b)) also would require the Administrator to conduct a review of the beneficiary-travel program for the purpose of effecting management improvements and economics in making beneficiary-travel payments, and to report to the Committees by April 1, 1984, on the results of that review. The Committees expect this review to include an assessment of the contribution of beneficiary-travel payments to maintaining the quality and accessibility of health care provided by the VA and of the needs—in terms of both need for care and financial need—of eligible veterans receiving beneficiary-travel payments. The Committees further intend that the review take into consideration reported abuses under the current system, eligibility criteria as set forth in the prescribed regulations described above, ability to pay and type of disability, and possible alternatives to the need for beneficiary-travel payments such as, but not limited to, the VA providing more accessible health care in underserved communities directly or by contract and direct provision of transportation by the VA. The Committees also expect the Administrator to report on how local VA health-care facilities utilize any excess beneficiary travel funds and whether allowing local flexibility in this regard is useful to permit local program initiatives which might be more beneficial to meeting the health-care needs of eligible veterans than payments for beneficiary travel.

The Committees recognize the importance of beneficiary travel in appropriate instances and direct the Administrator to reassess carefully how the program could be managed more effectively.

PROVISIONS TO IMPROVE THE RECRUITMENT AND RETENTION OF CERTAIN PERSONNEL

The Senate amendment (title II), but not the House bill, would amend various sections of present subchapter I of chapter 73 of title 38, relating to the general organization of the VA's Department of Medicine and Surgery (DM&S), to revise, extend, and improve various VA programs designed to enable DM&S to recruit and retain sufficient, qualified health-care personnel. Included are provisions to improve the VA's ability to recruit and retain personnel in three DM&S occupations—certified or registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses. These provisions would permit the Administrator to set rates of pay and qualifications standards for these three occupations without regard to civil-service laws, rules, and regulations; authorize the Administrator, when necessary for recruitment and retention purposes, to use additional pay authorities under title 38 to compensate individuals in these three occupations; and permit the Administrator to take action, without such action being statutorily subject to review by the President as under current law, to adjust rates of basic pay for individuals in these occupations when necessary for recruitment and retention purposes.

Other provisions would give the Administrator general authority to appoint DM&S personnel at above-entry pay levels in certain circumstances and would require that a majority of members of a disciplinary board, appointed pursuant to present section 4110(a) of title 38, be in the same occupation as the individual whose case is before the board.

With reference to the provision relating to the composition of a disciplinary board, the Committees note that this amendment codifies current VA practice as set forth in paragraph 3 of chapter 8 (Disciplinary Actions, Grievances and Hearings), VA Manual MP-5, Part II.

In addition, the Administrator would be required to report (1) within ninety days after the date of enactment, on plans to implement the new personnel authorities described above, (2) by September 30, 1985, on the results of the use of these new authorities on recruitment and retention, and (3) jointly with the Director of the Office of Personnel Management by January 1, 1984, on efforts made to carry out recommendations for administrative action in the report entitled "Study of the Feasibility and Desirability of Convering Selected Health Care Occupations to Title 38, United States Code", which was forwarded to the Committees on Veterans' Affairs by the Administrator in a letter dated September 1, 1982.

The compromise agreement contains these provisions.

The Committees note that it is not the intent of the provisions of this legislation relating to the three DM&S occupations involved to diminish or impair in any way the rights and protections guaranteed the employees in those occupations under the express provisions of chapter 71 of title 5, United States Code, relating to federal labor management relations.

ADVISORY COMMITTEE ON WOMEN VETERANS

Both the House bill (section 6) and Senate amendment (section 301) would amend subchapter II of present chapter 3 of title 38, relating to various administrative aspects of VA operations, to add a new section 222 to establish an Advisory Committee on Women Veterans (hereinafter referred to as the "Advisory Committee")

The compromise agreement (section 301) contains a provision to establish such a committee.

Under both the House bill and the Senate amendment, the Advisory Committee would include members appointed by the Administrator from the general public, as follows: representatives of women veterans and of both male and female veterans having service-connected disabilities, and recognized authorities in fields pertinent to women veterans' needs. Under the House bill, but not the Senate amendment, the Advisory Committee membership would include the Secretary of Labor (or a representative), the Secretary of Defense (or a representative), and the VA's Chief Medical Director and Chief Benefits Director (or their designees). Under the Senate amendment, but not the House bill, the VA's Chief Medical Director and Chief Benefits Director, or their designees, and one public member and one military member of the Department of Defense Advisory Committee on Women in Service would be ex officio members, and the Administrator would be authorized to invite representatives of other United States Government departments and agencies to participate in meetings and other activities.

Under the compromise agreement, the Advisory Committee membership would include, as ex officio members, the Secretaries of Labor and Defense (or their representatives) and the VA's Chief Medical Director and Chief Benefits (or their designees). The Administrator would be authorized to invite representatives of other departments and agencies to participate in the Advisory Committee's activities.

The Senate amendment, but not the House bill, would permit the reappointment of members to the Committee.

The compromise agreement contains this provision.

Both the House bill and the Senate amendment would require the Administrator to consult with and seek the advice of the Advisory Committee with respect to (1) the administration of benefits for women veterans (VA benefits under the House bill and title 38 benefits under the Senate amendment), and (2) the unique needs of women veterans with respect to compensation, health care, and rehabilitation. In addition, the Senate amendment, but not the House bill, would require the Administrator to consult with and seek the advice of the committee with respect to reports and studies pertaining to women veterans and the needs of women veterans with respect to outreach and other benefits and programs administered by the VA.

The compromise agreement generally follows the Senate amendment.

The Senate amendment, but not the House bill, would specify that the Committee shall meet not less than three times in fiscal year 1984 and not less than two times in each subsequent fiscal year.

The compromise agreement does not contain this provision.

Both the House bill and the Senate amendment would require the Advisory Committee to submit to the Administrator by July 1, 1984, a report on women veterans' needs and VA programs for meeting these needs. Thereafter, the submission of such a report would be required every two years by the House bill and annually by the Senate amendment.

The compromise agreement follows the House bill.

The House bill would require the Administrator "promptly" to submit to the Congress each biennial report from the Committee together with the Administrator's comments thereon. The Senate amendment would require the same submission by the Administrator to the Congress within 30 days after the Administrator receives each report.

The compromise agreement follows the Senate amendment but with an amendment to extend to 60 days the period of time the Administrator would have after receiving a report to submit it to the Congress.

GENDER-SPECIFIC HEALTH CARE

The Senate amendment (section 302), but not the House bill, would authorize the VA, through fiscal year 1989, to provide fee-basis ambulatory care for the treatment of gender-related, non-service-connected conditions of women veterans to whom the VA is unable to provide the needed care. In addition, the Administrator would be required to submit specific budget information annually regarding the use of this authority and a report by September 30, 1988, on whether the expiration date for this authority should be extended.

In lieu of this provision, the compromise agreement (section 302) contains a free-standing provision which would require the Administrator to take steps utilizing existing title 38 authorities to ensure that the agency is able to meet—at its own facilities or through sharing arrangements—the gender-specific health-care needs of women veterans.

The Committees note that, under new section 222(b) of title 38 (the provision relating to the Advisory Committee), the Administrator is required to consult with the Advisory Committee on a regular basis with respect to, among other things, the administration of VA benefits for women veterans and that this responsibility clearly would involve health-care benefits and the implementation of the new gender-related health care provision.

REAL PROPERTY MANAGEMENT

The House bill (section 7), but not the Senate amendment, would amend present section 5022 of title 38, United States Code, relating to the Administrator's authority to procure and dispose of property, to extend, from 30 to 180 days, the period during which the VA is precluded from transferring real property to another federal agency or a State or reporting real property as excess and to give the Administrator final authority regarding the disposal of any real property under VA jurisdiction that the General Services Administration has declared to be excess.

The compromise agreement (section 401) contains this provision.

RELEASE OF REVERSIONARY INTEREST, BILOXI, MISSISSIPPI

The House bill (section 8), but not the Senate amendment, would authorize the Administrator to release the reversionary interest of the United States in a parcel of land located in Biloxi, Mississippi, that was previously conveyed to the City of Biloxi in 1966.

The compromise agreement (section 402) contains this provision.

STATUS AND ROLE OF ADMINISTRATOR OF VETERANS' AFFAIRS

The Senate amendment (section 501), but not the House bill, would express the sense of the Congress that, in light of the importance of the VA's mission and the size of the agency, the Administrator of Veterans' Affairs should be designated by the President as a member of the Cabinet and be the President's principal adviser on all matters pertaining to veterans and their dependents or survivors.

The compromise agreement (sections 501 and 502) contains this provision.

RADIATION EXPOSURE STUDY AND GUIDE

The Senate amendment (section 601), but not the House bill, would require the Administrator, through contracts or agreements, to provide for the conduct—except as determined by the Administrator, with the concurrence of the Director of the Office of Technology Assessment, not to be scientifically feasible—of epidemiological study of the long-term adverse health effects of exposure of persons to ionizing radiation from detonations of nuclear devices; would require the Administrator to develop and publish an indexed reference guide, derived from existing research-result compilations, regarding the state of medical and other scientific information on any long-term adverse health effects in humans from exposure to radiation; and would require the President to coordinate Executive Branch ionizing radiation research efforts.

The compromise agreement (section 601) contains these provisions with amendments.

The provision in the Senate amendment nullifying the study requirement to the extent that the Administrator determines and the Director of the Office of Technology Assessment concurs that it is not scientifically feasible to conduct valid study has been amended to delete the requirement that the Director concur in any determination of infeasibility in order for it to have the effect of nullifying part or all of the study requirement. Instead, the Administrator would be directed to consult with the Director prior to making a determination about scientific feasibility, and the Director would be required to provide the Congress with his or her evaluation of any determination of scientific infeasibility made by the Administrator.

The provision in the Senate amendment requiring the Administrator to carry out the epidemiological study through contracts or agreements with private or public agencies or persons has been amended to delete an express prohibition against contracting with the Departments of Defense and Energy.

The provisions in the Senate amendment requiring that the object of the epidemiological study be "the long-term adverse health (including psychological) effects" of exposure to radiation and that the study should include a study of prevalent illnesses in persons potentially exposed and genetic and congenital problems suffered by the natural children of such persons have been amended to delete the explicit references to psychological effects of exposure and to genetic and congenital problems in the natural children of those exposed, and the reference to persons who were "potentially" exposed.

The Committees note that, since the term "health effects" is commonly understood as including psychological effects and genetic and congenital problems, the degree of specificity in the Senate amendment is unnecessary. The deletion from the study provision of reference to persons who were potentially exposed reflects the Committees' view that the principal focus of the mandated study should be veterans who were actually exposed to ionizing radiation during their service. By this change, the Committees do not intend to exclude those veterans who were present in Hiroshima or Nagasaki, Japan, during the period September 11, 1945, through July 1, 1946. Rather, the Committees intend that these veterans would be included in such study.

The provisions in the Senate amendment requiring the Administrator and the study contractor, once a contract has been entered into, to submit a joint report to the appropriate committees of the Congress (which would include both the Appropriations and the Veterans' Affairs Committees of the House of Representatives and the Senate) containing detailed information on various matters relating to the scope and cost of the study have been amended—as has the provision that the authority to contract for the conduct of study would be effective only to such extent or in such amounts as are provided in advance by appropriations acts. Under the compromise agreement, if funds have not yet been appropriated for the contract, the contract would be required to be made contingent upon the availability of appropriated funds for the study contract. Once a contract is entered into (whether funds have already been appropriated or the contract is contingent upon funds being appropriated), the VA and the contractor would be required to submit a report to these Committees with an estimate of the total cost of the study and a copy of the contract. Certain requirements in the Senate amendment for the submission of detailed information regarding the conduct of study under the contract—with estimates of the number of individuals to be studied and the length of the study (including significant milestones prior to its completion)—have been deleted in the compromise agreement.

The Committees note that it is their expectation that the requirements in the Senate amendment for detailed information should be unnecessary because the contract documents would be expected to provide it. Should any such information not be contained in the contract, the Committees would expect that the VA and the contractor would provide it in the report.

The provisions in the Senate amendment relating to reports to the appropriate committees of the Congress by the Director of the Office of Technology Assessment on the Director's monitoring of the development of the protocol or protocols for and the conduct of study has been modified to delete the requirement that the reports contain a review of and comments on the most recent report submitted by the Administrator of such study. Also, the requirement that, in the event the protocol for such study is not completed by the end of the twelve-month period beginning on the date of enactment of this measure, the Director submit a report every sixty days until the protocol is completed, has been modified to require the Director to submit such reports periodically on protocols underway or being considered for development.

The Committees do not believe it necessary to include in the compromise agreement detailed requirements for the content of the OTA Director's reports or a rigid timetable for reports in the event the protocol is not completed within twelve months. However, the Committees note their expectation that the Director would provide whatever comment on the Administrator's most recent report that the Director considers appropriate and, with reference to the timetable, would submit reports at such times as the Director considers appropriate in light of such factors as the strong public and Congressional interest in the progress on such study and the occurrence of the significant events bearing on the development of the protocol or protocols.

The provision in the Senate amendment requiring the Administrator, not later than 90 days after the submission of specified periodic reports on study results, to publish in the Federal Register for public review and comment a description of actions the Administrator proposes to take based on the results of study obtained up to that time has been deleted in the compromise agreement.

Although the Committees did not believe it necessary to establish rigid timetables as in the Senate amendment, the Committees note their intention that the Administrator take steps, including publishing information in the Federal Register for public review and comment, to respond to findings of the study at appropriate times.

The Committees note that the repeated references to "study" rather than "the study" both in the compromise agreement and this explanatory statement denote the conduct of scientific research.

The provision in the Senate amendment requiring the indexed reference guide (described above) to include readily useable information regarding the state of medical and other scientific information on any long-term adverse health effects, including genetic and psychological effects, in humans of exposure to radiation has been modified to delete—for the same reason that specific reference to psychological, genetic, and congenital effects has been deleted from the epidemiologic study provisions (as discussed above)—specific references to such effects and to clarify that the focus is on "ionizing" radiation.

Nevertheless, the Committees intend that these aspects of overall health status be included in the indexed reference guide to the extent they are recognized and analyzed in pertinent research-result compilations on the effects of ionizing radiation exposure (from which the guide is to be developed).

Provisions in the Senate amendment requiring the Administrator (1) to submit to the appropriate committees of the Congress, not later than 13 months after the date of enactment, a report on the development of the guide, together with the Administrator's views on the need for legislative or administrative action or further research, (2) to distribute the guide and the Administrator's report on it to certain specified individuals and entities, and (3) periodically to review and, to the extent appropriate, update the guide have also been deleted in the compromise agreement.

The Committees expect the Administrator to take each of the described actions in any event and thus do not believe it is necessary that they be mandated.

MISCELLANEOUS AND TECHNICAL AMENDMENTS

The Senate amendment (title VII), but not the House bill, contains various miscellaneous and technical amendments to present title 38. The one substantive amendment (section 701) would amend present section 610(a)(3) of title 38, relating to eligibility for VA hospital, nursing home, and domiciliary care, to provide for continuing VA health-care eligibility for an individual injured while receiving VA care or vocational rehabilitation services who accepts a settlement or receives a court judgment for a tort claim in connection with such injury, but only to the extent provided for in the settlement agreement or court judgment.

The compromise agreement (sections 701, 702 and 703) contains these provisions along with other additional purely technical amendments to title 38 (some to remove gender-based references).

The compromise agreement (section 704) also includes provisions that would make technical and clarifying amendments to the recently enacted (August 15, 1983) Emergency Veterans' Job Training Act of 1983 (EVJTA). First, the compromise agreement would correct mistakes in two references: the reference (in section 3(3) of EVJTA) to the definition of "State" contained in section 101 of title 38, United States Code, and the cross reference (in section 7(e)(2) of EVJTA) to the section of EVJTA (section 10) authorizing training contracts with educational institutions. Second, the compromise agreement would amend the provision (section 7(a)(2) of EVJTA) requiring that, with certain exceptions, the Administrator approve the applications of employers who have submitted certain documentation to specify that the documentation must show compliance with the requirement under EVJTA—rather than only the requirements under a particular section (section 7) thereof. Thus, in addition to demonstrating compliance with the requirements set forth in section 7 of EVJTA, the documentation would need to show compliance with the minimum length-of-training period requirement in section 6. Third, the compromise agreement would amend the provision (section 7(h)) specifying that programs of apprenticeship or other on-job training approved for the purposes of GI Bill benefits are to be considered to have met all of the requirements established under EVTJA so as to clarify that the provision does not override the prohibitions (in section 7(b)) on approval of certain types of programs and to specify that this automatic approval provision does not override the requirement (in section 7(d)(3)) that an employer's hiring of veterans with EVJTA assistance not displace other employees of the employer.

CHIROPRACTIC SERVICES

The Senate amendment (section 105), but not the House bill, would provide for the reimbursement (or direct payment) of reasonable charges for chiropractic services, not otherwise covered by available health insurance or other reimbursement, furnished (prior to September 30, 1987), to certain veterans with neuromusculoskeletal conditions of the spine; and would limit the amount payable for such services furnished an individual veteran to $400 in any 12-month period and total VA expenditures for chiropractic services to $2 million in any fiscal year.

The compromise agreement does not contain this provision.

It is the understanding of the Committees that the VA generally has authority to provide chiropractic services to any veteran who is eligible to receive hospital care as defined in section 601(5)(A)(i) of title 38 or medical services as defined in section 601(6), and who is in need of chiropractic services. It may do so as part of such care and services directly through chiropractors whom it may employ or on a contract basis under the general criteria prescribed in section 601(4)(C) for the provision of contract care and treatment.

The Committees note, with some cautious optimism, recent reports that the VA has begun to use its existing contract authority to refer a limited number of veterans to chiropractors. The Committees believe that chiropractic services for the treatment of musculoskeletal conditions of the spine may be beneficial and necessary in some cases. Therefore, the Committees urge the VA's Department of Medicine and Surgery to act to encourage field stations, in consultation with veterans, to increase substantially the frequency of referrals of veterans to chiropractors for such treatment in appropriate cases.

PRESUMPTION CONCERNING DYSTHYMIC DISORDER

The Senate amendment (section 401), but not the House bill, would amend present section 312(b) of title 38, relating to presumptions as to certain diseases or disabilities, to add dysthymic disorder (or depressive neurosis) to the list of disabilities as to which presumption of service connection applies in the cases of former prisoners of war who were interned for 30 days or more.

The compromise agreement does not contain this provision.

The Committees note that the same provision is contained in S. 1388, the proposed "Veterans' Compensation and Program Improvements Amendments of 1983" as reported by the Senate Committee and that the House Committee expects to give favorable consideration to this provision in the context of that compensation measure.

Mr. CRANSTON. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I am delighted to join with my good friend, the committee chairman (Mr. Simpson), in urging the Senate to concur in the House amendment to the Senate amendment to the text of H.R. 2920, the proposed Veterans' Health Care Amendments of 1983. The House amendment is a compromise agreed to between the two Veterans' Affairs Committees after extensive discussions and negotiations. This is a most important and most timely measure that will help maintain and improve the quality, scope, and efficiency of the benefits and services provided to those who have worn our country's uniform in defense of our national security. The engagement of our Armed Forces in the Caribbean and Middle East where substantial numbers of our troops have been wounded seriously in recent days is a grim reminder of the vital importance of our veterans' programs and of the Veterans' Administration and especially its health and rehabilitation programs.

Mr. President, H.R. 2920 was first passed by the House on May 23, 1983. On June 28, 1983, the Senate took up S. 578 as reported by the Committee on Veterans' Affairs on May 23. The Senate substituted the provisions of S. 578 for the text of H.R. 2920 as passed by the House and then passed H.R. 2920, returning it to the House. Yesterday, November 2, the House of Representatives amended the bill with a substitute which, as I just noted, represents a compromise agreement reached by the Veterans' Affairs Committees. Hence, this legislation before the Senate today is in the nature of a conference report.

The measure as it comes before the Senate today represents an equitable resolution of the differences between the two Houses and fairly and almost entirely vindicates the basic position of the Senate on the various matters addressed by the legislation.

In addition, I am very pleased that the legislation, which I will refer to as the compromise agreement, is the culmination of the legislative process for the bill, S. 11, that I introduced on January 26 of this year. All of the major provisions that I first proposed in S. 11, legislation that has been cosponsored by Senators Randolph, Matsunaga, DeConcini, and Mitchell, distinguished members of the Veterans' Affairs Committee, as well as by the Senators from Hawaii, Mr. Inouye, Rhode Island, Mr. Pell, Illinois, Mr. Dixon, Arkansas, Mr. Pryor, and Ohio, Mr. Metzenbaum, are embodied in the pending compromise agreement. I refer my colleagues and others with an interest in the background and development of the provisions of S. 11 to my remarks at the time of introduction, which begin on page 479 of the Record for January 26, 1983, and my remarks at the time of Senate passage of S. 578, which begin on page 17660 of the Record for June 28, 1983.

Mr. President, I am very grateful to our committee chairman, Mr. Simpson and the chairman, Mr. Montgomery, and the ranking minority member, Mr. Hammerschmidt of our counterpart committee in the House for thier cooperation and assistance in the development of the compromise agreement.

Mr. President, each of the provisions of the compromise agreement is described authoritatively in the "Explanatory Statement" developed by the two Committees on Veterans' Affairs that the chairman of the committee, Mr. Simpson, has inserted in the Record as part of his remarks and which was inserted in identical form by the chairman of the House Veterans' Affairs Committee, Mr. Montgomery when this measure was considered in the other body yesterday. I wish to highlight in my remarks today certain elements of the compromise agreement.

HEALTH-CARE PROGRAMS

Title I of the compromise agreement contains a variety of provisions that would establish new health services programs for veterans and improve and extend existing programs.

PREVENTIVE HEALTH CARE

Mr. President, certain provisions in the compromise agreement, which are derived from S. 11 as introduced, are designed to promote the provision of preventive health care services to veterans by the VA. As the author of the existing discretionary authority for a pilot program and evaluation of preventive health care services for certain service-connected disabled veterans—an authority which I authored in 1979 and which, I deeply regret, has been almost totally unused since it was enacted—I am gratified that my proposal to make this pilot program mandatory is included in the compromise agreement.

This provision requires the VA—upon initiation or continuation, after enactment, of treatment of a veteran for a service-connected disability or for any disability of a veteran with a service-connected disability rating of 50 percent or more—to furnish one or more preventive services to the veteran. The basic intent underlying this requirement is to foster the development of meaningful programs of preventive health care at each VA health care facility, together with appropriate evaluations of those programs.

The pilot program mandate along with the provision in the bill that would give the agency new discretionary authority to provide preventive health care services to all veterans otherwise receiving VA health care services should insure major activity by the VA in providing these services. This in turn should give the VA a great deal more knowledge about the cost effectiveness and practicality of various preventive health care services.

Mr. President, by virtue of the size of its constituency—particularly those veterans with service-connected disabilities—the VA has the opportunity to make an important and much needed contribution to the way in which health care is provided in the United States. The agency should welcome this opportunity and take full advantage of it. To date, as I noted above, the agency's response to the authority provided in 1979 to conduct a preventive health care pilot program has been most disappointing. I strongly believe that this inertia must end. The VA should become a national leader in health promotion and health prevention by placing a new emphasis on maintaining wellness.

The VA should redirect some of its health care resources to help veterans maintain their health and stay well rather than exclusively treating illness and injury in those the system serves. If the agency would take steps as simple as conducting screenings of certain identified high-risk populations for health problems such as hypertension, glaucoma, heart disease, and diabetes, together with carrying out a campaign of consumer education on issues such as nutrition, exercise, smoking, and alcohol, the evidence indicates that substantial gains would be seen in the overall health of those veterans who receive care from the VA.

Most of these measures could be implemented quite inexpensively. This in turn would translate into cost savings both for the VA, through reduced utilization of health care resources, and for the Nation as a whole since the individuals affected by such efforts would use fewer health care resources outside the VA, would lose fewer days from work, and would be generally more productive.

In this era of increasing emphasis on reducing the cost of medical care and increasing efforts in health programs in general in the United States to prevent disease and disability, gains by the VA in this area can be translated into improved health for eligible veterans through the VA and, as a result of the VA's significant involvement in the medical community, increased understanding generally which will be to the benefit of the Nation as a whole.

VIETNAM VETERANS READJUSTMENT ISSUES

Mr. President, the compromise agreement would remove the date in current law—September 30, 1984—by which Vietnam-era veterans must request readjustment counseling from the VA in order to be eligible for counseling and would extend the due date for and modify the content of a report from the VA relating to the readjustment counseling program.

As the author of the legislation that established the readjustment counseling program—carried out through 135 vet centers located around the Nation and supplemented by approximately 460 providers of contract counseling—I remain deeply committed to the program and to insuring that it is maintained as long as needed to meet the readjustment counseling needs of Vietnam veterans. To this end, I introduced in S. 11 and the Senate passed in H.R. 2920 a provision to extend until September 30, 1985, the period during which a veteran may request readjustment counseling. As I noted at the time of introduction, this extension was for the express purpose of giving the VA the opportunity to perform a detailed evaluation of the program and to give the Congress the opportunity to study the report before taking further action with respect to the program.

However, subsequent to the Senate action and during our efforts to develop the compromise agreement, it became clear both that the VA could not conduct the type of program evaluation the Congress needed and desired in the timeframe contemplated by the extension and that there was a need to send an unequivocal message to veterans served by the program as well as to those working in it that there is a continuing commitment to it in the Congress and in the Nation. Thus, I have worked with my colleagues on the Senate and House committees in developing the provisions in the compromise agreement which remove the termination date for eligibility to request readjustment counseling and thus provide an ongoing opportunity for those who need such assistance to request it and get it.

Mr. President, in connection with this change in eligibility for readjustment counseling, the compromise agreement contains another provision—based on an amendment I proposed during our committee's markup—which would mandate the VA to carry out a comprehensive study to determine the prevalence and incidence among Vietnam veterans of post-traumatic stress disorder—PTSD—and other postwar psychological problems in readjusting to civilian life and the effects of PTSD and these other problems on particular groups of Vietnam veterans, with particular reference to women veterans and veterans with service-connected disabilities. The information from this study, which would be due to be submitted to the Congress by October 1, 1986, as well as other information on VA policies for providing benefits to veterans suffering from PTSD and other postwar psychological problems that would be required to be included in the report to Congress, should be of significant value to the Congress as we consider the future shape and direction of the VA's readjustment counseling program.

Following the submission of the report on this study, the VA would be required by other provisions in the compromise agreement to submit two additional reports. One would be due by April 1, 1987, and would set forth the Administrator's evaluation of the agency's effectiveness in meeting the readjustment needs of Vietnam-era veterans through the vet center program and his opinion on whether the VA should proceed to transition the location of the program from the vet center approach to mainline VA health care facilities and do so by the new statutory date of October 1, 1988, extended from October 1, 1984. The other would set forth the Administrator's plans for accomplishing this transition away from the vet centers by that statutory date.

This approach of a comprehensive study together with staggered reports will enable the Congress, during 1987-88, to make informed decisions about the future of the readjustment counseling program, including the nature and timing of its integration into other VA health care facilities.

PROGRAMS FOR OLDER VETERANS

Mr. President, various provisions in the compromise agreement relate directly—but not exclusively—to the VA's ongoing efforts to meet the health care needs of our Nation's aging veterans, particularly in light of the large number of World War II veterans who are now approaching an average age of 65. By 1990, 60 percent of all males over 65 will be veterans.

ADULT DAY HEALTH CARE.

First, the compromise agreement contains provisions derived from the Senate measure, which would authorize the VA, until September 30, 1988, to provide adult day health care—basically as an alternative to nursing home care—to three categories of veterans needing that type of noninstitutional care: Those who are eligible under current law for nursing home care in non-VA facilities at VA expense; those who have service-connected disabilities rated at 50 percent or more disabling; and those who require that care for a service-connected disability. Adult day health care could be provided through contracts with private providers and through in-house efforts.

Depending on how the Administrator exercises the broad discretion given to define adult day health care for the purposes of this program, this care could include a wide range of medical and social services. Although the definition in the Senate-passed version has been deleted, any of the services included in that definition could be included in the Administrator's definition. However, the compromise would expressly preclude, although only in the case of in-house programs conducted by the VA, the provision of transportation to nonservice-connected disabled veterans who are found to be able to afford the costs of their transportation.

Veterans receiving adult day health care could be maintained at home in a supportive environment rather than be institutionalized in a nursing home or hospital. If the VA implements this authority, which I believe the agency should, it should be able to learn a great deal about the effectiveness and efficiency of various methods of providing adult day health care services and thus be able to recommend appropriate legislation to the Congress to support future VA efforts in the area of noninstitutional alternatives for older veterans. I congratulate our distinguished chairman, Mr. SIMPSON, for his leadership in first proposing in S. 578 legislation in this area. It was a privilege to work closely with him in developing the provisions incorporated in the bill as reported to the Senate and adopted by it as well as those now embodied in the compromise agreement.

Mr. President, to the extent that the VA utilizes this new authority in cooperation with community adult day health care facilities, the agency will be taking concrete steps toward implementing the new approach to VA-community interaction that the VA's Chief Medical Director, Dr. Donald Custis, spoke of in testimony before the committee in June 1982. At that hearing, on issues relating to how the VA should meet the health care needs of aging veterans, Dr. Custis expressed his views as follows:

> In the first case, I should like to put forward what I believe is a new approach to VA-community interaction. It is based on the evident fact that all the statistics I have cited to you, confined as they are to veterans as actual and potential patients in our system, may seem to bypass the fact that America is "graying." The issue of an aging population and what means exist or must be created to deal with it creates a set of problems for society as a whole.
>
> It seems to me that we must begin to work with communities all over this country in a variety of ways that recognize that we are a part of the problem (albeit a large part, with an estimate that 60 percent of all males over 65 in 1990 will be veterans.) It should follow then, that we are only a part

> of the solution. I think we should, on a local basis, begin to participate in the creation of structures to deal with overall problems of an aging population, some of whom are veterans, so that we can work together with the communities to get the best "bang" for both their "bucks" and ours.

I strongly endorse Dr. Curtis' views on this issue and hope that the agency will use this new adult day health care authority as one part of the much larger effort that is needed if the VA is to play the role Dr. Custis outlined.

In this connection, I am pleased to note that the VA's Department of Medicine and Surgery is engaged in a major study of opportunities for cooperation between the VA, on the one hand, and other agencies at all levels of Government and numerous private organizations, on the other hand, in meeting the needs of the growing numbers of older veterans. As part of that effort, the VA's Geriatric Research, Education, and Clinical Center—GRECC—in Boston, Mass., and the Harvard University Division of Health Policy Research and Education, which is headed by former Assistant Secretary of Health and Human Services, Dr. Julius Richmond, cosponsored a "Conference on VA/Community Resources and the Older Veteran" held on Thursday and Friday of last week. This conference brought together representatives of all major VA offices and a wide range of non-VA entities which play a significant role in planning and providing services to elderly persons, including representatives of congressional committees and veterans' organizations.

Dr. Custis, the VA's Chief Medical Director, provided the inspiration and impetus for this conference. I congratulate him on it, as well as Dr. John W. Rowe, the Director of the Boston GRECC and Director of the Harvard Medical School Division on Aging, whose efforts in developing and presiding over the conference contributed so much to it, and Dr. Terri Wetle, who did a fine job as the conference project director. The deliberations of the conference, together with background papers that were prepared for the conference and are being refined in light of the conference discussions, will be presented to DM&S to assist it in its planning and program development. I look forward to reviewing these important policy papers.

COMMUNITY RESIDENTIAL CARE

Mr. President, a second set of provisions derived from the Senate-passed measure relating to meeting the needs of older—as well as certain other—veterans would clarify and codify the VA's authority to administer a community residential care program. For a number of years, the agency has supported programs through which patients who no longer need institutionalization are referred to community homes where they receive—at their own expense—room, board, personal care, and general health care supervision.

Because of the importance of this effort in the overall range of health care programs and because some question has been raised in the recent past about the VA's authority to monitor the status of veterans in residential community homes, the provisions in the compromise agreement would give the VA specific legislative authority to carry out such a program. Likewise, it is advisable to provide express authority to the VA, upon finding that a facility does not meet VA standards and giving the facility due notice and opportunity to respond, to decline to make referrals to, and assist veterans to leave, a facility that is not in compliance.

Thus, the compromise agreement would specifically authorize the VA to set program standards, to establish procedures for approving residences, to conduct initial and annual inspections, to examine services received by the veterans within the facilities, and to assist in the removal of a veteran from a facility that has lost its approved status. Providing such specific legislative authority should help insure that this important noninstitutional alternative for long-term care for veterans will be maintained and enhanced.

Finally, with respect to programs predominantly related to providing care to older veterans, the compromise agreement contains provisions derived from provisions in both the House and Senate measures—and which, in the Senate, were derived from S. 629, legislation I introduced with my good friend from West Virginia, Mr. RANDOLPH, in which we were later joined by our fellow committee member from Pennsylvania, Mr. SPECTER—that would provide for an increase in the per diem rates paid by the VA to State veterans homes for the care of eligible veterans. The per diem rates in current law—$6.35 for domiciliary care, $12.10 for nursing home care, and $13.25 for hospital care—would be increased to $7.30 for domiciliary care, $17.50 for nursing home care, and $15.25 for hospital care.

The State home program is a vital adjunct to the VA's overall efforts, both now and in the future, to meet the health care needs of older veterans. Because the value of the Federal contribution has been significantly eroded by inflation since October 1980, the effective date of the last increase in the per diem rates, which I authored in the Senate, it is vital that the Federal Government continue to increase significantly its contribution to the total cost of providing care to eligible veterans in the various State home facilities.

I strongly support the State home program and am pleased that the compromise agreement includes this per diem increase. In addition, I am especially pleased with the especially large increase to be made in the rate paid for nursing home care. As is discussed in the Explanatory Statement printed in the RECORD, the State homes have a particularly important role to play in the years ahead in helping to meet the rapidly expanding needs of older veterans for nursing home care.

HEALTH-CARE PERSONNEL PROVISIONS

Mr. President, I am also very pleased that title II of the compromise agreement contains numerous provisions, derived from S. 11, that are designed to improve the VA's ability to attract and retain certain categories of health-care personnel employed in the VA's Department of Medicine and Surgery—DM&S.

Mr. President, these provisions represent the latest step in a process that began in 1980, when our committee was considering legislation related to DM&S personnel matters. Because of concerns then expressed to us that the VA was experiencing significant recruitment and retention difficulties with respect to various health-care occupations within DM&S, the committee reported a provision I proposed, later enacted as section 117 of Public Law 96-330, to direct the VA to conduct a study and report to the Congress on which additional categories of DM&S employees that provide direct patient-care services or services incident to direct patient-care services should be considered for conversion from the regular civil service personnel system under title 5, United States Code, to the special DM&S personnel system under title 38.

Mr. President, a report entitled "Study of the Feasibility and Desirability of Converting Selected Health Care Occupations to Title 38, United States Code" was transmitted to the Congress on September 1, 1982. This report is a well-documented and comprehensive evaluation of the situation regarding nontitle 38 health-care personnel within DM&S. The task force that conducted the study found that three health-care occupations in DM&S—certified or registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses—experience severe difficulties in recruitment, retention, and morale on a nationwide basis and recommended that they be converted to the title 38 personnel system.

Mr. President, in response to this study recommendation, I included provisions in S. 11 to move these three occupations into the title 38 personnel system but to leave in effect with respect to them certain title 5 provisions relating to employee probation periods, performing appraisals, and adverse personnel actions. After reviewing the viewpoints expressed on this issue at the committee's March 9 and 10 hearings and responses to followup questions, the committee adopted my recommendation that, although a legislative solution was needed to address the recruitment and retention problems facing DM&S as to these occupations, a conversion to the title 38 personnel system was not the most appropriate solution at this point. Rather, the committee chose and the Senate adopted an approach which leaves the three occupations in the title 5 system but with respect to them gives the Administrator new authorities identical to those in title 38 for determining the qualifications of applicants, for making appointments, for advancing and promoting individuals, and for setting rates of pay—including both basic pay and special pay for work outside of the regular workday or workweek.

Mr. President, I proposed this approach, now included in the compromise agreement, because of my concern that, as a result of differences between the title 5 and title 38 systems, the conversions to title 38 might have had significant undesirable economic impact on both the VA and certain of the employees concerned. Also, I am satisfied that the approach adopted in the compromise agreement can achieve the same goal as conversions to title 38—making needed improvements in DM&S's ability to attract and retain individuals in the three occupations. However, I would note that if this proves not to be the case and the VA continues to experience the difficulties found by the task force as to these occupations, I will urge that the committee consider further legislative action to correct the remaining problems.

In this regard, the compromise agreement contains a number of provisions requiring the submission of reports that are designed to keep the Congress informed about the use and the impact of the use of these new personnel authorities and also about joint VA-Office of Personnel Management efforts to implement other recommendations from the task force report that do not appear to require legislative action at this time. These reports are designed both to help promote timely executive branch action and to insure that the Congress remains fully advised about the status of efforts to address pressing DM&S personnel issues—including the sufficiency of the new authorities in resolving the recruitment and retention difficulties that they were designed to help overcome. I will be reviewing each of these reports very carefully.

WOMEN VETERANS

Mr. President, as more women enter the armed services, serve, and ultimately leave the service, the number of women veterans continues to increase. This in turn brings more women to the VA seeking benefits and services as veterans. A September 24, 1982, GAO report—"Actions Needed to Insure That Female Veterans Have Equal Access to VA Benefits", GAO/HRD-82-98, which was requested by my good friend from Hawaii (Mr. Inouye)—concluded that, because the VA's target population has been so predominantly male over the years, there were various shortcomings in the agency's efforts to meet the needs of women veterans. Title III of the compromise agreement contains two provisions, both originated in S. 11, that are intended to remedy, in part, this situation by improving the agency's ability to respond to the needs of women veterans.

First, the compromise agreement would require the Administrator to establish an Advisory Committee on Women Veterans that would have responsibility for evaluating VA programs, services, benefits, reports, and other activities as they relate to women veterans; to advise the Administrator on issues concerning women veterans; and to submit a report to the Congress every 2 years on its views and findings.

I am pleased that the compromise agreement contains this provision to mandate the committee's establishment as a permanent entity. This advisory committee could be a very important element in the VA's efforts to recognize and respond to the needs of women's veterans, for example, in pressing for more responsiveness to the needs of female Vietnam-era veterans on the part of the Vet Center program, an issue which the mandated VA evaluation of that program is also required to address. The design of that evaluation should also be a matter of concern for the advisory committee.

I note that the present VA Administrator, Harry Walters, has established such an advisory committee on an administrative basis, and I have publicly congratulated him on taking that action. I feel very strongly, however, that there is a need for a statutory basis for this advisory committee—a viewpoint that received wide support at hearings in both Houses—to insure both that it will survive the tenure of the current Administrator and that it provides its recommendations and views of the Congress as well as to the Administrator. Once the compromise agreement is enacted, I believe that it would be fully appropriate for the Administrator to reconstitute the administratively established body as the advisory committee required by this measure.

HEALTH CARE FOR WOMEN VETERANS

Mr. President, the other provision in the compromise agreement directly focused on women veterans would require the Administrator to insure that all VA health-care facilities are able to provide appropriate care, in a timely fashion, for any gender-specific disability of a woman veteran eligible for care.

Mr. President, this provision, although significantly modified from the provision recommended by the GAO and passed by the Senate, which would have authorized the Administrator to provide certain outpatient care on a fee-for-service basis, is aimed at insuring that the VA responds adequately to gender-specific health-care needs of women veterans. I will be closely monitoring the VA's efforts in this regard and reviewing recommendations from the advisory committee based on its evaluation of efforts to comply with this mandate. I anticipate that the advisory committee would review and comment on, among other items, the reports setting forth each facility's plans for meeting female veterans' health-care needs and the implementation of those plans, that all VA health-care facilities were required to submit to DM&S by June 1 of this year.

STATUS AND ROLE OF ADMINISTRATOR OF VETERANS' AFFAIRS

Mr. President, title V of the compromise agreement—derived from title V of S. 11 as well as from Senate Concurrent Resolution 2, which I introduced on January 26 with the cosponsorship of the chairman (Mr. Simpson) and five of our colleagues on the committee (Mr. Randolph, Mr. Matsunaga, Mr. DeConcini, Mr. Mitchell, and Mr. Denton) and a companion to which, House Concurrent Resolution 47, was introduced in the other body by the chairman (Mr. Montgomery) and ranking minority member (Mr. Hammerschmidt) of the House Veterans' Affairs Committee—would make certain congressional findings regarding the great importance of VA programs and then express the sense of the Congress that the Administrator of Veterans' Affairs should be designated by the President as a member of the Cabinet, should fully participate in all activities of the Cabinet, and should be the principal adviser to the President on all matters relating to veterans and their dependents.

Mr. President, for more than 50 years, the VA has been the principal Federal agency with responsibility for providing benefits and services to veterans. Today, there are more than 28 million veterans and about 55 million dependents and survivors of veterans. Among Federal departments and agencies, only DOD has more employees than the VA, and the VA's budget—around $26 billion—ranks sixth among Federal departments and agencies.

In light of the VA's size and importance, the agency and its programs should be accorded appropriate recognition, status, and treatment within the executive branch. Too often this has not been the case.

To preclude recurrence of the relegation of the VA to a relatively insignificant role within the executive branch, with the Administrator having little or no access to the President or other top officials in the White House, the VA should be elevated to Cabinet-level status. Such a step would insure that the head of the VA would participate in top administration discussions and decisions, which in turn should result in greater coordination and sharing of expertise between the VA and other Government departments. It would promote greater recognition of the impact of general governmental decisions on the VA's ability to fulfill its mission.

Let me quote four very timely—in view of today's world situation—findings that the Congress would be making in approving this legislation regarding the Veterans' Administration and in support of the recommendation that the Administrator of Veterans' Affairs be elevated to full Cabinet-level status:

> The Nation has an historic and deeply-rooted commitment to providing benefits and services to those who served in the Armed Forces;
>
> This commitment must be continued and maintained, both to fulfill moral obligations to those who served in the past and to assure current and potential members of the Armed Forces that the Nation's obligations to those who serve will always be honored;
>
> The Veterans' Administration operates the largest centrally administered health-care system—consisting of, among other facilities, 172 hospitals, 226 outpatient clinics, and 99 nursing home care units—in the United States; and
>
> The Veterans' Administration health-care system serves as the primary backup to the medical resources of the Department of Defense in time of war or national emergency involving the use of the Armed Forces in armed conflict.

Mr. President, I want to point out that this provision would not mandate the designation of the Administrator as a Cabinet member. The Cabinet consists of executive branch department heads and certain other officials designated by the President. Neither the Cabinet nor its membership was established by the Congress. Thus, I believe it preferable at this time, in striking an appropriate balance between the prerogatives of the President and the Congress, to exercise congressional restraint with respect to the composition of the Cabinet. Legislation mandating a specific official's member-ship or participation in the Cabinet should, I believe, be considered an extraordinary remedy to be pursued only as a last resort.

However, I consider it entirely appropriate for the Congress to make its views known regarding the advisability and desirability of elevating a particular official to Cabinet membership. In the case of the Administrator of Veterans' Affairs, I believe that a very strong, clear case exists for such an action.

RADIATION EXPOSURE STUDY AND GUIDE

Mr. President, title VI of the compromise agreement, derived from S. 11, would require the VA to contract with an outside entity to conduct an epidemiological study or studies—except to the extent determined to be scientifically not feasible—of veterans exposed in service to radiation from nuclear detonations. Also, the VA would be required to develop and publish an indexed reference guide, derived from existing pertinent research compendiums, in order to provide appropriate VA personnel—including both those providing health care and those adjudicating claims for benefits—with readily usable information regarding the state of medical and other scientific information on the long-term adverse health effects in humans of exposure to ionizing radiation. Finally, these provisions require the President to take steps to insure Government-wide coordination of research activities related to radiation exposure and to report to the Congress on that effort.

At our committee's April 6 hearing on issues related to veterans' exposure to ionizing radiation, it was most evident that two important issues remain unresolved regarding the population of veterans exposed to radiation during their service—estimated to include approximately 250,000 who participated in the nuclear weapons test program and approximately 130,000 who participated in the occupation of Hiroshima and Nagasaki or transitted those areas shortly after the detonations. First, exposure information on the veterans is very incomplete and, second, information about the health effects in humans of exposure to low-level ionizing radiation, the so-called "dose-response relationship," is also incomplete. The compromise agreement addresses these issues in several ways.

EPIDEMIOLOGICAL STUDY

Mr. President, the study proposed in the compromise agreement is very similar to the one that the VA is required to conduct, pursuant to provisions I authored in Public Law 96-151 as amended by Public Law 97-72, with respect to the exposure of our troops in Vietnam to agent orange. There is one key difference: The conduct of the agent orange epidemiological study by contract was only an option—an option which I and many others urged be pursued but which it took the VA more than 3 years after enactment of that law to exercise. The compromise agreement would preclude the VA from itself carrying out the radiation epidemiological study, instead requiring that a contract be made with an outside entity for the study's design and conduct. With reference to this requirement of contracting out, I note my strong view and that of our committee as expressed in the original Senate bill that, because of the involvement of the Departments of Defense and Energy—and their predecessor agencies—in the nuclear weapons test program, the VA should not contract with either Department for the conduct of the study or studies to be carried out under title VI. Should the VA unwisely assign a key study role to either of these agencies, the credibility of the study effort would be irretrievably undermined.

Although I am far from satisfied with the record of the VA's efforts on the issue of agent orange, I believe that those efforts now, at long last, come much closer to what the VA should be doing to resolve such a very difficult and large-scale issue than does the agency's inattention to the possible health effects of exposure to radiation in veterans and any impact of such exposure on their offspring. The attitude that has seemed to prevail in some quarters within the VA on the radiation issue is that basically the matter is closed with all questions answered. It was only when confronted with the legislative mandate proposed by S. 11 on January 26 that the VA finally showed some willingness to reexamine its position.

Certainly, there is an extensive, growing body of information—mostly from followup studies of the health histories of the Japanese who were exposed at Hiroshima and Nagasaki—about the health effects of radiation exposure caused by nuclear detonation. However, there is very little information specifically related to veterans who were exposed during the weapons test program or, for that matter, to the nonmilitary personnel exposed to radiation from those tests, such as the citizens in Utah who are currently engaged in litigation on the question of the Government's liability for the health problems that they contend were caused by their exposure.

Mr. President, as I indicated earlier, there are two central questions relating to the veterans' exposure to radiation that must be answered—what was the level of their exposure and what are the probable health effects of that level of exposure. One or more scientifically valid epidemiological studies such as provided for in the compromise agreement can help supply part of the missing information—namely, data as to the current health status of the veterans who were present at the Pacific and Nevada test sites and in Hiroshima and Nagasaki, the health status of their natural children, and how the health of these veterans and their children compares to that of persons not exposed to radiation from nuclear weapons. Until such information is available or until there are irrefutable answers to the questions about the level of the veterans' exposure and the effects of such exposure, many of these veterans and their survivors will understandably continue to believe that they are not receiving appropriate treatment from the VA and the Federal Government in general.

Mr. President, as a final point with reference to the proposed study provisions, I want to note the provision for focus, before study is undertaken, on the question of scientific feasibility in terms of aspects of the proposed study. Thus, if the Administrator, in consultation with the Director of the Office of Technology Assessment, determines that all or any portion of the study mandate is not scientifically feasible, the Administrator would be required to notify the appropriate committees of the Congress promptly of that determination and of the reasons for it, and so much of the study as the Administrator has determined is not scientifically feasible to conduct would not be required to be carried out. Within 60 days thereafter, the Director of OTA would report to the congressional committees on the Director's evaluation regarding the Administrator's determination and provide OTA's opinion on any determination or determinations of scientific invalidity made by the Administrator.

Mr. President, I want to express my strong view that the Administrator should approach the study with an open mind and with an intention to proceed with it and that the Administrator should overcome a heavy presumption of scientific feasibility before deciding that some or all of the study is not feasible. Let me note that the current Administrator has indeed been attempting to move the agency in constructive ways regarding this issue. I hope that the title VI provisions will further his efforts.

RADIATION EXPOSURE REFERENCE GUIDE

Mr. President, the record of our committee's April 6 hearing contains strong testimony as to the clear need for the VA to develop and make available to its health-care personnel and compensation claims adjudicators a compilation or summary of the scientific literature concerning the long-term adverse health effects in humans of exposure to low-level ionizing radiation. At that hearing it was made clear that there is no convenient, effective process for providing up-to-date scientific and medical information to VA physicians treating veterans who were or may have been exposed to ionizing radiation or to VA personnel adjudicating the claims of such veterans and of veterans' survivors. A reference guide containing current compilations or summaries of the scientific literature on the health effects of such exposure and indexed so as to make the information in it readily accessible would be a valuable tool, and I am very pleased that the compromise agreement would require the VA to develop such a guide and distribute it widely to health-care and adjudication personnel.

COORDINATION OF GOVERNMENT RADIATION RESEARCH

Mr. President, as I noted earlier, the provisions in the compromise agreement relating to radiation-exposure issues would also require the President to coordinate fully VA and other Federal research and related efforts in this area. This should insure that the VA is fully informed of, and gives all appropriate consideration to, the available relevant scientific information regarding human exposure to radiation, and that all Federal efforts in this area are efficiently conducted and coordinated.

Mr. President, I note that the provisions relating to such coordination are very similar to the provisions I wrote into section 307(c) of Public Law 96-151 requiring the President to coordinate Federal efforts relating to the effects of exposure to dioxin. Despite my repeated efforts, both with this and the prior administration, to have the President delegate the dioxin coordination responsibility so that there could be an active, identifiable coordination effort—sanctioned at the highest level of the executive branch—undertaken in compliance with that requirement, no such delegation has taken place. In an attempt to avoid repetition of such a result with reference to the provision in the compromise agreement, a requirement is included that, not later than 90 days after the date of the enactment of the legislation, the President would be required to submit a report setting forth a description of the steps taken and plans made to insure the required coordination.

CONCLUSION

In closing, I would like to express my appreciation to the chairman (Mr. SIMPSON) and all of the other members of the committee for their cooperation and assistance as we have worked to develop this compromise. I also thank my good friends on the House committee, the chairman of the full committee, Congressman SONNY MONTGOMERY, and the ranking minority member of both the full committee and the Hospitals and Health Care Subcommittee, Congressman JOHN PAUL HAMMERSCHMIDT, for their usual fine work and cooperation. Of special note is the fact that this is the first legislation we have finalized during Congressman BOB EDGAR' chairmanship of the House committee's Hospitals and Health Care Subcommittee, and I especially congratulate him on his leadership in this area. It has been, as always, a pleasure working with all of our colleagues on our counterpart committee. The compromise measure has true bipartisan support in both Houses.

Mr. President, I also express my warmest thanks to the staff members of the House committee who played key roles in the development of the compromise agreement, Jack McDonell, Pat Ryan, Richard Fuller, Rufus Wilson, and as always Chief Counsel and Staff Director Mack Fleming; and to Robert Cover, assistant legislative counsel, House legislative counsel's office, who, as always, has done yeoman's work in putting the final bill together. To the members of our committee's majority staff, Vic Raymond, Julie Susman, Scott Wallace, Cindy Alpert, and Tom Harvey, and to editorial directors Harold Carter and James MacRea, my thanks for their effective work and cooperation on this measure. As always, I am deeply indebted to our minority staff, Bill Brew, Ed Scott, Katy Burdick, Charlotte Hughes, Ingrid Post, and Jon Steinberg, for their excellent assistance over the past 10 months from the introduction of S. 11, Senate Concurrent Resolution 2, and S. 629 through final action on the pending measure today.

Mr. President, as I noted at the outset of my remarks, I am satisfied that the compromise agreement represents a fair resolution of the differences between the measures passed by the two bodies and will contribute very substantially to the VA's ability to fulfill its missions, most especially the provision of quality health-care services to eligible veterans. Thus, I commend this compromise to the Senate.

Finally, Mr. President, before we act on this measure, let us pause to reflect on the significance that many provisions of this legislation would have in terms of today's world situation and the vulnerability of our forces in and around Lebanon and Grenada. The improvements in VA health care we are initiating have direct relevance to the lives and health of our troops now engaged in active combat both in terms of promoting the availability of high quality health care for veterans in VA facilities and in terms of the VA's carrying out its vital statutory mission to backstop the Department of Defense medical resources in time of war or hostilities, a function that the VA is already fulfilling with respect to the Grenada hostilities. Specifically, a 21-year old Army Ranger, who was shot within hours of his unit's parachute drop on Grenada, is currently being treated at the VA medical center in Puerto Rico for a spinal cord injury.

Mr. President, I urge my colleagues to give their unanimous support to the compromise agreement.

Mr. THURMOND. Mr. President, I rise in support of the compromise agreement on H.R. 2920, the "Veterans Health Care Amendments of 1983."

I want to commend the chairman of the Senate Veterans' Affairs Committee, Senator SIMPSON, and the ranking minority member, Senator CRANSTON, for their fine work on this legislation.

Mr. President, H.R. 2920 contains many provisions that will improve and enhance the health care that is provided to our Nation's deserving veterans. I am especially pleased that this legislation will accomplish a much needed, 4-year extension of the "vet center" program and eliminate the time period during which eligible Vietnam-era veterans must request readjustment counseling. It appears that the vet center program has been quite successful, and that many Vietnam veterans continue to need readjustment counseling. Additionally, the study mandated by this bill, which will look at the prevalence and incidence of post-traumatic stress disorder and other psychological problems experienced by Vietnam veterans, will greatly assist Congress in its efforts to assess the readjustment counseling program in the future.

Mr. President, H.R. 2920 contains a provision expressing the sense of Congress that in the light of the importance of the VA's mission and the size of the agency, the Administrator of Veterans' Affairs should be designated by the President as a member of the Cabinet.

For many years I have believed that it is important that the VA occupy a position of institutional rank which is commensurate with the great responsibility with which the agency is charged. A Cabinet agency is needed in order to guarantee that our great responsibilities to our veterans are met, and to insure that future generations of Americans have no doubt of the commitment of the Federal Government to its veterans. On several occasions in the past, I have introduced legislation that would elevate the Veterans' Administration to a Cabinet level department with the Administrator serving as Secretary of Veterans' Affairs within the President's Cabinet. The most recent legislation, S. 107, was introduced on January 27, of this year. While I believe that Congress should make this change through legislation, the provision in H.R. 2920 does convey to the President the strong feelings of Congress on this matter. I am very hopeful that the President will give it careful consideration and decide to make this important change.

Mr. President, while I strongly support the passage of H.R. 2920, I must express my disappointment about the absence of a provision that was contained in the Senate version, which I introduced as S. 567. That provision would have authorized a pilot program through which certain veterans would have been reimbursed through the VA medical care program for chiropractic services received. This is the third consecutive Congress during which the Senate has passed a provision establishing this program. However, on each occasion it has been rejected by the House Veterans' Affairs Committee.

Despite its rejection of this provision during the 96th Congress, the House joined the Senate in urging the VA to use existing authority to provide, at least on a pilot basis, chiropractic services in appropriate cases as part of hospital care or medical services furnished to veterans. Despite this urging, the VA, at least until October 1, 1982, did not act to increase chiropractic services. The VA has reported, however, that between October 1, 1982 and June 30, 1983, it referred 54 veterans to chiropractors. I believe that this is not enough, and that far more needs to be done by the VA to see that veterans have the same access to medical treatment, including chiropractic treatment, as do the recipients of other Federal and State health care programs, many of which now provide chiropractic treatment to their beneficiaries. I urge the Veterans' Administration to move forward on this important matter, and I intend to carefully monitor their referral activity in the future.

Mr. President, again, I express my strong support for the provisions of H.R. 2920, and I urge its favorable consideration by my colleagues.

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MUNICIPAL CLERK'S WEEK

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 92.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 92) entitled "Joint resolution designating the week beginning May 8, 1983, as 'Municipal Clerk's Week' ", do pass with the following amendments:

Page 2, lines 5 and 6, strike out [May 8, 1983,], and insert: *May 13, 1984,*

Amend the title so as to read: "Joint resolution designating the week beginning May 13, 1984, as 'Municipal Clerk's Week'.".

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BELLE FOURCHE IRRIGATION PROJECT

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 448.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 448) entitled "An Act to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes", do pass with the following amendments:

(1) Page 3, line 8, strike out [(a)].

(2) Page 3, strike out all after line 12 down to and including line 22.

(3) Page 4, line 24, strike out [1983,] and insert: *1984,*

(4) Page 5, after line 6 insert:

Sec. 8. Any new spending authority described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974 which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.

Mr. ABDNOR. Mr. President, I rise in support of Senate concurrence with the amendments of the House to my bill, S. 448, to reauthorize the Belle Fourche irrigation project and to Incorporate the project into the Pick-Sloan Missouri Basin program.

The House amendments are perfectly acceptable to me, Mr. President, and they in no way alter the important provisions of my bill as it was introduced.

Mr. President, I cannot thank the majority leader enough for scheduling the bill so promptly following House action, nor can I fully express the delight and fulfillment I feel at long last in succeeding with final passage of this measure.

It has been a long, hard road, Mr. President, to get to this point and there is a long list of those who should be thanked for their assistance. I am particularly grateful to Senators McCLURE and NICKLES as well as to Senator MURKOWSKI, Russ Brown of the committee staff, and Mr. Jim Casey, formerly of the House committee staff, who has been of invaluable assistance to me and to the Belle Fourche Irrigation District Board of Directors in guiding the bill through the very difficult and intricate legislative process.

Finally, Mr. President, the board of directors and the manager of the Belle Fourche Irrigation District are to be commended for their diligence and their commitment in pursuing needed improvements in the project. Their dedicated efforts are truly a magnificent service to their membership and to their community.

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

S. 1042 INDEFINITELY POSTPONED

Mr. STEVENS. Mr. President, I move that calendar No. 438, S. 1042, be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. There is no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAIL ORDER CONSUMER PROTECTION AMENDMENTS OF 1983

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 78, S. 450.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 450) to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representations or lotteries), and for other purposes.

AMENDMENT NO. 2490

(Purpose: To clarify provisions in S. 450 relating to Constitutional safeguards contained in the Bill of Rights)

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the distinguished Senator from Iowa (Mr. Jepsen).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. Stevens), on behalf of Mr. Jepsen, proposes an amendment numbered 2490.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, beginning on line 22, strike all through page 3, line 8, and insert in lieu thereof the following:

" "or (3) an advertisement promoting the sale of a book or other publication, or a solicitation to purchase, or a purchase order for any such publication, if (A) such advertisement, solicitation, or purchase order is not materially false or misleading in its description of the publication; (B) such advertisement, solicitation, or purchase order contains no material misrepresentation of fact provided, however, that no statement quoted or derived from the publication shall constitute a misrepresentation of fact as long as such statement complies with the requirements of subparagraphs (A) and (C); and (C) the advertisement, solicitation, or purchase order accurately discloses the source of any statements quoted or derived from the publication. Paragraph (3) shall not be applicable to any publication, advertisement, solicitation, or purchase order which is used to sell some other product in which the publisher or author has a financial interest as part of a commercial scheme".".

On page 3, line 20, strike the words "money or property" and insert in lieu thereof the following: "price advertised or otherwise requested".

On page 5, strike lines 21 and 22, and insert in lieu thereof the following: "the defendant resides or receives mail.".

On page 6, line 1, strike the words "amount of any civil penalty" and insert in lieu thereof the following: "civil penalty, if any,".

On page 6, after line 10, insert the following:

"(d) In any proceeding at any time under this section, the defendant shall be entitled as a defense or counterclaim to seek judicial review, if not already had, pursuant to chapter 7 of title 5, of the order issued under section 3005 of this title. However, nothing in this section shall be construed to preclude independent judicial review otherwise available pursuant to chapter 7 of title 5 of an order issued under section 3005 of this title.".

Mr. STEVENS. Mr. President, I want to make certain that this has the approval of my distinguished colleague on the committee.

Mr. PRYOR. Mr. President, the amendment, to the best of our knowledge, is certainly not objectionable so far as the Senator from Arkansas is concerned, but I should like to reserve my right to object, for the moment.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum, to make certain that this is the correct amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I yield to my good friend from Iowa who is here now.

Mr. JEPSEN. Mr. President, as I understand the amendment and so on has all been accepted and the bill is ready to be acted on.

The PRESIDING OFFICER. The amendment is pending.

Mr. STEVENS. I have not presented the statement of the Senator from Iowa.

Mr. JEPSEN. The amendment has been submitted and it is pending.

Mr. President, therefore, before I discuss the merits of the provisions of my amendment to S. 450, I extend my appreciation and thanks to Senator Stevens. My colleague from Alaska, in his position as chairman of the Subcommittee on Civil Service, Post Office, and General Services, has exhibited one of the primary characteristics of U.S. Senate leaders: senatorial courtesy.

While he was confident that S. 450, as considered by his committee, would protect the constitutional rights of advertisers, he recognized my sincere reservations about the constitutional safeguards that he and I recognize must be carefully presented in such circumstances.

I thank him for allowing me to clarify these issues.

I also thank my colleague from Arkansas, Mr. Pryor, the sponsor of the bill, for his cooperation in these endeavors.

Mr. President, my amendment would alleviate some serious constitutional problems which have been raised with respect to S. 450.

First, it would clarify the circumstances under which magazines could run ads for other publications which merely repeat untested assertions contained in those publications.

Second, it would allow the courts to consider the legality and constitutionality of a Postal Service order in any case in which the question of whether S. 450 was violated can be adjudicated on the merits.

Third, it would make it clear that a court is free to impose no penalty on defendants for whom it determines that a penalty would be inappropriate, either because they were acting in good faith, or because they are a small business which would be bankrupted by the imposition of a civil penalty, or for any other reason which the court deems appropriate.

Fourth, it would insure that defendants could not be dragged into courts which are far distant from the locations where they reside or receive mail.

Let me examine a couple of these provisions in more detail:

The first would clarify the circumstances under which magazines could run ads for other publications which merely repeat untested assertions contained in those publications. This would be done by writing into law the so-called mirror image doctrine, which was first enunciated by the Federal Trade Commission.

As it was originally introduced, S. 450 attempted to codify the mirror image doctrine, but in fact it could be construed to mean that any representation contained in the advertised publication and repeated in the ad would itself have to be scientifically demonstrable. This, of course, would have defeated the whole purpose of the mirror image doctrine. My amendment would, as a general rule, allow ads to repeat assertions contained in the advertised publications, so long as they did not make misrepresentations as to price, terms of delivery, and similar issues.

My concern over the original formulation of the doctrine was heightened by a line of cases which seemed to suggest that the views of an author would be subject to a "truth or falsity" test to the extent that such views were repeated in an advertisement. Even the Postal Service concedes that such a precedent would raise serious constitutional questions, as the definition of "truth or falsity" has evolved to such a point that it currently turns on the ability of the author to scientifically substantiate what might seem to be reasonable claims.

One further amendment to the mirror image doctrine section would qualify the "designed to promote" language contained in that section to make it clear that it only applies to cases in which the advertiser and publisher have a mutual and joint financial interest.

The second provision of my amendment would correct a drafting deficiency in the original version of S. 450 which seemed to preclude judicial review of the legality and constitutionality of an order issued by the Post Office. It would have done this by stating that a court "shall" impose civil penalties in any case in which it finds an evasion of a stop order or a violation of a cease-and-desist order. The use of the word "shall" implied that the court would have an obligation to impose civil penalties whether or not the order was constitutional.

I do not believe that this result was intended. Thus, all parties involved agreed to a clarifying amendment. The new language contained in my amendment would make it clear that the courts are free to examine the legality and constitutionality of a Postal Service order in virtually any proceeding arising out of the provisions of this bill, and in any proceeding in which the court could examine on the merits the question of whether a violation has occurred.

The third major provision of my amendment would allow the court to impose no civil penalty if it found that appropriate. Some of the circumstances which might lead a court to refuse to impose a civil penalty include cases in which the defendant was acting in good faith, or in which the defendant was a small business which would be bankrupted by the imposition of civil penalties would have a chilling effect on the exercise of first amendment rights. The bill lists the following issues which may be considered by the court in determining civil penalties: the nature, circumstances, extent, and gravity of the violations of such subsection, and, with respect to the violator, the ability to pay the penalty, the effect of the penalty on the ability of the violator to conduct lawful business, any history of prior violations of such subsection, the degree of culpability, and such other matters as justice may require.

The fourth major provision would cut back the number of courts in which an action under this bill could be brought. Specifically, it would disallow suits brought in jurisdictions where the defendant "transacts business" or where the "conduct occurred," allowing actions only in those districts in which the defendant resides or receives mail. The intent of this provision is to lessen forum shopping on the part of the Postal Service and to try to guarantee that a small defendant cannot be dragged across the country to a prohibitively inconvenient jurisdiction, when the Postal Service could just as easily litigate the issue in a more convenient forum.

I believe these provisions provide the necessary constitutional protection for persons attempting to exercise their first amendment rights, without reducing in the least the protections which S. 450 provides against fraud on the American public. These changes allow those of us who have been concerned both about fraudulent advertisers and the maintenance of constitutional protections the opportunity to lend our wholehearted support to this legislation.

I do want to thank some of the parties who have played a role in ironing out the differences over S. 450. Those include Lilli Hausenfluck of my staff, Wayne Schley of Senator STEVEN'S staff, Knox Walkup of Senator PRYOR'S staff, Bart Baer and Michael Holihan of the Senate Steering Committee, George Davis and Bill Johnstone of the Postal Service, Clinton Miller of the National Health Federation, and Larry Roth of the law firm of Bass, Ullman & Lustigman in New York.

Mr. President, I wish to ask how the sponsors view the relationship between the purchase authority provided by proposed section 3005(e) of title 39, United States Code, and the mail order regulations of the Federal Trade Commission (16 CFR, section 435).

As I understand the FTC rule, most types of mail order merchandise are required to be delivered within any delivery period stated in the merchant's advertising or, if no period is stated, within 30 days, unless the merchant provides his customers an opportunity to extend the period and they elect to do so.

One apparent result of this rule would seem to be that a merchant need not have on hand any inventory of the product until the time of delivery. I also understand that many merchants do not maintain an inventory of their products, but merely send orders to their suppliers or to so-called fulfillment houses who maintain an inventory of the product and fill the orders of the advertiser's customers.

Proposed section 3005(e) appears to present the possibility that if the Postal Service attempts to purchase the product from the advertiser and he quite lawfully is unable to comply, that a Federal court could issue an order under section 3007 of title 39, United States Code, preventing the advertiser from receiving his mail. Is this the intent of the proposed statute?

Mr. STEVENS. No. Under existing law, section 3007 permits the Federal courts to order the Postal Service to withhold an advertiser's mail from delivery if the court concludes that there is probable cause to believe that the advertiser is violating section 3005 by engaging in a scheme or device to obtain money or property through the mail by means of false representations or the operation of a lottery. Under this statute the mail is held until the Postal Service concludes proceedings under section 3005. If the advertiser prevails in those proceedings, he receives his mail; if the Postal Service prevails, the mail is returned to the senders.

Mere failure to honor the Postal Service's request to purchase a sample of the product, standing alone, would seem a wholly inadequate basis for the issuance of an order under section 3007. As the gentleman points out, there are perfectly valid reasons why a merchant may be unable to honor the Postal Inspector's request. Most clearly, the advertiser—even if he customarily maintains an inventory of the product—could be temporarily out of stock.

The intent of this provision is to allow the courts to consider whether the advertiser's failure to provide a sample of the product is a relevant element in the court's determination of whether there is probable cause to believe that the advertiser is violating section 3005. The Postal Service has not brought to our attention any actual or hypothetical case where the mere failure of the advertiser to honor a purchase request during the time allowed by the FTC rule should, without more, result in the issuance of an injunction under section 3007.

I also emphasize that this provision is not intended to have any effect whatsoever upon the content or administration of the FTC mail order rule.

Mr. STEVENS. Mr. President, I ask for adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 2490) was agreed to.

AMENDMENT NO. 2491

(Purpose: To clarify procedures under which the Postal Service may bring civil actions under the supervision of the Attorney General)

Mr. STEVENS. Mr. President, I send to the desk an amendment.

Mr. PRYOR. Mr. President, we have not adopted the measure yet?

Mr. STEVENS. No. I have a technical amendment to send to the desk in behalf of the distinguished Senator from South Carolina (Mr. THURMOND) if that meets the Senator's approval.

Mr. PRYOR. Yes. There is no objection.

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of the distinguished Senator from South Carolina (Mr. THURMOND).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Alaska (Mr. STEVENS), on behalf of Mr. THURMOND, proposes an amendment numbered 2491.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 5, line 17, following the word "may", insert the following: ", under the provisions of section 409(d) of this title,".

Mr. THURMOND. Mr. President, this amendment is of a technical nature and is being offered at the request of the Justice Department. It simply clarifies the procedures under which the Postal Service may bring a civil action for the purpose of enforcing the civil penalties established in the bill.

The amendment makes it clear that the Attorney General of the United States shall continue to have management and policy control over litigation involving the Postal Service, but may, as under current law (39 U.S. 409(d)), consent to the Postal Service representing itself in litigation. I ask unanimous consent that a letter and report from the Justice Department be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, it is my understanding that the distinguished manager of the bill is willing to accept this amendment, and I thank him for his cooperation.

EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., March 21, 1983.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Because you share this Department's concern regarding ever increasing legislative efforts to disperse the authority to conduct litigation on behalf of the United States, I am forwarding the attached Department report on S. 450 for your information.

The litigation authority provision in S. 450 with which we are concerned did not come to our attention until very recently, thus we were unable to provide the report to the Committee on Governmental Affairs in time to comply with that committee's "24 hour rule" regarding notification of proposed amendments prior to committee mark-up. However, we have received assurances from cognizant committee staff that the amendment suggested in the attached report will be offered as a technical, perfecting amendment when S. 450 is considered on the Senate floor.

Your efforts and support to see that such an amendment is adopted would be very greatly appreciated.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., March 17, 1983.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is written to provide the views of the Department of Justice on the bill S 450, Mail Order Consumer Protection Amendments of 1983. While the Department defers to other agencies on the need for, and effect of, the proposed legislation, we have some concern with section 3(b)(1) of the bill, which gives the Postal Service the right to bring civil actions to enforce the civil penalties established by the act. Under current law 39 U.S.C. 409(d) the Attorney General is given the responsibility to provide legal representation to the Postal Service except in those cases where the Attorney General consents to the Postal Service representing itself in litigation. This section states: The Department of Justice shall furnish * * * the Postal Service such legal representation as it may require, but with the prior consent of the Attorney General the Postal Service may employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

While section 3(b)(1) does not, on its face, appear to take away from the authority granted in 39 U.S.C. 409(d), we believe, to be cautious, that this important point merits clarification. The important policy and management principle, represented by the centralized control of litigation by the Attorney General, will thus have been specifically recognized in this statute. We would ask that section 3(b)(1) be amended to refer specifically to 39 U.S.C. 409(d).

Section 3(b)(1) could be amended to read as follows: "Whenever, on the basis of any information available to it, the Postal Service finds that any person has engaged, or is engaging in conduct described by paragraph (1), (2) or (3) of subsection (a), the Postal Service may, under the provisions of 39 U.S.C. 409(d), commence a civil action to enforce the civil penalties established by such subsection. Any such action shall be brought in the district court of the United States for the district in which such conduct occurred or in which the defendant resides, transacts business or receives mail."

Historically, the Attorney General has exercised plenary responsibility over the conduct of the legal affairs of the United States. Act of September 24, 1789, 1 Stat. 73. *See also United States* v. *San Jacinto Tin Co.*, 125 U.S. 273, 279 (1888); *Confiscation Cases*, 7 Wall, (74 U.S.) 454, 457-58 (1868). The responsibility to conduct the litigation of the United States was first given greater statutory recognition in the act which created the Department of Justice, Act of June 22, 1870, 16 Stat. 162, and is now primarily codified at sections 516 and 519 of Title 28, which reserve the conduct of litigation involving the United States to the Attorney General and the Department of Justice "[e]xcept as otherwise authorized by law.[1]

This statutory assignment of plenary litigating authority to the Attorney General centralizes the conduct of litigation on behalf of the United States and thereby furthers a number of important policy goals. It allows the presentation of uniform positions on important legal issues, ensures that Government lawyers will be able to select test cases which present the Government's position in the best possible light, and gives the Attorney General authority over lower court proceedings so that Government litigation will be better handled on appeal and before the Supreme Court. It provides for greater objectivity in the filing and handling of cases by attorneys who are not themselves affected litigants. And it facilitates presidential supervision over Executive Branch policies implicated in litigation.

Not infrequently, civil litigation involving just one agency involves common legal or policy issues on which different agencies have an interest. There are often differing views among the agencies. A major function of the Department of Justice, pursuant to 28 U.S.C. §§ 516, and 519, is to resolve these differing agency perspectives, and present to the court the position which most serves the government's overall interest. Legislation which seeks to bestow independent, litigating authority on other federal agencies and departments, and therefore amending, in effect, 28 U.S.C. §§ 516 and 519, would vitiate this salutary function, and permit each such agency to make its position the government's position of the day.

This policy, as applied to the Postal Service, is recognized in 39 U.S.C. 409(d). While we believe that changes in the Attorney General's litigating authority must be accomplished by specific amendment, which we do not believe section 3(b)(1) of S. 450 accomplishes, we think that the principle of preserving the Attorney General's litigating authority in Postal Service cases merits specific recognition in order to resolve any possible question.

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[1] 28 U.S.C. section 516 provides "Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of Justice, under the direction of the Attorney General." 28 U.S.C. section 519 provides: "Except as otherwise authorized by law, the Attorney General shall supervise all litigation to which the United States, an agency, or officer thereof is a party, and shall direct all United States attorneys, assistant United States attorneys, and special attorneys appointed under section 543 of this title in the discharge of their respective duties.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General.

Mr. STEVENS. Mr. President, I ask for adoption of the technical amendment offered by the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 2491) was agreed to.

Mr. STEVENS. Mr. President, I am happy to yield to my friend from Arkansas if he has a matter.

Mr. PRYOR. Mr. President, all I wish to say at this time is that this piece of legislation, S. 450, has been worked out thoroughly and conscientiously with many, many Members of this body and also Members of the House of Representatives. There have been extensive hearings on this matter.

We think all objections have been clarified by the proposed amendments that are pending to the legislation at this time.

Mr. President, I thank personally the distinguished Senator from Alaska for his fine work.

I wish to thank Senator HEINZ of Pennsylvania; Senator GLENN, of Ohio; and also Senator JEPSEN, of Iowa for painstakingly working this matter out.

Mr. President, today the Senate considers S. 450, the Mail Order Consumer Protection Act of 1983. This legislation represents a major breakthrough in strengthening of the investigatory and enforcement powers of the U.S. Postal Service in dealing with the growing problem of consumer deception by mail.

As most of my colleagues are well aware, the incidence of consumer fraud and misrepresentation has grown to epidemic proportions in recent years, and a large number of these schemes are perpetrated through the mails, preying upon some of our vulnerable citizens: The poor, the elderly, and the sick. In fact, it is estimated that over 60 percent of the victims of mail fraud are senior citizens.

The U.S. Postal Inspection Service makes very effort to combat the incidence of mail fraud and misrepresentation, responding to over 200,000 complaints yearly. However, one of the principal statutes under which the Service is able to pursue deceptive mail marketing is over 100 years old and lacks the "teeth" the Service so desperately needs. This authority needs to be modernized to give the Postal Service more effective tools to combat the shrewder, more sophisticated con artists who prey upon the American consumer. S. 450 would provide the Service with these needed tools.

I introduced legislation similar to S. 450 (S. 1407, the Mail Order Consumer Protection Amendments of 1982) during the 97th Congress. The legislation was passed by the Senate on May 19, 1982, after careful consideration and approval by the Senate Governmental Affairs Committee and the Subcommittee on Civil Service, Post Office, and General Services. A field hearing was held on the legislation on October 13, 1981, in Little Rock, Ark. S. 1407 was cosponsored by 28 of my Senate colleagues including the chairman and ranking majority member of the Senate Special Committee on Aging, which held an August 4, 1981, hearing on frauds against the elderly. Similar hearings and an investigation were also conducted by the House Select Committee on Aging under its distinguished chairman, Congressman CLAUDE PEPPER, the sponsor of similar House legislation.

The Postal Inspection Service has major responsibility for preventing the continuation of mail fraud and false representation schemes. Unfortunately, their powers of investigation are limited and in need of immediate improvement.

In order to investigate a typical mail order scheme involving suspected false advertising, the Postal Service must order the product just as an ordinary citizen would: They send by mail a purchase order accompanied by a postal money order for the suspected item and when it is received, they have it tested or evaluated by experts to see if it was accurately advertised. Unfortunately, by the time the Postal Service recognizes suspected quack offers, orders the product and submits it for testing, the companies have often closed down their operation or moved it to another State. It seems quite clear that many unscrupulous merchants know that Postal Inspectors may have ordered their product and delay filling orders until after the advertising has run its course and they have received the fruits of their unlawful venture. Even if the company is still in existence, the Postal Service's only recourse under present law is to ask for a hearing and a court order to block responsive mail from being delivered to the address used in the advertisement. If the proceedings are not commenced until after the advertising has run its course, little if any mail will be intercepted.

This legislation would improve the current law in the following ways. The bill would allow the Postal Service to purchase directly from advertisers samples of mail order products sold under potentially false advertising. This would enable the Postal Service to immediately begin its examination of the suspicious product and more promptly initiate proceedings if appropriate.

This bill also provides that the Postal Service, after a full adversarial hearing conducted pursuant to the Administrative Procedure Act, may issue orders to require persons to cease and desist from engaging in a scheme which has been found to violate the false representations statute. Currently, the Postal Service may only issue mail-stop orders, which are directed only to postmasters—not to false advertisers. These orders return to senders mail addressed to the particular business name and address used in the advertising which was involved in the proceedings. These orders may easily be circumvented by experienced con men, who simply continue or resume the same scheme under a new address and business name. The Postal Service must then commence new proceedings and while they are being completed the advertiser continues to cheat the public.

Mr. President, very careful steps have been taken in this legislation to assure due process with respect to issuance of such cease and desist orders. Such orders may be issued only after full adversarial hearings before an administrative law judge, pursuant to the Administrative Procedure Act and are, of course, subject to judicial review by the courts.

The bill addresses the problem of the repeat violator by providing that the U.S. district courts may assess civil penalties of up to $10,000 per day against persons who continue or resume advertising schemes after the Postal Service has determined, following an on-the-record hearing, that the scheme violates the statute. The actual amount of the penalty is to be determined by the U.S. district court after consideration of the relevant facts of each case.

The bill also prohibits the Postal Service from enforcing the false representation statute against advertisements for books and publications which are accurately advertised. This provision responds to concern that the statute could be used to suppress unpopular or unorthodox views and is carefully drafted to avoid its being asserted to bar the Postal Service from protecting the public against the so-called work-at-home, phony credit and loan schemes which continue to plague economically disadvantaged members of society.

Mr. President, this legislation, as it has been refined, now strikes a balance between civil liberties and the need effectively to deal with shrewd operators who would fleece the most vulnerable members of our society. I urge my colleagues to join with me in supporting this measure, and seek its prompt enactment. It will close certain loopholes in current law and it will give to the Postal Service needed enforcement tools to protect consumers and to fight those who would misuse the mails to cheat the public.

I commend and thank the distinguished Senator from Alaska (Mr. STEVENS) chairman of the Civil Service, Post Office, and General Services Subcommittee for his leadership on this matter, the Senator from Pennsylvania (Mr. HEINZ) and the Senator from Ohio (Mr. GLENN) chairman and ranking minority member of the Aging Committee for their strong support, and the Senator from Iowa (Mr. JEPSEN) for his constructive comments and support.

● Mr. HEINZ. Mr. President, as chairman of the Senate Special Committee on Aging, I am pleased to speak in support of S. 450, the Mail Order Consumer Protection Act of 1983. I have worked with Senators STEVENS, PRYOR, and GLENN as a prime cosponsor of this measure because it will go a long way toward protecting all citizens, and particularly our Nation's elderly, from unscrupulous individuals who use the mails to advance their false representation schemes. The bill has been favorably and unanimously reported by the Committee on Governmental Affairs.

For some time, the Senate Special Committee on Aging has been concerned with the problems of consumer related frauds. Hearings, conducted by the committee in 1964, 1981, and 1983, as well as a massive national survey of law enforcement and consumer protection specialists, made in 1982, have demonstrated, beyond a shadow of doubt, that frauds against the elderly are increasing and that they can have a devastating impact upon their victims.

We have also learned that quite often con artists, charletans, and quacks, use the mails to further their deceitful ends. Testimony received by the committee suggests that illegal mail schemes net millions of dollars per year.

Charles P. Nelson, Assistant Chief Postal Inspector, recently testified before us and stated:

> The specter of mail fraud is particularly vivid for our Nation's 26 million older Americans. Unfortunately, many fraudulent schemes tend to prey most heavily on the elderly, who, because of fixed incomes or limited mobility, often rely on the convenience of mail order shopping. Because of the nature of the schemes involved in our cases, we believe that a high percentage of mail fraud and misrepresentation victims are senior citizens.

The financial harm resulting from these schemes can range from as little as the loss of a dollar to the loss of a person's entire lifes' savings. Some of the products peddled by mail order schemes are virtually harmless; others such as an injectable compound of sea kelp that sold as a miracle cancer cure was so contaminated with toxic substances that to use it as described in the accompanying advertising literature would have resulted in death. Similarly, while the emotional impact of the frauds upon their victims is in some instances small, in others, perhaps the majority of cases where the elderly are involved, the impact can be devastating and a significant contributor to increased depression and debilitation.

The Postal Inspection Service is one of the most highly regarded law enforcement agencies we have. Currently, the Service receives an average of about 200,000 mail fraud complaints each year. In an average 6-month period, the Service may initiate as many as 2,500 mail fraud investigations. While the Service has responsibility for internal audit in the Postal Service, and for providing for the security of postal facilities and postal employees, it devotes approximately 20 percent of its time to combating mail fraud.

While the Postal Inspection Service does an admirable job with the resources it has, certain impediments prevent it from being more effective in protecting the public interest. At present, in order to obtain samples of products which are suspect, postal authorities must use a time-consuming process of mailing an order and waiting for the product to be sent. Knowing this process, the seller has the opportunity—and often the proclivity—to defer supply until the advertising has run its course. In these cases, the product if receivied at all, is often received too late for the authorities to take effective steps to prevent public injury. S. 450 would authorize improved investigation authority by giving the Postal Service the ability to more promptly obtain evidentiary samples of products or services offered for sale by mail through suspected false representations. It would allow the Postal Service to tender the advertised price to a firm in order to gain immediate access to an advertised product so that an examination of the product or service could begin immediately. The bill provides for several procedural safeguards which will prohibit the possibility of this new authority being abused.

S. 450 would also grant the power to the Postal Service to issue cease and desist orders, requiring a person or his representative to cease and desist from engaging in any fraudulent scheme, device, lottery, or gift enterprise. Such orders are to be issued only after a full adversarial hearing conducted under the provisions of the Administrative Procedure Act. The cease and desist only against the promoter of a scheme or his agent, who had previously been issued and violated a previous stop-order.

The bill provides the U.S. district courts with the authority to impose fines not to exceed $10,000 for each day that a violator engages in the prohibited conduct. This is a civil penalty and the court is to take into account the nature, circumstances, extent, and gravity of the situation. The bill further provides that the court take into account such factors as the violators' ability to pay, effect on ability to conduct lawful business, any history of prior violations, degree of culpability, and other matters as justice may require. Penalties collected in the enforcement of this provision would be paid to the Treasury of the United States.

S. 450 also requires the Postal Service to report semiannually to the Postal Service Board of Governors on its investigative activities. Upon approval of the Board, these reports will be submitted to the Congress.

The bill would not in any way adversely effect existing statutory relations between the Postal Service and the Justice Department.

In addition, the bill has a provision which is intended to preclude the Postal Service from bringing cases against persons who market books and other publications through the mail by means of advertisements that are not materially false or misleading in their description of the book or other publication advertised. Designed to protect the freedom of the press, the bill references the "Mirror Image Doctrine." At the same time, this provision is not intended to preclude the Postal Service from bringing cases against firms which market falsely advertised goods or services. The sale by mail of ideas and opinions, irrespective of their orthodoxy or validity, are to be subject to this provisions only where the product to be received by the purchaser is materially misrepresented.

Finally, the bill provides for a consumer education program. It requires that as soon as practicable after enactment, the Postmaster General or his designee, following consultation with representatives of the mail order industry, develop and carry out a program designed to provide consumer education to the public concerning schemes involving false representations through use of the mails. The bill requires that a summary of consumer education activities be included in the regular annual report of the Postmaster General.

Mr. President, legislation similar to that contained in S. 450 was passed by the Senate on May 19, 1982. Postal Service consumer protection legislation was passed by the House of Representatives on December 13, 1982. Unfortunately, in the wanning hours of the last Congress the Senate was not again able to consider the matter. The Mail Order Consumer Protection Amendments of 1983 are needed by the Postal Service to enable them to effectively combat the increases in phoney mail schemes that adversely effect all Americans and especially our Nation's elderly. It is a measure which has already been favorably voted on in both Houses and, as refined by the Committee on Government Affairs, should not be the subject of any serious controversy. The measure will not add any significant new costs to the Treasury. For these reasons Mr. President I am proud to support this measure and ask that other Members of the Senate do the same.●

Mr. STEVENS. Mr. President, I strongly urge the adoption of S. 450, the Mail Order Consumer Protection Amendments of 1983. We have a record repleat with testimony on the overwhelming need to change the law and provide the Postal Service and the Justice Department with additional authority to combat fraud perpetrated through false and misleading advertisements.

The Subcommittee on Civil Service, Post Office, and General Services held two exhaustive hearings on the subject of this bill. The House Post Office and Civil Service Committee held five hearings. The Special Committee on Aging also addressed this problem in hearings. They found that the elderly have been the special target of those who would defraud the public through the use of misleading and false advertisements.

This legislation enjoys the overwhelming support of the Postal Service, the Justice Department, the Federal Trade Commission, and the administration, especially the consumer adviser to the President, Virginia Knauer. I request unanimous consent to insert at the end of my remarks letters from FTC Chairman James Miller and Mrs. Knauer to that effect.

In addition, we have the enthusiastic support of the American Association of Retired Persons, the Direct Marketing Association, the National Counsel on the Aging, the National Newspaper Association, the Association of American Publishers, and many other organizations. These organizations have all eloquently testified to the need for this legislation.

Some of us have received letters from concerned individuals expressing the fear that this bill will allow the Postal Service to ban books or publications. Nothing is more ludicrous. No one's legitimate rights are being abridged by this legislation. If they were, the bill would not have the support of the book publishing industry, the newspaper industry, the mail order industry, and the others who are concerned with an individual's constitutional rights. Mr. President, as an example of the support from these organizations, I ask unanimous consent to insert at the end of my remarks a very forceful letter from the president of the Association of American Publishers, Townsend Hoopes, on the need for this legislation.

This bill does allow the Postal Service to purchase, directly from the advertiser, samples of the products being sold through the mail. Right now, believe it or not, the Postal Service cannot obtain a sample of the product being advertised until the seller wishes to provide it. This is a gigantic loophole in the law. Those individuals who are bent on false advertising schemes simply hold off releasing their product to those who paid their money until they have received all the funds they feel they can obtain. By then, it is too late for the customer to complain when he sees that the product received is far different from what was advertised.

The bill allows the Postal Service, after a full adversarial hearing before an administrative law judge, to issue orders to require a person to cease and desist from engaging in false representation schemes. The legislation allows the U.S. district courts to assess civil penalties of up to $10,000 per day against persons who repeat advertising schemes after an on-the-record determination has been made that the scheme violates the statute. The court shall make an independent assessment of the violation and determine the amount of the fine, but it cannot exceed $10,000 per pay.

In addition, this bill requires the Postal Service to report to Congress twice a year on enforcement of this provision. It also requires the Postal Service to initiate a consumer education program.

Again, I urge early adoption. To emphasize the need for this legislation, I ask unanimous consent to insert at the end of my remarks the transcript of a segment of NBC's "The Today Show" of this spring which points out the need for this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL TRADE COMMISSION,
Washington, D.C., March 11, 1983.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for the opportunity to comment on S. 450, the "Mail Order Consumer Protection Amendments of 1983". This bill would strengthen the investigative and enforcement authority of the Postal Service in the area of consumer protection.

S. 450 would improve the capability of the Postal Service to protect consumers against fraud and misrepresentation in mail order transactions in two significant ways:

(1) By empowering the Postal Service to gain expedited access to advertised products to enable prompt action against advertisers of fraudulent or misrepresented products; and

(2) By authorizing the imposition of civil penalties of not to exceed $10,000 a day for the continuation of acts and practices in violation of an exiting cease and desist order obtained by the Postal Service.

In considering advertisements for books and other publications, S. 450 would require that the Postal Service follow the so-called "mirror image" doctrine. This doctrine, which has been incorporated in the policies of the Commission, would prevent the Postal Service from talking action against an advertisement promoting the sale of a book or other publication, if: (A) such advertisement is not materially false or misleading in its description of the publication, and contains no material misrepresentations of fact; (B) the advertisement accurately discloses the source of any statements quoted or derived from the publication and any opinions expressed about such publication; and (C) neither the publication nor the advertisement is designed to promote the sale of some other product as part of a commercial scheme. The hearings on S. 1407 and H.R. 3973 in the 97th Congress reflected the enforcement problems experienced by the Postal Service because of its inability to obtain without delay evidence needed to investigate suspected violations of the mail fraud and false representation statutes. The hearings also revealed the difficulty encountered by the Service in preventing continued violations by advertisers subject to mail stop orders who merely change business names and addresses.

Many mail order abuses are actionable by either the Postal Service or the Federal Trade Commission. To avoid duplication of effort, the Commission staff engages in liaison with Postal Service staff, an effort that will continue. By strengthening the ability of the Postal Service to prevent mail order abuses, S. 450 would contribute to the effectiveness of our mutual efforts. We therefore support the enactment of S. 450.

By direction of the Commission.

JAMES C. MILLER III,
Chairman.

THE WHITE HOUSE,
Washington, March 15, 1983.

Hon. TED STEVENS,
Chairman, Subcommittee on Civil Service, Post Office, and General Services, Senate Committee on Governmental Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: I would like to express my appreciation for the invitation to share with the Committee my views regarding S. 450, the "Mail Order Consumer Protection Amendments of 1983." Although I was not able to appear personally before the Committee to deliver the following statement, I am very interested in this issue, especially since one significant responsibility as Special Assistant to the President is the concerns of our elderly consumers.

As you know, consumer mail order schemes are one of the most significant economic complaints from consumers. The United States Postal Service reports an average of 200,000 mail order complaints per year over the past several years. The Council of Better Business Bureaus (CBBB) reports that in 1981 they received 76,000 mail order complaints, approximately 20 percent of the total number of complaints reported.

For those consumers in our society who have limited mobility because of age, illness, or disability, the opportunity to shop through the mail is an especially important and valuable benefit. And it is important that we assure those who do or must rely on shopping by mail of the integrity and reliability of those who use the mailbox as their marketplace.

While the vast majority of mail order firms are ethical and responsible, the very nature of the business allows perpetrators of mail order schemes maximum opportunity to fleece the public. Consumers generally pay in advance without examining the product. The distance between buyer and seller precludes personal contact, makes civil suits uneconomic and impractical, and at times creates jurisdictional enforcement problems. Businesses may enter and leave the industry with relative ease and speed because the requirements for getting started are minimal. These characteristics, along with the present inadequate powers available to the Post Office, allow unscrupulous entrepreneurs to use mail order schemes to find victims, particularly amongst those least able to protect themselves—the less mobile, like the elderly—and those who most need to rely upon purchasing by mail.

S. 450 is a proposal aimed at curbing some of these abuses. This proposed legislation addresses two major hurdles that have impeded the Postal Services' ability to effectively detect and terminate deceptive mail order practices in a more timely manner. Under present law, it is often difficult for the Postal Service to obtain advertised products in a timely manner in order to determine whether proceedings should be initiated to lessen the number and amount of losses suffered by victims of a mail order scheme. S. 450 would allow the Postal Service to purchase directly from the seller a sample of the product or service; a failure by the seller to provide the article or service may be considered later in an impartial federal court proceeding.

In addition, this measure would strengthen the existing statute's deterrent effect by providing a penalty provision aimed at discouraging evasion of mail-stop orders issued. Mail order operations have been able to continue a scheme despite a mail stop order by simply using a new name or address when republishing their article or service. Imposing a civil penalty when appropriate should dissuade fraudulent promoters from continuing their enterprises. We defer to the Justice Department on the issue of who should handle litigation involving the assessment of civil penalties.

We appreciate the effort to develop legislation well-balanced to protect the legitimate interests of both the consumer and the honest mail order business person. Undoubtedly the most important factor in successfully addressing this problem will be increased consumer awareness through increased consumer education. I am very pleased that Section 4 of this proposal instructs the Postal Service to engage in just such an undertaking. A consumer equipped with the sophistication and knowledge to detect mail order schemes is certainly the most effective and least costly means we have of terminating abuses in this area.

In conclusion, I am gratified that this legislation has again been proposed and urge your Committee's prompt favorable consideration.

Sincerely,

VIRGINIA H. KNAUER,
Special Assistant to the President.

ASSOCIATION OF AMERICAN
PUBLISHERS, INC.,
Washington, D.C., September 1, 1983.

Hon. TED STEVENS,
U.S. Senate, Washington, D.C.

DEAR SENATOR: I write, on behalf of the Association of American Publishers, ("AAP"), to urge the Senate to take up and pass the Mail Order Consumer Protection Amendments of 1983 (S. 450) as promptly as possible after the conclusion of the Congressional recess.

The AAP is unequivocal in its support of S. 450. Our Association is the principal trade representative of the book publishing industry in the United States. Our more than 350 members include the full spectrum of the publishing industry, from small specialized publishing houses to large communications conglomerates. The diversity of publishing interests represented by our Association are united in their support of S. 450.

The primary purpose of S. 450 is to strengthen and enhance the investigatory and enforcement authority of the Postal Service with respect to fraudulent business schemes conducted by means of the mails. The evidence amassed in Congressional hearings leaves no room for doubt that there is a need for this remedial legislation. Promotion of fraudulent schemes—which range from non-existent business opportunities to non-functioning health products—use the mails to prey particularly upon the elderly, the uneducated, and the needy. They exact a terrible social cost. S. 450 is carefully fashioned to confer upon the Postal Service only those powers which it needs to protect the public from false representations.

Moreover, the bill is pro-consumer in the best sense of that term: it protects the public without imposing any governmental burdens upon legitimate business activities. On the contrary, S. 450 serves the interests of legitimate American businesses. The social cost of mail fraud is readily apparent. But, mail fraud also carries with it unmeasurable economic costs. Resources—money, energy, and time—committed by the American public to fraudulent schemes and undertakings are wasted, forever lost to legitimate business undertakings. Mail fraud represents a drain upon the economy which ought not to be tolerated. Thus, S. 450 is entirely in harmony with the overall national goals of strengthening and improving our free enterprise system.

Finally, S. 450 provides important protections to assure that the legitimate objectives of attacking mail fraud are not misused. Among these protections is the codification, in Section 2(b) of S. 450, of the Mirror Image Doctrine. The provision, which derives from the First Amendment, assures that neither the Postal Service nor any other governmental agency is put in the business of passing upon the truth or falsity of ideas. It provides publishers with clear and certain guidelines which will permit and encourage the use of the mails for the dissemination of information and ideas embodied in books. The bill similarly contains other provisions, including careful judicial oversight, to assure that the powers which it confers upon the Postal Service are not abused.

In short, S. 450 represents an appropriate balance of powers and limitations which are not only desirable but clearly needed for the wellbeing of the American consumer and the American economy. The bill is a refinement of legislation which overwhelmingly passed the Senate in the last session of Congress. It is virtually identical to a measure which passed in the House of Representatives by an overwhelming majority. It plainly enjoys strong bi-partisan support. Further delay would serve only to defeat the interests of the American public.

The AAP, therefore, endorses S. 450 in the strongest possible terms and urges that the Senate take up and pass the measure at the earliest possible time.

Very truly yours,

TOWNSEND HOOPES.

THE TODAY SHOW—EXCERPTS

Date: March 7, 1983, 7:00 a.m.

Subject: Fight Back: Part I.

JANE PAULEY. From the time as kids and we first send away for our first decoder rings with cereal box tops, we begin to develop a mail order habit, as familiar to most of us as the catalogs that fill up our mailboxes. Mail order marketing is big business and, as you know, it's getting bigger. And so, unfortunately, is mail fraud.

David Horowitz begins a three-part "Fight Back" report on one of this country's most important industries and, unfortunately, biggest rip-offs.

DAVID HOROWITZ. That's right, Jane. And, you know, no matter what you want to buy, you can probably send away for it through the mail. It's convenient, but it's a little remote. It puts you at a distance from the people who take our money and send us the merchandise. It also puts us at a distance from those who take our money and give us nothing for it. And it makes them harder to track down.

Still, in spite of the frauds and the broken promises, mail order retailing continues to grow in good times and bad.

Mail order is money, big money, $40 billion a year in sales. Five billion catalogs a year mailed out in this country alone, and this number is growing.

Almost everyone buys something through the mail. That's why it is so easy for the rip-off artists to prosper. They know what we want, what we will believe, and how to sell it.

Someone gets ripped off by offers like these all the time. There seems to be no way to stop mail order fraud completely. It is hurting you and me, legitimate business people, and it is costing the government a small fortune to prosecute.

MAN. We get about, roughly, 200,000 to 225,000 complaints a year from consumers about fraud-type cases. Our resources we devote to it will run about 600-650 thousand hours per year. And that's been stable for about three years. That equates to about 390-some inspectors whose major duty, whose principal duty is investigating fraud work.

HOROWITZ. Mail order companies spend hundreds of millions of dollars to sell their products. But one phony offer can destroy the image of a legitimate business person.

WOMAN. When you shop by mail, if any company displeases you, rips you off, doesn't ship, ships you inferior merchandise, it turns you off on mail order completely. Any mail order. And I think that's a terribly adverse effect for us, for all of us in the mail order business.

HOROWITZ. To show how easy it is to rip you off, we went into the mail order business the way a rip-off artist would. The theory is to print an attractive ad like this one, make a bundle on a phony offer if possible, and get out with the cash before

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anyone realizes they were taken. It is easy to do. Too easy.

How long would it take you, under the current civil statutes, to prosecute, get the pieces of merchandise, and close 'em down if it's illegal, fraudulent?

MAN. I would say it's probably 90 to 120 days, in that area.

HOROWITZ. A bill introduced in Congress last year would broaden the powers of the postal inspectors, cut the delays in the system, made it easier to put the fraudulent operators out of business. But the bill never passed, although it's being reconsidered now. And the people who run the scams can still use those delays to stay just ahead of the law.

Mr. STEVENS. Mr. President, I urge the adoption of the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senator from New Mexico, Mr. BINGAMAN, be added as an original cosponsor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

If there be no further amendment to be proposed, the question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mail Order Consumer Protection Amendments of 1983".

CEASE-AND-DESIST ORDERS; MIRROR IMAGE DOCTRINE; TEST PURCHASE AUTHORITY

SEC. 2. (a) Section 3005(a) of title 39, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) requires the person or his representative to cease and desist from engaging in any such scheme, device, lottery, or gift enterprise.".

(b) The first sentence of section 3005(d) of such title is amended—

(1) by striking out "or" before "(2)"; and

(2) by inserting before the period a comma and

"or (3) an advertisement promoting the sale of a book or other publication, or a solicitation to purchase, or a purchase order for any such publication, if (A) such advertisement, solicitation, or purchase order is not materially false or misleading in its description of the publication; (B) such advertisement, solicitation, or purchase order contains no material misrepresentation of fact provided, however, that no statement quoted or derived from the publication shall constitute misrepresentation of fact as long as such statement complies with the requirements of subparagraphs (A) and (C); and (C) the advertisement, solicitation, or purchase order accurately discloses the source of any statements quoted or derived from the publication. Paragraph (3) shall not be applicable to any publication, advertisement, solicitation, or purchase order which is used to sell some other product in which the publisher or author has a financial interest as part of a commercial scheme".

(c) Section 3005 of such title is amended by adding at the end thereof the following new subsection:

"(e)(1) In conducting an investigation to determine if a person is engaged in any of the activities covered by subsection (a) of this section, the Postmaster General (or any duly authorized agent of the Postmaster General) may tender, at any reasonable time and by any reasonable means, the price advertised or otherwise requested for any article or service that such person has offered to provide through the mails.

"(2) A failure to provide the article or service offered after the Postmaster General or his agent has tendered the price advertised or otherwise requested in the manner described in paragraph (1) of this subsection, and any reasons for such failure, may be considered in a proceeding held under section 3007 of this title to determine if there is probable cause to believe that a violation of this section has occurred.

"(3) The Postmaster General shall prescribe regulations under which any individual seeking to make a purchase on behalf of the Postal Service under this subsection from any person shall—

"(A) identify himself as a employee or authorized agent of the Postal Service, as the case may be;

"(B) state the nature of the conduct under investigation; and

"(C) inform such person that the failure to complete the transaction may be considered in a proceeding under section 3007 of this title to determine probable cause, in accordance with paragraph (2) of this subsection.".

CIVIL PENALTIES; SEMIANNUAL REPORTS

SEC. 3. (a) Chapter 30 of title 39, United States Code, is amended by adding at the end thereof the following new sections:

"§ 3012. Civil penalties

"(a) Any person—

"(1) who, through the use of the mail, evades or attempts to evade the effect of an order issued under section 3005(a)(1) or 3005(a)(2) of this title;

"(2) who fails to comply with an order issued under section 3005(a)(3) of this title; or

"(3) who (other than a publisher described by section 3007(b) of this title) has actual knowledge of any such order, is in privity with any person described by paragraph (1) or (2) of this subsection, and engages in conduct to assist any such person to evade, attempt to evade, or fail to comply with any such order, as the case may be, through the use of the mail;

shall be liable to the United States for a civil penalty in an amount not to exceed $10,000 for each day that such person engages in conduct described by paragraph (1), (2), or (3) of this subsection. A separate penalty may be assessed under this subsection with respect to the conduct described in each such paragraph.

"(b)(1) Whenever, on the basis of any information available to it, the Postal Service finds that any person has engaged, or is engaging, in conduct described by paragraph (1), (2), or (3) of subsection (a), the Postal Service may, under the provisions of section 409(d) of this title, commence a civil action to enforce the civil penalties established by such subsection. Any such action shall be brought in the district court of the United States for the district in which the defendant resides or receives mail.

"(2) If the district court determines that a person has engaged, or is engaging, in conduct described by paragraph (1), (2), or (3) of subsection (a), the court shall determine the civil penalty, if any, under this section, taking into account the nature, circumstances, extent, and gravity of the violation or violations of such subsection, and, with respect to the violator, the ability to pay the penalty, the effect of the penalty on the ability of the violator to conduct lawful business, any history of prior violations of such subsection, the degree of culpability, and such other matters as justice may require.

"(c) All penalties collected under authority of this section shall be paid into the Treasury of the United States.

"(d) In any proceeding at any time under this section, the defendant shall be entitled as a defense or counterclaim to seek judicial review, if not already had, pursuant to chapter 7 of title 5, of the order issued under section 3005 of this title. However, nothing in this section shall be construed to preclude independent judicial review otherwise available pursuant to chapter 7 of title 5 of an order issued under section 3005 of this title.

"§ 3013. Semiannual reports on investigative activities of the Postal Service

"The Postmaster General shall submit semiannual reports to the Board summarizing the investigative activities of the Postal Service. One semiannual report shall be submitted for the reporting period beginning on October 1 and ending on March 31, and the other semiannual report shall be submitted for the reporting period beginning on April 1 and ending on September 30. Each such report shall be submitted within sixty days after the close of the reporting period involved and shall include with respect to such reporting period—

"(1) a summary of any proceedings instituted under section 3005 of this title, and the results of those and of any other such proceedings decided, settled, or otherwise concluded during such period;

"(2) the number of cases in which the authority described in section 3005(e) of this title was used;

"(3) the number of applications for temporary restraining orders or preliminary injunctions submitted under section 3007 of this title and, of those applications, the number granted;

"(4) the total amount of expenditures and obligations incurred in carrying out the investigative activities of the Postal Service; and

"(5) such other information relating to the investigative activities of the Postal Service as the Board may require.

Upon approval of a report submitted under the first sentence of this section, the Board shall transmit such report to the Congress.".

(b) Section 3012 of title 39, United States Code (as added by subsection (a) of this section) shall apply with respect to conduct which occurs on or after the date of the enactment of this Act.

(c) The analysis for chapter 30 of title 39, United States Code, is amended by inserting after the item relating to section 3011 the following new items:

"3012. Civil penalties.

"3013. Semiannual reports on investigative activities of the Postal Service.".

CONSUMER EDUCATION PROGRAM ON SCHEMES INVOLVING FALSE REPRESENTATIONS

SEC. 4. (a) As soon as practicable after the date of enactment of this Act, the Postmaster General or his designee, following consultation with representatives of the mail order industry, shall develop and carry out a program designed to provide consumer education to the public on schemes involving false representations through use of the mails, including the dissemination of information on recognizing practices commonly associated with such schemes, as well as appropriate measures which an individual may take upon receiving mail matter which the individual believes may be part of such a scheme.

(b) A summary of the activities carried out under subsection (a) shall be included in each annual report rendered by the Postmaster General under section 2402 of title 39, United States Code.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JOINT REFERRAL OF THE NOMINATION OF KENNETH S. GEORGE

Mr. STEVENS. Mr. President, I now renew my request for the joint referral of the nomination of Kenneth S. George. I ask unanimous consent that the nomination of Kenneth S. George, of Texas, to be Director General of the United States and Foreign Commercial Services, be jointly referred to the Committee on Commerce, Science and Transportation, and the Committee on Banking, Housing, and Urban Affairs.

Mr. BYRD. Mr. President, that matter has now been cleared.

The PRESIDING OFFICER. Hearing no objection, as in executive session, the request is agreed to.

EXCUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the nominations on pages 2, 3, and 4.

Mr. BYRD. Mr. President, this side is prepared to proceed to act on calendar orders numbered 356 and 359. I am sorry to say to my good friend that we are not prepared to proceed with the other nominations at this point.

Mr. STEVENS. I beg the Senator's pardon.

Mr. BYRD. That is quite all right. I said that this side is prepared only to proceed with calendar orders numbered 356 and 359 on page 2.

Mr. STEVENS. I thank the Senator. I revise my request that we go into executive session for the purpose of considering calendar orders numbered 356 and 359.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENVIRONMENTAL PROTECTION AGENCY

The assistant legislative clerk read the nomination of Jack E. Ravan, of Georgia, to be an Assistant Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF TRANSPORTATION

The assistant legislative clerk read the nomination of Diane K. Steed, of the District of Columbia, to be Administrator of the National Highway Traffic Safety Administration.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION—MESSAGE FROM THE PRESIDENT—PM 86

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the requirements of Section 109(e) of the Hazardous Materials Transportation Act (P.L. 93-633), I hereby transmit the Thirteenth Annual Report on Hazardous Materials Transportation for calendar year 1982.

RONALD REAGAN.

THE WHITE HOUSE, *November 3, 1983.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1933. A communication from the Assistant Legal Advisor For Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to October 25, 1983; to the Committee on Foreign Relations.

EC-1934. A communication from the Chairman of the Council on Environmental Quality, Executive Office of the President, transmitting, pursuant to law, the annual report of the Council under the Government in the Sunshine Act for calendar years 1980, 1981, and 1982; to the Committee on Governmental Affairs.

EC-1935. A communication from the Assistant Vice President and Director of Human Resources of the Farm Credit Banks of Springfield, transmitting, pursuant to law, the annual report for the Farm Credit Banks of Springfield Retirement Plan for the period April 1, 1982 to March 31, 1983; to the Committee on Governmental Affairs.

EC-1936. A communication from a nominee to the U.S. Bankruptcy Court, transmitting, pursuant to law, notice of the nominee's intention to accept the position as a judge of the U.S. Bankruptcy Court; to the Committee on the Judiciary.

EC-1937. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations concerning contributions and expenditures by corporations and labor organizations for nonpartisan communications; to the Committee on Rules and Administration.

EC-1938. A communication from the Assistant Secretary of Commerce (Trade Administration), transmitting, pursuant to law, the 43rd annual report of the Foreign-Trade Zones Board for fiscal year 1981, together with reports of the 42 zones operating during the period; to the Committee on Finance.

EC-1939. A communication from the Assistant Secretary of the Treasury (Legislative Affairs), transmitting, pursuant to law, a report analyzing the impact on the provision of basic human needs of economic adjustment programs supported in 1982 by financing from the International Monetary Fund; to the Committee on Foreign Relations.

EC-1940. A communication from the Fiscal Assistant Secretary of the Treasury; transmitting, pursuant to law, a report on the actual amount of revenues deposited in the Panama Canal Commission Fund during fiscal year 1983; to the Committee on Armed Services.

EC-1941. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, a notice of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-1942. A communication from the Federal Inspector of the Alaska Natural Gas Transportation System, transmitting, pursuant to law, the 17th quarterly report summarizing the significant project developments that have occurred from July through September 1983; to the Committee on Energy and Natural Resources.

EC-1943. A communication from the Secretary of Transportation transmitting, pursuant to law, an estimate of the cost to complete the Interstate System; to the Committee on Environment and Public Works.

EC-1944. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Act 5-74; to the Committee on Governmental Affairs.

EC-1945. A communication from the Chairman of the District of Columbia Council transmitting, pursuant to law, a copy of D.C. Act 5-75; to the Committee on Governmental Affairs.

EC-1946. A communication from the Librarian of Congress transmitting, pursuant to law, a report of the activities of the Library, including the Copyright Office, for fiscal year 1982; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

H.J. Res. 283. Joint resolution designating the week beginning November 6, 1983 as "National Disabled Veterans Week".

S. Res. 238. Resolution to express the sense of the Senate that January 22 through January 28, 1984, should be observed as "National Meat Week".

S.J. Res. 160. Joint resolution to designate the week of October 17, 1983 through October 24, 1983, as "National Adult Continuing Education Week".

By Mr. COHEN, from the Committee on Armed Services:

Report to accompany (S. 338) to revise the procedures for soliciting and evaluation bids and proposals for Government contracts and awarding such contracts, and for other purposes (Rept. No. 98-297).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Robert Oberndoerfer Harris, of the District of Columbia, to be a Member of the National Mediation Board for the term expiring July 1, 1986; and

Helen M. Witt, of Pennsylvania, to be a Member of the National Mediation Board for the term expiring July 1, 1985.

(The above nominations were reported from the Committee on Labor and Human Resources with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GOLDWATER:

S. 2045. A bill to amend the Communications Act of 1934, relative to volunteer administered amateur radio examinations; to the Committee on Commerce, Science, and Transportation.

By Mr. TOWER (for himself and Mr. Durenberger):

S. 2046. A bill to amend the Internal Revenue Code of 1954 to provide capital gain treatment for sales of certain condominiums; to the Committee on Finance.

By Mr. ANDREWS:

S. 2047. A bill to stabilize airline fares on certain domestic routes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself, Mrs. Hawkins, Mr. Andrews, Mr. Nickles, and Mr. Quayle):

S. 2048. A bill to provide for the establishment of a Task Force on Organ Procurement and Transplantation and an Organ Procurement and Transplantation Registry, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEFLIN:

S. 2049. A bill to amend the Federal Rules of Civil Procedure to provide for certain service of process by mail; to the Committee on the Judiciary.

By Mr. BOSCHWITZ:

S. 2050. A bill to provide local communities with a right of first refusal to purchase a major league baseball franchise if the owners offer the franchise for sale to prospective purchasers who intend to move such franchise to another community; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for Mr. Chiles (for himself, Mr. Hollings, Mr. Pell, Mr. Domenici, Mr. Kennedy, Mr. Heinz, Mr. Randolph, Mr. Huddleston, Mr. Bumpers, Mr. Andrews, Mr. Nunn, Mr. Riegle, Mr. Levin, Mr. Bradley, Mr. Sasser, Mr. McClure, Mr. Chafee, Mr. Burdick, Mr. Dodd, Mr. Stennis, Mr. Pryor, Mr. Leahy, Mr. Durenberger, Mr. Bingaman, Mr. Lautenberg, Mr. Percy, Mr. Stafford, Mr. Inouye, Mr. Weicker, Mr. Stevens, Mr. Johnston, Mr. Quayle, Mr. Proxmire, Mr. Bentsen, Mr. Sarbanes, Mr. Thurmond, Mr. Lugar, Mr. Moynihan, Mr. Roth, Mr. Melcher, and Mr. Matsunaga)):

S. Res. 268. Resolution to express the thanks of the Senate to America's educators; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GOLDWATER:

S. 2045. A bill to amend the Communications Act of 1934, relative to volunteer administered amateur radio examinations; to the Committee on Commerce, Science, and Transportation.

VOLUNTEER ADMINISTERED AMATEUR RADIO EXAMINATIONS

● Mr. GOLDWATER. Mr. President, today I am introducing a bill to amend the Communications Act of 1934 in regards to volunteers administering examinations to amateur radio applicants. The purpose of this bill is to permit the volunteers to be reimbursed by the applicants for their out-of-pocket expenses.

The issue of reimbursement of the volunteers' costs has arisen as a result of the Federal Communications Commission's implementation of section 104 of Public Law 97-259. This section, among other things, permits the Commission to use the uncompensated services of volunteers to prepare and administer amateur radio examinations.

The section permits transfer of the amateur radio examination process, in whole or in part, to the amateurs themselves. This results in three specific benefits. First, there is a significant savings to the Federal Government in both costs and manpower. Second, it solves the problem of increasing unavailability of amateur examinations in many areas of the country due to Commission budgetary constraints. And third, it allows for increasing the examination question data base at the least cost to the Federal Government and thereby lessen the opportunity for applicants to pass the examination merely by memorizing the questions and answers instead of acquiring knowledge of the subject.

The Commission regulations to implement this authority insofar as the introductory novice tests are concerned took effect on September 1, 1983, as set out at volume 48 of the Federal Register, pages 32586-32588. In brief, the Commission has published 250 approved questions for this examination. A volunteer amateur selects 20 questions in accordance with Commission instructions and has the applicant answer them. If the applicant answers at least 15 of the 20 questions correctly, and also demonstrates the ability to send and receive Morse code at a rate of 5 words-per-minute, the volunteer certifies these facts to the Commission and a license is issued.

The new regulations applicable to the introductory novice examinations considerably speed up the process and eliminate some of the tasks which previously burdened the Commission and caused delays in the issuance of licenses. The legislation I am introducing today is not intended to have any effect upon the present novice program, which is structured in a manner which does not require volunteers to incur significant expense. I do not expect the Commission to authorize collection of any charges whatsoever related to the present novice program. It is a good program, it has been very successful, and there is absolutely no need to charge anyone anything in return for the novice examination.

The regulations applicable to examinations for the higher class amateur radio licenses, however, are significantly different, and this legislation is addressed solely to the process of administering examinations for these higher class licenses.

The Commission has implemented the authority to accept voluntary uncompensated services from amateurs in such a way that volunteers will inevitably incur significant expense. Unlike the regulatory scheme which the FCC applied to the novice examination procedure, that recently announced (vol. 48 Federal Register pp. 45652-45661) to govern examinations for the higher class licenses requires two levels of volunteers. The first level, so-called volunteer examination coordinators (VEC's) would deal directly with the Commission and be responsible for coordinating the examinations within their assigned area. The continental United States is divided into 10 large areas, and each VEC is required to oversee the exams within his entire area.

The examination questions would be selected in advance by the FCC from publicly available lists. The VEC would have to print the exam and distribute them to the local volunteers. The examination would consist solely of questions periodically selected by the FCC and communicated to the coordinator. After the examination is administered, the results would be forwarded to the coordinator for checking, then the papers sent to the FCC for issuance of the appropriate license.

The volunteers on the local level would be responsible for actually administering the examinations and sending the completed papers to the coordinator.

Obviously examinations should be honestly conducted under proper conditions, but quite frankly I am not convinced that this detailed Federal regulation is necessary to administer a simple amateur radio examination. Therefore I have suggested some simplifications to FCC Chairman Fowler which would lessen the ultimate cost of the examination process and at the same time safeguard the system against cheating through unauthorized disclosure of the exact exam questions chosen by the FCC for a particular period.

One purpose of Public Law 97-259 was to put an end to the type of situation where an applicant goes into the examination knowing which questions will be asked. The FCC implementation of the legislation includes some of the problems of the present system, and the present system has unfortunately become quite "leaky." I have made some specific suggestions to the FCC Chairman about how this problem can be rectified, and the suggestions would at the same time lessen the costs to the volunteers.

I have been assured that the Commission will continue to administer examinations until a viable volunteer system is up and running in each area. I think my suggestions to the FCC Chairman, if accepted, will facilitate this process.

The organizing of volunteers to give examinations may entail significant costs to the volunteer organizations and individuals. This is especially true if the present rules which require a coordinator to print and distribute examinations to individual examinees throughout a wide geographic area remain in effect. One area, for example, extends from Virginia south to Florida and west to Tennessee and Kentucky. With only 10 areas in the continental United States and a requirement that each coordinator be responsible for the entire area, significant costs to the coordinator appear inevitable.

The bill I am introducing today is for the purpose of allowing the amateur volunteers to recover their out-of-pocket costs. The legislation would authorize the recoupment of only these costs, and there would be an upper limit to such recoverable costs of $4 per examinee—adjustable for inflation. I want to emphasize that this $4 figure is an upper limit. The volunteers could not be authorized to recover more than their actual expenses, and would be required to certify to the Commission that all costs for which reimbursement was obtained were necessarily and prudently incurred.

The bill purposefully leaves actual implementation details to the Commission or to the volunteers themselves. For example, whether the volunteer coordinators, the volunteer administrators—VEC's and VE's in FCC parlance—or both will be allowed to recover costs is left to administrative discretion in order to insure the flexibility necessary to meet both present and future situations.

Ten years ago, when the FCC was charging fees for amateur examinations, each of us paid $4 and most felt that amount to be within the zone of reasonableness even back then. The FCC today estimates the cost of administering each examination to be over $7. Therefore this $4 limit—which to an amateur represents the cost of admission to one ham swapfest—appears to be reasonable. The savings made by utilizing amateur volunteers to prepare and administer the examinations would be passed along to the applicant.

Passage of this bill will help insure that the volunteer process is a success, and not hampered by persons and organizations being deterred from helping out by a fear of incurring unrecoverable out-of-pocket costs.

Mr. President, I ask that my letter to FCC Chairman Fowler relating to this subject be printed in the RECORD and that the text of the bill shall also appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 4(f)(4) of the Communications Act of 1934 (47 U.S.C. 154(f)(4)) is amended by adding at the end thereof the following new subparagraph:

"(I) With respect to the acceptance of voluntary uncompensated services for the preparation, processing or administration of examinations for amateur station operator licenses pursuant to subparagraph (A) or (B) of this paragraph, individuals or organizations which provide or coordinate such authorized volunteer services may recover from examinees reimbursement for out-of-pocket costs. The total amount of allowable cost reimbursement per examinee shall not exceed four dollars, adjusted annually every January first for changes in the Department of Labor Consumer Price Index. Such individuals and organizations shall maintain records of out-of-pocket expenditures and shall certify annually to the Commission that all costs for which reimbursement was obtained were necessarily and prudently incurred."

NOVEMBER 3, 1983.

Hon. MARK FOWLER,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR MARK: The Commission recently promulgated regulations in PR Docket 83-27 to govern acceptance of the volunteer services of radio amateurs for the preparation and administration of certain amateur examinations. Many radio amateurs have expressed concern that the volunteers will inevitably incur significant unreimbursable costs under these regulations. Understandably such costs will deter many of the amateurs from volunteering to participate in the volunteer examination program.

By contrast, the regulations recently promulgated in PR Docket 82-727 to govern acceptance of similar services for novice class examinations do not result in such costs, and that program is quite successful.

Under both systems a Commission-approved bank of questions is released to the public. The significant difference is that for novice examinations the volunteers can prepare exams from the Commission-approved questions, whereas for the higher class examinations only the Commission itself can choose the exact questions from the public list. The regulations applicable to the higher class examinations thus require volunteer "coordinators" both to print the examinations and to distribute them throughout large geographic areas. Additionally, other volunteers are needed to actually administer the examinations.

It seems to me that the printing and distribution of the higher class examinations, and the associated costs, can be shifted to the private marketplace with beneficial results. In fact, this is exactly what is beginning to occur with novice examinations. Already two publishers have announced competing novice examination packages. The applicant can purchase a sealed package containing an examination in Commission-approved format, an answer sheet, and an FCC application form. The volunteer examiner merely unseals the package, hands the exam to the applicant, and grades the exam after its completion. The cost of the examination is determined in the competitive publishing marketplace with no governmental interference.

The Commission might provide some basic guidelines to govern commercial preparation of examinations. For example, each publisher could be required to distribute a minimum number of different question combinations in order for completion of that publisher's examinations to be accepted for licensing purposes. The creation of a wide variety of sealed examinations based upon FCC-approved questions and answers would also reduce the possibility of compromising the integrity of the volunteer examinations.

I think a minor amendment to the rules along these lines would increase participation in the volunteer examination system and ultimately would result in a more successful program.

BARRY GOLDWATER.●

By Mr. TOWER (for himself and Mr. DURENBERGER):

S. 2046. A bill to amend the Internal Revenue Code of 1954 to provide capital gain treatment for sales of certain condominiums; to the Committee on Finance.

CONDOMINIUM COST REDUCTION ACT OF 1983

● Mr. TOWER. Mr. President, for most people the dream of homeownership often begins with the least expensive form of housing. Because of the high interest rates and land costs which have plagued our country during the last several years, condominiums have often become the most affordable ownership housing that is available today.

However, due to the general capital gains and dealer rules, the current tax laws discourage sales to tenants and encourage sales to converters. Under the dealer rules, if an owner sells more than five units of a project a year to tenants, he is considered a "dealer" and must pay ordinary income taxes on his entire gain above his present basis. To avoid this significant tax penalty, owners sell the building as a whole to a converter and the owner is granted all capital gains on his profit. Because of this stiff tax for sales to tenants, virtually all condominium conversions are accomplished with the involvement of professional converters. In virtually none of the cases do owners convert the building themselves and pay taxes at ordinary tax rates.

While condominiums are viewed as providing homeownership, they have, I believe been unfairly painted as the newest villain in the multifamily industry. In fact, the HUD study, "The Conversion of Rental Housing to Condominiums and Cooperatives," shows that for every 100 rental units converted, there is a decrease of only 5 available rental units from the housing market. In other words, the study goes on to point out that "when changes in demand and supply resulting from conversions are juxtaposed, the effect on the rental market is considerably less than the total of all units converted."

At the same time, we cannot be blind to the fact that conversions by professional converters have had some negative impact on the housing market because of some insensitive converters and present tax laws. This legislation that I am introducing today, would cut out the middleman converter and make conversions a much more humane and cooperative venture between the owners and the tenants. In the typical conversion today, the converter buys out the owner with short-term money usually pegged a few points above the prime.

Because of the high carrying cost and the fact that the converter has to pay ordinary income tax on any of his gain, makes it necessary for him to sell the units as fast as possible to limit his carrying charges and overhead. Many times the converter upgrades the units so that he can charge a high enough price to pay for his expenses and cover his substantial risks. As prices increase to cover these costs, many of the current tenants will find it impossible to purchase their present units. In fact, the National Apartment Association estimates the cost of conversion is increased by at least 25 percent of the converter's involvement.

The legislation that Senator DURENBERGER and I are introducing today would provide that, if an owner converts an apartment to a condominium after holding the building for 5 years or more, the amount of profit realized by virtue of gain in the value of the building as determined on the date of conversion is to be taxed at capital gains rates and any profits realized beyond that at ordinary income rates. I believe that, if current tax laws did not discourage apartment owners from converting the buildings themselves, the condominium market would work quite differently.

Within the confines of the present tax law, the owner is encouraged to sell the project, but not directly to an individual who currently lives in the unit. S. 2046 would provide that the owner could sell the units to his tenant and make a fair profit without incurring the high short-term costs and risks that the converter takes. The owner would also save considerable costs by selling the unit to the tenant because he would avoid large real estate brokerage costs and other transaction costs associated with bringing in new owners. The owner could, therefore, sell the unit at a significantly lower price—one that the present tenants would be able to afford. There would be less need to upgrade the unit beyond the affordability of the current residents. This will lead to less displacement because it will eliminate the need to move the nonbuying tenants out quickly. In addition, the owner will find it easier to comply with many local restrictions which require extended lease terms for current residents since he is already carrying the building as a rental project without a large short-term obligation.

This bill is identical to legislation sponsored by Representatives PETE STARK, Democrat from California and BILL ARCHER, Republican from Texas. Originally introduced as H.R. 699, the Ways and Means Committee incorporated the bill into H.R. 4170, the Tax Reform Act of 1983. The Treasury Department has indicated that the legislation will have little revenue impact. The House version as marked up by the Ways and Means Committee contained language relating to the concept of a collapsible corporation. In my view, this complex device should be reviewed by the committee in a broad perspective and thus, I have not introduced this language.

Finally, Mr. President, I ask unanimous consent that an article which appeared in the Washington Post on Saturday, October 15, 1983, by the nationally syndicated columist, Ken Harney, on the bill appear in the RECORD immediately following my statement. I believe this article describes how this legislation will have a positive impact on the housing industry by facilitating the purchase of low-cost ownership housing for many Americans.

Mr. President, I ask my colleagues to act favorably on this legislation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOOD NEWS, MAYBE, FOR CONDO BUYERS

(By Kenneth R. Harney)

What could be the most important piece of tax legislation in years for thousands of would-be condominium buyers—and owners of the buildings in which they live—is heading for passage on Capitol Hill.

Known as the Condominium Cost Reduction Act, the bill would amend the federal tax code to encourage conversions of rental properties to condos without the involvement of outside, third-party developers.

By eliminating the middlemen, the bill could cut condo-units sales prices in conversions by anywhere from 15 to 30 percent. It also should allow apartment-building owners to custom-tailor condo prices, financing terms and renvoations to the economic situations of existing tenants living in the property.

Rather than forcing out large percentages of renters who can't afford the prices required in typical condo conversions, the new legislation would give owners greater incentives to retain as many present tenants as possible. Elderly, modest-income and young families or singles should be the prime beneficiaries.

Sponsored by Representatives Fortney H. (Pete) Stark Jr. (D-Calif.) and Bill Archer (R-Tex.), the condominium provisions were accepted last week by the House Ways and Means Committee as part of the 1983 federal tax bill. Because there is no opposition in the Senate or from the Reagan administration, the condo reforms are virtually certain to become law. Here's what the legislation does, and why it should send up cheers among condo buyers and rental-property owners across the country:

Under the current federal tax code, apartment-building owners who want to convert their property to condominiums cannot "retail" their units themselves. Instead, the code forces them to sell the property to an outside converter or temporary owner who then develops and sells the units one by one.

Outside converters are necessary because the tax code treats apartment-building owners as "dealers"—not investors—when they sell more than five units. Dealers get taxed at ordinary income tax rates; investors qualify for much lower capital gains tax treatment.

Long-term apartment building owners avoid dealer status like the plague. Their entire investments are banked on taxation of future profits at low capital-gains rates. Converters, on the other hand, expect to buy an apartment building with short-term financing, renovate it quickly and sell it out at prices pegged high enough to give them a healthy profit, even though taxed at high, regular income rates.

The problem with all of this is that it raises the final cost of condo units to the consumer. The converter has to tack a sizable premium onto the selling price in order to make his effort worth-while financially. That premium isn't the converter's fault. It is mandated by the federal tax code.

Also, the outside conversion process often produces human hardship. Third-party developers have to "move" a project to sell out quickly, even if that means long-term tenants have to leave their units on short notice. To attract new buyers from the outside, the converter also has to redecorate and upgrade the building substantially—adding still more to prices and forcing more tenants out.

The Stark-Archer reform bill should end at least some of these problems. It will amend the tax code to allow apartment-building owners who have owned their property for at least five years to receive capital-gains treatment on a portion of their sale profits, and to be taxed at regular rates on the rest.

Building owners will pay capital gains taxes on the increase in the fair market value of their property from the day they bought it until the day they convert it to condos. All profits beyond that—from individual unit sales—will be taxed at regular rates.

In essence, the tax change will allow for at least part of the middleman's premium of 15 to 30 percent to be sliced from condo-unit selling prices. It won't guarantee flower prices in all buildings, nor will it put converters out of business.

But it will give owners a tremendous incentive to aim their prices and financing terms at levels affordable by current tenants. Rather than going out to attract new buyers, borrowing acquisition money at high short-term rates and undertaking heavy renovations, owners will find it more profitable to sell to tenants at "inside" prices, even if it takes a year or two to sell out fully.

For example, a garden-style rental project in the suburbs of a major city that might have been converted to sell two-bedroom units at $50,000 to $60,000 could be priced $6,000 to $10,000 less per unit—and still give the owner an after-tax return as good or better than would have been received selling via a third-party converter. The lower price would qualify between 25 and 30 percent more of the tenants in the project to buy rather than move—particularly if the owner arranged cut-rate financing terms.

"It's truly a win-win situation," said Scott L. Slesinger, executive vice president of the National Apartment Association. "Tenants and owners should come out better this way, because the law made no economic sense before."

Rare as landlord-tenant "win-win" situations may be, the new tax-reform bill looks like one of them.●

● Mr. DURENBERGER. Mr. President, I am pleased to join the distinguished chairman of the Senate Housing and Urban Affairs Subcommittee in introducing the Condominium Cost Reduction Act.

In today's housing market, there is little opportunity for the low- and moderate-income Americans to achieve what has always been described as the American dream, homeownership. Rising land and construction costs coupled with exorbitant interest rates have kept homeownership only a dream for Americans with limited financial resources.

Condominiums and cooperatives have emerged as alternatives still available to this group. However, an anomaly in our tax laws hinders the ability of rental building owners to convert to affordable homeownership units.

Currently, if an owner converts a building to condominiums and sells the units, all the profit is taxed at ordinary income rates. However, if the owner contracts with a converter, in effect a middleman, the owner's profit is taxed at capital gains rates while the converter pays the ordinary tax rate. Hence, the existing incentive encourages the latter.

By involving a middleman in the conversion process, a number of problems are created. For instance, a converter will borrow short-term capital to purchase the building and complete any improvements that may be necessary, often paying high interest rates in the process. This creates an upward pressure on unit prices and forces the converter to promote rapid sale of converted units.

Our bill seeks to eliminate the Tax Code-induced pressure for owners who sell to converters. Under our bill an owner who converts an apartment to condominiums will have the profits taxed at capital gains rates if he or she has owned the building for 5 years or more. Any profit realized beyond the gain in building value as determined by the date of conversion will be taxed at ordinary rates.

If enacted, our bill would decrease the cost of conversion and allow a less hectic conversion. In this process, the renting tenant would have a greater opportunity to purchase a unit rather than being driven out by the inflexibility and quick sale pressure created by the use of short-term expensive financing by converters influenced by current tax law.

This legislation would not have significant revenue impact and only changes a portion of the Code that encourages tax motivated business arrangements and higher costs to condo buyers.

I hope my colleagues will agree and that we can take timely action toward enacting this bill.●

By Mr. ANDREWS:

S. 2047. A bill to stabilize airline fares on certain domestic routes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIRLINE FARE STABILIZATION ACT

Mr. ANDREWS. Mr. President, I am today introducing for the consideration of the Senate legislation to provide for stabilization of fares in the airline industry, without re-regulation. Essentially, its modest purpose is to impose some order and predictable regularity to a pricing regime which has become a crazy quilt of rapidly changing fares which baffle the consumer and travel industry, and which undermine the possibility of orderly, and sound financial planning for the airlines.

The bill simply requires reinstatement of tariff-filing requirements with 60-day notice—30 days for matching fares. The bill would also require fares, as filed, to remain in effect for at least 90 days, except to match another carrier's price change.

I am aware that the state of the airline industry is of great concern to many of my colleagues. This is a complicated problem brought about by many factors ranging from the recession to implementation of the Airline Deregulation Act of 1978. There may be as many potential solutions as there are contributing factors to what I see as an industry in chaos. My bill today is just one attempt to sort out for the traveling public what has become bewildering. I am hopeful that this first step will help Congress focus on the problems in the industry, and lead to some corrective action.

By Mr. HATCH (for himself, Mrs. HAWKINS, Mr. ANDREWS, Mr. NICKLES, and Mr. QUAYLE):

S. 2048. A bill to provide for the establishment of a Task Force on Organ Procurement and Transplantation and an Organ Procurement and Transplantation Registry, and for other purposes; to the Committee on Labor and Human Resources.

ORGAN PROCUREMENT AND TRANSPLANTATION ACT

Mr. HATCH. Mr. President, today I am introducing legislation to help solve a serious public health problem which has only recently received much needed attention. Just a few years ago, few people outside of specialized medical centers had even heard of liver, kidney, heart, or any kind of human organ transplants. Today recent advances in medical technology have taken this country by surprise, and it is hard, if not impossible, to pick up a newspaper or magazine and not read about some organ being transplanted. A shortage of organs for transplantation has persisted for years, and it is now obvious that this shortage will be exacerbated by ongoing improvements in transplantation techniques.

The numbers of available organs that are actually transplanted has not changed appreciably; however, the gap between the demand for organs and their availability continues to mount. As we know the greatest hindrance to transplantation is the lack of available, suitable donor organs for those individuals awaiting surgery. Ignorance, apathy, and, at times, indifference could be blamed for part of the deficit of organs, not to mention the hidden medical-legal problems that are an inherent part of organ donation and transplantation.

The issue of organ transplantation forces us to confront an array of social, economic, medical, political, and ethical questions. These are the kinds of questions that continue to arise in a health care system that is driven by an ever-expanding technology base and a seemingly insatiable consumer and provider demand to use medical care. And these questions are particularly difficult to answer because there is a limit to our resources.

Furthermore, it is apparent that the availability of suitable organs is not the only problem. In some cases there have been suitable organs available, but needy patients have had to wait because there are not enough surgical transplant centers capable of performing the necessary procedure. Several factors, including an insufficient number of trained personnel and geographic maldistribution of facilities capable of supporting transplant teams prevent patients from receiving the life-saving organ transplant. Therefore, we must work to achieve an equilibrium between supply and demand and consider not just the need for organs but the entire spectrum of resources necessary for organ transplantation.

Compassion is not the issue. I have met no one who is hardhearted when it comes to this issue. In such an atmosphere it is easy to assume that the obvious and simple answers are correct ones. Equally easy is the advocacy to simple answers by politicans. Yet serious analysis show the answers are not simple and they are not obvious.

Many people do not remember that for each family thankful their child has received a liver transplant, there is another family—the donor's family—saddened that their child has died. So, too, this Congress would be remiss if it did not take seriously its obligation to look at the whole picture. Unfortunately, this requires looking beyond the family in need to consider the entire range of medical, ethical, social, and economic issues raised by our newly acquired capacities for organ transplantation. In this far-ranging inquiry we should not lose sight of the family in need; but in good conscience we should not allow our search for answers to end there.

The bill I am introducing will provide us with the information we need to adequately, expediently, and effectively obtain some of these answers. The Organ Procurement and Transplantation Act will accomplish the following:

First, establish a Task Force on Organ Procurement and Transplantation which will assess the nature and extent of private and public efforts to assure an effective national organ donor network and procurement system. This committee will be charged to explore the broad range of scientific, economic, social, and ethical issues related to organ transplantation and report to Congress within 7 months after this bill is enacted into law.

Second, establish a national donor/recipient computer registry, funded by the Department of Health and Human Services contracts to private, nonprofit organizations, to facilitate needy patients obtaining the suitable donor organ.

Third, require an annual report by the National Institute of Health on scientific and clinical research regarding advances in organ transplantation.

Fourth, amend the Public Health Service Act to make the buying and selling of organs for transplantation unlawful.

Perhaps the best thing this legislation will accomplish is to increase the willingness of our citizens to become potential organ donors themselves. I would like to recognize the good work of the American Liver Foundation which has recently begun a new effort to motivate the public to become organ donors. The "Donor Dove" lapel pin they developed is a symbol currently being adopted nationwide by many organ donors, and "Donor Dots" are blue stickers which can be placed on medical insurance identification cards alerting hospital personnel of an individual's willingness to be an organ donor if the occasion arises. Such simple and inexpensive voluntary efforts can accomplish a great deal and I applaud these efforts.

I am pleased to have worked on this legislation here in the Senate with my distinguished colleagues Mr. ANDREWS and Mrs. HAWKINS.

I am also pleased to report that Congressman MADIGAN is introducing an identical bill in the House of Representatives today.

Mr. President, I believe this legislation will be an expedient and effective means to address one of our most important public health problems. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Organ Procurement and Transplantation Act".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) the lack of suitable donor organs for patients awaiting surgery is a major obstacle to all organ transplant programs;

(2) a number of patients waiting for donor organs face certain death within a predictable time period;

(3) the absence of coordinated and effective systems to solicit, identify, and match organ donors with transplant patients has forced such patients and their families to resort to public appeals through the mass media in order to procure the organs needed for transplantation;

(4) a cooperative relationship between an informed public and a receptive medical community is necessary for the identification and procurement of organs for transplantation; and

(5) there is a need for additional medical centers which are capable of performing human organ transplant surgery.

TITLE I—TASK FORCE ON ORGAN PROCUREMENT AND TRANSPLANTATION ESTABLISHMENT

SEC. 101. Within 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall, under the authority of section 301 of the Public Health Service Act, establish a Task Force on Organ Procurement and Transplantation.

DUTIES OF THE TASK FORCE

SEC. 102. (a) the Task Force shall assess the nature and extent of public and private efforts that are needed to create a widely known, well defined, and effective organ procurement system, and shall develop a plan to assure the establishment of a national organ donor network and organ procurement system which emphasizes involvement by the private sector and provides for the coordination of existing organ procurement programs and services.

(b) The plan developed under subsection (a) shall include—

(1) an analysis of the factors that affect and determine the availability of organs for transplantation;

(2) a specification and clarification of mechanisms that exist or can be developed in the private sector to identify potential organ donors, provide for rapid matching of donors with appropriate organ recipients, facilitate the removal of organs, maintain the viability of organs, and transport organs to appropriate organ recipients, including mechanisms such as a national donor identification system;

(3) provisions for the education and training of health professionals, including physicians, nurses, and hospital and emergency care personnel;

(4) provisions for the education of the general public, the clergy, law enforcement officers, members of local fire departments, and other agencies and individuals that may be instrumental in effecting organ procurement;

(5) an identification of barriers to the donation of organs to pediatric patients, including an assessment of—

(A) barriers to the improved identification of pediatric organ donors and their families and pediatric organ recipients;

(B) current health care services provided for pediatric patients who need organ transplantation and organ procurement procedures, systems, and programs which affect such patients;

(C) cultural factors affecting the family with respect to the donation of the organs of a minor; and

(D) ethical and economic issues relating to organ transplantation needed by chronically ill pediatric patients;

(6) recommendations for the conduct and coordination of continuing research concerning all aspects of the transplantation of organs;

(7) an analysis of barriers to the interstate transportation of organs for transplantation;

(8) an analysis of the factors involved in insurance reimbursement for transplant procedures by private insurers and the public sector;

(9) recommendations concerning the appropriateness of insurance reimbursement for long-term immunosuppressive drug therapy for organ transplant patients by private insurers and the public sector; and

(10) an assessment of need for additional medical centers which are capable of performing human organ transplant surgery and recommendations for the expeditious establishment of such centers.

MEMBERSHIP

SEC. 103. (a) The Task Force shall be composed of seventeen members as follows:

(1) The Secretary of Health and Human Services (or the designee of the Secretary).

(2) The Surgeon General of the United States (or the designee of the Surgeon General).

(3) The Director of the National Institutes of Health (or the designee of the Director).

(4) The Administrator of the Health Care Financing Administration (or the designee of the Administrator);

(5) Five individuals appointed by the Secretary who are not officers or employees of the United States and who represent health professionals with expertise in the field of organ transplantation, including physicians, nurses, and hospital and emergency care personnel.

(6) Two individuals appointed by the Secretary who are not officers or employees of the United States and who represent private health insurers.

(7) Four individuals appointed by the Secretary who are not officers or employees of the United States and who represent the clergy, patient advocacy organizations, and voluntary organizations.

(8) Two individuals appointed by the Secretary who are not officers or employees of the United States and who have experience with respect to organ procurement.

(b) A vacancy in the Task Force shall be filled in the same manner as the original appointment was made. A vacancy in the Task Force shall not affect its powers.

(c) Members shall be appointed for the life of the Task Force.

(d) The Secretary shall select a Chairman from among the members of the Task Force who is not an officer or employee of the United States.

(e) Eleven members of the Task Force shall constitute a quorum, but a lesser number may hold hearings.

(f) The Task Force shall hold its first meeting on a date specified by the Secretary which is not later than thirty days after the date on which the Secretary established the Task Force under section 101. Thereafter, the Task Force shall meet at the call of the Chairman or a majority of its members, but shall meet at least three times during the life of the Task Force.

(g)(1) Each member of the Task Force who is not an officer or employee of the United States shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such member is engaged in the actual performance of duties as a member of the Task Force. Each member of the Task Force who is an officer or employee of the United States shall receive no additional compensation.

(2) While away from their homes or regular places of business in the performance of duties for the Task Force, all members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under section 5702 and 5703 of title 5, United States Code.

DIRECTOR AND STAFF TASK FORCE

SEC. 104. (a) The Secretary shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) With the approval of the Task Force, the Executive Director may appoint and fix the compensation of such additional personnel as the Task Force considers necessary to carry out its duties.

(c) The Executive Director and the additional personnel of the Task Force referred to in subsection (b) may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) Subject to such rules as may be prescribed by the Task Force, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $100 per day.

(e) Upon request of the Task Force, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Task Force to assist the Task Force in carrying out its duties under this Act.

(f) The Secretary shall provide the Task Force with such administrative and support services as the Task Force may request.

REPORT

SEC. 105. (a) The Task Force may transmit to the President and to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives such interim reports as the Task Force considers appropriate.

(b) Not later than six months after the date on which the Task Force is established by the Secretary under section 101, the Task Force shall transmit a final report to the President and to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives. The final report of the Task Force shall contain a detailed statement of the findings and conclusions of the Task Force and such recommendations as the Task Force considers appropriate.

DEFINITIONS

SEC. 106. For purposes of this title—

(1) the term "Federal agency" has the meaning given to the term "agency" in section 551(1) of title 5, United States Code;

(2) the term "Secretary" means the Secretary of Health and Human Services; and

(3) the term "Task Force" means the Task Force on Organ Procurement and Transplantation established under section 101.

TERMINATION

SEC. 107. The Task Force shall terminate one month after the date on which the Task Force transmits the final report required under section 105 to the President and the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

TITLE II—ORGAN PROCUREMENT AND TRANSPLANTATION REGISTRY

SEC. 201. Title III of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART K—ORGAN PROCUREMENT AND TRANSPLANTATION REGISTRY

"ESTABLISHMENT OF REGISTRY

"SEC. 399A. (a) Under the authority of section 301, the Secretary shall assure the establishment and operation in the private sector of an Organ Procurement and Transportation Registry which meets the requirements of subsection (b). To the extent necessary to carry out this section, the Secretary may enter into grants and contracts not exceeding $2,000,000 in any fiscal year.

"(b) The Organ Procurement and Transplantation Registry shall—

"(1) promote the establishment, in one location or coordinating regional centers, of a national registry of individuals who need organs for transplantation and a national system to match organs and individuals included in the registry;

"(2) assure the operation of a twenty-four-hour telephone service to facilitate matching organs with individuals included in the registry;

"(3) establish and maintain standards of quality for the acquisition and transportation of donated organs;

"(4) promote the coordination, as appropriate, of the transportation of donated organs to transplant centers; and

"(5) provide information to the public and to physicians and other health professionals regarding organ donation.

"(c) For purposes of this section, the term 'organ' means the human kidney, liver, heart, lung, bone marrow, and any other human organ or tissue included by the Secretary by regulation.".

TITLE III—ANNUAL REPORT ON ORGAN TRANSPLANTATION REPORT REQUIRED

SEC. 301. Title IV of the Public Health Service Act is amended by adding at the end thereof the following new section:

"ANNUAL REPORT ON ORGAN TRANSPLANTATION

SEC. 480. The Secretary shall publish an annual report on the scientific and clinical status of organ transplantation. The Secretary shall consult with the Director of the National Institutes of Health and the Commissioner of the Food and Drug Administration in the preparation of the report.".

TITLE IV—PROHIBITION OF ORGAN PURCHASES

SEC. 401. (a) Subpart 1 of part F of the Public Health Service Act is amended by adding at the end thereof the following new section:

"PURCHASE OF HUMAN ORGANS PROHIBITED

"SEC. 352A. (a) It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human organ for valuable consideration if the transfer affects interstate commerce.

"(b) Any person who violates subsection (a) shall be fined not more than $50,000 or imprisoned not more than five years, or both.

"(c) For purposes of subsection (a):

"(1) The term 'interstate commerce' has the same meaning as in section 201(b) of the Federal Food, Drug, and Cosmetic Act.

"(2) The term 'human organ' means the human kidney, liver, heart, lung, bone marrow, and any other human organ or tissue included by the Secretary by regulation.

"(3) The term 'valuable consideration' does not include the reasonable costs associated with the removal, storage, and transportation of a human organ.".

(b) Such subpart is further amended by adding at the end of the heading for such subpart "and Human Organs".

(c) The heading for part F of such Act is amended—

(1) by inserting a comma and "Human Organs," after "Products"; and

(2) by inserting a comma after "Laboratories".

● Mr. NICKLES. Mr. President, recently my heart was touched by the plight of a family, Rick and June Brooks, who testified before the Labor and Human Resources Committee with their son, Joshua, who is waiting for a liver transplant. Without the operation, Joshua has less than 3 months to live. Certainly none of us can know the agony and worry that this family is experiencing. The very same advancement in modern science which makes hope possible may result in profound disappointment and loss if a suitable organ is not located for Joshua.

Unfortunately, their son is only one of many children and adults whose lives hang in the balance, dependent on unforeseen tragedy in someone else's life for the continuation of their own. Recent developments in medical technology and drugs used in transplants of hearts, livers, kidneys, lungs, and bone marrow have increased the rate of survival and the resulting quality of life for transplant patients. However, with their development, a whole host of questions and challenges have surfaced which must be addressed for an effective delivery of services in this area. These challenges cover the waterfront. There are ethical questions of who will receive the limited number of organs which become available. There are medical questions relating to the training of highly specialized and currently limited personnel to perform the operations. There are social questions of how to increase the pool of donated organs so that those waiting for the gift of life have that chance. There are fiscal problems of who will pay for the operations and followup care which costs from $150,000 to $250,000 per operation. And, there are pragmatic questions of how to store and transport organs within the critical time period necessary.

I am happy to cosponsor legislation today which presents an answer to at least one aspect of this heart-wrenching problem. The bill we are introducing today addresses the significant challenge of matching those persons in need of organs with suitable donors on a nationwide basis. The current computer network for such matching efforts exists primarily on a regional basis and is not fully coordinated.

The need for such a nationwide system was vividly dramatized in the case of Jamie Fiske. Many of you will remember Mr. Charles Fiske, a father who made a touching appeal on behalf of his daughter at a conference of physicians in Massachusetts. Jamie needed a liver soon or she would not survive. As the news showed Mr. Fiske's plea, a father in Utah called his wife into the living room to see the story. As they looked at their two children playing, they both felt compassion for the plight of Mr. and Mrs. Fiske and little Jamie. Less than 1 week later, terrible tragedy struck this home. Their youngest child was involved in a car accident which proved fatal. As his child lay in the hospital brain dead, that father remembered Mr. Fiske. Today, Jamie is alive and doing well because of the love and compassion of that Utah family. For them, it was by chance that one family in Boston and one family in Utah were able to communicate with each other. But, with a national registry for those who are waiting for organs and those who are suitable donors, it won't be extraordinary for the gift of life to be given coast to coast, without televised appeals.

This legislation would also establish a task force to review the other medical, social, ethical, and fiscal issues I noted earlier and make recommendations for a coordinated strategy. Its findings are due in 6 months.

And finally, the legislation would prohibit the sale of human organs. There are some who seek to exploit the dire situations of those awaiting organs in what is an unethical and inhumane manner. Our legislation would prevent such abuses.

I certainly hope that my colleagues will review this bill and support it. It is an important first step in taking the miracles of modern medicine and making them work in an efficient and compassionate manner.●

● Mr. ANDREWS. Mr. President, in recent weeks, we have been constantly reminded of the difficulty and/or failure endured by families striving to secure organs for the survival of their loved ones. The names and faces of Monica Lewis, Ashley Bailey, Brandon Hall, and countless others have alerted the American public to the tremendous plight faced by the many who are desperately awaiting transplant surgery. Through the media, we have witnessed families waging a courageous struggle against time. We must take action immediately to find solutions to this tragic dilemma.

It is my hope that through the creation of both a task force on organ procurement and transplantation and the organ procurement and transplantation registry, major obstacles surrounding organ donation will be closely examined. These will include the following: public awareness for the need of donors for organ transplants—a recent Science magazine article stated that last year in the United States out of some 20,000 potential donors—young or middle-aged patients classified as brain dead—only 2,500 actually donated their organs. And second, an efficient organ procurement and distribution system will be guaranteed by instituting a national computer network.

I became aware of the need for this legislation through repeated contacts with Charles and Marilyn Fiske of Boston, Mass. The Fiskes are the parents of Jamie Fiske, who received a well-publicized liver transplant last year after her father made a nationwide plea for a donor at an appearance before the American Academy of Pediatrics convention. Through the Fiskes' fortitude and persistence, they were able to find the vital organ needed to keep Jamie alive. She was one of the fortunate few. As you know, thousands of individuals are not as lucky.

Today, I am proud to join with my esteemed colleague, Senator HATCH, in giving families such as the Fiskes renewed faith in finding the assistance they are earnestly seeking. Through the establishment of this task force, we will be able to give others the same hope that Charles and Marilyn Fiske maintained as Jamie awaited surgery, and see that hope become a living reality.●

● Mrs. HAWKINS. Mr. President, I am pleased to join Senators HATCH and ANDREWS today in cosponsoring legislation to establish a task force on Organ Procurement and Transplantation and to provide sufficient funds to insure the establishment of a nationwide registry of organ procurement and transplantation. The need for this legislation was demonstrated at a recent Labor and Human Resources Committee hearing on organ transplants.

The sudden reemergence of successful organ transplantation has given new hope to thousands of families whose members lives have been adversely affected or shortened by illness or disease. These individuals now have hope that their lives and the quality of their lives can be improved by successful organ transplantation. The improvements in immunology and transplantation techniques make a successful operation possible. But the hope given by these technological advances is tempered by problems in organ donation, shortage of expert surgical teams, no uniform network for matching donors with patients, and of course, cost.

A family with a member who needs this lifesaving operation cannot help but be frustrated to learn the number of possible organs which are not donated each day, the number of donated organs which are wasted because of improper care after donation, the lack of coordination between the 110 different organ procurement agencies, the limited number of surgical centers who have the personnel qualified to perform these difficult operations and the high cost of these operations caused by the lack of health insurance coverage because the majority of these operations are still considered "experimental."

Jamie Fiske's father, who testified at our hearing was so desperate to save the life of his child that he made a public plea before the national convention of the American Academy of Pediatrics. The resulting publicity played a major role in obtaining a donated organ for his daughter and thus saved his child's life, but others are not as fortunate.

One of the newest private transplant foundations in my State of Florida is the Nielsen Transplant Foundation. It came into being because concerned and dedicated citizens of Jacksonville, Fla., rallied to try and raise enough money to enable a young woman to obtain a heart transplant. Because she was insurance poor, Cheryl Nielsen was not admitted to the Stanford Hospital until she posted a $85,000 deposit to cover her hospital expenses. The citizens of Jacksonville were able to raise the necessary funds through community efforts. Tragically however, she died while waiting for a donor. These concerned citizens of Jacksonville then turned their efforts into helping other individuals who also need assistance in obtaining transplants.

The Nielsen Transplant Foundation, although formed primarily to assist in raising money to pay for a transplant, have expanded their efforts to include programs that stress the need for public and physician education regarding donation of organs. This is especially important because organs donated for just one person may provide years of life for many others. Raymond Camacho died in a tragic car accident in Miami, Fla., earlier this summer. But 16 people, including a heart patient, 2 kidney patients, and 6 bone cancer patients will benefit from his parents' decision to allow recovery of his organs.

While these private and community efforts are commendable, it is becoming tragically apparent that Federal coordination and assistance is needed to insure that the organ procurement delivery system keeps pace with technological advances and thus improves the ability of recipients to obtain a lifesaving donation of an organ. As the parents of Joshua Brooks testified, time is the enemy. We need to act quickly to insure that a nationwide organ registry is established which will facilitate the matching of donated organs with patients in need of a transplant. We need a 24-hour telephone hotline to insure that donated organs are matched with recipients as fast as possible. We need to establish standards of quality in the acquisition and transportation of organs to insure that these precious donations are not wasted. We need to increase the donation of organs by improving public and physician education. We need to prohibit the buying and selling of organs for profit. Mr. President, I urge my fellow Senators to join me, Senator HATCH and Senator ANDREWS in cosponsoring this important legislation. We need to act quickly to insure that our organ donation and procurement system is operating as quickly and efficiently as possible to turn hope into reality.●

● Mr. QUAYLE: Mr. President, today I rise to join Senators HATCH, ANDREWS, NICKLES and HAWKINS, in introducing the "Organ Procurement and Transplantation Act." This legislation provides for the establishment of a task force on Organ Procurement and Transplantation, on Organ Procurement and Transplantation Registry and the prohibition of the pruchase of human organs.

Medical science has made great advances in the area of organ transplantation. Transplantation is now not only technically feasible but is considered in many instances an acceptable option in the treatment of otherwise terminal conditions.

Liver transplants for small children with end stage liver diseases have been particularly in the limelight in the last year. It is gratifying and at the same time heart-wrenching to see the strength of families and communities who through fortitude and persistence garner the resources to fund transplants for these sick children and find the vital organ to keep their dear ones alive.

As we learned in hearings on organ transplantation conducted 2 weeks ago by the Labor and Human Resources Committee, there are many families who are not so lucky. Some lose the struggle to find the organ and others are never able to master the system to obtain the appropriate care.

Access is only one of the myriad of problems which comes with the opportunities for saving lives with transplantation. Our committee hearings focused on these other problems and I believe this legislation is an effective response to what the committee learned.

This legislation through the task force it mandates will provide for a reasoned analysis of the ethical and financial issues raised by organ transplantation. It will also include a thorough review of the many obstacles which frequently are confronted by those in need of new organs.

Testimony at the hearing by both parents of children waiting for new livers and health professionals illustrated the need for better coordination of organ procurement and transplantation. The legislation responds to this need by mandating the development of a centralized registry. Such a registry can and should be operated by the private sector and the legislation mandates that a private sector approach be adopted.

I understand that Dr. C. Everett Koop, the Surgeon General, has made great strides in facilitating private sector initiatives to coordinate organ procurement. I hope that the American Council on Transplantation which he has developed can provide a structure for the registry. The act has the support of a broad array of health delivery and professional organizations and is an appropriate private sector vehicle for the registry.

Finally, the legislation places a prohibition on the sale and purchase of human organs. A recent Washington Post article reported that a Virginia physician had written the Food and Drug Administration seeking a license to sell kidneys. He, evidently, has a plan to entice people from other countries to the United States to sell him their kidneys. The obtaining of organs in such a manner is abhorrent and inhumane. No statute, however, would apparently stand in the way of such trade. I am opposed to the marketing of kidneys or other organs and am satisfied that this provision of the law should appropriately put this problem to rest.

This bill will not provide all the answers to the social, economic and health policy questions raised by organ transplantation. It does offer an opportunity to develop a better understanding of the problems posed by these procedures and other types of expensive and esoteric treatments which are likely to be developed by medical science in the future. Most importantly, the legislation in human terms breaks ground in beginning a national effort to relieve some of the agony and obstacles which currently may stand in the way of individuals and their families needing a lifesaving organ.●

By Mr. HEFLIN:

S. 2049. A bill to amend the Federal Rules of Civil Procedure to provide for certain service of process by mail; to the Committee on the Judiciary.

SERVICE OF PROCESS BY MAIL

Mr. HEFLIN. Mr. President, I am today introducing legislation which would amend the Federal Rules of Civil Procedure to provide for certain service of process by mail.

Last Congress, Public Law 97-462 was enacted which abolished, in most cases, service of process by U.S. marshals. Marshal service is permitted in only very limited circumstances. These include cases on behalf of the United States, cases on behalf of a seaman or party authorized to proceed in forma pauperis, or cases pursuant to court order.

In cases where U.S. Marshal Service is no longer available, Public Law 97-462 provides a choice—private service or service by mail. However, the mail service provision does not include service upon the United States. Thus, in cases where the United States or an agency or officer of the United States is a party, service must be made on the U.S. attorney by private service. This legislation would authorize mail service upon the U.S. attorney, which would eliminate the unnecessary expense and inconvenience of direct service.

Mr. President, the bill I introduce today is identical to H.R. 2548, which has been introduced in the House of Representatives by Congressman RICHARD SHELBY.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That rule 4(c)(2)(C) of the Federal Rules of Civil Procedure is amended—

(1) by striking out "or (3)" and inserting in lieu thereof ", (3), or (4)"; and

(2) in clause (ii), by striking out "or (d)(3)" and inserting in lieu thereof ", (d)(3), or (d)(4)".

By Mr. BOSCHWITZ:

S. 2050. A bill to provide local communities with a right of first refusal to purchase a major league baseball franchise for sale to prospective purchasers who intend to move such franchise to another community; to the Committee on Commerce, Science, and Transportation.

MAJOR LEAGUE BASEBALL COMMUNITY PROTECTION ACT

Mr. BOSCHWITZ. Mr. President, today I am introducing legislation to protect a community from the sale and relocation of a major league baseball franchise without providing an opportunity for the team to be sold and operated locally.

For many years, major league baseball has benefited by being exempted from Federal antitrust laws. This certainly has added value to local franchises. In addition the people of the cities, regions, and States where teams are located have made significant investments in the franchises through years of support, community involvement, civic improvements, State and local tax benefits and in many instances, financial backing for operating facilities.

In spite of the fact that significant value is added to these franchises through Federal, State, and local contributions, the owners have absolutely no obligation to the local community and fans if they want to sell their teams for operation in another city.

Considering that we allow major league baseball to be exempted from Federal antitrust laws, I believe it is appropriate to require the franchise owners to recognize the importance and contribution of the local community. The bill I am introducing today would do that by providing local communities with a right of first refusal to purchase the team prior to the sale and relocation of the team to another city.

This would be accomplished by requiring the owner to give notice when he received an offer to purchase and relocate the team. An arbitration board would then be set up to receive and review new offers that would keep the team at its current location. If the board determined that any of the local offers equals or exceeds the relocation offer the owner would be prohibited from selling the team unless the purchaser would commit to not relocate it.

The bill would also reaffirm the antitrust exemption provided for major league baseball only to franchise owners who agree to participate in and be bound by the arbitration procedures in this act.

I am motivated to introduce this bill because of the recent offers to buy and move the Minnesota Twins, only 3 years after extensive community efforts produced a $55 million domed stadium for their use. However, this bill would protect not only the citizens of Minnesota and the surrounding region, but all cities with major league baseball teams.

As introduced, this bill does not protect against relocation of the team under the current ownership. Senator MATHIAS has introduced a bill, S. 1078, that would establish conditions for the relocation of professional sports teams. I intend to work with him to insure that local communities would be protected from that possibility, as well.

I ask unanimous consent that the text of the bill and a section-by-section analysis appear immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Major League Baseball Community Protection Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) major league baseball has, over the past several years, developed into a large business enterprise, which provides not only entertainment for millions of fans but also important economic benefits to the cities, regions and States within which the franchises are located;

(2) in order to attract and keep major league baseball franchises, the citizens of the cities, regions and States have made significant investments in the franchises, through years of support, community involvement, civic improvements, State and local tax benefits, and, in many instances, financial backing for operating facilities;

(3) the value of major league baseball franchises is due, in part, to the unique status of baseball with regard to Federal antitrust laws;

(4) owners are presently free to market their franchises to the highest bidder, without regard to the local citizens, restricted only by limitations imposed by themselves and fellow owners; and

(5) the relocation of a major league baseball franchise can cause serious social and

economic harm to local communities, which should be prevented whenever possible by strengthening local initiatives and responsibilities.

(b) The Congress, therefore, finds and declares that professional baseball teams are invested with a significant local interest and Federal benefit and that it is the national policy to allow the people of the local community a right to arrange for the purchase of the franchise prior to and in lieu of such team being relocated.

DEFINITIONS

Sec. 3. For the purposes of this Act—

(1) the term "person" means any individual, partnership, corporation, unincorporated association, or combination or association thereof;

(2) the term "relocate" means to change the location in which a team plays its home games from one metropolitan area to another;

(3) the term "government authority" means any unit of general local government, or other government agency, or authority which exercises regulatory authority with respect to a major league baseball franchise; and

(4) the term "metropolitan area" means a standard metropolitan statistical area.

NOTICE

Sec. 4. (a) Whenever a major league baseball franchise owner receives a bona fide offer to purchase such franchise, and the acceptance of such offer could result in the relocation of such franchise, before accepting, or as a condition of such acceptance, the owner of such franchise shall provide, to the appropriate government authorities, not less than 6 months notice of such offer and the intent to accept the offer which could result in the relocation of such operations.

(b) The notice required by this section shall be in writing and shall be posted by certified or registered mail or be personally delivered and shall contain—

(1) a verified statement by the owners that, except for the fulfillment of the conditions of this Act, the offer would be accepted by such owner; and

(2) all terms and conditions of such offer, including a written copy thereof, signed by the prospective purchasers.

ARBITRATION BOARD

Sec. 5. (a) There shall be an Arbitration Board (hereinafter referred to as the "Board") composed of 3 members. One member of such Board shall be appointed by the current owner of the franchise. One such member shall be appointed by the government authority which regulates the operation of the stadium out of which such major league franchise operates. One such member shall be appointed by the first two members appointed to such Board.

(b) Such Board shall be appointed within 30 days after a government authority receives notice, pursuant to section 4, that an offer has been received that may result in the relocation of such franchise.

(c) The members shall select a chairman from among its members.

ARBITRATION PROCEDURE

Sec. 6. (a) Any person may, within 4 months after the appointment of the Board, submit to such Board an offer to purchase such major league franchise, specifying that if purchased by such person, the franchise would continue its operations within the same metropolitan area.

(b) Six months after the appointment of the Board, such Board shall conduct a formal hearing on the record on all offers submitted, including the offer to relocate.

(c) The Board shall determine if any of the offers submitted are equal to or greater in value than the offer to relocate.

(d) If the Board determines that any of the submitted offers equals or exceeds the value of the original offer, the owner shall be prohibited from selling such franchise without a written commitment from the purchaser to keep such franchise in the metropolitan area. All other terms of the sale, including the selection of the purchaser, shall be at the discretion of the owner.

(e) All determinations required of the Board shall be considered final decisions binding on all parties.

ANTITRUST EXEMPTION

Sec. 7. (a) Nothing contained in the antitrust laws, as such term is defined in the first section of the Clayton Act, or the Federal Trade Commission Act, shall render unlawful any agreement by or among persons meeting the criteria of subsection (b) who are engaging in or conducting an organized professional team sport that restricts the location of a professional sports franchise in accordance with the provisions of this Act.

(b) The exemption provided for in subsection (a) shall apply to all persons engaged in or conducting a major league franchise except that such exemption shall apply only to the owners of such franchise who agree, in writing, to participate in and be bound by the arbitration procedures provided for in this Act.

ENFORCEMENT

Sec. 8. Any government authority in a metropolitan area from which a professional baseball team relocates may bring a civil action in any United States district court for damages and equitable relief on the grounds that such relocation does not comply with section 6(d) and that such owner or other parties did not comply with the arbitration procedure and decision.

EFFECTIVE DATE

Sec. 9. This Act shall apply to all major league baseball franchises and to any relocations of such franchise intended to occur after the date of enactment of this Act.

Section-by-Section Analysis of the Major League Baseball Community Protection Act

Section 1 sets forth the title of the bill as the "Major League Baseball Community Protection Act."

Section 2 sets forth Congressional findings and purposes.

Section 3 contains definitions of "person," "relocate," "government authority" and "metropolitan area."

Section 4 requires a major league franchise owner to provide six-months notice to the appropriate government authorities if an offer is received and intended to be accepted which would result in the relocation of the team.

Section 5 establishes an arbitration board composed of three members, one member to be appointed by the current team owner, one member by the appropriate government authority and one member by the other two. The board shall be appointed within 30 days after the government authority receives notice that an offer to relocate the team has been received.

Section 6 sets forth that the board may receive and review offers which would keep the team at its current location and to evaluate if any offers are equal or greater in value than the offer to relocate. If the board determined that any of the new offers were equal or better than the original offer, the owner would be prohibited from selling the franchise without a written commitment from the buyer to keep the team at this current location.

Section 7 provides an exemption from the federal antitrust laws for any major league baseball franchise whose owners agree to the provisons of this Act.

Section 8 authorizes any government authority in a metropolitan area from which a professional baseball team relocates to institute a civil action for damages and equitable relief in any U.S. district court on the grounds that such relocation does not comply with section 6 (d).

Section 9 provides that the Act shall apply to all major league baseball franchises and to any relocations of such franchises intended to occur after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 450

At the request of Mr. Pryor, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 450, a bill to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representation or lotteries), and for other purposes.

S. 618

At the request of Mr. Percy, the name of the Senator from North Dakota (Mr. Andrews) was added as a cosponsor of S. 618, a bill to revise certain Federal training and economic development programs to create jobs and develop skills in renewable energy and energy conservation industries, and for other purposes.

S. 863

At the request of Mr. Boschwitz, the name of the Senator from Washington (Mr. Evans) was added as a cosponsor of S. 863, a bill entitled "The Enterprise Zone Employment and Development Act of 1983".

S. 869

At the request of Mr. Boschwitz, the name of the Senator from New Mexico (Mr. Domenici) and the Senator from Texas (Mr. Tower) were withdrawn as cosponsors of S. 869, a bill to amend the Export-Import Bank Act of 1945.

Mr. BOSCHWITZ. Mr. President, on September 15, 1983, Senators Domenici and Tower were added as cosponsors to amendment No. 1299, which I offered to the Export-Import Bank bill, S. 869. At that time, those Senators were inadvertently added as cosponsors to the underlying bill, S. 869. It was not my intention to have those Senators added as cosponsors to the underlying bill, only as cosponsors to my amendment. Therefore, I ask unanimous consent that the permanent CONGRESSIONAL RECORD be corrected to reflect that Senator TOWER and Senator DOMENICI were not added as cosponsors to the underlying bill, S. 869.

S. 1584

At the request of Mr. DANFORTH, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 1584, a bill to amend the Internal Revenue Code of 1954 to conform the treatment of overall domestic losses with the treatment of overall foreign losses and to conform the foreign tax credit carryover and ordering rules with similar investment credit rules.

S. 1614

At the request of Mr. HEINZ, the names of the Senator from Wyoming (Mr. WALLOP), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. 1614, a bill to amend title XIX of the Social Security Act to allow States to implement coordinated programs of acute and long-term care for those individuals who are eligible for both medicare and medicaid.

S. 1680

At the request of Mr. GOLDWATER, the names of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Texas (Mr. BENTSEN), and the Senator from Wyoming (Mr. SIMPSON) were added as cosponsors of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1733

At the request of Mr. TRIBLE, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1733, a bill to amend Title 18, United States Code, to make a crime the use, for fraudulent or other illegal purposes, of any computer owned or operated by the United States, certain financial institutions, and entities affecting interstate commerce.

S. 1817

At the request of Mr. SYMMS, the name of the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of S. 1817, a bill to provide equitable rules for the tax treatment of fringe benefits.

S. 1838

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. QUAYLE) was added as a cosponsor of S. 1838, a bill to amend the Legal Services Corporation Act to provide authorization of appropriations for additional fiscal years, and for other purposes.

S. 1900

At the request of Mr. CRANSTON, the names of the Senator from North Daktoa (Mr. BURDICK), the Senator from Montana (Mr. MELCHER), the Senator from Mississippi (Mr. COCHRAN), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. 1900, a bill to require the executive branch to enforce applicable equal employment opportunity laws and directives so as to promote pay equity and eliminate wage-setting practices which discriminate on the basis of sex, race, or ethnicity and result in discriminatory wage differentials.

S. 1913

At the request of Mr. HUDDLESTON, the name of the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1916

At the request of Mr. PERCY, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 1916, a bill to amend title 49, United States Code, relating to the abandonment of intrastate bus transportation and State regulation of practices with respect to that transportation, and for other purposes.

S. 1976

At the request of Mr. PERCY, the names of the Senator from Kansas (Mr. DOLE), the Senator from Georgia (Mr. NUNN), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 1976, a bill to improve the collection of criminal fines.

S. 2003

At the request of Mr. DOMENICI, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 2003, a bill to amend the tariff schedules of the United States to impose duties on subsidized hydraulic cement, cement clinker, and concrete block and brick.

S. 2026

At the request of Mr. PERCY, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 2026, a bill to prohibit diversions of Great Lakes water, except as approved by all the Great Lakes States and the International Joint Commission, for use outside of a Great Lakes State and to prohibit federally sponsored studies involving the feasibility of diverting Great Lakes water.

SENATE JOINT RESOLUTION 80

At the request of Mr. HEINZ, the names of the Senator from Arizona (Mr. GOLDWATER), the Senator from North Carolina (Mr. HELMS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Idaho (Mr. SYMMS), and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of Senate Joint Resolution 80, a joint resolution to grant posthumously full rights of citizenship to William Penn and to Hannah Callowhill Penn.

SENATE JOINT RESOLUTION 132

At the request of Mr. RIEGLE, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of Senate Joint Resolution 132, a joint resolution to designate the week beginning August 7, 1983, as "National Correctional Officers Week".

SENATE JOINT RESOLUTION 173

At the request of Mr. JOHNSTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Joint Resolution 173, a joint resolution commending the Historic American Buildings Survey, a program of the National Park Service, Department of the Interior.

SENATE JOINT RESOLUTION 182

At the request of Mr. SASSER, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Joint Resolution 182, a joint resolution designating the week beginning February 12, 1984, as a time to recognize those volunteers who give of their time to become Big Brothers and Big Sisters to single parent youth.

SENATE JOINT RESOLUTION 183

At the request of Mr. HEINZ, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of Senate Joint Resolution 183, a joint resolution to recognize the second week of November 1983, as "National Meals-on-Wheels and Congregate Meal Week".

SENATE JOINT RESOLUTION 184

At the request of Mr. HOLLINGS, the names of the Senator from North Carolina (Mr. HELMS), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of Senate Joint Resolution 184, a joint resolution to designate the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week".

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. TSONGAS, the names of the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Alabama (Mr. DENTON) were added as cosponsors of Senate Concurrent Resolution 55, a concurrent resolution expressing the grave concern of the Congress regarding the plight of Ethiopian Jews.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the name of the Senator from South Dakota (Mr. PRESSLER), was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. HOLLINGS, the names of the Senator from Virginia

(Mr. TRIBLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Connecticut (Mr. DODD), the Senator from South Carolina (Mr. THURMOND), the Senator from North Dakota (Mr. ANDREWS), the Senator from Wyoming (Mr. SIMPSON), the Senator from Wyoming (Mr. WALLOP), the Senator from Alaska (Mr. STEVENS), the Senator from California (Mr. CRANSTON), and the Senator from Rhode Island (Mr. PELL), were added as cosponsors of Senate Concurrent Resolution 70, a concurrent resolution expressing the sense of the Congress regarding actions the President should take to commemorate the anniversary of the Ukrainian famine of 1932-33.

SENATE CONCURRENT RESOLUTION 74

At the request of Mr. TSONGAS, the name of the Senator from Alabama (Mr. HEFLIN), was added as a cosponsor of Senate Concurrent Resolution 74, a concurrent resolution to encourage and support the people of Afghanistan in their struggle to be free from foreign domination.

SENATE RESOLUTION 127

At the request of Mr. ANDREWS, the name of the Senator from Maryland (Mr. SARBANES), was added as a cosponsor of Senate Resolution 127, a resolution to make the Select Committee on Indian Affairs a permanent Committee of the Senate.

AMENDMENT NO. 2480

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. MATSUNAGA), was added as a cosponsor of Amendment No. 2480 intended to be proposed to S. 1646, an original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1984, and for other purposes.

AMENDMENTS SUBMITTED

INTELLIGENCE AUTHORIZATION ACT

WALLOP AMENDMENT NO. 2484

Mr. WALLOP proposed an amendment to the bill (S. 1230) to authorize appropriations for the fiscal year 1984 for intelligence activities of the U.S. Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

On page 7, line 17, strike out "section 403 of title 50, United States Code," and insert in lieu thereof "section 102 of the National Security Act of 1947 (50 U.S.C. 403)".

On page 10, line 1, strike out "( )".

NATURAL GAS POLICY ACT OF 1983

McCLURE AMENDMENT NO. 2485

Mr. McCLURE proposed an amendment to the bill (S. 1715) to amend the Natural Gas Policy Act of 1978, to protect consumers from those price increases that would occur because of market distortions as a consequence of current regulation of natural gas contracts to reflect free market prices, to provide for a phased deregulation of natural gas prices in order to achieve a free market by a date certain, to eliminate incremental pricing requirements for natural gas, to eliminate certain restrictions on the use of natural gas and petroleum, and for other purposes; as follows:

On page 38 following line 18 insert the following:

"SEC. 302. The National Gas Policy Act of 1978 is amended by adding the following new section:

'SEC. 603.—LOCAL DISTRIBUTION COMPANY AUTOMATIC PURCHASED GAS COST SAVINGS PASSTHROUGH REQUIREMENTS

'(a) GENERAL RULE.—Any purchased gas cost savings received by any local distribution company shall be automatically and immediately passed through by such local distribution company to all gas consumers on a volumetric basis.

'(b) PURCHASED GAS COST SAVINGS SUBJECT TO AUTOMATIC PASSTHROUGH.—For the purposes of this section, any reduction in the amounts paid by a local distribution company for the purchase of natural gas from any interstate pipeline as a result of section 601(c)(3)(G), or any other reductions in amounts paid for natural gas by a local distribution company, shall be deemed a purchased gas cost savings.

'(c) COMMISSION RULES.—Within sixty days of the enactment of this section, the Commission shall promulgate such rules as may be necessary to provide for the automatic passthrough to customers of local distribution companies of the purchased gas cost savings specified in subsection (b).

'(d) PROHIBITED ON OFFSETTING MODIFICATIONS IN RATES AND CHARGES.—Any modification of the method of allocating costs to the rates and charges in effect on the date of enactment of this section of such local distribution company, which has the effect of creating any offset in the rates and charges for natural gas to any customer served by such company for the amount of any purchased gas cost savings received by such local distribution company, is prohibited.

'(e) ADDITIONAL ENFORCEMENT AUTHORITY.—In addition to such enforcement authority as may be available pursuant to section 504(b)(1), the Secretary, the Commission, or, on the request of the Secretary of Energy or the Commission, the Attorney General, may institute a civil action for injunctive or other equitable relief as may be appropriate to assure compliance with the provisions of this section requiring the passthrough of purchased gas cost savings received by any local distribution company. Such action may be instituted in any district court of the United States in the State in which such local distribution company conducts business or in the District Court of the United States for the District of Columbia.

'(f) PREEMPTION OF STATE OR LOCAL LAW.—The requirements of this section shall preempt and supersede any provision of State or local law to the extent such provision of law would preclude the passthrough of any purchased gas cost savings pursuant to the provisions of this section, or prevent the application of the requirements of this section.'"

"SEC. 303. The Natural Gas Policy Act of 1978 is amended by inserting in Sec. 504(b)(1) after 'Except as provided in paragraphs (2) and (3),' the phrase 'and section 603(e),'."

METZENBAUM (AND OTHERS) AMENDMENT NO. 2486

Mr. METZENBAUM (for himself, Mr. EAGLETON, Mr. LEVIN, and Mr. RIEGLE) proposed an amendment (which was subsequently modified) to amendment No. 2485 proposed by Mr. McCLURE to the bill S. 1715, supra; as follows:

At the end of the pending amendment insert the following:

"Notwithstanding any other provision, no provision in this bill that results in the decontrol of old gas shall become effective.

"Further, nothing in this bill that results in ramping down or ramping up of gas prices or abrogation of existing contracts shall become effective."

TOWER AMENDMENT NO. 2487

Mr. McCLURE (for Mr. TOWER) submitted an amendment intended to be proposed by him to the bill S. 1715, supra; as follows:

On page 11, line 7, delete "six" and insert in lieu thereof "thirty".

On page 20, strike lines 17 through line 16 on page 25.

On page 33, line 21, after "(2)" insert "except as provided in section 131(d)".

On page 8, lines 20 and 22, delete "six-months".

Make such technical and conforming amendments as may be required by this amendment.

DEPARTMENT OF DEFENSE APPROPRIATION, 1984

STEVENS AMENDMENT NO. 2488

Mr. STEVENS proposed an amendment to the bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes; as follows:

On page 20, line 22, delete "$4,598,244,000" and insert in lieu thereof "$4,424,544,000".

EXON (AND OTHERS) AMENDMENT NO. 2489

Mr. EXON (for himself, Mr. WARNER, Mr. RANDOLPH and Mr. THURMOND) proposed an amendment to the bill H.R. 4185, supra; as follows:

At the appropriate place in title VII of the bill, insert the following new section:

"Sec. . Within the funds made available under title III of this Act, the military departments may use such funds as necessary, but not to exceed $2,300,000, to carry out the provisions of section 430 of title 37, United States Code."

PENALTIES FOR CERTAIN FALSE REPRESENTATION BY MAIL

JEPSEN AMENDMENT NO. 2490

Mr. STEVENS (for Mr. JEPSEN) proposed an amendment to the bill (S. 450) to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representations or lotteries), and for other purposes; as follows:

On page 2, beginning on line 22, strike all through page 3, line 8, and insert in lieu thereof the following: " "or (3) an advertisement promoting the sale of a book or other publication, or a solicitation to purchase, or a purchase order for any such publication, if (A) such advertisement, solicitation, or purchase order is not materially false or misleading in its description of the publication; (B) such advertisement, solicitation, or purchase order contains no material misrepresentation of fact provided, however, that no statement quoted or derived from the publication shall constitute a misrepresentation of fact as long as such statement complies with the requirements of subparagraphs (A) and (C); and (C) the advertisement, solicitation, or purchase order accurately discloses the source of any statements quoted or derived from the publication. Paragraph (3) shall not be applicable to any publication, advertisement, solicitation, or purchase order which is used to sell some other product in which the publisher or author has a financial interest as part of a commercial scheme".".

On page 3, line 20, strike the words "money or property" and insert in lieu thereof the following: "price advertised or otherwise requested".

On page 5, strike lines 21 and 22, and insert in lieu thereof the following: "the defendant resides or receives mail.".

On page 6, line 1, strike the words "amount of any civil penalty" and insert in lieu thereof the following: "civil penalty, if any,".

On page 6, after line 10, insert the following:

"(d) In any proceeding at any time under this section, the defendant shall be entitled as a defense or counterclaim to seek judicial review, if not already had, pursuant to chapter 7 of title 5, of the order issued under section 3005 of this title. However, nothing in this section shall be construed to preclude independent judicial review otherwise available pursuant to chapter 7 of title 5 of an order issued under section 3005 of this title.".

THURMOND AMENDMENT NO. 2491

Mr. STEVENS (for Mr. THURMOND) proposed an amendment to the bill (S. 450) supra; as follows:

On page 5, line 17, following the word "may", insert the following: , under the provisions of section 409(d) of this title,

DEPARTMENT OF DEFENSE APPROPRIATION, 1984

KASSEBAUM (AND OTHERS) AMENDMENT NO. 2492

Mrs. KASSEBAUM (for herself, Mr. LEVIN, Mr. DURENBERGER, Mr. MATHIAS, Mr. CRANSTON, Mr. HUDDLESTON, Mr. BUMPERS, Mr. BOREN, and Mr. INOUYE) submitted an amendment intended to be proposed by them to the bill H.R. 4185, supra; as follows:

At the appropriate place in the bill, insert the following new section:

Sec. . (a) It is the sense of the Senate—

(1) that consistent with the recommendations of the President's Commission on Strategic Forces to seek greater strategic stability through a negotiated reduction in the number of highly MIRVed, accurate, intercontinental ballistic missiles, the President should announce the willingness of the United States to suspend flight testing, while strategic arms negotiations proceed, of new MIRVed intercontinental ballistic missiles if the Soviet Union is also willing to suspend the flight testing of such missiles; and

(2) that any agreement entered into between the United States and the Soviet Union providing for mutual suspension of the flight testing of new MIRVed intercontinental ballistic missiles should provide for reliable means for verification.

(b) As used in this section, the term "new" includes any intercontinental ballistic missile flight-tested for the first time after May 1, 1979, or a variant of any intercontinental ballistic missile flight-tested for the first time after May 1, 1979.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. Chairman, I would like to announce that on November 16, 1983, the Senate Small Business Committee will hold a full committee oversight hearing on "Women in Business." The hearing will begin at 10:30 a.m. in room 428A, Senate Russell Office Building. Senator BOSCHWITZ will chair. For further information, please contact Mary Meyers of the committee staff at 244-3840.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a business meeting on November 9, 1983, beginning at 10 a.m., in S-224 of the Capital, to mark up the following bills: S. 1196, to confer jurisdiction on the U.S. Claims Court with respect to certain claims of the Navajo Indian Tribe; H.R. 2898, to declare certain lands to be held in trust for the Paiute Tribe of Utah and establish an economic development fund; S. 1224, a bill to provide for the disposition of certain judgment funds awarded the Creek Nation; and S. 1694, a bill to declare that the United States hold certain lands in trust for the Las Vegas Paiute Tribe.

Those wishing additional information should contact Paul Alexander or Peter Taylor of the Committee at 224-2251.

ADDITIONAL STATEMENTS

THE FAIR DEPOSIT AVAILABILITY ACT OF 1983

● Mr. DODD. Mr. President, we spend a lot of time in the Senate wrestling with the great problems of our time and are often frustrated with our inability to resolve them decisively. Thus, it is nice once in a while to address a problem that we can solve—simply and efficiently.

The common practice of banks placing unfairly long holds on the checks we deposit is one such problem. In its most direct form, the problem is encountered when someone deposits a large check, waits a few days, and then writes several checks to pay some bills—only to have the checks returned as unpayable because of insufficient funds. The person immediately calls the bank to find out why the checks have bounced and is told that the check that was deposited to cover these amounts—oftentimes a paycheck or social security check—has not cleared yet. Often the depositor is shocked to discover that the bank routinely takes a week to clear a check drawn on a bank in the same State and 2 weeks to clear a check drawn on an out-of-State bank. Then the person has to suffer the embarrassment of explaining the problem to the merchants and reissuing new checks—after the appropriate amount of time. Finally, to add injury to insult, the person receives notices from both the bank and the merchants that there will be penalty charges for the bounced checks.

It was this kind of problem—repeated thousands of times a day around the country—that first prompted Senator CHAFEE and I to conduct a hearing on March 10, 1982. The hearing confirmed our intuition about the dimensions of the problem. We found that between 5.5 million and 12 million people had experienced difficulties with bank hold practices. But even those numbers understate the problem. A person who has planned his or her check cashing practices in light of the bank's hold policies will not experience a problem that will show up on a survey. However, that person may have other problems—from having to pay bills out of other, higher interest paying accounts to paying late charges for interest because of an untimely payment. More broadly, banks' long holds force depositors to give them a free or, in the case of interest bearing accounts, a relatively low-interest loan.

What is the rationale for such an inequitable practice? The answer lies in the present check collection system. Every check that is deposited at a financial institution moves through a collection process that involves physically transporting the check from the bank where it is deposited to the bank on which it is drawn. The check collection system often involves the movement of the check through a series of collecting banks, with each bank giving the preceding bank a provisional credit, which is subject to revocation if the check is returned. Once a bank has provisional credit, it may invest those funds—your money—to make money.

As a general rule, a bank will receive provisional credit within 1 to 2 days of the time it enters the check into the collection system. However, it usually takes considerably longer before its customer can have the use of the funds represented by the check. Most banks deny customers use of the funds until they are reasonably certain the check will not be returned as unpayable. Because of the slow, manual process of returning bad checks, usually this means a delay of about 1 week with respect to checks written on in-State banks and 2 weeks when checks are written on out-of-State banks.

This explanation is fine as far as it goes. The problem is that it does not go far enough—it does not explain why the return system has not been modernized so that customers can have quicker access to their funds. I believe the major reason that the system has not changed lies in the fact that the banks have no economic incentive to give you faster access to your funds. To the contrary, every day they keep your money—when you otherwise would use it—is a day they can invest it and make money on the "float," the time period during which they can use your money but you cannot. Thus, it is understandable why financial institutions have not devised a faster check return system.

What is not understandable is why the Federal regulatory agencies have not taken action to change it. In February 1977, my distinguished colleague and cosponsor of this legislation, Senator PROXMIRE, brought the matter to the attention of the Federal Reserve Board. Thereafter, the Fed organized a joint task force with the American Bankers Association—a panel that contained no consumer representatives—and produced a report in 1979.

The report found that the practice of delaying customers' access to deposited funds was widespread and made some recommendations for significant changes in the way banks do business. However, those recommendations were never presented to the Board of Governors of the Fed for action.

Ten days before our March 1982 hearing, the Fed decided to reconvene the Fed-ABA task force to do another study, one that the Fed testified "won't take very long."

Eleven months later, on February 23, 1983—after I had seen neither hide nor hair of the new Fed study and no sign of activity on the part of the American Bankers Association—I introduced S. 573, the Fair Deposit Availability Act of 1983. The bill, which now is cosponsored by Senators PROXMIRE, CRANSTON, and D'AMATO, is designed to do what the Fed and the ABA apparently are reluctant to do—put an end to unfair bank hold practices.

There are two key portions of the bill. The first would require financial institutions to disclose their general hold policies to their customers—both when a new account is opened and when a customer makes a deposit. Disclosure should enable people to plan their check-cashing activities so as to avoid bouncing checks. However, it would be unreasonable to expect disclosure to create competition to shorten hold practices so long as the check return system remains the same. For a bank to shorten its holds under such circumstances would be to risk losses on bad checks.

Thus, the second part of the bill addresses improvements in the check return system. Fortunately, in this area, the banking industry had done some spadework that can be built on to solve the problem. S. 573 would require the use of the ABA-developed standard on "specifications for check endorsements." This standard, which was developed for the ABA by the American National Standards Institute, would require the different banks in the collection system to endorse the back of a check in a specific area, thereby eliminating the present difficulties in identifying the bank in which the check was deposited. In short, S. 573 would require the industry to use the standard that it developed but has not implemented.

Once banks can identify the bank in which the check was deposited, then the sole remaining piece of the puzzle is a faster way to notify that bank when a check is no good. My bill would require that the bank on which a bad check of $250 or more is drawn notify the bank in which the check was deposited within 24 hours. With a faster return system in place and disclosure of hold policies to bank customers, I would expect competition to work to reduce hold periods to no more than 3 or 4 days in most cases.

The record of the Fed and the ABA even after introduction of S. 573 has not been encouraging. The promised Fed study was never forthcoming and the ABA did little or nothing through the spring. Meanwhile, two States—New York and California—got tired of waiting and enacted legislation requiring their banking departments to establish maximum hold periods for clearing checks. This activity and the scheduling of new hearings before the Consumer Affairs Subcommittee finally evoked some action from the ABA. On August 5, the ABA sent out letters to their member banks recommending that they adopt hold policies and disclose them to their customers. At the September 28 hearing of the subcommittee, the ABA witness candidly admitted that this action was taken to ward off legislation: "The express goal of this voluntary program is to forestall legislative or regulatory initiatives." Unfortunately, this kind of reactive response—6½ years after a request from the then-chairman of the Senate Banking Committee for action—does not inspire a great deal of confidence in the notion that the private sector is prepared to handle this problem by itself. That view is supported further by the failure of savings and loan associations or credit unions even to take the minimal step taken by the ABA.

At the September 28 hearing, chaired by Senator HAWKINS, the subcommittee heard some thoughtful testimony from Consumers Union and Prof. Steven Wechsler about possible ways of strengthening S. 573. The Consumer Bankers Association, which endorsed Federal legislation to solve the problem, raised some useful questions about the return mechanism. Unfortunately, both the Fed and the American Bankers Association again simply called for giving the private sector more time to address the issue.

After all the time and opportunities that have been given the private sector and the Federal regulatory agencies to solve this problem, I think it is long past due that the Congress act to strike, what the Bank of America calls, a better "balance between the need to protect the bank from the significant risk involved and providing customers access to their funds expeditiously." I do not think that is too much to ask from an industry that daily proclaims its technological wizardry.

I look forward to working with my colleagues in both the Senate and the House of Representatives over the next few weeks to solve this eminently solvable problem in the most cost-effective manner possible.●

SALVADORAN MARXISTS ADMIT WAR IS THEIR GOAL

● **Mr. GOLDWATER.** Mr. President, of all the problems which face this country, none seems to create such confusion and complexity as the one in Central America. Due to the fact that the vast majority of Americans depend on a 1- to 5-minute segment on nightly television for their information, it is a small wonder that our people are ill informed as well as confused about Central America and our relations with her.

On top of this, the surrogates of Havana and Moscow have become very adept at manipulating the American news media to present themselves in a favorable light. By so doing, the would-be conquerors of this vital region isolated themselves from critical inquiry from the American people.

In a recent article printed in the Phoenix Gazette, Dr. Marvin Alisky, a recognized expert in this area, pointed out that there was, and is, a large gap between what the Marxists and their allies claim they will do and what they actually do after attaining power. Indeed, Nicaragua provides a glaring example of the "before and after" syndrome. As Dr. Alisky points out, after the Sandinistas overthrew Somoza, the progressives and liberals of that unfortunate country awoke to the fact that they had helped to install a dictatorship every bit as ruthless as the previous one. In this case, the dictatorship is being propped up by money, arms and men from Cuba and other Iron Curtain countries. If we think El Salvador and the rest of the countries deserve this same fate, then it would be easy to pack up and get out. If this is to be the case, then I suggest that this country cannot build a wall big enough to stem the tide of illegal immigrants which will pour into the United States. If we turn our backs now, the fate that we will consign to these unfortunate people is beyond contemplation.

Mr. President, I ask unanimous consent that Dr. Alisky's article be printed at this point in the CONGRESSIONAL RECORD.

The article referred to follows:

SALVADORAN MARXISTS ADMIT WAR IS THEIR GOAL

(By Marvin Alisky)

MEXICO CITY.—The head of the Marxist guerrilla group FDR or Frente Democratica Revolucionaria (Democratic Revolutionary Front) Ruben Zamora on October 1 flatly asserted that his Soviet and Cuban-equipped rebels will fight the government of El Salvador indefinitely unless President Reagan negotiates with the FDR and forces the Salvadoran government to incorporate it into the administration.

So much for the propaganda of the naive dupes of the Committee in Solidarity with the People of El Salvador (CISPES), with 300 college chapters including one at ASU, funded by radical fronts such as the Institute of Policy Studies and other entities using money from Tom Hayden, Jane Fonda, Cora Weiss and others who propaganized for the Viet Cong in the 1960s.

The CISPES line in talks at ASU, the community colleges of Maricopa County, and even at the high schools has been that the FDR really only wants land for poor peasants and would be willing to have a pluralist government once in power.

If that's so, why did the FDR refuse to take part in the open election in El Salvador in March 1982, when all the U.S. European, and Mexican network cameras were at polling sites, guarding against any coercion in balloting, taping for prime time audiences? Why does the FDR refuse to take part in the forthcoming 1984 Salvadorean election for a full-term president? (The 1982 election was for a Congress and interim president.)

The answer is obvious. The founder of the group in 1972 which later became the FDR, S. Cayetano Carpio, then secretary general of the Communist Party of El Salvador, told why. I was in San Salvador in 1972 when he held a press conference and lauded Ho Chi Minh and a war of attrition as the best way to wear down the established government. Like Mao Tze-Tung, he believed that power comes from the barrel of a rifle.

His successor, Ruben Zamora, believes the same thing, only when he toured the United States and was slobbered over by leftists at U.S. universities he spoke in more sophisticated and euphemistic terms.

But recently in Mexico City, seeing an audience in which Mexican students and faculty vastly outnumbered visiting U.S. delegates to the Latin American Studies Association, Zamora spoke bluntly. He smacked his lips and shouted that the rebels were well armed, and that they would continue to kill Salvadoren troops and any American advisers or troops who get in the way. And he concluded by demanding that President Reagan meet with him to woo his support.

Even high school sophomores who have read world history know that Moscow's puppets never mean it when they call for coalition government. In Cuba it was Communists and no one else. In Nicaragua it was a coalition group until the Sandinistas got President Carter to hand over $75 million in aid, and then the non-Marxists—Mrs. Violeta Chamorro, widow of the slain newspaper editor of La Prensa, and two conservative businessmen who fancied themselves "progressive"—were kicked out, leaving only disciplined Marxists. We who know Latin America know that. But Senators Dodd, Kennedy, Cranston and Tsongas, and Representatives Barnes, Boland, Markey, Roybal, Long and a few dozen other liberals in Congress do not. They continue to repeat platitudes about negotiations, and about withdrawal of the U.S. presence in El Salvador.

They prattle about 55 military advisers of Uncle Sam and remain silent about the 6,000 Cubans that Castro bragged about installing in Salvador and nearby Nicaragua. In a September interview in The New York Times, Castro said 2,000 were teachers.

Indeed, they are. They teach Nicaraguans literacy, trying to reduce adult illiteracy, and Marxist theory and dogmas while they're at it. The other 4,000 Castro labeled technicians. Some are in Salvador, some in Nicaragua.

In June, I was lecturing for the State Department in Costa Rica and on my day off rode a minibus to Los Chiles at the Costa Rican-Nicaraguan border. Only five kilometers from where anti-Marxist Nicaraguan rebels under Commander Eden Pastora had fought the Sandinistas two weeks before.

At the border were Sandinista troops, with the Cuban "technicians" as mentors. Those "technicians" are as military as recruits at a Marine boot camp. They wear work shirts and dungarees instead of uniforms. But they carry rifles and ammunition clipped to garrison belts.

Incidentally, New York Times correspondent Alan Riding sat near me as Marxist rebel leader Zamora ranted on and on. And how did the good "newspaper of record" later report the speech? In soft terms sweet enough to give a hippo diabetes.●

ASSOCIATE JUSTICE J. FRANK HOLT

● **Mr. PRYOR.** Mr. President, Arkansas and the Nation lost a dedicated public servant this week with the death of my friend Associate Justice J. Frank Holt of the Arkansas Supreme Court.

Judge Holt had a distinguished legal and political career. He was a member of a fine Arkansas family whose name is synonymous with public service in my State.

The Judge, as he was affectionately known by his friends, was born in Boone County, Ark. While he spent his public service career in Little Rock, he never lost the compassion and sensitivity of his rural upbringing. He graduated from Harrison High School where he was president of the student body. Although the depression interrupted his studies at the University of Arkansas, he completed his education and practiced law before entering the Army.

Later he served as prosecuting attorney, attorney general and for almost 20 years on the Arkansas Supreme Court. During political campaigns, our paths crossed many times. He was always thoughtful, genuine and very kind.

At a memorial service in Little Rock earlier this week, Judge Holt was eulogized by a young man who had volunteered for him in one of his earlier campaigns. Many people who heard that eulogy have called it one of the most beautiful tributes ever offered. The Judge had a way with young people. He influenced hundreds of them. One of those who worked for him is Bill Clinton, now the Governor of Arkansas

In addition to the many demands of public office, the Judge made time for his family and his friends. He and his wife, Mary, had two daughters and four grandchildren. All were special to him.

Mr. President, Frank Holt was a very good and decent man. I was proud to have known him and Arkansas is better because of him.●

THE CORRECT WAY TO SPELL CHILE

● Mr. DOMENICI. Mr. President, recently the Washington Post food editor, Linda Greider, ran an excellent story on foods from back home that certain individuals living in our Nation's Capital really miss. I was flattered when she contacted me and I presented her with my New Mexico favorite—posole.

Linda did an excellent job describing posole and provided a tremendous public service through her article to exiled New Mexicans in Washington who needed a recipe and did journalistic research far and beyond the call of duty when she listed an address New Mexicans in Washington can write to and order these rare and exotic ingredients for the recipe.

But there was one error in the story which the casual reader might have passed over, and it seems such a small error that most would think I was nitpicking. Referring to chile pods and chile stew and chile sauce, the Washington Post food editor committed New Mexicans' definition of original sin when she spelled chile with an "i" at the end instead of an "e."

Now let me quickly point out that I find no fault with Linda Greider. If anyone is to blame for this travesty to New Mexico pride, it is my native New Mexican staff who helped Linda with some of her research. New Mexicans consume mass quantities of this magical and lifegiving fruit from birth and labels on chile products, descriptions of dishes at New Mexican restaurants, and billboards and advertisements all reinforce the fact that chile is spelled with an "e" and not an "i." A naivete exists among native New Mexicans who wrongly assume that everyone spells it with an "e."

Even the dictionary makes the error, stating that chili is defined as "the pod of any species of capsicum, especially Capsicum frutescens." "Chili" is the preferred spelling and "chile" is only mentioned as an alternate spelling. Knowing that criticizing the dictionary is akin to criticizing the Bible, I nevertheless stand here before the full Senate and with the backing of my New Mexico constitutents state unequivocally, that the dictionary is wrong.

Native New Mexicans are extremely sensitive about this spelling, for the Capsicum frutescens, commonly known as green chile, and when dried in the autumn sun in great strings called ristras becoming red chile, is New Mexico's most famous agricultural product. Though the chile can be grown in other parts of the country, it is known worldwide that the New Mexico soil produces a chile pod which has mouth-watering flavor that none can even brag about coming close to.

New Mexicans know that "chili" is that inedible mixture of watery tomato soup, dried gristle, half-cooked kidney beans, and a myriad of silly ingredients that is passed off as food in Texas and Oklahoma. The different tabascos and jalapeno sauces added to the mixture do little good and in most cases simply cause a casual visitor to suffer great gastrointestinal distress.

Contrast this to New Mexico, where ordering a bowl of chile is a delightful experience. Hospitable as we are to all visitors, we have chile that is mild enough to make a baby coo in delight, or hot enough to make even the strongest constitutions perspire in a sensual experience of both pleasure and pain.

There are those who would argue that the point I have made is a small one. But in defense of New Mexico's leading agricultural export, I must ask the questions, Would Florida be any less offended if oranges were suddenly spelled "orangis?" Would there be no outcry from the State of Washington if their apples were suddenly spelled "applis?"

I would suggest that those who argue with me should never bring up the subject with the International Connoisseurs of the Red and Green Chile. This society, of which I am a member, has an initiation ceremony which can be very painful for those of you who are not acquainted with the entire spectrum of tastes produced by our New Mexico red and green chile which are the finest in the world.

I would further tell you that if anyone is interested, they can ask for information regarding this New Mexican delicacy by writing the New Mexico Department of Agriculture, International Connoisseurs of the Red and Green Chile, P.O. Box 5600, Las Cruces, N. Mex. 88003.

They are of the belief, and I support them, that chiles should become our national vegetable, even though some of us in New Mexico feel it is really a fruit.

I could go on and on about the wonders of red and green chile, but in reality, all I wanted to do was inform Congress on the correct way to spell chile.●

THE GROWING USE OF U.S. FORCES

● Mr. RIEGLE. Mr. President, the Detroit Free Press has published a particularly thoughtful editorial entitled "Crisis: The Growing Use of U.S. Force Raises Dangers We Cannot Ignore." I believe my colleagues and other readers of the Record should have an opportunity to see this editorial.

I ask that it be printed in the Record.

The editorial follows:

Crises: The Growing Use of U.S. Force Raises Dangers We Cannot Ignore

Even if President Reagan had not used his Thursday night speech to touch so many deeply emotional chords, it would not be easy to ask hard questions in its aftermath.

The stirring videotape scenes of the relieved Americans coming home from Grenada literally kissing the ground in their joy to be home, provided the president with an argument that did not demand much rhetoric. The videotape of arms warehouses in Grenada certainly does lend credibility to Mr. Reagan's assertions about the clear and present danger that he was moving to confront.

Nonetheless, we believe there are fundamental questions that must be asked now, even while emotions are raw and the patriotic responses stirred by the events of the past week and by the president's speech are still reverberating.

IN LEBANON

On Lebanon, the president offered a more articulate and more emotional appeal for support than he had yet offered, but he did not truly offer a strategy for success. The Marine commitment—"semper fi," as the young marine told Gen. Paul Kelley—is public and essential, but by itself is not a strategy for creating a stable Lebanon. Nor did the President's speech reveal one. What the American people want to know is how our troops, even as a part of a multinational force, can possibly contain the violent passions within Lebanon long enough for the Gemayel government to succeed.

There is no doubt that the Soviet Union is fishing in the troubled waters of the Middle East and of Lebanon, just as there is no doubt that it is contributing to upheavals wherever it sees the opportunity in our hemisphere. But to see the problem of Lebanon only, or even primarily, in an East-West context, is to blur out important truths about it that are only indirectly related to the difficulties between ourselves and the Soviet Union. Lebanon would be a dangerous place today even if there were no Soviet Union. And our policy of maintaining a peacekeeping force there would still be in search of definition.

IN GRENADA

On Grenada, the president also slid past some important specific issues that will prove more troubling than the overnight opinion polls might suggest. Why did we ignore the role of the British Commonwealth and run roughshod over the reservation of Margaret Thatcher's government? Will it really be demonstrated that force had to be our first resort, rather than our last? Is the mission really a straightforward rescue exercise, or have we taken on a nation-building obligation that will require a continuing commitment for an extended period?

We suspect the president would say that the answer to those questions is wrapped upon his assertion that he intervened in Grenada "just in time," that he simply could not suffer from paralysis of will. Indeed, at Mr. Reagan's end of the political spectrum, there is an abiding conviction that the United States has been suffering from a paralysis of will. According to many of his supporters, only now is Mr. Reagan beginning to come to grips with it.

Maybe. But here is where we think it terribly urgent that at least two major dangers be clearly understood.

One, there is something very like a war fever sweeping over the administration. Crusades against communism are all very well, but if they lead us to oversimplify problems and to increase the danger of broad-scale war, they can lead us badly away. Lyndon Johnson thought he was leading a crusade against communism in Vietnam, but that did not keep our involvement there from being a terrible mistake. This general contextual problem needs to be debated.

The Soviet Union is an often aggressive, frequently paranoid, extremely difficult country with which to deal. It is a mistake, though, to be so blinded by rhetoric about the Soviet Union's being the "focus of evil" that we ignore the possibility of affecting its behavior.

LIMITS TO POWER

That issue is related to, but not precisely the same as, the other one that concerns us: What are the limits of American power? Grenada presented more resistance than was anticipated. That is often the case with military adventures. It was, though, a finite problem, a tiny country certain to be overwhelmed in days if not hours by the application of American force. But it is not the only untidy or dangerous place in the world or even in the hemisphere. Will we now apply every more direct and escalating force to bring down the government we so dislike in Nicaragua?

There is dangerous contagion about war. One action leads to another action. It is easy and natural to respond to decisive action when it seems, at least in the short run, to work. And in Grenada, it certainly seems to have worked in a short-run sense.

It remains far easier, though, to begin wars than to end them, easier to send the Marines in, even with all the attendant risks, than to extricate them. When the choice gets oversimplified for us, we sometimes subject ourselves to what used to be called, in the Vietnam context, "the tyranny of small decisions." That does not mean American power can never be brought to bear. Sometimes, particularly when our diplomacy has failed, we seen to leave ourselves no options.

Each such use of force has its own dangers. It is important, in the general administration euphoria over the "success" in Grenada that has eclipsed, at least in part, the tragedy in Lebanon, that we keep in focus what those dangers are. History warns us. as Mr. Reagan always reminds us, of the dangers of weakness and indecision. It also warns against the unwise and habitual resort to force by great nations.●

FCC COMMENTS ON UNIVERSAL TELEPHONE SERVICE LEGISLATION

● **Mr. GOLDWATER.** Mr. President, when the Senate Commerce Committee reported S. 1660, relating to the Federal Communications Commission residential access fee decision and universal telephone service, the committee did not have the benefit of comments from the Commission. The Chairman of the Commission, Mr. Fowler, did appear as the first witness at the hearing of July 28, but we did not have the comments of the FCC on the final draft of the bill.

As chairman of the Communications Subcommittee, I wrote to Chairman Fowler inviting him to comment on the bill as reported. On October 31, the full Commission replied to my inquiry. In the reply, the Commission sets forth its strong opposition to the bill and recommends substantial revisions to correct serious flaws in S. 1660, should Congress nevertheless pursue the measure.

Mr. President, I agree with the FCC opposition to S. 1660. I feel strongly that there is no immediate need to act on the legislation and that it would harm consumers and the future of the telecommunications industry if the bill should pass.

So that all my colleagues may better understand this subject and realize its broad, harmful consequences, I submit the FCC letter for the RECORD.

The letter follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., October 31, 1983.

Hon. BARRY GOLDWATER,
Chairman, Subcommittee on Communications, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, D.C.

DEAR SENATOR GOLDWATER: This is in response to your letter of October 13 inviting the Chairman to submit the Commission's views regarding S. 1660, as reported by the Senate Commerce Committee. Because of the obvious importance of this issue and because of our belief that the FCC has chosen a course in its access orders which most fully realizes the goals set out by Congress in the Communications Act of 1934, the Commission is pleased to submit these comments for your consideration.

We fully realize that this agency, the courts, and the Congress have been grappling with the difficult issues this bill addresses. It is our hope that the additional material we are submitting will dissuade the Committee from passing legislation which we believe to be counter-productive to the goals the Congress is trying to achieve, and that the Congress will give the agency the opportunity to complement its decision with Congress' rigorous and continued oversight.

We stand by our access charge decision. Legislation is unnecessary, and S. 1660 will disserve the public interest. Chairman Fowler has previously submitted testimony to the Committee as to the desirability of an access charge system that includes fixed monthly charges for non-traffic sensitive (NTS) costs. The proposed two-year moratorium on most end user access charges would delay the economic benefits that the access charge plan was designed to produce.

Uneconomic bypass would be encouraged while the moratorium is in effect. Large users who leave the network during such a moratorium would not return because they will have made a large investment in their bypass facilities in the interim. Therefore, the delay of two years, coupled with uncertainty afterwards, would have serious consequences for network preservation and universal service in an industry marked by rapid technological change.

As the Committee is no doubt aware, fears of doubled or tripled telephone rates because of the FCC's access charge decision are proving unfounded. The access charges could not, by themselves, cause such percentage increases; these could result only if rate increase requests pending before the various states were granted in their entirety. As we predicted, however, states are disallowing large parts of the rate hikes requested by telephone companies. As of October 13, 1983, the state commissions had disallowed 62 percent of the Bell System rate requests reviewed. For example, on August 31, 1983, Georgia disallowed almost 90 percent of the rate increase requested by Southern Bell; on September 7, 1983, New York disallowed 68 percent of the rate increase requested by New York Telephone; and, effective October 1, 1983, Michigan had disallowed 64 percent of the rate increase requested by Michigan Bell.

These developments confirm that action by Congress is unnecessary this year. As was stated by Chairman Fowler in his previous testimony, the $2.00 residential interstate access charge will not have any significant impact in 1984. Congress can afford to take the time to see how the Commission's plan works.

If Congress disagrees with this assessment and decides to go forward with legislation, we believe that substantial revisions are essential to S. 1660, especially in those provisions concerning the Universal Service Fund, lifeline subsidies, new joint board procedures, bypasser charges, and Alaska rate integration. Provisions of the bill relating to these areas contain serious flaws that should be corrected before S. 1660 is enacted into law. Once the bill is enacted, and deficiencies will be almost impossible to correct. For example, while the Commission now has flexibility to adjust eligibility requirements for the Universal Service Fund, the rigid requirements in the bill will quickly become outdated. The agency would be powerless to make corrections to the bill's immutable terms.

The major problem areas include the following:

The bill restricts eligibility for support from the Universal Service Fund to eliminate over three-fourths of the support that the Joint Board plan would provide for local exchange rates in high cost areas. Millions of telephone subscribers will pay higher local telephone rates under the bill than under the Joint Board plan. Thirty-eight states (and Puerto Rico and the Virgin Islands) receive less support under the bill than under the Joint Board plan; six states and D.C. are unaffected under both plans; and even the remaining six states which do somewhat better under the bill individually receive less than $1 million more support. See Attachment 1.

Because the bill makes subscribers in high cost areas which are served by larger companies ineligible for support, it will have the inequitable result of subjecting subscribers served by larger companies to higher telephone bills than their neighbors served by smaller telephone companies, even though there is no difference in the costs of service.

The bill makes it too easy for carriers to qualify for very substantial high cost support, perverting incentives to keep costs low and efficiency high. In contrast, the Joint Board plan is specifically designed to provide supports at less generous levels. Under the Joint Board plan, inefficient companies would lose more than they gained by their inefficiencies and only carriers with unavoidable high costs could avail themselves of subsidy funds.

The bill attempts to control interstate reimbursement in high cost situations by requiring state regulators to certify that the high costs are reasonably incurred. Knowing that certification of high costs would entitle local exchange carriers to draw substantial subsidies from the federal pool, state regulators would have little incentive to disallow any costs the carriers submit. These unnecessary costs would become the burden of the entire nation.

The bill assigns continuous and demanding functions to a new joint board of state and federal regulators. However, state regulators have full time duties of their own, regulating electric, gas and water utilities as well as telephone companies. Moreover, the distance of the state members from one another and from the FCC and its staff limits these members' involvement in the important matters to be decided. Travel will be such an imposition that meetings cannot be held with the regularity required. The substantial regulatory delay that would inevitably result would be to the detriment of both interstate and local ratepayers.

The bill is inconsistent with a fundamental premise of the Communications Act of 1934 that interstate ratemaking is the province of a federal body. This premise ensures that decisions inure to the benefit of all ratepayers, not just to the benefit of one region or state. Under the bill, if the four state members of the new joint board can reach agreements that benefit their respective states and if just one FCC commissioner concurs, their decision will be the law of the land, regardless of its impact on the rest of the nation. The result would be the very kind of factionalism that the 1934 Act was enacted to avoid.

The bill unnecessarily would have the new joint board intrude upon state ratemaking prerogatives in attempts to ensure that lifeline support flows to residential subscribers. The Joint Board plan and the FCC's access charge decision preserve the ability of state regulators to tailor lifeline service plans to meet their own individual state needs.

The bill seeks to establish what appears to be a bypass tax. It is a tax even though it purports to be a "user fee", because there would be no use of services or facilities for which the so-called fee is imposed. It is unclear who is to collect this tax. Either the telephone companies are to do so (individually, or collectively through their Exchange Carriers Association), or the new joint board is to do so governmentally. Whichever it turns out to be, there will be mammoth problems concerning legal authority (e.g., unlawful delegation of the government's tax function), identification (e.g., difficulties in identifying those who are to be liable for the tax), and implementation (e.g., how does a carrier collect money from somebody not taking service from it pursuant to tariff or contract.

The bypass charge may well prove unworkable or unlawful, particularly since unexplained, ambiguous and discriminatory exceptions are discussed in the Committee report. In such case, the net result of the suspension of end user access charges would be to create new bypass incentives and to frustrate universal service. Even if the bypass charge goes forward in some form, the desirable incentives for improvement of exchange service and technological improvement generally which are created by economic bypass systems would be lost, and the nation would pay the price of lost efficiency.

The suspension of end user access charges would deny the public the benefits of reduced long distance charges, and "information age" services which will develop when long distance charges reflect true costs more closely.

We are enclosing two attachments with this letter. The first compares the economic impact on a state-by-state basis of the Joint Board plan with that of the bill. The second discusses in more detail the foregoing and other problems inherent in S. 1660. We understand the deep concerns reflected in the bill and the Minority Views. We hope that this letter is responsive to your request, and we stand ready to provide additional information should you require it.

By direction of the Commission.

WILLIAM J. TRICARICO,
Secretary.

ATTACHMENT 1.—COMPARISON OF THE RESULTS IN EACH STATE OF THE JOINT BOARD PLAN AND S. 1660

The increases or decreases in high cost assistance that S. 1660 would produce in affected states are reflected in the following charts. Numbers are expressed in millions of dollars, and reflect 1980 data.[1]

1. States receiving more assistance under S. 1660 than under the joint board plan

State:	*Millions*[1]
Montana	$0.78
Oklahoma	.55
Nebraska	.46
Tennessee	.36
Colorado	.19
Illinois	.10

2. States receiving less assistance under S. 1660 than under the joint board plan

State:	*Millions*[2]
Florida	$103.27
Louisiana	23.36
Mississippi	22.94
Alabama	17.05
Arkansas	14.11
Kentucky	13.52
South Carolina	11.92
Wyoming	10.94
West Virginia	9.70
Texas	8.21
California	7.88
Alaska	7.80
Missouri	7.40
Georgia	5.68
Wisconsin	4.97
Virginia	4.66
Nevada	4.56
Washington	4.10
Ohio	3.82
North Carolina	3.06
Minnesota	2.71
Idaho	2.67
New York	2.51
Michigan	2.14
Virgin Islands	2.14
Vermont	1.93
Kansas	1.85
New Mexico	1.80
Arizona	1.34
Indiana	1.28
North Dakota	1.03
Puerto Rico	.97
Oregon	.90
South Dakota	.87
Pennsylvania	.80
Utah	.56
Iowa	.47
New Jersey	.43
Maine	.42
New Hampshire	.32

[1] Amount of increase under S. 1660.

[2] Amount of decrease under S. 1660.

ATTACHMENT 2: DETAILED ANALYSIS OF S. 1660

END USER ACCESS CHARGES

1. S. 1660 proposes to suspend most end user access charges for two years. Senator Goldwater's Minority Views included in the Committee report accompanying S. 1660 correctly state that the two-year "moratorium" on residential and single-line business flat end user charges is unnecessary and may in fact have an adverse effect on telephone customers. The Minority Views are correct that local rates will not go down as a result of the Committee's action, that the $2.00 flat charge constitutes only a small portion of customers' monthly phone bills, and that anticipated reductions in interstate long distance rates will be lost or seriously eroded during the two-year period of the moratorium.

2. The Commission shares the concerns expressed in the Minority Views and endorses the argument that the Committee's proposed alteration of the Commission's access charge decision is unnecessary and potentially harmful to the interests of all telephone customers. Our action in the access charge proceeding is the product of five years of close examination of the issues we have sought to resolve. Our approach was devised after having the benefit of the views of a large number of interested parties representing a broad spectrum of governmental entities, the telephone industry, and telephone customers, and is thus a balance solution to a complex set of problems.

3. The basic philosophy of the Commission's access charge plan is to cause usage-based long distance rates to fall by having subscribers directly cover the fixed or non-traffic sensitive local exchange plant costs with flat charges. This will decrease inefficiencies that result from recovering a large share of the non-traffic sensitive (or "NTS") cost through toll rates that are inflated by about 15 cents per minute of use. We recognize that this represents a change in the way telephone bills have been rendered, and we have carefully adopted transitional procedures to protect universal service. First, we have provided for a gradual transition to the new access charge environment so that consumers will have time to adjust to the new method of recovering the interstate allocation of local exhange costs. Residential subscribers will pay a fixed monthly charge of $2.00 in 1984, which will rise to $3.00 in 1985 and $4.00 in 1986. The remainder of the costs of their non-traffic sensitive facilities will continue to be covered in long distance carriers' usage-based charges. In 1986, the Commission will conduct a thorough review of the entire program. We believe that, as a practical matter, a $2,00 (or $4.00) charge will not materially affect the decisions by residential subscribers to retain telephone service. Next, state regulatory authorities have flexibility under the access charge plan to require telephone companies to offer low-cost lifeline services to subscribers. The Commission will entertain waivers to exempt lifeline service subscribers from all or part of the end user charges. Third, the Commission has limited the amount of local exchange costs to be recovered from subscribers at the end of the transition period. The Commission has established a Universal Service Fund to be paid for by interexchange carriers, and currently is considering recommendations of the Joint Board in the Jurisdictional Separations Proceeding concerning the level of funding necessary to ensure the continued availability

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[1] Six states and the District of Columbia are not included in these tables because no company in these states (or D.C.) would receive any high cost assistance under either plan.

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of telephone service in high cost areas. Finally, we have provided for careful monitoring of access charge implementation to ensure that the anticipated benefits are realized and that we have ample opportunity to make any adjustments necessary to avoid adverse effects.

UNIVERSAL SERVICE FUND

4. Most S. 1660 provisions that do not relate to end user access charges relate to the Universal Service Fund and the proposed lifeline subsidy. The Universal Service Fund provisions appear to be a modification of the plan for a Universal Service Fund that has been recommended by the Federal-State Joint Board in the exchange plant separations proceeding (CC Docket 80-286). The lifeline subsidy fund is a new idea that has apparently not been proposed or considered in the Joint Board proceeding.

5. Legislation is not required in order to establish the concept of a Universal Service Fund. The Commission adopted that concept in the access charge rules and will be considering the Joint Board plan to implement that concept in the near future.

6. If Congress prefers a formula for implementing that concept that differs from a formula the Commission adopts, Congress will have an adequate opportunity to enact its own formula at a later date. The Joint Board has proposed that its plan become effective in 1986. S. 1660 also specifies a 1986 effective date for Universal Service Fund surcharges. An earlier effective date is not practical because additional data must be collected to implement any plan for such a fund. In these circumstances, there does not appear to be any need for Congress to address this subject as part of a measure that is designed to affect the initial access charges.

7. If Congress does choose to address this subject at this time, the Commission would recommend expanding the eligibility requirements for receiving distributions from a Universal Service Fund. S. 1660 is far more restrictive than the Joint Board plan or the comparable provisions of H.R. 4102. Adoption of S. 1660 could in fact result in higher local exchange rates in many areas of the country by depriving telephone subscribers of benefits they would receive if the Commission adopts the Joint Board plan. Such a result would clearly conflict with the stated objectives of that bill.

8. The Joint Board plan was designed to enable telephone companies and state public utility commissions to maintain in all exchanges local exchange service rates that do not substantially exceed nationwide average local exchange rates. The Joint Board plan would accomplish that objective by allocating a larger portion of a study area's costs to interstate operations if the study area costs significantly exceed the national average costs for all study areas. A study area normally means the operations of a particular telephone company in a particular state. Such high cost apportionments to interstate operations (and nationwide pooling and distribution of a Universal Service Fund) would tend to equalize intrastate revenue requirements that must be recovered in part through local exchange service rates. This aid will help to keep down exchange rates in the highest cost study areas.

9. Although the subscriber plant factor or SPF in the Ozark separations formula sometimes tended to produce larger interstate allocations in high cost study areas, the correlation between a high SPF and high cost is very poor. A long succession of proposals have been considered by Congress and the Joint Board which have been designed to replace any subsidy that may be contained in a high SPF with a subsidy that is targeted in a more exact manner. The Joint Board has recommended a new separations formula for most of the non-traffic sensitive plant that would combine a base factor allocation of 25 percent for all study areas with an additional high cost or universal service allocation in the high cost study areas as a replacement for current SPF procedures. The Joint Board plans to review its recommendations in this area, and is scheduling additional meetings for this purpose.

10. S. 1660 would not alter the base factor allocation, but it would apparently allocate slightly more costs to interstate operations in some study areas and it would deprive customers in many other study areas of high cost support. S. 1660 would preclude any additional interstate allocation in all study areas that have more than 50,000 loops. It would also preclude an additional interstate allocation in study areas with fewer than 50,000 loops if the telephone company that serves the area is not an REA loan recipient or is not a Section 2(b)(2) carrier, or is part of a company or affiliated group of companies that has annual revenues in excess of $100 million.

11. This combination of restrictions would produce a drastic reduction in the size of the Universal Service Fund. The Joint Board has estimated that its plan would have produced a Universal Service Fund of $396 million in 1980. If the same definition of costs were used for purposes of the S. 1660 formula, the S. 1660 formula would have produced a Universal Service Fund of $82 million in 1980.

12. Much of the additional intrastate rate burden that S. 1660 would create would be reflected in residential local exchange service rates. Some telephone companies would be able to shift some of that burden to intrastate toll rates or business local exchange services. Those results would have disadvantages that should be carefully weighed. Even if those results are acceptable to Congress, it would be unrealistic to expect that intrastate toll services or business services could absorb much of the burden in study areas that do have fewer than 50,000 loops. Retention of the S. 1660 restrictions upon Universal Service Fund distributions to companies that serve such areas would be almost certain to produce high local exchange rates in those high cost areas.

13. That burden would be particularly great for customers of companies such as Glacier State Telephone Company in Alaska, which had an annual NTS revenue requirement of $799 per line in 1980. The national average was $153 per line in that year. Glacier would not receive any Universal Service Fund distributions under S. 1660 (even though it has fewer than 50,000 loops and has NTS cost that are more than five times the national average) because it is affiliated with Continental Telephone System. The Alaska Public Utility Commission could not compel Continental to use its intrastate revenues or profits in other states to subsidize local exchange service rates for Glacier customers without violating long-established Constitutional principles that have recently been reaffirmed by the Alaska Supreme Court. See *United States* v. *RCA Alaska*, 597 P. 2d 489 (1979). Glacier would probably be required to recover an intrastate revenue requirement of about $600 per line per year (or $50 per month) from local exchange rates if S. 1660 were enacted. That intrastate revenue requirement would be reduced to $22 per month under the Joint Board plan. S. 1660 should at least be amended to eliminate the eligibility requirements other than the loop restriction. Failure to do so could produce a significant threat to universal service in many parts of the country.

14. Glacier State is not unique. Continental also has subsidiaries in Arizona, Arkansas, Colorado, Idaho, Kansas, Kentucky, Missouri, New Mexico, New York, Pennsylvania, and Washington that had NTS loop costs in excess of $300 per loop in 1980. None of those companies would receive high cost assistance under S. 1660. Several unaffiliated small high cost companies, such as Bush Telephone Company in Alaska, with a 1980 revenue requirement of $725 per line, were not REA loan recipients at the time the Joint Board compiled high cost data. If such companies have not received REA loans (or do not do so in the future), their subscribers would also be deprived of high cost assistance if S. 1660 were enacted in its present form.

15. Similarly, it would probably be unwise to deny all high cost support in every study area with more than 50,000 loops. It would be extremely difficult to establish or maintain residential rates that do not significantly exceed the nationwide average in many such areas. For example, the Wyoming operations of the Mountain States Telephone and Telegraph Company had an annual NTS revenue requirement of $290 per loop, or just less than twice the national average, in 1980. S. 1660 would not provide any high cost support for Mountain Bell's Wyoming customers because Mountain Bell has more than 50,000 loops in Wyoming and the company has well over $100 million in revenues. Wyoming is not the only high cost state that would be disadvantaged by the enactment of S. 1660. The principal Bell companies that serve West Virginia, Kentucky, South Carolina, Florida, Alabama, Mississippi, Arkansas and Nevada had annual NTS costs in excess of $200 per loop in 1980. The S. 1660 formula would deprive their customers of high cost support which would be provided by the Joint Board plan.

16. The effects of alternative plans probably should not be measured upon a state-by-state basis because effects will vary in areas served by different companies within a state. Nevertheless, such comparisons do shed some light upon the possible effects of substituting the S. 1660 plan for the Joint Board plan. Our calculations based on 1980 data indicate that subscribers in 38 states, Puerto Rico and the Virgin Islands would receive less high cost assistance under S. 1660. Subscribers in 6 states would receive more high cost assistance. Subscribers in 6 states and the District of Columbia would not be affected. Subscribers in Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi and Wyoming would have lost more than $10 million in high cost assistance based on 1980 data. Subscribers in California, Georgia, Missouri, South Carolina, Texas and West Virginia would have lost $5 to $10 million. Subscribers in Arizona, Idaho, Michigan, Indiana, Kansas, Minnesota, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Vermont, Virginia, Washington, Wisconsin, Puerto Rico and the Virgin Islands would have lost $1 to $5 million. These effects would, of course, be substantially greater if 1986 data were used to measure probable increases in local exchange service rates that would result from the enactment of S. 1660.

17. Some clarification of the description of the costs to be reflected in a high cost formula is needed. The Joint Board's plan for the apportionment of high costs provides such details. For example, it does not include customer premises equipment, inside wiring or central office costs, but it does include depreciation and maintenance expense associated with subscriber lines and certain indirect expenses that are associated with subscriber lines for this purpose. The proposed Section 201(e)(4) in S. 1660 describes the costs to be compensated as "non-traffic sensitive costs". That term might or might not include a portion of local dial switches that are sometimes described as nontraffic sensitive. It presumably would include subscriber lines and inside wiring or customer premises equipment that is included in the rate base. It might or might not include Popenoe Plan surrogate CPE costs. The term "non-traffic sensitive costs" also might or might not include expenses that are directly or indirectly associated with non-traffic sensitive plant.

18. If S. 1660 were modified to clarify the costs that are to be considered for purposes of applying a statutory high cost formula, a further Joint Board proceeding to revise separations rules for NTS plant would be unnecessary. Such a clarification might be achieved by adopting the definition of relevant costs in the Joint Board's Recommended Decision.

JOINT BOARD ROLE

19. If the new Section 410(d) Joint Board will be recommending jurisdictional separations rules, the scope of its separations responsibilities should be clarified. S. 1660 does not purport to give that Joint Board authority to consider separations questions that do not involve NTS costs or even questions relating to base factor NTS apportionments. Future separations decisions could be challenged on the grounds that the initial decision should have been made by a Section 410(c) Joint Board instead of a Section 410(d) Joint Board, or vice versa. Even if the Commission or the courts can find the line that separates 410(c) separations questions from 410(d) separations questions, it would be impossible for any Joint Board to address the interrelationship among separations rules in a coordinated fashion.

20. It is our view that the separations tasks assigned to the new Joint Board should be vested in a traditional Section 410(c) Joint Board. There is no need to establish the new procedures contemplated in S. 1660. It is important to maintain the concept that the Federal Government, and the FCC Commissioners appointed and confirmed by the Federal Government, will make interstate rate determinations. State regulators have an interest in the process, and their views should be heard and accommodated where possible. But, in the final analysis, state regulators cannot be expected to approve regional subsidization plans under which their own constituents will be paying more for telephone service than they might otherwise, merely to subsidize other states' residents. A decisional process on issues such as these with decisional control by the states inevitably will break down. Unlike a Section 410(c) proceeding, where the Commission ultimately makes such decisions (with strong input from state regulators), the proposed Section 410(d) procedures would probably place the state regulators in the position of having to make such determinations themselves—determinations which could cause their defeat subsequently if they must stand for re-election or reappointment. The net result may be no decisions at all.

21. Second, while Section 410(d) would vest ostensible decisionmaking in FCC Commissioners by creating a board with five FCC Commissioners and four state representatives, if a single FCC Commissioner were to vote with the state representatives, federal prerogatives might be lost. Under the existing statutory scheme, it would take three FCC Commissioners siding with state representatives (during final adoption of a joint board recommendation under Section 410(c)) to cause federal prerogatives to be lost. The current statutory scheme is to vest such decisionmaking in a majority of those appointed by the President and confirmed by the Senate, not a single FCC Commissioner. In short, the present Joint Board structure established in Section 410(c) of the Communications Act has been carefully constructed by Congress to balance legitimate federal and state interests regarding communications matters which affect both jurisdictions. The Committee Report exhorts "the members of the Board [to] recognize that they would be making national decisions, not regional decisions." But, this desire may be doomed to frustration in view of the harsh political realities of decisionmaking.

22. S. 1660 describes procedures for recovering universal service costs as well as criteria for identifying the high or "universal service" costs that are to be apportioned to the interstate jurisdiction. The recovery of costs that are apportioned to interstate services is a ratemaking function that has traditionally been reserved to the Federal Communications Commission. The present Act would not require consultation with state commissions in establishing rates for services those commissions do not regulate, but S. 1660 would give the new Section 410(d) Joint Board a role in designing the interstate surcharges. That Joint Board role is inappropriate and unnecessary.

23. The Section 201(f) requirement that universal service cost reimbursement be used to reduce local exchange service rates may represent an even greater intrusion upon the traditional ratemaking prerogatives of state commissions. Such decisions traditionally have been reserved to the public utility commission in each state. It would be impossible to ensure that universal cost disbursements are used to reduce local exchange service rates without intruding deeply into the intrastate ratemaking process or creating intrusive and overly regulatory new procedures.

ADMINISTRATION OF THE FUND AND SURCHARGES

24. It would be difficult to measure or to enforce compliance with the Section 201(f) requirement. There is no reason to suppose that Universal Service Fund distributions will lead to any reduction in local exchange service rates in many cases because those distributions will merely replace some or all of the settlements that high SPF companies received under the Ozark formula. Changes in total costs and periodic changes in the authorized rate of return will also make it difficult to determine the reduction, if any, that should be expected. Even if it would be possible to enforce this requirement, it would be very difficult to develop a consensus upon guidelines in a Joint Board proceeding. The state commission members would probably come from states with very different ratemaking philosophies and practices.

25. S. 1660 does not specify the remedy that is to be used if the company or the state commission adopts rates that do not conform with Congressional expectations. One can probably infer that the Joint Board will be permitted or required to withhold disbursements if that contingency arises. If this is the Congressional desire, it should be expressed in a more direct and unambiguous manner.

26. Some of the provisions relating to the computation of surcharges may also be difficult to administer. One might infer that the Joint Board's function is limited to determining the relative portions of the revenue requirement that are to be recovered from persons who use telephone company access services and persons who do not. Some S. 1660 provisions would, however, appear to require the Joint Board to establish surcharges at a level that exceeds projected universal service costs. It is, of course, impossible to compute rates that will produce revenues that are precisely equal to the revenue requirement. Targeting errors inevitably produce a surplus or a shortfall and telephone industry pooling procedures have traditionally been designed to produce a common achieved return for all pool participants. That procedure ensures that each pool participant will share in a shortfall or surplus on a pro rata basis. The proposed Section 201(e) says that qualifying companies are "entitled" to reimbursement for universal service costs. If those companies have an unqualified right to reimbursement, the surcharges would presumably have to be designed to produce a surplus in order to avoid the possibility of a shortfall.

27. S. 1660 does not specify how the surcharges will be collected or the revenues from surcharges will be disbursed. Under the Commission's analogous access charge rules, those functions would be performed by the National Exchange Carrier Association. S. 1660 may permit a continuation of that arrangement, but the proposed provisions conceivably could authorize or even require the Joint Board to perform such functions. For example, the statment in Section 210(e)(4) that a state commission will "certify costs of exchange carriers to the Joint Board" could lead to the inference that Congress expected the Joint Board to disburse the money. In either case, collection of bypass "fees" (tax) will be uncertain and problematical (see our discussion below of the bypass provisions of the bill).

28. A Joint Board role in the collection or disbursement of surcharge revenues would require the creation of a sizable new bureaucracy to perform functions that should remain with the industry. We would recommend the inclusion of clarifying language that would be sufficient to ensure that neither the Joint Board nor a court would infer that Congress expected the Joint Board to perform that role.

29. The Joint Board's discretion in determining the portion of the universal service costs that will be recovered from a bypass tax also appears to be somewhat excessive. The criteria described in Section 201(c)(3) may not provide meaningful guidance. As is discussed further below, if Congress chooses to impose a bypass tax, it should establish reasonably clear guidelines for detemining the nature and magnitude of any charges that are to be imposed upon the bypassers.

30. The Section 210(e)(4) requirement that state commissions certify costs of eligible carriers may impose a burden that some commissions will be unable to meet. Some states such as Iowa are served by a very large number of different telephone companies and the state commissions in such

states may not be equipped to perform that task. An awkward problem would be presented if some state commissions refused to accept the responsibilities that this provision thrusts upon them. Furthermore, state commissions are elected or appointed to keep local rates down. A failure to certify costs as reasonable will have the effect of raising their constituents' local rates. Thus, they have little incentive to scrutinize costs that will be recovered through interstate charges, and in fact have strong incentives to certify whatever costs are presented to them.

LIFELINE SERVICES

31. The Section 201(e)(4) provisions relating to lifeline service subsidies even more explicitly limit the discretion of state commissions to determine what local exchange service rates shall be. This provision apparently contemplates a national standard for lifeline rates that all state commissions will be obliged to accept. Indeed the lifeline service subsidy, which has not been proposed or considered in the Joint Board proceeding or prior common carrier bills, would not appear to serve any purpose other than creating a benefit that can be withheld if a particular state commission chooses to depart from national guidelines. If the intrastate revenue requirements are equalized or substantially equalized through the assignment of high costs to interstate services as is proposed in the Joint Board plan pending before the Commission, additional subsidies would not be required to enable a state commission to set special rates for the truly needy. In the absence of a lifeline subsidy state commissions could use existing regulatory tools to create classes of local exchange service that will make affordable services available to all.

32. The "lifeline costs" may be very difficult to identify in any event. Section 201(e)(4) says it means "the amount by which the cost of providing lifeline telephone service exceeds the rate actually charged for such service." There is no standard method for computing the cost of local exchange service; some state commissions do not even purport to relate local exchange service rates to the cost of that particular service; and there is variability in ratemaking approaches and methods in the various states. A Joint Board could attempt to establish some rules for developing local exchange service cost, but that task could require a long and difficult proceeding, and it could potentially be very intrusive on local ratemaking prerogatives.

BYPASS

33. The provisions of S. 1660 do not constitute a satisfactory solution to the bypass problem. As was noted in Chairman Fowler's written testimony submitted on July 28, 1983, bypass of local telephone exchange facilities is a real and present danger. Large users of interstate telecommunications services are bypassing local exchange facilities with growing frequency because of the inequities in interstate rates. The bypassers range from state and local governments to large companies such as Boeing and Westinghouse. Further, AT&T could become the largest bypasser after it divests its ownership of the Bell Operating Companies pursuant to the divestiture requirements in *United States* v. *American Telephone and Telegraph Co.*, 552 F. Supp. 131 (D.D.C. 1982), aff'd mem. sub nom. *Maryland* v. *United States*, 103 S. Ct. 1240 (1983).

34. The Commission, in its access charge decisions (CC Docket No. 78-72), has sought to alleviate the bypass problem by removing incentives which currently are leading large users to construct bypass facilities or otherwise bypass local facilities. Those incentives are generated by the current rate structure, which uses a usage-based scheme to shift a disproportionate amount of charges to interstate traffic. The access charge decision, by replacing this distorted rate structure with an equitable, cost-based system, reduces the incentives for uneconomic bypass of the local network. This reduced incentive promotes universal service by benefiting everyone who uses the public switched telephone network primarily because it stems the serious drain of revenues out of the system which results from bypass. As large users bypass the local system, pressures for local rate increases are generated because remaining users of the system must make up the shortfall in revenues caused by the departure of the large users.

35. S. 1660 attempts to deal with this problem by preserving, at least in part, the distorted and inequitable rate structure inherent in the present system while at the same time seeking to impose charges on carriers and other persons who connect with local exchange facilities or who totally bypass these facilities. Carriers or other persons who seek to avoid paying these bypass charges are subject to a $100,000 forfeiture penalty.

36. There are a number of problems with the Committee proposal. First, there may not be a legal basis for structuring bypass charges in the manner proposed in S. 1660. Unlike charges which might be imposed for interconnection, the charges that are imposed upon total bypassers actually are taxes, in that they do not bear any relationship to use of exchange facilities. Under the bill total bypassers will be billed for services that are not rendered and facilities that they do not use. Any attempt to characterize the charges as "user fees" ignores the fact that nonusers would be required to pay the charges. It is not clear whether Congress has the power to delegate the authority to impose charges upon persons who are not actually using the local exchange system through a "user fee" mechanism which does not employ Congress's taxing power. Certainly, telephone companies could not collect such fees under their tariffs as a charge for service, as not service will be rendered.

37. Second, it will be difficult to determine the types of activities which will constitute bypass under the bill. S. 1660 provides that an interexchange carrier or other person will be liable for bypass charges if the carrier or other person "offers * * * any transmission facilities or services used as a substitute for voice grade or equivalent transmission facilities or services offered by exchange carriers." Record carriers are expressly excluded from coverage by the bill. The Committee Report indicates that systems having "unique service and reliability requirements" are not covered because they are not "close substitutes" for local exchange services; the report lists "broadcaster's program transmissions" and "systems used primarily for public safety purposes" as examples.

38. The language of the bill and the report is fraught with uncertainty and vagueness. Let us cite some examples. It is impossible to discern from the bill whether local, state, and federal governmental agencies are subject to the bypass provisions. Since government agencies have frequently been engaged in bypass activities, and charges imposed on these activities would constitute a substantial new expense at the local, state, and federal level, it obviously is important to be able to determine from the language of the bill whether these agencies are treated as bypassers. The bill and the report, however, leave this question unanswered.

39. Further, the bill and report give little guidance regarding the question of whether data transmission facilities recently put into operation by newspaper publishing enterprises such as the Wall Street Journal and USA Today are subject to the bypass charges. Are these facilities "equivalent" to voice grade transmission facilities offered by exchange carriers? Do these facilities have "unique service and reliability" requirements? Where is the line supposed to be drawn between those systems which pay the charge and those which do not? Although the answer to this question presumably would have some importance to a large cross section of American industry, the bill does not appear to draw the line with any precision. As another example, the report indicates that systems which are not "close substitutes" for local basic telephone service are not treated as bypassers, and then lists radio common carriers (RCCs) offering exchange services as an example. The problem with this is that, in terms of the nature of service provided, RCCs provide service which is quite similar to local exchange service provided by local carriers, and which is explicitly characterized as exchange service in Section 211(b) of the current Act. It is difficult to determine why the Committee does not consider RCCs' services to be a close substitute for local exchange service, and the report offers no explanation of the reasons for the Committee's conclusions.

40. In addition, the status of systems operated by railroads and oil pipeline companies is unclear under the language of the bill and the report. Under the language of the bill, the conclusion could be ventured that these systems are covered since they are used as substitutes for voice grade or equivalent facilities or services offered by exchange carriers. But are these systems exempted from coverage as bypass systems because, under the terms of the report, they have "unique service and reliability requirements" or because they are used "primarily" for public safety purposes? Certain communications systems used by railroads, for example, monitor train movements as a means of verifying train locations and measuring the level of traffic at various points throughout the system for purposes of increasing operational efficiency. Is this also a "public safety" purpose? Again, a reading of the bill and report does not produce any concrete answer. This vagueness in the bill and report would pose obvious problems for the Commission in administering the legislation. Beyond that, however, we must note that S. 1660 attempts simply to avoid these critical public policy issues. The legislation cannot ignore the fact that the answers to these questions are crucial to businesses, government agencies, and other entities which would like to know whether the bill would require them to start paying millions of dollars in bypass taxes.

41. A third problem with the bypass provision in S. 1660 is that it would have the effect of stifling technological innovation. The bill makes no attempt to distinguish between technology which does not introduce any new efficiencies and other types of bypass which, as a result of technological innovations, constitute more economical and efficient means of communicating than

that provided by the current local exchange facilities. All types of bypass are subject to the bypass tax. Even though the report states that the bill is intended to "encourage the development of new technologies", it is difficult to discern how the application of bypass charges to uses made of this new technology can be construed as encouragement. For example, cable operators would be permitted, under the terms of S. 66, as passed by the Senate, to make use of new technologies in order to provide data transmission services which bypass the local loop. Under S. 1660, however, these cable operators would be forced to pay charges under the bypass provisions if they choose to offer these services.

42. Moreover, S. 1660 apparently would apply to existing bypass systems. Businesses using these systems would be required to pay bypass charges even though no such charges were in place at the time these facilities became operational. If the goal of S. 1660 is to discourage bypass, it is difficult to see how this goal is furthered by taxing existing systems. Is the intent to force the abandonment of these existing systems, even though the report recognizes that bypass systems "are major investments" which "often [cost] millions of dollars and [are] constructed to last for many years"? If this is not the intent of the bill, what is the basis for applying the bypass tax to these present systems?

43. As was noted in the Chairman's prior testimony, it would be extremely difficult to enforce any charge or tax upon bypassers who do not use any telephone company facilities. The inclusion of a forfeiture penalty for bypassers who do not voluntarily pay may not be lawful, and in any event it will not be sufficient in and of itself to cause bypassers to come forward and identify themselves. The collection problem will probably be even greater if the statute is interpreted to mean that the new Joint Board is actually supposed to perform the collection function. If the Joint Board has the enforcement responsiblity, it will need a very large staff. If such a staff is not provided, then the bypass tax may prove to be an illusory deterrent to any form of bypass.

FCC TRANSITIONAL AUTHORITY

44. S. 1660 includes provisions addressing the manner in which the Commission can take steps to ensure a successful transition to a new access charge system based on the requirements of the legislation. The bill provides that the Commission, in addition to its existing authority, shall have discretion to establish interim access charges and to require carriers to submit interim tariffs based on the Commission's interim action. S. 1660 also provides that the records established in CC Docket No. 78-72, Phase I, and related proceedings, will serve as a sufficient basis for interim Commission action, and that judicial review of any such action must focus on the question of whether the Commission has exceeded authority under the legislation.

45. While the FCC probably has such power under the existing Act, it is clear that adoption of interim procedures will likely prove controversial, and lead to much litigation. For this reason, it is critical that Congress manifest its intention that expeditious procedures be employed, to minimize confusion if Congress does decide to alter the access charge plan the Commission has adopted.

RATE INTEGRATION

46. Section 7(c) of S. 1660 contains an amendment to the Communications Act relating to the provision of service to noncontiguous points (defined in the Committee Report as Alaska, Hawaii, Puerto Rico, and the Virgin Islands). These provisions are unnecessary.

47. The bill language would require rates to be integrated for service between noncontiguous points and the contiguous states. This is already being accomplished. In the domestic satellite proceedings in the early 1970's, the Commission adopted a policy of fostering rate integration for MTS-WATS interstate communications. Establishment of Domestic Communications Satellite Facilities, 35 FCC 2d 844 (1972). Subsequent decisions concluded that rate integration should be achieved through phased reductions. Integration of Rates and Services, 61 FCC 2d 380 (1976). Rates are already integrated for Puerto Rico and the Virgin Islands. The final step in the rate integration process for Alaska and Hawaii, as the Committee Report notes, is included in the tariff revisions filed by the American Telephone and Telegraph Company on October 3, 1983. This will result in rates being integrated for these two states earlier than the January 1, 1985 date specified in the settlement agreement between carriers serving the states. The settlement agreement was approved by this Commission in Docket No. 21263, Integration of Rates and Services, 87 FCC 2d 18 (1981). Thus, legislation is not required to establish the integration policy and its implementation.

48. The amendment also provides that "the current telephone carrier settlement arrangements" shall be "maintained until modified or replaced in accordance with orders of the Commission in such proceedings." The existing settlement agreements provide that settlements between carriers will be based on the Separations Manual provisions. For 1984, the Alaskan and Hawaiian carriers involved are to receive a transitional supplement to moderate the effects of moving from prior settlement procedures to settling on the basis of the Separations Manual provisions. Although the transitional supplement will expire after 1984, the settlement agreement will not. Thus, this amendatory language is unnecessary to ensure that the settlement procedures remain in place for the noncontiguous states. There is no reason to believe that the implementation of access charges would require or warrant a change in the basic settlement formula that has been negotiated by the carriers and approved by the Commission. If changes are required in the future, the existing provisions of Section 201 can be invoked to prescribe a settlements formula.

49. The amendment also requires the initiation within 180 days of a proceeding relating to integration of rates. However, as the preceding paragraphs reflect, the initiation of additional formal proceedings to develop rate integration policies is unnecessary. Moreover, it would be redundant with the proceedings that were recently concluded in Docket No. 21263, supra, which will lead to the completion of the rate integration policy for Alaska and Hawaii.

50. In addition to believing that legislative action is unnecessary with respect to noncontiguous states, we are concerned with the language of the Committee report. If legislation is to be adopted, unnecessary limitations should not be imposed on Commission discretion. Additionally, some of the report language is not related to integration.

51. The report states that "[i]t is the intent of the Committee that any change in the prescriptions of separations and settlements methodologies for the noncontiguous states necessary to implement rate integration not result in a shifting of a greater percentage of the cost of providing long distance facilities from the federal to the state jurisdictions than is now the case." The recent proceedings relating to separations have found that allocations between federal and state jurisdictions should be based on the same principles for all states to insure equity and to avoid discrimination. The cited language could be interpreted as reducing the flexibility of a future Joint Board established pursuant to Section 410(c) of the Act to follow such a principle if changes were recommended to the Commission in the future.

52. We believe such a limitation upon Joint Board and Commission discretion would be unwise and cannot reasonably be inferred from the language of the provision. If Section 7(c) is retained, it should be amended to preclude such a construction. Language should also be included to avoid any inference that the Commission proceeding that is initiated must include all subjects listed in the report. Such a legislative intent cannot be inferred from the language of the provision and the report language would create unnecessary confusion.●

SIMON WIESENTHAL

● Mr. DODD. Mr. President, on May 5, 1945—just 2 days before Germany's surrender ended World War II in Europe—an American armored column liberated the Nazi concentration camp at Mauthausen in northern Austria. Among its prisoners was a Jewish architectural engineer from Lvov in the Ukraine.

He was 36 years old and stood 6 feet tall but years of slave labor, concentration camps, and forced marches had reduced him to barely 90 pounds. That he was alive at all was nothing short of miraculous. Later he would document that 89 members of his family and that of his wife had perished in the Holocaust. Of his own original prisoner group of 149,000 human beings, he was 1 of only 34 survivors. At Mauthausen he had been placed on the dead block. As the American tanks approached the camp, he estimated his life expectancy in terms of days, perhaps hours.

Simon Wiesenthal made a rare error in that prediction, of course. A little later this year, he will celebrate his 75 birthday. His long life has honored humanity's quest for truth, justice, and understanding. I know that all of my colleagues in the Senate will join me, and people of good will everywhere, in paying tribute and gratitude to the work of this remarkable man.

If a summary of the unadorned facts of Simon Wiesenthal's life were presented as the plot for a prospective fictional thriller, it would be rejected as incredible. Who would believe that a single man could narrowly avoid death at the hands of both the Nazis and the Soviet NKVD, not once but many times, arrange his wife's escape from a concentration camp, escape himself to serve in the resistance, survive after being recaptured, reunite with his wife, and then track down and bring to justice such heinous criminals as the mastermind of the butchery at Auschwitz and the agent who arrested Anne Frank? No respectable editor in the world would give such an extraordinary tale a second glance.

That brief outline, nonetheless, barely scratches the surface of Simon Wiesenthal's life.

After his health had recovered sufficiently from the horrors of the camps, Wiesenthal began the work which has brought his deserved international reknown. It is a confident judgment that no one else has done even remotely as much to bring to justice the criminals who conceived, engineered, and administered the Holocaust. He has pursued them throughout the world with the tireless determination and unity of purpose that characterizes one who knows that his work is vital to humanity.

He operates from a nondescript two-room office in Vienna with a few assistants and an extremely modest budget. Those limited resources have, amazingly, resulted in the tracking down and trial of over 1,100 war criminals.

One might expect Simon Wiesenthal to be a bitter and unfeeling man. He knows firsthand the inhumanity his fellow human beings are capable of inflicting on their own kind. He still bears the scar of a saber slash by an anti-Semitic Ukrainian soldier more than half a century ago. His stepfather died in a NKVD prison; his stepbrother was shot to death by that agency; his mother and wife were saved from Siberia only by a well-placed last minute bribe; his mother eventually died in the death camp at Belzec. Every day his work forces him to confront the evidence of the most repugnant and bestial behavior in recorded history.

Despite all this, he has not allowed bitterness to close his heart. "I am not a hater," he says. He also professes to believe that there is an essential goodness in people. He is driven not by a thirst for revenge but a passion for justice.

Perhaps the best-known story about him involves his own description of his motivation. Asked once why he did not simply return to his architectural work after Mauthausen he responded this way:

> When we come to the other world and meet the millions of Jews who died in the camps and they ask us "what have you done?" There will be many answers. One will say, "I was a jeweler." One will say, "I smuggled coffee and American cigarettes." Another will say, "I built houses." But I will say, "I did not forget you."

That commitment does more than honor the victims of the Nazis; it also serves the future of humanity.

Memory, it has been said, is the foundation of civilization. A majority of the people of this country and of the world have no recollection of the horrors of the camps. There can be no more effective innoculation against another outbreak of that virulence than that people be aware of what happened and know that the perpetrators of the atrocities did not escape retribution.

The work of Simon Wiesenthal's Jewish Documentation Center in Vienna and the programs of the Simon Wiesenthal Center in Los Angeles are essential to those objectives. As his own 75th birthday approaches, let us all acknowledge and salute their services to human kind.

And to Simon Wiesenthal on that milestone let us send our encouragement, our support, our respect and our heart-felt gratitude.●

GRENADA, AFTER THE YANKS

● Mr. DOMENICI. Mr. President, I request that the article written by Phil McCombs, headlined "Grenada, After the Yanks," which appeared in the Washington Post style section on Thursday, November 3, be printed in its entirety in the RECORD.

The article, filled with humorous and inciteful anecdotes, tells the personal feelings of the Grenadians toward the American troops that were sent to restore order on Grenada. This informative article should be read by all those wishing to gain a clearer understanding of America's need to send troops to that tiny island country.

The article follows:

[From the Washington Post, Nov. 3, 1983]

GRENADA, AFTER THE YANKS

(By Phil McCombs)

ST. GEORGE'S, GRENADA.—George Bernard drives his rusted-out wreck of a Vauxhall Cresta Deluxe around the compact horseshoe harbor here with its pastel-colored shops nestled along the water. Lush jungle hills spring up all around, the red tile roofs of stucco houses like gems in the deep, waxy greenery.

Bernard, 50, is a pleasant man, a taxi driver with a short, bristling beard and six children by three women, one of them now his wife. The only time he has ever been off this island was to attend a labor seminar in Moscow two years ago.

These haven't been good times. "In 1978, we had two, three, four, five cruise ships a day," Bernard said of prerevolutionary Grenada. "Last year we had one or two a week, and this year one a week." He called the American action "a joy to us, regardless of how other countries look at it." Under Marxist rule, he said, "Everything for the poor man has gone up [in price] . . . oh, they kill us. Cubans work on the airport. Grenadians don't get the work." Bernard said he has been lucky to get one fare job a week.

"I have to work in my garden to maintain my family. Right now I feel more confident. I feel more happy, and I have to say, Long live Reagan!"

CINNAMON HILL

Eight days after the United States launched a surprise attack on this tiny Caribbean Island, the natives were picking up their lives, returning to their jobs and the streets. The electricity has come back on and the semblance of normalcy was interrupted mostly by the sound of planes overhead and the presence of American soldiers.

At Cinnamon Hill and Beach Club Hotel, a spectacular sprawl of white stucco villas running up a jungle hillside from the sea, Richard Gray discussed the week's events. "I found three AK47s in my pump room this morning. These were not there yesterday," said Gray, a charming, craggy-faced Englishman with a deep theatrical voice, who gave up a New York playwriting career to come to this tropical paradise in 1967 and open a hotel.

Radio Free Grenada, the Marxist government station, was next door until last week, when American forces, some of them operating from Gray's patio, destroyed it while rooting out some Cuban troops holed up there.

The station is now a heap of blackened rubble.

"It was delightful," said Gray of the battle. "I watched them call off the coordinates and WHOOF! WHOOF! It was bloody marvelous. It needed to be bombed."

Although there was silence at the isolated hotel as dusk fell Tuesday, and while Gray is having trouble retrieving his frightened staff, he has no fears. Gray spent World War II as a paratrooper on what was then India's Northwest Frontier.

The hotel is not far from the Grand Anse campus of the St. George's University School of Medicine and the nearby barracks where American troops attacked Cuban forces Oct. 25. Gray said three Cubans were arrested on a nearby road Tuesday morning, and he figures they put the rifles in his pump house.

As a leading businessman here, Gray is deeply involved in the effort to rebuild the country. He had just returned from talks with Governor General Paul Scoon, the queen's representative in this former British colony. Scoon is leading the effort to establish an interim government and bring about a general election.

"We're trying to get together the government again," said Gray. "It's not often you get a second chance."

Gray said he is losing money because of the war, but it is "a small price to pay. We are delighted. Not just us but the little people all over the island.

"The process of rebuilding isn't going to be an easy one. We have elements in the country who would like to be extremely right wing and vindictive. This is not the way to go. We want to see a lot of the progress of the revolutionary government continued, [although] we deplored the reduction in freedom under Mr. Bishop." He said the regime of slain Marxist Prime Minister Maurice Bishop had made progress in health care and education and in promoting some industries.

Gray was out of the country just before the U.S. action and had learned from sources on another island that the attack was scheduled Oct. 25 before dawn.

From the other island, he placed a call at 5:30 a.m. that Sunday to Richard Menezes, a businessman here whom Gray had awakened at 5:30 a.m. once before—on March 13, 1979, to warn him that Bishop had just taken the radio station near the hotel and that a coup was in progress.

This time, Gray told his friend, "You remember you were very cross when I called you at 5:30 one morning? Well, 5:30 is coming again."

"Oh s---," replied the groggy Menezes, "that's great."

WITNESS

"Write the truth," said Martin Williams, 34, a strong, handsome, well-dressed man who runs a small farm outside St. George's. "The people in Grenada welcome [the U.S. action]. There are no two ways about it."

Williams, who was spending an hour flirting with women near the electricity company, was asked how he could have supported Bishop, who was assassinated by hardline Marxists Oct. 19, and now call Ronald Reagan "a good man."

Although Bishop was a popular Marxist leader, Williams said, he also was a "wolf in sheep's clothing" who gave in too often to the hardliners. "The communist people made you feel it's a crime to achieve, to sacrifice, to help yourself," Williams said. "They take your heart away."

Asked about former soldiers of Bishop's now disbanded People's Revolutionary Army, Williams said, "These people are sick in their hearts. They still have some hand grenades. Guns were so easy to get. A lot of the guys in the [revolutionary] army who were expecting something for nothing because Bishop and Coard [former deputy prime minister Bernard Coard, a hardline Marxist] promised them the world, they are dangerous. It may take two or three years to eliminate the danger, because grief is a thing that don't mend overnight."

After things have settled down, Williams warned, the former soldiers may become "terrorists, they may put bombs in your home."

For now, he said, "They go home. They wait."

Williams said he was a witness to the events of Oct. 19, when thousands of people gathered downtown and hundreds marched up the hill to free Bishop from house arrest.

He said he saw the armored personnel carrier of Gen. Hudson Austin's troops fire into the crowd, a sight too horrible to forget. Shortly after that, Bishop and some of his ministers were retaken and shot to death by Austin's troops.

"It was a day like today, very hot. The armored car came and blasted two shots Boom! Boom! at the crowd . . . a lot of people died. It was a massacre. I never thought in my life that I would see people shoot at their own people. I just can't believe that people would do that. It was savage, inhuman, wicked."

Nobody knows how many died that day. The official count was 17, but estimates based on eyewitness accounts are much higher.

CHILDREN

There is a sign scrawled in big black letters on a fading pink wall at the corner of Young and Church streets high above the harbor.

"It says 'God Bless America,'" explained Anne Brown, a young mother walking up the street with her 2-year-old daughter, Kerlin, to meet two other children.

They talked excitedly. Some U.S. troops passed by in a jeep.

"They let the people free," Brown said of the Americans. "They saved our lives," said Utilda Palmer, a bright-eyed 10-year-old.

Utilda and Hilerie Redhead, 12, said they wanted pen pals in the States.

MARKET

"God Bless America," said a woman sitting in a stairway, who said she worked in a photo studio.

"The Americans came to help us," she said.

"Use the word 'rescue,' sister," said an old man.

"Oh, we've needed that for a long time," said the woman. "I am sorry they didn't come sooner."

"We are liberated, but I am still having my fears for my personal safety," said the man.

Outside in the market, cars and trucks roared by. Heavily armed American troops went by in jeeps. No one seemed to pay any attention to them.

There were many youths, apparently school children. Music blared from a loud speaker. Suddenly the scratchy recorded voice of Scoon boomed out, saying, "We will continue as rapidly as possible to restore peace and order."

"We want Gairy," said a sign scrawled on the pink of Mike's Shoe Shop. The reference was to Eric Gairy, the Grenadian prime minister deposed by Bishop in 1979.

Junior James, 23, a government welder who returned to work Tuesday, was waiting for a bus. "I didn't like the scene before [the Americans came]," said James, who wore blue jeans and a white T-shirt. "But now it has changed. I am glad for the change. I hope it's for the better."

James said he "had friends in the [People's Revolutionary] Army, but most of them were forced in. Some of them were just there to make a living, and everybody has to live. The bigger guys were pressing them to go in."

He said he doesn't mind having armed American troops everywhere. "I don't think they came to shoot nobody," he said.

A street vendor wearing sandals and with a scraggly beard and a basket of greenish oranges stood in front of a shop called The Pastryman. He looked up and watched two U.S. warplanes streaking overhead. "Good enough," he said. "They came to us as the peace force."

At a small supermarket, owner Robert Douglas said there are shortages of chicken and tinned sardines "and stuff like that. Tinned milk. It's not a crisis. It's not that bad." Several shoppers were buying items and the shelves appeared to be mostly full.

Spencer Edwards, a lean, hawknosed man who is headmaster of Boca Junior Secondary School and who appeared to be the only white native Grenadian in the square Tuesday, said slightly less than half his children returned to classes Tuesday.

"They'll come back eventually," he said. "People are a little bit scared still, of the noise and activity in the area."

FRAGRANCES

At that now-famous airport at Point Salines, with the sweating, noisy bustle everywhere, you can smell that cool, damp odor of new cement and plaster still drying. In the rubble of the bombed hospital, the smell of the dead. A correspondent says at dinner that it can be determined from the smell that there are five bodies left in there. The remark passes for humor.

And in many places here on "the spice isle," the smell of nutmeg. You can buy packets with three or four nuts of nutmeg with tiny, kitchen-style shredders included for reducing them to a fresh, sweet-smelling powder.

TOURIST CHIEF

Jane Belfon, director of the ministry of tourism, was sitting in her hot, harbor-front office trying to stay cool Tuesday when a man in a fancy white shirt bounded in and exclaimed, "Welcome, survivors of Grenada!"

He was Norberto J. Ambros, the Organization of American States' representative here. Belfon greeted him warmly, and he told her he was on his way to Washington to report to the OAS.

"I spent two-and-a-half days looking at the floor of my home," he said. "Bullets were flying everywhere. It was rough."

"So many people we haven't seen yet," Belfon said. "You don't know if they're alive or dead."

Ambros left and Belfon began talking about tourism, saying there are "zero, no tourists" here right now, but that as of the end of September, before all the turmoil, tourism was up 17 percent over last year.

"We had 25,000 tourists last year," she said. "This year we expected 33,000."

Belfon, an energetic woman with a broad smile, said that tourism will continue to be an important industry in the future, and that it "will depend on access into Grenada. An international airport is critical and should be completed. It's critically important, whether it becomes American or not."

She said the Bishop government (Belfon was appointed to her job by Bishop) was "the first government to take the [tourist] industry seriously and make progress," a view directly counter to that of the taxi driver and others.

Asked for her personal, unofficial view of the American action here, Belfon said, "As a human being, I do not support the invasion of any sovereign nation on this earth whether it's Afghanistan, Switzerland or Grenada. I think it's wrong, and * * * a violation of international law."

Suddenly the air conditioning came on with a roar at the back of the office, and Belfon exclaimed, "Ah, bravo, electricity!"

"This is a peaceful, beautiful country with warm, hospitable people," she said. "Even with an invasion, the country is peaceful and safe."

Just then there was a distant sound of explosions. "Well," laughed Belfon, "There are a few bombs dropping over there."

MANAGING

Pearl Paterson, a small efficient woman with angelic qualities, manages the splendidly crumbling St. James Hotel overlooking the harbor. There are no tourists here, but Paterson plays mother to 100 slightly crazed journalists.

Last night, friendly and unflappable, she bedded down a dozen in the lobby when the rooms overflowed. "It's not posh, but we try to keep it clean," she said. At dinner she leaned down and quietly warned, "You watch where you're going. Watch these local boys who want to lead you around."

Later, she drew laughter when she presented a dinner check to one grimy journalist, asking politely, "What plan are *you* on?"

TAXI DRIVER

George Bernard's most immediate concern is not the war, but his failing car battery. He can hardly get his old crate cranked up, and a new battery costs $300 Grenadian. He can't afford it.

"As soon as they [the Bishop government] came in, they said no six-cylinder vehicles. What happened was, all the Russians and

Cubans had six-cylinder vehicles, but we, the poor man, could not have them . . .

"Oh, it was terrible. No taxi man could purchase a new car because the purchase tax was 100 percent. Regardless of what other countries say, I don't think it was an invasion. I think it was a help from [under] the yoke of Communism . . . if you said anything political, the government detained you. Now we are free. Now Bishop is gone. All his distressors are gone."

Distressors? "If anyone hears you say anything, they arrest you. I call them political bandits."

Driving past long rows of shot-up yellow barracks that once housed Cuban soldiers, Bernard said enthusiastically, "Yeah, mon, we get them out of this country!"

Bernard acknowledged that "the masses of the people" were behind Bishop, and confided that he himself had liked Bishop. "Now all we need to do is have a general election in the very near future and build back our country."

As Bernard spoke, he drove past a big roadside poster placed by the former government. It said, "1983—Year of Political and Academic Education."●

FEELINGS OF GRENADIANS

● Mr. BOREN. Mr. President, in the Washington Post today are two stories of great importance because they deal with the feelings of the Grenadian people themselves about recent events there.

It is clear after reading these stories that our Ambassador to the United Nations, Jeane Kirkpatrick, was correct in using the term "liberation" during the debate preceding the vote rather than the word "invasion" in references to American actions.

The Grenadian people themselves are the only ones who can truly say which is the appropriate term. All evidence indicates that the majority of Grenadians feel that they have been liberated, not invaded.

Mr. President, I ask that the text of the two articles appear at this point in the Record.

The articles follow:

Grenadian Gifts of Fruit Melt Sun-Broiled GI's

(By John Burgess)

Grand Anse, Grenada, Nov. 2.—The Grenadian pickup driver is fumbling with a catch beneath the hood of his truck, which has stopped at Checkpoint 8 on the winding, rutted road to Point Salines airport.

Pvt. Troy Nooe, an M16 rifle in his hand, peers into the cabin and the now open engine compartment.

"Got any machine guns sitting in there?" he asks the driver, whose smile indicates he knows the soldier is trying to make light of a situation that is an inconvenience for both.

"Bombs?" The driver says, "No."

"Tanks?" "No."

"I'll trust you," declares Nooe, an affable Baltimore native, and waves the driver on his way.

The midday tropical sun has melted the asphalt to a soft putty. Nooe sits back in the shade of a retaining wall with two other Americans from the 82nd Airborne Division and waits for the next vehicle.

This is soldiering, Grenada style, eight days after U.S. paratroops and marines landed on the island to overthrow the pro-Cuban government of Gen. Hudson Austin.

For these three Americans, airlifted into Grenada hours after the invasion began, the first days brought the excitement of their initiation to combat and all-night patrols through jungle.

But resistance folded quickly. Now, like many members of the 5,000-man force on the island, they find themselves again in the tedious and hardly dangerous duty that is the staple of military life.

The heat and boredom are offset, however, by gifts of food from people who inhabit the wooden houses over-looking the road—watermelons, apples, coconuts, bananas—and by the good-natured cooperation of Grenadians who pass through.

The invasion appears to enjoy deep support among the island's people. "Most of the people say, 'You can stop us as many times as you want,'" says Nooe.

Enlisted men in the 82nd only got word that something big was up the day before the invasion. They were told later that they would take part in a police action in Grenada. Few people were sure where Grenada was or how friendly its people would be.

The three Americans arrived late on the day the invasion began. With sniper fire from the hills around the airport, they were told to run for cover once off the plane. On Wednesday morning, they were helping clear some buildings near the airport when one of their buddies saw something stir in a room. Soon shots rang out, wounding a lieutenant in the arm.

The squad raked the room where the fire had come from with their M16s and tossed in a grenade. Inside they found a dead man they believed to be a Cuban, wearing a jumpsuit and armed with a pistol and grenades.

Later they were sent into the jungles to track down holdouts. One night they were caught in a rainstorm without ponchos. The men slept close together to keep warm.

Deep in the countryside the squad would file past Grenadians who placed a piece of fruit in each soldier's hand. In one village, crowds turned out. "They were standing by the side of the road, waving. It was like World War II," says Pvt. Michael Wood of Bowie, Md., who resembles actor Richard Gere.

Yesterday, a week after landing, they got their first showers. They now alternate two hours on and two hours off at Checkpoint 8 and sleep on the floor of a deserted house.

Grenada, After the Yanks

(By Phil McCombs)

St. George's, Grenada, Nov. 2—George Bernard drives his rusted-out wreck of a Vauxhall Cresta Deluxe around the compact horseshoe harbor here with its pastel-colored shops nestled along the water. Lush jungle hills spring up all around, the red tile roofs of stucco houses like gems in the deep, waxy greenery.

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The hotel is not far from the Grand Anse campus of the St. George's University School of Medicine and the nearby barracks where American troops attacked Cuban forces Oct. 25. Gray said three Cubans were arrested on a nearby road Tuesday morning, and he figures they put the rifles in his pump house.

As a leading businessman here, Gray is deeply involved in the effort to rebuild the country. He had just returned from talks with governor General Paul Scoon, the queen's representative in this former British colony. Scoon is leading the effort to establish an interim government and bring about a general election.

"We're trying to get together the government again," said Gray. "It's not often you get a second chance."

Gray said he is losing money because of the war, but it is "a small price to pay. We are delighted. Not just us but the little people all over the island.

"The process of rebuilding isn't going to be an easy one. We have elements in the country who would like to be extremely right wing and vindictive. This is not the way to go. We want to see a lot of the progress of the revolutionary government continued. [although] we deplored the reduction in freedom under Mr. Bishop." He said the regime of slain Marxist Prime Minister Maurice Bishop had made progress in health care and education and in promoting some industries.

Gray was out of the country just before the U.S. action and had learned from sources on another island that the attack was scheduled Oct. 25 before dawn.

From the other island, he placed a call at 5:30 a.m. that Sunday to Richard Menezes, a businessman here whom Gray had awakened at 5:30 a.m. once before—on March 13, 1979, to warn him that Bishop had just taken the radio station near the hotel and that a coup was in progress.

This time, Gray told his friend, "You remember you were very cross when I called you at 5:30 one morning? Well, 5:30 is coming again."

"Oh s---," replied the groggy Menezes, "that's great."

WITNESS

"Write the truth," said Martin Williams, 34, a strong, handsome, well-dressed man who runs a small farm outside St. George's. "The people in Grenada welcome [the U.S. action]. There are no two ways about it."

Williams, who was spending an hour flirting with women near the electricity company, was asked how he could have supported Bishop, who was assassinated by hardline Marxists Oct. 19, and now call Ronald Reagan "a good man."

Although Bishop was a popular Marxist leader, Williams said, he also was a "wolf in sheep's clothing" who gave in too often to the hardliners. "The communist people made you feel it's a crime to achieve, to sacrifice, to help yourself," Williams said. "They take your heart away."

Asked about former soldiers of Bishop's now disbanded People's Revolutionary Army, Williams said, "These people are sick in their hearts. They still have some hand grenades. Guns were so easy to get. A lot of the guys in the [revolutionary] army who were expecting something for nothing because Bishop and Coard [former deputy prime minister Bernard Coard, a hardline Marxist] promised them the world, they are dangerous. It may take two or three years to eliminate the danger, because grief is a thing that don't mend overnight."

After things have settled down, Williams warned, the former soldiers may become "terrorists, they may put bombs in your home."

For now, he said, "They go home. They wait."

Williams said he was a witness to the events of Oct. 19, when thousands of people gathered downtown and hundreds marched up the hill to free Bishop from house arrest.

He said he saw the armored personnel carrier of Gen. Hudson Austin's troops fire into the crowd, a sight too horrible to forget. Shortly after that, Bishop and some of his ministers were retaken and shot to death by Austin's troops.

"It was a day like today, very hot. The armored car came and blasted two shots Boom! Boom! at the crowd . . . a lot of people died. It was a massacre. I never thought in my life that I would see people shoot at their own people. I just can't believe that people would do that. It was savage, inhuman, wicked."

Nobody knows how many died that day. The official count was 17, but estimates based on eyewitness accounts are much higher.

CHILDREN

There is a sign scrawled in big black letters on a fading pink wall at the corner of Young and Church streets high above the harbor.

"It says 'God Bless America,'" explained Anne Brown, a young mother walking up the street with her 2-year-old daughter, Kerlin, to meet two other children.

They talked excitedly. Some U.S. troops passed by in a jeep.

"They let the people free," Brown said of the Americans. "They saved our lives," said Utilda Palmer, a bright-eyed 10-year-old.

Utilda and Hilerie Redhead, 12, said they wanted pen pals in the States.

MARKET

"God Bless America," said a women sitting in a stairway, who said she worked in a photo studio.

"The Americans came to help us," she said.

"Use the word 'rescue,' sister," said an old man.

"Oh, we've needed that for a long time" said the women. "I am sorry they didn't come sooner."

"We are liberated, but I am still having my fears for my personal safety," said the man.

Outside in the market, cars and trucks roared by. Heavily armed American troops went by in jeeps. No one seemed to pay any attention to them.

There were many youths, apparently school children. Music blared from a loud speaker. Suddenly the scratchy recorded voice of Scoon boomed out saying, "We will continue as rapidly as possible to restore peace and order."

"We want Gairy," said a sign scrawled on the pink of Mike's Shoe Shop. The reference was to Eric Gairy, the Grenadian prime minister deposed by Bishop in 1979.

Junior James, 23, a government welder who returned to work Tuesday, was waiting for a bus. "I didn't like the scene before [the Americans came], said James, who wore blue jeans and a white T-shirt. "But now it has changed. I am glad for the change. I hope it's for the better."

James said he "had friends in the [People's Revolutionary] Army, but most of them were forced in. Some of them were just there to make a living, and everybody has to live. The bigger guys were pressing them to go in.

He said he doesn't mind having armed American troops everywhere. "I don't think they came to shoot nobody, he said.

A street vendor wearing sandals and with a scraggly beard and a basket of greenish oranges stood in front of a shop called The Pastryman. He looked up and watched two U.S. warplanes streaking overhead. "Good enough," he said. "They came to us as the peace force."

At a small supermarket, owner Robert Douglas said there are shortages of chicken and tinned sardines "and stuff like that. Tinned milk. It's not a crisis. It's not that bad." Several shoppers were buying items and the shelves appeared to be mostly full.

Spencer Edwards, a lean, hawknosed man who is headmaster of Boca Junior Secondary School and who appeared to be the only white native Grenadian in the square Tuesday, said slightly less than half his children returned to classes Tuesday.

"They'll come back eventually." he said. "People are a little bit scared still, of the noise and activity in the area."

FRAGRANCES

At that now-famous airport at Point Salines, with the sweating, noisy bustle everywhere, you can smell that cool, damp odor of new cement and plaster still drying. . .

. . . In the rubble of the bombed hospital, the smell of the dead. A correspondent says at dinner that it can be determined from the smell that there are five bodies left in there. The remark passes for humor . . .

. . . And in many places here on "the spice isle," the smell of nutmeg. You can buy packets with three or four nuts of nutmeg with tiny, kitchen-style shredders included for reducing them to a fresh, sweet-smelling powder.

TOURIST CHIEF

Jane Belfon, director of the ministry of tourism, was sitting in her hot, harbor-front office trying to stay cool Tuesday when a man in a fancy white shirt bounded in and exclaimed, "Welcome, survivors of Grenada!"

He was Norberto J. Ambros, the Organization of American States' representative here. Belfon greeted him warmly, and he told her he was on his way to Washington to report to the OAS.

"I spent two-and-a-half days looking at the floor of my home," he said. "Bullets were flying everywhere. It was rough."

"So many people we haven't seen yet," Belfon said. "You don't know if they're alive or dead."

Ambros left and Belfon began talking about tourism, saying there are "zero, no tourists" here right now, but that as of the end of September, before all the turmoil, tourism was up 17 percent over last year.

"We had 25,000 tourists last year," she said. "This year we expected 33,000."

Belfon, an energetic woman with a broad smile, said that tourism will continue to be an important industry in the future, and that it "will depend on access into Grenada. An international airport is critical and should be completed. It's critically important, whether it becomes American or not."

She said the Bishop government (Belfon was appointed to her job by Bishop) was "the first government to take the [tourist] industry seriously and make progress," a view directly counter to that of the taxi driver and others.

Asked for her personal, unofficial view of the American action here, Belfon said, "As a human being, I do not support the invasion of any sovereign nation on this earth whether it's Afghanistan, Switzerland or Grenada. I think it's wrong, and . . . a violation of international law."

Suddenly the air conditioning came on with a roar at the back of the office, and Belfon exclaimed "Ah, bravo, electricity!"

"This is a peaceful, beautiful country with warm, hospitable people," she said. "Even with an invasion, the country is peaceful and safe."

Just then there was a distant sound of explosions, "Well," laughed Belfon, "there are a few bombs dropping over there."

MANAGING

Pearl Paterson, a small efficient woman with angelic qualities, manages the splendidly crumbling St. James Hotel overlooking the harbor. There are no tourists here, but Paterson plays mother to 100 slightly crazed journalists.

Last night, friendly and unflappable, she bedded down a dozen in the lobby when the rooms overflowed. "It's not posh, but we try to keep it clean," she said. At dinner she leaned down and quietly warned, "You watch where you're going. Watch these local boys who want to lead you around."

Later, she drew laughter when she presented a dinner check to one grimy journalist, asking politely, "What plan are you on?"

TAXI DRIVER

George Bernard's most immediate concern is not the war, but his failing car battery. He can hardly get his old crate cranked up, and a new battery costs $300 Grenadian. He can't afford it.

"As soon as they [the Bishop government] came in, they said no six-cylinder vehicles. What happened was, all the Russians and Cubans had six-cylinder vehicles, but we, the poor man, could not have them . . .

"Oh, it was terrible. No taxi man could purchase a new car because the purchase tax was 100 percent. Regardless of what other countries say, I don't think it was an invasion. I think it was a help from [under] the yoke of Communism . . . if you said anything political, the government detained you. Now we are free. Now Bishop is gone. All his distressors are gone."

Distressors? "If anyone hears you say anything, they arrest you. I call them political bandits."

Driving past long rows of shot-up yellow barracks that once housed Cuban soldiers, Bernard said enthusiastically, "Yeah, mon, we get them out of this country!"

Bernard acknowledged that "the masses of the people" were behind Bishop, and confided that he himself had liked Bishop. "Now all we need to do is have a general election in the very near future and build back our country."

As Bernard spoke, he drove past a big roadside poster placed by the former government. It said, "1983—year of political and academic education."●

SECONDARY MORTGAGE MARKET

● **Mr. TOWER.** Mr. President, I am pleased today to rise in support of two bills pending before the Senate regarding the secondary mortgage market and improvement in housing affordability.

The first bill is S. 1821, the Secondary Mortgage Market Enhancement Act of 1983, which has been marked up and reported from the Senate Committee on Banking, Housing, and Urban Affairs. The bill as marked up is now S. 2040.

The second measure S. 1822, trust for investments in mortgages (TIM's), has been referred to the Finance Committee. Hearings are scheduled for Friday, November 4, 1983, at 9:30 a.m. Senators GARN, PROXMIRE, and I will appear before Chairman DOLE and urge the rapid consideration of this measure by the committee and the Senate.

Mr. President, these bills make good commonsense both in terms of business practice and public policy. By broadening the private sector participation in providing badly needed capital to the secondary market, we are serving the needs of homeowners of all income levels. I ask that S. 2040 as reported by the Senate Banking Committee be printed in the RECORD at this point.

The bill follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Second Mortgage Market Enhancement Act of 1983".

TITLE I—SECURITIES LAWS AMENDMENTS

REGISTRATION EXEMPTION

SEC. 101. Section 4(5) of the Securities Act of 1933 is amended to read as follows:

"(5) Transactions involving one or more promissory notes, participation interests in such notes, or mortgage related payment securities secured by such notes or participation interests, offered and sold subject to the following conditions:

"(A) The note or notes are directly secured by a first lien or a second lien on—

"(i) a single parcel of real estate (including stock allocated to a dwelling unit in a residential cooperative housing corporation) upon which is located a dwelling or other residential or commercial structure, or

"(ii) a manufactured home, as defined in section 603(6) of the National Manufactured Housing Construction and Safety Standards Act of 1974, which is used as a residence;

"(B) The note or notes were originated by a savings and loan association, savings bank, commercial bank, credit union, insurance company, or similar institution which is supervised and examined by a Federal or State authority or were originated by a mortgagee approved by the Secretary of Housing and Urban Development pursuant to sections 203 and 211 of the National Housing Act; and

"(C) The terms of the sale require that—

"(i) the minimum aggregate sales price to the purchaser be not less than $250,000,

"(ii) payment of the sales price by the purchaser be made with cash within 120 days of the date of sale, and

"(iii) each purchaser buy only for his own account.

For the purpose of this paragraph, the term "mortgage related payment securities" means (I) any obligation (which may be with or without recourse to the issuer thereof) which, by its terms, provides for payments of principal in relation to payments, or reasonable projections of payments, on notes meeting the requirements of subparagraphs (A) and (B) or participations in such notes which are pledged as security for such obligation, and (II) any participation interest in a pool or pools of such notes and the proceeds thereof, and any related rights designed to assure servicing of, or the receipt or timeliness of receipt by holders of such mortgage related payment securities of amounts payable under, such mortgage notes if such obligation or participation interest is rated in one of the four highest rating categories by at least one nationally recognized rating organization.".

INVESTMENT BY DEPOSITORY INSTITUTIONS

SEC. 102. (a) Section 5(c)(1) of the Home Owner's Loan Act of 1933 (12 U.S.C. 1464(c)(1)) is amended by adding at the end thereof the following:

"(S) MORTGAGE BACKED SECURITIES.—Investments in securities which are offered and sold pursuant to section 4(5) of the Securities Act of 1933 or which would be eligible to be offered and sold pursuant to section 4(5) of the Securities Act of 1933 except for the requirement of subparagraph (C)(i) of such section, subject to such regulations as the Board may prescribe.".

(b) Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following:

"(15) to invest in securities which are offered and sold pursuant to section 4(5) of the Securities Act of 1933 or which would be eligible to be offered or sold pursuant to section 4(5) of the Securities Act of 1933 except for the requirement of subparagraph (C)(i) of such section, subject to such regulations as the Board may prescribe.".

(c) Section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by adding at the end of paragraph Seventh the following: "The limitations and restrictions contained in this paragraph as to an association purchasing for its own account investment securities shall not apply to securities which are offered and sold pursuant to section 4(5) of the Securities Act of 1933 or which would be eligible to be offered and sold pursuant to section 4(5) of the Securities Act of 1933 except for the requirement of subparagraph (C)(i) of such section, subject to such limitations as the Comptroller of the Currency may prescribe.".

PREEMPTION OF STATE LAW

SEC. 103. (a) Any person, trust, corporation, partnership, association, business trust, or business entity created pursuant to or existing under the laws of the United States or any State shall be authorized to purchase, hold, and invest in securities which are offered and sold pursuant to section 4(5) of the Securities Act of 1933 or which would be eligible to be offered and sold pursuant to section 4(5) of the Securities Act of 1933 except for the requirement of subparagraph (C)(i) of such section if such securities are rated in one of the four highest rating categories by at least one nationally recognzied statistical rating organization, and in securities issued or guaranteed by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association, to the same extent that such person, trust, corporation, partnership, association, business trust, or business entity is authorized under any applicable law to purchase, hold or invest in obligations issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof. Where State law limits the purchase, holding, or investment in obligations issued by the United States by such a person, trust, corporation, partnership, association, business trust, or business entity, such securities which are offered and sold pursuant to section 4(5) of the Securities Act of 1933 or which would be eligible to be offered and sold pursuant to section 4(5) of the Securities Act of 1933 except for the requirement of subparagraph (C)(i) of such section if such securities are rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization, or such Federal Home Loan Mortgage Corporation or Federal National Mortgage Association securities shall be considered to be obligations issued by the United States for purposes of the limitation.

(b) The provisions of subsection (a) shall not apply with respect to a particular person, trust, corporation, partnership, association, business trust, or business entity or class thereof in any State which, prior to the expiration of 3 years after the date of enactment of this Act, enacts a statute which specifically refers to this section and either prohibits or provides for a more limited authority to purchase, hold, or invest in such securities by any person, trust, corporation, partnerhsip, association, business trust, or business entity or class thereof than is provided in subsection (a). The enactment by any State of any statute of the type described in the preceding sentence shall not affect the validity of any contractual commitment to purchase, hold, or invest which was made prior thereto and shall not require the sale or other disposition of any securities acquired prior thereto.

(c) Any security which are offered and sold pursuant to section 4(5) of the Securities Act of 1933 or which would be eligible to be offered and sold pursuant to section 4(5) of the Securities Act of 1933 except for the requirement of subparagraph (C)(i) of such section if such securities are rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization, shall be exempt from any law of any State with respect to or requiring registration or qualification of securities or real estate to the same extent as any obligation issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof. Any State may, prior to the expiration of 3 years after the date of enactment of this Act, enact a statute which specifically refers to this section and requires registration or qualification of any such security on terms which differ from those applicable to any obligation issued by the United States.

DELAYED OR CONTINUOUS REGISTRATION

SEC. 104. The Securities and Exchange Commission shall, by rule or regulation, provide for the registration pursuant to section 6 of the Securities Act of 1933 of one or more promissory notes, participation interests in such notes, or mortgage related payment securities secured by such notes or participation interests, which are to be offered and sold on a delayed or continuous basis in the future, where the notes or participation interests therein are directly secured by a first lien or a second lien on (1) a single parcel of real estate (including stock allocated to a dwelling unit in a residential cooperative housing corporation) upon which is located a dwelling or other residential or commercial structure, or (2) a manufactured home, as defined in section 603 (6) of the National Manufactured Housing Construction and Safety Standards Act of 1974, which is used as a residence.

TITLE II—FEDERAL HOME LOAN MORTGAGE CORPORATION AND FEDERAL NATIONAL MORTGAGE ASSOCIATION AMENDMENTS

FEDERAL HOME LOAN MORTGAGE CORPORATION PREFERRED STOCK

SEC. 201. Section 306(f) of the Federal Home Loan Mortgage Corporation Act is amended—

(1) by inserting before the period at the end of the last sentence thereof the following: ", and shall not be entitled to vote with respect to the election of any member of the Board of Directors"; and

(2) by adding at the end thereof the following: "Such preferred stock, or any class thereof, may have such terms as would be required for listing of preferred stock on the New York Stock Exchange, except that this sentence does not apply to any preferred stock, or class thereof, the initial sale of which is made directly or indirectly by the Corporation exclusively to any Federal Home Loan Bank or Banks.".

FEDERAL NATIONAL MORTGAGE ASSOCIATION PREFERRED STOCK

SEC. 202. (a) The first sentence of section 303(a) of the National Housing Act is amended to read as follows: "The corporation shall have common stock, without par value, which shall be vested with voting rights, each share being entitled to one vote with rights of cumulative voting at all elections of directors.".

(b) Section 303 of such Act is amended by adding at the end thereof the following:

"(h) Any preferred stock of the corporation may have such rights as are permitted by the rules of the New York Stock Exchange in the case of securities listed on such Exchange.".

(c) section 308(b) of such Act is amended by striking out the word "common" in the first sentence.

LIMITATIONS ON PARTICIPATION AGREEMENTS BY FNMA AND FHLMC

SEC. 203. (a) The sixth sentence of section 302(b)(2) of the National Housing Act is amended to read as follows: "The corporation shall establish limitations governing the maximum principal obligation of conventional mortgages that are purchased by it; in any case in which the corporation purchases a participation interest in such a mortgage, the limitation shall be calculated with respect to the total principal obligation of the mortgage and not merely with respect to the interest purchased by the corporation.".

(b) The fifth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended to read as follows: "The Corporation shall establish limitations governing the maximum principal obligation of conventional mortgages that are purchased by it; in any case in which the Corporation purchases a participation interest in such a mortgage, the limitation shall be calculated with respect to the total principal obligation of the mortgage and not merely with respect to the interest purchased by the Corporation.".

FEDERAL HOME LOAN MORTGAGE CORPORATION MANUFACTURED HOUSING LOANS

SEC. 204. (a) Section 302(d) of the Federal Home Loan Mortgage Corporation Act is amended by inserting after "located," the following: "or a manufactured home which is personal property under the laws of the State in which the manufactured home is located,".

(b) Section 302(h) of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following: "The term 'residential mortgage' also includes a loan or advance of credit secured by a mortgage or other lien on a manufactured home which is the principal residence of the borrower, without regard to whether the security property is real, personal, or mixed.".

(c) Section 305(a)(1) of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following: "Where a residential mortgage is secured by a manufactured home, the term 'mortgage insurance program' shall also include any manufactured home lending program under section 2 of the National Housing Act.".

FEDERAL HOME LOAN MORTGAGE CORPORATION AUTHORITY TO PURCHASE STATE AGENCY INSURED MORTGAGES

SEC. 205. Section 302(i) of the Federal Home Loan Mortgage Corporation Act is amended by striking out "a State or an agency or instrumentality of either" and inserting in lieu thereof "any of its agencies or instrumentalities".

FEDERAL HOME LOAN MORTGAGE CORPORATION GUARANTEE OF MORTGAGE-BACKED SECURITIES ISSUED BY OTHERS

SEC. 206. Section 306 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following:

"(h) The Corporation may not guarantee mortgage-backed securities or mortgage related payment securities backed by mortgages not purchased by the Corporation.".

45-DAY APPROVAL PERIOD

SEC. 207. Section 309 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(i) If the Federal National Mortgage Association submits to the Secretary of Housing and Urban Development, after the date of the enactment of the Secondary Mortgage Market Enhancement Act of 1983, a request for approval or other action under this title, the Secretary shall, not later than the expiration of the 45-day period following the submission of such request, approve such request or transmit to the Congress a report explaining why such request has not been approved. Such period may be extended for an additional 15-day period if the Secretary requests additional information from the corporation. If the Secretary fails to transmit such report to the Congress within such 45-day or 60-day period, as the case may be, the corporation may proceed as if such request had been approved.".

MULTIFAMILY MORTGAGE LOAN-TO-VALUE RATIO

SEC. 208. (a) The second sentence of section 302(b)(2) of the National Housing Act is amended by inserting after "mortgage" the first place it appears the following: "secured by a property comprising one to four-family dwelling units".

(b) The first sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by inserting after "mortgage" the first place it appears the following: "secured by a property comprising one- to four-family dwelling units".

BOARD OF DIRECTORS

SEC. 209. The first sentence of section 308(b) of the National Housing Act is amended to read as follows: "The Federal National Mortgage Association shall have a board of directors, which shall consist of 18 persons, 5 of whom shall be appointed annually by the President of the United States, and the remainder of whom shall be elected annually by the stockholders.".

HUD ANNUAL REPORT TO THE CONGRESS ON FNMA ACTIVITY

SEC. 210. Section 309(h) of the National Housing Act is amended by striking out the last two sentences and inserting in lieu thereof the following: "Pursuant to the authority provided in this subsection, the Secretary shall, not later than June 30 of each year, report to the Congress on the activities of the corporation under this title.".

MULTIFAMILY LIMITS

SEC. 211. (a) The penultimate sentence of section 302(b)(2) of the National Housing Act is amended by inserting before the period at the end thereof the following: ", except that such limitations may be increased to not to exceed 240 per centum of the dollar amount limitations contained in section 207(c)(3) of the National Housing Act in any geographical area for which the Secretary determines under section 207(c)(3) that cost levels require any increase in dollar amount limitations under that section".

(b) The penultimate sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by inserting before the period at the end thereof the following: ", except that such limitations may be increased to not to exceed 240 per centum of the dollar amount limitations contained in section 207(c)(3) of the National Housing Act in any geographical area for which the Secretary of Housing and Urban Development determines under section 207(c)(3) that cost levels require any increase in dollar amount limitations under that section".

PURCHASE OF SECOND MORTGAGES BY FNMA AND FHLMC

SEC. 212. (a) Section 302(b) of the National Housing Act is amended by adding the following new paragraph at the end thereof:

"(5)(A) The corporation is authorized to purchase, service, sell, lend on the security of, and otherwise deal in conventional mortgages or advances of credit that are secured by a subordinate lien against a one- to four-family residence only if (i) the residence is the principal residence of the mortgagor, (ii) the proceeds of such loan were used to purchase or to refinance only the remaining balance of a loan the proceeds of which were used to purchase the residence, and (iii) the commitment to purchase the loan is issued prior to October 1, 1985, except as provided by paragraph (3). If the corporation, pursuant to paragraphs (1) through (4), shall have purchased, serviced, sold, or otherwise dealt with any other outstanding mortgage secured by the same residence, the aggregate original amount of such other mortgage and the mortgage authorized to be purchased, serviced, sold, or otherwise dealt with under this paragraph shall not exceed the applicable limitation set forth in paragraph (2).

"(B) The corporation shall establish limitations governing the maximum obligation of subordinate conventional mortgages described in subparagraph (A). Such limitations shall not exceed $50,000 in the case of a one-family residence and $60,000 in the case of a two- to four-family residence. In any case in which the corporation purchases a participation interest in such a mortgage, the limitation shall be calculated with respect to the total principal obligation of the mortgage and not merely with respect to the interest purchased by the corporation.

"(C) No subordinate mortgage shall be purchased by the corporation if the total outstanding indebtedness secured by the property as a result of such mortgage exceeds 80 percent of the value of such property unless (i) that portion of such total outstanding indebtedness that exceeds such 80 percent is guaranteed or insured by a qualified insurer as determined by the corporation (and not the corporation itself); (ii) the seller retains a participation of not less than 10 percent in the mortgage; or (iii) for such period and under such circumstances as the corporation may require, the seller agrees to repurchase or replace the mortgage upon demand of the corporation in the event that the mortgage is in default. The corporation shall not issue a commitment to purchase a subordinate mortgage prior to the date the mortgage is originated, if such mortgage is eligible for purchase under the preceding sentence only by reason of compliance with the requirements of clause (ii) of such sentence.".

(b)(1) Section 302(h) of the Federal Home Loan Mortgage Corporation Act is amended—

(A) by striking out "The maximum principal obligation" and all that follows through "associations."; and

(B) by adding at the end thereof the following: "Until October 1, 1985, the term 'residential mortgage' shall also include purchase or refinancing loans or advances of credit that are secured by a subordinate lien against a one- to four-family residence only if the residence is the principal residence of the borrower and the proceeds of such loan or advance of credit were used to purchase or to refinance only the remaining balance of a loan the proceeds of which were used to purchase such residence.".

(2) Section 305(a) of such Act is amended by adding the following new paragraph at the end thereof:

"(4)(A) With respect to the purchase by the Corporation of any purchase or refinancing residential mortgage secured by a subordinate lien against a one- to four-family residence as authorized by the last sentence of section 302(h), the Corporation shall establish limitations governing the maximum principal obigation of such mortgages. Such limitation shall not exceed $50,000 in the case of a one-family residence and $60,000 in the case of a two- to four-family residence. In any case in which the Corporation purchases a participation interest in such a mortgage, the limitation shall be calculated with respect to the total principal obligation of the mortgage and not merely with respect to the interest purchased by the Corporation. If the Corporation shall have purchased, serviced, sold, or otherwise dealt with any other outstanding mortgage secured by the same residence, the aggregate original amount of such other mortgage and the mortgage authorized to be purchased, serviced, sold, or otherwise dealt with under this paragraph shall not exceed the applicable limitation set forth in paragraph (2).

"(B) No subordinate mortgage shall be purchased by the Corporation if the total outstanding indebtedness secured by the property as a result of such mortgage exceeds 80 percent of the value of such property unless (i) that portion of such total outstanding indebtedness that exceeds 80 percent is guaranteed or insured by a qualified insurer as determined by the Corporation (and not the Corporation itself); (ii) the seller retains a participation of not less than 10 percent in the mortgage; or (iii) for such period and under such circumstances as the Corporation may require, the seller agrees to repurchase or replace the mortgage upon demand of the Corporation in the event that the mortgage is in default. The Corporation shall not issue a commitment to purchase a subordinate mortgage prior to the date the mortgage is originated, if such mortgage is eligible for purchase under the preceding sentence only by reason of compliance with requirements of clause (ii) of such sentence.".

(c) The amendments made by this section do not apply to commitments issued prior to the date of enactment of this section.

Mr. TOWER. Now, Mr. President, I would like to ask that an article that appeared in the Washington Post on Saturday, August 20, 1983, by the nationally syndicated columnist, Ken Harney, on these two measures appear in the RECORD.

The article follows:

[From the Washington Post, Aug. 20, 1983]

JOHN TOWER IN PRINT—2 BILLS SEEK TO WIDEN MONEY PIPELINE TO HOME BUYERS

SUPPLY OF MORTGAGE MONEY COULD GROW

(By Kenneth R. Harney)

Two long-awaited pieces of legislation that could expand significantly the amount of mortgage money available to American consumers and cut the cost of home loans have been introduced on Capitol Hill.

Sponsored by the Senate's two top-ranking committee chairmen on banking and housing issues, the bills signal the start of a major congressional effort to widen the money pipeline between home buyers and Wall Street.

Here's what the proposals by Senators JAKE GARN (R-Utah) and JOHN TOWER (R-Tex.) would do, and how they could directly affect you as a buyer or seller:

Remove most of the obstacles that discourage pension funds, insurance companies and others from investing in ordinary home mortgages.

Encourage more private firms to go into head-to-head competition with the two government-chartered corporations that have dominated American home financing since the early 1970s, the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corp. (Freddie Mac). Both corporations buy individual loans originated by local lenders in vast quantities. Fannie Mae, for instance, owns $70 billion worth of mortgages—roughly one of every 20 home loans in the country.

Encourage more diversity in the types of mortgages available in the marketplace. Large pools of home loans carrying innovative terms favorable to consumers—but not usually acceptable to large-scale investors—could be packaged and sold to Wall Street under the bills.

Cut the going rate of home mortgages for future buyers by increasing competition within the market and turning on more "money spigots," in the words of one supporter of the bills. Rates on home loans could be sliced by anywhere between one-half and two percentage points, "simply by making mortgages as attractive and convenient as any other type of competing investment" available to an insurance company or other large owner of capital, he said.

The two new bills carry technical-sounding names that would make more consumers' eyes glaze over: the Trust for Investment in Mortgages Act of 1983 (S. 1822) and the Secondary Mortgage Market Enhancement Act of 1983 (S. 1821).

But stripped to their core, the proposals seek to make very basic, bread-and-butter changes in the business of financing homes. The technical amendments that the bills would apply to existing federal law will allow creation and sale of far greater numbers and varieties of what are known as "mortgage-backed securities." These are pools of hundreds of thousands of loans, packaged into bond-like securities that large capital investors can buy for income.

To picture how these work, imagine that the new mortgages made by banks on all the houses in your city or neighborhood this year were gathered together. The regular monthly payments coming in would make an attractive income—one not only secured by real estate, but carrying a higher return than money-market funds and corporate notes and bonds.

Now let's say those mortgage contracts were put into a package that provided payments on whatever schedule you as an investor wanted: once a year, twice a year, quarterly or monthly. Let's say also that all of the potentially sticky features of individual mortgages were guaranteed to be kept out of your hair: defaults, prepayments, foreclosures and the like.

You could buy into this pool of loans by purchasing a certificate—like a stock or bond—and be relatively certain you'd get the steady return you bargained for. You could buy the entire pool, for that matter, if you had enough bucks. Local lenders would make the mortgages, sell them into pools, and continue to service them indefinitely for a fee.

Although it comes as a surprise to some consumers, this is how more than half of all American home mortgages are financed today. The two new bills on Capitol Hill would speed the movement toward "wholesale" financing even faster. They would give the companies that put together wholesale packages additional powers to manage the cash flows on the loans in the pools. They also probably would stimulate creation of dozens of specialized competitors to Fannie Mae and Freddie Mac such as the new Residential Funding Corp. (RFC) of Minneapolis.

RFC—first previewed in this column last December—specializes in buying so-called "jumbo" home loans above $108,300 and 15-year mortgages. In its first seven months, RFC has committed to finance $1.5 billion worth of jumbo and other loans—mainly the types of mortgages that Fannie Mae and Freddie Mac can't or won't touch because of regulatory restrictions.

The key here is "to open up the mortgage business to even more competition" said a staff aide on the Senate Banking Committee. "I mean, let's let a thousand flowers bloom. That will mean greater choices for more buyers—and who's going to beef about that?" GARN and TOWER learn the answer to that question on Sept. 21, when they hold two days of hearings on their proposals.●

THE CONSTITUTION AND THE WARMAKING POWER

● Mr. BAUCUS. Mr. President, in recent weeks, the people of this country have been faced with two international crises that have involved the use of American forces and the loss of American lives outside the borders of the United States. One was the brutal and tragic bombing of the Marine barracks in Beirut. The other was the armed American invasion and occupation of the Caribbean island of Grenada.

Each of these crises has raised basic and immediate questions—questions about why American troops were sent to Lebanon and Grenada in the first place, what their purpose is for staying, and how long it will take them to accomplish their objectives. All these questions are extremely important, and they all deserve prompt and public response.

But recent events have also raised a more fundamental and far-reaching question that we have tended to gloss over in the heat of current crises. In both Lebanon and Grenada, the introduction of American forces was undertaken at the initiative of the President alone, without prior authorization by the Congress. The question raised by such unilateral action is what, if any, role the Congress and the American people are to play in determining whether U.S. troops should be committed to hostilities on foreign soil.

In the context of current events, this question may seem to be an esoteric one. But it is a question that goes to the very foundation of our governmental structure and the delicate system of checks and balances embodied in our Constitution. It is a question that we can no longer afford to answer on a purely pragmatic and piecemeal basis.

Our Founding Fathers gave clear and distinct directions as to who was to hold the warmaking authority in the new Nation they were fashioning. In the Constitution, they designated the President as the Commander-in-Chief of the Armed Forces, or, as Alexander Hamilton described it in the Federalist Papers, "the first General and Admiral of the Confederacy." But they specifically left the power to use those Armed Forces—the power to declare war—in the hands of the Congress. The notes of the original Constitutional Convention leave no doubt that the Framers intended to give the President independent warmaking authority only "to repel sudden attacks" upon the United States. All other authority relating to the commitment of the Nation to war was to be vested exclusively in the Congress.

The decision of the Framers to place the warmaking power in the legislative branch was based primarily on their fear that the monarchical tyrannies from which they had just gained freedom would recur in their new Nation. To avoid the known dangers of concentrating the awesome power to make war in any one man, they placed it instead in the governmental body most directly representative of and responsive to popular sentiment. In this way, they sought to give the American people a stronger voice in their own destiny and to eliminate the possibility of future oppressive and unpopular wars. The benefit of congressional control over the use of armed force was succinctly noted by Thomas Jefferson in a letter to James Madison: "We have already given in example one effectual check on the Dog of war by transferring the power of letting him loose from the executive to the legislative body * * *"

Throughout the first hundred years of this country's history, few questions were raised about the Congress' ultimate responsibility for committing the Nation's Armed Forces to combat. Abraham Lincoln, speaking as a Congressman against an unauthorized use of American troops by President Polk, warned specifically of the dangers inherent in executive usurpation of the congressional warmaking power:

> Allow a President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure.

It was not until the 20th century that "making war at pleasure" became a consistent, rather than an occasional, practice. Time and again during this century, Presidents sent American troops into foreign hostilities without prior authorization from the Congress. Our forces were sent into armed conflicts around the globe—into Central America and South America, into the Caribbean, into the Far East and the Middle East, and most notably into Southeast Asia—all in the name of the national interest, all at the individual initiative of the President, and all with only ex post facto approval by the governmental body holding the exclusive power to make such commitments. In 1964, the nadir of congressional control and the height of congressional acquiescence was reached by the passage of the Gulf of Tonkien resolution, which gave the President virtually limitless power to use armed military force in Southeast Asia. The state of affairs existing at the end of the 1960's was aptly described by Senator Jacob Javits:

> We live in an age of undeclared war, which has meant Presidential war. Prolonged engagement in undeclared, Presidential wars has created a most dangerous imbalance in our Constitutional system of checks and balances.

In 1973, Congress began the process of recapturing its constitutional authority over the making of war by the passage of the War Powers Resolution. The resolution recognized that modern times may in some circumstances justify the exercise of immediate military force by the President, but it also sets limits on the President's ability to maintain a military presence in areas of hostile activity without explicit authorization from Congress. Specifically, it states that the President may, in urgent circumstances, inject armed American forces into actual or potential hostilities. However, before doing so, he or she must take every possible step to consult with Congress, and within 48 hours of the troop commitment, must issue a detailed report outlining the purpose and estimated duration of the American involvement. All U.S. troops must be withdrawn from the area of hostilities within 60 days unless Congress specifically authorizes a longer term of activity.

There is no doubt in my mind that the passage of the War Powers Resolution constituted a vital step toward reestablishing the proper balance between the executive and legislative branches in the realm of warmaking authority. More importantly, it constituted a vital step toward amplifying the voice of American people in discussions and decisions on the fundamental issue of whether there should be war or peace.

But the existence of the War Powers Resolution is not enough in itself. Without implementation, it is nothing more than a piece of paper. Those of us who are concerned about maintaining the constitutional system of checks and balances must be vigilant in insuring that the provisions and purpose of the resolution are faithfully fulfilled by the executive branch. We cannot afford to allow the occurrence of immediate crises to distort our constitutional vision. In short, we cannot afford to allow the 1980's to become another era of Presidential war or war at pleasure.

The situation in Lebanon and Grenada have evoked sharply different degrees of vigilance from Congress. When presented with the issue of continuing the American presence in Lebanon, the Congress authorized a full 18-month extension. It did so even in the absence of any solid and substantive explanation by the President as to the scope or purpose of the American mission there. I supported a much shorter, 60-day period of authorization. In my view, a period of 2 months is more than sufficient to allow the President to justify continued American involvement in the region. The Congress and the people of this Nation should demand such a justification before sanctioning lengthy and essentially unfettered executive discretion in the use of the country's Armed Forces.

In the controversy surrounding Grenada, the Congress has been much swifter to act and has given a much clearer indication of its willingness and ability to control the use of American Armed Forces in hostilities abroad. Within days of the initial invasion of the island, both Houses of Congress have specifically invoked the War Powers Resolution, thereby allowing a continuance of our military presence for a maximum of 60 days. That period can, of course, be extended, but only by the exercise of the warmaking power vested in the Congress by the Constitution.

Our Founding Fathers firmly believed that the welfare and future of the United States would be seriously threatened if the power to make war could be exercised by any single individual in the new government. I believe their fear was justified then, and I believe it is justified now. Presidential war—war that is undertaken without the express consent of the representative arm of the Federal Government—is anathema to both our sensibilities and our Constitution. For the sake of our Nation, we must never let it occur again.

I am sending a letter today to Senator THURMOND, chairman of the Judiciary Committee, requesting hearings in that committee to consider the constitutional allocation and exercise of the warmaking power of the United States. I believe Congress and the Nation as a whole would benefit greatly from a thorough examination of the relative powers of the President and the Congress to commit American forces to hostilities abroad.●

ORDER FOR RECOGNITION OF SENATOR DOMENICI ON TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that on tomorrow, following the special orders that have already been entered, there be a special order on behalf of the distinguished Senator from New Mexico (Mr. DOMENICI) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, would the Chair inform this Senator whether that would change the time which we will go on to the bill, the pending business?

The PRESIDING OFFICER. The time to which the Senate returns to the pending business would not be affected.

PROGRAM

Mr. STEVENS. Mr. President, as I understand it, tomorrow the Senate will come in at 9 a.m. We will have the time for the two leaders under the standing order and two special orders. Following that, there will be a period for the transaction of routine morning business. At the expiration of that routine morning business, the Senate will resume consideration of the Defense appropriations bill.

We do expect votes. I would like to put the Senate on notice that we are trying to make certain that some of the very controversial matters do in fact, come up tomorrow and that we expect votes. I hope that we will get a time agreement on some of those matters so we will vote in the morning, if possible.

We have been notified that some of the Members of the Senate who will be very much concerned with some of those items may not be here on Monday. So we would like to get them out of the way, if possible.

Does my good friend have anything further to come before the Senate?

Mr. BYRD. Mr. President, I thank my good friend. I have nothing further.

RECESS UNTIL 9 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 6:35 p.m., recessed until Friday, November 4, 1983, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate November 3, 1983:

THE JUDICIARY

Jane A. Restani, of Virginia, to be a judge of the U.S. Court of International Trade vice Herbert N. Maletz, retired.

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, section 624:

To be colonel

Tracy, Lawrence L., 185-28-5715

MEDICAL CORPS

To be colonel

Brooks, Viola P., 203-40-5930

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

Brown, Patrick P., 479-44-9516

MEDICAL CORPS

To be lieutenant colonel

Jackson, John H., 257-70-9594

VETERINARY CORPS

To be major

Sauber, Jerome J., 469-50-1163

MEDICAL CORPS

To be major

Carter, Tony, 510-62-4228
Dow, Andrew R., 098-38-5129
Imonen, Elodie, 192-34-7887
Longer, Charles F., 181-36-1979

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, sections 531, 532, 533:

MEDICAL CORPS

To be colonel

Allen, Alfred M., 013-30-9061
Anderson, Daniel H., 534-26-0722
Brown, Joel D., 217-32-3420
Brown, Stanton R., 142-30-8234
Dahl, Raymond E., 374-40-1864
Fleurant, Lucien B., 039-22-3159
Fort, Samuel L., 248-62-7266
Gaydos, Joel C., 183-32-7936
Gehle, Don E., 356-30-8747
Lewis, Ronald J., 510-42-1715
Moreira, Allen, 573-42-4272
Sokol, Robert J., 058-22-0217
Ulisnik, Wayne R., 143-24-8570

To be lieutenant colonel

Babu, Sankaran S., 277-50-4470
Belts, Richard P., 544-38-3400
Bucknell, Allan L., 104-36-0369
Carlson, Homer J., 476-28-6353
Cucinell, Elynore A., 112-28-0090
Dunne, Thomas P., 107-30-4003
Hadley, Arthur T., 015-34-7181
Kim, Seung H., 158-50-5233
Manning, Richard A., 287-22-5616
Roscelli, John D., 550-60-8097
Springate, Charles S., 482-30-2879
Suttle, David E., 425-88-7438
Swengel, Richard M., 509-32-9459
Wamble, John L., Jr., 428-84-0420
Wong, York Y., 287-56-3511

To be major

Brien, James H., 467-80-6498
Edwards, Fred H., 404-66-7142
Krug, Ernest F., 155-36-8731
Leeper, David H., 404-50-5815
Moritz, Dennis M., 333-36-4119
Sinha, Karabi, 065-54-3993
Welch, Benjamin M., 508-56-0049

To be captain

Adrian, Burton R., 479-74-0926

Alvarado, Mario H., 451-98-5703
Bonsack, Timothy A., 257-13-7118
Burns, Jerry A., 430-88-0345
Chooljian, Dianna, 263-51-2658
Colavita, Mauro A., 211-46-6465
Collier, William W., 302-56-7060
Culclasure, John W., 249-17-3907
Dwyer, Mark S., 462-21-7344
Firth, Mark R., 421-80-0461
Gilbert, David B., 512-64-3460
Hankins, Charles T., 410-15-7303
Heaven, Ralph F., Jr., 333-52-1382
Hubickey, Walter J., 130-50-8969
Keaton, Mark R., 256-17-1254
Koch, Fernin C., 199-38-0389
Martin, Robert R., 230-90-5568
Martinez, Jose S., 261-08-5268
McBiles, Mike, 527-11-1298
McClure, George B., 226-74-4739
Merenich, John A., 161-48-6749
Moloff, Alan L., 141-48-5519
Rolfes, Robert J., Jr., 299-48-5582
Schoemer, Steven G., 085-48-1792
Scott, Arthur C., 256-04-8280
Singleton, James D., 512-70-2760

MEDICAL SERVICE CORPS

To be lieutenant colonel

Bertsch, Marvin L., 504-28-3168
Burney, James R., 211-30-3918
Eisenberg, George H., 023-30-4333
Ideus, Eldon H., 506-52-7069
Noe, Wilmer A., 508-52-5811
Schlie, James A., 481-48-2634
Straus, Milo A., 397-40-2875

To be major

Carter, Robin J., 538-50-3504
Chapin, Richard A., 539-42-3191
Crutchfield, Michael F., 458-74-2962
Flint, Glenn W., 362-42-7456
Kirby, Bruce L., 002-34-3356
Korte, Don W., Jr., 229-66-9387
Martinez, Fernando, 585-26-3077
Tavolieri, Paul D., 025-30-5697
Turner, Jeff R., 248-74-3801

To be captain

Arroyo, Carlos M., 583-74-7347
Boswell, Garry W., 554-66-0333
Chapman, Nancy G., 057-46-6090
Desimone, David J., 210-42-6583
Devries, Charles J., 479-66-8108
Felton, Theodore J., 480-62-4419
Fipps, Donald R., 551-94-2933
Jones, Robert J., 447-54-6841
Kochel, Michael P., 505-70-0609
Polen, Lloyd L., III, 457-98-4388
Pugh, Reginald L., 410-94-8634
Rice, Joyce M., 214-66-9094
Schacht, Carl G., 225-82-3109
Smathers, Donald A., 520-66-7052
Thompson, Alan K., 030-38-3432

To be first lieutenant

Bacelis-Brito, Jorge L., 540-64-5919
Broostrom, Lawrence R., 574-20-2897
Eilenfield, Victor G., 258-02-7038
Sanders, Bobbie D., 491-54-9350
Watts, Dennis L., 342-40-7263
Whetstine, Brian J., 544-80-5546

To be second lieutenant

Engdahl, Lynnae E., 523-02-4336

ARMY NURSE CORPS

To be lieutenant colonel

Sims, Billie D., 460-40-1297

To be major

Bradshaw, Troy W., 449-80-7436
Hulsey, Diane M., 488-54-9874
Ingold, Brooke S., 113-38-9465
Jones, Carol A., 177-38-3383
Mundy, Claudia M., 568-60-6026
Swenson, Karen M., 539-44-7316
Tlush, Barbara C., 262-98-4089
Vandell, Donna L., 127-32-1901

To be captain

Avant, William T., 254-78-0366
Bouffard, Anne L., 260-82-9027
Bufkin, Jack D., 433-68-6510
Campbell, Lance C., 057-40-1785
Chatmon, Lorna R., 195-40-8828
Cole, Ben W., 427-98-6507
Ferro, Kenneth C., 328-40-2247
Harris, Barbara, 135-46-4356
Havas, Kim D., 422-72-1251
Henderson, Nora L., 058-36-8498
Higgins, Guy L., 108-38-5240
Hoggard, Ronnie J., 451-76-4331
Jurgensmeier, Leland L., 508-68-7111
Kinneberg, Roger W., 470-68-7280
Kucinskis, Claude A., 115-38-0842
McDonald, Warren D., 266-13-5734
Nelson, Rosemary, 152-46-7610
Olsen, Janice A., 166-42-7291
Parker, Teresa G., 230-82-4891
Pearson, Bonnie S., 419-78-0152
Phippen, Mark L., 573-68-8162
Sanford, Pamela G., 457-96-1522
Smith, Christie A., 103-42-1909
Stevenson, Reid M., 247-96-2446
Washington, Ladonna N., 243-96-1384

DENTAL CORPS

To be major

Harris, Karl K., 555-64-6007
Klager, Peter, 572-54-1766
Leclair, Michael J., 226-66-4986
Netti, Charles A., 526-72-8539
Slopey, Dennis L., 197-40-8097
Volz, John E., 398-56-4206

To be captain

Angulo, Samuel J., 553-13-3604
Bruce, William F., Jr., 414-02-8898
Buccigross, Paul J., 034-40-6922
Ciborowski, Philip B., 212-62-8275
Dragolich, William E., 275-64-7279
Malone, Kay H., III, 528-86-9726
Oakes, Martin J., 223-74-1006
Roman, Nestor L., 100-38-7444
Toney, Robert A., 416-80-0951

VETERINARY CORPS

To be captain

Anderson, Lynn J., 544-48-9691
Brogdon, James D., 253-78-2067
Colleton, Curtis A., 248-08-3586
Fritz, David L., 159-38-5136
Fritz, Patricia E., 193-42-3864
Grabau, John H., 486-60-6514
Haywood, Isaac J., 217-52-0275
Inskeep, William, 235-80-7955
McGuire, Mike D., 455-82-8216

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Bridenstine, Mary W., 560-68-1344

To be captain

McLaurin, Nancy K., 584-58-6092
Nagel, Kathryn L., 530-40-9449

IN THE NAVY

The following-named U.S. Naval Reserve officers, to be appointed permanent commander in the Line of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Barret, Frank Oliver, III
Everett, David H.
Gaskin, Peter Joseph, II
Heuring, Joel Norman
Hunt, Edmund Joseph, Jr.
Keefe, George Edwin, Jr.
Moses, William J. C.
Porterfield, Craig
Woods, Bennett Richard, Jr.

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant commander in the Line of the U.S. Navy, pursuant to title 10, United States Code, Section 531:

Barkdoll, David Owen
Bazemore, Paul Rudolph, Jr.
Bednash, Charles Francis
Belcher, Frank Lee
Black, Bruce M.
Bleedsoe, Robert M.
Brock, Donald Fred
Bronkema, Roberta North
Brooks, Frederick Martin
Browne, Robert Sloman, IV
Bulwicz, Steven
Cann, John D.
Carter, Claude Ray
Clement, Robert H.
Collins, Robert Theodore
Davis, Lee R.
Denam, Harvey Elbert
Dobrovolny, Timothy
Dolat, Stephen William
Dunaway, William Arnold
Eckelberry, John R.
Elliott, Walter Michael
Erickson, Richard Royce
Fisher, Kelly Martin
Foster, William Larry
Garrett, William Lee
Graeber, Grant L.
Graham, Randall Lee
Greenawalt, Stanton
Guertin, Stanley Douglas
Guthrie, Robert Harold
Hamer, Dennis William
Hamilton, Douglas M.
Hardie, Bradley Stephen
Hargrave, Bobby P.
Hassinger, Jack Phelps, Jr.
Hazel, Milton Ellsworth, II
Hencken, James Edward
Hoverson, Jerry K.
Howard, Karroll Lynn
Hunt, Geoffrey Craig
Ingles, Greogory D.
Jernigan, Lawrence W., Jr.
Jones, Albert M.
Jonkers, Cornelius L.
Leblanc, Michael
Lloyd, John William
Loving, Jeffrey S.
Lynch, Johnny Ray
MacConkey, Donald F.
Mariani, Steve James
McCauley, Karen Lee
McCollum, Edward Manning
Mitnik, John
Mott, Robert Delmar
Orr, John C.
Owens, Philip Allan
Pinney, Thomas E.
Pohl, John Sherman
Ringler, Thomas Jay
Schwarzrock, Gary Logan
Shaffer, James Starr
Shaver, Eric Bruce
Stirling, Bruce Robert
Tritt, Gregory Eugene
Walker, Lambert Roger, III
Watson, John Anthony
Webber, Charles Ferguson
Wessling, John Joseph
Williams, Kirk Gregory
Wilson, Walter Edward
Wrona, Kenneth Walter
Young, Thomas Charles

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant in the Line of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Aasen, Mark Raymond
Ackerman, Mark Thomas
Albano, Tony Lee
Albertson, George Scott

Allen, William Howard
Anderson, Debra Kay
Anderson, William John
Atkinson, Peter L.
Bachman, Stephen Dale
Baker, Clinton Bernard
Baker, Dennis Jay
Baker, Gayla Layne
Baker, Glwynn Robinson, Jr.
Baker, William Keith
Baldwin, Robert Guy
Bales, Robert Franklin, Jr.
Ballou, Robert Morris
Barnhill, Grady Durand
Barraclough, Walter NMN
Barron, Martin Joseph
Bartlett, David Bruce
Bartley, Welrose Ernest, II
Bauer, Mark David
Beck, Belmont Guy, II
Bedsole, James Wendell
Beierl, Elizabeth Ann NMN
Bell, Robert Scott
Bella, David Wayne
Belser, Ritchie Hugh, III
Benbow, John Dewitt
Betts, David Lowry
Bindman, Carl David
Blanchet, Michael James
Bogdanoff, Alex A.
Bohannon, David William
Bostwick, Steven Ray
Bottrell, Mark Steven
Brady, Michael Robert
Brannigan, Michael Eugene
Braun, Carl William
Brinker, Francis Carey
Brion, Lawrence Richard
Briski, Paul Dennis, Jr.
Bronfenbrenner, Kenneth
Brown, John Michael
Brown, Ronald Lee
Brubaker, James Leroy
Bruhn, William Kenneth
Bruno, Michael David
Bubb, Kevin Wilbur
Buddin, Robert Dewitt, Jr.
Caldwell, David Emmett
Callaway, Robert Kendall
Carlton, Carter Eugene, III
Carmody, Patrick Brendan
Carriker, Michael Hardin
Carroll, Robert NMN, Jr.
Carson, Carl Eugene, III
Cash, James Earl
Cash, Lauren Gail
Cason, Randy Albert
Cathey, Jeffrey Mitchell
Chaimowitz, Joel Warren
Cheak Alan Scott
Christenson, Jon Richard
Coleman, Michael Thomas, Sr.
Colgain, John Cecil
Colledge, Keith Andrew
Colon, Hector Luis
Combs, Billy Glenn
Compton, Bryan Barton
Conner, David Joseph, Jr.
Connery, Robert Edward, Jr.
Conrad, Stephen Michael
Cook, Homer Craig
Cooley, Charles Richard, Jr.
Cooney, Patrick Brien
Corrigan, Timothy John
Cox, James Cooper
Crandall, David Allen
Crim, Robert Kenneth
Cutri, Anthony Dominick
Cotts, Donald Arthur
Dailey, Steven William
Daill, Kurt Franklin
Dallaire, Steven Michael
Davenport, William J., Jr.
Davis, Curtman Kenneth
Davis, Toby Kevin
Dawson, Christopher Kent
Deam, Thomas Michael
DeLuga Paul Frank
Dennis, David Tuvey
Desmarais, David Oliver
Dimiceli, John Anthony
Dotten, Dana Anne
Doyle, Paul Randal
Drake, Robert Lee
Duffy, Daniel Leo
Dufour, Raymond Anthony, Jr.
Dull, Steven Whitney
Earl, Randy Lane
Ebert, Charles Hilan
Elkins, Alfred Bart
Episcopo, Michael Joseph
Esposito, Daniel Nicholas
Evans, Ronald Richard
Fenwick, Charles Louis, Jr.
Ferguson, Timothy
Fernandez, Leverne Perry
Flynn, Robert Alan
Ford, William Francis
Francis, Scott Paul
Fredericksen, Michael Nels
Fullhart, Charles David
Gallagher, Paul Christian
Garrett, Joe Wheeler, II
Garrett, William Lee
Gerber, Charles Cole
Gianino, Frank William
Gilchrist, John Porter, III
Gomori, Michael Andrew
Gortney, William Evans
Green, Michael Alan
Greene, James Kent
Grimes, Keith Walter
Gumbert, Charles John
Hagler, Gregory Wright
Hall, Jeffrey Lee
Hall, Timothy Gerard
Hamer, Dennis William
Hampton, Lonnie NMN
Hantjis, William Michael
Hardwick, David Leslie
Harris, William Frederick, Jr.
Hartline, Gregory William
Hass, Alfred James, II
Hawkins, Ernest Lee
Hayes, Charles Edward
Hedges, Clifford Lee
Helbig, Henry Stjude
Helgerson, Lee Alan
Hewitt, Thomas James
Hines, Nelson Ray
Hoagland, John Gary
Hoggatt, Greg Kevin
Holmes, Michael David
Hoskinson, Linda Lee
Howard, Ivy Layne
Hubbard, Paula Elaine
Jasitt, Donna White
Javery, Thomas Edward,
Jimenez, Vito Wilfredo
Johnson, Clarence Einer, III
Johnson, David Charles
Johnson, Douglas Eugene
Johnson, Douglas George
Johnson, Edward James, Jr.
Johnson, Gerald Thomas
Johnson, Stephen Paul
Johnson, Thomas Horre, III
Jones, Richard Allen
Jones, Richard Lloyd
June, Carl Michael
Keller, Joseph Quentin
Kelly, Kevin Michael
Kelsey, Donna C. Greenleaf
Kennetz, Bernard Francis, Jr.
Kent, Michael Lynn
Kettlewell, Mark Scott
Kilgore, David Michael
Kilpatrick, James Judson, III
King, Steven Michael
Kirchenfeiter, Bruce William
Kirouac, Donald Robert, Jr.
Klimas, Richard James
Knowles, Edwin James, Jr.
Kolesnikoff, Karl Edward
Kovensky, Lynne Anderson
Krauser, John Francis
Kroll, Richard Stephen
Laclair, Gary John
Lane, Steven Lewis
Latini, James Joseph
Lawlor, James Edward
Lawson, Robert Louis
Leap, William Patrick
Leeds, Martha Collins
Leeds, Robert George
Leland, Scott Bronston
Lennartson, Holly Jo
Limoges, Craig Steven
Lipscombe, Clarence Douglas
Livingston, Guy Keith
Lloyd, Gary Lee
Lloyd, John William
Logan, Frank Granger, III
Long, John Wayne
Loud, Jeffrey William
Love, James Stephens, Jr.
Lovegren, Lee Arthur
Lovelace, Charles Ray
Lugarelli, Michael Charles
Lucas, Robert Charles
Lundbert, Mark NMN
Luttgen, Robert Fall
Lynn, Bradley David
MacDonald, James Douglas
Mahar, Jerome Daniel
Maholohic, Robert Michael
Mahon, Richard Christopher
Malara, Patsy NMN III
Mallia, Jeffrey Joseph
Marion, Stanley Porter
Martin, Robert Warren
Martin, William Voress
Mason, Craig Alan
Maynard, Gary Alan
McAleenan, Michael Peter
McAlevey, Benedict Labre
McCarren, David Hilton
McClendon, William Sperman
McCloskey, William Robert
McDonald, William Forrest
McDowall, Richard Alan
McElroy, Joseph Edward
McGalliard, Leon Earl, Jr.
McGeady, Michael Joseph
Mckee, Thomas Edmond
McLeod, Robert Lawrence, III
McMahon, Barry John
McNeilly, Dennis NMN
Melfa, Philip Anthony
Mendez, Roberto Rene
Menendez, Jack Stephen
Meninga, John Ronald
Millar, Douglas Lee
Miller, Robert Christopher
Mills, Thomas Albert, Jr.
Mitchell, Kevin John
Mitchell, Robert Harrison
Mokry, Michael Joseph
Montgomery, Daniel John
Moran, Kieron Francis
Morganelli, Patrick Daniel
Morissette, Garry Gene
Morris, Stephen McGovern
Moser, William Stanton
Mulligan, Roland John
Nagel, Daniel Edwin
Nahorney, Dennis Daniel
Nalley, Charles Jeffrey
Narveson, Marshall Lee
Newsome, James Albert
Nichols, Herman Armour
Nichols, Stephen Duane

Nisley, Rodger Eric
Nordmeyer, Douglas Stuart
Novak, Michael Joe
Ogilvie, Gregory G.
Ohlson, Robert Christopher
Okoniewski, Robert John
Oleszek, Stanley Michael, Jr.
Onan, Farry Aubrey
Orchard, Richard John
Outten, Milton Arthur
Pabst, Gary John
Paine, Paul Fisk
Passell, Donald Hillary
Paterson, Thomas Jay
Patton, William Anthony
Paulson, Alan Richard
Pearsall, Charles Judd, III
Peck, Larry Alan
Pedersen, Richard Samuel
Peebles, Edward Lynn
Penaflor, Francisco Cruz
Pepi, Ron Anthony
Peppe, Patrick Kevin
Peterson, William Marshal
Petzoldt, Ronald Wayne
Phillips, Clay Edison, III
Phillips, Lawrence Edward
Plucker, Ronald Christian
Pompier, Paul Maurice
Pontes, Lee NMN
Poole, Derrol Andre
Powell, Edgar Hill, Jr.
Powell, Ten Eyck Bronk, III
Primer, John Keough
Rader, Richard Lyndo A.
Radford, William Maytlon, Jr.
Rafalowski, Joseph Louis
Ramsay, Douglas Frederick
Rasmussen, Robert Scott
Ray, Phillip Keith
Reas, Steven Henry
Reed, Jeffrey Jay
Reres, Joseph Thomas
Rhodes, Kevin Caldwell
Ricksecker, Steven George
Roach, Randall Cale
Robbins, Edwin Earl, III
Robinson, Brenda Evette
Rogers, Richard Lamont
Romano, Peter John
Rose, Gregory Joseph
Rozwell, Mark Francis
Rupert, Ernest Victor, III
Rush, Thornwell Frank, Jr.
Rutherford, Robert Hart
Ruzevick, James Edward
Sabene, Ralph NMN
Sacken, Erich Peter
Samuelson, Scott Eugene
Sandgren, David Wayne
Schloss, Philip William
Schmidt, Kenneth Tarcisius
Scholl, James Kent
Schreiber, Jonathan Kim
Schunk, Edward Anthony
Schusler, Steven James
Severson, Daniel Mark
Shankle, Michael Loren
Shaw, Steven Keller
Sheldon, Barry David
Shema, Richard Allen
Shepperd, Michael Bruce
Sherman, John William, Jr.
Sherman, Mark William
Shield, Kathy Ann
Shuman, Gerald Lee
Simpson, Mark Stephen
Sink, Larrell Thomas
Slyfield, Frederick John, II
Smith, Ronald Leonard
Smitham, Fred Alderson, Jr.
Soroko, David Lee
Solsa, Thomas Edward
Spaulding, Peter Edward
Spencer, Brian James
Spencer, Randall Bruce
Stambaugh, John Alan
Stanley, Henry Turner, III
Stanley, John Brooks
Stapp, Charles Philip
Starnes, Charles R.
Stephens, Thomas Michael
Stevenson, Christopher James
Stevenson, Jeffrey Michael
Stevenson, John Dewitt
Stewart, Anthony Cedric
Stewart, Daniel Ross
Stewart, Keith James
Straughn, Barry Thomas
Stuetzer, Scott Michael
Sultzbach, Robert David
Sumner, James Gerald
Svajda, David Joseph
Swanson, Geoffrey Scott
Swift, Scott Harbison
Tanner, Randall E.
Taylor, Frances Dixon
Taylor, Stephen Blake
Taylor, Thomas Wayne
Thomas, John Waties, Jr.
Thomas, William Franklin
Thomasson, Robert John
Thompson, David Fred
Thompson, Rolland Charles
Thrailkill, Steven Michael
Timmons, Stephen Mark
Toedt, Elizabeth Mary
Tolton, Christopher John
Trammell, Steven Edward
Trongale, Nicholas Albert
Trump, James Charles, Jr.
Tucker, James Gary
Turner, Richard Kieth
Tweed, Jay M.
Ucci, Francis Park
Uetz, Kurt Robert
Ulander, Mark Richard
Vandeventer, John Richard
Vannoy, Bradford Lee
Visintainer, Randal Henry
Walker, Robert Amos
Walkley, Gary Foster
Walls, Martha Jane
Walters, Charles David
Weber, Philip Durant
Weeks, David Calvin
Welch, William Gilmore
Wenn, Patrick Robert
Whiting, Pamela Jean
Whitney, Frank Edward
Wilburn, Jadd Bryant
Wilcox, Theodore Arthur
Wilkey, Douglas Alan
Williams, Gary Alan
Williams, Karl Clarence
Willis, Lee Allen
Wilmoth, Douglas Eugene
Wilson, Dwight E.
Wilson, Rick Douglass
Wise, Michael Glynn
Womble, Thomas Murray
Working, Susan Lynn
Wright, Robert Paul
Yordan, Madeline
Youhn, Thomas John
Zack, Raymond Andrew
Zell, Steve Richard
Ziegler, Russell Mark

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant (junior grade) in the Line of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Abney, Deborah Diann
Adkins, Eugene, Jr.
Aiello, Ronald Francis
Alberts, Gregory William
Allen, Robert Leigh
Alman, Maxine Louise
Alvizu, Anthony, Jr.
Andrew, Frederick M.
Anselmo, Sandra Franics
Ash, John Louis, Jr.
Ashton, Frank Albert
Atkins, Robin Lynn
Bailey, Sheila Gail
Bakemeier, Nancy R.
Balko, John Francis, Jr.
Banks, Margaret Kathleen
Barnes, Pamela Kay
Barrick, Anne Cecelia
Batker, Carol Ann
Beam, Walter William
Beard, Ray Oliver, Jr.
Beasley, Gary Lou
Beck, Robert Welch
Becker, Albert Edwin
Bednarczyk, Margaret Mary
Beilharz, David Charles
Benage, William Fred, Jr.
Benson, Dale Harold
Benson, Janet Grace
Berman, Elliott Michael
Bernius, Nancy E.
Berry, Elizabeth Ann
Beyer, William Scott
Bischoff, Bonita Inez
Bishop, Debra Kay
Blagg, John Dorman, III
Blunt, Erich Sheldon, Jr.
Bodaly, Brian James
Boersma, Andrew Theodore
Booth, Henry Overstreet, III
Booth, James Runyan
Bordenkircher, Thomas Edward
Bothel, Robert Dean
Bourne, William Davis, Jr.
Bozer, Timothy Ryder
Brake, Daniel Von
Brake, Robin Ann
Braun, Michael George
Breaux, Sheldon Joseph, III
Brockner, Gerald Fredrick
Broeker, Arla Marie
Brooks, Sheila Kay
Brown, Donna Lynn
Brown, Odell
Buchter, Richard Mark
Burden, Sharon Marie Biven
Burgess, Jack Clay II
Buscher, Kathy Mahaffey
Callas, Richard Stanton
Camera, David A.
Cameron, John Michael
Campion, Thomas Aloysius, III
Canfield, Mark Webb
Cantrell, Lynn Renee
Caram, Joette Weiner
Carden, Steven Andrews
Carey, Steven R.
Carlson, Rebecca Lynn
Carlton, Kimberly Streit
Carpenter, Howard Scott
Carroll, Thomas Emmett
Carter, Robert Ellis, Jr.
Carver, Patsy Lynn
Chapman, Stephanie Paige
Cheatham, James Spencer, Jr.
Chenoweth, Charles Henry
Chicazola, Melvin Anthony, Jr.
Christman, Keith Ilia
Cissell, Teresa Carol
Clark, Edward D.
Clark, Valerie Page
Clinksdales, Elizabeth Kings
Coatsworth, Michael James
Cochrane, John Roth
Coley, John Alfred
Collins, Jeremiah Patrick
Colvin, William Edward
Contres, Kathlene
Conyers, Jon Quentin, II

Coombs, Patricia Lynn
Cooper, Gary Thomas
Cooper, Kent Leland
Corbitt, Gerald Wayne
Corcoran, Peter Joseph
Coriasco, Robert Louis
Cosgrove, Brian Anthony
Cosgrove, Thomas Francis, Jr.
Couch, William Stuart
Coward, Samuel Gordon
Craft, Sharon Sue
Creely, Joyce Anne
Crilly, David Bruce
Crocker, Linda Marie
Croy, George Parker, III
Curtis, Gary Deans
Dallas, Fenobia Izorar
Daly, Brian Francis
Daly, Kathleene Margaret
Daugherty, Dara Lynne
Daugherty, William W.
Davis, Janet Kathryn
Dekime, Vincent Paul
Demers, Michael Andre
Desjardins, Steven Paul
Dick, Michael Joseph
Dickinson, Terry Lee
Dickson, Deborah Sue
Dill, Ted Allen
Dillner, Douglas S.
Dobbs, David Sturgis
Dobie, Donna Carol
Dodd, Bernita Dianne
Donahue, James Francis, Jr.
Donovan, Andrew Joseph
Donovan, Anne M.
Donovan, Edward Michael
Dougherty, Michael
Douglas, Alan Dale
Douglas, Vanassa Hermine
Dowdy, Wendal Charles
Drake, Robert Gervase
Duckworth, Katherine Elizabeth
Duffy, Patrick Jude
Eberle, Charles Edward, III
Ebley, John Julius, Jr.
Edmond, Larry Elester
Edwards, Gerda Willie
Eeds, Jonathan Brent
Ekelund, Terri Lynn
Ellis, Sandra Nichols
Ennis, Elizabeth Ann
Erber, Charles Robert
Erickson, Todd Alfred
Ertman, Stephen Curtis
Ervin, Vicki Lynn
Esquina, Lori Walker
Essler, Bruce Gordon
Eyre, Melanie Carstairs
Falkenhagen, Jinx
Farrell, Bernard W.
Federschmidt, Franz E.
Finch, Brian Goodwin
Finch, Kenneth Michael
Fischer, Mark George
Fishman, Stanley Michael
Fitch, Rolland George, II
Fitzgerald, Susan Patricia
Flynn, Joyce Ann
Forrest, Ruth Ann
Forwood, Angela Marie
Frasier, Virginia Leigh
Freed, Sandra Elaine
Freeman, Ronald Frank
Freeman, Von Webber, II
French, Craig E.
Fromer, Charles Livingston
Fuderer, Gregory Adam
Gainey, Sharon Floretta
Game, Richard Mark
Gandolfo, Robin Ragsdale
Garney, Virginia Lynn
Garriott, Simeon Charles, Jr.
Gates, Siegfried Paul Edward
Gaudreau, Lynne Doris
Geddings, Kristine H.
George, James Joseph
Gerling, Brian Joseph
German, Lee Berriman
Gilbank, Karen Beth
Gillette, Karl Lee
Gilloon, Robert Gerard
Gilmore, John Walter
Godwin, Marvin Earle
Goldenberg, Roberta A.
Gorman, June Ann
Goss, William Allan
Gottlieb, Zevie Baylie
Graham, Jackie Manon
Graves, Frank Erskine, Jr.
Greer, Russell A.
Guevara, Joy Marie
Gunnell, Thomas Joseph
Gutierrez, Francis Max, Jr.
Gutierrez, Lisa Nye
Haizlip, Kenneth Leebutler
Hannan, Mark J.
Harbrecht, Thomas Alan
Hartman, Mary Roberta
Hartung, Tod Clark
Harvey, Susan Esther
Harwood, Vickie Renee
Hauck, David Joseph
Hawkes, Robert Anthony Joseph
Hawley, Katherine Marie
Hayes, Margaret Susan
Haynes, Richard Eugene
Haynes, Roderick Sutherland
Head, Michael Thomas
Heeren, Dennis Robert
Heisler, Robert Paul
Helmkamp, Mark T.
Hemmer, David Jerome
Herbert, William Lawrence
Herrington, Pamela Curtis
Hibbardreynolds, Debra Dawn
Hickey, Daniel Richard
Hildreth, James Leonard
Hill, Juanita O'Grady
Hill, Mary Ellen
Hill, Robert John
Hillis, Lloyd Rich
Hine, Patricia Sue
Hines, Patricia Lynn
Hingtgen, David Lawrence
Hirsch, Martha Hollowell
Hoadley, Jeffrey Scott
Hofelich, Howard R.
Hoffert, Susan Lynn
Hoffman, Timothy James
Howe, Judith Lynn
Howington, Timothy James
Hurwitt, Mara Cheryl
Ickes, John Mark
Imgrund, Christine Marie
Iovino, Pamela Marie
Ison, Edith Roe
Iverson, Susan Deborah
Izenberg, Brian Roy
Jackson, Jennifer Lynn
Jacobs, William Howard
James, Mary Elizabeth
Januszewicz, Christopher
Jaquith, Greg Edwin
Jashinsky, Jay Robert
Jeffries, Nancy Marie
Jenkins, Christy Ann
Jenkins, Max Bradley
Johnson, Gerald Ray
Johnson, James Allen
Johnson, Leah Dianne
Jones, James Edward
Jones, Richard W.
Jordan, Thomas Albert, Jr.
Jublou, Katherine Nicole
Justice, Charles Carver
Kalb, Christian William
Kaplan, Millicent
Kara, Miles Christian
Kemp, Derek Brian
Kern, Deborah Rush
Ketcham, Barbara Lynn
Kinsler, Mark Frederick
Kiskaddon, Harry Graham
Klatt, Mark Donald
Klauberg, William Joseph, Jr.
Knowles, Patricia Ann
Knox, Kathi Jill
Kraus, Catherine, R.
Kurtz, Cynthia, G.
Kyllo, Cynthia Yvonne
Lagace, Elisa Regina
Lahue, Laurence Holt
Landholt, Nicholas John
Lansing, Jacquelyn Waldie
Lansing, Mark Joseph
Lapa, Henry Anthony
Lauria, Frank Anthony
Laurn, Richard Paul
Lawson, Karen Marie
Leblanc, Leonard Henry, III
Lefrancois, Eric Allison
Leibee, Nancye Jo
Litzenberger, Judith Ann
Livingston, Robert D., III
Long, Erik Christopher
Lord, Albert Franis, Jr.
Lowry, Douglas Vance
Lobatti, Ronald William
Lumpkin, Rutledge Parker
Lumpp, Marilyn Louise
Lundquist, Carol Linda
Lynn, Susan Ilene Jacoemeier
Macalpine, Phyllis Lyn
MacDonald, John Joseph
Mackenzie, Curtis Malcolm
Magee James Michael
Mahon, John Littleton, Jr.
Mailloux, Thomas A.
Maloney, Kevin
Maloney, Stephen Charles
Mann, Kevin George
Marcantonio, Albert, Jr.
March, Sandra Bowling
Marsh, Ann Lindsay Smyth
Marshall, Debra Lynn
Marshall, Shelley Shippy
Martin, Frederick V., III
Mathews, Jill Leff
McCabe, Joan Marquette
McCandless, Timothy Andrew
McCulloch, Robert George, Jr.
McDaniel, Laurie Ann
McElhannon, Timothy Sean
McGirr, Maryann
McGrath, Robert Irving, Jr.
McKenna, Frederick Paul, Jr.
McKenzie, Melinda
McLaughlin, Steven Arthur
McNamara, Kathryn Joan
McNett, Geoffrey Lee
McVarish Kay Marie
Meixner, Charles Francis
Melhuish, Christopher Allan
Mellor, Michael Wharton
Melo, Michael Emidic
Merritt, Terry Lynn
Meyer, Michael
Meyer, Ricky Alan
Mock, Melody Frances
Moffitt, Laurence Robert
Mohammed, Khayyam
Monthan, Leslie Lynne
Mooney, Francis Timothy, Jr.
Moore, Patrick Alan
Mooreschoonover, Lois Jean H.
Morgan, Thomas Gardner
Molle, Valerie Ann
Murray, Joan
Murray, John Joseph
Murray, Kristy Sue
Muth, Joseph Jonathan

Nardella, Anthony L.
Nash, Cynthia Jean
Neely, Christopher Stephen
Neville, Santiago Ricardo
Nichols, Paul Andrew, Jr.
Niles, Margaret Ann
Noone, James Gerard
Norris, John Pershing, Jr.
Novak, Russell Stewart, Jr.
Nonn, Lorilynn
Obrien, Richard Dennis
Oleary, Peggy Ann
Oleary, Timothy Stuart
Olson, Richard Phillip
Overby, Erian Jay
Owens, Cassandra Faye
Pace, Doris Violeta
Padgett, Cynthia Ann
Panoff, Jeremy Lynn
Paolantonio, Sal Anthony
Parr, Andrew R.
Partridge, Kenneth Ray, Jr.
Patterson, Cheri Elaine
Paupard, Richard Daniel, Jr.
Paylor, Mark Alan
Pekie, Kenneth Raymond
Pera, Richard James
Perry, Phyllis Ann
Peterson, Joseph Preston
Pfarrer, Charles P., III
Piatt, James D., Jr.
Pisacano, Don Arlie
Plail, William
Plummer, Tala J.
Popham, Lane Lasko
Powell, Joyce Lynn
Presler, Robert Glenn
Pryde, Charles Thomas
Puckett, Lynne Ellen
Pulst, Lester John
Quick, Leslie Ann
Quinlan, Neil Frederick
Quinn, David Paul
Quinn, Edward Joseph
Ramsey, Gregory Lawrence
Ranville, George Edward
Ratchford, Martha Ruth
Read, John Basil, III
Ricketts, Paula Mary Pat
Ridenour, Paul Eugene
Riley, John Wallace, III
Roberts, Teresa Williams
Rodriguez, Doris R.
Rome, Scott Louis
Rosenberg, Michael
Ross, Debra Lynne
Roust, Leah Marie
Rowell, Julie Anne
Rufener, Nancy Louise
Runge, Roberta Melvina
Russell, David J.
Rutkas, David Anthony
Ryan, Terrence Christopher
Ryan, Thomas Scott
Sams, Roger Lee
Sanchezkeene, Martha
Santiago, David
Santoni, Carmen Olga
Saunders, Richard Lee
Scannell, Rosemary Therese
Scardina, William Vito, Jr.
Schmid, John R.
Schmidt, Theodore Leo
Schneider, Craig Leigh
Scholle, Robert Wayne
Schram, Deborah Karen
Schroeder, Norma Jean
Schwartz, Michael Stephen
Schwind, Cynthia Ellen
Sease, Hugh Siolare, III
Sebring, Leland Hart, Jr.
Sellards, Edwin Ray
Shelby, Lori Dolores
Shortt, Gilbert James
Shuman, Scott McKinley
Sisk, Richard William
Slaughter, Phillip Lynn
Smedley, Margaret Rose
Smith, Charlene Marie
Smith, Denise Maria Beckles
Smith, Elizabeth Ann
Smith, Judy Lenore
Smith, Michael P.
Smith, Robert Nelson
Smith, Thomas Lee
Smith, Tracy Lynne
Snyder, Dale Elizabeth
Solem, Phillip Stanley
Soriano, Paul
Spivey, Susan Gail
Squire, Lisa Beckman
Stamand, Michael David
Standefer, Sandra Gail
Stanton, Jack Manville
Starr, Roddy Preston
Steward, Richard L.
Stith, Timothy Reed
StJohn, Linda Faye
Stowe, Mary Elizabeth
Strei, Thomas John, Jr.
Strother, Carol Lee
Stuerzebecher, Kathy Ann
Suhler, Irene Miriam
Sumpter, Terry Odell
Talley, Tina Jo
Tanner, Linda Dawn
Taylor, Barbara Ellen
Taylor, James Craig
Taylor, Judy Marie
Terkhorn, Alton Kasper
Thomas, Christopher Nathan
Thompson, John Kirkland
Toesca, Nicole F. J.
Toher, Martin E.
Towne, Vicki Sheri
Traver, Thomas Douglas
Trocano, Peter Joseph, Jr.
Unglaub, Joan Marie
Vadney, Ellen Claire
Valente, Robert Francis
Valenti, Barbara Frances
Vanwye, Marcia
Wagner, Kenneth Bruce
Walker, Debra Ann
Walker, Mark Holt
Wallace, Bettina Venettozzi
Wallin, Garth K.
Walters, John Kerlin, III
Warmbier, Michael C., III
Warren, Bruce Timothy
Wattenburger, Sheryl Anne
Weibling, James Merril
Weinheimer, Robert Kevin
Wells, Roger Dale
Werkmeister, Peggy Sue
Wester, Mary Judith
Wheatley, Robin Ann
Whitley, John Dennis
Whitman, Clark Edward
Wicks, Gary Alan
Wilberg, Cynthia Maria
Wilcox, Robert Edward
Wilkie, James Edward
Williswise, Martha Jane
Winters, Melanie Suzanne
Wisdom, Paula Ann
Wood, Sandra Reynolds
Woodward, Susan Elaine
Woolman, Kenneth Lee
Wrenn, John
Wunder, Harold David
Yeomans, Charles Christopher
Ylimaki, Robert J.
Yonchak, Mark Anthony
Zerbe, Neil Graham

The following-named U.S. Naval Reserve officers, to be appointed permanent ensign in the Line of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Bessette, Paul Michael
Burroughs, Jerry Keith
Camp, Alfred Joe, Jr.
Childress, William Gordon, Jr.
Dennis, Robert Steven
Ernstes, Michael Eugene
Evans, Donald Ray
Freeseman, Douglas David
Fuller, Orman Keith
Greni, Sterling Ray
Grim, Gregory Warner
Grossman, Richard Riechler
Hager, David Brian
Hammill, William Curtis, Jr.
Harris, Walter W., Jr.
Hekel, Christopher Dean
Hogan, Jamie A.
Holmes, Eric Page
Kaiser, Clifford Yalmer
Khouri, George Jacob
Knudson, Peter William
Laird, Walter Steele
Lymburner, Robert Jeffrey
McGee, Gary Parker
Miller, Christopher George
Miller, Joseph Christian, IV
Natarajan, Sridhar
Nolan, Peter Eugene
O'Quinn, Robert Charles
Peterson, Norman Keith
Sealander, Neil Richard
Sefton, Daniel Eugene
Shy, Richard John
Sigler, James Scott
Sims, Robert Anthony
Singer, Karl William
Stanberry, Thomas William
Volskay, Victor Theodore, Jr.
Wilson, James Arthur, III
Wojoik, Gerald Wayne

The following-named U.S. Naval Reserve officers, to be appointed permanent captain in the Medical Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Barnwell, Grady Glenn J.
Carlisle, John Lester
Cerny, Matthew John, Jr.

The following-named U.S. Naval Reserve Officers, to be appointed permanent commander in the Medical Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Abbott, David John
Artnak, Edward J., Jr.
Baez, Stephen Albert
Banaag, Carolina D.
Boitano, Marilyn Ann
Carter, William Thomas
Chiong, Lolita Ebuenga
Cho, Michael Min Woc
Chung, In Kook
Creutz, Robert E.
Crittenden, Jacob Keith
Crowley, Michael L.
Donovan, Julia Theresa
Eil, Charles
Feldman, Herbert C.
Flandry, Robert E., Jr.
Freedland, Philip N.
Gardner, Robert D.
Garges, Lawrence Marsto
Glodin, Thomas Elliott
Grimsley, William A.
Gross, Gary Peter
Gueco, Vicente A., Jr.
Hall, Lee Davis
Hastedt, Randall C.
Higgins, Michael James
Howell, Guyton G.

Hurwitz, Michael Alan
Khandheria, Manoj Pravi
Kull, Robert Joseph
Lacey, Hugh Lake
Leonard, Howard Ensign
Light, Jeffrey H.
Littman, William G.
Lil, Lawrence T. K.
Manalaysay, Alvin Rene
Mateczun, Alfred J.
McDarey, James Vincent
McMahon, Merri M.
Miller, Marvin
Murphy, Robert Bernard
Oldfield, Edward C., III
Olivier, Richard Marcel
Patel, Usha Thakorbhai
Rowe, John T.
Rutherford, Robert C.
Sarmiento, Roberto C.
Sisco, Kenneth Lee
Steenbarger, John R.
Sweet, John Paul
Thompson, Tommy Clay
Tomzak, Thomas Joseph
Traquina, Alvaro Dacruz
Tuluri, Samuel Jayaraj
Vensel, Lee Howard
Ward, James Singleton
Weinberg, Stephen Allen
Weiss, Regis John
Wiley, Arthur Sloan
Worthman, John F.
Xanthopoulos, John T.
Young, Robert Ellsworth

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant commander in the Medical Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Adams, Robert Jefferson
Adkins, William Edward
Alcock, Garland Shaw
Aletich, Victor A.
Alexander, Henry R.
Alexieva, Boiana Todoro
Allen, Julian E.
Alter, George J.
Alvarez, George G.
Antonio, Joseph Charles
Arilosen, Ronald C.
Augustine, Scott D.
Baker, David A.
Bakersmith, Carl, A., I
Balagurchik, Laurie M.
Barber, William B., II
Barnett, Bryan O.
Barrett, Terry L.
Barton, Matthew NMN
Barttelbort, Scott Walt
Bayles, Romaine Belle
Bergeson, Lars NMI
Berman, Jeffrey Michael
Binks, Terrance A.
Bischoff, Timothy A.
Block, Julia Ann Dlhopo
Boone, John L.
Borup, Jerrell Lawrence
Bostick, Ben G.
Bouchard, Maurice Louis
Bowden, Frank W., III
Brenza, Stephen J.
Brooke, Daniel C.
Brown, David E.
Bryan, Curtis Russell
Burce, William Rodgrica
Burwasser, Barry L.
Butler, Steven A.
Caldwell, Madelene Blak
Campbell, Joseph J.
Carter, William Thomas
Caruthers, John M.
Chaffoo, Richard A. K.
Chambers, Michael Edward
Chia, John Kaisheng
Chigurupati, Rao Chanlr
Cintroncaraballo, Migue
Clifford, Paul C.
Cobb, James Michael
Conlon, Charles J.
Conrad, Kenneth A.
Cope, Gerry A.
Corbett, Steven C.
Corcoran, Christopher P.
Cote, Peter C.
Crane, John Edward
Cranston, Raymond Josep
Crooms, Jeffrey W.
Culver, Maurice M.
Curtis, Thomas B.
Davis, Susan R.
Delcastillo, Hector, Jr.
Devitt, Charles Kent
Dillon, Vincence F.
Dornblaser, Eric R.
Egan, Timothy J.
Eimermann, Daniel Allen
Epps, Lornetta Ruth Tay
Essex, Charles Phillip
Evans, Theron, NMN, Jr.
Farber, Robert Steven
Faucett, Clyde J., Jr.
Faust, John M., Jr.
Ferris, Caron Gale
Finnerty, James W.
Fleming, James Wesley
Floyd, Charles
Floyd, Joseph H., Jr.
Ford, Robert E.
Forde, Richard James
Frykberg, Eric Robert
Furr, Linda Jo
Galbo, Claudia E.
Gallagher, Janice M.
Gibson, Kim Fricke
Gifford, Clark L.
Goldstein, Richard Step
Grant, Joseph Martin
Grayson, Mitchell J.
Gullickson, Gail M.
Gurney, Michael S.
Gutbezahl, Cary David
Hacker, Joseph F., III
Hackman, Bela B.
Hailey, Mark A.
Haller, John L.
Hansen, Mark Krogness
Harlan, John W.
Harman, Kenneth R.
Harriman, Mark S.
Harrington, Robert H., Jr.
Harris, David J., Jr.
Hasty, Benjamin R., Jr.
Hayes, Williston Sterch
Hendron, Maureen Elizae
Heroman, William M.
Herrington, William T.
Heyneker, Theodore J.
Hicks, James Mackey
Hinman, Charles R.
Hokanson, Carolyn Sue
Holm, Richard P.
Holmgren, Judith Marie
Hooper, Dennis G.
Houghland, David J.
Howard, Richard Karl
Howell, Irvin Wendell J.
Hoyle, Kenneth Samuel
Huppmann, Joseph Francis
Hurt, David Langkop
Hutchison, Jane White
Hyams, Kenneth Craig
Hyder, Jace W.
Iiams, Gordon John
Irene, Richard T.
Jeffries, Richard R.
Jennette, John A.
Jennings, John L., Jr.
Johnson, David Allan
Johnson, Richard E.
Johnson, Robert Allen
Kaminski, Steven
Karvelis, Kastytis C.
Keating, John L.
Keeley, Joseph J.
Keenan, Owen Bernard
Keenen, Timothy L.
Keller, Terry
Kelley, William Arthur
Kennedy, Gerard D.
Keyes, John J., III
Kezlarian, Jeffrey A.
Kirshenbaum, Arnold S.
Kivett, Gerald J.
Knepp, Ira Gail
Kosmo, Michael A.
Kosty, Michael P.
Krook, Linda Susan
Kulterman, Thomas Ray
Langston, Jerome
Larson, Charles Adrian
Leach, John Sheldon
Leatherwood, James Looi
Leavell, John T.
Lee, Dennis J.
Lee, Douglas D.
Lee, Keith J.
Lees, Joel Ardell
Leidich, Barbara P.
Liedich, Raymond B.
Lenhardt, Terence M.
Linstadt, David E.
Loch, James R.
Longstreet, Michael T.
Luebbert, Marilyn Mittl
Luhn, Roderick F.
Lynch, Edward M.
Lyon, Kent Jackson
Lyon, Thomas H., Jr.
Macomeer, Donald, III
Macri, Charles J
Maguire, Frank E., Jr.
Maitz, Carlos Antonio
Major, Steven D.
Manalaysay, Alvin Rene
March, Lois R.
Marchand, Gregory Nmi
Markle, Janet Tabb
Marshall, Thomas J., Jr.
Martin, Ruth H.
Martinez, Fernando Jesl
Massey, Gloria S.
Match, Joel Wayne
Mayers, Douglas Lytle
McCone Todd I.
McDevitt, Edward R.
McGuire, Robert A.
McGurty, John Aloysius
McKown, William D.
McMahon, Patricia Malli
Menestrina, Larry Eugen
Michenfelder, Hans Jako
Miller, Michael S.
Miller, William Farring
Mineart, Stephen M.
Misas, Jose Enrique
Mitchell, Benjamin Sanf
Monteropearson, Per Man
Montgomery, Jay R.
Moon, James P.
Moyer, Donna Lucille
Moyer, Frank Rabe
Murphy, Paul C.
Nagel, John Robert
Nagi, Constance
Nash, John D.
Nelson, Robert Godffrey
Newman, Nancy
Nicol, Mark Douglas
Noack, Nelleen G.
Oakley, Robert R.
Ochsner, Mims G., Jr.

Oliver, Lawrence Gilmar
Orlando, Ralph P.
Osborne, Richard G.
Oshaughnessy, Gary O.
Oshalt, Kenneth E.
Pagan, Jose Antonio
Pancake, Bruce D.
Papadimos, Thomas J.
Parrish, David O'Neil
Pasternack, James J.
Patterson, Robert B.
Pearson, Don R.
Peterson, Sandra Rose
Pidkowicz, Joseph Kevin
Potter, Henry Gilbert
Ramos, Raul Fausto Calo
Reams, Gary Glenn
Reed, Farrell L. II
Reeder, Harold B.
Reeves, David M.
Reynolds, Charles Patri
Reynolds, Frank P.
Rhodes, Robin Lee
Ribera, Ernest F.
Richards, Theodore D.
Richer, Homer Eric
Richter, Henry James
Rigdon, Edward Eugene
Ritchie, John Edward
Roberts, William L.
Roberts, William M.
Rocconi, Paul M.
Rodriguez, Nicanor Fran
Roemer, Kurt R.
Rodgers, David B.
Roldan, Anselmo
Rork, Dennis G.
Ryan, Jimmy L.
Saul, William L.
Schacherer, Timothy G.
Scharff, Norbert Daniel
Schwarz, Joseph M.
Scott, Lawrence E.
Seifert, William K.
Shannon, Kevin Mark
Shannon, Margaret M.
Sharpe, Victor V., III
Sherrod, Theresa T.
Shillinger, Sarah Edith
Shipman, Lynn Proctor
Sholes, Christopher W.
Shortridge Terry W.
Simpson, Bernadette
Simpson, Charles Eugene
Sims, Brian D.
Sisco, Kenneth Lee
Skelton, Henry Grady, II
Small, Roy S.
Smith, Carl V.
Spencer, Mark Edward
Steenbarger, John R.
Stegemoller, Ralph W.
Stelmach, Suzanne E.
Stevenson, Dennis R.
Strand, Brian H.
Stull, Carol G.
Sucsy, Robert James
Sutter, Larry Remigi
Swan, Robert J.
Tami, Thomas A.
Tate, Morris L., Jr.
Taylor, Eulon R.
Terhune, David W.
Terry, Mark A.
Tetzlaff, John E.
Thane, Michael William
Thompson, Jeffrey N.
Toth, William V.
Trobaugh, Anne H.
Trump, David H.
Valdez, Michael R.
Vanness, Michael Moore
Vansteenwyk, Douglas K.
Wade, Robert Keath
Walker, Michael L.
Wallace, Arnold Doyle
Way, Jeffrey D.
Weatherby, Ellsworth, II
Weiser, Edward B.
Whelan, Thomas V.
Whitten, Christine E.
Wilkerson, Stephen Young
Wilkerson, William C.
Wilkinson, John W.
Williams, Freeland L. II
Wilson, Joe E.
Wineinger, Mark A.
Wolf, Daniel E.
Wright, Elisabeth Nancy
Yarwood, Robert L.
Yelverton, Charles Olin

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant in the Medical Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Bevan, Herbert Everett
Braem, Boyd Carl
Brown, Mary Jane
Bryner, Charles L., Jr.
Cantwell, Gertrude Patr.
Cilyo, Cynthia Lou
Dashiell, Thomas I., Jr.
Faucett, Clyde J., Jr.
Fernholz, Frederic A.
Gladstone, Igor M., Jr.
Gow, Mark William
Hughes, Sanders Ceadett
Hyatt, Thomas Alan
Jenkins, Rosemary
Kincaid, Robert Lawrence
Lewis, Donald Wray
Mackey, John Kevin
Malone, Joseph Lawrence
Marcus, Ronald Alan
Nichols, Steven L.
Schraut, Gary Ervin
Sellers, Randall Van
Shuey, Thomas Francis
Spitzer, Mark S.
Stobie, Paul E.
Torrey, Stephen Alton J.
Yeager, Josef Klein
Zukowski, Christopher W.

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant commander in the Supply Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Riggins, Finis Garrett, Jr.
Schnittger, Paul

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant in the Supply Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Arcement, Larry Hugh, Jr.
Curfman, Donald James
McCormick, Roger Allen
Sherrick, Stephan Douglas

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant (junior grade) in the Supply Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Ahern, Michael George
Alcott, Martin NMN
Allred, Robert Franklin
Balanza, Henry Cardenas
Bernal, Richard Fitzgerald
Betts, Donald Samuel
Blackburn, Susan Lynne
Brink, Jody Rees
Buchanan, Wayne Douglas
Burton, Chester Otto
Button, Keith Thomas
Chojncwski, Kim Christian
Colesar, Michael Anthony
Craft, Michael John
Dolloff, Robert H., Jr.
Downs, Daniel L.
Eason, Thomas M., Jr.
Fallon, James S.
Gibson, Thomas Elmer, Jr.
Gonzales, Domingo
Gordon, Michael E.
Green, Timothy Fred
Gustafson, Gary Gene, Jr.
Hay, Robert Wayne, Jr.
Henwood, Lee Castles
Hines, Stephen Joe
Kaufmann, Mark Ernst
Keith, John Alan
Kelly, Gary Edwin
Kerber, James Lemay
King, Janie Marie
Kompanik, Michael Paul
Lantelme, John Robert
Lehman, John Frederic
Livings, William Thomas, Jr.
Luttig, Leo John
MacIndoe, Daniel Scott
Mahan, Daniel Robert
Marik, Donald Paul
Mason, William Carey
Melton, Walter Harold
Mendez, Richard Andrew
Mendoza, Rey Zabat
Milheim, William Vann
Miller, Frank William, Jr.
Morgan, Charles William
Morris, Grant Lydell
Moyle, Samuel Boddie, III.
Murray, Eugene I., Jr.
Parker, Stephen Rothermel
Peschke, Alvin Louis
Ragsdale, David Whitehurst
Read, Elizabeth Blanton
Reckart, John Stephen
Rellins, Michael Anthony
Revels, William Leonard
Roe, Russell Gardner
Roy, Philip Charles
Salo, Michael Everett
Sawyer, Gwendolyn Anne
Sawyer, Mark Anichini
Scarpa, Joseph
Schellhammer, Fred Otho
Schlienz, Don Franklin
Scyoc, Paul Gordon
Seidl, Mark Francis
Sheets, Randy Lee
Smith, John Stephen
Spear, Charles O., IV.
Spurgeon, Joseph Edward
Steege, Sandra Lynne
Sullivan, Loren Charles
Symons, Gail Ann
Talmadge, Cynthia Louise
Terrell, James Anthony
Tillson, Patrick Andrew
Voyles, Dennis David
Webster, James Gillis, IV.
Welter, John Lee
White, George Gerard
Wiggs, David Brian
Wimberly, David Sutton
Wolf, Randy Allen
Wright, James Carey
Zurick, Patrick Andrew

The following-named U.S. Naval Reserve officer, to be appointed permanent commander in the Chaplain Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Murphey, Paul Warren

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant commander in the Chaplain Corps of

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the U.S. Navy, pursuant to title 10, United States Code, section 531:

Archer, Fred Rockwell, Jr.
Banks, Harold George
Bennett, William Thomas
Brown, Charles T.
Burley, Ray Canada, Sr.
Cooper, George Dennis
Ducci, Alex
Filer, Carl William
Frazier, Calvin Eugene
Hall, Michael Terry
Hansen, Rodney H.
Hays, Franklin Ernest
Hickey, Eileen Louise
Okielty, James Patrick
Price, Robert Alex
Prince, James Vernon
Spilker, Kurt H.
Stanfield, Edwin Douglas
Teske, Paul Norman Edward
Thomas, Julius Alexander
Weimer, Rae O.
Weis, John H., Jr.

The following-named U.S. Naval Reserve Officers, to be appointed permanent lieutenant in the Chaplain Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Burt, Charles Joseph, Jr.
Casimano, Santino Anthony, Ke.
Creighton, Larry Keith
Fessler, George Donald
Fletcher, Richard Carter
Garment, L. Susan
Gomulka, Eugene Thomas
Hicks, Lawrence Leon
Holcomb, Norman Dewey, Jr.
Kelley, James Rodney
Rich, Steven Robert
Russell, Curtis Allen
Simone, Earl Francis Jensen
Swafford, Ronald Leonard, Sr.
Uhlemeyer, Fredric Laurence
Williams, Michael Leonard

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant commander in the Civil Engineer Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Burns, Felix Robert
Donofrio, John Louis
Hirsch, Lawrence Stanley

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant in the Civil Engineer Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Bell, James Maxson
Bersson, William T.
Beyer, Glen R.
Bruhn, Quentin Lee
Citrano, Robert Charles
Doherty, Chuck Leonard
Haynes, Michael E.
Komusky, Richard Paul
Minck, Gary R.
Smith, William Francis, Jr.
Snyder, John Leo
Theriault, Lawrence W.

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant (junior grade) in the Civil Engineer Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Babb, Jeffery Scott
Cook, Craig Luther
Cowan, Kenneth Lee
Feiler, Philip Stuart
Gamble, Richard D., II
Harris, Robert Paul
James, Craig Eugene
Maholchic, Robert Anthony
Maley, Edward M.
McLay, Richard Ed
Moot, Christina A.
Murray, Thomas Donald
Pirtle, Gary Neal
Rieger, Michael N.
Shope, Bruce G.

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant commander in the Judge Advocate General's Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Kendle, Louise R.
Manfredi, Frank Anthony
Mixon, Ernie Lee
Moran, Debra D.
Ozawa, Steve Harold
Wiley, Buford Brummit J.

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant in the Judge Advocate General's Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Davenport, Teresa Joann
Davidson, Donel L.
Meade, Charles Allen
Puglisi, Richard Lawrence
Sanders, Clayton R.
Setness, Jeffrey B.
Suszan, Michael Joel
Talson, Staven M.
Zengel, Patricia

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant commander in the Dental Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Blank, Ronald Paul
Chisum, Jimmy Wayne
Craig, John Ellis
Fairchild, Charles Jame
Forsythe, Lance Lee
Halverson, Bradley Alan
Schneck, David R.
Seamons, Braden C.
Sorin, Mark Steven
Steenson, Loren James
Wong, Gerald K.

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant in the Dental Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Barrett, Lawrence Arthur
Berg, Erendon William
Bex, Richard I.
Bowman, Anne Elizabeth
Brown, Lyndon Bruce
Bullock, Larry Joel
Carroll, William Brent
Chau, James Yok Ming
Cook, Kevin B.
Curran, Thomas Joseph
Daley, Joseph Obrien, Jr.
Decicco, Mary V.
Denio, Dale NMN
Depaul, John Michael, Jr.
Eifert, Kenneth Gray
Fields, Charles Sanders
Forbes, Phillip Ronald
Griffee, Nancy Caroline
Grochmal, David L.
Hansen, Markle Probasco
Heffernan, James Gregor
Henderson, George Olis
Heinzer, Mark Thomas
Horton , Philip Leahy
Hoffman, Holly L.
Imray, Scott William
Jackson, Adolphus Myron
Keenan, James V.
Labare, John Charles
Lafferty, Thomas A.
Lindauer, Paul Anthony
McKenna, Christine Elai
McLain, Kurt Alan
Melvin, Walter L.
Petrella, Karen Marise
Reeg, Edward George
Rummelhart, Joanne Mari
Santulli, Gerald Anthon
Schwab, Richard Roy
Seamons, Braden C.
Semans, William Oliver
Southard, Karin Ann
Sturtz, Barbara Quick
Sturtz, David Hael
Thaler, John Joseph
Thorpe, Jeffrey Robert
Varga, Klara J. Edith
Webb, Randall Edwin
Wiggin, Thomas Hollis
Wolfert, Paula Marie
Wolfert, Richard Evan
Wray, Roger Dale
Yardomian, Robert Perry

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant commander in the Medical Service Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Bally, Ralph Edward
Braunagel, Robert Charl
Hall, John Anderson
Tyson, Gary Don

The following named U.S. Naval Reserve officers, to be appointed permanent lieutenant in the Medical Service Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Alexander, Mark
Baker, Carl Dean
Barrow, Angele Werthmul
Bates, David Proyer, III
Bolldin, Agnes Rogers
Boyd, James Robert
Caburian, Edgar Clement
Calkins, Dennis Laroy
Cocrane, Richard Mark
Denzer, Patricia Marie
Gale, Thomas Wayne
Goff, Billie Gayle
Holseholder, William D.
Hotton, Kenneth Lavern
Jones, Michael Edward
Kawchak, Victor Michael
Little, Thomas C., Jr.
Marcinik, Edward John
Mathewson, Paul Garrett
McDonald, Michael Lee
McClester, Robert Gibson
Monroy, Maureen Eliazee
Moore, Jeffrey Lee
Music, Chirsitan Gerfar
Newton, Larry N.
Sluza, Joseph Ernest
Steven, Sue Elizabeth
Stevens, James Michael
Takahashi, Kenneth
Tedeschi, Robert J.
Wax, James Paul
Working, Kim Raymond
Zambito, Paul Richard

The following-named line officer to be appointed permanent lieutenant in the Medical Service Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Luz, James Travis

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant (junior grade) in the Medical Service Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Campbell, John D.
Doremus, Steven William
Hoffman, Paul Michael
Ininns, Graham D.
Munson, Mark Roger
Keeley, Michael Eugene
Robbins, Sara Leigh
Shasteen, Stephen Perry

The following-named U.S. Naval Reserve officer, be appointed permanent commander in the Nurse Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Sessions, Patricia M.

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant commander in the Nurse Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Bell, Joan Marie
Bishop, Wayne F.
Bussey, Jane P.
Chen, Susan Beverly
Condo, Mary Lynn
Condon, Doris Evelyn
Cox, Rita A.
Curran, Patricia Martin
Lainhart, Geraldine Ire
Lawler, Margaret S.
Melser, Shelagh Thomas

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant in the Nurse Corps of the U.S. Navy, pursuant to title 10, United State Code, section 531:

Adamowicz, Anne Marie
Ayers, Adrianne Kay
Campbell, Sheila Faye
Cantin, William Gerard
Catin, Sylvia Helen
Clayton, Nancy Smith
Copeland, Mary Elizabeth
Delaney, Patricia A.
Dervarics, Joanne Marie
Donahue, Julie Ann
Engelmann, Karin Elisae
Flippo, Polly Lynn
Gallagher, Kevin Joseph
Galvan, Juan
Hall, Beverly Ann
Heisch, Dickie Ray
Hickey, Kerry Anne
Jacobs, John Thaddeus
Jacobs, Larry Sherman
Johnson, Paul Kirk, Jr.
Jones, Jeffrey Raymond
Jones, Phoebe Marie
Joseph, Joann Marie
Kaessner, Maryanne Pryo
Knight, Kenneth David
Livermore, Pauline Tere
Livingston, Barbara Ell
Lorick, Debra Irene
Lyons, Noreen Kay
Majkowski, Kim Marie
Matthews, Beverly A.
May, Kenneth Coleman
Meredith, Juanita V. C.
Meyer, Geralyn J.
Michel, Terrence L.
Norbut, Melanie Diane
Oliver, Linda Jean
Parks, James Robert, III
Pennell Connie L.
Pierce, Dujwanice Marlo
Ribby, Kevin Jay
Scottbeach, Michele Jea
Simmons, Nancy Anne
Smith, Jerry Ann
Stewart, Deborah A.
Turner, Gregory K.
Vroman, Richard Alan
Walker, Mary E.
Webb, Karen Frances
Wittebort, Emile Dwight
Zuelzke, Barbara Jean

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant (junior grade) in the Nurse Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Kvietkus, Joan Monica
Walsh, Maureen Anne

The following-named temporary limited duty officer, to be appointed permanent lieutenant in the line as a limited duty officer of the U.S. Navy, pursuant to title 10, United States Code, section 5589A:

Chambers, Keith Van

The following-named temporary chief warrant officer, to be appointed permanent chief warrant officer (CWO4) of the U.S. Navy, pursuant to title 10, United States Code, section 555:

Brophy, John Richard

The following-named temporary chief warrant officers, to be appointed permanent chief warrant officer (CWO3) of the U.S. Navy, pursuant to title 10, United States Code, section 555:

Love, James Joseph
Metzger, Ronald Earl

The following-named U.S. Navy Reserve chief warrant officers, to be appointed permanent chief warrant officers (CWO2) of the U.S. Navy, pursuant to title 10, United States Code, section 555:

Fine, David L.
Fulford, David William

The following-named temporary chief warrant officers, to be appointed permanent chief warrant officers (CWO2) of the U.S. Navy, pursuant to title 10, United States Code, section 555:

Gadsden, George Louis
McChesney, Adrian M., Jr.

In the Marine Corps

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer, W-4, under provisons of title 10, United States Code, section 563:

Ayers, Lauren D., Jr., 4741
Benrud, Jon C., 1544
Brahmer, Ronald M., 5185
Brogdon, Ronald G., 7804
Catlett, Douglas M., 9224
Christiansen, Richard W., 9151
Clark, John C., 9361
Cowart, Larry A., 8122
Cumbie, William T., 5016
Delarosa, Cecil R., 7388
Diab, Robert N., 0613
Gawerecki, Harold A., 2942
Graves, Sylvester, 1427
Grothe, Gary R., 8269
Hayes, William R., 8365
Janda, Gerald T., 9302
Johns, Marcus W., 3709
Johnson, Joe V., 4651
Kathrein, Charles J., 4716
Keegan, Frederick J., 0102
Kenney, John J., 0864
Koren, Ronald A., 9144
Leslie, Curtis A., 6149
Logsdon, Larry D., 0742
Lopez Tommy L., 0809
Martin, Darrell F., 3399
McDonald, Joseph A., 7151
McInerney, Paul A., 7517
Meeker, Richard L., 1749
Meierdierks, Marlen B., 5268
Meyer, Leslie A., 3328
Meyer, Vernon J., 6459
Moorehead, Robert E., 4940
Morrone, Fredrick M., 1369
Mueller, Leonard A., 9376
Parker, Lance E., 6465
Pickens, Daniel B., 5685
Primmer, Loren D., Jr., 9185
Richey, Edward, Jr., 6039
Romero, Carl, 2467
Rothwell, John W., Jr., 7174
Rudolf, Larry F., 2642
Ruppelt, Ronald G., 4530
Sable, Daniel W., 9359
Scott, Winston J., 8773
Seay, John R., 3372
Self, John D., 8899
Sieber, Cathy J., 0534
Simpson, Charles C., 3999
Stride, Robert D., 3460
Sturgeon, Ralph, Jr., 8782
Tallman, Peter W., 0420
Tenorio, Teodoro R., 0289
Vrooman, Lyndon F., 0861
Waller, Dean A., 1115
Walter, Richard J., 6951
Wheeler, James C., 5984
Williams, Anthony W., 6555

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer, W-3, under provisions of title 10, United States Code, section 563:

Agrue, Anthony E., 7629
Anderson, Lester L., 4572
Antkowiak, David V., 4339
Archer, Steve W., 0163
Austin, Max E., 0778
Balderama, William J., 2467
Barnes, James R., 7871
Beall, John R., 5062
Bennett, Robert O., Jr., 5409
Bertoldo, David V., 7470
Best, Bobbie L., Jr., 3907
Bethke, Raymond A., 1692
Blackwell, George K., 5443
Boyer, Scott D., 2717
Brady, John C., 7323
Breese, Thomas L., 5936
Bremer, James F., 6156
Burnett, Russell K., 7840
Bynum, Joseph P., Jr., 1758
Caldwell, Clifton D., 9267
Carico, Billy J., 7167
Cavanaugh, Robert W., Jr., 8584
Cavanaugh, William J., 3097
Chambliss, Larry D., 5793
Chandler, Richard E., 0146
Chandler, Tommy L., 6325
Charlton, William H., Jr., 8917
Collard, George R., 4914
Colvard, Charles E., 3821
Cooper, Kenneth R., 8796
Corbett, Ronald B., 8947
Cox, Denny L., 9386
Cox, William C., 0178
Crall, Daniel A., 0050
Crawford, Ernest L., 1531
Cummings, Michael K., 8760
Currie, James, 9553
Dailey, Richard W., 7492
Davey, Wayne A., 4101
Deford, Ronald H., 7389
Delossantos, Joseph S., 2555
Derose, Michael P., 5145
Diaz, Ralph J., 5347
Dipman, David A., 0536
Dockrey, Donald R., 3284
Dombos, Larrie A., 8306
Downs, Robert P., 2510
Drown, Roger F., 5163
Dytmire, Donald L., 9848
Edwards, Michael D., 2742
Elggren, Steven O., 9524
Exworthy, Sally J., 4646

Farrior, Claudie, Jr., 5598
Farster, Daniel L., 7106
Fisher, Jerrold R., 5285
Frank, Roylance J., Jr., 9324
Frye, Jeffrey S., 6222
Galvan, Juan, Jr., 0314
Garcia, Jose T., 9640
Garrette, Charles B., 0956
Graf, John M., 0557
Green, Michael W., 4108
Grow, George T., Jr., 7320
Guntherberg, Calvin F., 2172
Halford, Gary F., 2431
Halverson, Lee F., 3590
Hammer, Alan A., 7625
Harris, Henry C., 7815
Harris, Peter L., 0075
Hartman, Howard A., 0915
Hayes, Michael B., 9199
Heffernan, Edward H., 2067
Hernandez, Frank R., 8043
Hickey, Steven, 7020
Hightower, William D., 6564
Hinds, John V., Jr., 7054
Hobbs, Russell R., Jr., 0660
Hoogendorn, James R., 4021
Howard, Winfield D., Jr., 7560
Humbert, Donnel, 5792
Irvine, Robert H., 1774
Jennings, David L., 8857
Johnson, Andrew L., 3799
Johnson, James F., 8006
Johnson, Paul E., 6345
Johnston, John W., 9255
Jones, Lester R., 6269
Katsekes, Charles G., 6966
Kerr, Garry R., 0311
Kikta, James R., 3401
Kilpatrick, Robin, C., 5663
Klicker, Mark J., 6011
Klossner, John A., 9928
Knope, James M., 5136
Kozakewich, Michael, Jr., 9799
Kufhta, Paul J., Jr., 1730
Landrum, Eugene W., 0954
Laporte, Alfred P., Jr., 7442
Larkin, Victor A., 4658
Lasnier, Kenneth P., 0974
Lavender, Bryan, N., 3057
Law, Douglas A., 9256
Lawyer, Gary W., 9352
Leach, Patrick B., 1480
Leer, Cornelius F., 9622
Lindsey, Roosevelt, Jr., 6015
Lozada, Luis R., 9335
Luckey, Albert A., 4151
Mansch, John M., 1066
Massal, Nicholas E., 3412
Massie, James J., 1212
McClendon, Andrew, 6306
McIntyre, Todd A., 4945
McKinney, Michael L., 2918
Mees, William L., 6983
Messner, Larry T., 7180
Mikesell, George H., 4746
Monds, Harry R., 0255
Montoya, Anthony R., 3652
Moon, Howard R., 9322
Moore, Bobby L., Jr., 0635
Morgan, Keith A., 0974
Mullins, Roger T., 0710
Myer, Lloyd A., 6514
Myers, Richard L., 3762
Narramore, Lloyd R., Jr., 8427
Navarre, Frederick L., 4621
Nichols, Herbert L., Jr., 1297
Nicholson, James D., 9848
Nusbaum, John L., 3959
O'Donnell, Daniel E., 9924
Padgette, Charles A., 7803
Patrick, Jimmy C., 6120
Paul, Darrell L., 4199
Peake, Gerald L., 0308
Phillips, George J., 9999
Plowman, Charles B., 1307
Plumlee, Frank B., 5256
Poole, Tony E., Jr., 1578
Poon, James, Jr., 6588
Pritchard, Charles W., 8644
Ramberg, William E., 1520
Ranero, Antonio E., 4413
Rapp, Steven D., 9035
Rich, Donald E., 3214
Roberts, Errol W., 6111
Roberts, Harry W., Jr., 5940
Rodenski, Robert W., 4455
Salyer, Burkeen W., 4955
Sanders, Leo, Jr., 6667
Scarpinato, Frank J., Jr., 1608
Schepisi, Joseph H., 3983
Schichtel, Paul V., 2738
Schwab, Stephen E., 5518
Sheldon, Clyde D., 7302
Shrum, Nicholas A., 3210
Silvis, Paul G., 2320
Simmons, Arnold E., 6459
Simon, David L., 6469
Skinner, Frank P., 6071
Smith, Donald R., 1882
Smith, Lonnie D., 1365
Smith, Robert W., 0453
Smith, William C., 2593
Spelman, Joseph, 6037
Spencer, Michael E., 7398
Steinheimer, Robert, 6835
Stewart, Ronald A., 2051
Still, Thomas R., 5627
Stowers, Dempsey, 9348
Strong, David P., 7191
Swensen, Roland C., 6948
Swope, Larry L., 8154
Terpstra, Jesse H., Jr., 4303
Thomas, Haney, Jr., 5387
Thorpe, Dennis M., 2187
Tietjen, Berndt H., 7965
Toupin, Gary E., 9029
Trexler, Glenn H., 3310
Vandenberg, Bruce A., 6710
Wadford, Glenn L., 3743
Wallis, Roy V., 5165
Ward, Raymond E., 3419
Watson, William M., 3101
Watt, Howard A., 5032
Welch, Ray A., 5053
Wellner, Jerry D., 3213
Williams, John M., 9015
Williams, Marvin G., 3256
Williams, Wilbur L., 7568
Winstead, John E., 2088
Woicik, Jeffrey P., 2049
Wood, Jack L., 5038
Young, William H., Jr., 9759
Zarner, Thomas M., 5366
Zimmerman, John R., 9518

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer, W-2, under provisions of title 10, United States Code, section 563:

Adams, Dennis G., 7014
Alabaster, Sean T., 3926
Anctil, Paul A., 4126
Anderson, Richard A., 0833
Archibald, Ronald, 1241
Arnold, Stanley M., 7126
Arthur, Charles P., 6108
Ashley, Thomas C., 8412
Athey, Billy E., 0028
Babb, Demetrice M., 8470
Babicki, David, 3120
Baker, Rodney J., 7810
Ballard, Craig E., 3832
Bankhead, Robert L., 7620
Becker, Philip S., 1221
Beers, James E., 7058
Bentley, Ronald W., 0024
Bess, Cyrus G., 4301
Bishop, Larry A., 0072
Bomke, Robin C., 1499
Bone, Acie, 2008
Bowling, Eddie, 7078
Boyd, Gilbert, Jr., 5122
Braden, Benjamin R., 6761
Bray, Michael W., 6374
Brittain, Jackie L., 4117
Brounty, George L., 9180
Brown, David A., 6316
Brown, Donald L., Jr., 2337
Brown, Kenneth M., 8867
Brown, Samuel J., 0676
Bryce, Douglas W., 7841
Bucholtz, Gregory H., 0187
Bunn, Ronnie W., 3413
Burch, Michael K., 9931
Burgess, Frankie D., 8518
Burns, Michalle L., 5065
Burnside, Derrick, 9544
Burr, Peter L., 8952
Burt, Jake W., 2463
Butler, Mathew A., 9336
Callahan, John D., 2626
Cameron, George F., 0723
Campbell, Robert S., 6459
Capps, Daniel E., 1622
Carnahan, Dale E., 1447
Cassell, Daniel C., 7801
Catrett, Allen E., 4403
Cauble, Thomas R., 1418
Chapman, Donald C., 3076
Cherne, Jerome P., 7468
Ciesla, Jack, 8535
Clark, John S., 9973
Coleman, Ricky P., 3689
Connelly, Max L., 6809
Coposky, Arnold J., 9646
Costanzo, Arkle J., II, 7601
Cowley, James E., 8211
Cox, William H., Jr., 8959
Crabtree, Dale A., Jr., 4689
Crain, Jim C., 5272
Crnich, Gerald T., 7833
Crouch, David L., 8625
Czarniawski, William A., 9284
Dahlkamp, Michael W., 8730
Daniels, Roy V., 4396
Davis, Donald J., 0117
Dawson, Maurice R., 0745
Dellaporta, Steven, 5689
Deller, Keith C., 5806
Denney, James R., 0586
Deslauriers, Thomas R., 0381
Detzel, Robert N., 1967
Dibianca, Philip L., 2364
Dickison, John B., Jr., 4695
Dickson, Gary L., 6204
Dodd, Bradley I., 3517
Donahue, Herbert W., Jr., 8037
Donnelly, John P., III, 7327
Driscoll, Richard J., 9671
Duenez, Hector J., 8595
Dykes, Carson C., 4647
Easter, Robert J., 4670
Edwards, James R., 9184
Engstrom, John C., Jr., 7782
Faltinowski, Gary R., 3090
Faude, Edward A., 0982
Featherstone, Phillip G., 6451
Felumlee, Roger N., 7086
Fennell, Daniel F., Jr., 6015
Fields, Robert M., 1454
Forbes, Thomas W., 1541
Forinash, Mark B., 2393
Freeman, Earnest B., 0695
Freeman, Wayne E., 8181
French, Richard L., Jr., 0387
Frolen, Stephen J., 0219
Frossard, Patrick F., 3289
Frost, Jack E., 8844
Fuller, Harold D., 6530
Gardner, David W., Jr., 1817
Gelinas, Timothy K., 4540
Gibson, James R., 9852

Giebe, Thomas J., 9694
Gilbertson, Donald W., 3092
Goede, Tod M., 5274
Goetz, Patrick S., 8167
Goldfinger, Lawrence I., 0666
Goodwin, Earl, 9716
Goodwin, Robert G., 8150
Gordon, Robby D., 2335
Grayson, Lawrence A., 2874
Halstead, Ronald L., 4492
Hamilton, Scott L., 5596
Hamman, Kathy E., 4800
Hammerer, James J., 0562
Hansen, Gordon G., 5685
Hargrove, Roger D., 9040
Harrison, James S., 8682
Hart, Harold J., 5829
Hastings, Stephen W., 7429
Havner, Glenn S., 2300
Hayes, Harold G., 5887
Heath, Donald E., 3200
Heberlein, Dale E., 8098
Hernandez, Felipe, 9468
Herr, Donald W., Jr., 0662
Hipps, Ronald L., 6946
Honzik, Jeffrey A., 5007
Innocenzi, Paul G., III, 2673
Jenkins, Terry L., 7990
Jennings, William E., 3691
Jensen, Terry L., 3095
Jomp, John T., 5860
Jones, James D., 6752
Joy, John E., Jr., 0212
Kellogg, Kern D., 7263
Kettle, Danny W., 4201
Kidwell, William D., 9265
Kinsella, Steven M., 2598
Klyn, William F., 0069
Koutrouba, Peter J., 2361
Kyle, Warren E., 4174
Laskodi, Paul S., 3640
Lee, Darwin S., 5325
Lewis, Dwayne G., 5951
Lewis, Samuel O., Jr., 9574
Lilienthal, Lawrence J., 6297
Lindenmayer, Thomas A., 0696
Linder, Thomas L., 4976
Linehan, Michael P., 7026
Livermore, Vincent O., 3632
Logan, Roy E., 9291
Lore, Wesley B., 9110
Lucio, Jose G., 3713
Madril, Anthony F., 7675
Mallett, Ronald L., 1838
Marra, Francesco, 9265
Matta, David G., 6520
Matthews, Ronald J., 0849
McDaniel, George L., 0583
McGee, Daniel J., 4503
McGee, William T., 8828
Meisel, Randolph J., 7582
Miller, Lawrence A., 8637
Mills, Stephen C., 2435
Mogensen, Bruce A., 2713
Montague, Scotty W., 8078
Monzon, Mariano B., 7988
Moody, Thomas R., 9586
Moore, Robert W., 1291
Morgan, John C., 1146
Morris, Leonard L., 2224
Mrazik, David R., 6798
Napier, Alfred E., 3611
Nelson, Alan J., 2181
Nelson, Michael J., 0123
Newman, Randy L., 6515
Nicklow, Barry W., 7223
Norman, Edward A., 8318
O'Brien, Billie D., 2506
Ojeda, Joe, 9890
Olowney, Patrick J., 3174
Owen, Robert W., 0397
Pangle, Bradley P., 9546
Paniagua, Jose G., 1357
Pate, Walter F., 5401
Pearson, Donald E., 3500
Peel, David J., 0753
Perales, Edward Y., 7248
Perry, Morris J., III, 3483
Peterson, Milton L., 6900
Phyfer, John, 5699
Pomales, Jonas, 7489
Powell, Thomas M., 4457
Raynor, Thomas R., 7074
Reese, Marvin L., 8012
Rice, Thomas R., 2428
Rishell, Randy R., 5507
Robson, Roger A., 3474
Roller, Robert J., 5502
Rowe, Charles W., Jr., 8902
Rowland, Otis E., 8230
Rubeck, Roger D., 4888
Sadler, John P., Jr., 4371
Samuels, Don L., 1119
Sanders, Clinton D., 4991
Scheidt, Carl J., 0768
Schouten, Harry D., 4515
Schrader, Herbert M., Jr., 7630
Schwarz, Jonathan F., 0464
Settle, Robert D., 9500
Severit, Thomas P., 3831
Sexton, Michael L., 4337
Shepherd, Dennis R., 5882
Shifflett, Leon F., 9931
Shoff, Stephen M., 7801
Shrout, Steven A., 6191
Shumber, Vincent J., 9522
Smith, Charles W., 5250
Smith, Edward W., 3586
Smither, Paul D., 3946
Southerd, Dellis, 9691
Southworth, Michael G., 7591
Sprosty, George M., 1837
Stalnaker, John B., 9349
Stclair, Michael J., 2136
Steele, Wayne R., 4873
Stokes, Michael J., 1275
Stone, Ralph B., 9946
Storm, Allan D., 2231
Sturms, Myron L., 6182
Swanson, Ivan L., 5060
Swingler, Donald R., 2240
Sylvain, Garrett F., 1395
Terhaar, Ronald E., 4135
Terhune, William G., 6687
Terry, Lonzell, 2925
Thomas, Terrence L., 3258
Thompson, Donald A., 7017
Thompson, Ricky L., 8112
Tofel, Kenneth J., 0484
Toomey, Kevin P., 5573
Tornai, Mark L., 2461
Underwood, Jesse R., 5514
Ussery, Burt L., 3326
Vancamp, Randal P., 3778
Wagner, Michael R., 6514
Walker, Emery L., 3389
Walsh, Kevin J., 6466
Walters, Perry L., 9197
Ward, Mark L., 4995
Watson, Henry C., IV, 6798
Whitehead, Richard L., 5454
Wilhite, Ronald W., 9680
Willoughby, David A., 4635
Wimmer, Paul S., 5762
Winnett, David K., Jr., 8347
Winters, Nick, 9157
Wojtowicz, Craig F., 9408
Wolfe, Richard A., 4055
Wooding, Stephen C., 5398
Wright, Charles D., 0839
Wright, John C., 5091
Wunderlich, Tony L., 1272
Wyrick, Paul D., Jr., 6596
Zappala, Paul A., 6551

IN THE AIR FORCE

The following-named officer to be Deputy Judge Advocate General, U.S. Air Force, and to the grade of major general, under the provisions of title 10, United States Code, sections 8072 and 624:

Brig. Gen. Robert W. Norris, 417-44-5019FR, U.S. Air Force.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Edward A. Burkhalter, Jr., 423-20-4762/1120, U.S. Navy.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 3, 1983:

DEPARTMENT OF TRANSPORTATION

Diane K. Steed, of the District of Columbia, to be Administrator of the National Highway Traffic Safety Administration.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

ENVIRONMENTAL PROTECTION AGENCY

Jack E. Ravan, of Georgia, to be an assistant administrator of the Environmental Protection Agency.

HOUSE OF REPRESENTATIVES—*Thursday, November 3, 1983*

The House met at 10 a.m.

Rabbi Meyer Scheinberg, principal, Hebrew Academy of the Five Towns and Rockaway, Cedarhurst, N.Y., offered the following prayer:

Our Father in Heaven, we come to You in the spirit of thanksgiving as we gratefully acknowledge all the good that You have bestowed upon us. You have blessed our great country with the leadership necessary to inspire and direct us. We thank You for the wisdom, courage, and fortitude which are so crucial for an enduring democracy, one that has set a shining example for all the free world to emulate.

It is to You the Supreme Ruler of all nations that we come for guidance. Please light the way for all mankind to realize the beauty of respect and equal justice for all so that we may realize our dream of a society imbued with the highest moral standards, a society free of discrimination and fear, a world in which we may all live in peace and justice for all. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BROYHILL. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BROYHILL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 371, nays 27, answered "present" 3, not voting 32, as follows:

[Roll No. 444]

YEAS—371

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Bennett
Bereuter
Berman
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Carney
Carper
Carr
Chandler
Chappell
Cheney
Clarke
Clinger
Coats
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Cooper
Corcoran
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Dreier
Duncan
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harrison
Hartnett
Hatcher
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Long (LA)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Mineta
Minish
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Yatron
Young (MO)
Zablocki
Zschau

NAYS—27

Beilenson
Chappie
Clay
Coughlin
Dickinson
Dorgan
Durbin
Edwards (OK)
Emerson
Evans (IA)
Forsythe
Gejdenson
Guarini
Hawkins
Jacobs
Levine
Lipinski
Markey
Miller (CA)
Miller (OH)
Mitchell
Roemer
Sabo
Schroeder
Sikorski
Walker
Yates

ANSWERED "PRESENT"—3

Oberstar
Ottinger
St Germain

NOT VOTING—32

Biaggi
Boggs
Brown (CA)
Campbell
Coelho
Conyers
Crockett
Dellums
Dymally
Ford (MI)
Gekas
Goodling
Hance
Hansen (ID)
Harkin
Hayes
Heftel
Jones (NC)
Loeffler
Long (MD)
Lowry (WA)
Madigan
McCurdy
Owens
Paul
Roberts
Savage
Solarz
Williams (MT)
Wylie
Young (AK)
Young (FL)

☐ 1010

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 1129) entitled "An act to authorize appropriations for programs under the

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Domestic Volunteer Service Act of 1973, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. DENTON, Mr. NICKLES, Mr. DODD, and Mr. KENNEDY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2809. An act to establish a National Fish and Wildlife Foundation.

The message also announced that the Senate had passed a concurrent resolution in which the concurrence of the House is requested:

S. Con. Res. 82. Concurrent resolution expressing sympathy and condolence on the tragic killing of Koreans in Burma.

The message also announced that Mr. ZORINSKY be a conferee, on the part of the Senate, in lieu of Mr. GLENN for title II only, on the bill (H.R. 2915) entitled "An act to authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, the Inter-American Foundation, and the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes."

The message also announced that Mr. GLENN remains a conferee for all other titles of the above-entitled bill.

□ 1020

REPORT ON HOUSE JOINT RESOLUTION 403, FURTHER CONTINUING APPROPRIATIONS, 1984

Mr. WHITTEN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-473) on the joint resolution (H.J. Res. 403) making further continuing appropriations for fiscal year 1984 until February 29, 1984, which was referred to the Union Calendar and ordered to be printed.

REPORT ON H.R. 4293, SECOND SUPPLEMENTAL APPROPRIATION BILL, 1984

Mr. WHITTEN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-474) on the bill (H.R. 4293) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

RABBI MEYER SCHEINBERG

(Mr. McGRATH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGRATH. Mr. Speaker, it is both a pleasure and a privilege to introduce today's visiting chaplain, Rabbi Meyer Scheinberg, to my colleagues this morning.

Rabbi Scheinberg is one of the leading rabbis in the New York metropolitan area. His varied interests have lead to such diversified career paths as lecturer, professor, and author. He has had five works published including "Man in the Image of God."

The rabbi's dedication to knowledge and teaching is reflected in his past work as a lecturer of Jewish philosophy for the National Council of Young Israel, as an instructor of the Talmud at Yeshiva University, and as an associate professor of Jewish law at the Research Center of Jewish Law at Touro College. Additionally, he has served in the capacity of chairman for the Judaic Studies Department of the Hebrew Institute of Long Island.

Rabbi Scheinberg's unselfish devotion to his community continues with his membership on the executive board of the Rabbinical Board of Flatbush. Currently, he is the principal, and a guiding force, of the Hebrew Academy of the Five Towns and Rockaway. I know Congregation Agudath Israel, in Brooklyn, considers itself fortunate to benefit from the rabbi's wisdom and compassion as he serves as that synagogue's spiritual leader.

I would like to thank the House Chaplain, Reverend Ford, for arranging Rabbi Scheinberg's visit, and thank the rabbi for his words which I know will inspire us all throughout today's deliberations.

RABBI MEYER SCHEINBERG

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, I would like to join my colleague, RAY McGRATH, in welcoming Rabbi Meyer Scheinberg here to the House.

Congressman McGRATH is well acquainted with the rabbi because of his good works in the educational area. He is the principal of a leading Yeshiva in his district. I am acquainted with Rabbi Scheinberg's good works because he lives and has his congregation in my district, and that is Congregation Agudath Israel on Ocean Parkway in the Flatbush part of Brooklyn.

The rabbi is an inspiration to all of us. He has brought many young families into our community, made them members of his congregation, and not only are they members of his congregation, not only do they pray there, but they learn there. He has a school of which he is the principal in Cedarhurst and he also has a school in Brooklyn in which the members learn.

He has six fine children between ages 2 and 16, and he is accompanied not only by his mother, but by his wife, Nechy. He is an outstanding orator. His words are heard by many. He is respected by the rabbinical community of Flatbush, by the Jewish community of Flatbush, and by the entire community of New York City.

So I, too, would like to welcome the rabbi and thank him for his fine words and his congregants for Congregation Agudath Israel on Ocean Parkway. Welcome.

FUNDS FOR CIVIL RIGHTS ENFORCEMENT AGENCIES GUTTED BY CONGRESSIONAL ACTION

(Mr. HAWKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAWKINS. Mr. Speaker, I understand that the fiscal year 1984 Commerce, Justice, State, and judiciary conference report before us today reflects a reduction in funding for the U.S. Equal Employment Opportunity Commission during the next fiscal year, a reduction even from the level proposed by the administration.

I would like to go on record that I continue to be distressed by congressional action to gut the appropriation of funds for civil rights enforcement agencies such as the EEOC. Just last week, the Subcommittee on Employment Opportunities, which I chair, conducted 2 days of oversight hearings on the Federal enforcement of equal employment opportunity laws, with particular focus on the administrative case processing and litigation activities of the EEOC. As the Federal Government's lead EEO enforcement agency, the EEOC has responsibility for investigating all charges of employment discrimination under title VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act; and the Equal Pay Act. A number of witnesses at the oversight hearings testified that budgetary cuts and staff reductions at the Commission will create a lingering detrimental effect on the agency's capability to handle the escalating workloads.

Since 1980, the EEOC has suffered a total reduction of 433 staff positions—this represents a 13-percent reduction in personnel from 1980 to 1983. At the same time, the total number of charges received by the Commission increased from 79,868 charges in fiscal year 1980 to 113,610 charges in fiscal year 1982—a 42-percent increase.

The cuts reflect a 2.5-percent reduction from the administration's proposed funding level for the EEOC of $155.3 million for fiscal year 1984. Although the proposed appropriations level for the EEOC represents a minimal increase over the current fiscal year, the $151.4 million funding level clearly will not keep pace with inflation or the increased workload of the agency. In addition, the proposed operating budget will result in over 8,000 fewer employment discrimination charges being processed and $12.2 million fewer benefits being obtained for individuals who are the victims of discrimination.

Clearly, the action of the conferees on this matter will not improve the effectiveness of the EEOC to enforce the law and will only become a disservice to the public.

THE 100TH ANNIVERSARY OF THE AUXILIO MUTUO HOSPITAL

(Mr. CORRADA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORRADA. Mr. Speaker, today I would like to honor and pay tribute to the Sociedad Española de Auxilio Mutuo y Beneficencia de Puerto Rico (Auxilio Mutuo), one of the oldest HMO-type service medical institutions in the United States which is celebrating its 100th anniversary this year.

The Auxilio Mutuo is a nonprofit institution devoted to the delivery of health care service to the people of Puerto Rico. It was founded on September 23, 1883, by a group of Spanish businessmen, workmen, and an outstanding physician, Dr. Manuel Touss.

Since its inception, the Auxilio Mutuo has maintained a philosophical concept of: first, mutual help; second, beneficence; third, health care; fourth, moral and spiritual help; and fifth, more and better services.

These objectives have remained as standing operational goals throughout its 100 years of growth. From the development of the HMO-style service concept to the present times many strong leaders from the Spanish community in Puerto Rico as well as the Puerto Rican community, have been responsible for the extraordinary development of this institution.

During the last 100 years, many physicians, nuns, administrators, nurses, technicians and all types of health care personnel have come to this institution to give and to receive services and training.

Beneficence has been a major factor in the Auxilio Mutuo day-to-day operations. Since its inception, the institution has been known on the island for its outstanding contribution to the Puerto Rican community and for its services to our medically indigent population. The Sisters of Charity of St. Vincent De Paul have been, for many years, like guardian angels to all those who are hospitalized there.

Today, the Auxilio Mutuo is one the largest and best community hospitals in Puerto Rico offering comprehensive medical care. The efforts and the achievements of the past 100 years have given rise to a modern health care facility capable to offer acute care services, geriatric services, coronary-intensive care, renal transplant and dialysis unit, surgery, ob-gyn, medicine and pediatrics as well as excellent ancillary service consisting of radiology, nuclear and sonogram services, CAT scanner, clinical laboratory, cardiological noninvasive laboratory, physical therapy, operating and obstetrical rooms, respiratory care services, pharmacy and to support all of the above an excellent maintenance, laundry and communications services.

During the centennial celebration, I would also like to render a special recognition to the members of the board of directors of the past that made possible all of the achievements of the present and to the current members for maintaining the excellence of a great community hospital devoted to render health care services.

May this outstanding institution so dear to the people of Puerto Rico, the Auxilio Mutuo, keep rendering its vital and excellent services on the island for many years to come.

□ 1030

THE TELECOMMUNICATIONS ACT OF 1983

(Mr. BONKER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, next week the House will take up the Telecommunications Act of 1983.

The bill would guarantee that basic telephone service remains available and affordable to all Americans by reversing the FCC's onerous charge which in effect transfers about $6.5 billion annually to the large long-distance companies. This will come at the expense of local residential users.

Naturally, AT&T is waging a fierce nationwide, multimillion-dollar lobbying campaign against H.R. 4102. Full pages of ads have appeared in the various news weeklies and newspapers across the country. There has been an organized letter-writing campaign; many of us have experienced the onslaught of letters that have come into our offices. And AT&T and telephone companies are flying in its corporate executives from all over the country to fight against this legislation.

The losers, or the victims, if H.R. 4102 does not pass, are the senior citizens.

Mr. Speaker, the elderly would be adversely affected if this legislation does not pass. The Subcommittee on Housing and Consumer Interests of the Select Committee on Aging, which I Chair, has conducted hearings to learn more about the potential impacts on residential ratepayers of the access fee. A CBS poll has shown that 50 percent of all senior citizens over 64 years of age could not afford telephone service if their rates double, which will be the case if H.R. 4102 does not pass.

Mr. Speaker, I hope my colleagues will weigh carefully the concerns of senior citizens when the House takes up this legislation next week.

THE MISSING CHILDREN ASSISTANCE ACT OF 1983

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, today I and three of my colleagues are introducing the Missing Children Assistance Act of 1983. This legislation grew out of the 1981 abduction and murder of Adam Walsh in Hollywood, Fla. His tragic story drew national attention to the problem of missing children and was the subject of a recent made-for-TV movie.

In 1982, State and Federal agencies were ill-equipped to handle Adam Walsh's case. As chairman of the criminal justice committee in the Florida Legislature. I helped obtain $75,000 to establish a statewide computer system which now collects, stores, and disseminates information on missing children.

The Missing Children's Assistance Act would create a national clearinghouse to give technical help to public and private groups. It would also create a national toll-free hotline and provide funds for education and prevention.

In my district, I have formed a congressional citizens council on children, youth, and education. We will meet November 26 to address youth needs in Florida's 16th District. The problem of missing children is not an abstract issue to us, but a close and personal tragedy.

I hope my colleagues will support this needed legislation to protect our children and our future.

HEARINGS PROPOSED ON LINKAGE BETWEEN CONTAMINATED BLOOD AND AIDS

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. NELSON of Florida. Mr. Speaker, an article in yesterday's Washington Post entitled "Seven AIDS Cases Are Linked to Contaminated Blood" is, I think, representative of a story that will be chronicled all the more frequently as we find that in our blood bank system there will be some contamination due to the fact of some donors being AIDS victims.

I want to point out that I think the Congress should approach this matter with deliberation and caution, because if we were to step out inflaming the fears of the American public, we could cause a collapse of the blood donor system which is absolutely necessary to the medical health of this country. In fact, it is 10 times more likely that one would be struck by lightning than to be a donee of a transfusion of blood and contract AIDS. Nevertheless, the fear is abroad in this land.

Mr. Speaker, I believe that it is time for congressional hearings on this issue, and I hope that those hearings were done in a most deliberate and contained fashion.

A PLAN FOR RETURNING CUBAN PRISONERS

(Mr. PETRI asked and was given permission to address the House for 1 minute.)

Mr. PETRI. Mr. Speaker, the vast majority of Cubans in this country are law-abiding, hardworking people. I am proud that our country can give them refuge from the tyranny in their homeland.

However, when, in 1980, Fidel Castro temporarily opened the Port of Mariel to those wishing to leave Cuba, he also opened his prisons. Along with many honest Cubans, we were tricked into accepting about 2,000 hardened criminals. Those criminals are currently housed in prisons across the United States, each costing the American taxpayers about $10,000 every year.

We also hold several hundred Cuban military prisoners as a result of our actions in Grenada. I think this gives us a golden opportunity.

Already, 229 of us in this House have signed a letter to the President asking him to tie the release of the Cuban military prisoners with the return to Cuba of the Cuban criminals. We should pursue this option. If Castro wants his troops back, I say put the criminals on the same boat and ship them all back together.

ARGUMENTS AGAINST THE TELECOMMUNICATIONS ACT OF 1983

(Mr. TAUKE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. TAUKE. Mr. Speaker, the gentleman from the State of Washington spoke a few minutes ago in support of H.R. 4102, the universal telephone service bill. He suggested that a vote against H.R. 4102 is a vote against senior citizens.

I hope my colleagues will examine this issue because I want to suggest to them that H.R. 4102, while it does some good things, is actually a bill which hurts senior citizens and other residential telephone consumers. H.R. 4102 is designed to do something to help telephone consumers who live in high-cost areas, and that is good. It tries to do something to help low-income telephone users, and that is good. But it went beyond that, and it decided to provide a subsidy from long distance to local service, and that is where the bill runs into trouble.

By continuing the subsidy from long distance to local service, this measure forces senior citizens to subsidize all telephone users regardless of whether or not they need it. The Fortune 500 will receive subsidies, the wealthiest will receive subsidies, and those subsidies will be paid by average citizens.

This measure also encourages bypass by major long-distance customers. That erodes the whole telephone rate base, and that means that local telephone users who will remain on the system will have to pick up more of the cost.

Finally, this measure, because it attempts to solve the bypass problem by taxing new technology, stymies the development of new technology—the technology which will lower costs for consumers.

So, Mr. Speaker, if we want to help our local consumers, we have to stop this legislation which forces senior citizens to subsidize major long-distance users, which encourages bypass of the local system, and which stymies the development of new low-cost technology.

□ 1040

ASKING THE SOVIETS TO RELEASE BENEDICT SCOTT IN MEMORY OF MARGARET ZARIF

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, lest we forget the 269 individuals whose lives were tragically lost when the Soviets shot down KAL flight 007, I would like to take a moment to memorialize one very special person who lost her life that night. I would also like to suggest a positive step for the Soviets to take in the aftermath of this horrible incident.

Among those killed in the downing of the airliner was Margaret Zarif, 59, a retired schoolteacher from Detroit, Mich. Margaret was an enthusiastic and dedicated woman, the author of several books for children on black leaders. An active citizen, she was a member of the Detroit Fire Commission, trustee of the Afro-American Museum in Detroit, and head of a small travel agency. A close friend, Bobby Brooks, described her as "fantastic." She added, "My best friend was shot down, and I can't even do anything about it."

Although neither we nor the Soviets can bring back the life of Margaret Zarif, there is one thing we can do: Call upon the Soviets to make reparation for her life by releasing Benedict Scott—Benedict Vytautas Scott Skoudis—A Soviet prisoner who is a native of my home State of Illinois.

Born in Chicago in 1929, Benedict moved with his parents to Lithuania when he was 1 year old. He graduated from the University of Vilnius in Lithuania in 1953, and spent several years as a geological engineer, later joining the engineering faculty at Vilnius. He began writing shortly thereafter about religious suppression in the Soviet Union. He was subjected to interrogation by the Soviets and asserted his claim to American citizenship by writing President Carter on November 28, 1979. After writing this letter, Benedict was dismissed from his university position. He was arrested a month later, and sentenced to 7 years in a strict regime camp, to be followed by 5 years of internal exile. He is currently serving his sentence in labor camp.

Mr. Speaker, the Soviets can begin to buff a little tarnish from their image in the world by giving new life and freedom to Benedict Scott, in the memory of Margaret Zarif.

DAIRY COMPROMISE

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, last Tuesday, the gentleman from New York (Mr. CONABLE) and I explained the differences between the dairy compromise and the Conable substitute at the request of some Republican Members. After we were done, a Member remarked, there really is not much difference between the two, that is true, but the differences are important. First the similarities:

Both have a potential $1.50 price cut—only the phasing in is different.

The initial impact is almost identical as to the farmer. Under the compromise the farmer gets at least $11.95 per hundredweight. Under Conable $12 per hundredweight.

Both recognize that the present permanent program must have a change. The compromise will do it in the 1985 farm bill. Conable would make a permanent change by amendment now.

The differences are important.

The compromise has a temporary farmer—a farmer paid for incentive program to reduce production.

There is no disagreement that this will save at least hundreds of millions.

USDA finds only the compromise will really impact the surplus by the end of 1985.

Only the compromise has a farmer paid for promotion and research program to stimulate consumption.

The compromise uses honey—then the stick if necessary—Conable just the stick. Support the compromise.

THIRTEENTH ANNUAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION FOR CALENDAR YEAR 1982—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Energy and Commerce, the Committee on Merchant Marine and Fisheries, and the Committee on Public Works and Transportation:

(For message, see proceedings of the Senate of today, Thursday, November 3, 1983.)

FAIR PRACTICES AND PROCEDURES IN AUTOMOTIVE PRODUCTS ACT OF 1983

The SPEAKER. Pursuant to House Resolution 336 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1234.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1234) to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States, with Mr. PANETTA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, November 2, 1983, the committee amendment in the nature of a substitute recommended by the Committee on Energy and Commerce was open to amendment at any point. Pending was an amendment offered by the gentleman from Indiana (Mr. COATS).

Is there any further debate on the amendment offered by the gentleman from Indiana?

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from New York (Mr. OTTINGER) is recognized for 5 minutes.

There was no objection.

Mr. OTTINGER. Mr. Chairman, the mischief of the Coats amendment is that it introduces judicial review into the GATT procedure. The way the bill is constructed, and I am reading from page 15, line 14:

> Nothing in this Act shall be construed (1) to confer jurisdiction upon any court of the United States to consider and resolve such conflicts, or (2) to alter or amend any law existing on the date of enactment of this Act which may confer such jurisdiction in such courts.

So the bill as it is presently constructed leads to the GATT mechanism.

Now, if there is an allegation of a violation of the GATT agreement, there is a tribunal set up in GATT that hears those complaints and adjudicates them. Then there is a negotiation as to whether or not and what kind of retaliation might be appropriate; but never before have we created an action in the U.S. courts to permit that kind of adjudication. In fact, the Coats amendment would give to other nations a special access to the U.S. courts to resolve trade disputes, access that no other nation provides and that we do not provide any place else.

Indeed, I do not think the Ways and Means Committee would look kindly at all on any of its tariff provisions being subject to judicial review on whether or not they violate GATT, nor indeed would the gentleman from Indiana be very happy with respect to price supports for the agricultural industry, which I am sure he very strongly supports, being subjected to this kind of review, even though they might well be subject to a challenge under the General Agreement on Tariffs and Trade.

The mechanism in GATT is well established for handling this kind of dispute if there is one. We feel very strongly that there would not be one.

We have made a finding in the act with respect to injury. Japan, in fact, has not retaliated against the European countries that have quotas that are much more harsh than the domestic content provisions that we here provide. In fact, the Japanese, when they were challenged by the Canadians last year with respect to failure to reach an agreement on auto imports, did not retaliate. Instead, what they did was to accommodate and sign an agreement.

So we do not think there is a GATT problem under the legislation. If there is one, it ought to be handled by the GATT mechanism. We ought not to create a cause of action by other nations that are available in no other provision of law in the United States, available in no other nation, to give them special access to the U.S. courts to make these determinations.

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am glad to yield to my friend, the gentleman from Indiana.

Mr. COATS. Mr. Chairman, I thank the gentleman for yielding.

I think it is important that we do set the record straight on this question of jurisdiction.

Normally, when a conflict arises under the Constitution, laws or treaties of the United States, it is a Federal court that resolves the conflict. I cite 28 U.S.C. 1331 for that obligation. If a statute is alleged to conflict with a treaty obligation, for example, the normal course is to resolve it in a U.S. court.

Now, in our view, H.R. 1234 is inconsistent with this obligation; but it is the proponents of the bill, it is the people in the Energy and Commerce Committee who offered an amendment that clouds the issue. They offered an amendment saying that it was the intent of Congress that this act should not violate U.S. treaty obligations and then they went on to try to strip the courts of their regular jurisdiction.

All we are trying to do with this portion of the amendment is restore to the U.S. district court its jurisdiction that it originally had. There is confusion on the issue.

Mr. OTTINGER. Well, the gentleman is inaccurate in his description. Take a look at page 15, starting at line 14. We specifically strip the courts of nothing. We say that nothing in this act shall be construed to alter or amend any law existing on the date of enactment of this act which may confer such jurisdiction on the courts. We strip the courts of no jurisdiction. At the present time access under treaties with respect to violation of those treaties, must come through the treaty mechanism first, just as you have to exhaust your administrative remedies in the United States before you can have access to the courts.

What the gentleman has done is given a new right that supersedes the treaty provisions for people to go into court, including other nations to go into court. It is just plain misleading to say that we have stripped the courts of anything.

Mr. COATS. Well, had the committee not attempted to strip the jurisdiction in the first place and then tried to restore it by saying that it neither confers or alters the law, I am not sure what that means. Those of us that look at the committee bill say, "What does this mean?" It is clouding the issue.

What we are trying to do is preserve the right of an ILW worker or a longshoreman or a farmer, an automobile dealer, someone that is injured as a result of this violation of GATT. We are trying to make sure that their right is available to them to go to a U.S. court, not a foreign tribunal, but a U.S. district court to bring a cause of injury.

Those of us that are for civil rights and for the ability of people to bring a right in court, we want to make sure that this is guaranteed; so we are just trying to restore that right and make sure that it is absolutely clear that those who have been aggrieved under this act have the right to bring an action in the U.S. court.

□ 1050

Mr. OTTINGER. They have the same right that they have today to be able to go in and make these claims. Let us say, I as a consumer felt I was aggrieved by the agricultural supports which Congress passes and which you advocate, I can go to GATT.

The CHAIRMAN. The time of the gentleman from New York (Mr. Ottinger) has expired.

(By unanimous consent, Mr. Ottinger was allowed to proceed for 5 additional minutes.)

Mr. OTTINGER. What a person now has under existing law, the right to go to Federal court, he has it under this legislation. We have altered that in no way.

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Indiana.

Mr. COATS. I thank the gentleman for yielding.

Which would the gentleman prefer, if an American longshoreman or an American industrial worker is aggrieved, would he prefer that he bring an action in an international court in Switzerland or the Netherlands or go into the U.S. district court?

We are saying the case ought to be tried in a U.S. district court, because it is that court that is best available to determine when an American worker has been injured or aggrieved by an action which might be the result of H.R. 1234.

We think it ought to be held in a U.S. district court rather than an international court under the provisions of an international treaty or international obligation.

Mr. OTTINGER. It is an international treaty to which you are pointing. Your amendment specifically cites violations of the General Agreement on Tariffs and Trade. If indeed that international conflict is to be resolved, it ought not to be resolved by some foreign nation or by some aggrieved person going into Federal court. If it is a complaint under GATT, it ought to be taken by the nations involved to GATT, where we can counterclaim against the abuses of other nations, and against their restrictive trade practices—like Japan.

GATT issues are not appropriate for resolution in the courts. The courts would require that before you go to court, you show some gross abuse of discretion, some arbitrary and capricious action, because the General Agreement on Tariffs and Trade sets up its own mechanism for resolution of those disputes.

It is not the kind of controversy which the courts deal with in the ordinary course of things.

Mr. TAUKE. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Iowa.

Mr. TAUKE. I thank the gentleman for yielding.

It appears that the two gentlemen are talking about two different scenarios. The gentleman from New York is arguing about the case in which the United States might have differences with another country under the General Agreement on Tariffs and Trade, and that is not the scenario which the gentleman from Indiana is talking about.

Clearly, the scenario which you outline is one which would not find its way into Federal district court, because the parties would not have standing.

The scenario which the gentleman from Indiana is outlining is one in which the U.S. citizens find conflicting Federal obligations, one Federal obligation under the GATT, another Federal obligation under this legislation. Of course, those kinds of conflicting Federal obligations applying to U.S. citizens should be settled in the Federal district courts and not in some international forum.

Mr. OTTINGER. I think the gentleman is just plain wrong.

The Coats amendment says that notwithstanding any other provision of law, neither the Secretary nor any other party is allowed to take any action under this act if the implementation of any provision of this act would either violate the obligations of the United States under GATT, or would entitle any other country to compensation from the United States in the form of reduced restrictions on imports of agricultural, industrial or other products.

These are clearly nation-to-nation kinds of problems arising under the General Agreement on Tariffs and Trade that have to be settled under the mechanism that is provided in that agreement.

They are not appropriate for Federal action. I do not think that even with the gentleman's attempt to confer jurisdiction on the courts, the courts would feel it would be appropriate for them to resolve this kind of issue.

Nation-to-nation issues involving violations of tariff and trade provisions for which the remedy is, as the second part says, some kind of compensation or retaliation with respect to tariffs on other goods, that is not something that a court can properly resolve. The attempt to give the courts jurisdiction here is very mischievous and not a proper provision to go before the courts. Certainly, the Judiciary Committee ought to have had a chance to take a look at this. Unfortunately, this amendment was held in order, but it is a bad provision of law.

It gives to other nations the opportunity to go into our courts and attempt to resolve there what they could not otherwise resolve under the GATT mechanism. For that reason, I hope the amendment is defeated.

Mr. BROYHILL. Mr. Chairman, I move to strike the last word and I rise in support of the amendment offered by the gentleman from Indiana (Mr. Coats).

Mr. Chairman, the General Agreement on Tariffs and Trade (GATT), is an executive agreement that was entered into pursuant to legislative grant of authority from the Congress, and as such, it is a binding, legal obligation of the United States.

It has the same effect as a treaty. H.R. 1234 in our view is inconsistent with that obligation. Normally, when there is a conflict that arises under the Constitution or under the law or treaties of the United States, a Federal court resolves that conflict.

If a statute is alleged to conflict with a treaty obligation, for example, the normal course is to resolve that dispute in a U.S. court.

I am going to cite for the record—I do not have time here—a number of cases where actions have been taken where allegations have been made that certain actions have violated GATT. These cases are *Walter Holm & Co.* v. *Hardin,* 449 F. 2d 1009 (D.C. Cir. 1971); *China Liquor Distribution Co.* v. *U.S.,* 343 F. 2d 1005 (C.C.P.A: 1964), *cert. denied,* 380 U.S. 962 (1965).

There are many other cases that have been brought under ordinary "Federal question" jurisdiction.

Mr. Chairman, frankly, it is the proponents of this bill who have clouded this issue in the Energy and Commerce Committee. They offered an amendment that said it was the intent of Congress that this act not violate U.S. treaty obligation, but which then attempted in section 2(c) on page 15 of the bill to strip the U.S. courts of their ordinary jurisdiction to determine the issue.

In other words, our interpretation is that when you say that there is nothing in this act to be construed to confer jurisdiction upon any court of the United States to consider and resolve such conflicts, the question arises as to who is going to decide these issues. Is it going to mean some international forum?

We look upon this as a court-stripping effort which is contrary to our system of jurisprudence. The jurisdictional amendment offered by the gentleman from Indiana simply restores the status quo. It makes clear what would be the case if the proponents had not sought to strip court jurisdiction in the first place. In other words, it provides that disputes between two arguably inconsistent Federal obligations should, under the American constitutional system, be decided by the Federal courts. I do not know, as the gentleman from Iowa has said, who the chairman would prefer to decide these disputes. Would he prefer that they be adjudicated in some international forum in Geneva? I do not think he would.

In the U.S. constitutional system, as I understand it, the U.S. courts decide these disputes, not foreign bodies or foreign courts.

I wish to conclude here by telling Members that there should be no mistake, as this debate has so clearly demonstrated, this legislation poses a conflict between American citizens, a conflict between farmers, consumers, exporters of industrial products of the United States, and U.S. import car dealers, on the one hand, and auto workers and perhaps some of the U.S. car companies on the other hand, for that matter. I do not think we ought to get diverted by this question of whether or not Japan could sue. There are going to be plenty of American citizens that are going to be harmed by this legislation, and they are going to be in line at the courthouse far before a nation like Japan. I want American tribunals to resolve any disputes, cases, or controversies that might come up under this law.

Let us not take our eye off of what the real issue is here.

□ 1100

This amendment says that if this act violates our international obligation, or if it would entitle another country to compensation, or if it would entitle another country to retaliation under GATT, then it should not go into effect because Americans would be hurt.

Mr. HERTEL of Michigan. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the subcommittee chairman.

Mr. OTTINGER. Just briefly, the cases cited by the gentleman from North Carolina, both here and in the minority report, does not show what he claims. In the case of *Walter Holm and Company* v. *Hardin* (449 F.2d 1009) the court specifically refused to reach the GATT question.

The court was presented with claims that Department of Agriculture regulations as issued were not consistent with article XI of the General Agreement on Tariffs and Trade, and that different restrictions were required in order to accommodate the objectives of GATT and of the Agricultural Marketing Act.

The decision said, and I quote:

> We do not speak to any of these matters substantively because they may come to have a different cast. . . .

The courts refused to resolve this claim of international disputes. The courts leave them to the international tribunal to resolve, and after there is a resolution of the international tribunal the courts may or may not have jurisdiction.

The important thing here is that our legislation does not affect whatever Federal rights a person has. Whatever he had before the bill is what he will have after, he has the same rights.

What the Coats amendment does is confer new jurisdiction on any citizen, domestic or foreign, to be able to resort to our courts before resorting to the GATT mechanism.

I thank the gentleman for yielding.

Mr. HERTEL of Michigan. The chairman makes a very good point. Last night, before we adjourned, the gentleman from Michigan (Mr. DINGELL) asked many questions of the amendment sponsor that still have not been answered.

I would like to look at the language at this time of the Coats amendment. Let us look at the very first section. It deals with implementation. It would not be implemented by somebody raising any allegation under the broad language of these other two sections.

Let us look at the specific language. First, it "would violate the obligations of the United States." How broad is that? Somebody can allege anything is a violation of the obligations of the United States. The language is far too loose. You can drive a truck through it.

The second phrase of that section states: "and could therefore result in retaliation by another country." Could therefore result.

Anybody can allege that anything could cause any country to possibly retaliate. But this amendment allows him into district court to stop, as I pointed out in the first section, the implementation of this entire bill.

If passed by a majority of the Congress into law, the section says it would entitle any other country to compensation from the United States and deals with the fact that if they thought they could retaliate, had a right to retaliate against the United States in the form of increased restrictions they could stop the act.—It is broad. It is not tightly drawn. And I say that that is why the sponsor could not answer the questions about the effect of the amendment last night.

What we are saying, then, is that any person in this country, any foreign power under this amendment could come in and just allege that they were being harmed. And if we are violating the obligations of the United States under any broad definition of that, that they are entitled, as the language of this amendment says, to allege such if they think they have the right, or they might want to retaliate.

That would mean that if this bill became law and passed by the majority of this Congress, elected by the American people, then any single person then could stop the majority of this Congress from having its will in the law of this country by the procedures laid down by the sponsor of this amendment.

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the sponsor of the amendment.

Mr. COATS. I thank the gentleman for yielding.

I find it an interesting argument that the proponents of the bill, those who favor the domestic content law, have been telling us for about 2 years that this would not result in any illegality, this is not GATT illegal, it will not result in retaliation, it will not cause a trade war to start, it will not cause any of these things to happen. In fact, they wrote into the bill itself in the committee language saying "We hereby declare that this language is not GATT illegal." Now these same people are standing up saying "Well, we are really concerned that this might trigger some kind of a response because it is GATT illegal."

Either it is or it is not GATT illegal, and either it will or it will not provoke retaliation.

What I am simply saying is that American workers and American industry could be harmed by this bill. We believe that. We know the proponents do not. We think it does, so if that is the case, let us have a fail-safe, let us have a way out of this before we trigger another Smoot-Hawley depression like we suffered through in the 1930's where we damaged our agricultural community, our industrial community, our electronics community, our longshoremen, our automobile consumer community.

Why go through all of that? If you do not think it is GATT illegal, then this is a harmless amendment.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. HERTEL) has expired.

(By unanimous consent Mr. HERTEL of Michigan was allowed to proceed for 3 additional minutes.)

Mr. HERTEL of Michigan. Let me reply to that because I think the sponsor has hit the exact center of the debate on this amendment.

The act, the bill, as clearly stated by the sponsor of the amendment, does say we will recognize all treaties including GATT. We certainly do not allege we are going to violate treaties, constitutional law. It is very clear that treaties control.

But what the gentleman's amendment says is that notwithstanding any other provision of law, neither the

Secretary nor any other party shall take any action under this act if the implementation of any provision of this act either, and then you go into the two sections that I just discussed. So the Secretary could stop any implementation of this act by somebody just alleging, alleging that there were harm to them as a foreign nation, alleging that they would like to retaliate. That is all they have to do and that is the difference.

You are going beyond the treaties. You are going to allegations from foreign powers that say we are going to harm their economy. You make this bill into a paper tiger. You harm it completely, and that is why the amendment is being proposed, to gut the bill, to allow the Secretary, who currently is opposed to the bill, to step in and say that he thinks that there could be some harm done. He alleges that and somebody else then can allege that and somebody else can allege that and therefore we are not going to let this bill ever take effect even though the majority of this House and the majority of the Congress made it into law.

For those reasons I ask the Members to reject this amendment because the treaties are clear. This bill would not violate any treaties. Those treaties have been passed by the Senate of the United States and the executive branch. We are not going to let a Secretary or a foreign power or any single citizen in this Nation stop the implementation of a law passed by the majority of this Congress, as the language of this amendment would allow.

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the sponsor.

Mr. COATS. I would say that I guess I just have a little more faith in the American constitutional court system than the gentleman has. This amendment says nothing about alleging. It simply says if there is a dispute that it will go into the U.S. district court.

I think we have some very competent judges in the U.S. district court. We have an appeals system. We have a Supreme Court. We have a system whereby these disputes can be determined.

Mr. HERTEL of Michigan. Let me take back my time.

Mr. COATS. This is a system that I have confidence in and our court system is where it properly ought to be brought.

Mr. HERTEL of Michigan. I would take back my time.

Anybody can file a lawsuit for $25. We all understand the courts already have jurisdiction under this bill, under the Constitution for the questions raised fairly under any treaty.

This goes beyond that and gives anybody the right, and I will reiterate again, by allegation that they might be harmed, that they might have the need to retaliate, by alleging that they get to tie up this entire act, passed by a majority of this Congress into law.

That is wrong. They already have the right to do that if they have a case in controversy, in fact, under a treaty or in fact under an agreement and this bill does not change that.

Mr. COATS. Will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the sponsor.

Mr. COATS. I thank the gentleman for yielding.

Anybody can file a claim on any subject. That does not mean that the court is going to decide in his or her favor.

It is not the allegation. It is not the filing of the claim or the filing of the lawsuit. It is the determination by the court that is determinative on this issue.

Mr. HERTEL of Michigan. Let me take my time back.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. HERTEL) has again expired.

(By unanimous consent Mr. HERTEL of Michigan was allowed to proceed for 1 additional minute.)

Mr. HERTEL of Michigan. I would just like to reply because it is the gentleman's amendment and his language. If somebody files a lawsuit in the very first sentence of the gentleman's amendment, you say that that stops the Secretary from implementing this bill.

Mr. COATS. Would the gentleman yield?

Mr. HERTEL of Michigan. One person files a lawsuit, then another person files a lawsuit, and then another person, constantly, and you can stop the implementation of the bill, and the gentleman knows the courts are backed up. It is not going to be done in a day or a month or maybe a year in many cases because the Chief Justice of the Supreme Court has come to this Congress and pointed out how backed up the Federal court dockets are.

The gentleman is well aware of that.

Mr. COATS. If the gentleman would yield, he must have the wrong amendment.

My amendment is the amendment numbered 8 and it does not say that. It does not say anything about allegation or filing a claim.

Mr. HERTEL of Michigan. I will take the time back. It says:

> Notwithstanding any other provision of law, neither the Secretary nor any other party shall take any action under this Act if the implementation of any provision of this Act either—
>
> (1) would violate—
>
> (2) would entitle—

Someone to come forth if they allege that this could result in retaliation.

Mr. COATS. I think the gentleman misreads the amendment. I think that a careful reading does not say that.

☐ 1110

Mr. TAUKE. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman and members of the committee, this amendment shouts very loudly what many of us have said about this legislation: "the emperor has no clothes."

This amendment points out the problem that the proponents of this legislation have. On the one hand they say it does not violate any of the international agreements into which the United States has entered. On the other hand, they come rising to their feet in opposition when we say this, in simple terms. This amendment does just that by insuring that if the implementation of this measure would violate any of our international agreements, the Secretary would be compelled to not implement the measure.

Now why does it make sense from the standpoint of the American consumer to say that, if implementation of this bill would violate any of our international agreements, the Secretary should withhold implementation?

The reason is this: Under the GATT agreements if we violate those agreements we, as a nation, are required to make some kind of compensation to those who suffer from those violations.

That means that the import restrictions that we have to protect jobs in our own country can be changed. That means that other nations can increase their restrictions on exports from our country.

Essentially what it means is that we can bring upon ourselves retaliation under the GATT agreements which would have impact on industrial workers, which would have impact on farmers, which would have impact on our citizens generally.

All that this amendment says in effect, just as we said last year in the Fenwick amendment, is if there is going to be a violation of our international agreements which could result in retaliation against some of our industries and a loss of jobs, the Secretary should not move forward with this bill.

If, as the proponents say, there is no problem with international agreements, they have nothing to worry about with this amendment. But they know, as we do, that there are some very serious problems with our international agreements and that is why they are so concerned.

I am concerned, too, because I do not want action taken under this bill to result in retaliatory steps taken against farmers and others in our own country, retaliatory steps mandated by GATT.

It is true that the United States has been importing more in the last decade, but it is also true that we have been exporting more.

Seventeen percent of our jobs are now related to exports.

It seems to me we need to be very careful that that 17 percent of our workforce is not adversely affected by this legislation.

All of this discussion about jurisdiction is really beside the point.

The question is essentially this: If you do not want retaliation against the rest of the industrial base in this country and against the agricultural base in this country then you ought to vote for this amendment.

The CHAIRMAN. The time of the gentleman (Mr. TAUKE) has expired.

(By unanimous consent, Mr. TAUKE was allowed to proceed for 1 additional minute.)

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the gentlewoman.

Mrs. ROUKEMA. I thank the gentleman for yielding.

Mr. Chairman, I simply rise in support of the gentleman's statement. I thought it was a very coherent and impassioned statement and a correct one in support of the Coats amendment.

Mr. Chairman, I rise today in opposition to the Fair Practices in Automotive Products Act and in support of the Coats amendment.

I oppose this bill because the primary goal of the legislation, to assist the automobile industry, cannot be met in a permanent fashion by legislating away competition.

At the present time, the American auto industry is experiencing its strongest recovery in decades. And it is a true recovery, not one cosmetically-induced by costly Band-aids. The auto industry is responding to competition by producing a cost-competitive car. The industry is beginning to take on the imports at their own game—and win. To eliminate competition is to short circuit the true recovery that the rigors of the marketplace has placed on the automobile industry.

American consumers show every sign that they are willing to buy American-produced car if the car is quality at a competitive price. To pass this restrictive legislation would be to divert industry attention from healing itself. Our economy would not be further ahead but further behind.

Against this background of renewed strength in the auto industry, domestic content legislation makes less sense this year than it even did last year. It does not address the heart of the problem and could seriously weaken our own domestic economy. As has been documented many times, this legislation would prove to be a negative for the American economy. CBO has estimated that the passage of this legislation could mean the creation of about 38,000 in auto manufacturing and 69,000 jobs in auto-related industries by 1990. However, CBO has also projected that the bill would result in eliminating 173,000 nonauto jobs, for a new loss of 66,000 U.S. jobs.

My opposition to this bill is not without qualification, however. Proponents of this bill have rightfully argued that America, for too long, has been too passive in the international marketplace. Our trading partners have actively protected their auto industries through systems of protective tariffs, quotas, and their own domestic content legislation, to thwart our effective entrance into their domestic market. This has particularly been true for Japan as we have sought to get meaningful trade liberalization from the Japanese, particularly for beef, citrus, and wood products.

Our trading partners must realize that free and fair trade is a two-way street. Other nations have found that it works quite well to impose trade restrictions on us while giving minimal lipservice to the free trade policies they find it so useful for this country to pursue.

In that regard, I strongly believe that it is time we began to work toward the development and promotion of a coherent trade policy. In addition, President Reagan must continue to stress with the Japanese as well as our GATT allies our concerns that a quid pro quo is in order here. The trade policies of the world community cannot continue to be set with one set of rules for the United States and one set of rules for our trade partners.

I urge my colleagues to oppose this legislation today. It is not the appropriate vehicle to address this problem. We would all be losers if fair trade flounders on the rocky shoals of protectionism.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, I really have to accuse the gentleman, however, of trying to confuse this debate by talking about the amendment, and making sense.

Mr. PEASE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the first thing that needs to be said about this amendment was said yesterday by the gentleman from Florida (Mr. GIBBONS), and that is that this is not a perfecting amendment, this is a killer amendment.

The object of this amendment is to kill the bill and, as the gentleman from Florida said yesterday, passage of this amendment would be the same as striking the enacting clause.

Supporters of the bill need to know that fact.

Now second, I was very interested in the comments of the gentleman from Iowa (Mr. TAUKE). We have a new dimension in the amendment presented by Mr. COATS, and that is: We give anybody, anybody, foreign or domestic, the opportunity to go into a U.S. Federal court and hold up the implementation of this bill even if the country which is affected by it, in this case probably Japan, does not complain.

This does not say that we will hold up implementation of this law if there is a violation of GATT, if it is adjudicated by international fora, and we find out that there is a violation; this says implementation of the law will be held up, null and void, if someone alleges that and it is shown in a U.S. court, even though there was no complaint from the affected parties.

I think that is very important to keep in mind.

Now let me talk about retaliation. I think those who are concerned about retaliation against U.S. agriculture or other U.S. industries have a legitimate concern, but let us examine the question about retaliation.

Essentially we are talking about Japanese cars, let us not kid ourselves.

Are the Japanese going to retaliate against us or file, in the GATT, which is a legitimate forum, a complaint against the United States? The answer is "no," that Japan is not going to do that. That is a boogeyman which we ought not to pay attention to.

The truth is that Japan already discriminates against our beef and against our citrus products; the truth is that Japan already discriminates against our electronic equipment and our earthmoving equipment; the truth is that Japan already requires co-production, a form of domestic content, on aircraft that it buys from the United States.

Further, there are already over 2 dozen nations which have domestic content legislation; Japan does nothing special to retaliate against them.

And what about Britain, France, Germany, and Italy, which restrict Japanese auto imports far more than this bill would do? Japan does nothing special to retaliate against them.

Let us face it, even with the enactment of this bill, the United States is still the largest and most open automobile market in the entire world.

Japan could still export more cars to the United States than to any other nation in the world, and we just need to keep that in mind.

Retaliation by Japan? That is nonsense. You can vote for this bill without worrying about that and with a clear conscience.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, I would like to congratulate the gentleman (Mr. PEASE) on his excellent statement. I think what he says is very true.

In the GATT procedure we could counterclaim against Japan and that is why they will not bring a GATT complaint—because of their discrimination against our agricultural products and our beef and our citrus and baseball bats, our electronic equipment and all of that. Whereas, under the court procedure proposed by the Coats amendment, that whole mechanism is not available. That is why the proper forum for adjudication of these matters is under the GATT mechanism and is not in the courts.

Mr. TAUKE. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from Iowa.

Mr. TAUKE. I thank the gentleman for yielding.

Mr. Chairman, there are two observations I want to make. First of all the amendment, I can find nothing in it which relates to standing, which is automatically going to give all foreign powers standing to bring their GATT obligations before the U.S. courts. But the second thing that I find troubling about the gentleman's (Mr. PEASE) statement is that he seems to suggest that any filing or any action in court is going to result in the triggering of this provision.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. TAUKE and by unanimous consent, Mr. PEASE was allowed to proceed for 1 additional minute.)

Mr. TAUKE. Will the gentleman yield further?

Mr. PEASE. Glad to yield.

Mr. TAUKE. I thank the gentleman. I do not find that triggering mechanism in this amendment. What I find in the amendment is that the Secretary has to make a decision whether or not the implementation of any provision of this act would violate GATT or would entitle other countries to compensation for violations of GATT.

Now where do you find that the Secretary makes that judgment, but that it is the courts that make that judgment?

The CHAIRMAN. The time of the gentleman (Mr. PEASE) has expired.

(By unanimous consent, Mr. PEASE was allowed to proceed for 2 additional minutes.)

Mr. PEASE. Mr. Chairman, I am glad the gentleman from Iowa (Mr. TAUKE) brought up this point because it is an added dimension that we have not discussed before.

It is quite true that under this amendment no one would have to go into court. The Secretary himself could say "In my opinion this would violate GATT and therefore I will not implement the law." I do not think that is what we want to do.

But in addition, other people could go into court, if he did not, and if the court so ruled then the Secretary would be prohibited from implementing the law; all of that even though the affected nation and affected automobile companies in Japan did not raise a peep, did not make any complaint at all.

That does not make any sense. If they do not feel aggrieved, why should we allow somebody, a third party, entirely unrelated, to go in and make the case for them?

□ 1120

As suggested by the gentleman from New York earlier, Japan does not want to take us to the GATT because Japan does not have clean skirts, Japan knows that we would raise the questions of citrus and beef and electronics and on and on and on. They will not file a complaint. We do not have to worry about retaliation under the GATT, because there will be no complaint filed under the GATT.

What we do have to worry about is the power that the Coats amendment would offer a third party, outside of the main controversy, to hold up implementation of this law. And that is why I say the gentleman from Florida yesterday was entirely right; the main purpose of this amendment is not to improve this bill, it is to kill it.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

I would like to point out that the last clause of the Coats amendment:

> Notwithstanding any other provisions of this act the U.S. District Court for the appropriate judicial district shall have jurisdiction to resolve disputes arising out of this section.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. PEASE) has expired.

(At the request of Mr. OTTINGER and by unanimous consent Mr. PEASE was allowed to proceed for 1 additional minute.)

Mr. OTTINGER. Mr. Chairman, that confers on the Federal courts the jurisdiction to resolve international disputes. The conflicts, the disputes arising under this section are international disputes which under the GATT procedure we would be entitled to counterclaims and would be resolved in that international tribunal.

That should not go into the Federal courts. And that is why this amendment should be defeated.

Mr. TAUKE. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from Iowa.

Mr. TAUKE. I thank the gentleman for yielding.

If I may observe, it seems to me that the gentleman from New York is really expanding the language of this amendment to extraordinary proportions. This amendment does not address standing questions in the court and it does not suddenly confer standing upon all foreign countries who might be aggrieved under some international agreement.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. PEASE) has again expired.

(At the request of Mr. DINGELL and by unanimous consent, Mr. PEASE was allowed to proceed for 3 additional minutes.)

Mr. TAUKE. If the gentleman will continue to yield, what it does do, as the gentleman from Ohio correctly pointed out, is it gives U.S. citizens the right to go into court whether or not Japan files a violation under the GATT agreements, because those U.S. citizens might believe that they are aggrieved by potential violations of the GATT agreements.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman for yielding.

Mr. Chairman, I think we have here two questions. One is the question of violation of the GATT agreement and whether or not this kind of relief should be afforded if such a violation of the GATT agreement occurs. And what the United States should do if there is a GATT agreement.

The second is the question of expanding the jurisdiction of Federal courts to permit foreign nationals or foreign nations to enter the U.S. courts instead of going through the GATT process.

We tried in the legislation to make it very clear that we are not trying to amend, alter, or change the GATT process. The bill so states. The bill does not expand or contract the powers of the Federal courts.

Yesterday—I hope the gentleman from Indiana, the author of the amendment will be listening, because I am going to mention him—the gentleman from Indiana could not tell us who achieved standing under the legislation, who could go into court, whether it was a foreign nation, whether it was a corporation that was situated abroad, or just who might enter the court.

Since the gentleman cannot respond to the question, I have got no objection to dealing with the question of the GATT consequences of this legislation.

I have great objection to expanding the jurisdiction of the courts and permitting foreign nationals or foreign nations to go in and to deal with GATT questions in the U.S. courts, instead of dealing with GATT questions through the regular process that is fixed under the GATT agreements.

Now, if the gentleman is willing to deal with the question of GATT agreements and these questions that the gentleman says are important—and I agree they are—within the framework of GATT, I have no objection.

If the gentleman wants to deal with these matters inside the district courts of the United States, then I think there is a stern objection.

Mr. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. PEASE. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. LUKEN. I thank the gentleman for yielding.

Mr. Chairman, it appears to me that the question of standing, which was raised by the gentleman from Iowa, is a spurious issue here. I would like to ask the gentleman from Iowa if it is not true——

The CHAIRMAN. The time of the gentleman from Ohio (Mr. Pease) has expired.

Mr. LUKEN. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio (Mr. Pease) be allowed to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. FRENZEL. Mr. Chairman, reserving the right to object, and I will not object, I want to raise the question that the gentleman from Indiana has been accused of not being able to answer the question.

The gentleman has been standing up volunteering to answer and I assume that within this 3-minute period that the gentleman from Indiana will have a chance to answer the question as he did last night.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio (Mr. Luken)?

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. Pease) is recognized for 3 additional minutes.

Mr. LUKEN. Mr. Chairman, I thank the gentleman for yielding and I would like to ask the gentleman from Iowa if it is not true that this enlarges the jurisdiction of the district court in reference to matters brought under this section?

Mr. TAUKE. Mr. Chairman, will the gentleman yield?

Mr. PEASE. Mr. Chairman, we are getting a little complicated here. I do intend to yield to the gentleman from Indiana, but for the moment I yield to the gentleman from Iowa, to answer the question.

Mr. TAUKE. I thank the gentleman for yielding.

My understanding of the amendment is that the amendment simply restores the status quo or perhaps clarifies that we are maintaining the status quo, if indeed the gentleman from New York is right that the bill as it is written does not change the jurisdiction of the district court.

It does not give the court any new jurisdiction. It simply retains the jurisdiction that the court currently has, that if citizens find a conflict between a treaty and a statute they can take their case to district court.

Mr. LUKEN. The gentleman obviously does not intend to answer, but I would answer it.

Obviously, as the chairman has indicated, the gentleman from Michigan, this does expand the jurisdiction. It does entitle foreign nationals, it does entitle Toyota Corp. of America and other American citizens, corporate citizens, for example, it gives them the jurisdiction to come in under the issues that are raised here, under GATT matters, to come into Federal court and the district court; therefore, in effect, it does give them standing. I think standing is an esoteric legal question here that not everybody has the same understanding of, but the fact is, it does enlarge the jurisdiction. And it is obviously an unnecessary part of the section, as the whole amendment is unnecessary.

Mr. PEASE. Mr. Chairman, I will reclaim my time, and I yield with pleasure to the gentleman from Indiana (Mr. Coats.)

Mr. COATS. I thank the gentleman for yielding.

Mr. Chairman, I am seeking this time so that I might respond to the allegations of the gentleman from Michigan that I did not respond last evening to his question.

I did respond several times. I think the gentleman from Michigan did not like my response, but I responded. I responded by saying that it is not our intent here to declare in this amendment who has standing. That is a decision for the court to make and that is a decision that I think we ought to let the court make.

All we are trying to do with this amendment, and with this provision on the courts, is give American workers and American organizations, that are aggrieved or Americans that lose jobs, the right to go into U.S. district court and say, "I have lost my job because of this lousy act."

□ 1130

It has been directed toward one industry that has stripped jobs from other American industries.

I have a list here of organizations opposing H.R. 1234: the Aerospace Industry, the Electronics Association, and list after list of industries that would like to go into court if they feel aggrieved, and we are trying to give them the right to do so.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. Pease) has expired.

(On request of Mr. Dingell and by unanimous consent, Mr. Pease was allowed to proceed for 3 additional minutes.)

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I spent a good deal of time yesterday in colloquys with the gentleman from Indiana, my good friend, Mr. Coats, for whom I have the greatest respect and affection, and I sought, with considerable diligence in the first 5 minutes, to inquire who could go into court to sue under his amendment.

I spent a second 10 minutes doing the same thing. Those 10 minutes were relieved only slightly by a rather old and tired story that my good friend from Florida told.

Regrettably, despite my best efforts—and I admit they are those of a humble Polish lawyer whose legal skills have not been honed for years in the courts but who used to try an awful lot of lawsuits—trying to find out upon whom the right to enter court under this particular amendment was conferred, the gentleman from Indiana could not tell.

I finally culminated with what I thought was a summary of the questions. I said:

> Is the gentleman telling me he does not know who is going to come in and sue under this amendment?
>
> Mr. Coats. That is correct. I do not know. That is a decision that will be made by the courts.

I pointed out that we were here trying to deal with the language of an amendment which would be instructive to the courts in terms of creating the legislative history.

Again I reiterate, I have no objection to foreigners and Japan going in to proceed under the GATT process because, as the gentleman from Ohio so wisely points out, the Japanese would then be subject to a whole series of claims by the United States and American citizens about Japanese violations of GATT, which are legion. The Japanese exclude every manufactured and agricultural commodity that is exported by this country to some degree and in some fashion or other.

But here the gentleman would confer upon the U.S. courts the power to deal with those questions. I regard that as bad. If the gentleman wants an amendment which would permit

GATT processes to be used here, I think the committee can probably support that kind of approach. But I do not think that we ought to confer a massive or potentially massive jurisdictional expansion upon the U.S. courts to deal with questions of this sort.

I just want the gentleman to understand the concerns I have here.

I thank the gentleman from Ohio for yielding.

Mr. PEASE. I thank the gentleman for his contribution.

Mr. Chairman, let me just summarize. We have no objection to U.S. citizens going into Federal court to raise GATT objections if they have that right today. We do not change that right in this bill, and the bill so states. But we do object to giving citizens the right if they do not have it today. And in this case they do not.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. FRENZEL. Mr. Chairman, I yield to the distinguished gentleman from Indiana (Mr. Coats).

Mr. COATS. I thank the gentleman for yielding.

Mr. Chairman, we have probably had more discussion on this issue than we need and are probably ready to move to a vote, and I think we should.

Let me just conclude by trying to refocus what we are trying to do here.

Those of us on this side of the aisle, and supported by many Democrat Members on the other side of the aisle, have a serious concern that retaliation is going to result if H.R. 1234 is enacted. We are concerned that retaliation could have a grave effect on American workers, American industry, American farmers, exporters, and others. It is an international world, and a great deal of our prosperity is due to our ability to export around the world.

Because of that concern, I am attempting to say by this amendment that if retaliation does result or if nations under violations of GATT demand, as they are legally entitled to, compensation by reduced import barriers here and increased export barriers in their countries, if that happens we want to preserve the right of these American workers to go into a U.S. tribunal.

I do differ with the gentleman from Michigan. I want these disputes to be resolved in American courts. I think conflicts arising under our American obligations that injure American citizens ought to be resolved in U.S. district court and not in some foreign tribunal. And that is why the language is there.

But it is the retaliation we are most concerned about. The proponents of the bill say there will be no retaliation, that H.R. 1234 is GATT legal. If that is the case, they ought to just accept my amendment. There is no reason to oppose my amendment if they are not concerned about retaliation. Obviously, they are.

I must quote from a letter to the New York Times on August 10, 1982, by the gentleman from New York (Mr. Ottinger), the sponsor of this bill, who says: "While it is not my objective, I recognize the dangers of triggering an international trade war with this legislation." That is what we who oppose this bill are worried about.

The gentleman from New York (Mr. Ottinger) wrote that to the New York Times. Obviously, he recognized the dangers. We do not want a repeat of the depression, we do not want an international trade war. Why? Because we are the ones who are going to get hurt, we are going to get hurt worse than any other country. That is why the amendment is here. I think Members need to focus on the primary thrust of the amendment, and I urge the Members on both sides of the aisle to support this amendment.

Mr. FRENZEL. I thank the gentleman for his comments.

Mr. Chairman, I yield to the gentleman from Kansas (Mr. Roberts).

Mr. ROBERTS. I thank my friend and colleague for yielding.

Mr. Chairman, I am not an attorney, and I guess this sort of precludes me from making any observation here, but I am going to give it a go anyway.

Without Coats, it seems to me, I know who is not going to have access to the district court that we are talking about, and that probably is the Kansas Association of Wheat Growers or the National Association of Wheat Growers, and I will tell you why. As my colleague, the gentleman from Texas (Mr. Stenholm), pointed out yesterday, we have just come through a very devisive and bitter Chinese textile dispute, and that dispute—and we are working on it and we are making some progress—has cost agriculture or wheat farmers all across the country $500 million.

Now, if we pass H.R. 1234, you will not even have to count to five before we have some retaliation by Japan, and those wheat exports will not be forthcoming.

This amendment, with Coats, allows the National Association of Wheat Growers, not a foreigner, mind you—they will be wearing cowboy boots and cowboy hats, you will be able to recognize them; I will stand at the district court door and say, "No, they are not a foreigner, that is a person who is a wheat grower"—to file their case. Otherwise, I have to go out in my country, and we will be having coffee that morning, and they will say, "You passed the domestic content bill. If we do not have our exports, what recourse do I have?" And I say, "Legally, none." And they will say, "And they did it at our expense." And that is precisely the point. That is not a legal argument, but I assure you that person in the district court will be representing agriculture and they will be representing the Association of Wheat Growers.

Mr. FRENZEL. I thank the gentleman.

Mr. Chairman, this debate reminds me of the musical comedy in which the heroine dances by and says to the hero, "Do you love me? Will you marry me?"

The hero dances forward on the stage and says, "No." Whereupon the heroine says, "Give me a direct answer."

The heroine has had the direct answer. We know what the jurisdiction is. Nevertheless, the proponents of the bill have avoided talking about the amendment.

The amendment is simply what the amendment says. It says that if we violate the GATT agreement in such a way as to cause retaliation and compensation, the bill will not be effective. That is exactly the import of the bill. That is what we will vote on. We voted on it last year. Everyone understands it.

Mr. ECKART. Mr. Chairman, I move to strike the requisite number of words.

I thank the forbearance of the Members of the Committee.

I never realized that there were so many candidates for Chief Justice of the Supreme Court of the United States until I listened to this debate the last 2 days. I suppose that we all could focus on what it is exactly that the Coats amendment does or does not do, and a lot of attention has been devoted to what courts receive or do not receive jurisdiction under this particular piece of legislation.

I would submit to the Committee, however, that the whole jurisdictional debate is predicated upon a reference in line 5 of the amendment which says; "Notwithstanding any other provision of law, neither the Secretary nor any other party shall take any action," and it goes on.

The issue, Mr. Chairman, may not be one of whether or not an individual court ever has jurisdiction under these provisions, but whether or not the President of the United States, in an administration which has consistently, repeatedly and, callously turned its back upon one of the most important major industries in the United States, decides to implement this law.

Now, we heard one of the supporters of the amendment last night say—and I believe I am quoting him almost directly—that this amendment is nothing more than striking the enacting clause.

This is the title page of H.R. 1234, and with the adoption of the Coats amendment, this is all that is left of H.R. 1234, a title, because the amendment will turn over the implementation of this legislation to an administration that testified before this House that the only thing the U.S. auto industry needs to become healthy is more time. Well, the hoots and the howls from the unemployment lines from sea to shining sea in the United States almost drowned out that testimony, because I will tell you, the one thing the auto industry and the unemployed people in the United States do not need any more of is time. They already have their hands full with too much time. And we have an administration, to which the Coats amendment now wants to turn over exclusive jurisdiction for the implementation of this legislation, which has consistently fiddled while the auto industry burns.

The Coats amendment will load the fire hoses with gasoline and turn over the matches to the Secretary of Commerce and to the President of the United States who have said repeatedly and consistently that it is not in the Nation's interest to have a viable and effective national automobile industry.

□ 1140

We can debate which court has jurisdiction until we are blue in the face and we will get more opinions than in a split Supreme Court decision from right across the street. But I will tell my colleagues this: If you vote for the Coats amendment and then go home and tell the unemployed people in your district that you helped them out, any relationship between your words and reality is going to be purely coincidental.

This Coats amendment rips at the very heart of domestic content legislation. This is not Burger King, ladies and gentlemen. We cannot have it both ways. If you support the Coats amendment, you are against the unemployed. If you support the Coats amendment, you are against a revitalized and reinvigorated automobile industry. If you support the Coats amendment, you are against restoring parity to an industry that has been wrecked and devastated by the grievous marketing tactics of people who call themselves our allies.

Mr. Chairman, we do not need any more time. We do not need to belabor the questions of court jurisdiction, particularly the arguments from some of the advocates of this amendment, who are the first ones to run to the well to strip jurisdiction from the Federal courts on other equally critical social issues of the day. Now we hear them singing the praises of the Federal district courts, yet they often will turn their backs on the rights of the truly small and the truly needy in the United States to enforce their civil and human rights in the United States through these same courts.

Yes, there are those who, if this amendment had been offered on an agriculture bill or on a bill affecting interests in their districts, would have risen in righteous indignation and said that we tried to subvert the true intent of the legislation.

Mr. Chairman, this legislation is needed. The one thing the unemployed people of the United States do not need any more of is time. I submit to you, the administration that has already turned its back on the auto industry in the United States is ill suited to implement the provisions of this program.

Let's offer the unemployed and the auto industry help and hope.

Hope for a better future and a brighter tomorrow.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I would be delighted to yield to my friend, the gentleman from Indiana.

Mr. SHARP. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has made an excellent statement, because I think he is absolutely right that this really is an attempt to gut the bill, but in addition, it really does the reverse of what the proponents of it want.

It really invites retaliation. It tells the Japanese, "If you will only retaliate, you may be able to win a suit in court. If you will only retaliate, you may have a Secretary of the Department of Transportation, in fact, you probably already have one, who will roll over and play dead."

This thing is proretaliation and should be defeated.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. ECKART) has expired.

(On request of Mr. DINGELL and by unanimous consent, Mr. ECKART was allowed to proceed for 2 additional minutes.)

Mr. DINGELL. Mr. Chairman, will the gentleman yield to me?

Mr. ECKART. I yield to my friend, the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman for yielding.

Mr. Chairman, the point just made by the gentleman from Indiana is, I think, a very important one. He indicates in his colloquy with the gentleman from Ohio that the Coats amendment invites retaliation, and I would just like to set up a scenario.

Under current law, and under the provisions of GATT, a country which feels that it has been affronted by the trade policies of another country can then go in and initiate a proceedings within the GATT process for relief, or for the authority to have countervailing duties and other restraints on imports from the offending country, or to get other appropriate relief.

Under this amendment, there is a real peril that what would occur is that the Japanese go into court, or go to the Secretary, and seek to get the act suspended. But in no instance under this scenario can the United States, under the amendment offered by the gentleman from Indiana, raise the questions of Japanese behavior, Japanese sanctions, Japanese constrains, or Japanese limitations on imports of any manufactured U.S. goods or agriculture commodities.

Remember, the Japanese have restrictions of all kinds, subtle and otherwise, against virtually all manufactured goods produced in the United States, and against every agricultural product or commodity that this country produces.

Mr. ECKART. I thank the gentleman for his comments.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I heard a great deal of debate last night and today on this amendment. There is the deep concern that people, who really oppose this legislation see this as a backdoor way to defeat its purpose, and they want to cover their efforts by saying, "Well, what we are really worried about is protecting the integrity of GATT and our international obligations."

There are 88 signatories to GATT. That is not an agreement between Nissan and General Motors or between the California citrus growers and the sour orange growers of Yokohama. It is not an agreement between the Kansas wheat growers and the consumer organizations of Japan. It is an agreement between 88 sovereign states.

GATT does not entertain directly the intervention or the complaint of Nissan, Ford Motor Co., the California citrus group, or from the gentleman from Kansas who is worried about the Kansas wheat growers, or a complaint from the Kansas wheat growers. The Kansas wheat growers go to our Government, and our Government interposes itself on behalf of an American interest with other governments of equal statute under that agreement.

The agreement is not between businesses, nor between segments of the economy; it is between countries.

What the Coats amendment does is pervert that arrangement between the countries by saying notwithstanding the agreements you signed to come in here where you have knowledgeable people representing each and every one of our countries, who can look at my complaint against Germany, Japan, you name it, or their complaint against us, and then compare that with what they are really doing and come to some conclusion.

You can go around this whole process of GATT and proceed to any friendly judge that you can find in the United States and file a lawsuit, ask for a temporary injunction, ask for 2 years of discovery, and tie everything up indefinitely.

Talk about perverting and destroying the effectiveness of GATT, there is no more effective way that you can do it. I am dismayed that the gentleman from Indiana puts so little importance on the colloquy he was having with the chairman of the Energy and Commerce Committee last night, because I had high hopes for a moment that he was going to answer some of those questions in a way that would reassure me that all he intended to do was what he was describing on the floor that he was doing.

If the gentlemen's amendment only did what he says that it does, I would be constrained, as one of the earliest supporters of this legislation since its earliest drafting, to suggest to the managers of the bill, "Well, maybe you can live with that. You ought to accept it." But he messed that up last night in his colloquy with the chairman by saying anybody in this country or in any foreign country can walk into any circuit court and we could have 30 lawsuits going with that many different countries at one time in that many jurisdictions in this country and we would have absolute chaos.

What do you suppose our GATT trading partners would say about that? They would say, "Hold it. We have never said that anybody could come in and use our courts to mess up the arrangements we have with you in GATT. We thought we had a forum agreed to here by a solemn treaty ratified by the appropriate authorities in each of our countries."

I am a little surprised that the gentleman from Florida, who gave the most honest explanation of this amendment last night that I have heard thus far, is not at the same time a little bit distressed as he ponders the true impact on GATT, because nobody defends the sanctity of GATT and what it means in trying to find at least a rational process for accomplishing fair trade than the gentleman from Florida. He must be as frustrated as those of us who supported the United Nations over the years when we see times when the United Nations seems to be totally impotent and reaching out to solve the problems we would have solved in performing its principal function, getting sovereign governments together to try to solve their problems in a peaceful way.

□ 1150

The CHAIRMAN. The time of the gentleman from Michigan (Mr. FORD) has expired.

(By unanimous consent, Mr. FORD of Michigan was allowed to proceed for 2 additional minutes.)

Mr. FORD of Michigan. Mr. Chairman, the gentleman from Florida, however, last night characterized this amendment for what it actually is. I am paraphrasing now, but if the Members will read the RECORD from yesterday that is under their seats, they will find that he said it very bluntly and honestly, and there can be no question where he stands on this legislation. He has opposed it for years, and he has done it openly. He has given his reasons for opposing it. He and I have had our disagreements—very spirited ones—during the last 2 years over his reasons.

But he did say last night, as one who believes that this bill should not pass under any circumstances, that this amendment has the same effect as an amendment to strike all after the enacting clause.

Now, if we want to do it that way, we should come on out in Main Street so that people can see us. We should not go skulking down the alley and try to kill this bill by shooting it in the back in a dark alley. The gentleman should stand up and offer a motion to strike all after the enacting clause and see how the House stands on that. He should not try to do it through the back door.

I do not ascribe any less than the highest motives to the gentleman from Indiana, but if indeed he feels as sincere as he has described his feelings about this amendment, then he ought to recognize that at this point he has become an instrument to do something far more draconian and far broader than he had anticipated, not only to this legislation but to our relationship with 87 other countries with whom we have to trade and to whom we have to try to sell our goods.

I have heard a lot of talk about sending messages. If we want to send a message to the other 87 trading countries that GATT does not mean a tinker's dam when it is convenient for them to run around it and create a new device to substitute their courts appointed by their government for our equal standing in GATT. If we want to send that message, we can vote for the Coats amendment. If we want to preserve GATT and we want to go on and consider the problems that the gentleman has raised, let us consider them in amendments that are properly drafted to accomplish that purpose.

Mr. LUNDINE. Mr. Chairman, I rise in opposition to the Coats amendment. I do so because I believe it is unwise to include a provision in this bill that would in essence leave the determination of the terms for implementation of this bill to the U.S. courts. This amendment would do so by entitling other countries to seek compensation under our law if there is a finding that this bill in some way violates the provisions of GATT.

It is not clear whether or not this bill would violate GATT. There are procedures established under the GATT to make that determination if indeed a foreign nation wishes to challenge the provisions of this law. And there are also procedures established under the GATT for consideration of possible foreign retaliatory measures. In any event it seems to me such a proceeding will be very interesting given the fact that many nations of the world already have in place content requirements for various industries.

I support this bill, not because it is a perfect prescription for the problems that plague our auto industry, but rather because I believe that House passage of this bill is an important first step toward dealing with those problems. Currently, we have no trade policy. It is largely because we have no trade policy that has brought us to this point. And until we develop the determination to coordinate a trade policy that will insure a healthy industrial future for this country, bills like auto content must continue to receive support.

I also cannot stand here and tell you that I believe that GATT is the answer to our problems. While we must certainly strive to improve the GATT framework and to work cooperatively with other nations to resolve trade problems, at the same time, we must realize that in many instances GATT is today totally ineffective in dealing with many problems facing our internationally traded businesses. The problem of foreign targeting of industries, for example, cannot be resolved under the existing GATT framework in a timely or effective way. This is primarily because many of the instruments being utilized by some of our trading partners for advancing the interests of their own industries are not addressed in GATT standards or procedures.

Finally, we should not adopt a provision in this bill which will give foreign nations or firms standing or access under U.S. law to seek retribution against U.S. firms. This is very unwise. It goes against the fundamental notion that what we need in this country is more coordination of national interests and strategies to implement a trade policy and other domestic policies geared toward economic growth and prosperity for our people. We will not be able to accomplish this if we are being undercut in our own courts.

I will vote against this amendment, and support this bill. I hope to be present to cast my vote for this bill today before I must leave for important business in my congressional district. If I do miss the final vote on this bill, I have already made provision to pair myself in favor of its passage and urge my colleagues to oppose this amendment and any other weakening amendments to this bill, and vote in favor of its final passage.

Mr. GIBBONS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Florida (Mr. GIBBONS) is recognized for 5 minutes.

There was no objection.

Mr. GIBBONS. Mr. Chairman, as we sit here and reflect on all this, it is probably no wonder that the Japanese do so well in the competitive area. They spend a lot of money training engineers and managers. We spend a lot of money training lawyers.

I am a lawyer. But maybe we have misguided or misallocated our resources. I hate to say that because I have always thought that lawyers were designed to solve conflicts and not to just muddy them up.

I have seen a lot of smokescreens in my life, some of the biggest ever produced, but this is the biggest. The words on page 15 of the committee's bill were not put there idly or without thought, for, after all, the committee has probably one of the largest staffs of lawyers and investigators in the Congress. This is a carefully drafted piece of legislation. They tried to deprive the U.S. courts of any jurisdiction in these matters, but some people whose consciences bothered them and whose sense of history made them understand that they should not do that objected to that. So this clever language on page 15 was concocted to smokescreen the issue and to create a doubt about the jurisdiction of the American courts to have any voice in this matter.

The language presented by the gentleman from Indiana (Mr. COATS) that I support simply attempts to say to the courts, "You have jurisdiction despite anything in this act." It does not go outside this act and create a whole new area of jurisdiction for the courts.

So let us dismiss the smokescreen. That is not of any importance here.

When I came to Congress 21 years ago it was smart to get up here and try to deprive the American courts of the right to solve justiciable matters, and a lot of Members learned that was not so smart. It does not make good sense either.

All the gentleman from Indiana (Mr. COATS) is trying to do here is to undo the mischievous language on page 15, between lines 14 and 19. That is all he is doing. But the main thing about the Coats amendment is this: The reason I said it is an important amendment and why I said yesterday that I thought, if it was adopted, the proponents of the bill would withdraw the bill is this: The Coats amendment seeks to do justice between everybody else in the American system.

I would remind the Members that the Ways and Means Committee voted against this bill by a vote of 19 to 13, and the bill as brought forth by the committee chaired by the gentleman from Michigan (Mr. DINGELL) is lopsided. It is one sided. It seeks to move the people working in the automobile industry ahead of every other American. It says that "your rights to manufacture a product, under whatever conditions you decide on, are paramount to every other American's rights."

The Coats amendment says, "you can't go that far. If it injures other American jobs, if it injures other American concerns, then you can't go that far."

Mr. Chairman, it is no wonder they are screaming so much and throwing up this smokescreen over here. They want to put their own chosen constituency, the UAW and the folks around Detroit who manufacture automobiles, ahead of every other American from Alaska to Puerto Rico, from California to Maine, and that is just not fair. This bill, if adopted, says, "no matter what our laws are, if you as American workers in other competitive industries are injured, you haven't got any rights. You can't even go into the American courts."

That is the reason why this amendment is so important.

I am not from the automobile capital of the world. I have been waiting for somebody here to say, "You know, yesterday we buried the American automobile industry," But some of them did not want to be buried. This morning they have announced that they are not giving up.

The CHAIRMAN. The time of the gentleman from Florida (Mr. GIBBONS) has expired.

(By unanimous consent, Mr. GIBBONS was allowed to proceed for 1 additional minute.)

Mr. GIBBONS. Mr. Chairman, this morning General Motors has announced that they are going to build a new Saturn-type car that will be in direct competition, an American-made product, in this country somewhere—I guess in the Detroit area—to compete against the Japanese product. Their press releases are out; their public statements are out.

We buried them yesterday, and they arose from the dead today. The American automobile industry is prosperous. This year it will make the largest profits it has ever made in its history.

Its employment is rising. Next year it is predicted to have a 14-million-unit sale, the highest sales in the history of this country.

Why should we be moving them ahead of every other poor competitive American worker whose wages are half as much as the automobile workers' wages and ahead of every other industry whose profits are nowhere near the profits of the Big Three and saying, "You don't have any rights. You've got to stand at the end of the line while we get our part of it first"?

Mr. Chairman, the Coats amendment puts an end to that, and it should be adopted.

● Mr. LUNDINE. Mr. Chairman, I rise in opposition to the Coats amendment. I do so because I believe it is unwise to include a provision in this bill that would in essence leave the determination of the terms for implementation of this bill to the U.S. courts. This amendment would do so by entitling other countries to seek compensation under our law if there is a finding that this bill in some way violates the provisions of GATT.

It is not clear whether or not this bill would violate GATT. There are procedures established under the GATT to make that determination if indeed a foreign nation wishes to challenge the provisions of this law. And there are also procedures established under the GATT for consideration of possible foreign retalitory measures. In any event it seems to me such a proceeding will be very interesting given the fact that many nations of the world already have in place content requirements for various industries.

I support this bill, not because it is a perfect prescription for the problems that plague our auto industry, but rather because I believe that House passage of this bill is an important first step toward dealing with those problems. Currently, we have no trade policy. It is largely because we have no trade policy that has brought us to this point. And until we develop the determination to coordinate a trade policy that will insure a healthy industrial future for this country, bills like autocontent must continue to receive support.

I also cannot stand here and tell you that I believe that GATT is the answer to our problems. While we must certainly strive to improve the GATT framework and to work cooperatively with other nations to resolve trade problems, at the same time, we must realize that in many instances GATT is today totally ineffective in dealing with many problems facing our internationally traded businesses. The problem of foreign targeting of industries, for example, cannot be resolved under the existing GATT framework in a timely or effective way. This is primarily because many of the instruments being utilized by some of our trading partners for advancing the interests of their own industries are not addressed in GATT standards or procedures.

Finally, we should not adopt a provision in this bill which will give foreign nations or firms standing or access under U.S. law to seek retribution against U.S. firms. This is very unwise.

It goes against the fundamental notion that what we need in this country is more coordination of national interests and strategies to implement a trade policy and other domestic policies geared toward economic growth and prosperity for our people. We will not be able to accomplish this if we are being undercut in our own courts.

I will vote against this amendment, and support this bill. I urge my colleagues to oppose this amendment and any other weakening amendments to this bill, and to vote in favor of its final passage.●

The **CHAIRMAN.** The question is on the amendment offered by the gentleman from Indiana (Mr. COATS).

The question was taken, and on a division (demanded by Mr. FRENZEL) there were—ayes 15, noes 17.

Mr. **FRENZEL.** Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 232, answered "present" 1, not voting 22, as follows:

[Roll No. 445]

AYES—178

Anderson
Andrews (TX)
Anthony
Archer
AuCoin
Badham
Barnard
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Bonker
Boucher
Breaux
Broomfield
Brown (CO)
Broyhill
Campbell
Carney
Chandler
Chappell
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
English
Erlenborn
Evans (IA)
Fiedler
Fields
Foley
Forsythe
Franklin
Frenzel
Fuqua
Gekas
Gibbons
Goodling
Gore
Gradison
Gramm
Green
Gregg
Gunderson
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hightower
Hiler
Holt
Hopkins
Huckaby
Hunter
Hutto
Hyde
Ireland
Jeffords
Jones (OK)
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Leach
Leath
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Marlenee
Marriott
Martin (NC)
Martin (NY)
Mazzoli
McCain
McCandless
McCollum
McGrath
McKernan
McKinney
Mica
Michel
Miller (OH)
Molinari
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Neal
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Patman
Petri
Pickle
Porter
Pritchard
Quillen
Ray
Ridge
Roberts
Robinson
Rostenkowski
Roth
Roukema
Rowland
Rudd
Schaefer
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Walker
Watkins
Weber
Whitehurst
Whittaker
Winn
Wolf
Wyden
Young (FL)
Zschau

NOES—232

Ackerman
Addabbo
Albosta
Alexander
Andrews (NC)
Annunzio
Applegate
Barnes
Bates
Bedell
Beilenson
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Borski
Bosco
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Burton (IN)
Byron
Carper
Carr
Clarke
Clay
Coleman (TX)
Collins
Conte
Coughlin
Coyne
Crockett
D'Amours
Daschle
Davis
de la Garza
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (CA)
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Gray
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hamilton
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hillis
Horton
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Latta
Lehman (CA)
Leland
Levin
Levine
Levitas
Lipinski
Long (LA)
Long (MD)
Luken
Lundine
Madigan
Markey
Martin (IL)
Martinez
Matsui
Mavroules
McCloskey
McEwen
McHugh
McNulty
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Price
Pursell
Rahall
Rangel
Ratchford
Regula
Reid
Richardson
Rinaldo
Ritter
Rodino
Roe
Roemer
Rogers
Rose
Roybal
Russo
Sabo
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snyder
Spratt
St Germain
Staggers
Stark
Stratton
Studds
Swift
Tauzin
Torres
Torricelli
Traxler
Udall
Vandergriff
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Wheat
Whitley
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolpe
Wright
Yates
Yatron
Young (AK)
Young (MO)
Zablocki

ANSWERED "PRESENT"—1

Lehman (FL)

NOT VOTING—22

Akaka
Aspin
Coelho
Conyers
Cooper
Dellums
Dowdy
Dymally
Hance
Lowry (WA)
McCurdy
McDade
Owens
Paul
Savage
Solarz
Stokes
Towns
Vucanovich
Whitten
Wortley
Wylie

□ 1210

Mr. WIRTH and Mr. ROEMER changed their votes from "aye" to "no."

Mr. TAYLOR changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1220

AMENDMENT OFFERED BY MR. WALKER

Mr. **WALKER.** Mr. Chairman, I offer an amendment.

Mr. **OTTINGER.** Mr. Chairman, I reserve a point of order on the amendment.

Mr. **DINGELL.** Mr. Chairman, I reserve a point of order on the amendment.

Mr. **ECKART.** Mr. Chairman, I reserve a point of order on the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: At the end of the bill add the following new section:

SEC. 11. (a) Notwithstanding any provision of this Act, none of the provisions of this Act shall take effect until the Department of Labor, in consultation with the Department of Commerce and other appropriate federal agencies, prepares an affirmative employment impact statement and certifies that the net effect of implementation of this Act will have a positive impact on total domestic employment levels.

(b) Such statement shall include an analysis of:

(1) The immediate impact on levels of total private employment;

(2) The long term economic effects of enactment of the bill; and

(3) The extent and nature of any new employment opportunities created by the implementation of this Act.

Mr. **WALKER.** Mr. Chairman, as I have sat here and listened to the debate on this bill I have come to the conclusion that there is general agreement on one point, that this would be a bad bill if it cost more Americans their jobs than it created new jobs for Americans.

In other words, if the effect of this bill were a net loss in jobs it would be a bad bill and I think both sides have kind of agreed to that.

The real question here is whether or not it causes a net loss in jobs or whether or not it results in a net gain in jobs.

What my amendment says is that we ought to know that before we implement the bill. This is something that has been mentioned recently in a number of articles being written by economists on the subject of macroeconomic legislation. They have made the point that perhaps in every bill that we pass of a macroeconomic nature we ought to include a jobs impact statement, that we ought to assure ourselves that we are creating more jobs than we are losing when we

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approach something macroeconomically.

We have a macroeconomic bill here. We have a bill that even the proponents say has a massive effect throughout the economy because we are dealing with one of the largest industries in our economy.

Therefore, it seems to me logical that we would want to have a jobs impact statement, that we would want to have something that says up front that the only way the bill can be implemented is with an affirmative determination that in fact more jobs are created than are lost under the implementation of the bill.

That is all my amendment does. That is the only thing that this amendment accomplishes. It says that before the bill is implemented we have to have a positive jobs impact statement.

That seems to me to be logical. It seems to me to fit with what both proponents and opponents are saying on the bill, and I would certainly hope that the points of order that have been raised would not be carried forward.

I think that the amendment is totally within the bonds of the legislation we are considering, but also it seems to me by raising a point of order against this kind of an amendment what the proponents of this measure would be saying is that everything that they have said in favor of the bill is nonsense because they are afraid that it cannot be supported by a gathering of the facts.

All my amendment asks for is a gathering of the facts before we proceed along this course, and I would hope that since my amendment is aimed at jobs only, the only thing we are attempting to do with my amendment is to assure ourselves that we are creating more jobs, since it is a jobs only amendment I would hope that this would not incur opposition from the proponents of the bill.

I yield back the balance of my time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Ohio (Mr. ECKART) insist on his point of order?

Mr. ECKART. Mr. Chairman, I wish to be heard under my reservation on my point of order.

The CHAIRMAN. The gentleman may state his point of order.

Mr. ECKART. Mr. Chairman, H.R. 1234, as introduced and reported, relates to the sales in interstate commerce of vehicles and parts and the distribution in commerce of those parts. Its purpose is to encourage production of automotive products and parts in the United States for sale, and regulates and deals with the movement within interstate commerce in the United States of those parts.

In order for an amendment to this bill to be in order it must meet the fundamental purposes test and thus meet the germaneness test. It must not only have the same end as the matter that is sought to be amended, but it must also contemplate a method of achieving that end that is closely related and allied to the method encompassed in the bill or the substitute.

The amendment offered by the gentleman from Pennsylvania is not consistent with the fundamental purpose test and I would cite for the purposes of the record that an amendment to accomplish a similar purpose by an unrelated method not contemplated by the bill is not germane.

I would reference the Chair to the 113th CONGRESSIONAL RECORD, page 21849 of the 90th Congress, 1st session; 116th CONGRESSIONAL RECORD, page 28165 of the 91st Congress, 2d session; 121st CONGRESSIONAL RECORD, page 18695 of the 94th Congress, 1st session.

The first purpose of this amendment, I would point out to the Chair, is not intended to limit the content of the autos sold in interstate commerce in the United States. That is the fundamental purpose of this legislation.

The amendment profferred by the gentleman from Pennsylvania deviates dramatically from the fundamental purpose; therefore, fails the precedents under the precedents and history of the House. Therefore, the amendment is not germane and should be ruled out of order.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. WALKER) wish to respond?

Mr. WALKER. I wish to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. WALKER. Mr. Chairman, the bill we have before us has in section 8 a "general effectiveness and impact study."

In section 8 of that bill it is a macroeconomic study which is mandated by the legislation itself. It is a macroeconomic study that not only goes to the automobile industry but as section (G) under part (2) of that section says, it related to "the exportation of agricultural commodities and products from the United States, and the exportation of goods, industrial and other products, and services from the United States."

In other words, the bill in mandating that study mandates a macroeconomic study.

In the case of my amendment, my amendment is also a study. It asks for a study preimplementation. It is a study which also is a macroeconomic study not unlike that which would be an ongoing part of the legislation.

So, therefore, my amendment is entirely germane to the sections of the bill and to the general nature of the bill in question.

In addition, I would say that this is a bill, which the purpose of the act is to prevent or remedy serious injury to domestic manufacturers and workers. My amendment is simply a study to assure that that kind of a mandate would be met by the legislation in question. So therefore, since the reservation against my amendment has been raised on the point of germaneness, I would submit that the amendment that I have offered is entirely germane, given the language contained already in the bill in section 8.

The CHAIRMAN. Does the gentleman from Ohio (Mr. ECKART) wish to respond further on the point of order?

Mr. ECKART. The gentleman does, Mr. Chairman.

I would point out to the Chair that in reading the gentleman's amendment it prohibits the legislation from going into effect under the gentleman's amendment. The section that he references in the legislation is of an advisory, consultory nature only and therefore the fundamental purpose of section 8 which he quotes is to provide advice to the Congress and to the administration, is not related to the fundamental purpose of this amendment which seeks to abrogate the legislation and in which it states clearly, shall not take effect until and after these conditions precedent have taken place.

□ 1230

It fails the fundamental purpose and therefore is not germane.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. WALKER) wish to be heard further?

Mr. WALKER. I thank the Chair.

To begin with, I do not believe that the gentleman's (Mr. ECKART) argument is a legitimate point of order under the rules of the House.

But second, I would point out that the operative sections of my amendment relate directly to the act. So therefore there is no language in the amendment which does not speak directly to matters that are addressed under the act. So the amendment relates back directly to language which is in the act.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, may I be heard on a point of order?

The CHAIRMAN. The gentleman is recognized.

Mr. FRENZEL. Mr. Chairman, I have no affection for the amendment and I really do not care how the point of order goes, but I am vitally concerned that the Chair does not rule in favor of the gentleman from Ohio, whose argumentation is simply that, if the amendment does not help, it is germane. I know the Chair will not make such a ruling, but since that was the direction of the argumentation, I wanted to take this opportunity to remind the Chair that our rules have no such requirement.

The CHAIRMAN. Does the gentleman from New York (Mr. OTTINGER) wish to be heard on the point of order?

Mr. OTTINGER. I thank the Chairman.

Mr. Chairman, I want to emphasize a point that my friend from Ohio (Mr. ECKART) made that there is a contingency in this amendment, the whole act does not take effect until a nongermane condition is met and, therefore, the amendment is not germane and the point of order should be sustained.

The CHAIRMAN. Are there further arguments on the point of order? If not, the Chair is prepared to rule on the point of order.

The basic subject matter of the bill before the House, as stated in the findings of the bill on page 14, relates to domestic workers producing automotive products, referring to automobile products, and therefore limits it to that category of domestic employment.

The amendment in question refers to the entire range of employment in the U.S. economy and therefore conditions the bill in a manner far beyond the basic subject matter of the bill.

The amendment would make it conditional, that the bill would not be implemented until there was a study relating to the overall impact within the entire economy.

Were it limited simply to a study, that the Chair feels would be germane. But having expanded it beyond that, making it a condition precedent as well as relating to a study of the employment in the entire U.S. economy, it is the Chair's view that it is not germane as an unrelated contingency and, therefore, the Chair sustains the point of order.

Mr. MURPHY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, had the previous amendment been declared in order, I would have been perpared to speak on its behalf.

Mr. Chairman, today we are debating an issue that not only affects the U.S. auto industry, but sounds a much needed declaration for change in the manner in which America conducts business in the world market.

I agree with my colleagues that our economy, as well as the world economy, operate most efficiently in an atmosphere of unrestrained trade. However, free trade in the world market does not exist. To continue to operate under the delusion of free trade will further devastate our industries' attempts to compete both inside and outside of the United States. It is essential that we realize that free trade does not work when just one country participates. We cannot afford to continue accepting the world's unemployment problems. Our citizens cannot continue to bear the burdens of our trade policies.

The nations with which we trade currently employ a range of nontariff barriers, from exhaustive unit-by-unit inspection to "gentlemen's agreements," that restrict foreign imports, while the United States, in the name of free trade, has maintained passive trade policies that permit erosion of the industrial base. The result is that the United States is the only nation that allows benefits to foreign producers at the expense of its domestic producers.

In the past 5 years over 700,000 jobs in domestic auto and related industries have been lost. These job losses have occurred in industries such as steel, iron, synthetic rubber, and other materials. The drop in production in these related industries has rippled out to even more sectors of the economy. The number of Americans who have lost their jobs because of the drop in U.S. auto production may well be twice the 700,000 figure. During this same period, the share of the U.S. market held by foreign manufacturers increased from 18 to 26 percent.

The Fair Practices in Automotive Products Act is a well-founded proposal to finally introduce fairness into U.S.-world trade. By requiring all manufacturers of automobiles who wish to conduct business in the United States to make a substantial investment in this country, we will not be acting to restrain trade, but to insure that the American manufacturing base is not further devastated, that much needed capital remains in the United States and that our economy share in the benefits of that trade. It is only fair that countries like Japan, which sells about $13 billion worth of cars to Americans, should invest in the United States. This capital will put Americans back to work and remove them from unemployment compensation and other Government entitlement programs. Instead of receiving money from the Federal, State, and local governments, these working Americans will be paying taxes and once again making a valuable contribution to our Nation.

We as a Congress and as a nation must take action now to protect the rights of the millions of unemployed Americans to work and provide for themselves and their families. We can no longer sit idly by while foreign corporations and governments continue to carve deeper and deeper shares of the domestic market in all of our basic industries. It is not in our economic interests. It is not in our national interests. It is not in the best interests of our national security and it is not in the interests of the people we were each sent here to represent.

Mr. Chairman, I urge all of my colleagues to join with me in voting for this much needed and much overdue legislation, and sending a message to our trading partners and to this administration.

I would like to place into the RECORD at this point the remarks of Lee Iacocca, chairman of Chrysler Corp., on the United States-Japanese negotiations on the auto exports.

The remarks follow:

STATEMENT BY L. A. IACOCCA, CHAIRMAN OF CHRYSLER CORP., ON THE UNITED STATES-JAPANESE NEGOTIATIONS ON THE AUTO EXPORTS, NOVEMBER 1, 1983

This so-called "transitional agreement" for one year of voluntary restraints is incredible to me. There are four problems with it.

It substantially increases the number of Japanese cars that will come into the country next year. It guarantees the Japanese 25 percent of our car market with a serious permanent loss of U.S. jobs.

The "transitional agreement" is for one year only and how anyone thinks the auto trade problems between Japan and the United States can be fixed in one year is beyond me.

There were three loopholes in the original agreement which brought the real number of Japanese imports to 1.83 million rather than the announced 1.68 million. These loopholes (vans, four-wheel-drive vehicles, and cars shipped to Puerto Rico) are not corrected by the "transitional agreement." In fact, they are made bigger. The new total number is 2.018 million, not the announced 1.85 million.

Perhaps most important of all, the "transitional agreement" does not address the fundamental issues—the seriously undervalued yen and the 22½ percent commodity tax rebate on cars shipped to the United States. These two problems result in a $2,000 cost advantage per car for the Japanese producers. The increase—the real increase—from 1.83 million to 2.018 million accommodates the Japanese strategy. We are waiting to see if the additional vehicles are given to GM to support its new Japanese import strategy.

Make no mistake, this "transitional agreement" is a serious blow to the U.S. auto producers, suppliers, dealers, their employees and laid off workers who are being hurt by the unfair advantages enjoyed by the Japanese auto industry and whose problems were not corrected by those negotiations.

The fate of Chrysler's small car production plans and the investment of more than $600 million remain very much in doubt and depend on actions the Administration takes to resolve these problems.

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: Page 22, line 24, strike out "Three" and insert "Five".

Page 23, strike out lines 9 and 10 and insert the following: "paragraph (A)(ii), and at least four nominees for three of the appointments required under subparagraph".

Page 23, strike out lines 19 and 20 and insert the following: "at least three nominees for the remaining two appointments required under subparagraph (A)(iv).".

Mr. DANNEMEYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, we have had a chance to look at this amendment. It expands the advisory committee from three to five members and makes minor changes in the appointments. It changes the consumer contingent appointments from three to five and makes minor changes in the appointment process. We think the amendment is a good amendment and are happy to support it.

Mr. DANNEMEYER. I thank my colleague.

Mr. Chairman, I point out to the Members that there is a commission created to look after this matter. Before this amendment, it had consisted of 13 members, 5 labor, 5 management and 3 consumer. This amendment recognizes the contribution of the consumer interests in this country by adding 2 to make a total of 5 for the consumer representation in the total of 15.

Mr. Chairman, I thank my colleague for his acceptance of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DANNEMEYER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. M'NULTY

Mr. McNULTY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. McNULTY: Sec. 11. This Act shall cease to have force and effect on September 30, 1992.

Mr. McNULTY. I thank the Chairman.

Mr. Chairman, Cochise County, Proverb No. 6, says that "You got to make the omelet out of the eggs in the refrigerator." For that purpose, the refrigerator is this Chamber; the eggs are H.R. 1234 and the omelet is part of the ongoing chess game between industrialized nations of this world in their constant maneuvering and reciprocating against practices that they deem injurious to themselves and their commercial well-being.

It has always gone on and it always will, and while we try to frame in the GATT a set of rules and regulations that will be a constant guide to us in the conduct of these efforts, we always find it necessary to get outside these formal parameters and to try to deal with these things in a sensible way.

So the amendment before you here is part of the effort to suggest that there is a current disadvantage to America insofar as its dealing with Japan are concerned and, consequently, that we are making this modest move in the direction of attempting to get those folks to make modest changes of their own.

By placing a sunset provision in the bill, we make it clear that we want to do something short of the all-out trade war that some alarmists suggest would be precipitated by this. In fact, this trade controversy has been going on for many years and it will go on long after I am out of here.

So in my judgment this makes sense, in terms of trying to make a sensible step in the direction of redressing a current imbalance, an enormous deficit in the balance of payments and yet to do so on terms that suggest to the other side that, as ever, we are willing to trade and to compromise and to mend and to fudge and to move, however slightly, in the direction of keeping this thing from breaking into something more serious.

I would urge most strongly the Chamber then to adopt the amendment and put a sunset provision into the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. OTTINGER. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, this amendment would have a cutoff on the effectiveness of the act in 1992. We will soon propose a substitute that would have the effect of sunsetting, which this amendment seeks, but would require a determination by the Secretary that the injury no longer continues in order to do that.

We keep some of the provisions which ought to be kept in the law operative, regardless.

I think one of the chief objections to the bill by many people who have opposed it has been that there is no way out from under it.

It takes an act of Congress in order for relief to be given from provisions of the bill.

What the substitute will do is to say: "Yes, there can be a cutoff in 1992 if the Secretary determines the injury no longer exists and will not recur with the termination of the content requirement." But to have an absolute cutoff, as Mr. McNulty's amendment would suggest, is too drastic.

The injury could continue to persist. It would give the administration no discretion to continue these domestic content requirements in effect.

For that reason, while I applaud his objective, I think the substitute that we will be offering will do the job better than that which has been suggested in this amendment.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. PEASE TO THE AMENDMENT OFFERED BY MR. M'NULTY

Mr. PEASE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. PEASE to the amendment offered by Mr. McNULTY: In lieu of the matter proposed to be inserted by the amendment, insert the following:
>
> SEC. 11. TERMINATION OF CONTENT REQUIREMENT.
>
> If at any time after the sixth model year which begins after the date of the enactment of this Act, the Secretary finds, after holding a public hearing (for which notice is published) commencing not earlier than 60 days after such sixth year, that the injury referred to in section 2(a) has been prevented or remedied, sections 5 and 7(a) shall cease to have force and effect at the close of the model year in which that finding is made, except that nothing in this section shall be construed as affecting or waiving any action under section 7(a) initiated by the Secretary for a violation that occurred in that model year or any prior model year. The Secretary shall immediately notify the Congress in writing of a finding made under this section and publish notice thereof in the Federal Register.

□ 1240

Mr. PEASE. Mr. Chairman, as the gentleman from New York has indicated, the idea of some sort of termination date on this legislation is acceptable to the supporters of the bill.

However, we think that an absolute termination date is not wise and therefore, we offer in this amendment a more flexible way to phase out provisions of this legislation.

Essentially, what the amendment to the amendment says is that any time after 6 years if the Secretary finds that the original problem, the findings that we have in the bill, no longer obtain, then the ratio provisions and the enforcement provisions of this legislation would no longer be in force.

We think that that accomplishes the purpose of the amendment of the gentleman from Arizona, but in a more flexible way, and in a way that recognizes that what we are trying to do is eliminate the threat to the American automobile industry.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, this amendment, I think, is also helpful in terms of some of the GATT problems that have been raised by some of the opponents of the bill. They point out that the relief which is given in this legislation can, according to the GATT, only be temporary relief and that geared to the injury.

This would make the relief of the bill indeed temporary, 6 model years, and that relief is geared directly to the injury. This amendment would terminate the relief on the basis of a finding by the Secretary that the injury no longer obtains.

The provisions which are left operative under the Pease amendment are only those provisions which need to continue, the advisory council obtaining information and requiring the reports that are specified under the legislation.

There seems no reason to end those. That information will still be valuable. However, all the penalty provisions would be relieved if the Secretary makes the finding under the amendment.

I think it is a sound amendment. I think it is helpful to the bill. I urge its adoption.

I thank the gentleman for offering the amendment.

Mr. PEASE. Mr. Chairman, I yield back the balance of my time.

Mr. GIBBONS. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the Pease amendment.

Mr. Chairman, under the present law no American industry has this kind of special treatment. What causes this amendment is obviously this bill as drawn by the committee is a violation of GATT. They are trying to make it GATT legal. At the same time that they try to make it GATT legal, in some senses, not in its entire sense, they set up a preferential way for the auto industry to get its case decided.

Every other American industry must go to an independent agency of Government, not to the Commerce Department, but to a bipartisan, independent agency of Government. I point out that no one knows who is going to be in the Commerce Department 6 years from now, every other American industry must go to an independent agency and must prove injury.

Now the auto industry went to that independent agency—and that is the whole genesis of this legislation—a couple of years ago and could not prove injury.

Now, what they have done here in this bill is they find injury legislatively and then they go to their pet agency, the Commerce Department, hoping that they will influence the Commerce Department.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, this is unfortunately not even as appropriate an agency as the Commerce Department. To avoid letting other committees have jurisdiction, the committee was obliged to use the Department of Transportation. And so we have the Secretary of Transportation making a determination for which he or she is manifestly unsuited.

Mr. GIBBONS. The gentleman is correct and I stand corrected.

Instead of going to an independent, bipartisan agency established by the Congress to take testimony from both sides and to weigh the evidence and to find, under law and under precedent, serious injury, they just simply bypass all that. They legislate injury. Then they say their pet Department of Commerce person—whoever it may be—can simply terminate this act whenever they want to or not terminate this act whenever they want to.

Now, this bill is bad enough in the special treatment it gives to one narrow segment of the American economy. But we should not be throwing away 200 years of experience about how things ought to be decided in our economy. The Congress, in order to prevent political manipulations on serious questions like this, set up a bipartisan, quasi-judicial, independent agency, independent of anyone else, to decide when injury had been inflicted upon American industry. As I say, the automobile industry went through that procedure, got ruled against, did not like it, got this bill introduced. It now attempts to do all the things that they have not been able to do under the proper procedure which this Congress has proscribed.

Now, the Pease amendment should certainly be defeated. Whether my colleagues vote for the McNulty amendment or not does not bother me, but the Pease amendment is an unfortunate effort.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment to the amendment.

Mr. Chairman, the amendment offered by the gentleman from Arizona and the amendment thereto, offered by the gentleman from Ohio, simply point out the absurdity of the piece of legislation before us.

Nobody cares when this Sun sets, because nobody expects it ever to rise. If domestic content ever did go into operation, the only sunsets would be U.S. trade, U.S. agriculture, U.S. industry, and the world society.

The sponsors know this and they do not expect to pass domestic content. Half of its proponents would vote against it if they thought it was in danger of passing.

And now we are beating our gums about an irrelevant set of amendments which only highlight the basic absurdity of domestic content.

But I must say that the amendmnt of the gentleman from Ohio is the worst of the two. And, if the House does not want to make things even more ridiculous, I would think that this committee would want to vote it down.

In the first place, we are giving some authority to the Secretary of Transportation, which she—and I hope she will be on the job for a long time—has no capability of making. The previous speaker has indicated that the authority and the capability has been given by the Congress to the International Trade Commission. That is the agency which should make that decision.

In the second place, the Pease amendment basically locks in the disastrous concept of domestic content for 6 years. We should not consider it for 6 minutes. Six years would be enough to destroy the auto industry's competitiveness for a half century.

The best way to sunset this ridiculous idea of domestic content is to never let it rise in the first place. Sunsetting is a pious motion, but it cannot undo a disaster. Domestic content is a disaster, so sunset amendments are meaningless.

What we have here are a couple of amendments which do not make any difference and yet, I think they are helpful in highlighting the basic absurdity of the proposition before the House.

□ 1250

I urge that both amendments be defeated and that the bill be defeated.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I would like to point out that the Secretary of Transportation is indeed the appropriate person to make this decision. It is he or she who administers the other portions of the act. It is he or she who is directed to perform all of the automobile studies, both prior to this bill and under this bill. The International Trade Commission did indeed have this matter before it. That is indeed one of the reasons H.R. 1234 is before you, because that mechanism has not proved to be effective. Our entire automobile industry is eroding, and we have some 600,000 people in the auto and related industries unemployed. For the ITC to find that there is no injury is ludicrous.

There is also the question of whether there is presently an injury due to imports. The United States is still down in production. We have only come back a quarter of the way from the peak of auto production in 1978. If you visit Detroit or Ohio, or any of the areas that produce automobiles, including my own district where a General Motors plant is operating on only one shift instead of two shifts and there are 2,000 people unemployed, you know perfectly well that there is real injury and there is a need for relief.

That goes to the heart of the bill.

What this amendment does is to provide that if the Secretary finds that there is no longer injury, then there is a sunset provision by 1992. I do think that is sound. I urge the amendment be supported.

Mr. McNULTY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am at once underwhelmed and overwhelmed. I am underwhelmed by the lack of support that the amendment has been able to generate and overwhelmed by the unanimity almost, it seems to me, of the wrath against my amendment. I sense myself to be the grass in the Chinese proverb that says when the elephants fight, the grass gets trampled.

I would have my friends on this side of the aisle understand that that proverb was written prior to the emergence of political parties in the United States of America.

I speak against the amendment offered by the gentleman from Ohio because, although it is technically an amendment, it is, in substance, to a sunset provision what a small cloud passing in front of the Sun is. It in fact retains all of the authority that is in this bill close to our vest and keeps us in a position to indicate to the rest of the world that the decision that would be made with respect to the applicability of the law will be an internal decision, and it is not a sufficient cutting of the string. I would hope that the measure would be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. PEASE) to the amendment offered by the gentleman from Arizona (Mr. MCNULTY).

The question was taken; and on a division (demanded by Mr. OTTINGER) there were—ayes 10, noes 16.

Mr. OTTINGER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 446]

Ackerman
Addabbo
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

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The CHAIRMAN. Four hundred five Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New York (Mr. OTTINGER) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair advises the Members that this is a 5-minute vote.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Mr. Chairman, as I understand it, the vote occurs first on the Pease substitute for the amendment offered earlier by the gentleman from Arizona (Mr. MCNULTY); is that correct?

The CHAIRMAN. The gentleman is partially correct. This vote is on the Pease amendment to—not a substitute for—the amendment offered by the gentleman from Arizona (Mr. MCNULTY).

Mr. DINGELL. And the Pease amendment in the nature of a substitute would impose a limitation to 1992——

Mr. GIBBONS. Mr. Chairman, that is not in order.

The CHAIRMAN. The vote will be taken by electronic device.

The vote was taken by electronic device, and there were—ayes 214, noes 196, answered "present" 1, not voting 22, as follows:

[Roll No. 447]

AYES—214

Ackerman
Addabbo
Albosta
Alexander
Andrews (NC)
Annunzio
Applegate
Aspin
Barnes
Bates
Bedell
Beilenson
Berman
Biaggi
Boland
Boner
Bonior
Borski
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Burton (IN)
Carr
Chappell
Clay
Coleman (TX)
Collins

Conte
Coughlin
Coyne
Crockett
D'Amours
Daschle
Davis
de la Garza
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (CA)
Erdreich
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Florio
Foglietta
Ford (MI)
Fowler
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gonzalez
Gray
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Harkin
Harrison
Hawkins
Hayes
Hefner
Heftel
Hertel
Hillis
Howard
Hoyer
Hubbard
Hughes
Hunter
Jacobs
Johnson
Jones (TN)
Kaptur
Kastenmeier
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Leland
Levin
Lipinski
Long (LA)
Long (MD)
Luken
Lundine
Madigan
Markey
Martin (IL)
Martinez
Matsui
Mavroules
McCloskey
McDade
McHugh
McKinney
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Ortiz
Ottinger
Panetta
Pease
Penny
Pepper
Perkins
Pursell
Rahall
Rangel
Ratchford
Regula
Reid
Richardson
Rinaldo
Ritter
Roe
Roemer
Rogers
Rose
Rostenkowski
Roybal
Russo
Sabo
Sawyer
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (NJ)
Snowe
Snyder
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Tallon
Tauzin
Torres
Torricelli
Traxler
Vandergriff
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Wheat
Whitley
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolpe
Wright
Yates
Yatron
Young (MO)
Zablocki

NOES—196

Anderson
Andrews (TX)
Anthony
Archer
AuCoin
Badham
Barnard
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Bonker
Bosco
Boucher
Breaux
Broomfield
Brown (CO)
Broyhill
Byron
Campbell
Carney
Carper
Chandler
Chappie
Cheney
Clarke
Clinger
Coats
Coleman (MO)
Conable
Cooper
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Derrick
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
English
Erlenborn
Evans (IA)
Fiedler
Fields
Foley
Forsythe
Franklin
Frenzel
Fuqua
Gekas
Gibbons
Gingrich
Glickman
Goodling
Gore
Gradison
Gramm
Green
Gregg
Gunderson
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hightower
Hiler
Holt
Hopkins
Huckaby
Hutto
Hyde
Ireland
Jeffords
Jones (NC)
Jones (OK)
Kasich
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath
Lent
Levine
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Marlenee
Marriott
Martin (NC)
Martin (NY)
Mazzoli
McCain
McCandless
McCollum
McEwen
McGrath
McKernan
McNulty
Mica
Michel
Molinari
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Neal
Nichols
Nielson
Olin
Oxley
Packard
Parris
Pashayan
Patman
Patterson
Petri
Pickle
Porter
Pritchard
Quillen
Ray
Ridge
Roberts
Robinson
Roth
Roukema
Rowland
Rudd
Schaefer
Schneider
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Smith (IA)
Smith (NE)
Smith, Denny
Smith, Robert
Solomon
Spence
Spratt
Stangeland
Stenholm
Stump
Sundquist
Synar
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Udall
Valentine
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whittaker
Winn
Wolf
Wortley
Wyden
Young (AK)
Young (FL)
Zschau

ANSWERED "PRESENT"—1

Lehman (FL)

NOT VOTING—22

Akaka
Coelho
Conyers
Dellums
Dowdy
Dymally
Evans (IL)
Ford (TN)
Hance
Horton
Jenkins
Lowry (WA)
McCurdy
Owens
Paul
Price
Rodino
Savage
Solarz
Towns
Whitten
Wylie

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Mr. TORRES and Mrs. JOHNSON changed their votes from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. McNULTY), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: On page 36, after line 4, insert the following new section:

SEC. 11. IMPACT STUDY REGARDING UNFAIR PRICE DISCRIMINATION.

(a) The Attorney General, in consultation with the Advisory Council, shall conduct a study of the antitrust and tax implications and of the impact on retail motor vehicle dealerships and consumers of the practice whereby manufacturers sell or lease, or offer to sell or lease, any passenger car, truck, or station wagon to any person (including any other automobile dealer) during any period of time at a price which is lower than the price at which the same model of passenger car, truck or station wagon, similarly equipped, is sold or leased, or offered for sale or lease, to such retail dealers during the same period.

(b) REPORTS.—The Secretary shall submit a report of the study to the President and Congress within twelve months after the date of the enactment of this Act and at the end of each eighteen-month period thereafter. The report should include the views of the Advisory Council in the same manner and to the same extent as the reports required by section 4 of this Act.

Mr. OTTINGER. Mr. Chairman, I reserve a point of order against the amendment.

Mr. FRENZEL. Mr. Chairman, I reserve a point of order against the amendment.

Mr. FLORIO. Mr. Chairman, my amendment addresses a problem which reportedly costs domestic automobile dealers $1 million a year. This problem arises from the practice whereby U.S. auto manufacturers sell cars to car-leasing companies at a lower price than they sell cars to their franchised dealers. This amendment directs the Attorney General to study the problem.

The Attorney General's study would include an assessment of the antitrust implications of this practice. The amendment is supported by the National Automobile Dealers Association. I urge adoption of the amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Minnesota (Mr. FRENZEL) wish to be heard on the point of order?

Mr. FRENZEL. I do, Mr. Chairman.

The CHAIRMAN. The gentleman may state his point of order.

Mr. FRENZEL. Mr. Chairman, I make a point of order that the amendment offered by the gentleman from New Jersey is out of order in accordance with rule XVI, clause 7, the rule of germaneness.

The gentleman has offered as an amendment a form of a bill which is pending before the gentleman's subcommittee which deals with the question of how leasing companies buy automobiles through dealerships and under what circumstances.

I think it is an interesting bill myself. I have asked the gentleman to have a hearing on it. He apparently would rather have a hearing here in front of the whole House, which I think is a mistake; but quite obviously, the amendment had nothing to do with the bill.

The findings of the bill say that there has been serious injury due to increases in imports. The purposes of the bill are declared as they are going to remedy the serious injuries by not allowing foreign-made merchandise to be sold in the United States.

Clearly, this amendment, which deals with domestic-sales arrangements of domestic companies, has nothing whatever to do with the bill and should be declared out of order.

The CHAIRMAN. Does the gentleman from New York (Mr. OTTINGER) wish to be heard on the point of order?

Mr. OTTINGER. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. OTTINGER. Mr. Chairman, as salutory as the purpose of this amendment is, I certainly would support it under other circumstances. It gives responsibilities to the Attorney General that are not in the bill. It requires a study of antitrust matters which are not at all pertinent to the bill before us and it deals with pricing.

For all those reasons, I believe it is nongermane and, therefore, regrettably, I have to assert a point of order.

The CHAIRMAN. Does the gentleman from New Jersey wish to be heard on the point of order?

Does the gentleman from North Carolina wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The basic test of germaneness is the question of whether the amendment relates to the basic subject matter of the bill. The basic subject matter of the bill before the House relates to the domestic content of automobiles.

This particular amendment in part, provides for a study of antitrust and tax implications of manufacturers sale-lease practices.

In the opinion of the Chair, that takes it beyond the subject matter covered by the bill and it is not related to that subject matter.

Therefore, under rule XVI, clause 7, the Chair finds that the amendment is not germane and sustains the point of order.

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: Page 36, after line 4 insert the following:

SEC. 11. STUDY OF IMPACT OF CURRENCY EXCHANGE RATES ON COMPETITIVENESS AMONG VEHICLE MANUFACTURERS.

The Secretary shall promptly appoint a task force consisting of the chief officers of the appropriate Federal agencies to study the impact of unbalanced and fluctuating rates of currency exchange on vehicle manufacturers and on the extent to which such rates affect domestic production of automotive products for sale and distribution in interstate commerce. The Secretary shall report to the Congress, within one year after the date of the enactment of this Act, on findings of the task force. The report shall include such recommendations as the task force deems appropriate for promoting fair competition among vehicle manufacturers.

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRENZEL. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Minnesota reserves a point of order.

Mr. FLORIO. Mr. Chairman, I am offering this amendment to address the single most significant factor that adversely affects American domestic automobile production capability. This amendment addresses the obstacle to the reinvigoration of our domestic automobile industry that currently flows from the currency imbalance between our own currency and other currencies, particularly the dollar-yen imbalance.

The amendment creates an interagency task force to examine the impact of imbalances between the dollar-yen and other foreign currencies and to make appropriate recommendations to the Congress within 1 year.

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During the several days of hearings held by my subcommittee on the problems of the U.S. automobile industry, the overvalued dollar was constantly cited as key issue. It accounts for over one-third of the $2,000 cost advantage currently enjoyed by the Japanese in the sale of their cars in our market over our cars.

I would urge adoption of this amendment in recognition of the underlying difficulty facing our domestic industry and would suggest that if we are passing legislation designed to be of assistance to our automobile industry to provide them with an even playing field, to pass such legislation without addressing the problem of the currency imbalance is to delude ourselves about our ability to deal with the problems of the automobile industry.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York (Mr. OTTINGER) wish to be heard on the point of order?

Mr. OTTINGER. Yes, Mr. Chairman.

We have had an opportunity to look at the amendment. We think the study the gentleman is asking for would be very helpful, and consistent with other studies that are provided within the bill. We strongly support the gentleman's amendment.

The CHAIRMAN. Does the gentleman from Minnesota wish to be heard on this point of order?

Mr. FRENZEL. Yes, Mr. Chairman.

Mr. Chairman, I believe this amendment is subject to a point of order. Again, I cite rule XVI, clause 7, the germaneness rule.

Under the amendment offered by the gentleman from New Jersey (Mr. FLORIO), we have a Secretary of Transportation appointing a task force of the chief officers of the appropriate Federal agencies to study the impact of fluctuating rates of currency on vehicle manufacturers, and on the extent to which rates affect competition.

This business of the rates of currency and the fluctuation thereof is a matter that has been studied by competent agencies: The Department of the Treasury, the Federal Reserve and others.

It is not within the competence of the Secretary of Transportation, nor is it within this committee's jurisdiction.

As a matter of fact, the exchange rate is something that is a shared jurisdiction among a number of committees, probably Banking, undoubtedly Foreign Affairs, and certainly the gentleman's own committee and probably Ways and Means as well.

In any case, it does not direct itself toward the bill which again is talking about domestic content, not about the yen-dollar rate.

As a matter of fact, the bill solves the yen-dollar problem by simply not admitting Japanese automobiles. If the bill has any force and effect, then this particular study will have nothing to do with automobiles. Further, Mr. Chairman, I suggest it probably will not have anything to do with agriculture or other American industry either because if the bill goes into effect, we will not be shipping or trading any of those commodities but suffice it for this point of order to say that this particular amendment deals with an interesting subject which ought to be carefully considered.

The gentleman who moved the amendment has an excellent resolution now pending in the Foreign Affairs Committee on this subject which I think the House ought to pass. It is certainly an important item. The only trouble is that for the purposes of this debate, it is not germane to the item in question which is the domestic content of automobiles sold in the United States.

The purpose of this bill is to keep any yen values out of the United States, and, therefore, this amendment can have no relationship to the main bill.

The CHAIRMAN. Does the gentleman from New Jersey (Mr. FLORIO) wish to be heard on the point of order?

Mr. FLORIO. Yes, Mr. Chairman.

Mr. Chairman, it seems to me that section 4 provides for an advisory council to undertake an analysis for the factors impacting on the domestic production of the automobile products for sale and distribution in interstate commerce. That language is tracked in this amendment and accordingly, it is within the scope of the bill and is germane.

The CHAIRMAN. Does any other Member wish to speak on the point of order?

Mr. BROYHILL. Yes, Mr. Chairman, I would like to address the point of order.

Mr. Chairman, the issues concerning currencies are not within the purview of this bill as presently contained in this bill, and the studies that are requested by this amendment are not consistent with the studies that are requested by the bill.

As has been pointed out already, the bill deals with the production of the automobiles and deals with the percentage of domestic content of those automobiles that are produced in the United States, and has nothing to do with any determination of the value of the dollar versus foreign currencies.

The CHAIRMAN (Mr. PANETTA). Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

Again, the test of germaneness is whether the amendment relates to the basic subject matter covered by the bill. The bill on page 20, section 4, calls for a domestic automotive product strategy study. In part, the strategy that is to be developed by the Secretary is to consider on a regular basis, and I quote section (B) of section 4:

> Those factors that significantly affect domestic production of automotive products for sale and distribution in interstate commerce.

The amendment that has been presented by the gentleman from New Jersey (Mr. FLORIO) refers to a study on currency rates that, and again, I quote from the amendment: "* * * affect domestic production of automotive products for sale and distribution in interstate commerce," and, therefore, tracks the same language that is included within the bill itself.

Therefore, it is the finding of the Chair that the amendment is germane, and the point of order is not sustained.

Is there any other debate on the amendment?

If not, the question is on the amendment offered by the gentleman from New Jersey (Mr. FLORIO).

The amendment was agreed to.

Ms. OAKAR. Mr. Chairman, in 1982, sales of American automobiles dropped to their lowest level in 20 years. Sales of domestic producers fell from 5.76 million units, down from 6.21 million units in 1981. This continues a longer term trend: Since 1978, sales of domestically produced cars have dropped more than 3.5 million units. At the same time, imports have risen about 300,000 units, increasing the market share for imports from 18 percent in 1978 to 28 percent in 1982. If it were not for the orderly market arrangement we have with Japan, the figures could well be much worse.

The causes of the depressed state of the American auto industry are varied: An important factor, though, is the more than $1,000 cost advantage imports have, especially those from Japan. A large part of this advantage can be attributed to the artificially low value of the yen with respect to the dollar.

The effect of the depressed state of the American auto industry is unemployment and that leads to higher unemployment compensation costs and lower tax revenues, from a variety of sources. The number of workers on indefinite layoff in the auto industry reached about 270,000 in 1982. For each automaker laid off because of declining sales, about 2.3 jobs disappear in the auto supplier industries, including rubber, glass, steel, electronics, and so forth, all industries important to our industrial base. What is exacerbating the problem is the increasing reliance of U.S. auto makers of foreign sources for parts and equipment for domestically assembled vehicles.

Passage of the domestic content legislation would be an important step toward halting the deindustrialization of America. If we are to remain a factor in the world economy, we must give our domestic industries some breathing room to retool and adjust to changing market conditions. We must halt the slide toward the obsolescence of American industry and the permanent layoff of the American industrial worker.

Because of inequitable currency values the U.S. automaker is at a disadvantage not only in the world market, but in the U.S. market as well. Domestic content would preserve a role for the American worker in the production of the vehicles sold in our market, which is the largest import market in the world. The U.S. manufacturer also has to compete on the world market with a different set of rules, putting us at a disadvantage. Passage of this legislation would strengthen the hand of American trade negotiators who seek to achieve a more equitable environment for our products.

As the auto industry in our country declines, so do many other associated industries. With the decline of industry, we will witness the decline of our standard of living and of our economic strength worldwide. We can sit back and watch it all happen, or we can pass this bill and thereby take steps to restore jobs and preserve an American presence in the world auto market.

The CHAIRMAN. Are there any other amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. NELSON of Florida. Mr. Chairman, we have all experienced anti-Japanese sentiments when we go back to our home districts. This has evolved from the feeling that the Japanese Government and Japanese industry do not play fair. Bumper stickers stating that "When You Bought Your Japanese Car, 10 Americans Lost Their Jobs," have popped up all around the country.

The U.S. trade deficit with Japan has been running about $20 billion annually. Obviously access to the American market is extremely important to Japan. The openness of the U.S. market as contrasted to the closed Japanese market is, in large part, the cause of this trade imbalance. Another contributing factor to the trade deficit is the fact that the dollar has remained strong against the yen for more than a year.

However, this domestic content bill (H.R. 1234) will not solve these inequalities—it will further exaggerate them. This bill will not alleviate our jobless situation by providing more American jobs. According to the Wharton Econometric Forecasting Associates, nearly 400,000 jobs would be lost in the United States by 1991 if this legislation were to pass. It is true that a possible 58,000 jobs would be created in the auto industry, however, according to Wharton, 423,000 additional jobs would be lost in the import distribution network—such as port facilities and dealerships, and indirectly through less world trade and retaliation by other nations.

Additionally, according to the Congressional Budget Office, each job created in the auto industry would cost $100,000—or $333 per auto. This could result in a 10-percent increased cost per car to the consumer.

This legislation may be an important statement that should be made to the Japanese. But this legislation is not the answer to unfair Japanese trade practices. It would hurt our own economy more than the Japanese. The Japanese had best pay attention to the principle of fairness and equity when doing business with the United States.

In addition to the economic arguments against this bill, it should be noted that the passage of this bill will probably violate our international agreements under GATT as well. Our trading partners most affected by this bill have vigorously objected to the provisions contained in the bill. The passage would probably result in retaliation by these countries that has been estimated at 25,000 jobs per $1 billion lost in trade, according to the Department of Commerce.

I have seen no objective studies of this legislation that have not shown a loss of American jobs. I urge my colleagues to take a hard look at what this bill will really do and to vote against final passage.

Mr. GAYDOS. Mr. Chairman, the original limitation of Japanese automobile imports to 1.68 million was in support of a plan to revitalize the U.S. industry. It was a plan that fell short because interest rates were high and the market was bad.

During the 2 years of the limitation, U.S. auto makers were to get started on an $80 billion modernization program. But interest rates were high and the market was bad, and project after project was canceled or delayed.

However, during the 2 years of the limitation, auto workers have kept their promise and they have increased productivity—increased it by 8.6 percent, according to what I have read.

And despite what appears to be a strategy by General Motors to concede up to 40 percent of the market to imports, the other American auto makers have kept their promises. They are bringing out new models and putting in new technology.

This Government has taken the agreement in short bites rather than in multiple years to avoid making the agreement an issue in Japanese elections.

And now—with the market for cars finally improving—the agreement is expiring, and in Japan and in some American board rooms they are eager to end it.

The market has only been good for a few months. There are profits, but they follow years of bloody, disastrous losses. Only 25 percent of the laid-off auto makers have been called back, and employment still is 32 percent below the 1978 peak.

In 1978, domestic production for the United States was 13 million units. In the year ending in September, we turned out 6.6 million automobiles and 2.5 million trucks. This market still is substantially less than healthy. It is weak but strengthening.

It is weak, but is promising the returns necessary to go on and build a modern industry that will create demands that help strengthen other basic industries, such as steel. Even with down sizing and new materials, about 21 percent of the steel we produce and 53 percent of the malleable iron goes into automobile production.

But in Japan, where unemployment reached a record 2.7 percent this year, and in some American board rooms, this quickening is about to overcome any voluntary restraint that existed. They want more. And they want it now.

It is important to remember that voluntary restraints came about because the administration and the Japanese feared that Congress would pass quota legislation.

That fear now is removed, and the voluntary restraints have been increased to a record 1.9 million or 2.2 million units.

This, of course, would kill our weak recovery. It has the potential for costing 25,000 steelworker jobs alone. If the import plans being laid in some American board rooms come to maturity, it will drive the three remaining auto makers to move much of their work offshore.

So it is important that the House pass H.R. 1234 and firmly declare that maintaining an American automobile industry is in the national interest.

Mr. Chairman, despite the protestations over the alleged severity of H.R. 1234, the fact remains that it would be an earthshaking liberalization if it were in place in Japan today.

And it is far kinder than anything the Japanese have done for competing foreign manufacturers from the prewar period through the present.

First, they threw all foreign manufacturers out of Japan in 1937 and have not allowed them back in—except as minority interest holders—since then. They wanted to develop their automobile industry and keep it oriented to the welfare of Japan.

Furthermore, the threshold under this bill for any domestic content at all is 100,000 automobiles, which is 65,000 more than the Government of Japan let into Japan last year.

Among the criteria set by their lengthy and expensive procedures—and they are still long despite an alleged reform—is to assure quality.

It is obvious that they set more store by quality than we do.

If we had a similar quality standard, no Subaru would be allowed to enter the United States based on performance history alone.

According to a recent Wall Street Journal story, Subaru has recalled more cars than it has sold, a record unequaled by any other auto maker.

About 850,000 Subarus have been sold in the United States since 1977 and 874,000 have been recalled; 84,000 of the 1980 model were recalled to keep the seats from falling over; and 43,000 of the 1981 and 1982 models were recalled to keep the steering wheel from coming off.

These are matters of safety as well as quality. If we screened at our borders thoroughly for safety, as the Japanese do, it might be more effective than domestic content.

Year in and year out Japanese automobiles have performed poorly on crash tests. But we do not screen for quality or safety to the degree of the Japanese.

But then, with imports hardly ever topping 40,000, it is reasonable to suspect the program has some goal other than insuring quality or safety.

So, it would be an amazing act of liberality—the kind that sends workers rioting in the streets and causes governments to fall—for Japan to take even the 100,000 cars this bill would allow without any domestic content at all.

It also would be an increase of 285 percent above what they have taken.

Mr. Chairman, I do not believe passage of H.R. 1234 will start a trade war as opponents say. I do believe it can slow down the trade war that we are losing.

But, as to result, I choose to believe what Mr. Phillip Caldwell, chairman of the Ford Motor Co., told our Subcommittee on Trade when he testified last year.

By the way, Mr. Caldwell opposes domestic content.

Nevertheless, he said:

> If this bill were law, I have no doubt . . . the Japanese would wish to be a major part of this market.

There are many domestic content laws in the world, he noted, and Australia has the most recent.

"Toyota, Mitsubishi, Nissan, are all there," he said.

Let me emphasize the point: This is the biggest automobile market in the world. Anybody who wants to be a big auto maker has to sell here. And people who have been selling up to 1.9 million cars a year here are not going to walk away from it because they are required to contribute in some way to this economy.

Do not take the parade of horribles about lost dealerships and related jobs at face value. Remember that cars made here under the law still need dealers to sell them and mechanics to make them run in the same numbers that they now require them.

Mr. Chairman, it is foolish to think that killing this bill will better our chances to sell more foodstuffs to Japan or help Americans eventually crack the services market.

It is equally foolish to think that passage of it will adversely affect what trade there is.

They will only deal with us when they need to and when it is advantageous to them, just as they do now.

This struggle goes beyond the hopes of currying enough favor to get them to accept a few more boxes of oranges or a few more sides of beef.

A speech by an American doing business in Japan Mr. William K. Nichoson, provides some necessary perspective. The talk was published in the magazine speaking of Japan.

> A very complicated business in Japan. The Food Agency of Japan is the sole buyer of wheat . . . resells to the milling companies on quota. Whatever they milled last year is what they get to mill this year.
>
> Thus the Government controls the amount of wheat that comes in—flour is a prohibited import; premixes are a prohibited import—and the Government resells the

> wheat to the millers at about 2.5 times the world price.

Let me emphasize, Mr. Chairman, before profit is even figured in, the Government of Japan hits the poor Japanese consumer for 2.5 times the world price.

But Mr. Nichoson continued:

> They do this to protect the rice farmers. By keeping wheat and flour high, the Government is preventing a major desertion from rice-based to wheat-based products.

They take only what they must have. They keep home any value that can be added or gained no matter who has the comparative advantage.

According to a former consul general of Japan in the United States, one-half of all Japanese imports from the United States are industrial raw materials and foodstuffs.

In food, because they feel vulnerable, the Japanese do not want to become dependent fully on any one source. This is why they put Brazil into the soybean business.

In the matter of citrus and beef, survey after survey finds that the farmers of Japan, and the man on the street, view them as the last barriers standing between more efficient nations and rice.

There are signs, I have read, in Japan that read: First citrus and beef, then rice from Arkansas and California. The point of the signs is to rally resistance.

As for services, such as insurance, penetration is not likely. Each bank has subsidiaries deeply involved in insurance. And the banks and the insurance companies are deeply involved in equity ownership of industry and in financing development and modernization of industry.

It is a closed circle. There simply is little business to be had and much resistance.

So it is rather superficial to think that passage of the domestic content bill can make things worse than they are.

Mr. Chairman, the news from Japan is that by hard bargaining the trade representatives of the United States have held the Japanese to sending only 1.85 million cars here next year; they have sent that number here only once, and that was on the way to an alltime record.

In addition, critical observers note that there are enough loopholes in the agreement to raise the number to 2.01 million, a new record.

This is an increase of 10 percent, if the Government announcement is true, or 20 percent, if the critics are correct.

Meantime, our trade representatives have ignored the 22.5-percent export subsidy on Japanese cars;

They have ignored the easy-capital, low-interest policies followed by the Japanese Government to make their export—or wealth gathering—industries successful at market penetration;

They have ignored the recovery-breaking effect of this surge on U.S. auto makers and U.S. auto workers, who have kept their promises to invest and to become more productive. It could mean about 25,000 steel jobs alone.

On top of all of this, no Japanese market is more open as a result.

Furthermore, the crowning abuse is that the U.S. Government has refused to face the fact that tens of thousands of needed American jobs may eventually be driven offshore by this and other pending developments in the automobile industry.

Mr. Chairman, the House can find no better reason than the news from Japan for taking up and passing as soon as possible the bill on domestic content (H.R. 1234).

● Mr. BEDELL. Mr. Chairman, I have wrestled with this vote a great deal. After carefully studying the bill, I met with my constituents, including many labor and business leaders, that may be directly affected by this legislation.

It is clear in my mind that the automobile industry is essential to a healthy American economy. I recognize the difficulties that the automobile industry has experienced in the last several years. While many of these difficulties are behind us, this industry still faces many challenges ahead. In every recession in the postwar period, there has been no substantial recovery without a recovery in the auto industry. It is easy to see why this fact has been true. There are well over 2 million workers associated with this industry and over 50,000 U.S. businesses. This industry makes up 3.3 percent of our GNP and 9 percent of all U.S. goods production. Furthermore, this industry has been pivotal in terms of manufacturing technology and improved productivity. It is difficult to imagine how long this Nation could remain a major industrial country without our automobile industry.

The question remains, if the automobile industry is essential, is it fundamental that the Nation provide the auto industry trade protection from foreign competition? And, if so, is it better to have voluntary negotiated restraints or import quotas, tariffs, or domestic content requirements? I believe the answer to these questions is that some form of trade restraint may be necessary and I believe the best form of restraint is voluntary, negotiated import restraints.

I must admit, during the debate on domestic content legislation before this House last year, I was not sure that some form of trade restraint was necessary for the automobile industry. Since that vote I have become very active in studying several economic theories regarding the problems facing our country. Frankly, I am very worried about our Nation's current economic course. My studies have clearly shown to me that without the improved strength of the auto industry our current economic condition would not be as strong. Furthermore, I believe the automobile industry's recovery is in large part because of the voluntary restraints that our Government negotiated with the Japanese Government.

With these thoughts in mind, I had been seriously considering voting for H.R. 1234. Earlier this year it had been suggested by a Japanese official that the Japanese Government would not extend the current voluntary restraints. However, on Tuesday, U.S. Trade Representative Brock announced that the Japanese Government will continue voluntary export restraints through March 31, 1985. These restraints, I believe, are substantially more beneficial than imposed content requirements and in my opinion will accomplish much the same desired end. In 1982, Japan had 22 percent of the U.S. passenger car market. In 1983, that market share is estimated to drop to around 20 percent of domestic sales. In 1984, under the new voluntary import restraints of 1.85 million units, it is estimated that the Japanese share of our automobile market will drop to 18.5 percent as domestic auto sales increase to 10 million units as projected. This will place Japan's market share at its lowest point since 1979 and will return over $3 billion in sales to domestic automobile companies.

Under these voluntary restraints we reduce the possibility of beginning a trade war with our trading partners which may occur if domestic content legislation is passed. Many have suggested that in its current form H.R. 1234, violates the General Agreements on Tariffs and Trade (GATT). Currently Greece, Spain, and Australia are the only industrialized countries that have local content requirements for automobiles. Many other countries have negotiated agreements which restrict the import of automobiles. These negotiated agreements I believe are preferable to unilateral trade restrictions.

Futhermore, I am concerned about the consequences for American agricultural products if this legislation were to pass. Japan is the largest single market for American agricultural exports. Japan currently purchases one-sixth of U.S. exports of soybeans and is the largest single market for American feed grains and beef. In 1981, Japanese agriculture purchases totalled $6.6 billion. While I believe additional trade negotiations need to be held regarding further expanding the Japanese beef and citrus fruit markets, I fear that the passage of this legislation would adversly affect this effort.

Clearly, this is not an easy vote to cast. However, after careful consideration, I believe it is in the best interest of the American country, the automobile industry, and our future trade negotiations that we work with our trading partners to establish voluntary restraints. At this time I believe the economic and policy considerations do not warrant passage of this legislation.●

● Mr. WEBER. Mr. Chairman, like a bad dream, the domestic content bill has come back again to haunt us. Appropriately labeled by many as "the most profoundly anticonsumer bill before the Congress" the legislation not only violates international trade agreements, it also threatens to seriously damage our agricultural export markets. These are markets that we have worked hard to develop, and which are vital to the continuation of our strong economic recovery.

The nation likely to be most dramatically affected by this legislation is Japan. As many of my colleagues know, Japan is the largest export market for U.S. farm products, comprising about 15 percent or our exports, at $5.5 billion. Domestic content legislation would wipe out $5.5 billion worth of Japanese auto exports. Without being a mathematical whiz, one can logically assume that the Japanese retaliation would equal our entire farm export market.

It seems unfair for us to ask our farmers to bear the consequences of unnecessary protectionist legislation. Furthermore, economic evidence indicates that the need for this type of legislation is more imagined than real. Recent third quarter figures show a drastially improved automobile industry. Profits are way up, and with the continued economic recovery that is expected, this positive trend will continue.

The Japanese have already signed a voluntary agreement to limit their auto exports to this Nation. Our auto industry is showing signs of strength from within. Why, then, is it necesary to threaten international agreements, and our agricultural community, with a bill destined only to produce domestic discontent.●

● Mr. KOLTER. Mr. Chairman, I rise in strong support of H.R. 1234, the Fair Practices in Automotive Products Act. This very important bill would establish urgently needed domestic content requirements for vehicles sold in the United States.

The auto industry has an enormous impact on the economy and employment in this country. We must have a vibrant auto industry if we are to have a true economic recovery. It is estimated that we have lost over 1 million jobs in the auto and related industries since the mid-1970's because of foreign imports and the number is rising sharply. The House passed a domestic content bill last year but the Senate unfortunately failed to act on it. We need this legislation now more than ever so let us send a message to the Senate, the President, and the American people by voting overwhelmingly to pass the Fair Practices in Automotive Products Act.

The steel industry has been particularly hard hit by the weakened domestic auto market but then the same could probably be said about the plastics, rubber, electronics, and glass industries. Regardless of the industry we point to, the results are the same: Unprecedented levels of unemployment. If we continue to allow the industrial base of this country to erode, we not only threaten any economic recovery we may have but also the national security of the United States. No great nation can remain great for very long without a strong and healthy industrial base.

It is time for us to show the world that we will no longer allow them total access to the greatest consumer nation in the world while they slap us in the face by restricting the products we want to sell in their country.

The free trade policy that this administration espouses has cost us jobs—hundreds of thousands of them. While we defend and protect our allies in the world, they build cars and send them here. While we spend billions of dollars on defense, Japan and countries in Western Europe spend billions of dollars subsidizing their auto and steel industries. While they put their people to work, we put ours in the unemployment line. While they have growing economies, in western Pennsylvania we have an economic recovery that is always around the corner. No other industrial country who produces autos allows the amount of foreign imports that we allow. These countries have industrial and trade policies that encourage exports and prohibit imports. Italy restricts Japanese imports to less than 1 percent. France restricts Japanese imports to 2.5 percent. Great Britain and West Germany restrict all foreign imports to 11 percent and Japan restricts imports to less than 1 percent. Compared to these figures, the 28 percent of imported cars sold in the United States almost makes it look like we are trying to self-destruct our auto industry. Make no mistake about it, we need a domestic content bill. Over 30 industrial countries already have domestic content laws on the books.

H.R. 1234 simply states that the more cars a company wants to sell in the United States the more they are required to build those cars here. It seems only fair that if a company wants to take advantage of the largest automarket in the world, it ought to put some of the manufacturing in that market. That is what would be required if this bill became law. Opponents of the bill claim that this is a quota bill—reducing competition by shutting imports out of our market—but actually the bill is an investment bill that would require that foreign car companies to put plants here in order to maintain access to the U.S. market. This requirement would obviously help put some of those 1 million people back to work.

I urge all of my colleagues to join with me and send a message to the world. It is time for a fair trade policy in the United States. It is time to bring our trade policy in line with reality and into today's real world. Like so many of the other policies, programs, and ideas espoused by this President, his free trade policy belongs to a different era.

We owe it to the American people and to the millions of unemployed to pass this very important legislation.●

● Mr. WOLPE. Mr. Chairman, I thank the gentleman for yielding. I would like to associate myself fully with the remarks of the gentleman from New York and want to commend both him and the distinguished chairman of the committee (Mr. DINGELL) for their outstanding leadership on this issue. I rise in strong support of the legislation before us, H.R. 1234. I have heard some of our colleagues argue that the House should not act favorably on this bill as it is a protectionist piece of legislation, not in keeping with our free trade heritage. Let those who bemoan local content legislation tell us what alternatives they propose. We have certainly heard a great deal of criticism and doomsday predictions, but there has been precious little offered by way of concrete and viable alternatives. I would ask those Members to face the 180,000 unemployed auto workers and the 600,000 people who remain out of work in the auto supplier industries and tell them that this is not the best way to assist the auto industry.

The facts are before us. The number of unemployed Americans has reached a level that cannot be ignored or even tolerated in the short run by those elected to represent the interests of our citizens. Even the slight upturn in recent economic activity has not alleviated the effects of the recession which threaten the collapse of many of our basic industries. How can we—how should we—respond?

I believe that H.R. 1234 is the one effective tool currently available to encourage those who wish to take advantage of the American market to invest here in our country. Moreover, this legislation is significant as an expression of the building frustration in the United States about the gross inequities we encounter in the international trading practices of many of the major trading nations. It must be made clear that the United States is no longer willing to sacrifice American jobs for the sake of rigid economic ideology. We all need to understand that the world simply does not operate according to the textbook principle of the invisible hand. The interfering hand of governments engaged in targeting and subsidization can no longer be ignored.

I think it is also critical to evaluate this issue in the context of the broader question of our national economic strategy. It is clear that it is not only the auto industry that is in trouble, but much of our industrial base is suffering a severe decline that must be reversed immediately. It is imperative that this body, and our Nation as a whole, formulate a coherent and cohesive industrial policy that puts the United States back on the road to a sustainable economic recovery and maintains our position as a dynamic and competitive force in the world market.●

● Mr. CONYERS. Mr. Chairman, the fair practices in automotive products bill (H.R. 1234) is an appropriate and well-conceived response to the conditions existing within the auto industry. Working men and women in the auto industry have shouldered the major burden of poor management decisions, the flight of capital and production abroad, and the flood of imports. While industry sales have improved somewhat during the past several months, the industry is still vulnerable and in transition. More time is needed to safeguard its viability, the economic strength of local communities where auto production occurs, and the jobs of auto workers, several hundred thousand of whom continue to be unemployed.

The domestic auto content bill now before the House has been judged by its critics to be too strong a medicine. There are times, however, when only strong medicine can cure a long-developing condition of decline. The Chrysler loan guarantee package enacted in 1979 ran into many of the same arguments now used against the domestic auto content bill. Yet the rebirth of the Chrysler Corp. has demonstrated that whole chunks of American industry need not be abandoned or put up for sale while other industrial powers continue to make enormous inroads into domestic markets.

In the past 5 years, over 700,000 jobs in automobile production and related industries have disappeared. After a year of so-called economic recovery from what was the worst tailspin since the Great Depression, unemployment still stands at record levels. More than 200,000 auto workers remain unemployed as well as more than 500,000 employees in related manufacturing and service fields.

Historically, the auto industry has been a bellwether sector in terms of jobs, wages and labor standards, technology, and stimulus to production in other key industries. Despite current unused capacity, the auto industry still consumes more than 20 percent of the steel in use, 50 percent of the malleable iron, and 60 percent of the synthetic rubber. The industry employs nearly 5 million workers in manufacturing, among suppliers, and through sales and service. It sustains over 50,000 small businesses and in the aggregate accounts for 9 percent of total domestic goods production value.

America's auto industry, like so much of the rest of heavy industry, is undergoing profound changes. The industry is automating and down sizing and this will result in further job loss. The auto sector is in a race to catch up with the Japanese, whose wide-ranging governmental supports, lower wage rates, and greater efficiency has provided them with a competitive edge for years to come. Japan's tax laws, for example, forgive domestic commodity taxes on their auto exports, which is equivalent to an export subsidy. The undervaluation of the Japanese yen alone gives the Japanese another $600 or so advantage. Wages in Japan's auto industry are roughly $8 an hour lower than in the United States, at a time when Japanese subcompacts are assembled in nearly half the time required to assemble a comparable American car. When all of these advantages are factored in, it appears the Japanese can build cars, on the average, at between $1,700 and $2,200 less than U.S. manufacturers.

The domestic content bill is criticized on three grounds. Critics allege it would generate retaliatory action, create only a negligible number of new jobs, and reduce industry competition, resulting in higher prices and slackened sales. The assumption that Japan would retaliate is not sustainable by recent experience. Why would the Japanese abandon the world's most lucrative auto market? Where would they turn, furthermore, for their vast imports of agricultural productions, lumber, and minerals? In fact, the Japanese never have retaliated against the European nations that have imposed far harsher import quotas than ours. Over 20 nations currently apply local content requirements, including the Japanese, and this has never caused any major trade difficulty. Though the British, French, and Italians severely limit Japanese auto imports, the Japanese have never filed a single complaint against them under the GATT agreement.

The argument that the bill would result in a negligible number of new jobs, or even a net job loss, reflects the unrealistic assumptions of a trade war. Without this assumption, there is general agreement that this legislation would, in fact, create and preserve several hundred thousand jobs, including those saved in curbing the outsourcing of auto parts production by U.S. auto makers for domestic use. The bill does not affect at all the ability of U.S. automakers to build auto parts overseas for the units sold abroad.

The domestic auto content bill is designed to stimulate domestic auto investment and competition, not to retard it. Past experience amply demonstrates that the threat or achievement of import quotas by European common market countries spurred the Japanese to build auto production facilities in those countries. Honda, for example, decided to locate an assembly operation in Great Britain only after the British banned Japanese imports over a 5-month period. Similarly, mounting American pressures have spurred the Japanese to locate auto plants in the United States and to undertake coproduction arrangements.

According to a recent Commerce Department publication, the import share of the U.S. auto market is expected to climb by the decade's end to 40 percent or more, unless current policy is changed. The voluntary restraint agreement initiated by the Japanese is useful, but of limited value and duration. Given the continued growth in Japanese imports, they should be prodded to undertake larger investments in U.S. domestic auto production. The legislation before us will stimulate competition by compelling the Japanese and other auto importers to build more plants in the United States, so that competition with domestic auto makers will be more direct and take place here where American automobile workers can find jobs.

The domestic auto content bill is an appropriate remedy to spur domestic investment and protect jobs during this critical transitional period. It sends a realistic signal to others that the United States is serious about protecting its industries, communities, and working people. To be sure, this legislation alone cannot solve all aspects of the problem. An easing up of monetary policy clearly would boost the auto industry's sales and employment. A comprehensive and well-designed industrial policy, including industrial councils and development banks, is long overdue in order to bring some coherence and farsightedness to economic policy. It is time, however, to give priority to our own workers, our industrial communities, and our vital industries, and this can be done for autos by supporting the fair practices in automotive products domestic content legislation.●

● Mr. WILLIAMS of Ohio. Mr. Chairman, I rise in support of H.R. 1234. The 17th District of Ohio is often used as an example of the kinds of pockets of unemployment that are stretched across the Nation. Even as the recovery is underway nationwide, my district remains severely crippled by the collapse of the steel industry. The one bright spot in our local economy is the auto industry.

But, Mr. Chairman, that industry is threatened by foreign imports. Thousands of American jobs are on the line. Even with voluntary restraints on the part of foreign exporters, the huge volume of vehicles coming into this country depresses our own auto production.

Free trade may be a virtue in the eyes of most of us, but fair trade is an even greater virtue, and our citizens who make their living building American vehicles are not getting a fair shake.

Domestic content legislation is fair, it is workable, it is needed. I urge my colleagues to buy—and to vote—American.●

● Mr. DREIER of California. Mr. Chairman, I rise in opposition to H.R. 1234, the grossly misnamed Fair Practices and Procedures in Automotive Products Act of 1983.

There is nothing fair about this bill. Can supporters of H.R. 1234 honestly say that it is fair to limit choice? To increase car prices by as much as 10 percent per vehicle? To create a few jobs in the automotive industry at a cost to the consumer of $80,000 per job?

An even better question would be to ask the thousands of Americans who work in export-related industries if they mind having their livelihoods threatened by this legislation. Estimates of the net loss of American jobs as a result of domestic content laws in the automotive industry range from 67,000 to as many as 365,000. Is this fair?

No, Mr. Chairman, this bill is not fair. It is foolish. It is dangerous. And it deserves to be laid to rest with all the other protectionist trade laws which periodically threaten the health of the world economic order.

I urge my colleagues to defeat this reckless, pernicious, and wholly unfair legislation.●

● Mr. OWENS. Mr. Chairman, all Americans will greatly benefit from the domestic content bill presently being considered by the House. This is not a measure which helps only a small special interest group. This effort represents a first step toward restoring the viability of the total American economy. This action is a long overdue counterattack against the great international free trade swindle.

In the name of free trade we have created an economy which only benefits the jet set and the very rich. Very powerful people with a great influence on U.S. trade policies have cooperated with, and profited from this great trade swindle. The automobile industry has been a primary victim of this well camouflaged conspiracy. Obviously, investors, financiers, brokers, and other similarly placed people are making millions of dollars as they criss-cross economies. The people who are left to suffer are the workers, the unemployed and, ultimately, the consumers.

One of the worst victims of this manipulation of the international economy has been the automobile industry. Over the last 4 years more than a million jobs have been lost in the American automobile manufacturing industry and in the industries which supply raw materials and parts for the automakers. The ripple effect of this loss of jobs continues and grows worse as whole cities and regions are crippled. Utilizing cheap labor and massive hidden subsidies, European and Japanese manufacturers have invaded the U.S. auto market and captured 30 percent, a 12-percent rise since 1978. In Japan and Europe no reciprocal invasion is permitted. Only American leaders sellout their workers and rob consumers of new spending power by undercuting activities which create more jobs and income at home.

As an example let us consider the free trade swindle perpetrated by Japan and the American trade policymakers over the last 5 years. In 1982 we imported $17 billion more in goods and services from Japan than that country imported from the United States. For the other 4 years the figure was $15 billion more in 1981; $10.4 billion more in 1980; $8.6 billion more in 1979; and $11.5 billion more in 1978. In the last 3 years the imbalance of trade in Japan's favor and against the interests of U.S. workers has increased dramatically. Fear of retaliation has been cited repeatedly on the floor of this House. What more can Japan do to us? What can retaliation accomplish when they are already $17 billion ahead. A $17 billion punishment has already been inflicted upon our economy; $17 billion, in 1982, flowed out of the U.S. economy into the economy of Japan. Not retaliation but calibration should be our concern. A new adjustment if needed. We need to return to an old fashioned bartering concept. Country by country we should not import any more than we export. If Japan buys only a limited amount of beef soybeans and other American products, we must buy an equally limited amount of their products. Not retaliation but equality should be our concern.

At last this domestic content bill begins to expose the scandal of American trade policy. Unfortunately, this bill is only a modest step forward. Instead of addressing the overall problem of the great free trade swindle, this resolution merely calls for an increase in the portion of the manufacturing process which is carried out in this country. This change will create jobs within the same economy where the products are sold. The domestic content bill is a vital first step which must be taken while we search for ways to combat the bigger problem of the international free trade swindle.●

● Mr. GORE. Mr. Chairman, the issues in the bill before us today are no different than a year ago when the House first voted on domestic content legislation. If anything, the arguments against the bill have strengthened.

Since last December, we have been heartened by increased sales and profits in the domestic automobile industry. Chrysler's Federal debt repayment reinforced the support most of us gave to that loan package several years ago.

And only this week the Japanese have announced that their manufacturers have agreed to extend their voluntary import limits with only a modest increase.

In my district in the heart of Tennessee, Nissan last month officially opened its $200 million small truck plant. There are now 2,000 Tennesseans at work in that plant, and thousands more recently employed by businesses supplying the plant and providing services in the nearby area. The Nissan plant is a monumental tribute to United States-Japanese economic cooperation, one which has positive implications not only for the Tennessee economy but for future foreign investment in U.S. manufacturing.

Mr. Chairman, the United States now functions in a global economy. We want to be a leader in developing new export opportunities for our small businesses and large manufacturers, in the traditional smokestack industries as well as in the blossoming high-technology services and products we believe will dominate future economic growth.

Mr. Chairman, I believe the authors of the domestic content legislation before us today sincerely believe that this measure will help protect U.S. auto makers from Japanese imports—mostly from Nissan and Toyota. We have seen figures which claim massive job benefits from the bill.

But Mr. Chairman, these figures are not only speculative but superficial in analyzing the impact of this bill. I will cite only a few statistics which bear my colleagues' consideration:

The bill is, in effect, a quota on Nissan, Toyota, and Honda. Limiting U.S. sales of those models will clearly limit customer selection, create lengthy waiting periods on the most economical models, and drive up prices.

Whatever speculative job gains that might occur in the domestic manufacturing sector would be more than offset by the severe impact in the substantial number of U.S. workers engaged in import, sales, and service of foreign automobile models.

Thousands of jobs created by recent foreign investment in U.S. manufacturing facilities—by Nissan, Honda, Volkswagen, and a potential Toyota-General Motors plant—could be seriously jeopardized by the bill's limit. Officials of these companies have stated this potential before several House committees.

The foreign trade implications are clear and troubling. The Congressional Budget Office has documented the net loss to U.S. exports resulting from this bill. The House Committee on Ways and Means, citing this fact and a range of inefficient shifts in resources within our economy, gave the domestic content bill a resounding adverse report.

Opponents to the bill form a long and credible list: almost every farm group, the League of Women Voters, the U.S. Departments of Agriculture and Commerce, the U.S. Trade Representative are but a few who have stated firm, well-documented opposition to the bill.

Mr. Chairman, I consider myself a strong supporter of the working men and women in Tennessee and throughout our country. I have a solid record in support in legislation to insure a fair relationship between business management and labor. So it is frustrating and difficult to oppose serious legislation promoted by an organization representing millions of American workers.

But I also believe strongly that we must address each issue on its own merits. Mr. Chairman, the merits are simply not behind the domestic content legislation before us today. If I believed this bill would reverse the trade imbalance we have encountered with our domestic manufacturers' foreign competitors, and in turn produce a net gain in our economy, then I would be at the forefront of supporters.

But, Mr. Chairman, I do not believe this is the case. The domestic content bill before us is little more than a restrictive, punitive quota levied on three manufacturers of automobiles with wide consumer appeal in this country.

The answer to the long-term competitive dilemma facing U.S. manufacturers of not only automobiles, but electronics, steel, and other products is an economic policy which helps modernize our businesses to improve productivity.

A quick fix system of restrictive quotas, disguised as incentives for increasing domestic content in imported automobiles, is not only shortsighted. The bill is a dangerous signal to U.S. businesses trying to regain the competitive edge in a rapidly changing world economy.

Mr. Chairman, the rigid protectionism proposed in this bill is not the answer. I urge my colleagues to oppose H.R. 1234.●

● Mr. ALBOSTA. Mr. Chairman, the U.S. economy continues to struggle despite some improvements in overall production and employment. The unfair and illegal trade practices by various foreign governments have greatly hindered any additional progress in our foreign or domestic markets. This trend must not continue.

Presently, unemployment in my State of Michigan is at 13.6 percent. Many in this group are U.S. auto workers who have been laid off for an indefinite period. The illegal and unfair trade barriers used by other foreign countries have forced cutbacks in our domestic production and allowed foreign competition to dominate our auto industry. While America has continued to offer a fair and free market, many other foreign trading nations such as Japan, England, and other members of the European Economic Community, have found ways to keep foreign imports—that is American cars, agricultural commodities, citrus products, and other U.S.-produced goods, to a bare minimum. They do this through high tariffs, taxes, discriminating regulations, exhaustive inspection requirements, and quotas. Without some positive changes in this area these people will continue to stand in the long unemployment lines.

More than 1 million auto jobs have been affected by imports and the number continues to rise. Workers in other industries such as steel, aluminum, rubber, glass, textiles, paper, electronics and plastics, have also been greatly affected by these actions in the international market. While I understand the solutions are difficult, I believe this legislation now before the Congress can facilitate some positive changes so desperately needed.

H.R. 1234, otherwise known as the "domestic content bill," is a vital and necessary part of this important process to revitalize our domestic economy and strengthen our position in the international market. Without this legislation and further pressure to reduce the unfair and illegal trade practices, the issue of fair and free trade will never become reality.

This local content bill will set minimum domestic content requirements for manufacturers who sell more than 100,000 cars per year in the United States. This will certainly promote the fair trade issue. H.R. 1234 would provide some guidelines for these changes and demonstrate to our foreign traders that the United States will not continue on its present course. This legislation does not restrict foreign auto sales in this country, it simply requires that they invest in this Nation to produce their automobiles for the American market.

As you consider your vote on this bill, realize the importance it holds for those who have lost their jobs and are willing and able to return to work. I believe we the Congress have the responsibility to assist in this process and provide the opportunity for employment and future economic growth. I ask my colleagues to consider the necessity of fair trade in this country and the future of our unemployed in making their decision. I urge you to join me in support of the local content bill.●

● Mr. MORRISON of Connecticut. Mr. Chairman, I rise in strong support of this legislation, which is designed to deal with the phenomenal growth in the number of foreign car imports and in the foreign-built share of the U.S. new car market.

Foreign producers almost doubled their share of the U.S. car market between 1970 and 1982 when they went from 15.3 to 27.8 percent of sales. The effects of this shift toward foreign imports are well-documented. During the 5 years ending in 1983, an estimated 870,000 workers in the domestic automobile and auto-related industries lost their jobs.

As U.S. plants have been replaced by foreign plants, this country has also borne the added costs of unemployment insurance and other government program benefits, retraining and relocation of displaced workers, and thousands of personal tragedies, including increased hunger, deteriorating physical and mental health and mortgage foreclosures.

Finally, local, State, and Federal governments have lost billions in revenue from taxes on wages, profits, and property as factories closed and property values plummeted.

We must put an end to this crisis. The domestic content bill will help by restoring some balance in our trade relationships and give American producers a chance to compete on a fair basis.

Today, all major auto-producing nations impose substantial barriers to U.S. imports. For example, members of the European Economic Community—Germany, France, England, and Italy—impose a 10.8 percent tariff on foreign automobiles. Japan has no tariff as such, but imposes a 15 to 20 percent commodity tax on all cars sold in Japan, but not those produced in Japan for export. In contrast, the United States has a tariff of only 2.8 percent and no Federal sales tax. As a result, Japanese consumers of U.S. cars pay for a product that is fully taxed by both the United States and Japan while American consumers of Japanese cars benefit from our low tariff and a Japanese Government subsidy averaging $1,200 per car in tax exemptions.

Another advantage shared by all foreign producers is the overvaluation of the U.S. dollar. Because of our high interest rates and the relative security of dollar investments, our currency has become an increasingly valuable commodity. In contrast, the Japanese Government has retained a strict monetary policy designed to keep Japanese interest rates low and Japanese investments inside Japan. This policy leads to undervaluation of the yen. Even before the recent surge in U.S. currency values, the overvaluation of our dollar and the undervaluation of the yen added approximately $750 to the cost of American cars in relation to their Japanese-produced counterparts. To day, the difference is even greater.

While H.R. 1234 will not change these unfair differences, it will alter the trade balance by requiring foreign producers with substantial sales in the United States to increase or build production facilities in this country. To the extent that car components are produced in the United States, consumers will lose the benefits that result from differences in tax policy and the overvaluation of the U.S. dollar. That is only fair, however, since the advantage is not a result of competitive difference between producers and is won only at the expense of lost domestic jobs and tax revenue.

The working people of this country are looking to us for leadership on this issue. I urge my colleagues to vote in favor of the domestic content bill.●

● Mr. FORD of Michigan. Mr. Speaker, there are many compelling reasons to pass H.R. 1234, the domestic content bill. At stake are hundreds of thousands of American jobs at a time when backbone industries are undergoing cataclysmic changes.

The kind of problem we are facing is illustrated dramatically by General Motor's plan to import half a million additional Japanese cars every year for sale in this country under GM's logo.

If Congress fails enact H.R. 1234 we can expect to see the virtual eradication of small car production and a huge increase in automotive component imports. Auto executives surveyed by University of Michigan researchers predict that U.S. auto makers will import 35 percent of their parts by 1990 if domestic content laws are not enacted. Detroit spent $30 billion on parts in 1980: the potential losses for the U.S. economy are enormous.

I hope my colleagues can see how misleading it is to label H.R. 1234 protectionist. That term implies that uncompetitive U.S. companies are being protected from foreign competition. The truth is that domestic content laws will protect the U.S. economy and American workers, not the Big 3. Like the Japanese multinational automaking corporations, the Big 3 will make a profit wherever they can. If they can make more profit by building cars in Brazil, Japan, and Mexico, they will. If domestic content laws force them to build in the United States then, like Nissan—which is building trucks in Tennessee only because of a change in U.S. tariff laws—they will build in the United States.

The choice belongs to Congress. We can either have an American auto industry employing millions of American workers or we can have unlimited imports from Japan and the Third World. We cannot have both.

I would like to bring to the attention of my colleagues a plan advanced by General Motors Corp. that, if allowed to succeed, will prove costly to American workers and our Nation's fragile economic recovery.

In order to remedy its present relatively uncompetitive position in the small car market, GM is seeking to change Federal trade, energy and antitrust policies.

This would be necessary to meet what has been labeled GM's Japan strategy.

By the 1985 model year GM wants to import 100,000 small cars from Suzuki and 200,000 annually from Isuzu for sales under GM's name in the United States.

Moreover, it wants to enter into a deal with Toyota Motor Corp. to produce another 200,000 small cars in the United States each year for sale through its Chevrolet division.

The entire scheme would give GM half a million subcompacts each year at low production costs. Currently subcompacts represent about 40 percent of the domestic new car market.

To hear GM tell it, all of this would be temporary while the giant automaker learns to manufacture small cars as cheaply as Japan.

I do not question GM's motive which is to make as great a profit as it can. But I do question its strategy, which would transfer all small car production—and major component manufacture—overseas.

In this case, at least, what is good for General Motors is not good for America.

The plan would create a custom-designed domestic market concentrating on mid-size and big cars, wiping out small car production and jobs in this country.

Big cars certainly are not the wave of the future; in reality we are probably at best only catching our breath between energy crises. And I do not think America is ready to transport this vital industry overseas.

Unilaterally GM cannot put its plan in place.

First, GM wants to change EPA rules. As things now stand, U.S. car makers must have an average new car fleet fuel consumption of 27.5 miles per gallon by the 1985 model year. GM plainly is not going to meet this. It could, however, if it were allowed to add to its mix more high-mileage Japanese-built cars. In addition because GM is the world's largest auto maker and Toyota is the third largest, GM needs approval of the Federal Trade Commission to enter into the U.S. production agreement with Toyota. The combination of these two giant corporations raises serious antitrust questions.

What all this adds up to is that GM wants a lot of concessions from the Federal Government so it can send a lot of U.S. jobs to Japan.

The United Auto Workers estimates that the GM plan could cost more than 100,000 American jobs and millions of dollars in Federal and State tax receipts. Frankly, I do not think the Nation can afford this price tag to help GM learn the small car production ropes.

If GM succeeds, Ford Motor Co. says it well might have to abandon production of small cars in the United States turning itself to Japanese-made cars to keep competitive.

And Chrysler Corp., which has just made a spectacular comeback after peering into the abyss of bankruptcy, says it would have to scrap plans to build a new small car in this country and probably would have to follow GM's lead. Not only would this country lose a $600 million investment, but thousands of Chrysler workers would lose their jobs.

GM, of course, strongly denies that its plan would result in most of the small cars in the world being built somewhere but the United States. That, however, would be the practical effect. And it is one that we cannot afford in an industry that is responsible for one in every six jobs in America.

Even if we accept GM's rationale at face value it would be a dangerous move. By the time GM learned to compete it would be too late to turn the situation around.

We should not forget the fact that one of the reasons we are in the present dilemma over auto imports is that American carmakers slept while Japan and Germany took over the U.S. small car market.

Surely GM should not be allowed now to destroy what is perhaps America's last chance to recover a valuable lost market.

Events of the last year demonstrate convincingly that the American automobile industry does indeed have a future. But if it is going to remain American it must have some help from its Government.

The bill before us today provides just that kind of temporary assistance. Failure to pass it would be a grave miscalculation at a very critical time.

Let me make some additional observations about this legislation and some of the comments directed to my colleagues. We have heard that it takes 200 hours of labor to build an American car compared to those Japanese cars sold here which take an average of 111 hours, as if this is a justifiable reason for opposing the bill. The difference in labor hours is really due to differences in management such as inventory methods, et cetera. However, the production hour differential really points out a compelling reason to support this legislation. By using the 200 labor hour figure we get a small indication of just how important this legislation is.

One foreign car sold here represents one American car that will not be sold here. Therefore, every foreign car that is sold here represents a loss of 200 hours of employment in the American auto industry and parts suppliers.

In 1982, 2,300,000 foreign cars were sold thus eliminating the demand for: 460 million hours of American labor in 1982—2.3 million cars times 200 hours of labor—8,846,154 hours of American labor per week.

This means that 221,153 workers were unemployed each week in 1982 (8,846,154 hours divided by 40 hours) because of the 2.3 million cars sold.

LOST TAXES IN 1982

We are told that the average wage is $12.50 an hour or $25,000 a year for a 2,000-hour work year; and that about 20 percent of that goes to Federal taxes. So, with 460 million hours lost, that translates into a straight tax loss of: $1,150,000,000 (460 million times $12.50 times 20 percent) for the year of 1982.

UNEMPLOYMENT COMPENSATION PAID BY FEDERAL GOVERNMENT

It is safe to assume the average Federal unemployment benefit for unemployed auto industry workers is $150 a week for 14 weeks, a sum total of $2,100 for each unemployed worker. With 221,153 unemployed workers at a cost of $2,100 to the Federal Government, the sum of the Federal Government's cost is $464,421,300; nearly $500 million.

OVERALL COST TO THE FEDERAL GOVERNMENT IN 1982

After doing this shorthand math we can see that in light of lost taxes, unemployment compensation paid, trade adjustment assistance and other programs, the Federal Government lost over $2 billion directly attributable to foreign imports. It is probably much higher if you throw in other programs that have been affected.

Without domestic content these numbers will multiply each year, if Members are really concerned about deficit spending, they should support this bill.●

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MINISH) having assumed the chair, Mr. PANETTA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1234) to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States, pursuant to House Resolution 336, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The **SPEAKER** pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The **SPEAKER** pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER** pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. FRENZEL) there were—ayes 33, noes 55.

□ 1430

Mr. OTTINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 219, nays 199, answered "present" 1, not voting 14, as follows:

[Roll No. 448]

YEAS—219

Ackerman
Addabbo
Akaka
Albosta
Alexander
Annunzio
Applegate
Aspin
Barnes
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Borski
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Burton (IN)
Carper
Carr
Clay
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Coughlin
Coyne
Crockett
D'Amours
Davis
Dellums
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gingrich
Gonzalez
Goodling
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Harkin
Harrison
Hawkins
Hayes
Hertel
Hillis
Howard
Hoyer
Hubbard
Hughes
Hunter
Johnson
Jones (TN)
Kaptur
Kastenmeier
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Latta
Leach
Lehman (CA)
Leland
Levin
Levine
Lipinski
Long (LA)
Long (MD)
Luken
Lundine
Madigan
Markey
Martin (IL)
Martinez
Matsui
Mavroules
McCloskey
McDade
McEwen
McKinney
McNulty
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ortiz
Ottinger
Owens
Patterson
Pease
Penny
Pepper
Perkins
Price
Rahall
Rangel
Ratchford
Regula
Richardson
Rinaldo
Rodino
Roe
Roemer
Rogers
Rose
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Siljander
Simon
Sisisky
Skelton
Smith (FL)
Smith (NJ)
Snyder
Solomon
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Tauzin
Torres
Torricelli
Towns
Traxler
Udall
Vandergriff
Vento
Volkmer
Walgren
Watkins
Weaver
Weiss
Wheat
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolpe
Wright
Yates
Yatron
Young (AK)
Young (MO)
Zablocki

NAYS—199

Anderson
Andrews (NC)
Andrews (TX)
Anthony
Archer
AuCoin
Badham
Barnard
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Bonker
Bosco
Boucher
Breaux
Broomfield
Brown (CO)
Broyhill
Byron
Campbell
Carney
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Conable
Cooper
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daschle
Daub
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dorgan
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
Erlenborn
Evans (IA)
Fiedler
Fields
Foley
Forsythe
Franklin
Frenzel
Fuqua
Gekas
Gibbons
Glickman
Gore
Gradison
Gramm
Green
Gregg
Gunderson
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hefner
Heftel
Hightower
Hiler
Holt
Hopkins
Huckaby
Hutto
Hyde
Ireland
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Kasich
Kazen
Kemp
Kramer
Lagomarsino
Leath
Lent
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Marlenee
Marriott
Martin (NC)
Martin (NY)
Mazzoli
McCain
McCandless
McCollum
McGrath
McHugh
McKernan
Mica
Michel
Miller (OH)
Molinari
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Neal
Nelson
Nielson
Olin
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Petri
Pickle
Porter
Pritchard
Pursell
Quillen
Ray
Reid
Ridge
Roberts
Robinson
Rostenkowski
Roth
Roukema
Rowland
Rudd
Schaefer
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slattery
Smith (IA)
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Spence
Spratt
Stangeland
Stenholm
Stump
Sundquist
Synar

Tauke
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Vucanovich
Walker
Waxman
Weber
Whitehurst
Whitley
Whittaker
Winn
Wolf
Wortley
Wyden
Young (FL)
Zschau

ANSWERED "PRESENT"—1

Lehman (FL)

NOT VOTING—14

Coelho
Dowdy
Gray
Hance
Horton
Jacobs
Lowry (WA)
McCurdy
Paul
Ritter
Solarz
Tallon
Whitten
Wylie

□ 1350

The Clerk announced the following pairs:

On this vote:

Mr. Gray for, with Mr. Lowry of Washington against.

Mr. Solarz for, with Mr. Tallon against.

Mr. Ritter for, with Mr. Hance against.

Mr. Horton for, with Mr. Paul against.

Mr. HOPKINS changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 1234, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 3222, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. SMITH of Iowa submitted the following conference report and statement on the bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-478)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3222) "making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 16, 32, 45, 52, 56, 62, 65, 75, 78, 88, 89, 92, 93, 94, 95, 97, 113, 131, 132, 133, and 152.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 12, 13, 14, 27, 28, 29, 30, 34, 35, 43, 48, 49, 57, 59, 60, 63, 66, 67, 69, 70, 71, 72, 73, 79, 80, 81, 82, 83, 87, 96, 103, 104, 106, 135, 137, 146, and 149, and agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$167,393,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$12,000,000*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$13,356,000*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$16,000,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

FISHERIES LOAN FUND

For expenses necessary to carry out the provisions of section 221 of the American Fisheries Promotion Act of December 22, 1980 (Public Law 96-561), there are appropriated to the Fisheries Loan Fund, $3,000,000 from receipts collected pursuant to that Act: Provided, That during fiscal year 1984 not to exceed $300,000 of the Fisheries Loan Fund shall be available for administrative expenses.

And the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *; and for additional capital for new direct loan obligations to be incurred by the "Business loan and investment fund", authorized by the Small Business Act, as amended, $133,400,000, to remain available without fiscal year limitation*; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to change the sum named to *$6,000,000;* and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,047,000,000*; and the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$14,000,000*; and the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$47,711,000*; and the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$87,064,000*; and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its diagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 203. Notwithstanding section 501(e)(2)(B) of Public Law 96-442, funds appropriated to the Department of Justice in this title may be expended for assistance to Cuban-Haitian entrants as authorized under section 501(c) of said Act.;

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 5, 6, 7, 8, 11, 15, 18, 19, 20, 21, 22, 23, 24, 33, 36, 37, 38, 39, 40, 41, 42, 44, 46, 47, 50, 51, 53, 54, 58, 61, 68, 76, 77, 84, 91, 98, 100, 101, 102, 105, 107, 108, 109, 110, 111, 112, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 134, 136, 138, 139, 140, 141, 142, 143, 144, 145, 147, 148, 150, 151, and 153.

NEAL SMITH,
BILL ALEXANDER,
JOSEPH D. EARLY,
BERNARD J. DWYER,
ROBERT J. MRAZEK,
BOB CARR,
JAMIE L. WHITTEN,
GEORGE O'BRIEN,
CLARENCE E. MILLER,
Except amendment 150
JOHN EDWARD PORTER,
SILVIO O. CONTE,
Managers on the Part of the House.

PAUL LAXALT,
TED STEVENS,
LOWELL P. WEICKER, JR.,
WARREN B. RUDMAN,
MARK O. HATFIELD,
ARLEN SPECTER,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
DENNIS DECONCINI,
DALE BUMPERS,
THOMAS EAGLETON,
JOHN C. STENNIS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for the fiscal year ending September 30, 1984, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommend in the accompanying conference report:

TITLE I—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

Salaries and Expenses

Amendment No. 1: Appropriates $32,868,000 as proposed by the Senate instead of $33,200,000 as proposed by the House.

Special Foreign Currency Program

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $693,000 for the Special Foreign Currency Program.

BUREAU OF THE CENSUS

Salaries and Expenses

Amendment No. 3: Appropriates $77,507,000 as proposed by the Senate instead of $77,600,000 as proposed by the House.

Periodic Censuses and Programs

Amendment No. 4: Appropriates $78,220,000 as proposed by the Senate instead of $78,000,000 as proposed by the House.

ECONOMIC AND STATISTICAL ANALYSIS

Salaries and Expenses

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$38,337,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

For Economic and Statistical Analysis, the conferees have agreed to provide $50,000 for the Bureau of Industrial Economics and $950,000 for the Bureau of Economic Analysis above the level of the budget request to support their activities in updating the revision of the Standard Industrial Classification Code relating to services. The conference agreement does not provide for the requested program increases of $625,000 for economic policy support and $365,000 for patent licensing programs.

ECONOMIC DEVELOPMENT ADMINISTRATION

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a heading.

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $240,000,000: Provided, That during fiscal year 1984 total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal. Of the total amount appropriated under this heading, $40,000,000 shall be made available under the criteria and conditions of assistance described in section 101(a) of Public Law 98-8.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that the appropriation shall be distributed as follows:

Public works grants	$170,000,000
Public Law 98-8 criteria	(40,000,000)
Planning assistance	27,000,000
Districts	(16,000,000)
Indians	(3,000,000)
States	(3,000,000)
Urban	(5,000,000)
Technical assistance	8,000,000
University centers	(3,000,000)
Research and evaluation program	2,000,000
Economic adjustment grants	33,000,000
Total	240,000,000

The conferees agree that of the $240,000,000 appropriated for economic development assistance programs, $200,000,000 shall be made available under the authorities that were in effect prior to September 30, 1982; and $40,000,000 shall be made available for economic development assistance projects under the criteria established by section 101(a) of Public Law 98-8, and priority shall be given to those which were under consideration but did not receive funds appropriated under Public Law 98-8 in fiscal year 1983.

The conferees further agree that of the funds provided for research and evaluation programs, $250,000 shall be used to conduct a feasibility study of establishing an institute of mission-oriented research in the State of Mississippi, and that such a study shall be submitted to the Committees on Appropriations of the House and Senate within 90 days of enactment of this Act.

Finally, the conferees agree that of the $33,000,000 appropriated for Economic Adjustment Grants, Title IX programs, not less than $16,500,000 shall be for Revolving Loan Fund projects.

Salaries and Expenses

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follow:

In lieu of the matter proposed by said amendment, insert the following:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $27,500,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-seven permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1984, and such positions shall be maintained in the various States within the approved organizational structure in place on June 1, 1981, and where possible, with those employees who filled those positions on that date.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

INTERNATIONAL TRADE ADMINISTRATION

Operations and Administration

Amendment No. 9: Appropriates $167,393,000 instead of $183,831,000 as proposed by the House and $156,993,000 as proposed by the Senate for the International Trade Administration.

The conferees agree that $25,000,000 shall be provided to carry out a Trade Adjustment Assistance Program in fiscal year 1984, comprised of the following program elements:

Technical assistance grants	$15,500,000
Direct loans	7,500,000
Administration	2,000,000
Loan guarantee authority	(15,000,000)
Total, trade adjustment assistance	$25,000,000

The conferees direct Department officials to set aside $45,000 for the development of a lumber export program in the State of West Virginia, Office of Economic and Community Development, through the Small Business Export Development Grant program.

Amendment No. 10: Deletes language proposed by the Senate which would have earmarked funds for a lumber export program in the State of West Virginia.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment amended to read as follows:

During fiscal year 1984 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $7,500,000. During fiscal year 1984, total commitments to guarantee loans shall not exceed $15,000,000 of contingent liability for loan principal.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

MINORITY BUSINESS DEVELOPMENT AGENCY

Minority Business Development

Amendment No. 12: Appropriates $53,342,000 as proposed by the Senate instead of $53,881,000 as proposed by the House.

Amendment No. 13: Designates $39,600,000 to remain available until expended as proposed by the Senate instead of $40,000,000 as proposed by the House.

Amendment No. 14: Designates $13,742,000 for program management as proposed by the Senate instead of $13,881,000 as proposed by the House.

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided further, That none of the funds ap-*

propriated in this paragraph or in this title for the Department of Commerce shall be available to reimburse the fund established by 15 U.S.C. 1521 on account of the performance of a program, project, or activity, nor shall such fund be available for the performance of a program, project, or activity, which had not been performed as a central service pursuant to 15 U.S.C. 1521 before July 1, 1982, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such action in accordance with the Committees' reprogramming procedures.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

Salaries and Expenses

Amendment No. 16: Provides $5,000 for representation expenses as proposed by the House instead of $12,000 as proposed by the Senate.

Amendment No. 17: Appropriates $12,000,000 for the United States Travel and Tourism Administration instead of $10,100,000 as proposed by the House and $12,870,000 as proposed by the Senate for the United States Travel and Tourism Administration.

The managers are agreed that the appropriation for USTTA provides an increase of $255,000 for the gateway receptionist program, of which $50,000 shall be earmarked for the program at Honolulu International Airport. In addition, $15,000 each is allocated for the initiation of new programs at New Orleans and Las Vegas, as well as the planned program at San Francisco.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Operations, Research, and Facilities

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language that authorizes the acquisition of aircraft.

Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language that authorizes the maintenance of 399 commissioned officers on the active list.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language that authorizes the acquisition of land for facilities.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment insert the following: *$988,212,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides for the following programs and activities not included in the level of the budget request:

Great Lakes Environmental Laboratory	$3,644,000
Resource Surveys	1,078,000
Habitat Research	4,543,000
Aquaculture	[1] 5,356,000
Marine Recreational Fisheries	633,000
Living marine resource abundance	922,000
Fisheries research vessels	5,526,000
Information, analysis and dissemination	974,000
Columbia River Hatcheries	6,954,000
Salmon vessel buy-back	2,500,000
Habitat conservation	1,424,000
Striped bass research	400,000
Fisheries development program	5,710,000
Solar Environmental Laboratory	3,100,000
Maintain two polar orbiting satellite system	20,000,000
Maintain Alaska and Pacific regional NWS headquarters	407,000
Maintain NWS southern regional headquarters	1,200,000
Maintain status 8 NWSFOs proposed for downgrading	836,000
Maintain agricultural weather, fruit frost, and fire weather services at the 1983 level	2,226,000
Complete salmon and steelhead enhancement planning	1,000,000
Maintain 24 hour coverage for satellite field service stations	200,000
Restore research and development of marine forecasting and storm warning data bouys	574,000
Continue NOMAD weather data buoy implementation around Hawaii	875,000
NACOA	551,000
Polymetallic sulfides	2,000,000
Ocean pollution projects	5,800,000
Sea Grant	36,500,000
Weather data network	35,000
Hawaiian monk seal research	150,000
Endangered species conservation	680,000
Chesapeake Bay Research	300,000
Salmon research	2,100,000
Fishery industry information	3,000,000
Regional fisheries councils	4,000,000
Seafood inspector training	700,000
Commercial R and D grants	4,000,000
Maintain night staffing	1,173,000
Gulf oyster fishery	2,500,000
Anadromous fish grants	2,800,000
Oregon Institute renovation	3,100,000
Maintain NWS regional hydrologists	580,000
Maintain NS hydrological R and D	340,000
Western Kentucky weather radar	1,000,000
PROFS	500,000
Global atmospheric research program	1,000,000
El Nino research	1,200,000
Acid rain research	800,000
Climate data interpretation	470,000
Weather modification (4 State PACE)	[2] 1,520,000
Circulatory Program	300,000
Marine boundary surveys	530,000
Bathymetric swath survey	480,000
Ocean technology and engineering	940,000
Geodetic technology surveys	550,000
Carolina geodetic survey	400,000
Maintain NOAA weather wire	525,000
NOAA weather radio	116,000
Bowhead whale research	350,000
National undersea research program	4,785,000
Ship operations	5,400,000
Executive administration	4,500,000
Total additional programs	165,757,000
The conference agreement reduces by 50 percent the level of the thematic mapper request	−2,000,000
Effect of legislative assumptions not enacted.	−27,696,000
Effect of transfer from Saltonstall/Kennedy fund	+7,900,000
CEIP receipts	+8,907,000
Effect of separate CZM account	−6,056,000
FAA trust fund appropriation	+27,000,000
1984 amended budget request	+814,400,000
New budget authority	988,212,000

[1] Includes $170,000 for Fish Farm Experimental Laboratory at Stuttgart, Ark.

[2] $380,000 each for Illinois, Utah, Nevada, and North Dakota.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language that makes the appropriation remain available until expended.

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *; and of which $2,500,000 shall be available for payments under section 4(b) of the Commercial Fisheries Research and Development Act of 1964 for commercial fishery failures and disruptions; and in addition, $23,600,000 shall be transferred to this appropriation from the fund entitled "Promote and develop fishery products and research pertaining to American fisheries"*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement leaves $10,000,000 in receipts in the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" for a Fisheries Development and Utilization Grant program. The conferees are agreed that elements of the recreational fishing industry are eligible for Saltonstall-Kennedy grants, assuming they meet the critieria established in the authorizing legislation.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that inserts language mandating a staff of three persons at the National Data Buoy Center in Bay St. Louis, Mississippi.

Coastal Zone Management (incluing Transfer of funds)

Amendment No. 25: Appropriates $13,356,000 instead of $28,449,000 as proposed by the House and $11,614,000 as proposed by the Senate for Coastal Zone Management activities.

The conference agreement for amendments numbered 25 and 26 provides funds for the following Coastal Zone Management activities.

Base program	$6,056,000
Program management	650,000
Estuarine sanctuaries	1,650,000
State assistance grants (sec. 306)	[1] 21,000,000
Total, funding requirement	29,356,000
Less transfer (amendment No. 26)	–16,000,000
Total new budget authority	13,356,000

[1] Includes $1,000,000 set aside for the Commonwealth of Virginia to initiate a coastal zone program.

Amendment No. 26: Provides by transfer from the fund entitled "Coastal Energy Impact Fund" $16,000,000 instead of $8,907,000 as proposed by the House and $16,625,000 as proposed by the Senate.

Fishing Vessel and Gear Damage Compensation Fund

Amendment No. 27: Appropriates $1,732,000 as proposed by the Senate instead of $1,750,000 as proposed by the House.

Fishermen's Contingency Fund

Amendment No. 28: Appropriates $294,000 as proposed by the Senate instead of $297,000 as proposed by the House.

Foreign Fishing Observer Fund

Amendment No. 29: Appropriates $11,880,000 as proposed by the Senate instead of $12,000,000 as proposed by the House.

Fishermen's Guaranty Fund

Amendment No. 30: Appropriates $2,079,000 as proposed by the Senate instead of $2,100,000 as proposed by the House.

Fisheries Loan Fund

Amendment No. 31: Restores the matter stricken by the Senate amendment, with an amendment providing $3,000,000 for the Fisheries Loan Fund instead of $11,000,000 as proposed by the House.

PATENT AND TRADEMARK OFFICE

Salaries and Expenses

Amendment No. 32: Appropriates $80,444,000 as proposed by the House instead of $79,640,000 as proposed by the Senate.

NATIONAL BUREAU OF STANDARDS

Scientific and Technical Research and Services

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

NATIONAL BUREAU OF STANDARDS

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, $115,718,000, to remain available until expended, of which not to exceed $3,807,000 may be transferred to the "Working Capital Fund".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement assumes the reductions proposed in the budget request, with the exception of additions for the Center for Fire Research (+$5,886,000), Center for Building Technology (+$3,174,000), and Institute for Computer Science and Technology (+$7,000,000). In addition, the conferees agree to restore 80 percent of the reductions associated with user fees for the Measurement Assurance Program and the National Voluntary Laboratory Accreditation Program. The conferees expect the National Bureau of Standards to report by May 1, 1984, on the impact of these fees on the effectiveness of the programs.

The conference agreement assumes the following activity levels:

Measurement research and standards	$50,815,000
Engineering measurements and standards	21,681,000
Computer science and technology	10,000,000
Core research program for innovation and productivity	12,407,000
Fire research center	5,886,000
Technical competence fund	7,672,000
Central technical support	8,405,000
General reduction	–1,148,000
Total	$115,718,000

The conferees expect the Appropriations Committees of the House and Senate to be informed of reductions of greater than one percent in any activity levels.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Salaries and Expenses

Amendment No. 34: Appropriates $12,771,000 as proposed by the Senate instead of $12,900,000 as proposed by the House.

Public Telecommunications Facilities, Planning, and Construction

Amendment No. 35: Appropriates $11,880,000 as proposed by the Senate instead of $12,000,000 as proposed by the House.

General Provisions—Department of Commerce

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

During the fiscal year ending September 30, 1984, the United States Postal Service may furnish to the Secretary of Commerce any list of names and addresses requested under section 6(a) of title 13, United States Code. The Secretary shall prepare and submit to the President and the appropriate committees of Congress, not later than August 31, 1984, a report relating to—

(1) the purpose for which any list furnished by the Postal Service under the preceding sentence was used, particularly with regard to any progress made by the Bureau of the Census in the development of an improved list methodology;

(2) categories of sources (other than the Postal Service) from which any list of names and addresses was acquired by the Bureau of the Census during the period covered by the report, and the relative advantages and disadvantages of acquiring and using lists from those other categories of sources as compared with acquiring and using lists furnished by the Postal Service;

(3) measures taken to ensure the confidentiality of any information furnished by the Postal Service under the preceding sentence; and

(4) such other matters as the Secretary considers appropriate.

The Secretary is encouraged to acquire lists of names and addresses from a representative sample of sources other than the Postal Service in order to ensure that meaningful comparisons under paragraph (2) may be made.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language that prohibits the use of funds in this or any other Act (1) by the Source Evaluation Board to develop or issue a request for proposal to transfer the ownership or lease the use of any meteorological satellite or associated ground system to any private entity, or (2) by NOAA to transfer ownership of any meteorological satellite or associated ground system to any private entity.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a heading.

Operating—Differential Subsidies (liquidation of contract authority)

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that provides $401,294,000 for operating-differential subsidies.

Research and Development

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $11,385,000 for Research and Development.

Operations and Training

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $73,283,000, to remain available until expended: Provided, That reimbursements may be made to this appropriation from receipts to the "Federal ship financing fund" for administrative expenses in support of that program.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

BEST COPY AVAILABLE

The conference agreement includes $3,000,000 for fuel oil assistance to State maritime academies.

General Provisions—Maritime Administration

Amendment No. 42: Reported in techincal disagreement. The managers on the part of the House will offer motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

None of the funds provided in this Act for the Maritime Administration shall be used for enforcement of any rule with respect to the repayment of construction differential subsidy for permanent release of vessels from the restrictions in section 506 of the Merchant Marine Act, 1936, as amended, until June 15, 1984.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees expect the Maritime Administration and the Department of Transportation to comply with the limitations and restrictions of this conference agreement regarding the enforcement of rules relating to the repayment of construction differential subsidies.

DEPARTMENT OF THE TREASURY

CHRYSLER CORPORATION LOAN GUARANTEE PROGRAM

Administrative Expenses

Amendment No. 43: Appropriates $495,000 as proposed by the Senate instead of $500,000 as proposed by the House.

FEDERAL COMMUNICATIONS COMMISSION

Salaries and Expenses

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $86,383,000 for the Federal Communications Commission.

FEDERAL MARITIME COMMISSION

Salaries and Expenses

Amendment No. 45: Appropriates $10,756,000 as proposed by the House instead of $10,648,000 as proposed by the Senate.

FEDERAL TRADE COMMISSION

Salaries and Expenses

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

FEDERAL TRADE COMMISSION

Salaries and Expenses

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; the sum of $63,500,000: Provided, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374): Provided further, That none of the funds appropriated in this paragraph may be used to promulgate final rules under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) until the enactment of legislation authorizing appropriations for the Federal Trade Commission or until the adjournment of the first session of the 98th Congress, whichever is earlier.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

INTERNATIONAL TRADE COMMISSION

Salaries and Expenses

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $20,774,000 for the International Trade Commission.

MARINE MAMMAL COMMISSION

Salaries and Expenses

Amendment No. 48: Appropriates $929,000 as proposed by the Senate instead of $938,000 as proposed by the House.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Salaries and Expenses

Amendment No. 49: Appropriates $11,371,000 as proposed by the Senate instead of $11,246,000 as proposed by the House for the Office of the United States Trade Representative.

SECURITIES AND EXCHANGE COMMISSION

Salaries and Expenses

Amendment No. 50: Reported in technical disagreement. The managers of the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SECURITIES AND EXCHANGE COMMISSION

Salaries and Expenses

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $2,000 for official reception and representation expenses, $93,000,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides for a staffing level of 1,881 work-years for fiscal year 1984. The conference agreement also provides $1,000,000 for the ADP expansion program, which the conferees regard as a high priority initiative of the Securities and Exchange Commission.

SMALL BUSINESS ADMINISTRATION

Salaries and Expenses (including Transfer of Funds)

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with the amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$201,643,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees expect the agency to allocate a total of $1,800,000 for the Office of Veterans Affairs. These funds are to be used to enhance the agency's outreach program and increase SBA sponsored veterans assistance workshops.

The conferees direct SBA to hire 10 additional procurement center representatives to be stationed at major defense installations that purchase spare parts. The infusion of personnel at these locations would increase competition and small business participation in the spare parts procurement process.

Amendment No. 52: Restores language proposed by the House which appropriates $22,000,000 for Small Business Development Centers. The Senate bill did not provide a separate line item for this activity, but provided funds in Amendment No. 51.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *beginning with disasters commencing between January 1, 1983, through September 30, 1983, determination of a natural disaster by the Secretary of Agriculture pursuant to 7 U.S.C. 1961 shall be deemed a disaster declaration by the Administrator of the Small Business Administration for purposes of determining eligibility for assistance under section 7(b)(1) of the Small Business Act for agricultural enterprises as defined in section 18(b) of the Small Business Act: Provided, That nothing in this paragraph is to preclude the applicability of section 18(a) of the Small Business Act with regard to the duplication of benefits for disasters commencing between January 1, 1983, through September 30, 1983: Provided further, That $36,600,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Public Law 96-302 provided that FmHA would be the lead agency in making farm disaster loans but that farm businesses which were ineligible for disaster assistance from the Farmers Home Administration due to the different rules for eligibility at FmHA compared to SBA would be eligible to apply for such assistance at SBA.

The conferees restate the basic premise that all farm businesses and non-farm businesses with qualifying disaster losses be afforded assistance at substantially similar interest rates whether at FmHA or SBA. The conferees expect that SBA will make its disaster loan program available to farm disaster victims ineligible at FmHA who would have been eligible had SBA been administering the program, and that it will do so without the requirement of a specific "disaster declaration" by SBA when one has been determined by FmHA. The requirement for such a declaration is duplicative of the declaration already made by the Secretary of Agriculture in such situations; is inconsistent with longstanding practice in SBA's economic injury loan program where agricultural disaster declarations automatically trigger SBA assistance; and serves only to discriminate against businesses which happen to be in the business of producing food but do not fit neatly within the description of FmHA's eligibility for other programs.

The conferees further expect SBA to take this action immediately and make disaster assistance available to those ineligible applicants for FmHA emergency assistance as a result of the devastating 1983 drought.

This limited group includes applicants ineligible because of alien status; corporations, partnerships and cooperatives not being primarily engaged in farming; and farm owners who do not operate their farms.

Business Loan and Investment Fund

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$230,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The following table shows the amounts proposed by the House and Senate and the conference agreement, including 1983 carryover funds, for the various loan programs:

[In millions]

Program	House	Senate	Conference
7(a):			
Direct	$105		$63
(Carryover)			+ (45.3)
Subtotal 7(a) direct	105		108.3
Guaranteed	2,600	$2,700	2,600
Handicapped:			
Direct	15	20	20
Guaranteed	5	5	5
Economic opportunity:			
Direct	74		(45)
Guaranteed	60	60	60
Energy:			
Direct	10		3
Guaranteed	15	15	15
Development company:			
Direct			
Guaranteed	250	350	350
Investment company:			
Direct	41	41	41
Guaranteed	160	250	250
Veterans:			
Direct	30		6.4
(Carryover)		(22)	+ (18.6)
Subtotal veterans direct	30	(22)	25
Total business loans:			
Direct, new BA	275	61	133.4
(Carryover)		(22)	(108.9)
Total direct	275	83	242.3
Guaranteed	3,090	3,380	3,280

1983 direct loan carryover funds in parentheses.

The conferees are agreed that a total of $17,000,000 is available for Business Development Expense which is an increase of $4,000,000 over the amount actually used for this program during fiscal year 1983.

Amendment No. 55: Appropriates $133,400,000 in additional capital for new direct loan obligations instead of $275,000,000 as proposed by the House. The Senate proposed that a separate line item not be provided for this activity, since $61,000,000 for direct loans were included in Amendment No. 54.

Amendment No. 56: Deletes language proposed by the Senate, which would have limited direct loan obligations to $83,000,000 and guaranteed loan commitments to $3,380,000,000 during fiscal year 1984.

Surety Bond Guarantees Revolving Fund

Amendment No. 57: Appropriates $8,910,000 as proposed by the Senate instead of $9,000,000 as proposed by the House.

TITLE II—DEPARTMENT OF JUSTICE AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

Salaries and Expenses

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

Department of Justice $63,360,000 of which $556,000 is to remain available until expended for the Federal justice research program.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, $7,248,000.

LEGAL ACTIVITIES

Salaries and Expenses, General Legal Activities

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; $158,385,000, of which not to exceed $10,374,000 for asbestos litigation support contracts shall remain available until September 30, 1985; and of which $2,753,000 shall be for the Office of Special Investigations; and of which $450,000 shall remain available until expended to reimburse private litigants for legal fees incurred in the State of New Mexico ex rel. Reynolds v. Aamodt water adjudication suit.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that within the total amount provided for "Salaries and Expenses, General Legal Activities" $450,000 shall be available until expended to reimburse private litigants for legal fees incurred in the State of New Mexico ex rel. Reynolds v. Aamodt water adjudication suit.

Salaries and Expenses, Antitrust Division

Amendment No. 59: Appropriates $43,475,000 as proposed by the Senate instead of $43,914,000 as proposed by the House.

Salaries and Expenses, Foreign Claims Settlement Commission

Amendment No. 60: Appropriates $827,000 as proposed by the Senate instead of $835,000 as proposed by the House.

Salaries and Expenses, United States Attorneys and Marshals

Amendment No. 61: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment insert the following: *$372,330,000. In addition, Section 408(c) of Public Law 95-598, the Bankruptcy Reform Act of 1978, is amended by inserting September 30, 1984 in lieu of April 1, 1984.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that any further extension of the authorization for the United States Trustees beyond September 30, 1984 will not be considered in the appropriations process, but should be addressed by the House and Senate Judiciary Committees. In addition the conferees are agreed that funds for assistant United States attorneys and staff to support additional judgeships of the Superior Court of the District of Columbia will be provided as soon as possible after enactment of an authorization for such additional judgeships.

Amendment No. 62: Deletes language proposed by the Senate making $3,000,000 of the appropriation in Amendment No. 61 available only upon enactment into law of an authorization of additional judges for the Superior Court of the District of Columbia.

Support of United States Prisoners

Amendment No. 63: Appropriates $44,320,000 as proposed by the Senate instead of $44,768,000 as proposed by the House.

Amendment No. 64: Restores the matter stricken by the Senate amendment with an amendment providing $6,000,000 for the Cooperative Agreement Program instead of $20,000,000 as proposed by the House. The language restored provides that amounts made available for local jail construction shall not exceed the cost of constructing space for the average federal prisoner population for that facility as projected by the Attorney General and that following agreement on completion of any Federally assisted jail construction, the availability of such space shall be assured and the per diem rate charged for housing Federal prisoners at that facility shall not exceed direct operating costs for the period specified in the cooperative agreement.

Amendment No. 65: Deletes language proposed by the Senate which is the same as the House language restored in Amendment No. 64 concerning conditions governing the Cooperative Agreement Program.

Fees and Expenses of Witnesses

Amendment No. 66: Appropriates $37,883,000 as proposed by the Senate instead of $38,266,000 as proposed by the House.

Salaries and Expenses, Community Relations Service

Amendment No. 67: Appropriates $32,196,000 as proposed by the Senate instead of $5,866,000 as proposed by the House.

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides language making $26,389,000 of the amount appropriated in Amendment No. 67 available until expended for expenses under section 501(c) of the Refugee Education Assistance Act of 1980 for the processing and care of Cuban and Haitian entrants.

INTERAGENCY LAW ENFORCEMENT

Organized Crime Drug Enforcement

Amendment No. 69: Appropriates $89,050,000 as proposed by the Senate instead of $89,949,000 as proposed by the House.

Amendment No. 70: Earmarks $2,475,000 for the Presidential Commission on Organized Crime as proposed by the Senate instead of $2,500,000 as proposed by the House.

Amendment No. 71: Deletes language proposed by the House making the funds earmarked in Amendment No. 70 for the Presidential Commission on Organized Crime available until expended. The effect of this amendment is to make such funds available until September 30, 1985.

Amendment No. 72: Earmarks $13,860,000, to remain available until September 30, 1985, for purchase of automated data processing and telecommunications equipment as proposed by the Senate instead of $14,000,000 as proposed by the House.

Amendment No. 73: Earmarks $9,523,000, to remain available until September 30, 1985, for undercover operations as proposed by the Senate instead of $9,619,000 as proposed by the House.

FEDERAL BUREAU OF INVESTIGATION

Salaries and Expenses

Amendment No. 74: Appropriates $1,047,000,000 instead of $1,050,381,000 as proposed by the House and $1,041,857,000 as proposed by the Senate. The conferees direct that the Bureau's agent force shall not be reduced below the number requested.

Amendment No. 75: Deletes language proposed by the Senate which would have extended certain authorities for the Federal Bureau of Investigation, contained in section 7(a) of Public Law 96-132, until September 30, 1985. This matter is addressed in Amendment No. 101.

DRUG ENFORCEMENT ADMINISTRATION

Salaries and Expenses

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$286,123,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The conferees direct that the agency's agent force shall not be reduced below the number requested. The conferees are also agreed that $3,500,000 provided above the budget request shall be used to restore 65 workyears in the intelligence, diversion control, state and local training, and foreign counterintelligence programs.

Amendment No. 77: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that a minimum of $10,000 each shall be allocated to the Drug Enforcement Administration offices in the land border States of Vermont, Michigan, New Hampshire, Minnesota, North Dakota, Montana, Idaho, Arizona and New Mexico for the purchase of information and evidence, unless the Committees on Appropriations are notified that efficient drug law enforcement would be impaired by such minimum allocation.

IMMIGRATION AND NATURALIZATION SERVICE

Salaries and Expenses

Amendment No. 78: Deletes language proposed by the Senate which would have authorized payment of allowances at a rate, not in excess of $4 per day, to aliens for work performed while held in custody under the immigration laws.

Amendment No. 79: Appropriates $501,257,000 as proposed by the Senate instead of $562,975,000 as proposed by the House.

The conference agreement deletes $30,000,000 provided above the budget request by the House for the Border Patrol and other activities of the Immigration and Naturalization Service. Although the conferees strongly support additional resources for the law enforcement and service activities of the Immigration and Naturalization Service, the conferees are aware that the Administration is considering the submission of a fiscal year 1984 supplemental budget request of $93,000,000 for INS, and believe that the matter of additional resources can be addressed when such a request is submitted to the Congress.

Amendment No. 80: Deletes language proposed by the House which would have made $26,655,000 of the appropriation provided in Amendment No. 79 available until expended for work under Section 501(c) of the Refugee Education Assistance Act.

Amendment No. 81: Earmarks not to exceed $9,989,000, as proposed by the Senate, to remain available until September 30, 1985, to establish a National Records Center, instead of $10,090,000 for this purpose as proposed by the House.

Amendment No. 82: Earmarks $11,023,000, as proposed by the Senate, to remain available until September 30, 1985, to implement a long-range automated data processing plan instead of $11,134,000 for this purpose as proposed by the House.

FEDERAL PRISON SYSTEM

Salaries and Expenses

Amendment No. 83: Appropriates $424,284,000 as proposed by the Senate instead of $425,370,000 as proposed by the House.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which changes "Health Services Administration" to "Health Resources and Services Administration".

NATIONAL INSTITUTE OF CORRECTIONS

Amendment No. 85: Appropriates $14,000,000 instead of $11,665,000 as proposed by the House and $16,548,000 as proposed by the Senate.

The conferees are agreed that $2,500,000 of the total amount provided is for expansion and improvement of vocational and basic education for prison inmates, to be carried out through grants, studies, demonstration projects and training.

Buildings and Facilities

Amendment No. 86: Appropriates $47,711,000 instead of $53,142,000 as proposed by the House and $42,711,000 as proposed by the Senate.

The conferees are agreed that $5,000,000 of the total amount provided is for purchase and renovation of a site for a minimum security prison to be located in Sheridan, Oregon. If additional funds to complete this project are necessary, the conferees are agreed that this matter should be addressed by the Appropriations Committee in a supplemental appropriations bill for fiscal year 1984.

Limitation on Administrative and Vocational Expenses, Federal Prison Industries, Incorporated

Amendment No. 87: Limits the funds available for administrative expenses of the corporation not to exceed $1,941,000 as proposed by the Senate instead of $2,710,000 as proposed by the House.

OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

Law Enforcement Assistance

Amendment Nos. 88 and 89: Delete language proposed by the Senate which would have made this appropriation available for funding the Juvenile Justice and Delinquency Prevention Program, consistent with the proposal of the Senate to delete an earmarking of funds for this purpose in Amendment No. 93.

Amendment No. 90: Appropriates $87,064,000 instead of $18,466,000 as proposed by the House and $159,219,000 as proposed by the Senate.

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided, That $67,300,000 of this amount shall be for a criminal justice assistance program, to be available only upon enactment of authorizing legislation except that $2,500,000 of such amount shall be available upon enactment into law of H.R. 3222 and shall be awarded by the Administrator to the National Center for State Courts for court system management and improvement: Provided further, That $3,500,000 shall be made available from Law Enforcement Assistance Administration reversionary funds to complete the Bi-State Criminal Justice Assistance Center at Texarkana, Arkansas, under the same terms and conditions that previous Federal assistance was made available for construction of this facility*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 92: Deletes language proposed by the Senate which would have made available $2,500,000 to the National Center for State Courts for court system management and improvement. The conference agreement provides funding for this item in Amendment No. 91.

Amendment No. 93: Restores language proposed by the House which appropriates $70,155,000 for the Juvenile Justice and Delinquency Prevention Program. The Senate had proposed funding for this program in Amendment No. 90.

Amendment No. 94: Deletes language proposed by the Senate which would have provided an authorization for a new Criminal Justice Assistance Program.

Research and Statistics

Amendment No. 95: Deletes language proposed by the Senate which would have made this appropriation available only for programs authorized by parts B and C of the Justice System Improvement Act of 1979. The House bill proposed no restrictions on research and statistics programs, authorized by this Act, which could be funded from this appropriation.

Amendment No. 96: Appropriates $40,133,000 as proposed by the Senate instead of $40,538,000 as proposed by the House.

General Provisions—Department of Justice

Amendment No. 97: Limits the funds available to the Department of Justice for official reception and representation expenses to not to exceed $50,000 as proposed by the House instead of $55,000 as proposed by the Senate.

Amendment No. 98: Adds a general provision to the bill, proposed by the Senate, which provides that notwithstanding any other provision of law or this Act, materials produced by convict labor may be used in the construction of any highways or portion of highways located on Federal-aid systems, as described in section 103 of title 23, United States Code.

Amendment No. 99: Changes the section number and restores a general provision, proposed by the House, which provides that notwithstanding section 501(e)(2)(B) of Public Law 96-442, funds appropriated for the Department of Justice may be expended for assistance to Cuban-Haitian entrants as authorized under section 501(c) of said Act.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 204. No part of the funds appropriated in this title for the Department of Justice may be used to represent the Tennessee Valley Authority in litigation in which the Authority is a party unless the Department is requested to provide representation in such litigation by the Authority.

The managers on the part of the Senate will move to concur in amendment of the House to the amendment of the Senate.

The conferees intend that the Department of Justice should be able to represent the Tennessee Valley Authority in appropriate cases in which the Authority is a party, if the Authority request the Department to provide representation in such cases.

Amendment No. 101: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 205(a) Subject to subsection (b) of this section, authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

(b)(1) With respect to any undercover investigative operation of the Federal Bureau of Investigation which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(A) sums authorized to be appropriated for the Federal Bureau of Investigation for fiscal year 1984 may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, secton 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Acts of 1949 (63 Stat. 395; 41 U.S.C. 254(a) and (c)),

(B) sums authorized to be appropriated for the Federal Bureau of Investigation for fiscal year 1984 may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31 of the United States Code,

(C) sums authorized to be appropriated for the Federal Bureau of Investigation for fiscal year 1984, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 of the United States Code and section 3302 of title 31 of the United States Code, and

(D) the proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code, only upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, a member of the Undercover Operations Review Committee established by the Attorney General in the Attorney General's Guidelines on FBI Undercover Operations, as in effect on July 1, 1983) and the Attorney General (or if designated by the Attorney General, a member of such Review Committee), that any action authorized by subparagraph (A), (B), (C) or (D) of this paragraph is necessary for the conduct of such undercover operation. Such certification shall continue in effect for the duration of such undercover operation, without regard to fiscal years.

(2) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under subparagraphs (C) and (D) of paragraph (1) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(3) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (B) of paragraph (1) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation, as much in advance as the Director or his designee determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(4)(A) The Federal Bureau of Investigation shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1984,

(i) submit the results of such audit in writing to the Attorney General, and

(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(B) The Federal Bureau of Investigation shall also submit a report annually to the Congress specifying—

(i) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted,

(ii) the number, by programs, of undercover investigative operations commenced in the one-year period preceding the period for which such report is submitted, and

(iii) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained. With respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on FBI Undercover Operations, such report shall contain a detailed description of the operation and related matters, including information pertaining to—

(I) the results,

(II) any civil claims, and

(III) indentification of such sensitive circumstances involved, that arose at any time during the course of such undercover operation.

(5) For purposes of paragraph (4)—

(A) the term "closed" refers to the earliest point in time at which—

(I) all criminal proceedings (other than appeals) are concluded, or

(II) covert activities are concluded, whichever occurs later,

(B) the term "employees" means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation, and

(C) the terms "undercover investigative operation" and "undercover operation" mean any undercover investigative operation of the Federal Bureau of Investigation (other than a foreign counterintelligence undercover investigative operation)—

(i) in which—

(I) the gross receipts (excluding interest earned) exceed $50,000, or

(II) expenditures (other than expenditures for salaries of employees) exceed $150,000, and

(ii) which is exempt from section 3302 or 9102 of title 31 of the United States Code, except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such paragraph.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement with respect to authorization of certain activities of the Federal Bureau of Investigation differs from the provisions on this matter in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 in two respects. Modifications and additions have been made to the exemptions and the reporting provisions have been expanded. With respect to modifications, the certification that the relied-upon exemptions are needed, may be delegated to designees on the Undercover Operations Review Committee, and the certification will now continue for the duration of the operation. In addition, the category of closed operations required to be audited is expanded. Concerning additional exemptions, real property or other facilities may be purchased for undercover operations without disclosing governmental interest. With respect to reporting requirements, the conference agreement requires that Congress must be provided with statistical and descriptive reports on undercover operations.

Related Agencies

COMMISSION ON CIVIL RIGHTS

Salaries and Expenses

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $11,887,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Salaries and Expenses

Amendment No. 103: Earmarks $19,000,000 as proposed by the Senate instead of $18,000,000 as proposed by the House for payments to State and local enforcement agencies.

Amendment No. 104: Appropriates $151,399,000 as proposed by the Senate instead of $151,928,000 as proposed by the House for the Equal Employment Opportunity Commission.

LEGAL SERVICES CORPORATION

Payment to the Legal Services Corporation

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

LEGAL SERVICES CORPORATION

Payment to the Legal Services Corporation

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $275,000,000: Provided, That notwithstanding any regulation, guideline, or rule of the Corporation, the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts under section 1006(a) (1) and (3) so as to insure that total annual funding for each such current grantee and contractor is maintained in fiscal year 1984 in the same proportion which total appropriations to the Corporation in fiscal year 1984 bear to the total appropriations to the Corporation in fiscal year 1983, unless action is taken by directors of the Corporation prior to January 1, 1984 who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: Provided further, That, notwithstanding the above proviso, the funds distributed to each grantee funded in fiscal year 1983 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area be distributed in the following order:

(1) First, grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) of the Legal Services Corporation Act shall be maintained in fiscal year 1984 at not less than 5% more than the annual level at which each grantee and contractor was funded in fiscal year 1983 or $6.50 per poor person within its geographical area under the 1980 Census, whichever is greater;

(2) Second, each such grantee funded in fiscal year 1983, pursuant to the number of poor people within its geographical area, shall be increased by an equal percentage of the amount by which the grantee's funding, including the increase under the first priority above, falls below $13.00 per poor person within its geographical area under the 1980 Census:

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal Government or any State or local government unless—

(1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient;

(2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and

(3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interest of the clients:

except that this proviso may be superseded by regulations governing the bringing of class action suits promulgated by a majority of the Board of Directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: Provided further, That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used—

(1) to pay for any publicity or propaganda intended or designed to support or defeat legislation pending before Congress or State or local legislative bodies or intended or designed to influence any decision by a Federal, State, or local agency;

(2) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities;

(3) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official—

(A) to favor or oppose any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council or any similar governing body acting in a legislative capacity,

(B) to favor or oppose an authorization or appropriation directly affecting the authority, function, or funding for the recipient or the Corporation, or

(C) to influence the conduct of oversight proceedings of the recipient or the Corporation;

(4) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influnce any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or similar legislation, except that this proviso shall not preclude funds from being used to provide communication directly to a Federal, State, or local elected official on a specific and distinct matter where the purpose of such communication is to bring the matter to the official's attention if—

(A) the project director of a recipient has expressly approved in writing the undertaking of such communication to be made on behalf of a client or class of clients in accordance with policy established by the governing body of the recipient; and

(B) the project director of a recipient has determined prior to the undertaking of such communication, that—

(i) the client and each such client is in need of relief which can be provided by the legislative body involved;

(ii) appropriate judicial and administrative relief have been exhausted; and

(iii) documentation has been secured from each eligible client that includes a statement of the specific legal interests of the client, except that such communication may not be the result of participation in a coordinated effort to provide such communications under this proviso; and

(C) the project director of a recipient maintains documentation of the expense and time spent under this proviso as part of the records of the recipient; or

(D) the project director of a recipient has approved the submission of a communication to a legislator requesting introduction of a private relief bill:

except that nothing in this priviso shall prohibit communications made in response to a request from a Federal, State, or local official: Provided further, That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used to pay for any administrative or related costs associated with an activity prohibited in clause (1), (2), (3), or (4) of the previous proviso: Provided further, That none of the funds appropriated under this Act for the Legal Services Corporation will be expended to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)):

Provided further, That an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of the previous proviso, to be an alien described in clause (3) of the previous proviso: Provided further, That none of the funds appropriated for the Legal Services Corporation may be used to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities, except that this provision shall not be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to provide adequate legal assistance to eligible clients or to advise any eligible client as to the nature of the legislative process or inform any eligible client of his rights under statute, order, or regulation: Provided further, that none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to insure that financial assistance under this title *shall not be terminated, and a suspension of financial assistance shall not be continued for more than thirty days, unless the grantee, contractor, or person or entity receiving financial assistance under this title has been afforded reasonable notice and opportunity for a timely, full, and fair hearing and, when requested, such hearing shall be conducted by an independent hearing examiner, subject to the following conditions—*

(1) such request for a hearing shall be made to the Corporation within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding, or suspend financial assistance and such hearing shall be conducted within thirty days of receipt of such request for a hearing;

(2) the Corporation shall make such final decisions within thirty days after completion of such hearing; and

(3) hearing examiners shall be appointed by the Corporation in accordance with procedures established in regulations promulgated by the Corporation:

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to ensure that an application for refunding shall not be denied unless the grantee, contractor, or person or entity receiving assistance under this title has been afforded reasonable notice and opportunity for a timely, full, and fair hearing to show cause why such action should not be taken and subject to all other conditions of the previous proviso: Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (1) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (2) a qualified nonprofit organization chartered under the laws of one of the States, a purpose of which is furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance: Provided further, That no member of the Board of Directors of the Legal Services Corporation shall be compensated for his services to the Corporation except for the payment of an attendance fee at meetings of the Board at a rate not to exceed the highest daily rate for grade fifteen (15) of the General Schedule and necessary travel expenses to attend Board meetings in accordance with the Standard Government Travel Regulations: Provided further, That no officer or employee of the Legal Services Corporation or a recipient program shall be reimbursed for membership in a private club, or be paid severance pay in excess of what would be paid a Federal employee for comparable service: Provided further, That none of the funds appropriated in this Act shall be expended by the Legal Services Corporation to participate in litigation unless the Corporation or a recipient of the Corporation is a party, or a recipient is representing an eligible client in litigation in which the interpretation of this title or a regulation promulgated under this title is an issue, and shall not participate on behalf of any client other than itself.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement is similar to the Senate Amendment and provides substantially the same language that has been in the law for the last year with several exceptions. One exception relates to the distribution of funds in excess of what local programs received last year. Other exceptions relate to certain limitations in the use of funds.

Amendment No. 106: Adds language proposed by the Senate which provides that title II may be cited as the "Department of Justice and Related Agencies Appropriation Act, 1984".

TITLE III—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

Amendment No. 107: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a heading.

Salaries and expenses

Amendment No. 108: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945); expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress; expenses of the United States-Japan Advisory Group; acquisition by exchange or purchase of vehicles as authorized by law, except that special requirement vehicles may be purchased without regard to any price limitation otherwise established by law; $1,114,810,000, of which $17,500,000 shall remain available until September 30, 1985. Of the amounts available for expenditure pursuant to the International Center Act of 1968, not to exceed $925,000 may be made available until expended from proceeds of lease, sale, or exchange for purposes authorized in section 5 thereof as amended by Public Law 97-186.

REOPENING CONSULATES

For necessary expenses of the Department of State and the Foreign Service for reopening and operating certain United States consulates as specified in section 103 of the Department of State Authorization Act, fiscal years 1982 and 1983, $2,500,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that not to exceed $2,000,000 from currency gains shall be available to carry out the provisions of the Soviet-Eastern European Research and Training Act of 1983. The conferees are also agreed that not to exceed $2,000,000 from currency gains shall be available for the proposed consolidation of certain activities of the Department of State in the Columbia Plaza building in Washington, D.C. In addition, the conferees are agreed that the Department of State should make available not to exceed $1,500,000 from the total amount provided in this appropriation to make small grants to human rights, legal aid and educational programs and organizations overseas, in accordance with Section 122(a) of the State Department Authorization bill, as passed the Senate.

Representation Allowances

Amendment No. 109: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $4,148,000.

Acquisition, Operation, and Maintenance of Buildings Abroad

Amendment No. 110: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), $160,000,000, to remain available until expended, of which $1,100,000 shall be available for an air conditioning project at the United States Embassy in Mexico City; and of which not to exceed $2,800,000 shall be available for purchase of a site adjacent to the United States Embassy in Mexico City; and of which $1,500,000 shall be available for design and development of a new chancery building for the United States Embassy in Seoul, Korea; and, in addition there shall be available subject to the approval of the Committees on Appropriations of the House and Senate under said Committees' policies concerning the reprogramming of funds, the sum of $30,000,000, to remain available until expended, for overseas housing requirements.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Acquisition, operation, and maintenance of buildings abroad (special foreign currency program)

Amendment No. 111: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $10,012,000.

Emergencies in the Diplomatic and Consular Service

Amendment No. 112: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $4,356,000.

Buying Power Maintenance

Amendment No. 113: Deletes the appropriation of $2,475,000 proposed by the Senate.

Payment to the American Institute in Taiwan

Amendment No. 114: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $9,380,000.

Payment to the Foreign Service Retirement and Disability Fund

Amendment No. 115: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert the following: *$103,791,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

International Organizations and Conferences

Amendment No. 116: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a heading.

Contributions to International Organizations

Amendment No. 117: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $520,515,000. The conferees are agreed that in addition to this amount, $5,258,000 in currency gains available in this account shall be used to fund the full budget request of $525,773,000 for FY 1984.

Amendment No. 118: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language prohibiting the funds in this paragraph from being used to pay the United States' share of interest costs on loans to international organizations from commercial lending institutions.

Contributions for International Peacekeeping Activities

Amendment No. 119: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $66,279,000.

International conferences and contingencies

Amendment No. 120: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, contributions for the United States share of general expenses of international organizations and representation to such organizations, and personal services without regard to civil service and classification laws, $8,910,000 to remain available until expended, of which not to exceed $225,000 may be expended for representation as authorized by law.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that a total of $450,000 shall be made available within the total amount appropriated in this account and from any currency gains that may accrue, to meet expenses incurred by the United States group in hosting the thirty-first annual meeting of the North Atlantic Assembly to be held in the Fall of 1985.

International Commissions—International Boundary and Water Commission, United States and Mexico

Amendment Nos. 121 and 122: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendments of the Senate which insert headings and standard appropriation language for International Commissions and the International Boundary and Water Commission, United States and Mexico.

Salaries and Expenses

Amendment No. 123: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, including preliminary surveys, $10,651,000: Provided, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): Provided further, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State: Provided further, That not to exceed $800,000 of the amount appropriated in this paragraph shall be available for reimbursement of the city of San Diego, in the State of California, for expenses incurred in treating domestic sewage received from the city of Tijuana, in the State of Baja California, Mexico, and not to exceed $100,000 of the amount appropriated in this paragraph shall be available for reimbursement of the city of Nogales, in the State of Arizona, for expenses incurred in treating domestic sewage received from the city of Nogales, in the State of Sonora, Mexico.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Construction

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $672,000.

American Sections, International Commissions

Amendment No. 125: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriate $3,426,000.

International Fisheries Commissions

Amendment No. 126: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $8,876,000.

Other

Amendment No. 127: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a heading.

United States Bilateral Science and Technology Agreements

Amendment No. 128: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $1,683,000.

The Asia Foundation

Amendment No. 129: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $9,900,000.

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language providing that section 15(a) of the State Department Basic Authorities Act of 1956 shall not apply to the unobligated balances of previous appropriations for the activities of the Asia Foundation.

General Provisions—Department of State

Amendment No. 131: Deletes a general provision, proposed by the Senate, which would have prohibited the preparation, production, or purchase of certain maps of the Soviet Union.

Amendment No. 132: Deletes a general provision proposed by the Senate, which would have prohibited any of the funds made available under title III for International Organizations and Conferences from being used for the United States proportionate share for any programs for the Palestine Liberation Organization, the South West Africa People's Organization, Cuba, Iran, or Libya.

The conferees note that this matter is being addressed by the authorizing committees for the Department of State.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

Arms Control and Disarmament Activities

Amendment No. 133: Appropriates $18,500,000 as proposed by the House instead of $18,315,000 as proposed by the Senate for the Arms Control and Disarmament Agency.

The conference agreement provides $500,000 to reestablish the Office of Operations Analysis. The conferees agree that a viable research program is essential to arms control activities, and direct the Arms Control and Disarmament Agency to report to the Committees on Appropriations of the House and Senate the operating plan for the use of all fiscal year 1984 appropriated funds by February 1, 1984.

BOARD FOR INTERNATIONAL BROADCASTING

Grants and Expenses

Amendment No. 134: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

BOARD FOR INTERNATIONAL BROADCASTING GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc., $100,000,000, of which not to exceed $52,000 may be made available for official reception and representation expenses: Provided, That notwithstanding section 8(b) of the Board for International Broadcasting Act of 1973, not to exceed $4,900,000 of the amounts placed in reserve in fiscal year 1983 pursuant to that section or which would be placed in reserve pursuant to that section, shall be available in fiscal year 1984 to the Board for carrying out that Act, and, in addition, $13,282,000 shall be appropriated for grants to RFE/RL, Inc. for facility modernization and program enhancement.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are aware of currency gains totalling $8,562,271 in fiscal year 1983, of which the conference agreement makes available $4,900,000. If the dollar continues to maintain a favorable position against foreign currencies in fiscal year 1984, the amount not provided herein for RTE/RL activities for which there was a budget request will be considered favorably for availability in the fiscal year 1984 Program and Pay Supplemental Appropriation.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Salaries and Expenses

Amendment No. 135: Appropriates $544,000 as proposed by the Senate instead of $550,000 as proposed by the House for the Commission on Security and Cooperation in Europe.

Amendment No. 136: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

Provided further, That none of the funds appropriated under this heading shall be available during calendar year 1984 unless a conference report on H.R. 2915, "The State Department Authorized Act" is filed.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

Japan-United States Friendship Trust Fund

Amendment No. 137: Appropriates $1,683,000 as proposed by the Senate instead of $1,700,000 as proposed by the House for the Japan-United States Friendship Commission.

United States Information Agency

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a heading.

Salaries and Expenses

Amendment No. 139: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $20,000); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5928; and entertainment, including official receptions, within the United States, not to exceed $20,000; $471,853,000, of which not to exceed $6,509,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: Provided, That not to exceed $615,000 may be used for representation abroad: Provided further, That receipts not to exceed $500,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of Public Law 80-402, as amended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that $153,680,000 shall be available for the operations of the Voice of America from the total amount provided in this appropriation. The amount so designated is the full amount requested for FY 1984 for the Voice of America in this account and includes all of the program increases requested.

Radio Broadcasting to Cuba

Amendment No. 140: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

RADIO BROADCASTING TO CUBA

For an additional amount, necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act (providing for the Radio Marti program or Cuba Service of the Voice of America), including the purchase, rent, construction and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, $10,000,000, to remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are concerned that a full justification has not been provided to the Appropriations Committees in support of this new program. The conferees therefore expect that the United States information Agency will submit a comprehensive justification in support of any future budget request for this program. If Radio Broadcasting to Cuba requires additional resources before the Appropriations Committees consider the next supplemental appropriations bill for FY 1984, the conferees are agreed that not to exceed $4,000,000 may be made available for this purpose, from funds appropriated to the Voice of America, and that such funds will be replenished to the Voice of America in the next supplemental appropriations bill if full justification is provided to the Appropriations Committees.

Educational and Cultural Exchange Programs

Amendment No. 141: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship and Congress-Bundestag Exchange Programs as authorized by Reorganization Plan No. 2 of 1977 and the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), $92,900,000. For the Private Sector Exchange Programs, $7,100,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that $3,762,000 shall be allocated for the Humphrey Fellowship Program from the total amount provided for this appropriation.

National Endowment for Democracy

Amendment No. 142: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $18,000,000: Provided, That these funds shall be available for obligation only upon enactment into law of authorizing legislation.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Salaries and Expenses (Special Foreign Currency Program)

Amendment No. 143: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $10,450,000.

Center For Cultural and Technical Interchange Between East and West

Amendment No. 144: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $18,362,000.

Acquisition and Construction of Radio Facilities

Amendment No. 145: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, and for lease of real property for periods of up to twenty-five years in Africa, $31,000,000, to remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The conferees note that USIA has a $59,027,550 carryover from FY 1983 in this account.

TITLE IV—THE JUDICIARY

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Salaries and Expenses

Amendment No. 146: Appropriates $26,775,000 as proposed by the Senate instead of $26,075,000 as proposed by the House.

Amendment No. 147: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that $700,000 of the amount appropriated in Amendment No. 146 shall be derived by transfer from "Pretrial Services Agencies, The Judiciary".

General Provisions—the Judiciary

Amendment No. 148: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits the Administrative Office of United States Courts or any other agency or instrumentality of the United States from restricting solely to staff of the Clerks of the United States Bankruptcy Courts, the issuance of notices to creditors and other interested parties. The amendment also provides that the Administrative Office shall permit and encourage the preparation and mailing of such notices to be performed by or at the expense of the debtors, trustees or such other interested parties as the Court may direct and approve. In addition, the amendment provides that the Administrator of the United States Courts shall make appropriate provisions for the use of and accounting for any postage required pursuant to such directives. Finally the amendment provides that the provisions of this paragraph shall terminate on October 1, 1984.

TITLE V—GENERAL PROVISIONS

Amendment No. 149: Deletes two general provisions proposed by the House which would have appropriated $10,749,000 for the Salaries and Expenses appropriation of the International Boundary and Water Commission, United States and Mexico. The Senate proposed no funding for this item as this matter was addressed in Amendment No. 123.

Amendment No. 150: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 508. None of the funds in this Act shall be available for payment of that portion of Standard Level User Charges (SLUC) that are in excess of a 7 per centum increase over the amounts paid for such charges in fiscal year 1983.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 151: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which requires that the Committees on Appropriations be notified in writing 15 days in advance of any action to reprogram or transfer funds under any of the conditions set forth in subsection (a) of the amendment. The requirement for notification also applies whenever a proposed reprogramming exceeds $250,000 or 10 percent of the funds appropriated for activities, programs, or projects which would result in any of the three actions mentioned in subsection (b) of the amendment. For reprogrammings which may be less than this amount, the procedures set forth in this section require notice whenever the reprogramming would increase funds or personnel for any project or activity for which funds have been denied or restricted or if new programs would be created. Sec. 509 also requires notice whenever the proposed reprogramming would result in the relocation of offices or employees; or reorganization of offices, programs, or activities. In addition, Sec. 509 requires notice to the Appropriations Committees whenever a proposed reprogramming would eliminate a program, project, or activity, or produce savings in the aggregate for which funds have been provided or reduce funds or personnel by 10 percent or $250,000 in an existing program. Finally, Sec. 509 requires notification to the Committees if activities presently being performed by Federal employees are to be contracted to the private sector.

Amendment No. 152: Deletes a general provision proposed by the Senate which would have reduced by 10 per cent, the amount available in each appropriation for consulting and management services and special studies and analyses, except that the provision would not have applied to the Federal Bureau of Investigation and the National Oceanic and Atmospheric Administration and to those accounts in which the requests for such services, studies, and analyses did not exceed $5,000,000 in the FY 1984 budget.

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

SEC. 510. None of the funds appropriated in Title I and Title II of this Act may be used for any activity, the purpose of which is to overturn or alter the per se prohibition on resale price maintenance in effect under Federal antitrust laws: Provided, That nothing in this provision shall prohibit any employee of a department or agency for which funds are provided in Titles I and II of this Act from presenting testimony on this matter before appropriate committees of the House and Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate added an amendment which would prohibit funds appropriated by this Act from being used to overturn or alter the per se prohibition on resale price maintenance. The House bill contained no comparable provision. The conferees agree that the House will recede with an amendment which limits the scope of the amendment to Titles I and II of the Act thereby ensuring that it does not cover the Federal judiciary and that it does not prohibit the Federal Trade Commission and the Department of Justice from testifying before Congress on this matter.

As amended, the provision would prohibit any further activities by the Department of Justice and other covered Federal agencies designed to weaken the existing prohibition on resale price maintenance. Ongoing activities would be halted in their tracks. The provision does not restrict their authority to argue before the Federal courts, but limits such arguments to existing case law. It does not prohibit the Federal Trade Commission or the Department of Justice from testifying before Congress on the law, nor does it affect private litigants.

The conferees continue to be concerned about the failure of the Antitrust Division of the Department of Justice to enforce the Nation's laws which prohibit vertical price fixing between manufacturers and retailers. Clearly, allowing manufacturers to fix prices has a detrimental effect on American consumers. The Supreme Court has ruled this type of price fixing is illegal, yet the Antitrust Division has adopted a policy of refusing to prosecute violations. While a prosecutor has discretion not to prosecute in an individual case, discretion does not exist to ignore violations and fail to prosecute an entire class of cases. Yet this is precisely the policy of the Antitrust Division. It is a matter of grave concern to the conferees that the Assistant Attorney General for the Antitrust Division is failing to carry out the responsibilities of the office to which he was appointed and confirmed. The conferees instruct the United States Department of Justice and all other appropriate Federal agencies to enforce the Federal antitrust laws faithfully and vigorously, including the prohibition on resale price maintenance.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1984 recommended by the Committee of Conference, with comparisons to the fiscal year 1983 amount, the 1984 budget estimates, and the House and Senate bills for 1984 follow:

New budget (obligational) authority, fiscal year 1983	$10,242,738,000
Budget estimates of new (obligational) authority, fiscal year 1984	[1] 10,026,318,000
House bill, fiscal year 1984	6,718,477,000
Senate bill, fiscal year 1984	10,400,342,000
Conference agreement, fiscal year 1984	10,499,665,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1983	+256,927,000
Budget estimates of new (obligational) authority, fiscal year 1984	+473,347,000
House bill, fiscal year 1984	+3,781,188,000
Senate bill, fiscal year 1984	+99,323,000

[1] Includes $281,816,000 of budget estimates not considered by the House.

NEAL SMITH,
BILL ALEXANDER,
JOSEPH D. EARLY,
BERNARD J. DWYER,
ROBERT J. MRAZEK,
BOB CARR,
JAMIE L. WHITTEN,
GEORGE O'BRIEN,
CLARENCE E. MILLER,
(except amendment 150)
JOHN EDWARD PORTER,
SILVIO O. CONTE,
Managers on the Part of the House.

PAUL LAXALT,
TED STEVENS,
LOWELL P. WEICKER, Jr.,
WARREN B. RUDMAN,
MARK O. HATFIELD,
ARLEN SPECTER,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
DENNIS DECONCINI,
DALE BUMPERS,
TOM EAGLETON,
JOHN C. STENNIS,
Managers on the Part of the Senate.

□ 1400

ELECTION AS MEMBER OF COMMITTEE ON EDUCATION AND LABOR AND AS MEMBER OF COMMITTEE ON SMALL BUSINESS

Mr. LONG of Louisiana. Mr. Speaker, I offer a privileged resolution (H. Res. 361) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 361

Resolved, That Charles Hayes, Illinois, be, and is hereby, elected to the Committee on Education and Labor; and to the Committee on Small Business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HAZARDOUS WASTE CONTROL AND ENFORCEMENT ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 274, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2867.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2867, to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes, with the Mr. BARNARD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House arose on Monday, October 31, 1983, section 11 was open to amendment.

JUDICIARY COMMITTEE AMENDMENTS

The Clerk will report the second committee amendment recommended by the Committee on the Judiciary.

The Clerk read as follows:

Judiciary Committee amendment: Page 33, strike out line 1 and all that follows through line 12, page 34.

Mr. HUGHES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, section 11(e) of the bill provides that any officer or employee of the Environmental Protection Agency is authorized to carry firearms, execute and serve warrants, summonses and subpenas, make arrests without warrant, and administer oaths.

The Committee on the Judiciary struck these provisions from the bill because we believe it to be an unwarranted proliferation of law enforcement authority.

The administration opposes these provisions. The Department of Justice indicates that law enforcement authority should be consolidated as much as possible in the Department of Justice and specifically in the FBI. The Department believes there is no necessity for extending these authorities to the Environmental Protection Agency. The Department feels strongly that the granting of these authorities should be strictly limited in order to protect both citizens and law enforcement officers. The Department feels that it is important that law enforcement officers have specific training and that the more law enforcement authority is expanded and given to other agencies, the more likelihood there is for problems in the use of that authority.

The committee is concerned that section 11(e) of H.R. 2867 is just another example of the uncoordinated proliferation of law enforcement authority to the various Federal agencies. Before we permit this proliferation to continue, the Congress, and specifically the Committee on the Judiciary, should take a close look at whether it is justifiable in each instance and, even if it is justifiable in a particular instance, whether an omnibus, coordinated approach would make more sense.

As to the merits of this particular authorization, the committee has been informed that the FBI has assigned high priority to the kinds of cases that EPA is concerned about and that the Department of Justice is unaware of any particular need for such authorization. Two years ago, there was an instance where the FBI was slow in responding to an illegal dumping matter. As a result, FBI Director Webster called a meeting in Washington where he personally assigned a high priority to future dumping matters. The FBI has committed itself to working with the EPA to provide law enforcement personnel when necessary.

The granting of law enforcement authority not only to EPA but also to other Federal officials raises questions of efficiency and coordination. The efficiency questions involves whether it makes sense for EPA officials to be conducting searches, seizures, and arrests. Their primary function is to investigate dumping cases. It is the job of the FBI and the U.S. marshals to conduct arrests, searches, and seizures, not EPA. It is inefficient to duplicate law enforcement efforts and training for these agencies. In addition, while EPA officials are being trained to do what the FBI is already assigned to do, the number of people investigating dumping cases is reduced. This situation compounds the problem of inefficient use of time when one considers that frequent retraining in law enforcement techniques is essential.

The coordination question involves the increased independence EPA will have from the Department of Justice if EPA is granted these new powers. The Department will be less able to coordinate law enforcement matters as EPA assumes these tasks independently. It is a matter of high priority in the Department to investigate waste removal cases. EPA's independence may result in the Department and EPA working on the same case without either agency being aware of the actions of the other. Coordination between the two agencies, each doing what it is trained to do, is the most effective law enforcement scheme.

The committee did not receive any evidence of a need to grant these law enforcement authorities to the EPA. Any concern EPA has about being able to make an immediate arrest at midnight at a dumping site should be resolved easily. EPA should by this point already have alerted and arranged for coordination of their effort with the Department. No question or delay should be raised.

Finally, there is already a procedure by which EPA can ask Justice to designate EPA officials as deputy U.S. marshals in particular cases. The Department of Justice is actively considering such a program for EPA. This procedure gives Justice control over the situation, and it also makes Justice accountable for insuring that the EPA official is properly trained and has an appropriate background to handle law enforcement responsibilities.

Therefore, Mr. Chairman, since we believe there is no urgent need for these authorities, I urge my colleagues to support the committee amendment striking them.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from New Jersey, the distinguished chairman of the Committee on the Judiciary.

Mr. RODINO. Mr. Chairman, I want to add my support to the statement of the gentleman from New Jersey, the chairman of the Subcommittee on Crime. The Committee on the Judiciary has long been concerned about the proliferation of law enforcement authority which the Congress has been engaged in in recent years. I fully agree with the gentleman that a more sensible approach is for the current law enforcement agencies to coordinate in a better and more efficient manner. I do not believe that adding more people to the already extensive list of Government personnel who are authorized to carry firearms and make warrantless arrests is in the best interests of our country. The witnesses at the hearing testified that the Department and specifically the FBI have made toxic waste cases a special priority. I remind my colleagues that the Department of Justice and the EPA have an excellent working relationship and that both of them support the Judiciary Committee amendment which deletes the law enforcement authorities from the bill.

Mr. HUGHES. I thank the gentleman for that contribution. And the gentleman is absolutely right.

I think that we have got to look at each case and determine whether or not there is a need. There is no question but that certain aspects of organized crime have infiltrated this area.

The FBI has a particular expertise. The FBI should remain the lead agency. Every agency and department of Government has some enforcement authority. You cannot give law enforcement arrest, search and seizure authority, authority to carry guns to each and every agency, to give each and every agency that has some enforcement authority, the authority to carry weapons, kick in doors, to search and seize.

□ 1410

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. HUGHES) has expired.

(By unanimous consent, Mr. HUGHES was allowed to proceed for 2 additional minutes.)

Mr. HUGHES. Mr. Chairman, how in the world can you have any coordinated effort? You are talking about a need for training, very specific training. The FBI has had very specific training dealing with organized crime. They should remain the lead agency. You cannot have a police department, a minipolice department, in every agency and department of Government and expect to have some centralized, coordinated attack upon the crime problems that exist in every aspect of these departments and agencies. It is as simple as that.

So I would urge my colleagues to support the Judiciary Committee amendment.

Mr. FLORIO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am convinced that because provisions of this bill restrict land disposal of hazardous waste and require safer methods of treatment and recycling, there will be a significantly greater incentive to dispose of toxic waste illegally. Since RCRA was amended in 1980 to make it a crime for anyone to dispose of hazardous waste in a way that endangers human health, there has not been a single indictment under the knowing provision. This is true despite the fact the the Oversight Subcommittee has learned of numerous instances of midnight dumping and other criminal offenses involving hazardous waste.

I am convinced that the lack of results, in terms of criminal prosecutions under RCRA, is due to the lack of adequate investigatory authority and the enforcement program. During the markup of this bill in full committee, Mr. MADIGAN and I sponsored an amendment which will double the funding for this program. This will allow EPA's criminal investigators to be stationed in each of the 10 regions. However, increased funding for this program will only be efficiently spent if the investigators are provided with the same law enforcement authority that many other Federal agencies possess.

By voting for this amendment, we will be depriving EPA of the enforcement tools necessary to protect against deliberate criminal violations. That is not a signal that this Congress should send to the American people. I strongly urge my colleagues to defeat this amendment.

Mr. Chairman, at the conclusion of my remarks I am including a list of those individuals who are in the Criminal Enforcement Division. It has a summary of their training and experience. We are talking about people with anywhere from 12 to 27 years of criminal investigatory and supervisory experience; we are talking about professionals in the field of criminal justice.

So we are not providing these enhanced enforcement powers to those who are not qualified. We are providing to those individuals the capability of enforcing the appropriately strong provisions that are in this law.

I would ask for the support of this body in opposing this amendment.

U.S. ENVIRONMENTAL PROTECTION AGENCY CRIMINAL ENFORCEMENT DIVISION

OFFICE TITLE, PRIOR EMPLOYMENT AND REMARKS

Headquarters Washington, D.C.:

Chief: N.Y. City Police Dept., N.Y. State Atty. Gen. Office, N.Y. Commission of Investigation; 27 years criminal investigative and supervisory experience.

Assistant Chief: Federal Bureau of Investigation, Washington, D.C. Police Dept., U.S. Interstate Commerce Commission; 13 years criminal investigative and supervisory experience.

Atlanta Field Office:

Special Agent in Charge: U.S. Treasury Dept., Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. Police Dept.; 16 years criminal investigative and supervisory experience.

Special Agent No. 1: U.S. Treasury Dept., Bureau of Alcohol, Tobacco and Firearms; 13 years criminal investigative experience.

Special Agent No. 2: U.S. Treasury Dept., Bureau of Alcohol, Tobacco and Firearms; 5 years criminal investigative experience.

Special Agent No. 3: Washington, D.C. Police Dept., Criminal Investigation Division; 23 years criminal investigative and supervisory experience.

Special Agent No. 4: U.S. Marine Corps, Armed Services Police Dept., Florida Dept. of Law Enforcement; 12 years criminal investigative and supervisory experience.

Chicago Field Office:

Special Agent in Charge: U.S. Treasury Dept., Bureau of Alcohol, Tobacco and Firearms; 11 years criminal investigative and supervisory experience.

Special Agent No. 1: U.S. Treasury Dept., Bureau of Alcohol, Tobacco and Firearms, Hammond, Indiana Police Dept.; 8½ years criminal investigative experience.

Special Agent No. 2: U.S. Drug Enforcement Administration; 13 years criminal investigative and supervisory experience.

Special Agent No. 3: Washington DC Police Dept.; 10½ years criminal investigative experience.

Denver Field Office:

Special Agent in Charge: U.S. Internal Revenue Service, Criminal Investigation Division; 12 years criminal investigative experience, supervisory experience.

Special Agent No. 1: U.S. Customs Service; 16 years criminal investigative and supervisory experience.

Philadelphia Field Office:

Special Agent In Charge: N.Y. State Medicaid Fraud Division, Federal Bureau of Investigation; 22 years criminal investigative and supervisory experience.

Special Agent No. 1: Washington, D.C. Police Dept.; 12 years criminal investigative experience.

Special Agent No. 2: Maryland Department of Natural Resources, Police Department; 12 years criminal investigative experience.

Special Agent No. 3: U.S. Internal Revenue Service, Criminal Investigation Division; 13 years criminal investigative experience.

Special Agent No. 4: Washington, D.C. Police Dept.; 20 years criminal investigative and supervisory experience.

Seattle Field Office:

Special Agent in Charge: U.S. Drug Enforcement Admin., U.S. Customs Service; 13 years criminal investigative and supervisory experience.

Special Agent No. 1: U.S. Drug Enforcement Admin.; 10½ years criminal investigative experience.

Special Agent No. 2: U.S. Drug Enforcement Admin., U.S. Customs Service; 21 years criminal investigative and supervisory experience.

Special Agent No. 3: U.S. Fish and Wildlife Service, California Dept. of Fish and Game; 11 years criminal investigative experience.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, this is just another illustration of what we had for the Commerce Department last week. Goodness knows who we will have it for next week, but everyone wants their own minipolice department, all running around carrying guns, making warrantless arrests, and with no police training.

There is not an agency in the Federal Government that does not have some kind of enforcement problem on their various laws. The Federal Communications Commission, they are dealing with radios or radio stations, private or otherwise, there are not licensed. I suppose they might want to have their own armed policemen riding the circuit, with radio direction finders, making arrests; the Federal Trade Commission, certainly in the antitrust field, out with guns and weaponry; the Interstate Commerce Commission, on motorcycles, rounding up and arresting illegal truckers operating on the road without ICC certificates of convenience and necessity.

You name it, the list is endless. And just everybody, as soon as they find out the door is open, why should they have to go to another agency to get arrests made, to pull out guns and enforce their own laws and their own rules and regulations when they can do it themselves?

And so you are going to have an endless stream of agencies coming in here wanting their own armed police forces, and they will proliferate throughout the Federal Government.

Now, that is not done in any State that I am aware of; it has not been done up to now on any widespread scale in the Federal Government.

I think the time has come to say no, we have trained police agencies, we have the FBI, we have the U.S. Marshal's Office, and we have got trained people in those areas who are armed and who are capable of making arrests and enforcing the law.

It strikes me that that has always been our philosophy of government. We are not a police state, and if we start multiplying all of the agencies with their own police departments and police forces, untrained and armed, I think we are making a severe mistake. I urge the support of the Members for the Judiciary Committee amendment.

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words, and I, too, rise in favor of the amendment that comes out of our Committee on the Judiciary to strike this authority.

I might add that the administration opposes the inclusion of law enforcement authority in EPA. The Department of Justice feels that the right to carry firearms and make arrests with or without warrants should be limited in order to protect the rights of our citizens.

The widespread proliferation of law enforcement responsibilities, which is encouraged by the language in the bill, which the Judiciary Committee seeks to strike, in my judgment will inevitably result in a reduction in the level of training and experience now enjoyed by Federal law enforcement officers. The FBI is perfectly capable of fully investigating the alleged commission of crimes resulting from environmental abuse.

Now, if the Environmental Protection Administration requires additional law enforcement personnel and there is reason to believe that operational difficulties are being encountered, then it is proper that the Department of Justice designate EPA officials as special deputy U.S. Marshals for a temporary period, with all the arrest powers such a designation implies.

But I think it is important for this body to understand that arrest authority granted to EPA personnel by the language in H.R. 2867 goes beyond strictly environmental offenses and could involve the power to arrest or to inflict deadly force whenever an EPA official with arrest authority believes he has probable cause that a felony has been, or is being, committed.

Mr. Chairman, this is not the first time this administration or prior administrations have encountered these types of requests. They have been numerous over the years from various agencies of Government for permission to carry arms and to make arrests. In order to grant such requests, it has always been necessary to provide specific evidence which clearly and convincingly demonstrates the severity of the need. The witnesses from EPA who testified before the House Judiciary Committee were unable to provide us with examples which would justify such a dangerous precedent, and I urge, Mr. Chairman, support for the pending amendment.

Mr. MOLINARI. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, if ever there was an agency of the Federal Government that should be granted the power of arrest, it should be the enforcement arm of the EPA. Now, I have been one who has severely criticized EPA and its enforcement activities, and I would agree with the gentleman from New York (Mr. FISH) and the gentleman from New Jersey (Mr. HUGHES) that if in all circumstances you had the opportunity to contact the FBI and you were forewarned that there was activity going on, it would be preferable. Indeed, I think that is what would happen if time permitted.

Unfortunately, you do not have the luxury, in many cases, of being forewarned. Your enforcement officers are out there; they are making an inquiry in an investigation; they come upon a dumping activity; they should be empowered to make an arrest; they should be empowered to protect themselves. And, indeed, we have just learned within the last few days that EPA is expanding its enforcement personnel.

But if we are going to declare war on those who are abusing the environment and indeed causing damage to the health and maybe causing the loss of life, then we should be ready to protect those who are going to protect us.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, just to point out the wisdom of what the gentleman is talking about, I have, and I will put into the RECORD, reports from various EPA Criminal Enforcement Division field offices. One report out of Seattle strikes me as reflective of the wisdom of the gentleman's remarks.

EPA investigator witnessed a truck leaking PCB liquids on the highway between Portland and Seattle. Investigator unable to stop truck or prevent contamination of 50 miles of highway before the truck was ultimately stopped by a sheriff who was able to be obtained for purposes of enforcing the law.

☐ 1420

This is the type of thing that we are trying to deal with. We know that they are shorthanded. We know that these investigators are on the scene, but if they do not have the law enforcement authority, they are going to have to sit and watch, in this instance, 50 miles of road being polluted with PCB's because they do not have the authority that we are trying to provide for them in this bill.

The gentleman is absolutely correct. This amendment is not helpful.

Mr. MOLINARI. I thank the gentleman for his remarks, and I would like to point out that the list is numerous of incidents where, if the EPA investigative authorities had the ability to make arrests and had the weapons to protect themselves, many of these abuses would have been averted. Let us face it, we are talking about some of the worst characters in this country. We are talking about organized crime. We are talking about situations where we are asking our enforcement officers to put their lives on the line. They are not going to do it in many cases unless they have the ability to protect themselves.

Mr. WYDEN. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman from Oregon.

Mr. WYDEN. I thank the gentleman for yielding.

Mr. Chairman, I just want to second the gentleman's comments.

I would like to share with my colleagues correspondence between the EPA and the Justice Department which clearly demonstrates the need for section 11(e) of this bill.

In an April 1983 letter from EPA's Associate Enforcement Counsel, Criminal Division, to the U.S. Department of Justice, a request was made for the provision of full law enforcement authority for EPA's criminal investigators. The request centered on the dangers of the investigative process and the need for criminal investigators to make arrests and execute search warrants to facilitate enforcement work, and to protect themselves from bodily harm. The letter stated in part:

> Without full law enforcement authority, significant limits will be placed on EPA's criminal initiative. More importantly, the program will not be able fully to ensure the safety of its investigative staff, and of citizens that choose to assist EPA in pursuing allegations of criminal misconduct . . .
>
> It is my personal belief that law enforcement powers should be pursued for EPA's criminal investigators immediately.

The letter also included 26 examples of incidents or indications of violence which have occurred during environmental criminal investigations. The examples were taken from 150 currently active investigation cases. I will describe a few.

In Pennsylvania, a landfill operator shot two policemen, one fatally;

In another case, a Pennsylvania State DER inspector's car was smashed, and his family was threatened;

Six potential witnesses in a Moyers landfill prosecution—U.S. against Lanigan—received death threats, or had their homes burgled and property destroyed;

During surveillance of a hazardous waste hauling operation, there was an assault on a lieutenant of the Rockland County Sheriff's Office;

In Kentucky (1972), and Georgia (1976), EPA inspectors were forced from sites at gun point; and

In South Carolina (1976 and 1979), an EPA pesticide inspector was twice threatened at knife point.

On July 7, 1983, EPA's Special Counsel for Enforcement wrote to the Assistant Attorney General for the Land and Natural Resources Division concerning operational constraints:

> The absence of law enforcement authority also places operational constraints on day-to-day investigative activity that will inevitably limit the Agency's independent ability to enforce the criminal provisions of its environmental statutes. For example, without arrest powers, EPA's investigative staff can not prevent ongoing illegal activity, such as roadside dumping, or detain a vehicle to check its manifest.

The memorandum accompanying that letter describes an incident that strikes close to home. An EPA investigator witnessed a truck leaking PCB liquids on a highway between Portland and Seattle. The EPA investigator was unable to stop the truck, or prevent contamination of 50 miles of highway before the truck was stopped by a Sheriff's deputy, due to the absence of law enforcement powers.

Mr. Chairman, section 11(e) granting EPA criminal investigators law enforcement powers would correct the safety and operational problems that currently exist and strengthen hazardous waste enforcement.

I urge the rejection of the amendment seeking to delete this provision.

Mr. MOLINARI. I thank the gentleman for his remarks.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I would also like to identify with the gentleman's position and the remarks that he has made in opposition to the amendment being offered by the gentleman from New Jersey.

I think the very important point to make here is the very dangerous types of activities that EPA investigators are involved in. I have a number of instances here. One instance is where the primary target of a RCRA TSCA investigation has in the past arranged for a firebombing of a former business, trafficked in narcotics in the Seattle-Portland area, and threatened to kill business associates and dispose of remains in hazardous waste drums.

Another instance, also arising out of the Seattle field office, where 2 targets of a CWA investigation have arrest records for the illegal discharge of weapons. A third has made threats against Government witnesses.

The CHAIRMAN. The time of the gentleman from New York (Mr. MOLINARI) has expired.

(By unanimous consent, Mr. MOLINARI was allowed to proceed for 5 additional minutes.)

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman from Pennsylvania.

I thank the gentleman for yielding.

Mr. Chairman, I would like to commend the gentleman in the well for his comments. I think the issue is focused on whether or not EPA should have enforcement authority. I think it has to be laid out that other agencies of the Federal Government have this authority for doing things that are, in some instances, far less important to the overall health and safety of the community.

I think it would be too difficult in many of these cases to wait for other law enforcement agencies to come in. The chairman mentioned the case of a 50-mile truck drive where pollutants were being spewed out. EPA has the responsibility to clean up, but had no enforcement powers to go and, in fact, stop and arrest that person and to secure a clean and efficient stoppage of that particular dumping experience.

Other gentlemen have mentioned the fact that organized crime is involved. This is not something that is done by good, commonsense Americans who are trying to live wholesome lives. This illegal dumping that is taking place in many places in our urban areas is taking place by people who do not want to be caught and prosecuted.

The record has been very poor of prosecutions in this area. I think if we are expanding the number of those persons who can enforce the law, we have to give them the authority to do that.

So I commend the gentleman for his stand.

Mr. MOLINARI. I thank the gentleman for his support.

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I would be glad to yield to the gentleman from Louisiana.

Mr. BREAUX. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman for his statement, also, and point out that it is not uncommon at all in the Federal Government to have agencies that are in charge of enforcing rules and regulations also having the authority to go out and make arrests of those who they perceive to be violating the standards that they are in charge of enforcing.

I cite, for example, under our committee jurisdiction, the National Marine Fisheries Service, which has people who enforce the laws pertaining to catching fish in offshore waters. They have the authority to make those enforcement actions and also to make arrests if people are, in fact, violating their standards.

How much more important it is in this case, when we are talking about things that affect the health and safety of lives.

Mr. MOLINARI. I thank the gentleman for his remarks.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I just want to offer one other piece of evidence of the validity of the point the gentleman has made.

Reports have come in from the field offices indicating that these offices are currently unable to insure protection of confidential informants in environmental investigations. As the gentleman undoubtedly knows, these confidential informants are the key to successful prosecutions of organized crime's involvement in illegal dumping.

Access to the U.S. Marshal Service for witness protection is never immediate due to internal Department of Justice authorization procedures. So, in fact, we are undermining the capability of the investigatory force to do the job we are telling them to do unless we provide them with enhanced responsibilities that this bill provides and which this amendment would strike. Hence, the striking of these authorities that we provide for in the bill is really not in the interest of the capability of these agencies to do their investigatory work.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I have a couple more statements to make, but I would be glad to yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Chairman, let me say to my colleague that I am sympathetic. If we give enforcement authority, then we should be protecting those who are enforcing our laws. There is no question about that.

But there is more to the law enforcement component than just carrying a weapon and a badge and being able to make arrests. We are talking about training. My colleague, the gentleman from New Jersey (Mr. Florio) is talking about protecting informants and witnesses. That is the province of the FBI. That is the province of the U.S. Marshals.

We already have a centralized law enforcement component that does that. We cannot proliferate those types of functions and expect to have a centralized system of law enforcement around the country. The answer is, if we do not have FBI agents to protect informants, whether it be vis-a-vis toxic dump sites or whether it be drug busts, or whatever it be, then we ought to be providing the Department of Justice, the law enforcement agencies, with more resources, not a proliferation of the law enforcement functions in every agency and department of Government. We cannot possibly have a centralized system if we have a minipolice department in every agency and department. That is what we are moving toward.

Mr. MOLINARI. I understand the gentleman's point. I would just like to answer that by saying that if we had the luxury in each and every case to be forewarned that something was going on and we could call the FBI and have them at the scene, it would be one thing. That is not the real world that is out there.

I would like to conclude by just giving my colleagues two examples of why we should defeat this amendment.

First, it has been cited that we do not have any examples of why this is necessary. The man in charge of the New York State Attorney General's White Plains Organized Crime Task Force on Toxic Waste Abuse was forced to flee to Europe because his own life was threatened by organized crime.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield on that point?

Mr. MOLINARI. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

Could the gentleman explain what he just told us?

The CHAIRMAN. The time of the gentleman from New York (Mr. Molinari) has again expired.

(On request of Mr. FLORIO and by unanimous consent, Mr. Molinari was allowed to proceed for 3 additional minutes.)

□ 1430

Mr. MOLINARI. Mr. Chairman, if the gentleman will let me continue, I think I can clear up the gentleman's question.

"20/20" had a segment about a year or a year and a half ago where they did a detailed investigation, a marvelous job, where they traced those involved in taking toxic chemicals, mixing them with heating oil, and selling it as heating oil. During the course of the filming of that segment, which spread out over a period of 8 or 9 months, the producer and the director were threatened many times. They registered at different hotels under aliases. They were constantly followed, their phones were tapped, they were threatened, and they could not wait until they showed the segment so the pressure would be off because they were fearful of their own lives.

This is just to give an example of the kind of people we are dealing with here.

Mr. KINDNESS. Mr. Chairman, could the gentleman explain the point about someone having to travel to Europe? He made a statement, and I could not quite understand its relationship to the subject.

Mr. MOLINARI. There was an individual who was in charge of the New York State attorney general's at White Plains. He was in charge of the organized crime strike force dealing with toxic-waste dumping. He was subjected to so many threats that he perceived the threat to his life to be real, and I believed it to be so.

He left the country, and during the period when he was out of the country I talked to his mother very often. He was afraid for his life because of the many threats.

There are many examples of this type, and we can make believe it does not exist, but if we want to get the job done, it is about time we declared war on those who are going to abuse the environment, as they have been doing, and the only way we are going to do it is by protecting the individuals who go out there to make the arrests.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield further?

Mr. MOLINARI. I am glad to yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, I am not understanding how the provision in the bill would have kept the gentleman from having to flee to Europe.

Mr. MOLINARI. The question was raised by one of the speakers that no testimony came out that any people were really threatened, and I was merely citing that as an example of cases where people have been in life-threatening situations.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I appreciate the gentleman's yielding in order to give me the opportunity to deal with the point that was raised, I am sure, in good faith, that suggested that perhaps the authority we are providing those people in EPA is being given to people who are not deserving of that authority, the implication being that somehow they were not trained in law enforcement.

I have put in the Record—and I would just again call this to the gentleman's attention—a list of all the individuals in the Criminal Enforcement Division. The experience they have is one that is extremely impressive. Here we have the chief, associated formerly with the New York City Police Department and the State attorney general's office.

Each and every individual is more than qualified by virtue of prior employment as well as by police training. So we are not giving law enforcement authority to individuals who are not up to the responsibility. It is clear that what we are doing is giving to those people who have by virtue of their prior training the capability of using that authority in the field, and thus in fact, we would be depriving them of the tools they are going to need.

Mr. MOLINARI. Mr. Chairman, I thank the gentleman from New Jersey (Mr. Florio). He makes a good point.

The CHAIRMAN. The time of the gentleman from New York (Mr. Molinari) has expired.

Mr. ECKART. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, to pick up on the remarks of the subcommittee chairman, I think there has been an attempt to create the strawman that what we are doing is creating a secret police force of people who are either in irresponsible or who lack the background, training, or expertise to deal with these issues.

As the subcommittee chairman so thoroughly reported, the individuals currently in the Criminal Enforcement Division of the EPA have numerous years of criminal investigatory experience; for example, 13 years, as an FBI agent; 16 years, U.S. Treasury, Washington, D.C., Police Department; 13 years, U.S. Treasury, Bureau of Alcohol, Tobacco and Firearms; 5 years, criminal experience; 23 years, Washington, D.C., and New York City Police Department; 13 years, USDA. The list goes on and on.

But of greater significance is the threat that these gentlemen have to deal with. It is widely known that we are not dealing with a bunch of panty-waisted amateurs who view this midnight dumping as their recreational activity.

What we are dealing with is a highly profitable enterprise that has been infiltrated at the highest levels by organized crime and which exposes those whose jobs are to protect both the environment and our citizenry from criminal activities to very egregious and serious threats.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. ECKART. Let me just finish my point, and I will be happy to yield. I would like to go through this list first.

In Pennsylvania, a landfill operator shoots two policemen, one fatally. In Chicago, a landfill operator runs his bulldozer up against an inspector. In Rockland County, the sheriff's office, a lieutenant is shot at. In Kentucky and Georiga, inspectors are forced away from the site at gunpoint. In Ohio, one of our inspectors is told: "Guys with jobs like yours can get shot."

In Oregon, one of our inspectors is threatened—a threat to cut him up and stuff him into a 55-gallon drum. In California, arson was used against an inspector. In Oregon, a car is found with its tires slashed.

Mr. Chairman, the list goes on and on. Let me tell the Members what our inspectors were armed with: .35-millimeter cameras and half a dozen test tubes.

I submit that we are sending individuals out into the field every single day who are dealing with the most hardened and heinous criminals, criminals with long records and repeated offenses. What we are saying to the people who want to enforce the law is: "Go out there unharmed, go out there naked. Do not allow yourselves, with the kind of background and experience that we have documented so thoroughly, the tools you need to do the job."

All we have to do is call the county sheriff in a community in which these dumps are located and ask them how many times they have been called and gotten there too late. The simple fact of the matter is that we cannot wait for the U.S. marshal and we cannot wait for the local sheriff to come riding over the hill. We have got to give to the people who are on the frontline—yes, if we examine these reports, the firing line—the tools to enforce the existing laws.

This is not a phantom police force. This is minimum, basic protection that is going to go to people who, just in these few offices alone, have accumulated almost 200 years of law enforcement experience.

Mr. Chairman, I think the amendment runs the risk of exposing our important environmental enforcement officers to increased risks and intimidation. I think it is not only mischievous, but I think it would lay at the feet of Congress a responsibility for attacks that have grievously harmed and frightened many individuals.

Mr. SHAW. Mr. Chairman, will the gentleman now yield?

Mr. ECKART. I am happy to yield to my friend, the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has made a most persuasive argument in citing the credentials of many of those who would have these arrest powers. However, I would hasten to point out that this is not a requirement within the bill. The law enforcement training is not a requirement, and what I am concerned about is sending somebody out in the field with a gun and giving him arrest powers if he has not been trained in that particular area.

There is nothing in the bill on that point, and I would ask the gentleman to point it out to me if I have misread the bill. I do not see anything in the bill that requires that law enforcement training, and this is what some of us on the Judiciary Committee are so desperately concerned about.

Mr. ECKART. Mr. Chairman, if I may reclaim my time, I would point out to the gentleman, No. 1, that none of these individuals have less than 5 years' experience, and, No. 2, the hiring practices within the administration preclude someone without that prior background and experience from even being considered for original hiring.

I would be willing to accept an amendment along those lines, but the employment practices of this Administrator and previous Administrators have precluded individuals without that experience from obtaining these jobs originally. In fact, these were highly desirable jobs until the instances of violence and personal harm against our enforcement officers became so commonplace.

Mr. Chairman, I think the gentleman's suggestion is a good one. I would be willing to accept such an amendment, and I would vote in favor of such as amendment.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. ECKART) has expired.

(On request of Mr. HUGHES, and by unanimous consent, Mr. ECKART was allowed to proceed for 2 additional minutes.)

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I am happy to yield to my friend, the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to say also that I have examined the credentials of many of these enforcement officers, and they do have excellent credentials. But as the gentleman from Florida indicated, there is noting in the legislation that would require that there be any type of training before these individuals would be provided with a weapon, with arrest authority, and with search and seizure authority.

I think, first of all, that any effort to address the problems that exist should be in the context of a comprehensive omnibus approach to it, not a piecemeal approach as is being advanced today.

Moreover, I am concerned when I hear the suggestion that these investigators would be investigating organized crime. Is the gentleman suggesting that the next thing we are going to do is give them wiretap authority? Is that what the gentleman is suggesting?

Mr. ECKART. No. Mr. Chairman, if I may reclaim my time, I think the gentleman knows full well that that is not within the scope and purview of what we are considering here.

There is nothing on the record that suggests that the gentleman's suggestion is what we are asking for.

Mr. HUGHES. Mr. Chairman, will the gentleman yield further?

Mr. ECKART. I am glad to yield once again to the gentleman from New Jersey.

Mr. HUGHES. Unfortunately, Mr. Chairman, the longer I am around here, the more I realize how little law enforcement agents talk to one another, and what we are seeing is a proliferation of that. We cannot investigate organized crime unless we do have, first of all, wiretap authority. These people do not do these things in broad daylight.

Mr. ECKART. Mr. Chairman, let me reclaim my time.

Mr. HUGHES. We have to have the entire capabilities of the law enforcement component.

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Mr. ECKART. Let me reclaim my time, if I may, Mr. Chairman.

I want to make absolutely clear that I realize that raising the specter of wiretapping is something that may sound good for the purposes of debate. The fact is that this issue is not before us at this time. Let us settle that once and for all.

Second, I would say to both the gentleman from Florida and the gentleman from New Jersey that if the question is one of training and insuring that we have adequately experienced individuals, I would be happy to accept an amendment, and I think others in the committee would join me. That is not the issue.

The issue is whether you want to send people out on the firing line, exposing them to hazards that jeopardize their health, safety, and even lives, in the enforcement of this program.

I think if you support the amendment you are running that risk. I would urge defeat of the amendment.

Mr. KINDNESS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, our colleagues, those few who are on the floor engaging in this debate and listening to it, know very well that it is a repetition of the debates that have occurred before, some recently and some over a number of years, where the same arguments are presented every time. The same horror stories are presented every time. The people change, the faces change, the names change, the particular incidents, but it is the same sort of thing: "This particular cause is so important that we must set up a separate police force for it, a separate, uncoordinated police force."

The gentleman from New Jersey, whose amendment is before us, has been trying to get across the point quite properly that there must be a coordinated approach to the investigations of organized crime. There must be, in fact, the unusual tool of wiretapping available to such an investigation in order to be effective in getting at organized crime.

Now, you do not want the Internal Revenue Service and their agents getting ready to make an arrest for income tax evasion or criminal acts under the Internal Revenue Code, the people from the Environmental Protection Agency getting ready to make an arrest for violations of the hazardous waste law, and some other Federal agency getting ready to make an arrest for their particular scope of the law or violation of it, and they all come together in an uncoordinated fashion on the same day or the same night and start shooting at each other, instead of getting the criminals—right? That is an extreme expression of the ultimate potential that we are attempting to create here, I suppose, but it is kind of like that.

You cannot have the separate uncoordinated police forces working at these various Federal purposes, all of which have their importance in public priorities.

You cannot stand here and say in good faith that the enforcement of the hazardous substance control laws are more important than a lot of other Federal laws. There are a lot of priorities.

So let us not just look at this as if this was the only place in which there was a need for law enforcement powers. If you want to do an effective job, if in good faith you really want these laws to be properly enforced, let us establish a procedure for the deputizing of the EPA agents or officers on a coordination basis that can be handled through the Federal Bureau of Investigation, through the Justice Department, and try to keep the thing together so that there is an effective Federal law enforcement effort and not a fragmented one.

I think that is all that we really are seeking here and probably all that is being sought on both sides of the issue. Let us be effective at it.

I would like to suggest that if the efforts that are going on at getting some language worked out could be successful, that is probably the best way it could be dealt with; but I would hesitate to agree that this is the one and only place where you can take one additional step toward a greatly diversified Federal police activity. We have done too much of it already.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment.

Mr. Chairman, it has been stated to us that this bill will create massive extension of the number of agents charged with the responsibility for enforcement of Federal law. I think that we ought to analyze to see whether in fact that peril exists.

Well, it is like being pregnant, you can only be a little bit pregnant and you can only have a little bit of proliferation.

Let me read first who has the kind of law enforcement authorities that we are seeking to give to EPA:

The Department of Agriculture, food stamp inspectors, tick inspectors, the National Marine Fishery Service, the Department of Labor, OSHA, the National Atmospheric and Oceanic Agency, the Internal Revenue Service, the Food and Drug Administration, Fish and Wildlife Service enforcing endangered species laws, and the Veterans' Administration. Those are some, but not all of the agencies that have such authority.

Now, let us look at what the problem is and why the problem exists. Our committee has been concerned with the enforcement of the law. We began a succession of hearings. Who did we find is in the business of illegally dumping in defiance of State laws and in defiance of Federal statutes? Guess who? Organized crime, the Cosa Nostra. Why? It is an immensely lucrative business and it is a business that is tailor made for those who can sneak in and dump a load of hazardous wastes in the meadows of New Jersey.

Now, what are these wastes? They are carcinogens. They are mutagens. They pollute the water. They risk the health of the people in the area.

The hazardous waste problem is probably the largest single environmental problem we have in this country. We have 15,000 known dumps, some of which are administered by persons who are known violators of the law, who have criminal records.

Let us look at the record of the criminal investigators currently employed by the Environmental Protection Agency. None of them have less than 5 years of experience with law enforcement agencies that have exercised law enforcement powers. We are not talking about bumpkins. We are talking about people who have law enforcement experience.

Now, why is law enforcement authority needed? It is needed for a series of reasons, and I would like to give the history of these events.

In January of 1983, there was a unanimous report of the Subcommittee on Oversight and Investigation that recommended this authority, after an investigation of the involvement of organized crime in the hazardous waste industry.

In May of 1983, the Commerce Committee reported a bill.

In June of 1983, the Judiciary Committee secured a sequential referral, and they held a hearing. The former Assistant Attorney General of the Land and Natural Resources Division, Mr. James Moorman appeared to support these powers being given to EPA.

Later, administration's recommendation was that EPA should request enforcement authority and deputization of EPA's law enforcement people as special U.S. marshals. That matter languished from that time through a series of subsequent correspondence with the Department of Justice, the initial part of which took place in July. The date of the letter is July 7, and I will put it in the RECORD at the appropriate point.

The full letter follows:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, D.C., July 7, 1983.

Hon. CAROL E. DINKINS,
Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C.

DEAR MRS. DINKINS: The purpose of this letter is to request your assistance, and that of the Justice Department, in deputizing as Special Deputy United States Marshals the criminal investigators employed by the Environmental Protection Agency (EPA). I am writing at the request of the Administrator of the Environmental Protection Agency.

In May of 1982, the EPA created a Criminal Enforcement Division within the Agency's Office of Legal and Enforcement Counsel and began recruitment of a staff of experienced criminal investigators. This recruitment drive followed extensive internal preparations, Agency-wide training and the development of substantial policy and procedures for criminal case development. The creation of this office also followed receipt of a January 1981 letter from former Attorney General Benjamin Civiletti that confirmed EPA's independent authority to investigate and refer environmental criminal cases. (A copy of this letter is enclosed for your consideration as Attachment A.)

By October, field offices of the Criminal Enforcement Division had been created in five cities across the country and staffed by 21 experienced investigators. These offices were initiated as a part of an effort to ensure effective environmental criminal enforcement at the Federal level, and exist to investigate and refer for prosecution significant cases of environmental misconduct under EPA's environmental statutes.

Special Agents of EPA's Criminal Enforcement Division were selected from approximately 300 applicants and have a minimum of five years of previous experience in a major Federal or State law enforcement agency where they have exercised the full array of law enforcement powers, including the authority to make arrests, execute criminal search warrants, and carry firearms. (A review of the backgrounds of EPA's investigative staff is enclosed as Attachment B.)

Supervisory agents in the five field offices have between 12 and 22 years of previous experience as criminal investigators in law enforcement agencies such as the U.S. Drug Enforcement Administration; the Federal Bureau of Investigation; the Bureau of Alcohol, Tobacco and Firearms; the Internal Revenue Service; and the U.S. Customs Service. Supervisory investigators at EPA Headquarters have similar backgrounds. Finally, EPA's investigators have been classified as GS-1811 criminal investigators, the same personnel classification that is held by investigators with the country's major Federal law enforcement agencies.

Much has been accomplished under EPA's augmented criminal enforcement initiative. During the first eight months of fiscal year 1983, the Agency, working in conjunction with the Department of Justice, has already filed more criminal cases (9) and convicted more defendants (19) than in any recent year. Twenty-five grand jury investigations are now in progress around the country, and the Agency's new investigative staff has opened approximately 110 new cases. Of this number, approximately one half involve violations of the Resource Conservation and Recovery Act and the Superfund law—reflecting the Agency's present focus on cases involving the illegal disposal of hazardous and toxic waste. The continued effectiveness of this effort is, we believe, in the interest of Federal law enforcement generally.

Almost every investigation undertaken by this Agency in the area of environmental misconduct will involve extensive field investigative work. Because of the type of persons involved in illegal waste disposal, and because of the remote locations in which environmental criminal activity frequently occurs, these investigations inevitably involve a degree of risk. In several investigations conducted by EPA's Criminal Enforcement Division, individual targets have made veiled or explicit threats concerning cooperative witnesses. In a number of others, investigation has disclosed past criminal records, or known evidence of violent behavior, by subjects of the inquiry. In one investigation, a firearm was discharged by an employee of the targetted company during an otherwise routine sampling operation adjacent to the company's property. (a review of incidents indicating the risks associated with environmental investigations is enclosed as Attachment C.)

In sum, the risks associated with environmental investigations are the same as those encountered in other more traditional areas of federal investigative work. Each of EPA's investigative staff has extensive familiarity with these types of risks from employment prior to joining the Agency.

The absence of law enforcement authority also places operational constraints on day-to-day investigative activity that will inevitably limit the Agency's independent ability to enforce the criminal provisions of its environmental statutes. For example, without arrest powers, EPA's investigative staff can not prevent on-going illegal activity, such as roadside dumping, or detain a vehicle to check its manifests. Similarly, EPA's investigative staff must enlist the support of another law enforcement agency, (for example, the U.S. Marshals), in order to execute criminal search warrants. EPA has received excellent cooperation from the U.S. Marshals in search warrants executed to date by the Criminal Enforcement Division. Nevertheless, because such warrants can extend over a period of several days, and frequently occur in remote areas, they can make heavy resource demands that will exceed the capabilities of local offices of outside law enforcement agencies; these offices are, therefore, not always available within the timeframe dictated by the investigation or for the length of time necessary to execute the warrant. (A review of operational difficulties encountered in environmental investigations due to the lack of enforcement powers is enclosed as Attachment D.)

The risks associated with environmental investigations and the operational difficulties encountered are generally not predictable in advance. As a result, these problems cannot be reliably addressed in a Memorandum of Understanding with another law enforcement agency.

I also recognize, of course, that the Justice Department has traditionally supported statutory law enforcement powers for specialized law enforcement offices outside of the Justice Department only where clear and convincing evidence of the need—developed over a suitable period of time—is available. Because some may feel that the eight months of experience of EPA's Criminal Enforcement Division is an inadequate basis on which to consider a permanent statutory solution, I am requesting your assistance in pursuing, as an interim measure, the deputation of Special Agents of EPA's Criminal Enforcement Division through the offices of the United States Marshals Service. During the period of the deputation, additional analysis can be performed of the experience of EPA's criminal investigative staff in the field. A decision can then be reached on the need for statutory law enforcement powers for EPA's investigative staff.

In coordinating with the Marshal's Service, we are asking that deputation authorize full law enforcement powers—including the authority to execute search warrants, make arrests and carry firearms—for Special Agents of the EPA Criminal Enforcement Division; and further that the authority cover the period considered necessary for the Justice Department to evaluate the need for statutory law enforcement powers for EPA's investigators. This authority would be exercised by EPA's investigators during investigations of (1) violations of the environmental statutes implemented by EPA; and (2) violations of related Federal criminal provisions arising within the context of, or while pursuing, environmental investigations.

Because of the limited number of EPA investigators, (23 total), and because of their consistently high level of experience as law enforcement officers before joining the EPA, we are confident that deputation would not unduly strain the resources of the Marshals Service in monitoring the activities of EPA's investigators during this period of deputation. Equally important, EPA's investigators would be able to assume responsibility for a variety of resource-intensive functions, such as the execution of extended criminal search warrants, that can now place significant demands on the resources of the Marshals Service.

I appreciate your assistance in this matter, and am available to assist in any way I can.

Sincerely yours,

COURTNEY M. PRICE,
Special Counsel to the Administrator for Enforcement.

On September 22, 1983, almost 3 months, after the request was made by EPA of the Department of Justice for law enforcement authority, no action had been taken, no proper response by the Department of Justice.

EPA writes again and says as follows:

A further compromise in the form of deputization for half the field office or on an agent by agent basis, depending on the pending investigation load, would not be an acceptable solution. First, there is no need for additional experimentation regarding the experience of our investigative staff without law enforcement power; they have operated in this manner since the field offices were established last October and continue to encounter the kind of problems that were detailed in my earlier letter to Carol Dinkins.

The full text of which follows:

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, D.C., September 22, 1983.

Hon. MARY WALKER,
Deputy Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, Washington, D.C.

DEAR MARY: This will serve to confirm our recent discussions on the issue of deputation of the investigative staff of EPA's Criminal Enforcement Division, and in particular the proposal raised within the Justice Department deputize agents in only two of the four main field offices within the Division. The purpose of this proposal, as we understand it, would be to allow for an experimental period during which the experience of agents acting as Special Deputy United States Marshals could be compared to the experience of those acting without that status.

Following discussions with my staff, I remain of the opinion that EPA's entire investigative staff should be deputized, and reiterate our earlier request of July 7, 1983 for your assistance in pursuing these authorities.

As you know, deputation was seen as an interim measure that would address the immediate problems being encountered in the field while allowing more time to consider the appropriateness of statutory law enforcement powers for EPA's investigative staff. Stated alternatively, the decision to pursue deputation was itself a compromise in that it would postpone the question of statutory law enforcement powers until the experience of EPA's investigative staff could be analyzed at greater length.

A further compromise in the form of deputation for half of the field offices, or on an agent-by-agent basis depending on the pending investigative load, would not be an acceptable solution. First, there is no need for additional experimentation regarding the experience of our investigative staff without law enforcement powers; they have operated in this manner since the field offices were established last October, and continue to encounter the types of problems that are detailed in my earlier letter to Carol Dinkins.

Equally important, a decision to deputize less than all investigators, or less than all field offices, assumes distinctions between individual or field office caseloads that do not exist. Because the unit is still small, agents conduct investigations under all statutes with no effort at specialization within the staff. All conduct investigations in which the need to execute search warrants or two intervene in ongoing pollution activity exists. All conduct investigations in which the potential for unforeseen risk is present. Any effort to select agents or field offices that would be the beneficiaries of law enforcement powers would necessarily be an arbitrary one.

Deputation of less than all investigators would create internal operational difficulties. Dual investigative procedures would be required; flexibility in inter-field office investigations would be reduced; and different standards for performance evaluation of individual agents and field offices would be required.

Equally important, deputation on a field office basis would inevitably result in unequal enforcement of hazardous waste laws across the country, since offices without law enforcement powers would be unable to pursue the more serious and aggravated forms of environmental misconduct that are the reason for this unit's existence.

Finally, to state the obvious, a decision to deputize less than the entire investigative staff would leave the remaining investigators facing the same problems, and potential risks, that have been documented in investigations conducted to date.

The commitment of the Land and Natural Resources Division to the development of an effective environmental criminal enforcement program has been demonstrated repeatedly in the past. Your support for EPA's efforts to secure deputation for its investigators has also been strong. For all the reasons stated above, I believe that our position must remain the same, and that we should continue to seek full law enforcement powers, in the form of deputation, for the entire investigative staff.

Sincerely yours,

COURTNEY M. PRICE,
Special Counsel for Enforcement.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 5 additional minutes.)

Mr. DINGELL. I would observe, Mr. Chairman, that EPA has, first of all, identified a number of very serious problems which have been reported in the press.

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Remember, this letter of September 22 is written to ask why the July 7 communication of EPA to the Department of Justice relative to deputization of EPA officers to carry out the law had not been carried forward. They are not asking for special authority. They are asking for the same authority that tick inspectors for the Department of Agriculture have to carry out the law.

The Department of Justice has not even responded in a 4-month period. We are told that the Department of Justice will act promptly and expeditiously. The other day the debate revealed that the Department of Justice had not resolved 50 percent of the large number of suits that were filed several years ago. This is hardly the kind of record that my good friend from the Judiciary Committee, for whom I have the most intense respect and affection, can level either a proper defense or an adequate claim that the Department of Justice is carrying out its proper and lawful responsibilities.

Let me cite to the House some situations that I think are important. In the New York Times an article appeared October 26 pointing out that the need still exists for law enforcement authority for this kind of officer, and points out that people have been shot, or shot at and that cars have been burned and a number of other unfortunate events directed at EPA law enforcement investigators are taking place. That article follows:

[From the New York Times, Oct. 26, 1983]

VIOLENT ACTS PROMPT DEBATE OVER GUNS FOR EPA AGENTS

ORLANDO, FLA., October 25.—A Federal agent and two technicans from Atlanta went to the backwoods of Alabama recently to gather samples of soil and water near a business suspected of illegally dumping toxic chemicals.

Someone fired a revolver over their heads. The men, sent by the Environmental Protection Agency, dived behind stacks of rusty, oozing 55-gallon drums. When the bullets stopped, the three fled, unhurt, their work incomplete.

That March 17 incident was one of a dozen violent or potentially violent situations to confront E.P.A. agents since the agency began its criminal investigation program a year ago. As word of the incident spread through the agency's five criminal investigation field offices, some of the 22 agents began carrying weapons for protection, according to one who asked not to be identified. In so doing, they were breaking the law.

Whether the law should be changed is now being debated in Washington.

The House of Representatives is scheduled this week to begin considering amendments to the Resource Conservation and Recovery Act of 1976, which governs the disposal of hazardous waste. One proposed change, favored by many in Congress, would give powers akin to those of United States marshals to environmental investigators enforcing that law. The agents would be empowered to carry weapons, execute search warrants and make arrests.

ADMINISTRATION NOT SO EAGER

"To really get at the big guys, where there's political corruption and organized crime," said a lawyer on the staff of a House subcommittee that deals with environmental laws, "you need full criminal enforcement powers."

But the Reagan Adminstration is less eager to see such powers given to E.P.A. agents.

Attorney General William French Smith could use his administrative authority to grant the investigators law-enforcement powers without Congessional action. And he could, in one action, do so with regard to all the 16 environmental laws Congress would have to amend.

But F. Henry Havicht 2d, the Acting Assistant Attorney General for land and natural resources, said: "The granting of the power to carry a gun and make arrests is a serious, significant step, and so it's something the executive branch as a whole needs to make sure there is enough information about."

Michael Brown, the outgoing criminal enforcement counsel for the E.P.A., noted that other Federal agents, such as those for the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms, are authorized to carry weapons. He also said that "tick inspectors" for the Department of Agriculture were so authorized.

At the same time, however, he said: "The question of a criminal investigation program at any place but the F.B.I. raises Governmentwide issues. People in the Federal Government get nervous about a little bunch of law-enforcement agents running around the various agencies carrying guns."

Those who favor the use of weapons cite increasing evidence of organized crime's involvement in the illegal disposal of toxic wastes.

Law-enforcement powers are "desperately needed" now, said Representative Albert Gore Jr., Democrat of Tennessee. "The reason for this is the extraordinary degree to which illegal activities are going on in the hazardous waste area, and convincingly evidence of the involvement of organized crime."

MOB CASES A PROBLEM

Peter Beeson, associate enforcement counsel for the environment agency, said it was impossible for agents to tackle cases involving mobsters when they could not protect themselves with guns.

"Currently, we are not equipped to investigate the involvement of organized crime in the hazardous waste industry," Mr. Beeson said. "That is the type of investigation that would require full law-enforcement authorities."

An internal Environmental Protection Agency document obtained from Congressional sources details 12 violent or potentially violent encounters that occurred after the agency began criminal investigations. The list, titled "Risks Associated With Environmental Investigations," includes these incidents:

An informant in a Chicago-area hazardous waste disposal place was warned that he would be murdered if he continued to cooperate with the authorities.

In the Philadelphia area, a suspect in a hazardous waste investigation fired on state inspectors, assaulted a state air inspector, released attack dogs on Government agents and verbally threatened other officials.

In the Seattle area a person suspected of illegal dumping firebombed a hazardous waste site.

Officials of the E.P.A. and the Justice Department would not discuss the listed encounters, including the shooting incident in Alabama.

Mr. DINGELL. Let us talk a little further about the record of EPA and the record of the Department of Justice.

In Chicago, a citizen informant had his life threatened, and he is informed that there is a contract on his life if he persists in cooperating with the authorities.

In Seattle, the primary target of an investigation in the past has arranged for the fire bombing of former businesses, trafficked in narcotics, threatened to kill business associates and dispose of the remains in a hazardous waste drum.

In Seattle, two targets of an investigation have records for illegal discharge of weapons. A third has made threats against Government witnesses.

An EPA investigator in Atlanta, Ga., while performing routine sampling, was discovered by a company employee who fired warning shots at the technical personnel from a revolver. Officers of EPA are shot at.

The Department of Justice can make no showing that they have done anything about this.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New Jersey.

Mr. RODINO. I thank the gentleman for yielding.

I would like to state that the gentleman does make a case——

Mr. DINGELL. Then the gentleman should withdraw his amendment.

Mr. RODINO [continuing]. Showing that there are instances where there is a need.

What I am saying through our amendment is that there ought not to be this proliferation of law enforcement authorities. There ought to be coordination between agencies. You would agree that law enforcement officer should be individuals who are at least trained in carrying out law enforcement duties.

Mr. DINGELL. I thank the gentleman, and I will respond and I will say yes. EPA has been asking the Department of Justice to deputize their people. They have not received that deputization. EPA has done some other things. EPA has requested that U.S. Marshals from the Department of Justice cooperate in these kinds of investigations.

I will tell my good friend that by the time the cooperation is available, the basis for the investigtion may be so shifted by the persons who will be investigated, that there is nothing to investigate, and I am saying that a major enforcement case of this kind may go down the drain by reason of the time that it takes to motivate and activitate the rather slothful people at the Department of Justice who are supposed to interest themselves in the protection of the public health.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New Jersey.

Mr. RODINO. I thank the gentleman for yielding.

Would the gentleman agree that there should be a demonstration of need, though, in order to deputize these investigators?

Mr. DINGELL. Well, let me go on and read some of the other evidences.

Mr. RODINO. I ask the gentleman if he would respond to that.

Mr. DINGELL. Absolutely, and I am saying that we have found that there is need.

I am telling the gentleman that EPA has had hat in hand, and it is now nearly 6 months. In early July EPA went to the Department of Justice to ask that people be deputized. The Department of Justice has ignored that matter until this very date, in spite of the hearings that were conducted by the gentleman from New Jersey (Mr. FLORIO), chairman of the subcommittee.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent that I be permitted to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. KINDNESS. Mr. Chairman, reserving the right to object, and I do not intend to object, I just wanted to draw the attention of the gentleman from Michigan (Mr. DINGELL) to the fact that I would like to have him yield part of the time he might have remaining.

Mr. DINGELL. I will be delighted to yield to anybody here if I am permitted the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan (Mr. DINGELL)?

There was no objection.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 3 additional minutes.)

Mr. DINGELL. Let us point out the kind of good citizens we are dealing with here. The target of a RCRA investigation firebombed a hazardous waste disposal site, has a prior record for resisting arrest and assault on a police officer. We are not talking about EPA investigative folks that play patty-cake. They are investigating coldhearted killers, not ladies' bridge clubs. They are investigating members of organized crime.

Mr. RODINO. Mr. Chairman, will the gentleman yield further?

Mr. DINGELL. I yield again to the gentleman from New Jersey.

Mr. RODINO. I thank the gentleman for yielding.

Of course, I agree with the gentleman. We all agree that there should be law enforcement. What we are merely stating is that this law enforcement ought to be predicated on need, on the need to deputize these individuals to carry out these responsibilities.

Mr. DINGELL. Will the gentleman explain why a request for deputizing EPA officers to enforce the law has not been acted on for nearly 6 months by the Department of Justice?

Mr. RODINO. I cannot answer that, but I would agree with the gentleman that we will help the gentleman by agreeing to——

Mr. DINGELL. Oh, the gentleman held hearings on this matter. The gentleman has made the suggestion at the beginning of that 6-month period that these people ought to be deputized.

The Department of Justice has done nothing, nothing, and we are not talking about people that play patty-cake. We are not talking about ladies' bridge clubs. We are not talking about seminarians, but people that shoot big black guns and firebomb other folks' businesses.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

I think there is one other aspect that perhaps has not been touched on, and I would like to ask the gentleman his response to this: Is it not true that in the case of organized crime, and the sort of criminals that the gentleman is referring to, you must have a coordinated approach in case there are other investigations going on? It is desirable, I take it, in the gentleman's view, to have that coordinated, so that the various violations of law that are being investigated would be dealt with together?

Mr. DINGELL. I applaud coordination. I think it should be done. I detect no coordination, because I do not see that the Department of Justice has even cooperated the first time.

I yield further to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. The gentleman touches on a very good point, but perhaps sees it in a different light than I do; and that is, have we supplied the Department of Justice with adequate resources in order to be able to respond to all these various fragmented needs?

Mr. DINGELL. If the gentleman would permit, we know the Department of Justice does not have adequate resources. That is one of the reasons we are concerned, but we also know they have not done the job. EPA cannot do the job because they do not have the authority.

All we are asking is EPA have the same authority that tick inspectors at the Department of Agriculture have right at this instant.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield further to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for again yielding.

To cite another example of the problem, we have task forces being formed all over the country for the enforcement of the drug laws and against organized crime, 12 of them around the country, for the very purpose of dealing with this problem of coordinating. Why do we not coordinate the functions to begin with?

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has again expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 3 additional minutes.)

Mr. DINGELL. I do not object to that; I have no objection to coordination. I think it is a splendid idea, but the problem is we have this hazardous waste situation in hand.

Let me give the gentleman one other thing: Two people who are being investigated right now for RCRA violations, the first has a record for murder and larceny; the second for sodomy and conspiracy and extortion.

□ 1500

These are not people who play patty-cake. They are not investigating ladies' bridge clubs.

The health issue here with regard to hazardous waste is one of the worst that we have and one of the worst problems we have in the country. We have organized crime, which is functioning in stolen trucks to ferry this stuff to illegal dumping grounds. We have people from EPA who are getting shot at. We have them requesting authority from the Department of Justice to deputize their people. We have them requesting that the Department of Justice take action. They are not.

We have two letters from Mr. Ruckelshaus' EPA, which I have included with these remarkd, asking Department of Justice cooperation and receiving nothing in return.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I am glad to yield to my friend.

Mr. KINDNESS. I thank the gentleman for those illuminating remarks. But, you know, let us suppose those trucks to which the gentleman refers that are stolen trucks and are hauling waste in one direction—a couple of years ago we heard the argument about food stamps being hauled around in similar fashion. Maybe they are doing that on the return loads—let us coordinate the efforts to get at both of those types of law breaking.

Mr. DINGELL. Let me just point out the gentleman argues in theory, and if the Judiciary Committee can bring the Department of Justice to move on this I think it will be a splendid thing and I would applaud his labor and I will extend to him every cooperation.

I must say that my patience, the patience of the committee of which I am a member, with the Department of Justice on its record of law enforcement is now exhausted. About 50 percent of the prosecutions that have been referred involving cases of imminent endangerment to the public health—that is not talking about something that may mean somebody is going to get poison ivy or athlete's foot, that means a whole community is endangered from carcinogens and things of that kind—have not been resolved by the Department of Justice.

We have here organized crime dumping illegally in every area, including the marshes of New Jersey. We have a situation where we cannot get the Department of Justice within a 6-month period to simply deputize EPA.

Now, EPA again, I say, is not investigating Girl Scouts. They are investigating cold-hearted people who use firebombs and big black guns.

I yield to my good friend.

Mr. KINDNESS. I thank the gentleman for yielding.

I would just urge then that the gentleman very seriously consider some language that will be offered, I understand, which comes very close to getting this kind of coordination and getting the cooperation of the Department of Justice that the gentleman is seeking. I think it would be highly constructive.

Mr. DINGELL. Mr. Chairman, I yield back the balance of my time.

Mr. GORE. Mr. Chairman, I move to strike the requisite number of words and rise to speak against the amendment.

The debate has been going on for quite some time and I think by now the need for law enforcement powers for EPA's criminal investigators, both on operational grounds and safety grounds, is quite clear.

Back in July I inserted into the CONGRESSIONAL RECORD a list of 24 episodes involving investigators of hazardous chemical dump sites that had been threatened with violence in one way or another by the targets of those investigations.

I include those again for the information of my colleagues.

The material referred to follows:

INCIDENTS OR INDICATIONS OF VIOLENCE IN ENVIRONMENTAL CRIMINAL INVESTIGATIONS

Pennsylvania landfill operator shoots two policemen, one fatally (Criminal Enforcement Division).

Pennsylvania State DER inspector's car smashed, family threatened in Lewistown. Pennsylvania (Criminal Enforcement Division).

Arson of house of witness against convicted landfill operator, April 1979 (Criminal Enforcement Division).

Assault and 10 miles vehicle chase of DER contract inspector (RCRA) by landfill operators (Criminal Enforcement Division).

Six potential witnesses in Moyer landfill prosecution (U.S. v. Lanigan) received death threats, or had homes burgled and property destroyed (Criminal Enforcement Division).

Physical assault on State air inspector (Region III Emergency Response).

Discharge of weapon over heads of State/Federal inspectors (Region III Emergency Response).

Arson of family residence to discourage competition for County landfill business in New Jersey (Criminal Enforcement Division).

Threat with shotgun on local police officer during surveillance of hazardous waste hauling in Rockland County, New York (Rockland County Police).

Threats on investigator with N.Y.S. Organized Crime Task Force during hazardous waste investigation (N.Y.S. Organized Crime Task Force).

Assault on lieutenant, Rockland County Sheriff's Office, during surveillance of hazardous waste hauling (Rockland County Sheriff's Department).

In Kentucky (1972) and Georgia (1976) EPA inspectors were forced from sites at gun point (Criminal Enforcement Division (Atlanta Field Office)).

In Jennings, Florida (1975) EPA employee physically assaulted by trucking company president (Criminal Enforcement Division (Atlanta Field Office)).

In Alabama (1981) and Florida (1981), EPA inspectors received verbal threats of physical violence if they continued their work (Criminal Enforcement Division (Atlanta Field Office)).

In South Carolina (1976 and 1979) EPA pesticide inspector was twice threatened at knife point (Criminal Enforcement Division (Atlanta Field Office)).

In Ohio (1979), EPA inspector verbally threatened ("guys with jobs like yours can get shot") during oil spill investigation (Criminal Enforcement Division (Chicago Field Office)).

Target of Oregon investigation has threatened to cut up and stuff disloyal employees into 55 gallon drum Criminal Enforcement Division (Seattle Field Office).

Targets of Washington investigation have prior arrests for weapon offenses and/or have made threats against potential witnesses Criminal Enforcement Division (Seattle Field Office).

Target of California investigation (arson of landfill) has prior record for resisting arrest and assault on police officer Criminal Enforcement Division (Seattle Field Office).

Targets of Alabama investigation habitually possess and carry firearms Criminal Enforcement Division (Atlanta Field Office).

Targets of RCRA surveillance (truck drivers) believed to carry weapons Criminal Enforcement Division (Chicago Field Office).

Evidence of organized crime involvement in waste disposal business in Cleveland, Ohio Criminal Enforcement Division (Chicago Field Office).

Evidence of use of stolen vehicles is transportation of hazardous waste in Cleveland, Ohio Criminal Enforcement Division (Chicago Field Office).

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Target of Illinois RCRA investigation normally accompanied by two bodyguards Criminal Enforcement Division (Chicago Field Office).

Mr. GORE. Some similar examples have been referred to in the debate already. These examples constitute the single strongest argument against the pending amendment, threats with shotguns, death threats, EPA inspectors forced from sites at gunpoint, EPA inspectors facing threats of physical violence, threatened at knifepoint in two States, and the list goes on and on.

There are many other cases where investigators have been unable to stop vehicles in the process of illegally disposing of toxic chemicals and have encountered lengthy delays in executing search warrants simply because they do not have law enforcement powers.

The argument in favor of the amendment is that you have to demonstrate a need for them to have law enforcement powers. We have demonstrated a need for them to have law enforcement powers. All over the United States the need is clear.

We have also heard that at the Judiciary Committee's own hearings this summer the former Assistant Attorney General, one of the people most knowledgeable about hazardous wastes in this country, James Moorman, testified in strong support of giving law enforcement powers to EPA's criminal investigators and it was after that that EPA formally requested it.

We have heard that since that time the Justice Department has done absolutely nothing.

Let me just quote from one of the letters that was sent at the direction of Mr. Ruckelshaus. It says:

> The absence of law enforcement authority places operational constraints on day-to-day investigative activity that will inevitably limit the agency's independent ability to enforce the criminal provisions of its environmental statutes.

He goes on, but I will not read the entire text.

But still, no action has been taken by the Department of Justice.

And as recently as 1 month ago, at the direction of Mr. Ruckelshaus, the request was renewed once again. Let me quote from this letter signed by Courtney M. Price, special counsel for enforcement at EPA. He says, "I believe our position must remain the same, that we should continue to seek full law enforcement powers."

Still, no action is forthcoming from the Department of Justice.

So the time has come for us to act in this Congress by giving EPA criminal investigators law enforcement powers to get serious about stopping the illegal disposal of hazardous chemical wastes, to equip them to deal with the involvement of organized crime in the hazardous waste industry. EPA's criminal enforcement program must create a realistic deterrent in fact as well as in name.

Let me point out, Mr. Chairman, this change would not affect many people—25 enforcement officers at this point—and it is critical to note that every single one of them affected has a minimum of 5 years' experience with other law enforcement agencies such as the FBI, the Customs Service, and the Drug Enforcement Administration.

Mr. Chairman, if Members want to protect our country against illegal disposal of hazardous wastes, if they want the best administration of the laws prohibiting irresponsible and illegal disposal of hazardous wastes, they will certainly vote down this pending amendment.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. GORE. I yield to the gentleman.

Mr. HUGHES. Does the gentleman realize that Mr. Moorman left the Justice Department in 1981? That means he has not been there in about 2 years.

Second, when asked the question, and I was present, Mr. Moorman's response was that there probably is a need for "the firearms thing." That was his total response.

Mr. GORE. For the what?

Mr. HUGHES. "The firearms thing."

Mr. GORE. Reclaiming my time, of course there is a need for them to have this authority and I am very familiar with Mr. Moorman. A good number of people left the Justice Department in 1981.

But for the gentleman's information, our committee, chaired by my colleague from Michigan, has had some 40 hearings on the dangers associated with illegal dumping of hazardous chemicals, and on several occasions Mr. Moorman has testified at length about the problems.

I daresay there is no one in the Justice Department before or since who has had more involvement with the day-to-day problems encountered by the EPA and by other Government inspectors in dealing with the problems associated with hazardous chemical wastes. I think he still stands as the leading expert on this problem.

If he is not sufficient for the gentleman, I would cite Mr. Ruckelshaus and his deputies who continually crank out these letters in a pitiful fashion, week after week, month after month, asking and pleading for this very authority which the Justice Department continually refuses to give them.

Are we to just sit here and do nothing in the face of that record?

No. The time has come to act. These people can use this authority. This authority is essential and the amendment must be defeated.

PERFECTING AMENDMENT OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

> Perfecting amendment offered by Mr. HUGHES: Page 33, strike out 1 and all that follows down through line 12 on page 34 and substitute:
>
> (e) LAW ENFORCEMENT AUTHORITY.—(3) The Attorney General shall, at the request of the Administrator [and on the basis of a showing of need,] deputize qualified employees of the Environmental Protection Agency to serve as Special Deputy United States Marshals in criminal investigations with respect to violations of the criminal provisions of this Act.

Mr. HUGHES. Mr. Chairman, I think that this amendment addresses the concerns raised by my colleagues from New Jersey and Michigan. It in essence provides that the Attorney General shall, and shall is mandatory, at the request of the Administrator of the Environmental Protection Agency, and on a basis of the showing of need, deputize qualified employees of the Environmental Protection Agency to serve as special deputy U.S. marshals in criminal investigations with respect to violations of the criminal provisions of this act.

I think that addresses the concerns raised by my colleague from Ohio and others that we have only qualified individuals that serve as deputies.

I think it addresses the questions raised by my colleague from Michigan who indicates that the Attorney General has not responded to the concerns of the Environmental Protection Agency in deputizing or otherwise providing support for those investigations where in fact there is some risk.

I think it addresses the concerns raised by most all of the Members who have raised questions on the floor about the procedures involved, about the coordination involved, because under this particular scenario the Department of Justice would still remain the lead agency.

□ 1510

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I would be happy to yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman for yielding.

Mr. Chairman, can the gentleman tell me what the difference between the amendment he offers now and existing law is?

Mr. HUGHES. Well, the differences is that this is now mandatory, this says that the Attorney General shall.

Mr. DINGELL. It is not, it is mandatory upon showing of need.

Mr. HUGHES. Upon the showing of need.

Mr. DINGELL. What is a showing of need?

Mr. HUGHES. I would say to my colleague that if in fact the Administrator of the EPA has communicated to the Attorney General that there is a specific investigation underway which requires a special deputization and substantiates that with the nature of the continuing investigation, presenting evidence of a risk to the safety of the individuals pursuing the investigation or showing that in fact the groups have some connection to organized crime as has been raised during this debate, then under those circumstances the Attorney General must deputize.

Mr. DINGELL. If the gentleman would yield further, can the gentleman tell me what this would do?

Now, a letter was sent on July 7 from EPA to the Department of Justice requesting that they do appoint officers of EPA as deputy marshals.

Subsequently in September on the date that I have indicated earlier, September 22, a further letter requesting a response to the first letter and giving additional facts was forwarded to the Department of Justice by EPA.

There has been no response to either and there has been no action on either.

Now, in each instance they set forth cause to sustain their request. They pointed out the kind of folks they have been dealing with, sodomists, murderers, persons who have been charged with fire bombing, things of that kind. People who operate with stolen trucks and folks who discharge large black guns at EPA officers were the kind of folks they were after.

Now, Justice has done nothing.

What will this amendment do to the situation in which we find ourselves? What will the Department of Justice have to do? A basis of cause has been established by EPA. Nothing has been done by Justice.

Mr. HUGHES. Well, we did not have this procedure in place, I might say to my colleague. This procedure has not been in place. This is a mandatory requirement that upon a showing of need by the Administrator, the Attorney General must deputize a special agent.

Under present law that is not required.

Mr. DINGELL. Who makes the finding as to need?

Mr. HUGHES. Well, the Attorney General in the final analysis is going to have to.

Mr. DINGELL. The Attorney General. Well, the Attorney General then has the authority to make a finding of need and if he finds there is no need he does not even have to respond to the correspondence. And he has not been responding to the correspondence so far. And our problem is we cannot even get the Department of Justice to answer its mail where enforcement authority is requested.

Mr. HUGHES. I must say to my colleague (Mr. DINGELL) I am not going to stand here and apologize for the Justice Department. They do not answer my mail, once in a while. But let me just say to you the answer is not to create another special police force in another agency of Government; the answer is to try to improve the mechanism whereby the law enforcement agencies respond to the legitimate needs and concerns of other agencies.

But the answer is not a further proliferation of law enforcement because you are not going to get that coordination.

Mr. DINGELL. Will the gentleman tell me whether the tick inspectors of the Department of Agriculture have to establish a showing of need in order to carry firearms to serve process?

Mr. HUGHES. Mr. Chairman, I have not yielded to the gentleman any further. May I just recapture my time for a moment?

I want to say to the gentleman that there are enforcement officers in the Department of Labor who can make the very same case being made by the Environmental Protection Agency.

Mr. DINGELL. And they have.

Mr. HUGHES. Many people who are inspecting wage and hour and other violations do come in contact with organized crime officials. I might say to my colleague there are times when the Civil Rights Commissioners and their investigators come in contact with people who do not like them, where there is confrontation between them.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. HUGHES) has expired.

(By unanimous consent, Mr. HUGHES was allowed to proceed for 2 additional minutes.)

Mr. HUGHES. I say to my colleague in all due respect the answer is not to create a mini-police force in every agency and department of Government, otherwise you would end up with hundreds of law enforcement agencies in all the agencies and departments and commissions of the Government. And I would hope that my colleague would see the wisdom of putting in place a structure that will address his concerns.

In this instance the Attorney General is mandated upon request and upon the showing of need to deputize.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to my colleague from New York.

Mr. FISH. I thank the gentleman for yielding.

Mr. Chairman, on behalf of the minority of the Committee on the Judiciary, I think this amendment addresses all of the questions that have been raised as the gentleman indicated in presenting this amendment.

I am very happy to accept it.

Mr. HUGHES. I thank my colleague from New York, the distinguished ranking minority member of the full Committee on the Judiciary.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Florida.

Mr. SHAW. I thank the gentleman for yielding.

Mr. Chairman, I would like to also congratulate the gentleman (Mr. HUGHES) for a very fine amendment. In listening to the debate, it is perfectly obvious we all want the same thing, everyone here on both sides of the original amendment and now as to the gentleman's amendment. I think we have to at least assume that people in Government are going to sometime act wisely and perhaps that is a rule rather than the exception.

I would say to the gentleman from Michigan (Mr. DINGELL) in talking about some of the problems he has had with the Justice Department, that the gentleman from Michigan has also in the past been known to be quite critical of the EPA.

The EPA itself, assuming they are going to completely act responsibly I think only allowing those who had law enforcement experience is certainly putting some amount of faith in the EPA. When we are talking about law enforcement, however, I think that the Attorney General should definitely be involved at some particular phase. I think this is the middle ground that we have all been searching for. I would hope that we would all enhance this amendment as at least a good first step in getting what we all want to get. And we all want to do the same thing and we all ought to accept the amendment.

The CHAIRMAN. The time of the gentleman (Mr. HUGHES) has expired.

(On request of Mr. RODINO and by unanimous consent, Mr. HUGHES was allowed to proceed for 3 additional minutes.)

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I would be happy to yield to the chairman.

Mr. RODINO. I thank the gentleman for yielding.

Mr. Chairman, first of all I want to say that I support the gentleman's other amendment. I think it shows again, that we are trying to be reasonable and do that which is in the best interest of law enforcement.

I would like to point out for clarification since the gentleman from Michigan (Mr. DINGELL) has seemed to suggest that there is a lack of cooperation and a lack of coordination that the Courtney Price who is counsel for EPA, appeared before the Committee on the Judiciary on June 7. At that hearing she stated quite clearly in answer to questions put to her by me that the Department of Justice has been very cooperative with the EPA. Ms. Price was very enormously impressed by the spirit of cooperation and the extent to which the two agencies do share the same philosophy and share the same position on important policy issues.

So I think we would resolve this question by accepting the gentleman's (Mr. HUGHES) amendment.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman then tell us if this cooperation is so splendid, why the Department of Justice does not answer their mail, 5 months in one instance after they got the first letter, and better than a month since they got the second.

Mr. HUGHES. Mr. Chairman, I was not going to embarrass the gentleman, but let me ask the gentleman has the EPA always responded to the gentleman's letters?

Mr. DINGELL. EPA always responds. Sometimes they do it without pain and sometimes they do it with considerable pain, but they always do respond to the Committee on Energy and Commerce.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

Mr. Chairman. I simply want to express my support for the gentleman's (Mr. HUGHES) amended language.

The purposes all are seeking to serve here I think would be served by this approach and anyone but the least reasonable would agree that this is the approach.

Mr. HUGHES. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

□ 1520

The CHAIRMAN. The question is on the perfecting amendment offered by Mr. HUGHES.

The question was taken; and on a division (demanded by Mr. HUGHES) there were—ayes 6, noes 9.

Mr. HUGHES. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the committee appears. Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1530

The CHAIRMAN. A quorum of the Committee of the Whole has not appeared.

The Chair announces that a regular quorum call will now commence.

Members who have not already responded under the noticed quorum call will have a minimum of 15 minutes to record their presence.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 449]

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappie
Cheney
Clarke
Clinger
Coats
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lujan
Luken
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

□ 1550

The CHAIRMAN. Four hundred four Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New Jersey (Mr. HUGHES) for a recorded vote.

Does the gentleman from New Jersey insist upon a recorded vote?

Mr. HUGHES. Yes, Mr. Chairman. I renew my demand for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the provisions of clause 2, rule XXIII, this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 292, noes 125, not voting 16, as follows:

[Roll No. 450]

AYES—292

Ackerman
Addabbo
Akaka
Annunzio
Anthony
Applegate
Archer
Badham
Barnard
Bartlett
Bates
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boland
Boucher
Boxer
Britt
Brooks
Broomfield
Broyhill
Burton (CA)
Burton (IN)
Campbell
Carney
Carper
Carr
Chandler
Chappie
Cheney
Clay
Clinger
Coats
Coleman (TX)
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Crockett
Daniel
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dixon
Donnelly
Dreier
Duncan
Durbin
Dymally
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Foley
Forsythe
Frank
Frenzel
Garcia
Gekas
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Gramm
Gray
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hayes
Hefner
Hightower
Hiler
Hillis
Hopkins
Horton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McDade
McEwen
McHugh
McKernan
McKinney
McNulty
Mica
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Myers
Natcher
Nelson
Nichols
Nielson
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Parris
Pashayan
Patterson
Pease
Pepper
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Ratchford
Ray
Regula
Reid
Ridge
Roberts
Robinson
Rodino
Roemer
Rogers
Rostenkowski
Roth
Roukema
Rowland
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Simon
Sisisky
Skeen
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snyder
Solomon
Spence
Staggers
Stangeland
Stenholm
Stokes
Stratton
Stump
Sundquist
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Towns
Udall
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weaver
Weiss
Whitehurst
Whitley
Whittaker
Williams (MT)
Williams (OH)
Wilson
Winn
Wolf
Wortley
Wright
Wylie
Yates
Young (AK)
Young (FL)
Young (MO)
Zschau

NOES—125

Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Aspin
AuCoin
Barnes
Bateman
Bedell
Biaggi
Boggs
Boner
Bonior
Bonker
Borski
Bosco
Breaux
Brown (CA)
Brown (CO)
Bryant
Byron
Clarke
Coleman (MO)
Collins
Cooper
Coyne
D'Amours
Dellums
Dickinson
Dicks
Dingell
Dorgan
Downey
Dwyer
Dyson
Eckart
Erlenborn
Evans (IL)
Florio
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Gore
Green
Gregg
Hamilton
Hawkins
Heftel
Hertel
Holt
Howard
Hoyer
Kennelly
Kildee
Kolter
LaFalce
Leland
Lent
Levin
Levine
Levitas
Long (LA)
Long (MD)
Luken
MacKay
Madigan
Markey
Marlenee
Martinez
McGrath
Mikulski
Miller (CA)
Molinari
Mollohan
Mrazek
Murphy
Murtha
Neal
Nowak
Ottinger
Panetta
Patman
Penny
Perkins
Rahall
Rangel
Richardson
Rinaldo
Ritter
Roe
Roybal
Seiberling
Shannon
Sharp
Shelby
Sikorski
Skelton
Slattery
Snowe
Spratt
St Germain
Stark
Studds
Swift
Torres
Torricelli
Traxler
Vento
Waxman
Weber
Wheat
Wirth
Wise
Wolpe
Wyden
Yatron
Zablocki

NOT VOTING—16

Chappell
Coelho
Dannemeyer
Dowdy
Early
Edgar
Franklin
Hance
Lowry (WA)
Lundine
McCurdy
Michel
Paul
Rose
Solarz
Whitten

☐ 1600

The Clerk announced the following pair:

On this vote:

Mr. Michel for, with Mr. Hance against.

Mrs. BOGGS changed her vote from "aye" to "no."

Mr. DIXON, Mr. KOSTMAYER, and Mr. WILLIAMS of Montana changed their votes from "no" to "aye."

So the perfecting amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Judiciary Committee amendment to strike subsection 11(e) falls and is not voted on, since the subsection has been amended in its entirety.

The Clerk will report the remaining Judiciary Committee amendments:

The Clerk read as follows:

Judiciary Committee amendments: Page 34, line 13, strike out "(f)" and insert in lieu thereof "(d)". Page 36, line 3, strike out "(g)" and insert in lieu thereof "(e)". Page 36, line 10, strike out "(h)" and insert in lieu thereof "(f)". Page 38, after "in" in line 17 and line 19, insert "knowing".

The CHAIRMAN. The question is on the remaining Judiciary Committee amendments.

The Judiciary Committee amendments were agreed to.

Mr. HUGHES. Mr. Chairman, I move to strike the last word.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as a result of conversations with the gentleman from the Judiciary Committee, I had intended to offer an amendment on bankruptcy dealing with the problem associated with companies that are currently going into bankruptcy to avoid their obligations under RCRA and Superfund for cleaning up toxic wastes.

It is my understanding that the Judiciary Committee is considering having some hearings on this topic and I just would like to confirm that fact.

Mr. HUGHES. Mr. Chairman, I would say to the gentleman that I have talked with the chairman of the full Judiciary Committee, the Honorable PETER RODINO, and he would be very happy to review the treatment in bankruptcy proceedings of claims for the reimbursement of costs for cleanup of hazardous wastes.

The gentleman's concerns go to the heart of the Bankruptcy Code—for they deal with priorities of claims and, in fact, the dischargeability of various claims. They are very serious in their nature and would need to be studied thoroughly.

He assures the gentleman and I can assure the gentleman also that we look forward to working with him in conducting hearings to look at those issues.

The bankruptcy law is an important element of this Nation's legal and financial system, but it, of course, may not be used by those whose sole purpose is to avoid responsibility for the cleanup of hazardous waste.

Mr. FLORIO. I thank my distinguished colleague for his leadership in this area, and I pledge my full support for your committee's hearings.

There are currently in litigation more than a dozen RCRA and Superfund cases in which the defendant has found it convenient to declare bankruptcy rather than cleanup the endangerment he has created. There are several other similar situations where the Government has found it pointless to pursue litigation. Who pays for the cleanup of these sites? It is not the bankrupt's estate—that is divided among the secured creditors.

Assuming the site is eventually cleaned up, the money will come from Superfund, which is partly financed by the American taxpayer. It should be kept in mind, however, that Superfund cannot pay for more than 175 sites—and there are 546 sites on EPA's priority list. Thus, unless Superfund is reauthorized, the taxpayer will have to pay the bill for cleanup. And if no money is available, the hazardous waste dump will simply remain a danger to public health.

My amendment simply requires that before the assets of a bankrupt's estate can be distributed, the property must be decontaminated. This is a legitimate, commonsense requirement. It deserves your support.

AMENDMENT OFFERED BY MR. PANETTA

Mr. PANETTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PANETTA: Page 31, after line 17, insert: "Section 7003 is further amended by adding the following new subsection at the end thereof:

"(c) IMMEDIATE NOTICE.—Upon receipt of information that there is hazardous waste at any site which has presented an imminent and substantial endangerment to human health or the environment, the Administrator shall provide immediate notice to the appropriate local government agencies. In addition, the Administrator shall require notice of such endangerment to be promptly posted at the site where the waste is located."

Mr. PANETTA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PANETTA. Mr. Chairman, earlier this year, EPA officials in my congressional district were informed that improper disposal of a wood preservative designated by EPA as a hazardous substance (PCP) had occurred at a site adjacent to, and including, the grounds of San Lorenzo Valley High School in Felton, Calif. An EPA technical assistance team (TAT) removed a sample of soil from the site suspecting that a hazardous substance was involved. Laboratory analysis confirmed 4 days later the presence of significant PCP concentrations in the soil. Under current statute, EPA was not required to immediately notify local governments of the potential endangerment posed by the disposal, despite the fact that they had strong reason to believe that a threat to public health existed. Ultimately, EPA officials did inform local government officials of their determination 4 to 5 days after the initial sample had been taken. However, EPA did not initiate an attempt to notify local government officials immediately upon a determination that a public health danger exists, nor was the agency required to do so.

Fortunately, EPA and local officials were able to respond to the potential endangerment the PCP posed before public health was affected. The potential endangerment posed by improper disposal remained potential—not actual. No adverse health effects attributed to PCP disposal at San Lorenzo were reported to EPA, although workers excavating the disposal site were exposed to PCP without skin or respiratory protection. Apparently, none of the San Lorenzo School's students were affected by disposal at this open, unposted, disposal site. Years from now, the San Lorenzo School case will probably occupy a minor position compared to incidents of improper hazardous waste disposal which actually endangered and affected public health. Nevertheless, the case holds great significance both to the public in the Felton area and for a Congress concerned for protection of public health.

In my view, the importance of this case lies in its ability to illustrate certain critical shortcomings in current hazardous waste management statute. The San Lorenzo case brings to light a number of particularly troublesome questions regarding the EPA responsibility to insure protection of public health. Of particular concern to me in this matter is that there is no Federal requirement that notice of public health endangerment be made available to the public or posted at a disposal site. In this case, the company apparently responsible for the improper disposal of the substance began excavation of the site without regard to the chemical's hazardous nature, exposing workers to PCP without protection. In addition, I am concerned that the EPA was not required by Federal law to immediately notify appropriate State or local officials of the potential endangerment, although notification did occur.

The absence of tragic consequences from the San Lorenzo High School case depends largely upon factors unrelated to requirements in Federal hazardous waste management statute: Presence of PCP in comparatively low concentrations, relatively prompt removal of the contaminated soil, and relative inaccessibility of the disposal site to the local public. In an effort to insure that the relative good fortune of those in the Felton area is not left to chance in comparable circumstances, I am offering an amendment to H.R. 2867 which seeks to clarify the requirements of Federal statute regarding EPA response to known improper hazardous waste disposal.

The amendment I am offering today is a simple one, and is intended to amend current law to accomplish two basic tasks: First, to require—upon determination by the Administrator—the immediate notification of local officials that improperly disposed-of hazardous waste presents an immediate danger to public health; and second, to require that necessary and appropriate action—including, where appropriate posting of notification at the site—be taken to notify a population which may be affected by the endangerment.

1. IMMEDIATE NOTIFICATION OF IMMEDIATE ENDANGERMENT

Under current statute, EPA officials are not required to provide immediate notification to local officials in the event of improper disposal of substances regulated under RCRA, although some notification at a later time is required under CERCLA, the Superfund law. As a result, there may be instances in which EPA—having made a determination that a hazardous substance exists and poses some threat to public health—would not be immediately required to take steps to notify those most likely to be affected by that threat.

This amendment seeks to address this situation by requiring immediate notification of local government officials that potential endangerment exists as soon as the Administrator has made a determination that such endangerment exists.

Concern has been expressed that this amendment constitutes a requirement for automatic notification in every instance of alleged or actual improper hazardous waste disposal. However, automatic notification of local government and the public without regard to the circumstances in each case is neither intended by this amendment nor required. Instead, the amendment seeks to insure that only in those cases where an immediate, unresolved danger to public health exists, prompt, reasonable notification of local officials and the public would be required.

The amendment does not require public notification of potential hazards in cases where the nature of the substance or the threat to the public remains unsubstantiated; the Administrator or State, in the case of RCRA-authorized States, is required to determine that an immediate threat to public health exists prior to notification under this amendment. In addition, the amendment would not require notification of the public or local officials under circumstances—such as diposal of some substances which are chronically, but not acutely toxic; or disposal which is immediately and properly cleaned up—which do not pose an immediate and unresolved threat to public health. Instead, notification would be required only in those types of cases which would require an emergency response under CERCLA.

2. NECESSARY AND APPROPRIATE NOTIFICATION ACTION

In addition, necessary steps to insure that the public is aware of the threat a disposal site poses to it are not required by statute. This amendment would require, where appropriate, the Administrator to take all necessary and appropriate action to notify an affected population of a threat to public health, and specifically cites posting notification at the disposal site as one such action.

While concern was at one time expressed that the amendment's requirement of "necessary" notification actions by the Administrator would trigger notification under circumstances which do not pose an immediate threat to public health, subsequent drafts of this amendment have, in an effort to accommodate those concerns, more specifically defined the Administrator's required response. While I believe that the term "necessary" is itself sufficiently restrictive to avoid requiring notification under circumstances not posing an immediate threat to public health, I have drafted the amendment to further limit the notification requirement to those responses which could be reasonably expected in an effort to insure public awareness of endangerment. The amendment requires the Administrator to take all "necessary and appropriate" action in response to a determination of immediate hazard, thus precluding a requirement for response to an immediate hazard properly cleaned up, or to improper disposal which does not present an immediate hazard.

Clearly, there are adverse impacts which may result from posting even an immediate danger caused by improper disposal; property values can be driven down by posting at a site, and pressure on the government to buy out property outside of an area which is immediately threatened can be increased by posting or public notification. However, this amendment would prevent risking these adverse consequences unnecessarily by restricting the circumstances requiring notification, and providing the Administrator latitude in determining the appropriate method of public notification.

This amendment will never clean up improperly disposed-of hazardous waste, nor will it ever require mitigation or compensation of injury suffered by those affected by improperly disposed-of hazardous waste. There are other, far more comprehensive provisions both in RCRA and CERCLA which serve those functions. However, as the San Lorenzo case has made clear to me, there are no provisions in either of these landmark hazardous substance statutes which would require—as this amendment would—immediate notification of local officials and the public that a public danger exists. In cases comparable to San Lorenzo High's the additional time and clarification provided by this amendment could mean the difference between injury and a healthy life, or between a public health disaster and a viable, healthy community. I commend this amendment to my colleagues for their support.

Mr. Chairman, I have discussed this with both the chairman of the subcommittee and also the ranking minority member. I believe this amendment is acceptable to both sides.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, this amendment simply requires that when the Administrator determines that a release of hazardous waste poses a danger to public health, notice be given to the affected population. This is a simple, commonsense requirement. It is something that should be done already. We are simply requiring it to be standard operating procedure.

Mr. Chairman, this amendment has been reviewed by the majority and, I suspect, by the minority. Providing notice to the affected population is highly desirable, and the amendment is acceptable.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I thank the gentleman for yielding.

I would also say that posting of the notification at the disposal site to notify the affected population is an appropriate action to take. I support the gentleman's amendment.

Mr. PANETTA. Mr. Chairman, I thank both the gentleman from New Jersey and the gentleman from New York.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. Panetta).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MOLINARI

Mr. MOLINARI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Molinari: Page 40, after line 19, insert:

DOMESTIC SEWAGE

Sec. 11A. (a) Domestic Sewage.—Subtitle C of the Solid Waste Disposal Act is amended by adding the following new section at the end thereof:

"DOMESTIC SEWAGE

"Sec. 3014. (a) Report.—The Administrator shall, not later than 15 months after the enactment of the Hazardous Waste Control and Enforcement Act of 1983, submit a report to the Congress concerning those substances identified or listed under section 3001 which are not regulated under this subtitle by reason of the exclusion for mixtures of domestic sewage and other wastes that pass through a sewer system to a publicly owned treatment works. Such report shall include the types, size and number of generators which dispose of such substances in this manner, the types and quantities disposed of in this manner, and the identification of significant generators, wastes, and waste constituents not regulated under existing Federal law or regulations in a manner sufficient to protect human health and the environment.

"(b) Revisions of Regulations.—Within 18 months after submitting the report specified in subsection (a), the Administrator shall revise existing regulations and promulgate such additional regulations pursuant to this subtitle (or any other available authority) as are necessary to ensure that substances identified or listed under section 3001 which pass through a sewer system to a publicly owned treatment works are adequately controlled to protect human health and the environment.

"(c) Report on Wastewater Lagoons.—The Administrator shall, within 36 months after enactment of the Hazardous Waste Control and Enforcement Act of 1983, submit a report to Congress concerning wastewater lagoons at publicly owned treatment works and their effect on groundwater quality. Such report shall include:

"(1) the number and size of such lagoons;

"(2) the types and quantities of waste contained in such lagoons;

"(3) the extent to which such waste has been or may be released from such lagoons and contaminated groundwater; and

"(4) available alternatives for preventing or controlling such releases.

The Administrator may utilize the authority of sections 3007 and 3013 for the purpose of completing such report.

"(d) Application of Section 3010(a) and Section 3007.—The provisions of section 3007 and 3010 shall apply to solid or dissolved materials in domestic sewage to the same extent and in the same manner as such provisions apply to hazardous waste.".

(b) Amendment to Sections 3007 and 3010.—(1) Section 3007 is amended by adding the following new subsection at the end thereof:

"(e) Application to Solid or Dissolved Materials in Domestic Sewage.—The provisions of this section shall apply to solid or dissolved materials in domestic sewage to the same extent and in the same manner as such provisions apply to hazardous waste."

(2) Section 3010 is amended by adding the following new subsection at the end thereof:

"(c) Application to Solid or Dissolved Materials in Domestic Sewage.—The provison of this section shall apply to solid or dissolved materials in domestic sewage to the same extent and in the same manner as such provisions apply to hazardous waste.".

(c) Table of Contents.—The table of contents for such subtitle C is amended by adding the following new item at the end thereof:

"Sec. 3014. Domestic sewage.".

Amend the table of contents of H.R. 2867 to insert the following new item after the item relating to section 25:

"Sec. 26. Domestic sewage.".

Mr. MOLINARI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1610

Mr. MOLINARI. Mr. Chairman, the primary purpose of the Resource Conservation and Recovery Act under subtitle C, is "cradle-to-grave" management of hazardous wastes. As a cornerstone of the act, effective hazardous waste oversight is essential to protecting human health and the environment. Yet, a significant loophole exists in RCRA which places the health and environment of our Nation in jeopardy. Under the hazardous waste regulatory program, all hazardous waste which passes through a publicly owned treatment works is exempt from Federal regulation. Indeed, any hazardous waste generator may dispose of virtually any waste into any sewer provided that the sewerline is connected to a publicly owned treatment plant. This unqualified exclusion invites abuse. Generators can use the cheapest method to dispose of their wastes—simply dumping it down the sewer.

This exemption does not refer to an insignificant quantity of wastes. The Office of Technology Assessment concluded that wastes which currently escape the Federal definition and regulation pose substantial hazards. OTA estimated that wastes currently exempted from RCRA probably total several million tons per year.

The situation is grave when we consider the state of our Nation's sewage systems. Many cities share the same structural problems in their sewage systems as New York City. Installed largely in the 19th century, and extended as the population grew, the New York City pipes and tunnels were built to receive both sewage and storm water. During the heavy rainfall, the pipes overflow, possibly spilling hazardous wastes.

A recent article published by the New York Times discussed the problems experienced by New York City and Boston, problems typical for over 200 coastal cities. In Boston, for example, when the volume is too great for the pipeline network, the overflow discharges through more than 100 outfalls along the rivers and harbor front. This amonts to about 6 billion gallons annually of raw sewage which feeds out through the combined sewer outfalls into the waterways. As many of the plants generating much of that sewage are allowed to dump hazardous material into the pipes, during overflows, hazardous wastes spill directly into Boston waters.

Once the sewage reaches the publicly owned treatment works, there is still no guarantee that the waste will be adequately treated. Most publicly owned treatment works are capable of only primary treatment even though the Clean Water Act requires secondary treatment. A survey conducted by JRB Associates identified that only 25 percent of the 2,000 publicly owned treatment works sampled had the essential mechanisms in place to control industrial waste.

The amendment which I offer today would address this problem. It requires EPA to prepare a report to the Congress within 15 months of enactment specifying the Agency's progress in quantifying, as accurately as possible, the nature and scope of hazardous waste disposal into domestic sewers, including the types of wastes and waste streams; the extent to which this exclusion is justified and should be modified or eliminated; and the adequacy of pretreatment as a means of dealing with this problem. The Administrator will then be required to revise existing regulations and promulgate additional regulations as deemed necessary.

This study will look at all the laws governing waste disposal and attempt to integrate the functions of those laws. It is an attempt to get a handle on this problem and deal with it in the most effective manner. If our environmental laws are intended to insure safe disposal of hazardous wastes, a loophole which permits generators to essentially dump their wastes down the sewer appears to contradict that objective. I believe my amendment represents a first step toward addressing this situation.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

I am pleased to support the amendment offered by the gentleman from New York. As you recall, a study on the mixtures of sewage and hazardous wastes disposed of into sewer systems was mandated by section 4 of the RCRA reauthorization bill (H.R. 6307) during the 97th Congress. It was widely recognized as a much-needed step toward addressing the problems posed by the domestic sewage exemption. However, as we are all aware, the Senate never passed a RCRA reauthorization bill last year.

I would like to ask my distinguished colleague, Mr. MOLINARI, whether under the pretreatment program of the Clean Water Act, EPA is currently conducting a study on the domestic sewage problem, and, if so, will this amendment duplicate that study?

Mr. MOLINARI. No, my amendment will not duplicate that study. The information obtained for the pretreatment program under the Clean Water Act is incomplete. RCRA contains a more comprehensive list of hazardous chemicals than the Clean Water Act. Thus, more generators and types of wastes would be reviewed. For example, the pretreatment program is concerned with only 22 industrial categories of polluters and 129 pollutants. In the other hand, RCRA classified over 250 additional chemicals as potentially hazardous for the purposes of its regulation.

A recent report written under an EPA contract focused on corrosive and ignitable material which damaged publically owned treatment works. Treatment plants. The same report identified 63 industrial categories not covered in the Clean Water Act pretreatment plan which generate hazardous waste.

Mr. FLORIO. Will the study mandated by your amendment result in new pretreatment standards for all hazardous waste generators?

Mr. MOLINARI. That is highly unlikely. The purpose of the study is to identify the gaps currently in RCRA which may threaten public health and the environment. My amendment would simply require EPA to review the discharge of hazardous wastes listed under RCRA and estimate the scope of hazardous waste currently exempt from regulation. EPA is instructed to concentrate on significant amounts of wastes discharged from significant numbers of generators. If the receiving publicly owned treatment plants can handle the waste in a manner which adequately protects human health and the environment, then regulatory change will not be necessary.

Mr. FLORIO. Will this study require substanital expenditures?

Mr. MOLINARI. EPA has already obtained a great deal of useful information. Municipalities have been required to survey the industrial contributers in their system and their impact on the publicly owned treatment works. While the review has focused primarily on corrosive and ignitable materials, the mechanisms for a specific hazardous waste study are in place. Therefore, the costs would not be significant.

Mr. FLORIO. I thank my colleague from New York for sharing this information. I think it is clear from his statements that we need a study to review the whole picture—from point source to the ultimate discharge from the treatment plant—with specific attention to hazardous wastes. Several Federal statutes have authority over the disposal of domestic sewage, yet none of them directly oversees all of the hazardous waste generated and discharged into municipal sewage systems. As study to determine the most effective means for providing a comprehensive solution is an appropriate step toward addressing the domestic sewage exemption. I ask my colleagues to join me in support of this amendment.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment by my colleague from New York (Mr. MOLINARI) to require EPA to study the domestic sewage exemption. This was an idea which was included in last year's RCRA reauthorization bill. Unfortunately, that measure was never acted upon by the Senate.

This amendment is a very important one since it addresses a potentially very serious shortcoming in RCRA. Right now any hazardous waste generator may dispose of virtually any waste into any sewer provided that the sewer line is connected to a publicly owned treatment works. The effect of this provision is to create an exclusion from the RCRA regulations which is so broad as to be beyond accurate quantification at the present time.

This unqualified exclusion is potentially extremely dangerous since the majority of the Nation's treatment works do not monitor for toxic organics or toxic metals and pretreatment standards for toxic organic and metal discharges are not in place and do not encompass the full range of wastes being placed into sewers.

Furthermore, newspaper reports have confirmed that inappropriate hazardous wastes are being placed in sewer systems—last year there was an explosion in the Louisville sewer system that caused a great deal of damage. Clearly, something should be done about a provision which permits this type of result.

I strongly support Mr. MOLINARI's amendment and urge my colleagues to do the same.

Mrs. JOHNSON. Mr. Chairman, I rise in support of H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983 and my colleague's worthy amendment. Mr. MOLINARI's dedication to improving our environment is beyond question and I commend him for his participation in the passage of this legislation.

This act will extend management controls over certain types of hazardous wastes not now regulated, such as dioxins. It will bring under RCRA regulation the owners and operators of facilities that burn or blend hazardous waste for energy recovery, such as cement kilns and industrial and commercial boilers, but which are now effectively exempt from regulation. It will set minimum design and performance standards for land disposal facilities and for incinerators.

H.R. 2867 also will establish a hierarchy of acceptable hazardous waste management practices, with land disposal clearly the management practice of last resort. This reflects the recommendations of the Office of Technology Assessment and the National Academy of Science's National Research Council. A statutory hierarchy also was endorsed in the RCRA testimony of Geoffrey Stengel, Jr., president of Envirite Corp.; Envirite has a state-of-the-art treatment facility in Thomaston, Conn., in my district. Envirite treats metal finishing wastes and certain other hazardous wastes that have been contaminated by nonorganic constituents, and transforms them into nonhazardous material.

I concur with Mr. Stengel's statement that managing hazardous wastes for the protection of human and economic health requires a three-part strategy:

> First, to encourge industry to find ways to generate less waste. Second, to encourage industry to recover and/or recycle as much waste as possible. Third, for wastes that must go into the environment, to require such wastes to be treated and neutralized so that no harm can come to the environment upon disposal.

This is the basic goal of section 5 of H.R. 2867. Within this hierarchy of management practices, the Adminstrator of EPA must decide what hazardous wastes are appropriate for land disposal and shall require the best available treatment prior to land disposal.

My constituents already are complying with both the letter and spirit of RCRA to treat, not just dispose of their hazardous wastes. Unfortunately, they are at a competitive disadvantage from facilities in other States that do not have comparably protective standards; who have waited for EPA to act; or who are not enforcing their standards as vigorously as is Connecticut. Therefore, another reason I support H.R. 2867 is that it will require other States and industries to come up to Connecticut's advanced environmental standards and eliminate the competitive disadvantage we have experienced as a result of sound environmental programs.

Mr. Chairman, we also must recognize that while RCRA is necessary to assure protection of human health and the environment from the mismanagement of hazardous wastes, it is not sufficient. The Clean Water act also must be strengthened. Unless publicly owned treatment works (POTW's) are encouraged to meet the same high standards as individual dischargers, our work toward purifying our water will be, at best, halfhearted.

EPA RCRA regulations currently exempt generators of hazardous waste who discharge into a sewage treatment system. OTA estimates that 5 million metric tons of toxic wastes are being discharged into POTW's without pretreatment. EPA's commendable objective is to avoid duplication with the Clean Water Act's pretreatment requirements. However, unless POTW's are required to meet higher standards, the goal of preventing these hazardous wastes from entering our waterways will remain elusive.

Not only will our environmental goals not be met if we fail to include POTW's in the complete regulatory system, but also the existing incentive to utilize this environmentally unsound alternative, that is, to dispose of hazardous waste by unfettered dumping into a POTW rather than treatment at the source, will continue to encourage such destructive behavior.

Recently, Mr. Stengel of Envirite notified Massachusetts that he was withdrawing his notice of intent to construct a treatment facility in that State because of the uncertainties of an effective sewer pretreatment program serving the greater Boston area.

He made it clear that he was taking this action because—I will paraphrase his letter—any privately owned waste treatment facility that pretreated responsibly could never compete economically with a POTW currently not required to treat effectively for toxic wastes.

Until we address this gaping hole in our hazardous waste treatment laws, we will maintain an uneconomic incentive to circumvent them. Mr. MOLINARI's amendment will require EPA to review its current policies to close this regulatory vacuum.

Adoption of H.R. 2867, as amended, is an essential first step to provide the regulatory climate in which companies can expand their capacity to provide high tech treatment that may be more costly in the short run, but ecologically preferable and economically less expensive over the long term.

As a member of the Public Works and Transportation Subcommittee on Investigations and Oversight, I am committed to working to assure that the Clean Water Act will complement the environmental protections of RCRA. This will include maintaining the current stringency and deadlines of the categorical pretreatment program; requiring compliance with pretreatment standards as a condition of a section 301(h) waiver of secondary treatment requirements for ocean sewage outfalls; establishing standards for sewage sludge to assure that it is managed consistently with RCRA and is disposed of in an environmentally sound way; and, assuring enforcement of categorical pretreatment standards.

I include the testimony of Envirite and its letter to the Massachusetts Hazardous Waste Facility Site Safety Council in the RECORD at this point:

ENVIRITE CORP.,
September 15, 1983.

DR. NORTON H. NICKERSON,
Chairman, Hazardous Waste Facility Site Safety Council, Commonwealth of Massachusetts, Boston, MA

DEAR DR. NICKERSON: As you know, Envirite Corporation has been working for approximately two years with the Site Safety Council and the Department of Environmental Management (DEM) on the subject of an Envirite waste treatment facility to be located in Massachusetts. The assistance you, your staff and DEM have provided has been greatly appreciated; Madeleine Kolb and Russell Peters have been particularly helpful.

Following a visit to Boston in June of last year, Mr. T. B. Palmer, Chairman of Envirite and President of its parent company, Yarway Corporation, wrote John A. Bewick, then Secretary of Environmental Affairs, and indicated that Envirite would be interested in locating a new facility in the state ". . . as soon as we see that there is a clear prospect of sufficient business developing in Massachusetts to warrant building a second plant in New England." We continue to hold this view.

At the present time however, there does not appear to be a clear prospect of sufficient business developing in Massachusetts to justify a new plant, although there certainly are prospects. The major issue is uncertainty on our part as to the success of state and local efforts to establish and enforce treatment standards limiting the discharge of industrial pollutants into the sewer system serving the greater Boston area. Any privately-owned waste treatment facility would find it difficult to compete with a publicly-owned outlet for untreated wastes.

The Department of Environmental Quality Engineering and the Metropolitan District Commission have been striving to develop an effective pretreatment program for industrial dischargers that will ultimately eliminate or greatly minimize the flow of contaminated material into the bay. Indications are that progress is being made, and that further progress can be expected over the next several years. Nonetheless, enforcement still needs to be strengthened considerably.

In our judgment therefore, it is premature for Envirite to commit to a Massachusetts facility at this time. While it can be argued that the siting application process may require at least two years and that by then the enforcement program will be significantly improved, we simply cannot justify that kind of financial risk at present. Accordingly, Envirite wishes to withdraw its notice-of-intent.

Much national public attention has been focused this year on the need to clean up hazardous waste sites created in the past. Relatively little attention has been paid to the fact that existing laws and regulations continue to permit as much as 80 percent of all hazardous wastes to be landfilled or sewered without having first been rendered nonhazardous. Unless these circumstances change, this country will be cleaning up contaminated landfills and water supplies in perpetuity.

In testimony, in March of this year, before a subcommittee of the U.S. House Energy and Commerce Committee, I argued for the adoption of a three-part strategy to effectively and economically deal with the problem of hazardous wastes: "First, to encourage industry to find ways to generate less waste. Second, to encourage industry to recover and/or recycle as much waste as possible. And third, for wastes that must go into the environment, to require such wastes to be treated and neutralized so that no harm can come to the environment upon disposal." This kind of approach would go a long way to insuring that the present generation does not bequeath to the next generation the same inheritance received from the former generation.

As a leader in the promotion of advanced technology industries, Massachusetts is a logical home for state-of-the-art waste treatment facilities to serve the special needs of its increasingly technology-based economy. By rendering wastes nonhazardous, a firm such as Envirite would offer industry in the Commonwealth an environmentally sound alternative to discharging or landfilling contaminated, potentially dangerous materials. It is our hope, as a consequence, that there will be another opportunity to consider Massachusetts in the future.

Sincerely,

GEOFFERY STENGEL, JR., *President.*

STATEMENT OF GEOFFREY STENGEL, JR., PRESIDENT, ENVIRITE CORP.

Mr. Chairman, Members of the Committee, my name is Geoffrey Stengel, Jr. I am President of Envirite Corporation. I appreciate this opportunity to appear before the Subcommittee. My message is that hazardous wastes can and must be treated *before* they are disposed of in a landfill or discharged into a municipal sewer system. The present EPA approach of requiring minimum design and management practices for land disposal facilities, but not to require treatment, will not protect human health and the environment. For these wastes, treatment is necessary and must be mandated by Congress.

We should not impose on future generations avoidable health risks and environmental remedial costs because EPA and Congress have given today's generators of hazardous wastes unfettered discretion to mismanage their wastes, constrained only by economics and a prohibition on "midnight dumping." Congress must exercise its responsbility to protect the long-term public interest. The landfilling of hazardous wastes must be minimized. Affirmative responsibilities must be placed on hazardous waste generators so that wastes are treated before landfilled.

The undesirability of the present practices of land disposal of hazardous waste was confirmed again only last week by the Office of Technology Assessment and by the National Academy of Science's National Research Council. A hierarchy of alternative hazardous waste management strategies must be incorporated into the Resource Conservation and Recovery Act (RCRA) to enable, as the Council stated, "rational decisions to be made, best risk solutions to be identified, and better public understanding of the issues." Both reports, and Envirite, recommended a hierarchy that would make waste reduction (volume and toxicity) and recovery/recycling the highest priorities, with treatment of the wastes the second line of defense. Land disposal should be allowed for suitable wastes, i.e., residuals from waste treatment operations, pretreated (or stabilized) wastes, untreatable wastes, and relatively low-hazard (and other high volume) wastes.

Envirite treats hazardous wastes to make them non-hazardous. Present law and regulation allow generators to avoid entirely the treatment of hazardous waste, and does not even require that landfilling reduce to the minimum the risk to human health and the environment from untreated hazardous wastes.

Envirite, for the past seven years, has been in the business of collecting, transporting, and treating metal finishing wastes and certain other wastes that are principally contaminated by inorganic constituents. We are employing state-of-the-art treatment technologies and management methods to convert toxic and hazardous wastes to nonhazardous wastes prior to their ultimate disposal.

We collect these wastes from generators and transport them in special tankers to one of our four treatment plants, which are located in York, Pennsylvania; Canton, Ohio; Thomaston, Connecticut; and Harvey, Illinois. At the treatment plants the incoming wastes are thoroughly analyzed, segregated as appropriate, and stored in fiberglass tanks prior to treatment. We then neutralize the wastes (1) by oxidizing them to destroy cyanides; (2) by reducing hexavalent chromium to much less toxic and soluble trivalent chromium; and (3) by hydroxide/sulfide precipitation of the metal contaminants. We then use a vacuum filtration system for the alkaline sludge which yields a dewatered sludge and clarified wastewater. The dewatered sludge is in an insoluble form that is then disposed of either in offsite commercial landfills, or in Connecticut at our proprietary landfill. Wastewater is discharged to the sewer. We maintain careful quality control over these treatment processes and continuously analyze the resulting treated wastewater effluents and the dewatered sludge before disposal.

Sludges from Envirite's treatment of listed hazardous wastes F006 through F009, and F011, F012, F015, and K062 do not exhibit the characteristics of hazardous wastes set forth in 40 CFR Part 261, Subpart C, and do not meet the criteria for listing hazardous wastes set forth in 40 CFR 261.11. EPA has granted Envirite a "delisting" of the sludges produced from this treatment process.

The delisted alkaline, dewatered sludge possesses (1) extremely low concentrations of cyanides and hexavalent chromium, (2) a high and well-buffered pH which minimizes water solubility and leaching of entrained toxic metal contaminants, and (3) a very low water content, which further inhibits leaching of toxic metals.

Envirite produces a treated wastewater effluent that conforms with the effluent limitation guidelines and pretreatment standards proposed by EPA for inclusion in or amendments to 40 CFR Parts 413 and 433 (47 Fed. Reg. 38462).

Envirite contends that it is technologically and economically feasible for all persons who manage metal finishing wastes to provide comparable treatment results before ultimate disposal. Envirite further contends that such level and type of pretreatment is not discretionary. Pretreatment is "necessary to protect human health and the environment" and therefore is mandated by RCRA. Allowing land disposal of untreated hazardous metal finishing wastes at sites conforming to current design and management standards is not adequate to protect human health and the environment.

Envirite also respectfully urges that Congress close the loophole exempting hazardous wastes now being discharged into Publicly-Owned Treatment Works (POTWs) and mixed with domestic sewage. The sewage sludge exemption was based on the implementation of pretreatment standards pursuant to the Clean Water Act. Unfortunately, these pretreatment standards are not now in place and may not be for the foreseeable future. Only industrial discharges subject to and in compliance with a pretreatment standard should be exempt from RCRA requirements.

THE PROBLEM

Of the 28-54 million metric tons of hazardous wastes generated annually in this country, about 40 percent are inorganic in nature. Most of these wastes are generated by metal finishing operations such as etching, electroplating, electrolessplating, cleaning, and heat treating. We estimate that about 20 percent of these wastes, or 2.24-4.32 million tons of inorganics are disposed of off-site in landfills, injection wells and other commercial establishments. The toxic pollutants primarily consist of cyanide, chromium, cadmium, lead, nickel, copper, and zinc compounds. Except for the cyanide compounds, these toxic pollutants cannot be destroyed by treatment. Once placed or discharged into the environment, they accumulate and persist forever. Most metal finishing wastes and sludges have been listed by EPA as hazardous wastes.

When disposed on the land, these toxic pollutants are quite soluble and readily leach into the environment. EPA land disposal regulations will not be effective to assure long-term confinement of metal-finishing and other hazardous wastes placed in land disposal facilities, and therefore do not fulfill the RCRA mandate under regulate "as necessary to protect human health and the environment."

Even EPA acknowledges that the facility design and management practices now required of land disposal facilities under 40 CFR Parts 264 and 265 may not, in many cases, be sufficient to prevent or adequately reduce the potential adverse human health and environmental impacts posed by the land disposal, storage, or treatment of metal finishing wastes.

Specific deficiencies include:

—Landfills and surface impoundments with interim status are not required to have liners or leachate collection systems. The leachate generated can carry into the environment significant amounts of the soluble toxic metals and other contaminants typically found in metal finishing wastes. Even if issued permits, these interim status landfills will not be required to retrofit with liners and leachate collection systems to prevent or control leachate exfiltration. Only a lateral expansion of an existing interim status facility that isn't exempt under the "existing portion" loophole will be subject to liners and leachate collection systems.

—New land disposal facilities will be subject to the new liner and leachate collection system requirement. The new standards are not fail-safe in actual implementation because of potential flaws or damage in the installation of liners, malfunctioning of the leachate collection system, inherent problems in the sampling and monitoring requirements, and the exemption of double liners with leachate collection systems for groundwater monitoring requirements.

Given the significant quantity of these wastes generated and disposed of annually, the high concentration of the toxic pollutants in these wastes, and the non-degradable, persistent nature of these contaminants, it is clear that the mandate of RCRA to regulate as "necessary to protect human health and the environment" is not being achieved.

ENVIRITE'S PRETREATMENT PROPOSAL

Envirite therefore has petitioned EPA to require owners and operators of facilities that dispose of, treat, or store certain metal finishing wastes in a landfill or surface impoundment to pretreat such wastes to produce a stabilized, non-hazardous waste and clean wastewater effluent.

Envirite urges that Congress amend RCRA to achieve the same general objective as sought by Envirite: The treatment of hazardous waste to convert these wastes from hazardous to nonhazardous wastes, before land disposal. We think a *statutory* requirement to pretreat metal finishing wastes is needed now to prevent untreated toxic metals from entering the environment.

We know that metal finishing wastes are hazardous and must be regulated under RCRA and the Clean Water Act. We know that the allowable management practice of land disposal of untreated wastes may not be protective of human health and environment and therefore does not meet the RCRA mandate. We know that, in California, before its new law, 75 percent of the waste landfilled could be recycled, treated or destroyed. We know that the present bias in favor of land disposal is a disincentive to the development of new treatment technologies. We know from the California experience that the additional cost of treatment will have a minimal effect on industry. We know that without strong government regulation and effective enforcement, land disposal costs will not be internalized and will retain a competitive advantage over treatment. We know that requiring positive, upfront treatment of metal finishing wastes produces a stabilized, non-hazardous waste for safe land disposal, and a clean wastewater effluent that complies with the Clean Water Act. We know that requiring treatment will provide a more efficient and cost effective integration of RCRA and the Clean Water Act, as required by Section 1006.

Envirite is sensitive to the concerns of Congress about intruding into technical areas within the domain of a regulatory agency. We think, however, that enough is known about the environmental dangers from the land disposal of untreated metal finishing wastes. Since regulations consistent with Envirite's proposal are already in effect or proposed, Congress would be well justified in statutorily requiring that these wastes be pretreated.

The legislation passed by the House last year would have required EPA to develop a list of wastes that should not be land disposed. Metal finishing wastes are an obvious priority candidate for regulation under this provision. California now restricts land disposal for liquid hazardous wastes containing significant concentrations of free cyanides, arsenic, cadmium, chromium, lead, mercury, nickel, selenium, or thalium. Illinois has banned landfilling by 1987, and Governor Thompson has proposed additional legislation banning landfilling of liquid hazardous wastes by December 31, 1983.

Is it necessary for the nation to wait years for EPA to require treatment of metal finishing wastes? Experience shows that EPA has failed to meet statutory deadlines or respond in a timely way to petitions. Congress must take the initiative and statutorily ban untreated wastes from landfills. By requiring pretreatment, Congress also releases scarce EPA resources to concentrate on regulating other hazardous wastes for which land disposal may not be protective of human health and environment.

CLOSE THE DOMESTIC SEWAGE LOOPHOLE

Industrial dischargers into a POTW are now exempt from RCRA regulation under EPA's "domestic sewage" loophole. Section 1004(27) of RCRA specifically excludes from the definition of "solid waste" any solid or dissolved material in domestic sewage. EPA has interpreted legislative intent to include within the "domestic sewage" exemption mixtures of sanitary wastes and other wastes, including industrial discharges, that pass into POTW's. If it is not a "solid waste", the material cannot be a "hazardous waste" regulated under RCRA. EPA justified deferring RCRA regulation by relying on two programs under the Clean Water Act: (1) the pretreatment program "to insure that users of sewer and treatment systems do not dump wastes into the system that will present environmental problems", 45 Fed. Reg. 3309 (May 19, 1980), and (2) the construction grants program to provide financial assistance for building waste treatment facilities.

This reliance is misplaced.

The construction grants program has not kept pace with needs, and faces an uncertain future after the current authorization runs out. More important, the pretreatment program has yet to get off the ground, ten years after the landmark Federal Water Pollution Control Act Amendments of 1972 was enacted. OTA estimates that 5 million metric tons of toxic wastes are being discharged into POTW's without pretreatment. Many POTW's are unable to properly treat these wastes. The result is that the pollutant is either discharged as part of the effluent from the POTW, or transferred to the sewage sludge. The sewage sludge may be a hazardous waste under present regulations. However, it may not exhibit any of the requisite characteristics and still may pose a significant threat to human health and the environment.

The loophole is made even more significant when a POTW can apply for an exemption from the Clean Water Act's secondary treatment requirement, under Section 301(h) of that Act. It can then discharge into the ocean industrial wastes that aren't pretreated out, because there is no applicable pretreatment standards. Envirite or any other treatment company can never compete with a free, government-granted license to pollute.

Let me illustrate our concerns with this loophole by using the metal finishing industry, with which Envirite is most familiar. The metal finishing industry generates over 85,000 metric tons/year of toxic pollutants, of which 61,000 are discharged into POTW's. The POTW is unable to treat these inorganic wastes. Instead, the predominantly liquid process wastes are dewatered, leaving the toxic metals in the resulting sewage sludge. The sludge is then land disposed or dumped in the ocean. Unlike organic compounds, these inorganic and heavy metal toxic wastes do not degrade in the environment. They are readily leachable and carried into the environment.

EPA has promulgated and proposed effluent guidelines, new source performance standards and categorical pretreatment standards under the Clean Water Act which are designed to substantially reduce the toxic constituents discharged by the metal finishing industry into surface waters, either directly through point sources or indirectly through discharges into POTWs. If not weakened, this will prevent the contamination of the POTW sludge with metal finishing wastes, making it far more acceptable for land spreading or ocean dumping. Unfortunately, this program, particularly the pretreatment component, is not in place.

But the RCRA domestic sewage exemption assumes that the pretreatment requirement is in place and is working. It is time to end the unrestricted RCRA exemption for industrial discharges into POTWs.

Envirite recommends that Congress close this loophole. Only if a categorical pretreatment standard is in effect and is being implemented by the local agency under the Clean Water Act should an industrial discharge into a POTW qualify for the RCRA domestic sewage exemption.

CONCLUSION

Hazardous wastes present an enormous challenge for this country with respect to both human and economic health. Managing hazardous wastes for the protection of human and economic health requires, in our view, a three-part strategy. First, to encourage industry to find ways to generate less waste. Second, to encourage industry to recover and/or recycle as much waste as possible. Third, for wastes that must go into the environment, to require such wastes to be treated and neutralized so that no harm can come to the environment upon disposal. This third part is where Envirite fits into the equation.

Envirite provides a treatment alternative, and we are very good at it. We do this despite the uncertainties of federal regulation and the institutional and economic biases against treatment. Envirite and others engaged in hazardous waste treatment have acted boldly and responsibly to provide a public service that protects human health and the environment.

Envirite has a commitment to the environment that we know this Committee shares. We look to Congress to renew its commitment, to close the RCRA loopholes, to assure that hazardous wastes are properly managed and treated before being landfilled. The Resource Conservation and Recovery Act requires that EPA regulate "as necessary to protect human health and the environment." We hope Congress, in its reauthorization of RCRA, will adopt the legislation "necessary to protect human health and the environment."

Mr. FLORIO. Mr. Chairman, I would like to take a moment to discuss some of the key elements of the provision dealing with common law. First, Federal common law serves essentially a gap-filling function. Congress cannot reasonably be expected to anticipate every possible aspect of enforcement litigation. In suing to enforce the act, EPA, the authorized States, and citizens should be able to resort to applicable common law principles in arguing their case.

Second, use of Federal common law in furtherance of a Federal statutory purpose is common practice. There is no good reason to single out the hazardous waste area and prohibit the occasional application of common law principles.

I am aware of at least 10 Supreme Court decisions, each of which was handed down subsequent to Erie Railroad against Tomkins (1938), which have held that reliance on Federal common law was appropriate.

Third, our provision, section 11(c), does not overturn Illinois against Milwaukee II. It leaves the Supreme Court's decision completely untouched. By enacting section 11(c), Congress would simply be taking up a suggestion the Court made in footnote 22 of the Milwaukee II decision. The clear implication of that footnote is that if Congress wants to retain common law principles in implementing a statute, it has every right to do so.

I would also like to point out that Federal common law in RCRA is not limited to interstate pollution. The statute's reach is not limited by the fact that a hazardous waste site's toxic contamination fails to cross State boundaries. Similarly, common law principles should not be so restricted, since the purpose of Federal common law is to help implement the statute. Congress has the undisputed authority under the Commerce clause to correct a problem that is national in scope, even though the individual circumstances which created the problem may not involve border crossings.

Finally, if a court determines that use of Federal common law furthers the statutory purpose of RCRA, then the court could either rely upon, or "borrow," State law or fashion a remedy based upon general common law principles. This approach is entirely consistent with the Supreme Court's approach to these questions in other areas. I cite, for example, *Clearfield Trust Co.* v. *United States,* 318, U.S. 363 (1943) and *Textile Workers Union* v. *Lincoln Mills,* 353, U.S. 448 (1957).

It is also consistent with a recent Federal district court decision in *U.S.* v. *chem-Dyne* (SD. Ohio, Oct. 11, 1983). In that case Judge Rubin held that under the Superfund legislation, Federal common law—as opposed to State common law—must be applied because "the improper disposal or release of hazardous substances is an enormous and complex problem involving uniquely Federal interests." I would only add that although RCRA is a Federal-State partnership, there is a need to develop a uniform liability standard under RCRA and one that is consistent with CERCLA.

FEDERAL COMMON LAW

A good example of the appropriate application of Federal common law is apparent in litigation to force the cleanup of a hazardous waste site owned by a corporation. If the company's assets had been systematically drained by a corporate officer or controlling shareholder, the company might claim that it was unable to pay for cleanup because it was broke.

Nothing in RCRA provides for dealing with a situation like that—but common law has well established, clearly understood precedent for piercing the corporate veil and allowing a plaintiff, in this case the Government, to go after the assets of a company after they have been transferred to officers or stockholders. This remedy and other features of common law are frequently relied upon in many different situations. It would be absurd to arbitrarily preclude the Government from resorting to common law principles where appropriate.

It should be kept in mind that section 7003, which authorizes lawsuits to force cleanups of hazardous waste sites, is founded on longstanding principles of common law nuisance. The common law is the fundamental source of fairness and equity in our judicial system. It should not be banished from RCRA.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. MOLINARI).

The amendment was agreed to.

The Clerk will read section 12.

The Clerk read as follows:

FINDINGS AND OBJECTIVES OF SOLID WASTE DISPOSAL ACT

SEC. 12. (a) FINDINGS.—Section 1002(b) is amended by—

(1) striking out paragraph (5) and substituting:

"(5) the placement of inadequate controls on hazardous waste management will result in substantial risks to human health and the environment;

"(6) if hazardous waste management is improperly performed in the first instance, corrective action is likely to be expensive, complex, and time consuming;

"(7) land disposal facilities are not capable of ensuring perpetual containment of certain hazardous waste, therefore, reliance on land disposal should be eliminated for those wastes; and";

(2) redesignating paragraph (6) as paragraph (8); and

(3) striking out the semicolon in redesignated paragraph (8) and substituting a period.

(b) OBJECTIVES.—Section 1003 is amended by striking out paragraph (4), substituting the following new paragraphs, and redesignating paragraphs (5) through (8) as paragraphs (7) through (10):

"(4) ensuring that hazardous waste management practices are conducted in a manner which protects human health and the environment;

"(5) requiring that hazardous waste be properly managed in the first instance thereby reducing the need for corrective action at a future date;

"(6) minimizing the generation of hazardous waste and the land disposal of hazardous waste by encouraging process substitution, materials recovery, properly conducted recycling and reuse, and treatment;".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the section be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO: Page 41, strike out line 18 and substitute: "paragraphs (8) through (11)".

Page 42, line 5, strike out the closing quotation marks and period.

Page 42, after line 5, insert:

"(7) establishing a viable Federal-State partnership to carry out the purposes of this Act and insuring that the Administrator will, in carrying out the provisions of subtitle C of this Act, give a high priority to assisting and cooperating with States in obtaining full authorization of State programs under subtitle C;".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, this amendment is simply intended to convey Congress clear and unmistakable message to EPA that it must make much greater efforts to assist States in obtaining authorization for RCRA programs. There has been entirely too much emphasis by EPA on procedural, even nit-picky matters, rather than the substance of the States' programs. EPA should remember that RCRA is a partnership and that States should be encouraged to develop innovative and more efficient ways of carrying out this statute.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

We have examined the amendment, and we have agreed to accept the amendment.

Mr. FLORIO. I thank the gentleman from North Carolina.

● Mr. JEFFORDS. Mr. Chairman, I rise in support of the Florio amendment to H.R. 2867.

In the past, States like Vermont which have taken a strong initiative in instituting tough hazardous waste laws, have been frustrated in their implementation by the EPA. In requiring that a State's regulations be substantially equivalent to the Federal regulations, the EPA has often overlooked the environmental effect of the State's provisions and concentrated solely on technical differences between the two sets of regulations. On occasion, the revisions required by EPA have demonstrated a lack of serious interest in providing the best possible protection for the environment. These requirements have ranged from valid suggestions to requirements which demonstrate a total lack of understanding of the State's particular problems. For instance, Vermont's regulations were faulted for not containing a provision which covered ocean disposal barges. For a land-locked State, this is hardly a relevant concern. Other such technicalities have been raised, having the effect of discouraging creative initiatives above and beyond Federal requirements. The problem of waste disposal is too serious to allow good programs to be dropped.

In sum, it is very important that the State's judgment and authority to implement stronger controls on hazardous waste disposal not be frustrated by the EPA. We must have a working partnership, with proper acknowledgment on each side of the nature and urgency of controlling this threat to our environment. I, therefore, urge strong support for the Federal/State partnership encouraged by this amendment.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. FLORIO).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to section 12?

If not, the Clerk will read section 13.

The Clerk read as follows:

LISTING AND DELISTING OF HAZARDOUS WASTE

SEC. 13. (a) SPECIFIC WASTES.—Section 3001 is amended by inserting the following new subsections at the end thereof:

"(f) SPECIFIED WASTES.—(1) Not later than two months after the date of enactment of this subsection, the Administrator shall, where appropriate, list under subsection (b)(1), additional wastes containing chlorinated dioxins or chlorinated-dibenzofurans. Not later than ten months after such date of enactment, the Administrator shall, where appropriate, list under subsection (b)(1) additional wastes containing polychlorinated biphenyls. Not later than one year after the date of enactment of this subsection, the Administrator shall, where appropriate, list under subsection (b)(1) wastes containing remaining halogenated dioxins and -dibenzofurans. In the case of polychlorinated biphenyls, the standards promulgated under this Act shall be consistent with the standards promulgated under section 6(e) of the Toxic Substances Control Act.

"(2) Not later than fifteen months after the date of the enactment of this subsection, the Administrator shall make a determination of whether or not to list under subsection (b)(1) the following wastes: Chlorinated Aliphatics, Dioxin, Dimethyl Hydrazine, TDI (toluene diisocyanate), Carbamates, Bromacil, Linuron, Organo-bromines, solvents, refining wastes, chlorinated aromatics, dyes and pigments, inorganic chemical industry wastes, lithium batteries, coke byproducts, paint production wastes, and coal slurry pipeline effluent.

(b) LISTING ON THE BASIS OF CONSTITUENTS.—Section 3001(b)(1) is amended by adding the following at the end thereof: "The Administrator shall also identify or list those hazardous wastes which shall be subject to the provisions of this subtitle solely because they contain hazardous constituents (such as identified carcinogens, mutagens, or teratagens) at concentration levels in excess of levels which adversely affect human health and the environment.".

(c) DELISTING PROCEDURES.—Section 3001 is amended by adding the following new subsection at the end thereof:

"(g) DELISTING PROCEDURES.—(1) When evaluating a petition to exclude a waste generated at a particular facility from listing under this section, the Administrator shall consider factors (including additional constituents) other than those for which the waste was listed if the Administrator has a reasonable basis to believe that such additional factors could cause the waste to be a hazardous waste. The Administrator shall provide notice and opportunity for comment on these additional factors before granting or denying such petition.

"(2) Paragraph (1) shall apply to petitions filed before, on, or after the date of the enactment of this subsection. In the case of petitions submitted after such date of enactment, the Administrator shall make a final decision on each such petition within twelve months after such date of enactment. In the case of petitions submitted before such date of enactment, the Administrator shall make a final decision on each such petition within eighteen months after granting a temporary exclusion from regulation for such waste. In the case of any waste for which a petition has been submitted under this section, no temporary exclusion may be granted from listing under this section unless there has been notice and opportunity for comment prior to the issuance of such temporary exclusion.".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that section 13 be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. BREAUX

Mr. BREAUX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BREAUX: Page 44, after line 19, insert:

HAZARDOUS CONSTITUENTS

SEC. 13A. Section 3005(h)(3), as added by Section 5 of this Act, is amended by inserting the following immediately after subparagraph (B) thereof: "For the purpose of making any demonstration under subparagraph (B), the term 'hazardous constituent' does not include those hazardous constituents which the owner or operator demonstrates to the satisfaction of the Administrator and the Administrator determines at the time of permitting will not migrate into ground or surface water in concentrations which may adversely affect human health or the environment.".

Make the necessary conforming changes in the table of contents.

Mr. BREAUX. Mr. Chairman, I have discussed my amendment with both the chairman of the subcommittee and also the ranking minority member.

The amendment is simple, in that it is a clarifying amendment. As Members may remember the last time we were at this section, I offered an amendment which was adopted by a voice vote which dealt with surface impoundments. My amendment simply said that all surface impoundments that have an interim permit, that when they went to EPA to get their final permit, that they had to be retrofitted, and retrofitting would require that these surface impoundments be double lined and also have monitoring wells to monitor what was in the surface impoundments.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I support the amendment offered by the gentleman from Louisiana.

This amendment clarifies which constituents are of concern in a permit proceeding where the owner or operator seeks to avoid the retrofit requirement on the basis of no migration of hazardous constituents into ground or surface water. The amendment means the migration of concern is related to those constituents which may adversely affect human health and the environment. The term "may" is intentionally chosen to avoid the necessity of quantifying precise effects. The potential or actual presence of constituents in certain concentrations in ground or surface water would be sufficient for the Administrator to conclude an adverse effect may occur.

The full burden of demonstrating the concentrations of waste which is migrating—or will migrate in the future—is on the owner or operator at the time of permitting. Similarly, the full burden of proving no adverse human health or environmental effect is on the owner or operator. Thus, scientific uncertainties are to be resolved against the attempt to demonstrate no adverse effect on human health and the environment.

I urge my colleagues to adopt this amendment.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Chairman, there has been considerable consultation on this amendment, and we will agree with the amendment as presented.

Mr. BREAUX. I thank both sides for agreeing to the amendment.

As I said, it is basically a clarifying amendment which tends to track what I indicated in my initial words on the floor as to what my first amendment was intended to do. This clarifies it, and I think the language is an appropriate matter, and I urge adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Louisiana (Mr. BREAUX).

The amendment was agreed to.

Mr. RODINO. Mr. Chairman, the Committee on the Judiciary also approved an amendment of a technical nature to an Energy and Commerce Committee amendment to section 3008(d) of the Solid Waste Disposal Act. The purpose of the Judiciary Committee's amendment is to make it clear that there is no congressional intention to change the culpability requirement of present law.

Section 3008(d)(2) presently makes it a criminal offense "knowingly" to treat, store, or dispose of hazardous waste "in knowing violation" of any material condition of a permit issued under section 3005 or 3006 of the Solid Waste Disposal Act or under title I of the Marine Protection and Sanctuaries Act. The Energy and Commerce Committee amendment revises section 3008(d)(2) and, in so doing, does not carry forward the phrase "in knowing violation."

From a drafting standpoint, that phrase is redundant. If this legislation were the initial enactment of section 3008(d)(2), there would be no harm in dropping the phrase, for the use of the term "knowingly" at the beginning of section 3008(d)(2) would modify all that follows, so that any violation of a material condition would have to be done knowingly. However, in the present situation, where there is already language on the books, the dropping of the phrase might be seen by some as an expression of congressional intent to change present law.

Those who see it that way would argue that there must have been a purpose behind dropping the phrase. Since the Energy and Commerce Committee's report does not indicate what that purpose is, they would be able to argue that the purpose was to change the culpability requirement of section 3008(d)(2). If their argument were accepted, the result could be a substantial change from present law, for there could be the imposition of strict criminal liability. Whether there would be strict criminal liability in any particular instance would depend upon how the condition was drafted.

The Judiciary Committee amendment restores the phrase "in knowing violation" to section 3008(d)(2). The use of this phrase from present law will insure that the culpability provisions of current law are carried forward unchanged.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

RECOVERY AND RECYCLING OF USED OIL

SEC. 14. Section 3012 (relating to restrictions on recycled oil) is amended by striking out the period at the end thereof and substituting ", consistent with the protection of human health and the environment.".

The CHAIRMAN pro tempore. Are there any amendments to section 14?

If not, the Clerk will read.

The Clerk read as follows:

STATE AUTHORIZATION

SEC. 15. Section 3006(b) is amended by adding the following at the end thereof: "In authorizing a State program, the Administrator may base his findings on the Federal program in effect one year prior to submission of a State's application or in effect on January 26, 1983, whichever is later.".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that section 15 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN pro tempore. Are there amendments to section 15?

AMENDMENT OFFERED BY MR. LENT

Mr. LENT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LENT: Page 45, line 2, after "15." insert "(a) BASIS OF AUTHORIZATION.—"

Page 45, after line 7, insert:

(b) INTERIM AUTHORIZATION; 1983 AMENDMENTS.—(1) Section 3006(c) is amended by striking out "twenty-four" and substituting "thirty-six".

(2) Section 3006 is amended by inserting the following at the end of subsection (g)(2) (as added by section 5 of this Act): "The Administrator shall, by rule, establish a date for the expiration of interim authorization under this paragraph.

"(3) Pending interim or final authorization of a State program for any State which reflects the amendments made by the Hazardous Waste Control and Enforcement Act of 1983, the State may enter into an agreement with the Administrator under which the State may assist in the administration of the requirements and prohibitions which take effect pursuant to such amendments.

"(4)(A) In the case of a State permit program for any State which is authorized under subsection (b) or (c), until such program is amended to reflect the amendments made by the Hazardous Waste Control and Enforcement Act of 1983 and such program amendments receive interim or final authorization, the Administrator shall have the authority in such State to issue or deny permits or those portions of permits affected by the requirement and prohibitions established by the Hazardous Waste Control and Enforcement Act of 1983. The Administrator shall coordinate with States the procedures for issuing such permits.".

Mr. LENT (during the reading). Mr. Chairman I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LENT. Mr. Chairman, I rise to offer an amendment to section 15. This amendment will do a number of things. First it will insure that the States have adequate time to fulfill the necessary requirements to become fully authorized. Without my amendment, the States' interim authorizations will expire on January 26, 1985.

It is my understanding that approximately 7 to 14 States will not be able to meet this deadline, and so would lose their interim authorizations. Therefore, my amendment gives the States until January 26, 1986 to fulfill their requirements before they lose their interim status.

Second, this amendment ratifies the current practice of using State-EPA agreements to enable States to participate as much as possible in the implementation of RCRA prior to their authorization. For example, States that do not yet have adequate authority to obtain authorization may still have sufficient State authority to be able to enter into agreements to conduct inspections and draft permits for EPA. Other States may have made the necessary statutory and regulatory changes to implement an independent State regulatory program for small quantity generators between 100 and 1,000 kilograms that EPA can acknowledge in an agreement. In those cases, the Administrator may well wish to arrange to devote his priorities and resources to other areas where there is not already considerable State activity and/or to other States.

The agreement or existence of an operating State program does not mean that the Administrator relinquishes his authority or responsibility. Until a State receives interim or final authorization for a program component, the Administrator alone is charged with the legal responsibility under subtitle C. The Congress does not intend agreements to be viewed as a de facto, more lenient type of authorization.

Third, my amendment gives the EPA Administrator discretion to establish realistic deadlines by which States must achieve final authorization for the requirements mandated by the 1983 amendments.

Fourth, my amendment gives the EPA authority to issue permits in conformance with implementation of the permitting requirements of the 1983 amendments.

My amendment has the support of the distinguished subcommittee chairman, Mr. Florio, and I ask your support for it.

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Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. LENT. I will be happy to yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I commend my colleague from New York for offering this amendment. In addition to extending the deadline by which States—in order to be finally authorized—must obtain EPA approval for their RCRA programs, the amendment would make a number of minor, but very useful, improvements to the State authorization process. These improvements are important because of the need to assist the States in obtaining final authorization not just for the existing RCRA program, but also for the new program components which would be required under this legislation (H.R. 2867).

This amendment also helps assure that the deadlines established by H.R. 2867 are met—not on a piecemeal basis—but in every State at the same time. A contrary result would undermine the effectiveness of H.R. 2867—particularly the restrictions on land disposal.

I commend Mr. Lent for offering these carefully drafted improvements to the State authorization provision.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. Lent).

The amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

EFFECTIVE DATE OF REGULATIONS

Sec. 16. Section 3010(b) is amended by adding the following at the end thereof: "At the time a regulation is promulgated, the Administrator may provide for a shorter period prior to the effective date, or an immediate effective date for:

"(1) a regulation with which the Administrator finds the regulated community does not need six months to come into compliance;

"(2) a regulation which responds to an emergency situation; or

"(3) other good cause found and published with the regulation.".

Mr. FLORIO. Mr. Chairman, I know of no amendments to any sections up to section 21.

I ask unanimous consent that all sections up to 21, not including 21, be considered as read, printed in the Record and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from new Jersey?

There was no objection.

Sections 17 through 20 are as follows:

PRIOR RELEASES

Sec. 17. Section 3004 is amended by adding the following new subsection at the end thereof:

"(j) Prior Releases.—Standards issued under this section shall address releases of hazardous constituents attributable to the migration of waste from all solid waste management units at the facility, whether waste was placed in such units before or after the date of permit issuance. Where cleanup of such releases cannot be completed prior to permit issuance, the standards issued under this section shall provide for compliance schedules and financial assurances to ensure adequate cleanup of such releases.".

STATE-OPERATED LANDFILLS

Sec. 18. Section 3007 is amended by adding the following new subsection at the end thereof:

"(c) State-Operated Landfills.—The Administrator shall annually undertake a thorough inspection of each landfill facility which is operated by a State or local government which is subject to regulation under this subtitle. The record of such inspection shall be available to the public as provided in subsection (b).".

AVAILABILITY OF INFORMATION

Sec. 19. (a) Section 3006 is amended by adding the following new subsection at the end thereof:

"(f) Availability of Information.—No State program may be authorized by the Administration under this section unless—

"(1) such program provides for the public availability of information obtained by the State regarding facilities and sites for the treatment, storage, and disposal of hazardous waste; and

"(2) such information is available to the public in substantially the same manner, and to the same degree, as would be the case if the Administrator was carrying out the provisions of this subtitle in such State.".

(b) The amendment made by subsection (a) shall apply with respect to State programs authorized under section 3006 before, on, or after the date of the enactment of this Act.

OMBUDSMAN

Sec. 20. (a) Office.—Subtitle B is amended by inserting the following new section after section 2006 and by redesignating section 2007 as 2008:

"OFFICE OF OMBUDSMAN

"Sec. 2006A. (a) Establishment; Functions.—The Administrator shall establish an Office of Ombudsman, to be directed by an Ombudsman. It shall be the function of the Office of Ombudsman to receive individual complaints, grievances, requests for information submitted by any person with respect to any program or requirement under this Act.

"(b) Authority To Render Assistance.—The Ombudsman shall render assistance with respect to the complaints, grievances, and requests submitted to the Office of Ombudsman, and shall make appropriate recommendations to the Administrator.

"(c) Effect on Procedures for Grievances, Appeals, or Administrative Matters.—The establishment of the Office of Ombudsman shall not affect any procedures for grievances, appeals, or administrative matters in any other provision of this Act, any other provision of law, or any Federal regulation.".

(b) Table of Contents.—The table of contents for such Act is amended by inserting the following new item after the item relating to section 2006:

"Sec. 2006A. Office of Ombudsman.".

The CHAIRMAN pro tempore. Are there any amendments to sections 16 through 20?

If not, the Clerk will read.

The Clerk read as follows:

DESIGN AND PERFORMANCE STANDARDS

Sec. 22. Section 3004 is amended by inserting the following at the end thereof:

"(k) Minimum Requirements for Certain Facilities.—(1) Each landfill or surface impoundment for which an application for a permit under section 3005(c) is received by the Administrator after the date of the enactment of the Hazardous Waste Control and Enforcement Act of 1983, shall be required (as a condition of receiving such permit) to be double-lined and to monitor ground water.

"(2) Each incinerator which receives a permit under section 3005(c) after the date of the enactment of the Hazardous Waste Control and Enforcement Act of 1983 shall achieve the minimum destruction and removal efficiency required by regulations in effect under this subtitle on June 24, 1982. The Administrator may, by rule, modify the requirements set forth in such regulations if such modification provides for equivalent or greater hazardous waste containment or equivalent or greater destruction and removal of hazardous waste.".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that section 21 be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAXLER: Page 48, in line 12, after "(1)" insert "(A)".

Page 48, after line 17, insert:

"(B) The double-liner requirement set forth in subparagraph (A) may be waived by the Administrator for any monofill, if—

"(i) such monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand,

"(ii) such wastes do not contain constituents which would render the wastes hazardous for reasons other than the EP toxicity characteristics, and

"(iii) such monofill meets the same requirements as are applicable in the case of a waiver under section 3005(h)(3).".

Mr. TRAXLER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. TRAXLER. Mr. Chairman, I rise to offer an amendment which resolves a technical difficulty in the ability of the Environmental Protection Agency to approve environmentally sound alternative methods of handling certain types of solid foundry wastes. I assure my colleagues that the amendment complies with the intent of providing for safe disposal of solid foundry wastes.

This amendment differs from the one I had printed in the CONGRESSIONAL RECORD for Friday, October 28, in that it attempts to clarify the real intent of my efforts. This amendment clearly states by its language that it applies to hazardous wastes from foundry furnace emission controls or metal casting molding sand. Some people have expressed concerns that the original language was too broad in its scope to limit itself to this problem of foundry wastes, so I offer this modified version to remedy those concerns. The amendment is now accepted by the major environmental groups, including the National Audobon Society, the Environmental Defense Fund, and the Sierra Club, all of whom participated in its drafting.

I want to thank the gentleman from New Jersey (Mr. FLORIO), and the gentleman from New York (Mr. LENT) for their cooperation in the development of this amendment. I want to add special thanks to my colleague from Michigan, the chairman of the full Committee, Mr. DINGELL, for his assistance in this effort.

The amendment is very simple. It conforms the requirements which EPA can establish for these certain monofills with those the Agency can establish for surface impoundments. Since the two types of facilities are similar, I believe that it is appropriate that the requirements for the facilities be similar.

Mr. Chairman, during the debate on H.R. 3994, RCRA amendments during the 96th Congress, I declined to offer an amendment which would have provided special exemptions for monofills. Rather, I suggested that it was appropriate for EPA and industry to work together to develop a standard which would meet environmental concerns.

Since that time, I am happy to tell my colleagues that progress has been made, Industry and EPA have studied the problem comprehensively, and EPA expressed its intent to establish specific monofill standards in a July 26, 1982, Federal Register notice. Monofills have generally been regarded as landfills used to store or dispose of one or more of a small group of inorganic wastes. EPA noted that this group is limited to specific wastes that the Agency finds would not leach significant concentrations in the absence of an acid leaching medium. For the record, I will append to my statement a more complete description of monofills which was developed by EPA.

EPA has advised my office that monofill standards could be developed within 18 months. However, EPA Assistant Administrator Lee Thomas wrote to me that EPA activities in this area have been halted because: "Assuming passage of RCRA amendments as presently constituted, there would then be little benefit to development of tailored standards for monofill activities." In other words, unless this bill is amended in the manner which I am suggesting, all the cooperative effort to establish monofill standards will go down the drain.

If industry is making a responsible effort to control solid wastes, and if they are doing so in a way to meet environmental concerns, it is my view that to make all the effort to develop monofill standards meaningless by changing the rules in the middle of the game will hurt our ability to obtain voluntary compliance from industry on a whole range of environmental issues. Why should they act in good faith if the Federal Government will not?

My point to our colleagues, Mr. Chairman, is that this situation has been studied, and the work has been done. We are close to promulgating rules for monofills based upon hard scientific evidence, not on speculation. The regulations will provide protection for human health and the environment. My amendment will leave EPA with the discretion to make use of the work on monofills which has been done already by establishing the same requirements as are being proposed in this bill for surface impoundments.

This is not a new issue, nor is it one that is unfamiliar to the House. We need to take advantage of the cooperation demonstrated between industry and EPA to safeguard the environment, particularly the excellent work done since 1981 by the American Foundrymen's Society who will issue a final report on this subject in 2 months clearly demonstrating that monofills can and will meet all of our environmental concerns.

I urge adoption of my amendment, Mr. Chairman.

Supplemental information attached for inclusion in the RECORD at this point:

MONOFILL PROVISION FOR RCRA AMENDMENTS

Monofills are landfills, surface impoundments, or waste piles used to treat, store, or dispose of one or more of a small group of inorganic wastes. If these wastes are managed under conditions that preclude contract the waste and acids, and the disposal facility is well located hydrogeologically, there will result an extremely low likelihood of ground-water contamination. On July 26, 1982, EPA stated in the Federal Register that is intends to propose separate standards for monofill units.

The wastes possibly eligible as monofill wastes are relatively non-complex, inorganic wastes that are hazardous only because they exhibit the characteristic of EP toxicity (defined in § 261.24) or are a listed waste for toxicity but are not normally hazardous due to ignitability, corrosivity, reactivity, or acutely hazardous. For these wastes, the concern is that the normally acidic conditions in a disposal unit receiving both organic and inorganic wastes could cause leaching of heavy metals. Under monofill standards, however, eligible wastes would be managed to prevent contact with potential acid-producing wastes or conditions. This would be accomplished through a set of separate monofill standards that would take into account the waste characteristics and locational factors.

An important waste characteristic would be that of low organic content. The locational factors may include local geology, soil type, hydrology, annual rainfall, and rainfall acidity. For example, the acidity of local rainfall percolating through an inorganic waste may eventually, if the facility is not properly designed, result in an increased mobility of hazardous constituents.

AMENDMENT TO H.R. 2867 OFFERED BY MR. TRAXLER

Page 48, in line 12, after "(1)" insert "(A)".

Page 48, after line 17, insert: "(B) The double-liner requirement set forth in subparagraph (A) may be waived by the Administrator for any monofill, provided that:

(i) such monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand,

(ii) such wastes do not contain constituents which would render the wastes hazardous for reasons other than the EP toxicity characteristics, and

(iii) such monofill meets the same requirements as are applicable in the case of a waiver under section 3005(h)(3).".

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, the gentleman's amendment provides a limited waiver for a select universe of monofills. These monofills must contain only certain wastes and the constituents of the waste must not include chemicals which would render the waste hazardous for reasons other than the EP characteristic. This will require an appendix VIII screening and an analysis similar to the delisting analysis required under section 13(c) of the bill. The monofills must also qualify for the waiver provisions of section 3005(h)(3).

I urge my colleagues to support this amendment.

Mr. LENT. Mr. Chairman, would the author of the amendment yield?

Mr. TRAXLER. I yield to the gentleman from New York.

Mr. LENT. I would ask the gentleman, I understand this amendment simply gives to some monofills the same exemption that is provided for surface impoundments by virtue of the Breaux amendment to section 5 of the bill.

Mr. TRAXLER. That is my understanding.

Mr. LENT. I thank the gentleman and I want to support the gentleman's amendment. It seems to me to be only equitable.

Mr. TRAXLER. I want to extend my appreciation to the distinguished chairman of the committee and the ranking minority member for their cooperation and assistance in this endeavor.

I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. TRAXLER).

The amendment was agreed to.

TECHNICAL COMMITTEE AMENDMENT

The CHAIRMAN pro tempore. The technical committee amendment on page 48 in section 21 is also adopted, without objection.

There was no objection.

The test of the committee amendment is as follows:

On page 48, line 9, strike "22" and insert "21."

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

MANAGEMENT OF USED OIL

SEC. 22. (a) IN GENERAL.—Section 3012 (relating to restrictions on recycled oil) is amended by inserting "(a) IN GENERAL.—" after "3012." and by adding the following at the end thereof:

"(b) IDENTIFICATION OR LISTING OF USED OIL AS HAZARDOUS WASTE.—Not later than twelve months after the date of the enactment of this subsection, the Administrator shall propose whether to list or identify used automobile and truck crankcase oil as hazardous waste under section 3001. Not later than twenty-four months after such date of enactment, the Administrator shall make a final determination whether to list or identify used automobile and truck crankcase oil and other used oil as hazardous wastes under section 3001.

"(c) USED OIL WHICH IS RECYCLED.—(1) The standards promulgated under section 3001(d), 3002, 3003, and 3004 of this subtitle shall not apply to used oil identified or listed as a hazardous waste under section 3001 if such used oil is recycled.

"(2)(A) In the case of used oil which is exempt under paragraph (1), not later than twenty-four months after the date of the enactment of this subsection, the Administrator shall promulgate such standards under this subsection regarding the generation, transportation, and recycling of such used oil as may be necessary to protect human health and the environment. In promulgating such regulations with respect to generators, the Administrator shall take into account the effect of such regulations on environmentally acceptable types of used oil recycling and the effect of such regulations on small quantity generators and generators which are small businesses.

"(B) The regulations promulgated under this subsection shall provide that no generator of used oil which is exempt under paragraph (1) shall be subject to any manifest requirement or any associated recordkeeping and reporting requirement with respect to such used oil if such generator—

"(i) either—

"(I) enters into an agreement or other arrangment (including an agreement or arrangement with an independent transporter or with an agent of the recycler) for delivery of such used oil to a recycling facility which has a permit under section 3005(c) (or for which a permit is deemed to be in effect under subsection (d)), or

"(II) recycles such used oil at one or more facilities of the generator which has such a permit under section 3005 of this subtitle (or for which a permit is deemed to have been issued under subsection (d) of this section);

"(ii) such used oil is not mixed by the generator with other types of hazardous wastes; and

"(iii) the generator maintains such records relating to such used oil, including records of agreements or other arrangements for delivery of such used oil to any recycling facility referred to in clause (i)(I), as the Administrator deems necessary to protect human health and environment.

"(3) The regulations under this subsection regarding the transportation of used oil which is exempt under paragraph (1) shall require the transporters of such used oil to deliver such used oil to a facility which has a permit under section 3005 of this subtitle or which is deemed to have a permit under subsection (d) of this section. The Administrator shall also establish other standards for such transporters as may be necessary to protect human health and the environment.

"(4) The regulations under this subsection regarding the owners and operators of facilities which recycle used oil which is exempt under paragrpah (1) may include requirements respecting any of the matters listed in section 3004(a) and may vary according to whether the facility is permitted under section 3005(c) or deemed to have a permit under subsection (d) of this section. At a minimum, the Adminsitrator shall establish such standards for used oil recycled by being burned for energy recovery or by being applied to the land as the Administrator determines are necessary to protect human health and the environment.

"(d) PERMITS.—(1) The owner or operator of a facility which recycles used oil which is exempt under subsection (c)(1), shall be deemed to have a permit under this subsection for all such treatment or recycling (and any associated tank or container storage) if such owner and operator comply with standards promulgated by the Administrator under subsection (c)(4) of this section; except that the Administrator may require such owners and operators to obtain an individual permit under section 3005(c) if he determines that an individual permit is necessary to protect human health and the environment.

"(2) Notwithstanding any other provision of law, any owner or operator of a facility which recycles used oil which is exempt under subsection (c)(1) shall not be required to obtain a permit under section 3005(c) with respect to such used oil until the Administrator has promulgated standards under subsection (c)(4) of this section regarding the recycling of such used oil.".

(b) CONFORMING AMENDMENTS.—(1) Section 7007(b) is amended by inserting after "3005" the following "(or in modifying or revoking any permit which is deemed to have been issued under section 3012(d)(1))".

(2) The third sentence of section 3006(b) is amended by inserting after "hazardous waste" the following "(and to enforce permits deemed to have been issued under section 3012(d)(1))".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that section 22 be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Chairman pro tempore. Are there any amendments to section 22?

If not, the Clerk will read.

The Clerk read as follows:

USE OF RECOVERED MATERIALS BY FEDERAL AGENCIES

SEC. 23. (a) DEFINITIONS.—(1) Section 1004 is amended by adding the following new items at the end thereof:

"(40) The term 'recycled paper' means paper or paper products which contain substantial amounts of wastepaper fibers.

"(41) The term 'wastepaper' means post consumer, converting and printing paper wastes. The term 'post consumer' waste means paper generated by business and consumers after it has served its intended end use, including: used corrugated boxes, old newspaper, and used copy paper computer printout and used tabulating cards. The term 'converting and printing wastepaper' means paper waste generated after the completion of the papermaking process, including: envelope cuttings, bindery trimmings, printing wastes, cutting and other converting wastes, butt rolls, mill wrappers, and rejected unused stock. The term 'wastepaper' does not include fibrous waste generated during the manufacturing process (such as fibers recovered from waste water or trimming of a paper machine roll into small rolls or rough sheets) or fibrous byproducts of harvesting, extractive or woodcutting processes.".

(2) Section 1004(19) is amended by adding the following at the end thereof: "In the case of paper, the term 'recovered material' means only 'wastepaper' as defined in this section.".

(b) Procurement Programs.—Section 6002 is amended by adding the following new subsection at the end thereof:

"(h) Procurement Program.—(1) Within one year after the date of publication of applicable guidelines under subsection (e), each procuring agency shall develop an affirmative procurement program which will assure that items composed of recovered materials will be purchased to the maximum extent practicable and which is consistent with applicable provisions of Federal procurement law.

"(2) Each affirmative procurement program required under this subsection shall, at a minimum, contain—

"(A) a recovered materials preference program;

"(B) an agency promotion program to promote the preference program adopted under subparagraph (A);

"(C) a program for requiring estimates of the total percentage of recovered material utilized in the performance of a contract; certification of minimum recovered material content actually utilized, where appropriate; and reasonable verification procedures for estimates and certifications; and

"(D) annual review and monitoring of the effectiveness of an agency's affirmative procurement program.

"(3) In developing the preference program, the following options shall be considered for adoption:

"(A) Case-by-Case Police Development: Subject to the limitations of subsection (c)(1) (A) through (C) a policy of awarding contracts to the vendor offering an item composed of the highest percentage of recovered materials practicable. Subject to such limitations, agencies may make an award to a vendor offering items with less than the maximum recovered materials content.

"(B) Minimum Content Standards: Minimum recovered materials content specifications which are set in such a way as to assure that the recovered materials content required is the maximum available without jeopardizing the intended end use of the item, or violating the limitations of subsection (c)(1) (A) through (C). Procuring agencies shall adopt one of the options set forth in subparagraphs (A) and (B) or a substantially equivalent combination thereof, for inclusion in the affirmative procurement program.".

(c) Guidelines.—Section 6002(e) is amended by striking out "including paper" and all that follows down through "1982" and substituting: "including recycled paper, one hundred and eighty days after enactment of the Hazardous Waste Control and Enforcement Act of 1983, and for two additional product categories, including tires, by October 1, 1985.".

(d) Office of Federal Procurement Policy.—Section 6002(g) is amended by—

(1) striking out "the policy expressed in" and substituting "the requirements of"; and

(2) by inserting before the period at the end thereof the following: ", and to, every two years beginning in 1984, report to the Congress on actions taken by Federal agencies and the progress made in the implementation of this section, including agency compliance with subsection (d)".

(e) Specifications.—Section 6002(d)(1) is amended by striking out "five years after the date of enactment of this Act" and substituting "eighteen months after the date of the enactment of the Hazardous Waste Control and Enforcement Act of 1983".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that section 23 be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN pro tempore. Are there any amendments to section 23?

AMENDMENT OFFERED BY MR. WYDEN

Mr. WYDEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wyden: Page 53, line 8, strike out "(1)" and all that follows down through line 8 on page 54 and substitute: "Section 6002 is amended by adding the following new subsections at the end thereof—

"(h) Definition.—As used in this section, in the case of paper products, the term 'recovered materials' includes—

"(1) postconsumer matrials such as—

"(A) paper, paperboard, and fibrous wastes from retail stores, office buildings, homes, etc., after they have passed through their end-usage as a consumer item, including: used corrugated boxes, old newspapers; old magazines; mixed waste paper; tabulating cards; and used cordage; and

"(B) all paper, paperboard, and fibrous wastes that enter and are collected from municipal solid waste, and

"(2) manufacturing, forest residues, and other wastes such as—

"(A) dry paper and paperboard waste generated after completion of the papermaking process (i.e., those manufacturing operations up to and including the cutting and trimming of the paper machine reel into small rolls or rough sheets) including: envelope cuttings, bindery trimmings, and other paper and paperboard waste, resulting from printing, cutting, forming, and other converting operations; bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock; and

"(B) finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others;

"(C) fibrous by-products of harvesting manufacturing, extractive, or wood-cutting processes, flax, straw, linters, bagasse, slash, and other forest residues;

"(D) wastes generated by the conversion of goods made from fibrous material (i.e. waste rope from cordage manufacture, textile mill waste and cuttings;

"(E) fibers recovered from waste water which otherwise would enter the waste stream

Page 54, strike out lines 9 through 11.

Page 54, line 12, strike out "(h)" and substitute "(i)".

Page 55, after line 7, insert: "In the case of paper, the recovered materials preference program required under subparagraph (A) shall provide for the maximum use of the post consumer recovered materials referred to in subsection (h)(1).".

Page 55, line 14, before the period insert "(and in the case of paper, the highest percentage of the post consumer recovered materials referred to in subsection (h)(1))".

Page 55, line 21, after "content" insert "(and in the case of paper, the content of post consumer materials referred to in subsection (h)(1))".

Page 56, line 3, strike out "combination thereof" and substitute "alternative".

Page 56, strike out line 5 and all that follows down through line 11 and substitute:

(b) Guidelines.—Section 6002(e) is amended by—

(1) adding the following after "section" in paragraph (1). ", and in the case of paper, provide for maximizing the use of post consumer recovered materials referred to in subsection (h)(1)"; and

(2) striking out "for at least three product categories" and all that follows down through "1982" and substituting "for paper within 180 days after the enactment of the Hazardous Waste Control and Enforcement Act of 1983, and for three additional product categories (including tires) by October 1, 1985".

(c) Requirements.—Section 6002(c)(1) is amended by inserting after "highest percentage of recovered materials practicable" the following: "(and in the case of paper, the highest percentage of the post consumer recovered materials referred to in subsection (h)(1) practicable)".

Mr. WYDEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WYDEN. Mr. Chairman, the amendment I now offer is to section 23 of this bill, entitled "Use of Recovered Materials by Federal Agencies."

Section 23 reauthorizes section 6002—first enacted in 1976—of RCRA, calling for Federal procurement of items containing recovered materials to the maximum extent practicable, consistent with applicable provisions of Federal procurement law.

The intent of section 23, and more generally section 6002 is really quite straightforward. It is to provide a steady, reliable market for manufacturers of items composed of recovered materials. It is premised on the belief that if someone can build a better mousetrap, and do so at the least cost the Federal procurement process should give a preference to that product by virtue of the external benefits it produces, namely, the reduction in our Nation's $9 billion solid waste disposal tab.

The pending amendment makes several changes to section 23.

First and foremost, it replaces the definition of "wastepaper" for the purposes of Federal procurement of recycled paper with a two-part definition used by the General Services Administration in the 1970's. The GSA definition appears more acceptable and more familiar to all the parties concerned over the Federal procurement of recycled paper.

The GSA two-part definition recognizes the difference between postconsumer recovered materials—the materials headed for our Nation's landfills—and the pulp and paper industry manufacturing wastes and forest residues which are often used in the papermaking process as standard practice or have alternative uses if they are not recovered for the papermaking process.

Though paper can and is made with both types of recovered materials, it is the intent of RCRA, of section 23, and of this amendment to maximize the use of the post-consumer recovered materials with respect to procurement of recycled paper and paper products.

The other significant change to section 23 in this amendment is a result of discussions between my office and the EPA. It concerns the deadline for producing the recovered materials product guidelines that procuring agencies are to follow. The original amendment called for EPA to produce three guidelines, including one for paper, 180 days after enactment and an additional two guidelines, including tires, by October 1, 1985.

My pending amendment now requires that the EPA produce only the paper guideline within 180 days of enactment and an additional three product guidelines, including tires, by October 1, 1985.

In light of the many deadlines imposed on EPA by this bill, I believe this is a reasonable compromise. I also call to my colleagues' attention that under the existing RCRA provisions of section 6002 a paper guideline was originally to have been produced in 1981. EPA had produced a very thorough draft paper guideline in July of 1981 which can serve as an excellent basis for the guideline due 180 days after enactment. Also, EPA has revived their paper guideline development effort and currently has an employee working full-time on the development of the guideline. Thus, I am convinced a final guideline can be produced within the timetable set forth in the amendment, and I will be following the process closely to insure that the deadline is in fact met.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I fully support my colleague's amendment to section 23. Section 6002—which section 23 reauthorizes—has lain dormant for too long. Section 23 will get the Federal procurement of items containing recovered materials back on track.

The Federal Government procurement process must lead the way in enhancing markets for products that not only meet applicable specifications, but also provide the external benefit of using discarded materials that would otherwise wind up in our Nation's landfills. When the Nation spends $9 billion annually on solid waste disposal, we must leave no stone unturned in our effort to reduce the solid waste stream through resource recovery.

The changes the gentleman from Oregon proposed with respect to the timetable for EPA development of the product guidelines is reasonable, and then I fully expect the final paper guideline to be developed and finalized with the schedule set forth in section 23.

Mr. WYDEN. I just want to thank the gentleman for his help in developing the amendment.

I also would like to thank the gentleman from New York who has also been a great help.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

I want to go on record as being in support of the gentleman's amendment. It conforms the statute and will be very helpful.

Mr. WYDEN. I thank the gentleman and yield back the balance of my time.

Mr. HAWKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to engage in a colloquy on the Wyden amendment.

As some Members may know, I have expressed strong reservations about an amendment to this bill that was adopted in subcommittee. That amendment was authored by the gentleman from Oregon (Mr. WYDEN) and deals with Government purchases of paper products containing recovered materials, specifically postconsumer waste fibers. It is now a part of the bill as section 23. The amendment now being offered by Mr. WYDEN to his own committee amendment is an improvement. However, this floor amendment does not by any means solve all of the problems.

Since, as chairman of the Joint Committee on Printing, I am personally called upon to authorize the purchase of all the printing paper procured by the Government Printing Office for itself and other Federal agencies, I am worried about the possible effects this amendment may have on the prices we have to pay for paper.

When I expressed my reservations to the Energy and Commerce Committee earlier, the gentleman from Oregon responded to me with a written description of the amendment outlining what he intends the amendment will do. That description assured me that an affirmative Federal program to procure paper containing recovered materials, as defined in the amendment, would in no way interfere with current statutes and procedures that require that if the paper meets stipulated performance standards, the lowest bid price will be accepted. In other words, the lowest cost to the Government will remain the primary and controlling factor in buying paper, with considerations of recovered postconsumer waste fiber content in paper a secondary matter.

I would like to ask the gentleman who authored the amendment if he will assure me that this remains as his interpretation? Because without such assurances, I fear that the prices the Government pays for paper may rise substantially due to a lack of adequate competition.

Mr. WYDEN. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Oregon.

Mr. WYDEN. I thank the gentleman for yielding.

Mr. Chairman, let me just commend the gentleman for his graciousness in handling this situation.

In developing an affirmative procurement program for the purchase of items composed of recovered materials, section 23 of the bill specifies two options for a procuring agency to choose. In addition, an agency may choose a substantially equivalent alternative.

Under the case-by-case policy development option, unreasonable cost to the Government is indeed a controlling factor. As far as the Government Printing Office procurement of printing paper is concerned, the recycled fiber content, specifically the postconsumer waste fiber content, would in essence be the tie-breaking criterion for two equally priced low bids.

Under the minimum content standards option, however, a procuring agency can specify a minimum recovered materials content percentage which all acceptable bids must comply with. In other words, the lowest cost bid will still be accepted as long as the bid meets the minimum content standard. With respect to paper, the GPO could, for instance, require any acceptable bid to contain no less than 30 percent post-consumer waste fiber content and then select the lowest cost bid among all qualifying bids.

I hope this explanation of the intent of section 23 is satisfactory to the chairman of the Joint Committee on Printing.

Mr. HAWKINS. Your explanation is clear, however, it does indicate that instances may occur when the Government could be paying more money for paper in order to encourage the use of recovered materials. I must respectfully state to the gentleman from Oregon that the Joint Committee on Printing is precluded by statute from accepting other than the lowest priced bid for printing papers for the Government. Certainly in the case of tie bids, the Joint Committee will give full consideration to recovered material content if that content can be verified.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon (Mr. Wyden).

The amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

MANDATORY INSPECTIONS

Sec. 24. Section 3007 is amended by inserting the following new subsection at the end thereof:

"(d) Mandatory Inspections.—(1) The Administrator (or the State in the case of a State having an authorized hazardous waste program under this subtitle) shall commence a program to thoroughly inspect every facility for the treatment, storage, or disposal of hazardous waste for which a permit is required under section 3005 no less often than every two years as to its compliance with this subtitle (and the regulations promulgated under this subtitle). Such inspections shall commence not later than twelve months after the enactment of the Solid Waste Disposal Act Amendments of 1983. The Administrator shall, after notice and opportunity for public commence, promulgate regulations governing the minimum frequency and manner of such inspections, including the manner in which records of such inspections shall be maintained and the manner in which reports of such inspections shall be filed. The Administrator may distinguish between classes and categories of facilities commensurate with the risks posed by each class or category.

"(2) Not later than six months after the enactment of the Solid Waste Disposal Act Amendments of 1983, the Administrator shall submit to the Congress a report on the potential for inspections of hazardous waste treatment, storage, or disposal facilities by nongovernmental inspectors as a supplement to inspections conducted by officers, employees, or representatives of the Environmental Protection Agency or States having authorized hazardous waste programs or operating under a cooperative agreement with the Administrator. Such report shall be prepared in cooperation with the States, insurance companies offering environmental impairment insurance, and independent companies providing inspection services, and other such groups as appropriate. Such report shall contain recommendations on provisions and requirements for a program of private inspections to supplement governmental inspections."

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous that section 24 be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. ECKART

Mr. ECKART. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Eckart: page 58, after line 14, insert:

ADEQUACY OF CERTAIN GUIDELINES AND CRITERIA

Sec. 24A. (a) Subtitle D is amended by adding the following new section at the end thereof:

"ADEQUACY OF CERTAIN GUIDELINES AND CRITERIA

"Sec. 4010. (a) Study.—The Administrator shall conduct a study of the extent to which the guidelines and criteria under this Act (other than guidelines and criteria for facilities to which subtitle C applies) which are applicable to solid waste management and disposal facilities, including, but not limited to landfills and surface impoundments, are adequate to protect human health and the environment from groundwater contamination. Such study shall include a detailed assessment of the degree to which the criteria under section 1008(a) and the criteria under section 4004 regarding monitoring, prevention of contamination, and remedial action are adequate to protect groundwater and shall also include recommendation with respect to any additional enforcement authorities which the Administrator, in consultation with the Attorney General, deems necessary for such purposes.

"(b) Report.—Not later than 36 months after the date of the enactment of the Hazardous Waste Control and Enforcement Act of 1983, the Administrator shall submit a report to the Congress setting forth the results of the study required under this section, together with any recommendations made by the Administrator on the basis of such study.

"(c) Revisions of Guidelines and Criteria.—Following submission of the report required under subsection (b), the Administrator shall revise the guidelines and criteria referred to in subsection (a) to the extent necessary to insure that such guidelines and criteria are adequate to protect human health and the environment from ground water contamination.".

(b) The table of contents for such subtitle D is amended by adding the following new item at the end thereof:

"Sec. 4010. Adequacy of Certain Guidelines and Criteria".

And make the necessary conforming changes in the table of contents.

Mr. ECKART (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ECKART. Mr. Chairman, today I am offering an amendment to the Resource Conservation and Recovery Act which will push EPA into determining whether its own guidelines and criteria for landfills and impoundments regulated under subtitle D are adequate to protect human health and the environment from groundwater contamination.

As I participated in hearings on the reauthorization of RCRA and the Safe Drinking Water Act, I became convinced that instances of groundwater contamination are widespread and that many impoundments are still not adequately regulated under our environmental statutes.

Consider the findings of EPA's still-unrelated surface impoundment assessment study: there are over 181,000 surface impoundments in the United States. Many of the impoundments are located in areas where there is a strong chance of groundwater contamination—85 percent of all sites are located in areas where there is a potential drinking water source within 1 mile and two-thirds of these sites do not have liners.

It is not wonder that we are starting to see evidence of contamination in our drinking water supplies throughout the Nation—a recent EPA study showed contamination in 29 percent of the drinking water supplies in cities of over 10,000 people.

This House has taken a strong position against the land disposal of hazardous wastes, recognizing that we cannot protect groundwater as long as we continue to store hazardous materials in the ground. We must also recognize, however, that a waste can contaminate water supplies even though it hasn't been officially listed as hazardous under RCRA.

Indeed, in Chairman Florio's subcommittee we learned that over 75 percent of the waste streams from the production of compounds that have been identified as carcinogens by EPA's own Carcinogen Assessment Group, and over 50 percent of the waste streams from the production of pesticides have not been listed as hazardous wastes under present hazardous waste regulations.

We can press EPA to take action on listing, but while the agency moves at a snail's pace to list new waste streams as hazardous, many substances continue to be put in impoundments, perfectly legally, where they may contaminate our drinking water supplies. The landfills and surface impoundments containing these not-yet-listed substances fall into a no man's land of regulation—subtitle D of the Solid Waste Management Act, which we are amending today.

All that has been done so far is a survey of the impoundments so that we have a rough idea of how many impoundments there are, but my amendment pushes EPA to study these impoundments and landfills to determine whether EPA's guidelines and criteria adequately protect human health and the environment from ground water contamination. The study shall include an assessment of the criteria regarding ground water monitoring, preventing of contamination, and remedial action.

Within 3 years the Administrator will report the results of his study and his recommendations, and most importantly, the Administrator is directed to revise the guidelines and criteria to insure that human health and environment are protected.

Mr. Chairman, this amendment takes the first step in protecting our ground water from these numerous impoundments which may endanger them and I urge its adoption.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I support this amendment and I commend my colleague for offering it. The results of this study should provide a very important data base in an area that has not been carefully investigated. Largely because of the small generator exemption, hazardous waste from municipal or so-called sanitary landfills may well be a significant source of ground water contamination. This study should disclose how extensive that contamination is and whether more stringent regulation of subtitle D facilities is called for.

I should also point out that the research conducted by the Ground Water Commission should be helped by the data collected by EPA. I presume that EPA will cooperate in every way with the Ground Water Commission and will make available to the Commission its findings and data base.

Mr. ECKART. I appreciate the gentleman's statement, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. Eckart).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LENT

Mr. LENT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Lent: Page 57, after line 2, insert:

(f) Size of Certain Facilities.—(1) Section 4001, as amended by section 9 of this Act, is further amended by inserting ", including those needs created by thorough implementation of section 6002(h)," after "adequate provision shall be given to the present and reasonably anticipated future needs".

(2) Section 1006(b) is amended by inserting "(1)" after "(b) Intergration With Other Acts.—" and by adding the following new paragraph at the end thereof:

"(2) Notwithstanding any other provision of law, in developing solid waste plans, it is the intention of this Act that in determining the size of a waste-to-energy facility, adequate provision shall be given to the present and reasonably anticipated future needs, including those needs created by thorough implementation of section 6002(h), of the recycling and resource recovery interests within the area encompassed by the solid waste plan.".

Mr. LENT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LENT. Mr. Chairman, I now offer an amendment relating to the relationship between recycling and resource recovery under the RCRA planning process.

This amendment changes slightly the existing language contained in section 9 of this measure and, in addition, inserts the amended section 9 language into section 1006 of RCRA to insure that this policy is implemented consistently in other acts.

By way of background, section 9 of the bill was designed expressly as a method whereby Congress can underscore that it is our intention for RCRA that in the planning process for determining the size of a waste-to-energy facility, adequate provision has been given to the present and reasonably anticipated future needs of the recycling and resource recovery interests within the area encompassed by that planning process.

We did not create section 9 because we wished for the Congress to become the national garbage traffic cop. Section 9 would not do that. Rather it was to emphasize that adequate provision should be given in the planning process to the needs of both technologies.

The balanced language which we developed in section 9 was the result of painstaking negotiations in 1982 over many months between organizations representing local governments and organizations representing the recycling industry.

But during committee deliberations this year, the passage of an amendment offered by Mr. Wyden changed the balance of the equation to some degree. Under that amendment, embodied in section 23, it is likely that there will be some growth in the amount of recycled paper used by the Federal Government and its contractors. In addition, with an economy that holds considerable promise for growth, there is rising concern among the recycled paper industry that the cumulative effect of the Wyden amendment, economic growth and other factors will create a scarcity of recycled paper and problems for that industry.

After considering these concerns, I called back representatives of the U.S. Conference of Mayors and the paper industry and asked them to consider a number of options for dealing with this potential factor. I am pleased to report that in the same spirit in which section 9 was originally worked out, we have reached agreement to further underscore the intent of Congress in this area. That intent is that at the local level, that these two important industries—recycling and resource recovery—cooperate in determining what actual demand is for their respective efforts, now also taking into account the demands created by the Wyden amendment.

This amendment has the support of all parties to the debate and, as such, strengthens the general approach already adopted in section 9 to insure that, to the extent possible, a spirit of negotiation, dialog, and reasonableness pervades.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. LENT. I am happy to yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, this amendment, which I support, is basically a statement of national policy which declares that Congress intends and expects the planning process to consider and take into account recycling needs when communities build waste-to-energy facilities.

If should be emphasized that recyclers will continue to have complete access to "recovered materials," namely those materials which can be recycled, but which have not yet entered the solid waste stream. In terms of "recoverable materials"—those that have already entered the solid waste stream—the intention of this amendment is that industry and local government continue to work together to insure that portions of the solid waste stream, particularly recoverable paper, be made available to recyclers.

Mr. LENT. I thank the gentleman for his support.

● Mr. CARPER. Mr. Chairman, I stand in strong support of the gentleman from New York's amendment which would focus the Environmental Protection Agency's attention on the use of public sewers for hazardous waste disposal.

Once these hazardous substances are discharged into public sewer systems, most find their way into the sludge which results from the wastewater treatment process. These contaminated sludges, in turn, are a serious problem, especially on the east coast. The ability to use municipal sludge for land application and other beneficial purposes is greatly hindered by the severe contamination of sludges by industrial and other sources of hazardous substances. In essence, this contamination is turning a potential resource into a waste.

As a result, New York and several New Jersey municipalities feel obliged to barge their sludges out to sea—out of sight, out of mind. Other municipalities across the country are likewise limited in their sludge disposal options.

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We can no longer afford to hide our contaminated wastes under the carpet. It is time to look seriously at responsible management options. Mr. MOLINARI's amendment addresses a serious flaw in our hazardous waste policy in this country, and I urge my colleagues to join in support of this amendment.●

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The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. LENT).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to this section?

AMENDMENT OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment on behalf of myself and Mr. EDGAR.

The Clerk read as follows:

Amendment offered by Mr. FLORIO:

On page 58, after line 14, add the following new section:

"NATIONAL GROUND WATER COMMISSION

"SEC. 24A. (a) ESTABLISHMENT.—There is established a commission to be known as the National Ground Water Commission (hereinafter in this Act referred to as the "Commission").

"(b) DUTIES OF COMMISSION.—The duties of the Commission are to:

"(1) Assess generally the amount, location, and quality of the Nation's ground water resources.

"(2) Identify generally the sources, extent, and types of ground water contamination.

"(3) Assess the scope and nature of the relationship between ground water contamination and ground water withdrawal and develop projections of available, usable ground water in future years on a nationwide basis

"(4) Assess the relationship between surface water pollution and ground water pollution.

"(5) Assess the need for a policy to protect ground water degradation caused by contamination

"(6) Assess generally the extent of overdrafting of ground water resources, and the adequacy of existing mechanisms for preventing such overdrafting.

"(7) Assess generally the engineering and technological capability to recharge aquifers.

"(8) Assess the adequacy of the present understanding of ground water recharge zones and sole source aquifers and assess the adequacy of knowledge regarding the interrelationship of designated aquifers and recharge zones.

"(9) Assess the role of land-use patterns as these relate to protecting ground water from contamination.

"(10) Assess methods for remedial abatement of ground water contamination as well as the costs and benefits of cleaning up polluted ground water and compare cleanup costs to the costs of substitute water supply methods.

"(11) Investigate policies and actions taken by foreign governments to protect ground water from contamination.

"(12) Assess the use and effectiveness of existing interstate compacts to address ground water protection from contamination.

"(13) Analyze existing legal rights and remedies regarding contamination of ground water.

"(14) Assess the adequacy of existing standards for ground water quality under State and Federal law.

"(15) Assess monitoring methodologies of the States and the Federal Government to achieve the level of protection of the resource as required by State and Federal law.

"(16) Assess the relationship between ground water flow systems (and associated recharge areas) and the control of sources contamination.

"(17) Assess the role of underground injection practices as a means of disposing of waste fluids while protecting ground water from contamination.

"(18) Assess methods for abatement and containment of ground water contamination and for aquifer restoration including the costs and benefits of alternatives to abatement and containment.

"(19) Assess State and Federal ground water law and mechanisms with which to manage the quality and quantity of the ground water resource.

"(20) Assess the adequacy of existing ground water research and determine future ground water research needs.

"(21) Assess the roles of State, local, and Federal Governments in managing ground water quality and quantity.

"(c) MEMBERSHIP.—(1) The Commission shall be composed of nineteen members as follows:

"(A) Six appointed by the Speaker of the United States House of Representatives from among the Members of the House of Representatives, two of whom shall be members of the Committee on Energy and Commerce, two of whom shall be members of the Committee on Public Works and Transportation, and two of whom shall be members of the Committee on Interior and Insular Affairs;

"(B) Four appointed by the majority leader of the United States Senate from among the Members of the United States Senate;

"(C) Eight appointed by the President as follows:

"(i) Four from among a list of nominations submitted to the President by the National Governors Association, two of whom shall be representatives of ground water appropriation States and two of whom shall be representatives of ground water riparian States;

"(ii) One from among a list of nominations submitted to the President by the National League of Cities and the U.S. Conference of Mayors;

"(iii) One from among a list of nominations submitted to the President by the National Academy of Sciences;

"(iv) One from among a list of nominations submitted to the President by groups, organizations, or associations of industries the activities of which may affect ground water; and

"(v) One from among a list of nominations submitted to the President from groups, organizations, or associations of citizens which are representative of persons concerned with pollution and environmental issues and which have participated, at the State or Federal level, in studies, administrative proceedings, or litigation (or any combination thereof) relating to ground water; and

"(D) The Director of the Office of Technology Assessment.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under this subsection without regard to section 5311(b) of title 5, United States Code. Not more than three of the six members appointed under subparagraph (A) and not more than two of the four members appointed under subparagraph (B) may be of the same political party. No member appointed under paragraph (C) may be an officer or employee of the Federal Government.

"(2) If any member of the Commission who was appointed to the Commission as a Member of the Congress leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he may continue as a member of the Commission for not longer than the ninety-day period beginning on the date he leaves that office or becomes such an officer or employee, as the case may be.

"(3) Members shall be appointed for the life of the Commission.

"(4)(A) Except as provided in subparagraph (B), members of the Commission shall each be entitled (subject to appropriations provided in advance) to receive the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

"(B) Members of the Commission who are Members of the Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

"(5) Five members of the Commission shall constitute a quorum but two may hold hearings.

"(6) The Chairman of the Commission shall be appointed by the Speaker of the House of Representatives from among members appointed under paragraph (1)(A) of this subsection and the Vice Chairman of the Commission shall be appointed by the majority leader of the Senate from among members appointed under paragraph (1)(B) of this subsection. The Chairman and the Vice Chairman of the Commission shall serve for the life of the Commission unless they cease to be members of the Commission before the termination of the Commission.

"(7) The Commission shall meet at the call of the Chairman or a majority of its members.

"(d) DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.—(1) The Commission shall have a Director who shall be appointed by the Chairman, without regard to section 5311(b) of title 5, United States Code.

"(2) The Chairman may appoint and fix the pay of such additional personnel as the Chairman considers appropriate.

"(3) With the approval of the Commission, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

"(4) The Commission shall request, and the Chief of Engineers and the Director of the Geological Survey are each authorized to detail, on a reimbursable basis, any of the personnel of their respective agencies to the Commission to assist it in carrying out its duties under this section. Upon request of the Commission, the head of any other Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this section.

"(e) POWERS OF COMMISSION.—(1) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

"(2) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

"(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(4) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

"(5) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

"(f) REPORT.—(1) The Commission shall transmit to the President and to each House of the Congress a report not later than October 30, 1985. The report shall contain a detailed statement of the findings and conclusions of the Commission with respect to each item listed in subsection (b), together with its recommendations for such legislation; and administrative actions, as it considers appropriate.

"(2) Not later than one year after the enactment of this Act, the Commission shall complete a preliminary study concerning ground water contamination from hazardous and other solid waste and submit to the President and to the Congress a report containing the findings and conclusions of such preliminary study. The study shall be continued thereafter, and final findings and conclusions shall be incorporated as a separate chapter in the report required under paragraph (1). The preliminary study shall include an analysis of the extent of ground water contamination caused by hazardous and other solid waste, the regions and major water supplies most significantly affected by such contamination, and any recommendations of the Commission for preventive or remedial measures to protect human health and the environment from the effects of such contamination.

"(g) TERMINATION.—The Commission shall cease to exist on January 1, 1986.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the fiscal years 1983 through 1985 not to exceed $7,000,000 to carry out this section."

Amend the table of contents accordingly.

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

(Mr. FLORIO asked and was given permission to revise and extend his remarks.)

Mr. FLORIO. Mr. Chairman, I offer on behalf of the distinguished gentleman from Pennsylvania (Mr. EDGAR) and myself this amendment.

The Ground Water Commission was included in last year's bill (H.R. 6307) and intervening events—such as the widespread revelations about dioxin contamination—have only reinforced the need for a comprehensive, coordinated effort to preserve this precious, irreplaceable resource.

The primary purpose of H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983, is to close the loopholes in RCRA, the law governing the handling and disposal of hazardous waste. One of the loopholes in RCRA is that there is no national policy to control contamination of ground water. As a result, there is no unform approach—and precious little cooperation between the Federal Government and the States—in addressing one of the most dangerous threats to public health.

H.R. 2867 recognizes this threat and, if enacted, will curb, and hopefully eliminate, the potential for ground water pollution resulting from improper disposal of hazardous waste. While we have taken every possible legislative action in this bill to guard against ground water contamination, I believe it is imperative that we take the further step of development of a comprehensive national plan to insure that everything that can be done will be done, and that the Nation's supply of water will be safe and pure.

I would like to remind the Members of the House that aquifers do not recognize State boundaries, which is all the more reason for a policy that is national in scope. The interstate character of ground water contamination is just one of the many dimensions of this problem that the Commission would address.

Finally, I would like to mention the importance of ground water to States with aquifers which constitute the sole source of drinking water for most of its citizens. New Jersey is such a State. Three million people in 10 counties are supplied with drinking water from the New Jersey coastal plain aquifer. There is no existing alternative to that source of drinking water. Furthermore, this aquifer is extremely susceptible to contamination because of the highly permeable nature of New Jersey's soil.

There is a critical need to protect these and other aquifers and to develop the best policies for providing permanent protection. That is why we need a comprehensive, independent evaluation. I am confident that this will be accomplished by the Ground Water Commission.

In essence, what this provision does, which is offered by myself and Mr. EDGAR, with the concurrence of a number of people here, is to establish the Commission which will go forward and develop a comprehensive ground water strategy. I think it is something that is highly desirable and long overdue.

● Mr. EDGAR. Mr. Chairman, I urge adoption of this amendment which would create a national commission to study and report on ground water protection issues and strategies. In recent years a great deal of evidence has surfaced indicating that protection of our Nation's ground water resources will be one of the most important environmental issues we face over the next several years. Thousands of hazardous waste dumps, which are perhaps the most important source of ground water contamination, have been identified across the Nation. In many States the continued drawing down of closed or limited aquifers may exacerbate pollution or cause scarcity of water. When we consider the fact that one-half of all Americans depend on ground water for their drinking water, we can begin to realize the potential magnitude of this problem.

The basic problem in this area is lack of information and a lack of the kind of consensus we need on which to base sound policies. Congress has made a start on regulating and cleaning up waste problems through legislation such as the RCRA and Superfund Acts, yet we have failed to address the fundamental goals and strategies we need to protect ground water and the health and safety of millions of Americans who depend on this resource.

The Environmental Protection Agency has failed to adopt any strategy or policy whatsoever for protecting ground water, even though a Federal policy has been promised for a number of years. States such as Pennsylvania are cutting back on their own monitoring and protection efforts because of funding constraints. Congress must move quickly to establish a national direction on this issue. A specially authorized Commission, required to report back to Congress and the President by 1985 with findings and recommendations, is the best way to gather input from all interested parties and to begin developing a consensus on this vital resource issue.

Ground water protection must be a national, as well as a State and local concern. States as diverse as Pennsylvania and Colorado lead the Nation in reported instances of water-borne disease, many of which are related to ground water contamination. In 1982, Pennsylvania's Department of Environmental Resources reported 26 instances of ground water contamination affecting public drinking water supplies, while literally hundreds of identified sources of ground water contamination are scattered around the State. Among the major man-made sources of contamination, in addition to the well-known culprits of landfills and other waste dumps, are leaking septic tanks, mine wastes, leaks from pipelines and gasoline storage tanks, and fertilizers.

While Congress has moved to institute sound policies controlling hazardous waste, policymakers are still operating without a clearly defined framework for protection of ground water. An expert speaking at the 1982 Northeast-Midwest Congressional Coalition's conference on water problems, Princeton Prof. David Morrell stated:

> Essentially, no one knows what we should be doing (to protect ground water): not the government regulatory officials at EPA or the states; not the academic experts; not the business executives; not the environmental community; and not the politicians. Frankly, all of us are still floundering in a morass of unclear scientific information, political and economic pressures, and regulatory confusion.

While much work and research is currently being conducted on ground water, there is no overall, national focus for these efforts. The bureaucracy at EPA has not helped and has failed to even release its promised ground water policy. Last year, when the Public Works and Transportation Committee heard testimony on the Ground Water Commission concept, EPA official Rita Lavelle testified that EPA was developing its own ground water policy. More than a year later, EPA has no policy, Ms. Lavelle and many of her colleagues have left the agency under fire, and the Nation still has no policy for protecting a precious, life-sustaining resource.

While I believe that the proposed commission's efforts should complement, rather than substitute for, agency efforts, it is clearly up to Congress to start right away to develop the information and recommendations on which a sound ground water protection policy can be based. Although congressional committees have tried to find answers and make policy, congressional jurisdiction on ground water is scattered and confused.

Let me state in conclusion that the tasks and composition of the Commission have been carefully drawn in consultation with Chairman Florio, Congressman Lent, and the committees with an interest in this matter. The bill itself sets forth 21 specific assessments and investigations for the Commission to make, while, remaining unbiased with regard to final policy recommendations the Commission may make. Among the assessment topics for study would be: location and quantity of ground water; contamination, withdrawal, and recharge topics; land use patterns; remedial abatement techniques; legal rights and remedies; State and Federal standards and management practices; and scientific and technical research. The 19-member Commission would be composed of six House Members, four Senators, four State government representatives, and members representing cities, academia, industry, and the environmental community, as well as the Director of the Office of Technology Assessment. We have endeavored to be fair to all parties who will wish to have a say on this potentially controversial subject and at the same time tried to insure that the Commission will make a substantive report for the use of Congress and the Federal and State agencies. While we are all aware of the potential pitfalls of Government commissions, we believe that ground water protection is a subject which deserves the focused attention only a specially authorized commission can provide.

The establishment of a National Ground Water Commission was approved last year by the House Committees on Energy and Commerce and on Public Works and Transportation and by the full House as part of the RCRA reauthorization. We must again express our approval of this concept and urge the other body to move forward on this critical issue.●

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding. Mr. Chairman, I rise to support the amendment offered by the gentleman from New Jersey on behalf of Mr. Edgar of Pennsylvania for the establishment of a National Ground Water Commission.

I commend the gentleman for this farsighted amendment which will provide a major step toward resolving this Nation's ground water problems. As ranking minority member of the House Commerce Subcommittee with jurisdiction over our Nation's hazardous waste disposal laws, my interest in ground water protection has been longstanding.

In 1979, I held a hearing in Long Island specifically to assess the ground water situation and to find answers to any contamination problems. Last year, I supported adoption of a virtually identical amendment to the one being offered today. Unfortunately that RCRA reauthorization measure was never enacted into law.

Furthermore, I personally wrote a letter to the President earlier this year requesting that the administration establish a blue ribbon panel to develop a coherent national ground water strategy. Unfortunately my request was never acted upon.

The ground water situation is especially serious on Long Island, where my congressional district is located, because the 2.75 million residents there rely entirely on three aquifers for their water supplies. These aquifers hold about 8.3 cubic miles of water, an amount so vast that it could cover the entire Earth under 2½ inches of water. Protected by hundreds of feet of soil and gravel, Long Island's ground water was for years simply considered invulnerable to contamination by organic chemicals. However, during the 1970's, a variety of organic chemicals were discovered to have penetrated the island's water supplies. Testing during those years revealed that significant contamination had touched a number of public and private well water supplies. This contamination is attributable to a variety of factors including gasoline storage tanks, fertilizer runoff, sanitary landfills, and septic tank systems.

Ground water contamination is not isolated to Long Island but has become a problem of national significance in recent years. While I believe that the States should ultimately have the primary responsibility for protecting ground water, I favor a coordinated effort at the national level to determine what is needed to prevent further deterioration of our ground water supplies. The Ground Water Commission which this amendment establishes will provide such a coordinated national approach.

The Commission would be charged with numerous important tasks including assessing current State and Federal regulation of ground water, assessing the adequacy of existing ground water research and assessing the roles of State, local, and the Federal Government in managing ground water quality. And, most importantly, the Commission will not be empowered to establish any new regulatory authorities, but rather will study these issues and report back to Congress with its recommendations. Congress will then examine the Commission's recommendations and make the appropriate policy decisions.

Preservation of the purity of our ground water depends on vigilant oversight by public officials who are in a position to make policies which will insure its protection. I am proud to be here today to lend my support to a National Ground Water Commission which will provide us with major progress toward establishing a comprehensive national ground water protection policy.

I thank the gentleman for yielding.

Mr. MOLINARI. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from New York.

Mr. MOLINARI. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania. This measure is long overdue.

We know that our ground water resources are threatened with contamination and depletion, yet we lack comprehensive information on the nature and scope of these threats. Six Federal statutes, many of which overlap, govern aspects of ground water problems. Additionally, State protection measures are inconsistent, fragmentary, and limited. A Commission will transcend this jurisdictional confusion and objectively determine the best remedial and preventive action to take.

Controlling ground water contamination poses unique problems. Unlike pollution of the air or surface waters, ground water pollution travels slowly. Therefore, ground water pollution which occurred decades ago may now be appearing in parts of aquifers used for water supply. Similarly, ground water pollution occurring today may not appear for decades.

As of 1982, EPA located over 180,000 waste impoundments at some 80,000 sites. Of the industrial landfill sites evaluated in the Agency's surface impoundment assessment, 70 percent were found to be unlined, 50 percent were sitting directly on top of ground water aquifers, and 98 percent were located within 1 mile of a water supply well. The Council on Environmental Quality estimated that serious contamination of ground water by toxic synthetic organic chemicals had occured in 34 States. Within the last few years, for example, public wells have been closed in 22 communities in Massachusetts, 16 in Connecticut, 25 in Pennsylvania, and 22 in New York. Over 100 private wells have been closed in New Jersey and 500 in Long Island.

Hence, the need for a comprehensive study of our national ground water situation is clear. It will provide us a sound basis for determining how to integrate Federal, State, and local responsibilities so that they work together as effectively as possible. As the proper mechanisms for dealing with these problems are installed, we will gain better control of ground water at the source and thereby prevent future calamities. Once an aquifer is contaminated, the process of reclaiming it is a difficult and expensive one. The natural rate of ground water recharge is on the order of decades.

I urge my colleagues to support this amendment as a wise step toward saving our most precious resource—water.

Mr. ECKART. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

I thank the Chairman. Mr. Chairman, I rise in support of the amendment on my behalf and on behalf of our colleague from Oklahoma, Congressman SYNAR. Congressman SYNAR'S subcommittee and task force has been hard at work trying to formulate an appropriate ground water policy, a policy that is long overdue both within the EPA and throughout the States working together in a coordinated effort.

On August 11 and October 3 I sent letters to the new head of the EPA, Mr. Ruckelshaus, asking for the administration's position on a ground water policy—requests made by both Congressman SYNAR and by members of our subcommittee. While I am confident that we will be able to work out an equitable solution to the questions raised by Congressman SYNAR'S, Congressman FLORIO'S, and Congressman WAXMAN'S hearings, I am enthusiastic in support of the Edgar Ground Water Commission because I believe it will add an important dimension to the planning process both for this administration and for local governments.

The Edgar Commission amendment which has been cosponsored by my friend from New Jersey, myself, and my friend from Oklahoma, adds a lot to the efforts to determine how we are going to protect ground water. Once an aquifer is poisoned, as my friend from New York knows, all too often the expense incurred by the taxpayers to reclaim it is prohibitively high. If we plan better we can, like that famous television commercial suggests, avoid paying exorbitant costs later. Pay me now or pay me later reminds us that paying later costs much, much more.

I would urge the adoption of the Ground Water Commission amendment and I yield back the balance of my time.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. While I would not ordinarily take the floor to express my strong support for it, I am moved to do so because of the fact that just within the last few days the Office of Technology Assessment, which is an arm of the Congress, has issued a report indicating the seriousness of the problem of ground water and presenting certain options with regard to future policy treatment of this subject.

The proposal for the Commission that this amendment makes fits in very well with the policy options suggested by the OTA, which include the need for some additional research, and better means for collecting and managing information related to this problem, as well as other recommendations. I think the Commission, as a result of its own work, will probably bring back to the Congress some recommendations for substantial increase in the effort currently being devoted to analysis of ground water problems of all kinds, including not only the contamination from hazardous wastes, but the problems caused by the overuse, in some cases, or the inappropriate use of agricultural chemicals, as well as other practices which can damage this very important natural resource.

I commend the distinguished gentleman from Pennsylvania for offering this important amendment. The Ground Water Commission was included in last year's bill (H.R. 6307) and intervening events (such as the widespread revelations about dioxin contamination) have only reinforced the need for a comprehensive, coordinated effort to preserve this precious, irreplaceable resource.

The primary purpose of H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983, is to close the loopholes in RCRA, the law governing the handling and disposal of hazardous waste. One of the loopholes in RCRA is that there is no national policy to control contamination of ground water. As a result, there is no uniform approach—and precious little cooperation between the Federal Government and the States—in addressing one of the most dangerous threats to public health.

H.R. 2867 recognizes this threat and, if enacted, will curb, and hopefully eliminate, the potential for ground water pollution resulting from improper disposal of hazardous waste. While we have taken every possible legislative action in this bill to guard against ground water contamination, I believe it is imperative that we take the further step of developing a comprehensive national plan to insure that everything that can be done will be done, and that the Nation's supply of water will be safe and pure.

I would like to remind the Members of the House that aquifers do not recognize State boundaries, which is all the more reason for a policy that is national in scope. The interstate character of ground water contamination is just one of the many dimensions of this problem that the Commission would address.

Finally, I would like to mention the importance of ground water to States with aquifers which constitute the sole source of drinking water for most of its citizens. New Jersey is such a State; 3 million people in 10 counties are supplied with drinking water from the New Jersey coastal plain aquifer. There is no existing alternative to that source of drinking water. Furthermore, this aquifer is extremely susceptible to contamination because of the highly permeable nature of New Jersey's soil.

There is a critical need to protect these and other aquifers and to develop the best policies for providing permanent protection. That is why we need a comprehensive, independent evaluation. I am confident that this will be accomplished by the Ground Water Commission.

Mr. SYNAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to enter into a colloquy with the gentleman from New Jersey (Mr. Florio).

As he knows, I have been actively involved in the Subcommittee on Environment, Energy, and Natural Resources, which I chair on the issue of ground water.

Mr. Chairman, while I rise in support of the amendment I have some reservations which I think he may be able to clarify. As the Members know, the Subcommittee on Environment, Energy and Natural Resources, which I chair, has been working on the serious problem of ground water contamination for over 3 years now. What we need, and this is the agreement from both the Republicans and Democrats on the subcommittee, is a coordinated national groundwater protection policy. The Committee on Government Operations, in September 1980, urged EPA to develop such a policy, but the latest proposal to establish a ground water policy was rejected by Interior Secretary James Watt at the President's Council on Natural Resources in February of this year.

Mr. Chairman we have studied this matter to death. Its time to take action. I have been given assurances by EPA Administrator Bill Ruckelshaus that he considers the protection of ground water a top priority, has established a task force on this issue, and will report back to our subcommittee later this year. We should not accept anything less than a full, coordinated program designed to provide the States with the tools they need to protect the drinking water supply of over 100 million Americans.

My concern, Mr. Chairman, is that the amendment, if passed, will provide EPA with an excuse to continue to drag its heels on the establishment of this needed policy. We cannot afford to let that happen, so I ask the gentleman to assure me that the establishment of this Commission is not designed to slow down the development of a coordinated national ground water protection policy, and that it is the author's intent that EPA move ahead at full speed and not wait until the Commission has finished its work. If I can obtain my colleague's assurances that the Commission will only further assist the States and Federal Government once a draft or final policy is developed, I will be happy to support the amendment.

So I would hope that this amendment, if accepted, would not give the EPA the opportunity or excuse by which to delay and would like to assured that we would stay on schedule on that policy.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. SYNAR. I yield to the subcommittee chairman.

Mr. FLORIO. I thank the gentleman for yielding.

I can assure the gentleman that this in no way adversely affects the responsibility of EPA to come forward with that policy statement they are supposedly working on.

Mr. SYNAR. I thank the gentleman very much.

Mr. Chairman, I would like to thank the gentleman from Ohio (Mr. Eckart) for his kind remarks.

Mr. Chairman, I yield back the balance of my time.

Mr. ROE. Mr. Chairman, I rise in support of the amendment.

This amendment is essentially the same as that contained in H.R. 6307 of the last Congress. That bill was sequentially referred to the Committee on Public Works and Transportation for consideration of provisions directing a study on mixtures of sewage and hazardous waste and establishing a National Commission on Ground Water. These provisions were amended by our committee, and H.R. 6307, as it passed the House, contained versions of them which were agreed to by our Committee and the Committee on Energy and Commerce.

The amendment establishes a National Ground Water Commission. The Commission is charged with performing a comprehensive study of ground water, including—

A general assessment of the amount, location, and quality of the Nation's ground water resources.

A general identification of the sources, extent, and types of ground water contamination.

An assessment of the relationship between surface water pollution and ground water pollution.

An assessment of the extent of overdrafting of ground water resources and the adequacy of existing mechanisms for preventing such overdrafting.

An assessment of the engineering and technological capability to recharge aquifers.

An assessment of the methods for abatement of ground water contamination and a comparison of cleanup costs to the costs of substitute water supply methods.

An assessment of the adequacy of existing standards for ground water quality under State and Federal law.

An assessment of Federal and State monitoring methodologies.

An assessment of the adequacy of existing ground water research.

An assessment of the Federal, State, and local roles in managing ground water quality and quantity.

This information developed by the Commission will enable the Congress to determine what measures are appropriate and necessary to preserve and protect the invaluable ground water resources of our Nation.

● Mrs. LLOYD. Mr. Chairman, I support the amendment of Mr. Edgar to the hazardous waste bill to form a National Ground Water Commission. I have recently become quite familiar with potential ground water impacts from environmental pollutants through my experience with waste management practices at the Oak Ridge Reservation in my district. At a field hearing on the mercury releases at the reservation, we received considerable testimony expressing concerns about threats to ground water from chemical pollutants.

As a result, I am most interested in the status of scientific and analytical technology to assess the true nature of potential ground water impacts. I am also interested in remedial actions and waste treatment technologies required to mitigate such problems.

My Energy Research and Production Subcommittee staff has corresponded with the National Research Council (NRC) on this matter at my request. As I understand it, the National Science and Technology Board of the NRC has identified priority topics for consideration and study by a Ground Water Commission. I urge my colleagues to support the amendment to form a Commission that truly meets a national need.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. Florio).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to section 24?

AMENDMENT OFFERED BY MR. GORE

Mr. GORE. Mr. Chairman, I offer an amendment to section 24(a).

The Clerk read as follows:

Amendment offered by Mr. Gore: Page 58, after line 14, insert:

CORRECTIVE ACTION BEYOND FACILITY BOUNDARIES; UNDERGROUND TANKS

Sec. 24A. Section 3004 is amended by adding the following new subsections after subsection (1):

"(m) Corrective Actions Beyond Facility Boundary.—As promptly as practicable after the date of the enactment of this subsection, the Administrator shall amend the standards under this section regarding corrective action required at facilities for the treatment, storage, or disposal, of hazardous waste to require that corrective action be taken beyond the facility boundary where necessary to protect human health and the environment unless the owner or operator of the facility concerned demonstrates to the satisfaction of the Administrator that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. Such regulations shall take effect immediately upon promulgation, notwithstanding section 3010(b), and shall apply to—

"(1) all facilities operating under permits issued under subsection (c), and

"(2) all landfills, surface impoundments, and waste pile units (including any new units, replacements of existing units, or lateral expansions of existing units) which receive hazardous waste after July 26, 1982.

Pending promulgation of such regulations, the Administrator shall issue corrective action orders for facilities referred to in paragraph (1) and (2), on a case-by-case basis, consistent with the purposes of this subsection.".

"(n) UNDERGROUND TANKS.—Not later than March 1, 1985, the Administrator shall promulgate final permitting standards under this section for underground tanks that cannot be entered for inspection.".

Make the necessary conforming changes in the table of contents.

Mr. GORE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORE. Mr. Chairman, the amendment I have brought before you today has two parts but one purpose, to make certain that the public health is adequately protected.

First, the amendment makes a single but very important change in the existing law. At present, when an operator or owner of a facility is required to take corrective action, the action is limited to within the property boundaries of the facility itself.

My amendment would require that in cases where the plume extends beyond the property boundaries of the facility, the corrective action required of the operator or owner would also extend beyond the boundaries of the facility, except in those cases where the owner or operator was unable to get the necessary permission.

In limiting the responsibility of the owner or operator to the area within the property boundaries in which the facility is located, EPA linked the scope of an owner or operator's responsibility to the scope of his control. EPA made this decision because there is no guarantee that the owner could obtain the necessary permission to go beyond the facility boundaries. It was therefore inappropriate to impose a general requirement to do so. This is not a commonsense approach to a very serious problem.

Mr. Chairman, we need a law that protects the public health. People are not generally exposed to hazardous waste on the hazardous waste site itself. Exposure occurs adjacent to the site in the areas where people live and work. Therefore it makes sense to have a law that provides for as strong as possible effort to be made to extend corrective action to include those areas where the hazard to human health is most likely to take place. EPA in administering the law has limited action to an area that excludes these areas. That does not make sense.

"No guarantee that the owner or operator could obtain such permission" is not a reason to completely fail to address a hazard as serious as contaminated ground water. In the specific cases where it is not possible to obtain the necessary permission it may not be possible for corrective action to be taken. But, EPA has made no finding that even a few owners or operators of regulated hazardous waste facilities would have difficulty obtaining permission to enter neighboring property. In fact, industry commenters have sought the opportunity to clean up off-site contamination.

Furthermore, as written, the existing regulations actually provide incentives that may maximize damage from leaking hazardous waste facilities. Previous proposals had required waste management facilities to provide a buffer zone between the waste management area and the property line. However, the final regulations were written without the buffer zone requirement. This has created an incentive for the owner or operator to place the hazardous waste as close as possible to the downgradient property line. In this way, they could avoid all cleanup requirements. EPA itself has expressed concern about this possibility in the preamble to the regulations.

Mr. Chairman, clearly such regulatory incentives create greater risks, rather than protection, for human health and the environment. This amendment corrects that situation, while remaining responsive to the concerns EPA expressed in initially not providing for this type of action. I believe this is critically important and I urge Members to support it.

Second, the amendment instructs EPA to promulgate final permitting standards for underground storage tanks that cannot be entered for inspection, by March 1, 1985.

Two weeks ago in the Federal Register, EPA revised the timetable for setting these standards. They have selected March 1, 1985 as the new date by which final standards will be promulgated. In doing so they also state the following:

> The storage of hazardous waste in underground tanks raises considerable concern regarding potential endangerment of groundwater and in the case of ignitables—the possible migration of the waste into the basement of a home or other location, where an explosion hazard may be presented. The purpose of this action is to develop a comprehensive regulatory strategy for the proper management of underground tanks storing hazardous wastes.

Mr. Chairman, the purpose of the second part of my amendment is to make certain there is no further delay in providing protection to the public from such a hazard.

I urge Members to support the amendment.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. GORE. I am pleased to yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I support the amendment offered by my distinguished colleague from Tennessee. This amendment is fundamentally a codification of commonsense. It would require a company which caused contamination of adjacent land to clean up and remove the hazardous waste. Under current EPA regulations, the polluter is only obligated to take corrective action up to the boundary of his own property and no further. This limitation is truly absurd and is entirely inconsistent with basic principles of fairness.

As the gentleman from Tennessee pointed out, this amendment confirms a Federal court decision requiring Hooker Chemical to clean up adjacent property. This decision, which is founded on important common law principles, should be incorporated into this act.

I also support the portion of the gentleman's amendment concerning underground tanks which store hazardous waste. Underground tanks have been known to leak. For example, in San Jose, Calif., 43,000 gallons of solvent leaked from underground tanks into a neighborhood's water supply. Health effects above the background rate have been detected in the area. Although this incident involved a product storage tank, there is no reason to believe hazardous waste storage tanks are built any better.

Until EPA issues permitting standards, existing underground tanks do not have to be upgraded and can operate "as is" indefinitely. In addition, the regulated community cannot build new and better units without EPA specifications. Thus, it is extremely important that EPA issue these standards as soon as practicable.

Therefore, Mr. Chairman, the amendment is able to be supported by the majority.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. GORE. I am pleased to yield to the gentleman from New York, the ranking minority member of the subcommittee.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Tennessee.

The fact that EPA's regulations now require that a polluter only clean up any pollution he may have caused up to his property boundary simply does not make good environmental sense. If someone has created an environmental harm which has leached across into another's property, I believe it is only fair that that harm be cleaned up.

Further, I can support the idea of statutorily embodying EPA's regulatory deadline for promulgating regulations for underground hazardous waste storage tanks.

The gentleman's amendment is fair and makes good sense in terms of protecting public health and the environment. I support the amendment.

Mr. GORE. Mr. Chairman, I thank my colleague, the gentleman from New York, for his support.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Tennessee (Mr. Gore).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to section 24?

If not, the Clerk will read.

The Clerk read as follows:

CLERICAL CORRECTIONS

Sec. 25. (a) Section 3007(b).—Section 3007(b) is amended by inserting the following after the word "information": "(including records, reports, or information obtained by representatives of the Environmental Protection Agency)".

(b) Section 2006.—Section 2006(1) is amended by striking out "detail" and substituting "detailed".

(c) Section 4005(a).—Section 4005(a) is amended by inserting a closing parenthetical mark before the period at the end thereof.

(d) Section 4008(d).—The second paragraph (2) in section 4008(d) is redesignated as paragraph (3).

(e) Section 8004(c).—Section 8004(c) is amended by inserting "(1)" immediately after "Cost Sharing.—".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that section 25 be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN pro tempore. Are there amendments to section 25?

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. LEVITAS

Mr. LEVITAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Levitas: Page 59, insert after line 4 the following:

SMALL QUANTITY GENERATOR WASTE RULES

Sec. 26. (a) Congressional Approval.—Section 3010 is amended (1) by striking out "The" in subsection (b) and inserting in lieu thereof "Except as provided in subsection (c), the", and (2) by adding at the end the following:

"(c) Small Quantity Generator Waste Rules.—(1) The Administrator shall, after promulgating a final rule under this subtitle respecting hazardous waste from a small quantity generator referred to in section 3001(d), submit such final rule to the Congress for review in accordance with this subsection. Such final rule shall be delivered to each House of the Congress on the same day and to each House of Congress while it is in session.

"(2)(A) A final rule referred to in paragraph (1) which is a major rule shall be treated, for purposes of section 3001(d), as not having been promulgated and may not take effect unless a joint resolution approving such rule has been enacted.

"(B) For purposes of subparagraph (A):

"(i) The term 'joint resolution' means a joint resolution of the Congress which states the following after the resolving clause: 'That the Congress approves the final rule promulgated by the Administrator of Environmental Protection Agency under subtitle C of the Solid Waste Disposal Act respecting hazardous waste from a small quantity generator referred to in section 3001(d) of the Solid Waste Disposal Act and transmitted to the Congress on .', with the blank space being filled in appropriately.

"(ii) The term 'major rule' means a rule promulgated by the Administrator under subtitle C of the Solid Waste Disposal Act with respect to hazardous waste from a small quantity generator referred to in section 3001(d) of the Solid Waste Disposal Act and which has an annual economic impact of $100,000,000 or more.

"(C)(i) Enactment of a joint resolution with respect to a final rule of the Administrator shall not be construed to create any presumption of validity with respect to such rule and shall not affect the review of the rule under chapter 7 of title 5, United States Code.

"(ii) Congressional inaction on, or rejection of, a joint resolution under this subsection disapproving a final rule of the Administrator shall not be construed as an expression of approval of such final rule and shall not be construed to create any presumption of validity with respect to such final rule.

"(3)(A) Any final rule of the Administrator referred to in paragraph (1) which is not a major rule shall become effective in accordance with subsection (b) unless—

"(i) before the end of the period of thirty-five calendar days of continuous session of Congress after the date such final rule is submitted to the Congress, a joint resolution disapproving such final rule is introduced in either House; and

"(ii) before the end of the period of ninety calendar days of continuous session after the date such final rule is submitted to the Congress, a joint resolution disapproving such final rule is enacted.

"(B)(i) For purposes of this paragraph, continuity of session is broken only by—

"(I) an adjournment sine die at the end of the second regular session of a Congress, and

"(II) an adjournment by either House of Congress of more than five days to a date certain.

"(ii) If—

"(I) an adjournment sine die of the Congress which breaks the continuity of session (as specified in subparagraph (B)(i)) occurs after the Administrator has submitted a final rule under paragraph (1), but before any action necessary to disapprove the final rule is completed under this paragraph, and

"(II) such adjournment occurs (I) before the end of the period specified in subparagraph (A)(i), in a case in which a joint resolution disapproving such final has not been introduced before such adjournment, or (II) before the end of the period specified in subparagraph (A)(ii), in a case in which such a joint resolution has been introduced in either House before such adjournment, then the Administrator shall resubmit such final rule at the beginning of the first regular session of the next Congress. The periods specified in subparagraph (A) shall begin on the date of such resubmission.

"(C) For purposes of this paragraph, the term 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: 'That the final rule promulgated by the Administrator under subtitle C of the Solid Waste Disposal Act respecting hazardous waste from a small quantity generator referred to in section 3001(d) of the Solid Waste Disposal Act and transmitted to the Congress on is disapproved, with the blank being filled with the date of submittal of the rule to the Congress.

"(D) If a final rule of the Administrator is disapproved under this paragraph, the Administrator may promulgate another final rule which relates to the same subject as the rule which was disapproved. Such other final rule—

"(i) shall be based upon—

"(I) the rulemaking record of the disapproved final rule; or

"(II) such rulemaking record and the record established in any supplemental rulemaking proceedings conducted by the Administrator in accordance with section 553 of title 5, United States Code, in any case in which the Administrator determines that it is necessary to supplement the existing rulemaking record; and

"(ii) may contain such changes as the Administrator considers necessary or appropriate.

"(E) The Administrator, after promulgating a final rule under subparagraph (D), shall submit the final rule to Congress in accordance with paragraph (1).".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to final rules promulgated by the Administrator of the Environmental Protection Agency under the Solid Waste Disposal Act after the date of the enactment of this Act.

□ 1640

Mr. LEVITAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEVITAS. Mr. Chairman, this amendment, I think, is one which is deserving of the attention of the Members because it deals with two very important issues that are addressed by this legislation—protection of the environment and protection of the health and welfare of this Nation's small businesses.

This bill, as amended by the Shelby-Lent amendment, and as further amended by the gentleman from New Jersey (Mr. Florio) has now extended the level of coverage over small generators of hazardous waste below 1,000 kilograms per month.

In short, what we have done with this legislation, which I strongly support, is to include an entire area of small business and small generators that have not been heretofore covered by this type of regulation.

I think we need to account for the hazardous wastes in this country. I do not think there is any question about it.

And it is true that approximately 1 percent of the total hazardous wastes produced in this country are produced by small generators. But what we are doing under these changes in the law is now covering approximately 1.4-million new small businesses that have not heretofore been covered by this type of regulation.

In many instances we are talking about small businesses of the "mom and pop" variety; we are talking about autobody repair shops, hospitals, grocery stores, beauty and barber shops, small machinery manufacturers; we are talking about bowling alleys, car washes, auto body shops, painting contractors. We are talking about the corner 7-Eleven or Magic Market type of operation, photofinishing operations, and hardware stores.

We are not talking any longer just about the Dow Chemicals or the Atlantic Richfields, we are talking about small business in America and we need to be concerned about the regulatory framework which is imposed on them.

Now, it was contemplated that the small generator—the person who operates a small business in your neighborhood shopping center or who operates the corner store—the businessman who frequently produces less hazardous waste a month than you do in your own home—this small business person, would be subjected to a different type, albeit effective, but a different type of regulation than that imposed on Allied Chemical, or Dow Chemical, or Monsanto.

But we have since learned that not only does the Environmental Protection Agency believe that they have authority to impose the same regulations on the small generator as is imposed on the large generator, but the groups involved in the lobbying effort on the Shelby-Lent amendment and the Florio amendment have told me and other Members repeatedly that there is no doubt what those regulations on small generators are going to look like. There is no uncertainty, there is no doubt, same regulatory scheme that is imposed upon the large generators, major producers of hazardous waste (Dow Chemical or Monsanto) will be imposed on the small businessmen as well.

And I suggest to my colleagues that it is not only unnecessary, it is unreasonable to impose this type of regulatory framework upon the small generator.

And so what I have proposed is an amendment consistent with the recent Supreme Court decision in the *Chadha* immigration case, that says when the Environmental Protection Agency proposes the new regulations for the small generators, and the small generators only, and that regulation has an impact of $100 million a year on the American consumer, that we in the Congress will be given the opportunity to examine those regulations and make certain they are appropriate for the small generators. The regulations should assure that hazardous waste is reported, but my amendment will assure that unreasonable, arbitrary, and unneeded regulation will not be imposed on small businesses. If such burdensome regulation was imposed it would force totally out of business literally hundreds of thousands of small business people across this Nation.

The CHAIRMAN pro tempore. The time of the gentleman from Georgia (Mr. LEVITAS) has expired.

(By unanimous consent, Mr. LEVITAS was allowed to proceed for 3 additional minutes.)

Mr. LEVITAS. Mr. Chairman, let me make it clear that I am not opposed to regulations of the small generators. What I am interested in is assuring that the regulation does not oppress the small generator unnecessarily.

And we have now been told very clearly that that is what the regulation under this bill would do.

When I discussed this matter with the advocates of this legislation and the people who worked out the Shelby-Lent compromise—members of the so-called environmental community—what did I find out? They said, "We don't need a regulatory review by Congress because there is no doubt what the regulations will look like. Only if uncertainty exists would we need legislative review. And in this case there is no uncertainty," they told me, they assured me, these regulations for small quantity generators will be the same regulations as those that apply to large generators, such as Dow Chemical Co. or Du Pont.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Would the gentleman be willing to convey to us who it is that is making these assurances in terms of the intent to violate what it is that is in section 3 of H.R. 2867? We have clearly stated in the previous debate on the Shelby-Lent amendment that EPA could promulgate regulations which would be less burdensome than the full generator regulations. Moreover, there is the limited hammer provision which spells out the basis structure of the requirements to be applied to the small generators.

The gentleman clearly was very much impressed by whoever it was who told him that that is going to be disregarded at EPA. And I think it is important that everyone be aware of who it is who is flaunting the clear intent of the Congress.

Mr. LEVITAS. If the gentleman will permit me, I will get to that in just one moment. I think the gentleman's question is appropriate.

I just want to point out that we are not talking any longer about waste such as PCB's and Dioxin, and we are not talking about generators such as Du Pont and Dow, we are talking about polishes and antifreeze, drain cleaners and insecticides, aerosol cans and cosmetics. We are talking about brake cleaner and body filler. We are talking about paint hardeners and, indeed, tires and air filters and all of this we are talking about comes from small generators, small businesses.

Now, I would say this to my good friend from New Jersey.

First of all, I will take backseat to no one in my support for strong regulation in the environmental area. I have vigorously pursued the Environmental Protection Agency driving them to do a good job in carrying out their mandate. But what I am concerned about is that by imposing an arbitrary, unnecessary framework on the small generator, you are not only not going to put them in a position where they are unable to comply, you are going to penalize unnecessarily those who would endeavor to comply.

Now I want to correct my friend from New Jersey. The legislation that was already considered does not limit the type of regulation that can be imposed upon the small generator.

My amendment has nothing to do with the hammer provision. The hammer provision stays in effect without change.

The CHAIRMAN pro tempore. The time of the gentleman from Georgia (Mr. LEVITAS) has again expired.

(At the request of Mr. FLORIO and by unanimous consent, Mr. LEVITAS was allowed to proceed for 2 additional minutes.)

Mr. LEVITAS. Mr. Chairman, the hammer provision is left unchanged. The rest of the provision of the section, however, dealing with small generators, does not limit the scope of authority of what EPA can require, either in terms of recordkeeping, or in terms of compliance with regulations.

It says these things will be required, but it also goes on to say that the Administrator can require anything else he believes is necessary in the public interest, which opens it back up for what EPA has construed their authority to be and that is the full range of regulations.

Now, I will, if my friend from New Jersey would like, name the names of the organizations that I met with. I think it inappropriate to name the names of individuals on the floor of this House, but if the gentleman from

New Jersey wants to know who these people were and what organizations they represent, I will be glad to tell him.

They are the organizations who participated in working out the compromise that was known as Shelby-Lent and then the Florio addon, and they were groups that have been in the forefront on these negotiations.

□ 1650

Now, if the gentleman would like me to name the names of those organizations, I will be glad to do so, and even the names of the individuals involved.

All I am saying to the gentleman is that the compromise that was agreed to has been broken by one of the major parties who participated in that, and the legislation itself does not restrain EPA from imposing the regulations that I have described. The small generator exception is not an exception at all, and we have been told by the EPA, as well as by the groups who have been negotiating in this legislation, that they are talking about the large generator regulations.

The CHAIRMAN pro tempore. The time of the gentleman from Georgia (Mr. Levitas) has expired.

(On request of Mr. Sam B. Hall, Jr., and by unanimous consent, Mr. Levitas was allowed to proceed for 3 additional minutes.)

Mr. SAM B. HALL, JR. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Texas.

Mr. SAM B. HALL, JR. In reference to what my dear friend from Georgia has been told, I am looking at page 8, line 22, paragraph (6) of H.R. 2867, where it says this:

> The Administrator may promulgate regulations under this subtitle which establish special standards for, or exempt from regulations, hazardous wastes which are generated by any generator who does not generate more than one hundred kilograms of hazardous waste per calendar month.

It appears to me that it may be that some people or persons or organizations have told the gentleman from Georgia that they are not going to abide by what is in the law; but I do not believe that, in itself, would change the statutory provisions of this bill.

Mr. LEVITAS. Let me say to my friend from Texas two things. First of all, even the language that the gentleman from Texas has just referred to does not prohibit the Environmental Protection Agency from doing what I have already described. It does not prevent it. It says he "may" set up a separate category. It does not require him to.

But the small generator language, the new coverage, applies not just to those generating from 100 kilograms of waste per month and down. The new category starts at 1,000 kilograms, and on generators of between 1,000 kilograms and 100 kilograms of waste per month is where the thrust of the small generator provisions will fall. In that group we are talking about the generators of approximately 1 percent of the hazardous waste produced in this country, but we are also talking about bringing under this new regime approximately 1.4 million small businesses in this country, with an attendant paperwork and regulatory burden that is unnecessary to protect the environment and public health.

I am suggesting only that Congress have an opportunity to see whether the Environmental Protection Agency lives up to what the gentleman from Texas thinks this legislation says. My amendment does not prohibit the regulation. It simply says if you are going to impose a burden of $100 million or more annually, a major rule, on the American public, then surely we, the elected representatives of the people, ought to have some role in deciding whether that type of regulatory burden is proper or not. That is all I am suggesting to the gentleman from Texas.

Let me just say one further thing: I just had brought over to me the regulations and interpretations that apply with respect to the large quantity generators and which could be imposed on the small quantity generator in your shopping center or down the street. The stack that I hold in my hand is approximately 6 inches thick. And I suggest to the Members that that type of regulatory regimen is not necessary for the small generator and it is not necessary to protect the public health or the environment. All I am asking, consistent with the Supreme Court's Chadha decision, is that the Congress, you and I, have the opportunity to look at those regulations before we impose a $100 million a year burden on the American public.

Mr. FLORIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment and will focus my remarks on one aspect of my concerns, that of the impact on judicial review. Under this amendment, regulations which close the current small-generator exemption could not become effective until both Houses of Congress pass a joint resolution approving those regulations and the President signs it into law. If those regulations are subsequently challenged in court, the court is not supposed to interpret the congressional resolution as having created a presumption of validity for the regulations.

Mr. Chairman, we must give very serious consideration to the impact such an amendment will really have on the judicial review of such regulations. What court in this country is really going to ignore the fact that Congress has approved the regulation the court is reviewing? It seems to me that passage of such a resolution by Congress would inevitably create a presumption of validity in the court. It would become nearly impossible for a petitioner to demonstrate in a court of law that a regulation was outside the scope of agency authority or that it was arbitrary and capricious. Thus, if this amendment is passed, Congress will be under the extraordinary burden to do essentially as thorough a job reviewing a regulation as a Court of Appeals would do. We know that Congress simply does not have the resources to do this and I think few of us would believe that this is an appropriate role for the Congress in the first place.

The full effects of the amendment currently before us are simply not known. I do appreciate the concern of those who want a convenient alternative to the now banned legislative veto and I understand that this is one of the reasons the amendment was offered. However, in the aftermath of the Chadha decision, Congress must approach this issue with the utmost caution. A careful, systematic study of alternatives to the legislative veto is necessary. The Rules Committee has already agreed to study the far-reaching implications of the Supreme Court Chadha decision. Pending the committee report, we should refrain from rushing to adopt an amendment such as this, particularly on a regulatory statute of such critical importance to the health of our environment and all those who occupy it.

I urge you to vote against this amendment.

Mr. FLORIO. Mr. Chairman, I strongly urge my colleagues to reject this amendment.

H.R. 2867 addresses the loophole in current law that allows unsafe disposal of hazardous waste generated by businesses in quantities between 1 and 12 tons per year—the so-called small generator exemption. This 4-million ton loophole was closed on August 4, when H.R. 2867 was first considered by the House. Now, Mr. Levitas wants to reopen the issue.

The portion of H.R. 2867 targeted by Mr. Levitas specifically requires all hazardous waste generated in quantities between 1 and 12 tons per year to be disposed of in permitted hazardous waste facilities. Only permitted facilities are constructed and operated to protect public health and the environment. Under current law, small generator waste can be and is dumped in unsafe facilities, including landfills in residential neighborhoods.

The House should be aware of one paramount fact. Under the Levitas amendment, delay simply threatens public health, allowing millions of tons of waste to poison our environment.

There is no doubt that hazardous waste problems are plaguing communities across America because EPA failed to issue regulations implementing RCRA and then failed to enforce those regulations. The problem has clearly been one of too little, not too much, regulation. The Levitas amendment would further protect the polluter at the expense of public health.

It should also be emphasized that H.R. 2867 sets narrow statutory guidelines for EPA regulations closing the small generator loophole. Congress has yet to set a clear policy for EPA. The Acency will only be deciding small technical questions. Therefore, the content of any future EPA regulations is clear to Congress today. There is no need for Congess to revisit the issue.

□ 1700

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey (Mr. FLORIO) has expired.

(By unanimous consent, Mr. FLORIO was allowed to proceed for 5 additional minutes.)

Mr. FLORIO. EPA already regulates hazardous waste generators producing greater than 12 tons a year of waste. According to EPA, the regulations proposed for smaller generators will be very similar to those currently in place except that paperwork requirements may be eased for small generators.

Thus Mr. LEVITAS' amendment may very well become more of a burden than if section 3 were left alone.

The Levitas amendment is not a vote for or against reinstating the appropriate balance between the Executive and the Congress. Instead, it is a vote for or against the public health. It is a vote for or against subjecting the public to the risks associated with delaying the safe disposal of 4 million tons a year of unregulated poisons.

This is an ill-advised, regressive measure: it deserves to be overwhelmingly rejected.

When the House first took up H.R. 2867 on August 4, I was persuaded to support the Shelby-Lent amendment because—it was argued—the additional time afforded to EPA would be sufficient to allow the agency to develop regulations suited to the administrative capabilities of small business.

Now, some elements of the small generator community are arguing (apparently) that they should not be subject to any regulations—no matter how carefully they are drafted; no matter how many accommodations are made to the needs of small business. They know that Congress does not act swiftly in conducting its normal business; it will act even less expeditiously when it takes on the function of a regulatory agency. Thus, it is a safe bet that small generator regulations under the Levitas amendment will never become effective.

I would also like to emphasize that a so-called small generator is not necessarily a small business. It is a company that produces up to 12 tons of hazardous waste each year. I think the House has carefully considered and dealt with this matter already. It does not need to be revisited. In fact, to adopt the Levitas amendment will only perpetuate the loophole which allows 4 million tons of hazardous waste to be disposed of in municipal landfills in residential neighborhoods.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I would be happy to yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

Mr. Chairman, first of all, let me say this to my good friend, the gentleman from New Jersey: The question of delay, that he expressed concern about, could not possibly occur because the decision to bring the approval resolution to the floor will be totally in the hands of the gentleman from New Jersey because the resolution to approve the regulations will be referred to his subcommittee. If he does not want to move the resolution to the floor, then presumably it will not move to the floor and there would be delay. But the delay would not be a delay caused by anybody other than the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, if I may reclaim my time, the gentleman is obviously talking about what is in effect a legislative veto process, and we have seen it around here on a regular basis. If we are going to fight the legislative veto issue, let us fight it in the Committee on Rules, let us fight it on appropriate legislation, the FTC authorization or whatever, but this is not the place, at the 11th hour, to come in and offer an amendment that effectively provides the opportunity to veto regulations that are technical regulations that EPA will be submitting to close this loophole that today allows generators of up to 12 tons a year of hazardous waste to dispose of them improperly.

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey (Mr. FLORIO) has again expired.

(On request of Mr. LEVITAS and by unanimous consent, Mr. FLORIO was allowed to proceed for 3 additional minutes.)

Mr. LEVITAS. Mr. Chairman, if the gentleman will yield further, the amendment that I offer in no way would preclude or prevent reasonable regulation. I do not understand why the gentleman from New Jersey and others do not want to assume responsibility for regulations that will be imposed upon small business in America that will cost over $100 million a year.

Why should we let unelected bureaucrats make that decision instead of you and me and the others who were elected.

Mr. FLORIO. Mr. Chairman, if I may reclaim my time, the same argument could be made for any regulations. Let me just say that the particular irony, as I understand the gentleman's amendment, is that the big small generators, that is 12 tons a year of toxic waste, are subject to the approval approach to the veto resolution. That means that nothing goes into effect until the Congress, both Houses, affirmatively approve and the President signs a law that effectively says we are now regulating.

Forget this issue for a moment. That is not the way this House should conduct its business; that we are effectively the rulemaking entity and nothing happens to protect the American people from toxic waste until we go through the whole legislative process with the President now becoming involved and passing upon every group of regulations that comes out.

As I said, if the gentleman has an argument that he wants to make on the substantive questions of legislative veto, let us make it. Let us make it in the appropriate place, in the appropriate forum. This is not the place to make it.

Mr. LEVITAS. If the gentleman will yield further, I think in his last remarks the gentleman got to the philosophic issue, which is secondary in this particular instance. I am concerned about what is going to happen to small business.

Mr. FLORIO. Mr. Chairman, reclaiming my time for a minute, I would just say it is not philosophic to have 4 million tons of toxic waste currently being dumped without any regulations.

Mr. LEVITAS. If the gentleman will yield further, the difference is that when we are going to impose a law on the people of the United States, the issue is, as the gentleman has stated, who should do it? He prefers to let the unelected bureaucrats do it; I prefer to let those who have been elected by the people and are accountable to them do it.

Mr. FLORIO. I know the gentleman is a constitutional scholar, and he certainly appreciates the distinction between laws and regulations.

Through the gentleman's committee on oversight, through my own committee in our oversight responsibilities, we have the capability, and have demonstrated it time and time again; we have the capacity to review and make appropriate modifications of regulations that are inappropriately overzealous or underzealous, as the case may be.

To now change this process so we say that we will have no regulations, such that we cannot have these regulations until the Congress acts, is counterproductive.

Mr. SHELBY. Mr. Chairman, I move to strike the requisite number of words.

Mr. SHELBY. Mr. Chairman, I rise in support of the Levitas legislative review amendment. As the sponsor of the small generators language adopted by the House, the Shelby-Lent amendment earlier, I believe this is an eminently valuable amendment, needed to guarantee that the will of the House regarding new regulations for small quantity generators be respected and not misinterpreted.

Concerns have arisen since passage of the Shelby-Lent amendment which, unfortunately, raise questions as to the body and scope of future EPA-promulgated small quantity generator regulations. It is vital that the small quantity generators' legislative language not be translated in new regulation any more or less stringently than Congress intended. This is what the Levitas amendment means—it is the will of Congress that fair and proper regulations governing hundreds of thousands of small businesses should be issued by EPA.

It does not mean that small generators will somehow be "let off the hook" or that the legislative review requirement will be used as a delaying tactic by those who would want no new regulations on small generators imposed. To the contrary, the amendment provides protections that both waste generators and those pressing for stronger waste regulation should applaud: Legislative review of only major regulations provides a mechanism whereby Congress can guarantee that the new regulations do not overburden small business, at the same time insuring that those regulations are environmentally sound. The House has made clear its support of proper and balanced small generator regulations—to permit EPA to issue rules beyond these perimeters does a great disservice to millions of small businesses and the public health as a whole.

Some have said this amendment will threaten the environment and will exacerbate hazardous waste disposal problems by allowing "millions of tons of waste to poison our environment," through congressional inaction or delay. Some claim the amendment will decrease EPA's accountability, reducing that agency to merely an advisory body. Still others would have you believe that legislative review violates the spirit of the compromise reached between major business groups and environmentalists in the Shelby-Lent small generators' amendment. These claims are ill-based and entirely misrepresent both the original Shelby-Lent agreement and the Levitas amendment.

It cannot be overemphasized today that at the heart of the now modified Shelby-Lent small generators amendment, are provisions requiring the promulgation of new regulations for some 500,000 small business. These are small businesses which generate, in total, 3 percent or less, of all the hazardous waste generated in this country. The other 97 percent of the waste is produced by just 40,000 of the total number of generators. It seems ironic, yet somehow not out of character, that this Congress is exerting an inordinate amount of energy on establishing the extent of Federal regulation over a body of generators whose waste output comprises just 3 percent or less of the total quantity of hazardous waste generated. Millions of tons of hazardous waste from small generators is not now poisoning our environment—and this amendment does not create such a situation.

As far as the delay argument goes, I question its validity and do so based on the opponents' own claims. If it is certain that EPA will promulgate small generator regulations which are not overly burdensome, in keeping with congressional intent, then what have opponents to fear of a legislative review? The Levitas amendment explicitly states that approval of the final rules shall not be construed to create any presumption of validity, merely that the rules are in concert with congressional intent. So if the rules promulgated by EPA are in keeping with congressional statute, then they will be approved in a timely fashion; if they do not meet congressional standards, then they will be rejected, as they rightly should be.

The EPA will not be subordinated to an advisory role in this process—they have extraordinary responsibility in administering numerous hazardous waste management statutes mandated by Congress. What Members must bear in mind is that for the first time, the legislation before us seeks to impose new hazardous waste management regulations on over one-half million small generators. EPA determined its resources would be most effective in the regulation of large generators. Small generators are therefore less stringently regulated. The Levitas amendment would merely focus on this very critical, new congressional mandate under RCRA—insuring that EPA promulgate small generator regulations which are realistic.

As a final word to those who would say this amendment violates or undoes the "carefully crafted Shelby-Lent compromise," I should ask how loyal they remained to the spirit of the original Shelby-Lent compromise? A great deal has transpired since the agreement of small business and environmentalist interests in the original Shelby-Lent compromise. While the substance of our amendment remains intact, certain amendments adopted by this body have dissolved the coalition that once stood steadfast behind reasonable regulation upon small business in the interests of environmental protection. Those who once agreed that excessive regulation of small businesses posed a greater threat to the public health than less stringent controls now decry any attempts to insure balanced regulations, as a "Breach of Faith" or a "Postponenment Tactic." In my mind, it is the former proponents of the Shelby-Lent agreement who have broken the faith—for a belief in the spirit of Shelby-Lent, keeping small generator regulations sensible, would only lead one to support the Levitas amendment, as I do. I strongly urge its adoption.

□ 1710

Mr. BROYHILL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Georgia, Mr. LEVITAS.

Mr. Chairman, I view this amendment that has been offered as a balancing amendment, an amendment that would be balanced between the protection of public health from the potential dangers that are associated with the disposal of hazardous waste on the one hand and the protection of over a million small businesses in America from burdensome, unnecessary regulation and paperwork.

What this amendment does is to provide for a legislative review mechanism over the final rules that are promulgated by EPA to regulate small businesses, those which are disposing of small quantities of waste. I view this amendment as an amendment that carries out the intent of this body when it passed the Shelby-Lent amendment on August 4 of this year. That amendment said that small generators need to be regulated, but they need to be regulated in a way that is reasonable and that is realistic.

So the gentleman from Georgia (Mr. LEVITAS) has offered an amendment to assure that that takes place. By providing for a legislative review of the final regulations before they take effect, Congress will have the final say over whether these new regulations will have the full force and effect of law.

I would call the attention of the Members again to the huge stack of regulations that the gentleman from Georgia brought with him. The people who will be regulated by this bill are not going to be following this very thin several pages of paper which is the law.

They are going to have to abide by the regulations. We as lawmakers have delegated to the bureaucracy our lawmaking authority. We have given away our law-making function to these unelected bureaucrats, and we have precious little proper control, if any, over that agency. In many instances in the past—and we have all seen this—our delegations of authority have been too broad, and there has alway been a frustration of Members of Congress, including myself, as these agencies have not only grown in size but have promulgated regulations that bore little or no resemblance to the statutes we thought we had enacted.

As I see it, this amendment recognizes the need to take some action and also recognizes the intent of this body, when it passed the Shelby-Lent amendment on August 4 of this year, that small generators need to be regulated but in a way that is reasonable and in a way that is realistic.

There was an implication by the gentleman from New Jersey contending that this proposal would in some way delay the implementation of the small generator rules and thus endanger public health. I submit that a close examination of not only the Record but of the amendments does not bear that out. It is important to point out first that those who generate below 1,000 kilograms per month of hazardous waste account for only 1 to 4 percent of the hazardous waste generated in this country.

Furthermore, the Levitas amendment does not touch the so-called hammer provision which is called for in the Shelby-Lent amendment and as provided in the Shelby-Lent proposal. If final regulations have not been put into effect within 30 months after enactment of this legislation, then interim regulations would go into effect. That is the so-called hammer provision in the bill. These interim regulations would go into effect to assure that waste generated by small quantity generators is disposed of in proper facilities and that there is a notification of disposal of these wastes and regulation over the small quantity generators.

□ 1720

So it is only the final regulations, not these interim regulations, that would be subject to the legislative review procedures that are established under the Levitas amendment.

The Levitas amendment, I point out again, would not prevent interim regulations from taking effect. There would be no delay in implementation.

Mr. SAM B. HALL, JR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia.

The specific issue presented by this amendment is whether the EPA will have the authority to issue regulations for the disposal of hazardous wastes by small generators. The amendment provides that EPA will have no authority to issue major regulations affecting small generators. Instead, EPA will merely recommend such regulations to Congress. These regulations would take effect only if approved by both Houses by joint resolution and signed by the President. The agency would have authority to issue nonmajor rules affecting small generators. However, these rules could be nullified by a joint resolution of disapproval which is signed by the President.

This amendment is just one of many similar amendments that this House may face in the coming days. These amendments are offered in response to the Supreme Court decision in the Chadha case which held that most forms of legislative veto are unconstitutional.

The issue of legislative veto as it affects the relationship of the executive and legislative branches goes to the core of how this Government operates. It involves the concept of separation of powers which is the basis of the Constitution. The delicate balance of power and authority between the two branches should not be tampered with lightly.

In my view, it is premature to begin adopting new types of legislative veto devices. Both the Judiciary Committee and the Rules Committee are undertaking serious reviews on the issue of legislative veto and the proper relationship between the executive and legislative branches. I urge my colleagues to resist the pressure to react to the Chadha decision without serious and careful consideration of the institutional consequences. We should not approach this issue in a piecemeal fashion, instead, we should allow these committees to complete their examination of the issue.

I urge that this amendment be defeated.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. SAM B. HALL, JR. Yes; I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, would the gentleman's expertise allow him to cast an opinion on the question as to whether under the approval process that is provided for by the gentleman's amendment, if one House fails to approve, obviously the process is short-circuited because it requires both Houses to approve and the President to sign before a regulation goes in. Effectively, one House failing to approve is effectively a veto.

It would be my opinion—and I know the gentleman has some expertise in this area—it is my opinion that that is clearly unconstitutional. The court has already said that is unconstitutional. So what we are being asked to do is to acquiesce in a process that has clearly been ruled unconstitutional.

Mr. SAM B. HALL, JR. If the Chadha decision means what it says, that would be clearly unconstitutional.

Mr. FLORIO. Mr. Chairman, I thank the gentleman.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. SAM B. HALL, JR. Yes; I certainly yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, I would like to make three points, first with respect to the last question asked. With regard to the particular mechanism that has been put into this amendment, and which is also part of a bill that has been introduced by a number of Members, the Justice Department, which prevailed in the Chadha case, has said it is a constitutional method, and that Congress can act in this fashion.

Now, on the question of prematurity that the gentleman raises, I would be perfectly willing not to deal with this matter until a new legislative review mechanism is in place; but this matter is on the floor. We are talking about regulations that will have an impact of $100 million or more on our Nation's small businesses, and the genie is out of the bottle.

When your small business community comes to you next year and says, "Why did you let them do this?," your only answer would be, "Because the bill passed before we had a chance to do anything about the overall question of legislative review."

I am suggesting, on the question of prematurity, we cannot let the genie out of the bottle without some control.

Finally, I would simply say this to the gentleman; yes, it does take away the right of the regulators, the unelected officials, to issue rules that will have an economic impact of $100 million or more annually without Congress having a say-so. But I daresay there are people in this room who have made speeches about why we should not turn over to the unelected bureaucracy so much power that we, the Congress, ought to be exercising. No one seems to be addressing or desires to address that issue. We seem to say simply that the unelected officials should continue to write the laws for us.

I would like the gentleman's comments on those points.

The CHAIRMAN pro tempore. The time of the gentleman from Texas has expired.

(At the request of Mr. Levitas, and by unanimous consent, Mr. Sam B. Hall, Jr., was allowed to proceed for 3 additional minutes.)

Mr. SAM B. HALL, JR. I am not at all in favor of the unelected officials writing the laws. As a matter of fact, that is one of the reasons that we are having a regulatory reform bill that we have been worrying with and working with for several years now, because I think that is one of the problems. I think that is the main reason why we must have legislation in the area of regulatory reform to prevent the unelected officials from writing in the laws from what they think the Congress means.

I think it is a delicate process that must be done in such a way that you preserve the rights of the Executive and the legislative.

I think the Chadha decision goes a long way in doing just that and, hopefully, when the regulatory reform gets back into swing in February—and that is our target date—we are going to come up with a bill which I think will be aceptable to this House on both sides of the aisle, to try to keep that delicate balance between the legislative and the judicial.

Mr. BOUCHER. Mr. Chairman, will the gentleman yield?

Mr. SAM B. HALL, JR. I yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Chairman, I want to thank the gentleman from Texas for yielding. I concur in the remarks the gentleman has made, and I want to commend him on those remarks.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia.

This amendment would provide that all EPA regulations regarding small generators of hazardous waste be subject to a form of the legislative veto. In fact, this amendment would actually divest EPA of any authority to issue major regulations to cover small generators and would instead require Congress to enact such regulations before they would have any effect.

This amendment deals with something far more significant than small generators. It deals with the constitutional relationships of the executive and legislative branches of Government. It affects the constitutional principle of separation of powers and has substantial ramifications for the effective functioning of both Houses of Congress.

The Supreme Court decision in the Chadha case has held most forms of legislative veto to be unconstitutional. Since the Chadha decision was handed down, this House has been faced with amendments to various bills which have contained new, and it is argued, constitutional, forms of the legislative veto.

Both the Judiciary Committee and the Rules Committee have undertaken serious reviews of the legislative veto and of the proper roles of the executive and legislative branches under the Constitution. I believe that these reviews should be completed before we take any action in this area. These are serious issues. They should be addressed in the context of the fundamental constitutional issues they raise.

I urge that this amendment be defeated.

Mr. SHARP. Mr. Chairman, I move to strike the requisite number of words.

Mr. BERMAN, Mr. Chairman, will the gentleman yield?

Mr. SHARP. I am happy to yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I rise in opposition to this amendment. On August 4 we voted to require hazardous wastes from small generators to be disposed of safely, in permitted waste facilities. We gave very specific instructions to EPA to draft regulations to insure that these wastes reach the intended facilities. I presume we gave this authority to EPA because that Agency has a scientific and technical capability that Members of Congress lack. If that is the case, then why should we be called on later to pass judgment on EPA's expertise as this amendment would have us do?

I do not believe it is the role of this body to be a giant appeals court for dissatisfied industries looking for a way to overturn Agency regulations they find objectionable. Anyone wishing to challenge an Agency rule on the grounds it does not conform to a law passed by Congress can go to court. If we pass this amendment, we are either admitting we should not have given EPA the responsibility in the first place or we do not trust judicial review.

There are also practical difficulties raised by this amendment. Instead of having EPA conduct the rulemaking proceedings, whereby all interested parties have the opportunity to make their views part of the official record, we essentially shift the burden to Congress. If we are going to have the final say on whether these regulations go into effect, why should anybody care what goes into EPA's rulemaking record? Congress will become the forum for debating and analyzing technical and scientific data, despite the fact that we have an agency set up for exactly that purpose.

Passage of this amendment will only serve to delay regulations needed to implement an act of Congress. Impeding our own work on this issue is one reason to oppose it; the greatest danger, however, is in postponing the safe disposal of certain hazardous wastes and subjecting our citizens to further, unnecessary danger.

I urge my colleagues to vote no on this amendment.

Mr. SHARP. Mr. Chairman, many times over the last several years I have supported our colleague, the gentleman from Georgia, in his effort to bring issues back to the Congress for review when regulatory agencies act on important matters in this country and have supported the one-House legislative veto on many, many occasions.

The Court has found me and many others to be wrong in the use of that tool.

I must say that today I am not prepared to vote with the gentleman for several reasons. First, I think the issue has been raised about whether or not this is legally questionable, and I hope that will be resolved and I hope we will ultimately have a procedure that we can devise and use that will be acceptable to the courts.

Second, as a member of the Energy and Commerce Committee, which has to deal with matters relating to the environment, I would hope that other colleagues in this Chamber would understand the importance of what this is going to do to a compromise that was being made. I think the ramifications are far larger than the issue before us.

I am certain it is not the intent of the gentleman from Georgia (Mr. LEVITAS) to jeopardize an agreement that was made and a process that is slowly being developed in this country whereby we try to bring together those who fervently believe we have got to have stronger regulations to protect the public health and the environment and those who must manage those regulations and deal with those regulations in a financial and daily way; namely, the business community.

Now, a compromise was reached on this issue which hoped to recognize something that many of us think is important and that is that our small business men and women do have managerial difficulties and they do have financial difficulties in dealing with the Federal Government, not to mention the competition from large businesses in this country; but an agreement was reached to provide more time; an agreement was reached to treat them quite differently, and there is a great deal of sensitivity on the Energy and Commerce Committee and throughout this House to the needs of small business, and should the EPA act in a way that we think is not fair and is not reasonable, many of us will rise up and seek to change those regulations.

□ 1730

An agreement was made, Mr. Chairman, between the business community and the environmental community on this issue and we thought among leaders of that issue here in the House of Representatives. Now, that agreement is clearly being violated and make no mistake about it, if you think there has been distrust in the past over these kinds of issues, this is another time that the distrust is going to be heightened. We are not going to get to a position where we can count on having any trust on this kind of an issue—where the two sides can come together, acknowledge each other's concerns and come to some kind of agreement. If we have to, ladies and gentlemen, we can go on litigating these issues. I do not think that is in the public interest; it costs everybody unnecessarily in this country. We can go on having stalemates in the Energy and Commerce Committee over changes in the Clean Air Act in this country. This is important today as to whether or not the processes of legislation are going to be able to work and be able to reach compromises.

Make no mistake about this: Adoption of this amendment violates a compromise which was very difficult for a lot of people to make and whatever the legitimacy of Mr. LEVITAS' amendment, whatever the reasonable concerns, violation of that agreement is going to have ramifications that a lot of people are not going to like, and I would suggest it is the very people who think they may be winning on this issue, who will lose in the end.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. SHARP. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

First, let me say two things: The first point, as to the legality of this mechanism, is very simple. It is mind-boggling to hear anybody suggest that it might not be legal for Congress to take action by passing a resolution through both Houses and having it signed by the President. That is passing legislation in the way set forth by the Constitution.

That is precisely what the Supreme Court said we should do.

Mr. SHARP. I am likely to end up agreeing with the gentleman from Georgia.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana (Mr. SHARP) has expired.

(On request of Mr. LEVITAS and by unanimous consent, Mr. SHARP was allowed to proceed for 2 additional minutes.)

Mr. LEVITAS. Mr Chairman, will the gentleman yield?

Mr. SHARP. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

Let me say something else. I do not disagree with the gentleman. He has the shoe on the wrong foot with the subject of breaking the compromise. A compromise was reached. My amendment does not undo whatever regulatory framework would come out. It simply says let Congress say are we going to have different rules for small generators than for large generators, and I will tell you that some of the people who negotiated this compromise were these environmental groups that you mentioned, and I have sat in the Rayburn Room and talked to them within the last 2 weeks. And, I was told this by the lobbyists for the Audubon Society: You do not need a legislative review mechanism, because we know what the regulations are going to be. They are going to be the same regulations that apply to the large generators.

Now, if that individual was a party to that compromise, then I suggest that the people who broke the compromise were not members of the small business community who want to make sure that there is reasonable regulation, but the lobbyists for the environmental community, the people who are the elitists, who say we made the compromise but the regulations are going to be the same.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana (Mr. SHARP) has expired.

(By unanimous consent, Mr. SHARP was allowed to proceed for 2 additional minutes.)

Mr. SHARP. I cannot speak to the words that the gentleman heard from the head of the National Audubon Society in the other room. I would simply say to that side as well, that the intent of this compromise is to see that small business is treated differently, recognizing the managerial and financial difficulties that small business faces. I think that will be the result of this legislation.

If this administration which claims to be so probusiness, so concerned about regulation, would get off the dime and get the regulations in place, there would not be a problem.

I might suggest to the gentleman from Georgia and others who think they are doing something good for small business, that this amendment may have the perverse result, a result different from what they want, because indeed if the EPA should under this administration come up with something substantially less burdensome than the regulations on large business, and the regulations are sent up here for review and are not liked by the environmental community; they could be bottled up in the committee; and then, the hammer provisions trigger in, and they will be tougher than the original regulations.

That is not my argument here. When they think they are doing one thing, they can end up having the exact opposite or perverse result.

We have a serious problem. It is one about which many, many Americans are agitated, and those who are not agitated become very agitated the minute they find it in their neighborhood, in the school yard or somewhere else—this toxic waste, and I can assure you that a compromise was made, and many of us believe that this Congress ought to stick with it and if it is going to be violated, we are going to have greater difficulties dealing with these tough environmental regulatory issues in the future.

Mr. ECKART. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

It is very possible that under the provisions before us we could create greater uncertainty in the regulatory process. As a lawyer who used to represent about 75 small businesses in my practice, and a member of this body's Small Business Committee, let me construct a scenario concerning what may actually happen if the Levitas amendment prevails.

The provisions that would provide for interim rules could very well set one of standards. Interim rules go into effect. Time passes, and all of us in this Hall are familiar with the process; it may take at least 4 months. The business person out there wonders, do I make that investment? Will the interim rule become permanent? Will Congress veto the rule? What is going to happen?

I hear my small business people telling me,

> I almost do not care so much what you do to me, but when you do it, please make the rules clear, make the rules clean and do not change the rules on me every half-hour.

Under the Levitas amendment, we run the risk of subjecting a small business person in the United States today to no rules, to interim rules, to congressional rules and to the so-called hammer rules, four different sets of rules demanding different investments, different personnel practices, and wholly different ways of conducting business.

I submit to you that the Levitas amendment only inserts uncertainty, and in that process makes it more difficult for the truly small business practitioner to deal with the morass of rules and regulations that my friend from Georgia so fully described.

Give them one set of rules very cleanly, very clearly, and very specifically. Let us not inject even greater uncertainty in a difficult set of circumstances for our small business. Let me deal with the other set of circumstances that we should consider on this bill.

The language that we have was the result of a very carefully crafted amendment. It was vigorously debated. I was part of that debate.

The Levitas amendment strikes at that balance, and at a major question that we debated as part of the Shelby-Lent amendment. The Levitas amendment really is not a vote for or against Congress or the rights of the Executive. The Levitas amendment does not bring any greater certainty to the small business person's life. Instead it is really a vote for or against public health. It is an amendment to subject the public once again to the risks of opening up a 4 million ton hazardous waste loophole. This body decided on the 4th of August by a substantial margin to reject that loophole.

An act of Congress does not weaken the toxicity of anyone's waste. We would love to legislate away PCB's or vinyl chloride or trichloroethylene or any one of the other serious cancer-causing agents, but we cannot do it. If we could do it, we would.

What we are witnessing here is really a second bite at the apple. Not only do we run the risk of making it more difficult for small business people to live in a predictable environment but we give to those who have an economic incentive to pollute our communities a greater opportunity to do so.

What does that mean? It means that once again those who will pollute our neighborhoods will profit from inaction. They will profit from inaction by encouraging the stymieing of the legislative process that we have experienced with the funeral rule, with stockbrokers, with used cars, and with immigration legislation, simply because the polluters are given a chance to paralyze this Congress, and the consequences of that paralysis is either a change of rules or continued pollution.

I am a supporter of the gentleman's regulatory reform legislation for the very simple reason that I do not want a patchwork quilt that draws a single set of standards for an individual agency and changes those standards based on the whim or will of the Congress at the time that we are debating a particular piece of legislation.

What I think we need to do is to get the gentleman's bill out of the Rules Committee, and I have cosigned your letters and cosponsored your bill so that there will be a single uniform standard that deals with the entire regulatory process in the same way.

□ 1740

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. Eckart) has expired.

(On request of Mr. Levitas and by unanimous consent Mr. Eckart was allowed to proceed for 2 additional minutes.)

Mr. ECKART. The gentleman has raised a fundamental question here. I think it would be in the Nation's interest and in the interest of my friend if we used the leverage that this legislation will create for us to bring about a meaningful regulatory reform bill.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I am happy to yield.

Mr. LEVITAS. I thank the gentleman for yielding.

First let me say that while I respect the gentleman's right to his opinion as to what serves the best interests of small business, I would call to the gentleman's attention that small business through its associations support my amendment because they think my amendment is in the interest of small business. My amendment is supported by the U.S. Chamber of Commerce, the National Federation of Independent Business, the National Association of Manufacturers, the American Textile Manufacturers Institute, the National Automobile Dealers Association, the Synthetic Organic Chemical Manufacturers, the National Association of Furniture Manufacturers, the Printing Industries of America, and others.

The second point I want to make is that it is very clear that my amendment would in no way prohibit the regulation of small generators in the disposal of hazardous wastes. It will not contribute to a public health problem.

Not only are there the hammer provisions which would regulate small business, but I think it is quite clear there would be regulation that is appropriate for the small generator with my amendment. It would not do away with regulation over this group altogether.

Mr. ECKART. I appreciate the gentleman's expression of concern and I thank him for granting me the extra time.

Mr. Chairman, I yield back the balance of my time.

Mr. LOTT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I am amazed at those who do not trust the Congress apparently to retain the ultimate control over our constitutional lawmaking responsibilities. And make no mistake about it, rulemaking is lawmaking.

As I understand it, the Levitas amendment does not do away with that agreement reached earlier. It just gives the Congress an opportunity to remain in the loop. It gives the small businesses an opportunity, if they are dealt with by the regulators in an unfair rule that treats them just like big businesses, that they have an opportunity to have their case made again or to be considered by the Congress.

So I do think that the amendment by the gentleman from Georgia (Mr. Levitas) is a good amendment and we should support it on its merits.

But I really want to speak more to the legislative veto side of this thing. I want to emphasize that, as I understand it, the Congressional Research Service, American Law Division, has said that a joint resolution of approval would be constitutional and we also have that indication from the Justice Department.

There are those here and in the administration, quite honestly, that oppose this provision. This administration, the previous administration, always want to apply it to the next administration but not this one. They have confidence in their regulators, their bureaucrats. I contend they are the same no matter who is in the White House, and we have argued about that before.

But I am concerned about these regulators at EPA and, as a matter of fact, they will continue on the same track no matter who is in the Office of President. The legislative veto is bigger than this particular incident and issue, which I think is very important.

I would like to talk about what is going to happen in the Judiciary Committee and in the Rules Committee. As a matter of fact, last session of Congress, the last Congress we did have a regulatory reform bill reported out of the Judiciary Committee and it languished until the end of the Congress in the Rules Committee. And I might add, many of the provisions included in this Levitas amendment here were in that bill.

As far as what is going to happen in the Rules Committee, ladies and gentlemen, I do not want to prejudge. But having been there for several years, I can tell you there is no predisposition to get such a legislative veto bill out of the Rules Committee, even after Chadha.

So I think this is a well thought-out provision. I would like to ask the gentleman from Georgia a couple of questions, if I could.

First, are you absolutely convinced—as much as you can be—that this does comply, and have you had legal counsel that says that this complies with the provisions of what we should do in the Congress as far as the President's role and the way we proceed with constitutional requirements?

Mr. LEVITAS. Will the gentleman yield?

Mr. LOTT. I will be glad to yield.

Mr. LEVITAS. I can tell the gentleman we have been assured both by the Justice Department and by the Library of Congress that this is fully consistent with the decision in the Chadha case.

Mr. LOTT. Does the gentleman's amendment in any way eliminate the language in the bill dealing with small quantity generator waste rules?

Mr. LEVITAS. If the gentleman will yield further, absolutely not. I tried to make that point very clear.

We, in fact, will have regulation. This would simply make certain that the regulation is a reasonable regulation for small generators.

Mr. LOTT. Was congressional review a part of the bill that was reported by the Judiciary Committee last year and languished endlessly in the Rules Committee?

Mr. LEVITAS. The congressional review provisions were precisely at the heart of the legislation that never made it out of the Rules Committee. And I might add this, that with all of the effort that my good friend from Texas will put into regulatory reform in the Judiciary Committee this time, if I had to guess, there will be no regulatory reform bill reported even out of the Judiciary Committee in this Congress.

Mr. LOTT. How long have we been waiting on regulatory reform legislation?

Mr. LEVITAS. My recollection is about 6½ years now, and in terms of legislative veto almost 9 years.

If the gentleman would yield further, I think the gentleman made a very important point that I want the Members of this body to focus on. What is it that says that some unelected bureaucrat at the Environmental Protection Agency is better able to determine what laws are imposed upon the small business people in your community than the people in Congress? Who is accountable around here? We, the elected Members of Congress, are.

I think that a lot of people just want to pass the buck to the unelected official so that we do not have to face up to their responsibilities. And next year when the small business people come saying "Who made this possible," then I think they are going to look at a list of the people who voted against this amendment and they will know.

Mr. LOTT. Again we should emphasize to our colleagues, while you have made this comply with the Chadha requirements, I would like to ask the gentleman from Georgia how many times has the Congress passed amendments like this, even though there have been some changes to comply with the requirements of that new decision by the Supreme Court? I mean, it has been hundreds of times?

Mr. LEVITAS. This is not the first time. There have been a number of provisions similar to this already adopted by this Congress.

Mr. MOODY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, it is with some hesitation that I take the floor to speak against this amendment, since I do have so much respect for the gentleman from Georgia.

It seems as though we are talking at cross purposes here. The gentleman is quite right when he says this House should never give away its right to draw regulations to some unelected bureaucrat. But the way we maintain that right I think is the key issue, not that we should have the right.

Let me just briefly speak from my experience in the Wisconsin State Legislature. We tried this sort of thing. We carefully considered what you might call a Levitas-type approach but it fell of its own weight. It meant, in fact, everything had to be passed twice. We would have had to go through a doubletrack system for every measure requiring regulations: First the bill itself, then the regulation.

We came up with a better way, finally, and that was to give each House a time certain during which it could review—the committees of authority—could review specific proposed regulations. If they interposed no objection, then the regulations would go into effect. So each House of the legislation had a window of time to react to those regulations which came to their attention as being onerous, impossible, or unwise. Both Houses would have to act in order to suspend and rewrite regulations.

But neither House was required to act on each one of the voluminous bodies of administrative law, much of which was fine. That seemed to be for us in Wisconsin a much better way. It lightened the load tremendously.

I can just imagine what would happen to the length of congressional sessions if we had to double track every issue twice through both Houses and through the White House.

But the more important point I would like to raise with the gentleman from Georgia, and I hope he will respond to a question, is this: It seems to me there is an inherent logical contradiction to what the gentleman is proposing. If we take as given that we cannot have a one-House veto, and we agree that once we pass legislation in both Houses and it is signed at the White House and becomes the will of the full Congress, then under the Levitas approach one House could subsequently on this second track around thwart the will of the entire Congress and of the executive branch by simply refusing to act.

You therefore are back in the box of a one-House veto. A one-House veto by inaction.

I would ask the gentleman to respond to this internal logical contradiction that would be set up by his proposal.

Mr. LEVITAS. Will the gentleman yield?

Mr. MOODY. I yield to the gentleman from Georgia.

Mr. LEVITAS. I think the gentleman has made the case very well and I would simply say I do not disagree with him because the second time around, as the gentleman refers to it—and this would have the effect of a one-House veto, you are quite correct—but the second time around we would not be looking at the same thing we were looking at the first time around.

Then we would be looking at the specific regulatory framework proposed to implement what we have passed. The purpose of the legislative review is to ensure that proposed regulations are consistent with what the Congress has passed.

☐ 1750

And the question I would address to my very good friend from Wisconsin is this: Why should you, as an elected Member of the Congress of the United States, not make the decision as to whether a particular regulation that will cost the American people $100 million goes into effect? Why should you pass that decision to someone who has never suffered the inconvenience of running for public office and is accountable to nobody except the Office of Personnel Management and his immediate supervisor? A $100 million impact, why should not we be involved in that decision?

Mr. MOODY. Let me try to respond, if I could reclaim my time: I agree, we should be involved in this process. The question is how.

The huge dollar figure the gentleman cites is irrelevant. This issue of how we assert our authority over administrative regulations is the key. Of course, we should never give away that authority and we should always have the right to review those regulations, but reviewing it does not require actually passing it back through each House a second time, as the Levitas amendment would require. As I say, in Wisconsin we accomplished the same goal with far less difficulty by simply giving each House the specific time limit in which to react to proposed regulations. If either House did react, then it could suspend them until they were dealt with. Again, there would be a certain time limit to deal with them, and both Houses would have to deal with them. If neither House did react, did not object, then they would go into force.

The legislature retained the right to suspend them. It give no bureaucrat that right, which is what you fear and what I fear, but it did not require that every House laboriously double-track every legislative measure that would involve regulations.

So I do not disagree one iota with what the gentleman is trying to accomplish. But I suggest that he is asking this House to put in countless needless extra hours of floor action on regulations.

But, I, again, ask you to respond to the internal illogic of the point I raised earlier: If we agree that one House's vetoes are not acceptable, how would you respond to that point that your amendment would have the effect of reinstituting one-House veto. I think, in fact, the gentleman agreed with that a moment ago, but he did not elaborate on why that would ever be a good thing.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. MOODY) has expired.

(By unanimous consent, Mr. MOODY was allowed to proceed for 2 additional minutes.)

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

In order to answer the gentleman's question, Mr. Chairman, I have to revert very briefly to a discussion of the Chadha decision. The Chadha decision, in addressing the one-House and other legislative vetoes said, that Congress could not establish a mechanism which was legislative in nature—and there is some question as to whether a legislative veto is legislative in nature—unless it was a mechanism that passed both Houses and was signed by the President.

Now, going back to the doctrine of Chadha and under article I, section 1 of the Constitution, with all legislative power being vested in the Congress, what this mechanism, the "son-of-legislative veto" does, is say that we will act legislatively. We will take away the delegation to the bureaucrat to pass rules that have an impact of more than $100 million a year and let them propose them to the Congress, and they will become effective only when approved by a joint resolution passed by both Houses and signed by the President.

So while it is, in effect, a one-House veto at the end of the line, it is a veto that is manifested through a two-House action signed by the President, which is perfectly consistent with the Chadha decision and does precisely what the gentleman from Wisconsin would like to see done.

I am simply saying this approach is the only game in town. If we do not adopt this amendment, the genie is out of the bottle, the EPA will be issuing regulations that have a $100 million impact per year, and we are going to have to sit back and look at them and just say: "Isn't that great?" We can do little if they are not great.

If I may just conclude, there was a recent op-ed piece in the New York Times, written by Robert Litan and William Nordhaus, which says this is the only way we can maintain control over the unelected bureaucracy. I would, at this point, like to insert that article into the RECORD:

[From the New York Times, July 5, 1983]

WITH THE VETO GONE

(By Robert E. Litan and William D. Nordhaus)

WASHINGTON.—The United States Supreme Court's decision striking down the legislative veto corrects a long standing defect in the Federal legislative process.

Since the veto device was introduced in the 1930's, Congress has grown progressively sloppy in writing laws. Instead of the careful crafting envisioned by the Founding Fathers, Congress often gave a blank check to the executive or to an independent agency. But it sometimes reserved the right to put a "stop" order on these checks, by the now-unconstitutional veto, should it later (spurred by a special-interest group) change its mind.

Nowhere is the excessive delegation of legislative functions more extreme than in economic and social regulation.

Even though regulation is as important a part of the legislative process as, say, raising and spending revenues, many regulatory statutes are egregiously vague, simply directing an agency to regulate in the "public interest." Natural-gas prices became regulated under a general "public interest" standard, not because Congress decided it was sound energy policy. Cities are required to make subways and buses accessible to handicapped people even though Congress never envisioned this outcome.

In other cases, statutes are specific but place no limits on the amounts that regulators can require firms to spend. Businesses spent $32 billion in 1981 controlling air and water pollution because Congress delegated to the Environmental Protection Agency a legislative function of taxing and spending on pollution control. Nuclear power is dying under the weight of safety regulations. Regulating everything from teddy bears to 747's, our fourth branch of Government legislates more prevasively, and more autocratically, than King George III.

In the last few years, many in Congress have become concerned about this over-delegation. Legislative vetoes are now in place (but in peril) for a few regulatory statutes—in seat-belt regulation, in Federal Trade Commission rules and in some natural-gas rules.

In recent reform proposals, moreover, many members of Congress hoped to reverse the problem of excessive congressional delegation by an omnibus legislative veto provision for all major Federal regulation. This route is now clearly closed.

In the wake of the decision nullifying the legislative veto, the nation should pause to consider fundamental issues of who should legislate, and how.

Some think that Congress will now have to write highly detailed statutes; others think that, like an overburdened mule, Congress will simply balk and bring the legislative process to a halt.

In the regulatory arena, some worry that the first alternative will lead to overly politicized regulatory decisions traditionally left to agency "experts." Others, noting that good legislation requires time and effort, fear that Congressmen will devote neither and instead retreat to a haven of noncontroversial inactivity.

There is a middle way. The central problem for Congress, with no legislative veto as a crutch to lean on, is to structure its consideration of the issues, such as regulatory policy, in such a way that precious Congressional time is devoted to major questions, while execution and implementation are delegated to administrative agencies.

We believe that there is a mechanism through which Congress can structure its regulatory decision-making in a fashion that meets both these objectives.

Specifically, we suggest adoption of a "legislated regulatory calendar" under which the President would present to Congress each year all of the 50 or so major Federal regulatory proposals. Each proposal would be accompanied by an analysis of costs and benefits. An act of Congress would then be required before agencies could put their rules in final form. The calendar proposal resembles the Congressional budget process, which has, since 1974, allowed Congress to direct the broad pattern of its spending. Such a process could serve well as a model for regulation.

A regulatory calendar would remove legal uncertainties about rules (such as the automobile air-bag rule, still unresolved 13 years after it was first proposed). It would permit Congress and the executive to set regulatory priorities—a task nowhere performed today.

But most important, it would provide a constitutionally sound mechanism by which central issues, such as the quality of our air and water or the safety of our highways, could be directly decided not by unelected regulators but by elected representatives.

(Robert E. Litan practices law in Washington and William D. Nordhaus is professor of economics at Yale University. They are coauthors of the forthcoming book "Reforming Federal Regulation.")

The CHAIRMAN pro tempore. The time of the gentleman (Mr. MOODY) has again expired.

(By unanimous consent, Mr. MOODY was allowed to proceed for 2 additional minutes.)

Mr. MOODY. Mr. Chairman, I would not disagree with what the gentleman says, but I strongly disagree with his conclusion. I do not think we want to be back in the one-House veto situation. The gentleman agrees that what we would end up with if we adopt the gentleman's amendment would be the situation where the will of the Congress—in fact both Houses and the executive branch—expressing itself, would be thwarted in its implementation simply by inaction of either House. In fact, one chairman, or perhaps, one strategically placed individual refusing to move on the regulation, could thwart and veto the implementation of the law. I think that is something we never want to be in, because then we are going to have legal challenges by plaintiffs, such as temporary restraining orders, all over the place, causing chaos, because you cannot keep dumping waste or doing other dangerous things that would happen in a regulation vacuum. We would be in a terrible fix, I maintain, if we let that happen.

There is a better way to handle the problem that you and I agree is important to deal with.

Mr. FRANK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise to oppose the amendment because I think it is unworkable as well as unnecessary.

We have annual appropriations and authorizations coming before us. If and when both Houses feel that a particular regulation has been untoward, we know well how to deal with it, we have done that. I do not think the argument that absent this, I think, rather unwieldy procedure we will be the helpless prey of unelected bureaucrats, is accurate.

I would also like to just say a word in defense of the unelected. And it may be prudent since there are many more of them than of us, I would say to the gentleman from Georgia, and we ought not to forget that.

But election is a very important and useful process in a democracy. It does not, in my experience, confer on those who participate in the process quite the monopoly of wisdom that my friend from Georgia suggests.

I would add that this is also an institution which calls on the unelected. Seated in some of the places of responsibility around us are members of our staffs who are unelected except for their ability to contribute.

And I would go a little softer on the unelected bureaucrat.

And in a minute I will yield to the gentleman, the elected gentleman, from Georgia. But all of us here rely very heavily on some very able people who are not elected.

I think a mix of elected and unelected is a very useful way for a democracy to function.

So let me return to my main point: If we have to approve every regulation, I think we will not function. If people are opposed to the regulations, then they ought to vote against the programs. If they find specific regulations obnoxious, we regularly in annual authorizations and appropriations have a shot at it. And the one point I would like to make, and I have made it before with regard to marketing orders, nothing in the logic of the gentleman from Georgia suggests this should be restricted here. So I assume it will apply to HUD, I assume it will apply bill by bill to public housing, it will apply to OSHA, it will apply in international trade. Certainly there is nothing logically dividing this subject matter from any other.

So I would assume we are about, if we adopt this amendment, to embark on a new regime in which we will be dealing with every major regulation by every Government agency and then, in fact, the unelected bureaucrats will have a wonderful time because us poor elected slobs will be spending all our working hours here and they will really be free to run the town.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

Mr. Chairman, let me just pick up where the gentleman left off, because the gentleman will probably want to extend that litany of measures to such things as foreign arms sales. Certainly the gentleman would like to play some role in a decision to sell F-16's to Jordan.

Mr. FRANK. I will take back my time, and I point out that this Congress has just acted very effectively to prevent the administration from arming a Rapid Deployment Force in Jordan. How? Through the authorization and appropriations process.

We did not need son-of-legislative veto, mother-in-law of legislative veto, third-cousin once-removed of legislative veto; we did it by legislating through the authorizations and appropriations process in a very brief period of time. We have prevented the administration from sending arms to Jordan and we retain that ability.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield further?

Mr. FRANK. I will yield again to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman again.

I do not take that as advocacy of eliminating the restrictions on foreign military arms sales. It does not an appropriation to sell foreign arms and therefore we could not stop arms sales by cutting off appropriations. No appropriation is needed to allow a sale of arms to a foreign government.

I do want to comment on the point that the gentleman put forth that we have a very expert professional staff. We do. But no one suggests that they ought to be voting on the policy issues that affect the American people.

Yet the regulations that are issued by the unelected bureaucracy have the force and effect as the laws passed by Congress. People go to jail for violating those regulations, just as they go to jail for violating statutes passed by Congress.

Mr. FRANK. I will take back my time, and I will say to the gentleman that the rules of the House do apply to those of us who are elected.

The gentleman is repeating the argument made before.

First, I was not arguing against restrictions on foreign military arms sales.

I was pointing out that with Chadha in force, with the legislative veto dead, we have the ability, as Congress, to prevent foreign military arms sales to which we object.

☐ 1800

We just did it. We just frustrated an ill-advised attempt by this administration to send arms to Jordan in an inappropriate way.

The fact is that we do not have to revert to a procedure where nothing happens until we have acted.

With regard to the unelected, yes, we have professional staff and, no, they are not the final say. We have a President of the United States who is also elected. Not the one I wish was elected, but he was elected. He is entitled to make his judgment. We, as Members of Congress, then have the responsiblity to stand up.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

Mr. LEVITAS. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts (Mr. FRANK) may proceed for 2 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. LANTOS. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The question is on the amendment offered by the gentleman from Georgia (Mr. LEVITAS).

The question was taken and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LEVITAS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 195, not voting 40, as follows:

[Roll No. 451]

AYES—198

Albosta
Andrews (NC)
Anthony
Applegate
Archer
Badham
Bartlett
Bateman
Bereuter
Bethune
Bevill
Bilirakis
Bliley
Boner
Breaux
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Cooper
Corcoran
Coughlin
Craig
Crane, Daniel
Crane, Philip
Daniel
Daub
Davis
DeWine
Dorgan
Dreier
Duncan
Dyson
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Fiedler
Fields
Flippo
Frenzel
Frost
Fuqua
Gaydos
Gekas
Gilman
Gingrich
Goodling
Gramm
Gregg
Gunderson
Hall, Ralph
Hammerschmidt
Hansen (ID)
Hefner
Heftel
Hightower
Hiler
Hillis
Holt
Hopkins
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Jenkins
Kaptur
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (MD)
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McDade
McEwen
Michel
Miller (OH)
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Myers
Nelson
Nichols
Nielson
Nowak
O'Brien
Oberstar
Olin
Oxley
Parris
Patman
Penny
Petri
Porter
Pritchard
Pursell
Quillen
Rahall
Ray
Regula
Ridge
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Rowland
Rudd
Sawyer
Schaefer
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (NE)
Smith, Robert
Snyder
Solomon
Spence
Spratt
Staggers
Stangeland
Stenholm
Stump
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Vandergriff
Vucanovich
Walker

Watkins
Whitehurst
Whitley
Whittaker
Wilson
Winn
Wolf
Wortley
Wright
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOES—195

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews (TX)
Annunzio
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Biaggi
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Bryant
Burton (CA)
Carper
Carr
Clarke
Clay
Coleman (TX)
Collins
Conable
Conte
Conyers
Courter
Coyne
Crockett
D'Amours
Daschle
Dellums
Dicks
Dingell
Dixon
Donnelly
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Florio
Foglietta
Foley
Ford (MI)
Fowler
Frank
Garcia
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gore
Gradison
Gray
Green
Hall (IN)
Hall (OH)
Hall, Sam
Hamilton
Harkin
Harrison
Hawkins
Hayes
Hertel
Horton
Howard
Hoyer
Hughes
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kennelly
Kildee
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Long (LA)
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Moody
Morrison (CT)
Mrazek
Murtha
Natcher
Neal
Oakar
Obey
Ortiz
Ottinger
Panetta
Patterson
Pease
Pepper
Perkins
Pickle
Price
Rangel
Ratchford
Reid
Richardson
Rinaldo
Rodino
Roe
Rostenkowski
Roukema
Roybal
Russo
Sabo
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Smith (FL)
Smith (NJ)
Snowe
St Germain
Stark
Stokes
Stratton
Studds
Swift
Synar
Torres
Torricelli
Towns
Traxler
Udall
Vento
Volkmer
Walgren
Waxman
Weaver
Weber
Weiss
Wheat
Wirth
Wise
Wolpe
Wyden
Yates
Zablocki

NOT VOTING—40

Barnard
Chappell
Coelho
Dannemeyer
de la Garza
Derrick
Dickinson
Dowdy
Downey
Early
Edgar
Ford (TN)
Forsythe
Franklin
Guarini
Hance
Hansen (UT)
Hartnett
Hatcher
Kazen
Kogovsek
Lowry (WA)
Luken
Lundine
Marriott
McCurdy
Molinari
Owens
Packard
Pashayan
Paul
Rose
Savage
Smith (IA)
Smith, Denny
Solarz
Sundquist
Whitten
Williams (MT)
Williams (OH)

□ 1810

The Clerk announced the following pairs:

On this vote:

Mr. Chappell for, with Mr. Lowry of Washington against.

Mr. Hance for, with Mr. Guarini against.

Mr. Franklin for, with Mr. Owens against.

Messrs. NEAL, DASCHLE, and RUSSO changed their votes from "aye" to "no."

Messrs. EDWARDS of Alabama, SLATTERY, PORTER, LEWIS of California, LIVINGSTON, NELSON of Florida, and MADIGAN changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1820

Mr. TAUZIN. Mr. Chairman, I ask unanimous consent to return to section 21 for the purpose of offering a noncontroversial amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUZIN:

SEC. 21. Section 3004 is amended by inserting the following at the end thereof:

(k) MINIMUM REQUIREMENTS FOR CERTAIN FACILITIES.—

(1)(A) Except as provided in subparagraph (B), each landfill or surface impoundment for which an application for a permit under section 3005(c) is received by the Administrator after the date of the enactment of the Hazardous Waste Control Enforcement Act of 1983 shall be required (as a condition of receiving such permit) to be double lined and to monitor ground water.

(B) With respect to each landfill or surface impoundment containing those solid wastes subject to the study required under section 8002 (f), (n), or (p) and which landfill or surface impoundment becomes subject to regulation under this subchapter, standards promulgated under subsection (A) for such facility shall require the monitoring of ground water and such other standards as the Administrator may determine are necessary to assure the protection of human health and the environment; and

Mr. TAUZIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Chairman, the amendment which I offer today corrects an oversight in section 21 of H.R. 2867, which establishes certain design and performance standards. As written, section 21 requires that newly permitted or repermitted landfills and surface impoundments receiving a hazardous waste be double lined, in addition to requiring ground water monitoring. When this requirement was agreed to in the Energy and Commerce Committee, on which I am privileged to sit, the potential implications of the double lining requirement to the American utility and mining industry—with its massive amounts of coal combustion byproducts and waste rock—were not considered.

As my colleagues may recall, the 1980 amendments to the Solid Waste Disposal Act (at section 3001(b)(3)(a) (i) and (ii)) deferred any hazardous waste regulatory coverage of coal combustion wastes and mining and mineral processing waste (solid wastes from the extraction, and processing of ores and minerals, phosphate rock, and overburden from uranium mining) until completion of EPA studies mandated under sections 8002 (f), (n), and (p). These amendments were adopted because it was generally acknowledged that there is an insufficient basis for declaring coal combustion wastes and mine wastes hazardous absent further study. The EPA studies are not expected to be completed until about October 1984.

Second, solid wastes from mining and mineral processing are, in comparison to other industrial wastes, of enormous volume and generally of lower toxicity, according to the Office of Technology Assessment Study. Mining and mineral processing wastes are primarily the crushed and granular rock remaining after the removal of the minerals. In a typical year, according to the American Mining Congress (AMC), approximately 1.75 billion tons of waste rock, tailings, and slag are produced, in comparison to other industries' estimated 40 million annual tons of regulated hazardous wastes. The Mining Congress also estimates that a typical underground mine producing 50,000 tons of mineral concentrate removes between 5,000 and 6,000 tons of rock a day. From this, 150 to 200 tons of mineral concentrate is produced. Similarly, a typical surface mine removes 100,000 tons of rock per day.

Given that the mineral content of ore can be as low as less than 1 percent of the ore, you have got a lot of ground rock to dump in a surface impoundment that may cover an area of 300 to 500 or more acres over the life of a mine. These disposal areas are necessarily close to the mining and milling facilities and frequently in rough terrain, unlike the much smaller sites that can be selected for other types of industrial landfills. In addition, mine sites vary from site to site in terms of the geology of the ore, the hydrology of the area, and climate. In short it will be impossible to determine whether mining and mineral processing wastes present any threat to the environment until the EPA study is completed next year.

We simply did not consider this in committee, and its clear that the sheer volume of this waste ore plus the generally rough terrain near mines would make a mandatory lining requirement impractical. We also ought to wait for the outcome of the EPA studies in this area before we legislate any specific design requirement.

Similarly, the byproducts from the combustion of coal and other fossil fuels are of very large volumes and of relatively low toxicity. Utilities annually produce approximately 70 million tons of coal combustion byproducts such as fly ash, bottom ash, slag, and flue gas emmissions. Out of necessity, much of these byproducts must be landfilled or placed in surface impoundments. While the study on these wastes has not been submitted by EPA to Congress, preliminary evaluations by DOE, in a separate study, indicate that, based on the EPA's EP toxicity test for inorganic materials, the coal wastes collected in their study are classified as nonhazardous. Therefore, it would be wiser to provide EPA with the flexibility it needs to determine the most appropriate, effective, and practicable approach to contain the particular hazardous waste, if it is so declared.

Consequently, this amendment retains the current language in section 21 requiring double lining and ground water monitoring in landfills and surface impoundments generally, but adds a paragraph to deal with landfills or surface impoundments containing coal combustion or mining and mineral processing wastes. Specifically, if the EPA study concludes that some of these landfills and impoundments should be regulated as hazardous waste sites under subtitle C, the amendment directs EPA to require ground water monitoring and issue standards for the landfill or impoundment, requiring appropriate and practicable measures that will protect human health and the environment.

This amendment has been reviewed by the gentleman from New Jersey (Mr. Florio), the gentleman from Ohio who sponsored section 21 in the committee (Mr. Eckart), and the gentleman from Alabama (Mr. Bevill), who sponsored the 1980 amendments—all of whom do not object to it. In addition, the EPA has informed the majority and minority staffs of the Energy and Commerce Committee that this is an acceptable and appropriate amendment.

I, therefore, urge its adoption.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I support the amendment, and the majority supports the amendment as desirable.

Mr. TAUZIN. I thank the gentleman.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, we have also reviewed the gentleman's amendment on this side, and we support it.

Mr. TAUZIN. I thank the gentleman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Louisiana (Mr. Tauzin).

The amendment was agreed to.

Mr. FLORIO. Mr. Chairman, I ask unanimous consent to return to title 25 for the purpose of offering amendments.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENTS OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Florio:

Page 2, line 4 after "(a)" insert "Short Title.—" and in line 6 after "(b)" insert Amendment.—".

Page 8, lines 18 and 19, strike out "Solid Waste Disposal Act Amendments of 1983" and substitute "Hazardous Waste Control and Enforcement Act of 1983".

Page 12, line 3, strike out "section 3004" and substitute "this section".

Page 15, line 8, strike out "subsection (d)(1)" and substitute "this paragraph".

Page 17, line 10, strike out the words "of promulgation".

Page 18, after line 2, insert:

(e) Corrections.—(1) In the first sentence of section 3006(g)(1) (as added by subsection (b) of this section) before "authorized" insert : "interim or finally".

(2) In the second sentence of section 3006(g)(1) (as added by subsection (b) of this section)—

(A) strike out "enforce" and substitute "carry out";

(B) strike out "(A)";

(C) insert "finally" before "authorized"; and

(D) strike out "requirement, or" and all that follows down through the end of paragraph (1) and substitute "requirement.".

(3) In the first sentence of section 3006(g)(2) (as added by subsection (b) of this section), strike out "is authorized" and substitute "has been granted interim or final authorization".

(4) In the second sentence of section 3006(g)(2) (as added by subsection (b) of this section) insert "shall" after "The Administrator" and strike out "enforcement" and substitute "administration".

Page 27, line 7, after "(A)" insert "(ii)".

Page 27, line 8, strike out "four-, five," and substitute "five-".

Page 27, strike out line 12 through 15.

Page 27, line 16, strike out "(ii)" and substitute "(i)".

Page 27, strike out line 19, and substitute "graph (A)(ii)), or"

Page 27, line 20, strike out "(iii)" and substitute "(ii)".

Page 29, lines 21 and 22, strike out "interest" and substitute "interests".

Page 34, line 22, insert a coma "handling".

Page 44, line 10, strike out "such date of enactment" and substitute "the date of such submission".

Page 44, beginning in line 13, strike out "granting" and all that follows down to the period in line 14 and substitute "such date of enactment".

Page 52, line 23, strike out "7007" and substitute "7006".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, these are purely technical amendments which are acquiesced in by the minority.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I will be happy to yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, these are technical amendments, the minority staff has gone over them, and they are appropriate amendments.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from New Jersey (Mr. Florio).

The amendments were agreed to.

□ 1830

Mr. WORTLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Hazardous Waste Control and Enforcement Act, H.R. 2867, because it is a balanced bill that offers a chance to assist our Nation's small business community while insuring a high level of environmental protection for the American people.

The measure reauthorizes the Resource Conservation and Recovery Act and substantially strengthens it in a number of important areas. It provides important new safeguards for human health and the environment, including a ban on most toxic wastes such as arsenic and cyanide; a ban on the underground injection of hazardous wastes into or above underground sources of drinking water; and a prohibition on the disposal of bulk liquids in landfills, an extremely dangerous practice. In addition, the bill requires the EPA to study specified hazardous wastes to determine whether they should be banned entirely from land disposal. It is incredible how his country has permitted hazardous wastes to be dumped without being checked.

The bill is fair to small business because it provides them sufficient time to become aware of the new regulations and comply with those regula-

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tions before being forced to satisfy large generator regulations. As we all know, the small business person does not have the extensive manpower, resources or time to even attempt to comply with large generator regulations. This bill takes the reasonable approach. In addition, the bill calls on the EPA to engage in education activities that will help small quantity generators learn what their new responsibilities are.

Again, I would just like to say that on balance this is a worthwhile bill that takes the proper action to insure a clean and safe environment and protect our small business community.

● Mr. KOLTER. Mr. Chairman, the Hazardous Waste Control and Enforcement Act of 1983 (H.R. 2867) accomplishes several very important objectives which improve upon the provisions in the Resource Conservation and Recovery Act of 1976 (RCRA). Most important is the recognition by supporters of this bill, that land disposal of hazardous waste poses a permanent threat to public health and the environment through ground water contamination, if such disposal goes unregulated. The bill addresses the groundwater contamination issue through provisions designed to reduce society's reliance on land disposal methods by encouraging the use of alternative technologies such as pretreatment to stabilize the waste or incineration.

The groundwater problem is also addressed through the extension of RCRA coverage to small quantity generators. These generators formerly were permitted to dispose of their waste into sanitary landfills or publicly owned treatment facilities. These facilities were not designed to handle hazardous waste or heavy metals.

Further the bill includes a provision which severely limits the underground injection of hazardous waste. It was the concern of Congress that this injection was occurring either into or above underground sources of drinking water.

Although this bill will cause some hardship to small quantity generators, it also has the support of some members of this group, such as the Neighborhood Cleaners Association, representing 10,000 dry cleaning establishments nationwide.

Congress in H.R. 2867 has recognized that in the case of hazardous waste, it is less costly for society to prevent environmental contamination than it is to clean up the problems after the damage is done. Thus the prevention approach avoids placing further burdens on the Superfund program.

The prevention approach also recognizes that in some cases of ground water contamination, the effect is permanent and it is prohibitively expensive to remove the toxic contaminants where the water is used as a drinking water supply. In this country about 50 percent of the population relies on ground water for their drinking water source, a statistic which underscores the urgent need for protection of ground water quality through the prevention of groundwater contamination.

This problem is of particular concern to me as a Pennsylvania where over 30 percent of the population relies on ground water for their drinking water. In my district we are also working on the Nation's third worst hazardous waste site: The Bruin Lagoon. This site is a potential threat to the health of the people living nearby and perhaps is more of a threat to people living downstream of the site. With the stringent provisions regulating the generation and land disposal of hazardous waste in H.R. 2867 as well as with the additional regulatory and enforcement authority available to the Environmental Protection Agency under this bill the creation of future Bruin Lagoons will be prevented and ground water quality will be protected.

● Mrs. COLLINS. Mr. Chairman, I rise in support of H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983.

Congressman FLORIO has correctly responded to the threats posed to safety by the explosive growth in the amount of hazardous materials in our transportation system. H.R. 2867 allows for the regulation of a host of new materials, including waste oil. The bill further defines the regulations covering the documentation, packaging, and labeling of dangerous cargoes.

In short, the transportation industry will have to carry a justifiably heavier regulatory burden. An additional burden, therefore, will have to be borne by regulatory agencies.

My Subcommittee on Government Activities and Transportation has spent the past 6 months performing oversight of the U.S. Department of Transportation's Bureau of Motor Carrier Safety. One of the major challenges facing the Bureau is the transportation of hazardous materials, including nuclear waste.

My subcommittee research addressed the effectiveness and efficiency of the Bureau. The BMCS is the primary agency responsible for enforcement of truck safety regulations.

As our upcoming investigative report will detail, the Bureau of Motor Carrier Safety is a paper tiger. It is not an adequate deterrent to the unsafe transport of hazardous cargoes. As more and more nuclear waste moves along our roads, the Bureau's meager resources will be strained. BMCS has fewer than 200 auditors nationwide. Its prosecution rate is poor. The Bureau does not keep track of carriers in its own records. It is poorly coordinated with State highway agencies and with the EPA.

The Bureau lacks the expertise it needs to be effective with the technical problems posed by radioactive materials.

I could give a much longer list of shortfalls in the Federal enforcement of transportation regulations. These standards will be very important when cargoes as volatile as hazardous waste are involved.

Congress has got to react to the increased movement of hazardous materials. The agencies responsible for public safety have to be given sufficient resources to enforce the law which H.R. 2867 strengthens.●

● Ms. KAPTUR. Mr. Chairman, I rise today in support of H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983. The bill reauthorizes and makes extensive amendments to strengthen the Resource Conservation and Recovery Act (RCRA), which mandates Federal and State regulations for control of hazardous waste. This legislation provides important new safeguards for human health and our environment.

Passage of H.R. 2867 will close several loopholes that exist in RCRA which have enabled hazardous waste to escape regulations and endanger the health of our people. This legislation will do the following: Ban any underground injection of hazardous wastes in or around drinking water supplies; ban the most toxic wastes from land disposal; prohibit expansion of any interim status facility by more than 10 percent; require EPA to list waste which contain dioxins; require stricter penalties for those who deliberately violate RCRA; and, broaden the rights of citizens to sue if they believe a hazardous waste facility presents an environmental threat.

Most of the disposal of hazardous waste is currently unregulated. Not only does improperly disposed waste threaten our air, surface water and drinking water, but it also endangers American lives. A 3-year study by the Office of Technology Assessment found that EPA regulations under RCRA do not assure consistent nationwide levels of protection for human health. It is quite apparent that current regulations must be strengthened to insure the safety of our citizens.

Mr. Chairman, H.R. 2867 is one of the most important environmental bills that the House will consider. By strengthening the current hazardous waste regulations, we can begin to restore the trust of the American people. We can show a concerned and fearful populace that Congress is staunchly committed to protecting them from hazardous waste. I urge my colleagues to join me in support of the Hazardous Waste Control and Enforcement Act.●

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore. (Mr. FOLEY) having assumed the chair, Mr. KILDEE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2867) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes, pursuant to House Resolution 274, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. FLORIO. Mr. Speaker, I demand a separate vote on the so-called Levitas amendment.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. FLORIO) demands a separate vote on the Levitas amendment, and the Clerk will report the amendment.

The Clerk read as follows:

Amendment: Page 59, insert after line 4 the following:

SMALL QUANTITY GENERATOR WASTE RULES

SEC. 26. (a) CONGRESSIONAL APPROVAL.—Section 3010 is amended (1) by striking out "The" in subsection (b) and inserting in lieu thereof "Except as provided in subsection (c), the", and (2) by adding at the end the following:

"(c) SMALL QUANTITY GENERATOR WASTE RULES.—(1) The Administrator shall, after promulgating a final rule under this subtitle respecting hazardous waste from a small quantity generator referred to in section 3001(d), submit such final rule to the Congress for review in accordance with this subsection. Such final rule shall be delivered to each House of the Congress on the same day and to each House of Congress while it is in session.

"(2)(A) A final rule referred to in paragraph (1) which is a major rule shall be treated, for purposes of section 3001(d), as not having been promulgated and may not take effect unless a joint resolution approving such rule has been enacted.

"(B) For purposes of subparagraph (A):

"(i) The term 'joint resolution' means a joint resolution of the Congress which states the following after the resolving clause: 'That the Congress approves the final rule promulgated by the Administrator of Environmental Protection Agency under subtitle C of the Solid Waste Disposal Act respecting hazardous waste from a small quantity generator referred to in section 3001(d) of the Solid Waste Disposal Act and transmitted to the Congress on .', with the blank space being filled in appropriately.

"(ii) the term 'major rule' means a rule promulgated by the Administrator under subtitle C of the Solid Waste Disposal Act with respect to hazardous waste from a small quantity generator referred to in section 3001(d) of the Solid Waste Disposal Act and which has an annual economic impact of $100,000,000 or more.

"(C)(i) Enactment of a joint resolution with respect to a final rule of the Administrator shall not be construed to create any presumption of validity with respect to such rule and shall not affect the review of the rule under chapter 7 of title 5, United States Code.

"(ii) Congressional inaction on, or rejection of, a joint resolution under this subsection disapproving a final rule of the Administrator shall not be construed as an expression of approval of such final rule and shall not be construed to create any presumption of validity with respect to such final rule.

"(3)(A) Any final rule of the Administrator referred to in paragraph (1) which is not a major rule shall become effective in accordance with subsection (b) unless—

"(i) before the end of the period of thirty-five calendar days of continuous session of Congress after the date such final rule is submitted to the Congress, a joint resolution disapproving such final rule is introduced in either House; and

"(ii) before the end of the period of ninety calendar days of continuous session after the date such final rule is submitted to the Congress, a joint resolution disapproving such final rule is enacted.

"(B)(i) For purposes of this paragraph, continuity of session is broken only by—

"(I) an adjournment sine die at the end of the second regular session of a Congress, and

"(II) an adjournment by either House of Congress of more than five days to a date certain.

"(ii) If—

"(I) an adjournment sine die of the Congress which breaks the continuity of session (as specified in subparagraph (B)(i)) occurs after the Administrator has submitted a final rule under paragraph (1), but before any action necessary to disapprove the final rule is completed under this paragraph, and

"(II) such adjournment occurs (I) before the end of the period specified in subparagraph (A)(i), in a case in which a joint resolution disapproving such final has not been introduced before such adjournment, or (II) before the end of the period specified in subparagraph (A)(ii), in a case in which such a joint resolution has been introduced in either House before such adjournment,

then the Administrator shall resubmit such final rule at the beginning of the first regular session of the next Congress. The periods specified in subparagraph (A) shall begin on the date of such resubmission.

"(C) For purposes of this paragraph, the term 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: 'That the final rule promulgated by the Administrator under subtitle C of the Solid Waste Disposal Act respecting hazardous waste from a small quantity generator referred to in section 3001(d) of the Solid Waste Disposal Act and transmitted to the Congress on is disapproved, with the blank being filled with the date of submittal of the rule to the Congress.

"(D) If a final rule of the Administrator is disapproved under this paragraph, the Administrator may promulgate another final rule which relates to the same subject as the rule which was disapproved. Such other final rule—

"(i) shall be based upon—

"(I) the rulemaking record of the disapproved final rule; or

"(II) such rulemaking record and the record established in any supplemental rulemaking proceedings conducted by the Administrator in accordance with section 553 of title 5, United States Code, in any case in which the Administrator determines that it is necessary to supplement the existing rulemaking record; and

"(ii) may contain such changes as the Administrator considers necessary or appropriate.

"(E) The Administrator, after promulgating a final rule under subparagraph (D), shall submit the final rule to Congress in accordance with paragraph (1).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to final rules promulgated by the Administrator of the Environmental Protection Agency under the Solid Waste Disposal Act after the date of the enactment of this Act.

Mr. FLORIO (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. LEVITAS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LEVITAS. Mr. Speaker, the parliamentary inquiry is this: Is the amendment that we are about to vote on the same amendment that the Committee last adopted?

The SPEAKER pro tempore. The Chair will state that the amendment we are now voting on is the so-called Levitas amendment, since a separate vote was demanded by the gentleman from New Jersey (Mr. FLORIO).

The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 189, nays 204, not voting 40, as follows:

[Roll No. 452]

YEAS—189

Albosta
Alexander
Andrews (NC)
Anthony
Applegate
Archer
Badham
Bartlett
Bateman
Bereuter
Bethune
Bevill
Bilirakis
Bliley
Boner
Breaux
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Corcoran
Coughlin
Craig
Crane, Daniel
Crane, Philip
Daniel
Daub
Davis
DeWine
Dorgan
Dreier
Duncan

Dyson
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Fiedler
Fields
Flippo
Frenzel
Fuqua
Gekas
Gilman
Gingrich
Goodling
Gramm
Gregg
Gunderson
Hall, Ralph
Hammerschmidt
Hansen (ID)
Hefner
Hightower
Hiler
Hillis
Holt
Hopkins
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Jenkins
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McDade
McEwen
Michel
Miller (OH)
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Nelson
Nichols
Nielson
Nowak
O'Brien
Olin
Oxley
Parris
Patman
Petri
Porter
Pritchard
Pursell
Quillen
Rahall
Ray
Regula
Ridge
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Rowland
Rudd
Sawyer
Schaefer
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (NE)
Smith, Robert
Snyder
Solomon
Spence
Spratt
Stangeland
Stenholm
Stump
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Vandergriff
Vucanovich
Walker
Watkins
Whitehurst
Whitley
Whittaker
Wilson
Winn
Wolf
Wortley
Wright
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NAYS—204

Ackerman
Addabbo
Akaka
Anderson
Andrews (TX)
Annunzio
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Biaggi
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Bryant
Burton (CA)
Carper
Carr
Clarke
Clay
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Courter
Coyne
Crockett
D'Amours
Daschle
Dellums
Dicks
Dingell
Dixon
Donnelly
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Florio
Foglietta
Foley
Ford (MI)
Fowler
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gore
Gradison
Gray
Green
Hall (IN)
Hall (OH)
Hall, Sam
Hamilton
Harkin
Harrison
Hawkins
Hayes
Heftel
Hertel
Horton
Howard
Hoyer
Hughes
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kennelly
Kildee
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Long (LA)
Long (MD)
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Oakar
Oberstar
Obey
Ortiz
Ottinger
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rangel
Ratchford
Reid
Richardson
Rinaldo
Rodino
Roe
Rostenkowski
Roukema
Roybal
Russo
Sabo
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Smith (FL)
Smith (NJ)
Snowe
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Torres
Torricelli
Towns
Traxler
Udall
Vento
Volkmer
Walgren
Waxman
Weaver
Weber
Weiss
Wheat
Williams (MT)
Wirth
Wise
Wolpe
Wyden
Yates
Zablocki

NOT VOTING—40

Barnard
Chappell
Coelho
Dannemeyer
de la Garza
Derrick
Dickinson
Dowdy
Downey
Early
Edgar
Fish
Ford (TN)
Forsythe
Franklin
Guarini
Hance
Hansen (UT)
Hartnett
Hatcher
Kazen
Kogovsek
Lowry (WA)
Luken
Lundine
Marriott
McCurdy
Molinari
Owens
Packard
Pashayan
Paul
Rose
Savage
Smith (IA)
Smith, Denny
Solarz
Sundquist
Whitten
Williams (OH)

☐ 1840

The Clerk announced the following pairs:

On this vote:

Mr. Chappell for, with Mr. Lowry of Washington against.

Mr. Hance for, with Mr. Guarini against.

Mr. Franklin for, with Mr. Owens against.

Mr. STAGGERS changed his vote from "nay" to "yea."

Mr. STAGGERS changed his vote from "yea" to "nay."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

☐ 1850

GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1234, HAZARDOUS WASTE CONTROL AND ENFORCEMENT ACT OF 1983

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical and conforming changes, changes in section numbers, paragraphs and punctuation in the engrossment of the bill (H.R. 2867) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERSONAL EXPLANATION

Mr. GARCIA. Mr. Speaker, I mistakenly voted for funding for the MX during Tuesday's consideration of DOD appropriations. I voted against Chairman ADDABBO's amendment that would have deleted funds for the MX, roll call vote No. 439.

I have consistently voted against MX funding, and it was not my intention to change my position. I believe the MX is an inappropriate way to maintain our defenses. I am also a supporter of the nuclear freeze. In addition, it is my firmly held belief that money intended for the MX would be better used to help the needy of this Nation.

One final point. It struck me that my vote on Tuesday was a result of human error. Luckily, it was not the decisive vote, and that my record will bear out my statement. But the point is clear, we are all capable of making errors. This makes me wonder what happens if, by human error, a nuclear device is detonated. I pray this will never be the case, and I am certain there are ample safeguards against such an accident. I do not think we need necessarily go home tonight and worry about it.

I do, however, believe we must take into consideration human error and the possibility of such a disaster as we continue to develop and deploy nuclear arms. I may made a mistake in my vote, but I have not changed my position: the nuclear arms race must end now. Further funding for the MX is the real mistake.

PROVIDING FOR CONSIDERATION OF H.R. 2114, AUTHORIZING APPROPRIATIONS FOR MARITIME PROGRAMS OF DEPARTMENT OF TRANSPORTATION, 1984

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 352 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 352

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2114) to authorize appropriations for the fiscal year 1984 for certain maritime programs of the Department of Transportation, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendments recommended by the Committee on Merchant Marine and Fisheries now printed in the bill inserting new sections 2 and 3, and all points of order against said amendments for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After passage of H.R. 2114, the Committee on Merchant Marine and Fisheries shall be discharged from the further consideration of the bill S. 1037, and it shall then be in order in the House to move to strike out all after the enacting clause of the said bill and to insert in lieu thereof the provisions contained in H.R. 2114 as passed by the House.

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) is recognized for 1 hour.

Mr. FROST. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Mississippi (Mr. LOTT), for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 352 is an open rule providing for the consideration of H.R. 2114 which provides authorization for certain maritime programs of the Department of Transportation.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. The rule also provides that during consideration of the bill for amendment under the 5-minute rule, it shall be in order to consider the amendments recommended by the Committee on Merchant Marine and Fisheries now printed in the bill which insert new sections 2 and 3. Section 2 requires the Secretary of Transportation to pay the costs of fuel used by State Merchant Marine Academies on their training vessels and section 3 places restrictions on the admission of U.S. flag vessels constructed with Federal subsidies into the domestic trade of the United States. Since these two committee amendments were not germane to the introduced authorization, the Committee on Rules has provided a waiver of clause 7, rule XVI, the germaneness rule, to permit their consideration.

The rule provides for one motion to recommit and in addition provides that after passage of H.R. 2114, the Committee on Merchant Marine and Fisheries shall be discharged from the further consideration of S. 1037, the companion bill to H.R. 2114, and that it shall then be in order in the House to move to strike out all after the enacting clause of S. 1037 and to insert in lieu thereof the provisions of H.R. 2114 as passed by the House.

Mr. Speaker, in addition to the provisions of sections 2 and 3 which I have outlined, H.R. 2114 provides authorizations of $486.8 million for the maritime programs of the Department of Transportation during fiscal year 1984. The bulk of these authorizations, or $401 million, are authorized for payment to owners of ships that operate in foreign trade under the U.S. flag and with American crews. These operating differential subsidies are needed to maintain an adequate U.S. merchant marine fleet which could be mobilized if needed for the defense of the United States and the $401 million represents the amount requested by the administration.

Mr. Speaker, House Resolution 352 is a straightforward open rule which provides for the consideration of authorizations most important to U.S. trade and national defense. I urge adoption of the resolution so that the House may proceed to the consideration of this legislation.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Texas has done an excellent job in describing this rule.

Mr. Speaker, this rule would make in order consideration of H.R. 2114, which would authorize programs of the Department of Transportation for fiscal year 1984. These programs would provide for the development and maintenance of an American merchant marine and for defense requirements.

The resolution provides for an open rule with 1 hour of general debate. After general debate, the bill is open for amendment under the 5-minute rule. Amendments recommended by the Merchant Marine Committee have been made in order, and clause 7 of rule 16, which is the germaneness rule, has been waived against these amendments. The rule provides for no other motion, except one motion to recommit. After passage of the bill, S. 1037 shall be discharged from the Merchant Marine Committee, and a motion shall be in order to strike out all after the enacting clause in S. 1037 and insert the House-passed bill.

Mr. Speaker, I have no objections to the rule. However, I do feel that perhaps the Merchant Marine Committee is acting too quickly in offering an amendment that would, in effect, kill a proposal of the Department of Transportation. The Department has proposed that ships built with construction differential subsidies be allowed to repay these subsidies with interest in exchange for being allowed to enter domestic trade. Under current law, subsidized vessels are not allowed to operate in domestic trade. The vessels involved are U.S. vessels, built in U.S. shipyards, owned by U.S. citizens and manned by U.S. crews.

The proposal would allow repayment of about $200 million, which would go directly into the U.S. Treasury. It would possibly result in increased competition in the domestic oil trade and lower oil transportation costs. This would indicate that the proposal might be in the long-term best interest of this country.

I understand that committee action was based on 1 day of hearings. Perhaps we might be well advised to study this proposal in more detail.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1900

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON GOVERNMENT OPERATIONS

The SPEAKER pro tempore (Mr. MOODY) laid before the House the following communication from the chairman of the Committee on Government Operations:

COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., November 3, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L (50) of the Rules of the House, that Ronald Kader, an employee of the General Accounting Office who had been detailed to the House Committee on Government Operations, has been served with two subpoenas issued by the Merit Systems Protection Board of the Office of Personnel Management. I have been informed that the subpoenas seek to elicit testimony regarding Mr. Kader's service to this committee. I will, therefore, in consultation with the General Counsel to the Clerk of the House, make the determinations as required by Rule L (50).

Sincerely,

JACK BROOKS, *Chairman.*

MISSING CHILDREN

(Mr. SIMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIMON. Mr. Speaker, the Nation recently has started to come to grips with the problem of its missing children—the estimated 50,000 children who disappear each year who are not runaways. Between 4,000 and 8,000 of these children are later found dead.

Only the parent of a missing child can know the frustration of learning how little our Government is able to help in the search for a missing son or daughter. Parents like John and Revé Walsh and Julie and Stan Patz have brought this tragic situation to public knowledge.

Last year, through enactment of the Missing Children Act, we plugged a glaring loophole in the use of the FBI's central crime computer which to that point had been used effectively only to track stolen automobiles, but only sparingly to track stolen children.

That was a remedial step—something which should have been done years ago.

Mr. Chairman, this year we propose a second Missing Children Act—a phase 2 bill which would be the first step toward a national policy on missing children. Search efforts involving missing children have two basic problems: They are launched too late, and they are doomed by too little information. This bill is an attempt to get at both problems. This is the beginning of an early warning system for missing children.

I hope the Members will join my colleagues IKE ANDREWS, AUSTIN MURPHY, LAWRENCE SMITH, DAN MARRIOTT, CLAY SHAW, VIC FAZIO, and others as we press for action.

PERSONAL EXPLANATION

(Mr. MITCHELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MITCHELL. Mr. Speaker, unfortunately, on the 26th of last month I was admitted to Bethesda Naval Hospital, and I have been out for about 10 days. This caused me to miss some very, very important votes.

When I first came to this Congress, high on my priorities was an attempt to stem the growing trend of militarism in this Nation and also an attempt to try to cut down on the kind of military spending that we were doing. Because of my hospitalization, I was forced to miss votes on the B1 bomber, on our troops in Grenada, on the issue of Lebanon, and on many, many other issues that are very important to me both personally and legislatively.

Therefore, I want to submit for the RECORD an explanation of how I would have voted on those pieces of legislation. I regret that I was not here physically to vote against the B-1 bomber and other bad measures contained in the DOD bill. However, I was paired on most of the more important pieces of legislation.

WEDNESDAY, OCTOBER 26, 1983

Agriculture Appropriations: House disagreed to the Senate amendments to H.R. 3223, making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1984; and agreed to a conference. Appointed as conferees: Representatives WHITTEN, TRAXLER, MCHUGH, NATCHER, AKAKA, WATKINS, HIGHTOWER, SMITH of Iowa, ALEXANDER, SMITH of Nebraska, ROBINSON, MYERS, ROGERS, and CONTE. No objection.

Capitol Police: H. Res. 343, providing for ungrading of four positions on the Capitol Police for duty under the House of Representatives. Yes (no objection).

Transfer of Submarine *Albacore:* S. 1944, to allow the obsolete submarine United States Ship *Albacore* to be transferred to the Portsmouth Submarine Memorial Association, Incorporated, before the expiration of the otherwise applicable sixty-day congressional review period. H.R. 3980, a simlar House bill, was laid on the table. Yes (no objection).

DOD Appropriations: H.R. 4185, making appropriations for the Department of Defense for the fiscal year ending September 30, 1984:

An amendment that adds $87.7 million to the military operation and maintenance accounts: No.

An amendment that increases funds for Army aircraft procurement by $81.7 million: No.

An amendment that provides $37.3 million for the Stringer program: No.

An amendment that provides that the $218 million for the FFG-7 guided missile frigate program be derived from within the Navy shipbuilding account; No.

An amendment that sought to strike funds for procurement of the Pershing II: Aye.

An amendment to the previous amendment that sought to provide an additional $80 million for the MCM mine countermeasures ship program: Aye.

National Theatre Week: H.J. Res. 292, designating "National Theatre Week"—With an amendment that authorizes the President to issue a proclamation. Yes (no objection).

Drug Abuse Education Week: Res. 57, to designate the week of April 3 through April 9, 1983, as "National Drug Abuse Education Week" With an amendment that changes the designated week to the week of November 2 through November 9, 1983.

Agreed to amend the title. yes (no objection).

Family Week: S.J. Res. 45, designating the week of November 20, 1983, through November 26, 1983, as "National Family Week". Yes (no objection).

Diabetes Month: S.J. res. 121, to designate November 1983 as National Diabetes Month. Yes (no objection).

Treasury-Postal Service Appropriations: H.R. 4139, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1984: Yes.

An amendment that strikes language prohibiting use of funds to implement tax provisions dealing with withholding of interest and dividends: No.

An amendment that permits expenditure of funds to implement the instructions concerning ingredient labeling on alcoholic beverages, if necessary to comply with a final order of the Federal court system: Yes.

An amendment that amends the contracting out provisions to prohibit use of GSA funds to contract out services now performed by any veteran employed by GSA and provides that priority in contracting by GSA and provides that priority in contracting out be given to nonprofit agencies for the blind or severely handicapped: Yes.

An amendment that prohibits use of funds to pay for abortions, except where the life of the mother would be endangered if the fetus were carried to term, or administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverages for abortions: No.

An amendment that sought to strike language prohibiting use of funds by OMB to review agricultural marketing orders: No.

A motion that the Committee of the Whole rise: Aye.

Export Administration Act Amendments: H.R. 3231, to amend the authorities contained in the Export Administration Act of 1979.

Motions to recommit the bill to the Committee on Foreign Affairs with instructions to report it back forthwith containing an amendment to retain the President's authority to impose extraterritorial foreign policy controls: Aye.

An amendment, that sought to eliminate United States export licensing controls for low technology items exported to non-Communist countries and to provide for final review of an export license application high technology sales to a CoCom country: No.

Amendment in the nature of a substitute. No objection.

An amendment that prohibits all new investments in South Africa by United States firms or individuals: Yes.

An amendment that prohibits importation of gold coins from the Soviet Union. No objection.

FRIDAY, OCTOBER 28, 1983

Committee on Armed Services—Domestic Volunteer Service: H.R. 2655, to extend and improve the Domestic Volunteer Service Act of 1973: Yea.

Agreed to the committee amendment in the nature of a substitute. No objection.

An amendment that continues Foster Grandparent eligibility for individuals whose incomes do not exceed the poverty level; No objection.

An amendment that strikes language authorizing the speaker to fill vacancies on the National Advisory Committee on Juvenile Justice and Delinquency Prevention when the President fails to make such appointments. No objection.

An amendment that sought to strike language providing authorization floors for VISTA. No.

MONDAY, OCTOBER 31, 1983

State-Justice Appropriations: H.R. 3222, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984:

A motion, as amended to instruct conferees to insist on the House position on Senate amendment numbered 93 relating to funding for the Juvenile Justice program; and to insist that funds be appropriated for the Endowment for Democracy, prohibiting use of those funds with respect to political parties: Nay.

The previous question on the motion to instruct conferees to insist on the House position on Senate amendment numbered 93: Nay.

Water Resources Research Act: H.R. 2911, amended, to authorize an ongoing program of water resources research. Subsequently, this passage was vacated and S. 684, a similar Senate-passed bill, was passed in lieu after being amended to contain the language of the House bill as passed. Agreed to amend the title of the Senate bill: In favor.

Oceans Policy Commission: H.R. 2853, amended, to establish a National Oceans Policy Commission to make recommendations to Congress and the President on a comprehensive national oceans policy: In favor.

Ocean Dumping Act amendments: H.R. 1761, amended, to amend title I of the Marine Protection, Research, and Sanctuaries Act of 1972; and

Wetlands Loan Act extension: H.R. 2395, amended, to extend the Wetlands Loan Act: In favor.

TUESDAY, NOVEMBER 1, 1983

Committee Funds: H. Res. 342, increasing the maximum amount which the Committee on Post Office and Civil Service may allocate for consultant services out of funds currently available to such committee from the contingent fund of the House for investigations and studies: In favor.

H. Res. 347, providing amounts from the contingent fund of the House for continuing expenses of investigations and studies by standing and select committees of the House from Janauary 3, 1984, through March 31, 1984: In favor.

Librarian of Congress Study: Con. Res. 59, to authorize the Librarian of Congress to study the changing role of the book in the future.

Agreed to amend the preamble: In favor.

Highway Emergency Assistance: An amendment, to the Senate amendment to H.R. 3103, to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000: In favor.

Suspensions: Belle Fourche project: S. 448, amended, to authorize rehabilitation of the Belle Fourche irrigation project: In favor.

War Powers Resolution: H.J. Res. 402, declaring that the requirements of section 4(a)(1) of the War Powers Resolution became operative on October 25, 1983, when United States Armed Forces were introduced into Grenada: In favor.

DOD Appropriations: H.R. 4185, making appropriations for the Department of Defense for the fiscal year ending September 30, 1984;

An amendment that appropriates $110 million for procurement of additional weapons and tracked combat vehicles for the Army: No.

An amendment that sought to delete the multi-year procurement funds for the B-1B bomber: Aye.

TUESDAY, NOVEMBER 2, 1983

DOD Appropriations: H.R. 4185, making appropriations for the Department of Defense for the fiscal year ending September 30, 1984.

On final passage: Nay.

An amendment (by Representative Long) to prohibit the use of funds for the Marine peacekeeping force in Lebanon after March 1, 1984, unless the Congress adopts a concurrent resolution which contains the following findings:

(1) that the President has defined a clear and realistic mission for the U.S. armed forces stationed in Lebanon; (2) that the President has established a set of policy goals in Lebanon that are achievable and has a clear agenda for reaching those goals; and (3) that security arrangements for U.S. forces in the area have been upgraded to the maximum extent possible: Yea.

A motion (by Representative Edwards, Alabama) to rise and report the bill to the House: Nay.

PERSONAL EXPLANATION

Mr. RITTER. Mr. Speaker, I was unavoidably absent at the time of the vote on H.R. 1234. Had I been here I would have voted in strong support of H.R. 1234.

Mr. Speaker, I ask unanimous consent that my statement appear in the permanent Record.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

A CALL FOR RATIONAL RESPONSIBLE ACTION ON IMF-HOUSING-EXIM-MDB LEGISLATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. St Germain) is recognized for 10 minutes.

Mr. ST GERMAIN. Mr. Speaker, four major pieces of legislation which vitally affect the domestic economy and international financial stability await final action in these closing weeks of the first session.

All four—funding for the International Monetary Fund, Export-Import Bank, the various multilateral development banks and housing—have passed the House.

Key elements of the package have not passed the Senate, and it is becoming increasingly apparent that the administration cannot decide whether it wants to participate in the legislative effort or whether its preference is for ideological debate.

If the IMF-Housing-Exim-MDB legislation is to succeed it must move as a package. This is not a question of holding any part of the package "hostage" as some have suggested. Rather, it is an absolute necessity if we are to gather and hold the votes for four very difficult—and not overly popular—pieces of legislation. To ignore these political facts of life is to imperil the entire package and each of its parts. Each provides essential political glue that holds the package together. Surely even the most imprecise and naive among this city's vote counters can understand the fragile nature of the coalition surrounding the IMF-housing package.

None of us will get everything we want out of this package—neither the House, the Senate, nor the administration. But, we can—if the administration will leave the philosophical and ideological debates for the Heritage Foundation—come up with a sane, rational, and responsible compromise that will serve the public interest across a broad front.

We on the House Banking Committee—majority and minority—have met with our Senate counterparts since September in an effort to reach just such a compromise. While he may not agree on many points, Senator Garn has cooperated and he, too, seeks a rational compromise that can send this package to the President before the end of the session. Both Senator Garn and I have instructed our staffs to work on all the nitty-gritty details, the paperwork, the identification of key issues necessary in preparation for a conference. We are in a position to move and move quickly if we can reach a conference.

The hangup—I am sorry to report—is the administration. It has not given the green light for Senate action on a meaningful housing bill.

We have met with OMB Director David Stockman. We hope to meet with him again very soon. To date, the idea that the Federal Government should have a role in the production of low- and moderate-income housing troubles Mr. Stockman. We are back to the old 1981 call for hard-nosed philosophical "dig-in-the-heels" approaches that ignore all economic and human needs involved in the issue.

This time the Stockman approach not only imperils the hopes of low- and moderate-income families, but the stability of the international financial system. It is not a responsible position in a critical hour for both the domestic and international economy.

Mr. Speaker, the intransigence of the administration on housing is particularly disappointing in the face of our efforts to pare down and compromise the housing legislation. The committee orginally passed a bill calling for $24.3 billion in authorizations for housing programs. On the floor, we amended the bill—on the Democrats' own initiative—to cut the funding to $15.6 billion to make certain that it was within the budget resolution. And we recognize that we must face an equitable give and take when we ultimately—and hopefully—sit down in conference with the Senate.

We have leaned over backward on housing—despite overwhelming needs in this area—in an effort to move this package, only to face an administration that says it is all for naught. "Remove the heart and we'll let the patient live," is the word from OMB.

Such an attitude clearly throws chilling water on the hopes for Senate action and any kind of conference that could produce an acceptable result.

Mr. Speaker, I commend my colleagues on the Banking Committee and throughout the House for their patience and support during this long hard effort to produce an IMF-housing package. For Democrats, who have provided the overwhelming majority for the IMF bill, it has been a trying and frustrating year.

Let me assure you, having this administration as a partner in a high-wire legislative act leaves a whole lot to be desired.

Last year, all of us assumed that an IMF bill would be needed. But in August 1982, the administration started sending signals that we need not worry about such problems.

On August 30, 1982, the Wall Street Journal reported: "The Reagan Administration, reluctant to enlarge the IMF resources at all, is seeking to hold any increase to a minimum."

"U.S. Takes Dim View of a Major Increase in the IMF Quotas," a headline in the Washington Post read. "Reagan Rejects IMF Doubling of Quotas," read another.

During 1982, the administration's position, enunciated through various columnists, interviews, and official statements, ranged from opposition to minimal increases. Finally isolated as the only reluctant nation among the Western industrial countries, the United States finally climbed aboard at the annual IMF meeting in Toronto in September. But, the message was clear—the Reagan administration was a reluctant, grudging, and foot-dragging supporter of additional funds for the IMF.

This message was not lost on the world or on the U.S. Congress. Hardly an auspicious beginning for what was certain to be a tough, grinding legislative battle to get any increase.

But, on November 15, 1982, the Treasury Department—acting as if it had never had another position—came roaring to the Hill with an urgent letter demanding post-haste that the Congress hand over $8.4 billion of new funding for the IMF. Most of us were just back in town after hearing our Republican opponents denounce us time after time in political commercial after political commercial as dastardly big spenders. It was an ironic message from an administration that had told the world that it wasn't happy over new IMF quotas and had lectured the Congress ad nauseam on the sins of increasing spending for anything but weapons systems.

Despite this, we scheduled early hearings for December and started what we knew would be a long and difficult process of exploring the issues and trying to answer the questions we knew the House would ask if the legislation reached the floor.

Throughout this process, we tried to explain to the administration lobbyists that the votes were not there and that the Reagan forces would have to push hard to maximize the Republican support—support that had not been there for earlier IMF quota increases. We received lots of bland assurances and even more insistence that we leap forward and force the bill to an early vote. The administration's nose counts were anywhere from bad to atrocious misreadings.

The administration failed miserably to rally its own troops to either block crippling amendments or to support the bill on final passage. In the end, only 72 Republicans supported IMF, and the majority side had to work like the devil to provide the margin with 145 Democrats voting for the President's package. When the dust cleared, we had a six-vote margin thanks to the Democrats.

No sooner had we survived that perils of Pauline experience than the Republican Campaign Committee decided that the IMF bill was fertile ground for partisan games. Suddenly, we found key Democratic supporters of the IMF bill attacked in scurrilous Republican campaign releases for supporting the positions of the Republican President on the issues.

Here were the Democrats under attack as somehow aiding "Communist dictatorships" by providing the President badly needed votes to keep the IMF bill intact. With all the difficulty we had faced in putting that coalition together it was unbelieveable that the President and his administration would allow such outlandish back alley political tactics to rip it apart.

It took the President 2½ long months to face up to the damage his party had inflicted on his own bill and to write a letter recognizing that fact to the Democrats. It was not a particularly gracious letter, but it did provide some surcease albeit not commensurate with the viciousness of the original attack.

Again, in the spirit of reaching a compromise, I think most Democrats are willing to accept the President's letter and put this issue behind us. Again, the Democrats walk the extra mile because the legislation is needed.

Now, we face the issue of a critically needed housing bill. We are faced with an administration that apparently will not even let the bill out of the Senate, not even walking that first mile with us. We have compromised already on this bill. We know we face additional compromises as we move toward a final conference report. We are realistic, but at the moment we face what amounts to an all-or-nothing attitude from OMB on the substantive issues.

As I have indicated, the six-vote margin to pass the IMF bill on August 3 was difficult—to understate the problems—to put together. Many Democrats, who otherwise would have felt quite comfortable in opposing the IMF, went along with the President because they felt there were good reasons to believe that we would see a housing bill and that the administration would not pull last-minute tricks to block it. Some have been very straightforward with me. "No housing bill and you lose my vote on the IMF conference report."

I felt confident—as did my colleagues—that we would have a housing bill for the IMF package and that we could, thus, hold these votes.

At the time the IMF bill was up we were aware of the encouraging statements that had been made on the floor of the Senate.

On June 21, 1983, the Senate had called up S. 1338, the Senate Banking Committee's proposed housing authorization bill. Although the bill was pulled the same day, the Senate immediately thereafter proceeded to pass the HUD appropriation bill for fiscal 1984 and we remained encouraged over the prospects of the Senate passing a housing authorization bill. Our optimism was based on a colloquy which took place June 21, 1983, on the Senate floor between Senate majority leader, Mr. BAKER, and Senator RIEGLE. Mr. RIEGLE asked the majority leader what his intentions were for further consideration of S. 1338. The majority leader replied that it was his intention to ask the Senate to complete action on S. 1338. This position was reiterated by the majority leader in a response to Senator TOWER, chairman of the Senate Banking Committee's Subcommittee on Housing.

□ 1910

The SPEAKER pro tempore. The gentleman will suspend.

The Chair will advise that under the rules of the House reference to debate in the other body is not proper.

Mr. ST GERMAIN. Not even if it is obtrusely referred to?

The SPEAKER pro tempore. The gentleman may proceed under that assumption.

Mr. ST GERMAIN. Mr. Speaker, I merely would like to state that it has been reiterated on many occasions on the floor of the Senate that indeed there would be consideration of a housing bill.

Now, Mr. Speaker, I hope this commitment will be kept. I hope the President will encourage that it be kept. I hope the President will consider the IMF package much more important than some of the ideological arguments that have come forth from the administration.

The Democrats in this House have done all they can do. They have done a great deal more than their share.

My colleagues, and I say this not only to you but I hope it reaches down to the White House on Pennsylvania Avenue, it is indeed time for the President and his party to share the burdens and the compromises.

Let us walk hand in hand down this very difficult path; we have a goal to achieve. Working together I feel we can do so for the very, very best interests of the future of this country and of the world.

CREATING A BIPARTISAN COMMISSION TO REDUCE THE FEDERAL BUDGET DEFICIT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. AuCOIN) is recognized for 60 minutes.

Mr. AuCOIN. Mr. Speaker, my colleague from Ohio (Mr. WYLIE) and I have taken this time to call for the passage of our resolution creating a bipartisan commission to reduce the Federal budget deficit.

Mr. Speaker, because of our projected $200 billion deficits, the National Association of Home Builders designated November 2, as D-Day—Deficit Day—to stress the need for bipartisan action on the budget deficit. They support the AuCoin-Wylie Budget Commission Resolution.

And for good reason. As long as the U.S. Treasury has to spend at least $400 million every working day to finance the deficit, it will do so by by robbing business and interest-sensitive sectors of our economy of credit at affordable rates and that is bound to kill a strong economic recovery.

Credit-sensitive industries understand only too well the connection between excessive Federal borrowing and high interest rates. Deficit spending has driven up interest rates, which have in turn devastated the automobile industry, the housing industry, the wood products industry, and other credit-sensitive businesses.

If we do nothing on this problem, if we fail to act, the Congressional Budget Office estimates that a staggering $1.3 trillion will be added to the deficit over the next 5 years. That amounts to a national debt of over $3 trillion, and interest payments of almost $150 billion.

We can repeal lots of laws, Mr. Speaker, but we cannot repeal basic economic law. If Government borrowing continues to sponge up more than half the total savings pool in this country, only one thing can happen—the price of money will move beyond the reach of the average citizen. Interest rates will rise and the private sector will be crowded out. That means homebuyers, that means builders, that means consumers, that means small business owners, and that means unemployment.

We already have had a glimpse of the deficit's dampening effects on economic recovery. Housing starts are suppressed. Our balance of trade is so lopsided that the trade deficit is estimated to be around $70 billion for this year, almost $100 billion next year.

Do we want to see more? I do not think so. But by continuing to stick to our present course we are courting a financial and economic crisis.

Fundamental budget therapy is needed. Not in 1985, not after the elections but now.

My colleague, Mr. WYLIE, and I see a lot of issues differently. But we unite today on this overriding issue: Bringing about decisive reductions in our staggering budget deficits. The fact is whether you are Democrat or a Republican, a conservative or a liberal, the magnitude of the deficit is a pistol aimed at the temple of this Nation's present and future economy. That is the issue regardless of political philosophy and regardless of political party.

Our problem today is that we have both sides of the political spectrum subordinating their concern over the deficit to their own ideological agendas. People on the conservative end of the spectrum have said the deficit is important, but not as important as protecting tax cuts and protecting the defense buildup—that those two things come first, and then they will worry about the deficit later. People on the liberal end of the spectrum have said the deficit problem is important to solve, but it is not as important as protecting entitlements, and treating that as a sacred cow, and not making any real dent in social spending.

I think both of those attitudes are a very serious mistake, because both sides have enough political muscle to keep the other from inflicting their will on the other side. So what do you have? You have paralysis. You have the fix in, so that neither side will budge, neither side will give, and both sides will hope that they can get through the 1984 election without doing anything real about solving the problem.

CHALMERS WYLIE and I differ on a variety of different issues, but we agree that we cannot wait until after the 1984 elections for this country to come to grips with its deficit crisis, because I think that will be much too late. We need, instead, some mechanism so that both sides, which have very intense political views, can be presented with a package that has some sacrifice represented on both sides—sacrifice across the board, the certainty of equality of sacrifice so that they can go back to their respective constituencies, and those on the conservative end of the scale can say, yes, I voted to perhaps restrain the rate of indexing of the tax cut, which I did not want to do, but in order to do that I got the liberals over here to put some restraint on indexation of entitlements. And liberals can say to their constituents, yes, I voted to make some reductions that I did not want to do on social spending, but in return I was able to force more restraint on the conservative side for reductions on military spending.

The only way you could put together a package that enables people like this to have the political cover they need to go back to their constituencies and say those things is a blue chip, bipartisan commission that presents a package of that kind. It may not work, but I don't see any hope of anything working unless we try this method.

So we all have an interest at stake.

The Federal Government posted a record budget deficit of $195.4 billion for fiscal year 1983. Estimates for 1984 and beyond are no cause for optimism.

The other day, Alice Rivlin, former Director of the Congressional Budget Office, warned that those who think deficits will begin to shrink as a recovering economy boosts incomes and profits are deluding themselves.

"Some recession-related things will get better," she told an economic seminar, "but defense and other kinds of spending will keep going up for the next several years," with no prospect that deficits will fall below the $200 billion range in the foreseeable future.

Martin Feldstein, Chairman of the President's Council of Economic Advisers, recently told members of the Budget Committee that "if we assume that there will be no action on the part of Congress to reduce that deficit, then we see budget deficits of about $200 billion a year, year after year, out until the end of the decade."

There are those who believe that a strong recovery will, by itself, reduce the huge projected deficits. The trouble with that reasoning is that only a small part of the deficit is cyclical in nature and related to the recession. The larger part is structural.

The Congressional Budget Office notes that the deficit will continue to grow even under favorable economic conditions because we are plagued by these structural deficits—deficits that will not be wiped off the books by an improving economy.

If we were only to cut nondefense discretionary spending, the magnitude of these deficits would require shutting down every function of the Federal Government with the exception of the Social Security Administration. And, we would still face a deficit of $20 to $30 billion. Approximately 75 percent of President Reagan's fiscal year 1984 budget is mandatory under existing law, defense included. Less than 30 percent of the budget falls under the category of discretionary spending.

Paul McCracken, professor of economics at the University of Michigan put it this way. "The Nation cannot afford to have the White House and the Congress crouching behind ramparts glaring at each other. Waiting until 1985 to solve the budget problem is a very high-risk strategy."

He is right. This is a problem that knows no political bounds. It does not matter whether your world revolves around capital formation or whether it revolves around providing social services to help the needy. Neither of those things will happen if budget deficits of $200 billion are allowed to continue. You cannot help your fellow man and you cannot form capital to generate economic activity if service on the debt becomes the No. 1 or No. 2 item in the budget.

We have got to hold the line on discretionary domestic spending. This is a category of the budget that has taken major cuts already over the last several years; now is not the time to let out our belts and increase programs.

On entitlements we need restraint. Including a reduction in indexing. We have had a 450-percent increase in automatic entitlement spending in the last decade.

Another element that has to be considered is the military budget. We can make careful cuts in this area without in any way hurting this country's military muscle. If we do not, we threaten our national security because our economic base will be less secure and less strong.

And, finally, we must look at additional revenues in the context of a total package to help close the deficit gap.

But how do you legislate something like that when each one of those items is someone's sacred cow.

Now, we all have individual checklists on what ought to be spent and what ought not to be spent. My conservative colleagues suggest that we need only to cut nondefense discretionary spending further to bring the budget into balance. My liberal colleagues, on the other hand, similarly refuse to consider changes in entitlement programs which will be necessary to provide the substantial savings needed to reduce the deficit.

The national columnist David Broder stated that if we faced an international crisis with the potential to inflict as much damage on the United States as does $200 billion of red ink, there would be an immediate, effective, bipartisan response.

Unfortunately, an individual voting record alone cannot crack the sky-high deficits, and we have seen no adequate response from either party that could achieve a consensus in Congress and the administration. And so the danger grows.

So to be quite frank, Mr. Speaker, what we have on our hands is a state of paralysis. A legislative gridlock that is preventing any action on the deficit.

That is why I have introduced a joint resolution with my colleague, Mr. Wylie and over 40 others to establish a National Bipartisan Commission to reduce the deficit.

Under the resolution, a 15-member Commission appointed by the President, the Speaker of the House and the Senate Majority Leader would be directed to review fiscal and monetary policy, analyze all options which could result in deficit reductions, and provide recommendations within 90 days to the President and Congress on deficit reduction alternatives.

Earlier this year, a similar Commission created by the President provided the breakthrough for bipartisan congressional action on social security.

I believe the same approach is worth trying on controlling runaway deficits. A National Commission on Federal Budget Deficit Reductions would bring respected, qualified people from both parties together—people in and out of government, including credit-sensitive industries—to forge a package of compromises aimed at breaking the legislative impasse that is keeping Congress and the administration from making substantial reductions in the deficit.

The proposal has won the support of the National Association of Home Builders who agree that this kind of mechanism could help resolve the ideological differences on both sides of the aisle which prevent a compromise package from emerging.

Even former President Gerald Ford agrees. Today, in the Washington Post, Mr. Ford called for the appointment of a Bipartisan Commission which could draw up a set of workable recommendations.

A Commission of the kind Mr. Wylie and I have proposed could produce a result before the next budget cycle.

Some would say that this approach circumvents the committee system and the budget process.

I would answer, first of all, that this simply would not be the case. Any set of legislative recommendations proposed by such a Commission would come before the Congress and be referred to the appropriate committees. The Congress would still have the opportunity to work its will.

Second, I would say that the problem we face is extraordinary in nature. Its solution requires that extraordinary steps be taken.

The need to stop the flow of deficit dollars is so urgent that it may be the only way to deal with entitlements, tax loopholes and excessive military spending all at once—so that there will be enough equality of sacrifice to get this crisis solved.

I feel this is the most difficult task facing Congress, and the most important. Deficit Day is but one expression of the public's degree of concern about the deficit and the need for action. I am hopeful that our Commission concept, as it gains momentum in the House and at the grass roots level, can act as a catalyst for substantial reductions in Federal spending.

Some have said that steps of this kind are pie in the sky or wishful thinking. I just look at the alternative which is to delay and allow the red ink to mount.

I am more willing than ever to work with people of all perspectives to say let us get our financial house in order and get back to the business of sustained economic growth. We simply must act now, and if you agree, I commend your attention to House Joint Resolution 382 to create a deficit reduction commission.

□ 1920

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. AuCOIN. I would be pleased to yield to my good friend and colleague from Ohio (Mr. Wylie).

Mr. WYLIE. I thank the gentleman for yielding.

I want to associate myself with the remarks of my very good Democratic friend. He and I have come up with what we believe is the best and maybe the only way to resolve this impasse.

While I am saying it, I want to thank the gentleman from Oregon (Mr. AuCoin) for his initiative and leadership on this very serious and most important problem.

On October 6, we introduced House Joint Resolution 382, calling for the creation of a National Commission of Federal Budget Deficit Reductions. The Commission would consist of 15 members, 5 appointed by the President, 5 by the Senate majority leader, and 5 by the Speaker of the House. The Commission must report its recommendations to the President and Congress within 90 days of enactment of the resolution, but not later than February 15, 1984.

Mr. Speaker, $200 billion-plus Federal deficits, representing 5 to 6 percent of GNP over the next few years are taking the U.S. economy into uncharted waters. Most financial analysts, the Congress, the administration, and the general public are frightened by the risks such unprecedented deficits pose—crowding out in priviate credit markets, inflation, and high interest rates.

The stock markets and bond markets are certainly trying to give us a message. They have been struggling for 5 months now because of the psychological, it not real, damage such deficits do. The resulting high interest rates have adverse effects on such key sectors of the economy as housing, business investment, consumer durables, farming, and several other credit-sensitive areas.

It is the outyear deficits that are of greatest concern. The 1983 deficit, which was mostly recession induced, came in $15 billion less than the midyear forecast. That was good news. And perhaps economic growth will bring the 1984 deficit several billion dollars below the $170-$180 billion forecast. I hope so. But when we get into fiscal years 1985, 1986, and 1987 it is another matter. The prospect of huge $200 billion-plus deficits in those outyears, over 5 percent of GNP, would absorb most of our net national saving, ignite inflation, and bring back sky-high interest rates, and then our U.S. economy and the world economies would suffer.

For Congress to let this legislative year pass without making a convincing start toward controlling deficits would be a disaster for the economy. But Congress becomes mesmerized in an election year. Members on both sides of the aisle have individual checklists on what ought to be spent and what ought to be reduced. The problem is there is no legislative majority behind any one of those lists. The challenge we face is to build a bipartisan consensus that can produce a legislative package that would convince Congress and the President to give ground on all of the sacred cows—entitlements, tax breaks, weapons systems.

The Commission we recommend would be similar to the Presidential commission formed to break the deadlock on social security reform, the bipartisan National Commission on Federal Budget Deficit Reductions would bring together respected, qualified people from both parties—people in and out of Government, including credit-sensitive industries, to forge a bipartisan package of compromises to reduce our deficits.

Mr. Speaker, I think Congressman AuCoin and I have come up with an idea which deserves support. As Mr. AuCoin has said we now have over 40 cosponsors, both Republican and Democrat. Federal Reserve Board Chairman Paul Volcker told the Joint Economic Committee the other day, on October 20, that such a commission could play a useful catalytic role in solving some of our difficult structural deficit problems.

I noticed in the Washington Post only today that former President Gerald Ford also endorsed the ideas.

But we are getting good support. The National Homebuilders Association, a very interest-sensitive industry, has pledged $250,000, they announced in a press conference which we held with them yesterday, in an effort to gain public support for this idea.

Mr. Speaker, the Commission would review fiscal and monetary policy effects on structural Federal budget deficits and the impact which these deficits have on employment, capital formation, and the vigor and viability of the economy. It would assess how much Government we really want or can afford, examine built-in devices to counter congressional spending bias, and analyze options for bringing deficits down. One principle that we should insist on is that there should be at least $1 of spending cuts for each dollar of tax increases.

The Commission can serve as a political heat shield and can develop budget recommendations in a detached, objective way. A polarized Congress finds it very difficult to deal with taxing and spending issues in a preelection year.

The Constitution and the budget process would not be violated. Congress would still retain final authority; it can accept or reject the Commission's recommendations. If the Commission does a good job, we could have another success story like the Social Security Commission where Congress approved the Commission's recommendations, embraced by both the President and the Speaker, with very few changes. I hope that is the outcome.

I think a deficit reduction commission is worth a try. There is a lot of support for the idea. Mr. AuCoin and I have 36 cosponsors of House Joint Resolution 382 thus far from both sides of the political aisle. Federal Reserve Chairman Volcker told the Joint Economic Committee, in an October 20 hearing, that such a commission could play a useful, catalytic role in solving some of our difficult structural deficit problems. Some trade groups, such as the National Association of Homebuilders, support the idea, and I am sure others will too when they take a look at it.

I invite my colleagues to examine House Joint Resolution 382. I think it is the answer to a difficult political and economic problem.

Mr. AUCOIN. Mr. Speaker, I want to say to the gentleman from Ohio, who is the ranking Republican on the House Banking Committee, whom I served with for 6 years on that committee and teamed up with on a number of initiatives, how pleased I am to work with him on this issue.

□ 1930

The gentleman does excellent work, as all Members know. And I am pleased, also, that he mentioned the support for the idea that former President Ford announced, news which was revealed on the pages of the newspapers this morning. I think it does demonstrate that there is a bipartisan support in getting this problem under control.

At this time, Mr. Chairman, with thanks to the gentleman from Ohio for the leadership he has shown, I yield to my colleague, the gentleman from California (Mr. Patterson).

Mr. PATTERSON. I thank my colleague, the gentleman from Oregon, for yielding to me, and I want to join both the gentleman from Oregon and the gentleman from Ohio (Mr. Wylie) in supporting the bipartisan resolution to attempt to resolve our rather tremendous deficit problems. Our recovery is so very fragile, and we note that it will also be short lived unless interest rates come down. The only way that interest rates are going to come down is if there is some reduction in the crowding out of the demand for money. The Federal budget is certainly one of the biggest demands on capital. So we must have a reduction of that deficit.

I want to commend my colleagues for supporting this commission and suggest that during the debate tonight and in the future that we move toward reducing that deficit and not blame the deficit on one party or the other. This is bipartisan. The Democrats tend to blame the Republicans because the Republicans spend all of the money on defense and waste money on defense, and the Republicans tend to blame the Democrats for social spending and social security, and that kind of spending. The fact is, I think it may take a little bit of a hard look all across the budget in terms of spending and also in terms of taxation to close some of the loopholes without increasing taxes for the average person but by closing loopholes that are available to those who really do not need them.

One of the bills that I find quite interesting is H.R. 3790, introduced by the chairman of our Budget Committee, the gentleman from Oklahoma (Mr. Jones), calling for 2 percent reduction on the spending side below the CPI for those beneficiaries of Federal tax payments and a reduction of 2 percent toward future tax reductions, on that side. I think maybe that would help bring, that kind of focus would bring, both parties together, where the American people really want us, and that is down the mainstream looking at reducing the deficit by maybe a little bit less spending, a little bit less of a tax reduction, and a whole lot smaller deficit. I think we can achieve that without inflicting pain on the poor, without reducing our vital national defense, and without increasing taxes in a burdensome fashion; I honestly believe we can do that. And what we have to do is give up the idea that it has to be all one way, and join and work together in a modest reduction of our expectations in terms of what the Federal Government can do and ought to pay for and a reduction of that continuing indexation of tax cuts in the future.

I want to thank the gentleman for calling the attention of all of the Members of Congress to this.

Mr. Speaker, one of the most important policies we must follow to achieve and sustain economic recovery is a reduction in the Federal budget deficit. Last week, when the Department of the Treasury officially released the budget totals for the fiscal year ending September 30, 1983, the statement showed a budget deficit of $195.4 billion. This deficit figure is staggering and intolerable. It constitutes a real threat to our economic future. Unless significant budget reductions are made soon, the deficit will undermine any prospect for a real and lasting economic recovery.

THE IMPACT OF BUDGET DEFICITS ON THE ECONOMY

The stability of our Nation's economy is severely affected by huge budget deficits. Every year, the Federal Government continues to take away an extremely large share of the economy's savings, money which would normally be available for lending and investment in the United States. Government borrowing from private savings has also created upward pressure on interest rates, further inhibiting investment and development opportunities across the country.

It is clear to me that President Reagan is incorrect in interpreting the relationship between deficits, high interest rates, and the economy. The facts appear to support former President Ford and Martin Feldstein, Chairman of the President's Council of Economic Advisers. Both President Ford and Mr. Feldstein strongly advise that budget deficits and high interest rates are logically and directly related.

Internationally, higher interest rates have the effect of boosting the American trade deficit because they have caused the exchange value of the dollar to be higher than other countries. This causes American exports to become more expensive and foreign imports cheaper. Clearly, unless action is taken soon to reduce the deficit, the result may mean economic disaster, both at home and abroad.

President Reagan has recently accused Members of Congress of being the big spenders responsible for our current deficit situation, claiming Congress is sabotaging the administration's efforts to achieve a balanced budget. The truth of the matter, however, is that the Reagan administration has never yet submitted a balanced budget to Congress. In March of 1981, the administration submitted a budget for the fiscal year 1982 with a projected deficit of $45.0 billion and for the fiscal 1983 budget, a deficit of $91.5 billion. Last January, the administration submitted a budget for fiscal year 1984 with a recordbreaking deficit of $188.8 billion.

These deficits, which far exceed those ever proposed by any previous President or Congress, are based on the budget requests of President Reagan, and are not the result of sabotage on Capitol Hill. The President would like the public to believe the deficit is a result of 40 years of Democratic spending. Actually, with the exception of 3 years out of the last 40, Congress has spent less than requested by the President. The American public should be made aware that it has been the administration, not Congress, who has ardently sought the excessive defense increases and tax reductions to benefit the wealthy which have contributed substantially to our current and projected budget deficits.

One new approach that I am supporting to directly reduce the deficit is H.R. 3790, the 2 percent CPI reduction bill. Yes, H.R. 3790, for all practical purposes will affect every segment of our society. We face a critical economic situation in the United States which requires tough decisions and prudent action. I believe our fellow Americans are demanding a reduction in the deficit, and they are willing to support responsible measures which strive to accomplish this essential goal. The reduction of the deficit is a prerequisite to a healthy economy.

Mr. SPEAKER, I am not exonerating Congress from its responsibility to reduce the current deficit. Both sides of the aisle have contributed to the problem. The Democrats tend to overspend on social security programs and the Republicans too much on defense security programs and both vote to reduce taxes without cutting spending. But I am asking that my colleagues and the present administration recognize the seriousness of the deficit crisis and the disastrous consequences it will have on the economic stability and growth of our Nation. It is time for a new consensus to force a fair, but fiscally responsible approach to Federal spending. Let us face the unpleasant truth which is before us.

I want to commend my colleagues, Mr. AuCoin and Mr. Wylie, for making a bipartisan effort to reduce the current deficit by introducing legislation to create a national commission to study deficit reduction alternatives. I believe this is a positive step toward resolving the budget crisis. It is time we put aside our partisan differences and begin working together to achieve a balanced Federal budget.

Mr. AuCOIN. I appreciate the remarks of the gentleman from California, as usual. The gentleman also serves on the Banking Committee. It has been a pleasure for me to work with him on banking issues, as well as on housing issues. The gentleman and I teamed up on an Emergency Housing Production Act 1 or 2 years ago, and I think we both understand, in that one part of the economy, what high interests rates driven by deficits do to that sector of the economy. Of course, that is not the only sector. We can name automobiles, we can name the export community, the small business sector, a whole variety of sections of the economy. I appreciate the gentleman's remarks.

Mr. Speaker, I yield to the gentleman from West Virginia (Mr. Wise).

Mr. WISE. Mr. Chairman, I greatly appreciate the gentleman yielding and the opportunity to participate in this special order, because I also strongly support the National Association of Home-Builders' campaign to focus congressional attention on the issue of Federal deficits. Of course, I am also supporting House Joint Resolution 382 introduced by Representative AuCoin and Wylie to establish that bipartisan National Commission on Federal Deficit Reductions.

I just cannot see how, in any kind of serious vein, the public or the Congress can accept $200 billion deficits year in and year out.

You have to look at some of these figures to really appreciate the magnitude of what we are talking about. The deficit, for instance, is estimated to be $150 billion, an unprecedented 3.5 percent of the gross national product, by 1986, 7 times the 1981 level as a percent of GNP, 12 times higher than its level during the 1960's and 1970's.

What kind of a long-term effect are we looking at? Well, I certainly have seen this in my State of West Virginia where capital is hard to come by. We desperately need to build some housing, and we are not able to. We need to do some capital expansion, and we are not able to do that. One reason, of course, look at the kind of borrowing pool we are getting into. The deficit will soon be absorbing 75 percent to 85 percent of the net savings pool. Where is the money going to come from? The result, of course, is going to be increased crowding out.

When I was in the State legislature, I remember my first couple of days, and I was really impressed with everyone saying, "Well, we are going to cut the problems in our own State budget." I soon realized, after a session in the State legislature, that we really did not need a balanced budget amendment but what we needed was a balanced rhetoric amendment in which if you said you were going to cut a program, then you had to cut it, or if you said you wanted to increase spending for a program, then you have to go and cut something somewhere else. It seemed to me that it got to be very, very easy to be, on one side, for this program and that program because it would definitely help certain groups and they were needy and worthwhile programs, but, on the other side, to be totally against tax cuts. And that is a great way to have it, to be against all tax cuts and be for all spending programs. Unfortunately, we cannot do that. I did support the pay-as-you-go proposal—I think it is worthwhile—where you freeze spending at last year's level and you say that any kind of increase in a program has to be met with a tax increase or a spending decrease, and you can step right up in front of the public bar and say that is what we are going to do.

I hope that this conference does come about, this Summit Commission, National Commission, whatever we call it, because I hope that it is a way that we can balance that rhetoric and so that a lot of those hard choices—and there are going to be some hard ones made, and there is going to be a lot of struggling going on—a lot of these hard choices can be made, and out of it we can have a package which we may not be totally happy with but we can also feel with some pride that everyone has addressed the issue.

I do not need to say this to the gentleman from Oregon (Mr. AuCoin), but we simply cannot continue on as we are. The deficit, while it is easy to slide by maybe this year, maybe the next year, it is going to be something that is going to come back increasingly to bite us, and we have to deal with it. I think the public demands we deal with it.

I greatly appreciate the efforts of the gentleman from Oregon (Mr. AuCoin) and the gentleman from Ohio (Mr. Wylie) in focusing attention on this.

Mr. AuCOIN. I appreciate the gentleman's comments, and I think they are directly to the point.

The gentleman commented about the amount of a savings pool that would be sponged up and absorbed by this massive amount of Government borrowing. Obviously, that is the case. And if this country is ever going to reindustrialize, if it is ever going to make the important investments that it has got to make in order to be fully competitive in an increasing international economy, then I think we have to pay heed to the needs for that private investment, which means to get the Government out of the massive amount of Government that it would otherwise have to do.

Mr. Chairman, I hope very much that Members will see that there are only two ways to deal with this crisis. One is to go about it the way we are doing now, which is for one side or the other to say, "we are going to fight to reduce the deficit, but we are only going to do it my way."

When each side says that, since their own separate ways are anathema to the other side, it is a guarantee for paralysis, that nothing will be done.

What we need to say is: "Look, I cannot have it my way completely, neither side can. But for the good of the country, the result has to be achieved."

Columnist David Broder in a column he wrote about a month ago said it very well. He said that if a foreign power represented a threat to the United States as serious and with as much potential to inflict the kind of damage that $200 billion deficits would inflict on the United States, there would be no doubt that both political parties would stand shoulder to shoulder immediately and produce an answer, produce a solution.

● Mr. DAUB. Mr. Speaker, in recent weeks we have heard a great deal about deficits and their cause. The goal appears to fix the blame for these deficits on one party or another as we enter 1984. I do not think the American people are going to be satisfied with who is or is not to blame. What they want is someone to take the responsibility for doing something about it.

Each Member of this House knows what the real problem is. We have committed this Government to expenditures—a standard of living if you will—that it cannot afford. The problem is that simple. The solution to the problem is not simple and that is what the American people want more than rhetoric.

There are two answers to the problem. You can increase taxes to make up the shortfall or you can reduce spending. Neither one of these is politically popular and either one will result in short-term economic effects that will be adverse for some.

You do not need to be a disciple of supply-side economics to recognize that higher taxes are going to be a drag on this economy. For every dollar that we extract from the working person's pocket we are as well removing one that might be spent on cars, homes, or other purchases that fuel this economy. If people cannot afford to make these purchases, or they are discouraged from savings, it is not only the affluent who are affected but the people who do marginal work are harmed. They are pushed from the payroll to the welfare system and set far back in their efforts to become productive and self-supporting citizens.

Reduced spending is the key, and I do not think there are many in Washington—and I know there are not many in the rest of the country—who do not believe that we could make sizable reductions in the size of the Federal Government.

If these reductions were made, there would be many hardships created. Make no mistake about that. But what we would be sacrificing in the short-term would be more than made up in long-term benefits. What social aim was so important that it could not have been foregone in the seventies in order to prevent the recession we just experienced. That recession was the product over overspending that pushed interest rates up and destroyed jobs. That recession was as painful an economic experience as this Nation has faced since the Depression. And the simple fact is that if we had ignored the temptation during the Carter years to spend more money—as President Ford had done during the short term of his Presidency—we would not have subjected our people to the hardship, the misery, and the despondancy they endured.

As elected Members of Congress, we have a responsibility to our constituents to do what is right—not just what is popular. And the right thing to do today is to bring these deficits under control so that we can keep umemployment down, keep our people employed, and keep our economy growing so that the next generation will enjoy the prosperity that we have today.●

● Mr. ALBOSTA. Mr. Speaker, an unprecedented Federal deficit of $195.4 billion is looming over this Nation and could seriously threaten to tear apart the very fabric of our economic and political life if it is not dealt with immediately.

As I travel through the 10th Congressional District of Michigan, the question I am asked most often from the farmers in St. Charles and Evart and small business people in Midland and Traverse City is, "Can we sustain long-term economic growth with the large Federal budget deficits hanging over our heads?"

Clearly, we can not. We need to face this deficit crisis head-on by analyzing and studying ways to control these crisis-producing deficits in a bipartisan way. That is why I support the joint resolution establishing a bipartisan commission composed of liberals, conservatives, and moderates. A commission of this sort would allow for a consensus to be reached on how best to deal with the overwhelming deficits now facing this country.

Unless all of us understand and address this crisis now in a bipartisan fashion, unless the country can reach an equitable solution to the problem of high deficits, we face unending political debate and a sputtering, unproductive economy.

I urge immediate consideration of this joint resolution, House Joint Resolution 382.●

● Mr. REGULA. Mr. Speaker, these past months have been marked by significant improvements in our economy. The September figure for the index of leading indicators shows continued economic growth. The 0.9-percent increase for the month was the 13th consecutive rise and the largest since June's 1.8-percent hike. August's 0.3 percent figure appears to be little more than a temporary slump in the upsurge. Third quarter productivity scored a 5-percent annual growth rate. Machine tool orders for September were 80 percent higher than last year's level and 14 percent above August's pace. Inflation, as measured by the GNP deflator, continued at a moderate 3.4-percent pace. So why are we here discussing budget deficits?

Economists agree upon few things. But most will tell you that an economic recovery take place in stages. Each phase is comprised of different elements and forces. Any prolonged recovery requires an efficient and smooth transition between these phases.

Growth for the first two quarters of 1983 has been fueled by consumption expenditures, particularly in the area of consumer durables. Coupled with immense Government purchases of goods and services, these two factors have pulled America from out of the recession. But America has risen beyond this initial stage into a period of growth and expansion. Consumption and Government spending must make room for growing capital investments by business. Otherwise the recovery will stall. Business will simply be unable to obtain the needed capital for restoring inventories and expanding their capital structure.

Our Nation has been blessed with an abundance of raw materials, technological skill, and individual enterprise. Only when private industry is permitted to exercise these talents, in an open credit market, can we expect a prolonged upsurge.

Budget deficits are a challenge to the American ideal that every person is entitled to the opportunity of personal betterment and an acceptable standard of living. Massive Government borrowing will discourage private investment and expansion. This translates into fewer jobs and opportunities for our constituents.

Prosperity can come through the growing capital structure of private industry. The alternative is continued massive Government borrowing which will eventually result in a cyclical downturn back into recession. The choice is ours.●

● Mr. O'BRIEN. Mr. Speaker, it may sound incredible, but the Federal Government ran a record $195.3 billion budget deficit in fiscal year 1983, up an alarming 76 percent from the previous record of $110 billion set last year. If we allow this disturbing trend to continue, the economic recovery now underway in this country may be seriously jeapordized. The time for action on cutting the deficit is now—before it is too late.

So that high deficits do not get the better of us, I have joined with a number of my colleagues—on both sides of the aisle—in calling for the creation of a bipartisan National Commission on Federal Budget Reductions. With an election year looming on the horizon, the establishment of such a commission makes good sense. It would review all aspects of our fiscal and monetary policy, examine the range of options that could yield deficit reductions, and recommend within 90 days a menu of deficit reduction alternatives.

So far, Mr. Speaker, Congress has demonstrated little willingness to confront the problem of high deficits. In my mind, the creation of a commission offers us a sensible, bipartisan approach to solving this issue once and for all. It is probably the only way we can come up with the necessary blend of spending cuts and tax increases needed to bring about deficit reductions.

The cost of inaction on the deficit issue might well be staggering; indeed, unless Congress moves soon to resolve this problem, Mr. Speaker, you and I know the real losers will be the American people.●

● Mr. LEWIS of Florida. Mr. Speaker, our Nation has no greater challenge, none so important at home or abroad, than to reduce soaring Federal budget deficits that threaten our economy and those of the world.

The $210 billion deficit hangs like an albatross on the back of the Federal Government. It is like a steel wall across a well-paved road to recovery.

Congress has been unwilling and unable to take the bull by the horns and do anything about the problem. I am extremely fearful of the prospect that no action will be taken in these chambers to do anything about the deficit for the next year and a half.

We have seen some encouraging signs and developments in recent months that we are undergoing a long range economic recovery, but this very recovery is diverting our attention and our energies from the very real problem of Federal deficits.

Industrial output is up, the real gross national product has grown, unemployment has declined nationally but still remains static in some areas, and productivity has flourished. But while it appears America is on the move again, we see distressing signals that all is not good: Residential construction and sales are expected to taper off, the trade deficit is widening, and prime lending rates have increased.

Reducing and controlling the Federal deficit is a serious and complex task, but nobody every told us this job would be easy. We cannot stand by and do nothing when we hear the highest level economic experts and advisers say that $200-billion-a-year deficits will be a way of life in this country for at least the next decade.

I am proud and honored to join my colleagues on both sides of the aisle and the National Association of Home Builders for this special order on D-Day. Lowering and controlling the deficit must be a nonpartisan task. The economic future of this country and its great people demand a joint resolve from this Congress to end this growing danger.●

● Mrs. JOHNSON. Mr. Speaker, earlier this year Congress and the Nation turned its attention toward impending bankruptcy in the social security system, a growing crisis characterized by projected revenue shortfalls of $200 billion over the next 7 years and the threat of uncertain retirement for millions of Americans. Amid this crisis atmosphere, Congress found itself unable to act, paralyzed by the complexity of the issue and a multitude of political forces.

However, through the diligence and expertise of the National Commission on Social Security Reform, Congress met one of the most difficult Government challenges of the decade and delivered to the American people a meaningful and balanced social security reform package.

Today, Mr. Speaker, Congress and the Nation are again turning their attention to an impending bankruptcy—awesome and uncontrollable budget deficits. Today's dilemma is a deepening crisis, one characterized by projected Federal revenue shortfalls of nearly $800 billion project over the next 4 years, and the possibility of higher interest rates and an uncertain economic recovery, threatening our future. In this crisis, Congress again finds itself unable to act, paralyzed as before by the complexity of the issue and a multitude of political forces.

Mr. Speaker, through the diligence and expertise of a bipartisan Commission on Federal Budget Deficit Reductions, as my colleagues Mr. AuCoin and Mr. Wylie have proposed in House Joint Resolution 382, we may be able to establish a consensus for reducing future budget deficits. I am pleased to be a cosponsor of this resolution, and hope that my colleagues will also lend their support to this effort.●

● Mr. DICKS. Mr. Speaker, the problem of what to do about growing Federal deficits is not a new one. And yet there is no clear mandate about how to proceed against the threat.

Depending on your point of view, or perhaps on what political columnist you may read, the blame for this hemorrhaging Federal budget deficit belongs with the Congress, President Reagan, the Federal Reserve Board, OMB, or even President Carter. But the worsening situation—the CBO budget estimates show $100 billion deficits for years to come—now demands that all parties put aside their differences, and work together to find solutions to the problem.

It strikes me that if deficits on the order of $200 billion had occurred during Jimmy Carter's Presidency, the American people would have stormed the White House and strung him up in Lafayette Park. Yet President Reagan, who campaigned for office on a platform of fiscal responsibility, still gets fairly high marks, particularly from the business community, for his handling of the economy. I am at a loss to explain that paradox.

What has President Reagan done to deserve this favorable treatment?

He has taken us from a budget deficit of $46 billion at the close of the Carter administration to our current deficit of $200 billion;

He has continually advocated a rapid increase in defense expenditures, while reducing overall revenues;

He has championed the elimination or reduction of many of the programs which support those Americans who are unable to help themselves; and

He has asked this Congress to reduce benefits to the elderly, veterans, and Federal retirees—benefits which those individuals earned.

Now that the Nation is facing a budgetary crisis, our President has declined to be part of the solution, but is perpetuating the problem by digging in his heels and refusing to consider tax and revenue increases.

I am sure that many of you read yesterday's Washington Post article detailing the President's Cabinet meeting Tuesday, when he asked his Cabinet members to "Hold the line against election year increases in domestic spending." Yet when I read the comments from so-called White House officials also included in the article I have to remain skeptical about whether or not the line will be held across the board. These unnamed White House officials were quoted as saying that "although the Defense Department was covered by Reagan's order, the military is likely to get large increases in the budget Reagan will send Congress early next year."

Today's Post carries an article detailing an "Exploratory" proposal by the Senate Finance Committee to reduce the deficit by some $150 billion over 3 years. The reductions would come equally from tax increases and spending cuts. This article is complementary to the one on the Cabinet meeting in a peculiar way. The question of congressional action on a tax increase this year is one which has received considerable attention. Yet, Senator DOMENICI is quoted in Wednesday's Post as saying he was given "a clear impression after the Republican leadership meeting with Reagan that the President remains adamantly opposed to any tax increases"—adamantly opposed.

Instead, the President prefers to continue to cut domestic spending programs, rather than refining provisions of our Tax Code which now permit the sheltering of certain types of income. He would rather reduce assistance programs than close tax loopholes, or take a closer look at the policies behind current tax expenditures.

The rules of the President's game have not been changed. These two articles taken together make that clear. But the game is getting more and more dangerous for our Nation.

Our President can be both a pragmatist and a statesman. A time like this calls for both talents. It is time for a statement from the White House in support of a balanced approach to the budget questions—an approach which includes both spending cuts and revenue increases.

While I have reservations about the Senate's action in holding up the debt ceiling bill, I believe they have gotten the President's attention. Perhaps this sort of "brinksmanship" is what is required to get the President to take serious action on the deficit. Maybe the President is out of touch with the American people's sense of urgency about the level of Federal debt. If this is so, this Congress needs to remind him that it is a matter of great concern. It is a matter we need to address.

President Reagan has demonstrated his very real talent for leadership several times during his administration. He was extremely effective in bringing differing points of view together in a compromise to resolve the social security solvency crisis. Another opportunity to act as a stateman and place himself above partisan differences is at hand. The budget crisis demands one voice which can speak for the people as a whole. Our President has shown himself to be extremely able in this regard.

Several plans to address the deficit problem have been advanced. Those which are recognized as responsible all include tax increases of some sort. It is unrealistic to assume that we can cure what ails our economy without addressing the revenue side of the equasion. I know the Congress senses the urgency. But congressional support has not coalesced around any one plan. If a bipartisan effort were to be undertaken, with the endorsement of the President and with his active support, I believe the Congress could be drawn together to resolve the difficulties we face.

But with or without leadership from the President, we must act. The Nation cannot afford a continued stalemate in the Congress. I urge my colleagues to review the legislative options which have been introduced, and to be willing to compromise from their own positions for the greater good of the Nation. And I urge the House leadership to bring this matter to the forefront of our agenda, so that action can be taken.●

● Mr. MILLER of Ohio. Mr. Speaker, I am a cosponsor of a joint resolution to establish a bipartisan commission on Federal budget deficit reductions. I believe that this bipartisan commission could provide the kinds of recommendations that are necessary to resolve the ideological differences which prevent a consensus from emerging from Congress on this issue.

For the first time in a long time, economists from all sides of the philosophical spectrum—from your central planner economist to your free market economist—are voicing the same criticism and the same set of recommendations to deal with what they perceive to be the most pressing problem facing our economy in the years ahead, that of uncontrolled Federal budget deficits, deficits which if left unabated are sure to stifle what could otherwise be a long and sustained recovery from our past economic woes. And it is time those in Government listened to their advice.

What makes this problem so pressing? Large Federal deficits, of the magnitude projected for the next few years, will require an abnormally large demand for credit on the part of the Federal Government. When the Federal Government gets into the credit market in a big way, it leaves little room for anyone else. There is only so much loan money available from lending institutions. When the demand becomes excessive, the interest rates to obtain that credit become equally excessive.

From recent past experience, we all know the consequences of high interest rates. If individual consumers cannot get credit or cannot afford credit, the demand for the products they buy falls rapidly. Low demand makes for low production and low production makes for low employment, and then we are right back where we started 4 years ago.

What can Congress and the administration do to address this pressing problem? The options are few and what options there are, are not without pain. Basically there are three approaches open to the Federal Government: It can raise more money through increased taxes; it can spend less money by reducing the size and number of programs it underwrites; or it can utilize a combination of the two.

When this question has been asked of 10th District constituents taking my annual summer fair poll at the various county fairs throughout southeastern Ohio, the response has been decidedly one-sided, with over 75 percent wanting to see a wholesale reduction in Federal spending. Another 24 percent favor a combination of spending reductions and tax increases to bring the budget into better balance, while but 1 percent favor closing this deficit principally through the imposition of higher taxes.

I, like the majority of respondents to my fair poll, am inclined to favor the spending reduction as the best and most practical means of addressing this problem, but being the realist that I am, I cannot imagine our Congress going along with this approach.

The only option in my judgment, which holds any chance of acceptance by this Congress is the second approach discussed, the combination of spending cuts and selective tax increases.

Over the last year we have seen increasing evidence of a strong economic recovery in this country, a recovery keyed to increasing consumer demand prompted by falling interest rates and a stable dollar. If we are to maintain this recovery we must remove any potential impediments from its path; we must take whatever steps are necessary, and take them now, to insure that the upturn we are evidencing will be a long lived one and one that will be of lasting benefit to all Americans.●

● Mr. **BROOMFIELD**. Mr. Speaker, the bells have been sounding for quite some time warning that we are in serious danger of making our economic recovery a basket case and putting our national economy in serious danger unless we get a handle on mounting Federal deficits.

Cries of alarm are coming from many quarters in both the public and private sectors of our Nation. But considering some of the bills we have passed this session, one could legitimately assume that the Halls of Congress are soundproof.

This is not the time to rehash those bills or engage in partisan finger pointing. We must unite now to face this problem seriously as we did when the social security system was in danger of going bankrupt.

As David Broder pointed out in a recent column, if we were facing an outside threat capable of doing as much damage to our Nation as the mounting deficit can do, there would be no question that we would close ranks and react immediately to this danger.

However, the danger is not from the outside but rather from within. The problem stems from this Congress and this Government's inability to come to grips with spending.

While the problem caused by the Congress excessive spending mounts daily, we seem to have arrived at a legislative gridlock unable to unite behind a single proposal that would address the deficit problem.

The Congressional Budget Office has estimated that if no action were taken, we would see the national debt come close to $3 trillion in the next 5 years, with an annual interest payment of about $150 billion. This amount in interest is about one-half of the total receipts the Federal Government received through the payment of personal income taxes in 1982, and it is more than one-half of the estimated 1983 amount.

Such a debt would virtually prohibit private sector expansion or social programs that are legitimately needed. We would see the return of spiraling inflation, rising unemployment, skyrocketing interest rates, and the plethora of economic woes that we are just now leaving behind.

Mr. Speaker, many share a deep concern about the national debt. However, the National Home Builders Association has stepped out front in urging that the legislative gridlock in which we find ourselves be broken by the creation of a special, bipartisan Presidential Commission—similar to the recent Social Security Commission—that would be composed of highly respected individuals from the public and private sectors. Such a Commission would examine our current economic problems and made the hard recommendations on how to get our deficit under control to the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the President, and the Congress.

To help focus attention on our debt crisis, the Home Builders observed "D-Day" yesterday. This "D" stands for Deficit.

The Home Builders should be commended for their efforts because we must begin uniting the Nation to take the difficult steps required to finally address this serious matter.

Mr. Speaker, House Joint Resolution 382, which I am cosponsoring, would establish a bipartisan National Commission on Federal Budget Deficit Reductions, which is similar to the Home Builders' suggestion.

I sincerely hope such a Commission will be established and that we in the Congress can lay aside our partisan differences to bring the deficit under control. Nothing less than the future well-being of our Nation depends upon it.●

□ 1940

GENERAL LEAVE

Mr. **AuCOIN**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subect of my special order today.

The **SPEAKER** pro tempore (Mr. WISE). Is there objection to the request of the gentleman from Oregon?

There was no objection.

CONSERVATIVE OPPORTUNITY SOCIETY

The **SPEAKER** pro tempore (Mr. WISE). Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 60 minutes.

Mr. **GINGRICH**. Mr. Speaker, I want to talk this evening about creating a conservative opportunity society and the recent Republican conference in Baltimore.

Last weekend some 50 Republican Members of the House went to a conference for the weekend in Baltimore and worked on the question of where is America at and where are we going? We are convinced that both America and the Republican Party face problems and opportunities which cannot be solved within our current assumptions, language, and framework.

We know that we do not have all the answers. Indeed, we probably do not have all the questions. We believe that only a long-term mass movement, including many people and extending beyond elections over a number of years can create the solutions to our current dilemmas. We invite people to join us in this collective effort to find a better future for our country and our party.

The challenge to really develop answers to America's future will be so great, and the effort will be so large and so long, that the initial invitation to the Baltimore conference talked about 1984 as being the beginning of the beginning. A number of us have been working for some 6 months as a team, and we felt that we had not even gotten to the beginning yet; that, in fact, on a project as long in many ways as the progressive movement that was developed by LaFollette and others at the turn of the century, 6 months or a year or a year and a half is, as I say, only the beginning of the beginning.

In that sense, let me begin by suggesting that James Madison was correct when he said, and I quote:

> Knowledge will forever govern ignorance, and the people who mean to be their own governors must arm themselves with the power which knowledge gives.

We use this chart to begin the presentation on creating a conservative opportunity society because it represents the oldest and most noble American tradition of populism. There have been two kinds of populism in American history. There was a William Jennings Bryan populism of fear, of envy, of ignorance, of playing on people's concerns about the future in order to trap them into a vision of the past.

But there is an older, a more legitimate, a more reasonable populism, the populism of Jefferson and Madison, men who believed that you led the public by inspiring hope, not hate; men who believed that you led the public by educating it, not by demagoguery; men who believed that by working together, the American Nation and the American people could create a better future.

We suggest that both America and the Republican Party are at crossroads; that, in fact, both our Nation and the Republican Party face real choices. Down one side of that crossroad is the liberal welfare state, a system we have had for 50 years, a legitimate system, essentially the bureaucratic system developed first in Han, China, then translated by the French in the 17th century, developed by the Austro-Hungarian and German Empires in the 19th century, codified by Max Weber early in the 20th century, and now reaching its American epitomy in the large buildings of bureaucrats shuffling papers around this city, a large centralized bureaucratic state in which more and more decisions are made by the government, more and more money is taken from the rest of the Nation and sent to an imperial capital.

We believe down that liberal welfare state side lies continued decay.

Down the other side of the road, and we use for the moment the term "conservative opportunity society," although we have made clear in every presentation and at the Baltimore conference that we are not fixed on that title; that, in fact, that is our current working title as we try to develop an alternative way of thinking about the world compared to the liberal welfare state, but down that side there is an optimistic future, a better world.

If America is at a crossroads, the Republican Party is clearly trapped within its minority status. While we have control of the White House and the Senate, the latter precariously, since 1954 we have come nowhere close to a majority in the U.S. House, the State legislatures, or public opinion. Indeed, only in 1972, in the U.S. Senate races, has the Republican Party gotten a majority below the Presidency. In fact, in 1980 and 1982, the Republican Party got respectively 45 and 43 percent of the popular vote for the U.S. Senate. It was the geometry of where the votes were and winning a number of seats by very narrow margins that enabled us to win control of the Senate without yet having won a majority of the popular vote.

The culminating lesson for a number of us was a recent meeting in which, by defining the Republican Party as 38 percent of the vote, we proved conclusively, State by State, that we could never get a majority in the House of Representatives; that is, if you only have 38 percent of the vote in the people's House, you cannot possibly get much more than 38 percent of the seats.

The choice for us is clear: Either we change or we remain doomed for our lifetime as a permanent minority. However, if the Republican Party is at a crossroads, so is the United States. While Ronald Reagan has slowed down the liberal welfare state, he has not fundamentally changed it. He has, in fact, slowed down the rate of tax increases, slowed down the rate of bureaucracy, slowed down the rate of inflation, but in not a single case have we fundamentally left that crossroads. Let us take a few examples.

Crime. Still up 47 percent higher than 10 years, and if you count in the use of drugs, we are clearly a more crime-ridden country than we were 10 years ago. I recently asked a group of older women, "Could you imagine a 70-year-old lady walking alone at night, at 10 o'clock at night, in a large city without being afraid?"

They said, "no." Yet, the fact was that only 15 or 20 years ago they would have said, "Yes." But in a very few years, crime has led to fear across our cities, crime has led people to be concerned about parking their car in an area without lights, crime has led us all to fear that somebody knocking at the door may be a danger rather than a friend.

Alcohol abuse, still causing between 50,000 and 200,000 deaths a year, still a $100 billion a year tragedy both for the Nation and for the human beings involved.

The literacy rate. One in every five Americans is functionally illiterate. Indeed, we are the first generation in American history to educate our children less than we were educated. Think of it. For the first time in American history our young children are going to be graduating from high school knowing less than their parents, something we have never had happen.

Finally, on a topic which is difficult to discuss in a liberal welfare state but which is clearly a very important topic in terms of social structure and our ability to survive as a society, the illegitimacy rate is increasing dramatically. The number of white illegitimate children has increased by a factor of 600 percent over the last three decades. George Gilder reports that 55 percent of black children last year were born out of wedlock.

This is a crisis because it either requires dramatically more socialization by the state or a rebuilding of the family structure. It is possible for a society to continue to have children born into an environment in which there is no structure and there is no way to learn the lessons of civilization.

□ 1950

But let us move on. Beyond the obvious social indicators of decay, the fact is that President Reagan has lost control of the national agenda. Fighting deficits is becoming a code term for new tax increases. Concern over education is becoming a slogan for more Federal spending. The medicare crisis will probably lead to a new commission proposing new taxes. Our highway, water, and ports infrastructure crisis will lead to new spending proposals. And the list goes on and on.

The Washington lobbies of the liberal welfare state, the Washington news media mind set of the liberal welfare state, and the national pressure groups that support the liberal welfare state are all alive and well. Neither the Republican Party nor the United States will prosper if we continue to build a high-tax, high-inflation, low-productivity, low-investment liberal welfare state. Indeed, if we decay long enough, we may cease to be competitive with Japan and East Asia economically or with the Soviet Union militarily.

Let me turn first to Japan. We use Japan here only as an example of the East Asian littoral because South Korea, Taiwan, Singapore, and Hong Kong work equally well. For example, South Korea has become one of the biggest shipbuilding countries in the world. In 1981 the South Koreans had more than twice as many ships on their order books as the United States had.

But let us look at Japan, the largest country in that area economically. For the past two decades, Japan's share of savings has been triple that of the United States, and Japan's gross domestic product, as well as its manufacturing and industrial growth rate has been twice that of the United States. Recent reports indicate, for example, that the Japanese are going to be able to continue investing far more.

If the Members will notice the chart, the Americans save around 6.1 percent of their income; the Japanese save 19.4 percent. The result is that the Japanese, for the size of their economy, have three times as much money to build new factories, to try out new ideas, and to invent new products.

We can find a similar kind of chart with a similar kind of rate, except that it looks worse, if we look at Soviet and American tank rates in Europe. We will find that there are about five Soviet tanks for every American tank. Some people say, "Well, you see, the Americans are going to be a lot smarter. They are going to figure out exactly which Soviet tank to kill first, and that will allow us to make sure that we disorient and destroy the momentum of the Soviet attack, and so we will survive even though we are outnumbered 5 to 1."

If we think about it, that is a pretty tough thing to do, and it is very unlikely we are going to be that much smarter. Yet Walter Mondale's new industrial policy is remarkably similar. What it says is that, yes, the Japanese will have three times as much money and, yes, they are going to be able to take three times as many risks, but we are going to set up a government bureaucracy, and that government bureaucracy is going to be so smart that it will make the right decision, it will build just the right factory, and it will do just the right things.

Now, frankly, that is nonsense. Even the Japanese Planning Ministry has not been very effective. In fact, at that ministry on one occasion told the Japanese automobile industry that the Japanese could not build cars as well as General Motors and they should not expect to compete with us on the world market. On a number of occasions Japanese Government planning has been wrong. The difference has been that in Japan they have three times as much money to build factories as we do in the United States, for the size of the economy, and, therefore, they can build three times as many factories, buy three times as many new tools, and, as a result, be competitive. If you do not change the liberal welfare state, you cannot increase the savings rate, and if you do not increase the savings rate, in the long run you cannot compete.

I have a friend who is a science fiction writer who is thinking about a short story in which the Japanese Navy 200 years from now comes to San Francisco and opens up America, just as in the 1850's the U.S. Navy went to Tokyo Harbor and opened up the Japanese Empire.

Mr. Speaker, let me suggest that many people may not care about economic development. They say, "So what if we fall behind the Japanese?"

Let us look then at our second problem. That is the problem we have militarily. We now live in a new world. The Soviet Union has always been bigger militarily. For example, in 1982 we had 2 million people under arms, the Soviets had 5 million; we had 11,000 medium and heavy tanks, the Soviets had 50,000; and we had 96 attack submarines, the Soviets had 280. But now the Soviets are also beginning to compete qualitatively. If we look at this chart which is based on the work of John Collins of the Congressional Research Service in the Library of Congress, the present status of the United States is better than the Russians on 24 research programs militarily. The Soviet Union is better on 14 programs. If we look at the long-range trend, however, the United States ends up being better on only 13 programs while the Soviets end up being better on 25 programs. This chart was originally done under President Carter.

President Reagan has put a great deal more money into defense, but compared to the Soviets, the Reagan defense budget is not dramatically larger. In fact, even with all the additional money, we end up being about even with the Soviets in research. That is a very grave danger for the United States, because being even in research means that the Soviets will end up having more troops who are about equally well equipped. Therefore, the liberal welfare defense model literally will not work.

It is inconceivable that the United States will in the long run be able to survive if we maintain a liberal welfare approach to defense. But let us say that we do not care about defense and we do not care about the American economy. There is a third and, I believe, ultimately unanswerable question about why we have to give up the liberal welfare state and move toward a conservative opportunity society or some other effective model of human behavior that liberates our economy, gives us a new sense of hope, and allows us to develop a more attractive and more dynamic country. We have to regain our drive and our confidence to give the Third World a model to work toward.

Without our leadership, the Third World, which now stands at 4.5 billion people and by the year 2000 will number 6.5 billion people, will do two things: First, it will continue to arm, to rob, and to pillage its neighbors, and, second, the people of the Third World will continue to move to the United States.

Now, I think this has been a tremendous country for immigration. We have been a wonderful country. I come out of a German background, with some Scotch, Irish, and English blood. Every American, starting with the first Indians to come across the Bering Strait, is an immigrant. But the reality is that we would not want to have 6.5 billion people in the United States. We could not, frankly, sustain them, and if we do not change our economy, that weight of population would simply crush our economic health.

What we want to do is work with our neighbors, help them develop a population which is in itself healthy, and help them develop a world in which they feel comfortable and they feel excited about life, building their own country.

Let us look to our good neighbor to the south, Mexico, as an example of the challenge that they and we face. In 1983 the population of Mexico was 79 million, and there were 12 million unemployed. By the year 2000, the projected population is 115 million. That is a population increase of over 2 million new Mexicans a year. It is estimated that the population of Mexico in the year 2000, even with economic growth, would lead to 17 million unemployed citizens, clearly not a desirable state and not one which is survivable.

I would suggest that that kind of pressure in a population which is growing younger as it grows larger, because there are more young people and there are more children, is a clear recipe for trouble. Indeed, we know today how many 18-year-old Mexican males there will be because they were all born last year, and what those numbers tell us is that there is a very grave danger that if we do not lead the Third World, the Third World will accept the Cuban-Castro approach of bigger militaries, of more efforts toward being strong militarily, and of a larger effort to conquer and rape their neighbors.

So the choice for America is simple. If we want to develop a model which encourages young men and women to go into engineering instead of the military, if we want to develop a model in which young people across the planet go into business instead of going into the process of conquest, then we have to develop an economic engine that leads to a higher quality of life for everyone, and that engine has to begin in America because we have to lead, starting by developing our own country so everyone else has a model to turn to.

Fortunately, the United States is on the edge of three great revolutions that will transform the world: computer and information sciences, biology, and space. It is conceivable, for example, that by the end of my lifetime we will be growing key organs for transplant in vitro and we will be exporting them; that is, we might send 5,000 livers a year to France, and we might be importing people who will fly to the United States in order to get very advanced health care. It is conceivable that by the end of this century health care and biology will be major export industries, producing currency for the United States and creating very good jobs in America.

It is conceivable that in space we will begin to discover products, as recent experiments by Johnson & Johnson have proven, which will allow us to manufacture in space and produce export items.

It is obvious to almost every American that computers and information sciences are an area of enormous potential. Indeed, there are currently over 2,000 different books in print on how to use a computer—a sign that the American people are trying to understand and to learn about the future.

□ 2000

If all of this possibility is there, if there are three great revolutions ahead, why do we not notice it? Why do we not focus on it? Why do we not do more about it?

The answer, I believe, is that the liberal welfare state as a cultural phenomenon is addicted to the negative, that the Club of Rome spirit which led to books like the "Limits to Growth" really believes that there is no positive future, that by destroying the concept of progress, the liberal welfare state has destroyed the ability to dream, which was the key to America.

Much of the news media by its focus on the negative, by its passion for the destructive, by its eagerness to cover the bad, has increased our myopia and our pathology.

Indeed, if Thomas Edison had invented the electric light in the age of the liberal welfare state, I suspect that Dan Rather would have reported it in a story which began, "The candlemaking industry was threatened today," and that Walter Mondale would introduce a bill to protect candlemaking industries.

We have to regain the vitality, the excitement that was once characteristic of America. We have to regain the belief that change can be progress if we have the courage to commit ourselves to making it progress.

We have to regain for example, the American era, 1870 to 1920. That generation saw the following inventions, among others:

Electric lights, modern chemistry, radios, airplanes, automobiles, motion pictures, trucks, modern highways, washing machines, telephones, refrigeration, the dreadnought battleship.

There was an explosion of ideas between 1870 and 1920.

Peter Drucker in the great book, "An Age of Discontinuity" said that there are periods in history in which everything changes, that for a long time the graph is steady. We can predict the future and then it breaks, as all of a sudden change sets in.

In 1869 it would have been impossible to predict the world of 1920, but in 1920 it would have been very possible to predict the world of 1950.

Indeed, people like H. G. Wells made those predictions.

That was an age which saw the world as a positive dynamic exciting future. In fact, as an example of that era, there is a little book entitled, "What Every Girl Should Do For Her Country." It is the 1913 Girl Scout Handbook. It is an interesting study in patriotism and voluntarism in an age before what we think of as women's liberation. Way back then the advice in the Girl Scouts Handbook was not just go out and prepare to be a housewife. It was not to be second to your husband. The advice was that every girl should learn at least two trades so that if one dies, she can earn a living at the other.

In other words, that handbook way back in 1913 was committed to an age of change. It was written for an age of discontinuity, in Peter Drucker's term.

Now, there is a larger suggestion than the one we are entering on discontinuity and Peter Drucker in that book back in 1967 suggested that we were just beginning to enter a new era, that between computers and space and biology, our world was going to change so much that over the next 30 or 40 years we would not really know exactly what the world was going to be like until it happened.

But there is a more fundamental analysis. Kenneth Boulding, the economist on the "Meaning of the 20th Century," Daniel Bell, the sociologist in a book entitled "The Post Industrial Society," and Alvin Toffler, the reporter in the best selling book, "The Third Wave," all three argue that we are going through deeper, even more fundamental changes. These three authors, Boulding, Bell, and Toffler, suggest that the next 50 years is a transition, comparable to the shift from hunting-gathering to agriculture, from agriculture to industry and now from industry to the information society.

Let me make this clear for politicians and for people who care about politics. The shift from hunting-gathering to agriculture, from running around in small bands to living in one place growing corn or wheat or rice, led to such fundamental changes as the invention of the law, not just laws, the actual invention of the idea of written law, the invention of the idea of judges, the invention of the idea of the court. They led to other inventions, such as the invention of the king.

Now, when you come down here from agriculture to industry, you see similar great inventions. Probably the most famous politically are the invention of the political party, the invention of the secret ballot, and the invention of the referendum.

It is interesting, for example, that in the same 10-year period, the Republican Party in America invented the congressional campaign committee and the Tory Party in Britain invented the central office, which is their campaign committee.

In other words, with the rise of industry we were able for the first time to have modern mass centralized political parties, using the printing press to tie together the middle class.

If we are, indeed, going through a similar transition on that scale, then one has to ask the question, what are the political and governmental inventions for an information society that are as fundamental, as crucial as the invention of the law or of kingship, the invention of the modern central political party?

The articulators of the great transformation theory see the explosion of knowledge as the key to understanding our world.

Now, I am not asking you to buy the Boulding-Bell-Toffler thesis versus Drucker's "Age of Discontinuity." Either one is very big.

Let me give you one indicator why the great transformation from an industrial society to an information society may be more accurate.

Let us use speed to study how we are using knowledge. From about 2000 B.C. up until 1820, the fastest human beings could travel was the speed of a horse. In that era, the Mongols invented, for example, a Pony Express, which ran from Hungary to the Pacific Ocean. We invented a similar Pony Express out West in the 1850's. That is about 20 miles an hour by horseback. You can maintain it consistently as long as the rider can stand it and as long as you can find fresh horses.

All of a sudden, with the invention of the railroad train, we get faster speeds. You can really see the transition when you read, for example, letters in the 1830's which warn that if human beings go over 40 miles an hour, their hearts will burst because they have never experienced that kind of speed before.

By 1900, we reached 100 miles a hour. Now, a 100 miles an hour is 5 times faster than a horse. A factor of 5 is a very big change indeed. To give you an example, multiply your own weight by 5 and you will see how big a jump that is.

But 1900 is still way down here. It is slow compared to the next great jump. Between 1900 and 1970, human beings invented the airplane, the rocket, and we left the earth's orbit. For the first time, we went out to the Moon. We made a speed of 19,000 miles an hour, or 190 times faster than in 1900.

In fact, if you go back to 1820, we increased our speed by a factor of 960.

Now, what does that mean? Well, when you go to Mount Vernon and you look around George and Martha Washington's residence and you realize that just 200 years ago George Washington lived more like Julius Caesar 2,000 years ago than he lived like us, you begin to see how much the world has changed, and then when you look at how rapidly we have changed in the 20th century and you think to yourself, well, was American government and American society changing at a rate of 960 fold since 1820? And you conclude no, it clearly has not. You begin to see that politics and society are lagging indicators, that the world has changed must faster in speed than in government or politics.

Speed is the slowest of the three great changes. The second great change is television and radio, the ability electronically to move at the speed of light and to be across the entire planet, to speak on the House floor and be seen in Hawaii or in California.

Even greater change is in computers. When one realizes that in this very day there are still people who use the abacus, who by hand calculate, and we now see modern computers, we can appreciate that we are at the beginning, not the end, we are in the Wright Brothers era of computing in space. We are not in a modern era at all. We are in the baby era of these great breakthroughs.

When you remember the computer game Pong, which is now old-fashioned, but only 7 or 8 years old, the game where you had one dot which bounced back and forth and you had these little lights that went up and down on the side of the television set and you look at a modern computer game only 7 years later, you can appreciate the rate of change.

Without deciding between the two analyses, that of an age of invention or the great transition, it is clear that we are at least undergoing a large shift. In either case, the United States is entering an era of change, of uncertainty, of turbulence, in Drucker's phrase, "an age of discontinuity."

By definition, we cannot know what is on the other side of our discontinuities. We can know, however, what values and dreams we want to flourish in the future.

Furthermore, we can know what techniques, what habits, what principles, will help America survive and prosper during the transition, so we enter the new era prepared to defend and leave freedom on the plant.

Let me suggest that change is not without values, that we do not have to go and run in a cave and become a hermit. Let me suggest just the opposite, in fact, that values change outcomes, that Brazil is different than New England because the Portuguese went to one place and the Puritans went to another.

□ 2010

What you believe often changes what happens.

The Russians and the Americans built railroads. The Russians built a railroad to extend a czarist empire, and the Americans built a railroad to carry free people west to own their own farms.

Values are not enough by themselves. Willingness without ability and training is helplessness. The Puritan who drowned trying to cross the Atlantic did not found Harvard, and the Puritan who landed but could not grow food did not found Yale.

The fact is that you have to have values, and you have to have willingness and ability, and you have to have training.

It is vital that we focus on ability and training, on a willingness to learn, because we are entering a very different era. Imagine, if you will, that America from 1945 to 1967 was like a family who lived in a houseboat floating on a large tranquil lake. All was quiet and peaceful.

Our Nation was the richest, most powerful, most advanced in history. Americans could learn bad habits, ignore mistakes, subsidize obsolete industries. We were unchallengeable. Indeed, you could think of somebody virtually getting drunk on Friday night, falling off the houseboat and being fished up out of the nice, warm, calm lake. It was in this world that the liberal welfare state was developed and flourished and reached its peak around the time of Lyndon Johnson.

Around 1967, America began to experience rough water. We all thought it was just a storm. If only we could survive a shaky era, we, like the lake, would become calm again.

We endured the riots in cities, Watergate, the Vietnam war, the oil crisis, and finally the largest inflation rate worldwide in 400 years.

This is a point I want to really drive home. When you have an inflation rate which sets a 400-year record, you have to expect a hangover that will be a 400-year record. If you look back literally to 1550 for the last great period of inflation, then you have to conclude that the problems we will have for the entire rest of the eighties and early nineties are in many ways inevitable, and we are going to have to find out how to get over the indigestion of having had too much easy money, too much paper money, too much inflation in the seventies, but all of our major politicians said: "Oh, if only we do a little right of center, or a little left of center, everything will work out better."

Richard Nixon ordered wage-and-price controls. Gerald Ford had WIN buttons. Jimmy Carter had a malaise speech. President Reagan had a 2-year cure. All promised that with a few changes, the calm would return. All were wrong.

America has entered a great white-water river of change. We will be on that river for a generation.

That river will require new skills, new habits, new ideas, new inventions, and a new style of leadership. The liberal welfare state may lead the American boat to sink in this river of change. At the very least it will lead it to decay and fall behind other boats, better adapted boats. It is precisely in the habits and principles of managing the transition that the liberal welfare state cripples America. The very centralized, bureaucratic attitudes which characterize the liberal welfare state are the most likely to hurt America during an era of change. Imagine the liberal welfare state as a classic college scull, eight rowers pull in unison at the call of the coxswain. It is centralized, organized, disciplined, efficient, and certain to sink in a white water river of change.

The rowing team simply does not have the time to look ahead, to see what is coming, to report to the coxswain and have him give orders.

White water survival requires a decentralized, reality-oriented team that learns and practices the habits of change and survival. The successful white water team shifts leadership to each member as they are at the point of danger or if their skills are needed. America needs to develop a more effective set of habits and principles that are based on the following qualities: Externally oriented, better trained, higher level of integrated knowledge, quicker response time, very fast problem solving, high analytical skills, more looking ahead, and more anticipation, a shared doctrine of best habits and best solutions, communicating more with less language exchange, and more decentralized.

Now, those are fancy terms, but let me give you two or three examples.

We have to become externally oriented, because the entire world from brand-new inventions in computing and biology to the sudden change in Grenada, to a war in Lebanon, to a shift in the oil price, all of these changes require that we learn how to look outward, how to be prepared to adjust to reality. Better trained because as things come faster and as they are more difficult, we have to respond without stopping and talking it out at great length. A quicker response time and very fast problem solving because our boat or raft will be swamped if we wait. If you cannot solve a problem relatively rapidly in the white water river, there are too many new problems queuing up behind you that will sink you which leads us to a shared doctrine of best habits. Since we do not get faster, although the river does, we have to learn to share ideas with each other. If I could have 6 ideas a year, that is not enough if I have 200 problems; but if I can share my 6 with another 100 people each of whom also has 6 ideas, then we have 600 answers to choose from and suddenly, we have a much better chance of solving the problems we are faced with.

Now, America has a problem, because the party that should lead it out of the liberal welfare state, the Republican Party, is not ready to do so. For half a century the Republican Party has been the antiliberal welfare state party. We have been trapped just as much in the liberal welfare state box as have the Democrats. In other words, if you think of a box with the words, "liberal welfare state" across the top, the fact is that the Democratic majority makes proposals. They come in and say: "Let's paint the room blue." The hard-core part of the Republican Party says: "No, let's not do anything, it is not the Government's job to paint the room blue."

The moderate wing of the Republican Party says: "Would you accept light blue?" The result is: Democrats always propose, the Republicans always divide, and one wing says absolutely not, and the other wing says: "Well, let's just a little bit." We end up being in effect a pennypinching, negative party. Liberals propose, and Republicans either say no or let us do only half of it. Republicans became such pennypinchers that we resembled the young boy that went to the flower shop for his date.

He meant to buy roses, but saw a special on wilted petunias. He saved $6 but lost the girl. I often say to businessmen and businesswomen that pennypinching is not necessarily cost effective in business, and it is often fatal in politics.

Let me suggest that it is in fact psychologically impossible to maintain a pennypinching right-of-center liberal welfare state. It is impossible as long as the Republican Party represents working Americans to ever outbid liberal Democrats; and furthermore, a right-of-center liberal welfare state would still be trying to return to the tranquil lake of the the past.

As Alvin Toffler said in a recent speech to the Urban League: "Both parties are in danger of becoming parties of nostalgia."

Toffler pointed out Walter Mondale wants to take us back to the smokestack industries of the past, but Republicans talk about taking us back to the little red schoolhouse.

Trying to go back on the liberal or conservative side will not guide us through the coming transition, just as we will never again have the industries of the past, and please do not misunderstand me. We will have manufacturing industries. We will have jobs creating things. There will be opportunities in Buffalo, and Youngstown, and in Chicago, but they will be the opportunities in the smokestack industries of the future, not in propping up decaying factories of the past. What we need to do is, we need to accelerate the rate of change with which we move into a newer and better job of the future, not try, as the Europeans have been trying, to desperately prop up the decaying jobs of the past.

Yet, the fact is to take education as an example, that our school system was designed for the smokestack industries of the past. It was designed for the assembly line. People arrived on time to the sound of a bell just as they would in a factory. They sat in a row in an organized way. They took notes as the foreman or teacher told them what to do. They learned not to go to the bathroom or to eat in between recesses because they were supposed to stay on the assembly line. In fact, they went to assembly-line courses that became assembly-line building blocks to get assembly-line degrees. They were socialized into a world which is today dying. Very few people work today the way they behaved in school, and that requires in the long run fundamental rethinking of what we mean by learning and public learning in an age of great change, but teaching people that the liberal welfare state is inadequate for our river of change is not enough by itself. Learning that lake boating is inadequate teaches you what not to do. It does not teach you what to do.

The Republican Party must invent a new approach, a new method, a new positive set of principles. Rather than trying to prop up the liberal welfare state or run a cheap, negative liberal welfare state, we have to invent an entire new model, and we replace in a sense the rectangle of the liberal welfare state with the oblong of what we are currently calling a conservative opportunity society in which there will be an anticonservative opportunity society, Democratic minority, and a Republican proconservative opportunity society majority.

□ 2020

That will require that we create an entirely new framework of thought, language, government, and politics.

Let me say this can involve very activist government. The era of Republican domination back between 1856 and 1932 was a period of tremendous government experimenting, a period of building the transcontinental railroad without having a Department of Railroad, a period of encouraging homesteading through the Homestead Act, a period of the agricultural colleges and the Morrell Act which led to the land-grant colleges and the agricultural agent system.

The test I always give conservatives is to say, "How many of you wanted to save the Panama Canal?" Most of my conservative friends promptly raise their hands. But the fact of the matter is that the Panama Canal was built by Government engineers, because Government doctors cured yellow fever. It was run by a Government corporation and it was constructed by Government, Army and Navy, the largest public works project in history at the time it was set up. But it did not involve five bureaucrats in Washington for every engineer in Panama.

It was a sign you can have an active, aggressive, conservative state which does not in fact have a large centralized bureaucracy.

Now, if we are going to invent a new, dynamic system, a new way of viewing the world which we are calling a conservative opportunity society, we have to recognize that the first step toward creating a new model is to recognize the need for change.

Let me suggest that both at the level of the Republican Party and at the level of the liberal welfare state we need real change, we need to change the triangle of Republican minority to the circle of the Republican majority. We need to go from the liberal welfare state triangle to a conservative opportunity society majority circle.

In each case there is a fundamental change from triangle to circle.

Most people when you finally convince them intellectually and they say fine, then they say let us make this side of the triangle a little darker, or let us make this side of the triangle a little bit lighter, but to talk about real change, to move in a fundamental way, for example, in education from a focus on teaching to a focus on learning, in business from a focus on bureaucracy to a focus on entrepreneurship, in government from a focus on the bureaucrat to a focus on the citizen, that is real change and that is why change becomes the central instrument.

I would suggest in the politics of the next 30 years the major dividing line in the Republican Party will not be between moderates and conservatives, will not be between young and old; it will be between those who agree and are willing to commit themselves to the great experiment of thinking through new approaches and thinking through new efforts and those who, in fact, are addicted and stuck and are frightened to leave the world of the past.

The most powerful model of change is what is called the frozen-thawing-refreezing model. People and systems do not change unless they are either in pain or they are anticipating change.

One major failure is an effort to leap from freezing to refreezing. What happens is people say all right, I have really got to change. I know I am frozen over here. Tell me what you want me to do and I will leap right over here and refreeze. I do not want to go through this thawing part in the middle; that is a waste of time.

The world does not work that way. The most you can do is you leap from frozen to refrozen without thawing is learn a gimmick, learn a tactic, or learn some little item.

Real change, whether it is getting married, raising children, starting a new job, learning a new career, moving to a new town, requires at some point that you thaw out and start learning in a big way.

As long as you are frozen you cannot learn. You cannot learn about a new job, you cannot learn about a new spouse, you cannot learn about new children, and you cannot learn about a new city.

If you want to learn you have got to thaw out.

That is frightening because here you are frozen and suddenly you become liquid, not just flexible but fluid. That scares people and they have a difficult time doing it.

So let me offer one gimmick, one step toward thawing out. A good way to think is to draw nine dots, three rows of three dots. This is called the nine dot problem and it is our hope over the next couple of years that virtually every American will learn it because it is a way of thinking, a habit that will help people really solve problems on their own.

One of the real purposes of a conservative opportunity society is to make people stronger and better educated so they can solve their own problems, instead of simply turning to the

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Government or turning to some outside agency.

The gimmick here is to draw four lines which cover all nine dots. It is a simple problem. You cannot lift the pencil once you try. Start trying and if you try to draw all four lines, you can cross the lines, but you have to keep the pencil down because otherwise, of course, you could simply cross all nine dots with three lines.

People will work on this problem for 10, 15 minutes, for 1 hour, and they will not solve it because it turns out that the geometry of the nine dots requires that they go outside the nine dots, that they draw angles that are out here and out here. Then when you say to people who have been working on this problem for a long time, "Well, why didn't you solve it?" They say, "Well, you can't go outside the dots," or "You can't go outside the box," or "You can't go outside the perimeter."

Then you say to them, pointing back to the original nine dots, you say, "What box? What perimeter? What limit?"

Suddenly they begin to realize that in hundreds of ways in their own lives almost every day we trap ourselves in the nine dots, that just as the liberals have dropped in the nine dots of bureaucratic solutions in Washington, so conservatives have been trapped in the nine dots of penny-pinching and negativism.

In fact, for many Republicans there are still habits and assumptions of negative thinking. In fact, all Republicans who approach each problem with "We haven't, we can't, if never works, and it won't work," are still trapped in the nine dots of the past 50 years of defeat.

The fact is if we are really entering a new era of transition, a real river of change, then we do not know what will work until we try it.

That is, when we approach medicare, what are the nine dots we are trapped in? What are the assumptions we accept without thinking?

When we look at reforming and revising the Pentagon, what are the assumptions we start out with which cripple us? When we think about solving the problems of economic growth, what are the automatic assumptions that we walk off from that by themselves trap us into problems that will not allow us to solve the great opportunities and to reach out to the great future which is ahead.

The fact is that we really do not know what will work until we try it.

However, there are some habits and practices which are helpful in an era of change.

Three books in particular outlined ways of working in an age of uncertainty. John Nesbitt in "Megatrends" gives us a list of 10 trends to help channel our thinking. Peters and Waterman in "In Search of Excellence" provide eight practices of excellent American companies. Peter Drucker in the "Effective Executive" suggests five rules for an effective executive.

Let me start first with "Megatrends." John Nesbitt suggests we are going first from an industrial society to an information society.

Second, from forced technology to what he calls high tech/high touch.

Third, from a national economy to a world economy.

Fourth, from the short term to the long term.

Fifth, from the centralization to decentralization.

Sixth, from the institutional help to self help.

Seventh, from representative democracy to participatory democracy.

Eighth, from hierarchies to networking.

Ninth, from the North to the South.

And, 10th, from an either/or to a multiple option future.

So I would suggest that a conservative opportunity society would in many ways be an information society with high technology but also a high touch component; would focus on the world economy and our role within it; would be long-term oriented, decentralized, emphasize self-help, have participatory democracy, use networking rather than hierarchies, recognize the rate of change that has shifted the country toward the South and Southwest, and recognize a multiple option rather than an either/or future.

Peters and Waterman studied a number of American corporations that they found to be excellent and they found eight basic steps which they said are a fundamental improvement on the current Harvard Business School model. I emphasize this because many of the problems we face as a country in our politics, in the Defense Department, in our bureaucracy, in our government, in our companies, are a function of the Harvard Business School model which the first chapter of Peters and Waterman is a devastating critique of.

They suggest eight positive steps. First, a bias for action, for getting on with it, not paralyzed by decisionmaking. The standard operating procedure is do it, fix it, try it.

Second, being close to the customer, listening intently and regularly to the customer.

Third, to foster leaders in innovation throughout the company, to foster products, to encourage risk taking.

Fourth, to encourage productivity through people, respect for the individual, treat the rank and file as the root source of quality productivity.

Five, having hands-on value-driven systems setting values and insuring that they are followed. Management in the field.

Sixth, staying reasonably close to the businesses we know.

Seventh, using a simple form and a lean staff.

□ 2030

Eighth, what they call simultaneous loose-tight properties. They said this is the most complicated one. Everything is decentralized except for the very few core values that are so important that they are enforced vigorously across the whole company. And that is what they mean by simultaneous loose-tight properties.

Again I would suggest you could take Peters and Waterman's eight principles and apply them to the Pentagon and dramatically improve the effectiveness of our military systems and our procurement systems.

I would suggest that a Republican Party which is built around and has a habit and a style of operation around the search for excellence would be more dynamic, more exciting, in the words of the Baltimore conference it would have "zzazzip."

Finally, Peter Drucker's "The Effective Executive," which is the most powerful single book about how to be effective and which is important for every American citizen because if we are entering an information age, the fact is every single one of us will be an executive in the future. Every one of us through the telephone, through television, through our automobile, has the kind of power and discretionary time which makes us an executive.

Drucker suggests five principles: First to find out where your time goes, manage it, and consolidate your discretionary time into the largest possible continuing units.

Second, focus on contribution. Look upward from work and outward towards goals.

Third, make strength productive. Make weaknesses irrelevant.

Fourth, concentrate. Do first things first and do one thing at a time.

Fifth, make decisions as a systematic process with clearly defined elements and in a distinct sequence of steps.

Let me suggest that we can use the insights of Naisbitt, the management patterns of Peters and Waterman, and the executive leadership approach of Peter Drucker to develop a Republican system for a conservative opportunity society for both our country and our party.

We can develop a program which accepts the Boulding-Bell-Toffler thesis that we are entering an age of transition. We can in fact live on that White Water River of change and by changing dramatically we can lead the world.

We can accept the notion that the airplane, the nuclear weapon, the missile have turned us into one planet; that Wendell Wilkie's "one world" has come true and that this planet in the long run will either be slave or free and the success of America is the key to the success of freedom; that if we are dynamic, if we regain our morale, if we have a positive vision of the future to work toward, if we apply valuable practical workable habits toward the country and the world, then the world will truly follow us and we will lead the human race into a millenium of freedom. But if we falter, if we stay with the liberal welfare state, if we continue to decay economically, if we keep a large centralized bureaucracy with high taxation and high inflation, if we weaken militarily, then in the long run the forces of slavery may indeed win and we may enter a millenium of darkness such as we have not known for a long time.

In order to begin that future what we decided at Baltimore was that 50 Congressmen and Congresswomen were not enough; that in fact no small handful of people could invent America for our children, that the most that we could do is to begin by dreaming. We could dream first of the America we want for our children, we could dream second of the steps we can take to create that America; we can dream third of the political movement it would take to achieve that creativity; and we could dream finally of the Republican party we must be if our dreams are to come alive and be realized.

And we closed the way we began. We said that we were willing to take risks and we did take risks. We set some goals that the news media could not cover very well, some ideas that were not obvious or simple. We said that the goals of the Baltimore conference were to develop an understanding of and commitment to the long range cause of revitalizing America and the Republican Party: Openness, not consensus; legitimate diversity; the habit of listening and communicating more effectively; an optimistic outlook; increased creativity; and introduction to the new concepts and techniques that are necessary for survival and growth during a transitional period.

We resolved at that Baltimore Conference that in fact we were willing and eager to be populists in the tradition of James Madison, that the way we would enter that White Water River of change, the way we would create that conservation opportunity society, the way we would move forward toward an age of information and manage the transition to a world of freedom would be like going back again to that very same chart we used at the very beginning. To say, once again, as Madison did, that, "knowledge will forever govern ignorance and the people who mean to be their own governors must arm themselves with the power that knowledge gives."

In that tradition we resolved that the 1984 campaign should be a campaign of knowledge, that the 1984 campaign should focus in talking honestly about America's future, that the 1984 campaign should invite all Americans to join in the thawing, that the 1984 campaign should recognize that all too often modern politics has been a Fred Astaire movie in an age of "Flashdance," that all too often we in politics and government have looked as though we are out of touch with the rest of the country.

As one man said, "as every one else in the country thaws, the two political parties might be the last two ice cubes, we might be the last two frozen parts."

If America is truly to move forward, then we must indeed recognize that knowledge, if it is to govern ignorance, must belong to the people. And those of us who are in politics must to some extent become teachers. But since we are teaching about a brand new world, we must become learners; that each of us in the Congress can go home, can reach out to 550,000 people and can say to all of our citizens, "I do not have all the answers, I do not know where this great river of change will take us, I do not know what we will have to do over the next 30 years, but I can pledge to you that together all of us as a nation can move into a future of freedom and productivity and prosperity and safety, that together just as we faced great challenges to cross the Atlantic and Pacific, just as we faced the great challenges to walk west or to walk north, just as we faced challenges in opening up a new continent, so we can face challenges in opening up a new era that together we can pledge ourselves to a 1984 campaign to a period of government in which knowledge truly reemerges and does govern ignorance and that together we can create a conservative opportunity society which gives our grandchildren prosperity, productivity, freedom and safety."

Thank you, Mr. Speaker.

OPM SAYS NEW RULES WON'T HURT VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) is recognized for 15 minutes.

● Mr. **HAMMERSCHMIDT**. Mr. Speaker, a recent article in the Washington Post concerning new regulations from the Office of Personnel Management prompted me to write to OPM's Director, Dr. Donald Devine. I wanted to assure myself that the new reduction in force regulations of OPM would have no adverse effects with respect to veterans of our Armed Forces. I was particularly concerned about those veterans who are disabled.

Dr. Devine's prompt reply was most reassuring. He is an ardent supporter of veterans' preference in public employment and I was very pleased to receive his comments.

Mr. Speaker, I know that this issue is of great interest to each of my colleagues. I, therefore, herewith submit for inclusion in the RECORD the article from the Post, my letter to Dr. Devine, and his reply:

[From the Washington Post, Nov. 2, 1983]

OPM SAYS NEW RULES WON'T HURT VETERANS

(By Mike Causey)

The Office of Personnel Management says that veterans have nothing to fear from new reduction-in-force rules that become effective later this month.

In fact, OPM says that veterans, particularly disabled veterans, will get added job protection from new rules that overhaul the way agencies select employes to be RIFed out of their jobs.

Patrick Korten, executive assistant director of the OPM, said that yesterday's Diary "made it appear that our new rules will somehow treat veterans differently during a RIF." The column quoted congressional sources who said that a "wrinkle" in the new OPM regulations would cause veterans rated "unacceptable" by their bosses to lose special job protection during RIFs.

"In fact," Korten said, "that has been the case since the passage of the Civil Service Reform Act of 1978. The law says very clearly that veterans who are rated 'unacceptable' cannot receive the added job protection of veterans' preference in a RIF."

"In this case it is simply the status quo," Korten said, "with no change in treatment for veterans during a RIF. But, in another area, there is a very important improvement for veterans. That involves a much broader definition of competitive areas and competitive levels during a RIF."

Korten said that under the current system, veterans and nonveterans often must compete for jobs in small groups called competitive areas. Expanding the size of the groups will give veterans the advantage of competing with more nonveterans.

At the same time, OPM says that new value given to performance under its proposed rules change will give greater protection to employees who do well on the job, but who have been in government a relatively short time. Under current rules, short-service employees got very little extra credit for above-average job performance, and hence are usually the first fired.

Many of those short-service employees, especially in the higher grades, are blacks and women.

Moe Biller has been reelected president of the American Postal Workers Union. He defeated challenger David E. Daniel, state president from West Virginia, 50,350 to 37,526 in mail balloting. Fewer than half of the union's 200,000-plus eligible voters returned ballots. Because of past mergers, the APWU has more national officers than some unions have members!

In some of the other APWU national officer elections, Washington-area president Sidney Brooks won in a three-way race to be administrative assistant for the union's health plan.

Tom Neill of Houston was elected director of industrial relations; Ben Zemskey was reelected director of organization; James Adams upset incumbent Michael G. Zullo as research and education director; Mike Benner, director of the special delivery division, was beaten by Samuel Anderson of Chicago. Clerk division assistant director Wallace Baldwin lost out to James Connors.

National officers who won reelection include health plan director Ben Evans; executive assistant Bill Kaczor Jr.; human relations director Lorenzo Stephens (the top vote-getter among national officers); director of clerk division John A. Morgen, clerkcraft assistant directors Kenny Wilson and Andy Anderson; maintenance division director Richard Wevodau and assistant director Tom Freeman, and representative-at-large James Lingberg; motor vehicle division director Leon Hawkins and assistant director Don Ross, and mail handler director Ken Leiner. Owen Barnett was elected research and education director.

Executive Vice President William Burrus and Legislative Director Patrick J. Nilan were unopposed for reelection.

Cecile F. Romaine of West Virginia edged James A. Carr of Baltimore for the job of business agent for the Washington region.

NOVEMBER 1, 1983.

Hon. DONALD J. DEVINE,
Director, Office of Personnel Management, Washington, D.C.

DEAR DON: As you know, I have been a strong supporter of veterans preference in public employment during all of my Congressional career.

This morning I read an article in the Washington Post (copy enclosed) which concerned me. It indicates that veterans' preference is about to be substantially weakened. This is contrary to what I understood the situation to be.

I would appreciate your comment upon the Post article. I would particularly like to hear from you with regard to any discussions you may have had with the various major veterans organizations as you have promulgated your new reduction in force regulations. I would also like to be assured that veterans, particularly those who are disabled, are protected by your new proposed procedures.

Thank you very much for your cooperation in this matter. I look forward to an early reply.

Sincerely,

JOHN PAUL HAMMERSCHMIDT,
Member of Congress.

OFFICE OF PERSONNEL MANAGEMENT,
Washington, D.C., November 2, 1983.

Hon. JOHN PAUL HAMMERSCHMIDT,
House of Respresentatives,
Washington, D.C.

DEAR CONGRESSMAN HAMMERSCHMIDT: Thank you for your letter of November 2, 1983 concerning our personnel reform regulations regarding reductions-in-force (RIF) as they affect veterans. During the process of formulating these rules we originally set one of the principles of the reform to protect veterans preference, and we have continuously worked with the veterans' services organizations to refine our proposals to achieve that intended principle.

You draw attention to a column appearing in yesterday's Washington Post which raises the specter that the new regulations might reduce protections for veterans rated "unacceptable" under a performance appraisal system. You also mentioned that The American Legion has had concern that the Department of Housing and Urban Development (HUD) has drawn smaller "competitive areas" then has been their past practice for their upcoming RIF. Both of these items were also of concern to me.

The American Legion is correct that HUD has drawn smaller competitive areas than has been the case in the past. I am afraid, however, that they are within their rights under the present regulations. This is precisely the reason The American Legion was properly concerned about making the definition of competitive area more precise in the new regulations, and why they requested that areas not be changed within 90 days of a RIF, unless approved by OPM. We clearly need OPM's new regulations to correct this and related weaknesses in the present RIF procedures.

As far as the Post column is concerned, it is true that unacceptable-rated veterans receive less protection in a RIF. However, that is the result of the law, rather than the regulations. Section 3502 of 5 U.S.C. only applies full protections to veterans "whose performance has not been rated unacceptable under a performance appraisal system." This is the law and always has been the law. The Post article was misleading in that some protection is given even to unacceptable-rated veterans. Disabled unacceptable-rated veterans will still displace unacceptable-rated veterans, and unacceptable-rated veterans will displace all unacceptable-rated nonveterans. The new regulations, therefore, do not weaken veterans preference in this regard, but the new regulations are essential if we are to correct the other weaknesses in the RIF system. You might also be interested in the correction the Post columnist made in today's paper, which is attached.

The services organizations concern about the manipulation of competitive areas in a RIF, and with other aspects of the present reduction-in-force system, was the reasons why the organizations asked us to include these specific changes in our regulatory reform package. They are interested in obtaining these new protections. In my opinion, it is critical that our new regulations not be blocked by a Congressional appropriations rider so that they can go into effect and allow us to properly enforce veterans preference in Federal employment.

Sincerely,

DONALD J. DEVINE,
Director.●

CRIMINAL JUSTICE ACT REVISION OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

● Mr. KASTENMEIER. Mr. Speaker, today I am introducing the Criminal Justice Act Revision of 1983, a bill which would update the Federal Criminal Justice Act (18 U.S.C. 3006A). This bill, which is the work product of the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice, is cosponsored by all the members of the subcommittee, as well as by two other members who indicated their interests in the legislation. I welcome the bipartisan support for the bill, and hope that it can be processed through the committee and this body this session, if possible.

The genesis for this bill is a proposal (H.R. 3233) which I introduced at the request of the Judicial Conference, and on which our subcommittee held 2 days of hearings—June 30 and July 14. Federal judges were concerned that the Criminal Justice Act—which provides a system for representation of indigent defendants in criminal matters—had essentially not been updated since 1970. The sixth amendment to the Constitution guarantees the right to competent counsel in criminal cases. If the constitutional mandate is not followed, then innocent persons may be convicted and guilty persons may be released based on a showing of ineffective assistance of counsel. Thus, it is in the interest of justice that competent counsel be encouraged to serve under the Criminal Justice Act. The bill which I am introducing is more fiscally conservative than H.R. 3233. The hourly rates of $20 (out of court) and $30 (in court), which were set in 1970, are no longer reasonable rates in most cases. H.R. 3233, as requested by the Judicial Conference, would have allowed the conference to set any hourly rate. However, this bill sets a general maximum of $50 per hour with an absolute maximum of $75 per hour. The Judicial Conference in consultation with the judicial councils of the circuits may vary the rates by district considering such factors as the minimum range of prevailing rates for qualified attorneys in the district. Three years after the effective date of the act (October 1, 1984), the hourly rates may be raised consistent with cost of living raises to Federal employees, but only if the Judicial Conference decides it is appropriate to increase the maximum rates by district. The maximum case ceilings are raised but not to the extent as recommended in H.R. 3233.

The need for this legislation has been well documented by such groups as the U.S. Judicial Conference, the National Association of Former U.S. Attorneys, the American Bar Association, the National Legal Aid and Defender Association, and the Wisconsin State Bar Association, among others.●

CHANGES TO TELEPHONE SERVICE PRESERVATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 5 minutes.

● Mr. WIRTH. Mr. Speaker, the telephone legislation I have introduced today, H.R. 4295, is identical to H.R. 4102, the Universal Telephone Service Preservation Act, with a single technical change. That change clarifies the intent of the legislation that private communications systems which do not interconnect with the public switched network, and will not or cannot rely on the network as a backup, need not pay an access charge.

This has been the intent of the legislation since the Subcommittee on Telecommunications began consideration of the bill in late July.

Specifically, the clarifying change exempts from the access charge any user of a private communications system who certifies that he will not use the facilities of a local telephone company to distribute the traffic of that private system.

The text of the change follows:

"(C)(i) Charges under this subsection shall not apply to any line used by a person who certifies to the Commission that after the date of such certification such person will not use the facilities, services, or related functions available from an exchange carrier for exchange access as a substitute or supplement for the line covered by the certification.

"(ii) Any certification under clause (i) shall be subject to terms and conditions prescribed by the Commission which provide that if the person thereafter so uses such facilities, services, or related functions of the carrier, such carrier shall be entitled to receive from that person amounts in addition to the charges which otherwise apply for such use. The additional amounts shall be determined in a manner which is prescribed by the Commission and which reflect the costs imposed upon such carrier in making available facilities, services, or functions.●

DU PONT CO. SUPPORTS SOIL CONSERVATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of Tennessee. Mr. Speaker, on October 31, 1983, I was honored to participate in ceremonies announcing that the Du Pont Co. has agreed to fund the conservation awards program of the National Endowment for Soil and Water Conservation. This will make Du Pont the largest corporate contributor to this private sector endowment which is only a couple of years old.

Emmett Barker, chairman of the endowment, Secretary of Agriculture John Block, Senator ROGER JEPSEN and I participated in the press conference and other ceremonies. We were privileged to hear the remarks of Dr. Dale E. Wolf, group vice president, agricultural chemicals, the Du Pont Co., and I include his remarks in the RECORD:

STATEMENT OF DR. DALE E. WOLF

On behalf of the Du Pont Company, I want to salute each of you for your leadership and persistence in furthering natural resource conservation in the U.S.—and especially for your efforts to help make The National Endowment for Soil and Water Conservation a reality. You and a handful of others first recognized the need for the Endowment as a private sector initiative that could make a positive difference in the lives of farmers and consumers across the country. Now the Endowment is doing just that, doing it well and doing it in a way that complements the far-reaching programs of other organizations, public and private.

All of us at Du Pont are pleased to sponsor the Endowment's first annual awards program and to extend our company's longstanding commitment to conserve America's richest natural resources, our soil and water. U.S. farmers and ranchers—the most productive in the world—are the ultimate stewards of our national agricultural base, and they deserve widespread recognition and support for their efforts to practice sound, cost-effective conservation techniques. The Endowment's awards program does just this—and more, providing Du Pont with new opportunity to participate in a national endeavor of great importance to all Americans for generations to come.

According to a number of experts, farmland an water—the foundation for our country's enormous agricultural productivity—are under stress. Despite significant steps taken by growers, the agribusiness community and government agencies, USDA figures show that erosion from agricultural lands amounts to more than six billion tons of topsoil each year. In some areas of the country, topsoils are said to be eroding much faster than natural processes appear to be able to restore them. With water, the outlook is no better. Some experts believe that by the year 2000, certain regions, mainly in the Midwest and Southwest, could encounter severe water supply shortages. Others believe that our nation has adequate surface waters, but they are poorly managed. One way or the other, agriculture, the nation's largest consumer of water, faces a potentially serious problem.

The nonprofit, nonpolitical Endowment was formed to step up to these issues in the local community. The Endowment provides a focal point for private citizens and organizations to pledge their support for soil and water conservation. The Endowment speaks to real need, focusing the spotlight on the need to sustain a strong and health agriculture. And most of all, the Endowment aims at reaching American farmers with practical information and new incentive to help them do what they can do best—maintain agricultural productivity while conserving the nation's soil and water resource base.

In sum, these are the reasons that led Du Pont to become a charter member of the Endowment—and to carry our commitment one step further by sponsoring the first annual awards program. We believe the nation has no choice but to do a better job in soil and water conservation. The organization of the Endowment as a private sector initiative will hasten the day when the goal is achieved.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HARTNETT (at the request of Mr. MICHEL), after 6 p.m. today and the balance of the week, on account of illness in the family.

Mr. BROOMFIELD (at the request of Mr. MICHEL), for November 4, on account of official business.

Mrs. HOLT (at the request of Mr. MICHEL), for November 4, on account of official business.

Mr. BOEHLERT (at the request of Mr. MICHEL), for November 4, on account of official business.

Mr. MICHEL (at his own request), for November 4, on account of official business.

Mr. CHENEY (at the request of Mr. MICHEL), for November 4, on account of official business.

Mr. ROBINSON (at the request of Mr. MICHEL), for November 4, on account of official business.

Mr. COELHO (at the request of Mr. WRIGHT), for November 3 and 4, on account of a necessary absence.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER of California) to revise and extend their remarks and include extraneous material:)

Mr. HAMMERSCHMIDT, for 15 minutes, today.

(The following Members (at the request of Mr. AUCOIN) to revise and extend their remarks and include extraneous material:)

Mr. ST GERMAIN, for 10 minutes, today.

Mr. AUCOIN, for 60 minutes, today.

Mr. KASTENMEIER, for 5 minutes, today.

Mr. SIMON, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. BONIOR of Michigan, for 30 minutes, today.

Mrs. BOGGS, for 30 minutes, today.

Mr. WIRTH, for 5 minutes, today.

Mr. FORD of Michigan, for 5 minutes, today.

Mr. JONES of Tennessee, for 5 minutes, today.

Mr. BONIOR of Michigan, for 30 minutes, on November 4.

Mr. SMITH of Iowa, for 60 minutes, on November 7.

Mr. SMITH of Iowa, for 60 minutes, on November 8.

Mr. PEPPER, for 60 minutes, on November 8.

Mr. DONNELLY, for 60 minutes, on November 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LUNDINE, to revise and extend prior to the vote on Coats amendment today in the Committee of the Whole.

Ms. OAKAR, to revise and extend prior to passage of H.R. 1234.

Mr. NELSON of Florida, prior to the vote of H.R. 1234, today.

Mr. MORRISON of Connecticut, prior to the vote on H.R. 1234, today.

Mrs. JOHNSON, prior to the vote on the Molinari amendment.

Mr. FLORIO, to revise and extend at conclusion of section 11.

Mr. ROE, prior to the vote on the Edgar and Florio amendment to H.R. 2867 in the Committee of the Whole today.

Mr. HAWKINS, to revise and extend his remarks during the debate on the Wyden amendment to H.R. 2867.

(The following Members (at the request of Mr. DREIER of California) and to include extraneous matter:)

Mr. FISH in two instances.

Mr. MCKERNAN.

Mr. PARRIS.

Mr. YOUNG of Alaska.

Mr. KEMP in three instances.

Mr. SUNDQUIST.

Mr. LAGOMARSINO.

Mr. DREIER of California in two instances.

Mr. WILLIAMS of Ohio.

Mr. FORSYTHE.

Mr. GREEN.

Mr. DANNEMEYER.

Mr. PHILIP M. CRANE.

Mr. YOUNG of Florida in 10 instances.

Mr. PORTER.

Mr. MOORE.

(The following Members (at the request of Mr. AUCOIN) and to include extraneous matter:)

Mr. WISE.

Mr. JACOBS.

Mr. HARRISON.

Mr. FAUNTROY.

Mr. WEISS.

Mr. RANGEL in two instances.

Mr. AKAKA.

Mr. ACKERMAN.

Mr. DONNELLY.

Mr. APPLEGATE.

Mr. PATTERSON.

Mr. MARKEY.

Mr. LANTOS.

Mr. BONIOR of Michigan.

Mr. LEVINE of California.

Mr. BERMAN.

Mr. FAZIO.

Mr. MORRISON of Connecticut.

Mr. JENKINS.

Mr. FLORIO.

Mr. CONYERS in two instances.

Mr. DE LUGO.

Mr. OWENS.

Mr. SOLARZ.

Mr. ST GERMAIN.

Mrs. BURTON of California.

Mr. GORE.

Mr. LEHMAN of Florida.

Mr. WALGREN in two instances.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 38 minutes p.m.), the House adjourned until tomorrow, Friday, November 4, 1983, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various individuals and delegations traveling under authorizations from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the third quarter of calendar year 1983 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE SOVIET UNION, UNITED KINGDOM, AND ITALY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND JULY 11, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas S. Foley, Delegation Chairman	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
David R. Obey	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Cardiss Collins	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Timothy E. Wirth	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Henry A. Waxman	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Thomas J. Downey	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.52
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Matthew McHugh	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Richard A. Gephardt	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Anthony C. Beilenson	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Norman D. Dicks	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT)—D.C./Moscow./D.C.).							5,163.69				5,163.69
Dan Glickman	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.59
Wyche Fowler	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Martin Frost	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		400.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Dick Cheney	7/1	7/2	United Kingdom		202.00		16.75		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE SOVIET UNION, UNITED KINGDOM, AND ITALY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND JULY 11, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Joel Pritchard	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Thomas E. Petri	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Jim Leach	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Sid Morrison	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Larry Hopkins	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Werner W. Brandt	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Jim Schollaert	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69
Gene Moos	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)						5,163.69					5,163.69
William L. First	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.43		252.53
Military transportation (RT—D.C./Moscow/D.C.)						5,163.69					5,163.69
Karen Watson	7/1	7/2	United Kingdom		202.00		16.73		68.49		287.22
	7/2	7/10	U.S.S.R.		356.00				143.35		499.35
	7/10	7/11	Italy		194.00				58.53		252.53
Military transportation (RT—D.C./Moscow/D.C.)						5,163.69					5,163.69
Ari Weiss	7/1	7/10	U.S.S.R.		395.00				143.35		538.85
	7/10	7/11	Italy		194.00			58.53			252.53
Military transportation (RT—D.C./Moscow/D.C.)							5,163.69				5,163.69

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS S. FOLEY, Chairman, Aug. 3, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE PHILIPPINES AND JAPAN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 7 AND JULY 12, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
George C. Eustaquio	7/7	7/9	Philippines	1,650	150.00					1,650	150.00
Ana M. Rodriquez	7/7	7/9	Philippines	1,650	150.00					1,650	150.00
George C. Eustaquio	7/9	7/12	Japan	84,591	351.00					84,951	351.00
Ana M. Rodriquez	7/9	7/12	Japan	84,591	351.00					84,591	351.00
Committee total					1,002.00						1,002.00

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE C. EUSTAQUIO, JULY 22, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MAJORITY LEADERSHIP DELEGATION TO VENEZUELA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 23 AND JULY 25, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jim Wright	7/23	7/25	Venezeula	3,219.75	243.00						243.00
Military transportation							1,916.36				1,916.36
Bill Alexander	7/23	7/25	Venezeula	3,219.74	243.00						243.00
Military transportation							1,916.36				1,916.36
Ronald Coleman	7/23	7/25	Venezeula	3,219.74	243.00						243.00
Military transportation							1,916.36				1,916.36

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mickey Leland	7/23	7/25	Venezeula	3,219.74	243.00						243.00
Military transportation							1,916.36				1,916.36
John Mack	7/23	7/25	Venezeula	3,219.74	243.00						243.00
Military transportation							1,916.36				1,916.36
Chris Matthews	7/23	7/25	Venezeula	3,219.74	243.00						243.00
Military transportation							1,916.36				1,916.36
Katherine Mitchell	7/23	7/25	Venezeula	3,219.74	243.00						243.00
Military transportation							1,916.36				1,916.36
Richard Pena	7/23	7/25	Venezeula	3,219.74	243.00						243.00
Military transportation							1,916.36				1,916.36
Committee total					1,944.00		15,330.88				17,274.88

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM WRIGHT, Aug. 24, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MAJORITY LEADERSHIP DELEGATION TO JAPAN, CHINA, SINGAPORE, MALAYSIA, AND TAIWAN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 5 AND AUG. 18, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
James C. Wright, Jr	8/6	8/9	Japan	110,250	450.00				86.68		536.68
	8/9	8/11	China		108.00						108.00
	8/11	8/13	Singapore	644	302.00				64.13		366.13
	8/13	8/15	Taiwan	10,055	250.00					10,055	250.00
Military air transport (RT)							8,752.62				8,752.62
Dante Fascell	8/6	8/9	Japan	110,250	450.00				86.68		536.68
	8/9	8/11	China		108.00						108.00
	8/11	8/13	Singapore	644	302.00				64.13		366.13
	8/13	8/15	Taiwan	10,055	250.00					10,055	250.00
Military air transport (RT)							8,752.62				8,752.62
John Paul Hammerschmidt	8/6	8/9	Japan	110,250	450.00				86.68		536.68
	8/9	8/11	China		108.00						108.00
	8/11	8/13	Singapore	644	302.00				64.13		366.13
	8/13	8/15	Taiwan	10,055	250.00					10,055	250.00
Military air transport (RT)							8,752.62				8,752.62
Steve Solarz											
Military air transport from Andrews to Tokyo only.							2,249.91				2,249.91
Sherwood Boehlert	8/6	8/9	Japan	110,250	450.00				86.68		536.68
	8/9	8/11	China		108.00						108.00
	8/11	8/13	Singapore	644	302.00				64.13		366.13
	8/13	8/15	Taiwan	10,055	250.00					10,055	250.00
Military air transport (RT)							8,752.62				8,752.62
Harry Reid	8/6	8/9	Japan	110,250	450.00				86.68		536.68
	8/9	8/11	China		108.00						108.00
	8/11	8/13	Singapore	644	302.00				64.13		366.13
	8/13	8/15	Taiwan	10,055	250.00					10,055	250.00
Military air transport (RT)							8,752.62				8,752.62
Larry Smith	8/6	8/9	Japan	110,250.00	450.00				86.68		536.68
	8/9	8/11	China		108.00						108.00
	8/11	8/13	Singapore	644	302.00				64.13		366.13
	8/13	8/15	Taiwan	10,055	250.000					10,055	250.00
Military air transport							8,752.62				8,752.62
Jack Russ	8/6	8/9	Japan	110,250	450.00				86.68		536.68
	8/9	8/11	China		108.00						108.00
	8/11	8/13	Singapore	644	302.00				64.13		366.13
	8/13	8/15	Taiwan	10,055	250.00					10,055	250.00
Military air transport							8,752.62				8,752.62
Marshall Lynam	8/6	8/9	Japan	110,250	450.00				86.68		536.68
	8/9	8/11	China		108.00						108.00
	8/11	8/13	Singapore	644	302.00				64.13		366.13
	8/13	8/15	Taiwan	10,055	250.00					10,055	250.00
Military air transport							8,752.62				8,752.62
Anne Page	8/6	8/9	Japan	110,250	450.00				86.68		536.68
	8/9	8/11	China		108.00						108.00
	8/11	8/13	Singapore	644	302.00				64.13		366.13
	8/13	8/15	Taiwan	10,055	250.00					10,055	250.00
Military air transport							8,752.62				8,752.62
Marge Youngblood	8/6	8/9	Japan	110,250	450.00				86.68		536.68
	8/9	8/11	China		108.00						108.00
	8/11	8/13	Singapore	644	302.00				64.13		366.13
	8/13	8/15	Taiwan	10,055	250.00					10,055	250.00
Military air transport							8,752.62				8,752.62
Janet Moore	8/6	8/9	Japan	110,250	450.00				86.68		536.68
	8/9	8/11	China		108.00						108.00
	8/11	8/13	Singapore	644	302.00				64.13		366.13
	8/13	8/15	Taiwan	10,055	250.00					10,055	250.00
Military air transport							8,752.62				8,752.62
Paul Driskell	8/6	8/9	Japan	110,250	450.00				86.68		536.68
	8/9	8/11	China		108.00						108.00
	8/11	8/13	Singapore	644	302.00				64.13		366.13
	8/13	8/15	Taiwan	10,055	250.00					10,055	250.00
Military air transport							8,752.62				8,752.62
Nicholas Masters	8/6	8/9	Japan	110,250	450.00				86.68		536.68
	8/9	8/11	China		108.00						108.00
	8/11	8/13	Singapore	644	302.00				64.13		366.13
	8/13	8/15	Taiwan	10,055	250.00					10,055	250.00

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Military air transport							8,752.62				8,752.62
Vance Hydman	8/6	8/9	Japan	110,250	450.00				86.68		536.68
	8/9	8/11	China		108.00						108.00
	8/11	8/13	Singapore	644	302.00				64.13		366.13
	8/13	8/15	Taiwan	10,055	250.00					10,055	250.00
Military air transport							8,752.62				8,752.62

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM WRIGHT, Oct. 21, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 6 AND SEPT. 11, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mr. Ron Klain	9/7	9/11	Spain		300.00		1,877.08				2,177.08
Jack Russ	9/6	9/11	Spain		375.00		2,332.16				2,707.16
Ms. Catherine Abernathy	9/6	9/11	Spain		375.00		2,332.16				2,707.16
Sala Burton	9/6	9/11	Spain		375.00		2,332.16				2,707.16
William M. Thomas	9/6	9/11	Spain		375.00		2,332.16				2,707.16

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM M. THOMAS, Oct. 18, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PATRICIA O. BRADLEY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 6 AND AUG. 21, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patricia O. Bradley	8/6	8/9	Mexico		324.00						342.00
	8/9	8/12	Peru		324.00						324.00
	8/12	8/14	Bolivia		216.00						216.00
	8/14	8/18	Colombia		476.00						476.00
	8/18	8/21	Jamaica		426.00						426.00
Total					1,766.00		[3] 3,961.27				1,766.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transportation.

PATRICIA O. BRADLEY, Sept. 27, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PHILIP COLE FINEGAN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 6 AND AUG 16, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
P. C. Finegan	8/6	8/9	Brazil	188.110	352.00						
	8/9	8/13	Peru	548,550	350.00						
	8/13	8/16	Ecuador	14,448	150.00						
					150.00						
Total					1,002.00						

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

P. C. FINEGAN, Sept. 6, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. JAMES D. FORD, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND JULY 10, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
James David Ford	7/1	7/5	France	3,815	500.00		904.00				1,404.00
	7/5	7/7	Austria	3,609.75	202.00						202.00
	7/7	7/10	Italy	590,536	388.00						388.00
Total					1,090.00		904.00				1,994.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES D. FORD, Aug. 3, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, ALVIN FROM, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 30 AND SEPT. 9, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Alvin From	8/31	9/3	Germany	1,045.20	390.00						
	9/3	9/6	France	3,134.70	387.00						
	9/6	9/6	Brussels	NA							
	9/6	9/9	England	278.96	417.00		[3] 3,518.24	135.18	135.18		
Total					1,194.00		3,518.24		135.18		

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

ALVIN FROM, Oct. 10, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, AUBREY McCUTCHEON, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 5 AND AUG. 12, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Aubrey McCutcheon	8/6	8/12	U.S.S.R				2,497.00				
Received in United States before departure					311.50						
Received in Leningrad				66	86.11						
Paid to hotel in Leningrad				76	99.15						
Received in Moscow [3]											
Paid to hotel in Moscow					429.53						
Total							2,497.00				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] The Congressional Travel Office at the U.S. State Department has advised us to submit this incomplete report until they are able to confirm the exact amount dispersed in Moscow by the U.S. Embassy there. Unlike the Embassy in Leningrad the Moscow Embassy did not provide travel advance applications or a cable reporting charges to the congressional account such as those attached. Ms. Terry Patton with Congressional Travel at State advises that the Moscow Embassy has not provided such information since January 1983. Please advise us if reimbursement of any overpayment is required.

AUBREY McCUTCHEON, Sept. 12, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, L. KIRK O'DONNELL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 8 AND AUG. 9, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
L. Kirk O'Donnell	8/8	8/9	Honduras		75.00		631.00		0		706.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

L. KIRK O'DONNELL, Aug. 9, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JEFFREY PRYCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 14 AND AUG. 18, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jeffrey Pryce	8/14	8/16	El Salvador	592.50	150.00						
	8/16	8/18	Nicaragua		150.00		698.93				998.93

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JEFFREY PRYCE, Sept. 16, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PAUL M. SNYDER, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 14 AND AUG.29, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Paul M. Snyder	8/15	8/18	South Korea	229,310	291.00						291.00
	8/18	8/23	People's Republic of China	738.99	375.00						375.00
	8/23	8/26	Thailand	5,358.50	234.00						234.00
Prorated share of travel for entire trip							10,783.99				10,783.99
Total					900.00		10,783.99				11,683.99

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PAUL M. SNYDER, Oct. 19, 1983.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2091. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the custodial services function at the Naval Hospital, Jacksonville, Fla., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2092. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the motor vehicle operations and maintenance function at the Naval Shipyard, Philadelphia, Pa. pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2093. A letter from the Secretary of the Interior, transmitting notice of a leasing system for the OCS Oil and Gas Sale No. 73—Central California, scheduled to be held on November 30, 1983, to be published in the Federal Register, pursuant to section 8(a)(8) of the Outer Continental Shelf Lands Act, as amended; to the Committee on Interior and Insular Affairs.

2094. A letter from the Attorney General of the United States, transmitting a report of all persons upon whom the President has conferred the Young American Medal for Bravery, pursuant to section 5, chapter 520 of the act of August 3, 1950; to the Committee on the Judiciary.

2095. A letter from the Comptroller General of the United States, transmitting the fifth annual report on the review and evaluation of methodology used by the Department of the Interior in allowing oil and gas wells on the Outer Continental Shelf to be shut in or to flare natural gas, pursuant to section 601(b) of the Outer Continental Shelf Lands Act Amendments of 1978; Jointly, to the Committees on Government Operations and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WHITTEN: Committee on Appropriations. House Joint Resolution 403. Joint resolution making further continuing appropriations for the fiscal year 1984, and for other purposes (Rept. No. 98-473). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. H.R. 4293. A bill making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-474). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2211. A bill to exempt rural electric cooperatives from certain right-of-way rental payments under the Federal Land Policy and Management Act of 1976, and for other purposes; with amendments (Rept. No. 98-475). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2982. A bill to exempt irrigation conveyance systems from fees and conditions under the Federal Land Policy and Management Act of 1976, and for other purposes; with an amendment (Rept. No. 98-476). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations, HUD is not adequately preserving subsidized multifamily housing (Rept. No. 98-477). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Iowa: Committee of Conference. Conference report on H.R. 3222 (Rept. No. 98-478). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4102. A bill to amend the Communications Act of 1934 to assure universal telephone service within the United States, and for other purposes; with an amendment (Rept. No. 98-479). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 2629. A bill to direct the Administrator of Veterans' Affairs to modify the reversionary interest of the United States in certain lands previously conveyed to the State of California for the use of the University of California (Rept. No. 98-480). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 4294. A bill to name the Veterans' Administration Medical Center in Altoona, Pa., the "James E. Van Zandt Veterans' Administration Medical Center," and to name the Veterans' Administration Medical Center in Dublin, Ga., the "Carl Vinson Veterans' Administration Medical Center" (Rept. No. 98-481). Referred to the House Calendar.

[Omitted from the Record of October 31, 1983]

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

Committee on Foreign Affairs discharged from further consideration of H.R. 2848, referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITTEN:

H.R. 4293. A bill making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes.

By Mr. EDGAR (for himself, Mr. Rowland, Mr. Shuster, Mr. Montgomery, Mr. Hammerschmidt, Mr. Edwards of California, Mr. Wylie, Mr. Sam B. Hall, Jr., Mr. Hillis, Mr. Applegate, Mr. Solomon, Mr. Leath of Texas, Mr. McEwen, Mr. Shelby, Mr. Smith of New Jersey, Mr. Mica, Mr. Denny Smith, Mr. Daschle, Mr. Gramm, Mr. Dowdy of Mississippi, Mr. Burton of Indiana, Mr. Martinez, Mr. Sundquist, Mr. Evans of Illinois, Mr. Bilirakis, Ms. Kaptur, Mrs. Johnson, Mr. Harrison, Mr. Mollohan, Mr. Penny, Mr. Staggers, Mr. Slattery, Mr. Bryant, Mr. Richardson, Mr. Thomas of Georgia, Mr. Hatcher, Mr. Ray, Mr. Levitas, Mr. Fowler, Mr. Gingrich, Mr. Jenkins, Mr. Barnard, Mr. Borski, Mr. Clinger, Mr. Coughlin, Mr. Coyne, Mr. Foglietta, Mr. Gaydos, Mr. Gekas, Mr. Goodling, Mr. Gray, Mr. Kolter, Mr. Kostmayer, Mr. McDade, Mr. Murphy, Mr. Murtha, Mr. Ridge, Mr. Ritter, Mr. Schulze, Mr. Walgren, Mr. Walker, and Mr. Yatron):

H.R. 4294. A bill to name the Veterans' Administration Medical Center in Altoona, Pa., the "James E. Van Zandt Veterans' Administration Medical Center," and to name the Veterans' Administration Medical Center in Dublin, Ga., the "Carl Vinson Veterans' Administration Medical Center"; to the Committee on Veterans' Affairs.

By Mr. WIRTH:

H.R. 4295. A bill to amend the Communications Act of 1934 to assure universal telephone service within the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MacKAY (for himself, Mr. de la Garza, Mr. Coelho, Mr. Matsui, Mr. Hance, Mr. Bennett, Mr. Chappell, Mr. Fuqua, Mr. Pepper, Mr. Panetta, Mr. Sunia, Mr. Lewis of Florida, Mr. Thomas of California, Mr. Lehman of California, Mr. Hutto, Mr. Lagomarsino, Mr. Ireland, Mr. Smith of Florida, Mr. Bilirakis, Mr. McCollum, Mr. Horton, and Mr. Nelson of Florida):

H.R. 4296. A bill to amend the Tariff Schedules of the United States to establish equal and equitable classification and duty rates for certain imported citrus products; to the Committee on Ways and Means.

By Mr. ASPIN (for himself, Mr. Stokes, Mr. Wolpe, Mr. Florio, Mr. Garcia, Mr. Tallon, Ms. Kaptur, Mr. Durbin, Mr. Kildee, Mr. Forsythe, Mr. Bedell, Mr. Vento, Mr. Weaver, Mr. Porter, Mr. Moody, Mr. McNulty, and Mr. Petri):

H.R. 4297. A bill to require that local government emergency personnel be notified in advance of the shipment of high-level nuclear waste through local government jurisdictions; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. BROWN of Colorado:

H.R. 4298. A bill to amend the Internal Revenue Code of 1954 to provide for a refund of Federal, State, and local taxes imposed with respect to the production of any property in lieu of the regular investment tax credit; to the Committee on Ways and Means.

By Mr. BRYANT (for himself, Mr. Frost, Mr. Matsui, Mr. McNulty, Mr. Vandergriff, and Mr. Anderson):

H.R. 4299. A bill entitled: "The Cable Consumer Protection Act of 1983"; to the Committee on Energy and Commerce.

By Mr. SIMON (for himself, Mr. Andrews of North Carolina, Mr. Murphy, Mr. Smith of Florida, Mr. Marriott, Mr. Shaw, Mr. Fazio, Mr. Andrews of Texas, Mr. Ottinger, Mr. Sisisky, and Mr. Nelson of Florida):

H.R. 4300. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children and to authorize appropriations for the fiscal years 1985 through 1988; to the Committee on Education and Labor.

By Mr. COUGHLIN:

H.R. 4301. A bill to amend title 18 of the United States Code to provide penalties for certain computer-related crime; to the Committee on the Judiciary.

By Mr. PHILIP M. CRANE:

H.R. 4302. A bill to amend the Safe Drinking Water Act to provide that the exemptions provided with respect to barium shall not terminate prior to the completion of health studies by the Environmental Protection Agency; to the Committee on Energy and Commerce.

By Mr. FLORIO (for himself and Mr. Eckart):

H.R. 4303. A bill to amend the Toxic Substances Control Act to provide a Federal cause of action for damages caused by toxic substances; to the Committee on Energy and Commerce.

H.R. 4304. A bill to amend the Toxic Substances Control Act to improve and simplify the regulation of toxic substances; to the Committee on Energy and Commerce.

By Mr. HANCE (for himself, Mr. Vander Jagt, Mr. Campbell, Mr. Schulze, and Mr. Wheat):

H.R. 4305. A bill to amend the Internal Revenue Code of 1954 to allow individuals a credit against income tax for expenses paid or incurred for services for preparing any individual income tax return; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 4306. A bill to provide annuity benefits under the military survivor benefit plan to the surviving spouses of military retirees who died before September 21, 1972, but after their discharge or release from active duty; to the Committee on Armed Services.

By Mr. KASTENMEIER (for himself, Mr. Moorhead, Mr. Brooks, Mr. Mazzoli, Mr. Synar, Mrs. Schroeder, Mr. Glickman, Mr. Frank, Mr. Morrison of Connecticut, Mr. Berman, Mr. Hyde, Mr. Kindness, Mr. Sawyer, Mr. DeWine, Mr. Lowry of Washington, and Mr. Sikorski):

H.R. 4307. A bill to amend section 3006A of title 18, United States Code, to improve the delivery of legal services in the criminal justice system to those persons financially unable to obtain adequate representation, and for other purposes; to the Committee on the Judiciary.

By Mr. KOLTER:

H.R. 4308. A bill granting the consent of the Congress to an interstate compact for the preparation of a feasibility study for the development of a system of high-speed intercity rail passenger service; to the Committee on the Judiciary.

By Mr. NEAL.

H.R. 4309. A bill to direct the Secretary of Commerce to approve and distribute to food service operations instructions for removing food which has become lodged in a person's throat; to the Committee on Energy and Commerce.

By Mr. REID:

H.R. 4310. A bill to exempt individuals currently employed as U.S. Department of Energy security inspectors from the physical fitness requirements promulgated by the Department of Energy in chapter IV of U.S. Department of Energy Order 5632 and from any other physical fitness requirements promulgated by the Department of Energy; to the Committee on Energy and Commerce.

By Mr. RUSSO:

H.R. 4311. A bill to provide that no interest or penalties shall be assessed or collected with respect to tax attributable to a home which was won in a local radio contest and which was specially designed for a handicapped foster child of the taxpayer; to the Committee on Ways and Means.

By Mr. THOMAS of California (for himself and Mr. Lewis of California):

H.R. 4312. A bill to amend section 47 of title 18 of the United States Code to permit the use of aircraft and motor vehicles to capture certain wild horses and burros on lands administered by the National Park Service or by the Navy; to the Committee on the Judiciary.

By Mr. WISE:

H.R. 4313. A bill to amend title XVIII of the Social Security Act to limit medicare reimbursement to hospitals and other providers of services for legal fees; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. YOUNG of Alaska:

H.J. Res. 409. Joint resolution to prohibit the Department of the Navy or any Federal agency from using funds to dispose of the Naval Arctic Research Laboratory near Barrow, Alaska, except under certain circumstances; to the Committee on Armed Services.

By Mr. MICA:

H. Con. Res. 206. Concurrent resolution to express the sense of the Congress regarding the return to Cuba of Cuban nationals, captured by the U.S. Armed Forces in Grenada; to the Committee on Foreign Affairs.

By Mr. SOLARZ (for himself, Mr. Pritchard, Mr. Broomfield, Mr. Zablocki, Mr. Porter, Mr. Walgren, Mr. Frank, Mr. Matsui, Mr. Lowery of California, Mr. Winn, Mr. Harrison, Mr. Smith of Florida, Mr. Won Pat, Mr. Morrison of Connecticut, Mr. Kindness, Ms. Kaptur, Mr. Weber, Mr. Hoyer, Mr. Lagomarsino, Mr. Hughes, Mr. Lantos, Mr. Wortley, Ms. Mikulski, Mr. Beilenson, Mr. Daub, Mr. Zschau, Mr. Scheuer, Mr. Fazio, Mrs. Hall of Indiana, Mr. Barnes, and Mr. Frost):

H. Con. Res. 207. Concurrent resolution expressing sympathy and condolence on the tragic killing of Koreans in Burma; to the Committee on Foreign Affairs.

By Mr. LONG of Louisiana:

H. Res. 361. Resolution designating membership on certain standing committees of the House; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRANKLIN:

H.R. 4314. A bill for the relief of Johnnie P. Shackelford; to the Committee on the Judiciary.

By Mr. HIGHTOWER:

H.R. 4315. A bill for the relief of Louis C. Stas; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. Hayes.

H.R. 507: Mr. Boner of Tennessee, Mr. Siljander, Mr. Bilirakis, Mr. Minish, and Mr. Waxman.

H.R. 568: Mr. Gilman.

H.R. 656: Mr. Savage, Mr. Boner of Tennessee, Mr. Brown of California, and Mr. Sikorski.

H.R. 750: Mr. McCurdy.

H.R. 1031: Mr. Glickman.

H.R. 1219: Mr. Sabo.

H.R. 1405: Mr. Natcher and Mr. Gekas.

H.R. 1434: Mr. Badham and Mr. Tallon.

H.R. 1743: Mr. Hayes, Mr. Nowak, Mr. Coelho, Mr. Dixon, Mr. Crockett, Mr. Savage, Mr. Wheat, Mr. Owens, Mrs. Collins, Mr. Rangel, Mr. Gray, Mr. Towns, Mr. Young of Missouri, Mr. Rahall, and Mr. Gejdenson.

H.R. 1961: Mr. McEwen.

H.R. 2053: Mr. Kemp.

H.R. 2116: Mr. Mavroules, Mr. Luken, Mr. Downey of New York, and Mr. Dyson.

H.R. 2133: Mr. Mineta, Mr. Conte, Mr. Bedell, Mr. Boehlert, Mr. Bilirakis, Mr. Gonzalez, Mr. Britt, Mr. Nowak, Mr. Eckart, Mr. Ireland, Mr. Mavroules, Mr. Savage, and Mr. Mazzoli.

H.R. 2584: Mr. Horton, Mr. Gonzalez, Mr. Frost, Mr. Marriott, and Mr. Harrison.

H.R. 2817: Mr. D'Amours, Mr. Stokes, Mr. Nichols, Mr. Biaggi, Mr. Richardson, Mr. Ottinger, Mr. Skelton, Mr. Fazio, Mr. Bonker, Mr. Owens, and Mr. Coyne.

H.R. 2956: Mr. Matsui.

H.R. 2977: Mr. Boehlert.

H.R. 3050: Mr. Wolf.

H.R. 3077: Mr. Hutto.

H.R. 3078: Mr. Hutto.

H.R. 3257: Mr. Rudd, Mr. Ray, Mr. Chandler, and Mr. Sawyer.

H.R. 3264: Mr. Minish and Mr. Erdreich.

H.R. 3336: Mr. Hughes.

H.R. 3380: Mr. McCandless.

H.R. 3651: Mr. Badham and Mr. Schaefer.

H.R. 3668: Mr. Fish, Mr. Craig, Mr. Nielson of Utah, Mr. Barnard, and Mr. Moorhead.

H.R. 3711: Mr. Morrison of Connecticut.

H.R. 3783: Mr. Dyson.

H.R. 3790: Mr. Patterson.

H.R. 3870: Mr. McCloskey and Ms. Ferraro.

H.R. 4016: Mr. Evans of Illinois, Mr. Dymally, Mr. Barnes, Mr. Martinez, Ms. Ferraro, and Ms. Mikulski.

H.R. 4017: Mr. Jacobs, Mr. Leland, Mr. Miller of California, Mr. Frank, Mr. Frenzel, Mr. Vento, Mr. Daniels, and Mr. Martinez.

H.R. 4043: Mr. Nelson of Florida.

H.R. 4052: Mr. Richardson.

H.R. 4078: Mr. Dorgan.

H.R. 4093: Mr. Rinaldo, Ms. Oakar, Mr. Dwyer of New Jersey, Mr. Smith of Florida, Mr. Hightower, Mr. Towns, Mr. Ratchford, Mr. Ackerman, Mr. Addabbo, Mr. Gekas, Mr. Wortley, and Mr. Forsythe.

H.R. 4098: Mr. Forsythe, Mr. Skelton, and Mrs. Hall of Indiana.

H.R. 4102: Mr. Harrison, Mr. Andrews of North Carolina, Mrs. Boxer, Mr. Kolter, Mr. Oberstar, and Mr. Evans of Illinois.

H.R. 4105: Mr. Harkin, Mrs. Smith of Nebraska, and Mrs. Collins.

H.R. 4158: Mr. Bateman, Mr. Daub, Mr. DeWine, Mr. Forsythe, Mr. Frost, Mr. Gilman, Mr. Horton, Mr. McCurdy, Mr. Mavroules, Ms. Mikulski, Mr. Mollohan, Mr. Shumway, and Mr. Stump.

H.R. 4206: Mr. Whittaker, Mr. Roth, Mr. Stangeland, Mr. McCloskey, Mr. McGrath, Mr. Sam B. Hall, Jr., Mr. Lewis of Florida, Mr. Ritter, Mr. de la Garza, Mr. Lowery of California, Mr. Parris, Mr. Badham, Mr. Wolpe, Mr. Garcia, and Mr. Dorgan.

H.R. 4210: Mr. Akaka, Mr. Andrews of Texas, Mr. Applegate, Mr. Barnard, Mr. Bartlett, Mr. Bateman, Mr. Beilenson, Mr. Biaggi, Mrs. Boggs, Mr. Boland, Mr. Bosco, Mrs. Boxer, Mr. Breaux, Mr. Campbell, Mr. Chappie, Mr. Conyers, Mr. Cooper, Mr. Coyne, Mr. Daniel, Mr. Dowdy of Mississippi, Mr. Durbin, Mr. Dyson, Mr. Edgar, Mr. Erlenborn, Mr. Fauntroy, Mr. Fazio, Mr. Fish, Mr. Ford of Tennessee, Mr. Frost, Mr. Gilman, Mrs. Hall of Indiana, Mr. Horton, Mr. Hughes, Mr. Jeffords, Mr. Leland, Mr. Lent, Mr. Levin of Michigan, Mr. Martinez, Mr. Mazzoli, Mr. Montgomery, Mr. Nichols, Mr. Ottinger, Mr. Ray, Mr. Spratt, Mr. Stenholm, Mr. Sunia, Mr. Tallon, Mr. Vander Jagt, Mr. Watkins, Mr. Williams of Ohio, Mr. Winn, and Mr. Won Pat.

H.R. 4214: Mr. Flippo, Mr. Clinger, Mr. Evans of Iowa, Mr. Bates, Mr. Patman, Mr. Horton, Mr. Corrada, Ms. Kaptur, Mr. Roe, Mr. Bevill, Mr. Won Pat, Mrs. Vucanovich, and Mr. McCloskey.

H.R. 4259: Mr. Lagomarsino.

H.R. 4279: Mr. Alexander.

H.J. Res. 100: Mr. Gramm, Mr. Hillis, and Mr. Oxley.

H.J. Res. 103: Mr. Bartlett, and Mr. Thomas of California.

H.J. Res. 236: Mr. Dyson, Mr. Patterson, Mr. Skelton, Mr. Ottinger, Mr. Panetta, Mr. Coelho, Mr. Applegate, Mr. Mica, Mr. Burton of Indiana, Mr. Miller of Ohio, Mr. Foglietta, and Mr. Kostmayer.

H.J. Res. 253: Mr. Annunzio, Mr. Wortley, Mr. Hawkins, Mrs. Lloyd, Mr. Biaggi, Mr. Akaka, Mr. Porter, Mr. Hayes, Mr. Lantos, Mr. Lipinski, Mr. Denny Smith, Mr. Mollohan, Mr. Lowery of California, Mr. Whitehurst, Mr. Dannemeyer, Mr. Archer, Mr. Rowland, Mr. Boner of Tennessee, Mr. Bosco, Mr. Bedell, Mr. Gramm, Mr. Bartlett, Mr. Brooks, Mr. de Lugo, Mr. Foley, Mr. Gray, and Mr. Fish.

H.J. Res. 336: Mr. Lundine, Mr. Forsythe, Mr. Gradison, Mr. Hansen of Utah, Mr. Young of Alaska, Mr. Sam B. Hall, Jr., Mr. Walgren, Mr. Pepper, Mr. Marriott, Mr. Fuqua, Mr. Dyson, Mr. Davis, Mr. Miller of Ohio, Mr. Montgomery, Mrs. Vucanovich, Mr. McDade, Mr. Ford of Michigan, Mr. Kemp, Mr. Conte, Mr. Biaggi, Mr. Albosta, Mr. Archer, Mr. Daub, Mr. Gray, Mr. Moakley, Mr. Ortiz, Mr. Matsui, Mr. Conable, Mr. Levin of Michigan, Mr. Vento, Mr. Rudd, Mr. Mrazek, Mr. Huckaby, Mr. Foglietta, Mr. Kildee, Mr. Akaka, Mr. Andrews of Texas, Mr. Carper, Mr. Conyers, Mr. Fauntroy, Mr. Edwards of California, Mr. Barnes, Mr. Wolf, Mr. Lungren, Mrs. Johnson, Mr. Robinson, Mr. McCain, Ms. Kaptur, Mr. Lipinski, Mr. Markey, Mr. Gilman, Mr. Wolpe, Mr. Moody, Mr. Ottinger, Mr. Richardson, Mr. Ritter, Mr. Wortley, Mr. Archer, Mr. Alexander, Mr. Lewis of Florida, Mr. Florio, Mr. Hefner, Mr. Bartlett, Mr. Broyhill, Mr. Carr, Mr. Weiss, Mr. Mollohan, Mr. Coats, Mr. Ackerman, Mr. Anthony, Mr. Boucher, Mr. Duncan, Mr. Simon, Mr. Shelby, and Mr. Smith of New Jersey.

H.J. Res. 369: Mr. Denny Smith, Mr. Whitehurst, Mr. Kasich, Mr. McGrath, Mr. Frost, Mr. Ritter, Mr. McCain, Mr. Hall of Ohio, Mr. Wolf, Mr. Porter, Mr. Corcoran, Mr. Solomon, Mr. Evans of Illinois, Mr. Young of Alaska, Mr. Roe, Mr. Hubbard, Mr. Cheney, Mrs. Vucanovich, Mr. Weber, Mr. Regula, Mr. Vandergriff, Mr. Fuqua, Mr. Patman, Mr. Annunzio, Mr. Dewine, Mr. Smith of Florida, Mr. Bilirakis, Mr. Neal, Mr. MacKay, Mr. Daniel, Mr. Smith of New Jersey, Mr. Wilson, and Mr. Lagomarsino.

H.J. Res. 375: Mr. Spratt.

H.J. Res. 377: Mr. Neilson of Utah, Mr. Sisisky, and Mr. Tallon.

H.J. Res. 379: Mr. Roe, Mr. Barnes, Mrs. Boxer, Mr. Dellums, Mr. Ottinger, Ms. Kaptur, Mr. Jeffords, Mr. LaFalce, Ms. Mikulski, Mr. Kildee, Mr. Mineta, and Mr. Martinez.

H.J. Res. 382: Mr. Boehlert, Mr. Broomfield, Mr. Coelho, Mr. Daub, Ms. Kaptur, and Mr. MacKay.

H.J. Res. 383: Mr. Matsui, Mr. Rudd, Mr. Kramer, Mr. Gradison, Mr. McEwen, Mr. Gingrich, Mr. Madigan, Mr. Quillen, Mr. McCandless, Mr. Rodino, and Mrs. Burton of Californa.

H.J. Res. 384: Mr. Mineta, Mr. Morrison of Connecticut, Mr. Moakley, Mr. Wolpe, Mr. Lehman of Florida, Mr. Feighan, Mr. Mavroules, and Mr. Howard.

H.J. Res. 386: Mr. Coats, Mr. Ritter, Mr. Sikorski, Mr. Corcoran, Mr. Yatron, Mr. Bates, Mr. Hammerschmidt, Mr. Daub, Mr. Hatcher, Mr. Tauke, Mr. Rodino, Mr. Owens, Ms. Fiedler, Mr. McCollum, Mr. Bereuter, Mr. Ortiz, Mr. AuCoin, and Mr. Kogovsek.

H.J. Res. 389: Mr. D'Amours and Mr. Hoyer.

H.J. Res. 404: Mr. Badham, Mrs. Holt, Mr. Hartnett, and Mr. O'Brien.

H.J. Res. 408: Mr. Ackerman, Mr. Andrews of Texas, Mr. Annunzio, Mr. Archer, Mr. AuCoin, Mr. Beilenson, Mrs. Boxer, Mrs. Burton of California, Mr. Carr, Mr. Chappell, Mr. Clarke, Mr. Coleman of Texas, Mr. Daniel, Mr. Erdreich, Mr. Fascell, Mr. Frank, Mr. Gilman, Mr. Gradison, Mr. Kastenmeier, Mr. Kogovsek, Mr. Lantos, Mr. Lehman of Florida, Mr. Lent, Mr. Levin of Michigan, Mr. Lowery of California, Mr. McCain, Mr. McDade, Mr. McHugh, Mr. MacKay, Mr. Matsui, Mr. Mazzoli, Mr. Moody, Mr. Porter, Mr. Rinaldo, Mr. Sabo, Mr. Scheuer, Mr. Solarz, Mr. Stokes, Mr. Torres, Mr. Winn, Mr. Wortley, Mr. Yates, Mr. Tallon, Mr. Wirth, Mr. Won Pat, Mr. Wyden, Mr. Moakley, Mr. Young of Alaska, Mr. Boland, and Mr. Dixon.

H. Con. Res. 123: Mr. Stark and Mr. Penny.

H. Con. Res. 177: Mr. Ackerman, Mr. Addabbo, Mr. Akaka, Mr. Alexander, Mr. Andrews of Texas, Mr. Archer, Mr. AuCoin, Mr. Barnard, Mr. Barnes, Mr. Bartlett, Mr. Bateman, Mr. Bates, Mr. Bedell, Mr. Beilenson, Mr. Bereuter, Mr. Berman, Mr. Bliley, Mr. Boland, Mr. Boner of Tennessee, Mr. Bonior of Michigan, Mr. Bonker, Mr. Borski, Mr. Bosco, Mrs. Boxer, Mr. Britt, Mr. Brown of California, Mr. Brown of Colorado, Mr. Broyhill, Mr. Burton of Indiana, Mrs. Burton of California, Mr. Carney, Mr. Carper, Mr. Carr, Mr. Chappie, Mr. Cheney, Mr. Clarke, Mr. Conyers, Mr. Corcoran, Mr. Coughlin, Mr. Courter, Mr. Coyne, Mr. Daniel B. Crane, Mr. Daub, Mr. Davis, Mr. de la Garza, Mr. Dellums, Mr. Donnelly, Mr. Dowdy of Mississppi, Mr. Downey of New York, Mr. Dreier of California, Mr. Durbin, Mr. Dwyer of New Jersey, Mr. Dyson, Mr. Eckart, Mr. Edgar, Mr. Edwards of California, Mr. Edwards of Oklahoma, Mr. Emerson, Mr. Evans of Iowa, Mr. Fascell, Mr. Fauntroy, Mr. Fazio, Mr. Feighan, Ms. Ferraro, Mr. Fields, Mr. Fish, Mr. Florio, Mr. Ford of Tennessee, Mr. Forsythe, Mr. Frank, Mr. Franklin, Mr. Frenzel, Mr. Frost, Mr. Garcia, Mr. Gejdenson, Mr. Gekas, Mr. Gilman, Mr. Gingrich, Mr. Glickman, Mr. Gore, Mr. Gradison, Mr. Gramm, Mr. Gray, Mr. Green, Mr. Guarini, Mr. Hall of Ohio, Mr. Hammerschmidt, Mr. Hansen of Idaho, Mr. Hansen of Utah, Mr. Harrison, Mr. Hartnett, Mr. Hawkins, Mr. Heftel of Hawaii, Mr. Horton, Mr. Howard, Mr. Hoyer, Mr. Hughes, Mr. Hunter, Mr. Hutto, Mr. Hyde, Mr. Jeffords, Mrs. Johnson, Ms. Kaptur, Mr. Kasich, Mr. Kildee, Mr. Kindness, Mr. Kostmayer, Mr. Kramer, Mr. Lagomarsino, Mr. LaFalce, Mr. Leach of Iowa, Mr. Leath of Texas, Mr. Lehman of Florida, Mr. Leland, Mr. Lent, Mr. Levin of Michigan, Mr. Levine of California, Mr. Levitas, Mr. Lewis of California, Mr. Lewis of Florida, Mr. Livingston, Mr. Loeffler, Mr. Long of Maryland, Mr. Lott, Mr. Lowery of California, Mr. Lowry of Washington, Mr. Luken, Mr. McCain, Mr. McCloskey, Mr. McDade, Mr. McEwen, Mr. McGrath, Mr. McHugh, Mr. McKinney, Mr. McNulty, Mr. Markey, Mr. Marriott, Mr. Martin of New York, Mr. Martin of North Carolina, Mrs. Martin of Illinois, Mr. Martinez, Mr. Matsui, Mr. Mavroules, Mr. Michel, Ms. Mikulski, Mr. Miller of Ohio, Mr. Miller of California, Mr. Mineta, Mr.

Mitchell, Mr. Moakley, Mr. Montgomery, Mr. Moore, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Murphy, Mr. Neal, Mr. Oberstar, Mr. O'Brien, Mr. Ortiz, Mr. Ottinger, Mr. Owens, Mr. Packard, Mr. Panetta, Mr. Parris, Mr. Patterson, Mr. Pepper, Mr. Porter, Mr. Pritchard, Mr. Ratchford, Mr. Reid, Mr. Richardson, Mr. Rinaldo, Mr. Ritter, Mr. Robinson, Mr. Rodino, Mr. Roth, Mrs. Roukema, Mr. Rowland, Mr. Savage, Mr. Sawyer, Mr. Schaefer, Mr. Scheuer, Mrs. Schneider, Mrs. Schroeder, Mr. Schumer, Mr. Sensenbrenner, Mr. Shannon, Mr. Sikorski, Mr. Siljander, Mr. Simon, Mr. Sisisky, Mr. Skeen, Mr. Skelton, Mr. Smith of New Jersey, Mr. Smith of Florida, Mr. Solarz, Mr. Solomon, Mr. Spratt, Mr. Stark, Mr. Stokes, Mr. Synar, Mr. Tallon, Mr. Tauke, Mr. Tauzin, Mr. Torricelli, Mr. Towns, Mr. Traxler, Mr. Udall, Mr. Vandergriff, Mr. Vander Jagt, Mr. Vento, Mrs. Vucanovich, Mr. Walgren, Mr. Waxman, Mr. Weaver, Mr. Weber, Mr. Weiss, Mr. Wheat, Mr. Whittaker, Mr. Williams of Ohio, Mr. Williams of Montana, Mr. Wirth, Mr. Wolpe, Mr. Wolf, Mr. Wortley, Mr. Wright, Mr. Wyden, Mr. Yatron, Mr. Young of Missouri, Mr. Zablocki, and Mr. Zschau.

H. Con. Res. 189: Mr. Walgren, Mr. Roe, Mr. Fazio, Mr. Levine of California, and Mr. Schumer.

H. Con. Res. 195: Mr. Fauntroy, Mr. Owens, Mr. Markey, Mr. Dellums, Mrs. Schroeder, Mr. Evans of Illinois, Mr. Dixon, Mr. Morrison of Connecticut, Mr. Hawkins, Mr. Crockett, Mr. Mitchell, Mr. Vento, Mrs. Collins, Mr. Kildee, Mr. Leland, Mr. Towns, and Mr. Dymally.

H. Res. 281: Mr. Feighan.

H. Res. 334: Mr. Dowdy of Mississippi, Mr. Corcoran, Mrs. Johnson, Mr. Murphy, and Ms. Ferraro.

PETITIONS, ETC.

Under clause 1 of rule XXII,

266. The SPEAKER presented a petition of the Board of Directors, U.S. Metric Association, Northridge, Calif., relative to the completion of the metric transition; which was referred to the Committee on Science and Technology.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4170

By Mr. PARRIS:

—Page 385, insert after line 23 the following new section:

SEC. 496. AMENDMENT RELATING TO DEDUCTIONS FOR THE PAYMENT OF CERTAIN EXPENSES BY A MEMBER OF A UNIFORMED SERVICE OF THE UNITED STATES, OR BY A MINISTER, WHO RECEIVES A HOUSING OR SUBSISTENCE ALLOWANCE.

(a) In General.—Paragraph (1) of section 265 of such Code (denying a deduction for payment of certain expenses relating to tax-exempt income) is amended by adding at the end thereof the following new sentence: "This section shall not apply with respect to any income of a member of a uniformed service (within the meaning given to such term by section 101(3) of title 37, United States Code) in the form of a subsistence allowance or a quarters or housing allowance or to income excluded from gross income of the taxpayer under section 107 (relating to rental value of parsonages)."

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1982.

Page 187, insert after the item relating to section 495 in the table of contents for title IV the following new item:

"Sec. 496. Amendment relating to deductions for the payment of certain expenses by a member of a uniformed service of the United States, or by a minister, who receives a housing or subsistence allowance.".

EXTENSIONS OF REMARKS

WHO IS THE REAL RADICAL ON FEDERAL MERIT PAY?

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. DANNEMEYER. Mr. Speaker, the Washington Monthly has again published commonsense and good insight into the workings of the Federal Government. I commend to my colleagues the November article, "Hatch 22," by Teresa Riordan. Ms. Riordan finds that Federal union lobbyists doth protest too much about merit principles and their promotion by Donald Devine, Director of the Office of Personnel Management. She ascribes this "irrational obstinacy" to merit pay and social security to the inner political dynamics of Federal worker unions where moderation does not keep you in the President's seat. Ms. Riordan traces the 1983 stalemate on civil service reforms to two events: The "never again" attitude of Federal unions after passage of the Civil Service Reform Act in 1978 and the "we're really with you" attitude of those in Congress who are eager to demonstrate their solidarity after supporting the inclusion of new Federal hires under social security. Ms. Riordan proposes to trade in the Hatch Act, which proscribes political activity by Federal employees, where employees wish to drop their current job security protections.

Ms. Riordan's article deserves careful reading in the debate over merit pay and political accountability.

Mr. Speaker, at this point I request that the following excerpts from the article be inserted in the RECORD.

HATCH 22—THE HATCH ACT TRIED TO SEPARATE CIVIL SERVANTS FROM POLITICS, WHAT WE GOT WAS THE WORST OF BOTH

(By Teresa Riordan)

Last March, about 100 federal workers marched into the Rayburn House Office Building, halted in front of Speaker Thomas O'Neill's congressional office, and chanted "We want Tip, we want Tip," so loudly that neighboring staffs had to close their doors to shut out the commotion.

The boisterous entourage eventually departed after some cajoling from a legislative assistant and nudging from the Capitol Hill police, but the demonstrators had made their point clear: they wanted no part of Social Security.

Civil servants, because Congress created a pension plan for them two decades before it enacted a pension plan for the nation, have never paid into Social Security. Instead, government employees—the largest workforce in America—pay about the same percentage of their paychecks into something called the Civil Service Retirement System as the rest of America pays into Social Security. But they get *three times* the amount Social Security recipients get in pensions. The average CSRS retirement benefit for 1982 was $1,200 a month; the average Social Security benefit was a little over $400. Not only that, but federal employees with 30 years' experience can retire at age 55. To collect the relatively paltry benefits in full from Social Security, one has to wait until age 65.

But the most compelling reason for making federal employees pay into Social Security was that, because many of them paid into Social Security during stints in the private sector before or after their civil service tenure, about 70 percent of federal retirees were getting some type of Social Security pension on top of their monthly CSRS check. And because of the minimum benefit provision in Social Security (those who make the lowest average contributions are assumed to need more money) some government retirees were receiving generous checks though they paid into Social Security only a short while. So, when the National Commission on Social Security Reform looked around last year for ways to buoy the floundering Social Security system, its eyes naturally came to rest on the civil service.

By the time it announced its final recommendations in January, the commission proposed that only new-hires be included in Social Security—a minimal plan, but one that would earn $12 billion within seven years from a pool of workers who wouldn't be eligible to receive benefits for another 30 years.

So federal workers—their unions, rather—launched a frontal political attack, mobilizing their members with frightening slogans in newspaper and TV ads and union publications warning that this limited proposal threatened their pensions. Thousands of federal workers from the American Federation of Government Employees descended on the Hill in early March for a four-day lobbying campaign.

NFFE gave gory warnings like "Mandatory Social Security Coverage for Federal Employees: Band-Aid for Some, or Execution for All?" APWU members were told Social Security would leave "no money to pay the pensions of current workers when they retire." FAIR dropped $6 million in six weeks on another advertising blitz in early spring, saying that Social Security coverage would "lead to the bankruptcy of the federal retirement system."

Scary predictions, but oh, so untrue. Had the Reagan administration attempted such courageous lies, editorial pages across the nation would have issued immediate reprimands. But the establishment press didn't raise an eyebrow at these dubious claims—even though the CSRS fund is in about as much danger of drying up as Lake Michigan. Certainly federal workers pay 7 percent of their salary to CSRS (to the U.S. government, rather), but this "fund" is for the most part an accounting procedure that reflects internal transactions of the government. An employee's contributions are paid back to him within a year and a half after he retires. This means the cost of the rest of the pension payments—about 80 percent of total costs—are footed by the taxpayer.

Why did federal workers choose to unabashedly stonewall, vehemently opposing any kind of Social Security coverage, on an issue so in the national interest, rather than, say, concentrate on securing a solid supplemental plan for new-hires? Good question. The answer lies in the size of federal pension checks, which the public has always known to be generous, but has never realized how generous, mostly because the Social Security factor has prevented an easy parallel comparison. Federal workers—who have effectively preserved that ignorance for a long time—realize that when Congress sets up a supplemental plan for new hires, their present, rather lavish, benefits will be scrutinized. And what will John and Jane Public find when Congress makes its comparison studies? That pensions cost the federal government 29.5 percent of payroll while the average pension plan costs private-sector employees only 6.4 percent of payroll—or only 14.7 percent when you count what private employers kick in for matching Social Security funds. While the Publics might think it fair to provide feds a pension plan—after all, about 45 percent of private-sector employees get some kind of pension from their employer on top of Social Security—they might not be too keen on footing the tax bill for one that pays twice what they can expect from their company when they retire.

Federal workers ostensibly lost on the Social Security issue, but only because, as one congressional staffer says, "It was them against the country." When you consider how long they managed to stay such a fair proposal—such a minimal proposal—you begin to realize what a formidable political force they are.

Political force? Now wait a minute, those of you who took Citizenship back in eighth grade are probably saying, aren't federal workers prohibited from politicking? The words "Hatch Act" are even probably vaguely stirring in the memories of those of you who got an A in the class.

CIVILIZED SERVICE

The Hatch Act may have taken the politics out of the civil service, but it didn't take civil servants out of politics. Although federal workers are prohibited from organizing fellow workers for political causes or candidates, unions and lobbying associations aren't prohibited from doing it for them. Professional union staffers and lobbyists, who aren't subject to the Hatch Act, can solicit campaign contributions from federal workers, sponsor political meetings, and organize grassroots lobbying by telling federal workers what congressmen to send letters to, to call, to vote for. Federal employee unions are one of the best organized, most active lobbies going.

DEVINE INTERVENTION

Federal workers haven't limited their political activity to pension plans. Just take a look at the issue of merit pay, where members of Congress, still black and blue from lobbying punches delivered during the Social Security fight, aren't eager to raise the bureaucratic ire again.

In late March the Office of Personnel Management, which used to be called the Civil Service Commission, announced a new performance-based pay and retention program for federal workers to be implemented administratively—without approval of Congress—under authority granted OPM under the Civil Service Reform Act of 1978, an act whose purpose was to make standards for hiring and firing in the civil service based more on merit rather than seniority. CSRA was a brokered fiasco. It instituted a narrow and poorly thought-out merit pay program that applied to about 120,000 middle managers. It was so ineffective that fewer tenured federal workers were fired for incompetence in 1980, two years after the reform act was passed, than were fired in the pre-reform act was passed, than were fired in the pre-reform year of 1976, when the discharge rate was one-seventh of 1 percent.

Federal workers and their congressional allies, intent on keeping things the way they were, scurried to prevent Donald Devine, head of OPM, from implementing his merit pay plan. Steny Hoyer, a Maryland representative whose district is to federal workers what Claude Pepper's Miami is to old people, attached a rider to a supplemental appropriations bill to deny OPM the money to finance the changes. And Bill Ford, chairman of the House Post Office and Civil Service Committee, got cracking on his own version of merit pay, which sounded suspiciously like Son of CSRA.

(Federal workers will tell you that Devine, with his aggressive style and threatening press releases, has done for federal unions what James Watt has done for membership at the Sierra Club—give them a bogeyman to rail against. What they won't tell you is that, unlike Watt, Devine is proposing some fair and reasonable measures.)

UNION DO'S

The key to understand the irrational obstinancy of federal workers on issues such as merit pay and Social Security is to understand the inner political dynamics of their unions. And the best way to do that is to observe the largest federal worker union—the American Federation of Government Employees—and its president, Kenneth Blaylock. "There's no doubt that when I first came into town I didn't understand a lot of things," says Blaylock. The first thing he learned, it seems, is that in the world of federal employees if you don't want to go back to being a plumber in Alabama, you have to keep your moderate opinions to yourself and espouse views sufficiently strident to appeal to the lowest common denominator of your union.

Before Blaylock became president of AFGE in 1976, federal worker organizations lobbied for their individual causes without much concern for the federal worker community as a whole. Blaylock, who realized the value of coalition, organized the federal worker lobby during the 1976 presidential election to help elect Jimmy Carter.

Blaylock, as the only federal worker representative to sit on the AFL-CIO's board, was the key to neogitiations on the Civil Service Reform Act of 1978. Blaylock was also the first federal worker union leader to understand what gains could be made by compromise. In return for conceding that reforms were needed in the civil service—that merit pay was a good idea—Blaylock won the promise of a section in the reform act called Title VII, a collective bargaining agreement that represents the biggest legislative victory for federal workers since 1912. "What the unions got out of the 1978 reforms was the right to bargain over virtually any change in working conditions," Leonard Reed, a contributing editor of this magazine, pointed out in *Harper's* last November, ". . . the management of a military installation, when making temporary out-of-town assignments, now has to choose the person assigned on the basis of seniority. Even the rearrangement of desks—that central activity of bureaucratic life—can now be the subject of union-management bickering."

So after the reform act passed was Ken Blaylock carried off his feet amid cheers from his fellow workers for such astute political maneuvering? No. Blaylock may have been the first to realize the advantage of compromise, but he was the last to realize its consequences. Instead, Blaylock's fellow union leaders left him standing alone in his support of the reform act—and of Carter. But worst was the betrayal by his own union: "My opponents internally were trying to scare the hell out of my members," Blaylock recalls. And scare they did. At the AFGE national convention in Chicago that summer of 1978, incumbent Blaylock ran the closest presidential election the union has ever seen. Blaylock won, but barely: 109,414 to 107,052. The vote reflected membership bitterness over Blaylock's backing of the reform act: "Everybody was just sure that somewhere in that damn law was a sentence that says federal workers could be fired without due process," Blaylock says.

Several AFGE units voted soon after to disaffiliate and join another federal worker union, because of Blaylock's support for civil service reform. The lesson of the 1978 convention was not lost on Blaylock. "Civil Service reform taught Blaylock a lesson that almost cost him the presidency," says an official from another union. "Now he's certainly more publicly strident."

That's why, on the issue of reductions in force (RIFs) and pay comparability, Blaylock—like many good federal employees, unfortunately—thinks one thing and says another. Blaylock conceded in private to a union president this January that it was wrong to say that "the lower grades [in the civil service] are not getting the fruit of the loom. . . . there are two or three levels. . . . where the federal pay on a nationwide basis, really, in a lot of areas is higher than that same skill level in the private sector." Also, in private, Blaylock has talked about how rotten a seniority system, as opposed to a merit system, can be, especially during reductions in force, which AFGE had to undergo just as the federal government did: "I'm not going to go through another RIF of sending people out of the door," he said. "That's the roughest thing I've ever done. . . . the bad ones are so high on the seniority you can't get them. People doing a good job for the union, you look them in the eye and tell them they don't have a job. That's tough."

OPEN THE HATCH

Going back to the system of the pre-Hatch Act years, which distinguished between political and nonpolitical federal workers, would be the quickest route to true civil service "reform." Teddy Roosevelt, who served as civil service commissioner under two administrations before he became president, had the right idea. He said that we should "rightly and properly limit political activity of [federal workers] whose choice and retention . . . political consideration did not enter." But he also said it was wrong to limit the political activity of federal workers who were not protected by procedural safeguards.

But those who want to "electioneer" shouldn't be allowed to crawl under the protective umbrella of job security provisions when they act as lobbyists when the question of pay-for-performance rolls across the horizon. On the other hand, those who want to hold on to their job security should be able to opt for protection but they shouldn't be permitted to storm the Capitol at the first move Congress makes to cap their COLA. This means they should be prohibited from belonging to unions, who politic and dole out PAC money by proxy. And, in this age of direct mail and Ma Bell, both of which have made grassroots lobbying a powerful force, protected federal workers also should be prohibited from writing and calling congressmen about issues concerning their employment—i.e., merit pay and retirement benefits. They should not have the right to lobby—in other words, to act as politicians—unless they are willing to run the same risks the politicians do by putting their careers on the line.

WASHINGTON D.C. CHAPTER OF THE NINETY-NINES, ORGANIZATION OF LICENSED FEMALE PILOTS MARKS 50TH ANNIVERSARY

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. FAUNTROY. Mr. Speaker, I wish to recognize today a group of women in the Washington, D.C. area who have contributed not only to the betterment of this community but also to the futherance of the pursuit of personal and professional goals for women throughout this area.

The Washington, D.C. Chapter of the Ninety-Nines, the organization of licensed female pilots, will be marking their 50th anniversary during the month of November and will commemorate the many years of providing both friendship and safety in aviation at a dinner to be held at Andrews Air Force Base on November 4, 1983.

This organization, which was nationally founded by Amelia Earhardt and others, has provided safety seminars, scholarships, and various outlets for promoting air safety both in the Washington, D.C. area and around the Nation. In addition to these activities, they have continually worked through area flight schools and flying clubs to help other women pursue their interest in aviation with both financial and moral encouragement.

Many of us who have flown in the mid-Atlantic region of this country have been brought safely to airports that have had compass markings done by Washington, D.C. Ninety-Nines. Many pilots in this area have also benefited from receiving further aviation safety information through events sponsored by the Ninety-Nines of this area.

Mr. Speaker, it gives me a great deal of pleasure to recognize the achievements of this organization and grant them my best wishes for many years of continued successful leadership in this city and the community of aviation.●

ST. MARY'S POLISH NATIONAL CATHOLIC CHURCH, DURYEA, PA., TO CELEBRATE 85TH ANNIVERSARY

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. HARRISON. Mr. Speaker, on Sunday afternoon, November 27, St. Mary's Polish National Catholic Church, in Duryea, Pa., will celebrate the 85th anniversary of its founding. The Right Reverend Anthony M. Rysz, bishop of the central diocese of the Polish National Catholic Church, will be the celebrant of a solemn high mass at 4 p.m. that afternoon. The prime bishop, the Most Reverend Francis C. Rowinski, will participate in the celebration and will bless the newly-renovated interior of St. Mary's parish.

Following the Mass of Thanksgiving, a banquet will be held at St. Mary's YMS of R social hall on Main Street.

The history of St. Mary's PNCC is a long and glorious one. It began when the church was organized on October 23d, 1898 with Father Franciszek Hodur of Scranton as its first spiritual leader. A charter was recorded on September 9, 1899. In truth, Mr. Speaker, the formal history of St. Mary's PNCC in Duryea is a story of struggle, persecution and courage of the poor and exploited Polish immigrants who, endowed with a constitutional guarantee of religious freedom, realized their dream of worshipping God in their own, unique way in a church which they constructed and owned.

Some idea of the struggle involved in the 85 years which we now celebrate can be found in the fact that the original church was burned to the ground in 1908 by a never-apprehended arsonist. The church was rebuilt and served as a spiritual and social center for its people. In 1928, the rectory burned completely. Again, and within a few months, a new rectory was erected. That same year, new altars, church appointments, and stained-glass windows were dedicated.

Over the years, the accomplishments of St. Mary's and its parishioners reached into every facet of the civic and cultural life of its people. Its yearly minstrels, its Chopin choir and its St. Mary's Mandolin Club are known throughout the community. St. Mary's Plectrum Orchestra has performed in hospitals and nursing homes throughout northeastern Pennsylvania.

St. Mary's has been especially active in the cause of the Polish people. Through the efforts of its parishioners and the support of the community, over $5,000 in food, clothing, and medicine was shipped to Poland in 1982 following the imposition of martial law.

Today, under the spiritual leadership of the Reverend Czeslaw Kuliczkowski, St. Mary's continues its 85-year tradition of service to God and man. November 27 will be a very special day in Duryea and throughout northeastern Pennsylvania, Mr. Speaker, as parishioners, friends, and former parishioners of St. Mary's recall all that they have accomplished and ask the blessings of God upon their endeavors in the years to come.●

ART MUSEUM HAS KEY ROLE IN PORTLAND'S FUTURE

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. McKERNAN. Mr. Speaker, I would like to bring to the attention of my colleagues an article from the October 26 Wall Street Journal concerning the new art museum in Portland, Maine. This museum became a reality due to the generosity of Charles Payson of Falmouth Foreside, Maine, and is now playing an important part in the ongoing cultural and economic rebirth in Portland.

Portland, Maine's largest city, is currently undergoing a renaissance; not only are major portions of the city being rejuvenated, but people are beginning to realize that Portland is not the backwoods place it was once thought to be. The new art museum is significant in changing Portland's image, and is critical in the economic future of the city as well. The following article, which I would like to insert in the CONGRESSIONAL RECORD at this time, describes what the opening of the museum has meant to Portland's cultural and economic life—and why, I believe, Portland is fast becoming one of the most attractive areas of the country in which to live.

The article follows:

THE MUSEUM THAT'S REVITALIZING PORTLAND

(By Nancy Love)

PORTLAND, MAINE.—Townsfolk here lined up for hours waiting to get into the new Charles Shipman Payson Building of the Portland Museum of Art on opening day this May. The mayor delivered a speech, bands played and a parade—complete with bagpipers and tarantella dancers—marched through the downtown crowds. This was a museum that mattered to everyone in the area.

The economic and psychological impact of a museum on a small municipality like Portland (population 45,000) is different from what it would be elsewhere. Not only has it become Maine's most important art institution and living proof that culture no longer stops in Boston, it also has contributed a disproportionate share to the "quality of life" the people of Portland like to talk about.

"In a smaller town, we value an institution like this more," says attorney Leonard Nelson, president of the museum's board of trustees. "We need the support of 15 percent of our population to make the museum work, so it touches a greater spectrum."

Furthermore, as Mr. Nelson freely admits, Portland has an inferiority complex. The largest city in one of the country's poorest states, it suffers from a backwoods image. Even though it now has an "international jetport" used by five airlines, the nation's second largest per capita number of lawyers (Washington is first) and a respectable symphony orchestra, people still tend to think of Portland as a nice place to live if you like to sail and ski.

Portland has a long, distinguished history, but after the coming of the railroads and the decline of the sail trade, it fell on hard times. It was essentially a 19th-century town that time had passed by.

Fifteen years ago, Portland began to awaken from its long sleep. Grass-roots entrepreneurs converted the warehouses and slums of the Old Port area into a bustling hive of shops, galleries and restaurants; office space was renovated; new office towers, a civic center and a handsome public library were built.

But the engaging new downtown stopped cold at the Congress Square "combat zone," a district of rundown stores, X-rated bookshops, the decrepit Eastland Hotel—and the Portland Museum and Art School.

Founded in 1882, the museum, housed in an early 19th-century building and a 1911 addition (both now being renovated), was, to put it politely, a sedate gentleman's club. In those days, no one in Portland would have been able to tell you where to find it.

For more than 100 years, the likes of Stuart Davis, Marsden Hartley, Peggy Bacon, Gaston Lachaise, William Zorach and Winslow Homer have lived and worked in Maine, But the museum had never really tapped the mother lode of art produced and left behind in the state.

Enter Charles Shipman Payson, then approaching his 80s, a wealthy industrialist from an old Maine family, with 17 valuable Maine watercolors and oils by Winslow Homer. Mr. Payson's son, John, had already given a collection of French Impressionist and other gilt-edged paintings belonging to Charles Payson's late wife Joan Whitney Payson to Westbrook College.

The Portland Museum's brash, young director, John Holverson, approached Mr. Payson for the collection. Not only did he get the Homers, but also a $5 million commitment toward a new building to add 62,790 square feet (including 20,000 of exhibition space and a 187-seat auditorium) and a $5 million endowment. The gifts were the catalyst for a State of Maine Collection and for the redevelopment of Congress Square.

In partnership with the neighboring Eastland Hotel, Portland's best in the 1920s, the museum was able to swing a $7.3 million Urban Action Development Grant that included funding for the modernization of the hotel, a parking garage, a minipark, storefront, and other neighborhood improvements and $2.3 million for the museum wing.

The final $2.5 million was raised by summer residents and the hardheaded, frugal local business establishment, which has never been approached by the museum before.

Not that the plan didn't stir some controversy. Residents who anticipated something understated and perhaps pseudo-Georgian were initially put off by the bold post-modern design by Henry N. Cobb of I.M. Pei & Partners. They complained that the row of four open semicircles projecting above the roof line of the four-story building made it look like a stage set. But once it was built, they appreciated the way the museum's facade of brick with granite trim connects it to the neighboring buildings.

The economic payoffs were easier to appreciate. The direct and indirect economic impact of the construction of the museum was estimated at $28 million by Maine Business Indicators, a newsletter published by the Center for Research and Advanced Study at the University of Southern Maine. "The projected annual operating expenditures of about $1 million will produce a total impact of approximately $2.3 million during the next fiscal year," according to the report.

Even before the museum opened, the positive results of the Congress Square renaissance could be seen in upgraded first-floor retail space, new retail activity, the conversion of an old building into apartments for the elderly. Sonesta Hotels was bullish enough about the future of Congress Square to take over the management of the renovated Eastland, now called the Sonesta Portland Hotel.

Once the museum opened, the direct impact of 3,000 additional—and more desirable—people on the streets every week in the center of town began to be felt. On a recent sunny day, visitors streamed in and out of the soaring Great Hall of the museum and the neighboring restaurants and shops. Across the square, a folk-rock group entertained in the little park next to the former Eastland, where in the elegantly restored lobby the desk clerk was turning away a couple without a reservation.

Some doubters worry about how the museum is going to fill all its empty walls. But people are beginning to open their attics and hearts now that there is premium space for them in a safely controlled environment. Some fine plums have already dropped out of the trees—the Hamilton Easter Field collection of Ogunquit artists, including works by Walt Kuhn, Marsden Hartley and John Singer Sargent, to name a few. More are expected, perhaps even the Andrew Wyeths now on loan.

A piano quartet has taken up residence in the new museum auditorium. The award-winning Portland Stage Company is moving into expanded quarters in a renovated building near Congress Square. These and others attest to the cultural synergism touched off by the art museum, which, it is also generally agreed, has given Portland increased self-confidence.

Twenty years ago, young people didn't come back to Maine once they left. Now the assumption is that they will. Many from other parts of the country chose Portland too because they like the quality of life. In Portland, everyone talks about the quality of life. Not only that, they've done something about it.●

THE ATTEMPTED DELIVERY OF 10,000 CARDS PROTESTING THE SOVIETS SHOOTING DOWN KOREAN FLIGHT 007

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. FAZIO. Mr. Speaker, today I will mail 10,000 cards from residents of California to the Soviet Embassy protesting the downing of Korean commercial flight 007, on September 1 by a Soviet fighter plane.

California Assemblyman Mike Roos and I attempted to deliver the protest cards directly to the Soviet Embassy early last month but were turned away by an unidentified Soviet official. We were told the only way the cards would be accepted by the Embassy would be if they were delivered through the U.S. Postal Service. We are complying with the conditions of that request today.

Mr. Speaker, I submit for the RECORD copies of letters which Assemblyman Roos and I are sending along with the postcards to Soviet Ambassador Anatoly Dobrynin. In addition, I would like to submit for the record a few of the messages to Soviet Premier Andropov taken from the protest cards. They exemplify the outrage over this tragedy of millions of people in California and throughout the Nation.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 24, 1983.
His Excellency ANATOLY DOBRYNIN,
Ambassador Extraordinary and Plenipotentiary, Embassy of the U.S.S.R., Washington, D.C.

DEAR MR. AMBASSADOR: On October 7, California State Assemblyman Mike Roos and I attempted to deliver directly to your Embassy the enclosed 10,000 postcards protesting the downing of Korean airliner flight 007 on September 1. Since an unidentified voice informed us that the Embassy was closed for a national holiday and therefore the cards could not be accepted, I returned on October 11 in a final attempt to see the cards delivered. Once again, however, I was not permitted to leave the postcards at the Embassy. The Embassy's press officer, Vladimir S. Mikoyan, informed me that the postcards would only be accepted if they were delivered through the U.S. mail service. Despite what I view as the unreasonableness of this request, we are complying with it.

These cards are from the people of California. They are voluntary expressions of frustration and anger over the tragic loss of human life caused by the senseless destruction of this civilian aircraft and they are representative of the feelings of millions of Americans. We provide these cards to you so that the Soviet government will better understand the depth of outrage felt by the average American. We also provide them in the hopes that there will be further explanation and description of events, enabling us to better understand how this tragedy occurred and thereby prevent a similar event from occurring in the future.

In closing, I hope that the difficulties we had in delivering these simple expressions of public opinion to your Embassy are not reflective of the institutionalized obstacles our two countries face in reaching an accord on far more critical matters. If they are, I am afraid the outlook for reaching an agreement that will reduce the threat of nuclear war, for example, is far more bleak than I would hope and pray for.

Sincerely,
VIC FAZIO,
Member of Congress.

ASSEMBLY CALIFORNIA LEGISLATURE,
Los Angeles, October 19, 1983.
His Excellency ANATOLY DOBRYNIN,
Ambassador Extraordinary Plenipotentiary, Embassy of the Union of Soviet Socialist Republic, Washington, D.C.

EXCELLENCY: I am once again respectfully requesting that you officially accept the thousands of postcards that constituents in my district wrote to Premier Andropov concerning the tragedy of the downed Korean Airliner.

I believe that it is important for anyone involved in your profession to take an active interest in the thoughts and concerns of America's diverse citizenship. The postcards I am including with this letter were written by people who were angered by the actions taken by your country, and wanted to express themselves in a meaningful and constructive way. I sincerely hope you and your staff will read these important messages.

Respectfully yours,
MIKE ROOS,
Majority Floor Leader, California State Assembly.

Examples of the messages that accompany the 10,000 protest cards to Soviet Premier Andropov (Each of the cards was addressed "to Premier Andropov, from an Outraged American.")

"We are all victims of your killing." unsigned.

"Is there truth in Russia? You must make retribution to the innocent victims." Lee Woo of Conoga Park.

"Is there humanity in Russia? Lee Chun Joon of Los Angeles.

"As a good American citizen, I am thoroughly outraged by the recent actions of the Russians and feel we Americans should boycott all their products." Rose A. Bringardner of Los Angeles.

"The world is united against your barbarism." Song Kang of Los Angeles.

"I cry for the families who lost their loved ones." George Kanashiro of Los Angeles.

"I feel a deep sense of frustration. We are trying to work together, but you are killing innocent people." unsigned.

"Barbarism will not prevail." Albert Kawter of Los Angeles.

"Lord, judge them." unsigned.

"A single life is priceless. Have you no conscience that you feel no remorse for taking 269 lives?" Young Whang of Irvine.

"You should be ashamed of your outrageous act." unsigned.

"I think an apology is long due to the bereaved relatives of the Korean jet tragedy." G. Du Cine of Los Angeles.

"Why, why, why?" J. Kanowitz of Los Angeles.●

PARRIS SPONSORS AMENDMENT TO PRESERVE HOUSING ALLOWANCE FOR MILITARY AND CLERGY

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. PARRIS. Mr. Speaker, this past July, the Internal Revenue Service dealt a very serious blow to the clergy of this country and the IRS is about to do the same to our military personnel.

On July 1, 1983, the Internal Revenue Service implemented a revenue ruling which prohibits the clergy from excluding from their gross income, the interest and taxes they pay on a personal residence. I have recently obtained a memorandum prepared by the IRS which indicates the same type of tax treatment will soon be applied to military personnel.

For years, military personnel and the clergy have had the benefit of this tax exemption. It has been a way in which the Federal Government has encouraged individuals to make careers, in what have traditionally been, occupations of modest income. Unless the Congress acts to preserve this exemption, the clergy and the military people of this Nation will be required to endure a significant increase in their individual tax burden.

Today I am introducing into the RECORD an amendment which I hope to offer to the Tax Reform Act of 1983. My amendment would preserve the housing allowance for the clergy and the housing quarters allowance for military personnel. I have independent legislation, H.R. 1905, which would repeal the revenue ruling as it applies to the clergy. My bill has attracted over 120 cosponsors and is emerging as a strong bipartisan effort.

I urge my colleagues in the House to support this amendment when it is considered by the House Rules Committee so that we might have an opportunity to consider it on the House floor.

AMENDMENT TO H.R. 4170, AS REPORTED OFFERED BY MR. PARRIS OF VIRGINIA

Page 385, insert after line 23 the following new section:

SEC. 496. AMENDMENT RELATING TO DEDUCTIONS FOR THE PAYMENT OF CERTAIN EXPENSES BY A MEMBER OF A UNIFORMED SERVICE OF THE UNITED STATES, OR BY A MINISTER, WHO RECEIVES A HOUSING OR SUBSISTENCE ALLOWANCE.

(a) IN GENERAL.—Paragraph (1) of section 265 of such Code (denying a deduction for payment of certain expenses relating to tax-exempt income) is amended by adding at the end thereof the following new sentence: "This section shall not apply with respect to any income of a member of a uniformed service (within the meaning given to such term by section 101(3) of title 37, United States Code) in the form of a subsistence allowance or a quarters or housing allowance or to income excluded from gross income of the taxpayer under section 107 (relating to rental value of parsonages)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1982.

Page 187, insert after the item relating to section 495 in the table of contents for title IV the following new item:

"Sec. 496. Amendment relating to deductions for the payment of certain expenses by a member of a uniformed service of the United States, or by a minister, who receives a housing allowance."●

PRESIDENT REAGAN'S NATIONAL ENERGY PLAN UNVEILED

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. RICHARDSON. Mr. Speaker, earlier this month, Energy Secretary Hodel unveiled President Reagan's national energy plan. This proposal, which is almost 18 months late, is a disturbing document.

The centerpiece of the President's plan is that the marketplace should make all decisions about the price and allocation of our energy resources. Generally, I agree with that principle. As a representative of the fourth largest gas-producing State and a member of the Energy and Commerce Committee, I am convinced that the market can allocate resources more efficiently and sensibly than can a Federal regulatory agency. To prove my point, my colleagues need only look at the projections for home heating oil, which was decontrolled several years ago. This winter, heating oil prices are projected to be down more than 10 cents a gallon from last winter. Natural gas, on the other hand, is still regulated, and even though there is a large surplus of domestic gas supplies, prices are projected to increase this winter.

But, Mr. Speaker, the marketplace can only work when there are normal market conditions. And a disruption of our crude oil supplies from the Middle East to the tune of 1 million barrels a day is hardly normal. Yet, under this distorted and stressful situation, this administration would simply sit by idly and let the market decide who would get the scarce crude oil and refined products and what the price of those products would be.

What would be the impact of such a do-nothing policy during a supply disruption? The administration, in vetoing an emergency preparedness bill passed by the Congress in 1981, claimed prices would rise only marginally. Yet, in April this year, when the International Energy Agency conducted its fourth crude oil test, it tested for price and assumed that the United States did not intervene in the market and instead let the price of oil find its own level. What did the IEA test find? Quite simply, under a 1 million barrel a day disruption, the price of oil in the United States would settle out at $98 a barrel.

Some of my colleagues might think that I would like that result, since there is significant oil production in New Mexico. As the price of crude oil rises, so would State severance taxes and royalty payments. But that is a terribly myopic view, Mr. Speaker.

A 300-percent increase in the price of crude would mean a staggering increase in the rate of inflation. It would mean hundreds of thousands of people would be thrown out of work, and it would mean that our senior citizens, those of low and fixed incomes, and even middle class Americans would be crippled by the outcome of such a diastrous policy. Yet, it is not merely the pain and misery that a 300-percent increase in the price of crude oil that is troubling. There is another element which must be considered.

In 1973, when the Arab states placed an embargo on crude oil coming into the United States, domestic crude prices tripled in a very short period of time. As a result of this increase and the outcry from the American public, Congress passed the Emergency Petroleum Allocation Act of 1973. This act, which imposed price controls at the wellhead and lead to allocation policies such as the crude oil entitlements program for refiners, was one of the most costly and counterproductive in our Nation's history. It took the oil industry 8 years to get out from under that act. Yet, this administration is advocating policies which set up the same price shock with its inevitable backlash and reimposition of rigid Government regulations.

Mr. Speaker, I believe the Congress must not shy away from this issue. We must continue to diligently pursue policies that insure the strategic petroleum reserve (SPR), is filled at as quick a rate as fiscally possible. We must also explore the options of interim storage and regional reserves.

Once the SPR is in place, however, we must not allow the crude to sit in the ground as a bulwark against Middle East blackmail. Rather, the SPR must be used as a market ordering and price dampering device. If the SPR oil is allowed to reach refiners and downstream customers whose supplies have been lost, they will not go to the spot markets in New York and Rotterdam to bid up the price of crude oil. If calm heads prevail and panic does not set in, the price of crude should remain stable.

There is, however, a catch. By opening up the SPR for use during a supply disruption, we must not allow companies with amble supplies to come in and bid up the price of crude for speculatory purposes. To do so, would be to simply make the salt domes in Louisiana the new spot market, and the same disastrous results would occur as in 1973 and 1979 during the Iranian crisis.

Other measures may be needed, Mr. Speaker. And I urge the distinguished chairman of the Energy and Commerce Subcommittee on Fossil and Synthetic Fuels to begin hearings on our Nation's emergency preparedness legislation. Clearly, using the SPR as a market ordering device must be the centerpiece of our policy. This approach offers consumers protection without subjecting the industry to the rigidity of inflexible Government regulation. We may need to build around that core. But we cannot sit by idly and let this administration set the American consumer and the oil industry up for another hard fall.

I have faith in the marketplace, but my faith is tempered by economic realities. One of those realities is that when a sizable portion of supply is removed and panic sets in, market responses can be distorted. To protect the sanctity of the marketplace, it is often necessary for the Government to intervene in extreme circumstances to make certain our marketplace and the faith that accompanies it is not destroyed. Blind adherence to ideology—which is exactly what the administration is doing regarding our emergency preparedness policy—will punish the oil industry and the consumer. We need none of that now or in the future.●

TWENTY-FIFTH ANNIVERSARY OF QUINCY JUNIOR COLLEGE

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. DONNELLY. Mr. Speaker, Quincy Junior College in Quincy, Mass., is now celebrating its 25th anniversary.

QJC has been an invaluable educational resource for Quincy and for the communities of the South Shore. It remains the only municipally sponsored college in Massachusetts.

During its quarter century of service, Quincy Junior College has graduated 20,000 full- and part-time students. Some have graduated with associates degrees to enter the business world or to seek degrees from 4-year institutions, others have earned the certifications necessary to pursue their trades. Other thousands have benefited from studies at the college outside its degree or certification programs. All have emerged equipped to better the lives of themselves and their families and to make greater contributions to their communities.

Although Quincy Junior College is pausing for the moment to reflect on its 25 years of achievement, it is also planning to expand the opportunities it offers and the role it plays in the life of southeastern Massachusetts.●

A TRIBUTE TO FRIEDA AND EDWARD LEWIS

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. MRAZEK. Mr. Speaker, I would like to take this opportunity to pay tribute to two extraordinary people who will soon be honored for their outstanding work on behalf of the State of Israel. For over 30 years, Frieda and Edward Lewis have dedicated their lives to a host of issues and projects of vital importance to the Jewish world. It is my pleasure to inform you that Frieda and Edward Lewis' many achievements will be honored on November 9 at an Israel bond dinner in Great Neck, N.Y.

Frieda Lewis, president of Hadassah, the Women's Zionist Organization of America, heads the largest women's volunteer organization in the United States. Her list of accomplishments speaks for itself, testifying to her undying commitment to Israel and the Jewish people. She has been a member of Hadassah for 36 years, during which time she has participated in virtually every aspect of the organization's activities on the local, regional, and national level. As a member of Hadassah, she has served as a leader in such vital programs as the National Youth Aliyah Department, the Hadassah Israel Education Services, the Hadassah Medical Organization and the National Hadassah Conventions.

Mrs. Lewis has been an active leader in a number of other cultural, religious and educational organizations. She is a member of the Holocaust Commission, the executive board of the National Jewish Community Relations Council and the council of trustees of the American Friends of the Hebrew University. In addition, she serves on the board of governors of the National Conference on Soviet Jewry.

Mrs. Lewis has also demonstrated remarkable leadership within the international Jewish community. She serves as Hadassah's representative to the governing board of the World Jewish Congress. She has been a delegate to numerous world zionist congresses held in Jerusalem and is a member of the presidium of the Zionist General Council of the World Zionist Organization. She has addressed Jewish groups and organizations throughout the world and has traveled to more than 40 countries, including the Soviet Union, studying the conditions under which many Jews live.

Along with her husband Edward, Mrs. Lewis has been actively involved in the Great Neck community for many years. She was president of her temple sisterhood and an officer of the PTA. She has also served as director of the Jewish National Fund, the Hadassah Zionist Youth Commission and the American Foundation for Jewish Culture.

Edward Lewis has been involved in Temple Israel in Great Neck and many other aspects of Jewish life for many years. Since 1951, he has been involved with the Great Neck Community Israel Bond Drive. Along with his wife, he has visited Isreal many times, meeting with top leaders in Israeli political and cultural life.

Edward and Frieda Lewis are an inspiration to all people committed to the establishment of a free and independent Jewish State and homeland. Their names are inscribed on the wall of the synagogue of the Hadassah-Hebrew University Medical Center at Ein Karem in recognition for their many accomplishments on behalf of Israel. It is only fitting that they should be honored once again in their home community of Great Neck in grateful appreciation for their lifelong work.●

JUDGE BONNEY ADDRESSES BANKRUPTCY JUDGES

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. FISH. Mr. Speaker, I wish to share with Members of the House the remarks of Judge Hal J. Bonney, Jr., of Norfolk, Va., at the 57th annual meeting of the National Conference of Bankruptcy Judges recently held in Colorado Springs, Colo. Judge Bonney, a distinguished member of the bankruptcy bench since 1971, has been elected president of the conference for the next year. His remarks reflect the conviction of every member of the bankruptcy bench and bar with whom I have come in contact, that Congress must move with all the expedition of which it is capable to enact legislation establishing our bankruptcy court system on a firm constitutional basis. I commend Judge Bonney's remarks to the attention of every Member of the House.

The remarks follow:

ADDRESS OF THE HONORABLE HAL J. BONNEY, JR., BEFORE THE NATIONAL CONFERENCE OF BANKRUPTCY JUDGES

When I taught American history, the historians spoke of the nadir of diplomacy as a period in our history; now it may be the nadir of bankruptcy within which we find ourselves . . . and if this is so, it is the national well being which is the loser.

This is evident in the jurisdictional instability which both exists and is tolerated and the disdain with which some, in ignorance, look upon bankruptcy in general. This affects (1) surely the bench, but it also (2) erodes the prestige and effectiveness of the bar and (3) alters the quality of service to the public.

Alas, we also live in an age when all men are not intellectually honest.

What has been one of the most effective and efficient courts in the world and one which contributes significantly to the very national economy itself (something usually overlooked) is, with some deliberateness, impaired.

We would not be one of King Lear's children. We are very deeply grateful to the many who are striving for an old-fashioned quality called justice. To the members of Congress who so labor, to their staff, to organizations such as the Commercial Law League, to individual practitioners and to business and industrial leaders . . . we say thank you, genuinely and earnestly.

What are the present goals of the National Conference of Bankruptcy Judges in this its 58th year? Very generally they are two: (1) the granting of Article III status to the United States Bankruptcy Court and (2) just retirement for those who wish to retire or who are not reappointed.

Some think the Conference was established for the purpose of promoting the Bankruptcy Reform Act of 1978 and, following Marathon, Article III status. This is a glaring example of the ignorance abroad. The National Conference of Bankruptcy Judges was founded in 1926 for the purpose of improving the bankruptcy system of the United States so that honest, distressed individuals, partnerships and corporations, their creditors, the public and the national economy might be better served.

Why an Article III court? The Supreme Court has held that the work we do requires that touch. As those who sit upon the bench and decide these matters involving hundreds of thousands of debtors and creditors and billions of dollars, it is our official view that nothing less than an independent Article III court can do the job in a constitutional manner. No one, no one knows as well a we what it takes.

Members of the Conference, what is necessary to bring this to pass; how will it be accomplished? Three things:

(1) The leadership of the Conference will pay attention to even the finest detail and labor ceaselessly. On that you can rely.

(2) Educate. We believe that when the problem is fully understood and all of the facts known, reasonable men and women will see that the work of the Court is vital to the nation and that that Court must be given the jurisdiction to accomplish the task. Each of you in your neck-of-the-woods must be a part of this process.

(3) Work. There is no substitute for it. The task is indeed large, for there are those who, realize it or not, impede and oppose justice and the strengthening of the national economy. You—work at it for the rightful result it is.

And now, the forgotten aspects.

There are surely many lessons in it. Do you realize that in the War of 1812 the enemy sailed to our nation's capital and utterly sacked the city. The President of the United States, James Madison, had to flee the White House. After this, they sailed down the Potomac River, turned left and made preparations to do the same to Baltimore. Prior to that bombardment, one F. S. Key went to one of the British ships seeking the release of a friend. While not restrained, he was advised he could not leave the vessel until after the battle.

As we know the story, in the morning, at dawn's early light, he came on deck and saw that our flag still waved! So greatly inspired, he wrote of the event. Among those great words, are these:

"Then conquer we must,
For our cause, it is just
And this be our motto,
'In God do we trust.'"

You must then, my friends, forgive my reference to history, yet the great heritage of our dear and great nation has often inspired and taught me. Perhaps it is the history teacher in me, but to me it speaks lessons for today in all aspects of our national life.

(1) "Then conquer we must." We must, and shall, conquer the ignorance, the misinformation, the greed and the jealousy which would hold back the dawn. This conspiracy which would deny the natural evolution of justice is not holy.

(2) "For our cause, it is just." We must not lose sight of the ultimate, valid test. What is valid is not what any one individual thinks or what any group believes; what is important and valid is "what can best do the job?"

I tell you that what is best for the country is what counts and nothing less. And men in all intellectual honesty must apply this.

(3) "In God do we trust." In consideration of this bankruptcy problem, some in their blindness have forgotten a basic American truth. The Commonweal. No one, no one has the right to stand in the way of what is best for the people, the common good, the general interest, the commonweal.

We are not toying with some dog leash law. We are dealing with that which touches human life, the public interest . . . and that will be served! To ignore it endangers the republic, our very democracy.

Join in! I call upon all of you assembled here—judges, former judges, members of the bar, professors, editors, staff members—and all that in our nation are involved in the bankruptcy process—to join in the strife and labor, diligently, toward these ends.

I do thank you all.●

SAVING THE ENVIRONMENT SAVES US ALL MONEY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. WEISS. Mr. Speaker, we are all familiar with the conventional wisdom that preventing environmental problems such as acid rain or air pollution can be an excessively costly burden on our society. It is better to suffer from a little pollution, the argument contends, than to have to pay a higher utility bill or spend more for a new car.

The trouble with conventional wisdom is that it is not always founded in the truth. Research has determined that preventing pollution costs less than cleaning it up later. Antipollution efforts create jobs and reduce sickness. Conserving energy is just plain cheaper than buying newly produced energy.

Mr. Albert F. Appleton, conservation chairman and former president of the New York City Audubon Society, presented this view in a Newsday article on September 16, 1983, and I would like to share his excellent essay with my colleagues.

The article follows:

[From Newsday, Sept. 16, 1983]

SAVING THE ENVIRONMENT SAVES US ALL MONEY

(By Albert F. Appleton)

Is it true, as so many claim, that the public has to sacrifice economic well-being to protect the environment? Quite the contrary. Protecting the environment is virtually always the soundest economic course.

The numbers are dramatically one-sided. An acid-rain cleanup would cost $2.5 billion a year. Acid-rain damage to agriculture, timber, recreation, buildings and public health totals $5 billion-plus a year and is climbing. According to a Council on Environmental Quality study, improvements in air quality since 1970 are worth $21.4 billion annually in increased longevity, lowered health costs and other benefits.

The most economic energy source is that which is environmentally best: energy conservation. Energy conservation kicked OPEC in the breadbasket and ended the skyrocketing of fuel prices. Every serious study, including the Harvard Business School Energy Project, has reached the same conclusion: saved energy is the cheapest energy.

So the argument that environmental protection harms the economy reduces to nothing more than empty slogans.

Are the environmentalists who are fighting to save the Long Island economy from choking on polluted groundwater "standing in the way of progress?" Is it "elitist" to try to stop toxic-waste dumping from breaking up more and more communities like Love Canal? Is it "insensitive to the needs of working people" to oppose a Westway that is really a multibillion-dollar subsidy of Manhattan luxury real estate? These questions answer themselves.

The direct figures on jobs gained and lost are perhaps the most impressive of all. A U.S. Environmental Protection Agency study found that maintaining existing environmental standards would create 524,000 jobs by 1987. The American Federation of Labor-Congress of Industrial Organizations has estimated that 600,000 new jobs could be provided in the conservation and solar industries by a concerted effort to achieve their real ptoential.

By contrast, an EPA survey this year found that only 33,000 jobs had been lost because of environmental laws. Other studies have found that, for up to 60 percent of such instances, the real cause was plant obsolescence. Environmental laws were used as a public-relations scapegoat.

Environmental protection is creating whole new industries. Sales of air and water antipollution equipment alone will top $5 billion by 1985. The public wants the goods that environmental protection produces: pleasant and attractive surroundings, myriad recreational opportunities, cleanliness and life-style variety, and freedom from the health threats of air, water and toxic pollutions.

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These are well-known desires and well-justified fears. Congress' Office of Technology Assessment estimates that sulfur-related air pollution causes 51,000 premature deaths a year. A majority of all cancers are induced by environmental carcinogens. No one needs to be reminded of the horrors of diseases like asbestosis. They have staggering economic consequences as well, as the flight of the Manville Corp. into bankruptcy to avoid billions in liability claims so dramatically illustrates.

The time has come to challenge and discard the hackneyed stereotypes about the conflict between the environment and the economy. In truth, for every genuine instance where the issue is beauty vs. jobs, there are 20 where nature and prosperity march hand in hand.

It is no accident that, in reality, sound environmental policies are economically beneficial. The environment in its healthy form represents resources organized by nature for self-sustaining production. These environmental resources—air, water, soils, fuels, minerals, plants, animals and fish—are the basic building blocks, the underlying capital pool of organized economic life.

The normal economic principle is that capital replacement is an ongoing cost of doing business. American industry has been strongly criticized recently for widespread practices of capital disinvestment (such as deferring maintenance) that maximize current profits at the hidden cost of undermining an enterprise's long-term viability. Environmental destruction represents the same phenomenon on a massive scale. Destroying or polluting the environment treats public capital as a free good, avoiding payment of the true cost of production. It provides immediate profits by depleting the economy's resource base.

The argument that environmental protection must be sacrificed to economic progress is really an argument that a business should have its profits subsidized by the general public, rather than earn them through productivity and economic efficiency. Environmental destruction should rightfully be seen as a transfer tax, an income redistribution that impoverishes the general public to provide subsidized profits for a selected few.

Nothing is more ironic than to hear such polluting enterprises argue that environmentalists are standing in the way of the free-enterprise system. Looked at carefully, every form of environmental destruction translates into an anticompetitive subsidy.

Taking public funds for boondoggle public works is subsidy. Shifting the cost of waste disposal onto the public, through air pollution and acid rain, water pollution or toxic-waste dumping, is subsidy. Shifting the burden of risk onto the public, as in Shoreham, is subsidy. Destroying ongoing uses of a public resource, as in wetlands filling or in forest clear-cutting, is subsidy.

In fact, it is the polluters, not the environmentalists, who are undermining the free-market system. Their misuse of the environment mocks the basic theory of free-market competition: That every participant will pay the full cost of production, the most efficient will prosper through competitive success, and thus society will maximize its economic output.

The subsidies that environmental pollution gives to inefficient producers distort the economy as surely as price-fixing and consumer fraud. Every time a company fattens its profits by slipshod disposal of toxic wastes, or a utility creates acid rain to avoid the costs of emission-control equipment, the economy suffers. It suffers from the disproportionate costs imposed on the public to pay for that profit, from waste and misallocation of funds away from genuinely productive investments, and from further erosion of the economy's long-term capital base.

So far from threatening economic growth, the success of the environmental movement is an indispensable prerequisite to restoring long-term prosperity. Environmental well-being and economic prosperity are intimately connected, and both depend on the same thing: the productive, self-sustaining use of basic resources.

Since environmental protection is so clearly in the economic interest of society, why does the fiction that environmental protection is an economic menace persist?

The answer is simple. Environmental protection may save society money, but it does cost individual polluters, costs they would strongly prefer not to pay. Whatever their level of theoretical devotion to the free market, as a practical matter, too many businesses would prefer to avoid the rigors of competition. Misuse of the environment is an easier and safer road to profit.

Understandably, such profit subsidies are never openly claimed. They have to be disguised or rationalized. So opponents of environmental protection bemoan their own costs, sometimes genuine, sometimes not, as the unsupportable burden of environmental protection. The money environmental protection saves society is conveniently ignored or belittled. To further distract attention from it, the unsupportable-burden argument is embellished with scare tactics about job losses and depression of the local economy, and seemingly reasonable calls for balance.

Since the economic benefits of environmental protection are individually small, cumulative and long-term, no special interest defends them with the strident, focused belligerency that polluters bring to preserving their privileges. That makes the immediate political costs of defending the environment very steep. It is therefore not surprising that the argument that environmental protection is too expensive has been seized on as a convenient rationalization for following the course of least resistance, or that over time both business and much of the public have come to genuinely believe it.

Unfortunately, the bill for the economic myopia, political timidity and mental inertia that has permitted misuse of the environment has come due. There is no free lunch. Sooner or later, the long term becomes the present and the costs pushed off into the future have to be paid. That time has come in the United States, as the economic stagnation of the past decade so vividly demonstrates.

Our increasingly capital-starved society can no longer afford to subsidize the inefficient producer by plundering the public's basic treasure lode: the environment. Permanently revitalizing the economy will require the proper use of environmental resources. It is time to pierce the rhetoric to the contrary and take a hard look at the profound economic need for environmental protection.●

APPLICATION OF COUNTERVAILING DUTY LAW TO IMPORTS FROM NONMARKET ECONOMY COUNTRIES

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. JENKINS. Mr. Speaker, as chairman of the Congressional Textile Caucus, I would like to bring to the attention of my colleagues in the House the remarks made by several members of the Textile Caucus Executive Committee before the Department of Commerce on November 3, 1983.

My colleagues may be aware that a countervailing duty petition was filed by the American Textile Manufacturers Institute, the Amalgamated Clothing & Textile Workers Union, the International Ladies' Garment Workers Union, and the American Apparel Manufacturers Association against the People's Republic of China. This petition is the first nonmarket country countervailing duty complaint accepted by the Department of Commerce.

The petition filed by this coalition of textile and apparel industries consists of certain novel issues. The novel issues raised by the petition are whether the Trade Act of 1930 applies to a nonmarket economy and whether dual exchange rates in either a market or nonmarket economy can confer a bounty or grant where the entire trade sector is subject to a single rate and the currency is not freely convertible.

The importance of this issue should be carefully noted. I am hopeful that the Department of Commerce will take careful consideration of the facts presented by the petitioners.

TESTIMONY OF REPRESENTATIVE JAMES T. BROYHILL

Mr. Chairman, I am James T. Broyhill. I am a Congressman from the State of North Carolina. I appreciate being given the opportunity to appear at today's hearing.

The case that gave rise to this special conference was filed by a management/labor coalition of the U.S. textile and apparel industry against imports from the Peoples Republic of China. This industry has been hard hit by imports. Between July 1981 and January 1983, over 100,000 American textile and apparel workers lost their jobs. A primary cause of this tremendous loss of employment has been the flood of low-priced textile and apparel imports. China has been a principle and growing source of these imports—it now accounts for 11 percent of all U.S. textile and apparel imports. Between 1978 and 1983, while U.S. global imports of textiles and apparel increased by 22 percent, Chinese imports increased by 280 percent.

The Chinese themselves make no bones about the fact that they grant export subsidies, in the form of a dual exchange rate, to increase their market penetration abroad. As a result, our own textile and apparel industry must compete in the U.S. market against government-subsidized Chinese products. In effect, the government of

China is bankrolling an effort to take sales away from American producers—who, as you know, get no comparable government assistance. This is the type of problem that Congress intended our countervailing duty law to remedy. I hope and trust that you will not be deterred by extraneous foreign policy considerations from enforcing the law fully and fairly, as it was intended to be enforced.

You have raised two specific issues for comment which I would like to address briefly. First, you ask whether the U.S. countervailing duty law applies to countries such as China with government-controlled economies.

The law itself applies by its terms to "any country"—period. As you know it is a cardinal rule of statutory construction that absent a clearly expressed intent to the contrary, the language of the statute must ordinarily be regarded as conclusive. In this case, there is nothing in the law or the legislative history to suggest that the Congress intended to carve out a special exemption for countries with state-run economies. Therefore, I question why the Commerce Department is raising this issue at all.

I realize that foreign policy considerations, namely our efforts to improve relations with China, may tempt Commerce to look for a way to avoid applying the law in what appears to be a clear-cut case of export subsidization by another government. Commerce must resist that temptation.

A ruling that the countervailing duty law does not apply to state-run economies would severely and unnecessarily weaken that law, which was enacted to protect American firms and workers from precisely the kind of practices that are now supporting Chinese imports. If the law does not apply to China, then why should it apply to France, where the government is in the process of nationalizing much of the economy? How about Brazil, Italy, or a host of other countries where the government owns and runs an increasing share of the entire economy? It is only a matter of degree. If we weaken the law in this way, we are virtually inviting other countries with substantial state-run economies to invade our markets with subsidized imports. I urge you not to set this dangerous precedent.

The second point is whether a dual exchange rate can be a subsidy if the currency is non-convertible and if the same rate applies to all imports and exports. Again, my question is, where is the statutory language or legislative history that suggests these factors should prevent an export subsidy from being countervailable? The law itself gives broad scope to the forms of government aid that can constitute export subsidies—and as China's Vice Chairman of the Import-Export Commission, Wei Yunming, told the Far Eastern Economic Review, China's dual exchange rate "is used only to subsidize exports. It is a means of subsidizing our export industries."

Again I am concerned that Commerce may be seeking to carve out a loophole in the law to avoid taking action in the China case—a loophole that Congress did not intend to be there. I don't see why we cannot accept the Chinese characterization of their own system at face value—and apply the law as it is meant to be applied.

The trade laws are really the only defense American firms and workers have against unfair trade practices by foreign governments. Here we have a situation where an important American industry has been badly and unfairly injured. We have a law that Congress enacted to meet precisely this situation. It would be a serious matter if the Executive now fails to enforce this law. Mr. Chairman, the Congress will be watching with concern your resolution of the issues you have raised.

Thank you for your time and attention.

STATEMENT OF CONGRESSMAN CARROLL A. CAMPBELL, JR.

Thank you Mr. Chairman. My name is Carroll A. Campbell. I am the United States Representative from the Fourth District of South Carolina.

I want to thank the Department for giving me the opportunity to appear at today's hearing. Like my fellow South Carolinians Senator Thurmond and Senator Hollings, I am vitally concerned about the issues raised by this conference. Your decisions here will have a very real and visible impact on many of my constituents who depend on the textile and apparel industries for their livelihoods. These people will be looking to you for evidence of the Administration's commitment to fair, even-handed, and vigorous enforcement of the trade laws.

According to your notice, this conference is focused on two issues: (1) whether the United States countervailing duty law applies to non-market economy countries; and (2) whether benefits conferred on exports by certain broad-based dual exchange rate systems are countervailable under our law. In my view, the answer to both issues is clearly "yes."

With respect to the first issue—the applicability of the countervailing duty law to "non-market" or "state-controlled" economy countries—the answer lies in the text of the law itself. As my colleagues from the Senate have emphasized, the law states that a countervailing duty "shall be imposed" to offset a subsidy granted by "any country." There is no ambiguity in this broad, encompassing language. No suggestion that the law excepts any country from its operation—for any reason.

In fact, the law is perfectly clear. It requires that all countries be treated equally as far as the countervailing duty law is concerned.

And that makes good sense. My constituents in South Carolina don't care whether the subsidized goods that hurt them come from so-called non-market economy countries, or from free-market countries. The unfair competition that these goods represent hurts them just the same either way.

Because the law doesn't give any country a special deal, that means that it applies to the People's Republic of China in the same way that it applies to every other country. I was on the floor of the House in January 1980 when we debated a resolution approving most-favored-nation status for China. I will tell you quite frankly that I had the gravest reservations about taking this step and, in fact, voted against it. One of the many questions that I and others had was: What would the effect of MFN status be on Chinese imports? Unfortunately, my worst fears were realized. Contrary to the predictions of the resolution's proponents, there has been a steady surge of Chinese imports ever since MFN status was granted.

During the 1980 debate, however, there was one thing that everyone agreed on. And that was that the U.S. trade laws, all of the trade laws, would be available to protect domestic industries from unfairly traded Chinese imports. One of the MFN resolution's chief proponents, my colleague Mr. Vanik of Ohio, expressed that limited consensus when he said that if there were "a problem . . . regarding Chinese imports," and I'm quoting Mr. Vanik now, the United States would have "the right to impose the full range of domestic safeguards available under our trade laws . . . ." And of course, that "range" included the countervailing duty law.

Now I understand that there is a lot of pressure on the Department not to apply the countervailing duty law to China and other non-market countries. Some of that pressure is coming from farmers who want to sell grain to China. I can understand these concerns. I was a farmer for many years myself and I know that it's not an easy life.

But fair is fair. We can't have one law that we apply to all free-market countries and another that we apply, basically, to communist countries that completely run their economies by controlling everything. And we do not have that kind of a law. It would not be fair to our traditional trading partners, and it would not protect our domestic industries. The law we do have, which applies to all countries, is the only fair way to deal with everybody.

The second issue under consideration here is whether a dual exchange rate that applies to the entire trade sector, and that is paid in non-convertible currency, can be a countervailable subsidy. From what I understand, that is not an accurate description of China's exchange rate system. That is, of course, another matter that you will have to address specifically in the countervailing duty case now pending against China.

In general, however, the law requires that a countervailing duty be imposed to offset the effect of a subsidy. It does not matter how the subsidy is conferred. It seems that the Chinese used to use a lot of different, direct subsidies to stimulate exports.

Then, in 1981, they introduced a new system that relied on a dual, or perhaps a multiple, exchange rate to do the same job. This system, like its predecessor, was intended to act as an incentive to export Chinese goods, especially light industry products like textiles and apparel. The Chinese are not shy about this being the purpose of their system. They announce it plainly. And, if trade statistics are any indication, the system has been very successful. In the nearly three years since it was put into effect, China has done away with its trade deficit, and has acquired a substantial trade surplus.

My constituents in South Carolina do not have to read trade statistics, however, to know about the success of China's export incentives. Their knowledge is first hand. Without the countervailing duty law, domestic industries like the South Carolina textile mills are very vulnerable to these indirect subsidy programs. With the law strictly and fairly enforced, however, China can compete here on an equal footing with our other trading partners, and with our domestic industries. Everybody will be protected.

In summary, the Department's responsibility to impose the countervailing duty law on all countries and all subsidy practices does not vary either because of the kind of economy a country has, or the nature or complexity of the system that it uses. Moreover, it is clear that the countervailing duty statute does not give the Department the option of ignoring the law simply because it may be awkward or inconvenient to apply.

Other kinds of policy decisions have no place in your consideration of this case.

Finally, Mr. Chairman, I would say that what it appears to me we have here is a case of, if it looks like a duck and it walks like a duck and it quacks like a duck then it's a duck. If the Chinese themselves say it's an export subsidy and if it subsidizes Chinese exports by some 40 percent, then it's a subsidy. I would hope the Department will find as much.

Thank you for your attention.

Testimony of Hon. Butler Derrick

Thank you for affording me the opportunity to appear before you today. I am certainly pleased that this Department has accepted the petition by the textile industry to initiate this countervailing duty investigation. The main issue here today is whether the countervailing duty law, the oldest U.S. law dealing with unfair trade practices, is applicable to non-market economy countries. This investigation is indeed unprecedented in the history of the countervailing duty law. This law was enacted in 1897 to counteract the effects of subsidies granted by foreign countries to producers of exports to the United States.

Sections 301-306 of the Trade Act of 1974 as recently amended by the Trade Agreement Act of 1979 clearly provides the U.S. with the necessary tools to enforce U.S. rights under trade agreements and to respond to certain foreign trade practices of countries which are not partners in such an agreement.

Officials of the Peoples Republic of China have openly declared their intention to target the export market of textile products to manipulate the foreign exchange afforded their manufacturers to increase their exports. Under China's "internal settlement rate" introduced in January, 1981, there is a definite contrast between the official exchange rate of 1.9939 yuan to the dollar compared to an exchange rate for Chinese enterprises engaged in exports of 2.8 Chinese yuan to the dollar. It had also been reported that major textile exporters are allowed to keep up to 15 percent of their foreign earnings. The ability of these exporters to retain U.S. dollars is certainly another significant benefit. This dual exchange rate is not, by definition, a devaluation.

I am sure the economic issues involved in this investigation will be covered ably by representatives of the textile industry and I, therefore, do not wish to argue that point.

However, for the record I would like to state that political considerations have traditionally overridden the importance of economic issues in our international trade policies with nonmarket economy countries. There has also been a substantial differentiation among state-controlled economy countries in establishing and maintaining trade and economic relations. In spite of how complex this case might be, I ask that this department stringently apply the countervailing duty laws on the books and not allow political considerations to overshadow our commitment to providing import relief to domestic industries and to combatting unfair trade practices. Because these developing countries need to maximize the use of raw materials, many are shifting their export priorities toward manufactured products, an area in which laws on unfair trade practices must be stringently applied and are of great significance to U.S. industries.

As nonmarket economy exports expend, the potential for an increasing number of dumping and countervailing duty cases will arise. If we fail to countervail now, every other country will be able to manipulate the foreign exchange market with impunity. The decision by state-controlled countries can be influenced severely by how U.S. unfair trade practices laws are applied.

The countervailing duty laws is surely applicable to non-market economy nations. I hope this Department will move promptly to complete this investigation which will have a fair-reaching impact on all domestic industries and their foreign competitors.●

TESTIMONIAL DINNER TO HONOR ABBOT JEROME KOVAL ON THE OCCASION OF THE 40TH JUBILEE OF HIS ORDINATION

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. HARRISON. Mr. Speaker, on Sunday evening, November 27, a testimonial dinner will honor the Right Reverend Abbot Jerome Koval, OSB, on the occasion of the 40th jubilee of his ordination to the priesthood.

Abbot Koval was born February 27, 1917, in Wilkes-Barre, the son of the late Andrew and Elizabeth Koval. He attended Sacred Heart Elementary School and Coughlin High School. He was graduated from the Benedictine High School, in Cleveland, Ohio, in 1935. Thereafter, he attended St. Procopius College, St. Benedict's College, and Notre Dame University. He did graduate work both at the Catholic University of America and at John Carroll University in Cleveland, Ohio.

On July 2, 1938, Abbot Koval was professed as a Benedictine monk of St. Andrew's Abbey in Cleveland. On December 14, 1943, he was ordained to the holy priesthood.

Over the years, Abbot Koval was prefect of resident students at Benedictine High School in Cleveland where he taught both sociology and religion. He has served as chaplain of that institution and as president of the high school from 1966 to the present.

On April 26, 1966, Jerome Koval was elected Abbot of St. Andrew's Abbey and continued in that capacity until his retirement in 1981. Since that time, he has been appointed by Bishop Clarence Issenmann of the Cleveland diocese to administer the sacrament of confirmation. He also served as associate pastor of Assumption Parish in Broadview Heights, Ohio.

Abbot Koval has two sisters, Mrs. Ann Zak and Mrs. Mary Lada, both of Wilkes-Barre. A third, Sister Mary Anacleta, SSCM, is deceased as is his brother, Bernard, who was killed in action during World War II.

It is fitting and appropriate, Mr. Speaker, that this testimonial dinner will follow a mass of thanksgiving which Abbot Jerome Koval will celebrate at Sacred Heart Church on North Main Street in Wilkes-Barre. That is the same church where he was raised and in whose elementary school he was a student many years ago. On November 27, he will come back to the people of his parish, to his family, relatives, friends, and neighbors. He will return as a man of God who has done much in God's world. His accomplishments are a source of pride to us all and the day of rejoicing on his behalf will be a significant one in the Wilkes-Barre community.

It is an honor for me, Mr. Speaker, to pay tribute to Abbot Jerome Koval, OSB, and to share this significant event with my friends and colleagues in the House.●

"COACH" GEORGE HALAS FATHER OF THE NFL

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. KEMP. Mr. Speaker, this past Monday, October 31, 1983, a legend in professional sports, the father of professional football in the NFL, George Halas, Sr., passed away.

Sir Isaac Newton once wrote, "If I have seen further, it is by standing upon the shoulders of giants." All of us who have ever been involved in professional football stand on the shoulders of this great man who was player, coach, and owner of the Chicago Bears, the team he "lived and died for," for more than 60 years.

National Football League Commissioner Pete Rozelle said of Coach Halas:

> He leaves modern professional football as his memorial. George was the National Football League—its founder, the driving force that sustained it during struggling pioneer years * * * the revered elder statesman whose vision and vitality were pivotal in the league's growth.

I feel very fortunate to have counted George Halas as a dear friend who I greatly admired. His undying enthusiasm for life and football was reflected in everything he did. George had a motto for life, "He liked to win."

As one looks back at George Halas' life, from his work as a director on the Board of NFL Charities, where I served with him, to those pioneering days of professional football and the NFL, the words of former Chicago quarterback, Sid Luckman, from the Bears "Monsters of Midway," say it all. "He was a man who stood tall, and a man who was magnificent every step of the way."

Following is an article by Dave Anderson from the New York Times which tells the whole story of this wonderful man who we all called "Coach."

I commend it to my colleagues, and express my most profound respects and my prayers to the Halas family.

The article follows:

THE BEAR WHO REALLY WAS ONE

He was 82 then, still at his desk six days a week as the Chicago Bears' owner. George Halas was talking in 1977 about Walter Payton, the most recent of the famous running backs in the Bears' history that was also their owner's history. Walter Payton had rushed the previous Sunday for 275 yards, still the one-game record in the National Football League, and now the Bears were awaiting a Thanksgiving Day game in Detroit.

"That's the great thing about pro football, something like what Walter did Sunday you usually enjoy for a whole week," George Halas was saying. "But not this time, damn it. I wish we weren't playing the Lions so quick, so we could savor what Walter did a little longer."

Until his death Monday night George Halas savored pro football longer than anybody else. He also suggested it, shaped it and showcased it.

When the league that would develop into the N.F.L. was formed in Canton, Ohio, on Sept. 17, 1920, George Halas was there in Ralph Hay's Hupmobile showroom at the first meeting of organizers from 12 Midwestern cities. He was representing the Decatur (Ill). Staleys, who would move to Chicago in 1921 and one year later be baptized as the Bears.

"We only had two chairs at that meeting," he often said. "Everybody else sat on the runningboards or the fenders."

In the beginning, George Halas was a rare triple threat—owner, coach and captain (as right end on offense and defense). By the time the Pappa Bear stopped coaching at age 73, his record, including playoff games, over four separate 10-year tenures was 326-150-31 (.673) and the Bears had won eight N.F.L. titles; only the Green Bay Packers have won more, 11. But the Papa Bear always argued that his team should have been declared the 1924 champion, too. In those years, before a playoff game between the division winners, the championship was awarded at a league meeting.

"I left the meeting to go to the washroom," he often complained,"and when I got back, they had voted the championship to Cleveland."

George Halas had the personality of the pioneer he was—not only tough but crusty, not only a successful coach but a successful businessman, not only a Chicago institution but also one of its museums, not only a Bear but a bear. At the Pro Football Hall of Fame in Canton, he once stared beyond his bronzed bust at a photo in which he was growling at a referee.

"I don't know what I was talking about," he said, "but I'm sure I was right."

When he decided to leave the sidelines after the 1968 season, George Halas blamed an arthritic hip that was originally injured while he was a young outfielder with the New York Yankees in 1919.

"I knew it was time to stop coaching," he said. "I started to go after an official walking along the sideline and I couldn't keep up with him."

Until illnesses hospitalized him in recent years, he enjoyed being recognized as he drove his blue Lincoln through the Chicago streets. At a red light once, a beer-truck driver yelled over.

"Hey, Coach, you guys gonna win Sunday?"

"We'll murder 'em," George Halas said.

"Attaway, good seeing you, Coach."

"Hey, pal, how about a free beer?"

Long after he had stopped coaching, George Halas remained the "Coach" to everyone who knew him, especially other coaches.

"There is only one man I embrace when we meet," the late Vince Lombardi once said, "and only one I call Coach."

George Halas was 68 when he coached the Bears to their last N.F.L. title in 1963, defeating the Giants, 14-10, at Wrigley Field in the championship game.

"There isn't room," he said the next day, "for many of these things in one lifetime."

Considering his lifetime of 88 years, George Halas had more room than most people. His Bears also won the championship in 1946, 1943, 1941, 1940, 1933, 1932 and 1921. But since that 1963 title, the Bears have qualified for the N.F.L. playoffs only twice, losing to the Dallas Cowboys in 1977 and to the Philadelphia Eagles in 1979. Because of the team's struggle, the "old man," as George Halas was known in Chicago, not always affectionately, was often criticized for having allowed the family franchise to deteriorate and for having been a Scrooge in paying his players. During a contract dispute after the 1966 season, Mike Ditka, an all-pro tight end, described the Papa Bear's payroll philosophy.

"He throws nickels around," Mike Ditka said, "like they were manhole covers."

Mike Ditka soon was traded. But when the Bears needed a new coach after the 1981 season, George Halas hired Mike Ditka, obviously offering him a salary with enough "manhole covers" while ignoring the memory of that remark.

Dick Butkus, an all-pro middle linebacker, also feuded with George Halas, filing a $1.6 million suit in 1974 against the Bears for "irreparable damage" to his knees because of improper medical attention.

Dick Butkus eventually agreed to a settlement for a reported $600,000, alienating the Papa Bear even more. But when Dick Butkus was elected to the Pro Football Hall of Fame in 1979, he chose George Halas to be his presentor at his induction. Papa Bear accepted, although illness kept him in Chicago.

George Halas virtually created a private wing for the Bears at the Canton shrine.

Of its 119 members, 19 in addition to the Papa Bear himself were established Bear players, more than any other team—Doug Atkins, George Blanda, Dick Butkus, George Connor, Paddy Driscoll, Danny Formann, Bill George, Red Grange, Ed Healy, Bill Hewitt, Sid Luckman, Link Lyman, George McAfee, George Musso, Bronko Nagurski, Gale Sayers, Joe Stydahar, George Trafton, and Bulldog Turner.

"Nagurski," the Papa Bear once said of the fullback of the '30's, "what a man!"

Another of his favorites was Sid Luckman, the quarterback who guided the 73-0 rout of the Washington Redskins in the 1940 championship game, thereby affirming the T formation in the N.F.L.

"Luckman could do it all," the Papa Bear once said. "Pass, run, kick, defend and think."

Red Grange, the all-America halfback from Illinois, joined the Bears in 1925 for a late-season barnstorming tour that attracted nearly 400,000 people to 18 games, as well as to the concept of pro football. But not everyone in the nation was aware. When a senator introduced George Halas and Red Grange "of the Chicago Bears" to Calvin Coolidge, the President smiled.

"It's nice to meet you, gentlemen," the President said. "I've always enjoyed animal acts."

But over nearly 64 seasons as the Bears' owner, George Halas helped build the N.F.L. from "animal acts" into what is now a three-TV network circus. Once he was asked to explain himself.

"I liked to win, and I fought for everything in the book," he said. "Nothing else mattered."●

THE AMERICAN PRESS VS. THE WORLD

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. DREIER of California. Mr. Speaker, this morning I read with interest an article in the New York Times that seems to sum up world reaction to the President's decision to liberate Grenada. It seems that while the American people—after being told the facts—now fully support him, so too are the editorial pages of our allies.

Our European and Pacific allies have their concerns, and that is natural. The Caribbean is our backyard and it is totally expected that our view would be slightly different from theirs. But we do not need anybody's permission to protect and safeguard our security and interests, and our allies know this.

Press editorials in Germany and France are beginning to swing behind our position as we prepare to leave the island. We accomplished our goals: the evacuation of 1,000 Americans and the laying of ground-work that will insure a democratic government for the people of Grenada.

It seems that the one last hold out is the American press—which is still irritated that no one in the Pentagon leaked the correct information concerning our military activities. Wake up. Press opinions are falling on deaf ears. The American people know what they want in a President and last week Ronald Reagan gave it to them.

[From the New York Times, Nov. 3, 1983]

INVASION OF GRENADA WINS ALLIED BACKERS AFTER INITIAL DISSENT

(By John Vinocur)

PARIS, Nov. 2—After strong initial disapproval by United States allies, several politicians and commentators in Western Europe are saying they now understand the invasion of Grenada better and in some cases approve of it.

The most forthright statements have come from conservative and moderate politicians in France. And Le Monde, which is widely regarded as the country's most influential newspaper, said today in an editorial that the events in Grenada were "a failure for Cuba." The Christian Democratic-led Government in West Germany has also softened its earlier criticism a degree.

Less support for the American action appears to have developed in Britain, where it has opened deep political wounds in the Conservative Party because of Commonwealth ties and the so-called special relationship between Britain and the United States. [Page A22].

In France, although the Government officially condemned the American action, leaders of the neo-Gaullist party and the political organization allied to former President Valéry Giscard d'Estaing have both stated their backing for the American action. Mr. Giscard d'Estaing said, "Taking into account the information on the Cuban presence on the island of Grenada and also the construction of an airfield whose nature does not correspond to the normal needs of the island, I approve of the American intervention of Grenada."

The Socialist Government has not referred to the invasion since its condemnation last Wednesday and hardly appears interested in pressing the issue. Rather, it is understood to be concerned about the possibility of a disruptive Cuban role in French possessions in the Caribbean.

With responsibility for French territories around the world—reports of strikes and police intervention in Tahiti and Martinique appeared in the press here today—the Government has moved in its two-and-a-half years in power toward policies relating to clearly defined national interests. In line with reality, there has been no outpouring of excited words, even at the Socialist Party congress over the weekend, about the Grenada invasion.

At the same time, French newspaper reports have stressed that the American troops were well-received on the island, and one account today in Le Matin the Paris daily with the closest ties to the Government, quoted a Grenadian as thanking the Americans for intervening. "It's difficult to say if this sentiment is unanimous," Le Matin's correspondent wrote, "but there's no difficulty in affirming that everyone we've spoken to shares it."

In its editorial, titled "A Failure for Cuba," Le Monde said that an essential lesson of the invasion was that President Reagan "scored a very important point" with American public opinion. Stressing that Grenada's population seemed relieved by the intervention, it added that if "the allies of the United States are far from being enthusiastic, their condemnation is often nuanced."

SOME RESULTS REPORTED

As a result of the invasion, the editorial said, Suriname had distanced itself from Cuba and "the Sandinistas are worried."

"They knew already that Cuba would not come to their aid in case of direct intervention by the United States," it said. "Fidel Castro has confirmed this publicly. And it's Cuba, severely checked, that appears to be the big loser of the Grenada operation."

In West Germany, Die Welt reported from Tokyo, where Chancellor Helmut Kohl is making an official visit, that he spoke at a news conference of understanding for the invasion, although a Foreign Ministry official was quoted as saying this did not mean approval. Previously, the Government said is would have advised against the invasion had it been asked.

Today, according to West German news agency reports from Japan, Mr. Kohl said that holding the invasion of Grenada up beside the Soviet intervention in Afghanistan "was not an appropriate comparison." At the same time, Jürgen Sudhoff, a Government spokesman in Bonn, has suggested that the Government was preparing a new statement in light of development on Grenada.●

CONSOLIDATION OF THE FEDERAL PRINTING SERVICES

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. SUNDQUIST. Mr. Speaker, I want to express my strong support for a joint public/private sector effort now underway to consolidate Federal printing services and turn work that is all too often done "in-house" over to the private sector. At a joint press conference held November 1, Deputy Director of OMB Joseph Wright, Public Printer Danford Sawyer, and Benjamin Y. Cooper, senior vice president for government affairs for the Printing Industries of America announced the planned closings of over 130 Federal printing and duplicating facilities that are underutilized and produce work that in some cases is up to three times more expensive than that produced by commercial printers under contract to the GPO. This consolidation makes sense from a management standpoint and could save the Government over $30 million in fiscal year 1985.

While many of the employees affected by the agency plant closings will either be reassigned to other Federal positions or given early retirement, others will face the prospect of looking for work in the private sector. To help match these employees with available openings in the commercial printing industry, the Printing Industries of America has established a job placement service to assist the affected employees.

Mr. Speaker, I want to offer my congratulations and my support to the administration for undertaking this effort. I also want to express my appreciation to the Printing Industries of America for their generous offer of assistance. This kind of public/private sector effort to reduce costs and promote efficiency while easing the burdens on the affected Federal workers is something that I encourage every Member of Congress to endorse and support. For the record, I would like to insert a statement by Mr. Cooper delivered at the November 1 press conference:

STATEMENT BY BENJAMIN Y. COOPER, SENIOR VICE PRESIDENT, GOVERNMENT AFFAIRS, PRINTING INDUSTRIES OF AMERICA

Good morning, it is a real privilege for me to appear at this press conference to announce the support of the Printing Industries of America for the effort of the Administration to reduce the cost of printing for the federal government. Our organization for years has sought to convince the federal government of the need to transfer more of its printing production to the private sector. Numerous studies have indicated that the government could save a considerable amount of money through such action. Unfortunately, printing has generally been considered a part of other projects and is rarely given the cost savings scrutiny of other activities. It is apparent from the material presented this morning that in the aggregate, printing represents a significant federal activity and one which should be subject to the same scrutiny as others. The real problem has been that due to the nature of the printing business in the government, it is difficult to even know how much the government spends each year for printing. Regardless of the total amount spent by the federal governemnt, we in the private sector believe we can provide the government's needs in the most efficient and cost effective manner possible. Currently, the printing industry provides over seventy percent of the work handled by the Government Printing Office. We are aware of no one who would disagree that the work provided by the private sector at the GPO is one of the best bargains for the taxpayer.

Too often, private industry is eager for the benefits that derive from transferring work from the public to the private sector but not so eager to recognize the hardships which can also result. In this case, the most significant hardship is that individuals who have worked in these government printing shops will be displaced. Some will certainly be reassigned to other areas of the agencies and some will be able to retire. We are concerned about those individuals who have printing skills who wish to remain in the industry. To help those individuals, our organization will provide placement services. This service coordinated through the national offices of PIA has the strong support of the state, regional, and local affiliates of PIA. These affiliates are located in virtually every state in the country. Each of these affiliates offer placement services for firms in their area. In addition, PIA is establishing a computerized job bank for our members. The federal employees displaced through the plant closings will be added to this job bank. Through these placement services, we will be able to match skills with employment opportunities. While we cannot assure that everyone who wants a job will be able to find one, we can assure that everyone who is qualified will be given every chance possible to be relocated in private industry. Each of our affiliates has written me to indicate their support for the placement project. Virtually all of them have indicated that they cannot fill the demand they have in their areas for qualified applicants.

I am often asked whether the printing industry can do all the work which would be available if the government got out of the printing business. There are 52,000 printing plants in the United States and another 15,000 "quick printers." Printers are in every community and often on every block. There are approximately 9,000 companies on the GPO's rotating bid list that are available for work. The simple answer is yes the industry can do the work.

I want to commend the Administration, Mr. Wright, Public Printer Dan Sawyer, and the Joint Committee on Printing for this important effort and I want to express my appreciation for the opportunity to participate in this morning's activities.●

IN DEFENSE OF THE GRENADA ACTION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. BIAGGI. Mr. Speaker, today, I will begin a series in the CONGRESSIONAL RECORD to try and counteract the critics who have assailed the President for his decision to launch an invasion of Grenada in order to liberate 700 American medical students.

As I stated last week the chorus of supportive comments received by the returning students from St. George's Medical College provided in my mind ample justification for the actions taken by the President. For those who are critical I would say—should we have waited until the Cubans had established such a stronghold and then risked having our citizens be made hostages? Was Iran not enough? We acted in anticipation of such an action and by doing so averted tragedy.

In yesterday's Washington Post the on-scene director of St. George's Medical School, Dr. Geoffrey Bourne, was quoted as saying:

> President Reagan was right to order the attack on the basis of the broader concerns such as the direction of Grenada's Marxist oriented government and risk of Soviet strategic advantage through possible use of the island as a military base.

This position is consistent with those comments of returned students which my office had an opportunity to speak with. One young man from Queens had the highest praise for the marine and Army ranger actions. Another female student from Tarrytown, N.Y. was acutely aware of the danger she and other students were facing after the coup and recalled seeing hundreds of Cubans on the island. She had made plans to charter a boat with several other students to leave the island before the U.S. invasion force arrived on the island.

In today's Washington Post an article appeared entitled "Afghan Hails Grenada Invasion."

The article makes reference to an interview conducted with Mr. Sayd Majrooh, a former professor and dean of Kabul University who in the words of the Post article "welcomed the U.S. invasion of Grenada because he says anywhere the Soviets are prevented from expanding influence we are for it." Mr. Majrooh later in the same article was quoted as saying "the free world has to be a little more offensive against communism—you have to be a little tougher."

Finally I would like to place in the RECORD a copy of a column from today's New York Daily News entitled "The Inquiring Photographer." Each day a question related to a current event in the world is posed at random to six individuals. Today's question: What do you think of the action taken by the United States in Grenada? It is safe to say that of the six respondents five were in full support and the sixth had qualified support. Their answers I believe are reflective of many Americans' thinking on the subject, so I would like to share them with my colleagues at this time.

The article follows:

[From the New York Daily News, Oct. 3, 1983]

THE INQUIRING PHOTOGRAPHER

(By John Stapleton)

Question: What do you think of the action taken by the U.S. in Grenada?

Louisa Rajkovic (bookkeeper): It was the right thing to do, based on our experiences with the Americans seized as hostages in Iran. We just couldn't take a chance that it might happen again. We also had the support of other nations in the Caribbean.

Jim March (marketing representative): We were right. It was necessary because the Cubans on Grenada were building a base there. Reagan considered this move for two years, but the threat to the students caused it to happen.

Shirley Carter (word processing): The U.S. was correct. By ousting the Communist controlled government, we reaffirmed the Monroe Doctrine. The invasion was a setback to Castro, who keeps trying to spread Communism beyond Cuban shores.

Samuel Cunningham (retired): While there is lot of world criticism, the move by the U.S. and its allies was in our best interest. We had to rescue the American students there from the threat of becoming possible hostages.

Laraine DeBernardo (secretary): We were wrong to invade Grenada, but once we went in, we were right to rescue the students. Grenada didn't pose as much of a threat to the U.S. as Cuba does in the Caribbean.

Joseph Falasca (media research analyst): We had to do it. We've been getting pushed around and it's time we showed that we won't be pushed any more. People in friendly countries should have the right to choose the government they want.●

MEDICARE LEGAL FEES REIMBURSEMENT LEGISLATION

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. WISE. Mr. Speaker, today I am introducing legislation which would amend title XVIII of the Social Security Act to limit medicare reimbursement to hospitals and other service providers for legal fees.

As an example of why legal fee cost containment legislation is needed, I would like to cite one case in West Virginia where legal representation sought by hospitals was not in the best interest of the consumers who were paying for it.

This year the West Virginia Health Care Cost Review Authority issued a new regulation which placed a 12-percent cap on the growth in hospitals' gross patient revenues and froze hospital charges retroactively to February 1, 1983, to remain in effect until the Authority actually set hospital rates.

Four hospitals successfully sued for an injunction to bar the authority from enforcing these provisions, enlisting the aid of numerous lawyers to represent each hospital individually. Not only were these hospitals using medicare funds paid for by the consumer, the ones most affected by exorbitant health care costs, to represent their own interest and not that of the taxpayer, but the hospitals were also excessive in their legal expenditures. This case represents an abuse of medicare funds, and it also serves as an example of how excessive legal fees are contributing to runaway health care costs.

I feel this legislation is a necessary health care cost containment measure. Under the newly enacted DRG prospective payment plan, the cost of legal fees is subdivided between operating costs and capital costs. My bill proposes to separate out this cost from the DRG system, so legal fees do not absorb medicare reimbursement funds in lieu of other services provided by hospitals.

While the cost of legal fees will still be reimbursed through medicare, my bill sets limitations on legal fees charged to hospitals and other providers of services, so as to keep these costs within reasonable limits.

Mr. Speaker, I would welcome any of my colleagues who would like to support me in this effort. A brief summary of this legislation follows.

SUMMARY OF MEDICARE LEGAL FEES REIMBURSEMENT LEGISLATION

This legislation would amend Title XVIII of the Social Security Act to limit Medicare reimbursement to hospitals and other service providers for legal fees. The bill includes the following provisions:

I. It separates the cost of legal fees out from the recently enacted DRG prospective payment system.

II. It regulates that reasonable legal fee cost limitations be established according to the following guidelines:

(1) That payment for legal services be made on a salary basis, rather than an hourly basis.

(2) That a limitation is established on a per case basis, taking into account that the types and complexity of cases may vary.

(3) That expenses of counsel be limited in a case where the interest of the provider of services is already represented by other counsel or by counsel for other parties, unless the provider can demonstrate:

a. Such counsel is necessary to protect the interests of the provider, and

b. There is a reasonable likelihood of success in the case for which counsel is sought, and

c. The costs incurred are not excessive.

III. These limitations shall apply to legal costs incurred on or after the date of enactment of this Act.●

THE WORK-FOR-HIRE PROVISION SHOULD BE STRUCK FROM THE COPYRIGHT LAW

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. WEISS. Mr. Speaker, a provision in the 1976 copyright law is undermining the livelihood of thousands of independent artists and writers in this country.

The copyright concept involves ownership of work by the artist or writer who created it. Under copyright law, artists and writers should be compensated when their work is first sold as well as when it is resold or reused.

The work-for-hire provision of the 1976 law, however, allows the people who buy the work to use it or alter it in any way without consulting the creator or paying standard reuse fees. In fact, through this loophole in the law, the buyers actually claim authorship of work created on assignment.

In short, the work-for-hire provision transforms the freelance artist or writer into a temporary employee who loses the rights of the independent artist, yet gains none of the benefits of the permanent employee. No disability or unemployment insurance, no social security or pension benefits are paid for these temporary employees. Yet, they lose whatever royalties they would normally receive from their work. And royalties are often all they have to rely on for old age security or periods of unemployment and ill health.

The freelancer can, of course, refuse to sign the work-for-hire contract. In fact, the New York local of the organizing committee for a national writers union voted unanimously earlier this year to refuse future work-for-hire paperback book contracts.

However, in recent years, work-for-hire contracts have become increasingly common in publishing houses and other places that buy freelance art. Buyers are taking advantage of their greater bargaining power to influence freelancers to sign such contracts. Freelancers, whose income is often below the national median, are faced with the choice of signing or not selling their work at all.

A national coalition of more than 40 freelance groups has organized to press for changes in the copyright law. Encouragement for congressional action is also coming from other sources. The New York City Council, for example, has passed a resolution calling on Congress to act immediately to remedy this breach of justice by removing the work-for-hire provision from the copyright law. The text of the resolution follows:

Res. No. 239

Whereas, New York is an artists' center, is in a unique position to protect cultural innovators, and has a tradition of nurturing the arts; and

Whereas, the U.S. Constitution provides Congress with the authority to enact laws to encourage and protect creators; and

Whereas, the 1976 Copyright Law was designed to protect the inherent rights of creators, by creating rights inherently vested with the creator, who is defined as the translator of abstract ideas into tangible form; and

Whereas, this subdivisible group of rights is the basis of all transactions between the seller and the purchaser, allowing artists to claim authorship for the work they create, building their reputations and ability to attract clients on the basis of past performance; and

Whereas, the Graphic Artists Guild, leading a coalition of over 40,000 professional artists, photographers, song writers, journalists, translators, authors and other creative professionals has raised an outcry nationwide against the "work-for-hire" provision of this law which denies those who do artwork on commission the rights to their art; now, therefore, be it

Resolved, That the New York City Council shall call upon the U.S. Congress to act immediately to remedy this breach of justice by amending the Copyright Law to remove the work-for-hire provision and ensure that artists' rights and survival shall no longer be threatened by the law designed to protect them.●

DELAY DEPLOYMENT OF PERSHING II AND CRUISE MISSILES

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. LEVINE. Mr. Speaker, I rise today to speak in favor of efforts to delay the deployment of Pershing II and cruise missiles in Western Europe. I am convinced that every effort must be made to reach an agreement with the Soviet Union so that we will not be forced to deploy these new, and potentially destabilizing, weapons in Western Europe.

It seems as though each morning's news brings disturbing evidence that the two superpowers are inching closer and closer to a confrontation. In the Middle East the Soviet Union has announced its intention to ship SS-21 missiles to Syria. These missiles are extremely accurate and are capable to carrying a nuclear warhead.

The Soviets have announced that they intend to deploy new missiles in Eastern Europe if NATO begins deployment of the Pershing II and land-based cruise missiles. These new missiles would only add to an increasing sense of uncertainty and unease in Western Europe.

U.S. marines have invaded the island nation of Grenada and have overthrown the government of that tiny island nation. Although President Reagan at first justified this action by saying it was necessary to save American lives, he now uses the large numbers of weapons found on the island as a reason for this highly questionable action. Yet, each day it appears as though even those claims have been wildly exaggerated.

U.S. forces are now in conflict situations in three seperate areas of the world: the Middle East, Central America and the Carribean.

Just this last weekend hundreds of thousands of people in countries throughout Europe and in the United States took part in demonstrations to voice their opposition to the deployment of the Pershing and the continued escalation of the nuclear arms race.

At this crucial time, many experts have begun to voice their fear that tensions between the United States and the Soviet Union have reached the point where the two superpowers no longer have the ability to talk with each other. They believe that relations between our two nations have been so poisoned that any efforts to try and find some way out of this situation will be futile.

Yet, the deployment of the Pershing II and cruise missiles is scheduled to begin in December, less than 2 months from now. If this comes to pass, can only worsen an already dangerous situation. Both Soviet and NATO planners will be faced with the reality that they are subject to almost instantanious attack. The only way in which to deal with such a situation will be to increase military preparedness. And thus we will continue to inch closer and closer to thermonuclear war.

That is why I have cosponsored a resolution urging a delay in the deployment of the Pershing II missiles. This resolution calls for a 6-month delay if the Soviets agree to negotiations that will result in deep reductions in the Soviet intermediate-range nuclear forces.

This is not an open ended delay. The 6-month postponement would come only if the Soviets agree to enter into negotiations that result in an arms agreement at the end of that period of time. Such a treaty would involve a two stage agreement. Initially the Soviets would agree to dismantle all their SS-4's and SS-5's and dramatically reduce their SS-20's aimed at Europe. In exchange the United States would not deloy the Pershing and would postpone deployment of a reduced number of cruise missiles until December 1985. If the Soviets agree to further reductions in their SS-20 force the United States would then cancel the deployment of all remaining cruise missiles.

It is vital that the United States and the Soviet Union find some way to reduce tensions. An agreement to stop the deployment of the Pershing and withdraw some or all of the Soviet SS-20's which threaten the security of our NATO allies would be a significant step away from the abyss of nuclear suicide we seem to be edging toward.

One of the reasons I feel as strongly as I do about this issue is that I have a 2-year-old son and twins due to be born in January. I want my children to grow up in a world free from the fear of nuclear war. I want my children to be spared the nightmares which torment the current generation of schoolchildren. The problem has become so acute that study after study shows that nuclear war has become the dominant fear in the lives of even elementary schoolage children.

There can be no justification for policies which threaten the future of our children. There can be no justification for a nuclear arms race which each day moves the world closer and closer to nuclear destruction. There can be no justification for an arms race which diverts needed spending away from feeding and clothing the destitute people of the world and toward construction of weapons which will almost certainly mean the end of the world if they were ever to be used.

Yesterday's New York Times contained an incisive article by Tom Wicker on the impass which has arisen in negotiations to find some way to halt deployment of the Pershing. I ask that Mr. Wicker's article be reprinted in the RECORD at the conclusion of my statement.

I urge my colleagues to join with me and support a delay in the deployment of the Pershing missile so that our arms negotiators might find some way to stop this nuclear madness.

IS NICARAGUA NEXT?

(By Tom Wicker)

DALLAS.—Was Ronald Reagan's invasion of Grenada a trial run for an invasion of Nicaragua? Even if that was intended, the results ought to disabuse Mr. Reagan of the notion.

Indeed, "Grenada may have saved Nicaragua" in the opinion of Alan Riding of The New York Times, one of the most knowledgeable reporters on Central America, the Caribbean and Mexico. His reasoning was that the invasion of Grenada has isolated the United States among its principal allies, and earned it the disapproval of Great Britain, France and West Germany—not to mention Mexico and most of the Latin American nations.

Speaking at a conference on Latin America questions organized by the Foundation for American Communications, Mr. Riding suggested that Mr. Reagan probably would not wish for the even more severe world condemnation an invasion of Nicaragua surely would produce. The unity of the Western allies, moreover, could be badly damaged by U.S. military action against the Sandinistas.

Already reports from Great Britain and West Germany suggest that public opposition to the scheduled U.S. deployment of medium-range missiles in Western Europe may have been reawakened by the adventure in Grenada. The Reagan Administration's credibility in the pursuit of peace, these reports indicate, has been badly damaged.

In an invasion of Nicaragua, the U.S. would not have the excuse that it was acting primarily to save American lives, since few U.S. citizens are resident in that country. And it's doubtful that Mr. Reagan could draw about himself the cloak of collective security, as the support of seven small Caribbean nations allowed him to do in the case of Grenada. He might hope for the support of Honduras, a U.S. client state, and Guatemala, with its right-wing military government, but that kind of backing would carry little international weight.

Ambassador Stephen W. Bosworth, chairman of the State Department's Policy Planning Board, pointed out to the Dallas conference that Grenada was surrounded by democratic governments—those that invited Mr. Reagan's invasion—that have undertaken to re-establish democratic institutions on that island. This important condition, he noted, would be absent in the case of Nicaragua.

Besides, Mr. Bosworth pointedly asked, if a relatively few Cubans could mount the unexpectedly stiff resistence they did on Grenada, an island the size of Martha's Vineyard, what might the 6,000 Cubans he estimated were in Nicaragua do in resisting a U.S. invasion? This question takes on added force in view of the possibility U.S. military officials have raised that Cubans and Grenadians may wage a long guerrilla war in the island's hilly interior.

In much larger Nicaragua, with its rugged mountain terrain and its jungle areas, a guerrilla war now would be as bloody and difficult as it was a half-century ago when U.S. Marines failed for years to defeat the forces of the Nicaraguan hero, Augusto Sandino. And much of the Nicaraguan population, as well as the Cuban forces, could be expected to support guerrilla resistance following any initial U.S. success in an invasion of Nicaragua.

Nicaraguans are not now responding favorably to the "contras," the C.I.A.-backed force waging war against the Sandinista regime from sanctuaries in Honduras. Given the long history of U.S. military intervention in their country, as well as U.S. backing of the repressive Somoza regime, the likelihood is that most Nicaraguans would fight, not welcome, a new gringo invasion, even one mounted in the name of democracy.

Mr. Reagan's domestic support for such an invasion—let alone for the murderous guerrilla warfare sure to follow—would be considerably less than it was for the smaller, more manageable operation against Grenada. But even for that undertaking, his support was ambivalent; The New York Times/CBS News Poll, for example, showed 51 percent of respondents approving the Grenada invasion—not an overwhelming majority—but 51 percent also said that in a crisis Mr. Reagan uses military force too quickly.

The President can't find much encouragement in those numbers for a risky operation against Nicaragua. And after initial hesitation, the Democrats—including Speaker O'Neill—generally oppose the Grenada operation. Application of the War Powers Resolution to the invasion force, moreover, shows that both Congressional parties have strong reservations; so does the Congressional move to send a committee of inquiry to Grenada.

No doubt Mr. Reagan reclaimed the support of his right-wing base by crunching Grenada, and sent a macho message to the world. Considered soberly, however, little to encourage an invasion of Nicaragua can be found in the Grenada experience, or in the vastly different circumstances that would surround such an adventure in Central America.●

JAPANESE TURN ARKANSAS PLANT INTO A SUCCESS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. ALEXANDER. Mr. Speaker, much attention has been devoted in recent years to the phenomenon of Japanese success in the fields of business and technology. The implication sometimes has been that old-fashioned American get up and go has got up and gone to Japan and that the phrase "know-how" is best spoken now in the Land of the Rising Sun.

This morning's New York Times, in a front-page article about the Sanyo plant in Forrest City, Ark., an enterprising community in my own First Congressional District, does much to refute that interpretation. What the article, by William Serrin, makes clear is that American workers are still the best in the world—the most efficent and quality conscious—if they meet with the right spirit of cooperation from management.

Since the midseventies, when Sanyo took over the plant's production of television sets and microwave ovens for Sears, Roebuck & Co., employment—which had been declining—has risen fourfold, workers' grievances have virtually been eliminated, and the quality of the goods produced at Forrest City has earned new respect from Sears officials and consumers alike.

Much of the difference, as Serrin points out, lies in the tactics of mutual consultation between workers and management which the Sanyo executives brought over from Japan, but, as Serrin also notes, these management techniques "stressing the importance of workers and of persuasion and explanation rather than direct orders" were developed in the first place in the United States, during the 1920's.

In an ironic sense, what the Japanese have succeeded in doing in Forrest City has been to remind Americans of the effectiveness of American ideas and work methods.

The Sanyo executives at Forrest City are to be congratulated for their good sense in choosing to participate directly in the community and in showing that concern for the welfare of workers without which quality and the cohesiveness of a modern factory cannot exist.

But much of the credit for the Sanyo success story belongs to the workers themselves—natives, for the most part, of Forrest City and the surrounding area—who have been given the opportunity to bring their own innate values and matchless diligence to the arena of the American workplace. In the great game of industry, Americans can still be world champions, and these employees of Sanyo at Forrest City have proved it.

Mr. Speaker, these days we are in the midst of debates about our Nation's industrial policy—or the lack of it—and about the challenge of international competition to the production standards and quality control of American goods. I would suggest that the story of Sanyo at Forrest City shows that our work force possesses the pride and the means to rise to that challenge and that American management—perhaps grown stale, complacent, and aloof over the last two decades—can take profitable example from what the Japanese, having once learned it from us, are now reminding us of.

The article follows:

[From the New York Times, Thursday, Nov. 3, 1983]

JAPANESE TURN ARKANSAS PLANT INTO A SUCCESS

(By William Serrin)

FORREST CITY, ARK.—Seven years ago this town's largest employer, a plant that made television sets for Sears, Roebuck & Company, was foundering.

Ten percent of the sets failed inspection at the plant and had to be repaired before being sold. Customer complaints were high. Employment dropped from 2,200 jobs to fewer than 500. The company was near bankruptcy.

Today, under new, Japanese management, employment at the plant is back at 2,000 and additional hiring is possible. Productivity has risen substantially and the quality of the television sets and microwave ovens produced is excellent, Sears says, and workers' grievances have been halved.

The success of the plant today, with essentially the same workers producing the same product at the same factory, underscores the differences between traditional American and Japanese management methods, especially in industrial relations.

On a recent Saturday, more than 4,000 workers, executives and townspeople turned out on a sunny field for a party to celebrate the plant's success and the Japanese management that is credited with turning it around.

"Good morning," the company's president, Hajime Nakai, here from Japan, shouted to the workers massed in front of him.

"Good morning," 500 workers, wearing company T-shirts, shouted back enthusiastically. A worker, Betty Brady, presented Mr. Nakai and his wife with flowers.

The high spirits and lack of tension on that day—workers and executives participating alongside one another in the sack race, the half-mile relay, the tug-of-war—illustrated an important development in labor relations and industrial rebirth in this town of 13,800 people, 90 miles east of Little Rock.

The Sanyo Manufacturing Corporation has installed what it calls people-oriented management and has invested substantial sums of money, putting the plant on a sound financial footing.

"That plant has meant the survival of our city," says Gazzola Vaccaro, who runs a lumber yard and heads the industrial commission of Forrest City, a town named for Nathan Bedford Forrest, the Confederate cavalry general. "Sanyo is our backbone," said Mr. Vaccaro.

The Forrest City story is also a human story, in which Japanese and Americans, white and black, are working together harmoniously. Everything is not perfect. "Japanese belong to the country club but blacks do not," Mayor Danny Ferguson says. The union and the company still haggle. A strike occurred in 1979.

When the Japanese came here, Satoshi Iue, the original Sanyo chief executive in Forrest City, told the Japanese not to congregate in a "Little Tokyo" but to live throughout the city and take part in community affairs. Today Japanese are eating catfish and hushpuppies, and Americans are going to Japanese homes for dinner.

Japanese children attend school in Forrest City, and some workers, like Pansy Burns, are taking lessons in Japanese. Gladys Sohma, the Hawaiian-born wife of Tanemichi Sohma, the plant's personnel administrator, perhaps the plant's key Japanese executive, has re-invigorated the country club's tennis tournament. "That Gladys, she never stops," Mr. Vaccaro says. "She's a steady go."

Some executives in Japan say blacks are not good workers, according to Mr. Sohma. He says the Forrest City plant, where 60 percent of the workers are black, demonstrates that this is untrue.

Mrs. Brady, a worker here for 12 years, says, "We are a family."

THE MANAGEMENT THAT FAILED

The Forrest City experiment began in the mid-1970's. Warwick Electronics Inc. had run the plant about 15 years and much of that time faced immense difficulties. Warwick is now defunct, and its top executives have left town. The Whirlpool Corporation, Warwick's parent company, refuses to discuss the Warwick concern.

But Warwick, according to people who worked for the concern at the time, stressed production and paid little attention to quality. Sears salesman did not like to sell Warwick television sets. "I think Warwick had given up,' says Linda Laivins, a personnel administrator who has worked for Warwick and Sanyo.

Sears, tired of the shoddy manufacturing, believing the plant would go bankrupt if it was not turned around, asked Sanyo, which is based in Osaka, to buy the factory from Whirlpool.

It was a perfect time for Sears to do that. The Japanese were under criticism because they had seized a large portion of the American television sales market. Sanyo acquired a controlling interest in the plant from Whirlpool in December 1976 and began operating it in January 1977.

WINNING THE AMERICANS OVER

Most Forrest City residents favored the Japanese, Mr. Vaccaro says, for they realized that without them the plant would probably have been closed. But, he went on, some people here, including World War II veterans who had fought the Japanese, were opposed.

The Japanese went to work quickly to win the confidence of workers and the town.

The first thing they did seemed unbusinesslike. They threw a party. There were coffee and doughnuts. All the workers were invited. Everyone received a transistor radio. Next, the Sanyo men said the plant was gloomy and dirty and that no one should be expected to work there. The plant was cleaned and painted. Then Sanyo did two more unusual things.

As a few months passed, and production improved and additional workers were needed, Sanyo sought out workers who had been laid off, not new, young workers, which most companies, including other Japanese companies normally look for. They want workers with new, proper work habits.

Sanyo said the old workers were fine and that they just needed leadership.

WORKING WITH THE UNION

Then the Sanyo executives, led by Mr. Sohma, said that, in the interest of a harmonious plant, Sanyo wished to work with the plant's union, the International Union of Electrical Workers. This is in contrast to other Japanese companies, such as Nissan in Smyrna, Tenn., Honda in Marysville, Ohio, and Toyota in Fremont, Calif., where the United Automobile Workers has been resisted or not sought as a partner.

Mr. Sohma met with union representatives at the plant. Mr. Sohma is an unusual man. He came to this country shortly after World War II to work as a houseboy for Hedda Hopper, the Hollywood columnist. And at the meeting he told stories of those days, how he would open Miss Hopper's door and there would be a star, such as Elizabeth Tayor.

The union men liked him. He also said the company believed in unionism and wanted the union to function as a partner in operations. As time passed the union was won over.

Finally, satisfied that morale and production had improved, Sanyo began to make substantial investments in the plant. Since 1980, it has spent $14.4 million. Substantial improvements have been made since the Warwick days.

EASIER TO MAKE EASIER TO SELL

The television sets Sanyo makes are more technologically advanced than Warwick sets and more attractive to consumers. At the same time, they are easier for workers to assemble than the Warwick sets.

Capital improvements include new conveyors and packing machines as well as extensive testing facilities, in which television sets are intensely checked for playing quality and ability to withstand shipping. If sets fail inspection, they are examined again and, if necessary, repaired, and the failure is held against the department, both workers and supervisors, in which the sets were assembled.

The company now makes its own wooden cabinets and its own packaging materials. The packaging operations are so successful that the company makes more packing material than it can use and is able to sell the excess to other companies.

Yet workers and managers alike agree that the key to Sanyo's success has been its management philosophy of de-emphasizing hierarchy and authoritarianism. It seems to have won the workers' trust, and, because it has, it is able to put forth its policies and win acceptance for them, like the company games it believes are a vital part of its labor relations.

"It's the same workers, so it has to be the management system," Mrs. Laivins says.

PEOPLE CARE ABOUT YOU

Bertha Owens, a worker here 12 years, says: "People care about you. There is more effort on quality, better follow-through. There is a lot of sensitivity to the feelings of the workers. Management goes out of its way to obtain views of workers, to see how they can make the work more productive, more conducive to doing a better job, to see how they can make the job easier for the workers."

"There is a lot of effort put on cleanliness, to eliminate salvage, to make the workers understand the importance of taking care of equipment."

Under the new management, Mrs. Owens says, poor workers are generally not discharged but receive counseling "by the company and the union until they become productive workers."

Turnover at Sanyo is low because workers' wages, which average about $7.50 an hour, are in line with those in nearby plants, and workers feel other plants in this area are not as clean or efficiently run as theirs.

The company also has strict quality standards. When Sanyo came in, says Larry Herold, a purchasing supervisor, many of the 100-odd suppliers who sell to Sanyo balked at the high standards. "Our vendors had to get used to it," Mr. Herold says. "One of the famous sayings was, 'It meets conventional standards.' You don't hear that anymore,"

THE WAY IT USED TO BE

And what of the past? Tales of problems under Warwick are legion.

Mayor Ferguson says Warwick often brought in college students to work in busy periods. The students had no experience or, in many cases, little interest in quality.

George Clark, the union's district organizing director, a Warwick veteran, says there were so few skilled workers that at one point Warwick brought in sailors from a Mississippi naval base to work Saturdays and Sundays. Promotions were often made on the basis of company politics, Mr. Clark and Mr. Sohma say. Mr. Clark adds that people were also promoted on the basis of opposition to the union.

This changed under Sanyo. Foremen and supervisors who did not work well with workers were moved to nonsupervisory positions. Some executives who could not conform to the company's style felt uncomfortable and left.

Today, supervisors are expected to show respect for workers, says Travis Stidham, a supervisor and a worker here for 13 years. He says workers' views are solicited and accorded importance, not given cursory attention through, say, suggestion boxes.

"The company is better managed, there's better leadership," Mr. Stidham says. "Everybody is working together, trying to do a good job."

Diligence is also expected from executives.

"Those son-of-a-guns, they work," Mr. Vaccaro says of the company's executives. "They don't come out there at 9 o'clock in the morning and open up their mail and dictate a letter and go to the country club at 11 and play golf to 3 and get back to work in time to quit.

"They are out there at 7 and 8 o'clock in the morning. And a lot of them work nine to 11 hours a day, and a lot of them volunteer to work on Saturday."

WARY OF OFFICE POLITICS

Mr. Sohma cautioned some Japanese executives, whose salaries range from $55,000 to $65,000, against becoming enamored of American executives' style because the Americans invited them to the golf course. It was that sort of office politics, he says, that harmed the Warwick operation.

About 40 Japanese executives are here, filling technical jobs and other top offices. Today the plant produces 2,000 microwave ovens a day under the Sears brand and 5,000 color television sets, 70 percent under the Sears name and 30 percent under the Sanyo name. Ninety-eight percent of the ovens and television sets that come off the assembly line are fit for sale without further work.

Joseph N. Fisher, Sears' vice president for merchandise support says that under the old management complaints about the Forrest City plant's television sets averaged "in the high 20's" for each 100 customers in the first year of service. Today, he says, customer complaints are below 10 for each 100 customers. A similar low complaint rate exists for the microwave ovens, he says.

"The quality is fantastic," says R. Ben Skelton, a Sears vice president and the corporate controller.

Mr. Sohma says executives attempted to explain and persuade rather than command.

When Sanyo took over, the Japanese were repelled because workers smoked on the assembly lines, a policy authorized by Warwick. Smoking was messy, with ash trays scattered here and there and cigarette butts lying around, and it cut work time as workers fumbled for matches and cigarettes.

Mr. Sohma asked the union for help, and the company and the union made their views known. After a time a date to end smoking was announced, and the smoking ended without argument. "I never thought smoking would be ended," Mrs. Laivins says.

THE ROOTS WERE AMERICAN

Mr. Clark says many of the management techniques are "nothing more than industrial psychology"—that is, management techniques developed in America in the 1920's, stressing the importance of workers and of persuasion and explanation rather than direct orders. The Sanyo method is "nothing new" and "nothing secret," he says. But he says the Japanese "may do a better job of applying industrial psychology" than American employers.

In many ways, Mr. Sohma and others say, Sanyo has altered Japanese methods to insure that its management practices will succeed with Americans. In Japan, executives can be more direct with workers, Mr. Sohma says "You say, 'Do it this way and Japanese workers say, 'Yes, sir' " he says.

But, he goes on, American workers must be made to see the reasons for decisions or they might rebel. He is still a Japanese national. He was educated at the University of Southern California.

Workers have become so insistent on turning out good products that when a slacker emerges, other workers quickly make it known that he is impeding production. "A worker who does not work is very uncomfortable here," Mr. Sohma says.

HIERARCHY WASN'T SCRAPPED

But the plant is not an industrial utopia, nor has hierarchy been eliminated. Radios and tape decks are not allowed on production lines. Workers may not smoke on the job but executives may. Executives have reserved parking spaces.

"Workers understand that we are running in and out, taking care of business," says Mr. Sohma, who has worked for Sanyo 23 years. "Why should we look for spaces and waste time?"

And, he says, "We have to show our dignity."

Mr. Sohma insists that orders are almost never given, but many obviously are. Production workers and executives can be dismissed and they have been dismissed.

Once, when Sears executives visited the plant, an executive from the Warwick days began briefing the Sears men on company operations, ignoring the Japanese executives. This disturbed the Japanese immensely. The man was told to seek work elsewhere, and he did.

When the plant's labor-management contract expired in 1979, the union struck for two months in a dispute over cost-of-living raises. The issues was older than Sanyo's management here.

Eventually the strike was settled with compromises by both sides. Union and management officials say there has been no lingering bitterness. In 1982, a contract was reached without a strike.

SPEEDING UP DECISIONS

For a time, Sanyo tried to run the plant through an operations committee of American and Japanese executives. But decision-making was slow. That policy was discarded. Today, Masahiko Iwasa, a senior vice president, from Japan, function as the plant's general manager, reporting directly to Osaka.

But a clear atmosphere of good feeling exists at the plant and in Forrest City. "I think Sanyo cares," says Curtis McDaniel, a worker here for 16 years.

Ronnie Crider, a maintenance worker and a vice president of the union local, says: "I'd like to see more Japanese companies come to the United States and give more jobs to people. I'm glad they're here. As long as they don't pay me in yen."

Mr. Vaccaro says; "The Japanese are fine folks. I would hate to lose them."●

SAFE DRINKING WATER

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, today I am introducing a bill that would rectify a problem that was inadvertently created by the Safe Drinking Water Act of 1974. That act was meant to allow the EPA to set national standards for drinking water, and it has done just that. But in its attempt to be comprehensive and to implement standards that would make all drinking water throughout this country safe, it sometimes included unnecessary regulations. In my district, for example, many areas have water supplies in which barium appears naturally. For as long as residents of northern Illinois have been drinking water, they have undoubtedly been consuming small amounts of barium as well. But suddenly the EPA decided that the level of barium in that water was potentially hazardous, and that expensive purification equipment had to be installed.

Of course, residents of these communities were more concerned than anyone about their own health, but upon closer examination, it was discovered that the EPA had conducted no studies on which to base their restrictions regarding barium content in drinking water. This fact prompted Congress to amend the Safe Drinking Water Act to allow exemptions for certain communities where barium appears naturally.

But on January 1, 1984, these exemptions will expire, and these communities will either have to install the purification equipment or pay exorbitant fines. Meanwhile, the EPA has yet to complete a study which shows the effects of barium consumption on human health. This bill would merely extend the deadline for compliance until the EPA has conducted such a study.

H.R. —

A bill to amend the Safe Drinking Water Act of provide that the exemptions provided with respect to barium shall not terminate prior to the completion of health studies by the Environmental Protection Agency

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1416(b)(2) of the Safe Drinking Water Act (title XIV of the Public Health Service Act) is amended by adding the following new subparagraph at the end thereof:

"(C) In the case of barium, in lieu of the January 1, 1984 date specified under subparagraph (A)(i) and the January 1, 1986 date specified under subparagraph (B)(i), there shall be substituted the date one year after the date on which the Administrator completes and publishes studies by the Administrator regarding the effects of barium in drinking water on the health of persons.".●

LETHAL DOSE 50

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. GREEN. Mr. Speaker, on November 9, 1983 the Federal regulatory agencies will be meeting to discuss the use of LD-50.

LD-50 is a test used to determine the dosage of the drug that will kill half of the animals to which it is administered. Different doses must be tested and on several different species, a procedure that means using several batches of 6 to 10 animals each.

Mr. David Rall, M.D., Ph.D., Director of the Public Health Service National Toxicology Program has stated "this test is now an anachronism . . . I do not think the LD 50 test provides much useful information about the health hazards to humans from chemicals, the NTP does not use the LD 50. . . ."

Mr. Henry Spira, who is the coordinator of the Coalition Against LD-50 has written the following article which appeared in Our Town, a local newspaper in my district. I feel it is particularly timely in view of the November 9 meeting and would draw the attention of my colleagues to Mr. Spira's most informative article.

I hope that the outcome of this meeting will result in a significant reduction in live animal testing by the private sector.

[From Our Town, Oct. 2, 1983]

How To Save 4 Million Animals From LD50

(By Henry Spira)

Surely, more people do not want to see human or non-human animals harmed. And now we have the unprecedented opportunity to do something about it, to rescue more than four million animal victims from the 57-year-old LD50 test, which measures death slowly, painfully, and badly.

The LD50 test is a crude mass execution in which chemicals are forced down the throats of groups of 40 to 200 animals. It is done to find the exact amount, per body weight, needed to poison 50 percent of the animal victims to death.

The LD50 is the most widely-used safety test. It poisons and gasses more than five million lab animals to death, every year, in the USA alone.

The barbaric test wastefully checks the safety of pesticides, cosmetics, detergents, drugs, household and industrial products. But considering the enormous advances in biology and technology over the last 57 years, science should be able to do better than test every chemical and "improved" product modification by poisoning 40 to 200 animals to death.

And that's exactly what the scientific community itself is saying. Noted experts have pointed out that the LD50 squanders lives to produce figures that are meaningless in their precision, because of the variability in living things. Approximation tests have been suggested that use one-tenth the number of animals, yet are equivalent in safety.

ALL THIS PAIN FOR NOTHING

Authorities in all spheres of biological work are proclaiming that the classic LD50 is meaningless and wasteful. Here is a sampling:

The National Society for Medical Research, that promotes animal use in research, said on December 14, 1982 that LD50 "is no longer scientifically justified."

The government's own chief toxicologist, Dr. David P. Rall, director of the National Toxicology Program, bluntly asserted in a letter to the Coalition to Abolish the LD50 on March 3, 1983 that the LD50 "is now an anachronism ... the NTP does not use the LD50.

The Department of Health & Human Services' (DHHS) National Center for Toxicological Research and the Bureau of Veterinary Medicine "have eliminated the requirement for, and use of, the LD50 test." (DHHS letter to the Coalition, February 3, 1983)

Dr. Gerhard Zbinden of the University of Zurich, a world leader in toxicology, told a May 1983 Johns Hopkins meeting on alternative approaches to the LD50 that the LD50 is a wasteful ritual exercise in misleading, meaningless precision. The Hopkins Symposium, concluded that "alternative tests would provide sufficient information to ensure human health while using as few as one-tenth the number of animals now used." (Hopkins press release, June 1, 1983)

The European Commission's expert committee on drug testing recommended that the LD50 test be dropped. The committee said that the test is clumsy and should be replaced with more detailed studies of the mechanism of toxicity. (New Scientist, August 3, 1983)

At a Ciba-Geigy-sponsored meeting, scientists, working for pharmaceutical companies were asked for a show of hands on abolishing the LD50. They voted to abolish it 20 to one. (New Scientist, November 4, 1982)

REGULATORS ARE FEELING THE HEAT

And the academic research scientists are not alone in maintaining that the LD50 is outdated. The Pharmaceutical Manufacturers Association, an organization that promotes interests of drug companies, says its members want LD50 regulatory requirements "revised so that fewer animals are used."

Edward Kavanaugh, president of the Cosmetic, Toiletry and Fragrance (CTFA), says that this organization encourages all manufacturers of cosmetic, toiletry, and fragrance products "not to use the LD50 test."

In a July 1983 proposal of the Congressional Office of Technology Assessment (OTA), the authors states that the LD50 is considered "both out-of-date and without scientific justification."

As stated above, persons concerned with animal suffering now have the greatest opportunity, ever, to reduce lab animal pain and death.

This opportunity arises from the fact that governmental regulatory agencies are currently under pressure to review LD50 practices and requirements. This pressure comes from the Coalition to Abolish the LD50 and from the science community itself.

BUREAUCRATIC INERTIA KILLS MILLIONS

Scientists have suggested replacing the LD50 with an approximate lethal (ALD), using one-tenth as many animals, and just as useful for all practical purposes, while researchers develop non-animal alternatives. Regulatory agency acceptance of an ALD could save four million animals from pain and death now: a matter of months or even weeks!

Why hasn't it happened? The OTA suggests "resistence to reform in current animal-based testing standards from the regulatory agencies seems to stem in part from bureaucratic inertia."

We cannot permit "bureaucratic inertia" to kill millions of animals for another year! Because Congress funds the regulatory agencies, Congress must make the agencies accountable. And Congress is accountable to you.

What might account for the inertia of the regulatory agencies? Fear of change? Fear of accepting responsibility? The ready opportunity to "pass the buck"? Here's where the pressure from the public and Congress are essential to help regulators see that if they follow the scientific lead, they earn applause and praise from an informed public. That's the reason why your letters are so very important.

A meeting has been called by the Food and Drug Administration for November 9th to review the LD50 toxicity test. The Coalition has written to all Washington legislators asking for their support: to move the regulatory agencies into line with science and public opinion, to abolish the classic LD50 now. In addition, we recommend frequent meetings of the international regulatory and science communities to encourage alternative methods.

HERE'S WHAT YOU CAN DO

Considering the overwhelming climate of scientific opinion calling for the abolition of the classic LD50, we feel that the responsible authorities will be extremely responsive to public opinion in favor of these changes.

Therefore, we suggest you contact your local congressman and Senators Daniel Moynihan and Alfonse D'Amato demanding the abolition of the LD50 test. Write them at the Senate or House in Washington, DC 20510 or call them at (202) 224-3121.

Here are some other actions you can take:

Be persistent—ask for an update every two months. Mark it on your calendar.

Visit or phone representatives when they return to their district offices.

Raise that LD50 issue at their public meetings and on campaign stops.

If you get unsatisfactory replies and are willing to pursue the matter, or for further information, contact the Coalition to Abolish the LD50, 234 Fifth Ave., New York 10001.

Also flood the media with requests for editorial support and news coverage of the issue. Print and broadcast media should be contacted to encourage an atmosphere of concern.

WE CAN HAVE AN IMPACT

If you belong to organizations concerned with not harming animals, urge that abolition of the LD50 be the top priority. Let them know that here is an opportunity to rapidly and measurably phase out animal suffering.

I wish to repeat what may be difficult for many people to accept, given the frustration of so many ongoing struggles in this area—that we believe your activities in putting pressure on legislators will have historical significance and set a precedent for even more important fights to end animal suffering.

We who are outraged by animal suffering are the vast majority of the American public. And it's past time—for the sake of the animals—that we turn our words and feelings into effective action to abolish the LD50 now. We urge you to take advantage of this breakthrough opportunity—together, we can make the difference!●

REAUTHORIZATION OF THE TOXIC SUBSTANCES CONTROL ACT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. FLORIO. Mr. Speaker, on any important social issue, the pendulum of action and reaction swings backward or forward, depending on the political tenor of the Congress and the Presidency. In the environmental area, we have witnessed over the past 3 years a dramatic swing to the right, typified by the Reagan administration's decision to entrust protection of our environment to Anne Burford and James Watt.

Over the past few months, with the departure of those two important symbols of a rightwing reaction to environmental issues, the pendulum has begun to swing back again, to achieve, hopefully, a more constructive equilibrium. Members of industry, environmental groups, and public officials all realize that it is time to restore some balance to our approach to these problems.

I still find it difficult to explain to the voters of my district why they and their children must live on perilous, hazardous waste dumps more than 3 years after we promised them that Superfund would clean up the mess. But at least now I am able to tell them that I sense some change in the atmosphere surrounding these issues, so that hopefully they do not have much longer to wait.

Still, they are getting very impatient. Given the devastating damage that has been done to an effective national environmental policy over the last 3 years, none of us can afford to wait much longer. And, to date, we have not yet translated the change in atmosphere into concrete action. Few, if any, major initiatives have been made final either by this Congress or by EPA.

With this sense of urgency in mind, I have asked you here today to announce my intention to pursue a major new environmental initiative in the area of preventing the severe problems we now face.

Congressman ECKART and I have introduced today two separate pieces of legislation amending the Toxic Substances Control Act (TSCA). TSCA is an extremely important statute because it is the only one of our Nation's environmental laws which provides for the screening of most new chemicals today, before they are marketed, so that they do not become tomorrow's toxic wastes. The statute also contains the Environmental Protection Agency's (EPA) authority to control the risks posed by the thousands of existing chemicals which are used each day in the factory, the office, and the home.

The first bill we have introduced makes several changes in the EPA's authority to screen dangerous chemicals under TSCA. These changes are designed to streamline and simplify the regulatory process. The second bill establishes strict liability for injuries caused by toxic chemicals. It is intended to supplement, but not replace, existing State law in that area.

Both bills also amend the statute to clarify EPA's authority to review the hazards posed by genetically engineered commercial products before they are manufactured and sold in the marketplace. I wholeheartedly support EPA's recent efforts to take a leadership role in this new and dynamic industry and wish to prevent any effort to delay or sidetrack those initiatives through the mistaken argument that TSCA was not intended to cover such substances.

I have taken the somewhat unusual step of introducing two separate TSCA reauthorization bills because I believe it is time for a bold new approach to the problems the act is designed to address. TSCA was first enacted in 1976. In the 7 years since its enactment, EPA's enforcement program has barely stumbled to its feet. We now face a situation where basic, threshold regulations needed to implement the act's requirements still have not been made final.

I have followed these disappointing developments carefully over the past several years. I am also aware that the chemical industry has opposed any changes in the law. However, I have concluded that it may not be possible to prompt EPA into more aggressive implementation of the statute without streamlining and simplifying its basic provisions through more traditional amendments such as those contained in my first bill.

If the traditional regulatory approach of the first bill will not work, then I suggest that the second, liability bill, which uses the marketplace forces of economic risk and reward, should be enacted. This bill will facilitate efforts by citizens who are injured by toxic chemicals to seek redress in the courts. This approach may give industry the added incentive it needs to adequately screen toxic chemicals before they are marketed.

I look forward to continuing a dialog with my colleagues, concerned members of industries affected by TSCA, environmental groups and others interested in addressing the problems with the statute's effective implementation. I especially solicit their advice concerning which of the two approaches I have proposed today is likely to produce quickly the goals we all wish to achieve for the TSCA program.

Over the months ahead, as I pursue this and other initiatives—including, most importantly, speedy reauthorization of the Superfund program and final passage of legislation strengthening the Resource Conservation and Recovery Act—I invite industry, and environmental groups, to join me in an effort to make up the time we have lost. If we do not act quickly now, we may find the pendulum of public opinion swinging back beyond the equilibrium point.●

THE SITUATION IN GRENADA

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. SEIBERLING. Mr. Speaker, it is difficult at this point to evaluate the net effect of the U.S. military intervention in Grenada. We do not even know whether we are getting a complete and unbiased picture of events there, since the administration has severely restricted coverage by the news media.

However, there appear to be some significant pluses and minuses. On the plus side would be: First, an opportunity to restore stability and democratic government in Grenada, and second, the elimination of what appears to be a Cuban base being built in Grenada that could have threatened other Caribbean countries.

On the minus side are: First, loss of lives and property; second, the use of military force as a first resort without having made any serious effort to solve the Grenada problem through diplomacy; third, violation of the War Powers Act by President Reagan's failure to consult with Congress before he ordered the invasion; fourth, a possible violation of OAS treaty obligations, which prohibit intervention in the internal affairs of other nations of the Americas; fifth, an increase in anti-U.S. attitude among Latin Americans by the revival of "gunboat diplomacy"; sixth, weakening of relations with NATO allies, especially Great Britain, whose advice against invading Grenada was ignored; seventh, undermining the moral position of the United States and respect for international law; and eighth, depriving the news media of the ability to provide objective reporting to the American people, thereby weakening the Government's credibility and creating a bad precedent for the future.

In short, the price of military and political gains in Grenada may be lasting setbacks in other areas and on issues of greater importance to our goals of peace and security. Fortunately, the recent vote by the House, to confirm the applicability of the War Powers Act and thereby require withdrawal of U.S. troops from Grenada by Christmas, is a positive step. The Senate seems likely to follow suit. I am pleased about reports that nearly half the U.S. forces on Grenada are scheduled to be withdrawn shortly. If all the remaining troops are withdrawn by Christmas and replaced by multinational forces from other British Commonwealth nations, this could preserve the benefits while minimizing the adverse consequences of the U.S. military intervention.●

NASA CELEBRATES 25 YEARS

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. AKAKA. Mr. Speaker, recently, in celebration of the 25th anniversary of our Nation's space agency, the President of the United States called on NASA to meet the challenge of the future with a far-reaching vision, and not merely a new short-term project. In fact, here are the President's own words:

> We're not just concerned about the next logical step in space. We're planning an entire road, a "High Road," if you will, that will provide us a vision of the limitless hope and opportunity, that will spotlight the incredible potential waiting to be used for the betterment of humankind.
>
> On this 25th anniversary, I would challenge you at NASA and the rest of America's space community: Let us aim for goals that will carry us well into the next century. Let us demonstrate to friends and adversaries alike that America's mission in space will be a quest for mankind's highest aspiration: opportunity for individuals, cooperation among nations and peace on Earth.
>
> Your imagination and your ability to project into the future will open up new horizons and push back boundaries that limit our goals on this planet. The goals you set and your success in achieving them will have much to do with our children's prosperity and safety and will determine if America remains the great nation it is intended to be. Don't be afraid to remind the rest of us that once in a while being a leader in space is a very wonderful accomplishment. It has given us the wherewithall to share with others the fruits of our adventure. The American people know this and support it. And, let's continue to ensure that this program belongs to the people. Our strategy must demonstrate to them that through challenging the unknown, and having the courage to aim high, their own hopes, dreams and aspirations will be fulfilled.

Mr. Speaker, I could not agree more with the sentiments expressed by our President. As you know, I have long maintained that an investment in our space program is one of the best investments we can make in the future of our Nation. The real question is: How will NASA respond to the President's challenge? Will NASA show the courage, the wisdom, and the foresight to refrain from sacrificing our long-term space goals on the altar of short-term gain? Will NASA limit its vision of our future in space to programs the Agency thinks will survive the OMB/Capitol Hill budget process? Dreams do not and cannot spring forth from what some label "funding profiles." Dreams spring forth from hope, from aspiration, and from a very real drive to achieve the impossible.

Mr. Speaker, NASA has responded to the challenge set forth by President Reagan. Reports of part of NASA's initial response are contained in the pages of an article written by Craig Covault for Aviation Week & Space Technology, which is one of the finest publications of its kind. I ask that the text of the article "NASA Answers Planning Challenge" be inserted in the RECORD immediately following my remarks.

NASA ANSWERS PLANNING CHALLENGE

(By Craig Covault)

WASHINGTON.—National Aeronautics and Space Administration will supply the White House with broader U.S. space planning options in response to concerns by Presidential Science Advisor George A. Keyworth that NASA's space station focus has deferred review of more visionary U.S. space concepts by President Reagan.

Keyworth's views are not shared by some Administration officials who believe issues such as manned lunar or manned Mars initiatives will be only peripheral factors in the $7-9 billion station decision still pending in the White House.

There are, however, more visionary U.S. space goals and options taking shape in NASA that could form the basis of a broader space program, such as those advocated by the President's science advisor. They include:

LUNAR BASE

Johnson Space Center lunar and planetary scientists will brief NASA management during November on planning options for a U.S. return to manned lunar exploration and the possibility of a small manned base on the Moon by the late 1990s. Studies on the return of U.S. astronauts to the Moon have been under way in Houston for several months and NASA is focusing on launch of an unmanned lunar polar orbiter mission by the early 1990s that could provide valuable data to support establishment of a lunar base. Scientists in Johnson's Planetary and Earth Sciences Div. believe lunar exploration could proceed much like that carried out in Antarctica and that a lunar base would be a logical step toward developing systems for a U.S. manned exploration of Mars by the early to mid-2000s.

SOLAR SYSTEM EXPLORATION REPORT

NASA's Solar System Exploration Committee (SSEC) has just recommended the agency establish as a formal planetary goal a combined Mars rover/Martian surface sample return mission for launch about 1996. Planetary officials view the mission as a logical precursor to eventual manned Mars exploration. The group also recommended launch, in the late 1990's, of a comet lander to touch down on the surface of a comet, then return samples to Earth. Both the Mars rover/sample return and comet missions would benefit by space station support.

MISSION OF NASA STUDY

A NASA Advisory Council task force has completed a detailed examinations of agency goals and policy and concluded: "It is inevitable that human habitation will eventually extend beyond the confines of the Earth in many ways and on a scale far larger than is currently envisioned. Although it may not now be productive to debate the specific nature of the timing of this most dramatic of all human ventures, it is appropriate to use such a venture as a distant goal to guide our search for an understanding of the solar system and to stimulate the further advance of humankind."

The 14 member tean was chaired by George E. Solomon, executive vice president and general manager of TRW Electronics & Defense Sector.

Keyworth told Aviation Week & Space Technology earlier that NASA has not provided the President with a range of more visionary options due largely to the agency's focus on space station approval (AW&ST Oct. 24, p. 25).

"I thought we had given things like that to them, but apparently we have not," said NASA Administrator James M. Beggs. "If Keyworth is saying things like that, apparently we have not gotten through to them, but we have tried. We have had a number of discussions over the last several months. His people have been over here many times hearing NASA's approach. If anything, we have been overvisionary." The NASA administrator said in response to the Keyworth concerns the agency could provide more detail on areas such as the Johnson lunar base studies and would provide the White House with more detailed explanation on how a space station could be a necessary stepping stone to other U.S. space objectives.

Keyworth believes NASA has been too focused on the bureaucratic legwork toward station approval and has not been fully appreciative of the power of U.S. technology to chart an imaginative long-term space program.

"We will have to redouble our efforts and go back and explain what we are up to in greater detail," Beggs said. "We can certainly lay that out."

Beggs also said he believes NASA has made it clear to the White House that approval of a station would put a key space facility in place from which more expansive U.S. space initiatives would grow. "We do not consider the station as an end in itself," Beggs said.

Keyworth said the President wants to recapture "the vision of Apollo" but that Reagan would have a hard time making decisions toward that end with the input received from NASA to date. But Beggs responded: "Is the country ready for another Apollo type effort?—I would like to think so, but I doubt it."

"I don't see any real enthusiasm building to do Apollo-like programs," he said. "We will put down on paper our dreams but I think we have got to constrain those dreams to fit the kind of funding profile we are likely to get."

Keyworth believes, however, there is a growing upbeat attitude in the U.S. that could support such endeavors.

"To go back to an Apollo era in current dollars would cost $16-18 billion per year," Beggs said. "That's what Apollo yearly budgets translate to in 1983 dollars. That means we would have to more than double the NASA budget and the country would have to effectively commit an additional $10 billion a year to do it.

"I just don't think $10 billion more a year is in the cards and I have predicated my approach to the world on the basis that I cannot get an extra $10 billion per year," Beggs said.

"I would be happy if we could get consistently 1 percent of the federal budget, which in Fiscal 1984 would be about $8.5 billion, and that's over a billion more than we were able to get in Fiscal 1984. If the agency had that level for the next eight to 10 years, we could certainly do the space station and make a start to go beyond the station with the orbital transfer vehicle and planning for a lunar base.

"Once we have gotten to that point by the early 21st century we would be getting back on the Moon and planning for manned Mars activities," Beggs said.

"All of this is in the cards, it just depends upon how much resources the nation wants to commit to the program," he said.

Administration officials have been meeting to define how best to present the differing space station positions to the President with Reagan's final decision expected to be made in the context of the White House National Space Strategy plan to be completed in about a month. That plan will outline specific U.S. space goals supported by the Reagan Administration space policy declaration of July 4, 1982.

Officials who disagree with Keyworth's approach believe the station decision will be decided far more on the merits of the facility's ability to expand a U.S. manned capability in low Earth orbit by servicing other spacecraft and providing a platform for development and stimulation of commercial space operations.

They do not view the Keyworth approach as widely accepted in the White House. Keyworth, on the other hand, believes President Reagan will want any U.S. space initiative to be a program with a more powerful thrust for the future than a station alone could give.

Some NASA managers and scientists are hopeful about Keyworth's approach, especially for its potential to structure a formal U.S. program for a return to the moon or manned Mars exploration as candidate initiatives.

The Solar System Exploration Committee's recommendations for a future large new Mars and comet mission fit equally well with station justification and possible more advanced U.S. space planning.

The SSEC earlier defined a set of low cost "core" planetary mission options (AW&ST Apr. 18, p. 121). Its Mars and comet mission concepts are planned as more significant U.S. space exploration initiatives that also would push the limits of U.S. space technology and could also exploit new manned orbiting facilities.

The Jet Propulsion Laboratory has begun discussing the Mars rover/sample return options with Johnson Space Center station personnel to insure compatibility between the concepts.

One $1.5-2 billion Mars mission concept now being studied would involve launch of a large General Dynamics Centaur stage, which would then be fueled in orbit by the station. The Centaur would not be launched fully fueled in order to stay within shuttle weight margins.

Once fueled by the station, the Centaur stage carrying the rover/return vehicle combination would fly to Mars and place the rover lander on the Martian surface.

The rover could then traverse a short distance and collect a contingency grab sample that it would deposit in the Earth return system. The rover could then be sent on much farther traverses collecting additional samples.

If the rover failed on the surface early in the mission, then the contingency sample could be returned quickly to Earth, but if the rover continued to function, then additional samples gathered from widely separated locations could be placed in the return module.

Following departure of the ascent stage, the rover could continue to explore Mars with color television and other sensors. It could also collect additional samples that would later be deposited in a second return vehicle landed for a surface rendezvous.

The samples would be recovered by the space station for examination in orbit where the search for Martian organisms could be carried out without fear of Earth contamination.

The comet mission would be less complex. No candidate comet has yet been selected.

The planetary exploration issue was such a dominant part of the Mission of NASA task force findings that some members see it as the focal point of a possible new direction in NASA.

"There was some disagreement as to whether the mission area of exploration of the solar system should be viewed as an over-arching theme to guide the forward technological thrusts of the agency for the years ahead," Daniel J. Fink, chairman of the NASA Advisory Council, wrote Beggs.

"Some [task force members] strongly endorsed this theme as a central focus for NASA's future space activity. The majority of the task force, however, was concerned that such a specific identification would result in the diminuation of other important missions," Fink said.

The formal assessment of NASA goals in the Mission of NASA report makes a strong statement on planetary exploration as it relates to long-term U.S. space goals, a possible factor in any Reagan Administration space initiative beyond the station issue itself. Keyworth has also said an approach to new U.S. space initiatives should involve a new perspective of man's ability to range throughout the solar system, an area addressed by the Mission of NASA task force.

"NASA must clearly delineate its commitment to explore and understand the solar system.

"An extended program of solar system exploration requires a broader national commitment than that which presently exists," the task force said.

"Planetary exploration has been viewed in the past either as a science project or admired for its spectacular first views of solar system objects. Execution of the program has been based on a project-to-project approach.

"If NASA is to shoulder an enduring commitment to extra-terrestrial activity, it must follow a strategy extending over a number of decades and cannot depend upon year-to-year budgetary competition nor can it depend upon budgetary exigencies in other parts of the agency.

"A commitment to a solar system exploration program requires a continuing series of interrelated flights. The program must have the status of agency policy, to be modified only after careful deliberation and consultation with Congress and with our international partners," the Mission of NASA task force said.●

BOYS CLUBS OF AMERICA TO HONOR PETER MUTH AND ROBERT PRALLE

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. PATTERSON. Mr. Speaker, in 1982, Stanton, one of the cities I am honored to represent in Congress, proudly unveiled a new Boys and Girls Club facility. This club features a full gymnasium, kitchen, showers, wood shop, photography lab, games area, and weight room, all for the benefit of the young people in the community.

The club is the gem of the city of Stanton, but what is truly remarkable is that this facility was built almost entirely by private citizens using private resources.

On October 10, 1983, the Boys Clubs of America will honor the two men who spearheaded the drive to build this new Stanton's Boys and Girls

Club—Peter Muth and Robert Pralle. The Boys Clubs will bestow on them, individually, its highest award, the National Medallion.

Pete Muth has been on the Stanton Boys and Girls Club Board of Directors since 1976. He led the effort to build a new club by establishing with other community and business leaders a building fund committee that raised over $650,000. He personally contributed money, construction material, and personnel.

Pete and his wife Mary share a strong commitment to encourage the development of boys and girls through educational, recreational, and social opportunities, and we are grateful for their outstanding contribution.

Bob Pralle joined the Stanton Boys and Girls Club Board of Directors in 1979, and he joined Pete and other community leaders to build a new club. Bob's commitment included financial donations, managerial guidance, construction expertise, and personnel from his business.

Bob and his wife Helga's goal to build a better America by helping to build better young Americans could not be demonstrated more strongly than through their leadership on this project.

Mr. Speaker, the new Stanton Boys and Girls Club stands as one of the greatest private sector accomplishments for community benefit in the history of Orange County, Calif. The faith, patience, and perseverance of these two men made this dream come true, and I ask you and all my colleagues in the House to join with me in saluting the humanitarian spirit of Pete Muth and Bob Pralle.●

SENIORS ENJOY THE GOOD LIFE AT MILLS HOSPITAL'S GOOD LIFE CLUB

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. LANTOS. Mr. Speaker, seniors in San Mateo County have the advantage of the Good Life Club—a group of seniors, aged 60 years and over, drawn together by their common desire to enjoy lifelong good health. The club is supported in its activities by the professional staff and resources of Mills Hospital in San Mateo.

The organization provides a number of services to its members—including individual health screenings and health education sessions. One club member observed that "in 70 years I have never had such a thorough screening."

Health education is an important part of the organization's goals. Earlier this year, lectures and panels were held on such diverse and relevant topics as podiatry, dermatology, exercise, hearing, and arthritis. As a member of Good Life's Board said, "The health lectures and screenings take a positive approach to aging."

Such activities are not carried out in isolation, and the social activities are an important element of the overall program of the club. One of the members enthusiastically observed, "When my husband was so ill at Mills Hospital 10 years ago, I never wanted to come here again. Now I look forward to coming here for Good Life Club activities."

Mr. Speaker, I commend to my colleagues in the House the activities and programs developed by the Good Life Club in connection with the staff of Mills Hospital. I am particularly grateful to Jane Edison, who brought the activities of the club to my attention.

Health is a key element in enjoying the good life, and it is particularly important for seniors. The Good Life Club and the people who launched it are making an important contribution to the seniors of San Mateo County by encouraging them and helping them maintain and improve their health.●

LEBANON AND GRENADA: A PATTERN OF VIOLENT DIPLOMACY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. RANGEL. Mr. Speaker, a brief review of recent events in Lebanon and Grenada reveals a very disturbing and frightening aspect of the Reagan administration's foreign policy. It is apparent that the President is inclined to use force as a means of first resort, and to use negotiation only after other means have been considered. This approach lacks wisdom, tact, and statesmanship.

The world community was stunned by the deaths of more than 200 marines in Lebanon. Two days later, news from the Caribbean indicated that 3,000 American marines and rangers had invaded Grenada with the ostensible mission of saving American lives and restoring democracy. Thus, the American people found themselves actively involved in two shooting wars in little more than 3 days.

Both tragedies clearly prove that gunboat diplomacy is alive and well in the White House. It would be difficult to arrive at this conclusion if each event were viewed in a vacuum; one could simply say that an exception to the norm was taking place. However, the use of military force is the norm with this administration. There is a common thread that links the events in Lebanon and Grenada to our commitments in El Salvador and Nicaragua. This thread is the philosophy of an administration that seems to take great pride in using American soldiers and proxies to intervene in the internal problems of sovereign nations.

This is not international statesmanship—it is international bullying.

The administration has made vague references to maintaining the peace in Lebanon and to protecting democracy. There is, however, no peace to maintain, and little democracy in a nation that is experiencing an extremely bloody civil war.

We should not fool ourselves into believing that the introduction of neutral troops will lead to a stable Lebanon. Lebanon is not a homogeneous country. It is a mixture of different ethnic, religious, and political groups that do not trust each other, and certainly do not want more foreign troops in their country.

The invasion of Grenada was a response to the recent coup that led to the murder of Prime Minister Maurice Bishop. It is worth noting that Bishop might not have been killed if the administration had not rebuffed his overtures, and sought to isolate him.

As is so often the case, political and economic isolation merely served to push Grenada into the arms of the Cubans and Soviets. The apparently left-wing Marxists who overthrew Bishop would not have done so if Reagan had opened a line of communication with the late Prime Minister.

The long-term ramifications of this pattern of intervention will be a loss of credibility in the world community. We are projecting an image of clumsy militarism, an image which we can ill-afford. The cost of Reagan's ventures far outweighs the benefits: 200 dead marines will not bring peace to Lebanon, nor will an invasion of Grenada rectify our mistakes.

Our foreign policy is at a crossroads, the future of which is now at stake. We must aggressively pursue a policy of negotiation, not confrontation. A wise statesman talks first and shoots only as a last resort. The opposite is true of Ronald Reagan.

It is interesting to observe that the President has been most selective in deciding where to push for democracy. He has very cozy relations with some of the most brutal regimes in the world, including South Africa, Guatemala, and Chile. Our credibility definitely will suffer because of Ronald Reagan's unrestrained use of force. He is naive to think otherwise. When all is said and done, it would be in our best interest to bring the troops home.●

LIBERALS SHOULD SUPPORT REAGAN ON GRENADA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. LAGOMARSINO. Mr. Speaker, yesterday's Los Angeles Times contained an op-ed article by Morton Kondracke entitled "Liberals Should Cheer Reagan's Action."

I commend the article to my colleagues, particularly to those on the other side of the aisle.

The article follows:

[From the Los Angeles Times, Oct. 2, 1983]

LIBERALS SHOULD CHEER REAGAN'S ACTION

(By Morton Kondracke)

Why so many long faces? The United States invaded Grenada to save lives, oust a gang of murderous thugs, prevent establishment of a major Cuban military base and show that America can use force successfully. We did succeed, with a minimum loss of life. I say—I say as a liberal—hooray!

Liberal congressmen and commentators seem to think that they can't be loyal to their values unless they condemn President Reagan for this action, but it is because of their values that they ought to praise it.

Liberals believe in democracy, and Reagan would deserve condemnation if he had acted to crush a democratically elected government or sought to impose a right-wing dictatorship. The Nixon Administration may have done such a thing in Chile—in spite of the movie "Missing," this has not been proved—but in Grenada the United States did nothing of the kind.

Grenada's government, if it can be called that, came to power last month in a coup that cost at least 18 lives, including that of former Prime Minister Maurice Bishop, who had himself come to power in a coup, failed to hold elections as promised and steered Grenada into the Cuban-Soviet orbit.

Under intense pressure from democratic leaders on neighboring islands, Bishop seems to have had second thoughts about his closeness to Cuba, and came to Washington to see if he could patch up relations.

Some critics contend that if Reagan had only embraced him the invasion of Grenada would not have been necessary.

The evidence seems to be to the contrary. Because Bishop showed signs of tilting ever so slightly away from Cuba, he was ousted by leftist colleagues and murdered.

That is the appropriate parallel to be drawn between Grenada and Afghanistan. Some liberal columnists have likened the U.S. invasion last week to the Soviet invasion in 1979, but when the Soviets moved in they murdered a prime minister who had shown some independence of Moscow and have kept 100,000 troops in the country to impose their will on a hostile population, using poison gas in the process.

The United States has promised to withdraw swiftly, and the people of Grenada will be able to elect their next government. So anyone who believes that democracy is better than dictatorship has to agree that the people of Grenada are better off this week than they were the week before last.

We liberals oppose the use of force on principle, and prefer the rule of law. But honest people have to admit that, unfortunately, force has its place in this world. We do not yet live in a world of law. Even in countries where law does prevail, the use of force to defend innocent life is permitted—by police or by citizens in the absence of police. Reagan had reason to fear that the U.S. medical students on Grenada might be harmed or taken hostage—the returning students attest that they were afraid, too—and he acted to protect them.

But liberals suspect that the saving-lives argument is just a cover or a convenience, that Reagan was just itching to take a shot at some leftist regime to prove that the United States could win one.

I think so, too, but I still say—as a leberal—well done. If liberalism values self-determination, peaceful change and democracy, then liberal values are being threatened in the Caribbean and around the world. They need to be defended, and Reagan defended them.

Grenada's neighbor islands of Barbados, Dominica, Antiqua, St. Lucia and St. Vincent—democracies all—felt threatened by the buildup of Grenada's military forces, by the influx of armed and trained Cuban "construction workers," by the subsequent construction of a world-class military airport and by Soviet contacts with leftist rebel groups in their own countries.

The Caribbean nations came to the United States to help defend themselves. They could have gone to the Organization of American States or the United Nations, but those groups have no ability or inclination to do more than pass resolutions of regret when force or subversion is employed.

It develops that the Caribbean countries did go to Great Britain for help before they came to the United States, but what Margaret Thatcher did when British territory was invaded in the Falklands she refused to do when a former British colony was threatening others.

If the Reagan Administration is correct, what's more, Grenada was soon to become a major Cuban-Soviet outpost in the Western Hemisphere.

Beyond the immediate case of Grenada, the U.S. invasion will warn the Soviets, Cubans, Sandinistas and other aggressive leftists that the United States has overcome its Vietnam-bred reluctance to use military power to defend its interests and its values. We have employed our power to win a quick, reasonably clean victory in a very small place, but they cannot know where we might use it later.

If that deters them from aggression, that will save lives and liberty elsewhere in the world, and that is something that liberals ought to cheer.●

TRIBUTE TO LOCAL 408 OF THE UNITED OPTICAL WORKERS AND SEBASTIAN RIBALDO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. ACKERMAN. Mr. Speaker, local 408 of the United Optical Workers will be celebrating its 50th anniversary on Sunday, November 6. On that day, the local will be honoring a man of noteworthy distinction, Mr. Sebastian Ribaldo, a founding member of the union.

Local 408 of the United Optical Workers was established in 1933 as an organization committed to fighting for the rights and interests of optical technicians. Over the past half century, the union has grown, and presently boasts a membership of optical technicians, opticians, and optometrists. The union assists its members in upgrading their professional certification by providing the necessary educational training. The union has also earned the gratitude of its members' children by sending them to summer camp. The United Optical Workers has been deeply involved in community activities; it has been a strong financial supporter of the United Way, and has actively participated in the American Red Cross.

Mr. Speaker, I am proud to pay tribute to Mr. Sebastian Ribaldo, who has been the guiding light of local 408 for the past 50 years. Today he continues to be an active force in the union. Sebastian has been an innovator of local 408's program to establish a health-referral service for the members. He has also been a leading advocate for vocational training for future optical workers. He was involved in the creation of a training program in conjunction with the New York City Board of Education, and served on the Vocational Advisory Commission for George Westinghouse High School in New York. Sebastian has also been active in professional issues outside of local 408, and served as chairperson of the National Optical Workers Council.

Mr. Speaker, it is important to note the achievements of exemplary organizations and dedicated individuals, so others may emulate them. I ask that the Members of the Congress of the United States join me in congratulating local 408 of the United Optical Workers Union and Mr. Sebastian Ribaldo on their 50 years of outstanding service to optical workers, and their praiseworthy efforts on behalf of their local community.●

VIRGINIA SIMON: AN INSPIRATION FOR PEACE

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, Virginia Simon is a community leader whose hard work, dedication, and compassion have been brought to bear on every struggle for peace, economic and social justice, and human dignity in the last 30 years. She has provided leadership to her own generation and has been an inspiration and role model for the generation that followed.

Ginny's presence is felt everywhere. The first public meeting that I attended after being sworn in as a Congressman was a large peace symposium that she organized and chaired. Her activities have continued unabated. As the threatened deployment of Pershing II and cruise missiles brings us closer to the edge of the nuclear abyss, Ginny has focused her leadership and energy on mobilizing the Greater New Haven community to oppose this madness.

Ginny is a warm and compassionate woman, deeply principled, unyielding in the face of injustice, yet tolerant and endlessly patient. She knows and she has helped to convince us all that peace will come one day because our Nation—all nations—have no alternative.

I am proud to join with her many friends in the Third Congressional District to express our gratitude for what she has accomplished and what she has taught us.●

IN SUPPORT OF H.R. 3533

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. RICHARDSON. Mr. Speaker, I want to urge all Members in this body to support H.R. 3533, to require the U.S. Court of Claims to hear a number of claims which were filed against the U.S. Government by the Navajo Indian Tribe. The Senate Select Committee on Indian Affairs held a hearing earlier this month on a companion bill introduced by Senator DENNIS DECONCINI.

In 1950, the Navajo Tribe filed eight separate claims against the Government pursuant to the Indian Claims Commission Act of 1946. The claims alleged the Government improperly managed tribal resources and failed to deal fairly and honorably with the Navajo Tribe by not providing the educational facilities and services required by law.

However, these claims have never been heard by a U.S. court on their merits. In 1969, the claims attorney for the tribe, Harold Mott, filed an amended petition which deleted seven of the originally pleaded claims. The attorney contract with Mr. Mott required approval by both the tribe and the Secretary of the Interior for any "compromise settlement, or other adjustment of the claims." Neither the tribe nor the Justice Department have any record reflecting consultation with or approval by the Interior Secretary and the tribe. Subsequent to this action by Mr. Mott, the Indian Claims Commission and the Trial Division of the Court of Claims held that the Navajo's claims should be heard by the court on their merits. However, in 1979 the Court of Claims overturned these two earlier decisions and held that the tribe was bound by their attorney's "voluntary dismissal" of the claims 10 years previously.

After nearly 30 years of litigation, a fair hearing on a group of legitimate claims which were timely filed by the Navajo Tribe has been denied because of the unauthorized and irresponsible action of one participant. The Indian Claims Act of 1946 was enacted to insure that claims by the Indians were given the opportunity to be heard. It seems contrary to the purposes of this law and to basic principles of fairness and equity not to allow the Navajo's claims to be judged on their merits.

The bill I introduced, H.R. 3533, carries out the intent of the Indian Claims Act by insuring that the Navajo's claims will have the hearing contemplated by the act. This legislation does not make any judgment on these claims, but it will insure that the Navajo Tribe will have the opportunity to be heard.●

H.R. 4236, NATIONAL THEATRE WEEK

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. GREEN. Mr. Speaker, it has been my pleasure to introduce in the 97th and 98th Congresses commemorative legislation to honor the theater. The upcoming "National Theatre Week" is scheduled for June 3-9, 1984 and encompasses the entire legitimate stage in America, both amateur and professional.

Now is the time to create a permanent National Theatre Week, and I have therefore introduced H.R. 4236 which does that. This nonpartisan legislation calls upon all Americans to celebrate theatre arts every year for a week starting with the first Sunday in June.

I am bringing this to the attention of my distinguished colleagues in order to address the large role the legitimate theatre has played in the everyday life of our country and to urge you to support legislation creating a yearly National Theatre Week. Many of our larger cities already know the large impact and important role the stage plays. What is not known is what part the theatre has played in the growth of America.

It is a fact that, during his lifetime, George Washington was an avid supporter of the theatre, so much so that his support brought about the repeal of earlier Continental Congress resolutions of October 1778 banning theatre altogether. The purpose was to prepare Americans for a period of hardship and austerity. The resolutions failed miserably. In fact, more theatrical activity was engaged in than ever before. The performances may have been illegal, however, they boosted the morale of the troops and of the citizenry. Ten days after President Washington was inaugurated in 1789, he attended the theatre with the Vice President, the Governor of New York, and several foreigners of distinction. Shortly thereafter the ban was repealed. It is also interesting to note that theatres had so much respect for our first President that on the day of his death, all theatre houses were dark.

Another touching piece of history we know is how our national anthem, the "Star Spangled Banner", came into being. All of us know about Francis Scott Key and Fort McHenry, but what most of us do not know is when the poem and music were first performed together. The Smithsonian Institution has a plaque in front of the flag that Mr. Key saw that night at Fort McHenry; it reads:

> The first public performance of the words and tune together took place in a Baltimore theatre on October 19, 1814, just 1 month after the Battle of Fort McHenry.

What can a government do to honor and recognize the deeds and history that our theater has given to our country? It can perpetually preserve that part of American theater by setting aside a "Week" during which all Americans can salute the efforts of grade school, high school, university, and community and professional theaters and their contributions to the enrichment of our lives.

"National Theatre Week" has already passed the House and Senate twice on a 1 year basis in the 97th and 98th Congresses. Let these bodies of Government continue a tradition of theater support by passing H.R. 4236 to create a permanent "National Theatre Week".●

PRESENTATION OF 10,000 PETITIONS TO THE CONGRESS REGARDING THE PLIGHT OF ETHIOPIAN JEWRY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. BERMAN. Mr. Speaker, on Monday, October 31, I had the Privilege of joining Rabbi Steven Kaplan of Temple Beth Torah in Fremont, Calif., Glenn Stein of the Union of American Hebrew Congregations, and Yehiel Yisrael of the American Association of Ethiopian Jews, in presenting over 10,000 petitions to the Congress from citizens concerned with the plight of Ethiopian Jewry.

These citizens are asking for our support of House Concurrent Resolution 107, introduced by my distinguished colleagues Mr. SOLARZ and Mr. FRANK. The petitions read as follows:

> We, the undersigned, call on you as a member of the United States Congress to employ every means at your disposal to assist Ethiopian Jews who suffer daily from persecution and neglect. In particular we ask for your support for House (Concurrent) Resolution 107 (Solarz/Frank) and its equivalent in the Senate and for any legislation aimed at protecting the human rights and the very survival of this ancient religious minority.

I would like to call the attention of my colleagues to this very serious matter, and ask that they consider cosponsoring House Concurrent Resolution 107 as well.

The Ethiopian Jews, or Falashas, are severely discriminated against, and are denied the freedom to practice their religion. In addition, they are among the hardest hit of those Ethiopians affected by the drought afflicting this area of Africa. As though this were not enough, the Ethiopian Government frowns upon emigration, and these Falashas are restricted to remaining in their country subject to repression, or fleeing to neighboring countries where they must live as refugees.

It is of great importance that we do all that we can to promote human rights in all the nations of the world. This ancient Jewish community needs our support to gain its freedom, and I would like to thank Rabbi Kaplan, Mr. Stein, and Mr. Yisrael for helping to make the Members of this body aware of the plight of the Ethiopian Jews.●

PRESIDENT DEALS AUTO WORKERS A SEVERE BLOW

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. APPLEGATE. Mr. Speaker, President Reagan has once again dealt the workers of this Nation a severe blow, particularly those associated with the auto industry that will experience a new round of unemployment as a result of the recent auto import agreement between the United States and Japan. This agreement will allow 1.85 million autos to enter the United States from Japan during the year beginning April 1, 1984, an increase of 170,000 units from the previous year. How many more will he give to the Japanese in April 1985.

This action serves two purposes. First, it serves notice to the American people that this administration is not concerned about the American worker or the adverse economic plight that the 11 to 13 million unemployed people have to endure, not to mention those who will lose their jobs as a result of this action.

Second, this agreement underlines the importance of taking immediate and positive action on the Fair Practices and Procedures in Automotive Products Act of 1983, referred to domestic content legislation. The argument presented by those in favor of the trade agreement that this is beneficial because it will decrease the Japanese share of the domestic auto market is absolutely ludicrous. The fact that domestic production is increasing should not be a basis for permitting even more Japanese vehicles to enter this country, regardless of market shares.

Mr. Speaker, what this boils down to is a matter of justice and equity for the American worker. The Reagan administration preaches free trade. If our trading partners do not believe in it, and it is clear they do not, why, then, should we?●

MISSED OPPORTUNITIES FOR CONSTITUTION-MAKING

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. FLORIO. Mr. Speaker, I was pleased to receive a statement by Dr. Albert P. Blaustein stressing the importance of constitution-making in the effort to foster peace around the world. I believe Dr. Blaustein's suggestions will be helpful in our attempts to address the current state of international instability.

Dr. Blaustein, a professor of law at Rutgers University in Camden, N.J., is one of the foremost constitutional experts in the country. He has personally assisted in the drafting or rewriting of the constitutions of seven developing countries. Dr. Blaustein is also the president of Human Rights Advocates International.

I would like to share this important statement for the benefit of my colleagues.

The statement follows:

MISSED OPPORTUNITIES FOR CONSTITUTION-MAKING

(By Albert P. Blaustein)

Yesterday's tragedies in Lebanon and Grenada and yesteryear's tragedies in Iran and Nicaragua provide illustrations of lost opportunities in constitution-making. Such opportunities are now knocking in El Salvador and Guatemala. We dare not let them go unheeded.

And perhaps the opportunity will knock again (or be made to knock again) in Lebanon, Grenada, Iran and Nicaragua—and in Haiti, Suriname, Uruguay, Cyprus, Bangladesh, Chad, Niger, Namibia and other world trouble spots that need new constitutions.

The same point was pointedly made in an October 21 editorial in The New York Times. Entitled "Harvest of Failure in Grenada," it provided a reminder that the then prime minister "had begun to talk of evolution toward a system that would mix some free enterprise and constitutional democracy" with their existing socialist system. And it castigated the administration for ignoring that "opening".

As for Lebanon, its now irrelevant constitution is the 13th oldest in the world and provided the necessary equilibrium to maintain peace, order and democracy from its promulgation in 1926 until the 1975 "takeover" by the Palestine Liberation Organization. Changing world conditions and changing demographic realities likewise contributed to the irrelevancy of the 1926 charter—circumstances which call for a new constituent assembly to promulgate a new constitutional equilibrium.

For a constitution is far more than a nation's birth certificate and the blueprint/framework of its government. A constitution is also a nation's ideological manifesto, the embodiment of its values, the primary text of its educational system and its brief to the world court of public opinion. Without a constitution there can be no democracy; there can be no freedom.

And the constitution-making process can be even more significant than the constitution itself. For a constitution is also a nation's fundamental social contract. It is the formulation of national compromise and conciliation. The constitution-making process provides the forum and agenda for the discourse and dialogue necessary to reconcile the conflicting and disparate elements of a population. It fosters compromise. It forestalls the polarization which inevitably results in dictatorship, repression, revolution and counterrevolution.

Refusal of Iran's Shah and Nicaragua's Somosa to consider constitutional reform contributed to the polarization which eventually led to their own downfall and demise—and their replacement by nondemocratic and (arguably) equally repressive regimes. The constitution-making process would have provided the mechanism for possible reconciliation. At a minimum, the creation of constitution commissions would have provided rallying points for democratic elements which eventually had to choose between extremist alternatives.

Yes, El Salvador has elected a constituent assembly and Guatemala plans a constituent assembly election in 1984. But the results in El Salvador (so far at least) represent a lost opportunity. The draft (so far) is pedestrian and overly legalistic—and (shocking to report) retains military tribunals with jurisdiction over the civilian population. Also (shocking to report) are provisions which make it all too easy to suspend constitutional guarantees. This is not a constitution which will win the hearts and minds of the El Salvador people.

The El Salvador draft constitution is primarily valuable as a warning to help Guatemala avoid the same pitfalls.

Promoting and fostering constitutionalism does not mean promoting Americanism or the American constitutional model. Promoting constitutionalism is not an exercise in neo-colonialism. A constitution must be autochthonous and indigenous. It must meet the special needs, wants and aspirations of the people for whom it is written.

But this does not mean that the United States cannot assist in providing constitution-making assistance. To the contrary, a nation which is so free in supplying armaments and military advisers should (at far less cost) be able to furnish constitutional libraries and constitutional experts.●

UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT OF 1983

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. DINGELL. Mr. Speaker, Mr. Speaker, pursuant to the rules of the Democratic Caucus, I hereby submit notice of intention to request a rule on H.R. 4102, the Universal Telephone Service Preservation Act of 1983, as reported by the Committee on Energy and Commerce, which would limit the amendment process under the 5-minute rule to a specified period of time.●

A PROUD WEST INDIAN

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. DE LUGO. Mr. Speaker, I would like to bring to the attention of my colleagues a letter to the editor of one of local newspapers by one of my constituents in the U.S. Virgin Islands of French descent. I believe his letter accurately reflects the feelings of Virgin Islands residents for the recent United States intervention in Grenada.

The letter follows:

A PROUD WEST INDIAN

DEAR EDITOR: Was America right to intervene in Grenada?

Was she right to listen to the leaders of other Eastern Caribbean countries?

You're darned right she was!

As a West Indian and an American, I was never more proud of my country. Yes, I had my doubts about Korea and Vietnam. Yes, I still have my doubts when I realize the Ku Klux Klan still haunts America in their white sheets.

Neither do I condone the proliferation of nuclear armaments by my mother country.

No one has won more Nobel prizes than Americans. No country has made greater strides in medicine, the sciences and computer techology than the U.S. of A. And yes, we still produce enough food to feed the world, including grain for the Soviets. We also have enough sugar if the Cubans should need any to meet their quota.

Whether or not we agreed with the politics of Prime Minister Maurice Bishop, he was popular, charismatic and a dedicated leader of his people. His fellow-Grenadians loved him because he had led them out of the tyranny of Sir Eric Gairy. When a leader of his caliber is shot down, his Cabinet and followers falling beside him in cold blood as if facing a firing squad, then it's time for action!

History will show that the greatest leaders of this era were those who were unafraid to face world opinion but took action to protect their interests, their citizens and the future of their countries.

Dominicans are justly proud of Prime Minister Eugenia Charles for the part she played—what a woman! What a leader! Prime Minister Edward Seaga knows the long road Jamaica has had to take back to freedom—he knows from whence he came he made that fateful decision. Barbadians especially are a proud lot but never prouder of their leader, Tom Adams.

Grenada, after all, is only 150 miles away from Barbados and it must be understood, he stated, "that the lawless overthrow of governments in this region will not be tolerated." Antigua, St. Kitts, Nevis, St. Vincent, the Grenadines—all agreed.

Yet England turned her back on her former colonies. She went to the Falkands but refused to help in the Caribbean. And France, incredible France, has the gall to condemn this action. If it were Martinique or Guadeloupe, she would have begged for help. But with the internal strife on these two islands, it may not be long before ungrateful, socialist France eats her words.

So once again it's Uncle Sam to the rescue, despite the whining of some spineless politicians at home. First it was the Caribbean Basin Initiative, now the lives of our Marines and Rangers to confirm our commitment to freedom in the Caribbean.

I am one proud West Indian—and a proud American. Let all West Indians stand together, put our hands on our hearts and say, "God Bless America."

CAIN MAGRAS,
St. Thomas.●

NAVY SHIPS TO CARIBBEAN—PROVOKING WAR?

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mrs. BURTON of California. Mr. Speaker, I want to share with my colleagues an article that appeared in the San Francisco Examiner on Tuesday reporting the movement of a fleet of nine warships to the Caribbean. The Pentagon has been vague in describing the mission of the fleet, but stated that the fleet will perform combat ready exercises, possibly off the coast of Cuba. This dangerously provocative mission, coming on the heels of the invasion of Grenada, will only further damage any peacekeeping efforts in Latin America.

The article follows:

[From the San Francisco Examiner, Nov. 1, 1983]

UNITED STATES TO SEND NINE WARSHIPS ON CARIBBEAN EXERCISE

(By John P. Wallach)

WASHINGTON.—The United States is dispatching a fleet of nine warships, including three guided nuclear missile destroyers, on a "no-notice readiness exercise" in the Caribbean.

Pentagon sources said the exercises would be off the U.S. naval base at Guantanamo Bay, Cuba, but the Pentagon refused to confirm that publicly.

The large-scale maneuvers—headed by the aircraft carrier U.S.S. *America*—will get underway tomorrow. The ships will sail from ports in Norfolk, Va., Charleston, S.C., and Mayport, Fla.

"It is not related to the bombing in Lebanon or the invasion in Grenada," disclosed Navy spokesman Lt. Comdr. Mark Neuhardt. But he said the 5,000 man naval task force "may go through the Caribbean" on its way to the combat readiness exercises in the South Atlantic.

Asked if the nine ships would call at Guantanamo Bay, Neuhardt said: "There is that possibility. I'm not ruling out (a show of force) in the Caribbean but I can't discuss it."

Neuhardt conceded this is the "last carrier group on the East Coast" of the United States.

All the others have been dispatched to Lebanon or Grenada. One major warship not included is the U.S.S. *Saratoga*, which is having its boilers repaired in Mayport.

The ships had been informed several days ago that they were on alert for a no-notice exercise somewhere in the Atlantic. The last no-notice exercise was in August 1982.

A pentagon spokesman said that the exercises are not directly related to threats allegedly made by Cuban against U.S. diplomats in Latin America.

But obviously any U.S. display of strength—particularly one that includes an aircraft carrier, several destroyers equipped with guided missiles and a large replenishment oil tanker—is partly intended to send a message to Cuba President Fidel Castro to stop threats of terrorist acts against U.S. targets in Central America.

State Department spokesman John Hughes, disclosing that the Reagan administration suspects a Cuban connection, made public "terrorist acts" in Bolivia, Colombia and Puerto Rico, adding that "obviously Cuban instigation" of these, "if proven, would be a very serious development."

He did not however specify what retaliation, if any, would be taken.

Neuhardt described the naval task force exercises as "designed to enhance the combat readiness of fleet units by ensuring a rapid response time for short notice sorties."

"Essentially in plain English," the Navy spokesman said, "it is intended to test our ability to respond to various contingencies to test our fleet readiness, to find out whether we can get under way in three days or less". Similar exercises were held last year in the Pacific, Neuhardt said.

The task force is composed of the following ships:

From Norfolk: U.S.S. *Peterson*, a guided missile destroyer, U.S.S. *Mississippi*, a guided missile cruiser, U.S.S. *Platie*, an oil tanker, U.S.S. *America*, an aircraft carrier, and the U.S.S. *Dahlgren* and U.S.S. *Conyngham*, both destroyers.

From Charleston: the U.S.S. *Aylwin*, a frigate, and the U.S.S. *Thorn*, a destroyer.

From Mayport: the U.S.S. *Luce*, a guided missile destroyer.●

THE LEGAL SERVICES CORPORATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. MARKEY. Mr. Speaker, two recent events, one legislative and the other regulatory, are focusing close scrutiny on the Legal Services Corporation. A bill, H.R. 2909, the Corporations Act Amendment of 1983, was introduced on April 5, 1983, to authorize funds for the LSC. The regulatory rule, outlined in the Federal Register August 19, 1983, 39086) proposes to revise guidelines used by the LSC to determine eligibility for legal services. Both developments have been prompted by: First, less real money proposed, after inflation, producing greater competition for fewer resources, and second, allegations of abuses in LSC funding, particularly to political activities.

The original intent of the LSC seems to me as valid today as it was in 1974 when first proposed. That is, the LSC is designed to provide financial support for legal assistance in noncriminal proceedings to persons financially unable to afford legal services. Moreover, the rationale for this agency remains compelling. As Federal, State, and local governments become increasingly complex, there are varieties of governmental and quasi-governmental support services available, directed to target populations of the poor, the sick, and the aged. To deal with this complexity, it is often necessary and beneficial to have legal advice. However, the target populations are precisely those people who need the support of the Government most, but have the least financial resources to secure qualified legal assistance.

The Coalition for Legal Services, although an obviously interested group, argues that the new eligibility regulations will in effect remove a significant portion of the elderly—as many as two-thirds—as well as adversely affect the eligibility of additional handicapped, poor, or unemployed people, as well as battered women, farmers, and native Americans. They cite the comparison of assets tests between the new LSC guidelines and the regulations of other, supportive agencies, and they point to the severity of the LSC eligibility.

The major objection to the LSC record focuses on the accusation that the LSC has on occasion engaged in the subsidy of blatantly political activities. These charges stem largely from Senator HATCH's subcommittee hearings and GAO report. However, the LSC has countered that organizational work and training are part of the proper jurisdiction of the LSC, and have been construed as political subsidies.

The issue, then, seems to center on whether, by regulation or legislation, the LSC should be restricted in its service, and that policing functions should be incorporated into its policies. If there are clear abuses, it seems unlikely that new regulations or a restricitive budget will cure the problem. Rather, it appears either strategy will diminish the effectiveness of the LSC by making ineligible the very people for whom the corporation was designed. Obviously, we all strive toward better-managed Government and eradication of abuse. However, it is clear that both the new regulations and the stifling budgets will only undermine the benefits of this worthwhile program. A more appropriate direction would be to ask for evidence of vigorous enforcement of existing guidelines, coupled with acceptable levels of funding to insure that all segments of society are offered the opportunity for equal and just treatment by all levels of government.●

FAILURE OF U.S. POLICY IN GRENADA

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. CONYERS. Mr. Speaker, as we begin to sift through the aftermath of the invasion of Grenada, we have almost overlooked the U.S. foreign policy which took U.S. marines to that tiny island in the first place. Last August 2 in the RECORD I pointed out that foreign policy making between Grenada and the United States had been conducted in the media, and was largely based on half-truths.

In spite of the fact that Prime Minister of Grenada, Maurice Bishop, had repeatedly asked the United States for a warming of relations between his country and ours, he was rebuffed and portrayed by the administration as an enemy of the United States.

Prime Minister Bishop came to Washington last June and spoke to the Congressional Black Caucus, many other Members of Congress, and individuals in the Reagan administration. In addition, he addressed the sixth annual dinner of TransAfrica, and emphasized his eagerness for a constructive U.S. foreign policy toward, not only Grenada, but toward other Caribbean and Central American governments, which came to power after defeating regimes commonly regarded as oppressive and undemocratic. He emphasized his determination to move toward holding elections in Grenada.

After Prime Minister Bishop returned home from this visit, he wrote to me and thanked me for meeting with him, and once again expressed his willingness for peace and harmony in the Caribbean.

It is, I think, appropriate and timely that selected parts of Prime Minister Bishop's speech to TransAfrica be included in the CONGRESSIONAL RECORD, along with his last letter to me, so that we may ask ourselves if the tragic deaths of Americans, Grenadians, and Cubans could have been avoided this past week in Grenada. I would hope, also, that these comments will be carefully considered and reflected upon as we watch the escalation of increased hostility toward other regimes in Central America.

EXCERPTS OF PRIME MINISTER MAURICE BISHOP'S SPEECH TO TRANSAFRICA, JUNE 4, 1983

Distinguished Members and Friends of TransAfrica, I am greatly honoured, and greatly moved, to find myself here tonight in the presence of a gathering of some of the finest sons and daughters of the heroic Black American people.

The links between our people and the 30 million black people of America go far back into the chronicles of the European assault on our ancestral land and the enforced transportation of our ancestors to the Americas.

The struggle of the black American people has been a constant source of inspiration to the liberation struggles of the peoples of the world. In every corner of the earth where people are struggling or have struggled to win their freedom, the names of your great leaders are honoured, and people draw strength from your struggles and your victories.

The history, the problems and the aspirations of the masses of people of Africa, the Caribbean and Black America are extraordinarily similar, and that is why TransAfrica is an organization with so much meaning and relevance to us all.

I must also say that our country, Grenada, with the same fierce determination as that of African states and Black America, has embraced Africa's number one priority: full unconditional liberations and self-determination for Southern Africa.

But sisters and brothers, to be very open and frank, what worries us about the Southern African struggle is not just the brutal, aggressive and expansionist policies of South Africa, but also the attitude of the powerful U.S.A. administration and the conditions of misery and suffering in that part of the world. The warm and friendly relations between the United States and South African government in defiance of the UN is really an affront to humanity. The open hostility of the United States Administration to Grenada while at the same time embracing South Africa underlines the serious hypocrisy of the present Administration.

In Central America what we are experiencing is the extension of the same attitude that again negates the interests and aspirations of the people of this region.

Consider the case of Nicaragua, whose people have suffered so much during this century from military invasion of their country, through the many years of brutal and corrupt Somoza dynasty, to this day of CIA backed and trained counter-revolutionairies and mercenaries. What crimes have the Nicaraguans committed? The only crime that they are guilty of is the same committed by the American colonies in their war of independence: the struggle for justice and self-determination.

At home in Grenada, our people have never failed to contrast the poor state of relations between the United States and Grenada today with the embrace that the brutal, and corrupt dictator, Eric Gairy received from successive U.S. Governments before the revolution.

Up till very recently, our requests for dialogue have been met consistently with economic, political, diplomatic and military pressures on our young revolution. From the very first days of coming to power, the United States pursued a policy which showed no respect for our national pride

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and aspirations, and sought constantly to bring the Revolution to its knees.

We have faced tremendous adverse propaganda, especially against our new international airport project. We faced military pressure in August 1981 from a naval exercise called "Operation "Amber and Amberdines" designed to intimidate Grenada. Our request for exchange of Ambassadors has not been responded to.

The United States has continued to raise the issue of free elections, but the new Grenada, like your country, was born in a great revolutionary act of liberation. The American Revolution gave itself a period of thirteen years to consolidate before holding the first elections. In South Africa there is no electoral process for Blacks, who are the majority of the population. And, let us recall that despite the fact that the government of President Salvador Allende of Chile, was duly elected and instituted yet none of this detered a previous U.S. Administration from violently overthrowing this regime.

Sisters and brothers and friends, despite all of these clear inconsistencies, these painful and damaging actions against Grenada, this clear pattern of unfriendliness, we remain fervently committed to the normalization and improvement of relations with your government, for this is in the best interests of our two peoples. In these very days we are engaged in an earnest search for meaningful dialogue at appropriate levels and as far as Grenada is concerned we are willing to go into talks with an open mind and without preconditions. For us the true bottom line is—let us talk now."

JUNE 7, 1983.

Congressman JOHN CONYERS,
Rayburn House Office Building,
Washington, D.C.

DEAR JOHN: On behalf of the People's Revolutionary Government and people of Grenada, I want to personally thank you for facilitating my recent visit to the United States.

I am confident that my visit to Washington, Detroit and New York and my meetings with yourself and other members of the Congressional Black Caucus will go a long way towards improving the relations between our two countries. I am also convinced that my visit has gone a long way towards further cementing the natural alliance between our black sisters and brothers in our two countries.

As you know, we in Grenada are firmly committed to peace and harmony in our American region. Equally we are convinced that this commitment cannot become a reality unless the nations of our hemisphere are committed to the principles of respect for sovereignity and non-interference into each others internal affairs. As we struggle for this principle, I know that we can look to you and your colleagues for firm support.

In closing I extend to you and your colleagues in the Black Caucus an open invitation to visit us at any time.

Sincerely,

MAURICE BISHOP,
Prime Minister.●

A RAY OF HOPE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. PORTER. Mr. Speaker, on the occasion of National Drug Education Week, I would like to point to the many parents across the country who are constructively addressing the tragedy of drug and alcohol use among our young people.

Although drug use is not a new problem in this country, it has become frighteningly epidemic. More and more children are experimenting with drugs and alcohol at a younger and younger age to the extent that drugs and alcohol together have become the leading cause of death among American teenagers. Some 16,000 young people were killed in a recent year in alcohol-related traffic fatalities alone; 50 percent of the 5,000 teenage suicides last year were attributed to alcohol and pills.

A ray of hope in this unfortunate situation is that parents around the country are courageously facing the possibility that their own children are being robbed of a normal and healthy childhood through the specter of drug and alcohol abuse. At least 5,000 parent peer groups have been organized and are working energetically to deter the use of alcohol and drugs among their communities' young people.

Hopefully the determined efforts and successes of these concerned parent groups will be built upon through their sponsorship of an upcoming public television broadcast of "The Chemical People," a two-part series designed to bring parents and citizens together and offer them guidelines for helping young people. Last night and on November 9, communities in my district will be among 12,000 communities around the country gathering to watch this broadcast. Program 1 will supply hard information about the alcohol and drug abuse problem and lead to a discussion of the local situation. Program 2 will focus on how other parents, schools, and neighbors are fighting drugs and alcohol and provide the basis for the establishment of a community task force.

Recently, the director of "The Gateway" a comprehensive treatment program for chemically dependent adolescents, Dr. Joseph Novello, testified before a crisis intervention hearing of the Select Committee on Children, Youth, and Families. In his testimony, Dr. Novello pointed out that:

> No one single group or institution is at "fault" (for the epidemic of teenager drug abuse): not the Federal Government, not parents, not the schools, not the media, not even psychiatrists—and surely not the teenagers themselves.

He went on to stress, however, that:

> If none of us stands alone as the problem—we must stand together as the solution.

I would like to applaud the dedicated individuals in my district and across the country who have committed themselves to be part of this solution. They have translated their love for their children into an honest and determined campaign for their future. Their efforts should serve as an inspiration to involvement for us all.●

ACID RAIN

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. FORSYTHE. Mr. Speaker, I would like to bring to the attention of my colleagues the recent remarks of John D. Feehan, chairman of the board and president of Atlantic City Electric Co. I think Mr. Feehan's comments are worthy of our consideration as we deal with the issue of acid rain.

His remarks follow:

REMARKS OF JOHN D. FEEHAN

My name is John Feehan and I am Chairman of the Board and President of Atlantic City Electric Company which serves the electric energy needs of the Southern third of this State. In recent years I have also served as President of the New Jersey Utility Association, as Chairman of the Board of the New Jersey State Chamber of Commerce, as Chairman of the New Jersey Capital Budgeting and Planning Commission and as a Director of the Governor's Management Improvement Project. I mention these other activities to suggest that my remarks come from a broader perspective than simply that of a utility chief executive.

I want to commence by wishing you a "Happy Anniversary." Ten years ago, almost to this exact date, the Arab Oil Embargo commenced. That event had a worldwide and continuing impact on energy prices and rampant inflation. In New Jersey we saw a major disruption in energy supply and a dramatic increase in the cost of all forms of energy, including electricity. Was that event unpredictable—my answer to that is a resounding "No."

In 1971 I testified before this very New Jersey Clean Air Council when New Jersey Department of Environmental Protection was hell-bent on driving the last trace of coal out of New Jersey by its very stringent particulate, smoke and SO_2 regulations. We warned that we were being forced to use low sulfur overseas oil. I testified in 1971 as follows:

"In the current fuels crisis, the complete elimination of a basic fuel source (coal) is pure folly and places this State, the East Coast and the Nation in an extremely vulnerable position." "—85 percent of the East Coast oil comes from foreign sources on foreign ships under foreign flags. This oil supply is subject to disruption due to the volatile Mid-East situation, tanker shortages, strikes in transportation, port tie-ups, etc. On January 24, 1971 the Shah of Iran declared that the 10 major oil-producing countries, members of OPEC, will consider shutting off oil to the West if there is a breakdown in talks with international oil firms on higher prices."

I went on to say: "Elimination of coal and complete dependence on foreign oil also subjects us to uncontrolled price escalation by the producing nations and by the oil companies. We will have lost all flexibility in fuels and all competition. Already we have seen oil prices at our plants in 1970 go from $1.83/bbl to $4.67/bbl."

"Placing the Nation in this position of dependence and vulnerability could result in our being brought to our knees by a cutoff of this foreign oil or even worse, being drawn into an international confrontation and conflagration because this lifeblood has been cut off."

"In this continuing fuels crises, flexibility in fuel supply is the essential ingredient in order to protect ourselves. For this reason we beseech you not to drive coal completely out of the State with these proposed changes—"

No one would listen to that warning in 1971 and New Jersey and the Nation went pell mell on its path to greater dependence on overseas oil. Coal was essentially banned in New Jersey so that by the time the Arab Oil Embargo hit 10 years ago this week, fully 75 percent of the electricity in our service area came from overseas oil.

With the embargo, that 1970 price for oil of $1.83/bbl went to $12/bbl. With the actions of the Ayotallah Khomeni in 1980 the price of oil went over $30/bbl and is currently at $29/bbl. The present price of oil is 16 times higher than it was in 1970! This escalation in oil prices continues to plague this Nation, particularly in our balance of payments problems.

These events disrupted the coal market as well. In 1970 coal delivered to our system cost about $9/ton. Today we are paying around $49/ton, a fivefold increase.

As a result of these increases in fuel costs and the worldwide inflation they spawned, the price of electricity in New Jersey has risen from 2½¢/kilowatthour in 1970 to 8.6¢/kilowatthour in 1983, a three-fold increase.

Please forgive me if I seem to dwell too much on these past events but I think it is important that we not lose sight of the lessons we should have learned when the OPEC'ers and the Ayotollah picked up their two-by-fours and hit us over the head. We are still vulnerable to worldwise disruption of oil supply and escalation in oil prices. We could easily leave this meeting to be greeted by the news that Iran has closed the Straits of Hormuz in response to Iraqi airborne missile attacks on their oil facilities.

We have made some progress as a Nation in reducing our dependence on overseas oil but we are still vulnerable and our balance-of-payments (largely oil driven) are still a major economic problem. At Atlantic Electric, we have made substantial progress in reducing our dependence on overseas oil. By greater use of coal in our own generating units, by greater use of coal-fired energy from the Midwest and by the advent of nuclear power, we have reduced our dependence on overseas oil to less than 20 percent. A remarkable achievement, going from 75 percent dependent to less than 20 percent dependent! This was accomplished by dint of great effort, major capital expenditures and a conviction that we had to do our share to get out from under the blackmail of foreign oil. In some cases we practically doubled the investment at our generating facilities to achieve this result in an environmentally sound manner.

"So what is the point of all this, John"? The point is that Congress and the Nation is being stampeded into doing something drastic about acid rain. There are still legitimate questions about the extent of the problem, the contributions of men and nature, and the effectiveness of proposed cures. But there is tremendous emotional and political pressure to do something.

I want to applaud you for your scientific approach in these hearings in order that we might get better facts before we plunge headlong into an extremely expensive program which can have drastic impacts on New Jersey and the Nation. Many of the proposed programs are terribly expensive and they will impact the people of New Jersey. If we "clobber" the Midwest with this program, we will see sharply higher costs for electricity in New Jersey, as Mr. Geiger will testify. Worse than that, we will see greater use of foreign oil with all that portends in terms of security, inflation, international blackmail and balance-of-payments.

The greatest irony of the situation is that the reason we can get low-cost coal energy from the Midwest is because that area is so economically depressed with the auto industry, heavy machinery and steel all in dire straits. If we impose higher electricity costs on that area because of hastily and ill-conceived acid rain measures, we will only add to the uncompetitiveness of American industry. And that is the bottom line—sooner or later we have to sell things overseas or our whole economy collapses. To the extent we needlessly make this Nation less competitive, we greatly aggravate our balance-of-payments problems. To the extent such an acid rain program forces us to overseas oil, our balance-of-payments problem gets even further impacted.

My message to you today: be a voice for reasonableness. Be a voice for getting solid facts before we plunge headlong into programs which could waste billions on the wrong solution to what is at best a poorly perceived problem. Be a voice for reasonableness—we really dont's want to come back in another 10 years and go through all of this again!

Thank you for listening. Thank you for your efforts to get the facts.●

DECOMMISSIONING CIVIL RIGHTS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. SIMON. Mr. Speaker, last week, while the Nation's attention was focused on the marine troop fatalities in Lebanon and the invasion of Grenada, the President told three members of the U.S. Commission on Civil Rights he was terminating them before the future of the Commission and the fate of his own nominees could be resolved by Congress. The President's action—coming after numerous bipartisan attempts to accommodate the administration, without undermining the Commission's independence—should be viewed as one in a series of steps to reverse the Nation's civil rights progress over the past 30 years since Brown against Board of Education. Let us look at the Reagan civil rights record in the area of higher education:

> In February 1981, the Department of Education tried to exempt from existing regulatory coverage and civil rights requirements more than 3,500 postsecondary institutions which receive and benefit from student aid under Title IV of the Higher Education Act. This would be done in order to prevent a Federal court decision upholding existing enforcement responsibilities. The Department's proposal to the Justice Department would have ceased counting Pell Grants and Guaranteed Student Loans as Federal assistance for purposes of Title VI of the CRA, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973.
>
> In January 1982, the Treasury Department abandoned a 10-year policy of denying tax exemptions to racially discriminatory private schools, including colleges and universities. In defending its new policy before the Supreme Court, the Administration urged the Court to reverse two lower court decisions against Bob Jones University and the Goldsboro Christian School. Fortunately, the Court rejected the Administration's arguments and its new policy of providing tax benefits to those who discriminate.
>
> Recently, in August, 1983, the Justice Department, in the government's brief in Grove City College v. Bell, took the novel legal position that private funds loaned to a student to attend college—federally guaranteed and subsidized—can only be traced to the student aid office at the recipient institution. This ignores the obvious fact that the loan pays tuition and fees which support every aspect of the institution.

These few examples in higher education barely scratch the surface of the Reagan civil rights retreat in housing, education and employment.

Now the Reagan administration wants to decommission civil rights. The U.S. Commission on Civil Rights is the oldest civil rights agency in the Federal Government, created during the Eisenhower administration by the Civil Rights Act of 1957. It is an "* * * independent bipartisan, fact-finding agency" with no real power except to investigate the facts and report its findings to the Congress and to the President. Because the Commission is an independent agency and because it reports to the executive and the legislative branches of Government, its recommendations over the years have carried great weight. As former Commission Chairman, Father Theodore M. Hesburgh, CSC wrote in the Notre Dame Lawyer:

> From the beginning, the Commission on Civil Rights' has been considered an "independent" agency, although the word does not appear in the Civil Rights Act of 1957 which established the Commission as an agency "in the executive branch of the Government." The Act did endow the Commission with bipartisanship, one of the attributes of independence. If no more than three of the six Commissioners can be members of the same party, the President is not

> expected to control the Commission. Bipartisanship was further strengthened in 1964 by an amendment providing that even Commission subcommittees shall be nonpartisan.
>
> The Eisenhower administration proposal, which became the Civil Rights Act of 1957, called for a bipartisan, executive Commission. . . .
>
> The source of the proposal was the 1947 report of the President's Committee on Civil Rights (the Truman Committee) which recommended the establishment of a permanent Commission on Civil Rights in the Executive Office of the President and the simultaneous creation of a Joint Standing Committee on Civil Rights in the Congress.
>
> President Truman sent a civil rights bill to Congress in 1948 calling for both of these measures, but it failed to pass. In the 1956 and 1957 civil rights bills sent to Congress by President Eisenhower, only an executive commission was proposed. Senator Paul Douglas, one of the legislation's sponsors, explained that fear of Southern resistance led to abandonment of the "Congressional Committee" proposal. That abandonment probably gave rise, however, to the idea of a bipartisan rather than a purely "executive" commission. The influence of the Joint Congressional Committee concept might also explain why the Commission was required to report to the Congress as well as to the President.

The current political debate surrounding the extension of the Commission's life is troubling. The President apparently wants to remove three current Commissioners and appoint people who agree with him on school desegregation and affirmative action policy—a move which undermines the Commission's independence. Other Chief Executives have disagreed with the Commission—Presidents Kennedy and Nixon to name just two—but none of them have tried to remake the agency in their own political image. That is not what Congress intended in 1957, when it gave the President the power of appointment, nor what it will permit in 1983 if the President abuses that power.

The Commission's independence and its dual reporting responsibility are essential to its mandate as the Nation's conscience on civil rights issues. The President and Congress may not like what the Commission has to say, but we surely ought to listen.

Since President Reagan has committed his administration to reversing the civil rights policies of three Republican and three Democratic Presidents—which enjoyed bipartisan support in the Congress and were consistently upheld by the Supreme Court of the United States—it is even more important to have a Commission on Civil Rights. That Commission must maintain all of the three essential qualities envisioned in the 1957 Act:

> Independence;
>
> Reporting membership; and
>
> Reporting responsibility to the executive and legislative branches of Government.

It should also have a legislative mandate to file amicus curiae or friend of the Court briefs in civil rights cases before the Supreme Court. If these principles cannot be included in legislation which can be enacted before the current Commission expires, I hope the Judiciary Committee and the House leadership will commit themselves to passing new legislation early in the next session.●

VOTES ON OCTOBER 31, 1983

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. WALGREN. Mr. Speaker, on Monday, while traveling from my district, I—along with many other Members—missed two votes that were not anticipated to be scheduled.

Had I been present, I would have voted aye on the motion by Mr. Brown to instruct the conferees to oppose turning over $20 million to the Democratic and Republican parties to promote democracy abroad.

The House on June 9 approved an amendment eliminating any contribution of tax funds to either political party for this purpose. I do not think that subsidizing either the Democratic or Republican parties is an appropriate use of tax money.●

HOUSE JOINT RESOLUTION 409

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, I am today introducing a joint resolution to prohibit the Department of the Navy or any Federal agency from using funds to dispose of the Naval Arctic Research Laboratory near Barrow, Alaska, except under certain circumstances.

The Naval Arctic Research Laboratory, or NARL as it is called, is a research facility located on the North Slope of Alaska. It is adjacent to the village of Barrow, Alaska, and directly west of our enormous oil fields at Prudhoe Bay. For years, the Department of the Navy has conducted research from NARL, using the facilities to stage research expeditions which sought to teach us more about man's ability to function in an arctic climate. The Navy has indicated its interest in closing its program on arctic research, and is planning to spend some $10 to $20 million to dismantle this physical structure. This resolution, identical to a Senate passed measure, would prohibit the Department of the Navy from spending money to dismantle a valuable structure.

In addition to saving the taxpayer money, my resolution would allow some time for alternative uses for the facility to be developed. The village of Barrow has expressed an interest in acquiring the structure, for possible use as a vocational training center or as a staging area for research activities conducted by public and private interests. As you know, the Arctic is a virtual treasurehouse of natural resource wealth, as evidenced by Prudhoe Bay, North America's largest oil-producing structure. Yet the arctic is also a very fragile ecosystem, in which indigenous peoples utilize nature to provide for their subsistence lifestyle. Any such exploitation of natural resources, therefore, must be done in a way that allows the continued protection of the environment. Toward that end, the Senate has passed a bill to establish an Arctic research policy, designed to learn more about the Arctic and man's part in the Arctic. This bill is presently before the Science and Technology Committee in the House, where it is expected to be acted upon in the immediate future. With the possible enactment of this legislation, the facility on the North Slope of Alaska may provide a low cost alternative to construction of a new physical plant, and therefore, should be retained at least until an appraisal of the economics of such use is ascertained. This resolution would direct that some time be bought for the facility during consideration of the legislation, while at the same time preserving the options for its future use and slowing the burden on the taxpayer. I would hope that the House would act quickly, as did the Senate, in adopting this prudent initiative, and I ask that the bill be inserted in the Record. Thank you, Mr. Speaker.●

A RARE COMBINATION

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. FISH. Mr. Speaker, it is not often that one finds a person whose physical talents and mental prowess clearly stand out above his peers. For those who possess such unique gifts. A Rhodes scholarship, a wide choice of careers, and the admiration of friends and the public await.

I am fortunate to have one of these individuals as a constituent. Despite his young age of 13, Nolan Glantz of Crompond, N.Y., is already a men's champion doubles racketball player. His ability is too great for others his age.

Aside from his formidable athletic skills, Nolan also is a gifted math student. On the scholastic aptitude test for math, normally administered to 17- and 18-year-olds in 11th and 12th grade, Nolan last December at the age of 12 scored 700 out of a possible 800.

He is a national champion in the "Olympics of the Mind" competition.

Recognizing his enormous talent, this week's Sports Illustrated published an article on Nolan's accomplishments. The article follows:

> A MOST PRECOCIOUS LAD
>
> In the interest of extolling exceptional athletes regardless of age, we hereby introduce Nolan Glantz, an eight-grader at the Lakeland (N.Y.) Middle School. Nolan is all of 5'1" and 100 pounds, but last summer he won the American Amateur Racquetball Association championship for boys 12-and-under by scores of 15-1 and 15-3. Nolan, who can drive the ball a stunning 106 mph, also shared the doubles crown for the second time. He has won any number of other titles, including the New York State Open Men's B doubles.
>
> Nolan is an academic star, too. He's in the National Junior Honor Society, was the top point-scorer on the school math team and has received get-acquainted letters from MIT and Cal Tech. Last December, while a seventh-grader, he scored 700 of a possible 800 on the math SAT, a test ordinarily administered to high school juniors and seniors, in Johns Hopkins' search for mathematically precocious youngsters. Along with his sister Anita, and three other Lakeland Middle School students, he participated in the Olympics of the Mind competition, and his team won the local, state and national titles in its division. He has played first cello in the school orchestra and now plays first violin.
>
> Nolan, who recently turned 13, is planning to become a racquetball professional within the next two years so as to play in the Men's Pro division. He already has two sponsors, Footjoy shoes and Ektelon racquets. He more than holds his own now against most adults on the court, as witness the end of this poem that Louis Faiella, 35, wrote after getting drubbed by the lad:
>
> Embarrassed by this carrottop
> I quickly ran and hid,
> And the only thing that I could say:
> "Who was that rotten kid?"●

PERSONAL EXPLANATION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, during consideration of H.R. 1234, the Fair Practices in Automotive Products Act, I voted present on the amendments and on final passage of the bill.

Before I came to the House of Representatives, I was in the automobile business and my family still operates a dealership in Dade County, Fla. Because of my family's involvement in authorized dealerships of both American and foreign cars, I felt that my voting on this particular bill might be considered a conflict of interest. I therefore voted present.●

HILLCREST WELCOMES THE CHIEF RABBIS OF ISRAEL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. ACKERMAN. Mr. Speaker, it is with great pleasure that I rise today to draw the attention of my colleagues to a unique event which will take place in my district on Wednesday, November 9. My pleasure stems from the fact that it is a rare opportunity, indeed, for a community to host and extend greetings to the two Chief Rabbis of the State of Israel.

I, therefore, welcome the opportunity to mark this occasion by saluting Rabbi Avraham Shapira and Rabbi Mordechai Eliyahu on their first official journey to these United States, and on their joint participation in a "Torah Conclave" held in their honor by my constituents of the Young Israel of Hillcrest.

Mr. Speaker, it was the great American statesman Benjamin Franklin who suggested, "A good example is the best sermon." Our guests are men of faith and scholarship whose exemplary intellectual and spiritual achievements have earned them the prestigious position to which their peers have elected them.

Together, the Chief Rabbis portray the quintessential qualities of religious harmony and mutual respect, while individually each nobly represents the rich heritage of his ancestral traditions.

Rabbi Mordechai Eliyahu, known as the Sephardic Rishon Le-Tzion, is a descendent of a famous Jerusalemite Kabbalistic family. He received his ordination at the Porat Yosef Rabbinic Seminary, and for many years served as Justice of the Rabbinic Court of Jerusalem. Rabbi Eliyahu is widely recognized as a Halachic authority.

Rabbi Avraham Shapira, the Ashkenazic Chief Rabbi, is a sixth-generation Jerusalemite who was ordained by the leading rabbis of the previous generation. Currently he heads a rabbinic seminary, and also serves on the Rabbinical Supreme Court and Chief Rabbinate Council of Israel.

Mr. Speaker, in these days of international strife, it behooves us to pause and be inspired by these men of peace and erudition, for, indeed, their example of coexistence is greater than any sermon. I, therefore, call on all Members of Congress to join me in this tribute to the worthy Rabbis and in wishing them success in all their future endeavors.

I also wish to take this opportunity to acknowledge the sponsoring organizations whose efforts make the Rabbis' visit possible: Vaad HaRabbonim of Queens, Mizrachi-HaPoel HaMizrachi, the Young Israel of Hillcrest, and its spiritual leader, Rabbi Simcha Krauss.●

SOLARZ PAYS TRIBUTE TO A SCHOLAR: PROFESSOR CACIAGLI

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. SOLARZ. Mr. Speaker, from time to time, our office has met with, and learned from, a distinguished member of the International Meeting for the Development of Neuroscience, Prof. Francesco Caciagli. Since he has been traveling in the United States recently, I wanted to pay tribute to him.

Professor Caciagli has been performing extensive research on neurotransmitters in the cyclic nucleotide systems and to date has 40 publications to his credit.

He received his medical degree from the University of Pisa in 1971. Professor Caciagli has participated in research studies in Pisa, Ferrara, and Chieti, Italy, and in Israel.

In 1979, the professor organized the Italian Society of Neuropsychopharmacology and has remained an active member. He is also a member of the Italian Society of Biology and is a full professor at the University of Chieti Medical College.

Of Professor Caciagli's work, I am reminded of the words of Lord Acton who said of men of science:

> Theirs is the logic of discovery, the demonstration of the advance of knowledge and the development of ideas, which, as the earthly wants and passions of men remain almost unchanged, are the charter of progress, and the vital spark in history.●

RESTON AND LEWIS SEE TIME RUNNING OUT FOR U.S.-SOVIET NEGOTIATIONS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. WALGREN. Mr. Speaker, at the height of tension (and euphoria in public opinion) over the invasion of Grenada, I hope we will keep in mind the seriousness and the danger of failing to talk with the Soviet Union.

It is striking that both James Reston and Anthony Lewis wrote major editorials on this subject within a day of each other. I hope all my colleagues would read and ponder the truths of these articles in the light of today's events.

[From the Post-Gazette, Oct. 3, 1983]

TIME IS RUNNING OUT FOR NUCLEAR ARMS TALKS

(By James Reston)

UNITED NATIONS.—The relations between the United States and the Soviet Union have been so bad lately that there's a tendency here at the United Nations to believe that Yuri Andropov has abandoned hope of reaching a compromise on the control of nuclear weapons with President Reagan, and will therefore wait and maneuver for a change of administration in Washington.

If so, this may be the worst idea the Soviets have had since they shot down the South Korean plane. There are now over 400 days until the U.S. presidential election of 1984, and time is not on the side of compromise or common sense.

Every few days, while Reagan and Andropov and other politicians exchange insults, the technicians on both sides add one or two more nuclear missiles to their arsenals.

In a private conversation with a few reporters here the other day, President Mitterrand of France deplored the "politics of passion." And he reminded the General Assembly of the United Nations that each of the two superpowers "has a nuclear system of 2,000 to 3,000 launchers, carrying 8,000 to 9,000 nuclear warheads . . . which could reach and destroy each other seven or eight times over." That, he thought, was more than enough.

As to the theory that things will get better if Washington and Moscow only wait for new and more sensible leaders to come to power, this is a shared illusion unsupported by history.

Maybe there was something to it in the period between Stalin and Nikita Khrushchev in Moscow, but since then, not much. Washington waited for a long time, watching the decline of Leonid Brezhnev's health, and hoping that maybe a new generation, better educated and informed about the West, just might believe that the two major nuclear powers had more to gain by cooperation than by confrontation.

If anything, things have become worse, and the troubling silence of Andropov during most of the Korean plane controversy has raised doubt about whether he's commanding the military or vice versa.

As to the idle chatter here in the U.N. delegates' lounge about the Soviets trying to influence the coming U.S. presidential election, nothing could be sillier. For every time the Soviets have tried to fiddle with public opinion in democratic elections, knowing so little about it, they have failed—most recently in the West German election. And obviously, the more they tried to defeat Reagan by opposing him and waiting for somebody else, the more they would provoke him to run and assure his re-election.

Fortunately, there are one or two signs of caution on both sides. In his speech here, Reagan made a few amendments to his original nuclear proposals and said: "The door to an agreement is open. It is time for the Soviet Union to walk through it."

Andropov, in reply, resented what he termed Reagan's "malicious attacks" on the Soviet Union but he didn't slam the door. "We do not base our policy on emotions," he said, and concluded that the arms race could still be brought under control.

But time is now an important factor. There are only a few short weeks for negotiations at Geneva before the United States will be deploying its new nuclear cruise and Pershing 2 missiles in West Germany, Britain and Italy.

Also, coming into the last quarter of the year, before the presidential election campaign begins in earnest at the outset of the new year, there is just a brief chance now for serious negotiations. The atmosphere is not good, but it will be harder to reach an accommodation after both sides put more missiles closer to one another, and after the presidential campaign begins in 1984.

The White House seemed to recognize the danger of loitering into a renewal of the Cold War. It did not ignore Andropov's rejection of Reagan's "Open Door" proposal, but in an official statement, said:

"While we disagree profoundly on the way human society should be organized . . . we know that we must live on the same planet and that peace is imperative to mankind if it is to survive."

So we'll see in the short time that's left before the missiles are moved closer to one another whether the Soviets are going to negotiate or wait for the next election.

Everything that can be said by Moscow and Washington against one another has been said over and over again. What we need now is a little silence, and a chance for serious nuclear negotiations at Geneva before the technicians produce more weapons and the presidential candidates take over.

HAS ANTI-SOVIET TALK GONE TOO FAR?

(By Anthony Lewis)

BOSTON.—The Reagan policy for dealing with the Soviet Union—bristling words and an all-out arms race—is flourishing as never before. The administration has succeeded in using the Korean airliner incident to intensify anti-Soviet rhetoric and win congressional approval of an array of new weapons.

But a funny thing has happened. At the moment of its fullest application, the policy has proved bankrupt. A number of administration officials, realizing the dangers, are alarmed. Even Ronald Reagan may have an inkling.

The event that put a chill on Washington was the statement by Yuri V. Andropov on relations with the United States. Putting his personal imprimatur on the position, the Soviet leader painted the administration's policy as unremittingly hostile and implied that there was no point in trying to do business with such a government. Any "illusions" of "a possible evolution for the better" in its policy, he said, had been "finally dispelled."

The Andropov statement caused concern for evident reasons. It is one thing to give sermons about the evil of the Soviet system. It is quite another to wake up and realize that the leaders of the other superpower no longer think it worth talking to you about matters engaging the fate of mankind.

If meaningful communication breaks down, the consequences could be immediate and severe on the question of medium-range nuclear missiles in Europe. The United States is scheduled to begin flying Pershing 2 missiles to West Germany in about six weeks. Many Europeans have been hoping for last-minute progress in the Soviet-American arms talks that would forestall the deployment. But the Andropov statement turns that possibility from remote to just about nonexistent.

Once the deployment of Pershings and cruise missiles begins, the Russians may take some threatening action in response. They might deploy missiles in East Germany. They might move nuclear-armed submarines closer to the American East Coast. It takes no great imagination to see how such steps could heighten the present mood of confrontation and increase the risk of fatal misadventure.

A perception of such danger seems suddenly to have struck the Reagan administration. Secretary of State George P. Shultz has reportedly told colleagues that the strident and prolonged American criticism of the Soviets over the downing of the Korean airliner may have had unintended consequences.

But only someone grossly uninformed about the Soviet Union could have failed to appreciate how the Russians might react to the words used by this administration—and not just since the incident. For two and one-half years Reagan has directed the harshest language at Soviet leaders, really denying their legitimacy. And they do care, morbidly, about attacks of that kind.

The blithe ignorance of the administration in its use of rhetoric has been matched in its notion has been matched in its notion of frightening the Soviet Union into submissiveness by an arms race. The Russians have matched every previous American weapons buildup, or exceeded it, and there is no reason to think that this arms race will end differently.

Dealing with the Soviet Union is enormously difficult and frustrating. Its system is cruel, its reactions verging sometimes on the paranoid.

But what is the alternative to negotiation? Can anyone really believe that keeping its foreign minister out of New York will impress the Soviet Union? Other proposals advanced by the American right are equally irrelevant. Insult, bluster and threat do not work. No, there is no alternative to the hard work of talking—and trying to define the common interest, theirs and ours, in survival.

That is the point of a remarkable article by George Kennan in the current issue of The New Yorker. The piece is a cri de coeur from a man who has devoted his life to the problem of dealing with the Soviets.

For all its conspiratorial nature, Kennan says, the Soviet regime has a deep interest in avoiding war. But the Reagan administration acts as if that reality did not exist, as if the Russians were 10 feet tall, as if they had no problems, as if they could be stopped from world conquest by only military force. Then he writes:

"This view is, if one will forgive my language, simply childish, inexcusably childish, unworthy of people charged with the responsibility of conducting the affairs of a great power in an endangered world."

It is a more dangerous world today than it was on Jan. 20, 1981. Ordinary communication with the Soviet Union has virtually ceased. Our leaders talk about the relationship more and more in military terms—to the point, Mr. Kennan says, where the ordinary citizen "is compelled to conclude that some sort of military showdown is the only conceivable denouement."●

A TRIBUTE TO DR. GERALD E. THOMSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. RANGEL. Mr. Speaker, I rise to commend the very fine work of Dr.

Gerald E. Thomson, Lambert professor of medicine, College of Physicians and Surgeons of Columbia University.

Dr. Thomson is part of the rare breed who are committed to the service of others. He is a man of high character who has devoted his life to physiological research, patient care, kidney research, and the supervision of the education of young doctors. His contribution to medical science has been invaluable, and he richly deserves the recognition of his peers.

To this end, Dr. Thomson will be recipient of the National Medical Award. It will be presented by the Kidney Foundation of New York/New Jersey in honor of his career of public service. This award is among the highest achievements in his profession, and will be presented to him on January 21, 1984, in New York.

I want to point out, Mr. Speaker, that Dr. Thomson is also the director of medicine at Harlem Hospital Center. I mention this to point out how well rounded and dedicated he really is.

He has done as much as is humanly possible to improve his profession. He is committed to the ideals of medical science, and is an example that young doctors should strive to emulate. It is in this spirit that I rise to recognize his dedication and service.●

VOTE ON H.R. 2867

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 1983

● Mr. MOORE. Mr. Speaker, H.R. 2867, the Hazardous Waste Control and Enforcement Act, passed the House this evening by a voice vote. I want the RECORD to show that I was present, on the House floor, and voted "aye" on final passage of this important legislation.●

HOUSE OF REPRESENTATIVES—*Friday, November 4, 1983*

The House met at 10 a.m., and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
November 3, 1983.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Friday, November 4, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O Almighty God, Your creation reaches to the highest mountain and to the ends of the world, and Your love touches the soul of every person. We pray that Your spirit will encourage those people whose lives are devoted to helping the needy, the hungry, the homeless, the neglected and forgotten, the refugee. May we share of the gifts we have received for the alleviation of suffering, for it is in giving to others that we receive the full bounty of Your blessings. In Your name, we pray. Amen.

THE JOURNAL

The **SPEAKER** pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. **KASICH**. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The **SPEAKER** pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. **KASICH**. Mr. Speaker, I object to the vote on ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 280, nays 24, answered "present" 8, not voting 121, as follows:

[Roll No. 453]

YEAS—280

Ackerman
Albosta
Anderson
Andrews (TX)
Annunzio
Archer
Badham
Bartlett
Bateman
Bates
Bedell
Bennett
Bereuter
Bethune
Bevill
Bilirakis
Boehlert
Boner
Bonior
Borski
Bosco
Boucher
Britt
Brooks
Brown (CA)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Chandler
Clarke
Clinger
Coats
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Cooper
Corcoran
Courter
Coyne
D'Amours
Daniel
Davis
DeWine
Dixon
Donnelly
Dorgan
Duncan
Dwyer
Dyson
Eckart
Edwards (CA)
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Ferraro
Fiedler
Fields
Florio
Foglietta
Fowler
Frank
Frost
Fuqua
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gradison
Gramm
Gray
Green
Gregg
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hayes
Hefner
Hertel
Hightower
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kolter
Kramer
LaFalce
Lagomarsino
Lantos
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levitas
Lewis (CA)
Lewis (FL)
Lloyd
Loeffler
Long (LA)
Long (MD)
Lowery (CA)
Lujan
Luken
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
Martinez
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Moakley
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (WA)
Murtha
Myers
Natcher
Nelson
Nielson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Owens
Oxley
Parris
Patman
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Ritter
Rodino
Roe
Rogers
Roth
Roukema
Rowland
Roybal
Russo
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Spence
Stangeland
Stenholm
Studds
Stump
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Towns
Traxler
Valentine
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitten
Winn
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Zablocki
Zschau

NAYS—24

Brown (CO)
Craig
Dreier
Durbin
Edwards (OK)
Emerson
Evans (IA)
Forsythe
Frenzel
Gejdenson
Goodling
Guarini
Harkin
Hawkins
Levine
Markey
Miller (OH)
Roberts
Roemer
Sabo
Sikorski
Solomon
Staggers
Walker

ANSWERED "PRESENT"—8

Aspin
Carr
Chappie
Dymally
Jacobs
Ottinger
St Germain
Vander Jagt

NOT VOTING—121

Addabbo
Akaka
Alexander
Andrews (NC)
Anthony
Applegate
AuCoin
Barnard
Barnes
Beilenson
Berman
Biaggi
Bliley
Boggs
Boland
Bonker
Boxer
Breaux
Broomfield
Chappell
Cheney
Clay
Coelho
Conyers
Coughlin
Crane, Daniel
Crane, Philip
Crockett
Dannemeyer
Daschle
Daub
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dowdy
Downey
Early
Edgar
Edwards (AL)
Feighan
Fish
Flippo
Foley
Ford (MI)
Ford (TN)
Franklin
Garcia
Gore
Hance
Hansen (ID)
Hansen (UT)
Harrison
Hartnett
Hatcher
Heftel
Hiler
Hillis
Jenkins
Johnson
Kazen
Kindness
Kogovsek
Kostmayer
Latta
Lipinski
Livingston
Lott
Lowry (WA)
Lundine
MacKay
Marriott
Martin (NC)
Matsui
McCain
Michel
Mitchell
Molinari
Morrison (CT)
Mrazek
Murphy
Neal
Nichols
Oberstar
Packard
Panetta
Pashayan
Patterson
Paul
Pritchard
Rinaldo
Robinson
Rose
Rostenkowski
Rudd
Savage
Sawyer
Schroeder
Simon
Skelton
Smith (IA)
Smith, Denny
Solarz
Spratt
Stark
Stokes
Stratton
Sundquist
Torres
Udall
Waxman
Whitley
Whittaker
Williams (MT)
Williams (OH)
Wilson
Wirth
Young (AK)
Young (MO)

☐ 1010

So the Journal was approved.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill and a joint resolution of the Senate of the following titles:

S. 448. An act to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes.

S.J. Res. 92. Joint resolution designating the week beginning May 8, 1983, as "Municipal Clerk's Week".

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 2920) entitled "An act to amend title 38, United States Code, to revise and extend certain health-care programs of the Veterans' Administration, and for other purposes."

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 139. Joint resolution to commemorate the centennial of Eleanor Roosevelt's birth.

□ 1020

COMMEMORATING CENTENNIAL OF ELEANOR ROOSEVELT'S BIRTH

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 139) to commemorate the centennial of Eleanor Roosevelt's birth, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. GEJDENSON). Is there objection to the request of the gentleman from Ohio?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, and I will not object, but would the gentleman explain what is involved here?

Mr. SEIBERLING. If the gentleman will yield, I would be happy to do that.

Mr. SOLOMON. I would be glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I am pleased to support Senate Joint Resolution 139, a resolution to establish a Commission on the Eleanor Roosevelt Centennial. This resolution, which passed the Senate on November 2, is essentially identical to House Joint Resolution 334, introduced by our colleague from New York (Mr. FISH) which was reported by the House Committee on Interior and Insular Affairs on September 30.

Indeed, the Senate amended their bill to conform essentially to ours, and it is acceptable to us.

Briefly, the purpose of the resolution is to commemorate the centennial of the birth of Eleanor Roosevelt, which will occur on October 11, 1984.

The resolution would establish a Commission to encourage and advise on commemorations for the centennial. The Commission is needed to assure national focus and attention for the centennial celebration, which is intended to be a year-long series of programs and activities throughout the country.

House Joint Resolution 334 would also direct the Secretary of the Interior to substantially complete needed improvements at Val-Kill, the Eleanor Roosevelt National Historic Site, N.Y., in fiscal year 1984.

The Commission established by this resolution would include two Members of the House and two of the Senate; six ex officio members, and Eleanor Roosevelt's surviving children. The National Park Service and the General Services Administration would provide assistance and facilities for the use of the Commission and the private Eleanor Roosevelt Institute will provide staff assistance and coordination. Private members of the Commission will serve without pay except for reimbursement for reasonable travel expenses up to a total of $10,000. The Commission would expire on January 1, 1986.

In summary, the resolution would, for a very modest cost, help in the recognition and commemoration of the achievements of one of the most remarkable women of the 20th century, Eleanor Roosevelt.

Before closing, I would like to thank both Mr. FISH and Senator MOYNIHAN for their outstanding leadership on this resolution, and also Mr. WILLIAM FORD, who chairs the Post Office and Civil Service Committee for his willingness to help expedite our consideration of it.

I would also like to thank several staff members, including Bob Peck of Senator MOYNIHAN's staff; Hope Wittenberg of Mr. FISH's staff; and Loretta Neumann and Clay Peters of the Interior Committee staff.

This is an excellent resolution and I urge its passage by the House.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Further reserving the right to object, I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank my friend for yielding.

Mr. Speaker, I would simply want to make sure that one thing is in the bill. As the gentleman from Ohio knows, I have a particular aversion to paying people for performing these kinds of duties when serving on boards. During the discussion, I felt that perhaps we could pay the travel and the subsistence, but not pay $100 a day or $300 a day in addition to travel and subsistence. So one of the amendments I had on there was to limit that to $10,000 so that, in fact, it would accomplish that purpose.

I would like to ask the gentleman, since this is a Senate resolution that we are considering, is this provision in the Senate bill?

Mr. SEIBERLING. If the gentleman will yield further, that is in the Senate bill. The members will be allowed travel expenses and per diem in lieu of subsistence in the same manner as people traveling on Government service, up to a $10,000 total.

Mr. LUJAN. I thank the gentleman.

Mr. SOLOMON. Mr. Speaker, as the Member representing Hyde Park, N.Y.—where the Eleanor Roosevelt Historic Site is located—I am pleased to be one of the original sponsors of this legislation, and I join with my colleagues here today in strongly urging its immediate adoption.

Hyde Park, rich with history and tradition, was just recently added to my congressional district, and I am very proud to represent an area of such importance to our Nation's history. The residents of Hyde Park are justly proud of one of their leading citizens, Eleanor Roosevelt, and I join with them in their excitement about restoring her former home and opening it to the public.

Nothing could be more fitting than to establish the Eleanor Roosevelt National Historic Site at Val-Kill as a place for full public visitation. The passage of this resolution constitutes nothing less than the long-awaited realization of a dream for many of my constituents, and I am both pleased and proud to have been able to play a role in bringing this about.

Mr. Speaker, there is no need at this point to once again recount for my colleagues the many accomplishments of Eleanor Roosevelt, both as our Nation's First Lady and in the years following her husband's death. Mrs. Roosevelt's contributions to the enrichment of American society are well-known, and indeed, there is simply not enough time here this morning to even highlight them. Suffice to say that the action we are taking here in this Chamber today will serve to further memorialize her wonderful work and enhance public awareness of her incomparable career of public service. I urge adoption of the resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 139

Resolved by the Senate and House of Representatives of the United States of America *in Congress assembled,* That the Congress finds and declares that—

(1) Eleanor Roosevelt, who was First Lady of the United States from 1933 to 1945, was one of the country's great First Ladies;

(2) born into wealth and privilege, herself, Eleanor Roosevelt nevertheless worked tirelessly to secure opportunities for disadvantaged Americans and to improve the lot of the needy elsewhere, and particularly in developing countries;

(3) both during and after her services in the White House, Eleanor Roosevelt campaigned indefatigably for human rights in the United States and throughout the world;

(4) Eleanor Roosevelt devoted her efforts especially to promoting the welfare of children;

(5) for this service, for her articulate and compassionate advocacy of the highest American ideals, and for demonstrating by personal example the capacities of American women to succeed in areas of daily life and work from which they were frequently excluded in her day, Eleanor Roosevelt earned a place of honor and respect in the hearts of the American people; and

(6) October 11, 1984, marks the centennial of Eleanor Rooevelt's birth and it is appropriate for Americans to mark this occasion with appropriate commemorations during 1984.

SEC. 2. (a) There is hereby established a Commission on the Eleanor Roosvelt Centennial.

(b) The membership of the Commission shall consist of the following:

(1) two Members of the House of Representatives, designated by the Speaker of the House;

(2) two Members of the Senate, designated by the President pro tempore of the Senate after consultation with the majority leader and the minority leader.

(3) the Director of the National Park Service, ex officio;

(4) the Archivist of the United States, ex officio;

(5) the Librarian of Congress, ex officio;

(6) the Governor of the State of New York ex officio;

(7) the County Executive of Dutchess County, New York, ex officio;

(8) the surviving children of Mrs. Eleanor Roosevelt; and

(9) the chairman of the Eleanor Roosevelt Institute, ex officio.

For a particular meeting of the Commission any member of the Commission may appoint another individual to serve in his stead.

(c) Commission members shall designate one of their number as Chairman.

SEC. 3. The Commission established by section 2 of this resolution is authorized to—

(1) encourage and recognize appropriate observances and commemorations, throughout the United States, of the one hundredth anniversary of the birth of Eleanor Roosevelt; and

(2) provide advice and assistance to Federal, State, and local government agencies and to private organizations in establishing such observances and commemorations.

SEC. 4. (a) The Commission shall meet no later than thirty days after enactment of this resolution at a date and location determined by the Librarian of Congress, and at such locations and intervals thereafter as the Commission may decide. Unless otherwise provided by the Commission, a majority of the Commission shall constitute a quorum. The Commission shall cease to exist on January 1, 1986.

(b) The Commission may adopt such rules and regulations as may be necessary to conduct meetings and carry out its duties under this resolution.

(c) The Administrator of General Services and the Director of the National Park Service shall provide the Commission such assistance and facilities as may be necessary to carry out its proceedings.

(d) The Commission may accept donations of money, supplies, and services to carry out its responsibilities.

(e) The Eleanor Roosevelt Institute, a not-for-profit organization incorporated in the State of New York, and successor organization to the Eleanor Roosevelt Memorial Foundation, chartered pursuant to Public Law 88-11, shall provide staff assistance to, and coordinate policies and events for, the Commission.

(f) Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code, except that the total of payments made under this subsection for per diem in lieu of subsistence shall not exceed $10,000.

SEC. 5. In commemoration of the one hundredth anniversary of the birth of Eleanor Roosevelt, the Secretary of the Interior, acting through the Director of the National Park Service, shall complete such improvements and development in the Eleanor Roosevelt National Historic Site at Val-Kill in Hyde Park, New York, in fiscal year 1984, as will assure improved access and availability sufficiently to open the site to extensive public visitation.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PAY $100 MILLION, GET $1 MILLION BACK—HORRIBLE TELEPHONE LEGISLATION

(Mr. CORCORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORCORAN. Mr. Speaker, it is rumored that very soon the House of Representatives will take up the telephone legislation contained in H.R. 4102.

I know that across the country, and certainly here among my colleagues in the House, there is the impression that if we pass this legislation it will somehow or other stop the proposed rate increases that many of the local operating companies have filed with the various State public utility commissions.

Let me assure my colleagues in the House that nothing could be further from the truth. This legislation does not address the proposed rate increases. It does not attempt to undo the proposed divestiture of the AT&T telephone system. But what it does do is to stop the proposed $2 monthly access charge for long-distance service and, instead, impose on a majority of the citizens of this country a substantial increase in the rates that they will have to pay for long-distance service.

The Illinois Commerce Commission has examined this legislation from the standpoint of its adverse effect on our ratepayers in Illinois, and what they find is that we will have to pay, commencing in 1984, $100 million extra in surplus charges for long-distance service that would go to some fund that would be created by H.R. 4102, and then our ratepayers would be eligible for about $1 million in payments.

Mr. Speaker, can you believe it? Pay $100 million to get $1 million back. Illinois is on the losing end of the Federal return on taxes already; but this would even be worse than that. So I would hope that the House of Representatives would look very, very closely and very, very carefully at all of the issues and especially all of the revenue provisions of H.R. 4102.

Mr. Speaker, I urge the House to reject this bad bill, as the Chicago Tribune has recommended, because it is undoubtedly for the country as a whole, and in particular for the people of Illinois, horrible legislation.

☐ 1030

THE DAIRY COMPROMISE VERSUS THE CONABLE AMENDMENT

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, the Congressional Budget Office has made its final calculations on the dairy compromise and the Conable amendment.

Using the most likely scenario as to the implementation of the Conable amendment, the Congressional Budget Office estimates the Conable amendment will cost $1.1 billion more than the dairy compromise during 1984 and 1985 and $1.14 billion over the 5-year period through 1988. In addition, the Conable amendment will be $96 million over the 1984 budget baseline.

So, Mr. Speaker, I urge the Members to please help the dairy farmers, help the taxpayers, and vote for the dairy compromise.

PROVIDING FOR CONSIDERATION OF H.R. 4196, DAIRY PRODUCTION STABILIZATION ACT OF 1983

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 355 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 355

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4196) to stabilize a temporary imbalance in the supply and demand for dairy products, and to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion to improve, maintain, and develop markets for dairy products, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived, and all points of order against the bill for failure to comply with the provisions of clause 5, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except amendments recommended by the Committee on Agriculture, which shall not be subject to amendment, and the following amendments printed in the Congressional Record of November 1, 1983, by, and if offered by, the Member designated, and said amendments shall not be subject to amendment:

(1) the amendment by Representative Clinger of Pennsylvania, which shall be debatable for not to exceed twenty minutes, equally divided and controlled by Representative Clinger and a Member opposed thereto;

(2) the amendment in the nature of a substitute by Representative Conable of New York, which shall be debatable for not to exceed one hour, equally divided and controlled by Representative Conable and a Member opposed thereto;

(3) the amendments by Representative Harkin of Iowa, said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question in the House or in Committee of the Whole, all points of order against said amendments for failure to comply with the provisions of clause 7 of rule XVI and clause 5(a) of rule XXI are hereby waived, and said amendments shall be debatable for not to exceed thirty minutes, equally divided and controlled by Representative Harkin and a Member opposed thereto;

(4) the amendments by Representative Madigan of Illinois, and each of said amendments shall be debatable for not to exceed twenty minutes, equally divided and controlled by Representative Madigan and a Member opposed thereto;

(5) the amendment by Representative Morrison of Washington, and said amendment shall be debatable for not to exceed ten minutes, equally divided and controlled by Representative Morrison and a Member opposed thereto;

(6) the amendments by Representative Oberstar of Minnesota, said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question in the House or in Committee of the Whole, and shall be debatable for not to exceed forty minutes equally divided and controlled by Representative Oberstar and a Member opposed thereto; and

(7) and the amendments by Representative Skeen of New Mexico, said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question in the House or in Committee of the Whole, and said amendments shall be debatable for not to exceed twenty minutes, equally divided and controlled by Representative Skeen and a Member opposed thereto.

At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 4196, it shall be in order to consider a motion, if offered by the chairman of the Committee on Agriculture or his designee, to take from the Speaker's table the bill, H.R. 3385, with the Senate amendments thereto, and to agree to the Senate amendments to the text and to the title with amendments inserting in lieu thereof the text and title of H.R. 4196, respectively, the Senate amendments and the House amendments thereto shall be considered as having been read, all points of order against said motion for failure to comply with the provisions of clause 5 of rule XXI are hereby waived, and the previous question shall be considered as ordered on said motion, if offered, to final adoption without intervening motion. After the adoption of said motion it shall be in order to consider a motion to insist on the House amendments to the Senate amendments to the bill H.R. 3385 and to request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. GEJDENSON). The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes, for the purpose of debate only, to the gentleman from Tennessee (Mr. QUILLEN), and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 355 provides for the consideration of H.R. 4196, the Dairy Production Stabilization Act of 1983.

House Resolution 355 is a modified closed rule, allowing 1 hour of general debate to be equally divided between the chairman and the ranking minority member of the committee.

The rule waives all points of order against the bill for failure to comply with section 402(a) of the Budget Act, which prohibits the consideration of authorizing legislation if that measure is not reported by May 15 preceding the beginning of the fiscal year in which it is to be effective.

Section 215 of the bill, authorizes the enactment of new budget authority. Since the provision would become effective upon enactment in fiscal year 1984, and since it was not reported on or before May 15, 1983, it would be subject to a point of order under section 402(a) of the Budget Act.

House Resolution 355 further waives all points of order against the bill for failure to comply with clause 5, rule XXI of the Budget Act, which prohibits appropriations in a legislative bill.

The rule provides that the bill be considered as read for amendment. The rule provides for consideration of committee amendments, and seven specific amendments including one amendment in the nature of a substitute. None is amendable. These amendments are printed in the CONGRESSIONAL RECORD of November 1, and can only be offered by the Members specified in the rule. Debate time on each amendment is limited as specified. No other amendments would be in order.

House Resolution 355 does not delineate the order of consideration of amendments; however, under the normal procedures of the House, the chair traditionally first recognizes members of the committee by seniority, followed by other Members of the House.

The rule waives all points of order against the amendments to be offered en bloc by Representative HARKIN for failure to comply with clause 5, rule XXI which prohibits appropriations in a legislative bill. This waiver is needed on the amendments for the same reason it is needed on the bill. There is language which would allow the use of CCC funds for the paid diversion program. The rule further waives all points of order against the Harkin amendments for failure to comply with clause 7, rule XVI, the germaneness rule. This waiver is needed because language in the amendment directs the Secretary to use funds available to him to encourage consumption of beef and pork products.

As Members are aware, at the Speaker's desk is H.R. 3385, a cotton PIK bill to which the other body has attached provisions relating to other commodities, including dairy. After passage of H.R. 4196, the rule provides for a motion to take H.R. 3385 from the Speaker's table and to agree to the Senate amendments with an amendment that strikes the Senate-passed language and inserts the provisions of H.R. 4196 as passed by the House. If the motion is offered, the previous question will be considered as ordered without intervening motion.

To permit consideration of this motion, the rule waives clause 5 of rule XXI. This waiver is necessary because the motion provides for the insertion of the text of H.R. 4196, which as I indicated previously, contains an appropriation.

After disposition of the motion to insert the provisions of H.R. 4196, a subsequent motion would be in order to insist on the House amendments to the Senate amendments to H.R. 3385 and to request a conference with the Senate.

These motions simply expedite procedures for going to conference with the Senate and do not preclude any of the options of the House in the consideration of this matter.

Mr. Speaker, the bill which this resolution would bring forward is a controversial one. Everyone recognizes that the dairy industry has a serious problem. Each year, because of advances in production technology, dairy farmers produce a large net surplus over consumers' needs.

The Federal Government buys the surplus at a rate of expenditure now estimated to be $275,000 per hour, or $2.4 billion per year. The current Federal program of high price supports and a so-called milk tax on the dairy farmer does not solve the problem, nor is it fair to many dairy farmers or to consumers.

Opinions vary on how best to resolve these problems. H.R. 4196 is a bill that some people think would reduce surplus dairy production. Others feel that it is a package of diverse proposals that will be ineffective, that will be as unfair as the present milk tax, and that will end up costing the taxpayers even more than the current program.

The rule is structured to meet the expressed desires of a majority of the Members of the House who indicated that they wanted to hear the various points of view openly debated, to enable them to cast their votes in an intelligent and informed way.

It is structured to meet the desires of the many Members who seek the opportunity to express their views publicly on how the various terms of the proposed legislation would affect both the public and the dairy farmer.

This rule also allows for the major differing points of view to be heard. It gives the Members who have germane amendments an opportunity to be heard on the floor, without at the same time tying up the House with prolonged debate. The total amount of time for general debate and amendments is 4 hours and 40 minutes.

Mr. Speaker, House Resolution 355 allows the House to discuss the dairy issue in a fair and balanced way. I urge my colleagues to approve the rule so that we may proceed to the consideration of this important legislation.

□ 1040

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the distinguished gentleman from Louisiana (Mr. LONG) has ably described the provisions of the rule.

The dairy compromise is a bill that must be passed. The industry is suffering terribly and needs help immediately. The matter has been debated now for months. The interested parties have been trying to hammer out a compromise measure and one has been worked out. The compromise will be before us when the bill is considered on the House floor.

There are some amendments being offered and I would recommend to the House that any amendment that conflicts with the compromise measure be defeated, because the compromise was worked out by the dairy industry and all parties concerned.

The idea is to limit production of milk and reduce the subsidies, so I commend to you the bill when it is debated and remind you that the Senate has already passed a similar measure and quick action can be taken following approval by the House of Representatives.

I urge adoption of the rule.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Speaker, I rise in support of the rule before the House regarding H.R. 4196, the Agriculture Committee's dairy bill. This important piece of legislation is desperately needed by the Nation's dairy farmers who have over the past 3 years lived in constant uncertainty regarding the dairy price support program.

Mr. Speaker, the bill that the committee is recommending has been a long time in the making. In reality, the Congress has been debating this bill since 1980. Earlier this year, representatives of the House and Senate Agriculture Committees sat down with the Secretary of Agriculture and developed the bill for which a rule is now being requested. Opposing factions, primarily those who wanted an extended pay diversion program, an option which will be given, I believe, by the Oberstar amendment, and those who wanted a straight $1.50 price cut, negotiated long and hard and came up with what I think is a very well balanced compromise, not only for the dairy industry, but also for the taxpayer as well.

It was sent to the Rules Committee soon thereafter, where it remained while the Agriculture Committee of the House worked to develop a companion bill regarding the levels of wheat and grain target prices.

This latter bill never materialized. As a result, the Senate took up the matter late last month and passed a dairy bill that is virtually identical to that being recommended by the House Agriculture Committee.

The Senate, incidentally, passed that by voice vote after defeating what was the Conable amendment in the Senate by 50 to 37.

With the session nearing adjournment, it has become essential that we move expeditiously on this legislation. It is my understanding that the House Calendar is rather crowded and that the dairy bill cannot reasonably demand a great deal of time.

The rule which the Rules Committee has proposed will allow for an expeditious, yet thorough debate, of the fundamental issues comprising this program. It allows for the necessary debate and vote on the supply management and price cut options that the Agriculture Committee investigated in the discussions that led to the compromise embodied by H.R. 4196. It also allows for consideration of several amendments to the House proposed program. All in all, the rule admirably serves the needs of this body to expeditiously, but thoroughly, consider this important program.

I would like to point out that the dairy farmers were very embarrassed over the cost of the dairy program. They were also very embarrassed over the amount of dairy surpluses. This dairy compromise will cost $1.1 billion less than the Conable option. I want you to keep that in mind.

Second, it is the only one, including the present program, the Conable option or others, that will reduce the dairy surpluses to practically zero at the end of 1985.

Let me add, some have suggested that we reject this opportunity to act and leave the current assessment program in place. They work on the presumption that such a course of action would be reasonable, particularly given our crowded calendar, because the assessment is budgetarily acceptable in fiscal years 1984 and 1985. This analysis is flawed in two important respects. First, the Congressional Budget Office estimates that the current assessment program will lead to budgetary costs some $3 billion greater than will the committee's bill in fiscal years 1986 through 1988. They also estimate that the Commodity Credit Corporation may end up owning over 40 billion pounds of milk at the end of fiscal year 1988. Retaining the current assessment program in the face of these costs and surplus stocks in future years would be irresponsible.

I might add that dairy farmers are scheduled to receive a $1 per hundredweight increase in milk prices in October of 1984 if we keep the current program. Some thus conclude we should do nothing. Anyone that believes the Congress will tolerate the incredible surpluses and staggering costs is living in a dream world.

The committee's bill will indeed eliminate the surplus. USDA estimates that the dairy compromise will reduce Government stocks to less than 1 billion pounds by the end of fiscal 1985. In light of these facts, it is clear that we must act now to end the current assessment program.

Is there any chance that we will not so act? Of course, but I am confident that we will not make such a mistake. Nonetheless, we must keep in mind that, if the committee's bill is not enacted—for whatever reason—the dairy farmer will be stuck with the current assessment program until most likely 1985 with no price support and adjustment, I, for one, do not relish that thought.

The rule includes an amendment by Representative CONABLE. He and I last Tuesday explained our respective proposals to a group of Members of Congress. After we had finished, one of them remarked that, really, there is not as much difference between them as one might think. In the main, that is true, but there are indeed differences.

The similarities are worth noting. Both the Conable bill and the compromise contain a potential $1.50 price cut. The only difference is the way in which they are phased in.

Initially, the impact on the farmer is almost identical under both bills. The effective support price under the compromise is $11.95 per hundredweight; under the Conable bill it is $12 per hundredweight.

Both bills recognize that a change to the permanent law regarding the dairy program is necessary. The compromise would make those changes in the 1985 farm bill; the Conable amendment would make those changes now.

The differences are also worth noting. The compromise has a temporary, farmer-financed incentive program that will quickly reduce production. There is no disagreement that this provision will cost taxpayers over $1 billion less than the Conable bill in fiscal years 1984 and 1985.

USDA projects that only the compromise will be able to eliminate the Government stocks of surplus dairy products by the end of fiscal year 1985.

Finally, only the compromise has a farmer-financed program to promote the commercial sale of dairy products and develop new commercial uses for milk.

So I urge you to adopt the compromise and certainly adopt this rule, which gives all parties a chance to have their part of the country represented and their issues raised.

Mr. LONG of Louisiana. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Speaker, I want to join my colleague, the gentleman from Vermont, also in supporting this rule. As the gentleman stated, it does provide for an expeditious, but I think thorough debate on the various aspects of the dairy bill that many Members in this body at least expressed to us a couple weeks ago that they wanted a debate on; plus there will be a lot of other amendments that are going to be offered that did not come up a couple weeks ago when we tried to go directly to conference with our compromise bill.

Mr. Speaker, I just wanted to take this time to let the Members know that we will be having a thorough debate, of course, on the two main contentions, the Conable amendment, which would provide for a dollar and a half price-support cut, and the Oberstar amendment, which would extend the diversion payment program from 15 to 24 months.

There is, however, going to be one very significant amendment that I will be offering at the beginning under the 5-minute rule, dealing with the impact that this program could possibly have upon our beef cattle or pork and poultry producers in the United States. In conversations with a number of my colleagues who represent these areas, we have come up with an amendment which I believe will work to prevent any kind of an adverse impact upon our beef and poultry and pork producers in the United States because of this diversion program in dairy.

The amendment that I will be offering provides the Secretary of Agriculture the maximum authority to modify the program over this period of time, so that all of these dairy cows will not come on the market in any one period of time, so as to drive the prices of red beef or poultry down.

☐ 1050

Also in the amendment we have placed in there a floor under which the Secretary cannot go, in other words, in our amendment, we say that if the average price of cattle sold for slaughter for any 10-day period of time within a 60-day framework falls by at least 10 percent, then the Secretary has to take action. He no longer can sit by, and so, if you hear from any of your cattle or pork producers that this is too much, I would only state that this is a floor.

In other words, this is a trigger. However, in the beginning we have given the Secretary maximum flexibility to modify contracts. We provide that at the beginning of this program, that every dairy farmer has to give the Secretary his plan on how he is going to reduce his dairy production, and the Secretary can take all of these, and he can modify them so as to spread out over a longer period of time the number of dairy cows coming to market and then we say, if that is out enough, if there is a 10-percent reduction on the market in that 10-day period of time, then we mandate that the Secretary has to take action.

I hope that the Members will not only review these remarks but will pay close attention to this amendment and will support this amendment when it comes up on the floor so we do indeed protect our beef, our pork, and poultry producers in this country.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished ranking minority Member of the House Agriculture Committee the gentleman from Illinois (Mr. MADIGAN).

Mr. MADIGAN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule. I think the rule accommodates all of the various proposals that have been indicated as being important to various Members of the House with regard to the consideration of this dairy legislation.

It allows a full, open, and frank debate on all of these issues, without wasting the very valuable time of the Congress as we move toward the close of the session.

It is a rule that I hope will enjoy the support of all of the Members of the House.

I yield back to the gentleman from Tennessee the balance of my time.

Mr. QUILLEN. Mr. Speaker, I urge the adoption of the rule and the compromise measure when it reaches the floor of the House.

At this time I have one more request for time, and I yield 5 minutes to the gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. I thank the gentleman for yielding me this time.

Mr. Speaker, I too rise in support of the rule. I think it is important that we move this issue along. If there is anyone today that ought to be opposed to the rule, it would be me.

I went to the Rules Committee and asked that an amendment be made in order that was not adopted by the Rules Committee because of some questions of germaneness and jurisdiction, and I understand that.

There is a purpose for the amendment that I want everybody to understand. I have been in this Congress for 3 years now. Three years I have been on the Dairy Subcommittee and representing the largest dairy production district in the country. For 3 years I have tried to help work out a very trying and difficult problem that we have not succeeded at up to this point. Yet, we now have. Finally, all of the dairy industry in all of the diverse regions of this country, and both the members of the Agriculture Committees in the Senate and the House, and up until a couple of days ago, the Department of Agriculture, were with us in support.

We are going to have a major debate next week which will determine where this country and where this Congress is going to go in terms of its dairy policy. There are a lot of people that have suggested that we ought to take a look at the Conable amendment, because, No. 1, it is going to be the best thing for the dairy industry. Well, anyone who takes a look at that, as the gentleman from Vermont has suggested, will find that that amendment will do nothing in terms of saving tax dollars for the Treasury, because it costs over $1 billion more in the next couple of years, and will do nothing in reducing purchases for the Government because over the next couple of years, it will require we purchase 9 billion pounds milk equivalent more than we would under the compromise. So, why would anybody support the Conable amendment at all? No. 1, in the interest of the consumers who think if you have a dollar and a half price cut, you will have cheaper milk; or No. 2, you really want a free market. That was the heart of the amendment I wanted adopted which would allow us to amend Conable to go to one uniform marketing order of milk in this country saying if you want a free market, cheap milk, go all the way, because if you do not do that, frankly the Conable amendment is not going to achieve either of those goals.

When you talk about the consumers, we have 49 different milk marketing orders in this country, and the reason it is important is because of the fact that when you are in a marketing order, that limits where you can sell your class 1 fluid milk, so we can cut the price and have a surplus in other parts of the country.

If we have a marketing order that prohibits them from bringing their milk into your area to sell it in the supermarket, it is going to do nothing to bring about reduced prices on the store shelf for the consumer.

The issue of the free market is the second issue. If you believe we ought to allow the market in this country to work in a free and open manner which I do not think it can in agriculture, you would want to say we would go to one uniform milk marketing order; and we would let the most efficient dairy farmer produce his milk and sell it in the interest of proficiency for the market and for the consumer.

If you do not do that, you are gaining nothing, and that really becomes the whole issue with the Conable amendment versus the compromise.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Speaker, I would like to compliment the gentleman for his statement in explaining so clearly for those who are not familiar with dairy and its complications the significance of the milk marketing order question.

The gentleman's amendment would have been a very significant one, and a very clear test of understanding of and commitment to an open, competitive market in milk.

If our Wisconsin-Minnesota area were ever given the opportunity to compete in a single national milk marketing order, then we would put to rest some of the old superstitions about dairying, and we would show the force and competitiveness of the Wisconsin-Minnesota dairy farmers.

Mr. GUNDERSON. I thank the gentleman for his comments.

Let me reiterate that is the whole debate between the compromise and the Conable amendment. The Conable amendment does not save the Treasury money. It does not reduce purchases. If we do not have something to deal with the milk marketing orders in this country, it does not go to a free market and then I have to ask, why would you support the Conable amendment? It does not reduce prices.

Mr. LONG of Louisiana. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding me this time.

Mr. Speaker, I am here to support this rule. The rule makes it possible at long last to bring to the House floor dairy legislation urgently needed by dairy farmers of this country.

It will provide stability for the dairy program, though in a bill with which I frankly do not fully concur.

I had proposed another approach for dairy legislation. It fell a little short in the Agriculture Committee. I am willing to accept that decision, it is part of our democratic process. Now that we have the only choice on dairy legislation before us, I propose to offer, and I appreciate the consideration the Rules Committee has given in allowing me to offer an amendment to make this a program that would be coterminous with the 4-year farm bill. It makes no sense to have a 15-month program for dairy and a 4-year program for feed grain, oil seeds, cotton, tobacco, and all the rest that we consider in the course of the ordinary 4-year farm bill.

By stretching the proposed dairy program out to the end of September 1985, we will at least provide some stability for dairy farmers and assure that their needs will be considered when the Congress next takes up the comprehensive farm legislation.

The rule that the committee has fashioned, a very ingenious rule, one that is fair, and it will allow major concerns to be considered. Everybody will have an opportunity to express themselves on the major issues that are raised by this dairy legislation, but it will provide—in contrast to the motion that was made a couple of weeks ago—it will provide an opportunity for this body to debate and to amend the bill.

The motion to go to conference with the Senate on a bill the House had not even considered was an affront to the institution and to the democratic processes of the House of Representatives.

□ 1100

So this limited, modified open rule will give the principal interests an opportunity to be heard, and I think there are merits in most of the other amendments to be offered.

But I do join my colleague from Wisconsin (Mr. GUNDERSON) and my colleague from Iowa (Mr. HARKIN) in sounding a note of caution about the Conable across-the-board $1.50 cut because that is not going to cut the price of retail milk. It is going to continue the surplus and it is going to continue the disparities in overproduction in certain selected, protected areas of the country under the provisions of milk marketing orders just recently discussed by the gentleman from Wisconsin.

I thank the gentleman from Louisiana for yielding the time and I yield back the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. HUCKABY).

Mr. HUCKABY. Mr. Speaker, I rise in strong support of this rule. I would like to commend the gentleman from Louisiana (Mr. LONG) for his leadership in the Rules Committee in crafting this very unique rule which certainly limits the amount of time, yet accommodates all of the Members who represent the various legitimate points of view on this dairy bill.

Certainly I feel it is imperative that the House pass dairy legislation this year, that it be enacted into law, because we are spending billions of dollars supporting the dairy industry and yet the program we have out there today is very ineffective as far as the dairy farmer is concerned.

Our dairy farmers are in dire financial straits.

So I want to commend the gentleman from Louisiana and the Rules Committee for bringing this bill to the floor of the House of Representatives.

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time, and if the gentleman from Tennessee does not, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVITAS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 319, nays 3, not voting 111, as follows:

[Roll No. 454]

YEAS—319

Ackerman
Albosta
Anderson
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Badham
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Bethune
Bevill
Bilirakis
Boehlert
Boggs
Boner
Bonior
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappie
Clarke
Clinger
Coats
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Courter
Coyne
Craig
D'Amours
Daniel
Davis
DeWine
Dixon
Donnelly
Dorgan
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Ferraro
Fiedler
Fields
Florio
Foglietta
Forsythe
Fowler
Frank
Frenzel
Frost
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Harkin
Harrison
Hawkins
Hayes
Hefner
Hertel
Hightower
Holt
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jones (NC)
Jones (OK)
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kolter
Kramer
LaFalce
Lagomarsino
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lowery (CA)
Lujan
Luken
Lungren
Mack
Madigan
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Mavroules
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Parris
Patman
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Ritter
Roberts
Rodino
Roe
Roemer
Rogers
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Studds
Stump
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Towns
Traxler
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitten
Wilson
Winn
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zablocki
Zschau

NAYS—3

Brown (CO)
Crane, Philip
Leach

NOT VOTING—111

Addabbo
Akaka
Alexander
Andrews (NC)
AuCoin
Barnard
Barnes
Berman
Biaggi
Bliley
Boland
Bonker
Breaux
Broomfield
Chappell
Cheney
Clay
Coelho
Coughlin
Crane, Daniel
Crockett
Dannemeyer
Daschle
Daub
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dowdy
Downey
Early
Edgar
Edwards (AL)
Feighan
Fish
Flippo
Foley
Ford (MI)
Ford (TN)
Franklin
Fuqua
Garcia
Gingrich
Gore
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Heftel
Hiler
Hillis
Howard
Jenkins
Johnson
Jones (TN)
Kazen
Kindness
Kogovsek
Kostmayer
Latta
Lipinski
Lott
Lowry (WA)
Lundine
MacKay
Marriott
Martin (NC)
Matsui
Mazzoli
McCain
Michel
Molinari
Montgomery
Morrison (CT)
Mrazek
Nichols
Packard
Panetta
Pashayan
Patterson
Paul
Pritchard
Pursell
Rinaldo
Robinson
Rose
Rostenkowski
Rudd
Savage
Sawyer
Schroeder
Simon
Skelton
Smith (IA)
Smith, Denny
Solarz
Stokes
Stratton
Sundquist
Torres
Udall
Waxman
Whitley
Whittaker
Williams (MT)
Williams (OH)
Wirth
Young (MO)

☐ 1110

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE ACT OF 1983

Ms. OAKAR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2077), to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment which is at the desk.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That (a) the second sentence of section 5948(d) of title 5, United States Code, is amended to read as follows: "No agreement shall be entered into under this section later than September 30, 1987, nor shall any agreement cover a period of service extending beyond September 30, 1989.".

(b) Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1989".

SEC. 2. Section 5383(b) of title 5, United States Code, is amended by striking out "4507, 5382, 5384, and 5948" and inserting in lieu thereof "5382 and 5948".

SEC. 3. (a) Notwithstanding section 5383(b) of title 5, United States Code, the aggregate amount paid for fiscal year 1982 under sections 4507, 5382, 5384, and 5948 of such title to an individual specified under column I below may exceed the amount of the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such fiscal year by not more than the amount specified under column II below opposite the name of such individual:

Column I:	Column II:
Dr. Larry Silver	$1,988.66
Dr. Louis Sokoloff	$5,988.66
Dr. Ichiji Tasaki	$1,488.66
Dr. Paul D. Parkman	$1,455.46
Dr. Allan Forbes	$1,680.91
Dr. Roscoe Brady	$1,488.66
Dr. Martin Cummings	$3,988.66
Dr. Manning Feinleib	$1,488.66
Dr. D. C. Gajdusek	$1,488.66
Dr. Carl Kupfer	$1,988.66
Dr. Toichiro Kuwabara	$1,488.66
Dr. Lester Salans	$1,488.66
Dr. Henry Webster	$1,488.66

(b) Subject to the limitation on the aggregate amounts computed under subsection (a), the amount of any overpayment under section 5383(b) of title 5, United States Code, collected during fiscal years 1982 and 1983 from any individual specified in subsection (a) shall be paid to such individual.

(c) For the purposes of the Internal Revenue Code of 1954, any amounts paid for fiscal year 1982 under subsections (a) and (b) of this Act shall be deemed to have been paid on the date such amounts would have been paid but for the limitation set forth in section 5383(b) of title 5, United States Code.

☐ 1120

Ms. OAKAR (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

Mrs. VUCANOVICH. Mr. Speaker, reserving the right to object, can the gentlewoman tell me if this has been cleared with the minority?

Ms. OAKAR. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, I thank the gentlewoman for yielding.

Yes, it has.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, if the gentlewoman will yield further, H.R. 2077 was passed by the House under suspension of the rules on September 19. The House bill merely extends for another 2 years the provisions of the Physicians Comparability Allowance Act of 1978.

The Senate amendment to H.R. 2077 substitutes an entirely new text which does the following:

First, it extends the Physicians Comparability Allowance Act for 4 more years, rather than just 2 years;

Second, it waives the repayment of various amounts to the Government in the case of 13 Federal physicians who were paid Senior Executive Service bonuses in excess of the statutory limitation on SES compensation; and

Third, it permanently removes SES performance awards and Presidential ranks from the overall SES compensation cap.

The amendment I am offering today is a complete substitute for the Senate amendment. The first section of the amendment maintains the original House position and extends the physicians comparability allowance program for only 2 years.

Section 2 of the substitute amendment contains two reporting provisions dealing with the Senior Executive Service.

The first provision directly addresses the effect of the overall executive level I cap. Currently, the law provides a senior executive may not be paid more than a Cabinet Secretary when basic pay, Presidential ranks, performance awards, and physician comparability allowances are all added together. In lieu of the Senate amendment, the substitute amendment directs the Office of Personnel Management (OPM) to study the effect of this cap on the recruitment, retention, and morale of the Senior Executive Service (SES) and report back to Congress within a year. Once we have the benefit of this report, we can decide whether a change in this cap is needed.

The second provision imposes reporting requirements concerning SES performance and rank awards. The committee believes that bonuses should be awarded to encourage excellence as the statute provides and not as a general salary supplement. To insure that this is the case, the amendment provides for annual reports from OPM on which senior executives receive performance awards and Presidential ranks, the amount of each award, the justification for each award, and the percentage of career appointees within an agency who receive awards. With this information, the committee can conduct vigorous oversight and insure that SES performance awards and ranks are not abused.

The substitute amendment does not include the Senate provision waiving overpayments to 13 Federal physicians.

Mrs. VUCANOVICH. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio (Ms. OAKAR)?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the House amendment to the Senate amendment.

The Clerk read the House amendment to the Senate amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

That (a) section 5948(d) of title 5, United States Code, is amended—

(1) by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1985"; and

(2) by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

(b) Section 3 of the Federal Physicians Comparability Allowance Act of 1978 is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

SEC. 2. (a) The Office of Personnel Management shall study and, within 12 months after the date of enactment of this Act, submit to each House of the Congress a report on the effect which section 5383(b) of title 5, United States Code (relating to the maximum aggregate amount payable to a member of the Senior Executive Service in a fiscal year) has had with respect to recruitment, retention, and morale of career appointees in the Senior Executive Service.

(b) Section 3135(a)(7) of title 5, United States Code, is amended to read as follows:

"(7) for the preceding fiscal year, by agency—

"(A) the number of performance awards, and the number of ranks, conferred, as well as the respective aggregate amounts paid for such awards and ranks;

"(B) the percentage of career appointees in such agency who received any such award, and the percentage who received any such rank; and

"(C) the name of each individual who received any such award or rank, the award or rank received, and a brief summary of the reasons why such individual was selected;".

Ms. OAKAR (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentlewoman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS FOR MARITIME PROGRAMS OF DEPARTMENT OF TRANSPORTATION, 1984

The SPEAKER pro tempore. Pursuant to House Resolution 352 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2114.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2114, to authorize appropriations for the fiscal year 1984 for certain maritime programs of the Department of Transportation, and for other purposes, with Mr. SABO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from North Carolina (Mr. JONES) will be recognized for 30 minutes, and the gentleman from Kentucky (Mr. SNYDER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 2114 is the fiscal 1984 authorization bill for the various maritime programs of the Department of Transportation.

This is a routine maritime administration authorization bill. The total sum authorized is $486,807,000. These sums are completely in line with those requested in the administration's budget with one small exception.

The authorized amounts break down in this way:

First, $401,294,000 for operating differential subsidy. These payments are given pursuant to a contract between the Government and certain U.S.-flag ship operators to reimburse the operators for the higher costs they incur because they operate U.S.-flag ships instead of foreign-flag vessels.

Second, $11,500,000 for research and development programs of the Maritime Administration.

Third, $8,048,000 for national security support capability. This includes the maintenance of the national defense reserve fleet which provides our country with a reserve of vessels which can be put into service in an emergency.

Fourth, $20,266,000 for operation of the U.S. Merchant Marine Academy at Kings Point, N.Y.

Fifth, $10,668,000 for the U.S. Government contribution to the six State-operated maritime academies.

Sixth, $3,000,000 for the costs of fuel oil used by the U.S. Government's training vessels assigned to the State maritime academies. This small item was not in the administration's budget.

Seventh, $1,721,000 for other training programs; and

Eighth, $30,310,000 for other operating expenses, including administrative costs of various programs of the maritime administration.

Thus, this authorization bill adds $3,000,000 above the administration budget request. However, it represents a decrease of $85,616,000 or about 15 percent below the amounts appropriated for fiscal 1983.

In the past, a major maritime promotional program was the system of construction differential subsidies. These subsidies helped put merchant ship orders in U.S. shipyards by providing a payment representing the higher cost of building in a U.S. shipyard as opposed to building foreign, up to a maximum of 50 percent of the price of the vessel. The construction differential subsidy program is in disfavor with the administration. For fiscal 1984, the administration again sought no funding for CDS. As a result, this bill contains no money for construction differential subsidy.

I must advise the administration that there are Members of this House from both parties who believe that the administration has done nothing to assist U.S. shipyards and has, in fact, promoted policies which would help foreign shipyards at the direct expense of American shipyards. The administration simply must recognize in its proposed policies that America must have a viable merchant shipbuilding base. Thus far, the administration has submitted no policy proposal to Congress that recognizes this simple truth.

Finally, section 3 of the bill clarifies existing law by providing that vessels may, on a case-by-case basis, pay back their construction differential subsidy and then permanently enter the domestic trade if certain conditions are met. A current Transportation Department proposed rule would give blanket permission for any vessel to enter the domestic trade after paying back subsidy without individual case-by-case review. Section 3 clarifies our statute and policy by affirming that construction differential subsidy payback may indeed be appropriate, but only in individual situations after a case-by-case determination pursuant to the conditions set out in the bill.

Mr. Chairman, our merchant marine does not receive the publicity and attention given to our Armed Forces. The budget for our maritime programs is puny compared to the billions we spend for other defense purposes. But should we once again become engaged in a protracted conflict on distant shores, it will be our U.S.-flag merchant marine which must provide the sealift needed for 90 percent of our requirements for personnel, equipment and provisions, just as it was sealift that supplied our Armies in Vietnam and Korea, and just as it was sealift that sustained England in the darkest days of World War II and which supplied our Army troops in all theaters during that war. I personally fear that we do not now have the U.S.-flag merchant fleet we need to provide that sealift and to supply our domestic economy with oil, minerals, and raw materials in the event warfare disrupts normal shipping patterns. This bill today will authorize a minimal amount of funding for a minimal range of Government programs designed to encourage our merchant marine. Please join me in support for H.R. 2114, the maritime authorization bill for fiscal year 1984.

Mr. SNYDER. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. FORSYTHE), the ranking minority member of the full committee.

Mr. FORSYTHE. Mr. Chairman, I am deeply troubled by the current state of our merchant marine. Many of our once-active shipyards lie dormant, or very nearly so, hundreds of jobs have been lost, and our defense sealift capabilities have been diluted as a result of increasing foreign competition and economic stagnation which have caused shrinkage of the U.S. merchant fleet.

As yet, we have no cogent maritime policy to adequately address these problems. What we do have, however, are the current authorities for the Maritime Administration which serve as a foundation for developing programs to revitalize our maritime industry. For this reason, these authorities ought to be funded at their optimal levels.

The bill before us today, H.R. 2114, was very carefully considered by the Committee on Merchant Marine and Fisheries. We were aware of, and concerned about, the national economic problems and particularly increased Federal spending. Consequently—with the exception of one small $3 million item for fuel oil for the training ships of the state maritime academies—this bill authorizes the exact amount of funds for Federal maritime programs that was requested by the administration.

It is clear to me that we must provide adequate financing for our existing maritime programs if we ever hope to have, as the Merchant Marine Act of 1936 intends, a merchant marine sufficient to carry domestic waterborne commerce of the United States, and which is also capable of serving as a naval and military auxiliary in time of war or national emergency. I urge my colleagues to vote for passage of H.R. 2114 for DOT's maritime programs to continue our effort toward realizing the vision of the Merchant Marine Act of 1936.

□ 1130

Mr. SNYDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to address H.R. 2114, the Maritime Administration Authorization Act for fiscal year 1984. I do not solicit your vote either way on the bill. The bill before the House today provides the authorization of funds for the Maritime Administration, of the Department of Transportation, to carry out its obligations during fiscal year 1984. I understand that the conference report filed last night on the appropriation bill containing the Department of Commerce appropriations appropriates the funds which would be authorized in this legislation. Therefore the need for this legislation is speculative.

The bill as reported out of committee is consistent with the administration's budget request for fiscal year 1984 with two exceptions. One exception represents a slight increase in a specified program area; while the other exception is notable for its attempt to protect a specified segment of the maritime industry from competition. I shall discuss these exceptions in greater detail later in my statement but would first like to briefly outline for the House the sections of the committee's bill.

Paragraph A of the first section in the bill authorizes $401,294,000 for the payment of obligations incurred under the operating differential subsidy program. The obligations of the U.S. Government to pay these subsidies to U.S.-flag operators under this program are memorialized in 20-year contracts between the U.S. Government and the operators. While I am convinced that this subsidy program is a failure and should be phased out, as the administration is doing, it appears that the U.S. Government, nevertheless, is obligated to honor the existing contracts.

Paragraph B authorizes $11,500,000 for research and development activities. These activities include programs aimed at improving productivity and operating efficiencies in the shipbuilding and ship operating industries.

Paragraph C authorizes $74,013,000 for operations and training activities. This amount exceeds the administration's request by $3,000,000. That additional $3 million is authorized in fiscal year 1984 to pay for fuel oil used by the State maritime academies. In addition, section 2 of the bill would make permanent the authorization to pay fuel oil assistance, subject, of course, to being provided for in advance in appropriations acts. The administration opposes the authorization of the additional $3 million.

The other exception to the administration's request would, in effect, preclude subsidized operators from paying back their construction differential subsidies to the U.S. Government in exchange for being permitted to enter the U.S. domestic trade. That is right. The amendment included in this maritime bill would actually have the effect of preventing a U.S.-flag vessel operator from paying back to the U.S. Government the subsidy assistance which he has received.

The trade in question is the movement of bulk cargo, by water, from one point in the United States to another. Under current law, this trade is required to be carried on U.S.-flag vessels. Nothing in the bill or the amendment would change that requirement. The crunch comes when U.S.-flag subsidized operators attempt to enter that trade. Some subsidized operators are ready, willing, and eager to pay back their subsidy and forgo the receipt of other Government subsidy, on the terms prescribed by the U.S. Government, in order to enter the lucrative domestic oil tanker trade. Past practice by the Maritime Administration has been to permit entry only on a case-by-case basis, and even then, participation is on a part-time basis.

However, under a proposed rulemaking procedure which the Department of Transportation is now considering, the Maritime Administration's imposed market entry restrictions would be removed, thereby permitting the full-time use of some of our more efficient vessels rather than continuing the current case-by-case part-time employment of tankers in the domestic trade. The amendment in this bill not only continues the case-by-case basis for permitting the payback of Government subsidy but in addition inserts additional standards that are intended to protect the existing domestic fleet from competition. And that is what this amendment boils down to. It is an obvious attempt to protect one favored segment of the maritime industry from competition.

It is a bad amendment. It is bad policy. The administration opposes the amendment and by inserting it into the MarAd authorization bill the committee has seriously jeopardized the prospect for enacting a bill this year.

Mr. JONES of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. Gaydos).

Mr. GAYDOS. I thank the chairman for yielding time to me.

Mr. Chairman, the Maritime authorization bill (H.R. 2114) does not increase the strength of the American Merchant Marine in ways we should be moving, but it does nothing to weaken it further, which is a virtue.

Forty years ago the United States in a 4-year span built and crewed 5,800 merchant ships to move the goods that supplied armies across the world—ours and our allies—to win a war. The world has known nothing like it before or since.

Today we have the ability to supply a force of about 8,000 on a sustained basis. And we had more men than that on Grenada at one point. We are fortunate the conflict was close—and short.

Where 4,000 ships once steamed under the flag of the United States, we now have just over 500.

Where once shipyards dotted our coasts, and many could boast of launching a merchantman a day, we now have few and these would be at the point of failure but for Navy work.

The merchant fleet and the yards—and the industries that support them—have been bled by foreign cargo preferences, by subsidies heavier than any we have imagined and by nationalist commercial policies.

A specific virtue in this bill is the Dyson amendment which prohibits the administration from taking an ill-advised step regarding tankers built under promises to keep them in the overseas trade. I am told, and I believe, that the administration's desire to put them now into the domestic service would cost thousands of jobs at sea and in the yards—and in the industries that support them—as well as further weaken our overall merchant and industrial strength.

Recent events have shown that if we will not make the Merchant Marine stronger at this moment, certainly it is wise to do nothing to make it weaker.

Mr. Chairman, I urge passage of the bill.

Mr. SNYDER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Lent).

□ 1140

Mr. LENT. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to commend the distinguished chairman of the Committee on Merchant Marine and Fisheries, the Honorable Walter Jones of North Carolina, and the distinguished ranking minority member, the Honorable Edwin B. Forsythe of New Jersey, for their efforts to get this MarAd authorization before the full House for consideration. I believe we need to get a maritime authorization passed and onto the books, and I intend to support the bill.

However, along with the gentleman from Kentucky (Mr. Snyder), I strongly disapprove of section 3, which would add stringent conditions, which for practical purposes, are impossible to fulfill for the repayment of construction differential subsidy (CDS) in return for permanent authority to operate in the domestic trades. The Department of Transportation is involved in a rulemaking proceeding concerning this CDS payback, and section 3 of the bill before us today is a legislative attempt to prejudge that effort.

Economic analysis of the proposed rulemaking is underway within the Department of Transportation, and it will be some weeks before the study is completed. Let me add that this rulemaking is expected to result in the U.S. Treasury recovering hundreds of millions of dollars. I do not think this effort should be halted in its tracks.

In essence, section 3 of the bill prohibits the entry of modern CDS-built ships into the domestic trade by repayment of their subsidy. As a strong supporter of efforts to meet our national defense needs, I am concerned that our country may be dependent on the continued operation of some commercially obsolete vessels whose lives have been artificially extended, at great cost to the consumer, by shielding them from competition. If there is a national defense need to preserve these Jones Act ships for military use in the case of national emergency, a more cost-effective means could be employed.

Enormous benefits would be derived from the repayment of construction differential subsidies. The Government could realize hundreds of millions of dollars by recovering construction subsidies and terminate its liability for operating subsidies. Alaskan crude transportation costs between Alaska and the gulf coast of the United States could decrease by at least $1.50 per barrel. Several hundreds of million of dollars in increased taxes paid by the oil companies under the windfall profits tax to the United States would result, as would lower fuel prices for American consumers.

The vessels in the CDS fleet which currently cannot find profitable employment in foreign trade were all built in U.S. shipyards, are owned by U.S. citizens, and employ American seamen. They are modern, efficient vessels, and should be admitted to the domestic trade.

It does not make sense to stand in the way of Americans who want to pay back to the Government, with interest, subsidies they have received for vessel construction. Language prohibiting this payback should not be included in the maritime authorization, and I look to my colleagues for their support in deleting this prohibitory language prior to the bill's enactment into law.

Mr. SNYDER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 2114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are authorized to be appropriated for the use of the Department of Transportation for the fiscal year 1984, as follows:

(a) for payment of obligations incurred for operating differential subsidy, not to exceed $401,294,000;

(b) for expenses necessary for research and development activities, not to exceed $11,500,000;

(c) for expenses necessary for operations and training activities, not to exceed $74,013,000, including not to exceed:

(1) $35,655,000 for maritime education and training expenses, including not to exceed $20,266,000 for maritime training at the Merchant Marine Academy at Kings Point, New York, $10,688,000 for financial assistance to State maritime academies, $3,000,000 for fuel oil assistance to State maritime academy training vessels, and $1,721,000 for expenses necessary for additional training;

(2) $8,048,000 for national security support capabilities, including not to exceed $6,999,000 for reserve fleet expenses, and $1,049,000 for emergency planning/operations; and

(3) $30,310,000 for other operations and training expenses.

Mr. JONES of North Carolina. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. Are there any amendments to section 1?

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 23, add a new section to read as follows:

Sec. 2. Section 1304(c)(2) of the Merchant Marine Act of 1936 (46 U.S.C. 1295c(c)(2)) is amended to read as follows:

"(2) Subject to such amounts as are provided in advance in appropriations Acts, on October 1, 1984, and at the beginning of each fiscal year thereafter, the Secretary shall pay to each State maritime academy the amount of costs of fuel estimated by the Secretary to be consumed in the fiscal year then beginning by any training vessel furnished by the Secretary.".

Mr. JONES of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Chairman, this section repeals the existing permissive authority providing fuel oil assistance and substitute providing specific authority by requiring payment to each State Maritime Academy of the amount as provided in the appropriation act of the cost of fuel estimated to be consumed in any fiscal year. That is a very simple amendment.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the remaining committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 8, following the new section 2, insert a new section to read as follows:

Sec. 3. Section 506, Merchant Marine Act of 1936, as amended (46 U.S.C. 1156), is amended by adding the following at the end thereof:

"No owner shall be permitted by the Secretary to transfer a vessel permanently to trade embraced within the coastwise laws of the United States except upon a written finding that the vessel has never engaged in trade other than that described in section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), or after hearings, the Secretary determines (1) that the addition of the vessel to the coastwise trade will not result in the displacement from this trade of any vessel twenty-five years of age or less, (2) that the foreign commerce considerations upon which were based the payment of construction differential subsidy are no longer valid, and (3) with the written concurrence of the Secretary of the Navy, that the defense considerations upon which were based the payment of construction differential subsidy are no longer valid and that the addition of such vessel would not replace any vessel the military usefulness of which will not be adequately provided for by the vessel seeking permission. Any permission to transfer permanently a vessel to trade embraced within the coastwise laws shall be conditioned upon prompt repayment of the entire unamortized construction differential subsidy originally paid, with interest thereon at the effective rate of interest on mortgages for similar ships in the coast-wise trade from the date of such payment during construction and at delivery until the date of repayment; any vessel granted permanent transfer under the terms of this sentence shall not thereafter be eligible for operating differential subsidy under title VI of this Act.".

Mr. JONES of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Chairman, section 3 which has just been read by the reading clerk is the CDS payback which has been fairly well discussed here this morning, particularly from the other side of the aisle.

Therefore, unless there are some questions. I yield back the balance of my time.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Murtha) having assumed the chair, Mr. Sabo, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2114) to authorize appropriations for the fiscal year 1984 for certain maritime programs of the Department of Transportation, and for other purposes, pursuant to House Resolution 352, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BADHAM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 281, nays 35, not voting 117, as follows:

[Roll No. 455]

YEAS—281

Ackerman
Albosta
Anderson
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Badham
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Bethune
Bevill
Bilirakis
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappie
Clinger
Coats
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Corcoran
Coyne
Daniel
Davis
Dixon
Donnelly
Dorgan
Duncan
Durbin
Dwyer
Dyson
Eckart
Edwards (CA)
Emerson
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Ferraro
Fiedler
Fields
Florio
Foglietta
Ford (MI)
Forsythe
Fowler
Frank
Frost
Gaydos
Gejdenson
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gray
Green
Guarini
Gunderson
Hall (IN)
Hall (OH)

Hall, Sam
Hammerschmidt
Harkin
Harrison
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Holt
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jones (NC)
Jones (OK)
Kaptur
Kasich
Kennelly
Kildee
Kolter
Kramer
LaFalce
Lagomarsino
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Long (LA)
Long (MD)
Lowery (CA)
Lujan
Luken
Lungren
Mack
Madigan
Markey
Martinez
Mavroules
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Parris
Patman
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Ritter
Rodino
Roe
Roemer
Rogers
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Studds
Swift
Synar
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Towns
Traxler
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Weaver
Weiss
Wheat
Whitehurst
Whitten
Wilson
Winn
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zablocki
Zschau

NAYS—35

Bartlett
Brown (CO)
Broyhill
Burton (IN)
Conable
Courter
Craig
Crane, Philip
DeWine
Dreier
Edwards (OK)
Evans (IA)
Frenzel
Gekas
Gibbons
Gradison
Gramm
Gregg
Hamilton
Jacobs
Kastenmeier
Leach
Loeffler
Marlenee
Martin (IL)
Myers
Nielson
Schaefer
Sharp
Solomon
Stump
Tauke
Walker
Weber
Yates

NOT VOTING—117

Addabbo
Akaka
Alexander
Andrews (NC)
AuCoin
Barnard
Barnes
Berman
Biaggi
Bliley
Boland
Boner
Bonker
Breaux
Broomfield
Chappell
Cheney
Clarke
Clay
Coelho
Coughlin
Crane, Daniel
Crockett
D'Amours
Dannemeyer
Daschle
Daub
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dowdy
Downey
Dymally
Early
Edgar
Edwards (AL)
Feighan
Fish
Flippo
Foley
Ford (TN)
Franklin
Fuqua
Garcia
Gore
Hall, Ralph
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hiler
Hillis
Howard
Jenkins
Johnson
Jones (TN)
Kazen
Kemp
Kindness
Kogovsek
Kostmayer
Latta
Lipinski
Lott
Lowry (WA)
Lundine
MacKay
Marriott
Martin (NC)
Martin (NY)
Matsui
Mazzoli
McCain
McHugh
Michel
Molinari
Morrison (CT)
Mrazek
Nichols
Packard
Panetta
Pashayan
Patterson
Paul
Pritchard
Rinaldo
Roberts
Robinson
Rose
Rostenkowski
Rudd
Savage
Sawyer
Schroeder
Simon
Skelton
Smith (IA)
Smith, Denny
Solarz
Spence
Stokes
Stratton
Sundquist
Tallon
Torres
Udall
Waxman
Whitley
Whittaker
Williams (MT)
Williams (OH)
Wirth
Young (MO)

☐ 1200

Mr. NIELSON of Utah changed his vote from "yea" to "nay."

Mr. GLICKMAN changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 352, the Committee on Merchant Marine and Fisheries is discharged from further consideration of the Senate bill (S. 1037) to authorize appropriations for fiscal year 1984 for certain maritime programs of the Department of Transportation, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of North Carolina moves to strike out all after the enacting clause of the Senate bill, S. 1037, and to insert in lieu thereof the provisions of the bill, H.R. 2114, as passed, as follows:

That funds are authorized to be appropriated for the use of the Department of Transportation for the fiscal year 1984, as follows:

(a) for payment of obligations incurred for operating differential subsidy, not to exceed $401,294,000;

(b) for expenses necessary for research and development activities, not to exceed $11,500,000;

(c) for expenses necessary for operations and training activities, not to exceed $74,013,000, including not to exceed:

(1) $35,655,000 for maritime education and training expenses, including not to exceed $20,266,000 for maritime training at the Merchant Marine Academy at Kings Point, New York, $10,668,000 for financial assistance to State maritime academies, $3,000,000 for fuel oil assistance to State maritime academy training vessels, and $1,721,000 for expenses necessary for additional training;

(2) $8,048,000 for national security support capabilities, including not to exceed $6,999,000 for reserve fleet expenses, and $1,049,000 for emergency planning/operations; and

(3) $30,310,000 for other operations and training expenses.

SEC. 2. Section 1304(c)(2) of the Merchant Marine Act of 1936 (46 U.S.C. 1295c(c)(2)) is amended to read as follows:

"(2) Subject to such amounts as are provided in advance in appropriations Acts, on October 1, 1984, and at the beginning of each fiscal year thereafter, the Secretary shall pay to each State maritime academy the amount of costs of fuel estimated by the Secretary to be consumed in the fiscal year then beginning by any training vessel furnished by the Secretary.".

SEC. 3. Section 506, Merchant Marine Act of 1936, as amended (46 U.S.C. 1156), is amended by adding the following at the end thereof:

"No owner shall be permitted by the Secretary to transfer a vessel permanently to trade embraced within the coastwise laws of the United States except upon a written finding that the vessel has never engaged in trade other than that described in section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), or after hearings, the Secretary determines (1) that the addition of the vessel to the coastwise trade will not result in the displacement from this trade of any vessel twenty-five years of age or less, (2) that the foreign commerce considerations upon which were based the payment of construction differential subsidy are no longer valid, and (3) with the written concurrence of the Secretary of the Navy, that the defense considerations upon which were based the payment of construction differential subsidy are no longer valid and that the addition of such vessel would not replace any vessel the military usefulness of which will not be adequately provided for by the vessel seeking permission. Any permission to transfer permanently a vessel to trade embraced within the coastwise laws shall be conditioned upon prompt repayment of the entire unamortized construction differential subsidy originally paid, with interest thereon at the effective rate of interest on mortgages for similar ships in the coastwise trade from the date of such payment during construction and at delivery until the date of repayment; any vessel granted permanent transfer under the terms of this sentence shall not thereafter be eligible for operating differential subsidy under title VI of this Act.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H.R. 2114, was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks of S. 1037, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3959, SUPPLEMENTAL APPROPRIATIONS, 1984

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3959) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi? The Chair hears none and, without objection, appoints the following conferees: Messrs. WHITTEN, BOLAND, NATCHER, SMITH of Iowa, ADDABBO, YATES, BEVILL, LEHMAN of Florida, FAZIO, CONTE, MCDADE, MYERS, COUGHLIN, and O'BRIEN.

There was no objection.

LEGISLATIVE SCHEDULE

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of California. Mr. Speaker, I have asked for this time for the purpose of receiving the schedule for the balance of this week and next week.

I yield to the gentleman from Missouri (Mr. GEPHARDT), the acting majority leader.

Mr. GEPHARDT. Yes. Will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman.

Mr. GEPHARDT. Mr. Speaker, I will attempt to run through the schedule for the coming week.

On Monday, November 7, the House will meet at noon. We will have the Consent Calendar. There will be no recorded votes on Monday. All recorded votes requested on Monday will be held on Tuesday. There will be on the Suspension Calendar nine bills, as follows:

First, H.R. 2982, the amendment to the Federal Land Policy Act.

Second, H.R. 2644, the Cape Hatteras National Seashore legislation.

Third, H.R. 2211, the right of way for REA facilities.

Fourth, House Resolution 349, thanking America's educators.

Fifth, H.R. 4194, extending the Energy Policy and Conservation Act.

Sixth, House Joint Resolution 93, a gold medal for Danny Thomas.

Seventh, H.R. 2718, the Paper Work Reduction Act amendments.

Eighth, H.R. 4294, Veterans' Administration medical centers in Altoona, Pa., and Dublin, Ga.

Ninth, H.R. 2629, to modify restrictions on land conveyed to the University of California by the Veterans' Administration.

We will then move to consider H.R. 4196, the Dairy Production Stabilization Act of 1983.

□ 1210

With regard to that legislation, there will be a modified rule, 1 hour. The rule has already been adopted, so there will be general debate only on that bill on Monday. That will complete the program on Monday, and as I said, all recorded votes requested on Monday will be held on Tuesday, at the close of the day's business. On Tuesday, November 8, the House will meet at noon. There will be four suspension bills and the recorded votes on the suspensions will be postponed until the end of the day's business. There will be four bills then on the Suspension Calendar on Tuesday. First, H.R. 2250, the Financial Interest and Syndication legislation; second, H.R. 3851, the Federal Food, Drug and Cosmetic Act amendments; third, H.R. 3649, the National Health Service Corps personnel amendments; and fourth, H.R. 4201, the rescheduling of methaqualone to schedule I of controlled substances.

We will then move to House Joint Resolution 403, continuing appropriation for fiscal year 1984. That, of course, is subject to a rule being granted. We also stand ready on conference report on H.R. 3222, State-Justice, Commerce, judiciary appropriations for fiscal year 1984 and as I stated, legislative votes will begin at approximately 3 o'clock in the afternoon.

On Wednesday and for the balance of the week, the House will meet at 10 a.m., and the following bills will be then subject to debate and consideration: H.R. 4169, Dairy Production Stabilization Act of 1983, on which we will complete consideration.

Also, H.R. 4102, Universal Telephone Service Preservation Act of 1983, subject to a rule being granted; H.R. 2992 Federal foreign aid authorizations, open rule, 1 hour; H.R. 1904, Child Abuse and Adoption Reform Act, open rule, 1 hour; and H.R. 3323, the Washington Workshop authorizations, open rule, 1 hour.

I would remind Members that Friday, November 11, is Veterans Day which is a Federal holiday. However, I think we should all be reminded that the continuing appropriation expires at midnight on Thursday, November 10, and the House cannot adjourn until a new one has been completed, so it is obvious that we may be meeting late on Thursday, November 10, until that piece of business is completed.

It is my understanding, that if it is completed, one could assume that there would not be recorded votes on Friday because it is a Federal holiday but if the appropriations bill is not completed on Thursday night, we could have a Friday session.

Mr. GEPHARDT. I yield to the gentleman from California.

Mr. LEWIS of California. In terms of today's schedule, do you anticipate any further business today?

Mr. GEPHARDT. There is no further business planned for today. There are no more bills. However, one correction to what I stated about Tuesday—we will start with the rule on the continuing appropriation, and when that is finished, we will then go to the suspensions, but we believe the activity on voting will begin about 3 o'clock on Tuesday.

There are two commemorative matters also that will be taken up today but we do not expect any further recorded votes.

Mr. LEWIS of California. Will the vote on the rule be postponed to later Tuesday?

Mr. GEPHARDT. The rule was adopted today. We will have no votes on Monday.

Mr. LEWIS of California. Does the gentleman anticipate that the vote on the appropriations rule will be at 3 o'clock or after on Tuesday?

Mr. GEPHARDT. It is expected that the rule on the appropriations bill would be completed at approximately 3 o'clock on Tuesday.

Mr. COURTER. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from New Jersey.

Mr. COURTER. I would request further explanation. In New Jersey, and there might be a lot of other States, we have elections on Tuesday, and the worst of all worlds is withholding all the votes from Monday until Tuesday to commence at 3 o'clock, because I would imagine there are a number of Members from New Jersey such as myself and other States, and Indiana, that perhaps would want to leave here about 2 o'clock which means we can be here Monday and Tuesday, and because of the way the voting is, miss all the votes, and I would like to ask whether the gentleman could recaucus with his leader to perhaps reconsider withholding all those votes until 3 o'clock on Tuesday.

Mr. LUKEN. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. LUKEN. I would like to join the gentleman on this, and that is why I was standing here at this point.

The most unfortunate time to bunch a lot of votes on suspensions, votes that are not necessarily the most momentous matters here but will reflect upon the records of the Members, the most unfortunate time would be on the evening of election time.

That is apparently what the leadership has chosen here. Those of us who are from cities and others who have important local elections have every

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reason to be home not election morning—we can vote by absentee—but on election evening. That is the way life is in the political world, and I would hope something can be done so an accumulation of votes would not occur at that particular time.

Mr. LEWIS of California. The gentleman raised some very important points.

I yield to the acting majority leader (Mr. GEPHARDT).

Mr. GEPHARDT. I appreciate the concerns that have been expressed, and it is my understanding that all of this was taken into consideration.

The problem we face is that the continuing appropriation has to be considered on Tuesday so that we have the opportunity to finish it by Thursday night when time runs out.

The Members should understand that by starting at 3 o'clock on the continuing appropriation, and by voting on it say at 7 o'clock at night which is a good estimate as to when it would finish, and then having the suspensions, if there are votes on suspensions after that time, the idea of that scenario was to allow Members to be at home on Tuesday, to be allowed time to vote and take part in election day activities and then to be able to get here in order to complete the business of the House.

If we had begun the schedule at 12 o'clock noon, it would have interfered more with Members' schedules.

I guess the answer to the question is that there is no perfect way to handle this and what we have tried to do is to establish a scenario of votes that would allow most Members to both engage in election day activities at home, to vote at home, and then to be here in the evening when the votes come.

Mr. LUKEN. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. LUKEN. I thank the gentleman for yielding.

I am sure there was a good faith attempt made but what we are pointing out is that it has not worked out very well. It is not very practical for anybody who lives farther than the beltway to be back here to vote at 3 o'clock and engage in any election day activities.

I would reiterate that the most important time in elections, as far as I am concerned, and I would think most Members, would not be the morning time. That would be the time when actual voting occurs, but the latter part of the evening.

I would also like to suggest if it would inconvenience too many Members to have those votes on the suspensions on Monday or Tuesday morning, if that would inconvenience too many Members, is it not possible to put off the accumulation of suspensions until Wednesday? I would like to urge that that be considered.

Mr. GEPHARDT. I understand the gentleman's request, and all of these thoughts will certainly be taken into consideration, but the schedule is as announced and until further notice, we have to assume that this is the way the schedule will be actually conducted.

Mr. LEWIS of California. Let me suggest to the acting majority leader that Mr. LUKEN raises an important point, and if it were possible to postpone the bulk of votes until Wednesday, that would certainly convenience a lot of Members.

I understand the problem you are discussing regarding the continuing resolution. On the other hand, those votes could create real problems for some Members.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

I would like to address my question to the acting majority leader and say that Veterans Day is November 11. A number of Members have accepted engagements to honor our veterans, and I guess what you are saying is if the continuing resolution and conference is not completed, there would be a possibility it could be carried over until Friday, but that would be the only vote that would be pending, to settle the continuing resolution as far as the conference is concerned.

Is that correct?

☐ 1220

Mr. GEPHARDT. If the gentleman will yield, he is correct. That would be the only vote on Friday, and it is the great hope, I think, of every Member that we are able to complete that business on Thursday night.

Mr. MONTGOMERY. And Members would already have had an opportunity to vote on the continuing resolution or amendments before Thursday also; is that correct?

Mr. GEPHARDT. Absolutely.

Mr. MONTGOMERY. So it would be just the conference that would be the problem?

Mr. GEPHARDT. The gentleman is correct.

Mr. COURTER. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman. I recognize the fact that the acting majority leader cannot unilaterally change the schedule. But all I am asking and urging upon him, because as we stand here more and more Members are saying that the worst time for a cloture is late on Tuesday, if he could at least make a commitment that he would bring this up with the other leaders of the majority party for at least consideration and further debate.

Mr. GEPHARDT. Will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman.

Mr. GEPHARDT. The gentleman's point is well taken and his thoughts are well received. I certainly will bring his ideas, both this Member and the Member from Ohio, to the respective leaders.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I wonder whether or not the schedule we have planned for next week still is predicated on the idea that we are going to adjourn for good on November 18. Are we accomplishing that next week which we need to do to get out of here by November 18?

Mr. GEPHARDT. Will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman.

Mr. GEPHARDT. I am informed we are proceeding on that assumption, and that the business we hope to accomplish next week, along with business that would further have to be accomplished in the last week that we are planning to be here would allow us to leave on that date.

Obviously there are matters that could complicate that. The debt ceiling and the continuing resolution are two matters that come immediatey to mind that could frustrate that effort. But the belief still is and remains that November 18 is our target date.

Mr. WALKER. That was going to be my other question. Are those the only two must pieces of legislation or do we have anything else that is on the absolute must list beyond the CR and the debt limit?

Mr. GEPHARDT. If the gentleman would continue to yield, I think there is obviously hope that the reconciliation legislation and tax legislation, which is related to the reconciliation legislation, could still be completed.

But I think that the two most important and most necessary pieces are the continuing resolution and the debt ceiling.

Mr. WALKER. I thank the gentleman for yielding.

Mr. CONTE. Mr. Speaker, will the gentleman yield to me?

Mr. LEWIS of California. I am happy to yield to the gentleman from Massachusetts.

Mr. CONTE. I just want to make one observation. If anyone has any plans for next Friday and Saturday, maybe Sunday, forget those plans. The Rules Committee has just given us a rule on the CR. We gave them a clean CR and it is loaded down.

We talked with the White House this morning and we are going to get a veto on it and we are going to be here next Friday, next Saturday and next Sunday.

Mr. LEWIS of California. I thank the gentleman for that information.

Mr. CONTE. Cancel your plane tickets and be ready to be here. We will celebrate Armistice Day right here and I hope that we can have an armistice here between the Members who are bent on getting a veto on the CR.

Mr. GEPHARDT. Will the gentleman yield?

Mr. LEWIS of California. I yield.

Mr. GEPHARDT. I thank the gentleman for his comments and perhaps we can have an armistice here in the Congress with the President and get that done on Thursday night.

Mr. CONTE. Not with that kind of bill. Over my dead body.

Mr. GEPHARDT. I understand the gentleman's feelings.

Mr. LEWIS of California. If I may ask the acting majority leader, I understand the leadership is in the process of putting together details of a schedule for the recess and for next year. I wonder if the gentleman could give us any information that is available in that regard.

Mr. GEPHARDT. If the gentleman will yield, I have before me the House Calendar for 1984, and that will be included in the RECORD today and will be made a part of the RECORD and Members can certainly review the RECORD to find that schedule for 1984.

The schedule referred to follows:

HOUSE CALENDAR—1984

January 23	Congress Convenes.
January 31	Receive President's Budget.
February 10 through Noon February 21.	Lincoln/Washington Birthdays District Work Period.
February 12	Lincoln's Birthday.
February 20	Washington's Birthday.
March 15	Committees Submit Reports to Budget Committee.
April 16 through Noon April 24	Easter District Work Period.
April 16	Deadline for Budget Committee Reporting First Resolution.
April 22	Easter Sunday.
May 15	Complete Action on First Resolution; Deadline for Reporting Fiscal Year 1985 Authorizations.
May 25 through Noon May 30	Memorial Day District Work Period.
May 28	Memorial Day.
July 2 through Noon July 23	Independence Day/Democratic National Convention District Work Period.
July 16 through July 19	Democratic National Convention.
August 13 through Noon September 5	Republican National Convention/Labor Day District Work Period.
August 20 through August 23	Republican National Convention.
September 3	Labor Day.
September 15	Complete Action on Second Budget Resolution.
September 25	Complete Action on Reconciliation.
October 1	Fiscal Year Begins.
October 4	Adjournment Target.

Mr. LEWIS of California. I thank the gentleman and I yield back the balance of my time.

ADJOURNMENT TO MONDAY, NOVEMBER 7, 1983

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule shall be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

IN PRAISE OF THE RULE ON MILK LEGISLATION

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I just rise now to commend the Rules Committee for the outstanding manner in which they handled H.R 4196. It allows for a full and open discussion on the leading options under consideration for coming to grips with the crisis in the dairy industry.

Two weeks ago it appeared that we would not have the option for that full and open debate. Then it appeared that we might have a situation under which we could come to grips with a crisis in the dairy industry without having any single Member of Congress on record.

We know the other body approved that measure by a voice vote and it appeared at the moment of decision just 2 weeks ago that we were not going to debate or vote on that measure, but given our conferees authority to act in our behalf without any consideration. That would have been the wrong way to proceed.

It is our obligation to debate and to decide and to be recorded, and I am glad that we are finally coming to grips with the crisis in the dairy industry.

NATIONAL HOME CARE WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 122) to designate the week of November 27, 1983 through December 3, 1983, as "National Home Care Week," and ask for its immediate consideration in the House

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, we are all aware of the need to contain this Nation's spiraling health care costs. This need is particularly pressing for our elderly population, which has extensive requirements for medical and health-related services, while operating under the constraints of fixed retirement incomes.

One of the most logical and beneficial alternatives to the more traditional modes of health care is home health care. The home health care concept substitutes services within the home for nursing homes or hospitalization. I am convinced that, whenever possible, it is preferable for senior citizens to continue living with their families rather than in institutions.

For this reason, I am particularly pleased that my colleagues from Utah and California have introduced legislation establishing a week designated particularly for home health care. I believe this initiative will increase awareness of and participation in the home care concept and will encourage the creation of a comprehensive system evolving around the extended family. I am hopeful that designating the week of November 27 as "National Home Health Care Week" will foster expansion of medical services to those who prefer the home environment to costly institutions.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 122

Whereas organized home health care services to the elderly and disabled have existed in this country since the last quarter of the eighteenth century;

Whereas home health care is recognized as an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare program, including skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home health agencies providing these services has increased from less than five hundred to more than three thousand; and

Whereas many private and charitable organizations provide these and similar services to millions of patients each year preventing, postponing, and limiting the need for institutionalization: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America *in Congress assembled,* That the week of November 27, 1983, through December 3, 1983, is designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mrs. HALL of Indiana. Mr. Speaker, as you are aware, organized home health care services to the elderly and disabled is recognized as an effective and economical alternative to unnecessary institutionalization. It has come to my attention that caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services.

Mr. Speaker, I urge the adoption of this resolution which authorizes and requests the President to issue a proclamation calling upon the people of the United States to observe the week of November 27 through December 3, 1983, as National Home Care Week.

● Mr. PEPPER. Mr. Speaker, as a strong advocate of home health services and an original cosponsor of our companion resolution (H. Res. 268), I take particular pleasure in supporting this resolution (S.J. Res. 122) to establish the week of November 27, 1983, as National Home Care Week.

Home health services encompass a broad range of health services provided by federally certified home health agencies to individuals in their own homes. Often they provide a less costly alternative to institutionalization. Almost invariably, the availability of compassionate, in-home care is the treatment of choice for most Americans.

Because of these factors, use of home health services is increasing at an alarming rate. According to the Department of Health and Human Services, in 1971 reimbursement for home health services totaled less than half a percent of all medicare expenses. By 1977, the proportion of medicare expenditures directed at home health services had more than tripled to 1.8 percent. Now, we are told, home health services account for about 2 percent of medicare expenditures.

Still, despite this impressive growth, it appears home health care is the best kept secret in the country. When we examine home health expenditures in the context of other related expenditures, we find we spend more to maintain older persons in nursing homes than the combined cost of home care under medicare, medicaid, all social services, the supplemental security income program, and all federally funded special housing programs for the elderly.

At the same time, we are aware of the escalating need for these vital services. According to the Department of Health and Human Services, the greatest utility of home health services were by individuals who are 75 years old and older. These individuals use home health services at a rate 2½ times greater than those 65 to 75. Their number will increase by more than 70 percent in the next 20 years.

Additionally, if we look at the broader demographic data, we find more than half a million people are attaining senior status each year. Over 100,000 of these people have serious disabilities. When we combine these elements, we find that by the year 2000 about 45 percent of our senior population will be over 75. More than 10 million of these people will be functionally dependent.

In recent years, largely because of this escalating need, Congress has continually endorsed the need for and value of home health services. Some modest expansions of the home health benefit under medicare have been enacted and authority has been granted to the States to substitute community services for nursing home care when appropriate and cost effective. But, we must realize much more is needed.

Earlier this year, the Congressional Budget Office projected the medicare hospital insurance trust fund will be bankrupt within 4 years unless the program is fundamentally altered. Since that time, as chairman of House Aging Committee, Subcommittee on Health and Long-Term Care I have conducted more than a dozen hearings as part of a comprehensive review of the program to define alternatives.

One of the first of these hearings was to examine the progress of home care and impediments to its growth. Subsequently, confronted with the paucity of data on home care, I initiated a national survey of home health services utilization and cost. I believe we will find home care to be both cost effective and efficient. I know it is more humane.

This resolution, which we introduced at the request of the National Association for Home Care, provides the home health community and its advocates an opportunity to celebrate the contribution of home care to the health of the American people. It is our hope it will also increase the general awareness of what home health services are, their value to the community, and the need for the expansion of these services.

In near future, I hope to see a more comprehensive, efficient, and cost-effective health program enacted for the elderly. I believe home care, preventative care, and community services should be the cornerstones of that program.●

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CONGREGATE AND MEALS ON WHEELS WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 386) designating the second week of November 1983 as "National Congregate and Meals on Wheels Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, I would state the minority has looked at this. As a matter of fact, there are quite a number of the minority who are cosponsors of this commemorative resolution.

I would think it is one that contains a great deal of merit and is worth while, and for that reason I stand in favor of the passage of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 386

Whereas over one hundred and ninety-five thousand volunteers—90 per centum of whom are over sixty years of age—provide in excess of five hundred and seventy thousand meals per day in congregate settings where senior participants have an opportunity for socialization and fellowship in addition to having their nutritional needs met;

Whereas over two hundred thousand volunteers—70 per centum of whom are themselves elderly—deliver over one hundred and fifty thousand meals daily to homebound, frail, older persons;

Whereas the dedication of volunteers to helping peope receive hot nutritious meals each day ensures the continued well-being of many needy persons;

Whereas community based home-delivered and congregate meal programs make possible the joint use of public and private funds and resources to serve older people;

Whereas nutritious food is an essential ingredient to the maintenance of life; and

Whereas the aged are revered members of our society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second week of November, beginning on November 6, 1983, is designated "National Congregate and Meals on Wheels Week". The President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mrs. HALL of Indiana. Mr. Speaker, as you are aware, over 195,000 volunteers provide in excess of 570,000 meals per day in congregate settings where senior participants have an opportunity for socialization and fellowship in addition to having their nutritional needs met. The dedication of volunteers to helping people receive hot nutritious meals each day insures the continued well-being of many needy persons. It has come to my attention that community based home-delivered and congregate meal programs make possible the joint use of public and private funds and resources to serve older people.

Mr. Speaker, I urge the adoption of this resolution which designates the week of November 6 through November 12, 1983, as National Congregate and Meals on Wheels Week.

● Mr. PEPPER. Mr. Speaker, I would like to urge my colleagues to support House Joint Resolution 386, which will designate the week of November 6, 1983, as "The National Congregate and Meals on Wheels Week." I commend my distinguished colleague, Representative MARIO BIAGGI of New York, for sponsoring this legislation and seeking to sensitize the Nation regarding the role these federally supported nutrition programs play in the lives of our older Americans.

My interest in promoting better health among older Americans through improved nutrition dates back to 1973 when legislation I introduced to provide for a nutrition services program under the Older Americans Act was passed by the Congress. I introduced this legislation after learning that millions of older Americans were eating inadequately simply because: First, they could not afford to do so; second, they lacked the skills to prepare nutritionally balanced meals; third, their limited mobility impaired their capacity to shop or cook for themselves; and fourth, their feelings of rejection and loneliness obliterated the incentive necessary to prepare and eat a meal alone. I found that these and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living which causes malnutrition and further physical and mental deterioration.

Based on these findings, in 1973 the Congress agreed to fund a nutrition program and provide at least one hot or other appropriate meal, 5 or more days a week, to persons 60 and over and their spouses. All would agree that the nutrition program has been highly successful in accomplishing its objectives: Promoting better health and reducing the isolation of older persons by offering them an opportunity to participate in community activities and combine food with friendship.

In 1978, the nutrition program was expanded to provide home-delivered meals to persons 60 years of age or over, who are homebound by reasons of illness and incapacitating disability, or extreme transportation problems. Home-delivered or Meals-on-Wheels has also come to be viewed as highly successful in meeting the nutritional needs of older Americans and helping them remain independent in their own homes—obviating the need for more costly and premature institutionalization.

Today, my home State of Florida has over 435 congregate meal sites which serve about 6½ million meals. In addition, about 25,000 home-delivered participants receive a total of about 3 million meals annually.

Although the fiscal year 1984 appropriations bill, recently signed into law by the President, provided an increase of $2.5 million for the congregate meals program and retained the home-delivered program at the fiscal year 1983 level—it falls woefully short of meeting the needs of the hundreds of thousands of older Americans who are waiting to participate in these nutrition programs—as evidenced by waiting lists maintained by our Nation's area agencies of aging.

I am hopeful that House Joint Resolution 386 will serve to sensitize the Nation regarding the important role these programs play in the lives of senior citizens and serves to underscore the need to make such services available to all who might benefit from them.

Once again, I commend my colleague, MARIO BIAGGI, for bringing this legislation to our attention—and, I urge my colleagues to join me in support of its immediate passage.

Thank you.●

● Mr. BIAGGI. Mr. Speaker, today as the author of House Joint Resolution 386, designating the week of November 6 to 12 as "National Congregate and Meals on Wheels Week," I am pleased that this resolution comes before the House today cosponsored by over 235 of my colleagues including the distinguished gentlewoman from Indiana (Mrs. HALL). This resolution is a formal tribute to the thousands of people across these United States who provide meals to senior citizens through both public and private funds in senior centers and homes.

Congress has long recognized the importance of congregate and home-delivered meals for the well-being of our older citizens through funding provided under varying legislation, but particularly through the Older Americans Act. For the past 11 years, title III-C of the act has provided authorizations to States for the operation of congregate nutrition services and home-delivered nutrition services.

In 1978 the national home delivered meals program became title III(C)(ii) of the Older Americans Act. Today these programs combined serve millions of meals daily to senior citizens, and this program is one of the most successful of all Federal programs. Last year, there were over 674 area agencies on aging, 7,926 social service providers, 12,915 congregate nutrition service sites, and 3,323 home-delivered meals providers supported through title III. Approximately 10 million older people were social service participants. Congregate nutrition services participants totaled over 3.5 million, and home-delivered meals participants numbered over 0.8 million persons. Over 150 million congregate and almost 40 million home-delivered meals were served with title III funds solely.

House Joint Resolution 386 also pays tribute to those persons providing daily meals under the social services block grant, which is the second most important source of nutrition funding for the elderly. A survey recently conducted by my Subcommittee on Human Services of social services block grant recipients with relation to their own particular nutrition programs shows that these meals programs play an invaluable role in the health and well-being of older people in America today. They are indeed vital to the very lives of our elderly population.

Congress just recently passed and the President signed into law the Labor-HHS appropriations bill which provided a $2.5 million increase for the congregate nutrition program, raising it to $321.5 million and the home delivered meals program at $62.025 million. This extra funding will be cost-saving in the future. Those who are kept in this program—and those new additions—are those who without this service might be forced into a nursing home. In a 1977 hearing I conducted, it was disclosed that 20 percent of those in nursing homes were there simply because of an inability to maintain a proper diet.

An indication of the importance of the Older Americans Act nutrition program can be shown from the findings of a national survey conducted by HHS on the program. In this survey, we learned that participant population has remained stable and the participation by the elderly in nutrition services such as Meals on Wheels and congregate meals was very frequent—61 percent of congregate participants attend meal sites three or more times per week, and 82 percent of home-delivered meals recipients receive a meal in their homes five times each week. Congregate participants are more likely to be single and alone, while home-delivered meal recipients are older, poorer, and in poorer health.

My resolution also honors the private providers of meals to senior citizens, especially the many private meals on wheels programs across the country. These meals programs work only because of the extensive involvement and concern of the community, and the many hours of volunteer service given by thousands of people, most of whom are elderly themselves. This resolution would provide a way for these people, their contributions, to be brought to the attention of the entire Nation, and would also help involve even more volunteers in delivery of meals and other assistance required by the elderly.

I would like to point out that these programs, and this resolution would not be successful were it not for the outstanding leadership which has been exhibited by the National Association of Nutrition and Aging Service Programs (NANASP) and the National Association of Meal Programs, led respectively by William Moyer and Mamie Lee. Their participation and guidance have been foremost in the field of nutrition services for the elderly. In addition, I would like to recognize the National Association of Area Agencies on Aging and the National Association of State Units on Aging for their essential role in the area of nutrition.

Mr. Speaker, I feel it is appropriate that we pass House Joint Resolution 386 this year for several reasons. This year is the 5-year anniversary of the home-delivered meals program—I feel that the passage of the resolution would be a worthy and timely tribute to a program that has helped so many of our Nation's elderly people. In addition, next year will be the reauthorization period for the Older Americans Act. During that time, nutrition services for the elderly will again be carefully looked at and funding will be considered. Finally, and perhaps most importantly, this resolution, if passed, would reaffirm our strong commitment to bettering the lives of our Nation's 26 million senior citizens.●

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1230

EXTENDING TERM OF PRESIDENTIAL COMMISSION FOR THE GERMAN-AMERICAN TRICENTENNIAL

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 405) to extend the term of the Presidential Commission for the German-American Tricentennial, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, obviously I will not object. I am personally very much in favor of the extension of this Commission. It is my legislation that started it off in the very beginning.

Mr. Speaker, I rise in support of House Joint Resolution 405, a resolution which I introduced to extend the Presidential Commission for the German-American Tricentennial to October 31, 1984.

Mr. Speaker, as you know, the 97th Congress passed Senate Joint Resolution 260, which established the Presidential Commission to celebrate the tricentennial and provided for the termination of the Commission to receive and use donations, property, and personal services from both the public and private sectors. The act also provided that all of the expenditures of the Commission were to be made from donated funds, not appropriated funds.

The principal and only reason for extending the life of the Commission is to continue to oversee the planning and establishment of a German-American friendship garden in the District of Columbia.

This friendship garden is intended to serve as an enduring symbol of German-American contributions to our country and the lasting friendship between the people and the Governments of the United States and the Federal Republic of Germany.

It is my understanding that the Commission has already collected and earmarked enough private funds to finance the development of the friendship garden. However, the garden cannot possibly be completed by January 31, 1984, the date the Commission expires.

The friendship garden will be the primary, if not the only significant momento of the tricentennial commemoration.

I urge my colleagues to join me in supporting the extension of the German-American Tricentennial Commission to October 31, 1984.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 405

Whereas in commemoration of the three hundredth anniversary of German settlement in America at Philadelphia, Pennsylvania, on October 6, 1683, the Congress passed Senate Joint Resolution 260, Ninety-seventh Congress, which was signed into law by the President on January 14, 1983, as Public Law 97-472 (hereinafter in this resolution referred to as the "Act");

Whereas the Act established the Presidential Commission for the German-American Tricentennial (hereinafter in this resolution referred to as the "Commission") to plan, encourage, develop, and coordinate the commemoration of the German-American Tricentennial, and provided for the termination of the Commission on January 31, 1984;

Whereas the Act authorizes the Commission to encourage the participation of, and receive donations of money, property, and personal services from, public and private organizations and individuals to assist the Commission in carrying out its responsibilities, and provides that all expenditures of the Commission are to be made from donated funds;

Whereas one of the key projects undertaken by the Commission is to oversee the planning and establishment of a German-American Friendship Garden in the District of Columbia as an enduring symbol of German-American contributions to this country and the lasting friendship between the United States and the Federal Republic of Gemany; and

Whereas the President and the Congress are of the opinion that more time will be needed by the Commission beyond its presently scheduled expiration date of January 31, 1984, to complete its work on the German-American Friendship Garden: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the term of the Commission is hereby extended to October 31, 1984, and the deadline for the report of the Commission's activities to the Congress required by the Act is hereby also extended to that date.

Sec. 2. After December 31, 1983, the Commission shall not incur any obligations other than in connection with its work on the German-American Friendship Garden, or the carrying out of necessary administrative functions, nor shall the Commission solicit, receive, or use any donated funds or the support or assistance of any other executive agency or department after December 31, 1983, except for the purposes of its work on the German-American Friendship Garden, the liquidation of financial obligations incurred prior to January 1, 1984, and the carrying out of necessary administrative functions.

Sec. 3. Except as otherwise provided in this resolution, the provisions of the Act shall remain in effect.

Mrs. HALL of Indiana. Mr. Speaker, as you are aware, this act established the Presidental Commission to plan, encourage, develop and to coordinate the commemoration of the German-American Tricentennial. One of the key projects undertaken by the Commission is to oversee the planning and establishment of a German-American Freindship Garden in the District of Columbia as an enduring symbol of German-American contributions to this country, At present, the President and the Congress are of the opinion that more time will be needed by the Commission beyond its presently scheduled expiration date of January 31, 1984, to complete its work on the German-American Friendship Garden.

Mr. Speaker, I urge the adoption of this resolution which hereby extends the term of the Commission to October 31, 1984, and the deadline for the report of the Commission's activities to the Congress required by the act is hereby also extended to that date.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CHRISTMAS SEAL MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 188) to designate the month of November 1983 as "National Christmas Seal Month," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Reserving the right to object, Mr. Speaker, I have no objection to this. I cannot, and I do not think the Speaker, either, could imagine a Christmas without Christmas Seals. We are very much in favor of the passage of the Senate joint resolution.

I thank the gentlewoman from Indiana for her indulgence.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 188

Whereas chronic diseases of the lung afflict well over seventeen million Americans, cause more than two hundred thousand deaths annually, at a cost to the Nation of more than $48.8 billion each year in lost wages, productivity, and in direct costs of medical care;

Whereas leading the fight in the voluntary sector to prevent illness, disability, and death from lung disease is the American Lung Association—the Christmas Seal People—a nonprofit public health organization supported by individual contributions to Christmas Seals and other donations;

Whereas chronic obstructive pulmonary diseases have been among the fastest rising causes of death—an 87 per centum increase in the past ten years. Almost seven million Americans, including two million two hundred and fifty thousand children, suffer from asthma;

Whereas two and one-half million people have emphysema, while seven million eight hundred thousand suffer from chronic bronchitis. And it is expected that lung cancer will surpass breast cancer as the leading cause of cancer deaths among American women during this decade;

Whereas the American Lung Association, the Nation's first national voluntary public health organization, was founded in 1904 as the National Tuberculosis Association to combat TB when this lung disease was known to nearly every American family and one in seven deaths resulted from tuberculosis. Beginning in 1907, Christmas Seals were used to raise funds through private contributions to provide education to Americans about the disease;

Whereas, in its early years, the National Tuberculosis Association pioneered in school programs aimed at motivating our young people to establish healthful living patterns. That tradition remains strong as the American Lung Association, through its community Lung Associations, helps educate the public, patients, and their families about lung diseases; sponsors community action programs for good lung health; underwrites medical research; supports education for physicians and other health care workers; wages vigorous campaigns against cigarette smoking and air pollution. The primary source of funding for more than seventy years has been Christmas Seals. This year, Christmas Seals will be in sixty million homes. Tuberculosis has been subdued considerably, but not eradicated in the one hundred and two years since the discovery of the tubercle bacillus by Doctor Robert Koch. The disease is still responsible for one in one thousand deaths—many among children. The American Lung Association continues to work with Congress to better distribute resources to control tuberculosis and work toward its eradication;

Whereas the American Lung Association works with the National Heart, Lung and Blood Institute, a major component of the National Institutes of Health, to support research, training, and demonstration programs relevant to the lung, as well as the National Institute of Allergy and Infectious Diseases and the National Institute of Environmental Health Sciences, in addition to the Tuberculosis Program of the Centers for Disease Control, the Office of Smoking and Health, and the Office of Health Promotion; and

Whereas the American Lung Association continues to cooperate with Federal agencies to bring about a decrease in the serious problem of lung disease, a mission to which its volunteers and staff are committed: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1983 is designated as "National Christmas Seal Month" and the President of the United States is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the month with appropriate activities supporting the Christmas Seal program.

Mrs. HALL of Indiana. Mr. Speaker, as you are aware, leading the fight in the voluntary sector to prevent illness, disability, and death from lung disease is the American Lung Association—the Christmas Seal people—a nonprofit public health organization supported by individual contributions to Christmas Seals and other donations. Since 1907, Christmas Seals were used to raise funds through private contributions to provide education to Americans about the disease. Christmas Seals dollars helps educate the public, patients, and their families about lung diseases, sponsors community action programs, underwrites medical research and supports education for physicians and other health care workers.

Mr. Speaker, I urge the adoption of this resolution which designates the month of November 1983 as National Christmas Seal Month.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FLORENCE CRITTENTON MISSION WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 383) to designate the week beginning November 6, 1983, as "Florence Crittenton Mission Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, I yield at this time to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I thank the gentleman from New Jersey who is a cosponsor of this legislation for yielding and wish to express our thanks to the chairwoman of the Census and Population Subcommittee, the gentlelady from Indiana (Mrs. HALL) for kindly scheduling this bill. The minority also wishes to thank the chairman of the full committee, the gentleman from Michigan (Mr. FORD), for his assistance and cooperation.

The author of House Joint Resolution 383, the gentleman from California (Mr. DANNEMEYER) joins me in thanking the members of the Post Office and Civil Service for their support and assistance in scheduling this legislation.

Mr. Speaker, I again thank the gentleman from New Jersey for yielding.

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 383

Whereas in 1883 Charles Crittenton of New York opened his first rescue mission to reverse society's punitive attitude toward outcast young women;

Whereas in 1898 the National Florence Crittenton Mission was the first of its kind to be chartered by Congress;

Whereas the Florence Crittenton Mission has achieved remarkable success, in the words of the original congressional charter, in aiding young women to "seek reformation of character . . . (and) to reach positions of honorable self-support";

Whereas the Florence Crittenton Mission has achieved distinction in providing a wide range of services, from residential care to career counseling, for troubled young women; and

Whereas the Florence Crittenton Mission has grown to a network of 39 agencies in 26 States, serving thousands of young women: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 6, 1983, is designated as "Florence Crittenton Mission Week". The President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mrs. HALL of Indiana. Mr. Speaker, as you are aware, the Florence Crittenton Mission has achieved remarkable success in aiding young women to "seek reformation of character and to reach postions of honorable self-support." The Florence Crittenton Mission has achieved distinction in providing a wide range of services, from residential care to career counseling for troubled young women.

Mr. Speaker, I urge the adoption of this resolution which designates the week beginning November 6 through November 12, 1983, as Florence Crittenton Mission Week.

● Mr. DANNEMEYER. Mr. Speaker, I rise in support of my resolution, House Joint Resolution 383, which designates the week of November 6, 1983, as Florence Crittenton Mission Week.

May I first thank my 228 colleagues who have kindly cosponsored this resolution. I especially note the support of our distinguished minority and majority leaders and members of the House Post Office and Civil Service Committee.

This resolution recognizes 100 years of outstanding public service by the Florence Crittenton organization. In 1883, Charles Nelson Crittenton of New York opened his first rescue mission, which offered a new start for girls in difficulty with family, the law, pregnant out-of-wedlock, or alone with child. This service grew out of Mr. Crittenton's despair over the death of his 5-year old daughter, Florence, after whom the organization is named. This despair became a drive to help the outcast and less fortunate young girls than his Florence who grew up in a wealthy family. In the next 15 years, Crittenton expanded his New York agency to the west coast. Homes are now found in 15 States. In 1898, President McKinley signed the Mission's charter. In 1903, Congress acted to incorporate the Florence Crittenton Mission in perpetuity. On Tuesday, November 8, 1983, a recognition dinner is planned in New Orleans. The 39 nationwide Crittenton agencies express their deep appreciation to the Congress for this proclamation.

President Reagan has also sent a congratulatory message to the dinner gathering which notes "that your tradition of service has been maintained largely through voluntary donations of talent and financial support (that) strengthens one of our most important American traditions."

"Crittenton" has become synonymous with compassion, not condemnation, for young women with pregnancy problems or with emotional, social disorders. Crittenton agencies offer a continuum of services which include pregnancy care, after pregnancy care, and single parent counseling. Also provided is a temporary home that includes career counseling. May the Florence Crittenton Mission continue another 100 years.●

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 4052, DISASTER ASSISTANCE TO AGRICULTURAL PRODUCERS AND RANCHERS

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight Friday, November 4, 1983, to file its report on the bill H.R. 4052, to provide disaster assistance to agricultural producers and ranchers.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3498

Mr. DYSON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3498.

The SPEAKER pro tempore (Mr. GONZALEZ). Is there objection to the request of the gentleman from Maryland?

There was no objection.

GRENADA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR), is recognized for 30 minutes.

Mr. BONIOR of Michigan. Mr. Speaker, for some time, I, and many of my colleagues, have been warning of the ideological blinders and military bent of U.S. foreign policy. This has been especially evident in Central America, where our mounting military aid to El Salvador and Honduras is evident, and our not so secret war against Nicaragua have escalated conflicts and undermined the prospects for negotiations; where our support, in the name of anti-Communism, for regimes that ruthlessly suppress their own citizens makes a mockery of our commitment to democracy, and drives those who seek a measure of self-determination into a bitter anti-Americanism. Recent events, however, have convinced me that the danger inherent in this administration's foreign policy extends far beyond the imminent prospects of regional war.

With the invasion of Grenada, the administration has confirmed to all the world that ours is a foreign policy that places military action ahead of diplomacy, values the pursuit of raw power above the respect for international law, and will stop at little, including the censorship of our own press, to enforce its views of the ideological war between East and West. What I fear most from this foreign policy is that the administration has shown the capacity to remake the world in its own image. If the administration insists on drawing a simplistic line between East and West, between us and them, and backing that vision with military force, then we indeed may face a world that is divided on just those lines.

□ 1240

For these reasons, I rise to condemn the invasion of Grenada. I know it is popular today in this country, but I suspect over a period of time that popularity will be eroded when the American people become aware of the facts that have taken place this past week.

This invasion as unequivocably outside the acceptable standards of international behavior and law. It violated the prohibitions against intervention in the internal affairs of other states found in the Charters of the United Nations and the Organization of American States, and in the Rio Treaty.

The administration cited as legal justification for the invasion a little known treaty of the Organization of East Caribbean States, which was signed by seven nations—the United States was not among them—in June of 1981. It was at the request of some of these nations that the United States acted in what the President has called "a military operation to restore order and democracy in the region." Yet, this treaty only provides for a collective response to defend a member country from outside attack. Nowhere does the treaty call for preemptive measures, by a nation outside the region, to reorganize the internal politics of a sovereign nation.

The State Department argues that the request by some members of the OECS made the invasion "a regional security measure" and thus exempted it from the U.N. prohibition against intervention. Yet, the treaty of the OECS, itself, was never properly registered with the United Nations and was virtually unknown to experts in international law. Indeed, its invocation calls to mind the system of secret treaties among nations that led to World War I, and whose tragic consequences this entire century's efforts at international institution building have tried to prevent.

Wiser heads in the Caribbean, the members of the Caribbean Common Market (Caricom) refused to endorse military intervention in Grenada. Many of these states felt that an invasion would violate a primary purpose of the Caribbean Common Market charter which is "to prevent all external intervention," particularly from countries, such as the United States, outside the region. Not only did the administration fail to obtain the approval of the OAS but a majority of its member nations denounced the invasion, including such staunch U.S. allies as Brazil, Venezula, Panama, Mexico, and the Dominican Republic. Even Chile opposed the invasion. Throughout the world, allies have criticized the U.S. invasion. Britain refused to participate in the invasion force, and was affronted by our military intervention in a Commonwealth country. Country after country has expressed concern that the United States acted outside of international law.

How is the administration's argument for this invasion any more convincing than the hollow justifications the world has been served for such actions as the Soviet invasion of Czechoslovakia or Afghanistan? In each case, the Soviets, too, have found factions or allies who will request urgent assistance to come to their defense in the interest of peace and security.

It is not in the interest of the United States or of the Western World to imitate this cold-blooded calculus of power politics. Nor is it in our interest to undermine the integrity of the very international system of law and order that is the only protection for this planet in a nuclear age.

The administration first cited the necessity to protect American lives as reason for undertaking a military mission on Grenada. Yet, it has failed to provide convincing evidence that our own citizens' lives were in danger or that their evacuation could not have been carried out by diplomatic means.

We now know that both Cuba and Grenada sent urgent messages to the United States saying that U.S. citizens were safe. We now know that the airport was open and that several Americans had flown from the island the day before the invasion. The vice-chancellor of the medical school, who was on the island throughout the invasion, has declared that "from the point of view of saving our students, the invasion was unnecessary." Canada and other nations had made arrangements to remove their citizens from the island, arrangements that were disrupted not by the island's government, but by the U.S. invasion.

Although we all rejoice that U.S. civilians have returned from Grenada safely, and admire the courage of our troops who carried out this operation, enduring questions remain about whether this combat was necessary, whether the military casualties were a price we had to pay, and whether we did not in fact endanger Americans—both civilians and military—by choosing to invade rather than to make use of diplomatic channels.

Mr. Speaker, this Nation, this House, and this Member are not blind to the continuing threat posed by Cuba or to the need for this country to develop a forceful response. Yet legitimate concerns about Cuba are no excuse for the use of Cuba as an excuse for any action, nor do those concerns allow this country to avoid the hard work of determining first the actual facts in each circumstance and insuring that our action actually serves our Nation's interests.

We are left with a constantly shifting rationale from the administration. We are told, in the end, the invasion was justified to avoid a Cuban takeover of the island, to prevent its use as a launching pad for the export of international terrorism, and to restore democracy.

Yet, what confidence can we have of the administration's contentions of the Cuban threat? First, we were told that there were 500 to 600 Cubans on the island. Later, we were told that the number totaled 1,000 to 1,100. Now, the administration has revised its estimates back to 800, the number that Havana had indicated were present all along. Certainly, the presence of large numbers of Cubans on the island would pose grave concern to this country. But does it represent a threat to our security? To the security of Grenada's neighbors? Or to the security of Grenadians themselves, whose former government had invited them to the island? One thing does seem clear: the administration's intelligence on the matter is either sorely lacking or is purposely being distorted to fit its prior notions of a Cuban threat.

The same confusion arises when we look more closely at the evidence of Cuban and Soviet weapons on the island. Originally we were told, and the administration showed on TV, warehouses with "weapons and ammunition stacked to the ceiling" to arm revolutionaries throughout the hemisphere. But when reporters were allowed to inspect these warehouses, it was discovered that three of the six warehouses contained no weapons at all; none of the warehouses was more than half full; and only a fraction of the weapons were post-World War II vintage. Many dated from as far back as the 19th century and would be of little use in modern warfare. The presence of large numbers of weapons is certainly disturbing, the administration's exaggeration of their weight, however, undermines our confidence in its assessment of the dangers.

Proof of the Soviet-Cuban threat we are now told lies in the discovery of "secret" documents which the administration will release when they are cataloged and cleared for publication. Unfortunately, this promise of proof sounds suspiciously like the infamous white papers that have emanated from the administration at various critical moments in the past few years, and which have been regularly refuted as "misleading" and "overembelished", according to such sources as the Wall Street Journal. Although documents will, at first, seem to be impressive, I think we will be forced to conclude again, as a staff report for the House Select Committee on Intelligence concluded over a year ago that this administration had a tendency to use intelligence data more for ammunition than for illumination, more to reinforce their previous contentions, than to inform responsible policy analysis.

No one contests the great courage of our fine marines and pilots. The bombing, clearly, is not their fault. The fundamental issue raised is rather why our intelligence was so poor that our pilots were not given precise military targets, or at a minimum, the precise location of clearly civilian installations such as a hospital.

And what of the proper uses of our intelligence apparatus? We are told that the military operation took longer than was predicted because our troops met unexpectedly strong resistance. Why was such resistance unexpected? And why were our troops guided merely by tourist maps when they landed on the island? Why did our own military learn of the destruction of a mental hospital by U.S. bombing killing as many as 47 Grenadian civilians, only after foreign journalists uncovered the sight?

Because of the cloak of secrecy surrounding this invasion, the American people must maintain a critical stance toward our own Government's action and we must continue to ask why the administration chose to reveal what it did, what is it hiding and why is it hiding?

During the invasion, the administration placed severe restrictions on reporting from Grenada and blatantly tried to orchestrate the news. Reporters were barred completely from the island for the first 2 days of the invasion. The reporters who were on the island at the time were picked up and transported off the island. The third day, just prior to the President's speech, only 15 reporters were allowed on Grenada. They were accompanied by a military escort, and were allowed to stay for only a few hours. The first television coverage of the event consisted of tapes supplied by the Pentagon, not of the fighting, but of the arms caches found on the island. These pictures buttressed the President's speech but did little to inform the American people of the real situation on the island.

By Saturday, a full 5 days after the invasion began, reporters were still restricted in their access to Grenada. Throughout this time, the release of public information remained in the hands of the military, rather than the White House or civilian policymakers in the Defense Department. Only after Congress passed a resolution calling for an end to media restrictions did the administration open the island to reporters.

Neither the exigencies of national security or the safety of the reporters themselves can justify this effort to keep the public in the dark during the invasion of Grenada. Risking their lives in volatile situations is part of the job of a war correspondent. The public's right to know, especially when we have committed thousands of troops to a foreign land, is a fundamental premise of our own democracy and can only be guaranteed by an independent press.

What will come next? How will we carryout our intentions to restore democracy to Grenada? Will the administration tolerate a democratically elected government that is not to its liking on Grenada? Adm. Wesley L. McDonald, commander in chief of the U.S. Atlantic Fleet, told reporters that before U.S. troops leave "we have to identify the people who are hardliners." He said, "The identification process is going to be one that's very difficult for us to continue to pursue because we cannot afford the withdrawal of all forces and allow an insurgency government to reappear." Already we have heard news reports of the rounding up of Grenadian citizens. Will this take weeks, months, or even years of U.S. occupation, and will the United States now dictate the political participants and institutions of Grenada?

A quick withdrawal of U.S. troops is now promised. But will some U.S. troops remain on the island as part of an increasing U.S. military buildup in Central America and in the Caribbean? Will they become part of the thousands of troops we now have stationed in Honduras and off the coast of Nicaragua?

Is the invasion of Grenada an isolated case, or a precedent? Will we soon see the invocation of the recently revived Central American Defense Community (Condeca)—including Guatemala, Honduras, and El Salvador—to justify the use of U.S. troops in an already raging war against Nicaragua? Or will we soon hear calls for more direct military involvement in the conflict in El Salvador?

How will we allay the fears of the people throughout the world who wonder if we are governed by an administration that is "trigger happy" and inept or uninterested in diplomatic solutions? How can we calm our European allies who we expect to have enough confidence in our judgment to accept our intermediate range nuclear missiles on their own soil in the next few months?

We live in a complex world, with a myriad of regional, ethnic, and ideological conflicts, and with many delicate diplomatic possibilities. There are important lessons to be drawn from U.S. handling of the situation in Grenada, not just in the last few days, but in the past few years. When the relatively moderate leftist, albeit Marxist, government of Maurice Bishop sought closer ties to the United States, it was snubbed; in fact, made into a target for the administration's anti-Ccommunist rhetoric. This rigid mentality, that ignored diplomatic opportunities, and insisted on viewing the world through a distorted East-West prism, helped to make this vision of Grenada a self-fulfilling prophecy. It magnified the importance of Grenada's ties to Cuba, and possibly contributed to last month's bloody coup.

By denying Grenada the option of friendly relations with the United States, the administration limited its own options in the region and enhanced the prospects of military engagement.

In the wake of the Grenadian invasion, how many of our allies and potential allies will conclude, as Robert Kaiser recently wrote in the Washington Post: "The U.S. has a myopic, ideological foreign policy that really isn't a policy at all, but a collection of maneuvers produced by prejudice and instinct." This type of policy is itself dividing the world into hostile camps of East and West. And it is propelling us closer to the day when our only options throughout the world will be military ones.

GOOD NEWS ON UNEMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LUNGREN) is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, today, American workers received more positive news on the job market in October. The civilian unemployment rate dropped from 9.3 percent in September to 8.8 percent in October. This is one of the largest drops in the rate of unemployment ever recorded. This one-half of 1 percent drop equals the same margin that we had in July of this year.

Outside of those 2 months, we have not had a similar sized drop in unemployment during any 1-month period since 1969.

Since the end of last year, the unemployment rate has declined 2 full percentage points, and the number of unemployed workers has fallen about 2.1 million. Furthermore, the rate of black unemployment fell almost 1 percentage point in October, and this follows the 1 percentage point decline in the black unemployment rate in September.

In October, total non-agricultural payroll employment rose 320,000, to a level of 91.1 million. Since the beginning of this year, about 2.8 million new jobs have been created, according to the household survey when it is seasonally adjusted. However, when it is not seasonally adjusted, we have about 5.4 million new jobs created this year. In other words, those are actual people in job positions who were not in those positions in December of last year.

This robust increase in job creation shows undoubtedly that America is going back to work. The sizable and broadly based 1.5-percent increase in industrial production during September, along with the 1 percentage point rise in capacity utilization ot 78.1 percent, also show continued economic strength.

The increases in factory output and usage should translate into a higher demand for labor in the months ahead.

As many of us have said before, and I think we should repeat, our current economic policies have unemployment on the run and this decline in the unemployment rate is nothing short of spectacular.

Mr. Speaker, it appears to me that we ought to take some time to look at these figures, because it also appears to me that they got but a passing glance, if any glance at all, on the House floor today. I just contrast that with what would have been the case today had the unemployment rate gone up 2 percent since December of last year, rather than going down by 2 percent. I suggest that this Chamber would have been filled with many Members decrying the fact that the economic policies of this administration had brought us to a situation where unemployment was ever on the move and that economic stagnation was here to stay.

Instead, we have moved in the opposite direction. The economy appears to be moving forward ever aggressively, moving forward at an accelerating rate far beyond what most economists predicted at the beginning of the year, far beyond what this administration had predicted at the beginning of the year and, in fact, outstripping even more current projections both within and without this administration.

□ 1300

There is no doubt that this is good news for America, and we ought to talk about it when we have good news instead of merely decrying bad news.

When we had our hearing of the Joint Economic Committee this morning and had appear before us, Janet Norwood, who is the Commissioner for the Bureau of Labor Statistics, I asked her when we ever had had a comparable drop in unemployment over a similar period of time in past history. She told me, as she looked through her figures, that she could not find any. At first, she said it was pretty far back, and then she suggested that perhaps we had never had it before.

So at the very least, the answer suggests that we have not had this great an improvement in the unemployment statistics in recent memory, and perhaps it is an all-time historical high.

Now, we ought to be shouting that from the rooftops, Mr. Speaker. I think when we have good news, we owe it to the American people to give them that good news. As I say, this testimony was received by the Joint Economic Committee this morning. This committee is considered to be the Economic Advisory Committee of the Congress and, as a result, has access to up-to-date, comprehensive economic analyses and statistics. One of the most important functions the committee serves is to hold employment hearings each month shortly after the unemployment and employment data are released. During those sessions, we are privileged that Commissioner Janet Norwood appears on the first Friday of each month to provide us with an in-depth analysis of the trends and interpretations of what the data means.

This morning, we received the information for October, and in her testimony to the committee, Commissioner Norwood, in interpreting this information, presented some extremely positive facts and good news. She indicated that her "interpretation of the data is that the drop in unemployment in October was accompanied by a real increase in employment. The labor market," she said, "remains on a strong upward course."

The reason I bring this out, Mr. Speaker, is that, as anyone who has studied this knows, the fact that we have a drop in unemployment in the statistics does not always mean we had an increase in employment during the same period of time. We have the phenomenon in this country—and it is probably true for virtually all labor markets—that when the economy is not doing well, this happens: When we go in the trough of a recession, we have what is known as the phenomenon of the discouraged workers, those people who are so discouraged that they no longer look for work. Oftentimes, the unemployment rate may drop merely because we have an increase in discouraged workers; they are no longer looking for work. Therefore, they are no longer officially part of the labor force, and they no longer count in the unemployment statistics.

But she has looked at the figures in total, and she has suggested that in fact we had a real increase in employment.

Because of the importance of the employment situation in the United States, I wanted to take a few moments to share some of the data with my colleagues. I particularly prefer to do this because I believe that Congress is too often reactive in the jobs legislation that it considers. For instance, just this week, we had the misnamed—misnamed in my judgment—domestic content legislation considered. I would rather refer to it as the "domestic discontent" bill. This bill was brought forward and passed on this floor because proponents argued that it is necessary to preserve U.S. jobs.

As we learned this morning in the committee hearing, Mr. Speaker, the employment data is very positive, not only for this month but for 11 months consecutively. We have had 11 months in a row now where the unemployment rate has dropped or remained unchanged. This is extremely important because oftentimes, as we go through a recovery, what occurs is that workers who were discouraged, taking note of the advances in the economy, become encouraged, and, rather than drop out, they drop in; they start looking for work. They, therefore, are calculated in the unemployment statistics.

So it is not unusual during the period of a recovery, particularly in the early stages of a recovery, for the unemployment rate to drop, then to stop, and then sometimes to go back up. We have not seen that. That is an indication that this is a recovery that is very strong indeed. Since it has lasted for 11 months, it is proof that the entire economic recovery is long lasting.

As I suggested, for the month of October, the unemployment rate dropped by a full one-half percent, from 9.3 percent to 8.8 percent, and that is what is known as the civilian rate, the rate that we calculate not considering those who are in service in our Armed Forces.

More important, however, is the fact that in these 11 months, the unemployment rate, as I suggested, has dropped 2 full percentage points. This is unprecedented news and something that we ought to take into consideration when we make decisions with respect to employment programs here on the floor of the House. The data shows that the unemployment rate has dropped faster since the beginning of the current recovery than it has in any of the six economic recoveries during the postwar period.

The economic recovery has created millions of jobs to date for Americans. As I suggested, over 5.4 million Americans are now working, and that is nonseasonally adjusted. Seasonally adjusted, as I said, it was 2.85 million. Significantly, the number of unemployed workers has fallen during that period by about 2.1 million.

The most amazing thing about all this, I would suggest, Mr. Speaker, is that these jobs have been created in the private sector during a time when Congress was debating various pieces of major jobs legislation. That is important because the American taxpayer was not required to pay for these. In fact, it is evident that the President's idea that the way to get people back to work is to get a vigorous economy going in the private sector is working. As they say, the proof is in the pudding, Mr. Speaker. We have seen that occur. At present, we have somewhere around 102 million Americans at work. That, averaged with the last month, is at an historical high, Mr. Speaker.

So when we have the difficulties that we do with unemployment—and I would not for 1 minute minimize the impact of unemployment on one American—I would say that as we discuss the issue seriously, we ought to discuss the other side, and that is what is happening in the economy to create jobs. What are the forces moving out there that will create the greatest number of jobs? And if, in fact, we have had a period of time in which jobs have been created, what economic conditions did we, in the Congress, and those in the administration, help create that allowed for an atmosphere during which time such job creation could go forward?

That is important because, as we have various things presented to us, it seems to me that we ought to take an assessment of where we are and where we were when we decide how we are going to go where we want to go in the future. Oftentimes, we just take a particular bill and discuss it in a vacuum or in half a context and do not have a full appreciation for both the up side and the down side of an economic situation. I suspect that that is one of the things that we have done in this House recently.

I would suggest that in the "domestic discontent" bill that we dealt with this last week, we failed to take into consideration some facts that were given to us by the CBO where the CBO suggested that the domestic content legislation would in fact cause a net loss of about 67,000 jobs.

☐ 1310

That is bad news for Americans. That is a specific Government action taken by this House in which we have ignored an analysis done by the Congressional Budget Office to suggest that we will lose 67,000 jobs in our economy. It is not often that we can show that we have such direct action on the economy in either direction.

Therefore, Mr. Speaker, I would conclude merely by saying that we have to move forward in the economy with the creation of more jobs.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I am happy to yield.

Mr. GEKAS. Mr. Speaker, I have been listening very carefully to the good news that the gentleman has been propounding for the record and, of course, I join him in his feeling good about it.

Is it not so, and I have been thinking as the gentleman has been saying it, that as more people become employed that, of course, they are contributing new revenues to our Treasury; is that not correct?

Mr. LUNGREN. That is true, and the deficit will therefore drop as a result of a drop in the unemployment rate, some have suggested by as much as $20 billion per percentage point.

Mr. GEKAS. That is exactly the point. Wrapped up in the good news is that we are on a track that will provide a lasting rise in the economy, a stable economy, a working economy, not likely to be subjected to the ravages of the kind of recession which we now successfully have defeated.

I thank the gentleman.

MOTION TO ADJOURN

Mr. LUNGREN. Mr. Speaker, I move that the House do now adjourn.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from California (Mr. LUNGREN).

The question was taken, and on a division (demanded by Mr. LUNGREN) there were—ayes 3; noes 1.

Mr. GONZALEZ. Mr. Speaker, I object to the vote on the gound that a quorum is not present.

The **SPEAKER** pro tempore. The Chair would advise the gentleman from Texas that he cannot do that on an affirmative vote to adjourn, only on a negative vote.

Mr. GONZALEZ. Mr. Speaker, I demand a recorded vote.

The **SPEAKER** pro tempore. The gentleman cannot get a recorded vote in the House based on the number now present.

Does the gentleman ask for the yeas and nays?

Mr. GONZALEZ. Mr. Speaker, on that I demand the yeas and nays.

The **SPEAKER** pro tempore. Those in favor of taking this vote by the yeas and nays will stand.

PARLIAMENTARY INQUIRY

Mr. GONZALEZ. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER** pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GONZALEZ. Mr. Speaker, it certainly is not my intention to inconvenience Members who on the assurances that there would be no recorded votes have left the premises.

On the other hand, I think that the gentleman offering the motion to adjourn has acted quite unjustly and capriciously in depriving those of us who have arranged for special orders to be heard, once the gentleman has had his privilege of being heard.

I would like to ask the gentleman from California if he could withhold that motion to adjourn, if such a request is in order.

The **SPEAKER** pro tempore. Without objection, the gentleman from Texas may pursue an inquiry.

There was no objection.

Mr. LUNGREN. Mr. Speaker, the gentleman must understand that what I have done is not directed personally at the gentleman. What we have done is in response to the lack of comity that was displayed on the part of the majority with respect to the minority in dealing with the rule in which the courtesy was not even extended to this side to grant them the opportunity to look at the rule, and where a whole bunch of things are being done right now without the participation by the minority.

The point is that unless we adjourn at this time, they will be allowed to carry out that disregard for the rights of the minority.

I am sorry that the gentleman has been inconvenienced. It was not my intent to inconvenience the gentleman. I am only saying this by way of explanation as to what has occurred with respect to the lack of respect and the lack of comity exhibited by the majority leadership today toward the minority.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. The gentleman has the time.

Mr. GONZALEZ. Mr. Speaker, let me point out to the gentleman that I think here it is not an inconvenience. It is an injustice and it is a deprivation. The very thing that the gentleman is condemning he is practicing. The gentleman is alleging that the majority has deprived the minority.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. Certainly.

Mr. LUNGREN. The fact of the matter is that we are organized in the majority and the minority here.

Mr. GONZALEZ. That is right.

Mr. LUNGREN. When the majority leadership decides they will not even show the least courtesy to the minority here, we have to use the rules that are available to us. There are very few rules available to us any more because of the change in rules we had.

Mr. Speaker, I insist on my motion.

The **SPEAKER** pro tempore. Does the gentleman from Texas insist on his demand for the yeas and nays?

Mr. GONZALEZ. I do, Mr. Speaker.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 99, nays 120, answered "present" 1, not voting 213, as follows:

[Roll No. 456]

YEAS—99

Anthony
Archer
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Boehlert
Brown (CO)
Broyhill
Campbell
Carney
Chandler
Chappie
Coats
Coleman (MO)
Conte
Corcoran
Coughlin
Courter
Crane, Philip
Daniel
DeWine
Dreier
Edwards (CA)
Edwards (OK)
Emerson
English
Evans (IA)
Fiedler
Frenzel
Gekas
Gingrich
Gradison
Gramm
Green
Hall, Sam
Hammerschmidt
Hopkins
Horton
Huckaby
Hughes
Hunter
Hyde
Jeffords
Johnson
Kasich
Lagomarsino
Leach
Lent
Lewis (CA)
Livingston
Loeffler
Lowery (CA)
Lujan
Lungren
Madigan
Marlenee
McCandless
McCollum
McEwen
McKernan
Miller (OH)
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Nielson
Petri
Porter
Rahall
Ray
Regula
Rogers
Roth
Roukema
Schaefer
Scheuer
Schneider
Shaw
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Solomon
Tauke
Taylor
Vander Jagt
Vucanovich
Walker
Weber
Whitten
Winn
Wolf
Wortley
Wylie
Young (AK)
Zschau

NAYS—120

Anderson
Annunzio
Aspin
AuCoin
Bedell
Beilenson
Bennett
Bevill
Bonior
Bosco
Brooks
Bryant
Burton (CA)
Byron
Carr
Coleman (TX)
Collins
Cooper
Coyne
Dixon
Donnelly
Dorgan
Dowdy
Dyson
Eckart
Erdreich
Fascell
Fazio
Florio
Foglietta
Frank
Gejdenson
Gibbons
Glickman
Gonzalez
Gray
Guarini
Hall (OH)
Harkin
Hawkins
Hefner
Heftel
Hertel
Hubbard
Ireland
Jacobs
Jones (OK)
Kastenmeier
Kildee
Kramer
LaFalce
Lantos
Leath
Lehman (CA)
Levin
Levine
Long (LA)
Luken
Markey
McCloskey
McCurdy
McNulty
Mica
Mikulski
Miller (CA)
Mineta

Mitchell
Mollohan
Moody
Natcher
Neal
Nelson
Nowak
Oberstar
Obey
Ottinger
Owens
Patman
Pease
Penny
Pepper
Perkins
Price
Rangel
Ratchford
Reid
Richardson
Rodino
Roemer
Rowland
Roybal
Sabo
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Sisisky
Slattery
Spratt
St Germain
Staggers
Stark
Swift
Tauzin
Thomas (GA)
Torricelli
Towns
Traxler
Vandergriff
Volkmer
Walgren
Watkins
Weaver
Weiss
Wheat
Wilson
Yates
Zablocki

ANSWERED "PRESENT"—1

Hoyer

NOT VOTING—213

Ackerman
Addabbo
Akaka
Albosta
Alexander
Andrews (NC)
Andrews (TX)
Applegate
Badham
Barnard
Barnes
Bates
Berman
Biaggi
Bliley
Boggs
Boland
Boner
Bonker
Borski
Boucher
Boxer
Breaux
Britt
Broomfield
Brown (CA)
Burton (IN)
Carper
Chappell
Cheney
Clarke
Clay
Clinger
Coelho
Conable
Conyers
Craig
Crane, Daniel
Crockett
D'Amours
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Downey
Duncan
Durbin
Dwyer
Dymally
Early
Edgar
Edwards (AL)
Erlenborn
Evans (IL)
Feighan
Ferraro
Fields
Fish
Flippo
Foley
Ford (MI)
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Gore
Gregg
Gunderson
Hall (IN)
Hall, Ralph
Hamilton
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Hansen (ID)
Hansen (UT)
Harrison
Hartnett
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Hayes
Hightower
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Howard
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Jenkins
Jones (NC)
Jones (TN)
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Kemp
Kennelly
Kindness
Kogovsek
Kolter
Kostmayer
Latta
Lehman (FL)
Leland
Levitas
Lewis (FL)
Lipinski
Lloyd
Long (MD)
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Lowry (WA)
Lundine
Mack
MacKay
Marriott
Martin (IL)
Martin (NC)
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Shumway
Shuster
Siljander
Simon
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Smith (IA)
Smith, Denny
Snyder
Solarz
Spence
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Synar
Tallon
Thomas (CA)
Torres
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Williams (MT)
Williams (OH)
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Wright
Wyden
Yatron
Young (FL)
Young (MO)

□ 1330

Messrs. REID, THOMAS of Georgia, ANNUNZIO, SPRATT, BENNETT, OWENS, LUKEN, ZABLOCKI, and LaFALCE changed their votes from "yea" to "nay."

Messrs. ROTH, PETRI, MADIGAN, VANDER JAGT, and BROWN of Colorado changed their votes from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. DAUB) is recognized for 5 minutes.

● Mr. DAUB. Mr. Speaker, due to official business in my district, I was unable to record my votes on three recorded votes today. I wish the RECORD to show that, had I been present, I would have cast a "yes" vote on approval of the Journal, a "yes" vote on approval of House Resolution 355, and a "yes" vote on H.R. 2114.●

HIGH SPEED RAIL PASSENGER SYSTEM—A STEP IN THE RIGHT DIRECTION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. KOLTER) is recognized for 5 minutes.

● Mr. KOLTER. Mr. Speaker, yesterday I introduced a bill that would give congressional consent to the interstate high speed intercity rail passenger compact that is participated in by the States of Illinois, Indiana, Michigan, Ohio, and Pennsylvania. This interstate compact was set in motion several years ago but the Constitution requires congressional approval for any such interstate compact. This bill is introduced to do just that.

There are many precedents for State compacts, but there is only one other in the field of high speed rail. On June 30, 1983, the 97th Congress passed Public Law 97-213 enabling the States of Louisiana and Mississippi to form a rapid rail transit commission. The State of Alabama subsequently joined the compact.

I have been an advocate of high speed rail passenger service for years now. While a State representative, I was deeply involved in this issue and cosponsored the bill that formed the high speed rail commission in Pennsylvania. I have brought my interest in and advocacy of high speed rail passenger service with me to Washington and intend to continue to promote the development of high speed rail in Congress.

All of the States in the compact are rail intensive States that would undoubtedly receive numerous benefits from the development of high speed rail. This development can provide a catalyst for economic growth in the rail industry that can spinoff to other related industries, especially steel.

This economic growth in the five States in the compact would bring something we all desperately need and want—jobs. Thousands of new jobs would be created to construct and operate a high speed rail passenger service system.

The United States is one of the few industrialized countries that does not have some type of high speed rail passenger service. In fact, we are one of the few industrialized countries without an effective and efficient rail system of any kind. Only one-tenth of 1 percent of all passenger travel in this country is by train. I believe a high speed rail system would provide the inducements we need: speed, safety, comfort, and dependability for example, to get more people to travel by rail.

I am not trying to make the claim that a high speed rail passenger system will bring complete economic recovery to the five States in this compact, but it certainly is a small step in the right direction.●

MEMORIAL TRIBUTES TO BEN COHEN

The **SPEAKER** pro tempore. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 30 minutes.

Mrs. BOGGS. Ben Cohen, the gentle giant of the New Deal, died on August 15. He was part of the inner circle of President Franklin Roosevelt's administration and a key member of the "brain trust" that made numerous historic contributions to the way the American people govern themselves and to the American legal system.

Ben helped to shape such landmark New Deal legislation as the Tennessee Valley Authority, the Federal Housing Administration, the Public Utilities Holding Company Act and the Wage and Hour Act, as well as the lend lease program during World War II. His dedication to President Roosevelt and his efforts to help mend and revitalize a severely depressed nation remain unparalleled by any other nonelected public official in our history. Because he served with unequivocal excellence in a time of tremendous despair, his greatness, brilliance, and loyalty will not be forgotten and his legacy will live on in the historic contributions he made during the New Deal and in the years that followed.

Last Monday, October 24, a memorial service was held here in the Nation's Capitol in order that his many friends and admirers could pay tribute to Ben. During the service three of his protegés and colleagues—David Ginsburg, Paul A. Freund, and Joseph L. Rauh, Jr.—were joined by historian Arthur Schlesinger, Jr., in offering eulogies of Ben Cohen. These men are powerful thinkers in their own right. I would like to share their rememberances of a legendary man who helped to shape our past, our present, and our future.

David Ginsburg spoke of Ben's personal background, of his belief in the Zionist dream of a Jewish homeland, and of his efforts to make that dream a reality through the Balfour Declaration.

BENJAMIN V. COHEN

(By David Ginsburg)

The passing of an old and dear friend who has lived a full life is less an occasion for mourning than for remembrance.

Others will in due course recall Ben Cohen's role in the New Deal of FDR and the Fair Deal of Harry Truman; his remarkable contributions to law making and the law during the depression years; what he did to bolster our allies in Europe before we entered World War II; his work with Justice Byrnes during and immediately after World War II; his role at the Dumbarton Oaks Conference, at Bretton Woods, and in the establishment and work of the United Nations; his views about government, economics and politics, above all, his dogged, passionate efforts to find peaceful ways to settle international disputes, and to further arms control and disarmanent.

But for my part today, I've chosen to remember a few details, not well known, about Ben's origins and his early career. Long before he came to Washington in April 1933.

The elderly often recall the distant past far more clearly than they remember what happened a week or a month ago. This was certainly true of Ben during the last few years. Often at dinner or at lunch, or in his apartment at the end of a day, I would deliberately question Ben about how it had all begun, partly to engage him more fully and bring him alive and partly, I must confess, to avoid long disquisitions on the ineptitudes if not the iniquities of those in high places. I am also indebted to his nephew, Bernard Freund, who provided additional details.

Ben Cohen—Benjamin Victor Cohen—was born in Muncie, Indiana, on September 23, 1894, in the administration of Grover Cleveland. He died on August 15, 1983, in Washington, a few weeks before his 89th birthday. He is buried in Muncie.

Ben never married. Throughout his life he remained "Uncle Ben" to the children of his relatives and to the children of his friends, Julius Simon, Lou and Jane Harris, his beloved Tom Corcoran, Joe Rauh, myself, and many others.

Ben's father, Moses, and his mother, Sarah, immigrated to the United States from Poland, after our civil war and were married here. Ben attended public schools in Muncie, moved with his parents to Chicago in 1910 and completed high school there.

He took his bachelor and law degrees from the University of Chicago in 1914 and 1915, receiving the highest grades ever given by the law school. In 1916 he took his doctorate in Jurisprudence from harvard law school.

In Ben's apartment we found a few pages of reminiscences that he had written years ago. It was, Ben said, under the influence of Professor Frankfurter with whom he had studied at Harvard Law School, Judge Mack in New York, whose secretary he had become in his first year out of law school, and of Justice Brandeis "Whose passionate devotion to the Zionist cause could leave no one who knew him unaffected" that he became interested in the practical possibilities of building a homeland in Palestine for the Jews.

Following the armistice after World War I Ben tells us that Justice Brandeis and Judge Mack asked him to go to London to help the representatives of the American Zionists who were working with Dr. Weizmann and other Zionist leaders on the problems of Palestine and the peace. The Great Charter, the Balfour Declaration, had been published in November 1917. Ben remained in Europe for two years negotiating and drafting the League of Nations Mandate that made the declaration effective.

Ben was rarely impressed and never, I think, overawed by powerful men in high position. But when he writes of his first meeting with Dr. Weizmann in London early in 1918 it is plain that he was deeply moved. "It was", he said, "the deep impression which he made upon me that the cause for which he fought was the very essence of his being . . . I was talking not with a rarely gifted and talented individual, as he undoubtedly is, but with an individual who embodies singularly within himself the thoughts, feelings and experiences, the consistencies and inconsistencies and above all the hopes and aspirations regarding Palestine, of the people to whom his life, not by conscious choice but by inner necessity, is devoted".'

In his memoirs Dr. Weizmann speaks of Ben's "valuable assistance;" he was particularly grateful because Ben had stayed on in London after most of the other Americans had withdrawn from the work.

Julius Simon, a dear and long time friend of Ben's and one of the outstanding Zionist leaders of that period, says that "[W]hen the time came to draft the mandate in earnest, Cohen took over. In spite of his youth [Ben was then about 25 years old], he brought a mature judgment to a difficult problem, firmness in matters of substance, and a conciliatory attitude in form."

After his return to New York Ben concerned himself less with a political structure and more with the economic development of what was then Palestine. He was now a full fledged member of the Brandeis-Mack Group which soon attracted the interest and support of the leaders of American Jewry, Louis Marshall, Felix Warburg, Herbert Lehman, Nathan Straus and others. Together they founded what became the Palestine Economic Corporation (PEC) and it was the PEC that gave Ben his first lessons in banking, housing, industrial development, public works and utilities—lessons that he thereafter used throughout his life.

Years later Ben Gurion speaks of a paper he had prepared for FDR at the beginning of 1942. "It was", he said, "virtually the case for a Jewish State after the war . . . I was pleased to find Frankfurter entirely with me . . . not only did he make the arrangements for it to get to the President, but he himself went over every sentence and every word, as did another friend of ours and one of the President's advisers, Ben Cohen".

In the spring of 1965 I persuaded Ben to accompany me on one of my own trips to Israel. He spent a week there and, of course, met with Prime Minister Eshkol as well as with Mrs. Weizmann, Ben Gurion, Golda Meir, Moshe Sharett, Teddy Kollek and with friends whom he had not seen for a great many years. That 1965 trip was his first and only trip to the State of Israel.

* * * * *

The danger in isolating and emphasizing a fragment of a life is that taken our of context it may overshadow the whole. But now as I look back, Ben's beginning suddenly appears less as a fragment than as the seed from which the rest emerged.

He was born in our own Midwest into an immigrant East European Jewish family for whom the words persecution and pogrom must have had meaning. He was scholarly, tireless, gentle, ascetic, sustained by books, study and ideas. In a different age and place he might have become a teacher, a rabbi or a student of the book. The random spark that illuminated his life was a chance friendship with Felix Frankfurter through whom he came to know Weizmann, Brandeis, Mack and the others.

For him they made Zionism and the prospect of a homeland for the Jews a noble, lifelong commitment. But through them he also came to know the European and world scene, how history shapes the future, the proper uses of power and diplomacy, the role of law moral force, the crucial art of negotiation, the need for tenacity and optimism. It was, I think, this background and these lessons, that enabled this selfless gentle man to become one of the most effective public figures of his generation.

But none of this is personal to me. And on this day I owe Ben more than an impersonal statement about his origins and his early years.

Joe Rauh and I met Ben in 1935—we, too, are indebted to Felix Frankfurter. And for nearly a half century thereafter Ben was an integral part of our lives. He was our guide and counselor; he gave us solace and support when we needed it, opened new and fresh avenues of provocative thought when we were either too satisfied with our own or barren of new ideas that we needed. He shared our children, their problems and our homes; he taught us by example not to be jaundiced by experience and, by example only, gave meaning to loyalty, values and idealism.

At lunch the other day Joe and I spoke of Ben's death and how it had left an emptiness in our lives: no more long meals and sometimes tortuous talks with him; Mr. Deeds, his beloved Schnauzer, settled in a new home; the apartment locked; no more calls from Margaret Beck, his marvelous neighbor who had so long watched over him and cared for him; no one to warn us of the distant cloud that could engulf us; no one to explain what the Supreme Court had really done and why; no one to warn us, day after day, in ways that forced us to listen, of the risks of war, and the growing hunger for peace.

We shall all miss him, very much.

Paul Freund recalled Ben as a legal scholar, including his work with his indefatigable partner Tom Corcoran on the Public Utilities Holding Company Act, the most hotly fought piece of New Deal legislation and of his vision for peace through the establishment of the United Nations and through the rule of law.

BEN COHEN

(By Paul Freund)

No one of his generation was quite like Ben Cohen. Whether he knew it or not, he was our mentor and our model. For a comparable figure, one must turn to the predecessor generation, to Louis Brandeis.

When I am asked by troubled students about the possibility of living greatly in the law, I point the question to these two exemplars, reversed in their own lifetimes. They were alike in so many ways—in the simplicity of their living, in their prophets' vision and prophetic zeal, their sagacity and resourcefulness, their extraordinary capacity to translate the ideals of the American past—indeed of Scripture itself—into the institutions of modern life.

These are large abstractions that hardly convey the temperament of the Ben we knew and remember: the sweetness of his nature, the depth of his caring, the purity of his purposes, the tenacity of his resolve. His eyes were mild and his smile was gentle, but his lips could be compressed into a thin line of unshakable determination. His voice was tremulous, not out of fear but from passionate intensity.

All these qualities—well as the Brandeisian philosophy—came into focus in Ben's heroic labors on the Public Utility Holding Company Act: the conception, the drafting, the shepherding of it through Congress and the courts. It was in the litigation stage of this saga that I worked most closely with Ben.

The philosophic essence of this law was the use of public power to bring fallible human enterprise into a compass where it could be managed intelligently and intelligibly by mortal minds—to make these giant, intricate structures understandable even to their own creators. This would be done by ending the geographic scatteration and financial complexity of many-layered holding companied, their compulsory integration and simplification of structure under the aegis of the Securities and Exchange Commission. Large public power would thus be exercised, but self-liquidating public power, in the interest of leaving private utilities in a healthier state, protecting investors and consumers, and saving management from its own excesses.

It was a nice illustration of Macaulay's dictum that to reform is to preserve. Predictably, it was attacked, as was the Securities Act of 1933, from both left and right: as a temporizing measure that missed the opportunity for governmental channeling of investment and operation of utilities, and as a lethal undermining of the private-enterprise system and, to boot, an unconstitutional federal intervention into matters reserved to the states.

The latter prong of the attack took several directions: harassing the Government with injunction suits all over the country, and concocting a friendly, cozy lawsuit in Baltimore, involving an insignificant holding company, where the Government was not represented as a party. Ben's counterstrategy prevailed: the Government disclaimed any enforcement measures against the numerous companies seeking injunction, and urged the Supreme Court not to review the Baltimore decision because it was not an adversary proceeding and a representative test case, against Electric Bond and Share Co., was progressing toward a decision in New York.

It was while I was working on the brief in the Bond and Share case, which had meanwhile reached the Supreme Court, that I had a visit from Tom Corcoran, who impressed on me the literal vital necessity in succeeding in that case; a loss, he said, would simply destroy Ben. A few days later, I had a visit from Ben. We must absolutely win the case, he said, a defeat would be devastating for Tom.

Ben shared in the oral argument in this great case, and his tactics were as successful as his strategy had been in making this the test case. By limiting the scope of the case to the registration provisions he made it easier for the Court to decide in the Government's favor, leaving the so-called death sentence, the simplification and integration provisions, to be litigated after experience and calmer judgment had a chance to put these in perspective. This too was a Brandeisian insight.

But these were some respects in which they differed. Brandeis, as a matter of principle, avoided serious work at night; too many mistakes of judgment, be believed, were caused by mental fatigue. Ben, on the other hand, recognized no such limitation. He was a pillar of fire by day, and a cloud of fire by night. I recall a late-night incident when I reported to Ben and Tom on a question of law that they had asked me to investigate. They had a male stenographer who was able to adjust to midnight service and who took dictation at the typewriter; there was no time for first drafts or transcribing shorthand. I was dictating, and came to the statutory citation: "30 Stat. 125," I said, "Is that the way you people cite the federal statutes?" "I don't know," the stenographer answered, "we con't cite 'em, we write 'em." I have often thought that this was a perfect description of creativity in the law, a motto for a future Nobel prize in jurisprudence.

Ben could have had a federal judgeship if he had been at all receptive. Here too he diverged from the example of Brandeis. I heard him say once that everyone ought to retire at fifty. That is not bad advice if you are a sage, to whom many searchers will come for light and leading. At all events, Ben gave powerful proof of the adage that in a democracy the most important office is that of citizen.

After the Second World War Ben's energies and his anxieties turned increasingly to world affairs. His contributions to the United Nations and to the State of Israel deserve to be known in all their fullness. In Israel he saw the promise of a model commonwealth, inspired and sustained by a common heritage and an age-long yearning: next year in Jerusalem. In the United Nations he saw the promise, still largely unfulfilled, of an international order based on reason and law. His tremulous voice spoke not only with passionate intensity but with a trembling faith (and who in good conscience can claim to have more) that a rule of law may replace the threat of mutual annihilation before some planet-enveloping catastrophe bring the world to its senses.

He said, in 1969, "While collective security cannot be secured in an armed world by unilateral disarmament, collective security cannot be built on arms alone. Competing power alliances may for a time deter armed conflict, but over a longer period they tend to create fears and antagonism which undermine security. Collective security must be linked with a rule of law."

We hear it said today that the voices of the 1930s or the 1950s are not relevant to the 80s and 90s—as if human nature changed with the decades, as if the great prophets and satirists and jurists had nothing to tell us, as if Jeremiah and Jonathan Swift and James Madison had nothing to say to us about sinful pride and the delusions of power.

And so Ben Cohen still speaks to us, this most selfless of men, bidding us to see madness for what it is, however it may be draped in a cloak of respectability. If a trembling faith in secular salvation is to be justified, it will be through his rare and powerful and beautiful fusion of mastery of contemporary affairs and the breath of age-old wisdom.

Arthur Schlesinger, Jr., discussed Ben's influence on two generations of public affairs and of his hand in crafting public policy. He called him "one of the main portals through which ideas entered the New Deal."

BENJAMIN V. COHEN, SEPTEMBER 23, 1894–AUGUST 15, 1983

(By Arthur Schlesinger)

Ideas, as Keynes said in a famous passage, "are more powerful than is commonly supposed. Indeed the world is ruled by little else." Ben Cohen's career is splendid proof of this proposition. His half-century of influence was not the influence of a politician possessing a mass constituency or the influence of a publicist possessing a mass audience. It was the influence of a man possessing a brain; the influence of reason quietly and lucidly brought to bear on public policy—reason enlarged by those qualities of judgment, character, and vision that elevate intellect to wisdom.

His was an archetypal American story. The son of Polish Jews who had emigrated to America in the mid-19th century, born 89 years ago in Muncie, Indiana—the Middletown of Robert and Helen Lynd—educated in public schools in Muncie and Chicago, he evidently demonstrated exceptional intellectual gifts almost from the cradle. "At the early age of 4," his highschool yearbook jocularly informs us, "BEN VICTOR COHEN was discovered by his parents munching an algebra. They at once entered him in U. High, where he has continued to devour books becoming a prize student and a delight unto his teachers. We like Ben even if he does study."

He never stopped devouring books and ideas, and people never stopped liking him. He proceeded rapidly and brilliantly through the University of Chicago, college and law school, and then through the Harvard Law School. In his twenties he was in Paris working with Dr. Weizmann in developing the League of Nations Mandate for Palestine. It has never been altogether clear to me what he did in the decade after he returned to the United States in 1922. His "Who's Who" reference to "pvt. practice, N.Y.C., 1922–33" was something I never adequately explored with him, except to ascertain that he made enough money in the law and the stock market to subsidize his social idealism for the rest of his life, and that nothing happened in those boom years to impair that idealism.

When he came to Washington in 1933, he was a man coming into his own. "We were the lucky ones," he told the 1977 New Deal reunion. Indeed they were—lucky to live in a time of unmatched opportunity to reshape American institutions in the interests of equity and justice, lucky to take part in a great creative experience under great creative leadership. We have forgotten all too quickly the jerrybuilt structure of American capitalism suddenly revealed in the harsh light of the Great Depression. Ben Cohen was a realist who had no utopian illusions about the overnight tranformation of social institutions and values. But he was also an idealist who was persuaded that the system could be reformed to work in ways that would not reward the greedy and corrupt and would not defraud the poor and powerless. More than that, he had the analytical power to master the intricacies of the complex financial and corporate structures through which the money-changers had worked their will.

Ben's initial contribution came in the field of legal craftsmanship. When the New Dealers rolled up their sleeves and set out to make America over, their instrument was law. But they differed among themselves in their approach to the making of statutes. Those who aspired in 1933 to establish mechanisms of central coordination in the economy tended to draft laws and thereafter to defend them in the courts as if they were conducting a crusade. Their legal strokes were broad, sweeping, and rhetorical. They supposed that the pressures of national need could be relied on to gain their work constitutional sanction.

Ben Cohen was just as ardent a New Dealer. But as a lawyer he considered it more important to make a statute stick than to promote a crusade. In drafting legislation, he wrote every clause with fastidious respect for technical precision, precedent, and continuity. When the time came for judicial testing, he was a master in the selection of test cases, the preparation of briefs and the strategy of argument—and all before a notably hostile judiciary. Where the laws of the First New Deal tended to perish before the courts because of hurried draftsmanship and emotional advocacy, the laws drafted by Ben Cohen and his associates were masterpieces of the lawyer's art; and they survived.

The National Recovery Act, for example, was on the whole a less complicated piece of legislation than the Holding Company Act. But the National Recovery Act was loosely drawn, and it was poorly argued before the Court. The Holding Company Act was drawn with exquisite care; its road to the Supreme Court was charted with utmost circumspection; and the law was upheld—by an altered Court, it is true, but even the Nine Old Men would have been hard put to find grounds on which to condemn it. That act has hardly required amendment to this day.

Legal craftsmanship is an exercise in process. Ben Cohen was equally committed to questions of substance. His mind was one of the main portals through which ideas entered the New Deal. His partnership with Tom Corcoran provided the means by which to translate ideas into policy. Tom not only loved and cherished Ben but had the swift intelligence to seize on Ben's insights and the talent for argument and intrigue to get Ben's points on the president's agenda. But it was more complicated than that. No one should underestimate Tom's substantive contributions or Ben's quiet skill at presentation and persuasion. What a memorable team they were!—Tom, aggressive, spirited, disrespectful, imperious; Ben, gentle, shy, scholarly, self-effacing, softly humorous, uttering penetrating words in sing-song voice. But Ben Cohen was also a proud man, sensitive and vulnerable; and he was a man of contained passion, profoundly committed to his vision of a just republic and a peaceful world. It is little wonder that the idea of the Corcoran-Cohen team—the alliterative partnership of an Irishman and a Jew—caught the popular fancy. They reminded Fortune of "those minor state counselors in Shakespearian comedies who serve the Duke, make astute comments, and are always perturbed at developments."

Never an ideologue, Ben saw public policy as the application of judgment, not of dogma. The differences between the Tugwellites and the Brandeisians always seemed to him more weighty in theory than in practice. Conciliatory by temperament, he deplored combat-for-combat's sake and sought always to find common ground among the brawling New Deal sects. He knew that politics in the end is the art of solving particular problems; and he never rested in the search for remedy. Though often sorely tried, he remained an optimist, always hopeful and constructive in this approach to vexed problems, always persuaded that reason and good will could bring agreement, always patient and resourceful in this quest for consensus, always alert to new conceptions and new ideas. He was one of the first New Dealers, for example, to recognize the powerful rationale that Keynes provided for spending policies already undertaken in Washington in response to urgent human need. When Roosevelt himself hesitated, Cohen was among the small group of insiders who successfully argued for the resumption of public spending after the recession of 1937. His last great exercise in draftsmanship on the domestic front was the Fair Labor Standards Act of 1938.

New problems awaited. Cohen was one of the first New Dealers to understand the meaning of Hitler. While others, like his old friend Jerome Frank, clung for a season to isolationism, Ben from and early point saw the security of the United States as dependent on the survival of Great Britain. In 1940, when Roosevelt doubted that he could send overage destroyers to Britain without the specific authorization of Congress, Ben argued that executive action would be legal in terms of existing legislation if a showing were made that the transfer would strengthen American defenses. Ben's brief solved the President's problem and provided the course eventually followed.

Ben was soon in London himself, working on lend-lease problems with Averell Harriman and John Winant. Then in 1942, when FDR summoned James F. Byrnes to become his right-hand man for war mobilization and economic stabilization, Byrnes summoned Ben to become his right-hand man. The Byrnes office—small, alert, incisive—was one of the administrative triumps of the war years. Ben also worked on State Department task forces concerned with postwar planning and especially on the creation of the United Nations. I think it is fair to say that, while he never lost interest in domestic policy, especially in the fields of racial justice and economic management, questions, of war and peace came unceasingly to dominate his concern.

When Byrnes was appointed secretary of state in 1945, he made Ben the department's counselor. I remember Harold Laski visiting Washington in 1946 and inveighing against American policy as excessively anti-Soviet. Someone asked him what particular American misdeeds he had in mind. Laski replied, "The speech Jimmy Byrnes gave at Stuttgart, for example," Ben spoke up, in the celebrated wavering, quavering voice that defied all imitations (except Ed Prichards's), "Well, Harold, as a matter of fact I wrote that speech"; and then explained brilliantly what its purpose had been.

But he was never a cold warrior. In a time when it was fashionable to regard the communist empire as an unbreakable monolith, Ben had the wisdom to foresee that even communist states must aspire to their own national independence. After Byrnes's resignation, the United Nations became Ben's special interest. As a regular member of the U.S. delegations to the General Assembly during the Truman years, he insisted on the importance of treating the representatives from eastern Europe "as if they were independent delegates"—an idea that shocked some at the time but did not seem so pointless in due course when Tito broke with Stalin.

In his UN years Ben worked closely with Mrs. Roosevelt on arms control, human rights and Third World issues—concerns that preoccupied him for the rest of his life. He recognized that the UN faced profound difficulties in an angrily divided world; but it still represented to him, as he said in the Oliver Wendell Holmes lectures at Harvard, "our last best hope of peace on earth." If that hope were to be fulfilled, he added, "there is no role for dogmatism and self-righteousness"—two qualities he never possessed himself, which is one reason why he remains a permanent influence in our lives.

The Eisenhower administration retired Ben from public life but not from public affairs. That small apartment on Massachusetts Avenue, cluttered with books and papers, became in the 1950s an intellectual arsenal for the liberals of Americans for Democratic Action and for liberal legislators on the Hill.

By the time John F. Kennedy arrived in the White House, Ben was the established sage to whom New Frontiersmen regularly applied for wisdom and consolation. If only we had always listened more carefully to what he told us! He was the first person I knew to warn about the perils of involvement in Vietnam. I will never forget a long luncheon in 1961 when he said to me with quiet intensity that we were embarked on a dangerous course. I thought he was unduly agitated. Five years later I understood how prophetic he was.

A school of thought arose in the 1960s dedicated to the thesis that intellectuals should have nothing to do with power except to oppose it. This was not Ben's view. In Max Weber's distinction, he believed in the ethic of responsibility rather than the ethic of ultimate ends. He liked to quote words that I imagine he himself contributed to FDR's last state-of-the-union address: "Perfectionism, no less than isolationism or imperialism or power politics, may obstruct the paths to international peace." His own example showed that it is quite possible to deal with realities without yielding convictions, quite possible to accept the compromises in program and action required by the democratic process without compromising in ideas and values. Modest, sensitive, forever generous of time and of heart, incorruptible and wise, a truly noble indeed saintly man, Ben Cohen stands as a model of the intellectual who spends a life in public affairs without betraying his conscience or violating his inner purity. He illuminated all our lives, and we shall miss him always.

And his friend, Joe Rauh, shared some of his personal reminiscences of his work with his mentor during the New Deal era and in the years after.

BENJAMIN V. COHEN

(By Joseph L. Rauh, Jr.)

My head tells me that everything has been said by Dave and Arthur and Paul with far greater eloquence than I can command—but my heart still asks to be heard on this wise and noble counselor whose friendship enriched us all.

In a life blessed with truly great teachers, Ben Cohen remains my mentor and role model. I first met Ben in September, 1935, when I was assigned to assist him in the defense of the constitutionality of the Holding Company law which he had largely drafted. From press and radio reports, I expected to face a sharp-featured, fast-talking, brash, New York lawyer giving orders to a big staff a mile a minute. Instead, I found myself looking at a kindly, sensitive, generous, and quiet man who, right on the spot, tried to make me feel that he, not I, was the fortunate one in this budding relationship—despite the fact, of course, that, just out of law school, I was hardly, as the saying went in those days, dry behind the ears. I don't remember contributing anything much to Ben's litigation involving the Holding Company bill, but I do happily recall having a box seat at an incomparably brilliant legal performance as he crushed John W. Davis and the Wall Street legions.

Ben was the Deal's Jack-of-all-trades and things were quite hectic those days in his office in the Interior Department. Ben and his effervescent partner, Tommy Corcoran, had round-the-clock secretaries and everybody connected with them worked nights and weekends. We all thought we were saving the country and maybe, Ben at least, was.

Those were great evenings in Ben's office. Olie would bring her book and read on the couch (where, it has been irreverently suggested, our first-born was conceived). About the only time anybody could get out of the office was when Ben would go off to the late movie around the corner (falling asleep as the music played and the credits were being shown) and tell us the next morning how much he had enjoyed the show. It was the office joke that the best way to sleep with Ben was by going to the late show with him.

Ben was not my boss in any formal sense after the Holding Company litigation stint. But in a broader sense, I never stopped working for him. He treated me that way, too, and so did his secretaries. When he worked himself into quite a fit of temper one afternoon, one of the secretaries called to ask me to come right over and calm Ben down. With a little effort I extracted from Ben the fact that he had not had any breakfast on the plane that morning and the lunch they had gotten for him from the Interior snack bar consisted largely of a wet ham-salad sandwich. I tell this anecdote not to show that Ben had all the human temperamental foibles, but rather to point out that Ben was so much at peace with himself that he could relate this unhappy performance a few years later at the memorial service for the offending secretary.

I was summoned again the day after President Roosevelt sent his court-packing plan up to Congress in February, 1937, with the usual "Mr. Cohen's kicking the files again." Ben was outraged at the plan and wanted his disciples to know that he and Tom had had nothing to do with preparing it. Ben hated cant and deception in any form and he knew the reasons stated in Roosevelt's court-packing message were fraudulent. FDR's message contended that the Supreme Court was full of old men not able to do their work. But that was not why FDR wanted to add six new Justices. The existing Justices were able to do their work; they just were doing it wrong invalidating New Deal legislation right and left. Ben entered the fray and won the argument for openness and truth. Roosevelt altered his course, telling the American people the real reason behind the plan; in a speech, on which Ben collaborated, the President made clear that the New Deal legislation invalidated by the Court was needed for the welfare of the nation and needed now. One of Ben's most significant achievements was in getting the court-packing plan on the right track and the Supreme Court's remarkable switch thereafter was in substantial part atributable to this achievement.

Of course, I was summoned to Ben's office most often on one really important matter, namely, making sure he had a tennis game sometime near dawn or on weekends. Luckily, Julius Edelstein eased me out of my tennis role; Julius would get up every morning at six o'clock to play tennis with Ben. When Julius left town, I was scared that the chore would fall back my way. I'll always be grateful to the Warsaw Pact countries for dispatching a Rumanian Ambassador who would provide Ben with his daily tennis game and maybe, if the nation's leaders had seized the opportunity, a viable arms control agreement might have been forged on the tennis courts of the nation's capital.

Ben was not a religious man in any formal sense. As far as I know, he never belonged to this or any other temple during his five decades in Washington. Ben's religion was good works for Jews and good works for all. He believed in, and devoted his life to, improving the lot of his fellows. He was an eternal optimist on what could be done through affirmative government and remained that way till the day he died. Often Ben made this optimism come true by his own wisdom and his genius for persuasion. Millions of people who do not know his name and far more millions in unborn generations will be in boundless debt to him for helping build a welfare state for the maximum good of the maximum number.

Ben's happiest days were in Government service. He loved to draft and lobby for reform laws, always making compromises with opponents on page 3 and then putting back the most stringent of regulations on page 13. He considered checkmating Hitler's conquest of the world his personal war and the destroyer deal was only one of his many crusades to this end. His dedication to the public interest above all else was a New Deal beacon never extinguished. When Ben left the Government in the 1950s he could not bring himself to practice law for his talents were never for sale to the interests he had fought in his Government days. Above all else, Ben was the public interest's finest partner.

Ben inspired love and affection just as he radiated love and affection for others. The deep feelings in this hall this morning attest to this. So, too, does the endearment with which so many use the term "Uncle Ben" and the recollection we carry of Ben trudging along Mass. Avenue with his elderly and faithful dog. So, too, does the care he received in his last enfeebled months. A beautifully-spirited lady on the same floor in his apartment house, brought him his meals when he could no longer fend for himself. The manager and the engineer of the apartment house got up nights to care for him. Dave Ginsburg was Ben's son in the truest sense of the word. Because of all this selfless attention to Ben's needs, it cut deeply when the press used the word "neglect" in referring to his last days. Far from that, the beautiful outpouring of human spirit toward Ben protected him to the very end.

Ben understood and appreciated the affection he had inspired when he rejected the orders of his deeply-caring doctors to enter the hospital. I walked into his bedroom to plead with him to go. I told him that the people that had been caring for him couldn't carry that burden any longer. With a faint trace of a smile on his gaunt face, Ben whispered, "Oh, they will continue to take care of me. I am still smarter than you are." And, of course, he was and they would have continued to care for him if Ben hadn't been taken to the hospital by ambulance the next day.

It is difficult for all of us here today to say goodbye to Ben. For almost 50 years he was our teacher and our helpmate and his wisdom and nobility touched us all. I always used to wonder what Ben would think of anything I did or said and I never had to wait long to find out. Now I'll have to look up and wonder if Ben approves. It will not be easy without him.

Mr. Speaker, while few of us in public office can duplicate Ben Cohen's brilliance in influencing the course of Government and history, we should benefit from his example as a dedicated public servant. To Ben Cohen we owe our deepest appreciation for Ben Cohen was a good man.

Thank you.

□ 1340

WHERE ARE WE GOING?

Mr. GONZALEZ. Mr. Speaker, overwhelmed by this popular demand to be heard—

Mr. GIBBONS. Mr. Speaker, will the gentleman yield to me for a unanimous-consent request?

Mr. GONZALEZ. I would be delighted to yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. GONZALEZ) may have 5 additional hours.

The SPEAKER pro tempore. The Chair cannot entertain that request.

Mr. GONZALEZ. Seriously speaking, this has drawn the biggest of audiences.

Mr. SAM B. HALL, JR. Mr. Speaker, will the gentleman yield to me?

Mr. GONZALEZ. I would be glad to yield to my distinguished colleague from Texas.

Mr. SAM B. HALL, JR. This is the most applause the gentleman (Mr. GONZALEZ) has gotten since he went out the back door of the Alamo; is that correct?

Mr. GONZALEZ. I will remind the gentleman that I had relatives on both sides. This is really no joking matter.

My great grandfather was the northern Mexico revolutionary against General Santana, fighting for the restoration of the suspended Constitution of 1824, which is what the men in the Alamo were fighting for, incidentally.

The flag over the Alamo was red, white, and green, with the numerals 1824 in the middle white portion. This is forgotten in history, but it is a fact.

So this is why I said, facetiously, that I had folks on both sides of that fight.

But, seriously speaking, I am overwhelmed by the presence here of the Members.

Unaccustomed as I am to special orders, now that I have the audience I must insist on proceeding.

But actually in fairness to all those Members who were inconvenienced, I know there are Members absent who would love to have been recorded but left with the assurances that the likelihood of a recorded vote was not there and that I was impelled to move, not so much because I wanted to be heard; after all, I have gotten up at very late hours and have spoken. I hope on those occasions, such as last night when I forewent the opportunity because of the lateness of the hour; but where a motion is interposed while I am present and the leadership is absent, and though I feel I am being victimized, I realize that the intentions were not meant to be personalized; nevertheless, the challenge then was raised on a matter that did have to do with the majority that is heading the affairs of this body, at this time, and their decisions in ordering the business of the House. I felt that, as reluctantly as I really felt, that it was necessary to interpose the request for a recorded vote.

It is the first time, incidentally, that I have done this in 22 years of service in this House.

I just simply have never been involved in that kind of intramural contest in the House.

So I hope that my colleagues here will fully understand and will not begrudge the fact that I felt impelled to move.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from California.

Mr. LUNGREN. Since the gentleman called the vote on a motion that I made, I want to make perfectly clear for the record that it was not my attempt to try to stifle the gentleman (Mr. GONZALEZ); it was not directed at him personally but rather out of consideration of the fact that Members on our side, including the minority leadership, felt that they had not been extended what they had the right to expect, the comity and the courtesy of knowing about the contours of a rule before it is voted in the Rules Committee, not being extended the courtesy of even knowing of the amendments that the rule will make in order with respect to the continuing resolution next week about which the gentleman from Massachusetts (Mr. CONTE) suggested may require us to be in session next week, Friday and Saturday.

It was because of that and because of the fact that the filing of that rule without due notice to this side could only take place if we remained in session that I was required to move us to adjourn.

I want the gentleman to understand it was not directed at him. I know how seriously he takes his special orders. I know how seriously he prepares for them.

It was not my intention in any way to direct my actions at the gentleman but just to say that when you are a member of the minority party, the only way you have to protect your rights is to work within the rules when, in fact, those rules are used against you in what you consider to be an unfair fashion.

I thank the gentleman for yielding.

Mr. GONZALEZ. I thank the gentleman and deeply appreciate his expressions. I had realized that it was not personal and the gentleman had assured me of that at the time we were engaged in the question of calling the vote.

I appreciate very much the fact that he does attribute equal valid motives to my use of this means of the forum as being very serious in nature and having no other purpose, other than to make the full use of the only thing that we, as Members, have.

A Member of the body, this great body, has only two real powers; one is to register his vote, and the other, his voice.

Since this is the one avenue that the House, from time immemorial, has provided a Member to express himself without the very strict limitations of time, I have from the beginning—not just since TV, a fact I am often reminded of, that we are covered by cable, by the messages that I receive in the office after a speech. But I would remind my colleagues that I had not been sworn in 1 week before I was advised by a very trusty veteran Member of the House at that time that, given a problem that arose immediately, that this was one way to address that problem and maximize whatever power, as a Member, one had.

The RECORD will show that I spoke on that one issue 22 times before the end of that session.

Since then, I have on occasion been impelled by what I consider to be overriding reasons, to speak and bring to the attention of my colleagues those issues that, though in some cases seem to be local in aspect, transcend the parochial and the local, and have a lot to do with our responsibilities on a national level, such as the assassination of a Federal judge, which simply is unprecedented. It has never happened in the history of our judiciary. I saw the effects it had on that third branch of the Government, the intimidation of our judiciary officers.

When I saw that time was going by and that case was being relegated to the dust of history, I felt compelled to speak, but only after I had made every possible effort to obtain the administration's concentrated effort in the case and had failed, that then I appealed, and it has been issues similar to that on which I have spoken.

□ 1350

Mr. Speaker, day before yesterday, the House passed the biggest single spending bill in all of this Nation's history, the $247 billion Defense appropriation. Agonized and doubted as I did the Bay of Tonkin resolution, I cast my vote with reluctance and sadness. Sadness, because the arms race has become faster and more irrational than ever. Reluctance, because I see our forces used foolishly and wastefully, needlessly exposed to combat, used in the place of statesmanship, used in more and more exposed positions. The budget provides for far more than any rational defense; it provides for warmaking capability. Naturally, because our defense policy assumes ab initio, and has for many years, that the military forces should be fully prepared and equipped to fight long, major wars far from our shores. But we fail to ask, "Where are we going?" We fail to examine the premises under which all these funds are granted. Living in a world of terror, we dare not provide too little for defense, but at the same time, we dare not provoke the ultimate fear that would lead to global catastrophe. And so we hold our doubts, vote the budgets, and pray that we are correct. But where are we going?

Half of our military forces are stationed abroad, in an ever-lengthening number of open-ended commitments. We have kept an Army division in Korea for decades—30 years. We have kept vast land and air forces in Europe for four decades. And now there are commitments to the Middle East—not just to Lebanon, but in the Sinai, in the region of the Persian Gulf, and at sea in the Mediterranean. Not only that, we have made vast new commitments in Central America, we are engaged in trying to sell armaments to China—the same China that our forces in Korea are defending against. The administration even proposed to build a secret force in Jordan, supposedly to act as an American proxy in future local Middle East conflicts. We are spending billions on an MX missile system that will be based in silos that are completely vulnerable to attack. The purpose of building the MX in the first place was to avoid basing our defenses in those same silos. We are committing billions to a race to militarization of outer space. What a commentary: The world's great powers can agree on a demilitarized Antarctica, but cannot even talk about preserving the heavens for peaceful pursuits. Where is reason in all of this? When do we cross the line between a rational defense program and armament for its own sake?

I wonder how many of us heard the warning by the Army's retiring chief of staff, General Meyer, not too long ago, that our forces are overextended. And further, his wise comment that no matter whether it was in El Salvador or anywhere else, that the military could not vouchsafe the success of their missions if the will of the American people was not behind that pursuit, if there was division in the domestic front. Those words, I think, have been overlooked; I know they have. This is from a warrior—an honorable man, a successful military man, General Meyer.

Mr. Speaker, I wonder how many of us have asked what sense it makes for this country to go on spending vastly more of its national capacity for military programs in behalf of Europe, when Europe will not spend similar amounts for herself? Do they perceive the threat differently? Do we see Europe as merely the battlefield of choice?

And how is it that we can reconcile the President's condemnation of the Russians as "an evil empire" at the same time he insists on immense grain sales and immense business deals with them?

There is no doubt that the world still suffers the pangs of unfinished business from World War II. Germany remains divided; European empires have been dismantled, but the world has yet to live over the aftermath of colonialism. The Middle East remains a more explosive, confused, hate-filled puzzle than ever before. The world, as a whole, has merely been divided into the same, gigantic, hostile, suspicious, and fearful power blocs that emerged during the great war. We arm and arm, because we cannot come to grips with the fears and suspicions that grew up in the triumph and tragedy of the Allies of World War II. The dream of the United Nations lies shattered. Our own monopoly of military and financial power has at last dissipated, and yet we cannot learn what to do next.

And so we arm, more and more, with less and less sense of purpose or reason. And it is making the world less safe, not more so.

In Grenada, we mounted an invasion according to the President, to free the populace of a radical army takeover's murderous ways. Yet more people died in that invasion by accident than by any other reason. I have, in fact, yet to see a count of how many of our young men died because of friendly fire, but suspect that at least as many, and probably more, died as a consequence of friendly fire than any hostile action. This was the result of fighting a gnat with a baseball bat. The gnat was killed, but we inflicted the greatest pain on ourselves.

Most astonishing of all, if we had ever before thought of Grenada as important, we never paid it any attention. Doubtlessly, the invasion cost more money in a few hour's time than any administration would have dreamed of spending in that country for economic development in 100 years. If we asked ourselves whether future generations would consider us wise or foolish, we need only wonder what they would make of a country that does nothing to help hapless islanders for years on end, but then lavishes millions of dollars and dozens of lives on a military operation that could have been avoided, with a modest investment of affirmative help a few months or years earlier.

Then there is the case of Lebanon, where our Marines have been reinforced, having lost better than 10 percent of their number in a terrorist bomb attack. We still have no notion of what it is the Marines can hope to accomplish, pinned down in an exposed position, forced to be passive, in a country that has no real existence at all. Yet the President fails to state a coherent policy. Lebanon may emerge from the chaos as an identifiable state, but it is more likely to be carved up into three, perhaps even five, ministates. That is a decision that will be made more by Syria than by Lebanon. It is a result that would more likely be enforced by Syria, offset by the local militias that are clients of Israel, and, of course, by the Israelis themselves. The present Government of Lebanon might be left with a country consisting of about what it controls today—half of Beirut and a few hills outside the town. In all of this calculus, the United States has no particular position, and less of a voice, and so you have to ask, what are the Marines there for? Goodwill is not going to bloom in the sterile desert of the thousands of years of feud and fratricide that is the history of Lebanon. The President's continuing actions doom us to unlimited spilling of American blood in the endless sands of Araby.

Do we not realize that no outside intervenor has gotten out of Lebanon? Israel is still there; the Syrians have been there for years, and so has the United Nations. The outside forces do not get out because they each become controlled by their client factions. They become entangled and embroiled in the endless treachery of Lebanese factionalism and their own ambition, always thinking: "We've risked so much—we cannot afford to back out now." And so they stay. And so we stay. But none can say that any of it has benefited themselves or Lebanon, for that matter.

Yet we do not ask where we are going in Lebanon. We only vote the money and approve the orders, hoping that somebody knows what is going on, or that something will make all this worthwhile. But our duty is to do more than hope. Our duty is to ask what the objective of that mission is—whether it can be achieved.

Consider this question: Our mission is said to be that of peacekeeper. But it is most often defined as protecting the Gemayel government. We provide that government with all the arms and training that it can absorb. A peacekeeper is neutral—yet our actions place us on one side of a multifaceted civil war. What is more, it places us on a side that everyone admits will have to give way in one degree or another, because neither reason nor right gives that faction the right to govern Lebanon singlehandedly. But our actions may impede the changes that are needed. The situation is incredibly difficult, but our policy is too clumsy to take that into account.

If, for example, the Maronites represented by Gemayel are pushed too far, they are likely to set up a separatist government of their own, which would be followed by the creation of a Druse statelet, plus perhaps another principality controlled by the Shia moslems. Then there are the Syrians and Israelis, respectively, with their hands in the boiling pot of Lebanese politics. If the problems of Lebanon are resolved, they have to be separated from the international quarrels of the area—but that may be impossible, given the penchant that Lebanese factions have for calling in outside assistance. And even if, by some miracle, such an insulation can take place, it leaves years of hard effort ahead to establish some kind of stability in Lebanon. Ultimately, solving the crisis in Lebanon is not only a Lebanese problem. Syria wants its interests protected and its claims recognized. Israel wants a Lebanon that is no threat to its interests. These are strongly opposing interests, and they are fundamental—and so any solution within Lebanon must depend on, among other things, what kind of Lebanon, Syria and Israel are willing to accept. It would have to be a Lebanon that would not be seen by the Israelis as a tool of Syria, and vice versa. And that is a problem that Lebanese cannot resolve, but only Syria and Israel. What can we, the United States, do about that? How is it that leaving a handful of our marines at the Beirut airport going to resolve the quarrels between the Syrians and Israelis? How is it that having those young men out there is going to make any real difference in the internal strife of Lebanon itself? They are not empowered to clean out the arms, or do any other affirmative act. They just sit there, "a presence" as it is so often put. If they move in any direction, they become the enemy of all the factions opposed to the one that they are seen as aiding. If they don't move, they become targets for any terrorist who wants to kill a few Americans, or possibly a large number—as we have seen. But these elements of the issue have never been questioned by Congress. We simply avert our eyes and hope for the best. But innocent young men lose lives and limbs because of our unwillingness to take responsibility, our unwillingness to ask where we are going.

We have gone into an enormous new military buildup in Honduras—no questions asked, no suggestion that if we spent the same amount of money on reform and development, peace might become possible, and we might all be better off. We don't inquire whether all this helps or hurts the prospects of the poor and oppressed people of that region to get a decent deal, or some hope of justice. We don't ask whether the eternal quick fix actually helps or hurts our own interests. The aim of our policy is just to keep the lid on until the next election. But look at the fruits of it: Military intervention in Nicaragua only led to decades of corruption and tyranny, followed by the revolution that so troubles our leadership today. If we had given some attention to the real issues, that revolution might have been friendly toward us; but as it is, its very name honors the resistance leader against our long-since forgotten intervention, 50 years ago. The day will come when the people of Honduras wonder what good they are getting from the military government that is rapidly stamping out their hopes of democracy. The Government of Costa Rica wants no military, enjoys democracy, and is our friend. But it is being drawn into the maelstrom because of our not-so-secret war against Nicaragua. The quick fix of military intervention makes things worse all around, even for our friends. It may hold the lid on, but eventually, we end up the losers—as we have in Nicaragua, as we may very well in Chile, and as we may in Central America as well. Yet who among us has asked about what is happening to the embryonic democracy of Honduras? Who has asked why our policy embraces the creeping military dictatorship there? And who has wondered why we cannot spend as much on helping the people of that country realize their hopes, as we do on insuring that they are under tight control? It is not enough to control a situation this month or this year. We did that in Chile—and look at the mess, 10 years later—a corrupt, monstrous dictatorship, and economic wreck, a brewing civil war, and a population that blames the United States for all its ills—this, in what 15 years ago, 20 years ago we all considered the shining jewel of Latin American democracy and economic progress. Yet we make the same mistakes again and again, in country after country, because we hasten to commit violence and hesitate to commit ourselves to the long and hard road of decency and freedom—the road we want for ourselves, that we are unwilling to hold open for our neighbors.

I know that we do not have time to think, nor time to listen. But the decisions we make are fateful. We do not even ask where we are headed with our ever-growing list of open-ended military commitments. We do not ask whether there are realistic alternatives. But those are the questions, and we fail to ask them, fail to think about them, at our peril.

Months ago, I asked about the safety of our marines in Lebanon. No one was willing to consider it. Weeks ago, I asked that the question be reviewed, but it was never done, not even by military authorities on the ground. My worst fears were exceeded. Yet in this week's action, I felt that no one had really absorbed the lessons of all these recent events, nor understood the consequences of long-festering sores in relations between the great powers. We have not asked the hard questions, not asked where we are going. We are only hoping that whatever it is all these hundreds of billions of dollars buys, it will be peace and security, even as we realize that today we feel less peace and security than ever, for all our military investment. And that is what lies behind my feeling of frustration, sadness, and even failure—because this is not a better world, and it should be, We all want it to be, but we have not found the way. And we have not found it because we have lacked the courage, the conscience, to ask where we are going.

□ 1400

As I promised, I will keep my promise and I will not hold forth any longer, but will relinquish the balance of my time and express my appreciation again to those Members who remained, maybe not to hear me, maybe because they feared there would be another rollcall, but nevertheless, I thank my colleagues for their presence.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 403, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1984

Mr. HALL of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 98-487) on the resolution (H. Res. 362) providing for the consideration of the joint resolution (H.J. Res. 403) making further continuing appropriations for the fiscal year 1984, which was referred to the House Calendar and ordered to be printed.

SOLARZ DELIVERS UNITED NATIONS ADDRESS ON U.S. POLICY TOWARD CAMBODIA

The SPEAKER pro tempore (Mr. Kildee). Under a previous order of the House, the gentleman from New York (Mr. Solarz) is recognized for 60 mintues.

● Mr. SOLARZ. Mr. Speaker, this fall I was appointed by President Reagan to serve as one of the two congressional delegates to the U.N. General Assembly in New York.

In this capacity, I was privileged last week to speak on behalf of the U.S. delegation to the U.N. General Assembly on the resolution calling for the withdrawal of all foreign forces from Cambodia, and self-determination for the Cambodian people.

In light of the fact that, just prior to the debate by the General Assembly, the House of Representatives passed a resolution commending the ASEAN countries for the diplomatic initiatives they have taken on Cambodia, I wanted to call to the attention of my colleagues the statement which I delivered at the United Nations demonstrating that we are speaking with one voice on this terribly important issue:

Statement by Hon. Stephen J. Solarz, U.S. Representative to the 38th Session of the U.N. General Assembly, in Plenary, on Item 23, the Situation in Kampuchea, October 27, 1983

Is regrettable that the General Assembly must yet again consider the problem of Kampuchea, now almost five years after the invasion of that unhappy country by its more powerful neighbor, Vietnam.

In four successive sessions, the General Assembly has called for the total withdrawal of foreign troops from Kampuchea, the restoration of the Khmer people's inalienable right to self-determination through free elections, and the provision of humanitarian assistance to the Kampuchean people uprooted and made homeless by the Vietnamese occupation of their country. Each year the resolution on Kampuchea has passed by overwhelming margins, reflecting the strong and growing concern of the great majority of nations, aligned and non-aligned alike, over the fate of Kampuchea and the Khmer people.

Few countries in the world have suffered more over the course of recent decades than Kampuchea. First, a civil war raged there from the time Prince Sihanouk was overthrown in 1970 until the Khmer Rouge came to power in the spring of 1975. Then, between 1975 and 1979, the Pol Pot regime, in an act almost unprecedented in the annals of human history, embarked upon a policy which the French priest, Father Ponchaud, in a memorable phrase, termed "autogenocide," the murder of a people by their own people. Not since Hitler's holocaust condemned and consumed a third of the Jewish people has the world witnessed anything like it. Turning their country into an Asian Auschwitz, the Khmer Rouge systematically slaughtered and starved an estimated two million people, out of a total population of seven million.

If that were not enough, the Vietnamese invaded Kampuchea in late 1978, forcing hundreds of thousands of Kampucheans to flee their country and, with approximately 170,000 troops, have occupied it until today.

In an effort to bring this long nightmare of suffering and occupation to an end, the United Nations has repeatedly proclaimed the need—indeed the necessity—for those who have captured control of this beautiful but broken land to leave and let the future of Kampuchea be determined by the people of Kampuchea themselves.

As far as my own country is concerned, let me state that, although there are, under our democratic system of government, inevitably differences from time to time between the Executive Branch and the Congress over key policy issues, on this issue both branches of government are clearly united. Only three days ago, the House of Representatives unanimously adopted a resolution endorsing the resolution that we are considering here today.

The adoption of this resolution by the Congress, without a dissenting vote, is indicative of the strong bipartisan consensus in our country in favor of the withdrawal of all foreign forces from Kampuchea and self-determination for the Kampuchean people. But while we fully intend to continue supporting this effort by the United Nations to resolve the Kampuchean problem, we also think it is important for Vietnam to know that, if and when it is prepared to withdraw its forces from Kampuchea, in the context of the kind of peaceful resolution of the problem envisioned by this resolution, the United States will be prepared to adopt a different attitude toward it.

Unfortunately, the need to consider and adopt, year after year, these resolutions on Kampuchea is testimony to the subborn policy of military conquest and colonization being pursued by Hanoi in disregard of the collective judgment of the international community and in violation of the Charter of the United Nations. Vietnam's continued illegal occupation of its neighbor, in defiance of four successive resolutions of the General Assembly, weakens the security of all nations and is the fundamental source of instability in Southeast Asia. All of us bear the burdens of Hanoi's unchecked and continuing aggression.

It is, of course, the Kampuchean people who suffer most from Hanoi's policies. Nearly 230,000 Khmer civilians encamped along the Thai-Kampuchean border live in constant fear of Vietnamese attacks. From January to April of this year, Vietnamese forces launched a series of massive assaults, backed by armor and heavy artillery, against these civilian encampments. Hundreds of civilians were killed or wounded in these attacks and more than 85,000 forced to flee to safety inside Thailand. There have been reports of atrocities by the attacking troops against civilians. The world community has reacted in horror to these attacks which have been condemned by the United States and other governments. The United Nations Economic and Social Council has asked the Secretary General to investigate charges of atrocities committed by the occupying troops.

In this regard, we wish again to express our sincere appreciation to the Secretary General and his Special Representative for Humanitarian Assistance to the Kampuchean People, Sir Robert Jackson, for their efforts on behalf of the Khmer people uprooted by invasion and war. The staffs of the United Nations Border Relief Operation, the World Food Program, U.N. High Commissioner for Refugees and other specialized U.N. agencies, the International Committee of the Red Cross, and the various voluntary organizations continued their untiring work in providing emergency food and medical care to the Kampuchean people, often in dangerous and hostile conditions caused by Vietnamese attacks. They deserve the heartfelt thanks and commendations of the international community. Appreciation is also due to those members of the international community who have continued to support efforts to assist the Kampuchean people through their contributions to UNBRO and the other agencies involved in relief efforts. We must continue these efforts until the time when the Kampuchean people along the Thai-Kampuchean border can return to their homes in safety. My government will continue its efforts and hopes that other members will join us in ensuring that this vital assistance continues to reach those Kampucheans still in need.

Vietnamese repression against Khmer civilians now is more evident in the interior as well. In their frustration at growing popular support for the resistance, the Vietnamese launched a major security crackdown and pacification campaign in western Kampuchea in May and June of this year. According to the reports of those who fled, hundreds of villagers were arrested. Torture was used in an effort to coerce those arrested into "confessing" their support for the resistance. Many of those arrested have not yet returned to their villages and some have reportedly been killed. Thousands of Khmer, including entire villages, have been driven by this crackdown to seek refuge along the Thai-Kampuchean border. They have told of beatings, torture, theft, rape, and other excesses by Vietnamese troops, and these are the actions of an army which claims to protect these people.

The security crackdown has even extended to the ranks of the Heng Samrin regime. Scores of middle level officials have been arrested or detained for questioning about suspected resistance sympathies. This demonstrates that the Vietnamese are not welcomed by the Kampuchean people. Despite its best efforts, even those chosen for their presumed loyalty are now suspected by the Vietnamese of supporting resistance efforts. Vietnam faces an increasing resurgence of Khmer nationalism against its occupation army and its client regime.

What sort of regime has Hanoi created? Despite propaganda claims originating in Hanoi, the Heng Samrin regime does not enjoy the support of the Khmer people. It does not have loyal officials to administer the country. Vietnamese advisors dominate the civil administration, a fact reflecting the regime's inability to function effectively. Heng Samrin officials act only on suffrance of their Vietnamese advisors who hold real power. The Heng Samrin regime recently agreed to Vietnam's position on the delineation of the Vietnamese-Kampuchean border, something every previous Kampuchean government has refused to accept. These are not the actions of an independent government, but of one controlled by outsiders.

The very fact that Hanoi remains compelled, nearly five years after its invasion, to maintain a costly 150-170,000-man army of occupation in Kampuchea to prop up its client regime points up Hanoi's failure and the Heng Samrin regime's failure. Vietnam bears the full weight of maintaining security and defending the regime. Despite increased conscription, the regime's own army remains weak and ineffective, plagued by widespread desertions. Without Vietnam's protection, the regime would rapidly collapse. In 1982, Vietnam claimed that it was withdrawing a portion of its army. There was no evidence of a genuine withdrawal and, in fact, the evidence clearly shows that Vietnam acted to replace soldiers who had completed their military service and to strengthen its military forces in Kampuchea in a troop rotation exercise. This year, Vietnam staged another so-called "troop withdrawal," but again the evidence indicates that there was no reduction in Vietnamese troop strength in Kampuchea. This second claimed withdrawal was simply a reorganization of Hanoi's occupation forces and part of its annual troop rotation. Hanoi has claimed that it will make future withdraws based on the security situation. Such a unilateral policy ignores the legitimate interests of its neighbors and the international community.

Hanoi would have us think that its policies in Kampuchea are based on saving the Khmer people from the Khmer Rouge. It is well-documented that the ranks of Hanoi's client Heng Samrin regime are filled with former officials of the detested Pol Pot regime, including Heng Samrin himself and Hun Sen. There is a double hypocrisy here in that Vietnam supported the Khmer Rouge both before and after 1975 when that genocidal regime was installed in power. It was only after Hanoi came into conflict with and toppled the Khmer Rouge that the Vietnamese government belated condemned their atrocities in an effort to promote an image of itself as the savior of the Kampuchean people.

The presence in the General Assembly of the representatives of Democratic Kampuchea demonstrates that the international community will not accept a client Kampuchean regime imposed by Vietnam. Past Vietnamese efforts to challenge the credentials of Democratic Kampuchea were soundly defeated by large majorities in the General Assembly. This year, Vietnam shrank from even challenging Democratic Kampuchea's right to be represented here. The formation in 1982 of the Khmer coalition broadened Democratic Kampuchea to include nationalist groups led by Prince Sihanouk and former Prime Minister Son Sann. We have been impressed by the response the Khmer people have shown to the leadership of these two respected representatives of Khmer nationalism.

Furthermore, in the past year, thousands of refugees have fled Vietnamese-controlled areas to join the non-communists along the border. The growing number of forces loyal to Prince Sihanouk and Son Sann are increasing active inside Kampuchea. The leadership of these two dedicated nationalist gives the Kampuchean people renewed hope in contrast to the grim choice between a Vietnamese-controlled regime or a return of the Khmer Rouge. We welcome their presence in the United Nations. The international community will benefit from their participation and the opportunity to hear the authentic voice of Khmer nationalism.

Originally, the Vietnamese justified their invasion of Kampuchea in terms of saving the Kampucheans from themselves. Now the Vietnamese claim their reason for occupying Kampuchea is a perceived threat from China. These facile and transparent justifications for aggression cannot obscure the obvious fact that Hanoi has sought for three decades to dominate all of Indochina.

Since the General Assembly last considered the situation in Kampuchea, we have begun receiving disturbing reports of mas-

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sive Vietnamese immigration into Kampuchea, apparently endorsed by Hanoi and the Heng Samrin authorities. Documents of the Vietnamese-controlled Heng Samrin regime and refugee reports reveal that thousands of Vietnamese civilians are now settling in Kampuchea in what appears to be a deliberate, long-term plan by Hanoi to alter the demographic make-up of the Kampuchean nation. Refugees report that Vietnamese farmers, fishermen, and merchants are displacing Khmer in rich farming and fishing areas and in marketplaces. The Heng Samrin regime has acknowledged the existence of the directives which appear to reflect official support for large-scale Vietnamese immigration.

When combined with Vietnamese-imposed changes to Kampuchean administration and Khmer society, this immigration raises serious questions about Hanoi's intentions in Kampuchea. Vietnam is often depicted in Khmer mythology as a crocodile trying to swallow its smaller neighbor. Vietnam's attempts to colonize and absorb Kampuchea arouse among Kampucheans fears for the future existence, much less independence, of their country.

The costs to Vietnam of its foreign war are exacting. Hanoi is at odds with China, is estranged from its neighbors in ASEAN, and is isolated in the international community. Vietnam, with a per capita income of less than $200, maintains the world's third largest standing army. The burden of this ponderous military apparatus and the costs of Hanoi's military adventures fall on the shoulders of Vietnamese farmers, laborers and draftees, many of whom continue to risk their lives each year as "boat people" in search of freedom rather than remain in Vietnam. Soviet assistance exceeding $1 billion a year supports Vietnam's war effort but increase Hanoi's dependence on Moscow. Vietnam's Kampuchea quagmire will in time convince Hanoi's leaders that they cannot subjugate the Khmer people. Political isolation abroad, economic deterioriation at home, and a growing realization of the price it pays for Soviet support in terms of sacrificing its historic independence will eventually lead Hanoi to the realization that a comprehensive political solution to the Kampuchean problem is in its long-term interests.

The door to a fair and just settlement remains open. The five members of the Association of Southeast Asian Nations have pursued a flexible and unselfish course in this regard. Under ASEAN's leadership, the General Assembly resolutions on Kampuchea and the 1981 International Conference on Kampuchea outline a basis for a comprehensive political settlement in Kampuchea based on the complete withdrawal of foreign forces, restoration of Khmer self-determination through UN-supervised free elections, and non-intervention and non-interference in Kampuchean internal affairs. All of the elements for a settlement are in place. Such a settlement would meet the essential interests of all the parties involved and would restore to the Kampuchean people their right to control their own destiny.

No one, least of all Kampuchean people, wishes to see those responsible for the atrocities of 1975-78 return to power. If Vietnam is reluctant to withdraw because it fears that, were it to do so, the Khmer Rouge would return to Phnom Penh, the answer is that the resolution provides a mechanism specifically designed to prevent such an outcome.

The opportunity is there for Vietnam. Peace is within Vietnam's grasp. By agreeing to withdraw from Kampuchea in accordance with the terms of this resolution, it can both make possible the self-determination of the Kampuchean people and simultaneously protect its legitimate security concerns.

Instead, Vietnam has continued trying to consolidate its hold on Kampuchea through military action, to legitimize its client regime, and to confuse international opinion through phony troop withdrawals and calls for discussions on a Southeast Asian zone of peace. All of this ignores the real source of instability and the real threat to peace in the region—Vietnam's continued occupation of Kampuchea. The members of the Association of Southeast Asian Nations recently presented an "Appeal on Kampuchea." This appeal calls on Hanoi to demonstrate its sincere desire for peace by committing itself to a phased total withdrawal of its forces in Kampuchea with a definite period to be worked out as part of negotiations. This proposal, which is consistent with the principles of the International Conference of Kampuchea, can be accepted by reasonable governments genuinely seeking the restoration and salvation of the Kampuchean nation. It would produce a free and neutral Kampuchea, a threat to none of its neighbors, respecting the fundamental rights of its citizens. Hanoi's leaders should accept this opportunity for a settlement.

Such a settlement would then permit the Khmer people, with the help of the international community—including the United Nations—to turn to the task of rebuilding their country. Ravaged by conflict, famine, genocide, and foreign oppression, Kampuchea's recovery will be a long-term and formidable task. The task to bring peace to Kampuchea, however, is potentially less formidable. It would also end Vietnam's international isolation, restore Vietnam's dignity and freedom of action, and permit Vietnam to begin healing the wounds of forty years of warfare and raise the living conditions of the Vietnamese people. All it takes is a step toward compromise and justice. The world, and above all the people, the tragic, long-suffering people of Kampuchea, are waiting for Vietnam to take that one small step toward peace.●

COMITY OF THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, it has been generally accepted in the House that we operate under certain comity principles that permits us to operate in an orderly fashion. We try around here to do certain things that move the House forward, and on some irregular occasions there have been, and I have been a part of many of those, attempts to slow down the procedures of the House simply by utilizing the rules.

On many of those occasions, I have been reminded that we operate under such comity procedures, and that we ought not have situations where the business of the House is in some way delayed.

One of the comities of the House has been that once we move to special orders in the evening, we will have no substantive business conducted in the House Chamber. I remember a few months ago when we had a Member of the leadership of the Democratic Party who came to this gentleman on the floor late at night when another Member was going to get up and conduct substantive business and asked me to help protect the rights of not only the minority but the majority with regard to this issue. I took on what turned out to be a fairly unpleasant assignment one evening to try to protect just the comity that is associated with those special orders.

Now, today, we have seen the majority party come to the floor and say, "It is not important to us because we have this rule we want to file and the procedures under which we operate around here should just be set aside." We saw them set aside here this afternoon.

The comity of the House was not observed. The minority was not even consulted. I simply take this time to say that if that is the way we are going to operate around here, then, ladies and gentlemen, that is the way we can operate. We can operate in a way that says that we also will not bother with comity procedures around here, that we also can make certain that during special orders you can expect votes, you can expect that we will try to bring substantive business to the House floor, you can expect unanimous-consent requests, that the people in the chair can expect that this will not be a very pleasant time to be on the House floor if that is the way we want to proceed.

I assume that is not the way the House wants to proceed, but I am very sorry that the majority party has seen it necessary to violate the comity so that we arrive at a situation where, in order to protect our rights, we might have to resort to such tactics.

I find this very disturbing, and I hope that the rest of the membership will find it disturbing, too. I know the people will find it disturbing who left this body this afternoon thinking that the business of the day was finished and left with assurances of good faith. I know that it caused a problem for some people on this side who stood and, when receiving the schedule, were assured that there was no additional business to be conducted during the day today, received explicit assurances earlier today, only to have those assurances violated.

I think that says something very bad about the way the House business is being conducted.

Mr. WRIGHT. Mr. Speaker, I wonder if my friend would yield.

Mr. WALKER. I would be very glad to yield to the majority leader. Maybe he can explain this situation so I can understand it.

Mr. WRIGHT. I would hope that I might.

First off, I am not sure that I understand just exactly what it is that my friend from Pennsylvania has found objectionable. As I tried to listen, I thought I got the impression that the gentleman from Pennsylvania felt that there had been some kind of an agreement that no further business was going to be transacted by the House but that this was being violated in some sense. I am not aware of its being violated. In what sense has this occurred? If we have in any way misled Members, it has been unintentional and would be very regrettable.

I am not aware that any commitment was made that has been violated in any sense.

Mr. WALKER. Well, we do have a standing commitment in the House that we will conduct no substantive business after special orders have been arrived at. I would say to the gentleman it was his staff who reminded me of that last winter when I stood on the floor and protected just that procedure here late one evening. I think it was around 1 o'clock in the morning, as a matter of fact. That is precisely what this gentleman is referring to.

The filing of the rule, which is a controversial rule, is in my mind a piece of business that violates that comity procedure, and in the minds of many people on this side of the aisle. We thought we had assurances when the acting minority leader, Mr. Lewis, got up earlier this afternoon and received assurances that we would conduct no further business and yet that is exactly what was done just a few minutes ago, just before this gentleman stood to speak.

Mr. WRIGHT. If the gentleman will yield further, I think there may have been a misunderstanding, and perhaps one that is a thoroughly honest misunderstanding.

I would just advise that the conversation to which the gentleman from Pennsylvania refers, as to having been advised last year by a member of my staff that it was contrary to the general procedure to bring up substantive business after we have begun the special orders, occurred at a time when the gentleman from California was attempting to bring up a bill for consideration on the floor.

Mr. WALKER. The gentleman is correct.

Mr. WRIGHT. That would have been substantive business of a type that manifestly is not considered to be in order generally after you have begun special orders because the unanimous consent by which a special order is granted is usually predicated upon the request that upon completion of all business, the gentleman from Pennsylvania, or whomever, might be permitted to address the House for 60 minutes, or for however long.

□ 1410

But I think what the gentleman may not be aware of is that the filing of rules is a matter separate and apart from the taking up of legislative business. The filing of rules has occurred on numerous occasions after special orders have begun.

Mr. WALKER. Yes, and generally that has been in consultation with the minority and with the agreement of the minority, particularly the minority members of the Rules Committee.

In this particular instance that is the problem. What we have here is a very controversial rule, so that the filing of it did have some substantive material connected with it. I think generally the minority has said that where it is noncontroversial, if it is just a matter of timing, that could be done. But now we find that, having agreed to some of those procedures in the past, that is now being used where there is considerable controversy involved in the matter, and we are now told that that is not substantive business under the general comity procedures under which we operate.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from California first, and then I will come back and yield to the majority leader again.

Mr. LUNGREN. Mr. Speaker, the reason this whole thing was brought up is because there is usually respect and comity that exists in this House among whoever is doing the work.

I ask the majority leader if it sounds like a situation of comity where, on a controversial issue, a rule is passed out of the Rules Committee about which nothing is known, the minority members are not even given a copy of the rule that is voted on, and in the voting of that rule, there are made in order two amendments, one by the gentleman from Wisconsin (Mr. Zablocki) and one by the gentleman from Massachusetts (Mr. Boland), neither of whom testified before the Rules Committee? The subject matter of the rule is unknown to us, with the Members of our side even asking one of the gentlemen what that amendment is going to be and being told "I don't know yet."

It just strikes me at least that that is not representative of a situation of mutual respect and comity to be extended in this House. The point we were getting at is that it may not be technically doing business in the House, but it goes to the quality of business we do in this House and the respect that we show to one another.

I am not a member of the majority, and maybe we would react differently if we were; I do not know, it has been so long since we were. But we have always been told that the rules are here to protect all, but particularly to protect the minority and the minority view.

Now, I just ask the gentleman if he thinks the actions I have recited add up to an indication of the mutual respect that one would believe should prevail in this House.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the majority leader.

Mr. WRIGHT. Mr. Speaker, this, of course, is the first I had been informed about any of the internal workings of the Rules Committee to which the gentleman from California had reference. Not knowing anything about the colloquy that took place within the committee, I would be ill advised to try to comment on its appropriateness.

The general rule is that we do try to advise the minority when we are about to take some action or to bring up a bill under unanimous consent or to consider a bill on the floor. I think I might make the distinction that the procedure in a given committee may indeed be controversial and the rule itself may indeed be controversial, but the filing of the rule, assuming that it was duly and truly reported by the committee, does not strike me as a controversial act but, rather, as a ceremonial act.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, I would suggest to the gentleman that he speaks very well, but obviously it does not speak to the point that I have raised.

The fact of the matter is that this side received a copy of the rule approximately 10 seconds before it was filed. Now, if that is the gentleman's idea of respect and communication, perhaps we ought to redefine "respect and communication" in this House.

As I say, being a member of the minority, perhaps we are more sensitive to it because in fact we have to look to the rules and the spirit of the rules to protect the rights of the minority, and in this instance we just do not believe that the spirit of the rules at least implicit therein to protect the minority was recognized.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield further to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I shall not quarrel with the conclusion of the gentleman from California because presumably he was present and I surely was not. Therefore, it would ill behoove me to get into a controversy with him about something that occurred in his presence and in my absence.

I would simply observe, however, that it was not a matter of a rule having to be filed today. If it is a bill that is coming up on Tuesday, it could have been filed on Monday and still have been valid. The rule did not require its being filed today.

The second point I would make is that I have been advised that the rule in question was read to all those present, minority and majority, in the Rules Committee prior to the vote on the rule. Beyond that, I just do not know enough about it to comment intelligently.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. LUNGREN. Then maybe, Mr. Speaker, the gentleman is suggesting that we change our operation on the floor of the House. If indeed reading from a single document to all present what is being voted on and not having the courtesy of extending them a copy so they might make reference to it is appropriate, then I wonder why we need to have written bills before us when we vote here.

I do not think the gentleman suggests that we do that here. I think the gentleman fully understands the difficulty it places any minority member in who has been refused consultation to have the ability to make a contribution to the vote and the discussion for the vote, although we all recognize that the Rules Committee is stacked 2 to 1, plus 1, against the minority. So whatever the majority wishes to do, it may do.

But at least maybe we should keep up the surface type of contribution and respect that we had come to expect.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. TAYLOR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me say this: I was in the Rules Committee, and the basic part of the rule that is, in fact, the rule that has been filed was read to the members of the Rules Committee. However, some of the parts that were incorporated in this rule were news to us because we had motions or we had amendments in order by the gentleman from Wisconsin (Mr. ZABLOCKI), who had not been before the committee, and the majority members of the Rules Committee indicated they did not know what was going to be contained within the Zablocki amendment.

Also the gentleman from Kentucky (Mr. PERKINS) had not asked for any additional amendments, and yet it was contained within this.

I will say this: I think that there is no question that we are on sound ground in following the rule, I would say to the distinguished majority leader. During the time I have been on the Rules Committee it has always been at least the tradition to provide the minority members with a rule before we voted upon it. We asked for that, and the chairman indicated that in the rush of the hour they did not have time to do it.

I do not want to particularly quarrel over this, and I am sure the majority leader does not want to do that either. I am opposed to the rule. I am opposed to the amendments that are in this supplemental appropriation or this continuing appropriation. I think it is the wrong way to do this.

We were simply trying to uphold the request of the chairman of the Appropriations Committee and the ranking minority member of the Appropriations Committee in asking for a complete new and clean continuing supplemental. It was our feeling that it should not be cluttered up. We are looking at a very urgent deadline of November 11, and the chairman of the Appropriations Committee and the ranking minority member indicated they want to meet this deadline.

I did not support the minority members who came before the Rules Committee and asked for rules, in deference to the wishes of the chairman and the ranking minority member of the Appropriations Committee. I felt those things and the things contained within this rule can be addressed under the supplemental. Many of the things that the majority member had within his amendment I would support, but I think it is the wrong time and the wrong place at a time when we are trying to meet an urgent deadline. I just felt that we should follow the wishes of the leadership of the Appropriations Committee.

However, that is neither here nor there. I did not prevail, and I am used to being on the minority side a lot of times. I just want to say that it is not my intention to quarrel. I do hope that in the future, before rules are filed, the minority members will be afforded at least a copy. I did not have a copy until 10 or 15 seconds before.

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Mr. WALKER. Do I understand the gentleman to say that the rule that was just filed, that there are provisions adopted in there with regard to amendments where nobody appeared before the Rules Committee to ask for the amendment?

Mr. TAYLOR. The gentleman from Wisconsin (Mr. ZABLOCKI) did not, he had a letter saying he opposed the so-called Long-Kemp amendment. He was not there, but there is an amendment made in order by this rule for the gentleman from Kentucky (Mr. PERKINS), who was there in support of the Wright amendment. They came back and made an amendment in order for the gentleman from Kentucky (Mr. PERKINS).

I asked what that was for and they said that he had left out part of his school lunch program. I think he forgot to put the breakfast in or something, and he was back with that now.

I just feel that we have a lot of things in here that should not be there; but at least they were explained. The gentleman from Texas (Mr. WRIGHT) was there and explained this.

I do not know what the gentleman from Wisconsin (Mr. ZABLOCKI) and the gentleman from Kentucky (Mr. PERKINS) are doing, and not a member of the Rules Committee would know as a result of what went on up there in that Rules Committee, because it was not discussed and we did not have a copy of it and it has been filed.

Mr. WALKER. So the gentleman was asked basically to vote in the blind on a matter that had just been filed before the House; is that what the gentleman is saying?

Mr. TAYLOR. That is true.

Mr. WALKER. I thank the gentleman very much.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Indiana.

Mr. MYERS. Mr. Speaker, we all are certainly concerned about the time of this necessary legislation. The continuing resolution must be adopted by next Thursday midnight; so it is very important that we get this legislation through, but I am a little bit uncertain after the gentleman described some of the amendments, someone mentioned two amendments, I have heard three amendments. Can anyone tell us just how many amendments are in order according to this rule?

Mr. TAYLOR. Just a moment. If the gentleman will yield, I just got the resolution.

Will the gentleman yield for that purpose?

Mr. WALKER. I am glad to yield to the gentleman from Missouri and give him time to count the amendments, since he has not had a chance to do that.

Mr. MYERS. The gentleman just has an hour. Can the gentleman count that far in an hour?

Mr. TAYLOR. I believe I can make it.

The amendment of Representative WRIGHT of Texas shall be debatable for not to exceed 1 hour.

Mr. MYERS. That is one.

Mr. TAYLOR. The amendment of Representative PERKINS of Kentucky, or Representative HALL of Ohio, to the amendment by Representative Wright, which shall be debated not to exceed 30 minutes. That is one that was not discussed in the committee.

The amendment of Representative Boland, of Massachusetts which shall be debatable not to exceed 30 minutes, equally divided and controlled by Representative Boland and a Member opposed. That was not considered or testified to in the committee.

The amendment of Representative Long, of Maryland, which shall be debatable not to exceed 30 minutes, that was presented to the committee.

The amendment of Representative Zablocki, of Wisconsin as an amendment to Representative Long, which shall be debated not to exceed 30 minutes.

The gentleman from Wisconsin (Mr. Zablocki) was not before the committee, and that was in this final version; but those were read to us, I will say that, but we did not have a copy of them. No one was able to tell us what they might relate to.

Mr. MYERS. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from Indiana.

Mr. MYERS. This is a bill to make continuing appropriations to fund the Government until we get the necessary appropriation bills passed.

Now, there is only one member of the Appropriations Committee that has an amendment, as the gentleman read them, and I believe two of the amendments, having not seen them, but at least the amendment of the gentleman from Texas (Mr. Wright) was discussed in the Appropriations Committee earlier this week when we did report this bill.

A number of those, I think, maybe three of them, had been discussed; but each of those bills was put into a supplemental appropriation bill which was written and I believe filed the same day, which is the proper vehicle, and the Appropriations Committee day before yesterday wisely reported a clean bill, just enough to keep the country running, but anything added to that was to come in a supplemental appropriation bill which was filed.

Now, the Rules Committee has been on the back of the Appropriations Committee to not legislate, not do these things that are not authorized, which we have been concerned about also; but now I am shocked to see that the same Rules Committee that has been critical of the Appropriations Committee for doing unnecessary things in the appropriation bill, would offer an amendment on a continuing resolution, which is supposed to be bare bones, just to keep our country functioning, would actually report a bill like this.

Mr. TAYLOR. Mr. Speaker, if the gentleman will yield further, I feel the gentleman is exactly right.

We took a bill that had been brought to the Rules Committee by the Appropriations Committee, the chairman and the ranking member, bare bones, as the gentleman has so adequately put it, to fund the Government through November 10 and they asked for it to be passed that way.

I felt that that should have been honored. I had a note from the administration asking for the Long-Kemp amendment to be added to it. I felt that was wrong.

I felt that my good friend, the gentleman from Texas, Tom Loeffler, who had one, I would like to have helped him; but I felt we had an obligation to move this continuing resolution forward to meet this urgent deadline that had been so adequately explained by the leadership of the Appropriation Committee. That is the reason basically I opposed it.

Now, I do think, of course, that some of the other ramifications have been discussed here, the amendments being added for people that were not there.

The gentleman from Maryland (Mr. Hoyer) was there with one that probably could well have been accepted.

Mr. MYERS. Mr. Speaker, if the gentleman will yield further, what happened to Loeffler-Alexander? This was over $500 million. What happened to that amendment?

Mr. TAYLOR. Well, it was left out and I would have agreed to that, not because I am not in support of it, but because I felt it was the wrong time, the wrong place, to do it on a continuing resolution.

Mr. MYERS. That is the reasons the Appropriation Committee left all of those out of there in the continuing resolution.

Mr. TAYLOR. The minority on the Rules Committee tried to adhere to the wishes and desires of the Appropriation Committee leadership, but we were weighed in the balances and were found wanting.

Mr. WALKER. But as a member of the Rules Committee, the gentleman from Missouri has no idea what is in the Perkins amendment, what is in the Perkins amendment or what is in the Zablocki amendment; is that true?

Mr. TAYLOR. No; I do not.

Mr. WALKER. And the gentleman was at the meeting, is that correct?

Mr. TAYLOR. Every minute.

Mr. WALKER. I thank the gentleman very much.

I wonder if the chairman of the Rules Committee, who I see standing, I would be glad to yield to the gentleman to explain to us exactly what is in these amendments, that a member who attended his full committee meeting did not even hear discussed. I wonder if the chairman could tell us what is in those amendments where we just had a rule filed?

I am glad to yield to the gentleman.

Mr. PEPPER. Mr. Speaker, if the gentleman will allow me, I prefer to speak on my own time to try to set the record straight about this matter.

Mr. WALKER. Well, I think I control the time under the special order. I will be very happy to yield to the gentleman.

The SPEAKER pro tempore. The gentleman from Pennsylvania controls the time.

Mr. PEPPER. There was some intimation that the Rules Committee was discourteous to the minority this morning in respect to the rule relative to the continuing resolution.

What happened was that we had 12 or 15 witnesses scheduled and practically all of them were heard. Sometime around noon, I guess it was, we concluded the hearing of the last witness. Then there was an intimation on the part of members of the majority that they would like to have a caucus about this matter, since it was rather a complicated situation. We were trying to do the right thing about it.

We knew the difficulties involved and we knew the number of interests that were affected, how many people undoubtedly would be unhappy no matter what we did; so I moved for a recess for 20 minutes.

The gentleman from Tennessee (Mr. Quillen), my distinguished friend, who is the ranking minority of the committee, with whom I have had the most satisfactory relationships that I could have with any friend, said, "Could you make that 15 minutes?"

Well, I said, "We will get through as soon as we can."

We all knew from the beginning of the session that many Members wanted to go home today, being the end of the working week, and we were trying to terminate our hearing as soon as we could.

I said, "If we can speed it up in less than 20 minutes, we will."

We went out in the chairman's office and had our caucus. We had to discuss a number of matters and all the amendments that had been offered were discussed. We had a request from the leadership that three amendments be made in order. We discussed that, of course.

So then finally we came to a conclusion as to the kind of a rule that the majority would avocate in the committee.

☐ 1430

We went back into the session and as I returned to the chair, I turned to my friend, Mr. Quillen, and I said, "Jim, we made it in about 20 minutes, did we not?"

We tried to be on time, to get back as soon as we could. Then we had not had time to write a rule. We just made the decision as to how we were going to progress with the matter in the committee. We had not acted upon any rule, and we did not have time to write out a rule to exhibit to the members of the committee.

As is customary, when we are in a tight squeeze for time, the distinguished gentleman from Louisiana (Mr. LONG) was called upon—he was notified to enter into a motion as to the disposition of the matter pending. In his motion Mr. LONG said, "I apologize that we have not had time to formalize this rule. You will have to bear with me a little bit as I put it together the best I can. Just as soon as we have written it up, why, of course, it will be properly distributed."

Mr. LONG went through the amendments item by item that were to be reported included in the continuing resolution made in order by the Rules Committee, and the time allowed for the debate of each amendment, and the like. When he finished, making his presentation, which was clear as to all the merits of the matter, then my friend, Mr. QUILLEN says, "Well, look, I do not think you have treated me fairly. I have not been furnished with a copy of the proposed rule."

He said, "I am sure you did not mean to be discourteous to me."

As chairman, I said, "JIM, you know very well that we did not intend to be discourteous to you. You know the reason the rule has not been written up is that we just have not had time to write it up. If you want Mr. LONG to come back and tell you again what is in his motion, I am sure he will be glad to do that, or if you would like, we will just recess the committee meeting and wait until the rule is written up and then we will come back and in the proper and formal way, we will present you with a copy of the rule."

And then by that time somebody had handed him a first draft of a proposed rule. He said, "No, they have given me something now. That is all right."

Then Mr. LONG said, "I will be very glad to go over it again," and he did. Mr. QUILLEN accepted Mr. LONG's second explanation of the content of the rule, and that concluded the discussion relative to the furnishing of a copy.

We get along as well as any majority and minority—and I think Mr. TAYLOR will attest to that—as any committee in this House. We respect one another. We try to work together. There are times when we do not have the 24 hours to give Mr. QUILLEN notice; for example, that we are going to put a certain subject matter on.

Sometimes we get in touch with him and say, "We are 1 or 2 hours short, is it all right to have the meeting?" He has been cooperative.

To leave the impression that we do not work in harmony, do not respect one another, or try to observe the rules is giving the wrong impression.

Mr. WALKER. Let me reclaim my time.

If I understood the gentleman——

Mr. PEPPER. Excuse me, just a minute.

When we broke up, when the committee concluded its formal session, the person who handles the legislative matters had to go, and another person of great competence and experience for the committee took over the job of drafting the rule.

I went over to notify the ranking minority staff person. I informed them that the rule would be drafted as soon as possible and I indicated that I wanted the minority staff to see this rule before it was formally filed in the event they had any suggestions or criticisms to make.

I am sure that was what was done. The rule was drafted and I am sure it was given to them.

Mr. WALKER. I thank the gentleman for his explanation.

Mr. PEPPER. If you want to ask me anything, I will be glad to answer.

Mr. WALKER. I thank the gentleman for his explanation.

It sounds to me as though what happened in the Rules Committee was that you were in an open session, an open public session, but when it came to the real business of writing the rule and making the decision, what you did was retreated into a Democratic Party caucus, and all the decisions were made there, and then you came back out into open session to mandate to the minority what it was they were going to have as far as a rule goes and they were not even furnished a copy of the rule in its final form.

Mr. PEPPER. Will the gentleman yield?

Mr. WALKER. I will yield to the gentleman in just a moment. I want to finish my statement. I control the time, one of the few things that we do control around here when we get a little time.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. WALKER) controls the time.

Mr. WALKER. Part of our problem with that kind of procedure is that then a hurry up procedure was used on the floor this afternoon, in order to file that rule before the House for consideration. At this point, one of the gentleman who is a member of that committee tells me that he does not even know the content of some of the amendments that were included in the rule.

Mr. PEPPER. That is not true. You are not telling the truth. Wait a minute. You do not know.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. WALKER) controls the time.

Mr. PEPPER. You sit down, and I will take my own time if you do not want to yield.

Mr. WALKER. I will yield to the gentleman in just a moment.

I resent the fact that the gentleman indicates that the truth is not being told. I simply referred to a statement made previously by a member of the committee who tells me that he did not know what was in the amendments, because the gentleman before us did not testify.

The gentleman is standing here. I will be very glad to yield to him further to explain that, but I think it is important here that it be understood what it is that we have some concerns about.

I will be glad to yield to the gentleman from Missouri if I misrepresented what he said to me in any way.

Mr. TAYLOR. I thank the gentleman for yielding.

First of all, let me say this relative to my distinguished chairman for whom I have the highest regard. Chairman PEPPER is a fair chairman, and he is very kind and very courteous to the minority and for that I express my appreciation because he has always extended these courtesies. These other amendments that are a part of this resolution and are placed in there by people who did not appear, I have no way of knowing what they were going to answer. I did not hear Congressman BOLAND or Congressman ZABLOCKI. I do not know what their amendments will do. I think I did ask, when I asked Mr. LONG when he offered the Wright amendment, I understood he had one in there from Mr. PERKINS, and he said he did.

I asked what would Perkins do to Wright. I said, "What in the world is Perkins going to improve on what Wright has done here?" It was indicated that something more had been left out in the school lunch program that they wanted put in. That was all of the explanation that I received relative to Perkins, nothing on Zablocki and nothing on Boland and I had no way of knowing. They were not there, had not discussed it.

What has happened here, Mr. Speaker, if I might, is that we are moving too fast in a manner we should not be moving on trying to legislate and appropriate a continuing appropriation.

As many times as we will do this, we will have these kinds of foulups, because it is not really what the vehicle of a continuing appropriation has the mission to do, and what we have here is, the majority, the distinguished majority leader said there was nothing substantive.

There is a billion dollars worth of new programs in the Wright amendment alone, a billion worth that has not been authorized, that in fact was rejected last week by a vote of 24 to 21 in the Appropriations Committee, and now we are trying to add it on in a continuing appropriation, and I think as long as we continue to do these kinds of things, we are going to have donnybrooks such as we have here today. I do not care to carry this thing any further from my part. I just want to say this. Again, I am not offended at our chairman. He has been a fair chairman. He is a fair chairman and I can understand the pressure that he was probably under to move this thing along at this hour, but I do believe that we were doing the wrong thing at the wrong time and I think these things can be handled in the supplemental.

I will be here to oppose the rule, and I hope that we will not continue to try to legislate on appropriations.

Mr. WALKER. I thank the gentleman for his explanation, and I think it does clarify that there was not a complete understanding of these matters allowed to the members of the Rules Committee. I thank the gentleman and I appreciate his statement with regard to the distinguished chairman of the committee from Florida.

I believe that he is sincere in what he is saying, that the attempt is made in dealing with the minority in a fair way. Our perception in this particular matter is we were not given sufficient information to permit a hurry-up procedure to be utilized on the floor this afternoon.

I will be very glad to yield again to the gentleman from Florida (Mr. Pepper).

Mr. PEPPER. If I may presume at some point the distinguished gentleman from Pennsylvania will sit down, I would like to speak in my own right.

I appreciate the gentleman's points, the gentleman from Pennsylvania, he does control the time. Under the rules of the House, I think that that is an entirely proper procedure.

□ 1440

Mr. WALKER. The gentleman from Pennsylvania went through the procedure earlier today of getting a special order so that I did have this time. I think the discussion has been worthwhile.

I think it is extremely important that we hash out this matter since it brought us to a vote earlier this afternoon which in my mind was a completely useless vote and which many Members of Congress are going to find that they were terribly inconvenienced by because they were not here in order to answer it.

Mr. LONG of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Louisiana.

Mr. LONG of Louisiana. I thank the gentleman for yielding. I do not intend to get involved in any lengthy discussion on this. But I think there are two points that need to be made.

One is that the gentleman from Massachusetts (Mr. Boland) is in Grenada and we knew he was going to be in Grenada. The gentleman from Michigan (Mr. Traxler) testified on behalf of the amendment that the gentleman from Massachusetts (Mr. Boland) had wanted, and the gentleman from New York (Mr. Green) testified against it. So we did hear testimony with respect to that.

Mr. WALKER. Can the gentleman tell us what that amendment is? I asked earlier for the chairman of the committee to explain to me what the Zablocki amendment was, what the Boland amendment was, and what the Perkins amendment was.

Mr. LONG of Louisiana. As I said, I intend to make two points for the Record, if I may.

The second point I would make for the Record is there was available, and the chairman pointed out to the members of the committee, there was available a point of order that could have laid at the time that we did not have the rule written, and I specifically asked the Members if any of them wanted to raise that point of order and nobody raised that point of order and that is the reason we proceeded.

The remedies were available to them to delay the matter until they could find out what was in the Zablocki amendment if they did not know.

On the amendment, at the time the point of order was available to them to make a determination as to what was available in the Boland amendment if they had not been there when the people testified on that matter.

I think this is a perfect understanding of why we proceeded in the informal manner in which we did. The committee often does this because of the fact that if we were to bear down and get involved in those, we would end up getting nothing done.

Mr. WALKER. I guess part of our concern is the fact that it appears to us from the explanation given by the gentleman from Florida that the majority Members were fully aware of what some of these things contained, are fully aware of what is in these amendments, were fully aware of what the rule is that they proposed in committee, whereas at least some Members of the minority were not made fully aware of these things. And it just seems to us that perhaps there should be a full information for everyone, even during a hurry-up procedure.

In addition, one of the reasons why we were concerned about the filing of the rule here this afternoon is the fact that we had understood that there might be an additional hurry-up procedure used to try to bring that rule to the floor on Monday rather than Tuesday.

Can someone give us an assurance that the rule is going to come to the floor on Tuesday as originally scheduled?

Mr. LONG of Louisiana. I cannot give you an assurance in that regard at all, because that is not within the responsibility of the Rules Committee. Our responsibility is to get the rule out and report the rule.

Mr. WALKER. So, in other words, as far as we know right now, based upon what we are hearing, there is a likelihood that even though Members have been told that they do not have to be in town on Monday because of no votes, this rule could come to the floor as a result of this filing on Monday, and we could have debate on a very controversial matter on Monday and could have the matter considered?

Mr. LONG of Louisiana. Will the gentleman yield?

Mr. WALKER. I will be glad to yield.

Mr. LONG of Louisiana. I did not hear the discussion when the majority leader talked about the schedule for next week. But I think that we owe in all honesty the recognition that the gentleman from Texas (Mr. Wright) lays it out the best that he can and if he said there were going to be no votes on Monday there will be no votes on Monday.

Mr. WALKER. The point is we could have discussion of the bill, which is evidently a very controversial resolution with amendments that have been contained within it, we could have that discussion at a time when no one is in town. And I think with a vote delayed until late afternoon, I would hope that we could lay that to rest.

I see that the majority leader is here and I will be glad to yield to the gentleman from Texas who has taken a microphone on the minority side. It is a great day for us here on the minority side.

Mr. WRIGHT. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. WRIGHT. I do not expect to take the other side of the issue. But this is the closest microphone. I was downstairs listening to this very interesting colloquy on the television.

Let me just take occasion to assure the gentleman from Pennsylvania and anyone else that might be apprehensive that there is no intention on the part of the leadership, nor has there ever been, to bring this bill prematurely. It was not scheduled for Monday. It is not scheduled for Monday.

There will be no votes on Monday. Tuesday being an election day, we thought it well to permit Members to be at home in their districts if they are involved in local elections and to vote early on Tuesday and return. There will be no votes at all until Tuesday afternoon.

It is our intention to schedule this continuing resolution on Tuesday afternoon. And as I understand it, the rule has provided for ample debate and there will be no efforts to violate that or to hurry it up or to slip it by in any surreptitious way whatever.

Mr. WALKER. I thank the gentleman.

The reason why that came up was because of the fact it was filed today rather than wait until Monday, because it could have very easily been filed on Monday for Tuesday consideration, and so I appreciate the gentleman making that explanation.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be happy to yield to the gentleman from Indiana.

Mr. MYERS. Pertaining to what the majority leader just said, if I listened to what he said, I believe the majority leader said the bill will be debated on Tuesday. How about the rule that is in controversy right now; would that possibly be brought up Monday afternoon or it, too, will come up Tuesday?

Mr. WRIGHT. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. WRIGHT. I had not thought about that. I was talking about the continuing resolution.

Mr. WALKER. The question is about the rule.

Mr. MYERS. We are a few days earlier on the debate.

Mr. WALKER. The rule was originally scheduled, according to the acting majority leader, and his schedule earlier today, was scheduled for Tuesday. Is that still the understanding, that this rule will be brought up on Tuesday?

Mr. WRIGHT. I would respond to the gentleman I do not think there is any votes scheduled for Monday.

Mr. WALKER. But the vote, we have already said the votes would be delayed. The question is whether this rule will come up and be debated on Monday or Tuesday.

Mr. WRIGHT. If the gentleman would permit me to consult with various and sundry to discover this. I think it is Tuesday.

Mr. WALKER. The schedule originally announced was this rule would be brought up on Tuesday and the Rules Committee had told us that the leadership controlled the time rather than the Rules Committee.

I will be glad to yield to the gentleman.

Mr. WRIGHT. If the gentleman will yield further, it is as I described to the gentleman earlier. There will not be any votes on Monday.

The rule will come on Tuesday and the continuing resolution will come on Tuesday.

There is not any effort on the part of anybody to schedule it in any tricky way. It is just the way it was announced earlier.

Mr. WALKER. I thank the gentleman and I explain again the only reason why the concern came up was because for Tuesday consideration the rule could have been filed on Monday, which would have given it a much better chance to get noticed.

Mr. HARRISON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. HARRISON. I thank the gentleman, my colleague and friend from Pennsylvania, for yielding.

I came here first to apologize that I missed the last rollcall. I was having lunch not two blocks from this floor and I rather naively believed that I did not have to take my beeper with me because I had been told when I came here in January, as a new Member of this body, that votes were not scheduled during special orders. And then lo and behold, I find that apparently an effort was made by the minority to adjourn this House out from under the feet of the majority leader and in order to prevent that indignity and violation of the spirit of the rules it became necessary to call for a rollcall vote.

I was not here for that reason.

I feel even more sorry for some of my colleagues who I understand were on their way to the airport and hearing their beeper went off, came back thinking some emergency had occurred.

I would just like to say, Mr. Speaker, that if there has been a violation of the spirit of the Rules of this House today I think it came in the effort: First, to adjourn the House without warning and without notice to the majority leader; and second, to force this House into a parliamentary situation in which a rollcall vote had to be taken during a special order, contrary to every understanding of which this freshman Member was ever made aware.

Mr. WALKER. I thank the gentleman for his point, and I think it is important to realize that the minority in that particular instance sought a division vote in order not to put the Members through that particular ordeal and won on the division.

So I think that the minority attempted to stick with the comity of the House and that the problem, a problem accrued from the fact that substantive business was about to be conducted that the minority had not been consulted about.

That is precisely, that is precisely the reason why.

Supposedly we are not to conduct any business during the period of special orders. I am sorry that some saw fit to bring a matter to the floor without consulting with the minority that appeared to us to be substantive business.

That is what brought this all about. It seems to me what we need to have is an adherence to the agreements that we have around here, which, as the gentleman from California has explained previously, are here in part to protect the minority.

□ 1450

We have very few protections. It seems to me that the one that we ought to be assured of is the fact that once business is finished for the day it is in fact finished.

Mr. HARRISON. Mr. Speaker, will the gentleman yield one more time?

Mr. WALKER. I would be happy to yield to the gentleman from Pennsylvania.

Mr. HARRISON. Mr. Speaker, the point I would make is that when you know you are going to attempt to pull a snap motion to adjourn, of course you know you will have enough people on the floor to win the division. Since the majority was not aware that that stratagem was about to be pulled out of the hat and the gentleman from Texas (Mr. GONZALEZ) was alone on the floor.

Mr. WALKER. I would say to the gentleman that I do not think that was the case. I was not on the floor myself, even though I had been told that we were attempting to protect our rights under it. I had gone back to my office. So I do not think it was that. It was the fact that the concept of bringing this rule for filing to the floor came up rather quickly.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield to me?

Mr. WALKER. I will be glad to yield to the gentleman from California.

Mr. LUNGREN. I would like to respond to the gentleman's statement, Mr. Speaker, since I was the gentleman who—if I could get the gentleman's attention—since I was the gentleman who made the motion to adjourn. It was not a deep snap decision to try and keep people unaware. But the fact of the matter is that if this House is going to follow the spirit of the law as well as the letter of the law, it ought to do so. The gentleman (Mr. HARRISON) may cavalierly dismiss the concerns of those in the minority, the gentleman may rejoice with those who are here from the Rules Committee on the majority side who think they have done a great deal by informing the minority of the decisions that have already been made in a rump session on the majority side because they are secure in the knowledge that the 2-to-1-plus-1 ratio that they have guarantees them the right to do anything they wish on any rule brought forward to this House.

Maybe the gentleman thinks that because the American public is not aware of that fact that we, the minority, ought to lie down and take it. I am here to tell the gentleman we are not going to do it. If this House is going to operate under rules, it is going to operate under rules for both sides.

I did not do anything on this floor today to try to inconvenience other Members. But when the majority takes advantage of the rules to the extent they can make any decision they please and when they make in order amendments that people on our side do not even have any knowledge of and amendments that appear to be nowhere except in the inner recesses of some other Members who may be as far away as Grenada, then we have every obligation and every right to protect our rights.

We do not do these things easily. We do not take these things lightly. But the fact of the matter is the rights of the minority are being trampled in this House on a more or less continuous basis.

Either that is going to change or this House is going to change.

The gentleman may be secure in being a majority Member, but the fact of the matter is the rights of this House are to protect the minority, the constitutional rights in this government are to protect other minorities, and the rules of this House are to protect the minority in this House.

The majority may be comfortable in the fact that they have had rule of this place for so long that they lose sight of what it is like to be in the minority or feel they do not have to worry about being concerned of the spirit of the law as well as the letter of the law; but we are going to assure you that we will consider it seriously and we will not lightly take some of these actions that have been taken recently. And I assure the gentleman there was no attempt on my part nor anybody else's part to try to take advantage of this situation.

I would suggest that if any advantage was attempted it was attempted on the other side.

We merely responded with the Members who were here on the floor, and certainly the majority, outnumbering us by more than 100, probably has the greater opportunity to have more Members on the floor than we do.

Mr. HARRISON. If the gentleman would yield briefly since the gentleman (Mr. Lungren) asked for my attention.

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. HARRISON. I thank the gentleman for yielding.

Mr. Speaker, I would respond with this, that it seems to me that those people who have problems with this rule, and I know nothing about it and I do not presume to speak about it, have ample opportunity when the rule comes up for debate and vote to speak germanely to that question. Now I came only to speak to the question of this very unexpected and surprising vote which drew Members here unexpectedly.

Mr. WALKER. If I may regain my time, our problem was, given the way in which the rule was being filed, we were not certain we were going to have the opportunity to get the proper debate of the rule; we now understand through the majority leader and through others who have been before us, that in fact the rule will come at the time it was scheduled.

I assume we will be able to debate some of the merits of the rule at that time. By that time, we may begin to understand what some of these amendments are.

We hope that by that time someone will have told us what the language is of the amendments that are made in order. We would hope that by next Tuesday, someone on our side would be able to know that.

That will give us an opportunity to debate the matter in full.

Mr. LONG of Louisiana. Mr. Speaker, will the gentleman yield for one moment?

Mr. WALKER. I will be glad to yield to the gentleman from Louisiana.

Mr. LONG of Louisiana. Mr. Speaker, when I was making the statement that I did, I said that the gentleman from New York (Mr. Green) had testified against the motion, against the amendment. I stand corrected. He testified in favor of it.

I would like the Record to show that correction.

I was on the floor handling another matter at the time and did not actually hear the debate myself.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Boland (at the request of Mr. Wright), for November 4 and 5, on account of official business.

Mr. Barnes (at the request of Mr. Wright), for November 4 and 5, on account of official business.

Mr. McCain (at the request of Mr. Michel), for today, on account of official business.

Mr. Daub. (at the request of Mr. Lewis of California), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Kasich) to revise and extend their remarks and include extraneous materials:)

Mr. Porter, for 60 minutes, on November 16.

Mr. Lungren, for 60 minutes, today.

Mr. Daub, for 5 minutes, today.

(The following Members (at the request of Mr. Donnelly) to revise and extend their remarks and include extraneous material:

Mr. Kolter, for 5 minutes, today.

Mrs. Boggs, for 30 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 30 minutes, today.

Mr. Solarz, for 60 minutes, today.

Mr. Gaydos, for 60 minutes, November 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. Boggs, and to include extraneous material notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,567.75.

(The following Members (at the request of Mr. Kasich) and to include extraneous matter:)

Mr. Fields.

Mr. Frenzel.

Mr. Gilman.

Mr. Daub.

Mr. Madigan.

Mr. Hyde.

Mr. Kemp in two instances.

Mr. Young of Florida.

Mr. Young of Alaska.

(The following Members (at the request of Mr. Donnelly) and to include extraneous matter:)

Mr. Gephardt.

Mr. Dingell.

Mrs. Lloyd.

Mr. Jacobs.

ADJOURNMENT

Mr. HOYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 56 minutes p.m.) under its previous order, the House adjourned until Monday, November 7, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2096. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact of U.S. readiness of the Air Force's proposed sale of certain defense articles to Turkey (Transmittal No. 84-13), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

2097. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact of U.S. readiness of the Navy's proposed sale of certain defense articles to the Netherlands (Transmittal No. 84-16), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

2098. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles and services to Turkey (Transmittal No. 84-13), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2099. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's proposed intention to offer to sell certain defense articles and services to the Netherlands (Transmittal No. 84-16), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2100. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting notice of a new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SAM B. HALL, JR.: Committee on the Judiciary. S. 376. A bill to amend the Debt Collection Act of 1982 to eliminate the requirement that contracts for collection services to recover indebtedness owed the United States be effective only to the extent and in the amount provided in advance appropriation Acts (Rept. No. 98-482). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2250. A bill to provide a moratorium until June 30, 1988, on changes to the Federal Communications Commission rules regarding network television syndication, network television financial interests, and prime-time access; with amendments (Rept. No. 98-483). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. H. Res. 362. House Resolution providing for the consideration of House Joint Resolution 403, a joint resolution making further continuing appropriations for the fiscal year 1984 (Rept. No. 98-487). Referred to the House Calendar.

Mr. de la GARZA: Committee on Agriculture. H.R. 4052. A bill to provide disaster assistance to agricultural producers and ranchers; with an amendment (Rept. No. 98-488). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAZZOLI: Committee on the Judiciary. H.R. 446. A bill for the relief of Juan Escobar Rodriguez (Rept. No. 98-484). Referred to the Committee of the Whole House.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 1152. A bill for the relief of Tomoko Jessica Kyan; with an amendment (Rept. No. 98-485). Referred to the Committee of the Whole House.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 1072. A bill for the relief of Margot Hogan; with an amendment (Rept. No. 98-486). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRENZEL:

H.R. 4316. A bill to amend the Tariff Act of 1930 regarding same condition drawbacks and same kind and quality drawbacks, and for other purposes; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. Daniel, and Mr. Valentine):

H.R. 4317. A bill to prohibit the Secretary of the Army from issuing certain permits in connection with a proposed water pipeline project until an environmental impact statement for that project has been completed; to the Committee on Public Works and Transportation.

By Mr. CLAY:

H.R. 4318. A bill to amend the Service Contract Act to prohibit discrimination against employees of predecessor employers under such act, and for other purposes; to the Committee on Education and Labor.

By Mrs. JOHNSON:

H.R. 4319. A bill to provide for the conduct of a study by the Secretary of Health and Human Services to determine the guidelines and approaches that should be used in establishing child support amounts, including the methods that should be used to insure that amounts awarded as child support are periodically adjusted to keep pace with the cost of living; to the Committee on the Judiciary.

By Mr. MADIGAN (for himself, Mr. Ritter, Mr. Nielson of Utah, and Mr. Marriott):

H.R. 4320. A bill to provide for the establishment of a Task Force on Organ Procurement and Transplantation and an Organ Procurement and Transplantation Registry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SISISKY:

H.R. 4321. A bill to repeal the existing suspension of duty on carob flour; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 4322. A bill to authorize payments to certain Aleut citizens of the United States for personal property losses and unreasonable physical hardship suffered while interned, detained, or relocated in temporary camps during World War II, to make restitution to the Aleut people for certain community property losses suffered during World War II, to protect residents of the Aleutian Islands by removing abandoned ammunition and other hazardous debris from populated areas, and for other purposes; to the Committee on the Judiciary.

By Mr. FORSYTHE (for himself, Mr. Jones of North Carolina, Mr. Breaux, Mr. Sunia, Mr. D'Amours, Mr. McCandless, Mr. Waxman, Mr. Levine of California, Mr. Bates, Mr. Davis, Mr. Carper, Mr. Pritchard, Mr. Bosco, Mr. Biaggi, Mrs. Boxer, Mr. Bonker, Mr. Hughes, Mr. McKernan, Mr. Hubbard, Mr. Chappie, Mr. Shumway, Mr. Carney, Mr. Lantos, Mr. Roe, Mrs. Schneider, Mr. Nowak, Mr. Stangeland, Mr. Howard, Mr. Panetta, Mr. AuCoin, Mr. Corcoran, Mr. Evans of Illinois, Mr. Sawyer, Mr. Lott, Mr. Sundquist, Mr. Vandergriff, Mr. Patterson, Mr. Thomas of Georgia, Mr. Swift, Mr. Frenzel, Ms. Mikulski, Mr. Kostmayer, Mr. Horton, Mr. Bateman, Mr. Edgar, Mr. Lewis of Florida, and Mr. Jeffords):

H.J. Res. 410. Joint resolution to declare June 4-10, 1984, as National Fishing Week; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

294. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to a Federal charter to the Polish Legion of American Veterans; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1199: Mrs. Roukema.

H.R. 1918: Ms. Snowe.

H.R. 2053: Mr. Walgren.

H.R. 2154: Mr. Aspin.

H.R. 2242: Mr. Yates, Mr. Ottinger, Mr. Oberstar, and Mr. Borski.

H.R. 2318: Mr. Bevill, Mr. Hansen of Idaho, Mr. McCurdy, and Mr. Evans of Illinois.

H.R. 2420: Mr. Tauzin, Mr. Jones of North Carolina, Mr. Taylor, Mr. Edwards of Oklahoma, and Mr. Ritter.

H.R. 2568: Mr. Daub.

H.R. 2697: Mr. Pritchard, Mr. Daschle, Mr. Regula, Mr. Solarz, Mr. Fazio, Mr. Frank, Mr. Crockett, Mr. Hiler, Mr. Jacobs, Mr. Horton, Mrs. Martin of Illinois, Mr. Minish, Mr. Fish, Mr. Scheuer, Mr. Ireland, Mr. Weiss, Mr. Daniel, Mr. Oberstar, Ms. Oakar, Mr. LaFalce, Mr. Mineta, Mr. Corcoran, Mr. Rahall, Mr. Porter, Mr. Tauke, Mr. Morrison of Connecticut, Mr. Bethune, and Mrs. Schroeder.

H.R. 2949: Mr. Hansen of Idaho, Mr. English, and Mr. McCurdy.

H.R. 2977: Mr. Young of Alaska and Mr. Conable.

H.R. 3095: Mr. AuCoin and Mr. Coelho.

H.R. 3150: Mr. Gonzalez, Mr. Vandergriff, Mr. Tauzin, Mrs. Boggs, Mr. Moore, and Mr. Roemer.

H.R. 3265: Mr. Weiss, Mr. Leland, Mr. Simon, Mr. Matsui, Mr. Wilson, Mr. Anderson, Mr. Lagomarsino, Mr. Andrews of Texas, Mr. Frank, Mr. Lundine, Mr. Britt, Mrs. Collins, Mr. Murphy, and Mr. Levine of California.

H.R. 3271: Mr. Barnes.

H.R. 3734: Mr. Bedell.

H.R. 3867: Mr. Foley, Mr. Udall, Mr. Coelho, Mr. Olin, Mr. Brown of California, Mr. Chappie, Mr. MacKay, and Mr. Franklin.

H.R. 3979: Mr. Moorhead.

H.R. 4070: Mr. Sam B. Hall Jr., of Alabama, Mr. Smith of Florida, Mr. Horton, Mr. Barnes, Mr. Brooks, Mr. Kogovsek, Mr. Bevill, Mr. Roe, Mr. Bonior of Michigan, Mr. Bryant, Mr. Hughes, Mr. Barnard, Mr. Studds, Mrs. Collins, Mr. Mollohan, Mr. Wyden, and Mr. Jeffords.

H.R. 4203: Mr. Staggers, Mrs. Vucanovich, Mr. Evans of Iowa, Mr. Kogovsek, Mr. Dorgan, Mr. Pursell, Ms. Snowe, Mr. Kindness, Mr. Jeffords, and Mr. Corcoran.

H.J. Res. 103: Mr. Carper, Mr. Wyden, and Mr. Hutto.

H. Con. Res. 16: Mr. Burton of Indiana.

H. Con. Res. 18: Mr. Burton of Indiana.

H. Con. Res. 136: Mr. Paul, Mr. Moore, and Mr. McCollum.

H. Con. Res. 178: Mr. Emerson, Mr. McNulty, and Mr. Sisisky.

H. Con. Res. 181: Mr. Whittaker.

H. Con. Res. 207: Mr. McGrath, Mr. Gray, Mr. Weiss, Mr. Levine of California, Mr. Coats, Mr. Vento, Mr. Frenzel, and Mr. McHugh.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3498: Mr. Dyson.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.J. Res. 403

By Mr. ALEXANDER:

—At the end of the resolution, insert the following new section:

Sec. . Such Joint Resolution is further amended by adding the following new sections:

Sec. . Section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1970) is amended by adding at the end thereof the following: "Eligibility of an applicant shall not be affected by the Secretary's failure to designate a county or counties for emergency loan purposes or the Secretary's failure to determine that there has been a reduction in production countywide, except that the applicant shall establish to the satisfaction of the Secretary that such losses were sustained as a result of such disaster. The determinations of the Secretary under this section shall be final unless found by a court of competent jurisdiction, on the basis of the administrative record, to have been arbitrary, capricious, or otherwise not in accordance with law or the regulations issued in accordance with law.

Sec. . (a) Any finding made by the Secretary of Agriculture under Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 (a)) during the period beginning on July 1, 1983, and ending on September 30, 1984, that the eligible farmer's or rancher's operations have been substantially affected by a natural disaster shall be deemed to be a determination made by the Secretary that an emergency exists for the purposes of—

"(1) section 813 of the Agriculture Act of 1970 (7 U.S.C. 1427a), and

"(2) section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267).

"(b) The Secretary of Agriculture shall exercise the Secretary's authority under (1) section 813 of the Agriculture Act of 1970 (7 U.S.C. 1427a), without regard to any limitation specified in subsection (c) or (d) of such section, to sell grain in the disaster reserve at 75 per centum of the current basic county loan rate for such grain in effect under the Agricultural Act of 1949 (or a comparable price if there is no such current basic county loan rate), and (2) section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267) to provide assistance, at a rate equivalent to the assistance provided under clause (1), in areas where grain in the disaster reserve cannot be economically utilized to alleviate distress caused by the natural disaster. Such grain shall be sold and such assistance provided to eligible farmers and ranchers for the preservation and maintenance of foundation herds of livestock and poultry (including their off-spring) until September 30, 1984, or such earlier date that the Secretary determines such emergency no longer exists: *Provided*, That, notwithstanding any other provision of law, not in excess of $500,000,000, including cash obligations and commodity equivalents, shall be expended in the operation of the program provided for in this section.

"(c) For the purposes of this section, the term 'eligible farmers and ranchers' means farmers and ranchers who meet the criteria specified in section 1105(b) of the Food and Agriculture Act of 1977 (7 U.S.C. 2267(b)).".

By Mr. HOYER:

—At the end of the joint resolution insert the following new section:

Sec. ( ). Section 101(d) of Public Law 98-107 is hereby amended to read as follows:

"(d) Such amounts as may be necessary for continuing the activities, not otherwise specifically provided for in this joint resolution, which were provided for in H.R. 4139, the Treasury, Postal Service and General Government Appropriation Act, 1984, as passed the House of Representatives on October 27, 1983, at a rate for operations and to the extent and in the manner provided for in such Act.".

By Mr. LOEFFLER:

—At the end of the resolution, insert the following new section:

Sec. . Such Joint Resolution is further amended by adding the following new sections:

Sec. . Section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1970) is amended by adding at the end thereof the following: Eligibility of an applicant "shall not be affected by the Secretary's failure to designate a county or counties for emergency loan purposes or the Secretary's failure to determine that there has been a reduction in productiion countywide, except that the applicant shall establish to the satisfaction of the Secretary that such losses were sustained as a result of such disaster. The determinations of the Secretary under this section shall be final unless found by a court of competent jurisdiction, on the basis of the administrative record, to have been arbitrary, capricious, or otherwise not in accordance with law or the regulations issued in accordance with law.

"Sec. . (a) Any finding made by the Secretary of Agriculture under Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) during the period beginning on July 1, 1983, and ending on September 30, 1984, that the eligible farmer's or rancher's operations have been substantially affected by a natural disaster shall be deemed to be a determination made by the Secretary that an emergency exists for the purposes of—

"(1) section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a), and

"(2) section of 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267).

"(b) The Secretary of Agriculture shall exercise the Secretary's authority under (1) section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a), without regard to any limitation specified in subsection (c) or (d) of such section, to sell grain in the disaster reserve at 75 per centum of the current basic county loan rate for such grain in effect under the Agricultural Act of 1949 (or a comparable price if there is no such current basic county loan rate), and (2) section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267) to provide assistance, at a rate equivalent to the assistance provided under clause (1), in areas where grain in the disaster reserve cannot be economically utilized to alleviate distress caused by the natural disaster. Such grain shall be sold and such assistance provided to eligible farmers and ranchers for the preservation and maintenance of foundation herds of livestock and poultry (including their off-spring) until September 30, 1984, or such earlier date that the Secretary determines such emergency no longer exists: *Provided*, That, notwithstanding any other provision of law, not in excess of $500,000,000, including cash obligations and commodity equivalents, shall be expended in the operation of the program provided for in this section.

"(c) For the purposes of this section, the term 'eligible farmers and ranchers' means farmers and ranchers who meet the criteria specified in section 1105(b) of the Food and Agriculture Act of 1977 (7 U.S.C. 2267(b)).".

By Mr. TRAXLER:

—At the end of the joint resolution insert the following new section:

Sec. ( ). The second proviso of the appropriating paragraph entitled "Annual contributions for assisted housing" in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1984 (Public Law 98-45), is hereby amended by striking out "January 1, 1984" and inserting in lieu thereof "February 29, 1984".

By Mr. WRIGHT:

—At the appropriate place in the joint resolution insert the following new section:

Sec. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for carrying out chapter 1 of the Education Consolidation and Improvement Act of 1981, $165,000,000 to become available on July 1, 1984, and remain available until September 30, 1985.

VOCATIONAL EDUCATION

For an additional amount for carrying out the Vocational Education Act of 1963, $81,400,000 to become available on July 1, 1984, and remain available until September 30, 1985.

ADULT EDUCATION

For an additional amount for carrying out the Adult Education Act, $12,000,000 to become available on July 1, 1984, and remain available until September 30, 1985.

Office of Community Services

COMMUNITY SERVICES BLOCK GRANT

For an additional amount for carrying out the Community Services Block Grant Act, $30,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for carrying out Title XXVI of the Omnibus Budget Reconciliation Act of 1981, relating to low income home energy assistance, $195,000,000.

EDUCATION FOR THE HANDICAPPED

For an additional amount for carrying out the Education of the Handicapped Act, $143,000,000 to remain available until September 30, 1985.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For an additional amount for carrying out section 100(b)(1) of the Rehabilitation Act of 1973, $43,900,000.

EDUCATION FOR IMMIGRANT CHILDREN

For carrying out emergency immigrant education assistance under title V of H.R. 3520 as passed the House of Representatives September 13, 1983, $145,000,000.

HIGHER EDUCATION

For an additional amount to carry out part B of title VII of the Higher Education Act of 1965, $20,100,100 for construction and related costs of a model engineering center at Boston University, $18,200,000 for a model engineering center at the University of New Mexico, and $5,000,000 for a model computer center at Barry University. These funds, to remain available until expended, are subject to section 721(b) and the facilities shall be of the type described in section 713(g).

For an additional amount for work-study programs under title IV of the Higher Education Act of 1965, $20,000,000.

For an additional amount for supplemental educational opportunity grants under title IV of the Higher Education Act of 1965, $10,000,000.

COMMUNITY HEALTH CENTERS

For an additional amount for carrying out title III and XIX of the Public Health Service Act with respect to community health centers, $20,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For an additional amount for carrying out the National Technical Institute for the Deaf Act, $1,700,000.

GALLAUDET COLLEGE

For an additional amount for carrying out the Act of June 18, 1954 (68 Stat. 265), relating to Gallaudet College, $2,000,000.

JOB TRAINING

For an additional amount for carrying out part A of title II of the Job Training Partnership Act, $70,800,000.

For an additional amount for carrying out section 401(j) of the Job Training Partnership Act relating to Native American programs, $2,336,400.

For an additional amount for carrying out section 402(f) of the Job Training Partnership Act relating to migrant and seasonal farmworker programs, $2,265,600.

(b) Notwithstanding any other provision of this joint resolution, for carrying out the special supplemental food program for women, infants, and children under section 17 of the Child Nutrition Act of 1966, there are authorized to be appropriated for fiscal year 1984, $1,360,000,000.

Notwithstanding any other provision of this joint resolution, no part of any of the funds appropriated or otherwise made available by this or any other Act may be used to implement mandatory monthly reporting-retrospective budgeting for the food stamp program during the period beginning on January 1, 1984, and ending on October 1, 1984.

EMERGENCY SHELTER FOR THE HOMELESS

For carrying out the Emergency Shelter for the Homeless activities under Section 101 (L) of H.R. 1, as passed the House of Representatives on July 13, 1983, $10 million.

SENATE—*Friday, November 4, 1983*

(*Legislative day of Monday, October 31, 1983*)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Sovereign Lord, help us to appreciate the reality and relevance of prayer. Help us to understand that we have direct access to God and the lines are always open. Help us to understand that prayer is not just a religious exercise for the pious, that it is conversation with Him who loves us and longs for our love. Awaken us to the profound fact that prayer is contact with the source of all truth, all knowledge, all wisdom, all power.

Thank Thee, Lord, for the models of prayer we have in the great leaders of the past: Abraham, progenitor of Israel—Moses, the great law giver—David, preeminent among ancient kings—Solomon, the wisest of men—Samson, the strongest of men—the Hebrew prophets—Jesus Christ—the Apostles—many of our Founding Fathers and many of the greatest leaders our Nation has produced.

Give to the Senators, dear God, the practical wisdom of seeking Thee daily, waiting upon Thee, listening to Thee. In Jesus' name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1984

Mr. STEVENS. Mr. President, this morning after the usual time for the two leaders under the standing and the special orders, the Senate will resume consideration of the Defense appropriations bill. In behalf of the majority leader and as chairman of the Defense Appropriations Subcommittee, I urge Senators who have amendments on this bill to come to the floor early today and present their amendments. We are still attempting to get a time agreement which will provide for the final vote on this bill to occur either Monday evening or early Tuesday afternoon. If we can reach that time agreement, we will not be in session tomorrow. If we do not reach that time agreement, I will advise the majority leader that I see no alternative to a Saturday session.

We do hope that we can make progress on the bill today. As a matter of fact, knowing as I do, the number of amendments that have been suggested, there is no reason we could not finish this bill today, if Senators would come to the floor and offer their amendments today.

I would be happy to work with anyone who has an amendment to suggest. We do hope that the Senate will cooperate and try to help us get this bill to conference. As I said yesterday repeatedly, and I intend to repeat it again, I have been told that it will be impossible for us to have a conference on the Defense appropriations bill unless we get the bill to the House prior to the time the House starts deliberations on the continuing resolution. The same people are involved in the continuing resolution in the committee in the House and on the floor in the House who would be required to confer with us in conference on the Defense appropriations bill. This bill must be out of conference by the time the continuing resolution starts or it will be within the confines of the continuing resolution. In that case, the Senate will be forced to go right back over the same material we are dealing with now in this bill as part of the amendments to the continuing resolution.

VITIATING SPECIAL ORDER FOR SENATOR DOMENICI

Mr. STEVENS. Mr. President, I ask unanimous consent that the special order entered in behalf of the Senator from New Mexico (Mr. DOMENICI) be transferred to my time. I will say to the distinguished minority leader some of that time will be available to him.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1984

Mr. BYRD. Mr. President, may I say to the distinguished acting majority leader that we are working hard on this side concerning this bill. Is he prepared to say how many amendments on his side will be offered and how much time will be required for those amendments?

Mr. STEVENS. I might say to my friend I am informed at this time of only two amendments and perhaps three that will be presented by members of the Armed Services Committee on our side. Those are the only amendments that have been discussed with me so far. There have been no time limits agreed to. However, there is no indication that they will require a substantial amount of time.

Mr. CHAFEE. May I inform the minority leader and the acting majority leader that I will have an amendment. I am perfectly agreeable to a time limitation of 40 minutes equally divided or something to that effect when the proper time comes.

Mr. STEVENS. Can the Senator tell us the subject matter?

Mr. CHAFEE. The long leadtime for parts on the 688 submarines.

Mr. BYRD. Long leadtime on what?

Mr. CHAFEE. Long leadtime for parts for the 688 submarine.

Mr. STEVENS. I did not know who was going to raise that.

Mr. BYRD. The deputy leader yesterday went to great lengths to express his interest in getting a time agreement. I do not blame him for that.

Mr. STEVENS. Or a time for final vote, let me say.

Mr. BYRD. Before we can give a time for final vote, we have to know what the amendments are and how much time the Senators on both sides would be willing to agree to. To the deputy leader, for whom I have a great respect, and a tremendous amount of fondness because I have worked closely with him over the years and have always found him to be fair and very friendly and kind to me, I must say that we cannot give a time agreement until we know what amendments are coming up, the identity of those amendments, what the authors of those amendments would require. If the Senator will see to it on his side that that information is obtained, we will attempt on this side to do the same. It may be that we can get a time agreement. In saying that, may I repeat that we are prepared on this side to give a time agreement on the Civil Rights Commission measure. That is a little aside, but we are interested in that measure also.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. STEVENS. I understand that is one of the items on our list to consider once we get through these appropriations bills, the Civil Rights Commission, the reconciliation bill, the debt ceiling, the Clark nomination, and possibly the Export Administration Act before we complete business after we finish the appropriations bills. We will be delighted to discuss that.

As far as the time agreement on the pending measure, I do not believe we can flesh out the time agreements on each amendment until we do determine what is going to be the final hour of debate on this bill. We did that last year, if the Senator will recall. We got an agreement to vote at a time certain on a day. We indicated either Monday afternoon or Tuesday at 2 p.m. would be acceptable. This is because of the parameters of dealing with the House. It has nothing to do with the time limitation here. We are prepared to stay in session as long as is required today, Saturday, come in early Monday and early Tuesday. We are not trying to constrain in any way the time the Senate spends on the bill.

We want to have assurance we can get this bill to the House and give them notice that we shall have it to the House in time to meet in conference Tuesday afternoon before the continuing resolution is the subject of consideration in the House.

Mr. BYRD. Mr. President, may I say to the deputy leader, in my judgment, it is not possible to get a time for a final vote until we find out what the amendments are. That is unrealistic, I say most respectfully to the deputy leader, to talk in terms of a final vote at a final time until we know what amendments are going to be called up.

May I say this: We can agree on a time limit and who knows what kind of amendment will be called up because we shall be forced to vote, to cast a final vote on the bill regardless of what kind of nongermane amendment might be called up. So it is just simply unrealistic—I say that again respectfully to the Senator—because I have tried to help get time agreements around here. I think we have been pretty cooperative on this side. But we have to know what amendments are going to be called up.

Mr. STEVENS. I might say to my friend, I share his trepidation in looking into Pandora's box as far as the defense bill is concerned. I shall ask our side to put out a hotline urging Senators to notify Defense Committee staff of any amendments they intend to enter into. We shall present that list to the minority leader, and I would be prepared to enter into a time agreement that no amendments not listed will be in order on this bill. If the minority leader will do the same, we ought to be able to have a time agreement here in a very short time on that basis. I would be happy to have such a time agreement.

Mr. BYRD. Mr. President, let me say to the deputy leader that I cannot assure him as of this moment of a time agreement in any respect, but before we can realistically begin to try to get a time agreement, which will have as part of that agreement a date and hour for a final vote, we have to know what the amendments are and attempt to find out from the authors of them whether or not they would agree on a particular time for each amendment.

We shall attempt to do that on this side of the aisle. Then we shall get together and see what we have and go from there.

Mr. STEVENS. I thank the Senator.

ORDER OF PROCEDURE

Mr. BYRD. I ask unanimous consent that I may reserve the remainder of my time, if I have any left.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. How much time do I have left, Mr. President?

The PRESIDING OFFICER. The Democratic leader has 6 minutes remaining.

Mr. BYRD. I thank the Senator.

Mr. STEVENS. Mr. President, how much time does the majority leader retain?

The PRESIDING OFFICER. The acting majority leader has 18 minutes remaining.

Mr. STEVENS. I shall save 6 or 7 minutes of that for the majority leader if he should wish to use it during the balance of the day. I yield the rest of my time to the junior Senator from Alaska.

RECOGNITION OF SENATOR MURKOWSKI

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized for not to exceed 15 minutes.

LIMITED EXPORT OF ALASKA OIL: A $10-BILLION WINDFALL

Mr. MURKOWSKI. I thank my distinguished friend, the senior Senator from Alaska. I shall not require more than 2½ minutes.

My statement today is the third of a series on the subject, "Limited Export of Alaska Oil: A $10-Billion Windfall."

Mr. President, word is going around that the Federal Treasury will lose money as a result of the export of Alaska oil. It has been suggested that shipowners will default on title XI loans, the Japanese will force U.S. producers to sell oil at a discount, the State of Alaska will be the major exporter cutting into windfall profits tax (WPT) gains; the opponents' litany of negative revenue impacts goes on and on. Fortunately for the Federal Government, none of that is true.

Limited export of up to 200,000 barrels per day of Alaska crude oil and unlimited export of new field production, shipped on American-flag tankers, will yield a substantial net increase in Federal revenues.

There are two ways Federal revenues will be increased by export: higher WPT on Prudhoe Bay production which is exported and higher OCS bonus sale and royalty payments on new Alaska fields developed as a result of export.

Assuming that 200,000 barrels per day of Prudhoe Bay production is exported, of which 50,000 barrels per day is State royalty crude, the Federal Government will realize an additional $2.43 a barrel in income tax and windfall profits taxes. That adds up to $133 million a year in additional tax revenues. And, in the battle against the deficit, every $100 million counts immeasurably.

In addition, the Federal Government owns most of the attractive new areas for future Alaska and west coast development—most of which are offshore. The Department of Energy has concluded that:

> * * * the value of future OCS and Federal land leases in Alaska and California would increase, resulting in larger bonus bids * * * and production royalties. Revenues from those leases over the productive lives of the fields would result in gains of about $10 billion (discounted present value) if the ban were lifted.

That is from the testimony of Jan Mares, Acting Director of the Office of Policy, Planning and Analysis, DOE, before the Senate Committee on Foreign Relations Subcommittee on East Asian and Pacific Affairs.

Mr. President, have we become so jaded to $200 billion deficits that we can lightly dismiss the opportunity of an additional $10 billion in Federal revenues?

I suggest, therefore, that before we continue to provide this enormous hidden subsidy to the domestic maritime industry, we determine if there is a cheaper way to achieve the valid public policy objective of a modern, competitive merchant marine. As I represent a state which relies on domestic shipping, I would be happy to work with others to work on this problem. But it is time to stop creating countless other energy security and foreign policy problems by using the export ban as a band-aid.

Mr. President, at this point, I ask unanimous consent that a copy of the Department of Energy testimony on oil exports before the East Asian and Pacific Affairs Subcommittee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF JAN MARES, ACTING DIRECTOR, OFFICE OF POLICY, PLANNING AND ANALYSIS

I am pleased you have given me the opportunity to describe our on-going work on the issue of Alaskan oil exports. Although the work is still in progress, I would like to present some preliminary findings today.

I would like to begin by briefly describing the computer model we are using in our analysis, and then address individually the three major questions raised during our consideration of the ban on Alaskan oil exports:

What are the economic benefits and costs of lifting the oil export ban?

Will lifting the ban lessen the energy security of the Nation?

Will lifting the ban lessen our national security through its effect on the domestic maritime industry?

MODEL DESCRIPTION

In our analysis of oil export policy options, we are using a mathematical model of the world oil market. This computer model was developed jointly by DOE and individuals in the Operations Research Department at Stanford University, and is called the Contingency Planning Model—or "CPM". The CPM simulates the operation of the world oil market, and is designed to estimate the response of the oil market to changes in oil supply, refining or transportation costs, and petroleum product demand. The model contains 10 different geographic oil producing regions, 13 refining centers, and 9 petroleum product consumption regions.

The CPM simulates the production and transportation of crude oil to refining centers, the distillation and downstream processing of the oil into marketable products, and the transportation of the products to ultimate consumers. The CPM is detailed enough to answer a number of questions raised during consideration of the export ban including the value of Alaskan oil in the Far East, the availability and cost of imported substitutes for exported Alaskan oil, and the compatibility of Alaskan and other crudes with the various refining centers around the world.

The CPM has been tested across a wide range of scenarios, and has been found to depict accurately the patterns and alterations of crude oil shipments, refining, and consumption that economic theory and practical market experience suggest would occur. The model itself has been favorably reviewed by a number of modelers, including members of the Energy Modeling Forum affiliated with Stanford University and researchers at the U.S. Office of Technology Assessment. While the model is not an exact replica of the world oil market, we have a great confidence that the CPM reasonably depicts the relative effects of the various Alaskan oil export policies. Nonetheless, we recognize that for such a major policy decision any results from a mathematical model must be validated against real world experience.

I would like to submit for the record, documentation on the Contingency Planning Model that was published in July 1982. Although the input data described in this document is now out of date, the documentation accurately portrays the structure and operation of the model we are now using. We will submit updated documentation when we publish our analysis later this year.

ECONOMIC BENEFITS AND COSTS

Our Nation's recent experience with energy markets demonstrates that unnecessary government interference in markets distorts the equilibrium between supply and demand and results in an inefficient allocation of recources. The current prohibition against export of Alaskan oil is yet another example of this point, for the preliminary results of our study indicate that the economic costs of this ban far outweigh the economic benefits. The direct costs of the ban are the higher transportation and refining costs incurred by shipping almost half of the Alaskan North Slope production to the Gulf Coast and Caribbean. The other half goes to U.S. West Coast markets where there is a substantial oversupply of heavier crudes and refinery conversion facilities are overloaded. Indirect costs of the ban are lower oil exploration activity and lower oil production in Alaska and California. The benefits of the ban are restricted to the Jones Act subsidies to the domestic tanker fleet and depressed prices paid by West Coast consumers of heavy petroleum products.

IMPACTS OF THE BAN

Under current law, virtually all of the 1.7 million barrels per day of Alaskan oil production must be shipped to domestic markets. The West Coast markets absorb about half this amount. The remaining oil is shipped to refineries on the Gulf Coast and Caribbean. The Jones Act, which mandates that only U.S. flag tankers operate between U.S. ports, causes shipping rates to be higher than internationally competitive rates because of high U.S. construction and labor costs. Transportation costs are approximately $1.50 per barrel to the West Coast and from $4.00 to $5.00 per barrel to the Gulf and East Coasts. These transportation costs contrast sharply with our estimated costs to Japan and the Far East of between $.50 and $.95 per barrel.

Under current law, oil companies do not bear the full weight of these high transportation costs because they can be written off against Windfall Profit Tax liabilities. When the Windfall Profit Tax phases down in the late 1980's/early 1990's, the economic incentive to export Alaskan oil will be even greater; and with the ban in place, this incentive will be translated into increased oil product exports that are not covered by the ban.

Currently only about half of the 1.7 mmbd of oil produced on the North Slope can be economically refined and used on the West Coast, and Alaskan production is expected to increase to a peak of about 2 mmbd. This excess supply diminishes the profitability of new production and therefore serves as a disincentive to the exploration and development of additional Californian and Alaskan oil reserves.

If the ban remains in effect, the crude oil surplus is expected to increase by 1985 and continue through 1995, even with a decrease in new exploration and production. This surplus in the California market would be exacerbated by new oil discoveries on the Outer Continental Shelf off the California coast. Consequently, Alaskan and Californian oil producers would continue to sell at a discount in order to compete in the West Coast market.

GENERAL ECONOMIC EFFECTS OF ALLOWING EXPORTS

The primary argument in favor of lifting the ban is economic. The benefits of eliminating the export ban would be reduced costs for transporting and refining petroleum to meet domestic energy needs. Initial estimates indicate that the total discounted present value of savings through 1990 in oil transportation and refining costs that would result from lifting the ban would range from $3.6 to $5.4 billion. These cost savings come from three chief sources: wealth transfers, resource savings, and net additions to our economic wealth.

(1) *Wealth Transfers.* In the initial years, part of the reduced costs of producing and delivering petroleum products for domestic consumption will result from reduced net revenues in the maritime and refining industries. The flow of revenues into the domestic maritime industry would be reduced as demand for their services declines, while revenue flows into oil production and the state and federal treasuries would increase. Net revenues to refiners on the West Coast would also decline as their crude oil costs rise to world market levels and revenues to producers and Government increase.

(2) *Resource Savings.* An additional benefit to the economy would result from the release of economic resources currently tied up in the transport of Alaskan oil to reduce costs in other sectors of the economy. Initially the transferrable resources would be modest; the fuel and other operating costs of the tankers would be readily used elsewhere. Over time more resources would be saved for other uses, including the materials required to replace many of the ships in the aging domestic tanker fleet. (As you may know, a substantial fraction of the smaller tanker fleet used primarily to haul oil from Panama to the Gulf and East Coasts is nearing 15 years of age or older.)

(3) *Net Additions to Our Economic Wealth.* Another part of the savings would result from new value added to the economy. Reduced transportation and refining costs increase the incentives for new exploration and production of oil in Alaska and on the U.S. West Coast. Any new production that results is a net improvement in our national economy. Over time, the fraction of the cost savings attributable to transfers from one sector of the economy to another will decline, and that from net additions to our economic wealth will increase.

WELLHEAD PRICES

If producers were allowed to export oil, Alaskan wellhead prices would rise, reflecting the lower transportation costs to market. Higher wellhead prices from sales to the Pacific Rim would provide incentives to export a substantial fraction of Alaskan oil production—perhaps as much as half—by 1990. Initial estimates indicate that the wellhead value of Alaskan crude would rise by about $1.85 per barrel. The wellhead price of California crudes would also rise, reflecting the end of the West Coast "glut" that stems from the ban.

OIL PRODUCTION

Higher wellhead prices due to lifting the ban would encourage additional oil production in Alaska and California. As the wellhead value of the oil increases, it becomes economic to produce more from existing fields and to begin production on fields that were previously uneconomic. The point can be made by example: Alaskan oil producers have discovered about 150 million barrels of recoverable oil reserves in the Milne Point and Gwydyr Bay Fields. For the present these fields will not be developed because, at current wellhead prices, it would be uneconomic to do so. Furthermore, development in the Kuparuk region has been slowed, apparently because of the decline in world oil prices over the past six months.

In both of these cases, and others like them elsewhere in Alaska and on the West Coast, the increase in wellhead prices accompanying removal of the export ban would increase incentives to extend oil production in old fields and to begin it in new fields. The resulting increase in domestic production would increase downward pressure on world oil prices, while reducing the level of net oil imports to the U.S. and the drain on the balance-of-trade caused by those imports.

WEST COAST PETROLEUM PRODUCT PRICES

As the average viscosity of California production increased and as North Slope production came on line in the late 1970s, it was necessary for West Coast refiners to invest in new conversion capacity. However, the uncertain investment climate fostered by imposition of the ban has limited this investment. West Coast refiners have not been installing enough new conversion capacity to adequately refine the growing supplies of heavy crudes and residual fuels obtained from distillation of these crudes. Instead, West Coast refiners have operated existing conversion capacity more intensively to increase percentage yields of light products such as motor gasoline.

The limitations of existing conversion capacity among West Coast refiners has caused an increase in the cost of refining light products and in the supply of heavy products. The effect for West Coast consumers has been that prices of heavy products have been lowered by about 3 percent, while prices of light products like gasoline have remained high. Therefore, should the ban be lifted and West Coast refiners incur higher crude acquisition costs, only part of those higher costs will be passed on to consumers. The price increase that is passed on will be largely limited to heavy petroleum products.

EFFECTS ON THE MARITIME INDUSTRY

Approximately 40 percent of the domestic tanker fleet, comprising 70 percent of total dead weight tonnage, is currently engaged in the Alaska trade. The ships in this fleet are protected from foreign competition, and due to higher construction and operating costs would be unable to compete successfully outside the domestic trade. Some of these ships are likely to be idled should the oil export ban be lifted, and as many as 3,000 maritime jobs may be lost.

Allowing Alaskan oil exports could jeopardize the economic value of investments in the maritime and refining infrastructure that was developed to carry this oil to domestic markets and refine it for domestic customers. The removal of the ban could eventually result in the export of 800,000 barrels per day and the owners of 68 tankers now employed in its domestic distribution would be out of business. Defaults on government-guaranteed mortgages on ships directly affected could be significant.

Further, in the tanker industry competition that would follow, additional defaults involving government guarantees on tankers outside of the Alaskan trade may be expected. It should be noted, however, that, according to preliminary analysis, even in the most extreme scenarios concerning tanker defaults, Federal outlays for guaranteed loans would only be a fraction of the increased revenues from other sources. If export restrictions were only partially lifted, the immediate impact on the tanker industry would be less severe.

FEDERAL REVENUES

A large part of the increase in the value of Alaskan and California oils would be captured by the Federal government in increased Windfall Profit Tax and corporate income tax receipts. The actual amount of Federal revenues will depend on future world oil prices. Our preliminary estimates show sizeable net increases in Federal revenues, under a wide range of oil price projections. In addition, the value of future OCS and Federal land leases in Alaska and California would increase, resulting in larger bonus bids for those leases and production royalties. Revenues from those leases over the productive lives of the fields would result in gains of about $10 billion (discounted present value) if the ban were lifted. These gains represent a substantial benefit to Americans generally.

ENERGY SECURITY

Some have argued that prohibiting exports increases our Nation's energy security by ensuring that more oil will be available to us during an oil supply emergency. This argument has been disproved by recent history.

A very important, but often overlooked, aspect of the world oil market is that oil and petroleum products are exchanged widely among consumers as well as between consumers and producers. Producers and consumers have the opportunity to profit from the sale of oil to regions where prices are high.

As a result, oil supplies will move rapidly to regions with high prices and away from regions with relatively low prices until prices in all regions are about the same, adjusting for differences in transportation costs, refining costs, and taxes. During oil supply disruptions, the force of price equalization will ensure that oil and petroleum products are directed to areas where they are most needed. Likewise, the force of price equalization prevents the U.S. from securing greater oil supplies during a disruption by banning the export of Alaskan oil.

The two major oil supply disruptions of the 1970's demonstrated that oil and petroleum products do in fact flow to where they are most needed. In 1973, the Arab members of OPEC imposed a complete embargo on crude exports to the U.S. and the Netherlands. At the same time, total OPEC productions was cut by about 10 percent. Exchange between consumers, and between consumers and non-OPEC and non-Arab OPEC producers, made the attempt to prevent the U.S. and the Netherlands from obtaining crude imports largely ineffective. In the end, all consuming countries suffered about the same 10 percent reduction in consumption caused by the lower level of OPEC production. Price increases and supply losses were also experienced equally among consuming countries during the Iranian Revolution and the Iran/Iraq war.

In fact, lifting the Alaskan export ban would enhance U.S. energy security by increasing domestic production, reducing U.S. net oil imports and by increasing the flexibility of the world oil market to adjust efficiently to unexpected supply disruptions. Lifting the export ban would allow—not required—U.S. firms to export Alaskan oil. Some Alaskan oil would continue to be shipped to the West Coast markets. Some oil which currently goes to the Gulf Coast markets may be shipped to Japan and other nations of the Pacific Rim. In this case, substitute supplies from foreign producers would be sent to Gulf Coast markets to meet unsatisfied demand. In short, the export of Alaskan oil would not diminish the supply of oil for U.S. markets. Allowing exports of Alaskan would result in increased domestic oil production on the West Coast and in Alaska. Net U.S. oil imports would, therefore, be lower and our vulnerability to oil supply disruptions reduced if the ban were lifted.

Lifting the export ban also would remove a barrier to free exchanges and allow supply patterns to be redirected in a way that would reduce refining and transportation costs. It is especially important during supply disruptions that the market is allowed the flexibility to distribute available oil supplies as efficiently as possible.

NATIONAL SECURITY

The final issue is the effect that lifting the Alaskan oil export ban would have on U.S. national security. There is serious concern that small, militarily useful tankers now employed in the Alaska oil trade would be scrapped if the ban were lifted. These tankers would then not be available for use in an emergency, such as a military sealift or increased domestic use of Alaskan oil during a disruption. Further, the trained seamen who operate these vessels may not be available. Of course, it is possible that some of these tankers could be employed on other petroleum shipping routes if the ban were lifted.

Nevertheless, the Administration is concerned that some of these ships will be unemployed. We are currently examining military tanker requirements to determine whether an alternative means of guaranteeing our security interests would be less costly to the economy than maintaining the Alaskan oil export ban.

CONCLUSION

Our analysis of the Alaskan oil export ban will not be completed until this Fall, but one important conclusion has already emerged. The decision to retain or lift the current prohibition against exports must be based on a careful balancing of economic, energy security and national security concerns.

Initial results from the Contingency Planning Model show that the economic benefits derived from reducing transportation and refining costs far outweigh the economic costs imposed on the maritime industry. In other words, the U.S. economy as a whole would benefit from lifting the ban. As previously noted, however, the dislocations to the U.S. maritime industry would be significant.

In terms of energy security, lifting the ban also has positive effects. The reduction in U.S. net oil imports makes us somewhat less vulnerable to oil supply disruptions. The increase in secure world oil supplies, the removal of barriers to energy trade, and the strengthening of energy trade in the Pacific Rim serve to increase the energy security of all oil importing nations, including the U.S.

The economic and energy security benefits must be weighed against the reduction in national security as the current subsidy to the domestic tanker fleet is reduced.

This concludes my prepared statement, and I would be pleased to respond to any questions.

Mr. MURKOWSKI. Mr. President, I shall be happy to yield the remainder of my time to my colleague (Mr. CHAFEE).

Mr. CHAFEE. I thank the Senator.

I thank the distinguished junior Senator from Alaska for yielding the time. How much time would that be, Mr. President?

The PRESIDING OFFICER. The Senator from Rhode Island has 16 minutes.

Mr. CHAFEE. I thank the Chair.

AUTO IMPORT QUOTAS ARE WRONG

Mr. CHAFEE. Mr. President, the administration announced Tuesday an agreement with the Japanese to extend auto-import restraints yet another year.

This means a fourth year of protection for an industry whose workers are among the most highly paid in the world, and a fourth year of protection for an industry whose 1983 profits are expected to reach $5 billion—record levels for most of the individual auto makers.

The extension of the automobile import quotas benefits those who have no need of protection at the expense of those who have legitimate and pressing concerns over Japanese trade restrictions.

These quotas benefit the rich—rich auto makers and auto workers who draw unrealistically high wages and fringe benefits—at the expense of those in need. By agreeing to extend automobile import quotas, the Japanese now have every incentive to ignore U.S. demands that Tokyo ease its restrictions on, for example, American beef, or American citrus, telecommunications equipment, pulp and paper, tobacco products, and other American goods.

If you are a citrus grower in Florida, you can thank Detroit and the United Auto Workers if the Japanese find an excuse to continue unfair restrictions on their produce.

If you are an unemployed lumber worker in the Northwest, you can thank Detroit and the UAW for the fact that your plant does not reopen if the Japanese now use the auto quotas as an excuse to avoid opening their market to the pulp and paper that you make.

If you are a cattleman in Texas, you can thank Detroit and you can thank the UAW if the Japanese refuse, once more, to open their markets to American beef.

If you are a stockholder in one of the U.S. telecommunications equipment companies that is seeking to provide Japan with new equipment, you can thank Detroit and you can thank the UAW for the fact that your dividend check will be smaller if the Japanese use the auto limitations as a reason to put off opening their market to American equipment.

And guess what? Not only will citrus growers, cattlemen, loggers, telecommunications companies, and others suffer because of the extension of these outrageous quotas, but these same Americans who stand to lose their jobs and business will be forced to pay higher prices for their next car.

Automobile import quotas are blatantly anticonsumer. They have raised the price and decreased selection of imported cars while giving domestic auto makers less incentive to compete.

It is not the fault of the American consumer that Japanese cars are popular in the United States. The Japanese were offering fuel-efficient autos when Detroit was giving us gas guzzlers. The Japanese have offered value and quality consistently superior to that of most American cars, and that is why they are selling so well.

What possible reason exists to continue protection for auto makers and overpriced auto workers?

I submit there is no reason whatsoever.

The new agreement increases the import level at a rate that is lower than the rate the market is expected to expand this year.

Indeed, the agreement is expected to increase the domestic manufacturers' market share, and yet, despite the fact that Detroit may get a bigger share of the market as a result of these artificial limitations, Ford Motor Co. said they are disappointed that the restraints allowed for even a small increase in imports.

Chrysler Chairman Lee Iacocca decried the arrangement as "a serious blow," "incredible." American Motors similarly denounced the agreement as "incredible." A United Auto Workers spokesman described it as a "failure."

Mr. President, what I find disappointing is that the restraints were extended at all; 3 years of protection is enough. It is time to let the auto industry compete.

It is, indeed, a serious blow, not to the domestic industry, but to the consumer who will inevitably bear the burden of increased prices and limited selections.

What is really incredible is the unabashed greed of the UAW, the greed of Ford, the greed of Chrysler, the greed of American Motors which, with 4 years of protection under this extension and an increased market share, are still complaining. They are still dissatisfied.

And the failure, Mr. President, lies in our inability to persuade this domestic industry that rigid restraints are not an annually renewable matter of right.

What more can the industry and the UAW demand of this administration, of foreign competitors, and, indeed, American consumers? Perhaps an article in the New York Times of November 2 gives a clue.

According to the New York Times:

> American auto makers apparently are trying to build a case for permanent limits on imports of Japanese cars * * * Until recently, the auto companies had been talking about a need for temporary restraints while they retooled factories to build the small and fuel-efficient models that led the Japanese surge. Now they are saying that restrictions on Japanese cars will be needed for years * * *

Ford, in fact, sought a 2-year extension and Chrysler wanted an indefinite extension—Chrysler, who has just reported record profits of all time. They have made more in three quarters than they ever made in any single year of the company.

I have opposed the additional 1-year extension of auto restraints, as I stated before the Senate on September 29. Among other reasons, I view the demand of Detroit and of the UAW for a fourth year as a means of guaranteeing their share of the increasing U.S. auto market. But the notion of an indefinite extension represents audacity of an entirely different dimension.

How does the industry justify its position in the face of the impressive recovery it now enjoys? Some domestic auto manufacturers point to yen/dollar valuation and trade deficits with the Japanese.

I am the first to agree that there are legitimate problems which deserve our immediate attention, but the value of the dollar, Mr. President, does not only affect the automobile manufacturers in the United States, it affects all domestic industries. And singling out autos for relief is neither fair to the rest of the American industry nor a solution to the underlying problem.

And, Mr. President, the logic of selecting one of the most profitable U.S. industries for protection as a means of rectifying our trade imbalance escapes me altogether.

We must no longer look at the demand of a single industry in isolation. We must see them as interconnected to the whole of the U.S. trade picture as, indeed, our trading partners do. In the complex process of negotiations, concessions in one area, just like these concessions to Detroit and the UAW, inevitably come at the expense of something else.

The United States has a number of serious problems with Japanese trade policies and practices. It is my concern that any one of these might be sacrificed, in effect, to satisfy the demands of an industry that does not need such concessions and does not deserve them.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 10 a.m., with statements of individual Senators limited to 2 minutes each.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **STEVENS.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

HEART OF THE NUCLEAR FREEZE—A COMPREHENSIVE TEST BAN TREATY

Mr. **PROXMIRE.** Mr. President, what is the most important single element of the nuclear freeze? Easy. The real contribution of the freeze is that it would stop "modernization" of Soviet and U.S. nuclear arsenals. It would blow the whistle on the runaway race to develop ever more deadly weapons. The real crux of the nuclear arms race lies in the ever more deadly nuclear arms that emerge every year from research labs in America and Russia. The Senate should have joined this issue Monday night, October 31, in the debate on the nuclear freeze versus arms control by the so-called nuclear build-down. We failed to do so.

Why do I say that the real strength of the nuclear freeze is that it would stop the arms race by stopping nuclear testing? Here is why: Without testing, effective research on nuclear weapons would grind to a virtual halt. We and the Soviets test new nuclear weapons repeatedly before either side decides to produce or deploy them. For many years our two countries have conducted about 50 tests a year. Without the testing neither side could or would build new weapons which they could reasonably expect to operate reliably. Testing is crucial to the arms race. Stop testing and we stop the very heart of the growing threat to humanity from new "modernized" nuclear arms. Those 50 tests in 20 years totaling about 1,000 underground nuclear test explosions have given the superpowers our "modern" super, deadly nuclear arsenals.

Why is the freeze the answer to the arms race and the build-down is not? Because the freeze would stop testing. The build-down would not. But do we not have a treaty flatly prohibiting the testing of nuclear arms by explosions in the atmosphere, in outer space, under water? Yes; we do. And does not another treaty not limit testing underground to 150 kilotons? That is right. And have these treaties not been in effect since 1963 and 1974? And have the United States and the Soviet Union not both abided by those treaties during all these years. Yes, indeed. And are not these treaties widely viewed as two of the most successful nuclear weapons treaties between the United States and the Soviet Union? Absolutely. And has not this 20-year period during which both nations have abided by the 1963 treaty, also been a period of massive buildup of nuclear forces by both the United States and the Soviet Union? Certainly. Well then, what useful purpose did the test-ban treaty serve and why would a ban on testing included in a nuclear treaty make any critical difference?

Before I answer that crucial question, let me say that the 1963 test-ban treaty served two essential purposes: First, it stopped testing in the atmosphere by the two superpowers. It thus prevented the radioactive pollution that otherwise would have done serious environmental damage throughout the world. Second, the fact that both superpowers have faithfully abided by this treaty for 20 years gives us a hard-headed, practical basis for taking the next step.

Now, my answer to the logical question—why place any faith in that element of the nuclear freeze that would stop nuclear arms testing when the test-ban treaty has already been in effect for 20 years? The answer is that the test-ban treaties unfortunately provide a loophole through which thousands of megatons of new, "modernized" more deadly nuclear arms have been marching into the arsenals of both superpowers and through nuclear proliferation will continue to march on with a build-down. The freeze would halt this march cold. The build-down would not.

Finally this brings us to the final critical issue. Could the comprehensive nuclear test ban that would drive the underground testing of nuclear weapons down from its present 150-kiloton level to 1 kiloton or less? Could our scientific experts verify compliance by the Soviet Union with the ban? Mr. President, the evidence is very strong that they could. A year ago—in October 1982—two distinguished scientists, Dr. Lynn Sykes, professor of geological sciences at Columbia University and Jack Evernden, program manager of the U.S. Geological Survey's National Center for Earthquake Research wrote an article that appeared in the Scientific American entitled, "The Verification of a Comprehensive Nuclear Test Ban." Sykes and Evernden concluded that:

> Networks of seismic instruments could monitor a total test ban with high reliability. Even small clandestine explosions could be identified even if extreme measures were taken to evade detection.

Now, Mr. President, this goes to the crux of the problem. Efforts to extend the test-ban treaty were made in 1977 and dropped in 1980, because of a lack of confidence in verification. Mr. President, those of us who believe the nuclear arms race is pushing down the path toward ultimate, inevitable nuclear war must challenge the decision of our Government to walk away from a total, comprehensive test-ban treaty. Sykes and Evernden convincingly argue that such a treaty would work. I firmly believe they are right. But could they be wrong? Of course. Are we then taking a risk with a comprehensive test ban? Sure we are. But I honestly believe the risk is a much smaller risk than the terrible risk we take by permitting those 150-kiloton underground tests to continue. Those tests relentlessly improve the killing capability of nuclear weapons on both sides. We can stop them mutually, and use our great scientific talent to verify compliance. We should press for a negotiated freeze that would do exactly that.

Mr. President, I ask unanimous consent that the article which I have referred by Sykes and Evernden from the Scientific American of October 1982 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Scientific American, October 1982]

The Verification of a Comprehensive Nuclear Test Ban

(By Lynn R. Sykes and Jack F. Evernden)

Two treaties put into effect over the past 20 years have set limits on the testing of nuclear weapons. The Limited Test Ban Treaty of 1963, which has been signed by more than 120 nations, prohibits nuclear explosions in the atmosphere, the oceans and space, allowing them only underground. The Threshold Test Ban Treaty of 1976, a bilateral agreement between the United States and the U.S.S.R., prohibits underground tests of nuclear weapons with a yield greater than 150 kilotons. In the present climate of widespread pressures for more effective control of nuclear arms the idea of a comprehensive ban on all nuclear testing is receiving renewed attention. Such an agreement would be an important measure. It might inhibit the development of new weapons by the major nuclear powers, and it might also help to prevent the spread of nuclear weapons technology to other countries.

A halt to all testing was the original goal of the negotiations that led to the 1963 Limited Test Ban. New talks with the aim of achieving a total ban were begun in 1977 by the United States, the U.S.S.R. and Britain, but the talks were suspended in 1980. In both cases the main impediment to a comprehensive treaty was the contention by the United States and Britain that compliance with the treaty could not be verified because sufficiently small underground nuclear explosions could not be reliably detected and identified. In July the Reagan Administration announced that the test-ban negotiations with the U.S.S.R. and Britain will not be resumed. Once again the primary reason given was a lack of confidence in methods of verifying compliance.

In 1963, the reliability of measures for the verification of a treaty banning explosions larger than about one kiloton may have been arguable, but it no longer is. We address this question as seismologists who have been concerned for many years with the detection of underground explosions by seismic methods and with means of distinguishing underground explosions from earthquakes. We are certain that the state of knowledge of seismology and the techniques for monitoring seismic waves are sufficient to ensure that a feasible seismic network could soon detect a clandestine underground testing program involving explosions as small as one kiloton. In short, the technical capabilities needed to police a comprehensive test ban down to explosions of very small size unquestionably exist; the issues to be resolved are political.

An underground explosion sets up elastic vibrations that propagate as seismic waves through the earth and along its surface. The waves travel great distances, and seismic monitoring instruments in common use are sensitive enough to record even those generated by very small explosions. Once the waves have been detected the main task is to distinguish the seismic signals of explosions from those of earthquakes. This can be done with a network of several widely separated seismometers.

Two types of elastic vibrations can propagate through the solid body of the earth, that is, through the crust and the mantle. The first waves to arrive at a seismometer are compressional waves, which are similar to sound waves in air or water; the seismological name for them is *P* (for primary) waves. The slower body vibrations are shear waves, which are similar to the waves on a vibrating string; they are called *S* (for shear or secondary) waves. An underground explosion is a source of nearly pure *P* waves because it applies a uniform pressure to the walls of the cavity it creates. An earthquake, on the other hand, is generated when two blocks of the earth's crust rapidly slide past each other along the plane of a fault. Because of this shearing motion an earthquake radiates predominantly *S* waves.

A result of the spherical symmetry of the explosion source is that all the seismic waves it generates have a nearly radial symmetry around the focus of the explosion. In contrast, the highly directional character of an earthquake source gives rise to seismic waves with strongly asymmetric patterns. The asymmetry in the amplitude of the waves received at seismometers throughout the world provides the means whereby the seismologists can determine the faulting mechanism of a given earthquake.

In addition to the *P* and *S* body waves there are also two types of seismic waves that propagate only over the surface of the earth. They are called Rayleigh waves and Love waves, and they result from complex reflections of part of the body-wave energy in the upper layers of the earth's crust. A simple explosion can generate Rayleigh waves but not Love waves, whereas an earthquake generates waves of both types.

Seismologists characterize the size of a seismic event by means of magnitudes. A given event can be assigned several magnitudes, each one based on a different kind of seismic wave. A magnitude is the logarithm of the amplitude of a particular type of wave normalized for distance and depth of focus. Of the numerous magnitudes that can be defined for a single seismic event we shall discuss only two, which in seismological notation are designated M_s and m_b. The former is generally based on Rayleigh waves with a period of 20 seconds, the latter on one-second *P* waves. The magnitude of a seismic signal is ultimately related to the energy released at the site of the event. For a nuclear explosion the customary measure of energy release is the yield in kilotons, where one kiloton is the energy released by detonating 1,000 tons of TNT.

Every year there are numerous earthquakes whose magnitudes are in the range corresponding to the yields of underground explosions. Several methods can be applied to several types of waves to distinguish the seismic waves of explosions from those of earthquakes. The location of a seismic event and its depth below the surface are important criteria; indeed, the great majority of routinely detected events can be classified as earthquakes simply because they are either too deep or not at a plausible site for an explosion. The remaining events can be reliably classified by the amount of energy radiated in the several kinds of waves at various frequencies.

The location of an event in latitude and longitude is a powerful tool for classification. The position is determined by recording the arrival of short-period *P* waves at several seismographic stations in various parts of the world. The travel time of the *P* waves to each station is a function of distance and depth of focus. From the arrival times it is possible to determine the location of the source with an absolute error of less than 10 to 25 kilometers if the seismic data are of high quality.

The identification of seismic events at sea is quite simple. It is assumed that the network monitoring a test-ban treaty would include a small number of simple hydroacoustic stations around the shores of the oceans and on a few critical islands to measure pressure waves in seawater. The hydroacoustic signal of an underwater explosion is so different from that of an earthquake and can be detected at such long range that the identification of a seismic event at sea as an explosion or an earthquake is simple and positive. Hence any event whose calculated position is at least 25 kilometers at sea (a margin allowing for errors) can be classified as an earthquake on the basis of its location and the character of its hydroacoustic signal.

The accuracy with which the position of a seismic event can be determined in an area offshore of an island arc has been tested with an array of ocean-bottom seismometers off the Kamchatka Peninsula and the Kurile Islands in the U.S.S.R. The tests indicate that the accuracy of a seismic network under these circumstances is much better than 25 kilometers. Holding to that standard, however, one finds that well over half of the world's seismic events are definitely at sea and are therefore easily identified as earthquakes.

Another large group of detected events have their epicenters on land but in regions where no nuclear explosions are to be expected; these events too can be safely classified as earthquakes. Indeed, almost all the world's seismic activity is in regions that are of no concern for monitoring compliance with a comprehensive test ban. Thus the simple act of locating seismic events classifies most of them as earthquakes.

Calculating the depth of focus provides a means of identifying a large fraction of the remaining earthquakes. From 55 to 60 percent of the world's earthquakes are at depths of more than 30 kilometers; at least 90 percent are more than 10 kilometers deep. Any seismic event as deep as 15 kilometers is certainly an earthquake. No one has yet drilled into the earth's crust as far down as 10 kilometers, and the deepest nuclear explosions have been at a depth of about two kilometers.

Several seismological procedures can be employed to determine an event's depth of focus. In most cases the depth is calculated at the same time as the location. When a seismic event is detected at 20 stations or more, a routinely calculated depth of 30 kilometers or more ensures with a 95 percent degree of confidence that the event was at least 15 kilometers below the surface.

A powerful technique for estimating depth can be applied if at least one seismological station is within a few hundred kilometers of the detected event. (A monitoring network for a comprehensive test ban would be quite likely to meet this condition in areas where nuclear testing might be expected.) A pair of *P* and *S* waves generated at the same instant and recorded by a station near the event follow identical paths but propagate at different speeds. The difference in their times of arrival, or in other words the difference in their phases, therefore serves to determine the time of origin of the event. With experience the seismograms of a station near the event can be successfully analyzed to detect at least one pair of such *P* and *S* phases. Given the time of origin determined in this way and the arrival times of the *P* waves at only a few distant receivers, an accurate estimate of the depth of focus can be made.

There may remain critical seismic regions where nearby stations do not exist. Data from large events can then be employed to refine the calculated depth and location of smaller events. The essence of the technique is to correct the observed times of small events by noting the differences between the observed and the calcuated times for a large event in the same area. The procedure is in routine use by several networks.

The combined effectiveness of location and depth in distinguishing earthquakes from explosions is impressive. More than 90 percent of all earthquakes either are under oceans or are at least 30 kilometers deep (or both). Most of the remaining earthquakes are of little interest because they are in countries that are unlikely to be testing nuclear weapons or in countries where clandestine testing would be impossible. For the United States, of course, the U.S.S.R. is the country of prime interest. About 75 percent of the earthquakes in and near the U.S.S.R. are in the eastern part of the country near the Kamchatka Peninsula and the Kurile Islands. Almost all of the shocks in these areas either have a focal depth greater than 50 kilometers or are well offshore. It turns out that seismic events whose calculated position is on land in the U.S.S.R. or less than 25 kilometers at sea and whose calculated depth is less than 50 kilometers constitute only about .5 percent of the world's earthquakes. This amounts to about 100 earthquakes per year with an m magnitude greater than 3.8 for which other seismic discriminants must be employed.

None of the measures we have discussed so far relies on the detailed characteristics of the waves radiated by earthquakes and explosions. Several powerful discriminants are based on those characteristics, in particular on the relative amounts of energy in waves of different types and periods. For example, a shallow earthquake generates 20-second Rayleigh waves with amplitudes at least several times greater than those of an explosion that releases the same amount of energy. In the notational practice of seismology the comparison of the two magnitudes is referred to as the M_s:m ratio, that is, the ratio of long-period to short-period waves.

A second spectral discriminant is based on the observation that long-period *P* and *S* waves are rarely or never seen in association with explosions but one type or the other is routinely detected today by simple seismometers for most earthquakes that have a one-second *P*-wave magnitude of at least 4.5. More sophisticated seismic stations and more sophisticated analysis of the signals could lower the magnitude at which such waves can be detected.

A third distinction is that surface waves of the Love type are generated far more strongly by shallow earthquakes than they are by underground explosions, including even abnormal explosions. Still another characteristic feature of the seismic signal from explosions is that the first motion of the earth stimulated by *P* waves is always upward because the explosion itself is directed outward; the first *P*-wave motion in an earthquake can be either upward or downward.

An important factor contributing to the separation of earthquakes from explosions on an M_s:m_b diagram is that *P*-waves from the two kinds of events have different radiation patterns. Explosions radiate short-period *P* waves equally in all directions, whereas earthquakes have very asymmetric patterns. Hence most earthquake sources show a decrease of from .4 to one magnitude unit from the peak values when the *P*-wave amplitudes are averaged over pertinent radiations angles. A simple explosion does not initially radiate any shear waves; earthquakes typically generate large shear waves. As a result Rayleigh waves generated by many types of earthquakes have a larger amplitude than the corresponding waves generated by underground explosions of the same m_b.

There is a characteristic time for the formation of the source of a seismic event; the time is equal to the maximum source dimension divided by the velocity of source formation. The source dimension for earthquakes is the length of the break where most of the short-period energy is released; it is from three to 20 times greater, depending on the state of stress in the rocks, than the radius of the cavity and shatter zone of a comparable explosion. The velocity of source formation for earthquakes is from somewhat less to much less than the velocity of shear waves in the rocks surrounding the fault, whereas the relevant velocity for explosions is the velocity of shock waves in the rock, which is essentially the velocity of compressional waves. As a result of these differences in the size of the source and the velocity of source formation the characteristic times for earthquakes and explosions differ by a factor of from 6 to 40. It is therefore not surprising that differences are observed between the short-period *P*-wave spectra of earthquakes and explosions.

Observations of several U.S. explosions have demonstrated the existence of a phenomenon called overshoot. It is related to shock waves in strong rock, but it can be thought of as an equivalent of cavity pressure rising to high values followed by a decrease in pressuer by a factor of four or five; the lower pressure is then maintained for many tens of seconds. Overshoot, when it occurs, provides additional *P*-wave spectral discrimination and augments discrimination by means of the M_s:m_b ratio for larger events.

It was once thought that an explosion could not give rise to any Love waves at all. A phenomenon that was a great significance in thwarting President Kennedy's effort to achieve a comprehensive test-ban treaty in 1963 was the observation that many underground nuclear explosions at the U.S. testing site in Nevada, particularly those in hard rock, generated unmistakable Love waves. The failure of the qualitative criterion "No Love waves from explosion" (at a time when such quantitative criteria as the comparison of the magnitudes of long-period and short-period waves were not adequately established) left seismologists unable to guarantee their ability to distinguish the seismic waves of underground explosions from those of earthquakes.

The presence of Love waves in the Nevada tests has since been explained. What was not considered in the earlier analyses was the influence of the natural stressed state of the earth on the waves generated by an explosion. The creation of a cavity and its surrounding shatter cone by an underground explosion leads to the release of some of the natural stress, which in turn generates seismic waves equivalent of those of a small earthquake, including Love waves. The observed waves are a superposition of the waves from the explosion and from the release of the stress.

The release of natural stress also alters the amplitude of Rayleigh waves. The perturbation has never been large enough, however, to put in doubt the nature of an event identified by the ratio of long-period to short-period waves. Only rarely does the perturbation significantly affect the amplitude of *P* waves; it is not known ever to have changed the direction of their first motion. Moreover, if the magnitude M_s is determined from Love waves rather than Rayleigh waves, the ratio method (M_s:m_b) provides an excellent discriminant.

In short, if seismologists had done their homework thoroughly by 1963, the nations of the world might well have achieved a comprehensive test-ban treaty then. Today the release of natural stresses in the earth is significant only as a perturbing factor that must be taken into account when the yield of an explosion is estimated from Rayleigh waves.

Reports of earthquakes occasionally have **Ms:mb** values like those of explosions have been cited as a factor that might impede the effective monitoring of a comprehensive test ban. In analyzing a large set of earthquakes in all parts of the world and of underground explosions in the United States and the U.S.S.R. we found only one example of this kind of ambiguity. The focus of the event was far from the area in which the seismometer network gave its best results.

In 1972, at a meeting of the UN Committee on Disarmament, the U.S. submitted a list of 25 "anomalous" events that were said to be indicative of a problem in discrimination. In 1976, the 25 events were reanalyzed by one of us (Sykes) and two other seismologists, Robert Tathum and Donald Forsythe. It was established that about half of the events had **Ms:mb** values, that put them clearly in the earthquake population. Most of the original magnitudes had been determined from only one or two stations, and much existing information had not even been consulted. When the records of other available stations were examined, the events ceased to be "anomalous."

For the remaining problem events **Ms:mb** measurements based on 20-second Rayleigh waves gave values in the range characteristic of explosions. Several of these events were at depths of from 25 to 50 kilometers, where the possibility of nuclear testing can be excluded in any case, but the magnitude ratio nonetheless demanded explanation. It is known from seismological theory that certain types of earthquakes at these depths excite long-period Rayleigh waves poorly. The theory predicts, however, that Love waves and vibrations called higher-mode Rayleigh waves are in many instances vigorously generated in these circumstances. An analysis of recordings of the Love waves and the higher-mode Rayleigh waves identified several more of the problem events as earthquakes.

Only a single sequence of events at one place in Tibet remained as a problem. In that region underground nuclear testing is unlikely, but the nature of the events could not be determined with certainty from the magnitude ratios. We think the reason is that with the seismographic networks of the 1960's, when the events were recorded, Love waves could not be detected for small-magnitude events because they were obscured by background earth noise. New installations and new modes of data processing have greatly reduced the problem. If the same series of events or a similar series were to take place today, we think they would be identified unambiguously. Long-period seismographs in boreholes and routine digital processing of seismograms lead to a suppression of background noise and increase the detectability of many types of waves, including Love waves.

As it happened, the nature of the Tibetan problem sequence was resolved in spite of the inadequacies of the long-period data of the time. At several stations the first motion of the *P* waves was downward, which is not possible for an explosion. Hence the events must have been small earthquakes.

It seems reasonable to say that for the networks we shall describe below there should no longer be any problem events at m_b 4 or more. We know of no Eurasian earthquake with a one-second *P*-wave magnitude of 4 or more in the past 20 years whose waves are classified as those of an explosion. (Of course, numerous smaller Eurasian earthquakes during that period went unidentified because of inadequate data.) Furthermore, to our knowledge not one out of several hundred underground nuclear explosions set off in the same period radiated seismic waves that could be mistaken for those of an earthquake. Our experience indicates an extremely low probability that an event will remain unidentified when all the available techniques of discrimination are brought to bear.

No monitoring technology can offer an absolute assurance that even the smallest illicit explosion would be detected. We presume that an ability to detect and identify events whose seismic magnitude is equivalent to an explosive yield of about one kiloton would be adequate. It is often assumed that for the U.S. to subscribe to a comprehensive test ban it would require 90 percent confidence of detecting any violation by another party to the treaty. Developing a new nuclear weapon, however, generally requires a series of tests, and the probability that at least one explosion will be detected rises sharply as the number of the tests is increased. Moreover, a 90 percent level of confidence for the detection of even a single explosion probably is not needed. For a country seeking to evade the treaty the expected probability of detection would certainly have to be less than 30 percent, and perhaps much less, even if only one illicit test were planned. The test-ban agreements that have been considered over the years all include an "escape clause" through which a country could renounce its treaty obligations. Unless the probability of detection were very low, a country whose national interest seemed to demand a resumption of testing would presumably invoke the escape clause rather than risk being caught cheating.

Given these standards of reliability for a monitoring system, it is possible to specify the size and the sensitivity of the seismic network that would be needed to verify compliance with a comprehensive test ban. Two kinds of network can be considered for maintaining seismic surveillance of the U.S.S.R. One network consists of 15 stations outside the borders of the U.S.S.R. In the second network the 15 external stations are supplemented by 15 internal ones.

The ultimate limit on the detection of seismic signals is imposed by microseisms, or random vibrations of the earth's surface. Most microseisms are induced by the earth's atmophere and oceans. In order to detect a one-kiloton explosion in much of the U.S.S.R. a monitoring network would have to be able to recognize above the background noise any event with a short-period *P*-wave magnitude of 3.8 or more. In order to distinguish an explosion from an earthquake by comparing the long-period magnitude with short-period one, the network would also have to be able to detect surface waves with an M_s magnitude of 2.5 or more. The network of 15 external stations could achieve these goals. Indeed, since almost all the seismic areas of the U.S.S.R. are along its borders, the external network would be sensitive to events of even smaller magnitude there. The mere detection of a seismic event in most areas of the interior would constitute identification of the event as an explosion.

The low limit of one kiloton on the yield of an explosion that could be detected by an external network is based on the assumption that the coupling between the explosion and the seismic radiation is efficient and that the explosion was not set off during or soon after a large earthquake. If one must consider the possibility that a country would try to evade a test-ban treaty by decoupling, or muffling, an explosion and thereby reducing the amplitude of the emitted seismic signals, an improved network would be required. In principle such muffling could be done by detonating the explosion in a large cavity or by using energy-absorbing material in a smaller cavity. The former stratagem might reduce the seismic signal of an explosion by 1.9 magnitude units as measured by one-second *P* waves (that is, by mb). The latter stratagem might bring a reduction of one unit.

The use of an oversize cavity is clearly the more worrisome possibility, but it could be attempted only in certain geologic formations: a salt dome or a thick sequence of bedded salt deposits. Few areas of the U.S.S.R. have deposits of salt in which the construction of a cavity large enough for decoupling a several-kiloton explosion would be possible. The maximum size of a cavity that could reasonably be constructed and maintained sets a limit of two kilotons on explosions that might be muffled in this way and escape detection by the 15-station external network.

Another way to reduce the amplitude of radiated seismic waves is by detonating an explosion in a low-coupling medium such as dry alluvium. The maximum thickness of dry alluvium in the U.S.S.R. sets a limit of 10 kilotons on explosions that might be concealed by this means, again assuming that only the 15 external stations were installed.

Another possible drawback of an exclusively external network should be mentioned. Confusion could arise when signals from two or more earthquakes reached a station simultaneously. The effect would be most troublesome when the long-period waves from a small event in the U.S.S.R. arrived at the same time as similar waves from a much larger earthquake elsewhere in the world. Under these circumstances it might be difficult to establish with certainly by comparing M_s with m_b the identity of the event in the U.S.S.R. With a network of 15 external stations there would be a few events per year in which the smaller earthquake was in the territory of the U.S.S.R. or within 25 kilometers of its borders and at a depth of less than 50 kilometers.

A monitoring network made up of 15 seismographic stations outside the U.S.S.R. and 15 inside it would largely eliminate the problem of coincident earthquake signals and would greatly reduce the maximum yield of an explosion that might escape detection, even if decoupling were attempted. The internal monitoring stations would be simple unattended ones, with the capability of measuring vertical ground motion and two orthogonal components of horizontal motion, so that the distance and direction of a nearby event could be estimated from the data of a single short-range station. With such a network in place, and assuming that muffling was attempted in the presence of normal earth noise, the largest explosion that would have a 30 percent chance of escaping detection in any setting except a salt dome would be .5 kiloton.

For salt domes the main area of concern in the U.S.S.R. is the region north of the Caspian Sea. Our hypothetical network has three stations there. Even a small explosion in a large salt-dome cavity would emit certain *P* and *S* waves with an amplitude large enough to be detected by nearby stations. Furthermore, detection by even one of the stations would immediately identify the event as an explcsion because the area has no natural seismic activity. As a result evasion would not be likely to be attempted at a yield greater than one kiloton even in the salt-dome area.

A possible strategy for evasion that has been mentioned from time to time is the one of hiding the seismic signal of a nuclear explosion in the signal of a large earthquake, which might be near the site of the explosion or far from it. For the U.S.S.R. the only credible possibility is a distant earthquake because the only possible testing sites where earthquakes are frequent enough to make the effort worth while are on the Kamchatka Peninsula and in the Kurile Islands. Clandestine testing there is not likely because seismic activity in the area can be monitored in detail from stations in Japan and the Aleutian Islands. Indeed, oceanbotton seismometers and hydroacoustic sensors could be placed just offshore.

The first defense against evasion by the masking of a test in a large earthquake is the questionable feasibilty of the subterfuge. Unless the evader maintained several testing sites the number of opportunities per year for clandestine testing would be quite limited. In addition the evader would have to maintain his weapons in constant readiness for firing. To attain the evasion capability given below he would have to set off an explosion within 100 seconds of the time of arrival of the short-period waves of the earthquake. He would have to estimate the maximum amplitude and the decay rate of the earthquake waves with high accuracy, and he would have to be certain of the amplitude of the *P* waves generated by the explosion to within .1 magnitude unit. Even after taking these precautions the evader would have to accept a high probability that the event would be detected by at least one monitoring station and a small probability that three stations would detect it. He would also have to install and operate his testing site (including a large cavity) and his own seismological network in total secrecy over a period of years.

In contrast to these daunting requirements for successful evasion, the only requirements for a monitoring nation are to operate a network of high-quality seismic stations and to process the data with determination. Against a network of 15 external stations and 15 internal ones the only effective evasion schemes at yields of one kiloton or more would require both decoupling and hiding the explosion signal in an earthquake.

The issues relating to the monitoring of a comprehensive test ban can be summarized as follows. The understanding of seismology and the testing of seismometer networks are sufficiently complete to ensure that compliance with a treaty could be verified with a high level of confidence. The only explosions with a significant likelihood of escaping detection would be those of very small yield: less than one kiloton provided the monitoring system includes stations in the U.S.S.R.

It is important to view the question of yield in the context of the nuclear weapons that have been tested up to now. The ones that ushered in the nuclear age in 1945 had a yield of from 15 to 20 kilotons. Yields increased rapidly to the point where the U.S.S.R. tested a 58,000-kiloton weapon in 1961. The largest underground explosion had a yield of almost 5,000 kilotons. Unclassified reports place the yield of the weapons carried by intercontinental missiles in the range from 40 to 9,000 kilotons. The yields of underground explosions that might go undetected or unidentified under a comprehensive test ban are therefore much smaller than those of the first nuclear weapons. If the threshold of reliable detection and identification is one kiloton, that is only one-150th of the limit specified by the Threshold Test Ban Treaty of 1976.

From the viewpoint of verification a comprehensive test ban would actually establish the equivalent of a very low threshold, since weapons of extremely low yield could be tested underground without the certainty of being detected and identified. A treaty that imposed a threshold near the limit of seismological monitoring capability might therefore be considered an alternative to a comprehensive test ban. Such a treaty might be preferable to the present quite high threshold, but it would have the disadvantage that arguments could arise over the exact yield of tests made near the threshold. Indeed, the judgment of whether or not a test has taken place will always be less equivocal than an exact determination of yield.

In recent years there have been reports that the U.S.S.R. may have repeatedly violated the 1976 treaty by testing devices with a yield greater than the 150-kiloton limit. Such reputed violations were recently cited as evidence that the threshold treaty, which has not been ratified by the U.S. Senate, is not verifiable and should be renegotiated. On the basis of our analysis we conclude that the reports are erroneous; they are based on a miscalibration of one of the curves that relates measured seismic magnitude to explosive yield. When the correct calibration is employed, it is apparent that

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none of the Russian weapons tests exceed 150 kilotons, although several come close to it.

Observations at the Nevada Test Site (NTS), where American nuclear-weapons tests are held, indicate there are linear correlations between the logarithm of the explosive yield and the two magnitude values. M_s and M_b. for explosions with yields greater than 100 kilotons. When the measured M_s and M_b values of explosions at the Russian test site near Semipalatinsk are inserted into the NTS formulas, however, the resulting estimates of yield given by m_b are more than four times as great as those given by M_s. For explosions in hard rock at many test sites estimates of yield based on the NTS M_s formula have invariably agreed with actual yields, whereas estimates based on the NTS m_b formula have sometimes been in drastic disagreement with the actual yield.

A strong correlation has been found between m_b values measured at individual stations and *P*-wave travel times to these stations. The U.S.S.R. routinely publishes seismological bulletins that include *P*-wave arrival times of earthquakes, and it is straightforward to interpret the times for stations in central Asia in terms of the expected pattern of m_b values near Semipalatinsk. From an analysis of the *P*-wave signals it is predicted that the m_b value for an explosion at Semipalatinsk is 40 percent greater than an equivalent explosion at NTS. This is the same correction that must be applied to the curve relating m_b to yield at NTS to make the m_b estimates of the yield of Russian explosions consistent with the M_s estimates. Thus two modes of analysis lead to the conclusion that there is an essentially universal relation between M_s and yield whereas the curve relating m_b to yield must be calibrated for each test site.

A comprehensive treaty would have an additional advantage over a low-threshold treaty: all technological uncertainties would work against the potential evader. A country planning a surreptitious nuclear test could not know the exact seismic-detection capability of other nations or the exact magnitude of the seismic waves that would be generated by his test. A ban on nuclear explosions of all sizes would also have the important conceptual value that nuclear weapons, no matter what their size, would be recognized as inherently different from conventional weapons.

It is sobering to consider how the state of the world would differ if a full test ban had been achieved in 1963. The number of nuclear weapons has grown tremendously since then and is now estimated at from 50,000 to 100,000. The loss of life and the social damage that would be inflicted in a major nuclear exchange are vastly greater than they were in 1963. Furthermore, both the U.S. and the U.S.S.R. are less secure now than ever before, not because of any failure to develop arms but because of the growing stockpiles of weapons and the inability of any nation to defend itself against nuclear attack.

A comprehensive test-ban agreement should not be regarded as a substitute for disarmament. Meaningful reductions in the nuclear threat must include a continuing and serious process of arms control; in this process, however, a comprehensive test-ban treaty could have an important part. The problems of negotiating such a treaty are overwhelmingly political rather than technical and must be recognized as such.

Before the suspension of negotiations between the United States, Britain and the U.S.S.R. in 1980 tentative agreement had been reached on a number of issues. All three nations agreed that a test-ban treaty would include a prohibition of all tests of nuclear weapons in all environments, a moratorium on peaceful nuclear explosions until arrangements for undertaking them could be worked out, provisions for on-site inspections, a mechanism for the international exchange of seismic data and the installation of tamperproof seismic stations by each country in the territory of the others. The proposed treaty would have a term of three years. The agreements on the long-standing issues of on-site inspection, peaceful explosions and the placement of monitoring stations in each country represented important breakthroughs. It would be a setback for the cause of international security if this hard-won ground were now lost.

For many years the stated policy of the U.S. has emphasized the desirability of a complete test ban if verification could be ensured. The policy was not fundamentally altered by the recent decision of the Reagan Administration to put off further negotiations on the test ban. On the contrary, it was reported that the Administration still supports the ultimate goal of a comprehensive ban on nuclear testing but has doubts about the efficacy and reliability of seismic methods of verification. As we have attempted to show here, there can be no substance to such doubts.

THE AUTHORS

Lynn R. Sykes and Jack F. Evernden ("The Verification of a Comprehensive Nuclear Test Ban") are geophysicists who in addition to their scientific work have spent considerable time on means of distinguishing underground nuclear explosions from earthquakes. Sykes is Higgins Professor of Geological Sciences at Columbia University and head of the earthquake studies group at the university's Lamont-Doherty Geological Observatory. His B.S. and M.S. were both awarded in 1960 by the Massachusetts Institute of Technology. His Ph.D. in geology was granted in 1964 by Columbia and he has remained at the university since, taking up his present jobs in 1971. Sykes's scientific work has centered on plate tectonics, including the plate-tectonic structure of Asia, which may be signficant in the verification of a test-ban treaty. Evernden is program manager of the U.S. Geological Survey's National Center for Earthquake Research. His B.S. in mining geology (1948) and his Ph.D in geophysics (1951) are from the University of California at Berkeley.

AMNESTY INTERNATIONAL RELEASES 1983 REPORT

Mr. PROXMIRE. Mr. President, Amnesty International, the international human rights organization which in 1977 received the Nobel Prize for peace, recently released its 1983 annual report. The report gives nation-by-nation accounts of Amnesty International's struggle against the detention of prisoners of conscience, against imprisonment without fair trial, and against tortures and executions. The report stresses that a vital aspect of that struggle is providing unbiased, accurate information about such abuses, and states that "Amnesty International is in fact rarely shown to have reported incorrectly." Detailed, reliable accounts of human rights offenses in over 115 countries are included in the current report.

The work of Amnesty International is a clear reminder that despite the attention of such internationally recognized organizations, human rights abuses are still distressingly widespread. Further action to prevent such offenses is still needed. For the United States, ratification of the International Genocide Convention is a vital step. We could greatly clarify our support for human rights by ratifying this treaty.

Some critics of the Genocide Convention have questioned the necessity and propriety of international action to deal with this crime. A passage from the Amnesty International report applies to these questions. It reads:

> Human rights are an international responsibility and a matter of legitimate international concern. Governments are accountable not only to their own people but also, in more than one sense, to the international community.

If human rights are of international concern, then surely the most fundamental of those rights—the right to exist—should be defended by international action. The Genocide Convention is needed precisely to defend that right.

Mr. President, the United States should be proud of its fine record on human rights. We ought to unhesitatingly claim a position of moral leadership among our fellow nations. Our failure to ratify the Genocide Convention is an unfortunate blemish on our excellent record. Ratification is entirely consistent with our longstanding support of human rights, and I urge the Senate to lend its advice and consent without delay.

THE DEFICIT DILEMMA

Mr. SASSER. Mr. President, over the past several months, an apparent schism has developed in the attitudes expressed by administration officials over the importance of the historically high levels of Federal budget deficits threatening the economy.

The debate reveals a marked difference of opinion between the Treasury Secretary, Mr. Regan, and the President's chairman of the Council of Economic Advisers, Mr. Feldstein. Very simply, the Treasury Secretary maintains that current level deficits will have little if any effect upon interest rates and the strength of the economic recovery. Chairman Feldstein, on the other hand, has repeatedly called for immediate reduction of the looming budget deficits in order to avoid continuing high levels of real interest rates and or disruption in the strength of the current recovery.

The Treasury argument is premised upon the assumption that future budget deficits are basically cyclical in nature, and thus will disappear under a faster economic growth sceniario. This rationale seemingly diminishes the relative importance of these deficits. The argument, however, simply ignores the size of the structural deficit and its relationship to financial markets. It does not consider the long-run consequences of high structural deficits on the growth potential of the economy. Further, the administration's own budget, presented to the Congress in February, projects a structural deficit which steadily increases to the point where it envelopes 5.7 percent of the gross national product by 1986.

Mr. Feldstein, on the other hand, has argued repeatedly that without immediate action to reduce these large Federal deficits the recovery will remain fragile and could self-destruct. The President's chief economic advisor warns that without constructive action to reduce these deficits, including both spending reduction and revenue increases, real interest rates will stay extremely high and may even increase as financial markets become convinced that Congress will not address the problem.

Mr. President, it is absolutely imperative that we, as responsible elected representatives of the American people, take the necessary steps to control these levels of budget deficits. Mr. Feldstein is correct when he says that the link between future deficits and continuing high real interest rates is unambiguous.

As a member of the Senate Budget Committee, and as a conferee on the House-Senate budget conference which blueprinted a bipartisan first budget resolution, I can readily attest to the difficulty of achieving a consensus on the matter. The first concurrent budget resolution was a constructive compromise. I did not agree with every provision of the budget resolution, but on the whole I believed and still believe that it was a step in the right direction. It is hard for this Senator to believe now, just a few short months after Congress took the responsible action of adopting a budget strategy which called for both spending restraint and revenue increases and reduced the projected Federal deficits by $100 billion over the next 3 years, that somehow this tough action is no longer needed. Well, Mr. President, that logic simply ignores the reality of the current situation and is fiscally irresponsible, and I refuse to be a part of it.

I commend Dr. Feldstein for his candor in this matter. The President should heed the advice of his adviser and act accordingly.

We in Congress must take the fiscally prudent and responsible actions to reduce these large deficits. To do anything less is simply to invite a vote of no confidence from those to which we are beholden, the American people.

Mr. President, I ask unanimous consent that the following newspaper articles which appeared in the Washington Post yesterday be printed in the Record. The articles only serve to reinforce the importance and necessity for immediate action on this pressing economic problem.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Ford Urges Swift Action on Deficits

(By Hobart Rowen)

Former president Gerald R. Ford yesterday called on President Reagan and congressional leaders to take action now that will cut projected federal deficits substantially.

He urged the appointment of a bipartisan commission that would draw up recommendations immediately—"the sooner the better"—for revenue and expenditure changes that could be put in place early in 1985, after the 1984 election.

"I'm not optimistic that Congress will act to resolve the budget deficit problem" before the election, Ford said at a press conference at the American Enterprise Institute here, where he serves as a distinguished fellow. "I'm afraid we will have to wait until after the election, and I hope it's not too late then."

He added that delay in making meaningful inroads into the deficit problem "could abort the recovery, and that would be tragic."

Ford said he met Tuesday with Reagan, summarizing his views and those of other former leaders who had met with Ford at Vail, last August at a World Forum sponsored by the AEI. Ford would not be specific about his conversation with Reagan, but there was a strong intimation that the two Republican presidents had not agreed on tax increases.

In an open break with the White House view, Ford had said at Vail that Reagan should consider tax increases as well as spending cuts. He took that public position even though he is aware that public pressure from him to raise taxes displeases the Reagan White House.

Ford indicated that he had told Reagan yesterday that there has to be "combined [administration-congressional] leadership in a nonpartisan way to do what obviously has to be done. But I hesitate to suggest to you what I suggested to him."

Asked to summarize what Reagan's reaction had been, Ford blandly replied: "We had many areas of agreement."

Reagan has said repeatedly in recent weeks that the administration will not consider tax increases as a way of reducing the deficit. On Tuesday, he called on his department heads to trim their fiscal 1985 spending requests, and was quoted by spokesman Larry Speakes as saying at a Cabinet meeting: "The best way to reduce deficits is to reduce spending. And we're going to start right now."

Although Ford would not elaborate on any potential disagreement with Reagan, he unhesitatingly lined up against Treasury Secretary Donald T. Regan, who has been insisting in an ongoing debate with economic adviser Martin S. Feldstein that the budget deficit and high interest rates are not related. Ford said "I subscribe to the view" of those who have criticized the Regan thesis.

Ford also asserted that the deficits had contributed to the overvaluation of the dollar in foreign exchange markets, "and fan the flames of protectionism," a stand that put him at odds with Regan and with his undersecretary for monetary affairs, Beryl Sprinkel.

Sprinkel testified at a congressional hearing last week that "the evidence doesn't support the view" that the dollar is overvalued because of high interest rates triggered by the deficit. Regan and Sprinkel insist the dollar is neither too high, nor overvalued.

In addition to his remarks on the deficit, Ford listed five other areas of "concern" on economic issues. One unexpected comment was that the United States should be prepared to take an "interventionist position" in foreign exchange markets to bring the dollar more into line with underlying conditions.

He stressed he was not talking about rigid or fixed exchange rates, but greater willingness on the part of the Treasury to intervene than has been the case under Reagan.

A Bitter Fight Over the Deficit

(By Hobart Rowen)

The bitter debate between Economic Council Chairman Martin Feldstein and Treasury Secretary Donald Regan on whether larger federal deficits are helping to keep interest rates high—and, by extension, the dollar overvalued—represents a significant split within the Reagan administration.

There is evidence, too, that there is no unanimity within the CEA: council member William Poole, in a recent public speech and in a subsequent conversation with this reporter, made clear that he does not support a tax increase to reduce the deficit.

But Feldstein told Congress the other day that unless something is done about it—and quickly—deficits over the next five or six years will add $1 trillion to the national debt.

He insists that Congress tackle the problem now, aiming at reducing the cumulative debt by $500 billion. That would bring real intrest rates and the overvalued dollar down, simultaneously encouraging business expansion and the potential for exports. He would like the tax increase enacted now, to become effective in 1985.

Contrary to some recent news accounts Feldstein is not alone in his concern about deficits. OMB Director David Stockman, for example, is closer to Feldstein than to Regan on this question. Commerce Secretary Malcolm Baldrige and trade ambassador Bill Brock make no secret of their concern about mounting red ink. But they are more vague—at least publicly—on when the attack should be mounted. Federal Reserve Chairman Paul Volcker is strongly and unequivocally in Feldstein's corner.

And Donald Regan doesn't suggest that deficits are unimportant. "It's just a case of what's do-able," an aide argues.

Nonetheless, the split in terms of the impact of the deficit is clear: Regan minimizes the current threat, and says in any event that deficits do not cause high interest rates. He points to a more relaxed view in financial markets about fears of a credit crunch next year.

For further support, the Treasury cites Poole's speech to the Steel Shipping container Institute, in which he said: "* * * it would be a bad bargain in the long run if acceptance of tax increases now set back the effort to control spending in future years."

Poole elaborated that thought to me this way: "From the economics side, I believe it is most desirable to close the deficit by reducing spending without a tax increase." Poole concedes that "the political question is how you do it."

What Feldstein and others are saying to Regan and Poole, as loud as they can, is that it can't be done just by reducing budget expenditures. This view was echoed yesterday by former president Gerald Ford.

The bitterness between Feldstein and Regan pokes its way through a polite facade. At the CEA, questions are raised about the economic talent of Treasury aides. At the Treasury, questions are raised about Feldstein's off-base economic projections earlier this year.

Behind this unusual display of policy conflict at the top in the Reagan administration was a conclusion by White House advisers Ed Meese and Jim Baker that Congress will not act to cut the deficit before next year's election. "In effect," says one insider, "the president doesn't want to be seen defeated on a major issue like the budget."

One irony is that earlier this year, Regan and Feldstein privately lobbied with Meese and Baker for a refinement of the standby tax proposal incorporated in the budget Reagan sent to Congress last January: instead of waiting for taxes to be triggered by the deficit, they proposed making the taxes effective at the beginning of 1985—then taking them off if the deficit appeared to be in check.

But when this story hit the newspapers, it only raised Baker's and Meese's blood pressure. The idea was vetoed because, they contended, tax increases merely increase the congressional penchant for spending. Regan dropped this idea, and soon abandoned support for any standby tax program. This was no flip-flop, Treasury sources say, because Congress had no intention of fulfilling its part of the bargain relating to standby taxes. Under the deal, Congress was to provide $3 worth of spending reductions for every $1 of tax increase.

The Treasury staff then came up with a study purporting to show that there is "no necessary cause-effect link" between deficits and interests rates, a theory debunked by Feldstein and most financial analysts.

Nothing is ever black or white in this complicated capital, but a reasonable conclusion is that team player Regan, like the White House pols, has his eyes focused on next year's presidential election. Except for the pure monetarists and right-wing extremists, almost everybody else agrees that a tax increase in addition to spending reductions is desperately needed to cut staggering deficits.

THE GOOD NEWS ABOUT YOUNG PEOPLE AND DRUG ABUSE

Mrs. HAWKINS. Mr. President, today I would like to give my colleagues some good news about kids and drugs. Despite the pervasive abuse of illegal drugs in this country, there are exceptions to the great numbers of school children using drugs. And the efforts of prominent Americans to focus attention on this problem have been highly successful in combating youthful drug abuse.

First Lady Nancy Reagan, in particular, has been a highly vocal and visible proponent of drug rehabilitation, education, and prevention programs. As a former actress, the First Lady has made a successful plea to entertainers to stop glamorizing the use of illicit drugs. Vice President GEORGE BUSH and his special task force have also made much progress in stopping the flow of illegal drugs into the United States from foreign countries.

Mr. President, I do not want to toot my own horn, but my own efforts to stop international drug trafficking and to combat youthful drug abuse in this country have not gone unrewarded. First of all, I was very pleased that my diplomacy against drugs amendment to the State Department authorization bill was unanimously adopted by the Senate. But I have been most gratified by the support for my efforts that has come from the young people in Florida. They remind me once again that by publicizing the "worst-case scenario" of youthful drug abuse, we perform a useful public service by highlighting the problem, but this tends to overshadow the important fact that many young people in this country are not hooked on drugs and are well aware of their dangers.

I request permission, Mr. President, to include in the RECORD at this point the text of just two letters I received from my younger constituents in Florida on the subject of youthful drug abuse.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OCTOBER 6, 1983.

DEAR SENATOR PAULA HAWKINS: You have a very good idea concerning marijuana. I don't feel that a warning, however, will phase drug users much.

I am 15 years old and I have never come in contact with any kind of drugs or alcohol. I am strongly against use of either (doctor's prescriptions excluded).

I am an exception to the teenage society. I am very straight. I'm not pressured about being the way I am by anyone. I'm glad I don't fool around with drugs.

I wish there were another way to stress emphasis besides warning. People just don't realize how harmful it is.

Sincerely,

BRENDA WALDRON,
Fort Myers, Fla.

OCTOBER 7, 1983

SENATOR HAWKINS: I'm a sophomore in high school, and I'm glad you're concerned about marijuana in school. Being in school, I know that marijuana is a big problem.

Most kids that smoke marijuana nowdays truly believe that marijuana is harmless, or they just plain don't care. If kids really knew what happened to their bodies and minds, they would never touch marijuana. Some people think getting high is going to solve their problems. But as soon as they come down, all their problems come back, plus a few more.

I truly hope that someday there will be no marijuana problems, but that day is very far off. Until then, we certainly have to start doing something.

Sincerely yours,

TRACY CLARK,
Alva, Fla.

THE INVASION OF GRENADA

Mr. CRANSTON. Mr. President, on October 25, I joined other Senate and House leaders in a Cabinet room meeting convened at the White House by President Reagan to explain his decision to invade Grenada earlier that morning.

Later that day, I met with Secretary of State George Shultz and Secretary of Defense Caspar Weinberger to hear further explanations of the Reagan administration's justification for the invasion of Grenada.

I was not satisfied with these explanations. I have therefore spoken out consistently in opposition to this invasion since the day it was launched. With the recent reports that fighting in Grenada has ended, I think it is important to review the record of these administration explanations.

The original Reagan administration justification for invading was that Grenada had closed its airport, barring Americans from leaving, and that American lives were in danger.

This was not true.

In fact, according to subsequent White House "clarification," four charter flights were able to arrive and depart the day before the invasion and more were expected until the invading American forces closed the airport.

And there has been no strong evidence that the lives of Americans on Grenada were threatened or that they were in danger of being taken hostage.

These assertions are but two of a large number of misleading arguments put forward to provide the Reagan administration with a pretext for overthrowing a government it did not like.

The Reagan administration also claimed that it had no assurances of the students' safety. In fact, they had received numerous such assurances from the Grenadian junta, assurances that were repeatedly given to U.S. diplomats Ken Kurze and Linda Flohr in face-to-face meetings in Grenada in the days and hours before the United States invaded.

Doubtless, once U.S. forces began invading Grenada and an armed struggle ensued, the students did feel in great danger.

But the tragedy of this invasion is that in the name of protecting American lives and enhancing human rights, at least 18 Americans were killed and at least 90 Americans soldiers were injured. There were more than 70 reported deaths among Cubans and Grenadians. A hospital was bombed by American planes, killing at least 30 Grenadian civilians. And a number of American men were killed by our own forces due to intelligence failures and a split military command that led to clumsy excesses of force.

A second pretext the Reagan administration advanced to justify the invasion was to assert a duty to respond to a request to invade made by the new Organization of Eastern Caribbean States (OECS). Not only is the United States not a member of this organization, but the group's own mutual defense pact provides for military action only by unanimous request of all OECS parties. The OECS request—which many reports have indicated was generated by the Reagan administration—was not unanimous, and in any case did not bind the United States to violate international law and invade the sovereign territory of their unpopular neighbor.

The administration's twin pretexts are in glaring contradiction. If American lives were truly at stake, we would not wait for a request from obscure island states before acting to protect Americans.

The U.S. military action against Grenada had no basis in international law unless it was essential to protect American lives.

Since this was not the case, the Reagan administration invasion violated both the Organization of American States treaty and the United Nations Charter. For this action, the U.S. Government has been condemned around the world. This condemnation has come from ally and adversary alike as evidenced by the fact that not a single member of the United Nations Security Council—including the United Kingdom and France—joined the United States in voting against a resolution critical of the U.S. invasion.

The Reagan administration also cites the need "to foster democracy" as a justification for the invasion. And yet in its shameful shackling of the American press and in its skirting of the War Powers Resolution, the administration showed its contempt for key elements of our own democratic tradition. It is especially important for a free people to have a free press to report controversial military actions of their Government so that the justifications of these actions can be weighed against the information provided by an unbiased press. The administration's excuse that journalists were being protected "for their own good" is simply bunk—journalists accept risks to life and limb as part of their job and have observed firsthand all major U.S. military actions in our recent history, from the Normandy invasion to the Hiroshima bombing to the Vietnam war.

The shackling of the American press has been particularly harmful in the Grenadian invasion given the large amount of erroneous claims made by official Reagan administration spokesmen.

I have already cited two examples of where administration claims subsequently proved false: Claims that the Grenadian airport had been closed and claims that no protection of American lives had been assured. At various times, administration officials have also calimed that there were up to 1,100 Cuban combat troops on the island, that no civilian casualties were incurred, and that there were terrorist training camps in Grenada. Each of these reports was subsequently revealed by the American press—once free to do its job—to be untrue.

I am not unmindful of the fact that the Grenadian Government had taken a turn for the worse in the days prior to the invasion. But I have fundamental questions about the utility of force for reshaping the world in America's image and specifically about whether we might have explored other means for advancing U.S. interests in the Caribbean before launching a 10,000 man invasion.

The Reagan administration had a number of opportunities if it wished to exercise diplomatic influence to affect the direction of the radical Grenadian Government. But the Reagan administration repeatedly spurned overtures from the leftist Grenadian regime of Maurice Bishop, who sought closer ties with the United States. President Reagan had publicly declared that tiny Grenada was infected with a Marxist virus. Thus many have concluded along with House Speaker "TIP" O'NEILL that: "For 2 years the administration had been looking for an opportunity to get into Grenada."

I do not believe that it was our business to battle our way to Grenada and seek to determine who runs it.

The United States cannot reserve to itself the right to use military force every time we see a government somewhere in the world we do not like.

Americans should be prepared to fight when our fundamental security interests are threatened.

But these interests were not threatened and we should not have gone to war just because one distasteful ruler replaced another on a tiny island off South America.

British Prime Minister Margaret Thatcher, usually a staunch backer of militaristic Reagan administration policies, was critical of the Reagan invasion of Grenada for similar reasons, declaring:

> I am totally and utterly against Communism and terrorism. But if you are going to pronounce a new law that wherever Communism reigns against the will of the people, even though it has happened internally there, the United States shall enter, then we are going to have really terrible wars in the world.

The invasion of Grenada cannot be viewed in isolation. It raises serious concerns among the American people and our friends abroad that Ronald Reagan is a trigger-happy President who will shoot first, then ask questions and devise excuses later.

In Beirut, Ronald Reagan has become the first American President to plunge American troops directly into combat in the historic bloodfueds and civil wars of that turbulent region.

In Central America, the Reagan administration has poured in more than $1 billion to prop up the Salvadoran military and provided CIA funds for terrorist bombing against civilian targets in Nicaragua.

Thus, President Reagan has achieved the dubious distinction of getting America involved in three shooting wars in three different parts of the world all at the same time.

American efforts to promote democracy beyond our shores can succeed only if our military firepower is supplemented with a strong and steady moral beacon. The Reagan administration dims this beacon when it takes precipitous military action, skirts our laws, shackles our free press, and alienates our allies world round. It sacrifices the high moral plane from which our Government can condemn Soviet agression in Afghanistan, promote human rights abroad, and encourage sympathy for American peace initiatives.

In the short term, Ronald Reagan may have made some Americans feel good that we are not muscle bound, that we will act against Marxists and push for democracy, however clumsily. But I feel a strong obligation as an elected official to augment this narrow sighted perspective. In the long term, the subjugation of a tiny island force by the American colossus took more than 100 lives and could have serious consequences with both friends and foes of the American people, especially in this hemisphere, where those whose support we seek are deeply suspicious of our reliance on military intervention.

Walter Lippmann understood the importance of rejecting shortsighted policies when he wrote 20 years ago in the wake of the Bay of Pigs fiasco:

> A policy is bound to fail, which deliberately violates our pledges and our principles, our treaties and our laws. In the great struggle with communism, we must find our strength by developing and applying our own principles, not in abandoning them.

ALAN CRANSTON ON LEBANON: "GIVE US A REASON OR GET OUR MEN OUT"

Mr. KENNEDY. Mr. President, the cruel terrorist bombing in Beirut, which has now claimed the lives of over 230 Americans, makes it all the more urgent that we take immediate steps to protect our forces there and that the administration clearly define a sensible mission for those forces if their presence is to continue.

One of the most perceptive analyses of these issues was made recently by our colleague, Senator ALAN CRANSTON, in an excellent and informative article in the Los Angeles Times on October 25, 1983. I believe that all of us who are troubled by the administration's policy in Lebanon will be interested in Senator CRANSTON's discussion and recommendations, and I ask unanimous consent that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Oct. 25, 1983]

GIVE US A REASON OR GET OUR MEN OUT

(By Alan Cranston)

(Alan Cranston is the senior senator from California and a candidate for the Democratic presidential nomination.)

The carnage in Beirut is a tragic reminder of the fact that our Marines have been put into a terribly vulnerable position in order to achieve vague diplomatic goals in Lebanon.

It is a desirable goal for a stable pro-Western government to emerge from the chaos in Lebanon, and it is a desirable goal for the United States to see a reduction in the influence of Soviet-backed Syria in the Beirut area. These are policy goals, not totally unlike the hope of seeing a free and independent Poland. But we are not sending Marines to Warsaw. Similarly, there is good reason to question whether the Reagan Administration's stated goals in Lebanon are fundamental U.S. interests that can be achieved by the passive presence of U.S. Marines. We should not immediately abandon the peace effort in Lebanon, but it is absurd to think that 1,200 U.S. Marines pinned down at the Beirut airport can achieve the Administration's goal of establishing a sovereign Lebanese government in full military control of all its territory.

President Reagan has twice changed the Marines' ill-defined military mission as a peacekeeping force. But it should be clear to everyone that none of the dozens of factions in and around Beirut consider the Marines as anything but an American force to prop up the minority regime of Amin Gemayel. For months they have been a target for every radical fringe group in a city where anarchy reigns.

I did not think that we should deploy U.S. combat troops in Beirut in the first place; a neutral international force not including troops from one of the superpowers should have been enlisted. I led the fight in the Senate Foreign Relations Committee against giving the President carte blanche to keep the Marines in Beirut for another 18 months or longer.

It is essential to the morale of our military and the strength of our country that we do not send American men to sit and die in a foreign land to achieve unrealistic diplomatic goals that do not enjoy the full support of the American people. Since the original purpose behind the Marines' deployment does not appear to be achievable, it is hard to see that it would be anything but a waste of more young American lives to keep them there just so that we won't "withdraw under fire."

Our government should have several specific objectives in the hours and days ahead:

The President must make the Marines' position fully defensible, or he should withdraw them to a defensible position offshore.

At the same time, he should define a specific, achievable mission for U.S. military deployments in or near Lebanon, and seek support for this mission from Congress and the American people. He should explain in plain English how, specifically, the Marines are supposed to advance our interests in the peace process.

If the Administration cannot make a persuasive case for continued U.S. military deployments in Lebanon, Congress should—and I believe will—force the withdrawal of U.S. troops under the authority of the War Powers Resolution.

The Reagan Administration should make clear to Gemayel and his minority government, which is so reluctant to share power with other Lebanese factions, that the U.S. forces will be totally withdrawn at a certain date if there is a lack of progress toward peace due to the intransigence of the Gemayel faction.

The Administration should press hard on Saudi Arabia and other supporters of Syria to gain greater Syrian cooperation in peace efforts.

The Administration should bring other multinational forces onto the scene—ones that will be viewed as genuinely neutral by the Lebanese factions—and thereby facilitate a reduction in the role of the U.S. Marines.

And the Administration should expedite a Pentagon investigation into how American soldiers were left so vulnerable to the primary terrorist threat in a city of terrorists: a car bomb attack, nearly a carbon copy of the bombing of our Beirut embassy earlier this year.

The Reagan Administration has been eager to attack critics of its foreign policies for being too reluctant to use military firepower. The tragedy in Lebanon is a bitter reminder of the consequences of being too quick to deploy military forces without adequate thought to their mission and without adequate preparation for diplomatic follow-up to achieve American goals.

DOUBLE BOOKKEEPING

Mr. HATFIELD. Mr. President, it has been some time now since I last made a statement on this floor concerning what I consider to be the administration's skewed priorities and a rather unusual method of bookkeeping. It has seemed evident to me that Mr. Stockman has kept, from the very beginning of this administration, a separate set of books for defense and nondefense spending. According to those books, a dollar spent for defense does not contribute to the deficit, but a dollar spent on nondefense programs does. To hear Mr. Stockman tell it, the 36 percent real increase in defense over the past 25 calendar months bears no relation to the prospect of a $200 billion deficit and the frightening increase in interest costs of the Government.

Two "Statements of Administration Policy" received earlier this week prompt me to return to this subject of double bookkeeping and the issue of what causes deficits. On Tuesday, November 2, I received from OMB a "Statement of Administration Policy" concerning the conference report on the agriculture appropriations bill for fiscal year 1984. The statement proclaims that the bill as reported from conference "exceeds the President's request for funding by $3.5 billion," and, therefore, "if the conference report is presented to the President in its present form, his senior advisers will unanimously recommend that it be disapproved." I ask unanimous consent that the administration's statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NOVEMBER 2, 1983.

H.R. 3223 AGRICULTURE APPROPRIATIONS CONFERENCE REPORT

The Administration is strongly opposed to the Conference Agreement on H.R. 3223, and urges that the Conference Report be defeated and returned to the Conference Committee.

As reported from Conference, the bill exceeds the President's request for funding by $3.5 billion. The Conference Agreement increases funding for annual discretionary appropriations by $956 million more than the Administration request, and increases obligations for subsidized lending by more than $2.5 billion.

The Administration believes that the needs of the agricultural sector of the Nation's economy, and legitimate rural development priorities, can be met without resort to the excesses embodied in the Conference Report.

Accordingly, if the Conference Report is presented to the President in its present form, his senior advisers will unanimously recommend that it be disapproved.

Mr. HATFIELD. Now, Mr. President, I disagree with that position. I believe that the President ought to sign the agriculture bill. Yes, it is over his January request, but it is within the limitation of the budget resolution, and represents some hard work and tough choices made by the subcommittee chairman, Senator COCHRAN, and the other members of his subcommittee in holding down the total cost of the bill.

But I could be much more understanding of the President's position if he were consistently opposed to all spending for whatever purpose. The very next day after I received the statement against the agriculture bill, with the recommendation it be vetoed because it is some $3.5 billion over the President's January request, along comes another "Statement of Administration Policy" saying that the defense bill now on the floor does not spend enough money, is "$14.7 billion below the original January request," and that "a reduction of this magnitude . . . is unacceptable." The statement goes on to say that the administration will seek to increase the cost of the bill.

I ask that that statement and a letter to me from Mr. Stockman be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 3, 1983.

S. 2039: DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1984 (SENATOR STEVENS (R), ALASKA)

The Administration is concerned that the Committee's recommendation is $10.3 billion in budget authority below the President's amended request of $260.9 billion or $14.7 billion below the original January request. A reduction of this magnitude, approximately $4 billion more than was taken in the enacted authorization and over $3 billion below the Budget Resolution 302(a) level, is unacceptable. We will seek restorations and a program mix more in line with the Administration's request.

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., November 3, 1983.

Hon. MARK O. HATFIELD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Senate is scheduled to vote on the 1984 Defense Appropriation Bill soon. The Administration is concerned that the full Committee's recommendation is $10.3 billion below the amended request or $14.7 billion below the original January request, excluding the committee's addition of $1.9 billion for civilian and military pay raises. A reduction of this magnitude, approximately $4 billion more than was taken in the enacted authorization, is particularly troublesome to the Administration. Moreover, the Committee's recommendation is over $3 billion below the Budget Resolution 302(a) level. This level of reduction in Defense funding is unacceptable to the Administration.

In his appeal the Secretary of Defense will raise specific objections to some of the detailed recommendations and will seek to have the program mix in the bill made more in line with the Administration's request.

I know that you share the Administration's commitment to a strong national defense. I hope that you will encourage the Senate to reconsider the Committee's action and to provide funding more consistent with the President's request.

Sincerely,

DAVID A. STOCKMAN,
Director.

Identical letters sent to Hon. JOHN C. STENNIS and Hon. HOWARD BAKER, Jr.

Mr. HATFIELD. Mr. President, nowhere could there be a more graphic demonstration of the administration's refusal to count defense dollars as contributors to the deficit. Here in black and white we have Mr. Stockman ignoring the plain arithmetical fact that if you save $14.7 billion in one area, and spend $3.5 billion in another, you wind up $11.2 billion to the good as far as the deficit goes. He does not see it that way, apparently. Anyone else who can add and subtract can.

RHODE ISLAND'S BURDEN OF GRIEF FROM THE LEBANON BOMBING

Mr. PELL. Mr. President, the deaths of U.S. marines in the bombing of their headquarters in Lebanon is a national tragedy that has angered and saddened all Americans. As a nation we grieve; we wish it were not so; and we look for answers and assurances that such a thing will not again happen.

But our national anguish is as nothing when we consider the personal grief and sorrow visited upon the families and friends of those young Americans whose lives were taken from them in Beirut, far from their homes.

In the State of Rhode Island, the Lebanon bombing has taken a particularly heavy toll. Nine young Rhode Islanders died in the explosion at the Marine barracks and headquarters. Through circumstance and unpredictable fate, that is more than eight times as many fatalities as might have been expected based on the population of our small State.

There apparently is no one reason that explains why such a heavy burden of grief has fallen on the State of Rhode Island. It has been suggested that because the Marines in Lebanon came from an east coast base, they are primarily from Eastern States. In addition, Rhode Island has a long and strong tradition of military service, linked to the proud presence in our State of major Navy bases.

Whatever the reasons, during the past week we have seen in Rhode Island a series of military funerals in an atmosphere of respect and sorrow which we have not known since the days past when our armed services suffered heavy losses in the conflicts in Vietnam and Korea.

Because Rhode Island is small State, both in area and population, there is a special sense of sharing, community and brotherhood among its people. We tend to share each others joys and accomplishments, hopes and fears, sadness and heartbreaks. In this past 2 weeks we shared in the desperate worry and anxiety as word was awaited on the fate of our young men, and in the sorrow when the worst of news arrived.

I have spoken with the families—the mothers and fathers and wives—of the young Rhode Islanders who died in Lebanon in the service of our Nation, and I have been moved not only be their grief and sorrow, but also by their courage, their resolve and their faith.

Mr. President, I take this occasion now to pay tribute to the young Rhode Island members of the U.S. Marine Corps who died in service of our Nation in Lebanon:

Lance Cpl. Rick R. Crudale, age 21, of West Warwick, husband of Heidi Crudale and son of Marie Crudale.

Cpl. Timothy Giblin, age 20, of North Providence, husband of Valerie Giblin, father of Tiffany Giblin and son of Jeanne Giblin.

Lance Cpl. Edward S. Iacovino, Jr., age 20, of Warwick, son of Elizabeth and Edward S. Iacovino, Sr.

Pvt. Thomas Julian, age 22, of Portsmouth, son of Joyce and Karl Julian.

Cpl. David Massa, age 21, of Warren, son of Christine and Manuel Massa.

Lance Cpl. Thomas Shipp, age 27, of Woonsocket, husband of Pauline Shipp and son of Theresa and David Desjardins.

Lance Cpl. James Silvia, age 20, of Middletown, son of Mrs. Patricia Farrell and Joseph Silvia.

Cpl. Edward Soares, Jr., age 20, of Tiverton, son of Lorraine Albernaz and fiance of Lisa Jusseaueme.

Lance Cpl. Stephen Spencer, age 23, husband of Lynne Spencer of Portsmouth.

May they rest in peace and may the memory of these fine young men rest forever in our hearts.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1984

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4185, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

The Senate resumed consideration of the bill.

RECESS UNTIL 10 A.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until 10 a.m.

There being no objection, the Senate, at 9:36 a.m., recessed until 10 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MATTINGLY).

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1984

The Senate continued with the consideration of the bill (H.R. 4185).

Mr. BAKER. Mr. President, what is the pending business?

The PRESIDING OFFICER. H.R. 4185.

Mr. BAKER. Has it been reported?

The PRESIDING OFFICER. It has been.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, the time for morning business was somewhat abbreviated this morning. I ask unanimous consent that there now be a period of 5 minutes, during which Senators may speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

AMENDMENTS TO DEFENSE APPROPRIATIONS BILL AND POSSIBLE TIME FOR PASSAGE

Mr. BAKER. Mr. President, I will not take but a moment. I just had a conversation with the minority leader about the possibility of a time agreement on the Department of Defense appropriations bill. I indicated to him that I intended to have our cloakroom contact Senators on this side of the aisle about the amendments they plan to offer to the Defense appropriations bill.

Let me hasten to say to those who may be listening in their offices, I am not encouraging amendments. In fact, I want as few amendments as possible, so far as I am concerned.

What I would like to do is to first identify the amendments that Members intend to offer, serious amendments that they really plan to offer, and then in all likelihood I will attempt to enter into negotiations with the managers of both sides and the minority leader to see if we can establish a time certain for passage of this bill, and perhaps that only certain amendments will be in order. Mr. President, that hotline will go out from our cloakroom with a request that Members respond by 11 o'clock.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. I related to the majority leader earlier that I have proposed to the deputy majority leader that he on his side and we on our side attempt to find out what amendments are going to be offered and by whom, and whether or not those authors would be willing to enter into a time agreement.

I also stated that in my judgment it is unrealistic to seek a time agreement for a date certain and a time certain, on which to vote until we know what amendments will be authorized because obviously we would be making for ourselves, meaning all of us, a trap if that happened without some limitations on amendments other than those we know about.

The deputy majority leader said that process would begin on that side. It is already underway on this side. After we find out about the amendments, we may be able to reach an agreement.

Mr. BAKER. I thank the minority leader. I am grateful for that. I assure him I will be most anxious to work with him to see if we can get a time agreement. Once again, it is in the nature of a child making up a Christmas wish list, but I would like to see us have a time for passage, say, on Monday, at 6 o'clock, with no further amendments in order. If we can do that, it would be clear that we could avoid a Saturday session.

Mr. BYRD. The time for final passage I would prefer to be on Tuesday.

Mr. BAKER. We can negotiate on that.

CIVIL RIGHTS COMMISSION BILL

Also, Mr. President, before I arrived in the Senate this morning the minority leader expressed interest in the status of the Civil Rights Commission bill. I wonder if I can volunteer a word about that at this time also.

Mr. BYRD. I wish the majority leader would.

Mr. BAKER. Mr. President, I indicated to Senator BENTSEN some time ago in colloquy on the floor, and have repeated a number of times since, that it is my intention to ask the Senate to turn to the consideration of the bill on the calendar reauthorizing the Civil Rights Commission, the House-passed bill. I will repeat that at this time. It is the intention of the leadership to do that. It is presently the intention to do it as soon after we finish the Department of Defense appropriations bill as posssible.

We have a parliamentary situation which will bring back the natural gas bill when we finish this bill, but there are no insuperable parliamentary problems involved. We are going to get to the Civil Rights Commission bill as soon as possible and as soon as we can arrange that, and certainly, I think, some time next week.

I am prepared to do that on this side, Mr. President, with or without a time agreement. It is potentially, however, a time-consuming measure and one full of controversy. I hope it does not remain that way. I hope something can be worked out. I know the distinguished Senator from Kansas is working with others in an effort to do that. But regardless of that——

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. Regardless of that, we intend to take up the Civil Rights Commission bill and plan to do it next week. As we get closer to that event, I will try to arrange with the minority leader a time agreement, if that is possible.

Mr. BYRD. I am prepared to offer an agreement that we have worked out on this side.

While we are talking, I would like to ask the majority leader, as I indicated to him that I would, when we are likely to reach the conference report on the vocational rehabilitation amendments.

Mr. BAKER. The Senator did mention that to me, Mr. President. May I say to him that I am here without my notes. Let me defer that just for a moment until I can get back to my office and pick up my staff report on that matter.

Mr. BYRD. I will be happy to do that.

SINE DIE ADJOURNMENT SAFEGUARDS

Mr. President, the distinguished majority leader and I talked briefly on two or three occasions about the upcoming adjournment. I expressed my concerns and he expressed concerns also. I have expressed my concerns about the Congress, meaning both the House and the Senate, being out for over 2 months without some built-in safeguards in the event Congress should be reconvened to deal with any emergency.

We have the situation in Lebanon, which shows some signs of getting better but a lot more signs of getting worse. We saw what happened within the last several hours when the Israelis suffered an experience like the one our own marines suffered a few days back. We see the Israelis retaliating quickly, and I compliment them on that.

We see the situation in Central America. Something could happen there. Without the Congress being in session the administration could do any one of many things there or elsewhere.

We also have the situation in Grenada, which seems to be well under control.

I am not now suggesting that we not go out, but I have been trying to get in touch with the Speaker this morning to voice the same concerns. I have not been able to reach him as yet.

I hope that we will think about this very carefully and work out some arrangement whereby the Congress will not have to be called back by the President, but can call itself back. As far as I am concerned, appropriate language can be worked into the adjournment resolution.

I think it would give the American people a lot more confidence, satisfaction and comfort if they realized that the Congress, even while out of session, is prepared, in the case of an eventuality which would require its presence here, to come back without its being called by the President.

I indicated to the distinguished majority leader that I was going to say a little something about this. I am sure he will have something which will reflect his own concerns and reactions.

Mr. BAKER. Mr. President, I thank the minority leader. We have talked about the adjournment of the Congress as proposed on November 18. He has expressed his concern about the world situation and our responsibilities. I understand that and I respect that. I have indicated to him that I feel very strongly that we should go ahead with our efforts to adjourn sine die on November 18 as both the Speaker and I have previously announced. I am afraid people have begun to depend on that.

I believe we can finish by November 18. We have a big list of things yet to do. We have the debt limit yet to do, and we have the continuing resolution, the reconciliation bill, this Department of Defense appropriations bill, Treasury-Post Office, and a number of other things—the Civil Rights Commission, and a number of conference reports. But I believe we can make it. I monitor that list every day and fill in little boxes on my schedule, and as well erase items and add others as the minority leader does, I am sure. But it is possible to do.

The minority leader has correctly said, in my opinion, that we ought to give some consideration to our own authority to reconvene during the upcoming period if circumstances warrant, and not be totally dependent on the constitutional authority of the President to recall the Congress into special session. I agree with that. I think his point is very well taken.

Pursuant to our other private conversations, I have already initiated conversations with my staff and with the Speaker's staff on language that would accomplish that purpose, and the form of that language is not dissimilar to the form that was used in August; that is, that the Speaker and majority leader, each having conferred with their counterparts—in my case, with the distinguished minority leader—on their own motion might reconvene Congress. I think that is a wise precaution and I agree with the suggestion the minority leader makes in that respect. This is my effort to try to accommodate that concern, which is real and legitimate.

So, Mr. President, I shall speak with the minority leader further regarding that as we proceed. I do not yet have that reply from the Speaker's staff or Representative MICHEL's staff. I am encouraged to think we can work out such language, and the minority leader may be sure I shall confer with him on that and get his views on the arrangement.

Mr. BYRD. I thank the majority leader.

THE WAR POWERS ACT

Mr. President, I also pose this question, which I do not believe I have raised with the majority leader. It concerns the War Powers Act.

As I understand it, the 60 days under 4(a)(1) of the War Powers Act will expire on Christmas Eve. I am concerned about what will happen then. I have stated previously that I am supportive of the President's actions in Grenada, but I speak only as a Senator from West Virginia, and I do not commit other colleagues on this side of the aisle at all. I have also raised concerns about the lack of appropriate intelligence when we undertook that action.

I was told at the White House by General Vessey, Chairman of the Joint Chiefs—less than 12 hours before the invasion of Grenada began—that the cleanup operations and the securing of the island would probably take 1 day. As we found out, we ran into a lot more resistance than we expected. So something is wrong with our intelligence apparatus.

That is not to say that we are the only country that has problems. The Soviets apparently had some problems of their own a year or so ago when a Korean pilot flew 1,000 miles over their territory before they discovered it. I understand some people were executed by the Soviet Government as a result of that negligence or intelligence failure.

I have also raised concerns that we are only told about what the administration decides after it decides it. So I still have those concerns. But for the moment here, I do not know what is going to happen on December 25, when the 60 days expire. If the President should need an additional 30 days in order to expedite the removal of troops, we would not be here to act on it. We would not be here to act on it unless the majority leader and the Speaker can call us back in the event that is the way the continuing resolution reads. I have that problem and I would simply like to raise it.

That is one of my great concerns about our going out for 2 months without at least looking ahead and attempting to deal with that situation, either before we go out or when we come back and deal with it at the time.

Troops are being removed, from Grenada, according to reports. They could be put back in very quickly. While I have indicated my support of the President's first action, it would depend upon the circumstances as to whether or not I, as a Senator from West Virginia, would support any future action. I might or I might not. But I want to raise that question. The situation in Lebanon is extremely dangerous.

I am sure that the majority leader has undoubtedly been thinking something about this himself. As a matter of fact, I believe I raised the matters with him—maybe yesterday. I think we talked about that.

Mr. BAKER. We did, Mr. President.

Mr. BYRD. Yes, Mr. President.

I yield the floor.

Mr. BAKER. Mr. President, we have covered a lot of ground and I am grateful to the minority leader for that. I assure him we shall work together as we address the issues the Congress—the Senate—should address. As we get closer to the events at hand, we shall have a further report on it, including how the war powers situation should be dealt with.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I have a request by the Senator from Idaho to speak for a couple of minutes. I previously had had a request by the Senator from Montana to speak for a couple of minutes, presumably in morning business; is that correct?

Mr. MELCHER. Yes, Mr. President.

Mr. BAKER. What I would like to do, if the minority leader does not object, is extend the time for routine morning business until 10:30 a.m.

Mr. BYRD. I have no objection, Mr. President.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for routine morning business be extended to 10:30 a.m., and that Senators may speak therein for 3 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE PIK PROGRAM

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, calling the PIK program "a pig in the poke" was the way I warned the Senate last December against action on a bill to authorize it. Despite Secretary of Agriculture John Block, perhaps at the invitation of some Senators, lobbying right here on the Senate floor to get Senators to go his way, there was no need, I said, to rush into PIK. On his own, without legislation, Secretary Block initiated the payment in kind program.

GAO estimates that the 1983 PIK program will cost the Department between $10 billion and $11 billion based on Department of Agriculture estimates in September. Transportation and handling costs are unknown or uncertain and cannot now be calculated with certainty. In other words, the total cost may be $14 billion or $15 billion. Only 708 farms in nine States were checked by the GAO. On the average, each of the 708 farms will receive commodities valued at $175,000. Of these 708 farms, 35 will receive commodities valued at over $500,000 each, including 7 farms that will receive commodities valued at more than $2 million each.

Of the 10 farms scheduled to receive the largest payments, 8 were California cotton producers. It is obvious that PIK was designed as a program for the secure farms—many of them large corporate holding farms.

The Department, in the President's midsession budget update, estimated that the 1983 and 1984 PIK programs would result in a $14.9 billion savings in farm program outlays for the 4-year period ending in 1986. In view of the September 29, 1983, announcement that there will not be a 1984 PIK program for corn and grain sorghum, the

Department's estimates will have to be revised. This has been a program out of control since outlays, that is costs, are from $10 to $15 billion already. Savings, my eye.

Various farm programs have been devised to assure commodity supplies ample for U.S. needs. In the past most effort has been directed to assist family-owned farms. The big PIK payments, however, are for large corporate farms backed by corporate holdings. PIK has been a corporate bonanza.

Under the price support program, the Department makes loans at established minimum prices, which are in essence floor prices, to producers who agree to store reserve commodities, thereby keeping them off the market during periods of excess supply to help keep prices from falling. The producer can either pay back the loan or forfeit the commodity to the Government when the loan comes due. If forfeited, the Government takes possession of the commodity and it becomes part of the inventory of the Department's Commodity Credit Corporation (CCC). This feature of the farm program was devised to protect producers. It is a safety net—not a profit assurance program.

GAO COST ESTIMATES OF PIK

[In billions of dollars]

	Minimum cost	Maximum cost
Cost element:		
Cost of commodities[1]	9.363	9.363
Storage costs	.104	.390
Diversion payments	.336	.371
Distribution of commodities	.167	.167
Potential interest forgiven	0.	.826
Other	.055	.055
Estimated cost for 1983 PIK program	10.025	11.172

[1] The cost of commodities is based on the Department's August 29, 1983, estimate of PIK obligations for wheat, corn, grain sorghum, and rice and September 9, 1983, estimate for cotton. PIK estimates have fluctuated considerably and most likely will continue to do so. As a result, the cost associated with PIK obligations will vary until final PIK obligation data is available.

STORAGE COSTS

That, I repeat, may add several billions to the cost. GAO explaned several of these items in their estimates.

Under the PIK program, the Department will pay all producers for up to 5 months storage after their PIK commodities become available. Also, the Department will pay an additional 7-months storage compensation to producers who have commodities that are stored on the farm in a special type of loan account called a farmer-owned reserve and are to be used to meet PIK obligations. These reserve loans are designed to keep the commodities in storage for an extended period of time. The Department is paying this additional 7-month storage compensation becasue of the cost these producers incurred for constructing on-farm storage facilities for commodities placed in the reserve. The 7-month storage cost will be paid regardless of when the producers dispose of their PIK commodities. Together, the up to 5-month and the 7-month storage payments will result in a PIK cost ranging from about $104 million to $390 million.

DISTRIBUTION OF PIK COMMODITIES

The Department is obligated to provide PIK commodities as near as possible to a warehouse designated by each producer; however, Government-owned stocks needed to meet PIK obligations to the producers are often not located where they are needed. Instead of transporting PIK commodities to the locations needed, the Department chose whenever possible to exchange its commodities for commodities owned by dealers in the needed locations. This generally resulted in the Department paying a premium.

There is a farm program, Mr. President, in our law, a more considerate program that is designed for family owned farms and has a limitation of $50,000 per individual farm. Secretary John Block in initiating the PIK program chose to ignore that. I believe ignoring the limitation was illegal. GAO also believes it is illegal.

What should be done? For a fraction of the PIK cost we can pursue the positive in selling and sharing our agricultural abundance. First, help the hungry and malnourished at home. Second, help our friends abroad with concessionary sales and barter of our food surplus. We can and should do it. I am soon introducing a bill to require that the Secretary of Agriculture do just that. It will win friends and makes more sense than PIK.

Mr. President, I yield the floor.

U.S. FOREIGN ASSISTANCE FUNDS

Mr. SYMMS. Mr. President, I thank the distinguished majority leader and minority leader for extending morning business. I want to make a few comments and insert in the RECORD the letter I have sent to Secretary Shultz dealing with our foreign aid money, the hard-earned taxpayers' dollars that are going to be given to the Marxist dictatorship in Zimbabwe. I do not put that in the RECORD as some kind of a condemnation of our distinguished Secretary of State or the people working at the State Department, but to put this in context, to criticize our lack of direction. This morning we are greeted with the tragic news of the bombing of the Israeli headquarters in Lebanon with a tragic loss of lives in an unfortunate suicidal act very similar to the bombing of the French headquarters and American Marine headquarters in Beirut.

It is interesting to note that after this happens, what we do is bring the Commandant of the Marine Corps before Congress and start an interrogation to find out who was at fault for security, and the Israelis' response is to launch a retaliatory raid against suspected villains. This Senator was also questioning our Secretary, so I do not say this as criticism, but I think we should take our wrath out on the enemy, not the marines and General Kelley.

Mr. President, I do not know that it is possible for the United States to have the flexibility in the Middle East to have launched a retaliatory attack against Syrian forces because of the East-West confrontation that is obviously present with Soviet forces being in Syria. Maybe we do not have the ability to do what the Israelis did. But I think that in context with some of the things I pointed out to Secretary of State Shultz, it appears we do not retaliate against heinous acts, tragic loss of lives; such as the lack of real sanctions or retaliation against the Soviets with respect to flight 007. In fact, Zimbabwe, which I pointed out in my letter to Secretary of State Shultz, abstained rather than voting against the Soviets for murdering 269 innocent passengers of KAL flight 007, including the distinguished Congressman and great American Larry McDonald, from Georgia. I think it is unbelievable then that we turn around and talk about giving foreign aid to this country, Zimbabwe a country that votes with the United States less in the United Nations than does even the U.S.S.R. itself.

Now, I see a parallel. With the terrible and tragic murders in the French headquarters, the Marine headquarters, and the Israeli headquarters, somehow or another I think we have to orient ourselves to determine whose side we are on, Mr. President.

I ask unanimous consent to insert into the RECORD two articles, one entitled "How Much Will Congress Give Mugabe" and another "Mugabe is America's Mortal Foe" from the Human Events Newspaper of September 24, 1983 and my letter of November 2, 1983, to Secretary of State George Shultz, which is an inquiry as to why it is, in heaven's name, we in the United States could be giving money to an avowed Marxist dictatorship, which has made it very plain that they are supporting the wishes of the Soviets with respect to their African policy and not supporting the United States. I think our colleagues and our constituents deserve to have an answer from the State Department.

I think there is a parallel, Mr. President. There is a parallel not ony from a lack of retaliation and only tough talk, which is what the United States did after the murder of American citizens aboard KAL flight 007, the tragic bombing of our Marine headquarters in Beirut, and yet we turn around and continue to try to buy off these people with foreign aid dollars.

If we cannot retaliate somehow in kind to these murderous acts, maybe we could at least cut off the funds for feeding the dog that bites us in the hand.

Mr. President, freedom is the issue—what in heaven's name are we doing supporting a protyranny antifreedom government in Africa or anywhere else with marines dying in Lebanon—soldiers and marines fighting Communists in Grenada, the Soviets pushing the Brezhnev doctrine all over the world to our detriment and against our liberty—I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Human Events, Sept. 24, 1983]

HOW MUCH WILL CONGRESS GIVE MUGABE?

The Reagan Administration's "pro-Mugabe" tilt has irritated a number of House lawmakers on Capitol Hill, especially in view of Zimbabwe's refusal to support the Administration against the Soviets in the shooting down of Korean Air Lines flight 007.

Despite a "soft" resolution embraced by nine members of the United Nations Security Council deploring the downing of the jumbo jet—later vetoed by the Soviets—Zimbabwe decided to abstain just hours before its Prime Minister Robert Mugabe received red carpet treatment at the White House. Lamented U.N. Ambassador Jeane Kirkpatrick, "I very much regret that Zimbabwe decided, as it so often has in the Security Council, to tilt its vote toward the Soviet Union. I regret it very much."

Indeed, the Soviet Union, as we have pointed out, has voted with us in he U.N. more than Zimbabwe. In the 1982 General Assembly session, the Soviets backed us 60 per cent more of the time than did Zimbabwe, 20.6 per cent to Zimbabwe's 12.8 per cent.

House lawmakers eager to cut the foreign aid budget, in fact, are thinking of going after U.S. assistance to African nations, since so many of the African countries oppose U.S. policy. But Zimbabwe may come in for the most severe slashes.

What may intrigue the lawmakers as much as Zimbabwe's non-vote at the United Nations on the Korean airliner incident is Mugabe's speech earlier this year in Dar es Salaam, the capital of Tanzania. There Mugabe makes clear that he intends to align his country on the side of the rovolutionary left.

In that speech (January 24), Mugabe pays tribute to Tanzania for becoming a prime mover in promoting revolutions throughout southern Africa, even to the extent of training and arming guerrillas. Mugabe not only lavishes praise on Tanzania, but the various revolutions it has successfully promoted in such countries as Mozambique, Angola and Guinea-Bissau.

The countries and the movements that Mugabe praised, of course, are both leftist and stridently anti-American. The liberal organization, Freedom House, has given the governments he lauds sorry marks in the human rights category. Here's what Freedom House has to say about some of Mugabe's favorite countries:

Tanzania: "Civil liberties are essentially subordinated to the goals of the socialist leadership. No contradiction of official policy is allowed to appear in the government-owned media, or in educational institutions. . . . There is no right of assembly or organization. . . . Thousands have been detained for political crimes. . . . Most business and trade and much of agriculture are nationalized."

Mozambique: "Mozambique is a one-party Communist dictatorship in which all power resides in the 'vanguard party'. . . . All media are rigidly controlled; no public criticism is allowed. Rights of assembly and foreign travel do not exist. There are no private lawyers. Secret police are powerful; thousands are in reeducation camps, and executions occur. Police brutality is common. Unions are prohibited. Heavy pressure has been put on all religions. . . ."

Angola: "Angola is ruled by a very small Communist-style socialist party in which military commanders may wield considerable power. The ruling party has relied heavily on Soviet equipment and Cuban troops to dominate the civil war and stay in power. . . . The media in controlled areas are government-owned and do not deviate from its line. Political imprisonment and execution are common; repression of religious liberty is reported. . . . Private medical care has been abolished, as has much private property—especially in the modern sectors."

Guinea-Bissau: "Guinea is administered by one party; all other parties are illegal. . . . Political executions are alleged to have been common and opponents are readily imprisoned."

Aside from singing hosannas to all these leftist dictatorships, and implying that Tanzania should encourage leftist guerrilla movements elsewhere as well, Mugabe praised the African National Congress (ANC), the Communist-controlled revolutionary movement in South Africa, and scored U.S. insistence that the Cubans must agree to withdraw from Angola before there is a settlement in Namibia. Nowhere is a hint in his speech that the Soviets and the Cubans are doing anything wrong on the African continent.

Mugabe also said: "Like you, we believe socialism, with its principles of equality of man, and therefore, equal ownership of resources and the means of production, equal right to contribute labor imputs and equitable sharing of returns, equal right to social services and amenities, is a truly moral and selfless philosophy as opposed to capitalism and its host of inequalities and its emphasis on selfish individualism." He further stressed Zimbabwe's efforts "to lay a basis for socialist transformation across the various economic and social sectors."

Even so, the Administration, along with key members of Congress, is seeking to lavish close to three-quarters of a million dollars on Mugabe in the coming fiscal year.

[From Human Events, Sept. 24, 1983]

MUGABE IS AMERICA'S MORTAL FOE

Prime Minister Robert Mugabe, the Marxist-Leninist leader of Zimbabwe, was in the United States last week, trying to rustle up some more economic assistance, apparently believing the $225 million or so that we've given him since independence hasn't been enough.

Mugabe was given a royal welcome. President Reagan hailed him as a "wise" leader, whom we can look to for "leadership in southern Africa." Both of our nations, the President contended, have "much in common," including a "revolutionary" heritage and the fact that both "our constitutions offer protection to all our citizens, black and white, ensuring their political freedoms as well as their individual rights."

What was extraordinary about this glowing tribute is that the U.S. and Zimbabwe are on totally different political wave lengths. While America is democratic, Zimbabwe is becoming a murderous, one-party state that brooks virtually no significant dissent. While the U.S. pursues an anti-Communist foreign policy, Zimbabwe has become one of our most determined foreign policy foes.

Zimbabwe's constitution may pay lip service to human rights, but those rights are not respected in practice. Mugabe's North Korean-trained Fifth Brigade, as many may recall, went on a murder spree in Matabeleland last February, apparently in an effort to suppress rebellious followers of Joshua Nkomo. In seeking the guilty, however, the Fifth Brigade slaughtered the innocent, causing the country's Catholic bishops to stress in a pastoral letter that Zimbabwe is becoming a place "where violent reaction against dissident activity has, to our certain knowledge, brought about the maiming and deaths of hundreds and hundreds of innocent people who are neither dissidents nor collaborators. We are convinced that many wanton atrocities and brutalities have been and are still being perpetrated." The facts, the bishops added, "point to a reign of terror caused by wanton killings, beatings, burnings and rapings. . . ."

Sen. Jesse Helms (R.-N.C.) delivered several written questions about alleged human rights violations in Zimbabwe to Assistant Secretary of State Chester Crocker earlier this year. Crocker's written responses showed the violations were massive.

Helms wrote Crocker: "Wallace Stuttaford, a member of the Zimbabwe Parliament . . . met with eight leaders of black parties to discuss in private this trend toward a one-party state. He was subsequently arrested, his home searched without warrant, he was put in jail for a year, tortured, according to affidavits, deprived of medicines necessary for his physical condition—all without charges being brought against him.

"The government witnesses who had signed sworn statements against him recanted in court, saying that they had been forced to swear falsely. Mugabe's own judge was forced to acquit him and award him damages, which were subsequently taken away by *ex post facto* law." Was this, asked Helms, in accord with the Declaration of Rights that Mugabe had pledged to adhere to before he took office?

Crocker responded: "The overall handling of the Stuttaford case was not in accord with the Declaration of Rights and the charges of torture during his interrogation appear to be true. . . ."

How many persons, asked Helms, "are in detention without trial . . .?" Crocker replied: "Several opposition members of Parliament have asked the Minister of Home Affairs to provide figures for the numbers of persons being detained in Zimbabwe. He has repeatedly refused to do so and our embassy is unable to provide a figure."

Zimbabwe, in short, is hardly the type of country we should be extolling as a respecter of political freedoms and individual rights. Well, some liberals might argue, Zimbabwe is no less authoritarian than South Africa, and the U.S. is still friendly with that country. But South Africa, for all its faults, is allied with the West. Zimbabwe is one of our most tenacious foreign policy foes.

Zimbabwe had a chance to prove its friendship for the U.S. in the Korean airliner incident where 269 passengers were shot from the sky by a Soviet jet fighter. But Mugabe flunked this test just one day before he came passing his tin cup for more American funding.

At the U.N. Security Council on September 12, nine nations—the bare minimum needed to adopt a resolution—voted to deplore the Soviet destruction of Korean Air Lines flight 007 on August 31. The Soviets then vetoed it.

Facing possible political humiliation, the U.S. had to scramble to get nine nations to approve, with only eight in favor on the morning of the vote. The resolution was adopted 9 to 2, with Poland and the Soviet Union opposed. Four countries—China, Nicaragua, Guyana and Zimbabwe—abstained, "thus," in the words of the New York *Times*, "weakening the United States' attempt to demonstrate that most of the world condemned the Soviet deed."

In order to win support, furthermore, the U.S. agreed to a "soft" resolution which only once referred to the Soviet Union and avoided condemning it directly. Even so, Mugabe couldn't see fit to support us. As United Nations Ambassador Jeane Kirkpatrick lamented: "I very much regret that Zimbabwe decided, as it so often has in the Security Council, to tilt its vote toward the Soviet Union. I regret that very much."

In his talks with President Reagan, Mugabe not only defended that vote, but tried to persuade the President to take harsher measures against South Africa, charging in his departing statement that only that country "continues to destabilize our region." He refused to criticize Communist Cuba's role in Africa, however, and, in fact, condemned the Reagan Administration for insisting that the Namibian issue could not be settled until the Cubans agreed to withdraw from Angola.

Indeed, Mugabe's Zimbabwe has one of the most anti-American voting records in the United Nations. In Senate Report No. 98-146, put out by the Senate Foreign Relations Committee, there is a table (pages 111-113) comparing the support each country in the U.N. gave to the U.S. position during the 1982 General Assembly session. (See Human Events, Sept. 10, page 14.)

Zimbabwe, on all U.N. votes, supported us just 12.8 percent of the time, less than just a handful of nations. The Soviet Union suported us 20.6 percent of the time, or nearly 40 percent more than Zimbabwe. The entire Soviet bloc in Eastern Europe—including Poland, East Germany, Rumania, Hungary and Czechoslovakia—backed us more than Zimbabwe did.

Nevertheless—and despite Mugabe' continued insistence that he's going to use our aid to socialize his country—the Reagan Administration has decided to lionize a man who is a major foe of America. The only time he smiles is when he's asking us for another couple of million.

U.S. Senate,
Committee on Finance,
Washington, D.C., November 2, 1983.

George P. Shultz,
Secretary of State, State Department,
Washington, D.C.

Dear Mr. Secretary: The taxpayers of this country have a right to know why so much of their hard-earned money continues to be given in U.S. foreign assistance funds to nations that are not only critical of the United States, but are working overtime to undermine our ideals and interests.

Foreign aid to the Marxist dictatorship in Zimbabwe is a case in point.

Despite the fact that we have been giving Zimbabwe approximately $75 million a year, its government seldom fails to oppose us and to support the Soviet Union. Indeed, as noted in a recent article in Human Events which I am enclosing, Zimbabwe has actually voted against us at the United Nations more often than the Soviet Union.

Several weeks ago, after Zimbabwe abstained rather than vote against the Soviets for murdering 269 innocent passengers aboard the KAL 007 flight, U.N. Ambassador Jeanne Kirkpatrick recommended that Zimbabwe's foreign aid allocation this year should be reduced. I understand that AID chief Peter McPherson and Under Secretary Lawrence Eagleburger have made the same recommendation, but that you have overruled them.

Last Friday, as I am sure you know, Zimbabwe was one of the three sponsors (with Nicaragua and Guyana) of the U.N. Security Council resolution condemning the U.S. for sending troops to Grenada to protect American lives and restore freedom. That should have been the very last straw.

There simply is no justification for rewarding that kind of hostility with foreign assistance. Zimbabwe doesn't deserve 75 cents, much less $75 million. I strongly urge you to reverse your decision in this matter. Many of my colleagues and constituents, I am sure, will want to know how much longer they are expected to subsidize our enemies. We are anxiously awaiting your reply.

Respectfully,

Steve Symms,
U.S. Senator.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1984

Mr. STEVENS. Mr. President, do we resume consideration now of the pending business?

The PRESIDING OFFICER. That is automatic.

Mr. STEVENS. Mr. President, I ask unanimous consent that there be printed in the Record a comparative statement of the new budget—obligational—authority in this bill.

There being no objection, the comparative statement was ordered to be printed in the Record, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

	New budget authority—				Recommendation compared with—		
	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House fiscal year 1984	Recommendation fiscal year 1984	Enacted	Estimates	House
TITLE I—MILITARY PERSONNEL							
Military personnel, Army	14,454,848,000	15,237,800,000	15,074,758,000	15,401,626,000	+946,778,000	+163,826,000	+326,868,000
Military personnel, Navy	10,537,408,000	11,309,800,000	11,181,477,000	11,447,097,000	+909,689,000	+137,297,000	+265,620,000
Military personnel, Marine Corps	3,293,277,000	3,467,300,000	3,447,324,000	3,515,159,000	+221,882,000	+47,859,000	+67,835,000
Military personnel, Air Force	12,099,850,000	12,779,000,000	12,603,391,000	12,902,253,000	+802,403,000	+123,253,000	+298,862,000
Reserve personnel, Army	1,247,250,000	1,388,300,000	1,346,850,000	1,426,600,000	+179,350,000	+38,300,000	+79,750,000
Reserve personnel, Navy	657,125,000	744,000,000	739,800,000	758,600,000	+101,475,000	+14,600,000	+18,800,000
Reserve personnel, Marine Corps	170,900,000	177,400,000	176,200,000	180,100,000	+9,200,000	+2,700,000	+3,900,000
Reserve personnel, Air Force	358,925,000	383,600,000	380,000,000	389,400,000	+30,475,000	+5,800,000	+9,400,000
National Guard personnel, Army	1,698,800,000	1,917,100,000	1,857,950,000	1,977,600,000	+278,800,000	+60,500,000	+119,650,000
National Guard personnel, Air Force	548,425,000	593,500,000	589,100,000	604,400,000	+55,975,000	+10,900,000	+15,300,000
Total, title I, new budget (obligational) authority, military personnel	45,066,808,000	47,997,800,000	47,396,850,000	48,602,835,000	+3,536,027,000	+605,035,000	+1,205,985,000
TITLE II—RETIRED MILITARY PERSONNEL							
Retire pay, Defense	16,154,800,000	16,772,800,000	16,592,600,000	16,592,600,000	+437,800,000	−180,200,000	
TITLE III—OPERATION AND MAINTENANCE							
Operation and maintenance, Army	15,853,,615,000	17,655,800,000	16,776,984,000	17,334,571,000	+1,480,956,000	−321,229,000	+557,587,000
Army stock fund	221,138,000	408,600,000	379,400,000	408,600,000	+187,462,000		+29,200,000
Army industrial fund			99,400,000				−99,400,000
Operation and maintenance, Navy	21,079,712,000	22,601,600,000	21,355,774,000	22,266,908,000	+1,187,196,000	−334,692,000	+911,134,000
(Liquidation of contract authority)	(25,000,000)				(−25,000,000)		
Navy stock fund	354,372,000	682,869,000	634,069,000	632,869,000	+278,497,000	−50,000,000	−1,200,000
Navy Industrial fund			181,900,000				−181,900,000
Operation and maintenance, Marine Corps	1,481,671,000	1,554,900,000	1,510,950,000	1,547,050,000	+65,379,000	−7,850,000	+36,100,000
Marine Corps stock fund	11,812,000	22,280,000	20,780,000	22,280,000	+10,468,000		+1,500,000
Marine Corps industrial fund			2,300,000				−2,300,000
Operation and maintenance Air Force	16,916,076,000	18,250,100,000	17,080,246,000	17,871,056,000	+854,980,000	−379,044,000	+790,810,000
Air Force stock fund	161,600,000	1,638,325,000	1,241,225,000	1,353,325,000	+1,191,725,000	−285,000,000	+112,100,000
Air Force Industrial fund			80,600,000				−80,600,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	New budget authority—				Recommendation compared with—		
	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House fiscal year 1984	Recommendation fiscal year 1984	Enacted	Estimates	House
Operation and maintenance, Defense agencies	5,715,778,000	6,818,900,000	6,503,738,000	6,584,744,000	+868,966,000	−235,156,000	+81,006,000
Defense stock fund	160,500,000	47,000,000	43,600,000	47,000,000	−113,500,000		+3,400,000
Defense industrial fund			150,300,000				−150,300,000
Operation and maintenance, Army Reserve	705,584,000	654,800,000	688,350,000	677,100,000	−28,484,000	+22,300,000	−11,250,000
Operation and maintenance, Navy Reserve	637,507,000	662,000,000	658,900,000	639,500,000	+1,993,000	−22,500,000	−19,400,000
Operation and maintenance, Marine Corps Reserve	51,094,000	52,629,000	52,029,000	52,879,000	+1,785,000	+250,000	+850,000
Operation and maintenance, Air Force Reserve	765,735,000	787,000,000	774,150,000	790,900,000	+25,165,000	+3,900,000	+16,750,000
Operation and maintenance, Army National Guard	1,195,067,000	1,118,000,000	1,177,350,000	1,169,800,000	−25,267,000	+51,800,000	−7,550,000
Operation and maintenance, Air National Guard	1,822,603,000	1,740,700,000	1,769,350,000	1,807,300,000	−15,303,000	+66,600,000	+37,950,000
National Board for the Promotion of Rifle Practice, Army	875,000	899,000	899,000	899,000	+24,000		
Claims, Defense	147,500,000	222,900,000	160,400,000	172,900,000	+25,400,000	−50,000,000	+12,500,000
Court of Military Appeals, Defense	3,271,000	3,372,000	3,372,000	3,372,000	+101,000		
Summer Olympics		50,000,000	50,000,000	45,000,000	+45,000,000	−5,000,000	−5,000,000
Environmental restoration fund, Defense				300,000,000	+300,000,000	+300,000,000	+300,000,000
Total, title III, operation and maintenance:							
New budget (obligational) authority	67,285,510,000	74,972,674,000	71,396,066,000	73,728,053,000	+6,442,543,000	−1,244,621,000	+2,331,987,000
(Liquidation of contract authority)	(25,000,000)				(−25,000,000)		
TITLE V—PROCUREMENT							
Aircraft procurement, Army	2,506,572,000	3,441,100,000	3,198,448,000	3,255,530,000	+748,958,000	−185,570,000	+57,082,000
(Transfer from other accounts)			(22,500,000)				(−22,500,000)
Missile procurement, Army	2,740,600,000	3,060,500,000	2,857,002,000	2,858,500,000	+116,900,000	−203,000,000	+12,498,000
(Transfer from other accounts)				(32,600,000)	(+32,600,000)	(+32,600,000)	(+32,600,000)
Procurement of weapons and tracked combat vehicles, Army	4,551,946,000	4,890,416,000	4,542,196,000	4,598,244,000	+46,298,000	−292,172,000	+56,048,000
(Transfer from other accounts)	(198,200,000)		(83,800,000)	(111,600,000)	(−86,600,000)	(+111,600,000)	(+27,800,000)
Procurement of ammunition, Army	2,122,394,000	2,311,189,000	1,965,989,000	1,943,500,000	−178,894,000	−367,689,000	−22,489,000
Other procurement, Army	4,128,364,000	5,267,877,000	4,604,616,000	4,753,077,000	+624,713,000	−514,800,000	+148,461,000
Aircraft procurement, Navy	10,416,107,000	11,028,300,000	9,994,245,000	10,321,701,000	−94,406,000	−706,599,000	+327,456,000
(Transfer from other accounts)				(22,100,000)	(+22,100,000)	(+22,100,000)	(+22,100,000)
Weapons procurement, Navy	3,561,700,000	3,992,600,000	3,767,832,000	3,764,900,000	+203,200,000	−227,700,000	−2,932,000
(Transfer from other accounts)				(73,200,000)	(+73,200,000)	(+73,200,000)	(+73,200,000)
Shipbuilding and conversion, Navy	16,076,700,000	12,585,800,000	10,913,650,000	11,184,200,000	−4,892,500,000	−1,401,600,000	+270,550,000
Reappropriation	176,200,000				−176,200,000		
(Transfer from other accounts)	(35,000,000)			(227,600,000)	(+192,600,000)	(227,600,000)	(+227,600,000)
Other procurement, Navy	3,727,075,000	4,887,501,000	4,295,412,000	4,393,705,000	+666,630,000	−493,796,000	+98,293,000
Procurement, Marine Corps	2,008,083,000	1,835,049,000	1,694,793,000	1,748,461,000	−259,622,000	−86,588,000	+53,668,000
Procurement of additional weapons and tracked combat vehicles, Aray			110,000,000				−110,000,000
Aircraft procurement, Air Force	17,658,500,000	22,506,190,000	21,070,610,000	21,100,400,000	+3,441,900,000	−1,405,790,000	+29,790,000
(Transfer from other accounts)	(170,000,000)		(348,000,000)	(317,000,000)	(+147,000,000)	(+317,000,000)	(−31,000,000)
Missile procurement, Air Force	4,941,100,000	8,059,130,000	7,787,112,000	7,553,417,000	+2,612,317,000	−505,713,000	−233,695,000
(Transfer from other accounts)	(15,000,000)			(55,000,000)	(+40,000,000)	(+55,000,000)	(+55,000,000)
Other procurement, Air Force	5,566,987,000	7,465,212,000	6,793,265,000	6,982,231,000	+1,415,244,000	−482,981,000	+188,966,000
(Transfer from other accounts)	(4,963,000)				(−4,963,000)		
National Guard and Reserve Equipment	125,000,000		125,000,000	176,000,000	+51,000,000	+176,000,000	+51,000,000
Procurement, Defense agencies	828,145,000	1,063,791,000	942,657,000	957,646,000	+129,501,000	−106,145,000	+14,989,000
Defense Production Act Purchases		200,000,000				−200,000,000	
General reduction	−386,000,000				+386,000,000		
Acquisition & Construction, Coast Guard				300,000,000	+300,000,000	+300,000,000	+300,000,000
Total, title IV, Procurement:							
New budget (obligational) authority	80,749,473,000	92,594,655,000	84,650,827,000	85,890,512,000	+5,141,039,000	−6,704,143,000	+1,239,685,000
(Transfer from other accounts)	(423,163,000)		(454,300,000)	(839,100,000)	(+415,937,000)	(+839,100,000)	(+384,800,000)
TITLE V—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION							
Research, development, test, and evaluation, Army	3,879,683,000	4,711,200,000	4,141,624,000	4,169,939,000	+290,256,000	−541,261,000	+28,315,000
Research, development, test, and evaluation, Navy	5,967,251,000	8,059,743,000	7,473,937,000	7,487,554,000	+1,520,303,000	−572,189,000	+13,617,000
Research, development, test, and evaluation, Air Force	10,650,661,000	12,781,197,000	12,121,001,000	12,323,026,000	+1,672,365,000	−458,171,000	+202,025,000
Research, development, test, and evaluation, Defense agencies	2,153,189,000	2,890,900,000	2,680,153,000	2,736,728,000	+583,539,000	−154,172,000	+56,575,000
Director of Test and Evaluation, Defense	55,000,000	55,800,000	49,000,000	49,000,000	−6,000,000	−6,800,000	
Total, title V, new budget (obligational) authority, Research, development, test, and evaluation	22,705,784,000	28,498,840,000	26,465,715,000	26,766,247,000	+4,060,463,000	−1,732,593,000	+300,532,000
TITLE VI—SPECIAL FOREIGN CURRENCY PROGRAM							
Special foreign currency program	3,800,000	3,050,000	3,050,000	3,050,000	−750,000		
TITLE VII—GENERAL PROVISIONS							
(Additional transfer authority, sec. 730)	(1,700,000,000)	(1,200,000,000)	(1,200,000,000)	(1,200,000,000)	(−500,000,000)		
TITLE VIII—RELATED AGENCIES							
Intelligence Community Staff	15,856,000		17,083,000	18,440,000	+2,584,000	+18,440,000	+1,357,000
CIA Retirement and Disability System Fund	91,300,000	86,300,000	86,300,000	86,300,000	−5,000,000		
Total, title VIII, new budget (obligational) authority, Related agencies	107,156,000	86,300,000	103,383,000	104,740,000	−2,416,000	+18,440,000	+1,357,000
RECAPITULATION							
Title I—Military personnel	45,066,808,000	47,997,800,000	47,396,850,000	48,602,835,000	+3,536,027,000	+605,035,000	+1,205,985,000
Title II—Retired military personnel	16,154,800,000	16,772,800,000	16,592,600,000	16,592,600,000	+437,800,000	−180,200,000	
Title III—Operation and maintenance	67,285,510,000	74,972,674,000	71,396,066,000	73,728,053,000	+6,442,543,000	−1,244,621,000	+2,331,987,000
(Liquidation of contract authority)	(25,000,000)				(−25,000,000		
Title IV—Procurement	80,749,473,000	92,594,655,000	84,650,827,000	85,890,512,000	+5,141,039,000	−6,704,143,000	+1,239,685,000
(Transfer from other accounts)	(423,163,000)		(454,300,000)	(839,100,000)	(+415,937,000)	(+839,100,000)	(+384,800,000)
Title V—Research, development, test, and evaluation	22,705,784,000	28,498,840,000	26,465,715,000	26,766,247,000	+4,060,463,000	−1,732,593,000	+300,532,000
Title VI—Special foreign currency program	3,800,000	3,050,000	3,050,000	3,050,000	−750,000		
Title VII—General provisions (additional transfer authority, sec. 730)	(1,700,000,000)	(1,200,000,000)	(1,200,000,000)	(1,200,000,000)	(−500,000,000		
Title VIII—Related agencies	107,156,000	86,300,000	103,383,000	104,740,000	−2,416,000	+18,440,000	+1,357,000
Total, Department of Defense (NOA)	232,073,331,000	260,926,119,000	246,608,491,000	251,688,037,000	+19,614,706,000	+9,238,082,000	+5,079,546,000
(Transfer from other accounts)	(423,163,000)		(454,300,000)	(839,100,000)	(+415,937,000)	(+839,100,000)	(+384,800,000)
Total funding available	232,496,494,000	260,926,119,000	247,062,791,000	252,527,137,000	+20,030,643,000	−8,398,982,000	+5,464,346,000
(Transfer authority)	(1,700,000,000)	(1,200,000,000)	(1,200,000,000)	(1,200,000,000)	(−500,000,000)		
(Liquidation of contract authority)	(25,000,000)				(−25,000,000)		
Distribution by organizational component:							
Army	55,306,736,000	62,063,581,000	58,809,816,000	58,974,586,000	+4,667,850,000	−2,088,995,000	+1,164,770,000
(Transfer from other accounts)	(198,200,000)		(106,300,000)	(144,200,000)	(−54,000,000)	(+144,200,000)	(+37,900,000)
Navy	80,207,994,000	83,663,771,000	78,101,372,000	79,962,963,000	−245,031,000	−3,700,808,000	+1,861,591,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	New budget authority—				Recommendation compared with—		
	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House fiscal year 1984	Recommendation fiscal year 1984	Enacted	Estimates	House
(Transfer from other accounts)	(35,000,000)			(227,600,000)	(+192,600,000)	(+227,600,000)	(+227,600,000)
Air Force	71,490,462,000	86,983,954,000	82,290,050,000	83,677,708,000	+12,187,246,000	−3,306,246,000	+1,387,658,000
(Transfer from other accounts)	(189,963,000)		(348,000,000)	(372,000,000)	(+182,037,000)	(+372,000,000)	(+24,000,000)
Defense agencies/OSD	9,067,183,000	11,355,713,000	10,586,270,000	10,599,440,000	+1,532,257,000	−756,273,000	+13,170,000
Reserve & National Guard (procurement)	125,000,000		125,000,000	176,000,000	+51,000,000	+176,000,000	+51,000,000
Retired military personnel	16,154,800,000	16,772,800,000	16,592,600,000	16,592,600,000	+437,800,000	−180,200,000	
Related agencies	107,156,000	86,300,000	103,383,000	104,740,000	−2,416,000	+18,440,000	+1,357,000
General reduction	−386,000,000				+386,000,000		
Total, Department of Defense (NOA)	232,073,331,000	260,926,119,000	246,608,491,000	251,688,037,000	+19,614,706,000	−9,238,082,000	+5,079,546,000
(Transfer from other accounts)	(423,163,000)		(454,300,000)	(839,100,000)	(+415,937,000)	(+839,100,000)	(+384,800,000)
Total funding available	232,496,494,000	260,926,119,000	247,062,791,000	252,527,137,000	+20,030,643,000	−8,398,982,000	+5,464,346,000
(Transfer authority)	(1,700,000,000)	(1,200,000,000)	(1,200,000,000)	(1,200,000,000)	(−500,000,000)		
(Liquidation of contract authority)	(25,000,000)				(−25,000,000)		
CONGRESSIONAL BUDGET RECAP							
Total	232,073,331,000	260,926,119,000	246,608,037,000	251,688,491,000	+19,614,706,000	−9,238,082,000	+5,079,546,000
Amounts in this bill	(232,073,331,000)	(260,926,119,000)	(246,608,491,000)	(251,688,037,000)	(+19,614,706,000)	(−9,238,082,000)	(+5,079,546,000)
Prior year outlays associated with this bill							
Total Congressional mandatory and discretionary	232,073,331,000	260,926,119,000	246,608,491,000	251,688,037,000	+19,614,706,000	−9,238,082,000	+5,079,546,000
Mandatory (total)	(16,393,600,000)	(17,082,000,000)	(16,839,300,000)	(16,851,800,000)	(+458,200,000)	(−230,200,000)	(+12,500,000)
(Mandatory new)	(16,393,600,000)	(17,082,000,000)	(16,839,300,000)	(16,851,800,000)	(+458,200,000)	(−230,200,000)	(+12,500,000)
(Prior year)							
Discretionary (new)	(215,679,731,000)	(243,844,119,000)	(229,769,191,000)	(234,836,237,000)	(+19,156,506,000)	(−9,007,882,000)	(+5,067,046,000)

AMENDMENT NO. 2493

(Purpose: Technical Amendment to correct error in the reported bill)

Mr. STEVENS. Mr. President, I send to the desk a technical amendment. This is an amendment to correct a printing amendment. The item in question is the annual floor on the operations and maintenance account for the Army for real property maintenance expenditures. The recommendation of the committee is to require the expenditure of $13.2 million more than the House recommendation for real property maintenance projects.

When the staff prepared the House bill with the Senate committee amendments, these minimums were inadvertently reversed and the amount that is shown in the printed bill is incorrect. This amendment will correct the bill to reflect the actual committee amendment which was agreed to be original text, subject to amendments; I ask that this amendment be accepted on the same basis that the other text was accepted. In other words, it should not bar any futher amendments but it would be text in the proper way.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2493.

On page 7, line 17, delete "41,260,200,000" (Roman linetype) and insert "$1,247,000,000" (Roman linetype), and on line 18, delete "$1,247,000,000" and insert in italics *"$1,260,200,000"*.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2493) was agreed to.

The PRESIDING OFFICER. The amendment will be treated as original text.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I would like to offer an amendment, but before I offer it I should like to ask the manager of the bill some general questions about the status of our troops in Europe.

Some time ago I took the time to visit our troops in Germany. I was very impressed with their dedication and commitment. I was also troubled at some things I observed, namely the high cost to U.S. taxpayers of maintaining these troops. I was told stories of how the local population does not accept American troops in Germany very well, stories of how the United States is charged high fees for road repairs and bridge repairs when we have a convoy on maneuvers. In general I was told we are not really so welcome in Germany in spite of all of our efforts. In fact, we are being taken advantage of by paying the price of defending Europe while the Europeans spend a fair amount of time criticizing us without making an equal contribution.

I know that, historically, this situation developed after the end of World War II, when we placed certain restraints and commitments on the Government of Germany in terms of rebuilding their own Army and defense. We have done the same with Japan. But I feel very strongly that burden sharing should be strengthened in our foreign defense policy, that the prosperous countries of Europe and Japan should share more fully in the cost of mutual defense, and that we should make it clear we are taking steps to relocate some of our troops in Germany in our own country, where their presence will stimulate our own economy.

I am not necessarily advocating massive reduction of troop levels. But with the mobile military capabilities we have today, we can defend our shores and defend our overseas interests with rapid deployment forces.

Some years ago, there was the Mansfield amendment, but I do not think the Mansfield amendment was ever actually brought to a vote. It was offered and talked about. Sometimes at international conferences they will talk about the Mansfield amendment, and it is clear nobody really knows what it was in detail or whether it was ever brought to a vote.

The chairman of the subcommittee, the senior Senator from Alaska, has talked about offering legislation or taking steps to reduce our personnel in Europe. I have prepared an amendment to this bill that would provide that not later than 9 months after the date of enactment of this act, the President shall begin reducing the number of military personnel of the United States stationed in Europe.

The amendment provides that the total reduction required by subsection (a) shall be the number of military personnel equal to not less than 50 percent of the average personnel strength of the air, land, and sea forces of the United States stationed in Europe during the 12-month period ending September 1983. Such reduction shall be make over a period of 5 years and shall be apportioned over such periods as equally as practical.

It provides that military personnel withdrawn from Europe pursuant to this section shall be reassigned to military installations throughout the United States.

It seems to me that we are in a position to relocate some of our troops who are now in Europe to our own country, where their expenditures would stimulate our own economy and not the German economy. I am told that in Germany the damage claims are sometimes manufactured, that the roads are getting old anyway, and the bridges are getting old anyway, and we end up paying literally millions of dollars for work which should not be our responsibility. I think we are being taken advantage of. If such damage occurs and such payments are to be made, let them be made here to our country, city, and State governments. I doubt that U.S. troop reductions in Europe would really hurt our national defense. Our highly mobile defense capabilities certainly should be able to move troops anywhere in the world in a matter of hours.

Must our troops be stationed in Germany forever? I hear stories from South Dakota soldiers—and I met with several when I was over there—about how the local population does not welcome them. Our soldiers are subject to double-standard treatment and hostile attitudes, especially when they are in uniform, and there is a strong strain of anti-Americanism. Yet, at the same time, our taxpayers are paying the bills. Not only are we paying the bills for maintaining our own military, but also, we are paying the bills for a lot of European roads and bridges.

Many of our NATO allies actually enjoy higher living standards and higher per capita income than the American people. Yet, on a per capita basis, we spend far more for defense than they do. The United States made a major contribution to repairing and rebuilding Europe after World War II. Now they are prosperous, even more prosperous than the United States. Therefore, I believe they should be contributing much more to their own defense and to our mutual defense. We should not be expected to increase our defense spending while our closest defense allies are standing still or increasing very little.

Mr. STENNIS. Mr. President, will the Senator yield to me, briefly?

Mr. PRESSLER. I yield.

Mr. STENNIS. Mr. President, I commend the Senator for what he has said. I am glad to hear the expression of interest by the Senator of this problem, and it is a problem. He could make a review of it and a special study of it, and I think he could get a forum to have a hearing, if he wishes.

This matter has actually grown. I have supported it, generally. I think we have too many personnel over there, for one thing. I would like to see the matter fully explored.

The Senator mentioned the Mansfield amendment. We used to have amendments all along from Senator Mansfield, putting limitations on appropriations measures for the military. We had some hot battles about that.

At one time, he offered an amendment which proposed a reduction, to bring home, I believe, 50 percent, and he had 44 signers to start with, including myself. I thought we were going to do it at that time. But more time passed, and that amendment was never voted on; and on others, we lost by a very narrow margin. But that was when the war in Vietnam was going on.

Today, we have laid aside almost everything for this bill, for the consideration of amendments that are ready now. I am not the manager of the bill; but, representing the minority, I want to insist that we get moving on this bill in such a way as to dispose of these amendments one way or another.

We are getting reports now that some Senators want us to wait until Tuesday to bring up their amendments. Tuesday will come, and somebody else will want to make it Thursday.

So, if the Senator has an amendment ready, he can get a good debate on it now. But I believe he will have to work his case from the ground up. He took a good step by going over there and looking it over.

I say to the Senator from Alaska that I am here to help in any way I can, but he is the manager of the bill. As a Member of this body and one of the helpers, I insist on getting to this now and getting Senators here who want to offer amendments, get them to agree on a time limitation, if possible, and keep insisting until we dispose of the amendments.

Time is important. I have been doubtful about our recessing on November 18. I never believed that was possible. It will be January before we recess for Christmas if we do not make better progress.

Again, I commend the Senator from South Dakota for his interest in this matter, and I hope he follows up on it.

Mr. STEVENS. Mr. President, does the Senator from South Dakota wish to continue? May I address the subject matter he is discussing?

Mr. President, I also commend the Senator from South Dakota for his interest.

As he knows, last year we raised a serious question about the level of troops in Europe. With the assistance of my good friend from Mississippi, who has a real background in this matter—he managed these bills in the days of the Mansfield amendment—we put a cap on troop levels in Europe. This year the appropriations bill does not call for any increase in the number of troops in Europe. It would keep the level at 318,200 troops. We have appropriated funds based upon having fewer moves back and forth from Europe so far as our manpower is concerned.

But the Senator is absolutely right. In our inspection of the troop situation last fall when the Subcommittee on Defense Appropriations went to Europe, we found that there are over 1 million people a day in Europe who are being supported by the taxpayers of the United States. That includes our military personnel and their dependents and those who are in-country personnel who are hired to assist in our effort.

We found plans that would call for complete restationing of those troops, rebuilding of all of the barracks, at a time like this to calling on the American taxpayers to put up over $1 billion to build new quarters and new bases in Germany. Our committee warned them that Congress would not look with favor on such a plan, and it has not been presented to us.

What the Senator is suggesting I think requires serious consideration, and we certainly would dedicate the Defense Subcommittee to work with him to attempt to achieve a goal to reduce troop strength in Europe.

Actually the bill as a whole reflects the authorized reductions in troop strength. We funded the amount that the Armed Services Committee recommended, but that is 28,800 troops less in terms of the total Armed Forces than had been planned at the time the budget was submitted.

We believe that there are questions that should be explored. The Senator from Mississippi, I know, has expressed some opinions in the past concerning the numbers of dependents who are in Europe and the manner in which those dependents increase costs as far as the troop disposition is concerned.

I will tell my friend from South Dakota when we examined the POMCUS site that we visited in Europe, the pre-positioning of our equipment for our divisions if they are called to Europe in event of an emergency, we found people who were more concerned about their dependents there than trying to get that reserve equipment out of that warehouse and get it ready for the troops that would come to Europe. Very frankly, they told us that they felt their first obligation would be to help their family get ready to be evacuated.

The very presence of those dependents in the numbers that are now there raise serious questions over the availability of our troops to immediately be utilized in the event of an emergency.

I think the Senator from Mississippi and I would like to see Congress go into this subject in depth in the future.

We can tell the Senator from South Dakota that we are willing to join with him in the total review, but for the time being we have agreed on a course of stability. We have not authorized an increase in troop strength. We have not recommended a decrease in troop strength. We want to see what the reaction of Europe is to the Pershing missile. We want to see what the reaction of Europe is to the modernization of our forces. And under these circumstances we do not believe that this is the time to discuss troop strength with them.

In the years ahead, we must be aware of the increased costs of maintaining our troops and their dependents.

I say to my friend, I think that we could save more taxpayers' money if we would alter some of the policies of the Department of Defense and allow those people who are stationed in Europe to have a 2-month leave every 2 years to be with their families than having their families travel over there and then find that their father is off on battalion maneuvers, regimental maneuvers, or duty at the border.

One young man I talked to only spent 45 days with his family in the whole year, and yet they were there in Europe to be with their father. He would have had a lot more time with them in the final analysis if we changed our policies with regard to giving incentive leaves to those people who take these assignments. Then we would not have the excess costs that are incurred when we have dependent housing, schools, and transportation.

Just yesterday we passed an amendment to increase the amount of money that is available for students to visit their families when their father is stationed in Europe.

All of those costs I think have to be reviewed, and I think the Senator from Mississippi and I are prepared to join the Senator from South Dakota in doing that in the coming year.

Mr. PRESSLER. Mr. President, if there is agreement that this subject will be vigorously pursued, I shall not offer my amendment.

I agree that, with the deployment of the Pershing missiles, it perhaps would be the wrong signal at this moment to pass an amendment that would provide for a 50-percent reduction over a 5-year period.

But I feel very strongly that a growing number in this body are questioning how long the American taxpayer can go on supporting not only the 350,000 U.S. troops in Europe but also the large number of nonmilitary employees we employ over there and the other expenses that come with our large military presence in Western Europe.

I shall not offer my amendment with the assurances which have been given by the Senator from Alaska that this matter will be very vigorously pursued in the committee in the next year.

Mr. STEVENS. I do thank the Senator from South Dakota for his cooperation.

Mr. President, I yield to my good friend from Kentucky.

AMENDMENT NO. 2494

(Purpose: To provide free mailing privileges for members of the Armed Forces serving in the multinational peacekeeping force in Lebanon and members of the Armed Forces serving in Grenada)

Mr. HUDDLESTON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. Huddleston) (for himself, Mr. Ford, Mr. Boren, Mr. Pryor, and Mr. Stevens) proposes an amendment numbered 2494.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

Sec. —. Within funds available under Title III of this Act, Department of Defense shall provide free mailing privileges to members of the Armed Forces of the United States assigned to duty as part of the multinational peacekeeping force in Lebanon and to members of the Armed Forces of the United States assigned to duty in Grenada in the same manner and to the same extent such privileges would be accorded under section 3401 of title 39, United States Code, to members of the Armed Forces of the United States serving on active duty in an overseas area, as designated by the President, when the Armed Forces of the United States are engaged in military operations involving armed conflict with a hostile foreign force.

Mr. HUDDLESTON. Mr. President, the amendment I offer today, on behalf of myself, Senator Ford, Senator Boren, Senator Pryor, and Senator Stevens, is a simple, direct way of showing our Nation's gratitude to the members of our Armed Forces serving in Lebanon and Grenada.

The amendment provides for the Department of Defense to transfer to the U.S. Postal Service funds to pay for the free delivery of mail from those personnel serving in and associated with the multinational peacekeeping force in Lebanon and the troops serving in Grenada. The funds would come from funding available within title III.

This procedure will be a continuation of the one used in the Vietnam era and should be viewed as, albeit a small one, a gesture of thanks to our Armed Forces for the dangerous duties they are performing on our behalf.

The free mailings covered would begin with the arrival of the personnel within the peacekeeping force for Lebanon or on Grenada and extend until such time as they are reassigned to areas outside the jurisdiction of the U.S. forces in Lebanon and Grenada. It is also the intent of the amendment to cover those members of the U.S. forces, who, as a result of wounds received during their tour of duty in Lebanon or Grenada, are receiving care in medical facilities until the time they can be released from medical care in such facilities.

The free mailings would be limited to personal correspondence and would be limited to communications forwarded to the United States or its possessions.

I urge the approval of this tangible, though hardly compensatory, demonstration of the gratitude of the Nation for the courage being displayed by our Armed Forces in Lebanon and Grenada.

The amendment simply extends to them the free postage privileges that have traditionally been accorded our armed services who are serving overseas in a hostile environment.

The amendment would provide that the funding for the expense of this privilege would be dealt with out of the appropriations that are already included in this bill, out of funds available, adding no new appropriations to the bill.

I think it has been reviewed by both sides of the aisle.

I ask for its immediate passage.

Mr. STEVENS. Mr. President, I commend the distinguished Senator from Kentucky, and I am pleased to join with him in cosponsoring this measure.

The Senate will recall, last evening I asked the Senator from Kentucky to give us time to study the measure to see how it would impact on the Department of Defense and the Postal Service.

I am pleased to report that the Department of Defense supports the objectives of this amendment and the Postal Service has indicated that there is no adverse impact on the Postal Service. The Postal Service sees this as a positive concept to allow the Postal Service to become involved in reassuring the families of our military personnel in combat zones of their safety.

We join in cosponsoring the amendment and ask for its adoption. I have discussed it with my good friend from Mississippi. He joins in support.

Mr. BOREN. Mr. President, I am delighted to join my good friends, Senator Huddleston and Senator Ford in cosponsoring this amendment.

Of the billions of dollars that the Department of Defense will spend in this fiscal year, none will be better spent than the $500,000 contemplated by this amendment.

The money will be used to provide free mail service for our troops in Lebanon and in Grenada.

We are all well aware of the tragic events that have occurred recently in Beirut. Great anxieties were created among the immediate relatives and friends of our troops stationed in Beirut while they waited for word of whether or not their loved ones had survived the attack. In the aftermath of this bombing, that anxiety remains, and I am sure nothing will completely alleviate the fears held by many families across this country until the American forces have left Lebanon and returned home.

However, we can help, and we can help by making it as easy as possible for our men and women in the field to maintain contact with their families here in the United States. Nothing can replace the opportunity to hear directly from the husbands, sons, and daughters, stationed in Beirut, that they are well and looking forward to returning home.

Mr. President, this could be in the nature of an early Christmas present for both our Armed Forces and their families. It is my hope that the entire amount appropriated by this amendment will not be required to be spent, because we all want to see them able to come home as soon as possible.

There is a Department of Defense regulation which allows troops in a combat zone to have free mailing privileges. While that might suffice for a time for our troops stationed in Grenada, the legal point has been made by the administration and others that Lebanon is not considered to be a combat zone. Thus, this amendment will serve the dual purpose of allowing the American forces in Lebanon to be covered by the applicable regulation and will eliminate any questions which may arise if our troops in Grenada are required to be there longer than is expected.

Finally, Mr. President, I point out that in these areas of the world, telephone communication is both expensive and infrequently available. Therefore, in many cases, the only avenue of communication will be the cards and letters that this amendment will make possible.

I urge passage of the amendment.

Mr. FORD. Mr. President, on Tuesday morning, I received a letter from my constituent, Mr. R. E. M. Keller, chairman of the Veterans' Affairs Committee of the Louisville Local of the American Postal Workers Union. Mr. Keller suggested that free mailing privileges be accorded all U.S. military personnel assigned to, and associated with, the peacekeeping force in Lebanon. We have expanded Mr. Keller's proposal to include those U.S. forces currently on duty in Grenada.

I wish I could say that this excellent proposal were mine. Even though I cannot, I do have the privilege and pleasure of presenting it to the Senate for its consideration.

Granting free mailing privileges is the least the Senate, the Congress, the American people, can do in appreciation of our forces in Lebanon and Grenada. Although those in Lebanon are technically not in a combat role, they certainly are the objects of hostile action. Many of those in Grenada have just experienced a combat situation.

The money involved is not much, Mr. President—only $500,000—a small price to pay in thanks to those dedicated to freedom.

Without making this a political moment, I hope that the entire appropriation will not have to be expended. The administration has promised that our troops in Grenada will be home within 1 month or so. I fervently hope that some kind of accommodation will soon be reached in Lebanon which will allow the multinational force now in place to disband.

Mr. President, I ask unanimous consent that Mr. Keller's letter to me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN POSTAL WORKERS UNION,
AFL-CIO,
Louisville, Ky., October 28, 1983.

Hon. WENDELL H. FORD,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR FORD: With the commitment of the U.S. Marine Forces to the multinational peacekeeping force in Lebanon and given the recent savage and senseless attack by as yet unknown parties during the past week, we, the American public, are acutely aware of the courage and determination of these forces to maintain their courage and persevere in their mission.

While these peacekeeping forces have been limited in the performance of their duty by the nature of their mission, and considering their essentially noncombatant role, it is nevertheless appropriate that, given the unprovoked attacks against these forces, their noncombatant role be accorded a status benefiting the sacrifices they have endured.

It is, therefore, proposed that the U.S. Congress so designate, or cause to be designated, those funds or actions necessary to accord to the U.S. Naval Forces within the multinational peacekeeping forces including, but not limited to, the U.S. Marine Corps Personnel and to all auxiliary U.S. Forces so assigned to the continguous waters off the Lebanese coast, the privilege of exercising free mailing privileges. Such action to begin with their arrival within the peacekeeping forces and to extend until such time as they are reassigned to Duty Stations outside the jurisdiction of the local Commanders for the U.S. Marine Forces in Lebanon. Such privileges would further be extended to those members of the U.S. Forces who, as a result of wounds received during their tour of duty in Lebanon, are receiving care of treatment in medical facilities either overseas or within the territorial possessions of the United States until such time as they are released from medical care in said facilities. These free mailing privileges would be limited to personal correspondence; i.e., letters, post cards, and voice recordings, not to exceed one ounce in weight and shall be limited to those communications forwarded to the United States or its possessions.

The free mailing privilege was accorded to the U.S. Armed Forces during the Vietnam War and, while the members of the multinational peacekeeping forces are technically within a noncombatant role, it is nevertheless our contention that given the current status of these forces in Lebanon that they have justifiably earned a similar privilege.

We, therefore, urge your office to initiate such action in the appropriate Committee of Congress and to cause such measure to be taken that will result in the immediate implementation of such free mailing privileges during the life of the peacekeeping forces.

Your prompt and immediate attention in this matter would be greatly appreciated and, further, it would demonstrate in a tangible though hardly compensatory way, the gratitude of this Nation for the courage of those Marines who are currently assigned to Lebanon. Please keep this Office apprised of any pending action as a result of this proposal.

Respectfully,
R. E. M. KELLER,
Chairman, Veterans' Affairs,
Louisville Local, APWU.

Mr. FORD. Mr. President, I call to my colleagues' attention his suggestion that the free mailing privilege be extended to those members of the Armed Forces who have been wounded as a result of their assignments in Lebanon and Grenada. It is the intent of the authors of this amendment that our wounded servicemen be accorded the same treatment as those still stationed in these two areas.

I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (No. 2494) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HUDDLESTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I am ready to say, if there is no further amendment to be proposed that we go to third reading.

I think we will have about a 10-minute quorum call and if there are no amendments—I am serious—I see no reason to stand here and wait for Senators to come here. We are prepared to defend this bill and if there is no amendment offered within 10 minutes, I shall ask for third reading.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. EXON. Would the Chair be good enough to advise the Senator from Nebraska the pending business before the Senate?

The PRESIDING OFFICER. H.R. 4158 is before the Senate.

Mr. EXON. Is there any pending amendment to that measure at the present time?

The PRESIDING OFFICER. The Chair advises the Senator that there is no pending amendment.

Mr. EXON. And there has been no pending amendment since before we adjourned last evening, is that correct?

The PRESIDING OFFICER. The Chair will advise the Senator there have been several amendments disposed of during that time.

Mr. EXON. I would like to ask the managers of the bill, if I might, whether or not there is any chance of going to third reading on this measure, which would seem appropriate under the circumstances.

Mr. STEVENS. Mr. President, with the Senator's trust in the managers of the bill, we would welcome third reading at this point. We have a list of amendments we were informed Senators may decide to offer. None have been offered. We have served notice that if we do not have one offered we are going to go to third reading.

Mr. EXON. It is the desire of the Senator from Nebraska to try to be reasonable and understanding of my colleagues. It always has been. It seems to me with all the work we have to do and are not getting at, it may well be that the fact that no one is on the floor offering an amendment must mean to this Senator that they do not think their amendment is very important. This is Friday. Could I have any indication from the assistant majority leader whether or not we plan to have a Saturday session?

Could the Senator from Alaska advise the Senator from Nebraska whether or not we are planning a Saturday session at this juncture?

Mr. STEVENS. I might say to my good friend, I watched the news and the weather report and it is supposed to be cooling down here. Since I cannot be home for the weekend, I thought it would be nice to come in here and be with my friends, to sit around the fireplace. You know how much I love to be in this town over a weekend.

It appears that unless we get a time agreement so that we can tell how soon we can get to the end of this bill, it will be the intention to come in tomorrow.

Mr. EXON. I thank my friend. I understand fully the position he and the Senator from Mississippi are facing at this time. It just seems to me that we should be able to organize ourselves a little bit better than we have, to make better use of the time. There are grown thoughtful men and women serving in the Senate with some distinction. It seems to me that the process we go through time and time again in this body of tying up the Senate, wasting time, effort, and money for seemingly no worthwhile good does not enhance what the people of the United States in general think about Congress as a whole and the U.S. Senate in particular.

I am delighted to be advised that there is a Senator on the floor with an amendment. Therefore, so that I will not be accused of delaying the process further, I yield the floor.

Mr. STENNIS. Will the Senator yield to me for a moment for a comment?

Mr. EXON. I yield.

Mr. STENNIS. I agree with the Senator's sentiments. I point out that we have this bill here and it is a complicated matter. But many of the larger items in it have been before the Congress now for 3, 4, 5, or 6 years in one form or another. The MX missile, for instance, the B-1 bomber. They are highly important, but we have been over and over and over them.

All the other items have been carefully scrutinized by the Armed Services Committee in the House and in the Senate. We have the benefit of what they did about it, what the Congress and the House did about it. This appropriations bill has to come within the limit of the authorization. It does come within those limits. We have gone over all of it from the standpoint of the Appropriations Committee members. We brought in the bill. There are no major criticisms of the bill. There are a good many amendments but we cannot get the sponsors of the amendments to come to the floor and present them. That is where we are now, just in a dilemma.

One proposer of a major amendment said he would be here and announce what his amendments were going to be by 2 o'clock and maybe before. We count that a victory, to make that much progress.

But we are going to have to do the best we can and then insist on a third reading. I proposed a few minutes ago that we should go on and make all the arguments against the amendments and notify the proposer that the record already reflects opposition. If they do not come in, we will call for a third reading.

Mr. EXON. Will the Senator yield?

Mr. STENNIS. The Senator from Nebraska has the floor.

Mr. EXON. I thank my friend from Mississippi for yielding. He is a distinguished Member of this group. I have had the honor and privilege since I have been here of serving with him on the Armed Services Committee.

Not to delay the matter further, but maybe in the way of enhancing the move a little bit, would it be in order that we ask for unanimous consent that if the Senate is tied up in quorum calls for more than 10 minutes for the rest of the day we would automatically go to third reading, if that should happen? Would such a motion be in order?

Mr. STEVENS. Mr. President, I am certain that it would be in order for the Senator to suggest that. I find it amusing to my ears, until I realize that I am wearing two hats and would be compelled to object.

I see the Senator from Massachusetts is on the floor and has an amendment. I think we ought to let him speak.

(Mr. COCHRAN assumed the chair.)

Mr. EXON. I recognize the difficult position the Senator from Alaska is in. I shall not delay the Senator from Massachusetts from offering his live amendment.

Mr. TSONGAS. Before I go live, Mr. President, I wish to say that I agree with the Senator from Nebraska. I find it very frustrating to alter schedules to be here, and on these amendments that have been indicated, no one wants to come forward and offer them. As far as some of the other big-ticket items are concerned, my recommendation would be that we Xerox off prior debates, hand them out, and then vote. That would save everybody a lot of time.

On some of these issues like the MX and the B-1, if there is anybody in this Chamber who has not made up his mind about it, I think they are in pretty sad shape to start off with. The idea that we have to consume this much time I have never really understood.

AMENDMENT NO. 2495

Mr. TSONGAS. On to a more conciliatory item; I ask that my amendment at the desk be considered at this time.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. Tsongas) for himself, Mr. Kennedy, Mr. Pressler, Mr. Cranston, Mr. Levin, Mr. Pell, Mr. Glenn, and Mr. Bingaman, proposes an amendment numbered 2495.

Mr. TSONGAS. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Title VII, add a new section as follows:

Sec. . PRESIDENTIAL REPORT ON STRATEGIC DEFENSES, INCLUDING BALLISTIC MISSILE DEFENSE SYSTEMS, THEIR COMPONENTS, AND RELATED TECHNOLOGIES

(A) The President shall submit to the Congress by April 30, 1984 in unclassified form with classified addenda as necessary a report addressing the national security implications of the research, development, testing and eventual deployment of strategic defenses, including ballistic missile defense systems, their components, and related technologies (hereafter referred to as "strategic defense programs"). The report shall draw upon the studies of the Defense Technologies Study Team headed by James

C. Fletcher and the Future Security Strategy Study headed by Fred S. Hoffman as well as other relevant materials.

(B) The report shall address specifically the following issues:

(1) the impact of strategic defense programs on existing arms control agreements and on current and prospective arms control negotiations and agreements;

(2) the impact of strategic defense programs on likely Soviet efforts in offensive and defensive military programs; and the impact of Soviet strategic defensive efforts on United States strategic doctrine and strategic force structure;

(3) the impact of strategic defense programs on the viability of NATO nuclear forces and on the future of the independent nuclear deterrent forces of France and the United Kingdom;

(4) the projected costs of strategic defense programs, including an assessment of research, development, testing, development and maintenance costs on a year-to-year basis of the various technologies currently under study;

(5) the impact of strategic defense programs on other current and projected defense budget priorities and on the anticipated availability of technical and manpower resources necessary to support strategic defense programs.

Mr. TSONGAS. Mr. President, there are other potential cosponsors of this amendment who have indicated an interest. Since I brought it up so quickly, I ask unanimous consent that the addition of cosponsors be held open until the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TSONGAS. Mr. President, I wish to quote from the report of the Committee on Appropriations: "The Committee is hopeful that the findings of the Fletcher Commission will provide the basis for a national consensus on directed energy weapons research and development." I join the committee in hoping for a national consensus, for a national consensus is necessary before we embark on a program of this magnitude and significance.

I also agree with the committee's concern that the administration should not reprogram funds from existing programs to accelerated R&D and demonstration of new strategic defense technologies until there is a more thorough review of these new programs.

However, the committee's concerns appear to be focused on the obligation of funds for shortwave laser space weapons and the effects of the acceleration of advanced technologies R&D on existing programs. I am concerned with broader policy, issues raised by the Fletcher and Hoffman reports.

The amendment I have sent to the desk requires a comprehensive Presidential report to Congress on the new multilayered strategic defense systems recently recommended to the administration by a senior interagency group of the National Security Council. Recently, we have read in the press and trade magazines that this group, supported by Secretary Weinberger and Mr. Clark, has urged the President to embark on an accelerated, advanced technology program, in order to develop and deploy elaborate BMD systems within 15 to 20 years. These recommendations are based on two parallel reports submitted by the Defense Technology Study Team, headed by James C. Fletcher, and the Future Security Strategy Study, headed by Fred C. Hoffman. Both reports are classified. We only know those facts which were leaked to the press.

Some have interpreted the Flectcher report as a blueprint for speedy action to develop an arsenal of high technology space weapons. Others have read it as a call for further study. In order for Congress to make decisions with regard to these new weapons, we need to be fully aware of the rationale for such systems and their implications.

The report to Congress, mandated by my amendment, is necessary so that Congress will be able to make an informed and deliberate decision regarding our priority defense programs, in their proper strategic context.

We are told that the R&D programs advocated alone would cost up to $27 billion over the next 5 years, whereas the total program cost through deployment could exceed $200 billion.

Mr. President, this is a program of unprecedented dimensions, which could mean a fundamental shift in our military strategic posture, and may have far-reaching arms control and space policy implications. We have existing treaties, such as the Limited Test Ban Treaty, the Outer Space Treaty, and the ABM Treaty, which could be jeopardized if we embark on the programs outlined in the Fletcher report.

The committee report and bill language express concern about the hasty adoption of this blueprint and already requires a report requiring clarification of some specific programs examined by the Fletcher Commission—Defensive Technologies Study Team—report. The committee is hopeful that a national consensus on the Fletcher Commission proposals can be achieved. Mr. President, I fully concur with this committee concern.

However, I believe we need to look further and deeper into the issues raised by the newly proposed strategic defense program, recommended by the interagency group to the President. What we lack, specifically, Mr. President, are the policy and budget implications of this strategic defense program. Only with a full understanding of all the national security implications of this program can the Congress proceed with confidence and certainty.

A number of vital issues would be clarified by this Presidential report to Congress in order to develop a national consensus in this area. More specifically:

First, what are the impacts of the proposed BMD programs on present and prospective arms control agreements? Would existing treaties such as the Outer Space Treaty and the ABM Treaty, be jeopardized if we adopt the space-based BMD option? At what point would the proposed R&D program be perceived as coming into conflict with the provisions of these agreements? Arms control negotiations could be perceived as futile, if our defense posture is to be substantially changed. In the 1960's, the United States moved to deploy multiple independently targeted reentry vehicles (MIRV's) in response to a perceived Soviet ABM effort. What would be the impact of accelerated American research on BMD on current efforts to achieve Soviet agreement on limitations to offensive strategic forces such as the build-down proposal?

Second. What would the most likely Soviet response be? Some believe that the arms race could accelerate and further drain our resources, while others argue that a multitiered array of defensive weapons in space could lead the Soviets to attempt a preemptive first strike or develop cheaper and more effective countermeasures. Current Soviet efforts on ballistic missile defense are well developed and could easily be accelerated. It would be unrealistic for American planners to assume that we will be able to develop an advanced BMD capability while the Soviets stand still. Far more likely is superpower competition to develop the first operational BMD system. This would be a highly volatile strategic context with grave implications for our existing deterrence posture and our ability to penetrate Soviet defenses.

Third. How would the new defense programs impact the viability of NATO and other Western nuclear deterrent forces? Even a limited Soviet BMD deployment could effectively negate the nuclear deterrent of our British and French allies. The global repercussions of a shift in our strategic policy should be explored and assessed, and our NATO allies should be consulted before any such major change is adopted.

Fourth. What are the projected costs of the advanced technology programs proposed, from R&D through deployment stages? The price tags on the technology smorgasbord are estimated to range from $18 to $27 billion over 5 years for R&D alone, and to be in the order of $200 billion through the deployment phase. It is necessary for Congress to examine spending plans matched to specific programs in order to assess their relative cost effectiveness.

Fifth. What impacts may be expected on the defense budget and Federal budget? While we face escalating costs and huge deficits, would the new BMD programs further inflate the defense budget—which at present exceeds a quarter of our Federal budget? The allocation of our national, technical, and manpower resources, as well as dollar figures, must be weighed carefully. Press reports suggest that just BMD research costs from 1985 to 1989 may range from $18 billion to $27 billion. This lower figure is in excess of the cost to fully equip an entire aircraft carrier battle group. The $27 billion R&D program recommended by Secretary Weinberger surpasses the entire cost of the B-1B program. Such massive expenditures have tremendous implications for our ability to fund other conventional and strategic military programs, as well as our ability to provide the scientists and engineers needed in the civilian sector.

Upon receipt of this report, Congress should be able to at least begin a reasoned and detailed debate on these new weapons systems, and on the fundamental change in U.S. strategic deterrent policy which they entail.

Mr. President, I understand this has been discussed with the chairman of the committee and the ranking minority member. It is my understanding that it is acceptable.

Mr. President, I ask unanimous consent that certain related materials be printed at this point in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

PANEL URGES DEFENSE TECHNOLOGY

(By Clarence A. Robinson, Jr.)

WASHINGTON.—An Administration senior interagency group recommended to President Reagan late last week that the U.S. embark on early demonstrations of credible ballistic missile defense technologies to its allies and the Soviet Union.

In recommending a technology development plan to the President, the group, represented by Defense Secretary Caspar W. Weinberger and William P. Clark, assistant to the President for national security affairs, stressed the importance of showing the U.S. is determined to explore and has the competence to develop the required ballistic missile defense technologies.

PARALLEL STUDY

The interagency report melds a Defensive Technologies Study Team's report with a parallel strategy study conducted between June 1 and Oct. 1. It also presents to the President four funding levels for developing an effective ballistic missile defense system. Funding profiles from Fiscal 1985 through Fiscal 1989 range from $27 billion to $18 billion.

The Defensive Technologies Study Team was headed by James C. Fletcher, former administrator of the National Aeronautics and Space Administration. The parallel strategy group, known as the Future Security Strategy Study, called FS^{3}, was headed by Fred S. Hoffman, director, Pan Heuristics, a division of Research and Development Associates.

"With vigorous technology development programs, the potential for ballistic missile defense can be demonstrated by the early 1990s," the interagency report said. It also stressed that the development program will not impinge in the near term on the 1972 antiballistic missile treaty with the USSR.

MAXIMUM FLEXIBILITY

"Early development programs are configured to provide maximum flexibility and demonstrated capability within treaties, protocols, agreements and political constraints," the interagency report said.

The report said the nation should establish the resolve for a new strategy to defend against nuclear weapons attack.

It added that an advanced technology ballistic missile defense system for the U.S. and its allies will reduce the military effectiveness of a Soviet preemptive attack with nuclear-armed ballistic missiles. "By constraining or eliminating effective counterforce options, the utility of strategic and theater nuclear weapons are reduced and the threshold of nuclear war is raised. It undermines the confidence that an attack will succeed."

Early technology demonstrations planned by the interagency group include:

Underground tests at the Nevada nuclear test site leading toward the ability to scale the Lawrence Livermore Laboratory's X-ray laser to full military power, to control the laser beam spread, and simultaneously drive multiple lasers from a single power source.

Acquisition and tracking of reentry vehicles using long-wavelength infrared sensors and high-altitude aircraft. This also includes a separate demonstration of intercepting warheads within the atmosphere above 50,000 ft. and nonnuclear kill devices on interceptor missiles.

Ground-based short-wavelength lasers demonstrated against spacecraft in an antisatellite role.

Generic acquisition, tracking and pointing in space against intercontinental ballistic missiles in the boost phase.

Airborne optical system sensor and a low-cost homing interceptor. These technologies are key to terminal and mid-course intercepts in a multilayered system. This demonstration would be within three to five years following optical technology demonstration on interceptor missiles.

Proof of principle to acquire Soviet ballistic missiles and to track the booster, the first step in a high-technology payoff to use directed-energy weapons for boost-phase intercepts.

The plan calls for parallel early technology demonstrations in a three-pronged program—infrared chemical lasers, ground-based excimer lasers and shorter wavelength chemical lasers. Tests could be conducted within a few years to determine the effectiveness of these devices against targets such as spacecraft.

A technology assessment conducted by the Defensive Technologies Study Team that formed part of the interagency report called for the following:

Chemical infrared space laser with a 2-megawatt beam generator feasibility demonstration in 1987. The device is scalable almost immediately to 10 megawatts because of breakthroughs in nozzle technology. Beam control of a 4-meter (13.12-ft.) segmented optical system and mid-infrared beam control could be demonstrated in 1988.

A 1988 demonstration in acquisition, tracking and pointing could be conducted scalable to 50 nanoradians, with inertial reference technology to support 20-nanoradian pointing.

Free electron visible laser in space with a technical feasibility demonstration by 1986 for multimegawatt devices.

Free electron ground-to-space relay, with atmosphere compensation proof of concept by 1985.

Neutral particle beam technical feasibility demonstration/verification by 1985.

The technical feasibility of beam sensing would be demonstrated by 1986.

X-ray laser technical feasibility demonstration to 10^{16} joules/steerradian by 1988.

The interagency group report calls for the Joint Chiefs of Staff to rapidly structure the program plan for ballistic missile defense technology for the Fiscal 1985 budget request to Congress, and for the chiefs to help structure the management approach to the program.

BRIDGING DOCUMENT

The interagency report to the President is also known as a bridging document since it seeks to blend technology and strategy studies with funding profiles and recommendations. The funding for a technology limited effort prepares for early deployment options. It would provide $2.6 billion to Fiscal 1985, a total of $27 billion in Fiscal 1985 through 1989. The total through deployment of single layer of a multilayered defense by the year 2000 would be $92–94 billion. A multilayer system would cost approximately $95 billion.

Without the early deployment option, the funding in Fiscal 1985 would remain the same, but funding in Fiscal 1985 through 1989 would be reduced to $26 billion. Intermediate funding, with no early deployment option and a later full system deployment would be $2.2 billion in Fiscal 1985, and a total of $20 billion from Fiscal 1985 through 1989.

A fiscally constrained program would cost $1.8 billion in Fiscal 1985, and a total of $18 billion in Fiscal 1985 through 1989.

The bridging document from the interagency group calls for centralized management of the ballistic missile defense program within the Defense Dept., "with a carefully chosen leader specifically oriented with interagency management authority similar to space intelligence efforts."

The interagency report, based on input from the Future Security Strategy Study, said advanced ballistic missile defense offers options to enhance deterrence and increase strategic stability. It adds: "Even prior to deployment, the demonstration of U.S. technology would strengthen military and negotiating stances, and options for immediate deployment would play a significant role in deterrence." It could be a hedge against early Soviet Union breakout of the Antiballistic Missile Treaty.

Over the next few years, the interagency report said technologies can move to higher confidence levels for critical ballistic missile defense decisions, while remaining within current treaty/agreement constraints. The program is therefore structured to identify long-range system payoffs and near-term progress demonstrations.

The assessment of the U.S. program presented to Reagan determined that while current technology levels can provide an effective counter to current Soviet intercontinental ballistic missiles in some important contingencies, the effectiveness of near-term deployment of system based on present technologies alone could be eroded by Soviet technology advances and operational responses.

"The long-term technology, however, holds particular promise for highly effective and robust counters to Soviet countermeasures," the report said.

Early demonstrations of ballistic missile defensive technologies would help the U.S. in managing relations with the Soviet Union. But to aid in this, the USSR must be convinced of the seriousness of purpose and the inevitability of U.S. success. This would, according to the interagency report, drive up Soviet costs to maintain an effective strategic force, develop the U.S. ability to adjust to emerging Soviet countermeasures and reactive threats, and demonstrate resolve to sustain a measured steady effort by the U.S.

The technology effort, even in its early phases, complicates and confuses Soviet plans to modernize strategic nuclear forces, the report said. "It drives them to try and develop possible countermeasures, increase emphasis on their air-breathing forces and conduct research and development on new families of weapons delivery systems. It drives the USSR away from preferred approaches of updating and proliferating existing strategic forces."

The program being recommended to the President is designed to increase the Soviets' role in cooperating with a stable strategic environment. It also is designed to "alter the Star Wars fantasy, establish the credibility and then the reality of defensive technologies."

The successful demonstration of the technology required to develop and deploy a defense system will build credibility and confidence, the report said. But the pressure to demonstrate the technology could push for rapid deployment of "marginal or brittle systems based on available technology," and this should be avoided, the report cautioned.

It proposes rapid development of technology that can deal with postulated Soviet countermeasures. This development approach also would provide a hedge against similar Soviet defensive technologies.

The interagency proposal to the President stresses that North Atlantic Treaty Organization countries and Japan should be convinced that even research and development for ballistic missile defense will enhance the potential for arms control or reductions, decrease the nuclear threat overall, increase crisis stability and improve long-term relations with the Soviet Union. "It does not alter the commitment by the U.S. to its allies' defense," the report said.

The Soviet Union has over the last decade conducted substantial research and development in this technology area, "and vigorous defensive activity is necessary to counter ballistic missile defense work by the USSR," the report added. The key to effective defense is low leakage with an indepth layered defensive system.

The boost-phase intercept is essential to the system because it destroys the missile before it can deploy multiple warheads. This minimizes the attractiveness to the Soviets of high-throw-weight missiles with large numbers of reentry vehicles.

Even a very effective boost-phase intercept capability would be augmented with post boost, midcourse and terminal interceptor defenses. "All of the concepts use some space-based assets and survivability of these is a critical issue requiring combinations of technology and tactics available or becoming available. X-ray lasers, chemical, excimer and free electron lasers, particle beams and kinetic energy hit-to-kill devices all have high potential for boost-phase intercepts," the report said.

[From the Washington Post, Oct. 18, 1983]

ACCELERATED ANTI-MISSILE PLAN URGED

REAGAN ADVISERS BACK PROGRAM OF UP TO $27 BILLION

(By Patrick E. Tyler)

President Reagan's national security advisers are urging him to back an accelerated five-year, $18 billion to $27 billion program to develop space-based and other defensive weapons for intercepting nuclear missiles fired at U.S. or other western targets.

The recommendation, which comes from Defense Secretary Caspar W. Weinberger and William P. Clark, the president's outgoing national security affairs adviser, follows months of study by scientists and policy analysts. The new defensive weapons that it envisions could have serious implications for the U.S.-Soviet strategic arms control talks now under way.

The United States and the Soviet Union signed an Anti-Ballistic Missile Treaty in 1972 in which both sides agreed "not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based or mobile land-based."

A White House official familiar with the report would not say yesterday whether President Reagan has received it. "The report of the senior interagency group has come to the White House for coordination and is in a coordination mode," the official said.

Details from the highly classified report were published yesterday in the periodical Aviation Week & Space Technology.

The interagency group, headed by Weinberger and Clark, distilled the work of two Pentagon panels, which studied both the scientific feasibility of developing defensive space-based weapons and the political and policy-making impacts of abandoning the 30-year U.S. policy of deterring nuclear war and limiting the arms race through concentrating U.S. resources on offensive nuclear weapons only.

As word of the recommendations has leaked out over the past several weeks, they have been sharply attacked by critics who see defensive weapons as an escalation of the arms race.

"That's crazy," said Richard L. Garwin, a physicist who helped develop the hydrogen bomb. "The advent of defensive weapons does not help at all with arms reduction." Garwin accused the proponents of the recommended program of trying to gain a first-strike capability for the United States to be used to win negotiating concessions from the Soviets.

According to the aviation magazine, the inter-agency report argues that defensive weapons would enhance strategic stability and the deterrent quality of the U.S. arsenal.

"Even prior to deployment, the demonstration of U.S. technology would strengthen military and negotiating stances, and options for immediate deployment would play a significant role in deterrence," the magazine quoted the report as saying.

Weinberger and Clark reportedly have prepared for the president four funding options for an accelerated research and development effort.

The most expensive calls for spending $27 billion over five years, including $2.6 billion in fiscal 1985, leading to deployment of the first "layer" of a total defense system by the year 2000.

THE SPACE RACE

Mr. CRANSTON. Mr. President, I am pleased to be a cosponsor of this amendment to the Defense appropriations bill for fiscal year 1984 that will require a Presidential report on new ground- and space-based ballistic missile defenses.

We critically need the information that such a report will provide if we are to make informed judgments about the impact that proposed programs will have on our arms control efforts and on our defense systems.

I am deeply concerned that the Reagan administration, which has consistently demonstrated a cavalier attitude toward existing arms control agreements and a deep reluctance to pursue new arms control efforts, is setting the stage for an arms race in space. Apparently the administration is proceeding on the dangerously mistaken beliefs that we, the United States, can "win" a space race and that this is a feasible solution that will extricate us from the terrible threat we face from nuclear weapons.

In pursuit of this chimera, the Reagan administration appears to be willing to discard successful treaties, such as the ABM Treaty, which has thus far prevented the arms race from expanding into defensive systems, and the Outerspace Treaty, which has kept space open and accessible to us and every other nation.

In his "Star Wars" speech, President Reagan held out the vague and ill-defined hope that one day—in what even he admitted was the very distant future—we might be free from the dangers of offensive nuclear weapons through the development of a defensive system. We had this debate in the 1960's and 1970's. We concluded then that no matter how good a system could be, the opponent could always overwhelm it. As journalist Peter Clausen noted, "* * * one sure and certain principle of warfare is that any defensive system can be overwhelmed by an offensive system that has the advantage of surprise, mobility, and the selection of the most vulnerable targets." In addition, "* * * military experts estimated, a defense against nuclear missile attack would be defeated by an expenditure about one-tenth as great as the cost of the antimissile defense."

We concluded then that an ABM system would not work and was not worth the cost. Despite the technological advances that we have made in space lasers, in ballistic missile defense, and despite all the research dollars we have already poured into the question, the answer remains the same today. And thus far we are lacking any evidence that it will change in the future.

I am deeply distressed by the rhetoric that is beginning to surround the

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debate on ballistic missile defense. Those who support it are claiming the moral high ground. For instance, Admiral James Watkins, Chief of Naval Operations, stated that "Dependence on retaliation—and accepting vulnerability—is neither a moral nor a sensible way for a God-fearing people to live when there is a rational, practical, and moral alternative." His alternative is to give much greater emphasis to ballistic missile defense which means an arms race in space.

I agree with Admiral Watkins that we cannot rely on the doctrine of MAD—mutual assured destruction—forever. And I believe that there is an eminently rational, practical, and moral alternative. But it is not a tremendously dangerous, expensive and ultimately futile expansion of the arms race into defensive weapons and into space. The alternative is a freeze in the arms race and the reduction of our nuclear arsenals.

I am not alone in thinking that a defensive arms race is dangerous and unworkable. Many experts in and out of the Government believe that a ballistic missile defense and an arms race in space is not rational, practical, or moral. As experts testified before the Senate Foreign Relations Committee this year, it is likely that a defensive arms race will trigger destabilizing and dangerous consequences. Combined with offensive warfighting weapons, which this administration has demonstrated no predilection for abandoning, a ballistic missile defense could increase the likelihood of a U.S. first strike attack by providing the illusion that we could blunt the effect of a Soviet retaliatory attack. This is an enormously dangerous illusion. It holds out the possibility that we can keep a nuclear war limited. We cannot.

Beyond the destabilizing consequences of pursuing ballistic missile defense, there has been no discussion in depth thus far on how a BMD system would affect the offensive systems that we already have. We must consider this because we must assume that anything we produce in the area of defensive systems the Soviets will match. The Soviets have consistently demonstrated that they can match every step we make. The sad history of the MIRV'ed missile is also the best example of our folly in believing that we can maintain a technological advantage over the Soviet Union. A Soviet BMD system will significantly degrade the systems that we have already spent so much on. How does the administration plan to deal with these serious ramifications? This point brings us to a question of very serious consideration: What kinds of costs are we discussing? We are told that we do not know yet. But some estimates already run over $1 trillion. Just for this program. Where are we going to find the money to fund this kind of program? How will we continue to fund adequately the rest of our force structure? Are we really going to put our eggs in one very risky, little understood, program? We need these answers. The report required by this amendment will help answer them.

Another troubling question about a ballistic missile defense system is the effect on our alliances. There is no way that we can provide an effective ballistic missile defense for Europe. Has this been taken into consideration?

The President has assembled a vast array of talent to look into these questions. We need to have the benefit of these experts as well as the tremendous resources that these commissions did not have the opportunity to tap.

Much too much is dependent on these decisions about the future of our national security policy, about the future of arms control, and the future of our world not to make every effort to explore the consequences of what we are doing. I have been deeply troubled by the lack of understanding and interest demonstrated by the Reagan administration about these ramifications. This report will address many of the unanswered questions and will provide the information not only to the Congress but to the American people. I strongly urge my colleagues to support this amendment.

Mr. TSONGAS. I yield to the acting majority leader.

Mr. STEVENS. Mr. President, it is legislation on an appropriations bill. It has been discussed with us. I am concerned about requiring a report to Congress in that timeframe on security implications of this report. It comes about during a time when the people who are involved in this matter are very much involved also in assisting in the overall recommendations that are being made to the administration in the total area, including dealing with the Geneva negotiations and the preparation of the President's budget and state of the Union message. There are so many things involved, I really am concerned about the timeframe.

I have suggested July 1—really a June 30 date—to the Senator from Massachusetts. I think there is a general agreement that his date, which is the first 3 months of the year, is just too soon. I urge him to consider a different date; what would he say to May 15? If the Senator would modify his amendment and make it May 15, I would not oppose the amendment.

I understand that the Senator from Mississippi also has similar comments concerning the problem. It is legislation. We have not been able to confer with the chairman of the Armed Services Committee concerning it. The indications are from my staff that such a report would be of interest to a substantial number of Members of the Senate. On that basis, we will not oppose it if the Senator will modify his amendment and make it May 15.

Mr. TSONGAS. Mr. President, I ask unanimous consent that the date be changed to May 15.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment was so modified.

The amendment, as modified, follows:

At the end of title VII, add a new section as follows:

SEC. . Presidential Report on Strategic Defenses, Including Ballistic Missile Defense Systems, Their Components, and Related Technologies.

(A) The President shall submit to the Congress by May 15, 1984 in unclassified form with classified addenda as necessary a report addressing the national security implications of the research, development, testing and eventual deployment of strategic defenses, including ballistic missile defense systems, their components, and related technologies (hereafter referred to as "strategic defense programs"). The report shall draw upon the studies of the Defense Technologies Study Team headed by James C. Fletcher and the Future Security Strategy Study headed by Fred S. Hoffman as well as other relevant materials.

(B) The report shall address specifically the following issues:

(1) the impact of strategic defense programs on existing arms control agreements and on current and prospective arms control negotiations and agreements;

(2) the impact of strategic defense programs on likely Soviet efforts in offensive and defensive military programs; and the impact of Soviet strategic defense efforts on United States strategic doctrine and strategic force structure;

(3) the impact of strategic defense programs on the viability of NATO nuclear forces and on the future of the independent nuclear deterrent forces of France and the United Kingdom;

(4) the projected costs of strategic defense programs, including an assessment of research, development, testing, development and maintenance costs on a year-by-year basis of the various technologies currently under study;

(5) the impact of strategic defense programs on other current and projected defense budget priorities and on the anticipated availability of technical and manpower resources necessary to support defense programs.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment.

The amendment (No. 2495) was agreed to.

Mr. TSONGAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2496

Mr. MATTINGLY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Georgia (Mr. MATTINGLY) proposes an amendment numbered 2496.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after November 1, 1983, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from entering the United States unlawfully.

Mr. MATTINGLY. Mr. President, the amendment I am offering and that I understand is acceptable to both sides stipulates that none of the funds in the bill may be available to any country for a 3-month period following the certification of the President to the Congress that a nation is not taking adequate steps to prevent the production, sale, and distribution of illegal narcotic drugs or their sale to U.S. Government personnel. Measures are also required to prevent such drugs from entering the United States unlawfully. It is the same amendment that I have introduced and that has been accepted on other appropriations bills. I offered a similar provision to the fiscal year 1984 defense authorization bill. It was adopted by a 91 to 0 vote. The amendment has been included in the fiscal year 1984 foreign assistance appropriation bill that has been reported from committee.

Mr. President, the reasons for this amendment are obvious. First, of course, is the continued tremendous influx of drugs into the United States. Second, if you take the example of NATO and the missiles that we have in Europe, note that U.S. troops involved with those weapons are required to take urinalysis tests for drugs. Soldiers from other countries are not required to do so. This amendment provides leverage that the President of the United States can use with the NATO members to adopt uniform drug testing procedures.

Just several days ago, on November 2, public television aired a program called the "Chemical People." It will appear again on November 9. It showed the terrible problems created by the drug epidemic in the United States. My amendment is a conclusive demonstration of the U.S. intent to stifle the influx of drugs that not only are ruining so many of our children but are also creating tragic personal and security problems for our military personnel overseas. We should use as leverage the funds that we appropriate in an effort to insist that other countries assist our efforts to control this scourge.

Mr. President, I urge adoption of my amendment.

Mr. STEVENS. Mr. President, again this is a difficult problem. It is legislation on an appropriations bill.

I would call to the attention of the Senate that this matter was in the State authorization bill. It was accepted by the Armed Services Committee, as I understand it, and it was deleted in the conference with the House. It does take a different standing then, in my opinion.

It was also contained in the Foreign Relations Committee bill, and it is a matter that I think deserves attention by those of us who are concerned about the ever-present problem of drugs as they affect particularly those members of our Nation who serve our country in the military abroad.

This amendment deals with illegal sale of drugs within the jurisdiction of a foreign country to U.S. Government personnel or their dependents in that country. There is increasing evidence that many of the nations to whom we provide substantial military assistance are not taking action to cooperate with us to prevent our people from being subjected to really ungodly pressures particularly in terms of the sale of hard drugs abroad. I think we should accept this amendment.

Does the Senator from Mississippi agree with me?

Mr. STENNIS. Mr. President, if the Senator will yield, yes, I agree generally. I think it is important to get a policy from the administration that is pushing hard on the whole subject, and this would reinforce the executive effort.

The fact that the Senator has offered this amendment on several occasions and it has never been defeated—is that correct?

Mr. MATTINGLY. That is correct.

Mr. STENNIS. Shows the great strength the Senator has for his proposal, and I commend him for that. But as I see it, he would have to get it on a vehicle or in a policy of the administration, the executive branch to use this weapon that the Senator is giving them. And I hope he will keep trying. I support the amendment.

Mr. STEVENS. Mr. President, I join in commending the distinguished Senator from Georgia for his perseverance in this regard.

I will not take too much of the Senate's time, but I recall a conversation I had earlier this year with a young man who had been in the service, who told me about his experience with drugs and how he is trying to work his way around that dependence which came from his experience with narcotics. It was a sad tale. I really think anyone who has been exposed to young men like that can only feel that whatever efforts we take must be pursued vigorously. The kind of tenacity that the Senator from Georgia has shown with regard to this subject I think is commendable. We are prepared to recommend the Senate accept the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2496) was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Shall we go to third reading?

The PRESIDING OFFICER. Are there further amendments?

Mr. STEVENS. Mr. President, there is a committee amendment we have to deal with, and I would be willing to do that. I would ask the other side to give notice to the Senator from Ohio that we will raise the pending committee amendment. We could not go to third reading without disposing of the last committee amendment, so I intend to call up that amendment which deals with the subject of McNeil Island.

I would ask the people on this side to give notice to the Senators from Washington that I intend to call up that amendment as soon as the Senator from Ohio can reach the floor.

It is my understanding we could not go to third reading until we dispose of the committee amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. That is the last committee amendment, so I would call up the last committee amendment as soon as the Senator—he is here now.

Mr. President, the last full section in the bill, section 799, appears on page 88. I do note that the Senator from Ohio is here. I think in courtesy we ought to also await the presence of the Senator who requested us to put this in the bill. So if he has no objection, I would suggest the absence of a quorum for a short period of time so that notice can be given to the Senator from Washington.

Mr. METZENBAUM. Mr. President, I have no objection to doing that, of course, but it is my understanding that we were going to lay this aside until toward the end of the bill. I do think it is a controversial amendment and will actually involve—as I understand the amendment, it involves giving away some property to the State of Washington that has had an appraised value, I am told, of $14 million, that the GSA had then—and this is not hearsay because I have not seen the documentation—come to some tentative agreement with the State of Washington to sell it for $9 million. I do not know the circumstances of selling it for less than the appraised value. This legislation would be to give it away in its entirety.

Now, I do not have to point out to the Senator that this is legislation on an appropriations bill and is subject to a point of order which, if forced to, I would raise. But I really wonder why we are pushing this. I was told the other day there was an effort to put it on the Treasury appropriations bill. It seems to me that the State of Washington does have an opportunity to buy this piece of property if it wants to. I am not looking for a situation in which we get into a lengthy confrontation similar to one that the Senator and I experienced at an earlier point. I just wonder whether it would not serve all purposes if this matter were laid aside until the very end of the bill so that we might discuss it.

Frankly speaking, I have some strong feelings against it, but I would hope to avoid that kind of controversy, and I would hope to avoid the necessity of raising the point of order as well.

Mr. STEVENS. I say to my good friend that much of what he says is correct, but it is a matter that has some urgency. It is an amendment that was presented on behalf the Senators from Washington by the chairman of our committee.

I do say to my friend that I am familiar with McNeil Island. Any Alaskan is familiar with McNeil Island. McNeil Island was the Federal penitentiary that served to incarcerate prisoners from Alaska during the days we were a territory. It is now surplus to the prison system, and it is my understanding that McNeil Island is to be turned over to the State of Washington for use as a park and for environmental purposes. I do not know what the total plan for it is.

It is a matter that has urgency because of the problem that the rents were to be raised on November 1 unless action was taken that GSA would recognize, to demonstrate an intent of Congress to deal with the matter legislatively. We did approve this in the committee. We are aware that it is legislation on an appropriations bill. It may well be subject to a point of order. I assume that it is subject to a point of order.

It is a matter that the Senators from Washington and the chairman of the committee are very much concerned about and wish to handle in this way as an appropriate vehicle, which will result in a settlement of this controversy. It is my understanding that GSA has taken the position that it is prepared to transfer the property, but needs an act of Congress to deal with this property because it has been within the prison system, and disposal of those sites is a matter that requires compliance with an old law of Congress unless there is a special provision dealing with it.

As I have indicated, I do believe that we should have the attendance of the Senator from Washington.

I say to my friend that I did say that we would take it up last. However, so far as I am concerned, this is last. We cannot get anyone to come and present an amendment, and we cannot go to third reading until we dispose of this last amendment. So I am making an idle threat to go to third reading.

Mr. METZENBAUM. I am ready, but I suggest that we have a quorum call, so that I may advise the Senator from Alaska, in advance of offering the amendment, what I propose.

Mr. STEVENS. I hope notice has been sent to the Senators from Washington. I do not want to stand here making an idle threat, and I do not want the Chair to tell me that we cannot go to third reading because a committee amendment is still pending.

I do suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2497

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

Mr. STEVENS. Mr. President, is a committee amendment pending?

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside in order that the Senator from Ohio may send an amendment to the desk and without the pending amendment losing its place.

The PRESIDING OFFICER. While the committee amendment is at the desk, it has not been called up and is not the pending business.

Mr. STEVENS. I thought I called it up. I have no objection to handling it either way. I withdraw that for the time being.

The PRESIDING OFFICER. The amendment will be stated.

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 2497.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Page 11, line 16, strike "$6,584,744,000" and insert $6,594,744,000," of which $10,000,000 shall be available for the hiring of 400 auditors in the Defense Contract Audit Agency.

Mr. METZENBAUM. Mr. President, this body at an earlier time dealt with this same subject having to do with the matter of a defense contract auditing agency.

My amendment increases the number of auditors in the defense contract audit agency by 400 auditors.

At an earlier point in the authorization bill an amendment was offered along the same line and was accepted by the Senate.

These 400 auditors will cost about $10 million. But based on historical experience, those additional auditors will save the Government more than $1 billion each year.

According to Deputy Secretary of Defense Carlucci, DCAA saved the taxpayers more than $6.9 billion in fiscal year 1981. That is a savings of $69 for every dollar in the DCAA budget—or $2.3 million for every DCAA auditor that year.

Using that track record, and there is no reason why we should not assume the same performance, this amendment would save the taxpayers at least an additional $1.1 billion in fiscal year 1984, when our defense procurement budget will be over $94 billion.

Let me review just a few of the individual examples of waste, fraud, and abuse that DCAA has uncovered.

According to a partial list compiled by the House Committee on Appropriations, DCAA auditors uncovered the following incidents of questionable overhead costs submitted by Department of Defense contractors to the Pentagon for payment at the taxpayer's expense: $1,500 for 10 tickets to the premier of the movie "Superman"; over $16,800 from one company for the purchase of season tickets, with parking, for sporting events.

What a great way to spend the Government's money; $53,000 for a golf tournament. That must have included, as I see it, all the bets on the 1st to the 18th hole because that is a lot of money for a golf tournament. For a tour of Tijuana, Mexico, $266. I am not sure how they spent it there, but that seems to be a pretty fancy tour. For office furniture, $20,000, that included bar stools, a stereo system, and a bumper pool table. I would guess that with the bar stools they must have been able to obtain a lot of liquor as well for the bar, and they probably had very fancy cue sticks and balls on the pool table for $20,000. Numerous tickets for symphonies, ballets, and civic events. Numerous instances of undocumented travel, including travel for spouses.

Why? It is absurd. And the DCAA has picked this up. As a matter of fact, the Department of Defense should have been picking it up itself.

Outing costs, including $965 for rental of a party boat, $1,707 for food, $2,392 for liquor, and $589 for cowboy hats.

Million of dollars for operating expenses of company airplanes which shows no attempt by the companies to conserve fuel, energy, and last but not least, the taxpayers' dollars.

Numerous business conferences and dinners for which no agendas were kept nor the list of participants available.

Legal expenses for claims against the Government and defense against what—against bribery charges. How absurd can we get.

Advertising costs for giveaways of models, tie tacks, cuff links, et cetera.

The House Appropriations Committee report stated:

> The above are just a few examples of unallowable costs which contractors are including as a part of their overhead rates for Government contracts. These are not isolated situations but are discovered in audit after audit. The type of unallowable costs cited above were included by large Defense contractors who have been doing business with the Government for years. The fact that these costs continue to be submitted, apparently unabated, suggests to the investigative staff that contractors are attempting to and frequently succeeding in obtaining excess costs (profits) on Government contracts. They must be aware that the Government's audit effort is constrained, and only a small percentage of these type of costs will be identified. . . . DCAA's limited audit capacity can only uncover a small percentage of these items. Moreover, most of the items cited were found on a sampling basis, so that it is impossible to know how many millions of dollars the Government has paid in the past and is paying now for unallowable costs.

Mr. President, I am pleased that it is my understanding that the managers of the bill are prepared to accept the amendment and that gratifies me, and I think it indicates a degree of responsibility on the part of the leadership handling this measure.

I am not pleased, however, about the fact that there was $6 million in the House bill; it came over to the Senate and I am told that the Department said they did not need it. They did not need it. The Department needs more auditing and they are the ones who should be down here asking for the $10 million, not some of us in the Senate.

I am pleased, Mr. President, and I ask unanimous consent to add Senator PRYOR as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. I think that it is shameful that these practices continue. I think making this $10 million available for an additional 400 auditors is a major step in the right direction.

I think I am correct in understanding that the managers are prepared to accept the amendment.

Mr. STENNIS. Mr. President, If the Senator will yield, I know how thorough the Senator from Ohio is and I believe to get an amendment like this started in operation, it is going to take some surveillance by the author of the amendment. Is he in a position that he can give it at least some followup? I do not mean just a great deal of time, but to get this thing put over and get it in reality, he can help out in getting it started, I am sure.

What is his attitude on that?

Mr. METZENBAUM. I am very happy to do so and anxious to do so, and I am pleased to report to the distinguished ranking member of the Armed Services Appropriations Subcommittee as well as the Armed Services Committee that I know I am joined in this effort by Senator BENTSEN, Senator PRYOR, Senator BOREN, and by a number of other Members of the Senate, and I assure my good friend from Mississippi that once we adopt this I do indeed intend to ride herd on it to see to it that the Department of Defense does that which they are obligated to do and which Congress wants them to do.

Mr. STENNIS. That is very good.

I thank the Senator for his attitude. I am going to support his amendment, and we will see what we can do in conference if it passes, and we do have so many of them in this vast activity, the Department of Defense and related matters, that our committee just cannot give it the surveillance.

Mr. METZENBAUM. My good friend from Mississippi knows that when I had the privilege of serving on his committee, the Armed Services Committee, in the early point in my Senate career at that point even in those early days I was not as much concerned with the specific expenditure of funds but what I was concerned about was failure to use competitive bidding and other procedures that throw away the taxpayers' dollars. I think this is a way where we can send 400 men or women out into the field to see to it that defense contractors do not load up their bills with unnecessary expenses for the U.S. Government to bear.

Mr. STENNIS. I join with the Senator to this extent. We are talking about balancing the budget and the problems that go with it, and they are real problems, but I still believe that in the field of the administration of whatever program it is, military or medicare or whatever it is, that some surveillance in that field, administration of it, rigidly within the law as authorized, will go a long way toward curing our fiscal affairs, a long ways toward balancing the budget.

Mr. METZENBAUM. The Senator has my assurance.

Mr. STENNIS. Yes.

Mr. STEVENS. Mr. President, I understand that the Senator wants to put $10 million into the defense contract audit account. We had deleted the amount in the House bill frankly because it was in a budgeted item that would be in conference.

If the Senator wants to increase it, of course, the Senate does have to address the matter. As a practical matter we have no objection to the increase of funds.

I have not read the Senator's amendment. I have it here now.

It would authorize the use of additional funds for hiring auditors for the Defense Contract Audit Agency. It is available; it does not direct the hiring of them, as I understand it.

It is my understanding the Inspector General of the Department of Defense does have a need for increased auditors. He did appear before our subcommittee with, I might say, a very fine presentation and is developing a good track record. I think we ought to listen to the Inspector General and have him determine the pace at which his unit grows. So on the basis of the matter in which this amendment is presented, I have no objection to it.

I think that the Inspector General should be given the funds he needs, and more, because we have every reason to believe he is doing a good job. As I indicated, as the reputation of his unit grows, waste and abuse and fraud will decrease in the Department of Defense.

So I am perfectly in accord with the objective of the Senator and we are prepared to recommend to the Senate to accept the amendment.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that Senator SASSER be added as cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I accept the amendment and recommend its adoption.

Mr. METZENBAUM. Mr. President, I am very pleased that the managers of the bill are prepared to accept the amendment. I just want to be certain that, although it does not direct the Inspector General to add the auditors, I think the congressional intent is clear. I think that, realistically speaking, you cannot say to some particular executive who works for the Government, "Hire so many people by a certain day" because sometimes that is impractical.

But I would be greatly disappointed, and I think many of us in the Senate would be disappointed, if the Inspector General dragged his feet and did not move with dispatch as promptly as possible, because the congressional intent is certainly clear that we have given him $10 million with the understanding that he will move forward and get the necessary number of auditors and put them on as promptly as possible.

So with that understanding, I hope the amendment will be adopted.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. Mr. President, we have a person who has been hired to prevent waste in the Department. Certainly we would not expect him to spend money to hire new auditors until he needs them, would we?

Mr. METZENBAUM. I would agree with that.

Mr. STEVENS. On that basis, I accept the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from Ohio (Mr. Metzenbaum).

The amendment (No. 2497) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT—PAGE 88

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate the remaining committee amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

On page 88, add new section 799.

Notwithstanding any other provision of law, the Administrator of General Services is directed, for and on behalf of the United States, to transfer by quitclaim deed and without consideration, to the State of Washington, all right, title, and interest of the United States in real property, formerly administered by the Department of Justice, located in Pierce County, Washington, known as the former McNeil Island Federal Penitentiary, consisting of approximately four thousand four hundred and forty-five acres of land, all improvements thereon, and all related personal property associated therewith.

(By request of Mr. Gorton, the following statement was ordered to be printed in the Record:)

● Mr. EVANS. Mr. President, this amendment transfers ownership of the McNeil Island Federal Penitentiary complex to the State of Washington. This legislation conforms with the President's policy that these free conveyances should take place. It will resolve several years of frustrating negotiations between the State and the General Services Administration, and it will allow the State to proceed with the capital improvements needed to make the prison suitable for permanent use.

The McNeil Island complex consists of three islands located in south Puget Sound. The prison facilities are on 4,413-acre McNeil Island. The complex also includes 1-acre Pitt Island and 2.5-acre Gertrude Island.

Before it closed in June 1981, the Federal Bureau of Prisons had used McNeil Island as a Federal penitentiary for more than 100 years. Because of its isolation from human contact, the three-island complex has developed into a unique and significant wildlife sanctuary. When it was closed as a Federal prison, the U.S. Fish and Wildlife Service had the first rights to the property. It agreed to relinquish its claim in favor of the State of Washington provided the State agreed to use the island for prison purposes only and to maintain and protect the sanctuary. The State spends approximately $235,000 per year to protect the sanctuary.

The State of Washington is faced with severe and long-term overcrowding problems in its prisons. In addition to building other prisons, the State decided it needed McNeil as a permanent part of its adult corrections system.

In 1981 the State began using McNeil Island as a prison. Since then, the State has entered into right of entry agreements with the General Services Administration which have been renewed several times, so it can continue to use the prison while it has tried to acquire the facilities.

The State has spent approximately $3 million on capital improvements to the prison facilities, and must spend an additional $15 to $20 million to make the prison suitable for permanent use. In addition, the State has paid almost $1 million in rent for its use of the complex. Today the State pays approximately $350,000 per year in rent. The existing agreement expired Monday, October 31, however. And the GSA intends to triple this rent, to $1 million per year.

The State has been negotiating for 2 years, and is now trying to acquire McNeil Island as a public benefit discount conveyance. It is the administration's policy that property to be used as correctional facilities shall be conveyed to State and local governments free. The President's Property Review Board lists correctional facilities as its first exception to its general rule that Federal property shall be sold at fair market value. And the President, in response to the Attorney General's task force on violent crime, has promised to assist State and local governments in acquiring surplus property for prison use.

Despite this clear directive from the administration, the State has been unable so far to obtain title to McNeil Island. It has been negotiating for over 2 years to that end, and in the process has been spending millions of dollars in rent and capital improvements. The substantial rent increase brings this issue to the forefront and requires immediate resolution.

Therefore, Mr. President, I urge adoption of this amendment, which would relieve a crisis situation in my State, and would also meet the stated goals of the administration to donate Federal surplus facilities to State and local governments for corrections use.●

Mr. GORTON. Mr. President, the nature of this amendment is to require transfer of ownership of McNeil Island and two small islands adjacent to it to the State of Washington. McNeil Island, for many decades, was a Federal penitentiary, or rather a Federal penitentiary was the only development on the island which consists of approximately 8 square miles. The island is located in southern Puget Sound close to the city of Tacoma and was ideal for those purposes, because of its obvious high degree of security.

The overwhelming majority of the acreage of the island was left essentially in its natural state, though there were a few prison farms that developed on it during its administration by the United States.

Four or five years ago, the United States announced its intention to abandon the facility. After extensive negotiations between the State and the United States, in which my predecessor, Senator Magnuson, and the late Senator Jackson played a significant role, a temporary form of lease arrangement between the United States and the State of Washington was entered into. The State has since 1980 operated McNeil Island as a State correctional facility.

It has during that period of time invested about $3 million in capital improvements to the facility, which was absolutely necessary to the State because of prison overcrowding. It will be necessary for the State to devote another $15 million or $20 million in further capital improvements to the site to bring it to its full capacity and to its appropriate use.

At the time of those temporary leases, of course, under the law, the U.S. Fish and Wildlife Service had first call on most of the island because of its nature as a wildlife refuge. The State has entered into an agreement with the Fish and Wildlife Service, pursuant to which it manages the rest of the island as wildlife refuge.

Despite the fact that it is the policy of the President to transfer such facilities to States when they are going to be used for prison or correctional facilities, we have not been able to end the negotiations in any kind of satisfactory fashion with the General Services Administration. On November 1, GSA threatened to increase State rentals to $1 million a year, far too great an amount for its use as a facility which will benefit the people of the State and of the United States.

As a consequence, the chairman of the Subcommittee on Defense Appropriations and the chairman of the Appropriations Committee agreed to this amendment, which will transfer title of the property of the State of Washington, so that it may continue to use it, first, as a correctional facility, and, second, for the great bulk of the acreage of the island, as a wildlife refuge.

Mr. METZENBAUM. Mr. President, deja vu. We are back to those days when we are on the floor proposing to give away Federal property to a State. In this instance, it is the State of Washington.

The last time we went to bat on an issue of this kind was the Alaskan railroad, and we wound up sending that to an appraisal and the appraisal has been made and that matter is still pending, but certainly we have made a major move forward in connection with that subject.

Here we are again proposing to give away Federal property to a State.

I do not quite understand how my good friend from Washington can make this proposal because I am not sure whether he is aware of the fact—I think it is a fact, or so I am told—that there has been a memorandum of understanding entered into between the GSA and the State of Washington setting a transfer price at $8.8 million. I might say that the $8.8 million is substantially less than the GSA appraisal of $14 million.

If there is that memorandum of understanding, which I am told is on its way to Washington at this very moment, then how can this body see fit to take action of this kind, action which I am sure my colleague from Washington would agree is on an inappropriate bill? Obviously, it is legislation on an appropriations bill.

I do not understand what it is about this McNeil Island. About 3 or 4 days ago they told me they wanted to put the McNeil Island amendment on the Treasury bill. Now they want to put the McNeil Island amendment on the Defense appropriations bill.

The penitentiary and the land has nothing at all to do with Treasury, except that it negatively impacts the Treasury to the extent of $8.8 million, if you use the agreement entered into between the State and the Federal Government, or $14 million if you use the GSA appraisal.

How can we come to the Senate with an appropriations bill for the military, and I do not know exactly how many billions of dollars is in it, and bring along with it a measure to give away $8.8 million of the Federal Government's money?

Some would say that is a nickel-and-dime item. But I want you to know that the people who are hungry in the cities of Cleveland, Youngstown, Toledo, and so many other cities in my State and around this country, could buy a heck of a lot of food with $8.8 million; $8.8 million is nothing if it is somebody else's money, but it is a lot of money if you do not have it, if you are hungry, if you do not have clothes, if you want to send your kids to school.

If the State wants to use this as a wildlife refuge, as my good friend from Washington says, then the Energy Committee ought to take a look at the proposal, there ought to be hearings, and we ought to decide whether to approve it or not to approve it.

But, no, come to Uncle Sam and get him to give you something for nothing.

Every day in the week I hear Senators talk about balancing the budget, I hear Senators talking about waste and fraud and abuse, I hear Senators talking about someone and who is getting food stamps and welfare for 12 kids and she only had 6. What a terrible thing. We are going to send her to jail.

But I do not know why that woman's actions are any worse than asking us in the U.S. Senate to give away $8.8 million of the taxpayers' money. There is not any logic under the Sun.

This property consists of 4,445 acres of land and considerable improvements. Even the State of Washington, I am told, estimates the value at $2 million to $5 million, and the prison is worth approximately $8 million. Why are we being asked to give this property away on a Friday morning on the Department of Defense appropriations bill?

Has it been offered to other Federal agencies as required by law? Have other applicable provisions of Federal law with respect to property transfer been complied with?

Of course not. There is a procedure that is taking place at the moment, and I do not know the details of the procedure, which provides, according to the advice I have, that the Federal Government is going to get $8.8 million for this property, and that there is actually signed and executed a memorandum of understanding.

I do not follow on this. I am aware of the fact that $8.8 million is peanuts around here. It is not even $88 million. It is not even $8 billion. But it is $8.8 million of the taxpayers' money and we are being asked to give it away.

No attempt has been made to show compliance, or even an attempt to comply, with the normal legal mechanisms for disposing of Federal property. There have been no hearings. Why not have a bill going through the normal committee process? No. Try to get it on the Treasury appropriations bill. If you fail on that, get it on the Department of Defense appropriations bill. I am surprised it did not come up on the supplemental appropriations or the continuing resolution. Try to get the Congress to do something people with good judgment would not ordinarily do.

I believe this legislation before us has no place before us. I do not know why we are meeting here on a Friday morning to talk about giving away $8.8 million of the Federal Government's money.

I want to repeat, there is a memorandum of understanding that the State is willing to pay for it. At least, that is what I have been advised by the staff. If that is the case, how can anybody suggest that it be given away?

I am not for that and I do not intend to permit this matter to pass without extensively debating it.

Some people would say, "Why do you want to hold up the Department of Defense appropriations bill, which involves"—how many billions of dollars?

Mr. HUDDLESTON. $251.7 billion.

Mr. METZENBAUM. "$251.7 billion?"

"Senator, how can you waste the Senate's time when all we are talking about is $8.8 million?"

Well, I think it is something and I intend to see that it does not pass.

I know I have the right to raise a point of order. I know what happens around here, that all those great conservatives will all vote to override. They will all vote to say it is germane. They will all put their heads in the sand and forget the realities. So we are not going to raise the point of order at this point. We are going to talk about this measure, because I think that the more attention we give this subject, the healthier it will be for the Senate and the healthier it will be for the country.

Mr. President, I suggest the absence of a quorum.

Mr. GORTON. Would the Senator withhold?

Mr. METZENBAUM. Yes.

The PRESIDING OFFICER (Mr. HECHT). The Senator from Washington.

Mr. GORTON. Mr. President, I am disappointed, to say the least, at the attitude expressed by my friend from the State of Ohio. For some reason or another he thinks that an $8.8 million item on a $251 billion appropriation is somehow or other particularly outrageous.

As a matter of fact, the Senator from Ohio is well known for his constant attempts, and often very successful attempts, to see to it that the Federal Government spends money on valid social and political purposes.

The Senator from Ohio does not find it offensive that the Federal Government builds highways in the State of Ohio or, for that matter, in the State of Washington, or creates capital improvements which improve the lives of the people of the United States, or spends money for a myriad of social programs having the same end.

In this case, we are involved in what under normal circumstances would be considered to be a completely routine transfer. The value of McNeil Island or of the former Federal penitentiary stems almost exclusively from its value if it is developed. The State of Washington does not intend to develop McNeil Island.

Of course, some 4,400 acres would be of great value if it were developed for condominiums or, for that matter, even for summer homes. It is not. Pursuant to an agreement between the State of Washington and the Fish and Wildlife Service, the State of Washington is actually going to save the Federal Government money by managing a wildlife refuge which might otherwise have simply been transferred, without consideration as an appropriation, I may say, from one Federal agency to another.

On April 5 of this year, a memorandum for the Administrator of the General Services Administration was sent out on the subject of transfers of surplus property for state correctional facilities from Edwin L. Harper at the White House. Mr. Harper states in the memorandum:

> I would appreciate it if you would alert your regional personnel to the new procedures and ask them to treat requests for surplus properties for correctional purposes as priority items. These transfers are an exception by the Board to the general policy of giving priority to the sale at fair market value of surplus property.

These are an exception to that policy. It is only because of the frustration which the State has had in dealing with the General Services Administration that this amendment comes up at all.

I simply have to repeat, Mr. President, this is totally different, whatever the merits of the case of the Senator from Ohio were with respect to the Alaska railroad, from that commercial venture. A railroad is a commercial venture. The State has charged shippers money for shipment on that railroad.

In this case, we are talking about a piece of property which is going to be used for two purposes, which are Federal purposes to precisely the same extent that they are State purposes——

Mr. METZENBAUM. Would my good friend yield for a question?

Mr. GORTON. Certainly, Mr. President.

Mr. METZENBAUM. Is the information that has been provided me correct that the State has entered into a memorandum of understanding between the GSA and the State setting the transfer price at $8.8 million?

Mr. GORTON. Mr. President, I say to the Senator from Ohio that there is no such memorandum signed or approved by the State at this point.

Mr. METZENBAUM. Let me tell the Senator that the source of my information is one of the Energy Committee staff members who has been in touch with the State of Washington this morning. They have indicated that that agreement will be forthcoming and is on its way.

Let me ask the Senator a second question. Is the Senator from Washington aware of the $14 million appraisal of this property by the GSA?

Mr. GORTON. The Senator from Washington is aware of that appraisal. But that appraisal is based on a value of the property for its highest and best use. I can assure the Senator from Ohio that the highest and best use of McNeil Island, under normal, formal real estate appraisal situations, is not as a wildlife refuge. It is exactly to that issue that I was speaking when I pointed out that the State has already agreed to keep the huge bulk of this island which is not occupied by the penitentiary facility as a wildlife refuge.

Yes, Mr. President, it is clear that if the island were to be developed for summer home purposes, for marinas and the like, the $14 million, in the view of this Senator, would be an appropriate value to attach to it.

The point is that that is not the case. What the State of Washington will do with that great bulk of the island is precisely what would have been done, without any money changing hands, I may say, had the Fish and Wildlife Service exercised its complete right to have a transfer from the Bureau of Provisions to the Fish and Wildlife Service for the purpose of keeping it as a wildlife sanctuary.

The State has stated that it will keep it as a wildlife sanctuary. In fact, of course, as against transferring it to the Fish and Wildlife Service, that will save the taxpayers of the United States money, because the administrative costs, the costs of keeping it as such, which are relatively modest but nonetheless real, will now be borne by the State of Washington rather than by the United States.

The other portion, of course, the physically used portion of the island, will, as I have already said, be used—is being used—as a State penitentiary at the present time. All of the money which the State can raise needs necessarily to go into physical improvements to that penitentiary facility.

This is a peculiar situation, Mr. President, unlike one which may take place, say, in the State of Ohio where, if the Federal Government were to abandon a Federal prison property, normally, of course, you would deal only with the area, say, within the walls of a prison in any kind of transfer. When the Federal Government built McNeil Island prison, it took ownership of the entire island for security purposes and kept most of it in a wild state. That is what the State of Washington wishes to do at the present time.

The island is not going to be used for commercial purposes. It has no commercial value. The taxpayers of the country make no gain by requiring that money be paid for it. That is precisely the reason that even an extremely conservative White House has said the transfers for prison purposes ought to be treated differently from transfers for some kind of commercial purpose.

Mr. METZENBAUM. Would the Senator from Washington be good enough to advise us as to why he has not followed the normal procedure of going through the authorizing committee, rather than tacking this on as an amendment to the DOD appropriations bill?

I have wondered why the Senator has not followed the usual procedures to go through the authorizing committee—the Energy Committee, I assume it would be—in order to deal with this matter, rather than try to attach it either as an amendment to the Treasury bill or now to the DOD appropriations bill?

Why are we being called upon to accept an amendment out of the Appropriations Committee on a totally extraneous matter to defense appropriations?

Mr. GORTON. The Senator raises a good and valid question. I think the best answer has to be that, obviously, there has been a long series of negotiations over the use of this island. As long ago as, I believe, 1980 or early 1981, after the Bureau of Prisons ceased using it, it was leased to the State. It is being used as a State penitentiary at the present time.

The State has always felt that it could reach an agreement pursuant to either an extremely modest price or a free transfer of the property. But the GSA, I suppose operating within its narrow parameters, simply stated that when the lease for a modest rental ran out on October 31, just a few days ago, it was going to triple the rent.

Mr. METZENBAUM. How much is that?

Mr. GORTON. From $350,000 to $1 million a year. It was that attitude, that expression, which triggered this response on Senator EVANS' and my part.

Mr. METZENBAUM. It would not take that long for a bill to be heard by the Energy Committee. We are talking about $80,000 a month.

It is not enough, really, that it is going to affect the economic condition of the State of Washington. They are now paying about $30,000 a month, $25,000, or whatever. It seems to me that the Senator from Washington ought to recognize that this is really not the way to proceed and that he ought to introduce separate legislation. He has friends who chair the Energy Committee hearings. I am sure the matter could be brought to a hearing.

If not that, he could follow the procedures that are provided for under the law with respect to the disposal of surplus Government property. It also, as I understand the law, would require its being first offered to other Federal agencies.

Mr. GORTON. That took place in 1980, Mr. President.

Mr. METZENBAUM. Why are the normal procedures not being followed——

Mr. GORTON. The offer of the property to other Federal agencies was a process which obtained some 3 years ago, and the only other Federal agency which showed interest in the property was the Fish and Wildlife Service. When the State agreed to keep the island outside of the penitentiary grounds as a wildlife refuge, the U.S. Fish and Wildlife Service passed on its opportunity to take it over.

I say to the Senator that exactly the point which he is making, that this is a relatively small matter, is precisely the reason for its appropriate inclusion as an add-on to another bill. The Senator from Ohio does not take the position that these relatively small items are constantly the subject of separate bills and of separate hearings. The Senator from Ohio is a member of the Energy Committee and knows how hard it has worked on a natural gas bill, which is before the Senate right now, on wilderness bills, and the like. Because this is a proposed transfer from one public entity to another to be used for precisely the purposes that the United States utilized it before, it seems to me to be a totally appropriate method of dealing with the question and which has ample precedent in the history of the Senate.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, the distinguished Senator from Washington probably has a valid reason and maybe one that would be acceptable by the Members of the Senate, but there has been a lesson or two thrown around this Senate Chamber in the last few weeks and that is under rule XV, the jurisdictional question, and under rule XVI, the germaneness question. And if we want to skirt the normal procedure, if we want to get around the hearings that would bring to light recommendations, need, payment, loss of dollars to all of our taxpayers, something must be done. I am not in a position today to say that the proposal of the distinguished Senator from Washington is wrong, that it should not be done. But to come on the Senate floor and offer an amendment to the Defense appropriations bill—and his amendment has nothing to do with Defense appropriations—to give an island to his State seems to me to be another end run.

We are getting to the point, Mr. President, where end runs are attempted almost daily in this Chamber—end runs around the committee system, end runs around the hearing system, end runs to very quickly and quietly take care of a colleague.

Now, I object to that. I object to it in principle. I am not objecting to it on the basis of what the distinguished Senator is attempting to do because I do not know. This legislation should come through the committee upon which I sit as a member, and so today we find the end run. I hope the Senator from Washington would admit that. I think he said a moment ago, when he was asked precisely about an end run around the committee, that it was a good and valid question. Then he began to set out the reasons why it was a good amendment, yet we have not held a hearing.

I go back to the other day when we talked about the jurisdictional question under rule XV. I learned a real and valuable lesson early on when I came to the Senate. The distinguished senior Senator from Tennessee, who is now majority leader, told me that I may have a good amendment but I attempted to go around the committee system and the committee on which he was a member. Therefore, he would pledge to me that once the hearings were held and all these things came out before the committee, he may well support my position.

Well, I say to the distinguished Senator from Washington, if he will introduce a piece of legislation, let it go through the normal procedure, I may well support him. But I say to the distinguished Senator and to the Chair that I intend to see that we take some time on this amendment. I will be glad to join with the distinguished Senator from Ohio to see that we take some time on this amendment that does not deal in any way, directly or indirectly, with the Defense appropriations bill. So again I say to my distinguished friend from Washington I hope he would pull this amendment down and allow us to go through the normal procedure. I may full well support his request. I do not know. We have not had an opportunity to look at it. He knows about end runs on other committees on which we are members. You can have an end run if you have enough votes. But it is going to take us some time to get to the vote. I am hopeful that we could get back to the normal procedure as it relates to legislation introduced, present it to a committee, proper hearings being held, and bring that legislation to the floor. Then the committee could have its position and in all probability would support my distinguished friend. But I say to him again, I hope in his good judgment—and he has also related and apparently inferred that a moment ago—that what we are suggesting to him is the right way and he agrees that the question asked of him by the distinguished Senator from Ohio was valid in his mind. But then he begins to substantiate his amendment.

The committee is where he ought to do that. And then if it comes to the floor and there are any problems with it, we can have our discussion. But under the circumstances it is difficult for me.

I might say to my distinguished friend that I am contemplating a rules change and will submit that rules change, which I think I mentioned to the Senator the other day, to overrule the ruling of the Chair in certain areas—and I have to be very careful about it—it would take a super vote, not just a normal majority but it would take a super vote to overrule the ruling of the Chair. The Chair rules based on the rules of the Senate, and I want to see that the good work which is done by the Parliamentarian and his assistants and then the Chair leans on it, that we do not embarrass the Chair by voting on the issue rather than on rules, that Government should be of laws rather than of men, and that if we have laws, we ought to abide by them. So I hope the Senator would pull this amendment down and go through the normal procedure. I promise him I will help on the minority side to see that he gets a hearing. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. GORTON. Mr. President, I thank the Senator from Kentucky for his thoughtful remarks. He and I have discussed some of our concerns with the Rules of the Senate. I do not believe that we have discussed that one. I think that, in fact he has an intriguing suggestion: that appeals to the ruling of the Chair require some form of super majority. It may very well have a great deal of merit. I do point out, however, that that debate is irrelevant to the one on this committee amendment, not an amendment which I put up here on the floor, but a committee amendment, on two grounds. The first is there is no such super majority rule of the Senate. The second is no one has appealed the ruling of the Chair because there has been no ruling of the Chair.

Mr. FORD. Would the Senator yield on that point?

Mr. GORTON. Yes.

Mr. FORD. The only point I was making is that this is an end run around the committee, and the jurisdictional question that came the other day was an end run around the committee. It was an amendment on an appropriations bill.

I was hoping that we might be able to go back a little bit, take a step backward, and go through the committee system, and probably it would be much easier to acquire and pass if we would follow that system, rather than try to make this amendment fit on an appropriations bill, on which it has no relevance.

Mr. GORTON. I thank the Senator from Kentucky.

I wish at this point to point out one misapprehension under which he and the Senator from Ohio are laboring, and one under which I was laboring.

The first of those is that the jurisdiction over such a proposal would not be in the Committee on Energy and Natural Resources, I am informed, but in the Committee on Governmental Affairs. I am informed by the manager of the bill, the distinguished Senator from Alaska, that it would be within the jurisdiction of the subcommittee which he chairs. It is he, of course, who placed this amendment on the bill in the Subcommittee on Defense of the Appropriations Committee.

So any concern about end runs around offended committees seems to me to be relatively minor in this case. It would not go to the committee of which the Senator from Ohio is a member.

Mr. FORD. Mr. President, will the Senator yield on that point?

Mr. GORTON. If I may at this point, since I have to correct a misstatement, I will go ahead and do that now and then yield.

The Senator from Ohio is correct that there was an initial memorandum of understanding in March of this year for the purchase of the island for $8.8 million. It was shortly after that was signed by a representative of the State and the local—that is to say, regional—Administrator of the General Services Administration, that the State discovered the memorandum from the Office of the President to GSA, which stated that it was the policy of the administration to make transfers of prison facilities for free.

The time since May, since that discovery, has been occupied by the State of Washington in the obvious attempt to see to it that that Federal policy was in fact carried out.

The Senator from Alaska again, in the course of the last couple of weeks, has spoken to the Administrator of the General Services Administration, who feels that what we are attempting to do here, through this amendment, is the appropriate way to solve this problem. So it is with his approval and because of some very clear legal questions as to the ability of the administration to carry out its policy, its sound policy, that we have this amendment here at the present time.

I yield to the Senator from Ohio, if he wishes.

Mr. METZENBAUM. Mr. President, I am very happy to respond.

I would like the man in the White House to understand that he does not make the laws of this country, and he cannot give away property. He does not have any more right than you or I to give away property. Whether he thinks you ought to give away penitentiaries or prisons or not, you cannot do it unless you come to Congress. Thank the Lord, we have a Congress that has some say about it.

That is the same President who a few weeks ago told the timber industry that they did not have to pay any interest for 5 years on contracts they had. He is the same President who goes on television and says, "I will not raise taxes."

The President ought to learn something. The reason you have to raise taxes, the reason you need more money, whether it is raising taxes or closing tax loopholes, is because he makes these decisions.

If you do not get the interest from the timber industry, you need that much more money. If you do not get the money in with respect to the value of the land you sell or give away, you need to get the money some other way.

We are a Government of law; we are not a Government of fiat.

Even here in Congress, with all due respect to the chairman of the subcommittee which would have jurisdiction of this matter, as the Senator from Washington suggests, that is not his decision to make. The chairmen do not make decisions. They just are the chair, to lead the committee and let the committee make the decision.

So it is not the subcommittee chairman. It is not the President of the United States. It is the laws of the land and it is the laws of this Congress and the rules of this Congress that we are talking about. Those rules provide that in a measure of this kind, it go to certain committees.

Why not? What is so terrible about introducing a bill and sending it to the appropriate committee? Then, if we want to vote for it or against it, we have the right to do so. But, oh, no, not on this. This is a committee amendment to a Department of Defense appropriations bill, and whether it supports the policy of the President of the United States or does not is not relevant.

As the Senator from Washington now readily agrees, there is an agreement to pay $8.8 million; and regardless of what the President says, that is a valid agreement, as I understand it. If you have a memorandum of agreement, is that not a valid agreement? I have not seen it.

Mr. GORTON. The Senator is in error on that. There is an initial memorandum of understanding, approved by a local administrator who, of course, could not make a final decision. It relates to certain maximum and minimum prices and the parameters of future negotiations. There is no valid contract in this case.

Mr. METZENBAUM. Mr. President, in order that I may read the memorandum of agreement, and in order that I may determine whether it is a fact, as I have already been advised, that the State of Washington already has in its budget funds for the purchase of this property, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, speaking on behalf of the manager of the bill, I ask that the committee amendment with which we are dealing at the present time be laid aside on the understanding that it will be brought up again on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, the Senator from Ohio thinks that is a good procedure and would like to be assured he will be given adequate notice when it is brought up.

Mr. GORTON. The Senator from Ohio will certainly be given sufficient notice.

Mr. METZENBAUM. I thank the Senator from Washington.

AMENDMENT NO. 2498

(Purpose: To provide funds to assist needy spouses and other close members of the family of members of the Armed Forces who die as the result of service-incurred injuries to attend the funeral of such members)

Mr. METZENBAUM. Mr. President, I want to send an amendment to the desk. I notice the manager of the bill is not on the floor. I will send it to the desk but will not attempt to move to have it adopted until such time as the manager of the bill is on the floor.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 2498.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, after line 19, insert the following:

SPECIAL FUNERAL TRAVEL ASSISTANCE

For the payment, under such regulations as the Secretary of Defense may prescribe, of travel and transportation expenses of the surviving spouse, children, parents, and brothers and sisters of any member of the Armed Forces of the United States who dies as the result of an injury or disease incurred in line of duty to attend the funeral of such member in any case in which the funeral of such member is more than 200 miles from the residence of the surviving spouse, children, parents, or brothers and sisters, if such spouse, children, parents, or brothers and sisters, as the case may be, are financially unable to pay their own travel and transportation expenses to attend the funeral of such member, $100,000, to remain available until expended.

Mr. METZENBAUM. Mr. President, is the Senator from Washington managing the bill?

Mr. GORTON. The Senator from Washington is not managing the bill.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

Mr. LEAHY. Will the Senator withhold for a moment?

Mr. METZENBAUM. Yes.

Mr. LEAHY. I suggested to somebody before when they asked if I was managing the bill, I said, "No; right at the moment the bill is on autopilot and I am simply sitting here until the managers do get back."

I would ask that I be added as a cosponsor with the distinguished Senator from Ohio on this amendment. I read it and I think it is an excellent amendment. But I would ask, whatever disposition is made, that I be added as a cosponsor.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that Senator LEAHY be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, until the managers do arrive on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, this probably is the smallest amount of money that has ever been attached to a Department of Defense appropriations bill, and yet the fact is it may be one of the most important amendments that we will be considering.

There recently came to may attention the following situation:

A father of a marine killed in Lebanon called our office. He told us that his son's widow did not have the money to travel from Camp Lejeune to a small town near Cincinnati where his son was to be buried, and he said he did not have the money to provide it for her. Our staff thereupon called the Marine liaison and was told that no help was available.

We were further told that there were no military flights to Cincinnati and that we are not allowed to compete with the private airlines in providing military transportation.

Fortunately, the person on my staff who received this response did not accept the response and decided that it was the kind of a matter that he would take further.

So he went higher up in the Marines and I am pleased to report that the situation was taken care of through a privately donated fund.

I am not quite certain where those funds come from, but I believe they are donated by other marines.

It really should not take the intervention of a Senate office nor should it require the donation from fellow marines to see to it that the widow of a marine who lost his life has the funds to be able to attend her husband's funeral.

Frankly, it is inconceivable that the Department of Defense does not have a fund to cover this kind of contingency.

My amendment would establish a very small amount. I hope we will not need a large amount and that there will not be the need to call upon the fund for this purpose. My amendment would provide a maximum of $100,000. The Secretary of the Department of Defense would be authorized to draw upon that fund to help needy families who must travel 200 miles or more to attend the funeral of members of the armed services who have lost their lives in line of duty.

My amendment is not intended to discourage voluntary efforts to help survivors. The intent is to provide a fallback and to insure that never again will a grieving family have to grieve about the problem of where do they get the funds to attend their beloved one's funeral.

I think it is difficult to understand that anyone can be opposed to this amendment. If the funds are not needed, they will not be expended. If they are needed, they will be expended only on the authorization of the Secretary of Defense.

I would hope that no other widow, mother, son, daughter, father, or mother would ever again have to call upon their Senator or Congressperson in order to get assistance under circumstances such as these.

Mr. STENNIS. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, I am entirely in sympathy with the purpose of the Senator from Ohio, but those of us in charge of the bill only heard of this matter yesterday. Information about it came to me just a few minutes ago.

The Senator from Alaska is unavoidably detained from the Chamber at this time, but I expect him to return in a few minutes.

Mr. METZENBAUM. I have told those on the other side of the aisle that I had no intention of moving this amendment until the return of the Senator from Alaska.

Mr. STENNIS. Yes.

Here is the report we received. Our staff studied this matter yesterday when they first heard about it. I am told that they have information about this and that the Department of Defense has a general policy and standing rule, authorized in law, that for anyone in any of the services who is killed in action, when they notify the family or next of kin they then offer them or provide them with funds for their discretionary use. It does not have to be in connection with the funeral. but it is assumed that it will be used, at least part of it, in connection with the funeral.

I am not saying that this was done in this case, but I recite this to show that at least it ought to be investigated a little further so we can get at the facts, whatever they may be. Certainly I know we can all join hands in seeing that the law is complied with, if there is any law on it, that the right thing is done and that no one is left without the strong arm of the Government behind them with reference to the funeral or interment of the remains of any service person killed in action.

I appreciate the attitude of the Senator from Ohio. The Senator from Alaska will return to the Chamber just as soon as he can. Of course, he will make a judgment on this also and made a recommendation. I again thank the Senator.

Mr. METZENBAUM. Mr. President, I thank the Senator from Mississippi.

I am about to suggest the absence of a quorum. The Senator from Alaska has just walked in, so I shall not have to suggest the absence of a quorum.

Mr. STENNIS. Mr. President, if the Chair will indulge me just a minute.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask that the amendment of the Senator from Ohio be temporarily laid aside in order that the Senator from New Mexico may offer an amendment.

The PRESIDING OFFICER (Mr. WALLOP). Is there objection? The Chair hears none, and it is so ordered.

The Senator from New Mexico is recognized.

AMENDMENT NO. 2499

(Purpose: To increase funds for basic research)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. BINGAMAN) proposes an amendment numbered 2499.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 36, line 23, strike out "$4,169,939,000" and insert in lieu thereof "$4,174,939,000".

On page 37, line 5, strike out "$7,487,544,000" and insert in lieu thereof "$7,491,544,000".

On page 37, line 17, strike out "$12,323,026,000" and insert in lieu thereof "$12,327,914,000".

On page 38, line 9, strike out "$2,736,728,000" and insert in lieu thereof "$2,740,328,000".

Mr. BINGAMAN. Mr. President, the effect of this amendment is to increase the Defense Department basic research budget to the level of $850 million requested by the President when he submitted his budget to us in January. The amendment would restore cuts made by the Appropriations Committee in the Defense research sciences budgets of the three services and of the Defense Advanced Research Projects Agency, DARPA.

Mr. President, earlier this year both the House and Senate Armed Services Committees supported the President's request for basic research funding as it was requested. Then similar action was taken by the House Appropriations Committee and full funding was included in the Defense appropriations bill which the House passed, H.R. 4185.

To be specific, this amendment would restore $5 million to the Army's basic research budget, $4 million to the Navy's basic research budget, $4,888,000 to the Air Force's basic research budget, and $3,600,000 to the basic research budget of DARPA, the Defense Advanced Research Projects Agency. The total involved in the amendment is $17,488,000. The amendment, it adopted, would allow a 4-percent real growth in the basic research accounts of the Pentagon.

This would compare to an overall increase in research and development of approximately 13 percent, which is being allowed in the bill in other parts. This is an area, Mr. President, that does not have much of a constituency. The money involved goes to basic research and primarily would go to universities which contract with the Defense Department to do this basic research.

In my opinion, the research that is done is crucially important both to our national security and to the economic competitive position of this country.

The article on the front page of the Washington Post this morning about the work DARPA is doing with regard to supercomputers and fifth generation computers is an example of the type of work that results from this type of funding.

I do not need to belabor the point that maintaining our technological edge depends heavily upon our funding of basic research in our defense laboratories and universities.

This additional funding that is called for in this amendment, I believe, is the least we can do and hope to keep this technological edge which we have today in many of these areas.

The Association of American Universities and the National Association of Land Grant Colleges and State Universities endorse the amendment. Although the amendment seems small in comparison to the enormous amounts we are talking about in the Defense budget, a relatively small amount, such as the $18 million called for in this amendment, can go a long way toward keeping us number one in some of these basic research areas in which we become involved.

Let me cite a few examples of the types of research that are funded by this type of activity.

Mr. President, we have a good deal of this money going into basic physics, mechanics, oceanography, chemistry. Computer sciences receive a very substantial amount of the funding that is designated as basic research funding. Clearly, mathematics and computer sciences are areas that this country needs in order to maintain its lead if it is going to be able to have a secure defense and if it is going to be able to compete with other countries that we have as trading partners today.

Mr. President, I think that is a reasonable explanation of the amendment what it does and the reasons for it.

I am glad to yield for any questions which the managers of the bill have with regard to the amendment.

Mr. STEVENS. Mr. President, I appreciate the statement that the Senator has made.

This is a relatively small amount, but we have deleted relatively small amounts from a bill that contains about 22,000 separate items.

As a net result of those relatively small amounts, we are here with a bill that would appropriate roughly $251.7 billion for the Department of Defense, as opposed to $260.9 billion when we all started considering defense at the beginning of this year. The President made some of those cuts, the authorization committee made some of them, and we have made some of them.

However, the item that the Senator from New Mexico mentions represents $17.5 million over a budget request of $850 million. It is a cut of less than 2 percent in this item.

I call the attention of the Senate to the fact that the statement the Senator has made is correct; but we felt that we wanted to reduce the rate of growth in this budget, because we project that next year the rate of growth will be roughly half of what we think we can survive with in this Congress.

Under those circumstances, we have to recognize what we are doing when we start off and get some of the universities dependent upon the higher level.

Believe me, next year we will have to cut even deeper in order to keep within what we project to be the amount of money available for the Department of Defense. We have not cut ongoing projects, ongoing basic research. We have not cut the important university instrumentation activity. There is major growth in the basic research program by virtue of the bill we have recommended.

I point out that in 1983, the Army had $182 million. The budget request for 1984 was $199 million. We have funded $194 million. In other words, we have allocated this cut among the services.

The Navy had a 1983 base of $282 million. The request was $300.8 million. We have appropriated $296.8 million.

The Air Force had a $155 million base; the request was $180.9 million; we recommended $176.9 million.

We have spread this. If you look at the individual services, it is not a large cut. As a matter of fact, it seems to us that with the rate of increase that pervades the whole bill, we had to reduce the trend line on this bill. This is one of the items.

If the Senator from New Mexico succeeds, I can say that there must be a hundred separate amendments that could come in on the same basis, and this bill would go far above the achievable level of real growth.

We have funded every basic weapons system that was requested, and we have done so on a basis of being slightly above $5.1 billion in excess of the House level.

I hope the Senate will allow us to go to conference in the way we have presented it on these items, where we have allocated a reduction that in our opinion has to be made in order to have a livable level so far as this bill is concerned.

Even with the reductions we have made, the Army research program has a 12 percent real growth since 1981. It is a substantial increase in basic research over the period of these years. We have made very small reductions. We have made a serious review of each line item. In this instance, it is 2 percent. The cuts are targeted against new projects, not ongoing research.

What we are saying is this: Do not expand this program any more, because it will not be able to be funded at a greater level in the outyears. We believe that we are going to have a difficult conference with the House, as it stands. The House, as I said, is $5.1 billion below our mark right now. I see no reason to have the Senate take away from us some of our flexibility in dealing with the House, and this is one of the areas in which we have to have flexibility. We do not want to apply these cuts against university research, and we would be willing to examine that issue in conference, for funding the university basic research.

The House, as I pointed out, has fully funded it; and it is one of the areas where we might well get the House to concede a point to us if we have something to concede to them. Everybody knows that this is part of the way to approach a conference, and that has to be my answer to the Senator from New Mexico.

I can say to the Senator that I would be willing to recommend in conference that we state that none of those cuts can be applied to university research, if that is the problem, so that we are dealing with no reduction with regard to the basic university research programs.

I appeal to the Senate: Let us take to conference this bill, on which we have worked so hard, and see how we will do with it. I predict that we will come back at least $1 billion less than we recommended. So why should we add back $17.5 million now? It is going to have a double impact, in other words, on other areas where we will have to yield if we start adding to this bill now.

If Senators look at page 151, they will see that the recommended research and development program represents an increase of more than $4 billion over the 1983 appropriation. I agree that it is not basic research, but the total real growth in the research and development program is up 13 percent in 1 year.

We have done that while we have lived within our outlay ceilings, and we are $2.5 billion below the authorization ceilings. So I do hope that the Senator will understand. We have not done this in terms of any antagonism against the basic research program. Rather we have tried to adjust that line as I said, and I sometimes wish I had a blackboard here to show the Senate really what I mean by those trend lines. Those trend lines, in terms of demand, are up and in terms of budget we anticipate what we are going to be able to achieve in terms of real growth is down. We cannot let those lines continue to go up as far as demand is concerned when the budget limitations are definitely on the trend line down.

I urge the Senator to understand our position.

I yield to my good friend from Mississippi.

Mr. STENNIS. Mr. President, I did not have this amendment called to my special attention during the markup of this bill. We have some ins and outs there that are necessary.

I commend the Senator from New Mexico, and I hope he follows up on his interest and his efforts to encourage this basic research and reaching out to let the services reach out into institutions that are in the business.

At the same time, there is a lot in what the Senator from Alaska says here. We are going to have to try to have a real conference on this bill, and there will be in conference the difference between the total amount here that he refers to and the amount that we have put in the bill. For my part, and I am expecting to be one of the conferees, I will certainly promise to give this further consideration at that time.

But I believe in keeping with this handling of the bill generally now it would be best to leave this the way the committee has it at that figure with the promise, and the Senator from Alaska has made the same promise, that it actually will be in conference and we will seek further facts and listen to the House side and see what can be done.

This is a basic sound purpose. The amendment can well apply, and I think though that should be my position.

Again I hope that the Senator will follow up his interest and attention to this kind of research.

I got into some of this myself in other fields when I first came here, and we are growing a few more and better pine trees than we were before that research was done many years ago, to give one illustration.

So I will support the committee's position on all the facts now, but I will reconsider it in the conference.

Mr. BINGAMAN. Mr. President, if I can just respond to the comments made, I appreciate very much the comments of both the manager of the bill and the senior Senator from Mississippi. I would make a distinction, though. I think it is a crucial distinction in the bill and in practice. That is the distinction between general research and development, which is being funded in this bill at a very substantial level and does involve an increase of nearly 13 percent overall for research and development. But I would distinguish between that and basic research which is done primarily through our universities, and I think the distinction is important. The basic research account that I am here talking about would be rising at a level of 4 percent, if this amendment were adopted, not the 13 percent. The 13 percent would apply to the general category of research and development.

I would say that the general category of research and development is much more oriented toward application, application to weapons systems, application which is of a short-term nature. What I am trying to do here is to put a little more balance in it and see to it that we put something in this budget, some reasonable amount in this budget, for the long-term research that we are going to be dependent upon 5 years, 10 years, 15 years from now for our continued leadership in many of these areas. I think that is crucial and I think that to too much of an extent we are, as they say, living "off the shelf" in the sense that we are not adequately funding the basic research component of this budget.

So all I am asking here is that the Senate agree in this bill to the same level of funding that the administration requested, that the Senate authorizing committee approved, that the House authorizing committee approved, and that the House Appropriations Committee approved, and the House in general approved in their defense appropriations bill.

I think to do less than the 4 percent would not be adequate to our purpose.

Perhaps instead of calling for the yeas and nays here, Mr. President, if I could have the assurance of the two managers of this bill that this item will be given positive consideration and that the need to accede to the House position will be adequately considered on this item in a conference, then I might be disposed to withdraw the amendment. I gather from the Senator from Alaska that he would be inclined to go with the higher figure if the conference indicated that was the course to go, and I would like some further assurance from him in that regard if possible.

Mr. STEVENS. Mr. President, I would be happy to tell my friend I would give it very serious consideration. We have done our best to preserve the university initiatives in this research, and I would certainly like to have the higher figure but I do not want it at the expense of deleting a major weapons system if that is what the House wants. I think if the House will listen to us in terms of some of the systems that we have funded, we obviously funded them at a much higher level than the House because we are $5.1 billion over the House. If they listen to us on some of the things we want, we will be happy to increase this back as the House wants.

Does the Senator understand my negotiating position?

Mr. BINGAMAN. I do. I just do not know how much commitment we have to basic research going into the conference report.

Mr. STEVENS. We have a commitment to the funds that are in the bill, obviously. I will be more than willing to come back with a bill that is higher than the amount we take in the committee.

We have done that before. But I think we have to have some matters here that are in the position where we have some things to discuss with our colleagues from the House of Representatives. I know how much they want that item. I do not have anything against it. I just have other things I want, too, and I think the Senate wants to approve.

The Senate is going to have a chance here in a little while to increase a whole series of items that we have not funded that are in the House bill. If the Senate wants to do that and leave us without anything to talk about other than the things that we want in this bill, that the House has not funded, then it will be a different kind of conference, I can assure the Senator that. I have a commitment to this, and I will be happy to have it. I would not have any problem about increasing research. Obviously we have a great feeling for research. Research and development has a 13-percent real growth, more than 18½ percent above 1983.

I think that that should demonstrate the commitment we have to this total area. But it is not exactly in the same place as the House said they wanted it.

Mr. BINGAMAN. Mr. President, with that assurance, I will withdraw the amendment.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment.

Mr. BINGAMAN. I thank the Chair.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2498, AS MODIFIED

Mr. METZENBAUM. Mr. President, have the yeas and nays been ordered on my amendment?

The PRESIDING OFFICER. They have not.

Mr. METZENBAUM. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment, as modified, is as follows:

At the appropriate place in the bill insert the following:

SEC. . Within funds available under Title I of this Act, but not to exceed $100,000, and under such regulations as the Secretary of Defense may prescribe, the Department of Defense shall, in addition to allowances currently available, make payments for travel and transportation expenses of the surviving spouse, children, parents, and brothers and sisters of any member of the Armed Forces of the United States who dies as the result of an injury or disease incurred in line of duty to attend the funeral of such member in any case in which the funeral of such member is more than 200 miles from the residence of the surviving spouse, children, parents or brothers and sisters, if such spouse, children, parents, or brothers and sisters as the case may be are financially unable to pay their own travel and transportation expenses to attend the funeral of such member.

Mr. METZENBAUM. Mr. President, the amendment is to provide an additional $100,000 to pay for the costs of a spouse and members of the family attending the funeral of one of their beloved ones lost in military service. I have previously spoken to this subject and pointed out that my own office had been contacted by the father of a widow who was unable to get to the funeral of her husband. There were no funds available. We were able to prevail upon the Marines to provide the funds after going through liaison and then going up beyond the liaison officer. But that should not be the way it should have to work. This would make it possible for the Secretary of Defense to provide these funds without there being a hassle in order to get them.

I think every Member of the Senate would agree that we have an obligation to the families of those who have given their lives for our Nation to be able to attend the funeral of their beloved ones.

Mr. STEVENS. Mr. President, we have worked with the Senator from Ohio and redrafted this amendment with his cooperation. I do not understand the instance that came to his attention. I am not questioning the Senator's word; I just do not understand how it happened. Upon notification of the Department by a spouse, within 24 hours, the widow or widower, under existing law, is supposed to receive $3,000 for emergency expenses. That is paid out of military personnel appropriations.

In addition, the surviving spouse can also designate his or herself as the person to escort the deceased member of the military and the military will pay the travel expenses to and from the funeral. That is in addition to the $3,000.

Further, funeral expenses are provided for the military up to $950 if the deceased member of the military is buried in a national cemetery, $1,400 if he is buried in a private cemetery.

The distinguished Senator from Ohio and others have said that as a result of the catastrophe we just suffered, Members have been contacted about problems relating to members of the family of deceased military personnel. The Senator's amendment is important because it goes beyond existing law in that it establishes for the first time the requirement to pay the costs for the family, the immediate family, to attend that funeral, the funeral of a deceased military person. I support the amendment. I think the Senator should understand that it is a broad precedent.

We might have a vote on this, I might say, as soon as we can to inform Members of the Senate of the negotiations concerning a time agreement and the possible result of that time agreement.

Mr. METZENBAUM. Mr. President, I shall be very brief. The name of the young man who gave his life is Gunnery Sgt. Lloyd Dennis West, age 28, of New Richmond, Ohio; father, Charles West; wife, Kathy West. I shall not put the name of the Senate military liaison into the RECORD because I am certain that officer made every effort possible within the limits of the law to do what he could. He was unable to give assistance to our staff, but we finally did get help from Brigadier General Monahan, and Staff Sergeant Riley was helpful to us in connection with this matter.

I am glad we were able to resolve it. I think that, with this amendment, we shall see to it that these problems do not arise again in the future. I must say I hope there are not too many more instances, but I am afraid there will continue to be, because of the lives of our young men lost in battle, the problems of paying travel expenses to attend the funeral.

The PRESIDING OFFICER. The Senate will be in order.

Mr. PRYOR. Mr. President, I wish to lend my support to the amendment of my colleague, Senator METZENBAUM, and to say that the purpose and thrust of his amendment is directly in line with my point of view over the past several years.

During my tenure on the Senate Committee on Governmental Affairs, it was a constant and recurring theme that waste and cost overruns occurred throughout the Pentagon. I would not single out this agency as the only offender, but certainly the magnitude of its budget—plus the nature of its procurement practices—made contract abuse and mismanagement particularly easy.

Under this amendment, I believe that the American taxpayer will be more certain that his money is being well spent. I believe, furthermore, that contracts will be written so that performance is guaranteed on the highest level.

Mr. President, DCAA is the major auditing Agency within the Deppartment of Defense. It is the only Agency performing contract audits, and the only Agency that actually reviews costs submitted by contractors. DCAA auditors are involved, furthermore, in all stages of the contract. And because they are included in the early phases of any negotiation they can prevent unnecessary costs. I know from experience in our investigations in the Governmental Affairs Committee that the place to stop overruns and faulty purchasing is at the beginning—when the terms of the contract are being negotiated.

The Agency saved more than $6.9 billion in fiscal year 1981. This included $738 million saved in incurred costs that were questioned, another $250 million in reviews of operations for efficiency, and $47 million saved through defective pricing reviews.

By any account, this is a good return for the dollars spent. A total of 3,500 DCAA personnel cost $99 million in fiscal year 1981—but saved the Government $6.9 billion in that same year. What is more, this was when the DCAA was understaffed. I can well imagine the potential savings if we add the needed 400 more auditors.

The amendment is eminently reasonable, Mr. President. Compared to 1978 needs, we could actually put to work more than 7,500 auditors simply keeping pace with the huge increase in defense procurement. Instead, we have only 3,000 auditors. The addition of 400 will not do the job entirely—but it will be a step in the right and proper direction.

Further, Mr. President, I commend the sponsor of the amendment, Mr. Metzenbaum of Ohio.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask that the appropriate cloakrooms notify Senators that there is going to be a discussion of a time agreement right after this vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. Cochran), the Senator from Washington (Mr. Evans), the Senator from Idaho (Mr. McClure), the Senator from Illinois (Mr. Percy), the Senator from Wyoming (Mr. Simpson), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. Evans) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Montana (Mr. Baucus), the Senator from Texas (Mr. Bentsen), the Senator from Florida (Mr. Chiles), the Senator from Ohio (Mr. Glenn), the Senator from Colorado (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Inouye), and the Senator from Massachusetts (Mr. Kennedy) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. Kennedy), would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—86

Abdnor
Andrews
Armstrong
Baker
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Goldwater
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Helms
Huddleston
Humphrey
Jepsen
Johnston
Kassebaum
Kasten
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Wilson
Zorinsky

NOT VOTING—14

Baucus
Bentsen
Chiles
Cochran
Evans
Glenn
Hart
Hollings
Inouye
Kennedy
McClure
Percy
Simpson
Weicker

So Mr. Metzenbaum's amendment (No. 2498), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, has there been a motion to reconsider and a tabling motion?

The PRESIDING OFFICER. That has been done.

Mr. BAKER. Mr. President, if I could have the attention of the Senate for a moment, what I would like to do is to explore the possibility of getting a unanimous-consent agreement to——

Mr. BYRD. May we have order in the Senate? This is going to be an important discussion. I hope that we will have order.

The PRESIDING OFFICER. The minority leader is correct.

Would the majority leader please suspend?

All Senators who do want to hear the upcoming request for a time consent please retire to the cloakroom or restrain from talking. All members of the staff please remain quiet.

The majority leader.

PROPOSED UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. All right.

Mr. President, what I want to do is to try to get a time certain for final passage of the Department of Defense appropriations bill, and I have discussed with those who appear to be principally involved in this measure, the proposal, I am about to put.

In essence, it would provide this, Mr. President: First, that only certain amendments would be in order and they are listed and they are based on the solicitation by both cloakrooms of Members who have amendments to be offered to this bill. There are a great number of them. My guess is, however, that all of them will not be offered and some of them may be contingent.

Then it is to provide, Mr. President, that final passage of this measure would occur on Tuesday and the proposal that I have suggested is that it occur on Tuesday at 2 p.m.

Mr. President, Senators will recall that in addition to this measure, I am also committed to bring up the Civil Rights Commission bill, which is on the calendar, the House-passed bill dealing with that measure.

The proposal I am about to put would provide that we would continue the debate on this bill today, that we would not be in tomorrow, that we would come in at 9:30 a.m. on Monday, and that at 10 a.m. on Monday, we would turn to the consideration of the civil rights bill and stay on that until 2 p.m. in the afternoon on Monday with the hope that we have then completed action on the civil rights bill, but in any event, at that time, we would return to the consideration of the Department of Defense appropriation bill, continue on that bill Monday as long as necessary, including the possibility of a late evening on Monday, in order to take care of the several amendments which are listed and qualified under the request that I will put, that we would come in then on Tuesday morning at 9 a.m. and resume consideration of the Department of Defense appropriation bill at 9:30 a.m., and the final passage of that measure would come then at 2 p.m. in the afternoon.

There are two other amendments, Mr. President, that must be dealt with and they would be scheduled on Monday. One would be——

Mr. STEVENS. The Senator means Tuesday.

Mr. BAKER. I mean on Tuesday.

Mr. President, on Tuesday—all the amendments would be disposed of under this plan prior to Tuesday except two that would not be included in the order, but that would be the intention of the managers on Tuesday, we would have votes on the binary gas amendment and a Tower amendment and a second amendment which would be a Tower amendment to increase funding in certain respects in the bill, and that then at 2 p.m. on Tuesday final passage on this bill would occur.

That is a general outline, Mr. President, of the request, and I give you this summary in advance because, rather than try to put all of that together in a multipage unanimous-consent request, I thought I would describe it first and see if there were any Members who objected to the concept or had modifications they wished to suggest and then I will try to put together a unanimous-consent request in the next moment or so that I could put more formally to the Senate.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BUMPERS. Mr. President, will the Senator yield?

Mr. BAKER. I yield first to the Senator from Arkansas and then to the distinguished manager on this side.

Mr. BUMPERS. Let me thank the majority leader for the request. It is a very reasonable one. I am not inclined to object, but I do want to say that I am more in sympathy with the problems the majority leader has right now than I have in some time, because on the amendment dealing with the MX missile, I have been trying to accommodate everyone who is out of town and trying to made sure all of them will be here when that amendment comes up, and that is no easy chore. I have been trying to do that also in keeping with what I thought this unanimous-consent agreement was going to be.

I have six Senators who have specifically asked for time to speak on this amendment. The debate on the authorization bill was lengthy and it is certainly not my desire to unduly burden the Senate with another debate. I do think there may be some changes in the vote on that missile and it is present intention, of course, to try to get it up as quickly as possible after we finish the Civil Rights bill. I had intended to try to do it first thing Monday. But we go back on the bill at 2 p.m. Monday, and I would like to bring it up at that time.

I am willing to enter into a time agreement on that, but I would want the majority leader to know that there is some constraint since I have so many Senators who are wishing to speak on it. Does the majority leader have any thought about how much time we might get on that and how late he is considering going Monday night?

Mr. BAKER. Mr. President, I am prepared to stay as late as the Senate is willing to stay. I think we are going to have to stay late on Monday night in order to get this all done.

I understand that 2 hours——

Mr. STEVENS. If the majority leader will yield, I suggest 2 hours on the MX amendment. We have argued this issue time and time again.

Mr. BUMPERS. Would the Senator consider this: Since the votes are probably on his side, would he consider an unequal division of time so I can accommodate some of these people? Two hours I am afraid would not accommodate—if I gave each one 15 minutes, that is 1½ on our side. If you want to make it unequally divided or 3 hours equally divided, either way.

Mr. STEVENS. I would be more than willing to say the Senator has 80 minutes and we would have 40.

Mr. BUMPERS. I am willing to enter into such as agreement.

Mr. EXON. Will the Senator yield?

Mr. STEVENS. Mr. President, will the Senator yield to me for a suggestion? And I am happy and hope the Senator will include that.

Mr. BUMPERS. I yield.

Mr. STEVENS. It seems to me we should have a provision that says there can be no longer than 1 hour on any amendment unless the amendment is specifically described here today and requested to go beyond that time. One hour equally divided should be sufficient on any amendment.

Mr. BAKER. All right. I think that is a good suggestion.

Mr. President, does the distinguished manager on this side have anything else he wishes to add at this point?

Mr. STEVENS. I am informed that there are questions of points of order that might be raised here that I do not know how to take care of in terms of time under this agreement. I think they should be explored with the Senator from Texas. I just mention that to the distinguished leader.

Mr. STENNIS. Mr. President, will the Senator yield one question?

Mr. STEVENS. What time does the Senator have in mind for these two major amendments he referred to for Tuesday morning?

Mr. BAKER. Mr. President, I will propose that the Senate come in at 9 a.m. on Tuesday and resume consideration of this bill at 9:30 a.m., and the proposal I would make would provide for—is the Stevens amendment the binary gas amendment?

Mr. STEVENS. That is not my amendment. That is the potential Tower amendment, and the Senator indicated he would like to have time on that amendment if it is presented.

Mr. BAKER. All right.

Could I inquire of the manager of the bill on this side when the binary gas amendment was to be up? It is to be on Tuesday.

Mr. STEVENS. The first thing on Tuesday was the request of the Senator.

Mr. BAKER. The binary gas amendment would be up Tuesday at 9:30 a.m.

Mr. STENNIS. How much time?

Mr. BAKER. Two hours on it, which would run into 11:30 a.m. It would be unequally divided if we follow this formulation, 80 minutes for proponents of the amendment and 40 minutes for the opponents.

Mr. STEVENS. Yes.

Mr. STENNIS. How much time on the second one?

Mr. STEVENS. On the second one, which is the Tower amendment to add to the bill, he indicated he would like to have 2 hours. He would be glad to scale that down if necessary.

Mr. BAKER. All right.

Mr. President, there is no way we can do this. There is no way we can get this by 2 p.m. on Tuesday.

So right now what I think we better do is just decide we are going to extend that say to 4 p.m. or 5 p.m. on Tuesday in order to make it fit.

We are going to have 2 hours on binary, going to have 2 hours on—what is the other amendment?

Mr. STEVENS. Tower amendment.

Mr. BAKER. On what?

Mr. STEVENS. To increase the bill. There is a whole series.

Mr. QUAYLE. To add money back.

Mr. STENNIS. A composite.

Mr. BAKER. A composite amendment to add funding levels. If we have 2 hours on those two, there is no way we are going to get a final passage vote before 5 p.m. in my opinion.

Mr. BIDEN. Mr. President, if the leader will yield on that, would it might not make sense to continue straight through with this bill and have the Civil Rights Commission, on which I think we are close to a unanimous-consent agreement on time, come after the final vote on this by 2 p.m. but not interrupt Monday morning for that 4-hour period for the Civil Rights Commission? I do not care.

Mr. BAKER. The problem is what I call the "wet noodle problem," and that is I cannot make the Senate do anything it does not want to do. I am afraid people will not be here on Monday morning, to say my concern, in all fairness to the Senator from Delaware.

Mr. BIDEN. Is that why we are bringing the Civil Rights Commission then?

Mr BAKER. No. We are bringing it up because I hope we can plug something into that vacancy. I have six Senators who are interested in this bill who say they are not going to be here on Monday morning. I am faced with the prospect of one Senator asking me at 2:25 this afternoon if there will be no more votes today, and we are about to arrange that there are not going to be any votes tomorrow.

Mr. BIDEN. I yield the floor.

Mr. BAKER. Then there is going to be nobody here on Monday and before long I am up to my ears to Tuesday and I have not got this bill anywhere near final passage.

Mr. BIDEN. Let us go to the Civil Rights Commission.

Mr. BAKER. I am all for it.

Mr. STEVENS. Will the Senator yield?

Mr. BAKER. Yes.

Mr. STEVENS. May I suggest the Senator reverse the order and put the Tower amendment first on Tuesday, the binary amendment second, and we will say that the timeframe for final passage is not later than 4 p.m. on Tuesday. And to add to the Senator's problems, I might tell the Senator the only time that I know of that the President of the United States will be in my State during the period of my election is Tuesday.

Mr. BAKER. The last problem I had got defeated. Ever since then I have no justification for being out of town or trying to trade with anybody. So I am free at least. [Laughter.]

Mr. BYRD. That old song, "When I'm Free, I'm Free at Last."

Mr. BAKER. Mr. President, let me answer my friend from Delaware more seriously about the Civil Rights Commission. Let me just try to outline what we are up against between now and the 18th of November or the 21st or 22d or 23d, or whatever. It may be, and it pains me to say what I am about to say next, but I am going to say it. We have things we have to do. We have no choice but to pass the debt limit, the continuing resolution, the reconciliation bills, and the Civil Rights Commission, and I could go on because there are others. And I have said we are going to get out of here on the 18th, and that is going to be my best estimate. But certainly we are not going to leave unless we have done what we need to do.

Mr. STEVENS. Will the Senator yield?

Mr. BAKER. In a minute.

On next week, in addition to this bill, which we will not finish until Tuesday, we are going to have the continuing resolution over here on Wednesday from the House of Representatives. The continuing resolution expires on Thursday on midnight. I would love to pass that thing on a 1-hour time limitation, but I do not think the Senate will.

So I think, Mr. President, as we try to space in the continuing resolution, the reconciliation bill, and finally to do something on the debt limit, if we do not get on with the business at hand and try to fit them in when we have an opportunity, there is no way we are ever going to get out of here.

Mr. BIDEN. Mr. President, I was not suggesting we not bring it up, I was attempting to accommodate other Senators.

Mr. BAKER. Mr. President, I yield to the Senator from Alaska.

Mr. STEVENS. I am informed now that Senator TOWER will be willing to accept 90 minutes, equally divided, and have his amendment first on Tuesday, to be followed by the binary amendment, on which there would be a 2-hour limitation, equally divided.

Mr. BAKER. Mr. President, could I interrupt the Senator for a moment? I have 27 amendments listed and I see Senators popping up all over the place now with others.

But let me say that I do not believe I can craft an agreement on the floor at this time. Let me state once again what I urge the Senate to consider, and that is that we stay here and do whatever we can do today, perhaps tomorrow, and on Monday, and Tuesday to get this bill passed, and that we agree unofficially that we are going to target it for sometime Tuesday afternoon.

I will meet now with the minority leader, if he will agree to do that. We will try to put all of this on paper and see where we get on it.

But, Mr. President, let me tell Members that, although I have previously said that if we could get a time for final passage we would not be in tomorrow, I think we better reconsider that, because with 27 amendments that are listed, some people are not going to have the opportunity to proceed.

I will put off the Civil Rights Commission until I find a hole for it; maybe it will be Monday, maybe it will not be until late in the afternoon on Tuesday, or maybe it will not be until Wednesday. But we are going to do that. We are going to do the continuing resolution and the debt limit.

But it is clear to me that the most we could do right now is to ask this, which I will now ask informally. Are there Members here on this side of the aisle who would not be agreeable in principle to the idea of final passage at 5 o'clock on Monday with only specified amendments—I mean on Tuesday, I am sorry.

I think not.

Mr. BUMPERS. Monday or Tuesday?

Mr. BAKER. Tuesday.

Mr. SARBANES. Will the majority leader yield for a further complication?

Mr. BAKER. Yes, I yield.

Mr. SARBANES. The President is leaving the country on Tuesday morning. I assume the continuing resolution will require the President's signature. I do not know how that problem is going to be addressed, but I only raise it from the point of view of whether we should not be doing the continuing resolution on Monday.

Mr. STEVENS. The deadline, I might say to my friend, is on Congress to pass it. If it is signed by the following Monday—there is a holiday on Friday and Saturday and Sunday—if it is signed on Monday, he will be back, I understand, from that trip.

Mr. SARBANES. So, in terms of the workings of the Government, it is all right for him not to sign it until the following Monday?

Mr. STEVENS. That is correct.

Mr. BAKER. Mr. President, let me answer the Senator from Maryland this way: We cannot do the continuing resolution to make appropriations until we get it from the House. I am advised the House will have it over to us sometime Tuesday night or Wednesday morning.

In addition to that, Mr. President, it would be my full intention to call upon whatever resources we might require to see that an engrossed bill reaches the President by courier if he is not in the country. I would not wait for his return. I have the authority to do that and I would intend to do that.

Mr. SARBANES. As I understand it, it could await his return without creating a problem on the following Monday.

Mr. BAKER. Perhaps, Mr. President, but what I am saying to my friend is I have already made arrangement to have that bill "couriered" to the President at the time that it is finally passed by both Houses.

Mr. PRYOR. Will the leader yield?

Mr. BAKER. Yes.

Mr. PRYOR. As we were talking about the President's schedule on Tuesday, if we are talking about bringing up the chemical nerve gas issue on Tuesday, I am not as worried about the President's schedule as I am about the Vice President's schedule. Does anyone know where he might be?

Mr. BAKER. Mr. President, I would bet he is not here.

Mr. PRYOR. You think he might be where, Mr. Leader?

Mr. BAKER. I do not know. I better stop. [Laughter.]

Mr. FORD. Will the distinguished majority leader yield?

Mr. BAKER. Yes.

Mr. FORD. We have tried to set some time limits on several amendments. What about the other 24 amendments that you have? Would they just fit in when the time runs out and we would still have a vote on them?

Mr. STEVENS. Many of those are not even going to take an hour.

Mr. FORD. You get 27 hours if you just take 27 of them.

MR. BAKER. What I propose to do, and I will confer with the minority leader, if he would agree to do that, is to limit them on whatever basis we can, one by one, and then have an hour overall limitation for all of the others. It is entirely possible, as the Senator from Kentucky pointed out, that we could get to final passage and have no time left for debate, in which case they will be voted on without debate. That is exactly what I had in mind when I said that we had better stop and reconsider this idea of not coming in tomorrow because we may have to do so. There is no way we could do it without being in on Saturday and devoting all of Monday, as well as Tuesday, to the completion of this bill.

So let me say this, Mr. President.

First, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I believe the Senator has this matter worked out, except one point I want to stress.

If we are left here on Saturday without the two elected floor leaders, we will make very little progress.

Mr. BAKER. You will have this one here.

Mr. STENNIS. I know, you will be here and I will be here. I do not have any other plans. But when you are reconsidering that Saturday session, I hope you can arrange to omit it, if possible, because I am afraid it will bring very few results. Today is one of the proofs of it.

Mr. BAKER. Mr. President, I agree with the Senator. Saturday is always a tough day to try to get votes done and work accomplished, although last Saturday I must say, if my memory serves me, we had 90-plus Senators here and voting. That was very good indeed.

I do not think, in fairness, I can now announce there will not be a Saturday session, as I had hoped. There are so many amendments we may be stuck. Let me confer with the managers and the minority leader and I will have a further announcement to make in a moment. I hope the managers will get on with the bill and try to get another amendment up and voted on this afternoon.

Mr. STEVENS. Mr. President, the Senator from Iowa has an amendment on which we are prepared to proceed.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. DURENBERGER). The minority leader is recognized.

Mr. BYRD. I will only take a moment.

Mr. STEVENS. May we have order, Mr. President? I apologize to the minority leader. I did not see him rise to speak.

The PRESIDING OFFICER. May we have order?

Mr. BYRD. Mr. President, I want to add to the problems of the majority leader. I do it reluctantly, but I have three amendments which I may or may not call up, No. 1.

No. 2, there are elections, I believe, in Mississippi, Kentucky, New Jersey, and New York.

I will be happy to sit down with the majority leader and talk about the agreement. I would say, however, that I believe the hour for a final vote on this bill would probably be more agreeable on this side if it were 6 o'clock.

Mr. BAKER. Mr. President, the only reason for trying to finish this at all is to try to keep the Department of Defense appropriations bill out of the CR. In order to do that, we are going to have to do that before Wednesday during the day, because we still have to go to conference with the House, act on the conference report, and get it to the President for his signature. So I would urge Senators to consider there is a very important deadline involved, if, in fact, we are going to keep this out of the CR.

Mr. President, it could be that we are going to have to just lay aside Defense sometime Tuesday or Wednesday, if we are still on it and do not get this agreement, and go to the CR. But I urge Senators to consider that is the worst possible alternative we could pursue. With that, Mr. President, I thank the minority leader, and I will now try to engage in some useful conversations with the managers in collaboration with the minority leader. I will have a specific request to make in a few moments.

AMENDMENT NO. 2500

(Purpose: To remove barriers for commercial small businesses to sell commercial products to the Department of Defense)

Mr. JEPSEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa (Mr. Jepsen) proposes an amendment numbered 2500.

On Page 78, strike out lines 8 through 18.

Mr. JEPSEN. Mr. President, one of the most discussed issues in the last year has been waste in Government spending, especially in defense spending. We hear horror story upon horror story about staggering prices paid for spare parts and other items available for a very small fraction of the cost on the commercial market.

There is general agreement that a key element for combating this waste is competition. It is a commonplace that competition invariably forces down the costs of goods and services as well as stimulation of productivity improvements.

One of the areas where competition can be implemented most rapidly is in the area of commercially available products. Why should we develop military specifications for bottles of catsup, T-shirts, and medications? Yet, that is precisely what was required until the implementation of the Defense Logistics Agency's acquisition and development of commercial products program, ADCoP.

This program arose out of the 1972 Federal Commission on Procurement recommendation that Federal agencies make greater use of commercial products. This recommendation languished until 1976, when the Office of Federal Procurement Policy finally issued policy guidance with the intent of making greater use of commercially available products from small businesses.

The implementation of this policy did not begin in the Department of Defense until 1979, as it was very difficult to buy commercial products without the redtape of military specifications. But since the ADCoP program was implemented millions have been saved, including in fiscal 1982 over $7.4 million in clothing purchases and $20 million in shared medical purchases for the Department of Defense and the Veterans' Administration. By all means this is a program that needs to be continued.

Section 779 in the Department of Defense Appropriations Act will continue what has been an effective freeze on this program since last year. A freeze benefits those contractors who deal exclusively with the military and supply products under complicated military specifications, even though similar products are available from commercial sources.

As I said before, why should we develop military specifications for bottles of catsup, T-shirts, and medications?

These Government specification suppliers are not, however, barred from bidding against commercial suppliers under the ADCoP program.

In other words, the amendment I am recommending does not take anything away from anybody. It merely brings in the competition, in Government procurement which has structured the private sector in this country ever since the day we signed the Declaration of Independence.

The restrictions in this bill go against the grain of everything that has been recommended to cut the cost of our national defense. We have to stop talking about the problem, issuing press releases about the individual horror stories and start taking some positive action. The section and its restrictions must be moved in order to: Increase competition in procurement of consumables for the Department of Defense; remove the barriers that prevent competent commercial small businesses from competing for Government contracts, and cut down on the lead times and inventory costs that result from the reliance on milspec suppliers.

I ask that my amendment be accepted.

Mr. RUDMAN. Mr. President, the principal architect of the language within the Senate bill is the junior Senator from Georgia (Mr. MATTINGLY).

Mr. JEPSEN. A point of order, Mr. President. I think something was done. My amendment was just accepted. I do not think that is really what I intended to request. My last statement was merely that I asked that my amendment be accepted by the managers of the bill.

The PRESIDING OFFICER. It is the understanding of the Chair that the only request that was agreed to was to insert additional matter into the RECORD.

The Chair apologizes for the interpretation.

Mr. RUDMAN. That was my understanding, Mr. President.

Mr. JEPSEN. Mine, as well, Mr. President.

Mr. RUDMAN. I know the Senator knows precisely what he said. That was not what I understood. I am sure that unanimous-consent request, if it is agreeable, can be vitiated.

Mr. JEPSEN. That is why I brought this matter up.

Mr. RUDMAN. I appreciate the Senator's courtesy.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. Mr. President, I oppose the effort being made by my distinguished colleague from Iowa to delete the provision from the bill. The language that is now in the bill and which is proposed to be deleted is a modest effort to insure that the Department of Defense does not eliminate contract manufacturers from competing for DOD procurement contracts.

Several months ago, DOD circulated proposed regulations that would have had the effect of eliminating contract manufacturers from such competition. Contract manufacturers are those who manufacture and sell on a contract basis to various customers, including the Federal Government, but who do not maintain sales to the public.

Although I agree with those who believe that the Department of Defense should acquire as many of its products as possible in the commercial marketplace, I do not believe that such an initiative should come at the expense of the more than 100 contract companies and their thousands of employees.

The language contained in the bill merely prohibits the implementation of any regulation that would have the effect of eliminating the contract manufacturers from competing for the DOD procurement dollar. If the announced intention behind the move to acquire commercial products rather than rely on cumbersome specifications is to increase competition, how can the unilateral elimination of so many of the prospective competitors be justified?

In its assessment of the DOD proposal, the Small Business Administration noted:

> * * * We question whether there is sufficient basis for adopting a regulatory preference for commercial procurement applications. * * * the implementation of the * * * preference may adversely affect supply compatibility, parts interchangeability, systems maintenance and operation * * *

The SBA further noted that:

> Small producers, notwithstanding their historical Government supply status, could be disqualified from continuing acquisition consideration because, traditionally, many small concerns do not maintain commercial distribution systems.

Mr. President, that last point, to me, is key. Why should the Government, through regulatory and unilateral fiat, be allowed to toss aside those small business contract manufacturers who have a history of providing quality products at fair prices to the Federal Government?

The General Services Administration has made it plain that it will continue to include such contract manfacturers as well as commercial firms in its bid solicitations. Why cannot DOD follow their lead?

The provision that was contained in the draft DOD regulations and that would have allowed contract manufacturers to continue to bid based on existing specifications would continue only as long as those specifications were not changed or modified in the slightest. The provision clearly would have provided only the most modest sort of transitional assistance.

I believe that the move of DOD into the marketplace should not come at the expense of those who have a history of successful market competition.

Congress acted properly during consideration of the fiscal year 1983 supplemental appropriation bill when it approved a provision identical to that which is proposed to be stricken.

A recent Federal supply statement (FSS) issued by the General Services Administration is clear in its intent to allow commercial and contract manufacturers acccess to the competitive bidding process.

The same policy is reflected in the proposed Federal acquisition regulation (FAR) that is pending final publication.

The same policy has been incorporated into the proposed uniform Federal procurement system that has been submitted to Congress by the Office of Federal Procurement Policy.

Why should we allow DOD to pursue an acquisition policy that is at variance with that being recommended by the Federal agencies that have the primary responsibility for establishing procurement policy.

Mr. President, as I have said, I support the efforts to increase DOD activity in the marketplace. I do not disagree with the concept. But let us not do it at the expense of some of the market competitors!

Let us send DOD back to the regulatory drawing board to craft regulations that allow true, open competition.

I urge my colleagues to sustain the committee recommendation.

Mr. COCHRAN. Mr. President, I rise in opposition to the amendment. I first want to commend the Senator from Georgia (Mr. MATTINGLY), who brought to the attention of the Senate earlier this year this proposed regulation that the Department of Defense was about to implement. It was through his leadership that the language was included in legislation which created an exemption from this proposed regulation for small businesses. In my State, it has been brought to my attention that there is a company that would go completely out of business if this amendment is agreed to and this regulation proceeds toward implementation without any exception for small businesses.

I do not know whether the Members understand exactly what the amendment seeks to do, but it eliminates from eligibility for bidding any company that cannot prove to the staff of the Department of Defense that its products are accepted in the commercial market. That is a very heinous and onerous burden to be imposed upon a small business that may not have a nationwide sales force, may not have diversity of product, may just simply not be able to sustain that very onerous burden of proof. It basically says there are hundreds of small businesses throughout America that are not going to be eligible for bidding on Government contracts.

I do not think we ought to permit such an amendment to be attached to this bill, Mr. President. I hope Senators will vote against the amendment.

Mr. STENNIS. Mr. President, over a period of years, I have been in contact with certain small, very small businesses that supply these products—not just needed products but necessary products—to our armed services. We do not have a great number of them in Mississippi, just a few. But I have come in contact with these companies through many, many States by virtue of membership on the Armed Services Committee.

It is very difficult to legislate on this subject, but those little factories are of great value in supplying to the military the products that they need, even though those products are not used nor purchased by private concerns or private business. In other words, the military is virtually the only customer that they have. With this provision that is proposed in this amendment, it will throw them out in the rain, you might say, without any real chance to compete successfully for this business that is almost exclusively for the Government and for the military. It is necessary and essential.

This is not trying to legislate for any advantage that these people get. Just do not blow the daylight out of things for them or blow out the lamp by which they find their way.

As my colleague says, the question here is one of eligibility for a contract. They have to win it on a fair price, a reasonable price, quality production, and everything else. But this amendment would rule them out of eligibility to compete for a chance to do business.

Mr. President, I know we would run into serious trouble in many, many States of the Union if we enact this legislation. I have great respect and admiration for the author of the amendment, but this will do harm. I have seen it come for years and years with virtually the same kind of trouble. I hope, therefore, that the amendment will not be approved but will be defeated.

Mr. JEPSEN. Mr. President, in answer to some of the charges that have been made in statements here—all made, I am sure, in good faith—they are not accurate. There is no way that my amendment restricts competition by discriminating against sources that do not sell commercially. That is the statement that has been made.

These procedures, the ADCoP procedures, permit Government-only suppliers; that is, companies that do not have an established commercial market—and that is what we are talking about—to continue to compete for DOD contracts. Nothing in the new DOD regulations says they cannot.

I would like to go into the real business world and get a contract that guaranteed for the rest of my life that I could do business because I have followed the specs, so no one else can do business. That is beautiful. They have a name for those kinds of businesses. Under the new regulations, however, all the specification contractors are grandfathered in. They are not going to be allowed to compete on the basis of MILSPECS forever. They are going to have to be able to compete on a commercial basis after a certain number of years. But they can compete now.

You say, "How can this be done?" Government-only suppliers—those are the ones we call MILSPEC—will be required to meet current specifications to satisfy military requirements.

Commercial suppliers will use a commercial item description, known as the CID.

Both the specifications and the CID's will describe the same product with the same features to assure that all competitors are competing on a similar basis.

And then there is the question that you ask regarding the creation of a dual procurement procedure. Of course, the answer to that is that dual procedures in some instances are necessary to be fair and equitable to Government-only suppliers. In this instance we provide a sense of fairness to those companies who have had it made all these years. To those who have not had any competition because they have a guaranteed contract based on the specifications, we allow these companies to continue bidding. We do not throw them out in the rain. That is why these dual procedures are necessary. These companies previously supplied the Department of Defense and others with acceptable products. They were working fine for the years until ADCoP was instituted a few years ago. They should be given a fair chance to continue to compete.

So for all these contractors, there will be no more paperwork than they presently see. For commercial suppliers, however, there will be less.

I can summarize my statement and I would be ready to vote. It is a lot easier for a Government supply only company to get into the commercial business than 99 percent of all the other small businesses in the United States, with all the redtape and all the specs, to try to get the Government business. So let us take these great numbers of small businesses across the country and give them a fair shake.

I am ready to vote.

Mr. BUMPERS. Did the Senator ask for the yeas and nays.

Mr. JEPSEN. No.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. RUDMAN. I will be very brief. The Small Business Administration has called this so-called small business protection language—well, I will not say, but they certainly did not think much of it. The committee does not think much of it. We think that the objectives are laudable, but, unfortunately, we think they will simply move a great many people who have been doing a pretty good job out of business with the Armed Forces.

Mr. JEPSEN. Will the Senator yield?

Mr. RUDMAN. I will be glad to.

Mr. JEPSEN. I am confused. I understood that the manager of the bill accepted this yesterday and as late as 15 minutes ago before the Senator took over.

I would also add that the Small Business Administration is on taxpayer money. They are not out there paying the bills and overhead, and so on.

I have contacted the National Federation of Independent Businessmen, which represents hundreds of thousands of small business around this country. They have indicated support for my amendment.

Mr. STENNIS. If the Senator will yield, it was never cleared on this side yesterday. I am sure of that because we were here on the job watching it.

Mr. RUDMAN. Mr. President, let me simply say to my distinguished friend that I am occupying this chair, managing this bill at this time——

Mr. JEPSEN. To correct the record, my staff member does now tell me that it had not been cleared on both sides. There was not official acceptance, the distinguished Senator is correct.

Mr. RUDMAN. Well, to be perfectly frank about it, as I was just about to say, I am managing this for the manager not because of my ability this afternoon but because of my availability. But I did happen to check out what the status was.

A rather senior member of the Appropriations Committee, as a matter of fact, said no to this and would not accept it. It was not cleared with him on this side either. So we are ready to vote, and we can voice vote if the Senator would like to do that.

Mr. JEPSEN. Mr. President, I do not think I would win.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. DeCONCINI (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Vermont (Mr. Leahy). If he were present and voting, he would vote "Yea." If I were at liberty to vote, I would vote "Nay." I withdraw my vote.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. Abdnor), the Senator from Minnesota (Mr. Boschwitz), the Senator from Washington (Mr. Evans), the Senator from Illinois (Mr. PERCY), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. EVANS), would vote "nay".

Mr. CRANSTON. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Texas (Mr. BENTSEN), the Senator from Florida (Mr. CHILES), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 22, nays 62, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—22

Armstrong
Dole
East
Garn
Grassley
Hatch
Hecht
Heinz
Helms
Humphrey
Jepsen
Kassebaum
Kasten
Laxalt
Melcher
Packwood
Pressler
Stafford
Symms
Tower
Trible
Warner

NAYS—62

Andrews
Baker
Biden
Bingaman
Boren
Bradley
Bumpers
Burdick
Byrd
Chafee
Cochran
Cohen
Cranston
D'Amato
Danforth
Denton
Dixon
Dodd
Domenici
Durenberger
Eagleton
Exon
Ford
Goldwater
Gorton
Hatfield
Hawkins
Heflin
Huddleston
Johnston
Lautenberg
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Pell
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Specter
Stennis
Stevens
Thurmond
Tsongas
Wallop
Wilson
Zorinsky

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

DeConcini, against.

NOT VOTING—15

Abdnor
Baucus
Bentsen
Boschwitz
Chiles
Evans
Glenn
Hart
Hollings
Inouye
Kennedy
Leahy
Percy
Simpson
Weicker

So Mr. JEPSEN's amendment (No. 2500) was rejected.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, I believe that there are some Senators now on the floor who are ready to offer amendments. The committee intends to continue to try to hear those amendments and dispose of as many as we can this afternoon, unless the leader should announce something else in the meantime.

AMENDMENT NO. 2501

Mr. HELMS. Mr. President, I have an amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS), for himself and Mr. SYMMS, proposes an amendment numbered 2501.

Mr. HELMS. Mr. President I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

"SEC. . (a) The Senate finds—

(1) that the Committee on Armed Services of the Senate has determined that the SALT II Treaty is unequal, unbalanced, destabilizing, and not in the national security interest of the United States;

(2) that the United States (a) has deactivated 292 Inter-Continental Ballistic Missiles, Submarine-Launched Ballistic Missiles, and B-52 bomber aircraft, all of which are counted in the SALT II Data Exchange, (b) has cancelled deployment of stockpiled Minuteman III Inter-Continental Ballistic Missiles with Multiple-Independently targetable Re-entry Vehicles, (c) has modified B-52 bomber aircraft equipped to carry Air-Launched Cruise Missiles with "strakelets", and (d) has reduced the potential payload and throw-weight of the MX Inter-Continental Ballistic Missile;

(3) that the Department of Defense memorandum issued on March 24, 1980 entitled "United States Programmatic Actions Relative to the SALT II Treaty", which is still in effect, directed the US military services to take no programmatic actions which were inconsistent with the provisions of the unratified SALT II Treaty;

(4) that by prolonged inaction on the SALT II Treaty by the Senate and the initiation of Strategic Arms Reduction Talks, the United States Government has given constructive notice to the Soviet Union that it does not intend to ratify such treaty.

(b)(1) It is the sense of the Senate that no national defense program involving the national security of the United States shall be terminated, impeded, delayed, or affected in any way in order to comply with the terms of the SALT II Treaty unless and until the Senate has given its advice and consent for the President to ratify the Treaty in accordance with the treaty-making provision of the Constitution of the United States.

(2) It is furthermore the sense of the Senate that the United States compliance with the SALT II Treaty should cease until and unless the President certifies to the Senate in writing that the Soviet Union has been in full compliance with all the provisions of the SALT II Treaty, the SALT I Anti-Ballistic Missile Treaty, the 1962 Kennedy-Khrushchev Agreement, the 1925 Chemical Warfare Protocol, and the 1972 Biological Warfare Convention.

Mr. HELMS. Mr. President, I am willing to enter into a time agreement on this amendment if the leadership or the managers of the bill are interested, but they may want to think about it.

Mr. STENNIS. Will the Senator state what his amendment does?

Mr. HELMS. I certainly will. I just want to say up front that I am willing to enter into a time agreement if it is the wish of the managers of the bill after they discuss it.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from North Carolina has the floor.

Mr. STEVENS. Will the Senator yield just a moment?

Mr. HELMS. Yes.

Mr. STEVENS. I apologize for interrupting him, but there are Senators who want to know if we are going to have a vote on this matter. It is our intention to oppose the Senator's amendment. Could he give us an idea of what timeframe he would like to have in terms of the consideration of the amendment?

Mr. HELMS. Twenty minutes equally divided, or 30 minutes equally divided.

Mr. SYMMS. I would like 5 minutes.

Mr. STEVENS. Thirty minutes, equally divided?

Mr. HELMS. Make it 40 minutes, equally divided.

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a 40-minute time limit on the Senator's amendment, equally divided, and I ask for the yeas and nays.

Mr. BYRD. Mr. President, I object to the time limitation.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. For the moment, at least.

Mr. HELMS. Mr. President, I am not clear as to whether or not the yeas and nays were obtained on the amendment.

The PRESIDING OFFICER. They were not.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, this amendment would end the unilateral compliance on the part of the United States with the unratified 1979 SALT II Treaty. Now, here is the situation in which we find ourselves, Mr. President:

For the past 4 years, under two administrations, U.S. policy had been to treat the restraints of SALT II as binding on the U.S. strategic posture based upon the presumption that the Soviets would show equal restraint. Mr. President, while the United States has adhered to the constraints, the Soviets have not.

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So, in effect, this policy has meant precise U.S. compliance with all of the provisions of the unratified treaty—a de facto ratification of SALT II, without the advice and consent of the Senate. In 1979, SALT II was offered as a "freeze" of strategic posture. We should consider what has happened under this arrangement before we go on with consideration of one "freeze" proposal after another that we hear about in this Senate and elsewhere.

Now, there are three kinds of arguments against the unratified SALT II Treaty: The constitutional argument; the strategic argument; and the compliance argument; namely, the fact of Soviet SALT II violations. The Senate has already expressed its view on each of my three arguments against the SALT II Treaty: The first, as I say, being the constitutional argument; the second being the strategic argument; and the third being the matter of noncompliance by the Soviet Union.

The constitutional argument is very simple. U.S. compliance with an unratified arms control treaty is unconstitutional and even illegal. The Senate's own corporate prerogatives and powers have too long been ignored. The only way the United States can legally comply with an arms control treaty is with the advice and consent of the Senate. Indeed, on December 3, 1981, the Senate tabled by a vote of 49 to 45 an amendment which would have endorsed the U.S. policy of complying with the unratified SALT II Treaty. Thus the United States continues to comply with SALT against the already expressed will of the Senate. My amendment would merely state the will of the Senate positively and properly.

In the process, we would rid ourselves of the anomaly that now exists.

Second, the Senate Armed Services Committee has already reported that the fatally flawed SALT II Treaty is unequal, unblanced, destabilizing, and "not in the national security interest of the United States." Thus even if the Soviets were not violating SALT II and the Senate's prerogatives were not being ignored, there would be fully sufficient reason to vote against the unequal SALT II Treaty locking the United States into permanent inferiority.

Third, the Soviets themselves have not been in compliance with the SALT II restraints. Not only have the Soviets not deactivated some of their forces as required by SALT II, but they have significantly expanded their forces since 1979. There is also strong evidence that the Soviet Union is violating the SALT II Treaty, which they have an international legal obligation to comply with pending ratification on both sides or absence of formal notice of one side not to ratify. There is also strong evidence that the Soviets are violating the SALT I Anti-Ballistic Missile Treaty. President Reagan himself has expressed his "serious concerns" at the United Nations about Soviet encoding of missile testing telemetry signals, Soviet testing of a prohibited second new type ICBM, and Soviet construction of prohibited ABM battle-management radars. There are other clear indications that the Soviets have already "broken out" of all arms control treaties and "peaceful coexistence" relations with the West. Indeed, the Senate has already voted on a rollcall 93 to 0 to require the President to report urgently to the Senate in public about Soviet SALT violations.

What does all of this mean?

One-sided U.S. compliance with the already unequal SALT II Treaty will damage U.S. national security even further, because it means that the United States is disarming while the Soviets are illegally arming. Thus the Soviets have all the benefits of U.S. compliance with the unratified SALT II Treaty, while they themselves are violating its fundamental provisions with impunity.

Ronald Reagan in 1980 made the following statements:

> SALT II is illegal, because the law of the land, passed by Congress, says we cannot accept a treaty in which we are not equal. (October 30, 1980)
>
> I believe the SALT II Treaty should be withdrawn, and I especially believe that the U.S. should not abide by its terms prior to ratification. To abide by the terms of (SALT II) would violate Article 33 of the Arms Control and Disarmament Act of 1961 . . . (May, 1980)
>
> I cannot agree to any treaty, including the SALT II Treaty, which . . . legitimizes the continuation of a one-sided arms buildup. (August 18, 1980)

Mr. President, if Ronald Reagan was correct in what he said in 1980, he is correct today. These arguments are still true.

There are other facts as well which support a yes vote on my amendment. For example, the Defense Department has stated that the "interim restraint" policy of U.S. SALT II compliance is under intensive review because of the President's concerns about the Soviet SALT violations. Moreover, approximately about $100 million is being spent deactivating U.S. forces in compliance with SALT II. These funds would be better spent in building up U.S. defenses.

Mr. RUDMAN. Mr. President, will the Senator yield for a moment?

Mr. HELMS. Yes.

Mr. RUDMAN. Would the Senator be willing to enter into a unanimous-consent agreement that we would vote on or in relation to this amendment at 4:30?

Mr. HELMS. If the Senator will make it no later than 4:30.

Mr. RUDMAN. That will be fine.

Mr. President, I ask unanimous consent that the Senate vote on or in relation to the Helms-Symms amendment on or before 4:30, with the remainder of the time to be equally divided.

The PRESIDING OFFICER. Who would control the time?

Mr. RUDMAN. The Senator from North Carolina for the proponents and I will control the time for the opponents.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. Mr. President, I yield to the Senator from Idaho.

Mr. SYMMS. Mr. President, I thank the distinguished Senator for yielding.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SYMMS. Is the Senator from Idaho listed as a cosponsor of this amendment?

The PRESIDING OFFICER. The Senator is listed as a cosponsor.

Mr. SYMMS. I appreciate that. I am honored to cosponsor this amendment. I wanted the Senator from North Carolina to know that.

Mr. HELMS. I thank the Senator.

Mr. SYMMS. I say to my colleagues, I urge you to support the Helms SALT II amendment. This amendment would end U.S. unilateral compliance with the unratified SALT II Treaty. SALT II is unequal and the Soviets are violating it. There are many fatal flaws in the SALT II Treaty. The four most important are:

First, the longstanding Soviet monopoly in heavy ICBM's, such as the SS-18 and SS-19 codified by SALT II.

Second, the allowed growth in the already overwhelming Soviet counterforce threat.

We have a large chart on display which I urge my colleagues to look at before they vote on this amendment.

Third, the failure to limit stockpiled Soviet missiles capable of rapid refire.

Fourth, the exclusion of the intercontinental Soviet Backfire bomber, which was excluded in the original context of the SALT II Treaty.

These factors explain why the Senate Armed Services Committee reported that the SALT II Treaty is unequal and dangerous to U.S. security.

On January 3, 1980, former President Carter asked Senator ROBERT BYRD to delay Senate consideration of the SALT II Treaty. President Carter stated that:

> The purpose of this request is not to withdraw the Treaty from consideration, but to defer the debate so that the Congress and I as President can assess Soviet actions and intentions . . .

I believe that we can now assess Soviet actions and intentions.

Many things have happened since then, not the least of which was the massacre of 269 innocent people in flight 007 of Korean Air Lines from

Anchorage, Alaska, en route to Seoul, Korea, which also carried the distinguished Congressman, Larry McDonald, of Georgia, on board.

I say, Mr. President, any nation that will do as dastardly an act, such as shoot down an unarmed airliner when they know good and well what they are doing, would also take advantage and bomb unarmed cities if they thought it was in their best interests, sometime in the future.

I believe in view of what has happened, we can assess Soviet actions and intentions.

The evidence is overwhelming that the Soviets are clearly violating SALT II, the SALT I Antiballistic Missile Treaty, and the 1962 Kennedy-Khrushchev agreement.

I urge my colleagues to look at these charts that we have in the back of the Chamber which show violations of SALT II, SALT I, and the Kennedy-Khrushchev agreement.

Mr. COHEN. The Senator does refer to the Kennedy-Khrushchev agreements on Cuba. I was wondering—I have never seen that document. Does the Senator from Idaho or does the Senator from North Carolina have a copy so we may know whether that document has any meaning, what it contains?

Mr. SYMMS. Mr. President, I say to my colleague that is a very good question he asks. As the Senator probably well knows, there was an exchange of letters, understandings, and agreements that took place over a period of time in 1962. There is not, to answer the question, an exact treaty as such that has been signed and ratified. There was an understanding between the two countries.

I think the understanding was very clear to this Senator's mind, anyway, that with respect to the Kennedy-Khrushchev agreement, the agreement was that we would provide an umbrella so there would be no liberation or invasion, if that is the word which we wish to use, of Cuba as long as they did not export their revolution outside the perimeters of Cuba, per se.

It is very clear, with the thousands of Cuban troops they have in Africa, Nicaragua, and other countries, they are in violation of this agreement. There is a Soviet brigade there that has been classified as offensive. There are the Floggers, the Mig-27's, the Mig-23, the Bear bombers. I think there is a clear violation of the intent——

Mr. COHEN. Mr. President, I just raised the question because I do not know if there is such an agreement, whether such an agreement was ever reached or whether it is a part of the mythic lore of the 1962 period, whether it was reduced to writing or if there is any understanding along the lines the Senator has suggested.

MORE SOVIET ARMS CONTROL VIOLATIONS CONFIRMED

Mr. SYMMS. I appreciate the Senator's question. I may say I made a much more lengthy explanation of this 2 days ago on the Senate floor. I shall see that that is made available to my good friend from Maine.

I might also say that President Reagan has mentioned that the Soviets have violated, Director Casey has made those statements. Former Secretary of State Alexander Haig made the statement that the Kennedy-Khrushchev agreement was being violated by the Cubans and Soviets. Under Secretary of Defense Fred Ikle has made that statement. There are numerous officials of the United States Government who have made that statement.

Mr. President, if we look, we can see the Soviets are almost completely encoding the telemetry signals in testing all their new missiles, in an effort to deliberately conceal their capabilities from the United States. In 1979, the Senate Intelligence Committee stated that Soviet actions "which involve deliberate concealment and deception would constitute serious violations of the (SALT II) Treaty." According to President Reagan, the Soviets are also violating the 1925 Chemical Warfare Protocol, and the 1972 Biological Warfare Convention.

I urge my colleagues to vote for the amendment ending U.S. unilateral compliance with the unratified SALT II Treaty. A vote against this amendment is a vote in favor of preserving a dangerous U.S. strategic inferiority to the Soviet Union, and a vote in favor of appeasing Soviet SALT violations.

I think this is the wrong time for us to send a signal to the Soviet Union which in any way would give the impression that this country is being weak and we are not going to stand strong for the agreements that have been made and that would in any way allow for Soviet violation.

Mr. President, I ask unanimous consent that an article related to this subject, entitled "Soviets Blatantly Violate Biological and Toxin Weapons Treaty" by Dr. Joseph D. Douglas, Jr., from the November 1, 1983, New York Tribune be printed in the RECORD.

Mr. President, this article makes several important points related to the Helms SALT II amendment, which I am cosponsoring. It demonstrates some of the evidence underlying President Reagan's two public charges that the Soviets have violated the 1925 Chemical Warfare Protocol and the 1972 Biological Warfare Convention. Dr. Douglas' article also provides supporting evidence for voting against U.S. unilateral compliance with the unratified SALT II Treaty.

Dr. Douglas has also pointed out two unusual events. First, he says that terrorists in the United States have created nerve gas and actually threatened the White House. In addition, Douglas points out that a terrorist cell in Paris, France was apprehended while in the process of manufacturing anthrax, a biological warfare agent.

Perhaps most alarming, Dr. Douglas has pointed out that the Cuban Armed Forces has announced the formation of a "Directorate of Chemical Troops in the Revolutionary Armed Forces." Douglas also points out that there is already in Cuba a facility for the manufacture, storage, and testing of BW/CW agents. This ominous revelation would be another violation of the 1962 Kennedy-Khrushchev agreement.

In sum, Dr. Douglas allows one to conclude that the Soviet-Cuban BW/CW threat may be more imminent and more dangerous than the strategic nuclear threat. This is because Soviet BW/CW offensive capabilities are awesome yet more useable than nuclear weapons of mass destruction, while the United States has quite limited BW/CW offensive capability to deter Soviet first use, and a quite small BW/CW defensive capability. Moreover, the United States has virtually no BW/CW defenses to protect our civilian population.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Tribune, Nov. 1, 1983]

SOVIETS BLATANTLY VIOLATE BIOLOGICAL AND TOXIN WEAPONS TREATY

(By Joseph D. Douglas, Jr.)

After five years of unsuccessful protests, the U.S. response to the Soviet use of lethal chemical warfare agents and toxins (i.e. yellow rain) in Afghanistan and Southeast Asia appears to have fallen back on the old standby, "What we really need is a better treaty."

As explained by Undersecretary of State for Political Affairs Lawrence Eagleberger during congressional hearings last spring, the conclusion that should be drawn as a result of the Soviet actions is that "real, equitable and fully verifiable arms control is an absolute necessity. It is not that arms control is pointless; it is that we have to do a better job of it."

One of the most disturbing aspects of this position is that it is said to follow directly a specific recognition that U.S. policies "cannot be based on a benign or naive view of the Soviet Union and its intentions," and the almost unbelievable assertion that "with a realistic appraisal of the Soviet goals and an appreciation that they are not constrained by many of the values we support, we can proceed with caution and prudence to help build a world eventually free from chemical, biological and toxin weapons."

SOVIET TREATIES

In seeking not to upset the arms control process, a questionable objective considering the lack of progress over the past 20 years, Eagleberger begs the real issue and attempts to focus attention on issues of verification and the need for better arms control agreements. But the real issue is: What use is any treaty with the Soviets, however well written, unless their intentions are to comply with both the spirit and letter of the treaty, which in the case of the chemical and biological areas is clearly not the case.

Obviously, the unspoken concern is how these Soviet violations add further credence to alleged violations and circumventions in the various nuclear arms control areas.

The 1972 Biological and Toxin Weapons Convention is probably one of the best treaties ever written. It is good because everything is outlawed—development, production and storage of agents, development of weapons and any types of related assistance to other parties involving biological agents and toxins.

Under the 1925 Geneva Protocol the use of poisonous gases and biological agents in war is prohibited. It has become quite clear over the past few years that the Soviet Union has blatantly violated both the spirit and letter of both treaties.

EXTENSIVE VIOLATIONS

Nor is it appropriate to blame verification. It is quite true that there are no effective provisions for verification in either the Geneva Protocol or the Biological and Toxin Weapons Convention. But the violations have been so extensive and blatant that no provisions have been needed to establish deliberate non-compliance.

While initially there were some concerns that the United States might have been over-anxious in its claims of violations and might have been using the data to support its own chemical weapons rearmament program, these possibilities have been dispelled as other nations addressed the data and reached the same conclusions: namely, that chemical and toxin weapons are being employed and the only plausible explanation is that the Soviet Union and its allies are directly violating the treaties.

In recent testimony before Congress, Sterling Seagrave, who more than any other individual deserves credit for uncovering Soviet atrocities in Southeast Asia and Afghanistan, discussed the governments that have examined the data and reached the above conclusions. His list includes Canada, France, West Germany, England, Israel, South Africa, Australia, Norway, Sweden, Denmark, China, Thailand, Singapore and New Zealand. The only glaring deficiency at this time is the absence of strong, public pronouncements by these governments against Soviet actions and in support of U.S. analyses.

NO COMPLIANCE

The problem, therefore, is not the absence of a "real, equitable and fully verifiable" arms control agreement. The problem is compliance. No treaty, however well written, will be any better than the current one unless the Soviets are motivated to comply, and they have clearly demonstrated that they have no such motivation. Until Eagleberger and like-minded Western officials can figure out how to make the Soviets comply, we might suggest that their diplomatic energies would be better directed to areas other than negotiating more unilaterally constraining agreements.

Chemical and biological warfare are areas all Western countries would like to see disappear, which is probably why NATO pays them so little attention, and indeed why countries such as Great Britain and the United States, in effect, unilaterally disarmed in these areas.

Unfortunately though, chemical and biological warfare are not going away. Thanks to the Soviet Union, the problem is growing worse and the time is rapidly approaching when Western governments must come to grips with the possible significance of this fact.

The significance is potentially broad-ranging. All NATO forces are highly vulnerable to a concerted chemical and toxin attack. In the event of a crisis, it is inconceivable that the Soviet Union would not employ those methods to debilitate not only NATO's ground forces, but certainly its land-based nuclear deterrent forces and, most important, its civilian war support and the political and military decision process.

The Middle East, always in a tinderbox of trouble, now has an added chemical and biological dimension. Perhaps mindful of the Afghanistan employments so close to their borders, certain Middle Eastern countries have engaged in a large-scale proliferation of capabilities, intentions and activities to obtain various manufacturing and weapons capabilities. Countries that have received or are suspected of having received chemical and biological agents from the Soviet Union, or of taking part in such activities, include Iraq, Egypt, Syria, Iran, Israel, Libya and Saudi Arabia.

LACK OF REAL ATTENTION

Nor is this just a European NATO or Middle East problem. Studies conducted in the late '60s and early '70s concluded that the United States itself was extremely vulnerable to various forms of chemical and biological warfare. These vulnerabilities have increased over the past 10 years.

Again, in the event of a severe crisis, why wouldn't the Soviet Union use every opportunity to debilitate U.S. forces and disorganize the country on the eve of war, possibly rendering ineffective up to 70 percent of the military, demoralizing the population and paralyzing the government? This is not an unreasonable possibility when one considers the effectiveness of modern chemical and biological weapons techniques, Western vulnerability and the lack of real attention at high government levels.

Nor is the problem strictly military. Chemical and biological agents have increasingly crept into the arsenal of potential terrorist weapons. Terrorists in the United States have created nerve gas and threatened the White House. A terrorist cell in Paris was apprehended while in the process of manufacturing anthrax. Various sources emerging from the Middle East and South Africa indicated that Soviet training in such warfare has extended through the Cubans to include the PLO, SWAPO and other revolutionary organizations.

Of special importance to all Americans, a Cuban military officer in the Directorate of Chemical Troops of the Revolutionary Armed Forces" has announced establishment of an "advance" training school for chemical warfare in Cuba. Refugee reports strongly suggest the manufacture and storage of chemical, toxin and biological agents as well as experimentation and training in their use.

The problem continues to expand. Now is not the time to ignore the Soviet actions and naively continue to press for a better arms control treaty. It is time for top officials to recognize that chemical and biological warfare actions of the Soviets and more than a dozen other nations have produced a new and serious problem requiring realistic and urgent attention.

Mr. SYMMS. Mr. President, I thank the distinguished Senator from North Carolina.

I reserve the remainder of my time, Mr. President.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN. I yield 3 minutes to the distinguished Senator.

Mr. MATHIAS. Mr. President, I have listened with interest to the colloquy which has just taken place between the Senator from Idaho and the Senator from Maine with respect to the Kennedy-Khruschev agreement.

I point out that Secretary Shultz just recently gave a classified briefing to the members of the Committee on Foreign Relations on that subject. I urge Members of the Senate who would like to get the greatest possible understanding of what was talked about and discussed by President Kennedy, by John McCloy, and by others who were active in that period to read the transcript of that hearing.

Mr. President, the reason I have asked the manager of the bill for a few minutes is to speak in opposition to this amendment, which I feel is not only unwise but dangerous.

President Reagan has taken a very prudent course in dealing with the SALT II agreement. Although it has not been ratified by the Senate, he has said that he would take no action which was in contravention of the agreement. He has never said that there were violations of the agreement by the Soviet Union. He has, from time to time, expressed concern about the manner of compliance, but he has properly referred those concerns to the standing consultative committee, which is the mechanism that has been established by the United States and by the Soviet Union to investigate and to determine the facts in relation to each such charge of violation. For us, on the basis of a 30-minute discussion on the Senate floor with no facts before us, to arrive at a finding that there have been violations, that the U.S. compliance should cease, is, I think, an insult to the President. It is a reflection on his judgment in this matter I think a very unwise step for the Senate to take. I hope that the Senate will resoundingly defeat this amendment.

Mr. RUDMAN. Mr. President.

The PRESIDING OFFICER (Mr. WILSON). The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, the subcommittee is well aware of the concerns expressed by the Senators from North Carolina and Idaho, who are the cosponsors of this amendment. As a matter of fact, if one wishes to look at the report of the subcommittee on page 156, we ask a number of questions relating to the Army, consulting with others within the defense community and the intelligence community, and provide a report comparing a number of United States-Soviet ABM activities, deployment of battle management radar, and a whole array of subjects which are very much the central factual concern of the amendment before us.

As a practical matter, Mr. President, there are many members of the subcommittee on both sides who have the feeling that there is something of worth and substance in this amendment and, in many ways, on the merits standing alone, might well like to support it.

Mr. SYMMS. Will the Senator yield, Mr. President, to tell me what page he referred to?

Mr. RUDMAN. Page 156, Mr. President.

This morning, the subcommittee contacted the National Security Council to seek out their position again on the amendment. They stated without equivocation that the President has not changed his position on this issue, and opposes this amendment for the reasons stated by the Senator from Maryland. I shall not restate them.

I think it is important to point out that the President, after all, has the responsibility for negotiating arms agreements and they are very much a matter of great concern; witness the great number of discussions before the Senate on this very issue in the last 6 months.

Since the President has taken the position that even though he was not a proponent of certainly SALT II and in fact spoke out against it, as President he has said that as long as the Soviet Union showed restraint in his mind, in his view, and that the talks continue, he, in fact, would observe these restraints. It seems to the subcommittee, under all of those circumstances, that we only have one President, we have one National Security Council, we have one negotiating stance, although sometimes as I listen to the debate on the floor I sometimes wonder, but the President is responsible for that and thus the subcommittee feels that to pass this amendment would be in a way limiting the action of the President, and thus we are going to, at the appropriate time, move to table the amendment offered by the Senator from North Carolina and the Senator from Idaho.

How much time do I have left, Mr. President?

The PRESIDING OFFICER. Six-and-a-half minutes remains to the Senator from New Hampshire.

Mr. COHEN. Will the Senator yield?

Mr. RUDMAN. I would be happy to yield a small amount of time to the Senator from Maine.

Mr. COHEN. Let me just indicate that I was and am a member of the Armed Services Committee that did review the SALT II Treaty last term and that we did, indeed, file a report that concluded the treaty as written was unequal, unbalanced, destabilizing, not in the national security interests of the United States. One of the principal objections that I had at the time and I know was shared by Members on the other side, some in fact who are running for President today, was the question of verification, and the question involved the provision pertaining to encryption.

As it was written in SALT II, the Soviet Union would be allowed to incrypt its telemetry provided it did not interfere with our national technical means of detection and verification. That in itself presented great problems. No. 1, it expressly allowed them to encrypt provided it did not interfere with our means of detection. And that has been the principal problem today, that we are having great difficulty determining whether or not they have in fact complied with SALT II. So I share a lot of the sentiments expressed by my colleagues from Idaho and North Carolina. The difficulty I have is that the President of the United States right now is trying to negotiate an agreement with the Soviet Union. He has put forth, in my judgment, the most far-reaching and I think most flexible proposal that has yet been tabled and has indicated that he is willing to reach an agreement with the Soviet Union based on the essential principles of reducing the levels of nuclear weapons in both inventories, of having a so-called guaranteed build-down, of putting bombers on the table. He has made a very fair and equitable proposal, and I think that even though my sentiments are with the two Senators offering this amendment, I do believe the Senator from Maryland is correct, that we ought not to take action this afternoon on 20 minutes debate, or 40 minutes debate equally divided, to undermine what is currently under way in Geneva, notwithstanding the sentiments that I share with my colleagues from Idaho and North Carolina.

Mr. STENNIS. Will the Senator yield just 1 minute to me?

Mr. HELMS. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes 30 seconds remains to the proponents.

Mr. RUDMAN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. HELMS. The Senator, however, did take his seat, but that is all right, Mr. President. I defer to the two managers.

Mr. RUDMAN. I was going to say that I would defer and yield the floor to the Senator from North Carolina and then we would finish at the end. That is what I rose to say.

Mr. STENNIS. Mr. President, if I am allowed 1 minute, that is all I really need.

This undoubtedly, Mr. President, is legislation on an appropriations bill. In spite of the good faith and high purposes of the proponents of the amendment and those that would be supporting it, it is just the opposite roadway for consideration of a matter like this. We have the Appropriations Committee and an appropriations bill. We have heard from the Armed Services Committee. Neither one of those committees are opposing it. We have speakers from the Foreign Relations Committee, which has primary jurisdiction.

I think, Mr. President, with all deference, we downgrade and denigrate, cast a shadow on our parliamentary method of functioning as the Senate. That is another reason we should clear the decks, clear up the atmosphere, get out of the fog, and respectfully reject this amendment by a large vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. RUDMAN. Does the Senator from Delaware wish time?

Mr. BIDEN. Yes, but I would be delighted to wait until Senator HELMS speaks. I would like a few minutes before the managers close out, if that is possible.

Mr. RUDMAN. The Senator from Delaware may proceed at this moment.

How much time do we have on this side, Mr. President?

The PRESIDING OFFICER. Two-and-a-half minutes remaining.

Mr. RUDMAN. I yield 1 minute to the Senator for Delaware.

Mr. BIDEN. Mr. President, the Senator's amendment would stop the United States from maintaining its policy of not undercutting existing SALT agreements so long as the Soviet Union uses similar restraints.

The President has received the support of the Senate for his present approach to strategic arms control, specifically the policy of not undercutting SALT and the pursuit of the START negotiations. Some of us are more dubious than others about prospects for success in the negotiations, but we would certainly not want to create strategic instability while these negotiations proceed. The amendment raises the specter of a situation in which no meaningful controls were placed on the arms race and each side was free to do as it chose.

It is important to remember that the United States has benefited strongly from the restraints imposed upon the Soviet Union by SALT II. These restraints are of such importance that it is crystal clear to me that we should not capriciously remove the obligations the Soviets have accepted.

Under SALT the Soviets have accepted the following controls:

No deployment of the SS-16 mobile missile nor upgrade of SS-20 to the SS-16, nor production of the third stage of the SS-16 for possible conversion of SS-20's.

No increases in ICBM and SLBM warheads above specified limits.

No increases in the Backfire production rate.

Continued retirement of older SLBM's and submarines when replacements are built.

No additional fixed, land-based ICBM's except in existing silos, with replaced missiles to be dismantled.

Strict limits on the characteristics of new ICBM's with rules governing characteristics of one permitted new type.

No testing and deployment of rapid reload/refine capability for ICBM launchers.

No more "heavy" ICBM launchers.

No interference with national technical means of verification.

No deliberate concealment measures which impede verification.

No deliberate denial of telemetry information, including encrypted telemetry, when such denial impedes verification.

If this amendment were adopted, here are some actions the Soviets could easily take before SALT II would expire on December 31, 1985:

Flight testing of more than one new type of ICBM.

Deployment of the SS-18 with more than the SALT limit of 10 warheads.

Deployment of more than 820 (Multiple Independently Targetable Reentry Vehicle, MIRV'd ICBM's or more than 1,200 MIRV'd ballistic missiles.

Deployment of the mobile SS-16.

Increasing the Backfire production rate beyond 30 per year.

Interference with our national technical means.

Deliberate concealment of strategic programs which leaves us uncertain as to whether we have reason for concern.

Mr. President, in order to keep the Russians obligated to SALT II and to forestall such additional Soviet actions, I urge defeat of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Will the Senator from North Carolina yield 1 minute?

Mr. HELMS. Gladly, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, I have been in the forefront of the opposition to the 1979 SALT II Treaty, which is unequal and therefore inconsistent with U.S. law. In accordance with another law, I also led a successful Senate effort in September 1977 to prevent President Carter's extended or prolonged compliance with the expired SALT I interim offensive agreement from hindering U.S. strategic modernization programs. There remain significant constitutional, legal, national security, and political problems with prolonged U.S. unilateral compliance with the SALT II Treaty, which has not received the advice and consent of the Senate for Presidential ratification.

Since June 18, 1979, when SALT II was signed, both the U.S. and the U.S.S.R. have been obligated under traditional international law to do nothing which would defeat the object and purpose of the SALT II Treaty still unratified on both sides. U.S. policy under both President Carter and President Reagan has been that the United States would do nothing to undercut SALT II, as long as the Soviets show equal restraint. The United States is complying precisely with all the provisions of the unratified SALT II Treaty, according to the Secretary of State's testimony and to recently declassified Defense Department directives. Therefore, the whole world should recognize that the United States is complying with SALT II. The Senate also has a right and an obligation to determine whether the Soviets are meeting the stated U.S. criteria for that policy, that is, that the Soviets show equal restraint and do nothing to defeat the object and purpose or to undercut SALT II. Under any interpretation of Soviet obligations under SALT II, a Soviet violation of a fundamental provision of SALT II constraining new type ICBM's would both undercut and defeat the object and purpose of SALT II, and cannot be regarded as restraint.

Mr. President, the SALT II Treaty is unequal, unbalanced, and destabilizing. It is fatally flawed. The Senate Armed Services Committee has determined that the SALT II Treaty is not in the national security interest of the United States. There are at least eight fatal flaws of the SALT II Treaty, which include these four as the most important fatal flaws of SALT II:

First, the Soviet monopoly on very heavy ICBM's, giving them 326 SS-18 very heavy ICBM's to zero allowed for the United States, making SALT II fundamentally unequal in the most significant strategic capability—very heavy ICBM's deployment of which are legally denied to the United States.

Second, allowing the Soviet Backfire bomber, which has intercontinental range and refueling capability, to be uncounted in SALT II, when Soviet Bison bombers with shorter range than the Backfire and scrapped U.S. B-52 bombers are counted in SALT II. This is another fundamental inequality of SALT II contrary to the Jackson amendment legal requirement that there be equality in SALT II.

Third, the fact that the Soviet ICBM counterforce capability would legally be allowed to grow massively under SALT II, through Soviet deployment of new ICBM's carrying increased numbers of warheads.

Fourth, the fact that from 1,000 to 2,000 stockpiled ICBM's capable of rapid reload and refire, covert soft launch, and mobile launch are completely unconstrained by the SALT II Treaty, thereby circumventing or violating all of the SALT II delivery vehicle ceilings: 2,400, 2,250, 1,320, 1,200, and 820. Here again the U.S. legal objective of equality in SALT II is denied.

Mr. President, for all of these reasons I oppose continued U.S. compliance with the unratified SALT II Treaty. There is a strong argument that the prolonged Senate inaction on the SALT II Treaty, together with the initiation in 1982 of strategic arms reduction talks with the Soviets, provide constructive, de facto evidence of a U.S intention not to ratify the SALT II Treaty.

Mr. President, I would like to provide the constitutional arguments for my amendment. I believe that the United States should no longer comply with the SALT II Treaty unless the Senate gives its advice and consent for the President to ratify the SALT II Treaty in accordance with the treatymaking provision of the Constitution. It is simply not proper for the United States to comply with a treaty which is unratified. Moreover, it is improper for the United States to constrain its strategic forces in order to comply with an unratified treaty. There are dangers to our national security in such extraconstitutional compliance.

Only two legal methods exist for U.S. compliance with an arms control treaty: The treatymaking provision of the Constitution must be exercised or in the case of an Executive agreement on arms control, there must be further affirmative legislation enacted by the Congress. Section 33 of the 1961 Arms Control and Disarmament Act specifies these two methods for constraining U.S. military forces to comply with an arms control treaty or an Executive agreement.

Now, Mr. President, several aspects of my amendment deserve comment in light of these constitutional and legal facts. In regard to the deactivation of 292 U.S. missiles and bombers counted in SALT II, I am aware of no further affirmative legislation which either authorizes or appropriates funds specifically for the deactivation of these SALT II constrained forces. It is my understanding that general operations and maintenence funds of the Defense Department are being used to achieve these deactivations, and these funds should be better utilized to enhance U.S. military readiness and operational capabilities. Second, in regard to the canceled deployment or our stockpiled Minuteman III ICBM's, there is further affirmative legislation which is both the fiscal year 1981 and fiscal year 1982 defense authorization bills, specifying the deployment of these stockpiled ICBM's. Yet this deployment was canceled and the Reagan administration has actually admitted that this cancellation occurred in order to comply with SALT II. Thus, both the treatymaking powers and the further affirmative legislation proviso of section 33 of the Arms Control Act are being defied by this cancellation.

Third, the funds for modification of our ALCM-equipped B-52's to carry strakelets, which are observable differences required by SALT II, are being explicitly authorized and appropriated by Congress, despite the inconsistency of this modification with the treatymaking provision of the Constitution.

Finally, the reduction of the number of warheads and throwweight of the new MX ICBM in order to comply with SALT II is to my knowledge, not authorized or covered by further affirmative legislation.

In conclusion, I would also point out that the March 1980 guidance from the Defense Department to the military services to comply with the unratified SALT II Treaty is also inconsistent with section 33 of the ACDA Act and with the treatymaking provision of the Constitution.

The argument for my amendment is thus compelling. We must comply with our Constitution and our laws, and we must safeguard our national security. U.S. unilateral compliance with the unratified SALT II Treaty, especially in light of substantial and conclusive evidence of Soviet violations of SALT II, is both unconstitutional and illegal, as well as dangerous. I ask that the Senate vote on this amendment, and vote to uphold the Constitution, the law, and the common defense.

Mr. President, on January 3, 1980, former President Carter asked Senator ROBERT BYRD to delay Senate consideration of the SALT II Treaty. President Carter stated then that:

> The purpose of this request is not to withdraw the treaty from consideration, but to defer the debate so that the Congress and I as President can assess Soviet actions and intentions * * *

The Soviet invasion of Afghanistan was the reason President Carter delayed the Senate SALT II debate. Previously, the Soviet combat brigade detected in Cuba had delayed the debate. Since President Carter's deferral request, we have had other examples of Soviet actions and intentions, such as their violations of SALT I, SALT II, the chemical weapons protocol, the Biological Warfare Convention, and the Kennedy-Khrushchev agreement of 1962.

Anyone who pretends that arms control can make a contribution to our security must agree that arms-control agreements must be complied with. If there is no penalty for Soviet violations of arms-control agreements, the Soviets will have every incentive to violate them. If the United States continues to comply with arms-control agreements in the face of Soviet violations and Soviet stonewalling in compliance discussions, they will have even more incentive to persist in their violations.

We are at a critical turning point in United States-Soviet arms-control negotiations. The Soviet arms-control violations strike at the very heart of existing and future arms-control agreements. The new Soviet ABM radar at Abalakovo violates the central provisions of the ABM Treaty. The Soviet SS-X-25 violates the SALT II new types rule, which is also the central concept for the build-down. Soviet telemetry encryption makes it impossible for us to effectively verify SALT II, or for that matter a build-down, a START, an INF, or a freeze agreement.

I could go on listing major U.S. compliance concerns regarding Soviet conduct. Suffice it to say that these issues are not accidental. Soviet behavior was conditioned by détente-era rationalizations of Soviet noncompliance with or circumvention of SALT I. The clear trend toward increasingly blatant Soviet arms-control violations must be brought to an end.

The policy I am advocating is quite simply the exercise of our legitimate rights under international law to suspend our obligations in the face of flagrant Soviet arms-control violations. We are merely denying the Soviets the benefit of the bargain. If the Soviets resume compliance with existing arms-control agreements, there is no impediment to reinstating them, but we would be sending a clear signal to the Soviet Union that we will not tolerate acts of international lawlessness, such as flagrant arms-control violations.

In light of the Soviet destruction of KAL-7, also contrary to an international legal obligation, we must send the Soviet Union a clear message that we will not cravenly acquiese in such Soviet actions or crude Soviet nuclear blackmail threats.

On September 25 I offered a similar amendment to the State Department authorization bill that was then before us and then withdrew the amendment. I suspect the amendment will not be adopted today because it is going to startle too many people and it is going to appear to be an irrevocable act and they would like to have a little more time to think about it. But I do believe that it is important for us to focus upon the fact that there are violations of SALT II; that indeed the Armed Services Committee was right when it said that the SALT II provisions were not good for this country and ought to go beyond that.

I also think it is important for us to recognize in that process how we hamstring ourselves in defending this country by complying with agreements that we negotiate, the other side never complies with, and we are afraid to say quit.

When it gets down to the question of whether or not we are going to be able to negotiate, the question then has to be asked: Are we better off to negotiate while we are being hamstrung by an agreement which they violate and we are afraid to say they are violating or whether or not we can negotiate most from strength, from a position that says that we are going to act to protect the security of this country? Therefore, I will support the amendment of my colleagues, although I suspect it is too radical an action to be accepted on the floor in the limited amount of time that we have for debate.

Mr. HELMS. At least we started the dialog. I thank the Senator.

I yield the remainder of the time to the able Senator from Idaho (Mr. SYMMS).

Mr. SYMMS. I thank the distinguished Senator.

Mr. President, the distinguished Senator from Maryland made the point that we did not have adequate time to debate this. I would only say that the SALT II agreement has been around for 4 years that this Senator is aware of. We are all very well aware of it. With respect to the Kennedy-Khrushchev agreements that have been brought up today, I attended the classified briefing Secretary Shultz gave, and I thought he gave a very enlightened and a very in-depth review of the entire situation for the some 2 hours he discussed this with the committee. When I left the committee, I made the statement that in 1962 I had the feeling we had been sold out. I think, after having heard the Secretary of State make the explanation of what has happened, from my point of view we have been getting the short end of the stick on the Kennedy-Khrushchev agreements. There have been numerous violations, and I ask unanimous consent that the administration violation charges be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REAGAN ADMINISTRATION VIOLATION CHARGES

Have the Soviets complied with the 1962 Kennedy-Khrushchev agreement? On September 14, 1983, President Reagan for the second time as President made an important accusation against the Soviet Union. President Reagan was asked publicly if the Soviet Union was violating the 1962 Kennedy-Khrushchev agreement which ended the

Cuban Missile Crisis. President Reagan answered:

"... That agreement [The Kennedy-Khrushchev Agreement of 1962] has been abrogated many times by the Soviet Union and Cuba in the bringing of what can only be considered offensive weapons, not defensive, there."

This is the second time that President Reagan has accused the Soviets of violating the Kennedy-Khrushchev agreement. The word "abrogated" means to cancel, disavow, or annul. The Soviets thus have already canceled, disavowed, or annulled the 1962 agreement.

President Reagan previously accused the Soviets of violating the Kennedy-Khrushchev agreement in April 1982, on national television. In addition, CIA Director Casey, Under Secretary of Defense Ikle, and the Chairman of the Joint Chiefs of Staff have all during the spring of 1982 also explicitly accused the Soviets of violating the Kennedy-Khrushchev agreement ending the 1962 Cuban Missile Crisis.

President Reagan stated at a televised press conference in April 1982:

"There's been other things we think are violations also of the 1962 agreement."

OTHER REAGAN ADMINISTRATION ACCUSATIONS OF SOVIET VIOLATION

Mr. President, because of these Soviet activities in defiance of a solemn accord, the 1962 Kennedy-Khrushchev agreement, Reagan administration officials drew the appropriate conclusions.

In March 1982, CIA Director Casey stated that the "1962 Kennedy-Khrushchev Agreement has been violated for 20 years."

Also in March 1982, then Joint Chiefs of Staff Chairman General Jones testified to Congress: "We (the JCS) interpret Soviet actions in Cuba as a violation of the 1962 Agreement." Jones added: "They have gone beyond the 1962 accords."

Again, in March 1982, Under Secretary of Defense Ikle testified to Congress that the 1962 agreement "had been eroded away to nothing" by Soviet actions, and he confirmed press reports of a possible Soviet-nuclear-delivery capability from Cuba.

If the Soviets are violating and have cancelled, disavowed, and annulled the very accord which ended the most dangerous nuclear crisis in history, is the world now thrust back into a dangerous nuclear crisis? Will Soviet deployment of SS-20 IRBM's or SLBM's in Cuba or in Nicaragua only compound the danger of an already unprecedented Soviet threat?

In sum, I believe that the United States must itself now also disavow the Kennedy-Khrushchev agreement of 1962, because the original U.S. quids pro quo have not been reciprocated, and the Soviets have violated the accord. Further, the agreement is inconsistent with the Monroe Doctrine and the U.S. law of the land dealing with Caribbean foreign policy objectives. Finally, if we are ever to stand up successfully to the Soviet-Cuban export of Marxist-Leninist revolution on our very front doorstep in Central America, we must disavow the agreement. We must be able to exercise whatever options are necessary to defeat Soviet expansionism in the Western Hemisphere.

Mr. President, it is interesting to see the enormous support from the American people for the President's action in Grenada. I think that is because the American people seem to understand the fundamental principle of American foreign policy, the Monroe Doctrine, better than some of the people at the State Department in Washington. The American people also know that the 1962 Cuba resolution, Senate Joint Resolution 230 and the 1982 Symms resolution express the law of the land on U.S. foreign policy in the Western Hemisphere. The United States has every justification, both legal and moral, for liberating Grenada from the clutches of the tyrants in Cuba and the Soviet Union. The American people know this better than our striped pants diplomats.

All free people around the world are given great hope and great heart to think that the people of Grenada will be able to continue now with a life in which they have the opportunity for private property, for upward mobility, and to look forward to a future not in a Communist slave camp but an opportunity to live in a free land, thanks to the bold, decisive action on the part of our President.

It is interesting to see that the rationale is there, yet it appears to me that the State Department is not using their very best argument as to why this was done and why it should be done, and that is why I make these remarks this morning.

I thank the distinguished Presiding Officer for his indulgence, and I yield the floor.

Mr. SYMMS. Mr. President, it is high time that the United States stand up for some honest, moral principles, and there is a moral question here. If we continue to go along with Soviet violations and we are in compliance, we are helping them. We are saying it is OK, and I do not believe it is OK.

Mr. RUDMAN. Mr. President, under the unanimous-consent agreement, I understand that the time for the vote has arrived.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MELCHER (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Vermont (Mr. Leahy). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. Abdnor), the Senator from Minnesota (Mr. Boschwitz), the Senator from North Carolina (Mr. East), the Senator from Washington (Mr. Evans), the Senator from Arizona (Mr. Goldwater), the Senator from Illinois (Mr. Percy), the Senator from Indiana (Mr. Quayle), the Senator from Wyoming (Mr. Simpson), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. Evans) would vote yea.

Mr. CRANSTON. I announce that the Senator from Montana (Mr. Baucus), the Senator from Texas (Mr. Bentsen), the Senator from Arkansas (Mr. Bumpers), the Senator from Florida (Mr. Chiles), the Senator from Arizona (Mr. DeConcini), the Senator from Ohio (Mr. Glenn), the Senator from Colorado (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Vermont (Mr. Leahy) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 29, as follows:

[Rollcall Vote No. 335 Leg.]

YEAS—50

Andrews
Baker
Biden
Bingaman
Bradley
Burdick
Byrd
Chafee
Cochran
Cohen
Cranston
D'Amato
Danforth
Dodd
Dole
Durenberger
Eagleton
Ford
Gorton
Hatfield
Hawkins
Heinz
Huddleston
Johnston
Kassebaum
Lautenberg
Laxalt
Levin
Lugar
Mathias
Matsunaga
Metzenbaum
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Specter
Stafford
Stennis
Stevens
Tower
Tsongas

NAYS—29

Armstrong
Boren
Denton
Dixon
Domenici
Exon
Garn
Grassley
Hatch
Hecht
Heflin
Helms
Humphrey
Jepsen
Kasten
Long
Mattingly
McClure
Murkowski
Nickles
Pressler
Pryor
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Zorinsky

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Melcher, against.

NOT VOTING—20

Abdnor
Baucus
Bentsen
Boschwitz
Bumpers
Chiles
DeConcini
East
Evans
Glenn
Goldwater
Hart
Hollings
Inouye
Kennedy
Leahy
Percy
Quayle
Simpson
Weicker

So the motion to table Mr. Helms' amendment (No. 2501) was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, before we go to the next amendment—may I say, by the way, I fully expect one more amendment and almost surely one more rollcall vote before the day is out—but before we go on, I would like now to propound the unanimous-consent request that I believe has been carefully worked out on both sides and I hope will not be objected to.

Mr. President, if we could have order in the Senate, I am going to read this two-page agreement at this time.

The PRESIDING OFFICER. There will be order in the Senate. Those Senators wishing to engage in conversations will please take them into the cloakroom.

The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, let me put the unanimous-consent request.

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 o'clock a.m. on Monday, November 7.

Further, I ask that at no later than 10:30 a.m. on Monday the Senate turn to the consideration of the Department of Defense appropriations bill, H.R. 4185. I also ask unanimous consent that any rollcall votes which are ordered prior to the hour of 2:45 p.m. on Monday be stacked to occur beginning at 2:45 p.m. in sequence, with the first vote to be 15 minutes in length and any remaining votes in sequence to be 10 minutes in length.

Mr. President, I further ask unanimous consent that the following amendments be the only amendments in order to this bill, that they be first-degree amendments with the single exception of one second-degree amendment which is identified in the list, and that they be limited to the following time agreements:

First, a Bumpers amendment on the MX, 80 minutes for the proponents, 40 minutes for the opponents.

Next, the Johnston amendment dealing with the B-1 bomber, 1 hour equally divided.

Next, a Kassebaum-Levin amendment dealing with MIRV, 1 hour equally divided.

Next, an Inouye amendment, OMB circular, 1 hour equally divided.

Next, a Byrd amendment on Stealth, 20 minutes equally divided.

MR. BYRD. Which may not be needed.

Mr. BAKER. Next, a Byrd amendment on spare parts, 20 minutes equally divided.

Next, a Weicker-Chafee amendment on submarines, 1 hour equally divided.

Next, a Tower amendment on chemical. I assume that is the binary gas amendment, 2 hours equally divided.

Next, a Boschwitz amendment to the Tower amendment, 1 hour equally divided. That is the single exception to the second-degree prohibition.

Next, a D'Amato amendment on Seneca, 20 minutes equally divided.

Next, a Quayle amendment, a DOD amendment, 20 minutes equally divided.

Next, a Grassley amendment, a sense-of-the-Senate resolution, 30 minutes equally divided.

Next, a Grassley amendment dealing with GAO analysis, 30 minutes equally divided.

Next, a Tower amendment dealing with additions to the bill, 1½ hours equally divided.

Next, a Levin amendment, an add-back to the bill, 30 minutes equally divided.

Next, a Kennedy amendment, JTACMS, 30 minutes equally divided.

Then, a Melcher amendment, military pay, 30 minutes equally divided.

Next, a committee amendment which was reserved and excepted on McNeil Island, 1 hour equally divided.

Then, an Inouye amendment on Hickam Air Force Base, one-half hour equally divided.

Next, a Byrd amendment dealing with the end of the year fiscal spending, 20 minutes equally divided.

Next, a Byrd amendment sense-of-the-Senate amendment, 20 minutes.

Then a Nunn amendment, one-half hour equally divided.

A Mattingly amendment on consultants, one-half hour equally divided.

Next an Andrews amendment on warranties, 20 minutes equally divided.

Mr. President, I also ask unanimous consent that when the Senate completes its business on Monday it stand in recess until the hour of 9 a.m. on Tuesday.

I further ask unanimous consent that the Senate resume the Department of Defense appropriations bill at 9:30 a.m. on Tuesday and that at that time the pending amendment be the Tower amendment dealing with add-ons which is limited to 1½ hours equally divided.

I further ask unanimous consent that the Senate stand in recess on Tuesday between the hours of 12 noon and 2 p.m.

Finally, I ask unanimous consent that final passage occur on this bill at no later than 6 p.m. on Tuesday and that paragraph 4 of rule XII be waived and that the agreement be in the usual form.

Mr. President, I amend that request in this respect:

I further ask unanimous consent, Mr. President, that there be 1 hour of debate on the bill itself to be equally divided and the control to be in the usual form.

Mr. STEVENS. Will the Senator yield for one addition? That is, we do have an agreement that the binary and the Tower add-on amendments would occur on Tuesday morning.

Mr. BAKER. Very well.

Mr. STEVENS. Tower is the first amendment on Tuesday morning and binary is second.

Mr. BAKER. That is not part of the request but that is the intention of the leadership on this side, to schedule them that way.

May I point out that the listing of the amendments is not meant to be the order in which the amendments will necessarily occur.

May I also point out, Mr. President, that only these amendments will be in order and votes may occur on or in relation to these amendments or on or in relation to the bill.

Mr. President, that completes the request.

Mr. DOMENICI. Reserving the right to object, and I will not object, I just have a question. Every amendment was explained in some way except the Byrd sense of the Senate. What is that going to be on?

Mr. BYRD. That has to do with proposing to the President that he ask the Japanese to deal fairly and squarely with us rather than the way they are dealing.

Mr. DOMENICI. I thank the Senator.

Mr. PRYOR. May I pose a question to the majority leader relative to the request of the Senator from Minnesota to have a second-degree amendment on the Tower amendment? Is that the Tower add-on amendment on Tuesday or the Tower nerve gas?

Mr. BAKER. I am told it is the nerve gas amendment.

Mr. PRYOR. If that would be the case, I wonder if the Senator from Minnesota is here to explain the purpose.

Mr. STEVENS. It incorporates the concept of build-down into the binary production.

Mr. PRYOR. And no other amendment to the binary chemical warfare would be in order?

Mr. BAKER. No other amendments are in order except those listed. The Senator is correct.

Mr. PRYOR. I will still reserve my right to object for a moment.

Mr. SARBANES. Reserving the right to object, I would like to propound the same question to the majority leader the Senator from New Mexico put with respect to the Quayle and Grassley amendments. They were read and identified but I do not think in such a way that we fully understand what they are.

Mr. BAKER. May I yield to the distinguished Senator from Iowa to first answer the question with respect to his amendment. Does the Senator mean the sense-of-the-Senate resolution?

Mr. SARBANES. One is a GAO thing and the other says the sense of the Senate.

Mr. BAKER. I yield to the Senator from Iowa.

Mr. GRASSLEY. Let me inform the Senator as well as all of my colleagues that the second one I will not be offering. The second one can be eliminated.

Mr. BAKER. May I take the GAO analysis out of the request?

Mr. GRASSLEY. Yes.

In regard to the first one, that is a sense-of-the-Senate resolution on competitive bids.

Mr. SARBANES. The Quayle amendment has been identified as a Department of Defense amendment.

Mr. STEVENS. On the Quayle amendment, his amendment pertains to a DOD report that we have discussed, a report he wishes to have the DOD directed to make. I believe it is an amendment we will be able to accept.

Mr. LEVIN. Reserving the right to object, I wonder if I can ask the majority leader, is it the intent that there will be an opportunity for all of these amendments presented and voted on where there is a desire for debate and vote prior to final passage?

Mr. BAKER. Yes, it is. In that connection, you can tell from the number of amendments that we are going to have a very, very busy day and I believe a very later day on Monday. But it is the intention of the leadership on this side to ask the Senate to stay as late as necessary on Monday to see that everybody who has an amendment may debate it within the provisions of this order.

Mr. LEVIN. Despite our best efforts and everybody's best efforts if the hour of 6 o'clock comes and there are still amendments which we have not had the opportunity to debate, is it the intention of the majority leader to allow at least a vote on the amendments?

Mr. BAKER. Yes. The Senators would be entitled to that under the rules. This is a limitation on debate, not on the ability of the Senator to call up his amendment, if the amendment is on this list, and have it voted upon.

Mr. BYRD. Mr. President, there is no provision in this agreement for a time on debatable motions, appeals or points of order.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. BYRD. Yes.

Mr. BAKER. The Senator is absolutely right. I will amend the request in that respect.

Mr. President, I ask unanimous consent that any debatable motion, points of order or appeals be limited to 30 minutes to be equally divided.

Mr. STEVENS. Reserving the right to object, Mr. President, it is my understanding that the Senator from Texas (Mr. TOWER) is trying to work out the warranty matter with the Senator from North Dakota. In the event that cannot be worked out, the Senator's staff informs me that Mr. TOWER would have a request for a warranty amendment of his own and he wishes to reserve the right for 30 minutes on a warranty amendment if he does not come to an agreement with the Senator. It is a first-degree amendment.

Mr. BAKER. I will add that to the list, a Tower amendment on warranties, 30 minutes equally divided.

Mr. BYRD. Mr. President, still reserving the right to object, the distinguished majority leader does not list a Nickles amendment.

Mr. BAKER. Mr. President, it was an oversight if I did not. I apologize. It is on the list.

Mr. STEVENS. He listed it.

Mr. BAKER. I did not read it. It is on the list. It should be included.

Incidentally, I will reread this list to make sure everybody's amendment is on it.

(Mr. GORTON assumed the chair.)

Mr. BYRD. Would the majority leader include a second-degree amendment to Nickles for me?

Mr. BAKER. Yes, Mr. President. How much time would the Senator want?

Mr. BYRD. Twenty minutes equally divided.

Mr. BAKER. Twenty minutes equally divided on a possible second-degree amendment to Nickles. I add that to the request, Mr. President.

Mr. PRYOR. Mr. President, I ask the Senator to yield, and I apologize for asking him to yield.

I wonder if the majority leader would consider propounding in his unanimous-consent request the right of the Senator from Arkansas to propose a second-degree amendment to the Tower amendment once the Boschwitz amendment has been disposed of. Would that be an unfair request to the majority leader?

Mr. BAKER. Let me see if I understand, Mr. President: That after the Boschwitz amendment is disposed of, it be in order for the Senator from Arkansas to offer another second-degree amendment to the Tower amendment?

Mr. PRYOR. That would be my request, Mr. President.

Mr. STEVENS. Could the Senator inform us what type of amendment we are talking about? Is it redundant to the Boschwitz amendment?

Mr. PRYOR. It would not be redundant to the Boschwitz amendment. The Senator from Arkansas does not have the amendment at this time exactly worded, but it would be in the nature of taking $135 million or $138 million from the chemical warfare funds and transferring those funds to a more conventional use.

Mr. STEVENS. I have no problem with that.

Mr. BAKER. May I make sure I understand what the Senator is asking, Mr. President? If we were to qualify an amendment to Tower after Boschwitz is adopted, if Boschwitz is adopted, it would constitute 3 degrees of amendment. I would not wish to do that.

If the Senator, however, is asking that if Boschwitz is not adopted, another second-degree amendment would be in order, I have no problem with that.

Mr. PRYOR. Would the amendment framed in the order of a pure substitute amendment be in order?

Mr. BAKER. A substitute for which one, Mr. President? Boschwitz?

Mr. PRYOR. Well, Mr. President, let us start first with the Tower amendment. Would that amendment be in order, a substitute for the Tower amendment?

Mr. BAKER. Mr. President, if I may have the attention of the Senator from Arkansas, if we can frame it in this way, I think we can meet his needs and avoid any problems from the parliamentary standpoint on this side: That there be in order a Pryor amendment in the nature of a substitute for the Tower amendment as amended, if amended.

Mr. PRYOR. The majority leader is saying as amended by the Boschwitz amendment?

Mr. BAKER. Yes, Mr. President, if amended by the Boschwitz amendment.

Mr. PRYOR. Maybe I can rephrase it and ask if it would be possible to ask for permission to offer an amendment to the Tower amendment, notwithstanding the submission of the Boschwitz amendment. Is that in order at that time?

Mr. BAKER. Mr. President, I believe that is what we will do in this formulation.

I think the sequence of events would be this: Tower would be up; Boschwitz would offer a second-degree amendment. Whether Boschwitz is adopted or rejected, it would still be in order under the request that I made, or I hope it would still be in order—I shall ask the Chair in a moment—for the Senator to offer an amendment in the nature of a substitute for the Tower amendment.

Mr. PRYOR. If the leader would consent to do that and have the Chair maybe give a ruling on that, I would be happy to do it.

Mr. BAKER. May I ask the Senator how long he would require for that amendment?

Mr. PRYOR. On that particular amendment, a very short period of time. Perhaps on that amendment, 10 minutes on a side would be sufficient.

Mr. BAKER. Very well, Mr. President, I include that in my request: That the list of amendments qualified to be offered shall include a Pryor amendment in the nature of a substitute for the Tower amendment, as amended if amended by the Boschwitz amendment, on which there be a limitation of 20 minutes equally divided.

Before the Chair puts the question again, may I propound a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. In this formulation, would it be in order for the Senator from Arkansas to offer an amendment such as would be provided for in this agreement?

The PRESIDING OFFICER. The answer to the question of the majority leader is in the affirmative.

Mr. BYRD. Mr. President.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, the McNeil Island amendment will not occur before—the time on that amendment will not start running before 3 o'clock on Monday?

Mr. BAKER. I include that in the request.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, could we order some sequence to begin on Monday? I am informed that Senator BUMPERS would be willing to raise the MX amendment as the first order of business on Monday. I would like to specify in the agreement that that would be the first order of business on Monday.

Mr. BAKER. Mr. President, I add to the request that when the Senate completes action on this bill today, the Bumpers amendment on the MX missile be laid down and made the pending question to occur when the Senate resumes consideration of this bill on Monday.

The PRESIDING OFFICER. Is there objection to the entire unanimous-consent request of the majority leader?

Hearing none, it is so ordered.

The text of the agreement follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That on Monday, November 7, 1983, at no later than 10:30 a.m., the Senate resume consideration of the pending business, H.R. 4185 (Order No. 527), an act making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and that only the following amendments shall be in order:

Bumpers amendment on MX, 80 minutes for proponents, 40 minutes for opponents, which shall be the first amendment considered.

Johnston amendment on B-1, 1 hour, equally divided.

Kassebaum/Levin amendment on MIRV, 1 hour, equally divided.

Inouye amendment on OMB circular, 1 hour, equally divided.

Byrd amendment on Stealth, 20 minutes, equally divided.

Byrd amendment on spare parts, 20 minutes, equally divided.

Byrd amendment on sense of Senate, 20 minutes, equally divided.

Byrd amendment on end fiscal year spending, 20 minutes, equally divided.

Weicker/Chafee amendment on submarines, 1 hour, equally divided.

Tower amendment on chemical, 2 hours, equally divided.

Boschwitz amendment in second degree to Tower amendment, 1 hour, equally divided.

Pryor substitute amendment to Tower amendment, as amended, if amended, 20 minutes, equally divided.

Nickles amendment to delete provision, 1 hour, equally divided.

Byrd amendment in second degree to Nickles amendment, 20 minutes, equally divided.

D'Amato amendment on Seneca, 20 minutes, equally divided.

Quayle amendment on DOD, 20 minutes, equally divided.

Grassley amendment on sense of Senate, 30 minutes, equally divided.

Tower amendment on additions to bill, 1½ hours, equally divided.

Levin amendment on add back, 30 minutes, equally divided.

Kennedy amendment on JTACMS, 30 minutes, equally divided.

Melcher amendment on Military pay, 30 minutes, equally divided.

Committee amendment on McNeil Island, 1 hour, equally divided, but not to be considered before 3:00 p.m. on Monday, Nov. 7, 1983.

Inouye amendment on Hickam AFB to state, 30 minutes, equally divided.

Nunn amendment on fighter engines, 30 minutes, equally divided.

Mattingly amendment on consultants, 30 miuntes, equally divided.

Tower amendment on warranties, 30 minutes, equally divided.

Andrews amendment on warranties, 20 minutes, equally divided.

Ordered further, That any rollcall votes ordered prior to the hour of 2:45 p.m. on Monday, November 7, 1983, be stacked to occur beginning at 2:45 p.m. in sequence, with the first vote to be 15 minutes in length and any remaining amendments in sequence be 10 minutes in length.

Ordered further, That time on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 30 minutes, to be equally divided and controlled: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee.

Ordered further, That at 9:30 a.m. on Tuesday, November 8, 1983, the Senate resume consideration of H.R. 4185, and that the pending amendment be the Tower amendment dealing with chemicals, on which there shall be 2 hours.

Ordered further, That on the question of final passage of the bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Alaska (Mr. STEVENS) and the Senator from Mississippi (Mr. STENNIS), or their designees: *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendments, debatable motions, appeals, or points of order.

Ordered, That the vote on final passage occur on H.R. 4185 at no later than 6 p.m. on Tuesday, November 8, 1983.

AMENDMENT NO. 2502

(Purpose: To require the Office of Federal Procurement Policy to review certain procurement practices and procedures of the Department of Defense and to report its findings, conclusions, and recommendations to the Congress)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) for himself and Mr. SASSER, Mr. HOLLINGS, Mr. BOREN, Mr. ARMSTRONG, Mrs KASSEBAUM, Mr. ANDREWS, Mr. PRESSLER, and Mr. PRYOR, proposes an amendment numbered 2502.

Mr. BYRD. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

STUDY OF WEAPON SYSTEMS SPARE PARTS PROCUREMENT BY THE DEPARTMENT OF DEFENSE

SEC. . (a) Not later than June 1, 1984, the Office of Federal Procurement Policy (hereinafter in this section referred to as the "Office") shall review the procurement practices, regulations, and reform proposals and programs of the Department of Defense relating to the procurement of spare parts for weapon systems and shall transmit to the Congress a report on the findings, conclusions, and recommendations of the office relating to such matters. The report shall include (1) an evaluation of the adequacy of the reform proposals and programs to promote practices and the development of directives which will achieve control of costs, economy, and efficiency in the procurement of such spare parts and (2) such recommendations for legislation with respect to the procurement of such spare parts as the Office considers appropriate.

(b)(1) The Secretary of Defense shall furnish to the Office such information on the practices, regulations, and reform proposals and programs of the Department of Defense relating to the procurement of spare parts for weapon systems as the Office considers necessary to carry out subsection (a).

(2) The Inspector General of the Department of Defense shall furnish to the Office such information on the practices of the Department of Defense in procuring spare parts for weapon systems as the Inspector General acquires during his audits of such practices and the Office considers necessary to carry out subsection (a).

(c) The Inspector General of the Department of Defense shall have reasonable opportunity to review and comment on the report required by subsection (a) before the report is transmitted to the Congress. The comments of the Inspector General shall be included in such report.

Mr. BAKER. Mr. President, for a brief moment, may I now announce that there will not be a Saturday session. I do expect, however, that there will be another vote today.

Mr. STENNIS. Mr. President, may I commend the highly dedicated efforts of our leadership. I know the Senator from Alaska was part of it, too.

Mr. BAKER. I thank all Senators for their cooperation, especially the minority leader.

Mr. BYRD. Mr. President, there may or may not be a rollcall vote on this amendment. It all depends on the distinguished manager of the bill.

Mr. President, this is an amendment which requires a new and hard look at the Pentagon's spare parts procurement practices. There have been a number of recent reports suggesting there is entirely too much waste and sloppiness in Secretary Weinberger's Pentagon. This is particularly true, apparently, in the general area of procurement of spare parts.

The fiscal year 1984 Department of Defense budget represents a commitment to a strong American defense program. There is not any dispute that we need a strong defense program and the bill to pay for it is large and will continue to be large. The DOD appropriations bill will cost taxpayers over $251 billion. Not all Senators agree on the urgency of all the programs in the defense budget, of course, but by and large the general level of commitment has not been subject to dispute.

Nevertheless, Mr. President, when we dedicate such large sums to national defense, we need to take special care that the funds are spent prudently. We need to look very sharply at practices and situations where there is waste. We need to make every effort to spend these dollars efficiently, to stretch them out, to make them go further. It is admittedly a difficult task for the Pentagon managers to accomplish cost savings, to buy efficiently, and to rigorously enforce economical buying practices. It is also a difficult task for the Congress to conduct effective oversight in the unglamorous and complicated area of procurement contract practices. In order to achieve the goal we all desire—the most economical costing of defense hardware systems and spare parts—recent reports strongly indicate there is plenty of room for improvement.

To achieve more efficiency and economy in the Department of Defense, Congress 2 years ago created an independent Inspector General. It was unfortunate that the administration fought the creation of this post. But the wisdom of this move, which resulted from the combined efforts of a number of Senators—particularly Senators BENTSEN, PRYOR, ROTH, and EAGLETON—has now become obvious. In the area of spare parts procurement, the Inspector General caused DOD to develop a series of initiatives which, if followed up properly—I repeat if followed up properly by both Pentagon managers and the oversight committees in Congress—should save the taxpayer substantial sums of money.

There has been a great deal of attention devoted to a draft audit report of the Inspector General of the procurement of aircraft engine spare parts. The report is not final. It is undergoing revision at this time, and the services in fairness must be given an opportunity to respond to the findings of the auditors. But Mr. President, the overwhelming evidence contained in this audit points unmistakably to shockingly bad practices in the procurement of spare parts. Although many of the details of the report are being challenged, the thrust of the report is clear. Parts are not being purchased in a cost effective manner. Cost growth of spare parts far exceeds the Consumer Price Index—in many cases the cost growth is as much as 500 percent. Procedures designed to assure that the Government pays fair and reasonable prices were not being implemented, according to the report. Most of the expenditures on engine spare parts were not based on competitive bidding—instead, they were based on sole source procurement contracts from prime contractors.

Secretary Weinberger has recently stated that, depending on how one defines spare parts, the Pentagon spends between $3 billion and $13 billion a year in this area. The potential for waste in this area, then, runs into many millions of dollars per year, perhaps hundreds of millions of dollars per year.

Two general areas appear to need correction: First, the form of the contracts themselves, clauses such as price redeterminable ordering agreements were a sole source contractor can escalate prices at will from year to year; and second, the practices of Federal procurement offices. These offices are apparently often undermanned and rushed to get the ordering of parts done on time, and in some cases there is what one might term an "attitude problem" on the part of the officials themselves. Furthermore, recent press reports indicate that at least part of the problem may result from the practices of the prime contractors. It may be too much to expect prime contractors to promote competition for their own products. However, prime contractors should not be encouraged to block competitive behavior in their own industries.

It is encouraging that the action by the Inspector General has prodded Secretary Weinberger to announce a new 10-part program to attack pricing abuses in the Department of Defense. It is encouraging that he has been candid enough to admit that the audits "demonstrate conclusively that we must make major changes in the way we order and purchase spare parts." This program, which includes a system of rewards and punishments to promote competition and cost-cutting, is commendable. But it will take very rigorous follow-through. It will take a sustained effort throughout the Defense Establishment.

Furthermore, Mr. President, it seems clear to me that oversight by the Senate is needed. I understand the distinguished chairman of the Armed Services Committee, Mr. TOWER, has held hearings on this whole matter, and plans further work on it. It will take a great deal of effort by the committee, I am sure.

In order for the Congress to exercise its oversight function properly and fully, I think it is essential that it be provided a thorough and objective report on this whole complex area of spare parts procurement for our weapons systems. The work of the Inspector General has been an invaluable contribution so far. He is, I hope, just getting started. From all indications he is doing a difficult job expeditiously and fairly. He is to be commended.

Nevertheless, Mr. President, a very worthwhile and needed supplement to this work can be performed by the Office of Federal Procurement Policy (OFPP) in the Office of Management and Budget. It is the fundamental responsibility of the OFPP to promote economy, efficiency, and effectiveness in the Federal procurement process. The basic reason that Congress created this office in 1973 was that there was no central office in the executive branch prepared to provide Congress with recommendations for improving the procurement process. Its goal, therefore, its mission is to improve Federal procurement.

It is therefore entirely appropriate that this independent office conduct a review and analysis of the weapons-systems spare parts procurement crisis which has erupted as a result of the work of the Inspector General. It is appropriate that the OFPP conduct an in-depth, thorough, investigation of the procurement practices and regulations in the Department of Defense. It is essential that an analysis be done of how effective the reform programs announced by Secretary Weinberger in this area will be. The goal of these reforms is to cut costs in the Department of Defense procurement programs. I share that goal.

My amendment is intended to do just that.

The OFPP is directed to report to Congress no later than June 1, 1984, on the adequacy of those reform programs announced by Secretary Weinberger this past summer. The overall question is how adequate are those programs in promoting practices and developing directives which will achieve substantially better cost control, economy, and efficiency in the purchase of spare parts. The amendment also directs the OFPP, in the context of its report, to provide recommendations which may be appropriate for legislative action by the Congress in the procurement area. It is expected that the OFPP will consult carefully with the Inspector General in the course of its investigation and the amendment requires that the data developed by the Inspector General be made available upon request to the OFPP. Furthermore, the amendment requires that the Inspector General comment upon the findings and recommendations of the OFPP in its report to the Congress. My intention is that the close cooperation of the Inspector General with the OFPP will result in a more solid and valuable report to the Congress.

Mr. President, the American people are not going to stand for pricing abuses to continue unabated. It has been reported that one supplier sold the Navy a clawhammer for $435 dollars, and a 12-foot measuring tape for $437 dollars. The press has reported a number of such outrageous episodes. If these practices are not corrected, and followup does not bring the major changes needed, it is going to be nearly impossible to sustain the 5-percent real growth in defense spending which has seemed appropriate. It has been reported that Secretary Weinberger is seeking a 17-percent budget increase for fiscal year 1985 compared to 1984. This would be a real growth rate of around 12 percent. I think even 5 percent will be difficult if the evidence continues to mount on waste in the Weinberger Pentagon.

It may well take legislative action to correct some of these abuses. I will be looking with interest at the situation as it unfolds—both in the new audits that are now being conducted in other spare parts areas, such as electronic parts, and in the results of the investigations by the committee. The distinguished Senator from Michigan (Mr. LEVIN) authored a sound amendment to the fiscal year 1984 Defense authorization bill which implemented one of the recommendations of the Inspector General. Additional legislative action may well be appropriate in the near future. The continuing action by the Inspector General, supplemented and put into perspective by the report I am proposing be done by the Office of Federal Procurement Policy, should provide the Congress with the appropriate recommendations.

Mr. COHEN. Will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. COHEN. I would like to associate myself with the remarks of the Senator from West Virginia and also to ask his permission to be added as a cosponsor to his amendment.

Senator LEVIN and I and others who serve not only on the Armed Services Committee but also on the Governmental Affairs Committee have been conducting hearings and oversight proceedings to try to determine what in fact is going on within the Department of Defense with respect to billions of dollars, in my judgment, being wasted particularly in the field of spare parts.

This past week, in the Governmental Affairs Committee, we had a hearing, and we found that a 4-cent diode cost the Defense Department over $100. We found that a plastic cap that goes on the bottom of a stool on one of our aircraft, the AWACS, which may cost 26 cents, was being billed at $1,118 per plastic cap.

We had testimony of loveseats and chairs in ships going for $5,000 and $6,000. It is simply an outrageous situation. In my judgment, what we have is a looting mentality taking place among our defense contractors. Not only is it unconscionable pricing—a word that has been used many times—in my judgment it goes further; I think it is criminal. I think we have a case of criminal behavior on the part of some of our contractors who charge hundreds or, indeed, thousands of dollars for a 4-cent or 5-cent item and pass that on to the taxpayers of this country. I think it represents an attitude that is not only arrogant but contemptuous, contemptuous of the Department of Defense, contemptuous of the Congress, and ultimately contemptuous of the American taxpayer who has to pay the bill.

I say this, in addition, to my good friend from West Virginia: It is not only going to be necessary for the Office of Federal Procurement Policy to conduct a study and to make recommendations about what sort of reform has to take place. OFPP is going to go out of business. OFPP, unless Congress reauthorizes it, is going to go out of business. There is a bill pending now, on which a hold has been placed, to reauthorize the OFPP. Not only do we have to reauthorize OFPP, but we have to restore its regulatory authority.

The PRESIDING OFFICER. The time on the amendment has expired.

Mr. BYRD. Mr. President, I have no more time. Will the distinguished manager yield me 1 minute on the bill, so that I may yield to the Senator from Maine?

Mr. STEVENS. I yield.

Mr. COHEN. In addition to conducting the study, we need fundamental procurement reform, more competition, and we have to insist upon our proceedings of debarment and suspension. If we find a defense contractor engaging in fraudulent activity, he should be debarred from doing business not only with DOD but also with every other Government agency.

This is just the beginning, and I commend the Senator.

Mr. BYRD. I thank the Senator for his statement, for his support, and for his cosponsorship.

Mr. President, I ask unanimous consent that the name of the Senator from Maine be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, will the manager of the bill yield me a moment on the bill?

Mr. STEVENS. I cannot define a moment.

Mr. LEVIN. One minute.

Mr. STEVENS. One minute.

Mr. LEVIN. I thank my friend.

Mr. President, I compliment the Senator from West Virginia.

Senator COHEN has mentioned that we have held many hearings in two committees, Governmental Affairs and Armed Services, in the area of spare parts.

The basic problem is that there is not enough competition and not enough vigilance. This amendment of the Senator from West Virginia will help promote some vigilance. A number of amendments have been adopted recently by Congress to promote competition and vigilance. They are both needed.

The parts situation that the Senator from Maine has described was duplicated by a number of other horror stories. I do not know if the Senator from West Virginia saw this or not, but we were about to pay $9,700 for a part that cost 12.5 cents. We were about to pay thousands of dollars for two pieces of wire that you can get free at the hardware store.

I commend my friend from West Virginia, and I ask that he adds my name as a cosponsor.

Mr. BYRD. Mr. President, I yield myself 1 minute from the bill, Mr. Stennis not being here.

I thank the Senator from Michigan.

Mr. President, I ask unanimous consent that the name of the Senator from Michigan be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, there is some reason to believe that there needs to be greater review of the procurement system, particularly in the area of small parts. That is why we readily agreed to an amendment to hire additional auditors.

I can count, so I am not going to oppose this amendment now. But I think the Senate should realize that this is another study to be made by people who have been hired to find the problems, not to write reports to Congress. This puts the Department of Defense under another group, the Office of Federal Procurement Policy, and then requires that report to be reviewed again by the Inspector General, and the Inspector General is supposed to be out there finding fraud, abuse, and corruption.

Let me tell Senators about fraud, abuse, and corruption. When we heard about these parts that cost 26 cents and are being billed for $14 or $1,400, we held a hearing on that. That was unitary billing. The supplier provided, say, a thousand parts, and he billed them on a unit basis, rather than listing each one at 26 cents or 39 cents or $140,000.

The Inspector General looked at that, and there was nothing wrong with it. We advised them to list it the other way. It will cost the Government more money to pay the contractor for having to hire computer people to punch in the individual parts and list them and have that control, rather than to bill the Government on a unitary basis for all the parts they supply.

I understand that it makes nice reading to indicate that that was fraud. It was not fraud. We had a hearing, and it was not fraud. There were some individual cases where there was fraud.

I would hope that the Inspector General could spend his time finding that fraud and not writing more reports.

Unfortunately, my good friend has enough votes to win, and I accept the amendment. I do not really support it. I hope he understands my reluctance with respect to another series of reports to sit on a shelf. I will take you to our office and let anybody see the reports we have. We do not have enough staff to keep track of them, let alone read them.

Mr. STENNIS. Mr. President, will the Senator yield me 1 minute.

Mr. STEVENS. I yield.

Mr. STENNIS. Mr. President, no one is better at finding things than the Senator from Alaska. But this matter of parts has become so important and so expensive and there is so much of it every year that it is a good idea to have something that puts the finger on them. Perhaps more elaborate legislation would have been better, but my opinion is that this will help to make a start, and it will doubtless be worth something in saving money. I am going to support the amendment for that reason.

The PRESIDING OFFICER. Is there further debate on the amendment? Does the Senator from Alaska yield back the remainder of his time?

Mr. MATSUNAGA. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that my name be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, if the Senator from West Virginia will delay long enough, I am sure we will have a majority as cosponsors, and we will not have to take a rollcall vote.

I am prepared to accept the amendment. I see no reason to have a rollcall vote.

Mr. BYRD. I had understood that the leadership wanted one more rollcall vote today, and I thought this might be it.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum, and I will ascertain that.

The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator from Alaska yield back the remainder of his time?

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from West Virginia. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. ABDNOR), the Senator from North Dakota (Mr. ANDREWS), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), the Senator from Nevada (Mr. LAXALT), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Indiana (Mr. QUAYLE), the Senator from Wyoming (Mr. SIMPSON), the Senator from South Carolina (Mr. THURMOND), and the Senator from Connecticut (Mr. WEICKER).

I further announce that, if present and voting, the Senator from Washington (Mr. EVANS), would vote "yea."

Mr. CRANSTON. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Texas (Mr. BENTSEN), the Senator from Arkansas (Mr. BUMPERS), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Arizona (Mr. DECONCINI), the Senator from Illinois (Mr. DIXON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Vermont (Mr. LEAHY), are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY), and the Senator from Illinois (Mr. DIXON), would each vote "yea."

The PRESIDING OFFICER (Mr. JEPSEN.) Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 66, nays 5, as follows:

[Rollcall Vote No. 336 Leg.]

YEAS—66

Armstrong
Baker
Biden
Bingaman
Boren
Bradley
Byrd
Chafee
Cochran
Cohen
Cranston
D'Amato
Danforth
Dodd
Domenici
Eagleton
East
Exon
Ford
Garn
Gorton
Grassley
Hatch
Hatfield
Hecht
Heinz
Helms
Huddleston
Humphrey
Jepsen
Johnston
Kassebaum
Kasten
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Pell
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Specter
Stafford
Stennis
Symms
Trible
Tsongas
Warner
Wilson
Zorinsky

NAYS—5

Denton
Dole
Stevens
Tower
Wallop

NOT VOTING—29

Abdnor
Andrews
Baucus
Bentsen
Boschwitz
Bumpers
Burdick
Chiles
DeConcini
Dixon
Durenberger
Evans
Glenn
Goldwater
Hart
Hawkins
Heflin
Hollings
Inouye
Kennedy
Lautenberg
Laxalt
Leahy
Packwood
Percy
Quayle
Simpson
Thurmond
Weicker

So Mr. BYRD's amendment (No. 2502) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRASSLEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, the distinguished Senator from Iowa has an amendment we have discussed. I yield to him for the purpose of sending his amendment to the desk.

AMENDMENT NO. 2503

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa (Mr. GRASSLEY), for himself and Mr. PRYOR, proposes an amendment numbered 2503.

At the appropriate place in the bill insert the following:.

SEC. . It is the sense of the Senate that competition, which is necessary to enhance innovation, effectiveness, and efficiency, and which has served our nation so well in other spheres of political and economic endeavor, should be expanded and increased in the provision of our national defense.

Mr. GRASSLEY. Mr. President and Members of the Senate, I think the language just read speaks for itself so I will not take very much time of the Senate.

Mr. President, Senator Pryor and I offer this sense of the Senate resolution as an expression of a vital need to strengthen our national defense through the benefits of competition.

Many of us in the Congress, and the American public in general, are becoming increasingly alarmed at outrageous pricing by large defense contractors, and the poor quality and performance of what we are buying.

But such results should not come as a surprise to us. Not if we understand these as the products of a system donated by monopoly and centralization.

Last week, an article appeared in a Tucson paper, the Arizona Daily Star, describing mismanagement and egregious overpricing by the Hughes Aircraft Co., in the production of the Maverick missile.

According to the report, Hughes is spending an average of over 3,000 hours to do what the U.S. Air Force says should take less than 180 hours.

Translated into efficiency, that means it takes Hughes 17 times what it should to roll a Maverick missile off the assembly line.

Industrial work is measured by the standard labor hour, or the standard hour of output. It is a measure of work, not time. It is the amount of work that a trained worker will do in an hour, given adequate supervision and tools, working at a normal pace, with suitable allowances for coffee-breaks, trips to the restroom, cleanup time, and so forth.

How is it possible that we can allow ourselves to be charged for 17 times the amount of work that should go into what we buy? The answer is quite simple: We do not demand other competitors to do what we ask of Hughes, or of any other prime contractor for that matter.

Mr. President, Americans prefer competition because it work. We view competition as necessary to reduce costs and improve the quality of our products. In the general economy, competition is necessary to prevent the abuses of monopoly and centralization, which stifle innovation, effectiveness and efficiency. The values we have traditionally demanded have led to a political economy whose freedom and productivity are the rival of the world.

It is interesting, however, that we fail to apply these same values to the much more critical area of our Nation's defense. For our defense, we allow labor markups to exceed the norm by a factor of 17. It is grotesque. But it exists. It exists because in the realm of the defense industry, there is an absence of competition. So plastic stool-caps can cost a thousand dollars, washers can cost $700, and on and on.

When we view the defense industry, we understand the problem as an overpricing of the products we buy. Products cost many times what they would cost in a market economy. It is because there are no checks and balances within the industry. There is no competition.

But in the Pentagon bureaucracy, the problem is different. There, the problem is the buy-in. The buy-in represents a deliberate, overoptimistic bid pumped into the system by a program manager whose incentives are simply to startup a program and get it funded. His program will be bought if he can show its cost will decline in the outyears.

Although the costs of such programs are invariably and systematically underestimated, they appear as projected costs in DOD's 5-year defense budgets. When the outyears come to pass, however, actual costs always exceed substantially the projected costs, and so execution of these programs require more resources.

We talk of these programs, and the collective budget, as being underfunded.

The underfunded budget is a phenomenon inherent to any bureaucracy. It is the product of a centralized process. It can occur if there exists no suitable system of checks and balances.

Mr. President, it is the responsibility of the Congress to do what is necessary to provide a check to the centralized bureaucracy. The strength of our national defense requires it. But to provide such a check, we need a better knowledge of the bureaucracy, and insights into how it functions, and what its incentives are.

We must be sufficiently critical, yet constructive. In the case of our national defense, it is becoming more and more evident that we are not reaping the benefits of competition, but instead suffering the abuses of its absence.

This resolution offered by myself and Senator Pryor, would be an expression by the Senate that increased competition is necessary to strengthen our national defense in order to maximize the value of our defense dollars. I urge the resolution's adoption.

● Mr. PRYOR. Mr. President, I urge Senate approval of the resolution the distinguished Senator from Iowa (Mr. Grassley) and I have proposed to express the sense of the Senate that competition be increased in defense contracting activities. Such competition will serve the taxpayers and will serve the interests of national security.●

Mr. GRASSLEY. Mr. President, I want to thank Senator Pryor for his work in this area.

Mr. STEVENS. Mr. President, I have discussed this amendment with the distinguished Senator. It is a sense-of-the-Senate resolution. I am sure the Senator from West Virginia will comment from his side of the aisle.

Mr. BYRD. Mr. President, I am advised that there is not opposition to this amendment on this side.

Mr. STEVENS. I thank the Senator. I yield back the remainder of our time.

Mr. GRASSLEY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment (No. 2503) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, that will finish the matters to be considered on the Defense appropriations bill this evening. I do thank all of those who have been working on the bill, and I thank the Senate for its patience.

Mr. President, on Monday when we return to the bill, I might state that we do have an understanding now that Senator Bumpers will present his MX amendment; followed by Senator Nickles, if he decides to present his amendment; followed by Senator Mattingly, who has an amendment on consultants; followed by Senators Weicker and Chafee, who have an amendment pertaining to the support submarine.

That means we will start off early on Monday. The votes on those amendments, if they are ordered, will occur later in the afternoon under the agreement which has received the approval of the Senate.

THE PRESIDENT MUST PROVIDE LEADERSHIP

Mr. BYRD. Mr. President, I have in my hand a UP wire service story which I ask unanimous consent to have printed in the Record.

I call particular attention to the reported statement by an aide to Senator Dole to the effect that White House officials told him that President Reagan would wait to see what the Senate proposes.

In view of the President's election promises that he would balance the budget by 1983, if not 1982, and also in view of the unprecedented large budget deficits that are now occurring and will occur in the years ahead, it seems to me that the President ought to get off the sideline and participate directly in the efforts to reduce the budget deficits. These deficits have occurred because of the failure of Mr.

Reagan's monetary and fiscal policies. So instead of his waiting to see what the Senate proposes, he himself needs to provide leadership.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the UPI Wire Service]

(By Robert MacKay)

WASHINGTON.—President Reagan might support a package of tax increases and spending cuts to slash mounting deficits if the tax hikes are similar to his "contingency" tax proposal, a White House spokesman said Friday.

And Senate Republican leader Howard Baker said Senate leaders are discussing $73 billion in new taxes that are "not inconsistent" with Reagan's contingency tax proposal.

It was the first indication the President may be willing to support Senate Republican and Democratic leaders in their closed-door efforts to produce a plan to slash deficits by $150 billion over the next three years.

But Deputy Press Secretary Larry Speakes, asked during a Presidential trip to North Carolina Friday whether the President had ruled out tax increases, said Reagan favors "contingency" taxes if they are accompanied by spending cuts.

"His position is still that the best deficit-reduction plan is the one he submitted in January in the budget," Speakes said. "He will not accept any new taxes without spending" cuts.

An aide to Senate Finance Committee Chairman Robert Dole (R-Kan.), said White House officials told him Reagan would wait to see what the Senate proposes.

Baker (R-Tenn.), said Reagan's remarks Thursday night were consistent with his previous statements, but he also noted Reagan had included contingency tax increases in his fiscal 1984 budget proposal that would go into effect if the deficit got too large.

Despite Reagan's veto threats, Baker said a bipartisan group of Senate leaders will continue to try to fashion a package of spending cuts and tax increases to slash the deficit.

Baker said Reagan's statement in opposition to new taxes "does* * *.

Dole met with members of his Finance Committee throughout the day to try to reach a bipartisan consensus on a package of spending cuts and tax increases that would cut the deficit by about $150 billion over the next three years.

"This is our plan and we're very optimistic about it," a congressional aide said. The White House is "not rejecting our effort," he added.

Congress is scheduled to adjourn for the year Nov. 18.

One of the possibilities being discussed, according to congressional sources, is for about $75 billion in tax increases and $45 billion in spending cuts over the next three years—a package that would be added to a $28 billion deficit-reduction bill already in the Senate.

The 1984 budget resolution Congress adopted in June called for $85 billion in deficit reductions over three years—$73 billion in tax increases and $12 billion in spending cuts.

DEPLORING THE LOSS OF LIFE IN THE EARTHQUAKE IN TURKEY

Mr. CHAFEE. Mr. President, I send a resolution to the desk. I do not ask for its immediate consideration. It would be agreeable to me if it were placed on the calendar for consideration on Monday.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Would the distinguished Senator want to have his resolution printed in the RECORD?

Mr. CHAFEE. Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution proposed by Mr. CHAFEE, for himself, Mr. BYRD, Mr. TSONGAS, Mr. MATTINGLY, Mrs. KASSEBAUM, and Mr. HATFIELD was ordered to be printed in the RECORD, as follows:

S. RES. 271

Whereas, a major earthquake struck the mountainous region of eastern Turkey on October 30, killing more that 1,300 persons, and

Whereas, this earthquake has caused widespread destruction, as well as anguish and suffering for the survivors: Therefore, be it

Resolved, That the Senate of the United States extends its condolences to the Government of Turkey and to its people on the loss of life and the destruction of property; and be it also

Resolved, That it is the sense of the Senate that the Government of the United States provide assistance to the Turkish Government and to the people of Turkey in this time of need.

Mr. CHAFEE. Also, Mr. President, I presume it would be available for additional cosponsors should there be others.

The PRESIDING OFFICER. That is correct.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE DEPARTMENT OF ENERGY—MESSAGE FROM THE PRESIDENT—PM 87

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the requirements of Section 657 of the Department of Energy Organization Act (P.L. 95-91), I hereby transmit the Fifth Annual Report of the Department of Energy.

RONALD REAGAN.

THE WHITE HOUSE, *November 4, 1983.*

CONTINUATION OF EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 88

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying document; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination on the anniversary date of a declaration of emergency, unless prior to the anniversary date the President publishes in the *Federal Register* and transmits to Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent to the *Federal Register* for publication the enclosed notice stating that the Iran emergency is to continue in effect beyond the November 14, 1983 anniversary date. Similar notices were sent to the Congress and the *Federal Register* on November 12, 1980, November 12, 1981, and November 8, 1982.

The crisis between the United States and Iran which began in 1979 has eased, but it has not been fully resolved. The internal situation in Iran remains uncertain; the war between Iran and Iraq continues. The international arbitral tribunal established for the adjudication of claims of U.S. nationals against Iran and by Iranian nationals against the United States continues to function; however, full normalization of commercial and diplomatic relations between the U.S. and Iran will require more time. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that may be needed to respond to the process of implementation of the January 1981 agreements with Iran and the eventual normalization of relations.

RONALD REAGAN.
THE WHITE HOUSE, *November 4, 1983.*

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 89

The **PRESIDING OFFICER** laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to Section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. Section 1703(c), I hereby report to the Congress with respect to developments between my last report on May 2, 1983, and mid-October 1983, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979.

1. The Iran-United States Claims Tribunal, established at The Hague pursuant to the Claims Settlement Agreement of January 19, 1981, continues to make progress in arbitrating the claims of U.S. nationals against Iran. Since my last report, the Tribunal has rendered 42 more decisions for a total of 82 final decisions. Sixty-two of these decisions have been in favor of American claimants. Forty-two were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties and 20 were adjudicated. Total payments to successful American claimants from the Security Account stood at just under $88 million, as of October 1. Of the remaining 20 decisions, 12 dismissed claims for lack of jurisdiction, seven dismissed claims on the merits and one approved withdrawal of a claim. As of October 1, the Tribunal had held 111 prehearing conferences and 68 hearings on the merits and scheduled another eight prehearings and nine hearings through mid-November. In addition, two full Tribunal sessions of five days each were scheduled for October and early November.

2. The Department of State continues to coordinate the efforts of the concerned government agencies in presenting U.S. claims against Iran, as well as U.S. responses to claims brought by Iran. The Department has devoted a great deal of time to responding to cases brought by Iran under Articles II(3) and VI(4) of the Claims Settlement Agreement, which establish Tribunal jurisdiction over questions of interpretation and implementation of the Algiers Accords. In the last six months, the United States has replied to all of the allegations raised by Iran in a major interpretive dispute concerning the United States' implementation of the Algiers Accords. The Tribunal has scheduled eight prehearing conferences or hearings on these issues. In addition, Iran has filed three more interpretive disputes, requesting clarification of: the Tribunal's jurisdiction over dual national claims; its authority to grant interest on awards; and the criteria for determining corporate nationality. Each of these questions had previously been decided by the Tribunal or a chamber thereof. The United States has filed replies in these three cases.

3. Since my last report, there has been further activity in resolving the government-to-government claims based on contracts for the provision of goods or services. Of the 64 claims filed by Iran against the United States, nine have been withdrawn or terminated and one has resulted in an award on agreed terms. The Tribunal has received pleadings from both sides in the remaining cases and in almost all of the 18 claims which the United States filed against Iran. Since, in many instances, the Tribunal has announced its intention to decide the official claims on the pleadings, only one prehearing conference and one hearing have been scheduled.

4. Since my last report, the Tribunal has rendered a number of significant decisions. In at least six instances, Iran has filed suit in Iranian courts against claimants at the Tribunal on issues similar to those before the Tribunal. In each case, the Tribunal has requested Iran to stay the Iranian court proceedings in Iran until the Tribunal has had a chance to determine its jurisdiction over the claims. Iran, however, has yet to comply with any of these requests. On other matters, the Tribunal has found a contract to exist between a United States claimant and Iran in the absence of a formal written document, and it continues to award successful claimants interest on their awards. The Tribunal has begun to enforce more vigorously its filing deadlines, rejecting a number of Iranian counterclaims on the grounds that they were filed too late and refusing to consider pleadings filed after the established deadline.

5. In the last six months, the United States has proposed to the Tribunal that it adopt a test case approach in arbitrating the 2,742 remaining claims for less than $250,000 each. The United States has categorized all these claims according to the type of loss involved. Under this approach, the Tribunal would select a few cases in each category for a full hearing. Based on the decisions in each category, claims experts would then arbitrate the remaining cases in each category, subject to Tribunal ratification of their decisions.

6. In the period since my last report, there have been several changes in the Tribunal's composition. The resignation of Judge Pierre Bellet, one of the three third-party arbitrators, became effective on August 1. Because the six party-appointed arbitrators were not able to agree on a successor, the Appointing Authority, previously designated by the Secretary General of the Permanent Court of Arbitration in The Hague, appointed Professor Willem Riphagen of the Netherlands to replace Judge Bellet. Professor Riphagen, a former legal adviser to the Netherlands Ministry of Foreign Affairs, was a professor of international law at the University of Rotterdam. He has served as an ad hoc judge on the International Court of Justice, has presided over an arbitration between the United States and France, and has acted as Special Rapporteur for the International Law Commission.

7. On September 5, the Tribunal accepted the resignation of M. Jahangir Sani, one of the Iranian-appointed arbitrators, effective upon the availability of a successor. On September 14, Iran announced that it was appointing Parviz Ansari Moin to replace Mr. Sani. Mr. Ansari has worked in the Iranian Ministry of Justice for approximately 10 years.

8. The Algiers Accords also provided for direct negotiations between U.S. banks and Bank Markazi Iran concerning the payment of nonsyndicated debt claims of U.S. banks against Iran from the escrow account established at the Bank of England in January 1981 with the deposit of $1.418 billion. Significant progress has been made in the past six months in settling these claims. As of mid-October, 24 settlements, totaling approximately $919 million, had been reached. From the $919 million paid to U.S. banks, the banks paid $327 million to Iran in settlement of Iran's claims against them, primarily for interest on domestic deposits. The Export-Import Bank received $419 million. About 25 bank claims remain outstanding.

9. During the past six months, the Department of State has begun to renovate and prepare for rental diplomatic and consular properties of Iran in the United States. In the absence of diplomatic relations between the United States and Iran, these properties have remained vacant and in many instances have deteriorated. To preserve them and to generate income for their upkeep, the Department of State, pursuant to a license granted in September by the Department of the Treasury, will sell moveable property left in or around Iranian premises following the break in diplomatic relations with Iran on April 7, 1980.

10. The Treasury Department's Office of Foreign Assets Control has established procedures authorizing the sale of blocked Iranian property in the United States and the eventual disposition of the proceeds of such sales. Much of this property is tangible

property, including property which has not been authorized to be exported from the United States because of its potential military applications. In the six-month period preceding this report, three sales of such tangible property have been licensed. No sales had taken place as of mid-October. Several direct settlements of disputes between holders of such tangible property and Iran have occurred recently.

11. Despite the progress made by the Tribunal in the past six months, significant American interests remain unresolved. Iran has challenged five of the Tribunal's awards in the District Court of The Hague, seeking to invalidate them. Thus, financial and diplomatic aspects of the relationship with Iran continue to present an unusual challenge to the national security and foreign policy of the United States. By separate action of this date, I am extending the emergency with respect to Iran beyond the November 14, 1983 anniversary. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

RONALD REAGAN.

THE WHITE HOUSE, *November 4, 1983.*

MESSAGES FROM THE HOUSE

At 12:41, a message from the House of Representatives was delivered by Ms. Goetz, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the bill (H.R. 2077) entitled "An Act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes" with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 139. Joint resolution to commemorate the centennial of Eleanor Roosevelt's birth.

At 1:09 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3959) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. WHITTEN, Mr. BOLAND, Mr. NATCHER, Mr. SMITH of Iowa, Mr. ADDABBO, Mr. YATES, Mr. BEVILL, Mr. LEHMAN of Florida, Mr. FAZIO, Mr. CONTE, Mr. MCDADE, Mr. MYERS, Mr. COUGHLIN, and Mr. O'BRIEN as managers of the conference on the part of the House.

The message also announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 122. Joint resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week"; and

S.J. Res. 188. Joint resolution to designate the month of November 1983 as "National Christmas Seal Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1947. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistic transmitting, pursuant to law, notification of a decision made to convert the custodial services function at the Naval Hospital, Jacksonville, Fla., to performance under contract; to the Committee on Armed Services.

EC-1948. A communication from the Chairman of the Federal Deposit Insurance Corporation transmitting, pursuant to law, the annual report on purchases of net worth certificates; to the Committee on Banking, Housing, and Urban Affairs.

EC-1949. A communication from the Chairman of the Securities and Exchange Commission transmitting, pursuant to law, a summary of the conclusions of the SEC's 1982 Major Issues Conference; to the Committee on Banking, Housing, and Urban Affairs.

EC-1950. A communication from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1951. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Review of the Audit of the Disabled American Veterans National Headquarters' Financial Statements for the year Ended December 31, 1982"; to the Committee on Veterans' Affairs.

EC-1952. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on proposals for 20 deferrals of budget authority totaling a $1,924,778,000; jointly, pursuant to the order of January 30, 1975, to the Committees on Agriculture, Nutrition, and Forestry, Appropriations, Armed Services, the Budget, Commerce, Science, and Transportation, Energy and Natural Resources, Environment and Public Works, Finance, Foreign Relations, Governmental Affairs, and Labor and Human Resources.

EC-1953. A communication from the Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, 19 confidential selected acquisition reports for certain weapons systems; to the Committee on Armed Services.

EC-1954. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale to Saudi Arabia; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 269. An original resolution relating to a day care center for children of Senate employees (Rept. No. 98-298).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 1090. A bill to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for Government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes (with additional views) (Rept. No. 98-299).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services:

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Maj. Gen. Paul W. Myers, 097-16-9174FR, United States Air Force (Exec. Rept. 98-19).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 2051. A bill entitled "The Health Care Cost Containment Act of 1983"; to the Committee on the Judiciary.

By Mr. HELMS (for himself, Mr. HUDDLESTON, Mrs. HAWKINS, Mr. WILSON, and Mr. SYMMS):

S. 2052. A bill to amend the Perishable Agricultural Commodities Act, 1930, by impressing a trust on perishable agricultural commodities and sales proceeds of such commodities for the benefit of the unpaid seller, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHAFEE:

S. 2053. A bill to promote the full participation of severely disabled individuals in community and family life; to the Committee on Finance.

By Mr. SYMMS:

S. 2054. A bill to suspend for a 3-year period the duty on hydrazone, 3-(4-methylpiperazinyliminomethyl) rifamycin SV; to the Committee on Finance.

S. 2055. A bill to suspend for a 3-year period the duty on 5H-Dibenz (b,f,) azepine-5-propanamine, 10, 11-dihydro-N-methyl-, monohydrochloride; to the Committee on Finance.

S. 2056. A bill to suspend for a 3-year period the duty on a 3-((Hydroxydiphenylacetyl)oxy)-1, 1-dimethylpiperidinium bromide; to the Committee on Finance.

By Mr. BUMPERS:

S. 2057. A bill to amend the Consolidated Farm and Rural Development Act to improve and streamline the provision of farm credit assistance through the consolidation of the real estate, operating, economic emergency, soil and water, limited resource, recreation and rural youth loan programs into one Agricultural Adjustment Loan; to reduce paperwork and make the FmHA loan process more responsive to farmers' needs; and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MOYNIHAN:

S. 2058. A bill to require the disposal of certain lands at Montauk Air Force Station, East Hampton Township, N.Y., for park and recreation purposes; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself and Mr. Hatch):

S. 2059. A bill to provide revised reimbursement criteria for small rural health clinics utilizing National Health Service Corps personnel; to the Committee on Labor and Human Resources.

By Mr. JEPSEN:

S. 2060. A bill to provide that, in the case of any individual who dies while in active service as a member of the Armed Services as a result of disease, wounds, or injury incurred as a result of a hostile action outside the United States, any Federal income tax liability of such person with respect to the year of such persons death shall not apply; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. D'Amato):

S. 2061. A bill to declare certain lands held by the Seneca Nation of Indians to be part of the Allegany Reservation in the State of New York; to the Select Committee on Indian Affairs.

By Mr. HEINZ:

S.J. Res. 192. Joint resolution to extend the term of the Presidential Commission for the German-American Tricentennial, and for other purposes; to the Committee on the Judiciary.

By Mrs. HAWKINS:

S.J. Res. 193. Joint resolution designating March 6, 1984, as "Frozen Food Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate were read, and referred (or acted upon), as indicated:

By Mr. MATHIAS from the Committee on Rules and Administration:

S. Res. 269. An original resolution relating to a day care center for children of Senate employees; placed on the calendar.

By Mr. MURKOWSKI (for himself, Mr. Percy, Mr. Pell, and Mr. Glenn):

S. Res. 270. Resolution expressing the sense of the Senate with respect to the North Korean bombing in Rangoon; to the Committee on Foreign Relations.

By Mr. CHAFEE (for himself, Mr. Byrd, Mr. Tsongas, Mr. Mattingly, Mrs. Kassebaum, and Mr. Hatfield):

S. Res. 271. Resolution deploring the loss of life in the earthquake in Turkey; submitted and placed on the calendar.

By Mr. DURENBERGER (for himself and Mr. Boren):

S. Con. Res. 84. Concurrent resolution to encourage State and local governments to focus on the problems of child custody, child support, and related domestic issues; to the Committee on Governmental Affairs.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2051. A bill entitled the "Health Care Cost Containment Act of 1983"; to the Committee on the Judiciary.

HEALTH CARE COST CONTAINMENT ACT OF 1983

Mr. SPECTER. Mr. President, today I am introducing the "Health Care Cost Containment Act of 1983." This legislation is designed to confront what has become a national crisis—the disappearance of affordable health care in the United States.

By any statistical measure, health care costs are sharply on the rise, far outstripping the ability of most Americans to pay for it. Last year the health care component of the Consumer Price Index rose by 12.1 percent, more than twice the national inflation rate. A semiprivate hospital room in a big city now costs an average of almost $300 a day, an increase of 160 percent since 1976.

Unchecked by market forces or regulation, escalating health care costs burden consumers in several punishing guises. There are higher taxes for medicare and medicaid. Health insurance premiums steadily rise with annual increases of 30 percent or more. And aggregate higher health care costs ultimately fuel inflation at the expense of the quality of life of all Americans.

Health care is not a luxury. It is a basic necessity of life that cannot be allowed to slip inexorably out of the financial reach of American families. The Health Care Cost Containment Act of 1983 offers a useful step in controlling these costs.

Essentially, the legislation provides a limited antitrust exemption to accomplish two results. First, it would allow health care insurers to collaborate in collecting health care data on the costs and quality of care rendered by health care providers such as hospitals and clinics. This information base would promote better informed consumer choices on health care while spurring competition among the providers of such care. Second, it would allow insurers to enter into agreements with providers clearly stipulating the level and cost of health care, thereby promoting competition with the health care industry and giving further clarity to consumer decisions on how to choose health care most efficiently.

This legislation recognizes that it is the health care insurers, or so-called third-party payors of health care costs, that are in a good position to restrain costs. Consumers lack enough information under the present system. A limited antitrust exemption will give insurers a mechanism to more accurately assess costs so that they may intelligently deal with health care providers to the benefit of all consumers.

In order to insure that this exemption only promotes joint activities which help contain costs, the bill authorizes the Attorney General to investigate all the joint conduct provided hereunder. If the Attorney General determines that the joint activity fails to contain costs or unduly restricts competition, the bill provides that the Attorney General shall order the cessation of such activities. This investigatory and remedial power would effectively deter potential abuses of the limited antitrust exemption the bill provides.

The exemption is designed to override any conflicting State law which would prevent health care payors from performing the bill's designated activities. It is not intended to supersede State hospital cost control statutes or insurance laws which do not conflict with the bill's purpose, but which may impose additional duties or responsibilities on payors or providers.

The magnitude of the health care cost control problem compels Government and private business to take unusual steps to reach solutions. Antitrust exemptions are not suggested lightly. But in order to control costs and to promote competition, this narrow exemption appears to be warranted.

Since the Federal antitrust laws have been enacted, they have been of enormous benefit to our Nation in promoting competition. As a variety of economic problems have arisen, it has been appropriate to restructure the application of these antitrust laws in the interest of clarifying those laws to promote the national interest.

This legislation will provide a starting point to consider the wisdom of these proposed modifications. It may be that hearings and further consideration will prove these proposals unwise or subject to modification, but the problems are so serious that we shall consider the manner of dealing with these problems.

This legislation is not a panacea to the problem of exploding health care costs, but it offers a suggestion toward cost containment, a problem deserving our urgent attention. I ask unanimous consent that the bill be reprinted in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

Sec. 2. The Congress finds:

The spiraling costs of the United States health care system requires cooperation among various private sectors to control those costs;

The public interest requires that health insurers and other payors who reimburse recipients for the expense of health care, or pay providers directly on behalf of such recipients, be encouraged to work together to contain the cost to recipients; and

The health care cost spiral appears not only to be part of the national inflation in the cost of living, but also to exceed other inflation rates; and

Insurers and others have cooperated in the limited collection, exchange, interpretation and use of data on the delivery of and charges for health care services, with a salutary effect on health care costs; and

It is desirable that such cooperation continue and that the right to engage in further cooperative efforts to contain health care costs be clarified.

Sec. 3. As used in this chapter—

(a) "Health care provider" means an individual, group of individuals, hospital, clinic, partnership, corporation, association, company, firm or any other form of business enterprise which provides medical and other health services, or any association of such health care providers.

(b) "Insurer" means any individual, group of individuals, partnership, corporation, association, company, firm or any other form of business enterprise authorized to do the business of insurance or administer insurance under the laws of the United States or of a State, territory, district, or possession thereof, or any association of such insurers.

(c) "Health care services" means any item or service defined in 42 U.S.C. section 1395x (b), (c), (d), (f), (g), (h), (i), (j), (m), (n), (p), (q), and (s), all as amended.

(d) "Person" means an individual, group of individuals, partnership, corporation, association, company, firm or any other form of business enterprise.

Sec. 4. The antitrust laws, as defined in section 1 of the Clayton Act, and the Federal Trade Commission Act, shall not apply to any activity undertaken (either directly or through a third party or parties) individually by an insurer or other person engaged in making payments with respect to charges for health care services or jointly among such insurers or such persons for the purpose of

(a) acquiring, processing, reporting or analyzing information relating to the quality, cost or utilization of health care services, including reasonable and customary levels of charges for such services, or collecting, distributing, publishing or using analyses or interpretations of such information;

(b) collecting and distributing insurance claims for health care services; or

(c) negotiating, entering into or acting upon agreements with health care providers with respect to the utilization of health care services or the levels of charges or reimbursement for health care services.

Sec. 5. (a) Activities permitted by this Act may be investigated at any time by the Attorney General for the purpose of—

(1) determining whether the activities under investigation are subject to the Act; or

(2) determining whether such activities have had the effect or will have the effect of increasing the cost of health care services or unduly restricting competition in the delivery or financing of health care services.

(b) In the event the Attorney General undertakes an investigation, all persons engaged in the particular activity that is the subject of the investigation shall be given notice thereof in writing. The Attorney General shall conduct his investigation in conformance with procedures to be established by him pursuant to section 553 of title 5, United States Code. If the Attorney General determines after the conclusion of such investigation that an activity does not comply with the requirements of this Act, he shall give written notice of such determination, which notice shall—

(1) include a statement of the circumstances underlying, and the reasons in support of, the determination; and

(2) state with specificity any actions required in order for the activity to come into compliance.

(c) If persons engaged in the activity under investigation fail to take the actions specified by the Attorney General within sixty days, he shall commence an action in the United States District Court for the District of Columbia to restrain and prevent the offending activity.

(d) In the event the district court finds that the venture or program is in violation of the requirements of section 4 or 5 of this Act, such court shall order the cessation of such activity.

(e) Any party aggrieved by the determination of the district court may, within thirty days of such determination, seek review by the court of appeals on the grounds that such determination is erroneous.

(f) Information generated in the course of any investigation or court action, or submitted by any person in connection therewith, shall be exempt from disclosure under section 552 of title 5, United States Code.

(g) Neither a determination by the Attorney General pursuant to subsections (a) and (b), or by the district court or court of appeals pursuant to subsections (d) and (e), nor any statements, opinions, or recommendations issued in connection therewith, shall be admissible in evidence in any administrative or judicial proceedings in support of any claim under the antitrust laws.

Sec. 6. This Act shall supersede any law of any of the several states that might otherwise prohibit the actions authorized within, the intent of Congress being to encourage payors or health care services to assist in containing health care costs.

By Mr. HELMS (for himself, Mr. HUDDLESTON, Mrs. HAWKINS, Mr. WILSON, and Mr. SYMMS):

S. 2052. A bill to amend the Perishable Agricultural Commodities Act, 1930, by impressing a trust on perishable agricultural commodities and sales proceeds of such commodities for the benefit of the unpaid seller, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PERISHABLE AGRICULTURAL COMMODITIES ACT TRUST PROTECTION PLAN

● Mr. HELMS. Mr. President, today I am introducing a bill to amend the Perishable Agricultural Commodities Act (PACA) to provide sellers and suppliers of fresh fruits and vegetables with a statutory trust plan. Modeled after a 1976 amendment to the Packers and Stockyards Act, this legislation would require that commodities, or products derived from commodities, or the proceeds from sales of commodities, be held in trust until the buyer pays the seller.

This proposal addresses certain problems which have become increasingly troublesome for the industry and does so in a time tested fashion, requiring a minimum of Government intervention. There is widespread support throughout the industry for a trust protection plan, and companion legislation has been introduced in the House by the chairman and ranking member of the Agriculture Committee, Mr. DE LA GARZA and Mr. MADIGAN, respectively.

In dealing with agriculture on a national level, there is often a tendency for Congress to concentrate on the high volume bulk commodities. However, we must not neglect the importance of our more specialized agricultural products.

While not always very big, producers of products such as fresh fruits and vegetables are nonetheless just as important to American agriculture and to their communities. When these producers are threatened by worsening problems which are within the purview of Government to address, Congress should not hesitate to take action.

Maintaining a plentiful supply of quality fresh fruits and vegetables is in the interest of all Americans. These products are not only in great demand, but are also essential to the maintenance of adequate and balanced diets by Americans.

PROBLEMS FACING THE FRESH FRUIT AND VEGETABLE INDUSTRY

The fresh fruit and vegetable industry operates in a market which is anything but normal. The perishability of the commodities necessarily requires that business be done on a more or less informal basis. Sales transactions must be made quickly, or they are not made at all. In fact, many sales are consumated while the commodities are en route to a particular destination.

The production of many commodities is often geographically concentrated, while the market for the products is frequently nationwide. As a result, sales are often made over thousands of miles, compounding the need for quick transactions and for confidence by growers and suppliers that these distant purchasers will make payment for the commodities they purchase. The fact that growers in the industry outnumber the buyers by about 15 to 1 further weakens the farmer's position is these transactions.

Faced with these conditions, it is impractical, if not impossible, for a grower who is holding quantities of highly perishable goods to make credit checks, formulate conditional sales agreements, and take other traditional safeguard measures to assure that he will be paid for his product.

Unfortunately, with increasing frequency some buyers are taking advantage of the irregularities of this market and have been using the value of unpaid commodities to finance their own businesses. When such a buyer encounters severe financial problems or declares bankruptcy, the banks along with other secured creditors, often holding hidden interests, usually have first claim against the buyer's assets, including any commodities in inventory and any accounts receivable. Standing in line with the other unsecured creditors, farmers are sometimes fortunate if they obtain a few cents on the dollar for their products.

Recently, losses to growers and suppliers of perishable commodities have increased dramatically. According to the U.S. Department of Agriculture, losses to sellers due to buyer bankruptcies increased 60 percent during last year alone. This translates into what is conservatively estimated to be a $65 million loss during the year.

Closely related to the nonpayment problem is something called slow pay. Few businesses can operate for extended periods of time with their customers paying for the goods and services they provide in a slow and untimely fashion. In part because of high interest rates, and in part as a result of the unique fruit and vegetable market, producers have experienced a dramatic growth in slow pay.

Unless other arrangements are made, the Perishable Agricultural Commodities Act requires that a buyer settle his or her account within 10 days. However, last year, only 35 percent of all accounts owed to sellers were settled within 10 days, while more than 50 percent took 30 days or longer to be settled. Only 6 years ago, 55 percent of all bills were paid within 10 days, while 26 percent were settled in 30 or more days.

The legislation that I am introducing today will help protect producers and suppliers of perishable agricultural commodities in case buyers go out of business, and will also encourage prompt payment for such commodities, as was intended with passage of the Perishable Agricultural Commodities Act.

THE PERISHABLE AGRICULTURAL COMMODITIES ACT OF 1930—BACKGROUND

PACA encourages fair trading practices in the trade of fresh fruits and vegetables. It recognizes that these products—being highly perishable—need to be harvested, packed, and distributed quickly. People in the fast-moving, financially hazardous produce business have little choice but to rely on the honesty and good faith of those with whom they trade. With this in mind, PACA prohibits unfair and fraudulent practices in the marketing of fresh fruits and vegetables, sets penalties for violations, and provides a mechanism for sellers and buyers to collect damages from anyone who fails to live up to his contractual obligations in connection with the purchase and sale of these commodities.

PACA was enacted in 1930 in response to escalating deceptive trade practices in the industry. Dealers were, with increasing frequency, refusing to pay for purchases or arbitrarily rejecting shipments when the market declined, while growers and shippers were refusing to honor contracts when markets climbed. The PACA legislation, as well as its enforcement, have remained industry sponsored and financed over the years. Administered by the Agricultural Marketing Service of the USDA, PACA has been amended by Congress a number of times since its enactment to keep it in step with changing trade practices.

While PACA does not specify the terms of marketing contracts, it does require that persons subject to the act must carry out the contracts that they make. Sellers must ship their produce as specified, while buyers must accept shipments that meet specifications, and pay promptly after acceptance. Prompt payment means within 10 days unless there is a prior agreement to extend the payment period. Misbranding and misrepresentation are prohibited, and receivers must issue accurate accountings and pay net proceeds promptly for consigned shipments.

Licenses are the key to enforcing PACA. The act requires commission merchants, dealers, and brokers handling fresh fruits and vegetables in interstate or foreign commerce to be licensed. Dealers include shippers, wholesalers, certain retailers, truckers, and, in some instances, processors. License fees are collected annually and used to pay the expenses of administering PACA, except for the cost of legal services.

A retailer is subject to licensing when the invoice cost of all his purchases of fresh and frozen fruits and vegetables during a calendar year exceed $230,000. On the other hand, truckers do not need a license if they merely haul produce for freight charges, but they do if they buy and sell fruits and vegetables in interstate or foreign commerce.

One of the most important aspects of PACA is that although growers who sell their own fruit and vegetables do not need a license, they receive the full benefit of the protections that PACA provides. However, a grower who sells produce grown by other farmers in interstate or foreign commerce would need a license.

A person or firm that violates PACA can, in some cases, have his license suspended, or even revoked. The penalty for operating without a license is up to $500 for each offense and up to $25 for each day the offense continues.

Over the years, the Perishable Agricultural Commodities Act has successfully fulfilled its goal of providing an open and free market for the sale of fresh fruits and vegetables while keeping unfair and fraudulent trade practices to a minimum. In this way, the legislation has helped assure a reliable supply of fresh fruits and vegetables for Americans consumers. However, from time to time, adjustments are needed in the act to keep pace with changing trade practices.

PROPOSED AMENDMENT TO PACA

The legislation I am introducing today would amend the Perishable Agricultural Commodities Act to squarely address the problems that growers are having not only in getting their accounts settled in a timely fashion, but in protecting themselves when buyers go out of business without paying for received commodities.

Specifically, a statutory trust would be set up in the case of each PACA licensee equal in value to the perishable agricultural commodities sold to the licensee. If a seller is not paid within 10 days of the transaction—or if an express written agreement establishing a different payment period has been made by the contracting parties within the specified time period—then the seller must provide written notice to the buyer and the Secretary of Agriculture within 30 days after the scheduled payment date in order to preserve the benefits of the trust.

Once the notice to preserve trust benefits is received, the USDA will check with the buyer to determine the reasons for the delay in making payment. If it is deemed necessary, the Department can resort to disciplinary action under PACA to prevent further violations and the seller can initiate a reparation proceeding to facilitate payment. If the buyer goes out of business, the statutory trust will give the seller a priority with respect to the buyer's assets.

Few would argue against a growers right to expect payment for the basic product upon which all related businesses depend and use for their own profit. By setting up a statutory trust, this proposal will assure that growers will be paid. The famous Food Fair supermarket bankruptcy of 1978 is a classic example of what trust protection can do for the fresh fruit and vegetable industry.

Food Fair owned two meatpacking subsidiaries and, as a result of the bankruptcy, received claims of approximately $2.6 million for livestock. Under the terms of the Packers and Stockyards Act trust provision, livestock producers were paid 100 percent on their claims within the first year.

Sellers and suppliers of fresh fruits and vegetables, however, did not have the benefit of a trust recovery program. Their claims amounted to approximately $4 million, of which only $325,000, or 8 percent, was paid during the first year. I understand that the court now anticipates that these claimants will receive a total of about 45 percent over the period of years ending in January 1985. With current interest rates, the value of that settle-

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ment is greatly diminished by the virtue of the time involved.

With the high cost of money, it is important that producers be paid in a timely manner as is currently mandated by law. By requiring that unpaid sellers notify the Secretary within 30 days to preserve their trust benefits, the statutory trust will provide the Department with the information it needs to promptly identify habitual slow payers. Once the slow payers are identified, the Department can use its current authority to bring these firms in line with the law. Furthermore, even occasional late payers, fearing the consequences of being tagged in the community as a slow payer, should be more likely to honor their payment commitments.

This legislation is one of those unique proposals that provides benefits for all involved in the trade of fresh fruits and vegetables. Bankers, who have been consulted throughout the formulation of this proposal, will be able to receive indications of the credit worthiness of their customers. Through the notice requirement of the bill and the current authority to investigate unfair conduct such as slow payment by receivers, the Department will be able to identify posible bad credit risks and help keep them sensitive to their obligations. Furthermore, if a firm is performing in a repeated and flagrant manner, the lending institution may be warned of the problems through prompt disciplinary activities by the USDA. This proposal will also help preserve the health of the perishable agricultural commodities industry, allowing it to remain strong and to expand. This in turn will provide bankers with confidence that loans made to members of the industry are sound investments and will generate increased lending opportunities to the benefit of the banking industry generally.

Although grocers are the only part of the fresh fruit and vegetable marketing chain who are not paid by PACA licensees, the proposal does provide them with distinct benefits. Grocers, being the last in the chain, receive their money from the public, usually through cash transactions. Thus, they generally do not need the protection of a statutory trust in connection with perishable agricultural commodities transactions.

However, it is very much in the interest of the retailer to have a reliable and continuous supply of high-quality fresh fruits and vegetables. These items are high-profit items for the grocer, and on the average account for 8 percent of a retail store's gross profit. Grocers realize that only by keeping the industry healthy, and farmers in business, can they be assured of a continuous supply of these products. The retailer's interest in this legislation is indicated by the fact that the proposal's main sponsor is the United Fresh Fruit and Vegetable Association, a large proportion of whose membership is made up of retailers.

The American public has much to gain by enactment of this legislation, as well. This proposal will help assure that fruit and vegetable producers are not put out of business because of improper payment practices on the part of buyers. In so doing, the bill will help assure that the ability of farmers to profitably produce these commodities will be determined by the demands of the consuming public, and not by the financial policies of middlemen. As a result, consumers, will continue to have at their disposal the high quality fresh fruits and vegetables to which they have become accustomed, and at little additional cost to the Government.

The concept of setting up a statutory trust for sellers of perishable fresh fruits and vegetables is both proven and fair, and is supported by a wide range of agricultural groups from across the country.

I ask unanimous consent that a listing of these organizations be printed at this point in the RECORD:

There being no objection, the listing was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS SUPPORTING AMENDING THE PERISHABLE AGRICULTURAL COMMODITIES ACT TO CREATE A TRUST PROTECTION PLAN

United Fresh Fruit and Vegetable Association.
American Farm Bureau Federation.
Western Growers Association.
California Grape and Tree Fruit League.
Northwest Horticultural Council.
Idaho Grower Shippers Association.
Idaho-Oregon Fruit and Vegetable Association.
Texas Citrus and Vegetable Association.
West Mexico Vegetables Distributors Association.
National Potato Council.
California Citrus Mutual.
Florida Fruit and Vegetable Association.
Yakima Valley Growers-Shippers Association.
National Peach Council.
American Mushroom Institute.
International Apple Institute.
Michigan Apple Committee.
Market Service Association of Chicago.
Michigan State Horticultural Society.
Grower-Shipper Vegetable Association of Central California.
The Greater Chicagoland Produce Wholesalers.
North Carolina Yam Commission.
Wenatchee Valley Traffic Association.
Maine Potato Council.
Maine Potato Sales Association.
National Watermelon Association.
Virginia State Horticultural Society.
Florida Citrus Packers.

Mr. HELMS. Mr. President, this proposal will involve a minimum of Government interference in the marketplace, and will better allow the Government to fulfill its obligations under the Perishable Agricultural Commodities Act. This is a bipartisan measure, fully supported by the administration. It will help assure fairness and stability in an industry of importance to all American consumers. I urge my colleagues to support the early enactment of this proposal.

I ask unanimous consent that the text of the bill, a short summary of its provisions, and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e) is amended by adding at the end thereof a new subsection to read as follows:

"(c)(1) It is hereby found that a burden on commerce in perishable agricultural commodities is caused by financing arrangements under which commission merchants, dealers, or brokers, who have not made payment for perishable agricultural commodities purchased, contracted to be purchased, or otherwise handled by them on behalf of another person, encumber or give lenders a security interest in such commodities, or on inventories of or receivables or proceeds from food or other products derived from such commodities, and that such arrangements are contrary to the public interest. This subsection is intended to remedy such burden on commerce in perishable agricultural commodities and to protect the public interest.

"(2) Perishable agricultural commodities received by a commission merchant, dealer, or broker in all transactions, and all inventories of or receivables or proceeds from food or other products derived from perishable agricultural commodities, shall be held by such commission merchant, dealer, or broker in trust for the benefit of all unpaid suppliers or sellers of such commodities or agents involved in the transactions until full payment of the sums owing in connection with such transactions has been received by such unpaid suppliers, sellers, or agents. Payment shall not be considered to have been made if the supplier, seller or agent receives a payment instrument which is dishonored. The provisions of this subsection shall not apply to transactions between a cooperative association (as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) and its members.

"(3) The unpaid supplier, seller, or agent shall lose the benefits of such trust unless such person has given written notice of intent to preserve the benefits of the trust to the commission merchant, dealer, or broker and has filed such notice with the Secretary within thirty calendar days (i) after expiration of the time by which payment must be made, as prescribed under regulations issued by the Secretary, (ii) after expiration of such other time by which payment must be made, as the parties have expressly agreed to in writing before entering into the transaction, or (iii) after the time the supplier, seller, or agent has received notice that the payment instrument promptly presented for payment has been dishonored. When the parties expressly agree to a payment time period different from that established by the Secretary, a copy of such agreement shall be filed in the records of each party to the transaction and the terms of payment shall be disclosed on invoices, accountings, and other documents relating to the transaction.

"(4) The several district courts of the United States are vested with jurisdiction specifically to entertain (i) actions by trust beneficiaries to enforce payment from the trust and (ii) actions by the Secretary to prevent and restrain dissipation of the trust.".

SEC. 2. Section 2(4) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b(4)) is amended by adding after the semicolon at the end of the paragraph "or to fail to maintain the trust as required under section 5(c);".

SUMMARY OF PACA BILL

The bill would amend the Perishable Agricultural Commodities Act, 1930, to establish statutory trusts in connection with transactions involving perishable agricultural commodities. The principal features of the bill are as follows:

(1) The bill requires commission merchants, dealers, and brokers (handlers) who receive perishable agricultural commodities, to hold the commodities, and any products derived therefrom, or any accounts receivable or proceeds from the sale of such commodities or products, in trust for the benefit of the supplier or seller (or agent thereof) of the commodities until full payment is made.

(2) The bill exempts from the trust provisions transactions between an agricultural cooperative and its members.

(3) In order to preserve the trust benefits, the bill requires the supplier or seller of commodities to provide written notice to the handler and the Secretary of Agriculture, within 30 days after—

Expiration of the time for payment specified in the regulations;

Expiration of the time for payment agreed to in writing by the parties to the transaction if different than the time specified by regulation; or

Receipt by the seller or supplier of notice that the payment instrument was dishonored.

(4) The bill provides for enforcement of the trust by the trust beneficiaries or the Secretary in the Federal courts.

(5) The bill makes the failure of a handler to maintain the trust unlawful for purposes of the PACA.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill would amend section 5 of the Perishable Agricultural Commodities Act, 1930 by adding to it a new subsection (c). The references below are to the paragraphs of the new subsection (c).

Paragraph (1) declares as a finding by Congress that a burden on commerce is caused by financing arrangements under which commission merchants, dealers, or brokers, who have not made payment for perishable agricultural commodities purchased or handled by them on behalf of another person, encumber or give lenders a security interest in such commodities, or on inventories of or accounts receivable or proceeds from products derived from such commodities, and that such arrangements are contrary to the public interest.

Paragraph (2) provides that perishable agricultural commodities received by a commission merchant, dealer, or broker (handlers) in all transactions, and all inventories of our receivables or proceeds from products derived from such perishable agricultural commodities, shall be held by such handlers in trust for the benefit of all unpaid sellers or suppliers of such commodities, or their agents, until full payment for the commodities is made. Payment shall not be considered to have been made if the supplier, seller, or agent receives a payment instrument which is dishonored. Transactions between an agricultural cooperative association and its members are exempted from the provisions of this subsection.

Paragraph (3) provides that the unpaid supplier, seller, or agent will lose the benefits of such trust unless such person gives written notice of intent to preserve the benefits of the trust to the commission merchant, dealer, or broker and has filed such notice with the Secretary of Agriculture within 30 calendar days: (i) after expiration of the time by which payment must be made as prescribed in regulations issued by the Secretary, (ii) after expiration of such other time for payment as the parties have expressly agreed to in writing before entering into the transaction, or (iii) after the time the supplier, seller, or agent has received notice that the payment instrument promptly presented for payment has been dishonored. Whenever the parties expressly agree to a time period different than that prescribed in the regulations, a copy of the written agreement establishing such payment period must be filed in the records of each party to the transaction and the terms of the agreement must be disclosed on invoices and other documents relating to the transaction.

Paragraph (4) vests the United States district courts within jurisdiction to hear (i) actions by trust beneficiaries to enforce payment from the trust, and (ii) actions by the Secretary to prevent and restrain dissipation of the trust.

Section 2 of the bill amends section 2(4) of the Act by adding to the specified list of unlawful acts under the Act, the failure of any commission merchant, dealer, or broker to maintain the trust that would be established under the bill for the benefit of the supplier, seller, or agent in connection with a transaction involving perishable agricultural commodities.

A violation of the provisions of section 2 of the Act by any commission merchant, dealer, or broker may subject the offending person to the issuance by the Secretary of a reparations order for damages or to an order suspending or revoking such person's license in accordance with the provisions of the Act.●

● Mr. HUDDLESTON. Mr. President, I am pleased to be a sponsor of this bill, which will strengthen the fair trading provisions of the Perishable Agricultural Commodities Act. Under the bill, sellers of perishable farm commodities will be provided increased legal protection in cases where buyers fail to pay.

The bill is needed because of the increased incidence of cases in which payments to sellers of perishable commodities have been unreasonably delayed or payment has not been made at all. The U.S. Department of Agriculture estimates that, during the past year, sellers of fresh fruits and vegetables have lost about $65 million because of unpaid bills.

These losses can occur because of the nature of the industry. The fruit and vegetable trade involves shipping products long distances and trading must be done quickly. This means that thorough credit checks and other safeguards that are normal business practices for other industries are simply not practical for sellers of perishable agricultural products.

Under current law, sellers who are not paid for their commodities are treated as unsecured creditors. This treatment gives sellers little real protection against nonpayment.

Under the bill, sellers will be given new safeguards against nonpayment. The bill will require buyers of commodities to hold inventories of the commodity purchased, or any proceeds the buyer realizes by reselling the commodities, in trust for the benefit of the seller until payment is made.

To preserve his trust rights, the seller would have to give notice of his claim to the Secretary of Agriculture within designated time periods. The Agriculture Department would be given authority to take steps—including revocation of dealer licenses—against persons who violate their trust duties. Similar trust provisions are already included in laws dealing with livestock trade.

Mr. President, the bill will lead to more equitable treatment under the law for sellers of perishable agricultural commodities. It will reduce a burden on commerce in such commodities and lead to improved trading that will benefit producers and assure consumers of the integrity of fresh produce markets. I urge my colleagues to support the bill.●

By Mr. CHAFEE:

S. 2053. A bill to promote the full participation of severely disabled individuals in community and family life; to the Committee on Finance.

COMMUNITY AND FAMILY LIVING AMENDMENTS ACT OF 1983

Mr. CHAFEE. Mr. President, I am pleased today to introduce legislation which provides Congress with an opportunity to reexamine the current system of care provided for the severely disabled in our country. The Community and Family Living Amendments Act will gradually shift the Federal share of medicaid funds from institutions to community-based integrated settings. While this legislation would not propose to close institutions, it is designed to encourage States to reduce the number of persons living in institutions by providing community living arrangements. Services funded through the Federal medicaid program to the severely disabled gradually would have to be provided in a community environment.

Under this act, services to the disabled would be more individualized, providing for the special needs of each person. Those individuals needing highly structured 24-hour care, including medical attention, would be provided with this care in facilities within communities. Those needing fewer services, whether living at home, in foster care, in a group home, or in an apartment would also be provided with appropriate medical attention.

Federal medicaid dollars would be phased out from some institutions over a 10-year period according to a plan developed for each institution. The plan would identify a specific amount of Federal medicaid funds to be phased out of the institution for each 6-month period during the 10 years. Facilities with 16 to 75 residents that opened after January 1, 1979, would have 15 years rather than 10 years before their medicaid funding would end. All medicaid-funded facilities for 15 or fewer residents that were in operation as of January 1, 1983, would not be affected by the requirement for phasing out Federal medicaid funds. The 6-month phaseout target figures would be based on the unique situations facing each institution and nursing home and would take into account such factors as the size of the institution's population, the severity of its residents' disabilities, and the availability of community services.

Following the phaseout, the Federal medicaid program could only continue to fund temporary institutionalization—up to two years per person—when such institutionalization is considered unavoidable. The Federal medicaid match would be increased by 5 percent for each disabled person who is removed from an institution and placed into a community living facility. The increment would continue for each of the first 5 years following a person's return to the community.

Not only will the bill provide a new way of caring for those in our society who have disabilities, it will also provide protections for those people. For instance, the proposal will require systematic and independently contracted evaluations of all care provided in all institutional and community settings. Another provision would require that a written plan be developed for all of the services required by each individual. This plan, which must be revised at least once a year, would be developed with the individual's participation and with participation of his or her parents, guardians, or next-of-kin.

I have outlined today only a few elements of this bill. There are other important areas which the bill addresses. There will be those who will oppose this idea, at least in the outset. And I believe it is important for a very complete discussion to take place between those who support and oppose this concept of care.

It is my hope that after debate, research, and discussion, my colleagues will support this bill. I hope that this process will improve it. But I am convinced that the need for an examination of the care provided to the severely disabled is desperately needed, and I strongly believe that this bill is an appropriate starting place.

By Mr. SYMMS:

S. 2054. A bill to suspend for a 3-year period the duty on hydrazone, 3-(4-methylpiperazinyliminomethyl)rifamycin SV; to the Committee on Finance.

SUSPENSION OF DUTY ON RIFAMPIN

● Mr. SYMMS. Mr. President, I am introducing legislation today to suspend for 3 years the duty on Rifampin.

Rifampin is an active ingredient used in the manufacture of the ethical pharmaceutical product—prescription drug—sold under the trademarks Rifadin and Rifamate. The product is an antibiotic. The chemical name for rifampin is hydrazone, 3-(-4-methylpiperazinyliminomethyl)rifamycin SV.

The current duty rate on rifampin from Italy is 4.4 percent, which will result in U.S. duties of approximately $792,000, if our total requirements in the United States are purchased from Italy. Rifampin can be imported from Argentina on a duty-free basis. Consequently, I believe that we should suspend the duty on the product imported from Italy.

Rifampin is not to the best of my knowledge manufactured anywhere in the United States. It is, however, sold in the United States by Ciba Geigy Corp. under the trademark Rimactane. The Rimactane active ingredient is imported from Europe.●

By Mr. SYMMS:

S. 2055. An act to suspend for a 3-year period the duty on 5H-Dibenz(b,f,)azepine-5-propanamine, 10, 11-dihydro-N-methyl-, monohydrochloride; to the Committee on Finance.

SUSPENSION OF DUTY

● Mr. SYMMS. Mr. President, I am introducing legislation today to suspend for 3 years the duty on desipramine hydrochloride.

Desipramine hydrochloride is an active ingredient used in the manufacture of the ethical pharmaceutical product, prescription drug, sold under the trademark Norpramin. The product is an antidepressant. The chemical name for desipramine hydrochloride is 5H-Dibenz(b,f)azepine-5-propanamine, 10, 11-dihydro-N-methyl-, monohydrochloride.

The current duty rate on desipramine hydrochloride is 10.4 percent, which will result in U.S. duties of approximately $468,000.

Desipramine hydrochloride is not, to the best of my knowledge, manufactured anywhere in the United States. It is, however, sold in the United States by USV Pharmaceutical, under the trademark Pertofrane. The Pertofrane active ingredient is imported from outside the United States.●

By Mr. SYMMS:

S. 2056. A bill to suspend for a 3 year period the duty on 3-((Hydroxydiphenylacetyl)oxy)-1, 1-dimethylpiperidinium bromide; to the Committee on Finance.

SUSPENSION OF DUTY

● Mr. SYMMS. Mr. President, I am introducing legislation today which will suspend the duty on Mepenzolate Bromide for a 3 year period.

Mepenzolate bromide is an active ingredient used in the manufacture of the ethical pharmaceutical product, prescription drug, sold under the trademark Cantil. The product is an anticholinergic. The chemical name for mepenzolate bromide is 3-((Hydroxydiphenylacetyl)oxy)-1, 1-dimethylpiperidinium bromide.

The current duty rate on mepenzolate bromide is 15.6 percent, which will result in U.S. duties of approximately $70,000.

Mepenzolate bromide is not, to the best of my knowledge, manufactured anywhere in the United States.●

By Mr. BUMPERS:

S. 2057. A bill to amend the Consolidated Farm and Rural Development Act to improve and streamline the provision of farm credit assistance through the consolidation of the real estate, operating, economic emergency, soil and water, limited resource, recreation, and rural youth loan programs into one agricultural adjustment loan, to reduce paperwork and make the FmHA loan process more responsive to farmers' needs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CONSOLIDATED AGRICULTURAL ADJUSTMENT LOAN ACT OF 1983

Mr. BUMPERS. Mr. President, I am today introducing a bill that will consolidate seven FmHA loans—farm ownership, operating, soil and water, limited resource, rural growth, recreation, and economic emergency loans—into a single loan program called a consolidated agricultural adjustment loan. Only the disaster loan program would remain separate. Under my bill, farmers will seek a single loan covering all their necessary loan purposes. The aggregate loan limit for a farmer-borrower, either with insured or guaranteed loans, will be $500,000. Rural youth loans will not exceed $10,000.

I imagine that few of my colleagues have ever tried to get a farm loan through the Farmers Home Administration, but all of us have heard loud complaints from many farmers who have gone through this confusing, time-consuming process. In Arkansas, most row crop FmHA borrowers begin to seek next year operating loans after the current harvest, with most of the applications being submitted between November 15 and January 1. If money is available, these farmers can expect to receive their loan funds in March, although it is not uncommon for producers to wait until June or later to receive loan funds. According to FmHA statistics, as of August 31, 12,898 applications for 1983 crop year operating loans were still pending across the country. The situation for farm ownership loans is even worse with 17,963 applications from fiscal year 1983 still pending, which represent over 50 percent of all such applications. I do not have to explain the hardship to our farmers who have to wait many months before their next year operation is financed, even if there are no complications.

Farmers seeking operating loans (OL) must wait for money availability, and if funds are depleted in the OL account, these farmers must switch horses and attempt to qualify under another farmer's program loan. With FmHA handling the operating loan program, as well as several other loan programs such as farm ownership loans (FO), soil and water loans (SW), limited resource loans, recreation loans, rural youth loans, economic emergency loans, and both the physical and production loss disaster loans, it is easy to understand borrower confusion. It is difficult enough for a veteran farmer, let alone a new farmer, to comprehend the differing and complicated regulations of each program and to decide which program will better help him achieve his goals. If a farmer wishes to purchase additional land, establish good conservation practices on this land, and grow crops, he will have to seek three separate loans—FO, SW, and OL—with three sets of qualifications and regulations, which in turn will necessitate the creation of three loan dockets by FmHA offices with the accompanying auditing nightmares. What I have described is the average process during a normal year, but who can remember a normal year for our farmers? In years such as 1983-84 when emergency assistance will be available to farmers harmed by the drought, or in past years when disaster emergency (EM) or economic emergency (EE) programs were operational alongside the regular farmer's program loans, the confusion and waiting for our farmers multipled the hardships and caused even more sleepless nights.

Mr. President, I am not here to castigate FmHA or its personnel. The caseload in my State is very heavy—almost 6,000 farmers' program loans in fiscal year 1983, the fifth highest total in the country. And not only are the county FmHA offices responsible for administering the farmers' program loans, they also handle housing program loans, community facility loans, and business and industry loans. Most county offices are understaffed due to budget restrictions, and the pressure to administer these programs competently is overwhelming. Just developing a basic understanding of all the farmer's program loans is a Herculean task for FmHA personnel. For every separate loan program enacted by Congress, a new set of procedure manuals is given the FmHA personnel to digest.

The consolidation my bill calls for will greatly streamline loan regulations. It will simplify the application process. It will allow FmHA to be more responsive to farmers' needs. Farmers and FmHA personnel will be able to understand loan eligibility requirements and regulations. Instead of seven sets of forms, procedures and regulations, there will be only one set. Loan purpose juggling and unnecessary redtape will be eliminated. Supervisors and other county personnel will have the time and opportunity to be more knowledgeable on farmer's program loans. Training personnel will be easier and less time consuming, which is critical because of high FmHA employee turnover at the county level. Also, other lenders, especially those working cooperatively in the guaranteed loan program, will more readily understand FmHA loan procedure. In sum, FmHA procedures will be simpler, faster, fairer, and more responsive to farmers' needs.

Most importantly, if there is less redtape, FmHA personnel can spend more time servicing loans and working more closely with farmers. As of August 31, in the first 11 months of fiscal year 1983, about 19,500 FmHA farmer-borrowers had been forced or were about to be forced out of farming. If county personnel were not buried in regulation research, more time could be spent in loan servicing, and I think it is safe to say that many of these farmers would still be farming. Of course, today, there remain over 80,000 farmers, or 29 percent of all FmHA borrowers, who are delinquent on their farmer's program loans and who are in desperate need of assistance in loan servicing.

My bill will give the Farmer's Home Administration greater authority to aid farmers who get into financial stress. After approval of a revised plan of operation, the FmHA would consolidate, reschedule, reamortize, or defer loans made under my bill or under current law. Under my bill, farmer-borrowers must only show repayment ability on these loans being serviced to be eligible for loan servicing aid, and FmHA would be prohibited from requiring additional security as a condition for loan, consolidation, rescheduling, reamortization or deferral. And most importantly, the interest rate on loans being rescheduled or rearmortized would be required to be the rate in the note, or the current market rate at the time, whichever is lower. FmHA admits that this one regulation change will result in significant positive adjustment in the delinquency rates of FmHA farmer's program borrowers.

Our farmers need help. Those who borrow from FmHA need help—they need the timely receipt of loan funds and the creation of a single loan program better suited to farmers' needs. My bill will attain these goals, and I urge its quick enactment into law.

I ask unanimous consent that the bill, and a section-by-section analysis, be printed in the Record immediately following my remarks.

There being no objection, the bill and analysis were ordered to be printed in the Record, as follows:

S. 2057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consolidated Agricultural Adjustment Loan Act of 1983".

REFERENCES TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

Sec. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

CONSOLIDATED AGRICULTURAL ADJUSTMENT LOANS

Sec. 3. The Act (7 U.S.C. 1921 et seq.) is amended—

(1) by striking out subtitle A (except for sections 306 through 310C), subtitle B (except for section 314), and subtitle C and redesignating subtitle D as subtitle C;

(2) by redesignating sections 308, 309, 309B, and 310 (7 U.S.C. 1928, 1929, 1929b, and 1930) as sections 311, 312, 313, and 314, respectively;

(3) by inserting after section 314 (as redesignated by clause (2)) the following new heading:

"Subtitle B—Rural Development Assistance";

(4) by redesignating sections 306, 307, 309A, 310A, 310B, 310C, and 314 (7 U.S.C. 1926, 1927, 1929a, 1931, 1932, 1933, and 1944) as sections 321, 322, 323, 324, 325, 326, and 327, respectively; and

(5) by inserting after section 301 the following:

"Subtitle A—Consolidated Agricultural Adjustment Loans

"Sec. 302. As used in this subtitle—

"(1) the term 'agricultural conservation program' means the program authorized by sections 7 through 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g through 590o, 590p(a), 590p(f), and 590q) and sections 1001 through 1008 and 1010 of the Agricultural Act of 1970 (16 U.S.C. 1501 through 1508 and 1510);

"(2) the term 'applicant' means a person who is engaged in a farming operation and who has made an application for loan assistance under this subtitle;

"(3) the term 'aquaculture' means the husbandry of an aquatic organism (including any species of finfish, mollusk, crustacean, invertebrate, amphibian, reptile, or aquatic plant) under a controlled or selected environment by an applicant or borrower;

"(4) the term 'borrower' means a person who is liable for a loan made or insured under this subtitle;

"(5) the term 'consolidate' means to combine and reschedule a loan made or insured under this subtitle with—

"(A) one or more other loans made or insured under this subtitle;

"(B) one or more loans made or insured under this Act as in effect before the date of the enactment of the Consolidated Farm and Rural Development Act Amendments of 1983; or

"(C) any combination of loans referred to in subparagraphs (A) and (B);

"(6) the term 'cooperative' means an entity which—

"(A) is engaged in farming in a State as its principal business;

"(B) shares profits produced by the entity among members of the entity;

"(C) is recognized as a farm cooperative under the laws of such State; and

"(D) is authorized to engage in farming under such laws;

"(7) the term 'corporation' means a private domestic corporation which is created, organized, and authorized to engage in farming under the laws of a State;

"(8) the term 'defer' means to postpone the payment of interest or principal, or both, on a loan made or insured under this subtitle;

"(9) the term 'family farm' means a farm which—

"(A) produces agricultural commodities for sale in sufficient quantities such that it is recognized in the surrounding community as a farm rather than as a rural residence;

"(B) provides a sufficient amount of income from farming operations and nonfarm enterprises (including the rental of land) to enable an applicant for a loan made or insured under this subtitle to—

"(i) pay necessary family and operating expenses;

"(ii) maintain essential chattel and real property; and

"(iii) pay debts;

"(C) is managed, and has a substantial amount of the labor for the farm and related nonfarm enterprises provided, by—

"(i) the individual applicant for a loan made or insured under this subtitle; or

"(ii) the members, stockholders, or partners responsible for operating the farm of a cooperative, corporation, or partnership which has received a loan made or insured under this subtitle; and

"(D) may require a reasonable amount of full-time hired labor and seasonal labor during certain times of the year;

"(10) the term 'farm' means—

"(A) land, improvements, and other appurtenances which are considered farm property in the surrounding community and are used in the production of crops, livestock, or aquaculture; and

"(B) a dwelling house that is ordinarily considered as part of the farm in the surrounding community notwithstanding that the dwelling house may be physically separate from the farm acreage;

"(11) the term 'farmer' means an individual, cooperative, corporation, or partnership that operates a farm, ranch, or aquaculture operation;

"(12) the term 'fish' means—

"(A) any aquatic gilled animal commonly considered fish; and

"(B) any mollusk, crustacean, or other invertebrate produced under controlled conditions in a pond, lake, stream, or similar holding area;

"(13) the term 'Great Plains conservation program' means the program authorized by section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(b));

"(14) the term 'limited resource applicant' means an applicant for a loan made or insured under this subtitle who—

"(A) is a farmer who operates a family farm;

"(B) meets the eligibility requirements for such loan but, due to the low income of the applicant, cannot make interest payments on such loan at rates prescribed for borrowers of such loans who are not limited resource applicants; and

"(C) because of underdeveloped managerial ability, limited education, relatively low farm productivity (due to lack of development or improved production practices), or related problems of the applicant, the applicant requires a low-interest loan or special loan assistance, or both, to assure a reasonable prospect for success and a reasonable standard of living in comparison to other residents of the surrounding community;

"(15) the term 'mortgage' means any form of security interest or lien upon any rights or interest in any real property or, in the case of property owned by a resident of Louisiana or Puerto Rico, any chattel property;

"(16) the term 'nonfarm enterprise' means any business enterprise which produces income to supplement farm income by providing goods or services for which there is a need and a reasonably reliable market;

"(17) the term 'partnership' means an entity which—

"(A) consists of individuals who are engaged in farming in a State;

"(B) is recognized as a partnership by the laws of such State; and

"(C) is authorized to engage in farming under such laws;

"(18) the term 'production loan' means a loan made or insured under section 306(b);

"(19) the term 'real estate loan' means a loan made or insured under section 306(a);

"(20) the term 'reamortize' means—

"(A) to modify the order of payments on a loan made or insured under this subtitle within the original term for the repayment of the loan; or

"(B) to extend such term to the maximum term permitted under this subtitle for the repayment of the loan;

"(21) the term 'reschedule' means to modify the rates or terms, or both, of a loan made or insured under this subtitle;

"(22) the term 'rural youth' means a person who—

"(A) has reached ten years of age but has not reached twenty-one years of age; and

"(B) resides in an area which is not part of a local subdivision that has a population greater than ten thousand inhabitants; and

"(23) the term 'security' means any property subject to a real or personal property lien.

"SEC. 303. (a) To be eligible to obtain a loan under this subtitle, an applicant must file with the Secretary an application for such loan which contains—

"(1) certification by the applicant that the applicant is unable to obtain sufficient credit elsewhere to finance actual needs of the applicant at reasonable rates and terms (as prescribed by the Secretary), taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similiar purposes and periods of time;

"(2) a plan of operation for using such loan; and

"(3) such other information as may be required by the Secretary.

"(b) The Secretary shall encourage applicants for, and borrowers of, loans made or insured under this subtitle to supplement such loans with credit made available from other sources to the extent economically feasible and in accordance with sound management practices.

"SEC. 304. If the Secretary determines that adequate funds are not available to approve fully all applications on file for loans under this subtitle, the Secretary shall give preference in approving such applications to applications filed by veterans (as defined by the Secretary) over applications filed by nonveterans.

"SEC. 305. (a) Subject to the conditions prescribed in this section, the Secretary may make or insure loans under this subtitle—

"(1) to farmers in the United States who are individuals; or

"(2) to cooperatives, corporations, or partnerships that are controlled by individual farmers and are engaged primarily and directly in farm, ranch, or aquaculture operations in the United States.

"(b) To be eligible for such loans, applicants who are individuals, or in the case of cooperatives, corporations, and partnerships, members, stockholders, or partners, as applicable, holding a majority interest in such entity, must—

"(1) be citizens of the United States;

"(2) have either training or farming experience that the Secretary determines is sufficient to assure reasonable prospects of success in the proposed farming operations;

"(3) be or will become operators of not larger than family farms (or in the case of cooperatives, corporations, and partnerships in which a majority interest is held by members, stockholders, or partners, as applicable, who are related by blood or marriage, as defined by the Secretary, such individuals must be or will become either owners or operators of not larger than a family farm);

"(4) be unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similiar purposes and periods of time; and

"(5) have the application and plan of operation filed by the applicant under section 303(a) approved by the Secretary.

"(c) In addition to the requirements prescribed in subsections (a) and (b)—

"(A) in the case of corporations and partnerships, the family farm requirement of subsection (b)(3) shall apply as well to the farm or farms in which the entity has an operator interest; and

"(B) in the case of cooperatives, corporations, and partnerships, the requirement of subsection (b)(4) shall apply as well to the entity.

"(d)(1) The Secretary may make loans under this subtitle, without regard to the requirements of clauses (2) or (3) of subsection (b), to rural youths to enable the youths to operate enterprises in connection with their participation in 4-H Clubs, Future Farmers of America, and similiar organizations and for the purposes specified in section 306.

"(2) A person receiving a loan under this subsection who executes a promissory note therefor shall thereby incur full personal liability for the indebtedness evidenced by such note in accordance with its terms free of any liability of minority.

"(3) For loans made under this subsection, the Secretary may accept the personal liability of a cosignor of the promissory note in addition to the personal liability of the borrower.

"SEC. 306. (a) Subject to subsection (c), the Secretary may make or insure a loan under this subtitle in order to assist an applicant in the payment of real estate costs incurred in operating a farm during a crop or lease year, including assistance for—

"(1) purchasing or enlarging the farm, including—

"(A) the purchase of land for recreational or other nonfarm enterprises, of subdivided land, and of easements and rights-of-way needed to operate the farm or nonfarm enterprise; and

"(B) the making of a downpayment on the purchase of land if the applicant—

"(i) signs a purchase contract for the land which—

"(I) obligates the applicant to pay the purchase price of the land;

"(II) gives the applicant the right to present possession, control, and beneficial use of the property; and

"(III) entitles the applicant to receive a deed upon paying all or part of the purchase price of the land;

"(ii) secures the unpaid balance of the loan by a note and mortgage, a land purchase contract, or a similar instrument;

"(iii) is able to purchase the land without any prior first lien on the land; and

"(iv) is able under normal farm conditions to carry out the terms and conditions of the loan;

"(2) constructing, purchasing, or improving buildings and facilities that are necessary to conduct farm operations and are on or near the farm, including—

"(A) the construction, purchase, or improvement of a farm dwelling or service buildings that are essential to conduct farming operations or nonfarm enterprises and have a modest design and cost, including buildings and facilities that are necessary—

"(i) to engage in nonfarm enterprises or fish farming (including the construction, purchase, or improvement of a dock, fish hatchery, or such other nonfarm enterprises as are approved by the Secretary and are consistent with this Act); or

"(ii) to expand facilities used for food preparation and storage, vehicle storage, or laundry or office space, except that the size and cost of such facilities may not exceed the size and cost of such facilities owned by typical family farmers in the surrounding community;

"(B) the improvement, alteration, repair, replacement, relocation, or purchase and transfer of dwellings, service buildings, facilities, structures and fixtures (including pollution control and energy saving devices) that are essential for farming operations and are part of the real estate, or are transferred to a purchaser, upon the sale of the farm; and

"(C) the construction of methane and gas facilities and equipment essential to such facilities;

"(3)(A) developing land and water resources which are owned by the applicant and which the applicant needs to conduct farming operations or nonfarm enterprises, including—

"(i) the institution of pollution control and energy saving measures;

"(ii) the acquisition of water supplies and rights;

"(iii) the implementation of essential conservation measures;

"(iv) the development of fencing, drainage, and irrigation facilities, basic applications of lime and fertilizer, and facilities for land clearing;

"(v) the establishment of forestry practices, fish ponds, trails, and lakes approved by the Secretary;

"(vi) the improvement of orchards;

"(vii) the establishment and improvement of permanent hay or pasture;

"(viii) the installation of water, power, gas, and other utility lines on land owned by the applicant or, if the applicant obtains rights or easements for such lines that ensure that such rights will be transferred if the farm is sold, on land not owned by the applicant;

"(ix) the purchase or rental of machinery or equipment necessary to develop such resources, except that the total cost of such purchase or rental may not exceed the cost of hiring a person to develop such resources; and

"(x) the payment of the costs of facilities, improvements, and practices for which the applicant will be reimbursed under a conservation program (including the agricultural conservation program or the Great Plains conservation program) if—

"(I) the applicant cannot pay such costs through purchase orders or assignments to material suppliers or contractors; and

"(II) in any case in which loan funds are advanced and the amount of such payment exceeds an amount determined by the Secretary, but in no case less than $1,000, the applicant assigns such payment to the Secretary;

"(B) developing land and water resources for which the applicant has defective title or owns an undivided interest and which the applicant needs to conduct farming operations or nonfarm enterprises, including the purposes referred to in subparagraph (A), if—

"(i) the amount of the loan used to develop such resources does not exceed an amount determined by the Secretary, but in no case less than $25,000;

"(ii) the loan is adequately secured; and

"(iii) such resources are not used by the Secretary to determine the eligibility of the applicant for the loan;

"(C) developing land and water resources which the applicant leases and which the applicant needs to conduct farming operations or nonfarm enterprises, including the purposes referred to in subparagraph (A), if—

"(i) the amount of the loan used to develop such resources does not exceed an amount determined by the Secretary, but in no case less than $10,000;

"(ii) the loan is adequately secured;

"(iii) the terms of the lease are such that there is a reasonable assurance the applicant will enjoy the value of the improvement over its useful life; and

"(iv) the lease provides that the lessor will reimburse the lessee upon termination of the lease for any unexhausted value of the developed resources;

"(4) refinancing debts of the applicant if—

"(A) the current creditors of the applicant will not furnish to the applicant credit at rates and terms which the applicant can meet;

"(B) the Secretary verifies the need to refinance all secured, and major unsecured, debts of the applicant and verifies the unpaid balance of each debt to be refinanced; and

"(C) in the case of the refinancing of loans made or insured under this subtitle, such refinancing is necessary to enable the applicant to continue farming operations;

"(5) paying reasonable expenses incurred in obtaining, planning, closing, and making the loan, including the costs of legal, architectural, and other technical services and, during the year following the closing of the loan, real estate insurance; and

"(6) financing nonfarm enterprises if the income from such enterprises is necessary and the applicant earns the major portion of the gross income of the applicant from farming operations notwithstanding that the acreage purchased for nonfarm enterprises may be physically separate from the farm acreage.

"(b) Subject to subsection (c), the Secretary may make or insure a loan under this subtitle in order to assist an applicant in the payment of production costs incurred in operating a farm during a crop or lease year, including assistance for—

"(1) purchasing essential livestock, poultry, fur bearing and other farm animals, aquatic organisms, bees, and farm equipment;

"(2) paying costs incurred in converting a farm into a viable operation;

"(3) consolidating, restructuring, or refinancing (including making installment payments on principal and interest due on) secured or unsecured real estate indebtedness incurred by the applicant (including real estate loans) if assistance under this subsection is necessary to enable the applicant to repay such indebtedness or continue the farm operation of the applicant;

"(4) purchasing milk base (with or without cows) if such purchase is necessary to provide the applicant with a satisfactory market for the dairy products of the applicant;

"(5) purchasing a grazing license or permit right of a private party that can be validly sold and transferred;

"(6) augmenting or improving water supplies;

"(7) paying costs incurred for fuel, seed, fertilizer, insecticide, farm supplies, labor, and other production expenses if such costs are essential to the continuation of farm production;

"(8) paying customary cash rent or charges for the use during such year of essential buildings, pasture, crops, hay, land, or grazing permits if the applicant—

"(A) is obligated under a written lease or other agreement to pay such rent or charges before the income will be available from the operation of the farm to make such payments, except that an invoice or, in the case of a small amount of fees, a recorded explanation of an agreement may be used to demonstrate an obligation to pay grazing fees;

"(B) cannot arrange to have such rent or charges become due when income will be available from the operation of the farm to make such payments;

"(C) will have satsifactory tenure during such year under such lease or agreement; and

"(D) uses a loan made or insured under this paragraph in the current year to pay for such rent or charges incurred only in the current year, except that the Secretary may include funds in a loan made or insured under this paragraph near the end of the current year for such rent or charges which will be incurred in the suceeding year and the applicant may use such funds for such rent or charges;

"(9) paying real or personal property taxes due or about to become due on water or drainage charges or assessments;

"(10) paying income taxes imposed under Federal or State law, or Social Security taxes imposed under the Federal Insurance Contributions Act (26 U.S.C. 3101 et seq.), for the operation of the farm if the applicant is unable to pay such taxes from personal or other funds;

"(11) paying premiums for insurance on real and personal property, including premiums for insurance for liability from, and property damage to, farm and other essential equipment (including farm trucks);

"(12) paying costs required to meet family subsistence needs, including expenses for medical care and premiums for a reasonable amount of health and life insurance;

"(13) purchasing stock in a cooperative lending agency if such purchase is necessary to obtain the loan; and

"(14) paying costs incurred for improvements or repairs to real property owned or leased by the applicant, or refinancing unsecured debts clearly incurred for such costs, if—

"(A) the total amount of loans made to an applicant in a year under this paragraph does not exceed an amount determined by the Secretary, but in no case less than $25,000;

"(B) such property is not used to secure a loan made or insured under this subtitle;

"(C) the loan is not used to improve or repair the living quarters of the applicant;

"(D) the applicant will not require a loan made or insured under this paragraph repeatedly in subsequent years;

"(E) the applicant owns the land or leases the land under an agreement with the lessor under which the lessor will reimburse the lessee upon termination of the lease for any unexhausted value of such improvements or repairs; and

"(F) the loan is clearly necessary for the successful operation of the farm.

"(c) The Secretary may make or insure a loan under this subtitle only if such loan will be used for a purpose which is consistent with applicable environmental quality standards established under Federal, State, and local law.

"Sec. 307. (a) The outstanding principal balance on all loans made or insured to or for a borrower, other than a rural youth, under this subtitle (as of the time the loan is made) may not exceed $500,000.

"(b) The outstanding principal balance on all loans made or insured to or for a rural youth under this subtitle (as of the time the loan is made) may not exceed $10,000.

"Sec. 308. (a)(1) Except as provided in paragraph (2), the interest rate on a loan made or insured under this subtitle shall be determined by the Secretary.

"(2) The interest rate on a loan made or insured to or for a limited resource applicant under this subtitle shall be the greater of 5 per centum or a rate which is 5 per centum less than the rate established for loans made or insured in the case of applicants who are not limited resource applicants.

"(b)(1) Except as provided in paragraphs (2) through (4), the schedule of repayments on a loan made or insured under this subtitle shall be established by the Secretary in a manner consistent with the purpose of and need for the loan, the useful life of the security pledged for the loan, and the reasonable repayment ability of the borrower as determined in accordance with the plan of operation of the borrower approved under section 305.

"(2) Such loan repayment schedule shall require such borrower to make at least one annual installment payment on such loan during the period of the loan unless the Secretary defers repayment of the loan under section 309.

"(3) The period for the repayment of a real estate loan may not exceed forty years.

"(4)(A) Except as provided in subparagraph (B), the period for the repayment of a production loan may not exceed seven years.

"(B) The period for the repayment of a production loan used for the annnal production of crops may not exceed one year.

"Sec. 309. (a) To be eligible for the consolidation, rescheduling, reamortization, or deferral of a loan made or insured under this subtitle, the borrower of the loan must file with the Secretary a revised plan of operation for using such loan or insured loan which justifies such action and demonstrates that such action will enable the borrower to carry out the terms and conditions of the loan.

"(b) The Secretary shall consolidate, reschedule, reamortize, or defer a loan made or insured under this subtitle if—

"(1) the Secretary—

"(A) approves the revised plan of operation referred to in subsection (a); and

"(B) determines that such action will assist in the orderly collection of the loan;

"(2) the borrower of the loan—

"(A) is unable to make payments on the loan in accordance with the original payment schedule established for the loan—

"(i) due to circumstances beyond the control of the borrower; or

"(ii) due to circumstances within the control of the borrower which the borrower agrees to correct in accordance with the revised plan of operation;

"(B) meets the eligibility criteria established for the loan under section 305, except that the Secretary may not require, as a condition of eligibility for such action, that the borrower be able to repay a loan other than the loan subject to such action; and

"(C) is cooperating with the Secretary in servicing the loan;

"(3) such action—

"(A) will enable the borrower to continue farming operations; and

"(B) is not taken solely to remove a delinquency in making payments on the loan or to delay liquidation of the loan; and

"(4) in the case of the consolidation of such loans, the Secretary consolidates—

"(A) real estate loans only if such loans have a period of repayment of less than forty years; and

"(B) production loans only if—

"(i) the loans to be consolidated were made to a borrower under section 306(b) for the same purpose; and

"(ii) the Secretary assures that only one note must be serviced for each such loan.

"(c)(1) The interest rate on a loan consolidated, rescheduled, or reamortized under this section shall be the lower of—

"(A) the rate required under section 308(a) to be paid on a loan made or insured under this subtitle on the date the loan was consolidated, rescheduled, or reamortized; or

"(B) the rate prescribed in the original note made for the loan.

"(2) If the borower of a loan consolidated, rescheduled, or reamortized under this section qualified as a limited resource applicant at the time such action was taken and subsequently does not qualify as a limited resource applicant, the Secretary shall reschedule the loan in accordance with this section.

"(d)(1) Except as provided in paragraphs (2) through (4), the schedule of repayments on a loan consolidated, rescheduled, reamortized, or deferred under this section shall be established by the Secretary in a manner consistent with the purpose of and need for the loan, the useful life of the security pledged for the loan, and the reasonable repayment ability of the borrower as determined in accordance with the revised plan of operation referred to in subsection (a).

"(2) The period for the repayment of a real estate loan reamortized under this section may not exceed forty years from the date of such action.

"(3) The period for the repayment of a production loan consolidated or reamortized under this section may not exceed seven years from the date of such action.

"(4) If the Secretary elects to defer the payment of installments on principal or interest, or both, due on a loan made or insured under this subtitle, or consolidated, rescheduled, or reamortized under this section, the Secretary shall—

"(A) defer no more than three such installments;

"(B) require the borrower in each installment payment made on the loan to repay—

"(i) at least part of the interest payment due in such installment; and

"(ii) at the earliest possible date permitted under the revised plan of operation of the borrower, all of such payment due in such installment;

"(C) defer such payments for no longer than the period ending on the final due date on the loan;

"(D) encourage the borrower to make such payments as soon as the borrower is able to make such payments notwithstanding the fact the repayment period for the loan has not expired; and

"(E) give preference in deferring such loans to beginning farmers, limited resource applicants, and borrowers who have suffered production and economic losses due to natural or economic conditions.

"(e) If the Secretary modifies the terms of a loan under this section and determines that a new mortgage on property used to secure the loan is necessary to protect the loan priority of the Secretary, the Secretary may require that a new mortgage on such property be executed.

"(f)(1) If the Office of the General Counsel of the Department of Agriculture or a United States Attorney is taking servicing actions with respect to a loan made or insured under this subtitle or are planning to take such actions in the near future, the Administrator of the Farmers Home Administration may not take servicing actions under this subtitle with respect to such loan.

"(2) The Secretary may not take servicing actions with respect to a loan made or insured under this subtitle in order to circumvent any agreement to permit a graduated loan repayment schedule.

"Sec. 310. (a) Except as provided in subsection (b), to be eligible to obtain a loan under this subtitle, a borrower of the loan shall—

"(1) provide such security for the loan as the Secretary determines appropriate, including real estate, buildings, machinery, equipment, crops, crop insurance, crop assignments, livestock product assignments, livestock, furniture, fixtures, inventory, accounts receivable, cash, stocks, bonds, personal and corporate guarantees, marketable securities, the cash surrender value of life insurance, or any combination thereof;

"(2) dispose of all real property which the Secretary determines is not essential to the operation of farm and nonfarm enterprises by the borrower;

"(3) in the case of a loan used for the annnal production of crops or livestock, pledge such crops or livestock and any other property which the Secretary determines is necessary to secure the loan;

"(4) in the case of a real estate loan, pledge real estate to secure such loan; and

"(5) in the case of a loan secured by chattels whose loss would jeopardize the interests of the Federal Government, insure such chattels against hazards customarily covered by insurance in the surrounding community.

"(b) If a borrower provides security for a loan in accordance with subsection (a), the Secretary may not require as a condition of eligibility for the consolidation, rescheduling, reamortization, or deferral of the loan under section 309 that the borrower provide additional security for the loan.".

CONFORMING AMENDMENTS

SEC. 4. (a)(1) Section 312 (as redesignated by section 3(2) of this Act) is amended—

(A) by inserting "or subtitle B" after "this subtitle" each place it appears in the second sentence of subsection (a), the third sentence of subsection (c), the first sentence of subsection (d), and subsection (f)(1);

(B) by striking out "section 309A" in subsection (f)(6) and inserting in lieu thereof "section 323"; and

(C) by striking out "section 308, the last sentence of section 306(a)(1), and the last sentence of section 307" in the second sentence of subsection (g)(1) and inserting in lieu thereof "section 311, the last sentence of section 321(a)(1), and the last sentence of section 322".

(2) The second sentence of section 313 (as redesignated by section 3(2) of this Act) is amended by striking out "section 309A(a)" and inserting in lieu thereof "section 323(a)".

(3) Section 321(a)(7) (as redesignated by section 3(4) of this Act) is amended by striking out "sections 304(b), 310B, and 312(b), (c), and (d)" and inserting in lieu thereof "section 325".

(4) Section 322 (as redesignated by section 3(4) of this Act) is amended—

(A) in subsection (a)—

(i) by striking out "(A)" in paragraph (3)(A);

(ii) by striking out subparagraph (B) of paragraph (3);

(iii) by striking out "sections 304(b), 306(a)(1), and 310B" in paragraph (4) and inserting in lieu thereof "sections 321(a)(1) and 325"; and

(iv) by striking out subparagraph (B) of paragraph (6) and inserting in lieu thereof the following new subparagraph:

"(B) The authorities referred to in subparagraph (A) are—

"(i) the provisions of section 321(a)(1) relating to loans for recreational developments and essential community facilities;

"(ii) section 321(a)(15);

"(iii) clause (1) of section 325(a); and

"(iv) subsections (d) and (e) of section 325."; and

(B) by striking out "section 306" in the first sentence of subsection (c) and inserting in lieu thereof "section 321".

(5) Section 323 (as redesignated by section 3(4) of this Act) is amended—

(A) by striking out "sections 304(b), 306(a)(1), 306(a)(14), 310B, and 312(b)" in the second sentence of subsection (a) and inserting in lieu thereof "sections 321(a)(1), 321(a)(14), and 325";

(B) in subsection (b)—

(i) by striking out "section 309(a)" in the first sentence and inserting in lieu thereof "section 312(a)";

(ii) by striking out "section 306(a)(1)" in the first sentence and inserting in lieu thereof "section 321(a)(1)"; and

(iii) by striking out "section 308" in the second sentence and inserting in lieu thereof "section 311"; and

(C) by striking out "sections 306(a) and 310B" in subsection (g)(8) and inserting in lieu thereof "sections 321(a) and 325".

(6) Section 324 (as redesignated by section 3(4) of this Act) is amended by striking out "sections 308 and 309, the last sentence of section 306(a)(1), and the last sentence of section 307" and inserting in lieu thereof "sections 311 and 312, the last sentence of section 321(a)(1), and the last sentence of section 322".

(7) Section 325(d) (as redesignated by section 3(4) of this Act) is amended—

(A) by striking out "sections 304(b), 310B, and 312(b)" each place it appears in paragraphs (1), (2), and (3) and inserting in lieu thereof "this section"; and

(B) by striking out ", section 304, or section 312" in paragraph (5).

(8) Section 333 (7 U.S.C. 1983) is amended—

(A) by striking out "this title" in the matter preceding subsection (a) and inserting in lieu thereof "subtitle B";

(B) in subsection (b)—

(i) by striking out "sections 306, 310B, 314, and 321(a)(2)" and inserting in lieu thereof "sections 321, 325, and 327"; and

(ii) by striking out "; and for loans under section 321(a)(2), the Secretary shall require the recommendation of the county committee as to the making or insuring of the loan";

(C) by striking out "(or, in the case of a borrower under section 310D of this title, the borrower may be able to obtain a loan under section 302 of this title)" in subsection (c); and

(D) by striking out "subtitle A or B" in subsection (e) and inserting in lieu thereof "subtitle B".

(9) Section 338(e) (7 U.S.C. 1988) is amended by inserting "or B" after "subtitle A".

(10) The first sentence of section 344 (7 U.S.C. 1992) is amended by striking out "section 304(b), 306(a)(1), 310B, 312(b), or 312(c)" and inserting in lieu thereof "section 321(a)(1) or 325".

(11) Section 346 (7 U.S.C. 1994) is amended by striking out subsections (b) and (d) and redesignating subsection (c) as subsection (b).

(b)(1) The second sentence of section 607(c)(6) of the Rural Development Act of 1972 (7 U.S.C. 2204b(c)(6)) is amended by striking out "section 306(a)(12) of the Consolidated Farm and Rural Development Act" and inserting in lieu thereof "section 321(a)(12) of the Consolidated Farm and Rural Development Act".

(2) Section 9 of the Act entitled "An Act to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes", approved April 20, 1973 (15 U.S.C. 636 note), is amended to read as follows:

"SEC. 9. No portion of any loan made by the Small Business Administration in connection with any disaster occurring on or after April 20, 1973 under sections 7(b) (1), (2), or (4) of the Small Business Act (15 U.S.C. 636(b) (1), (2), or (4)) shall be subject to cancellation under the provisions of any law.".

(3) The first sentence of section 18(a) of the Small Business Act (15 U.S.C. 647(a)) is amended by striking out "prior" and all that follows through "Act, and".

(4) The last sentence of section 7(b)(3) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106(b)(3)) is amended by striking out "section 306(a)(7) of the Consolidated Farm and Rural Development Act" and inserting in lieu thereof "section "321(a)(7) of the Consolidated Farm and Rural Development Act".

(5)(A) The first sentence of the first section of the Act entitled "An Act to provide for loans to Indian tribes and tribal organizations, and for other purposes", approved April 11, 1970 (25 U.S.C. 488), is amended by striking out "sections 308 and 309, of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1988(c), 1928, 1929)," and inserting in lieu thereof "sections 311 and 312, of the Consolidated Farm and Rural Development Act".

(B) Section 5 of such Act (25 U.S.C. 492) is amended by striking out "section 307(a) of the Consolidated Farmers Home Administration Act of 1961, as amended," and inserting in lieu thereof "section 322(a) of the Consolidated Farm and Rural Development Act".

(6)(A) Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking out "section 309 and the second and third sentences of section 308 of the Consolidated Farmers Home Administration Act of 1961, including the authority in section 309(f)(1) of that Act" and inserting in lieu thereof "section 312 and the second and third sentences of section 311 of the Consolidated Farm and Rural Development Act, including the authority in section 312(f)(1) of such Act".

(B) The third sentence of section 517(b) of such Act (42 U.S.C. 1487(b)) is amended by striking out "(7 U.S.C. 1929)" and inserting in lieu thereof "(section 312 of the Consolidated Farm and Rural Development Act)".

(7) Section 901(b) of the Agricultural Act of 1970 (42 U.S.C. 3122(b)) is amended by striking out "section 306(a)(7) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926)" and inserting in lieu thereof "section 321(a)(7) of the Consolidated Farm and Rural Development Act".

(8) Section 415(c) of the New Communities Act of 1968 (42 U.S.C. 3914(c)) is amended by striking out "section 306(a)(2) of the Consolidated Farmers' Home Administration Act" and inserting in lieu thereof "section 321(a)(2) of the Consolidated Farm and Rural Development Act".

(9) Section 718(c) of the Urban Growth and New Community Development Act of 1970 (42 U.S.C. 4519(c)) is amended by striking out "section 306(a)(2) of the Consolidated Farmers Home Administration Act" and inserting in lieu thereof "section 321(a)(12) of the Consolidated Farm and Rural Development Act".

(10) Paragraph (5) of section 313(a) of the Disaster Relief Act of 1974 (42 U.S.C. 5153(a)(5)) is amended to read as follows:

"(5) section 321 of the Consolidated Farm and Rural Development Act;".

(11) The first sentence of section 213(c)(1) of the Biomass Energy and Alcohol Fuels Act of 1980 (42 U.S.C. 8813(c)(1)) is amended—

(A) by striking out "section 309 of the Consolidated Farm and Rural Development Act" and inserting in lieu thereof "section 312 of the Consolidated Farm and Rural Development Act"; and

(B) by striking out "section 309A of such Act" and inserting in lieu thereof "section 323 of such Act".

Brief Section-by-Section Analysis—Consolidated Agricultural Adjustment Loan Act of 1983

Section 302. Includes the definitions to be used in the act establishing the Agricultural Adjustment Loan program. The section maintains definitions found in current law.

Section 303. Establishes application requirements for applicants, maintaining the credit elsewhere test. To maintain continuity and avoid confusion, the changes that the bill makes in application requirements are only those necessary to carry out the overall purpose of the Act, which is to consolidate seven loan programs into one.

Section 304. Establishes a veterans preference in approving applications.

Section 305. Establishes eligibility requirements for applicants, maintaining most requirements found in current law. Eligibility requirements for corporations are left to the discretion of the Secretary. The same eligibility process and the same set of regulations will apply, regardless of the purpose for which a producer seeks a loan (except rural youth loans), thus greatly streamlining the loan operation.

Section 306. This section sets out the purposes of the consolidated loan, and is the heart of the bill. The purposes for the new Agricultural Adjustment loan include the purposes found currently in the operating, farm ownership, soil and water, economic emergency, limited resource, recreation, and rural youth loan programs. (The emergency loan [EM] program is not included.) The accumulated loan purposes expand loan flexibility within a single loan program. Rigid divisions between loan programs will be eliminated, which in turn will: accelerate the loan process, reduce paperwork, minimize borrower confusion, and improve FmHA efficiency.

Section 307. Establishes a total loan limit of $500,000 for Agricultural Adjustment loans, for both insured and guaranteed loans. No division is required among the several loan purposes. Under the bill, rural youth loans may not exceed $10,000. A single loan limit will emphasize a consolidation of these aforementioned farm loan programs. Currently, insured operating loans have a $100,000 limit, guaranteed at $200,000. Insured farm ownership loans have a limit of $200,000, guaranteed at $300,000.

Section 308. Allows Secretary discretion in setting loan interest rates. Limited resource interest rates would be the greater of 5% or a rate 5% below the regular established rate set by the Secretary. Authority for limited resource graduation is included. Loan repayment requirements are similar to those in current law.

Section 309. Establishes conditions for loan consolidation, rescheduling, reamortization and deferral. Once the plan is approved, the Secretary will be required to accept loan servicing if financial stress is due to circumstances beyond the borrower's control. The Secretary would be prohibited from requiring repayment ability as a condition for loan servicing for any loan other than the loan or loans being serviced. Loans which are rescheduled, reamortized, or consolidated will retain the interest rate in the original note or the current rate, whichever is lower.

Section 310. Establishes the security requirements for an Agricultural Adjustment loan, maintaining requirements found in current law. However, the Secretary would be prohibited from requiring additional security as a condition for loan consolidation, rescheduling, reamortization, or deferral.

By Mr. MOYNIHAN:

S. 2058. A bill to require the disposal of certain lands at Montauk Air Force Station, East Hampton Township, N.Y., for park and recreation purposes; to the Committee on Governmental Affairs.

TRANSFER OF SURPLUS FEDERAL PROPERTY AT MONTAUK AIR FORCE STATION TO THE TOWN OF EAST HAMPTON, N.Y.

● Mr. MOYNIHAN. Mr. President, I am introducing a bill to direct the transfer of a piece of surplus U.S. property at Montauk Air Force Station, N.Y., to the town of East Hampton, N.Y., and so to put an end to Government vacillation over what is to be done with the property.

In 1981, the Federal Government deemed excess to its needs some 278 acres at Montauk Air Force Station, a base that was closed in 1980. Citizens and elected officials in the vicinity began making plans to use the surplus property as a park and recreation area.

They had good reason to think the land might be transferred to the town free of charge. Since 1949, when the GSA was established, Federal law has authorized the free transfer of surplus Federal property to State and local governments for park and recreation uses. Under this authority, hundreds of vacant Federal lots and buildings have been transferred and put to good public use. Some Federal land has been turned into public parks; Federal buildings have been turned into museums and other civic buildings.

Somehow it got in the minds of those in the Reagan administration that these transfers of surplus Federal property should end and that the properties could be sold, instead, to help retire the national debt. The program has been a failure. In September of last year, the National Journal summed it up by titling an article about the program, "What if the Government Held a Land Sale and Hardly Anybody Showed Up?"

In their frustration, the managers of the administration's program are now attempting to sell properties the Government still needs, to renege on surplus property transfers arranged years ago, and generally to ignore the plans and sentiments of local citizens and officials. The most recent maneuver in the administration's land rush involves the proposed sale of the 278 acre former Montauk Air Force Base, at the eastern tip of Long Island.

As the respected Long Island newspaper Newsday said in an editorial, "It was injury enough 3 years ago when the Air Force Base was closed, depriving the town of East Hampton of the $1 million the base payroll meant to the local economy. Now the Government adds insult." Ignoring a unanimity of opinion among local elected officials and citizens that the land should be preserved for park use, the GSA proposes to sell it to the highest bidder.

This is not a matter of landowners simply not wanting to see development on the neighboring property. There does not exist sufficient water supply to sustain a new development in this area. It is as simple as that.

The legislation I propose today would simply direct the Government to do that which a 35-year-old statute would authorize and encourage it to do. I could not forgive—nor could the citizens of Long Island forgive the Government were it to sell this land at Montauk to a private developer.

I ask that a copy of the bill be printed in the RECORD following my remarks, along with an editorial from the newspaper Newsday.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services shall assign to the Secretary of the Interior for use as a public park or recreation area, portions of the Montauk Air Force Station in East Hampton Township, Suffolk County, New York, totaling two hundred seventy-eight acres that were declared surplus to the needs of the United States Government on December 21, 1981.

SEC. 2. The Administrator of General Services shall assign the land identified in the first section of this Act to the Secretary of the Interior within thirty days of enactment of this Act. Within thirty days of said assignment, the Secretary of the Interior shall, without monetary consideration, convey the property to the Town of East Hampton, New York, for public park or recreation uses in accordance with section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(2)).

[From Newsday, Sept. 22, 1983]

WHAT DOES THE GSA KNOW ABOUT MONTAUK?

Three years ago, when the Air Force closed its base in Montauk, the Town of East Hampton lost a payroll that annually pumped about $1 million into the local economy. But that was only the first part of a federal one-two punch.

The second part is being delivered by the federal General Services Administration, which has decided to ignore the opinions of state, county and town officials and sell the former base to a developer. According to a Boston-based GSA bureaucrat, "The highest and best use of the 278-acre base land is residential development."

That's wrong, but only to be expected from the Reagan administration. Its policy is to sell off surplus federal property at market value, so GSA officials tend to overlook such niceties as local opinion and environmental considerations.

Suffolk County planners have done extensive water-resource inventories in the East End, and they advised against residential development of the property because water is in short supply. Even before the base closed, the state had acquired about 137 acres of surplus federal land adjoining it for park use. State, county and town officials wanted to preserve most of the remaining acreage for parks. The town proposed to acquire the existing base housing and sell it to local low- and middle-income families.

But over the past three years the GSA has rebuffed local efforts to work out a way to save the land from development, and it now plans to sell to the highest bidder. The federal agency is running roughshod over informed local opinion, and the Long Island congressional delegation should head it off.●

By Mr. DOMENICI (for himself and Mr. HATCH):

S. 2059. A bill to provide revised reimbursement criteria for small rural health clinics utilizing National Health Service Corps personnel; to the Committee on Labor and Human Resources.

RURAL HEALTH CLINICS ACT OF 1983

Mr. DOMENICI. Mr. President, since May of this year, I have been working with board members of La Clinica del Pueblo in Tierra Amarilla, Hatch Area Health Clinic and La Clinica del Norte in New Mexico. They told me that, unless the Congress acted, they would have to close their clinic. They are very concerned about the impact of a change in the regulations governing payback provisions for National Health Service Corps personnel. The result of these changes will be to greatly increase the actual amount these small clinics will be paying the Federal Government. Statewide, the average increase will be 74 percent.

Every small business knows that such a vast increase in the cost of its supplies would be devastating. The same is true in the rural areas of New Mexico and the country as a whole. The money they are able to raise is already very tightly budgeted for such essentials as medical supplies and equipment, laboratory services, personnel, site costs, and telephone services. To change the rules in such a drastic way at this point will lead to the closing of many of the 21 freestanding clinic sites in New Mexico before the Public Health Service can collect any additional funds. In short, at least 50,000 New Mexicans will lose health services in the near future and the Public Health Service will have failed the mission we gave it to serve needy Americans in pockets lacking adequate medical services.

The reason we are putting Federal resources into these areas is simple. They do not have the resources to attract and retain primary health-care providers. We created a Federal-local partnership, and the new regulations are saying that the Federal side of this partnership will make it impossible for these trained health providers to continue the valuable and needed service. I had hoped that, since the problem was created by a change in regulations, we could find an administration solution. Since this has not been forthcoming, we must resort to legislation to correct this urgent problem.

While early legislative attempts to resolve the problem ignored the partnership aspects of the relationship by allowing the local providers to control the generated income, I believe that the bill that Senator HATCH and I are introducing today is a balanced approach that recognizes the mutual responsibilities and capabilities of the local clinic and the Public Health Service. We were not trying to create an open-ended subsidy to local providers. We want them to develop good management practices.

We carefully define small clinics so that large urban medical centers will not be tempted to escape their responsibilities to the Government, as they could have in early legislative drafts. By focusing on our goal of local self-sufficiency with proper Government support where it can be justified, I believe that we will be doing our rural constituents the right service. We want them to have available medical services, but we also expect them to pay their fair share. In cases where payment is impossible, we want to provide all the health care that we possibly can.

To illustrate the complexities that can arise, I am enclosing for the RECORD two pieces of information. The first is a June 17, 1983, letter to me from Assistant Secretary for Health, Edward N. Brandt, Jr., M.D. As you will note, after the formulas are explained, Dr. Brandt closes with the following conclusion which does little to reassure rural residents about their future outlook for medical help: "In the event the clinic refuses payment, no further NHSC assignments will be made and current assignees will be withdrawn."

I would also like my colleagues to see the testimony of Edward D. Martin, M.D. before a House subcommittee. Dr. Martin does an excellent job of explaining the purpose of the program and the need for a balanced approach to a Federal commitment. I now believe that the objections raised by Dr. Martin have been resolved and we can go forward with a legislative solution that is responsive to his and our concern.

In simple terms, our bill establishes a whole new system for determining the amounts that small clinics will have to pay back to the National Health Service Corps. These clinics will estimate their budget for the year. Payback will be initiated only if actual revenues exceed the budget. To keep with the spirit of the original law, we are offering incentives for the improvement of rural and small clinic health care delivery. For those clinics that are able to operate in the black, an additional waiver will be available at the discretion of the administration. This waiver may be granted if the local clinic can demonstrate feasible plans to improve services.

The final feature of our bill, Mr. President, is its careful definition of small clinics. We are simply trying to avoid the potential problem of open-ended waivers from clinics that are hospital based or whose primary source of support is a Federal grant. Our bill is focused on the needs of small clinics.

In summary, we are taking a legislative route to give our local clinic operators some much needed assurances that Government regulators will not arbitrarily change their payback structure. I believe that our proposed payback system is fair and balanced between local and Federal resources. We encourage sound management practices while offering incentives for improved medical care. I urge my colleagues to support this bill, and I ask unanimous consent that the material mentioned earlier and a letter from the Director of the Office of Management and Budget, Mr. Stockman, printed in the RECORD.

There being no objection, the Material was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., November 4, 1983.

Hon. PETE DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR PETE: The Administration prefers the alternative proposed by Senators Domenici and Hatch which amends Section 334 of the Public Health Service Act. The alternative clarifies the conditions under which a facility staffed by National Health Service Corps (NHSC) physicians is eligible for waiver of the payback requirement. The proposal would restrict waiver eligibility to those vital rural health sites whose operating income is just sufficient to pay operating costs. Larger sites, which are able to generate sufficient income to repay the Federal Government for the cost of the NHSC physicians, would not need such waivers.

Senator Domenici and Hatch's alternative generously provides transitional relief to facilities which would be adversely affected by immediate enforcement of the stricter eligibility criteria.

Sincerely,

DAVID A. STOCKMAN,
Director.

PUBLIC HEALTH SERVICE,
Washington, D.C., June 17, 1983.
Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMENICI: This is in response to the concerns raised at your meeting with my staff on May 20 regarding National Health Service Corps (NHSC) reimbursement by La Clinica del Pueblo de Rio Arriba. After receiving a report on this meeting, I requested that a complete review of our files concerning La Clinica be conducted to determine whether additional waivers should be granted. This letter provides a report of the findings of that review and a final determination by the Department on La Clinica's request.

I believe it may be useful to provide you with information concerning the manner in which the NHSC reimbursement procedure works, since I believe it to be a fair and equitable mechanism which gives full consideration to the needs of the patients served by the site and the interests of the Government. Also included is an analysis of La Clinica's debt and the basis of the original decision.

At the time a site first receives assignees from the NHSC, it contracts in a Memorandum of Agreement to reimburse the Government for the cost of the providers. Recognizing that there may be circumstances which inhibit a site's ability to reimburse the Government for the services provided by NHSC professionals, the statute makes provision for a waiver if reimbursement would work an undue hardship. Recognizing the intent of Congress, the payback procedures were designed to provide a liberal allowance for operating expenses even before a waiver question could arise. The mechanism works in the following manner. Each site is responsible for a charge referred to as the "allowable support cost" for assigned health care providers. The site is then permitted to retain 80 percent of the fees collected for services provided by the NHSC health professional, remitting to the NHSC only 20 percent of the initial collections, until the provider has earned in fees for the site the entire amount of the allowable support cost. After the provider has earned fees equal to the allowable support cost, the site may expend for its purposes 20 percent of all fees collected, remitting the remainder to the NHSC until the full cost of the provider has been reimbursed. The site may retain all fees earned above the cost of the provider. Conversely, if a site fails to generate in fees the cost of the provider, the amount billed is only 20 percent of collections.

For the billing period January 1981 to June 1981, the cost to the Government of the La Clinica assignees was $71,550. The site received a bill of $23,712 for this period resulting in a waiver of $47,838. For the next 6-month period, the cost of the assignees was $100,666, and the bill for the period was $19,441. The amount waived for this period was $81,225. Finally, for the period January to June 1982, the cost of the assignees was $104,817. The bill for the period was $24,999, and the total amount waived was $79,818. Overall for the period, the total cost of the NHSC assignees to the Government was $277,033. La Clinica was billed for $68,152, and $208,881 was waived. The issue is not that the site is requesting a waiver, but that it wishes relief from any obligation to the NHSC. This was corroborated by a letter dated April 13 in which Ms. Horowitz advised the regional office that "We have not yet submitted a payment plan for debt to the NHSC for we are awaiting to see what developed for pursuit of waiver through political channels."

We also analyzed an independent audit performed as of June 30, 1982. The financial statements showed that the clinic has a net worth of $226,640 which we feel is the direct result of the NHSC medical and dental provider support given to it during the last 10 years. The audit also showed that the clinic had an excess of current assets over liabilities of $80,607 including $33,728 in money market certificates and $7,761 in cash. This indicates that the clinic has liquid assets sufficient to repay the obligation, but it has not created the reserves necessary to fulfill its agreement with the NHSC. It should also be noted that the site was the recipient of a no-interest loan from the Government in the amount of $10,000. The NHSC has also waived $3,700 of this amount. The site has failed to repay the $6,300 balance on this loan, and it is now overdue as well.

Our review determined that the site first requested a waiver of its start-up loan on September 5, 1980. The clinic was advised on January 22, 1981, that the regulations governing the loan program do not permit us to grant a waiver of funds used for real estate purchases. The clinic was also notified at this time that our review of the site's Bureau Common Reporting Requirements (BCRR) statistical report for the period July 1, 1979, through July 30, 1980, indicated that the clinic had sufficient revenues after expenses to meet the reimbursement obligation. The site next requested waivers for the period July 1, 1980, to December 31, 1980, and from January 1, 1981, to December 31, 1981. These requests were rejected on August 10, 1982, for insufficient documentation and the lack of a CPA audit report. Following another inquiry from the clinic about the status of their waiver request, we informed the Director on November 15, 1982, that further consideration was pending receipt of a CPA report. After the requested documentation had been reviewed, La Clinica was advised on January 17, 1983, that sufficient funds were available in cash and money certificates to pay each billing as it came due and that the clinic expended funds for items such as equipment which were not included in the budget.

The January 17 letter also advised the clinic that the NHSC was suspending recruitment for the site because satisfactory responses had not been made to the issues raised. Two individuals who had been matched to the site were, however, allowed to report for duty pending resolution of the issues. In the absence of a response to this letter, the NHSC informed the site on May 9, 1983, that interest charges had commenced and that a request for approval of a repayment arrangement was expected. It was only after these steps had been taken that the current decision to terminate placements and withdraw the assignees was made.

It is important to point out that for the billing period July 1981—December 1981, there were 26 NHSC sites in New Mexico. Twenty-two have fully paid with only $4,874 in additional waivers against payments of $171,944. Three more sites are making payments against bills of $13,906. La Clinica del Pueblo de Rio Arriba, which has one of the highest income collection rates and a net worth of over $225,000, still owes $19,441 for this period which constitutes 58 percent of the delinquent accounts for all 26 NHSC sites, many of which do not receive other Federal support.

After all the facts are reviewed, I believe it is clear that La Clinica del Pueblo de Rio Arriba is a financially viable entity which is capable of fulfilling its agreement with the Government, and that it has not been the subject of harassment for debts which it cannot repay.

Accordingly, we have advised La Clinica that they should make arrangements with the regional office to repay the outstanding debt over the next 6 months so that the new NHSC assignee can report for duty. In the event the clinic refuses payment, no further NHSC assignments will be made and current assignees will be withdrawn.

Sincerely yours,
EDWARD N. BRANDT, JR., M.D.,
Assistant Secretary for Health.

STATEMENT BY EDWARD D. MARTIN, M.D., DIRECTOR, BUREAU OF HEALTH CARE DELIVERY AND ASSISTANCE HEALTH RESOURCES AND SERVICES ADMINISTRATION, AUGUST 1, 1983

Mr. Chairman and members of the committee: Good Morning. I am Dr. Edward D. Martin, Director of the Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, Public Health Service (PHS). I am pleased to be here today to discuss the policies for the repayment of the cost sharing obligations of the National Health Service Corps personnel assigned to communities and to present our views on H.R. 3649, legislation that would change these repayment requirements. The Administration opposes enactment of H.R. 3649.

The Bureau of Health Care Delivery and Assistance with the Health Resources and Services Administration (HRSA) and the Public Health Service is responsible for the operation and direction of the National Health Service Corps program, and, through the Public Health Service regional offices, assists the approximately 800 entities to which NHSC personnel are assigned (sometimes referred to as NHSC sites.). The HRSA responsibility includes implementing the law regarding National Health Service Corps cost sharing by communities.

The mission of the National Health Service Corps is to place physicians and other health professionals in areas which are unable to attract and retain primary health care providers without Federal assistance. The heart of this program is the establishment of a Federal-local partnership in which the Federal Government and the community assume mutual responsibilities for the development of independent practices which will remain viable as initial Federal support is decreased. We see our role in administering the cost sharing provisions of the NHSC statute as more than collecting funds to be returned to the Treasury.

Our experience over 10 years has shown that National Health Service Corps personnel placements are most successful when local resources and operations can be organized to assume greater responsibilities for independent operation and financing, with steadily decreasing Federal financial and management intervention. We do encourage NHSC sites to collect fees to recover the costs of the program, in order to assist and motivate sites to collect revenues which will enable them to operate as self sufficient, efficient providers who do not depend on Federal aid. There are adequate safeguards to assure that no one is denied services because of an inability to pay. As I will point out shortly, the Department bills to and collects from NHSC sites only a small percentage of the cost of the program and only a small percentage of the fees collected by sites.

H.R. 3649 would substantially eliminate payback by requiring no reimbursement until all operating costs, as determined by the site, are met. Even in cases where there is a surplus of fee collections over operating costs, the site can request that it be allowed to spend the additional funds to expand services or facilities, to administer the site, or to increase financial reserves. This legislation would have the negative effect of reducing the site's incentive to budget, to manage carefully with attention to costs, to operate efficiently, and to seek self-sufficiency. There can be no development of self-sufficiency in a site if its largest operating cost, provider salaries, is ignored. By establishing what is, in effect, an open-ended Federal subsidy to activities which will generate fee income, the proposed changes will work against the development of good management practices and financial independence.

H.R. 3649 would also create an enormous amount of additional administrative work for BHCDA in reviewing and approving prospective site budgets. This review will not result in any benefit to the sites in terms of increased management capabilities or increased generation of income toward eventual independent status. We estimate that the prospective budget reviews alone would require additional man-years of effort each year. We feel it would be far better to expend this effort on working with sites to build capacity, to improve management, and to maximize collections, thereby working towards eventual independent operation, and to focus on review of waivers or exceptions for sites with special needs for whom repayment would be burdensome.

I do recognize, however, that there are exceptions to our approach in general, and there clearly are exceptions in the case of NHSC sites. It may be appropriate for the legislation to be more explicit regarding the situations in which waivers are permissible, such as sites with low third party reimbursements or sites which are characterized by unique circumstances as is the case with many free-standing NHSC sites. Even in these cases a prospective budget should be prepared and reviewed, and expenditures should be approved by the PHS. In these cases, as in larger sites, the objective remains to secure ultimate economic independence. Such exceptions are, however, totally unnecessary and duplicative for Community Health Centers, hospital-supported sites, and for activities sponsored by State and local government bodies.

If, however, the intent of Congress is that we not collect repayments and not carry out cost sharing efforts, then the Committee should consider removing the cost sharing section from the legislation and eliminating any expectations that there will be repayments under this program. We believe, however, that removal of the cost sharing provision would seriously diminish community perceptions that the assignment of NHSC personnel is a joint Federal-local effort to build the community's own health resource capability. Removal of cost sharing, or implementing a methodology which essentially does away with repayment, would be a clear signal to communities that they could expect to be continued indefinitely on Federal aid with little or no effort on their part to achieve self-sufficiency.

PRESENT REPAYMENT SUMMARY

In 1982, sites with National Health Service Corps assignees generated about $233,000,000 in fees and revenues. National Health Service Corps assignees earned approximately $86,700,000 of this amount, and other non-NHSC health care providers were responsible for about $146,300,000. In 1982 the Department billed sites for $15,250,000. This repayment from sites represents only 17.5 percent of fees attributable to NHSC providers and only an estimated 6.5 percent of all fees collected. The National Health Service Corps costs for providing site assignees for this period was $84,893,000. Similarly, the amount billed sites for 1982, $15,250,000, represents only 18 percent of the cost.

REPAYMENT POLICY

I believe it may also be useful for me to explain the current repayment policy. The repayment formula is specifically designed to meet the statutory requirements for cost sharing contained in section 334 of the PHS act in a manner that also allows a health delivery entity to meet its costs of operations. In the initial Memorandum of Agreement signed when the provider is assigned to a site, the site agrees to pay a charge referred to as the "allowable support cost" for its assigned health care providers. The site is permitted to retain 80 percent of all fees collected for services provided by the NHSC health professional until the provider's fees equal the allowable support cost. The remaining 20 percent is applied against the NHSC bill. After the provider has earned fees which equal the allowable support cost, the site may retain 20 percent of all additional fees collected. The remaining 80 percent of collections is remitted to the NHSC until the full cost of the provider has been reimbursed. Therefore, if a site fails to collect fees equal to the "allowable support cost", the amount billed by NHSC to the site is only 20 percent of collections, however small, and in this situation the site would be likely to be granted a waiver of part or all of the requirement to repay.

This methodology, which uses fee collections as the basis of bill computation, specifically addresses the financial condition of the population served by a facility. If the site has difficulty generating revenue because the population cannot pay for services, the amount which the site will be required to reimburse the Government will be small. As a result, the bills sent to such sites generally represent only a small portion of the cost to the Federal Government.

The NHSC also has a second step review which allows waiver of all or part of bills based on exceptional circumstances. Waiver requests are reviewed at the regional offices to determine if the site lacks sufficient funds to operate and to repay the Government, or if payment of the bill would unreasonably limit the ability of the entity to provide adequate care. Waivers are not automatically granted. Instead, each site is reviewed in terms of its financial status, its revenues, its budget, and its most recent audit. In addition, there is an appeal mechanism to the central office for denied waivers.

CURRENT POLICY CHANGES

Even in a well managed health service practice, as much as 80 percent of total costs are costs of operations over and above the costs of NHSC provider. The current 80 percent-20 percent repayment formula was designed to allow projects to repay the cost of the NHSC provider and, at the same time, support normal operating costs including those associated with support personnel.

The most recent changes in the repayment policy are based on an analysis of repayment patterns throughout all NHSC sites. This analysis demonstrated that health care centers with health personnel other than physicians, dentists, and mid-level practitioners were paying a smaller proportion of assignee costs than centers which employed only medical and dental providers. Because sites are already given credit for support personnel within the 80 percent of fees retained, sites which were allowed to prorate fees collected over all providers were being given double credit for support personnel to the prejudice of small sites with limited staff. The methodology for applying the formula was modified in order to assure that all centers would be required to pay back equitable portions of the assignee costs.

There has also been some concern expressed regarding recent modifications of the waiver policy. In fact, there has been no change concerning the repayment waivers granted for financial reasons, low income of community residents, impact on the delivery of services or other hardship reasons, and we will continue to give waivers for these reasons. Specific waiver requests from sites are also allowable based on two additional criteria: (1) acts of God, such as fire, flood or storm, requiring the expenditure of large sums, or (2) the site's inability to repay NHSC obligations due to the site's not meeting its budgeted income projection or not carrying out necessary expenditure reductions.

Let me again note that H.R. 3649 would all but eliminate payback from sites by requiring no payback until all operating costs, as determined by the site, were met. All costs and revenues would be submitted in a prospective budget by the site. The Secretary would then determine the projected cost and collection levels from this budget. This would require a great expenditure of administrative resources with little, if any, appreciable benefit to sites. Further, the message to sites would be clear, that they would be able to relax their collection efforts. We strongly oppose the repayment changes contained in this legislation because they run counter to the purpose of the program, romoving the cooperative and cost sharing aspects of the program and removing the incentives and motivation for collecting fees and reducing dependence on continual Federal funding.

In a limited number of cases involving small free-standing sites with low collections (for example, sites with $50,000 or less in fee collections) including such sites as are found in New Mexico, we may be willing to consider prospective budget reviews. However, in these cases, it should be understood that the Secretary will determine costs and repayment levels, that site budgets will contain an amount for the cost and repayment of National Health Service Corps providers and that the clear intent of this review will be to continue the process of eventual self-sufficient operation within the community.

This concludes my prepared statement. I would be happy to answer any questions you may have.

Mr. HATCH. Mr. President, I am today introducing along with Senator DOMENICI a bill entitled "The Rural Health Clinics Act of 1983" which I hope will correct a problem that has developed in regard to rural health

clinics and their relationships with the National Health Service Corps.

First of all let me give a brief history of the NHSC, originally created by the Emergency Health Personnel Act of 1970. This act established a program whereby Public Health Service members and other personnel could volunteer to practice their professions in areas of the country that were determined to be short of medical personnel.

In 1972, the act was actually implemented and a scholarship program established. These scholarship awards were granted to health professions students who agreed to serve 1 year in the Corps for every year of scholarship assistance.

The program grew and expanded through the 1970's. In 1980, a concerned Senator Richard Schweiker noted a growing expansion in the Corps that would increase its expenditures to $700 million by 1990. He voiced a concern that the original intent of the Corps, that of encouraging doctors to set up practice in rural underserved areas was being diminished. Various criteria for designating HMSA's were so broadly applied that many well served counties in the United States were being included. A program that was training doctors to practice in medically underserved areas had grown until it was in danger of becoming competitive with the private sector. Meanwhile, the numbers of medical students outside of the Corps was growing and an obvious glut of private physicians was looming.

All of these circumstances led to major revisions in the National Health Service Corps program enacted by the Omnibus Reconciliation Act of 1981. This legislation led to greater efficiency in the delivery of health care in designated manpower shortage areas. I believe firmly that the National Health Service Corps program is a good one.

Part of those 1981 changes included a site reimbursement policy. What this means simply is, that after a community has been designated as an NHSC site, they agree to share in the Federal Government's cost of paying for that corpsman's medical education. A site reimbursement procedure was developed by the Department of Health and Human Services to assist these sites in managing payback systems that allow a health delivery entity to meet its reasonable cost of operations as well as repay to the Corps a portion of that cost.

The amendments that Senator DOMENICI and I are introducing today will further assist sites in meeting this obligation without forcing them into a situation where they might need to curtail service or close completely. The relationship between these sites and the Corps has been the needed link in providing many rural areas in this country with adequate health care.

At this time, I would particularly like to thank my colleague Senator DOMENICI from New Mexico who is sponsoring this legislation with me. Senator DOMENICI has been at the forefront of this battle to improve rural health care, holding hearings through the Special Committee on Aging back in 1980 on the problems of rural health care. So it comes as no surprise that he is here today cosponsoring legislation that will change the payment system under which these health care clinics reimburse the Government for the work of National Health Corps Service personnel.

I commend Senator DOMENICI for his work on this timely legislation which changes the criteria for reimbursement, taking into consideration the clinic's ability to repay the Government, rather than using a strict and possibly insensitive formula, that could have caused closure of many rural health care clinics.

As chairman of the Senate Labor and Human Resources Committee, it is my view that this is vital legislation and am confident that this will pass the Senate quickly and be enacted into law very soon to give some relief to rural health care clinics not only in New Mexico and Utah, but across the Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Health Clinics Act of 1983".

FINDINGS

SEC. 2. Congress finds and declares that—

(1) rural health clinics are an important part of America's health care delivery system;

(2) National Health Service Corps personnel assigned to rural health clinics located in health manpower shortage areas have provided valuable and needed staffing help for such clinics;

(3) rural health clinics receiving assistance from National Health Services Corps personnel should be expected to reimburse the Federal Government for a reasonable share of the costs of such personnel; and

(4) the criteria which should be applied to reimbursement by such clinics for use of such personnel should be a fair and equitable one which reflects the needs of such clinics and the populations served by such clinics, as well as the value of the services rendered by such personnel.

SEC. 2. (a)(1) Subsection (a) of section 334 of the Public Health Service Act (42 U.S.C. 254g) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (3), by inserting ", if not a small health center," after "the entity";

(B) by striking out "and" at the end of subparagraph (C) of such paragraph;

(C) by redesignating paragraph (4) as (5); and

(D) by inserting after paragraph (3) the following new paragraph:

"(4) the entity, if a small health center, shall pay to the United States an amount in each calendar quarter (or other period as may be specified in the agreement) during which any Corps member is assigned to such entity an amount determined by the Secretary in accordance with subsection (f).".

(b) Such section is amended by adding at the end thereof the following new subsection:

"(f)(1) An entity which is a small health center shall pay to the United States, as prescribed by the secretary in each calendar quarter (or other period as may be specified in the agreement) during which any Corps member is assigned to such entity, an amount equal to the amount (prorated for a calendar quarter or other period) by which the revenues that the center may reasonably expect to receive during an annual period for the provision of health services exceeds the costs that the center may reasonably expect to incur in the provision of such services, except that the amount that an entity shall pay to the United States under this paragraph shall not exceed the amount such entity would pay to the United States under paragraph (3) of subsection (a) if such paragraph applied to such entity.

"(2)(A) To determine for purposes of paragraph (1) the revenue and costs which an entity that is a small health center may reasonably be expected to receive and incur in an annual period for the provision of health services, the entity shall submit to the Secretary before the beginning of such period a proposed budget which—

"(i) describes the health services which are needed by the area the entity serves in such period; and

"(ii) states the revenues and costs which the entity expects to receive and incur in providing such health services in such period.

"(B) From the submission under subparagraph (A) and other information available to the Secretary, the Secretary shall determine—

"(i) the health services needed in the area the entity serves;

"(ii) the fees, premiums, third party reimbursements, and other revenues the entity making the submission may reasonably expect to receive from the provision of such services; and

"(iii) the costs which the entity may reasonably expect to incur in providing such services.

The revenues and costs determined by the Secretary shall be the revenues and costs determined by the secretary shall be the revenues and costs used in making the determination under paragrpah (1).

"(3) The Secretary may waive in whole or in part, on a prospective or retrospective basis, the application of paragraph (1) for an entity which is a small health center if the Secretary determines that the entity needs amounts otherwise payable under such paragraph to—

"(A) expand or improve its provision of health services;

"(B) increase the number of individuals served;

"(C) modernize facilities for its provision of health services;

"(D) improve the administration of its health service programs; or

"(E) establish a financial reserve to assure its ability to continue providing health services.

"(4) The excess (if any) of the amount of funds collected by an entity which is small health center in accordance with subsection (a)(2) over the amount paid to the United States in accordance with paragraph (1) of this subsection shall be used by the center for the purposes set out in subparagraphs (A) through (E) of paragraph (3) of this subsection or to recruit and retain health manpower to provide health services to the individuals in the health manpower shortage area for which the entity submitted an application.

"(5) For purposes of this section, the term 'small health center' means an entity other than—

"(A) a hospital (or part of a hospital);

"(B) a public entity; or

"(C) an entity that is receiving a grant under section 329 or section 330, except that such term includes an entity whose grant is less than the total of the amounts, calculated on an annual basis, specified in subparagraphs (A) and (B) of subsection (a)(3).".

(c) Subsection (c) of such section is amended by inserting "which is not a small health center" after "an entity".

SEC. 3. The amendments made by section 2 shall apply with respect to agreements entered into under section 334 of the Public Health Service Act after the date of the enactment of this Act, but, to the extent feasible, the Secretary of Health and Human Services shall revise agreements entered into under such section 334 before such date to reflect the amendments made by section 2.

By Mr. JEPSEN:

S. 2060. A bill to provide that, in the case of any individual who dies while in active service as a member of the Armed Forces as a result of disease, wounds, or injury incurred as a result of a hostile action outside the United States, any Federal income tax liability of such person with respect to the year of such persons death shall not apply; to the Committee on Finance.

TAX LIABILITY OF DECEASED MEMBERS OF THE ARMED FORCES

● Mr. JEPSEN. Mr. President I rise for the purpose of introducing legislation on behalf of our service men and women.

Mr. President, my legislation will forgive any income tax liability of a member of our Armed Forces who is killed or dies as the result of a hostile action outside the United States. This bill would simply say that there shall be no income tax liability for the taxable year during which that military member is killed or dies and that if there is any outstanding tax liability from previous years which is unpaid, it will be forgiven.

Mr. President, existing law provides similar tax relief for military members who are killed or die as a result of active service in a combat zone. However, we find with increasing frequency that our military people are called upon to serve in parts of the world in which they are subject to hostile action but which do not qualify as combat zones—Beirut, Lebanon is a prime example.

Our valiant and courageous marines who gave their lives in that horrible and dispicable attack upon our peacekeeping force have paid this Nation the supreme price for citizenship.

My amendment represents but one small step we can take to show our recognition of the debt we all owe to these young men. It cannot and is not intended to repay the debt—that debt cannot be repaid. We can ask no more than the loyal and brave service which these young men have already given.

Mr. President, I believe that this legislation is both proper and necessary. I understand that Secretary of the Treasury Regan yesterday indorsed a proposal similar to this one. Mr. President, I urge my colleagues to support this bill.●

Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2061. A bill to declare certain lands held by the Seneca Nation of Indians to be part of the Allegany Reservation in the State of New York; to the Select Committee on Indian Affairs.

ALLEGANY RESERVATION OF THE SENECA NATION OF INDIANS

● Mr. MOYNIHAN. Mr. President, my colleague Mr. D'AMATO and I introduce a bill today to declare certain lands held by the Seneca Nation of Indians to be part of the Allegany Reservation in the State of New York. This bill is technical in nature and it is not controversial.

The New York State Legislature passed a statute last year authorizing the commissioner of transporation to convey certain parcels of land to the Seneca Nation in exchange for a highway easement across the reservation that was needed for the Southern Tier Expressway. The State conveyed roughly 800 acres of replacement land adjacent to the reservation and granted it official recognition as reservation land.

The legislation that my colleague and I introduce today formally designates the 800 acres as part of the Allegany Reservation and gives the acreage the status of tribal land for purposes of Federal law.

Mr. President, I might add that an identical bill (H.R. 3555) was introduced in the House of Representatives by New York Congressmen STAN LUNDINE and JACK KEMP on July 13, 1983. The bill was reported out of the House Committee on Interior and Insular Affairs and ordered to be printed on October 19. I urge that Senate consideration of this legislation proceed expeditiously, as well.●

By Mrs. HAWKINS:

S.J. Res. 193. Joint resolution designating March 6, 1984, as "Frozen Food Day"; to the Committee on the Judiciary.

FROZEN FOOD DAY

● Mrs. HAWKINS. Mr. President, today I am introducing a resolution to acknowledge the contribution of the American frozen food industry by designating March 6, 1984, as "Frozen Food Day." While the frozen food industry began in America and plays a vital role in our lives, it is the entire world that has benefited from the preservation of perishable foods. Not since the European spice trade in the 1400's has there been such an important and innovative development in keeping food fresh and nutritious.

Without the frozen food industry, we would be unable to enjoy all the many delicious fruits, vegetables, seafood, and other products out of their harvest season. Until the advent of the frozen food industry, out-of-season foods were often restricted only to the wealthy. The frozen food industry has helped make many more foods affordable to all Americans, in addition to aiding producers in marketing the food they produce.

On March 6, 1984, the frozen food industry will celebrate its 54th anniversary. Beginning in the 1930's with Clarence Birdseye, the industry sold its frozen products primarily to food service companies. With new technologies and market development efforts, however, the industry grew, being spurred on by World War II, which limited the availability of canned foods to American consumers.

And, of particular interest to Florida, over 30 years ago, frozen foods became even more popularly accepted, with the beginning of the marketing of frozen orange juice concentrate. Frozen orange juice concentrate became the single postwar product most instrumental in the increased acceptance of frozen foods. At the time of its introduction, only about 25 percent of Florida's orange crop was processed into frozen orange juice concentrate, but through the years this percentage increased so that now the vast majority of Florida's citrus crop goes into concentrate. This major development has aided the Florida citrus industry and the entire frozen food industry by opening up the market for frozen foods in many new food service outlets, luncheonettes, and cafeterias.

With new technologies and ever-expanding product lines, the frozen food industry is tailor made for the lifestyles of today. With more single- and two-person households, more women in the marketplace, and with the increasing popularity of the microwave oven, frozen foods add to the convenience, versatility, and efficiency necessary for our busy lives. I can't imagine our lives without the benefits of the frozen food industry.

I therefore urge my colleagues to support a small part of what has made America great—the frozen food industry.●

ADDITIONAL COSPONSORS

S. 52

At the request of Mr. Specter, the name of the Senator from North Dakota (Mr. Burdick) was added as a cosponsor of S. 52, a bill to combat violent and major crime by establishing a Federal offense for continuing a career of robberies or burglaries while armed and providing a mandatory sentence of life imprisonment.

S. 120

At the request of Mr. Dole, the name of the Senator from California (Mr. Cranston) was added as a cosponsor of S. 120, a bill to extend for 2 years the allowance of the deduction for eliminating architectural and transportation barriers to the handicapped and elderly.

S. 149

At the request of Mr. Grassley, the name of the Senator from Kansas (Mr. Dole) was added as a cosponsor of S. 149, a bill for the relief of Adel Shervin.

S. 617

At the request of Mr. Goldwater, the name of the Senator from Alaska (Mr. Murkowski) was added as a cosponsor of S. 617, a bill to promote the use of energy-conserving equipment and biofuels by the Department of Defense, and for other purposes.

S. 625

At the request of Mr. Pell, the name of the Senator from Mississippi (Mr. Cochran), was added as a cosponsor of S. 625, a bill to authorize the Secretary of Education to provide financial assistance to States for use in expanding educational programs in juvenile and adult correctional institutions to assist in the rehabilitation of criminal offenders, and for other purposes.

S. 1441

At the request of Mr. Trible, the name of the Senator from Washington (Mr. Gorton), was added as a cosponsor of S. 1441, a bill to require certain safety equipment on vessels and mobile offshore drilling units, and for other purposes.

S. 1734

At the request of Mr. Zorinsky, the name of the Senator from South Carolina (Mr. Hollings), was added as a cosponsor of S. 1734, a bill to amend title 17 of the United States Code with respect to public performances of nondramatic musicial works by means of coin-operated phonorecord players, and for other purposes.

S. 1785

At the request of Mr. Sasser, the name of the Senator from Pennsylvania (Mr. Specter), was added as a cosponsor of S. 1785, a bill to amend title II of the Social Security Act to eliminate the waiting period for disability benefits in the case of an individual who is terminally ill.

S. 1806

At the request of Mr. Bradley, the names of the Senator from Rhode Island (Mr. Pell), the Senator from New Jersey (Mr. Lautenberg), the Senator from New York (Mr. Moynihan), and the Senator from New York (Mr. D'Amato) were added as cosponsors of S. 1806, a bill to recognize the organization known as the Jewish War Veterans of the United States of America, Incorporated.

S. 1913

At the request of Mr. Huddleston, the names of the Senator from Pennsylvania (Mr. Specter), the Senator from Oregon (Mr. Hatfield), the Senator from Maine (Mr. Cohen), and the Senator from Maine (Mr. Mitchell) were added as cosponsors of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1939

At the request of Mr. Wallop, the names of the Senator from Massachusetts (Mr. Tsongas), the Senator from Virginia (Mr. Warner), the Senator from Rhode Island (Mr. Pell), and the Senator from Pennsylvania (Mr. Heinz) were added as cosponsors of S. 1939, a bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain property for the energy tax credit, and for other purposes.

S. 2014

At the request of Mr. Specter, the names of the Senator from Iowa (Mr. Jepsen), the Senator from Maryland (Mr. Sarbanes), and the Senator from Alaska (Mr. Murkowski) were added as cosponsors of S. 2014, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children.

SENATE JOINT RESOLUTION 165

At the request of Mr. Mathias, the names of the Senator from New York (Mr. Moynihan), and the Senator from Utah (Mr. Hatch) were added as cosponsors of Senate Joint Resolution 165, a joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws.

SENATE JOINT RESOLUTION 179

At the request of Mr. Helms, the name of the Senator from Nevada (Mr. Hecht) was added as a cosponsor of Senate Joint Resolution 179, a joint resolution to provide for a White House Chapel.

SENATE JOINT RESOLUTION 183

At the request of Mr. Glenn, the names of the Senator from Vermont (Mr. Leahy) and the Senator from Illinois (Mr. Dixon) were added as cosponsors of Senate Joint Resolution 183, a joint resolution to recognize the second week of November 1983, as "National Meals-on-Wheels and Congregate Meal Week."

SENATE JOINT RESOLUTION 184

At the request of Mr. Hollings, the name of the Senator from Rhode Island (Mr. Chafee) was added as a cosponsor of Senate Joint Resolution 184, a joint resolution to designate the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week."

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. Domenici, the name of the Senator from Nevada (Mr. Laxalt) was added as a cosponsor of Senate Concurrent Resolution 70, a concurrent resolution expressing the sense of the Congress regarding actions the President should take to commemorate the anniversary of the Ukrainian famine of 1932–33.

SENATE CONCURRENT RESOLUTION 79

At the request of Mr. Heinz, the names of the Senator from North Dakota (Mr. Burdick) and the Senator from North Carolina (Mr. Helms) were added as cosponsors of Senate Concurrent Resolution 79, a concurrent resolution to request the President to urge the Government of Japan to import U.S. coal.

SENATE RESOLUTION 74

At the request of Mr. Pell, the name of the Senator from Massachusetts (Mr. Tsongas) was added as a cosponsor of Senate Resolution 74, a resolution expressing the sense of the Senate concerning the future of the people of Taiwan.

SENATE RESOLUTION 268

At the request of Mr. Chiles, the names of the Senator from Missouri (Mr. Eagleton), the Senator from Idaho (Mr. Symms), the Senator from Washington (Mr. Gorton), the Senator from Kentucky (Mr. Ford), the Senator from Alabama (Mr. Heflin), the Senator from Massachusetts (Mr. Tsongas), the Senator from Pennsylvania (Mr. Specter), and the Senator from Illinois (Mr. Dixon) were added as cosponsors of Senate Resolution 268, a resolution to express the thanks of the Senate to America's educators.

AMENDMENT NO. 2378

At the request of Mr. Mathias, the names of the Senator from Minnesota (Mr. Durenberger), the Senator from Wisconsin (Mr. Proxmire), the Senator from Massachusetts (Mr. Kennedy), the Senator from California (Mr. Cranston), the Senator from Arkansas (Mr. Bumpers), the Senator from Colorado (Mr. Hart), the Senator from Montana (Mr. Melcher), the Senator from Michigan (Mr. Levin), and the Senator from New Mexico (Mr. Bingaman) were added as cosponsors of amendment No. 2378 proposed to S. 1342, an original bill authorizing appropriations for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes.

AMENDMENT NO. 2378—COSPONSORS

Mr. MATHIAS. Mr. President, on October 20 the Senate voted to add amendment No. 2378, on the subject of prepublication review, to the State Department authorization bill. This was a technical amendment to amendment No. 2256. Through inadvertance, some of the cosponsors of amendment No. 2256 were not listed as cosponsors of amendment No. 2378. I would therefore like the record to reflect that the Senators from Minnesota (Mr. Durenberger), Wisconsin (Mr. Proxmire), Massachusetts (Mr. Kennedy), California (Mr. Cranston), Arkansas (Mr. Bumpers), Colorado (Mr. Hart), Montana (Mr. Melcher), Michigan (Mr. Levin), and New Mexico (Mr. Bingaman) were sponsors of both of these amendments.

SENATE CONCURRENT RESOLUTION 84—RELATING TO CUSTODY AND DOMESTIC ISSUES

Mr. DURENBERGER (for himself and Mr. Boren) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. Con. Res. 84

Whereas the divorce rate in the United States has reached alarming proportions and the number of children being raised in single parent families has grown accordingly;

Whereas there is a critical lack of child support enforcement which Congress has undertaken to address through its Child Support Enforcement program;

Whereas Congress is currently attempting to strengthen that program to recognize the needs of *all* children;

Whereas related domestic issues, such as visitation rights and child custody, are often intricately intertwined with the child support problem and have received inadequate consideration;

Whereas these related issues remain within the jurisdiction of State and local governments, but impact critically on the health and welfare of the children of the Nation: Now therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) State and local governments must focus on the vital issues of child support, child custody, visitation rights, and other related domestic issues that are properly within the jurisdictions of such governments;

(2) all individuals involved in the domestic relations process should recognize the seriousness of these matters to the health and welfare of our nation's children and assign them the highest priority;

(3) it is imperative that Congress act to strengthen the existing child support enforcement system and make it available for all children; and

(4) a mutual recognition of the needs of all parties involved in divorce actions will greatly enhance the health and welfare of America's children and families.

● Mr. DURENBERGER. Mr. President, divorce has radically altered the composition of the American family. In 1981, there were 8.4 million women with children under 21 whose fathers were absent, an increase of over 100 percent since 1970. So serious is this problem that the Census Bureau predicts that only half of all children born this year will spend their entire childhood living with both natural parents.

The impact these changes have on the health and welfare of America's children is tremendous. The children of divorce frequently find themselves intricately woven into a web of acrimony and financial cat and mouse. During the course of a divorce many youngsters become emotionally troubled by feelings of guilt and responsibility for the fragmentation of the family. These sentiments are compounded when parents attempt to utilize the children as pawns in their own personal struggles with one another. These disputes may manifest themselves in battles over custody, support, and visitation.

Dissolution frequently is complicated by lengthy and combative divorce proceedings which deprive the family of needed financial resources. In the course of these proceedings little effort is ever made to help resolve the personal differences of the parties.

The trauma of divorce does not end with the signing of the divorce decree, however. In most cases, failure to pay child support quickly arises as a source of conflict between the parties. In fact, of the $9.9 billion due from absent parents, only $6.1 billion was ever paid. Between a quarter and a third of parents never make a single court-ordered payment. According to a 1973 Michigan survey, patterns of delinquency have no relation to the parents' income. In many cases the economic circumstances of single fathers is better than while they were married. A recent California study revealed that 1 year after divorce, the wife's income dropped by 73 percent while the husband's rose by 42 percent.

This situation should shock the conscience of a reponsible society. It has directly contributed to the frequently mentioned "feminization of poverty," as well as the growing incidence of childhood poverty.

Failure to pay child support is often part only of a vicious cycle of domestic conflict. In many instances, when child support is not paid the custodial parent may prevent the absent parent from exercising visitation rights—in the hope that such action will spur resumption of child support. The converse of this action is also often true. Similarly, disputes over child custody may lead absent parents to withhold child support. In other cases, absent parents may feel the custodial parent is not properly managing child support payment and may attempt to furnish support through alternative means.

Finally, individual hardships may also create financial tension between the parties—resulting in defaults in child support payments.

All of these issues adversely affect the innocent children involved. It is they who often suffer the most from the financial and emotional repercussions of the trauma that takes place.

Although Congress has undertaken the responsibility to collect past due child support payments through the child support enforcement program, related issues remain subject to the jurisdiction of State and local governments. I am encouraged by the action we are taking on the Federal level, but believe it is important that we remember that divorce and family disputes are rarely one sided. Far too frequently, these additional factual matters have been discounted or ignored. While a parent's obligation to support his or her children must be paramount, it is crucial that we do not neglect the needs of all concerned parties.

I believe it is vitally important that the State and local governments with direct authority over domestic matters keep in mind the significance of harmonious and equitable family relations and consider the concerns of all parties. Dissolution of marriage is not just a woman's issue, or a man's issue, but is an issue of national significance.

Today, Mr. Boren and I are submitting a concurrent resolution which expresses the sense of Congress that State and local governments should focus on the important issues of child support, child custody, visitation rights, and other related domestic issues. We also stress the importance of continued congressional action on the issue of child support enforcement and the need for mutual recognition of all parties' concerns.

It is our hope that this resolution will convey to State and local governments our belief that these issues are of paramount importance to the health and welfare of America's children and families.●

SENATE RESOLUTION 270—RELATING TO THE NORTH KOREAN BOMBING IN RANGOON

Mr. MURKOWSKI (for himself, Mr. Percy, Mr. Pell, and Mr. Glenn) submitted the following resolution; which was referred to the Committee on Foreign Relations:

SENATE RESOLUTION 270

Whereas the Government of Burma has announced the results of its investigation into the October 9 assassination in Rangoon of high-level Republic of Korea officials;

Whereas the investigation has found that members of the North Korean army were responsible for the attack which resulted in the deaths of 17 Koreans and at least 3 Burmese;

Whereas this North Korean barbarism is not only a national and personal tragedy for the people of Korea, and Burma but also an assault on the entire international community;

Whereas the brutal massacre has demonstrated once again the total disregard of the North Korean government for human life as well as the norms and laws governing the international community of nations; Now, therefore, be it Resolved, That it is the sense of the Senate that it—

(1) finds that the Government of Burma has courageously conducted a thorough and complete investigation of this heinous act perpetrated by a foreign power within its sovereign territory;

(2) condemns the North Korean government for having carried out an act of terrorism and cold-blooded murder; and

(3) calls upon the international community to unite in condemnation of this act, to censure North Korea for its part in the criminal attack, and to punish North Korea through economic and diplomatic means.

● **Mr. MURKOWSKI.** Mr. President, I am saddened, but not surprised, at the Burmese announcement this morning that its investigation panel has firmly established that the terrorist bombing which killed 17 South Korean Government officials last month was the work of North Korea.

For several weeks, U.S. intelligence has pointed to North Korea as the perpetrator of this atrocity. I discussed this fact with the Assistant Secretary of State for East Asian Affairs, Paul Wolfowitz, in a briefing last night. This morning I held a nomination hearing for Mr. Tom Shoesmith, nominee to be U.S. Ambassador to Malaysia and Mr. Dan O'Donohue, nominee to be U.S. Ambassador to Burma. I questioned Mr. O'Donohue extensively about the Rangoon bombing.

Ambassador-designate O'Donohue noted that he expected the United States would push for an international condemnation of the second barbarous act against the Republic of South Korea in less than 9 weeks.

I asked Ambassador O'Donohue if there was any evidence of Soviet complicity in this attack or if the Russians might have known about it in advance. I am pleased that he said there was no such evidence. After the KAL incident, another Soviet assault on Korean lives would hardly be bearable.

Mr. President, this is a time for calm, firm action. An attack by one nation aimed at killing the chief of state of another nation is a very serious matter, particularly when it involves the volatile Korean peninsula. The international response must be quick and resolute, but we must also urge careful thought and prudent action upon those nations directly affected by this atrocity.

Mr. President, I am sending to the desk a resolution to condemn the North Korean act of terrorism in Rangoon on October 9, 1983. Early this morning the Government of Burma announced the results of its investigation into the October assassination in Rangoon of high-level Republic of Korea officials. After the bombing, which resulted in the deaths of 17 Koreans and at least 3 Burmese citizens, 2 Korean suspects were captured and 1 Korean suspect was killed. The Burmese Government has now established that those suspects were the perpetrators of the crime and hold the ranks of major and captain in the North Korean Army. According to the Burmese statement, "It is concretely found that the confession of the captured Korean nationals together with the captured equipment and evidence point out firmly that the explosion that occurred on October 9, 1983, at the Martyr's Mausoleum was firmly established to be the work of saboteurs sent by the Democratic People's Republic of Korea." Burma has severed diplomatic relations with North Korea and has given their diplomats 48 hours to leave the country. Much credit must go to the Burmese Government for their thorough investigation and decisive action.

Mr. President, in all likelihood, North Korea will deny responsibility for this act. We would expect no more from an international renegade. But the facts remain clear. The Burmese Government has found that the assassins were officers in the North Korean Army.

I urge that we pass this resolution swiftly.

It calls upon the international community to condemn this crime, to censure North Korea for its terrorist act, and to punish North Korea through economic and diplomatic means. The United States does not have either diplomatic relations or economic ties to North Korea. But we must urge other nations which do have such relations to act appropriately. The depth of world revulsion to its cowardly act must be felt by North Korea.●

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE APPROPRIATION, 1984

STEVENS AMENDMENT NO. 2493

Mr. STEVENS proposed an amendment to the bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes; as follows:

On page 7, line 17, delete "$1,260,200,000" (Roman linetype) and insert "$1,247,000,000" (Roman linetype), and on line 18, delete "$1,247,000,000" and insert in italics "$1,260,200,000".

HUDDLESTON (AND OTHERS) AMENDMENT NO. 2494

Mr. HUDDLESTON (for himself, Mr. FORD, Mr. BOREN, Mr. PRYOR, and Mr. STEVENS) proposed an amendment to the bill H.R. 4185, supra; as follows:

At the appropriate place in the bill, insert the following:

Sec. . Within funds available under Title III of this Act, Department of Defense shall provide free mailing privileges to members of the Armed Forces of the United States assigned to duty as part of the multinational peacekeeping force in Lebanon and to members of the Armed Forces of the United States assigned to duty in Grenada in the same manner and to the same extent such privileges would be accorded under section 3401 of title 39, United States Code, to members of the Armed Forces of the United States serving on active duty in an overseas area, as designated by the President, when the Armed Forces of the United States are engaged in military operations involving armed conflict with a hostile foreign force.

TSONGAS (AND OTHERS) AMENDMENT NO. 2495

Mr. TSONGAS (for himself, Mr. PRESSLER, Mr. KENNEDY, Mr. CRANSTON, Mr. PELL, Mr. LEVIN, Mr. GLENN, and Mr. BINGAMAN) proposed an amendment (which was subsequently modified), to the bill H.R. 4185, supra; as follows:

At the end of Title VII, add a new section as follows:

Sec. . Presidential Report on Strategic Defenses, Including Ballistic Missile Defense Systems, Their Components, and Related Technologies.

(A) The President shall submit to the Congress by May 15, 1984 in unclassified form with classified addenda as necessary a report addressing the national security implications of the research, development, testing and eventual deployment of strategic defenses, including ballistic missile defense systems, their components, and related technologies (hereafter referred to as "strategic defense programs"). The report shall draw upon the studies of the Defense Technologies Study Team headed by James C. Fletcher and the Future Security Strategy Study headed by Fred S. Hoffman as well as other relevant materials.

(B) The report shall address specifically the following issues:

(1) the impact of strategic defense programs on existing arms control agreements and on current and prospective arms control negotiations and agreements;

(2) the impact of strategic defense programs on likely Soviet efforts in offensive and defensive military programs; and the impact of Soviet strategic defense efforts on United States strategic doctrine and strategic force structure;

(3) the impact of strategic defense programs on the viability of NATO nuclear forces and on the future of the independent nuclear deterrent forces of France and the United Kingdom;

(4) the projected costs of strategic defense programs, including an assessment of research, development, testing, development and maintenance costs on a year-by-year basis of the various technologies currently under study;

(5) the impact of strategic defense programs on other current and projected defense budget priorities and on the anticipated availability of technical and manpower resources necessary to support strategic defense programs.

MATTINGLY AMENDMENT NO. 2496

Mr. MATTINGLY proposed an amendment to the bill H.R. 4185, supra; as follows:

SEC. . None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after November 1, 1983, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel of their dependents or from entering the United States unlawfully.

METZENBAUM (AND PRYOR) AMENDMENT NO. 2497

Mr. METZENBAUM (for himself, Mr. PRYOR, and Mr. SASSER) proposed an amendment to the bill H.R. 4185, supra; as follows:

Page 11, line 16, strike "6,584,744,000" and insert "$6,594,744,000," of which $10,000,000 shall be available for the hiring of 400 auditors in the Defense Contract Audit Agency.

METZENBAUM (AND LEAHY) AMENDMENT NO. 2498

Mr. METZENBAUM (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 4185, supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . Within funds available under title I of this Act, but not to exceed $100,000, and under such regulations as the Secretary of Defense may prescribe, the Department of Defense shall, in addition to allowances currently available, make payments for travel and transportation expenses of the surviving spouse, children, parents, and brothers and sisters of any member of the Armed Forces of the United States who dies as the result of an injury or disease incurred in line of duty to attend the funeral of such member in any case in which the funeral of such member is more than 200 miles from the residence of the surviving spouse, children, parents or brothers and sisters, if such spouse, children, parents, or brothers and sisters as the case may be are financially unable to pay their own travel and transportation expenses to attend the funeral of such member.

BINGAMAN AMENDMENT NO. 2499

Mr. BINGAMAN proposed an amendment to the bill H.R. 4185; supra; as follows:

On page 36, line 23, strike out "$4,169,939,000" and insert in lieu thereof "$4,174,939,000".

On page 37, line 5, strike out "$7,487,544,000" and insert in lieu thereof "$7,491,544,000".

On page 37, line 17, strike out "$12,323,026,000" and insert in lieu thereof "$12,327,914,000".

On page 38, line 9, strike out "$2,736,728,000" and insert in lieu thereof "$2,740,328,000".

JEPSEN AMENDMENT NO. 2500

Mr. JEPSEN proposed an amendment to the bill H.R. 4185, supra; as follows:

On page 78, strike out lines 8 through 18.

HELMS AMENDMENT NO. 2501

Mr. HELMS proposed an amendment to the bill H.R. 4185, supra; as follows:

SEC. . (a) The Senate finds—

(1) that the Committee on Armed Services of the Senate has determined that the SALT II Treaty is unequal, unbalanced, destabilizing, and not in the national security interest of the United States;

(2) that the United States (a) has deactivated 292 Inter-Continental Ballistic Missiles, Submarine-Launched Ballistic Missiles, and B-52 bomber aircraft, all of which are counted in the SALT II Data Exchange, (b) has cancelled deployment of stockpiled Minuteman III Inter-Continental Ballistic Missiles with Multiple-Independently targetable Re-entry Vehicles, (c) has modified B-52 bomber aircraft equipped to carry Air-Launched Cruise Missiles with "strakelets", and (d) has reduced the potential payload and throw-weight of the MX Inter-Continental Ballistic Missile;

(3) that the Department of Defense memorandum issued on March 24, 1980 entitled "United States Programmatic Actions Relative to the SALT II Treaty", which is still in effect, directed the US military services to take no programmatic actions which were inconsistent with the provisions of the unratified SALT II Treaty;

(4) that by prolonged inaction on the SALT II Treaty by the Senate and the initiation of Strategic Arms Reduction Talks, the United States Government has given constructive notice to the Soviet Union that it does not intend to ratify such treaty.

(b)(1) It is the sense of the Senate that no national defense program involving the national security of the United States shall be terminated, impeded, delayed, or affected in any way in order to comply with the terms of the SALT II Treaty unless and until the Senate has given its advice and consent for the President to ratify the Treaty in accordance with the treaty-making provision of the Constitution of the United States.

(2) It is furthermore the sense of the Senate that the United States compliance with the SALT II Treaty should cease until and unless the President certifies to the Senate in writing that the Soviet Union has been in full compliance with all the provisions of the SALT II Treaty, the SALT I Anti-Ballistic Missile Treaty, the 1962 Kennedy-Khrushchev Agreement, the 1925 Chemical Warfare Protocol, and the 1972 Biological Warfare Convention.

BYRD (AND OTHERS) AMENDMENT NO. 2502

Mr. BYRD (for himself, Mr. SASSER, Mr. HOLLINGS, Mr. BOREN, Mr. ARMSTRONG, Mrs. KASSEBAUM, Mr. ANDREWS, Mr. PRYOR, Mr. PRESSLER, Mr. COHEN, Mr. LEVIN, Mr. MATSUNAGA, and Mr. FORD) proposed an amendment to the bill H.R. 4185, supra; as follows:

At the end of the bill, add the following:

STUDY OF WEAPON SYSTEMS SPARE PARTS PROCUREMENT BY THE DEPARTMENT OF DEFENSE

SEC. . (a) Not later than June 1, 1984, the Office of Federal Procurement Policy (hereinafter in this section referred to as the "Office") shall review the procurement practices, regulations, and reform proposals and programs of the Department of Defense relating to the procurement of spare parts for weapon systems and shall transmit to the Congress a report on the findings, conclusions, and recommendations of the Office relating to such matters. The report shall include (1) an evaluation of the adequacy of the reform proposals and programs to promote practices and the development of directives which will achieve control of costs, economy, and efficiency in the procurement of such spare parts and (2) such recommendations for legislation with respect to the procurement of such spare parts as the Office considers appropriate.

(b)(1) The Secretary of Defense shall furnish to the Office such information on the practices, regulations, and reform proposals and programs of the Department of Defense relating to the procurement of spare parts for weapon systems as the Office considers necessary to carry out subsection (a).

(2) The Inspector General of the Department of Defense shall furnish to the Office such information on the practices of the Department of Defense in procuring spare parts for weapon systems as the Inspector General acquires during his audits of such practices and the Office considers necessary to carry out subsection (a).

(c) The Inspector General of the Department of Defense shall have reasonable opportunity to review and comment on the report required by subsection (a) before the report is transmitted to the Congress. The comments of the Inspector General shall be included in such report.

GRASSLEY AMENDMENT NO. 2503

Mr. GRASSLEY proposed an amendment to the bill H.R. 4185, supra; as follows:

At the appropriate place in the bill insert the following:

It is the sense of the Senate that competition, which is necessary to enhance innovation, effectiveness, and efficiency, and which has served our nation so well in other spheres of political and economic endeavor, should be expanded and increased in the provision of our national defense.

BUMPERS (AND OTHERS) AMENDMENT NO. 2505

Mr. BUMPERS (for himself, Mr. LEAHY, Mr. HATFIELD, Mr. HOLLINGS, Mr. HART, Mr. KENNEDY, Mr. CRANSTON, Mr. RIEGLE, Mr. SASSER, Mr. LEVIN, Mr. FORD, Mr. PROXMIRE, Mr. TSONGAS, Mr. BRADLEY, Mr. SARBANES, and Mr. GLENN) proposed an amendment to the bill H.R. 4185, supra; as follows:

On page 33, strike out line 25 through line 8 on page 34, and insert in lieu thereof the following: "$5,451,217,000, of which $81,600,000 shall be available for the purchase of the phase III defense Satellite Communication System (DSCS III) under a multiyear contract: *Provided*, That this authority shall be available only after the Secretary of the Air Force certifies to Congress that at least 10 per centum savings is available under multiyear contracting; and in addition, $55,000,000, to be derived by transfer from 'Missile Procurement, Air Force, 1983/1985', to remain available for obligation until September 30, 1986. None of the funds appropriated by this Act shall be available for the procurement of the MX missile."

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE ACT OF 1978

STEVENS AND BINGAMAN AMENDMENT NO. 2504

Mr. STEVENS (for himself and Mr. BINGAMAN) proposed an amendment to the bill (H.R. 2077), an Act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes, as follows:

In lieu of the matter proposed to be inserted by the amendment of the House of Representatives, on page 1 insert the following:

TITLE I—PHYSICIANS COMPARABILITY ALLOWANCE

SHORT TITLE

SEC. 101. This title may be cited as the "Federal Physicians Comparability Allowance Amendments of 1983".

EXTENSION OF AUTHORITY

SEC. 102. (a) The second sentence of section 5948(d) of title 5, United States Code, is amended to read as follows: "No agreement shall be entered into under this section later than September 30, 1987, nor shall any agreement cover a period of service extending beyond September 30, 1989.".

(b) Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1989".

PAY OF CERTAIN FEDERAL PHYSICIANS FOR FISCAL YEAR 1982

SEC. 104. (a) Notwithstanding section 5383(b) of title 5, United States Code, the aggregate amount paid for fiscal year 1982 under sections 4507, 5382, 5384, and 5948 of such title to an individual specified under column I below may exceed the amount of the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such fiscal year by not more than the amount specified under column II below opposite the name of such individual:

Column I:	Column II:
Dr. Larry Silver	$1,988.66
Dr. Louis Sokoloff	$5,988.66
Dr. Ichiji Tasaki	$1,488.66
Dr. Paul D. Parkman	$1,455.46
Dr. Allan Forbes	$1,680.91
Dr. Roscoe Brady	$1,488.66
Dr. Martin Cummings	$3,988.66
Dr. Manning Feinleib	$1,488.66
Dr. D. C. Gajdusek	$1,488.66
Dr. Carl Kupfer	$1,988.66
Dr. Toichiro Kuwabara	$1,488.66
Dr. Lester Salans	$1,488.66
Dr. Henry Webster	$1,488.66

(b) Subject to the limitation on the aggregate amounts computed under subsection (a), the amount of any overpayment paid for fiscal year 1982 (as determined under section 5383(b) of title 5, United States Code) and collected during fiscal years 1982 and 1983 from any individual specified in subsection (a) shall be paid no such individual.

(c) For the purposes of the Internal Revenue Code of 1954, any amounts paid for fiscal year 1982 under subsections (a) and (b) of this Act shall be deemed to have been paid on the date such amounts would have been paid but for the limitation set forth in section 5383(b) of title 5, United States Code.

TITLE II—FEDERAL EMPLOYEES RETIREMENT ADJUSTMENT

SHORT TITLE

SEC. 201. This title may be cited as the "Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983".

STATEMENT OF POLICY

SEC. 202. It is the policy of the Government—

(1) that the amount required to be contributed by employees and officers of the Government who are also required to pay employment taxes relating to benefits under title II of the Social Security Act for service performed after December 31, 1983, be modified until the date on which such employees and officers are covered by a new Government retirement system (the design, structure, and provisions of which have not been determined on the date of enactment of this Act) or January 1, 1986, whichever is earlier;

(2) that the Treasury be required to pay into such retirement systems the remainder of the amount such employees and officers would have contributed during such period but for the temporary modification;

(3) that the employing agencies make contributions to the retirement systems with respect to such service in amounts required by law in effect before January 1, 1984, without reduction in such amounts;

(4) that such employees and officers accrue credit for service for the purposes of the public retirement systems in effect on the date of enactment of this Act until a new Government retirement system covering such employees and officers is established;

(5) that any annuity payable under any present public retirement system based in any part on service which is performed after December 31, 1983, and before January 1, 1986, and for which employment taxes relating to benefits under title II of the Social Security Act are paid be offset by the amount of any benefits payable under such title with respect to such service;

(6) that such employees and officers who are first employed in civilian service by the Government or first take office in civilian service in the Government on or after January 1, 1984, be transferred to such new Government retirement system as may be established for employees and officers of the Government on or after January 1, 1984, and before January 1, 1986; and

(7) that credit for service performed after December 31, 1983, by such employees and officers be transferred to such new Government retirement system.

DEFINITIONS

SEC. 203. (a) For the purposes of this title—

(1) the term "covered employee" means any individual whose service is covered service;

(2) the term "covered retirement system" means—

(A) the Civil Service Retirement and Disability System under subchapter III of chapter 83 of title 5, United States Code;

(B) the Foreign Service Retirement and Disability System under chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.);

(C) the Central Intelligence Agency Retirement and Disability System under the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note); and

(D) any other retirement system (other than a new Government retirement system) under which a covered employee who is a participant in the system is required to make contributions to the system in an amount equal to a portion of the participant's basic pay for covered service, as determined by the President;

(3) the term "covered service" means service which is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 by reason of the amendments made by section 101 of the Social Security Amendments of 1983 (97 Stat. 67); and

(4) the term "new Government retirement system" means any retirement system which (A) is established for officers or employees of the Government by or pursuant to a law enacted after December 31, 1983, and before January 1, 1986, and (B) takes effect on or before January 1, 1986.

(b) The President shall publish the determinations made for the purpose of subsection (a)(2)(D) in an Executive order.

CONTRIBUTION ADJUSTMENTS

SEC. 204. (a) An employing agency shall deduct and withhold only 1.3 percent of the basic pay of a covered employee under—

(1) section 8334 of title 5, United States Code;

(2) section 805 of the Foreign Service Act of 1980 (22 U.S.C. 4045);

(3) section 211 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note); or

(4) any provision of any other covered retirement system which requires a participant in the system to make contributions of a portion of the basic pay of the participant,

for covered service which is performed after December 31, 1983, and before January 1, 1986. Deductions shall be made and withheld as provided by such provisions in the case of covered service which is performed on or after January 1, 1986, and is not subject to a new Government retirement system.

(b) Employing agencies of the Government shall make contributions with respect to service to which subsection (a) of this section applies under the second sentence of section 8334(a)(1) of title 5, United States Code, the second sentence of section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)), the second sentence of section

211(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note), and any provision of any other covered retirement system requiring a contribution by the employing agency, as if subsection (a) of this section had not been enacted.

AMORTIZATION OF CONTRIBUTION DEFICIENCY

SEC. 205. (a) For the purposes of this section, the term "contribution deficiency", when used with respect to a covered retirement system, means—

(1) the excess of the total amount which, but for section 204(a), would have been deducted and withheld under a provision referred to in section 204(a) from the basic pay of covered employees who are subject to such retirement system for service to which section 204(a) applies, over

(2) the total amount deducted and withheld from the basic pay of covered employees for such service as provided in section 204(a).

(b) At the end of each of fiscal years 1984, 1985, and 1986, the head of each agency administering a covered retirement system—

(1) shall determine the amount of the contribution deficiency incurred during such fiscal year in the case of such covered retirement system; and

(2) shall notify the Secretary of the Treasury of the amount of such contribution deficiency.

(c) An amount equal to the amount of the contribution deficiency incurred with respect to a covered retirement system in any fiscal year shall be credited to the fund established for the payment of benefits under such covered retirement system in thirty equal annual installments beginning at the end of such fiscal year, as provided in subsection (d).

(d) Before closing the accounts for each of fiscal years 1984 through 2015, the Secretary of the Treasury shall credit to each fund to which subsection (c) applies, as a Government contribution, out of any money in the Treasury not otherwise appropriated, an amount equal to the total of the amounts of the annual installments of the contribution deficiencies required by subsection (c) to be credited to such fund in such fiscal year.

(e) Amounts credited to a fund pursuant to subsection (c) shall be accounted for separately from amounts credited to such fund pursuant to any other provision of law.

OFFSET OF SOCIAL SECURITY BENEFITS

SEC. 206. (a)(1) Section 8339 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(o)(1) Any annuity of a retired employee or Member which is computed under subsection (a), (b), (c), (d), (e), (g), or (n) of this section and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such retired employee and is attributable to such service.

"(2) For the purpose of paragraph (1) of this subsection, the portion of the amount of the benefits which is payable under title II of the Social Security Act to an individual and is attributable to service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be determined by—

"(A) computing the amount of such benefits including credit for such service;

"(B) computing the amount of such benefits, if any, without including credit for such service; and

"(C) subtracting the amount computed under clause (B) of this paragraph from the amount computed under clause (A) of this paragraph.".

(2) Section 8341 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) The annuity of any individual which is provided by and computed under this section and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such individual and is attributable to such service, computed as provided in section 8339(o)(2) of this title.".

(b)(1) Section 806 of the Foreign Service Act of 1980 (22 U.S.C. 4046) is amended by adding at the end thereof the following new subsection:

"(m)(1) The annuity of any individual which is computed under this section and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such individual and is attributable to such service. The reduction under this subsection shall be calculated before any reduction under section 814(a)(5).

"(2) For the purpose of paragraph (1), the portion of the amount of the benefits which is payable under title II of the Social Security Act to an individual and is attributable to service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be determined by—

"(A) computing the amount of such benefits including credit for such service;

"(B) computing the amount of such benefits, if any, without including credit for such service; and

"(C) subtracting the amount computed under clause (B) from the amount computed under clause (A).".

(2) Section 814 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The annuity of a former spouse which is computed under this section and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such former spouse and is attributable to such service, computed as provided in section 806(m)(2).".

(c) Part C of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end thereof the following new subsection:

"SEC. 223. (a) The annuity of any individual which is computed under this part and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such individual and is attributable to such service. In the case of an annuity computed under section 221, the reduction under this subsection shall be calculated before any reduction under section 222(a)(4).

"(b) For the purpose of subsection (a), the portion of the amount of the benefits which is payable under title II of the Social Security Act to an individual and is attributable to service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be determined by—

"(1) computing the amount of such benefits including credit for such service;

"(2) computing the amount of such benefits, if any, without including credit for such service; and

"(3) subtracting the amount computed under clause (2) from the amount computed under clause (1).".

(d)(1) Notwithstanding any other provision of law, for the purposes of any covered retirement system to which an amendment made by subsection (a), (b), or (c) does not apply, the annuity of any individual which is computed uder such system and is based, in any part, on service to which section 204(a) applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such individual and is attributable to such service. In the case of an annuity of a participant or former participant, of a surviving spouse or child of a participant or former participant, or of any other person designated by a participant or former participant to receive an annuity under the covered retirement system (other than a former spouse) the reduction under this subsection shall be calculated before any reduction in such annuity provided under such system for the purpose of paying an annuity under such system to any former spouse of the participant or former participant based on the service of such participant or former participant.

(2) For the purpose of paragraph (1), the portion of the amount of the benefits which is payable under title II of the Social Security Act to an individual and is attributable to service to which section 204(a) applies shall be determined by—

(A) computing the amount of such benefits including credit for such service;

(B) computing the amount of such benefits, if any, without including credit for such service; and

(C) subtracting the amount computed under clause (B) from the amount computed under clause (A).

TRANSFER OF CREDIT TO NEW RETIREMENT SYSTEM

SEC. 207. (a) Any covered employee who first becomes employed in civilian service by the Government or first takes office in civilian service in the Government on or after January 1, 1984, shall be transferred to such new Government retirement system as may be established.

(b) In the case of any covered employee who is subject to a covered retirement system on or after January 1, 1984, and thereafter becomes subject to a new Government retirement system—

(1) credit for the service of such employee to which section 204 (a) applies shall be transferred from such covered retirement system to the new Government retirement system for the purposes of the new Government retirement system; and

(2) such service shall be considered not to be creditable service for the purposes of such covered retirement system,

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effective on the date on which such employee becomes subject to such new Government retirement system.

DEPOSIT REQUIREMENTS

SEC. 208. (a)(1)(A) Notwithstanding any other provision of law, the covered service of any covered employee who is employed by the Government on December 31, 1983, and retires (other than by reason of a disability) entitled to an annuity under a covered retirement system after such date and before the earlier of the date on which a new Government retirement system takes effect on January 1, 1986, shall be considered in computing the amount of such annuity only if such covered employee makes a deposit for such covered service as provided in subparagraph (B).

(B) For the purposes of subparagraph (A), a covered employee to whom such subparagraph applies shall make a deposit (for the covered service to which such subparagraph applies) to the credit of the applicable covered retirement system in an amount equal to the excess of the amount required by law (without regard to section 204(a)) over the amount which was deducted and withheld from the basic pay of such covered employee for such service pursuant to section 204(a) and was not refunded to such covered employee.

(2) Paragraph (1) does not require a deposit to the credit of a covered retirement system for the purpose of considering covered service in computing the amount of a survivor annuity under such system in the case of a covered employee who dies during a period of continuous service in the employment of the Government beginning on or before December 31, 1983.

(b)(1) If a new Government retirement system is not established, the covered service of a covered employee shall be considered, notwithstanding any other provision of law, in determining entitlement to and computing the amount of an annuity under a covered retirement system based on the service of such covered employee only as provided in paragraph (3).

(2) If a new Government retirement system is inapplicable to a covered employee who is employed by the Government on December 31, 1983, and retires (other than by reason of a disability) subject to a covered retirement system after the date on which such new Government retirement system takes effect the covered service of such covered employee shall be considered, notwithstanding any other provision of law, in determining entitlement to and computing the amount of an annuity under a covered retirement system only as provided in paragraph (3).

(3) The covered service of a covered employee to whom paragraph (1) or (2) applies shall be considered for the purposes of such paragraph only if such covered employee deposits to the credit of the applicable covered retirement system an amount equal to the excess of—

(A) the total amount which would have been deducted and withheld from the basic pay of such covered employee for such covered service under such covered retirement system but for the application of section 204(a), over

(B) the amount which was deducted and withheld from such basic pay for such covered service pursuant to section 204(a) and was not refunded to such covered employee.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on November 17, 1983, beginning at 10 a.m., in Senate Dirksen 124, on S. 885, a bill to settle unresolved claims relating to certain allotted Indian lands on the White Earth Indian Reservation, to remove clouds from the titles to certain lands, and for other purposes.

Those wishing additional information should contact Paul Alexander or Peter Taylor of the committee at 224-2251.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, November 7, at 2 p.m., to consider the following nominations:

Diego Asencio of Florida, to be Ambassador to Brazil;

Frank Ortiz of New Mexico, to be Ambassador to Argentina; and

Clayton McManaway of Washington, D.C. to be Ambassador to Haiti.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, November 7, at 10 a.m., to consider the following nominations:

Robert E. Lamb of Georgia, to be Assistant Secretary of State for Administration; and

Frank Donatelli of Virginia, to be Assistant Administrator of AID.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, November 7, in order to receive testimony concerning the following nominations:

Mr. W. Eugene Davis, of Louisiana to be U.S. circuit judge for the fifth circuit.

Lenore Carrero Nesbitt, of Florida, to be U.S. district judge for the Southern District of Florida;

Stanley S. Harris, of Maryland, to be U.S. district judge for the District of Columbia;

G. Kendall Sharp, of Florida, to be U.S. district judge for the Middle District of Florida;

George E. Woods, of Michigan, to be U.S. district judge for the Eastern District of Michigan; and

Jane A. Restani, of Virginia, to be a judge of the U.S. Court of International Trade.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, November 7, in order to receive testimony concerning S. 1680, Malt Beverage Interbrand Competition Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet during the session of the Senate on Monday, November 7, to hold a hearing on the nominations of James T. Hackett to be a member of the Board of Directors of the Corporation for Public Broadcasting; William Lee Hanley to be a member of the Board of Directors of the Corporation for Public Broadcasting; and Neal B. Freeman to be a member of the Board of Directors of the Communications Satellite Corporation (COMSAT).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Monday, November 7, to hold a hearing in regard to the Perishable Agriculture Commodities Act, 1930.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE MEDIA

● Mr. GOLDWATER. Mr. President, it was my misfortune to have been out of the country when the President decided to defend the liberties of people living on Grenada, Americans and Grenadians alike.

The reaction of the European people that I visited with after the news reached overseas was: "Thank God, you are finally beginning to act like a world power."

Arriving home, though, I found that the American press, or we should say the media, were terribly unhappy because they were not taken into the battle planning, the logistics planning, the maneuver planning, in fact, they were not allowed to tell the Pentagon who and how this operation should have been conducted.

I should think that the American media should realize by now that the

American people have little trust in what they say or show. Their handling of the Vietnam war was, at best, atrocious. Of course, not all of the media fall into this class, but unfortunately, those people who dominate the media seem to take a particular delight in distorting the news of America's misfortunes, whether they be on the battlefield, in the economic field, or any place you can name. If you doubt this, pick a newspaper or look at any television news show since the unfortunate happening in Lebanon and the start of things in Grenada.

What do you see? Grief-stricken mothers and fathers and sweethearts and wives shown in their living rooms, shown around the gravesite. Do these newsmen and media dictators really believe that the American people do not know what sorrow is? Do they believe that they have to flaunt the misfortunes of other people in order to get their distorted views of the situation across to people who probably know more than they do about the subject they are trying to cover? I think it is time that the American media realize that freedom of the press carries a grave responsibility and, down through the years of my life, the truly great newsmen that I have known have been the most responsible people I have ever met.

On the other hand, the worst of the average newsmen that I have known, show absolutely no respect for the privacy, the personal lives, the situation of our own country, or the condition of freedom in our country and the world. They seem to be entranced with the idea that through their mouths and their typewriters and their pencils, they can somehow remake the world into the image they themselves picture that world to be.

Two good articles on this subject appeared in the morning Washington Times of November 3. One entitled, "When Mounting an Invasion, Why Take Along Enemy Troops," by Joseph Sobran. The other, in the same issue, "Egregious Military Reporting," by Damian Housman, are worthy of the attention of my colleagues and those who read the CONGRESSIONAL RECORD.

I ask that these articles be printed in the RECORD and I announce my intentions that this is not the last that will be heard from me on the subject of distortion. It has reached the point where somebody has to speak about it.

The articles follow:

WHEN MOUNTING AN INVASION, WHY TAKE ALONG ENEMY TROOPS?

(By Joseph Sorban)

The American press establishment is furious with the Reagan administration for failing to include the press in the planning and execution of the Grenada invasion. Henry Grunwald of Time magazine takes a full page to fulminate against this "unprecedented exclusion," which he calls "an outrage to press freedom." Others say the exclusion violated the First Amendment—proving only that they have never read the First Amendment.

Come now, ladies and gentlemen: Surely the explanation is obvious. When you are mounting an invasion, you do not take along enemy troops.

The prestige press has for years prided itself on its " adversary" role. This, mind you, is something more than a merely critical role toward government as such. The press has not been particularly hostile, or even vigilant, in relation to the centralization of power in the federal government. It does not regard itself as the adversary of the Democratic Party, the bureaucracies or the courts. Nor is it the adversary of communist regimes.

On the contrary. Toward any socialist power formation, foreign or domestic, the prestige press has been notable friendly. It welcomed the Great Society. It hailed detente and the recognition of communist China. It opposed the American war effort in Southeast Asia. It failed to predict that most predictable phenomenon, the flood of refugees from communist Vietnam. It assured us that the Sandinistas were not really Marxists. All of which adds up to what in other contexts is called a clear "pattern of discrimination."

It all goes beyond a mere matter-of-fact attitude toward socialism and communism. The press has an ideological weakness for these regimes. It is an "adversary" toward anti-socialist and anti-communist tendencies in American government. It is now screaming against the Grenada invasion not because it differs with the administration on the power of the communist threat, but because it differs in its evaluation of communism's merits.

If I were Yuri Andropov or Fidel Castro, I would surely want the American press to be present whenever an American military action was launched against my own military formations. Whatever the subjective motivations of The New York Times, The Washington Post, and CBS, I would, as a Marxist-Leninist connoisseur of power relations, regard all of them as "objectively progressive." I would welcome the subsequent commentary of such reliable anti-anti-communist sneerers as Anthony Lewis, Tom Wicker, Mary McGrory and Philip Geyelin.

By the same token, American military planners are right in seeking to limit the damage these people can do to any American effort. Yes, of course they say they have the public interest of America at heart. What's good for General Motors is good for the country, and all that. Such selfserving equating of one's own interests with the general welfare should always be taken with a large grain of salt. Let these people do their damage on the home front.

Grant that they are not, at heart, pro-Soviet. But how would they behave differently if they were? At what point do they stop getting the benefit of every possible doubt? When was the last time, in any major difference between the United States and the Soviet Bloc, that they were solidly pro-American? Shouldn't it happen once in a while that Andropov takes more heat then Reagan?

Mortifying as it must be to the Washington-New York media axis, the United States has clearly won a victory. Now their effort will be to turn a short-term triumph into a long-term defeat. Watch closely.

EGREGIOUS MILITARY REPORTING

(By Damian Housman)

I will never become a big-time military-affairs reporter. I used to think there was a chance, but now I see it's hopeless. The events of the past week or so brought journalistic reality crashing through.

The bombing in Beirut gave the first warning that I was unprepared for the big time. The true professionals brought their cameras to bear in ways I would never have dreamed. They showed us dead Marines, lined up on the ground outside their demolished headquarters. Back in World War II, it was 1944 before a photo of a dead GI appeared in the American press. Vietnam apparently made these gruesome and profoundly emotive pictures a staple of U.S. television and newspaper cameras.

All these years, too, I've been wasting my time learning about planes, ships, tanks, orders of battle, electronic warfare, the relative turning ability of the MiG-23 and the F-16, and how the British lost the second battle of Maiwand. But I would have failed if asked to interview relatives of dead Marines before a television camera. I would have assumed everyone knew how relatives feel at the loss of loved ones. I am also not sharp enough to ask them how they felt about the Reagan policy of keeping Marines in Lebanon, now that their own Marine has been blown to smithereens.

As if the Beirut tragedy were not enough to reveal the gaps in my training, along came Grenada. You have to take your hat off to *The Washington Post*. Its reporters are on top of everything. They put my tiny powers of observation to shame.

One *Post*-ian eagle eye spotted an AE-130 gunship, which must be a supersecret follow-on to the Air Force's AC-130. Another reporter took a close look at the gunship, and found it to be shooting a rapid-fire 100mm howitzer. This is undoubtably a great advance over the 105mm howitzer fired by the AC-130H. The same reporter found a group of Army Rangers protecting themselves with 80mm mortars. Must be a replacement for the 81mm mortars they've used up to now.

The *Post* reporters also caught the United States in a massive effort to deceive the American people about the arms caches on the island. They discovered that among the thousands of tons of modern weapons of war were 1870 vintage Marlin .30-30 rifles and some Saturday Night Specials, proving that Grenada had not become the bastion of terrorism the administration says it had.

My research indicated that Marlin did not produce its first rifle until 1881, that the Marlin .30-30 cartridge was first made in 1895, and that the number 1870 stamped on the barrel is probably the serial number of that gun in the series it was produced. In other words, it could have been produced last month. Just shows how little I know.

And those Saturday Night Specials—how could anyone believe that a terrorist would use a small, concealable handgun to assassinate people, as happened to a U.S. Navy officer a few months ago in El Salvador?

The Pentagon, I am now sure, made a mistake in keeping reporters out of Grenada for several days. At first I supported the move, on grounds of operational secrecy, the danger to the reporters themselves in the early fighting, etc. I should have known from the start that the public's need to know outweighs such considerations.

If I could advise the Pentagon now, I would tell them how to handle this sort of thing in the future: Have the reporters go in aboard the first helicopter. That way, you can be sure there will be no leaks.

COLUMBUS DAY FESTIVAL

● Mr. JOHNSTON. Mr. President, on October 12, 1983, the first annual Columbus Day Festival was celebrated in Bossier City, La., at the initiative of the Columbus Day Festival Committee and the Bossier Arts Council. This was the beginning of what I hope will become an annual tradition.

The keynote speaker at this event, J. B. Cordaro, outlined the contemporary nature of Columbus' discovery of America and I ask that these remarks be printed in full at the end of my statement. I congratulate Mr. Cordaro on his thoughtful speech and hope this will mark the first of many stirring addresses commemorating this important day in the future.

The remarks follow:

Paisani! Io Sono Italiano! My fellow countrymen! I am Italian!

Today all of us are Italian—either by birth or by the desire to join in the celebration of the first annual Columbus Day Festival in Bossier City, Louisiana.

So, we are all sons and daughters of Christopher Columbus.

Columbus Day is the most noteworthy National American Holiday to honor an Italian. For discovering our great land, almost 500 years ago, Americans pause for a special day to recall the heroic deed of this great Italian sailor.

It is a great honor for me to be here today. My deep thanks to the "Columbus Day Festival" Committee and the Bossier Arts Council for inviting me. A personal thanks to my brother Patrick, who is the Committee Chairman, and to the other members of the Committee: Anthony Provenza (Uncle Anthony), who has just been elected President of the Bossier City Council, John Bonanno, Mark La Rocca, and Pete Terracina. I know that many more people deserve to be personally signaled out and mentioned by name: public officials such as Bossier City Mayor Blackburn, merchants, and Bossier City citizens. To each of you that I have not called by name, a special congratulations for an outstanding job.

It is fitting for us to recall the achievements of Columbus. His adventure to a new land mirrors similar adventures for millions of Italian immigrants and their ancestors. Each of us that followed Columbus is re-enacting that journey. Whether we began our adventure from a small village in Sicily or whether we began in the U.S. as the second, third, or fourth generation of Italian parents, the voyage has been the same: uncertainty at the outset, struggle, perseverance, and success. Today's Festival emphasizes a deep desire to maintain that heritage that we sought to have others respect and honor.

Italians, like other immigrants who came to this country in the great migrations of the late nineteenth and early twentieth centuries, entered a new world that regarded their language, dress and customs as something alien and inferior. Such an attitude presented understandable difficulties for the newly arrived immigrants. It often led them both to accept wholeheartedly the popular melting pot mystique and to attempt to blend anonymously into the larger society.

The immigrant parents actively encouraged their children to embark on yet another journey of emigration. This time not to the shores of America, but into the promised land of its mainstream. In the span of one generation, the children of these immigrants left behind the language and customs of their parents and—sadly in some cases their ethnic identity and pride.

Despite the melting pot imperative, the ethnic groups were not as readily homogenized as milk. Some traditions and customs have not only endured, but have also prevailed. One of the most important survivors is the celebration of traditional religious feasts and festivals.

Italian-American festivals in the United States have roots that stretch deeply into the folklore and traditions of Italian villages. Most of the celebrations honor the Patron Saints of the towns from which the immigrants came.

Certain feasts days are extraordinarily popular and widely observed. In New York City, for example, the Feasts of San Gandolfo, the Madonna Del Carmine and San Gennaro are celebrated with great and enthusiastic festivity.

In Boston, the Feasts of Santa Rosalia and St. Anthony of Padua are full of color and pagentry. In certain areas of Pennsylvania, the Feast of San Rocco calls for major celebration. Indeed, the chapel of the family of Christopher Columbus has been brought to Boalsburg, Pennsylvania and is now a tourist attraction.

Santa Rosalia and San Rocco enjoy great respect in the City of New Orleans. The Saint most especially venerated is St. Joseph. The Feast of St. Joseph, which is also celebrated in several other parts of the United States, has a significance for New Orleans that goes far beyond its survival as an ethnic and religious antifact. To many Italian-Americans this celebration has become a unique symbol of ethnicity, pride and unity. To non-Italians it is a portal through which they can come to understand Italian-American food, Italian-American traditions and the Italian-Americans themselves.

Now Bossier City joins other great cities in establishing a focal point for Italians and non-Italians to join together to celebrate life! It is significant that those who are spearheading this Festival are second and third generation Italian-Americans. These generations of Italians, of which I am one, can be characterized as American citizens, born in the United States, educated in the American school system, and speaking English and only a little Italian.

Yet despite these outward characteristics we have been shaped by discreet influences from our ethnic roots. These roots intertwine a tightly woven system that nudges and pushes from outside and keeps us aware of being America, and also something more. That something more is the Italian-American culture. This culture has been forged from a recipe of four essential ingredients.

First, the importance that we attach to groups closest to us: Our family, neighborhood, and the community;

Second, the significance we give to the quality of our domestic life: The importance of our home, the dinner table, holidays, and special family events such as weddings and christenings;

Third, our values relating to interpersonal support: Religious faith, feeling for group ties and relations, hospitality, and the primary importance of personal relationship and integrity;

Fourth, our cool, realistic view of title: Anti-dogmatic skepticism, political realism and the use of education for practical ends.

These threads are woven together into the fabric of our Italian-American culture. Just as the first generation Italian immigrant is no longer "just Italian"; likewise the following generations of children and their children are not "just American."

A grandfather once explained to his grandson that being "Italian-American" was as though a chain had been lifted across the ocean between Italy and America and that the chain held the best of the Old World—history, culture, strength of the family, belief in God, and locked those together with the best of the New World—freedom and opportunity for ourselves and our children.

Now, unfortunately as the number of first generation Italians dwindle, it is the next generations that must reach out to keep the chain unbroken, to continue to see that it spans the ocean and ties the generations of families together. The keepers of the chain must uphold a sacred obligation. It is a debt that we owe to our grandparents and parents. It is part of our blood!

Today, we repay part of that debt by honoring Columbus. But after the festivities, the challenge continues to keep the Italian heritage alive while we live as Americans in our modern society. In this area of North Louisiana we see constant reminders of the Italian heritage as Mr. Charlie Maggio's produce trucks pass around with murals that reflect an immigrants patriotic spirit. Today, his grandchildren, the Gloriosos, maintain his love of America and remembrance of Italy. These trucks here well express an inscription on the National Archives Building in Washington, D.C.:

"The heritage of the past is the seed that brings forth the harvest of the future."

Each of us here today should take note that this event underscores the desire of a generation of Italian-Americans to maintain their past heritage and to build a better future. Italian-Americans represent 7 per cent of the population in America. In the New York Times Magazine, in a recent cover story entitled "Italian-Americans: Coming Into Their Own" it is written:

". . . In recent years they (Italian-Americans) have attained a kind of critical mass in terms of affluence, education, aspiration, and self-acceptance." Indeed, the political analyst Theodore H. White, in his 1982 book "American In Search of Itself" identified Italian-Americans as the "most important among the rising ethnic groups."

Surely the man that we honor today, the great adventurer Christopher Columbus, and all the Italians who followed, must hear this statement with pride, and can know that the steps that they took were the first of our long journey. As we continue our individual adventures, we give spirit to the meaning "Contemporary Columbus."

Thank you!●

DEDICATION OF HERITAGE FOUNDATION

● Mr. WARNER. Mr. President, recently, I had the privilege of joining the Vice President in dedicating the new headquarters of the Heritage Foundation in Washington.

The Heritage Foundation, of course, has done much to advance the cause of conservatism in the United States.

Mr. President, I ask that my remarks and those of the Vice President be printed in the Record.

The remarks follow:

Remarks of Senator John W. Warner—Dedication Ceremonies, Heritage Foundation

It is a particular pleasure for me to be here today to help dedicate the Heritage Foundation's magnificent new headquarters.

Three years ago, I helped dedicate the Foundation's other "new" headquarters in Stanton Park.

And the way this organization keeps growing, I may have to come back in another three years to do this again.

The Heritage Foundation began ten years ago in modest quarters on a budget as spare as a whippet.

It was conceived at a time when conservatism was not very popular in our country.

But that was before the buying power of our citizens began to steadily erode because of double digit inflation.

And that was before interest rates soared to over 20 percent.

And those were the days when those well intentioned entitlement programs roared out of control.

And who was asked to foot the bill?

An American public that had already been asked time and time again to dig deeper and deeper into their wallets.

And as interest and inflation rates rose and rose, the hopes and dreams of the people of our country sank lower and lower.

Suddenly the tongues that had wagged incessantly for so long in the liberal controlled Congress were strangely silent.

In large measure, what the public thinks depends on what the public hears.

For too long the American public heard the steady drumbeat of only one voice.

And that voice was from those who engineered our country into an economic holocaust of 20 percent interest rates from which we are only now recovering.

As disenchantment spread across the nation, the American public began hearing the faint sounds of another voice.

It was the voice of conservatism that was saying "Wake up America."

It was the voice of conservatism that was saying "You've been deceived."

And one of the loudest and most credible voices of the conservative movment for the past decade has been the Heritage Foundation.

It has established itself as an institution that does its homework.

In its brief history, the Foundation has earned a reputation for being reliable, articulate, and an indispensable institution in Washington.

Despite its considerable influence on Capitol Hill, the Heritage Foundation alone could not turn things around oversight.

America still had some lessons to learn.

Some very painful lessons.

Today, much has changed in Washington since the Heritage Foundation began ten years ago.

Today, the voice of conservatism speaks from the White House.

Today, the two houses of Congress are no longer the exclusive domains of only liberal voices.

And, today, throughout our country where once despair hung in the air, there is a general feeling of optimism.

There is a strong sense that we are on the road back.

It has been said that history is the rear view mirror on the road of life.

And I hope that every American will take a long, long look in that rear view mirror before deciding to exit off that road.

Each story of this new building reflects the growth of the conservative movement in this country.

Where once its voice was frail and tentative, the voice of conservatism today is strong and forceful.

The Heritage Foundation is a major reason why our country is making such progress.

And it's a hope I share with many millions of Americans that the voice of conservatism will ring on and on and on.

For, as Lincoln said: "With public sentiment, nothing can fail; without it, nothing can succeed."

Thank you.

Remarks of Vice President George Bush at Dedication of Heritage Foundation Building

Thank you. It's a great pleasure and honor to be here at the dedication of the Heritage Foundation's new building.

I think what we see here is an illustration of the fact that ideas do have consequences. Ten years ago when Heritage was formed, conservatives were an embattled minority. In no small part due to the efforts of this Foundation, we've now turned that around. 1980 was simply the most dramatic manifestation of the growing conservative tide in this country.

And it was ideas that did it—many of them originating in the Foundation or first finding a wide audience through its "Backgrounders" and "Issue Bulletins" and the Foundation's excellent magazine, *Policy Review*—it was *ideas* that effected the change in America's political climate.

You won't find any alienated intellectuals at Heritage, because they know how important their work is—that Heritage provides an essential voice in the political dialogue. I can say that for my own purposes, I often rely on the Heritage Foundation to provide the kind of quality research and analysis one finds in few other places.

To paraphrase Archimedes, give me a place to stand and a lever strong enough and I can move the world. Well, the Heritage Foundation has been that place, and their lever has been the truth. And so far, you have been real world movers.

With the election in 1980, we brought to a stop a serious decline in this country brought on by over-taxing for dubious ends and fuzzy thinking on foreign policy. We've arrested the decline, but as you all well know, we have much left to do in implementing the Reagan program. Together, I'm confident that we will succeed—and for this reason; as I said earlier, ideas do count. In fact, they're essential. And when I look around me these days, it just becomes so apparent that conservatives today have all the bright, optimistic, forward-looking ideas.

Well, congratulations on your new digs. All I can say is that if this new building is an indication of the growing conservatism in this country, I can only hope that in another ten years you'll be moving out to Rosslyn and building a skyscraper.

Thank you and, again, congratulations.●

PRESTON FAMILY BOASTS 10 EAGLES

● Mr. McCLURE. Mr. President, the award of Eagle Scout is an honor that few Boy Scouts achieve. According to the Boy Scouts of America, only 2½ percent of all Boy Scouts reach the high standards required for the award. To earn the designation of Eagle Scout, a Scout must prove his proficiency in citizenship, first aid, camping, and cooking, as well as in areas as family living, physical fitness, environment, community living, communications, and conservation.

On October 16 an event took place in Preston, Idaho, which may very well be unique in the history of Boy Scouting. On this day, Chris Abrams of Preston became the 10th member of his family to attain the rank of Eagle Scout. Along with his father, Dean Abrams, Chris joins his brothers Tom, Marty, Bruce, Scott, Phillip, Tony, Jon, and Conrad in receiving the highest award Scouting has to offer.

Many of the Members who sit in this Chamber, I am sure, know well the feelings of pride, honor, and achievement that come with this award. My good friend Senator Lugar of Indiana holds the rank of Eagle Scout, as do Senator Bradley of New Jersey and Senator Bentsen of Texas.

Mr. President, I ask that an article that appeared in the October 26 edition of the Idaho State Journal highlighting the accomplishment of the Abrams family be reprinted in the Record. And I ask that my colleagues join with me in congratulating Chris and all members of the Abrams family for their outstanding achievements and contributions to Scouting, to their community and the Nation.

The article follows:

Preston Family Boasts 10 Eagles

Preston.—In what is believed to be an unprecedented event in Boy Scouting, the youngest son in the Dean Abrams family was awarded his Eagle scout award, bringing to 10 the number of Eagles in the family.

When young Chris Abrams was presented his award in a special Court of Honor through Troop 243 sponsored by the Preston Ninth LDS Ward Oct. 16, he became the ninth son of Dean and June Abrams to be so honored.

Since Dean also has his Eagle, it makes 10 in the family.

Neil Butterfield of Logan, Utah, a scout executive of the Cache Valley Council, confirmed it is a record for the council for one family. However, he does not know and says it would be difficult to find out if it is a national Boy Scout record.

"I will say this," Butterfield said, "it's a very, very rare occurrence. I personally don't know of any others."

Butterfield said he will submit the information on the Abrams family to the National Boy Scout Council.

Abrams, Franklin County assessor, says he has always been interested in Scouting. He says they have encouraged their boys in every effort dealing with scouting.

"We are very pleased and very proud," Abrams said. He gave most of the credit to his wife who he says "has the push and personality," to help the boys.

"When Tom (eldest son) got his Eagle, we decided it would be a nice goal for our family. It made it easier for the next one and has put pressure on them to do it."

Abrams says he hopes the family tradition will now continue with his 11 grandsons.

All but the two youngest are graduates of Preston High School where they have all been active in student government, clubs, athletics and LDS Seminary.

Six of the nine have served LDS church missions and Abrams hopes his two youngest will make it eight of nine.

Oldest, Tom, received his Eagle in 1964 and sons following in order are: Marty, 1966; Bruce, 1971; Scott (now deceased) in 1971; Phillip, 1973; Tony and Jon in 1976; Conrad in 1980; and Chris in 1983.●

JEWISH WAR VETERANS OF THE UNITED STATES

● Mr. D'AMATO. Mr. President, I rise today in support of S. 1806, a bill to grant a Federal charter to Jewish War Veterans of the United States of America, introduced by my distinguished colleague the senior Senator from New Jersey, Mr. Bradley.

Jewish War Veterans is an organization dedicated to maintaining the rights and privileges of those who have selflessly defended our Nation. This organization works tirelessly in pursuit of patriotic goals.

Founded in 1896 by Jewish veterans of the Civil War, Jewish War Veterans is the oldest active veterans organization in America with a current membership of approximately 100,000. Today, Jewish War Veterans is involved in many aspects of our Nation's life. Its volunteers support and supplement the work of professional staff in Veterans' Administration hospitals, nursing homes, and clinics. Between April 1980, and March 1981, JWV members worked a total of 106,134 hours in Veterans Administration Voluntary Service programs.

In addition to their impressive community service record, JWV works vigorously for the elimination of anti-Semitism, bigotry, and all forms of discrimination in America and for the rights of Soviet Jews in their struggle for freedom. As an essential part of its work, JWV works to promote greater understanding between the United States and Israel.

Mr. President, Jewish War Veterans of the United States recognizes the necessity of aiding men and women in need, especially those who have answered our country's call. I find it entirely appropriate that we recognize such meritorious service. I wholeheartedly support this bill to honor and pay tribute to Jewish War Veterans of the United States, whose deeds unquestionably deserve a national charter.●

IMF'S COMPENSATORY FINANCING FACILITY

● Mr. McCLURE. Mr. President, I rise today to bring to the attention of my colleagues an interesting and timely article written by my good friend, Mr. Charles F. Barber, of ASARCO, Inc. Mr. Barber's concerns recently appeared in the American Banker and relate to the operation of the International Monetary Fund's compensatory financing facility.

As many of us know, the compensatory financing facility was originally established in 1963. It was intended to provide balance-of-payments assistance expeditiously to members adversely affected by temporary export-revenue shortfalls largely attritutable to circumstances beyond their control. On paper, this design appears to make a great deal of sense. Unfortunately, as Mr. Barber points out, recent uses of this facility have not been as responsive to prevailing conditions in the market for the commodity concerned. His example in the copper market indicates that the IMF action may have aided Codelco—the Chilean Government-owned copper company—as it was designed. However, it also had an adverse effect on the price of copper. Not only did this depressed price have an adverse effect on domestic producers but it also seriously affected other lesser developed, LDC's, producers. The IMF was then called upon to bail out other LDC's producers as well. If the IMF's initial action mitigated further action would not the copper market have been better off if the IMF had not taken any action at all?

Mr. Barber is not suggesting anything drastic. However, his suggestion is the same as mine. The rules of compensatory financing should be reviewed and access to the facility should be more responsive to prevailing conditions in the market for the commodity concerned.

I ask that the article by Mr. Barber be printed in the Record.

The article follows:

[From the American Banker, Sept. 27, 1983]

Compensatory Financing Rules Can Be Counterproductive

(By Charles F. Barber)

Under existing rules, the IMF's compensatory financing facility may operate in a perversely counterproductive manner. The availability of compensatory finance—by underwriting export revenues—may encourage unneeded production of a commodity during periods of reduced demand and low prices.

The IMF resources committed to the compensatory financing facility are substantial. If these same resources were available to compensate for the reduction of uneconomic supply in appropriate cases, the result would benefit foreign exchange earnings of all producing countries and assist rather than impede the restoration of market balance.

The compensatory financing facility was originally established in 1963. It was intended to provide balance of payments assistance expeditiously to members adversely affected by temporary export revenue shortfalls largely attributable to circumstances beyond their control. It has been expanded and liberalized over the years and now provides exporters of primary commodities up to 100% of quota when export earnings fall.

According to an IMF study, this was equivalent to about 7% of 1979 export earnings for a sample of 74 countries. The amounts available under the compensatory financing facility are additional to the amounts of balance-of-payments assistance under the regular credit tranches and other facilities of the IMF. The funds are intended to be made available quickly and with low conditionality. The IMF staff must be satisfied only that export earnings from primary commodities have fallen temporarily and that the circumstances are beyond the control of the exporter.

THE CASE OF COPPER

The perverse consequences of the compensatory financing facility under the existing rules have been dramatically demonstrated over the last several years in the case of copper. Copper is a strongly cyclical commodity. Consumption tends to have a functional relation to the durables component of free world gross national product (GNP).

Recession in the industrialized countries is translated directly to reduced demand for copper and lower prices. Copper is traded on terminal exchanges in London and New York and in dealer markets throughout the world. History teaches that a small shortage creates a disproportionate increase in price and, conversely, modest surplus creates a disproportionate decrease in price.

The period since the last quarter of 1981 and continuing to date has, without question, been the most difficult of times for the copper industry since the worst of the Depression years. In 1982, copper sold at prices, in real terms, not seen since 1933. The average price of copper for the year was below the costs of production of all but a handful of the world's producing mines.

It was a time for restraint-in-production decisions and called for severe adjustments in the interest of corporate survival. A private sector company can continue to operate at a loss only so long as it has access to cash to meet its payroll. In fact, adjustments by private sector producers have been substantial. It was a period of cutting costs, reducing staff, and, in the case of marginal and unprofitable mines, admitting failure and shutting them to stem continuing losses. Also some major producers curtailed output to conserve reserves and avoid accumulation of stocks.

In the United States alone, these actions resulted in 1982 in a 25% reduction of mine production of copper from the 1981 level.

By contrast, the production policy of less-developed countries (LDC) copper producers was to maintain or increase production. Under the existing IMF rules, the revenues of the government-owned producers from the export of copper for which there were no industrial customers were, in effect, underwritten buy the IMF compensatory financing facility.

One example will illustrate the point. In 1982, Codelco, the Chilean government-owned company and the largest copper producer in the world, increased production by more than 15%, or 139,000 tons, to a level well above the previous peak in 1979. Then, Chile went to the IMF and arranged a loan under the compensatory financing facility in the amount of $327,000,000 to compensate it for loss of export revenues primarily because of the low price of copper. That is equal to the value of 221,000 tons of copper, or about 3% of Free World production at the 1982 average London Metal Exchange (LME) price of 67.1 cents per pound.

If Codelco had more sensitively adjusted its production policy to the needs of the market, or if its eligibility for an IMF credit had depended on a responsive business plan, the market price of copper would have been higher and substantial losses of revenues would have been avoided not only for Chile but for all other producers of copper as well, among them some of the most needy LDCs. Anyone familiar with the copper market would confirm that Chile's production decision was an important cause of the extremely low price of copper in 1982.

As a result of the extremely low price of copper, the IMF was called on to bail out the other LDC producers of copper as well. Zambia, Zaire, Peru, and Papua-New Guinea (Bougainville) together have drawn $586,000,000 under the IMF's compensatory financing facility, their right to do so being based primarily on the low price of copper and its by-products, to which their own production decisions have contributed significantly.

In the case of Chile, Codelco and government officials explained Chile's production decision on the ground that Codelco's operations as a whole were profitable. They also stated that Chile had substantial ore reserves and that the depressed markets provided an opportunity to force higher-cost mines elsewhere in the world to shut down. Many did, particularly in North America. Should this form of predatory economic behavior be financed by the IMF? In this instance, it was.

Stabilization of commodity prices has been a main objective of various initiatives under the United Nations Conference on Trade and Development (UNCTAD). Over the last 10 years, more that a dozen international meetings have been held by the UNCTAD copper group to examine various schemes designed to moderate price fluctuations in the case of copper. To date, there have been no visible results. Meanwhile, the IMF compensatory finance facility has operated at cross-purposes.

Experience suggests that effective price stabilization schemes for the major metals are unlikely to be seen or, if attempted, to endure for very long. Thus, it appears that the responsibility for constructive response to market realities will continue to rest on individual producers acting in their own self-interest.

If the strongest producers of any metal ignore market realities in times of reduced demand, they ensure a prolongation of market imbalance and continuing loss of revenues for themselves and all other producers. If financing available from the IMF relieves such producers from the necessity of dealing with market realities, the result is a destabilizing rather than a stabilizing influence on the markets.

WHAT TO DO

The rules of the compensatory financing facility should be reviewed and access to the facility be conditioned on the submission by the member of a business plan responsive to prevailing conditions in the market for the commodity concerned.

For example, the IMF could be authorized to permit members to draw from the compensatory financing facility an amount equivalent to the revenues foregone by not producing (or not exporting) an agreed amount of copper. Such agreements would be formulated on a case-by-case basis. This would be in contrast to the present rules which penalize a member when production is curtailed or stocks are withheld from the market because such action is intentional and not beyond the control of the member.

Something like the foregoing was done by the IMF in the case of sugar. Under the 1977 International Sugar Agreement, exporting members are required to hold a prescribed minimum amount of stocks so long as prices are below an agreed level. Under the IMF buffer stock facility, members are permitted to draw an amount corresponding to the export earnings foregone by constituting such stocks.

For copper, the counterproductive consequences of financing uneconomic production during periods of severe recession in demand are great. The same may be true as to other eligible commodities during comparable periods. A thorough study of the possible use of the compensatory financing facility as an instrument to assist in the management of supply in appropriate cases would be timely and in the interest of all member countries.

An initiative by the IMF to undertake such a study would be especially timely right now. The financing by the IMF of uneconomic production of copper by its member countries has had the effect of shifting to U.S. producers and U.S. workers a disproportionate share of the burden of adjustment to the fall in aggregate demand for copper.

The debates and the restrictive amendments offered and approved in the authorization bills of both the Senate and House of Representatives prove that this consequence has been a significant impediment to the approval by the Congress of the $8.9 billion U.S. share of the proposed $43.3 billion increase in the capital base of the IMF.●

ORDER TO PLACE H.R. 2785 ON THE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of H.R. 2785, the Insecticide, Fungicide, and Rodenticide Act, and that it be placed on the calendar.

Mr. BYRD. Mr. President, there is no objection to the first request regarding the discharging of the committee and there is no objection to the second request.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE ACT OF 1978

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2077.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2077) entitled "An Act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes", with the following amendment:

In lieu of the matter inserted by said Senate amendment, insert: That (a) section 5948(d) of title 5, United States Code, is amended—

(1) by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1985"; and

(2) by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

(b) Section 3 of the Federal Physicians Comparability Allowance Act of 1978 is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

SEC. 2. (a) The Office of Personnel Management shall study and, within 12 months after the date of enactment of this Act, submit to each House of the Congress a report on the effect which section 5383(b) of title 5, United States Code (relating to the maximum aggregate amount payable to a member of the Senior Executive Service in a fiscal year) has had with respect to recruitment, retention, and morale of career appointees in the Senior Executive Service.

(b) Section 3135(a)(7) of title 5, United States Code, is amended to read as follows:

"(7) for the preceding fiscal year, by agency—

"(A) the number of performance awards, and the number of ranks, conferred, as well as the respective aggregate amounts paid for such awards and ranks;

"(B) the percentage of career appointees in such agency who received any such award, and the percentage who received any such rank; and

"(C) the name of each individual who received any such award or rank, the award or rank received, and a brief summary of the reasons why such individual was selected;".

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendment with a further amendment of the Senate. I send that amendment to the desk in behalf of myself and the distinguished junior Senator from New Mexico (Mr. BINGAMAN).

AMENDMENT NO 2504

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for himself and Mr. BINGAMAN, proposes an amendment numbered 2504.

Mr. STEVENS. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted by the amendment of the House of Representatives, on page 1 insert the following:

TITLE I—PHYSICIANS COMPARABILITY ALLOWANCE

SHORT TITLE

SEC. 101. This title may be cited as the "Federal Physicians Comparability Allowance Amendments of 1983".

EXTENSION OF AUTHORITY

SEC. 102. (a) The second sentence of section 5948(d) of title 5, United States Code, is amended to read as follows: "No agreement shall be entered into under this section later than September 30, 1987, nor shall any agreement cover a period of service extending beyond September 30, 1989.".

(b) Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1989".

PAY OF CERTAIN FEDERAL PHYSICIANS FOR FISCAL YEAR 1982

SEC. 104. (a) Notwithstanding section 5383(b) of title 5, United States Code, the aggregate amount paid for fiscal year 1982 under sections 4507, 5302, 5384, and 5948 of such title to an individual specified under column I below may exceed the amount of the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such fiscal year by not more than the amount specified under column II below opposite the name of such individual:

Column I:	Column II:
Dr. Larry Silver	$1,988.66
Dr. Louis Sokoloff	$5,988.66
Dr. Ichiji Tasaki	$1,488.66
Dr. Paul D. Parkman	$1,455.46
Dr. Allan Forbes	$1,680.91
Dr. Roscoe Brady	$1,488.66
Dr. Martin Cummings	$3,988.66
Dr. Manning Feinleib	$1,488.66
Dr. D. C. Gajdusek	$1,488.66
Dr. Carl Kupfer	$1,988.66
Dr. Toichiro Kuwabara	$1,488.66
Dr. Lester Salans	$1,488.66
Dr. Henry Webster	$1,488.66

(b) Subject to the limitation on the aggregate amounts computed under subsection (a), the amount of any overpayment paid for fiscal year 1982 (as determined under section 5383(b) of title 5, United States Code) and collected during fiscal years 1982 and 1983 from any individual specified in subsection (a) shall be paid to such individual.

(c) For the purposes of the Internal Revenue Code of 1954, any amounts paid for fiscal year 1982 under subsections (a) and (b) of this Act shall be deemed to have been paid on the date such amounts would have been paid but for the limitation set forth in section 5383(b) of title 5, United States Code.

TITLE II—FEDERAL EMPLOYEES RETIREMENT ADJUSTMENT

SHORT TITLE

SEC. 201. This title may be cited as the "Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983".

STATEMENT OF POLICY

SEC. 202. It is the policy of the Government—

(1) that the amount required to be contributed by employees and officers of the Government who are also required to pay employment taxes relating to benefits under title II of the Social Security Act for service performed after December 31, 1983, be modified until the date on which such employees and officers are covered by a new Government retirement system (the design, structure, and provisions of which have not been determined on the date of enactment of this Act) or January 1, 1986, whichever is earlier;

(2) that the Treasury be required to pay into such retirement systems the remainder of the amount such employees and officers would have contributed during such period but for the temporary modification;

(3) that the employing agencies make contributions to the retirement systems with respect to such service in amounts required by law in effect before January 1, 1984, without reduction in such amounts;

(4) that such employees and officers accrue credit for service for the purposes of the public retirement systems in effect on the date of enactment of this Act until a new Government retirement system covering such employees and officers is established;

(5) that any annuity payable under any present public retirement system based in any part on service which is performed after December 31, 1983, and before January 1, 1986, and for which employment taxes relating to benefits under title II of the Social Security Act are paid be offset by the amount of any benefits payable under such title with respect to such service;

(6) that such employees and officers who are first employed in civilian service by the Government or first take office in civilian service in the Government on or after January 1, 1984, be transferred to such new Government retirement system as may be established for employees and officers of the Government on or after January 1, 1984, and before January 1, 1986; and

(7) that credit for service performed after December 31, 1983, by such employees and officers be transferred to such new Government retirement system.

DEFINITIONS

SEC. 203. (a) For the purposes of this title—

(1) the term "covered employee" means any individual whose service is covered service;

(2) the term "covered retirement system" means—

(A) the Civil Service Retirement and Disability System under subchapter III of chapter 83 of title 5, United States Code;

(B) the Foreign Service Retirement and Disability System under chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.);

(C) the Central Intelligence Agency Retirement and Disability System under the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note); and

(D) any other retirement system (other than a new Government retirement system) under which a covered employee who is a participant in the system is required to make contributions to the system in an amount equal to a portion of the participant's basic pay for covered service, as determined by the President;

(3) the term "covered service" means service which is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 by reason of the amendments made by section 101 of the Social Security Amendments of 1983 (97 Stat. 67); and

(4) the term "new Government retirement system" means any retirement system which (A) is established for officers or employees of the Government by or pursuant to a law enacted after December 31, 1983, and before January 1, 1986, and (B) takes effect on or before January 1, 1986.

(b) The President shall publish the determinations made for the purpose of subsection (a)(2)(D) in an Executive order.

CONTRIBUTION ADJUSTMENTS

SEC. 204. (a) An employing agency shall deduct and withhold only 1.3 percent of the basic pay of a covered employee under—

(1) section 8334 of title 5, United States Code;

(2) section 805 of the Foreign Service Act of 1980 (22 U.S.C. 4045);

(3) section 211 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note); or

(4) any provision of any other covered retirement system which requires a participant in the system to make contributions of a portion of the basic pay of the participant, for covered service which is performed after December 31, 1983, and before January 1, 1986. Deductions shall be made and withheld as provided by such provisions in the case of covered service which is performed on or after January 1, 1986, and is not subject to a new Government retirement system.

(b) Employing agencies of the Government shall make contributions with respect to service to which subsection (a) of this section applies under the second sentence of section 8334(a)(1) of title 5, United States Code, the second sentence of section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)), the second sentence of section 211(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note), and any provision of any other covered retirement system requiring a contribution by the employing agency, as if subsection (a) of this section had not been enacted.

AMORTIZATION OF CONTRIBUTION DEFICIENCY

SEC. 205. (a) For the purposes of this section, the term "contribution deficiency", when used with respect to a covered retirement system, means—

(1) the excess of the total amount which, but for section 204(a), would have been deducted and withheld under a provision referred to in section 204(a) from the basic pay of covered employees who are subject to such retirement system for service to which section 204(a) applies, over

(2) the total amount deducted and withheld from the basic pay of covered employees for such service as provided in section 204(a).

(b) At the end of each of fiscal years 1984, 1985, and 1986, the head of each agency administering a covered retirement system—

(1) shall determine the amount of the contribution deficiency incurred during such fiscal year in the case of such covered retirement system; and

(2) shall notify the Secretary of the Treasury of the amount of such contribution deficiency.

(c) An amount equal to the amount of the contribution deficiency incurred with respect to a covered retirement system in any fiscal year shall be credited to the fund established for the payment of benefits under such covered retirement system in thirty equal annual installments beginning at the end of such fiscal year, as provided in subsection (d).

(d) Before closing the accounts for each of fiscal years 1984 through 2015, the Secretary of the Treasury shall credit to each fund to which subsection (c) applies, as a Government contribution, out of any money in the Treasury not otherwise appropriated, an amount equal to the total of the amounts of the annual installments of the contribution deficiencies required by subsection (c) to be credited to such fund in such fiscal year.

(e) Amounts credited to a fund pursuant to subsection (c) shall be accounted for separately from amounts credited to such fund pursuant to any other provision of law.

OFFSET OF SOCIAL SECURITY BENEFITS

SEC. 206. (a)(1) Section 8339 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(o)(1) Any annuity of a retired employee or Member which is computed under subsection (a), (b), (c), (d), (e), (g), or (n) of this section and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such retired employee and is attributable to such service.

"(2) For the purpose of paragraph (1) of this subsection, the portion of the amount of the benefits which is payable under title II of the Social Security Act to an individual and is attributable to service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be determined by—

"(A) computing the amount of such benefits, including credit for such service;

"(B) computing the amount of such benefits, if any, without including credit for such service; and

"(C) subtracting the amount computed under clause (B) of this paragraph from the amount computed under clause (A) of this paragraph.".

"(2) Section 8341 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) The annuity of any individual which is provided by and computed under this section and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such individual and is attributable to such service, computed as provided in section 8339(o)(2) of this title.".

(b)(1) Section 806 of the Foreign Service Act of 1980 (22 U.S.C. 4046) is amended by adding at the end thereof the following new subsection:

"(m)(1) The annuity of any individual which is computed under this section and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such individual and is attributable to such service. The reduction under this subsection shall be calculated before any reduction under section 814(a)(5).

"(2) For the purpose of paragraph (1), the portion of the amount of the benefits which is payable under title II of the Social Security Act to an individual and is attributable to service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be determined by—

"(A) computing the amount of such benefits including credit for such service;

"(B) computing the amount of such benefits, if any, without including credit for such service; and

"(C) subtracting the amount computed under clause (B) from the amount computed under clause (A).".

(2) Section 814 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The annuity of a former spouse which is computed under this section and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such former spouse and is attributable to such service, computed as provided in section 806(m)(2).".

(c) Part C of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end thereof the following new subsection:

"SEC. 223. (a) The annuity of any individual which is computed under this part and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such individual and is attributable to such service. In the case of an annuity computed under section 221, the reduction under this subsection shall be calculated before any reduction under section 222(a)(4).

"(b) For the purpose of subsection (a), the portion of the amount of the benefits which is payable under title II of the Social Security Act to an individual and is attributable to service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be determined by—

"(1) computing the amount of such benefits including credit for such service;

"(2) computing the amount of such benefits, if any, without including credit for such service; and

"(3) subtracting the amount computed under clause (2) from the amount computed under clause (1).".

(d)(1) Notwithstanding any other provision of law, for the purposes of any covered retirement system to which an amendment made by subsection (a), (b), or (c) does not apply, the annuity of any individual which is computed under such system and is based, in any part, on service to which section 204(a) applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such individual and is attributable to such service. In the case of an annuity of a participant or former participant, of a surviving spouse or child of a participant or former participant, or of any other person designated by a participant of former participant to receive an annuity under the covered retirement system (other than a former spouse) the reduction under this subsection shall be calculated before any reduction in such annuity provided under such system for the purpose of paying an annuity under such system to any former spouse of the participant or former participant based on the service of such participant or former participant.

(2) For the purpose of paragraph (1), the portion of the amount of the benefits which is payable under title II of the Social Security Act to an individual and is attributable to service to which section 204(a) applies shall be determined by—

(A) computing the amount of such benefits including credit for such service;

(B) computing the amount of such benefits, if any, without including credit for such service; and

(C) subtracting the amount computed under clause (B) from the amount computed under clause (A).

TRANSFER OF CREDIT TO NEW RETIREMENT SYSTEM

SEC. 207. (a) Any covered employee who first becomes employed in civilian service by the Government or first takes office in civilian service in the Government on or after January 1, 1984, shall be transferred to such new Government retirement system as may be established.

(b) In the case of any covered employee who is subject to a covered retirement system on or after January 1, 1984, and thereafter becomes subject to a new Government retirement system—

(1) credit for the service of such employee to which section 204(a) applies shall be transferred from such covered retirement system to the new government retirement system for the purposes of the new Government retirement system; and

(2) such service shall be considered not to be creditable service for the purposes of such covered retirement system,

effective on the date on which such employee becomes subject to such new Government retirement system.

DEPOSIT REQUIREMENTS

SEC. 208. (a)(1)(A) Notwithstanding any other provision of law, the covered service of any covered employee who is employed by the Government on December 31, 1983, and retires (other than by reason of a disability) entitled to an annuity under a covered retirement system after such date and before the earlier of the date on which a new Government retirement system takes effect or January 1, 1986, shall be considered in computing the amount of such annuity only if such covered employee makes a deposit for such covered service as provided in subparagraph (B).

(B) For the purposes of subparagraph (A), a covered employee to whom such subparagraph applies shall make a deposit (for the covered service to which such subparagraph applies) to the credit of the applicable covered retirement system in an amount equal to the excess of the amount required by law (without regard to section 204(a)) over the amount which was deducted and withheld from the basic pay of such covered employee for such service pursuant to section 204(a) and was not refunded to such covered employee.

(2) Paragraph (1) does not require a deposit to the credit of a covered retirement system for the purpose of considering covered service in computing the amount of a survivor annuity under such system in the case of a covered employee who dies during a period of continuous service in the employment of the Government beginning on or before December 31, 1983.

(b)(1) If a new Government retirement system is not established, the covered service of a covered employee shall be considered, notwithstanding any other provision of law, in determining entitlement to and computing the amount of an annuity under a covered retirement system based on the service of such covered employee only as provided in paragraph (3).

(2) If a new Government retirement system is inapplicable to a covered employee who is employed by the Government on December 31, 1983, and retires (other than by reason of a disability) subject to a covered retirement system after the date on which such new government retirement system takes effect the covered service of such covered employee shall be considered, notwithstanding any other provision of law, in determining entitlement to and computing the

amount of an annuity under a covered retirement system only as provided in paragraph (3).

(3) The covered service of a covered employee to whom paragraph (1) or (2) applies shall be considered for the purposes of such paragraph only if such covered employee deposits to the credit of the applicable covered retirement system an amount equal to the excess of—

(A) the total amount which would have been deducted and withheld from the basic pay of such covered employee for such covered service under such covered retirement system but for the application of section 204 (a), over

(B) the amount which was deducted and withheld from such basic pay for such covered service pursuant to section 204(a) and was not refunded to such covered employee.

Mr. STEVENS. Mr. President, my amendment has two major sections to it. One, it reauthorizes the Federal physicians comparability allowance program for 4 more years. This provision already passed the Senate. The House language currently authorizes the program for 2 years. The second section will establish an interim retirement solution for the new Federal hires who will be required to pay both the social security and civil service retirement contributions beginning in January 1984. As many Members recall during the social security debate earlier this year, Federal employees hired after January 1984, will be required to pay the social security tax. This situation leaves these individuals in an unenviable position of being required to pay both social security and civil service retirement which will amount to approximately 14 percent of payroll. I think that most people would agree that this is an exorbitant amount of money to pay for a retirement plan.

The General Accounting Office studied this problem and reported to our committee 2 months ago describing the serious problems the Federal Government would face in recruitment of Federal employees under this dual contribution arrangement. GAO highlighted a few agencies such as the National Institutes of Health, NASA, and other agencies requiring technical expertise and the difficulties that these agencies would find in recruiting the needed personnel. GAO also pointed out that most agencies would find it very difficult to recruit clerical personnel who cannot afford the extra deductions from their paycheck. GAO recommended four options to resolve this situation. This amendment incorporates a variation on one of those recommendations.

The amendment temporarily reduces the new hires contributions to the civil service retirement program to give us time to design and establish a new retirement program for these individuals. The general idea is to reduce the new hires' contribution to the civil service program to 1.3 percent salary. Since these individuals will be paying the full social security contribution, which will amount to 6.7 percent of salary next year, the additional 1.3 percent toward civil service retirement will make them generally comparable with current employees who are required to pay the full civil service contribution plus the medicare tax which is 1.3 percent of salary. This reduction in contributions will last only until January 1986, or the establishment of a new program, whichever is earlier. If no new plan is established before January 1986, these new hires will be required to pay the full civil service retirement contribution, and to receive credit for their prior years under this interim solution, they will have to pay the full amount back into the retirement fund.

It is my intention, however, to introduce major retirement legislation establishing a new retirement program for these new hires in early 1985. It is hoped to see a plan established by late 1985. I want to make it absolutely clear that the provisions of this interim solution will in no way prejudge the eventual design and provisions of the final plan. We are currently involved in a very extensive study of private and public retirement programs utilizing the services of all of the congressional support agencies plus a number of private sector firms. Once that study is completed, it is my intention to draft legislation that would establish a new retirement program. However, I again want to state that we do not yet have any particular idea as to what this retirement program will look like.

I ask unanimous consent to have printed in the RECORD a sectional analysis of this amendment as well as a CBO estimate of the cost of this legislation. I want to point out that the only cost of the legislation is the loss of revenues to the Government in that these new employees will not be contributing the full retirement contribution during this period.

There being no objection, the material ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., November 4, 1983.

To: Jamie Cowen.
From: Sherri Kaplan.
Subject: Temporary Reduction in CSR Contributions for Newly Hired Federal Employees—Preliminary Estimate.

As you requested, the following table shows the net effect on the deficit of reducing contributions to CSR from newly hired federal employees, from 7 percent of pay to 1.3 percent of pay. The estimate, consistent with your telephone request, assumes newly hired employees who terminate their federal employment over the three-year period would not be allowed to receive a refund of their contributions. Further, the provisions are expected to expire January 1986.

[By fiscal years, in millions of dollars]

	1984	1985	1986
Revenues	−70	−230	−115
Outlays	[1]	−15	−15
Net effect on the deficit	+70	+215	+100

[1] Less than $5,000,000.

The intrabudgetary transactions, although affected by this temporary measure, would not have any net impact on the deficit and, as you requested, are not included in this estimate. It should be noted that the numbers are subject to change depending on specific bill language.

As always, I am available to answer any questions you might have.

SECTIONAL ANALYSIS OF THE FEDERAL EMPLOYEES' RETIREMENT CONTRIBUTION TEMPORARY ADJUSTMENT ACT OF 1983

Section 1 states that the Act may be cited as the "Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983".

Section 2 is a statement of the policy of this legislation. It generally provides that employees of the federal government who for the first time will be covered under the Social Security Act beginning in January of 1984 will temporarily be relieved of the full contribution amount to the various federal retirement systems. Instead, they will contribute, in addition to the social security amount, 1.3 percent to the retirement system covering them. This provision will terminate at the earlier of enactment of a new retirement plan or January 1, 1986.

It also provides that the government will assure continuing contributions be made into the retirement funds to keep the funds solvent. It also states that once a new plan is established covering employees hired after January of 1984, such employees will be transferred to the new program. Finally, any benefits received during the interim period will be offset by any social security benefits received.

Section 3 is a list of definitions. The two important definitions are "covered retirement system" and "covered service".

Covered retirement system means the Civil Service Retirement Program, the Foreign Service Retirement Program, the Central Intelligence Agency Retirement Program, and any other federal retirement program which includes employees who will for the first time be required to make social security payments beginning in January of 1984 and who also are currently required to make contributions to a retirement program.

Covered service means service which beginning in January of 1984 is considered employment for the purposes of the Social Security Act.

Section 4 calls for reducing employees' required contributions to their retirement programs to 1.3% of basic pay. It also requires that agencies continue to contribute the full employee contribution to the retirement programs as they do under current law.

Section 5 provides that the Treasury will directly appropriate to the retirement funds the remainder of the employee's contribution which the employees are not paying. Those amounts will be amortized over a 30-year period.

Section 6 provides that any benefit received under the retirement programs during this interim period such as survivor and disability benefits will be offset dollar-for-dollar by any social security benefits received for the same purpose attributable to the interim period.

Section 7 provides that any federal employee hired after January of 1984 and who becomes covered under the Social Security System shall be transferred to the new government retirement system when that system is established. All credit accrued under the current retirement programs shall be transferred to the new program and such credit shall be terminated for benefit purposes under the current retirement programs.

Section 8 provides that those employees who are currently employed in the federal government but who also will be covered under the social security program shall only be entitled to a benefit based upon service during this interim period if they make the full deposit under the program as required by law. The two exceptions are for an employee who becomes entitled to a disability benefit or who dies during service and whose survivor becomes entitled to a benefit. In these cases, a redeposit is not necessary.

It also provides that if a new retirement program is not enacted by January 1, 1986, those employees hired during the interim period will be required to redeposit full contributions to the respective retirement funds to gain credit under the current retirement programs for the interim period.

Mr. DOMENICI. Mr. President, I support the amendment offered by the senior Senator from Alaska, Senator Stevens. The amendment provides an equitable solution to the problem of new Federal employees who, under current law, must make full contributions to both social security and civil service retirement.

As my colleagues know, the bipartisan social security reform compromise mandated social security coverage for all new Federal employees. It did not, however, relieve these employees of the responsibility of contributing to civil service retirement. Many Members of the Senate, including myself, feel this is unjust.

Beginning January 1, 1984, new Federal employees will be required to pay 6.7 percent of salary for social security and medicare and 7 percent for civil service retirement. This situation is clearly unfair. New Federal employees should not be asked to pay 13.7 percent of salary—about double what everyone else pays—for retirement protection. Further, such dual contributions would seriously impede the ability of the Federal Government to compete with other employers for talented and capable people. This has been well documented by a General Accounting Office study.

When the Senate debated the social security reform package, Senator Long offered an amendment to correct this defect in the legislation. This amendment provided that new Federal employees would not be required to join the social security system until a supplemental pension plan was put into place. Governmental employees would thus have pension benefits comparable to workers in the private sector; they would have a company retirement plan in addition to social security benefits.

The Senate accepted this amendment. Unfortunately, the House of Representatives did not accept it, and it was dropped from the bill during conference. I think this was a mistake. If we want to correct this mistake, we must do something immediately. In 8 weeks, this law takes effect unless we act. In only 2 weeks we are scheduled to adjourn sine die. This gives us only 9 working days.

Congress and the President need to correct this inequity now. Senator Stevens' amendment represents a compromise that is fair to present and future Federal employees.

Under this amendment, new Federal employees, who will be covered under social security beginning in January 1984, would be temporarily relieved of contributing the full amount to the Federal retirement system. They would contribute the full amount to social security and 1.3 percent to the Federal retirement system. This provision would terminate at the enactment of a new retirement plan or January 1, 1986, whichever comes first.

The Government would continue to make contributions to the Federal retirement fund to keep it solvent. Once a new plan was established for employees hired after January 1984, such employees would be transferred to the new program. No one would receive any unearned, windfall benefits. Any benefits received by new retirees during the interim period would be offset by any social security benefits received for the same period.

There are several elements in this proposal that this Senator commends.

First, it relieves new Federal employees of the burden of contributing in full to both retirement systems. This also helps the Federal Government recruit and retain high-caliber employees.

Second, it assures current and future retirees that the current civil service retirement trust fund will remain whole, despite the reduction in the contribution rate for new employees.

Third, it provides consistency in the amount of retirement contributions made by current employees and new employees.

Mr. President, the distinguished Senator from Alaska has developed a compromise package that improves a very unfair situation. The compromise is acceptable to Federal workers and retiree groups and to the administration.

I urge my colleagues to support this amendment.

Mr. BINGAMAN. Mr. President, I fully support the amendment offered by the Senator from Alaska (Mr. Stevens). I commend the Senator for his efforts in addressing a most serious problem which faces the Federal Government at this time. The amendment provides for temporary retirement coverage for those Federal employees hired after January 1, 1984. Newly hired Federal employees hired on or after January 1, 1984, will be temporarily covered by both social security and the civil service retirement system. This will result from the passage of the Social Security Amendments of 1983 (Public Law 98-27) which provided social security coverage for all newly hired Federal employees, including former employees who are rehired after a break in service of 1 year or more.

The Stevens amendment provides that employees of the Federal Government who for the first time will be covered under social security, beginning on January 1, 1984, will be temporarily relieved of the full contribution amount to the various Federal retirement systems. Such employees would be required, under the amendment, to contribute 1.3 percent of salary to the retirement system, in addition to contributing to social security. This provision, under the amendment, would terminate at the earlier of enactment of a new supplemental civil service retirement system or on January 1, 1986. These employees would be fully covered under the retirement system for this temporary period.

The amendment also provides that the Government will assure continuing contributions be made into the retirement trust funds to keep the funds solvent. The amendment also provides that once a permanent plan is established covering new employees hired after January 1, 1984, such employees will automatically be covered under such plan and receive credit for their prior service under such plan. Another provision of the amendment would require that any retirement benefits received during the interim period will be offset by any social security benefits received.

An analysis of the effect of requiring new Federal employees to be temporarily covered by both social security and civil service retirement was completed by the General Accounting Office on August 31, 1983. According to GAO:

> (T)he extra contributions to be required of new employees would place the Government at a competitive disadvantage because of the substantial reduction in take-home pay thus adversely affecting recruitment and retention efforts.

As a result, GAO recommends resolution of this problem prior to January 1, 1984, in order to relieve new employees of the unnecessary burden of contributing to both systems.

These sentiments were echoed during the September 14, 1983, hearing held by the Subcommittee on Civil

Service, Post Office and General Services by the witnesses, which included representatives of the Office of Personnel Management, and various Federal employee organizations. Without objection, I ask unanimous consent that the testimony of the fund for assuring an independent retirement (FAIR) on this subject be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

[See Exhibit 1.]

Mr. BINGAMAN. Through the deligent work of Senator STEVENS and his staff, a solution to this dual coverage problem, which is embodied in the Senator's amendment has been reached and is supported by all parties involved. I believe this is an equitable solution to this very complex problem, created by the Social Security Amendments of 1983. Newly hired employees will be relieved of the burden of having to pay into both systems. Such new employees will receive retirement survivor and disability protection as members of the retirement system. Further, the civil service and other Federal retirement systems which provide primary retirement protection to an estimated 2.7 million civil servants and millions more of their family members will be maintained financially.

I support this amendment and I urge its adoption.

EXHIBIT 1

TESTIMONY OF FUND FOR ASSURING AN INDEPENDENT RETIREMENT (FAIR)

Mr. Chairman. On behalf of the President and Chairman of the Board, Vincent Sombrotto, we appear here today as representatives of FAIR—Fund for Assuring an Independent Retirement. Recently, the 26 member organizations voted unanimously to continue FAIR as a voluntary coalition of unions and employee organizations concerned with legislative issues affecting all active and retired federal and postal employees. At its June 7, 1983 Board of Directors meeting, new officers were elected: Vincent Sombrotto, Chairman of the Board and President; Kimberly C. Parker, Secretary; and Jerry Klepner, Treasurer. My name is Jerry Klepner. With me this morning are Kimberly C. Parker, Secretary of FAIR, and George Gould, Chairman of FAIR's Legislative Committee.

We are here today at your invitation to discuss FAIR's position on the situation facing new federal and postal employees hired on or after January 1, 1984. Under the present law, they will be required to pay 7% into Civil Service Retirement and an additional 7% into Social Security.

As usual, Mr. Chairman, it is a pleasure to appear before you and your Subcommittee. We appreciate the interest you have always shown and continue to show in the welfare of all government employees and retirees. We realize the Chairman's time constraint, therefore, our statement is as short as possible. With your permission, if necessary, we request the opportunity to submit additional testimony for the record.

Mr. Chairman, as a coalition representing federal and postal employees, we anticipated problems that could arise if Social Security coverage was extended to new government employees. During the debate on the Social Security bill this year, on many occasions we took the opportunity to express our concerns that there would be a dichotomy between new and present employees. That situation becomes a reality on January 1, 1984.

If a solution can be developed to resolve this dichotomy, we as a coalition of 26 federal and postal unions and employee organizations believe that any such solution must meet certain tests to be viable, workable and acceptable.

And, if a solution is indeed going to be enacted into law, it is essential it is agreed to by all interested parties.

Mr. Chairman, there are few, if any, Members of Congress more knowedgeable in the legislative process than you. In dealing with issues as sensitive as this one, it necessitates a consensus. To reach that consensus it is necessary to thoroughly communicate among the involved parties. That is why we appreciate these hearings which give us the opportunity today to work with you and your staff on this issue.

Given that opportunity, we would like to discuss briefly some tests that must be met if a solution is to be achieved. These tests are consistent with FAIR's position since its inception; any variation from this runs contrary to that historical perspective.

First, contributory funding for the Federal retirement trust funds must continue. It is essential that there be no interruption and no reduction in those contribution levels. Continuing contributions insure that all options remain available, and insure the financial solvency and integrity of the Federal retirement trust funds.

Second, there must be equity between new employees and present employees. Inequities in contribution levels could result in personnel problems, declining morale, and drops in productivity. To have two employees at the same pay level, doing the same job and yet one contributing 7% toward Civil Service Retirement, and the other contributing 7% to Civil Service Retirement and 7% to Social Security, is inherently inequitable.

For the government to work effectively, it must be able to attract and retain qualified employees. As employee and retiree organizations, we are concerned with the welfare of current employees and retirees whom we represent.

As organizations dealing with the business of government, we are also concerned that post-1983 hires be treated fairly. And, that there be no fragmentation of the federal workforce.

Mr. Chairman, we welcome the opportunity to work with you and your staff to develop a solution to the dichotomy between new and current federal and postal employees.

I will be more than happy to answer any questions you may have.

The PRESIDING OFFICER. Is there further discussion on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2504) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, may I inquire of my good friend whether he would be able to concur in a motion I would like to make to ask unanimous consent that the Senate go into executive session in order to consider nominations on pages 2 and 3, of the Executive Calendar and those on the Secretary's desk, page 4.

Mr. BYRD. There is no objection on this side of proceeding with the nominations on page 2, page 3, and page 4 as requested by the distinguished majority leader.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed into executive session to consider the nominations on pages 2 and 3, and those placed on the Secretary's desk, on page 4.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

Mr. STEVENS. Mr. President, I ask unanimous consent that the nominations on pages 2 and 3 and those placed on the Secretary's desk listed on page 4 be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Thomas J. Curran, of Wisconsin, to be U.S. district judge for the eastern district of Wisconsin.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Raphael D. Tice, 509-26-9886, U.S. Army (retired).

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Richard A. Miller, U.S. Navy.

The following-named officer to be placed on the retired list in the grade of commodore, in accordance with article II, section 2, clause 2 of the Constitution:

To be commodore

Capt. Grace Hopper, U.S. Naval Reserve (retired).

NATIONAL MEDIATION BOARD

Robert Oberndoerfer Harris, of the District of Columbia, to be a member of the National Mediation Board.

Helen M. Witt, of Pennsylvania, to be a member of the National Mediation Board.

Nominations Placed on the Secretary's Desk in the Air Force, Navy

Air Force nominations beginning Thomas E. Cedel, and ending Mark D. Williams, which nominations were received by the Senate and appeared in the Congressional Record of October 18, 1983.

Air Force nomination of Robert S. Williams, which was received by the Senate and appeared in the Congressional Record of October 27, 1983.

Air Force nominations beginning John B. Kenney, and ending Mary A. Blaubach, which nominations were received by the Senate and appeared in the Congressional Record of October 27, 1983.

Navy nominations beginning Scott A. Rudowski, and ending Steven A. Fertig, which nominations were received by the Senate and appeared in the Congressional Record of October 18, 1983.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed en bloc.

Mr. BYRD. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE COMMITTEE ON THE BUDGET TO HAVE UNTIL MIDNIGHT SUNDAY, NOVEMBER 6, 1983, TO FILE A REPORT ON THE OMNIBUS RECONCILIATION ACT OF 1983

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on the Budget be given authority to file the bill entitled "The Omnibus Reconciliation Act of 1983," and the report to accompany the bill, until 12 midnight on Sunday, November 6, 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, November 7, 1983, the reading of the Journal be dispensed with, that no resolutions come over under the rule, that the call of the calendar be dispensed with, and, following the recognition of the two leaders under the standing order, with their time being limited to 5 minutes each, that there be a special order in favor of the Senator from Alaska (Mr. MURKOWSKI) for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business not to exceed 5 minutes in length with Senators permitted to speak therein for not more than 2 minutes each, provided further that the morning hour shall be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 10 A.M. MONDAY, NOVEMBER 7, 1983

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I move that the Senate adjourn in accordance with the previous order.

The motion was agreed to; and, at 6:14 p.m., the Senate adjourned until Monday, November 7, 1983, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 4, 1983:

Department of State

Joan M. Clark, of New York, a career member of the Senior Foreign Service, class of Career Minister, to be Assistant Secretary of State for Consular Affairs, vice Diego C. Asencio.

Ambassador

James E. Goodby, of New Hampshire, a career member of the Senior Foreign Service, class of Minister-Counselor, for the rank of Ambassador during the tenure of his service as U.S. Representative to the Conference on Confidence on Security Building Measures and Disarmament in Europe.

Department of State

Sol Polansky, of the District of Columbia, a career member of the Senior Foreign Service, class of Minister-Counselor, for the rank of Ambassador during his tenure of service as vice chairman of the U.S. delegation to the Strategic Arms Reductions Talks (START) and Department of State Representative.

African Development Foundation

A. C. Arterbery, of California, to be a member of the Board of Directors of the African Development Foundation for a term of 6 years (new position).

Department of Labor

Francis X. Lilly, of Maryland, to be Solicitor for the Department of Labor, vice T. Timothy Ryan, Jr., resigned.

Environmental Protection Agency

Joseph A. Cannon, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, vice Kathleen M. Bennett, resigned.

Commodity Futures Trading Commission

Willian E. Seale, of Virginia, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 1988, vice James M. Stone, term expired.

International Monetary Fund

Mary Kate Bush, of New York, to be U.S. Alternate Executive Director of the International Monetary Fund for a term of 2 years, vice Charles H. Dallara, resigned.,

Federal Emergency Management Agency

Samuel W. Speck, Jr., of Ohio, to be an Associate Director of the Federal Emergency Management Agency, vice Lee M. Thomas.

Foreign Service

The following-named persons of the agencies indicated for appointment as career members of the Senior Foreign Service of the classes stated, and also for any other appointments indicated:

For appointment as a career member of the Senior Foreign Service of the United States of America, class of career minister:

Department of State

Paul H. Boeker, of Ohio.

For reappointment in the Foreign Service as a career member of the Senior Foreign Service, class of minister-counselor, a consular officer, and a Secretary in the Diplomatic Service of the United States of America:

Agency for International Development

C. William Kontos, of Illinois.

For appointment in the Foreign Service as a career member of the Senior Foreign Service of the United States of America, class of minister-counselor:

Department of State

Allan M. Labowitz, of Virginia.

For reappointment in the Foreign Service as a career member of the Senior Foreign Service, class of counselor, a consular officer, and a Secretary in the Diplomatic Service of the United States of America:

Agency for International Development

William R. Brown, of Ohio.

For appointment as career members of the Senior Foreign Service, class of counselor, consular officers, and Secretaries in the Diplomatic Service of the United States of America:

Department of State

Dempsey B. Mizelle, of Maryland.

James E. Young, of Tennessee.

The following-named persons of the agencies indicated for appointment as Foreign Service officers or Foreign Service Information officers of the classes stated, and also for the other appointments indicated herewith:

For reappointment as a Foreign Service officer of class 2, a consular officer, and a Secretary in the Diplomatic Service of the United States of America:

Department of State

James Thomas Schollaert, of Virginia.

For appointment as Foreign Service officers of class 2, consular officers, and Secretaries in the Diplomatic Service of the United States of America:

Department of State

Raymond J. Gonzales, of California.

Department of Commerce

Stephen C. Arlinghaus, of New Jersey.

For appointment as Foreign Service Information officers of class 2, consular officers, and Secretaries in the Diplomatic Service of the United States of America:

William F. Brent III, of Virginia.

Herman W. Henning, Jr., of California.

Willie Holmes, of the District of Columbia.

For reappointment as Foreign Service officer of class 3, a consular officer, and Secretary in the Diplomatic Service of the United States of America:

Department of Agriculture

Larry M. Senger, of Washington.

For appointment as Foreign Service officers of class 3, consular officers, and Secretaries in the Diplomatic Service of the United States of America:

Department of State

Jacquelyn Owens Briggs, of Michigan.
Nicholas MacNeil, of Virginia.
Barbro A. Owens, of the District of Columbia.

For appointment as Foreign Service information officers of class 3, consular officers, and secretaries in the diplomatic service of the United States of America:

Miriam Ruth Caravella, of Maryland.
Cynthia Jean Farrell, of New York.
Gail Milissa Grant, of Missouri.
Susan C. Kirkby, of Maryland.
Kiki Skagen Munshi, of California.

For reappointment in the Foreign Service as a Foreign Service officer of class 4, a consular officer, and a secretary in the diplomatic service of the United States of America:

Department of State

Louis Anthony McCall, of Ohio.

For appointment as Foreign Service officers of class 4, consular officers, and secretaries in the diplomatic service of the United States of America:

Department of State

Pamela E. Bridgewater, of Maryland.
Karen S. Brown, of Indiana.
Harlan K. Cohen, of Connecticut.
William Craig Davidson, of Texas.
Glyn Townsend Davies, of Wyoming.
John Joseph Foarde III, of Virginia.
Roger M. Freeman, Jr., of California.
Douglas C. Greene, of Florida.
William James Haugh, of California.
Carol C. Heineck, of Alabama.
David Milton Hess, of Texas.
Ravic Rolf Huso, of Virginia.
Cherie J. Jackson, of Colorado.
Clyde L. Jardine, Jr., of Georgia.
Frances Thornton Jones, of North Carolina.
Jerrold I. Keilson, of the District of Columbia.
J. Christian Kennedy, of Indiana.
Mark Raymond Kennon, of New York.
Robert G. Loftis, of Colorado.
Scott R. Loney, of Michigan.
Lili Ming, of New Jersey.
David Daniel Nelson, of South Dakota.
Deborah Mary Odell, of the District of Columbia.
Steven S. Olson, of California.
Jacqueline Ratner, of New York.
Ronald Sinclair Robinson, of Virginia.
Gail Aragon Thompson, of New York.
Linda Carol Turner, of Washington.
Lawrence Arthur Walker, of California.
Stephen Duffus Weiss, of Texas.
Mark Franklin Wong, of Maryland.
Stephen Markley Young, of New Hampshire.

For appointment as Foreign Service information officers of class 4, consular officers, and secretaries in the diplomatic service of the United States of America:

Amelia Fitzjohn Broderick, of Wisconsin.
Christian Filostrat, of New York.
Salomé Hernández, of California.
Patricia D. Norman, of California.

The following-named members of the Foreign Service of the Departments of State and Commerce, to be consular officers and/or secretaries in the diplomatic service of the United States of America, as indicated:

Consular officers and secretaries in the diplomatic service of the United States of America:

Pendleton Agnew, of Virginia.
Susan E. Alexander, of Washington.
Robert Allena, of New Jersey.
Karen S. Amelang, of Nebraska.
Ralph D. Anske, of Texas.
Lauren Alisa Austin, of Virginia
Dorothy H. Baird, of Texas.
Robert D. Banks, of Massachusetts.
Shirley Elizabeth Barnes, of New York.
John H. Bauman, of South Carolina.
James A. Becker, of Connecticut.
Russel A. Bikoff, of New York.
Eric Christopher Botts, of Texas.
Thurmond H. Borden, of Texas.
Leo J. Bourne, of Florida.
Robert E. Brill, Jr., of Florida.
Samuel Vincent Brock, of Florida.
Benjamin N. Brown, Jr., of Delaware.
Bruce B. Brown, of Illinois.
Jane Burt-Lynn, of the District of Columbia.
David A. Bustamante, of Virginia,
Beatrice A. Camp, of Virginia.
Michele C. Campbell, of Ohio.
Lynn L. Cassel, of Alaska.
Jorge I. Casteleiro, of Virginia.
Vivian A. Casteleiro, of Virginia.
Howard D. Clark, of Virginia.
Peter R. Claussen, of South Dakota.
Cheryl A. Conradis, of Florida.
Joanne M. Cotter, of Virginia.
Loretta De Wald De Busk, of Maryland.
Paul Denig, of Iowa
Velia M. De Pirro, of Connecticut.
Donna Marie DiPaolo, of Virginia.
Bruce E. Donahue, of Wisconsin.
James P. Doran, of New Jersey.
Jon Peter Dorschner, of Arizona.
Thomas J. Dowling, of Michigan.
Gregory B. Elftmann, of the District of Columbia.
Hilbert C. Engelhardt, of Maryland.
Henry S. Ensher, of California.
Luis Espada-Platet, of Virginia
George L. Evans, of Ohio.
Trevor J. Evans, of Washington.
Alberto M. Fernandez, of Arizona.
James Brendan Foley, of New York.
Mark Foulon, of Washington.
D. Jean Gardner, of the District of Columbia.
Gregory L. Garland, of North Carolina.
Jose Gustavo Garriga, of New York.
Mark A. Gedansky, of California.
Elizabeth Cobb Gelderloos, of New Jersey.
Sabre Gilmartin, of Calfornia.
Mary Ellen T. Gilroy, of New York.
Anne J. Greer, of Pennsylvania.
Gene R. Harris, of Texas.
Nancy M. Hedin, of California.
Joseph Ernest Howard, of Colorado.
Jerry Wayne Jacobs, of Missouri.
Keith N. Jacobson, of New York.
Richard E. Jaworski, of Michigan.
Bradley C. Johnson, of Oregon.
Stephen K. Keat, of New York.
Margaret Ellen Keeton, of Iowa.
Martha Novick Kelley, of Virginia.
Charles S. King, of California.
Diana M. Kitt, of Washington.
Steven F. Koenig, of California.
Philip Scott Kosnett, of California.
Andrew C. Koss, of Maine.
Merrill Marie Krainess, of California.
Craig Kuehl, of New York.
John W. Kunstadter, Jr., of the District of Columbia.
Jerry Powell Lanier, of North Carolina.
John J. LeClair, of Vermont.
Hon K. Lee, of New York.
Vicki Y. Lee, of California.
Sally L. Lindover, of Massachusetts.
Margaret L. Long, of Massachusetts.
Laura R. Luftig, of California.
James Patrick McAnulty, of Virginia.
Alexander MacPherson, of Virginia.
Candace H. Mathewson, of Oregon.
John A. Merante, of New York.
Gary R. Meyer, of California.
Michael J. Montgomery, of Michigan.
James Daniel Moore, Jr., of California.
Luis Guillermo Moreno, Jr., of New York.
Hilary Olsin-Windecker, of California.
Adrienne S. O'Neal, of Minnesota.
William Henry Owne, of New York.
Phillip T. Parkerson, of Georgia.
Anne Ware Patchell, of Florida.
Charlotte R. Peterson, of Maryland.
Delia C. Pitts, of the District of Columbia.
Cristina Mary Poulter, of Virginia.
Elizabeth Pryor, of the District of Columbia.
Martin Quinn, of Pennsylvania.
Marguerita Dianne Ragsdale, of Virginia.
Philip N. Remler, of New Jersey.
Christopher R. Riche, of Washington.
Thomas Lee Roberts, of Massachusetts.
Jack D. Robinson, of Washington.
Daniel A. Russell, of Maine.
Donald G. Ryan, of Ohio.
Kendall S. Schaefer, of North Carolina.
John K. Scholsser, of California.
Ellen M. Schubert, of the District of Columbia.
Larry Schwartz, of Washington.
Claudia H. Serwer, of New York.
Lisa J. Shapiro, of Minnesota.
Adnan A. Siddiqi, of New York.
Hampton David Smith III, of Virginia.
Robert H. Smith, of Washington.
Timothy Smith, of Florida.
Janet Gail Speck, of the District of Columbia.
Anthony J. Spicer, of California.
Laurel Steele, of California.
William Robert Steigelmann, of New Jersey.
Anne V. Stenzel, of Ohio.
Paul M. Stombaugh, Jr., of New Jersey.
Roy F. Sullivan, of Texas.
Donald Terpstra, of Texas.
James B. Thomas, of Wisconsin.
Robert D. Thomas, of Maryland.
Earl R. Tomlinson, of Texas.
Kathleen Tormey, of Georgia.
Mary Mitchell Tracy, of Virginia.
Charles D. Trotter, of Texas.
Gary L. Vanderheiden, of Illinois.
Robert Earl Whitehead, of Michigan.
Mary A. Whitten, of California.
James H. Williams, of Virginia.
Dennis S. Wolf, of Ohio.
Paul D. Womer, of Massachusetts.
Meredith W. Woodruff, of Oklahoma.
Allen William Yale, of Connecticut.
Robert T. Yamate, of California.
Paul R. Zalucky, of Illinois.

Consular Officer of the United States of America:

Stanley M. McGeehan, Jr., of Maine.
David A. Peterson, Jr., of Arizona.
Anthony Psaromatis, of Illinois.

Secretaries in the Diplomatic Service of the United States of America:

John J. Bodson, of Florida.
Laron Lee Jensen, of Virginia.

In the Army

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3353:

MEDICAL CORPS

to be colonel

Balboni, Filippo A., 072-30-5131
Begtrup, Robert O., 341-34-8792
Fardal, Richard W., 502-26-5765
Gottesfeld, Stuart, 522-42-7517
Hughes, John R., 168-22-6033
Kurke, Lewis, 055-30-1104
Loeb, Richard, 116-26-1718
Moore, John G., 469-34-6493
Morgan, James O., 419-20-9790
Newman, James C., 535-22-9052
Riley, Richard F., 225-38-6166
Tew, John M., Jr., 240-58-7928
Wilkie, Louis J., 165-20-3734

MEDICAL CORPS

To be lieutenant colonel

Bescos, Jess F., 292-38-6757
Blanchard, Bernard, 223-25-7203
Cahill, Charles A., 390-26-7465
Chi, Sun Hwan, 468-44-0451
Chopra, Joginder G., 153-30-9297
D'Agostino, V., 547-52-2896
Dank, Gerald M., 087-24-3286
Donahoo, Stanley, 552-38-4828
Dutt, Nihar, 561-26-4830
Farrell, Kevin J., 090-32-4529
Gonnella, Gino R., 151-26-3244
Gryczko, Gerald A., 189-30-7086
Henwood, Wesley C., 537-26-3589
Hilbun, Glyn R., 428-68-9968
Hoffman, Dalton, 204-26-8559
Jenkins, Michael H., 543-34-5393
Karshner, Paul H., 533-28-6977
Law, Milton, 566-30-9632
Manalac, Fernando J., 055-34-5589
Meyer, John F., 395-14-2218
Oliver, David A., 409-68-7348
Rodriquez, Francisco, 583-01-4315
Sakuri, Hideki, 215-42-7521
Singer, Irwin, 089-20-8346
Stein, Martin G., 071-32-2598
Teng, Pin Kie, 202-32-6971
Williams, Charles, 437-56-8990
Yang, Hong-Yi, 444-46-8984

IN THE ARMY

The following-named officers for appointment under automatic integration in the Regular Army of the United States, in promotion grade major, under the provisions of section 531, 532, and 533, title 10, United States Code:

Clark, Tommy A., 451-76-0371
Hatch, Larry G., 543-42-1622
Lach, Michael S., 336-36-1021

The following-named officers for appointment in the Regular Army of the United States under the Defense Officer Personnel Management Act (DOPMA), in their active duty grades, under the provisions of section 531, 532, and 533, title 10, United States Code:

To be lieutenant colonel

Anderson, Donald, 017-34-6513
Crotty, Richard E., 074-24-6063
Friend, Peter K., 577-48-6104

To be major

Deal, Buck, 231-52-9060
Fredo, John W., 216-50-3409
Hamilton, Richard A., 307-44-7229

The following-named cadets, graduating class of 1983, U.S. Military Academy, for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of section 531 and 4353, title 10, United States Code:

Allen, Clinton, 559-23-7172
Cox, Daniel A., 019-48-7180
Hopson, Mark J., 032-48-9396
Klein, Richard F., 214-70-5711
Myers, Mary B., 225-78-7725
Neason, Clarance, 435-04-6980
Richey, Stephen W., 070-56-3285
Stephany, Jeffrey, 172-54-6956
Sullivan, Michael T., 157-52-8440
Williams, Darryl A., 228-96-1008

CONFIRMATIONS

Executive nominations confirmed by the Senate November 4, 1983:

NATIONAL MEDIATION BOARD

Robert Oberndoerfer Harris, of the District of Columbia, to be a member of the National Mediation Board for the term expiring July 1, 1986.

Helen M. Witt, of Pennsylvania, to be a member of the National Mediation Board for the term expiring July 1, 1985.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Thomas J. Curran, of Wisconsin, to be U.S. district judge for the eastern district of Wisconsin.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Raphael D. Tice, 509-26-9886, U.S. Army (retired).

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Richard A. Miller, 150-18-2838/1310, U.S. Navy.

The following-named officer to be placed on the retired list in the grade of commodore, in accordance with article II, section 2, clause 2 of the Constitution:

To be commodore

Capt. Grace Hopper, U.S. Naval Reserve (retired), 162-26-3869, 1509.

AIR FORCE

Air Force nominations beginning Thomas E. Cedel, and ending Mark D. Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 18, 1983.

Air Force nomination of Robert S. Williams, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of October 27, 1983.

Air Force nominations beginning John B. Kenney, and ending Mary A. Blaubach, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 27, 1983.

IN THE NAVY

Navy nominations beginning Scott A. Rudowski, and ending Steven A. Fertig, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 18, 1983.

EXTENSIONS OF REMARKS

GREAT LAKES STRATEGY NEEDED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. DINGELL. Mr. Speaker, as one who has been and continues to be vitally concerned about the economic, social, and environmental health of my district and my State, I also am concerned about the well-being and vitality of the entire Great Lakes region. Even a cursory examination of the entire severe problems facing Michigan, Ohio, Indiana, Illinois, Wisconsin, and Minnesota—the six westernmost Great Lakes States—clearly demonstrates how closely allied they are in many ways. Recently, to his great credit, a Michigan business leader reached the same conclusion.

In a speech presented before his Minneapolis Downtown Kiwanis Club last June 7, Walter J. McCarthy, Jr., chairman of the board and chief executive officer of the Detroit Edison Co., called for the creation of a combined effort by midwestern industrial, labor, agricultural, social and governmental communities, designed to alleviate some of the socioeconomic problems existing within the region. Unlike other industries, utilities cannot migrate out of those areas which they serve. Accordingly, Mr. McCarthy attempts to utilize the expertise he has gained from years of managing a major business enterprise in Michigan during its recent most severe recession to solve some of the similar problems facing the region.

We realize in Michigan that our economic stability and growth are inexorably tied to the economic welfare of the region and to the economic climate within our neighboring sister States. As Mr. McCarthy correctly observes, "If Michigan doesn't sell cars, Minnesota doesn't sell iron ore." And neither, for that matter, do Ohio, Indiana, Illinois, and Wisconsin process that ore into iron, steel cars and trucks.

New and dramatic strategies must be developed collectively for the mutual benefit of our vital Great Lakes region. We can no longer afford segmented, State-by-State approaches to regional problems and opportunities. We must actively strive for workable solutions of short- and long-term benefit to the entire region.

I recommend Mr. McCarthy's remarks to my colleagues who share my concern for the viability of the Great Lakes States and other areas of the country with common problems and interests. Further, I commend and strongly endorse plans by Mr. McCarthy and Detroit Edison—along with other leaders from business, labor, education, agriculture, and government—to convene the Congress, on the Economic Future of the Great Lakes States in Detroit, Michigan on November 21 and 22, 1983.

This is clearly an idea whose time has come and one which developed as a direct result of the remarks which follows:

EXCERPTS FROM "A GREAT LAKES STRATEGY—CAN WE MAKE IT WORK?" PRESENTED BY WALTER J. MCCARTHY, JR., CHAIRMAN AND CHIEF EXECUTIVE OFFICER DETROIT EDISON TO THE MINNEAPOLIS DOWNTOWN KIWANIS CLUB, JUNE 7, 1983

The Great Lakes region competes with other areas of the country. Not just for industry and talent, but for federal funds as well . . . and we're coming out far behind our rivals in the sunbelt and the west in that regard.

Current analysis shows that the sunbelt . . . gets back one dollar and ten cents in federal spending for every tax dollar it sends to Washington.

The west . . . which has received huge amounts in federal funds for its water reclamation projects . . . gets back one dollar and six cents.

In the Great Lakes region . . . where we sorely need the help . . . we get back just seventy-nine cents in federal spending for each tax dollar we generate. That shortage of 21 cents on the dollar figures out to a net deficit for our states of 33 billion dollars a year, according to the latest available data.

I might add that my own State of Michigan is the biggest loser of all the 50 states. We get back the munificent sum of 68 cents on the dollar!

Should we contiue to accept such second-class treatment?

Our manufacturing industries are greatly under-utilized. Unemployment is running at more than 14 percent—although Minnesota fares better than its sister states, with unemployment of only about 10 percent. But the end result is that our economic fates are tied together. If Michigan doesn't sell cars, Minnesota doesn't sell iron ore!

I honestly believe that if the Great Lakes region as a whole does not develop some standard, workable plan to improve its present socio-economic climate . . . and chart a long-range course for its collective future . . . then no single state within our region will flourish at its former high level.

Many of us . . . as we plan for the orderly development of our businesses . . . our cities . . . our schools . . . look continually to Washington for clues about national policy, and how that policy will impact our various undertakings.

We see the results of planning deficiencies in virtually every area of government involvement that affects our lives . . . although defense planning may be an exception. I am told that in defense, the various departments and agencies have projections and contingencies to the nth degree. Even there, though, I suspect much of the planning is undermined by the obvious absence of planning in most non-defense areas.

We see this lack of planning—and certainly a striking lack of success—in trade policy, which fluctuates widely and often . . . in corporate and individual tax policies . . . in education . . . in environmental matters . . . in the social security system. And I see it especially in energy, where . . . in my view . . . no kind of reasonable policy has ever existed. . . .

We're all familiar with one example of our overall planning malaise.

Our nation's steel industry is not on a par with those of Japan and some other countries. Not because we are less technologically capable, or less prudent, or less forward-thinking than our foreign counterparts. But because in some nations . . . like Japan . . . the steel-makers, the financial community and steel's end-use customers all work and plan together . . . and besides that they can count on consistent policies from their governments.

The result is that . . . with reasonable certainly . . . they can make the enormous capital commitments required to bring new, highly productive plants on line. They have the advantage of knowing where their nation wants to go!

In our country, a new steel mill requires roughly half a decade from conception to production . . . and the cost can run as high as five billion dollars. Imagine the dilemma our steel executives face in trying to determine the impact of government policies and regulations on that plant five or more years out . . . or what the impact of other policies and regulations will be on the economy in which the plant will be operating.

In my own industry, a new fossil-fueled plant involves a decade or more of planning, complying, designing, financing, construction and start-up. A nuclear plant takes even longer. Again, the expenditures we must make to increase capacity and attain higher productivity are measured in billions of dollars . . . and the lack of certainty as to the future course of government can make that investment a risky one indeed! . . .

I said earlier that there are two things we see when we look at Washington today.

The first is an almost total lack of long-range planning.

The second is much different. It's evidence of a very great opportunity. In my mind, we dare not overlook it . . . despite our frenzy over current economic woes . . . because it has not presented itself to us in a long time.

There is undeniable evidence that our federal government is loosening its regulatory grip in many areas . . . backing off on some of its well-meaning but constricting controls. In the process, it is offering the private sector an opportunity to step in and correct many of society's problems through its own initiatives.

I believe . . . as some of you probably do, too . . . that business' stepping aside on issues too often in the past, is the very reason government has so deeply and pervasively immersed itself in our lives.

I also believe that many of the economic and social problems rampant in our region

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

today . . . stem largely from the inharmonious ways in which the various segments of our society function. I think we have grown too segmented in our many areas of special interest, and need to re-shape our thinking in that regard. The historic divisions between business and labor, church and state, government and the courts, have become convenient shields for us to hide behind.

Let's consider our own Great Lakes, which comprise ninety-five percent of this nation's surface water. They provide us with water to drink . . . to use in our manufacturing and energy processes . . . in Maritime Commerce.

They offer an abundant fishery . . . a wealth in tourism . . . recreation for our families.

If these lakes become contaminated . . . should we lease that problem solely to a government? Should we shrug it off to a single-interest environmental group, with which we have no affiliations or input? Or should we, ourselves, volunteer our minds and our energies to examine the facts and help find a remedy based on responsible thinking . . . a remedy which considers all groups and all people . . . which can be accomplished without distressing parts of our economy, or doing selective disservice to some of our citizens . . . which, in short, is consistent—rather than in conflict—with other objectives of society.

Shouldn't we in business . . . labor . . . education . . . the clergy . . . local government . . . band together to examine causes and find ways to make our urban areas once again viable, attractive and productive? Can't we form conclusions based on regional analysis and develop uniform policies which can benefit all of our cities in the Great Lakes region?

I think we can . . . if we act cooperatively and commit ourselves to participating in the necessary dialogue and action.

I'm thinking more of ways to examine various economic and social problems within our region . . . to develop ways to remove them . . . and to ensure that they stay away in the future.

I'm thinking of the niche problems in our industries . . . of the related and pervasive spectre of unemployment . . . of educational institutions which seem to be missing the mark in training those who will take our places.

I'm thinking of problems with air and water quality . . . with housing . . . with transportation . . . with things that can be measured in dollars, and with things we must measure instead on some kind of intangible scale that gauges the quality of life.

I'm thinking of a long-range plan, which will give us guidance in charting our own destinies . . . which will help our region reindustrialize . . . recommercialize . . . and pursue economic growth and social development along the lines we deem mutually beneficial.

I know that many groups already exist in the Great Lakes area to address particular elements of the convoluted problems facing us. As far as I can determine, though, they work quite independently of each other, with little in the way of a united approach. And, as I suggested before, we are well behind other regions of the country in even this rudimentary effort at collaboration.

The structures and processes for developing a regional strategic planning mechanism would result from the dynamic interchange of ideas within our exploratory framework. Yet, I can already speculate on some of the ways in which we might proceed.

As mentioned, I can envision our institutions of higher learning becoming involved . . . perhaps specializing in areas where they have particular strengths.

I can see the teaming of efforts between labor and business representatives in the areas of compensation . . . job displacement . . . worker retraining . . . worker compensation insurance . . . productivity . . . and many others.

I see these and other developments as constructive and logical ways to correct many of the underlying elements which have cast a pall of insecurity over much of our region.

Together, I believe, we could pinpoint the many problems which impede us . . . which make our futures unclear. Our minds could collectively develop ways to overcome those problems . . . not just to cosmetize, or apply splints, or poke fingers into dikes . . . but to ensure sound development and improvement of the entire Great Lakes region for the long term.

Let's prove to our rivals in the South and West . . . and to our Government in Washington . . . that the Great Lakes states can develop an important strategy for growth and progress . . . and yes . . . we can make it work.●

REAGAN AND GRENADA

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. KASICH. Mr. Speaker, even as our troops are being withdrawn from Grenada, we continue to learn more about the circumstances that prompted President Reagan to send troops to that tiny Caribbean island. And as we hear the facts about the dangerous situation that American medical students faced, and the extent to which Grenada had become a Cuban military base, the more justifiable our actions become.

In an editorial this week, the Columbus Citizen Journal presents a forceful case in support of the President's decision. I commend it to my colleagues for their attention.

[From the Columbus Citizen-Journal, Nov. 2, 1983]

REAGAN AND GRENADA

President Reagan has been bolstered by the facts in defending his military intervention in Grenada.

Immediately after he sent armed forces to the island, the president cited three main reasons for his action: to protect endangered U.S. citizens, to restore law and order and to dismantle a Soviet-Cuban military base that was threatening Grenada's small, democratic neighbors.

Opponents of the invasion scoffed that Reagan's concern for the 1,000 Americans there was a cover for gunboat diplomacy. However, most of the medical students airlifted out said they had feared for their lives, were short of food and water under the shoot-on-sight curfew and had worried about being taken hostage.

In addition, U.S. officials say American forces found documents in a Cuban military installation that show the Grenadian junta and Cuban advisers were considering holding Americans hostage in the near future.

Unless those officials are lying, which we doubt, Reagan moved in time to prevent an Iran-style hostage crisis that could have embarrassed and weakened the United States.

The 1,100 armed Cubans found on the Island constituted a force large enough to dominate such a small country. And the enormous cache of anti-aircraft guns, AK-47 rifles, mortars, anti-tank guns, trucks and advanced communications gear—enough to equip 10,000 men—supports Reagan's charge that Cuba was about to use Grenada as a base for regional subversion.

The British Commonwealth is planning a multinational peacekeeping force to replace the Americans and to supervise free elections in which the 100,000 Grenadians can decide their future.

If things work out that way, Grenadians will enjoy rights they never would have had under the murderous thugs who terrorized them in recent weeks.

While politicans argue over Reagan's decision to send troops to Grenada, it is useful to ponder the views of a Grenadian journalist who watched events unfold on the island.

Alister Hughes is a former businessman who reports for the Caribbean News Agency and the Associated Press.

He was arrested Oct. 19, the day that ousted Grenadian Prime Minister Maurice Bishop was freed from house arrest by his followers. Later Bishop was killed by soldiers loyal to those who overturned his government.

Describing those events, Hughes said thousands of Bishop's supporters were fired on by the army. "They were defenseless—and at that stage we were back in the jungle," he said.

Speaking of the American-led takeover, he said: "I don't regard it as an invasion, but as a rescue operation. I haven't met any Grenadian who expressed any other view."●

PRESIDENT REAGAN AND MRS. KING ON MARTIN LUTHER KING'S BIRTHDAY: COMMEMORATING THE CIVIL RIGHTS REVOLUTION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. KEMP. Mr. Speaker, yesterday President Reagan signed into law a national holiday honoring Martin Luther King, Jr. I strongly supported this bill, which passed Congress overwhelmingly, and I proudly attended the signing ceremony.

Dr. King was not content with the abstract truth that all men are created equal. He believed that abridgements of the civil rights of Americans must be eliminated. His life was dedicated to the belief that the reality of daily life as well as our ideals should reflect the equality and brotherhood of all people.

Dr. King knew, and I agree with him, that we cannot complete the American Revolution until we complete and commemorate the civil rights revolution. We must guarantee basic human rights for all Americans

and remove the barriers that stand in the way of people being what God meant them to be. This national holiday is an important additional step towards realizing this goal, by insuring that we never forget the eternal truths that lie at the center of our political order.

I commend to my colleagues the following remarks by President Reagan and Coretta Scott King on this ocassion.

[From the New York Times, Nov. 3, 1983]

REMARKS BY REAGAN AND CORETTA SCOTT KING

MR. REAGAN

Martin Luther King was born in 1929, in an America where, because of the color of their skin, nearly one in 10 lived lives that were separate and unequal.

In a nation that proclaimed liberty and justice for all, too many black Americans were living with neither.

In one city, a rule required all blacks to sit in the rear of public buses.

But in 1955, when a brave woman named Rosa Parks was told to move to the back of the bus, she said "No."

A young minister in a local Baptist church, Martin Luther King, then organized a boycott of the bus company, a boycott that stunned the country.

Within six months the courts had ruled the segregation of publc transportation unconstitutional.

In the years after the bus boycott, Dr. King made equality of rights his life's work. Across the country, he organized boycotts, rallies and marches.

Often, he was beaten, imprisoned, but he never stopped teaching nonviolence.

In 1964, Dr. King became the youngest man in history to win the Nobel Peace Prize.

Dr. King's work brought him to this city often. And in one sweltering August day in 1963, he addressed a quarter of a million people at the Lincoln Memorial.

If American history grows from two centuries to 20, his words that day will never be forgotten. "I have a dream that one day on the red hills of Georgia, the son of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood."

In 1968, Martin Luther King was gunned down by a brutal assassin, his life cut short at the age of 39.

But those 39 short years had changed America forever.

Now our nation has decided to honor Dr. Martin Luther King Jr. by setting aside a day each year to remember him and the just cause he stood for.

We've made historic strides since Rosa Parks refused to go to the back of the bus.

But traces of bigotry still mar America. So each year on Martin Luther King Day, let us not only recall Dr. King, but rededicate ourselves to the commandments he believed in and sought to live every day. "Thou shalt love thy God with all thy heart and thou shall love thy neighbor as thyself."

And I just have to believe that all of us, if all of us, young and old, Republicans and Democrats, do all we can to live up to those commandments, then we will see the day when Dr. King's dream comes trues, and in his words, "All of God's children will be able to sing with new meaning, 'Land where my fathers died, land of the pilgrims' pride, from every mountainside, let freedom ring.'"

Thank you, God bless you, and I will sign it.

MRS. KING

All right-thinking people, all right-thinking Americans are joined in spirit with us this day as the highest recognization which this nation gives is bestowed upon Martin Luther King Jr.

In his own life example, he symbolized what was right about America, what was noblest and best, what human beings have pursued since the beginning of history.

He was in constant pursuit of truth and when he discovered it, he embraced it. His nonviolent campaigns brought about redemption, reconciliation and justice.

May we make ourselves worthy to carry on his dream and create the love community.●

PAYMENT-IN-KIND PROGRAM

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. JONES of Tennessee. Mr. Speaker, I take this opportunity to once again bring to the attention of my colleagues the serious nature of the administrative problems now being brought to light with regard to the Agriculture Department's payment-in-kind program.

The current issue of the Delta Farm Press carries a headline article which very well states in detail the seemingly endless number of foulups which have been committed by the USDA in its feeble attempt to carry out the PIK program.

In my opinion, the Reagan administration made a serious mistake in bypassing the Congress when it was formulating its policies and procedures for the PIK program. This is especially unforgivable now that we learn the PIK program is going to cost American taxpayers an unbelievable $11 to $12 billion. I hope we have all learned a lesson from the failures of PIK, and that is, that the Department of Agriculture and the Congress and the agricultural community must do a better job of coordinating our efforts as we begin to build a farm policy which will carry us through the remainder of the eighties. I applaud the Delta Farm Press for having the courage to examine the PIK program and speak out on just what a disaster it has been. I recommend the article to all my colleagues, and request that it be printed following my remarks.

[From the Delta Farm Press, Oct. 28, 1983]

PIK DELIVERY FOULED UP BY REAGAN PEOPLE

Nobody ever said that the "shoot from the hip" PIK program would be easy to carry out, but the monumental task of getting the commodities to farmers is obviously proving to be more than the Reagan Administration can handle.

Although Argriculture Department officials has more than six months to prepare for the distribution of payment-in-kind, this is the situation to date:

A large number of rice growers still have not received certificates of entitlement for "crop swap" that were due in August and September.

LONG DISTANCE STORAGE

Many of those who have been waiting for several weeks for payment on PIK rice that is stored hundreds of miles away—much of it in California—rather than in nearby elevators as promised.

Farmers in the Midwest and parts of the Southeast are being given corn of a substantially lower grade and quality than listed on their Commodity Credit Corporation Form 477-1, PIK entitlement.

Most of the producers in the mid-section of the Cotton Belt will be at least a month late in receiving their PIK because of difficulties stemming from the government's controversial Plant-for-PIK program.

The lengthy delays are costing farmers millions of dollars in interest and carrying charges on loans they had planned to pay off on their PIK delivery dates.

BANKERS QUESTIONING

"We had set up several of our notes to come due in August," said Larry LeJeune, a rice and soybean farmer in Elton, La.

"We even made them for August 15 rather than August 1 (the entitlement date for PIK rice in south Louisiana) in case of a slight for delay. Boy, that was a laugh."

LeJeune had farms with four Agricultural Stabilization and Conservation Service serial numbers signed up in the rice PIK.

The situation on the first was relatively simple. The rice was stored in a local elevator and he said the certificate of entitlement shortly after receiving it on September 18.

NO CERTIFICATE

On the last, the farmer knows he is due 1,107 barrels of rice that are stored in an elevator in California. (A barrel is 162 pounds.) But he had not received the certificate of entitlement for it as of October 21.

Part of the reason for the lengthy delays, for LeJeune and others has been the difficulty the Commodity Credit Corporation has had in getting a handle on rice supplies available for crop swap.

Although signup for the program was completed last March 11, it was obvious that as late as August USDA officials still did not know how much rice was due farmers or how much they had in investory.

In July, ASCS staff members were telling growers in Louisiana and Mississippi that shortages of PIK rice in their area would be made up with Arkansas long grain rice.

RICE SHUFFLE

(Texas producers already had been informed that much of their payment-in-kind would have to come from medium grain stocks in California.)

A few weeks later, however, ASCS officials learned they didn't have enough Arkansas rice for growers in other Mid-South states. They announced a drawing would be held to determine which farmers would be required to take medium grain rice from California.

That was the first drawing. Then ASCS discovered additional rice in transit and a second was held. And then a third.

"What gets me is that from April on, they knew they had to get their inventory in shape for distributing the payment-in-kind," said LeJeune. "But as best we can tell they didn't start doing anything about it until July."

PERSONNEL CUTBACKS

In the ASCS' defense, it should be said that some elevators didn't report the transfer of rice into the government inventory until late July.

Another problem was that the Reagan Administration cut thousands of jobs in the ASCS staff to help reduce their deficit in 1981 and 1982 and then saddled it with administering the largest government transfer of commodities in history.

Those facts are of little comfort to LeJeune and thousands of other farmers who have had to extend farm loans and pay interest penalties because their payment-in-kind wasn't available when they expected it.

"The most upsetting thing to me has been that I am supposed to fulfill my part of the contract to the letter," said LeJeune. "But the Administration can take its own sweet time on its part."

PRICE LOSS

The delays not only have caused farmers difficulties with their lenders, but they also are losing money on the price end as well.

The medium grain rice, lower grade yellow corn and short staple cotton many growers are being forced to accept simply are less desirable for marketers.

"The government is compensating farmers who have to take California rice by offering them more medium grain, but those who have been able to sell it are still coming out short," said Larry Fruge, a buyer for Farmers Rice Mill in Lake Charles, La.

"Many of our growers are feeling mistreated due to something that happened because of the luck of the draw."

NO OFFERS

He said that the various persons and organizations that are trying to help Louisiana farmers sell their California rice now are receiving offers for medium grain no. 1 rice only.

"Unfortunately, some of the Louisiana producers who have had delays in their entitlements are not getting no. 6 and sample grades of rice," Fruge said.

Growers and being given the option of putting their California PIK rice in the Commodity Credit Corporation loan.

"But many of the farmers in this area who have done that still haven't gotten their checks even though they received their certificates of entitlement on September 18," said a spokesman for Farmers Grain Terminal Inc., in Greenville, Miss.

"TIME IS MONEY"

"They feel that they will get them sooner or later, but time is money."

During the time that Louisiana farmers have been waiting for their PIK certificates, rice prices have declined from $16.50 a barrel to $14 on the Gulf Coast. The California rice is receiving offers ranging between $10.50 and $13 a barrel.

Some growers are finding like LeJeune that they can be assessed freight charges of more than $1 a barrel when they sell Louisiana rice.

Many corn producers in the Midwest and in Tennessee, meanwhile, are reportedly considering legal action against the Agriculture Department because of the delivery of poor quality grain for their PIK.

Commodity Credit Corporation inspectors have been sent to elevators in Dyersburg and Tiptonville, Tenn., to investigate complaints of substandard corn.

MOLDY CORN

Farmers have said the corn was "moldy, riddled with insects and generally below the expected quality" listed on their entitlement cards.

They also have reported that shipments of white corn were intermingled with yellow, accordidng to W.T. Hime, ASCS director in Union City, Tenn.

Carl Jones, manager of the York Storage Co. warehouse in Tiptonville, said he had sufficient quantities of white corn for PIK distribution but that its low quality was not the fault of his facility.

When the grain arrived at the elevator from another CCC warehouse, he told a reporter, "it was already old and in deteriorating condition."

ELEVATOR BINGO

Other Mid-South corn and milo growers have not experienced quality problems to that extent, but they have had surprises when they went to the elevator.

"The PIK grain sorghum for one of our producers was supposed to be assigned to an elevator in Harrisburg, Ark.," said Paul Hughes of Farmers Soybean Corp. of Blytheville, Ark. "When he went to get it he found out the milo actually was in Iowa."

Hughes said the elevator grapevine has been filled with stories of corn having problems with blue-eyed mold being shipped out of the Midwest in recent months.

His own experience with deliveries of PIK grain this year was almost like a Keystone Cops comedy.

COMPUTER MYSTERY

"We had about 100,000 bushels of government-owned wheat in our elevator here, but ASCS was sending wheat producers from this area to Memphis to get their payment-in-kind," he said.

"After they finally entered our grain in the computer, we started getting calls from farmers in Booneville, Mo., wanting to know how they could get their PIK."

Aside from the loss of time and money, however the biggest problem for PIK deliveries has been the uncertainty—particularly for farmers and landowners who have not been accustomed to dealing with government agencies.

One elderly cotton grower interviewed expressed some misgivings about whether he would ever receive the PIK entitlement the Agriculture Department promised him for idling his entire acreage this year.

HARD FEELINGS

Hard feelings also have arisen between tenants and landlords who were talked into entering the program and now haven't received payment for their portion.

"I wish I could get one of these ASCS officials from Washington to go with me to explain to my landlord—who happens to be an elderly widow—why it's been two months now since she was supposed to have received her portion of the PIK entitlement and she doesn't have anything," one Louisiana farmer said.●

ORGAN PROCUREMENT AND TRANSPLANTATION ACT

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. MADIGAN. Mr. Speaker, today, I am pleased to join my distinguished colleague and chairman of the Senate Committee on Labor and Human Resources, Senator ORRIN HATCH, in introducing the Organ Procurement and Transplantation Act. This legislation, cosponsored by Representatives RITTER, NIELSON, and MARRIOTT, takes the necessary initial steps in determining the most appropriate and productive Federal role in organ procurement and transplantation activities.

The bill would establish a Task Force on Organ Procurement and Transplantation composed of health professionals, private insurers, organ procurement coordinators, and Government representatives. This group of organ transplantation experts would be called together to assess and make recommendations on public and private efforts in this area, including:

Organ availability;

Organ procurement activities;

Education of health professionals and the general public;

Identification of barriers to organ donation;

Current and continuing research on organ transplantation;

Reimbursement policies for transplant procedures and long-term immunosuppressive drug therapy; and

The need for additional medical centers capable of performing such surgeries.

This task force will not delay proper Federal action, but rather will assess the most appropriate roles for both the private sector and the Federal Government. Extensive organ procurement activities are ongoing and medicare currently provides full coverage for kidney procurement and transplantation under its end-stage renal disease program. By calling together the experts in this area, we, in Government, can build upon and complement existing programs, rather than supplant local and regional activities with an overbroad Federal system.

Also included in this legislation are steps which can be taken during the 7-month existence of the task force. First, the Secretary is authorized to establish in the private sector an Organ Procurement and Transportation Registry. The registry would provide a list of individuals in need of organs for transplantation as well as a national system to match organs and individuals, facilitated by a 24-hour telephone service. Second, the Secretary is required to publish annually a report on the scientific and clinical status of organ transplantation. The final provision of the legislation would prohibit the sale and purchase of human organs.

Transplantation of organs in many cases is technically feasible, but extremely expensive. Several uncertainties exist as to optimal use, ultimate benefits, and long-term risks. Problems in coordination among organ procurement organizations exist on local, regional, and national levels. The education of health professionals and the general public is desperately needed to assure an increase in the number of available organs. These are only a few of the problems that this legislation recognizes and creates a structure to address.

The establishment of the Task Force on Organ Procurement and Transplantation will offer an opportunity to develop a better understanding of the social, ethical, legal, and economic policy questions posed by these procedures as well as other types of new treatments continually being developed. This bill does not provide all the answers, but enhances current private sector activities and provides a forum for planning a coordinated national effort to assure that individuals in need receive life-saving organ transplants.●

DR. WILLIAM G. ANLYAN

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. ROYBAL. Mr. Speaker, on November 11, Duke University will dedicate a portion of Duke Hospital North to Dr. William G. Anlyan. It is with great pleasure that I add my voice to those honoring this remarkable man.

Dr. Anlyan's vision, leadership, and dedication have contributed greatly to the growth and development of the facilities, programs, and reputation of Duke Medical Center.

During his more than 30 years of dedicated service, Dr. Anlyan demonstrated tireless commitment to his profession. Under his leadership, Duke Medical Center has placed unceasing emphasis on the care of the sick and distressed.

He served as dean of the school of medicine and vice president for health affairs before becoming chancellor for health affairs. He is also chairman of the medical school advisory committee and on the Steering Committee of the Council on Aging and Human Development.

Dr. Anlyan's service, however, extends beyond the university walls. He was chief of Duke University's delegation to the People's Republic of China to consult on health care in 1975, went to Cairo and Alexandria, Egypt in 1977 as a consultant on medical education, and attended the First International Symposium on Medical Education in Tokyo, Japan, in 1980.

Dr. Anlyan's has matched his service to the university with dedicated community service. He aided the Veterans Administration as a consultant at Durham VA Hospital from 1955 to 1973 and, in 1971, served as chairman of the VA/AAMC Liaison Committee. He is currently a member of the World Health Organization, working on a special program for research and training in tropical diseases.

The list of Dr. Anlyan's many achievements include chairman of the Board of Regents of the National Library of Medicine, chairman of the Task Force on Organization for Delivering Primary Health Services for the State of North Carolina, and membership in numerous professional societies. He is also the recipient of countless honors and awards.

I know you will all join with me in saluting this outstanding individual.●

HONORING MRS. JEAN JACOBS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. MILLER of California. Mr. Speaker, on November 16, 1983, Coleman Children and Youth Services in San Francisco is honoring Mrs. Jean Jacobs for her work on behalf of the children, youth, and families of San Francisco.

As chairman of the Select Committee on Children, Youth, and Families, I want to be counted among those recognizing the enormous contributions Jean Jacobs has made. Her work in foster care, juvenile justice, and youth and family services in particular stand out. The national media has noted her effectiveness, and for two decades policymakers at all levels have called upon her for counsel.

I have learned that no community can respond to the needs of its families, youth, and children without smart, dedicated, tireless volunteers. Jean Jacobs is such a person, and I am proud to join with others to say "thank you" on behalf of our community and the thousands she has reached out to help.●

GEORGE HALAS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. DURBIN. Mr. Speaker, George Halas, the guiding light in the formation of the Chicago Bears and professional football in the United States, died Monday and his death was announced—appropriately—during the nationally televised Monday night football game.

What everyone should be aware of is George Halas' Decatur, Ill., connection. It was in this town, in the 20th Illinois Congressional District which I represent, that Halas assembled a semipro football team that eventually relocated and became the Chicago Bears. Halas did this under the tutelage of Gene Staley, an avid sports fan and founder of the A. E. Staley Manufacturing Co.

Staley's was incorporated in Decatur in 1906 and today is one of the largest U.S. processors of corn and soybean products.

Besides making cornstarch, Gene Staley's other passion was the company's sports teams. He recruited the company players who worked in the plant by day and played games at night. The manager of the Staley baseball team was Joe "Iron Man" McGinnity, a Brooklyn and Baltimore star later enshrined in the Baseball Hall of Fame.

But Staley wanted a football team too and he needed a manager and driving force. The man who was recommended was Halas, a 1917 graduate of the University of Illinois, Navy ensign, most valuable player in the 1919 Rose Bowl, and right fielder for the New York Yankees for 1 year. In January 1920, Halas was a fidgety bridge engineer working 9 to 5 for the Chicago, Burlington & Quincy Railroad in Chicago, and moonlighting as a football player and coach at night.

Staley wooed Halas to Decatur to work for Staley's and recruit a football team. Halas soon had his football team, but no team of comparable talent to play. He and several other of his semipro football friends met in Canton, Ohio, in September 1920, and organized a professional football association.

During the 1920 football season, the Decatur Staleys won 10, tied 2 and lost only once—to the Chicago Cardinals. They were similarly successful in 1921, but things were not so rosy with the Staley Manufacturing Co. It was a bad year for cornstarch and Staley's was running heavily in the red. They could no longer afford the expense of a football team.

But Gene Staley refused to stand back and watch the football team die. Big-time footballl belonged in a big stadium in a big city. Staley had an idea it might survive in Chicago. So he made George Halas a deal he could not refuse. Gene Staley offered to keep the football team on the company payroll until they could make the transition. And, he gave the team a $5,000 bonus.

So, when the Staleys played next at Wrigley Field in Chicago, they stayed. Gene Staley had literally bribed them to leave town, hoping they would be a success in Chicago. Little did he realize that 60 years later, a professional football franchise would be worth $40 million, plus $5 million annually in television rights.

So, when we pay homage to George Halas and his legacy to professional sports, we should remember Gene Staley and the city of Decatur. They were a great team.

Papa Bear will be missed in Decatur.●

SUPPORT FOR THE PRESIDENT

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. DAUB. Mr. Speaker, in light of the criticism of some Members of this body over President Reagan's decision to send troops to the Caribbean island of Grenada to rescue American citizens, I take this opportunity to share with my colleagues two letters addressed to the President. One is from a junior medical student who studied on the island for 2 years, Mark S. Lea, and the other is from Ted and Jann Stathos, two students enrolled at St. George's Medical Center during the recent rescue effort. These students succinctly describe their experience in Grenada and express thanks to the President for his initiative in his efforts to rescue the Americans on the island. Their letters follow:

CREIGHTON UNIVERSITY,
Omaha, Nebr., October 27, 1983.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR PRESIDENT REAGAN: I would like to express my approval of the actions you have taken in Grenada. As a medical student who spent two years in Grenada, I know what the Grenadian government stands for, how they treat their citizens, and what the intentions of the Cubans and Soviets have been. The courage and resolve you have demonstrated by taking a stand against the Grenadian extremists may not be understood or appreciated by many U.S. and world leaders, but I believe you have made it clear that Cuban and Soviet expansionism will not be allowed to continue unabated.

Few people understand Grenada like I do. I know, I've been there. I'm standing with you, Mr. President.

Sincerely yours,

MARK S. LEA,
Junior Medical Student.

OMAHA, NEBR.,
October 28, 1983.

DEAR MR. PRESIDENT: We hardly know how to begin to thank you. Both of us feel that without you we would not be alive today.

In August when we arrived on Grenada to attend St. George's Medical School we didn't realize what a volatile situation we were entering. We did, however, come to this realization as we met, and spoke with, many of the friendly Grenadian people. They spoke of the increasing numbers of Cubans on the island. They were very unhappy with the way the Cubans treated Grenada. Cuban ships began to arrive more frequently, and remain in St. George's harbor for several weeks at a time. We saw Cuban housing increasing in size and number. The work of Point Salines Airport increased to 24 hours a day. We now realize why. Grenada was a very important island to Cuba. After Prime Minister Bishop was shot and we had been brought back home, we found just how important it really was.

When we heard from the military government, after they had shot demonstrating school children and executed Prime Minister Bishop we realized what danger we were really in. We tried to get out of Grenada many times. The representatives of the U.S. embassy from Barbados gave us the impression that it was next to impossible to get out of the country using the commercial airport at Pearls. If the United States had not come to Grenada to get us off the island we never could have left. We have come to learn that the United States arrived just in time, beating the Cubans to the island by just days. It is a very unpleasant thought knowing what Cuba would have done had they arrived first, and you hadn't acted when you did.

When we were awakened Tuesday morning to the sounds of the United States paratroopers fighting, and we were told that they had come to get us off the island we were relieved and overjoyed. We thank God that you had the foresight and courage to send them in. While we waited for the Rangers to evacuate our campus at Grand Anse we experienced many chilling and sad moments. The most upsetting of these was the sight of an American helicopter being shot down by enemy fire. There were tears in everyones eyes as we scanned the ocean water for the sight of any survivors.

We know then how much our lives meant to the brave men fighting for our safety. After 35 hours, when the Rangers got us out in a very heroic operation, we were overjoyed. When we arrived home our excitement turned to disappointment as we witnessed demonstrations objecting to the United States actions. These people obviously are misinformed about the grave danger the American citizens and Grenada were really in. We are proud to say that as of today we have been asked to speak to schools, groups, the salvation army and leagues in defense of the actions that you and the United States took. Hopefully we can convey to them the true threat that was opposing us. Not only a future threat but the immediate threat of every one of the Americans' lives.

We thank God for protecting us, and we thank you and the Rangers for saving us.

With gratitude and love,

TED AND JANN STATHOS.●

JUST WHO ARE OUR NATION'S FRIENDS?

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. YOUNG of Florida. Mr. Speaker, once again some of our supposed friends and allies have run for cover at the United Nations.

NATO allies, neighboring countries in our hemisphere and the largest recipients of our foreign aid dollars all joined with the Communist-bloc nations of the world in supporting a U.N. resolution condemning our efforts in Grenada. Although some of our allies decided rather than oppose the United States they would take no position and abstain on the vote, our closest friends such as Britain, Japan, West Germany, and Canada did us no favor as they issued public statements during the debate critical of the United States. These closest of friends were not so critical the many times we came to their aid in a time of need.

As William Buckley stated so aptly in a column for the Washington Post Wednesday referring to a similar vote by the U.N. Security Council, "The vote of our allies calls into question the moral architecture of the Western alliance: Are we or are we not in the business of stopping Communist imperialism?"

The United Nations has failed miserably in its efforts to preserve peace in the world throughout its 38 years of existence.

Where was the United Nations in 1979 when the Soviets invaded Afghanistan? Where was the United Nations when the Soviet Union instituted marshal law in Poland? Where was the United Nations when the PLO launched terrorist attacks against Israel from Lebanon? And most recently, where has the United Nations been since the terrorist attack on our Marine compound in Beirut? The answer to all these questions is the United Nations has been nowhere to be found. Instead of sending advisers and peacekeeping forces to trouble spots in the world, such as Lebanon, the United Nations and its high-living delegates pass resolution after worthless resolution in New York while conflicts rage all over the world.

And what about nations like Taiwan who respect world peace and uphold the guidelines of the organization? The United Nations responds by kicking out Taiwan as they did in October 1971 and persistently threatens to do the same with Israel.

In addition to its ineffectiveness at protecting world peace, the United Nations has proven even more useless to the United States. Even though we continue to prop up this "international peace keeping organization" as its largest financial contributor, we are constantly the target of abuse by its member nations. Sadly enough, the member nations who are so critical of us one day are the same nations who come to us for help in their time of need.

As James J. Kilpatrick wrote in his column for November's issue of Nation's Business, the ridicule our Nation is subjected to conjures up an image of Uncle Sam walking through the halls of the United Nations with an invitational sign on the seat of his pants saying "Kick Me."

For many years, I have questioned the effectiveness of the United Nations. It serves little purpose but to waste American taxpayer's dollars while providing an international forum from which our Nation is subjected to unfounded and unnecessary harrassment. That is why many of us in Congress so loudly applauded our

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alternate Ambassador to the United Nations Charles Lichenstein for his remark that the United Nations can pack its bags and move elsewhere.

While many Americans do not share my disdain for the United Nations, there is much broader support for Mr. Lichenstein's idea to move the United Nations elsewhere, at least for part of the year. There are many reasons it would be beneficial to hold U.N. sessions in other parts of the world, not the least of which it would eliminate the sanctuary it provides for Soviet KGB agents to conduct their spy business right here in the United States.

As Mr. Kilpatrick said in his column, "Getting the U.S. out of the U.N. may not be politically feasible. Getting the U.N. out of the U.S. is by no means an impossible goal."

[From the Nation's Business, November 1983]

MOVE THE UNITED NATION? WELL, WHY NOT?

(By James J. Kilpatrick)

Toward the end of September, Ambassador Charles Lichenstein, our No. 2 representative at the United Nations, performed a notable public service. He got our collective minds off such melancholy topics as the Korean airliner, the hostilities in Lebanon and the forensic offenses of Interior Secretary James Watt. Lichenstein gave everybody a good laugh. He suggested—ho, ho—that if the Soviets and their buddies in the U.N. didn't like American hospitality, they could move the whole of the U.N. somewhere else: "My government will put no impediment in your way."

Nobody took the ambassador seriously. After some preliminary eye-rolling, the White House announced stiffly that Lichenstein was voicing no more than a personal opinion. President Reagan had a livelier sense of humor; he suggested mildly that the example of Persephone might be considered—let th U.N. annually spend six months in Moscow, six months in New York. Lichenstein had told the Soviets they could sail "into the sunset." The New York Daily News huffily reminded the ambassador that when one is in Manhattan, the sun sets over New Jersey. Columnist Mary McGrory thought the President had a good idea, but she wondered how members of the U.N. General Assembly would survive the wretched dry cleaning services of Moscow: They all would reek of kerosene.

Sen. Nancy Landon Kassebaum (R-Kans.), striking a hot iron, won lopsided Senate approval of an amendment whacking half a billion dollars off the U.S. appropriations to the U.N. over the next four years. New York's Mayor Edward Koch termed the U.N. a cesspool. Across the whole broad land columnists and editorial writers whooped with delight at the thought of getting the United Nations out of the United States. But as I read the returns, none of these people really meant it.

Well, confound it, I mean it. Let us cut the comedy for a few minutes and inquire, in all seriousness, if it is not time to let the United Nations go the way of the old League of Nations. This is not to suggest that the U.N. has failed absolutely. Its working agencies have performed usefully in such fields as health, communications and postal services. From time to time, the General Assembly has provided a forum in which the United States could speak for at least a few minutes without interruption. President Reagan seized such as opportunity in his address of September 26 on arms control.

But surely it is clear by this time, after 38 years, that the United Nations has failed abysmally in its primary task, which is to "maintain" international peace" and to "suppress acts of aggression." Ralph Kinney Bennett, writing in Reader's Digest, counts 140 wars that have erupted around the globe during the life of the U.N. Willy-nilly, nations will act in what they perceive to be their national interest: Argentina will make a grab for the Falklands, the Soviet Union will invade Afghanistan, Iraq and Iran will war on each other, Israel and Syria will tangle over Lebanon. Resolutions of the U.N. are soap bubbles, pretty but empty, signifying nothing.

It is urged in the U.N.'s defense that it provides a place—the only place—where all nations may talk among themselves. But the General Assembly in recent years has been little more than tower of babble. There are 158 members now. Most of them are rabidly anti-American. Some of them are no larger than small cities; Vanuatu has a population of 113,000, St. Vincent and the Grenadines have 120,000 inhabitants, St. Lucia counts 125,000. The Assembly's rule of one nation, one vote, is a travesty upon the realities of population, wealth and power.

What sense does it make for the United States to keep pouring the taxpayers' dollars into dumbshow? The figure of Uncle Sam limps pathetically through these marble halls, a target of ridicule and contumely; on the seat of his pants is an invitational sign that says, Kick Me.

As a practical matter, there is no prospect that Congress will ever cut off funds entirely for the U.N. We will continue to be kicked around. But is there any good reason for us to be kicked around in New York? Nothing in the U.N. Charter requires that the organization make its headquarters along the East River. The city of New York may benefit marginally from the presence of the U.N. as a tourist attraction, but this is a flimsy consideration. Of far greater importance is the existence of the U.N. as a marvelously convenient center for Soviet espionage. The Soviet Union maintains a delegation of more than 250 persons; another 250 Soviet nationals are employed by the U.N. in secretarial and administrative positions. Why not, seriously, ship the whole shebang to Moscow? Or to Geneva? Or to Berlin?

Getting the U.S. out of the U.N. may not be politically feasible. Getting the U.N. out of the U.S. is by no means an impossible goal. Ambassador Lichenstein spoke in jest. We ought to consider his thought in earnest.

[From the Washington Post, Nov. 2, 1983]

AND THE U.N. CONSCIENCE

(By William F. Buckley)

The professional bemoaners were hit hard by the rapturous gratitude of the medical students who made it back from Grenada. And we have the word of the governor general that he was being held illegally in detention; and that indeed he had solicited American intervention. It remains to be explained how it is that Great Britain's representative in the United Nations, who serves the same queen as the governor general in Grenada, should have abstained when the United States was held up to censure for what we did in Grenada. France voted against us. France believes in armed intervention by America only when that intervention is in France to rescue France from occupation by other powers.

Jeane Kirkpatrick, as usual, performed in the United Nations with high style, defending the intervention by America and the Caribbean powers by reasoning at once traditional and compelling. It is difficult to recall the Augustan Age of Daniel Patrick Moynihan when he was in the United Nations, an institution about which he wrote and spoke so eloquently. In those days he sounded like Churchill. Today he sounds like Olaf Palme. If in 1975, back when Moynihan was ripping the veil off U.N. hypocrisy, someone had predicted that a few years later he would denounce a preemptive strike against a little communist satellite arming itself to agitate the eastern end of the Caribbean basin as Nicaragua does to the western end as "an act of war," Moynihan's supporters would have thought the accuser mad.

"I don't know," said Moynihan, "that you restore democracy at the point of a bayonet." One takes it our scholar-statesman has forgotten how we brought democracy back to Germany and Japan, notwithstanding that these were military enterprises in which he figured. Ah well, someone said the other day, "I guess Dorian Gray is running for national office." Perhaps so, but sensible advisers should tell him that the way to run against Walter Mondale isn't to occupy a position that makes Mondale sound like Barry Goldwater.

There will be much to reflect on in the next few days. The military expedition into Grenada was an act of resolution and high statesmanship. The vote by the Security Council of the United Nations is yet one more of those self-discrediting acts that serve to remind us how useless the body is. The vote of our allies calls into question the moral architecture of the Western alliance: Are we or are we not in the business of stopping communist imperialism? And we have evidence that whatever the complexion of the White House, it is capable of decisive action.●

GRENADA: RESTORING DEMOCRACY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. KEMP. Mr. Speaker, Carl T. Rowan, one of the most articulate and outspoken commentators writing today, has written a valuable column on the American intervention in Grenada. He puts himself in the shoes of an East Caribbean leader and focuses, as a liberal and a black, on the security and political problems swirling around recent events in that region. I commend him for his effort to put a broader perspective on this issue. Mr. Rowan's message is simple yet crucial: If Americans believe in the moral superiority of freedom and democracy, they must be willing to take prudent action to defeat tyranny and to protect our own and our friends security. We obviously cannot go everywhere in the world or bear all the burdens of defending freedom, but the idea of

paying the price, as taught by John Kennedy, is still alive in our hearts and manifests itself in what promises to be the restoration of democracy in Grenada. We should pray that no one ever forgets that while the price is high, the price of losing democracy is even higher. As Mr. Rowan says in his essay, "given the context of the crisis in the East Caribbean, the United States could not honorably refuse to respond."

GRENADA: BLACK CONSCIENCE . . .

The invasion of Grenada produced a lot of agony of conscience for liberals and democrats, and especially black Americans. The natural thing would have been for them to embrace Walter Mondale's statement that the invasion "undermines our ability to effectively criticize what the Soviets have done in their brutal intervention in Afghanistan, in Poland and elsewhere."

But many Democrats and liberals reject the Mondale line. Black Americans, viewing the invasion as a big "white" country crushing a tiny black one, might normally join the Rev. Jesse Jackson in crying that all Americans "should feel a sense of outrage and disgrace." But there was no outpouring of black denunciation—just a lot of black ambivalence. I heard some blacks express disgust over two leaders of small Caribbean countries sitting in "photo opportunities" where Reagan posed as their savior, even at the time Reagan was firing three members of the U.S. Civil Rights Commission. I heard allegations, made without evidence, that these Caribbean leaders never really wanted a U.S. invasion, but were "bought" into collaboration by Reagan's promises of U.S. aid.

But in deciding whether to support or condemn the invasion, I think a lot of liberals and blacks did what I did: we put ourselves in the place of these Caribbean leaders. Here is the chronology of events that I face as I sit in their shoes:

I see democratic government wiped out as Maurice Bishop takes over along with other leftists who call themselves the "revolutionary council."

In 1979 I see the beginning of a massive Cuban buildup on Grenada, including arms that could be given to dissidents in my country. I express my concern to Bishop, who says he is "in control of things" and will consider reverting to constitutional government.

My representatives in Grenada report to me that Bishop seems to be falling out of favor with his deputy prime minister, with Gen. Hudson Austin and other Marxist activists who are having more and more clandestine meetings with the Cubans and the incredibly large number of Russians on the island. My unease deepens . . . and climbs close to panic when on Oct. 12 Bishop is put under house arrest and supplanted by Austin, head of the Revolutionary Military Council.

When Bishop is executed on Oct. 19, I am telephoned by other Caribbean leaders about raising a multinational force to deal with what we all perceive to be a mushrooming menace within our midst.

We meet and face the reality that no combination of military and police forces in our Caribbean countries can hope to strike at Grenada and smash the communist forces we believe to be on the island. We know that only the United States has sufficient power to deal with this threat. But I ask myself whether I, a black leader in the Caribbean, can ask for U.S. military intervention without being branded a "traitor" for life.

Then my colleagues and I get a secret message requesting military help from Grenada's governor general, who is being held under house arrest. I conclude that I must join in a call for U.S. military intervention.

Given the context of crisis in the East Caribbean, the United States could not honorably refuse to respond. A remarkable number of liberals and blacks understand this.●

WINTER NAVIGATION CONSTITUENTS OBJECT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, on August 3, the Committee on Public Works and Transportation ordered reported H.R. 3678, to provide for the conservation and development of water-related resources. In section 1123, the committee authorized the Corps of Engineers to implement a full year extension of the navigation season on the Great Lakes and a 10-month extension on the St. Lawrence Seaway.

My Congressional District borders a major connecting channel of the upper Great Lakes. Across my district, constituents remember all too well the attempts in the 1970's to extend the navigation season. The corps demonstration program operated the waterway from 1971 through 1979 during the winter months to test the viability of winter navigation. While few companies could afford to operate their commercial vessels in the winter months during the demonstration program, those few that did made it more than apparent to the people living on the lakes that winter navigation must be stopped.

Since this past August, these people have almost literally taken to the streets in outrage at the current committee proposal. Letters from constituents and resolutions from organizations and local units of government have poured into my office. These people are angry because they have already experienced winter navigation. These people know the destruction of their waterfront property; the threat to wildlife populations; the murderous impact on fisheries and submerged flora and fauna; and the deterioration of their recreation resources—an integral component of their personal and economic livelihood. They are further baffled by the decision to proceed with a multihundred-million dollar project during a period of fiscal restraint.

I would like to share with my colleagues some of my constituent's recent correspondence on winter navigation:

MACOMB COUNTY
BOARD OF COMMISSIONERS,
Mount Clemens, Mich., September 6, 1983.

Hon. DAVID BONIOR,
U.S. House of Representatives, Washington, D.C.

Subject: Resolution opposing winter navigation on the Great Lakes.

DEAR CONGRESSMAN BONIOR: Please be advised that the Macomb County Board of Commissioners, at a meeting held August 25, 1983, formally adopted the attached resolution opposing proposed legislation to extend navigation of the Great Lakes and its connecting channels during the winter months.

It is the position of this Board of Commissioners that such action would create a devastating effect to the environment and animal life inhabiting all the Great Lakes and its connecting channels, which would not be compensated for by any supposed financial benefits which may be derived.

The Macomb County Board of Commissioners, therefore, respectfully requests and urges you to take necessary action to defeat this proposed legislation. Your favorable response to this request would be sincerely appreciated.

Sincerely,
PATRICK J. JOHNSON,
Chairperson, Macomb County Board of Commissioners.

Attachment.

OFFICIAL RESOLUTION OF THE BOARD OF COMMISSIONERS, MACOMB COUNTY, MACOMB

A RESOLUTION OPPOSING WINTER NAVIGATION ON THE GREAT LAKES

Commissioners Raymond H. Trombley, Hubert J. Vander Putten and Patrick J. Johnson, on behalf of the entire membership of the Board of Commissioners offers the following resolution:

Whereas, the Macomb County Board of Commissioners views with serious concern and opposes the proposed Winter Navigation of the Great Lakes and its connecting channels, and,

Whereas, such action would be unwarranted and unjustified because of the cost and the devestating effect of such navigation on the environment to all of the Great Lakes and its connecting channels and especially Lake St. Clair, the St. Clair River, and the Detroit River, and,

Whereas, the financial burden upon the taxpayers of this County, the dangers to the environment in particular the fish, fowl, and mammals, are not offset by the supposed benefits to be derived from the proposed legislation to allow Winter Navigation of the Great Lakes and its connecting channels. Now therefore,

Be it resolved by the Macomb County Board of Commissioners speaking on behalf of all county citizens as follows:

I

That By These Presents, the Macomb County Board of Commissioners hereby urges the United States House of Representatives and the United States Senate, to defeat the proposed legislation to extend Navigation of the Great Lakes and its connecting channels during the winter months.

II

Be It Further Resolved, That a suitable copy of this Resolution be presented to the Congressional Delegation representing the State of Michigan, President Ronald Reagan, and Governor James Blanchard.

OFFICIAL RESOLUTION OF THE BOARD OF TRUSTEES, CHARTER TOWNSHIP OF HARRISON

A RESOLUTION OPPOSING WINTER NAVIGATION ON THE GREAT LAKES

Whereas, the Board of the Charter Township of Harrison views with serious concern and opposes the proposed Winter Navigation of the Great Lakes and its connecting channels, and,

Whereas, such action would be unwarranted and unjustified because of the cost and the devastating effect of such navigation on the environment to all of the Great Lakes and its connecting channels and especially Lake St. Clair, the St. Clair River, and the Detroit River, and,

Whereas, the financial burden upon the taxpayers of this Township/County, the dangers to the environment in particular the fish, fowl, and mammals, are not offset by the supposed benefits to be derived from the proposed legislation to allow Winter Navigation of the Great Lakes and its connecting channels, now therefore,

Be it resolved; that the Board of the Charter Township of Harrison speaking on behalf of all its citizens as follows:

That By These Present, the Board of the Charter Township of Harrison hereby urges the United States House of Representatives and the United States Senate, to defeat the proposed legislation to extend Navigation of the Great Lakes and its connecting channel during the winter months.

Be it further resolved; That a suitable copy of this Resolution be presented to the Congressional Delegation representing the State of Michigan, President Ronald Reagan, and Governor James Blanchard.

LAURA M. PALETTA,
Clerk, Charter Township of Harrison.

COTTRELLVILLE TOWNSHIP,
Marine City, Mich., October 17, 1983.

Hon. DAVID E. BONIER,
Member of Congress, Washington, D.C.

MY DEAR SIR: Received your letter of October 8, 1983, and since I will be unable to attend either of the hearings on extending the Great Lakes winter navigational season, this letter is being written to express our feelings.

We are in agreement with your views on terminating winter navigation.

The vessels plying the Great Lakes during the winter season break-up the ice causing it to damage docks and seawalls.

Winter navigation also makes the cost excessive for the Government, namely the Coast Guard, in freeing vessels held by the ice floes. Damage is also caused to the natural environment.

We wholeheartedly support your views.

Very truly yours,

GEORGE A. SOCHOWICZ
Supervisor, Cottrellville Township.

CHARTER TOWNSHIP OF EAST CHINA,
St. Clair, Mich., October 17, 1983.

Congressman DAVID E. BONIOR,
Washington, D.C.

DEAR CONGRESSMAN BONIOR: In reply to your letter of October 8 regarding winter navigation on the Great Lakes, our Township Board went on record supporting your position opposing such winter navigation.

We are well aware of the havoc caused by the movement of the ice in the St. Clair River which causes flooding in the low lying areas of our township. As a result of such flooding, families have had to move out of their homes—more than once in a winter. This is totally a heavy burden on these families and should be spared this extreme inconvenience and expense.

If it is so important to ship more cargo, it would seem more logical to have more vessels operating during the other seasons of the year. We have noted that there are very few vessels operating this year than in the past.

We strongly urge you to gain all the support you can to prohibit passage of a bill which would permit winter navigation on the Great Lakes.

Sincerely,

BETTY ANN CONLEY (Mrs.),
Township Clerk.●

CHANGES TO SAME-CONDITION DRAWBACK LAW INTRODUCED

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. FRENZEL. Mr. Speaker, today I have introduced H.R. 4316, a revised version of H.R. 3157, relating to same-condition-duty drawbacks which deletes a section of that bill which has already been passed by the House earlier this year. That section added packaging materials used for packaging any materials eligible for same-condition drawback as also eligible for drawback.

The new bill contains language from H.R. 3157 providing for substitution under same-condition drawback law. Currently substitution is available for manufacturing drawback under our customs laws, but was omitted as a part of the same-condition drawback law passed a couple of years ago. My intention at the time the original law was passed was to conform the law to that of manufacturing drawback.

Same-condition drawback law enables companies to obtain drawback—or reimbursement of 99 percent of duty paid previously—on materials previously imported, if they are exported in the same condition, or if incidental operations are performed on the materials in this country, such as packaging, testing, and adjusting. Substitution would allow companies to comingle inventories to simplify their accounting systems and to realize cost efficiencies. Importers can obtain drawback on exports of the same number of items that are fungible or interchangeable. The items do not have to be the same items imported, but the exporter would have to prove that they are fungible goods. Drawback could only be obtained on the total number of items imported.

Several minor changes were made in the language as printed in H.R. 3157 to avoid any abuse of the law. First, the wording used to describe the substituted merchandise, "of the same kind and quality" was changed to "fungible." The former language was thought to be too broad and possibly could allow companies to obtain substitution drawback on items which would not be considered commercially identical under the law. The wording "fungible" should narrow the description properly.

The other substantive change made was to react to the Customs Service' concern that the wording of H.R. 3157 could be interpreted that companies could use import documents of other companies to obtain substitution drawback on their own merchandise or commodity. Since this was clearly not the intent of H.R. 3157, I have amended the language to require the import and export must be made by the same person.

With the introduction of the new version, I am hopeful that the bill can be considered promptly as a noncontroversial miscellaneous tariff bill.

The bill follows:

H.R. 4316

To amend the Tariff Act of 1930 regarding same condition drawbacks and same kind and quality drawbacks, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph:

"(2) If merchandise which is fungible to (i) imported merchandise upon which was paid any duty, tax, or fee because of its importation; or (ii) an aggregate of such imported merchandise and fungible merchandise; either of which has been imported by a person prior to the subsequent exportation by the same person of such commercially identical merchandise;—

"(A) is, before the close of a three-year period beginning on the date of the importation—

"(i) exported from the United States; or

"(ii) destroyed under Customs supervision; and

"(B) is not used within the United States before such exportation or destruction;

then upon such exportation or destruction 99 per centum of the amount of each such duty, tax or fee so paid shall be refunded as drawback, notwithstanding the fact that none of the imported merchandise may actually have been exported." or destroyed under customs supervision.●

H.R. 4317

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. JONES of North Carolina. Mr. Speaker, I have today introduced legislation that relates to a very controversial proposed water pipeline project affecting the people of North Carolina and Virginia. I have been joined in this effort by Congressman DAN DANIEL of Virginia and Congressman TIM VALENTINE of North Carolina.

Mr. Speaker, the project in question is proposed by the city of Virginia Beach, Va. It would be comprised of an 84-mile-long, 60-inch water pipeline that would run from Lake Gaston, a lake within the States of North Carolina and Virginia, to the city of Virginia Beach, Va. The pipeline would have to cross 26 rivers and streams and would require construction within some wetland areas. It would be capable of withdrawing water from Lake Gaston at the rate of 60 million gallons per day. This water would be transported to the cities of Virginia Beach, Chesapeake, Isle of Wight and Franklin, Va.

Both the Wilmington and Norfolk district offices of the Army Corps of Engineers have made preliminary findings that the proposed pipeline project would have no significant impact on the human environment. If this finding stands, there will be no full-fledged environmental impact statement as required by the National Environmental Policy Act of 1969.

Mr. Speaker, my bill simply requires the Army Corps of Engineers to go through the process of obtaining the full environmental impact statement before any permits are granted for the construction of this project. Let me emphasize that I do not wish to unduly interfere with the normal operation of the Corps of Engineers in environmental permitting matters. Indeed, I believe that the corps does a very good job in fulfilling its responsibility under the law. Neither do I wish to appear unconcerned about the legitimate needs for fresh water in the Virginia Beach area. However, it is nearly the unanimous consensus of residents who live in the vicinity of Lake Gaston and the Roanoke River basin that the perfunctory environmental assessment of the project that has been done by the corps so far is inadequate. The corps has used this assessment to conclude that no significant environmental impact exists and that therefore no environmental impact statement is needed.

I feel certain that any project which would require construction and dredging activities over an 84-mile-long course and which would be capable of transferring 60 million gallons of water per day out of Lake Gaston and the Roanoke River basin would significantly affect the human environment. A full-fledged environmental impact statement would give the residents of the Roanoke River basin and the residents along the route of the pipeline as well as other qualified experts a chance to participate in a thorough evaluation of any changes in the environment that might result from the pipeline and its operation. Until such a full review process is completed, I do not feel that the project should go forward. I ask for the support of my colleagues for this bill.●

THE FASCINATING SURVIVAL OF THE UKRAINIAN CHURCH

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. GILMAN. Mr. Speaker, as 1984 approaches we will be encountering the 100th anniversary of the Ukrainian Catholic Church in the United States.

It was in 1884 that the first Ukrainian Catholic priest left the Ukraine to attend to the pastoral needs of Ukrainian immigrants. Arriving in the United States, Father Ivan Voliansky established the first Ukrainian Catholic parish in Shenandoah, Pa. Today, the Ukrainian Catholic Church in the United States has great vitality, with 300,000 faithful in 165 parishes.

In this 20th century, when the world speaks of peace, justice, and freedom, the Ukrainian Catholic Church is being truthlessly persecuted on its native territory—in its homeland in the Ukraine. The church there has been forced underground—as were the early Christians during the Roman persecution. Five million faithful of this church are awaiting defense of their human rights from the Holy See and all people of good will.

I have come to have a great understanding and a deep appreciation of the history of this church. In our House Post Office Subcommittee on Investigation's probe of the Soviet interruption of international mail, many Ukrainian American witnesses have shared the fascinating history of their church with me.

Mr. Speaker, I have reviewed some of the historical documents of the church and in an effort to share them with my colleagues, I am inserting a portion of the church history at this point in the RECORD:

The historical background follows:

HISTORICAL BACKGROUND

As Kievan Ruś, Ukraine was independent from the 9th to the 14th century and was a great European power. It was again independent during the Cossack era in the 17th century. In the 20th century, with the fall of the tsarist regime in the Russian Empire and the collapse of the Austro-Hungarian Empire, the Ukrainians again proclaimed independence and established the Ukrainian National Republic. On January 22, 1919, in front of the Sobor of St. Sophia in Kiev, the unification of the territories formerly under the occupation of Russia and Austro-Hungary in one Ukrainian Republic was proclaimed. In consequence of international peace agreements at the conclusion of World War I, Ukrainian territories were allocated to four states: the Union of Soviet Socialist Republics, Poland, Rumania, and Czechoslovakia. In 1941, the Ukrainians capitalized on the Soviet-German clash and on June 30, 1941 proclaimed independence. But, this was soon terminated by Nazi Germany. Following the Yalta agreements after the World War II, most of the Ukrainian territories were incorporated into Soviet Union as the Ukrainian Soviet Socialist Republic.

The tragedy of Ukraine is rooted in its strategic geographical position, the wealth of its natural resources, and the fertility of its soil which has made it "the bread basket of Europe."

The Origin of Christianity, in Ruś—Ukraine dates back to the 9th century. At that time the principality of Kiev maintained a close political and commercial relationship with Byzantium. These contacts exerted a great impact on Kievan Ruś and when its people accepted Christianity they became Byzantine Christians.

Princes Olah, wife of Prince Ihor, was the first member of the reigning family of Kievan Ruś to embrace the Christian religion. In 988 her son, Volodymyr the Great (972-1015), officially introduced Chistianity into his country. This was sixty-six years before the schism between Rome and Constantinople. The Metropolitan of Kiev was its Primate and he functioned as a Major-Archbishop. The Church enjoyed administrative autonomy from both Constantinople and Rome.

The schism between Rome and Constantinople came in 1054. Striving for complete administrative independence from both Constantinople and Rome while preserving unity in dogmatic matters with Rome—the Universal Church—the native Ukrainian clergy did not join their Byzantine brethren in the schism. The Mongolian invasions of the 13th century and the loss of the independence of Kievan Ruś finally led to a break with Rome. But, in 1596, in the Union of Brest, the Ukrainian hierarchs reestablished the union of their Church with Rome.

From Kiev, Christianity had spread to regions of the east and north where the Metropolitan of Kiev exercised ecclesiastical authority. The presence of Kievan Metropolitans in the principality of Muscovy, where they had come to escape the ravages of the Tartar invasion, strengthened this principality and was a factor in the establishment of a separate Metropolitan See in Moscow (1448) and finally its elevation to patriarchal rank in 1589.

In the 17th century the rulers of Muscovy embarked on a policy of conquest of its neighbors. Tsar Peter I (1682-1725) found it politically expedient to adopt the name "Rossiya" (Russia) for his empire. This led to the misconception existing to date that Kievan Ruś was part of Russian territory.

Today the Ukrainian Catholic Church falls into two classifications—the "Mother Church" in Ukraine which has been denied legal existence by the Soviet Union and has become the "Church of the Modern Catacombs" and the "Daughter Church" in the diaspora with its faithful scattered throughout the world.

THE CHURCH OF THE MODERN CATACOMBS

In the fall of 1939, the armies of Nazi Germany and the Soviet Union shattered the peace of the world by the invasion of Poland. The Red Army occupied the western provinces of Ukraine—the part of Ukraine which had been incorporated into Poland after World War I.

The elderly and ailing Metropolitan of Kiev-Halych, Andrij Sheptytsky, spoke of the danger of Communism in his 1936 pastoral letter. In it he presented an uncanny analysis of the possibility of a Communist penetration into western Ukraine and eastern Europe. He wrote: "Communists are atheists. Communists are not honest. . . . Wherever Communist Bolsheviks appear churches burn and innocent blood flows. Their footsteps leave imprints of the sacrificial blood of innocent victims. . . . Our Church, together with the Universal Church, needs fearless priests, priests ready for the greatest sacrifice as were early Christians."

When Metropolitan Sheptytsky's prophesy of a Communist invasion came to pass, he acted to assure a successor to himself who would possess the traits of character of which he wrote in 1936. For his Auxiliary Bishop with the right to succession he chose Rev. Dr. Josyf Slipyj, rector of the Theological Academy of Lviv.

The first two years of Soviet occupation of western Ukraine was the period of Soviet-German cooperation. It was not politically expedient for the Communists to enter upon a full-scale persecution of the Ukrainian Catholic Church because they were not certain of the outcome of the shaky alliance. They conducted a policy of slow strangulation of the Ukrainian Catholic Church. The Communists stopped with the confiscation of church properties; imposition of high taxes on properties not confiscated; removal of religious objects from classrooms; banning the teaching of religion in schools; and the abolition of Sundays by making them working days. But, the faithful of the Ukrainian Catholic Church paid the taxes, supported the priests, supplied Metropolitan Sheptytsky and the monasteries with food and other necessities of life. They packed the open churches every day of the week as well as on Sundays. The Communists dared to arrest only a small number of the most outspoken priests and this just before their retreat from Ukraine upon the disintegration of the Soviet-German alliance. Two priests—the Rev. Dr. Konrad and Rev. Dr. Ishchak were executed and Bishop Josyf Slipyj narrowly escaped death. As he wrote: "Terrible, indeed, was the retreat of the Bolsheviks . . . A Bolshevik tank appeared before the Cathedral. The police forced us out of our homes and lines us up against the wall. The NKVD even tore off my cassock. We stood for two or three hours with machine guns, hand grenades, tanks, and cannons behind us. We made an act of contrition and awaited death. From time to time they would check on us. Finally, an officer appeared and set us free."

In the summer of 1944, the Soviet troops reoccupied western Ukraine. This time they were more sure of themselves. They were allies of the western Democracies in the effort to crush Nazism. With the Allied military power backing them, the Soviets no longer feared an uprising of the people.

On November 1, 1944, Metropolitan Sheptytsky died. He was succeeded by Bishop Josyf Slipyj. The Communist press began a vicious campaign to blacken the name of his predecessor. This signaled the beginning of open persecution of the Ukrainian Catholic Church. In an attempt to avert this, Metropolitan Slipyj sent a delegation of several priests to Moscow to explore the possibility of coexistence. As a token of good will they brought with them a donation of one hundred thousand rubles for the relief of the wounded in the war. The enmity of the authorities toward Metropolitan Josyf and the entire Ukrainian Catholic Church was obvious. They demanded complete subservience to Communism and put forth the requirement to the Ukrainian Catholic hierarchy to sever affiliation with the Apostolic See and consent to incorporation into the Moscow Patriarchate. Such conditions were unacceptable to the Primate of the Ukrainian Catholic Church.

On April 11, 1945, Metropolitan Slipyj and four bishops—Nykyta Budka, Auxiliary Bishop of Lviv; Gregory Khomyshyn, Bishop of Stanislaviv and his Auxiliary Bishop, Ivan Latyshevsky; and Mykola Charnetsky, Apostolic Visitator of Volhynia—were arrested. This was the entire episcopate of Halych. In Germany, Rt. Rev. Verhun, the Apostolic Visitator for Ukrainian Catholics, was also arrested.

The arrest of the bishops was followed by a mass arrest of priests, a draft of seminarians into the service of the Red Army, and confiscation of church properties. On March 8, 1946, a so-called "Synod of the Ukrainian Catholic Church" was convened at Lviv. Not a single Ukrainian Catholic bishop participated. The conclave had no canonical basis. Yet, it proclaimed a "voluntary union" of the Ukrainian Catholic Church with the Orthodox Patriarchate of Moscow.

The imprisoned bishops of the Ukrainian Catholic Church were asked to recognize and join the apostasy. They refused. Thereupon their Church was declared illegal and persecution of it was intensified. It was forbidden to conduct religious services. Arrests of priests were accelerated. The bishops arrested one year earlier were now given long sentences in Soviet labor camps. Metropolitan Slipyj was given an eight-year sentence and sent to Siberia. Then the Communists began the arrest of the remaining Ukrainian bishops: Josaphat Kocylovsky, Bishop of Peremyshl and his Auxiliary Bishop Gregory Lakota; Vasyl Hopko, the Auxiliary Bishop of Priashiv; Theodore Romža, Bishop of Mukachiv; and Pavlo Goydych, Apostolic Visitator and Bishop of Priashiv. They arrested a total of eleven bishops, two Apostolic Visitators, 2,951 priests, and hundreds of monks and nuns. Of the imprisoned hierarchs only two survived their sentences: Metropolitan Slipyj and Bishop Hopko. In the words of Metropolitan Slipyj: "Rivers of blood and mountains of bodies" was the price paid by Ukrainian Catholics for their loyalty to the Holy See.

In 1953 news began to trickle out of Siberia that Metropolitan Slipyj was alive and had completed his first sentence at hard labor in the camps. In 1958 he completed his second sentence but was not permitted to return to Lviv. In exile he was ordered not to engage in any pastoral work. But on the twentieth anniversary of his installation as bishop, Archbishop Slipyj wrote a pastoral letter to the faithful of the Ukrainian Catholic Church. In it he said: "Do not doubt but revive in your hearts an unshaken faith that our Church will rise again." Once again Metropolitan Slipyj was condemned. The faith to which the Confessor of the Ukrainian Catholic Church encouraged his flock enabled him to survive eighteen years of imprisonment—not merely under house arrest but at hard labor under the harshest conditions.

Upon the intercession of Pope John XXIII, Metropolitan Slipjy was released from imprisonment in February of 1963. Respecting the wishes of the Holy Father he went to the Vatican—but not before ordaining a bishop for the Church of Modern Catacombs. He left a living Church in the underground. No sooner is one secretly ordained bishop arrested, as was Bishop Vasyl Velychkowsky after Metropolitan Slipyj was at the Vatican, then the Soviet police begin their constant search for another. Not a single Ukrainian Catholic church is open for worship, yet Liturgies are celebrated secretly in forests, fields, and private homes, the dead are buried, the children are baptized, and the sick are comforted by Catholic priests. No monasteries or convents exist legally and openly—yet there are hundreds of religious working quietly as civilians, consoling the faithful of their Church.

In this twentieth century when the world is speaking of peace, justice, and freedom, the Ukrainian Catholic Church is being ruthlessly persecuted on its native territory. It has been forced to descend into catacombs as did early Christians during Roman persecution. Five million faithful of this Church are awaiting the defense of their human rights from the Holy See and all people of good will.

THE UKRAINIAN CATHOLIC CHURCH WORLDWIDE

The Ukrainian Catholic Church worldwide now has twenty-three bishops and two million faithful. Their Primate is Patriarch Josyf Cardinal Slipyj. This Church is one of great vitality. It was only in 1884 that the first Ukrainian Catholic priest left Ukraine to attend to the pastoral needs of Urainian immigrants. Arriving in the United States, Father Ivan Voliansky established the first Ukrainian Catholic parish in Shenandoah, Pa. It was not until August 1907 that the first Ukrainian Bishop—Soter Ortynsky—came to the United States. He died on March 24, 1916, and the Ukrainian Catholic Church in the United States was without a bishop until Bishop Constantine Bohachevsky arrived in 1924. Today, from his humble beginning the Ukrainians have a Metropolitan See which was established in 1958 in Philadelphia and three eparchies—Philadelphia, Stamford, and Chicago—with about 300,000 faithful, 206 secular and 41 religious priests with 165 parishes with resident pastors and 17 with non-resident pastors, 7 missions, 2 stations, 8 chapels with resident chaplains and 33 non-resident, 2 seminaries, 2 colleges, 4 high schools, 32 parochial schools, 177 nuns, 2 homes for children, 2 homes for the sick and aged.●

DECONTROL NATURAL GAS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. FIELDS. Mr. Speaker, as the legislative debate on natural gas begins to once again gain momentum, I would like to bring to the attention of the Members a recent editorial in the Houston Chronicle. This editorial which articulately advocates the merits and the need for total decontrol strikes at the very heart of this issue. That is, the future supply needs of our country. If we in Congress continued the morass of Federal regulation and control of natural gas under the guise of consumer protection, we will be destined and doomed to continue the confusion and adversity which directly results from Federal regulation. If we truly are concerned about securing future supplies of gas for our consumers then we will decontrol gas and allow the market to work, just as it has for oil since that commodity was decontrolled in 1981. I believe that now, with the current surplus in the market and the price of gas continuing to fall, is the time to act on this critical issue. I have long supported the decontrol of all natural gas and will continue to pursue this economically sound goal. Toward this end, I commend the following editorial to my colleagues attention.

OIL DECONTROL WORKED—SO WILL GAS DECONTROL

In any sensible world the argument over decontrolling natural gas prices would have been settled two years ago when President Reagan removed price controls on crude oil.

There were the same doomsday predictions then as are now being heard about natural gas. The price of gasoline was going to go out of sight. In fact, the price of gasoline has dropped about 20 percent. So much for federal price controls being good for the consumer.

It is little short of insanity for the price of natural gas to be rising in a time of oversupply of gas. But that is the situation, caused solely by regulation, and only serves to further demonstrate that almost nothing about federal controls on gas prices makes any sense.

In an unrelenting attempt to keep gas out of the free market, the government over the years has devised what is probably the most complex and contradictory set of rules and regulations known to man. They have produced such ridiculous spectacles as people having to pay more than $7 per thousand cubic feet for imported gas while domestic gas goes begging for less than half that price.

That is a measure of where controls have brought the country. It is time, far past time, to end this nonsense. Natural gas prices should simply be decontrolled. Congress should heed the facts, the proven experience, of crude oil decontrol and let gas react to supply and demand and the forces of a competitive marketplace, where as other deregulation has vividly shown, the consumer benefits.

It is impossible to repeal the law of supply and demand, or to anticipate all the unforeseen circumstances that will work on the marketplace. The government has attempted to do both about natural gas. The result is the mess that prevals, which no one can untangle no matter how sincere the effort.

If anything, the present mess will get worse after the end of next year, when provisions of the Natural Gas Policy Act of 1978 expire and the nation will be suddenly thrust into the chaos of half-regulated and half-unregulated gas. It is far wiser to deregulate natural gas prices now, when surplus acts to prevent drastic shifts in price and availability.

If Congress ever had a clear guideline on what the results of a policy will be, it has one in this instance. Crude oil decontrol worked, so will natural gas decontrol.●

WINTER NAVIGATION—RESOLUTIONS AGAINST THE PROJECT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, on August 3, the Committee on Public Works and Transportation ordered reported H.R. 3678, to provide for the conservation and development of water-related resources. In section 1123, the committee authorized the Corps of Engineers to implement a full year extension of the navigation season on the Great Lakes and a 10-month extension on the St. Lawrence Seaway.

My congressional district borders a major connecting channel of the Upper Great Lakes. Across my district, constituents remember all too well the attempts in the seventies to extend the navigation season. The corps' demonstration program operated the waterway from 1971 through 1979 during the winter months to test the viability of winter navigation. While few companies could afford to operate their commercial vessels in the winter months during the demonstration program, those few that did made it more than apparent to the people living on the lakes that winter navigation must be stopped.

Since this past August, these people have almost literally taken to the streets in outrage at the current committee proposal. Letters from constituents and resolutions from organizations and local units of government have poured into my office. These people are angry because they have already experienced winter navigation. These people know the destruction of their waterfront property; the threat to wildlife populations; the murderous impact on fisheries and submerged flora and fauna; and the deterioration of their recreation resources—an integral component of their personal and economic livelihood. They are further baffled by the decision to proceed with a multihundred-million-dollar project during a period of fiscal restraint.

I would like to share with my colleagues some of my constituents' recent correspondence on winter navigation.

The material follows:

RESOLUTION—OPPOSING WINTER NAVIGATION ON THE GREAT LAKES

Whereas, the St. Clair County Board of Commissioners views with serious concern and opposes the proposed Winter Navigation of the Great Lakes and its connecting channels, and

Whereas, such action would be unwarranted and unjustified because of the cost and the devastating effect of such navigation on the environment to all of the Great Lakes and its connecting channels and especially Lake St. Clair, the St. Clair River, and the Detroit River, and

Whereas, the financial burden upon the taxpayers of this County, the dangers to the environment in particular the fish, fowl, and mammals, are not offset by the supposed benefits to be derived from the proposed legislation to allow Winter Navigation of the Great Lakes and its connecting channels: Now, therefore, be it

Resolved, by the St. Clair County Board of Commissioners speaking on behalf of all county citizens as follows:

That by these presents, the St. Clair County Board of Commissioners hereby urges the United States House of Representatives and the United States Senate, to defeat the proposed legislation to extend Navigation of the Great Lakes and its connecting channels during the winter months; and be it further

Resolved, That a suitable copy of this Resolution be presented to the Congressional Delegation representing the State of Michigan, President Ronald Reagan, and Governor James Blanchard.

CITY OF ST. CLAIR,
St. Clair, Mich., October 14, 1983.

DAVID E. BONIOR,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN BONIOR: Enclosed is a copy of Resolution No. 83-24 adopted by the City Council of the City of St. Clair at their regular meeting held October 3, 1983, opposing year-round shipping on the Upper Great Lakes.

Thank you for communicating the City's concerns regarding winter navigation to the Members of Congress.

Sincerely,

JANICE B. DIGIUSTO,
City Clerk.

Enclosure.

RESOLUTION—CITY OF ST. CLAIR, COUNTY OF ST. CLAIR, MICH.—OPPOSING YEAR-ROUND SHIPPING ON UPPER GREAT LAKES

(Memorandum of a Resolution made and adopted at a regular meeting of the City Council of the City of St. Clair, County of St. Clair, Michigan, held in said City on October 3, 1983, at 7:30 o'clock p.m.)

Present: Mayor Cummings, Councilmembers Sawher, Wilde, Beaudua, Westrick, Mitchell, Emig.

Absent: None.

The following preamble and resolution were offered by Councilmember Emig and supported by Councilmember Sawher:

Whereas, the Congress of the United States has before it legislation to keep the Upper Great Lakes open for year-round shipping; and

Whereas, after a 1971-1979 winter shipping demonstration program, the Army Corps Board of Engineers for Rivers and Harbors determined that year-round shipping, at best, would have only marginal economic benefits; and

Whereas, wakes and propellar thrust trapped below the ice has caused shoreline erosion and damage to seawalls and docks; and

Whereas, year-round shipping would create an unreasonable risk of oil and/or chemical spills, endangering fish spawning and feeding areas and threatening the migratory wildlife of the region: Now, therefore, be it

Resolved, That the St. Clair City Council go on record as unanimously opposing year-round shipping on the Upper Great Lakes and that our legislators, both federal and state, the Governor of the State of Michigan and the President of the United states be so informed.

Ayes: Councilmembers Mitchell, Cummings, Emig, Sawher, Wilde, Beaudua, Westrick.

Nays: None.

Resolution declared adopted.

RESOLUTION—CITY OF MARINE CITY, MICH., COUNTY OF ST. CLAIR—A RESOLUTION OPPOSING WINTER NAVIGATION ON THE GREAT LAKES

By Commissioner Kleckner supported by Commissioner Bober:

Whereas, the Marine City City Commission views with serious concern and opposes the proposed Winter Navigation of the Great Lakes and its connecting channels, and,

Whereas, such action would be unwarranted and unjustified because of the cost and the devastating effect of such navigation on the environment to all of the Great Lakes and its connecting channels and especially Lake St. Clair, the St. Clair River, and the Detroit River, and,

Whereas, the financial burden upon the taxpayers of this City, the dangers to the environment in particular the fish, fowl, and mammals, are not offset by the supposed benefits to be derived from the proposed legislation to allow Winter Navigation of the Great Lakes and its connecting channels: Now, therefore, be it

Resolved, That by these presents the Marine City City Commission hereby urges the United States House of Representatives and the United States Senate, to defeat the proposed legislation to extend Navigation of the Great Lakes and its connecting channels during the winter months; and be it further

Resolved, That a suitable copy of this Resolution be presented to the Congressional Delegation representing the State of Michigan, President Ronald Reagan, and Governor James Blanchard.

Yeas: LaBuhn, Beauchamp, Beauvais, Bober, Kleckner.

Nays: None.

Absent: Bettinger and Nelson.

CITY OF PORT HURON,
Port Huron, Mich., October 21, 1983.

Re: H.R. 3678, Winter Navigation.

Representative DAVID E. BONIOR,
Washington, D.C.

DEAR REPRESENTATIVE BONIOR: On the subject of winter navigation for the Great Lakes, I am in complete agreement with your letter of October 8, 1983.

As City Engineer in Port Huron, on a daily basis, I am aware of the navigational traffic on the St. Clair River and Lower Lake Huron. The proposed winter navigation with its associated costs to construct and maintain the channels and control works simply does not make good sense.

The Corps of Engineers has become dedicated to pursue this enormous "civil works" project to add to its list of achievements. While the Corps has an impressive history, some of its projects have been directed at single purpose objectives without sensitivity to potential and resulting damages. I find it difficult to understand the collective thinking of the Corps of Engineers which does not allow itself the freedom to say "this project should not be built". When the Corps cannot, for whatever reason, view proposed projects with objectivity, the U.S. Congress must exercise its legislative prerogative to stop the expenditure of public funds on such a project so contrary to public interests.

Part of the plans mentioned in various newspaper articles include an ice boom which would be placed at the head of the St. Clair River. To my knowledge, no one from the Corps has discussed this with any local official of the City of Port Huron. I have serious questions as to shore damage at the anchoring points both on the Port Huron and Point Edward, Ontario, shores. A further consideration is the potential damage to shoreline residential property resulting from ice "stacking" caused by wind shifts.

The question of regulating gates to be placed in the bottom of the St. Clair River to adjust and control lake and river levels could have a severe effect on the water supply intake of the City of Port Huron and its 47,000 customers and industries. As City Engineer, I have not been advised, consulted or contacted by the Corps of Engineers regarding this proposal and its effects.

May I confirm, again, my total agreement with your position against this project. I urge you to work for its defeat.

G. T. HUMMEL,
City Engineer and Director of Public Works.●

MICHIGAN AUDUBON SOCIETY,
Kalamazoo, Mich., October 10, 1983.

Hon. DAVID BONIOR,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE BONIOR: The Michigan Audubon Society is strongly opposed to winter navigation on the Great Lakes and the St. Lawrence River as proposed in Section 1123 of H.R. 3678, now before the House. We urge you to delete funding for this project on both environmental and economic grounds.

Serious environmental degradation of the Great Lakes and St. Lawrence River ecosystems would likely result from the manipulation involved in this project. Oil or chemical spills under the ice could devastate fisheries and wildlife. Construction of dikes and dredging would adversely effect fish habitat. Ice breaking would interrupt the migration of mammals crossing the ice to wintering areas, and could effect adjacent wetland habitats. Without a complete environmental impact assessment, the full effects are not even known.

Economically the project cannot be justified. There is no present need for extended shipping, and the cost could run into the billions. It would be another classic boondoggle project which would benefit very few at a great cost to many.

Please do not allow this project to procede at this time by deleting section 1123 from H.R. 3678. We have enough pork barrel projects underway already which will damage the environment and add to the national debt.

Thank you for your attention in this regard.

Very truly yours,
DONALD G. ROBINSON,
CHAIRMAN,
Environmental Action Committee.

LAKE ST. CLAIR
ADVISORY COMMITTEE, INC.,
Mt. Clemens, Mich., August 20, 1983.

Hon. DAVID E. BONIOR,
U.S. Representative,
Washington, D.C.

DEAR REPRESENTATIVE BONIOR: Reference is made to H.R. 3678, Section 1123 (Winter Navigation on the Great Lakes). The Lake St. Clair Advisory Committee was completely surprised and actually dumbfounded to hear about this proposal. The committee is very strongly opposed to such a move and would like to go on record that everything humanly possible will be done to promote this opposition. The committee also strongly urges you to do all in your power to defeat this proposal.

We are very surprised that the "Trial Run" of the winter navigation carried on in the late 1970's was not proof enough of the devastating results.

Shoreline Erosion, Broken Docks, Extremely High Water Levels, were just a few of the things experienced. Fish and Wildlife, as well as their habitats were also adversely affected.

Ice booms, dikes, and dams will not cure the problems mentioned above.

We would again urge you to do all possible to discourage this proposal.

By order of the Board of Directors.

Very truly yours,
HERB WISEMAN,
Correspondence Secretary,
Lake St. Clair Advisory Committee.

SOUTHEAST MICHIGAN COUNCIL
OF GOVERNMENTS,
October 12, 1983.

Hon. DAVID E. BONIOR,
U.S. Representative,
Washington, D.C.

DEAR REPRESENTATIVE BONIOR: SEMCOG urges the Michigan Congressional Delegation to oppose Section 1123 of H.R. 3678, which would authorize extended winter navigation on the Great Lakes.

SEMCOG's Regional Clearinghouse Review Committee (RC^2) which reviews plans and applications involving Federal funds, went on record opposing the Army Corps of Engineers' proposal for an extended winter navigation season on the Great Lakes. Specifically, the Committee determined that the "Final Environmental Impact Statement, Great Lakes—St. Lawrence Seaway Extension Study," prepared by the U.S. Army Corps of Engineers, was inconsistent with Southeast Michigan's adopted water quality goals and objectives. Potential negative environmental impacts simply have not been adequately identified or evaluated. We cannot subscribe to a strategy of an after-the-fact assessment of impacts to Michigan's priceless water resources and valuable shorelands. And although the negative environmental impacts that accrue would fall primarily to Michigan, the economic benefits realized by this state would be negligible. SEMCOG continues to oppose the proposal for extended winter navigation and urges you to seek the removal of Section 1123 from H.R. 3678.

Thank you for this opportunity to express our concern.

Sincerely,
DONALD E. SHELTON,
Chair, SEMCOG,
Mayor, City of Saline.●

GRENADA, AFTER THE YANKS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● **Mr. HYDE. Mr. Speaker, as the ritualistic critics of the Reagan administration beat the drums of dissent concerning our rescue effort in Grenada, it seems useful to inquire how those people native to Grenada feel about what we have done. That freedom and democracy are the winners and tyranny the loser is borne out by Washington Post's reporter Phil McCombs' ar-**

ticle in the November 3, 1983, Post, which I share with my colleagues:

[From the Washington Post, Thursday, Nov. 3, 1983]

GRENADA, AFTER THE YANKS

READY FOR BETTER TIMES AS LIFE UNDER THE GUNS RETURNS TO NORMAL

(By Phil McCombs)

ST. GEORGE'S, GRENADA, November 2—George Bernard drives his rusted-out wreck of a Vauxhall Cresta Deluxe around the compact horseshoe harbor here with its pastel-colored shops nestled along the water. Lush jungle hills spring up all around, the red tile roofs of stucco houses like gems in the deep, waxy greenery.

Bernard, 50, is a pleasant man, a taxi driver with a short, bristling beard and six children by three women, one of them now his wife. The only time he has ever been off this island was to attend a labor seminar in Moscow two years ago.

These haven't been good times. "In 1978, we had two, three, four, five cruise ships a day," Bernard said of prerevolutionary Grenada. "Last year we had one or two a week, and this year one a week." He called the American action "a joy to us, regardless of how other countries look at it." Under Marxist rule, he said, "Everything for the poor man has gone up [in price] * * * oh, they kill us. Cubans work on the airport. Grenadians don't get the work." Bernard said he has been lucky to get one fare job a week.

"I have to work in my garden to maintain my family. Right now I feel more confident. I feel more happy, and I have to say, Long live Reagan!"

CINNAMON HILL

Eight days after the United States launched a surprise attack on this tiny Caribbean island, the natives were picking up their lives, returning to their jobs and the streets. The electricity had come back on and the semblance of normalcy was interrupted mostly by the sound of planes overhead and the presence of American soldiers.

At the Cinnamon Hill and Beach Club Hotel, a spectacular sprawl of white stucco villas running up a jungle hillside from the sea, Richard Gray discussed the week's events. "I found three AK47s in my pump room this morning. They were not there yesterday," said Gray, a charming, craggy-faced Englishman with a deep theatrical voice, who gave up a New York playwriting career to come to this tropical paradise in 1967 and open a hotel.

Radio Free Grenada, the Marxist government station, was next door until last week, when American forces, some of them operating from Gray's patio, destroyed it while rooting out some Cuban troops holed up there.

The station is now a heap of blackened rubble.

"It was delightful," said Gray of the battle. "I watched them call off the coordinates and whoof! whoof! It was bloody marvelous. It needed to be bombed."

Although there was silence at the isolated hotel as dusk fell Tuesday, and while Gray is having trouble retrieving his frightened staff, he has no fears. Gray spent World War II as a paratrooper on what was then India's Northwest Frontier.

The hotel is not far from the Grand Anse campus of the St. George's University School of Medicine and the nearby barracks where American troops attacked Cuban forces Oct. 25. Gray said three Cubans were arrested on a nearby road Tuesday morning, and he figures they put the rifles in his pump house.

As a leading businessman here, Gray is deeply involved in the effort to rebuild the country. He had just returned from talks with Governor General Paul Scoon, the queen's representative in this former British colony. Scoon is leading the effort to establish an interim government and bring about a general election.

"We're trying to get together the government again," said Gray. "It's not often you get a second chance."

Gray said he is losing money because of the war, but it is "a small price to pay. We are delighted. Not just us but the little people all over the island.

"The process of rebuilding isn't going to be an easy one. We have elements in the country who would like to be extremely right wing and vindictive. This is not the way tc go. We want to see a lot of the progress of the revolutionary government continued, [although] we deplored the reduction in freedom under Mr. Bishop." He said the regime of slain Marxist Prime Minister Maurice Bishop had made progress in health care and education and in promoting some industries.

Gray was out of the country just before the U.S. action and had learned from sources on another island that the attack was scheduled Oct. 25 before dawn.

From the other island, he placed a call at 5:30 a.m. that Sunday to Richard Menezes, a businessman here whom Gray had awakened at 5:30 a.m. once before—on March 13, 1979, to warn him that Bishop had just taken the radio station near the hotel and that a coup was in progress.

This time, Gray told his friend, "You remember you were very cross when I called you at 5:30 one morning? Well, 5:30 is coming again."

"Oh s---," replied the groggy Menezes, "that's great."

WITNESS

"Write the truth," said Martin Williams, 34, a strong, handsome, well-dressed man who runs a small farm outside St. George's. "The people in Grenada welcome [the U.S. action]. There are no two ways about it."

Williams, who was spending an hour flirting with women near the electricity company, was asked how he could have supported Bishop, who was assassinated by hardline Marxists Oct. 19, and now call Ronald Reagan "a good man."

Although Bishop was a popular Marxist leader, Williams said, he also was a "wolf in sheep's clothing" who gave in too often to the hardliners. "The communist people made you feel it's a crime to achieve, to sacrifice, to help yourself," Williams said. "They take your heart away."

Asked about former soldiers of Bishop's now disbanded People's Revolutionary Army, Williams said, "These people are sick in their hearts. They still have some hand grenades. Guns were so easy to get. A lot of the guys in the [revolutionary] army who were expecting something for nothing because Bishop and Coard [former deputy prime minister Bernard Coard, a hardline Marxist] promised them the world, they are dangerous. It may take two or three years to eliminate the danger, because grief is a thing that don't mend overnight."

After things have settled down, Williams warned, the former soldiers may become "terrorists, they may put bombs in your home."

For now, he said, "They go home. They wait."

Williams said he was a witness to the events of Oct. 19, when thousands of people gathered downtown and hundreds marched up the hill to free Bishop from house arrest.

He said he saw the armored personnel carrier of Gen. Hudson Austin's troops fire into the crowd, a sight too horrible to forget. Shortly after that, Bishop and some of his ministers were retaken and shot to death by Austin's troops.

"It was a day like today, very hot. The armored car came and blasted two shots boom! boom! at the crowd . . . a lot of people died. It was a massacre. I never thought in my life that I would see people shoot at their own people. I just can't believe that people would do that. It was savage, inhuman, wicked."

Nobody knows how many died that day. The official count was 17, but estimates based on eyewitness accounts are much higher.

CHILDREN

There is a sign scrawled in big black letters on a fading pink wall at the corner of Young and Church streets high above the harbor.

"It says 'God Bless America,'" explained Anne Brown, a young mother walking up the street with her 2-year-old daughter, Kerlin, to meet two other children.

They talked excitedly. Some U.S. troops passed by in a jeep.

"They let the people free," Brown said of the Americans. "They saved our lives," said Utilda Palmer, a bright-eyed 10-year-old.

Utilda and Hilerie Redhead, 12, said they wanted pen pals in the States.

MARKET

"God Bless America," said a woman sitting in a stairway, who said she worked in a photo studio.

"The Americans came to help us," she said.

"Use the word 'rescue,' sister," said an old man.

"Oh, we've needed that for a long time," said the woman. "I am sorry they didn't come sooner."

"We are liberated, but I am still having my fears for my personal safety," said the man.

Outside in the market, cars and trucks roared by. Heavily armed American troops went by in jeeps. No one seemed to pay any attention to them.

There were many youths, apparently school children. Music blared from a loud speaker. Suddenly the scratchy recorded voice of Scoon boomed out, saying, "We will continue as rapidly as possible to restore peace and order."

"We want Gairy," said a sign scrawled on the pink of Mike's Shoe Shop. The reference was to Eric Gairy, the Grenadian prime minister deposed by Bishop in 1979.

Junior James, 23, a government welder who returned to work Tuesday, was waiting for a bus. "I didn't like the scene before [the Americans came]," said James, who wore blue jeans and a white T-shirt. "But now it has changed. I am glad for the change. I hope it's for the better."

James said he "had friends in the [People's Revolutionary] Army, but most of them were forced in. Some of them were just there to make a living, and everybody has to live. The bigger guys were pressing them to go in."

He said he doesn't mind having armed American troops everywhere. "I don't think they came to shoot nobody," he said.

A street vendor wearing sandals and with a scraggly beard and a basket of greenish oranges stood in front of a shop called The Pastryman. He looked up and watched two U.S. warplanes streaking overhead. "Good enough," he said. "They came to us as the peace force."

At a small supermarket, owner Robert Douglas said there are shortages of chicken and tinned sardines "and stuff like that. Tinned milk. It's not a crisis. It's not that bad." Several shoppers were buying items and the shelves appeared to be mostly full.

Spencer Edwards, a lean, hawknosed man who is headmaster of Boca Junior Secondary School and who appeared to be the only white native Grenadian in the square Tuesday, said slightly less than half his children returned to classes Tuesday.

"They'll come back eventually," he said. "People are a little bit scared still, of the noise and activity in the area."

FRAGRANCES

At that now-famous airport at Point Salines, with the sweating, noisy bustle everywhere, you can smell that cool, damp odor of new cement and plaster still drying * * *

* * * In the rubble of the bombed hospital, the smell of the dead. A correspondent says at dinner that it can be determined from the smell that there are five bodies left in there. The remark passes for humor * * *

* * * And in many places here on "the spice isle," the smell of nutmeg. You can buy packets with three or four nuts of nutmeg with tiny, kitchen-style shredders included for reducing them to a fresh, sweet-smelling powder.

TOURIST CHIEF

Jane Belfon, director of the ministry of tourism, was sitting in her hot, harbor-front office trying to stay cool Tuesday when a man in a fancy white shirt bounded in and exclaimed, "Welcome, survivors of Grenada!"

He was Norberto J. Ambros, the Organization of American States' representative here. Belfon greeted him warmly, and he told her he was on his way to Washington to report to the OAS.

"I spent two-and-a-half days looking at the floor of my home," he said. "Bullets were flying everywhere. It was rough."

"So many people we haven't seen yet," Belfon said. "You don't know if they're alive or dead."

Ambros left and Belfon began talking about tourism, saying there are "zero, no tourists" here right now, but that as of the end of September, before all the turmoil, tourism was up 17 percent over last year.

"We had 25,000 tourists last year," she said. "This year we expected 33,000."

Belfon, an energetic woman with a broad smile, said that tourism will continue to be an important industry in the future, and that it "will depend on access into Grenada. An international airport is critical and should be completed. It's critically important, whether it becomes American or not."

She said the Bishop government (Belfon was appointed to her job by Bishop) was "the first government to take the [tourist] industry seriously and make progress," a view directly counter to that of the taxi driver and others.

Asked for her personal, unofficial view of the American action here, Belfon said, "As a human being, I do not support the invasion of any sovereign nation on this earth whether it's Afghanistan, Switzerland or Grenada. I think it's wrong, and * * * a violation of international law."

Suddenly the air conditioning came on with a roar at the back of the office, and Belfon exclaimed, "Ah, bravo, electricity!"

"This is a peaceful, beautiful country with warm, hospitable people," she said. "Even with an invasion, the country is peaceful and safe."

Just then there was a distant sound of explosions. "Well," laughed Belfon, "There are a few bombs dropping over there."

MANAGING

Pearl Paterson, a small efficient woman with angelic qualities, manages the splendidly crumbling St. James Hotel overlooking the harbor. There are no tourists here, but Paterson plays mother to 100 slightly crazed journalists.

Last night, friendly and unflappable, she bedded down a dozen in the lobby when the rooms overflowed. "It's not posh, but we try to keep it clean," she said. At dinner she leaned down and quietly warned, "You watch where you're going. Watch these local boys who want to lead you around."

Later, she drew laughter when she presented a dinner check to one grimy journalist, asking politely, "What plan are you on?"

TAXI DRIVER

George Bernard's most immediate concern is not the war, but his failing car battery. He can hardly get his old crate cranked up, and a new battery costs $300 Grenadian. He can't afford it.

"As soon as they [the Bishop government] came in, they said no six-cylinder vehicles. What happened was, all the Russians and Cubans had six-cylinder vehicles, but we, the poor man, could not have them * * *

"Oh, it was terrible. No taxi man could purchase a new car because the purchase tax was 100 percent. Regardless of what other countries say, I don't think it was an invasion. I think it was a help from [under] the yoke of Communism * * * if you said anything political, the government detained you. Now we are free. Now Bishop is gone. All his distressors are gone."

Distressors? "If anyone hears you say anything, they arrest you. I call them political bandits."

Driving past long rows of shot-up yellow barracks that once housed Cuban soldiers, Bernard said enthusiastically, "Yeah, mon, we get them out of this country!"

Bernard acknowledged that "the masses of the people" were behind Bishop, and confided that he himself had liked Bishop. "Now all we need to do is have a general election in the very near future and build back our country."

As Bernard spoke, he drove past a big roadside poster placed by the former government. It said, "1983—year of political and academic education."●

TRIBUTE TO DR. ALBERT B. SABIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Dr. Albert B. Sabin, the foremost virologist of our time. Dr. Sabin has been selected to receive the Life Achievement Award from the Honorable Eliezer Shostak, Minister of Health of the State of Israel, on the occasion of the 50th anniversary of the Kupat Holim Leumit, the National Sick Fund of Israel.

Dr. Sabin has been selected to receive this coveted award because he has given the gift of life to the world. He is best known for his studies on the nature of human poliomyelitis, and his development of the Sabin oral polio vaccine. His contributions to medicine have enabled us to eradicate polio from the United States and many other parts of the world.

His studies of viruses have led to new discoveries of the potentially causative agents of diseases such as meningitis and encephalitis, and he has studied the role which viruses may play in the cause of cancer.

Dr. Sabin's brilliant career has spanned over 50 years, only a few years longer than the National Sick Fund has been in existence. From a humble beginning before Israel had even become a state, the National Sick Fund now serves over 350,000 Israelis, regardless of race or religion, with efficient and up-to-date medical services. Among these is the Sabin oral polio vaccine.

Mr. Speaker, it is my pleasure to congratulate Dr. Sabin on this Life Achievement Award, and to ask that all the Members of the House of Representatives here today join me in recognizing Dr. Albert B. Sabin for a lifetime of achievement and for giving the world the gift of life. I would also like to extend my best wishes for continued success to the Kupat Holim Leumit, the National Sick Fund of Israel, on this, the occasion of its 50th anniversary.●

RESTITUTION TO ALEUT CITIZENS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today which will help to correct an injustice which was committed by the Federal Government against Alaska Native citizens during World War II. This bill will serve to provide restitution to Aleut citizens of the United States for personal property losses and physical hardship suffered while interned in temporary camps during the war. In addition, the legislation would provide compensation for certain community property losses and authorize the removal of hazardous debris and ammunition remaining in populated areas. It is identical in content to provisions of companion legislation to be introduced in the other body by colleages, Senators STEVENS and MURKOWSKI.

Mr. Speaker, as the members of this Chamber well know, World War II marked a difficult and dangerous time in the history of our Nation. It was only through the valiant sacrifices of men and women throughout the country that we were able to prevail in wars on two fronts which we did not choose to begin. In no way is this legislation intended to diminish the contributions of American soldiers and sailors whose sacrifices allowed us to win the war.

At the same time, it should be the obligation of the Federal Government to repay citizens when the Government takes property or interns individuals who have not committed any violations of the law. To ignore this obligation is to allow a government to arbitrarily deprive individuals of their rights as citizens.

The circumstances surrounding the invasion of two islands on the Aleutian chain and the necessity to evacuate residents of a large number of villages on the islands are a matter of history for most Americans. However, for the individuals who were interned, as well as for those who lost family members who did not survive the long period in the camps, this time was one of permanent sorrow and loss. These losses were made even greater by the failure of the Government to return property after the war. It is our duty to live up to this obligation. For these reasons, I have introduced this legislation and urge my colleagues to support its enactment into law.●

PENSION EQUITY FOR WOMEN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. CLAY. Mr. Speaker, on September 29 and November 1, 1983, the Subcommittee on Labor-Management Relations held hearings on issues of pension equity for women.

The private pension system is intended to deliver benefits to supplement those provided by the social security system. Tragically, unforeseen faults in the fundamental design of both retirement systems stand in the way of meeting our national goal—to insure the well-being of our elderly.

The private pension system, like the social security system, generally rewards a certain kind of work behavior—that is, a lifetime of steady work and high earnings. Women's work patterns do not conform to this model. According to statistics, a woman is likely to work inside the home as well as outside it at different times in her lifetime. When in paid employment, she is likely to be in part-time work and segregated into low-paying service fields that are tolerant of departure and reentry. Given this trend, it is rare that women earn pension benefits in their own right. Only 19 percent do.

Older women are suffering dire economic hardships. In 1981, the median total money income of women over 65 was $4,757, a sum hardly adequate to meet their housing and long-term health-care needs; they are now 72 percent of the elderly who live in poverty.

For most women, the only hope of supplementing their social security dependent's benefit is in claiming a joint share of their husband's pension. These women face serious vulnerabilities as a result of current pension law.

Presently, a woman may be denied rights to pension benefits with the dissolution of a marriage by death or divorce regardless of how many years she served as an economic partner to a man covered by a plan. Her joint and survivor annuity could be signed away by her husband without her knowledge or consent.

Many witnesses testified as to these and other serious inadequacies of current law. On November 1, the subcommittee adopted a bipartisan substitute for H.R. 2100, a bill introduced by our colleague, GERALDINE FERRARO.

I want to commend her and our colleagues MARGE ROUKEMA, CARDISS COLLINS, OLYMPIA SNOWE, PAT SCHROEDER, CLAUDINE SCHNEIDER, and the many others who have initiated and skillfully advanced this bill.

On November 2, I joined with the ranking member of the subcommittee, MARGE ROUKEMA, JOHN ERLENBORN, the ranking member of the Education and Labor Committee, GERALDINE FERRARO, all the members of the Subcommittee on Labor-Management Relations and many others to introduce as a new bill, the bill the subcommittee adopted earlier this week. We anticipate speedy enactment of this legislation. A summary of the bill follows:

I. MINIMUM AGE OF PARTICIPATION

Will lower the minimum age of participation from age 25 to 21; in addition defined benefit plans would be permitted an option to continue to provide for "participation" at age 25, but benefit accrual and vesting would be required to be credited at age 25 for service as if actual plan participation had commenced at age 21.

II. VESTING

The minimum age for vesting would be lowered from age 22 to age 18. In addition non-top-heavy plans would be given greater certainty with respect to the adoption of vesting provided in connection with the "non-discrimination" provisions of the Internal Revenue Code by providing safe harbors under Section 411(d)(1)(B) (100% 5 year vesting, 10% graded vesting beginning at 30% after 3 years, and plans meeting certain present-value and cross-section tests). This latter provision, similar to that contained in legislation sponsored by Reps. Frenzel, Erlenborn and Perkins would be made inapplicable to top-heavy plans, but would provide greater certainty for all other plans with respect to tax qualifications.

III. NO BREAK IN SERVICE FOR MATERNITY/ PATERNITY ABSENCES

1. The maternity/paternity break-in-service rules would provide credit for participation and vesting, but only for purposes of avoiding breaks-in-service.

2. The provision in S. 1978 eliminating the rule-of-parity for breaks-in-service of less than 5 years is included.

IV. JOINT AND SURVIVOR ANNUITIES FOR MARRIED PARTICIPANTS

1. An automatic joint and survivor annuity would have to be made available after 10 years of service rather than after age 45 and 10 years of service as under S. 1978.

2. Defined benefit pension plans (including money purchase plans) would be required to provide annuities, and therefore joint and survivor annuity for married participants; other individual account plans (e.g. profit sharing and stock bonus plans) would be exempt from annuity requirement if the participant's account balance is payable in full on the death of the participant.

3. Generally the provisions of S. 1978 are followed with respect to the spousal consent and "election out" requirements, except that the 1-year marriage rule and the 2-year non-accidental death rule would be deleted.

4. Since the present value of the spousal benefit in many instances will be small, and likely to be cashed out, a provision is included which would require the plan to make a lump sum payment directly to the IRA or pension plan of the employee's new employer (if allowed) as the participant may direct. The participant may also elect cash.

5. Similar to H.R. 2100, deferred vested participants would be given an option to elect a Joint and Survivor Annuity to the extent that benefit payments have not commenced.

V. DOMESTIC RELATIONS LAW ORDERS—EXCEPTION TO ERISA ANTIALIENATION PROVISIONS

1. Generally the procedures under S. 1978 are followed except that in the case of non-qualified domestic relations orders and cases in which former spouses cannot be located payments could be made to participant and alternate payee's benefits would be held by plan for up to 3 years (after which payments to alternate payee would be prospective only).

2. The amendment clarifies that the qualified domestic relations * * *

VI. TAX TREATMENT OF SURVIVOR DISTRIBUTION

In addition to the S. 1978 provision permitting the spouse to roll-over a distribution to an IRA, as under H.R. 4032 the spouse could claim ten-year forward averaging income tax treatment.

VII. CASH OUT LIMIT

As in S. 1978, the cash out limit is raise from $1,750 to $3,500, except that the present value is determined using the plans actuarial valuation rate of interest.●

NATURAL GAS LEGISLATION—HOW DO WE GET FROM HERE TO THERE?

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. GEPHARDT. Mr. Speaker, in the last several weeks, a plethora of information has been circulated in support of each of the various pieces of legislation seeking to make changes in the Natural Gas Policy Act of 1978 to address the current problems in the natural gas market. The problem with all of these studies is that they are based on differing assumptions which often do not reflect true market conditions and which seek to define the market of the future. As my colleagues who were here in Congress in 1978 know, we have already made the mistake of trying to predict the future natural gas market; in 1978, we assumed that the oil equivalent price of natural gas would be $15 per barrel in 1985.

The question with which we are faced in the current debate is how do we bridge the gap between the present market, which is in disarray, to one where market signals are effectively transmitted from the producer to the end user and back again. Each of the sponsors of legislation can point to information supporting their position; the current debate, however, centers around different interpretations of how the market currently operates, and how it should operate.

An orderly transition that corrects the present problems, provides necessary relief to consumers, and assures them of this relief is the course we must pursue. H.R. 2154, the Natural Gas Consumer Relief Act of 1983 provides this orderly transition by creating a framework that will allow us to find out whether a free market can exist. While different approaches such as immediate decontrol, ramp-up, ramp-down formulations may elicit more supply in the short run, they will not provide the price relief which H.R. 2154 affords. Additionally, if one examines the market over time, most of the approaches over time converge at some point on providing additional supply; it is a question of what point on the curve that supply becomes available—now, when there is a oversupply of natural gas, or after 1987, when the current oversupply should be depleted.

We are all seeking to solve our current problems and insure that we do not have to go through this exercise again. The one thing we must have this session, however, is action. All of the various sectors of the gas industry need to be relieved of the uncertainty of what is to come. H.R. 2154, the Natural Gas Consumer Relief Act of 1983, which has the support of more than 150 Members of the House provides the necessary relief while insuring long-term supplies.●

JENNIE FRISCH ADLER

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. SCHUMER. Mr. Speaker, on November 5, 1983, Jennie Frisch Adler celebrates her 100th birthday. Jennie Adler's century of life has been one that exemplifies the American experience, and I would like to congratulate her on the occasion of this joyous landmark.

A native of Vitke, Hungary, Jennie Frisch first came to the United States at the age of 27, and settled with her brother in Omaha, Nebr. Three years later, in 1913, she married Anton Adler, who was also born in Hungary, and became a citizen of the United States. Jennie and Anton were an industrious couple—she ran a grocery store, and he ran a tavern. They raised four children in their home behind the grocery store.

Her retirement in 1953 at the age of 70 did not slow Jennie down; she moved to California and spent much of her time knitting afghans, which she donated to charities for their fund raising. She has returned to live with her daughter in Omaha, where her 9 grandchildren and 10 great-grandchildren will be joining her to celebrate her birthday with a Thanksgiving Day reunion planned by her children. This is the first time the entire Adler family—all of Jennie's surviving children, grandchildren, and great-grandchildren will be together. This centennial birthday and the reunion of the entire family are truly reasons for the Adler family to give thanks.●

HONORING FELIX PERALTA, FIRST VICE PRESIDENT, COMMUNICATIONS WORKERS OF AMERICA, LOCAL 11586, SANTA FE SPRINGS, CALIF.

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. TORRES. Mr. Speaker, Felix Peralta, first vice president of the Communications Workers of America, Local 11586 has served as a voice for the working men and women of our country for the past two decades. During this time I have had the pleasure to work with Felix and have come to admire his commitment to the union labor movement.

Felix was born on September 16, 1946, in East Los Angeles, Calif. He attended local schools in East Los Angeles. Following his graduation from Garfield High School, Felix began working for General Telephone of California in 1966. In that same year he enlisted in the U.S. Army. During his service in the Army, Felix was stationed in Vietnam for 11 months. While in Vietnam, Felix was awarded the Bronze Star for valor in combat. He also received a combat infantry badge, was awarded two Army commendations for valor and the Purple Heart. He was honorably discharged in 1968.

Following his service in the Army, Felix returned to the Greater Los Angeles area and again began working for General Telephone of California. In April 1970 he married his lovely wife, the former Inez Luna. They have four beautiful daughters, Vicky, Veronica, Valerie, and Yvonne. The Peralta's reside in La Puente, Calif.

Mr. Speaker, Felix has always served the members of the Communications Workers of America, Local 11586 during his tenure at General Telephone. Among his many positions at GTE over the past 17 years Felix has been: a cable splicer, lineman, special equipment installer, and field engineer. His involvement with the Communications Workers of America began as a steward and following his tenure, he was elected as a member of the executive board of Local 11586. He has also served his fellow brothers and sisters of the local as their third vice president, responsible for the relations between the union and management and their second vice president responsible for monitoring the Communications Workers of America legislative calendar both at the State and National level. Currently as the local's first vice president Felix serves as the community liaison and the political director for the members.

Felix has also served as the coordinator for the employee assistance program for alcohol, drugs, and social services, as an elected member of the California State Democratic Central Committee and as a member of the Los Angeles Citizen Advisory Commission. Former Gov. Edmund G. Brown, Jr., appointed Felix as one of California's representative to the White House Conference on Aging.

In addition to his work in the union Felix is involved in a number of community activities like the United Way's fundraising drives, numerous Red Cross blood drives and the La Puente Little League.

Mr. Speaker, Felix Peralta is the epitome of the union labor movement's strong leaders. He is committed to improving the welfare of his fellow brothers and sisters. I ask my fellow colleagues to join me in thanking Felix for a job well done.●

HOUSE OF REPRESENTATIVES—*Monday, November 7, 1983*

The House met at 12 noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
November 3, 1983.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, November 7, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for the blessings that are a part of our lives and for those people whose concern for us brightens each day. We recognize that we cannot walk life's way alone nor do we meet each challenge solely by our own strength. We offer thanks for those family and friends and colleagues who support us with their love and surround us with their prayers. In appreciation for the caring community that makes for a fuller life, we offer this our prayer. Amen.

THE JOURNAL

The **SPEAKER** pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2968. An act to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2968) entitled, "An act to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GOLDWATER, Mr. GARN, Mr. LUGAR, Mr. WALLOP, Mr. COHEN, Mr. MOYNIHAN, Mr. INOUYE, Mr. LEAHY, Mr. BENTSEN, and Mr. NUNN, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate with an amendment to the bill (H.R. 2077) entitled "An act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 450. An act to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representations or lotteries), and for other purposes; and

S. 1510. An act to establish uniform single audit requirements for State and local governments who receive Federal assistance and for recipients of Federal assistance from such governments, and for other purposes.

CONSENT CALENDAR

The **SPEAKER** pro tempore. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

JULIETTE GORDON LOW FEDERAL BUILDING

The Clerk called the bill (H.R. 1551) to name the Federal building to be constructed in Savannah, Ga., as the "Juliette Gordon Low Federal Building."

The **SPEAKER** pro tempore. Is there objection to the present consideration of the bill?

Mr. **LUNGREN**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ACACIA MUTUAL LIFE INSURANCE CO., CHARTER AMENDMENTS

The Clerk called the bill (H.R. 2479) to amend the act of March 3, 1969, incorporating the Masonic Mutual Relief Association of the District of Columbia, now known as Acacia Mutual Life Insurance Co.

There being no objection, the Clerk read the bill, as follows:

H.R. 2479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of March 3, 1969, incorporating the Masonic Mutual Relief Association of the District of Columbia (now known as Acacia Mutual Life Insurance Company) is amended to read as follows:

"SEC. 3. The number of directors of said company shall be fixed by the bylaws and shall be at least three. A number of the directors, less than a majority, shall be elected by the policyholders at the annual meeting of the company from among themselves for a term of three years; that in all cases of a tie vote the choice shall be determined by lot, and in all other cases a plurality vote shall decide. The annual meeting of the company shall be held at such time and place as provided in the bylaws. The board of directors shall elect from among the policyholders at their first meeting succeeding the annual meeting of the company a president, one or more vice presidents, a secretary, and a treasurer, and from time to time such additional officers as the bylaws may provide. The president, the vice presidents, the secretary, and the treasurer shall each give bond with surety to the company in such sum as the board of directors may require for the faithful performance of his duties. At all meetings of the board of directors a majority of the entire board shall form a quorum. In case of any vacancy in the board of directors by death, resignation, or otherwise, such vacancy may be filled by the remaining directors from among the policyholders of the company to serve for the remainder of the unexpired term.".

With the following committee amendments:

Page 1, line 3, strike out "1969" and insert in lieu thereof "1869".

Page 2, line 7, strike out "themselves" and insert in lieu thereof "themselves".

Page 2, line 16, after "vice" strike out "presidents" and insert in lieu thereof "president(s)".

The committee amendments were agreed to.

AMENDMENTS OFFERED BY MR. SAM B. HALL, JR.

Mr. **SAM B. HALL, JR.** Mr. Speaker, I offer amendments.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The Clerk read as follows:

Amendments offered by Mr. SAM B. HALL, JR.: Page 2, lines 7 and 8, strike out "; that in" and insert in lieu thereof ". In".

Page 2, line 23, insert "for the remainder of the unexpired term" after "filled".

Page 2, lines 24 and 25, strike out "to serve for the remainder of the unexpired term".

Mr. SAM B. HALL, JR. Mr. Speaker, the bill H.R. 2479, as amended, is to amend the act incorporating the Acacia Mutual Life Insurance Co., to provide that the number of the directors is to be fixed by the company's bylaws with a minimum of three and to further provide that the quorum for meetings of the board is to be a majority of the entire board.

The present Acacia Mutual Life Insurance Co., was originally incorporated by act of Congress on March 3, 1869, as "The Masonic Mutual Relief Association of the District of Columbia." That act has been amended through the years to reflect the changing needs of the company. The provisions of the act concerning the number of directors and the quorum required for its meetings are now set out in section 3 of that act and provide for a membership of 21 with a quorum of 12. The only changes made in the restatement of that section in this bill is to provide that the company may fix the number of its directors in its bylaws with a minimum of three and that a majority of its entire board is required for its meetings.

This bill was the subject of a subcommittee hearing on May 12, 1983. At that hearing, the witness appearing in behalf of the company stated that Acacia was chartered by a special act of Congress on March 3, 1869, under the name of "Masonic Mutual Relief Association of the District of Columbia" and that at the time Acacia was chartered, there was no general corporation law in existence in the District of Columbia under which it could have been incorporated. Acacia's charter has been amended by Congress nine times, the last of such amendments occurring in 1932.

H.R. 2479 makes several changes in section 3 of Acacia's charter. At the present time Acacia is required to have a minimum of 21 directors. The company pointed out to the committee that this is an exceptionally large number of directors by modern corporate standards. Acacia believes it could operate more efficiently with a smaller and more active board of directors. Under the bill, the exact number of directors will continue to be fixed by the bylaws, but shall be at least three. H.R. 2479 also reduces the number of directors required to constitute a quorum from 12 to a simple majority and gives Acacia the option of not filling a vacancy on its board of directors except to meet the requirement as to the minimum number of directors.

At the hearing the committee was advised that the amendments have been approved by Acacia's board of directors with the request that Congress adopt the necessary enabling legislation. The District of Columbia Insurance Department has no objection to the bill.

The committee has concluded on the basis of the facts presented at the hearing, the amended bill should be considered favorably.

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from Texas (SAM B. HALL, JR.).

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the Act of March 3, 1869, incorporating the Masonic Relief Association of the District of Columbia, now known as Acacia Mutual Life Insurance Company."

A motion to reconsider was laid on the table.

DECLARING CERTAIN LANDS HELD BY THE SENECA NATION OF INDIANS TO BE PART OF THE ALLEGANY RESERVATION IN THE STATE OF NEW YORK

The Clerk called the bill (H.R. 3555) to declare certain lands held by the Seneca Nation of Indians to be part of the Allegany Reservation in the State of New York.

There being no objection, the Clerk read the bill, as follows:

H.R. 3555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the lands described in subsection (b) are declared—

(1) to be part of the Allegany Reservation in the State of New York, and

(2) to have the status of tribal lands for purposes of Federal law.

(b) The lands referred to in subsection (a) are the lands held by the Seneca Nation of Indians and more particularly described as follows:

(1) All that piece or parcel of land acquired by the Seneca Nation of Indians from the State of New York, Department of Transportation, pursuant to a deed dated September 2, 1981, situate in lots numbered 24, 25, 26, 28, and 29, township numbered 2, range numbered 7, in the town of Red House, county of Cattaraugus, State of New York, and consisting of seven hundred and ninety-five acres, more or less.

(2) All that piece or parcel of land acquired by the Seneca Nation of Indians from the State of New York, Department of Transportation, pursuant to a deed dated February 26, 1982, situate in lot numbered 14, township numbered 2, range numbered 8, town of Cold Spring, county of Cattaraugus, State of New York, and consisting of six acres, more or less.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DECLARING THAT THE UNITED STATES HOLDS CERTAIN LANDS IN TRUST FOR THE PUEBLO DE COCHITI

The Clerk called the bill (H.R. 3259) to declare that the United States holds certain lands in trust for the Pueblo de Cochiti.

There being no objection, the Clerk read the bill, as follows:

H.R. 3259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. All right, title, and interest of the United States in the lands described in section 2 (including all improvements thereon and appurtenances thereto) are declared to be held in trust by the United States for the Pueblo de Cochiti (hereinafter in this Act referred to as "the Pueblo"), subject to the provisions of section 3.

SEC. 2. The lands referred to in section 1 are the lands—

(1) situated in the counties of Sandoval and Santa Fe in the State of New Mexico,

(2) known as the Santa Cruz Spring Tract,

(3) described on page 6 of the report of Milford T. Keene, Land Surveyor, Southern Pueblos Agency, Bureau of Indian Affairs, Albuquerque, New Mexico, dated February 26, 1981, and

(4) recorded in the files of the Bureau of Indian Affairs, Southern Pueblos Agency.

SEC. 3. Nothing in this Act shall be construed to deprive any individual or entity of any legal existing right-of-way, legal mining claim, legal grazing permit, legal water right, or other legal right or legal interest such individual or entity may have in the lands described in section 2.

SEC. 4. Before the end of the one-year period beginning on the date of enactment of this Act, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall—

(1) conduct a cadastral survey of the lands described in section 2,

(2) make any correction in the description of such lands which is necessary as a result of such survey, and

(3) publish any such correction in the Federal Register.

SEC. 5. The lands which are declared to be held in trust by the Secretary pursuant to section 1 shall be part of the Pueblo Reservation and shall be subject to the laws and rules of law of the United States relating to Indian lands. Such lands shall not be developed for any use other than a use in existence on the date of enactment of this Act.

SEC. 6. Nonmembers of the Pueblo who, on the date of enactment of this Act, are permittees of lands described in section 2 of this Act shall be given the opportunity to renew their permits under rules and regulations of the Secretary to the same extent and in the same manner that such permits could have been renewed if this Act had not been enacted, except that such opportunity to renew shall expire ten years after the date of enactment of this Act. The Secretary shall deposit any and all fees paid by such permittees into the Treasury of the United States to the credit of the Pueblo. The Pueblo may obtain the relinquishment of any or all of such permits from the permittees under such terms and conditions as may be mutually agreeable. The Secretary is authorized to disburse from tribal funds in the Treasury of the United States to the credit of the Pueblo, so much thereof as may be necessary to pay for such relinquishments and for the purchase of any rights or improvements on said lands owned by nonmembers of the Pueblo. The authority to pay for the relinquishment of a permit pursuant to this section shall not be regarded as a recognition of any property right of the permittee in the land or its resources.

SEC. 7. The Secretary shall give full recognition to the flowage easement for the operation and maintenance of the Cochiti Dam and Reservoir project granted to the Department of the Army, Corps of Engineers, by the United States Forest Service, Department of Agriculture, involving lands describe in section 2 of this Act. The Secretary is authorized to modify the terms of or terminate said easement as the Secretary and the Corps of Engineers mutually deem necessary.

SEC. 8. The Secretary shall recognize and grant necessary easements for access to lands described in section 2 of this Act for the following purposes:

(1) Access to recreational sites maintained by the United States.

(2) Access to parcels of land owned by private parties.

(3) Access to lands subject to valid permits as necessary to allow the permittees to exercise rights granted in such permits.

With the following committee amendments:

Page 2, line 3, change "section 3." to "sections 3 and 7.".

Page 3, beginning on line 12, strike all of section 6, and insert the following in lieu thereof:

SEC. 6. (a) Nonmembers of the Pueblo who, on the date of enactment of this Act, are permittees of lands described in section 2 of this Act shall be given the opportunity to renew their permits under rules and regulations of the Secretary to the same extent and in the same manner that such permits could have been renewed if this Act had not been enacted, subject to the provisions of subsection (b) of this section.

(b) Permits renewed under subsection (a) of this section shall expire upon the death of the permittee or within thirty years of the date of enactment of this Act, whichever occurs later: *Provided*, That, if the permittee dies within thirty years of the date of enactment of this Act, his spouse or children may assume the permit for the balance of the thirty year period upon notice to the Pueblo and the Bureau of Indian Affairs.

(c) If the Pueblo obtains the relinquishment of grazing permits in the Caja del Rio allotment in the Santa Fe National Forest for that number of animal unit months equal to the number animal unit months provided under permit by the U.S. Forest Service as of the date of enactment of this Act within that portion Caja del Rio allotment which overlaps the Santa Cruz Spring Tract, then the remaining permittees in the Caja del Rio allotment shall have no further interest in the Santa Cruz Spring Tract and no further right to renew their permits within said tract. The remaining permittees of the Caja del Rio allotment shall suffer no diminution of their grazing rights within that portion of the Caja del Rio allotment which does not overlap the Santa Cruz Spring Tract.

(d) After the date of enactment of this Act, the Secretary shall deposit any and all fees paid by permittees under existing or renewed permits for grazing animal unit months on the Santa Cruz Spring Tract into the Treasury of the United States to the credit of the Pueblo.

(e) The Pueblo may obtain the relinquishment of any or all of the permits in the Santa Cruz Spring Tract or, as provided in subsection (c) of this section, in the Caja del Rio allotment under such terms and conditions as may be mutually agreeable. In consideration of such relinquishments, the Pueblo is authorized to grant leases, permits or licenses for agricultural or grazing purposes to existing permittees in lands presently part of the Pueblo reservation or added thereto pursuant to section 5 of this Act, subject to the approval of the Secretary, for terms not to exceed fifty years. The Secretary is authorized to disburse from tribal funds in the Treasury of the United States to the credit of the Pueblo so much thereof as may be necessary to pay for such relinquishments and for the purchase of any rights or improvements on said lands owned by nonmembers of the Pueblo. The authority to pay for relinquishment of a permit pursuant to this subsection shall not be regarded as a recognition of any property right of the permittee in the land or its resources.

Page 6, beginning on line 11, strike all of section 7, and insert the following in lieu thereof:

SEC. 7. Until such time as the Cochiti Lake Project is deauthorized by the Congress, the Secretary shall give full recognition to all interests in lands acquired by the Department of the Army through fee acquisition and under Memorandums of Agreement with the Departments of Agriculture, Interior, and Energy, the University of New Mexico, and the Pueblo de Cochiti, for the operation and maintenance of Cochiti Lake on a portion of the lands herein declared in trust.

The committee amendments were agreed to.

The bill was ordered to be engrossed a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN AMENDMENTS REGARDING LEASES AND CONTRACTS AFFECTING LAND WITHIN THE SALT RIVER PIMA-MARICOPA INDIAN RESERVATION

The Clerk called the bill (H.R. 2910) to amend the act of November 2, 1966, regarding leases and contracts affecting land within the Salt River Pima-Maricopa Indian Reservation.

There being no objection, the Clerk read the bill, as follows:

H.R 2910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 416a of title 25, United States Code (80 Stat. 1112), is amended by adding a new subsection (c) as follows:

"(c) Any lease entered into under section 415 or 416 of this title or any contract entered into under section 81 of this title affecting land within the Salt River Pima-Maricopa Indian Reservation may contain a provision for the binding arbitration of disputes arising out of such lease or contract. Such leases or contracts entered into pursuant to this title shall be considered within the meaning of 'commerce' as defined and subject to the provisions of section 1 of title 9, United States Code. Any refusal to submit to arbitration pursuant to a binding agreement for arbitration or any failure to abide by the outcome of arbitration pursuant to the provisions of section 1 of title 9, United States Code, shall be deemed to be a civil action arising under the Constitution, laws or treaties of the United States within the meaning of section 1331 of title 28, United States Code.

With the following committee amendment:

Page 1, line 3, strike all after the enacting clause and insert in lieu thereof the following:

That section 2 of the Act of November 2, 1966 (80 Stat. 1112), is amended by adding a new subsection (c) as follows:

"(c) Any lease entered into under this Act or the Act of August 9, 1955 (69 Stat. 539), as amended, or any contract entered into under section 2103 of the Revised Statute, as amended, affecting land within the Salt River Pima-Maricopa Indian Reservation may contain a provision for the binding arbitration of disputes arising out of such lease or contract. Such leases or contracts entered into pursuant to such Acts shall be considered within the meaning of 'commerce' as defined and subject to the provisions of section 1 of title 9, United States Code. Any refusal to submit to arbitration pursuant to a binding agreement for arbitration or the exercise of any right conferred by title 9 to abide by the outcome of arbitration pursuant to the provisions of chapter 1 of title 9, sections 1 through 14, United States Code, shall be deemed to be a civil action arising under the Constitution, laws or treaties of the United States within the meaning of section 1331 of title 28, United States Code.".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRAND RONDE RESTORATION ACT

The Clerk called the bill (H.R. 3885) to provide for the restoration of Federal recognition to the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 3885

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Grand Ronde Restoration Act".

DEFINITIONS

SEC. 2. For the purposes of this Act—

(1) the term "tribe" means the Confederated Tribes of the Grand Ronde Community of Oregon considered as one tribe in accordance with section 3;

(2) the term "Secretary" means the Secretary of the Interior or his designated representative;

(3) the term "Interim Council" means the council which is established under, and the members of which are elected pursuant to, section 5;

(4) the term "tribal governing body" means the governing body which is established under, and the members of which are elected pursuant to, the tribal constitution and bylaws adopted in accordance with section 6; and

(5) the term "member", when used with respect to the tribe, means an individual enrolled on the membership roll of the tribe in accordance with section 7.

CONSIDERATION OF THE CONFEDERATED TRIBES OF THE GRANDE RONDE COMMUNITY AS ONE TRIBE

SEC. 3. The Confederated Tribes of the Grand Ronde Community of Oregon shall be considered as one tribal unit for purposes of Federal recognition and eligibility for Federal benefits under section 4, the establishment of tribal self-government under sections 5 and 6, the compilation of a tribal membership roll under section 7, and the establishment of a tribal reservation under section 8.

RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES

SEC. 4. (a) FEDERAL RECOGNITION.—Notwithstanding any provision of the Act approved August 13, 1954 (25 U.S.C. 691 et seq.) or any other law, Federal recognition is extended to the Confederated Tribes of the Grand Ronde Community of Oregon and the corporate charter of such tribe issued pursuant to section 17 of the Act approved June 18, 1934 (25 U.S.C. 477) and ratified by the tribe on August 22, 1936, is reinstated. Except as otherwise provided in this Act, all laws and regulations of the United States of general application to Indians or nations, tribes, or bands of Indians which are not inconsistent with any specific provision of this Act shall be applicable to the tribe.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—Except as provided in subsection (d), all rights and privileges of the tribe and the members of the tribe under any Federal treaty, Executive order, agreement, or statute, or under any other Federal authority, which may have been diminished or lost under the Act approved August 13, 1954 (25 U.S.C. 691 et seq.) are restored, and the provisions of such Act shall be inapplicable to the tribe and to members of the tribe after the date of enactment of this Act.

(c) FEDERAL SERVICES AND BENEFITS.—Notwithstanding any other provisions of law, the tribe and its members shall be eligible, on and after the date of the enactment of this Act, for all Federal services and benefits furnished to federally recognized Indian tribes without regard to the existence of a reservation for the tribe. In the case of Federal services available to members of federally recognized Indian tribes residing on or near a reservation, members of the tribe residing in the following counties of the State of Oregon shall be deemed to be residing on or near a reservation:

(1) Washington County.
(2) Marion County.
(3) Yamhill County.
(4) Polk County.
(5) Tillamook County.
(6) Multnomah County.

Any member residing in any such county shall continue to be eligible to receive any such Federal service notwithstanding the establishment of any reservation for the tribe in accordance with any plan prepared pursuant to section 8.

(d) NO HUNTING, FISHING OR TRAPPING RIGHTS RESTORED.—No hunting, fishing, or trapping rights of any nature of the tribe or of any member, including any indirect or procedural right or advantage over individuals who are not members, are granted or restored under this Act.

(e) EFFECT ON PROPERTY RIGHTS AND OTHER OBLIGATIONS.—Except as otherwise specifically provided in this Act, no provision contained in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes already levied.

INTERIM COUNCIL

SEC. 5. (a) ESTABLISHMENT.—There is established an Interim Council of the tribe which shall be composed of nine members. The Interim Council shall represent the tribe and its members in the implementation of this Act and shall be the governing body of the tribe until the tribal governing body established in accordance with section 6 first convenes.

(b) NOMINATION AND ELECTION OF INTERIM COUNCIL MEMBERS.—(1) Within forty-five days after the date of the enactment of this Act, the Secretary shall announce the date of a general council meeting of the tribe to nominate candidates for election to the Interim Council. Such general council meeting shall be held within fifteen days of such announcement.

(2) Within forty-five days after such general council meeting, the Secretary shall hold an election by secret ballot to elect the members of the Interim Council from among the members nominated in such general council meeting. Absentee and write-in balloting shall be permitted.

(3) The Secretary shall approve the results of the Interim Council election conducted pursuant to this section if he is satisfied that the requirements of this section relating to the nomination and the election processes have been met. If he is not satisfied, he shall call for another general council meeting to be held within sixty days after such election to nominate candidates for election to the Interim Council and shall hold another election within forty-five days of such meeting.

(4) The Secretary shall take any action necessary to ensure that each member described in section 7(d) of this Act is given notice of the time, place, and purpose of each meeting and election held pursuant to this subsection at least ten days before such general meeting or election.

(c) AUTHORITY AND CAPACITY; TERMINATION.—(1) The Interim Council shall have no powers other than those given it under this Act.

(2) With respect to any Federal service or benefit for which the tribe or any member is eligible, the Interim Council shall have full authority and capacity to receive grants and to enter into contracts.

(3)(A) Except as provided in subparagraph (B), the Interim Council and such Council's authority and capacity under this section shall cease to exist on the date the tribal governing body first convenes.

(B) With respect to any contractual right established and any obligation entered into by the Interim Council, such Council shall have the authority and capacity to bind the tribal governing body, as the successor in interest to the Interim Council, for a period of not more than six months beginning on the date such tribal governing body first convenes.

(d) VACANCY ON INTERIM COUNCIL.—Within thirty days after a vacancy occurs on the Interim Council and subject to the approval of the Secretary, the Interim Council shall hold a general council meeting to nominate a candidate for election to fill such vacancy and shall hold such election. The Interim Council shall provide notice of the time, place, and purpose of such meeting and election to members described in section 7(d) of this Act at least ten days before each such general meeting or election.

TRIBAL CONSTITUTION AND BYLAWS; TRIBAL GOVERNING BODY

SEC. 6. (a) ADOPTION OF PROPOSED CONSTITUTION AND BYLAWS; ELECTION: TIME AND PROCEDURE.—(1) The Interim Council shall be responsible for preparing the tribal constitution and bylaws which shall provide for, at a minimum, the establishment of a tribal governing body and tribal membership qualifications. Such proposed constitution and bylaws shall be adopted by the Interim Council no later than six months after the date of the enactment of this Act.

(2) Upon the adoption of the proposed tribal constitution and bylaws by the Interim Council, the Council shall request the Secretary, in writing, to schedule an election to approve or disapprove the adoption of such constitution and bylaws. The Secretary shall conduct an election by secret ballot in accordance with section 16 of the Act approved June 18, 1934 (25 U.S.C. 476).

(b) NOTICE AND CONSULTATION.—Not less than thirty days before any election scheduled pursuant to subsection (a), a copy of the proposed tribal constitution and bylaws, as adopted by the Interim Council, along with a brief and impartial description of the proposed constitution and bylaws shall be sent to each member eligible to participate in such election under section 7(d). The members of the Interim Council may freely consult with members of the tribe concerning the text and description of the constitution and bylaws, except that such consultation may not be carried on within fifty feet of the polling places on the date of such election.

(c) MAJORITY VOTE FOR ADOPTION; PROCEDURE IN EVENT OF FAILURE TO ADOPT PROPOSED CONSTITUTION.—(1) In any election held pursuant to subsection (a) of this section, a vote of a majority of those actually voting shall be necessary and sufficient for the approval of the adoption of the tribal constitution and bylaws.

(2) If in any such election such majority does not approve the adoption of the proposed tribal constitution and bylaws, the Interim Council shall be responsible for preparing another tribal constitution and other bylaws in the same manner provided in this section for the first proposed constitution and bylaws. Such new proposed constitution and bylaws shall be adopted by the Interim Council no later than six months after the date of the election in which the first proposed constitution and bylaws failed of adoption. An election on the question of the adoption of the new proposal of the Interim Council shall be conducted in the same manner provided in subsection (a)(2) for the election on the first proposed constitution and bylaws.

(d) ELECTION OF TRIBAL GOVERNING BODY.—Not later than one hundred and twenty days after the tribe approves the adoption of the tribal constitution and bylaws and subject to the approval of the Secretary, the Interim Council shall conduct an election, by secret ballot, to elect the tribal governing body established under such constitution and bylaws. Notwithstanding any provision of the tribal constitution and bylaws, absentee and write-in balloting shall be permitted in an election under this subsection.

MEMBERSHIP ROLLS; VOTING RIGHTS OF MEMBER

SEC. 7. (a) MEMBERSHIP ROLL ESTABLISHED AND OPENED.—The membership roll of the tribe is established and open.

(b) CRITERIA GOVERNING ELIGIBILITY.—(1) Until the first election of the tribal governing body is held pursuant to section 6(d), any living may be enrolled on the membership roll of the tribe if—

(A) that individual's name was listed on the final membership roll of the tribe published on April 6, 1956, in volume 20, number 101, Federal Register, pages 3636 through 3642;

(B) that individual was entitled to be on the membership roll of the tribe on August 13, 1954, but was not listed; or

(C) that individual is a descendant of an individual, living or dead, described in subparagraph (A) or (B) and possesses at least one-fourth degree of blood of members of the tribe, living or dead, or individuals who are or would have been eligible to be members under this paragraph.

(2) After the first election of the tribal governing body is held pursuant to section 6(d), the provisions of the constitution and bylaws adopted in accordance with section 6(a) shall govern membership in the tribe.

(c) PROCEDURES FOR VERIFICATION OF ELIGIBILITY.—(1) Before the election of the members of the Interim Council is held pursuant to section 5(b), verification of (A) descendancy, for purposes of enrollment, and (B) age, for purposes of voting rights under subsection (d), shall, be made upon oath before the Secretary whose determination thereon shall be final.

(2) After the election of the members of the Interim Council is held pursuant to section 5(b), but before the first election of the members of the tribal governing body is held pursuant to section 6(d), the verification of descendancy and age shall be made upon oath before the Interim Council, or its authorized representative. An individual may appeal the exclusion of his name from the membership roll of the tribe to the Secretary, who shall make a final determination of each such appeal within ninety days after such an appeal has been filed with him. The determination of the Secretary with respect to such an appeal shall be final.

(3) After the first election of the members of the tribal governing body is held pursuant to section 6(d), the provisions of the constitution and bylaws adopted in accordance with section 6(a) shall govern the verification of any requirements for membership in the tribe. The Interim Council and the Secretary shall deliver their records and files and any other material relating to the enrollment of tribal members to such tribal governing body.

(4) Not less than sixty days before the election under section 6(a), the Secretary shall publish in the Federal Register a certified copy of the membership roll of the tribe as of the date of such publication. Such membership roll shall include the names of all individuals who were enrolled by the Secretary, either directly under paragraph (1) or pursuant to an appeal under paragraph (2), and by the Interim Council under paragraph (2).

(d) VOTING RIGHTS OF MEMBER.—Each member who is eighteen years of age or older shall be eligible to attend, participate in, and vote at each general council meeting. Each such member may nominate candidates for any office, run for any office, and vote in any election of members to the Interim Council and to such other tribal governing body as may be established under the constitution and bylaws adopted in accordance with section 6.

ESTABLISHMENT OF TRIBAL RESERVATION

SEC. 8. (a) PLAN FOR ESTABLISHMENT OF RESERVATION.—(1) The Secretary shall enter into negotiations with the tribal governing body with respect to establishing a reservation for the tribe of——

(A) sufficient area to allow members to reside on the reservation, and

(B) sufficient area, and with sufficient natural resources, to provide a viable economy for the tribe and its members.

(2) The Secretary shall, in accordance with this section and within two years of the date of the enactment of this Act, develop a plan for the establishment of such a reservation. Upon the approval of such plan by the tribal governing body (and after consultation with interested parties pursuant to subsection (b)), the Secretary shall submit such plan in the form of proposed legislation to the Clerk of the House of Representatives and the Secretary of the Senate for distribution to the committees of the respective Houses of the Congress with jurisdiction over the subject matter.

(b) CONSULTATION WITH STATE AND LOCAL OFFICIALS REQUIRED.—To assure that legitimate State and local interests are not prejudiced by the proposed enlargement of the reservation, the Secretary shall notify and consult all appropriate officials of the State of Oregon, all appropriate local governmental officials in the State of Oregon, and any other interested party in developing any plan under subsection (a). The Secretary shall provide complete information on the proposed plan to such officials and interested parties, including the restrictions on such proposed plan imposed by subsection (c). During any consultation by the Secretary under this subsection, the Secretary shall provide such information as he may possess, and shall request comments and additional information, on the following subjects:

(1) The size and location of the proposed reservation.

(2) The anticipated effect of the establishment of the proposed reservation on State and local expenditures and tax revenues.

(3) The extent any State or local service to the tribe, the reservation of the tribe, or members after the establishment of the proposed reservation.

(4) The extent of Federal services to be provided in the future to the tribe, the reservation of the tribe, or members.

(5) The extent of service to be provided in the future by the tribe to members residing on or off the reservation.

(c) RESTRICTIONS ON PLAN.—Any plan developed by the Secretary under subsection (a) shall provide that—

(1) any real property transferred by the tribe or any member to the Secretary shall be taken and held in the name of the United States for the benefit of the tribe and shall be a part of the reservation of the tribe;

(2) the establishment of the reservation shall not grant or restore to the tribe or any member any hunting, fishing, or trapping right of any kind on such reservation, including any indirect or procedural right or advantage over individuals who are not members of the tribe:

(3) the Secretary shall not accept any real property in trust for the benefit of the tribe or its members which is not located within the political boundaries of Polk, Yamhill, or Tillamook County, Oregon;

(4) any real property taken in trust by the Secretary pursuant to such plan shall be subject to—

(A) all legal rights and interests in such land existing at the time of the acquisition of such land by the Secretary, including any lien, mortgage, or previously levied and outstanding State or local tax, and

(B) foreclosure or sale in accordance with the laws of the State of Oregon pursuant to the terms of any valid obligation in existence at the time of the acquisition of such land by the Secretary;

(5) any real property transferred pursuant to such plan shall be exempt from Federal, State, and local taxation of any kind; and

(6) the State of Oregon shall exercise criminal and civil jurisdiction over the reservation, and over the individuals on the reservation, in accordance with section 1162 of title 18, United States Code, and section 1360 of title 28, United States Code, respectively.

(d) APPENDIX TO PLAN SUBMITTED TO THE CONGRESS.—The Secretary shall append to the plan submitted to the Congress under subsection (a) a detailed statement—

(1) describing the manner in which the Secretary notified all interested parties in accordance with subsection (b);

(2) naming each individual and official consulted in accordance with subsection (b);

(3) summarizing the testimony received by the Secretary pursuant to any such consultation; and

(4) including any written comments or reports submitted to the Secretary by any party named in paragraph (2).

REGULATIONS

SEC. 9. The Secretary may promulgate such regulations as may be necessary to carry out the provisions of this Act.

With the following committee amendments:

Page 12, strike out lines 20 through 23 on page 13, and insert in lieu thereof the following:

"SEC. 8. (a) PLAN FOR ESTABLISHMENT OF RESERVATION.—(1) Any reservation for the tribe shall be established by an Act of Congress enacted after the enactment of this Act."

Page 13, line 8, insert after the word "shall" the following "enter into negotiations with the tribal governing body with respect to establishing a reservation for the tribe and".

Page 13, lines 15 and 16, strike the following words: "in the form of proposed legislation".

Page 16, add the following new paragraph to section 8(c):

(7) and Federal real property transferred for the benefit of the tribe, pursuant to any reservation plan developed under section 8(a) of this Act, shall come only from available public lands administered under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), and from lands held in trust by the United States for the tribe or for individual Indians.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The **SPEAKER** pro tempore. This concludes the call of the Consent Calendar.

GENERAL LEAVE

Mr. **LUNGREN**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bills just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The **SPEAKER** pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *November 7, 1983.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from The White House as follows:

(1) At 3:35 p.m. on Friday, November 4, 1983 and said to contain a message from the President wherein he transmits the Fifth Annual Report of the Department of Energy.

(2) At 3:35 p.m. on Friday, November 4, 1983 and said to contain a message from the President wherein he reports under the International Emergency Economic Power Act with respect to Iran.

(3) At 3:35 p.m. on Friday, November 4, 1983 and said to contain a message from the President whereby he transmits a notice which he filed today in the Federal Register under the National Emergencies Act continuing the emergency with Iran.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

□ 1210

CONTINUATION OF EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-129)

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of Friday, November 4, 1983, at page 31030.)

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-128)

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of Friday, November 4, 1983, at page 31031.)

FIFTH ANNUAL REPORT OF THE DEPARTMENT OF ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Energy and Commerce, the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Interior and Insular Affairs, and the Committee on Science and Technology:

(For message, see proceedings of the Senate of Friday, November 4, 1983, at page 31030.)

AMERICANS IN UNIFORM

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **REID**. Mr. Speaker, not only the events in Lebanon and Grenada but also recently, a Washington Post editorial has reawakened my appreciation for Americans in uniform.

In that newspaper author Mark Shields spoke about young Americans who had grown up with the media telling them to be concerned about designer chocolates and the tyranny of the wrinkle.

Yet, he said, these same Americans are the ones who walked and bunked with death in Beirut, who did not complain about their tasks, who spoke seriously about a sense of duty.

They were honest. They did not want to be there. But, they believed in what they were doing and they believed in each other.

Many were not college-educated nor business trained but, in a moment of crisis these soldiers were there unconditionally sharing values and protecting each others lives.

Maybe the next time you think about national budgets, traffic jams and middle-aged spread and you happen to see a person in uniform why not offer a smile, a word of appreciation, a soda, or even a sandwich.

Maybe this will help you remember that our country is much more than a gross national product and that pocket change is no measure against patriotism in a tight spot.

GREAT TELECOMMUNICATION MYTHS—LESSON 1

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **WISE**. Good morning, students. Welcome to the first lesson in great telecommunication myths. Today I am starting this course, which will be going on every day, to expose the first of the AT&T fables; namely, that the FCC access charge, the $2 per month charge on all residential consumers, is necessary to implement the upcoming divestiture.

I understand AT&T's concern. After all, we are talking about $4 billion in cost savings to this company, but who pays for this windfall? You guessed it, the residential and business consumer through the $2 per month access fee.

The issue is clear. Does the consumer pay the entire cost of having access to long-distance service, or does the long-distance company which gains from their business pay for that cost?

So much for this AT&T myth. Each day I will be taking this floor to challenge another one of the great AT&T telecommunication fables. It may be interesting to hear, but should not be the basis for good legislation.

Thank you, and see you tomorrow.

THE SON OF A-122 IS BARELY BETTER

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **BIAGGI**. Mr. Speaker, last Thursday the Office of Management and Budget published in the Federal Register what might be called "the son of A-122"—new rules governing lobbying activities by profit and nonprofit organizations receiving Federal funds. As in the case of families—a son can bear a very close resemblance to its father and in this case—since I was no great fan of the father—I do not think much of the son either.

No matter how you might change the words in a regulation, unless you change the philosophy behind it—you have not really changed anything. Last January when OMB first issued these rules to revise Circular A-122—Cost Principles for Nonprofit Organizations" a hue and cry was raised from many quarters which led to their decision to withdraw these in favor of the ones published on Thursday.

I remain opposed to any attempt to impose a gag rule over any organization simply because it receives Federal funds. I am especially opposed to the section in the latest regulations which would require nonprofit organizations receiving Federal funds to report on the use of non-federal funds. I find these latest OMB rules offensive and inimical to our democratic process. They, too, should be withdrawn.

TRADE OUR DAIRY SURPLUS TO HUNGRY THIRD WORLD

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, shortly we will be debating the dairy bill, and it is about time. America's dairymen have a right to know what course Congress will chart.

The entire issue is based on surplus. What a contrast between our country and the Socialist countries. Yesterday's news stressed the butter rationing taking place in Poland while here in America we want to penalize the American farmer for producing.

Basically, there is no surplus. If you survey the world malnutrition problem, you will find that there is a terrific need for our dairy products. That is why I have introduced House Concurrent Resolution 56, to trade our surplus dairy products to a hungry Third World. The less developed nations do not have the dollars to buy our precious dairy products, but they do have the minerals and resources needed by our Nation.

I ask my colleagues to join me in providing a vehicle, a barter system, to help feed the hungry of the world and at the same time secure some precious resources for our own country.

H.R. 4102 WILL COST CONSUMERS $1.1 BILLION

(Mr. CORCORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORCORAN. Mr. Speaker, last week I addressed the House of Representatives on the adverse and costly impact H.R. 4102 would have on Illinois' telephone consumers. Today, I would like to call to the attention of my colleagues of 22 States the similarly negative effect of H.R. 4102 on their constituents.

As I mentioned last week, Mr. Speaker, H.R. 4102 knocks out the proposed $2 monthly access charge for long distance telephone service. H.R. 4102 substitutes for this access charge a new statutory system of surcharges on long distance calls and creates a mechanism to subsidize long distance service. But that is where the rub comes, Mr. Speaker. Instead of $2 per month, we get a system of surcharges—taxes—on long distance telephone consumers. And the redistribution of those surcharges makes some of us; for example, the people of Illinois, big losers.

However, Illinois is not the only loser. I asked the Department of Commerce's National Telecommunications and Information Administration to analyze the impact not only on Illinois but on other States as well. There are 22 States along with the District of Columbia that lose under H.R. 4102. For the benefit of the 241 Members of the House of Representatives from those States, I include the following excerpt from the November 4, 1983, letter from David J. Markey, Assistant Secretary of Commerce for Communications and Information, to me:

Annual State "Deficits" Under H.R. 4102

	In millions
Alabama	$7
Delaware	27
District of Columbia	10
Georgia	73
Hawaii	29
Illinois	42
Indiana	12
Kansas	7
Kentucky	10
Louisiana	16
Maryland	79
Massachusetts	81
Michigan	30
New Jersey	239
New York	109
North Carolina	35
Ohio	67
Pennsylvania	71
Rhode Island	17
South Carolina	41
Tennessee	31
Virginia	47
West Virginia	3

SECOND-GUESSING ON GRENADA TURNS TO APPROVAL

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, after a week of second-guessing President Reagan's rescue mission in Grenada, some of my liberal colleagues have now decided, reluctantly they say, that the President may just have been right after all.

That's great, fellows. What sold you? The tons of Soviet and Cuban military supplies? The pleas of the Grenadian people? Or just the memory of those medical students kissing American soil and praising our Marines as liberators?

Of course, you could have trusted the President all along. After all, he did justify our action in a speech to the Nation. But, of course, it is only Yuri Andropov's crocodile tears for peace and a nuclear freeze that the left seems to takes at face value.

Second-guessing has gotten to be an occupational hazard around here, what with 525 Secretaries of State and all. But I cannot help thinking of another trip, one taken by a group of those medical students to Walter Reed Hospital, to visit a brave serviceman, blown apart by a landmine, when he rose, without second-guessing, to the command of his President and the call of his country.

It is a lot tougher, Mr. Speaker, to serve than to second-guess. And for all those Doubting Thomases who have seen, and now believe, in America's actions, I say, blessed are those who did not see and still believed.

IMMIGRATION REFORM IS A BIPARTISAN NATIONAL ISSUE

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, the illegal immigration issue is a bipartisan national problem and the House of Representatives has a responsibility to address it. The illegal immigration problem is a matter which we cannot hope will go away by simply ignoring it.

The current immigration bill represents a product of 10 years of bipartisan work. Some four administrations and several national task forces have left their imprint on the immigration bill. On two occasions the Senate, with bipartisan majorities from each party, has overwhelmingly passed the measure. Four House committees, with votes from both sides of the aisle, have carefully scrutinized the immigration bill. The major obstacle remaining is consideration by this body, the people's House.

Representing the bipartisan spirit behind immigration reform, former President Ford and President Carter, in a telegram signed by several others, wrote:

> This problem is too serious for further delay. The Senate * * * has adopted a bill. Now it is time for the House to act. The American people are impatient. The failure to bring this bill up will arouse cynicism about the will of the House to face tough issues, and dangerous feelings of animosity toward all immigration—legal and illegal alike.

In order that the House of Representatives may consider the immigration bill, last Friday I filed discharge petition No. 5 to release this measure from the House Rules Committee. I urge all Members to sign this discharge petition to release the immigration bill so that the House may consider this important national issue. We simply cannot afford to let this problem persist.

ACTIONS ON GRENADA JUSTIFIED

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, what a difference a little knowledge makes.

With several of my colleagues, I have just returned from a ceremony at the White House to welcome back the American medical students who were rescued from Grenada last week, and also to thank the uniformed service men who risked their lives to accomplish this goal. One could not help but be proud of our fellow Americans—their dedication and their patriotism.

Mr. Speaker, this was a much happier gathering than the last such ceremony 3 years ago to welcome home the Iranian hostages. Today's was a celebration of success. The testimony of the students, coupled with the statements of the congressional delegation just returned from Grenada prove beyond a shadow of doubt that our actions were right and justified.

The President stated it best when he expressed frustration and anger with those so-called experts who sat in the comfort of their offices while expressing doubts over the wisdom of our actions. And yet none of them offered to trade places with the students or soldiers.

The Secretary of Defense has announced that our mission has been accomplished.

To the students, I say welcome home. To the soldiers, good job. To the President, well done, sir.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. REID). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business on Tuesday, November 8, 1983.

THANKING AMERICA'S EDUCATORS

Mr. WILLIAMS of Montana. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 349) to express the thanks of the House of Representatives to America's educators, as amended.

The Clerk read as follows:

H. RES. 349

Whereas America's schools and personnel play a significant role in helping families ensure their children's growth and development;

Whereas America's teachers contribute significant effort to encouraging the intellectual development of American citizens;

Whereas America's schools help youngsters acquire important and positive social skills that help them survive the vagaries of change and of chance;

Whereas America's tremendously productive and imaginative work force is a product of the country's universal education system;

Whereas America's scientists and inventors, the harbingers of our future, are educated in America's schools;

Whereas America's education has been and remains the crucible for encouraging the collaboration of our ethnic and cultural diversity; and

Whereas America's schools have consistently provided an informed citizenry who have been willing to work for a free nation and a free world: Now, therefore, be it

Resolved, That as the week of November 13-19 is designated American Education Week, 1983, the House of Representatives of the United States, while fully recognizing the difficulties currently facing America's education system, extends its thanks to America's teachers and other educational personnel for the many positive contributions American education has made to the quality of our lives. Further, the House of Representatives calls on all Americans to join together in working for the restoration of America's educational system to its rightful place of preeminence among America's other great cultural institutions.

The SPEAKER pro tempre. Is a second demanded?

Mr. BARTLETT. I demand a second, Mr. Speaker.

The SPEAKER pro tempore. Without objection, a second is ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Montana (Mr. WILLIAMS) will be recognized for 20 minutes and the gentleman from Texas (Mr. BARTLETT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, next week our citizens will celebrate, for the 63d time, American Education Week. This special recognition has been observed every year since 1921.

Following World War I, the war to end all wars, Americans came to realize that one-fourth of all our draftees were illiterate. Americans were startled to learn that the scholastic achievements of our citizens were far less than had been realized.

Having emerged from the great world military struggle, Americans understood the relationship between quality education and national survival. They sensed that America was to quickly become a world leader and knew that meeting that challenge was possible only if our people were intellectually prepared.

Thus, what appeared to some to be a curious amalgam of the American Legion, the National Education Association, and the Federal Bureau of Education came together to find a way to increase public support for education. Together, these groups were successful in creating American Education Week.

Today as we prepare for the 63d observance of that recognition, we are experiencing a renewed recognition of the importance of education to America. All are aware of the various reports that have been issued during the past year. These documents are significant in their findings. They have the full attention of the Congress of the United States. Indeed, Congress concern is a reflection of the significant focus which Americans are now placing on their schools and the quality of education provided therein.

Throughout the various education reports and during the many hearings, forums, town meetings, and discussions which are held throughout this Nation on education, one fact, one recommendation, one truth consistantly comes through: Good teachers have been the hallmark of America's success in education. Without excellent instructors our best laid plans for the schools cannot be realized. The clearest, most precise recommendations from the most lucid of the education reports cannot be carried out without good classroom teachers to do so.

American education is people, it is teachers and administrators, students and parents, counselors, cafeteria and custodial workers, and many others in between. Occasionally an Ann Sullivan patiently working with Helen Keller comes along to give us a brief glimpse of the truly powerful impact of education. But the few famous teachers of our history represent the quiet dedication of the more than 20 million classroom teachers who are involved in the daily education of our children and ourselves as well. The purpose of this resolution is to say thanks to those teachers. It is to offer thanks as well to the principals and assistant principals, the curriculum workers, the library specialists, the guidance and counseling people, and all of the other professional staff which through the years have made American education the most significant influence in our national life.

It is our hope that the words of this resolution will in some way convey the appreciation that the Members of the U.S. House of Representatives have for the contribution that teachers have made to the success of America.

□ 1230

Mr. BARTLETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a cosponsor of House Resolution 349, I am here today and rise to urge all my colleagues to join in adopting this very important resolution, this resolution of thanks to the teachers of this Nation.

By names of this resolution, the House of Representatives will publicly express the gratitude of our Members to the teaching and allied professions for their contributions to the enrichment of this society and to the future of this Nation.

Mr. Speaker, I take a moment to commend in particular my colleague, the gentleman from Montana (Mr. WILLIAMS) for going the extra mile in his leadership in education and in the leadership he has displayed over the years and in particular in the last several months as the Nation has debated and wrestled with the education debate that the Nation and the Congress has been having, and which the gentleman from Montana (Mr. WILLIAMS) would know and I would contend has been held throughout this Nation throughout the last several years.

In addition, I would commend the chairman of our committee, the gentleman from Kentucky (Mr. PERKINS), who has shown this young Member a great deal of courtesy as a new member of the Committee on Education and Labor.

Mr. Speaker, probably each of us can recall a particular teacher as we think about this resolution. The teacher that we had as individuals, as students, whose guidance and whose influence made a special influence on our lives, and now especially when we are taking a close look at the preparation, competence and remuneration of our teachers, it is fitting that we show them our support and our appreciation.

This resolution recognizes and cites the many ways that America's teachers and schools have strengthened our society, and at the same time it reminds us of the tremendous responsibility that we repose in our teachers to prepare our children to realize their fullest potential in an increasingly complex society. This is a lot to ask of our teachers. In fact, as we search for means to insure excellence in education, we are asking even more of them for the next coming years.

Next week, this Nation will be observing American Education Week. This year's theme reminds us that a strong nation needs strong public schools, and although there may be disagreements over tactics as to how and what specific path will lead us best to those stronger schools, I think this body does agree on the general direction that we should travel and the need for those schools.

Certainly we can all agree that the development and the maintenance of strong schools is an imperative and, without question, the quality of teachers and other educational personnel is the keystone for building those strong schools.

I would share with my colleagues in this resolution several observations that I think the American Nation has begun to realize about the state of American education today.

First, it is obvious that it is very healthy that we as a nation have been debating the issue of excellence in these past 8 months. We in Congress and others who are not in the classroom on a regular basis are learning what teachers, parents and students have known for some years, that excellence and equity in education are not mutually exclusive. Quite the opposite. We cannot achieve excellence without equity, and we cannot achieve equity without excellence, for real equity in our Nation's schools means having a commitment to excellence that makes it possible for all students to achieve to their fullest potential. And excellence for only some students is not true equity.

All students must have access to that quality education for us to say that we are achieving a national goal of excellence and equity in education.

Second, as we take out a moment to thank our Nation's teachers for the important role they play in our children's lives, we must also and always remember the crucial role of the parent, because every teacher in every classroom in this Nation will tell you the importance of the role of the parent in that education.

An influential teacher can and will affect a student very deeply, but it is very rare that this occurs without the support of the parents. Cooperation between parents and teachers is the keystone to a student's performance in school and to a teacher's performance and success with that student.

I took the time before I came to the floor to look up a Federal statute, Mr. Speaker, and that Federal statute says:

> Parents have the primary responsibility for the education of their children, and States, localities and private institutions have the primary responsibility for supporting that Federal role.

That sounds like an old concept, a traditional concept, indeed; but that concept was not put into Federal law in 1779. That concept was put into Federal law in 1979 in Public Law 96-88, as this body created the Department of Education.

I received two letters the other day which meant a lot to me as we talk about the role of parents and the role of teachers in the classroom, because these two students were influenced by teachers over the past 10 years since they have been in the United States. These two students wrote me these letters on the occasion of their receiving their citizenship. They are Vietnamese Americans and they wrote as to what their teachers and their schools and their Nation means to them.

One student, Yhum Oltrogge, a 12-year-old, writes:

> I am glad that I am a United States citizen. It means so much to me. America is a country of freedom where everybody works together and where its people have all the crops they need to survive.

The other student, a 14-year-old, said:

> America means so much to me. It is a nation where we are able to express our freedoms, our opinions, freely. This is a privilege few nations have. Americans have the freedom of movement. They can go wherever they want. Fair treatment is something that not many nations enforce and this country also has a democratic government which allows every citizen to take part in controlling the government. America is truly a government of the people, by the people and for the people.

So says young 14-year-old Holme Oltrogge, as his teachers have taught him to understand this Nation in the few short years since he has been here. He understands the roots and the concept and he understands patriotism, because young 14-year-old Holme Oltrogge went on to say: "I will do everything I can for my country."

Mr. Speaker, John Kennedy in 1958 remarked to a group of graduating teachers as he paraphrased H. G. Wells, he said:

> "Civilization is a race between education and catastrophe. It is up to you," he said to those teachers, "to determine the winner."

Mr. Speaker, in 1983, civilization is still a race between education and catastrophe and it is up to the Nation's teachers and all of us to determine the winner.

● Mr. ERLENBORN. Mr. Speaker, House Resolution 349 takes note of the many contributions education makes in the quality of our daily lives and the role it plays in strengthening our Nation's productivity and security. Inasmuch as the week beginning November 13 has been designated for this year's observance of American Education Week, this resolution would serve as a timely expression of gratitude on the part of the House to our Nation's teachers and other educational personnel for what they have contributed to America's educational system. I urge my colleagues to support the resolution.

Such an expression of gratitude would come at a particularly appropriate time—not only because we will soon be commemorating American Education Week but, just as important, because this is a time when our educational system is coming under intense scrutiny. With public attention already focused on the importance, as well as some of the shortcomings, of education in our society, we can thank our teachers for the efforts they have already made. At the same time, we call on them and all our citizens to work together to insure that this generation's children and those to follow obtain the best possible education in a

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safe and secure setting where learning can flourish.

Mr. Speaker, the improvements and reforms we seek will require more than adoption of resolutions by this body. What is also needed is renewed resolve on the part of everyone involved in education, including students themselves, to make excellence in education not merely a slogan but in fact a reality.●

● Mr. CORRADA. Mr. Speaker, I rise in support of House Resolution 349, thanking America's educators for their role in the development and delivery of our school system.

This has been the year of evaluation of our Nation's schools, of blue ribbon study commissions, and of a review of priorities in education. We have heard from the National Commission on Excellence in Education, the Twentieth Century Fund, the Merit Pay Task Force, and the National Science Foundation, among others. And all have been quick to criticize the status quo.

Unfortunately, throughout all of this scrutiny, one very important player has been virtually ignored—the teacher. In fact, worse than being ignored, in many cases our teachers have been largely blamed for the ills of our system.

We cannot allow this unjust characterization to persist. It is fitting that in recognition of American Education Week, to be celebrated November 13-19, we underline the many contributions of our educators, and the significant role they play in providing a quality education to our schoolchildren.

Being a teacher today is not an easy task—it is an emotionally exhausting, time-consuming, and largely fiscally unrewarded profession. Teachers are expected to be innovators, actors, disciplinarians, and administrators all at once. They must face the daily challenge of shaping young minds and of leaving their students with a quest for knowledge and a desire to learn.

I am proud of the work of the more than 32,000 teachers in Puerto Rico, and their solid contributions to the intellectual growth of our people. No other profession counts on so many unselfish, dedicated individuals who have invested of themselves to lay the foundation for excellence and achievement in the lives of others.

I urge my colleagues to join me in praise for our Nation's educators, and to support House Resolution 349, thanking them for their commitment to excellence in education.●

● Mr. BROWN of California. Mr. Speaker, I rise to discuss the state of the educational system in this country today, and to support House Resolution 349, Thanking America's Educators.

Johnny can't read. The old judgment on the dismal state of our educational system is back to haunt us again—this time with a new twist. In truth, Johnny can't add either, and his grades in science are bad as well.

Despite the explosive military state of the world today, there is a primary focus on math and science education as politicians, including Presidential candidates begin to comprehend the seriousness of the old refrain that parents and educators have been telling us for some time.

As competition from other industrialized nations increases, and the prospect for full employment in this country decreases, pressure to educate our Nation's work force will continue. Partly as a result of this pressure, the first piece of major legislation to be passed by the House of Representatives this year was the Emergency Mathematics and Science Education Act, a bill containing increased funding for education in these areas. While funds for defense spending are on the rise, and America continues to think of itself as a superpower, in truth statistics show that we actually rank fourth in science literacy behind Russia, West Germany, and Japan—countries often viewed as our most intense political and economic rivals.

While the issue of high quality education has attracted wide attention from the "Atari Democrats" to the White House, increasing the quality of education in our Nation's schools alone may not be enough. As our society becomes increasingly more technical and complex, we must remember that change is the only thing we can count on. We must equip the learner to deal with these changes, to make adaptations, and to see learning as a lifetime process. As robotics and computers claim more and more importance in our national and world economy, one skill, one college degree may not be enough. We need to make ongoing education an intrinsic part of our lifestyle to enable the learner to move on to other job skills as the marketplace demands. The education of this county's future and current work force as well as its political leaders, will depend on the cooperation of industry, government, and educators working together.

In an era of tight resources and budget cuts, we need to take a careful look at priorities. While defense spending was up 25.7 percent in 1982 and almost 30 percent in 1985, compensatory education programs for disadvantaged children has been cut by 17 percent, and guaranteed student loans by 27 percent during the current administration.

I agree with my colleague, House Majority Leader JIM WRIGHT, who said, "You can't just pray for better schools, you have to pay for better schools." The price of better education is high, but the cost of neglecting this vital investment in our future, and that of our children, will be much higher.●

● Mr. RAY. Mr. Speaker, I rise today to join my colleagues in recognizing the invaluable contributions which teachers and other education personnel make to our Nation. House Resolution 349, which establishes American Education Week, acknowledges that debt which our Nation owes to those who serve as educators of our children.

It is our duty as Members of Congress to protect the United States of America and to seek, through the programs and policies we implement, to insure her future. Our Nation's educators have a similar task, for they are entrusted with America's future as they teach our youth.

Our teachers have a difficult job—one which demands intensive training and preparation, as well as dedication and responsibility. Our Society demands much from our educators. However, it is rare that we acknowledge the often discouraging conditions they work under and the difficulty of their task.

America's education system has been in the headlines often lately, and much of the news has been discouraging.

I believe a feeling is growing in this country that we must make a national commitment to education if we are to improve our present system.

To do this, Americans are going to have to face up to a few facts and realize the faults with our education system do not lie with the educators.

America is going to have to face up to the fact that teachers' salaries are going to have to be increased to the point that they are competitive with other jobs in the private sector. Also, our families are going to have to get involved in the schools again and supply them with the support that they need.

Our teachers are on the front line in the fight for America's future. They cannot do the job alone—they need help from all of us.

Therefore, I am proud to join with other Members in thanking our Nation's educators for their continuing pursuit of excellence in education, for their commitment to the field of academia and for their willingness to devote their lives to America's future.●

Mr. BARTLETT. Mr. Speaker, I have no further requests for time.

Mr. WILLIAMS of Montana. Mr. Speaker, on this resolution we have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. WILLIAMS) that the House suspend the rules and agree to the resolution (H. Res. 349) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WILLIAMS of Montana. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

EXTENDING THE EXPIRATION DATE OF SECTION 252 OF ENERGY POLICY AND CONSERVATION ACT

Mr. SHARP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4194) to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

The Clerk read as follows:

H.R. 4194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (j) of section 252 of the Energy Policy and Conservation Act (42 U.S.C. 6272(j)) is amended by striking out "December 31, 1983" and inserting in lieu thereof "June 30, 1985".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Indiana (Mr. SHARP) will be recognized for 20 minutes and the gentleman from California (Mr. DANNEMEYER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SHARP).

☐ 1240

Mr. SHARP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4194 extends the limited antitrust defense available since 1975 to U.S. oil companies participating in the emergency oil-sharing program of the International Energy Agency (IEA).

This limited antitrust defense has been repeatedly extended by the Congress in previous years. Last year, we extended it to December 31, 1983.

Because this session of Congress will soon end, timely action is now needed to prevent a lapse of the defense at year's end. That would open up a gap in our emergency preparedness planning—and an oil disruption could then devastate our economy.

The IEA's oil-emergency program can limit the damage. Under it, the United States and its major allies—including Japan and most European nations—have agreed to "share" any shortage that may result from a disruption. To do that, the IEA relies on continuous joint planning efforts by the major U.S. and international oil companies. These companies carry most of the international oil shipments. Their participation would be essential in any "rerouting" of oil to manage a shortfall.

However, under U.S. antitrust law, these companies cannot share data, jointly monitor current developments, or agree on allocating oil supplies among the affected countries. That is why the law gives these companies a qualified, carefully limited antitrust defense to permit these important joint efforts.

It is this defense which H.R. 4194 extends. The extension proposed in this bill lasts until June 30, 1985.

Mr. Speaker, the administration has in the past repeatedly endorsed U.S. participation in the IEA, and the administration specifically supports this extension. It was reported by the Energy and Commerce Committee by voice vote, with no one speaking in opposition.

If this limited defense lapses on December 31, 1983, the IEA might be unable to respond to a crisis. Even if no actual emergency did occur in early 1984, important continuing activities by company planning committees would have to be delayed or canceled.

A real emergency, in view of recent developments in the two continuing Middle Eastern conflicts, is not unlikely. The following discussion of "ominous new developments" in the Iraq-Iran war, from the November 3 New York times, helps explain why:

[From the New York Times, Nov. 3, 1983]

GULF WAR: THREATS TO OIL SIGNAL A SHIFT

(By Drew Middleton)

United States and British military analysts say the war between Iran and Iraq, now in its fourth year, has entered a new and ominous phase, with each side threatening the other's economic lifeline—oil exports.

The direction and strength of attacks, they say, appear to signal an extension of the war that could have serious international repercussions.

The analysts concede, however, that it is difficult to gain a clear picture of what is going on in the war because foreign military attachés and correspondents are not permitted in any of the battle zones. All information is based on communiqués issued by the two Governments and data that attachés gather from military sources.

On the northern front, the analysts say, Iranian troops have driven about 10 miles into Iraq, taken the town of Penjwin and established forces in the mountains around the town. Penjwin's importance to the Iranians is that it is on the way to the Iraqi oil center of Kirkuk, about 90 miles to the west. Iraq's last remaining oil pipeline runs from Kirkuk north and northwest to Turkey's Mediterranean port of Dortyol.

Western sources assessing the fighting, which flared on the northern front last month, say that in this area the Iranians have abandoned their "human wave tactics," which cost them heavily in fighting in the south last year, and have relied more on tanks and other armored vehicles. This may indicate, they said, that the Iranians have salvaged some of the tanks lost on their territory in the fighting around Abadan and have been able to buy new tanks in Eastern Europe and North Korea.

While Kirkuk is still 90 miles away, Western intelligence sources said that if the Iranians cut the pipeline there, it would be a staggering economic blow to Iraq. The pipeline carries 600,000 to 800,000 barrels of oil a day. Baghdad runs the war on the sale of this oil and on subsidies from Saudi Arabia, Kuwait and other oil-producing countries on the Persian Gulf.

In response to the Iranian offensive, the Iraqis have reportedly opened another front 700 miles to the southeast at the head of the Persian Gulf. Their objective is said to be to halt Iranian and other shipping using the port of Bandar Khomeini, which is 110 miles northwest of Iran's principal oil export terminal on Kharg Island. Oil is also exported through Bandar Khomeini.

The Iraqis say their operations in the Bandar Khomeini area have been highly successful. They reported the destruction of three Iranian ships by jet fighters and naval units on Monday. They also said two other Iranian ships had been driven into a minefield and badly damaged by mines.

Intelligence sources said they think the approaches to the port were mined in the middle of October.

Significantly, the sources said, the Iraqis have not launched major attacks on Kharg Island, although they are reported to have French-built Super Etendard fighter-bombers and Exocet guided missiles. Iraq's Foreign Minister, Tariq Aziz, said last Thursday that the Super Etendards had arrived in Iraq last month.

Iraq's reasons for restricting the attacks to helicopters and less modern fighter-bombers are obscure, Western sources said. They said they did not believe the Iraqis were deterred by Iranian threats to close the Persian Gulf to oil shipments if such attacks are carried out. One British estimate is that 8.8 million barrels of oil is transported daily out of the gulf.

Attempts to close the gulf, the sources said, would be likely to bring international intervention, possibly led by the United States Navy squadron in the Arabian Sea, to open the Strait of Hormuz, which leads from the gulf to the sea.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. DANNEMEYER. Mr. Speaker, as Mr. SHARP has indicated, H.R. 4194 extends until June 30, 1985, the limited antitrust immunity for U.S. oil companies to participate in the International Energy Agency—IEA.

This authority is part of the Energy Policy and Conservation Act, EPCA. The current provision expires on December 31, 1983, under the Energy Emergency Preparedness Act of 1982. Mr. Speaker, this is a necessary piece of legislation for our national energy security in the event of a cutoff of oil from world markets.

Since the present authority expires during the likely congressional recess, we must act in a timely fashion on this piece of legislation.

The administration has recently reiterated its support for U.S. participation in the IEA program and its support for the enactment of this bill.

Mr. Speaker, I am concerned, however, that the committee in the other body has employed its infinite wisdom to reduce the extension until only June 1, 1984.

This action is most unfortunate. We have wasted the precious legislative time of the Congress in the past with frequent IEA extensions. If we have a real commitment to the IEA, let us pass H.R. 4194, so that the antitrust immunity runs until June 30, 1985, as do the other authorities in EPCA.

If we do not have a commitment to the IEA, let us stop playing games with these short extensions and confront the issue head on. In any event, Mr. Speaker, I urge passage of H.R. 4194.

● Mr. CORCORAN. Mr. Speaker, I rise in support of H.R. 4194, a bill which would extend until June 30, 1985, the antitrust immunities for oil companies participating in voluntary agreements to carry out the energy programs of the International Energy Agency (IEA). The existing antitrust exemption provision is included in the Energy Policy and Conservation Act (EPCA). While most of the authorities of EPCA expire on June 30, 1985, the IEA provisions are now scheduled to expire on December 31, 1983.

H.R. 4194 was reported by the Fossil and Synthetic Fuels Subcommittee on October 27 and the full Energy and Commerce Committee on November 1 by voice vote. My support for H.R. 4194 is predicated on its remaining a clean bill. I have no objection at this time to a simple extension of the IEA authorities up to June 30, 1985, the same date as the underlying law expires. As I mentioned in an August 4 Congressional Record statement, it may well be time to take a closer look at the IEA, its programs, its operations, and its history.

For the time being, however, on the basis that this legislation remains clean through final enactment, I urge the support of my colleagues for H.R. 4194, a bill to extend until June 30, 1985, the expiration date of section 252 of the Energy Policy and Conservation Act. The bill is a simple extension, its costs would be minimal (approximately $200,000), and it is supported by the administration.●

Mr. SHARP. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. Sharp) that the House suspend the rules and pass the bill, H.R. 4194.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection on the request of the gentleman from Indiana?

There was no objection.

GOLD MEDAL FOR DANNY THOMAS

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 93) to provide for the awarding of a special gold medal to Danny Thomas in recognition of his humanitarian efforts and outstanding work as an American, as amended.

The Clerk read as follows:

H.J. Res. 93

Whereas Danny Thomas founded the St. Jude Children's Research Hospital, a nonprofit hospital dedicated to helping grievously ill children of all faiths and races, children living and children yet unborn;

Whereas Danny Thomas founded ALSAC, Aiding Leukemia Stricken American Children, an organization which annually holds a Teenagers' March to raise the $12 million needed in annual maintenance costs incurred by the hospital;

Whereas Pope Paul VI presented Danny Thomas with one of the highest honors he could bestow upon a layman—Knight Commander with Star in the Equestrian Order of the Holy Sepulchre of Jerusalem;

Whereas the National Conference of Christians and Jews selected Danny Thomas as their Man of the Year;

Whereas Danny Thomas was presented by the American Medical Association with its Layman Award, the highest honor it can bestow upon a nonmedical man and only the sixth such award given since 1948;

Whereas Danny Thomas has given "command performances" for five Presidents—Presidents Roosevelt, Truman, Eisenhower, Kennedy, and Johnson;

Whereas Danny Thomas gave of his time during World War II to entertain United States troops in North Africa, Italy, and the Philippines; and

Whereas Danny Thomas has helped to alleviate the suffering of many children throughout the world and given them hope for a brighter future: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President is authorized to present, on behalf of the Congress, to Danny Thomas a gold medal of appropriate design, in recognition of his humanitarian efforts and his outstanding work as an American.

(b) For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) Effective October 1, 1983, there are authorized to be appropriated not to exceed $25,000 to carry out the provisions of this section.

Sec. 2. (a) The Secretary of the Treasury may cause duplicates in bronze of the medal provided for in the first section to be coined and sold under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal.

(b) The appropriation used to carry out the provisions of the first section shall be reimbursed out of the proceeds of such sales.

Sec. 3. The medals provided for in this Act are national medals for the purpose of section 5111 of title 31, United States Code.

The SPEAKER pro tempore. Is a second demanded?

Mr. HILER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The gentleman from Illinois (Mr. Annunzio) will be recognized for 20 minutes and the gentleman from Indiana (Mr. Hiler) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois, Mr. Annunzio.

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today to consider legislation to honor Danny Thomas by the presentation of a congressional gold medal in recognition of his humanitarian efforts and outstanding work as an American.

Danny Thomas was born Amos Jacobs in Deerfield, Mich. For half a century, he has delighted audiences with his stories, songs, and comic talent. But there is another side to Danny Thomas. It is the Danny Thomas who gives of himself, continuously and selflessly.

Shortly after his marriage in 1936, Danny Thomas lost his job. Because times were difficult and work was scarce, he considered giving up show business. But being a devoutly religious man, he prayed to St. Jude, the patron saint of the hopeless. With his prayer sent a promise, "Help me, and I will build you a shrine where the poor, the helpless, and the hopeless may come for comfort and aid." The following day he was offered a job in Chicago, which proved to be the turning point in his career.

From Chicago's 5100 Club Danny Thomas' career skyrocketed. He was a success in the New York clubs and in Hollywood, and finally came to be known as one of America's most beloved television comedians. His long-running television series about a show business father trying to find time for his family was a situation which paralleled his own domestic life.

But through all of his success, he never forgot his prayer and his vow to God. In 1958 Danny Thomas broke ground for St. Jude's Children's Research Hospital in Memphis, Tenn., and in 1962 the doors were opened to its first patient, a child stricken with leukemia.

Acute leukemia, the most common form of childhood leukemia, progresses rapidly and, if untreated, kills the child within a few months. Twenty years ago the average survival time for children with leukemia was 3 months. Now, over 50 percent of the children with A.L.L. leukemia—the most common type—are disease free 5 years or more after therapy is stopped.

From its modest beginnings, St. Jude's Hospital has grown to be the largest childhood cancer research center in America. In 1982 it provided care for approximately 4,100 active children patients. Those patients receive the best, most modern care today's medicine can provide, and they pay nothing for the service. St. Jude's is free to all who suffer, regardless of who they are or where they come from.

What greater service can there be to God and humanity than the healing of sick children? It is through Danny Thomas' steadfast devotion to this cause that St. Jude's Hospital has flourished. Today it stands as a beacon of hope in the darkest of realities—childhood cancer.

Danny Thomas once said:

> You should not aim high. You should not have ambition to be universally or nationally acclaimed. You should be the best of whatever you are, where you are * * * and aim for no more than [what is] within you.

Fortunately, Danny Thomas did not take his own advice. He aimed for the stars and reached them, both in his profession and as a humanitarian. Many claim that we will never develop a cure for cancer. Yet Danny Thomas, through his tireless work to fulfill his pledge to St. Jude, the patron saint of hopeless causes, has done much to put that statement to rest. His vision that someday no child will have to die because of cancer or other childhood illnesses is coming ever closer to fulfillment. Through his work this impossible dream, like that of the young man who prayed and made a promise in a church pew, will be fulfilled.

Because of his courage to dream, his dedication to work, and his commitment to succeed, Danny Thomas shines as a beacon for all who struggle against hopeless odds. We honor him not only for his humanitarian efforts, but also for his courage, dedication, and commitment to give hope to the hopeless.

● Mr. RAHALL. Mr. Speaker, I rise today in support of House Joint Resolution 93, awarding a gold medal on behalf of the U.S. Congress to Danny Thomas for his outstanding humanitarian work in founding St. Jude Children's Research Hospital in Memphis, Tenn. This bill currently has 223 cosponsors. I was proud to introduce this legislation honoring this great American for his work with St. Jude.

When Danny Thomas was, to use his own description, a "$2 a night saloon comic," he knelt before the statue of St. Jude, the patron saint of the hopeless, and vowed to erect a shrine to St. Jude should he succeed in show business. In 1946, after achieving fame and recognition as a radio and stand-up comedian, Danny began a one-man campaign to raise funds for the hospital which he decided would be the only fitting shrine to his patron saint. Danny established ALSAC (American Lebanese Syrian Associated Charities) to help raise the tremendous amount of funds needed to make Danny's dream of a hospital a reality. This hard work paid off in 1962 as St. Jude Children's Research Hospital opened its doors in Memphis and accepted its first patient.

At the time, the hospital consisted of one floor, with five wings joined at the center to form the shape of a star. You might think that Danny had lived up to his promise and he could forget about the hospital now that it was a reality. But this great man could not turn his back on the miracle called St. Jude's Hospital. Today, largely through Danny's tireless efforts, St. Jude's has more than doubled the size of its patient and research facilities, thanks to a seven-story addition opened in 1975.

Over the years St. Jude's has treated more than 5,000 young patients from all over this country and from 14 foreign countries. It is completely nonsectarian, interracial, and completely free of charge to patients. The tremendous cost of treatment is borne by donations. Even the cost of motel accommodations and meals for out-of-town patients and their families is covered.

Funds are raised by ALSAC through a variety of means—walk-a-thons, dance-a-thons, rummage sales, and the annual Teen-Agers March. University fraternities push wheelbarrows across States hoping that people will fill them with money for St. Jude's. They usually do. Money also comes in from the proceeds of the prestigious "Danny Thomas Memphis Classic Golf Tournament." In the past, golfers, such as Lee Trevino, have donated their winnings to St. Jude's.

It is the dream of the staff of St. Jude's that they work themselves right out of a job, to close the doors of St. Jude forever. This dream can only be realized when all childhood catastrophic diseases are wiped out. This is what Danny Thomas is fighting for. Danny has fought long and hard to give those children afflicted with leukemia and other diseases the chance to recover and the hope to lead a normal life again, the chance to receive advanced medical treatment at excellent facilities that they would not otherwise be able to afford. This is what St. Jude's Hospital is all about—saving children.

This is why I feel, and the Senate unanimously agreed, and 223 of our colleagues feel the same way, that Danny Thomas should be appropriately honored with a gold medal, presented by the President on behalf of the Congress, honoring him for his lifesaving work with St. Jude's Hospital. This is also why over 100 of our colleagues attended a luncheon in his honor 2 weeks ago in the Rayburn Building, coming to pay tribute to this great American.

Danny has stated that his purpose in life:

> Is to propagate the philosophy of man's faith in man, based upon my own belief that unless man reestablished his faith in his fellow beings he can never establish a faith in God. In order that others to follow may be inspired to do likewise, I have to leave something tangible. I'm not so unforgettable that I can do it only with words. I must leave something that men can touch, feel, and see. That is St. Jude Children's Research Hospital.

Mr. Speaker, I would like to emphasize that Danny Thomas has helped to alleviate the suffering of many children throughout the world and given them hope for a brighter future. I feel strongly that the U.S. Congress join the many other organizations and individuals alike who have seen fit to honor this great man. Thank you.●

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Mr. HILER. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I am pleased to join in this bipartisan tribute to Danny Thomas, a distinguished humanitarian, as well as popular entertainer. I congratulate the sponsors of House Joint Resolution 93 in their efforts to honor Danny Thomas. His dedication to establishing and helping maintain St. Jude Children's Research Hospital—which is now in its 22d year of existence—is an impressive contribution to our Nation. He further reflects the spirit of this award in that he has directed his energy toward supporting the national good. Danny Thomas had his own entertainment troupe which visited our men and women in the Pacific area during World War II. In addition, the hospital which he founded provides free services to those who cannot otherwise afford it.

Mr. Thomas is also to be commended for his efforts to unite the people of his ethnic background and serve as a spokesman for the Arab Americans in this country. He has brought about better communication between different ethnic backgrounds and creeds, leading to a more unified and stronger America.

Mr. KAZEN. Mr. Speaker, it is an honor and a privilege to speak in support of this legislation to award a gold medal to Danny Thomas, one of our most treasured Americans.

As a performer, Danny has brought laughter and warmth to our lives as few others, and his contributions to the performing arts are more than sufficient to earn the gratitude and respect of all of us.

And yet, it is another side to Danny Thomas that we acknowledge here today. Years ago, he made a promise to St. Jude, a promise which many might have thought impossible, and one which grew into St. Jude Children's Research Hospital.

This great hospital, the most complete children's research facility in the world, is dedicated to that most worthy of causes, helping grievously ill children of all faiths and races, not only in our country but throughout the world. It is a monument to Danny and his determination.

House Joint Resolution 93, which I was proud to cosponsor, honors Danny for his humanitarian efforts by authorizing the President to present him with a gold medal, and allows the Treasury Department to sell bronze duplicates of the medal to recover the cost.

We in the House have honored many fine citizens in the past, but I know of none who deserves such a tribute more than Danny Thomas. This is the least of our country can do for a man who has done so much, and who continues to spend most of his time and efforts in support of a great medical research facility, and the children it serves with special care.

● Ms. OAKAR. Mr. Speaker, Danny Thomas has earned the love, admiration, and gratitude of millions of people who have been touched by his generosity, compassion, and understanding. Although Danny Thomas, the son of Lebanese immigrants, did not have an easy life growing up, it did not make this special man callous or uncaring. It instilled in him the compassion and love for others that has characterized his personal and professional life. From the troops he entertained in USO shows to the grief stricken parents of children dying from incurable disease. Danny Thomas has always tried to share with others the solace he received from St. Jude, the patron saint of the hopeless.

Shortly after marriage in 1936, Danny lost his job. Faced with this personal crisis, at a time when work was difficult to find, this struggling comedian could have surrendered to his desperation, but instead this religious man prayed to St. Jude for guidance. The next day, he landed a job in Chicago which launched a very successful career. Success did not spoil Danny Thomas. He never forgot his roots and his vow to St. Jude to build a shrine in gratitude. In November 1958, he fulfilled his promise in Memphis, Tenn., when he dedicated the site for St. Jude's Hospital for Children with a mission to ease the suffering of seriously ill children and to find cures for their devastating diseases. Patients, parents, doctors, nurses—all of us—are indebted to Danny Thomas who remembered his commitment to St. Jude and cared enough to make it work for others.

I enthusiastically support and recommend presentation of a Congressional Gold Medal to Danny Thomas, founder of St. Jude's Hospital for Children in recognition of his outstanding humanitarian service to others.●

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. ANNUNZIO) that the House suspend the rules and pass the joint resolution (H.J. Res. 93), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 93, the joint resolution just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PAPERWORK REDUCTION ACT AMENDMENTS OF 1983

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2718) to amend chapter 35 of title 44, United States Code, relating to the coordination of Federal information policy, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Paperwork Reduction Act Amendments of 1983".

SEC. 2. Section 3502 of title 44, United States Code, is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (14) through (17), respectively; and

(2) by inserting after paragraph (12) the following new paragraph:

"(13) the term 'information resources management' means the planning, budgeting, organizing, directing, training, promoting, controlling, and otherwise managing the collection, creation, use, and dissemination of information by agencies;".

SEC. 3. Section 3504(d) of title 44, United States Code, is amended—

(1) by inserting after "shall include" in the matter preceding paragraph (1) the following: "appointing a Chief Statistician of the United States who is a trained and experienced professional statistician and who shall be responsible for";

(2) by striking out "and" at the end of paragraph (3);

(3) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(4) by inserting after paragraph (4) the following new paragraph:

"(5) integrating the statistical functions with the other information resources management functions established under this chapter.".

SEC. 4. Subsection (h) of section 3504 of title 44, United States Code, is amended to read as follows:

"(h)(1) As soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director, for clearance pursuant to section 3507, a copy of any information collection request which is proposed to be contained in, or derived from, the rule or regulation proposed.

"(2) No agency or official may cause to be published in final form in the Federal Register any rule or regulation which contains, or from which is derived, an information collection request for which a control number has not been obtained from the Director pursuant to section 3507.

"(3) When a final rule or regulation, which contains or from which is derived an information collection request, is published in the Federal Register, it shall be accompanied by an explanation of any modification in such final rule or regulation of the information collection request as submitted in accordance with paragraph (1) of this subsection.

"(4)(A) At least 90 days prior to the expiration date of an approval (pursuant to section 3507) of an information collection request which is contained in, or derives from, a rule or regulation, the agency which caused such rule or regulation to be published may submit such request (in identical or revised form) to the Director for renewal of the approval pursuant to such section.

"(B) No later than the expiration date of an approval of such a request, the agency involved shall cause to be published in the Federal Register a statment describing the changes, if any, in such request, and in the rule or regulation in which it is contained or from which it derives.

"(C) Whenever an agency fails or refuses to comply with the provisions of this paragraph with respect to any information collection request, such request shall cease to have effect.

"(5) Any written communication to or from the Director or any other officer or employee of the Office of Management and Budget with regard to any information collection request proposed to be contained in, or to be derived from, any rule or regulation shall be made part of the public record pertaining to such rule or regulation.".

SEC. 5. Section 3505 of title 44, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by inserting ", which shall be updated once each year," after "a five-year plan" in paragraph (3)(E);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by inserting after paragraph (3) the following new paragraph:

"(4) upon the enactment of the Paperwork Reduction Act Amendments of 1983—

"(A) set a goal to reduce the then existing burden of Federal collection of information by 10 per centum by October 1, 1984;

"(B) for the year following set a goal to reduce the burden which exists on October 1, 1984, by an additional 5 per centum; and

"(C)(i) develop and issue a comprehensive set of information resources management policies; and

"(ii) delegate the Administrator of General Services the authority to develop and issue information resources management principles, standards, and guidelines.".

Sec. 6. Section 3506 of title 44, United States Code, is amended by adding at the end thereof the following:

"(e)(1) Each senior official designated under subsection (b) shall review all regulations which were promulgated prior to the date of enactment of this subsection by such official's agency or any component or official thereof. Such senior official shall compile, in the course of review, all information collection requests (including reporting or recordkeeping requirements) which (A) are contained in or derive from such regulations, and (B) have not been assigned control numbers pursuant to section 3507.

"(2) No later than December 31, 1983, each such senior official shall submit to the Director, in accordance with section 3507, those information collection requests, compiled in accordance with the review mandated by paragraph (1), which the agency proposes to continue.".

Sec. 7. Section 3507(b) of title 44, United States Code, is amended—

(1) by inserting "(1)" immediately after "(b)"; and

(2) by adding at the end thereof the following:

"(2) Notwithstanding paragraph (1), with regard to proposed information collection requests submitted pursuant to section 3506(e)(2), the Director shall notify the agency involved of the decision to approve or disapprove the request not later than March 1, 1984. If the Director does not notify the agency of a denial or approval on or before that date, a control number shall be assigned without further delay, the approval may be inferred, and the agency may collect the information for not more than one year.".

Sec. 8. Section 3512 of title 44, United States Code, is amended by inserting after "December 31, 1981," the following: "(or after March 1, 1984, in the case of an information collection request proposed pursuant to section 3506(e)(2)),".

Sec. 9. Section 3513 of title 44, United States Code, is amended—

(1) by striking out ", with the advice and assistance of the Administrator of General Services," in subsection (a);

(2) by inserting at the end of subsection (a) the following: "The Director shall delegate to the Administrator of General Services the responsibility for carrying out the requirements of this subsection."; and

(3) by inserting ", within 30 days of receipt thereof," after "results of the reviews" in subsection (b).

Sec. 10. Section 3514(a) of title 44, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (8) the following new paragraphs:

"(9)(A) a summary of accomplishments and planned initiatives to improve Federal information resources management within agencies;

"(B) a detailed statement with respect to each agency of new initiatives to acquire information technology to improve such management; and

"(C) an analysis of the extent to which the policies, principles, standards, and guidelines issued pursuant to section 3505(4)(C) promote or deter such new initiatives; and

"(10) with respect to the statistical policy and coordination functions described in section 3504(d)—

"(A) a description of the specific actions taken on, or planned for, each of such functions; and

"(B) a description of the status of each major statistical program, including information on any improvements in such programs and information on which programs have been reduced or eliminated and on the previous, present, and proposed budgets for each such program.".

Sec. 11. Section 3520 of title 44, United States Code, is amended to read as follows:

"§ 3520. Appropriations; restrictions on use

"(a) Subject to subsection (b), there are authorized to be appropriated to carry out the provisions of this chapter, and for no other purpose—

"(1) $9,000,000 for the fiscal year ending September 30, 1984;

"(2) $9,500,000 for the fiscal year ending September 30, 1985; and

"(3) $10,000,000 for the fiscal year ending September 30, 1986.

"(b) No funds may be appropriated pursuant to subsection (a) for any fiscal year identified in such subsection unless such funds are appropriated in an appropriation Act (or continuing resolution) which separately and expressly states the amount appropriated pursuant to subsection (a) of this section. No funds are authorized to be appropriated to carry out the provisions of this chapter, or to carry out any function under this chapter, for any such fiscal year pursuant to any provision of law other than subsection (a) of this section.

"(c) Funds appropriated pursuant to subsection (a) may not be used to carry out any function or activity which is not specifically authorized or required by this chapter, but funds so appropriated may be used for necessary expenses of a function or activity which is so authorized or required, such as hire of passenger motor vehicles, services authorized by section 3109 of title 5, United States Code, and offical representation expenses. For the purposes of this subsection, the review of a rule or regulation is not specifically authorized or required by this chapter except to the extent that such review is for the sole purpose of reviewing an information collection request contained in, or derived from, such rule or regulation.

"(d) Of the amount appropriated pursuant to subsection (a) for any fiscal year identified in such subsection, not less than 10 per centum thereof shall be available for the development of operation of the Federal Information Locator System pursuant to section 3511 of this chapter.".

Sec. 12. (a)(1) Section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757) is amended to read as follows:

"INFORMATION TECHNOLOGY FUND

"Sec. 110. (a)(1) There is hereby established on the books of the Treasury an Information Technology Fund, which shall be available without fiscal year limitation. For purposes of subsection (b), the fund shall consist of—

"(A) the capital and assets of the Federal telecommunications fund, established under this section as in effect on the date of enactment of the Paperwork Reduction Act Amendments of 1983;

"(B) the capital and assets of the automatic data processing fund, established under section 111 (c) and (d) of this Act as in effect on the date of enactment of the Paperwork Reduction Act Amendments of 1983; and

"(C) the supplies and equipment transferred to the Administrator under the authority of sections 111 and 205(f) of this Act subject to any liabilities assumed with respect to such supplies and equipment.

"(2) The Administrator shall determine the cost and capital requirements of the fund for each fiscal year and shall submit plans concerning such requirements and such other information as may be requested for the review and approval of the Director of the Office of Management and Budget. If approved by the Director, the Administrator shall establish rates, to be charged users of information technology resources provided, or to be provided, through the fund consistent with such approvals. Such cost and capital requirements may include—

"(A) additional amounts needed for the purchase (if the Administrator has determined that purchase is the least cost alternative) of information processing and transmission equipment, software, systems, and operating facilities necessary for the provision of such services;

"(B) refunds or recoveries resulting from operations of the fund, including the net proceeds of disposal of excess or surplus personal property and receipts from carriers and others for loss of or damage to property; and

"(C) such other amounts as are appropriated, authorized to be transferred, or otherwise made available to the fund.

"(b) The fund shall—

"(1) assume all of the liabilities, obligations, and commitments of the funds described in subsection (a); and

"(2) be available for expenses, including personal services and other costs, and for procurement (by lease, purchase, transfer, or otherwise) for efficiently providing information technology resources to Federal agencies and for the efficient management, coordination, operation, and utilization of such resources.

"(c)(1) In the operation of the fund, the Administrator is authorized to make multiyear contracts for information technology resources for periods not in excess of five years, if—

"(A) funds are available and adequate for payment of the costs of such contract for the first fiscal year and any costs of cancellation or termination;

"(B) such contract is awarded on a fully competitive basis; and

"(C) the Administrator determines that—

"(i) the need for the information technology resources being acquired will continue over the period of the contract;

"(ii) the use of the multi-year contract will yield substantial cost savings when compared with other methods of acquiring the necessary resources; and

"(iii) such a method of contracting will not exclude small business participation.

"(2) Any cancellation costs incurred with respect to a contract under this subsection shall be paid from currently available funds in the fund.

"(3) This subsection shall not be construed to limit the authority of the Administrator to procure equipment and services under section 201 of this Act.

"(e) Following the close of each fiscal year, the uncommitted balance of any funds remaining after making provision for anticipated operating needs shall be transferred to the general fund of the Treasury as miscellaneous receipts.

"(f) A report on the operation of the fund shall be made by the Administrator to the Director of the Office of Management and Budget. Such report shall identify any proposed increases to the capital of the fund and shall include a report on information processing equipment inventory, utilization, and acquisitions.

"(g) For the purposes of this section, the term 'information technology resources' includes any service or equipment which had been authorized to be acquired or provided by sections 110 or 111 of this Act prior to the enactment of the Paperwork Reduction Act Amendments of 1983, and other information processing and transmission equipment, software, systems, operating facilities, services, supplies, and maintenance and repair thereof."

(2) The table of contents of the Federal Property and Administrative Services Act of 1949 is amended by striking out the item pertaining to section 110 and inserting in lieu thereof the following:

"Sec. 110. Information Technology Fund."

(b)(1) Section 111 of the Federal Property and Administrative Services Act of 1949 is amended—

(A) by striking out subsections (c) and (d); and

(B) by redesignating subsections (e), (f), and (g) as subsections (c), (d), and (e), respectively.

(2) Section 3504(g) of title 44, United States Code, is amended—

(A) by striking out "section 111(f)" in paragraph (1) thereof and inserting in lieu thereof "section 111(d);" and

(B) by striking out "section 111(g)" in paragraph (2) thereof and inserting in lieu thereof "section 111(e)."

(3) Section 3(b) of the Paperwork Reduction Act of 1980 is amended by striking out "section 111" and inserting in lieu thereof "sections 110 and 111."

The SPEAKER pro tempore. Is a second demanded?

Mr. HORTON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BROOKS) will be recognized for 20 minutes and the gentleman from New York (Mr. HORTON) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2718, the Paperwork Reduction Act Amendments of 1983, authorizes continued funding for the Paperwork Reduction Act functions carried out by the Office of Information and Regulatory Affairs (OIRA) within OMB. This office was established by the Paperwork Reduction Act of 1980 and is charged with the responsibility to: First, reduce the Federal paperwork burden imposed upon the public; and second, promote the use of information technology in agency programs.

While OIRA has reported that it has substantially reduced the paperwork burden, it has not been successful in carrying out the information technology requirements contained in the Paperwork Reduction Act. Its lack of success in these areas is apparently due to OMB's decision to divert the scarce resources of OIRA to non-Paperwork Act functions. H.R. 2718 corrects this problem and establishes important new goals to even further reduce the paperwork burden.

H.R. 2718 establishes a separate line item account for only those functions contained in the act and assigned to OIRA. The office may perform other functions, provided it obtains separate funding for these activities. Funding is authorized for a 3-year period, increasing the current authorization level of $9 million to $10 million by 1986.

The bill also establishes new goals for paperwork reduction and requires OMB to appoint a qualified chief statistician to develop and oversee statistical policies and programs. Further, the bill clarifies OMB's authority to review information collection requests in existing, as well as proposed, regulations.

Finally, H.R. 2718 combines the existing Federal telecommunications fund and the automatic data processing fund into a new information technology fund managed by the General Services Administration (GSA). The new fund will be used to finance the acquisition of technology for use by Federal agencies. At the suggestion of OMB and some members of the minority, I have made changes to this section to make it clear that GSA's management of the new fund is subject to the fiscal and policy control of OMB.

The Paperwork Reduction Act of 1980 established for the first time policies to improve the way the Government collects, uses, and disseminates its information. This bill strengthens the original act and requires the Government to continue its efforts in reducing the paperwork burden and promoting the use of information technology in Federal agencies. I urge the Members to support its passage.

Mr. HORTON. Mr. Speaker, I yield such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2718, the Paperwork Reduction Act amendments of 1983.

Mr. Speaker, especially since I served as Chairman of the Commission on Federal Paperwork in the midseventies, I have believed that the Federal Government must institute management reforms to cut down the paperwork burden it imposes on individuals, businesses, and State and local governments, and to use its own information more effectively and efficiently. I was proud to see a bill which Chairman BROOKS and I cosponsored to accomplish these goals, the Paperwork Reduction Act, enacted in 1980.

In the 2½ years that this statute has been in effect, the executive agencies, under the direction of the Office of Management and Budget, have made some important steps toward better information resources management. The paperwork burden which the Government imposed in 1980 has been cut by 29 percent. Some preliminary guidelines for better use of data have been promulgated, and others are in the planning stage. Most important, agencies are now thinking about how to limit their demands for data, and increasingly treating information as a resource which has both costs and benefits.

The bill before us today endorses further progress along these lines by reauthorizing for 3 more years appropriations for the OMB office which administers the act. The bill requires the executive branch to reduce the paperwork burden imposed on our citizens by 15 percent over the next 2 years. It clarifies the procedure for OMB review of information collections proposed in regulations. The bill establishes a chief statistician within the OMB office to give greater attention to statistical policy matters. Finally, it combines two existing revolving funds which are under the control of the General Services Administration, one for telecommunications and one for automatic data processing equipment, into a single fund, in recognition of the technologies in these two fields.

Mr. Speaker, this is a good, sensible bill which will enable OMB and the agencies to continue management reforms they have recently begun. The administration has no objection to its enactment. I urge all Members to join me in support of H.R. 2718.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BROOKS) that the House suspend the rules and pass the bill, H.R. 2718, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DAIRY PRODUCTION STABILIZATION ACT OF 1983

The **SPEAKER** pro tempore. Pursuant to House Resolution 355 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4196.

The Chair appoints the gentleman from Montana (Mr. WILLIAMS) to preside over the Committee of the Whole and requests the gentleman from Tennessee (Mr. FORD) to assume the Chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4196) to stabilize a temporary imbalance in the supply and demand for dairy products, and to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion to improve, maintain, and develop markets for dairy products, with Mr. FORD of Tennessee, Chairman pro tempore in the chair.

The Clerk read the title of the bill.

The **CHAIRMAN** pro tempore. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Texas (Mr. DE LA GARZA) will be recognized for 30 minutes and the gentleman from Illinois (Mr. MADIGAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. **DE LA GARZA**. Mr. Chairman, I yield myself such time as I may consume.

Pending the arrival of the gentleman from Illinois (Mr. MADIGAN) I will make a preliminary statement, and I will yield time to any Member who might want to participate in this debate.

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H.R. 4196 is emergency legislation for the purpose of reducing surplus production of milk in the United States and the cost of the dairy price support program. The text of H.R. 4196 under consideration today is the same as the text of H.R. 1875, as reported by the House Committee on Agriculture, except for a few minor modifications principally to change dates which are no longer current. The legislative history and explanatory material in the committee report on H.R. 1875 apply as well to the clean bill, except for these minor differences.

H.R. 4196 is a compromise measure developed earlier this year by a bipartisan coalition of Members of the House and Senate representing a cross-section of the dairy producing areas of the United States in consultation with the Department of Agriculture. The bill reduces the support price for milk, creates a temporary stopgap producer-funded incentive program to encourage dairy producers to reduce milk production; and provides for a producer-funded promotion and research program to expand the consumption of milk and other dairy products.

The dairy price support program puts a nationwide floor under the price of manufacturing grade milk through the purchase of dairy products—butter, cheese, and nonfat dry milk—by the Commodity Credit Corporation (CCC) at announced prices. During periods of surplus production, stocks are accumulated and stored by the CCC. During periods of declining milk production, these stocks are available for resale into commercial channels, thus preventing disruption in supply and fluctuation in price. For many years, this legislation has served to benefit both producers and consumers.

Prior to 1980, the dairy price support program functioned effectively, bringing stability to a sector of agriculture which had been subject to annual fluctuations in both production and consumer demand. Purchases by the CCC during the 30-year period prior to 1980 averaged 4.8 billion pounds of milk equivalent and cost about $300 million annually.

Beginning in 1981, the situation changed. Dairy surpluses began to mount and the cost of the program burgeoned. Congress acted on three occasions to cancel scheduled increases in the support level which had been set at $13.10 per hundredweight on October 1, 1980. First, it rescinded the midyear adjustment scheduled for April 1, 1981, and on two other occasions it delayed increases in the support level until enactment of the Agriculture and Food Act of 1981, which continued the level of $13.10 per hundredweight for fiscal year 1982. This act set the minimum support level at predetermined dollar values—$13.25 in fiscal year 1983, $14 in fiscal year 1984, and $14.60 in fiscal year 1985 with a return to a minimum of 75 percent of parity if CCC purchases dropped below specified levels.

In 1982, milk production continued to expand and with it program costs escalated.

In response, the committee reported and the House passed the Food and Agriculture Reconciliation Act for fiscal year 1983 (H.R. 6892) which would have created a two-tier price program to shift to the producer the responsibility for all costs of the price support program in excess of 5 billion pounds milk equivalent annually. This would have immediately capped the cost of the program at approximately $800 million annually. However, this proposal was not agreed to by the Senate and drew strong administration opposition. A compromise was reached and included in title I of the Omnibus Reconciliation Act of 1982 (Public Law 97-253).

This act continued to freeze the support rate for fiscal year 1983, the fourth consecutive year, at $13.10 per hundredweight. The support rate for fiscal year 1984 was set at the parity equivalent represented by $13.10 per hundredweight as of October 1, 1983. The Secretary was also given authority to impose two 50-cent per hundredweight deductions on all commercial marketings of milk until projected CCC purchases declined to specified levels. The second deduction was conditioned on the Secretary establishing a program whereby the funds resulting therefrom would be refunded to producers who reduced their commercial marketings from those during a base period.

Additional changes are urgently needed in the dairy price support program. The dollar per hundredweight deduction has proved to be extremely unpopular with dairy farmers throughout the country, and has been the subject of extended litigation. The assessment was just recently upheld by the Federal court of appeals for the fourth circuit. There still remains a critical need to reduce milk production. Although the deduction scheme significantly reduces a producer's gross receipts, it fails to effect an immediate downward response in production. In fact, many producers actually have expanded production to make up for lost income resulting from the dollar deduction. A variety of economic occurrences have all combined to aggravate the surplus problem.

Foremost amongst these has been the decline in feed prices. Since approximately one-half the cost of producing milk is the cost of feed, the severe decline in grain prices in recent years has made milk production very attractive. Three bumper crops in a row forced a major reduction in prices at a time of unprecedented inflation in the prices of other commodities. It became more profitable to get paid for corn by feeding it to cows.

Likewise, the declining value of cull cows made farmers reluctant to market marginal cows. Utility cow prices per hundredweight at Omaha averaged $50.10 in 1979, $45.73 in 1980, $42.01 in 1981, and $39.77 in 1982.

These two factors, combined with the absence of any profitable alternatives in other sectors of agriculture or in off-farm employment have served to increase milk production. In the last 2 months, however, a combination of the payment-in-kind program and the drought has caused a turn around in corn prices and there are signs of a reversal of the trend of more and more milk production.

Apart from the foregoing, the surplus problem has resulted from a stagnation in the demand for dairy products due to the general economic uncertainty and high unemployment. Considerable attention must be paid to stimulating demand over the next several years so that a stronger commercial market will exist for dairy products.

H.R. 4196 makes the necessary changes in dairy legislation to adjust production to manageable levels, stimulate demand and bring stability to the industry at the lowest cost to the Government of any proposal now before the House. The bill would repeal the current dollar assessment and replace it with the following program:

I. PRICE SUPPORT PROVISIONS

Effective for the period beginning with the month following enactment of the bill, and ending September 30, 1985, the milk support rate would be reduced 50 cents per hundredweight to $12.60 per hundredweight. If on April 1, 1985, the Secretary estimates that CCC purchases for the next year will exceed 6 billion pounds milk equivalent, the support rate could be reduced by another 50 cents per hundredweight. If on July 1, 1985, the Secretary estimates that CCC purchases for the next year will exceed 5 billion pounds milk equivalent, the support rate could then further be reduced by a third 50 cents per hundredweight. If, however, on July 1, 1985, the Secretary estimates that CCC purchases for the next year will be 5 billion pounds or less, and determines it necessary in order to assure an adequate supply of milk to meet current needs, the Secretary could increase the support rate by not less than 50 cents per hundredweight.

II. PAID DIVERSION PROGRAM

To encourage producers to make an adjustment in their milk production, a 50-cent per hundredweight reduction would be mandated in the price of all milk marketed commercially for a 15-month period beginning January 1, 1984. The funds represented by this reduction in price would be collected and remitted to the Commodity Credit Corporation to fund a paid diversion program.

Beginning January 1, 1984, H.R. 4196 requires the Secretary to implement a paid diversion program for a 15-month period. Any producer wishing to participate would be required to enter into a contract to reduce production by a percent as specified by the producer between 5 and 30 percent of his production in a base period. The payment rate to producers would be $10 per hundredweight of the reduced production.

The Secretary would have authority to lower the reduction percentage for producers on such basis as the Secretary determines necessary to prevent an excessive decrease in the level of milk production in the United States during the period contracts are in effect. Any such reduction cannot, however, be apportioned on the basis of geographic region or area.

H.R. 4196 contains a number of safeguards to assure that the diversion program results in a real reduction in milk production. H.R. 4196 prohibits the transfer for the production of milk of any milk facility that becomes available because of a producers participation in the program. Similarly, effective upon enactment, it prohibits the transfer of any dairy cattle that could be used for the production of milk to another person for milk production, unless the Secretary determines the transfer does not impair the program. It prohibits the participation in the program by any person who was not actively engaged in the production of milk for commercial use on the date of enactment of the bill, and it prohibits the transfer of any person's base period history except by reason of death, gift, or transfer to a member of the producer's family.

The 50-cent per hundredweight price reduction and paid diversion program are inextricably linked together so that if the Secretary should be prohibited by any court from implementing the mandatory 50 cent per hundredweight price reduction in all milk marketed commercially, the Secretary must immediately suspend making any diversion payments for the duration of the court order.

The diversion program and reduction in price to fund the program would apply to the 48 contiguous States in the continental United States.

Several members of the committee have expressed concern with the limited length of the diversion program. The concern is that some producers will be able to circumvent a 15-month program by reducing production temporarily to participate in the diversion program, thus confounding the effectiveness of the program.

To deter any unneeded expansion immediately upon termination of the diversion program, the Secertary would have at his disposal authority to make the two additional 50-cent per hundredweight reductions in the support level in 1985, as I mentioned earlier.

III. DAIRY PROMOTION PROGRAM

H.R. 4196 also provides for a national program to finance a dairy product promotion, research, and nutrition education program to stimulate demand for fluid milk and dairy products. The program would be financed by a mandatory nonrefundable 15 cents per hundredweight assessment on all milk marketed for commercial use. The producer would be given credit of up to 10 cents per hundredweight for contributions to qualified State or regional dairy product promotion or nutritional education programs. The credit would assure that local promotional efforts are unaffected by the bill.

Initiation of the program would be subject to issuance of a proposed dairy products promotion and research order by the Secretary after notice and opportunity for a public hearing.

The order would establish a National Dairy Promotion and Research Board composed of not less than 36 producer members appointed by the Secretary to oversee the expenditure of funds to promote the use of milk and dairy products, research, and nutrition education.

Continuation of the program is contingent upon majority approval in a producer referendum which shall be conducted within the 60-day period preceding September 30, 1985. Approval by a milk marketing co-op of producers would be considered as the approval of member producers, except that the coop must notify its members at least 30 days before the referendum and provide them an opportunity to vote as individuals.

The Secretary would be reimbursed from assessments collected for any expenses incurred for the conduct of a referendum, except for the salaries of Government employees and for any other expenses incurred under the program after an order has been issued.

IV. STUDIES

Finally, the bill provides for certain studies. It would require—

By July 1 of each year, an annual report on activities under the dairy products promotion and research order and accounting for all funds reserved and disbursed.

By July 1, 1984, a report on the impact of applying nationally the California standards for fluid milk on the sales price of milk and consumer acceptance.

By December 31, 1984, a report on recommended changes in the parity formula for milk to make it more consistent with modern production methods.

By April 15, 1985, a report on the effectiveness of the paid diversion program.

In summary, H.R. 4196 is a compromise measure developed earlier this year by a bipartisan coalition of members in consultation with the Department of Agriculture. It has a three pronged approach to the current emergency—it would reduce milk production quickly, reduce dairy product purchases by the Commodity Credit

Corporation and as a consequence government costs, and it would stimulate demand. We believe that these objectives are more effectively accomplished by H.R. 4196 than by any of the alternatives that are before the Congress.

For example, H.R. 4196 provides far greater savings than the alternative proposal by Mr. Conable for a $1.50 per hundredweight cut in the price support rate.

DAIRY PROGRAM COSTS

[In millions of dollars]

	1984	1985	Total 1984–88
H.R. 4169	1,077	1,345	6,297
$1.50 cut	1,805	1,688	7,437
Difference	728	343	1,140

The figures on the Conable amendment are predicated on a letter from the Secretary of Agriculture in which he has advised the Congress that if the Conable amendment is passed he would phase in the reduction. At the outset he stated he would reduce the support rate $1.10 per hundredweight and make a further reduction at a later date.

I call the committee's particular attention to the estimate of costs of the programs for the 5-year period, 1944 through 1988. I have heard some people say that while the Conable proposal would cost more than the compromise program in the short run, it would cost less in the long run. The estimates I have given you show that the compromise program will be less costly for taxpayers in the short run and by in excess of $1.1 billion in the long run.

It has come to my attention that in a recent letter to the minority leader, the Secretary of Agriculture has indicated his support for the Conable amendment. This comes as a surprise to me. The provisions of H.R. 4196 were developed in consultation with the Secretary and his staff and represents a compromise to meet requests for changes made by the Secretary. With those changes, the bill had his support. As late as September 27, the Secretary informed the chairman of the Senate Agriculture Committee of his continued support for the dairy compromise. Even after the letter to the minority leader, the Secretary has stated publicly that either bill will solve the dairy problem. In my opinion H.R. 4196, the dairy compromise, does this more effectively, more equitably, and with greater savings to the taxpayer.

The Agriculture Committee is committed to reducing the cost of Federal farm programs. In this regard, over the past 3 years the committee has approved changes in programs which have resulted in savings in excess of $18 billion. Passage of H.R. 4196 will result in additional savings during the next 4 years of $2.63 billion, as contrasted with the $1 per hundredweight assessment under the current program.

Much has been said about the price cut saving consumer costs at the retail level. It is claimed that a price cut will be translated dollar for dollar in consumer savings. Do not be deceived. Past experience proves otherwise.

On April 1, 1954, the price support level was reduced 15.7 percent—the retail prices for whole milk declined only 1.8 percent, butter 8.3 percent and cheese 3.7 percent.

On April 1, 1958, the price support level was reduced 5.9 percent. The retail prices for whole milk rose 1.7 percent. There was no change in the retail price of butter, and retail cheese prices rose 0.7 percent. On April 1, 1962, the price support level was reduced 9 percent. Retail prices for whole milk declined only 0.8 percent, butter 1.5 percent and cheese 0.5 percent. The consumer thus benefited little if at all from these price cuts.

In any event, H.R. 4196 leaves nothing to chance. If the diversion program does not work during the 15-month period of the diversion program to cut production and bring down Government costs to manageable levels, it would authorize a $1.50 price cut to be phased in by July 1, 1985. In other words in a little over 15 months after enactment of the bill, if the diversion program should fail, H.R. 4196 would permit the same price cut as offered in the Conable amendment.

There are a number of other amendments that will be offered. I wish to speak briefly in support of the Harkin amendment. Representatives of the livestock and poultry industries have brought to my attention their concern that the culling of dairy cows resulting from the diversion program may adversely affect prices for beef cattle and poultry. The Harkin amendment, in which I participated as author with several other Members, arms the Secretary with the necessary authority to prevent any such hardship.

The amendment has three aspects. First, it requires that producers who wish to participate in the program must provide the Secretary with information as to how they plan to achieve the required reduction in their milk marketings. If the Secretary determines, based on that information, that in any period of the diversion program there would be hardship to producers of livestock and poultry sold for slaughter, he may make necessary adjustments in the contracts to provide for the orderly marketing of dairy cattle for slaughter. This may be accomplished by adjusting the reduction in milk marketings during the various periods of the contract or limiting the amount of the reduction that may be achieved through the increased slaughter of dairy cattle. In making these adjustments, however, the reduction in milk marketings over the entire diversion period must continue to be at least equal to the total required reduction.

If these measures should fail to produce the desired effect and beef cattle prices for a 10-marketing day period should fall by more than 10 percent as a result of the program, the Secretary could modify the required reduction in production under outstanding contracts in such manner as he determines necessary to avoid such effect.

Finally, in order to encourage demand for beef and pork during the period of the diversion program, the amendment requires the Secretary, to the maximum extent possible to use funds available under clause 2 of section 32 (7 U.S.C. 612c) and other funds available to the Secretary under the nutrition programs of the Department to increase the utilization of beef and pork. The Secretary is also requested to take appropriate action to increase such utilization by other Government agencies in their food programs and by the members of the public.

The Harkin amendment should allay any fears that the diversion program will impact upon the beef and poultry industry.

Mr. Chairman, I urge the Members to join me in support of the dairy compromise, H.R. 4196.

I would like to take a moment to commend the work of Mr. Harkin in his leadership of the Subcommittee on Livestock, Dairy, and Poultry. Mr. Harkin has done a masterful job, not only in the technical aspect of the drafting of the compromise legislation, but also in the work of getting together as many segments of the industry as was possible.

Many times we feel it is almost an impossible task in any area of agriculture to get together at least a working majority of those involved. I might say that Mr. Harkin and the members of his subcommittee were able to do that to the fullest extent possible.

Later we will discuss more fully the merits or demerits as we see, of the other amendments that we will be considering during the debate, during the amending process later in the week.

I would like to say very briefly, Mr. Chairman, something that is rarely said, but recently has been getting some media attention: That the American people are the best fed people in the world, possibly in the history of the world. They get quality food made available to them by our farmers and ranchers, by our producers. Any American family can get either the basic product, their vegetables, their meats, their dairy products in any form in which they desire them. In order to facilitate their task, they can get it cooked and frozen to be utilized, they can get it canned, they can get it for preparation at home, in any way they want for the lowest amount of disposable income than in any other area in the world.

The American people are the best fed, per family, for the lowest amount of disposable income than any other people in the world, possibly in the history of the world.

Why? The answer is because of the producers, the farmers and ranchers of this country.

Now, there are some people that do not have enough to eat now in the United States, but that is not the fault of the farmer. The food is there. It is for other reasons that they may be hungry. Somebody else is responsible, not the farmer.

The farmer has always been dedicated to the concept of providing food for the people of the world.

Now I know that we hear from many, and we will hear later about free enterprise, about the free market. Mr. Chairman, there is no free market in agriculture anywhere in the world.

Possibly we are the least regulated, possibly we are the freest of any of the other nations, but all our competitors and all of the developed nations of the world have greater Government influence in their agriculture or agribusiness sector than we do.

There is no free market in the world, in any of the other developed countries. We are the last bulwark of this free market.

But within our country, again, the lowest amount of disposable income is utilized. Why? Because Government has intervened minimally, but nonetheless intervened to try to regulate surpluses, to try to regulate so that you have a uniform flow and not peaks and valleys, like a rollercoaster or a pendulum swinging first to one extreme and then another.

We have a variety of foods, a variety of specialty foods. You can have the raw basic products, you can have wheat, corn, beef, lamb, you can have anything you so desire because of what the American farmer has done for our country.

But Government tells him how much he has to pay as a minimum wage. We do not begrudge the pay to the farmworkers; goodness knows, many of them do not earn enough. In turn the farmers are told what insecticide or what pesticide that he can use; the farmers are restricted as to what type of facilities they can have on their farm under regulations of other agencies outside of agriculture.

Therefore, Government imposes a burden, Mr. Chairman, but in spite of that always we have the best quality foods in the world for the least amount of disposable income in the world and that, Mr. Chairman, is to our credit.

All of American agriculture has contributed to this success story, large corporate family farm, the intermediate farm, the small family farm, all of them collectively contribute.

If there is any subsidy it is the American consumer that is being subsidized by the American producer because more often than not—and it pains me to have to say this—more often than not what you had on your table at home or at a restaurant or anywhere that you buy the food, the odds are that it was the farmer that got the smallest amount for what you paid for that item. More often than not, the farmer sold it for less than it cost him to produce it.

So make no mistake about it, if there is subsidy, it is the American farmer subsidizing the American consumer.

I hope the House will remember that when we pass legislation affecting the dairy farmers of this country, we are dealing with an industry which operates under some of the strictest standards ever applied to food producers anywhere in the world.

A recent article in Science 1983 magazine, which focuses on a modern dairy farm in California, points out how closely the quality of milk is watched at every stage from the farm through the processing plant. At the farm, drivers who collect the milk in tank trucks take a sample which may be spot checked in a laboratory. Then, every truckload of milk is tested every day—and if anything undesirable turns up, the lab will check a sample from every batch of milk that went into the truck.

Before milk can go to the consumer, it must meet rigid standards for bacterial content and for antibiotic residues. And if milk is going to meet those standards, farmers must work with great care and they must pay constant attention to sanitation. The fact is that this is a costly process, but farmers do it and they do it well. And they are doing it with increasing efficiency.

The Science article points out that the skill of our dairy farmers has made the United States the second largest dairy-producing nation in the world. The Soviet Union produces more milk, but our dairymen get three times as much milk from each cow as the Russians. This means that we have an efficient dairy industry which is constantly getting better—and it also means that in dealing with economic legislation for the dairy industry, we must exercise great care.

Mr. Chairman, at this point I reserve the balance of my time.

The CHAIRMAN. The gentleman (Mr. DE LA GARZA) has consumed 11 minutes.

Mr. MADIGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the compromise and in opposition to the Conable amendment.

Mr. Chairman, Congress is often faced with the undesirable task of choosing between less than perfect legislative alternatives. Today's consideration of legislation to revise the dairy program is such a case.

I stand before you today to emphasize the urgency with which we resolve the crisis in the dairy industry. Overproduction is an embarrassment to us as legislators, and to the producers in our districts. I am anxious to cut the cost of the dairy program, but not if it means culling farmers in the State of Wisconsin.

If you are worried about the integrity of the family dairy operation, as I am, we only have one choice before us—the dairy compromise plan, as recently passed by the Senate. Obviously, those of you who have discussed the dairy situation with the rank-and-file producers back home know this is not a perfect bill. My constituents did not become enthusiastic about the compromise bill until they realized it was the only game in town.

Instead of promoting the compromise plan, though, I prefer to make use of this time to stress why we must vote against the Conable substitute. A straight $1.50 cut in the support price would not lower consumer prices appreciably and thereby increase demand for dairy products. Price support cuts have traditionally failed to result in lower prices to consumers. But, I can assure you that a $1.50 reduction in the support price would drive many small- and medium-size dairy operations out of business. These dairymen have already stretched their credit to the limit and cannot possibly meet their cash flow requirements in the event of such a price support cut.

While the dairy compromise is not perfect, it represents the product of countless hours of industry negotiations, congressional hearings, and discussions among dairy producers. The Congressional Budget Office and the Congressional Research Service both document the compromise to be a more effective solution to the milk surplus problem, in terms of cost to the Government and impact on dairy farmers.

The current 50 cent per hundredweight assessment program was a mistake since its inception. It has not resulted in reduced milk marketings and has only served to bankrupt pressed farmers. The Nation's dairy farmers are asking us to terminate this fiasco through the passage of the dairy compromise. Let us not abandon them in their hour of need. Again, I recommend that the Conable substitute be defeated and the dairy compromise passed.

□ 1310

Mr. MADIGAN. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I am not going to spend a great deal of time in the general debate here. I have some time set aside for discussion of my amendment when this bill comes up later in the week.

First, I would like, however, to thank the distinguished chairman of the committee, the gentleman from Texas (Mr. DE LA GARZA), for having delivered on his commitment to bring this bill to the floor and to permit a vote on my amendment.

When an effort was made to go to conference earlier and the decision was made not to go to conference, he made a commitment that he would bring the bill here to the floor under opportunities for discussion which would give us ample time to analyze the various options facing this body on the dairy bill. He has delivered on that promise and I am grateful to him. He is indeed a gentleman.

Mr. Chairman, I would say to the Members that we have a fairly clear choice here between a flexible support price with the option to use it, and a proposal which would pay dairymen substantial sums of money for the reduction of production by anywhere from 5 to 30 percent.

There are many ways in which they could reduce production. And there is great dispute about exactly how dairymen would react to the implicated opportunities that the compromise bill would offer.

The result has been a widely ranging set of estimates about what the impact of my proposal and the compromise plan might be on production, on consumers, and on the cost to the Treasury. As the gentleman from Vermont (Mr. JEFFORDS) says, we have gotten into a numbers game.

I do believe that the Members of this body should have before them in sufficient time to digest those figures the various estimates that are currently being offered. And I would like to present them in summary from right now.

The USDA and the CBO both operate under comparable assumptions. In each case they find that the effect of the compromise bill compared to the Conable bill would be to reduce the cost to the Treasury by substantial sums of money. Over a 2-year period, the USDA estimates the compromise plan would cost the Treasury somewhere around $700 million less than the Conable proposal would.

The CBO, using the same set of basic assumptions, comes up with a figure which is, over a 2-year period, actually $850 million cheaper for the Treasury than the Conable proposal.

Now, interestingly enough, OMB, which has recently reworked its figures, has come to the conclusion that over a 2-year period in fact the Conable proposal would be finally cheaper than the compromise proposal.

I should say in each case the cost to consumers is estimated to be very substantially less under the Conable proposal than under the compromise proposal, but I am not here to discuss that so much as I am the Treasury cost, because I realize that many of my colleagues are very much concerned about fiscal matters and, therefore, tend to look at this primarily in terms of the cost to the Treasury. I would say, parenthetically though that there is a substantial identity between consumers and taxpayers.

The OMB figures show that in 1984 the Conable proposal would be $433 million more expensive than the compromise proposal, but in fiscal year 1985, it would be $627 million less expensive then the compromise proposal. Over 2 years, than my proposal would save Treasury about $200 million; over 4 years the savings would exceed $1 billion.

Members may very well ask, now why does OMB come up with different figures. They have based their assumptions on an expectation that a much larger number of farmers would avail themselves of the diversion opportunities of the compromise bill and they assume that the 50-cent assessment that is continued under the compromise bill would not adequately finance the amount of diversion payments that would be made to the farmers. Thus they see considerably greater cost to the Treasury, which will have to make up the difference beyond those division costs which are actually financed by the 50-cent assessment.

Incidentally, the OMB figures indicate that the consumer cost would be actually $3.4 billion greater under the compromise proposal than under the Conable proposal, because the Conable proposal actually reduces the support price for milk by $110 in the first year, by agreement with the Secretary of Agriculture.

Yes, all these figures from OMB assume the use of discretion in accordance with the policy reflected in Secretary Block's letter to the minority leader. That letter was dated October 28, 1983, and expressed the view that if the Conable proposal were to become law, he would immediately reduce the support price to $12 per hundredweight from the $13.10 per hundredweight it currently is, then reducing an additional 40 cents in the following fiscal year if that price support reduction is not adequate to reduce the surpluses as hoped.

I should say, Mr. Chairman, also, that Cornell University has also sent us a series of figures and these figures were prepared by Dr. Andrew Novakovic, an agricultural economist there. These figures indicate also the Conable plan will, over a 2-year period, be cheaper than the costs suggested by the USDA or CBO figures.

I will read a brief summary of the conclusions of Dr. Novakovic:

> The higher cost to the government under compromise plan is attributed largely to view that diversion program will not prove to be self-supporting and that more than a $1 billion of tax funds will be required to finance the diversion program, in addition to the revenues raised by the 50 cents assessment.
>
> Cornell assumes a greater degree of "slippage" in the compromise plan paid diversion program. They expect there to be an actual 8 billion pound reduction in milk production when the USDA pays for a 12 billion pound decrease. Because of their estimate of diversion program slippage, Cornell expects about a 4 billion pound smaller reduction in production under the compromise than USDA. This difference reduces the economic effectiveness of the compromise in contrast to Conable.

Mr. Chairman, I believe these figures are worth looking at. I acknowledge that we are in something of a numbers game and that nobody really knows how this will turn out.

I do believe that my plan ultimately is simpler and more workable and I believe that in addition to being cheaper for the Government—and some of our estimates show that—it will be greatly cheaper for consumers and, therefore, a more desirable alternative.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. ROSE).

Mr. ROSE. Mr. Chairman, I was privileged during one of my terms in the Congress to serve as chairman of the Subcommittee on Dairy and Poultry. It was during that experience that I got to know the various complicated parts of this industry and to see just how difficult it frequently is for the dairy industry to agree on a way to deal with its problems.

I support the compromise that has been worked out in this House and in the Senate.

□ 1320

I hope that my colleagues on Wednesday will reject the Conable amendment because it is, in my opinion, an overly simplistic solution to a very complicated problem that we got into over a period of time and that we will not get out of overnight.

There are a couple of amusing things that are happening this week, amusing if you like hard ball. There is some real hard ball going on in this town over the Conable amendment. I would like to point out just a couple of the blows that I have observed.

I have a letter here, written September 27, signed by John Block, to the chairman of the Agriculture Committee in the other body, and in the third paragraph of this letter—it is generally praising the compromise dairy program that has come out of the Senate—Mr. Block says:

> The failure to act now on the dairy compromise that several of us negotiated may eventually destroy the dairy program that until 1979 worked well for nearly 30 years.

Well, somebody turned some screws, because on October 28, John Block—Jack, to the minority leader—sent this letter out that says:

> Therefore, consistent with all of my earlier amendments on this question, the administration supports the Conable amendment to H.R. 1875.

Well, I think the Secretary of Agriculture is guilty of a bad case of dairy double-speak.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from Vermont.

Mr. JEFFORDS. At that time, was there not an amendment very similar to the Conable amendment which was acted on in the other body, when that letter was written?

Mr. ROSE. It certainly was.

Mr. JEFFORDS. And does the gentleman remember what the vote in the other body was on that amendment?

Mr. ROSE. I do not recall.

Mr. JEFFORDS. I believe it was 56 to 37 against the so-called Conable amendment in the other body.

Mr. ROSE. I thank the gentleman for making that point.

Mr. Chairman, about a week and a half ago, the Secretary sat in the office of Walter Jones, with all of the Members of the North Carolina delegation, Democrats and Republicans invited, and he told us that he was very much in favor of the dairy compromise.

Well, be that as it may, I submit to the Members that we have a very good compromise, and I hope that we can stick with it.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. Rose) has expired.

Mr. de la GARZA. Mr. Chairman, I yield 1 additional minute to the gentleman from North Carolina.

Mr. ROSE. Mr. Chairman, the last point I would like to make is: You see that fellow on TV that sells Perdue chickens, and he always has the funny ads, he sent me a telegram today, saying:

> Should the compromise dairy bill as it is now written be enacted, it will have a devastating effect on the broiler industry. It will mean 500 million pounds of low priced beef will come on the market, and this would decrease the price of chickens.

Well, you can understand how Mr. Perdue would feel about beef getting cheaper than chickens. That simply is not going to happen. That is not in the cards, and there is a Harkin amendment that will be voted on Wednesday that will specifically give the Secretary of Agriculture all the authority he needs to avoid any such hardship taking place.

I urge my colleagues in the House to listen to those of us on the committee who work constantly with problems such as this. Do not take us lightly when we say this dairy compromise is a carefully crafted agreement, and all of agriculture—all of it—will suffer greatly if this coalition comes apart.

I hope that we can adopt this compromise overwhelmingly on Wednesday.

Mr. MADIGAN. Mr. Chairman, I yield 7 minutes to the gentleman from Vermont (Mr. Jeffords).

Mr. JEFFORDS. Mr. Chairman, I appear today to talk a little bit about the dairy compromise and also, hopefully, to give the Members some useful information.

As the gentleman from New York indicated, there are an awful lot of figures running around here. I would hope that we could try to sift through a few of them and give the Members a little bit better idea of just what is going on.

First of all, let me give the Members a little history of the compromise.

We have a very difficult situation in the dairy industry. A great deal of it is caused by the excess in grain. There is too much grain around, the prices are low, and therefore the farmers are producing a great deal more milk than they would otherwise. Farmers in grain areas have gone into dairy farming as they make more feeding grain to cows and selling milk than they do selling their grain. Plus we have had genetic changes increasing production per cow.

So the compromise was derived in order to try to make sure that we do not have overkill here if, as the Secretary of Agriculture tells us, and I think, certainly, that which all farmers want to happen, that is to get the grain problems of the Middle West straightened out.

The Members will remember in the middle of a bill, called the reconciliation bill, a year or so ago, about $13 billion in cost savings I recall, well in that bill there was this little dairy program. Nobody could find out who suggested it, but it obviously has been a disaster. It does all the wrong things. It gives the wrong signals. It tells the dairy farmers, "Go on, produce all you want, because at the end of the period of time here you are going to get a nice price increase." And it has this assessment, which raises money, but it does not do anything to cut back on the terrible problems of overproduction.

So earlier this year, the dairy farmers were given this challenge. They were told, "Hey, if you farmers can come up with a plan that is better than this one, do it."

Mr. Chairman, the proposal outlined by the distinguished chairman of the Agriculture Committee is, in essence, the outcome of 2½ long years of deliberations. Most Members will remember the many proposals that have, since the beginning of the 97th Congress, been debated on the farm, in the newspapers and by the House. Indeed, the House has since 1980 debated and voted on the dairy program no less than six times. In a very real sense, what the Agriculture Committee is today recommending is the distillation of that debate and is, for that reason, the reasoned approach that we believe most Members have been seeking.

The committee's proposal was developed and approved last May by the Secretary of Agriculture and a bipartisan team of House and Senate leaders. Myriad philosophical and regional interests were thoroughly considered and, we feel, an equitable balance was struck. I would like to note that, during these discussions, there was a strong feeling on the part of all who participated that it was time to put regional jealousies and partisan considerations behind us. Each one who participated offered a different approach to the dairy program. Some favored supply management, while others wanted a price cut. It was clear to all, however, as it should be now, that standing on such exteme positions would only insure the continuation of the deadlock that has to this point paralyzed the Congress and crippled the dairy industry. Consequently, these members of the House, Senate, and administration set out to devise a proposal that would, while meeting the budget requirements, restore balance to the supply and demand for milk. This we have done.

The proposal embodied in H.R. 4196 is a hybrid. It crosses two pure—and, in each case, individually deficient—approaches—a price cut and a paid diversion. It incorporates the best features of each and, thereby, produces a pragmatic program which will work more effectively than either idea alone. Let me elaborate.

Price changes—and let me remind you that there is authority for a $1.50/hundredweight price cut in the committee's proposal—after an effective long-term strategy for managing the milk supply. They send both immediate and long-term price signals to producers that milk is, or is not, needed. Such signals are necessary if commercial market demand is to reassert its influence on the decisions of farmers to produce milk. The desire of dairy farmers to return the pricing of milk to the commercial market is why we have included authority for up to $1.50 price cut in this bill.

Price changes—particularly reductions—and the signals that they send are not, however, effective short-term solutions. This is the weakness of this approach alone. Price cuts presuppose that producer decisions are immediately susceptible to changes in prices. This is not so, however. Farmers, as businessmen, try over the short term to offset the loss of income occasioned by a price cut by taking what is, to them, a "second job"—that is to say, they milk more cows. Since milk production does not, therefore, fall over the short term—and, by the way, both CBO and USDA figures confirm this analysis—surplus removals, at great cost to the taxpayer, remain high. This inability over the short term to reduce milk production and budgetary outlays is the greatest weakness of the price cut approach, when used alone, to solving the real world problem confronting Congress and the dairy industry.

Well, what then do we do about the short term? If we accept the notion that price signals will, over the longer run, cause production to come into line with the demand for milk, are we doomed to suffer excessive levels of milk production, and extraordinarily high budgetary outlays while we wait for these price signals to take effect? This is what the advocates of price cuts as the sole response to our current problem would have us do. I suggest, however, that this is unacceptable, both to the taxpayer who bears this cost and the farmers whose incomes are held down by this unnecessarily prolonged glut of milk.

H.R. 4196 proposes a workable, short-term remedy. Through an incentive plan whereby farmers, using their own money, are paid not to make milk, milk production can be reduced quickly and dramatically to levels that will not only bring under control the cost of the dairy program, but will also allow USDA to virtually eliminate its stockpiles of dairy products by the end of 1985.

The chairman of the committee has explained the operation of our proposal; I shall not repeat it. Let me show you how this incentive plan, in conjunction with standby price cuts and a commercial sales promotion effort, reduce and hold milk production, Government stocks and taxpayer costs to very acceptable levels.

Chart I displays USDA estimates regarding the ability of the dairy compromise to reduce Government purchases of surplus dairy products far more effectively than either the current law or the Conable amendment. By reducing production quickly, the compromise pulls Government stocks down below 1 billion pounds by the end of fiscal 1985. Both the current program and the Conable amendment have the Government with unneeded quantities of milk.

Chart II demonstrates the beneficial effect that CBO projects the compromise will have on the budget. Over 1984 and 1985, the compromise will cost $1.071 billion less than the Conable amendment, as well as $69 million less then Conable over the period 1986 to 1988. While the current program is marginally less expensive than the compromise in fiscal year 1984 and 1985, it is $2.8 billion more costly for the period 1986 through 1988.

Chart II is designed to explain why the compromise can cost so much less than a $1.10 price cut. The 50-cent deduction that farmers will pay on all milk produced will raise $648 million in 1984. The 50-cent-price cut in the bill will save the Government $33 million on the milk that it does buy, for a total of $681 million.

The Conable amendment has no mechanism to allow farmers to help defray the cost of the dairy program. Even though its price cut is larger in 1984, it still cannot save nearly as much as the compromise.

Second, the compromise pays only $10/hundredweight to see that surplus milk is never produced. With its 50-cent-price cut, the compromise saves the program $6.50/hundredweight over current costs. The Conable amendment only saves $1.10 in 1984, the amount of its price out.

Finally, both the compromise and the Conable amendment reduce the effective farm support price by about the same amount. The compromise by $1.15/hundredweight, the Conable amendment by $1.10/hundredweight. In 1985 both proposals provide the Secretary the authority to reduce the support price by up to $1.50/hundredweight.

Let me lastly explain why an incentive plan alone is not an appropriate response to this problem. Were we simply to pay farmers for 15 months not to produce a certain amount of milk, and then offer them an artificially high level of price supports, the result would clearly be a resumption of excessive milk production and a reoccurrence of the current budgetary and market mess in which we now find ourselves. This is the weakness of so-called paid diversions. They work well only so long as you continue them.

Our proposal recognizes this weakness. It is why we propose only a short temporary incentive plan of 15 months' duration. Our goal is to use it to bring milk production and budgetary outlays under the support program down quickly, and then maintain those reductions by the use of the discretionary price signals I outlined earlier. At the end of the diversion program, the Secretary of Agriculture will be able to set the support level as low as $11.60/hundredweight if he feels that milk production in the future will exceed commercial demand. These price signals will be out there for all farmers to see, and price cuts will occur if they do not heed their warning and keep milk production at reasonable levels after the incentive program ends. Indeed, our proposal effects an immediate 50 cent price cut so that these signals may be felt and not simply seen.

These two elements—intermediate- and long-term price cuts and a short-term diversion program—bring the best elements of both approaches to the solution of this difficult problem. Their hybridization produces a vigor that, unlike their parents—the price cut and paid diversion—makes our proposal uniquely able to solve this complex problem. I hope that the House will vote to support this proposal by allowing us to affirm the wise decision that the other body made in approving this hybrid approach, and will reject what H. L. Mencken once called the "simple but wrong" approach that the Conable amendment proposes for this complex problem.

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It also has a promotion program. For years, people were saying, "Come on, dairy farmers, get off your duff. Go out there and do some advertising." It has a program. Fifteen cents a hundredweight, which will increase consumption significantly.

But let us look at the real difference, because the real difference comes down to human costs. If the gentleman from New York is still here, and I see he is, he will not disagree with my statement on how the Conable proposal works. It is very simple. You run people out of business. That is how it works.

We have about 300,000 dairy producers in this country right, the great majority are small family farms. If we are going to reduce production by 10 percent, what are we going to do? It is very simple. We run 30,000 farmers out of business, and that is how it goes.

The CHAIRMAN. The time of the gentleman from Vermont (Mr. JEFFORDS) has expired.

Mr. MADIGAN. Mr. Chairman, I yield 1 additional minute to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for this additional time.

Mr. Chairman, the difference is that the compromise says let us give them 15 months. If those grain prices do go up, that will cause production to come down anyway. But why not say let us give those 30,000 farmers a chance to survive. Let us see if they can stay in business and we can get this thing straightened out as we go into the farm bill.

That is the difference, and the question is as to whether or not we want to run 30,000 farmers out of business unnecessarily or whether we want to give them a chance to survive. That is the difference in the two options. We urge you to give them a chance to survive: Vote "no" on the Conable approach.

Mr. MADIGAN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Clinger).

Mr. CLINGER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today to speak in support of the small, family-owned dairy farm whose concerns I do not believe have been addressed completely either in the compromise bill and certainly not in the Conable substitute.

Mr. Chairman, for the past 3 years, Congress has grappled with the dairy price-support program. We are now faced with a steadily mounting dairy surplus and urgently—I submit urgently—need to enact legislation which will bring milk production back into balance with consumption, assure consumers of continued dependable supplies of milk and achieve substantial budget savings.

I support much of what is embodied in H.R. 4196, especially the program offering dairy farmers strong individual incentives to reduce production. I firmly believe that the top priority of any dairy legislation must be to reduce the nearly 20 billion pounds of dairy surplus and the enormous costs to the Government of purchasing and storing that surplus, something in the neighborhood of $17 per hundredweight.

However, I have to say that after witnessing firsthand this weekend the continuing debacle of our present $1 per hundredweight dairy assessment, I must disagree with the provision in H.R. 4196 that makes mandatory another 50 cents per hundredweight assessment. My concern is that the present assessment program, which became effective last April, has not been effective in reducing milk production. If anything, the assessment is forcing many dairy farm families to make increases in their milk production to offset cash-flow losses—thereby, increasing our dairy surplus. I am especially concerned about small dairy farmers who have not been able to increase production and who are currently operating on a razor-thin margin. It is these small dairy farmers who have and will suffer the brunt of any assessment, but these small dairy farmers did not create the surplus nightmare.

When the opportunity arises, I plan to introduce an amendment to H.R. 4196 which would make the 50 cents per hundredweight assessment only applicable to those farmers who increase dairy production as determined by their marketing history. I am convinced that the 50 cents per hundredweight assessment should be used as a penalty to make it financially unattractive to overproduce milk. Otherwise, I am afraid we only succeed in reducing milk production by forcing small dairy farmers out of business and, again I must emphasize, they did not create the surplus nightmare.

I urge my colleagues to listen carefully to debate on this important legislation and to support measures which are fair and equitable.

Mr. de la GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. Volkmer).

Mr. VOLKMER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of the compromise that the agriculture community has worked so hard on for so long a period of time.

Back just a little over a year ago, this House passed a bill that many of us believe to this day would have lessened the result of the impact of the dairy price supports on not only the taxpayers but on the consumer as well when we passed our two-tiered system, but that was not acceptable to the administration and we ended up with our assessment program. The administration thought that would reduce the cost to the taxpayers, and as a result we have seen that it did not do so.

At this time, there is no question in my mind that the compromise bill that is now before us will do more for reducing the cost to the taxpayers and will also provide for a remedy for many of the small dairy farmers so they will be able to stay in business, as the gentleman from Vermont has said, and many others without the harsh impact of the Conable amendment, which will do basically what the assessment program has done to many farmers, which will mean that they will have to increase production as much as possible to try and stay in.

There is no way under the Conable amendment that we are going to see any reduction in production except, as the gentleman from Vermont has said, through the loss of some of our dairy farmers, and the smaller the dairy farmer the less chance he will have to survive.

I would also like to rise in strong support of the Harkin amendment, which I think will allay some of the fears of our meat producers and remedy that defect in the bill if there is any such. I do not believe that the bill will have the impact that many of the opponents have said that it would have on the meat production in this country and on the price of beef or the price of poultry or pork. I do feel that the Harkin amendment, however, will remedy it just in case it would have.

The CHAIRMAN. The Chair will advise both the gentleman from Illinois (Mr. Madigan) and the gentleman from Texas (Mr. de la Garza) that they each have 13 minutes remaining.

Mr. MADIGAN. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Minnesota (Mr. Stangeland).

Mr. STANGELAND. I thank the gentleman for yielding this time to me.

Mr. Chairman, first of all I think we have to recognize that dairy farmers themselves realize the need to get dairy supplies and demand in balance and reduce Federal outlays. After over a year of debate and discussion of ways to improve this dairy program, we are basically left with 3 alternatives: No. 1, the continuation of the current $1 per hundredweight assessment. No one—no one—in the administration, this Congress, the dairy industry or dairy farmers themselves really believes that assessment program will solve the problem. It has exacerbated the problem. It has increased production and it will continue to increase production.

The second alternative, a $1.50 per hundredweight price support cut. This is a meat-axe approach that will attempt to reduce production by forcing young and highly leveraged dairy farmers off the farm, the young men who got into dairy believing that the Government had a commitment to provide an adequate supply of high-quality food through a price support program. This is more costly than the dairy compromise and I am not going to go into that.

But let me say there are those who say that this is going to reduce the cost to the consumer. I say that it just is not so, because if you look at most any dairy production area in this country, and particularly the high volume production areas, you will find that most dairy farmers today are receiving more than $13.10 per hundredweight for their milk. The only place they are receiving that $13.10 on an average thoughout the area is in the Minnesota-Wisconsin milkshed because we base our price in this country on the Minnesota-Wisconsin blend price.

I would like to tell my colleagues that my congressional district ranks fifth nationally in milk production but 7 of the top 12 congressional districts in dairy production are in Wisconsin and Minnesota. Why is that so? Because a number of years ago we determined that we would split up the pie in dairy production, so we established milk marketing orders, and that means we cannot move milk out of one area into another and because we in the Minnesota-Wisconsin dairy shed have not had the increases in population that other areas have had, we are producing more for a manufactured milk program.

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The CHAIRMAN. The time of the gentleman from Minnesota (Mr. Stangeland) has expired.

Mr. MADIGAN. Mr. Chairman, I yield 30 additional seconds to the gentleman from Minnesota (Mr. STANGELAND).

Mr. STANGELAND. Then, Mr. Chairman, we have the compromise. It has overwhelming support from the dairy industry. But let me say that this is the diversion program. There are those who say this is a handout from the taxpayers, and that is not so. Seventy percent of the cost of the diversion program will be borne by the dairy farmers themselves; the other 30 percent will be made up in savings.

Mr. Chairman, I ask the Members of this body to support the compromise, reject the Conable approach, and give the dairy farmers a program that will assist them in reducing surplus production while being able to stay in business.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. OLIN).

Mr. CORRADA. Mr. Chairman, will the gentleman yield?

Mr. OLIN. I yield to the gentleman from Puerto Rico.

Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 4196, the Dairy Production Stabilization Act of 1983, legislation directed at the program of U.S. surplus production of milk and in alleviating the high cost of the national dairy price support program.

This bill is the result of many long and diligent hours of hearings, negotiations with the administration and the U.S. Department of Agriculture and with dairy associations. I wish to commend the chairman of the House Agriculture Committee, Congressman KIKA DE LA GARZA and the chairman of the Subcommittee on Livestock, Dairy, and Poultry, Congressman TOM HARKIN, and the ranking minority member of that subcommittee, Congressman JAMES JEFFORDS, for their patience and forbearance in shaping this legislation.

With the continued expansion of milk production in the country, program costs for the dairy price support program escalated. In an effort to meet these program costs, Congress passed provisions in title I of the Omnibus Budget Reconciliation Act of 1982 which allowed the U.S. Secretary of Agriculture to impose two 50 cent per hundredweight deductions on all commercial marketings of milk until purchases by the Commodity Credit Corporation (CCC) declined to specified levels.

I mention this provision since, from the time of its inception and application, Puerto Rico has continually and forcefully argued that this assessment has no commonsense reason to be in force in Puerto Rico, or the noncontiguous States and territories. This exemption should affect only those milk markets about to ship their surplus milk to the CCC.

I am pleased to note that both the House Committee on Agriculture bill along with its Senate counterpart have provisions that recognize the validity of the grievances from Puerto Rico, the other territories and the States of Alaska and Hawaii as far as application of this assessment is concerned.

The original assessment, in the case of Puerto Rico, has resulted in the fact that Puerto Rico dairy farmers have paid $2,228,090.90 into the nonreimbursable fund. We are providing in this bill an exemption from an assessment that should not apply in isolated milk markets as exist in the case of Puerto Rico.

Mr. Chairman, the legislation before us is a complicated piece of legislation. When eventually passed, it will hopefully help dairy farmers on the mainland United States and in Puerto Rico. It will help the mainland United States by resolving an extremely complicated agricultural situation which other countries throughout the world do not enjoy, that of solving a problem of abundance rather than scarcity.

In the case of Puerto Rico, exemption from the 50-cent assessment, however, will help our island by reducing the price of milk by approximately 1 cent per quart.

Our local industry has never sold any of its dairy surplus to the CCC. It has never affected the economics of the dairy industry on the U.S. mainland, and it has a vitality of its own despite the need to import grain feed and the lower yield per cow due to tropical weather.

Since we have a wholly separate and distinct market from the U.S. mainland market, I am most pleased that the Committee on Agriculture, in shaping this legislation, has recognized our need for exemption from the assessment program.

As Resident Commissioner from Puerto Rico, I urge speedy passage of H.R. 4196.

Mr. OLIN. Mr. Chairman, I rise in support of passing a dairy bill that will represent a dairy program that will reduce present surpluses and keep them down.

The present scheme of charging $1 for every hundred pounds of milk produced is not working. The basic problem is that the price-support level of $13.10 is too high. Most farmers can make good money selling surplus milk to the Government at that price. Even with paying the dollar assessment, most farmers can still make money at the $13.10 support price, and that is the problem.

History shows that if we lower the support price, production goes down and the consumer also benefits by lower milk prices.

The bill we pass needs to have in it sufficient flexibility to adjust the support price and let this process work. Obviously, one of the major issues here is also whether or not to use the paid diversion program to reduce the surpluses faster, using an assessment in the meantime to help pay the bill for the diversion program. This idea has really two or three very fundamental flaws.

First of all, it takes money away from those who are not producing the surplus and pays it to those who are producing the surplus. That is eminently unfair.

Further, there is no guarantee that production will stay down. After paying a very fancy diversion price, it is very questionable whether, after 15 months, farmers will not be able to immediately increase production, and we will be right back in the same problem we had in the first place. There is no guarantee, as the gentleman from New York (Mr. CONABLE) mentioned, that the assessments will be sufficient to pay the cost of the diversion program. Basically, the wrong farmers are paying the bill and the wrong farmers are getting the benefit.

Mr. Chairman, I very strongly support the Conable amendment and urge the Members to vote accordingly.

Mr. Chairman, dairy farmers across the country have been suffering under a misguided and counterproductive set of assessments on milk production for several months now. When the Agriculture Committee began its work earlier this year, I had hoped that we would have enacted legislation long before this point in time so that milk producers would be spared these assessments.

At last we have the opportunity to take some meaningful action to deal with the problems in the dairy program. What specifically are the problems we need to address? First, we need to bring an end to the enormous surplus milk production in the country. Second, we need to repeal the confiscatory and counterproductive assessments now being collected from dairymen. Third, we need to adopt changes in our dairy program which will make sure that the program is operating in a sound manner even after a few years. Finally, we need to find a way to do all of these things in a fair and equitable manner.

The answer to these problems is simple: Cut price supports and repeal the assessments. As my colleagues on the Agriculture Committee know, this is the course I advocated throughout our deliberations on dairy legislation. A paid diversion program fails to meet several important objectives. About the only worthwhile thing the "compromise bill" had going for it was the hope of repealing the dairy assessments. Now, however, even this selling point of the "compromise" no longer exists. With the administration opposed to the "compromise," there is reason to be worried that it will invite a Presidential veto. If that occurs, we will have failed to accomplish anything if we passed the compromise bill.

What is wrong with the compromise bill? First, it only repeals one of the two 50-per-hundredweight assessments right away. The other assessment is continued for over 1 year to support the paid diversion program. In this case, half a loaf is not good enough.

Second, there is no reason to believe that our long-term problems with the dairy program will be solved through a paid diversion. In fact, I believe that if we adopt this program, we will find ourselves facing serious overproduction very quickly after the paid diversion program ends. What the paid diversion plan under this bill really does is provide dairymen the opportunity to cull marginal cows and work on improving their herds. When the diversion program ends, we will see producers bringing new more productive cows back into production. The inevitable result of this will be new dairy surpluses.

What will we do then? The answer is that we will either be forced to continue to pay dairymen not to produce milk or cut price supports further. It is like the old saying: "You can pay me now, or you can pay me later."

Third, the paid diversion program is not fair and equitable. By continuing the first 50-cent assessment to fund the diversion program, we will be asking many producers who are not producing surplus dairy products to continue to sacrifice and be hurt financially so that we can make generous diversion payments to dairymen who—in many cases—are the ones who have put us into this dilemma by producing surplus milk. That is not fair.

Proponents of the paid diversion program are quick to say that the reason we are producing surplus milk is because of the recession, or because of the grain embargo, or because of high interest rates. While these may have contributed to the problem, they are more the symptoms of the problem rather than the cause of it.

The reason we have surplus dairy production is simple: The support prices are so high that producers can make a profit by selling milk products to the Government. As long as this is the case, proponents of paid diversions will be able to point to innumerable reasons for our surplus production. It is clear, though, that if the support price for surplus production is not attractive to producers, they will stop producing excess milk and milk products to sell to the Government.

What we need to do is cut price supports so that market forces can reenter the whole dairy picture. I oppose the notion that price supports are supposed to guarantee a farmer a given income. I believe that the only justification of price supports is to provide a safety net to producers in times of unusual price fluctuations.

We have all heard about this economic study or that projection which shows different things about the different proposals. The problem with all of these is that they assume the compromise program will work as it was intended. In my mind, this assumption is extremely optimistic. What they do not include is the likely result that production will jump once the diversion program is ended and the Government will again be purchasing huge quantities of surplus milk products. They do not include the likely result that we will be forced to continue paying people not to produce and be forced to continue assessing dairymen who are not creating the problem to pay off those who are.

Cutting price supports might result in a more gradual reduction of our current surplus production, but we can have some confidence that production will remain lower after a couple of years and we will not be forced to repeat this entire debate.

I have worked much of my life in the business sector. In industry it is important to be able to plan several years into the future. The same is true in agriculture. But if we pass this "compromise" bill, no one will be able to plan much past 15 months. After that, it is anybody's guess what we will be looking at.

Mr. Chairman, I have been making these arguments throughout the Agriculture Committee's deliberations on the dairy bill. When the compromise was worked out between the leadership of the House and Senate Agriculture Committees and the administration, there was hope that there was some vehicle which would allow us to at least repeal one assessment right away and the other after a little while.

Now the administration seems to have changed its mind. Some members of the Agriculture Committee are quite disturbed about this, and that is certainly understandable. It puts a whole new slant on this debate. I do not intend to cast any judgment on this change by the administration. However, it is important for all of us to recognize what this change of position means as we debate this legislation.

The administration's support for the Conable amendment means that if this body adopts the amendment, there is reason to hope that it can be signed into law. The administration's support of the amendment means that there is hope that the other body may moderate its position on this legislation. It means, in short, that the compromise bill is not the only game in town and that the Congress can take an objective look at this issue and decide what makes the most sense.

Whether you are talking about milk producers, consumers, or producers of other agricultural commodities, the Conable amendment makes the most sense. For dairymen, it gets rid of both dairy assessments right away and gives them the chance to make plans for future production. For consumers, it offers the best chance for lowering milk prices. This also will result in greater milk consumption which should help producers. For producers of other agricultural commodities, it means that large numbers of dairy cows will not be dumped on the market in a short time driving down red meat and poultry prices—which are already so low that many livestock and poultry producers are facing serious financial problems of their own.

Cutting price supports is not a new idea. We have done it in the past and the result has been that production has come back into line with demand. Cutting price supports works. The record for paid diversions plans is extremely checkered. Last week the General Accounting Office pointed out still more problems with the PIK program. PIK was supposed to save us money. Now GAO tells us it is going to cost us between $10 and $11 billion in a single year. That is about as much as we spend on the food stamp program in 1 year. If we ever needed evidence of the severe problems with paid diversions, PIK gives us everything we need to see that this approach has a lot of problems.

The Conable amendment makes the most sense. It solves the problem without creating new ones. It is fair and equitable. I urge my colleagues to vote for the amendment.

Mr. MADIGAN. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Washington (Mr. MORRISON).

Mr. MORRISON of Washington. Mr. Chairman, I thank the gentleman from Illinois (Mr. MADIGAN) for his leadership and for yielding this time to me.

Mr. Chairman, virtually all the arguments we are going to hear on the dairy bill this week will revolve around solving the supply-demand problems of the industry by reducing production. That is necessary, but it misses the vital point of increasing consumption.

A limited number of States, including my own State of Washington, as a good example, have expanded the use of dairy products dramatically by slugging it out in the marketplace with effective producer-financed advertising, promotion, and nutrition research. H.R. 4196 includes a national dairy promotion scheme that includes all States, with all producers contributing 15 cents per hundredweight to dairy promotion research. That is good.

It also recognizes the efforts of the individual States that want to be in the promotion business by providing up to a 10-cent rebate if their programs qualify. That is good, too, but it fails to recognize that there are seven States, the leaders, that would be penalized for their leadership. Idaho, Georgia, Oregon, Kentucky, Utah, California, and Washington dairy producers are already above the proposed 10-cent rebate level and would be net losers because their previous volunteer efforts to dig into their own pockets to expand the use of their product would not be provided for under this bill.

An amendment will be proposed to grandfather in those States or regions that currently have a local assessment of 10 cents per hundredweight and credit that amount up to the 15 cents per hundredweight that is mandated by title II of the bill.

There is little disagreement that a strong advertising program is a partial solution to our current dairy dilemma, and I believe my amendment encourages States or regions to continue with their thriving programs already in existence rather than punishing them for their success. They would also have the option to gradually shift some of their local programs into the national effort without penalty.

The rule only allows 10 minutes for this amendment, so I trust that we can do the healthy thing and encourage an equitable dairy promotion program.

Mr. Chairman, instead of being consumed by a dairy surplus, let us consume the surplus itself.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I rise today to comment upon H.R. 4196, the Dairy Production Stabilization Act of 1983. I originally introduced H.R. 1875, at the request of the dairy farmers of Florida, as an effort to reduce the production of milk and the Government costs of the dairy price support program by providing for a reduction in the support price. In the intervening months it has become apparent that a simple reduction in the support price will no longer by itself reduce milk production to the extent necessary. Rather, it appears that support price decreases in conjunction with a paid diversion program are the only way to significantly bring the production of milk down to reasonable levels.

The compromise legislation embodied in H.R. 4196 does exactly that—it contains both a paid diversion program as well as a reduction in the support price. In addition, the bill repeals one of the two dreaded 50-cent assessment fees that we mistakenly pushed onto the backs of American dairy farmers in the Budget Reconciliation Act of 1982.

From the beginning, and throughout the many months of negotiation and compromise between the farmers, industry, and the Government, I have received great cooperation from the Florida dairy farmers. I commend their dedication and the dedication of the Agriculture Committee for devising a reasonable method for resolving the problem of milk overproduction. I urge my colleagues to support H.R. 4196 as the least costly way to cut back excessive production of dairy products and to equitably reduce the cost to the American taxpayer of the dairy price support program.

Succinctly stated, I understand an analysis of the compromise bill from the Congressional Budget Office reveals the following:

First, the compromise results in the largest reduction in milk production;

Production under compromise (fiscal year 1984-85) is 13.4 billion pounds less than under Conable substitute and 18.8 billion pounds less than under current law.

Second, the compromise yields the smallest level of purchases by the Government;

Purchases under compromise (fiscal year 1984-85) are 9 billion pounds less than under the Conable substitute and 22.7 billion pounds less than under current law.

Third, the compromise provides for a $1.50 price support drop—50 cents immediately, $1 later at the discretion of the Secretary of Agriculture;

The Conable substitute provides for a $1.50 price support drop entirely at the discretion of the Secretary. Current law provides for a $1 increase 1 year from now.

Fourth, the compromise is the least costly alternative;

The compromise costs (fiscal year 1984-85) $1 billion less than the Conable substitute and only $3 million more than current law.

Fifth, the compromise eliminates one of the two dreaded 50 cents assessments immediately;

The Conable substitute eliminates both of them; current law retains both of them.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MADIGAN) and advises the gentleman that he has 8½ minutes remaining.

Mr. MADIGAN. I thank the Chair for that advice, and, Mr. Chairman, I yield 2 of those 8½ minutes to my colleague, the gentleman from New York (Mr. MARTIN).

Mr. MARTIN of New York. Mr. Chairman, I somewhat regret that the hour of the debate is here today when so many of our colleagues have other commitments back in their districts.

I cannot stand here and say that I know exactly which bill is going to be the most palatable to this country or to the agriculture and dairy industry, because on Wednesday we are going to have debate and amendments to the so-called compromise bill and consideration of the Conable amendment. But one thing that sticks with me, after I heard debate on this subject before, is that many of our colleagues in this House unfortunately are not impacted, as some of us are, by the importance of the dairy industry to the economy of the various regions throughout the country. To some Members it is a very simple matter, what is the least expensive to the taxpayers of this country.

I would suggest to those Members that there is also a human element involved. Whatever we do here in an attempt to do away with the onerous tax on milk—now a dollar and previously 50 cents—and whether or not in the so-called compromise bill we maintain a vestige of that, I would point out that in my district and throughout the country there are an awfully lot of people involved in the dairy industry who were literally brought in off the streets by the policy of this Government over the last few years, in Republican and Democratic administrations alike, and offered low-cost loans in attempting to get them into the dairy business. And now that they have invested their lives and virtually every nickel they have in the dairy industry, we are changing the rules because of the tremendous glut in milk that we have.

I would ask those Members who do not have to worry about the dairy industry in their districts that they have some compassion and understanding and pay attention to the decisions we are trying to make here, because it does make a big difference to the lives of an awful lot of Americans.

Mr. Chairman, the only thing I would totally disagree with in what has been said here so far is that we have two simple alternatives. Neither one of these alternatives is simple. The compromise plan is very complex, to say the very least, and it cuts a million ways across this country.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA) and advises the gentleman that he has 10 minutes remaining.

Mr. DE LA GARZA. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, this morning's New York Times says the farm bloc is split over the dairy bill. That is true. I wish it were not, but it is. Let us admit that reasonable people disagree on this one, and let us admit that one reason they disagree is that they subscribe to different predictions of what will happen in the future.

We may not agree on economic projections. But I believe everyone in this House can agree on three things. First, we have too much milk. Second, it is costing taxpayers too much money. Third, it is better to have too much food than not enough.

And I believe just about everybody will agree on one more thing: Whatever we pass this week will be a short-term solution. Again, that troubles me, but it is a fact. The 1985 farm bill will present a chance for a fresh look at the whole dairy question, but this is not yet 1985 and anybody who thinks we can straighten out everything that is wrong with dairy programs between now and November 18, 1983, is invited to see me after today's debate for a few unique real estate deals I am able to offer.

So what can we do for the near term? What will do the most good today? I suggest we ought to save some money if we can, since most of us do agree deficits are a bad thing and should be reduced, Secretary Regan to the contrary notwithstanding.

And when we ask which approach will save more money, I suggest we ought to pay attention to the Congressional Budget Office, since that is why we have a Congressional Budget Office and if we are not going to listen to CBO we probably ought to abolish it and save even more money. The fact is, CBO does say that the Conable amendment will cost $1.1 billion more than the compromise. Now, I am still enough of a country boy to think a billion dollars is a pretty good sum of money.

Now, is the Conable amendment a godsend to consumers because it will allow them to buy cheaper milk? Well, you can arrive at that conclusion if you assume that the whole price support reduction is going to be passed through to consumers.

Does anybody really think that is going to happen? Do the consumer advocates, who always worry about excessive retailer and wholesaler markups on food items, believe milk prices will fall dramatically? Do livestock producers, who like to talk about how small a proportion of the comsumer food dollar ranchers actually end up with, really believe milk prices will fall dramatically?

Well, I am a livestock producer and a consumer, and I am not all that sure that the promised consumer bonanza will materialize. I am not an economist, but I do notice that retail prices can tend to be rigid downward—that is, my costs as a retailer may drop, but it is not human nature for me automatically to pass all of that along to my customers. But let us not use projection.

Let us take a quick example. In July 1981, the average price received by dairymen for their milk was $13.40. In July 1983, it was $13.20. The dairyman's price, in other words, dropped 20 cents. So consumer prices must have dropped too, right?

Wrong. The average price according to USDA consumers aid for a half-gallon of milk was up about 1 percent in the same period, the average price for butter was up close to 4 percent, and the average ice cream price was up nearly 5 percent.

It is just not as simple as we wish it were. And let me remind you one more time of the two things we can agree on: There is too much milk being produced, and it costs the Government too much to buy it.

The compromise bill will reduce production. The Conable amendment, based on immediate past history, will increase production in the short run.

Using CBO's numbers—which we treat as the fifth gospel every year in the budget process—the Conable amendment will cost taxpayers $1.1 billion more than the compromise.

Mr. Chairman, I do not like paid diversions. Never have, never will, and I say that as a farmer and livestock producer. I do not like voting for budgets with deficits in them, either, but I have swallowed hard and done it a few times, because we have got to live in the world as it is while we work to make it a better one. And as for paid diversions, in the short term—under present price support programs, which we just will not overhaul between now and November 18—sometimes they are the most cost-effective.

We need to reduce overproduction. We need to reduce taxpayer costs. The compromise bill offers us the best hope, not a panacea—just the best hope under current circumstances.

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Mr. MADIGAN. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the goal of this legislation is twofold. First of all, to reduce the surpluses, and second, to do so at the least possible cost.

I believe that the dairy compromise as proposed affords that opportunity.

First of all, it will reduce the surpluses because it makes it financially attractive to reduce production.

The Conable amendment very well may result in increased production as farmers attempt to keep their cash flow going at a reduced price for their production.

Second, it will reduce costs by reducing surpluses and thereby reducing the storage cost. Storage costs on surpluses are a substantial problem. Reduction of surpluses would make an important contribution to reduce storage costs.

As mentioned by the gentleman before me, the CBO figures show clearly that the cost to the taxpayer for the compromise would be less than the Conable amendment. Under H.R. 4169, Government surplus will be reduced to 6.3 billion pounds in 1984 and an insignificant 0.6 billion pounds in 1985. In comparison the Conable amendment will reduce surpluses to 14.5 billion pounds in 1984, and 7.2 billion pounds in 1985.

How serious is the surplus problem? At the present time if we produced no more milk, we would have enough cheese in storage for 71 days, enough butter for 112 days at present rates of consumption, and enough dry milk solids for about 2 years. Obviously, with a well-managed program as provided in the dairy compromise, I think we can get surpluses to a reasonable level in a short time.

I recognize that this proposal is not a permanent solution to the dairy problem. The best solution is the one outlined by the previous speaker, the gentleman from the State of Washington, and that is to increase consumption in two ways; one, as the bill would provide, by encouraging the American public to increase their use of dairy products, and second, by increasing export of dairy products to countries that are deficient in supply.

It would seem to me that the Public Law 480 program would offer an ideal opportunity to dispose of dairy surpluses, an excellent candidate for this would be China. There is a tremendous need for dairy products in that country.

While People's Republic of China is presently considered ineligible to receive Public Law 480 commodities, there is no specific prohibition against such assistance to China in existing law. Indeed, when this issue was debated during the 97th Congress, it was determined that the President had the authority to declare China a friendly nation for the purposes of food-for-peace sales. At that time, the only Public Law 480 programs under consideration for China involved technical and scientific assistance. I believe concessional sales should also be considered.

The United States has a dairy surplus; China needs milk. There are currently programs in place which could alleviate the difficulties facing both markets. Our Government should take the initiative in exploring the China outlet as a practical solution to the serious problem of the dairy surplus.

Mr. MADIGAN. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from New York (Mr. WORTLEY).

Mr. WORTLEY. Mr. Chairman, for nearly a year now, I have been battered with letters, telegrams, phone calls, and sought after in my district by farmers who disapprove of the $1 assessment on dairy price supports. They are confused and upset as to why Congress could have implemented such an ill-conceived and unworkable plan to deal with the dairy surplus problem we face. From the beginning it was obvious that the assessment program would provide no incentive for farmers to reduce their milk production, no new medium for the Federal Government to empty its warehouses of the stockpiles of surplus dairy products and no boost to consumers in terms of lower price at the grocery store.

Since the assessment program was adopted, Congress has continuously delayed action on legislation to rectify the situation. This delay has caused hardship for many farmers who feel the pressure of the $1 assessment, but hesitate making drastic changes in their operations because of what Congress may tell them to do next. One of my constituents summed it up in a letter to me when she wrote:

> I am writing this letter as a representative of a concerned farm family. We are experiencing extreme hardships created by Federal bureaucrats and legislation which will ultimately curtail our farm operation, as well as hundreds of others, to the point that we must search for other means of livelihood.

Another constituent wrote:

> We have been dairying for 42 years and have never had anything threaten our livelihood like this $1 assessment.

These farmers are the cornerstone of American agriculture. They are struggling to survive under the auspices of an assessment plan that nobody takes credit for. I have talked to them—they know the magnitude of the problem faced by the Government—and they are willing to help. They are not looking for a handout. They want to milk their cows and produce enough milk to supply consumers with fresh, fluid milk, butter, cheese, and the other dairy products that we all enjoy. They want a solution that is simple, equitable, and deals with the problem.

The farmers in my district milked 53,500 cows. They produced 661,200,000 pounds of milk. They are a boon to the economy of my district. They help make New York the third largest dairy producing State behind Wisconsin and California. I am here today for each and everyone of them.

We have the opportunity to straighten out a successful dairy program that has gone awry. I urge my colleagues to study the choices before us and make your decision to support legislation that is the best solution for the producers—our farmers, for the consumers—our constituents and for the Federal Government—our responsibility.

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The CHAIRMAN. The Chair will advise the gentleman from Texas (Mr. DE LA GARZA) that he has 6 minutes remaining and the gentleman from Illinois (Mr. MADIGAN), that he has 2½ minutes remaining.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PENNY).

Mr. PENNY. Mr. Chairman, I rise in support of a change in our current dairy program. We all know how devastating the $1 assessment has been to America's dairy farmers. We need to pass a dairy bill and we need to pass it soon. Later this week we will have an opportunity to express ourselves on various amendments to this dairy bill. I come here to speak most vehemently in opposition to the Conable amendment which will be offered.

Once, though we have worked our will on the dairy legislation, I believe we must pass that bill, send it down to the conference committee, so that before we adjourn, we can offer to the dairy farmers of our Nation a more workable dairy program, a program that eliminates the $1 assessment.

Mr. MADIGAN. Mr. Chairman, I yield 2 mintues to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. I thank the gentleman for yielding me this time.

Mr. Chairman, I am distressed about several things in this dairy problem.

In the first place, there has been no committee action and this has been a major problem throughout all the districts of the country.

The first 50-cent surtax did not work at all. It encourages production to get the cash flow. The second 50 cents will not flow, even though it has better features in terms of cutting production incentives. It seems ridiculous to me to, on the one hand, hold price supports high, and at the same time, add the surcharge, so I agree we need to change the present setup. It is silly to have any price supports and high surcharges. The best way to do it is to back away from both of these at the same time, and I will support the Conable amendment.

We could cut production by 15 percent by reducing the milkings from three to two in most of the areas, and you will not have to kill most of the dairy cattle. I will listen very carefully to the arguments on the Conable amendment, but from an economic standpoint, it makes sense to me to back away from the program which has not worked in the past.

I thank you.

Mr. DE LA GARZA. Mr. Chairman, in conclusion, let me say that we will be offering from the committee an amendment by Mr. HARKIN related to the concerns, the legitimate concerns, of the beef and pork producers.

Mr. HARKIN, Mr. STENHOLM, Mr. ENGLISH, Mr. BEDELL, Mr. GLICKMAN, myself, and others worked on this legislation. We think that it should take care of their concerns, and I think that it would be workable.

The bottom line, Mr. Chairman, is that we have a program—the present one—that we know is not working. We want a program, and I think I can speak for the greater majority of the members of the committee, that would be the least costly to the taxpayer; second, that would have the least inflationary impact on the consumer and hopefully have the reverse effect; and third, and most important, that would have the ability to retain as many of our dairy farmers in production as we can, compatible with all of the problems that surround them, high interest rates, high cost of feed, fuel, and all of the problems that impact on all of our producers.

I know that you will hear many figures, Mr. Chairman, principally on the Conable amendment. There is a new Cornell University study—we could get you two, three, however many universities you would like, that would dispute the figures in that statement.

The fact is that we deal with CBO, our Congressional Budget Office. You can bring different figures from economists, from right to left to center. From the vantage point that we have about economists and figures, Mr. Chairman, you could almost say anything you want to.

The CBO is our arm. The CBO is the congressional arm, has the congressional mandate and responsibility without partisanship, without involvement emotionally that universities, scientists, or economists would be prone to have in the outside world.

The CBO has no emotional involvement, no personal involvement, no political involvement; and, therefore, their figures are the ones that we deal with, I would challenge some of the figures used by my dear friend from New York (Mr. CONABLE).

We will discuss that more in depth as we get into the amendment next Wednesday. All that I would like to leave with my colleagues is that you read the RECORD for what we have said here today. You make your decision consistent with your responsibility for what you think is the best for the Nation and the best for all concerned. This includes the dairy producer, that segment of the population that works as intermediary to get the product to the consumer, the cost that it will impact on the taxpayer, and the responsibility that is a legitimate function of government to involve itself collectively for the good of the people. Certainly the help of our populace is very important to us and nutritionwise, milk and dairy products are one of the most important nutrition elements of a person's diet.

We get the best quality from around the world. We are now the second producer of dairy products in all of the world. Russia is first, but yet we produce for lower cost per hundredweight and qualitywise, we are every which way better than the No. 1 producer in the world.

So, I would hope that all of the Members come at least with an open mind, to listen to the discussion, to listen as we debate the issues, and hopefully we might be able to resolve it in a manner compatible with good order and for the best interests of our country, Mr. Chairman.

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I yield to the gentleman from Illinois (Mr. MADIGAN) for any closing remarks that he may desire to make.

Mr. MADIGAN. I thank the gentleman.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. I thank the gentleman for yielding me this time.

The outcome of House consideration of the dairy legislation before this body could mark the beginning of a historic shift in Federal agricultural policy. I can recall no agricultural vote where the choices were equally clear cut and distinctive. For this reason, I urge my colleagues to carefully consider the issues and arguments raised during today's debate.

The themes which will be repeatedly cited today are not new to this body. These are the same themes which will dominate our discussions during the next 2 years as we formulate a new omnibus farm bill which must take effect by October 1985.

I strongly feel that the key votes on H.R. 4196 could signal a major shift in Federal farm policy. Everyone agrees the dairy program must be reformed now. I applaud the chairman of the Committee on Agriculture, my friend Hon. E (KIKA) DE LA GARZA, for keeping the legislative process moving forward toward this goal, which always proves so difficult and divisive. It is only with great reluctance that I rise today to speak for the Conable amendment which will be offered later this week as a substitute for H.R. 4196.

The compromise plan in H.R. 4196 was the product of a long and protracted series of negotiations spanning over a year. We all should commend the patience and tenacity of the Members in both bodies who kept the dialog going among the various parties. They have produced in good faith a compromise plan acceptable to most major dairy organizations.

Unfortunately, the legitimate interests of others in society with a clear stake in agricultural policy was not kept adequately in focus during the negotiations. After the major features of H.R. 4196 were finally settled upon by the major dairy organizations and their close associates in Congress, it took a few months for consumer groups, livestock and poultry producer organizations, and other Members of Congress to appraise and fully appreciate the adverse consequences of the compromise plan. Only in the last few weeks has adequate information from a variety of sources become available to assess and compare the basic economic impacts of the compromise plan and the Conable amendment.

It is important for Members to realize that today's debate on the relative merits of this bill and the Conable amendment simply could not have taken place 1 month ago. Passage of a bill of such great significance should not occur without at least a few hours discussion of its impacts. I am not alone in feeling that the choices before us today are very distinct, and that the magnitude of the economic consequences resulting from our votes will be measured in the billions of dollars. For these reasons, I would again implore Members to carefully consider the issues addressed today and on Wednesday when the bill is scheduled to be open for amendment.

I support the Conable amendment to H.R. 4196 because I feel the Conable approach is better agricultural policy on several grounds, and because I am afraid that the compromise plan will not work as intended—resulting in excessively high costs to both consumers and the Government, especially in the long run. In my judgment, the policy-related advantages of the Conable approach in contrast to the compromise plan are sufficient in and of themselves to warrant rejection of the compromise. And when buttressed by the clear cut economic merits of the Conable amendment, I believe an extremely compelling case can be made in support of Conable.

I think at this point it is important to clearly identify the two key differences between the compromise plan and the Conable amendment—the paid diversion program and the alternative pricing structures used in the two proposals.

The compromise plan quickly and dramatically lowers milk production through a paid diversion program financed in part by a 50-cent tax or assessment on all milk produced. Farmers would then be paid $10 per hundredweight for a 15-month-period to cut their production 5 to 30 percent. Everyone agrees that the 50-cent assessment will not raise enough money to fully finance the diversion program. Different analysts estimate that the additional cost to the Treasury of the diversion program would be somewhere between $800 million and $1.2 billion. It is the secondary impacts of this diversion progam, however, which lie at the heart of nearly all the adverse consequences and opposition to the compromise plan.

The second key difference is how the two approaches affect the support price for milk. The price-support level set by the Government is the most critical factor governing the economics of the dairy industry. Our recurrent problems over the last three decades with surplus dairy production invariably can be traced to too high a fixed support price. Hence, it is vital to understand the subtle—and not so subtle—differences in the way the two bills would adjust the support price for milk.

The compromise plan authorizes the Secretary of Agriculture to lower the support price 50 cents from the current level of $13.10, or to $12.60. Such an action would probably be taken on December 1, 1983 or January 1, 1984. Then, after the 15 month paid diversion program is over, probably on March 31, 1985, the Secretary would be authorized to lower the support price another 50 cents to $12.10 if Commodity Credit Corporation (CCC) purchases in the next year are expected to exceed 6 billion pounds. Then, 3 months later on July 1, 1985, the Secretary is authorized to lower the price another 50 cents to $11.60 is estimated CCC purchases in the next year exceed 5 billion pounds. Assuming this is the case—a likely prospect according to most experts—the price support level established under the compromise plan and the Conable amendment would probably be the same, but only for the brief July 1, 1985, to September 30, 1985 period.

Herein lies the key pricing difference between the two proposals—the compromise plan authorizes the Secretary to lower the support price only through September 30, 1985 at which time the price would rise back up to $13.10, and even higher unless existing law is changed prior to that date.

Proponents of the compromise plan are quick to argue that the support price will, of course, be adjusted downward as needed in the 1985 farm bill. Yet, after considerable discussion last spring and summer on the need to authorize a permanent reduction in support price, specific language to do so was rejected. This failure of H.R. 4196 to authorize a permanent cut in the support price of milk is a clear signal to all segments of the dairy industry. And the signal is a very counterproductive one which reinforces the view that Congress is not yet really serious about using reductions in the support price as a primary policy tool for bringing supply and demand back into balance within the dairy sector.

The Conable amendment, on the other hand, authorizes a permanent $1.50 reduction in the support price. As evidenced in the Secretary's October 28, 1983, letter to Congressman MICHEL, the USDA would impose the price cut under the Conable amendment in two phases, beginning with a $1.10 drop. The additional 40-cent reduction would be imposed if market conditions warrant—that is, if the industry fails to adequately respond through production reductions in response to the initial $1.10 price cut.

This simple, straightforward approach forcefully sends to producers the correct signal. As a result, most economists feel that the Conable amendment will be far more effective in effectuating a long-lasting reduction in surplus dairy production, and thereby will prove more successful in lowering government outlays in the dairy price support program. I will be reviewing projection data from several sources a little later which clearly demonstrates that the Conable approach would indeed be far more effective in reducing outlays, especially over a 4-year period.

In my remarks this morning, I would like to briefly address a wide range of issues. I think a broad discussion is needed and justified because the choices before us will have many consequences. My statement will be organized as follows: I. Introductory Remarks; II. A Comparative Look at Government Costs; III. Reasons to Support the Conable Amendment; IV. Why a Better Approach Is Needed Than the Compromise Plan; V. Consumer Savings Under the Conable Amendment; and VI. A Brief Summary.

Throughout my remarks, I will draw heavily on economic projections and analyses of the various program options done by the U.S. Department of Agriculture (USDA), Cornell University economists, and the Congressional Budget Office (CBO). Because most of this important information has only recently been developed and made available, I am attaching to my remarks an appendix A which contains in greater detail the projections made by each organization. An appendix B, which describes briefly the models, analytic methods, and assumptions underlying the various projections, is available from my office.

I. A COMPARATIVE LOOK AT GOVERNMENT COSTS

Several basic conclusions and observations are generally agreed upon by dairy program experts:

The compromise plan would work faster than the Conable amendment in reducing production and Government outlays (unless the paid diversion program is less effective than hoped for by its supporters).

While the compromise plan would work more quickly, the Conable approach would produce relatively greater savings in the long run.

The degree of reduction in milk production under the paid diversion program will, in part, be reversed after the expiration of the program.

It is far easier and more reliable to estimate the impacts of the Conable amendment than the compromise plan. There is a great deal of uncertainty regarding how the compromise plan would work, and what its actual impacts on Government expenditures will prove to be.

There will be some slippage in the paid diversion program. The higher the slippage factor, the greater the cost to the taxpayer of the compromise plan. (Slippage occurs when the actual decline in production in a supply control program is less than the reduction enrolled in, and paid for by the USDA).

A summary of the net Government cost projections done by USDA, Cornell University, and the CBO are presented in table 1. The USDA projects about $1 billion higher costs under the compromise plan over the 1984–87 period, while CBO expects the Conable amendment to cost about $1 billion more. The Cornell University economists expect the Conable amendment to save about $600 million in the 1984–85 period.

One key difference among the projections is the assumed effectiveness of the paid diversion program. As its effectiveness increases, the Government costs of the compromise plan decline. Most of the difference between the Cornell and CBO projections can be traced to the slippage factor employed in making the estimates. The Cornell economists judged that a 33 percent slippage factor was most probable, while CBO felt that a more modest 18 percent slippage would occur.

According to USDA and CBO analysts, a portion of the differences between their estimates stems from the relatively slower and less extensive response to the price cut within the equations which make-up the CBO model. Another assumption which accounts for some of the difference between the various projections is the effectiveness of the dairy promotion program established under the compromise plan. The CBO expects the promotion plan to increase demand for dairy products some 400 million pounds annually, while the USDA assumes it will generate 1 billion pounds of additional demand, and Cornell employs an optimistic 4 billion pound estimate for the 2-year-period.

TABLE 1.—ESTIMATES OF NET GOVERNMENT COSTS FOR DAIRY PROGRAM ALTERNATIVES

[In billions of dollars]

Source of estimate	1983	1984	1985	1986	1987	Total 1984–87
OMB letter Nov. 4, 1983:						
Current		$1,313	$1,423	$1,656	$1,880	$6,272
Compromise		1,203	1,880	1,308	711	5,102
Conable		1,636	1,253	707	470	4,060
Cornell University:						
Current	$1,650	930	1,140			
Compromise	1,650	2,060	1,600			
Conable	1,650	1,740	1,310			
Congressional Budget Office:						
Current	2,386	838	1,370	1,754	2,244	6,256
Compromise	2,377	1,026	1,318	1,447	1,227	5,018
Conable	2,378	1,805	1,688	1,472	1,286	6,251

II. REASON TO SUPPORT THE CONABLE AMENDMENT

A careful review of the information available on the impacts of the compromise plan and the Conable amendment demonstrates persuasively the advantages of granting the Secretary clear-cut, permanent authority to cut the milk price support level up to $1.50. Note that while the Conable amendment gives the Secretary price-cutting authority, it does not mandate that the authority be used if not warranted by market conditions. Furthermore, there is nothing in the Conable amendment to preclude the Secretary from raising support prices back up when the market indicates a need for expanded production.

There are both policy-related and economic reasons why I believe the Conable amendment should be adopted. Perhaps the most compelling reason why the Conable approach is superior is its simplicity. A $1.50 cut in the price support level is a clear and forceful signal. The Conable price cut is permanent. The Conable approach also incorporates into Federal agricultural policy a heretofor largely foreign concept—that price support levels supported by public funds should be reduced when the supply of the supported crop clearly exceeds effective demand at the supported price.

The fundamental change represented by the Conable amendment is the basic mechanism for adjusting dairy price support levels. This innovation, if adopted, would constitute the most significant and bold change since World War II in the pricing policy governing a traditional farm program. For the last four decades, prices have been adjusted through the not always timely workings of the political process, with general guidance specified in various requirements to set or maintain prices at some percentage of parity. A parity price in 1983 would give farmers today the same relative purchasing power from farm income as was enjoyed by farmers around 1914.

Hence, passage of the Conable amendment would, indeed, be a major landmark in the evolution of Federal farm policies. Adjusting price support levels in accordance with clear market forces makes sense for the dairy program, as it does for other agricultural commodities, and virtually any other sector or economic activity supported by Federal funds.

The Conable amendment deserves support also because it is by far the most fair alternative. All projections confirm that the Conable amendment will bring about a steady, long-lasting adjustment in the dairy sector. It will not disrupt retail dairy markets with substantial price increases, and will not unduly impact and red meat and poultry sectors.

Consumers get a sizable share of the benefits from the Conable approach, while farm income during the 2-year period declines only some 2.7 percent from the level projected under the current program—a net $1 billion reduction from the estimated $36.6 billion income under the current program for 1984–85 combined, according to the Cornell University estimates. In addition, producers clearly benefit in the out-years from the stronger growth in demand for dairy products generated by the Conable approach. As a direct result, future outlays for purchase of surplus dairy products will also be reduced as greater volumes of commodities move through normal commercial channels.

The attributes of the Conable approach are clear in the results reported in the following tables. Table II shows the absolute levels, and percentage changes from the current program for several basic indicators of the impacts of the Conable amendment and the compromise plan. Table 3 shows the magnitude of the differences between the compromise plan and Conable for each major measure of program performance.

TABLE 2.—ABSOLUTE LEVELS AND PERCENTAGE CHANGES FROM THE CURRENT PROGRAM FOR SELECTED INDICATORS OF DAIRY PROGRAM PERFORMANCE BASED ON USDA PROJECTIONS

Year/plan	Production	Billion pounds—	
		Commercial use	Government purchases
Fiscal year 1983:			
Current	137.7	121.3	16.8
Compromise	137.7	121.3	16.8
Conable [1]	137.7	121.3	16.8
Fiscal year 1984:			
Current	137.5	122.0	15.5
Compromise (percent)	125.2 (−8.9)	123.7 (+1.4)	1.7 (−89)
Conable [1] (percent)	136.2 (−0.9)	125.8 (+3.1)	9.9 (−36.1)
Fiscal year 1985:			
Current	138.5	124.0	15.0
Compromise (percent)	132.0 (−4.7)	126.3 (+1.9)	6.1 (−59.3)
Conable (percent)	134.4 (−3.0)	127.9 (+3.1)	6.9 (−57.3)

[1] The estimates for production, commercial use, Government purchases, and producer income are from the Sept. 7, 1983 USDA projections. Hence, they reflect full imposition of the $1.50 price cut authorized by the Conable amendment in fiscal year 1984 and fiscal year 1985.

[Dollars in billions]

Year/plan	Consumer costs	Producer income	Government cost
Fiscal year 1983:			
Current	33.56	$18.17	$2.37
Compromise	33.56	18.17	2.37
Conable [1]	33.56	18.17	2.37
Fiscal year 1984:			
Current	34.83	17.44	1.313
Compromise (percent)	36.64 (+5.2)	18.93 (+8.5)	1.203 (−8.4)
Conable [1] [2] (percent)	34.77 (−0.02)	17.03 (−2.3)	1.636 (+2.5)
Fiscal year 1985:			
Current	37.51	18.91	1.423
Compromise (percent)	37.51 (—)	18.74 (−0.09)	1.880 (+32.1)
Conable [1] [2] (percent)	35.94 (−4.2)	16.81 (−11.1)	1.253 (−11.9)

[1] The estimates for production, commercial use, Government purchases, and producer income are from the Sept. 7, 1983 USDA projections. Hence, they reflect full imposition of the $1.50 price cut authorized by the Conable amendment in fiscal year 1984 and fiscal year 1985.

[2] USDA estimates for consumer costs and Government costs are based on a $1.10, then 40 cents implementation of the Conable amendment as outlines in the Nov. 4, 1983 letter from OMB to Congressman Michel.

A comparable table could be developed using the estimates developed by Cornell University that appear in appendix A. The basic differences between the Cornell and USDA projections are evident in table 3 which presents a direct comparison of the USDA and Cornell estimates for the compromise plan and Conable amendment.

TABLE 3.—THE IMPACTS OF THE COMPROMISE PLAN (H.R. 4196) IN CONTRAST TO THE CONABLE AMENDMENT

	Fiscal year—		Combined period USDA/Cornell
	1984 USDA [1]/Cornell [2]	USDA [1]/Cornell	
Changes in:	Billion pounds		
Production	−10.7/−7.8	−2.3/−0.5	−13.1/−8.3
Commercial use	−2.1/+0.4	−1.6/+0.3	−3.7/+0.7
Net CCC purchases	−8.2/−8.3	−0.8/−0.8	−9.0/−9.1
	Billion dollars		
Total cost to Consumer	+$1.87/+1.7	+$1.57/+2.8	+3.44/+4.5
Producer income	+1.9/+0.3	+1.9/+1.2	+3.83/+1.5
Net cost to Government	−.433/+.333	+.627/+.293	+.194/+.623

[1] USDA projections taken from the Sept. 7, 1983 document which appears in app. A, except for the consumer cost and government outlay figures which are from the Nov.2, 1983 OMB letter to Congressman Michel.

[2] The Cornell University estimates are for the calendar year. (See appendices A and B for further discussion of these projections).

The basic differences between the Conable amendment and the compromise plan can now be summarized. For the combined 1984-85 period, the Conable amendment would, if implemented:

Save consumers about $3.4 billion based on the latest USDA figures, a sum which is about 4.8 percent of total consumer expenditures on dairy products in fiscal year 1984 and fiscal year 1985. Based on the Cornell University projections, the Conable amendment would save consumers about $4.5 billion, or 5.15 percent of total expenditures.

Save the Government about $190 million, or some 6.2 percent, in cash outlays according to the latest USDA estimates. Government savings is projected at $623 million, or about 17 percent of total Government costs in the 2-year period for the compromise plan, according to the Cornell University projections.

Would reduce dairy farm income by some $3.83 billion, or about 10.2 percent, based on USDA figures. Dairy farm income would decline a more modest $1.5 billion, or 4 percent, based on the Cornell estimates.

III. REASONS WHY A BETTER APPROACH IS NEEDED THAN THE COMPROMISE PLAN

I would like to discuss 10 reasons why a better approach then the compromise plan should be found and adopted. Several of these reasons are extensions of points made in other sections, but bear repeating here.

First. The compromise plan is too complex for its own good. It will be difficult and costly to administer. Enterprising dairy farmers will find ways to exploit it for profit while circumventing its intent. There is a great deal of uncertainty in how the paid diversion program would be administered, opening up the prospect of major administrative problems and confrontations. It just is not worth the cost of going through with implementation of the compromise plan for a period considerably less than 2 years.

Second. The better the paid diversion program works, the worse will be the adverse consequences and inequities of the compromise plan as a whole. Conversely, if the paid diversion program does not work as well as anticipated, thereby limiting its adverse consequences, Government outlays under the compromise plan will mushroom several billion dollars above the current program.

Third. The compromise plan would result in a substantial transfer of wealth directly from consumers to producers. There is no justification for such, a massive transfer.

Fourth. The compromise plan reduces milk production by subsidizing a substantial reduction in the size of the Nation's dairy herd. Estimates of the number of cows that will go to slaughter above the normal rate of culling fall between 500,000 to 1,000,000 cows. The influx of these additional animals onto the market would cause considerable losses in other red meat and poultry industries. Plus, the diversion program will only cause a temporary decline in the dairy herd. The compromise plan inadvertently transfers a large part of the cost of correcting the dairy surplus problem to other sectors of agriculture that have never benefited from any Government income protection or direct subsidization. Thus, the compromise plan is a good example of an overly narrow, parochial agricultural policy initiative which sacrifices the well-being of several groups in society in order to secure benefits, or preserve existing benefits, for a particular group.

Fifth. The compromise plan would reduce milk production too abruptly. The dramatic 18.8 billion pound decline in production over the current program comes predominantly in the first year—12.3 billion pounds in fiscal year 1984 when the diversion payments are flowing. This 8.9-percent drop in milk production in 1 year would quickly drive up prices of all milk products, disrupt the flow of manufacturing milk now moving into fluid milk markets in deficit areas, such as Florida, and severely strain the integrity of the entire milk processing and marketing system. Rapid changes in staple commodity markets always induce a degree of inefficiency and exploitation for profit. The costs of these unavoidable side effects will be borne largely by consumers, although producers also stand to lose.

Sixth. There is no justification to single out dairy farmers for a substantial boost in income at this time. While income levels throughout agriculture are depressed, dairy farmers are no worse off economically than other types of operations. Since dairy farms compete with other livestock operations for feed supplies, the compromise plan would further exacerbate the Government-created financial edge of dairy farmers.

Seventh. The compromise plan would reinforce the notion held by many dairy farmers that the Federal Government can always be counted on to keep dairy prices at inflated levels. This expectation runs counter to the clear need for dairy farmers to reappraise and adjust their management systems, production levels, and capital investment plans.

Eighth. The 15-month period for the paid diversion program is too short to be effective. A longer period would be even more excessively costly and inequitable. The paid diversion program will, in effect, subsidize an abnormally heavy culling of dairy herds in fiscal year 1984. Producers also perceive strong incentives in the compromise plan to raise all available heifers and bring these animals into production as soon after the end of the diversion program as possible. Likewise, after the diversion program ends in mid-1985, farmers will face strong incentives to reduce normal culling to, or close to, zero—while also bringing into production available heifers. Hence, additional instability in the red meat and poultry sectors can be expected from the compromise plan in late fiscal year 1985 and throughout 1986 when an abnormally low volume of dairy cattle are culled for slaughter. In this case however, the prices of meat products will be pushed upward as fewer dairy cattle are culled.

Ninth. The support price cut authorized in the compromise plan runs only through September 30, 1985. Authority to cut the price a full $1.50 is in place only 3 months of the life of the bill. Supporters of the compromise assert that the support price level would be cut as necessary in the 1985 farm bill. This outcome can not be guaranteed, and will, in any event, prove difficult to accomplish. This uncertainty regarding future price support levels tends to discourage producers from making painful, but nonetheless necessary adjustments.

Tenth. By addressing surplus production through a paid diversion program rather than through a permanent cut in the support price, the compromise plan discourages innovative programs aimed at developing new manufactured milk products. It would also invite greater foreign competition within U.S. dairy markets, and enhance the economic viability of artificial dairy products made from soybean extracts, and other high-protein supplements.

IV. CONSUMER SAVINGS UNDER THE CONABLE AMENDMENT

The Conable amendment is projected to save consumers $3 to $4 billion in the 1984-85 period in contrast to the compromise plan. Since these projected consumer savings are likely to be debated at length, it is important to explore their origin.

About one-half of the projected savings can be traced to cheaper prices and greater consumption under the Conable approach, and one-half to higher prices and relatively less great increases in consumption under the compromise plan.

An exceedingly complex and variable relationship exists between the price-support level for manufacturing grade milk and the retail prices of various milk products around the Nation. The retail price of manufactured dairy products per hundredweight is, on average, about twice the price of milk. In many cases, rising manufacturing/marketing costs have resulted in increased retail costs even in years when the price-support level has dropped.

It is not possible to definitively demonstrate how retail prices respond as a result of changing price support levels, in part because price behavior is known to vary in different areas of the country depending on the provisions of Federal and/or State milk marketing orders. While no one really knows how to estimate accurately retail price changes, consistent assumptions have been employed by the USDA, Cornell, and CBO analysts in making their projections.

The manufacturing milk price in different regions of the country is set in relation to the Minnesota-Wisconsin price for 3.5 percent butterfat. The price in any region reflects transportation costs to St. Paul, Minn. The price of various manufacturing milk products, cheese, butter, and so forth, is based on a set of conversion factors.

Fluid milk prices are set in each Federal milk marketing order. These orders control almost all milk production in United States. The fluid milk price is determined by adding a set differential to the M-W price. The differential varies by distance from M-W, and averages nationwide about $2.15 per gallon. In California, the intrastate price of fluid milk is controlled by the State-run order. The cost of fluid milk is set by a complex formula which includes both the M-W price and cost of production figures. Of the 50-cent assessment, an estimated 22 cents was passed on to consumers in terms of higher fluid milk prices. In California, 43 percent of the price of fluid milk in California is set by the M-W price. Hence, the California price will move 43 cents for every dollar of change in the M-W price.

According to USDA, with the exception of California and a few other small States, there is a 98 percent correlation between a percentage change in price support leveling contrast to the percentage change in fluid milk prices.

Nationwide, there is about 135 billion pounds produced, of which about 49 billion is consumed as fluid milk, and 80 billion in manufactured products—the balance is slippage according to USDA. Of the 135 billion pounds annual production, about 85 percent—or 115 billion pounds is grade A milk eligible for the fluid market. Since 49 billion of this 115 is used as fluid milk, there is about 43 percent utilization of eligible milk for fluid milk purposes. This high degree of retail price responsiveness occurs because the Government is such a major participant in the market for manufactured milk products, the price of which is set by a fixed formula based largely on the price support level.

The basic impacts of the compromise plan and the Conable amendment on retail prices are summarized in table 4. The indicator "Average retail cost all products" is derived by dividing total consumer expenditures for dairy products by the volume of commercial use. As evident in the table, the USDA projections call for about a 2-percent increase in average retail costs above the current program for the compromise plan in the 1984-85 period. The Conable amendment would reduce the same price measure over 11 percent.

TABLE 4.—PERCENTAGE CHANGES FROM THE CURRENT PROGRAM IN RETAIL DAIRY PRICES FOR THE COMPROMISE PLAN AND CONABLE AMENDMENT

[Figures in percentage]

Measure/source	1984	1985	1984–85 combined
Average retail cost: Compromise	+3.7	−1.8	+1.9
All products/ USDA: Conable	−4.1	−7.1	−11.2
Average retail cost: Compromise	−3.3	−3.4	−6.7
All products/Cornell: Conable	−6.9	−9.4	−16.3
Fluid milk/USDA:			
Compromise	−1.7	−1.7	−3.4
Conable	−3.6	−4.2	−7.8
Fluid milk /Cornell:			
Compromise:	−1.7	−8.6	−10.3
Conable	−5.7	−9.0	−14.7

V. SUMMARY

Passage of the Conable amendment would mark an important shift in agricultural policy toward simpler, more market oriented programs. For a number of reasons cited, the simplicity of the Conable approach is a major strongpoint, while the complexity of the compromise plan raises substantial doubts about its effectiveness and ultimate impacts.

Analysis of the alternative projections carried out by the USDA, Cornell University, and the CBO clearly demonstrate that:

The compromise plan is more favorable to producers at the expense of consumers.

The Government costs of the Conable amendment will probably be somewhat less than under the compromise plan, especially if measured over a 4-year period. If the diversion program proves to be effective and dairy farmers do not attempt to increase production in the latter half of 1985 and 1986 to preprogram levels, the compromise plan may prove to be somewhat less expensive than the Conable approach.

There are, as well, a wide range of secondary problems associated with the compromise plan. Solid information is lacking on the severity of most of these adverse consequences at this time. Even so, there is ample reason to suspect the compromise will result in considerable losses in the red meat and poultry sectors, especially if the paid diversion program proves popular.

Government cost savings on the order of 20 percent over the next 4 years under the compromise plan are possible, according to the CBO estimates. The USDA and Cornell economic analyses suggest otherwise. Even assuming that the compromise plan will prove less costly, I fail to see the justification for adopting such a radical new dairy program which imposes heavy costs on consumers, among others.

Congress now has an opportunity to substantially correct the fundamental problem in the dairy program. This opportunity should not be wasted since political complications may arise during the deliberations on the 1985 farm bill, precluding a separate and clear vote on the pricing policy to be used in the dairy price support program. The Conable amendment is, admittedly, harsh medicine. I believe the facts clearly show though that such congressional action is needed—indeed long overdue. I further believe that the Conable approach is the least painful and disruptive, and will prove to be the most equitable way to solve the overproduction problem in the dairy sector. For these reasons, I urge my colleagues to support the Conable amendment when H.R. 4196 is open for amendment later this week.

APPENDIX I. ESTIMATES OF THE IMPACTS OF ALTERNATIVE DAIRY PROGRAMS

September 7, 1983, projections by the U.S. Department of Agriculture, updated in part by November 4, 1983, letter to Hon. ROBERT H. MICHEL from Mr. David Stockman.

A summary of Cornell University estimates provided to Congressman GEORGE E. BROWN, JR., by Dr. Andrew Novakoviz.

A summary of Congressional Budget Office estimates developed by Mr. Chip Conley, memoranda of October 6 and 19, 1983, with updated projections of Conable amendment based on Secretary Block's administrative intentions.

Table 1: Projected costs and prices of dairy products—dollars per hundredweight unless otherwise noted.

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., November 4, 1983.

Hon. ROBERT H. MICHEL,
Republican Leader, U.S. House of Representatives, Washington, D.C.

DEAR MR. LEADER: The Administration has reviewed and updated its estimates of the alternative dairy proposals now pending before the House of Representatives to reflect the continuous changes in the supply and demand factors affecting CCC outlays.

The enclosed estimates were prepared by staff of the Department of Agriculture and reviewed by the Office of Management and Budget. They represent our best judgment as of November 1, 1983, and supercede all earlier estimates.

Because adjustments in supply often take many months to measurably affect CCC net outlays, we have provided estimates for a four year period that assumes implementation of new policy on December 1, 1983. We made a neutral assumption about policy in years subsequent to the expiration of temporary changes in law; the law as in effect just prior to its expiration is presumed to remain the policy for the balance of the estimating period. This is in accord with our traditional practice in making such multiyear estimates and reflects the actions of the Congress over the past thirty years.

Certain aspects of the enclosed estimates deserve special attention. Most important is our conclusion that over the fiscal year 1984-87 period, the so-called "compromise" plan embodied in H.R. 4196 will require $2.118 billion in cash diversion payments to dairy producers and add $1.036 billion to the deficit compared to the Conable amendment.

Thus no doubt should remain: the Conable amendment would generate very substantial savings over the plan embodied in H.R. 4196. That is just one of the factors that has led the Administration to give its endorsement to the Conable amendment.

We deeply appreciate your efforts to devise a workable and fair solution to the dairy surplus problem. If I can be of further assistance, please let me know.

Sincerely,

DAVID A. STOCKMAN,
Director.

COMPARISON OF DAIRY ALTERNATIVES

	Fiscal year—				
	1984	1985	1986	1987	Total, 1984–87
Net CCC budget outlays:					
Current law	1,313	1,423	1,656	1,880	6,272
H.R. 4196	1,203	1,880	1,308	711	5,102
Conable [1]	1,636	1,253	707	470	4,066
Consumer cost:					
Current law	34,830	37,510	40,660	43,820	
H.R. 4196	36,640	37,510	38,520	40,410	
Conable [1]	34,770	35,940	37,640	39,930	

[1] Assumes use of discretion in accordance with the policy reflected in Secretary Block's letter of Oct. 28, 1983.

USDA ESTIMATES RELEASED BY WILLIAM LESHER'S OFFICE

[In millions of dollars]

	Fiscal year—				
	1983	1984	1985	Total, 1983–85	Total, 1984–85
Gross CCC purchase costs:					
Current law	2,709	2,525	2,639	7,873	5,164
Compromise (H.R. 1875) [1]	2,709	426	1,029	4,164	1,455
Lower support $1.50 [2]	2,709	1,517	1,104	5,330	2,621
Lower support $1	2,709	1,775	1,362	5,846	3,137
Net CCC purchase costs:					
Current law	2,749	2,667	2,788	8,204	5,455
Compromise (H.R. 1875)	2,749	568	1,178	4,495	1,746
Lower support $1.50	2,749	1,659	1,253	5,661	2,912
Lower support $1	2,749	1,917	1,511	6,177	3,428
Deductions:					
Current law	375	1,354	1,365	3,094	2,719
Compromise (H.R. 1875)	375	571	201	1,147	772
Lower support $1.50	375	0	0	375	0
Lower support $1	375	0	0	375	0
Diversion payments:					
Current law	0	0	0	0	0
Compromise (H.R. 1875)	0	1,022	471	1,493	1,493
Lower support $1.50	0	0	0	0	0
Lower support $1	0	0	0	0	0
Net costs: [3]					
Current law	2,374	1,313	1,423	5,110	2,736
Compromise (H.R. 1875)	2,374	1,019	1,448	4,841	2,467
Lower support $1.50	2,374	1,659	1,253	5,286	2,912
Lower support $1	2,374	1,917	1,511	5,802	3,428

[1] Diversion payments and deductions implemented on Dec. 1, 1983, and continue through Feb. 28, 1985.

[2] Lower support effective Oct. 1, 1983.

[3] After adjustment for deductions and diversion payments.

USDA ESTIMATES RELEASED BY WILLIAM LESHER'S OFFICE

	Fiscal year—		
	1983	1984	1985
	Dollars per hundredweight		
Manufacturing grade milk price:			
Current law	12.58	12.78	13.75
Compromise (H.R. 1875)	12.58	13.85	13.20
Lower support $1.50	12.58	11.60	11.60
Lower support $1	12.58	12.10	12.10
All milk sold to plants:			
Current law	13.58	13.78	14.75
Compromise (H.R. 1875)	13.58	14.85	14.20
Lower support $1.50	13.58	12.60	12.60
Lower support $1	13.58	13.10	13.10
Effective farm price:			
Current law	13.31	12.78	13.75
Compromise (H.R. 1875)	13.31	14.45	13.95
Lower support $1.50	13.31	12.60	12.60
Lower support $1	13.31	13.10	13.10
	Million dollars		
Farm cash receipts: [1]			
Current law	18,170	17,440	18,910
Compromise (H.R. 1875)	18,170	18,930	18,740
Lower support $1.50	18,170	17,030	16,810
Lower support $1	18,170	17,810	17,580
Consumer cost:			
Current law	33,560	34,830	37,510
Compromise (H.R. 1875)	33,560	36,640	37,510
Lower support $1.50	33,560	34,430	35,940
Lower support $1	33,560	34,870	36,380
	Billion pounds		
Production:			
Current law	137.7	137.5	138.5
Compromise (H.R. 1875)	137.7	125.2	132.0
Lower support $1.50	137.7	136.2	134.4
Lower support $1	137.7	137.0	135.2
Commercial use:			
Current law	121.3	122.0	124.0
Compromise (H.R. 1875)	121.3	123.7	126.3
Lower support $1.50	121.3	125.8	127.9
Lower support $1	121.3	125.1	127.2
CCC net purchases: [2]			
Current law	16.8	15.5	15.0
Compromise (H.R. 1875)	16.8	1.7	6.1
Lower support $1.50	16.8	9.9	6.9
Lower support $1	16.8	11.4	8.4
Ending CCC uncommitted inventory: [2]			
Current law	19.7	20.0	20.8
Compromise (H.R. 1875)	19.7	6.3	0.6
Lower support $1.50	19.7	14.5	7.2

USDA ESTIMATES RELEASED BY WILLIAM LESHER'S OFFICE—Continued

	Fiscal year— 1983	1984	1985
Lower support $1	19.7	15.9	10.2

[1] After adjustment for deductions and diversion payments.
[2] Milk equivalent.

CORNELL UNIVERSITY ESTIMATES OF THE IMPORTS OF ALTERNATIVE DAIRY PROGRAMS

	Fiscal year— 1983	1984	1985
	Billion pounds		
Production:			
Current law	139.1	138.0	138.4
Compromise	139.1	133.0	137.8
Conable	139.1	140.8	138.3
Commercial use:			
Current law	123.6	126.0	128.5
Compromise	123.6	128.8	132.1
Conable	123.6	128.4	131.8
Net CU purchases:			
Current law	15.5	12.0	9.9
Compromise	15.5	4.1	5.7
Conable	15.5	12.36	6.5
	Billion dollars		
Total cost to consumer:			
Current law	42.2	43.2	44.2
Compromise	42.2	42.2	43.9
Conable	42.2	41.0	41.1
Producer income:			
Current law	48.8	18.1	18.5
Compromise	18.8	18.5	18.6
Conable	18.8	18.2	17.4
Net cost to Government:			
Current law	1.65	.930	1.14
Compromise	1.65	2.06	1.60
Conable	1.65	1.74	1.37
	Dollars per hundredweight		
Farm level prices:			
Current law	13.46	13.11	13.35
Compromise	13.46	12.91	13.39
Conable	13.93	12.92	12.57
Average cost all dairy products:			
Current law	34.14	34.29	34.40
Compromise	34.14	33.15	33.23
Conable	34.14	31.93	31.18

CONGRESSIONAL BUDGET OFFICE ESTIMATES OF THE IMPACTS AND ALTERNATIVE DAIRY PROGRAMS

[In billions of pounds]

	1983	1984	1985	1986	1987
Production:					
Current	137.7	135.9	139.0	140.9	143.0
Compromise	137.6	130.0	133.26	137.5	138.0
Conable	137.6	135.7	136.9	137.4	138.1
Commercial use:					
Current	122.5	124.4	125.2	126.1	126.9
Compromise	122.5	124.8	126.8	129.1	131.0
Conable	122.5	124.7	126.9	128.9	130.8
Net CCC purchases:					
Current	16.38	13.54	15.78	16.82	18.16
Compromise	16.33	7.18	8.39	10.46	8.96
Conable	16.34	12.98	12.01	10.54	9.28
Net cost to government:					
Current	2,386	838	1,370	1,754	2,244
Compromise	2,377	1,026	1,318	1,447	1,227
Conable	2,378	1,805	1,688	1,472	1,286

PROJECTED IN THE COSTS AND PRICES OF DAIRY PRODUCTS

[Dollars per hundredweight unless otherwise noted]

Measures/Source of estimate	1984	1985
Average retail cost all products/USDA [1]:		
Current program	28.55	30.25
Compromise	29.62	29.70
$1.50 weight	27.32	28.10
Average retail cost all products/Cornell [2]:		
Current program	34.29	34.40
Compromise	33.15	33.23
Conable	31.93	31.18
Retail price/CRS:		
Current	28.55	30.44
Compromise	28.05	27.97
Conable	27.05	27.94
Farm level prices/USDA:		
Current	12.78	13.75
Compromise	14.45	13.95
$1.50 weight	12.60	12.60
Farm level prices/Cornell [2] (dollars per hundred):		
Current	13.11	13.35
Compromise	12.91	13.39
Conable	12.92	12.57
Fluid milk/CRS (dollars per gallon):		
Current	2.29	2.43
Compromise	2.25	2.22
Conable	2.16	2.21
Fluid milk/Cornell (dollars per gallon):		
Current	2.30	2.36
Compromise	2.26	2.32
Conable	2.22	2.26
Ice cream/Cornell (dollars per half-gallon):		
Current	1.87	1.85
Compromise	1.80	1.78
Conable	1.72	1.71
Cheese/Cornell (dollars per half-pound):		
Current	1.23	1.23
Compromise	1.19	1.19
Conable	1.14	1.14

[1] USDA figures based on Sept. 7, 1983, projections.
[2] Cornell University estimates are on a calendar year basis, and measure a slightly different indicator than the USDA estimates.

Mr. DE LA GARZA. Mr. Chairman, I would concur with what my distinguished colleague from California has said urging the Members to prepare themselves for this legislation.

Finally, I would like to say, Mr. Chairman, that this is basically an amendment to the 1981 act which expires in 1985, and the policy implications may be well short-term.

We will come in the 1985 act, hopefully, with what might be the policy for the rest of the decade. That we will do next year, so I would urge Members who feel that this is the end of the line, that it is not. We will be doing further work next year in the 1985 act.

● **Mr. OBERSTAR.** Mr. Speaker, regrettably, much of the debate regarding the Federal dairy price support program within Congress and throughout the Nation has occured in an atmosphere of misinformation and misconseption about the realities of dairy farming and of the dairy market.

The dairy farmers whom I represent in Minnesota are not becoming rich through the Federal dairy price support program. It is not for them the boon which the PIK program has been for many farmers.

The price which Minnesota farmers receive for their milk is among the lowest in the Nation. That fact is a consequence of a basic reality of the dairy industry. Price is determined by what percentage of a region's milk is sold as fluid milk, or is used to make cheese and butter: The more used as fluid, the higher the price. Furthermore, the greater percentage of fluid milk production, the less an impact that price support cuts have on the income of the dairy farmer.

The legislation before the House today is the product of negotiations involving Members of the House and Senate Agriculture Committees and the Reagan administration. In an attempt to accommodate Secretary of Agriculture John Block and other Reagan administration officials, the House and Senate Agriculture Committees negotiated the present legislation.

H.R. 4196 would:

Reduce the dairy price support from $13.10 per hundredweight to $12.60 per hundredweight;

Authorize a 15-month incentive program to encourage dairy farmers to reduce production to help eliminate the current dairy surplus. The program would pay farmers $10 per hundredweight taken out of production, for between 5 and 30 percent of production;

Authorize an additional $1 per hundredweight reduction in the price support payment in 1985 if projected surpluses exceed 5 billion pounds milk equivalent as of July 1, 1985; and

Establish a milk product promotion, research, and nutritional education program financed by a 15-cent-per-hundredweight assessment on all dairy production.

The burden of the price support reductions contained in H.R. 4196 are even heavier in view of the fact that dairy farmers have not received any adjustment in price support payments per hundredweight since October 1, 1980.

The Reagan administration insistence on a sharply curtailed Federal dairy price support program is responsible for the severity of the provisions of this legislation affecting dairy farmers.

When the Agriculture Committee approved this legislation in June, I was disappointed that the full committee rejected a far more equitable plan approved by the Dairy Subcommittee in May. It is unfortunate that the committee acceded to administration pressure by accepting the provisions of the current bill in that the administration now no longer supports H.R. 4196.

Secretary of Agriculture John Block opposes dairy legislation unless the House agrees to an amendment in the nature of a substitute which would:

Cut price support by as much as $1.50 per hundredweight; and

Eliminate the 15-month paid diversion program contained in H.R. 4196.

On Wednesday, the House will debate the seven amendments made in order by the rule which we adopted on Friday. At that time, we will have the opportunity to discuss the disastrous effects which would result should the House adopt the amendment to give the Secretary immediate authority to reduce the price support by $1.50.

Such authority, if used—and it would be used—would aggravate enormously the economic consequences facing farmers as a result of the price-support reductions already provided for in H.R. 4196.

The Reagan administration would have the House believe that the price-support cut amendment to be offered by the gentleman from New York would have significant consumer savings. Historically, such has not been the case. In 1961, the milk price support was reduced by over 9 percent. Retail prices fell by less than 1 percent.

This year, farm milk prices in Florida have dropped by 95 cents per hundredweight. The store price of milk has been unchanged.

Milk and dairy product costs have consistently run far below the consumer price index and below the price for all foods. Had the price of milk merely kept pace with the CPI, the average price of a half gallon of whole milk today would be $1.49—33 percent higher than the actual price of $1.12 per half gallon.

Finally, the enactment of the Conable amendment would cost taxpayers $1.4 billion more over the next 2 fiscal years than has been allocated to dairy and the budget for these 2 years.

Early this year, I introduced dairy legislation which would have been far preferrable to the bill currently before the House. My plan called for reduction in production from a 3-year base period, accomplished by strong sanctions against overproduction. My plan would have provided for increased price supports for those dairy farmers who stayed within their production targets set by the Secretary of Agriculture. That plan would have been fairer than that provided in H.R. 4196 because it would have penalized only those farmers responsible for overproduction. Despite its defects, however, H.R. 4196 offers a far more sensible, realistic and fair means of reducing surplus dairy production than the meat-ax approach taken by the Conable amendment.

Furthermore, H.R. 4196 can be improved. The rule makes in order an amendment which I will offer on Wednesday to extend the paid diversion program from 15 months to 21 months. The effect would be to insure that the diversion program will run concurrently with the other 1981 farm bill programs.

The extension would encourage greater participation by farmers. My amendment will provide for a sufficiently long program to insure that farmers cull cows so that production does not jump back up immediately upon the end of the diversion program in 1985.

The 15-month program is inadequate because farmers will not be able to afford to praticipate in such a short program. Participation would require the sale of cows at slaughterhouse prices. At the end of the program they would face the need to purchase cows at sharply higher prices. A 15-month diversion program is simply too short to make such transactions economical for farmers.

I am very pleased that the rule will make in order this important improving amendment.

Three weeks ago, I voted against a procedural motion which would have sent the dairy legislation immediately to conference with the Senate without any consideration by the full House of dairy legislation. I did so because of my belief that the House should have the same opportunity as the Senate had to consider improving amendments to the legislation. I believe that it would have been unfair to choke off House consideration after the Senate had had the opportunity over an extended period of time to consider many amendments to the legislation and to debate the merits of the legislation and the various amendments at great length.

In summary, I ask my colleagues to recognize that the legislation approved by the House Agriculture Committee already demands a level of sacrifice from dairy farmers demanded of no other farmers. I urge them to support my amendment to extend the paid diversion program in order to increase the chances of success for this program. Finally, I urge my colleagues to reject the Conable amendment which will cost the taxpayer more, provide inadequate relief to consumers and devastate the small dairy farmers of this Nation, and particularly, the upper Midwest.●

Mr. de la GARZA. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

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Accordingly the Committee rose; and the Speaker pro tempore (Mr. Olin) having assumed the chair, Mr. Williams of Montana, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4196) to stabilize a temporary imbalance in the supply and demand for dairy products, and to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion to improve, maintain, and develop markets for dairy products, had come to no resolution thereon.

GENERAL LEAVE

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4196.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ZABLOCKI AMENDMENT TO HOUSE JOINT RESOLUTION 403

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZABLOCKI. Mr. Speaker, I take this time merely to advise my colleagues that I have filed an amendment to House Joint Resolution 403 that will be printed in the Record today. If the rule tomorrow on the continuing resolution is adopted, the amendment would be in order to an amendment that will be offered by the gentleman from Maryland, Mr. Long, together with Mr. Kemp.

There has been some speculation as to what the amendment I intended to introduce, or will offer tomorrow, would contain. Therefore, at this point in the Record I will insert a section-by-section explanation of the amendment.

Basically the amendment provides the authorization for those programs which are being appropriated for foreign assistance programs by the Long amendment, thus insuring an orderly legislative process insofar as is possible under the circumstances.

The section-by-section analysis of the amendment follows:

SECTION-BY-SECTION ANALYSIS OF ZABLOCKI AMENDMENT

Provisions at the start of the amendment prior to "Title II–International Security and Development Assistance Authorizations Act of 1983" are technical in nature to help in placing the provisions of the Long amendment in the appropriate authorizing legislation.

TITLE II—INTERNATIONAL SECURITY AND DEVELOPMENT ASSISTANCE AUTHORIZATION PROVISIONS

Section 201. Short title

This section cites the title of provisions added by the Zablocki amendment as the "International Security and Development Assistance Authorizations Act of 1983".

Section 202. Authorizations of appropriations

Section 202(a) authorizes an appropriation to the President of $1,315,000,000 for fiscal year 1984 to carry out section 23 of the Arms Export Control Act. Section 23 of the Arms Export Control Act authorizes the President to extend direct credit Foreign Military Sales (FMS) direct credits.

This section also sets a ceiling of $4,446,500,000 on the principal amount of FMS guaranteed loans that may be extended for fiscal year 1984.

Section 202(b) authorizes appropriations for various provisions of the Foreign Assistance Act of 1961 (referred to below as the Act) for fiscal year 1984. The authorizations are:

The $725,213,000 to carry out Section 103 of the Act, Agriculture, Rural Development, and Nutrition; $244,600,000 to carry out Section 104(b) of the Act, Population; $133,400,000 to carry out Section 104(c) of the Act, Health; $121,477,000 to carry out Section 105 of the Act, Education and Human Resources Development; $160,000,000 to carry out Section 106 of the

Act, Energy, Private Voluntary Organizations, and Selected Development Activities (including $10,000,000 for Science and Technology); $103,000,000 to carry out Section 121 of the Act, Sahel Development Program; $30,000,000 to carry out Section 214 of the Act, American Schools and Hospitals Abroad; $266,214,000 to carry out Chapter 3 of Part I of the Act, International Organizations and Programs; $47,000,000 to carry out Section 481 of the Act, International Narcotics Control; $25,000,000 to carry out Section 491 of the Act, International Disaster Assistance; $3,074,000,000 to carry out Chapter 4 of Part II of the Act, Economic Support Fund (ESF); $639,700,000 to carry out Section 503 of the Act, Military Assistance Program; $56,452,000 to carry out Chapter 5 of Part II of the Act, International Military Education and Training; $46,200,000 to carry out Chapter 6 of Part II of the Act, Peacekeeping Operations; $22,000,000 to carry out Section 661 of the Act, Trade and Development Program; and $370,000,000 to carry out Section 667 of the Act, Operating Expenses.

The amounts authorized for International Organizations and Programs are earmarked as follows:

$160.000,000 for the United Nations Development Program, $52,500,000 for the United Nations Children's Fund, $17,500,000 for the International Atomic Energy Agency, $15,000,000 for the Organization of American States development assistance programs, $10,000,000 for the United Nations Environment Program, $2,300,000 for the World Meteorological Organization, $2,000,000 for the United Nations Capital Development Fund, $1,000,000 for the United Nations Education and Training Program for Southern Africa, $500,000 for the United Nations Voluntary Fund for the Decade for Women, $150,000 for the Convention on International Trade in Endangered Species, $2,000,000 for the World Food Program, $500,000 for the United Nations Institute for Namiba, $343,000 for the United Nations Trust Fund for South Africa, and $50,000 for the United Nations Voluntary Fund for Victims of Torture.

Section 202(c) authorizes $3,000,000 in appropriations for fiscal year 1984 for the African Development Foundation.

Section 202(d) authorizations appropriations for the Peace Corps in fiscal year 1984 of $116,000,000.

Section 202(e) allows appropriations for Migration and Refugee Assistance and the Inter-American Foundation notwithstanding the absence of an authorization.

Section 203. Assistance for Israel and Egypt

Section 203(a)(1) amends Section 31 of the Arms Export Control Act to earmark $1,700,000,000 in aggregate FMS direct credits and loans and guaranteed loans for Israel for fiscal year 1984. Of this total $850,000,000 is also earmarked in FMS direct credits. Also within the $1,700,000,000 total, this subsection provides that up to $300,000,000 may be made available for Lavi program research and development in the United States and up to $250,000,000 may be made available for procurement of defense articles and services in Israel.

Section 203(a)(2) amends section 31(c) of the Arms Export Control Act to continue authorization for fiscal year 1984 of favorable repayment terms for Israel. These terms provide for long-term repayment, 30 years including an initial 10-year grace period on repayment of principal, and release of contractural liability to repay the United States for all $850 million of its FMS direct credits for fiscal year 1984.

Section 203(b) earmarks $465,000,000 FMS direct credits for Egypt for fiscal year 1984 and releases Egypt of its contractual liability to pay the United States for these direct credits. The subsection also earmarks $900 million for fiscal year 1984 in FMS guaranteed loans for Egypt.

Section 203(c) provides extended repayment terms on FMS guaranteed loans for fiscal year 1984 for Egypt, Turkey, Greece, Somalia, Sudan, and the Republic of Korea. These terms provide for repayment in 30 years including an initial 10-year grace period on repayment of principal.

Section 204. Termination of assistance programs for Syria

This section adds to Chapter 4 of Part II of the Foreign Assistance Act a new section concerning termination of aid to Syria.

It requires that no funds may be used to make payment or reimbursement to the government of Syria or for the delivery of any goods or services to that government. It directs that previously obligated funds for U.S. assistance programs for Syria be deobligated, except for those used for training programs in the United States, compensation of U.S. contractors, and expenses necessary to carry out the full and complete termination of the Syria aid program.

This provision is similar to that contained in the Long amendment but includes some technical strengthening language to ensure that the complete severance of the U.S. aid program for Syria is carried out.

Section 205. El Salvador

This section provides that not more than 70% of the amount made available for military assistance to El Salvador for fiscal year 1984 may be expended until Salvadoran authorities have substantially concluded all investigative actions in the case of those charged with the death of four American churchwomen in 1980, and have brought the accused to trial and have obtained a verdict.

This section further provides that not more than 90% of the amount made available for military assistance to El Salvador for fiscal year 1984 may be expended until the President certifies to Congress that the Government of El Salvador has not taken any action which would modify, alter, suspend or terminate the land reform program in a manner detrimental to the rights of the beneficiaries or potential beneficiaries; and, that the Government of El Salvador continues to make documented progress on implementing the land reform program.

Section 206. Minority set-aside

This section provides that not less than 10 percent of the funds made available to carry out chapter 1 of part I of the Foreign Assistance Act be available only for activities of economically and socially disadvantaged enterprises, historically black colleges and universities and private voluntary organizations controlled by Black Americans, Hispanic Americans or other individuals who are economically and socially disadvantaged as defined by section 133(c)(5)(B) and (C) of the International Development and Food Assistance Act of 1977.

Section 207. Minority resource center

This section states that none of the foreign assistance funds for fiscal year 1984 may be used to eliminate the Minority Resource Center as a separate and distinct entity within AID, including implementation of a consolidation of the Center with the Office of Small and Disadvantaged Business Utilization.

(This provision is a response to reports earlier this year that AID was considering the elimination of the Minority Resource Center as a separate entity within AID.)

Section 208. Providing for orderly emigration from Haiti

This section states the sense of the Congress that up to $24 million in development assistance funds and up to $10 million in ESF should be made available for development assistance for Haiti, subject to a Presidential determination that the Government of Haiti:

(1) is continuing to cooperate with the U.S. in halting illegal emigration to the U.S. from Haiti; (2) is cooperating fully in implementing U.S. development, food, and other economic assistance programs in Haiti; (3) is continuing to comply with the fiscal performance targets set by the IMF, and (4) is making a concerted and significant effort to improve the human rights situation in that country by implementing the political reforms which are essential to the development of democracy in Haiti. The President is further required to report on Haiti's compliance with these provisions six months after the date of enactment.

This section further states that to the maximum extent possible, development assistance and ESF to Haiti should be provided through private and voluntary organizations. The section also exempts programs with Haiti to assist in halting illegal emigration to the United States from the Section 660 prohibition on assistance for police training.

This provision is essentially the same as that currently contained in the law; it merely updates and extends the current law.

Section 209. Private sector revolving fund

This section incorporates into H.J. Res. 403 the Private Sector Revolving Fund as contained in section 407 of H.R. 2992, the International Security and Development Cooperation Act of 1983, as reported by the Foreign Affairs Committee on May 17, 1983. The purpose of the fund is to create a source of funds which can be used to encourage the growth of private enterprise in developing countries.

Following is the description of the Private Sector Revolving Fund contained in H. Rept. 98-182, the report on H.R. 2992 and the provision as set forth in section 407 of H.R. 2992, as reported:

Section 407. Private sector revolving fund

Section 407 of the bill adds a new section 108 to part I, chapter 1 of the Foreign Assistance Act establishing a revolving fund for private enterprise activities.

Subsection (a)—Authority.—Subsection (a) states that it is important for the United States to encourage the growth of private enterprise in developing countries. It authorizes the establishment of a revolving fund account to be used for such purposes, which shall be free from fiscal year limitations. The purpose of the revolving fund is to create a source of funds which can be made available for a variety of innovative private sector activities.

Subsection (b)—Funds.—Subsection (b) provides that up to $20 million in fiscal year 1984 of funds appropriated to accounts in chapter 1 of part I may be deposited in this account. In fact, the budget presentation requests an appropriation of $15 million for the revolving fund for fiscal year 1984 and

$20 million for fiscal year 1985. This fund is to be used for private sector activities; funds provided under section 106 or other sections of the act may also be used for other private sector activities. Income and reflows accruing to the fund, including the repayment of loans made from the fund, return of capital, capital gains and fees charged for transactions, will be deposited in the fund for further use. Funds in the account may be invested in U.S. obligations.

Subsection (c)(1)—Obligations and waivers.—Subsection (c)(1) provides that funds may be made available from the revolving fund on terms and conditions determined by the Agency for International Development. Although after several years the revolving fund will require no appropriated funds, obligations from the fund must be provided for in advance in appropriation acts.

The executive branch's draft legislation provided that the revolving fund could operate "notwithstanding any other provision of law." As the committee generally does not grant such broad authority, it instead provided in subsection (c)(1) waivers from two specific provisions of the Foreign Assistance Act, sections 620(r) and 604(a).

Section 620(r) prohibits the forgiveness of any loan extended under the Foreign Assistance Act. As all other assistance under the Foreign Assistance Act is provided to government, or with recipient government guarantees, such a requirement is appropriate. The revolving fund, however, is to provide loans to business enterprises, not to governments.

Section 604(a) of the act gives preference to U.S. procurement. Such a requirement on an indigenous business operation potentially could place it at a competitive disadvantage. If the revolving fund is to encourage the private sector, it should be done on the basis of market forces, and government regulations and requirements should be removed to the greatest extent possible.

Subsection (c)(2)—Policy guidelines.—Subsection (c)(2) provides policy guidelines that were absent from the draft legislation requested by the executive branch. It reconfirms that the revolving fund must support projects consistent (i) with the policies of the Foreign Assistance Act and (ii) with the development priorities of the host country. Each government has its own development priorities, tailored to the particular needs of that country and the policies of the government. U.S. assistance is premised on the assumption that the developmental impact of U.S. assistance can best be maximized by supporting objectives which it shares with the host government. Furthermore, the funds must be used to support the activities authorized by the functional accounts, sections 103-106 of the Foreign Assistance Act. In order to maximize the impact of the assistance, projects supported by the revolving fund must have a demonstration effect, and be innovative, and they must be financially viable.

Projects must also maximize the development impact appropriate to the host country. For many developing countries underemployment-unemployment and lack of technology and know-how are two principal bottlenecks to development. Assuming capital is short and labor abundant, a project supported by the revolving fund should seek to maximize employment creation—obviously not to the extreme of making a project economically uncompetitive—and minimize the use of capital. Projects also should seek to transfer technology and knowledge appropriate to the level of development of the country and the factors of production relevant to the particular project.

Finally, this subsection provides that assistance from the revolving fund be made available primarily to small business enterprises and cooperatives which currently are not receiving necessary business support services. It further provides that, in determining whether an enterprise is a small business enterprise, AID shall take into consideration the enterprise's total net fixed assets and number of employees, together with the relevant definition utilized by the host country government and the International Bank for Reconstruction and Development and other international organizations. Economic and development research indicates that it is the small entrepreneurs who; (1) Are most disadvantaged, have greater difficulty gaining access to credit, expertise, and technology, and are most likely not to be served by existing support services; and (2) make the greatest contribution to employment generation. It is therefore most appropriate to concentrate the resources of the revolving fund on small business. The appropriate target population will vary from country to country, depending on the level of development of the country and of the private sector, and even from project to project depending on the nature and purpose of the project. Therefore the committee has not provided a specific definition of small enterprise in the statute, in order to allow the revolving fund to be used to respond to particular circumstances. However, it is the clear intent of the committee that the bulk of the resources be targeted to small enterprises.

Subsection (c)(3)—Limitations.—Subsection (c)(3) places various limitations on the operation of the revolving fund. Not more than $3 million may be made available to any one project. The revolving fund is designed to leverage its resources and to provide the margin of financing for commercially viable projects which otherwise would not be funded. The fund should finance as many projects as possible. It is therefore appropriate not to concentrate the resources of the fund in a few large projects.

The revolving fund cannot finance more than 50 percent of an investment project, and there must be substantial indigenous financing. This requirement is intended to insure that the revolving fund support what are basically indigenous business enterprises and that AID not be in the position of providing the majority of capitalization of an enterprise. The committee considered restricting AID's participation to 25 percent, which probably should be the actual maximum range for most projects in order to leverage AID's resources, and requiring majority indigenous financing, but recognizes that there may be some instances in which only revolving fund participation of near 50 percent will permit a project to commence and in which part of the financing might be from some other source outside the country, such as the IFC or World Bank. The committee therefore has provided a limitation more flexible than it would expect to be used in most projects.

In order to make clear that the resources of the revolving fund should benefit as many countries as possible, the committee set a limit that no more than 20 percent of the resources of the revolving fund can be used in any one country. In fact, 10 percent or less would be a more appropriate ceiling, and the committee would expect the revolving fund to be managed under a guideline in that range, once it is fully operative. Again, the committee sought to avoid making the statute unnecessarily rigid, while making clear the policies which should govern the revolving fund.

In order to maximize the leverage of the revolving fund, the bulk of the revolving fund resources should be directed to intermediary institutions—such as financial intermediaries and other business entities which service other business enterprises. As with other AID resources, it is important to maximize the multiplier and institution-building effect of specific projects. However, as there may well be other projects which are important to support as they introduce new business techniques or other benefits, the committee did not require that every project involve an intermediary organization.

Loans from the revolving fund must be at or near rates otherwise available to the recipient. In order to insure that AID encourage and support, but that it not subsidize private enterprises, it is appropriate that all loans be at market rates, or at near market rates except where business enterprises will incur extraordinary expenses (as in the case with financial intermediaries which incur heavy administrative expenses in providing small loans to small businesses). Loans at market or near market rates will also maximize the return to the revolving fund and increase the number of projects which can be supported.

Subsection (d)—Ceiling on funds.—Subsection (d) places a $100 million cap on the size of the revolving fund. It is AID's intention to fund the revolving fund at $20 million per year for a 3-year period and to capitalize the fund further through loan repayments. Reflows which would put the assets of the revolving fund above $100 million must be remitted to the Treasury.

The cap on the assets of the revolving fund of $100 million, the figure recommended by AID, is designed to permit the resources of the fund to increase to a level which would permit a reasonable annual operating level without allowing the fund to collect resources beyond what could appropriately be utilized.

Subsection (d) also provides that when there are sufficient funds available in the revolving fund, repayments may be made to the U.S. Treasury until the total amount of appropriated funds has been repaid, at which time the fund shall be deemed to consist entirely of nonappropriated funds.

Subsection (e)—Fee.—Subsection (e) provides that AID may charge a fee when carrying out activities with funds from the revolving fund.

Subsection (f)—Termination.—Subsection (f) provides that, in the event the revolving fund is terminated, all unobligated funds shall be transferred to the U.S. Treasury.

Subsection (g)—Congressional notification.—Subsection (g) provides that the revolving fund projects will be governed by the existing congressional notification reguirements in section 634A of the Foreign Assistance Act, with the clarification that notification can be provided prior to 15 days before the obligation of funds. This will provide the Congress with early notification and help identify any problems early on, thereby avoiding the possibility of deferring a project at the last moment because of congressional concerns.

Subsection (h)—Annual report.—Subsection (h) requires the President to submit to the Congress an annual report on the revolving fund. The report is designed to provide the Congress with sufficient information to evaluate the operations and activities of the revolving fund, particularly the development impact of projects supported by the revolving fund.

Section 210—Antiterrorism assistance program

This section incorporates into H.J. Res. 403 the Antiterrorism Assistance Program as contained in Title II of H.R. 2992, the International Security and Development Cooperation Act of 1983, as reported by the Foreign Affairs Committee May 17, 1983, except that the authorization for appropriation for this program is limited to fiscal year 1984.

Following is the description of the Antiterrorism Assistance Program authorization as contained in H. Rept. 98-182, the Report on H.R. 2992 filed with the House on May 17:

TITLE II. ANTITERRORISM ASSISTANCE PROGRAM

This title creates a new chapter 8 in part II of the Foreign Assistance Act for antiterrorism assistance. It states the purposes for which such assistance is provided. It stipulates that training services shall be provided only in the United States and limits U.S. advisers overseas to 30-day periods. It prohibits the furnishing of equipment and commodities included in the U.S. Munitions List and requires that the Assistant Secretary of State for Human Rights and Humanitarian Affairs be consulted in program development and implementation. The new chapter 8 also provides for 30-day prior notification of any proposed assistance under this new program. It provides for grants and sales of commodities and services from U.S. Government agencies. It provides transfer authority of up to $2.5 million from existing fiscal year 1983 military assistance funds. Finally, it authorizes appropriations of $5 million for antiterrorism assistance in each of fiscal years 1984 and 1985, provides for an annual report on program activities, includes such assistance under the human rights provisions of the Foreign Assistance Act, and establishes September 30, 1985, as the expiration date for the program.

Section 201. Establishment of program

Section 201 creates a new chapter 8 in part II of the Foreign Assistance Act for antiterrorism assistance. New chapter 8 consists of seven sections.

New section 571 provides general authority to the President to furnish, on such terms and conditions as the President may determine, assistance to foreign countries in order to enhance the ability of their law enforcement personnel to deter terrorists and terrorist groups from engaging in international terrorist acts.

New section 572 provides that activities conducted under new chapter 8 shall be designed for three purposes: To enhance the antiterrorism skills of friendly countries, to strengthen our bilateral ties with friendly governments, and to increase respect for human rights.

New section 573 consists of five subsections. Subsection (a) provides that, notwithstanding section 660 of the Foreign Assistance Act, which prohibits assistance under the act to foreign law enforcement forces, services and commodities may be granted to eligible countries for purposes of new chapter 8. U.S. Government agencies providing services and commodities under this subsection are to be reimbursed consistent with agency reimbursement procedures established under section 632 of the Foreign Assistance Act.

Subsection (b) authorizes the President to furnish services and commodities on a sales basis to eligible countries, subject to payment in advance of the value of such services and commodities. Collections are to be credited to the currently applicable appropriation, account, or fund of the agency providing such services and commodities. FMS directs credits and guaranteed loans may not be used by eligible countries for payments on such services and commodities.

Subsection (c) states that the Assistant Secretary of State for Human Rights and Humanitarian Affairs shall be consulted in program development and implementation, including the countries selected and the types of assistance provided.

Subsection (d)(1) stipulates that training services provided under this chapter may be furnished only in the United States.

Subsection (d)(2) states that U.S. Government personnel may provide advice overseas under this chapter for not more than 30 days.

Subsection (d)(3) prohibits employees of the Department of State from engaging in the training of law enforcement personnel or the provision of services under this new chapter, except that employees of the Office of Security of the Department of State may provide training and services to law enforcement personnel for the physical protection of internationally protected persons and related facilities.

Subsection (d)(4) prohibits the provision of equipment and commodities included on the U.S. Munitions List established under the Arms Export Control Act for purposes of new chapter 8.

Subsection (d)(5) prohibits the provision of services, equipment, personnel, or facilities involved in intelligence collection as defined in Executive Order 12333 of December 4, 1981, but permits limited training in the organization of intelligence for antiterrorism purposes.

Subsection (e) exempts information exchange activities conducted by U.S. Government agencies under other authorities of law from the requirements and authorities of new chapter S.

New section 574 consists of two subsections.

Subsection (a) requires a 30-day prior notification to Congress on the countries to which assistance is to be provided; the types, value, terms, and duration of antiterrorism assistance; and an explanation of how the proposed assistance will assist those countries in deterring terrorism. This subsection also provides that upon request of the chairman of the House Committee on Foreign Affairs or the Senate Committee on Foreign Relations, a current report on a recipient country's human rights record is to be provided. This 30-day prior notification applies initially to all recipient countries and subsequently to any new recipient country.

Subsection (b) requires an annual report to the Congress on the antiterrorism assistance program. The report shall include a list of countries receiving antiterrorism assistance in the preceding and upcoming fiscal years, and the place, duration, number, types, and terms of assistance that has been or will be provided.

New section 575 authorizes $5 million to carry out new chapter 8 in each of the fiscal years 1984 and 1985 and provides that amounts appropriated under this new section are authorized to remain available until expended. New section 575 also provides authority to transfer up to $2.5 million in fiscal year 1983 from military assistance funds authorized by the International Security and Development Cooperation Act of 1981.

New section 576 provides that any reference in any law to part I of the Foreign Assistance Act of 1061 shall be deemed to include reference to new chapter 8.

New section 577 provides for expiration of the authorities of new chapter 8 on September 30, 1985. Funds obligated prior to that date may be expanded after that date.

Section 202. Conforming amendments

Section 202 amends section 502(B)(d)(2)(A) of the Foreign Assistance Act to include new chapter 8 in the human rights requirements of the section. Section 202 also amends section 644(m)(5) of the Foreign Assistance Act in order to establish the costing formula for sales of commodities and services provided to friendly foreign countries under new chapter 8. The value of such commodities and services is the additional costs that are incurred by the U.S. Government in furnishing antiterrorism assistance.

Section 203. Effective date

Section 203 provides that the antiterrorism assistance program shall take effect upon date of enactment of this legislation.

THE FACTS ABOUT MARTIN LUTHER KING, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Iowa. Mr. Speaker, the debate over the passage of the bill approving a Martin Luther King holiday, which the President has now signed, so degenerated into repeating false or misleading information and innuendos concerning King, J. Edgar Hoover, and Robert Kennedy that many of those allegations are being believed by millions of people and we are now threatened with the new holiday becoming an annual day for acrimony rather than one for celebration.

I was present at hearings of the subcommittee I now chair when extensive off-the-record discussions with J. Edgar Hoover explored the whole subject matter of telephone taps, King's associations, and Robert Kennedy's authorization of the taps.

Twenty years have now passed and the reasons for keeping the statements relative to King which were made at the hearing off the record no longer exist.

In view of the importance of the subject matter at this time and the number of downright false and misleading statements now being made, I have reserved this period to make a statement and reveal some information I hope will make a contribution toward a better understanding of these matters.

Since 1962, I have been a member of the subcommittee which handles the funding for the Justice Department and the FBI and I now chair that subcommittee. Since justifying the FBI budget requests involves cases which have not yet been tried, open investigations, information which would expose confidential informants, and security matters, the hearings are closed and more sensitive parts are often completely off the record.

On two or three occasions when J. Edgar Hoover appeared before the subcommittee and especially in the appearence on January 29, 1964, several of the off-the-record discussions dealt with the progress of the investigation of the assassination of President Kennedy a few weeks earlier, and the substantial FBI resources being devoted to civil rights cases, including investigations of violence by some of the Klans, including some matters relating to Martin Luther King, which have been widely discussed recently.

Directly involved were some telephone taps. It has now been decided by a court that tapes which include Martin Luther King as a participant in telephone conversations will not be released to the public for another 44 years but an attempt is being made to secure their release immediately. First hand information revealed at that 1964 hearing in response to questions, convince me that irrelevant and false allegations have been made and repeated so often relating to these tapes and the reason for the taps that an injustice is being done to all involved.

On that day, January 29, 1964, Hoover had testified that the FBI had a total of 64 telephone taps in existence, that everyone of the 64 related to internal security, and that each one of the 64 taps had been authorized in writing by the Attorney General. While many people assumed the FBI had thousands of telephone taps, while private investigators and companies were at that time using wiretaps on a wholesale basis and the investigation of President Kennedy's assassination 2 months earlier was under way, the number of taps being used by the FBI had in fact been reduced from 95 the year before to 64. However, the fact that taps were limited to those authorized by the Attorney General and that he said the only ones in existence on that date involved internal security raised the question whether King's telephones were among those being tapped, and if so, how did his telephone fit into the category of internal security. The FBI was also heavily involved in investigations of civil rights violations, so an extended discussion followed concerning the whole matter of the civil rights movement led by Martin Luther King and the extent to which the Justice Department and the FBI were involved.

It was the well known goal of the Communist Party leaders at that time to infiltrate, exploit, and become active in organizations which they hoped might be influenced to use violence. At that time, the Communist Party, U.S.A., still labored under a belief that the use of violence would help them accomplish their goal, and they had been successful in infiltrating a few labor organizations and a farm group, both of which eventually purged them.

There were also those on both sides of the civil rights movement who thought violence would serve their purpose; and by early 1963, the FBI was devoting considerable resources to investigating civil rights violations including bombings, assassinations, and beatings which had already occurred or were being planned. They were securing information from within both the Klans and civil rights groups where there were militants prone to the use of violence. Under the circumstances in early 1963, killing or beating a leader in such a group could be the catalyst to a riot and it was that fear which a few months later caused the Kennedy administration to at first question the wisdom of the August 1963 civil rights demonstration at the Lincoln Memorial. Killing or beating a leader in any such group could be a catalyst to a riot and a few dedicated Communists were among those whose purpose would be served by influencing militants or hiring a hit man to kill or injure a leader whose injury could be blamed on the other side.

Hoover told us that day that several months previous the FBI had obtained evidence that a handful of individuals had infiltrated the movement led by King, and that two of these individuals were among several dozen considered to be the inner circle. He was convinced that there was ample reason to believe these two individuals could be influenced by the leaders of the Communist Party, U.S.A., that their primary allegiance was not to King's nonviolent principles and that they would help create violence or be willing to help get King out of the way at an appropriate time to serve their purpose.

Hoover also said he had no doubt whatever that King was a true student of Ghandi and totally opposed to violence and would not change and that King's sole objective was to rectify legitimate grievances. Hoover said that to fulfill the FBI responsibility, he believed the FBI should be authorized by the Attorney General to tap the telephone lines those two individuals used. Therefore, he gave the information to Robert Kennedy for his consideration.

Since one of the two individuals who would be put under surveillance had access to some of the same telephones King used, in all likelihood tapes secured from taps on telephones they had access to would at times include King's conversations even though his conversations were not a target of the tap. Hoover said that when Kennedy was presented with this information concerning a possible telephone tap, Kennedy's reaction was that since King was not an object for the tap, since neither he nor Hoover doubted that King was dedicated to nonviolence, and since protecting King from a threat to his safety was involved, he would talk to King before making a decision.

According to Hoover, when Kennedy talked to King (I believe it was in June 1963), King was surprised at the information concerning the individuals involved and said he would look into it; but, shortly thereafter King told Kennedy purging someone in an organizaton such as he was leading was out of the question and besides, one of the individuals was a valuable speech writer whose services he did not want to lose. Shortly thereafter Kennedy signed the order authorizing the taps and King certainly knew from that time forward that telephones which those two individual associates had access to might be tapped and that calls they made to any other telephone might be taped.

The "I have a dream" speech and the big rally at the Lincoln Memorial had occurred August 28, 1963, a few months prior to the January 1964 hearing. Hoover in the January 29 hearing also related how law enforcement officials became extremely concerned when they received information that one of the targeted individuals would be with King on the platform and that in fact that individual did stand only an arms length from King at the rallly. However, he said steps were taken to make sure that that individual would not under any condition be permitted to grab the microphone.

A couple of months prior to that January 1964 hearing, King and Hoover had traded some insults publicly which led to a face-to-face meeting between them.

Hoover said he answered every question King asked at that meeting concerning the surveillance and that he had not heard from King in the 2 months that had expired since that meeting.

It has been alleged that prior to the Hoover-King meeting, King had not been aware of the wiretapping and that was the reason for the meeting; but according to Hoover and the events related above, that could not be true. While it is highly unlikely that King told anyone else in his group, he was well aware during the few weeks prior to the August 28 Washington, D.C., demonstration that two of his associates were under active surveillance, that he was being shadowed for his protection, and that telephone taps had been authorized, and why.

Especially in the past few weeks during consideration of a new holiday, it seems to me that the relevant facts have been lost to most people, partly because some people have been limited to inadequate information and partly because some people have intentionally distorted the partial facts that are available. Unfortunately, none of the three principals Kennedy, Hoover, and King are here to clear it up, but this account is as near firsthand as is available and I hope it will make a positive contribution toward the discussion. The relevant facts are as follows:

First. Two persons who the FBI believed advocated violence and could be influenced by the Communist Party leadership, had infiltrated and were among the dozens of persons in the leadership of the King movement.

Second. Both Robert Kennedy and Hoover had no doubt whatever that King was adamantly opposed to the use of violence to overthrow the Government or for any other purposes.

Third. The FBI and the Attorney General believed they had a responsibility to monitor the activities of the two King associates.

Fourth. The purpose for the tap of telephones King used was not to hear what King had to say but to keep surveillance on those two associates who used the same telephones, and the FBI had no way of knowing when those two individals would use the telephones; therefore, King conversations were taped in which the FBI had no interest and would not have otherwise been tapped. Obviously, if they wanted to secure information on King from telephone taps, King would not have been told what telephones those individuals had access to and calls by them to any telephone might be tapped.

Fifth. The FBI and Robert Kennedy believed the safety of King and possibly hundreds or thousands of other citizens was also involved.

Sixth. The wiretaps were authorized in writing by the Attorney General only after King was fully informed that it would be done and why.

Seventh. King's economic theories were in no way involved in the decision to tap the telephones used and calls made by the two associates.

Eighth. Anything that is on those tapes, King knew or should have known might be recorded, but would be immaterial anyway to matters concerning King which are under consideration in 1983.

Ninth. It was not a crime to associate with a Communist or to hold any economic theories one wanted to. Finding and monitoring those persons who advocated violence against the Government or conspired against the rights of citizens to have an participate in such Government was the sole objective for the taps and both Hoover and Kennedy were sure King was guilty of neither.

Tenth. Conversations in which King was a participant and in which one of the two individuals was not a participant were byproducts of a tap made for another purpose. The contents of King's conversations were not material to the purpose for the taps then and they are irrelevant to the issues concerning King which are before us today.

It is easy for people 20 years later to say Robert Kennedy should not have authorized the telephone tap and to say the taps were not necessary to help assure that a small group could not turn one of those mass demonstrations to violence, but in fact no one knows that the FBI and other law enforcement agencies under the direction of the Attorney General did not prevent more violence or prevent physical harm to citizens in the pursuit of their rights under the Constitution; and no one is in a position today to prove the evidence presented to Kennedy did not warrant his decision to authorize the taps. In fact, King must not have disagreed with Kennedy's conclusion to authorize the tap or he would have made public objections or taken some other protest action at the time.

While it is too late to change those decisions made in 1963, the matter of what to do with the tapes is one which must still be resolved. A court has prohibited their release for another 44 years but a legal action now seeks their release and more such legal actions can be expected in the future. The purpose for which the tapes were made, no longer exists. Whether they are released now or 44 years from now should not be the question and the truth or falsity of the stories relating to King's personal life or economic beliefs which were allegedly revealed on the tapes are wholly immaterial.

I believe those tapes containing irrelevant personal conversations by King should be destroyed, and I personally believe a policy should be established of immediately destroying all tapes of conversations with no probative or continuing value in law enforcement obtained from taps which would not have been obtained except as a byproduct of a tapping for an authorized purpose. I think we should end the argument over when these irrelevant King tapes with persons other than those two individuals will be released by ordering their destruction now. Whatever is on those tapes is no one's business other than the deceased who is not here to protect himself and he should not need to anyway.

Any discussion of allegations relating to either King or Hoover only serves to divert attention from the central relevant facts. Likewise, any allegation that Kennedy authorized the wiretap because he thought King was a Communist sympathizer is not only false but only serves to divert attention from the relevant issues.

The relevant fact is that King was the leader of a successful movement which resulted in this country making giant steps toward eliminating the gap between the promises in the 14th amendment and its fulfillment for millions of Americans and that he was determined and did accomplish that objective by nonviolent means within the framework of the Constitution. The telephone taps authorized by Kennedy were in no way for the purpose of frustrating that goal, but were instead consistent with fulfilling that goal. Also, it is now clear that had that movement not adhered to King's determination to use nonviolent means to accomplish the purpose, there would have been widespread violence and deaths and the cause would have failed.

It is unfortunate that the principals are not here to personally keep the record straight but I hope revealing the relevant contents of that hearing at this time will make a contribution toward putting those matters in perspective, will help to counteract some of the unjustified conclusions being repeated so often that they are smothering the material facts, and will help encourage the passage of a new law or guidelines concerning the disposition of tapes from telephone taps which no longer would serve the purpose for which they were obtained.

□ 1430

A TRIBUTE TO STEPHEN KARASIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DOWNEY) is recognized for 30 minutes.

Mr. DOWNEY of New York. Mr. Speaker, I rise today in tribute to an outstanding young man and an outstanding high school.

The young man's name is Stephen Karasis and the high school is Bay Shore, N.Y. in my congressional district.

I guess it was about 2 years ago that young Stephen decided that what he had learned about the war in Vietnam and Korea was not adequate and over the last 2 years, he and other students have been studying the issues involved with that war, the Vietnam war and Korea.

Stephen was struck by the fact that while outside of Bay Shore High School there was a memorial plaque for World War II veterans, there was not one for Korean vets and Vietnam vets. And he was struck by what he had learned about the way returning Vietnam veterans were treated and he felt that it would be appropriate for Bay Shore High School to have a plaque placed outside it to commemorate the sacrifice that the citizens of that town had made in both Korea and Vietnam.

And so on Thurdsay this plaque will be dedicated to those men who died for their country.

One of the most exciting things about this and I say it with great respect and admiration is a vision of one that something needed to be done, went ahead and did it himself. He raised the money for the plaque and organized the school.

Several years ago, Bay Shore High School was awarded the award by Newsday as the Most Outstanding High School. The money from that fund has paid for the plaque.

Whether you agreed with the war in Vietnam or not, a recognition of the lessons of that war is something that all students and all Americans need to pay careful attention to, because as we debate the lessons of Vietnam, we are also debating the lessons of Grenada and the lessons of Lebanon.

As a great power and as a democracy we have tremendous responsibilities. And with those responsibilities goes the requirement for us to use force judiciously.

As we reflect on the sacrifice of the men who died for our country in Vietnam and Korea, we should learn several lessons.

The lessons are that force must be used judiciously, that when we apply force for political ends we need to have a very, very clear vision of what it is we want to accomplish. The American people should be part of that vision. They should concur in the decision and they should be prepared, if military force is appropriate, for a long stay. Because modern forces that the United States or our allies may be arrayed against in the future are no longer the Third World soldiers with spears and bows and arrows. They are, in many instances, as well armed as the troops from our country who may face them. And we have to be prepared for that eventuality.

We must also be prepared for the reality that the great superpowers, including the United States, is not always the best force to use, that there are times when rather than risking the prestige and the lives of American soldiers, it might be more appropriate to use the United Nations and more neutral forces.

I speak of Lebanon when I speak of that lesson, for as we sit here today commemorating those who died in Vietnam, we should also recognize those who died in our community recently in Lebanon and in Grenada. Young Steven Bullis from Islip, just last Friday there was a memorial service. He died in Lebanon. And Kenneth William Butcher, who died in Grenada.

We will debate long and hard the histories of those conflicts, but it is important to remember those men and remember the Vietnam-era veterans as well who died, because in remembering them we teach ourselves lessons and in teaching ourselves lessons, we understand that in the future we have a better insight into the vision of the force that we may apply and the policy around which it is applied.

Let me just quote briefly from the plaque that will go outside at the high school. It comes from Woodrow Wilson's 1917 speech at the end of World War I. And he appropriately summarizes the views that I have toward these men who have sacrificed in Vietnam and Korea and Grenada and in Lebanon.

> We cannot turn back, we can only go forward with lifted eyes and freshened spirit to follow the vision.

My congratulations to my friends at Bay Shore and particularly Stephen.

□ 1440

LEAP BEFORE YOU LOOK: THE FCC'S ACCESS CHARGE DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 5 minutes.

● Mr. ENGLISH. Mr. Speaker, later this week, the House is scheduled to consider legislation dealing with telephone rates and the recent access charge decision by the Federal Communications Commission. I want to bring to the attention of my colleagues a report recently issued by the House Government Operations Committee which I believe will be helpful in understanding this complex and controversial issue.

The report, entitled "Leap Before You Look: The Federal Communications Commission's Access Charge Decision" (House Rept. 98-454), addresses the decisionmaking process of the FCC in the development of its decision. The report is based on four days of public hearings conducted by the Subcommittee on Government Information, Justice, and Agriculture, which I chair.

The results of the subcommittee's investigation show all too clearly that the FCC did a poor job in designing the access charge plan. The FCC outlined four factors that it considered to be important to the development of an equitable plan. Of the four, two stand out as critical—the prevention of so-called uneconomic bypass of the public telephone network and the preservation of universal telephone service. These factors are extremely important considerations in the formulation of a well-balanced access charge plan. Yet, by its own admission, the FCC did not conduct an in-depth analysis of the bypass threat, and did not thoroughly consider the impact of its plan on the continuation of universal telephone service.

The Government Operations Committee formally found that: First, the access charge decision radically restructures the way in which fixed costs of local telephone service are paid and that the burden will shift to local customers; second, the access charge plan, particularly when coupled with intrastate access charges which States may be forced to impose to mirror the FCC action, may double or triple telephone rates in the next few years—increases independent of a myriad of other rate increases resulting from other regulatory actions already underway; third, the FCC decision will have a direct effect on the price and availability of telephone service for every telephone user, no matter how big or how small; and fourth, the FCC's decision has the potential to undermine universal telephone service mandated by the Communications Act of 1934.

Obviously, the FCC action is a dramatic one. Yet, as pointed out earlier, the committee found that the FCC does not have an adequate factual basis for its access charge plan. The FCC does not know to what extent bypass will occur and it does not know if the increased local telephone rates will cause subscribers to drop off the public network and the impact of that occurrence on the network or society as a whole. The FCC simply has not made a sufficient effort to gather the facts or discern the likely effects of its decision.

The committee recommended that the FCC rescind the access charge decision and reopen the hearing process. The committee also recommended that, before proceeding to make significant changes in the telephone rate structure, that the FCC collect and analyze information that will permit it to determine the exact nature of the bypass threat; the extent to which bypass is expected to occur; what areas will be most affected by bypass; the expected financial impact on local telephone companies; and the impact of its recent access charge decision on universal telephone service.

Every Member must decide the merits of the legislation now being considered. The report prepared by my subcommittee is an investigative report, not a legislative one. It takes no position on any legislative initiative. However, the report does make clear the failures of the FCC to do its homework on access charges. The plan is not well-balanced or well-considered. The FCC should return to the drawing board and devise a more equitable plan—one that is based on fact, not on theory.

I believe this report provides valuable information regarding the FCC access charge decisionmaking effort. The facts contained in the report will aid Members attempting to understand and assess both the FCC plan and legislation proposing to modify that plan. I commend this report to every Member.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WINN (at the request of Mr. LOTT), for November 7 and 18, on account of a death in the family.

Mr. BARNES (at the request of Mr. WRIGHT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. DOWNEY of New York, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. ENGLISH, for 5 minutes, today.

Mr. KOGOVSEK, for 60 minutes, November 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KAZEN, to revise and extend immediately before passage of House Joint Resolution 93 in the House today.

(The following Members (at the request of Mr. HILER) and to include extraneous matter:)

Mr. WALKER.

Mr. PORTER.

Mr. LENT.

Mr. CONABLE.

Mr. WOLF.

(The following Members (at the request of Mr. STENHOLM) and to include extraneous matter:)

Mr. FLORIO.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. ZABLOCKI.

Mr. SISISKY.

Mr. BATES.

Mr. JACOBS.

Mr. OLIN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 450. An act to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representations or lotteries) and for other purposes; to the Committee on Post Office and Civil Service.

S. 1510. An act to establish uniform single audit requirements for State and local governments who receive Federal assistance and for recipients of Federal assistance from such governments; and for other purposes; to the Committee on Government Operations.

ADJOURNMENT

Mr. DOWNEY of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Tuesday, November 8, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2101. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the first annual report of net worth certificates purchased under title II of the Garn-St Germain Depository Institutions Act of 1982, pursuant to section 205 of Public Law 97-320; to the Committee on Banking, Finance and Urban Affairs.

2102. A letter from the General Counsel, Department of Energy, transmitting notice of meetings relating to the international energy program to be held on November 7, 1983, Rome, Italy; November 8, 1983, Rome, Italy; November 10, 1983, Paris, France; to the Committee on Energy and Commerce.

2103. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2104. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2105. A letter from the Comptroller General of the United States, transmitting a review of the audit of the Disabled American Veterans National Headquarters' financial statements for the year ended December 31, 1982 (GAO/AFMD-83-103; September 30, 1983); to the Committee on the Judiciary.

2106. A letter from the Acting Chairman, Board of Directors, Future Farmers of America, transmitting the annual audit of the accounts of the organization for the period ending August 31, 1983, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

2107. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting a report on the actual amount of revenues deposited in the Panama Canal Commission fund during fiscal year 1983, pursuant to section 1302(c)(2) of Public Law 96-70; to the Committee on Merchant Marine and Fisheries.

2108. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report covering certain properties to be transferred to the Republic of Panama in accordance with the Panama Canal Treaty of 1977, pursuant to section 1504(b) of Public Law 96-70; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

2109. A letter from the Secretary of Health and Human Services, transmitting the annual report of the Indian Health Care Improvement Act for fiscal year 1982, pursuant to section 701 of Public Law 94-437; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 29. A bill to recognize the organization known as the Polish Legion of American Veterans, U.S.A.; with an amendment (Rept. No. 98-489). Referred to the Committee of the Whole House on the State of the Union.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 1095. A bill to grant a Federal charter to the 369th Veterans' Association; with an amendment (Rept. No. 98-490). Referred to the Committee of the Whole House on the State of the Union.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 3249. A bill to charter the National Academy of Public Administration; with an amendment (Rept. No. 98-491). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII.

Mr. EVANS of Iowa (for himself and Mr. BEDELL) introduced a bill (H.R. 4323) to amend the Agricultural Act of 1949, to clarify the rules of compliance for acreage set-aside or diversion programs, which was referred to the Committee on Agriculture.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

295. By the SPEAKER: Memorial of the Senate of the Commonwealth of Massachusetts, relative to International Human Rights; to the Committee on Foreign Affairs.

296. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to discrimination; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1415: Mr. Horton, Mr. Patman, Mr. Anderson, Mr. Yates, Mr. Fowler, Mr. Dreier of California, Mr. O'Brien, Mr. Broyhill, Mr. Carney, Mr. Conte, Mr. Craig, Mr. Dannemeyer, Mr. de la Garza, Mr. Gilman, Mr. Goodling, Mr. Sam B. Hall, Jr., Mr. Hefner, Mr. Jones of North Carolina, Mr. Lent, Mr. Lewis of California, Mr. Livingston, Mr. Loeffler, Mr. Lott, Mr. Molinari, Mr. Montgomery, Mr. Moore, Mr. Pashayan, Mr. Robert F. Smith, Mrs. Smith of Nebraska, Mr. Walker, and Mr. Young of Florida.

H.R. 2766: Mr. Chappell.

H.R. 3264: Mr. Dwyer of New Jersey.

H.R. 3338: Mr. Coats.

H.R. 3465: Mr. Fauntroy, Mr. McKinney, Mr. Owens, Mr. Edwards of California, Mr. Walgren, and Mr. Torricelli.

H.R. 4081: Mr. Simon and Mr. Madigan.

H.J. Res. 382: Mr. Clarke, Mr. McEwen, and Mr. Tauzin.

H. Con. Res. 189: Mr. Stratton and Mr. McGrath.

H. Res. 334: Mr. Hawkins and Mr. Neal.

H. Res. 349: Mr. Erdreich, Mr. Fish, Mr. Staggers, Mr. Yatron, Mr. McGrath, Mr. Bilirakis, Mr. Tauzin, Mr. Rahall, Mr. Mikulski, Mr. Ray, Mrs. Boxer, Mr. Feighan, and Mr. Berman.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

267. By the SPEAKER: Petition of city of Cambridge, Cambridge, Mass., relative to cable telecommunications; to the Committee on Energy and Commerce.

268. Also, petition of Evangelical Covenant Church, Chicago, Ill., relative to nuclear weapons; to the Committee on Foreign Affairs.

269. Also, petition of council of the city of New York, N.Y., relative to the creation of a National Peace Academy; jointly, to the Committees on Foreign Affairs and Education and Labor.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.J. Res. 403

By Mr. LONG of Maryland:

—At the end of H.J. Res. 403, insert the following new section:

Sec. 2. Sec. 101(e) of such joint resolution is amended by striking out "*Provided*, That" and all that follows through the end of said paragraph and inserting in lieu thereof the following: ": *Provided*, That notwithstanding any other provision of this joint resolution except section 106, or the provisions of this paragraph making amounts available or otherwise providing for levels of program authority, the following amounts only shall be available and the following levels of authority only shall be provided for the following accounts or under the following headings: $127,380,983 for payment to the "Inter-American Development Bank" and not to exceed $806,464,582 in callable capital subscriptions; $79,720,549 for payment to the "International Bank for Reconstruction and Development", to remain available until expended, and not to exceed $983,220,105 in callable capital subscriptions; $61,604,261 for payment to the "Asian Development Bank", to remain available until expended, and not to exceed $251,377,943 in callable capital subscriptions; $314,164,000 for "International Organizations and Programs", including the provisions of section 103(g) of the Foreign Assistance Act of 1961 except that $160,000,000 shall be available only for the United Nations Development Program and $52,500,000 only for United Nation's Children's Fund; $725,213,000 for "Agriculture, rural development and nutrition, Development Assistance", of which $5,100,000 shall be available only for Botswana; $244,600,000 for "Population, Development Assistance"; $100,656,000 for "Health, Development Assistance"; $121,477,000 for "Education and human resources development, Development Assistance", of which $4,000,000 shall be available only for scholarships for South African students in accordance with the last sentence of section 105(a) of the Foreign Assistance Act of 1961, and $4,900,000 shall be available only for Botswana; $150,000,000 for "Energy and selected development activities, Development Assistance", and not to exceed $20,000,000 of the funds appropriated to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for obligation until September 30, 1985 for the Private Sector Revolving Fund, as authorized by section 407 of H.R. 2992, as reported, except that amounts hereafter deobligated from the Private Sector Revolving Fund are hereby continued available for reobligation for the purposes of such fund; $30,000,000 for "American schools and hospitals abroad"; $103,000,000 for "Sahel development program"; $36,537,000 for "Payment to the Foreign Service Retirement and Disability Fund"; $1,100,000 in foreign currencies for "Overseas training and special development activities (foreign currency program)"; $2,894,500,000 for the "Economic support fund", of which not less than $910,000,000 shall be available for Israel, $750,000,000 for Egypt, $40,000,000 for Portugal; $353,066,500 for "Operating Expenses of the Agency for International Development"; $10,500,000 for "Trade and development"; $116,000,000 for the "Peace Corps"; $41,200,000 for "International Narcotics Control"; $3,000,000 for the "African Development Foundation"; $14,000,000 for the "Inter-American Foundation"; $323,000,000 for "Migration and Refugee Assistance"; $420,400,000 to carry out the provisions of section 503 of the Foreign Assistance Act, of which $60,000,000 shall be available only for Portugal and not more than $33,500,000 shall be available for El Salvador; $46,000,000 for "International Military Education and Training"; $1,315,000,000 for necessary expenses to carry out sections 23 and 24 of the Arms Export Control Act and the provisions of section 209 of S. 1347 as reported of which not less than $850,000,000 shall be allocated to Israel ($1,700,000,000 of the amount provided for the total aggregate credit sale ceiling during the current fiscal year shall be allocated only to Israel), and not less than $465,000,000 shall be allocated to Egypt; $4,446,500,000 of contingent liability for total commitments to guarantee loans under "Foreign Military Credit", and under the authorities of section 209 of S. 1347, as reported, of which $45,000,000 shall be available only for Portugal and $900,000,000 only for Egypt and not more than $30,000,000 for El Salvador; and not to exceed $3,865,000,000 of gross obligations for the principal amount of direct loans and $9,500,000,000 of total commitments to guarantee loans and $16,007,000 for administrative expenses under "Export-Import Bank of the United States": *Provided further,* That such terms and conditions shall be applied without regard to the earmarkings, ceilings, or transfer of funds contained in such acts except that all terms and conditions of Title V of Public Law 97-121 shall apply: *Provided further,* That the amounts made available as loans to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 shall remain available for obligation until September 30, 1985, and that 50 percent of the amount made available for "International disaster assistance" shall remain available for obligations until expended: *Provided further,* That no funds in this paragraph shall be available fof Guatemala except for economic development projects through private voluntary organizations: *Provided further,* That none of the funds appropriated by this resolution may be used to eliminate the Minority Resource Center as a separate and distinct entity within the Agency for International Development, including implementation of a consolidation of the Minority Resource Center with the Office of Small and Disadvantaged Business Utilization under section 133(c)(8) of the International Development and Food Assistance Act of 1977: *Provided further,* That not less than 10 percent of the aggregate of the funds appropriated by this resolution to carry out chapter 1 of part 1 of the Foreign Assistance Act of 1961 shall be made available for activities of economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically Black colleges and universities, and private and voluntary organizations which are controlled by individuals who are Black Americans, Hispanic Americans, or Native Americans, or who are economically and socially disadvantaged (within the meaning of section 133(c)(5) (B) and (C) of the International Development and Food Assistance Act of 1977). For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women: *Provided further,* That of the funds and authorities provided directly pursuant to this Act for military assistance programs for El Salvador, 30 percent shall be set aside and may not be expended until: (a) Salvadoran authorities have substantially concluded all investigative actions in the case of the National Guardsmen charged with murder in the deaths of the four United States churchwomen in December, 1980 that were set forth in communications from the State Department, including letters dated July 8 and September 23, 1983, and (b) Salvadoran authorities have brought the accused to trial and have obtained a verdict: *Provided further,* That 10 percent of the funds provided in this bill for military assistance programs for El Salvador shall be set aside and may not be expended until the President has determined and certified that the Government of El Salvador has not taken any action which would modify, alter, suspend, or terminate phase I or III of the land reform program promulgated under Decree 154 (dated March 5, 1980) or Decree 207 (dated April 28, 1980) in a manner detrimental to the rights of the beneficiaries or the potential beneficiaries under those decrees, and that the Government of El Salvador continues to make documented progress on implementing the land reform program (the cumulative total of funds set aside shall not exceed 30 percent): *Provided further,* That none of the funds heretofore appropriated or otherwise made available for Syria for the purposes of carrying out the provisions of Chapter 4 of part II shall be expended after the cessation by Syria of the cease-fire in Lebanon. (a) The Administrator of the Agency for International Development is directed, in accordance with the preceding sentence, to terminate the economic assistance program to Syria and to deobligate all funds heretofore obligated for assistance to Syria, except that such funds may continue to be available to finance the training program begun before enactment of this Resolution. (b) The Administrator of the Agency for International Development is authorized to adopt as a contract of the United States Government, and assume any liabilities arising thereunder (in whole or in part), any contract with a United States or third-country contractor which had been funded by the Agency for International Development prior to the date of enactment of this Resolution. Amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made pursuant to chapter 4 of part II of the Foreign Assistance Act (and predecessor legislation) for Syria are hereby continued available until expended to meet necessary expenses arising from the termination under this section of assistance programs for Syria authorized by such chapter: *Provided further,* That of the total aggregate credit sale ceiling made available to Israel up to $300,000,000 may be made available for research and development activities in the United States for defense articles to be produced in the United States for the Lavi program and up to $250,000,000 may be made available for the procurement of defense articles and defense services in Israel: *Provided further,* That none of the funds appropriated or otherwise made available to the Agency for International Development shall be used to fund projects or programs where comparable American private enterprise funding is available: *Provided further,* That the Secretary of the Treasury and the Secretary of State are directed to submit to the Committee on Foreign Affairs and the Committee on Appropriations, by February 1, 1984, a report on the domestic economic policies of those nations receiving economic assistance, either directly or indirectly from the United States including, where appropriate, an analysis of the foreign assistance programs conducted by these recipient nations: *Provided further,* That reprogramming notices shall be transmitted as required under the provisions of section 523 of Public Law 97-121.

By Mr. PERKINS:

(Amendment to the amendment offered by Mr. Wright.)

—At the end thereof insert the following new section:

SHORT TITLE

SEC. . (a) This section may be cited as the "School Lunch and Child Nutrition Amendments of 1983".

INCREASE IN FEDERAL REIMBURSEMENT FOR REDUCED PRICE MEALS

(b)(1) Section 11(a)(2) of the National School Lunch Act is amended by striking out "40" and inserting in lieu thereof "25".

(2) Section 9(b)(3) of the National School Lunch Act is amended in the third sentence by striking out "40" and inserting in lieu thereof "25".

(3) Section 4(b) of the Child Nutrition Act of 1966 is amended—

(A) in paragraphs (1)(B) and (1)(C) by striking out "30" and inserting in lieu thereof "15"; and

(B) in paragraph (2)(C) by striking out "thirty" and inserting in lieu thereof "fifteen".

INCREASE IN INCOME GUIDELINES FOR DETERMINING ELIGIBILITY FOR REDUCED PRICE MEALS

(C) Section 9(b)(1)(A) of the National School Lunch Act is amended in the fourth sentence by striking out "185" and inserting in lieu thereof "195".

ADDITIONAL FUNDING TO IMPROVE SCHOOL BREAKFAST PROGRAM MEAL PATTERN

(d)(1) Section 4(b) of the Child Nutrition Act of 1966 is amended by inserting at the end thereof the following paragraph:

"(3) The Secretary shall increase by 6 cents the current adjusted payment for each breakfast served under this Act and section 17 of the National School Lunch Act to assist States in improving the nutritional quality of such breakfasts, to the extent feasible.".

(2) The Secretary of Agriculture shall review and revise the nutrition requirements for meals served under the school breakfast program to improve the nutritional quality of such meals, taking into consideration both the findings of the National Evaluation of School Nutrition Programs and the need to provide increased flexibility in meal planning to local school food service authorities. Not later than one hundred and eighty days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to implement such revisions.

CHANGE IN TUITION LIMITATION FOR PRIVATE SCHOOLS

(e)(1) Section 12(d)(5) of the National School Lunch Act is amended—

(A) in the first sentence by striking out "$1,500" and inserting in lieu thereof "$2,500"; and

(B) by inserting at the end thereof the following new sentence: "On July 1, 1984, and on each subsequent July 1, the Secretary shall prescribe an annual adjustment in the tuition limitation amount in the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent twelve-month period for which such data is available.".

(2) Section 15(c) of the Child Nutrition Act of 1966 is amended—

(A) in the first sentence by striking out "$1,500" and inserting in lieu thereof "$2,500"; and

(B) by inserting at the end thereof the following new sentence: "On July 1, 1984, and on each subsequent July 1, the Secretary shall prescribe an annual adjustment in the tuition limitation amount in the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent twelve-month period for which such data is available.".

ADDITION OF ONE MEAL AND ONE SNACK TO THE CHILD CARE FOOD PROGRAM

(f) Section 17(f)(2)(B) of the National School Lunch Act is amended by striking out "two meals and one supplement" and inserting in lieu thereof "three meals and two supplements".

INCREASE IN AUTHORIZATION FOR NUTRITION EDUCATION AND TRAINING

(g) Section 19(j)(2) of the Child Nutrition Act of 1966 is amended by inserting at the end of the first sentence ", except that for fiscal year 1984, there shall be authorized to be appropriated $7,500,000".

EXCLUSION OF CERTAIN MEDICAL EXPENSES FROM INCOME OF HOUSEHOLD

(h) Section 9(b)(3) of the National School Lunch Act is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by inserting at the end of such paragraph the following new subparagraph:

"(B) For purposes of determining eligibility under subparagraph (A), 'household income' does not include unusually high medical payments which (i) could not be reasonably anticipated or controlled by the household and (ii) were not recoverable through public or private sources.".

ELIMINATION OF REFERENCE TO FOOD STAMP PROGRAM ELIGIBILITY STANDARDS

(i) Section 9(b)(1)(A) of the National School Lunch Act is amended—

(1) by striking out in the second sentence "For the school years ending June 30, 1982, and June 30, 1983, the" and inserting in lieu thereof "The"; and

(2) by striking out the third sentence.

RESTORATION OF CERTAIN KINDERGARTENS TO SPECIAL MILK PROGRAM

(j) Section 3(a) of the Child Nutrition Act of 1966 is amended in the first sentence immediately before ", and (2)" by inserting "(except that the preceding limitation shall not apply to kindergarten programs in such schools)".

EFFECTIVE DATES

(k)(1) Except as otherwise provided, the provisions of this section shall take effect on the date of the enactment of this joint resolution.

(2) The amendment made by subsection (c) shall take effect on the date of the enactment of this joint resolution, except that each school food authority may elect to delay implementation of such amendment to a date not later than July 1, 1984.

(3) Not later than sixty days after the date of the enactment of this joint resolution, the Secretary of Agriculture shall issue final regulations to implement the amendments made by subsection (h). The amendments made by subsection (h) shall take effect upon issuance of such final regulations, except that each school food authority may elect to delay implementation of such amendments to a date not later than July 1, 1984.

(4) The amendment made by subsection (b) shall take effect on the first day of the first month following the date of the enactment of this joint resolution.

By Mr. TRAXLER:

—At the end of the joint resolution insert the following new section:

SEC. . The second proviso of the appropriating paragraph entitled "Annual contributions for assisted housing" in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1984 (Public Law 98-45), is hereby amended by striking out "January 1, 1984" and inserting in lieu thereof "February 29, 1984".

By Mr. WRIGHT:

—At the appropriate place in the joint resolution insert the following new section:

SEC. . Such joint resolution is further amended by adding the following new section:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for carrying out chapter 1 of the Education Consolidation and Improvement Act of 1981, $165,000,000 to become available on July 1, 1984, and remain available until September 30, 1985.

VOCATIONAL EDUCATION

For an additional amount for carrying out the Vocational Education Act of 1963, $81,400,000 to become available on July 1, 1984, and remain available until September 30, 1985.

ADULT EDUCATION

For an additional amount for carrying out the Adult Education Act, $12,000,000 to become available on July 1, 1984, and remain available until September 30, 1985.

OFFICE OF COMMUNITY SERVICES

COMMUNITY SERVICES BLOCK GRANT

For an additional amount for carrying out the Community Services Block Grant Act, $30,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount to carry out Title XXVI of the Omnibus Budget Reconciliation Act of 1981, relating to low income home energy assistance, $195,000,000.

EDUCATION FOR THE HANDICAPPED

For an additional amount for carry out the Education of the Handicapped Act, $143,000,000 to remain available until September 30, 1985.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For an additional amount to carry out section 100(b)(1) of the Rehabilitation Act of 1973, $43,900,000.

EDUCATION FOR IMMIGRANT CHILDREN

For carrying out emergency immigrant education assistance under title V of H.R. 3520 as passed the House of Representatives September 13, 1983, $145,000,000.

HIGHER EDUCATION

For an additional amount to carry out part B of title VII of the Higher Education Act of 1965, $20,100,100 for construction and related costs of a model engineering center at Boston University, $18,200,000 for a model engineering center at the University of New Mexico, and $5,000,000 for a model computer center at Barry University. These funds, to remain available until expended, are subject to section 721(b) and the facilities shall be of the type described in section 713(g).

For an additional amount for work-study programs under title IV of the Higher Education Act of 1965, $20,000,000.

For an additional amount for supplemental educational opportunity grants under title IV of the Higher Education Act of 1965, $10,000,000.

COMMUNITY HEALTH CENTERS

For an additional amount for carrying out titles III and XIX of the Public Health Service Act with respect to community health centers, $20,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For an additional amount for carrying out the National Technical Institute for the Deaf Act, $1,700,000.

GALLAUDET COLLEGE

For an additional amount for carrying out the Act of June 18, 1954 (68 Stat. 265), relating to Gallaudet college, $2,000,000.

JOB TRAINING

For an additional amount for carrying out part A of title II of the Job Training Partnership Act, $70,800,000.

For an additional amount for carrying out section 401(j) of the Job Training Partnership Act relating to Native American programs, $2,336,400.

For an additional amount for carrying out section 402(f) of the Job Training Partnership Act relating to migrant and seasonal farmworker programs, $2,265,600.

EMERGENCY SHELTER FOR THE HOMELESS

For carrying out the Emergency Shelter for the Homeless activities under Section 101 (l) of H.R. 1, as passed the House of Representatives on July 13, 1983, $10 million.

(b) Notwithstanding any other provision of this joint resolution, for carrying out the special supplemental food program for women, infants, and children under section 17 of the Child Nutrition Act of 1966, there are authorized to be appropriated for fiscal year 1984, $1,360,000,000.

(c) Notwithstanding any other provision of this joint resolution, no part of any of the funds appropriated or otherwise made available by this or any other Act may be used to implement mandatory monthly reporting-retrospective budgeting for the food stamp program during the period beginning on January 1, 1984, and ending in October 1, 1984.

By Mr. ZABLOCKI:

(Amendment to the amendment offered by Mr. Long of Maryland.)

In the text proposed to be added to H.J. Res. 403 by the amendment offered by Mr. Long of Maryland—

(1) insert "(a)" immediately after "SEC. 2.";

(2) strike out ", as authorized by section 407 of H.R. 2992, as reported" and insert in lieu thereof "authorized by section 108 of the Foreign Assistance Act of 1961 (as added by the International Security and Development Assistance Authorizations Act of 1983)";

(3) strike out "and the provisions of section 209 of S. 1347 as reported" and strike out "and under the authorities of section 209 of S. 1347, as reported,";

(4) strike out the proviso which begins "*Provided*, That none of the funds appropriated by this resolution may be used to eliminate the Minority Resource Center" and ends "Act of 1977:";

(5) strike out the proviso which begins "*Provided further*, That not less than 10 percent of the aggregate" and ends "deemed to include women;";

(6) strike out the proviso which begins "*Provided further*, That of the funds appropriated directly" and ends with "obtained a verdict;" and strike out the proviso which begins "*Provided further*, That 10 percent of the funds directly provided" and end "exceed 30 percent)"; and

(7) strike out the proviso which begins "*Provided further*, That none of the funds heretofore appropriated or otherwise made available for Syria" and ends "programs for Syria authorized by such chapter;".

At the end of the matter proposed to be added to H.J. Res. 403 by the amendment offered by Mr. Long of Maryland, add the following:

(b) Section 101(e) of the joint resolution of October 1, 1983 (Public Law 98-107), is further amended by striking out ", notwithstanding section 10 of Public Law 91-672, and section 15(a) of the State Department Basic Authorities Act of 1956, or any other provision of law".

TITLE II—INTERNATIONAL SECURITY AND DEVELOPMENT ASSISTANCE AUTHORIZATION PROVISIONS

SHORT TITLE

SEC. 201. This title may be cited as the "International Security and Development Assistance Authorizations Act of 1983".

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 202. (a) There is authorized to be appropriated to the President $1,315,000,000 for the fiscal year 1984 to carry out section 23 of the Arms Export Control Act. The total principal amount of loans guaranteed under section 24(a) of the Arms Export Control Act shall not exceed $4,446,500,000 for the fiscal year 1984.

(b) There are authorized to be appropriated for the fiscal year 1984 the following amounts to carry out the following provisions of the Foreign Assistance Act of 1961:

(1) $725,213,000 to carry out section 103.

(2) $244,600,000 to carry out section 104(b).

(3) $133,400,000 to carry out section 104(c).

(4) $121,477,000 to carry out section 105.

(5) $160,000,000 to carry out section 106.

(6) $103,000,000 to carry out section 121.

(7) $30,000,000 to carry out section 214.

(8) $266,214,000 to carry out chapter 3 of part I, of which $160,000,000 shall be for the United Nations Development Program, $52,500,000 shall be for the United Nations Children's Fund, $17,500,000 shall be for the International Atomic Energy Agency, $15,000,000 shall be for the Organization of American States development assistance programs, $10,00,000 shall be for the United Nations Environment Program, $2,300,000 shall be for the World Meterological Organization, $2,000,000 shall be for the United Nations Capital Development Fund, $1,000,000 shall be for the United Nations Education and Training Program for Southern Africa, $500,000 shall be for the United Nations Voluntary Fund for the Decade for Women, $150,000 shall be for the Convention on International Trade in Endangered Species, $2,000,000 shall be for the World Food Program, $500,000 shall be for the United Nations Institute for Namibia, $343,000 shall be for the United Nations Trust Fund for South Africa, and $50,000 shall be for the United Nations Voluntary Fund for Victims of Torture.

(9) $47,000,000 to carry out section 481.

(10) $25,000,000 to carry out section 491.

(11) $3,074,000,000 to carry out chapter 4 of part II.

(12) $639,700,000 to carry out section 503.

(13) $56,452,000 to carry out chapter 5 of part II.

(14) $46,200,000 to carry out chapter 6 of part II.

(15) $22,000,000 to carry out section 661.

(16) $370,000,000 to carry out section 667.

(c) There is authorized to be appropriated to the President to carry out the African Development Foundation Act $3,000,000 for the fiscal year 1984.

(d) There is authorized to be appropriated to carry out the Peace Corps Act $116,000,000 for the fiscal year 1984.

(e) Section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956 shall not apply with respect to funds appropriated for "Migration and Refugee Assistance" or for the Inter-American Foundation by the joint resolution of October 1, 1983 (Public Law 98-107), as amended by this joint resolution.

ASSISTANCE FOR ISRAEL AND EGYPT

Sec. 203. (a)(1) Section 31(b)(3) of the Arms Export Control Act is amended to read as follows:

"(3) Of the aggregate total of credits (or participations in credits) extended under section 23 of this Act and of the total principal amount of loans guaranteed under section 24(a) of this Act, not less than $1,700,000,000 for the fiscal year 1984 shall be available only for Israel, of which not less than $850,000,000 shall be credits under section 23. Of the total aggregate credit ceiling made available for Israel for the fiscal year 1984, up to $300,000,000 may be made available for research and development activities in the United States for defense articles to be produced in United States for the Lavi program and up to $250,000,000 may be made available for the procurement of defense articles and defense services in Israel.".

(2) Section 31(c) of such Act is amended—

(A) in the first sentence by striking out "for the fiscal year 1982 and for the fiscal year 1983" and inserting in lieu thereof "for the fiscal year 1984"; and

(B) in the last sentence—

(i) by striking out "$550,000,000" and inserting in lieu therof "$850,000,000 for the fiscal year 1984"; and

(ii) by striking out "for each such year".

(b) Section 31(b)(6) of such Act is amended to read as follows:

"(6) Of the total amounts of credits (or participations in credits) extend under section 23 of this Act, not less than $465,000,000 for the fiscal year 1984 shall be available only for Egypt, and Egypt shall be released from its contractual liability to repay the United States Government with respect to such credits (and participations in credits). Of the total principal amount of loans guaranteed under section 24(a) of this Act, not less than $900,000,000 for the fiscal year 1984 shall be available only for Egypt.".

(C) Section 31(b)(5) of such Act is amended—

(1) by striking out "for the fiscal year 1982 and for the fiscal year 1983" and inserting in lieu thereof "for the fiscal year 1984"; and

(2) by inserting "Korea," immediately after "Greece,".

(d) Section 532 of the Foreign Assistance Act of 1961 is amended to read as follows:

"Sec. 532. Earmarkings for Israel and Egypt.—Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1984, not less than $910,000,000 shall be available only for Israel and not less than $750,000,000 shall be available only for Egypt.".

TERMINATION OF ASSISTANCE PROGRAMS FOR SYRIA

Sec. 204. Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 540A. Termination of Assistance Programs for Syria.—(a) After the enactment of this section, funds available to the Agency for International Development may not be used for any payment or reimbursement of any kind to the Government of Syria or for the delivery of any goods or services of any kind to the Government of Syria.

"(b) The Administrator of the Agency for International Development shall deobligate all funds which have been obligated for Syria under this Act prior to the enactment of this section, except that—

"(1) such funds may continue to be used to finance the training or studies outside of Syria of students whose course of study began before the enactment of this section;

"(2) the Administrator may adopt as a contract of the United States Government any contract with a United States or third-country contractor which would otherwise be terminated pursuant to this subsection, and may assume in whole or in part any liabilities arising under such contract, except that the authority provided by this paragraph may be exercised only to the extent that budget authority is available to meet the obligations of the United States under such contracts; and

"(3) amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated for Syria under this chapter shall continue to be available until expended to meet necessary expenses arising from the termination of assistance programs for Syria pursuant to this subsection.

CONDITIONS ON MILITARY ASSISTANCE FOR EL SALVADOR

Sec. 205. (a) Not more than 70 percent of the amount made available for the fiscal year 1984 for military assistance for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act may be expended until—

(1) Salvadoran authorities have substantially concluded all investigative actions in the case of the National Guardsmen charged with murder in the deaths of the four United States churchwomen in December 1980 that were set forth in communications from the Department of State (including the letters dated July 8 and September 23, 1983); and

(2) Salvadoran authorities have brought the accused to trial and have obtained a verdict.

(b) Not more than 90 percent of the amount made available for the fiscal year 1984 for military assistance for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act may be expended until the President has determined and certified to the Congress that—

(1) the Government of El Salvador has not taken any action which would modify, alter, suspend, or terminate the land reform program promulgated under Decree 154 (dated March 5, 1980) or Decree 207 (dated April 28, 1980) in a manner detrimental to the rights of the beneficiaries or the potential beneficiaries under those decrees; and

(2) the Government of El Salvador continues to make documented progress on implementing the land reform program.

MINORITY SET-ASIDE

Sec. 206. Not less than 10 percent of the aggregate of the funds made available for the fiscal year 1984 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be made available only for activities of economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically Black colleges and universities, and private and voluntary organizations which are controlled by individuals who are Black Americans, Hispanic Americans, or Native Americans, or who are economically and socially disadvantaged (within the meaning of section 133(c)(5)(B) and (C) of the International Development and Food Assistance Act of 1977). For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

MINORITY RESOURCE CENTER

Sec. 207. None of the funds authorized to be appropriated for the fiscal year 1984 to carry out the Foreign Assistance Act of 1961 may be used to eliminate the Minority Resource Center as a separate and distinct entity within the Agency for International Development, including implementation of a consolidation of the Minority Resource Center with the Office of Small and Disadvantaged Business Utilization under section 133(c)(8) of the International Development and Food Assistance Act of 1977.

PROMOTING THE DEVELOPMENT OF THE HAITIAN PEOPLE AND PROVIDING FOR ORDERLY EMIGRATION FROM HAITI

Sec. 208. (a)(1) It is the sense of the Congress that for the fiscal year 1984—

(A) up to $24,000,000 of the funds available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, and

(B) up to $10,000,000 of the funds available to carry out chapter 4 of part II of such Act,

should be made available for development assistance for Haiti, subject to the limitation in subsection (b).

(2) To the maximum extent practicable, assistance for Haiti under chapter 1 of part I and under chapter 4 of part II of the Foreign Assistance Act of 1961 should be provided through private and voluntary organizations.

(b) Funds available for fiscal year 1984 to carry out chapter 1 of part I or chapter 2, 4, or 5 of part II of the Foreign Assistance Act of 1961 may be obligated for Haiti, and credits may be extended and guarantees may be issued under the Arms Export Control Act for Haiti, only if the President determines that the Government of Haiti—

(1) is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti;

(2) is cooperating fully in implementing United States development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years);

(3) is continuing to comply with the fiscal performance targets set by the International Monetary Fund; and

(4) is making a concerted and significant effort to improve the human rights situation in Haiti by implementing the political reforms which are essential to the development of democracy in Haiti, including the establishment of political parties, free elections, and freedom of the press.

(c) Six months after the date of the enactment of this section, the President shall report to the Congress on the extent to which the actions of the Government of Haiti are consistent with each paragraph of subsection (b).

(d) Notwithstanding the limitations of section 660 of the Foreign Assistance Act of 1961, funds made available under such Act for the fiscal year 1984 may be used for programs with Haiti to assist in halting significant illegal emigration from Haiti to the United States.

PRIVATE SECTOR REVOLVING FUND

Sec. 209. The amendment contained in section 407 of H.R. 2992, as reported by the Committee on Foreign Affairs of the House of Representatives on May 17, 1983, is hereby enacted.

ANTITERRORISM ASSISTANCE PROGRAM

SEC. 210. The amendments contained in title II of H.R. 2992, as reported by the Committee on Foreign Affairs of the House of Representatives on May 17, 1983, are hereby enacted, except that, for purposes of such enactment, section 575 of the Foreign Assistance Act of 1961 shall read as follows:

"SEC. 575. APPROPRIATIONS.—There is authorized to be appropriated to the President to carry out this chapter $5,000,000 for the fiscal year 1984. Amounts appropriated under this section are authorized to remain available until expended.".

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the third calendar quarter 1983:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.......... ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◆

AFFIDAVIT

[Omitted in printing]

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BEST COPY AVAILABLE

Organization or Individual Filing	Employer/Client
KENNETH R. ADAMS, 1850 K STREET, NW, #210 WASHINGTON DC 20006	CABOT CORPORATION
WADE J. ADAMS, 4111 STIRLING ROAD, #502 FT. LAUDERDALE FL 33314	COMMUNITY ART ALLIANCE, INC
ADDUCI, DINAN AND MASTRIANI, 1140 CONNECTICUT AVENUE, NW, #250 WASHINGTON DC 20036	CONSEJO NACIONAL DE COMERCIO EXTERIOR DEL NORESTE A.C.
Do	VULCAN FOUNDRY, INC
AKIN, GUMP, STRAUSS, HAUER & FELD, SUITE 400 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AMERADA HESS CORPORATION
Do	DOMESTIC NITROGEN PRODUCERS AD HOC COMMITTEE
Do	DOW CHEMICAL COMPANY
Do	GOLDMAN SACHS & CO
Do	MESA PETROLEUM CO
Do	SOUTHERN CALIFORNIA EDISON CO.
Do	TIPPERARY CORP
DONALD C. ALEXANDER, MORGAN LEWIS & BOCKIUS 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036	ALIGNPAC
Do	EVANS PRODUCT CO
Do	FAMILY LIFE INSURANCE COMPANY
Do	SECURITY PACIFIC INT'L. LEASING (EUROPE), INC
ALLIANCE AGAINST HANDGUNS, P.O. BOX 75700 WASHINGTON DC 20013	
ROBERT P. AMBROSE, 14615 LONE OAK ROAD EDEN PRAIRIE MN 55344	COOPERATIVE POWER ASSOCIATION
AMERICAN DRUZE PUBLIC AFFAIRS COMMITTEE, HOTEL WASHINGTON, OFFICE 720 15TH STREET & PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004.	
AMERICAN PETROCHEMICAL CONSUMERS, 1815 H STREET, NW, #1000 WASHINGTON DC 20006	
AMERICAN SKI FEDERATION, 499 S. CAPITOL STREET, SW, #406 WASHINGTON DC 20003	
AMERICAN VETERANS OF WORLD WAR II, KOREA & VIETNAM (AMVETS) , 4647 FORBES BOULEVARD LANHAM MD 20706	
LINDA D. ANDERSON, 1411 K STREET, NW, #1110 WASHINGTON DC 20005	NATIONAL WOMEN'S POLITICAL CAUCUS
TOBIAS ANTHONY, 1819 H STREET, NW, #510 WASHINGTON DC 20006	NATIONAL ASH ASSN, INC
ARENT, FOX, KINTNER, PLOTKIN & KAHN, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	PUEBLO INTERNATIONAL
R. G. ARMISTEAD, 8613 JANET LANE VIENNA VA 22180	
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	SACRAMENTO PUBLIC UTILITY DISTRICT, ET AL
LUD ASHLEY, P.C., 1735 NEW YORK AVENUE, NW, 6TH FL. WASHINGTON DC 20006	ISFA CORPORATION
Do	MANVILLE CORPORATION
ASSOCIATION FOR DEVELOPMENT POLICY RESEARCH, 1309 L STREET, NW WASHINGTON DC 20005	
GUS AVRAKOTOS, 1522 K ST., NW #406 WASHINGTON DC 20005	NATIONAL CONSUMERS LEAGUE, INC
BABCOCK & BROWN, INC, 639 FRONT STREET SAN FRANCISCO CA 94111	
L. A. BAFALIS, CORPORATE CONSULTING SERVICES, INC P.O. BOX 2768 KEY LARGO FL 33037	DAVIS & MCLEOD
BAKER & BOTTS, 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	PETRO-LEWIS CORPORATION
BAKER & HOSTETLER, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	KNIGHT FOUNDATION
Do	MANVILLE CORPORATION
B. KIMBALL BAKER, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS
BARNES RICHARDSON & COLBURN, SUITE 400 1819 H ST., NW WASHINGTON DC 20006	EHA VENTILFABRIK WILHELM FRITZ KG
BAYH, TABBERT & CAPEHART, SUITE 1025 1575 I STREET, NW WASHINGTON DC 20005	LEXITEL CORPORATION
Do	NATIONAL SOLID WASTES MANAGEMENT ASSN
ORREN BEATY JR., 700 JEFFERSON BUILDING 1225 19TH STREET, NW WASHINGTON DC 20036	WESTERN FUELS ASSOCIATION, INC
LYDIA I. BEEBE, 1700 K STREET, NW, #1204 WASHINGTON DC 20006	CHEVRON USA, INC
JAMES M. BENNETT, 642 S. DAKOTA TRAIL FRANKLIN LAKES NJ 07417	SOCIETY OF THE PLASTICS INDUSTRY, INC
JOAN T. BIER, 1726 M STREET, NW, #701 WASHINGTON DC 20036	INTERNATIONAL MINERALS & CHEMICAL CORP
BILLIG SHER & JONES, 2033 K ST., NW WASHINGTON DC 20006	HAPAG-LLOYD, A.G.
ROBERT HENRI BINDER, 1150 CONNECTICUT AVENUE, NW, #800 WASHINGTON DC 20036	INTERNATIONAL AIRFORWARDER & AGENTS ASSOCIATION
VITINA BIONDO, 1050 17TH STREET, NW, #770 WASHINGTON DC 20036	AMERICAN ASSN OF HOMES FOR THE AGING
BIRCH HORTON BITTNER PESTINGER & ANDERSON, SUITE 1100 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALASKA RAILROAD LEASEHOLDERS ASSN
Do	CITY OF WHITTIER
Do	COASTAL CORP
Do	YUKON PACIFIC CORP
GERRY BLANCHARD, GNAU, CARTER, JACOBSEN & ASSOC., INC. 1777 F STREET, NW WASHINGTON DC 20006	DETROIT & MACKINAC RAILWAY COMPANY
MELODY J. BLANK, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.
RICHARD BLISS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	GULF OIL CORP
MILLY S. BLUMEL, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL COMPANY OF CALIFORNIA
BOND AND LAXALT, INC, 813 MARYLAND AVENUE, NE WASHINGTON DC 20002	MOTION PICTURE ASSN OF AMERICA, INC
Do	CITIZENS FOR AMERICA
KATHLEEN BONNER, 600 WATER STREET, SW, #207 WASHINGTON DC 20024	SPACE AMERICA
BOOTHE, PRICHARD & DUDLEY, 1199 N. FAIRFAX STREET ALEXANDRIA VA 22313	VULCAN MATERIALS CO.
BRIAN T. BORDERS, ROYER & SHACKNAI 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	
ALBERT D. BOURLAND, 1901 N. FORT MYER DRIVE, 12TH FL. ROSSLYN VA 22209	COMMITTEE FOR EQUITABLE COMPENSATION
BOWMAN CONNER TOUHEY & PETRILLO, 2828 PENNSYLVANIA AVENUE, NW, #203 WASHINGTON DC 20007	AMERICAN PETROFINA, INC
BRACEWELL & PATTERSON, SUITE 1200 1825 EYE ST., N.W. WASHINGTON DC 20006	LOUISIANA LAND & EXPLORATION CO
BREGMAN, ABELL & KAY, SUITE 610 1900 L ST., NW WASHINGTON DC 20036	AVIS, INC
Do	BUDGET RENT A CAR CORP
Do	NATIONAL CAR RENTAL SYSTEM, INC
ROBERT J. BRINKMANN, 1627 K STREET, NW, #400 WASHINGTON DC 20006	NATIONAL NEWSPAPER ASSN
MARINA L. BROCKMANN, 605 14TH STREET, NW WASHINGTON DC 20005	SOCIETY OF THE PLASTICS INDUSTRY
WILLIAM M. BRODHEAD, 900 MARQUETTE BUILDING DETROIT MI 48226	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: CITY OF DETROIT, MICHIGAN)
CHARLES T. BROWN, P.O. BOX 100 MIAMI AZ 85539	PINTO VALLEY COPPER CORP
ELLEN B. BROWN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.
GARY W. BRUNER, P.O. BOX 2159 DALLAS TX 75221	AMERICAN PETROFINA, INC
DAWN M. BRYDON, 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFS/MILK INDUSTRY FOUND.
M. CALDWELL BUTLER, P.O. BOX 720 ROANOKE VA 24004	NATIONAL CONFERENCE OF BANKRUPTCY JUDGES
JOHN D. CAHILL, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	MASSACHUSETTS PORT AUTHORITY
CAMP, CARMOUCHE, BARSH, HUNTER, GRAY & HOFFMAN, P.C., 2550 M ST., NW, #275 WASHINGTON DC 20037	METROPOLITAN INSURANCE COMPANIES
CHARLES J. CAMPISIS, 1319 F STREET, NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS
CENERGY EXPLORATION COMPANY, 10210 N. CENTRAL EXPRESSWAY, #500 DALLAS TX 75231	
CHADBOURNE, PARKE, WHITESIDE & WOLFF, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	ACUREX SOLAR CORP
Do	ARCO SOLAR, INC
Do	STANDARD OIL CO OF INDIANA
Do	U.S. PHOTOVOLTAICS MANUFACTURERS' AD HOC COMMITTEE
WILLIAM J. CHANDLER, SUITE 300 1717 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CHELONIA INSTITUTE
Do	WEST INDIES INVESTMENT COMPANY
CHARLES, KARALEKAS, MCCAHILL & WILSON, 1250 CONNECTICUT AVENUE, NW, #318 WASHINGTON DC 20036	INDEPENDENT INSURANCE AGENTS OF AMERICA
CITIES FOR RESPONSIBLE CABLE POLICY, 1020 SOUTHWEST TOWER AUSTIN TX 78701	
CITIZENS FOR SENSIBLE CONTROL OF ACID RAIN (CSCAR), P.O. BOX 33729 WASHINGTON DC 20033	
CLAYMARK CORPORATION, INC, 30 ROCKEFELLER PLAZA, #5600 NEW YORK NY 10112	
COAN, COUTURE, LYONS & MOORHEAD, SUITE 1015 1625 EYE ST., NW WASHINGTON DC 20006	VIETNAM VETERANS OF AMERICA
ANN COLE, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN
KEN W. COLE, 1150 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION
COLLIER, SHANNON, RILL & SCOTT, SUITE 308 1055 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	HUFFY CORPORATION
Do	PITTSBURGH CORNING CORPORATION
COMMUNICATIONS MANAGEMENT, INC, 1925 NORTH LYNN STREET, #1140 ARLINGTON VA 22209	CITIZENS FOR SENSIBLE CONTROL OF ACID RAIN (CSCAR)
GERALD R. CONNOR, 6500 WISCONSIN AVENUE CHEVY CHASE MD 20015	FEDERATION OF AIDS ORGANIZATIONS
COOK, PURCELL, HENDERSON & ZORACK, 11TH FLOOR 1015 18TH ST., NW WASHINGTON DC 20036	ALEUTIAN/PRIBILOF ISLANDS ASSN, INC
CORCORAN, HARDESTY, WHYTE, HEMPHILL & LIGON, P.C., SUITE 510 1575 EYE STREET, NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP
GORDON R. COREY, 2511 PARK PLACE EVANSTON IL 60201	OCCIDENTAL CHEMICAL CORP
DIANE COSTENOBLE, 815 16TH ST., NW WASHINGTON DC 20006	FOOD AND BEVERAGE TRADES DEPARTMENT, AFL-CIO
PETER J. COTCH, WALTER H. WHEELER JR. DRIVE STAMFORD CT 06926	PITNEY BOWES, INC
C. DEMING COWLES, 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	ALASKA LUMBER & PULP CO AND KETCHIKAN PULP CO
Do	RICHMOND R. FARRING
Do	MUNICIPALITY OF ANCHORAGE, ALASKA
LAUREN JEANNE CRONIN, 300 LAKESIDE DRIVE OAKLAND CA 94612	KAISER CEMENT CORPORATION
THOMAS R. CROSBY JR., 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN
DALEY AND GEORGE, 111 W. WASHINGTON STREET, #2035 CHICAGO IL 60602	COMBINED INSURANCE CO
DAMRELL, DAMRELL & NELSON, P.C., 911 13TH STREET P.O. BOX 3489 MODESTO CA 95353	CLAVEY-WARDS FERRY PROJECT, ET AL
JOHN E. DANIEL, 1133 15TH STREET, NW, #1200 WASHINGTON DC 20005	OHIO EDISON CO
DANIELS, HOULIHAN & PALMETER, P.C., 1819 H STREET, NW WASHINGTON DC 20006	TRADE, INDUSTRY & CUSTOMS DEPT., GOV'T. OF HONG KONG
CHRISTOPHER L. DAVIS, 2501 M STREET, NW, #400 WASHINGTON DC 20037	COMBINED NETWORK, INC
DAVIS HOCKENBERG WINE BROWN & KOEHN, 2300 FINANCIAL CENTER DES MOINES IA 50309	NORTHWESTERN BELL (IOWA DIV.)
DEBEVOISE & PLIMPTON, 1777 F STREET, NW, #700 WASHINGTON DC 20006	SONY CORP OF AMERICA

Organization or Individual Filing	Employer/Client
DELOITTE, HASKINS & SELLS, 655 15TH STREET, NW WASHINGTON DC 20005	HALLMARK CARDS, INC
Do	UNION PACIFIC CORP
DICKINSON, WRIGHT, MOON, VAN DUSEN & FREEMAN, 1901 L ST., NW SUITE 801 WASHINGTON DC 20036	DETROIT MADISON COMPANY
RICK DIEGEL, 1125 15TH STREET, NW WASHINGTON DC 20005	INTERNATIONAL BROTHERHOD OF ELECTRICAL WORKERS, ALF-CIO-CLC
ROLAND DOLLY, 1899 L STREET, NW, #500 WASHINGTON DC 20036	AMERICAN NATURAL RESOURCES CO
CHARLES W. DOUGHERTY, HALE & DOUGHERTY 1625 K STREET, NW, #402 WASHINGTON DC 20006	
CONNIE M. DOWNS, 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORP
DANIEL A. DUTKO, SUITE 214 412 FIRST STREET, SE WASHINGTON DC 20003	TRADE MAX, INC
Do	U.S. TELEPHONE, INC
CATHERINE EAST, 1411 K STREET, NW, #1110 WASHINGTON DC 20005	NATIONAL WOMEN'S POLITICAL CAUCUS
CHARLES H. EDWARDS, 1050 17TH STREET, NW, #770 WASHINGTON DC 20036	AMERICAN ASSN OF HOMES FOR THE AGING
JOHN S. ERTHEIN & ASSOCIATES, INC, 1800 M STREET, NW, #600N WASHINGTON DC 20036	CBS, INC
MARTHA M. ESCUTIA, 20 F STREET, NW, #200 WASHINGTON DC 20001	NATIONAL COUNCIL OF LA RAZA
JOHN T. ESTES, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	RJR INDUSTRIES, INC
EUROPEAN TRAVEL COMMISSION, 630 FIFTH AVENUE NEW YORK NY 10111	
DAVE EVANS ASSOCIATES, 160 N. CAROLINA AVENUE, SE WASHINGTON DC 20003	U.S. LEAGUE OF SAVING INSTITUTIONS
F/P RESEARCH ASSOCIATES, SUITE 303 1700 K STREET, NW WASHINGTON DC 20006	PHARMACEUTICAL MANUFACTURERS ASSN
Do	WESTERN UNION TELEGRAPH COMPANY
CHRISTOPHER G. FARRAND, 1120 20TH STREET, NW, #720 WASHINGTON DC 20036	PEABODY HOLDING COMPANY, INC
JOEL F. FELDMAN, LAW OFFICES OF SHELDON I. LONDON 1725 DESALES STREET, NW, #401 WASHINGTON DC 20036	AMERICAN HARDWARE MANUFACTURERS ASSN
DENISE G. FERGUSON, 1700 K STREET, NW, #702 WASHINGTON DC 20006	AMERICAN EXPRESS CO
FINLEY KUMBLE WAGNER HEINE UNDERBERG MANLEY & CASEY, 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	TELOCATOR NETWORK OF AMERICA
FOLEY LARDNER HOLLABAUGH & JACOBS, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	INVESTORS MORTGAGE INSURANCE CO
R. D. FOLSOM, 11 DUPONT CIRCLE, NW, #630 WASHINGTON DC 20036	R. DUFFY WALL & ASSOCIATES, INC (FOR: SCHULMAN MANAGEMENT CO)
MARY ANN FREEMAN, 777 14TH STREET, NW WASHINGTON DC 20005	GENERAL ELECTRIC CO
RONNA FREIBERG, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: STROH BREWERY CO)
FRIED FRANK HARRIS SHRIVER & KAMPELMAN, SUITE 1000 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	ASSINIBOINE TRIBE
ALLYN M. FRITTS, 5006 N. 34TH ROAD ARLINGTON VA 22207	NEW BEDFORD SEAFOOD COUNCIL, INC
CHARLES H. FRITTS, 1125 15TH STREET, NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSN
DWIGHT B. FULLINGIM, 10210 NORTH CENTRAL EXPRESSWAY, #500 DALLAS TX 75231	CENERGY EXPLORATION CO
JOHN G. GAINE, ALSTON & BIRD 1800 M STREET, NW, #1000 WASHINGTON DC 20036	MEAT PRICE INVESTIGATORS ASSN
GEARY, STAHL & SPENCER, 2800 ONE MAIN PLACE DALLAS TX 75250	CITIES FOR RESPONSIBLE CABLE POLICY
NANCY WHORTON GEORGE, 499 SOUTH CAPITOL STREET, SW, #400 WASHINGTON DC 20003	TRANSCO, INC
GIBSON, DUNN & CRUTCHER, 1776 G STREET, NW WASHINGTON DC 20006	FEDERATION OF APPAREL MANUFACTURERS
Do	INSURANCE ASSN OF CONNECTICUT
GLOBAL USA, INC, 1825 EYE STREET, NW, #400 WASHINGTON DC 20006	KOMATSU LTD.
Do	MAZAK CORPORATION
GNAU, CARTER, JACOBSEN & ASSOC., INC., 1777 F STREET, NW WASHINGTON DC 20006	DETROIT & MACKINAC RAILWAY COMPANY
Do	JOHN COOLEY CONSTRUCTION CO
DONNA GOLD, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN
MARTIN B. GOLD, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN FISHING TACKLE MANUFACTURERS ASSN)
Do	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING CO)
Do	GRAY AND COMPANY (FOR: STROH BREWERY CO)
MARK S. GORMAN, 1200 NEW HAMPSHIRE AVENUE, NW, #370 WASHINGTON DC 20036	GENERAL MILLS, INC
JAMES I. GRANGER, 3806 MARYLAND STREET ALEXANDRIA VA 22309	PIPER AIRCRAFT CORPORATION
MARY GRANGER, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS
GRAPHIC COMMUNICATIONS INTERNATIONAL UNION, AFL-CIO, CLC, 1900 L STREET, NW WASHINGTON DC 20036	
ROBERT K. GRAY, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: RAMZI A. DALLOUL)
Do	GRAY AND COMPANY (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN)
Do	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)
Do	GRAY AND COMPANY (FOR: STROH BREWERY CO)
ROY G. GREEN, 1709 NEW YORK AVENUE, NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS INSTITUTIONS
JOHN M. GREER, 1900 L STREET, NW WASHINGTON DC 20036	GRAPHIC COMMUNICATIONS INTERNATIONAL UNION, AFL-CIO, CLC
CHELLIS O. GREGORY, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL AND KNOWLTON, INC (FOR: T. RAMIREZ AND COMPANY, INC)
NORMAN E. GRIMM JR., 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN
GROH, EGGERS & PRICE, 550 WEST 7TH AVENUE, #1250 ANCHORAGE AK 99501	AMERICAN PETROFINA, INC
GROOM & NORDBERG, 1775 PENNSYLVANIA AVENUE, NW, #450 WASHINGTON DC 20006	BANKERS LIFE COMPANY
Do	GUARDIAN LIFE INSURANCE CO OF AMERICA
Do	MINNESOTA MUTUAL LIFE INSURANCE COMPANY
Do	NEW YORK LIFE INSURANCE COMPANY
Do	PROVIDENT MUTUAL LIFE INSURANCE CO OF PHILADELPHIA
JAMES E. GUIRARD JR., 1730 RHODE ISLAND AVENUE, NW, #419 WASHINGTON DC 20036	KMS FUSION, INC
THOMAS M. HAGEDORN, 1201 S. JEFF-DAVIS HIGHWAY, #301 ARLINGTON VA 22202	COAL SLURRY ASSOCIATION
Do	HASEN ENGINE CO
HANSELL & POST, 1915 EYE STREET, NW, #500 WASHINGTON DC 20006	AMERICAN SECURITY INSURANCE COMPANY
HEIDI ANN HANSON, 1608 D BELMONT STREET, NW WASHINGTON DC 20019	CBS, INC
GARY K. HARRIS, 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	ROGOVIN, HUGE & LENZNER (FOR: CKLW RADIO BROADCASTING, LTD)
J. WILLIAM W. HARSCH, 1825 K STREET, NW, #503 WASHINGTON DC 20006	ANDREW L. LUI AND ASPEN TECHNOLOGY, INC
HARTFORD FIRE INSURANCE CO, HARTFORD PLAZA HARTFORD CT 06115	
BOB HATTOY, 2410 BEVERLY BOULEVARD, #3 LOS ANGELES CA 90057	SIERRA CLUB
BILL HECHT, SUITE 501 499 SOUTH CAPITOL STREET, NW WASHINGTON DC 20003	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT
JULIE HEEGAARD, 880 22ND AVENUE, SE MINNEAPOLIS MN 55414	MINNESOTANS FOR PEACE IN CENTRAL AMERICA
HERON, BURCHETTE, RUCKERT & ROTHWELL, 1200 NEW HAMPSHIRE AVENUE, NW, #420 WASHINGTON DC 20036	CHICAGO MERCANTILE EXCHANGE
Do	INDEPENDENT CEMENT CORP
Do	NATIONAL CABLE TELEVISION ASSN
Do	NATIONAL POTATO COUNCIL
Do	WESTERN COTTON GROWERS ASSN
CLIFTON T. HILDERLEY JR., SUITE 507 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ASHLAND OIL, INC.
CARL D. HOBELMAN, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE (FOR: EDISON ELECTRIC INSTITUTE)
HOGAN & HARTSON, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	MEDTRONIC, INC
Do	PILLSBURY COMPANY
KENNETH L. HOLLAND, P.O. DRAWER 940 GAFFNEY SC 29342	AMERICAN PETROCHEMICAL CONSUMERS
HOLME, ROBERTS & OWEN, 1700 BROADWAY, #1800 DENVER CO 80290	SAMUEL GARY OIL PRODUCER, INC; JERRY CHAMBERS OIL PRODUCER
MARC L. HOLTZMAN, 214 MASSACHUSETTS AVENUE, NE, #340 WASHINGTON DC 20002	NATIONAL COALITION FOR LOWER PRICES
GARY C. HONG, 2600 VIRGINIA AVENUE, NW, #1100 WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CENTERS
ANNA MARY HOOVLER, 9300 LIVINGSTON ROAD FORT WASHINGTON MD 20744	NATIONAL TOOLING & MACHINING ASSN
STEVEN D. HUFF, 111 EAST WISCONSIN AVENUE, #1800 MILWAUKEE WI 53202	NATIONAL EMPLOYEE BENEFITS INSTITUTE
HARRY HUGE, 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	ROGOVIN, HUGE & LENZNER (FOR: CKLW RADIO BROADCASTING, LTD)
HUGHES HUBBARD & REED, SUITE 300 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	TEXAS AIR CORP
JAMES W. HUNT, 10210 N. CENTRAL EXPRESSWAY, #500 DALLAS TX 75231	CENERGY EXPLORATION CO
GARY HYMEL, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)
Do	GRAY AND COMPANY (FOR: NIU, INC)
INTERNATIONAL BUSINESS & ECONOMIC RESEARCH CORPORATION, 1819 H STREET, NW WASHINGTON DC 20006	TRADE, INDUSTRY & CUSTOMS DEPT, GOV'T OF HONG KONG
INTERNATIONAL TECHNICAL EXPERTISE, LTD, 7297 J LEE HIGHWAY FALLS CHURCH VA 22042	
INTERNATIONAL TRADE SERVICES CORPORATION (ITSE), P.O. BOX 2593 WASHINGTON DC 20013	
ROY T. JACOBSEN, GNAU, CARTER, JACOBSEN & ASSOC., INC. 1777 F STREET, NW WASHINGTON DC 20006	DETROIT & MACKINAC RAILWAY COMPANY
DYKE JOHNSON JR., P.O. BOX 7000 - A TEXARKANA TX 75501	
JUSTIN W. JOHNSON, P.O. BOX 970 FT. WORTH TX 76101	TEXAS ELECTRIC SERVICE CO
NANCY J. JOHNSON, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.
STEPHEN M. JOHNSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)
RANDALL T. JONES, 1030 15TH ST., NW, #700 WASHINGTON DC 20006	NATIONAL COUNCIL OF FARMER COOPERATIVES
THEODORE L. JONES, 3081 TEDDY DR. BATON ROUGE LA 70896	HARTFORD FIRE INSURANCE COMPANY
MARY LOU JOSEPH, 2025 M STREET, NW WASHINGTON DC 20036	NATIONAL PUBLIC RADIO
ROBERT E. JULIANO ASSOCIATES, 1101 NEW HAMPSHIRE AVENUE, NW, #312 WASHINGTON DC 20037	AETNA LIFE & CASUALTY INSURANCE CO
CONNIE KAGAN, 2622 N. MILITARY ROAD ARLINGTON VA 22207	
KAISER CEMENT CORPORATION, 300 LAKESIDE DRIVE OAKLAND CA 94612	
SUZANNE KALFUS, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES
LINDA HELLER KAMM, 1775 PENNSYLVANIA AVE., NW SUITE 1000 WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: INVESTORS MORTGAGE INSURANCE COMPANY)
KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, 1575 I ST., NW SUITE 1150 WASHINGTON DC 20005	BRISTOL-MYERS COMPANY
KELLER & HECKMAN, 1150 17TH STREET, NW, #1000 WASHINGTON DC 20036	AMERICAN INSTITUTE OF MERCHANT SHIPPING
Do	LAND MOBILE COMMUNICATIONS COUNCIL

Organization or Individual Filing	Employer/Client
Do	UTILITIES TELECOMMUNICATIONS COUNCIL
KENDALL & ASSOCIATES, 1750 NEW YORK AVENUE, NW, #210 WASHINGTON DC 20006	ANDERSON HIBEY NAUHEIM & BLAIR (FOR MARRIOTT CORP)
MARCIA Y. KINTER, 1600 WILSON BOULEVARD, #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC
KIRBY, GILLICK, SCHWARTZ & TUOHEY, P.C., SUITE 303 EAST 600 MARYLAND AVENUE, S.W. WASHINGTON DC 20024	LAKE ONTARIO CEMENT LIMITED
PETER E. KNIGHT, 1709 NEW YORK AVENUE, NW WASHINGTON DC 20006	NATIONAL ASSN OF MUTUAL SAVINGS BANKS
KOMINERS, FORT, SCHLEFER & BOYER, 1776 F ST., NW WASHINGTON DC 20006	APEX MARINE CORP
Do	INGRAM CORPORATION
DIANE E. KOOKEN, 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORPORATION
EARL KOOPERKAMP, 99 CLAREMONT AVENUE NEW YORK NY 10027	SEAMEN'S CHURCH INSTITUTE
JOAN M KOVALIC, SUITE 600 21 DUPONT CIRCLE, N.W. WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: ZIMPRO CORP)
DAWN C. KRISTOF, P.O. BOX 17402 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041	WATER & WASTEWATER EQUIPMENT MANUFACTURERS ASSN, INC
KRIVIT & KRIVIT, 101 DUDDINGTON PLACE, SE WASHINGTON DC 20003	CITY OF ST PETERSBURG, OFFICE OF INTERGOVERNMENTAL RELATIONS
REBECCA F. LAMBERT, 813 MARYLAND AVENUE, NE WASHINGTON DC 20002	CBS, INC
VIRGINIA A. LAMPLEY, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC (FOR: AIRBUS INDUSTRIE)
Do	DGA INTERNATIONAL, INC (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS)
Do	DGA INTERNATIONAL, INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST. DE MOTEURS D'AVIATION)
Do	DGA INTERNATIONAL, INC (FOR: SOFREAVIA)
DAVID W. LANDSIDLE, 1700 PENNSYLVANIA AVENUE, NW, #730 WASHINGTON DC 20006	PFIZER, INC
LEBOEUF LAMB LEIBY & MACRAE, 1333 NEW HAMPSHIRE AVE., NW, #1100 WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE
LERCH & CO., INC, 1030 15TH STREET, NW, #840 WASHINGTON DC 20005	NATURAL GAS SUPPLY ASSN
HOWARD S. LIEBENGOOD, 1875 EYE STREET, NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE
DUKE R. LIGON, 1575 EYE STREET, NW, #510 WASHINGTON DC 20005	CORCORAN HARDESTY WHYTE HEMPHILL & LIGON, P.C. (FOR: NOVA SCOTIA RESOURCES, LTD)
SARA E. LISTER, PATTERSON, BELKNAP, WEBB & TYLER 1730 PENNSYLVANIA AVENUE, NW, #1060 WASHINGTON DC 20006	F M S CORPORATION
NEIL C. LIVINGSTONE, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: RAMZI A. DALLOUL)
Do	GRAY AND COMPANY (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN)
WILLIAM E. LONG, ONE NATIONWIDE PLAZA COLUMBUS OH 43216	NATIONWIDE INSURANCE COMPANY
LOWENSTEIN NEWMAN REIS & AXELRAD, P.C., 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	UTILITY NUCLEAR WASTE MANAGEMENT GROUP
ROBERT C. LUTTRELL, 10210 N. CENTRAL EXPRESSWAY, #500 DALLAS TX 75231	CENERGY EXPLORATION CO
KATHERINE MAGRAW, 100 MARYLAND AVENUE, NE WASHINGTON DC 20002	PEACE POLITICAL ACTION COMMITTEE
TERENCE P. MAHONY, 1825 K STREET, NW, #807 WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC
WILLIAM R. MALONI, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN
MANATOS & MANATOS, INC, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	JAPANESE EMBASSY
Do	UNITED HELLENIC AMER CONGRESS & AMER HELLENIC ALLIANCE, INC
Do	WASHINGTON COORDINATING COUNICL ON PRODUCTIVITY
PETER T. MANGIONE, 1319 F STREET, NW, #700 WASHINGTON DC 20004	VOLUME FOOTWEAR RETAILERS OF AMERICA
FRANK MANKIEWICZ, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)
Do	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING CO)
DONALD W. MANN, 60B FRANKLIN STREET TENAFLY NJ 07670	NEGATIVE POPULATION GROWTH, INC
STEPHEN I. MARTIN, HARTFORD PLAZA HARTFORD CT 06115	HARTFORD FIRE INSURANCE CO
STEVEN A. MARTINDALE, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	ICELANDAIR
MIKE M. MASAOKA, SUITE 520, THE FARRAGUT BLDG. 900 17TH ST., NW WASHINGTON DC 20006	JAPAN TELESCOPES MANUFACTURERS ASSN
WILLIAM C. MATTOX, 1775 PENNSYLVANIA AVENUE, NW, #701 WASHINGTON DC 20006	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.
MARSHALL L. MATZ, BARNETT & ALAGIA 1000 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	PLASTICS MANUFACTURING CO
H. WESLEY MCADEN, SUITE 424 1155 15TH ST., NW WASHINGTON DC 20005	SUPIMA ASSOCIATION OF AMERICA
CHARLIE MCBRIDE ASSOCIATES, INC, 1717 K STREET, NW, #502 WASHINGTON DC 20036	CONSOLIDATED EDISON CO OF NEW YORK
Do	STONE & WEBSTER ENGINEERING CORP
Do	WESTINGHOUSE ELECTRIC CORP
MCCLURE & TROTTER, SUITE 600 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	PROVIDENCE CAPITOL CORP
MCDONOUGH HOLLAND & ALLEN, SUITE 1275 1875 EYE ST., NW WASHINGTON DC 20006	STEPHEN D. COX
THOMAS I. MCKNEW JR., 1100 CONNECTICUT AVENUE, NW, #840 WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO
Do	CBS, INC
HOWARD A. MENELL, 1700 K STREET, NW, #702 WASHINGTON DC 20006	AMERICAN EXPRESS CO
CHARLES L. MERIN, 1875 EYE STREET, NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE
EDWARD A. MERLIS, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN
CHARLES J. MICOLEAU, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ANDREW L. LUI AND ASPEN TECHNOLOGY, INC
MILBANK, TWEED, HADLEY & MCCLOY, 1825 EYE STREET, NW, #900 WASHINGTON DC 20006	CLAYMARK CORPORATION
STEVEN T. MILLER, 1607 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	AMERICAN METAL DETECTORS MANUFACTURERS, INC
MILLER, CANFIELD, PADDOCK & STONE, SUITE 300 2555 M ST., NW WASHINGTON DC 20037	FEDERAL HOME LIFE INSURANCE CO
ROBERT G. MILLS, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE
FRANCIS B. MOORE, 3003 BUTTERFIELD ROAD OAK BROOK IL 60521	WASTE MANAGEMENT, INC
MORAL MAJORITY, 499 SOUTH CAPITOL STREET, SW, #101 WASHINGTON DC 20003	
MORRISON & FOERSTER, 1920 N STREET, NW, #800 WASHINGTON DC 20036	CROCKER NATIONAL BANK
Do	MASTERCARD INTERNATIONAL, INC
Do	ROSENBERG REAL ESTATE EQUITY FUND, INC
JULIAN K. MORRISON III, 1015 15TH STREET, NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL
JOHN H. MOSEMAN, 1875 EYE STREET, NW, #1025 WASHINGTON DC 20006	COALITION OF HIGHER EDUCATION ASSISTANCE ORGANIZATIONS
GEORGE R. MOSES, 1341 G STREET, NW, #202 WASHINGTON DC 20005	M/A-COM, INC
MOSS ASSOCIATES, INC, 2440 VIRGINIA AVENUE, NW WASHINGTON DC 20037	ASSOCIATION OF BANK HOLDING COS
THOMAS MOSTOWY, 201 MASSACHUSETTS AVENUE, NE, #319 WASHINGTON DC 20002	HALT, INC
C. LEON MURPHY, P.O. BOX 12910 CHARLESTON SC 29412	KIAWAH ISLAND CO, LTD
DANIEL H. MURRAY, 1828 L STREET, NW WASHINGTON DC 20036	GTE SPRINT
JOHN L. NAPIER, 232 EAST CAPITOL ST. WASHINGTON DC 20003	DARE COUNTY OREGON INLET COMMISSION
NATIONAL ALLIANCE FOR ANIMAL LEGISLATION, P.O. BOX 77012 WASHINGTON DC 20013	
NATIONAL ASSN OF BROADCASTERS, 1771 N STRET, NW WASHINGTON DC 20036	
NATIONAL MULTIFAMILY HOUSING FINANCE ASSOCIATION, 1220 19TH STREET, NW, #400 WASHINGTON DC 20036	
NATIONAL-AMERICAN WHOLESALE GROCERS' ASSN, 201 PARK WASHINGTON COURT FALLS CHURCH VA 22046	
NEILL & COMPANY, INC, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	HASHEMITE KINGDOM OF JORDAN
Do	KINGDOM OF MOROCCO
NEILL & MULLENHOLZ, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	HASHEMITE KINGDOM OF JORDAN
Do	KINGDOM OF MOROCCO
GIL NETTLETON, 4101 CATHEDRAL AVENUE, NW WASHINGTON DC 20016	CHARLES E. GOODELL (FOR THOMSON-CSF, INC)
Do	DGA INTERNATIONAL, INC (FOR SNECMA)
MARY BENNETT NEWBOULD, 122 C STREET, NW, #875 WASHINGTON DC 20001	AMERICAN OSTEOPATHIC ASSN
NICKERSON INGRAM & ASSOCIATES, INC, 1150 17TH STREET, NW WASHINGTON DC 20036	ORANGE COUNTY TRANSIT DISTRICT
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT
O'CONNOR & HANNAN, 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	ALLIS-CHALMERS CORP
Do	ASSOCIATION OF INDEPENDENT TELEVISION STATIONS, INC
Do	BORDEN, INC.
Do	GOVERNMENT OF SUDAN
Do	ITEL CORPORATION
Do	MOTION PICTURE ASSN OF AMERICA, INC
Do	PACIFIC TELEPHONE & TELEGRAPH
Do	PRUDENTIAL INSURANCE COMPANY OF AMERICA
Do	U.S. TELECOMMUNICATIONS SUPPLIERS ASSN
O'NEILL AND HAASE, P.C., SUITE 1110 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ASSOCIATION OF PROGRESIVE RENTAL ORGANIZATIONS
Do	MASSACHUSETTS GENERAL HOSPITAL
Do	NORTHWESTERN MUTUAL LIFE
Do	PUGET SOUND POWER & LIGHT COMPANY
OVERSEAS EDUCATION ASSOCIATION, 1201 16TH STREET, NW WASHINGTON DC 20036	
ANDREW PALMER, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE
PALUMBO & CERRELL, 11 DUPONT CIRCLE, NW, #700 WASHINGTON DC 20036	R.J. REYNOLDS TOBACCO CO
Do	NATIONAL SCHOOL TRANSPORTATION ASSN
BENJAMIN L. PALUMBO, 11 DUPONT CIRCLE, NW, #700 WASHINGTON DC 20036	WESTINGHOUSE ELECTRIC CORP
SCOOTCH PANKONIN, 308 CONSTITUTION AVENUE, NE WASHINGTON DC 20036	KANSAS CITY SOUTHERN INDUSTRIES, INC
JAMES E. PANYARD, 1346 CHESTNUT, #800 PHILADELPHIA PA 19107	GREATER PHILADELPHIA CHAMBER OF COMMERCE
DAVID J. PASSAMANECK, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS
PATTON BOGGS & BLOW, SUITE 800 2550 M ST., NW WASHINGTON DC 20037	AMERICAN BROADCASTING CO
Do	INTERMEDICS, INC
Do	LAUNDRY CLEANING COUNCIL

Organization or Individual Filing	Employer/Client
Do	MICHIGAN INSURANCE ASSN
Do	REPUBLIQUE D'HAITI
Do	U.S. LIFESAVING MANUFACTURERS ASSN
Do	UNITED PLANT GUARD WORKERS ASSN
PAUL HASTINGS JANOFSKY & WALKER, 6TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	M LIFE INSURANCE COMPANY
PEABODY, LAMBERT & MEYERS, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	BROADCAST MUSIC, INC
Do	COMMITTEE OF CORPORATE TELECOMMUNICATIONS USERS
PEACE POLITICAL ACTION COMMITTEE, 100 MARYLAND AVENUE, NE WASHINGTON DC 20002	
CRIS PENN, 1346 CHESTNUT, #800 PHILADELPHIA PA 19107	GREATER PHILADELPHIA CHAMBER OF COMMERCE
MICHAEL J. PETRINA JR., 1110 VERMONT AVENUE, NW, #800 WASHINGTON DC 20005	COSMETIC, TOILETRY & FRAGRANCE ASSN, INC
WILLIAM G. PHILLIPS, D.C. ASSOCIATES, INC. 402 THIRD STREET, SE WASHINGTON DC 20003	AIR QUALITY RESEARCH, INC
PIERSON BALL & DOWD, 1200 18TH ST., NW WASHINGTON DC 20036	AMERICAN ACADEMY OF PEDIATRICS
Do	DAY TRUST
Do	SECURITIES INDUSTRY ASSN
DANIEL J. PILIERO II , 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CBS, INC
Do	PRUDENTIAL LINES, INC
PIPER & MARBURY, 888 16TH STREET, NW FIFTH FLOOR WASHINGTON DC 20006	CTI-CONTAINER TRANSPORT INTERNATIONAL, INC, ET AL
Do	XTRA CORP & AFFILIATES
RONALD L. PLATT, 499 S. CAPITOL STREET, #501 WASHINGTON DC 20003	BILL HECHT & ASSOCIATES, INC
WESLEY A. PLUMMER, 1600 WEST CAMELBACK ROAD, SUITE IJ PHOENIX AZ 85015	TRANS AMERICA DEVELOPERS, INC
ROBERT L. PRATT, 101 FIRST AVENUE WALTHAM MA 02254	THERMO ELECTRON CORPORATION
JOSEPH T. PRENDERGAST, 499 S. CAPITOL STREET, SW, #406 WASHINGTON DC 20003	AMERICAN SKI FEDERATION
PRESTON THORGRIMSON ELLIS & HOLMAN, 1735 NEW YORK AVENUE, NW, #500 WASHINGTON DC 20006	CORPORATION FOR PUBLIC BROADCASTING
Do	EMPLOYERS REINSURANCE CORP.
Do	NORTH WEST TIMBER ASSN
Do	WESTERN FOREST INDUSTRIES ASSN
JAMES M. PRICE, P.O. BOX 11248 KNOXVILLE TN 37919	SIERRA CLUB
QUINN, RACUSIN, YOUNG & DELANEY, CHTD, 1000 CONNECTICUT AVENUE, NW, #302 WASHINGTON DC 20036	GOVERNMENT EMPLOYEES INSURANCE COMPANY
Do	MARYLAND SAVINGS SHARE INSURANCE CORPORATION
ROBERT A. RAGLAND, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS
TIM RANSDELL, FRANCIS & MCGINNIS ASSOCIATES, INC 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL PASSENGER TRAFFIC ASSOCIATION
MARYALYCE REILLY, 1010 NORTH FAIRFAX STREET ALEXANDRIA VA 22314	NATIONAL SOCIETY OF PUBLIC ACCOUNTANTS
MARY ANNE REYNOLDS, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN
JOHN J. RHODES, CUMMINGS & LOCKWOOD 1090 VERMONT AVENUE, NW, #650 WASHINGTON DC 20005	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.
ROBERT J. RHUDY, 1625 K STREET, NW, #908 WASHINGTON DC 20006	COALITION FOR LEGAL SERVICES, INC.
M. LEE RICE, 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	SHIPBUILDERS COUNCIL OF AMERICA
PHILLIP W. RIVERS, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY
RICHARD Y. ROBERTS, PAPPANASTOS SAMFORD ROBERTS & BLANCHARD ONE COURT SQUARE, #311 MONTGOMERY AL 36102	U.S. CAPITAL CORPORATION
DAVID W. RODERER, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN
ROGOVIN, HUGE & LENZNER, P.C., 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	CKLW RADIO BROADCASTING, LTD
FRED B. ROONEY, 6TH FL. 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	CRAWFORD FITTING CO
SAMUEL A. ROTH, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.
RUBENSTEIN WOLFSON & COMPANY, INC, 220 EAST 42ND STREET NEW YORK NY 10017	INTERNATIONAL GOLD CORPORATION LIMITED
ERIC M. RUBIN, SUITE 708 1730 M ST., NW WASHINGTON DC 20036	COMMISSONER OF PUBLIC LANDS FOR STATE OF NEW MEXICO
CAMILLE KEARNS RUDY, 1346 CHESTNUT, #800 PHILADELPHIA PA 19107	GREATER PHILADELPHIA CHAMBER OF COMMERCE
MORGAN S. RUPH, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS
JAMES D. SANTINI, JONES JONES BELL CLOSE & BROWN, CHTD 1110 VERMONT AVENUE, NW, #1060 WASHINGTON DC 20005	REDFIELD LAND COMPANY
WILLIAM T. SCHAPAUGH, 1030 15TH STREET, NW WASHINGTON DC 20005	AMERICAN SEED TRADE ASSN
JOHN M. SCHEER, P.O. BOX 17402 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041	WATER & WASTEWATER EQUIPMENT MANUFACTURERS ASSN, INC
JONATHAN D. SCHILLER, 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	ROGOVIN, HUGE & LENZNER (FOR: CKLW RADIO BROADCASTING, LTD)
JACQUES T. SCHLENGER, 1800 MERCANTILE BANK & TRUST BLDG. THE HOPKINS PLAZA BALTIMORE MD 21201	
SCHLOSSBERG-CASSIDY & ASSOCIATES, INC., 955 L'ENFANT PLAZA, S.W. SUITE 1401 WASHINGTON DC 20024	LESLEY COLLEGE
ROBERT RICHARD SCHMITT, 11304-047 UNIT C P.O. BOX 888 ASHLAND KY 41101	
NEIL D. SCHUSTER, 1909 K STREET, NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSN OF THE U.S., INC
ELINOR SCHWARTZ, 318 S. ABINGDON STREET ARLINGTON VA 22204	CALIFORNIA STATE LANDS COMMISSION
MICHAEL SCOTT, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY
SEAMEN'S CHURCH INSTITUTE, 15 STATE STREET NEW YORK NY 10004	
PEGGY SEIPEL, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS
H. MICHAEL SEMLER, 806 15TH STREET, NW, #600 WASHINGTON DC 20005	MIGRANT LEGAL ACTION PROGRAM, INC
RONALD G. SILLS, C/O 38832-066, A-1 F.C.I. BOX 7000 TEXARKANA TX 75501	
STEVEN W. SILVER, ROBERTSON, MONAGLE, EASTAUGH & BRADLEY P.O. BOX 1211 JUNEAU AK 99802	CARR-GOTTSTEIN PROPERTIES, INC
Do	NORANDA MINING, INC
JEFFREY A. SIMERING, 5320 FIVE FINGERS WAY COLUMBIA MD 21045	CHICAGO BOARD OF EDUCATION
JAMES C. SIVON, 730 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS
SMATHERS SYMINGTON & HERLONG, SUITE 400 1700 K ST., NW WASHINGTON DC 20006	COALITION OF COMMUNITY BANKS OF FLORIDA
JEFFREY A. SMITH, 1600 WILSON BOULEVARD, #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC
LARRY S. SNOWHITE, 1825 EYE ST., NW WASHINGTON DC 20006	NEW ENGLAND EDUCATIONAL LOAN MARKETING CORP
RANDALL A. SNOWLING, 655 15TH STREET, NW, #700 WASHINGTON DC 20005	DELOITTE HASKINS & SELLS
SPACE AMERICA, 600 WATER STREET, SW, #207 WASHINGTON DC 20024	
SQUIRE, SANDERS & DEMPSEY, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	MICROBAND CORP OF AMERICA
Do	TYMNET, INC
DAVID P. STANG, P.C., SUITE 601 1629 K ST., NW WASHINGTON DC 20006	AMERICAN INCOME LIFE INSURANCE CO
Do	NATIONAL ASSN OF ROYALTY OWNERS, INC
Do	OFFSHORE MARINE SERVICE ASSN
Do	POTTS INDUSTRIES, INC
Do	SUN COMPANY, INC
RANDOLPH J. STAYIN, SUITE 600 21 DUPONT CIRCLE, N.W. WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: ZIMPRO CORP)
DENNIS C. STOLTE, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION
STOVALL SPRADLIN ARMSTRONG & ISRAEL, 1819 H STREET, NW, #700 WASHINGTON DC 20006	COMMISSION ON FUTURE POLITICAL STATUS & TRANSITION
Do	INGERSOLL-RAND COMPANY
STROOCK & STROOCK & LAVAN, 1150 17TH ST., NW WASHINGTON DC 20036	AMERICAN RED CROSS RETIREMENT SYSTEM
Do	INGERSOLL & BLOCH
Do	PACIFIC EXPRESS, INC
SURREY & MORSE, 1250 EYE STREET, NW WASHINGTON DC 20005	PATHFINDER FUND
SUTHERLAND ASBILL & BRENNAN, 1666 K STREET, NW, #800 WASHINGTON DC 20006	AD HOC COMM FOR EQUITABLE TRANSPORTATION
Do	CONTRACT CARRIAGE COALITION
Do	DIRECT MARKETING INSURANCE GROUP
Do	WOODSTREAM CORPORATION
SWIDLER, BERLIN & STRELOW, CHTD., 1000 THOMAS JEFFERSON ST., NW #500 WASHINGTON DC 20007	INTERNATIONAL ANTICOUNTERFEITING COALITION
Do	MD PEOPLE'S COUNSEL (NATL ASSN OF STATE UTIL. CONSUMER ADVO)
Do	NATIONAL ASSN FOR HOSPITAL DEVELOPMENT
Do	NATIONAL COUNCIL OF COMMUNITY HOSPITALS
Do	SOUTH CAROLINA PUBLIC SERVICE AUTHORITY
Do	GENERAL MILLS, INC
Do	NATIONAL SHORTHAND REPORTERS ASSN
CHRISTOPHER U. SYLVESTER, 1831 BRIAR RIDGE COURT MCLEAN VA 22101	GARRISON DIVERSION CONSERVANCY DISTRICT
ROBERT TAFT JR., SUITE 600 21 DUPONT CIRCLE NW WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: ZIMPRO CORP)
TAGGART & ASSOCIATES, 1015 15TH STREET, NW, #200 WASHINGTON DC 20005	MARION LABORATORIES, INC
Do	TELEPHONE & DATA SYSTEMS, INC
M. LOUISE TATE, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE
DENNIS J. TAYLOR, SUITE 650 1090 VERMONT AVE., NW WASHINGTON DC 20005	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.
Do	U.S. SURGICAL CORPORATION
LESLIE M. TAYLOR, 1750 OLD MEADOW ROAD MCLEAN VA 22102	BRICK INSTITUTE OF AMERICA
JOSEPH L. S. TERRELL, 1800 MASSACHUSETTS AVENUE. NW, #604 WASHINGTON DC 20036	FARM CREDIT COUNCIL
THACHER PROFFITT & WOOD, SUITE 512 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	GRINDLAYS BANK LIMITED
Do	SALOMON BROTHERS, INC
THOMAS E. THOMASON, 6024 WESTERN AVENUE CHEVY CHASE MD 20815	BECHTEL POWER CORP
THOMPSON & MITCHELL, ONE MERCANTILE CENTER, #3400 ST. LOUIS MO 63101	CONTACT LENS MANUFACTURERS ASSN
HAROLD A. THORNTON & ASSOCIATES, 1301 15TH STREET, NW, #818 WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES, LOCAL 2677
CONSTANCE D. TIPTON, 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS/MILK INDUSTRY FOUND.
BURKE A. TRACEY, 2111 JEFFERSON DAVIS HIGHWAY #1009-S ARLINGTON VA 22202	COALITION OF HIGHER EDUCATION ASSISTANCE ORGANIZATIONS
JEFFREY B. TRAMMELL, 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)
Do	GRAY AND COMPANY (FOR: NIU, INC)

Organization or Individual Filing	Employer/Client
MICHAEL G. TROOP, 1111 N. 19TH ST., #700 ARLINGTON VA 22209	U.S. LEAGUE OF SAVINGS INSTITUTIONS
ANTHONY VALANZANO, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC
VAN NESS, FELDMAN, SUTCLIFFE, CURTIS & LEVENBERG, 7TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AD HOC COMMITTEE ON ALTERNATIVE ENERGY TAX CREDITS
Do	BRAE CORPORATION
Do	TEXAS AIR CORP
LISA A. VEHMAS, 1920 N STREET, NW, #300 WASHINGTON DC 20036	AMERICAN MINING CONGRESS
VERNER, LIIPFERT, BERNHARD & MCPHERSON, 1660 L ST., NW, #1100 WASHINGTON DC 20036	JOHN D. & CATHERINE T. MACARTHUR FOUNDATION
FRANK VERRASTRO, 1155 15TH STREET, NW, #600 WASHINGTON DC 20005	PENNZOIL COMPANY
RALPH VINOVICH, 1875 EYE STREET, NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE
WALTER D. VINYARD JR., ALSTON & BIRD 1800 M STREET, NW, #1000 WASHINGTON DC 20036	ITT CORP
WALD, HARKRADER & ROSS, 1300 19TH ST., NW WASHINGTON DC 20036	JAPAN IRON & STEEL EXPORTERS' ASSN
Do	MATSUSHITA ELECTRIC INDUSTRIAL CO, LTD
CHARLS E. WALKER ASSOCIATES, INC., 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CBS, INC
Do	COPIAT
Do	HBO & COMPANY
Do	SEACO, INC
R. DUFFY WALL & ASSOCIATES, INC, 11 DUPONT CIRCLE, NW, #630 WASHINGTON DC 20036	SCHULMAN MANAGEMENT COMPANY
DONALD L. WALLACE JR., 232 E. CAPITOL ST. WASHINGTON DC 20003	MERCHANTS GRAIN & TRANSPORTATION, INC
Do	OREGON INLET COMMISSION
WILLIAM L. WARFIELD, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN
WARNER AMEX CABLE COMMUNICATIONS, 75 ROCKEFELLER PLAZA NEW YORK NY 10019	
BARBARA J. WASHBURN, 1201 PENNSYLVANIA AVENUE, NW, #370 WASHINGTON DC 20004	CONTROL DATA CORPORATION
ANDREW H. WEBBER, 440 FIRST STREET, NW, #510 WASHINGTON DC 20001	AMERICAN MEDICAL PEER REVIEW ASSN
JON F. WEINSTEIN, 9 WILDWOOD GARDENS, #A2 P. WASHINGTON NY 11050	
WELLFORD, WEGMAN, KRULWICH, GOLD & HOFF, SUITE 450 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	GRANTS & CONTRACTS PROJECTS, UNITED WAY OF AMERICA
Do	MITEX
WEXLER, REYNOLDS, HARRISON & SCHULE, INC, SUITE 600 1317 F STREET, NW WASHINGTON DC 20004	AETNA LIFE & CASUALTY
Do	FOOTHILLS PIPE LINES (YUKON) LTD
Do	MANVILLE CORPORATION
Do	NATIONAL CABLE TELEVISION ASSN
EDWIN M. WHEELER, 1815 H STREET, NW, #1000 WASHINGTON DC 20006	AMERICAN PETROCHEMICAL CONSUMERS
WHITE FINE & VERVILLE, SUITE 302 1156 15TH ST., NW WASHINGTON DC 20005	AMERICAN EDUCATORS OF ARKANSAS, INC, ET AL
RICHARD C. WHITE, 499 S. CAPITOL STREET WASHINGTON DC 20003	CBEMA
Do	GENERAL ELECTRIC CO
WHITMAN & RANSOM, 1333 NEW HAMPSHIRE AVE., NW, #650 WASHINGTON DC 20036	GOVERNMENT OF THE REPUBLIC OF CHINA
WILKINSON, BARKER, KNAUER & QUINN, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	BONNEVILLE INTERNATIONAL CORP
Do	MANVILLE CORPORATION
Do	U.S. WEST, INC
PAUL R. WILLGING, 2600 VIRGINIA AVENUE, NW, #1100 WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CENTERS
WILLIAMS & JENSEN, P.C., 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALAMO CEMENT COMPANY
Do	COMMITTEE FOR PRUDENT DEREGULATION
Do	FREIGHT FORWARDERS INSTITUTE
Do	GENERAL PORTLAND, INC
Do	GIFFORD-HILL & COMPANY, INC
Do	KAISER CEMENT CORPORATION
Do	MONOLITH PORTLAND CEMENT COMPANY
Do	NATIONAL OFFICE MACHINE DEALERS ASSN
Do	SOUTHWESTERN PORTLAND CEMENT COMPANY
PHILIP WILLIFORD, #12140 057 U.J. P.O. BOX 888 ASHLAND KY 41101	
WILMER, CUTLER & PICKERING, 1666 K ST., NW WASHINGTON DC 20006	NATIONAL STEEL & SHIPBUILDING CO
WISE & WRENN, INC, 2600 VIRGINIA AVENUE, NW, #408 WASHINGTON DC 20037	JAPANESE AMERICAN CITIZENS LEAGUE
ROBERT V. WITECK, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: NIU, INC)
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)
ERNEST WITTENBERG ASSOCIATES, INC, 1616 H ST., NW WASHINGTON DC 20006	ALTMAN FOUNDATION
CLINTON WOLCOTT, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES
NOEL C. WOOSLEY, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS
STEVEN M. WORTH, 3255 GRACE ST., NW THE POWER HOUSE WASHINGTON DC 20007	GRAY AND COMPANY (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN)
LEO C. ZEFERETTI, 9912 FORT HAMILTON PARKWAY BROOKLYN NY 11209	NEW YORK TELEPHONE
DENIS R. ZEGAR, 201 PARK WASHINGTON COURT FALLS CHURCH VA 22046	NATIONAL-AMERICAN WHOLESALE GROCERS' ASSN

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the third calendar quarter 1983:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.......... ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◆

AFFIDAVIT

[Omitted in printing]

PAGE 1◆

Note on Item "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) If This Report Is for an Employer.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) If This Report Is for an Agent or Employee.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. Receipts (Including Contributions and Loans):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............Total for this Quarter (Add items "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............Total from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $..............Total now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor*
	(*"Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	Total

Note on Item "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) If This Report Is for an Agent or Employee. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. Expenditures (Including Loans) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............Total for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............Total from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $..............Total now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	Total

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K ASSOCIATES, INC., 1225 8TH STREET, STE 590 SACRAMENTO CA 95814	DIRECTOR OF TIMBER COUNTIES COALITION	11,250.00	8,603.48
Do	GOLDEN GATE BRIDGE, HIGHWAY & TRANSPORTATION DISTRICT	6,000.00	8,662.50
Do	NATIONAL AIR TANKERS ASSN	15,000.00	8,582.30
Do	PATHOLOGIST PRACTICE ASSOCIATION	18,000.00	11,106.45
ROBERT J. AAGRE, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,460.00	190.60
LEANNE J. ABDNOR, SUITE 1250 1899 L STREET, NW WASHINGTON DC 20036	VENNERS AND CO., LTD. (FOR: KOCH INDUSTRIES)		
PAUL C. ABENANTE, SUITE 850 2020 K ST., NW WASHINGTON DC 20006	AMERICAN BAKERS ASSN	1,100.00	3.25
THOMAS G. ABERNETHY SR, 3973 STUART PLACE JACKSON MS 39211	U.S. CANE SUGAR REFINERS' ASSN.	1,000.00	222.00
ACACIA MUTUAL LIFE INSURANCE CO, 51 LOUISIANA AVENUE, NW WASHINGTON DC 20001			500.00
ACTION, INC., 2025 EYE STREET, NW, #1022 WASHINGTON DC 20006	AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM	450.00	1,224.36
Do	NATIONAL CONGRESS OF AMERICAN INDIANS	613.75	601.91
JOHN J. ADAMS, 1919 PENNSYLVANIA AVE, NW, #700 WASHINGTON DC 20036	VEPCO	830.00	
HOBSON H. ADCOCK,, 700 ANDERSON HILL RD. PURCHASE NY 10577	PEPSICO, INC.		
ADDISON, KETCHEY, HORAN & PARIS, FOUNDERS LIFE BUILDING 100 TWIGGS STREET, #300 TAMPA FL 33602	PHH GROUP, INC.	297.50	1.75
V. J. ADDUCI, 1909 K ST., NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC.	58.00	
ADDUCI, DINAN AND MASTRIANI, 1140 CONNECTICUT AVENUE, NW, #250 WASHINGTON DC 20036	CONSEJO NACIONAL DE COMERCIO EXTERIOR DEL NORESTE A.C.	397.50	397.50
Do	VULCAN FOUNDRY, INC		2,331.71
AEROSPACE INDUSTRIES ASSN OF AMERICA, 1725 DESALES ST., NW WASHINGTON DC 20036		17,755.31	17,755.31
AFRICAN FRIENDS OF ISRAEL, INC., SUITE 420 1010 VERMONT AVE., NW WASHINGTON DC 20005			
ROBERT S. AGMAN, 100 INDIANA AVE., NW WASHINGTON DC 20001	LABOR-MANAGEMENT MARITIME COMMITTEE	1,368.00	3.28
HERBERT ALLEN AILSWORTH, SUITE 1101 1050 17TH STREET, NW WASHINGTON DC 20036	SANDOZ, INC		22.50
AIR CONDITIONING & REFRIGERATION INSTITUTE, 1815 N. FT. MYER DR. ARLINGTON VA 22209		21,000.00	11,500.00
AIR PRODUCTS & CHEMICALS, INC, 1800 K ST., NW SUITE 1016 WASHINGTON DC 20006			1,350.00
AIR TRANSPORT ASSN OF AMERICA, 1709 NEW YORK AVE., NW WASHINGTON DC 20006		35,406.00	35,406.00
RANDOLF H. AIRES, 1211 CONNECTICUT AVE., NW, #802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	2,250.00	99.71
MICHAEL A. AISENBERG, 8301 PROFESSIONAL PLACE LANDOVER MD 20785	DIGITAL EQUIPMENT CORPORATION	10,300.00	
AKIN, GUMP, STRAUSS, HAUER & FELD, SUITE 400 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AIR FREIGHT ASSOCIATION	1,050.00	
Do	ALLIED TUBE & CONDUIT CORP	100.00	
Do	AMERADA HESS CORPORATION		
Do	AMERICAN INTERNATIONAL GROUP	1,950.00	
Do	AMERICAN SOYBEAN ASSN		
Do	AMERICAN TELEPHONE & TELEGRAPH CO	2,750.00	
Do	ARCHER DANIELS MIDLAND COMPANY		
Do	BENEFICIAL CORPORATION	2,950.00	
Do	COALITION OF SERVICE INDUSTRIES, INC.	1,725.00	
Do	COMMITTEE FOR PRUDENT DEREGULATION	50,750.00	
Do	DOMESTIC NITROGEN PRODUCERS AD HOC COMMITTEE		
Do	DOW CHEMICAL COMPANY	1,850.00	
Do	E & J GALLO WINERY	1,450.00	
Do	FARM LABOR ALLIANCE	18,675.00	
Do	GOLDMAN SACHS & CO.	1,000.00	
Do	LONE STAR INDUSTRIES, INC.		
Do	LONE STAR STEEL	10,450.00	
Do	MAPCO INC.		
Do	MARRIOTT CORPORATION		
Do	METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY	3,750.00	
Do	MILITARY ACCESSORIES SERVICE ASSN., INC	1,250.00	
Do	MOTION PICTURE ASSN OF AMERICA, INC	5,525.00	
Do	NATIONAL FOOTBALL LEAGUE		
Do	NATIONAL SOYBEAN PROCESSORS ASSN		
Do	NORTHWEST ENERGY COMPANY	5,286.00	
Do	PIPELINE INDUSTRY ADVANCEMENT FUND	4,250.00	
Do	PUROLATOR, INC	1,925.00	
Do	RINGLING BROS. BARNUM AND BAILEY		
Do	RIVIANA FOODS, INC.		
Do	SOUTHERN CALIFORNIA EDISON CO.	3,775.00	
Do	TEXAS AIR CORPORATION	4,475.00	
Do	WEST INDIES RUM & SPIRITS PRODUCERS ASSN.	2,650.00	
Do	WESTERN GOVERNORS POLICY OFFICE	1,200.00	
ALASKA LUMBER & PULP COMPANY, INC, P.O. BOX 1050 SITKA AK 99835		143,275.55	143,275.55
JAMES J. ALBERTINE, 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	300.00	
JOHN M. ALBERTINE, SUITE 209 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC.	1,750.00	174.96
H. MEADE ALCORN JR., ALCORN, BAKEWELL & SMITH ONE AMERICAN ROW HARTFORD CT 06103	HELEN WODELL HALBACH ESTATE		
FREDERICK K. ALDERSON, 1730 M STREET, NW, #607 WASHINGTON DC 20036	ARIZONA PUBLIC SERVICE COMPANY	720.00	1,104.27
DONALD C. ALEXANDER, MORGAN LEWIS & BOCKIUS 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036	BALDWIN-UNITED CORPORATION		
Do	BECHTEL POWER CORPORATION	330.00	
Do	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT		
Do	DISABLED AMERICAN VETERANS	20.00	
Do	EASTERN AIR LINES, INC	20.00	
Do	EVANS PRODUCT CO	30.00	
Do	FAMILY LIFE INSURANCE COMPANY	180.00	
Do	LUCASFILM LTD	80.00	
Do	MERRILL LYNCH LIFE AGENCY, INC		
Do	SECURITY PACIFIC INT'L. LEASING (EUROPE), INC.	10.00	
KAREN D. ALEXANDER, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
WILLIS W. ALEXANDER, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	2,500.00	65.32
MAXTON ALLCOX, 400 FIRST ST., NW, RM 801 WASHINGTON DC 20001	BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES	13,812.26	
ROBERT G. ALLEN, 511 C STREET, NE WASHINGTON DC 20002	C.A.R.E.		
ALLIANCE FOR CANNABIS THERAPEUTICS, PO BOX 23691 L'ENFANT PLAZA STATION WASHINGTON DC 20024			
ALLIANCE FOR IMMIGRATION REFORM, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007		500.00	
ALLIANCE OF AMERICAN INSURERS, 1501 WOODFIELD ROAD, #400 WEST SCHAUMBURG IL 60195			4,351.53
ALLIANCE TO SAVE ENERGY, 1925 K ST., NW SUITE 507 WASHINGTON DC 20006			3,435.36
PETER ALLSTROM, 815 16TH ST., NW WASHINGTON DC 20006	FOOD AND BEVERAGE TRADES DEPARTMENT, AFL-CIO	2,000.01	70.38
JOSEPH C. ALLWARDEN, DANIEL WEBSTER HIGHWAY SOUTH MERRIMACK NH 03054	KOLLSMAN INSTRUMENT CO.		
HARVEY ALTER, 1615 H STREET., N.W. WASHINGTON DC 20062	U.S. CHAMBER OF COMMERCE	200.00	
RICARDO R. ALVARADO, 2550 M STREET, NW, #600 WASHINGTON DC 20037	SIGNAL COMPANIES, INC	2,890.00	
ROBERT ALVAREZ, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	218.61	
AMALGAMATED TRANSIT UNION, AFL-CIO, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016			8,000.00
AMALGAMATED TRANSIT UNION, NATL CAP DIV. 689, 100 INDIANA AVE., NW, #403 WASHINGTON DC 20001			
ROBERT P. AMBROSE, 14615 LONE OAK ROAD EDEN PRAIRIE MN 55344	COOPERATIVE POWER ASSOCIATION	650.00	989.04
AMERICAN ACADEMY OF FAMILY PHYSICIANS, 1740 WEST 92ND ST. KANSAS CITY MO 64114		9,133.77	9,133.77
AMERICAN ACADEMY OF OPHTHALMOLOGY, SUITE 300 1101 VERMONT AVE., N.W. WASHINGTON DC 20005			15.95
AMERICAN ADVERTISING FEDERATION, 1225 CONNECTICUT AVE., NW #401 WASHINGTON DC 20036			
AMERICAN ARTS ALLIANCE, 424 C ST., NE WASHINGTON DC 20002		190,435.49	72,121.14
AMERICAN ASSN FOR COUNSELING AND DEVELOPMENT, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304		25,649.73	19,676.24
AMERICAN ASSN OF BLOOD BANKS, SUITE 600 1117 NORTH 19TH STREET ARLINGTON VA 22209			
AMERICAN ASSN OF EQUIPMENT LESSORS, SUITE 1010 1300 NORTH 17TH STREET ARLINGTON VA 22209			
AMERICAN ASSN OF MEAT PROCESSORS, P.O. BOX 269 ELIZABETHTOWN PA 17022		223.88	5,119.34
AMERICAN ASSN OF PORT AUTHORITIES, INC, 1612 K ST., NW WASHINGTON DC 20006			14,379.25
AMERICAN AUTOMOBILE ASSN, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047			
AMERICAN BANKERS ASSN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036		45,559.07	45,559.07
AMERICAN BORDER BROADCASTERS FREE SPEECH COMMITTEE, INC, 2000 M STREET, NW, #600 WASHINGTON DC 20036		4,120.00	2,956.08
AMERICAN BUSINESS CONFERENCE, INC, 1025 CONNECTICUT AVENUE, N.W. SUITE 209 WASHINGTON DC 20036		3,350.00	2,774.37
AMERICAN COUNCIL FOR CAPITAL FORMATION, SUITE 520 1850 K ST., NW WASHINGTON DC 20006		4,397.00	5,936.00
AMERICAN COUNCIL OF LIFE INSURANCE, INC, 1850 K ST., NW WASHINGTON DC 20006			9,585.26
AMERICAN DRUZE PUBLIC AFFAIRS COMMITTEE, HOTEL WASHINGTON, OFFICE 720 15TH STREET & PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004.		21,020.50	11,123.94
AMERICAN FARM BUREAU FED, 225 TOUHY AVE PARK RIDGE IL 60068		94,693.00	94,693.00
AMERICAN FED OF LABOR AND CONG OF INDUSTRIAL ORGANIZATIONS, 815 16TH ST., NW WASHINGTON DC 20006			128,856.64
AMERICAN FEED MFRS ASSN, 1701 N. FT. MYER DR. ARLINGTON VA 22209		3,240.00	3,240.00
AMERICAN FROZEN FOOD INST, 1700 OLD MEADOW ROAD MCLEAN VA 22102			8,025.00
AMERICAN HELLENIC INSTITUTE PUBLIC AFFAIRS COMMITTEE, 1730 K ST., NW WASHINGTON DC 20006			
AMERICAN HONEY PRODUCERS ASSN, PO BOX 368 MINCO OK 73059			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
AMERICAN HOSPITAL ASSN, 840 N. LAKE SHORE DR. CHICAGO IL 60611		31,497.17	31,497.17
AMERICAN HOTEL & MOTEL ASSN, 888 SEVENTH AVE. NEW YORK NY 10019		17,871.18	18,928.44
AMERICAN INST OF MERCHANT SHIPPING, SUITE 1000 1625 K ST,. NW WASHINGTON DC 20006			1,449.50
AMERICAN INSURANCE ASSN, 85 JOHN ST. NEW YORK NY 10038		3,636.00	3,636.00
AMERICAN ISRAEL PUBLIC AFFAIRS COMM, #412 444 N. CAPITOL ST., NW WASHINGTON DC 20001		100,532.00	96,555.78
AMERICAN LAND TITLE ASSN, 1828 L ST., NW WASHINGTON DC 20036			6,005.00
AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE, #4400 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024		18,059.50	20,463.33
AMERICAN LIBRARY ASSN, 50 E. HURON ST. CHICAGO IL 60611		1,509.45	5,748.00
AMERICAN LOGISTICS ASSOCIATION, 1133 15TH STREET, NW, #500 WASHINGTON DC 20005			
AMERICAN MEAT INSTITUTE, PO BOX 3556 WASHINGTON DC 20007			6,500.00
AMERICAN MEDICAL ASSN, 535 NORTH DEARBORN ST. CHICAGO IL 60610		1,198.75	33,659.93
AMERICAN MEDICAL CARE AND REVIEW ASSOCIATION, SUITE 210 5410 GROSVENOR LANE BETHESDA MD 20814			28.99
AMERICAN MEDICAL PEER REVIEW ASSN, SUITE 510 4401 LST ST., NW WASHINGTON DC 20001			28.99
AMERICAN MOVERS CONFERENCE, 400 ARMY-NAVY DR. ARLINGTON VA 22202			132.00
AMERICAN NEWSPAPER PUBLISHERS ASSN, BOX 17407 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041		1,125.00	1,125.00
AMERICAN NUCLEAR ENERGY COUNCIL, 410 1ST ST., SE WASHINGTON DC 20003		58,527.50	63,983.89
AMERICAN NURSES' ASSN, 2420 PERSHING RD KANSAS CITY MO 64108		21,330.32	21,330.32
AMERICAN OPTOMETRIC ASSN, C/O DR. JOHN D. TUMBLIN SUITE 400E 600 MARYLAND AVE., SW WASHINGTON DC 20024			
AMERICAN PAPER INST, INC, 260 MADISON AVE. NEW YORK NY 10016			8,545.50
AMERICAN PARATRANSIT INSTITUTE, P.O. BOX 340276 CORAL GABLES FL 33134			2,000.00
AMERICAN PETROLEUM INST, 2101 L ST., NW WASHINGTON DC 20037		145,889.00	201,144.00
AMERICAN PODIATRY ASSN, 20 CHEVY CHASE CIRCLE WASHINGTON DC 20015			21,372.95
AMERICAN POSTAL WORKERS UNION, AFL–CIO, 817 14TH ST., NW WASHINGTON DC 20005		51,446.82	56,832.16
AMERICAN PUBLIC TRANSIT ASSN, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036		14,470.91	14,470.91
AMERICAN PULPWOOD ASSN, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			
AMERICAN SCIENCE AND TECHNOLOGY CORP, 600 WATER STREET, SW, #207 WASHINGTON DC 20024			
AMERICAN SEED TRADE ASSN, SUITE 964 1030 15TH ST., NW WASHINGTON DC 20005			11,350.00
AMERICAN SHORT LINE RAILROAD ASSN, 2000 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			
AMERICAN SOYBEAN ASSOCIATION, SUITE 510 600 MARYLAND AVE., S.W. WASHINGTON DC 20024			
AMERICAN SURVEYS, EMBASSY SQUARE (SUITE 901) 2000 N ST., NW WASHINGTON DC 20036	NATIONAL CUSTOMS BROKERS & FORWARDERS ASSN OF AMERICA		210.71
AMERICAN TEXTILE MFRS INST, SUITE 300 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036		43,053.35	43,053.35
AMERICAN TRADE AND FINANCE COMPANY, 2001 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202		60,510.00	33,795.96
AMERICAN TRUCKING ASSNS, INC, 1616 P ST., NW WASHINGTON DC 20036		10,290.06	79,414.27
AMERICAN VETERANS OF WORLD WAR II, KOREA & VIETNAM (AMVETS) , 4647 FORBES BOULEVARD LANHAM MD 20706		6,950.47	6,960.47
AMERICAN VETERINARY MEDICAL ASSN, SUITE 828 1522 K ST., NW WASHINGTON DC 20005			220.00
AMERICAN WATERWAYS OPERATORS, INC, SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209		2,080.00	1,264.36
AMERICAN WATERWAYS SHIPYARD CONFERENCE, 1600 WILSON BOULEVARD, #500 ARLINGTON VA 22209			
MORRIS J. AMITAY, P.C., SUITE 168 400 N. CAPITOL ST., NW WASHINGTON DC 20001	NATIONAL SATELLITE CABLE ASSN	3,500.00	
Do	NORTHROP CORP	3,000.00	
Do	PAN AMERICAN WORLD AIRWAYS, INC	4,500.00	
JAN S. AMUNDSON, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
EDWARD ANDERSEN, 1616 H ST., NW WASHINGTON DC 20006	NATIONAL GRANGE	785.00	
ANDERSON & PENDLETON, SUITE 707 1000 CONNECTICUT AVE, NW WASHINGTON DC 20036	CANNED & COOKED MEAT IMPORTERS' ASSN		985.49
BETTE B. ANDERSON, THE POWER HOUSE 3255 GRACE STREET. NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: BEVERLY ENTERPRISES)		
Do	GRAY AND COMPANY (FOR: PAN AMERICAN NATIONAL BANK)		
Do	GRAY AND COMPANY (FOR: U.S. BANKNOTE)	937.50	
GWEN A. ANDERSON, SUITE 704 1200 18TH STREET, NW WASHINGTON DC 20036	SMALL BUSINESS ON-PREMISE SIGN FOUNDATION		
ROBERT L. ANDERSON, JOHN DEERE RD. MOLINE IL 61265	DEERE & COMPANY		
STEVEN C. ANDERSON, 1700 OLD MEADOW RD. MCLEAN, VA 22102	AMERICAN FROZEN FOOD INST	5,000.00	
WAYNE C. ANDERSON, SUITE 300 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	NABISCO, INC.		
WILLIAM C. ANDERSON, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		82.50
ANDREWS & KURTH, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	SPACE SERVICES INC. OF AMERICA		
ROBERT ANGEL, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA	300.00	
JAY ANGOFF, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	CONGRESS WATCH	5,000.00	
J. DONALD ANNETT, 1050 17TH ST., NW, #500 WASHINGTON DC 20036	TEXACO, INC.	500.00	
PATRICK S. ANTRIM, 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORPORATION		
APARTMENT & OFFICE BUILDING ASSOC. OF METROPOLITAN WASH. D.C., SUITE 600 1413 K ST., NW WASHINGTON DC 20005.			
JOHN D. AQUILINO JR., 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMERICA		
ROBERT J. ARAUJO, 1001 22ND STREET, NW, #600 WASHINGTON DC 20037	STANDARD OIL CO (OHIO)	425.00	45.00
JOHN CHRISTIAN ARCHER, 1730 RHODE ISLAND AVE., NW, #213 WASHINGTON DC 20036	BROWN & ROOT, INC.		
JOHN ARCHER, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
LESLIE ARENDS, 4815 DEXTER STREET, NW WASHINGTON DC 20007	W.C.I.A.		
ARENT, FOX, KINTNER, PLOTKIN & KAHN, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CENTRAL STATES SE & SW AREAS HEALTH, WELFARE & PENSION FUNDS	79,424.56	938.70
Do	GUARDIAN LIFE INSURANCE CO. OF AMERICA	10,777.25	1,271.91
Do	LARS KROGH & CO A/S		200.00
Do	MOTOR & EQUIPMENT MANUFACTURERS ASSN		
Do	PUEBLO INTERNATIONAL	998.30	130.14
Do	SITMAR CRUISES, INC	22,175.00	15,207.58
Do	TOYOTA MOTOR CORPORATION		477.80
ARKANSAS 2000, INC, P.O. BOX 1776 RUSSELLVILLE AR 72801			
JOHN A. ARMBRUSTER, 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO, INC.		
ARMSTRONG, TEASDALE, KRAMER & VAUGHAN, 611 OLIVE STREET, #1900 ST. LOUIS MO 63101	COMM ON US BUSINESS OF THE CANADIAN LIFE & HEALTH INSUR ASSN	13,344.00	1,355.90
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLUOR CORPORATION	600.00	
Do	INEXCO OIL CO	590.00	6.00
Do	NATIONAL COORDINATING COMM FOR MULTIEMPLOYER PLANS	2,200.00	25.00
CARL F. ARNOLD, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN FAMILY CORP	800.00	
Do	AMERICAN IRON & STEEL INSTITUTE	540.00	
Do	AMERICAN PETROLEUM INST	7,500.00	
Do	CORPORATE PROPERTY INVESTORS	625.00	
Do	MEAD CORPORATION	150.00	
Do	MORTGAGE GUARANTY INSURANCE CORP.	583.00	
Do	NATIONAL REALTY COMMITTEE	750.00	
Do	QUINTANA PETROLEUM CORP	1,125.00	
Do	SECURITIES INDUSTRY ASSN	438.00	
Do	SECURITY FIRST GROUP, INC.	625.00	
SANDY ARNOLD, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
NAN ARON, 600 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	ALLIANCE FOR JUSTICE		
H. L. ARONSON JR., 1511 34TH STREET, NW WASHINGTON DC 20007	NORTHWEST PIPELINE COMPANY		
ASBILL & JUNKIN, SUITE 401 419 7TH STREET, NW WASHINGTON DC 20004	COALITION ON SMOKING OR HEALTH	21,577.50	14,041.64
LUD ASHLEY, P.C., 1735 NEW YORK AVENUE, NW, 6TH FL. WASHINGTON DC 20006	AMERICAN INTERNATIONAL GROUP, INC		
Do	FEDERAL HOME LOAN MORTGAGE CORP	15,000.00	
Do	GENERAL PUBLIC UTILITIES, INC.		
Do	ISFA CORPORATION	3,000.00	
Do	MANVILLE CORPORATION	13,616.25	
Do	SAVINGS BANK OF PUGET SOUND		
Do	WITKOWSKI, WEINER, MCCAFFREY & BRODSKY, P.C.	10,762.50	41.65
JOSEPH ASHOOH, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBERT L. ASHWORTH, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS		
ASIAN PACIFIC ECONOMIC EDUCATIONAL CULTURAL ORGANIZATION, P.O. BOX 891 MANILA, PHILIPPINES			
ASPHALT ROOFING MANUFACTURERS ASSOCIATION, 6288 MONTROSE ROAD ROCKVILLE MD 20852			
ASSOCIATED BUILDERS & CONTRACTORS, INC, 729 15TH ST., NW WASHINGTON DC 20005		7,500.00	
ASSOCIATED CREDIT BUREAUS, INC, P.O. BOX 218300 16211 PARK 10 PLACE HOUSTON TX 77084			2,123.72
ASSOCIATED EMPLOYERS, INC, SUITE 315 A 1222 N. MAIN SAN ANTONIO TX 78212			
ASSOCIATED GENERAL CONTRACTORS OF AMERICA, 1957 E ST., NW WASHINGTON DC 20006			
ASSOCIATION FOR BIOMEDICAL RESEARCH, 400–2 TOTTEN POND ROAD SUITE 200 WALTHAM MA 02154		43,275.00	9,176.86
ASSOCIATION FOR BROADCAST ENGINEERING STANDARDS, INC, 2000 M STREET, NW, #600 WASHINGTON DC 20036			
ASSOCIATION FOR DEVELOPMENT POLICY RESEARCH, 1309 L STREET, NW WASHINGTON DC 20005		742.49	742.49
ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER, 10 BROADWAY ST.LOUIS MO 63102			893.00
ASSOCIATION OF AMERICAN FOREIGN SERVICE WOMEN, P.O. BOX 8068 WASHINGTON DC 20024		5,925.00	
ASSOCIATION OF AMERICAN LAW SCHOOLS, ONE DUPONT CIRCLE, NW, #370 WASHINGTON DC 20036			
ASSOCIATION OF AMERICAN PUBLISHERS, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		7,418.28	7,418.28

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ASSOCIATION OF AMERICAN RAILROADS, AMERICAN RAILROADS BLDG., SUITE 720 1920 L ST., NW WASHINGTON DC 20036.		96,259.53	96,259.53
ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES, SUITE 828 1522 K ST., NW WASHINGTON DC 20005			
ASSOCIATION OF GOVERNMENT ACCOUNTANTS, SUITE 100 727 SOUTH 23RD ST. ARLINGTON VA 22202			
ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC, 1735 DESALES ST., NW WASHINGTON DC 20036			1,682.50
ASSOCIATION OF TRIAL LAWYERS OF AMERICA, 1050 31ST ST., NW WASHINGTON DC 20007		16,520.00	16,520.00
GEORGE J. ASTE, 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	500.00	
JOHN MCELROY ATKISSON, 1717 K STREET, NW, #502 WASHINGTON DC 20036	CONSOLIDATED EDISON CO OF NEW YORK, INC.	4,350.00	
Do	WESTINGHOUSE	18,562.50	
ATLANTIC RICHFIELD CO, 515 SOUTH FLOWER STREET LOS ANGELES CA 90071			3,021.30
LLOYD G. ATOR JR., 1120 CONNECTICUT AVE., NW WASHINGTON, DC 20036	AMERICAN BANKERS ASSN	1,500.00	1,105.39
FRITZ E. ATTAWAY, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMER, INC.		
DOUGLAS ATWELL JR , MARVIN CENTER, #414 WASHINGTON DC 20052	GEORGE WASHINGTON UNIVERSITY STUDENT ASSN.		
AUDIO RECORDING RIGHTS COALITION, P.O. BOX 33705 WASHINGTON DC 20033		20,000.00	697.86
CLAUDIA MANSFIELD AUSTIN, 1801 N. MOORE STREET ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		
AUTOMOTIVE PARTS REBUILDERS ASSN, 6849 OLD DOMINION DRIVE MCLEAN VA 22101			
JOHN S. AUTRY, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION	2,600.00	900.00
AVENEL ASSOCIATES, INC, P.O. BOX 53131 WASHINGTON DC 20009	BROWARD FEDERAL SAVINGS & LOAN ASSN.		
Do	FLORIDA DEFENDERS OF THE ENVIRONMENT	6,000.00	109.35
Do	HOLCOMB INVESTMENTS, INC.		
AVON PRODUCTS, INC, 9 WEST 57TH ST. NEW YORK NY 10019			
GUS AVRAKOTOS, 1522 K ST., NW #406 WASHINGTON DC 20005	NATIONAL CONSUMERS LEAGUE, INC	271.91	2.00
GEORGE C. AXTELL, 475 L'ENFANT PLAZA, SW, #4400 WASHINGTON DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	6,000.00	
WILLIAM H AXTMAN, RM. 160 950 N. GLEBE RD. ARLINGTON VA 22203	AMERICAN BOILER MANUFACTURERS ASSN, INC.		
CRAIG H. BAAB, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	28.50
JED L. BABBIN, 4910 NORTH 27TH STREET ARLINGTON VA 22207	SHIPBUILDERS COUNCIL OF AMERICA	13,750.00	
PATTI JO BABER, SUITE 400 919 18TH ST., NW WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	1,500.00	185.52
DALE R. BABIONE, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	338.00	
ROBERT A. BACHA, SUITE 711 444 NORTH CAPITOL ST. WASHINGTON DC 20001	THE KEEFE CO. (FOR: WESTINGHOUSE ELECTRIC CORP)	6,600.00	
Do	KEEFE COMPANY (FOR: YOUNGS DRUG PRODUCTS CORP.)		62.28
BAENEN, TIMME, DE REITZES & MIDDLETON, 1049 30TH STREET, NW WASHINGTON DC 20007	CONFEDERATED SALISH & KOOTENAI TRIBES OF THE FLATHEAD RES.		
Do	NANA REGIONAL CORPORATION, INC.		
Do	SHEE ATIKA, INC.		
CARL E. BAGGE, COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSN	2,850.00	250.00
JOAN N. BAGGETT, 815 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTSMEN	5,000.00	20.00
GEORGE F. BAILEY JR , P.O. BOX 21 MONTGOMERY AL 36101	ALABAMA RAILROAD ASSN		
PAUL C. BAILEY JR., 1545 18TH STREET, NW WASHINGTON DC 20036	SOUTHERN COMPANY SERVICES, INC	202.50	356.41
WILLIAM W. BAILEY, 1050 17TH ST., NW SUITE 650 WASHINGTON DC 20036	MERCK & CO., INC.	1,000.00	277.45
JUDITH L. BAIRD, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	200.00	
JOHN BAIZE, CAPITOL GALLERY BLDG., #510 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN SOYBEAN ASSOCIATION		
EDWARD R. BAJER, 1015 15TH ST., NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	200.00	
BAKER & BOTTS, 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	HOUSTON LIGHTING & POWER COMPANY		
Do	PENNZOIL CO.		
Do	PETRO-LEWIS CORPORATION		9.00
Do	ROTAN MOSLE, INC.		
BAKER & HOSTETLER, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	CLEVELAND INSTITUTE OF ELECTRONICS		
Do	FEDERAL CARTRIDGE CORP	700.00	10.00
Do	KNIGHT FOUNDATION		
Do	MANVILLE CORPORATION		
Do	TIMKEN FOUNDATION	700.00	
EMIL F. BAKER, 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN		
KEITH L. BAKER, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE		
WALDON L. BAKER, SUITE 802 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	450.00	
WILLIAM S. BAKER, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE		
H.R. BALIKOV, THORNALL STREET EDISON NJ 08818	J. M. HUBER CORP.		
JACQUELINE BALK-TUSA, 1625 EYE ST., NW, #809 WASHINGTON DC 20006	BOISE CASCADE CORP	14.900.00	
W. ALLEN BALL, P.O. BOX 12910 CHARLESTON SC 29142	KIAWAH ISLAND COMPANY		
BALLARD, SPAHR, ANDREWS & INGERSOLL, SUITE 1100 1850 K STREET, NW WASHINGTON DC 20006	DELAWARE RIVER PORT AUTHORITY		205.09
Do	ENERGY TERMINALS, INC		
Do	PENNSYLVANIA ASSN OF INDUSTRIAL DEVELOPMENT AUTHORITIES		
Do	PHILADELPHIA PORT CORPORATION		123.06
Do	PORT OF WILMINGTON, DELAWARE		41.02
Do	SOUTH JERSEY PORT CORPORATION		41.02
Do	U.S. COMMITTEE FOR UNICEF	1,691.75	72.03
Do	WEST VIRGINIA INDUSTRIAL DEVELOPMENT ASSN		20.00
MICHAEL BALY III, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	4,000.00	218.09
BANK OF BOSTON CORPORATION, 100 FEDERAL ST. BOSTON MA 02110			
JUDY BARDACKE, 11 DUPONT CIRCLE,NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS		
ROBERT O. BARKER, 801 NORTHLAND TOWERS WEST SOUTHFIELD MI 48075	NATIONAL ASSN OF MANUFACTURERS	1,500.00	
THOMAS H. BARKSDALE JR., 2101 L ST., NW WASHINGTON DC 20036	AMERICAN PETROLEUM INST	5,500.00	544.70
DONNA R. BARNAKO, SUITE 1100 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CENTERS	940.00	303.19
JOHN H. BARNARD JR , 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL CORP		
BARNES RICHARDSON & COLBURN, SUITE 400 1819 H ST., NW WASHINGTON DC 20006	FLORIDA CITRUS MUTUAL	53,525.00	134.34
Do	UNIROYAL, INC		12.69
BARNETT & ALAGIA, 1000 THOMAS JEFFERSON STREET, NW, #900 WASHINGTON DC 20007	AMERICAN SCHOOL FOOD SERVICE ASSN	9,000.00	1,062.12
Do	CUBAN AMERICAN PUBLIC AFFAIRS COUNCIL	2,781.99	
Do	FARM CREDIT BANKS		
Do	FLORIDA FRUIT AND VEGETABLE	11,468.34	
Do	FLORIDA TOMATO EXCHANGE	10,353.23	
Do	PUBLICKER INDUSTRIES, INC.		
LARRY P. BARNETT, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	7,000.00	
PAMELA H. BARNETT, 100 MARYLAND AVE., N.E. WASHINGTON DC 20002	RELIGIOUS COALITION FOR ABORTION RIGHTS, INC.	5,500.02	
BARNETT, YINGLING, & SHAY, SUITE 810 1090 VERMONT AVE., NW WASHINGTON DC 20005	CITIBANK, N.A.	2,280.00	26.00
NEIL D. BARON, BOOTH & BARON 122 EAST 42ND ST. NEW YORK NY 10168	STANDARD & POOR'S CORPORATION		
RICHARD L. BARR, P.O. BOX 834 DES MOINES IA 50304	IOWA RAILWAY ASSN		
DAVID M. BARRETT, BARRETT, HANNA, DALY & GASPAR 2555 M STREET, NW, #100 WASHINGTON DC 20037	ALLIED TUBE & CONDUIT CORP	2,544.95	1,176.38
Do	ENERGY CONSUMERS & PRODUCERS ASSN	6,000.00	1,507.30
Do	NATIONAL MEDICAL ENTERPRISES, INC.	6,000.00	2,833.27
BARRETT SMITH SCHAPIRO SIMON & ARMSTRONG, 1201 PENNSYLVANIA AVENUE, NW, #821 WASHINGTON DC 20004	BEAR STEARNS & CO		5.00
Do	COFFEE, SUGAR & COCOA EXCHANGE, INC.		
Do	CSC CLEARING CORP		
Do	HUGO NEU & SONS, INC.		
Do	IRVING TRUST COMPANY		
Do	MERRILL LYNCH PIERCE FENNER & SMITH, INC		5.00
Do	METROPOLITAN TRANSPORTATION AUTHORITY		
Do	NEW YORK FUTURES EXCHANGE, INC.		
Do	SINGAPORE AIRLINES, LTD	4,341.00	
ROBERT W. BARRIE, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	2,500.00	
HARVEY BARRISON, 291 BROADWAY NEW YORK NY 10007	C. A. SHEA & COMPANY, INC		
JOHN BARRY, 715 8TH ST., SE WASHINGTON DC 20003	NATIONAL VICTIMS OF CRIME		
ROGER V. BARTH, 2555 M ST., NW WASHINGTON DC 20037	AMERICAN ASSN FOR CLINICAL CHEMISTRY		
LINDA LEIGH BARTLETT, 1010 WISCONSIN AVE., NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC.		
DIANE BATEMAN, 1015 18TH STREET, NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	10,000.00	2,488.96
ROBERT E. BATES JR, 1100 CONNECTICUT AVE, NW WASHINGTON DC 20036	MOBIL OIL CORP	1,125.00	
DAVIS M. BATSON, 1155 15TH ST., NW SUITE 611 WASHINGTON DC 20005	ETHYL CORPORATION	1,200.00	
LAURIE C. BATTLE, 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	2,600.00	
LYNNE D. BATTLE, 1101 CONNECTICUT AVE., NW, #705 WASHINGTON DC 20036	COLLEGE PLACEMENT COUNCIL, INC		
JOHN F. BATTLES, MASSACHUSETTS PETROLEUM COUNCIL 11 BEACON ST., #515 BOSTON MA 02108	AMERICAN PETROLEUM INST		
BARBARA BAUMAN, 1990 M STREET, NW, #480 WASHINGTON DC 20036	DETROIT EDISON COMPANY	450.00	25.00
BARRY H. BAUMAN, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	42.17
JAMES R. BAXTER, 2033 K ST., NW, #200 WASHINGTON DC 20006	NATIONAL CONSTRUCTION EMPLOYERS COUNCIL		
BAYH, TABBERT & CAPEHART, SUITE 1025 1575 I STREET, NW WASHINGTON DC 20005	ALLIED FIDELITY CORP.		
Do	AMERICAN CANCER SOCIETY	16,000.00	7,500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CUMMINS ENGINE CO, INC		
Do	LEXITEL CORPORATION		
Do	NATIONAL BASKETBALL ASSOCIATION		
Do	NEW ENERGY CORPORATION		
Do	PHARMACEUTICAL MANUFACTURERS ASSN	1,000.00	250.00
Do	SUGAR USERS GROUP	2,200.00	375.00
Do	WARNER COMMUNICATIONS, INC		
Do	FRANK W. WINNE & SON, INC	4,000.00	300.00
TINA MARTS BEACH, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	84.00	
BRUCE A. BEAM, SUITE 1041 1801 K ST., NW WASHINGTON DC 20006	AMERICAN ELECTRIC POWER SERVICE CORP	252.00	312.85
JEFFREY L. BEARD, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
THERESA E. BEARMAN, 9TH FLOOR 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,440.00	467.55
DONALD S. BEATTIE, 400 FIRST ST., NW WASHINGTON DC 20001	RAILWAY LABOR EXECUTIVES' ASSN	2,916.73	
CHRISTINE T. BEATTY, 1730 RHODE ISLAND AVE., NW, #612 WASHINGTON DC 20036	ST. JOE MINERALS CORP	7,500.00	192.39
HUBERT BEATTY, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
LAURA L. BEATY, 806 N. JEFFERSON ST. ARLINGTON VA 22205	NATIONAL PARKS & CONSERVATION ASSOCIATION	308.70	70.25
ORREN BEATY JR., 700 JEFFERSON BUILDING 1225 19TH STREET, NW WASHINGTON DC 20036	WESTERN FUELS ASSOCIATION, INC		5,460.00
EDWARD A. BECK III, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
ROBERT J. BECKER, SUITE 204 3077 W. JEFFERSON JOLIET IL 60435	JOINT COUNCIL OF ALLERGY & IMMUNOLOGY		
WILLIAM W. BEDDOW, 1101 15TH ST., NW WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION	925.00	
LYDIA I. BEEBE, 1700 K STREET, NW, #1204 WASHINGTON DC 20006	CHEVRON USA, INC	125.00	
RONALD L. BEEBER, 1660 L STREET, NW WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	1,972.07
ROBERT M. BEERS, 2101 E STREET, NW WASHINGTON DC 20037	AMERICAN FOREIGN SERVICE ASSN	4,766.57	81.75
EDWIN L. BEHRENS, 801 18TH STREET, NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	25.00	
MAX J. BEILKE, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151	NATIONAL ASSN FOR UNIFORMED SERVICES	1,516.56	
MARK BELANGER, 805 THIRD AVENUE NEW YORK NY 10022	MAJOR LEAGUE BASEBALL PLAYERS ASSN		
ALEXANDER B. BELL, 9618 COTTRELL TERRACE SILVER SPRING MD 20903	UNITED ASSN OF JNYMEN & APPREN. OF PLMBG & PIPEFTG INDUSTRY	3,750.00	282.84
BELL BOYD & LLOYD, THREE FIRST NATIONAL PLAZA 70 WEST MADISON STREET CHICAGO IL 60602	BOISE CASCADE CORP		
HOWARD H. BELL, 1225 CONNECTICUT AVE., NW, #401 WASHINGTON DC 20036	AMERICAN ADVERTISING FEDERATION		
WINSTON EVERETT BELL, P.O. BOX 26543 LAS VEGAS NV 89126			
BENCO, INC, P.O. BOX 619 ANDOVER MA 01810			
C. THOMAS BENDORF, 3615 OVERCREEK DR. COLUMBIA SC 29206	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	5,000.00	950.00
BENEFICIAL MANAGEMENT CORPORATION OF AMERICA, 1100 CARR RD. WILMINGTON DE 19899			
BRUCE BENEFIELD, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
KENNETH U. BENJAMIN JR, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	2,887.00	168.82
W. M. BENKERT, 1625 K ST., NW, #1000 WASHINGTON DC 20006	AMERICAN INST OF MERCHANT SHIPPING	1,250.00	9.75
BEVERLY L. BENNETT, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	500.00	129.60
JAMES M. BENNETT, 642 S. DAKOTA TRAIL FRANKLIN LAKES NJ 07417	JOS. SCHLITZ BREWING CO		
MEREDITH BENNETT, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
WILLIAM C. BENNETT JR , 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	550.00	
JOHN C. BENNISON, 4400 MACARTHUR BLVD., NW WASHINGTON DC 20007	AMERICAN SOCIETY OF TRAVEL AGENTS	7,000.00	
FREDERICK S. BENSON III, 1625 EYE STREET, NW, #902 WASHINGTON DC 20006	WEYERHAEUSER COMPANY		
NANCY C. BENSON, 1575 EYE ST., NW, #220 WASHINGTON DC 20005	AMERICAN CYANAMID CO	630.00	171.25
TOM BENSON, 501 UNION STREET, #506 NASHVILLE TN 37219	TENNESSEE RAILROAD ASSN		
JAMES E. BENTON, N. J. PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST	165.00	
DAVID A. BEREN, 888 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
GEORGE L. BERG JR., 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	5,400.00	35.00
REBECCA J. BERG, 2550 M ST., NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	400.00	31.25
O. M. BERGE, 12050 WOODWARD AVE. DETROIT MI 48203	BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES		
EDWIN M. BERGSMARK, THREE SEAGATE TOLEDO OH 43603	TOLEDO TRUST COMPANY		
PAUL C. BERGSON, 2550 M ST., NW WASHINGTON DC 20037	RJR INDUSTRIES, INC	4,230.00	50.00
DAVID BERICK, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	686.06	
FRANK BRETT BERLIN, SUITE 201 1828 L ST., NW WASHINGTON DC 20036	CRAY RESEARCH, INC		
ELLEN BERMAN, SUITE 320 2000 L ST., NW WASHINGTON DC 20036	CONSUMER ENERGY COUNCIL OF AMERICA	276.00	
JASON S. BERMAN, SUITE 250 2020 K ST., NW WASHINGTON DC 20006	WARNER COMMUNICATIONS INC	15,000.00	11,853.00
RICHARD B. BERMAN, 6606 LBJ FREEWAY DALLAS TX 75230	STEAK & ALE RESTAURANTS OF AMERICA, INC		
WILLIAM R. BERMAN, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
CHARLES BERNHARDT, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
GEORGE K. BERNSTEIN, 1730 K ST., NW WASHINGTON DC 20006	AMERICAN INSURANCE ASSN	1,000.00	
RACHELLE B. BERNSTEIN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,000.00	82.11
MAX N. BERRY, 3213 O ST., NW WASHINGTON DC 20007	AMERICAN IMPORTERS MEAT PRODUCTS GROUP		216.27
Do	CENTRE NATIONAL INTERPROFESSIONNEL DE L'ECONOMIC LAITIERE		
Do	COMMITTEE TO ASSURE THE AVAILABILITY OF CASEIN		
FRANK S. BESSON III, 1129 20TH STREET, NW WASHINGTON DC 20036	AM GENERAL CORPORATION	1,450.00	
WILLIAM M. BEUTE, 25 BROADWAY CLARK NJ 07066			
ROBERT L. BEVAN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,100.00	49.07
BEVERIDGE & DIAMOND, P.C., 1333 NEW HAMPSHIRE AVE, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE		
Do	TEXAS OIL & GAS CORP		
Do	UNITED CHURCH OF CHRIST		
MOE BILLER, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL–CIO	8,435.75	
BILLIG SHER & JONES, 2033 K ST., NW WASHINGTON DC 20006	'PORT USERS'	5,000.00	70.00
Do	ADHERENCE GROUP, INC	100.00	
Do	AMERICAN BAKERS ASSN	3,400.00	
Do	PRIVATE TRUCK COUNCIL OF AMERICA, INC	1,500.00	18.00
Do	SOUTH DAKOTA DEPT. OF TRANSPORTATION, DIV. OF RAILROADS		
Do	STEAMSHIP CONFERENCES	5,500.00	140.00
LEON G. BILLINGS, INC., SUITE 713 1660 L STREET, NW WASHINGTON DC 20036	STATE OF MONTANA	16,500.00	
ROBERT HENRI BINDER, 1150 CONNECTICUT AVENUE, NW, #800 WASHINGTON DC 20036	INTERNATIONAL AIRFORWARDER & AGENTS ASSOCIATION	1,000.00	880.00
BINGHAM, DANA & GOULD, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CONSUMER BANKERS ASSN	392.00	12.71
Do	VISA U.S.A., INC	1,148.00	6.25
P. RICHARD BIONDO, 9 WEST 57TH STREET NEW YORK NY 10019	AVON PRODUCTS, INC		
BIPARTISAN BUDGET APPEAL, P.O. BOX 9 BOWLING GREEN STATION NEW YORK NY 10004		70,568.00	19,250.26
BIRCH HORTON BITTNER PESTINGER & ANDERSON, SUITE 1100 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALASCOM, INC		
Do	ALASKA BANKERS ASSN		
Do	ALASKA PACIFIC BANCORPORATION		
Do	ALASKA POWER AUTHORITY		
Do	AMERICAN BUS ASSN		
Do	CALISTA CORP		
Do	COOK INLET REGION, INC		
Do	FIRST FEDERAL SAVINGS & LOAN ASSN OF ALASKA		
Do	JIM JONES, GOV'T RESEARCH & DEVELOPMENT CORP		
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY		
Do	SEALASKA CORP		
Do	ST. GEORGE TANAQ CORP		
Do	TEAMSTERS LOCAL 959		
Do	WESTINGHOUSE ELECTRIC CORP		
Do	WIEN AIR ALASKA		
BONNIE G. BIRD, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
ROBERT J. BIRD, 888 16TH STREET, NW WASHINGTON DC 20006	ZACHRY, INC		
WILLIAM J. BIRKHOFER, 1015 – 15TH STREET, N.W. # 802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	900.00	
WILLIAM H. BIRTCIL JR., SUITE 2700 1000 WILSON BOULEVARD ARLINGTON VA 22209	TRW, INC	1,000.00	
PHIL M. BITTER, 1700 K STREET N W. SUITE 1204 WASHINGTON DC 20006	CHEVRON USA, INC	400.00	
GERRIE BJORNSON, 1800 K ST., NW, #929 WASHINGTON DC 20006	B.F. GOODRICH CO.	100.00	
NEAL R. BJORNSON, 1840 WILSON BLVD. ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	2,950.00	78.00
EDWARD J. BLACK, TENDLER, BLACK & BIGGINS 1110 VERMONT AVENUE, NW WASHINGTON DC 20006	COMPUTER & COMMUNICATION INDUSTRY ASSOCIATION	12,000.00	12,330.00
Do	NATIONAL COUNSEL ASSOCS (FOR NORFOLK SOUTHERN RR, ET AL)	898.50	
SPENCER BLACK, 142 W. GORHAM STREET MADISON WI 53703	SIERRA CLUB	1,462.50	609.00
TOM G. BLACK, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
BLACK, MANAFORT & STONE, INC., 324 NORTH FAIRFAX STREET ALEXANDRIA VA 22314	AMERICAN PETROFINA, INC	15,000.00	179.74
Do	TOSCO CORPORATION	19,500.00	415.57
BRENT BLACKWELDER, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	825.58	
BEV D. BLACKWOOD, 1899 L STREET, N.W. STE. 1100 WASHINGTON DC 20036	EXXON CORPORATION		
BARBARA S. BLAINE, P.C., 910 16TH STREET, NW WASHINGTON DC 20006	PHARMACEUTICAL MANUFACTURERS ASSN	3,100.00	161.55

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
BOWEN BLAIR JR., 1306 MAIN STREET VANCOUVER WA 98660	FRIENDS OF THE COLUMBIA GORGE	45.00	
DAVID A. BLAIR, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	165.00	
GERRY BLANCHARD, GNAU, CARTER, JACOBSEN & ASSOC., INC. 1777 F STREET, NW WASHINGTON DC 20006	AMURCON CORPORATION		
Do	BEZTAK COMPANY		
Do	BI-COUNTY CONSORTIUM		
Do	CAC ASSOCIATES		
Do	DETROIT & MACKINAC RAILWAY COMPANY		
Do	GLOBAL COMMUNICATIONS		
Do	GRAND TRAVERSE DEVELOPMENT, INC.		
Do	MOVE DETROIT FORWARD FUND		
Do	POTTER INSTRUMENT CO., INC.		
Do	RJK CONSTRUCTION COMPANY		
Do	SANDERS CORPORATION		
Do	URBAN REVITALIZATION, INC.		
HELEN BLANK, 122 C STREET, NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND	2,814.50	10.00
SAMUEL A. BLEICHER, BLANK, ROME, COMISKY & MCCAULEY 1700 K STREET, NW, #404 WASHINGTON DC 20006	A & S TRANSPORTATION COMPANY	1,778.75	26.32
VIRGINIA B. BLISS, 1725 K STREET, NW WASHINGTON DC 20006	COURTNEY, MCCAMANT & TURNEY	300.00	
JERALD BLIZIN, 1201 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20004	HILL & KNOWLTON, INC		
ELLEN BLOCK, 3RD FLOOR 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	882.75	
L. THOMAS BLOCK, ONE WALL STREET NEW YORK NY 10015	IRVING TRUST CO	1,000.00	600.00
PETER L. BLOCKLIN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,800.00	
HOLTON E. BLOMGREN, 1015 15TH STREET, NW, #1220 WASHINGTON DC 20005	NATIONAL MANUFACTURED HOUSING FEDERATION	18,750.00	
DOUGLAS M. BLOOMFIELD, 444 NORTH CAPITOL ST, NW #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	15,499.98	
MARK BLOOMFIELD, SUITE 520 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION	1,530.00	
JOHN B. BLOUNT JR., 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	339.92
BLUM & NASH, SUITE 408 1015 18TH ST., NW WASHINGTON DC 20036	AMERICAN NEWSPAPER PUBLISHERS ASSN		
Do	TWIN COAST NEWSPAPERS, INC.		
Do	VIDEOTEX INDUSTRY ASSN.		
JARED O. BLUM, 1730 M ST., NW, #610 WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	300.00	166.44
MILLY S. BLUMEL, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL COMPANY OF CALIFORNIA		976.60
CHARLES R. BLUMENFELD, BOGLE & GATES THE BANK OF CALIFORNIA CENTER SEATTLE WA 98164	PACIFIC SEAFOOD PROCESSORS ASSN.		
WAYNE F. BOAN, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	1,300.00	
BOAT OWNERS ASSOCIATION OF THE U.S., 880 S. PICKETT ST. ALEXANDRIA VA 22304		30,000.00	31,756.28
DAVID A. BOCKORNY, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	326.91
ROBERT SPURRIER BOEGE, 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN SOCIETY OF ASSN EXECUTIVES		
DONALD P. BOGARD, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORPORATION		
TIMOTHY A. BOGGS, 2020 K STREET, NW, #250 WASHINGTON DC 20006	WARNER COMMUNICATIONS, INC	11,250.00	8,429.53
ROBERT Z. BOHAN, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN	89.43	386.93
PATRICIA BOINSKI, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	50.00	
RICHARD O. BOLGER, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC.	40.00	
ROBERT J. BOLGER, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	1,650.00	
BERNADETTE BOLTON, 400 FIRST ST., NW SUITE 800 WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	300.00	
A. DEWEY BOND, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	500.00	
EDWARD N. BOND, 1700 NORTH MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	640.00	70.25
JAY BONITT, SUITE 700 1150 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALLIED CORP	1,100.00	
Do	BENDIX CORP	2,500.00	155.00
SHARON LEE BONITT, 1025 CONNECTICUT AVE., NW, #200 WASHINGTON DC 20036	SHELL OIL CO	500.00	
KATHLEEN BONNER, 600 WATER STREET, SW, #207 WASHINGTON DC 20024	AMERICAN SCIENCE AND TECHNOLOGY CORP		
BONNEVILLE ASSOCIATES, SUITE 300 200 E. SOUTH TEMPLE SALT LAKE CITY UT 84111	WESTERN REGIONAL COUNCIL		
BONSIB, INC, P.O. BOX 1807 WASHINGTON DC 20013			
GAYLON B. BOOKER, 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMERICA		
EDWARD T. BORDA, 1625 EYE ST., NW, #1023 WASHINGTON DC 20006	ASSOCIATION OF GENERAL MERCHANDISE CHAINS	4,000.00	
LAURENCE D. BORY, SUITE 802 1015 15TH ST., NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	750.00	
G. STEWART BOSWELL, 1611 NORTH KENT ST., #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC	2,550.00	125.25
MARION L. BOSWELL, 6646 MADISON-MCLEAN DR. MCLEAN VA 22101	ITALIAN AEROSPACE INDUSTRIES (U.S.A.), INC.		
CHARLES G. BOTSFORD, SUITE 515 1730 M ST., NW WASHINGTON DC 20036		1,200.00	141.00
JOHN E. BOUCHARD, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	264.00	18.00
MARY M. BOURDETTE, 4TH FLOOR 122 C STREET, NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND OF THE WASHINGTON RESEARCH PROJECT	962.00	44.50
ALBERT D. BOURLAND, 1901 N. FORT MYER DRIVE, 12TH FL. ROSSLYN VA 22209	COMMITTEE FOR EQUITABLE COMPENSATION	1,600.00	72.14
FRANK J. BOWDEN JR., ASSOCIATED PETROLEUM INDUSTRIES OF PA P.O. BOX 925 HARRISBURG PA 17108	AMERICAN PETROLEUM INST		
M. STEPHANIE BOWER, 102 LYNNMOOR DRIVE SILVER SPRING MD 20910	UNITED FARM WORKERS OF AMERICA, AFL-CIO		
RODNEY A. BOWER, SUITE 702 818 ROEDER RD. SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
DAVID W. BOWERS, 1801 K ST., NW, #1201 WASHINGTON DC 20006	U.S. INDEPENDENT TELEPHONE ASSN	1,000.00	
ROBERT R. BOWERS, WEST VIRGINIA PETROLEUM COUNCIL SUITE 714 ATLAS BLDG. CHARLESTON WV 25301	AMERICAN PETROLEUM INST		
BOWERY SAVINGS BANK, 110 EAST 42ND STREET NEW YORK NY 10017			463.00
BOWMER COURTNEY BURLESON & PEMBERTON, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		13.37
JIM D. BOWMER, P.O. BOX 844 TEMPLE TX 76503	Do		
JOAN COSTAIN BOWYER, 1015 15TH ST., NW WASHINGTON DC 20005	PHELPS DODGE CORP	150.00	
JOHN G. BOYD, 1801 K ST., NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP.	360.00	62.66
ROBERT K. BOYD, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	3,500.00	213.56
THURMAN L. BOYKIN, 1800 N. KENT STREET, #901 ARLINGTON VA 22209	AGRISTORE SYSTEMS COMPANY		
Do	ARKANSAS 2000, INC		
STEPHEN S. BOYNTON, 1015 MOOREFIELD HILL GROVE VIENNA VA 22180	AMERICAN FUR RESOURCES INSTITUTE	500.00	20.00
BRACEWELL & PATTERSON, SUITE 1200 1825 EYE ST., N.W. WASHINGTON DC 20006	ACCOUNTS MANAGEMENT CORPORATION		
Do	AUSTRIAN, LANCE & STEWART, P.C.	600.00	239.40
Do	DRESSER INDUSTRIES, INC.	300.00	119.70
Do	HOUSTON NATURAL GAS CORP	150.00	59.85
Do	PENNSYLVANIA NATURAL GAS ASSOCIATES	300.00	119.70
Do	SOUTHDOWN/PELTO OIL COMPANY		
Do	U.S. TUNA FOUNDATION		
Do	VALERO ENERGY CORPORATION	450.00	179.55
BRACY WILLIAMS & COMPANY, 1000 CONNECTICUT AVENUE, NW, #304 WASHINGTON DC 20036	CALIFORNIA NICKEL CORP	15,000.00	17,228.00
Do	CITY OF TUCSON	7,000.00	5,089.00
Do	ENERGY ABSORPTION SYSTEMS, INC.	8,000.00	6,658.00
Do	PRATT & WHITNEY AIRCRAFT GROUP	10,000.00	5,043.00
Do	SOUTHERN ARIZONA WATER RESOURCES ASSOCIATION	4,000.00	4,125.00
FRANK W. BRADLEY, 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	2,700.00	
GENE BRADLEY, 1700 N. MOORE STREET ROSSLYN VA 22209	BOEING COMPANY		
WAYNE W. BRADLEY, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	500.00	
DENNIS M. BRADSHAW, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
CHARLES N. BRADY, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
HUGH S. BRADY, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
CARREN BRAGG, 1901 L STREET, NW, #303 WASHINGTON DC 20036	COLT INDUSTRIES, INC	500.00	
CHARLES G. BRAGG, P.O. BOX 12285 MEMPHIS TN 38182	NATIONAL COTTON COUNCIL OF AMERICA	1,050.00	336.42
RAYMOND F. BRAGG JR., 114 THIRD STREET, SE WASHINGTON DC 20003	AMERICAN INDEPENDENT REFINERS ASSN	100.00	
STUART J. BRAHS, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC.	573.45	2,574.52
ROBERT M. BRANDON, 1300 CONNECTICUT AVE., NW, #401 WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION	1,850.00	106.10
RICHARD D. BRANNICK, R.D. #2, BOX 108 DEXTER NY 13636	NATIONAL BORDER PATROL COUNCIL	630.20	1,352.11
GERARD M. BRANNON, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
ROY BRAUNSTEIN, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	9,560.07	161.98
PETER ELLIOT BRAVEMAN, SUITE 2200 10100 SANTA MONICA BLVD. LOS ANGELES CA 90067	LOEB AND LOEB (FOR: JOAN IRVINE SMITH)	17,000.00	68.00
NOEL BRAZIL, 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
EDWARD T. BREATHITT, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CORPORATION	1,000.00	
ROY S. BREDDER, SUITE 1004 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
BREED, ABBOTT & MORGAN, 1875 EYE ST., NW, #1000 WASHINGTON DC 20006	ASSOCIATED HOSPITAL SERVICES OF NEW YORK		
BRENDA I. BREGMAN, 100 MARYLAND AVENUE , N.E. WASHINGTON DC 20002	RELIGIOUS COALITION FOR ABORTION RIGHTS, INC.	3,450.00	
BREGMAN, ABELL & KAY, SUITE 610 1900 L ST., NW WASHINGTON DC 20036	AFL–CIO		
Do	AIR TRANSPORT ASSN OF AMERICA		
Do	AMERICAN CAR RENTAL ASSN	1,250.00	
Do	COMMITTEE FOR EFFECTIVE TAX INCENTIVES		
Do	CONSOLIDATED FREIGHTWAY CORP		
Do	HILTON INTERNATIONAL, INC.		
Do	NORTON SIMON, INC.	5,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	ROADWAY EXPRESS, INC	1,000.00	
Do	RYDER SYSTEMS, INC	2,000.00	
Do	TRANS WORLD AIRLINES, INC.		
Do	TRANS WORLD CORPORATION		
Do	TRUCK RENTING & LEASING ASSN.	1,250.00	
MICHAEL J. BRENNAN, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF BRIDGE, STRUCT. & ORNAMENTAL IRON WKRS	10,800.00	653.09
MILES H. BRESEE JR, 50 BEALE ST., P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
ALBERT E. BREWSTER, SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORP		
ELIZABETH Y. BRITTON, 2550 M STREET , N.W. WASHINGTON DC 20037	RJR INDUSTRIES, INC	115.20	153.94
ELLEN BROADMAN, 1146 19TH STREET, NW WASHINGTON DC 20036	CONSUMERS UNION OF U.S., INC.	220.00	5.00
MARINA L. BROCKMANN, 605 14TH STREET, NW WASHINGTON DC 20005	SOCIETY OF THE PLASTICS INDUSTRY		
WILLIAM M. BRODHEAD, 900 MARQUETTE BUILDING DETROIT MI 48226	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: COUNCIL OF MICHIGAN FOUNDATIONS).	5,787.50	839.24
Do	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: MICHIGAN CONSOLIDATED GAS COMPANY).		
Do	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: CITY OF DETROIT, MICHIGAN).	6,250.00	393.59
DAVID A. BRODY, 1640 RHODE ISLAND AVE., NW WASHINGTON DC 20036	ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH	3,200.00	
NANCY B. BROFF, 805 THIRD AVENUE NEW YORK NY 10022	MAJOR LEAGUE BASEBALL PLAYERS ASSN	954.55	197.25
PHILLIP J. BROMAN, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC	20.00	
MICHAEL D. BROMBERG, 1111 19TH ST., NW, #402 WASHINGTON DC 20036	FEDERATION OF AMERICAN HOSPITALS	4,500.00	
MARY E. BROOKS, 1730 M STREET, NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	3,327.70	36.95
DAVID W. BROOME, 1800 M ST., NW, #870-S WASHINGTON DC 20036	BURLINGTON INDUSTRIES, INC		
MARIO BROSSI, 1730 M STREET, NW, #610 WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	300.00	26.01
DONALD G. BROTZMAN, 1901 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	RUBBER MFGRS ASSN	10,000.00	
BROWN & FINN, SUITE 510 1920 N STREET, NW WASHINGTON DC 20036	SUBURBAN CABLEVISION AND WAYNE CABLEVISION	170.00	
BEN JARRATT BROWN, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007	CORPORATION FOR GOVERNMENT ACTION, INC	19,000.00	
CHARLES T. BROWN, P.O. BOX 100 MIAMI AZ 85539	PINTO VALLEY COPPER CORP		54.26
DAVID S. J. BROWN, 1101 17TH ST., NW, #604 WASHINGTON DC 20036	MONSANTO CO	600.00	295.30
DIANE R. BROWN, 1515 WILSON BOULEVARD ARLINGTON VA 22209	AMERICAN GAS ASSN	3,000.00	378.02
ELLEN B. BROWN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,400.00	60.47
HOWARD C. BROWN JR, 1919 PENNSYLVANIA AVE., NW, #702 WASHINGTON DC 20006	CENTAR ASSOCIATES		
Do	NATIONAL ASSN OF LIFE SCIENCE INDUSTRIES, INC.		
JAMES F. BROWN, 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	532.50	
JESSE B. BROWN, 1900 PENNSYLVANIA AVE., NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO	6.01	
JESSE P. BROWN JR., 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMERICA	2,616.92	178.48
RALPH BROWN, SUITE 107 701 S. 22ND STREET OMAHA NB 68102	M.O.A.A.I.O.A. & SUBS, INC	10.00	10.00
BROWN TODD & HEYBURN, 1600 CITIZENS PLAZA LOUISVILLE KY 40202	BROWN & WILLIAMSON TOBACCO CORP		
VINCENT D. BROWN, NEBRASKA PETROLEUM COUNCIL P.O. BOX 95063 LINCOLN NB 68509	AMERICAN PETROLEUM INST	1,000.00	
WILLIAM E. BROWN, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	378.41	188.28
WILLIAM R. BROWN, SUITE 200 122 C ST., NW WASHINGTON DC 20001	COUNCIL OF STATE CHAMBERS OF COMMERCE	440.00	
BROWN, ROADY, BONVILLIAN & GOLD, 1300 19TH STREET, NW, #300 WASHINGTON DC 20036	CITIZENS FOR GAULEY RIVER		
Do	DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION	7,120.00	449.45
Do	KANSAS CITY SOUTHERN RAILWAY	14,480.00	1,310.13
Do	METROPOLITAN TRANSIT AUTHORITY	5,625.00	1,018.03
Do	NORTHEASTERN INTERNATIONAL AIRWAYS, INC	2,226.50	704.37
Do	SMITH DAWSON ASSOCS (FOR SAN FRAN. PUBLIC UTIL. COMMISSION)	1,875.09	124.91
Do	WESTERN RIVER GUIDES ASSN		
DONALD T. BROWNE, 205 EAST 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
STANLEY R. BROWNE, SUITE 1120 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
THOMAS N. BROWNELL, 1700 NORTH MOORE STREET, 20TH FL. ROSSLYN VA 22209	BOEING COMPANY		
BROWNSTEIN ZEIDMAN & SCHOMER, SUITE 900 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN		
Do	MORTGAGE GUARANTY INSURANCE CORP		
Do	NEW YORK STATE URBAN DEVELOPMENT CORP		
DAVID BRUBAKER, P.O. BOX 329 B-110 EPHRATA PA 17522	PENNAG INDUSTRIES ASSOCIATION		
JAMES W. BRUNER JR , 2197 LAKE TAHOE BLVD. P.O. BOX 10110 SOUTH LAKE TAHOE CA 95731	LEAGUE TO SAVE LAKE TAHOE	10,000.00	
KATHRYNE M. BRUNER, 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GA TECHNOLOGIES, INC	750.00	172.14
WILLIAM K. BRUNETTE, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	342.70	117.25
ROBERT O. BRUNNER, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSN. OF RETIRED PERSONS	392.31	15.40
J. CHARLES BRUSE, SUITE 802 1211 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ALLSTATE INSURANCE GROUP	540.00	183.24
HARVEY F. BRUSH, 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL INC		
DAWN M. BRYDON, 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFS/MILK INDUSTRY FOUND.		
JOHN S. BUCKLEY, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	500.00	10.00
ROBERT D. BUEHLER, 1800 K ST., NW, #929 WASHINGTON DC 20006	BF GOODRICH CO	400.00	
BUILDING OWNERS & MANAGERS ASSN INTL, 1221 MASSACHUSETTS AVE.,N.W. WASHINGTON DC 20005			
DOUGLAS W. BULCAO, 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MFRS INST	2,000.00	12.85
DARREL D. BUNGE, MINNESOTA PETROLEUM COUNCIL 1025 NORTHERN FEDERAL BUILDING ST. PAUL MN 55102	AMERICAN PETROLEUM INST	275.00	758.00
LAWRENCE E. BURCH, 1711 KING ST. ALEXANDRIA VA 22314	POTATO CHIP/SNACK FOOD ASSOCIATION		
NORMAN D. BURCH, SUITE 401 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	COLLEGE OF AMER PATHOLOGISTS	5,220.00	80.00
DAVID G. BURDEN, 200 E. RANDOLPH DR. CHICAGO IL 60601	STANDARD OIL CO		
PAUL F. BURDETT, 10 EMERSON COURT SEVERNA PARK MD 21146	MERRELL DOW PHARMACEUTICALS INC		28.00
CLAIR W. BURGENER, 530 BROADWAY, #1018 SAN DIEGO CA 92101	G A TECHNOLOGIES, INC	8,000.00	3,007.92
WILLIAM J. BURHOP, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	10,000.00	
GERARD P. BURKE, SUITE 400 1707 H STREET, NW WASHINGTON DC 20006	INTERNATIONAL AIR LEASES, INC.		
J.J. BURKE JR, 40 E. BROADWAY BUTTE MT 59701	MONTANA POWER CO		53.61
PAUL T. BURKE, 1050 17TH STREET, NW, #500 WASHINGTON DC 20036	TEXACO, INC	1,262.00	
BURLEY & DARK LEAF TOBACCO EXPORT ASSN, 1100 17TH ST., NW WASHINGTON DC 20036		26,756.71	1,050.50
BILL D. BURLISON, 499 SOUTH CAPITOL STREET, SE, #103 WASHINGTON DC 20003	EMERSON ELECTRIC CO	3,750.00	124.01
Do	MCDONNELL DOUGLAS CORPORATION	8,750.00	494.65
Do	PLANNING RESEARCH CORPORATION	250.00	17.50
CHARLES S. BURNS, 1015 15TH ST., NW WASHINGTON DC 20005	PHELPS DODGE CORP	1,200.00	
TIMOTHY F. BURNS, 2501 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
BURR PEASE & KURTZ, 810 N ST., ANCHORAGE, AK 99501	EKLUTNA, INC		
B. KENT BURTON, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	8,000.00	148.32
BUSBY, REHM & LEONARD, 1629 K ST., NW, #1100 WASHINGTON DC 20006	UNIVERSAL LEAF TOBACCO CO., INC		
BARBARA L. BUSH, 2101 L STREET, NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	200.00	
ROBERT W. BUSHA, 6811 KENILWORTH AVE. P.O. BOX 517 RIVERDALE MD 20737	NATIONAL ASPHALT PAVEMENT ASSN.		
BUSINESS COUNCIL FOR IMPROVED TRANSPORT POLICIES, SUITE 1200 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036.			
BUSINESS PRODUCTS COUNCIL ASSN., P.O. BOX 8855, FH STATION DURHAM NC 27707			
JAMES J. BUTERA, 4TH FLOOR 1101 15TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF MUTUAL SAVINGS BANKS	4,687.50	
BUTLER & BINION, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ASBESTOS WORKERS' UNION, LOCAL NO. 14		
Do	BROWARD COUNTY, FLORIDA	743.75	141.50
Do	CITY OF PHILADELPHIA	42,329.00	1,767.00
Do	PENINSULA AIRWAYS, INC		
Do	PENNSYLVANIA SHIPBUILDING CO		
Do	PHILADELPHIA FACILITIES MANAGEMENT CORP		
Do	PHILADELPHIA PORT CORP	13,155.00	395.00
Do	SEATTLE & NORTH COAST RAILROAD CO	430.00	33.00
M. CALDWELL BUTLER, P.O. BOX 720 ROANOKE VA 24004	ELECTRONIC PROCESSING, INC	12,052.73	564.73
C.A.R.E., 511 C STREET, NE WASHINGTON DC 20002			
CADWALADER, WICKERSHAM & TAFT, 7TH FLOOR 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ASPHALT ROOFING MANUFACTURERS ASSOCIATION		
Do	GENERAL DYNAMICS CORPORATION		
Do	KWAJALEIN ATOLL CORP		
Do	MOCATTA METALS CORP		
Do	PHILADELPHIA STOCK EXCHANGE, INC		
Do	SHELL OIL CO		
ROY C. CAHOON, 6100 KNOLLWOOD DR. FALLS CHURCH VA 22041	NATIONAL AUTOMATIC MERCHANDISING ASSN.		
MORRISON G. CAIN, 1625 I ST., NW, #1023 WASHINGTON DC 20006	ASSOCIATION OF GENERAL MERCHANDISE CHAINS	6,250.00	
ALAN CALDWELL, SUITE 770 2550 M STREET, NW WASHINGTON DC 20037	RJR INDUSTRIES, INC	1,200.00	56.58
FRANK W. CALHOUN, 3400 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC		2,339.68
CALIFORNIA HOUSING COUNCIL, 1225 8TH STREET, #325 SACRAMENTO CA 95814			
PETER E. CALLANAN, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	HONEYWELL, INC	200.00	525.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
CALORIE CONTROL COUNCIL, #500-D 5775 PEACHTREE-DUNWOODY RD. ATLANTA GA 30342			3,939.00
GORDON L. CALVERT, BOX 34-531 BETHESDA MD 20817	COMMERICIAL LAW LEAGUE OF AMER, COMM COLL. AGENCY SECTION		
DONALD L. CALVIN, 11 WALL ST. NEW YORK NY 10005	NEW YORK STOCK EXCHANGE, INC.		
ARTHUR E. CAMERON, SUITE 110 499 S. CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN GREYHOUND TRACK OPERATORS ASSN	2,250.00	
Do	REDLAND PRISMO CORP., ET AL	7,014.00	
Do	SAFETRAN SYSTEMS CORPORATION	3,275.00	
Do	SIGNAL COMMUNICATIONS		
CAMP, CARMOUCHE, BARSH, HUNTER, GRAY & HOFFMAN, P.C., 2550 M ST., NW, #275 WASHINGTON DC 20037	JOSEPH CANIZARO		
Do	CENTRAL & SOUTHERN MOTOR FREIGHT TRAFFIC ASSN		
Do	CENTRAL STATES MOTOR FREIGHT BUREAU		
Do	CHAMPLIN PETROLEUM COMPANY		
Do	EASTERN CENTRAL MOTOR CARRIERS ASSN		
Do	KIDDER, PEABODY		
Do	KING & SPALDING		
Do	LEHMAN BROTHERS		
Do	MCDONALD & COMPANY		
Do	METROPOLITAN INSURANCE COMPANIES	600.00	
Do	MIDDLE ATLANTIC CONFERENCE		
Do	MIDDLEWEST MOTOR FREIGHT BUREAU		
Do	MOBIL OIL CORP	150.00	
Do	NATURAL GAS SUPPLY ASSN	1,200.00	
Do	NEW ENGLAND MOTOR RATE BUREAU		
Do	NIAGARA FRONTIER TARIFF BUREAU		
Do	NORTH HASKELL SLAUGHTER YOUNG & LEWIS		
Do	OCCIDENTAL PETROLEUM CORP		
Do	PACIFIC INLAND TARIFF BUREAU		
Do	PAKHOED	187.50	
Do	PENNZOIL CO	125.00	
Do	PPG INDUSTRIES, INC.		
Do	RAUSCHER PIERCE REFSNES		
Do	ROCKY MOUNTAIN MOTOR TARIFF BUREAU		
Do	SOUTHERN MOTOR CARRIERS RATE CONFERENCE		
Do	STERN, AGEE & LEACH		
Do	TEXACO, INC	150.00	
Do	THORNTON, FARISH & GAUNTT	150.00	
Do	U.S. LEAGUE OF SAVINGS ASSOCIATIONS		
Do	WHEAT FIRST SECURITIES		
CAMPAIGN FOR COMMUNITY-BASED ECONOMIC DEVELOPMENT, SUITE 901 2025 EYE STREET, NW WASHINGTON DC 20006		1,250.00	1,250.00
CAMPAIGN FOR U.N. REFORM - POLITICAL EDUCATION COMMITTEE, 600 VALLEY ROAD WAYNE NJ 07470		8,822.49	6,360.19
C. R. CAMPBELL JR , SUITE 900 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	GENERAL TELEPHONE & ELECTRONICS		2,500.00
CARL C. CAMPBELL, 1030 15TH ST., NW, SUITE 700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	200.00	
CHARLES ARGYLL CAMPBELL, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
JEANNE CAMPBELL, 1800 MASSACHUSETTS AVENUE, NW, #510 WASHINGTON DC 20036	NEW ENGLAND COUNCIL, INC.		
Do	NEW ENGLAND MUTUAL LIFE INSURANCE CO		
JERRY L. CAMPBELL, 831 CHESTNUT ST. CHATTANOOGA TN 37402	TENNESSEE VALLEY PUBLIC POWER ASSN		
KEVIN B. CAMPBELL, 101 CONSTITUTION AVENUE, N.W. WASHINGTON DC 20001	UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA	8,400.00	6,414.31
ROBERT E. CAMPBELL, 1730 M STREET, NW, #501 WASHINGTON DC 20036	GROVE, JASKIEWICZ, GILLIAM AND COBERT		
THOMAS D. CAMPBELL, SUITE 500 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,500.00	645.47
ALYCE D. CANADAY, 918 16TH ST., NW WASHINGTON DC 20006	PACIFIC POWER AND LIGHT CO	740.00	760.02
CANADIAN COALITION ON ACID RAIN, 112 ST. CLAIR AVENUE, #504 TORONTO, ONTARIO M4V 2Y3		17,530.00	2,786.12
ROBERT P. CANAVAN, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,535.00	18.00
SHARON M. CANAVAN, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA	5,370.00	137.00
PAUL W. CANE, 50 BEALE ST., P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
DAVE CANNARD, 113 W. 1ST VANCOUVER WA 98660	FRIENDS OF THE COLUMBIA GORGE		
W. DEAN CANNON JR , 9800 S. SEPULVEDA BLVD. SUITE 500 LOS ANGELES CA 90045	CALIFORNIA LEAGUE OF SAVINGS INSTITUTIONS		
DAVID L. CANTOR, SUITE 1200 1133 15TH STREET, NW WASHINGTON DC 20005	PORTER WRIGHT MORRIS & ARTHUR (FOR: COALITION FOR ENVIRONMENTAL-ENERGY BALANCE).	36.48	
RICHARD A. CANTOR, P.O. BOX 8293 WASHINGTON DC 20024	OIL INVESTMENT INSTITUTE		
CAPLIN AND DRYSDALE, CHARTERED, 1101 17TH ST., NW WASHINGTON DC 20036	COUNCIL ON FOUNDATIONS, INC.	12,850.00	285.00
DONALD CAPSHAW, 2426 DOGWOOD TRAIL DR., GERMANTOWN TN 38138	AIRLINE PILOTS ASSN.		
ARNOLD P. CAPUTO, 1970 HOPEWOOD DRIVE FALLS CHURCH VA 22043	NATIONAL CONCRETE MASONRY ASSN	130.00	129.83
CONSTANTINE G. CARAS, 2828 PENNSYLVANIA AVENUE, NW, #205 WASHINGTON DC 20007	OGDEN CORPORATION		
DENISE A. CARDMAN, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
NORVAL E. CAREY, 1025 CONNECTICUT AVE., NW #704 WASHINGTON DC 20036	GULF OIL CORP (FOR GA TECHNOLOGIES, INC)	1,435.00	179.39
CAROLE R. CARLIN, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
J. PHILIP CARLSON, SUITE 935, WASHINGTON BUILDING 1435 G STREET, NW WASHINGTON DC 20005	EUGENE L. STEWART AND ROSES, INC.	6,000.00	358.57
PETER CARLSON, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	1,239.77	
ROBERT E. CARLSTROM JR., 1730 RHODE ISLAND AVENUE, NW, #612 WASHINGTON DC 20036	ST. JOE MINERALS CORPORATION	6,000.00	88.13
CHAPIN CARPENTER JR., 1211 CONNECTICUT AVENUE, NW, #406 WASHINGTON DC 20036	MAGAZINE PUBLISHERS ASSN, INC	1,500.00	
GEORGE D. CARPENTER, 7162 READING ROAD CINCINNATI OH 45222	PROCTER & GAMBLE COMPANY		
CARR-GOTTSTEIN PROPERTIES, INC, 1341 FAIRBANKS STREET ANCHORAGE AK 99501			17,106.17
LAWRENCE W. CARROLL, 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR CO	450.00	279.48
JOHN R. CARSON, 20 CHEVY CHASE CIRCLE WASHINGTON DC 20015	AMERICAN PODIATRY ASSN	16,000.00	
HANS L CARSTENSEN, 1625 EYE STREET N.W. #902 WASHINGTON DC 20006	WEYERHAEUSER CO	588.00	65.42
DAVID C. CARTER, 1156 15TH ST., NW SUITE 1019 WASHINGTON DC 20005	U.S. BEET SUGAR ASSN		
JOHN R. CARTER, 1000 WILSON BOULEVARD SUITE 2600 ARLINGTON VA 22209	TRW, INC.	1,000.00	
JOSEPH L. CARTER JR , 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	836.81	230.65
JAMES P. CARTY, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	500.00	
SUSAN B. CARVER, 1130 17TH STREET, NW WASHINGTON DC 20036	NATIONAL COAL ASSN	475.00	1,186.31
JIM CASEY, 3470 MILDRED DR. FALLS CHURCH VA 22042	BELLE FOURCHE IRRIGATION DISTRICT	1,500.00	94.50
Do	GARRISON DIVERSION CONSERVANCY DISTRICT	1,500.00	72.00
Do	LEAFFER COMPANY, INC.	500.00	72.00
Do	NORTH CENTRAL NEBRASKA RECLAMATION DISTRICT	1,000.00	72.00
JAMES B. CASH JR , 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	2,000.00	
ALLEN R. CASKIE, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	1,950.00	130.00
EUGENE I. CASRAISS JR , 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	9,881.20	155.60
WILLIAM E. CASSELMAN II , SUITE 675 NORTH 1800 M STREET, NW WASHINGTON DC 20036	DORSEY & WHITNEY (FOR: NORTHROP UNIVERSITY)		168.04
RITA L. CASTLE, 100 NE ADAMS PEORIA IL 61629	CATERPILLAR TRACTOR CO		
G. THOMAS CATOR, 1050 17TH STREET, NW WASHINGTON DC 20036	NEECE, CATOR & ASSOCIATES, INC (FOR: NATIONAL ASSN OF BUSINESS DEVELOPMENT CORPS).	200.00	
Do	NATIONAL ASSN OF DEVELOPMENT COMPANIES (NADCO)	250.00	
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: SOUTHEASTERN LUMBER MANUFACTURERS ASSN).	1,800.00	720.00
JOSEPH E. CAVANAGH, 1125 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO-CLC	4,600.00	
RED CAVANEY, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	600.00	
DOROTHY D. CECELSKI, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,624.98	
CEDERBERG & ASSOCIATES, 7100 SUSSEX PLACE ALEXANDRIA VA 22307	GRUMMAN CORPORATION	200.00	
Do	MARTIN MARIETTA CORP.	200.00	
Do	RCA	200.00	
Do	UNITED TECHNOLOGIES CORPORATION	200.00	
CENTRAL STATES RESOURCE CENTER, P.O. BOX 577 URBANA IL 61801			85.21
CF INDUSTRIES, INC., SALEM LAKE DR. LONG GROVE IL 60047			500.00
CHADBOURNE, PARKE, WHITESIDE & WOLFF, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	MANUFACTURERS LIFE INSURANCE CO AND MAINE FIDELITY LIC	5,000.00	197.93
Do	MONEGON LTD.		102.70
Do	NATIONAL ASSN OF BROADCASTERS	10,000.00	263.55
Do	SOLAREX CORPORATION		227.15
Do	U.S. PHOTOVOLTAICS MANUFACTURERS' AD HOC COMMITTEE		91.87
Do	WASHINGTON PSYCHIATRIC SOCIETY	8,000.00	42.09
CHARLES M. CHAFER, 600 WATER ST. WASHINGTON DC 20024	SPACE SERVICES INC OF AMERICA		
CHAIN SAW MFGRS ASSN, SUITE 1008 4340 EAST-WEST HIGHWAY BETHESDA MD 20814			
DURWOOD CHALKER, P.O. BOX 220164 2121 SAN JACINTO ST., #2500 DALLAS TX 75222	CENTRAL AND SOUTH WEST CORP		
CHARLES E. CHAMBERLAIN, 1747 PENNSYLVANIA AVENUE, N.W. WASHINGTON DC 20006	COMMITTEE FOR 806.30 AND 807, INC.	1,500.00	
CHAMBERS ASSOCIATES, INC, 1411 K STREET, NW, #500 WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	6,532.88	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	APACHE CORPORATION	1,802.98	
Do	COMMISSIONED OFFICERS ASSN OF THE PUBLIC HEALTH SERVICE	866.25	
Do	FACET, CORP		
Do	MANVILLE CORPORATION	4,258.67	
Do	STATE OF OREGON, DEPT. OF HUMAN RESOURCES		
ED CHANDLER, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	8,250.00	500.00
J. W. CHANDLER, 1575 I ST., NW WASHINGTON DC 20005	YORK DIV., BORG-WARNER CORP		10.50
WILLIAM J. CHANDLER, SUITE 300 1717 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CHELONIA INSTITUTE	1,385.00	35.68
Do	LAURANCE S. ROCKEFELLER	150.00	3.75
Do	WEST INDIES INVESTMENT COMPANY	1,960.00	188.95
WILLIAM C. CHAPMAN, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	3,557.43
CHAPMAN, DUFF AND PAUL, 1825 EYE ST., NW WASHINGTON DC 20006	ANNUAL CHARGES POLICY GROUP	2,613.75	
CHARLES, KARALEKAS, MCCAHILL & WILSON, 1250 CONNECTICUT AVENUE, NW, #318 WASHINGTON DC 20036	INDEPENDENT INSURANCE AGENTS OF AMERICA		
RICHARD M. CHARLTON, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	416.00	413.00
LESLIE CHEEK III, 1120 CONNECTICUT AVE., NW, #1142 WASHINGTON DC 20036	CRUM & FOSTER CORP	16,250.00	722.50
JANE CHEEVER, 100 FEDERAL ST. BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON		
CHEMICAL MANUFACTURERS ASSOCIATION, INC., 2501 M ST.,NW WASHINGTON DC 20037		5,000.00	3,000.00
CHEMICAL SPECIALTIES MFGRS ASSN, 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			986.80
WILLIAM B. CHERKASKY, 1025 CONNECTICUT AVENUE, NW, #707 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN		
B. H. CHERRY, 100 INTERPACE PARKWAY PARSIPPANY NJ 07054	GPU SERVICE CORPORATION	44.00	17.00
STEPHAN E. CHERTOFF, 1709 NEW YORK AVENUE, NW, #303 WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD	112.63	
PAUL D. CHING, 1025 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
BRUCE L. CHRISTENSEN, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	600.00	150.00
WILLIAM T. CHRISTIAN, 1333 NEW HAMPSHIRE AVENUE,N.W. WASHINGTON, DC 20036	ATLANTIC RICHFIELD CO	250.00	
JACK E. CHRISTY, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN. OF RETIRED PERSONS	384.23	620.71
CHUGACH ELECTRIC ASSN, INC, PO BOX 3518 ANCHORAGE AK 99501			
DONALD T. CHUNN, ROUTE 2, BOX 89 COLUMBIA TN 38401	TITLE ASSOCIATES, INC		
CHWAT/WEIGEND ASSOCIATES, 400 FIRST STREET, NW, #816 WASHINGTON DC 20001	AMERICAN HOME SEWING ASSN, INC	500.00	500.00
Do	MORSE TYPEWRITER CO., INC	1,500.00	1,500.00
Do	NATIONAL ASSN. OF TOBACCO DISTRIBUTORS	3,000.00	3,000.00
Do	WINNIE M. TSE	315.00	315.00
CIGAR ASSN OF AMERICA, INC, SUITE 1201 1100 17TH STREET, NW WASHINGTON DC 20036			592.18
CITIES FOR RESPONSIBLE CABLE POLICY, 1020 SOUTHWEST TOWER AUSTIN TX 78701			
CITIZEN/LABOR ENERGY COALITION, RM. 401 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036		8,650.00	8,683.55
CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS, LIBERTY PARK, 12500 NE TENTH PLACE 1601 114TH SE BELLEVUE WA 98005.		447,777.18	174,052.30
CITIZENS FOR SENSIBLE CONTROL OF ACID RAIN (CSCAR), P.O. BOX 33729 WASHINGTON DC 20033		459,750.00	
CLADOUHOS & BRASHARES, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	SMITH, BARNEY, HARRIS, UPHAM & CO	1,000.00	
JOHN W. CLAGGETT, 1825 EYE STREET, NW, #1040 WASHINGTON DC 20006	FUTURES INDUSTRY ASSN, INC		
BOB CLARK & ASSOCIATES, SUITE 1908 400 MADISON ST. ALEXANDRIA VA 22314	RYDER SYSTEMS, INC		
GILBERT CLARK, SUITE 600 1117 N. 19TH ST. ARLINGTON VA 22209	AMERICAN ASSN OF BLOOD BANKS		
JAMES F. CLARK, ROBERTSON, MONAGLE, EASTAUGH & BRADLEY 200 NATIONAL BANK OF ALASKA BLDG. P.O. BOX 1211 JUNEAU AK 99802.	ALASKA LUMBER & PULP		
JAMES W. CLARK JR , 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
JOSEPH J. F. CLARK, 1750 K ST., NW, #260 WASHINGTON DC 20006	EATON ASSOCIATES, INC		
JULIE CLARK, 1625 K ST., NW EIGHTH FLOOR WASHINGTON DC 20006	NATIONAL LEGAL AID & DEFENDERS ASSN.	9,347.00	986.00
RUDY I. CLARK, 5342 WOODBURY WOODS LANE FAIRFAX VA 22032	AIR FORCE SERGEANTS ASSN		
VERNON A. CLARK, 1899 L ST., NW, #403 WASHINGTON DC 20036	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC.	2,825.00	4,800.00
WADE P. CLARKE JR , JOHN DEERE RD MOLINE IL 61265	DEERE & COMPANY		
SCOTT CHARLES CLARKSON, SUITE 607 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	WASTE MANAGEMENT, INC		
JOAN CLAYBROOK, SUITE 605 2000 P ST., NW WASHINGTON DC 20036	PUBLIC CITIZEN, INC	255.00	
CLEAR CHANNEL BROADCASTING SERVICE (CCBS), 1776 K STREET, NW, #1100 WASHINGTON DC 20006		36,100.00	40,813.00
CLEARY, GOTTLIEB, STEEN & HAMILTON, 1752 N STREET, NW WASHINGTON DC 20036	FORMALDEHYDE INSTITUTE	900.00	8.96
Do	PUBLIC SECURITIES ASSOCIATION	600.00	19.00
JACQUELINE W. CLEMENTS, SUITE 900 1015 15TH STREET, NW WASHINGTON DC 20005	INTERNORTH	1,500.00	
RONALD D. CLEMENTS, 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	2,800.00	228.60
CLEVELAND ELECTRIC ILLUMINATING CO., 55 PUBLIC SQUARE P.O. BOX 5000 CLEVELAND OH 44113			902.30
W. M. CLICK, BOX 719 DALLAS TX 75221	SOUTHLAND CORPORATION		
CLIFFORD & WARNKE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	AUSTRALIAN MEAT & LIVE-STOCK CORP		
Do	JOINT CORPORATE COMM ON CUBAN CLAIMS	600.00	180.00
DEXANNE CLOHAN, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	3,769.00	45.64
CHRISTOPHER E. CLOUSER, 25TH & MCGEE KANSAS CITY MO 64108	HALLMARK CARDS, INC		
COALITION FOR ENVIRONMENTAL DATA, C/O CHWAT/WEIGEND ASSOCIATES 400 FIRST STREET, NW, #816 WASHINGTON DC 20001.		25.00	550.95
COALITION FOR FULL NUCLEAR ACCOUNTABILITY, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003			
COALITION FOR UNIFORM PRODUCT LIABILITY LAW, SUITE 303 1901 L STREET, NW WASHINGTON DC 20036		1,719.13	1,719.13
COAN, COUTURE, LYONS & MOORHEAD, SUITE 1015 1625 EYE ST., NW WASHINGTON DC 20006	A - C VALLEY CORPORATION		
Do	TOSCO		
Do	WESTINGHOUSE ELECTRIC CORPORATION		
COASTAL PROPERTIES INSTITUTE, INC., P.O. BOX 6255 HILTON HEAD SC 29938	COASTAL PROPERTIES INSTITUTE, INC	195.00	875.12
THOMAS B. COATES, CONNECTICUT PETROLEUM COUNCIL 410 ASYLUM ST. HARTFORD CT 06103	AMERICAN PETROLEUM INST		
RICHARD B. COBB, PETROLEUM COUNCIL OF GA 230 PEACHTREE ST., NW, #1500 ATLANTA GA 30303	AMERICAN PETROLEUM INST	780.00	1,142.93
COFFEE, SUGAR & COCOA EXCHANGE, INC, 4 WORLD TRADE CENTER, 8TH FL. NEW YORK NY 10048			
JOHN J. COFFEY, 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	650.00	
DON V. COGMAN, 1100 CONNECTICUT AVE., NW SUITE 820 WASHINGTON DC 20036	MAPCO INC.	4,750.00	297.83
COHEN AND URETZ, 4TH FLOOR 1775 K ST., NW WASHINGTON DC 20006	CONTRACT STAFFING OF AMERICA, INC.		
Do	NORTHWEST ENERGY COMPANY		
LOIS D. COHEN ASSOCIATES, 360 EAST 65TH STREET NEW YORK NY 10021	NORTHEASTERN INTERNATIONAL AIRWAYS, INC		
DANIEL L. COHEN, 1050 31ST STREET, NW WASHINGTON DC 20007	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	2,000.00	100.00
HERBERT B. COHN, MORGAN, LEWIS, & BOCKIUS 1800 M ST., NW WASHINGTON DC 20036	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT		
COLE & CORETTE, P.C., 1100 VERMONT AVE., NW WASHINGTON DC 20005	DOW CHEMICAL CO		27.35
Do	GOVERNMENT OF THE NETHERLANDS ANTILLES		
Do	MEDTRONIC, INC.		
ANN COLE, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
E. WILLIAM COLE, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	700.00	83.95
STACEY W. COLE, NEW HAMPSHIRE PETROLEUM COUNCIL 23 SCHOOL ST. CONCORD NH 03301	AMERICAN PETROLEUM INST		
JOHN M. COLLIER, 4436 PERRIER ST. NEW ORLEANS LA 70115	SOUTHERN FOREST PRODUCTS ASSN	10,744.26	
COLLIER, SHANNON, RILL & SCOTT, SUITE 308 1055 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN FROZEN FOOD INST	2,025.00	
Do	AMERICAN MEAT INSTITUTE		
Do	CROP INSURANCE RESEARCH BUREAU		
Do	CSX CORPORATION		
Do	CYLINDER MANUFACTURERS ASSOCIATION	4,500.00	75.00
Do	FERROS SCRAP CONSUMERS COALITION	2,000.00	150.00
Do	FOOD MARKETING INSTITUTE		
Do	HUFFY CORPORATION	4,725.00	4,725.00
Do	INDEPENDENT LUBRICANT MANUFACTURERS ASSN		
Do	NATIONAL ASSN OF CONVENIENCE STORES		
Do	NATIONAL BROILER COUNCIL		
Do	NATIONAL HAIRDRESSERS & COSMETOLOGISTS ASSN		
Do	NORRIS INDUSTRIES		
Do	OUTDOOR POWER EQUIPMENT INSTITUTE	500.00	25.00
Do	SOCIETY OF INDEPENDENT GASOLINE MARKETERS OF AMERICA	4,000.00	
Do	SPECIALTY STEEL INDUSTRY OF THE UNITED STATES		
Do	WEST TEXAS LAND & ROYALTY OWNERS ASSN		
GEORGE COLLINS, 1126 16TH ST., NW WASHINGTON DC 20036	INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS	600.00	300.00
STEPHEN J. COLLINS, 1909 K STREET, N.W. SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC.		
WILLIAM P. COLLINS, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.	3,985.69	
COLORADO RAILROAD ASSN, 236 DENVER CLUB BUILDING DENVER CO 80202			
COMMERCIAL UNION INSURANCE COMPANIES, ONE BEACON STREET BOSTON MA 02108			
COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT, C/O HERBERT COHN 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036.			
COMMITTEE FOR CONSTITUTIONAL INTEGRITY, 1900 L STREET, NW, #610 WASHINGTON DC 20036			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
COMMITTEE FOR EFFECTIVE CAPITAL RECOVERY, SUITE 303 1901 L ST., NW WASHINGTON DC 20036		300.00	300.00
COMMITTEE FOR EFFECTIVE TAX INCENTIVES, ONE FARRAGUT SQUARE 8TH FLOOR WASHINGTON DC 20006			
COMMITTEE FOR FAIR INSURANCE RATES, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003		522,380.00	531,971.46
COMMITTEE FOR HUMANE LEGISLATION, INC, 11 WEST 60TH ST. NEW YORK NY 10023		9,443.99	4,390.13
COMMITTEE FOR PROPOSITION THIRTY, P.O. BOX 915 HARTSELLE AL 35640			
COMMITTEE TO ASSURE THE AVAILABILITY OF CASEIN, 3213 O ST., NW WASHINGTON DC 20007			3,959.47
COMMON CAUSE, 2030 M ST., NW WASHINGTON DC 20036		2,031,256.00	546,012.72
COMMUNICATIONS MANAGEMENT, INC, 1925 NORTH LYNN STREET, #1140 ARLINGTON VA 22209	CITIZENS FOR SENSIBLE CONTROL OF ACID RAIN (CSCAR)	302,458.00	
Do	NATURAL GAS SUPPLY ASSN	855,668.00	855,668.00
COMMUNITY NUTRITION INSTITUTE, RM. 300 1146 19TH ST., NW WASHINGTON DC 20036			
LANCE COMPA, 1411 K ST., NW, #410 WASHINGTON DC 20005	UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMERICA	5,513.48	4.60
COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION, 1500 WILSON BLVD SUITE 512 ARLINGTON VA 22209			
EDWARD C. CONE, P.O. BOX 1788 FOREST PARK GA 30051	SOUTHEASTERN LUMBER MANUFACTURERS ASSN		
CAROLE K. CONES, SUITE 301 1515 N. COURTHOUSE RD. ARLINGTON VA 22201	DCM GROUP (FOR: AD HOC COMMITTEE FOR AMERICAN SILVER)	6,450.00	20.22
CONGRESS WATCH, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003		59,255.70	59,255.70
RAYMOND F. CONKLING, 1050 17TH ST., NW WASHINGTON DC 20036	TEXACO, INC	150.00	10.70
ROBERT J. CONLAN, 1630 CONNECTICUT AVE., NW WASHINGTON DC 20009	NATIONAL CONSUMER COOPERATIVE BANK	3,989.44	
JOHN B. CONNALLY, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: NORTHVILLE INDUSTRIES CORP)		
Do	VINSON & ELKINS (FOR: TRAVELERS INSURANCE COMPANY)		
STEPHEN N. CONNER, ROUTE 1, BOX 506 EASTON MD 21601	FOREIGN MINISTRY OF KINGDOM OF SAUDI ARABIA	40,000.00	1,367.47
PAULA J. CONNOLLY, 1700 K STREET, NW, #702 WASHINGTON DC 20006	AMERICAN EXPRESS CO		
RICHARD J. CONNOR JR , 425 13TH ST., NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE US, INC	1,725.00	150.00
JERRY C. CONNORS, SUITE 511 1745 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MANUFACTURED HOUSING INSTITUTE	1,000.00	100.00
MARK R. CONRAD, 1200 PEAVEY BUILDING MINNEAPOLIS MN 55479	NORWEST CORPORATION	10,800.00	900.30
CONSERVATIVES AGAINST LIBERAL LEGISLATION, 104-A S. COLUMBUS ST. ALEXANDRIA VA 22314			
CONSERVATIVES FOR IMMIGRATION REFORM, INC, P.O. BOX 2607 WASHINGTON DC 20013			
CONSOLIDATED EDISON CO OF NEW YORK, INC, 4 IRVING PLACE NEW YORK NY 10003			512.50
CONSOLIDATED RAIL CORPORATION, PO BOX 23451 WASHINGTON DC 20024			12,198.00
CONSORTIUM OF SOCIAL SCIENCE ASSOCIATIONS, SUITE 300 1755 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS	38,208.34	976.91
JAY CONSTANTINE, SUITE 350 1300 N.17TH ST. ARLINGTON VA 22209	AMERICAN NURSES' ASSN	6,000.00	219.36
CONSUMER ENERGY COUNCIL OF AMERICA, SUITE 320 2000 L ST., NW WASHINGTON DC 20036			1,886.00
CONSUMERS UNION OF U.S., INC., 256 WASHINGTON ST. MOUNT VERNON NY 10550			10,295.00
CONTACT SYSTEMS CORP, 200 MADISON AVENUE, #1207 NEW YORK NY 10016			
CONTESSA CRUISE LINE, INC, 15311 VANTAGE PARKWAY W., #280 HOUSTON TX 77032			3,500.00
JOHN J. CONTNEY, 1250 E. HOLLANDALE BEACH BLVD. HOLLANDALE FL 33009	TEXTILE RENTAL SERVICES ASSN OF AMERICA		
JOHN A. CONWAY, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
EMERY S. CONYERS, P.O. BOX 1706 MIDLAND MI 48640	DOW CHEMICAL CO		
ALEXANDRA W. COOK, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	240.00	167.00
FREDERCK N. COOK, VERMONT PETROLEUM ASSOCIATION P.O. BOX 566 MONTPELIER VT 05602	AMERICAN PETROLEUM INST	900.00	660.94
K. RICHARD COOK, 777 14TH ST., NW, SUITE 700 WASHINGTON DC 20005	GENERAL ELECTRIC CO	350.00	
THOMAS M. COOK, SUITE 1032 425 13TH ST., NW WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
COOK, PURCELL, HENDERSON & ZORACK, 11TH FLOOR 1015 18TH ST., NW WASHINGTON DC 20036	ALEUT CORPORATION		
Do	ALEUTIAN/PRIBILOF ISLANDS ASSN, INC	500.00	
Do	AMERICAN MOTORCYCLIST ASSN		
Do	ASHLAND OIL, INC		
Do	AUDIO RECORDING RIGHTS COALITION		
Do	B.A.T. INDUSTRIES, LTD	43,718.75	43.75
Do	BENENSON CAPITAL COMPANY		
Do	CNA INSURANCE CO OF CHICAGO, ILLINOIS	1,587.00	
Do	COALITION FOR COMPETITION	1,211.25	
Do	CONSOLIDATED NATURAL GAS CO		
Do	EMPLOYEE ORGAN. FED. EMPLOYEES HEALTH BENEFITS PROGRAM ASSN		
Do	GC SERVICES CORP	7,018.75	
Do	HARLEY-DAVIDSON MOTOR CO, INC		
Do	HOME RECORDING RIGHTS COALITION	10,605.00	162.94
Do	ROADWAY EXPRESS, INC		
Do	TANADGUSIX CORPORATION	8,550.00	
Do	TEXACO, INC		
Do	TEXAS GAS TRANSMISSION CORP	2,000.00	64.40
Do	TOBACCO INSTITUTE	25,000.00	
EILEEN D. COOKE, 110 MARYLAND AVE., NE, SUITE 101, BOX 54 WASHINGTON DC 20002	AMERICAN LIBRARY ASSN	1,200.00	
BERNARD J. COONEY, 1835 K STREET, NW, #900 WASHINGTON DC 20006	CATERPILLAR TRACTOR CO		
BENJAMIN Y. COOPER JR, 1730 NORTH LYNN ST. ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMER, INC	7,500.00	
JESSE D. COOPER, SUITE 314 1155 15TH ST., NW WASHINGTON DC 20005	ROCKY MOUNTAIN OIL & GAS ASSN	1,600.00	830.91
JOSHUA W. COOPER, 400 MADISON STREET, APT. 808 ALEXANDRIA VA 22314	PORTSMOUTH-KITTERY ARMED SERVICES COMM, INC	2,400.00	898.67
KATHY J. COOPER, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON USA, INC	200.00	
MARK N. COOPER, 2000 L STREET, N.W. SUITE 320 WASHINGTON DC 20036	CONSUMER ENERGY COUNCIL OF AMERICA	1,571.00	39.00
MITCHELL J. COOPER, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	COUNCIL OF FOREST INDUSTRIES	3,000.00	
Do	FOOTWEAR DIV., RUBBER MFGRS ASSN	12,600.00	3.00
COOPERATIVE LEAGUE OF THE USA, SUITE 1100 1828 L ST., NW WASHINGTON DC 20036		9,543.30	3,911.04
DARRELL COOVER, 499 SOUTH CAPITOL ST., SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	2,000.00	525.00
JOHN F. CORCORAN, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CO	1,000.00	
PATRICK H. CORCORAN, SUITE 1205 1725 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF OIL PIPELINES		
CORCORAN, HARDESTY, WHYTE, HEMPHILL & LIGON, P.C., SUITE 510 1575 EYE STREET, NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP	36,812.00	7,148.89
ALFRED C. CORDON, GORDON & JACOBS 2000 L ST., NW, #616 WASHINGTON DC 20036	BUFFALO BROADCASTING CO., INC		
GORDON R. COREY, 2511 PARK PLACE EVANSTON IL 60201	COMMONWEALTH EDISON CO	2,200.00	1,553.38
BENNETT J. CORN, FOUR WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC		
CORN REFINERS ASSOCIATION, INC., 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036		4,213.00	1,994.00
CORNELL, PELCOVITS & BRENNER ECONOMISTS, INC., SUITE 708 1211 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AUDIO RECORDING RIGHTS COALITION		
Do	SONY CORP OF AMERICA		
CORPORATION FOR GOVERNMENT ACTION, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007	CORPORATION FOR GOVERNMENT ACTION, INC	31,393.26	35,180.96
ERNEST J. CORRADO, SUITE 1000 1625 K STREET, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF MERCHANT SHIPPING	180.00	9.75
MARY MARCOTTE CORRIGAN, 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER		
RICHARD L. CORRIGAN, 1201 PENNSYLVANIA AVENUE, NW, #250 WASHINGTON DC 20004	CH2M HILL, INC	1,675.00	
MARTY CORRY, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	392.31	522.61
ALLAN D. CORS, 1800 K ST., NW, SUITE 1104 WASHINGTON DC 20006	CORNING GLASS WORKS	475.00	
R. H. CORY, 1510 AMERICAN BANK TOWER AUSTIN TX 78701	CENTRAL AND SOUTH WEST SERVICES, INC	330.00	509.83
COSMETIC, TOILETRY & FRAGRANCE ASSN, INC, SUITE 800 1110 VERMONT AVE., NW WASHINGTON DC 20005			
CLARK R. COSSE III, 2900 INDIANA AVE. KENNER LA 70062	SOUTHERN FOREST PRODUCTS ASSN		
JAMES R. COSTELLO JR , 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MFRS INST	500.00	35.90
MICHAEL E. COSTELLO, SUITE 600 1090 VERMONT AVE., NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP		477.24
PETER J. COTCH, WALTER H. WHEELER JR. DRIVE STAMFORD CT 06926	PITNEY BOWES, INC	7,000.00	
MARY ALICE COTTER, 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	875.00	
J. BARRY COUGHLIN, 815 CONNECTICUT AVE.,N.W. WASHINGTON DC 20006	FORD MOTOR CO	1,650.00	780.99
COUNCIL FOR A LIVABLE WORLD, 11 BEACON ST. BOSTON MA 02108			17,097.39
COUNCIL FOR LANGUAGES AND OTHER INT'L. STUDIES, 3520 PROSPECT ST., NW WASHINGTON DC 20007		3,867.00	5,024.96
COUNCIL FOR RURAL HOUSING AND DEVELOPMENT, SUITE 400S 1800 M ST., NW WASHINGTON DC 20036		4,000.00	4,000.00
COUNCIL OF INDUSTRIAL BOILER OWNERS, 11222 SILVERLEAF DR. FAIRFAX STATION VA 22039			367.00
COUNCIL OF STATE CHAMBERS OF COMMERCE, SUITE 200 122 C ST., NW WASHINGTON DC 20001		605.50	885.20
COUNCIL ON MULTIEMPLOYER PENSION SECURITY, INC, 1000 POTOMAC STREET, NW, #103 WASHINGTON DC 20007		23,250.00	36,763.82
COURSEN & COMPANY, 910 17TH STREET, NW WASHINGTON DC 20006	ESTATE OF HELEN HALBACH	9,450.00	562.00
WILLIAM R. COURTNEY, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		
JAMES COUSINS, 1101 15TH ST., NW, #400 WASHINGTON DC 20005	NATIONAL SAVINGS & LOAN LEAGUE	5,000.00	122.35
JOHN F. COVE, SUITE 702 918 16TH ST., NW WASHINGTON DC 20006	COVE ASSOCIATES INC. (FOR: ASSN. OF U.S. NIGHT VISION MFRS.)		
COVINGTON & BURLING, 1201 PENNSYLVANIA AVENUE, NW P.O. BOX 7566 WASHINGTON DC 20044	AMERICAN ASSN OF ORAL & MAXILLOFACIAL SURGEONS	4,850.00	
Do	AMERICAN WATCH ASSN	500.00	
Do	ANCHOR NATL LIFE INSURANCE CO		
Do	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC		
Do	HOUDAILLE INDUSTRIES, INC	160.00	
Do	INVESTMENT COMPANY INSTITUTE	24,600.00	42.30
Do	IRVING TRUST CO		
Do	NATIONAL FOOTBALL LEAGUE	200.00	
Do	SECURITIES INDUSTRY ASSN		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
EUGENE S. COWEN, 2759 UNICORN LN., NW WASHINGTON DC 20015	AMERICAN BROADCASTING CO, INC	209.10	
C. DEMING COWLES, 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	ALASKA LUMBER & PULP CO AND KETCHIKAN PULP CO		
Do	RICHMOND R. FARRING		
Do	MUNICIPALITY OF ANCHORAGE, ALASKA		330.84
ARCHIBALD COX, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,806.24	
C. BRYAN COX, PO BOX 139 KANSAS CITY MO 64141	KANSAS CITY LIFE INSURANCE CO	117.95	150.11
W. O. CRAFT JR., BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20008	ST. JOE MINERALS CORPORATION		
DONALD FORSYTH CRAIB III, 1211 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SEARS, ROEBUCK & CO	140.87	98.53
CRAMER HOFFMAN & HABER, ORLANDO, P.A., SUITE 101 57 W. PINE ST. ORLANDO FL 32801	GLOBAL EXPLORATION & DEVELOPMENT CORP		18.76
WILLIAM C. CRAMER, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	CRAMER, HABER & LUKIS, P.C. (FOR: CANAVERAL PORT AUTHORITY)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: CITY OF MIAMI)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: DADE COUNTY)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: REPUBLIC OF GABON)		
CRAMER, HABER & LUKIS, P.C., 818 CONNECTICUT AVE., NW WASHINGTON DC 20036	CANAVERAL PORT AUTHORITY	13,500.00	37.50
Do	CITY OF MIAMI	10,750.00	278.10
Do	DADE COUNTY	9,000.00	190.38
Do	REPUBLIC OF GABON		
JOHN R. CRANE, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	1,200.00	
JOSEPH S. CRANE, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS		
CHARLES S. CRAWFORD, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
Do	GRAY AND COMPANY (FOR: BENDIX CORPORATION)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: HTB CORPORATION)		
Do	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)		
WILLIAM D. CRAWFORD, 400 FIRST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF RAILWAY CARMEN OF THE U.S. & CANADA	2,032.53	
RICHARD C. CREIGHTON, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	5,000.00	500.00
KEN A. CRERAR, 1611 NO. KENT STREET, #900 ARLINGTON VA 22209	FOOTWEAR INDUSTRIES OF AMERICA	2,700.00	730.20
JOSEPH M. CRIBBEN, 6900 VALLEY BROOK DR. FALLS CHURCH VA 22042	UNITED ASSN OF JNYMEN & APPREN. OF PLMBG & PIPEFTG INDUSTRY	1,750.00	30.00
RICHARD E. CRISTOL, 5775 PEACHTREE-DUNWOODY RD., #500D ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	120.00	
PHILIP R. CROESSMANN, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS	1,275.00	
P. H. CROFT, 2000 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN SHORT LINE RAILROAD ASSN		
ROBERT W. CROMARTIE, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	50.00	
CHARLES H. CROMWELL, INC., 6709 GEORGIA ST. CHEVY CHASE MD 20815	GENERAL ELECTRIC CO		
Do	HUGHES HELICOPTERS		
Do	NORTHROP CORP		
DONALD J. CRONIN, 1511 K STREET, NW, #820 WASHINGTON DC 20005	FRANK G. KINGSLEY	3,000.00	125.00
Do	MILLIKEN & COMPANY	6,000.00	85.00
LAUREN JEANNE CRONIN, 300 LAKESIDE DRIVE OAKLAND CA 94612	KAISER CEMENT CORPORATION	7,820.00	7,298.00
RAE E. CRONMILLER, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	130.00	
DONALD A. CROSIER, NEBRASKA PETROLEUM COUNCIL 334 S. 13TH ST., PO BOX 95063 LINCOLN NB 68509	AMERICAN PETROLEUM INST		
AARON W. CROSS, 1801 K STREET, NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP	789.96	76.75
BOBBY E. CROW, PO BOX 683 HOUSTON TX 77001	COLUMBIA GULF TRANSMISSION CO		
CROWELL & MORING, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASARCO INC	508.75	10.00
Do	ASSOCIATED GAS DISTRIBUTORS		
Do	AVON PRODUCTS, INC		
Do	BROOKLYN UNION GAS CO		10.00
Do	CONTROL DATA CORPORATION		
Do	ELI LILLY AND COMPANY	2,960.00	10.00
Do	HELICOPTER ASSOCIATION INTERNATIONAL		
Do	HOME OWNERS WARRANTY CORPORATION		4,789.50
Do	NATIONAL ASSN OF MANUFACTURERS	605.00	22.50
Do	NATIONAL ASSN OF WHOLESALER-DISTRIBUTORS	14,383.75	10.00
Do	PAN AMERICAN WORLD AIRWAYS, INC	567.00	25.00
Do	REGIONAL AIRLINE ASSOCIATION		
Do	TRW, INC		
CUBA CLAIMS ASSOCIATION, PO BOX 014004 MIAMI FL 33101			
CUBAN AMERICAN PUBLIC AFFAIRS COUNCIL, 1000 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007			2,781.99
BARRY M. CULLEN, 1620 EYE ST., NW, #700 WASHINGTON DC 20006	INTERNATIONAL PAPER CO		
WILLIAM E. CUMBERLAND, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA		
SCOTT S. CUNNINGHAM, 1100 15TH STREET, NW WASHINGTON DC 20005	UNION CARBIDE CORP		
JOHN T. CURRAN, 905 16TH ST., NW WASHINGTON DC 20006	LABORERS' INTL UNION OF NORTH AMERICA, AFL-CIO	14,182.50	221.60
Do	NATIONAL COORDINATING COMM FOR MULTIEMPLOYER PLANS		
KATHLEEN L. CURRY, 1717 MASSACHUSETTS AVENUE, NW, #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	4,494.00	243.00
RICHARD C. CURRY, 6819 ELM STREET, #3 MCLEAN VA 22101	FIRE ISLAND ASSOCIATES, INC	7,050.00	385.04
EDWARD P. CURTIS JR., GENESEE PUBLIC AFFAIRS, INC 36 W. MAIN STREET ROCHESTER NY 14614	LAKE ONTARIO CEMENT LIMITED	3,300.00	393.30
Do	MINISTRY OF THE ENVIRONMENT PROVINCE OF ONTARIO, CANADA	3,800.00	
WILLIAM T. CUSTIS, 1200 MAINE AVENUE WASHINGTON DC 20024			
M. RUPERT CUTLER, 950 THIRD AVENUE NEW YORK NY 10022	NATIONAL AUDUBON SOCIETY	300.00	180.00
EVERETT E. CUTTER, 620 SW FIFTH AVENUE BLDG., SUITE 912 PORTLAND OR 97204	OREGON RAILROAD ASSN		
RUDOLPH N. D'AGARIS, 15 W. MONTGOMERY AVENUE ROCKVILLE MD 20850			
TERESE C. D'ALESSIO, 2020 NORTH 14TH ST. ARLINGTON VA 22201	MEDIA GENERAL, INC	1,920.00	160.24
WILLIAM D. D'ONOFRIO, 1800 W. 8TH ST. WILMINGTON DE 19805	NATIONAL ASSN FOR NEIGHBORHOOD SCHOOLS, INC		
DAEDALUS ENTERPRISES, INC, P.O. BOX 1869 ANN ARBOR MI 48106			
WILLIAM KAY DAINES, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	450.00	74.00
LEWIS I. DALE, SUITE 1016 1800 K STREET, NW WASHINGTON DC 20006	AIR PRODUCTS & CHEMICALS, INC	700.00	
DONALD W. DALRYMPLE, 1575 I ST., NW WASHINGTON DC 20005	AMERICAN CYNAMID COMPANY (FOR: LEDERLE LABORATORIES)	1,890.00	509.59
JAMES G. DALTON, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	2,500.00	
JOHN M. DAMGARD, 1825 EYE STREET, NW, #1040 WASHINGTON DC 20006	FUTURES INDUSTRY ASSN, INC		
DAMRELL, DAMRELL & NELSON, P.C., 911 13TH STREET P.O. BOX 3489 MODESTO CA 95353	CENTRAL SAN JOAQUIN RIVER ASSN		
Do	CLAVEY-WARDS FERRY PROJECT, ET AL	4,930.88	827.08
Do	STOCKTON TERMINAL & EASTERN RAILROAD	433.13	46.73
Do	TURLOCK IRRIGATION DISTRICT		
DAVID S. DANIELSON, SUITE 400 E 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
DAN DANNER, 1747 PENNYSLVANIA AVE., NW WASHINGTON DC 20006	ARMCO, INC	300.00	228.80
WILLIAM H. DARDEN, SUITE 200 412 FIRST STREET, SE WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	489.53	116.15
ONEIDA L. DARLEY, SUITE 203 1840 WILSON BLVD. ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	585.94	
RICHARD C. DARLING, 1156 15TH ST., NW WASHINGTON DC 20005	J. C. PENNEY CO, INC	120.00	50.00
DIANE DAVENNY DARNEILLE, 1100 17TH ST., NW, #1206 WASHINGTON DC 20036	SCHERING-PLOUGH CORP	580.00	583.06
THOMAS ROGER DART, ALABAMA PETROLEUM COUNCIL P.O. BOX 4220 MONTGOMERY AL 36195	AMERICAN PETROLEUM INST	172.00	
JOHN C. DATT, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,875.00	
M. DENNIS DAUGHERTY, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP	43.20	2.75
JOHN B. DAVENPORT JR , 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	167.00	
LARRY C. DAVENPORT, 5775 PEACHTREE-DUNWOODY RD. SUITE 500-D ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	60.00	
THEODORE S. J. DAVI, P.O. BOX 131 #6 MAGNOLIA AVENUE MONTVALE NJ 07645			
EARL F. DAVID, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM CO		
DANIEL I. DAVIDSON, 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	SPIEGEL & MCDIARMID (FOR: NORTHERN CALIFORNIA POWER AGENCY)		
CHRISTOPHER L. DAVIS, 2501 M STREET, NW, #400 WASHINGTON DC 20037	AMERICAN BUREAU OF COLLECTIONS, INC		
Do	ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY		
Do	FALCON JET CORPORATION		
Do	NATIONAL SKEET SHOOTING ASSN		
Do	TECHNOLOGY CENTER, INC		
DAVID R. DAVIS, INDIANA PETROLEUM COUNCIL 714 HARRISON BLDG. INDIANAPOLIS IN 46204	AMERICAN PETROLEUM INST	1,935.50	1,931.36
DREW M DAVIS, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN	206.95	101.00
EDWARD M. DAVIS, 410 FIRST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	6,817.70	725.94
FRED G. DAVIS, 1111 19TH STREET, N.W. WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,455.00	377.92
DAVIS GRAHAM & STUBBS, SUITE 500 1001 22ND ST., NW WASHINGTON DC 20037	MUNICIPAL SUBDISTRICT, NO. COLORADO WATER CONSERVANCY DIST	2,866.50	2,866.50
Do	NORTHERN COLORADO WATER CONSERVANCY DISTRICT	2,866.50	2,866.50
DAVIS HOCKENBERG WINE BROWN & KOEHN, 2300 FINANCIAL CENTER DES MOINES IA 50309	NORTHWESTERN BELL (IOWA DIV.)		
KENNETH E. DAVIS, SUITE 743 1434 NEW YORK AVE., NW WASHINGTON DC 20005	ROHM & HAAS CO	500.00	38.13
OVID R. DAVIS, P.O. DRAWER 1734 ATLANTA GA 30301	COCA-COLA COMPANY		
DAVIS POLK & WARDWELL, 1575 EYE ST., NW WASHINGTON DC 20005	NORWEST CORP		
Do	OTTO BREMER FOUNDATION		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
R. HILTON DAVIS, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	195.00	
ROBERT DAVIS, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO.	800.00	303.00
DAVIS SIMPICH & SIENA, 1301 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CALIFORNIA HOUSING COUNCIL		334.88
WILLIAM LEE DAVIS, 299 PARK AVE. NEW YORK NY 10171	WESTVACO CORP	1,118.75	799.03
DAVIS, WRIGHT, TODD, RIESE & JONES, 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL INDEPENDENT DAIRY FOODS ASSN		
Do	SOUTHERN PACIFIC COMMUNICATIONS CO.	135.00	12.50
DONALD S. DAWSON, 723 WASHINGTON BLDG. WASHINGTON DC 20005	OPTICIANS ASSN OF AMER		
Do	VIRGIN ISLANDS GIFT & FASHION SHOP ASSN		
Do	VIRGIN ISLANDS MERCHANTS ASSOCIATION		
J. EDWARD DAY, 5TH FL. 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	ELECTRONIC INDUSTRIES ASSN OF JAPAN		
Do	THIRD CLASS MAIL ASSOCIATION		
DCM GROUP, SUITE 301 1515 N. COURTHOUSE ROAD ARLINGTON VA 22201	AD HOC COMMITTEE FOR AMERICAN SILVER	6,600.00	21,140.70
O. MARK DE MICHELE, 411 NORTH CENTRAL AVENUE P.O. BOX 21666 PHOENIX AZ 85014	ARIZONA PUBLIC SERVICE COMPANY		
JOHN RUSSELL DEANE III, 1607 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20009	AMERICAN METAL DETECTORS MFRS., INC.		
Do	COALITION OF AUTOMOTIVE ASSNS		
Do	SPECIALTY EQUIPMENT MARKET ASSN.		
Do	AUTO INTERNACIONAL ASSN.	240.00	112.80
ROBERT L. DEBO, MISSOURI OIL COUNCIL 428 E. CAPITOL, #203 JEFFERSON CIY MO 65101	AMERICAN PETROLEUM INST		
JEFF DEBOER, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,750.00	559.09
EDWARD S. DEBOLT, SUITE 301 1515 N. COURTHOUSE RD. ARLINGTON VA 22201	DCM GROUP (FOR: AD HOC COMMITTEE FOR AMERICAN SILVER)	750.00	
MARK O. DECKER, SUITE 1100 1707 H STREET, NW WASHINGTON DC 20006	NATIONAL OIL JOBBERS COUNCIL	625.00	35.20
WINSTON M. DECKER, SUITE 828 1522 K ST., NW WASHINGTON DC 20005	AMERICAN VETERINARY MEDICAL ASSN	180.00	
Do	ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES		
BRIAN DEERY, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
DONALD H. DEFOE, 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR CO.	381.37	596.19
GEORGE K. DEGNON ASSOCIATES, INC., SUITE 3A 1311-A DOLLEY MADISON BLDG. MCLEAN VA 22101	ASSOCIATION OF STATE & TERRITORIAL HEALTH OFFICIALS		
Do	NATIONAL ASSN OF CHILDREN'S HOSPITALS & RELATED INSTITUTIONS		
JOHN W. DELANEY, 100 FEDERAL ST. BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON		
JOHN L. DELANO, 7 EDWARDS - BOX 1172 HELENA MT 59624	MONTANA RAILROAD ASSN		
ROBERT B. DELANO, 225 TOUHY AVE. PARK RIDGE IL 60068	AMERICAN FARM BUREAU FED	2,750.00	
CARTHA D. DELOACH, 700 ANDERSON HILL ROAD PURCHASE NY 10577	PEPSICO, INC.		
GEORGIA L. DELYANNIS, 1730 K STREET, NW, #903 WASHINGTON DC 20006	AMERICAN HELLENIC INSTITUTE OF PUBLIC AFFAIRS COMMITTEE		
SUSAN C. DEMARR, 1615 H ST., N.W. WASHINGTON DC 20061	CHAMBER OF COMMERCE OF THE U.S.	2,500.00	
ELIZABETH C. DEMATO, 5210 AUTH WAY CAMP SPRINGS MD 20746	SEAFARERS INTERNATIONAL UNION	3,000.00	42.00
TANIA DEMCHUK, 499 SOUTH CAPITOL ST., SW SUITE 401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	100.00	
BRADFORD T. DEMPSEY, 512 W. MAPLE AVE. SUITE 210 VIENNA VA 22180			
GEORGE H. DENISON, 4837 DEL RAY AVE. WASHINGTON DC 20814	NATIONAL OFFICE PRODUCTS ASSN	400.00	
Do	WESTINGHOUSE ELECTRIC CORP	2,100.00	
RAY DENISON, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	15,191.15	259.25
JOHN H. DENMAN, MISSOURI OIL COUNCIL 428 E. CAPITAL ST., #203 JEFFERSON CITY MO 65101	AMERICAN PETROLEUM INST		
DAVID W. DENSFORD, 1050 31ST STREET, NW WASHINGTON DC 20007	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	1,000.00	100.00
WELLS DENYES, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	EASTMAN CHEMICAL PRODUCTS, INC.	850.00	102.90
DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		9,466.03	9,466.03
DERREL BLAURETT DEPASSE, 1100 CONNECTICUT AVE., NW, #540 WASHINGTON DC 20036	CONTAINER CORP OF AMERICA	9,750.00	4,950.00
ALPHONSE DEROSSO, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		33.03
LLOYD J. DERRICKSON, SUITE 906 1828 L STREET, NW WASHINGTON DC 20036	MERRILL LYNCH & CO., INC.	4,500.00	
MICHAEL DESANTO, 1250 EYE STREET, NW, #400 WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN, INC	1,100.00	85.00
MARCIA L. DESMOND, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	772.71	146.41
JAMES T. DEVINE, LAW OFFICES OF DERRIS LEONARD, P.C. 900 17TH ST., NW, #1020 WASHINGTON DC 20006	BOWLING PROPRIETORS ASSN OF AMER		
SAMUEL L. DEVINE, 1301 PENNSYLVANIA AVENUE, N.W. SUITE 1150 WASHINGTON DC 20004	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
Do	GROCERY MANUFACTURERS OF AMERICA, INC.		
Do	OCCIDENTAL PETROLEUM CORP	13,333.32	
Do	PAYCO AMERICAN CORPORATION	150.00	
Do	PEPSICO, INC.	15,000.00	2.91
R. DANIEL DEVLIN, 1825 EYE STREET, NW, #350 WASHINGTON DC 20006	TRANS WORLD AIRLINES, INC.	350.00	
DEWEY BALLANTINE BUSHBY PALMER & WOOD, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN CAN CO		
Do	AMERICAN STOCK EXCHANGE, INC.		
Do	BENEFICIAL CORPORATION		
Do	BROWNING-FERRIS INDUSTRIES, INC.		
Do	DAMSON OIL CORP		
Do	FEDERAL NATIONAL MORTGAGE ASSN	340.00	
Do	GENERAL ELECTRIC PENSION TRUST		
Do	NATIONAL ASSN OF PUBLIC HOSPITALS	1,955.00	
Do	PANHANDLE EASTERN PIPE LINE CO.		
Do	PHIBRO-SALOMON, INC.		
Do	TEACHERS INSURANCE AND ANNUITY ASSN OF AMERICA		
Do	VELO-BIND, INC		
DORIS J. DEWTON, 1025 CONNECTICUT AVENUE, NW SUITE 507 WASHINGTON DC 20036	ASHLAND OIL, INC.	2,000.00	
DGA INTERNATIONAL INC, 1225 19TH ST., NW WASHINGTON DC 20036	AIRBUS INDUSTRIE	930.00	284.60
Do	DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS		
Do	SOCIETE NATIONALE D'ETUDE ET DE CONST. DE MOTEURS D'AVIATION	8,362.50	2,376.02
Do	SOFREAVIA	495.00	97.58
DIAMOND SHAMROCK CORPORATION, 717 N. HARWOOD STREET DALLAS TX 75201			1,201.28
CHARLES J. DIBONA, 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	1,875.00	
JOHN M. DICKERMAN, JOHN DICKERMAN & ASSOCIATES, INC. 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL LUMBER & BUILDING MATERIAL DEALERS ASSN	3,000.00	213.35
CHESTER T. DICKERSON JR., 1101 17TH STREET , N.W. SUITE 604 WASHINGTON DC 20036	MONSANTO CO.		448.08
WILLIAM E. DICKINSON, SUITE 300 206 N. WASHINGTON STREET ALEXANDRIA VA 22314	SALT INSTITUTE	3,000.00	250.00
DICKINSON, WRIGHT, MOON, VAN DUSEN & FREEMAN, 1901 L ST., NW SUITE 801 WASHINGTON DC 20036	GENERAL MOTORS CORP	3,885.00	1,005.00
Do	K MART CORP		
Do	OAKLAND COUNTY D.P.W.		
DICKSTEIN SHAPIRO & MORIN, 2101 L ST., NW WASHINGTON DC 20037	BOUNDARY GAS, INC		
Do	CORAL PETROLEUM, INC.		
Do	CUSTOM AUTOMOTIVE SOUND ASSN, INC	500.00	
Do	FEDERATED CASH MANAGEMENT SYSTEMS	6,500.00	
Do	GILBANE BUILDING CO		
Do	HOME HEALTH SERVICES & STAFFING ASSN	1,200.00	
Do	HVIDE SHIPPING, INC.		
Do	MARINE ENGINEERS' BENEFICIAL ASSN		
Do	METROPOLITAN TRANSPORTATION AUTHORITY		
Do	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	9,000.00	
Do	NATIONAL FEDERATION OF SOCIETIES FOR CLINICAL SOCIAL WORK	600.00	
Do	NATURAL GAS SUPPLY ASSN	12,500.00	
Do	JOSEPH E. SEAGRAM & SONS, INC	2,000.00	
Do	STATE OF DELAWARE, STATE OF IOWA, STATE OF LOUISIANA, ET AL.	800.00	
TIMOTHY V. A. DILLON, 1301 PENNSYLVANIA AVENUE, NW, #1150 WASHINGTON DC 20004	WESTLANDS WATER DISTRICT	3,122.20	122.20
THOMAS A. DINE, 444 NORTH CAPITOL ST, NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	11,749.98	
MICHAEL F. DINEEN, 600 PENNSYLVANIA AVE., SE, #206 WASHINGTON DC 20003	FEDERAL KEMPER LIFE ASSURANCE COMPANY	690.89	26.65
Do	KEMPER INVESTORS LIFE INSURANCE COMPANY	1,493.98	25.35
Do	LUMBERMENS MUTUAL CASUALTY COMPANY	1,800.00	292.52
HARLEY M. DIRKS, 400 FIRST STREET, NW, #712 WASHINGTON DC 20002	HEALTH & MEDICINE COUNSEL OF WASHINGTON		
Do	PROFESSIONAL SERVICES COUNCIL		
DISABLED AMERICAN VETERANS, 3725 ALEXANDRIA PIKE COLD SPRING KY 41076		74,923.03	74,923.03
PATSY B. DIX, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,021.00	40.00
O. L. DIXON III, P.O. BOX 1151 PENSACOLA FL 32520	GULF POWER COMPANY	2,110.98	1,437.69
STEVEN P. DOEHLER, SUITE 1405 1725 K ST., NW WASHINGTON DC 20006	MORTGAGE INSURANCE COMPANIES OF AMERICA	2,500.00	128.80
WILLIAM BARROWS DOGGETT, SUITE 600 1001 22ND ST., NW WASHINGTON DC 20007	STANDARD OIL CO (OHIO)	275.00	54.98
JAMES F. DOHERTY, 624 9TH ST., NW 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC.		
GREGORY S. DOLE, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,472.72	315.07
ROBIN C. DOLE, SUITE 350 1825 EYE ST., NW WASHINGTON DC 20006	CENTURY 21 REAL ESTATE CORP	945.00	
JULIE DOMENICK, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	661.56	624.94
DOMESTIC WILDCATTERS ASSN, P.O. BOX 4394 HOUSTON TX 77210		98,000.00	44,973.00
BRIAN J. DONADIO, SUITE 875 122 C ST., NW WASHINGTON DC 20001	AMERICAN OSTEOPATHIC ASSN	2,625.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
EDWARD V. DONAHUE, 1900 L STREET, NW WASHINGTON DC 20036	GRAPHIC ARTS INTERNATIONAL UNION, AFL-CIO, CLC		
LEO J. DONAHUE, SUITE 500 1250 EYE ST., NW WASHINGTON DC 20005	AMERICAN ASSN OF NURSERYMEN		
RICHARD M. DONALDSON, 1738 GUILDHALL BLDG. CLEVELAND OH 44115	STANDARD OIL CO (OHIO)		
SALLY S. DONNER, 1707 L STREET, NW, #950 WASHINGTON DC 20036	GENERAL FOODS CORPORATION	850.00	217.18
THOMAS J. DONOHUE, 1615 H ST., NW WASHINGTON DC 20062	CITIZENS' CHOICE, INC	5,000.10	
JACK C. DONOVAN, P. O. BOX 5000, #612 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING CO		
WILLIAM DONOVAN, 1111 N. 19TH ST, #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	2,500.00	159.47
FRANCIS X. DOOLEY, 525 SCHOOL ST., SW WASHINGTON DC 20024	AMERICAN ROAD & TRANSPORTATION BLDRS ASSN	6,000.00	510.00
IRA DORFMAN, SUITE 850 2020 K STREET, NW WASHINGTON DC 20006	AMERICAN BAKERS ASSN	210.00	1.30
MAY DEL RIO DORFMAN, 380 SECOND AVENUE NEW YORK NY 10010	PLANNED PARENTHOOD OF NEW YORK CITY, INC		
JAMES A. DORSCH, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC.		
DEAN R. DORT II , SUITE 808 910 17TH ST., NW WASHINGTON DC 20006	DEERE & COMPANY	260.00	
JOSEPH K. DOSS, 1840 WILSON BLVD., #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	1,789.16	
CHARLES W. DOUGHERTY, HALE & DOUGHERTY 1625 K STREET, NW, #402 WASHINGTON DC 20006			
DOW LOHNES & ALBERTSON, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	LAKE ONTARIO CEMENT LIMITED		
Do	PALMER COMMUNICATIONS, INC, ET AL	7,279.75	
CHARLES P. DOWNER, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	[illegible]	250.00
JANE LIND DOWNEY, P.O. OC 2303 400 ARMY-NAVY DR. ARLINGTON VA 22002	AMERICAN MOVERS CONFERENCE	43.00	
JOHN H. DOWNS JR., 1101 16TH STREET, NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN		
JOHN C. DOYLE JR , 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE		
JOHN P. DOYLE, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	BELL HELICOPTER TEXTRON	3,656.60	1,960.54
ROBERT H. DOYLE, 1130 17TH STREET, NW, #200 WASHINGTON DC 20036	WATER QUALITY ASSN	200.00	
NANCY DRABBLE, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	CONGRESS WATCH	6,000.00	
JAMES E. DRAKE, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	4,826.00	
JOAN ALBERT DREUX, 600 PENN AVE SE #202 WASHINGTON DC 20015	NATIONAL ASSN OF CASUALTY & SURETY AGENTS	2,059.00	906.75
STEPHEN D. DRIESLER, SUITE 306 1150 17TH ST., NW WASHINGTON DC 20036	NATIONAL MULTI HOUSING COUNCIL	4,000.00	130.91
KEVIN J. DRISCOLL, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
DOROTHY J. DRUMMER, 1025 CONNECTICUT AVENUE, NW, #209 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC	90.00	25.00
FRAN DU MELLE, 1101 VERMONT AVENUE, NW, #402 WASHINGTON DC 20005	AMERICAN LUNG ASSN	2,890.00	1,027.00
EVELYN DUBROW, 1710 BROADWAY NEW YORK NY 10019	INTERNATIONAL LADIES' GARMENT WORKERS UNION	10,341.50	3,575.45
MORGAN D. DUBROW, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	85.00	
BARBARA S. DUDECK, 955 L'ENFANT PLAZA, SW # 905 WASHINGTON DC 20024	AMERICAN HONDA MOTOR CO, INC	200.00	38.37
JANE MCPIKE DUDLEY, 1101 15TH STREET, N.W. WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION	375.00	
DOUGLAS F. DUERR, 1730 RHODE ISLAND AVE. SUITE 810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	370.74
ANN ANDERSON DUFF, 222 S. PROSPECT AVE. PARK RIDGE IL 60068	NATIONAL ASSOCIATION OF MANUFACTURERS	1,200.00	
FRANCIS J. DUGGAN, 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	350.39	428.87
EVELYN DUKOVIC, 475 RIVERSIDE DRIVE, #239 NEW YORK NY 10115	MORALITY IN MEDIA, INC.		
MERVIN E. DULLUM, 1629 K ST., NW, #204 WASHINGTON DC 20006	DELTA AIR LINES, INC	200.00	61.90
DON R. DUNCAN, 1825 K ST.,NW SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
DUNCAN, WEINBERG & MILLER, P.C., SUITE 1200 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	EAST BAY REGIONAL PARK DISTRICT		
Do	HURON-CLINTON METROPOLITAN AUTHORITY		
Do	KONIAG, INC		
Do	MID WEST ELECTRIC CONSUMERS' ASSN, INC	300.00	4.80
Do	STATE OF NEVADA		
Do	STATE OF NORTH DAKOTA		
Do	WESTERN FUELS ASSOCIATION, INC		
LOUISE C. DUNLAP, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	98.66	
JAMES W. DUNLOP, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
MARI LEE DUNN, SUITE 520 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION		
JOHN H. DUNNE, 818 ROEDER ROAD SUITE 702 SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
DUNNELLS, DUVALL, BENNETT & PORTER, 1220 19TH STREET, NW, #400 WASHINGTON DC 20036	NATIONAL MULTIFAMILY HOUSING FINANCE ASSN	2,808.75	2,864.75
JAMES A. DUPREE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	2,550.00	603.45
JOSEPH L. DURAN, 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
JUDY C. DURAND, 1120 20TH STREET, NW, #600S WASHINGTON DC 20036	UNION PACIFIC CORPORATION	666.00	2,252.44
MICHAEL V. DURANDO, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	2,737.49	76.00
B. J. DURHAM, P.O. BOX 2121 CORPUS CHRISTI TX 78403	CENTRAL POWER AND LIGHT COMPANY	310.00	617.48
EDWARD J. DURKIN, SUITE 408 815 16TH STREET, NW WASHINGTON DC 20006	FOOD AND BEVERAGE TRADES DEPARTMENT, AFL-CIO	441.59	
DANIEL A. DUTKO, SUITE 214 412 FIRST STREET, SE WASHINGTON DC 20003	DOUGLAS OIL PURCHASING CORP	6,251.00	
Do	SCHLENSKER DRILLING CO	2,000.00	
Do	U.S. TELEPHONE, INC	3,000.00	
L. L. DUXBURY, SUITE 510 236 MASSACHUSETTS AVE., NE WASHINGTON DC 20002	RAILROAD RETIREMENT ASSN		300.00
JAMES W. DYKE JR., SIDLEY & AUSTIN 1722 EYE STREET, NW WASHINGTON DC 20006	CONTRACT STAFFING OF AMERICA, INC		
DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG, 1920 N STREET, NW, #100 WASHINGTON DC 20036	DAEDALUS ENTERPRISES, INC		
Do	TOTAL PETROLEUM, INC		
EDITH W. DYLAN, SUITE 906 1828 L STREET, NW WASHINGTON DC 20036	MERRILL LYNCH & CO., INC	450.00	
JACK D. EARLY, 1155 15TH ST., NW, #514 WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSN	131.00	7.00
ROY W. EASLEY, 1735 DE SALES ST., NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC		
GEORGE H. EATMAN, SUITE 3210 490 L'ENFANT PLAZA, SW WASHINGTON DC 20024	SLURRY TRANSPORT ASSN	1,000.00	
EATON ASSOCIATES, INC, 1750 K ST., NW, SUITE 260 WASHINGTON DC 20006			
CHARLES H. EATON, SUITE 260 1750 K STREET, NW WASHINGTON DC 20006	EATON ASSOCIATES, INC		
ROBERT E. L. EATON, 1750 K ST., NW, SUITE 260 WASHINGTON DC 20006	EATON ASSOCIATES, INC		
ROBERT E. EBEL, 1025 CONNECTICUT AVE., NW, #1014 WASHINGTON DC 20036	ENSERCH CORPORATION	1,450.00	848.00
HAROLD F. EBERLE, O'BRIEN & FIERCE 1828 L STREET, NW, #201 WASHINGTON DC 20036	AMERICAN ELECTRONICS ASSN	3,000.00	50.00
N. BOYD ECKER, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,500.00	87.50
ROBERT C. ECKHARDT, 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CERTAIN TEXAS CLAIMANTS LAWYERS		
Do	CONSOLIDATED NATURAL GAS CO	5,000.01	
Do	CONSUMER FEDERATION OF AMERICA		
Do	INVESTMENT COMPANY INSTITUTE	5,000.01	
Do	SLURRY TRANSPORT ASSN		
Do	STATE BAR OF TEXAS	5,000.00	
Do	WALTON & SON, STEVEDORING COMPANY		
Do	WESTERN FUELS ASSOCIATION, INC	3,333.33	
PATRICIA K. ECONOMOS, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
WILLIAM R. EDGAR, SUITE 401 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	GATES LEARJET CORPORATION		
ARTHUR B. EDGEWORTH JR , 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	2,750.00	
EDISON ELECTRIC INSTITUTE, 9TH FLOOR 1111 19TH ST., NW WASHINGTON DC 20036		24,644.41	82,162.66
V. ANNE EDLUND, 1620 EYE ST., NW, #1000 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
STEPHEN L. EDMISTON, 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	11,393.20	1,487.61
EDS CORPORATION, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003			2,563.50
JOHN M. EDSALL, 1120 20TH STREET, NW, #600S WASHINGTON DC 20036	UNION PACIFIC CORPORATION	218.00	88.73
CHRISTINE A. EDWARDS, 1211 CONNECTICUT AVE., N.W. SUITE 802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	89.00	21.00
J. RODNEY EDWARDS, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
MACON T. EDWARDS, 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	2,250.00	37.06
MAX N. EDWARDS, 1511 K STREET, NW, #1100 WASHINGTON DC 20005	FRANK G. KINGSLEY	6,000.00	115.00
MICHAEL D. EDWARDS, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,272.00	56.00
WILLIAM A. EDWARDS, 250 OLD COUNTRY ROAD MINEOLA NY 11501	LONG ISLAND LIGHTING CO	1,925.00	1,345.23
PAUL S. EGAN, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	7,527.00	257.07
EGGERS & GREENE, 1407 MAIN ST. SUITE 335 DALLAS TX 75202	LTV CORPORATION	3,000.00	174.71
SARA EHRMAN, 444 NORTH CAPITOL ST., NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	1,470.68	
YVONNE B. EIDER, 400 FIRST STREET, NW, #800 WASHINGTON DC 20001	FRIENDS OF ANIMALS, INC	5,845.38	876.73
JILL W. EILAND, 507 SECOND STREET, NE WASHINGTON DC 20002	PORTLAND GENERAL ELECTRIC		
ALBERT C. EISENBERG, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS	8,500.00	358.04
CARL W. EK, SUITE 202 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	4,523.06	28.80
H. J. ELAM III, 1201 MAPLE ST. GREENSBORO NC 27405	CONE MILLS CORPORATION		
JANE ELDER, 142 W. GORHAM STREET MADISON WI 53703	SIERRA CLUB	1,725.00	1,694.27
GEORGE K. ELIADES, 1401 WILSON BLVD., #205 ARLINGTON VA 22209	SOCIETY OF AMERICAN WOOD PRESERVERS, INC	275.00	280.00
J. BURTON ELLER JR., 425 13TH ST., NW, #1032 WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
CHARLES W. ELLIOTT, WISCONSIN PETROLEUM COUNCIL 25 W. MAIN ST., #703 MADISON WI 53703	AMERICAN PETROLEUM INST	1,110.42	794.97
JOHN DOYLE ELLIOTT, 5500 QUINCY ST. HYATTSVILLE MD 20784		273.03	71.66
JOHN ELLIS, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
DOROTHY A. ELLSWORTH, 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS	12,804.42	186.58
PERRY R. ELLSWORTH, SUITE 435 1425 H ST., NW WASHINGTON DC 20005	NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS	1,000.00	20.75
CARL F. EMDE, 1800 K ST., NW, #1016 WASHINGTON DC 20006	AIR PRODUCTS & CHEMICALS, INC	650.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
EMERGENCY COMMITTEE FOR AMERICAN TRADE, 1211 CONNECTICUT AVE. WASHINGTON DC 20036		51,917.10	50,015.91
EMERSON ELECTRIC CO, 8000 FLORISSANT ST. LOUIS MO 63136			639.77
CAROL R. EMERY, JAY STONE AND ASSOCIATES, INC 412 FIRST STREET, SE, #50 WASHINGTON DC 20003	LOUISIANA WORLD EXPOSITION, INC	3,500.00	
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	1,500.00	
Do	STATE OF LOUISIANA	14,500.00	4,950.00
EMPLOYEE RELOCATION COUNCIL, SUITE 600 1627 K ST., NW WASHINGTON DC 20006			2,238.00
EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006		1,096.65	1,096.65
IRENE R. EMSELLEM, 1800 M STREET, NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	14.00
LOWELL J. ENDAHL, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	170.00	
ENERGY CONSUMERS & PRODUCERS ASSN, BOX 1726 PETROLEUM PLAZA SEMINOLE OK 74868		23,784.90	2,122.20
RALPH ENGEL, 1001 CONNECTICUT AVE., NW, #1120 WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN	93.40	
STEVEN L. ENGELBERG, 2033 M ST., NW, #404 WASHINGTON DC 20036	AMERICAN ASSN FOR MARRIAGE & FAMILY THERAPY		
LEWIS A. ENGMAN, 1100 15TH ST., NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	2,500.00	
PATRICIA HANAHAN ENGMAN, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	2,500.00	
CHRISTOPHER ENGQUIST, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
M. DALE ENSIGN, 2600 VIRGINIA AVENUE, NW, #901 WASHINGTON DC 20037	SINCLAIR OIL CORPORATION	500.00	98.90
J. BARRY EPPERSON, P.O. BOX 42464 HOUSTON TX 77242	ASSOCIATED WIRE ROPE FABRICATORS	500.00	400.00
EPSTEIN, BECKER, BORSODY & GREEN, SUITE 900 1140 19TH ST., NW WASHINGTON DC 20036	AMERICAN ASSN OF FOUNDATIONS FOR MEDICAL CARE		
Do	AMERICAN ASSN OF PROFESSIONAL STANDARDS REVIEW ORGS		
VICKIE L. ERICKSON, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS		
JOHN M. ERSKINE JR , 1108 LAVACA, SUITE 400 AUSTIN TX 78701	STANDARD OIL CO (INDIANA)		
JOHN S. ERTHEIN & ASSOCIATES, INC, 1800 M STREET, NW, #600N WASHINGTON DC 20036	CBS, INC	5,000.00	200.00
MARTHA M. ESCUTIA, 20 F STREET, NW, #200 WASHINGTON DC 20001	NATIONAL COUNCIL OF LA RAZA	1,250.00	560.00
INGOLF G. ESDERS, 815 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSN., AFL-CIO	4,322.92	
JANE B. ESTERLY, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	255.00	66.00
JOHN T. ESTES, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ALLIED CORP.	700.00	25.00
Do	RJR INDUSTRIES, INC	500.00	30.00
ETHYL CORPORATION, SUITE 611 1155 15TH ST., NW WASHINGTON DC 20005			2,700.00
STEPHEN E. EURE, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	2,000.00	
DAVE EVANS ASSOCIATES, 160 N. CAROLINA AVENUE, SE WASHINGTON DC 20003	AMERICAN EXPRESS CO.		
Do	CREDIT UNION NATL ASSN, INC		199.00
Do	U.S. LEAGUE OF SAVING INSTITUTIONS	3,600.00	
DONALD C. EVANS, P.O. BOX 1496 SARASOTA FL 33577	EVANS INVESTIGATIVE & SECURITY SERVICE		
JOSEPH O. EVANS, APARTMENT 21 4401 LEE HWY. ARLINGTON VA 22207			
RAE FORKER EVANS, SUITE 210 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	HALLMARK CARDS, INC		
ROBERT D. EVANS, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
FAWN K. EVENSON, 1611 NORTH KENT ST. SUITE 900 ARLINGTON VA 22209	FOOTWEAR INDUSTRIES OF AMERICA	4,000.00	292.45
ELLEN E. EVES, NEW MURPHY RD. AND CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		151.75
JEFFREY P. EVES, SCOTT PLAZA PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	1,500.00	
KY P. EWING JR., 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: ALFRED C. GLASSELL JR.)		11.38
Do	VINSON & ELKINS (FOR: NORTHVILLE INDUSTRIES CORP)	101,579.39	648.30
Do	VINSON & ELKINS (FOR: PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, TX)	26,809.60	51.87
Do	VINSON & ELKINS (FOR: TRAVELERS INSURANCE CO)	59,107.78	1,783.06
WAYNE S. EWING, ASSOCIATED PETROLEUM INDUSTRIES OF PA P.O. BOX 925 HARRISBURG PA 17108	AMERICAN PETROLEUM INST		
ROBBIE G. EXLEY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
F/P RESEARCH ASSOCIATES, SUITE 303 1700 K STREET, NW WASHINGTON DC 20006	NATIONAL CABLE TELEVISION ASSN	2,500.00	
Do	SLURRY TRANSPORT ASSN	1,500.00	338.10
Do	WESTERN UNION TELEGRAPH COMPANY	1,000.00	
MICHAEL FADEN, SUITE 1101 1346 CONNECTICUT AVE., NW WASHINGTON DC 20006	UNION OF CONCERNED SCIENTISTS	6,825.00	
THOMAS L. FAGAN, 777 - 14TH STREET, N.W. WASHINGTON DC 20003	GENERAL ELECTRIC CO	250.00	
ROBERT R. FAHS, SUITE 205 1101 15TH ST., NW WASHINGTON DC 20005	CARGILL INC	2,500.00	8.00
DALE W. FALLAT, P.O. BOX 119 MAUMEE OH 43537	ANDERSONS		
MICHAEL I. FANNING, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
THOMAS B. FARLEY II, 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	6,923.00	112.55
FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA, P.O. BOX 2251 DENVER CO 80251		108,139.00	64,552.84
JOHN W. FARQUHAR, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	300.00	
DAGMAR T. FARR, 1750 K STREET, N.W. WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
CHRISTOPHER G. FARRAND, 1120 20TH STREET, NW, #720 WASHINGTON DC 20036	PEABODY HOLDING COMPANY, INC		
MICHAEL FARRAR, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	200.00	
JOSEPH A. FARRELL, 1600 WILSON BOULEVARD, #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
PENELOPE S. FARTHING, SUITE 415 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN INSURANCE ASSN	290.00	
MARCUS G. FAUST, SUITE 880 2121 K ST., NW WASHINGTON DC 20037	KENNECOTT CORPORATION	9,000.00	
CLINTON B. FAWCETT, NINE GREENWAY PLAZA HOUSTON TX 77046	COASTAL CORPORATION		
JANE FAWCETT-HOOVER, 801 18TH ST., NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO		
FEDERAL KEMPER LIFE ASSURANCE COMPANY, KEMPER BLDG. D-3 LONG GROVE IL 60049			
FEDERATION EMPLOYMENT & GUIDANCE SERVICE, 114 FIFTH AVENUE NEW YORK NY 10011			
FEDERATION OF AMERICAN CONTROLLED SHIPPING, 50 BROADWAY NEW YORK NY 10004		4,217.51	4,217.51
FEDERATION OF AMERICAN HOSPITALS, SUITE 402 1111 19TH ST., NW WASHINGTON DC 20036		10,000.00	10,000.00
FEDERATION OF AMERICAN SCIENTISTS, 307 MASSACHUSETTS AVE., NE WASHINGTON DC 20002			2,128.96
DONALD M. FEHR, 805 THIRD AVE. NEW YORK NY 10022	MAJOR LEAGUE BASEBALL PLAYERS ASSN	500.00	168.00
MICHAEL FEINSTEIN, 1319 F STREET, NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS		
MARK B. FELDMAN, DONOVAN, LEISURE, NEWTON & IRVINE 1850 K STREET, NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA		
JANICE A. FENBERG, SUITE 602 1155 15TH STREET, NW WASHINGTON DC 20005	PENNZOIL CO.	90.00	
JUDITH W. FENSTERER, 242 E. 80TH STREET NEW YORK NY 10021	GENERIC PHARMACEUTICAL INDUSTRY ASSN	763.00	242.91
EDWARD T. FERGUS, 100 GOLD ST. NEW YORK NY 10292	PRUDENTIAL-BACHE SECURITIES INC.	750.00	
JACK FERGUSON ASSOCIATES, 203 MARYLAND AVE., NE WASHINGTON DC 20002	ALASKA INTERNATIONAL INDUSTRIES	10,000.00	800.00
Do	DILLINGHAM CONSTRUCTION GROUP	10,812.50	900.00
Do	DILLINGHAM SHIP REPAIR	3,649.50	975.00
Do	FOSS LAUNCH & TUG COMPANY; FOSS ALASKA LINE	2,300.00	845.02
Do	NORTHWEST ENERGY CO.	4,800.00	725.00
Do	U.S. BORAX	6,875.00	1,046.00
Do	WESTERN AIRLINES		
BETSY FERGUSON, 1875 EYE STREET,N.W. SUITE 1110 WASHINGTON DC 20006	TIMES MIRROR COMPANY		
JAMES H. FERGUSON, 1140 CONNECTICUT AVE., NW, #609 WASHINGTON DC 20036	AMERICAN SOCIETY FOR PERSONNEL ADMINISTRATION	7,500.00	4,483.00
JOHN T. FERGUSON II , 1875 EYE STREET, NW WASHINGTON DC 20006	GEORGIA-PACIFIC CORP	400.00	15.00
JOHN L. FESTA, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
FRED C. FIELDING, 1129 20TH STREET, NW WASHINGTON DC 20036	AM GENERAL CORPORATION	2,750.00	24.00
C. H. FIELDS, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,750.01	35.00
GARY W. FIELDS, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,575.00	771.46
HERBERT A. FIERST, 610 RING BLDG. 1200 18TH ST., NW WASHINGTON DC 20036	COUNCIL OF FOREST INDUSTRIES OF B.C.	13,125.00	2,020.00
MATTHEW P. FINK, 1775 K ST., NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	219.24	49.83
FINLEY KUMBLE WAGNER HEINE UNDERBERG MANLEY & CASEY, 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036.	ASSOCIATION OF SPANISH FISHERMEN		
Do	DIRECT BROADCAST SATELLITE CORP		
Do	GOVERNMENT OF ANTIGUA & BARBUDA		
Do	M/A-COM DEVELOPMENT CORP		
Do	POPULATION CRISIS COMMITTEE	1,250.00	
Do	STROMBERG-CARLSON CORPORATION		
Do	TDI WINSTON NETWORK, INC	504.00	
Do	TRANSIT ADVERTISING ASSN, INC		
Do	TRT TELECOMMUNICATIONS CORP		
Do	TURNER BROADCASTING SYSTEM, INC	1,198.75	
STEPHEN A. FINN, P.O. BOX 520783 - GENERAL MAIL FACILITY MIAMI FL 33152	BURGER KING CORP		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, 1775 K STREET, NW WASHINGTON DC 20006	INTERNATIONAL COMMUNICATIONS ASSN	2,000.00	350.00
THOMAS D. FINNIGAN, OLD RIDGEBURY ROAD SECTION D228 DANBURY CT 06817	UNION CARBIDE CORP		
LAURIE A. FIORI, 1909 K ST., NW WASHINGTON DC 20049	NATIONAL RETIRED TEACHERS ASSN/AMERICAN ASSN OF RET PERSONS	440.77	126.00
RICHARD J. FIORINI, P.O. BOX 15278 DENVER CO 80215	NORANDA MINING INC.		
FIRST NATIONAL BANK OF BOSTON, 100 FEDERAL ST. BOSTON MA 02110			9,919.10
L. RICHARD FISCHER, MORRISON & FOERSTER 1920 N STREET, NW WASHINGTON DC 20036	MASTERCARD INTERNATIONAL, INC		
RICHARD L. FISCHER, 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	810.00	
WILLIAM L. FISHER, BOX 719 DALLAS TX 75221	SOUTHLAND CORPORATION		
LAURI J. FITZ, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: REPUBLIC OF HAITI)		
MARK FITZGERALD, 15TH & M ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MARY CLARE FITZGERALD, SUITE 900-N 1800 M STREET, NW WASHINGTON DC 20036	GOLEMBE ASSOCIATES, INC		
HILLIARD J. FJORD, 602 MAIN ST., #600 CINCINNATI OH 45202	OHIO RIVER CO	1,500.00	843.54
DANIEL V. FLANAGAN JR., 1730 RHODE ISLAND AVENUE, NW, #206 WASHINGTON DC 20036	VEPCO	4,800.00	1,850.04
JAMES J. FLANAGAN, 25 RESEARCH DR. WESTBOROUGH MA 01581	NEW ENGLAND POWER SERVICE CO	375.18	97.50
MICHAEL FLEMING, SUITE 1010 1300 NORTH 17TH STREET ARLINGTON VA 22209	AMERICAN ASSN OF EQUIPMENT LESSORS		
WAYNE A. FLETCHER, 200 W. MADISON STREET, #1600 CHICAGO IL 60606	NATIONAL FUTURES ASSOCIATION		
RUTH FLOWER, 245 SECOND ST., NE. WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	3,384.39	
VERONICA M. FLOYD, 2001 S. JEFF DAVIS HIGHWAY, #1107 ARLINGTON VA 22202	BRUNSWICK CORP	5,700.00	629.56
DAVID H. FOERSTER, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
WILLIAM J. FOGARTY, 2029 K STREET, NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	2,000.00	
FOLEY LARDNER HOLLABAUGH & JACOBS, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FIRST WISCONSIN NATIONAL BANK OF MILWAUKEE		
Do	INVESTORS MORTGAGE INSURANCE CO		9.00
Do	LAWYERS TITLE INSURANCE CORP	23,500.00	75.94
LEANDER J. FOLEY III, 267 CAPE ST. JOHN RD. CAPE ST. JOHN MD 21401	SUPPORTED WORK		
R. D. FOLSOM, 11 DUPONT CIRCLE, NW, #630 WASHINGTON DC 20036	R. DUFFY WALL & ASSOCIATES, INC (FOR: FREEPORT MCMORAN, INC)	200.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: LIFE OF VIRGINIA, ET AL)	200.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: SCHULMAN MANAGEMENT CO)	100.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: VOLUME FOOTWEAR RETAILERS OF AMERICA).	200.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: WESTERN FOREST INDUSTRIES ASSN)	200.00	
FOOD AND BEVERAGE TRADES DEPARTMENT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		14,521.18	14,521.18
FOOD MARKETING INSTITUTE, 1750 K ST., NW WASHINGTON DC 20006			5,000.00
GORDON FORBES, 303 HANOVER BLDG., 480 CEDAR ST. ST. PAUL MN 55101	MINNESOTA RAILROADS		
CHARLES A. FORD, 1909 K STREET, N.W. SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
LAURENCE S. FORDHAM, FOLEY, HOAG & ELIOT ONE POST OFFICE SQUARE BOSTON MA 02109	C & S WHOLESALE GROCERS, INC		
DONALD D. FOREMAN, SUITE 324 4640 W. 77TH MINNEAPOLIS MN 55437	STANDARD OIL CO (INDIANA)	1,050.00	
FOREST FARMERS ASSOCIATION, P.O. BOX 95385 ATLANTA GA 30347			
FOREST INDUSTRIES COMMITTEE ON TIMBER VALUATION & TAXATION, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036.		4,607.65	4,607.65
EDWARD H. FORGOTSON, 1627 K ST., NW 10TH FLOOR WASHINGTON DC 20006	TEXAS OIL & GAS CORP.		
MARK A. FORMAN, SUITE 600 S 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORP	625.00	26.70
SALLIE H. FORMAN, 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	5,850.00	1,046.57
RICHARD C. FORTUNA, 4201 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20016	HAZARDOUS WASTE TREATMENT COUNCIL	3,500.00	3,500.00
NANCY E. FOSTER, SUITE 510 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN SOYBEAN ASSN		
ALBERT A. FOX JR , 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORP.	300.00	35.00
ERIC R. FOX, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	APPLE COMPUTER CORP		
DAVID E. FRANASIAK, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,284.80	296.60
DOUGLAS L. FRANCISCO, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		73.50
ALFRED S. FRANK JR., SUITE 320 1140 19TH ST., NW WASHINGTON DC 20036	NCR CORPORATION		
PETER M. FRANK, SUITE 906 1625 K STREET, NW WASHINGTON DC 20006	KERR-MCGEE CORP.	2,500.00	772.35
WALTER L. FRANKLAND JR , 1717 K ST., NW WASHINGTON DC 20006	SILVER USERS ASSN, INC	1,399.80	116.09
CHARLES W. FRANZ, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP	10,375.00	107.75
MARIAN C. FRANZ, 2121 DECATUR PLACE, NW WASHINGTON DC 20008	NATIONAL COUNCIL FOR A WORLD PEACE TAX FUND	450.00	138.00
CHARLES L. FRAZIER, 475 L'ENFANT PLAZA, SW, #2250 WASHINGTON DC 20024	NATIONAL FARMERS ORGANIZATION	4,958.00	3,122.15
GREGORY W. FRAZIER, P.O. BOX 427 ENGLEWOOD CO 80151	INTERNATIONAL ENERGY BROKERS, INC.		
ROBERT M. FREDERICK, 1616 H ST., NW WASHINGTON DC 20006	NATIONAL GRANGE	4,687.50	
ANN TODD FREE, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	300.00	
D. MICHAL FREEDMAN, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	6,848.01	
JAMES O. FREEMAN, 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	3,825.00	17.50
MARY ANN FREEMAN, 777 14TH STREET, NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	75.00	
PAULA A. FREER, 1800 M ST., NW, #975 WASHINGTON DC 20036	MARATHON OIL CO		
ROBERT E. FREER, SUITE 2200 1000 WILSON BLVD. ARLINGTON VA 22209	KIMBERLY-CLARK CORP		
RONNA FREIBERG, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND OCMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: ASARCO INC)		
Do	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES, INC.)	125.00	
Do	GRAY AND COMPANY (FOR: BUDD COMPANY)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)		
Do	GRAY AND COMPANY (FOR: GENERAL TELEPHONE & ELECTRONICS)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: MOTOROLA)		
Do	GRAY AND COMPANY (FOR: NATIONAL BRAODCASTING COMPANY)		
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)		
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)		
Do	GRAY AND COMPANY (FOR: STROH BREWERY CO)	125.00	
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)		
Do	GRAY AND COMPANY (FOR: WARNER COMMUNICATIONS)		
VERRICK O. FRENCH, 1000 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	600.00	20.00
SARA HAMRIC FREUND, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
GEORGE L. FRICK, DELAWARE PETROLEUM COUNCIL 20 E.DIVISION ST. DOVER DE 19901	AMERICAN PETROLEUM INST		
SUSAN FRIDY, 1840 WILSON BOULEVARD ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	2,490.00	
FRIED FRANK HARRIS SHRIVER & KAMPELMAN, SUITE 1000 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	ASSINIBOINE TRIBE		41.40
Do	CHEYENNE RIVER SIOUX TRIBE	618.50	15.50
Do	DIAMOND DEALERS CLUB, INC		
Do	DOYON, LIMITED		
Do	GENERAL ELECTRIC CO	850.00	
Do	HUNT BUILDING CORPORATION		
Do	MICCOSUKEE TRIBE OF INDIANS OF FLORIDA		
Do	NEZ PERCE TRIBE		14.30
Do	PUEBLO OF LAGUNA	1,105.00	22.10
Do	SCHENLEY INDUSTRIES, INC	12,300.00	236.53
Do	SENECA NATION OF INDIANS	2,685.70	30.80
Do	UNIVERSAL MARITIME SERVICE CORPORATION		
PHILIP P. FRIEDLANDER JR., 1250 EYE STREET, NW, #400 WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN		
FRIEDMAN & MANN, P.C., 3315 QUESADA STREET, NW WASHINGTON DC 20015	COUSHATTA TRIBE OF LOUISIANA		
JAMES M. FRIEDMAN, 700 TERMINAL TOWER CLEVELAND OH 44113	CLEVELAND ELECTRIC ILLUMINATING CO	14,045.00	806.50
Do	COALITION FOR ENVIRONMENTAL-ENERGY BALANCE	19,805.00	955.95
GAY H. FRIEDMANN, 1150 CONNECTICUT AVE., NW, #717 WASHINGTON DC 20036	SOUTHERN CALIFORNIA GAS CO	7,625.00	422.72
FRIENDS COMMITTEE ON NATIONAL LEGISLATION, 245 2ND ST., NE WASHINGTON DC 20002			17,499.85
FRIENDS OF ANIMALS, INC, 400 FIRST STREET, NW, #800 WASHINGTON DC 20001		9,000.00	8,897.47
FRIENDS OF THE COLUMBIA GORGE, ROOM 303 519 SW THIRD PORTLAND OR 97204		48.81	75.20
SUSAN T. FRITSCHLER, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	795.00	361.24
CHARLES H. FRITTS, 1125 15TH STREET, NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSN	2,850.00	
Do	NEW BEDFORD SEAFOOD COUNCIL, INC.	6,000.00	557.22
CHARLES H. FRITZEL, 499 S. CAPITOL ST., SE, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	350.00	300.00
JEFFREY FRITZLEN, 1120 20TH STREET, NW, #600-S WASHINGTON DC 20036	UNION PACIFIC CORP	2,000.00	
RICHARD B. FROH, SUITE 1014 900 17TH STREET, NW WASHINGTON DC 20006	KAISER FOUNDATION HEALTH PLAN	15,500.00	75.00
ALBERT E. FRY, 1828 L STREET, NW, #402 WASHINGTON DC 20036	BUSINESS ROUNDTABLE	400.00	
GORDON H. FRY, SUITE 1201 1100 17TH ST., NW WASHINGTON DC 20036	CIGAR ASSOCIATION OF AMERICA, INC.		
FULBRIGHT & JAWORSKI, 1150 CONNECTICUT AVE., NW, #400 WASHINGTON DC 20036	CONSOLIDATED CAPITAL EQUITIES CORP	1,405.50	14.24
Do	CRYSTAL OIL COMPANY		
Do	HOTEL INVESTORS TRUST	5,272.63	32.80
Do	HOUSTON POST COMPANY	1,765.50	59.54
Do	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS		26.15
Do	SAMUEL GARY OIL PRODUCER, INC		155.03
Do	SANTA ANITA REALTY ENTERPRISES, INC	3,345.62	32.81
CLAUDIA R. FUQUAY, 1401 NEW YORK AVE., NW, #400 WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSN.	500.00	53.50
JOSEPH F. FURLONG, 284 SOUTH AVENUE POUGHKEEPSIE NY 12601	CENTRAL HUDSON GAS & ELECTRIC CORP	800.00	200.00
DAVID H. FYOCK, SUITE 520 600 MARYLAND AVE., SW WASHINGTON DC 20024	GPU SERVICE CORPORATION	4,234.00	421.83
MARC P. GABOR, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO	3,000.00	274.44
TERRY GABRIELSON, 490 L'ENFANT PLAZA, SW, #3202 WASHINGTON DC 20024	TRANSCONTINENTAL GAS PIPELINE CORP	1,200.00	
JAMES E. GAFFIGAN, SUITE 607 1899 L STREET, NW WASHINGTON DC 20036	TRAVEL & TOURISM GOVERNMENT AFFAIRS POLICY COUNCIL	1,625.00	
JOHN G. GAINE, ALSTON & BIRD 1800 M STREET, NW, #1000 WASHINGTON DC 20036	MEAT PRICE INVESTIGATORS ASSN		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
NORMAN S. GAINES, 2550 M ST., NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	2,200.54	256.08
JOE H. GALIS, P.O. BOX 1100 SLOTE 1455 AVON PARK FL 33825			
HENRY T. GALLAGHER, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	
KARL GALLANT, 8001 BRADDOCK ROAD SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMMITTEE	2,000.00	310.37
LARRY GALLO, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN	12.50	4.00
HARRY GANDERSON, P.O. BOX 2593 WASHINGTON DC 20013			
WILLIAM R. GANSER JR , 4804 FOLSE DR. METAIRIE LA 70002	SOUTHERN FOREST PRODUCTS ASSN	2,196.05	
NICOLE GARA, 1117 N. 19TH ST., #300 ARLINGTON VA 22209	AMERICAN ACADEMY OF PHYSICIAN ASSISTANTS		
SHERWIN GARDNER, 1010 WISCONSIN AVE., NW SUITE 800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC		
GARDNER, CARTON & DOUGLAS, 1875 I ST., NW WASHINGTON DC 20006	AMERICAN HEALTH CARE ASSN		
Do	FTC COMMUNICATIONS, INC		
Do	EDWARD HINES LUMBER CO		
Do	K-A COMPANY		
Do	MIDCON CORP		
EDWARD A. GARMATZ, 2210 LAKE AVE. BALTIMORE MD 21213	BALTIMORE GAS & ELECTRIC CO	2,400.00	
NICHOLAS P. GARNETT, SUITE 410 1025 VERMONT AVE., NW WASHINGTON DC 20005	NATIONAL INSULATION CONTRACTORS ASSN		
JOHN C. GARTLAND, 7575 EAST FULTON ROAD ADA MI 49355	AMWAY CORP	8,250.00	
E. JUNE GARVIN, OHIO PETROLEUM COUNCIL 88 E. BROAD SUITE 1960 COLUMBUS OH 43215	AMERICAN PETROLEUM INST	10,000.00	212.35
W. BRADFORD GARY, 1050 17TH STREET, NW, #1126 WASHINGTON DC 20036	BAXTER TRAVENOL LABORATORIES, INC		
GAS APPLIANCE MANUFACTURERS ASSOCIATION, INC., 1901 NORTH FORT MYER DR. ARLINGTON VA 22209			90.00
PHILIP GASTEYER, 1709 NEW YORK AVE., NW SUITE 801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	6,250.00	
WAYNE GATHERS, 1925 K STREET, NW, #507 WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	550.50	
GEARY, STAHL & SPENCER, 2800 ONE MAIN PLACE DALLAS TX 75250	CITIES FOR RESPONSIBLE CABLE POLICY		11.77
MARGARET L. GEHRES, 1828 L STREET, NW, #402 WASHINGTON DC 20036	BUSINESS ROUNDTABLE	187.50	
RONALD L. GEIGLE, 1030 15TH STREET, NW, #1100 WASHINGTON DC 20005	HEALTH INDUSTRY MANUFACTURERS ASSN		
ROBERT C. GELARDI, 5775 PEACHTREE-DUNWOODY RD. #500-D ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	540.00	
MORTON A. GELLER, 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
JOSE A. GEMEIL, SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: INSTITUTO BRASILEIRO DO CAFE)		20.00
GENERAL AVIATION MANUFACTURERS ASSOCIATION, 1400 K STREET, NW, #801 1025 CONNECTICUT AVE., NW WASHINGTON DC 20005.			2,951.57
GENERIC PHARMACEUTICAL INDUSTRY ASSN., 18TH FLOOR 600 THIRD AVENUE NEW YORK NY 10016		25,724.46	25,724.46
FRED J. GENTILE, 195 MONTAGUE STREET BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
JOHN GENTILLE, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
NANCY WHORTON GEORGE, 499 SOUTH CAPITOL STREET, SW, #400 WASHINGTON DC 20003	CELERON		
GEORGE WASHINGTON STUDENT ASSN, 800 21ST STREET, NW, WASHINGTON DC 20052			
GEORGIA ASSN OF PETROLEUM RETAILERS, INC, 900 N. HAIRSTON ROAD, SUITE D STONE MOUNTAIN GA 30083			
GEORGE W. GEPHART, P.O. BOX 1475 BALTIMORE MD 21203	BALTIMORE GAS & ELECTRIC CO	271.28	121.59
JOSEPH G. GERARD, 918 16TH ST., N.W. # 402 WASHINGTON DC 20006	SOUTHERN FURNITURE MFGRS ASSN	1,500.00	1,099.65
GERARD, BYLER & ASSOCIATES, INC., 1100 17TH ST., NW, #1100 WASHINGTON DC 20036	COLVILLE BUSINESS COUNCIL	1,200.00	
Do	PAPAGO TRIBE OF ARIZONA	1,756.00	
LOUIS GERBER, 1925 K ST., NW WASHINGTON DC 20006	COMMUNICATIONS WORKERS OF AMERICA	5,467.38	178.20
LLEWELLYN H. GERSON, 425 13TH STREET, NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE US, INC	2,000.00	300.00
PHYLLIS H. GERSTELL, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
CHRIS GERSTEN, 444 NORTH CAPITOL STREET, NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	1,500.00	
DOROTHY F. GEVINSON, 801 18TH STREET, NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO		
ROBERT N. GIAIMO, 499 SOUTH CAPITOL ST., S.W. SUITE 110 WASHINGTON DC 20003	AETNA LIFE & CASUALTY	9,375.00	
Do	INSURANCE ASSOCIATION OF CONNECTICUT	3,750.00	
WILLIAM C. GIBB, 1140 CONNECTICUT AVENUE, NW, #201 WASHINGTON DC 20036		30,000.00	
WAYNE GIBBENS, 1919 PENNSYLVANIA AVE., NW, #503 WASHINGTON DC 20006	MID-CONTINENT OIL & GAS ASSN	14,000.00	69.00
ANNE MARIE GIBBONS, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	500.00	
GIBSON, DUNN & CRUTCHER, 1776 G STREET, NW WASHINGTON DC 20006	ASSOCIATED SPECIALTY CONTRACTORS, INC		
Do	FEDERATION OF APPAREL MANUFACTURERS		
Do	INSURANCE ASSN OF CONNECTICUT	690.00	8.00
Do	MECHANICAL CONTRACTORS ASSN OF AMERICA, INC		
RICHARD GILBERT, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN	1,222.00	
ARTHUR P. GILDEA, 274 GLENFIELD CT. CINCINNATI OH 45238	BREWERY & SOFT DRINK WORKERS, NATIONAL CONFERENCE		
MICHAEL GILDEA, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	13,607.49	108.04
JOHN E. GILES, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMER, INC	625.00	525.94
JOSEPH S. GILL, BRICKER & ECKLER 100 E. BROAD STREET COLUMBUS OH 43215	NORFOLK SOUTHERN	7,500.00	
MARK W. GILLASPIE, P.O. BOX 1188 HOUSTON TX 77001	HOUSTON NATURAL GAS CORP		
NEAL P. GILLEN, 1707 L ST., NW, #460 WASHINGTON DC 20036	AMERICAN COTTON SHIPPERS ASSN	24,000.00	1,264.38
WILLIAM GILMARTIN, SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.	357.75	28.00
DAVID S. GILROY, 715 EIGHTH STREET, NW WASHINGTON DC 20003	NATIONAL VICTIMS OF CRIME		
GINN & EDINGTON, INC, 121 SOUTH COLUMBUS STREET ALEXANDRIA VA 22314	GULFSTREAM AEROSPACE CORP	3,000.00	49.83
Do	HERCULES, INC		
Do	LOCKHEED-GEORGIA COMPANY	12,500.00	199.50
Do	PROFESSIONAL INSURANCE AGENTS	6,000.00	99.56
Do	TURNER BROADCASTING SYSTEM, INC	2,000.00	33.22
Do	U.S. CANE SUGAR REFINERS' ASSN	1,000.00	16.61
GERARD GIOVANIELLO, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	241.56
MICHAEL K. GIRE, BRICKER & ECKLER 100 E. BROAD ST. COLUMBUS OH 43215	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
BRENDA M. GIRTON, 1211 CONNECTICUT AVENUE, N.W. # 802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	250.00	82.51
MICHAEL J. GIUFFRIDA, SUITE 450 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FROZEN FOOD ASSOCIATION	2,854.00	
SOL GLASNER, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION		
GEORGE L. GLEASON, 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	4,825.00	367.82
JOHN P. GLEASON, 1750 OLD MEADOW RD. MCLEAN VA 22102	BRICK INSTITUTE OF AMERICA		
LAW OFFICES OF THOS 90 BROAD STREET, #600 NEW YORK NY 10004	INTERNATIONAL LONGSHOREMAN'S ASSOCIATION, AFL-CIO		
ROBERT GLEASON, 815 SIXTEENTH STREET, N.W. WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	6,813.41	
GARY GLENN, 8001 BRADDOCK ROAD SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMMITTEE	2,748.00	260.63
GLOBAL USA, INC, 1825 EYE STREET, NW, #400 WASHINGTON DC 20006	FANUC, LTD	50,000.00	52,657.00
Do	KOMATSU LTD.	62,500.00	65,883.00
Do	MAZAK CORPORATION	50,000.00	52,657.00
JERE W. GLOVER, SUITE 1201 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SERVICE STATION DEALERS OF AMERICA		
GNAU, CARTER, JACOBSEN & ASSOC., INC., 1777 F STREET, NW WASHINGTON DC 20006	AMYRCON CORPORATION		
Do	BEZTAK COMPANY		
Do	BI-COUNTY CONSORTIUM		
Do	CAC ASSOCIATES		
Do	DETROIT & MACKINAC RAILWAY COMPANY		
Do	GLOBAL COMMUNICATIONS		
Do	GRAND TRAVERSE DEVELOPMENT, INC.		
Do	MOVE DETROIT FORWARD FUND		
Do	POTTER INSTRUMENT CO., INC		
Do	RJK CONSTRUCTION COMPANY		
Do	SANDERS CORPORATION		
Do	URBAN REVITALIZATION, INC.		
RICHARD P. GODWIN, P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL CIVIL & MINERALS, INC		
A. JAMES GOLATO, 1701 K STREET, NW WASHINGTON DC 20006	H&R BLOCK, INC.	283.00	487.00
HARVEY S. GOLD, 1015 15TH ST., NW, #909 WASHINGTON DC 20005	VELSICOL CHEMICAL CORP		
MARTIN B. GOLD, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN FISHING TACKLE MANUFACTURERS ASSN)	512.50	
Do	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
Do	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	307.50	
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)	2,357.50	
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: MARTIN BAKER AIRCRAFT COMPANY LTD.)		
Do	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)		
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING CO)	2,767.50	
Do	GRAY AND COMPANY (FOR: PAN AMERICAN NATIONAL BANK)		
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)	717.50	
Do	GRAY AND COMPANY (FOR: STROH BREWERY CO)	410.00	
HOWARD S. GOLDBERG, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL, INC (FOR: AIRBUS INDUSTRIE)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION).		
Do	DGA INTL, INC. (FOR: SOFREAVIA)	30.28	5.00
RONALD L. GOLDFARB, GOLDFARB, SINGER & AUSTERN 918 16TH STREET, NW, #503 WASHINGTON DC 20003	WASHINGTON INDEPENDENT WRITERS, INC		
JACK GOLODNER, 815 16TH ST., N.W. WASHINGTON DC 20006	DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO	3,660.51	
JOHN GONELLA, SUITE 200 412 FIRST STREET, SE WWASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	1,328.97	341.45
RUTH GONZE, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	500.00	
CHARLES E. GOODELL, KING & SPALDING 1915 I ST., NW WASHINGTON DC 20006	DGA INTL (FOR AIRBUS INDUSTRIES)		
Do	DGA INTL (FOR SOC NATL D'ETUDE ET DE CONST.)	1,040.00	
Do	DGA INTL INC (FOR SOFREAVIA)		
Do	THOMSON-CSF, INC	5,100.00	1,075.00
ROBERT F. GOODWIN, 1850 K ST., NW, SUITE 275 WASHINGTON DC 20006	MEREDITH CORP	40.00	28.50
BENJAMIN GORDON, 2000 P ST., NW, #708 WASHINGTON DC 20036	HEALTH RESEARCH GROUP		
DOUGLAS GORDON, SUITE 400 1401 NEW YORK AVE., NW WASHINGTON DC 20005	NATIONAL FOOD PROCESSORS ASSN.	375.00	35.00
IRMGARD GORDOS, P.O. BOX 56 CATSKILL NY 12414	AMERICAN SECURITY COUNCIL		
BRENDA J. GORE, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
MILLICENT GORHAM, SUITE 400E 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
JAMES D. GORMLEY, 1400 K STREET, NW, #801 WASHINGTON DC 20005	GENERAL AVIATION MANUFACTURERS ASSOCIATION	1,588.46	190.23
ANN M. GOSIER, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
PETER GOSSENS, 1717 MASSACHUSETTS AVE., NW, #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	7,225.00	369.00
JOHN T. GOULD JR., SUITE 805 1625 EYE STREET, NW WASHINGTON DC 20006	ST. REGIS PAPER CO	400.00	700.00
HUGH J. GOWNLEY, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL INC (FOR: SNECMA)		
EDMOND GRABER, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	1,000.00	500.00
JOHN R. GRAFF, SUITE 330 1025 VERMONT AVE., NW WASHINGTON DC 20005	INTERNATIONAL ASSN OF AMUSEMENT PARKS AND ATTRACTIONS		
LAWRENCE T. GRAHAM, 1819 L STREET, NW, #600 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	1,246.15	
JOHN K. GRAM, 319 SW WASHINGTON STREET, #714 PORTLAND OR 97204	PUBLIC TIMBER PURCHASERS GROUP	1,781.25	627.00
LUIS L. GRANADOS, SUITE 400 1725 DESALES ST., NW WASHINGTON, DC 20036	ESOP ASSOCIATION OF AMERICA	10,675.00	55.22
EDWARD S. GRANDIS, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	1,169.39	
JAMES I. GRANGER, 3806 MARYLAND STREET ALEXANDRIA VA 22309	PIPER AIRCRAFT CORPORATION	500.00	150.00
WILLIAM W. GRANT, SUITE 710 1150 CONNECTICUT AVE., NW WASHINGTON DC 20036	UTAH INTL, INC		510.11
JAMES L. GRANUM, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CORP	1,000.00	
GRAPHIC COMMUNICATIONS INTERNATIONAL UNION, AFL-CIO, CLC, 1900 L STREET, NW WASHINGTON DC 20036		13,925.00	19,752.00
MICHAEL R. GRAUL, 1725 DESALES ST., NW SUITE 401 WASHINGTON DC 20036	AMERICAN HARDWARE MANUFACTURERS ASSN	1,000.00	
Do	CUTTING TOOL MANUFACTURERS ASSN & METAL CUTTING TOOL INST	1,200.00	
RUTH P. GRAVES, SUITE 500 600 MARYLAND AVE., SW WASHINGTON DC 20024	READING IS FUNDAMENTAL, INC		
JAMES A. GRAY, 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	750.00	25.00
ROBERT K. GRAY, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
Do	GRAY AND COMPANY (FOR: AMERICAN TRUCKING ASSNS, INC)		
Do	GRAY AND COMPANY (FOR: ANEUTRONIX, INC)		
Do	GRAY AND COMPANY (FOR: ASARCO INC)		
Do	GRAY AND COMPANY (FOR: BATUS)		
Do	GRAY AND COMPANY (FOR: BENDIX CORPORATION)		
Do	GRAY AND COMPANY (FOR: BEVERLY ENTERPRISES)		
Do	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES, INC.)		
Do	BUDD COMPANY		
Do	GRAY AND COMPANY (FOR: COLLEGE OF AMER PATHOLOGISTS)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	116.66	
Do	GRAY AND COMPANY (FOR: RAMZI A. DALLOUL)	87.50	
Do	GRAY AND COMPANY (FOR: EL PASO NATURAL GAS CO)		
Do	GRAY AND COMPANY (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN)	58.33	
Do	GRAY AND COMPANY (FOR: EXECUTIVE COUNCIL ON FOREIGN DIPLOMATS)		
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)		
Do	GENERAL TELEPHONE & ELECTRONICS		
Do	GRAY AND COMPANY		
Do	GRAY AND COMPANY (FOR: GRUMMAN CORPORATION)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: HRH PRINCE TALAL BIN ABDUL AZIZ AL SAUD)		
Do	GRAY AND COMPANY (FOR: HTB CORPORATION)		
Do	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)		
Do	MARTIN BAKER AIRCRAFT COMPANY LTD.		
Do	GRAY AND COMPANY (FOR: MOTOROLA)		
Do	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)		
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING COMPANY)	58.33	
Do	GRAY AND COMPANY (FOR: PAN AMERICAN NATIONAL BANK)		
Do	GRAY AND COMPANY (FOR: QUIXOTE CORPORATION)		
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)		
Do	GRAY AND COMPANY (FOR: NICHOLAS SALGO)		
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)		
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT AND COMPANY)		
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)		
Do	GRAY AND COMPANY (FOR: U.S. BANKNOTE)		
Do	GRAY AND COMPANY (FOR: WARNER COMMUNICATIONS)		
JOHN F. GRAYBEAL, SUITE 1000 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORP)		
MARK E. GRAYSON, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL & KNOWLTON, INC		
SAMUEL A. GRAYSON, P.O. BOX 1745 BOISE ID 83701	UNION PACIFIC RAILROAD		
GREATER WASHINGTON BOARD OF TRADE, 1129 20TH ST., NW WASHINGTON DC 20036			
JAMES R. GRECO, P.O. BOX 3151, HOUSTON TX 77253	BFI	2,000.00	1,356.75
DONALD R. GREELEY, 1101 17TH ST., NW, #307 WASHINGTON DC 20036	CELANESE CORP	1,200.00	440.44
EDWARD M. GREEN, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
GEORGE R. GREEN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
JAMES W. GREEN, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,871.00	270.00
JOHN K. GREEN, 800 AMERICAN CHARTER CENTER 1623 FARNAM ST. OMAHA NB 68102	PAPILLION-LAVISTA NEBRASK SCHOOL DISTRICT		
WAYNE GREEN, 80 PINE ST. PETERBOROUGH NH 03458	73 INC		
JANE E. GREENBAUM, SUITE 210 1201 PENNSYLVANIA AVE. NW WASHINGTON DC 20004	HALLMARK CARDS, INC		
ALLEN GREENBERG, SUITE 708 2000 P STREET, NW WASHINGTON DC 20036	HEALTH RESEARCH GROUP	11.40	
LOUISE S. GREENFIELD, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	3,125.00	
MARGIT S. GREENSPON, 2626 PENNSYLVANIA AVE., NW WASHINGTON DC 20037	NATIONAL TELEPHONE COOPERATIVE ASSN		
ROBERT GREENSTEIN, 236 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CENTER ON BUDGET & POLICY PRIORITIES	343.22	34.00
DALE W. GREENWOOD, 612 HOGE BLDG. SEATTLE WA 98104	WASHINGTON RAILROAD ASSN		
JOHN M. GREER, 1900 L STREET, NW WASHINGTON DC 20036	GRAPHIC COMMUNICATIONS INTERNATIONAL UNION, AFL-CIO, CLC	13,925.00	19,752.00
SAUNDERS GREGG, PO BOX 2628 HOUSTON TX 77001	ENTEX, INC	731.50	3,061.24
WILLIAM G. GREIF, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	40,000.00	
RANDALL GRIFFIN, 1515 WILSON BOULEVARD ARLINGTON VA 22209	AMERICAN GAS ASSN	3,000.00	172.36
MARK N. GRIFFITHS, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	200.00	
JACK GRIMES, 8100 OAK STREET DUNN LORING VA 22027	NATIONAL PEST CONTROL ASSN		
GROCERY MANUFACTURERS OF AMERICA, INC., SUITE 800 1010 WISCONSIN AVE., NW WASHINGTON DC 20007			3,274.53
GROOM & NORDBERG, 1775 PENNSYLVANIA AVENUE, NW, #450 WASHINGTON DC 20006	AD HOC GROUP ON LIFE INSURANCE CO. TAXATION OF PENSION FUNDS	250.00	5.00
Do	AETNA LIFE & CASUALTY		
Do	BANKERS LIFE COMPANY	400.00	8.00
Do	BAXTER TRAVENOL LABORATORIES, INC		
Do	COLORADO-UTE	200.00	4.00
Do	CONNECTICUT GENERAL LIFE INSURANCE COMPANY		
Do	ELI LILLY AND COMPANY		
Do	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.	400.00	8.00
Do	GLOBAL MARINE, INC	200.00	4.00
Do	GOLDMAN SACHS & CO	100.00	2.00
Do	GUARDIAN LIFE INSURANCE CO OF AMERICA	400.00	8.00
Do	GULF OIL CORP	200.00	4.00
Do	JOHN HANCOCK MUTUAL LIFE INSURANCE CO.	400.00	8.00
Do	MINNESOTA MUTUAL LIFE INSURANCE COMPANY	400.00	8.00
Do	NEW YORK LIFE INSURANCE COMPANY	400.00	8.00
Do	OCEAN DRILLING & EXPLORATION CO		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	PHILLIPS PETROLEUM COMPANY		
Do	PHOENIX MUTUAL LIFE INSURANCE COMPANY		
Do	PROVIDENT MUTUAL LIFE INSURANCE CO OF PHILADELPHIA	400.00	8.00
Do	PRUDENTIAL INSURANCE COMPANY OF AMERICA	400.00	8.00
Do	READING & BATES CORPORATION	200.00	4.00
Do	SOUTHERN CALIFORNIA EDISON COMPANY	250.00	5.00
Do	TRAVELERS		
Do	UNION TEXAS PETROLEUM		
Do	WESTERN CONFERENCE OF TEAMSTERS PENSION TRUST FUND		
Do	WESTINGHOUSE ELECTRIC CORP		
DAVID B. GROSS, P.O. DRAWER 1120 JACKSON MS 39265			
NINA G. GROSS, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	200.00	110.31
STANLEY C. GROSS, 249 MAITLAND AVENUE ALTAMONE SPRINGS FL 32701	INSTITUTE OF INTERNAL AUDITORS, INC.		
JEROME GROSSMAN, 11 BEACON ST. BOSTON MA 02108	COUNCIL FOR A LIVABLE WORLD	3,421.92	109.30
JOHN R. GROUNDWATER JR., 1840 WILSON BOULEVARD, #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	1,387.50	
WALTER B. GRUBBS, P.O. BOX 841 ABILENE TX 79604	WEST TEXAS UTILITIES CO	361.12	887.47
JOHN T. GRUPENHOFF, SUITE 306 10,000 FALLS ROAD POTOMAC MD 20854	AMERICAN ACADEMY OF DERMATOLOGY	1,600.00	191.10
Do	AMERICAN GASTROENTEROLOGICAL ASSN	2,750.00	340.70
Do	AMERICAN SOCIETY FOR GASTROINTESTINAL ENDOSCOPY	2,750.00	340.70
Do	ASSOCIATION OF AMERICAN CANCER INSTITUTES	200.00	127.50
Do	COOLEY'S ANEMIA FOUNDATION		
KENNETH A. GUENTHER, 1625 MASSACHUAETTS AVE., #202 WASHINGTON DC 20036	INDEPENDENT BANKERS ASSOCIATION OF AMERICA		
CLARK J. GUILD JR., GUILD, HAGEN & CLARK, LTD. 102 ROFF WAY RENO NV 89505	MOTION PICTURE ASSN OF AMERICA, INC		
JAMES E. GUIRARD JR., 1730 RHODE ISLAND AVENUE, NW, #419 WASHINGTON DC 20036	BASF WYANDOTTE CORP	9,000.00	720.00
Do	BELL AEROSPACE TEXTRON	1,500.00	360.00
Do	TANO CORPORATION	1,000.00	900.00
JEROME R. GULAN, 1604 K ST., NW WASHINGTON DC 20006	NATIONAL SMALL BUSINESS ASSN	4,500.00	
Do	SMALL BUSINESS LEGISLATIVE COUNCIL	2,500.00	
GUN OWNERS OF AMERICA, INC., 5881 LEESBURG PIKE, #204 FALLS CHURCH VA 22041		302,210.71	301,564.87
DAVID GUSKY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	9,604.74	
SUSAN L. GUSTAFSON, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
NED H. GUTHRIE, 209 HAYES AVENUE CHARLESTON WV 25314	AMERICAN FEDERATION OF MUSICIANS	1,805.00	1,292.04
ROBERT F. GUTHRIE, #608 815 16TH ST., NW WASHINGTON DC 20006	DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO	4,712.51	
RICHARD E. GUTTING JR., 1101 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	NATIONAL FISHERIES INSTITUTE	6,000.00	331.36
JAMES M. HACKING, 1909 K ST., NW WASHINGTON DC 20049	NATIONAL RETIRED TEACHERS ASSN/AMERICAN ASSN OF RET PERSONS	605.77	276.00
CRAIG HACKLER, 412 FIRST ST., SE SUITE 214 WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA	3,000.00	
Do	CADILLAC FAIRVIEW U.S., INC.		
Do	INTERNATIONAL CHIROPRACTIC ASSN		
Do	ST. JOE MINERALS CORPORATION	1,000.00	
LOYD HACKLER, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	2,000.00	64.25
CHARLES W. HACKNEY JR , 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
WILLIAM F. HADDAD, 924 WEST END AVE., #91 NEW YORK NY 10025	GENERIC PHARMACEUTICAL INDUSTRY ASSN	5,910.00	3,364.55
THOMAS M. HAGAN, 1510 AMERICAN BANK TOWER AUSTIN TX 78701	CENTRAL AND SOUTH WEST SERVICES, INC	707.00	1,619.86
THOMAS M. HAGEDORN, 1201 S. JEFF-DAVIS HIGHWAY, #301 ARLINGTON VA 22202	COAL SLURRY ASSOCIATION	14,000.00	
Do	HASEN ENGINE CO	11,250.00	
ANN HAGEMANN, 1150 17TH ST., NW WASHINGTON DC 20036	AMERICAN BROADCASTING CO, INC		
WILLIAM D. HAGER, 1030 FINANCIAL CENTER DES MOINES IA 50309	AMERICAN ACADEMY OF ACTUARIES		
BRUCE N. HAHN, 9300 LIVINGSTON RD. WASHINGTON DC 20022	NATIONAL TOOLING & MACHINING ASSOCIATION	10,769.29	2,050.13
JOHN REED HAINES, P.O. BOX 1102 READING PA 19603	MERIDIAN BANCORP, INC	1,699.00	2,343.00
THOMAS F. HAIRSTON, SUITE 760 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	6,000.00	997.28
HALE AND DORR, SUITE 807 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	COMPO INDUSTRIES, INC	4,596.00	688.71
Do	GHK COMPANIES	4,610.30	708.85
Do	INDIAN LAND CLAIM COMMITTEE		
Do	MEOH, INC		
Do	TOWN OF MASHPEE		
RANDOLPH M. HALE, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
BEVERLY HALEM, 414 HIGHPOINT DR. COCA FL 32926	HALEM INDUSTRIES, INC		
HALEY BADER & POTTS, SUITE 600 2000 M STREET, NW WASHINGTON DC 20036	PILOTS RIGHTS ASSOCIATION	557.21	88.09
MARTIN HALEY COMPANIES, 1015 15TH ST., NW WASHINGTON DC 20005	AMERICAN ENERGY INC.		
Do	CENTRAL TEXAS GRAIN PRODUCTS MARKETING COOPERATIVE		
Do	M&M/MARS		
HALL ESTILL HARDWICK GABLE COLLINGSWORTH & NELSON, SUITE 350 1750 K ST., NW WASHINGTON DC 20006	WILLIAMS COMPANIES	100.00	
JOHN F. HALL, 1619 MASSACHUSETTS AVE., N.W. WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	200.00	
RICHARD F. HALL, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	2,000.00	850.07
MARIAN HALL-CRAWFORD, 316 PENNSYLVANIA AVENUE, SE, #301 WASHINGTON DC 20003	SAN DIEGO GAS & ELECTRIC	850.00	2,723.24
KIMBERLEY C. HALLAMORE, 1725 K STREET, NW WASHINGTON DC 20006	REPUBLIC OF SOUTH AFRICA, EMBASSY		
JOSEPH HALOW, SUITE 610-N 1800 M ST., NW WASHINGTON DC 20036	NORTH AMERICAN EXPORT GRAIN ASSN., INC.		
MAURICE E. HALSEY, 1001 CONNECTICUT AVENUE, NW, #501 WASHINGTON DC 20036	NORTHERN ILLINOIS GAS COMPANY	2,500.00	
J. PHILLIP HALSTEAD, P.O. BOX 24305 OAKLAND CA 94623	CLOROX COMPANY		
PAUL T. HALUZA, SUITE 333 1120 19TH STREET, NW WASHINGTON DC 20036	MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION	3,000.00	202.22
JERALD V. HALVORSEN, COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSOCIATION	7,875.00	2,033.15
HAMEL & PARK, 888 16TH STREET, NW WASHINGTON DC 20006	BENEFICIAL FOUNDATION		
Do	ESTATE OF HELEN WODELL HALBACH		
Do	GRAEPER-VAN NOY-WAGNER, INC		
Do	SKYLINK CORPORATION, INC	230.00	7.00
Do	TANDY CORPORATION	775.00	
Do	UNITED STUDENT AID FUNDS, INC		
BRUCE HAMILTON, BOX 1078 LANDER WY 82520	SIERRA CLUB	1,800.00	1,639.59
JAMES L. HAMILTON III, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	682.50	15.40
J. LEE HAMILTON, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	119.16	
PHILIP W. HAMILTON, 2029 K STREET, NW, #603 WASHINGTON DC 20006	AMERICAN SOCIETY OF MECHANICAL ENGINEERS		
STANLEY HAMILTON, 1616 P ST., NW, #204 WASHINGTON DC 20036	INTERSTATE CARRIERS CONFERENCE	500.00	50.00
WILLIAM W. HAMILTON JR., SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.	170.04	22.00
SUSAN WOODWARD HAMLIN, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
AMY R. HAMMER, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		669.04
ROBERT E. HAMPTON, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
TIMOTHY A. HANAN, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MOBIL CORPORATION	1,500.00	
NOLAN W. HANCOCK, 1126 16TH ST., NW WASHINGTON DC 20036	OIL, CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION	5,100.00	
TED HANDEL, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	2,500.00	
GEORGE J. HANKS JR , 12TH FL. 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
JAMES M. HANLEY, JAMES M. HANLEY AND ASSOCIATES 1301 PENNSYLVANIA AVENUE, NW, #1150 WASHINGTON DC 20004.	ALLIANCE OF THIRD CLASS NON-PROFIT MAILERS	12,501.00	500.00
ELIZABETH HANLIN, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION		
HANNAFORD CO., INC., SUITE 207 905 16TH ST., NW WASHINGTON DC 20006	AMERICAN SOCIETY OF COMPOSERS, AUTHORS & PUBLISHERS		
Do	CENTURY 21 REAL ESTATE CORP		
Do	COMMITTEE FOR FAIR INSURANCE RATES	15,000.00	4,686.40
Do	FIREMAN'S FUND INSURANCE COS		
Do	GENERAL MOTORS CORP		
Do	TOSCO OIL CORPORATION		
Do	TRANS WORLD AIRLINES, INC		
HANNAFORD INTERNATIONAL, INC, SUITE 207 905 16TH STREET, NW WASHINGTON DC 20006	STABLEX CORPORATION		
HANSELL & POST, 1915 EYE STREET, NW, #500 WASHINGTON DC 20006	INGRAM TANKSHIPS, INC		
Do	ROCKWELL INTERNATIONAL CORP	18,000.00	32.04
ERLING HANSEN, 624 9TH ST., NW, 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC.		
J. E. HANSEN, 400 1ST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	350.00	
HEIDI ANN HANSON, 1608 D BELMONT STREET, NW WASHINGTON DC 20019	CBS, INC	2,000.00	500.00
PETER J. HAPWORTH, 1511 K ST., NW WASHINGTON DC 20005	SUGAR ASSOCIATION, INC.	500.00	9.00
RALPH HARDING, SUITE 717 WATERGATE 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	AMPCO FOODS, INC.		
Do	PHILIPPINE SUGAR COMMISSION	60,000.00	32,184.00
WILLIAM E. HARDMAN, 9300 LIVINGSTON ROAD FT. WASHINGTON MD 20744	NATIONAL TOOLING & MACHINING ASSN.		
EUGENE J. HARDY, SUITE 1000 1100 17TH ST., NW WASHINGTON DC 20036	GERBER PRODUCTS COMPANY		
HELEN S. HARGADON, 1100 15TH STREET, NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	80.00
J. RICHARD HARGIS, 2550 M STREET, NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC.	298.91	94.95

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JON HARKAVY, 205 EAST 42ND STREET NEW YORK NY 10017	RISK AND INSURANCE MANAGEMENT SOCIETY, INC.		
CHARLES N. HARKEY, 453 NEW JERSEY AVENUE, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
DAN R. HARLOW, 919 18TH ST., NW WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	3,000.00	100.94
DONALD L. HARLOW, 310 RILEY ST. FALLS CHURCH VA 22046	AIR FORCE SERGEANTS ASSN, INC		
LEON HARPER, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	250.00	
WILEY C. HARRELL JR , 1211 CONNECTICUT AVE., NW, #502 WASHINGTON DC 20036	ANHEUSER-BUSCH COMPANIES, INC.		
MICHAEL T. HARRIGAN, 421 KING STREET, #214 ALEXANDRIA VA 22314	U.S. OLYMPIC COMMITTEE		20.00
MARCIA L. HARRINGTON, 110 MARYLAND AVE, NE, #409 WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN		
TONI HARRINGTON, 955 L'ENFANT PLAZA NORTH, SW, #905 WASHINGTON DC 20024	AMERICAN HONDA MOTOR CO, INC	200.00	244.05
MARILYN A. HARRIS, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	150.00	69.96
ROBERT L. HARRIS, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	ALUMINUM ASSN		
HARRIS, BERG & CRESKOFF, 1100 15TH STREET, NW, #1100 WASHINGTON DC 20005	ASSOCIATION OF FOOD INDUSTRIES, INC.	300.00	
Do	COMMITTEE OF DOMESTIC STEEL WIRE ROPE & SPECIALTY CABLE MFRS		
J. WILLIAM W. HARSCH, 1825 K STREET, NW, #503 WASHINGTON DC 20006	ANDREW L. LUI AND ASPEN TECHNOLOGY, INC.	1,383.06	274.56
WILLIAM H. HARSHA, 1102 DELF DRIVE MCLEAN VA 22101	WILLIAM H. HARSHA & ASSOCIATES, INC. (FOR: AMERICAN TRUCKING ASSNS, INC)	7,500.00	52.40
Do	WM. H. HARSHA & ASSSOCIATES, INC (FOR: APPALACHIAN REGIONAL COMMISSION).	6,000.00	
Do	WILLIAM H. HARSHA & ASSOCIATES, INC (FOR: CECOS INTERNATIONAL)	6,000.00	104.22
Do	WILLIAM H. HARSHA & ASSOCIATES, INC (FOR: ECOLOGICAL PROFESSIONAL INDUSTRIES, INC).	6,000.00	
Do	WM. H. HARSHA & ASSOC., INC. (FOR: SLURRY TRANSPORT ASSN)	12,000.00	
LYNN S. HART, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	1,474.41	552.63
HARTFORD FIRE INSURANCE CO, HARTFORD PLAZA HARTFORD CT 06115			16,020.00
CHARLES D. HARTMAN, 1050 17TH ST., NW, SUITE 500 WASHINGTON DC 20036	TEXACO, INC.	2,949.50	
MARY L. HARTMAN, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN.		
ARTHUR W. HARTMANN, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN		
NORMAN B. HARTNETT, 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	22,209.20	1,303.66
EDMUND E. HARVEY, CHADBOURNE, PARKE, WHITESIDE & WOLFF 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	TRANS WORLD AIRLINES, INC.		
EDWIN HAROLD HARVEY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
JAY HARVEY, 815 16TH STREET, NW, #408 WASHINGTON DC 20006	FOOD AND BEVERAGE TRADES DEPARTMENT, AFL-CIO	298.56	91.60
CLIFFORD J. HARVISON, 1616 P ST., NW WASHINGTON DC 20036	NATIONAL TANK TRUCK CARRIERS, INC.		
HOLLY HASSETT, 2000 L STREET, NW, #200 WASHINGTON DC 20036	HERSHEY FOODS CORP		
LEWIS B. HASTINGS, 1776 K ST., NW, #200 WASHINGTON DC 20006	MOTOROLA, INC	6,000.00	121.42
WALTER A. HASTY JR , SUITE 230 1801 K ST., NW WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	243.75	
JANET HATHAWAY, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	3,208.00	
GARY R. HATTAL, 818 ROEDER ROAD SUITE 702 SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
BARBARA J. HAUGH, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA		1,786.12
RODNEY E. HAUGH, 1711 KING STREET, #903 ALEXANDRIA VA 22314	POTATO CHIP/SNACK FOOD ASSOCIATION	600.00	
MARY W. HAUGHT, 1800 K ST., NW, #820 WASHINGTON DC 20006	SUN CO, INC	700.00	37.95
CHARLES W. HAVENS III, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE		
KATHRYN JOANN HAWES, SUITE 702 818 ROEDER RD. SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
SIDNEY G. HAWKES, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	MEAD CORPORATION	400.00	40.00
JOHN H. HAWKINS JR , 600 N. 18TH ST. BIRMINGHAM AL 35291	ALABAMA POWER CO		
BRUCE R. HAWLEY, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	7,350.01	38.00
WESLEY F. HAYDEN, 5224 CHEROKEE AVE. ALEXANDRIA VA 22312	INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES	7,766.22	
ROBERT A. HAYNOS, 4711 HUNT CIRCLE HARRISBURG PA 17112	HARSCO CORPORATION	12,250.00	415.04
JOHN W. HAZARD JR., WEBSTER, CHAMBERLAIN & BEAN 1747 PENNSYLVANIA AVENUE, NW, #1000 WASHINGTON DC 20006.	DIAGNOSTIC/RETREIVAL SYSTEMS, INC		
HEALTH INSURANCE ASSOCIATION OF AMERICA, INC., 1750 K ST., NW WASHINGTON DC 20006		44.62	44.62
HEALTH RESEARCH GROUP, SUITE 708 2000 P ST., NW WASHINGTON DC 20036		31.96	31.96
PATRICK B. HEALY, 1840 WILSON BOULEVARD ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED.	543.75	
ROBERT L. HEALY, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	350.00	
CHARLES L. HEBNER, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC.		
JAY HEDLUND, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	8,560.02	996.38
HEFFERNAN & MOSEMAN, P.C., 1875 EYE STREET, NW, #1025 WASHINGTON DC 20006	ALASKA LUMBER & PULP CO	4,000.00	1,511.89
EDWARD D. HEFFERNAN, 1875 EYE ST., NW, # 1025 WASHINGTON DC 20006	CAMP, CARMOUCHE, PALMER, BARSH & HUNTER, P.C.	18,000.00	
Do	DUCTILE IRON PIPE RESEARCH ASSN.		
Do	HAZELTINE CORPORATION	5,150.00	133.08
JOHN HEFFNER, 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
M. L. HEFTI, 1700 NORTH MOORE STREET, 20TH FL. ROSSLYN VA 22209	BOEING COMPANY	659.98	1,865.95
ROBERT E. HEGGESTAD, CASEY, SCOTT & CANFIELD 1435 G ST., NW WASHINGTON DC 20005	MANUFACTURED HOUSING INST		
JOHN F. HEILMAN, 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	15,568.80	1,095.95
ROBERT M. HEINE, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CONOCO, INC	1,000.00	
JOHN R. HEISSE II , SUITE 900 1828 L STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF DEMOLITION CONTRACTORS		
RICHARD L. HELLWEGE, 1911 JEFFERSON DAVIS HIGHWAY, #1002 ARLINGTON VA 22202	LEAR SIEGLER, INC.		
THOMAS M. HELSCHER, 1101 17TH STREET, NW, #604 WASHINGTON DC 20036	MONSANTO COMPANY	450.00	218.02
NOEL HEMMENDINGER, 1300 19TH STREET, NW WASHINGTON DC 20036	WALD, HARKRADER & ROSS (FOR: JAPAN IRON & STEEL EXPORTERS' ASSN)		
ALBERTA L. HENDERSON, 1100 15TH STREET, NW, #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSOCIATION	2,000.00	30.00
CAROL C. HENDERSON, 110 MARYLAND AVE., NE, #101, BOX 54 WASHINGTON DC 20002	AMERICAN LIBRARY ASSN	753.00	
RICHARD DEAN HENDERSON, SUITE 310 1101 17TH ST., NW WASHINGTON DC 20036	PRIVATE TRUCK COUNCIL OF AMER, INC		40.00
TOM HENDERSON, 108 S. AKARD STREET DALLAS TX 75202	U.S. TELEPHONE COMMUNICATIONS, INC		
ELIZABETH E. HENDRIX, 311 FIRST ST., NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
C. DAYLE HENINGTON, 1101 CONNECTICUT AVE., NW, #801 WASHINGTON DC 20036	CHICAGO MERCANTILE EXCHANGE		
EDMUND P. HENNELLY, 150 E. 42ND ST. NEW YORK NY 10017	MOBIL OIL CORP		
GEORGE F. HENNRIKUS JR , 201 N. WASHINGTON ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSN	5,916.00	
LEANN HENSCHE, 2550 M STREET, NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	263.74	6.75
BRUCE HEPPEN, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
STEPHEN HERM, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
CATHERINE L. HERON, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	129.64	32.63
HERRICK & SMITH, 100 FEDERAL STREET BOSTON MA 02110	SMITH COLLEGE		
CAROL M. HERRINGTON, 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	EMERSON ELECTRIC CO		
FRED HERVEY, P.O. BOX 29021 2645 E. WASHINGTON PHOENIX AZ 85038	CIRCLE K CORPORATION		
Do	REDUCE OUR DEBT FOUNDATION		
BARBARA V. HESS, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	1,000.00	500.00
HEUBLEIN, INC., C/O MAUREEN BRIGGS MUNSON RD. FARMINGTON CT 06032			30,027.11
TED ALLEN HEYDINGER, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,500.00	187.76
G. BROCKWEL HEYLIN, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
PAUL T. HICKS, RHODE ISLAND PETROLEUM ASSN 154 FRANCIS ST. PROVIDENCE RI 02903	AMERICAN PETROLEUM INST	150.00	234.73
J. THOMAS HIGGINBOTHAM, MELLON BANK, N.A. PITTSBURGH PA 15230	MELLON BANK, N.A. & MELLON NATL CORP	2,000.00	322.02
LAWRENCE P. HIGGINS, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
SHARON L. HILDEBRANDT, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	2,702.23	65.43
CLIFTON T. HILDERLEY JR., SUITE 507 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ASHLAND OIL, INC.	2,000.00	
Do	ASHLAND TECHNOLOGY, INC.		
GERALD 'JERRY' HILL, 6 EXECUTIVE PARK DRIVE ATLANTA GA 30329	STANDARD OIL CO (INDIANA)		
J. ELDRED HILL JR , SUITE 603 600 MARYLAND AVE., SW WASHINGTON DC 20024	UBA, INC	2,000.00	
PATRICIA HILL, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	3,644.47	185.78
ROBERT B. HILL, 2501 M STREET, N.W. WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC.	300.00	
STEPHEN HITCHNER, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	12,037.50	16.00
LAWRENCE S. HOBART, 2301 M ST., NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	1,000.00	
CLAUDE E. HOBBS, 1801 K ST., NW WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	3,500.00	90.00
CARL D. HOBELMAN, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE (FOR: EDISON ELECTRIC INSTITUTE)	1,050.00	24.00
HOWARD E. HOELTER, ILLINOIS PETROLEUM COUNCIL P.O. BOX 5034 SPRINGFIELD IL 62705	AMERICAN PETROLEUM INST		
IRVIN A. HOFF, 20 N. LIVE OAK RD. HILTON HEAD ISLAND SC 29928	U.S. CANE SUGAR REFINERS' ASSN.		
ELMO R. HOFFMAN, 57 W. PINE STREET, #101 ORLANDO FL 32801	CRAMER, HOFFMAN & HABER, ORLANDO, P.A. (FOR: GLOBAL EXPLORATION & DEVELOPMENT CORP.).		
THOMAS F. HOFFMAN, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	CONSOLIDATION COAL CO	24.25	8.00
WILLIAM H. HOFFMAN, 1000 16TH ST., NW WASHINGTON DC 20036	AMERICAN IRON & STEEL INSTITUTE		
WILLIAM L. HOFFMAN, 516 FIRST ST., S.E. WASHINGTON DC 20003	AMERICAN UNIVERSITY OF BEIRUT	10,395.00	1,060.78
F. NORDY HOFFMANN AND ASSOC., INC, SUITE 327 400 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	ARCHER DANIELS MIDLAND COMPANY		
Do	INTERNATIONAL TELEPHONE & TELEGRAPH	1,000.00	
Do	MARINE ENGINEERS BENEFICIAL ASSN	1,000.00	
Do	O'CONNOR & HANNAN		
Do	PAGE AIRWAYS		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	WESTINGHOUSE ELECTRIC		
HOGAN & HARTSON, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	CLEVELAND CLINIC FOUNDATION		
Do	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN		
Do	DESIGN PROFESSIONS GROUP		
Do	ETSI PIPELINE PROJECT		9.00
Do	MEHARRY MEDICAL COLLEGE		
Do	METHODIST HOSPITAL		
Do	MOTORCYCLE INDUSTRY COUNCIL, INC		
Do	NATIONAL HOSPICE EDUCATION PROJECT		
Do	NATIONAL HOSPICE ORGANIZATION		
Do	NATIONAL SOFT DRINK ASSN	5,385.00	6.00
Do	PILLSBURY COMPANY	175.00	
Do	TOYOTA MOTOR SALES, U.S.A., INC.	17,190.00	22.00
JAMES F. HOGG, 8100 34TH AVENUE SOUTH MINNEAPOLIS MN 55440	CONTROL DATA CORPORATION		
RICHARD F. HOHLT, 1709 NEW YORK AVE., NW SUITE 801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	4,218.75	135.00
WALTER HOLAN, 20 NORTH WACKER DRIVE CHICAGO IL 60606	PROFIT SHARING COUNCIL OF AMER		
WILLIAM J. HOLAYTER, 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS	7,042.37	13.73
BRUCE E. HOLBEIN, 111 POWDERMILL RD. (B79) MAYNARD MA 01754	DIGITAL EQUIPMENT CORPORATION	12,500.00	
MICHELE O'DONNELL HOLBROOK, 10 LAFAYETTE SQUARE ROOM 900 BUFFALO NY 14203	NATIONAL FUEL GAS DISTRIBUTION CORP., ET AL	1,524.00	3,129.04
NIELS HOLCH, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)	110.00	
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
Do	GRAY AND COMPANY (FOR: ANEUTRONIX, INC)		
Do	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES, INC.)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	550.00	
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)		
Do	GRAY AND COMPANY (FOR: QUIXOTE CORPORATION)		
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)		
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)		
Do	GRAY AND COMPANY (FOR: U.S. BANKNOTE)		
HOLIDAY INNS, INC, 3742 LAMAR AVE. MEMPHIS TN 38195			2,450.00
PHILIP C. HOLLADAY, 1025 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
KENNETH L. HOLLAND, P.O. DRAWER 940 GAFFNEY SC 29342	LIBERTY CORPORATION	38,325.00	6,744.88
WENDELL M. HOLLOWAY, 815 CONNECTICUT AVE., NW, #900 WASHINGTON DC 20006	FORD MOTOR CO	2,490.00	1,529.88
HOLME, ROBERTS & OWEN, 1700 BROADWAY, #1800 DENVER CO 80290	SAMUEL GARY OIL PRODUCER, INC; JERRY CHAMBERS OIL PRODUCER	2,560.00	949.40
MOSES D. HOLMES JR , 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,535.00	58.00
PETER E. HOLMES, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	500.00	
E.Y. HOLT JR , 1111 NORTH 19TH ST., #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS		
A. LINWOOD HOLTON JR , 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	350.00	
LOIS HOLWERDA - HOYT, SUITE 104 499 SOUTH CAPITOL STREET, NW, WASHINGTON DC 20003	AMERICAN OSTEOPATHIC ASSN	1,500.00	
HOME RECORDING RIGHTS COALITION, P.O. BOX 33576 1015 15TH STREET, NW WASHINGTON DC 20033		181,000.00	144,612.83
GARY C. HONG, 2600 VIRGINIA AVENUE, NW, #1100 WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CENTERS	347.50	
KAREN C. HONTZ, SUITE 940 1875 EYE STREET, NW WASHINGTON DC 20006	GULF & WESTERN MANAGEMENT COMPANY	730.00	149.09
JOHN C. HOOPER, 530 BUSH STREET SAN FRANCISCO CA 94108	SIERRA CLUB		
LILLIE E. HOOVER, P.O. BOX 1085 MARTINSBURG WV 25401	NATIONAL PEACH COUNCIL		
VIRGINIA E. HOPKINS, 21 DUPONT CIRCLE, NW, #600 WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS CO)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TAFT BROADCASTING COMPANY)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TELEPHONE AND DATA SYSTEMS, INC.)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: WALD MANUFACTURING CO, INC)		
ROBERT JACK HORN, SUITE 480 1990 M ST., NW WASHINGTON DC 20036	DETROIT EDISON COMPANY	730.00	30.00
HARRY J. HORROCKS II , 40 IVY STREET, SE WASHINGTON DC 20003	NATIONAL LUMBER & BUILDING MATERIAL DEALERS ASSN	7,999.98	31.15
SANFORD D. HORWITT, 5935 N. 5TH ROAD ARLINGTON VA 22203	COMMITTEE FOR HUMANE LEGISLATION, INC	6,000.00	127.87
Do	FRIENDS OF ANIMALS, INC		
HOSPITAL CORPORATION OF AMERICA, 2000 L STREET, NW, #200 WASHINGTON DC 20035		1,200.00	903.12
WILLIAM J. HOTES, 919 18TH ST., NW, #400 WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	1,000.00	60.00
MARGARET A. HOULIHAN, 1620 I ST., NW, #703 WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
THOMAS B. HOUSE, 1700 OLD MEADOW RD. MCLEAN VA 22102	AMERICAN FROZEN FOOD INST	1,000.00	
HOUSLEY, GOLDBERG & KANTARIAN, P.C., SUITE 500 2301 M ST., NW WASHINGTON DC 20037			
JACK W. HOUSTON, 900 N. HAIRSTON ROAD, SUITE D STONE MOUNTAIN GA 30083	GEORGIA ASSOCIATION OF PETROLEUM RETAILERS, INC.		
HOUSTON NATURAL GAS CORP, P.O. BOX 1188 HOUSTON TX 77001			1,565.18
HOVING GROUP, 2550 M STREET, NW, #695 WASHINGTON DC 20037	EAGLE-PICHER INDUSTRIES	250.00	
ROBERT M. HOWARD, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	FORD MOTOR CO	1,372.50	164.87
HOWELL CORP, 1010 LAMAR SUITE 1800 HOUSTON TX 77002			
J. WILLIAM HOWELL, 1801 K ST., NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP.	433.50	
MARY J. LYNCH HOWELL, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	TEXTRON, INC	1,500.00	280.00
STEVEN K. HOWELL, SUITE 1800 1010 LAMAR HOUSTON TX 77002	HOWELL CORP		
JOHN B. HOWERTON, 1730 RHODE ISLAND AVE., NW, #209 WASHINGTON DC 20036	ASARCO INC	2,000.00	
JOANNE MASSEY HOWES, SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.	596.24	62.00
HOWREY & SIMON, 1730 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	MEAD CORPORATION		
Do	SUMMIT ENTERPRISES, INC OF VIRGINIA		
KARL T. HOYLE, SUITE 810 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	299.38
PAUL R. HUARD, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	1,937.25	
MARGARET RENKEN HUDSON, 2550 M ST., NW SUITE 450 WASHINGTON DC 20037	KORF INDUSTRIES, INC		
DAVID EMERY HUGHES, 2211 CONGRESS ST. PORTLAND ME 04122	UNION MUTUAL LIFE INSURANCE CO		
GARY E. HUGHES, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	200.00	
HUGHES HUBBARD & REED, SUITE 300 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	BUSINESS ROUNDTABLE		
Do	CONTINENTAL AIR LINES, INC	787.50	
Do	FORD MOTOR CO		
Do	GROCERY MANUFACTURERS OF AMERICA, INC.		
PETER W. HUGHES, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	975.70	44.97
VESTER T. HUGHES JR., HUGHES & HILL 1000 MERCANTILE DALLAS BUILDING DALLAS TX 75201	SAMMONS ENTERPRISES, INC		
VINCENT C. HUGHES, 1235 JEFFERSON DAVIS HIGHWAY, #500 ARLINGTON VA 22202	ITALIAN AEROSPACE INDUSTRIES (U.S.A.), INC		
WILLIAM HUGHES, 1522 K ST., NW, #836 WASHINGTON DC 20005	NATIONAL ASSN OF FEDERAL VETERINARIANS	34.92	
CORDELL W. HULL, 50 BEALE ST., P O BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
DAVID C. HULL, 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER		
MARGOT SMILEY HUMPHREY, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)	825.00	3.00
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)	335.00	42.85
PETER C. HUNT, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
HARRIET HUNT-BURGESS, 82 2ND ST. SAN FRANCISCO CA 94105	TRUST FOR PUBLIC LAND	3,610.00	2,986.30
JAMES C. HUNTER, 1747 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	CITIES SERVICE CO	2,960.00	582.15
ROBERT BRUCE HUNTER, 1801 N. MOORE STREET ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		
MILTON F. HUNTINGTON, MAINE PETROLEUM ASSN 283 WATER ST. AUGUSTA ME 04330	AMERICAN PETROLEUM INST	300.00	
HUNTON & WILLIAMS, P.O. BOX 1535 RICHMOND VA 23212	EDISON ELECTRIC INSTITUTE	9,121.25	166.54
J. JAMES HUR, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO		
ADELE M. HURLEY, 112 ST. CLAIR AVE., WEST SUITE 504 TORONTO ONTARIO CANADA M4V 2Y3 DC 20006	CANADIAN COALITION ON ACID RAIN		200.00
GERARD F. HURLEY, 1625 I ST., NW, #609 WASHINGTON DC 20006	NATIONAL CLUB ASSOCIATION		
ROBERT R. HURT, SUITE 650 1050 17TH STREET, NW WASHINGTON DC 20036	MERCK & CO., INC		
CATHY HURWIT, 1300 CONNECTICUT AVENUE, NW, #401 WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION	5,000.00	158.90
BENJAMIN MELVIN HURWITZ, SUITE 200 1925 K ST., NW WASHINGTON DC 20006	MITCHELL ENERGY & DEVELOPMENT CORP.		
GEOFFREY B. HURWITZ, SUITE 743 1434 NEW YORK AVE., NW WASHINGTON DC 20005	ROHM AND HAAS COMPANY	500.00	65.64
RAYMOND W. HUSSEY, 29400 LAKELAND BLVD. WICKLIFFE OH 44092	LUBRIZOL CORPORATION	700.00	666.04
DEWEY M. HUTCHINS, 1919 PENNSYLVANIA AVE., NW, # 705 WASHINGTON DC 20006	EASTMAN KODAK CO	500.00	199.00
PHILIP A. HUTCHINSON, SUITE 2450 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024	VOLKSWAGEN OF AMERICA, INC	250.00	
ROBERT E. HUTCHINSON, P.O. BOX 20230 4500 SOUTH 40TH STREET PHOENIX AZ 85036	CIRCLE K CORPORATION		
Do	REDUCE OUR DEBT FOUNDATION		
JAMES L. HUTCHISON, 260 MADISON AVENUE NEW YORK NY 10016	AMERICAN PAPER INST, INC	25.00	5.00
RANDY HUWA, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	9,060.00	2,559.91
B. F. HYDE, TENNESSEE PETROLEUM COUNCIL 211 7TH AVENUE, NORTH, 4TH FL. NASHVILLE TN 37219	AMERICAN PETROLEUM INST	875.00	494.02
GARY HYMEL, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)	135.00	
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
Do	GRAY AND COMPANY (FOR: ANEUTRONIX, INC)		
Do	GRAY AND COMPANY (FOR: ASARCO INC)		
Do	GRAY AND COMPANY (FOR: BATUS)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GRAY AND COMPANY (FOR: BEVERLY ENTERPRISES)		
Do	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES, INC.)	135.00	
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	540.00	
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)	540.00	
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: HRH PRINCE TALAL BIN ABDUL AZIZ AL SAUD)		
Do	GRAY AND COMPANY (FOR: HTB CORPORATION)		
Do	GRAY AND COMPANY (FOR: MARTIN BAKER AIRCRAFT COMPANY LTD.)	67.50	
Do	GRAY AND COMPANY (FOR: MOTOROLA)		
Do	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)		
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING COMPANY)	405.00	
Do	GRAY AND COMPANY (FOR: PAN AMERICAN NATIONAL BANK)		
Do	GRAY AND COMPANY (FOR: QUIXOTE CORPORATION)		
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)		
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)		
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)		
Do	GRAY AND COMPAY (FOR: TOBACCO INSTITUTE)		
Do	GRAY AND COMPANY (FOR: U.S. BANKNOTE)		
ROBERT D. HYNES JR , SUITE 807 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC.	500.00	145.58
RICHARD H. ICHORD, 499 SOUTH CAPITOL STREET, SW, #400 WASHINGTON DC 20003	AAI CORPORATION	1,320.00	284.90
Do	EMERSON ELECTRIC CO	600.00	142.29
Do	MAGNAVOX GOVERNMENT & INDUSTRIAL ELECTRONICS CO	187.50	
Do	WASHINGTON INDUSTRIAL TEAM, INC.	600.00	
ANNELISE ILSCHENKO, 101 S. REYNOLDS STREET, #H-116 ALEXANDRIA VA 22304			
INDEPENDENT DATA COMMUNICATIONS MANUFACTURERS ASSOCIATION, C/O SQUIRE SANDERS & DEMPSEY 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004.			1,843.87
INDEPENDENT INSURANCE AGENTS OF AMERICA, INC., 100 CHURCH ST. NEW YORK NY 10007		21,634.12	21,634.12
INDEPENDENT LUBRICANT MANUFACTURERS ASSN, 1055 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007			
INDEPENDENT PRODUCERS GROUP, 240 PAGE COURT 220 W. DOUGLAS WICHITA KS 67202		355.07	2,350.49
INDEPENDENT TELECOMMUNICATIONS SUPPLIERS' COUNCIL, C/O PIERSON, BALL & DOWD 1200 18TH ST., NW WASHINGTON DC 20036.			
INDUSTRIAL UNION DEPARTMENT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		21,244.70	21,244.70
EDWIN T. C. ING, CADES SCHUTTE FLEMING & WRIGHT 1001 22ND STREET, #740 WASHINGTON DC 20037	HAWAIIAN ELECTRIC COMPANY, INC		40.82
NANCY J. INGALSBEE, 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	U. S. SKI ASSOCIATION		
Do	U. S. RECREATIONAL SKI ASSOCIATION	1,200.00	
JOHN H. INGRAM, NICKERSON-INGRAM & ASSOCIATES, INC 1150 17TH STREET, NW, #607 WASHINGTON DC 20036	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY		
INGRAM TANKSHIPS, INC, 4100 ONE SHELL SQUARE NEW ORLEANS LA 70139			
ANDREA L. INNES, COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSN	5,000.00	267.78
INSTITUTE OF INTERNATIONAL CONTAINER LESSORS, BEDFORD CONSULTANTS BUILDING BOX 605 BEDFORD NY 10506		5,112.82	5,112.82
INSURANCE ECONOMICS SOCIETY OF AMERICA, SUITE 590 1700 PENNSYLVANIA AVE., NW WASHINGTON, DC 20006		63,800.00	3,626.72
INTER-AMERICAN SERVICES, INC, 106 MOCKINGBIRD PLAZA I 5372 FREDERICKSBURG ROAD SAN ANTONIO TX 78229	UAG ALUMNI ASSN		
INTERLAKE, INC, 2015 SPRING RD. OAK BROOK IL 60521			20,300.45
INTERNATIONAL ASSN OF BRIDGE, STRUCT. & ORNAMENTAL IRON WKRS, 1750 NEW YORK AVE., NW WASHINGTON DC 20006.			10,800.00
INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS, 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036			26,087.27
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, 25 LOUISIANA AVE., NW WASHINGTON DC 20001			54,860.46
INTERNATIONAL GOLD CORPORATION LIMITED, 645 FIFTH AVENUE NEW YORK NY 10022			450.00
INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO, 17 BATTERY PLACE SUITE 1500 NEW YORK NY 10004			38,333.00
INTERNATIONAL UNION OF BRICKLAYERS & ALLIED CRAFTSMEN, 815 15TH ST., NW WASHINGTON DC 20005			5,058.70
INVESTMENT COMPANY INSTITUTE, 1775 K ST., NW WASHINGTON DC 20006			29,189.98
INVESTMENT COUNSEL ASSN OF AMERICA, INC., 50 BROAD ST. NEW YORK NY 10004			
CHARLES C. IRIONS, 400 ARMY-NAVY DR. ARLINGTON VA 22202	AMERICAN MOVERS CONFERENCE	89.00	
IRON ORE LESSORS ASSN, INC, 1500 FIRST NATL BANK BLDG. SAINT PAUL MN 55101		16,020.00	14,271.40
IVINS, PHILLIPS & BARKER, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION	1,075.00	111.24
ROBERT A. JABLON, SPIEGAL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	FT. PIERCE UTILITIES AUTH OF THE CITY OF FT. PIERCE, ET AL		
CARLTON JACKSON, FLORIDA PETROLEUM COUNCIL 111 N. GADSDEN STREET TALLAHASSEE FL 32301	AMERICAN PETROLEUM INST		
CHARLES L. JACKSON, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: U.S. CABLESYSTEMS, INC)		
MERCER L. JACKSON, 1101 17TH ST., NW SUITE 700 WASHINGTON DC 20036	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC.	400.00	
ROBERT S. JACKSON, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP	12,375.00	10,197.80
WILLIAM P. JACKSON JR., JACKSON & JESSUP, P.C. 3426 N. WASHINGTON BOULEVARD ARLINGTON VA 22201	OSBORNE TRUCK LINE, INC, ET AL	4,198.30	8,519.29
ROY T. JACOBSEN, GNAU, CARTER, JACOBSEN & ASSOC., INC. 1777 F STREET, NW WASHINGTON DC 20006	DETROIT & MACKINAC RAILWAY COMPANY		
Do	GLOBAL COMMUNICATIONS		
Do	GRAND TRAVERSE DEVELOPMENT, INC.		
Do	MOVE DETROIT FORWARD FUND		
Do	POTTER INSTRUMENT CO., INC.		
Do	RJK CONSTRUCTION COMPANY		
Do	SANDERS CORPORATION		
Do	URBAN REVITALIZATION, INC.		
JOSEPH J. JACQUAY, 5025 WISCONSIN AVE., NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
WALTER K. JAENICKE, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	4,500.00	
DANIEL L. JAFFE, SUITE 401 1225 CONNECTICUT AVENUE. NW WASHINGTON DC 20036	AMERICAN ADVERTISING FEDERATION		
MARGO L. JAMES, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	1,500.00	46.25
LESLIE A. JANKA, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST. DE MOTEURS D'AVIATION).		
JAPAN ECONOMIC INSTITUTE OF AMERICA, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036		4,702.57	4,702.57
JAPANESE AMERICAN CITIZENS LEAGUE, 1765 SUTTER STREET SAN FRANCISCO CA 94118			
T. DESTRY JARVIS, 529 TENNESSEE AVE. ALEXANDRIA VA 22305	NATIONAL PARKS & CONSERVATION ASSOCIATION	1,400.80	52.75
EVELYN JARVIS-FERRIS, 444 MARKET STREET SAN FRANCISCO CA 94111	SHAKLEE CORPORATION		
JERRY J. JASINOWSKI, 1776 F STREET, N.W. WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	2,000.00	
PATRICIA A. JEFFERS, SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC	70.85	25.00
JOSEPH S. JENCKES, SUITE 300 1710 RHODE ISLAND AVE., NW WASHINGTON DC 20036	ABBOTT LABORATORIES	5,000.00	252.10
LINDA JENCKES, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC.		
KEMPTON B. JENKINS, SUITE 702 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ARMCO, INC	600.00	262.24
JENNER & BLOCK, ONE IBM PLAZA CHICAGO IL 60611	AMUSEMENT & MUSIC OPERATORS ASSN	5,620.00	832.32
JAMES C. JENNINGS, 3255 GRACE ST., NW WASHINGTON DC 20007	GRAY AND COMPANY		
JENNINGS, STROUSS & SALMON, 111 WEST MONROE PHOENIX AZ 85003	SHAMROCK FOODS CO	105.00	
CHRIS L. JENSEN, FLORIDA PETROLEUM COUNCIL 111 NORTH GADSDEN ST. TALLAHASSEE FL 32301	AMERICAN PETROLEUM INST		
JERRY CHAMBERS EXPLORATION CO, 3401 W. PERSHING ROAD CHICAGO IL 60632			1,754.70
NANCY H. JESSICK, 425 13TH STREET, NW WASHINGTON DC 20004	HIRAM WALKER & SONS, INC.		
GUY E. JESTER, 2150 KIENLEN AVE. ST. LOUIS MO 63121	ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER		
CHARLES E. JOECKEL JR , 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	12,594.40	2,339.80
RONALD P. JOHNSEN, SUITE 303 1625 EYE ST., NW WASHINGTON DC 20006	COLUMBIA GAS SYSTEM SERVICE CORP	175.00	231.15
B. GERALD JOHNSON, 500 MAYNARD BUILDING SEATTLE WA 98104	STATE OF ALASKA		
CARL T. JOHNSON, SUITE 1104 1800 K STREET, NW WASHINGTON DC 20006	CORNING GLASS WORKS	350.00	
CLIFFORD T. JOHNSON, 1700 NORTH MOORE STREET ROSSLYN VA 22209	BOEING MILITARY AIRPLANE COMPANY		
DAVID H. JOHNSON, MISSISSIPPI PETROLEUM COUNCIL 215 LAMAR LIFE BLDG., P.O. BOX 42 JACKSON MS 39205	AMERICAN PETROLEUM INST		
GEORGE DEAN JOHNSON JR., JOHNSON, SMITH AND HIBBARD P.O. DRAWER 5585 SPARTANBURG SC 29304	MILLIKEN & COMPANY		
Do	WASTE MANAGEMENT, INC		
H. BRADLEY JOHNSON, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
JESS JOHNSON JR , SUITE 200 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	SHELL OIL CO	500.00	
JOEL L. JOHNSON, 475 L'ENFANT PLAZA, SW, #4400 WASHINGTON DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	6,000.00	349.58
JOHN B. JOHNSON, ALABAMA PETROLEUM COUNCIL P.O. BOX 4220 MONTGOMERY AL 36195	AMERICAN PETROLEUM INST	253.16	
JOHN D. JOHNSON, SUITE 1014 900 17TH STREET, NW WASHINGTON DC 20006	KAISER PERMANENTE MEDICAL GROUP	15,500.00	
KENNETH A. JOHNSON, PILLSBURY CENTER MINNEAPOLIS MN 55402	PILLSBURY COMPANY		901.47
L. WAYNE JOHNSON, P.O. BOX 7000-C TEXARKANA TX 75501			
LARRY W. JOHNSON, P.O. BOX 3000 LEESBURG VA 22075	VOCATIONAL INDUSTRIAL CLUBS OF AMERICA, INC		
NANCIE S. JOHNSON, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	CONOCO, INC	1,200.00	
RADY A. JOHNSON, 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	450.00	205.75
RICHARD W. JOHNSON JR., 219 N. WASHINGTON STREET ALEXANDRIA VA 22314	NON COMMISSIONED OFFICERS ASSN OF THE USA	5,417.04	30.00
SPENCER A. JOHNSON, SUITE 411 1101 VERMONT AVE., NW WASHINGTON DC 20005	PAPERBOARD PACKAGING COUNCIL		
STANLEY L. JOHNSON, 1050 17TH ST., NW WASHINGTON DC 20036	TEXACO, INC	120.00	
STEPHEN M. JOHNSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
THOMAS G. JOHNSON, ONE SHELL PLAZA, #4868 P.O. BOX 2463 HOUSTON TX 77001	SHELL OIL COMPANY	500.00	
WALLACE E. JOHNSON, MOFFET, LARSON & JOHNSON, P.C. 1925 NORTH LYNN STREET, #700 ARLINGTON VA 22209	ASSOCIATION FOR BROADCASTING ENGINEERING STANDARDS, INC		
WILLIAM L. JOHNSON, SUITE 301 1050 17TH STREET, NW WASHINGTON DC 20036	MICHIGAN CONSOLIDATED GAS CO	1,000.00	
BARBARA W. JOHNSTON, 1150 CONNECTICUT AVE. NW #710 WASHINGTON DC 20036	UTAH INTERNATIONAL INC.		
DAVID JOHNSTON, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JAMES D. JOHNSTON, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,600.00	11,608.99
JOINT CORPORATE COMM ON CUBAN CLAIMS, C/O LONE STAR INDUSTRIES, INC PO BOX 5050 GREENWICH CT 06830			180.00
JOINT TASK FORCE ON FEDERAL FINANCIAL ASSIST. FOR STUDENTS, C/O LAW SCHOOL ADMISSION COUNCIL 11 DUPONT CIRCLE, NW WASHINGTON DC 20036.			
HERBERT A. JOLOVITZ, 900 17TH STREET, NW WASHINGTON DC 20006	OWENS-CORNING FIBERGLAS CORPORATION	1,250.00	
ALLAN R. JONES, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	2,561.71
CHARLIE W. JONES, SUITE 310 1150 17TH ST., NW WASHINGTON DC 20036	MAN-MADE FIBER PRODUCERS ASSN, INC	300.00	150.00
ERNEST W. JONES, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
GERALD R. JONES, SUITE 810 2000 L STREET, NW WASHINGTON DC 20036	SPERRY CORPORATION		
JAMES E. JONES JR , 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	185.50	80.70
JAMES E. JONES, 40 FRANKLIN RD., SW P.O. BOX 2021 ROANOKE VA 24022	APPALACHIAN POWER COMPANY		
NORVILL JONES, 1620 EYE ST., NW WASHINGTON DC 20006	REYNOLDS METALS CO	250.00	
RANDALL T. JONES, 1030 15TH ST., NW, #700 WASHINGTON DC 20006	NATIONAL COTTON COUNCIL OF AMER	788.18	37.25
THEODORE L. JONES, 3081 TEDDY DR. BATON ROUGE LA 70896	HARTFORD FIRE INSURANCE COMPANY	5,000.00	
GREGORY N. JONSSON, 1000 CONNECTICUT AVE., NW, #1200 WASHINGTON DC 20036	U.S. BUSINESS & INDUSTRIAL COUNCIL		8,750.00
DE SOTO JORDAN, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	247.50	156.00
JAMES V. JORDAN III, PO BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO		
JACK C. JORGENSEN, 6534 SPRING VALLEY DRIVE ALEXANDRIA VA 22312	CITY OF ROSEWELL, NM; TOWN OF WRIGHTSVILLE BEACH, NC	1,164.00	110.00
JEFFREY H. JOSEPH, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,365.00	10.00
ARDON B. JUDD JR , 1100 CONNECTICUT AVE., NW, #310 WASHINGTON DC 20036	DRESSER INDUSTRIES, INC		
ROBERT E. JULIANO ASSOCIATES, 1101 NEW HAMPSHIRE AVENUE, NW, #312 WASHINGTON DC 20037	LOS ANGELES OLYMPIC ORGANIZING COMM, ET AL		
BYRON E. KABOT, LEGAL DEPARTMENT - 43-33 77 WEST 45TH ST. NEW YORK NY 10036	INTERNATIONAL PAPER COMPANY	1,650.00	799.49
GEZA KADAR, 1750 K STREET, N.W. WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC.	38.62	11.50
LINDA HELLER KAMM, 1775 PENNSYLVANIA AVE., NW SUITE 1000 WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: INVESTORS MORTGAGE INSURANCE COMPANY).		
Do	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORP).		
DONALD J. KANIEWSKI, 905 16TH ST., NW WASHINGTON DC 20006	LABORERS' INTL UNION OF NORTH AMERICA, AFL-CIO	6,647.49	114.25
FRED G. KAREM, SHUFFETT, KENTON, CURRY & KAREM 109 NORTH MILL STREET LEXINGTON KY 40507	LINCOLN PROPERTY CO		
Do	NATIONAL MULTI HOUSING COUNCIL		
HOWARD C. KATZ, 160 WATER ST. NEW YORK NY 10038	J. ARON & CO. (FOR: COFFEE, SUGAR & COCOA EXCHANGE, INC.)		
LAWRENCE W. KATZ, 8283 GREENSBORO DR. MCLEAN VA 22102	SATELLITE BUSINESS SYSTEMS	750.00	
EVERETT E. KAVANAUGH, SUITE 800 1110 VERMONT AVE., NW WASHINGTON DC 20005	COSMETIC, TOILETRY & FRAGRANCE ASSN, INC		
KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, 1575 I ST., NW SUITE 1150 WASHINGTON DC 20005	AMERICAN PSYCHOANALYTIC ASSOCIATION		
Do	CHRIS CRAFT INDUSTRIES, INC.		
Do	DOW CHEMICAL CO		
Do	ELSEVIER SCIENTIFIC PUBLISHERS		
RICHARD F. KEATING, SUITE 502 1211 CONNECTICUT AVE., NW WASHINGTON DC 20036	ANHEUSER-BUSCH COMPANIES, INC		
WILLIAM J. KEATING, 725 15TH ST., NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN	15.00	
HOWARD B. KECK, 555 S. FLOWER ST. LOS ANGELES CA 90071	SUPERIOR OIL CO		300.00
ROBERT J. KEEFE, 444 N. CAPITOL STREET, #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: AMERICAN FAMILY LIFE ASSURANCE CO)	7,000.00	
Do	THE KEEFE CO. (FOR: CORDAGE INSTITUTE)	2,200.00	
Do	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)	6,000.00	
JOSEPH D. KEEFER, SUITE 1050 1825 EYE STREET, NW WASHINGTON DC 20006	NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION		
VICKI R. KEENAN, 1620 EYE ST. NW, SUITE 703 WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
KEITH KEENEY, SUITE 500-D 5775 PEACHTREE-DUNWOODY RD. ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	260.00	
KEIKI KEHOE, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	353.85	330.10
JEFFERSON D. KEITH, 8100 OAK ST. DUNN LORING VA 22027	NATIONAL PEST CONTROL ASSN		
ROBERT H. KELLEN, 5775 PEACHTREE-DUNWOODY RD., #500-D ATLANTA GA 20342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	270.00	
KELLER & HECKMAN, 1150 17TH STREET, NW, #1000 WASHINGTON DC 20036	AMERICAN INSTITUTE OF MERCHANT SHIPPING		1,020.18
Do	LAND MOBILE COMMUNICATIONS COUNCIL		139.70
Do	SPECIALTY ADVERTISING ASSN. INT'L.	625.00	65.00
Do	UTILITIES TELECOMMUNICATIONS COUNCIL	3,403.45	85.30
CANDACE KELLER, 624 9TH ST., NW 7TH FLOOR WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC.	3,299.99	
DONALD W. KELLER, 601 JEFFERSON HOUSTON TX 77002	QUINTANA PETROLEUM CORP		
JAY KELLER, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	4,624.98	
DONALD KELLERMANN, SUITE 1110 1875 EYE ST., NW WASHINGTON DC 20006	TIMES MIRROR COMPANY		
JOHN B. KELLEY, 1025 CONNECTICUT AVE., NW, #1200 WASHINGTON DC 20036	AVCO CORP	2,500.00	
TY KELLEY, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	1,500.00	
STEPHEN G. KELLISON, 1835 K ST., NW, #515 WASHINGTON DC 20006	AMERICAN ACADEMY OF ACTUARIES		
STEPHEN S. KELLNER, 1001 CONNECTICUT AVE., NW, #1120 WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN	198.38	6.00
BRIAN F. KELLY, 1211 CONNECTICUT AVENUE, N.W. SUITE 802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	500.00	175.06
EARL KELLY, 801 18TH STREET, NW WASHINGTON DC 20006	PARALYZED VETERANS OF AMERICA	7,888.50	
ERNEST B. KELLY III, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORPORATION	1,250.00	354.76
HAROLD V. KELLY, 1101 15TH ST., NW WASHINGTON DC 20005	REPUBLIC STEEL CORP		
MARK L. KEMMER, 1660 L STREET, N.W. WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	1,640.54
KENDALL & ASSOCIATES, 1750 NEW YORK AVENUE, NW, #210 WASHINGTON DC 20006	CLADOUHOS & BRASHARES (FOR SMITH BARNEY HARRIS UPHAM & CO)		
Do	CLADOUHOS & BRASHARES (FOR TOYOTA MOTOR SALES, USA)	250.00	
Do	CARL M. FREEMAN ASSOCIATES, INC		
Do	HELLER, EHRMAN, WHITE & MCAULIFFE		
Do	MANVILLE CORPORATION	300.00	
Do	WASHINGTON PSYCHIATRIC SOCIETY		
Do	WORLDWIDE INFORMATION RESOURCES, INC		
WILLIAM T. KENDALL, SUITE 210 1750 NEW YORK AVE., NW WASHINGTON DC 20006	ALLIANCE FOR FREE ENTERPRISE		
JOSEPH W. KENNEBECK, 475 L'ENFANT PLAZA, S.W. SUITE 2450 WASHINGTON DC 20024	VOLKSWAGEN OF AMERICA, INC	300.00	
ART KENNEDY, P.O. BOX 3576 ECB ANCHORAGE AK 99501	ALASKA RESOURCE ANALYSTS, INC		
CORNELIUS B. KENNEDY, SUITE 950 888 17TH ST., NW WASHINGTON DC 20006	COMM ON US BUSINESS OF THE CANADIAN LIFE & HEALTH INSUR ASSN		
MICHAEL E. KENNEDY, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JEREMIAH J. KENNEY JR , 12TH FL 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
PETER B. KENNEY, 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	2,500.00	
BRENDAN KENNY, 1709 NEW YORK AVE., N.W. WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	5,500.00	
J. H. KENT, KENT & O'CONNOR 1919 PENNSYLVANIA AVE., NW SUITE 300 WASHINGTON DC 20006	AMERICAN DENTAL HYGIENISTS ASSN	2,807.39	1,016.29
Do	AMERICAN SUPPLY ASSOCIATION	3,883.62	1,399.78
Do	AMERICAN WAREHOUSEMEN'S ASSOCIATION		
Do	CFS CONTINENTAL	780.00	287.64
Do	GOULD, INC	3,000.00	1,174.48
Do	MOTOR CARRIER LAWYERS ASSN		
PAUL A. KERSCHNER, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	736.15	28.84
ROBERT M. KETCHEL, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO		
GILBERT W. KEYES, PO BOX 3999 SEATTLE WA 98124	BOEING COMPANY		
EARLINE A. KEYSER, 1620 I ST., NW, #703 WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
KIAWAH ISLAND COMPANY, P.O. BOX 12910 CHARLESTON SC 29142			
RICHARD F. KIBBEN, 200 PARK AVE. NEW YORK NY 10166	BUSINESS ROUNDTABLE		
MARJORIE CARROLL KICAK, 1711 KING ST. ALEXANDRIA VA 22314	POTATO CHIP/SNACK FOOD ASSOCIATION	80.00	
EDWARD J. KIERNAN, 412 FIRST STREET, SE WASHINGTON DC 20003	INTERNATIONAL UNION OF POLICE ASSOCIATIONS		
ROBERT W. KIERNAN, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
KIKKOMAN FOODS, INC, P.O. BOX 69 WALWORTH WI 53184			
DANIEL L. KILEY, P.O. BOX 3609 NORFOLK VA 23514	NORFOLK SOUTHERN CORPORATION		
ROBERTA D. KIMBALL, 1015 15TH STREET, NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	875.00	
RICHARD H. KIMBERLY, 1000 WILSON BOULEVARD SUITE 2200 ARLINGTON VA 22209	KIMBERLY-CLARK CORP	2,644.20	541.63
KIMBERLY-CLARK CORP., 401 NORTH LAKE STREET NEENAH WI 54956			13,383.50
JAMES L. KIMBLE, 1025 CONNECTICUT AVE., NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN		
GENE KIMMELMAN, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	CONGRESS WATCH	3,312.49	
KING & SPALDING, 1915 I STREET, NW WASHINGTON DC 20006			1,341.48
AUBREY C. KING, 1625 EYE STREET, NW, #609 WASHINGTON DC 20006	NATIONAL CLUB ASSOCIATION		
CHARLES L. KING, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	380.00	
EDWARD H. KING, 200 WILMOT RD. DEERFIELD IL 60015	WALGREEN CO.		
G. JACK KING, WASHINGTON NATIONAL AIRPORT WASHINGTON DC 20001	U.S. AIR, INC	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
W. RUSSELL KING, SUITE 400 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	FREEPORT MCMORAN, INC	300.00	52.00
DANIEL T. KINGSLEY, 1730 NORTH LYNN STREET, #400 ARLINGTON VA 22209	NATIONAL VENTURE CAPITAL ASSN	14,400.00	1,011.76
ROGER P. KINGSLEY, 10801 ROCKVILLE PIKE ROCKVILLE MD 20852	AMERICAN SPEECH-LANGUAGE-HEARING ASSN		
FRANK J. KINNEY, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	2,743.56	682.02
JANIE A. KINNEY, #408 1015 18TH ST., NW WASHINGTON DC 20036	TWIN COAST NEWSPAPERS, INC		
MARCIA Y. KINTER, 1600 WILSON BOULEVARD, #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
CECILIA ANNE KIRBY, 1819 L STREET, NW, #600 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	996.92	
KIRBY, GILLICK, SCHWARTZ & TUOHEY, P.C., SUITE 303 EAST 600 MARYLAND AVENUE, S.W. WASHINGTON DC 20024	COMMUNITIES FOR AN EFFECTIVE AIR TRANSPORTATION SYSTEM		
Do	SLURRY TRANSPORT ASSN	8,375.00	200.00
ALAN G. KIRK II , 1900 PENNSYLVANIA AVE., NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO	6.33	
JOHN R. KIRK, BINGHAM, DANA & GOULD 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
PAUL G. KIRK JR., SULLIVAN & WORCESTER 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL FOOTBALL LEAGUE		
SALLY ANN KIRKPATRICK, 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	588.00	147.68
KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS. 1900 M ST., NW WASHINGTON DC 20036	COUNCIL OF STATE HOUSING AGENCIES		
Do	COUNTY OF SUFFOLK, NEW YORK		
Do	INTERNATIONAL GOLD CORPORATION LIMITED	2,460.50	
Do	REPUBLIC NATIONAL BANK OF NEW YORK		
Do	SEARCH GROUP, INC		
Do	WHITNEY NATIONAL BANK OF NEW ORLEANS		
KIRLIN, CAMPBELL & KEATING, SUITE 800 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN	16,800.00	512.99
ROBERT A. KIRSHNER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	100.00	
RICHARD L. KLASS, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL. INC (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS)		
Do	DGA INTERNATIONAL, INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION).	250.00	523.52
RICHARD P. KLEEMAN, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS		
RICHARD A. KLINE, 650 INDEPENDENCE AVE., SE WASHINGTON DC 20003	COUNCIL OF ACTIVE INDEPENDENT OIL & GAS PRODUCERS	7,629.00	
KLINE, KNOPF & WOJDAK, INC., 355 N. 21ST STREET, #105 CAMP HILL PA 17011	GENERAL PUBLIC UTILITIES CORPORATION		
WILLIAM J. KLINEFELTER, 815 16TH ST., NW SUITE 706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	9,202.73	
GLENN KNAPP, 773 DARTMOUTH AVE. SAN CARLOS CA 94070			
DANIEL F. KNISE, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
RUTH E. KOBELL, SUITE 202 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	5,855.77	22.56
THOMAS G. KOBUS, SUITE 350 2000 K ST., NW WASHINGTON DC 20006	NATIONAL PARKING ASSOCIATION	15,812.42	
BRADLEY R. KOCH, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	137.80	
GEORGE W. KOCH, 1010 WISCONSIN AVE., NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC	14.24	
LEONARD THOMAS KOCH, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORPORATION		
PATRICK C. KOCH, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	800.00	
STANLEY E. KOLBE JR , 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	3,000.00	
MICHAEL S. KOLEDA, SUITE 1050 1825 EYE ST., NW WASHINGTON DC 20006	NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION		
NICHOLAS KOMINUS, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	U.S. CANE SUGAR REFINERS' ASSN.	1,400.00	37.26
DIANE E. KOOKEN, 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORPORATION		
STEPHEN KOPLAN, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,441.31	299.12
EUGENE P. KOPP, SUITE 600 SOUTH 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORP	1,250.00	
STEVEN KOPPERUD, 1701 N. FT. MYER DRIVE ARLINGTON VA 22209	AMERICAN FEED MANUFACTURERS ASSN	3,240.00	
HORACE R. KORNEGAY, 1875 I ST., NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	300.00	16.00
KENNETH S. KOVACK, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	9,202.73	
JOAN M KOVALIC, SUITE 600 21 DUPONT CIRCLE, N.W. WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: ZIMPRO CORP)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS COMPANY)		
PATRICIA S. KOZIOL, 1719 ROUTE 10 PARSIPPANY NJ 07054	NATIONAL ASSN OF MANUFACTURERS	600.00	25.20
MYLIO S. KRAJA, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	3,088.02	405.16
THOMAS G. KRAJEWSKI, SUITE 1100 1828 L STREET, NW WASHINGTON DC 20036	COOPERATIVE LEGAUE OF THE USA	263.87	142.00
AMOS KRAMER, KANSAS PETROLEUM COUNCIL SUITE 1414 MERCHANTS BANK BLDG. 8TH & JACKSON STS. TOPEKA KS 66612.	AMERICAN PETROLEUM INST		
JOSEPH H. KRAMER III, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: HTB CORPORATION)		
STEPHEN W. KRAUS, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
RAYMOND ROGER KRAUSE, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
JEFFREY KRAUSS, 1350 PICCARD DRIVE, #304 ROCKVILLE MD 20850	M/A-COM, INC	2,000.00	19.25
KROGER COMPANY, 1014 VINE ST. CINCINNATI OH 45201			2,690.17
JAMES C. KRONE, 1152 HASLETT ROAD P.O. BOX 99 HASLETT MI 48840	ROSES, INC	1,500.00	2,030.58
ARTHUR J. KROPP, 2029 K STREET, NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,250.00	
K. H. KRUKE, 1776 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	HIGHWAY USERS FED FOR SAFETY & MOBILITY	337.50	19.50
PHILIP KUGLER, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS		
LLOYD R. KUHN, 1725 DESALES ST., NW WASHINGTON DC 20036	AEROSPACE INDUSTRIES ASSN OF AMERICA, INC	16,436.00	
THOMAS R. KUHN, 410 FIRST ST., SE WASHINGTON DC	AMERICAN NUCLEAR ENERGY COUNCIL	6,750.00	311.67
JUDITH KUNOFSKY, 530 BUSH STREET SAN FRANCISCO CA 94108	SIERRA CLUB	2,115.00	
ESTER KURZ, SUITE 412 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	10,899.96	
DANIEL M. KUSH, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,000.00	565.00
GARY JAY KUSHNER, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	1,000.00	
HENRY J. KUSS JR., 1426 LADY BIRD DRIVE MCLEAN VA 22101	AMERICAN TRADE AND FINANCE COMPANY	4,441.24	
KUTAK, ROCK & HUIE, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ASSOCIATION OF LOCAL HOUSING FINANCE AGENCIES		1,303.17
Do	FIRST NATIONAL BANK OF OMAHA		
Do	HAYES, INC		13.15
Do	METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY		2,287.67
Do	RONALD E. ROBINSON		
KWAJALEIN ATOLL CORP, P.O. BOX 5220 KWAJALEIN EBEYE MARSHALL ISLAN			
LABOR BUREAU, INC., SUITE 501 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			
LABOR-MANAGEMENT MARITIME COMMITTEE, 100 INDIANA AVE., NW WASHINGTON DC 20001		1,251.00	16,536.69
LABORERS' INTL UNION OF NORTH AMERICA, AFL-CIO, 905 16TH ST., NW WASHINGTON DC 20006			21,165.84
JOSEPH L. LACH, 1025 CONNECTICUT AVENUE, NW, #214 WASHINGTON DC 20036	MANVILLE SERVICE CORPORATION	625.00	
JOHN D. LACOPO, 229 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	EDS CORPORATION	64.00	50.00
BRUCE C. LADD JR., 1776 K STREET, NW WASHINGTON DC 20006	MOTOROLA, INC	16,500.00	45.00
ROBERT A. LADIG, SCOTT PLAZA PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	2,125.00	1,275.75
WALTER LAESSIG, 1101 VERMONT AVENUE, NW, #400 WASHINGTON DC 20005	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC		
SANDRA L. LAFEVRE, 2500 RIVA ROAD, SE ANNAPOLIS MD 21401	NATIONWIDE INSURANCE CO & AFFILIATES	1,500.00	
SARAH M. LAIRD, 1730 M ST., NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	3,756.31	9.65
ERIC T. LAITY, 1800 FIRST NATIONAL BANK BLDG. DALLAS TX 75202	DEMINEX U.S. OIL CO	9,000.00	
Do	TEXASGULF, INC	9,000.00	
ROBERT LAMB, 2101 L STREET, N.W. WASHINGTON DC 20037	AMERICAN PETROLEUM INST	5,000.00	151.50
DAVID M. F. LAMBERT, 1000 POTOMAC STREET, NW, #302 SUITE 900 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE		
DAVID R. LAMBERT, 1030 15TH ST., NW SUITE 964 WASHINGTON DC 20005	AMERICAN SEED TRADE ASSN	5,000.00	
MARCY LAMBOURNE, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	
STEPHEN K. LAMBRIGHT, ONE BUSCH PLACE ST. LOUIS MO 63118	ANHEUSER-BUSCH COMPANIES, INC		
LAMON, ELROD & HARKLEROAD, 2500 PEACHTREE CENTER - CAIN TOWER 229 PEACHTREE STREET, NE ATLANTA GA 30043	NATIONAL ASSN OF PENSION CONSULTANTS & ADMINISTRATORS	2,000.00	1,154.19
VIRGINIA A. LAMPLEY, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTERNATIONAL, INC (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS)		
Do	DGA INTERNATIONAL, INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST. DE MOTEURS D'AVIATION).	530.80	164.71
Do	DGA INTERNATIONAL, INC (FOR: SOFREAVIA)		
L. CHARLES LANDGRAF, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE		
THOMAS M. LANDIN, 1500 SPRING GARDEN ST. PHILADELPHIA PA 19101	SMITHKLINE CORP		
LANDIS, COHEN, SINGMAN AND RAUH, 1019 19TH STREET, N.W. # 500 WASHINGTON DC 20036	AMERICAN SOCIETY OF COMPOSERS, AUTHORS & PUBLISHERS	1,500.00	
Do	COUNCIL OF CREATIVE ARTISTS, LIBRARIES & MUSEUMS	250.00	
Do	NFL PLAYERS ASSOCIATION	1,500.00	
KARL S. LANDSTROM, 510 N. EDISON ST. ARLINGTON VA 22203	GEOTHERMAL RESOURCES INTL, INC	200.00	12.00
BRUCE ALAN LANDY, 2700 VIRGINIA AVE., NW WASHINGTON DC 20037	B.A.L CO.		
Do	CRYOGENIC VACUUM TECHNOLOGY CO.		
Do			
LANE & EDSON, P.C., SUITE 400 SOUTH 1800 M ST., NW WASHINGTON DC 20036	CITY OF BALTIMORE	600.00	
Do	COUNCIL FOR RURAL HOUSING AND DEVELOPMENT	4,000.00	
Do	GENERAL ELECTRIC CREDIT CORP		
Do	NATIONAL LEASED HOUSING ASSN	450.00	
ALBERT E. LANE, SUITE 537 1377 K STREET, NW WASHINGTON DC 20005	MEDCOM-MIC		
Do	PEOPLE OPPOSED TO ENERGY LOBBY - POTEL		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
RICHARD F. LANE, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
LEIGHTON W. LANG, 1825 EYE STREET, NW, #1040 WASHINGTON DC 20006	FUTURES INDUSTRY ASSN, INC.		
ROBIN W. LANIER, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	150.00	10.00
CLIFFORD LAPLANTE, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	1,030.00	
WILLIAM L. LARSEN, 1025 CONNECTICUT AVENUE, NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN		
REED E. LARSON, 8001 BRADDOCK ROAD, #600 SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMM		
JAMES LASALA, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
LASALLE NATIONAL BANK, 135 SOUTH LASALLE ST. CHICAGO IL 60690			
MICHAEL LASHBROOK, 1600 RHODE ISLAND AVENUE,NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	1,000.00	
JOHN LASTER, 1900 M STREET, NW, #601 WASHINGTON DC 20036			
LATHAM, WATKINS & HILLS, SUITE 1200 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	WILSHIRE TERRACE COOPERATIVE HOUSING CORP	475.00	34.16
LOUIS F. LAUN, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
CHARLES B. LAVIN JR., 1016 20TH STREET, NW WASHINGTON DC 20036	AMERICAN SUBCONTRACTORS ASSN		
Do	NATIONAL ASSN OF PLUMBING-HEATING-COOLING CONTRACTORS		
JOAN H. LAVOR, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
GEORGE H. LAWRENCE, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	415.00	
LINDA L. LAWRENCE, 1730 RHODE ISLAND AVE., NW, #213 WASHINGTON DC 20036	BROWN & ROOT, INC		
ELIZABETH LAWSON, 1730 M STREET, NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	2,794.59	91.75
ERNEST M. LE SUEUR, 453 NEW JERSEY AVENUE, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
LEAD-ZINC PRODUCERS COMMITTEE, SUITE 3415 120 BROADWAY NEW YORK NY 10271		573.65	5,782.42
LEAGUE OF CALIFORNIA MILK PRODUCERS, 1225 8TH STREET, #385 SACRAMENTO CA 95814			2,051.05
LEAGUE OF WOMEN VOTERS OF THE U.S., 1730 M ST., NW WASHINGTON DC 20036		17,499.00	39,654.77
LEAGUE TO SAVE LAKE TAHOE, 2197 LAKE TAHOE BLVD. P.O. BOX 10110 SOUTH LAKE TAHOE CA 95731			652.86
THOMAS B. LEARY, HOGAN & HARTSON 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE	16,110.25	
RICHARD J. LEASE, 2145 BOISE DRIVE LAS CRUCES NM 88001			
LEBOEUF LAMB LEIBY & MACRAE, 1333 NEW HAMPSHIRE AVE., NW, #1100 WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,225.00	24.00
Do	SHIPPING CORP. OF INDIA, LTD.		
Do	UNDERWRITERS AT LLOYD'S LONDON		
ROBERT F. LEDERER, 1250 I STREET, NW, #500 WASHINGTON DC 20005	AMERICAN ASSN OF NURSERYMEN		
THOMAS J. LEE JR., P.O. BOX 2628 HOUSTON TX 77001	ENTEX, INC		
LEIGHTON LEMOV JACOBS & BUCKLEY, SUITE 800 2033 M ST., NW WASHINGTON DC 20036	ADHESIVE & SEALANT COUNCIL, INC		
Do	AMERICAN ASSN OF NURSE ANESTHETISTS		
Do	AMERICAN DENTAL ASSISTANTS ASSN		
Do	CITY & REGIONAL MAGAZINE ASSN		
Do	CLOROX COMPANY		
Do	EXPRESS FOODS CO., INC		
Do	FEDERATION OF APPAREL MANUFACTURERS	10,792.50	535.82
Do	GENERAL ATOMIC CO	5,375.00	596.95
Do	GENERAL INSTRUMENT CORPORATION		
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	INTRAOCULAR LENS MFRS ASSN		
Do	MUTUAL SAVINGS CENTRAL FUND, INC	1,500.00	100.00
Do	NATIONAL GLASS DEALERS ASSN		
Do	SAVINGS BANKS ASSN. OF MASSACHUSETTS	3,000.00	200.00
Do	WHEY PRODUCTS INST		
TERRY L. LEITZELL, ONE THOMAS CIRCLE, NW, #900 WASHINGTON DC 20005	AMERICAN SHRIMPBOAT ASSOCIATION	1,000.00	
Do	MARINE CONSTRUCTION & DESIGN CO.	750.00	
Do	BOGLE & GATES (FOR: PACIFIC SEAFOOD PROCESSORS ASSN)	1,500.00	
Do	PORT OF SEATTLE	1,000.00	
JOSEPH L. LEITZINGER, 900 4TH AVE. SEATTLE WA 98164	SIMPSON TIMBER CO	587.25	262.21
ELIZABETH LEMOND, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	800.00	568.52
LYNETTE B. LENARD, 1800 M STREET, NW, #700S WASHINGTON DC 20036	DOW CHEMICAL CO	125.00	62.50
PAUL A. LENZINI, CHAPMAN, DUFF AND PAUL 1825 I STREET, NW, #300 WASHINGTON DC 20006	CHR. BJELLAND & CO., INC	300.00	9.00
Do	INDUSTRIAL SIDERURGICA, INC	375.00	4.50
BETTY JANE LEONARD, P.O. BOX 19109 GREENSBORO NC 27419	UNIFI, INC		
EARL T. LEONARD JR , P.O. DRAWER 1734 ATLANTA GA 30301	COCA-COLA COMPANY	1,167.00	1,649.25
KAYE CONNIFF LEONARD, SUITE 510 1090 VERMONT AVE., NW WASHINGTON DC 20005	POTLATCH CORPORATION	270.00	
LAW OFFICE OF JERRIS LEONARD, 900 17TH STREET, NW, #1020 WASHINGTON DC 20006	KANSAS CORPORATION COMMMISSION		
LLOYD LEONARD, 1730 M ST., NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	4,243.47	122.65
RODNEY E. LEONARD, 1146 19TH ST., NW, #300 WASHINGTON DC 20036	COMMUNITY NUTRITION INSTITUTE		
CHARLES LEPPERT JR., 801 18TH STREET, NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO		
LERCH & CO., INC, 1030 15TH STREET, NW, #840 WASHINGTON DC 20005	NATURAL GAS SUPPLY ASSN	770.00	200.00
Do	SHELL CHEMICAL CO		
RICHARD L. LESHER, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	141.00	
DALE LESTINA, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,535.00	315.82
LEVA HAWES SYMINGTON MARTIN & OPPENHEIMER, SUITE 1001 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	COOPERATIVE FOR AMERICAN RELIEF EVERYWHERE, INC. (CARE)		
Do	DON LANGENEGGER, ET AL.		
Do	FINNIGAN CORPORATION		2.25
Do	SONY CORPORATION OF AMERICA	1,151.25	
ROBERT JOHN LEVERING, 1730 M ST., NW, #610 WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	300.00	50.90
S.R. LEVERING, 100 MARYLAND AVENUE, N.E. WASHINGTON DC 20002	U.S. COMMITTEE FOR THE OCEANS		
MORRIS J. LEVIN, 1050 17TH ST., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	2,500.00	
BARBARA W. LEVINE, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN	634.50	
HARRY LEVINE JR , 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	1,200.00	
KENNETH S. LEVINE, SUITE 220 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	JOSEPH SEAGRAM & SONS, INC	977.50	
LESLIE LEVY, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	6,825.00	
E. DAVID LEWIS, 1401 WILSON BLVD., #205 ARLINGTON VA 22209	SOCIETY OF AMERICAN WOOD PRESERVERS, INC	375.00	350.00
MICHAEL R. LEWIS, 1133 15TH ST., NW SUITE 640 WASHINGTON DC 20005	INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION	9,733.00	795.30
RICHARD LEWIS, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PULPWOOD ASSN		
BURTON LEWKOWITZ, 1410 N. 3RD STREET P.O. BOX 25489 PHOENIX AZ 85002	SAMARITAN HEALTH SERVICE		
JOHN F. LEYDEN, 815 16TH STREET, NW, #308 WASHINGTON DC 20006	PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO	3,746.37	
WILLIAM J. LHOTA, 301 CLEVELAND AVE., SW CANTON OH 44702	OHIO POWER CO	438.40	570.38
HERBERT LIEBENSON, 1604 K ST., NW WASHINGTON DC 20006	NATIONAL SMALL BUSINESS ASSN	5,625.00	
Do	SMALL BUSINESS LEGISLATIVE COUNCIL		
SANDRA COHEN LIEBERMAN, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
WILLIAM C. LIENESCH, 238 10TH ST., SE WASHINGTON DC 20003	NATIONAL PARKS & CONSERVATION ASSOCIATION	306.00	18.07
DUKE R. LIGON, 1575 EYE STREET, NW, #510 WASHINGTON DC 20005	CORCORAN HARDESTY WHYTE HEMPHILL & LIGON, P.C. (FOR: NOVA SCOTIA RESOURCES, LTD).		
ROSS W. LILLARD, 2100 CHARTERBANK CENTER KANSAS CITY MO 64105	STINSON, MAG & FIZZELL (FOR: FARMLAND INDUSTRIES, INC)		
RICHARD A. LILLQUIST, SUITE 500 1090 VERMONT AVE., NW WASHINGTON DC 20005	FLEXIBLE PACKAGING ASSOCIATION		
DIANE PALMER LILLY, 1200 PEAVEY BUILDING MINNEAPOLIS MN 55479	NORWEST CORPORATION		
EDWARD J. LINCOLN, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA	100.00	
STEPHEN R. LINDAUER, 1957 E STREET, NW WASHINGTON DC 20515	ASSOCIATED GENERAL CONTRACTORS		
KATHLEEN M. LINEHAN, 1025 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	GULF OIL CORP	800.00	124.00
ELENA LINTHICUM, 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORP		
RON M. LINTON, SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	DENVER TECHNOLOGICAL CENTER	1,954.00	
LINTON, MIELDS, REISLER & COTTONE, LTD., SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	CITY GAS COMPANY	73.00	
Do	COUNCIL OF POLLUTION CONTROL FINANCING AGENCIES	3,750.00	
Do	IOWA DEPARTMENT OF TRANSPORTATION	2,432.00	
Do	LAKE SUPERIOR DISTRICT POWER CO	295.00	
Do	MADISON GAS & ELECTRIC CO	683.00	
Do	METROPOLITAN SANITARY DISTRICT OF GREATER CHICAGO	2,604.00	153.00
Do	NATIONAL ASSN OF URBAN FLOOD MANAGEMENT AGENCIES	2,625.00	
Do	NORTHERN STATES POWER CO	782.00	
Do	OREGON DEPT OF TRANSPORTATION	1,500.00	
Do	STATE OF IL, DEPT OF TRANS, DIV OF WATER RES	1,663.00	47.00
Do	STATE OF IL, DEPT OF TRANSPORTATION	3,383.00	
Do	SUPERIOR WATER, LIGHT & POWER CO	216.00	
Do	WISCONSIN ELECTRIC POWER CO	2,108.00	56.00
Do	WISCONSIN FUEL AND LIGHT CO	143.00	
Do	WISCONSIN GAS CO	920.00	15.00
Do	WISCONSIN NATURAL GAS CO	505.00	
Do	WISCONSIN POWER & LIGHT CO	1,170.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	WISCONSIN PUBLIC SERVICE CORP	1,244.00	
Do	WISCONSIN SOUTHERN GAS CO	143.00	
FRANCES S. LIPSCOMB, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	200.00	
CRAIG LISKE, P.O. BOX 2120 HOUSTON TX 77252	UNION TEXAS PETROLEUM CORP		
SARA E. LISTER, PATTERSON, BELKNAP, WEBB & TYLER 1730 PENNSYLVANIA AVENUE, NW, #1060 WASHINGTON DC 20006.	F M S CORPORATION		10,850.05
ROBERT G. LITSCHERT, 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	870.00	300.49
BARBARA A. LITTLE, SUITE 611 1155 15TH STREET, NW WASHINGTON DC 20005	ETHYL CORPORATION	900.00	
CHARLES B. LITTLE, SUITE 603 600 MARYLAND AVE., SW WASHINGTON DC 20024	UBA, INC	1,000.00	
WILLIAM F. LITTLE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	487.00	304.10
ROY LITTLEFIELD, 1250 I STREET, NW, #400 WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN	2,400.00	140.00
THEODORE M. LITTMAN, 12213 LAKEWOOD BLVD. DOWNEY CA 90241	ROCKWELL INTL		
DAVID A. LITVIN, SUITE 600 1001 22ND ST., NW WASHINGTON DC 20037	STANDARD OIL COMPANY (OHIO)	287.50	30.00
E.F. LIVAUDAIS JR , 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	360.00	
LIVESTOCK MARKETING ASSOCIATION, 301 E. ARMOUR BLVD. KANSAS CIT Y MO 64111			4,486.00
NEIL C. LIVINGSTONE, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: RAMZI A. DALLOUL)		
Do	GRAY AND COMPANY (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN)		
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)		
LOBEL NOVINS & LAMONT, 1523 L STREET, NW, #200 WASHINGTON DC 20005	GENERIC PHARMACEUTICAL INDUSTRY ASSN	12,588.04	462.21
PAUL LOCIGNO, 25 LOUISIANA AVENUE, NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	15,202.90	
ROBERT F. LOCKHART JR., 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO, INC	1,000.00	
CHARLES H. LOCKWOOD II , 300 NEW CENTER BUILDING DETROIT MI 48202	MOTOR VEHICLE MANUFACTURERS ASSN OF THE U.S., INC		
KAREN LOCKWOOD, 444 NORTH CAPITOL ST., NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	770.83	250.63
HAROLD D. LODEN, 1030 15TH ST., NW, #964 WASHINGTON DC 20005	AMERICAN SEED TRADE ASSN	4,000.00	
NILS LOFGREN, 1909 K ST., NW SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
LAW OFCS OF SHELDON SUITE 401 1725 DESALES ST., NW WASHINGTON DC 20036	AMERICAN HARDWARE MANUFACTURERS ASSN	1,500.00	
THOMAS R. LONG, 299 PARK AVENUE NEW YORK NY 10171	WESTVACO CORPORATION		
JOHN H. LONNQUIST, 1025 CONNECTICUT AVE., NW SUITE 214 WASHINGTON DC 20036	MANVILLE CORP	1,500.00	
LAURA LOOMIS, 419 N. NELSON STREET ARLINGTON VA 22203	NATIONAL PARKS & CONSERVATION ASSN	1,054.00	7.50
LOOMIS OWEN FELLMAN & HOWE, 2020 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF BITUMINOUS CONTRACTORS		
Do	CLASSROOM (PERIODICAL) PUBLISHERS ASSN		
Do	INDUSTRIAL DIAMOND ASSN		
Do	OPTICAL MFGRS ASSN		
Do	TEXTILE RENTAL SERVICES ASSN OF AMERICA		
SUSAN J. LOOMIS, 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	2,000.00	500.00
LORD, DAY & LORD, 1120 20TH ST., NW WASHINGTON DC 20036	BOWATER NORTH AMERICA CORPORATION	1,264.07	
Do	CARGILL INC		
Do	CONTINENTAL GRAIN COMPANY		
PHILIP J. LOREE, 50 BROADWAY NEW YORK NY 10004	FEDERATION OF AMERICAN CONTROLLED SHIPPING	984.62	455.27
ROBERT E. LOSCH, P.C., 1716 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20009	AMERICAN DREDGING CO., ET AL	17,500.00	3,374.88
Do	PELICAN TERMINAL CORP & PORT OF GALVESTON		139.06
CLAUDIA J. LOUIS, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN		
JAMES F. LOVETT, 1801 K ST., NW WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	500.00	200.00
RODNEY W. LOWMAN, SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORPORATION	800.00	25.00
GERALD M. LOWRIE, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	9,000.00	
DONALD C. LUBICK, 1776 F STREET, NW WASHINGTON DC 20006	BUFFALO PHILHARMONIC ORCHESTRA		
MRS. FREDDIE H. LUCAS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	616.71
CHARLES EMMET LUCEY, MCDERMOTT, WILL & EMERY 1850 K STREET, NW, #500 WASHINGTON DC 20006	CATHOLIC PRESS ASSN		
WILLIAM F. LUDLAM SR , P.O. BOX 5282 VIRGINIA BEACH VA 23455	ARBA LICENSEES ASSN		539.00
SYLVESTER LUKIS, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	CRAMER, HABER & LUKIS, P.C. (FOR: CANAVERAL PORT AUTHORITY)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: CITY OF MIAMI)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: DADE COUNTY)		
Do	CRAMER, HABER & LUKIS, P.C. (FOR: REPUBLIC OF GABON)		
LUMBERMENS MUTUAL CASUALTY COMPANY, LONG GROVE IL 60049			3,103.52
MILTON F. LUNCH, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,000.00	
LUND & O'BRIEN, 1625 EYE ST., NW WASHINGTON DC 20006	FEDERATION OF AMERICAN CONTROLLED SHIPPING	600.00	34.65
Do	INSTITUTE OF INTERNATIONAL CONTAINER LESSORS	1,380.00	82.32
Do	NATIONAL PRODUCT LIABILITY COUNCIL	189.09	35.92
Do	PENNSYLVANIA POWER & LIGHT CO	1,788.60	87.88
CHRISTIAN J. LUND, 1825 I STREET, NW, #700 WASHINGTON DC 20006	UNITED TECHNOLOGIES CORPORATION	15,750.00	
W. FLETCHER LUTZ, SUITE 100 727 SOUTH 23RD STREET ARLINGTON VA 22202	ASSOCIATION OF GOVERNMENT ACCOUNTANTS		
JOHN C. LYNCH, 1615 H STREET, NW WASHINGTON DC 20062	CITIZEN'S CHOICE, INC	7,125.00	
TIMOTHY P. LYNCH, SUITE 910 1510 WILSON BLVD. ARLINGTON VA 22209	ROADWAY EXPRESS, INC	425.00	200.00
JAMES LYON, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	40.99	
M.O.A./AIOA & SUBS, INC, SUITE 107 701 S. 22ND OMAHA NB 68102		10.00	10.00
M/A-COM, INC, 1350 PICCARD DRIVE, #304 ROCKVILLE MD 20850			2,600.00
TIMOTHY MACCARTHY, 1909 K ST., NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	1,260.00	
ANTHONY R. MACCHIA, 127 JOHN STREET NEW YORK NY 10038	COFFEE, SUGAR & COCOA EXCHANGE, INC		
JACK A. MACDONALD, 2600 VIRGINIA AVENUE, NW, #1100 WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CARE SERVICES	1,250.00	57.25
JAMES E. MACK, 9005 CONGRESSIONAL COURT POTOMAC MD 20854	NATIONAL ASSN OF MIRROR MFGRS		
Do	PEANUT BUTTER & NUT PROCESSORS ASSN		
JAMES H. MACK, 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	12,998.70	500.00
THOMAS L. MACK, P.O. BOX 49 PALO VERDE AZ 85343	BECHTEL POWER CORPORATION		
MARK J. MACKEY, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
J. LYNN MADDOX, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON USA, INC	412.00	
LEIGH U. MADDUX, 3600 NORTH 36TH ROAD ARLINGTON VA 22207	CERTAINTEED CORP		
SUSAN MAGAW, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	2,000.00	
KATHERINE MAGRAW, 100 MARYLAND AVENUE, NE WASHINGTON DC 20002	PEACE POLITICAL ACTION COMMITTEE	2,315.65	99.00
CHARLES MAGUIRE, 3315 P STREET, NW, #906 WASHINGTON DC 20036	MERRILL LYNCH & CO, INC	1,200.00	
FRANCIS E. MAGUIRE JR., 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	2,000.00	
W. TERRY MAGUIRE, BOX 17407 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041	AMERICAN NEWSPAPER PUBLISHERS ASSN	1,125.00	
DAVID L. MAHAN, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: AIRBUS INDUSTRIE)	150.00	
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
THOMAS D. MAHER, 1775 K STREET,N.W. WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
JOHN F. MAHONEY, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	4,980.00	123.93
TERENCE P. MAHONY, 1825 K STREET, NW, #807 WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	500.00	99.75
MICHAEL C. MAIBACH, 1850 K STREET, NW, #925 WASHINGTON DC 20006	CATERPILLAR TRACTOR CO	2,500.00	409.67
ROBERT L. MAIER, SUITE 1000 900 17TH ST., NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORP	175.00	
STEVEN R. MAIMON, P.O. BOX 7579 WASHINGTON DC 20044			
F. ANTHONY MAIO, FOLEY, LARDNER, HOLLABAUGH & JACOBS 1775 PENNSYLVANIA AVE., NW, SUITE 1000 WASHINGTON DC 20006.	FIRST WISCONSIN NATIONAL BANK OF MILWAUKEE		
ANDRE MAISONPIERRE, 1110 VERMONT AVENUE, NW, #1010 WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	395.00	
MAJOR LEAGUE BASEBALL PLAYERS ASSN, 805 THIRD AVENUE NEW YORK NY 10022			6,353.14
DAVID L. MALLINO, 815 16TH ST., NW SUITE 706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	9,202.73	
J. WILSON MALLOY JR , 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	EASTMAN CHEMICALS DIVISION	850.00	116.67
KURT L. MALMGREN, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	740.00	
MARY JO MALONE, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	1,875.00	1,610.00
ROBERT H. MALONEY, 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO, INC		
WILLIAM R. MALONI, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	2,062.50	889.61
MAN-MADE FIBER PRODUCERS ASSN, INC, SUITE 310 1150 17TH ST., NW WASHINGTON DC 20036			600.00
CARTER MANASCO, 5932 CHESTERBROOK RD. MCLEAN VA 22101	NATIONAL COAL ASSN	7,500.00	135.77
MANATT, PHELPS, ROTHENBERG & TUNNEY, SUITE 200 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ALLIED TUBE & CONDUIT CORP		
Do	BKK CORPORATION	700.00	
Do	CALIFORNIA VISION SERVICE PLAN	125.00	
Do	COOPERATIVE OF AMERICAN PHYSICIANS, INC	3,812.50	
Do	DEPARTMENT OF WATER & POWER OF THE CITY OF LOS ANGELES	1,500.00	
Do	GATX CORP		
Do	GENERAL AMERICAN LIFE INSURANCE CO	2,025.00	
Do	HOME LIFE INSURANCE COMPANY	2,025.00	
Do	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS		
Do	MANUFACTURERS HANOVER LEASING CORPORATION	1,000.00	
Do	MID ATLANTIC NEPHROLOGY CENTER, LTD	250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MUSIC CORPORATION OF AMERICA, INC.	13,875.00	
Do	NORTHROP CORP	1,062.50	
Do	NORTHWEST ALASKAN PIPELINE CO		
Do	PACIFIC MUTUAL LIFE INSURANCE COMPANY	2,025.00	
Do	PROVIDENT MUTUAL LIFE INSURANCE COMPANY OF PHILADELPHIA	2,025.00	
Do	SHAH & ASSOCIATES, INC		
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT	400.00	
Do	STATE MUTUAL LIFE ASSURANCE COMPANY OF AMERICA	2,025.00	
Do	SYSTEMS & APPLIED SCIENCES	10,250.00	
Do	UCI, INC	3,250.00	
MANCHESTER ASSOCIATES, LTD., 1155 15TH ST.,NW. SUITE 1010 WASHINGTON, DC 20005	NISSAN MOTOR COMPANY, LTD.	6,914.00	6,654.00
PETER T. MANGIONE, 1319 F STREET, NW, #700 WASHINGTON DC 20004	VOLUME FOOTWEAR RETAILERS OF AMERICA	100.00	
FRANK MANKIEWICZ, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)		
Do	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)		
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING CO)	717.50	
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)		
DONALD W. MANN, 60B FRANKLIN STREET TENAFLY NJ 07670	NEGATIVE POPULATION GROWTH, INC		
FORBES MANN, 11128 TURTLE BEACH ROAD LOST TREE VILLAGE NORTH PALM BEACH FL 33408	LTV CORPORATION	250.00	10.00
RICHARD J. MANNIX, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
CYNTHIA MANSFIELD, SUITE 520 600 MARYLAND AVE., SW WASHINGTON DC 20024	GPU SERVICE CORPORATION	4,293.00	773.22
MANUFACTURED HOUSING INST, 1745 JEFFERSON DAVIS HIGHWAY, #511 ARLINGTON VA 22202		3,500.00	
MILTON C. MAPES, SUITE 409 110 MARYLAND AVE., NE WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	4,343.00	43.20
MARCH FOR LIFE, INC, PO BOX 2950 WASHINGTON DC 20013		11,150.79	9,610.69
CHARLES T. MARCK, 1800 M ST., NW, SUITE 700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL CO		
MARITIME INSTITUTE FOR RESEARCH & INDUSTRIAL DEVELOPMENT, SUITE 600 1133 15TH STREET, NW WASHINGTON DC 20005.			13,026.00
RICHARD P. MARKEY, 729 15TH ST., NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC		
E. VERNON MARKHAM III, SUITE 500 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	STEPHENS OVERSEAS SERVICES, INC.	14.04	
DONALD R. MARKLEY, 10880 WILSHIRE BOULEVARD LOS ANGELES CA 90024	WHITTAKER CORPORATION		
LAWRENCE D. MARKLEY, PO BOX 3518 ANCHORAGE AK 99501	CHUGACH ELECTRIC ASSN, INC		
NATHAN FRED MARKS, 685 N.W. 8TH STREET GRESHAM OR 97030			
PATRICIA MARKS, SUITE 1110 1411 K STREET, NW WASHINGTON DC 20005	NATIONAL WOMEN'S POLITICAL CAUCUS		
RONALD ANTHONY MARKS, 2108 COURT HOUSE RD. ARLINGTON VA 22201			
LUTHER A. MARKWART, SUITE 1019 1156 15TH STREET, NW WASHINGTON DC 20005	AMERICAN SUGARBEET GROWERS ASSN		
JOHN C. MARLIN, 307 W. NEVADA URBANA IL 61801	CENTRAL STATES RESOURCE CENTER		
HOWARD MARLOWE, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,691.30	221.84
CHALMERS H. MARQUIS, 3430 BLAIR RD. FALLS CHURCH VA 22041	NATIONAL ASSN FOR PUBLIC TELEVISION STATIONS	600.00	150.00
JOHN MARSH, 100 OAKVIEW DRIVE TRUMBULL CT 06611	RAYMARK CORPORATION		
C. TRAVIS MARSHALL, 1776 K ST., NW WASHINGTON DC 20006	MOTOROLA, INC	1,500.00	475.46
DAVID O. MARTIN, NORTH LAKE ST. NEENAH WI 54956	KIMBERLY-CLARK CORP		
FRED J. MARTIN JR., 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	359.66	3,802.22
JAMES D. MARTIN, 4600 72ND AVENUE LANDOVER HILLS MD 20784	COMMUNICATIONS SATELLITE CORPORATION	2,000.00	171.98
JOHN M. MARTIN JR., 6909 FORT HUNT ROAD ALEXANDRIA VA 22307	FOOD MARKETING INSTITUTE	100.00	
Do	JEWELRY INDUSTRY COORDINATING COMMITTEE		
KATHERINE E. MARTIN, 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	943.00	301.27
LARRY K. MARTIN, 1150 17TH ST., NW WASHINGTON DC 20036	MAN-MADE FIBER PRODUCERS ASSN, INC	150.00	
PEGGY L. MARTIN, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	5,000.00	153.42
STEPHEN I. MARTIN, HARTFORD PLAZA HARTFORD CT 06115	HARTFORD FIRE INSURANCE CO	900.00	
VILMA S. MARTINEZ, 612 S. FLOWER STREET, 5TH FLOOR LOS ANGELES CA 90017	MUNGER, TOLLES & RICKERSHAUSER (FOR: SPANISH INTERNATIONAL COMMUNICATION CORP).	3,450.00	1,771.10
ERNEST MARTY, 85 RIDGE ST. NORTH SIDNEY, NSW 2060 AUSTRALIA			
JUDITH MARTY, 85 RIDGE ST. NORTH SYDNEY, NSW 2060 AUSTRALIA			
JOSEPH J. MARTYAK, 12TH FL. 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
MARYLAND SAVINGS-SHARE INSURANCE CORP, 901 NORTH HOWARD STREET BALTIMORE MD 21201			4.95
MIKE M. MASAOKA, SUITE 520, THE FARRAGUT BLDG. 900 17TH ST., NW WASHINGTON DC 20006	AMERICAN JAPANESE TRADE COMM		
Do	NISEI LOBBY		
Do	TOYOTA MOTOR SALES, U.S.A., INC.	750.00	
Do	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	500.00	
W. A. MASON, P.O. BOX 21106 SHREVEPORT LA 71156	SOUTHWESTERN ELECTRIC POWER CO		
JAMES D. MASSIE, 1015 - 18TH STREET, N.W. WASHINGTON DC 20036	FERTILIZER INSTITUTE	5,000.00	3,226.69
WILLIAM F. MASSMANN, PO BOX 225086 DALLAS TX 75265	DR PEPPER CO		
JIM MATHESON, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE		
RICHARD D. MATHIAS, SUITE 901 1660 L STREET, NW WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC		
CHARLES D. MATTHEWS, SUITE 700 1050 17TH ST., NW WASHINGTON DC 20036	NATIONAL OCEAN INDUSTRIES ASSN	1,312.50	95.00
JOANNE E. MATTIACE, 1211 CONNECTICUT AVE., NW, #802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	100.00	54.35
MARSHALL L. MATZ, BARNETT & ALAGIA 1000 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	AFFILIATED FOOD PROCESSORS, INC		
Do	AMERICAN BAKERS ASSN	400.00	28.15
Do	PLASTICS MANUFACTURING CO	1,015.00	92.08
C.V. & R.V. MAUDLIN, 1511 K STREET, NW, #535 WASHINGTON DC 20005	BRASS AND BRONZE INGOT INSTITUTE		
ANTHONY F. MAURIELLO, NEW YORK STATE PETROLEUM COUNCIL 150 STATE STREET ALBANY NY 12207	AMERICAN PETROLEUM INST		
SAMUEL L. MAURY, SUITE 402 1828 L STREET, NW WASHINGTON DC 20036	BUSINESS ROUNDTABLE	100.00	
THOMAS H. MAXEDON, KENTUCKY PETROLEUM COUNCIL 612-A SHELBY STREET FRANKFORT KY 40601	AMERICAN PETROLEUM INST		
MAXELL CORPORATION OF AMERICA, 60 OXFORD DRIVE MOONACHIE NJ 07074			
ALBERT E. MAY, 1625 K ST., NW WASHINGTON DC 20006	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS	4,800.00	11.22
JAMES C. MAY, 700 ANDERSON ROAD PURCHASE NY 10577	PEPSICO, INC		
WALTER R. MAY, 7004 PARK TERRACE DRIVE ALEXANDRIA VA 22307	YELLOW FREIGHT SYSTEM, INC	10,500.00	2,645.26
MAYER, BROWN & PLATT, 888 17TH ST., NW WASHINGTON DC 20006	AEROSPACE INDUSTRIES ASSN OF AMERICA, INC	140.00	
Do	COMDISCO, INC		
Do	ERISA INDUSTRY COMMITTEE		
Do	GATX CORP		
Do	JMB REALTY CORP		
C. H. MAYER, INC., SUITE 701 3421 NORTH CAUSEWAY BLVD. METAIRIE LA 70002	LANGHAM ENERGY CO		
JEFFREY G. MAYS, SUITE 400E 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
H. WESLEY MCADEN, SUITE 424 1155 15TH ST., NW WASHINGTON DC 20005	SUPIMA ASSOCIATION OF AMERICA	6,000.00	922.00
WILLIAM J. MCAULIFFE JR , 1828 L ST., NW WASHINGTON DC 20036	AMERICAN LAND TITLE ASSN	277.00	
LARRY D. MCBENNETT, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
ANN MCBRIDE, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	12,037.50	1,517.92
MARTHA MCCABE, 1828 L ST., N.W. SUITE 1100 WASHINGTON DC 20036	COOPERATIVE LEAGUE OF THE USA	2,500.00	
MICHAEL J. MCCABE, ALLSTATE PLAZA NORTHBROOK IL 60062	ALLSTATE ENTERPRISES, INC		
Do	ALLSTATE INSURANCE COMPANY		
JULIE P. MCCAHILL, SUITE 715 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	MEAD CORPORATION	275.00	
A. R. MCCAMMON, TENNESSEE RAILROAD ASSN 501 UNION STREET, #506 NASHVILLE TN 37219	CLASS I RAILROADS		
KATHERINE S. MCCARTER, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN	2,566.00	
CAROLYN KIM MCCARTHY, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	1,205.50	500.00
JAMES R. MCCARTHY, 2101 L STREET, NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	200.00	
JAMES W MCCARTHY, 1515 WILSON BLVD ARLINGTON VA 22209	AMERICAN GAS ASSN	3,000.00	1,244.00
JOHN C. MCCARTHY, JAY STONE AND ASSOCIATES, INC 412 FIRST STREET, SE, #50 WASHINGTON DC 20003	LOUISIANA WORLD EXPOSITION, INC		
Do	MELAMINE CHEMICALS, INC		
Do	STATE OF LOUISIANA	14,500.00	4,950.00
MCCARTY NOONE & WILLIAMS, SUITE 3306 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	AMERICAN MEDICAL TECHNOLOGISTS	260.00	134.25
MICHAEL A. MCCLELLAND, 1200 ONE MAIN PL, P.O. BOX 50100, DALLAS, TX 75250	DALLAS/FT. WORTH REGIONAL AIRPORT BOARD		
MCCLURE & TROTTER, SUITE 600 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CIGAR ASSOCIATION OF AMERICA, INC.		
Do	COCA-COLA COMPANY		49.05
Do	ESTATE OF CHARLES G. BLUHDORN		3.88
Do	GULF & WESTERN INDUSTRIES, INC		474.15
Do	MOBIL OIL CORP		
Do	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS.		3.24
ROBERT S. MCCONNAUGHEY, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
SALLY MCCONNELL, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	8,499.96	1,524.44
JOHN L. MCCORMICK, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	733.34	
MOLLY MCCORMICK, 2301 MARKET STREET, S24-4 PHILADELPHIA PA 19101	PHILADELPHIA ELECTRIC COMPANY	2,125.00	196.19
MARIA S. MCCREA, 2033 M STREET, NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
E. L. MCCULLOCH, 819 RAILWAY LABOR BLDG., 400 1ST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF LOCOMOTIVE ENGINEERS	284.60	835.09
ALBERT L. MCDERMOTT, 1819 L STREET, NW, #600 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	1,963.95	
MARK T. MCDERMOTT, JOSEPH, POWELL, MCDERMOTT & REINER, P.C. 1300 19TH STREET, NW, #400 WASHINGTON DC 20036.	CIVIL PILOTS FOR REGULATORY REFORM	3,880.50	
MCDERMOTT, WILL & EMERY, SUITE 500 1850 K ST., NW WASHINGTON DC 20006	FEDERAL KEMPER LIFE ASSURANCE COMPANY	1,462.50	70.65
Do	FEDERATION OF JAPAN SALMON FISHERIES COOPERATIVE ASSN		
Do	KEMPER CASUALTY CO		
Do	KEMPER INVESTORS LIFE INSURANCE	787.50	27.50
Do	SPRINGFIELD MARINE BANK (FOR: ESTATE OF GEORGE W. BUNN)	450.00	35.70
Do	TUNA RESEARCH FOUNDATION, INC.		
MICHAEL D. MCDONALD, MARYLAND PETROLEUM ASSN 60 WEST ST. ANNAPOLIS MD 21401	AMERICAN PETROLEUM INST	300.00	
NORRIS MCDONALD, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	143.60	
MCDONOUGH HOLLAND & ALLEN, SUITE 1275 1875 EYE ST., NW WASHINGTON DC 20006	CARMA-SANDLING GROUP		
Do	COUNTY OF ORANGE	10,000.00	518.00
Do	STEPHEN D. COX	1,500.00	
Do	NELCO PRODUCTS, INC.		
Do	ORANGE COUNTY TRANSPORTATION COMMISSION	6,000.00	347.00
Do	SANTA ANA RIVER FLOOD PROTECTION AGENCY	300.00	
Do	SANTA ANA VALLEY IRRIGATION CO.		
PATRICK J. MCDONOUGH, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSN FOR COUNSELING AND DEVELOPMENT	3,483.00	
DINAH D. MCELFRESH, SUITE 1030N 1800 M ST., NW WASHINGTON DC 20036	HAUCK & ASSOCIATES (FOR: NATIONAL ASSN OF CHILD CARE MANAGEMENT)		
DARRYL D. MCEWEN, 901 N. WASHINGTON ST. ALEXANDRIA VA 22134	SOCIETY OF AMERICAN FLORISTS	2,500.00	
ROBERT H. MCFADDEN, 1909 K ST., NW SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC.		
PAUL J. MCGEADY, 475 RIVERSIDE DRIVE, #239 NEW YORK NY 10115	MORALITY IN MEDIA, INC.		
DONNA LEE MCGEE, 1800 M STREET,N.W. #870-S WASHINGTON DC 20036	BURLINGTON INDUSTRIES, INC.		
W. CURT MCGEE, 1620 I ST., NW, SUITE 703 WASHINGTON DC 20006	BECHTEL NATIONAL, INC.		
P. ANNE MCGHEE, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
ROBERT M. MCGLOTTEN, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,441.31	1,158.95
PHYLLIS M. MCGOVERN, 1875 EYE STREET, NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE		
CHRISTOPHER C. MCGRATH, NEW YORK STATE PETROLEUM COUNCIL 551 FIFTH AVENUE, RM. 718 NEW YORK NY 10176	AMERICAN PETROLEUM INST		
JEROME J. MCGRATH, 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	500.00	
JOSEPH M. MCGUIRE, 1815 N. FORT MYER DR. ARLINGTON VA 22209	AIR CONDITIONING & REFRIGERATION INSTITUTE	3,000.00	100.00
PETER E. MCGUIRE, 400 FIRST ST., NW WASHINGTON DC 20001	NATIONAL ASSN OF RETIRED & VETERAN RAILWAY EMPLOYEES	4,999.98	75.65
MCHALE, COOK & WELCH, P.C., 1122 CHAMBER OF COMMERCE BUILDING INDIANAPOLIS IN 46204	ESTATE OF MABEL R. LADD		
MCHENRY & STAFFIER, P.C., SUITE 408 1300 19TH STREET, NW WASHINGTON DC 20036	FOOTHILLS PIPE LINES (YUKON) LTD	1,755.00	25.00
Do	PAN-ALBERTA GAS LTD.	1,350.00	
CLARENCE M. MCINTOSH JR , 400 FIRST ST., NW WASHINGTON DC 20001	RAILWAY LABOR EXECUTIVES' ASSN	1,303.01	
ARBIN G. MCINTYRE, P.O. BOX 15947 FT. WORTH TX 76119			
CHRISTINE E. MCKECHNIE, 2550 M ST., NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	250.00	105.14
WILLIAM F. MCKENNA, SUITE 500 2301 M ST., NW WASHINGTON DC 20037	HOUSLEY, GOLDBERG & KANTARIAN		
MCKENNA, CONNER & CUNEO, 3435 WILSHIRE BLVD., 28TH FL. LOS ANGELES CA 90010	AHMANSON FOUNDATION	340.50	7.80
Do	CALIFORNIA SAVINGS & LOAN LEAGUE	100.00	
JAN E. MCKENZIE, 1111 19TH ST., NW SUITE 702 WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	996.00	261.95
ROBERT T. MCKERNAN, 1619 MASSACHUSETTS AVENUE, N.W. WASJINGTON DC 20036	AMERICAN PAPER INST, INC	50.00	
WILLIAM COLM MCKEVENY, 30 ROCKEFELLER PLAZA NEW YORK NY 10112	AMERICAN PULPWOOD ASSN		
JAMES D. MCKEVITT, SUITE 695 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
C. A. 'MACK' MCKINNEY, 219 NORTH WASHINGTON STREET ALEXANDRIA VA 22314	NON COMMISSIONED OFFICERS ASSN OF THE USA	7,123.14	20,145.62
JAMES D. MCLAUGHLIN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	225.00	35.34
WILLIAM F. MCMANUS, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	437.75	
JAMES D. MCMILLAN, 1899 L ST., NW, #1100 WASHINGTON DC	EXXON CORPORATION		736.41
MCMURRAY & PENDERGAST, 1575 EYE STREET, NW, #600 WASHINGTON DC 20005	COOPER LABORATORIES, INC	24,000.00	139.93
Do	GOVERNMENT OF BELIZE	3,000.00	507.39
Do	GOVERNMENT OF REPUBLIC OF PANAMA	5,000.00	22.00
Do	SUGAR ASSN OF THE CARIBBEAN		115.16
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE, 1155 15TH ST., NW WASHINGTON DC 20005	AIRCO, INC.		
Do	AMERICAN PETROLEUM INST		
Do	BUSINESS ROUNDTABLE	4,040.00	345.00
Do	CBS, INC		88.00
Do	COLT INDUSTRIES, INC	740.00	215.00
Do	DAVIS POLK & WARDWELL	480.00	
Do	GENERAL MILLS	1,042.50	589.05
Do	GENERAL TELEPHONE & ELECTRONICS	9,550.00	212.00
Do	GEORGIA PACIFIC CORP	1,296.00	
Do	GROCERY MANUFACTURERS OF AMERICA, INC.	1,923.00	
Do	HARRIS CORPORATION	400.00	371.40
Do	METROPOLITAN INSURANCE	1,600.00	
Do	NATIONAL ASSN OF REALTORS		
Do	NATIONAL FOOTBALL LEAGUE		
Do	PHARMACEUTICAL MANUFACTURERS' ASSN	6,130.00	
Do	SONY CORP OF AMERICA	3,580.00	
Do	WESTINGHOUSE ELECTRIC CORP	1,782.00	
LARAMIE FAITH MCNAMARA, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
PETER F. MCNEISH, 618 WASHINGTON BUILDING WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	3,000.00	
MICHAEL J. MCSHANE, 1200 NEW HAMPSHIRE AVENUE, NW, #320 WASHINGTON DC 20036	TECHNOLOGY FOR ENERGY CORP		
ROBERT MCVICKER, 2001 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	KOLLSMAN INSTRUMENT CO		
RONALD E. MCWILLIAMS, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING MARINE SYSTEMS		
GEORGE G. MEAD, 430 FIRST ST., SE WASHINGTON DC 20003	AMERICAN TRUCKING ASSNS, INC	10,000.00	
JOHN K. MEAGHER, 1155 15TH ST., N.W. SUITE 1004 WASHINGTON DC 20005	LTV CORPORATION	2,500.00	640.00
JOSEPH J. MEDER, SUITE 1100 1050 17TH ST., NW WASHINGTON DC 20036	INTERLAKE, INC	9,000.00	
DAVID O. MEEKER, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	1,500.00	
WILLIAM H. MEGONNELL, 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	415.59	203.31
RICHARD A. MEHLER, 1742 N ST., NW WASHINGTON DC 20036	AUTOMOTIVE PARTS REBUILDERS ASSN		
STEPHEN J. MELMAN, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
HOWARD H. MENAKER, 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
MENDELSOHN ASSOCIATES, INC., 1826 JEFFERSON PLACE, NW, #101 WASHINGTON DC 20036	AMERICAN PRESIDENT LINES		
Do	WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS		
EDWARD L. MENNING, 1522 K STREET N.W. SUITE 836 WASHINGTON DC 20005	ASSOCIATION OF FEDERAL VETERINARIANS		
ELLIS E. MEREDITH, 1611 NORTH KENT ST. ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC		
EDWARD A. MERLIS, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	GROCERY MANUFACTURERS OF AMERICA, INC.	94.50	
EDWARD L. MERRIGAN, 6000 CONNECTICUT AVE., NW WASHINGTON DC 20815	CENTRAL GULF LINES, INC.	5,000.00	168.44
Do	NATIONAL ASSN OF RECYCLING INDUSTRIES, INC	15,000.00	367.86
MERRILL LYNCH & CO., INC., SUITE 906 1828 L STREET, NW WASHINGTON DC 20036		4,950.00	
SHARON L. MESSINGER, SUITE 202 5431 CONNECTICUT AVE., NW WASHINGTON DC 20015	BOEING COMPUTER SERVICES		
JEAN L. MESTRES, 1747 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	884.00	882.13
WILLIAM M. METHENITIS, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)	950.00	
METZGER, SHADYAC & SCHWARZ, ONE FARRAGUT SQUARE SOUTH, 9TH FL WASHINGTON DC 20006	MELEX USA, INC		
M. BARRY MEYER, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	ALUMINUM ASSN		
LARRY D. MEYERS, 1015 18TH STREET, NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	25,000.00	2,888.48
JAMES G. MICHAUX, 1200 NEW HAMPSHIRE AVENUE, NW, #430 WASHINGTON DC 20036	FEDERATED DEPT STORES, INC	500.00	
LAURIE L. MICHEL, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NABISCO, INC.	4,300.00	1,000.00
RONALD A. MICHIELI, SUITE 1032 425 13TH ST., NW WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
CHARLES J. MICOLEAU, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ANDREW L. LUI AND ASPEN TECHNOLOGY, INC.	1,128.96	642.92
MID CONTINENT WILDCATTERS ASSN., 200 DOUGLAS BLDG. WICHITA KS 67202		54,973.00	7,729.00
MID-CONTINENT OIL & GAS ASSN, 711 ADAMS OFFICE BLDG. TULSA OK 74103		2,851.56	18,683.28
MID-CONTINENT TELEPHONE CORPORATION, 100 EXECUTIVE PARKWAY HUDSON OH 44236			10,211.44
JOY MIDMAN, 1319 F ST., NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	200.00	
MILBANK, TWEED, HADLEY & MCCLOY, 1825 EYE STREET, NW, #900 WASHINGTON DC 20006	JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY		
Do	JOINT TASK FORCE ON FEDERAL FINAN. ASSIST. FOR LAW STUDENTS		
Do	LASALLE NATIONAL BANK		
Do	MUTUAL LIFE INSURANCE COMPANY OF NEW YORK		
Do	NEW YORK LIFE INSURANCE COMPANY		
Do	PRUDENTIAL LIFE INSURANCE COMPANY OF AMERICA		
MILES & STOCKBRIDGE, SUITE 500 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	BLACK AND DECKER MANUFACTURING COMPANY		150.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	PEPSICO, INC		155.00
Do	PIZZA HUT, INC		225.00
FRED MILLAR, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	273.20	
KATHERINE MILLARD, 1319 F STREET, NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	50.00	
ROY H. MILLENSON, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	750.00	158.96
MILLER & CHEVALIER CHARTERED, METROPOLITAN SQUARE 655 15TH STREET, NW WASHINGTON DC 20005	BARKLEY COMPANY OF ARIZONA	7,718.07	
Do	WEBSTER, JEPPSON, JONES & AGRAN		190.89
MILLER ASSOCIATES, INC., 2500 QUE ST.,NW WASHINGTON DC 20007	TOSCO CORPORATION	1,500.00	46.50
DALE MILLER, 4000 RENO ROAD, NW WASHINGTON DC 20008	GULF INTRACOASTAL CANAL ASSN		
Do	TEXASGULF, INC		
DEBORAH IMLE MILLER, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
JAMES C. MILLER, 1616 H ST, NW WASHINGTON DC 20006	NATIONAL GRANGE	3,315.00	
JOHN R. MILLER, 1750 MIDLAND BUILDING CLEVELAND OH 44115	STANDARD OIL CO (OHIO)		
JOSEPH E. MILLER JR., 1608 K STREET, NW WASHINGTON DC 20006	AMERICAN LEGION	5,892.00	16.40
PAUL J. MILLER, 8000 SEARS TOWER CHICAGO IL 60606	INVESTMENT COUNSEL ASSN OF AMERICA, INC.		
RICHARD G. MILLER, 1101 14TH STREET, NW, #200 WASHINGTON DC 20005	AMERICAN NURSES' ASSN	3,836.64	1,178.57
ROBERT H. MILLER, 490 L'ENFANT PLAZA EAST, SW, #2202 WASHINGTON DC 20024	TENNECO INC		
ROBERTA BALSTAD MILLER, SUITE 300 1755 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS	210.00	13.70
ROBIN MILLER, 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	85.50	
STEVEN T. MILLER, 1607 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	AUTO INTERNACIONAL ASSN	240.00	112.80
Do	COALITION OF AUTOMOTIVE ASSNS		
Do	SPECIALTY EQUIPMENT MARKET ASSN		
MILLER, CASSIDY, LARROCA & LEWIN, SUITE 500 2555 M ST., NW WASHINGTON DC 20037	NATIONAL PUBLIC RADIO		
C.G. PETE MILLIGAN, 4360 N.E. JOE'S POINT STUART FL 33494	AMERICAN TELEPHONE & TELEGRAPH CO	814.04	81.72
CHRISTINE TOPPING MILLIKEN, 1717 MASSACHUSETTS AVE., #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	6,314.00	64.00
JOHN C. MILLINER P.O. BOX 1788 FOREST PARK GA 30051	SOUTHEASTERN LUMBER MANUFACTURERS ASSN		
RICHARD M. MILLMAN, P.C., 1420 16TH STREET, NW WASHINGTON DC 20036	HOUSE OF REPRESENTATIVES, SAN JUAN, PR		
Do	SENATE OF PUERTO RICO		
JOHN F. MILLS, 1875 I ST., NW WASHINGTON DC 20006	TOBACCO INSTITUTE		
EDWARD J. MILNE JR., 250 OLD COUNTRY ROAD MINEOLA NY 11501	LONG ISLAND LIGHTING COMPANY	2,106.00	1,238.62
RICHARD V. MINCK, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	500.00	
MINERAL EXPLORATION COALITION, INC, P.O. BOX 15638 LAKEWOOD CO 80215		60.00	112.10
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO, P.C., 1825 I STREET, NW, #1025 WASHINGTON DC 20006	GENERAL TELEPHONE & ELECTRONICS	1,500.00	
Do	HOME RECORDING RIGHTS COALITION	8,000.00	
Do	HOUGHTON MIFFLIN COMPANY	4,000.00	
Do	TURNER BROADCASTING SYSTEM, INC	10,000.00	
THOMAS B. MIRANDA, 410 FIRST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	1,850.00	55.75
STAFFORD MICHAEL MISHOE, P.O. BOX 10383 DES MOINES IA 50306	NATIONAL PORK PRODUCERS COUNCIL	225.00	170.00
THOMAS F. MITCHELL, 1875 I STREET, NW, #470 WASHINGTON DC 20006	GEORGIA-PACIFIC CORP		375.00
STACEY J. MOBLEY, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		90.00
TERRENCE W. MODGLIN, 2001 S ST., NW, #500 WASHINGTON DC 20009	AMERICAN INSTITUTE OF MERCHANT SHIPPING		
KENNETH E. MOFFETT, 805 THIRD AVENUE NEW YORK NY 10022	MAJOR LEAGUE BASEBALL PLAYERS ASSN		
ROBERT M. MOLITER, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO		
JOHN V. MOLLER, 1155 15TH ST., NW SUITE 1010 WASHINGTON DC 20005	MANCHESTER ASSOCIATES, LTD. (FOR: NISSAN MOTOR COMPANY, LTD.)	3,281.00	
ROBERT A. MOLOFSKY, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO	5,000.00	33.00
MICHAEL J. MOLONEY, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	60.00	
C. MANLY MOLPUS, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	1,000.00	
HERMAN J. MOLZAHN, 1600 WILSON BLVD., #1101 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
CHRISTOPHER MONEK, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
CHARLES A. MONFORT, SUITE 1101 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	UNION OF CONCERNED SCIENTISTS	4,900.00	5,409.04
JOHN M. MONLEY, SUITE 600 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP.		
ELIZABETH R. MONRO, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	5,000.00	
MARY MONROE, 1919 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	INTERNATIONAL AIRLINE PASSENGERS ASSN, INC	600.00	461.00
MICHAEL MONRONEY, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
STEVEN M. MOODIE, 910 16TH STREET ROOM 302 WASHINGTON DC 20006	FEDERATION OF AMERICAN CONTROLLED SHIPPING	491.66	
JAMES P. MOONEY, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	5,700.00	
ALAN J. MOORE, SUITE 840, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	ATCHISON, TOPEKA & SANTA FE RAILWAY CO	1,000.00	
JANIS E. MOORE, 1776 F ST., NW WASHINGTON, DC 20006	NATIONAL ASSN OF MANUFACTURERS	250.00	
VINCENT L. MORELLI, 2550 M ST., NW SUITE 225 WASHINGTON DC 20037	CONGOLEUM CORPORATION	399.00	1,593.01
MORGAN, LEWIS & BOCKIUS, SUITE 800 NORTH 1800 M ST., NW WASHINGTON DC 20036	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT		
Do	KNOLL FINE CHEMICALS, INC		
JEANNE MORIN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	700.00	192.22
ROBERT E. MORIN, 600 NEW HAMPSHIRE AVENUE, NW, #354 WASHINGTON DC 20037	SOCIETY OF REAL ESTATE APPRAISERS		
JAMES A. MORRILL, SCOTT PLAZA I PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	2,250.00	1,603.22
MARTIN S. MORRIS, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
MORRISON & FOERSTER, 1920 N STREET, NW, #800 WASHINGTON DC 20036	CITY AND COUNTY OF SAN FRANCISCO		
Do	CROCKER NATIONAL BANK	1,170.00	125.00
Do	MASTERCARD INTERNATIONAL, INC	2,880.00	125.00
Do	ROSENBERG REAL ESTATE EQUITY FUND, INC	1,900.00	125.00
WILLIAM C. MORRISON, 2001 NORTH ADAMS ST. ARLINGTON VA 20001	MEAT IMPORTERS COUNCIL OF AMERICA, INC	875.00	
VALERIE T. MORSE, 453 NEW JERSEY AVENUE, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
FRANK D. MORUZZI, SUITE 500 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	ITALIAN AEROSPACE INDUSTRIES (U.S.A.), INC		
JOHN H. MOSEMAN, 1875 EYE STREET, NW, #1025 WASHINGTON DC 20006	COALITION OF HIGHER EDUCATION ASSISTANCE ORGANIZATIONS		
GEORGE R. MOSES, 1341 G STREET, NW, #202 WASHINGTON DC 20005	M/A-COM, INC	600.00	132.51
RUSSELL N. MOSHER, SUITE 160 950 N. GLEBE RD. ARLINGTON VA 22203	AMERICAN BOILER MANUFACTURERS ASSN, INC		
MOSS ASSOCIATES, INC, 2440 VIRGINIA AVENUE, NW WASHINGTON DC 20037	ASSOCIATION OF BANK HOLDING COS	900.00	
BERNARD MOSS, 2440 VIRGINIA AVE., NW WASHINGTON DC 20037	ASSOCIATION OF BANK HOLDING COS	900.00	
THOMAS MOSTOWY, 201 MASSACHUSETTS AVENUE, NE, #319 WASHINGTON DC 20002	HALT, INC	14,000.00	6,150.60
LYNN E. MOTE, 1015 15TH ST., NW, #900 WASHINGTON DC 20005	INTERNORTH	2,000.00	
MOTION PICTURE ASSN OF AMERICA, INC, 1600 EYE STREET, NW WASHINGTON DC 20006		71,817.46	10,329.75
JOHN J. MOTLEY, SUITE 695 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION, 1120 19TH ST., NW SUITE 333 WASHINGTON DC 20036			3,202.22
MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC., 300 NEW CENTER BLDG. DETROIT MI 48202		2,079.40	2,079.40
MOUNTAIN WEST ASSOCIATES, SUITE 880 2121 K ST., NW WASHINGTON DC 20037	GREAT NATIONAL CORPORATION	3,000.00	179.38
Do	PUBLIC SERVICE COMPANY OF NEW MEXICO	10,250.00	773.00
Do	UTAH POWER & LIGHT CO.	22,023.00	5,695.90
WILLIAM G. MULLEN, SUITE 1037 1133 15TH ST., NW WASHINGTON DC 20006	THIRD CLASS MAIL ASSOCIATION	600.00	
JOHN P. MULLIGAN, 1101 17TH ST., NW WASHINGTON DC 20036	TUNA RESEARCH FOUNDATION	1,590.00	
ALBERT E. MULLIN JR., 111 POWDERMILL RD. (B79) MAYNARD MA 01754	DIGITAL EQUIPMENT CORPORATION	12,500.00	
TRACY MULLIN, 1000 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	150.00	20.00
ROBERT J. MULLINS, SUITE 202 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	8,960.00	18.00
DANIEL J. MUNDY, 815 16TH ST., NW, #603 WASHINGTON DC 20006	BUILDING & CONSTRUSTION TRADES DEPT., AFL-CIO		6,147.61
PATRICIA MUNOZ, 323 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	AMERICAN RIVERS CONSERVATION COUNCIL		
C. LEON MURPHY, P.O. BOX 12910 CHARLESTON SC 29412	KIAWAH ISLAND CO, LTD		
JEANNE MARIE MURPHY, 1625 MASSACHUSETTS AVE., N.W. # 202 WASHINGTON DC 20036	INDEPENDENT BANKERS ASSOCIATION OF AMERICA	8,250.00	84.19
K. R. MURPHY, 1025 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	GULF OIL CORPORATION	1,000.00	
RICHARD E. MURPHY, 2020 K ST., NW, #200 WASHINGTON DC 20006	SERVICE EMPLOYEES INTL UNION, AFL-CIO	1,000.00	992.94
RICHARD W. MURPHY, 1401 NEW YORK AVENUE, NW, #400 WASHINGTON DC 20005	NATIONAL FOOD PROCESSORS ASSN	500.00	146.36
MURRAY & SCHEER, SUITE 695 2550 M ST., NW WASHINGTON DC 20037	CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROADS	400.00	
Do	CLEVELAND CLIFFS IRON CO	250.00	
Do	CONNECTICUT MUTUAL LIFE INSURANCE CO	500.00	
Do	IRON ORE LESSORS ASSOCIATION	250.00	
Do	LTV CORPORATION	450.00	
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	500.00	
Do	MUTUAL BENEFIT LIFE	500.00	
Do	NATIONAL BUSINESS AIRCRAFT ASSN	500.00	
Do	NATIONAL COUNCIL OF COAL LESSORS, INC	300.00	
Do	NEW ENGLAND MUTUAL LIFE INSURANCE CO.	500.00	
Do	PENN MUTUAL LIFE INSURANCE CO	100.00	
Do	SWAZILAND SUGAR ASSN	500.00	
GORDON L. MURRAY, SUITE 1002 1911 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	LEAR SIEGLER, INC./ENERGY PRODUCTS DIV	66.00	66.00
WILLIAM E. MURRAY, 1800 MASS. AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	179.50	
CRAIG E. MUSICK, 5913 OAKLAND PARK DRIVE BURKE VA 22015	AMERICAN TRADE AND FINANCE COMPANY	10,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
LAWRENCE P. MUTTER, 6849 OLD DOMINION DR. MCLEAN VA 22102	AUTOMOTIVE PARTS REBUILDERS ASSN		
FRED J. MUTZ, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	2,700.00	15.00
GARY D. MYERS, 1015 18TH STREET, NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	4,500.00	
CLIFFORD M. NAEVE, SUITE 503 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	MID-CONTINENT OIL & GAS ASSN	3,169.80	13.75
ALAN Y. NAFTALIN, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)		
NANCY A. NAGY, SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC	68.13	25.00
LINDA K. NAIDA, 1616 H STREET, NW WASHINGTON DC 20006	NATIONAL GRANGE	875.00	
ANNETTE NAJJAR, 2033 M ST., NW, #900 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
JULIA NANAY, 2550 M STREET, NW WASHINGTON DC 20037	CHARTER OIL CO		133.76
JOHN L. NAPIER, 232 EAST CAPITOL ST. WASHINGTON DC 20003	DARE COUNTY OREGON INLET COMMISSION	14,000.00	951.09
Do	FLUE CURED TOBACCO STABILIZATION CORPORATION	6,000.00	174.03
Do	GENERAL MILLS CORPORATION	5,000.00	154.33
Do	NATIONAL BEER WHOLESALERS' ASSN OF AMERICA, INC	25,000.00	587.41
Do	TURNER BROADCASTING SYSTEM, INC		
Do	DON WALLACE ASSOCIATES, INC		
NATA, SUITE 1200 1000 CONNECTICUT AVE., NW WASHINGTON DC 20006			
FRANCES E NATHAN, 455 FIFTH AVENUE NEW YORK NY 10016	NEW YORK PUBLIC LIBRARY		
HARDY L. NATHAN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	900.00	
RAYMOND NATHAN, 4242 EAST-WEST HWY CHEVY CHASE MD 20815	AMERICAN ETHICAL UNION	555.00	271.60
NATIONAL ABORTION RIGHTS ACTION LEAGUE, 1424 K ST., NW WASHINGTON DC 20005		6,625.02	
NATIONAL AGRICULTURAL CHEMICALS ASSN, 1155 15TH ST., NW WASHINGTON DC 20005		15,148.15	15,148.15
NATIONAL AIR CARRIER ASSN, SUITE 710 1730 M ST., NW WASHINGTON DC 20036			
NATIONAL ASSN FOR NEIGHBORHOOD SCHOOLS, INC, P.O. BOX 14887 COLUMBUS OH 43214		4,367.79	3,075.49
NATIONAL ASSN FOR UNIFORMED SERVICES, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151		2,346.03	2,490.97
NATIONAL ASSN OF AIRCRAFT & COMMUNICATIONS SUPPLIERS, INC, 23871 MADISON TORRANCE CA 90505		7,400.00	11,110.96
NATIONAL ASSN OF BEVERAGE IMPORTERS, 1025 VERMONT AVENUE, NW, #1205 WASHINGTON DC 20005			
NATIONAL ASSN OF CHAIN DRUG STORES, INC., P.O. BOX 1417-D49 ALEXANDRIA VA 22313			9,939.83
NATIONAL ASSN OF FEDERAL VETERINARIANS, SUITE 836 1522 K ST., NW WASHINGTON DC 20005			34.92
NATIONAL ASSN OF FEDERALLY LICENSED FIREARMS DEALERS, 2801 E. OAKLAND PARK BLVD. FT. LAUDERDALE FL 33306			
NATIONAL ASSN OF HOMES FOR CHILDREN, 104 EAST 35TH ST. NEW YORK NY 10016			1,800.00
NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES, SUITE 503 1717 MASSACHUSETTS AVE., NW WASHINGTON DC 20036.		278,149.00	150,227.00
NATIONAL ASSN OF MANUFACTURERS, 1776 F ST., NW WASHINGTON DC 20006		56,988.76	56,988.76
NATIONAL ASSN OF MUTUAL INSURANCE COS., 3707 WOODVIEW TRACE P.O. BOX 68700 INDIANAPOLIS IN 46268			
NATIONAL ASSN OF PENSION CONSULTANTS & ADMINISTRATORS, INC, SUITE 300 3 PIEDMONT CENTER ATLANTA GA 30305		875.00	2,611.79
NATIONAL ASSN OF PHARMACEUTICAL MANUFACTURERS, 1401 S. EDGEWOOD STREET, #481 ARLINGTON VA 22204			
NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC., 1101 17TH ST., NW SUITE 700 WASHINGTON DC 20036			1,650.00
NATIONAL ASSN OF STEVEDORES, 2011 I STREET, NW, #601 WASHINGTON DC 20006		40,400.00	13,770.00
NATIONAL ASSN OF TRUCK STOP OPERATORS, INC, SUITE 505 700 N. FAIRFAX ST. ALEXANDRIA VA 22314			
NATIONAL ASSN OF WHEAT GROWERS, SUITE 300 415 2ND ST., NE WASHINGTON DC 20002		7,007.50	7,024.38
NATIONAL AUDIO-VISUAL ASSN, INC, 3150 SPRING ST. FAIRFAX VA 22031		14,479.00	3,928.50
NATIONAL BROILER COUNCIL, 1155 15TH ST., NW WASHINGTON DC 20005		1,750.00	1,750.00
NATIONAL BUSINESS AIRCRAFT ASSN, ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006			
NATIONAL CABLE TELEVISION ASSN, INC, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		14,368.75	30,421.75
NATIONAL CATTLEMEN'S ASSN, 5420 S. QUEBEC ST. P.O. BOX 3469 ENGLEWOOD CO 80155			3,000.00
NATIONAL CITIZENS' LOBBY, INC, 934 FIRST CAPITOL DRIVE ST. CHARLES MO 63301		84.00	3,888.00
NATIONAL CLUB ASSOCIATION, 1625 EYE ST., NW, #609 WASHINGTON DC 20006			
NATIONAL COAL ASSN, COAL BLDG. WASHINGTON DC 20036		1,083,133.00	12,255.00
NATIONAL COALITION FOR MARINE CONSERVATION, INC., P.O. BOX 23298 SAVANNAH GA 31403		11,348.50	13,408.92
NATIONAL COMM FOR CITIZENS IN EDUCATION, SUITE 410 WILDE LAKE VILLAGE GREEN COLUMBIA MD 21044			
NATIONAL COMM ON SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS, BOX 1, 900 SOUTH 1800 M ST., NW WASHINGTON DC 20036.		8,341.00	8,341.00
NATIONAL COMMERCIAL FINANCE ASSOCIATION, ONE PENN PLAZA NEW YORK NY 10001		2,046.00	3,970.06
NATIONAL CONSUMERS LEAGUE, INC, 1522 K STREET, NW, #406 WASHINGTON DC 20005			277.31
NATIONAL COTTON COUNCIL OF AMER, P.O. BOX 12285 MEMPHIS TN 38182		13,391.84	13,301.84
NATIONAL COUNCIL FOR A WORLD PEACE TAX FUND, 2111 FLORIDA AVE., NW WASHINGTON DC 20008			
NATIONAL COUNCIL FOR RESPONSIBLE FIREARMS POLICY, INC, 7216 STAFFORD RD. ALEXANDRIA VA 22307			
NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, 435 SOUTHERN BLDG. 1425 H ST., NW WASHINGTON DC 20005		23,764.00	2,099.75
NATIONAL COUNCIL OF HEALTH CENTERS, 2600 VIRGINIA AVENUE, NW, #1100 WASHINGTON DC 20037		5,246.85	4,350.98
NATIONAL COUNCIL OF TECHNICAL SERVICE INDUSTRIES, SUITE 1190 1850 K STREET, NW WASHINGTON DC 20006		241.50	1,002.58
NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION, 1825 EYE STREET, NW, #1050 WASHINGTON DC 20006			
NATIONAL ELECTRICAL MFGRS ASSN, 2101 L ST., NW WASHINGTON DC 20037		3,119.64	3,119.64
NATIONAL FEDERATION OF BUSINESS & PROFESSIONAL WOMEN'S CLUBS, 2012 MASSACHUSETTS AVE., NW WASHINGTON DC 20036.		1,166,876.00	18,707.22
NATIONAL FEDERATION OF FEDERAL EMPLOYEES, 1016 16TH ST., NW WASHINGTON DC 20036		19,837.40	19,837.40
NATIONAL FEDERATION OF INDEPENDENT BUSINESS, 150 W. 20TH AVE. SAN MATEO CA 94403		12,250.00	12,250.00
NATIONAL FERTILIZER SOLUTIONS ASSN, 8823 NORTH INDUSTRIAL ROAD PEORIA IL 61615		3,003.52	3,003.52
NATIONAL FOOD PROCESSORS ASSN., 1401 NEW YORK AVENUE, NW, #400 WASHINGTON DC 20005		1,984.86	1,984.86
NATIONAL GRAIN & FEED ASSN, 725 15TH ST., NW WASHINGTON DC 20005			15.00
NATIONAL GRANGE, 1616 H ST., NW WASHINGTON DC 20006		12,500.00	9,662.50
NATIONAL GUARD ASSN OF THE U.S., ONE MASSACHUSETTS AVE., NW WASHINGTON DC 20001		765,806.50	4,698.35
NATIONAL LEAGUE OF POSTMASTERS OF THE U.S., 1023 NORTH ROYAL STREET ALEXANDRIA VA 22314			22,952.00
NATIONAL LEASED HOUSING ASSN, SUITE 400 SOUTH 1800 M ST., NW WASHINGTON DC 20036		450.00	450.00
NATIONAL LIMESTONE INST, INC, 1840 WILSON BLVD., #203 ARLINGTON VA 22201		19,662.64	19,662.64
NATIONAL LOTTERY ASSOCIATION, P.O. BOX 13365 LAS VEGAS NV 89112		187.00	419.87
NATIONAL MARITIME COUNCIL, 1748 N ST., NW WASHINGTON DC 20036			
NATIONAL MILK PRODUCERS FEDERATION, 1840 WILSON BLVD. ARLINGTON VA 22201		8,881.45	8,881.45
NATIONAL MOTORSPORTS COMM OF ACCUS, SUITE 1204 1701 K ST., NW WASHINGTON DC 20006		39.56	
NATIONAL MULTIFAMILY HOUSING FINANCE ASSOCIATION, 1220 19TH STREET, NW, #400 WASHINGTON DC 20036			2,864.75
NATIONAL OFFICE MACHINE DEALERS ASSOCIATION, 810 LIVELY BLVD., P.O. BOX 707 WOOD DALE IL 60191		26.00	2.55
NATIONAL OIL JOBBERS COUNCIL, INC., 1707 H ST., NW 11TH FLOOR WASHINGTON DC 20006		194,105.75	13,865.50
NATIONAL PARKING ASSOCIATION, 2000 K ST., NW, #350 WASHINGTON DC 20036			40,421.75
NATIONAL PEACE ACADEMY CAMPAIGN, SUITE 409 110 MARYLAND AVE., NE WASHINGTON DC 20002		88,029.56	106,330.02
NATIONAL PEACH COUNCIL, P.O. BOX 1085 MARTINSBURG WV 25401			
NATIONAL PEST CONTROL ASSN, 8100 OAK ST. DUNN LORING VA 22027			
NATIONAL PUBLIC AFFAIRS CORP., ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	300.00	
NATIONAL REHABILITATION ASSN, 633 S. WASHINGTON ST. ALEXANDRIA VA 223L4			4,500.00
NATIONAL RETAIL MERCHANTS ASSN, 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			4,950.00
NATIONAL RIGHT TO WORK COMMITTEE, SUITE 600 8001 BRADDOCK RD. SPRINGFIELD VA 22160		10,267.05	10,267.05
NATIONAL RURAL ELECTRIC COOPERATIVE ASSN, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			3,601.06
NATIONAL SAVINGS & LOAN LEAGUE, SUITE 400 1101 15TH ST., NW WASHINGTON DC 20005		20,542.36	122.35
NATIONAL SECURITY TRADERS ASSN, INC, SUITE 4511 ONE WORLD TRADE CENTER NEW YORK NY 10048			3,750.00
NATIONAL SMALL BUSINESS ASSN, 1604 K ST., NW WASHINGTON DC 20006		5,000.00	195.10
NATIONAL SMALL BUSINESS INDEX, R.R. #1 AITKIN MN 56431			
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS, 2029 K ST., NW WASHINGTON DC 20006		12,500.00	8,850.00
NATIONAL SOFT DRINK ASSN, 1101 16TH ST., NW WASHINGTON DC 20036			42,697.27
NATIONAL SOLID WASTES MANAGEMENT ASSN, SUITE 930 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036			
NATIONAL TAX EQUALITY ASSN, 1000 CONNECTICUT AVNEUE, NW, #615 WASHINGTON DC 20036		4,247.50	6,362.30
NATIONAL TAX LIMITATION COMMITTEE, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005		7,100.00	7,155.00
NATIONAL TIRE DEALERS & RETREADERS ASSN, 1250 EYE STREET, NW, #400 WASHINGTON DC 20005		11,315.00	11,315.00
NATIONAL VICTIMS OF CRIME, 715 EIGHTH STREET, NW WASHINGTON DC 20003			
NATIONAL-AMERICAN WHOLESALE GROCERS' ASSN, 201 PARK WASHINGTON COURT FALLS CHURCH VA 22046		3,000.00	3,000.00
SUSAN BINGHAM NEAL, SUITE 695 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
KAREN J. NEALE, 2501 M STREET N.W. WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
ALAN M. NEDRY, 1111 19TH ST., NW, #303 WASHINGTON DC 20036	SOUTHERN CALIFORNIA EDISON CO	50.00	50.00
ALLEN NEECE JR., 1050 17TH STREET, NW WASHINGTON DC 20036	NEECE, CATOR & ASSOCIATES, INC (FOR: ASSOCIATION OF SMALL BUSINESS DEVELOPMENT CENTERS).	1,400.00	430.00
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: NATIONAL VENTURE CAPITAL ASSN)	1,500.00	1,300.00
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: SMALL BUSINESS UNITED)	1,700.00	1,700.00
NEECE, CATOR & ASSOCIATES, INC, 1050 17TH STREET, NW WASHINGTON DC 20036	ASSOCIATION OF SMALL BUSINESS DEVELOPMENT CENTERS	1,400.00	430.00
Do	NATIONAL ASSN OF BUSINESS DEVELOPMENT CORPS	200.00	
Do	NATIONAL ASSN OF DEVELOPMENT COMPANIES (NADCO)	250.00	
Do	NATIONAL VENTURE CAPITAL ASSOCIATION	1,500.00	1,300.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	SMALL BUSINESS UNITED	1,700.00	1,700.00
Do	SOUTHEASTERN LUMBER MANUFACTURERS ASSN (SLMA)	1,800.00	720.00
C. B. NEELY JR., P.O. BOX 829 RALEIGH NC 27602	BENEFICIAL MANAGEMENT CORP OF AMERICA		
FRANCES E. NEELY, 245 2ND ST., NE WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	3,845.76	
MARY ELIZABETH NEESE, 1101 15TH ST., NW, #400 WASHINGTON DC 20005	NATIONAL SAVINGS & LOAN LEAGUE	1,000.00	
STANLEY NEHMER, 1320 19TH STREET, NW, #600 WASHINGTON DC 20036	LEAD-ZINC PRODUCERS COMMITTEE	500.00	350.00
NEILL & COMPANY, INC, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	ARAB REPUBLIC OF EGYPT		1,100.00
Do	GOVERNMENT OF EL SALVADOR		
Do	HASHEMITE KINGDOM OF JORDAN		
NEILL & MULLENHOLZ, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	GOVERNMENT OF EL SALVADOR	70,000.00	1,400.00
Do	HASHEMITE KINGDOM OF JORDAN	55,000.00	200.00
Do	NATIONAL FARM & POWER EQUIPMENT DEALERS ASSN	1,500.00	
Do	SENIOR EXECUTIVES ASSN	3,000.00	150.00
MARK D. NELSON, SUITE 900 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20036	E. I. DU PONT DE NEMOURS & CO		
THOMAS C. NELSON, 1920 N STREET,N.W. WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
A. S. NEMIR ASSOCIATES, SUITE 1230 PENNSYLVANIA BUILDING WASHINGTON DC 20004	BRAZILIAN SUGAR & ALCOHOL INSTITUTE		737.11
MILTON E. NESHEK, THE GODFREY BLDG. 11 N. WISCONSIN ST. ELKHORN WI 53121	KIKKOMAN FOODS, INC		
MAL NESTLERODE, SUITE 700 1111 NORTH 19TH STREET ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	1,400.00	
GIL NETTLETON, 4101 CATHEDRAL AVENUE, NW WASHINGTON DC 20016	CHARLES E. GOODELL (FOR THOMSON-CSF, INC)	1,075.00	148.83
Do	DGA INTERNATIONAL, INC (FOR SNECMA)		
NETWORK, 806 RHODE ISLAND AVE., NE WASHINGTON DC 20018		34,326.96	40,943.91
E. JOHN NEUMANN, SUITE 820 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	BALTIMORE GAS & ELECTRIC CO	1,530.34	1,356.29
CARLA NEUSCHEL, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	2,047.00	
NEW YORK COMM OF INTL COMM OF PASSENGER LINES, 74 TRINITY PLACE NEW YORK NY 10006			
LESLIE F. NEWCOMER, 226 W. RITTENHOUSE SQUARE PHILADELPHIA PA 19103	PHILADELPHIA NATIONAL BANK	400.00	
KATHRYN L. NEWMAN, 1101 15TH ST., NW WASHINGTON DC 20005	REPUBLIC STEEL CORP		
THOMAS E. NEWMAN, 1719 ROUTE 10 PARSIPPANY NJ 07054	NATIONAL ASSN OF MANUFACTURERS	250.00	
WILLIAM B. NEWMAN,JR., P.O. BOX 23451 WASHINGTON DC 20024	CONSOLIDATED RAIL CORPORATION	3,850.00	
JANET G. NEWPORT, 1707 H ST., NW, 11TH FL. WASHINGTON DC 20006	NATIONAL OIL JOBBERS COUNCIL	5,000.00	243.50
CHARLES E. NICHOLS, 101 CONSTITUTION AVE., NW WASHINGTON DC 20001	UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA	22,750.00	1,450.83
NICHOLAS JOHN NICHOLS, 1620 EYE ST., NW WASHINGTON DC 20006	AMERICAN INST OF CERTIFIED PUBLIC ACCOUNTANTS		
ROBERT W. NICHOLS, 1146 19TH STREET, NW, 3RD FLOOR SUITE 1033 WASHINGTON DC 20036	CONSUMERS UNION OF U.S., INC	6,000.00	30.00
NICKERSON INGRAM & ASSOCIATES, INC, 1150 17TH STREET, NW WASHINGTON DC 20036	FEDERAL LAW ENFORCEMENT OFFICERS ASSN		
Do	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY		
Do	ORANGE COUNTY TRANSIT DISTRICT	4,987.50	
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT	4,987.50	
Do	SYSTEMS CONTROL TECHNOLOGY, INC	1,750.00	
WILLIAM W. NICKERSON, SUITE 607 1150 17TH ST., NW WASHINGTON DC 20036	MASSACHUSETTS BAY TRANSIT AUTHORITY		
PATRICK J. NILAN, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	10,948.24	1,862.01
NISSAN MOTOR COMPANY, LTD., P.O. BOX 1606 560 SYLVAN AVENUE ENGLEWOOD CLIFFS NJ 07632			
NISSAN MOTOR CORPORATION IN U.S.A., 1919 PENNSYLVANIA AVENUE, NW, #707 WASHINGTON DC 20006			190.97
LOIS A. NOACK, 1828 L STREET, NW, #906 WASHINGTON DC 20036	MERRILL LYNCH & CO, INC		
ROBERT W. NOLAN, 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN	100.00	
WALKER, F. NOLAN, 1111-19TH STREET, NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	2,727.00	988.90
H. CHRISTOPHER NOLDE, 2501 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
CHARLES M. NOONE, 490 L'ENFANT PLAZA EAST SUITE 3306 WASHINGTON DC 20024	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	1,800.00	164.99
M. KATHRYN NORDSTROM, SUITE 900 ONE THOMAS CIRCLE, NW WASHINGTON DC 20005	PACIFIC SEAFOOD PROCESSORS ASSN	3,750.00	92.65
JAMES O. E. NORELL, 733 15TH ST., NW WASHINGTON DC 20005	LEGAL SERVICES CORPORATION	60.40	
JOSEPH M. NORMANDY III, 1101 17TH STREET, NW WASHINGTON DC 20036	PRIVATE TRUCK COUNCIL OF AMERICA, INC		40.00
JULIA J. NORRELL, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	375.00	47.69
NORTH AMERICAN EXPORT GRAIN ASSN., INC., 1800 M ST., NW, SUITE 610-N WASHINGTON DC 20036			
NORTH AMERICAN TELECOMMUNICATIONS ASSOCIATION, 511 2ND ST., NE WASHINGTON DC 20002		25,700.00	25,700.00
EVANS W. NORTH, 1216 16TH STREET, NW WASHINGTON DC 20036			
J. HALLOCK NORTHCOTT, 1101 15TH ST., NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING CO	2,000.00	
NORTHEAST UTILITIES SERVICE CO, SELDEN ST. BERLIN CT 06037			2,043.98
MORGAN NORVAL, 1202 S. WASHINGTON ST., #2 ALEXANDRIA VA 22314	CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS	300.00	
MICHAEL NOVELLI, 3012 CAMBRIDGE PLACE, NW WASHINGTON DC 20007	PACIFIC POTOMAC SERVICES		
P. MICHAEL NUGENT, 229 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	240.00	144.00
RALPH D. NURNBERGER, SUITE 412 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	10,133.52	
FRANKLIN W. NUTTER, 1025 CONNECTICUT AVE., NW, #512 WASHINGTON DC 20036	REINSURANCE ASSN OF AMER		
MARK J. NUZZACO, 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	5,500.00	500.00
C.D. NYBERG, P.O. BOX 800 AUSTIN MN 55912	GEO. A. HORMEL & CO		
HUBERT K. O'BANNON, P.O. BOX 23451 WASHINGTON DC 20024	CONSOLIDATED RAIL CORPORATION	2,050.00	
GEORGE O'BEA JR., 815 16TH ST., NW, #304 WASHINGTON DC 20006	UNITED PAPERWORKERS INT'L UNION		
COLEMAN C. O'BRIEN, 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	6,250.00	30.50
JOHN F. O'BRIEN, CONNECTICUT PETROLEUM COUNCIL 410 ASYLUM ST. HARTFORD CT 06103	AMERICAN PETROLEUM INST		
MARY EILEEN O'BRIEN, 1800 M ST., NW, SUITE 710 SOUTH WASHINGTON DC 20036	DOW CORNING CORPORATION		
ROSEMARY L. O'BRIEN, SUITE 640 2550 M ST., NW WASHINGTON DC 20037	CF INDUSTRIES, INC	500.00	194.43
DAVID S. O'BRYON, 1916 WILSON BLVD. ARLINGTON VA 22201	AMERICAN CHIROPRACTIC ASSN	450.00	129.15
DANIEL O'CONNELL, ONE POST OFFICE SQUARE BOSTON MA 02109	GADSBY & HANNAH (FOR: WANG LABORATORIES, INC)		
JAMES J. O'CONNELL, 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CONTROL DATA CORPORATION	1,395.00	689.55
RICHARD T. O'CONNELL, RICHARD T. O'CONNELL & ASSOCIATES, INC 3208 TRAVELER STREET FAIRFAX VA 22030	CHOCOLATE MANUFACTURERS ASSN OF THE USA	750.00	
Do	NATIONAL CONFECTIONERS ASSN OF THE U.S	750.00	730.72
TERRENCE M. O'CONNELL II , 444 N. CAPITOL STREET, #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)	9,000.00	
WILLIAM B. O'CONNELL, 111 EAST WACKER DR. CHICAGO IL 60601	U.S. LEAGUE OF SAVINGS INSTITUTIONS	17,500.00	1,897.36
O'CONNOR & HANNAN, 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	AMERICAN CLINICAL LABORATORY ASSN	1,400.00	
Do	AMERICAN FAMILY LIFE ASSURANCE CO		
Do	AUTOMOTIVE PARTS & ACCESSORIES ASSN		
Do	BLYTH EASTMAN PAINE WEBBER		
Do	BLYTH EASTMAN PAINE WEBBER HEALTH CARE FUNDING, INC		
Do	BORDEN, INC	250.00	
Do	CAMBRIDGE REDEVELOPMENT AUTHORITY		
Do	CITY OF MINNEAPOLIS	1,000.00	
Do	CNA INSURANCE	250.00	
Do	DOUGHERTY, DAWKINS, STRAND & YOST	1,500.00	
Do	ELECTRONIC DATA SYSTEMS CORPORATION	1,781.00	
Do	FAIRCHILD INDUSTRIES, INC	15,000.00	
Do	FIRST NATIONAL MONETARY CORPORATION	200.00	
Do	FIRST PENNSYLVANIA BANK		
Do	GLASS PACKAGING INSTITUTE	250.00	
Do	GOLDMAN SACHS & CO		
Do	GOVERNMENT OF SUDAN		
Do	GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO		
Do	HEALTH CARE FINANCING STUDY GROUP	4,400.00	
Do	HENNEPIN COUNTY	550.00	
Do	INSURANCE ASSN OF CONNECTICUT	49,540.00	
Do	INVESTMENT COMPANY INSTITUTE		
Do	INVESTORS DIVERSIFIED SERVICES, INC		
Do	ITEL CORPORATION		
Do	J. C. PENNEY CO, INC	250.00	
Do	JOSEPH E. SEAGRAM & SONS, INC	300.00	
Do	KANE PAPER CORPORATION		
Do	KIMBERLY-CLARK CORP	736.00	
Do	LORD, BISSELL & BROOK		
Do	MERRILL LYNCH WHITE WELD CAPITAL MARKETS GROUP		
Do	MILLER & SCHROEDER MUNICIPALS, INC	900.00	
Do	NATIONAL COAL CONSUMERS ALLIANCE	544.77	
Do	NATIONAL COMM FOR QUALITY HEALTH CARE	5,100.00	
Do	NATIONAL SECURITY & RETIREMENT PROGRAM		
Do	NEIGHBORHOOD TV COMPANY, INC		
Do	PADDOCK PUBLICATIONS, INC		
Do	PRUDENTIAL INSURANCE COMPANY OF AMERICA		
Do	RLC CORPORATION		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	SECURITIES INDUSTRY ASSN	13,735.00	
Do	TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY		
GEORGE E. O'CONNOR, 600 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20037	NEW YORK LIFE INSURANCE COMPANY	5,000.00	1,000.00
LEONARD F. O'CONNOR, 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
PATRICK C. O'CONNOR, KENT & O'CONNOR, INC 1919 PENNSYLVANIA AVE., NW, #300 WASHINGTON DC 20006	AMERICAN DENTAL HYGIENISTS ASSN		
Do	AMERICAN SUPPLY ASSOCIATION	3,883.62	1,474.50
Do	AMERICAN WAREHOUSEMEN'S ASSOCIATION	2,474.94	949.33
Do	MOTOR CARRIER LAWYERS ASSN	3,432.50	1,312.90
GRADY O'CUMMINGS III, 2128 ATLANTIC AVE. BROOKLYN NY 11233	NATIONAL COMMITTEE FOR POOR PEOPLE		
JOHN B. O'DAY, SUITE 590 1700 PENNSYLVANIA AVE., NW WASHINGTON, DC 20006	INSURANCE ECONOMICS SOCIETY OF AMERICA	2,000.00	
THOMAS A. O'DAY, 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	750.00	784.65
ASHTON J. O'DONNELL, 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL NATIONAL, INC		
JANE O'GRADY, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,441.31	116.38
BARBARA E. O'HARA, 4400 MACARTHUR BLVD., NW WASHINGTON DC 20007	AMERICAN SOCIETY OF TRAVEL AGENTS	100.00	
BARTLEY O'HARA, 25 LOUISIANA AVE., NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	9,574.85	
O'KEEFE ASHENDEN LYONS & WARD, ONE FIRST NATIONAL PLAZA - SUITE 5100 CHICAGO IL 60603	AMERICAN INVSCO CORPORATION		
KATHLEEN O'LEARY, 1625 EYE ST., N. W. ROOM 301 WASHINGTON DC 20006	COLUMBIA GAS DISTRIBUTION COMPANIES	3,500.00	264.47
O'MELVENY & MYERS, 1800 M ST., NW WASHINGTON DC 20036	AIR TRANSPORT ASSN OF AMERICA		
Do	SANTA FE INTERNATIONAL CORP		
O'NEILL AND HAASE, P.C., SUITE 1110 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ALLEGHENY COUNTY COMMISSION		
Do	BEER INDUSTRY ALLIANCE	2,100.00	
Do	BRIGHAM AND WOMEN'S HOSPITAL, INC		
Do	COMMERCIAL UNION ASSURANCE COMPANIES		
Do	CRUISE AMERICA LINE, INC	25,000.00	
Do	GLASS PACKAGING INSTITUTE		
Do	HARVARD MEDICAL CENTER		
Do	PHARMACEUTICAL MANUFACTURERS ASSN		
Do	PUGET SOUND POWER & LIGHT COMPANY	1,100.00	
Do	TEXAS UTILITIES SERVICES, INC		
Do	U.S. FOOTBALL LEAGUE		
Do	WESTINGHOUSE ELECTRIC CORP	500.00	
Do	MILK INDUSTRY FOUNDATION		
DONALD K. O'NEILL, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
J. DENIS O'TOOLE, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	4,500.00	
M. DIANE O'TOOLE, SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORP		330.04
STEPHEN E. O'TOOLE, 1660 L STREET, N.W. WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	1,631.10
HARRY R. OBLEY, MELLON SQUARE PITTSBURGH PA 15230	MELLON BANK N.A. AND MELLON NATIONAL CORP	2,000.00	888.99
G. H. OCHENRIDER, 1000 WILSON BLVD. ARLINGTON VA 22209	GRUMMAN AEROSPACE CORPORATION	7,500.00	657.78
T. J. ODEN, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	4,500.00	
BRADFORD C. OELMAN, 900 17TH STREET, NW, #508 WASHINGTON DC 20006	OWENS-CORNING FIBERGLAS CORPORATION		
OIL INVESTMENT INST, PO BOX 8293 WASHINGTON DC 20024			
R.Q. OLD AND ASSOCIATES, INC., 205 THE STRAND ALEXANDRIA VA 22314	GRUMMAN AEROSPACE CORPORATION	200.00	
Do	SPERRY ELECTRONIC SYSTEMS	100.00	
ALVIN E. OLIVER, 725 15TH ST., NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN		
AUSTIN P. OLNEY, 1333 NEW HAMPSHIRE AVE., NW, #1100 WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE (FOR: SHIPPING CORP OF INDIA, INC)		
DENNIS M. OLSEN, 485 E STREET IDAHO FALLS ID 83402	AETNA INSURANCE CO	.71	
Do	AMERICAN BANKERS INSURANCE OF FLORIDA	4.48	
Do	CENTENNIAL INSURANCE COMPANY	.33	
Do	CHARTER OAK INSURANCE	.34	
Do	FLORISTS' MUTUAL INSURANCE CO	1.68	
Do	FOREMOST INSURANCE CO	8.94	
Do	GREAT AMERICAN INSURANCE COMPANY	.96	
Do	MINNEHOMA INSURANCE COMPANY	.31	
Do	MONSANTO CO		
Do	NATIONAL FARMERS UNION PROPERTY & CASUALTY INSURANCE CO	1.58	
Do	STATE FARM FIRE AND CASUALTY CO	.78	
Do	STATE FARM INSURANCE COMPANY	6.44	
Do	STATE FARM MUTUAL AUTOMOBILE INSURANCE CO	10.49	
Do	TRAVELER'S INDEMNITY OF RHODE ISLAND	.42	
Do	TRAVELERS	9.29	
VAN R. OLSEN, 1156 15TH ST., NW, #1019 WASHINGTON DC 20006	U.S. BEET SUGAR ASSN		
ROY E. OLSON, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
ALAN M. OLSZEWSKI, 1608 K STREET, NW WASHINGTON DC 20006	AMERICAN LEGION	6,174.00	51.67
JOSEPH N. ONEK, ONEK, KLEIN AND FARR 2550 M STREET, NW, #250 WASHINGTON DC 20037	MAJOR LEAGUE BASEBALL PLAYERS ASSN	2,500.00	6.00
PHILIP C. ONSTAD, 500 WEST PUTNAM AVE. GREENWICH CT 06830	CONTROL DATA CORPORATION	50.00	303.40
MICHEL ORBAN, 125 BROAD STREET, 39TH FL. NEW YORK NY 10004	AMERICAN EXPRESS CO		
ORGAN. FOR ADVANCEMENT & PROTECTION OF SMALL TELEPHONE COS, 2301 M STREET, NW, #530 WASHINGTON DC 20037.		770.00	500.00
ABRAHAM ORLOFSKY, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,100.88	
LAW OFFICES OF JOSE SUITE 610 1101 14TH ST., NW WASHINGTON DC 20005	PUERTO RICO MAYORS ASSN		
HIDEAKI OTAKA, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC		
ROLAND A. OUELLETTE, 1660 L ST., NW, #501 WASHINGTON DC 20036	GENERAL MOTORS CORP	3,600.00	2,618.90
CLIFF OUSE, 1800 MASSACHUSETTS AVE., N.W. WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	100.00	
GENE E. OVERBECK, 1101 17TH STREET, NW WASHINGTON DC 20036	AMERICAN AIRLINES, INC	2,125.00	
JACK W. OWEN, SUITE 500 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN		
THOMAS J. OWENS, P.O. BOX 12266 SEATTLE WA 98102	DOLLAR SAVINGS BANK, ET AL	9,290.00	4,504.67
WILLIAM J. OWENS, 1745 JEFFERSON DAVIS HIGHWAY, #511 ARLINGTON VA 22202	MANUFACTURED HOUSING INSTITUTE	[illegible]	100.00
R. RAY PAABO, SUITE 840 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	1,000.00	
PACIFIC MANAGEMENT DYNAMICS CORP, SUITE 107 910 FLOEIN RD. SACRAMENTO CA 95831			
RONALD C. PADDOCK & COMPANY, 4655 N. ORACLE ROAD, #106 TUCSON AZ 85105	I.T.T. MEDTRONICS		
LEE W. PADEN, P.O. BOX 201 TULSA OK 74102	PUBLIC SERVICE COMPANY OF OKLAHOMA		
HENRY H. PAIGE, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	300.00	
GERI PALAST, SUITE 200 2020 K STREET, NW WASHINGTON DC 20006	SERVICE EMPLOYEES INTL UNION, AFL-CIO, CLC	5,000.00	251.88
JOHN M. PALATIELLO, 210 LITTLE FALLS STREET FALLS CHURCH VA 22046	AMERICAN CONG. ON SURVEY. & MAPP./AMER SOC OF PHOTOGRAMMETRY	8,642.34	864.73
HENRY S. PALAU, 201 N WASHINGTON ST. ALEXANDRIA VA 223L4	RETIRED OFFICERS ASSN	979.00	
ANDREW PALMER, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	561.43	
BRADLEY D. PALMER, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	2,400.00	
PALUMBO & CERRELL, 11 DUPONT CIRCLE, NW, #700 WASHINGTON DC 20036	NATIONAL SCHOOL TRANSPORTATION ASSN	1,500.00	
BENJAMIN L. PALUMBO, 11 DUPONT CIRCLE, NW, #700 WASHINGTON DC 20036	WESTINGHOUSE ELECTRIC CORP	3,500.00	
PETER J. PANTUSO, 7900 WESTPARK DRIVE, #514 MCLEAN VA 22102	NATIONAL CONFECTIONERS ASSN OF THE U.S.	600.00	22.25
FRED PANZER, 1875 EYE ST., NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	200.00	75.00
PAPERBOARD PACKAGING COUNCIL, SUITE 411 1101 VERMONT AVENUE, NW WASHINGTON DC 20005			
G. OLIVER PAPPS, N.J. PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST		
HARRIET PARCELLS, 317 PENNSYLVANIA AVE., S.E. WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	99.80	
HERSCHELL E. PARENT, ARKANSAS PETROLEUM COUNCIL 302 COMMERCIAL NATL. BANK BLDG. LITTLE ROCK AR 72201	AMERICAN PETROLEUM INST		
JOHN N. PARKER, 1100 CONNECTICUT AVE., NW SUITE 620 WASHINGTON DC 20036	MOBIL OIL CORP	375.00	
KEN PARMELEE, 1155 15TH ST., NW SUITE 611 WASHINGTON DC 20005	ETHYL CORPORATION	600.00	
TOM E. PARO, 1735 DESALES ST., NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC	1,350.00	
JACK PARTRIDGE, 1014 VINE ST. CINCINNATI OH 45201	KROGER COMPANY	2,000.00	396.71
ROBERT D. PARTRIDGE, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	520.00	
PASKUS, GORDON & HYMAN, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL MUSIC PUBLISHERS' ASSN		
DAVID J. PASSAMANECK, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
RICHARD M. PATTERSON, 1800 M ST., NW, #700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL CO	500.00	239.50
KENTON H. PATTIE, 3150 SPRING ST. FAIRFAX VA 22031	NATIONAL AUDIO-VISUAL ASSN, INC	3,337.50	
DAVID J. PATTISON, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC		
PATTON BOGGS & BLOW, SUITE 800 2550 M ST., NW WASHINGTON DC 20037	AIR PRODUCTS & CHEMICALS, INC	3,245.75	
Do	AIWA AMERICA, INC	11.29	.27
Do	AKAI AMERICA, LTD	25.74	.62
Do	ALUMINUM COMPANY OF AMERICA	311.50	65.00
Do	AMERICAN BROADCASTING CO	2,100.00	
Do	AMERICAN COLLEGE OF MORTGAGE ATTORNEYS	675.00	
Do	AMERICAN CONGRESS OF SURVEYING & MAPPING		
Do	AMERICAN INTERNATIONAL AUTOMOBILE DEALERS ASSN		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	AMERICAN MARITIME ASSN	4,592.50	477.25
Do	AMERICAN MOVERS CONFERENCE		
Do	AMERICAN SOCIETY OF ASSN EXECUTIVES		
Do	ARMCO, INC	311.50	65.00
Do	ARTPAC		
Do	ASOCIACION DE AZUCAREROS DE GUATEMALA		
Do	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	7,900.00	338.00
Do	BASIC INDUSTRIES COALITION, INC	705.00	
Do	BURLINGTON INDUSTRIES, INC		
Do	BUSINESS ROUNDTABLE		
Do	CASTLE & COOKE, INC		
Do	CHICAGO BOARD OPTIONS EXCHANGE		
Do	CHRYSLER CORPORATION		
Do	COMPUTER DEALERS & LESSORS ASSOCIATION, INC	3,000.00	
Do	COUNCIL OF STATE CHAMBERS OF COMMERCE		
Do	DUTY FREE SHOPPERS, LTD	500.00	138.75
Do	ENERGY RESEARCH CORPORATION	240.00	
Do	FUJI PHOTO FILM U.S.A., INC	41.18	.99
Do	GEORGIA PACIFIC CORP	3,245.75	
Do	HITACHI SALES CORP OF AMERICA	172.26	4.18
Do	E.F. HUTTON LIFE INSURANCE COMPANY	8,205.00	207.00
Do	INSTITUTE OF SCRAP IRON & STEEL, INC	240.00	
Do	INTERMEDICS, INC	568.00	
Do	KAISER ALUMINUM & CHEMICALS CORP	3,245.75	
Do	KENWOOD U.S.A. CORPORATION	11.88	.29
Do	KONISHIROKU AMPEX CO, LTD	22.18	.54
Do	LASCO SHIPPING COMPANY		
Do	LAUNDRY CLEANING COUNCIL	5,400.00	
Do	LITTON INDUSTRIES, INC		
Do	LOOP, INC	4,740.00	30.00
Do	LOSS RESERVE DEDUCTION COMMITTEE		
Do	MARS, INC		
Do	MATSUSHITA ELECTRIC CORP OF AMERICA	561.33	13.61
Do	MAXELL CORP OF AMERICA	58.01	1.41
Do	MCI TELECOMMUNICATIONS, INC	6,001.25	58.00
Do	MEAD CORPORATION	311.50	65.00
Do	MICHIGAN INSURANCE ASSN	200.00	
Do	MITSUBISHI ELECTRIC SALES AMERICA, INC	66.92	1.62
Do	MOCATTA METALS CORP	1,070.00	9.00
Do	NAKAMICHI U.S.A. CORP	11.68	.29
Do	NATIONAL ASSN OF CHAIN DRUG STORES		
Do	NATIONAL ASSN OF RETAIL DRUGGIST		
Do	NATIONAL CABLE TELEVISION ASSN., INC	1,675.00	
Do	NATIONAL COALITION FOR PORT PROGRESS		
Do	NATIONAL MARINE MFRS ASSN	2,050.00	
Do	NATIONAL SOFT DRINK ASSN		
Do	NEC ELECTRONICS (USA) INC	51.28	1.25
Do	NEW PROCESS CO		
Do	OCEAN MINERALS CO		
Do	OSG BULK SHIPS, INC		
Do	PIONEER ELECTRONICS (U.S.A.) INC	23.96	.58
Do	PPG INDUSTRIES, INC	3,245.75	
Do	READER'S DIGEST ASSN, INC	1,000.00	
Do	REDWOOD INDUSTRY PARK COMM	1,200.00	
Do	REPUBLIQUE D'HAITI	130.00	
Do	RETAIL TAX COMMITTEE	500.00	
Do	ROCKWELL INTERNATIONAL CORP		
Do	SANSUI ELECTRONICS CORP	9.90	.24
Do	SANYO ELECTRIC INC	180.77	4.38
Do	SHARP ELECTRONICS CORP	81.38	1.97
Do	SLURRY TRANSPORT ASSN	27,400.00	232.00
Do	SONY CORPORATION OF AMERICA	304.92	7.39
Do	ST. JOE MINERALS CORP	2,000.00	
Do	STATE OF LA, DEPT OF CONSERVATION		
Do	STEPHENS, INC	2,961.25	
Do	SULTANTATE OF OMAN	500.00	
Do	SUMITOMO 3M LTD	23.76	.58
Do	TDK U.S.A. CORP	66.92	1.62
Do	TEAC CORP	22.18	.54
Do	TEKNIKA ELECTRONICS CORP	.40	
Do	TOSHIBA AMERICAN, INC	81.77	1.98
Do	UNITED PLANT GUARD WORKERS ASSN		
Do	US JVC CORPORATION	126.52	3.07
Do	VICTOR MAGNETAPE CO, LTD	24.16	.59
Do	ZEISS AVIONICS SYSTEMS, INC	470.00	
ANDREW R. PAUL, 1875 EYE STREET, NW, #940 WASHINGTON DC 20006	GULF & WESTERN MANAGEMENT CO	1,000.00	50.40
CARL F. PAUL, 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	BURCH & ASSOCIATES, P.C. (FOR: M.A.N. TRUCK & BUS CORP)		
PAUL HASTINGS JANOFSKY & WALKER, 6TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN TELEPHONE & TELEGRAPH CO	2,984.50	73.40
Do	CALIFORNIA PORTLAND CEMENT CO	4,680.00	137.80
Do	GAF CORPORATION	16,300.00	1,417.36
Do	SECURITY LIFE OF DENVER	10,663.50	69.00
LARRY E. PAULICK, 2000 K ST., NW WASHINGTON DC 20006	NATIONAL SPA & POOL INSTITUTE		
RICHARD A. PAYSOR, SUITE 135 1415 ELBRIDGE PAYNE RD. ST. LOUIS MO 63017	FIRST CAPITOL ASSOCIATES - GATEWAY, INC.		
PEACE POLITICAL ACTION COMMITTEE, 100 MARYLAND AVENUE, NE WASHINGTON DC 20002			3,997.64
JAMES M. PEIRCE JR , 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,613.62	
PELTON RESEARCH CENTER, 1400 S. JOYCE STREET ARLINGTON VA 22202	HELP, INC		
ELIN PELTZ, 1511 K STREET, NW WASHINGTON DC 20005	HAWAIIAN SUGAR PLANTERS' ASSN	300.00	125.00
HUMBERTO R. PENA, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	500.00	
GEORGE C. PENDLETON, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	CANNED & COOKED MEAT IMPORTERS' ASSN		
PENNSYLVANIA POWER & LIGHT CO, 2 N. 9TH ST. ALLENTOWN PA 18101			1,876.48
DOMINIC V. PENSABENE, 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	1,100.00	
GREGORY M. PENSABENE, 1100 CONNECTICUT AVE., NW, #840 WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	2,056.00	
VICTOR J. PERINI JR , 1776 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	HIGHWAY USERS FEDERATION FOR SAFETY & MOBILITY		
PERITO, DUERK, CARLSON & PINCO, P.C., 1140 CONNECTICUT AVENUE, NW, #400 WASHINGTON DC 20036	AMERICAN PROTESTANT HOSPITAL ASSN	2,000.00	18.80
Do	COMBINED HEALTH RESOURCES, INC		
Do	SAMARITAN HEALTH SERVICE	1,000.00	12.00
Do	SOCIETY OF REAL ESTATE APPRAISERS	1,282.50	32.40
PERKINS COIE STONE OLSEN & WILLIAMS, SUITE 1200 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	BURLINGTON NORTHERN, INC	1,500.00	125.00
Do	DEPARTMENT OF NATURAL RESOURCES		
TONY PERKINS, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	100.00	
GARY J. PERKINSON, 453 NEW JERSEY AVENUE, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
ERNEST MICHAEL PERLEY, 112 ST CLAIR AVENUE, WEST, #504 TORONTO, ONTARIO N4V 2Y3	CANADIAN COALITION ON ACID RAIN		100.00
JEFFRY L. PERLMAN, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,420.00	189.56
LEONARD PERLMAN, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSN FOR COUNSELING & DEVELOPMENT	3,900.00	170.15
MARK PERMAR, P.O. BOX 12910 CHARLESTON SC 29142	KIAWAH ISLAND COMPANY, LTD	150.00	1,815.00
G. STEPHEN PERRY, 115 D STREET, SE, #G-8 WASHINGTON DC 20003	U.S. TELEPHONE, INC.		
SUSAN PERRY, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUS ASSN	2,687.50	75.00
JOHN J. PESCH, 3422 STONEYBRAE DRIVE FALLS CHURCH VA 22044	NORTHROP CORPORATION		
PHILLIPS S. PETER, 777 14TH STREET, NW WASHINGTON DC 20005	GENERAL ELECTRIC CO		
GEOFFREY G. PETERSON, SUITE 1300 425 13TH ST., NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE US, INC	2,000.00	400.00
LARS E. PETERSON, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
MARY B. PETERSON, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	3,365.47
RUSSELL W. PETERSON, 950 THIRD AVENUE NEW YORK NY 10022	NATIONAL AUDUBON SOCIETY	1,000.00	390.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
PETERSON, ENGBERG & PETERSON, SUITE 907 1730 M ST., NW WASHINGTON DC 20036	FEDERATED RESEARCH CORP	18,000.00	535.02
SUSAN F. PETNIUNAS, SUITE 214 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20034	MANVILLE CORP	500.00	
PAUL F. PETRUS, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,200.00	
H. WILLIAM PETRY, P.O. BOX 1927 SPARTANBURG SC 29304	MILLIKEN RESEARCH CORPORATION		
JAMES R. PHALEN, 1100 CONNECTICUT AVE., NW SUITE 820 WASHINGTON DC 20036	MAPCO INC.	3,250.00	345.63
PHARMACEUTICAL MANUFACTURERS ASSN., 1100 15TH STREET, NW WASHINGTON DC 20005		28,558.00	28,558.00
GWEN PHARO, 1101 S. ARLINGTON RIDGE RD., #1213 ARLINGTON VA 22202	OILFIELD INDUSTRIAL LINES, INC.		
MARSHALL A. PHARR, P.O. BOX 1261 AMARILLO TX 79170	SOUTHWESTERN PUBLIC SERVICE CO.	2,926.80	264.69
JOHN D. PHILLIPS, SUITE 503 1717 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	10,462.00	273.00
RICHARD F. PHILLIPS, 1825 K STREET,N.W. SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
WILLIAM G. PHILLIPS, D.C. ASSOCIATES, INC. 402 THIRD STREET, SE WASHINGTON DC 20003	AIR QUALITY RESEARCH, INC.	2,500.00	34.96
Do	ASSOCIATION OF UNIV. PROGRAMS IN OCCUPA HEALTH & SAFETY	4,500.00	113.06
Do	ASSOCIATION OF UNIVERSITY ENVIRONMENTAL HEALTH CENTERS	4,500.00	14.27
Do	HARVARD SCHOOL OF PUBLIC HEALTH	2,575.00	252.10
Do	METAL TRADES DEPARTMENT, AFL-CIO	3,200.00	58.33
SAM PICKARD, 1101 17TH ST., NW, #604 WASHINGTON DC 20036	MONSANTO CO.	500.00	41.00
BILL PICKENS, 1111 19TH ST., NW SUITE 900 WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,750.00	243.01
W.D. PICKETT, 400 FIRST ST. WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	350.00	
PIERSON BALL & DOWD, 1200 18TH ST., NW WASHINGTON DC 20036	GENERAL TIRE & RUBBER COMPANY	1,750.00	
Do	INTERNATIONAL FUTURES EXCHANGE (BERMUDA) LTD		
Do	INTEX HOLDINGS (BERMUDA) LTD		
Do	SATELLITE BUSINESS SYSTEMS	2,500.00	
Do	WESTERN FARMERS ELECTRIC COOPERATIVE		
PIERSON SEMMES CROLIUS & FINLEY, 1054 31ST., NW WASHINGTON DC 20007	AMERICAN LAND TITLE ASSN		
Do	OKLAHOMA NATURAL GAS COMPANY	250.00	70.89
Do	SIX FLAGS, INC.	290.00	6.87
STUART F. PIERSON, VERNER, LIIPFERT, BERNHARD, & MCPHERSON 1660 L ST., NW, #1100 WASHINGTON DC 20036	PAN AM, ET AL		
DANIEL J. PILIERO II , 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	AD HOC COMMITTEE FOR RESPONSIBLE TAX POLICY	4,500.00	73.50
Do	AD HOC COMMITTEE OF MUTUAL FUND MANAGERS	1,474.09	
Do	CBS, INC	3,250.00	
Do	NL INDUSTRIES	3,500.00	
Do	PRUDENTIAL LINES, INC		
PILOTS RIGHTS ASSOCIATION, P.O. BOX 7000-367 REDONDO BEACH CA 90277		6,795.00	7,750.02
PINEAPPLE GROWERS ASSN OF HAWAII, P.O. BOX 3829 HONOLULU HI 96813			
LINDA PINEGAR, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	3,000.00	
PIPER & MARBURY, 888 16TH STREET, NW FIFTH FLOOR WASHINGTON DC 20006	CTI-CONTAINER TRANSPORT INTERNATIONAL, INC, ET AL	2,487.50	748.05
Do	PHH GROUP, INC.	225.00	22.90
Do	XTRA CORP & AFFILIATES		
LILLIAN M.S. PITCAITHLY, SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC.		
PLAINS COTTON GROWERS, INC, PO BOX 3640 LUBBOCK TX 79452			
PLANNED PARENTHOOD FEDERATION OF AMERICA, INC., SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036		1,543.94	1,543.94
PLANNED PARENTHOOD OF NEW YORK CITY, INC, 380 SECOND AVENUE, 3RD FLOOR NEW YORK NY 10010			
WYLL W. PLEGER, 1730 RHODE ISLAND AVENUE, N.W. # 213 WASHINGTON DC 20036	BROWN & ROOT, INC.		
RONALD L. PLESSER, BLUM & NASH 1015 18TH ST., NW, #408 WASHINGTON DC 20036	AMERICAN NEWSPAPER PUBLISHERS ASSN		
Do	TWIN COASTS NEWSPAPER, INC.		
Do	VIDEOTEX INDUSTRY ASSOCIATION		
WESLEY A. PLUMMER, 1600 WEST CAMELBACK ROAD, SUITE U PHOENIX AZ 85015	TRANS AMERICA DEVELOPERS, INC		
MICHAEL PODHORZER, SUITE 401 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION		
SHERMAN S. POLAND, ROSS, MARSH & FOSTER 888 16TH STREET, NW WASHINGTON DC 20006	DORCHESTER GAS PRODUCING CO.		
RICHARD J. POLLACK, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	2,351.86	670.23
FRANCES A. POLLAK, SUITE 390 1850 K STREET, NW WASHINGTON DC 20006	UNION CAMP CORPORATION		
ALFRED M. POLLARD, 1819 L STREET, NW, #800 WASHINGTON DC 20036	SECURITY PACIFIC NATIONAL BANK		
KAREN POLLITZ, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	4,173.02	
RAYMOND K. POPE, 2000 L STREET, NW, #200 WASHINGTON DC 20036	AMFAC, INC.	3,437.49	920.67
POPULATION RESOURCE CENTER, INC, 622 THIRD AVE. NEW YORK NY 10017			
PAULA D. PORPILIA, 1120 CONNECTICUT AVENUE, N.W. SEVENTH FLOOR WASHINGTON DC 20036	AMERICAN BANKERS ASSN	300.00	69.34
PORT OF SEATTLE, P.O. BOX 1209 SEATTLE WA 98111			
PHILLIP PORTE & ASSOCS., INC., SUITE 208 1301 ARLINGTON RIDGE RD. ARLINGTON VA 22202	NATIONAL ASSN OF MEDICAL DIRECTORS OF RESPIRATORY CARE	2,500.00	
Do	AMERICAN ASSN FOR RESPIRATORY THERAPY	8,000.00	1,007.95
Do	AMERICAN MEDICAL RECORDS ASSN	2,000.00	
CAROL ALICE PORTER, SUITE 1101 1612 K ST., NW WASHINGTON DC 20036	WILDLIFE LEGISLATIVE FUND OF AMERICA	3,421.00	
PORTER, WRIGHT, MORRIS & ARTHUR, 37 WEST BROAD STREET COLUMBUS OH 43215	COALITION FOR ENVIRONMENTAL-ENERGY BALANCE	20,172.50	3,671.43
SHARON T. PORTNOY, ONE PENN PLAZA NEW YORK NY 10001	NATIONAL COMMERCIAL FINANCE ASSN.	3,052.50	63.45
JOHN POST, SUITE 201 1828 L ST., NW WASHINGTON DC 20036	BUSINESS ROUNDTABLE		
WILLIAM J. POTTS JR., HALEY, BADER & POTTS 2000 M STREET, NW, #600 WASHINGTON DC 20036	AMERICAN BORDER BROADCASTERS FREE SPEECH COMMITTEE, INC	883.83	72.50
Do	ASSOCIATION FOR BROADCASTING ENGINEERING STANDARDS, INC		
JOHN MICHAEL POWDERLY, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	9,202.73	
CATHERINE POWELL, 880 S. PICKETT STREET ALEXANDRIA VA 22304	BOAT OWNERS OF THE U.S.	4,000.00	
POWELL GOLDSTEIN FRAZER & MURPHY, SUITE 1050 1110 VERMONT AVE., NW WASHINGTON DC 20005	ASSOCIATION OF EXECUTIVE SEARCH CONSULTANTS, INC.		
Do	ANNE M. BURFORD		
Do	COALITION FOR COMPETITION	11,465.26	150.00
Do	COALITION FOR EMPLOYMENT THROUGH EXPORTS	8,200.00	571.91
Do	CORNING ASSOCIATES	650.00	
Do	COUNCIL OF STATE HOUSING AGENCIES	576.00	
Do	CRUM & FORSTER INSURANCE COS	1,200.00	60.00
Do	FEDERAL NATIONAL MORTGAGE ASSN	1,200.00	
Do	GOVERNMENT OF NICARAGUA		
Do	JACQUES BOREL ENTERPRISES, INC	1,000.00	
Do	NATIONAL MULTI HOUSING COUNCIL	529.00	
Do	RCA CORPORATION		
Do	SECURITY LIFE OF DENVER		
Do	WESTINGHOUSE ELECTRIC CORPORATION	6,948.80	189.03
RICHARD M. POWELL, 7315 WISCONSIN AVE. WASHINGTON DC 20014	INTERNATIONAL ASSN OF REFRIGERATED WAREHOUSES		
ROBERT D. POWELL, SUITE 400 1300 19TH ST., NW WASHINGTON DC 20036	NATIONAL BUSINESS AIRCRAFT ASSN		
JOHN J. POWER, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	13,573.69	103.83
GRAYDON R. POWERS JR , 1101 16TH ST., NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN		
ROBERT L. PRATT, 101 FIRST AVENUE WALTHAM MA 02254	THERMO ELECTRON CORPORATION		
BRAINARD E. PRESCOTT, 670 MAIN ST. EAST AURORA NY 14052	SECURITY NEW YORK STATE CORPORATION		
LLOYD T. PRESLAR, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL, INC (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION).		
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
PRESTON THORGRIMSON ELLIS & HOLMAN, 1735 NEW YORK AVENUE, NW, #500 WASHINGTON DC 20006	AETNA LIFE & CASUALTY		
Do	ALASKA LUMBER & PULP CO./LOUISIANA PACIFIC OF KETCHIKAN	238.00	10.50
Do	AMERICAN INSURANCE ASSN		
Do	AMERICAN PRESIDENT LINES	1,140.00	
Do	AMERICAN WATERWAYS SHIPYARD CONFERENCE		
Do	BELLINGHAM COLD STORAGE		
Do	CALISTA CORP		
Do	CHUGACH NATIVES, INC	50.00	
Do	CITIES & COUNTIES FOR CABLE		
Do	CITY OF CINCINNATI		
Do	CITY OF LAKEWOOD	2,400.00	
Do	CITY OF SCOTTSDALE		
Do	CITY OF ST. LOUIS		
Do	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS	15,236.00	
Do	DRAVO CORPORATION		
Do	EMPLOYERS REINSURANCE CORP.		
Do	HUDSON WATERWAYS	11,743.50	
Do	INTERGOVERNMENTAL CABLE COMMUNICATIONS AUTHORITY		
Do	LUMMI INDIAN BUSINESS COUNCIL	1,195.00	27.25
Do	MOORE MCCORMACK RESOURCES, INC.	1,695.00	
Do	NORTH WEST TIMBER ASSN		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	NORTHERN TIER PIPELINE CO.		
Do	PORT OF SEATTLE		
Do	STATE OF ALASKA		
Do	TENNESSEE GAS PIPELINE CO.	135.00	
Do	TRANSPORTATION INSTITUTE		
Do	WESTERN FOREST INDUSTRIES ASSN		
Do	WESTERN RESOURCE ALLIANCE		
Do	WOMETCO ENTERPRISES, INC		
KEITH A. PRETTY, 322 W. OTTAWA LANSING MI 48933	STANDARD OIL CO (INDIANA)		
FORREST J. PRETTYMAN, 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS.	1,031.25	
BARBARA J. PRICE, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
PATRICIA PRIDE, 1129 20TH ST., NW WASHINGTON DC 20036	FINANCIAL ACCOUNTING STANDARDS BOARD		
BEVERLY HINES PRINCE, 1620 EYE STREET N.W. WASHINGTON DC 20006	VISA USA, INC		
GWENYTH PRITCHARD, SUITE 695 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
JERRY C. PRITCHETT, SUITE 750 5530 WISCONSIN AVE., NW WASHINGTON DC 20015	MECHANICAL CONTRACTORS ASSN OF AMER, INC.		
PRO-LIFE CDAC 12, P.O. BOX 7145 MENLO PARK CA 94025		3,301.61	743.59
PRO-LIFE CONGRESSIONAL DIST ACTION COMM, IN/2, 208 TINKLER LAFAYETTE IN 47901			
PRO/LIFE CONGRESSIONAL DISTRICT 11, P.O. BOX 727 SAN CARLOS CA 94070		2,313.15	444.70
SYDNEY PROBST, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
STUART PROCTOR, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	5,187.51	128.00
PROFIT SHARING COUNCIL OF AMER, 20 N. WACKER DRIVE CHICAGO IL 60606			
PROPRIETARY ASSN, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006			3,025.00
DAVID P. PROSPERI, 1725 K STREET, NW, #909 WASHINGTON DC 20006	SUPERIOR OIL COMPANY & SUPERIOR FARMING COMPANY		
PRUDENTIAL-BACHE SECURITIES INC., 100 GOLD ST. NEW YORK NY 10272			750.00
JAMES C. PRUITT, SUITE 500 1050 17TH STREET, NW WASHINGTON DC 20036	TEXACO, INC.	92.00	
STEVEN L. PRUITT, SUITE 308 815 16TH STREET, NW WASHINGTON DC 20006	PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO	10,499.97	
PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		43,828.66	21,648.54
PUBLIC TIMBER PURCHASERS GROUP, 714 OREGON BANK BLDG. 319 S.W. WASHINGTON ST. PORTLAND OR 97204		41,615.81	3,792.52
DAVID E. PULLEN, 1025 CONNECTICUT AVE., NW, #214 WASHINGTON DC 20036	MANVILLE CORP	1,000.00	
F. EUGENE PURCELL, 1919 PENNSYLVANIA AVE., N.W. SUITE 300 WASHINGTON DC 20036	LONE STAR INDUSTRIES, INC.	1,000.00	205.00
WILLIAM E. PURSLEY, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
EARLE W. PUTNAM, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
HOWARD PYLE III, 4930 QUEBEC ST., NW WASHINGTON DC 20016	HOUSTON LIGHTING & POWER COMPANY	3,600.00	
ROBERT N. PYLE, P.O. BOX 3731 WASHINGTON DC 20007	ELKEM METALS COMPANY	2,500.00	
Do	INDEPENDENT BAKERS ASSN	3,000.00	
JOHN R. QUARLES JR , MORGAN, LEWIS & BOCKIUS 1800 M ST., NW WASHINGTON DC 20036	NATIONAL ENVIRONMENTAL DEVELOPMENT ASSN CLEAN AIR ACT PROJ.	1,000.00	25.00
JAMES M. QUIGLEY, SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
WILLIAM A. QUINLAN, 3045 RIVA RD. RIVA MD 21140	NATIONAL CANDY WHOLESALERS ASSN, INC.		
Do	RETAIL BAKERS OF AMERICA		
QUINN, RACUSIN, YOUNG & DELANEY, CHTD, 1000 CONNECTICUT AVENUE, NW, #302 WASHINGTON DC 20036	GOVERNMENT EMPLOYEES INSURANCE COMPANY	18,135.00	200.00
Do	MARYLAND SAVINGS SHARE INSURANCE CORPORATION	12,632.00	202.00
CLIFFORD RABER, ONE MCDONALD'S PLAZA OAK BROOK IL 60521	MCDONALD'S CORP		
ALEX RADIN, 2301 M ST., NW WASHINGTON DC 20036	AMERICAN PUBLIC POWER ASSN	533.64	
TESS A. RAE, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC.		
ROBERT A. RAGLAND, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	75.00	
RICHARD W. RAHN, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	888.00	7.20
RAILROAD RETIREMENT ASSN, 236 MASSACHUSETTS AVENUE, NE, #510 WASHINGTON DC 20002		4,519.50	7,871.40
TOM RAILSBACK, 1600 EYE STREET, NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC	1,040.00	379.49
RAILWAY LABOR EXECUTIVES' ASSN, 400 FIRST ST., NW SUITE 804 WASHINGTON DC 20001		48,250.00	74,694.37
LANI HUMMEL RALEIGH, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORPORATION		
DONALD A. RANDALL, SUITE 1205 1625 K ST., NW WASHINGTON DC 20006	AUTOMOTIVE SERVICE COUNCILS, INC.	1,800.00	
ROBERT RANDALL, P.O. BOX 23691 WASHINGTON DC 20024	ALLIANCE FOR CANNABIS THERAPEUTICS		
RANDALL, BANGERT & PRICE, 1625 K ST., NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE	600.00	
Do	GROCERY MANUFACTURERS OF AMERICA, INC.		
Do	NATIONAL INDEPENDENT DAIRY-FOODS ASSN.	2,100.00	
Do	PHARMACEUTICAL MANUFACTURERS ASSN.		
R. RAY RANDLETT, 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORPORATION	240.00	
D. MICHAEL RAPPOPORT, P.O. BOX 1980 PHOENIX AZ 85001	SALT RIVER PROJECT	1,680.00	3,752.21
RARE, INC., 1601 CONNECTICUT AVENUE, NW WASHINGTON DC 20009			
CARL L. RASAK, 8301 FORT HUNT ROAD ALEXANDRIA VA 22308			
MAGDA RATAJSKI, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CORPORATION	1,000.00	
HELEN RAUCH, 1755 MASSACHUSETTS AVENUE, NW, #300 WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS	135.08	20.75
CAROL L. RAULSTON, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	2,875.00	36.00
G. DAVID RAVENCRAFT, SUITE 507 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASHLAND OIL, INC.	2,000.00	
EILER C. RAVNHOLT, 723 INVESTMENT BLDG. WASHINGTON DC 20005	HAWAIIAN SUGAR PLANTERS' ASSN	450.00	231.25
W. RANDALL RAWSON, 1840 WILSON BLVD., #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC.	7,017.23	
RAYMARK CORPORATION, 100 OAKVIEW DRIVE TRUMBULL CT 06611			
J. GENE RAYMOND, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,135.20	
RBC ASSOCIATES, 324 FOURTH STREET, NE WASHINGTON DC 20003	BANGOR & AROOSTOOK RAILROAD	3,750.00	1,285.01
Do	BOSTON & MAINE RAILROAD	4,749.00	1,445.14
Do	CHICAGO & NORTH WESTERN TRANSPORTATION CORP	23,500.00	1,619.81
Do	DELAWARE OTSEGO SYSTEM	7,000.00	1,445.14
Do	FORUM COMMUNICATIONS	1,000.00	1,285.01
Do	GENESEE & WYOMING CORP	750.00	1,285.01
Do	PANDROL	1,500.00	1,285.01
Do	PITTSBURG & SHAWMUT RAILROAD	2,100.00	1,285.01
Do	SPENO RAIL SERVICES	3,000.00	1,332.47
JULIAN O. READ, 807 BRAZOS, #901 AUSTIN TX 78701	CENTRAL AND SOUTH WEST CORP		
READING IS FUNDAMENTAL, INC., 600 MARYLAND AVE.,SW RM 500 WASHINGTON DC 20560			
SYDNEY C. REAGAN, NO. 10 DUNCANNON CT. DALLAS TX 75225	SOUTHWESTERN PEANUT SHELLERS ASSN		
LINDA S. REARICK, 5205 LEESBURG PIKE, #505 FALLS CHURCH VA 22041	NATIONAL BEER WHOLESALERS ASSN	5,000.00	124.11
REASONER, DAVIS & VINSON, 888 17TH STREET, NW WASHINGTON DC 20006	ACACIA MUTUAL LIFE INSURANCE CO	500.00	
JOHN DANIEL REAVES, 910 16TH STREET, NW WASHINGTON DC 20006	PHARMACEUTICAL MANUFACTURERS ASSN	1,025.00	69.11
JOHN M. RECTOR, 205 DAINGERFIELD RD. ALEXANDRIA VA 22314	NATIONAL ASSN OF RETAIL DRUGGISTS	700.00	150.00
TIMOTHY J. REDMON, 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
DWIGHT C. REED, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN	42.07	
JO REED, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	326.77	
CHARLES C. REELY, SUITE 203 1840 WILSON BLVD. ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC.	2,734.38	
PAULINE B. REEPING, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	NEW YORK SHIPPING ASSN, INC.		
MARTHA L. REES, 1701 PENNSYLVANIA AVE., NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO	32.00	2.00
ROBERT S. REESE JR , 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	912.82
J. RONALD REEVES, WASHINGTON NATIONAL AIRPORT WASHINGTON DC 20001	U.S. AIR, INC.	2,000.00	178.13
JOHN T. REGGITTS JR , 95 BOOTON AVE. P.O. BOX 470 BOONTON NJ 07005			
REID & PRIEST, 1111 19TH STREET, NW WASHINGTON DC 20002	EDISON ELECTRIC INSTITUTE	193.00	
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	4,200.00	279.23
Do	NORTHWESTERN MUTUAL LIFE INSURANCE CO	4,200.00	279.23
Do	TUCSON ELECTRIC POWER CO		
Do	UTILITY GROUP	37.00	10,330.00
REID & RIEGE, P.C., ONE STATE STREET HARTFORD CT 06103	WESLEYAN UNIVERSITY	2,080.00	
CHARLOTTE REID, 200 N. PICKETT ST. ALEXANDRIA VA 22304	MOTOROLA, INC	3,000.00	
MICHAEL W. REID, SUITE 507 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	651.59	
JERRY E. REIDER, 1235 JEFFERSON DAVIS HWY., #305 ARLINGTON VA 22202	EMERSON ELECTRIC CO		489.85
MARK REIHL, 5201 AUTH WAY RM 510 CAMP SPRINGS MD 20746	SEAFARERS INTERNATIONAL UNION	3,000.00	175.50
MARYALYCE REILLY, 1010 NORTH FAIRFAX STREET ALEXANDRIA VA 22314	NATIONAL TOOLING & MACHINING ASSN	2,346.78	75.25
NOOLEY REINHEARDT, NOOLEY REINHEARDT & ASSOC. P.O. BOX 23190 WASHINGTON DC 20024	RURAL BUILDERS COUNCIL OF CALIFORNIA		
HARRY O. REINSCH, 50 BEALE ST. P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
MURRAY P. REISER, 4 LONGFELLOW PLACE BOSTON MA 02114	EDWARD BLANKSTEIN, INC		
JACK REITER, 1800 K STREET, N.W. SUITE 600 WASHINGTON DC 20006	TIGER INTERNATIONAL, INC.	2,100.00	668.35
RELIGIOUS COALITION FOR ABORTION RIGHTS, INC., 100 MARYLAND AVENUE, N.E. WASHINGTON DC 20002		21,474.00	12,405.65
GEORGE E. RENAULT, 2108 YALE DRIVE ALEXANDRIA VA 22307	AMERICAN ENERGY PRODUCTS, INC		
RENDON COMPANY, 1321 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003			
JOHN W. RENDON JR., 1321 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	RENDON COMPANY		
W. W. RENFROE, 69 FOUNTAIN PL. - P.O. BOX 417 FRANKFORT KY 40602	KENTUCKY RAILROAD ASSN		

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DIANE RENNERT, 2005 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	3,300.00	233.23
RESOURCES FUND, INC, 810 18TH ST., NW, #804 WASHINGTON DC 20006		20,000.00	65,006.57
RETIRED OFFICERS ASSN, 201 N. WASHINGTON ST. ALEXANDRIA VA 22314		8,566.00	
JOHN H. REURS, 74 TRINITY PLACE NEW YORK NY 10006	NEW YORK COMM OF INTL COMM OF PASSENGER LINES		
ALAN V. REUTHER, 1757 N STREET, NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	10,515.55	77.35
ALLAN R. REXINGER, 1700 PENNSYLVANIA AVE., NW, #700 WASHINGTON DC 20006	PROPRIETARY ASSN	2,875.00	150.00
MARK E. REY, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	3,000.00	
AUSTIN T. RHOADS, 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		289.55
EDMUND B. RICE, 444 NORTH CAPITOL ST., NW, #500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	2,035.36	114.88
RICE GENOCIDE RESEARCH, 3046 ROOSEVELT STREET DETROIT MI 48216			184.49
LOIS D. RICE, 1201 PENNSYLVANIA AVNEUE, NW WASHINGTON DC 20004	CONTROL DATA CORPORATION	310.70	35.00
THERON J. RICE, SUITE 900 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CONOCO, INC		
JAMES E. RICH JR., SUITE 200 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
RICHARD RICHARDS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON STREET, NW, 6TH FL WASHINGTON DC 20007	AMERICAN PRESIDENT LINES		
STACY RICHARDS, SUITE 802 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	375.00	
ALAN H. RICHARDSON, 2301 M ST., NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	2,500.00	
LOIS RICHERSON, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	1,000.00	
JUDY NOEL RIDDLE, 6630 W. BROAD STREET RICHMOND VA 23230	LAWYERS TITLE INSURANCE CORP		225.70
LOWELL J. RIDGEWAY, NORTH DAKOTA PETROLEUM COUNCIL 418 EAST ROSSER, P.O. BOX 1395 BISMARCK ND 58502	AMERICAN PETROLEUM INST	512.00	
MARK J. RIEDY, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA		
E. PHILIP RIGGIN, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	10,248.00	420.21
PAT RILEY, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
SUSAN RILEY, 1150 17TH STREET, NW, #306 WASHINGTON DC 20036	NATIONAL MULTI HOUSING COUNCIL	5,800.00	
MARK ALAN RILLING, 110 MARYLAND AVENUE, NE, #409 WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	4,500.00	
R. SCOTT RINN, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
DALE P. RIORDAN, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	20,000.00	737.98
KEVIN J. RIORDAN, SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORP	800.00	195.25
JOHN S. RIPPEY, 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	937.50	30.00
CAROL A. RISHER, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	2,000.00	73.83
ROBIN RISSO, 511 C STREET, NE WASHINGTON DC 20002	CONTINENTAL ASSN OF RESOLUTE EMPLOYERS (C.A.R.E.)		
JAMES E. RITCHIE & ASSOCIATES, SUITE 400 499 S. CAPITOL ST., SW WASHINGTON DC 20003	GAMING INDUSTRY ASSN OF NEVADA, INC	3,200.00	648.59
Do	LIBERTY FINANCIAL		
Do	NATIONAL ASSN OF OFF-TRACK BETTING	2,000.00	587.24
Do	NATIONAL ASSN OF OPTOMETRISTS & OPTICIANS, INC		442.74
Do	NEVADA RESORT ASSN	4,800.00	972.88
STARK RITCHIE, 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST		
RIVKIN, SHERMAN AND LEVY, 900 17TH STREET, NW WASHINGTON DC 20006	SAVIN CORPORATION	187.50	
Do	TOYOTA MOTOR CORPORATION	1,862.56	183.35
RJR INDUSTRIES, INC, 1100 REYNOLDS BLVD. WINSTON-SALEM NC 27106			12,813.52
ROBERT ROACH, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	169.56	
RAY ROBERTS & ASSOCIATES, 2224 PEMBROOKE DENTON TX 76201	J. W. BATESON & CO.,INC	3,000.00	1,844.87
Do	NORTH TEXAS MUNICIPAL WATER DISTRICT	1,000.00	1,991.20
Do	TEXAS UTILITIES SERVICES, INC.	3,000.00	4,221.46
PATRICIA L. ROBERTS, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM CO		
PERRY A. ROBERTS, 8000 FLORISSANT ST. LOUIS MO 63136	EMERSON ELECTRIC CO		149.92
RICHARD R. ROBERTS, SUITE 403 1899 L ST., NW WASHINGTON DC 20036	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC.	375.00	1,194.00
RICHARD Y. ROBERTS, PAPPANASTOS SAMFORD ROBERTS & BLANCHARD ONE COURT SQUARE, #311 MONTGOMERY AL 36102.	NATURAL GAS SUPPLY ASSN	15,000.00	2,816.22
Do	U.S. CAPITAL CORPORATION	12,273.52	496.32
STEVEN M. ROBERTS, 1700 K STREET, N.W. WASHINGTON DC 20006	AMERICAN EXPRESS CO		
BETTY S. ROBINSON, 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	9,881.20	252.70
CHARLES A. ROBINSON JR , 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	126.41	
THOMAS E. ROBINSON, SUITE 700 1101 17TH STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUST, INC	1,250.00	
ROBINSON, SILVERMAN, PEARCE, ARONSOHN & BERMAN, 230 PARK AVE. NEW YORK NY 10169	NATIONAL REALTY COMMITTEE		
BOB JOHN ROBISON, 1201 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20004	HILL AND KNOWLTON, INC	3,500.00	182.45
ANTOINETTE K. ROCHE, 2021 K ST., NW, SUITE 709 WASHINGTON DC 20006	GA TECHNOLOGIES, INC	1,000.00	200.00
DAVID W. RODERER, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	18,000.00	
RODEY, DICKASON, SLOAN, AKIN & ROBB, P.O. BOX 1888 ALBURQERQUE NM 87103	NAVAJO TRIBE		3,736.94
WILLI ROELLI, VOLKART BROTHERS, INC. 120 WALL ST. NEW YORK NY 10005	COFFEE, SUGAR & COCOA EXCHANGE, INC		
ROGERS & WELLS, 1737 H STREET, NW WASHINGTON DC 20006	ALLIED TUBE & CONDUIT CORP		
Do	CAMPAGNIE FINANCIERE DE PARIS ET DES PAYS-BAS		
Do	DESERT PALACE, INC		
Do	WILLIAM ANTHONY HOGAN		
Do	MAGIC PANTRY FOODS, INC		
Do	MERRILL LYNCH & CO		
Do	MERRILL LYNCH COMMODITIES, INC		
Do	MERRILL LYNCH LEASING, INC		
Do	MORRIS & GWENDOLYN CAFRITZ FOUNDATION	370.00	
Do	NATIONAL ASSN OF BEDDING MANUFACTURERS		
Do	NATIONAL COAL CONSUMERS ALLIANCE		
Do	PAN AMERICAN WORLD AIRWAYS, INC		
Do	SQUIBB CORP		
Do	TEACHERS INSURANCE & ANNUITY ASSN/COLLEGE RET. EQUITIES FUND		
BRUCE N. ROGERS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	5,286.14
DONALD L. ROGERS, 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	1,900.00	
ROGERS HOGE & HILLS, SUITE 301 1111 19TH STREET, NW WASHINGTON DC 20036	CONTACT LENS MANUFACTURERS ASSN		
MARGARET ROGERS, 1730 NORTH LYNN ST. ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMER, INC	1,000.00	
CAROLE M. ROGIN, 1800 M STREET, NW, #1030 WASHINGTON DC 20036	HAUCK & ASSOCIATES, INC. (FOR: NATIONAL ASSN FOR CHILD CARE MANAGEMENT).		
RICHARD A. ROHRBACH, 1625 I ST., NW SUITE 809 WASHINGTON DC 20006	BOISE CASCADE CORP	22,250.00	
KENNETH S. ROLSTON JR , 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PULPWOOD ASSN		
TENO RONCALIO, P.O. BOX 1707 CHEYENNE WY 82001	ENERGY FUELS CORP	1,500.00	
TATIANA ROODKOWSKY, 4006 THORNTON STREET ANNANDALE VA 22003	CHAMBER OF COMMERCE OF THE U.S.		
NICHOLAS ROOMY JR , P.O. BOX 1986 CHARLESTON WV 25327	APPALACHIAN POWER COMPANY	538.46	342.78
FRED B. ROONEY, 6TH FL. 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN IRON & STEEL INSTITUTE	125.00	
Do	ASSOCIATION OF AMERICAN RAILROADS	325.00	
Do	CALIFORNIA PORTLAND CEMENT COMPANY	150.00	
Do	CONRAIL		
Do	LONE STAR INDUSTRIES, INC	300.00	
Do	PAUL, HASTINGS, JANOFSKY & WALKER (FOR: SECURITY LIFE OF DENVER)	350.00	
JOHN C. ROOTS, SUITE 1001 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	961.30	
ROPES & GRAY, SUITE 700 1001 22ND ST., NW WASHINGTON DC 20037	AMHERST COLLEGE; WELLESLEY COLLEGE		
Do	ECONOMIC DEVELOPMENT & INDUSTRIAL CORP OF BOSTON		
Do	GENERAL MILLS, INC	57.50	
BURT ROSEN, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	PFIZER, INC	1,000.00	1,602.17
RICHARD ROSEN, SUITE 118 5010 WISCONSIN AVENUE, NW WASHINGTON DC 20016			
ALBERT B. ROSENBAUM III, 1616 P ST., NW WASHINGTON DC 20036	NATIONAL TANK TRUCK CARRIERS, INC		
SARA ROSENBAUM, 122 C STREET, NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND	1,350.00	
MIRIAM A. ROSENBERG, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSN FOR COUNSELING & DEVELOPEMENT	4,906.00	
FRANCIS C. ROSENBERGER, 6809 MELROSE DRIVE MCLEAN VA 22101	NATIONAL CONFERENCE OF BANKRUPTCY JUDGES	3,750.00	
PETER ROSENSTEIN, 1117 NORTH 19TH STREET, #300 ARLINGTON VA 22209	AMERICAN ACADEMY OF PHYSICIAN ASSISTANTS		
ROGER C. ROSENTHAL, SUITE 600 806 15TH STREET, NW WASHINGTON DC 20005	MIGRANT LEGAL ACTION PROGRAM, INC		
ROSES, INC., 1152 HASLETT ROAD P.O. BOX 99 HASLETT MI 48840		3,554.00	6,992.62
JEREMY D. ROSNER, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	4,280.01	
JOE ROSS, 927 DONAGHEY BLDG. LITTLE ROCK AR 72201			
WILLIAM F. ROSS, SOUTH CAROLINA PETROLEUM COUNCIL 716 KEENAN BLDG. COLUMBIA SC 29201	AMERICAN PETROLEUM INST	321.00	932.25
ALAN J. ROTH, SPIEGEL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	FT. PIERCE UTILITIES AUTH OF THE CITY OF FT. PIERCE, ET AL	4,661.49	
BARRY N. ROTH, 1750 K ST., NW, #350 WASHINGTON DC 20006	WILLIAMS COMPANIES	100.00	
EDWIN ROTHSCHILD, 2000 P ST., NW, #310 WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION	1,500.00	97.50
DONALD D. ROUNDS, SOUTH DAKOTA PETROLEUM COUNCIL P.O. BOX 669 PIERRE SD 57501	AMERICAN PETROLEUM INST		
WILLIAM C. ROUNTREE, SUITE 600 1001 22ND ST., NW WASHINGTON DC 20037	STANDARD OIL CO (OHIO)		
PETER M. ROUSE, 1875 EYE STREET, NW, #1025 WASHINGTON DC 20006	ALASKA LUMBER & PULP CO.	4,500.00	
MICHAEL O. ROUSH, CAPITAL GALLERY EAST, #695 600 MARYLAND AVE. WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MARK ROVNER, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,473.02	
EUGENE F. ROWAN, 1156 15TH ST., NW WASHINGTON DC 20005	J. C. PENNEY CO, INC		
JAMES C. ROWLAND JR , 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
JOHN W. ROWLAND, 5025 WISCONSIN AVE.,NW WASHINGTON DC 20006	AMALGAMATED TRANSIT UNION, AFL-CIO		
TOBI Z. ROZEN, 888 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
RUBENSTEIN WOLFSON & COMPANY, INC, 220 EAST 42ND STREET NEW YORK NY 10017	INTERNATIONAL GOLD CORPORATION LIMITED		
ERIC M. RUBIN, SUITE 708 1730 M ST., NW WASHINGTON DC 20036	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC.	4,000.00	
JAMES S. RUBIN, 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CHEMICAL CORP	858.00	
PAUL M. RUDEN, WILNER & SCHEINER 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AMERICAN SOCIETY OF TRAVEL AGENTS	5,000.00	50.00
DEBORAH K. RUDOLPH, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN PUBLIC TRANSIT ASSN	6,000.00	44.91
HENRY C. RUEMPLER, 1200 NEW HAMPSHIRE AVENUE, NW, #350 WASHINGTON DC 20036	CITIBANK, N.A	1,500.00	
TIMOTHY R. RUGH, 7900 WESTPARK DRIVE, #514 MCLEAN VA 22102	CHOCOLATE MANUFACTURERS ASSN OF THE USA	500.00	15.75
JOHN RUNYAN, 1730 NORTH LYNN STREET SUITE 409 ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMERICA, INC.	300.00	
MORGAN S. RUPH, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
LEONARD H. RUPPERT, NEW JERSEY PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST	25.00	
CHARLOTTE RUSH, SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORP	950.00	20.00
BARRY RUSSELL, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		40.00
NANCY RUSSELL, 4921 SW HEWETT BLVD. PORTLAND OR 97221	FRIENDS OF THE COLUMBIA GORGE		
ROBERT M. RUSSELL, 2170 PIEDMONT RD., NE ATLANTA GA 30324	ORKIN EXTERMINATING CO	94.00	519.13
WALLY RUSTAD, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	100.00	
HERMAN MAX RUTH, BOX 1000 OTISVILLE, NY 10963			
J. T. RUTHERFORD & ASSOCIATES, INC., SUITE 514 1660 L ST., NW WASHINGTON DC 20036	AMERICAN ASSN OF BIOANALYSTS/INTL SOC OF CLINICAL LAB TECHS		150.00
Do	AMERICAN COLLEGE OF RADIOLOGY		140.00
Do	AMERICAN OPTOMETRIC ASSN		164.00
ELLA MARICE RYAN, 1156 15TH ST., NW WASHINGTON DC 20005	J. C. PENNEY CO, INC	100.00	
FRANK T. RYAN, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	RUBBER MANUFACTURERS ASSN	2,500.00	
JOHN G. RYAN, 1700 K STREET, NW WASHINGTON DC 20006	SQUIBB CORP.		
PAUL R. SACIA, SUITE 202, WEST WING 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	4,523.06	
THOMAS L. SAGER, 1701 PENNSYLVANIA AVE., NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
GREGORY A. SAHD, 2033 M STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
SAMARITAN HEALTH SERVICE, 1410 NORTH 3RD ST. P.O. BOX 25489 PHOENIX AZ 85004			
SAMMONS ENTERPRISES, INC., 403 SOUTH AKARD DALLAS TX 75202			
JAMES H. SAMMONS, 535 NORTH DEARBORN STREET CHICAGO IL 60610	AMERICAN MEDICAL ASSN	350.00	
SAMUEL GARY OIL PRODUCER, INC, FOUR INVERNESS COURT EAST ENGLEWOOD CO 80112			1,754.70
COLIN D. SANDISON, 1899 L STREET, NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION		446.26
CHARLES E. SANDLER, 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	5,000.00	
PETER G. SANDLUND, 1725 EYE ST., NW, #315 WASHINGTON DC 20006	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN	300.00	
BRUCE W. SANFORD, BAKER & HOSTETLER 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	SOCIETY OF PROFESSIONAL JOURNALISTS, SIGMA DELTA CHI	1,500.00	417.85
CHARLES SAPP, 3500 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC		1,234.43
RONALD A. SARASIN, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
ALBERT C. SAUNDERS, 1100 15TH ST., NW #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	13.00
SAVE OUR SECURITY, SUITE 222 1201 16TH STREET, NW WASHINGTON DC 20036		10,977.00	19,638.80
THOMAS C. SAWYER, 1825 K STREET, NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO	1,500.00	90.63
THOMAS J. SCANLON, 3248 PROSPECT STREET, NW WASHINGTON DC 20007	J. ARMANDO BERMUDEZ		
HENRY SCHACHT, 3100 FERRY BLDG. SAN FRANCISCO CA 94106	CALIFORNIA CANNERS & GROWERS		
VICTORIA V. SCHAFF, SUITE 1014 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ENSERCH CORPORATION	2,100.00	1,094.50
C. M. SCHAUERTE, P.O. BOX 3247 HOUSTON TX 77253	AMERICAN GENERAL CORP	6,250.00	1,357.11
RONALD A. SCHECHTER, GOLDFARB, SINGER & AUSTERN 918 16TH STREET, NW, #503 WASHINGTON DC 20006	WASHINGTON INDEPENDENT WRITERS, INC.	35.00	
JAY T. SCHECK JR., RT. 202-206 NORTH SOMERVILLE NJ 08876	AMERICAN HOECHST CORPORATION		
RICHARD H. SCHECK, 535 SECAUCUS ROAD SECAUCUS NJ 07094			
DALE E. SCHELL, 1919 PENNSYLVANIA AVE., NW, #300 WASHINGTON DC 20006	GATX CORP		
JANE N. SCHERER, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON USA, INC	100.00	
JOSEPH SCHERER, 1801 NORTH MOORE ST. ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		
SCHIFF HARDIN & WAITE, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHICAGO BOARD OPTIONS EXCHANGE		
JACQUES T. SCHLENGER, 1800 MERCANTILE BANK & TRUST BLDG. THE HOPKINS PLAZA BALTIMORE MD 21201			392.00
JAMES P. SCHLICHT, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
SCHLOSSBERG-CASSIDY & ASSOCIATES, INC., 955 L'ENFANT PLAZA, S.W. SUITE 1401 WASHINGTON DC 20024	ATLANTA UNIVERSITY	200.00	
Do	BARRY UNIVERSITY		
Do	BOSTON COLLEGE	900.00	68.75
Do	BOSTON UNIVERSITY	2,550.00	43.50
Do	CATHOLIC UNIVERSITY OF AMERICA	1,700.00	11.00
Do	COLUMBIA UNIVERSITY	200.00	
Do	ELECTRONICS CORPORATION OF AMERICA	150.00	
Do	INDIANA UNIVERSITY	900.00	20.00
Do	LESLEY COLLEGE	350.00	10.50
Do	NORTHWESTERN UNIVERSITY		
Do	OCEAN SPRAY CRANBERRIES, INC.	2,550.00	18.00
Do	PIRELLI CABLE CORPORATION	150.00	
Do	PRATT INSTITUTE		
Do	TUFTS UNIVERSITY	1,250.00	
Do	RENSSELAER POLYTECHNIC INSTITUTE		
FOREST S. SCHMELING, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	1,100.00	291.70
RICHARD M. SCHMIDT JR , SUITE 600 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	500.00	
MARK L. SCHNEIDER, 1001 22ND STREET, NW, #600 WASHINGTON DC 20037	STANDARD OIL CO (OHIO)		
FRANK SCHNELLER, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JACK J. SCHRAMM, SUITE 607 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	WASTE MANAGEMENT, INC	1,000.00	56.14
ROBERT I. SCHRAMM, 1725 K ST., NW, #909 WASHINGTON DC 20006	SUPERIOR OIL CO & SUPERIOR FARMING CO		
A. KOLBET SCHRICHTE, SUITE 500 1133 15TH STREET, NW WASHINGTON DC 20005	AMERICAN LOGISTICS ASSOCIATION		
N. DONALD SCHROEDER, MARYLAND PETROLEUM COUNCIL 60 WEST ST., #403 ANNAPOLIS MD 21401	AMERICAN PETROLEUM INST	140.00	
STANLEY W. SCHROEDER, 1901 N. FT. MYER DRIVE ARLINGTON VA 22209	GAS APPLIANCE MFGRS ASSN, INC		90.00
MARK SCHULTZ, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	5,000.00	137.93
ROBERT L. SCHULZ, C/O IOWA PETROLEUM COUNCIL 1012 FLEMING BLDG. DES MOINES IA 50309	AMERICAN PETROLEUM INST	638.75	1,007.72
WALTER A. SCHUMANN III, 1511 NATALIE JOY LN. MCLEAN VA 22101	POTOMAC OVERLOOK ASSOCIATES		
NEIL D. SCHUSTER, 1909 K STREET, NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSN OF THE U.S., INC		
JAMES H SCHUYLER, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
DONALD H. SCHWAB, 200 MARYLAND AVE., NE WASHINGTON DC 20002	VETERANS OF FOREIGN WARS OF THE U.S.	8,750.00	1,466.90
LYNDLEY M. SCHWAB, 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	3,675.00	141.81
SCHWABE, WILLIAMSON, WYATT, MOORE & ROBERTS, SUITE 302 1000 POTOMAC ST., NW WASHINGTON DC 20007	HELICOPTER LOGGERS ASSN	416.63	163.63
Do	LITCHSTREET COMPANY		11.96
Do	MOUNTAIN STATES ENERGY, INC	1,690.71	664.64
Do	NATIONAL FOREST PRODUCTS ASSN		1,579.12
Do	NORTHWEST INLAND WATERWAYS COMMITTEE	450.00	
Do	OTIS ELEVATOR CO	3,869.59	1,521.72
Do	PIASECKI AIRCRAFT CORPORATION	2,059.80	809.53
Do	STATE OF OREGON, CITY OF PORTLAND, OREGON METRO	8,236.88	3,237.28
DEBORAH M. SCHWARTZ, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	2,052.87	110.59
ELINOR SCHWARTZ, 318 S. ABINGDON STREET ARLINGTON VA 22204	CALIFORNIA STATE LANDS COMMISSION		10.00
ELIZABETH NASH SCHWARTZ, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	925.00	934.75
HARRY K. SCHWARTZ, 1800 M ST., NW SUITE 400 SOUTH WASHINGTON DC 20036	TOSCO CORPORATION	3,000.00	
RICHARD SCHWARTZ, 880 S. PICKETT ST. ALEXANDRIA VA 22304	BOAT OWNERS ASSOCIATION OF THE U.S.	4,000.00	
STEVE AARON SCHWARTZ, 818 ROEDER ROAD SUITE 702 SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
RICHARD S. SCHWEIKER, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	1,775.00	
RICHARD P. SCHWEITZER, 700 N. FAIRFAX STREET ALEXANDRIA VA 22314	NATIONAL ASSN OF TRUCK STOP OPERATORS		
CARL F. SCHWENSEN, 415 2ND ST., NE SUITE 300 WASHINGTON DC 20002	NATIONAL ASSN OF WHEAT GROWERS	3,208.34	
SCIENTIFIC APPARATUS MAKERS ASSN, 1101 16TH ST., NW WASHINGTON DC 20036		6,789.57	1,886.03
MICHAEL SCIULLA, 880 S. PICKETT ST. ALEXANDRIA VA 22304	BOAT OWNERS ASSOCIATION OF THE U.S.	4,000.00	
HAROLD B. SCOGGINS, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		2.50
SCOTT COMPANY, INC., 8 JACANA ROAD HILTON HEAD SC 29928	COASTAL PROPERTIES INSTITUTE, INC	150.00	243.10
DOUGLAS W. SCOTT, 530 BUSH ST. SAN FRANCISCO CA 94108	SIERRA CLUB	4,633.00	28.12
JAMES M. SCOTT, 8 JACANA ROAD HILTON HEAD SC 29928	SCOTT COMPANY	150.00	
JOHN N. SCOTT, 1825 K STREET, NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
JUDY SCOTT, 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPT., AFL-CIO	6,366.75	262.00
SCRIBNER HALL & THOMPSON, SUITE 700 1875 EYE STREET, NW WASHINGTON DC 20006	JEFFERSON-PILOT CORP. AND SUBSIDIARIES		17.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	OCCIDENTAL LIFE INSURANCE CO OF CALIFORNIA		5.00
Do	PHILADELPHIA LIFE INSURANCE CO	450.00	
Do	PROVIDENT LIFE & ACCIDENT INSURANCE CO		11,914.45
EARL W. SEARS, P.O. BOX 12285 MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER	765.00	18.68
SANDY SEDACCA, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	3,531.10	
PAMELA SEDERHOLM, 2828 N. HASKELL AVENUE DALLAS TX 75221	SOUTHLAND CORPORATION		
H. RICHARD SEIBERT JR , 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	830.00	
PAUL J. SEIDMAN, FEDERAL BAR BUILDING, #1000 1815 H STREET, NW WASHINGTON DC 20006	NATIONAL TOOLING & MACHINE ASSN	16,674.00	881.99
PEGGY SEIPEL, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
GEORGE M. SEITTS, SUITE 900 1015 15TH STREET, NW WASHINGTON DC 20005	INTERNORTH INC.	2,000.00	
ARMISTEAD I. SELDEN, SUITE 4400 475 L'ENFANT PLAZA, SW WASHINGTON, DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	6,000.00	28.00
M. FRANK SELLERS, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	5,000.00	317.53
H. MICHAEL SEMLER, 806 15TH STREET, NW, #600 WASHINGTON DC 20005	MIGRANT LEGAL ACTION PROGRAM, INC		
STANTON P. SENDER, 1211 CONNECTICUT AVE., NW WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	500.00	3.00
STUART D. SERKIN, SUITE 3210 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	SLURRY TRANSPORT ASSN	1,000.00	
SERVICE MASTER INDUSTRIES, INC, 2300 WARRENVILLE ROAD DOWNERS GROVE IL 60515			1,100.00
SARAH SETTON, 1511 K ST., NW WASHINGTON DC 20005	SUGAR ASSOCIATION, INC.	150.00	8.00
SEVEN MONTHS SESSION FOR CONGRESS, 3306 YELLOWPINE TERRACE AUSTIN TX 78757			574.00
SEWARD & KISSEL, 919 18TH ST., NW WASHINGTON DC 20006	A. I. LEASING CORP		109.24
Do	ALLIANCE CAPITAL MANAGEMENT CORPORATION		
Do	HALLAC ASSOCIATES, INC.		
Do	MERRILL LYNCH MONEY MARKETS, INC.		34.54
Do	ROSENBERG REAL ESTATE EQUITY FUND		
Do			
J. RICHARD SEWELL, 1111 19TH ST., NW, #1102 WASHINGTON DC 20036	FLORIDA POWER & LIGHT CO	240.00	530.10
SEYFARTH SHAW FAIRWEATHER & GERALDSON, 1111 19TH ST., NW WASHINGTON DC 20036	AGRICULTURAL PRODUCERS	11,927.10	
CLIVE SEYMOUR, P.O. BOX 2511 1010 MILAM, RM. 1657-B HOUSTON TX 77001	TENNECO INC		
WILLIAM H. SHAKER, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	2,500.00	35.00
JAMES M. SHAMBERGER, 1025 CONNECTICUT AVE., NW, #512 WASHINGTON DC 20036	REINSURANCE ASSN OF AMER		
SHAMROCK FOODS CO., 2228 N. BLACK CANYON PHOENIX AZ 85009			105.00
DEBBIE SHANNON, 5TH FLOOR 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	533.24
DAVID L. SHAPIRO, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC		
NORMAN F. SHARP, 1100 17TH STREET, NW, #1201 WASHINGTON DC 20036	CIGAR ASSN OF AMERICA, INC		717.00
G. JERRY SHAW, P.O. BOX 7610, BEN FRANKLIN STATION WASHINGTON DC 20044	SENIOR EXECUTIVES ASSOCIATION		
KAREN DOLMATCH SHAW, SUITE 920 1800 K ST., NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	670.29	1,587.26
LUTHER W. SHAW, SUITE 514 1155 15TH ST., NW WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSN	5,625.00	
SHAW PITTMAN POTTS & TROWBRIDGE, 1800 M ST., NW, #900-S WASHINGTON DC 20036	ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER	893.00	
Do	ATLAS MINERALS DIVISION	1,729.00	
Do	EMERSON ELECTRIC CO		
Do	FARMERS FOR FAIRNESS		
Do	INSTITUTE OF FOREIGN BANKERS	2,100.00	
Do	INVESTMENT COMPANY INSTITUTE	600.00	
Do	INVESTMENT COUNSEL ASSN OF AMERICA, INC.		
Do	NATIONAL COMM ON SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS	8,341.00	13.60
Do	UTILITY NUCLEAR WASTE MANAGEMENT GROUP		
WILLIAM H. SHAWN, 1730 M STREET, NW, #501 WASHINGTON DC 20036	GROVE, JASKIEWICZ, GILLIAM AND COBERT		
SHEA & GOULD, 330 MADISON AVE. NEW YORK NY 10017	CHAMPION INTERNATIONAL CORP		
Do	CINCINNATI MILACRON		
Do	ELEANOR A. CLARK	46,814.32	579.32
Do	HOSPITAL CORP OF AMERICA		
Do	NABISCO, INC.		
JOHN J. SHEEHAN, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	11,420.76	
KATHLEEN SHEEKEY, 3RD FLOOR 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	9,309.96	783.81
JOHN P. SHEFFEY, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151	NATIONAL ASSN FOR UNIFORMED SERVICES	746.25	
JONATHAN R. SHEINER, 410 FIRST ST., SE WASHINGTON DC 20003	CONSOLIDATED EDISON CO OF NEW YORK, INC.	512.50	
LOIS BURKE SHEPARD, 8602 HIDDEN HILL LANE POTOMAC MD 20854	REPUBLICANS ABROAD		
SEYMOUR SHERIFF, 1126 WOODWARD BLDG. WASHINGTON DC 20005	MAN-MADE FIBER PRODUCERS ASSN, INC		
Do	WYMAN FAMILY		
JAY SHERMAN, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	5,538.47	463.80
HARVEY A. SHIPMAN, 1701 PENNSYLVANIA AVENUE, NW, #830 WASHINGTON DC 20006	PENN CENTRAL CORPORATION		
FRED B. SHIPPEE, 1611 N. KENT ST., #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC		
MARY FRANCES SHLAGEL, SUITE 760 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA		
W. RAY SHOCKLEY, 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MFRS INST	2,550.00	
THOMAS K. SHOEMAKER, 1899 L STREET, NW, #600 WASHINGTON DC 20036	TRAVEL INDUSTRY ASSN OF AMERICA		
SHOOSHAN & JACKSON, INC., 1850 K STREET, NW WASHINGTON DC 20006	U.S. CABLESYSTEMS, INC.		
HARRY M. SHOOSHAN III, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: U.S. CABLESYSTEMS, INC)		
SCOTT SHOTWELL, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	2,475.00	
A. Z. SHOWS, RM 203 1801 COLUMBIA RD., NW WASHINGTON DC 20009			
JOHN SHUEY, P.O. BOX 3151 HOUSTON TX 77253	BROWNING-FERRIS INDUSTRIES, INC.		
CANDICE J. SHY, 1025 CONNECTICUT AVE., NW, #1014 WASHINGTON DC 20036	ENSERCH CORPORATION	4,813.00	1,385.67
BERNARD H. SIERACKI, ILLINOIS PETROLEUM COUNCIL 79 W. MONROE ST., #514 CHICAGO IL 60603	AMERICAN PETROLEUM INST		
MARK SILBERGELD, 1146 19TH STREET, NW WASHINGTON DC 20036	CONSUMERS UNION OF U.S., INC.	3,200.00	20.00
RONALD G. SILLS, C/O 38832-066, A-1 F.C.I. BOX 7000 TEXARKANA TX 75501			
DAVID SILVER, 1775 K ST., NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	146.70	62.75
STEVEN W. SILVER, ROBERTSON, MONAGLE, EASTAUGH & BRADLEY P.O. BOX 1211 JUNEAU AK 99802	ALASKA LUMBER & PULP		
Do	CARR-GOTTSTEIN PROPERTIES, INC.	6,473.95	17,106.17
SILVER USERS ASSN, INC, 1717 K ST., NW WASHINGTON DC 20006			2,802.57
BRUCE A. SILVERGLADE, 1755 S STREET, NW WASHINGTON DC 20009	CENTER FOR SCIENCE IN THE PUBLIC INTEREST	2,000.00	25.00
LARRY SILVERMAN, 1341 G ST., NW, #200 WASHINGTON DC 20005	CLEAN WATER ACTION PROJECT		
SILVERSTEIN & MULLENS, 1776 K ST., NW WASHINGTON DC 20006	ASSOCIATION FOR ADVANCED LIFE UNDERWRITING	30,000.00	
Do	BRISTOL-MYERS CO		
Do	F.W. WOOLWORTH CO		
Do	FEDERAL NATIONAL MORTGAGE ASSN		
Do	GAXT CORP		
Do	MUSIC CORP OF AMER, INC		
Do	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
Do	NATIONAL SAVINGS & LOAN LEAGUE		
JEFFREY A. SIMERING, 5320 FIVE FINGERS WAY COLUMBIA MD 21045	CHICAGO BOARD OF EDUCATION	1,325.00	
M. P. SIMMONS, P.O. BOX 860 VALLEY FORGE PA 19482	CERTAINTEED CORP		
GARY D. SIMMS, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
SIMONELLI AND HALL, 1420 N STREET, NW, #10 WASHINGTON DC 20005	FAIR TRADE SUBCOMM OF INTL TRADE COMM OF CAST METALS FEDER.		
TALMAGE E. SIMPKINS, 100 INDIANA AVE., NW WASHINGTON DC 20001	LABOR-MANAGEMENT MARITIME COMMITTEE	1,368.00	38.41
WILLIAM G. SIMPSON, SUITE 424 1155 15TH STREET, NW WASHINGTON DC 20005	FIRST MISSISSIPPI CORPORATION	2,000.00	
Do	MISSISSIPPI POWER & LIGHT COMPANY	2,000.00	
Do	J.R. SCRIBNER ENTERPRISES	2,000.00	
Do	STATE OF MISSISSIPPI	4,000.00	
CLIFFORD E. SIMS, 3021 FLAMINGO DRIVE ST. CHARLES MO 63301	NATIONAL CITIZENS' LOBBY, INC		
MARGARET SIMS, 2025 M STREET, NW WASHINGTON DC 20036	NATIONAL PUBLIC RADIO	8,534.58	
ROBERT C. SINGER, 475 PARK AVE., SO. AT 32ND ST. NEW YORK NY 10016	SOAP & DETERGENT ASSN		
RICHARD L. SINNOTT & CO, SUITE 306 2021 K ST., NW WASHINGTON DC 20006	AMERICAN PRESIDENT LINES		
Do	NATIONAL FOOTBALL LEAGUE		
Do	OAKLAND COLISEUM	16,625.00	24,901.99
Do	PORT OF OAKLAND	1,250.00	
Do			
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, 919 18TH STREET, NW WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	7,000.00	
Do	TRANSCO ENERGY COMPANY	10,000.00	
Do	TRICENTROL U.S., INC	2,000.00	
WILLIAM J. SKINNER, 815 15TH ST., NW WASHINGTON DC 20005	U.S. PHARMACOPEIAL CONVENTION, INC	427.00	55.13
BARNEY J. SKLADANY JR , 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,125.00	
RUTH L. SKY, 2211 CONGRESS ST. PORTLAND ME 04122	UNION MUTUAL LIFE INSURANCE CO	80.00	425.50
SL SOMMER & ASSOCIATES,INC., 3129 WORTHINGTON ST., NW WASHINGTON DC 20015	NORTHROP CORP.	2,000.00	752.80
F. SLATINSHEK & ASSOCIATES, INC., 1102 BELLE VISTA DR. ALEXANDRIA VA 20007	GRUMMAN AERO CORP; D.L. LYNCH & ASSOCS.	250.00	
BETH SUSAN SLAVET, 400 C STREET, SW, #348 WASHINGTON DC 20547	AMERICAN FED OF GOVERNMENT EMPLOYEES, LOCAL 1812	700.00	1.45

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MATTHEW B. SLEPIN, SUITE 1100 1828 L STREET, NW WASHINGTON DC 20036	COOPERATIVE LEAGUE OF THE USA	166.20	77.99
BARRY S. SLEVIN, 1000 POTOMAC STREET, NW WASHINGTON DC 20007	SEIFMAN, SEMO & SLEVIN, P.C. (FOR: UNITED FOOD & COMMERCIAL WORKERS INT'L UNION).		
RONALD J. SLINN, 260 MADISON AVENUE NEW YORK NY 10016	AMERICAN PAPER INST, INC		
CATHERINE REISS SLOAN, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: U.S. CABLESYSTEMS, INC)		
SMALL BUSINESS COUNCIL OF AMERICA, INC, P.O. BOX 4299 COLUMBUS GA 31904		16,360.00	60,526.00
SMALL BUSINESS LEGISLATIVE COUNCIL, 1604 K ST., NW WASHINGTON DC 20006		3,000.00	16.60
DONALD E. SMILEY, 1899 L ST., NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION		128.31
JAMES R. SMIRCINA, P.O. BOX 5000 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING CO	730.00	902.30
DOUGLAS J. SMITH & ASSOCIATES, SUITE 704 1200 18TH ST., NW WASHINGTON DC 20036	NATIONAL ELECTRIC SIGN ASSN		
Do	SPERRY GYROSCOPE		
ARTHUR J. SMITH, 1025 CONNECTICUT AVE., NW, #200 WASHINGTON DC 20036	SHELL OIL CO	500.00	
CATHERINE S. SMITH, 1025 CONNECTICUT AVENUE, N.W. SUITE 209 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC	122.63	25.00
DAVID S. SMITH, 1701 PENNSYLVANIA AVE., NW, #1102 WASHINGTON DC 20006	MARTIN, BECK & SMITH		
SMITH DAWSON ASSOCIATES, INC, 1000 CONNECTICUT AVENUE, NW, #304 WASHINGTON DC 20036	METROPOLITAN TRANSPORTATION AUTHORITY	5,625.00	6,243.86
DEBORAH A. SMITH, 1101 14TH STREET, NW, #200 WASHINGTON DC 20005	AMERICAN NURSES' ASSN	3,332.50	397.53
DOUGLAS J. SMITH, SUITE 704 1200 18TH ST., NW WASHINGTON DC 20036	DOUGLAS J. SMITH & ASSOCIATES (FOR: AMERICAN SIGN & INDICATOR CORP)		
DOUGLAS S. SMITH, 3219 MAGNOLIA AVENUE FALLS CHURCH VA 22041	NATIONAL INHOLDERS ASSN	1,500.00	750.00
GARY K. SMITH, 600 PENNSYLVANIA AVENUE, SE, #300 WASHINGTON DC 20003	GREETING CARD ASSN		
GORDON L. SMITH, 1201 PENNSYLVANIA AVE., NW, #700 WASHINGTON DC 20004	HILL & KNOWLTON, INC (FOR: FLORISTS' TRANSWORLD DELIVERY ASSN)	2,062.50	
JEFFREY A. SMITH, 1600 WILSON BOULEVARD, #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
JEFFREY A. SMITH, 919 18TH STREET, NW, #600 WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC	705.00	286.55
JENNIFER L. SMITH, 900 17TH STREET, NW, #520 WASHINGTON DC 20006	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	300.00	
JULIAN H. SMITH JR., 600 NORTH 18TH STREET BIRMINGHAM AL 35291	ALABAMA POWER CO	11,712.00	12,939.26
MICHAEL P. SMITH, 485 LEXINGTON AVE. NEW YORK NY 10017	NEW YORK STATE BANKERS ASSN	248.00	206.00
ROBERT BLAND SMITH JR , 1100 15TH STREET, WN, #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	80.00
SHALAH SMITH, 1130 17TH STREET, NW WASHINGTON DC 20036	NATIONAL COAL ASSN	2,150.00	137.19
WILLIAM H. SMITH, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN		
WAYNE H. SMITHEY, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	1,125.00	388.15
ARTHUR V. SMYTH, 1625 EYE ST., NW, #902 WASHINGTON DC 20006	WEYERHAEUSER CO	1,125.00	36.00
LEIGH SNELL, 510 C ST.,NE WASHINGTON DC 20002	NATIONAL ASSN OF CREDIT MANAGEMENT	975.00	
FRANK B. SNODGRASS, 1100 17TH ST., NW, #306 WASHINGTON DC 20036	BURLEY & DARK LEAF TOBACCO EXPORT ASSN	1,050.00	
LARRY S. SNOWHITE, 1825 EYE ST., NW WASHINGTON DC 20006	ENVIRITE CORPORATION	4,000.00	
Do	LIBERTY MUTUAL INSURANCE CO	1,000.00	
Do	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO (FOR: LION LINES, LTD.)		
Do	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: MASS. CONSTRUCTION INDUS. COUNCIL TRUCK WEIGHT COMM).		
Do	NEW ENGLAND EDUCATIONAL LOAN MARKETING CORP	2,000.00	
Do	MINTZ, LEVIN, COHN, GLOVSKY AND POPEO (FOR: SCA SERVICES)	4,500.00	98.14
Do	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: SECURITIES INDUSTRY ASSN)		
EDWARD F. SNYDER, 245 2ND ST., NE WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	4,153.50	
J. R. SNYDER, 400 1ST ST., NW, #704 WASHINGTON DC 20001	UNITED TRANSPORTATION UNION		2,300.00
JOHN M. SNYDER, 600 PENNSYLVANIA AVE., S.E. SUITE 205 WASHINGTON DC 20003	CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS	6,000.00	
SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION, P.O. BOX 3719 GEORGETOWN STATION WASHINGTON DC 20007		12,850.30	16,578.35
EDMUND T. SOMMER JR , 1627 K STREET, NW, #1200 WASHINGTON DC 20006	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS		
CHARLES R. SONNIER, SONNIER & HEBERT P.O. DRAWER 1040 ABBEVILLE LA 70510	COUSHATTA TRIBE OF LOUISIANA		
SOUTHERN FOREST PRODUCTS ASSN, P.O. BOX 52468 NEW ORLEANS LA 70152		17,200.05	17,200.05
SOUTHERN SATELLITE SYSTEMS, INC., P. O. BOX 45684 TULSA OK 74147			151.14
SOUTHWEST HOME FURNISHINGS ASSN, 4313 NORTH CENTRAL EXPRESSWAY P.O. BOX 64545 DALLAS TX 75205			
SPECIALIZED CARRIERS & RIGGING ASSOCIATION, 733 15TH STREET, NW WASHINGTON DC 20005			
JOHN F. SPEER JR , 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
SPEISER, KRAUSE & MADOLE, 1216 16TH ST., NW WASHINGTON DC 20036	MRS. VERA C. CLEMENTE, ET AL		
WILLIAM C. SPENCE, 3805 W. ALABAMA HOUSTON TX 77027	COLUMBIA GULF TRANSMISSION CO		
SPIEGEL & MCDIARMID, 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	NORTHERN CALIFORNIA POWER AGENCY, ET AL		
GEORGE SPIEGEL, SPIEGEL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	NORTHERN CALIFORNIA POWER AGENCY		
NICHOLAS J. SPIEZIO, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	11,000.00	11.40
LARRY N. SPILLER, 1015 15TH ST., NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	100.00	
JOSEPH L. SPILMAN JR , 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	200.00	
SPRIGGS BODE & HOLLINGSWORTH, 1015 15TH ST., NW WASHINGTON DC 20005	ENERGY CYCLE, INC	14,270.24	
ELISABETH A. SQUEGLIA, BRICKER & ECKLER 1301 PENNSYLVANIA AVENUE, N.W. SUITE 1150 WASHINGTON DC 20515	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
MARK SQUILLACE, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE		
SQUIRE, SANDERS & DEMPSEY, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	ALAMO CEMENT COMPANY, ET AL		41.70
Do	AMERICAN CHAMBER OF COMMERCE IN EUROPE & THE MEDITERRANEAN		
Do	AMERICAN CHAMBER OF COMMERCE IN ITALY, INC		
Do	AMERICAN CHAMBER OF COMMERCE IN SPAIN, INC		
Do	AMERICAN SOCIETY OF ANESTHESIOLOGISTS		122.40
Do	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS	1,377.00	
Do	INDEPENDENT DATA COMMUNICATIONS MFGRS. ASSN., INC.	1,803.87	20.00
Do	NATIONAL COLLEGIATE ATHLETIC ASSN		
JOHN W. SROKA, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
CARL F. ST. CIN, 1101 17TH STREET, NW, #604 WASHINGTON DC 20036	MONSANTO CO		
ROBERT P. ST. LOUIS, 2550 M ST., NW, #225 WASHINGTON DC 20037	CONGOLEUM CORPORATION	1,000.00	456.78
DAVID E. STAHL, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
MELVIN R. STAHL, SUITE 1410 1235 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MOTORCYCLE INDUSTRY COUNCIL		
LYNN E. STALBAUM, 1840 WILSON BOULEVARD ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	2,610.00	209.70
TYRONE STALLWORTH, 220 NORTH DEVILLERS STREET PENSACOLA FL 32501			
STANDARD OIL CO (OHIO), MIDLAND BLDG. CLEVELAND OH 44115			22,680.56
MITCHEL STANFIELD, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	COASTAL CORPORATION	400.00	33.00
DAVID P. STANG, P.C., SUITE 601 1529 K ST., NW WASHINGTON DC 20006	AMERICAN INCOME LIFE INSURANCE CO	15.00	
Do	BROWN & ROOT, INC	2.13	
Do	COMMITTEE FOR AD VALOREM EQUITY	7.29	
Do	EMPLOYEE STOCK OWNERSHIP ASSN	5.03	
Do	NATIONAL ASSN OF ROYALTY OWNERS, INC	6.00	
Do	OCEAN MINERALS CO	12.75	
Do	OFFSHORE INDUSTRY COMMITTEE	12.85	
Do	POTTS INDUSTRIES, INC	3.88	
Do	SUN COMPANY, INC	44.71	
Do	TEXAS & SOUTHWESTERN CATTLE RAISERS ASSN	15.00	
Do	TEXAS CATTLE FEEDERS ASSN	15.00	
MICHAEL J. STANTON, 1909 K ST., NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	640.00	
THOMAS H. STANTON, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN		
MELVIN L. STARK, SUITE 321 1707 L ST., NW WASHINGTON DC 20036	HARTFORD FIRE INSURANCE CO	6,000.00	
WALTER M. STARKE, P.O. BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO		
LOIS STARKEY, SUITE 511 1745 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MANUFACTURED HOUSING INSTITUTE	700.00	100.00
RONALD W. STASCH, 205 E. 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
STATE & FEDERAL ASSOCS, INC, SUITE 204 1101 15TH ST., NW WASHINGTON DC 20005	SCHERING-PLOUGH CORP		
Do	WASTE MANAGEMENT, INC		
SAMUEL E. STAVISKY & ASSOCIATES, INC, SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	BRAZILIAN COFFEE INSTITUTE	300.00	50.00
Do	BROADCAST MUSIC INC. (BMI)	200.00	70.00
SAMUEL E. STAVISKY, 1100 17TH ST., NW, #302 WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: BRAZILIAN COFFEE INSTITUTE)		30.00
Do	SAMUEL E. STAVISKY ASSOCIATES INC. (FOR: BROADCAST MUSIC INC. (BMI))		40.00
RANDOLPH J. STAYIN, SUITE 600 21 DUPONT CIRCLE, N.W. WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: DOSIMETER CORP OF NORTH AMERICA)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MACHINERY DEALERS NATIONAL ASSOCIATION).	4,150.00	101.28
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS CO)	6,300.00	189.99
Do	TAFT STETTINIUS & HOLLISTER (FOR: SPECIAL COMM FOR WORKPLACE PRODUCT LIABILITY REFORM).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: WALD MANUFACTURING CO, INC)	16,515.00	478.97
Do	TAFT, STETTINIUS & HOLLISTER (FOR: ZIMPRO CORP)		
WILLIAM N. STEELE, 1700 NORTH MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	1,317.04	2,610.76
J. C. STEEN, 412 FIRST STREET, SE, #301 WASHINGTON DC 20003	FORD AEROSPACE & COMMUNICATIONS CORP	300.00	96.39
DAVID J. STEINBERG, 7216 STAFFORD RD. ALEXANDRIA VA 22307	NATIONAL COUNCIL FOR RESPONSIBLE FIREARMS POLICY, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
WILLIAM STEINBERG, 217 MGC - AMERICAN UNIVERSITY S.C. NEBRASKA & MASSACHUSETTS AVENUE, NW WASHINGTON DC 20016.	AMERICAN UNIVERSITY STUDENT CONFERENCE		
STEPHENS OVERSEAS SERVICES, INC., SUITE 500 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL OFFICE MACHINE DEALERS ASSN	102.26	2.44
Do		40.04	49.99
MICHAEL K. STEPHENSON, SUITE 703 1620 EYE ST., NW WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
STEPTOE & JOHNSON CHARTERED, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036	COALITION FOR UNIFORM PRODUCT LIABILITY LAW		1,719.13
Do	COMMITTEE FOR EFFECTIVE CAPITAL RECOVERY		300.00
Do	EASTERN CENTRAL MOTOR CARRIERS ASSN		
Do	FOREST INDUSTRIES COMMITTEE ON TIMBER VALUATION & TAXATION		4,607.65
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO., ET AL	5,000.00	500.00
Do	RULE OF LAW COMMITTEE	300.00	
Do	TRAILWAYS, INC		
RICHARD H. STERN, 2555 M ST., NW WASHINGTON DC 20037	INTEL CORPORATION		
RICHARD W. STERNBERG, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	125.00	
HEATHER STEVENS-KITTNER, 1717 MASSACHUSETTS AVENUE, NW, #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	4,754.00	207.00
MICHAEL E. STEWARD, 7957 REVENNA LANE SPRINGFIELD VA 22153	PUGET SOUND POWER & LIGHT CO.	2,866.00	419.46
Do	VITRO ENGINEERING CORP.		
EUGENE L. STEWART, 1001 CONNECTICUT AVE., NW, #910 WASHINGTON DC 20036	ROSES, INC.	950.00	5,730.10
IMAGENE STEWART, 214 P STREET, NW WASHINGTON DC 20001	AMERICAN WOMEN'S CLERGY ASSN		
TRAVIS B. STEWART, 1050 CONNECTICUT AVE., NW, #401 WASHINGTON DC 20036	HOFFMANN-LA ROCHE INC		
WALTER J. STEWART, SUITE 700 1100 15TH ST., NW WASHINGTON DC 20005	SONAT, INC		
VICTORIA STEWART-SHAIN, 1710 RHODE ISLAND AVENUE, NW, #300 WASHINGTON DC 20036	ABBOTT LABORATORIES	1,000.00	
WARREN E. STICKLE, SUITE 1120 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN	627.57	44.95
LAVERNE STILL, 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	750.00	32.34
STEPHEN W. STILL, 1100 15TH STREET, NW, #700 WASHINGTON DC 20005	SONAT, INC		
EDWARD W. STIMPSON, SUITE 801 1400 K ST., NW WASHINGTON DC 20005	GENERAL AVIATION MANUFACTURERS ASSOCIATION	1,363.11	
KENNETH F. STINGER, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	624.01
JOHN J. STOCKER, 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	SHIPBUILDERS COUNCIL OF AMERICA	13,750.00	
STOCKHOLDERS OF AMERICA, INC., 1625 EYE ST., N.W. # 724A WASHINGTON DC 20006		17,501.00	1,931.67
PATTI A. STOLL, 100 FEDERAL STREET BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON	330.00	587.13
DENNIS C. STOLTE, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	1,458.33	76.00
GEORGE W. STONE, 600 MARYLAND AVENUE, SW, #202W WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	8,750.00	
JAY STONE, JAY STONE AND ASSOCIATES, INC 412 FIRST STREET, SE, #50 WASHINGTON DC 20003	LOUISIANA WORLD EXPOSITION, INC.		
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY	1,500.00	
Do	MELAMINE CHEMICALS, INC	2,000.00	1,600.00
Do	STATE OF LOUISIANA	14,500.00	4,950.00
ALAN STOVER, 1735 NEW YORK AVENUE,NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	2,500.00	
WILLIAM M. STOVER, 2501 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC.	1,000.00	
STRASBURGER & PRICE, 1200 ONE MAIN PLACE DALLAS TX 75250	DALLAS/FT. WORTH REGIONAL AIRPORT BOARD		49.40
TERRENCE D. STRAUB, 818 CONNECTICUT AVENUE, N.W. WASHINGTON DC 20006	U.S. STEEL CORPORATION	250.00	105.76
RONALD J. STRECK, P.O. BOX 238 ALEXANDRIA VA 22313	NATIONAL WHOLESALE DRUGGISTS' ASSN		
JAMES R. STREETER, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP	136.15	26.25
RICHARD H. STREETER, 1729 H STREET, NW WASHINGTON DC 20006	CAST NORTH AMERICA LTD.		
STROOCK & STROOCK & LAVAN, 1150 17TH ST., NW WASHINGTON DC 20036	AMERICAN RED CROSS RETIREMENT SYSTEM	2,733.00	47.00
Do	AMERICAN TRUCKING ASSNS, INC	113.00	2.00
Do	CITY OF TUCSON		
Do	DREYFUS CORPORATION	4,740.00	200.00
Do	DREYFUS TAX EXEMPT BOND FUND		
Do	INGERSOLL & BLOCH	2,000.00	70.00
Do	J. ARON & CO, INC	4,000.00	180.00
Do	PACIFIC EXPRESS, INC	1,400.00	185.00
Do	PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION	1,200.00	105.00
Do	TENANT-OWNED APARTMENT ASSN., INC.	1,200.00	45.00
Do	WARNER COMMUNICATIONS, INC	200.00	5.00
GEORGE STRUMPF, 624 9TH ST., NW, 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC.		
WALTER B. STULTS, 618 WASHINGTON BLDG. WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS.	4,000.00	
EUGENE F. STURGEON, 182 CRATER LANE KENSINGTON CT 06037	NORTHEAST UTILITIES SERVICE CO	1,259.36	784.62
SUBSCRIPTION TELEVISION ASSN, 1910 S ST., NW WASHINGTON DC 20009			
SULLIVAN & CROMWELL, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN INTERNATIONAL GROUP, INC		
Do	GOLDMAN SACHS & CO		
Do	INCO UNITED STATES, INC		
Do	SECURITY LIFE OF DENVER		
SULLIVAN & WORCESTER, 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALASKA LUMBER & PULP CO, INC		
AUSTIN P. SULLIVAN JR , P.O. BOX 1113 MINNEAPOLIS MN 55440	GENERAL MILLS, INC		
GAEL M. SULLIVAN, SUITE 1004 1155 15TH STREET, NW WASHINGTON DC 20005	LTV CORPORATION	2,344.00	640.00
HAROLD R. SULLIVAN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	900.00	
JUDY M. SULLIVAN, SUITE S-700 1120 20TH STREET, NW WASHINGTON DC 20036	NORTHWEST ENERGY		
MARGARET COX SULLIVAN, 1625 EYE ST., N.W. # 724A WASHINGTON DC 20006	STOCKHOLDERS OF AMERICA, INC.		
PATRICK J. SULLIVAN, 815 SIXTEENTH STREET, N.W. WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	7,722.41	1,049.67
RICHARD C. SULLIVAN, SUITE 409 110 MARYLAND AVE., N.E. WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	6,550.00	78.45
GARY R. SUMMERS, SUITE 1014 900 17TH STREET, NW WASHINGTON DC 20006	KAISER FOUNDATION HEALTH PLAN	10,750.00	
J. MITCHELL SUMMERS, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ARMCO, INC	1,053.00	205.75
IRIS SUNSHINE, 1710 BROADWAY NEW YORK NY 10019	INTERNATIONAL LADIES GARMENT WORKERS UNION	4,249.96	38.75
SURREY & MORSE, 1250 EYE STREET, NW WASHINGTON DC 20005	CAVALIER CLOTHING	64.00	6.35
Do	DALE FASHIONS	64.00	6.35
Do	DEROSSI & SON CO	64.00	6.35
Do	LONDON CHAMBER OF COMMERCE AND INDUSTRY	1,580.00	4.50
Do	MAJOR CLOTHING CO	64.00	6.35
Do	PATHFINDER FUND	1,776.00	22.50
Do	PHARMACEUTICAL MANUFACTURERS ASSN		
Do	PIETRO BERETTA, S.P.A.		
Do	SOUTH JERSEY CLOTHING	64.00	6.35
SUTHERLAND ASBILL & BRENNAN, 1666 K STREET, NW, #800 WASHINGTON DC 20006	AD HOC COMM FOR EQUITABLE TRANSPORTATION		
Do	AMERICAN INDUSTRIAL CLAY & GEORGIA KAOLIN	228.12	26.62
Do	ANGLO-AMERICAN CLAYS CORP	228.12	26.62
Do	ASSOCIATION OF BUSINESS ADVOCATING TARIFF EQUITY		
Do	CONTRACT CARRIAGE COALITION		
Do	COUNCIL OF INDUSTRIAL BOILER OWNERS		
Do	ENGELHARD MINERALS & CHEMICALS CORP	228.12	26.62
Do	FREEPORT KAOLIN	228.12	26.62
Do	INDUSTRIAL OIL CONSUMERS GROUP		
Do	J. M. HUBER CORP.	228.12	26.62
Do	LOYAL TRUST		
Do	MULLITE CO OF AMER	228.12	26.62
Do	NORD RESOURCES CORP	228.12	26.62
Do	THIELE KAOLIN CO	228.12	26.62
WILLIAM F. SUTHERLAND, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	300.00	
DONNAE SUTHERLIN, 3845 FM 1960 WEST, SUITE 401 HOUSTON TX 77068	NATIONAL ASSN OF MANUFACTURERS	400.00	
W. THOMAS SUTTLE, SUITE 4 1755 WILLARD STREET, NW WASHINGTON DC 20009	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS	2,200.00	625.00
WILLIAM W. SUTTLE, 1025 CONNECTICUT AVE., NW SUITE 415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN	465.00	5.75
IRVING W. SWANSON, 11212 FARMLAND DRIVE ROCKVILLE MD 20852	HARRIS CORPORATION	21,000.00	2,137.65
DAVID A. SWEENEY, 25 LOUISIANA AVE., NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	17,004.03	
TRICIA L. SWIFT, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	1,200.00	
RUSSELL A. SWINDELL, P.O. BOX 2635 RALEIGH NC 27602	NORTH CAROLINA RAILROAD ASSOCIATION	83.32	197.18
CHRISTOPHER U. SYLVESTER, 1831 BRIAR RIDGE COURT MCLEAN VA 22101	GARRISON DIVERSION CONSERVANCY DISTRICT	6,000.00	586.87
MERRIBEL SYMINGTON, SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
SYRDAL DANELO KLEIN & MYRE, P.C., 24TH FLOOR FOURTH & BLANCHARD BLDG. SEATTLE WA 98121	WASHINGTON STATE CHARTERBOAT ASSN		
Z. MICHAEL SZAZ, 6415 FRANCONIA COURT SPRINGFIELD VA 22150	EMBASSY OF THE DEMOCRATIC REPUBLIC OF SOMALIA		
ROBERT TAFT JR., SUITE 600 21 DUPONT CIRCLE NW WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: AMERICAN HOSPITAL ASSN)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: DOSIMETER CORP OF NORTH AMERICA)	3,000.00	355.05
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MACHINERY DEALERS NATIONAL ASSOCIATION).		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)	3,200.00	177.76
Do	TAFT, STETTINIUS & HOLLISTER (FOR: PIPER, JAFFRAY & HOPWOOD)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: RCA GLOBAL COMMUNICATIONS, INC)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS CO)	23,500.00	179.55
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SPECIAL COMM FOR WORKPLACE PRODUCT LIABILITY REFORM).	5,567.50	349.34
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TAFT BROADCASTING COMPANY)	9,900.00	54.33
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TELEPHONE & DATA SYSTEMS, INC.)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: WALD MANUFACTURING CO, INC)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: ZIMPRO CORP)		
TAGGART & ASSOCIATES, 1015 15TH STREET, NW, #200 WASHINGTON DC 20005	MARION LABORATORIES, INC		
Do	TELEPHONE & DATA SYSTEMS, INC		
WALTER G. TALAREK, SUITE 405 1945 GALLOWS RD. VIENNA VA 22180	AMERICAN WOOD PRESERVERS INSTITUTE		
TALCOTT MCCABE & BOWSER, SUITE 302, WEST WING 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	HOLIDAY INNS, INC	2,450.00	
Do	NATIONAL ASSN OF HOMES FOR CHILDREN	1,800.00	
Do	SERVICEMASTER INDUSTRIES, INC	1,100.00	
TANAKA WALDERS & RITGER, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	BRIDGESTONE TIRE CO., LTD.		
Do	ELECTRONIC INDUSTRIES ASSN OF JAPAN		
SUSAN TANNENBAUM, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,568.36	164.67
LINDA TARR-WHELAN, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	3,114.00	62.00
DAN C. TATE, 1825 K ST., NW, #807 WASHINGTON DC 20006	NATIONAL BROADCASTING CO., INC.		
JOHN F. TATE, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	1,200.00	
GRACA DA SILVA TAVARES, 17 PERKINS STREET WEST NEWTON MA 02165			
CHARLES A. TAYLOR III, 499 SOUTH CAPITOL ST., SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	1,000.00	
FRANK A. TAYLOR, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
PEGGY TAYLOR, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,441.31	348.70
R. WILLIAM TAYLOR, 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN SOCIETY OF ASSN EXECUTIVES		
STEPHANIE TEFF, 1730 M STREET, NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	3,327.70	59.75
ELAYNE L. TEMPEL, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
PAUL M. TENDLER, 1110 VERMONT AVENUE, NW, #840 WASHINGTON DC 20005	PAUL TENDLER ASSOCIATES, INC (FOR: ALPHA DATA)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: BASCOM, INC.)		
Do	PAUL TENDLER ASSOCITES, INC (FOR: NATIONAL FEDERATION OF LICENSED PRACTICAL NURSES).	1,600.00	370.00
Do	PAUL TENDLER ASSOCIATES, INC (FOR: NATIONAL INSTITUTE OF TENANTS)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: RASCH ELEKTRONIK)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: SCHOENEMAN, INC)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: SOUTHEASTERN EXPORTERS)		
TENNESSEE HOME MEDICAL PROVIDERS ASSOCIATION,INC., P.O. BOX 23130 KNOXVILLE TN 37933			
BETTY-GRACE TERPSTRA, 918 16TH ST., NW, #402 WASHINGTON DC 20006	SOUTHERN FURNITURE MFGRS ASSN	750.00	375.00
EDWARD F. TERRAR JR., 499 SOUTH CAPITOL ST., S.W. ROOM 400 WASHINGTON DC 20003	WASHINGTON INDUSTRIAL TEAM, INC.	600.00	
THACHER PROFFITT & WOOD, SUITE 512 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	GRINDLAYS BANK LIMITED		280.00
Do	SALOMON BROTHERS, INC		542.43
MARY KAY THATCHER, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	5,062.50	52.00
BRUCE D. THEVENOT, 1155 15TH ST., NW, #424 WASHINGTON DC 20005	CASSON, CALLIGARO & MUTRYN (FOR: HUMANA,INC.)	1,850.00	
Do	OKLAHOMA STATE NURSING HOME ASSN.	3,840.00	
ALAN J. THIEMANN, 1730 M STREET, NW, #501 WASHINGTON DC 20036	GROVE, JASKIEWICZ, GILLIAM AND COBERT		
BARBARA BRENDES THIES, RM. 330W 1500 PLANNING RESEARCH DR. MCLEAN VA 22102	PLANNING RESEARCH CORPORATION		627.22
THIRD CLASS MAIL ASSOCIATION, 1133 15TH ST., NW, #1037 WASHINGTON DC 20005		600.00	600.00
EDLU J. THOM, 605 14TH STREET, NW WASHINGTON DC 20005	SOCIETY OF THE PLASTICS INDUSTRY, INC		
DORIS I. THOMAS, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
JAMES M. THOMAS JR., 100 INDIANA AVENUE, NW, #403 WASHINGTON DC 20001	AMALGAMATED TRANSIT UNION, NATL CAP LOCAL 689		
JOHN W. THOMAS, SUITE 828 1522 K ST., NW WASHINGTON DC 20005	AMERICAN VETERINARY MEDICAL ASSN	40.00	
Do	ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES		
PATRICIA THOMAS, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	6,382.96	
ROBERT L. THOMAS, 1319 F ST., NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	50.00	
THOMPSON & MITCHELL, ONE MERCANTILE CENTER, #3400 ST. LOUIS MO 63101	AMERICAN INLAND WATERWAYS COMMITTEE	306.00	
Do	CROWN LIFE INSURANCE CO	9,000.00	2,719.37
Do	MIDLAND ENTERPRISES, INC.		
Do	VALLEY LINE COMPANY		
BOYD THOMPSON, SUITE 210 5410 GROSVENOR LANE BETHESDA MD 20814	AMERICAN MEDICAL CARE & REVIEW ASSN.		28.99
GARY C. THOMPSON, 1126-16TH ST., N.W. WASHINGTON DC 20036	OIL, CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION	4,374.99	
JAMES F. THOMPSON JR., 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
KENNETH W. THOMPSON, 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	300.00	
LAW OFFICES OF FRED 1919 PENNSYLVANIA AVENUE, NW, #850 WASHINGTON DC 20006	CENTRAL STATES SE & SW AREAS HEALTH, WELFARE & PENSION FUNDS	5,060.00	
Do	WESTINGHOUSE ELECTRIC CORP	7,617.00	
NANCY THOMPSON, 1600 EYE STREET, NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC		
RICHARD L THOMPSON, 1730 M ST., NW, #808 WASHINGTON DC 20036	ABBOTT LABORATORIES	4,500.00	
ROGER G. THOMPSON, 117 BELLEFONTE DRIVE ASHLAND KY 41101	KENTUCKY POWER CO	5,500.00	2,331.38
SAMUEL C. THOMPSON JR., SCHIFF HARDIN & WAITE 1101 CONNECTICUT AVENUE, NW, #600 WASHINGTON DC 20036	CHIAGO BOARD OPTIONS EXCHANGE, INC.		
W. REID THOMPSON, 1900 PENNSYLVANIA AVE., NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO		
THOMPSON, HINE & FLORY, 1920 N ST., NW, #700 WASHINGTON DC 20036	MID-CONTINENT TELEPHONE CORPORATION	10,120.00	91.44
TERENCE H. THORN, SUITE 919 1700 NORTH MOORE STREET ARLINGTON VA 22209	HOUSTON NATURAL GAS CORP	163.45	
RICHARD B. THORNBURG, SUITE 505 5205 LEESBURG PIKE FALLS CHURCH VA 22041	NATIONAL BEER WHOLESALERS' ASSN.		596.17
JOHN A. THORNER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN		
WILLIAM R. THORNHILL, P.O. BOX 2511 HOUSTON TX 77001	TENNESSEE GAS PIPELINE CO.		
MARGO THORNING, 1850 K ST., NW, #520 WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION		
HAROLD A. THORNTON & ASSOCIATES, 1301 15TH STREET, NW, #818 WASHINGTON DC 20005	COMMITTEE TO IMPROVE PUBLIC SCHOOL LIBRARIES		
GRACE F. THORPE, P.O. BOX 184 YALE OK 74085			
WALTER L. THREADGILL, 1220 19TH STREET, NW WASHINGTON DC 20036	STORER COMMUNICATIONS, INC.	250.00	
SAMUEL THURM, 1725 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF NATL ADVERTISERS		
CYRUS C. TICHENOR III, 1101 VERMONT AVENUE, NW, #405 WASHINGTON DC 20005	A. H. ROBINS CO, INC.	785.00	72.25
MICHAEL M. TIERNAN, 1501 WILSON BLVD. ARLINGTON VA 22209	AIR CONDITIONING & REFRIGERATION INSTITUTE	1,000.00	
ROGER TILLES, SUITE 1050 1111 19TH ST., NW WASHINGTON DC 20036	WASHINGTON PSYCHIATRIC SOCIETY	12,000.00	189.60
WALLACE TILLMAN, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	150.00	
MARTIN R. TILSON JR , PO BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO	78.24	131.00
PATTI A. TILSON, SUITE 520 900 17TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, U.S.A., INC	500.00	
C. H. TIMBERLAKE, 1825 K ST., NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
TIMMONS & CO, INC, 1850 K ST., NW, #850 WASHINGTON DC 20006	AMERICAN BROADCASTING CO, INC	2,205.00	
Do	AMERICAN INLAND WATERWAYS COMMITTEE	720.00	
Do	AMERICAN PETROLEUM INST	135.00	
Do	ANHEUSER-BUSCH COMPANIES, INC.	810.00	
Do	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	120.00	
Do	BOEING COMPANY	270.00	
Do	BROWN GROUP, INC	360.00	
Do	CHRYSLER CORPORATION	1,710.00	
Do	EASTERN AIR LINES, INC	675.00	
Do	G. D. SEARLE & CO	315.00	
Do	H. J. HEINZ CO	225.00	
Do	MAJOR LEAGUE BASEBALL	405.00	367.99
Do	MIDDLE SOUTH SERVICES	450.00	
Do	NATIONAL RIFLE ASSN OF AMER	270.00	
Do	NORTHROP CORP	1,137.50	
Do	STANDARD OIL CO (INDIANA)		
CONSTANCE D. TIPTON, 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS/MILK INDUSTRY FOUND.		
E. LINWOOD TIPTON, 888 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		206.17
EBEN S. TISDALE, 1101 16TH ST., NW SUITE 300 WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN	1,450.00	51.50
TITLE ASSOCIATES, INC., RT.2, BOX 89 COLUMBIA TN 38401			
TOBACCO ASSOCIATES, INC, SUITE 912 1101 17TH ST., NW WASHINGTON DC 20036			3,342.82
JAMES R. TOBIN, MACK CENTRE DR. PARAMUS NJ 07652	BECTON, DICKINSON & CO	2,000.00	
ROBERT TOBIN, 605 14TH STREET, NW, #302 WASHINGTON DC 20005	AD HOC COMM IN DEFENSE OF LIFE, INC	2,600.00	2,492.93
WILLIAM J. TOBIN, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	1,500.00	25.00
DAVID G. TODD, 1025 CONNECTICUT AVE., NW, #507 WASHINGTON DC 20036	ASHLAND OIL, INC.	2,000.00	
M. DOUGLAS TODD, SUITE 2300 1000 WILSON BOULEVARD ARLINGTON VA 22209	NORTHROP CORPORATION		16.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
WILLIAM R. TOLLEY JR , PO BOX 37 MELBOURNE FL 32919	HARRIS CORPORATION		832.70
SALLY AUSTEN TOM, SUITE 1120 1522 K STREET, NW WASHINGTON DC 20005	AMERICAN COLLEGE OF NURSE-MIDWIVES		
EDWARD TONAT, 6723 BRIGADOON DRIVE BETHESDA MD 20034	ROBERT GOFF & ASSOCIATES, INC		
ANN TONJES, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	600.00	115.00
WILLIAM D. TOOHEY, 1899 L ST., NW, #600 WASHINGTON DC 20036	TRAVEL INDUSTRY ASSOCIATION OF AMERICA		
JOHN B. TOONE, P.O. BOX 3592 ODESSA TX 79760	TEXAS ELECTRIC SERVICE CO	148.16	98.75
TOTAL PETROLEUM, INC, 999 18TH STREET, SUITE 2201 DENVER CO 80202			
JOHN G. TOTH, 11935 BARREL COOPER CT. RESTON VA 22091	RESTON ADVISER COMMITTEE		
WANDA TOWNSEND, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	318.75	
BURKE A. TRACEY, 2111 JEFFERSON DAVIS HIGHWAY #1009-S ARLINGTON VA 22202	COALITION OF HIGHER EDUCATION ASSISTANCE ORGANIZATIONS		
JOHN P. TRACEY, 1801 K ST., NW, #1201 WASHINGTON DC 20006	U.S. INDEPENDENT TELEPHONE ASSN	1,000.00	
JEFFREY B. TRAMMELL, 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES, INC.)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: MOTOROLA)		
Do	GRAY AND COMPANY (FOR: MUTUAL INSURANCE COALITION)		
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING CO)	920.00	
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)		
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)		
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)		
HUBERT TRAVAILLE, SUITE 510 1090 VERMONT AVE., NW WASHINGTON DC 20005	POTLATCH CORPORATION	1,000.00	
TRAVEL & TOURISM GOVERNMENT AFFAIRS POLICY COUNCIL, SUITE 607 1899 L STREET, NW WASHINGTON DC 20036		1,635.00	1,635.00
TRAVEL INDUSTRY ASSOCIATION OF AMERICA, 1899 L ST., NW WASHINGTON DC 20036			
ERNEST B. TREMMEL, INC., 5908 ROSSMORE DRIVE BETHESDA MD 20014	BURNS & ROE, INC	1,467.00	196.90
R. S. TRIBBE, 1825 EYE STREET, NW, #350 WASHINGTON DC 20006	TRANS WORLD AIRLINES, INC	102.00	
LAURENCE H. TRIBE, P.C., 1525 MASSACHUSETTS AVENUE CAMBRIDGE MA 02138	MOTION PICTURE ASSN OF AMERICA, INC		
SALLY A. TRIPLETT, SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: BROADCAST MUSIC INC. (BMI))		30.00
EUGENE M. TRISKO, 9817 ROSENSTEEL AVENUE SILVER SPRING MD 20910	STERN BROS., INC	7,290.00	906.00
MICHAEL G. TROOP, 1111 N. 19TH ST., #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	1,300.00	
ROBERT C. TROUP, BOX 893 NEW CANAAN CT 06840			
GEORGE G. TROUTMAN, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	BELL HELICOPTER, INC	150.00	
ALEXANDER B. TROWBRIDGE, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	525.00	
THOMAS L. TRUEBLOOD, 401 NORTH MICHIGAN AVE. CHICAGO IL 60611	INTERNATIONAL HARVESTER CO.	1,000.00	316.35
TRUST FOR PUBLIC LAND, 82 SECOND ST. SAN FRANCISCO CA 94105			7,474.00
TUCKER & BROWN, WESTERN FEDERAL SAVINGS BLDG., #1330 718 17TH ST. DENVER CO 80202	MANVILLE CORP		
Do	PETRO-LEWIS CORPORATION	1,500.00	
Do	REGIONAL TRANSPORTATION AUTHORITY	1,500.00	
TUNA RESEARCH FOUNDATION, INC, 1101 17TH ST., NW WASHINGTON DC 20036			
B. ELIZABETH TUNNEY, 124 SALEM CHURCH ROAD MECHANICSBURG PA 17055	RETAIL, WHOLESALE & DEPT STORE UNION (INT'L), ET AL	7,995.00	1,915.89
BRIAN TURNER, 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO	7,269.50	287.95
RICHARD F. TURNEY, 1725 K ST., NW WASHINGTON DC 20006	COURTNEY, MCCAMANT & TURNEY	300.00	
W. GLENN TUSSEY, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	6,849.99	20.00
ST. CLAIR J. TWEEDIE, SUITE 220 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN CYANAMID CO	12,750.00	177.28
U.S. CANE SUGAR REFINERS' ASSN, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036		4,232.00	4,013.91
U.S. COMMITTEE FOR THE OCEANS, 100 MARYLAND AVE., NE WASHINGTON DC 20002			
U.S. DEFENSE COMMITTEE, 3238 WYNFORD DRIVE FAIRFAX VA 22031		8,541.26	8,541.26
U.S. LEAGUE OF SAVINGS INSTITUTIONS, 111 E. WACKER DR. CHICAGO IL 60601			142,088.55
JERRY G. UDELL, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	300.00	58.25
LEWIS K. UHLER, SUITE 600 1523 L ST., NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	1,500.00	25.00
ULLMAN CONSULTANTS, INC., 1000 POTOMAC ST., N.W. SUITE 302 WASHINGTON DC 20007	CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION	550.00	
Do	INTERNATIONAL TITANIUM, INC	1,000.00	
Do	MERCK & CO., INC	5,000.00	
Do	OREGON METALLURGICAL CORP	1,000.00	
Do	TIMET TITANIUM	2,000.00	
Do	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	7,500.00	
Do	WESTERN FOREST INDUSTRIES ASSOCIATION	6,500.00	
MANYA S. UNGAR, 10 BRANDYWINE COURT SCOTCH PLAINS NJ 07076	NATIONAL CONGRESS OF PARENTS & TEACHERS	444.00	2,140.56
CHARLES K. UNGER, 1600 PRINCE STREET, #212 ALEXANDRIA VA 22314	NATIONAL ASSN OF STEVEDORES	3,000.00	268.38
UNIFI, INC., P.O. BOX 19109 GREENSBORO NC 27419			
UNION MUTUAL LIFE INSURANCE CO, 2211 CONGRESS ST. PORTLAND ME 04122			473.50
THOMAS C. UNIS, 1200 ONE MAIN PL, P.O. BOX 50100, DALLAS, TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)		
THOMAS C. UNIS, P.C., 1200 ONE MAIN PL., P.O. BOX 50100, DALLAS, TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)		
UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS, WORKERS OF AMERICA (UAW) 8000 E. JEFFERSON DETROIT MI 48214.		90,839.52	90,839.52
UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA, 101 CONSTITUTION AVE., NW WASHINGTON DC 20001			39,015.14
UNITED IRISH & AMERICAN SOCIETY OF ILLINOIS, BOX 219 3400 W. 111TH STREET CHICAGO IL 60655		366.90	1,225.54
UNITED SERVICES AUTOMOBILE ASSOCIATION, 9800 FREDERICKSBURG ROAD SAN ANTONIO TX 78288			
LLOYD N. UNSELL, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		52.50
A. RUSSELL UPSHAW JR., 1030 15TH STREET, NW WASHINGTON DC 20005	EASTERN AIRLINES		900.00
DREW A. UPTON. 1100 16TH ST., NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN		
MARIAN S. URNIKIS, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	250.00	179.04
U.S. RECREATIONAL SKI ASSN, 1919 PENNSYLVANIA AVE, NW #300, WASHINGTON DC 20006			1,440.00
YOSHINORI USUI, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC	50.00	165.90
UTILITY NUCLEAR WASTE MANAGEMENT GROUP, C/O EDISON ELECTRIC INSTITUTE 1111 19TH ST., NW WASHINGTON DC 20036.			
RONALD D. UTT, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	64.00	29.65
ANTHONY VALANZANO, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	100.00	
MATHEW VALENCIC, 201 MASSACHUSETTS AVE., NE SUITE 319 WASHINGTON DC 20002	HALT, INC		
JACK J. VALENTI, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMER, INC	875.00	
LIONEL VAN DEERLIN, 2945 FRUITLAND DRIVE VISTA CA 92083	AMERICAN BORDER BROADCASTERS FREE SPEECH COMMITTEE, INC	1,400.00	599.75
RICHARD VAN DEUREN, 111 E. WISCONSIN AVENUE, NW, #1800 MILWAUKEE WI 53202	NATIONAL EMPLOYEE BENEFITS INST	2,000.00	
JULIANE H. VAN EGMOND, SUITE 220 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN CYANAMID CO	156.29	15.00
VAN FLEET ASSOCIATES, INC, SUITE 102 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	CADILLAC GAGE		
Do	FORD AEROSPACE & COMMUNICATIONS CORP	3,000.00	32.40
Do	MARCONI ELECTRONICS	4,000.00	121.09
H. B. VAN GIESON, 1700 NORTH MOORE STREET ROSSLYN VA 22209	BOEING COMPANY		
C. D. VAN HOUWELING, P.O. BOX 69 CENTREVILLE VA 22020	NATIONAL PORK PRODUCERS COUNCIL	215.00	25.00
NICK L. VAN NELSON, SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
VAN NESS, FELDMAN, SUTCLIFFE, CURTIS & LEVENBERG, 7TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007.	ALLIED-GENERAL NUCLEAR SERVICES		
Do	AMERICAN ELECTRIC POWER CO., INC., ET AL	975.00	7.00
Do	AMERICAN INST OF CERTIFIED PUBLIC ACCOUNTANTS		
Do	AMERICAN PRESIDENT LINES		
Do	ARCTIC SLOPE REGIONAL CORP		
Do	ASHLEY, THOMAS LUDLOW (FOR GENERAL PUBLIC UTILIES)		
Do	BRAE CORPORATION	11,663.50	193.00
Do	CASTLE & COOKE, INC		
Do	COLUMBIA GAS SYSTEM SERVICE CORP	5,400.00	168.11
Do	FLORIDA AGRICULTURE COALITION, INC		
Do	HAWAIIAN ELECTRIC COMPANY		
Do	JACOBS ENGINEERING GROUP, INC		
Do	MCDONNELL DOUGLAS ASTRONAUTICS CORP		
Do	NATOMAS COMPANY		
Do	PENNSYLVANIA ELECTRIC CO; NEW YORK STATE ELECTRIC & GAS CO		
Do	REPUBLIC GEOTHERMAL, INC	1,230.00	27.00
Do	REPUBLIC OF KENYA		
Do	REPUBLIC OF PALAU		
Do	JOSEPH SEAGRAM & SONS, INC	675.00	9.00
Do	SLURRY TRANSPORT ASSN	16,246.00	227.86
Do	STATE OF ALASKA		
Do	UNION CARBIDE CORP		
Do	WINDFARMS, LTD		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
GLENN R. VAN SCHOONEVELD, SUITE 702 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ARMCO, INC	1,198.35	260.50
JAY N. VARON, SUITE 1000 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORPORATION).		
JENNIFER VASILOFF, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	4,750.02	489.70
ROBYN E. VAUGHAN, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	17.30	31.00
M. DAVID VAUGHN, 805 THIRD AVENUE NEW YORK NY 10022	MAJOR LEAGUE BASEBALL PLAYERS ASSN	1,890.98	580.10
A. RANDALL VEHAR, 900 15TH ST., NW WASHINGTON DC 20005	UNITED MINE WORKERS OF AMERICA		
LISA A. VEHMAS, 1920 N STREET, NW, #300 WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
VELSICOL CHEMICAL CORP, 341 EAST OHIO ST. CHICAGO IL 60611			
JOHN P. VENNERS, 1899 L ST., NW, #1250 WASHINGTON DC 20036	VENNERS & CO (FOR: KOCH INDUSTRIES)		
JERRY T. VERKLER, 1660 L STREET, NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSN OF AMERICA	6,250.00	117.64
C. JOHN VERMILYE, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	U.S. STEEL CORPORATION		
VERNER, LIIPFERT, BERNHARD & MCPHERSON, 1660 L ST., NW, #1100 WASHINGTON DC 20036	JOHN D. & CATHERINE T. MACARTHUR FOUNDATION	1,350.00	
Do	LABOR-INDUSTRY COALITION FOR INTL TRADE	1,020.00	
Do	PAN AMERICAN WORLD AIRWAYS, INC		
Do	TRAVELERS CORP	3,832.50	
Do	TURNER BROADCASTING SYSTEM, INC		
FRANK VERRASTRO, 1155 15TH STREET, NW, #600 WASHINGTON DC 20005	PENNZOIL COMPANY	105.00	
LINDA VICKERS, 1706 23RD ST., SOUTH ARLINGTON VA 22202	COMMUNICATING FOR AGRICULTURE, INC	3,249.99	
Do	NATIONAL ASSN OF CROP INUSRANCE AGENTS	8,749.98	
BRENDA R. VIEHE-NAESS, 1025 CONNECTICUT AVE., NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN		
DAVID VIENNA, 510 C ST., NE WASHINGTON DC 20002	HORSEMEN'S BENEVOLENT & PROTECTIVE ASSN		
Do	NATIONAL ASSN OF CREDIT MANAGEMENT	50.00	
R. ERIC VIGE, SUITE 300 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	735.00	476.48
MICHAEL F. VIGIL JR., 645 FIFTH AVENUE NEW YORK NY 10022	INTERNATIONAL GOLD CORPORATION LIMITED	50.00	
HOWARD A. VINE, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	400.00	
WALTER D. VINYARD JR., ALSTON & BIRD 1800 M STREET, NW, #1000 WASHINGTON DC 20036	CONTINENTAL INSURANCE COMPANIES	10,000.00	
Do	HARTFORD INSURANCE GROUP	3,000.00	
Do	ITT CORP	1,000.00	
VIRGINIA ASSOCIATION OF RAILWAY PATRONS, P.O.BOX 867 RICHMOND VA 23207		1.80	1.80
ANDREW VITALI JR , 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	4,000.00	
GEORGE A. VIVERETTE JR., 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
VOLKSWAGEN OF AMERICA, INC, SUITE 2450 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024			590.00
DOUGLAS K. VOLLMER, 801 18TH ST., NW WASHINGTON DC 20006	PARALYZED VETERANS OF AMERICA	10,503.94	
VOLPE, BOSKEY & LYONS, SUITE 602 918 16TH STREET, NW WASHINGTON DC 20006	AMERICAN ASSN OF EQUIPMENT LESSORS		
VOLUME FOOTWEAR RETAILERS OF AMERICA, 1319 F ST., NW, #700 WASHINGTON DC 20004			500.00
INGRID A. VOORHEES, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	2,000.00	500.00
VORYS, SATER, SEYMOUR & PEASE, SUITE 1111 1828 L ST., NW WASHINGTON DC 20036	BOWERY SAVINGS BANK	270.00	6.95
Do	CABOT CORPORATION	9,682.95	132.91
Do	COMMITTEE OF PUBLICLY OWNED COMPANIES		
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	MOWSAFE PRODUCTS, INC		
Do	OHIO MFRS ASSN		871.85
Do	SMALL BUSINESS COALITION FOR POLLUTION CONTROL		
Do	SOUTHERN HOTEL DEVELOPMENT CO		90.83
Do	TOLEDO TRUSTCORP	15,600.00	178.23
Do	YANKEE RESOURCES, INC	16,807.70	233.93
W.A.W. WAR AGAINST WOMEN, 1224 FREEMONT ROSEBURG OR 97470			
CATHERINE WAELDER, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
ROBERT J. WAGER, 2020 K ST., NW, #850 WASHINGTON DC 20006	AMERICAN BAKERS ASSN	1,070.00	3.00
KERRI WAGNER, 1155 15TH STREET, NW WASHINGTON DC 20005	NATIONAL BROILER COUNCIL	750.00	
HOWARD W. WAHL, P.O. BOX 1000 ANN ARBOR MI 48106	BECHTEL POWER CORPORATION		
CHRISTINE M. WAISANEN, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
HERBERT R. WAITE, 100 FEDERAL ST. BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON	4,000.00	5,001.97
WALD, HARKRADER & ROSS, 1300 19TH ST., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
Do	HARTFORD STEAM BOILER INSPECTION & INSURANCE CO		
Do	LIFELINE SYSTEMS, INC		
ANGELA S. WALDORF, N.C. PETROLEUM COUNCIL P.O. BOX 167 RALEIGH NC 27602	AMERICAN PETROLEUM INST		
ROBERT E. WALDRON, ASSOCIATED PETROLEUM INDUSTRIES OF MICHI 930 MICHIGAN NATL TOWER, PO BOX 10070 LANSING MI 48901.	AMERICAN PETROLEUM INST	780.00	
CHARLS E. WALKER ASSOCIATES, INC., 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AGRICO CHEMICAL COMPANY, ET AL	2,000.00	
Do	AIR TRANSPORT ASSN OF AMERICA		
Do	ALUMINUM CO OF AMER	625.00	
Do	AMERICAN GUILD OF AUTHORS & COMPOSERS	500.00	
Do	AMERICAN TELEPHONE & TELEGRAPH CO	625.00	
Do	ANHEUSER-BUSCH COMPANIES, INC	1,500.00	
Do	BECHTEL CIVIL & MINERALS, INC	625.00	
Do	BETHLEHEM STEEL CORP	750.00	
Do	CBS, INC		
Do	DEALER BANK ASSN	833.33	
Do	DIMENSION BANCORP, INC	200.00	
Do	DRESSER INDUSTRIES, INC	625.00	
Do	FEDERAL NATIONAL MORTGAGE ASSN	625.00	
Do	FORD MOTOR CO	625.00	
Do	GENERAL PUBLIC UTILITIES CORP, ET AL		
Do	GTE CORP.	625.00	
Do	GOODYEAR TIRE & RUBBER CO	625.00	
Do	HBO & COMPANY	4,000.00	
Do	LONE STAR STEEL CO	3,750.00	
Do	NATIONAL PAYMENT SYSTEMS COALITION	6,000.00	
Do	NORTHVILLE INDUSTRIES CORP	6,000.00	
Do	NORTHWESTERN MUTUAL LIFE INSURANCE CO	7,812.50	
Do	OWENS-ILLINOIS	625.00	
Do	PROCTER & GAMBLE MANUFACTURING CO	625.00	
Do	SEACO, INC		
Do	UNION CARBIDE CORP	625.00	
CHARLES W. WALKER, 1125 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL BRO OF ELECTRICAL WORKERS, AFL-CIO-CLC	14,425.00	
DOUGLAS K. WALKER, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
R. DUFFY WALL & ASSOCIATES, INC, 11 DUPONT CIRCLE, NW, #630 WASHINGTON DC 20036	FREEPORT MCMORAN, INC	450.00	200.00
Do	LIFE OF VIRGINIA, LIBERTY NATIONAL, ET AL	500.00	200.00
Do	SCHULMAN MANAGEMENT COMPANY	200.00	100.00
Do	VOLUME FOOTWEAR RETAILERS OF AMERICA	400.00	200.00
Do	WESTERN FOREST INDUSTRIES ASSN	300.00	200.00
MARTIN A. WALL, 1025 VERMONT AVENUE, NW, #800 WASHINGTON DC 20005	AMERICAN OSTEOPATHIC HOSPITAL ASSN	2,632.00	1,099.00
RAYMOND C. WALLACE, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
LIONEL L. WALLENROD, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
R. DOUGLAS WALLIN JR , 1235 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	EMERSON ELECTRIC CO		
CHARLES S. WALSH, FLEISCHMEN & WALSH 1725 N ST., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC		
JAMES P. WALSH, DAVIS WRIGHT TODD RIESE & JONES 1752 N ST., NW, #800 WASHINGTON DC 20036	AMERICAN TUNABOAT ASSN		
ELEANOR WALTERS, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE		
MAVIS A. WALTERS, 900 17TH STREET, NW, #1010 WASHINGTON DC 20006	INSURANCE SERVICES OFFICE		
HENRY L. WALTHER, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	3,000.00	
WILLIAM C. WAMPLER, 412 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN MEAT INSTITUTE		
HERBERT C. WAMSLEY, 1800 M STREET, NW, #1030N WASHINGTON DC 20036	INTELLECTUAL PROPERTY OWNERS, INC	16,250.00	
JOHN F. WANAMAKER, 201 N. WASHINGTON, ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSN	1,671.00	
JAMES WANKO, 901 N. WASHINGTON ST. ALEXANDRIA VA 22314	SOCIETY OF AMERICAN FLORISTS		
BARBARA WANNER, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA	300.00	
ALAN S. WARD, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	BAKER & HOSTETLER (FOR: SOAP & DETERGENT ASSN)		
JOHN E. WARD, 182 SOUNDVIEW AVE. WHITE PLAINS NY 10606	MEAT IMPORTERS COUNCIL OF AMERICA, INC		
BARBARA F. WARDEN, 1522 K ST., NW #406 WASHINGTON DC 20005	NATIONAL CONSUMERS LEAGUE, INC		
RICHARD D. WARDEN, 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	14,892.16	368.00
JACK WARE, 2101 L ST., NW, #600 WASHINGTON DC 20037	AMERICAN PETROLEUM INST	4,820.00	156.51

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MICHAEL O. WARE, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	CONOCO, INC	1,200.00	
PETER F. WARKER, SUITE 2700 1000 WILSON BOULEVARD ARLINGTON VA 22209	TRW, INC	1,250.00	
WARNER AMEX CABLE COMMUNICATIONS, 75 ROCKEFELLER PLAZA NEW YORK NY 10019			16,242.00
ERNEST R. WARNER JR., 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: AIRBUS INDUSTRIE)	134.60	124.48
Do	DGA INTERNATIONAL, INC. (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS).		
Do	DGA INTERNATIONAL, INC. (FOR: SNECMA)	555.22	361.39
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)	67.30	53.20
CHRISTINE M. WARNKE, SUITE 300 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN TEXTILE MANUFACTURERS INSTITUTE	400.00	216.30
B. JACK WARREN, P.O. BOX 95385 ATLANTA GA 30347	FOREST FARMERS ASSN		
MARJORIE A. WARREN, GNAU, CARTER, JACOBSEN & ASSOC., INC 1777 F STREET, NW WASHINGTON DC 20006	BI-COUNTY CONSORTIUM		
Do	INTER-TRIBAL COUNCIL OF MICHIGAN, INC		
BARBARA J. WASHBURN, 1201 PENNSYLVANIA AVENUE, NW, #370 WASHINGTON DC 20004	CONTROL DATA CORPORATION	219.76	82.00
WASHINGTON INDUSTRIAL TEAM, INC., 499 SOUTH CAPITOL STREET, SW, #400 WASHINGTON DC 20003	BOEING COMPANY	750.00	688.24
Do	GENERAL DYNAMICS CORPORATION	750.00	688.24
Do	GRUMMAN AEROSPACE CORPORATION	750.00	688.24
Do	HUGHES AIRCRAFT COMPANY	750.00	688.24
Do	MCDONNELL DOUGLAS CORPORATION	750.00	688.24
Do	ROCKWELL INTL	750.00	688.24
Do	TRW, INC	750.00	688.24
Do	UNITED TECHNOLOGIES CORPORATION	750.00	688.24
Do	WESTINGHOUSE ELECTRIC CORP	750.00	688.24
ROBERT E. WATKINS, 1909 K STREET, N.W. SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
KENNETH W. WATSON. 645 FIFTH AVENUE NEW YORK NY 10022	INTERNATIONAL GOLD CORPORATION LIMITED	400.00	
CAROLYN HERR WATTS, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	75.00	
DOUGLAS R. WATTS, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	1,000.00	
GEORGE B. WATTS, 1155 15TH ST., NW WASHINGTON DC 20005	NATIONAL BROILER COUNCIL	1,000.00	
BRUCE H. WATZMAN, 1130 17TH STREET, N.W. WASHINGTON DC 20036	NATIONAL COAL ASSN	5,050.00	598.73
WILLIAM J. WAY, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	2,596.81
RAYMOND J. WEATHERLY, SUITE 511 1745 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MANUFACTURED HOUSING INST	900.00	100.00
WILLIAM H. WEATHERSPOON, NORTH CAROLINA PETROLEUM COUNCIL PO BOX 167 RALEIGH NC 27602	AMERICAN PETROLEUM INST	1,300.00	1,406.67
A. VERNON WEAVER, SUITE 500 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	STEPHENS OVERSEAS SERVICES, INC.	26.00	
HORACE S. WEBB, P.O. BOX 351 CEDAR RAPIDS IA 52406	IOWA ELECTRIC LIGHT AND POWER COMPANY		
FREDERICK L. WEBBER, 1111 19TH ST., NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	3,865.00	45.64
WEBSTER AND SHEFFIELD, 1200 NEW HAMPSHIRE AVE., NW, #350 WASHINGTON DC 20036	ADAMS COUNTY, COLORADO	53,027.25	2,025.68
Do	DOMESTIC PETROLEUM COUNCIL, INC		288.63
WEBSTER, CHAMBERLAIN & BEAN, 1747 PENNSYLVANIA AVE., NW, #1000 WASHINGTON DC 20006	AMERICAN PARATRANSIT INSTITUTE	2,000.00	
Do	BEER INDUSTRY ALLIANCE		
Do	MILLER BREWING COMPANY	3,500.00	92.00
Do	MUTUAL PROTECTION TRUST		
LEE J. WEDDIG, SUITE 700 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL FISHERIES INST	4,000.00	25.00
CHARLES W. WEGNER JR., 600 PENNSYLVANIA AVENUE, SE, #203 WASHINGTON DC 20003	PROFESSIONAL INSURANCE AGENTS	700.00	8,380.00
JACK R. WEHRLY, SUITE 790 SOUTH 1800 M ST., NW WASHINGTON DC 20036	DOW CORNING CORPORATION		
NANCY WEINBERG, 1434 NEW YORK AVENUE, NW, #743 WASHINGTON DC 20005	ROHM AND HAAS COMPANY	500.00	197.61
DONALD G. WEINERT, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,500.00	
JON F. WEINSTEIN, 9 WILDWOOD GARDENS, #A2 P. WASHINGTON NY 11050			
ARTHUR E. WEISBERG, 2200 FIRST BANK PLACE EAST MINNEAPOLIS MN 55402	DORSEY & WHITNEY		
JOEL A. WEISS, 1730 N. LYNN ST. # 400 ROSSLYN VA 22209	ACUREX CORPORATION	4,405.00	373.00
MICHAEL A. WEISS, 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO INC		75.00
MORTON N. WEISS, SUITE 4511 ONE WORLD TRADE CENTER NEW YORK NY 10048	NATIONAL SECURITY TRADERS ASSN, INC	3,750.00	
JUDITH H. WEITZ, 122 C ST., NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND	568.76	
DON WELCH, P.O. BOX 841 ABILENE TX 79604	WEST TEXAS UTILITIES CO		
WELLFORD, WEGMAN, KRULWICH, GOLD & HOFF, SUITE 450 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CANADIAN EMBASSY	1,000.00	
Do	COUPON BOND TAX COMMITTEE		
Do	DEPARTMENT OF NATURAL RESOURCES, PROVINCE OF MANITOBA	540.00	
Do	JOHNS-MANVILLE	1,200.00	
Do	PETRO-LEWIS CORPORATION	250.00	
L. H. WELLS, SUITE 200 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL CO	500.00	
FRED WERTHEIMER, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	14,418.78	4,003.31
WEST MEXICO VEGETABLE DISTRIBUTORS ASSN, PO BOX 848 NOGALES AZ 85621			1,000.00
WEST TEXAS LAND & ROYALTY OWNERS ASSN., 4302 AIRPORT BLVD. AUSTIN TX 78722		365.50	
W. P. WEST 1629 K ST., NW ROOM 204 WASHINGTON DC 20006	DELTA AIR LINES, INC	273.00	144.09
HARRY H. WESTBAY III, SUITE 805 1625 EYE ST., NW WASHINGTON DC 20006	ST. REGIS CORP	1,600.00	800.00
LAURIE A. WESTLEY, 1411 K STREET, NW, #1100 WASHINGTON DC 20005	NATIONAL WOMEN'S POLITICAL CAUCUS		
JOSEPH J. WESTWATER, 10140 LINN STATION ROAD LOUISVILLE KY 40223	DAIRYMEN, INC	9,000.00	4,081.70
JOHN F. WETZEL JR., 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	55.00	23.19
WILLIAM WEWER, 1910 S ST., NW WASHINGTON DC 20009	SUBSCRIPTION TELEVISION ASSN		
WEXLER, REYNOLDS, HARRISON & SCHULE, INC, SUITE 600 1317 F STREET, NW WASHINGTON DC 20004	AETNA LIFE & CASUALTY	250.00	
Do	ARMCO, INC		
Do	ASSOCIATION OF AMERICAN RAILROADS	12,395.00	334.68
Do	BENEFICIAL MANAGEMENT CORP OF AMERICA		
Do	BENENSON REALTY COMPANY		
Do	COMMITTEE FOR PRUDENT DEREGULATION	5,200.00	3,468.28
Do	FOOTHILLS PIPE LINES (YUKON) LTD	3,047.50	50.25
Do	GHK COMPANIES	10,750.00	133.75
Do	INDEPENDENT GAS PRODUCERS COMMITTEE (IGPC)		
Do	MANVILLE CORPORATION	250.00	
Do	MOTION PICTURE ASSN OF AMERICA	1,250.00	109.32
Do	NATIONAL CABLE TELEVISION ASSN	500.00	15.87
Do	NATIONAL FOOTBALL LEAGUE		
Do	NATIONAL RADIO BROADCASTERS ASSOCIATION	1,760.00	
Do	NEW YORK POWER AUTHORITY	6,655.00	446.93
Do	TOSCO CORPORATION		
ROBERT G. WEYMUELLER, 1101 VERMONT AVENUE, NW, #402 WASHINGTON DC 20005	AMERICAN LUNG ASSN	3,685.00	3,112.00
BRIAN B. WHALEN JR , 401 N. MICHIGAN AVE. CHICAGO IL 60611	INTERNATIONAL HARVESTER CO.	1,250.00	74.84
CURTIS E. WHALEN, 490 L'ENFANT PLAZA, SW, #3202 WASHINGTON DC 20024	TRANSCO ENERGY COMPANY	9,000.00	
CLYDE A. WHEELER JR , SUITE 820 1800 K ST., NW WASHINGTON DC 20006	SUN CO, INC	15,000.00	594.43
DALE J. WHEELER, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.	4,216.16	
THOMAS E. WHEELER, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	1,375.00	
JUNE M. WHELAN, SUITE 600 S 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORPORATION	1,250.00	220.59
CLEM WHITE, 1029 GREENE ST. AUGUSTA GA 30901	DSM, NORTH AMERICA, INC., ET AL		
DONALD F. WHITE, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	1,500.00	80.00
WHITE FINE & VERVILLE, SUITE 302 1156 15TH ST., NW WASHINGTON DC 20005	AMERICAN EDUCATORS OF ARKANSAS, INC, ET AL	5,265.00	
Do	CENTRAL HUDSON GAS & ELECTRIC CORP	2,650.00	
Do	TURLOCK IRRIGATION DISTRICT	13,543.20	
Do	WESTINGHOUSE		
GEORGE E. WHITE JR., P.O. BOX 61000 NEW ORLEANS LA 70161	MIDDLE SOUTH SERVICES, INC	514.15	191.35
JOHN S. WHITE, 1800 M ST., NW, #975 WASHINGTON DC 20036	MARATHON OIL CO		
JOHN THOMAS WHITE II , SUITE 2202 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO INC		
RICHARD C. WHITE, 499 S. CAPITOL STREET WASHINGTON DC 20003	ARMCO, INC		
Do	BUSINESS ROUNDTABLE		
Do	CBEMA	1,500.00	
Do	EMERGENCY COMMITTEE FOR AMERICAN TRADE	1,500.00	
Do	GENERAL ELECTRIC CO	1,000.00	
Do	NATIONAL MACHINE TOOL BUILDERS		
Do	PETROLEUM EQUIPMENT & SUPPLY ASSN		
SAM WHITE, 412 FIRST STREET, SE WASHINGTON DC 20003	INDEPENDENT CATTLEMEN'S ASSN	4,500.00	
Do	NATIONAL PEANUT GROWERS GROUP	4,500.00	
Do	SAM KANE PACKING		
ALTON W. WHITEHOUSE JR , 1750 MIDLAND BLDG. CLEVELAND OH 44115	STANDARD OIL CO (OHIO)		
MARSHALL E. WHITENTON, SUITE 600 1001 22ND ST., NW WASHINGTON DC 20037	STANDARD OIL CO (OHIO)	400.00	44.58
BENNETT C. WHITLOCK JR , 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	7,500.00	349.90
WHITMAN & RANSOM, 1333 NEW HAMPSHIRE AVE., NW, #650 WASHINGTON DC 20036	GOVERNMENT OF THE REPUBLIC OF CHINA		114.58

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	JAPAN EXTERNAL TRADE ORGANIZATION (JETRO)		281.86
JAMES A. WHITMAN, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	500.00	
WILLIAM F. WHITSITT, 1800 K ST., NW SUITE 820 WASHINGTON DC 20006	SUN CO, INC	2,400.00	451.52
WILLIAM E. WICKERT JR., 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	300.00	
WICKWIRE, LEWIS, GOLDMARK & SCHORR, 500 MAYNARD BLDG. SEATTLE WA 98104	ARCTIC SLOPE REGIONAL CORP, ET AL		
Do	PUBLIC HEALTH HOSPITAL PRESERVATION & DEVELOPMENT AUTHORITY	1,687.50	272.04
RICHARD J. WIECHMANN, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
ANN R. WIESENECK, 900 17TH STREET, NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORPORATION	7.00	4.35
THOMAS D. WILCOX, P.C., SUITE 601 2011 EYE ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF STEVEDORES	6,600.00	770.00
HARRY G. WILES II , 499 S. CAPITOL STREET, SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS		113.00
WILEY, JOHNSON & REIN, 1776 K STREET, NW WASHINGTON DC 20006	CBS, INC	2,391.25	55.50
Do	CLEAR CHANNEL BROADCASTING SERVICE	2,270.00	196.80
Do	NATIONAL ASSN OF BROADCASTERS	2,500.00	62.25
WILEY, JOHNSON & REIN, 1776 K STREET, NW WASHINGTON DC 20006	U.S. TELEPHONE, INC		
GUENTHER O. WILHELM, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		
CARL B. WILKERSON, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
JERRY C. WILKERSON, 1025 CONNECTICUT AVE., NW, #707 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN	650.00	200.00
WILKINSON, BARKER, KNAUER & QUINN, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	BONNEVILLE INTERNATIONAL CORP		
Do	MANVILLE CORPORATION	24,813.60	2,345.37
THOMAS N. WILLESS, 700 N. FAIRFAX STREET ALEXANDRIA VA 22314	NATIONAL ASSN OF TRUCK STOP OPERATORS		
WILLIAMS & CONNOLLY, 839 17TH ST., NW WASHINGTON DC 20006	GADSDEN TIMES, INC	8,250.00	35.46
Do	PUBLIC WELFARE FOUNDATION, INC.	4,125.00	17.73
Do	SPARTANBURG HERALD & JOURNAL, INC.	16,500.00	70.90
Do	TUSCALOOSA NEWS, INC	4,125.00	17.73
F. LEE WILLIAMS, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	1,600.00	
JAMES H. WILLIAMS, 1840 WILSON BLVD., #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	3,175.78	
KAREN WILLIAMS, 1750 K STREET, NW WASHINGTON DC 20006	HEALTH INSURANCE ASSN OF AMERICA, INC		
LEONARD B. WILLIAMS, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	115.00	
LUCINDA L. WILLIAMS, 1111 19TH ST., NW, #402 ARLINGTON VA 20036	FEDERATION OF AMERICAN HOSPITALS	5,500.00	
ROBERT E. WILLIAMS, 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	1,500.00	
W.G. WILLIAMS, 1100 17TH STREET, NW, #1000 SUITE 1000 WASHINGTON DC 20036			
JOHN C. WILLIAMSON, 1725 K STREET, NW, #1405 WASHINGTON DC 20006	MORTGAGE INSURANCE COMPANIES OF AMERICA	2,700.00	70.30
DAVID K. WILLIS, 1909 K ST., NW SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
WILLKIE FARR & GALLAGHER, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	RELIANCE GROUP, INC		
CHARLOTTE M. WILMER, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	125.00	
WILMER, CUTLER & PICKERING, 1666 K ST., NW WASHINGTON DC 20006	APACHE CORPORATION	1,206.25	
Do	BUSINESS ROUNDTABLE		
Do	CBS, INC	5,281.25	7.38
Do	CITICORP	370.00	71.18
Do	DEALER BANK ASSN		
Do	FORD MOTOR CO		
Do	G-4 CHILDREN'S COALITION	2,253.70	8.11
Do	HANDGUN CONTROL, INC		12.43
Do	HAPAG-LLOYD, A.G.		26.50
Do	MORGAN GUARANTY TRUST CO		
Do	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
Do	OWENS-ILLINOIS		
CHARLES D. WILSON, 1850 K ST., NW, #390 WASHINGTON DC 20006	UNION CAMP CORP	1,341.32	228.39
DENA L. WILSON, SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC	1,200.00	73.86
DOROTHY WILSON, 4201 CATHEDRAL AVE., NW SUITE 1205E WASHINGTON DC 20016	COALITION OF CONCERNED CHARITIES		
ROBERT C. WILSON, RM 400 499 S. CAPITOL ST., SW WASHINGTON DC 20003	RMI, INC	380.00	
Do	SOUTHWEST MARINE, INC	120.00	
Do	WASHINGTON INDUSTRIAL TEAM, INC	600.00	
ROSEMARY L. WILSON, MINNESOTA PETROLEUM COUNCIL 1025 NORTHERN FEDERAL BLDG. ST. PAUL MN 55101	AMERICAN PETROLEUM INST		
WILLIAM A. WILSON III, 8001 BRADDOCK ROAD SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMM	750.00	
JUDY WINCHESTER, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	8,582.00	414.64
WINDELS, MARX, DAVIES & IVES, 1701 PENNSYLVANIA AVENUE, NW, #940 WASHINGTON DC 20006	SOLITRON DEVICES, INC		
KATHLEEN J. WINN, 1155 15TH ST., NW SUITE 602 WASHINGTON DC 20006	PENNZOIL CO	475.00	11.00
MARIE WINSLOW, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
WINSTON & STRAWN, #500 2550 M ST., NW WASHINGTON DC 20037	AMERICAN ASSN OF MUSEUMS		
Do	BEATRICE FOODS CO	600.00	9.25
Do	BUILDING OWNERS & MANAGERS ASSN INTL		39.80
Do	CUMMINS ENGINE CO, INC		
Do	GIC FINANCIAL SERVICES CORP		
Do	GOULD, INC		
Do	INTERNATIONAL COUNCIL OF SHOPPING CENTERS	300.00	1,249.12
Do	LEASE MANAGEMENT CORP		
Do	NATIONAL AUDUBON SOCIETY		
Do	TERSON COMPANY, INC		
Do	VOLVO OF AMERICA CORP		612.08
MARK E. WINTER, 1828 L ST., NW WASHINGTON DC 20036	AMERICAN LAND TITLE ASSN	3,223.00	
WINTHROP, WEINSTEIN & SEXTON, 1800 CONWED TOWER, 444 CEDAR STREET ST. PAUL MN 55101	OTTO BREMER FOUNDATION		
ROBERT V. WITECK, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: ANEUTRONIX, INC)	1,650.00	
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING COMPANY)	100.00	
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)		
RICHARD F. WITHERALL, 236 DENVER CLUB BLDG. DENVER CO 80202	COLORADO RAILROAD ASSN		
WITKOWSKI, WEINER, MCCAFFREY & BRODSKY, SUITE 350 1575 I ST., NW WASHINGTON DC 20005	COMMERCIAL CREDIT CORP	469.50	10.11
Do	COORDINATING COUNCIL ON MANUFACTURED HOUSING FINANCE	8,055.00	390.21
Do	MERRILL LYNCH & CO., INC.; COMMERCIAL CREDIT CORP	9,054.15	7,021.37
Do	NATIONAL MANUFACTURED HOUSING FINANCE ASSN	691.50	15.65
GLENN P. WITTE, 888 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
HERMAN C. WITTHAUS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	712.53
JAMES E. WOLF, 2020 14TH ST., NORTH ARLINGTON VA 22201	TRANE COMPANY	1,000.00	
JAMES WOLF, 1925 K ST., NW, #507 WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	148.67	
SIDNEY M. WOLFE, 2000 P ST., NW, #708 WASHINGTON DC 20036	HEALTH RESEARCH GROUP	10.00	
THOMAS F. WOLFE, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
BRUCE WOLPE, 2025 M STREET, NW WASHINGTON DC 20036	NATIONAL PUBLIC RADIO	4,903.85	
RONALD WOLSEY, P.O. BOX 507 BALTIMORE MD 21203	AMOCO OIL COMPANY		
DON WOMACK, SUITE 303 1825 K ST., NW WASHINGTON DC 20006	TEXAS UTILITIES SERVICES, INC	2,575.00	68.43
BURTON C. WOOD, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA	11,850.00	2,596.00
CHARLES A. WOOD, 10 LAFAYETTE SQUARE BUFFALO NY 14203	NATIONAL FUEL GAS DISTRIBUTION CORP., ET AL	198.40	
JOHN L. WOOD, 2121 SAN JACINTO ST. P.O. BOX 220164 DALLAS TX 75222	CENTRAL AND SOUTH WEST CORP		
W. ALAN WOODFORD, 2501 M ST.,NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
RICHARD P. WOODS, 2501 M ST., N.W. SUITE 540 WASHINGTON DC 20037	PACIFIC RESOURCES, INC	500.00	
WILLIAM E. WOODS, 205 DAINGERFIELD RD. ALEXANDRIA VA 22314	NATIONAL ASSN OF RETAIL DRUGGISTS	1,500.00	300.00
PERRY W. WOOFTER, SUITE 530 1800 K ST. NW WASHINGTON DC 20006	TESORO PETROLEUM CORP	2,500.00	
EDWARD A. WOOLLEY, BEDFORD CONSULTANTS BUILDING P.O. BOX 605 BEDFORD NY 10506	INSTITUTE OF INTERNATIONAL CONTAINER LESSORS	3,642.50	8.00
NOEL C. WOOSLEY, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
GEORGE M. WORDEN, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL & KNOWLTON, INC		
DEE WORKMAN, 405 LEXINGTON AVE., #524 405 LEXINGTON AVE. NEW YORK NY 10017	MOBIL OIL CORPORATION	18,750.00	1,600.00
ROSS WORKMAN, P.O. BOX 1396 HOUSTON TX 77251	TRANSCO ENERGY COMPANY	8,333.00	1,543.87
WORLDWIDE INFORMATION RESOURCES, LTD, 1717 K STREET, NW, #706 WASHINGTON DC 20006	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.		
Do	HEUBLEIN, INC		
Do	PAN AMERICAN WORLD AIRWAYS, INC		
Do	STATE OF MONTANA		
Do	TOYOTA MOTOR SALES U.S.A., INC		
W. ROBERT WORLEY, 1736 CREEK CROSSING ROAD VIENNA VA 22180	SOUTHERN COMPANY SERVICES, INC	176.00	1,012.32
STEVEN M. WORTH, 3255 GRACE ST., NW THE POWER HOUSE WASHINGTON DC 20007	GRAY AND COMPANY (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN)		
SAMUEL H. WRIGHT, 11333 MCCORMICK ROAD HUNT VALLEY MD 21031	PHH GROUP, INC		
FREDERICK S. WYLE, 3 GREENWOOD COMMON BERKELEY CA 94708	FEDERATED STATES OF MICRONESIA		
WYMAN, BAUTZER, ROTHMAN, KUCHEL & SILBERT, SUITE 580 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	AMERICAN BOILER MANUFACTURERS ASSN, INC		
Do	AUTOMOTIVE DISMANTLERS & RECYCLERS ASSN		76.85

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	BRISTOL BAY NATIVE CORP.		
Do	CARL M. FREEMAN ASSOCIATES		
Do	EKLUTNA, INC.		
Do	FILMWAYS, INC.		
MARC D. YACKER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	371.25	
DAVID V. YADEN, 1101 15TH STREET, NW, #200 WASHINGTON DC 20005	NERCO, INC.	300.00	22.86
T. ALBERT YAMADA, SUITE 520 900 17TH ST., NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, U.S.A., INC.	500.00	
Do	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	500.00	
NANCY FOSTER YANISH, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	200.00	
EDWARD R. YAWN, 1111 19TH ST., NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	471.43	269.37
KIM YELTON, 8120 FENTON ST. SILVER SPRING MD 20910	AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE	5,242.71	7,940.42
JACK YELVERTON, 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN		
D. SCOTT YOHE, 1629 K ST., NW, #204 WASHINGTON DC 20006	DELTA AIR LINES, INC.	390.00	58.20
ANDREW YOOD, 2101 L STREET, NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	200.00	
EDWARD A. YOPP, P.O. BOX 1072 EL PASO TX 79958	STATE NATIONAL BANK OF EL PASO		
G. REYNOLDS YOUNG, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,000.00	
HUGH F. YOUNG JR , 1500 RHODE ISLAND AVE., NW WASHINGTON DC 20005	NATIONAL PAINT & COATINGS ASSN, INC	3,000.00	
JOHN ANDREW YOUNG, 1333 NEW HAMPSHIRE AVE., NW, #207 WASHINGTON DC 20036	COASTAL CORPORATION		
JUDITH A. YOUNG, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,500.00	195.25
THANE YOUNG, 777 14TH STREET, N.W. WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	1,500.00	241.75
BETSY YOUNKINS, SUITE 600 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	6,000.00	105.51
EUGENE A. YOURCH, 50 BROADWAY NEW YORK NY 10004	FEDERATION OF AMERICAN CONTROLLED SHIPPING	700.00	260.00
RALPH ZAAYENGA, 1800 K STREET, NW, #820 WASHINGTON DC 20006	SUN COMPANY, INC.	1,419.60	120.23
HARRY M ZACHEM, 1025 CONNECTICUT AVE., #507 WASHINGTON DC 20036	ASHLAND OIL, INC.	2,000.00	
LYNN ZAKUPOWSKY, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	750.00	
STEVEN S. ZALEZNICK, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	416.92	36.00
JOHN S. ZAPP, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	4,500.00	82.58
JANICE ZARRO, SUITE 715-16 1660 L ST., NW WASHINGTON DC 20036	AVON PRODUCTS, INC		
L. ANDREW ZAUSNER, 1155 15TH ST., NW, #602 WASHINGTON DC 20005	PENNZOIL CO.	1,000.00	192.60
LEO C. ZEFERETTI, 9912 FORT HAMILTON PARKWAY BROOKLYN NY 11209	BUILDING & CONSTRUCTION TRADES DEPT., AFL-CIO		
Do	GRUMMAN AEROSPACE CORP		
Do	TRANSPORTATION INSTITUTE		
DENIS R. ZEGAR, 201 PARK WASHINGTON COURT FALLS CHURCH VA 22046	NATIONAL-AMERICAN WHOLESALE GROCERS' ASSN	3,000.00	
PHILIP F. ZEIDMAN, 1025 CONNECTICUT AVE., NW, #900 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC.		
DON J. ZELLER, SUITE 503 1000 16TH STREET, NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,700.00	158.78
RONALD L. ZIEGLER, SUITE 505 700 N. FAIRFAX ST. ALEXANDRIA VA 22314	NATIONAL ASSN OF TRUCK STOP OPERATORS		
ZIMMER & CARNAVOS, 2501 M STREET, NW, #370 WASHINGTON DC 20037	COLORTYME, INC.	1,175.00	1,234.00
ZIONTZ, PIRTLE, MORRISSET, ERNSTOFF, & CHESTNUT, METROPOLITAN PARK, 16TH FLOOR 1100 OLIVE WAY SEATTLE WA 98101.	CONFEDERATED TRIBES OF THE COLVILLE INDIAN RESERVATION		
Do	INUPIAT COMMUNITY OF THE ARCTIC SLOPE		
Do	LUMMI TRIBE OF INDIANS		
Do	METLAKATLA INDIAN COMMUNITY		
Do	NORTHERN CHEYENNE INDIAN TRIBE		
Do	QUILEUTE INDIAN TRIBE		
Do	TULALIP INDIAN TRIBE		
Do	UKPEAGVIK INUPIAT CORPORATION		
JOHN L. ZORACK, COOK, PURCELL, HANSEN, & HENDERSON 1015 18TH ST., NW WASHINGTON DC 20006	FEDERAL EXPRESS CORP	10,000.00	
ZUCKERT, SCOUTT, RASENBERGER & JOHNSON, 888 17TH ST., NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE	1,875.00	714.71
Do	DREYFUS CORPORATION	12,892.00	1,838.68
Do	HARCOURT BRACE JOVANOVICH		
Do	WORLD AIRWAYS, INC.		
LEIGH ANN ZUNKE, SUITE 400 1401 NEW YORK AVE., NW WASHINGTON DC 20005	NATIONAL FOOD PROCESSORS ASSN	375.00	
CHARLES O. ZUVER, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	4,000.00	
CARL E. ZWISLER III, 1025 CONNECTICUT AVE., NW, #1005 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN		
1ST PRO-LIFE CONG DISTRICT ACTION COMM (RI), 6 MAXFIELD CT. BARRINGTON RI 02806		300.00	705.03
23RD CONGRESSIONAL DISTRICT ACTION COMM., 575 CHARLES ST. ST. MARYS PA 15857			
32ND CONGRESSIONAL DISTRICT ACTION COMMITTEE/NY, 129 BELMONT AVE. BUFFALO NY 14223			17.40
39TH CONGRESSIONAL DISTRICT ACTION COMM, RD 2 ALLEGANY NY 14706			

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the second calendar quarter of 1983 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.......... ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◆

AFFIDAVIT

[Omitted in printing]

PAGE 1◆

Note on Item "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) If This Report Is for an Employer.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) If This Report Is for an Agent or Employee.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. Receipts (Including Contributions and Loans):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............Total for this Quarter (Add items "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............Total from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $..............Total now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............“Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor* (*"Period"* from Jan. 1 through.............................., 19......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	Total

Note on Item "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) If This Report Is for an Agent or Employee. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. Expenditures (Including Loans) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............Total for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............Total from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $..............Total now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	Total

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K ASSOCIATES, INC., 1225 8TH STREET, STE 590 SACRAMENTO CA 95814	DIRECTOR OF TIMBER COUNTIES COALITION	11,250.00	4,473.53
Do	GOLDEN GATE BRIDGE, HIGHWAY & TRANSPORTATION DISTRICT	6,000.00	4,609.87
Do	NATIONAL AIR TANKERS ASSN	15,000.00	4,522.94
Do	PATHOLOGIST PRACTICE ASSOCIATION	18,000.00	11,238.39
LEANNE J. ABDNOR, SUITE 1250 1899 L STREET, NW WASHINGTON DC 20036	VENNERS AND CO., LTD. (FOR: KOCH INDUSTRIES)		
ALBERT E. ABRAHAMS, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	8,000.00	535.26
ACTION FOR CHILDREN'S TELEVISION, 46 AUSTIN ST. NEWTONVILLE MA 02160		60,050.00	664.53
ACTION, INC., 2025 EYE STREET, NW, #1022 WASHINGTON DC 20006	AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM		
ADDISON, KETCHEY, HORAN & PARIS, FOUNDERS LIFE BUILDING 100 TWIGGS STREET, #300 TAMPA FL 33602	PHH GROUP, INC.	94.50	4.75
AGENCY FOR INSTRUCTIONAL TELEVISION, BOX A BLOOMINGTON IN 47401			
AIR TRANSPORT ASSN OF AMERICA, 1709 NEW YORK AVE., NW WASHINGTON DC 20006		37,293.80	37,293.80
SUSAN ALEXANDER, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	1,474.53	129.53
ALLIANCE FOR CANNABIS THERAPEUTICS, PO BOX 23691 L'ENFANT PLAZA STATION WASHINGTON DC 20024		363.00	608.00
ROBERT ALVAREZ, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	573.75	
JEROME A. AMBRO ASSOCIATES, 2301 SOUTH JEFFERSON DAVIS DRIVE ARLINGTON VA 22202	ASSOCIATED UNIVERSITIES	2,100.00	1,867.03
Do	COUNTY OF SUFFOLK, NEW YORK	11,500.00	10,579.82
AMERICAN ACADEMY OF OPHTHALMOLOGY, SUITE 300 1101 VERMONT AVE., N.W. WASHINGTON DC 20005			2,911.07
AMERICAN ASSN FOR RESPIRATORY THERAPY, 1720 REGAL ROW DALLAS TX 75235		2,051.76	20,628.67
AMERICAN ASSN OF UNIVERSITY WOMEN, 2401 VIRGINIA AVE., NW WASHINGTON DC 20037			805.47
AMERICAN COUNCIL FOR COMPETITIVE TELECOMMUNICATIONS, 415 SECOND ST., NE WASHINGTON DC 20002		11,192.40	11,192.40
AMERICAN DENTAL ASSN, 211 E. CHICAGO AVE. CHICAGO IL 60611		32,818.68	32,818.68
AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES, 1625 L ST., NW WASHINGTON DC 20036			70,937.90
AMERICAN FINANCIAL SERVICES ASSN, 1101 14TH STREET, NW WASHINGTON DC 20005			4,300.00
AMERICAN GAS ASSN, 1515 WILSON BLVD ARLINGTON VA 22209		43,882.00	43,882.00
AMERICAN HUMANE ASSOCIATION, 9725 EAST HAMPDEN DENVER CO 80231			14,885.61
AMERICAN MARITIME ASSN, 17 BATTERY PLACE-NORTH NEW YORK NY 10004			1,390.00
AMERICAN MEDICAL CARE AND REVIEW ASSOCIATION, SUITE 210 5410 GROSVENOR LANE BETHESDA MD 20814			
AMERICAN MEDICAL PEER REVIEW ASSN, SUITE 510 4401 LST ST., NW WASHINGTON DC 20001			
AMERICAN PHYSICAL THERAPY ASSN, 1111 N. FAIRFAX ST. ALEXANDRIA VA 22314		5,403.64	5,403.64
AMERICAN RIVERS CONSERVATION COUNCIL, 323 PENNSYLVANIA AVE., SE WASHINGTON DC 20003		36,676.00	62,725.00
AMERICAN SPACE FOUNDATION, 1013 MARYLAND AVE., NE WASHINGTON DC 20002		1,088.00	285.33
AMERICAN SUBCONTRACTORS ASSN, SUITE 540 8401 CORPORATE DR. LANDOVER MD 20785			1,750.00
AMERICAN TEXTILE MFRS INST, SUITE 300 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036		45,799.81	45,799.81
NANCY AMIDEI, SUITE 500 1319 F ST., NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
J. LEM ANDERSON, 888 16TH ST., NW WASHINGTON DC 20006	TIME INC	1,000.00	
SCOTT G. ANDERSON, 600 MARYLAND AVE. SW WASHINGTON DC 20024	BURLINGTON NORTHERN, INC.	1,900.00	1,360.49
ANDERSON, HIBEY, NAUHEIM & BLAIR, 1605 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	ALAMO RENT-A-CAR, INC		
Do	BAY AREA RAPID TRANSIT DISTRICT	15,000.00	116.26
Do	COMMUNICATION INDUSTRIES ASSN OF JAPAN		34.63
Do	INSTITUTE OF FINANCIAL FISCAL STUDIES OF CURACAO, ET AL.	5,162.00	189.06
Do	KUTAK ROCK & HUIE (FOR METRO. ATLANTA RAPID TRANSIT AUTH.)	5,000.00	377.61
Do	MARRIOTT CORPORATION		
Do	MORGAN GUARANTY TRUST CO OF NEW YORK		
Do	TEXAS AIR CORP (FOR N.Y. AIR & TEXAS INT'L AIRWAYS)	1,153.25	33.84
L. J. ANDOLSEK, 1533 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	519.00	4.50
LORI A. ANTOLOCK, 604 SOLAR BUILDING 1000 16TH STREET, NW WASHINGTON DC 20036	AMERICAN LAND DEVELOPMENT ASSN	1,500.00	
PATRICK S. ANTRIM, 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORPORATION		
ROBERT J. ARAUJO, 1001 22ND STREET, NW, #600 WASHINGTON DC 20037	STANDARD OIL CO (OHIO)	200.00	41.50
ARENT, FOX, KINTNER, PLOTKIN & KAHN, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	BUILDING SERVICE CONTRACTORS ASSN INTERNATIONAL		
W. STANLEY ARMSTRONG, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	90.00	9.50
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	LONE STAR INDUSTRIES, INC.	400.00	190.00
Do	NATIONAL COORDINATING COMM FOR MULTIEMPLOYER PLANS	2,200.00	40.00
NAN ARON, 600 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	ALLIANCE FOR JUSTICE	114.58	
ARTER, HADDEN & HEMMENDINGER, 1919 PENNSYLVANIA AVENUE, NW, #400 WASHINGTON DC 20006	AD HOC COMM OF AMER VINYL DISTRIBS & FINISHED VINYL GOODS MF		
Do	PROQUINAL, LTDA.	12,114.80	1,707.18
ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC., SUITE 340 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004.		16,067.17	16,067.17
RONALD R. AUSTIN, 1201 16TH STREET, NW WASHINGTON DC 20036	OVERSEAS EDUCATION ASSN & NATIONAL EDUCATION ASSN	1,500.07	590.81
AVON PRODUCTS, INC, 9 WEST 57TH ST. NEW YORK NY 10019			
HOPE M. BABCOCK, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	909.18	102.94
ROBERT A. BACHA, SUITE 711 444 NORTH CAPITOL ST. WASHINGTON DC 20001	THE KEEFE CO. (FOR: WESTINGHOUSE ELECTRIC CORP)	2,500.00	
Do	KEEFE COMPANY (FOR: YOUNGS DRUG PRODUCTS CORP.)	1,500.00	
CARL E. BAGGE, COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSN	2,850.00	788.40
MICHAEL BALY III, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	4,000.00	465.47
MICHAEL P. BALZANO JR., 444 NORTH CAPITOL ST., NW, #801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	1,634.15	
ROBERT D. BANNISTER, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.	19,498.53	47.08
SAMUEL J. BAPTISTA, SUITE 603 1620 EYE STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC.	1,500.00	
BARAFF, KOERNER, OLENDER & HOCHBERG, P.C., SUITE 203 2033 M STREET, NW WASHINGTON DC 20036	COLLEGE FOOTBALL ASSOCIATION	1,500.00	15.00
Do	NATIONAL BASKETBALL ASSN		
Do	NORTH AMERICAN SOCCER LEAGUE		
WILLIAM BARCLIFT, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE		
DAVID J. BARDIN, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SOLMECS CORPORATION		
BARNETT & ALAGIA, 1000 THOMAS JEFFERSON STREET, NW, #900 WASHINGTON DC 20007	PUBLICKER INDUSTRIES, INC.		
LARRY P. BARNETT, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	7,000.00	
RICHARD L. BARR, P.O. BOX 834 DES MOINES IA 50304	IOWA RAILWAY ASSN		
DAVID S. BARROWS, 1201 S. W. 12TH, #200 PORTLAND OR 97205	ASSOCIATION OF OREGON & CALIFORNIA LAND GRANT COUNTIES	1,200.00	
ROBERT G. BECKEL, 609 G ST., SE WASHINGTON DC 20003	NATIONAL BROADCASTING CORP		
BENCO, INC, P.O. BOX 619 ANDOVER MA 01810			
TOM BENSON, 501 U;NION STREET, #506 NASHVILLE TN 37219	TENNESSEE RAILROAD ASSN		501.50
DAVID A. BEREN, 888 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
GEORGE L. BERG JR., 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	5,400.00	170.00
DAVID BERICK, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	95.92	
FRANK BRETT BERLIN, SUITE 201 1828 L ST., NW WASHINGTON DC 20036	CRAY RESEARCH, INC		
ELLEN BERMAN, SUITE 320 2000 L ST., NW WASHINGTON DC 20036	CONSUMER ENERGY COUNCIL OF AMERICA	2,311.00	
ROBERT BETZ, 1101 14TH STREET, NW, #1100 WASHINGTON DC 20005	ROBERT BETZ ASSOCIATES, INC. (FOR: ALABAMA HOSPITAL ASSOCIATION)	3,000.00	166.49
WILLIAM M. BEUTE, 25 BROADWAY CLARK NJ 07066			
BEVERIDGE & DIAMOND, P.C., 1333 NEW HAMPSHIRE AVE, NW WASHINGTON DC 20036	TEXAS OIL & GAS CORP		
VITINA BIONDO, 1050 17TH STREET, NW, #770 WASHINGTON DC 20036	AMERICAN ASSN OF HOMES FOR THE AGING	76.93	
ROBERT J. BIRD, 888 16TH STREET, NW WASHINGTON DC 20006	ZACHRY, INC		
EDWARD J. BLACK, TENDLER, BLACK & BIGGINS 1110 VERMONT AVENUE, NW WASHINGTON DC 20006	COMPUTER & COMMUNICATION INDUSTRY ASSOCIATION		145.00
Do	NATIONAL COUNSEL ASSOCS (FOR NORFOLK SOUTHERN RR, ET AL)	898.50	
BRENT BLACKWELDER, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	1,628.00	
NEAL B. BLAIR, 236 MASSACHUSETTS AVENUE, NE, #603 WASHINGTON DC 20002	FREE THE EAGLE & TARGET, INC	12,000.00	
SMITH BLAIR, 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	1,292.00	
GERRY BLANCHARD, GNAU, CARTER, JACOBSEN & ASSOC., INC. 1777 F STREET, NW WASHINGTON DC 20006	AMURCON CORPORATION		
Do	BEZTAK COMPANY		
Do	BI-COUNTY CONSORTIUM		
Do	CAC ASSOCIATES		
Do	GLOBAL COMMUNICATIONS	87.49	
Do	GRAND TRAVERSE DEVELOPMENT, INC.		
Do	INTER-TRIBAL COUNCIL OF MICHIGAN, INC		
Do	LINEAR AIR MOTORS		
Do	MOVE DETROIT FORWARD FUND		
Do	POTTER INSTRUMENT CO., INC.		
Do	RJK CONSTRUCTION COMPANY		
Do	SAFEKEEPER SYSTEMS, INC.		
Do	SAFLOK/COMPUTERIZED SECURITY SYSTEMS, INC.		
Do	SANDERS CORPORATION		
Do	U.S. MANUFACTURING COMPANY		
Do	URBAN REVITALIZATION, INC.		
BLATCHFORD, EPSTEIN & BRADY, 1000 POTOMAC ST., NW WASHINGTON DC 20007	CARON INTERNATIONAL/COLUMBIA MINERVA	20,500.00	
Do	NATIONAL ASSN OF PRIVATE ENTERPRISE		
RICHARD BLISS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	ST. JOE MINERALS CORPORATION	1,097.50	50.52

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	SUNEDCO	1,650.00	178.65
Do	TEXAS EASTERN TRANSMISSION COMPANY	4,497.00	91.74
BLUM & NASH, SUITE 408 1015 18TH ST., NW WASHINGTON DC 20036	AMERICAN NEWSPAPER PUBLISHERS ASSN		
Do	TWIN COAST NEWSPAPERS, INC	1,000.00	
Do	VIDEOTEX INDUSTRY ASSN		
JACK A. BLUM, 1015 18TH ST., NW WASHINGTON DC 20036	INDEPENDENT GASOLINE MARKETERS COUNCIL	20,000.00	580.00
LARRY A. BOGGS, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
EDWARD N. BOND, 1700 NORTH MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	200.00	69.45
JAY BONITT, SUITE 700 1150 CONNECTICUT AVE., NW WASHINGTON DC 20036	BENDIX CORP	2,500.00	155.00
BONNEVILLE ASSOCIATES, SUITE 300 200 E. SOUTH TEMPLE SALT LAKE CITY UT 84111	WESTERN REGIONAL COUNCIL	2,400.00	5,318.50
ROBERT N. BORENS, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	2,597.85	491.02
BOWMAN CONNER TOUHEY & PETRILLO, 2828 PENNSYLVANIA AVENUE, NW, #203 WASHINGTON DC 20007	AMERICAN PETROFINA, INC	3,300.00	2,875.00
Do	NATIONAL ASSN OF ARCRAFT & COMMUNICATIONS SUPPLIERS, INC	2,550.00	133.59
Do	NATIONAL SMALL BUSINESS GOVERNMENT CONTRACTORS ASSN	1,100.00	158.39
ROBERT K. BOYD, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	3,500.00	800.77
J. PATRICK BOYLE, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN	1,018.00	38.50
GENE BRADLEY, 1700 N. MOORE STREET ROSSLYN VA 22209	BOEING COMPANY		
THERESA M. BRADY, 444 NORTH CAPITOL STREET, N.W. SUITE 801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	1,054.80	
THOMAS EDWARD BRASWELL, CORCORAN, YOUNGMAN & ROWE 888 17TH ST., NW, SUITE 600 WASHINGTON DC 20006	NEWPORT NEWS SHIPBUILDING & DRYDOCK CO	500.00	
CAROLYN BRICKEY, SUITE 500 1319 F STREET, NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER	4,831.87	53.65
ROBERT J. BRINKMANN, 1627 K STREET, NW, #400 WASHINGTON DC 20006	NATIONAL NEWSPAPER ASSN	5,000.00	140.24
MARTHA M. BROAD, 1725 I STREET, NW WASHINGTON DC 20006	NATURAL RESOURCES DEFENSE COUNCIL	3,499.80	60.80
BROWN & FINN, SUITE 510 1920 N STREET, NW WASHINGTON DC 20036	S.P.A.C.E.	16,306.00	
Do	SUBURBAN CABLEVISION AND WAYNE CABLEVISION	160.00	
DIANE R. BROWN, 1515 WILSON BOULEVARD ARLINGTON VA 22209	AMERICAN GAS ASSN	3,000.00	297.22
DONALD K. BROWN, 1127 11TH ST., #544 SACRAMENTO CA 95814	CROWLEY MARITIME CORPORATION		
Do	SUMMA CORPORATION	8,880.85	
DOREEN L. BROWN, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CONSUMERS FOR WORLD TRADE		
JOHN J. BROWN, 1125 17TH ST., NW WASHINGTON DC 20036	INTERNATIONAL UNION OF OPERATING ENGINEERS	8,500.00	970.00
MARGUERITE BRACY BROWN, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	8,279.76	112.50
SHIRLE L. BROWN, P.O. BOX 663, GPO NEW YORK NY 10016	SLB ENTERPRISES		
BROWN TODD & HEYBURN, 1600 CITIZENS PLAZA LOUISVILLE KY 40202	BROWN & WILLIAMSON TOBACCO CORP	72.60	3.10
GARY W. BRUNER, P.O. BOX 2159 DALLAS TX 75221	AMERICAN PETROFINA, INC	270.00	150.00
MARGARET H. BRYANT, 1899 L ST., NW, #500 WASHINGTON DC 20036	AMERICAN NATURAL RESOURCES CO	612.00	44.00
SUSAN BUCK, 108 S. AKARD STREET DALLAS TX 75202	U.S. TELEPHONE COMMUNICATIONS, INC.		
BUILDING OWNERS & MANAGERS ASSN INTL, 1221 MASSACHUSETTS AVE.,N.W. WASHINGTON DC 20005			
DAVID A. BUNN, SUITE 406 1211 CONNECTICUT AVE., NW WASHINGTON DC 20036	HEARST CORPORATION	900.00	
Do	MAGAZINE PUBLISHERS ASSN, INC	4,000.00	
Do	PARCEL SHIPPERS ASSN	1,000.00	
CHRISTINE CAPITO BURCH, 1625 L STREET, N.W. WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	8,703.90	255.37
J. THOMAS BURCH JR., 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	BURCH, WILHELM & MCDONALD, P.C. (FOR: M.A.N. TRUCK & BUS CORP)		
BURCH, WILHELM & MCDONALD, P.C., 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP.	5,296.70	
WILLIAM J. BURHOP, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	10,000.00	
FRANCIS X. BURKHARDT, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES		
DAVID G. BURNEY, 2040 HARBOR ISLAND DR., #208 SAN DIEGO CA 92101	U.S. TUNA FOUNDATION	6,000.00	3,000.00
BUSINESS COUNCIL FOR IMPROVED TRANSPORT POLICIES, SUITE 1200 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036.			
JAMES J. BUTERA, 4TH FLOOR 1101 15TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF MUTUAL SAVINGS BANKS	4,187.50	
CADWALADER, WICKERSHAM & TAFT, 7TH FLOOR 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AD HOC COMMITTEE OF FLOOR BROKERS		
Do	INSTITUTE OF INTERNATIONAL CONTAINER LESSORS	7,500.00	5,200.00
GORDON L. CALVERT, BOX 34-531 BETHESDA MD 20817	COMMERICIAL LAW LEAGUE OF AMER, COMM COLL. AGENCY SECTION		
HOLLYE E. CAPPLEMAN, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	4,039.00	392.37
EDWARD J. CARLOUGH, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTERNATIONAL ASSN	23,625.00	
LEROY T. CARLSON JR , 79 W. MONROE ST. CHICAGO IL 60603	TELEPHONE & DATA SYSTEMS, INC.		
PETER CARLSON, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	837.01	
CARON INTERNATIONAL/COLUMBIA MINERVA, 230 5TH AVENUE NEW YORK NY 10001			20,500.00
JACK CARPENTER, 1920 N ST. NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	60.00	28.00
LAWRENCE J. CASSIDY, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTERNATIONAL ASSN	12,663.00	
G. THOMAS CATOR, 1050 17TH STREET, NW WASHINGTON DC 20036	NEECE, CATOR & ASSOCIATES, INC (FOR: NATIONAL ASSN OF BUSINESS DEVELOPMENT CORPS).	200.00	200.00
Do	NATIONAL ASSN OF DEVELOPMENT COMPANIES (NADCO)	250.00	250.00
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: SOUTHEASTERN LUMBER MANUFACTURERS ASSN).	1,800.00	1,800.00
GORDON CAVANAUGH, SUITE 800 1016 16TH STREET, NW WASHINGTON DC 20036	ROISMAN, RENO & CAVANAUGH (FOR: COUNCIL OF LARGE PUBLIC HOUSING AUTHORITIES).	10,663.13	7,336.87
Do	ROISMAN, RENO & CAVANAUGH (FOR: FIRST CENTRUM CORP.)	5,000.00	
CENTER FOR ENVIRONMENTAL EDUCATION, INC, SUITE 500 624 9TH STREET, NW WASHINGTON DC 20001		556,000.00	1,682.00
CENTER FOR LAW AND EDUCATION, INC., 6 APPIAN WAY CAMBRIDGE MA 02138		2,850.68	843.11
HENRY CHAJET, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
CHAMBERS ASSOCIATES, INC, 1411 K STREET, NW, #500 WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	1,125.00	
Do	APACHE CORPORATION	1,000.00	
Do	COMMISSIONED OFFICERS ASSN OF THE PUBLIC HEALTH SERVICE	562.50	
Do	FACET, CORP		
Do	STATE OF OREGON, DEPT. OF HUMAN RESOURCES	2,500.00	
WILLIAM U. CHANDLER, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	802.72	
STEPHAN E. CHERTOFF, 1709 NEW YORK AVENUE, NW, #303 WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD	177.37	88.35
CHILDREN'S TELEVISION WORKSHOP, ONE LINCOLN PLAZA NEW YORK NY 10023			
CLADOUHOS & BRASHARES, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	ASHLAND OIL, INC		
Do	CROWN CENTRAL PETROLEUM CORP		
Do	INTERNATIONAL PROCESSORS		
Do	SEAVIEW PETROLEUM CO		
Do	SECURITIES GROUP		
Do	TOYOTA MOTOR SALES, U.S.A., INC.	1,050.00	650.00
JOHN W. CLAGGETT, 1825 EYE STREET, NW, #1040 WASHINGTON DC 20006	FUTURES INDUSTRY ASSN, INC		
MARK A. CLARK, 511 CENTRAL AVENUE GREAT FALLS MT 59403	IFG LEASING COMPANY		
CHARLES M. CLUSEN, 1901 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	WILDERNESS SOCIETY	4,321.68	74.00
COALITION FOR FULL NUCLEAR ACCOUNTABILITY, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003			
COALITION FOR LEGAL SERVICES, INC., 1625 K STREET, N.W. ROOM 908 WASHINGTON DC 20006		23,171.00	23,710.00
CLARISSA COFFIN, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY		
COHEN & WHITE, 2934 M ST., NW WASHINGTON DC 20007	COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION	800.00	20.00
COHEN AND URETZ, 4TH FLOOR 1775 K ST., NW WASHINGTON DC 20006	CONTRACT STAFFING OF AMERICA, INC		
Do	DEVELOPMENT CORPORATION FOR ISRAEL	17,733.75	38.25
Do	ITT CORPORATION	4,661.25	37.07
Do	WHEELS, INC	978.75	
LOIS D. COHEN ASSOCIATES, 360 EAST 65TH STREET NEW YORK NY 10021	NORTHEASTERN INTERNATIONAL AIRWAYS, INC		28.98
RHEA L. COHEN, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ZERO POPULATION GROWTH, INC	379.00	30.00
ANN COLE, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
COMMITTEE FOR FAIR INSURANCE RATES, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003		906,520.00	838,526.34
COMMITTEE FOR 806.30 AND 807, INC, SUITE 800 1611 NORTH KENT ST. ARLINGTON VA 22209		7,311.06	16,142.34
CAROLE K. CONES, SUITE 301 1515 N. COURTHOUSE RD. ARLINGTON VA 22201	DCM GROUP (FOR: AD HOC COMMITTEE FOR AMERICAN SILVER)	5,775.00	26.76
ROBERT J. CONLAN, 1630 CONNECTICUT AVE., NW WASHINGTON DC 20009	NATIONAL CONSUMER COOPERATIVE BANK	9,206.40	496.50
JEFFREY B. CONLEY, 605 14TH ST., NW WASHINGTON DC 20005	E. BRUCE HARRISON COMPANY, INC (FOR: NEDA/CAAP)		
JOHN J. CONNOLLY, 499 S. CAPITOL STREET, #501 WASHINGTON DC 20003	BILL HECHT & ASSOCIATES, INC	1,500.00	
GERALD R. CONNOR, 6500 WISCONSIN AVENUE CHEVY CHASE MD 20015	AMERICAN PUBLIC HEALTH ASSN	532.81	151.05
Do	THOMAS E. BRYANT		19.14
Do	VOLUNTEER TRUSTEES OF NOT-FOR-PROFIT HSOPITALS	750.00	212.62
DAVID CONRAD, 530 7TH STREET, SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	1,990.16	
GREGORY E. CONRAD, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
LORI CONSADORI, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CONSUMERS FOR WORLD TRADE	200.00	
CONSOLIDATED EDISON CO OF NEW YORK, INC, 4 IRVING PLACE NEW YORK NY 10003			512.50
CONSOLIDATED RAIL CORPORATION, PO BOX 23451 WASHINGTON DC 20024			12,881.00
CONSUMER ENERGY COUNCIL OF AMERICA, SUITE 320 2000 L ST., NW WASHINGTON DC 20036			8,757.00
CONSUMERS FOR WORLD TRADE, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036		8,682.25	8,682.25

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DANA CONTRATTO, SUITE 200 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASSOCIATED GAS DISTRIBUTORS		
COOK, PURCELL, HENDERSON & ZORACK, 11TH FLOOR 1015 18TH ST., NW WASHINGTON DC 20036	ALEUT CORPORATION		
Do	ALEUTIAN/PRIBILOF ISLANDS ASSN, INC	500.00	
Do	AMERICAN ACADEMY OF OPHTHALMOLOGY		
Do	ASHLAND OIL, INC		
Do	AUDIO RECORDING RIGHTS COALITION		
Do	BENENSON CAPITAL COMPANY	1,800.00	
Do	CITIZENS DEPOSIT BANK		
Do	CNA INSURANCE CO OF CHICAGO, ILLINOIS	2,500.00	
Do	COALITION FOR COMPETITION	1,000.00	
Do	CONSOLIDATED NATURAL GAS CO		
Do	EMPLOYEE ORGAN. FED. EMPLOYEES HEALTH BENEFITS PROGRAM ASSN		
Do	GC SERVICES CORP		
Do	HOME RECORDING RIGHTS COALITION	12,200.00	
Do	NATIONAL ASSN OF GOVERNMENT EMPLOYEES		
Do	NORTHERN TIER PIPELINE CO		
Do	OHIO VALLEY IMPROVEMENT ASSN, INC		
Do	ROADWAY EXPRESS, INC		
Do	TANADGUSIX CORPORATION	8,000.00	
Do	TEXACO, INC		
Do	TEXAS GAS TRANSMISSION CORP		
Do	TOBACCO INSTITUTE	32,000.00	
EDWARD COONEY, SUITE 500 1319 F ST., NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER	1,230.05	
MARK N. COOPER, 2000 L STREET, N.W. SUITE 320 WASHINGTON DC 20036	CONSUMER ENERGY COUNCIL OF AMERICA	6,007.00	
CORCORAN, HARDESTY, WHYTE, HEMPHILL & LIGON, P.C., SUITE 510 1575 EYE STREET, NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP	75,819.00	2,749.13
ALFRED C. CORDON, GORDON & JACOBS 2000 L ST., NW, #616 WASHINGTON DC 20036	BUFFALO BROADCASTING CO., INC		
WILLIAM R. CORSON, 1707 H ST., NW WASHINGTON DC 20006	PENTHOUSE INTL LTD	10,500.00	7,450.00
PHILIP S. CORWIN, SUITE 202 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	INDEPENDENT BANKERS ASSN OF AMERICA	11,755.00	342.62
COUNCIL FOR A LIVABLE WORLD, 11 BEACON ST. BOSTON MA 02108			24,250.12
COUNCIL OF INDUSTRIAL BOILER OWNERS, 11222 SILVERLEAF DR. FAIRFAX STATION VA 22039			101.12
COVINGTON & BURLING, 1201 PENNSYLVANIA AVENUE, NW P.O. BOX 7566 WASHINGTON DC 20044	KERR-MCGEE CORP AND KERR-MCGEE NUCLEAR CORP		
ERIC COX, SUITE W-219 1011 ARLINGTON BLVD. ARLINGTON VA 22209	WORLD FEDERALIST POLITICAL EDUCATION COMM		
W. O. CRAFT JR., BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20008	NAVAJO-HOPI RELOCATION COMMISSION	500.00	157.42
Do	SUNOCO ENERGY DEVELOPMENT COMPANY (SUNEDCO)	1,650.00	178.65
Do	TEXAS EASTERN CORPORATION	4,497.00	91.74
CRAMER HOFFMAN & HABER, ORLANDO, P.A., SUITE 101 57 W. PINE ST. ORLANDO FL 32801	GLOBAL EXPLORATION & DEVELOPMENT CORP.		127.84
CREDIT UNION NATL ASSN, INC, SUITE 810 1730 RHODE ISLAND AVE. WASHINGTON DC 20036		300.00	742.59
DIANE BROWN CUNNINGHAM, 1620 EYE ST., NW, #700 WASHINGTON DC 20006	INTERNATIONAL PAPER CO	2,000.00	240.00
CURTIS, THAXTER, LIPEZ, STEVENS, BRODER & MICOLEAU, 1 CANAL PLAZA P.O. BOX 7326 PORTLAND ME 04112	AMERICAN EXPRESS CO		
Do	NATIONAL ALLIANCE FOR HYDROELECTRIC ENERGY		
Do	NATIONAL BEER WHOLESALERS' ASSOCIATION		
JAY B. CUTLER, 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	5,254.48	1,104.32
RUDOLPH N. D'AGARIS, 15 W. MONTGOMERY AVENUE ROCKVILLE MD 20850			
WILLIAM KAY DAINES, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	600.00	74.00
DAIRY-FARMER DISTRIBUTORS OF AMERICA, INC, * CHITTENANGO NY 13037		37,967.00	26,818.85
JOHN M. DAMGARD, 1825 EYE STREET, NW, #1040 WASHINGTON DC 20006	FUTURES INDUSTRY ASSN, INC		
DAN DANNER, 1747 PENNYSLVANIA AVE., NW WASHINGTON DC 20006	ARMCO, INC	300.00	236.86
RICHARD C. DARLING, 1156 15TH ST., NW WASHINGTON DC 20005	J. C. PENNEY CO, INC	300.00	50.00
EDWARD J. DAVEY, 1201 PENNSYLVANIA AVENUE, NW, #340 WASHINGTON DC 20004	ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC.	4,050.00	
CHERYL C. DAVIS, 510 C ST.,N.E. WASHINGTON DC 20002	NATIONAL ASSN OF CREDIT MANAGEMENT	50.00	
THOMAS A. DAVIS, SUITE 407 499 S. CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN GENERAL LIFE INSURANCE CO	3,000.00	444.22
Do	AMERICAN HORSE COUNCIL	2,000.00	242.85
Do	CHICAGO BOARD OF TRADE	2,000.00	947.27
Do	FLORIDA POWER & LIGHT CO	690.00	
Do	FLORIDA SUGAR CANE LEAGUE, INC	300.00	126.25
Do	NATIONAL CATTLEMEN'S ASSN	500.00	35.00
Do	PROVIDENT LIFE & ACCIDENT INSURANCE CO	500.00	
P. M. DAVISON JR , 418 E. ROSSER AVE. P.O. BOX 938 BISMARCK ND 58501	NORTH DAKOTA RAILWAY LINES		
DCM GROUP, SUITE 301 1515 N. COURTHOUSE ROAD ARLINGTON VA 22201	AD HOC COMMITTEE FOR AMERICAN SILVER	7,575.00	6,785.28
JEFF DEBOER, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,750.00	505.15
EDWARD S. DEBOLT, SUITE 301 1515 N. COURTHOUSE RD. ARLINGTON VA 22201	DCM GROUP (FOR: AD HOC COMMITTEE FOR AMERICAN SILVER)	750.00	
JOHN J. DEGNAN, SHANLEY & FISHER, P.C. 550 BROAD STREET NEWARK NJ 07102	SHARP ELECTRONICS CORP	65.00	
DELOITTE, HASKINS & SELLS, 655 15TH STREET, NW WASHINGTON DC 20005	HALLMARK CARDS, INC	2,100.00	330.00
Do	UNION PACIFIC CORP	2,515.00	500.00
ELIZABETH C. DEMATO, 5210 AUTH WAY CAMP SPRINGS MD 20746	SEAFARERS INTERNATIONAL UNION	3,000.00	135.10
RALPH B. DEWEY, 1050 17TH ST., NW, #1180 WASHINGTON DC 20036	PACIFIC GAS & ELECTRIC CO	2,146.50	1,926.11
ANN SANDERS DICKEY, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
NANCY DIETZ, 45 EVERETT ST. NEWTON CENTER MA 02159	ACTION FOR CHILDREN'S TELEVISION	376.42	
TIMOTHY V. A. DILLON, 1301 PENNSYLVANIA AVENUE, NW, #1150 WASHINGTON DC 20004	WESTLANDS WATER DISTRICT	3,153.02	153.02
DIRECT SELLING ASSOCIATION, 1730 M ST., NW WASHINGTON DC 20036			1,476.94
WILLIAM BARROWS DOGGETT, SUITE 600 1001 22ND ST., NW WASHINGTON DC 20007	STANDARD OIL CO (OHIO)	362.50	67.95
ROBIN C. DOLE, SUITE 350 1825 EYE ST., NW WASHINGTON DC 20006	CENTURY 21 REAL ESTATE CORP	390.00	
LEO J. DONAHUE, SUITE 500 1250 EYE ST., NW WASHINGTON DC 20005	AMERICAN ASSN OF NURSERYMEN		
RICHARD M. DONALDSON, 1738 GUILDHALL BLDG. CLEVELAND OH 44115	STANDARD OIL CO (OHIO)		
THOMAS J. DONOHUE, 1615 H ST., NW WASHINGTON DC 20062	CITIZENS' CHOICE, INC	5,000.10	
JAMES A. DORSCH, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC.	21.50	6.75
CHARLENE DOUGHERTY, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	8,000.00	3,650.00
THEODORE DOUGLAS, 2501 59TH ST. ST. LOUIS MO 63110	PAINTERS DISTRICT COUNCIL NO.2 (FOR: MISSOURI STATE CONFERENCE OF PAINTERS & ALLIED TRADES).		
DOW LOHNES & ALBERTSON, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	LAKE ONTARIO CEMENT LIMITED	588.00	
RICHARD MORGAN DOWNEY, 10801 ROCKVILLE PIKE ROCKVILLE MD 20852	AMERICAN SPEECH-LANGUAGE-HEARING ASSN		
JOHN C. DOYLE JR , 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE		
MICHAEL F. DUFFY, 1920 N ST. NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
LOUISE C. DUNLAP, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	15.61	
HENRY I. DWORSHAK, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
ROY W. EASLEY, 1735 DE SALES ST., NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC		
HAROLD F. EBERLE, O'BRIEN & FIERCE 1828 L STREET, NW, #201 WASHINGTON DC 20036	COMMITTEE FOR TITLE XI VESSEL FINANCING		
WILLIAM ECHOLS, 1920 N STREET, NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
ED EDMONDSON, BOX 11 MUSKOGEE OK 74401	AMERICAN INLAND WATERWAYS COMMITTEE		
Do	DOSS AVIATION, INC		
Do	IU INTERNATIONAL MANAGEMENT CORP		
Do	OKLAHOMA ASSN OF ELECTRIC COOPS		
Do	U.S. MARITIME COMMITTEE, INC		
JOHN M. EDSALL, 1120 20TH STREET, NW, #600S WASHINGTON DC 20036	UNION PACIFIC CORPORATION	218.00	113.83
EDWARDS ASSOCIATES, 507 SECOND ST., NE WASHINGTON DC 20002	CONFEDERATED TRIBES OF WARM SPRINGS		
TIMOTHY L. ELDER, 1850 K ST., NW SUITE 925 WASHINGTON DC 20006	CATERPILLAR TRACTOR CO	2,500.00	1,574.34
DOROTHY A. ELLSWORTH, 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS	12,804.42	246.25
EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006		4,174.80	4,174.80
STEPHEN ENDEAN, 750 7TH ST., SE WASHINGTON DC 20003	GAY RIGHTS NATIONAL LOBBY, INC	4,375.62	
KIMBERLY NEILSEN EPSTEIN, 2626 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20037	NATIONAL TELEPHONE COOPERATIVES ASSN	1,862.50	229.00
EPSTEIN, BECKER, BORSODY & GREEN, SUITE 900 1140 19TH ST., NW WASHINGTON DC 20036	AMERICAN ASSN OF FOUNDATIONS FOR MEDICAL CARE		
Do	AMERICAN ASSN OF PROFESSIONAL STANDARDS REVIEW ORGS		
PAUL A. EQUALE, 600 PENNSYLVANIA AVE., SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	8,884.62	
JOHN T. ESTES, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ALLIED CORP	500.00	32.00
BROCK EVANS, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	2,500.00	1,350.00
O. KEISTER EVANS, P.O. BOX 1308 ALEXANDRIA VA 22313	INTERNATIONAL HARDWOOD PRODUCTS ASSN		
WILLIAM J. EVANS JR., SUITE 901 1660 L ST., NW WASHINGTON DC 20036	PAN AMERICAN WORLD SERVICES, INC	525.00	321.57
THOMAS B. FARLEY II, 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	6,735.00	119.94
FARMERS FOR FAIRNESS, P.O. BOX 6288 CAMILLA GA 31730		5,000.00	5,000.00
STEPHANIE T. FARRIOR, 201 MASSACHUSETTS AVENUE, NE, #310 WASHINGTON DC 20002	NATIONAL COMM AGAINST REPRESSIVE LEGISLATION	3,500.00	
FREDERICK FEDELI, 1400 K ST., NW WASHINGTON DC 20006	AMERICAN PSYCHIATRIC ASSN	1,711.75	769.73
FEDERAL EXPRESS CORP, BOX 727 MEMPHIS TN 38194			45,235.79
FEDERATION EMPLOYMENT & GUIDANCE SERVICE, 114 FIFTH AVENUE NEW YORK NY 10011		5,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
C. WELLES FENDRICH, P. O. BOX 1500 SOMERVILLE NJ 08876	RESEARCH-COTTRELL, INC		
C. H. FIELDS, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,750.00	135.00
THEODORA FINE, 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	2,377.10	1,186.40
DAVID M. FITZGERALD, 900 17TH STREET, NW WASHINGTON DC 20006	GOODYEAR AEROSPACE CORPORATION	1,000.00	19.00
Do	LITTON DATA SYSTEMS	1,200.00	
REV. MSGR. JAMES H. 15 COMPUTER DRIVE WEST ALBANY NY 12205	HOSPITAL ASSOCIATION OF NEW YORK STATE	731.00	329.00
SUSAN G. FLACK, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION		
JOHN J. FLYNN, 1125 17TH STREET, NW WASHINGTON DC 20036	INTERNATIONAL UNION OF OPERATING ENGINEERS	7,500.00	295.00
FOOD RESEARCH & ACTION CENTER, 1319 F STREET, NW WASHINGTON DC 20004		10,000.00	17,883.38
CAROL TUCKER FOREMAN, 11 DUPONT CIRCLE, NW, #700 WASHINGTON DC 20005	ASBESTOS LITIGATION GROUP	8,117.00	93.00
Do	HOME RECORDING RIGHTS COALITION		
FORESIGHT, INC, 5070 MACARTHUR BLVD., NW WASHINGTON DC 20016	CONSORTIUM OF SOCIAL SCIENCE ASSNS	100.00	
Do	SOCIETY FOR AMERICAN ARCHAEOLOGY	2,400.00	773.00
ALBERT A. FOX JR , 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORP	250.00	32.00
DONALD FRAHER, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	4,631.00	200.00
WILLIAM C. FRANCE, 1701 K ST., NW, #1204 WASHINGTON DC 20006	NATIONAL MOTORSPORTS COMM OF ACCUS		
WILLIAM H. G. FRANCE, 1701 K ST., NW SUITE 1204 WASHINGTON DC 20006	NATIONAL MOTORSPORTS COMM OF ACCUS		
FRANCIS & MCGINNIS ASSOCIATES, INC, 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL PASSENGER TRAFFIC ASSN	10,500.00	6,500.00
LESLIE C. FRANCIS, 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL PASSENGER TRAFFIC ASSN	1,000.00	25.00
THOMAS C. FRANKS, 604 SOLAR BUILDING 1000 16TH STREET, NW WASHINGTON DC 20036	AMERICAN LAND DEVELOPMENT ASSN	1,500.00	130.19
CHARLES L. FRAZIER, 475 L'ENFANT PLAZA, SW, #2250 WASHINGTON DC 20024	NATIONAL FARMERS ORGANIZATION	4,958.00	3,025.61
FREE THE EAGLE NATIONAL CITIZEN'S LOBBY, P.O. BOX 881 CENTERVILLE VA 22020		730,940.05	932,413.34
DAVID W. FREER, 1050 17TH ST., NW WASHINGTON DC 20036	WESTERN OIL AND GAS ASSOCIATION	2,500.00	
FRIED FRANK HARRIS SHRIVER & KAMPELMAN, SUITE 1000 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	CHEYENNE RIVER SIOUX TRIBE		22.30
Do	DOYON, LIMITED		
Do	MICCOSUKEE TRIBE OF INDIANS OF FLORIDA		
Do	NEZ PERCE TRIBE		14.00
Do	PUEBLO OF LAGUNA	1,138.00	18.00
Do	SENECA NATION OF INDIANS		
JAMES M. FRIEDMAN, 700 TERMINAL TOWER CLEVELAND OH 44113	CLEVELAND ELECTRIC ILLUMINATING CO	1,040.00	129.50
Do	COALITION FOR ENVIRONMENTAL-ENERGY BALANCE	10,612.00	693.60
FRIENDS OF THE EARTH, 530 7TH ST., SE WASHINGTON DC 20003		316,299.00	60,172.11
JOSEPH F. FURLONG, 284 SOUTH AVENUE POUGHKEEPSIE NY 12601	CENTRAL HUDSON GAS & ELECTRIC CORP	750.00	500.00
NANCY H. FUSSELL, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	497.00	141.60
MICHAEL N. GARABEDIAN, 14TH FLOOR 228 E. 45TH STREET NEW YORK NY 10017	SIERRA CLUB	1,049.70	3,160.18
GARVEY, SCHUBERT, ADAMS & BARER, 1000 POTOMAC ST., NW WASHINGTON DC 20006	COMINCO AMERICAN, INC		
Do	ENERGY RESOURCES OF AUSTRALIA AND COUNSELORS FOR MANAGEMENT		
Do	JAPAN FISHERIES ASSN	3,202.50	
Do	NORANDA MINING INC.	2,997.50	
Do	NORTHWEST MARINE IRON WORKS		
Do	PACCAR, INC.	480.00	
Do	PACIFIC RIM TRADE ASSN		
Do	TOTEM OCEAN TRAILER EXPRESS, INC.	8,910.00	
Do	WASHINGTON CITIZENS FOR WORLD TRADE	1,400.00	
LILLIAN B. GASKIN, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
GAY RIGHTS NATIONAL LOBBY, INC, 750 7TH ST., SE WASHINGTON DC 20003		77,654.56	86,062.29
CLAIRE M. GEOGHEGAN, 415 2ND ST., NE WASHINGTON DC 20002	AMERICAN COUNCIL FOR COMPETITIVE TELECOMMUNICATIONS	4,684.68	
GETTY OIL COMPANY, 3810 WILSHIRE BLVD. LOS ANGELES CA 90010			30,239.24
GIBSON, DUNN & CRUTCHER, 1776 G STREET, NW WASHINGTON DC 20006	ASSOCIATED SPECIALTY CONTRACTORS, INC		
Do	FEDERATION OF APPAREL MANUFACTURERS	165.00	6.00
Do	INSURANCE ASSN OF CONNECTICUT	3,500.00	944.00
Do	MECHANICAL CONTRACTORS ASSN OF AMERICA, INC		
NORMA J. GILBERT, 1776 K ST., NW, #200 WASHINGTON DC 20006	MOTOROLA, INC		
MICHAEL K. GIRE, BRICKER & ECKLER 100 E. BROAD ST. COLUMBUS OH 43215	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
JONAH GITLITZ, SUITE 905 1730 K ST., NW WASHINGTON DC 20006	DIRECT MAIL MARKETING ASSN		
JERE W. GLOVER, SUITE 1201 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SERVICE STATION DEALERS OF AMERICA		
GNAU, CARTER, JACOBSEN & ASSOC., INC., 1777 F STREET, NW WASHINGTON DC 20006	AMYRCON CORPORATION		
Do	BEZTAK COMPANY		
Do	BI-COUNTY CONSORTIUM		
Do	CAC ASSOCIATES		
Do	GLOBAL COMMUNICATIONS	1,500.00	2,679.20
Do	GRAND TRAVERSE DEVELOPMENT, INC		
Do	INTER-TRIBAL COUNCIL OF MICHIGAN, INC		
Do	LINEAR AIR MOTORS		
Do	MOVE DETROIT FORWARD FUND		
Do	POTTER INSTRUMENT CO., INC		
Do	RJK CONSTRUCTION COMPANY		
Do	SAFLOK/COMPUTERIZED SECURITY SYSTEMS, INC		
Do	SAFLOK		
Do	SANDERS CORPORATION		
Do	U.S. MANUFACTURING COMPANY		
Do	URBAN REVITALIZATION, INC		
THOMAS G. GODFREY, P.O. BOX 69 WOLWORTH WI 53184	KIKKOMAN FOODS, INC		
ALFONSO J. GONZALEZ, 7981 SILVER SPRING MD 20910	NATIONAL ASSN OF SOCIAL WORKERS	10,000.00	535.00
ANN M. GOSIER, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
GRAHAM & JAMES, SUITE 1200 1050 17TH STREET, NW WASHINGTON DC 20036	NEPTUNE ORIENT LINES, LTD		
EDWARD S. GRANDIS, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	971.76	
RUTH P. GRAVES, SUITE 500 600 MARYLAND AVE., SW WASHINGTON DC 20024	READING IS FUNDAMENTAL, INC	405.00	35.85
GREAT WESTERN SUGAR CO, P.O. BOX 5308 DENVER CO 80217			
JOHN K. GREEN, 800 AMERICAN CHARTER CENTER 1623 FARNAM ST. OMAHA NB 68102	PAPILLION-LAVISTA NEBRASK SCHOOL DISTRICT	2,046.00	4.77
KAYLENE H. GREEN, SUITE 225 2550 M STREET, NW WASHINGTON DC 20037	CONGOLEUM CORPORATION	250.00	125.21
PHYLLIS GREENBERGER, 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	1,711.75	1,207.05
EDWARD F. GREISSING JR , 1660 L ST., NW, #205 WASHINGTON DC 20036	UPJOHN COMPANY		
RANDALL GRIFFIN, 1515 WILSON BOULEVARD ARLINGTON VA 22209	AMERICAN GAS ASSN	3,000.00	381.07
GROH, EGGERS & PRICE, 550 WEST 7TH AVENUE, #1250 ANCHORAGE AK 99501	AMERICAN PETROFINA, INC		
JEROME GROSSMAN, 11 BEACON ST. BOSTON MA 02108	COUNCIL FOR A LIVABLE WORLD	6,474.99	
GUAYULE RUBBER GROWERS ASSN., 840 SIERRA MADRE SAN MARINO CA 91108			
KENNETH A. GUENTHER, 1625 MASSACHUAETTS AVE., #202 WASHINGTON DC 20036	INDEPENDENT BANKERS ASSOCIATION OF AMERICA		
LOYD HACKLER, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	2,000.00	39.25
HALE FOUNDATION, 422 FIRST STREET, SE, #208 WASHINGTON DC 20003		1,874.56	937.06
MARTIN HALEY COMPANIES, 1015 15TH ST., NW WASHINGTON DC 20005	MARION LABORATORIES, INC		
Do	OPERATION INDEPENDENCE		
WILLIAM F. HALL, P.O. BOX 5880 CHICAGO IL 60680	WILLIAM HALL & ASSOCIATES, INC.		
PHILIP W. HAMILTON, 2029 K STREET, NW, #603 WASHINGTON DC 20006	AMERICAN SOCIETY OF MECHANICAL ENGINEERS		
CHRISTINA HAMMOND, 1825 CONNECTICUT AVENUE, NW WASHINGTON DC 20009	NATIONAL ASSN OF ARAB AMERICANS	3,000.00	350.00
ROBERT N. HAMPTON, 7010 GIRARD STREET MCLEAN VA 22101	AUTOMOBILE IMPORTERS OF AMERICA, INC	2,100.00	75.00
HANDGUN CONTROL, INC., 810 18TH ST., NW WASHINGTON DC 20006		465,396.00	66,227.00
HANSELL & POST, 1915 EYE STREET, NW, #500 WASHINGTON DC 20006	INGRAM TANKSHIPS, INC	5,000.00	150.00
RALPH HARDING, SUITE 717 WATERGATE 2600 VIRGINIA AVENUE, NW WASHINGTON DC 20037	PHILIPPINE SUGAR COMMISSION	60,000.00	36,572.00
EUGENE J. HARDY, SUITE 1000 1100 17TH ST., NW WASHINGTON DC 20036	GERBER PRODUCTS COMPANY	500.00	
MARCIA L. HARRINGTON, 110 MARYLAND AVENUE, NE, #409 WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN		
HARTKE & HARTKE, 7637 LEESBURG PIKE FALLS CHURCH VA 22043	NATIONAL CULTURAL LIBERATION MOVEMENT & S.A. BLACK ALLIANCE		
HEALTH INSURANCE ASSOCIATION OF AMERICA, INC., 1750 K ST., NW WASHINGTON DC 20006		3,660.64	3,660.64
BILL HECHT, SUITE 501 499 SOUTH CAPITOL STREET, NW WASHINGTON DC 20003	BROWN & WILLIAMSON TOBACCO CORP	3,000.00	
Do	LOS ANGELES RAIDERS		
Do	U.S. TOBACCO CO		
PATTI HEDGE, 1901 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	WILDERNESS SOCIETY	180.91	297.37
HEFFERNAN & MOSEMAN, P.C., 1875 EYE STREET, NW, #1025 WASHINGTON DC 20006	ALASKA LUMBER & PULP CO	7,000.00	2,907.70
EDWARD D. HEFFERNAN, 1875 EYE ST., NW, # 1025 WASHINGTON DC 20006	CAMP, CARMOUCHE, PALMER, BARSH & HUNTER, P.C.	18,000.00	
Do	DUCTILE IRON PIPE RESEARCH ASSN		
Do	HAZELTINE CORPORATION	2,086.73	146.64
M. L. HEFTI, 1700 NORTH MOORE STREET, 20TH FL. ROSSLYN VA 22209	BOEING COMPANY	470.00	593.01
STEVEN B. HELLEM, 605 14TH ST., NW WASHINGTON DC 20005	E. BRUCE HARRISON CO., INC (FOR: NEDA/CAAP)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
SCOTT HEMPLING, ROOM 401 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION		
TOM HENDERSON, 108 S. AKARD STREET DALLAS TX 75202	U.S. TELEPHONE COMMUNICATIONS, INC		
LAWRENCE R. HERMAN, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC.	8,961.96	
E. JOSEPH HILLINGS, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	15,000.00	3,322.46
J.D. HITTLE, 3137 S. 14TH ST. ARLINGTON VA	VOUGHT CORP	2,500.00	367.50
SHEILA K. HIXSON, 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
LAWRENCE S. HOFFHEIMER, SUITE 520 1120 20TH STREET, NW WASHINGTON DC 20037	BRAZOS RIVER HARBOR NAVIGATION DISTRICT	7,000.00	
Do	NATIONAL MULTIPLE SCLEROSIS SOCIETY		
ELMO R. HOFFMAN, 57 W. PINE STREET, #101 ORLANDO FL 32801	CRAMER, HOFFMAN & HABER, ORLANDO, P.A. (FOR: GLOBAL EXPLORATION & DEVELOPMENT CORP.).		
HOGAN & HARTSON, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	AMERICAN ELECTRONICS ASSN	9,751.25	366.63
Do	DESIGN PROFESSIONS GROUP	3,760.00	
WILLIAM J. HOLAYTER, 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS	7,042.37	
BRUCE E. HOLBEIN, 111 POWDERMILL RD. (B79) MAYNARD MA 01754	DIGITAL EQUIPMENT CORPORATION	12,500.00	
HOLLAND & KNIGHT, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	WACKENHUT CORPORATION		50.00
STEPHEN B. HOLLAND, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ARMCO, INC	250.00	240.00
KAREN S. HOLLWEG, 444 BARKER ROAD MICHIGAN CITY IN 46360	NATIONAL AUDUBON SOCIETY	1,719.00	7,871.00
LILLIE E. HOOVER, P.O. BOX 1085 MARTINSBURG WV 25401	NATIONAL PEACH COUNCIL	742.50	
HOSPITAL ASSOCIATION OF NEW YORK STATE, 15 COMPUTER DRIVE WEST ALBANY NY 12205		1,805.00	1,805.00
HOUSLEY, GOLDBERG & KANTARIAN, P.C., SUITE 500 2301 M ST., NW WASHINGTON DC 20037			
MARY GREER HOUSTON, 1901 L ST., NW #804 WASHINGTON DC 20036	SIEGEL HOUSTON & ASSOC., INC. (FOR: FARM LABOR RESEARCH COMM)		
J. WILLIAM HOWELL, 1801 K ST., NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP.	634.95	110.49
JACK M. HOWELL, 2029 K STREET, NW WASHINGTON DC 20006	AMERICAN SOCIETY OF MECHANICAL ENGINEERS		
KARL T. HOYLE, SUITE 810 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	247.70
BETTY HUDSON, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	10,000.00	2,536.00
HUDSON, CREYKE, KOEHLER & TACKE, 1744 R STREET, NW WASHINGTON DC 20009	JAMES P. PURVIS		14.94
HUDSON, LEFTWICH & DAVENPORT, SUITE 806 1101 15TH ST., NW WASHINGTON DC 20005	CITY OF DETROIT		
DAVID EMERY HUGHES, 2211 CONGRESS ST. PORTLAND ME 04122	UNION MUTUAL LIFE INSURANCE CO		
GREGORY A. HUMPHREY, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	16,298.02	160.00
RONALD K. IKEJIRI, 1730 RHODE ISLAND AVE., NW, #204 WASHINGTON DC 20036	JAPANESE AMERICAN CITIZENS LEAGUE	400.00	26.00
BERNARD J IMMING, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN		
INDEPENDENT BANKERS ASSOCIATION OF AMERICA, 1625 MASSACHUSETTS AVE., NW, #202 WASHINGTON DC 20036		78,509.00	32,459.00
INDEPENDENT DATA COMMUNICATIONS MANUFACTURERS ASSOCIATION, C/O SQUIRE SANDERS & DEMPSEY 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004.			1,630.50
INDEPENDENT TELECOMMUNICATIONS SUPPLIERS' COUNCIL, C/O PIERSON, BALL & DOWD 1200 18TH ST., NW WASHINGTON DC 20036.			
INSTITUTE OF FOREIGN BANKERS, SUITE 303 EAST, RM. 23 200 PARK AVE. NEW YORK NY 10017		3,700.00	3,700.00
INSTITUTE OF INTERNATIONAL CONTAINER LESSORS, BEDFORD CONSULTANTS BUILDING BOX 605 BEDFORD NY 10506		7,995.00	9,099.29
INSURANCE ECONOMICS SOCIETY OF AMERICA, SUITE 590 1700 PENNSYLVANIA AVE., NW WASHINGTON, DC 20006		2,734.50	19,480.00
INTERLAKE, INC, 2015 SPRING RD. OAK BROOK IL 60521			17,254.27
INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS, 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036			26,471.48
INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES, 1750 NEW YORK AVE., NW WASHINGTON DC 20006			
INTERNATIONAL UNION OF OPERATING ENGINEERS, 1125 17TH ST., NW WASHINGTON DC 20036		16,000.00	1,265.00
JOHN ISAACS, 100 MARYLAND AVE., NE WASHINGTON DC 20002	COUNCIL FOR A LIVABLE WORLD	9,712.50	459.06
JAMES D. ISBISTER, 1700 PENNSYLVANIA AVENUE,N.W. WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD		
IVINS, PHILLIPS & BARKER, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION	4,137.50	35.15
ROY T. JACOBSEN, GNAU, CARTER, JACOBSEN & ASSOC., INC. 1777 F STREET, NW WASHINGTON DC 20006	AMURCON CORPORATOIN		
Do	BEZTAK COMPANY		
Do	CAC ASSOCIATES		
Do	GLOBAL COMMUNICATIONS	1,412.00	
Do	GRAND TRAVERSE DEVELOPMENT, INC.		
Do	LINEAR AIR MOTORS		
Do	MOVE DETROIT FORWARD FUND		
Do	POTTER INSTRUMENT CO., INC.		
Do	SAFEKEEPER SYSTEMS, INC.		
Do	SAFLOK/COMPUTORIZED SECURITY SYSTEMS, INC		
Do	SANDERS CORPORATION		
Do	U.S. MANUFACTURING COMPANY		
Do	URBAN REVITALIZATION, INC.		
E. A. JAENKE & ASSOCIATES, INC, 1575 EYE ST., NW, SUITE 230 WASHINGTON DC 20005	FARMLAND INDUSTRIES	500.00	
Do	UNIVERSITY OF KANSAS	250.00	
CLARENCE L. JAMES JR., 444 N. CAPITOL ST., #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)	1,500.00	
MARGO L. JAMES, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	1,500.00	55.00
HERBERT N. JASPER, 415 2ND ST., NE WASHINGTON DC 20002	AMERICAN COUNCIL FOR COMPETITIVE TELECOMMUNICATIONS	6,507.72	
LINDA JENCKES, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC.	1,618.75	64.75
KEMPTON B. JENKINS, SUITE 702 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ARMCO, INC	600.00	287.32
CALVIN P. JOHNSON, HOFFHEIMER & JOHNSON 2555 M ST., NW, #100 WASHINGTON DC 20037	COMPUTER SCIENCES CORP	6,000.00	
H. BRADLEY JOHNSON, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
NICHOLAS JOHNSON, BOX 1876 IOWA CITY IA 52244	NATIONAL CITIZENS COMMUNICATIONS LOBBY		
JOINT MARITIME CONGRESS, 444 N. CAPITOL ST. WASHINGTON DC 20001		25,005.77	25,005.77
JOJOBA GROWERS ASSOCIATION, 840 SIERRA MADRE SAN MARINO CA 91108			
MARY KAAREN JOLLY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMERICA	800.00	110.26
STANLEY B. JONES, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD		
THEODORE L. JONES, 3081 TEDDY DR. BATON ROUGE LA 70896	INSURANCE ASSN OF CONNECTICUT	10,000.00	
JONES, DAY, REAVIS & POGUE, 1735 I ST., NW WASHINGTON DC 20006	FOOD POLICY CENTER		
Do	PHARMACEUTICAL MANUFACTURERS ASSN		
GREGORY N. JONSSON, 1000 CONNECTICUT AVE., NW, #1200 WASHINGTON DC 20036	U.S. BUSINESS & INDUSTRIAL COUNCIL		
JACK C. JORGENSEN, 6534 SPRING VALLEY DRIVE ALEXANDRIA VA 22312	CITY OF ROSEWELL, NM; TOWN OF WRIGHTSVILLE BEACH, NC	300.00	70.00
GEZA KADAR, 1750 K STREET, N.W. WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC.	51.50	29.15
LAUREL B. KAMEN, SUITE 702 1700 K STREET, NW WASHINGTON DC 20006	AMERICAN EXPRESS CO.		
CHARLES W. KARCHER, MIDLAND BLDG, ROOM 850 CLEVELAND OH 44115	STANDARD OIL CO (OHIO)		
PATRICIA L. KATSON, 11215 OAK LEAF DR. SILVERSPRING MD 20901	LIBERTY LOBBY	4,500.00	
DAVID L. KEATING, 325 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	NATIONAL TAXPAYERS UNION	1,788.45	
ROBERT J. KEEFE, 444 N. CAPITOL STREET, #711 WASHINGTON DC 20001	KAPLAN RUSSIN & VECCHI (FOR: AMERICAN CHAMBER OF COMMERCE OF THE DOMINICAN REPUBLIC).		
Do	KEEFE COMPANY (FOR: AMERICAN FAMILY LIFE ASSURANCE CO)	2,500.00	
Do	THE KEEFE CO. (FOR: CORDAGE INSTITUTE)	6,100.00	
Do	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)	1,500.00	
ROBERT C. KEENEY, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN	1,004.40	535.89
KEIKI KEHOE, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	279.14	
KEMPER INVESTORS LIFE INSURANCE CO, 120 SOUTH LASALLE STREET CHICAGO IL 60603			740.02
BRENDAN KENNY, 1709 NEW YORK AVE., N.W. WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	5,500.00	
PAUL A. KIEFER, KIEFER & MORRISON 1341 G ST., NW, #602 WASHINGTON DC 20005	AMERICAN FUR INDUSTRY, INC; FUR CONSERVATION INST OF AMER	12,627.00	12,629.00
WILLIAM S. KIES, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	200.00	
AUBREY C. KING, 1625 EYE STREET, NW, #609 WASHINGTON DC 20006	NATIONAL CLUB ASSOCIATION		
JANIE A. KINNEY, #408 1015 18TH ST., NW WASHINGTON DC 20036	TWIN COAST NEWSPAPERS, INC.		
PETER C. KIRBY, 1901 PENNSYLVANIA AVE.,N.W. WASHINGTON DC 20006	WILDERNESS SOCIETY	401.92	40.00
CAROL KIRCHNER, 4598-A SW CALDEW PORTLAND OR 97219	FRIENDS OF THE COLUMBIA GORGE		
KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS, 1900 M ST., NW WASHINGTON DC 20036	COLUMBIA PICTURES INDUSTRIES, INC.	1,820.00	
Do	COUNTY OF SUFFOLK, NEW YORK		
Do	GROCERY MANUFACTURERS OF AMERICA, INC.		
RALPH W. KITTLE, 1620 EYE ST., NW, #700 WASHINGTON DC 20006	INTERNATIONAL PAPER CO.	2,500.00	1,221.11
SAUL B. KLAMAN, 200 PARK AVE. NEW YORK NY 10166	NATIONAL ASSN OF MUTUAL SAVINGS BANKS	1,058.46	
MARK KLEINMAN, 3800 VEAZEY ST.,NW WASHINGTON DC 20016			
KARL R. KLINGELHOFER, 5417 THETFORD PLACE ALEXANDRIA VA 22310	ROBERT P. WILL (FOR: COLORADO RIVER BASIN SALINITY CONTROL FORUM)		
JAMES E. KNEALE, 2335 SOUTH MEADE ST. ARLINGTON VA 22202	LOCKHEED CORPORATION	2,400.00	468.07
KEITH R. KNOBLOCK, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	100.00	3.00
MARY G. KNOPKE, P.O. BOX 53369 WASHINGTON DC 20009	AMERICAN HUMANE ASSOCIATION	8,603.76	3,534.77
KOMINERS, FORT, SCHLEFER & BOYER, 1776 F ST., NW WASHINGTON DC 20006	COMMITTEE FOR TITLE XI VESSEL FINANCING		8,829.67
Do	CROWLEY MARITIME CORP AND SUBSIDIARIES	26,484.75	2,129.11
JEANNE P. KOWALSKY, SUITE 500 1828 L ST., NW WASHINGTON DC 20036	GTE SPRINT COMMUNICATIONS CORP	4,500.00	295.18
K. H. KRUKE, 1776 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	HIGHWAY USERS FED FOR SAFETY & MOBILITY		
E. J. KUSHAN, SUITE 500 1828 L ST., NW WASHINGTON DC 20036	GTE SPRINT COMMUNICATIONS CORPORATION		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
PETER M. LAFEN, 530 7TH ST., SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	2,998.28	
JAMES H. LAKE, SUITE 420 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	CHICAGO MERCANTILE EXCHANGE		
Do	NATIONAL POTATO COUNCIL		
Do	SUNMAID RAISIN GROWERS OF CALIFORNIA		
Do	WESTERN COTTON GROWERS ASSN		
LEIGHTON W. LANG, 1825 EYE STREET, NW, #1040 WASHINGTON DC 20006	FUTURES INDUSTRY ASSN, INC		
J. STEVENS LANICH, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	93.88	
WILLIAM L. LARSEN, 1025 CONNECTICUT AVENUE, NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN		
MICHAEL LASHBROOK, 1600 RHODE ISLAND AVENUE,NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER		
LATHAM, WATKINS & HILLS, SUITE 1200 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	DRIFTWOOD DAIRY	4,487.50	175.43
CHARLES B. LAVIN JR., 1016 20TH STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF PLUMBING-HEATING-COOLING CONTRACTORS		
GEORGE H. LAWRENCE, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	415.00	
LEAGUE OF CALIFORNIA MILK PRODUCERS, 1225 8TH STREET, #385 SACRAMENTO CA 95814			4,145.98
LECHNER & BUTSAVAGE, P.C., 3101 SOUTH ST., NW WASHINGTON DC 20007	NATIONAL ASSN OF POLICE ORGANIZATIONS	11,250.00	
ROBERT F. LEDERER, 1250 I STREET, NW, #500 WASHINGTON DC 20005	AMERICAN ASSN OF NURSERYMEN		
DAVID A. LEFF, 444 NORTH CAPITOL WASHINGTON DC 20001	JOINT MARITIME CONGRESS	4,807.20	
MARY NELL LEHNHARD, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD		
HARRY LEVINE JR , 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	415.00	
KENNETH S. LEVINE, SUITE 220 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	JOSEPH SEAGRAM & SONS, INC	977.50	
ROGER N. LEVY, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	13,846.20	
STUART A. LEWIS, SUITE 300 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	MANUFACTURERS HANOVER CORP	500.00	
Do	NATIONAL BANK OF DETROIT	40.00	
LILLICK MCHOSE & CHARLES, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	JOHNSON SCANSTAR	5,917.00	369.04
Do	KAISER STEEL CORP	9,241.00	2,095.62
KATHLEEN M. LINEHAN, 1025 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	GULF OIL CORP	800.00	174.00
THOMAS LINTON L. , 1700 K STREET, NW #1204 WASHINGTON DC 20006	CHEVRON USA, INC	350.00	
CRAIG LISKE, P.O. BOX 2120 HOUSTON TX 77252	UNION TEXAS PETROLEUM CORP		
ESTHER LISS, 777 14TH STREET,NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	
DAVID A. LITVIN, SUITE 600 1001 22ND ST., NW WASHINGTON DC 20037	STANDARD OIL COMPANY (OHIO)	2,450.00	102.00
ROBERT W. LONG, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	110.00	7.00
LORD, DAY & LORD, 1120 20TH ST., NW WASHINGTON DC 20036	CONTINENTAL GRAIN COMPANY	5,135.55	
CHARLES M. LOVELESS, 1625 L STREET, NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	8,484.24	331.51
WILLIAM F. LUDLAM SR , P.O. BOX 5282 VIRGINIA BEACH VA 23455	ARBA LICENSEES ASSN		450.00
JOHN C. LYNCH, 1615 H STREET, NW WASHINGTON DC 20062	CITIZEN'S CHOICE, INC	28,500.00	
JAMES LYON, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	7.44	
CHARLES MAGUIRE, 3315 P STREET, NW, #906 WASHINGTON DC 20036	MERRILL LYNCH & CO, INC	1,200.00	
PETER T. MANGIONE, 1319 F STREET, NW, #700 WASHINGTON DC 20004	VOLUME FOOTWEAR RETAILERS OF AMERICA	250.00	
MILTON C. MAPES, SUITE 409 110 MARYLAND AVE., NE WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	8,250.00	
CHARLES T. MARCK, 1800 M ST., NW, SUITE 700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL CO	1,000.00	250.00
PATRICIA MARKEY, SUITE 505 1899 L STREET, NW WASHINGTON DC 20036	UNITED DISTRIBUTION COMPANIES	2,700.00	126.00
CHALMERS H. MARQUIS, 3430 BLAIR RD. FALLS CHURCH VA 22041	AGENCY FOR INSTRUCTIONAL TELEVISION		
Do	CHILDREN'S TELEVISION WORKSHOP		
FRED J. MARTIN JR., 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	548.48	3,845.92
PEGGY L. MARTIN, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	5,000.00	146.67
THOMAS A. MARTIN, 1600 S. EADS STREET CRYSTAL TOWERS - 634 SOUTH ARLINGTON VA 22202	AMERICAN PETROLEUM INST		
JON G. MASSEY, PO BOX 8293 WASHINGTON DC 20024	OIL INVESTMENT INST		
JIM MATHESON, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	61.11	
RICHARD D. MATHIAS, SUITE 901 1660 L STREET, NW WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC		
CHARLES D. MATTHEWS, SUITE 700 1050 17TH ST., NW WASHINGTON DC 20036	NATIONAL OCEAN INDUSTRIES ASSN	1,250.00	97.00
SAMUEL L. MAURY, SUITE 402 1828 L STREET, NW WASHINGTON DC 20036	BUSINESS ROUNDTABLE	212.00	208.00
MAXELL CORPORATION OF AMERICA, 60 OXFORD DRIVE MOONACHIE NJ 07074			
H. WESLEY MCADEN, SUITE 424 1155 15TH ST., NW WASHINGTON DC 20005	J. G. BOSWELL CO		
Do	SUPIMA ASSOCIATION OF AMERICA	8,000.00	475.00
DOUGLAS E. MCALLISTER, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
A. R. MCCAMMON, TENNESSEE RAILROAD ASSN 501 UNION STREET, #506 NASHVILLE TN 37219	CLASS I RAILROADS		
LAW OFFICES OF R. C. MCCANDLESS, 1707 H ST., NW WASHINGTON DC 20006	MILLER & SCHROEDER MUNICIPALS, INC	7,800.00	
Do	TRANSAMERICA CORPORATION		
Do	TRANSAMERICA INTERWAY CORP	41,284.75	5,565.91
Do	TRANSAMERICA-OCCIDENTAL INSURANCE CORP	100,245.57	20,762.51
JAMES W MCCARTHY, 1515 WILSON BLVD ARLINGTON VA 22209	AMERICAN GAS ASSN	3,000.00	1,641.80
JOHN C. MCCARTHY, JAY STONE AND ASSOCIATES, INC 412 FIRST STREET, SE, #50 WASHINGTON DC 20003	MELAMINE CHEMICALS, INC		
MICHAEL A. MCCLELLAND, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)	787.50	422.95
JOHN L. MCCORMICK, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	751.36	
MARIANNE MCDERMOTT, 1201 PENNSYLVANIA AVE., N.W. WASHINGTON DC 20004	HILL & KNOWLTON, INC		
MCDERMOTT, WILL & EMERY, SUITE 500 1850 K ST., NW WASHINGTON DC 20006	KEMPER CASUALTY CO		
NORRIS MCDONALD, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	177.66	
DARRYL D. MCEWEN, 901 N. WASHINGTON ST. ALEXANDRIA VA 22134	SOCIETY OF AMERICAN FLORISTS	2,500.00	
PATRICIA G. MCGINNIS, 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL PASSENGER TRAFFIC ASSN	1,000.00	25.00
CHRISTOPHER C. MCGRATH, NEW YORK STATE PETROLEUM COUNCIL 551 FIFTH AVENUE, RM. 718 NEW YORK NY 10176	AMERICAN PETROLEUM INST		
PHIL A. MCKEANEY, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	9,183.60	
MICHAEL R. MCLEOD, DAVIS & MCLEOD 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN ASSN OF CROP INSURERS	1,156.00	
Do	CHICAGO BOARD OF TRADE		
Do	LEAF TOBACCO EXPORTERS ASSN	531.25	
Do	UNITED EGG PRODUCERS	125.00	
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE, 1155 15TH ST., NW WASHINGTON DC 20005	AIRCO, INC	850.00	
Do	GENERAL MILLS		84.84
JAMES A. MCPHERSON, P.O. BOX 1160 KANSAS CITY KS 66117	MISSOURI-ARKANSAS BASINS FLOOD CONTROL & CONSERVATION ASSN.		
ROBERT MCVICKER, 2001 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	KOLLSMAN INSTRUMENT CO		
JOSEPH F. MEADOW, 7100 BALTIMORE AVENUE COLLEGE PARK MD 20740	UNITED ACTION FOR ANIMALS, INC	1,900.00	44.62
FRANCIS X. MEANEY, 1825 EYE STREET, NW WASHINGTON DC 20006	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO (FOR: SECURITIES INDUSTRY ASSN).		
NANINE MEIKLEJOHN, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	10,374.00	88.30
HAROLD E. MESIROW, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	LILLICK, MCHOSE & CHARLES (FOR: FOSS LAUNCH & TUG COMPANY; FOSS ALASKA LINE).	5,147.50	550.93
Do	WESTERN PIONEER, INC		
WILLIAM M. METHENITIS, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)	3,390.00	1,102.31
KATHERINE A. MEYER, SUITE 700 2000 P STREET, NW WASHINGTON DC 20036	PUBLIC CITIZEN, INC		
JAMES G. MICHAUX, 1200 NEW HAMPSHIRE AVENUE, NW, #430 WASHINGTON DC 20036	FEDERATED DEPT STORES, INC	500.00	
FRED MILLAR, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	494.70	146.40
MILLER & CHEVALIER CHARTERED, METROPOLITAN SQUARE 655 15TH STREET, NW WASHINGTON DC 20005	WEBSTER, JEPPSON, JONES & AGRAN	5,385.02	29.98
DAVID H. MILLER, 900 17TH STREET, NW WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A.	500.00	80.06
JOHN R. MILLER, 1750 MIDLAND BUILDING CLEVELAND OH 44115	STANDARD OIL CO (OHIO)		
JOSEPH S. MILLER, 19 3RD ST., NE WASHINGTON DC 20002	ASSOCIATION OF AMERICAN RAILROADS	4,500.00	640.00
Do	O & C COUNTIES ASSOCIATION		
Do	PORT OF PORTLAND		
Do	WESTERN FOREST INDUSTRIES ASSOCIATION	3,000.00	70.00
PAUL J. MILLER, 8000 SEARS TOWER CHICAGO IL 60606	INVESTMENT COUNSEL ASSN OF AMERICA, INC.		
RICHARD L. MILLER, 1700 NORTH MOORE ST ARLINGTON VA 22209	BOEING COMPANY		
MINNESOTANS FOR PEACE IN CENTRAL AMERICA, 920 NICOLLET MALL, RM. 300 MINNEAPOLIS MN 55402		2,100.00	1,983.56
JOHN B. MONAHAN JR., 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL PASSENGER TRAFFIC ASSN	1,500.00	35.00
ELIZABETH R. MONRO, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	5,000.00	
GERALD D. MORRIS, 11 DUPONT CIRCLE WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	11,830.42	128.00
LYLE J. MORRIS, 5070 MACARTHUR BLVD., NW WASHINGTON DC 20016	FORESIGHT, INC (FOR: CONSORTIUM OF SOCIAL SCIENCE ASSNS)	10.00	
Do	FORESIGHT, INC (FOR: SOCIETY FOR AMERICAN ARCHAEOLOGY)	100.00	
ROBERT E. MOSS, SUITE 500 1899 L STREET, NW WASHINGTON DC 20036	AMERICAN NATURAL RESOURCES CO	9,639.00	80.50
MOSS, MCGEE & BELLMON, 122 C ST., NW WASHINGTON DC 20001	NATIONAL BANKERS ASSN	4,046.23	
Do	NATIONAL COMMUNITY ACTION FOUNDATION	30,000.00	
Do	NATIONAL RURAL DEVELOPMENT & FINANCE CORP	3,000.00	
MUDGE ROSE GUTHRIE ALEXANDER & FERNDON, 2121 K STREET, NW WASHINGTON DC 20037	BASIN ELECTRIC POWER COOPERATIVE		
ALBERT E. MULLIN JR , 111 POWDERMILL RD. (B79) MAYNARD MA 01754	DIGITAL EQUIPMENT CORPORATION	4,000.00	
JEANNE MARIE MURPHY, 1625 MASSACHUSETTS AVE., N.W. # 202 WASHINGTON DC 20036	INDEPENDENT BANKERS ASSOCIATION OF AMERICA	8,250.00	
RICHARD E. MURPHY, 2020 K ST., NW, #200 WASHINGTON DC 20006	SERVICE EMPLOYEES INTL UNION, AFL-CIO	1,000.00	1,334.26
HAROLD D. MUTH, 1600 WILSON BLVD., #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
PAUL J. MYER, 1150 17TH ST., NW, 11TH FLOOR WASHINGTON DC 20036	AMERICAN BROADCASTING CO, INC		
J. WALTER MYERS JR , P.O. BOX 95385 ATLANTA GA 30347	FOREST FARMERS ASSOCIATION		
JULIA NANAY, 2550 M STREET, NW WASHINGTON DC 20037	CHARTER OIL CO		553.00
NATA, SUITE 1200 1000 CONNECTICUT AVE., NW WASHINGTON DC 20006			
NATIONAL ABORTION RIGHTS ACTION LEAGUE, 1424 K ST., NW WASHINGTON DC 20005		6,625.02	
NATIONAL ASSN OF HOME BUILDERS OF THE U.S., 15TH & M STS., NW WASHINGTON DC 20005		74,364.19	96,766.10
NATIONAL ASSN OF MARGARINE MFGRS, SUITE 1024-A 1625 I ST., NW WASHINGTON DC 20006			
NATIONAL ASSN OF MUTUAL SAVINGS BANKS, 200 PARK AVE. NEW YORK NY 10166		16,663.33	16,663.33
NATIONAL ASSN OF PRIVATE ENTERPRISE, ALAMEDA ROOSEVELT 2827 SAN SALVADOR, EL SALVADOR			
NATIONAL ASSN OF REALTORS, 777 14TH ST., NW WASHINGTON DC 20005			55,342.31
NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES, 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036		3,797.00	2,630.00
NATIONAL ASSN OF WHEAT GROWERS, SUITE 300 415 2ND ST., NE WASHINGTON DC 20002		1,084.00	6,588.41
NATIONAL CITIZENS COMMUNICATIONS LOBBY, P.O. BOX 1876 IOWA CITY IA 52244			
NATIONAL COMM AGAINST REPRESSIVE LEGISLATION, 201 MASSACHUSETTS AVE., NE WASHINGTON DC 20002		5,243.90	9,978.73
NATIONAL COMMUNITY ACTION FOUNDATION, INC., 2101 L STREET, N.W. SUITE 906 WASHINGTON DC 20037		89,415.00	47,971.00
NATIONAL COUNCIL OF TECHNICAL SERVICE INDUSTRIES, SUITE 1190 1850 K STREET, NW WASHINGTON DC 20006		903.50	696.32
NATIONAL EDUCATION ASSN, 1201 16TH ST., NW WASHINGTON DC 20036		15,452.61	15,452.61
NATIONAL FAMILY PLANNING & REPRODUCTIVE HEALTH ASSN, INC, 1110 VERMONT AVENUE, NW, #1210 WASHINGTON DC 20005.		45,795.00	2,881.00
NATIONAL FEDERATION OF LICENSED PRACTICAL NURSES, P.O. BOX 11038 DURHAM NC 27703		2,000.00	2,000.00
NATIONAL MOTORSPORTS COMM OF ACCUS, SUITE 1204 1701 K ST., NW WASHINGTON DC 20006		67.28	
NATIONAL NEWSPAPER ASSN, SUITE 400 1627 K ST., NW WASHINGTON DC 20006		60,097.51	5,940.24
NATIONAL PEACE ACADEMY CAMPAIGN, SUITE 409 110 MARYLAND AVE., NE WASHINGTON DC 20002		97,834.00	127,187.69
NATIONAL PEACH COUNCIL, P.O. BOX 1085 MARTINSBURG WV 25401		908.07	1,113.95
NATIONAL POTATO COUNCIL, SUITE 420 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036			
NATIONAL REALTY COMMITTEE, 2033 M ST., NW WASHINGTON DC 20036		2,069.50	2,069.50
NATIONAL RIFLE ASSOCIATION OF AMERICA, 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036		57,204.89	126,063.93
NATIONAL TOUR ASSOCIATION, INC., 120 KENTUCKY AVE. LEXINGTON KY 40502		31,416.00	31,416.00
NATIONAL TURKEY FEDERATION, 11800 SUNRISE VALLEY DRIVE, #302 RESTON VA 22091			
ALLEN NEECE JR., 1050 17TH STREET, NW WASHINGTON DC 20036	NEECE, CATOR & ASSOCIATES, INC (FOR: ASSOCIATION OF SMALL BUSINESS DEVELOPMENT CENTERS).	1,400.00	620.00
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: NATIONAL VENTURE CAPITAL ASSN)	1,500.00	1,500.00
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: SMALL BUSINESS UNITED)	1,700.00	1,700.00
NEECE, CATOR & ASSOCIATES, INC, 1050 17TH STREET, NW WASHINGTON DC 20036	ASSOCIATION OF SMALL BUSINESS DEVELOPMENT CENTERS	1,400.00	620.00
Do	NATIONAL ASSN OF BUSINESS DEVELOPMENT CORPS	200.00	200.00
Do	NATIONAL ASSN OF DEVELOPMENT COMPANIES (NADCO)	250.00	250.00
Do	NATIONAL VENTURE CAPITAL ASSOCIATION	1,500.00	1,500.00
Do	SMALL BUSINESS UNITED	1,700.00	1,700.00
Do	SOUTHEASTERN LUMBER MANUFACTURERS ASSN (SLMA)	1,800.00	1,800.00
NEILL & COMPANY, INC, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	GOVERNMENT OF EL SALVADOR		
E. COLETTE NELSON, SUITE 540 8401 CORPORATE DRIVE LANDOVER MD 20785	AMERICAN SUBCONTRACTORS ASSN	1,750.00	
GAYLORD NELSON, 1901 PENNSYLVANIA AVE., N.W. WASHINGTON DC 20006	WILDERNESS SOCIETY	724.06	33.00
THOMAS C. NELSON, 1920 N STREET,N.W. WASHINGTON DC 20036	AMERICAN MINING CONGRESS	30.00	3.00
A. S. NEMIR ASSOCIATES, SUITE 1230 PENNSYLVANIA BUILDING WASHINGTON DC 20004	BRAZILIAN SUGAR & ALCOHOL INSTITUTE		908.33
DOUG NETHERCUT, 3605 10TH AVE. S MINNEAPOLIS MN 55407	MINNESOTANS FOR PEACE IN CENTRAL AMERICA	490.50	304.30
NEW YORK SHIPPING ASSN, 80 BROAD STREET, 12TH FL. NEW YORK NY 10004			
WILLIAM B. NEWMAN,JR., P.O. BOX 23451 WASHINGTON DC 20024	CONSOLIDATED RAIL CORPORATION	3,850.00	
NISSAN MOTOR COMPANY, LTD., P.O. BOX 1606 560 SYLVAN AVENUE ENGLEWOOD CLIFFS NJ 07632			12,531.00
NONPROFIT MAILERS FEDERATION, SUITE 405 2550 M STREET, NW WASHINGTON DC 20037			9,264.21
M. KATHRYN NORDSTROM, SUITE 900 ONE THOMAS CIRCLE, NW WASHINGTON DC 20005	PACIFIC SEAFOOD PROCESSORS ASSN	3,750.00	160.26
NORTHEAST UTILITIES SERVICE CO, SELDEN ST. BERLIN CT 06037			2,721.90
CLIFFORD R. NORTHUP, 1730 RHODE ISLAND AVE., NW, #810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	494.89
JAMES NORTON, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	564.58	33.90
NOSSAMAN GUTHNER KNOX & ELLIOTT, 1140 19TH ST., NW, #600 WASHINGTON DC 20036	BURLINGTON NORTHERN, INC	480.00	
Do	COOK INLET REGION, INC	360.00	
Do	TRUST FOR PUBLIC LANDS	360.00	
MICHAEL NOVELLI, 3012 CAMBRIDGE PLACE, NW WASHINGTON DC 20007	PACIFIC POTOMAC SERVICES		
HUBERT K. O'BANNON, P.O. BOX 23451 WASHINGTON DC 20024	CONSOLIDATED RAIL CORPORATION	2,050.00	
O'BRIEN, FIERCE & EBERLE, INC, SUITE 201 1828 L STREET, NW WASHINGTON DC 20036	COMMITTEE FOR TITLE XI VESSEL FINANCING		
DANIEL O'CONNELL, ONE POST OFFICE SQUARE BOSTON MA 02109	GADSBY & HANNAH (FOR: WANG LABORATORIES, INC)	165.00	
TERRENCE M. O'CONNELL II , 444 N. CAPITOL STREET, #711 WASHINGTON DC 20001	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)	2,500.00	
O'CONNOR & HANNAN, 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	COMBINED INSURANCE COMPANY OF AMERICA		
Do	DOUGHERTY, DAWKINS, STRAND & YOST	1,000.00	
Do	LEHMAN BROTHERS KUHN LOEB INC	35,000.00	
Do	NATIONAL SECURITY & RETIREMENT PROGRAM	4,540.00	
GRADY O'CUMMINGS III, 2128 ATLANTIC AVE. BROOKLYN NY 11233	NATIONAL COMMITTEE FOR POOR PEOPLE		
JOHN B. O'DAY, SUITE 590 1700 PENNSYLVANIA AVE., NW WASHINGTON, DC 20006	INSURANCE ECONOMICS SOCIETY OF AMERICA	16,000.00	
O'NEAL & CLAASSEN, CHTD., SUITE 952 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	NATIONAL REA TELEPHONE ASSN	1,980.00	
KATHLEEN CASEY O'SULLIVAN, 8229 BOONE BLVD. VIENNA VA 22180	GTE TELENET INC.		
NEIL H. OFFEN, 1730 M ST., NW WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	1,000.00	
CHARLES J. ORASIN, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	2,666.00	
MICHEL ORBAN, 125 BROAD STREET, 39TH FL. NEW YORK NY 10004	AMERICAN EXPRESS CO		
ELVIRA J. ORLY, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	5,368.26	1,491.69
LAW OFFICES OF JOSE SUITE 610 1101 14TH ST., NW WASHINGTON DC 20005	PUERTO RICO MAYORS ASSN		
RONALD C. PADDOCK & COMPANY, 4655 N. ORACLE ROAD, #106 TUCSON AZ 85105	I.T.T. MEDTRONICS		
GERI PALAST, SUITE 200 2020 K STREET, NW WASHINGTON DC 20006	SERVICE EMPLOYEES INTL UNION, AFL-CIO, CLC	5,000.00	622.54
GERARD PAUL PANARO, WEBSTER & CHAMBERLAIN 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	RETAIL BAKERS ASSN	320.00	
HARRIET PARCELLS, 317 PENNSYLVANIA AVE., S.E. WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	286.16	
JUDY E. PARK, 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	9,672.00	45.55
SARA LYNN PARKER, 1319 F. ST.,NW SUITE 500 WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
RENEE PARSONS, 530 7TH ST., SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	1,372.66	
KENTON H. PATTIE, 3150 SPRING ST. FAIRFAX VA 22031	NATIONAL AUDIO-VISUAL ASSN, INC	2,965.92	
PEABODY, LAMBERT & MEYERS, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATIONAL MASS RETAILING INSTITUTE	327.50	8.00
FRANK PECQUEX, 5201 AUTH WAY CAMP SPRINGS MD 20746	SEAFARERS INTERNATIONAL UNION	3,000.00	64.75
ELIN PELTZ, 1511 K STREET, NW WASHINGTON DC 20005	HAWAIIAN SUGAR PLANTERS' ASSN	300.00	75.00
PENSION RIGHTS CENTER, 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036			369.29
PERITO, DUERK, CARLSON & PINCO, P.C., 1140 CONNECTICUT AVENUE, NW, #400 WASHINGTON DC 20036	AMERICAN PROTESTANT HOSPITAL ASSN	2,000.00	18.80
Do	COMBINED HEALTH RESOURCES, INC	625.00	8.00
Do	SAMARITAN HEALTH SERVICE	625.00	8.00
EDMUND J. PERRET II , 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	1,783.89	609.48
JOHN J. PESCH, 3422 STONEYBRAE DRIVE FALLS CHURCH VA 22044	NORTHROP CORPORATION		
BRIAN T. PETTY, SUITE 702 1901 L ST., NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF DRILLING CONTRACTORS		
PIERSON BALL & DOWD, 1200 18TH ST., NW WASHINGTON DC 20036	ASPEN SYSTEMS CORPORATION		
Do	COMMUNITY PSYCHIATRIC CENTERS	2,406.78	
Do	DUN & BRADSTREET CORP.		
Do	GENENTECH	3,957.14	
Do	GENERAL TIRE & RUBBER COMPANY	1,750.00	
Do	INDEPENDENT TELECOMMUNICATIONS SUPPLIERS' COUNCIL		
Do	INFECTIOUS DISEASES SOCIETY OF AMERICA	4,609.80	
Do	INTERNATIONAL FUTURES EXCHANGE (BERMUDA) LTD		
Do	INTEX HOLDINGS (BERMUDA) LTD		
Do	NATIONAL ASSN OF CASUALTY & SURETY AGENTS	13,025.15	
Do	NATIONAL MUSIC PUBLISHERS ASSN	10,137.85	
Do	PHARMACEUTICAL MANUFACTURERS ASSN		
Do	SATELLITE BUSINESS SYSTEMS	2,500.00	
Do	WESTERN FARMERS ELECTRIC COOPERATIVE		
DOUG PIKE, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	406.91	144.50
LINDA PINEGAR, 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMERICA	3,000.00	
PLANNED PARENTHOOD OF NEW YORK CITY, INC, 380 SECOND AVENUE, 3RD FLOOR NEW YORK NY 10010			
RONALD L. PLESSER, BLUM & NASH 1015 18TH ST., NW, #408 WASHINGTON DC 20036	AMERICAN NEWSPAPER PUBLISHERS ASSN		
Do	TWIN COASTS NEWSPAPER, INC	1,000.00	
Do	VIDEOTEX INDUSTRY ASSOCIATION		
MICHAEL A. POLING, 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	30.00	20.00

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
RAFE POMERANCE, 530 7TH ST., SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	6,002.90	
CAROL ALICE PORTER, SUITE 1101 1612 K ST., NW WASHINGTON DC 20036	WILDLIFE LEGISLATIVE FUND OF AMERICA	3,421.00	
ROBERT W. PORTER, SUITE 420 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL POTATO COUNCIL		
PRATHER SEEGER DOOLITTLE & FARMER, 1101 16TH ST., NW WASHINGTON DC 20036	BANKER'S ASSN FOR FOREIGN TRADE	4,400.00	288.40
ROBERT L. PRATT, 101 FIRST AVENUE WALTHAM MA 02254	THERMO ELECTRON CORPORATION	534.00	457.00
JERRY C. PRITCHETT, SUITE 750 5530 WISCONSIN AVE., NW WASHINGTON DC 20015	MECHANICAL CONTRACTORS ASSN OF AMER, INC		
PROJECT ADVISORY GROUP, 1029 VERMONT AVE., NW SUITE 860 WASHINGTON DC 20005			333.00
RAGAN & MASON, 900 17TH ST., NW WASHINGTON DC 20006	AMERICAN SHIP BUILDING CO	1,000.00	
Do	BECHTEL CORP	29,999.88	
Do	CURTISS-WRIGHT CORP	26,064.50	
Do	GOVERNMENT OF BERMUDA	3,000.00	9.00
Do	GULF OIL CORP	4,000.00	
Do	NATIONAL BULK CARRIERS, INC	4,500.00	
Do	R. J. REYNOLDS TOBACCO COMPANY		
Do	SEA-LAND INDUSTRIES, INC	20,000.00	1,974.81
Do	SECURITY PACIFIC LEASING CORPORATION		
Do	SECURITY PACIFIC NATL BANK		
Do	STIMSON LUMBER CO & MILLER REDWOOD CO	3,000.00	
RICHARD W. RAHN, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,944.00	10.50
ELIZABETH RAISBECK, 530 7TH ST., SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	3,756.67	
CRAIG J. RANCOURT, SUITE 503 1825 K ST., NW WASHINGTON DC 20006	AMERICAN ASSN OF CLASSIFIED SCHOOL EMPLOYEES	5,451.12	5,451.12
ROBERT RANDALL, P.O. BOX 23691 WASHINGTON DC 20024	ALLIANCE FOR CANNABIS THERAPEUTICS	363.00	85.00
ROBERT A. RAPOZA, SUITE 8G 1016 16TH STREET, NW WASHINGTON DC 20036	CAMPAIGN FOR COMMUNITY ECONOMIC DEVELOPMENT	2,120.00	
Do	NATIONAL RURAL HOUSING COALITION	6,923.04	
MAGDA RATAJSKI, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CORPORATION	1,000.00	
EILER C. RAVNHOLT, 723 INVESTMENT BLDG. WASHINGTON DC 20005	HAWAIIAN SUGAR PLANTERS' ASSN	450.00	195.60
READING IS FUNDAMENTAL, INC., 600 MARYLAND AVE.,SW RM 500 WASHINGTON DC 20560			472.98
RECORDING INDUSTRY ASSN OF AMER, INC, 888 SEVENTH AVENUE, 9TH FL. NEW YORK NY 10106		5,904.33	5,904.33
JOSEPH M. REES, SUITE 505 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	KEEFE COMPANY (FOR: CORDAGE INSTITUTE)	1,250.00	20.70
Do	DELTA DENTAL PLANS ASSOCIATION	1,500.00	16.50
Do	KAPLAN, RUSSIN (FOR AMER CHAMBER OF COMMERCE OF DOM REP)	5,000.00	
GEORGE E. RENAULT, 2108 YALE DRIVE ALEXANDRIA VA 22307	AMERICAN ENERGY PRODUCTS, INC		
RESEARCH-COTTRELL, INC, P.O. BOX 1500 SOMERVILLE NJ 08876			
RESERVE OFFICERS ASSN OF THE US, 1 CONSTITUTION AVE., NE WASHINGTON DC 20002		1,929.31	22,228.81
AUSTIN T. RHOADS, 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		531.02
ROBERT J. RHUDY, 1625 K STREET, NW, #908 WASHINGTON DC 20006	COALITION FOR LEGAL SERVICES, INC	6,666.68	
R. PAUL RICHARD, 1 DUPONT CIRCLE, NW SUITE 370 WASHINGTON DC 20036	ASSOCIATION OF AMERICAN LAW SCHOOLS		
ALAN K. RICHARDS, 1709 NEW YORK AVENUE, NW, #303 WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD	255.00	21.21
JOHN G. RICHARDSON, 2774 NORTH HILLS DRIVE, NE ATLANTA GA 30305	GEORGIA POWER CO	16,212.00	7,818.54
JUDY NOEL RIDDLE, 6630 W. BROAD STREET RICHMOND VA 23230	LAWYERS TITLE INSURANCE CORP		506.82
SIERT F. RIEPMA, SUITE 1024-A 1625 I ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MARGARINE MFGRS		
PHILLIP W. RIVERS, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	1,215.00	151.27
RJR INDUSTRIES, INC, 1100 REYNOLDS BLVD. WINSTON-SALEM NC 27106			12,814.49
ROBERT ROACH, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	69.53	
ROGERS & WELLS, 1737 H STREET, NW WASHINGTON DC 20006	MERRILL LYNCH & CO		
BRUCE N. ROGERS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	2,794.00
JACK ROLLINS, 1201 16TH STREET, NW WASHINGTON DC 20036	OVERSEAS EDUCATION ASSN & NATIONAL EDUCATION ASSN		
BURT ROSEN, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	PFIZER, INC	200.00	1,132.44
WILLIAM C. ROUNTREE, SUITE 600 1001 22ND ST., NW WASHINGTON DC 20037	STANDARD OIL CO (OHIO)		
EUGENE F. ROWAN, 1156 15TH ST., NW WASHINGTON DC 20005	J. C. PENNEY CO, INC		
TOBI Z. ROZEN, 888 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
GLORIA CATANEO RUDMAN, SUITE 801 444 N. CAPITOL ST., NW WASHINGTON DC 20001	JOINT MARITIME CONGRESS	4,326.00	
CHRISTINE ANNE RUSSELL, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
VINCENT J. RYAN, 300 INDEPENDENCE AVENUE, SE WASHINGTON DC 20003	LIBERTY LOBBY, INC		
DAVID J. SADD, 1825 CONNECTICUT AVE., NW WASHINGTON DC 20009	NATIONAL ASSN OF ARAB AMERICANS	3,000.00	350.00
V. ALARIC SAMPLE JR., 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	315.85	15.05
WILLIAM SAMUEL, 1730 K ST., NW SUITE 1101 WASHINGTON DC 20006	NATIONAL TREASURY EMPLOYEES UNION	8,732.00	
JAMES D. SANTINI, JONES JONES BELL CLOSE & BROWN, CHTD 1110 VERMONT AVENUE, NW, #1060 WASHINGTON DC 20005.	GREENS CREEK JOINT VENTURE	6,000.00	
Do	LORIMAR PRODUCTIONS	4,500.00	1,411.20
Do	NATIONAL TOUR ASSN	6,750.00	1,841.77
Do	NORANDA EXPLORATION, INC	3,750.00	1,697.46
Do	NORANDA MINING, INC	3,750.00	26.95
HAROLD A. SCHAITBERGER, 1750 NEW YORK AVE. WASHINGTON DC 20006	INTERNATIONAL ASSN OF FIRE FIGHTERS	11,657.88	
JEROME D. SCHALLER, 1101 15TH ST., NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING CO.	10,000.00	215.70
FOREST S. SCHMELING, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	1,100.00	240.00
MARK L. SCHNEIDER, 1001 22ND STREET, NW, #600 WASHINGTON DC 20037	STANDARD OIL CO (OHIO)	375.00	167.33
WILLIAM B. SCHULTZ, SUITE 700 2000 P ST., NW WASHINGTON DC 20036	PUBLIC CITIZEN, INC	2,000.00	25.00
JAMES H SCHUYLER, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
ELIZABETH NASH SCHWARTZ, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	880.00	977.90
HARRY K. SCHWARTZ, 1800 M ST., NW SUITE 400 SOUTH WASHINGTON DC 20036	TOSCO CORPORATION	3,000.00	
CARL F. SCHWENSEN, 415 2ND ST., NE SUITE 300 WASHINGTON DC 20002	NATIONAL ASSN OF WHEAT GROWERS	3,281.25	
MICHAEL SCOTT, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	1,550.99	2.25
H. MICHAEL SEMLER, 806 15TH STREET, NW, #600 WASHINGTON DC 20005	MIGRANT LEGAL ACTION PROGRAM, INC	55.00	12.00
SEVEN MONTHS SESSION FOR CONGRESS, 3306 YELLOWPINE TERRACE AUSTIN TX 78757			570.00
CLIVE SEYMOUR, P.O. BOX 2511 1010 MILAM, RM. 1657-B HOUSTON TX 77001	TENNECO INC		
RICHARD N. SHAROOD, 501 SEWARD SQ., SE WASHINGTON DC 20003	CHEMICAL WASTE MANAGEMENT, INC	3,218.75	
KAREN DOLMATCH SHAW, SUITE 920 1800 K ST., NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	598.03	1,580.83
SHAW PITTMAN POTTS & TROWBRIDGE, 1800 M ST., NW, #900-S WASHINGTON DC 20036	ALTAIR AIRLINES, INC		
JONATHAN R. SHEINER, 410 FIRST ST., SE WASHINGTON DC 20003	CONSOLIDATED EDISON CO OF NEW YORK, INC	512.59	
NELSON T. SHIELDS, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	3,150.00	
RUSSELL L. SHIPLEY JR , 1430 K ST., NW, #1000 WASHINGTON DC 20005	NATIONAL CANDY WHOLESALERS ASSN, INC		
SHIPLEY SMOAK & HENRY, SUITE 820 910 17TH ST., NW WASHINGTON DC 20006	STEADMAN SECURITY CORPORATION		
Do	WBNO RADIO AND WLKM RADIO		
FLETCHER SHIVES, 1901 PENNSYLVANIA AVENUE, NW ATLANTA GA 30305	WILDERNESS SOCIETY	143.97	
RICHARD G. SHOUP, SUITE 600 SOUTH 1120 20TH ST. NW WASHINGTON DC 20036	UNION PACIFIC CORPORATION	2,850.00	960.25
SIERRA CLUB, 530 BUSH ST. SAN FRANCISCO CA 94108		245,684.74	245,684.74
STEPHEN SILBIGER, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	12,508.14	301.03
WILLIAM G. SIMPSON, SUITE 424 1155 15TH STREET, NW WASHINGTON DC 20005	FIRST MISSISSIPPI CORPORATION	2,000.00	
Do	MISSISSIPPI POWER & LIGHT COMPANY	2,000.00	
Do	J.R. SCRIBNER ENTERPRISES	2,000.00	
Do	STATE OF MISSISSIPPI	4,000.00	
RICHARD L. SINNOTT & CO, SUITE 306 2021 K ST., NW WASHINGTON DC 20006			
STEPHEN L. SKARDON JR , 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	7,737.00	8.00
AMY SKILBRED, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	770.63	
SCOTT SKLAR, 1001 CONNECTICUT AVENUE, NW, #510 WASHINGTON DC 20036	SOLAR LOBBY	3,403.12	
SL SOMMER & ASSOCIATES,INC., 3129 WORTHINGTON ST., NW WASHINGTON DC 20015	NORTHROP CORP	1,500.00	1,231.00
SCOTT L. SLESINGER, SUITE 804 1101 14TH ST., NW WASHINGTON DC 20005	NATIONAL APARTMENT ASSN		
SLURRY TRANSPORT ASSN, 490 L'ENFANT PLAZA EAST, SW SUITE 3210 WASHINGTON DC 20024		51,289.24	42,727.50
DOUGLAS J. SMITH & ASSOCIATES, SUITE 704 1200 18TH ST., NW WASHINGTON DC 20036	INSTITUTE OF SIGNAGE RESEARCH		
Do	NATIONAL ELECTRIC SIGN ASSN		
Do	SPERRY GYROSCOPE		
DAVID S. SMITH, 1701 PENNSYLVANIA AVE., NW, #1102 WASHINGTON DC 20006	MARTIN, BECK & SMITH		
DOUGLAS J. SMITH, SUITE 704 1200 18TH ST., NW WASHINGTON DC 20036	DOUGLAS J. SMITH & ASSOCIATES (FOR: AMERICAN SIGN & INDICATOR CORP)		
LEIGH SNELL, 510 C ST.,NE WASHINGTON DC 20002	NATIONAL ASSN OF CREDIT MANAGEMENT	325.00	
RANDALL D. SNODGRASS, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	750.42	550.74
SNYDER & BALL ASSOCS, INC, SUITE 1610 1700 N. MOORE ST. ARLINGTON VA 22209	DSP, INC		
SOLAR LOBBY, SUITE 510 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036		73,721.12	5,289.83
TERRY SOPHER, 1901 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	WILDERNESS SOCIETY	2,496.19	
CHARLES E. SOUTHWICK, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	15,000.00	2,959.00
SPECIALTY EQUIPMENT MARKET ASSN., 11540 E. SLAUSON AVE. WHITTIER CA 90606			
JOHN F. SPEER JR , 888 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
SPEISER, KRAUSE & MADOLE, 1216 16TH ST., NW WASHINGTON DC 20036	MRS. VERA C. CLEMENTE, ET AL.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
PHILIP SPESER, 5070 MACARTHUR BLVD., NW WASHINGTON DC 20016	FORESIGHT, INC (FOR: CONSORTIUM OF SOCIAL SCIENCE ASSNS)	90.00	
Do	FORESIGHT, INC (FOR: SOCIETY FOR AMERICAN ARCHAEOLOGY)	500.00	
MARK SQUILLACE, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE		
ROBERT P. ST. LOUIS, 2550 M ST., NW, #225 WASHINGTON DC 20037	CONGOLEUM CORPORATION	1,000.00	278.28
MELVIN R. STAHL, SUITE 1410 1235 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MOTORCYCLE INDUSTRY COUNCIL		
STANDARD OIL CO (OHIO), MIDLAND BLDG. CLEVELAND OH 44115			25,500.74
THOMAS H. STANTON, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	1,000.00	
WILLIAM N. STEELE, 1700 NORTH MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	1,180.12	1,397.45
J. C. STEEN, 412 FIRST STREET, SE, #301 WASHINGTON DC 20003	FORD AEROSPACE & COMMUNICATIONS CORP	300.00	101.89
Do	GA TECHNOLOGIES, INC	375.00	101.89
STEPTOE & JOHNSON CHARTERED, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALLIANCE FOR CANNABIS THERAPEUTICS		602.81
Do	ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC.	9,882.50	950.77
Do	EASTERN CENTRAL MOTOR CARRIERS ASSN		
Do	INTERNATIONAL PAPER CO		
MICHAEL E. STEWARD, 7957 REVENNA LANE SPRINGFIELD VA 22153	PUGET SOUND POWER & LIGHT CO	500.00	70.89
Do	VITRO ENGINEERING CORP.	100.00	
JOHN J. STOCKER, 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	SHIPBUILDERS COUNCIL OF AMERICA	13,750.00	
JACK MARK STOLIER, SUITE 500 1319 F STREET, NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
RICHARD BOYLE STOREY, 455-B CARLISLE DR. HERNDON VA 22070	INTERNATIONAL MILITARY CLUB EXECUTIVES' ASSN		
STRASBURGER & PRICE, 1200 ONE MAIN PLACE DALLAS TX 75250	DALLAS/FT. WORTH REGIONAL AIRPORT BOARD		6,842.11
ROGER J. STROH, 727 N. WASHINGTON STREET ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN		
JOEL B. STRONBERG, 1750 OLD MEADOW ROAD MCLEAN VA 22102	BRICK INSTITUTE OF AMERICA		
EUGENE F. STURGEON, 182 CRATER LANE KENSINGTON CT 06037	NORTHEAST UTILITIES SERVICE CO	1,717.96	1,003.94
MARGARET COX SULLIVAN, 1625 EYE ST., N.W. # 724A WASHINGTON DC 20006	STOCKHOLDERS OF AMERICA, INC.		
J. MITCHELL SUMMERS, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ARMCO, INC	2,691.00	226.81
SUNMAID RAISIN GROWERS OF CALIFORNIA, SUITE 420 1200 NEW HAMPSHIRE AVE. WASHINGTON DC 20036			
SUTHERLAND ASBILL & BRENNAN, 1666 K STREET, NW, #800 WASHINGTON DC 20006	ASSOCIATION OF BUSINESS ADVOCATING TARIFF EQUITY		
Do	COUNCIL OF INDUSTRIAL BOILER OWNERS		
Do	INDUSTRIAL OIL CONSUMERS GROUP		
Do	PROCESS GAS CONSUMERS GROUP	362.00	
SWIDLER, BERLIN & STRELOW, CHTD., 1000 THOMAS JEFFERSON ST., NW #500 WASHINGTON DC 20007	AIRCO, INC	3,690.00	79.15
Do	NATIONAL ASSN FOR HOSPITAL DEVELOPMENT		
Do	NATIONAL COUNCIL OF COMMUNITY HOSPITALS	3,487.50	
Do	TWENTIETH CENTURY-FOX FILM CORP	2,915.54	815.54
SCOTT R. SWIRLING, SUITE 950 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	NATIONAL FAMILY PLANNING AND REPRODUCTIVE HEALTH ASSOC., INC	1,550.00	
CHRISTOPHER U. SYLVESTER, 1831 BRIAR RIDGE COURT MCLEAN VA 22101	GARRISON DIVERSION CONSERVANCY DISTRICT	6,000.00	305.83
Z. MICHAEL SZAZ, 6415 FRANCONIA COURT SPRINGFIELD VA 22150	EMBASSY OF THE DEMOCRATIC REPUBLIC OF SOMALIA	2,500.00	
TARGET, INC., 6612 OWENS DR. PLEASANTON CA 94566			6,000.00
PAUL M. TENDLER, 1110 VERMONT AVENUE, NW, #840 WASHINGTON DC 20005	PAUL TENDLER ASSOCIATES, INC (FOR: SOUTHEASTERN EXPORTERS)		
TENNESSEE HOME MEDICAL PROVIDERS ASSOCIATION,INC., P.O. BOX 23130 KNOXVILLE TN 37933			
TEXASGULF, INC., HIGH RIDGE PARK STAMFORD CT 06904			152.48
CRAIG G. THIBAUDEAU, 3251 OLD LEE HIGHWAY, #500 FAIRFAX VA 22030	NATIONAL LIMESTONE INST, INC		
BOYD THOMPSON, SUITE 210 5410 GROSVENOR LANE BETHESDA MD 20814	AMERICAN MEDICAL CARE & REVIEW ASSN.		
WILLIAM D. THOMPSON, 1001 CONNECTICUT AVE., NW, #601 WASHINGTON DC 20036	LEAR SIEGLER, INC		
THOMPSON, HINE & FLORY, 1920 N ST., NW, #700 WASHINGTON DC 20036	GREAT WESTERN SUGAR CO		
GRACE F. THORPE, P.O. BOX 184 YALE OK 74085			
GIL THURM, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS		
E. LINWOOD TIPTON, 888 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
RON TIPTON, 1901 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	WILDERNESS SOCIETY	1,906.79	6.40
ANH TU, SUITE 860 1029 VERMONT AVE., NW WASHINGTON DC 20005	PROJECT ADVISORY GROUP	192.00	
TUCKER & BROWN, WESTERN FEDERAL SAVINGS BLDG., #1330 718 17TH ST. DENVER CO 80202	MANVILLE CORP		
Do	PETRO-LEWIS CORPORATION	2,000.00	
Do	REGIONAL TRANSPORTATION AUTHORITY	1,000.00	
WILLIAM J. TURENNE, 1901 L STREET, NW WASHINGTON DC 20036	ELI LILLY AND COMPANY	3,000.00	19.00
WILLIAM A. TURNAGE, 1901 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	WILDERNESS SOCIETY	581.76	378.51
JERRY G. UDELL, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	200.00	49.50
THOMAS C. UNIS, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)	437.50	
THOMAS C. UNIS, P.C., 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)	437.50	437.50
UNITED FRESH FRUIT & VEGETABLE ASSN, 727 N. WASHINGTON ST. ALEXANDRIA VA 22314		2,092.54	2,596.79
MATHEW VALENCIC, 201 MASSACHUSETTS AVE., NE SUITE 319 WASHINGTON DC 20002	HALT, INC		
RICHARD VAN DEUREN, 111 E. WISCONSIN AVENUE, NW, #1800 MILWAUKEE WI 53202	NATIONAL EMPLOYEE BENEFITS INST	2,000.00	
H. B. VAN GIESON, 1700 NORTH MOORE STREET ROSSLYN VA 22209	BOEING COMPANY		
GLENN R. VAN SCHOONEVELD, SUITE 702 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ARMCO, INC	1,864.10	335.45
JOHN A. VANCE, 1050 17TH ST., NW, #1180 WASHINGTON DC 20036	PACIFIC GAS & ELECTRIC CO	2,855.00	1,653.94
LISA A. VEHMAS, 1920 N STREET, NW, #300 WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
JOHN P. VENNERS, 1899 L ST., NW, #1250 WASHINGTON DC 20036	VENNERS & CO (FOR: KOCH INDUSTRIES)		
VENTURE ENTREPRENEURS, INC., SUITE 206 1201 SAN MARCO BLVD. JACKSONVILLE FL 32207			
VERNER, LIIPFERT, BERNHARD & MCPHERSON, 1660 L ST., NW, #1100 WASHINGTON DC 20036	LABOR-INDUSTRY COALITION FOR INTL TRADE	350.00	
DAVID VIENNA, 510 C ST., NE WASHINGTON DC 20002	HORSEMEN'S BENEVOLENT & PROTECTIVE ASSN	3,450.00	
Do	NATIONAL ASSN OF CREDIT MANAGEMENT	3,925.00	
DENNIS C. VIERRA, VIERRA ASSOCIATES, INC 1150 17TH STREET, NW, #607 WASHINGTON DC 20036	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY	9,164.33	9,025.64
Do	METROPOLITAN TRANSPORTATION AUTHORITY	4,961.50	3,772.53
Do	NIAGARA FRONTIER TRANSPORTATION AUTHORITY	8,881.27	5,334.70
RON VLASKAMP, 323 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	AMERICAN RIVERS CONSERVATION COUNCIL		
VOLUME FOOTWEAR RETAILERS OF AMERICA, 1319 F ST., NW, #700 WASHINGTON DC 20004			850.00
MARCOS VON GOIHMAN, 1835 K ST., NW, #600 WASHINGTON DC 20006	GUYANA AIRWAYS CORP		
WAGNER & BAROODY, INC, 1100 17TH STREET, NW, #804 WASHINGTON DC 20036	AMERICAN BUS ASSN		
Do	ASSOCIATED BUILDERS & CONTRACTORS, INC		
Do	BURNS & ROE, INC	3,200.00	993.53
Do	CHICAGO AND NORTHWESTERN RAILROAD		
Do	E-SYSTEMS	12,000.00	172.00
Do	JARTRAN, INC		
Do	LANIHAU CORPORATIONS	3,800.00	1,777.07
Do	LONG ISLAND TRUST COMPANY	1,875.00	678.97
Do	NATIONAL BEER WHOLESALERS OF AMERICA	17,850.00	6,224.54
Do	UNION PACIFIC RAILROAD CORP		
SARAH L. WAGONER, 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	AMERICAN SAMOA		
WALD, HARKRADER & ROSS, 1300 19TH ST., NW WASHINGTON DC 20036	HARTFORD STEAM BOILER INSPECTION & INSURANCE CO	1,600.00	45.00
Do	LIFELINE SYSTEMS, INC		
ELEANOR WALTERS, 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	164.44	
JAMES WANKO, 901 N. WASHINGTON ST. ALEXANDRIA VA 22314	SOCIETY OF AMERICAN FLORISTS		
GREGG WARD, 418 S. CAPITOL STREET, SE WASHINGTON DC 20003	SHEET METAL & AIR CONDITIONING CONTRACTORS NATIONAL ASSN		
BARBARA F. WARDEN, 1522 K ST., NW #406 WASHINGTON DC 20005	NATIONAL CONSUMERS LEAGUE, INC		
MARJORIE A. WARREN, GNAU, CARTER, JACOBSEN & ASSOC., INC 1777 F STREET, NW WASHINGTON DC 20006	BI-COUNTY CONSORTIUM		
Do	INTER-TRIBAL COUNCIL OF MICHIGAN, INC		
ROBERT E. WATKINS, 1909 K STREET, N.W. SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC.		
CLARKE R. WATSON, 515 CLARKSON STREET DENVER CO 80218	WESTLAND COMPANIES, INC.		
WATT, TIEDER, KILLIAN & HOFFAR, 1742 R STREET, NW WASHINGTON DC 20009	OHIO CASUALTY INSURANCE CO	1,623.00	
ANDREW H. WEBBER, 440 FIRST STREET, NW, #510 WASHINGTON DC 20001	AMERICAN MEDICAL PEER REVIEW ASSN		
WEBSTER, CHAMBERLAIN & BEAN, 1747 PENNSYLVANIA AVE., NW, #1000 WASHINGTON DC 20006	BEER INDUSTRY ALLIANCE		
PAUL WECKSTEIN, SUITE 510 236 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CENTER FOR LAW AND EDUCATION, INC.	560.14	23.50
THEODORE F. WEIHE, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	ADVISORY COMM ON OVERSEAS COOPERATIVE DEVELOPMENT	2,812.00	
STANLEY A. WEISS, SUITE 401 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	BUSINESS EXECUTIVES FOR NATIONAL SECURITY		
WILLIAM B. WELSH, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	16,186.74	109.73
THOMAS F. WENNING, 1825 SAMUEL MORSE DRIVE RESTON VA 22090	NATIONAL GROCERS ASSOCIATION		
WESTERN COTTON GROWERS ASSN, SUITE 420 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036			
JOSEPH J. WESTWATER, 10140 LINN STATION ROAD LOUISVILLE KY 40223	DAIRYMEN, INC	9,000.00	4,442.88
STEPHEN M. WHEELER, 530 7TH STREET, SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	1,564.20	
DONALD F. WHITE, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	1,500.00	85.00
WHITE FINE & VERVILLE, SUITE 302 1156 15TH ST., NW WASHINGTON DC 20005	AFL-CIO MARITIME COMMITTEE		
ALTON W. WHITEHOUSE JR , 1750 MIDLAND BLDG. CLEVELAND OH 44115	STANDARD OIL CO (OHIO)		
MARSHALL E. WHITENTON, SUITE 600 1001 22ND ST., NW WASHINGTON DC 20037	STANDARD OIL CO (OHIO)	450.00	206.96
WICKWIRE, LEWIS, GOLDMARK & SCHORR, 500 MAYNARD BLDG. SEATTLE WA 98104	ARCTIC SLOPE REGIONAL CORP, ET AL		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	PUBLIC HEALTH HOSPITAL PRESERVATION & DEVELOPMENT AUTHORITY	9,389.00	3,226.17
Do	STATE OF ALASKA, TRANSPORTATION SECTION	312.50	
RALPH E. WILLHAM, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTL ASSN	10,773.00	
WILLIAMS & JENSEN, P.C., 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALASKA LUMBER & PULP, INC	100.00	11.74
Do	AMERICAN PHYSICAL THERAPY ASSN		
Do	BRAUM ICE CREAM STORES, INC	110.00	23.46
Do	CENTURY 21 REAL ESTATE CORP		
Do	CIGNA		469.25
Do	COMMITTEE FOR EMPLOYMENT OPPORTUNITIES		
Do	CONSOLIDATED FOODS CORP		
Do	ESTEE LAUDER, INC		
Do	FEDERATION FOR AMERICAN IMMIGRATION REFORM	1,392.00	187.70
Do	FIRST BOSTON CORP	425.00	46.93
Do	GENERAL ELECTRIC CO	7,415.00	727.34
Do	HIGHER EDUATION ASSISTANCE FOUNDATION	430.00	70.38
Do	HOUSTON ENDOWMENT, INC	587.50	70.38
Do	IU INTERNATIONAL MANAGEMENT CORP	605.00	93.84
Do	KELLOGG COMPANY		
Do	KRAUSE MILLING CO		
Do	MUSTANG FUEL CORPORATION	3,445.00	469.25
Do	NATIONAL ASSN OF WATER COS	917.50	140.78
Do	NATIONAL CABLE TELEVISION ASSN	2,960.00	305.01
Do	NATIONAL SOFT DRINK ASSN		
Do	NATIONWIDE INSURANCE COMPANIES		
Do	OLYMPIA & YORK DEVELOPMENTS LTD.		
Do	OLYMPIA & YORK EQUITY CORP.		
Do	PARALYZED VETERANS OF AMERICA	8.50	2.34
Do	PFIZER, INC		
Do	PROTECTIVE CORPORATION		
Do	RECORDING INDUSTRY OF AMERICA, INC	2,150.00	211.16
Do	SOUTHLAND ROYALTY CO.		
Do	STUDENT LOAN MARKETING ASSN.	2,375.00	422.33
Do	U.S. TELEPHONE COMMUNICATIONS, INC		
Do	UNIVERSAL FOODS , INC		
F. LEE WILLIAMS, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	1,600.00	
MARGIE R. WILLIAMS, 415 2ND ST., NE SUITE 300 WASHINGTON DC 20002	NATIONAL ASSN OF WHEAT GROWERS	1,305.89	
WINSTON & STRAWN, #500 2550 M ST., NW WASHINGTON DC 20037	ATLANTA/LASALLE CORP		
Do	NATIONAL AUDUBON SOCIETY	105.00	
GLENN P. WITTE, 888 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
REBECCA WODDER, 1901 PENNSYLVANIA AVE., N.W. WASHINGTON DC 20006	WILDERNESS SOCIETY	4,249.85	74.95
WOJDAK ASSOCIATES, INC, 8 PENN CENTER, #1000 PHILADELPHIA PA 19103	MEDICAL COLLEGE OF PENNSYLVANIA	1,600.00	827.58
Do	ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN	2,000.00	1,194.11
HUGH A. WOOD, 515 S. FLOWER STREET LOS ANGELES CA 92678	ATLANTIC RICHFIELD CO		
EDWARD A. WOOLLEY, BEDFORD CONSULTANTS BUILDING P.O. BOX 605 BEDFORD NY 10506	CTI-CONTAINER TRANSPORT INTERNATIONAL, INC, ET AL	757.27	
Do	INSTITUTE OF INTERNATIONAL CONTAINER LESSORS	495.00	1,811.30
ROBERTA LYNN YOUMANS, 1016 16TH STREET, NW, #800 WASHINGTON DC 20036	ROISMAN, RENO & CAVANAUGH	1,680.72	
ERIC YOUNG, 317 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY INSTITUTE	157.58	
JANICE ZARRO, SUITE 715-16 1660 L ST., NW WASHINGTON DC 20036	AVON PRODUCTS, INC		
PHILIP F. ZEIDMAN, 1025 CONNECTICUT AVE., NW, #900 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC		
ZERO POPULATION GROWTH, INC, 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036		2,427.00	2,581.00
ZIONTZ, PIRTLE, MORRISSET, ERNSTOFF, & CHESTNUT, METROPOLITAN PARK, 16TH FLOOR 1100 OLIVE WAY SEATTLE WA 98101.	CONFEDERATED TRIBES OF THE COLVILLE INDIAN RESERVATION		
Do	INUPIAT COMMUNITY OF THE ARCTIC SLOPE		
Do	LUMMI TRIBE OF INDIANS		
Do	METLAKATLA INDIAN COMMUNITY		
Do	NORTHERN CHEYENNE INDIAN TRIBE		
Do	QUILEUTE INDIAN TRIBE		
Do	TULALIP INDIAN TRIBE		
Do	UKPEAGVIK INUPIAT CORPORATION		
JOHN L. ZORACK, 1015 18TH STREET, NW, #1100, WASHINGTON DC 20036	FEDERAL EXPRESS CORP	5,000.00	
13TH CONGRESSIONAL DISTRICT ACTION COMM, 986 VICAR LANE SAN JOSE CA 95117		160.00	10.00
9TH PRO-LIFE CONGRESSIONAL DISTRICT ACTION COMMITTEE, 1120 MICHIGAN BOULEVARD DUNEDIN FL 33528		725.00	692.05

SENATE—*Monday, November 7, 1983*

The Senate met at 10 a.m. and was called to order by the Honorable JAMES ABDNOR, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Blessed are the pure in heart, for they shall see God.—Matthew 5: 8.

Holy Father, the Bible and experience teach that purity is power—impurity is impotence. Like sand in machinery—like water in gasoline—impurity clogs the machinery—dilutes the energy. Our permissive culture deludes us, treating morality as archaic, despite the fact that many in power have been destroyed by this deception.

Gracious God, preserve us from the tragic waste of good men and women—strong men and women—trading in long-term power for temporary moral detours. Save us, Lord, from the debilitating cycle of self-accusation and guilt which follow such adventure. Strengthen us against seductive influences which would lead us to sacrifice a position of public power for private impurity. In the name of Him who was virtue incarnate we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 7, 1983.

To the Senate:

Under the provisions of rule I, section 3 of the Standing Rules of the Senate, I hereby appoint the Honorable JAMES ABDNOR, a Senator from the State of South Dakota, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ABDNOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized for not to exceed 5 minutes.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today we will resume consideration of the Department of Defense appropriations bill at not later than 10:30 a.m., at which time the Bumpers amendment will be the pending question. There is a time limitation of 120 minutes, divided 80 minutes and 40 minutes between the proponents and opponents of that amendment. Rollcall votes will not occur prior to 2:45 p.m., and any rollcall votes that are ordered prior to that time will begin at 2:45 p.m. and occur in sequence.

Mr. President, I expect today to be a long day and Senators should be on notice of that. As a practical matter, we must do all of the amendments that are to be offered to Defense appropriations before we finish this day because under the order tomorrow will be devoted almost entirely to the binary gas amendment and to the Tower add-on amendment, which will leave very little time on Tuesday for Members to offer their amendments. When the hour of 6 p.m. arrives, the Senate will begin voting on the pending question, if there is one, and amendments that have not been offered may be then voted on but cannot be debated. In order to avoid that problem, I urge and encourage Members to come to the floor today and offer their amendments. I will ask the Senate to remain in session today long enough to accommodate those Senators who do wish to offer their amendments, but I would caution them, do not wait until tomorrow.

Mr. President, I should also advise Senators that there is already an objection noted on my calendar on this side to the extension of the time for final passage tomorrow, so I reiterate my admonition to my colleagues and friends that if Senators are going to get amendments offered and debated, do it today. Do not wait until tomorrow. There is a very small chance that you will be able to do it tomorrow.

Mr. President, this week is going to be a busy week. I hope and trust that it will be the next to final week of this session. It is still the intention of the leadership on this side to try to go out on November 18, but before that we have to do several important things. The debt limit bill must be passed; the continuing resolution. Present authority expires under the previous continuing resolution on midnight, November 10, which is Thursday of this week.

By the way, the House has announced that they will not be in on Friday unless they need to be in on Friday, the 11th, in order to complete action on the CR. And by that I am sure the House means action through the Congress, that is, both Houses, the conference report, and a bill reaching the President's desk for consideration and signature.

The same is true on this side. Friday, November 11, has been announced as a day the Senate will not be in session. It is a legal holiday, one of the published legal holidays, and I know Senators are depending on that day, as am I. But, Mr. President, with the CR expiring at midnight on the 10th, which is Thursday night, it would be absolutely impossible for us not to be in session on Friday, the 11th, if action on the CR has not been completed. I believe, however, that it can and will be completed, so I am not now suggesting that Senators should cancel their plans. I am simply saying that is the only thing I know of at this moment that would keep us here on Friday. I am advised that the House will send us the CR sometime tonight.

Mr. President, in addition to the debt limit and the continuing resolution, reconciliation has been reported and is on the calendar and must be dealt with. The Treasury-Post Office appropriations bill we tried to reach and were not able to. We will try again. Mr. President, if we cannot do that in a relatively brief period of time, it would be my intention to forgo doing Treasury-Post Office and ask the Senate instead to consider making that appropriation in the continuing resolution. I do not wish that, but I see no alternative, given the short time that we have remaining.

There are a number of other items, Mr. President, that will be dealt with, some that can be dealt with this week, and perhaps next week, including a number of conference reports, as they may reach us, as well as the Export Administration Act, perhaps FTC authorization, Public Buildings Reform Act, health insurance for the unemployed, an omnibus bill from the Finance Committee perhaps, math-science, and, of course, the resumption of the Natural Gas Policy Act which will recur as the unfinished business when we complete action on the Department of Defense appropriations bill.

Mr. President, I make no secret of the goal and objective of the leadership on this side. It is to try to finish everything this week with the exception perhaps of reconciliation and conference reports. That will be very difficult. I urge Senators to consider very carefully and very favorably then the number of unanimous-consent requests that will be submitted to them

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

to facilitate prompt action on a number of important bills including the continuing resolution.

I hope I did not leave the Civil Rights Commission out of that list of things to do this week. It is the intention of the leadership to call up the House bill, which is on the calendar, for the reauthorization of the Civil Rights Commission.

Mr. BUMPERS. Mr. President, will the majority leader yield for a question?

Mr. BAKER. I yield.

Mr. BUMPERS. Based on the platter which the majority leader has for the Senate for this week, I assume we can anticipate late sessions, virtually every night. Is that a fair conclusion?

Mr. BAKER. The Senator is absolutely right. In addition, I am afraid we will have to have early mornings.

ORDER TO CONVENE AT 9 A.M. ON TUESDAY, WEDNESDAY, AND THURSDAY

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, Tuesday, and Wednesday, the Senate stand in recess until 9 a.m. the following day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I omitted Friday from that request. I did not ask for a convening hour for Friday because I think we can complete action on this package before Friday, the 11th, the Veterans' Day holiday. However, Senators should know that if we have not finished action on the CR, we will be in on Friday. But I expect we can and will be able to finish that matter before that time.

Mr. President, that is a great deal, and I guess I have exceeded my 5 minutes, and I apologize to the minority leader for that, but I wanted to outline the schedule as I see it at this time.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Democratic leader is recognized for not to exceed 5 minutes.

WAR POWERS RESOLUTION RELATIVE TO GRENADA

Mr. BYRD. Mr. President, there is a joint resolution from the House which has been read the first time. I will either do that now, with the majority leader's approval and unanimous consent, or I can wait until the close of morning business.

Mr. BAKER. Mr. President, this is a good time, if the Senator wishes to do so.

Mr. BYRD. I thank the majority leader.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The bill clerk read as follows:

> A joint resolution (H.J. Res. 402) declaring that the War Powers Resolution became operative on October 25, 1983, when United States Armed Forces were introduced into Grenada.

Mr. BAKER. Mr. President, I object to further proceedings on this matter at this time.

The ACTING PRESIDENT pro tempore. The joint resolution will be placed on the calendar.

CONCERNS REGARDING THE ADJOURNMENT ON NOVEMBER 18

Mr. BYRD. Mr. President, I appreciate the work that has been outlined by the majority leader that we hope to do within the next few days. I, too, hope that the Senate will be able to be out on Friday, in recognition of the sacrifices that have been made by the servicemen and servicewomen of this country.

The majority leader and I had a colloquy on the floor on Friday relative to my concerns about Congress going out on the 18th of November—in view of all the recent developments around the world. The majority leader and I discussed this subject privately before it was raised on the floor. I know he is well aware of the concerns which I expressed, and I am confident that he has a similar feeling of some concern.

I think it might be useful to go into a little more detail about the kinds of situations, or potential situations, that I have in mind.

Let me first say that none of my remarks should be in any way construed to suggest that I am taking issue with the November 18 date, when we are scheduled to go out. My concern relates to trying to find a way to make sure that when we do go out on the 18th, the Senate will be able to reconvene on short notice by our own leaders—not the President—if the situation in one of the present trouble spots around the world requires our immediate attention.

As my colleagues are aware, two joint resolutions have been introduced in the Senate which deal with the situation in Lebanon. One of these resolutions, Senate Joint Resolution 187, would repeal the 18-month Lebanon authorization. The other resolution, Senate Joint Resolution 190, would reduce the 18-month period to 3 months.

Several other joint resolutions dealing with the Lebanon situation have been introduced in the House. The two Senate resolutions, and probably most of the House resolutions, fit under expedited procedure requirements of the original 18-month Lebanon resolution, meaning that they must be considered by the relevant committees within 15 days after they were introduced. The committee deadline on the Senate side is November 10. The committee deadline on the House side appears to be November 8. The Senate Foreign Relations Committee will be taking up the Senate resolutions, I am told, on November 10, immediately after hearings are held. It is unclear what the House committee will be doing. If the committees in both Chambers report out joint resolutions this week, there would seem to be little problem with the Congress completing its business on these resolutions by the 18th. However, if only one committee reports a joint resolution, and therefore only one House acts, then the 15-day expedited procedure clock would start ticking all over again in the other Chamber. That could put us beyond our target date of November 18. So I just want to make sure we are all aware of this kind of problem as we seek to design a mechanism for going out on the 18th.

A similar kind of problem could arise with respect to Grenada. Under the provisions of the law, the War Powers Resolution was triggered on the day of the invasion, which was October 25. That means that without statutory authorization, those troops would all have to be out of Grenada by December 26. The only exception would be "if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of U.S. Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces." If the President were to be able to make such a certification, then the troops could stay for an additional 30 days. However, if the President could not make that kind of certification, but nevertheless wanted to keep the troops in Grenada beyond December 26, he would have to seek an authorization from the Congress. What would happen if the President needed to seek that kind of an authorization after we went out on the 18th? We would have to be able to reconvene in a hurry in order to process his request.

Finally, there are all the potential war powers-type situations we might have to deal with. What if something totally unanticipated were to happen in Lebanon? I note that our seapower is growing there almost daily, as though something might be in the works or at least might be anticipated while Congress is out of session.

What if something should happen in El Salvador, or in Nicaragua? How would we be able to deal with the requirements of the War Powers Resolution if we were unable to reconvene in a hurry? I would hate to see us have to resort to the emergency provisions of the War Powers Resolution which provide that in certain circumstances when the Congress has adjourned, "30 percent of the membership of" each House can petition the Speaker of the House and the President pro tempore of the Senate to "jointly request the President to convene Congress. * * *

These are just a few of the kinds of problems I am concerned about. And although they might sound overly technical or like lawyer mumbo-jumbo, the issue that is involved is very simple—in other words, making sure that the Congress will be able to fulfill its constitutional responsibility when American servicemen and servicewomen are sent off to fight, and sometimes to die, in foreign lands.

The American people want Congress to be involved on their behalf in these kinds of situations. That is what the War Powers Resolution is all about. That is why it was enacted, so that Congress would share responsibility in undeclared wars.

I hope that these kinds of situations may never come to pass, but we must at least consider that they might come to pass and be ready in any event. We must take every foreseeable step to make sure that we are prepared to shoulder our responsibilities.

As I said before, the majority leader understands my concerns, and I trust that we will be adequately prepared to deal with serious problems which could arise during the next 2 months.

I tried to call the Speaker on Friday and I was unable to reach him. The majority leader has probably talked with him on this matter, and I know that the adjournment resolution will probably take account of these concerns.

I only hope that it will be such a resolution as will serve Congress and the American people in any event that might come about.

Mr. BAKER. Mr. President, will the minority leader yield to me?

Mr. BYRD. I yield.

Mr. BAKER. Mr. President, I also tried to reach the Speaker who had already departed for Massachusetts when I placed the call on Friday. But I will talk to him today, as I am sure the minority leader will as well, but as I have indicated earlier I do understand and appreciate the concerns expressed by the minority leader and I agree with them.

The question is how we provide an appropriate response. We did that when we went out in August. We can improve on the language somewhat, I believe. But I will discuss that further with the minority leader and the Speaker, and I will have a further announcement to make well in advance of the time that we are called upon to consider the adjournment resolution.

Mr. BYRD. I thank the majority leader.

I presume, I have no time remaining, so I take my chair.

The ACTING PRESIDENT pro tempore. The Senator is correct.

RECOGNITION OF SENATOR MURKOWSKI

Under the previous order, the Senator from Alaska (Mr. MURKOWSKI) is to be recognized now for not to exceed 15 minutes.

Mr. BAKER. Mr. President, will the Senator yield in order to allow me to make one inquiry before he begins?

Mr. MURKOWSKI. I yield.

Mr. BAKER. Mr. President, did I provide a convening time for Tuesday, Wednesday, and Thursday or just Tuesday and Wednesday?

The ACTING PRESIDENT pro tempore. Tuesday, Wednesday, and Thursday.

Mr. BAKER. I thank the Chair.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. I hope I am not imposing on the time of the Senator.

Mr. MURKOWSKI. No. I yield.

Mr. BYRD. I hope that no time will be charged against the Senator because of this colloquy and so ask unanimous consent.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VOTING PROCEDURE ON DEFENSE APPROPRIATIONS BILL

Mr. BYRD. Mr. President, I shall be very brief.

We have in the agreement a time for final vote. We also have in the agreement a provision that provides for votes in sequence on which rollcalls are ordered.

I wish to ask the Chair which of these provisions prevail: In the event the yeas and nays are ordered on final passage, let us say right now, would that vote come before the vote on the amendment which Mr. BUMPERS is going to discuss, or will it come at 6 p.m. on Tuesday? I think I know the answer. But for the record I think we should have an opinion expressed by the Chair.

The ACTING PRESIDENT pro tempore. The yeas and nays were ordered on the bill last week.

Mr. BYRD. That does not answer my question.

Will the yeas and nays on final passage occur before the amendment that the Senator from Arkansas is about to discuss, which would rule out all other amendments, or will it occur with the provision for final passage at 6 p.m.? Would that not be the prevailing provision?

Mr. BAKER. Mr. President, will the Senator yield to me before the Chair replies?

Mr. BYRD. I yield.

Mr. BAKER. Mr. President, that is an interesting point and one I suppose I should try to guard against in future requests. But at this moment is the question resolved by the fact that the yeas and nays on final passage were not ordered during the period prior to 2:45 p.m. today; therefore, it would not be covered by this order?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. Mr. President, I think that point made by the minority leader is absolutely right. When we in the future stack votes to occur in sequence we better except out the vote on final passage. I appreciate the point made by the minority leader even though, as I understand the Chair, it would not affect the situation. It certainly could in the future.

Mr. BYRD. Mr. President, if the majority leader will allow me, let us talk about the future for a minute.

Which has precedence, a provision that provides for votes in sequence as the yeas and nays were ordered—and I am talking about the final passage—or the provision that allows for final passage at a given time?

The ACTING PRESIDENT pro tempore. If there is a provision providing for final passage at a time certain——

Mr. BYRD. I did not hear the Chair.

The ACTING PRESIDENT pro tempore. If there was a provision for final passage at a time certain, that would take priority.

Mr. BYRD. I thank the Chair.

Mr. BAKER. Mr. President, let me make sure I understand that. Let us assume that the hour of 6 p.m. tomorrow has arrived, and we already have the Chair's opinion that it does not apply in this case, so I am using purely a theoretical example. Assume that tomorrow 6 p.m. has arrived and, say, there are five amendments that have not yet been debated but Members wish to—no. Let me strike that. The only thing that would apply here would be the 2:45 p.m. vote this afternoon.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. Let us assume the time of 2:45 p.m. has arrived and that there are five amendments on which rollcall votes have been ordered. Under the present arrangement they would be voted on in sequence but since there is a time certain on the following day for final passage that vote would not be affected.

The ACTING PRESIDENT pro tempore. There is not a time certain for final passage, just an agreement to vote no later than 6 p.m.

Mr. BYRD. "No later" makes it worse.

Mr. BAKER. Yes.

Mr. President, I am looking at the order now and the last sentence is "Ordered, That the vote on final passage occur . . . no later than 6 p.m. on Tuesday."

So a vote is ordered on final passage.

The ACTING PRESIDENT pro tempore. Yes, a vote is ordered but not at 6 p.m. is the point I made.

Mr. BAKER. I understand the Chair. It is not later than 6 p.m.

But the point raised by the minority leader, if I understand it correctly, is that there is a jeopardy involved in stacking votes to occur in sequence unless we except out final passage.

Mr. BYRD. Exactly.

Mr. BAKER. While we are not concerned with that here, since it will not apply here, it is a caution that should be observed in the future. I believe that is the first I have ever heard that made, but I think it is a good point and one I certainly agree with the minority leader we need to protect.

Mr. BYRD. I thank the majority leader.

Will the majority leader allow me just a moment further so we might be on guard in the future in cases of stacking votes? An individual could conceivably—of course, in this instance we are protected because we have outlined every amendment that can be offered—but were that not the fact, someone could come on the floor and call up a War Powers Resolution, which I might support, or which I might not, and get the yeas and nays on it, and then we are locked in to vote on it with stacked votes occurring before and after, and with no time for debate.

Mr. BAKER. I can think of a dozen situations like that that could happen.

Mr. President, I appreciate the observation and concern expressed by the minority leader and I will even be bold enough to ask him to collaborate with me in designing a new strategy to avoid that.

Mr. BYRD. I thank the Senator.

Mr. BAKER. Mr. President, I thank the Senator from Alaska for letting us cover this point.

Mr. BUMPERS. Mr. President, will the majority leader yield still further?

Mr. BAKER. Mr. President, on the same conditions that it is not charged against the time of the Senator from Alaska and on conditions he permit me to yield, yes, I yield.

Mr. BUMPERS. Mr. President, the unanimous-consent agreement, as I look at it here, says that at no later than 10:30 a.m. the Senate resume consideration of the pending business.

And it is now 10:30. The Senator from Alaska has 15 minutes. Perhaps the Chair could advise me who is going to prevail here? Are we going to begin the Bumpers amendment at 10:30 or are we going to let the Senator from Alaska speak for 15 minutes, in which event will I be accorded the additional 15 minutes?

Mr. BAKER. Mr. President, we are getting off to a good start on Monday.

The Senator is very right. Mr. President, the easiest way to resolve that, I believe, is to ask unanimous consent, which I now do, that, notwithstanding the fact that the hour of 10:30 a.m. has arrived, the Senator from Alaska be recognized now to execute the special order in his favor, at the conclusion of which the Senate will resume consideration of the pending business, which is the Department of Defense appropriation bill, at which time the Senator from Arkansas will be recognized to proceed without diminishing the time accorded him under the order previously entered.

Mr. BUMPERS. I thank the majority leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR MURKOWSKI

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wish to reassure my friend from Arkansas that I will not be taking the entire 15 minutes. It will probably be close to 6 minutes.

EXPORTING CRUDE OIL

Mr. MURKOWSKI. Mr. President, this is the fourth of a series of statements on the issue of crude oil exports. It seems that misinformation abounds on the subject in Congress, and today, I would like to once more share my thoughts and perspective on this issue.

It seems that there are two lines of thought among opponents of oil export. The first, and with justifiable concern, are the special and narrow interests of the maritime industry. They are, obviously, concerned with their investments and their jobs. The second concern, and more important one, relates to a clear understanding of today's world oil market and how the United States interacts within this market.

In advocating crude oil exports I do not seek to jeopardize the livelihood of any industry. However, I find it outright ambiguous that in this period of high budget deficits, we continue to forego the collection of billions of dollars of revenues and instead transfer this money to our U.S. merchant marine.

I wholeheartedly support the maintenance of a U.S. merchant marine capable of responding quickly to a national emergency. I also believe that investments made in good faith under the law should not be compromised. However, unlike those opposed to exports, I firmly believe that exporting oil and maintaining a credible U.S. merchant marine are not mutually exclusive goals. My proposal, which I will be sharing with my colleagues soon, will only allow a limited amount of oil to be exported and all in U.S.-flag tankers. This approach should not affect the emergency preparedness of our merchant marine nor should it jeopardize maritime investments.

The other objection to crude oil exports that I hear all too often is "Why export crude oil when we are still dependent upon imports?" In response to that, is it not only fair to ask why the United States, today, exports petroleum products at a rate equivalent to its imports? The answer is simple. Allowing free exports and imports of petroleum products best serves the interests of consumers by letting the free market allocate the resource in the most efficient and cost competitive manner. For example, while we import petroleum products on one coast at about 725,000 barrels per day, we export excess supplies on the other coast at about 670,000 barrels per day. If we restricted the export of petroleum product like we do crude, I imagine that surpluses in one region of the United States would have to be transported to other areas in the United States, creating an inefficiency in allocation and a windfall for the tanker companies employed to transport the petroleum product.

So, while we recognize that the free marketplace is the most efficient allocator for petroleum products, we still insist that crude oil is altogether different, and that the United States can isolate itself from the world oil market. The penalty for this type of thinking results in lost tax revenues of at least $640 million annually and possibly $10 billion over the next decade in foregone bonus and royalty oil payments to the U.S. Treasury.

While the starved Federal Treasury foregoes the opportunity to bolster its reserves, others opposed to export maintain that Alaskan produced oil is cheaper than imported oil. This is pure nonsense. The price of Alaskan crude on the U.S. gulf coast is the same as Saudi oil delivered to the gulf coast after adjusting for quality differences. In 1979, when the world price of crude soared, so did Alaskan crude. The price of Alaskan crude, as well as other oils throughout the world, are based on the price of Saudi light, and always will be in the foreseeable future. The only real impact exporting Alaskan crude oil could have on consumer price is downward, because allowing exports provides profit incentive for producers to look for new oil and thereby lessen the Middle East stranglehold on the world market.

Unfortunately, the subject of crude oil exports has been made out to be a consumer issue. While it is a blatant lie to say that the consumer will pay more if Alaskan crude is exported, it is fair to say that the consumer does gain, indirectly as a taxpayer, as the Treasury reaps in revenues that today fill the pockets of a select few.

Mr. President, I ask unanimous consent that a commentary written by Congressman Jim Courter from New Jersey be printed in the Record. Although from a State with maritime interests, he also recognizes the value of allowing crude oil exports.

There being no objection, the commentary was ordered to be printed in the Record, as follows:

[From the Washington Times, Nov. 4, 1983]

Let's End the Ban on Alaskan Oil Exports

(By Jim Courter)

When President Reagan sits down with Prime Minister Nakasone, one of his tasks will be to press for a relaxation in Japan's barriers to American exports and a reduction in the $20 billion U.S.-Japan trade deficit. Congress could make the president's task easier and his case much more credible by ending the decade-old policy of prohibiting Alaskan oil exports.

It will be difficult for the president to talk about artificial Japanese trade barriers if we continue to block American exports to Japan which would cut the trade deficit by billions each year.

This export ban is doubly hypocritical because its purpose is to preserve a captive market for the non-competitive U.S.-flag tanker fleet which carries Alaskan oil to the lower 48 states. As a result of this protectionist policy, we lost more than a major export opportunity: Alaskan oil exports would increase energy supplies and bring billions in new revenues into the federal Treasury.

Alaska is now producing approximately 1.6 million barrels of oil a day, which is almost evenly divided between West Coast and Gulf Coast shipments. The U.S. merchant fleet enjoys a legal monopoly over domestic shipping, and its freight charges reflect its monopoly position. On the Alaskan oil routes, high operating costs and smaller tanker capacity raise the freight charges to a level that is well over four times the rates paid on international routes.

Since oils sells everywhere at a world market price, transportation costs are subtracted from the Alaskan producer's wellhead price instead of being added to the purchaser's bill when the oil is delivered. We are now sending Alaskan oil to the Gulf Coast at a cost of $4 to $5 a barrel and to the West Coast for about $1.40 a barrel. It would cost between 50 cents and $1 to send a barrel of Alaskan crude to Japan. Therefore, if exports were allowed, the producer's return on oil destined for Japan and the Far East would be at least $1 to $3 higher than that of oil destined for the lower 48 states. The higher return is enough to change the economics of Alaskan oil, and to turn some currently unprofitable oil fields into commercially viable ventures. Until the export ban is removed, however, these factors will not come into play, and we will continue to sustain an aging fleet of merchant ships at the expense of our own energy development.

It is inconsistent for America to ban crude oil exports while we export 600,000 barrels a day of refined petroleum products to customers around the globe. It is also inconsistent for us to prevent oil exports to Japan in normal times when we are committed by international agreement to send oil to Japan in time of emergency.

The benefits of increased Alaskan production and exports to the Far East are many. Our trade deficit with Japan would be reduced. The federal Treasury would reap about $10 billion through higher returns on future lease sales and taxes from oil companies, according to an Energy Department study. New Alaskan supplies spurred by export opportunities would add to the oil glut and further weaken OPEC. Our own energy security would be served by an increased production capacity which would enable us to boost supplies in an emergency. And if exports were to result in a lessening of the West Coast oil surplus, increased exploration and production in California might result.

Unlike most protectionist policies, which have a diffuse effect by raising consumer prices across the economy, this export ban has a clear, localized effect: It denies Alaskan oil producers the opportunity to serve foreign markets that want their product. In terms of economic, trade and energy policy, the Alaskan oil export prohibition works against American interests. Congress should repeal it and give Reagan a strengthened hand as he bargains with Nakasone over the rest of the vexing issues in U.S.-Japan trade relations.

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1984

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 4185, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 2505

(Purpose: To delete procurement funding for the MX missile)

The ACTING PRESIDENT pro tempore. The clerk will report the pending amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. Bumpers), for himself, Mr. Leahy, Mr. Hatfield, Mr. Hollings, Mr. Riegle, Mr. Hart, Mr. Sasser, Mr. Kennedy, Mr. Cranston, Mr. Levin, Mr. Ford, Mr. Proxmire, Mr. Tsongas, Mr. Bradley, Mr. Sarbanes, and Mr. Glenn, proposes an amendment numbered 2505.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 33, strike out line 25 through line 8 on page 34, and insert in lieu thereof the following: "$5,451,217,000, of which $81,600,000 shall be available for the purchase of the phase III Defense Satellite Communication System (DSCS III) under a multiyear contract: *Provided*, That this authority shall be available only after the Secretary of the Air Force certifies to Congress that at least 10 per centum savings is available under multiyear contracting; and in addition, $55,000,000, to be derived by transfer from 'Missile Procurement, Air Force, 1983/1985', to remain available for obligation until September 30, 1986. None of the funds appropriated by this Act shall be available for the procurement of the MX missile."

Mr. BUMPERS. Mr. President, this amendment deals with whether or not we are going to build an MX missile. It is really ironic, we are here on Monday morning at 10:30 when all the Senators are in committee or have not returned to Washington while we debate for the last time the building of this missile, one of the most important if not the most important debates of the year and maybe the decade.

I read a story in the Washington Post this morning quoting some House Member saying speeches never change any votes in the Congress. Unhappily, there is a lot of truth in that.

Nevertheless, when one feels as strongly about something as I feel about the building of the MX, shared by so many of my colleagues, I feel that it is absolutely essential to make at least one last effort, if for no other reason than to clear my own conscience.

Not only is this missile highly vulnerable, but not one single person in or out of the Pentagon or in or out of the Senate denies that. Not only is it incredibly costly, but not one person in the Pentagon or in the Senate denies the incredible cost.

So far as I know, there is really not much debate about perhaps the most serious difficulty with the MX. That is, that it is highly destabilizing. It lowers the threshold for nuclear war at a time when the United States and the Soviet Union seem to find themselves increasingly in confrontation.

Finally, Mr. President, one of the things that really is ironic to me is that the President's START proposal, which seeks to negotiate on the basis of how many warheads each side has rather than how many launchers each side has, makes the building of the MX a terrible waste of warheads. I will come back to that in just a moment.

Simply put, the MX is a weapon of the past that stands in the way of the future.

First, consider the cost. When you consider the remaining cost of the B-1 or the Trident program, and you divide by the number of warheads to be provided, the MX at $17 million per warhead costs 60 percent more than the B-1 or the Trident.

If the MX were a survivable missile, this might make some sense. But it is by far the least survivable of the three, and we are spending now 60 percent more money per warhead for the MX missile than we are spending for the B-1 and the Trident. They are survivable and the MX is not.

What on Earth is going on here?

By 1990, the survivability of the MX missile will plummet to between 1 and 2 percent.

I will admit, and I do not think anybody will contradict this because we all have to admit, that since we have never fought a nuclear war nobody really knows with complete certainly what the survivability is. All we know is the President lamented endlessly during his campaign in 1980 that the United States was about to embark on an era when we would experience a window of vulnerability. The window of vulnerability meant that during a certain period of time in our history, sometime before 1985, every land-based missile we had would be subject to being overpowered by Soviet missiles.

So let us talk about the survivable missiles.

If 2 percent of the MX survive by the early 1990's that means two missiles, or just 20 warheads, will survive.

If the rate is as low as 1 percent, and in the past the Pentagon would have told you that the survival rate would be 1 to 2 percent, when they did not really care—they will tell you it is more than that when they really want something—the best estimates are that 1 to 2 percent of these missiles, or 10 to 20 warheads, will survive in the early 1990's. So consider the cost, not of the MX, but of its survivable warheads. That is the test. What are you going to have left after the Soviets launch?

That means, then, that the cost of the MX goes up to $170 million per warhead, as soon as it is deployed, then $850 million, if 2 percent survive, and $1.7 billion per warhead by the early 1990's. Let me repeat that.

If 1 percent of our warheads survive, that means that the warhead's survival cost is $1.7 billion. That means that if one missile survives, that missile has cost the U.S. Government $17 billion. If two survive, then it has cost $8.5 billion for each missile.

We are plunking down $17 billion for either one or two missiles, because they are not survivable. That is less than 5 years after they are first deployed.

Do you know what you could buy for $17 billion? Consider the fact that you are spending $17 billion for one MX missile that will survive and compare that with the fact that you can buy three 90,000-ton *Nimitz* class aircraft carriers and three Trident submarines, which together would have a total of 576 survivable warheads.

Let me repeat that. Nothing seems to really penetrate around here, so I will say it again. For one missile with 10 warheads that will survive a nuclear attack, you spend $17 billion, and for that same $17 billion you could build three *Nimitz* class aircraft carriers and three Trident submarines, and those three Trident submarines which are survivable against a Soviet attack can carry a total of 576 warheads.

Put another way, for what you are spending for 10 survivable warheads for $17 billion, you can build almost 10 Trident submarines with almost 2,000 survivable warheads.

What kind of cost analysis did the Pentagon do in deciding that they preferred to opt for the MX missile, which everybody knows will not survive? If the President gets a START agreement, which limits us to 5,000 warheads—and that is the proposal—we are going to have to do either of two things. Now listen to this.

Once the MX is deployed and we have a limitation of 5,000 warheads and the Soviet Union has a limitation of 5,000 warheads and we are talking about missiles based both on submarines and on land, we have to do either of two things. We either have to scrap the MX, in which case, we have wasted $17 billion to satisfy somebody's macho impression of what we need to do right now, or we are going to have to scrap other warheads, many of which would be on Trident or Poseidon submarine missiles, in order to keep the MX. If we do the latter, we are going to have to scrap submarine-launched missiles, which are highly invulnerable, and keep the MX, which is highly vulnerable, in which case, we are really weakening the security of America, not strengthening it.

What kind of perverse logic is it that tells the U.S. Senate we ought to spend $17 billion for a missile and, at the same time, propose to the Soviets that we reduce the number of warheads on both sides to 5,000, which requires any strategic military planner to say the MX is the first thing we are going to scrap, because it is vulnerable and the thing we are not going to scrap will be the so-called C-4's and C-3's and D-5's—Navy terminology for submarine missiles.

What on Earth is going on here, Mr. President?

The argument is made around here quite often—happily, I can say, not by either one of the floor managers here, but oftentimes, the argument is made that if you vote against this defense appropriation, if you vote against this weapons system, there will be joy in the Kremlin tonight. They will love you if you will just vote against this weapons system. I want to turn the tables and tell my colleagues that there is one capability the Soviets have in strategic warfare, and it is the most significant capability they have. That is the capability to destroy our fixed-base silo missiles. So I ask you, if you were a Soviet strategic military planner, would you like to see the United States build 1,000 warheads and put them in fixed-base silos, which they can destroy, or had you rather see the United States build Trident submarines and place these missiles in an invulnerable mode? Under the President's START proposal of 5,000 warheads, that's the choice. In short, if you vote for the MX missile, there will be joy in the Kremlin tonight. They would prefer it 1,000 to 1.

You cannot blame them. Instead of a bargaining chip, instead of getting leverage out of the MX, you lose leverage. Why would the Soviets give anything in exchange for the MX when they would divinely want us to deploy it? If we are going to spend money on anything, why should they not want something they can destroy?

The only reason they do not want it, Mr. President, is certainly a very legitimate reason. That is that it is destabilizing and, in times of crisis, they know that their land-based missiles, where 70 to 80 percent of their strength will be under a START agreement, is threatened.

If you are one of those people who believes that we need to put missiles in fixed-base silos, even if that were a plausible argument, then the D-5, which we call the Trident II and is going to be deployed somewhere between 2 and 3 years after the MX, would serve just as well. Not only is the Trident II the missile we are going to put on our Trident submarines, but you can put it in silos, too. It will not have 10 warheads. We do not know precisely how many it will have—probably in the vicinity of seven. But why are we building both?

Two years after the deployment of the MX, the D-5 comes on stream, and you can put it in silos just as easily as you can put the thing in a submarine, easier in fact, and you only have one production line instead of two. You would get same capability and still save billions.

Even if you figure you have to have 125 to 165 D-5's to make up 1,000 warheads, you still save billions of dollars in research and development cost and deployment cost.

Oh, I know those opposing arguments. The Pentagon will come in here—as long as you are debating the B-1, they will tell you they are not sure about the Stealth. As long as you are debating the MX, they will tell you they are not sure about the D-5. But once they get the MX and once they get the B-1, then you will find them coming over here telling us that the D-5 and the Stealth bomber are the hottest things since night baseball.

Mr. President, this administration has not even caught up to the logic of its own proposals in START. We are talking about warheads, not launchers, and we are just wasting precious defense dollars when we duplicate a capability by building an MX when we know we are going to build the D-5. We have to build the D-5 Trident II because we have Trident submarines coming off the assembly line and we want this newer long-range hard target kill capability weapon on them.

I tell you what the MX does, Mr. President. It puts us into a launch-on-warning position, which we have never been in. And that is dangerous. We know that the bulk of the Soviet Union forces are land based and ours are not. Out of about 7,500 strategic warheads we have on ICBM's and SLBM's, 5,400 of them are on submarines. That is where we want them, because they are invulnerable and, under a START agreement, 70 to 80 percent of all of the Soviet strategic forces will be in fixed-base silos, maybe more. What do they think when they see a missile that is a first-strike missile like the MX being deployed?

Even the Secretary of State said we are moving toward a "use them or lose them" mentality. When you deploy MX's in fixed base silos, that is like leading with your chin against a country like the Soviet Union with all of its forces sitting there vulnerable to a first-strike weapon, but capable of attacking, and destroying, MX.

I just wish the Soviets' warning system was 50 percent as good as ours. We know that our own warning system is not perfect. We have had computer malfunctions that told us the Soviets have launched, and we know that the Soviets' system is not as good as ours. I can tell you that in the future, if their system malfunctions and we have a START agreement and we have the MX deployed, they are not going to sit and wait until they thought our MX would destroy all of their land-based missiles before they decide what to do. That is the reason we call it a hair-trigger situation, because it is.

Mr. President, I practiced trial law for 18 years, and I used to try a few criminal cases—not many but just enough to sort of stay current on what the new criminal laws were and what the Supreme Court ruled recently, but there are two things I discovered and I defended a couple. Any time you get a coward cornered, he or she is dangerous, and any time you get a weakling cornered he or she is dangerous. I remember when Ray Jenkins, a great criminal lawyer from Nashville, was up here for, I guess it was the Army McCarthy hearings, I forget which. He said he always loved to defend a weakling who had killed the town bully because he could make the jury want to dig him up and shoot him all over again.

Well, I am telling you what we are doing right now is a very risky business and nobody should come in here and cavalierly and mindlessly vote for this weapons system unless they know that they are creating a very serious and risky situation.

For those who want to modernize our system, let us modernize it but not with weapons of the past.

Now, Mr. President, I want to quote some of the people who have talked about this missile system in the past. Caspar Weinberger in 1981 said:

> I feel that to simply put the MX into existing silos wouldn't answer two or three of the concerns I have, namely, that these are well-known positions and are not hardened sufficiently, nor could they be, to be of any strategic value.

That is what the Secretary of Defense said in January 1981.

The distinguished chairman of the Armed Services Committee, Senator TOWER, said:

> By stuffing the MX into fixed silos we are creating just so many more sitting ducks for the Russians to shoot at.

Senator COHEN, one of the chief sponsors of the build-down, said:

> The reason Sam Nunn and I proposed our amendment a year ago was we were frustrated with what we perceived to be an intention to move forward with an interim basing mode placing the initial missiles in superhardened silos that were not survivable but costly and probably in violation of SALT I and II, and we specified that the MX funds could not be used for that purpose.

Scoop Jackson, our late departed brother, who probably was held in as much respect and admiration in this body as any Senator who ever served here, said in October 1981:

> My main criticism—and I criticized the Carter administration on this—is that in the 1980's Minuteman and Titan were vulnerable in those silos but after 8 months we come back here, we looked at all those other things, supposedly, and it took 8 months to do that.

He was talking about the MX missile. And he closes by saying:

> We have given the Soviets a better target to shoot at.

Bill Perry, one of the most brilliant people ever to serve in the Pentagon, Under Secretary of Defense for Research and Engineering, said:

> My concern is that if we had this very accurate, very threatening missile in unprotected silos and if they don't go to a survivable system themselves, that simply increases the hairtrigger on both sides.

Even Senator NUNN, who is consistently considered the most knowledgeable person on defense matters in the Senate, said in December of 1981, not even 2 years ago:

> The MX simply is not survivable in existing silos, whether they are hardened or unhardened. This fact is confirmed by every expert witness who has testified and includes not only governmental witnesses but also knowledgeable outside witnesses including the Air Force and intelligence community.

Well, some of these people said maybe we can figure out a way to support the Scowcroft Commission and support the President, and so they introduced the build-down concept.

What was the build-down concept? that you destroy some number of warheads for each one you produce. When? Not after the START agreement is settled but now. They wrote to the President and they said, "If you will embrace this build-down theory, we will support MX." That was the quid pro quo. And so the build-down concept with much fanfare was offered on the floor of the Senate, and I quote our distinguished colleague from Illinois, Mr. PERCY. Mr. PERCY said, on March 1, 1983, about 8 months ago:

> There is one important difference, though. Whereas under START reductions will not begin until a final accord is reached, the Cohen-Nunn proposal would get us moving in that direction right away. Should our negotiators subsequently come home with a START accord, it could supersede and perhaps accelerate reductions which would otherwise occur under the Cohen-Nunn interim framework. The beauty of the build-down is we can begin now.

And that was in March 1983, this year.

And he goes on to say:

> The President should direct our . . . give priority to reaching agreement with the Soviet Union on an interim dismantlement agreement that would incorporate the basic 2-for-1 tradeoff criteria established in the Cohen-Nunn proposal, plus whatever refinements may be developed . . . This approach would obviously require a temporary break in the negotiations on our START proposal.

Senator PERCY is saying the beauty of the build-down is, we will trade off with the President on the MX because we can begin now on the build-down. And what a disillusionment it must have been when the President walked out into the Rose Garden and said, "We believe the build-down concept is a good one and we intend to incorporate it into the START negotiations." Not back in March 1983, not now, but something we are going to put in if we ever get a START argeement. There is no build-down and that is not going to be a build-down until we have a START agreement.

What purpose, then, is there for anybody to go ahead and vote for the MX on the basis of that quid pro quo? It is a crisis situation, Mr. President, that threatens every man, woman, and child on this planet.

Mr. President, I yield 10 minutes to my distinguished colleague from Vermont, Mr. LEAHY.

The PRESIDING OFFICER (Mr. KASTEN). The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank my colleague from Arkansas. I wish to compliment him for bringing this amendment on the MX to the floor again. I am proud to be a cosponsor with him. It is essential, I say to my good friend from Arkansas, that we get across to the American people that the MX is the biggest issue in arms control. I have received, as I suspect other Senators have, a lot of letters in my office from citizens of my State talking about the deployment of the Pershing and the cruise missiles in Europe, asking what we should do or not do, whether to go forward with the deployment or to stop it. It seems to me this is becoming the central focus of much of the activity of those in favor of arms control across the country today.

I hope that the arms control advocates do not make the mistake of being distracted by the question of the Pershing or the cruise; or, as the Senator from Arkansas has pointed out, distracted by an undefined build-down plan which may or may not be incorporated at some later date in some possible START agreement that is unclear as of today.

The real issue—the critical issue—in arms control and nuclear stability today is the MX. It is the question of the destabilizing effect of this weapon. The MX is the most destabilizing weapon on the horizon today, far more than the Pershing, the cruise, or anything else. It is the one weapon system that will determine whether arms control can even be made possible. Its presence moves us that much closer to the possibility of an accidental nuclear war.

Make no mistake about it, if we deploy the MX, the Soviets will deploy a Soviet MX. They will go on a hair-trigger readiness, and we will go on a hair-trigger readiness. They will have a first-strike weapons system, and we will have a first-strike weapons system. They will have a counterforce weapons system, and we will have a counterforce weapons system. We and the Soviets will be very quickly at the point where decisions about nuclear war and Armageddon will be put to the computers, not to humans. We will have our American MX, and there will be a Soviet MX. There will be American computers and Soviet computers, and they could very well decide the fate of mankind for all time.

Mr. President, if anybody in this Chamber is concerned about having our fate in the hands of American computers, which sometimes make mistakes, does anyone want to put our fate in the hands of Soviet computers, which are nowhere near as good?

Mr. President, I am indeed proud to join Senator BUMPERS and others in introducing this amendment to delete production funding for the MX missile from the Defense appropriations bill.

I have lost count of the number of times I have risen on this floor to speak out against the folly of deploying a vulnerable counterforce weapon such as the MX. There is no point in going over the same arguments again. My views are well known.

Instead, I want to concentrate on two special issues concerning the MX. One is the claim some make that because the SS-18 has a hard target capability, it is as capable as the MX will be, and that somehow this means the United States has to emulate the Soviet Union and itself deploy a vulnerable MIRV'ed ICBM. Add to that the SS-19 which some also try to equate with MX.

The other issue is much more genuine and troubling. I am profoundly concerned about what a credible counterforce threat by each side will mean for our ability to retain rational control over the decision to begin a nuclear exchange. Unless the MX and its inevitable Soviet counterpart can be avoided, I am convinced we are on the road to launch on warning on both sides.

Let me, on the basis of unclassified studies and articles, briefly compare current Soviet ICBM's and the MX. Before doing so, I should note that a lot of debate about the MX began because of the window of vulnerability of U.S. strategic forces we heard so much about in the 1980 campaign. I will give President Reagan credit. When the Scowcroft Commission came back and said the window of vulnerability never existed, at least the administration accepted that conclusion. There is wide agreement now that, even though the window of vulnerability has been debunked, Soviet ICBM's do pose at least a theoretical threat to the silo-based Minuteman. However, that view is not unanimous in the strategic community, and I, too, have doubts about the realism of the lurid scenarios of a Soviet first strike against our ICBM's. For a careful analysis questioning the credibility of this threat with current Soviet missiles, I call my colleagues' attention to an article by Matthew Bunn and Kosta Tsipis in Scientific American, November 1983. I ask unanimous consent that this article be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, according to a chart prepared by the Congressional Research Service, the SS-18 has an accuracy or CEP of 0.14 nautical mile, and the CEP of the SS-19 is 0.23 nautical mile. Combined with the explosive yield of each warhead, this gives the SS-18 a 62-percent probability of destroying a silo hardened to 2,000 pounds per square inch, and 41 percent for the SS-19. The same chart indicates that the MX will have an accuracy of 0.05 nautical mile, or an incredible 300 feet. With a 300-kiloton warhead, this will give it a 99-percent probability of destroying a silo hardened to 2,000 psi. In terms of accuracy, the MX will simply be in a different class than the SS-18 or 19.

Turning to another critical comparison, type of fuel, both the SS-18 and SS-19 are liquid fueled. Using liquid fuel is a sign of backward missile technology. If I may quote a passage from an excellent book by Andrew Cockburn entitled "The Threat: Inside the Soviets Military Machine," on pages 203-204:

> Dr. John Kincaid is not a defense intellectual or a high defense official. He does, however, know a great deal about rocket engines because he designed most of the basic systems now used by the U.S. Navy. "Whoever thinks that the Soviets have stuck with liquids because they chose to do things that way doesn't know what they are talking about," he declares. "No one would mess around with liquids if they didn't have to."

The U.S. Air Force is getting rid of its liquid-fueled Titans. When the last Titan is gone, the United States will have only solid-fueled ICBM's.

I am concerned that any day we will see the Senator from Arkansas presenting on the floor of the Senate a missile reduction treaty with the State of Arkansas, because of our liquid fuel Titans there. Their liquid fuel is so unstable that they tend to blow up on their own.

As for reentry vehicles, the SS-18 and SS-19 warheads represent 1960's technology. According to unclassified sources, MX will carry the advanced ballistic reentry vehicle, the state of the art in warhead technology. It will be more accurate than all existing reentry vehicles, will enter the atmosphere faster and thus be less exposed to buffeting by winds, rain, dust and other atmospheric effects, and will have a lower angle of reentry than older warheads.

Finally, given the backwardness of Soviet computer technology, it is questionable how quickly they are capable of retargeting their ICBM's before launch.

Rapid targeting is essential for a first strike, because the targets of missiles which misfire must be quickly covered by reserve missiles. Reportedly, MX can be retargeted in a matter of seconds or minutes. If the aim is to launch a first strike, the solid fueled, highly accurate, rapidly retargetable MX is the weapon of choice.

Let us look at what a vulnerable silo-based MX may do to our capacity to maintain human control of the decision to launch nuclear missiles.

We are told that you have to do something with the Minuteman because they are vulnerable in their silos with their three warheads. The administration's answer is to take those three warhead Minutemen out of the silos and in their place install the 10 warhead MX. Somehow, even though the Minuteman is vulnerable, MX in the very same silos will not be vulnerable.

That is almost an "Alice-in-Wonderland" ability on the part of the Pentagon to use the same arguments, on the one hand, to justify why they have to get rid of a weapons system once it has been paid for, and on the other to go to a new weapon which has yet to be paid for. With Minuteman we have something that is already paid for, but it is too vulnerable to keep, and we cannot use it—so the Air Force tells us. The administration wants the MX and asks for billions to get it, but tell us it is not as vulnerable in those same silos and it is what we need to deter the Russians.

Mr. President, this is not a joking matter. I do not wish to underplay the threat of the SS-18 or SS-19. The fact that a nuclear missile is old does not make it less lethal. But, the MX is unquestionably superior and the Soviets are sure to emulate it, just as they have every other weapons development where we had a temporary lead. They, too, are testing a 10-warhead, solid-fueled ICBM called the SS-X-24, for silo basing. I have no unclassified figures available, but I feel safe in predicting it will be more accurate than the SS-18 or SS-19.

If the United States does not deploy the MX—and we should not do so in our own security interests regardless of what the Soviets may do—at least the possibility would then remain open that the Soviets could be persuaded in arms negotiations to forego a new MIRV'd ICBM. That was their position in SALT II before the United States insisted on preserving the right to the MX.

One thing is absolutely certain if the history of the arms race is any guide: If we deploy the MX, the Soviets will deploy the SS-X-24, or a successor if the SS-X-24 is a failure.

Mr. President, I ask unanimous consent that the chart to which I referred from a CRS study by Johnathan Medalia be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. LEAHY. Mr. President, I want now to look at what a vulnerable silo-based MX may do to our capacity to maintain human control of the decision to launch nuclear missiles.

The United States has always sought to possess an unquestioned capability to "ride out" a nuclear attack before determining the extent and nature of our retaliation. A survivable second strike capability is the essence of deterrence and stability. That is why we have a diverse triad.

Past administrations have never ruled out launching missiles under attack, but deliberately relying on such a capability is not official policy. Experts have long recognized the terrible risks of adopting a launch under attack or launch on warning posture. A prophetic passage from a book by Dr. Herbert York, an eminent strategic expert and former senior defense official, published in 1970 and entitled "Race to Oblivion," explains why.

In his final chapter, Dr. York wrote:

> . . . in the United States the power to decide whether or not doomsday has arrived is in the process of passing from statesmen and politicians to lower-level officers and technicians and, eventually, to machines. Presumably, the same thing is happening in the Soviet Union.
>
> . . . deployment of MIRV by both sides, coupled with advances in accuracy and reliability, will put a very high premium on the use of the frightful launch-on-warning tactic and may place an even greater premium on a preemptive strike strategy. Under such circumstances, any fixed land-based missile system must be able to launch its missiles so soon after receipt of warning that high-level human authorities cannot be included in a decision-making process without seriously degrading the system, unless perhaps such authorities have been properly preprogramed to produce the "right" decision in the short time that might be available to them.
>
> . . . thus, we seem to be heading for a state of affairs in which the determination of whether or not doomsday has arrived will be made either by an automatic device designed for the purpose or by a preprogramed President who, whether he knows it or not, will be carrying out orders written years before by some operations analyst.

The MX program did not begin until some years after Dr. York wrote that passage, but he was describing exactly what we are now heading into with the MX.

No one has been able to find an acceptable way to base the MX survivably. Thus, if we insist on deploying it in vulnerable silos, with all the capabilities I have already described, we will have four choices in a very unstable strategic environment:

First, allow it to remain in its silos if the Soviets strike first, presumably resulting in most of the MX force being wiped out. Then, its deployment will have achieved nothing except to invite Soviet preemption.

Second, strike first ourselves if we conclude the Soviets are about to strike. MX is being designed to have this capability.

Third, abrogate the Antiballistic Missile Treaty, deploy an ABM defense at untold billions of dollars and with highly questionable effectiveness.

Fourth, deliberately acquire a launch on warning or launch under attack capability to assure that the MX missiles get out of their silos if the Soviet launch first.

All of these choices are bad. Even to pose them forces one to wonder why, with 75 percent of our retaliatory capability on secure bombers and SLBM's, the United States is retaining any fixed silo ICBM's at all. Striking first and deliberately starting nuclear armageddon is unthinkable. If we strike preemptively because we believe the Soviets are about to strike, we may be wrong, we may have misinterpreted their moves, or they may have lost their nerve. But then it would be too late.

Abrogating the ABM Treaty is a course I will resist as vigorously as I can. With the many thousands of ICBM and SLBM warheads today, ABM cannot defend against a determined attack and it would be deeply destabilizing. The ABM Treaty is the single most important accomplishment of the arms control process and it would be madness to sacrifice it.

If we rule out first strike as national policy, this leaves us with launch on warning or launch under attack as the only other way to protect a silo-based MX.

In 1981, 10 years after Dr. York wrote his somber words, the Office of Technology Assessment produced a voluminous study of MX basing alternatives for Congress. One of the options examined was launch under attack. In the cold, antiseptic words of the OTA analysts:

> Decisionmakers would also lack an interval between attack and response during which intelligence information could be assessed, diplomatic measures considered, and the intent of the US response signaled—assuming the circumstances of nuclear war permitted such things at all.
>
> Decision time would obviously be very short. NCA [National Command Authority] would have to make unprecedentedly weighty decisions in less than 15 minutes.
>
> To guarantee the LUA capability against some contingencies it might be necessary to adopt unpalatable procedures regarding, for instance, delegation of launch authority.
>
> No matter how much money and ingenuity were devoted to designing safeguards for the US capability to launch under attack, and even if the safeguards were very robust indeed, it would probably never be possible to eradicate a lingering fear that the Soviets might find a way to sidestep them.
>
> Finally, despite all safeguards, there would always remain the possibility of error, either that the missiles were launched when there was no attack or that they failed to launch when the attack was genuine.

I hope my colleagues read the sobering analysis of launch on warning in the OTA study. Mr. President, I ask unanimous consent that the chapter from the OTA study on launch under attack be included at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. LEAHY. Mr. President, we can deploy a vulnerable first strike weapon more capable than those the Soviets now have. Eventually, they will deploy one closer in capability to the MX. Both countries will pose first strike threats to each other's ICBM's—or at least that will be the perception.

Because of our better strategic force posture, with 75 percent of our forces in survivable bomber and sea-based systems a vulnerable MX will not call into question our second strike capability. However, the situation is just the reverse for the Soviets. They have 75 percent of their warheads on vulnerable ICBM's, and only about 20 percent at sea. The vulnerability of their ICBM force will create virtually irresistible pressures for the Soviets to go to launch on warning or even to attempt to preempt in a nuclear crisis.

To try to deter a Soviet preemptive strike, the United States will itself almost certainly also have to adopt a launch under attack or launch on warning posture.

In fact, steps have already been taken in that direction. The senior Senator from New York, other Senators and I all drew attention to remarks about launch on warning made by Secretary Weinberger and General Vessey during the MX debate last July. General Vessey said in response to questioning before the Appropriations Committee that the Russians have no assurances that we would ride out an attack. That means, Mr. President, launch under attack.

We have a strong deterrent force now. If it needs further strengthening, I will support measures which enhance stability and reduce the risks of nuclear war by accident, miscalculation or loss of human control of decisionmaking. But, MX will not make this country more secure or nuclear war less likely. It will have just the reverse effect. For the good of America and the American people, let us reject this dangerous, unnecessary and wasteful system.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, the final chapter entitled "The Ultimate Absurdity," from Dr. York's book from which I quoted earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

EXHIBIT 1

[From Scientific American, November 1983]

THE UNCERTAINTIES OF A PREEMPTIVE NUCLEAR ATTACK

(NOTE.—It is said that the U.S. needs new land-based missiles because its present ones are vulnerable to attack. Analysis of uncertainties is such an attack suggests that the vulnerability is exaggerated.)

(By Matthew Bunn and Kosta Tsipis)

The deterrence of nuclear war requires that nuclear forces not be vulnerable to a preemptive attack. For decades strategic planners in both the U.S. and the U.S.S.R. have been concerned about the possibility of a disarming nuclear first strike, which would leave the victim of the strike unable to retaliate in kind. Each nation has expended large resources on efforts to maintain the survivability of its strategic nuclear forces.

Concerns over the vulnerability of land-based nuclear forces were heightened by the development of multiple independently targetable reentry vehicles (MIRV's) in the late 1960's. This technology, tested initially by the U.S. makes it possible for one missile to carry several warheads, each warhead capable of striking a separate target. Thus each MIRVed missile might be able to strike several of the opponent's missiles, each of which might itself contain several warheads, giving the attacker a double advantage.

As a result the evolution of Russian MIRV technology generated fears that once the U.S.S.R. had developed MIRV's with the appropriate combination of accuracy, yield and reliability it would have the ability to destroy most of the U.S. land-based missile force in a first strike, using a fraction of its available weapons. Although land-based missiles constitute only a fourth of the U.S. strategic nuclear forces, with the rest represented by submarine-launched ballistic missiles (SLBM's) and bombers, concern has arisen that the vulnerability of the ICBM component of the strategic "triad" alone would present the U.S. with a grave problem of national security.

In the fall of 1977 the worst fears of U.S. strategic planners were realized. The U.S.S.R. began a series of tests of a new guidance system with greatly improved accuracy. Simplified calculations indicated that once the U.S.S.R. had deployed an adequate number of these more accurate MIRV's it would indeed have the ability to destroy the bulk of the U.S. land-based missile force in a first strike. Thus was born what has come to be called "the window of vulnerability." This concept has dominated American strategic thinking for some years, providing the primary justification for the development of a new generation of U.S. strategic weapons, including the MX and Trident II missiles.

Simplified calculations do not, however, do justice to the substantial uncertainties inherent in any assessment of the results of a countersilo attack. Intelligence information is rarely absolute, and when strategic planners are confronted with uncertainty about the actual value of such parameters as the accuracy of the other side's ICBM's, they must make assumptions that are conservative from the defender's point of view. Unfortunately the process often obscures the fact that any attack would also involve substantial uncertainty from the attacker's point of view.

Because of the immense destructive power of modern nuclear arsenals, any nuclear first strike would represent a gamble on a scale absolutely unprecedented in human history; the future of entire civilizations would hang in the balance. As a result of the magnitude of the stakes any uncertainty about the outcome of such an attack will act as a powerful deterrent; such gambles are not taken without extremely high confidence in the outcome. The question for anyone considering how to plan the attack will always be not only "What is the expected outcome?" but also "What is the worst plausible outcome?" Therefore in assessing the possibility of an attack it is crucial to gauge quantitatively the uncertainties involved, in order to develop an assessment that is "attack-conservative." In U.S. assessments of the strategic balance this is rarely done. What is generally presented to Congress and the public are the results of an idealized, nearly flawless attack; the uncertainties inherent in the attack are often ignored. In this article we shall be offering a corrective.

The silos in which modern ICBM's are housed are underground concrete structures, "hardened" to withstand the effects of nuclear blasts. There is a wide range of nuclear effects that might damage an ICBM within such a silo, but spokesmen for the U.S. Air force have indicated that U.S. ICBM silos are generally most vulnerable to the shock wave of the nuclear blast. Thus the hardness of a given silo is usually expressed in terms of the shock-wave overpressure required to destroy it, measured in pounds per square inch (p.s.i.).

The silos currently housing the 1,000 U.S. Minuteman ICBM's are generally estimated to be capable of withstanding overpressures of up to 2,000 p.s.i. the detonation of a half-megaton weapon, such as those carried by the most accurate Russian MIRV's, would create such overpressures at ranges of roughly 300 meters; therefore to destroy a Minuteman ICBM a half-megaton weapon would have to be detonated within 300 meters of the silo. Thus the accuracy with which the weapon is delivered, although it is not particularly important in an attack on a city, would be of decisive importance in any attack on hardened targets such as ICBM silos.

The ICBM's with which such weapons are delivered have three major parts: a rocket, which may have several separate stages; the payload, which consists of one or more reentry vehicles (RV's) armed with thermonuclear warheads, and the guidance system, which directs the rocket thrust in order to place each RV on the appropriate trajectory for it to reach its intended target. When such a missile is launched, the main rocket fires for only the first three to five minutes of the flight. Over the next few minutes a smaller rocket known as the postboost vehicle provides the final trajectory adjustments necessary to set each RV on the path to its intended target. The RV's are then released and fall freely in the earth's gravity field, unpowered and unguided. At the end of a half-hour flight the RV's reenter the atmosphere and detonate over their targets. The missile's flight can therefore be divided into three phases: the boost phase, free flight and reentry.

To deliver the RV's within several hundred meters of their targets over ranges of 10,000 kilometers calls for a highly sophisticated guidance system. Current strategic weapons rely on the technique known as inertial guidance, in which gyroscopes and accelerometers are used to measure the specific forces acting on the missile. These inertial instruments cannot, however, measure the force of gravity, because of the equivalence of gravitation and acceleration described by Albert Einstein: an accelerometer in a free-falling elevator would register zero, even though the elevator would be accelerating toward the ground under the influence of gravity. Therefore in order to account for the effects of the earth's gravitational pull on the motion of the missile a mathematical model of the gravity field as a function of position must be programmed into the missile's guidance system prior to launching. By combining the gravity model with the measurements of the specific forces made by the accelerometers, the guidance computer can use Newton's laws of inertia to calculate the motion of the missile in three dimensions and put it on the appropriate trajectory to its target.

The accuracy of such a weapon can be affected by errors from many sources. The two main sources are errors in the inertial-guidance system and errors associated with reentry into the atmosphere: in some current ICBM's the deviation from the target resulting from either of these sources is 100 meters or more. The errors in the guidance system originate with imperfections in the gyroscopes or the accelerometers: they can be either constant, accumulating with time, or random, arising from vibration, shock or changes in acceleration. The errors associated with reentry originate with unpredictable atmospheric variations over the target, such as winds and variations in atmospheric density, and with uncertainties in the ablation of the RV's nose cone. Because the RV from an ICBM reenters the atmosphere at a speed of some 7,000 meters per second, the nose cone will begin to burn away as the RV passes through the atmosphere: this ablation tends to occur in a rather unpredictable and asymmetric manner, giving rise to acrodynamic instabilities that degrade the accuracy of the RV. Moreover, severe weather effects, such as heavy rain or snow, can cause drastic increases in the rate of ablation, further reducing the accuracy of the RV.

Lesser sources of error include errors in the gravitational model relied on by the inertial-guidance system, errors in war head fusing and errors in the determination of the position of the target. Each type of error can contribute several tens of meters to the system's overall "error budget." The determination of the initial position and velocity of the launcher is extremely important in systems fired from mobile platforms, such as SLBM's, but is negligible for silo-based ICBM's; indeed, this type of error is one of the reasons current SLBM's are considered to be too inaccurate to strike at hardened missile silos.

The bulk of the error sources of a ballistic missile will be random from one missile to the next. As a result if a large number of such weapons were fired at a single target, they would tend to fall in a random scatter around the target. The spread of the scatter is measured by the parameter known as the circular error probable (CEP): the radius of a circle centered on the average point of impact within which 50 percent of the RV's would fall. Thus the CEP is a measure of the precision with which a given missile delivers its payload.

With estimates of the CEP, the explosive yield and the reliability of a given weapon it is possible to calculate the probability of the weapon's destroying a target of a given hardness. As an example, the Russian missile designated SS-19 Mod (for modification) 3 is estimated to have a CEP of 250 meters, and each of its six warheads has a yield of approximately 550 kilotons. The SS-18 Mod 4 has a similar accuracy and warheads with a similar yield, but it carries 10 independently targetable warheads. Assuming perfect reliability, warheads of this type would have a 63 percent probability of destroying a Minuteman silo hardened to 2,000 p.s.i. Assuming statistical independence, two such weapons would have an 86 percent probability of destroying the same silo. This calculation would indicate that with 2,000 warheads the U.S.S.R. could destroy nearly 90 percent of the 1,000 U.S. Minuteman missiles in their silos. This is the kind of alarming theoretical result that has been given wide circulation.

It is unreasonable to expect, however, that a system as complex as a modern ICBM will have a reliability close to 100 percent; a more plausible estimate for the reliability of current Russian ICBM's is 75 percent. Such a reliability would reduce the two-warhead kill probability to 72 percent, which agrees well with the 70-to-75 percent figure currently cited by the U.S. Joint Chiefs of Staff.

Even this figure does not take into account the broad range of uncertainties that must be considered in calculating the possible outcomes of any counter-silo attack. The planner of any such attack will always face further uncertainty about the actual accuracy, reliability and yield of his weapons under operational conditions, and about the hardness of his opponent's silos as well. Several less well known factors, such as interference among the weapons used in the attack, known as "fratricide," will also have significant effects on the outcome. As we shall show, these uncertainties would make it impossible for Russian leaders to have reasonable confidence in destroying significantly more than half of the U.S. land-based missile force, given the current capabilities of Russian ICBM's.

Let us first return to the leading source of uncertainty: the accuracy of the attacking weapons. As we mentioned in passing, the bulk of the errors in an ICBM system will be statistically uncorrelated from one missile to another, contributing to the random distribution described by the CEP. As with most other complex electromechanical systems, however, ICBM's show not only random errors but also systematic ones. Therefore whereas the standard calculations of ICBM vulnerability assume that the center of the impact distribution will be directly on the target, the actual distribution will often be offset somewhat. This distance between the target and the average point of impact is referred to as the bias. For example, if the estimated position of a given target is 20 meters south of its actual position, it is likely that the poistion of other targets in the same general area, such as other silos in the same missile field, will be similarly misestimated; thus on the average the RV's attacking that field will land 20 meters south of their intended targets. Similarly, the gravitational errors for ICBM's launched from silos close together in the attacker's territory will be strongly correlated, as will the errors due to prevailing winds and atmospheric density variations encountered by RV's reentering the atmosphere over the same area in the defender's territory. On the other hand, it should be possible to remove the most significant biases in the guidance system itself through peacetime testing and analysis.

Any bias smaller than roughly 100 meters has essentially no effect on the success of an attack against silos hardened to 2,000 p.s.i. The reason is that any weapon falling within three times that distance of the target will destroy it. Because of the nature of the bias, however, it will be difficult to place limits on the magnitudes of the bias that might be encountered in an actual attack, owing to the statistical properties of large numbers. If an error is simply random from one warhead to the next, then an attack involving 2,000 warheads would provide 2,000 independent trials for that variable: as with 2,000 rolls of a die, the probability of any significant variation from the average outcome is quite small. On the other hand, if an error is completely correlated over some fraction of the force, then for that fraction the attack provides only a single trial. Just as a roll of two dice might well turn up a two or a 12, rather than the more likely value of seven, so biases significantly larger than 100 meters in a single missile attack cannot realistically be discounted.

There is also some uncertainty about the estimate of the CEP for any given ICBM. A variety of sources of information are available on the accuracy of a given weapon. For example, nondestructive tests on the ground can provide detailed performance specifications for every component of the guidance system, which can be combined to yield rough estimates of the overall accuracy of the system. The fact remains that many significant sources of error, such as errors attributable to reentry, cannot be realistically tested on the ground. In addition the interaction of the various components of the guidance system in the demanding vibration, shock and acceleration environment of a rocket boost is extremely complex. Hence only a statistically significant number of realistic full-system flight tests can give accurate estimates of the CEP of a ballistic missile.

Such tests are typically divided into two major categories: (1) research-and-development tests, which serve to suggest design changes and to provide initial information about the accuracy the missile can attain, and (2) operational tests, which provide estimates of the accuracy and reliability of the deployed force. Because a single ballistic missile often costs in excess of $10 million, flight-test programs are generally limited by budget constraints. As a result both the U.S. and the U.S.S.R. have tended to perform a comparatively small number of flight tests of each missile system, with intensive engineering analysis of each test. For example, in the initial stages of deployment a U.S. ICBM is typically subjected to between 25 and 30 flight tests, which yield the primary estimate of the system's operational accuracy and reliability. These are followed by from five to 10 operational tests in each year of the system's life cycle, to monitor any changes that might result from prolonged storage.

The operational flight tests of the U.S. are designed to ensure that the tests are as realistic as possible. The ICBM's to be tested are chosen randomly from the operational force. The chosen missile is then brought to alert in its silo, ready for immediate firing; this is intended to provide a test of the crew and the launch-silo electronics. If the missile fails to come to alert, it is listed as a failure and is not tested further. If it passes the test, the missile is removed from its operational silo and is sent to the test range at Vandenberg Air Force Base in California. The RV's are sent to a special facility where the thermonuclear warheads are removed and replaced with telemetry equipment. The missile with the modified RV's is then fired from the test silo Vandenberg by a crew randomly selected from the operational missile crews, and the RV's reenter the atmosphere over Kwajalein atoll in the Pacific.

Telemetry equipment on board the missile broadcasts detailed information about such parameters as the flow of fuel, the thrust of the rocket, the performance of the guidance components and the vibration and shocks to which the missile is subjected. This information it picked up by U.S. stations monitoring the tests and by Russian intelligence ships stationed in the Pacific for that purposed. In additonal the flight is carefully monitored by radars and optical telescopes based at Vandenberg and Kwajalein. The information is then intensively analyzed over a period of several months. As a result far more information is generated by a flight test than simply whether or not the missile worked and how far from the intended target it landed.

Significant uncertainties nonetheless persist. First, the number of full-system flight tests is statistically quite small. Second, in spite of efforts to achieve the greatest possible verisimilitude such peacetime testing is still appreciably different from wartime operations. For example, American test vehicles reenter over Kwajalein lagoon, an area where atmospheric conditions are among the placidest in the world. In addition, since the gravity field of the earth varies from place to place, tests over one trajectory cannot in themselves provide estimates of possible gravitational errors over other trajectories.

Perhaps more significant, the range over which most Russian missiles are tested is 6,500 kilometers long, whereas many wartime trajectories would be nearly 10,000 kilometers long. Although the Russians do perform several full-range flight tests in assessing each of their ICBM systems, most of their tests are over the shorter distance. This difference in range has a marked effect on virtually every source of error in the system. Although adjustments to the resulting accuracy estimates can be made, based on a detailed mathematical model of the performance of the system, additional uncertainty will inevitably result. Given these factors, it cannot by any means be ruled out that the CEP in a large-scale countersilo strike could be 10 percent larger (that is, poorer) than the CEP estimated from shots over test ranges; indeed, we believe this is a conservative estimate. For the warheads we have been considering, an unfavorable variation of 10 percent in the CEP alone would reduce the two-shot kill probability against a Minuteman silo from 72 to 66 percent.

Uncertainties in the reliability of an ICBM are separate from uncertainties in its accuracy. Simulations on the ground are considerably more useful for estimating rates of failure than for assessing the accuracy of the weapon system. For example, U.S. Minuteman guidance systems are regularly given simulated flight tests, in which the guidance system is subjected to vibrations and shocks similar to those of a missile flight. As with any sensitive and complex technical system, however, high confidence in estimates of overall reliability can be achieved only through full-system tests, and the number of such tests is quite limited. In addition estimates of the overall operational reliability of ICBM's must take into consideration a broad range of human factors that would be involved in an attack: any large-scale countersilo strike would call for the timely cooperation of several hundred people, whose behavior under such circumstances is unpredictable. Thus 10 percent is probably a conservative estimate of the uncertainty in estimates of overall reliability. Again, an unfavorable variation of 10 percent in the reliability we have assumed for an SS-19 Mod 3 would reduce the number of Minuteman silos destroyed in a hypothetical two-on-one attack from 72 to 67 percent.

Estimates of the explosive power of the thermonuclear warheads have uncertainties of their own. This uncertainty is of two interrelated kinds: first, uncertainty of given yield, and second, uncertainty in the estimates of the yield of a given class of warheads. The peacetime testing of nuclear explosives is limited by considerations of cost, safety, environmental impact, instrumentation and politics. Not least, it is also limited by treaty, including the Limited Test Ban Treaty of 1963 and the still unratified Threshold Test Ban Treaty.

The measurement of overpressures in the extreme range necessary to destroy a modern ICBM silo has been particularly limited, because of instrumental problems and the lack of pressing need. By the early 1960's, when the last American and Russian nuclear tests in the atmosphere were conducted, the hardest targets of interest were roughly an order of magnitude "softer" than current missile silos. As a result there is little in the way of nuclear-test data for overpressures higher than 200 p.s.i., and even less for overpressures higher than 500 p.s.i. The nuclear-test data that do exist for these high overpressures show an enormous degree of scatter, and they often do not agree well with theoretical predictions. Although additional data are available from tests with chemical explosives, large uncertainties are involved in extrapolating such data to predictions of the effects of megaton-range nuclear weapons. The U.S. Defense Intelligence Agency has stated that U.S. estimates of the overpressures to be expected from nuclear explosions in given ranges are uncertain to plus or minus 20 percent.

The second uncertainty in estimating the explosive power of thermonuclear warheads, the uncertainty in estimating the average yield of a given class of warheads, arises from similar sources: the number of tests of any given nuclear weapon is small, and there are substantial instrumental difficulties in measuring the energy yielded by an underground nuclear-test explosion.

The yield to be expected from a given warhead design can be estimated theoretically, but an example of the pitfalls of this approach is provided by the warhead developed for the Mark 12A reentry vehicle recently deployed on the U.S. Minuteman III missiles. The first three tests of the weapon revealed that its yield was considerably less than had been predicted, and the original design had to be modified until, in a fourth test, the weapon achieved its full yield. Although this may be an extreme case, the uncertainly in the average yield of a given class of warheads will be at least 10 percent.

For the sake of simplicity we shall combine the two types of uncertainly in the explosive power of a warhead, describing them both as variations in effective yield. Since the peak overpressure is roughly proportional to the explosive yield, a 20 percent variation in overpressure would result from a 20 percent variation in explosive yield; a conservative estimate of the total uncertainly in the effective yield of a given weapon might then be on the order of 25 percent. An unfavorable variation of 25 percent in the yield of the weapons involved would reduce the effectiveness of the hypothetical attack we have described from 72 to 66 percent.

Although the accuracy, reliability and yield of ICBM's are uncertain, they are at least subject to peacetime testing by a nation that might be considering an attack. This does not hold for the hardness of the silos to be attacked. The overpressure at which a silo will fail depends primarily on the technical characteristics of the reinforced-concrete door at the top of the silo, and it is extremely difficult to obtain reliable intelligence on these characteristics. Indeed, from an attacker's point of view this may well be the largest uncertainty of all. Even U.S. estimates of the hardness of U.S. silos include significant uncertainties; the fact is that no silo has ever been exposed to a nuclear weapon in any test. Estimates of silo hardness are based entirely on the oretical structural considerations and tests of scale models with chemical explosives. Thus from an attacker's point of view the uncertainty in the hardness of the silos to be attacked is likely to be at least 20 percent, if not considerably more. If the silos under attack were capable of withstanding overpressures 20 percent higher than expected, the effectiveness of the hypothetical attack we have been describing would be reduced from 72 to 68 percent.

Another significant uncertainty arises from the interference among the hundreds of warheads that would be involved in an attack. Up to this point we have been assuming that the warheads involved in a countersilo attack would be statistically independent of one another, in other words, that the detonation of one warhead would have no effect on other warheads participating in the attack. This is not at all the case: thermonuclear explosions can have extremely destructive effects on other reentry vehicles, constituting the phenomenon ironically termed fratricide.

In its first milliseconds a thermonuclear explosion gives off an intense burst of radiation, including neutrons, X rays and gamma rays, which in turn generate a powerful electromagnetic pulse. This short-lived burst of radiation is followed by the rapid expansion of a fireball of hot, compressed gases. The fireball expands faster than the speed of sound, reaching a radius of several hundred meters in less than a second. Since the superheated gases in its interior are orders of magnitude less dense than the surrounding air, the fireball begins to rise quite rapidly, much like a hot-air balloon. This creates a vertical wind of several hundred kilometers per hour; indeed, the drag of the wind created by a half-megaton explosion is sufficient to hold aloft a two-ton boulder. In the case of a weapons burst at the optimum height for an attack on a silo hardened to 2,000 p.s.i. the fireball will be in contact with the ground for several seconds; as a result the powerful updraft winds will suck up thousands of tons of dust and other debris, creating the characteristic mushroom cloud.

The cloud rises at high speed; within a minute it reaches an altitude of several kilometers. It then slows down, reaching its maximum height some 10 minutes after the detonation. In the case of a half-megaton weapon the top of the cloud will stabilize at an altitude of some 18 kilometers, with the bottom of the cloud roughly eight kilometers below. By 10 minutes after the detonation the cloud will have covered an area of some 100 kilometers; indeed, the cloud from such an explosion will be so large that in an attack on the ICBM silos in a U.S. Minuteman field the clouds from explosions over individual silos will merge into a single blanket of dust over the entire field.

The significance of the dust and other debris raised by the explosion arises from the fact that reentry vehicles traverse the atmosphere at extremely high speed. When an RV reentering the atmosphere in the area of an earlier explosion encounters the cloud, it will be traveling some six kilometers per second. Therefore if the RV collided with a particle weighing several grams, it would probably be destroyed outright; such a collision would take place at several times the speed of a rifle bullet. The smaller particles and dust in the cloud could have catastrophically abrasive effects on an RV: the effect of such high-speed passage through the dust cloud would be equivalent to exposure to an extraordinarily powerful sandblaster. The resulting ablation of the RV's nose cone would severely degrade its accuracy; in extreme cases it could cause the RV to burn up. Moreover, the earlier explosion (or explosions) would have completely changed the density and wind profiles throughout the area in ways that are essentially unpredictable and would have drastic effects on the accuracy of reentering RV's.

Obviously the problem of fratricide would have to be carefully considered in planning the timing of any attack calling for more than one RV targeted on each silo. If two RV's targeted on each silo simultaneously, and neither RV failed, then the radiation from the first warhead to explode would destroy the second. If the attack were organized in two waves separated by several seconds, the RV's of the second wave would encounter the fireballs, powerful winds and lethal particles raised by the explosions of the first wave. Although the high temperatures and the outward winds generated by the explosion would subside within the first few seconds, particles large enough to be lethal to an RV would take up to 20 minutes to fall back to the ground, and the clouds of smaller particles and dust would remain until they were dispersed by atmospheric winds. Therefore unless the attacker allowed at least several minutes between the first wave and the second, so that the largest particles would have fallen out of the cloud before the second wave arrived, it seems unlikely that any very large proportion of the second wave would get to its target and do so with the accuracy necessary to destroy it. Even if the attacker allowed several tens of minutes between the two waves, the second wave would still face the dust blanket and the severe atmospheric disturbances created by the explosion or explosions of the first wave.

Since fratricide has never been tested, its effect on incoming RV's cannot be assessed precisely; only the roughest order-of-magnitude estimates are possible. Suppose, in the case of a second wave reentering 10 minutes after the first wave, that passage through the dust cloud and encounters with large particles destroyed only 5 percent of the RV's, and that on the average the effect of the dust and atmospheric disturbances increased the fraction of the CEP attributable to reentry by a factor of two. This, in our view, is a quite conservative estimate of the fratricide such a wave would suffer, given the extreme conditions we have described. These effects alone would reduce the kill probability of a two-wave attack by SS-19 Mod 3 warheads on U.S. Minuteman silos from 72 to 65 percent.

Fratricide introduces an uncertainty that may be even more significant: if the attacker must allow several minutes to elapse between the first and the second wave of his attack, it is quite possible that the ICBM's surviving the first wave will have left their silos before the second wave arrives. Since an ICBM rising out of its silo travels much slower than an RV entering the atmosphere, the particles and dust in the cloud will have comparatively little effect on it. As a result the surviving ICBM's could be safely launched before the second wave of RV's could safely reenter the atmosphere. Although a nearby nuclear explosion that failed to destroy the silo might still keep an ICBM from getting off immediately, in those cases where the first-wave warhead failed the ICBM in its hardened silo would remain undamaged, still available for launching. In the attack scenario we have been considering, involving weapons with a reliability of 75 percent, this would mean that at a minimum 25 percent of the ICBM's could be launched between the first and the second wave of the attack. Combined with the fratricide effects postulated above, this would reduce the fraction of the ICBM silos destroyed in the hypothetical attack we have been considering to 56 percent. Since the vulnerability of an ICBM increases sharply when it leaves its protective silo, however, it is possible that the attacker could keep these weapons from being launched by detonating additional warheads over the silo field at regular intervals so that any ICBM launched from its protective silo would be destroyed; this tactic is called pindown.

Up to this point we have been considering the uncertainties of a countersilo attack on an individual basis. In any real countersilo attack, however, all these uncertainties would be present, making the final outcome of the attack even harder to predict. For example, if all the variables we have been describing were to turn out unfavorably for an attacker, even in the absence of significant bias only 45 percent of the U.S. Minuteman silos would be destroyed. Although it may be unlikely that an attack would be subject to large unfavorable variations in all the uncertain parameters simultaneously, it should be noted that an unfavorable variation in any two of the parameters, combined with fratricide, would reduce the effectiveness of the attack to less than 55 percent, even ignoring the possibilities of bias error and of ICBM's escaping between the two waves. Moreover, we believe the degrees of uncertainty we have postulated are conservative. Thus it would be difficult for a planner to have reasonable confidence that a two-wave attack by SS-19 Mod 3 and SS-18 Mod 4 warheads would destroy significantly more than half of the U.S. Minuteman force.

It is possible that a planner would choose to launch more than two warheads against each silo, or to launch larger warheads. In the case of an attack on the U.S. Minuteman force, however, neither of these options would be very attractive. For example, a third wave would encounter fratricide effects from both of the first two waves, and it would allow more time after the second wave during which the surviving ICBM's might be launched. Even if the surviving ICBM's did not escape, a third wave would only raise the overall percentage of the silos destroyed from 45 to 57 percent. Since the 1,000 U.S. Minuteman silos contain 2,100 warheads, this would mean an expenditure of 1,000 additional Russian warheads in order to destroy 250 American warheads; such an attack would disarm the U.S.S.R. faster than the U.S. In addition to its ICBM's armed with MIRV's the U.S.S.R. has 100 SS-19's and SS-18's armed with single large warheads; these, however, are clearly much too few for an attack on the 1,000 U.S. ICBM silos.

For a smaller number of more important targets neither of the two preceding arguments would apply. For example, if the U.S. were to deploy 100 MX ICBM's in Minuteman silos, as has been proposed by the Reagan Administration, the 100 Russian large-warhead missiles could be used to attack them. If these weapons were equipped with the accurate guidance systems now deployed on the MIRVed versions of the same missiles, an attack involving one such warhead on each MX silo, followed by a half-megaton warhead, would destroy 77 percent of the MX force, even allowing for unfavorable variations and fratricide. Since each MX carries 10 warheads, this would mean that even under less than ideal conditions 200 Russian warheads could destroy 770 MX warheads. The expenditure of additional Russian warheads would provide even higher operational kill probabilities.

Thus although the current Russian ICBM force could present a severe threat to a small number of particularly valuable targets, it could not provide a planner with reasonable confidence of destroying significantly more than half of the current U.S. ICBM force. The common practice of citing the probable result of such an attack to two significant figures, with no mention of the attending uncertainty, is grotesquely misleading; all that can realistically be said is that such an attack would probably result in the destruction of between 50 and 90 percent of the U.S. ICBM force. We conclude that the magnitude of the threat presented by the current generation of Russian ICBM's has been greatly exaggerated.

This comparatively comforting conclusion may not, however, remain valid indefinitely. Strategic-weapons technology is almost never is stasis, and foreseeable improvements in weapons-delivery systems could drastically alter the situation we have been describing. In the past the accuracy of American and Russian ICBM's has generally improved by roughly a factor of two every seven years; the improvement of strategic-weapons technology may slow somewhat as the room for improvement narrows, but there is little reason to expect that in coming years the pattern will be fundamentally different.

Hence sometime in the late 1980's or in the 1990's the U.S.S.R. may have deployed a force of ICBM's twice as accurate as its current weapons. In addition reentry vehicles specifically designed to penetrate dust clouds are currently under development in the U.S., and possibly in the U.S.S.R. as well. These technological changes could significantly reduce the effect of the uncertainties we have described. If the CEP of the SS-19 Mod 3 were reduced by a factor of two, for example, a two-on-one attack would result in the destruction of more than 80 percent of the U.S. Minuteman force, even allowing for a certain amount of fratricide and unfavorable variations in the attack parameters. In essence, an uncertainty of 10 or 20 percent no longer has a significant effect if the weapon is twice as accurate as it needs to be to destroy its target.

The purely technical uncertainties we have been describing, however, are only the tip of the iceberg. The planner of a real countersilo attack would have to consider a host of other uncertainties, mainly centering on the reaction of the nation under attack. For example, a nation with ICBM's has the option of adopting the policy of "launch on warning" or "launch under attack": launching missiles immediately on receiving intelligence that another nation has launched missiles against it. The U.S. has renounced such a policy, because of the possibility of catastrophic error, but it would be difficult for a planner to have any confidence that this policy would hold in the event of an attack. Nearly 30 minutes would pass between the first detection of a massive launch and the detonation of warheads over U.S. silos; the actions of U.S.

policy makers in this period and afterward would be impossible to predict.

If in addition to the U.S. land-based ICBM's the rest of the U.S. strategic nuclear forces are taken into account, a serious problem would arise for the putative planner of an attack. First, the thousands of U.S. nuclear weapons in submarines at sea will be invulnerable to attack for as far into the future as it is possible to predict. Second, it would not be possible to destroy both the U.S. ICBM force and the U.S. strategic bomber force. Part of the bomber force is on a constant 15-minute alert, meaning that the only missiles that could destroy them before they got off the ground would be submarine-launched ones with short flight times. Current Russian SLBM's, however, are much too inaccurate to be effective against hardened silos, meaning that the silos would have to be attacked by ICBM's with longer flight times. If this were done, nuclear weapons would begin detonating over U.S. bomber fields more than 15 minutes before the RV's targeted on the ICBM silos could reach their targets, making it very likely that the ICBM's would be launched before the attacking RV's arrived.

Even if these difficulties could be surmounted, an attack involving more than 2,000 near-ground explosions of megaton-range nuclear weapons would cause between 20 and 40 million civilian casualties. Such an attack cannot realistically be described as "a surgical nuclear strike." It is impossible to believe the U.S. would not respond, relying on some fraction of the thousands of bomber and submarine-based warheads that would surely have survived. In all probability the conflict would quickly escalate to an all-out strategic exchange, which would destroy the attacker as completely as it would destroy the victim of the initial attack.

In the more distant future even these inherent uncertainties might be somewhat reduced by advances in technology. The development of accurate SLMB's, already under way in the U.S., will erode the relation between the alert bomber force and the ICBM force. If extremely accurate maneuvering reentry vehicles are deployed, hardened silos could be destroyed with weapons of much smaller yields, sharply reducing the number of civilian casualties such an attack would inflict. This might at first glance seem desirable, but the possibility of a genuinely "surgical" strike, combined with increased confidence in predictions of its outcome, would increase the temptation to launch such a strike, lowering the nuclear threshold and increasing the probability of nuclear war.

Thus although the current situation is stabler than is commonly believed, the progress of weapons technology bodes ill for the future. It is still possible, however, that stringent limitations on the testing and deployment of ballistic missiles could forestall many of these undesirable technological advances. Far from locking the U.S. into a position of vulnerability, such limitations, if they were effective, could prevent the rapid erosion in U.S. security that will otherwise occur in the years to come. Limitations on the testing and deployment of ballistic missiles could be an important component of arms-control efforts, and they deserve more careful study than they have had to date.

EXHIBIT 2

TABLE 1.—ESTIMATED CHARACTERISTICS OF SELECTED UNITED STATES AND SOVIET MIRV'D ICBM'S

	United States		U.S.S.R.		
Designation	Minuteman III	MX	SS–17	SS–18	SS–19
	INS20/ Mk12A [1]		mod 1	mod 4	mod 1
IOC	1979	1986	1975	1979	1974
Length (ft.)	60	70.6	79?	115	82
Diameter (ft.)	5.5	7.7	8?	10	9
Stages	[2] 3	[2] 3	2	2	2
Weight (lbs.)	78,000	192,000	?	?	?
Propellant	[2] solid	[2] solid	liquid	liquid	liquid
Guidance	inertial	inertial	inertial	inertial	inertial
Launching mode	hot	cold	cold	cold	hot
Basing mode	silo	TBD	silo	silo	silo
Throw weight (lbs.)	1,975–2,400	7,900	6,025	16,700	7,525
Range (nm)	LT 6,900	6,000	4,800	4,800	4,300
Number of RV's	3	[3] 10	4	10	6
Yield (kt.)	335	335/500	750	500	550
CEP (nm)	0.12	0.10/0.05	0.24	0.14	0.21
SSKP [4]	0.64	0.76–0.99	0.35	0.62	0.38
Lethality K/RV [5]	33.5	[6] 192.9	14.3	32.1	15.2
Lethality K/DV [5]	100.5	1929.4	57.3	321.4	91.4

[1] INS–20 is a more accurate inertial navigation system than used on earlier versions of Minuteman III; Mk–12A is a 335–kt RV.

[2] Both Minuteman III and MX have 3 large solid fuel stages that provide most of each missile's range and throw-weight capability and a liquid fuel post-boost vehicle (PBV) that maneuvers each RV onto an independent trajectory. Because MX's post-boost vehicle is large, MX is often termed a 4-stage missile.

[3] MX is designed to carry 11 advanced ballistic reentry vehicles (500 kt) or 12 Mk-12A RVs (335kt).

[4] Calculated for each warhead listed against a shelter hardened to withstand a nuclear blast overpressure of 2,000 pounds per square inch.

[5] Lethality (K) is a measure of ability to destroy hard targets. It is directly proportional to the ⅔ power of yield in megatons (1 megaton=1,000 kilotons) and inversely proportional to the square of CEP in nm.

[6] Calculated for a 335 kt RV with a CEP of 0.05 nm.

Glossary:

MIRV'd: Carries multiple independently targeted reentry vehicles.

TBD: To be determined.

IOC: Initial operational capability.

Throw weight: Weight of payload (nuclear weapons, weapon shielding for reentry, penetration aids, etc.) of the missile.

nm: Nautical miles (6,080 ft.).

LT: Less than.

RV: Reentry vehicle.

Yield: Explosive force of a weapon.

kt: Kiloton, a measure of yield equal to the explosive force of 1,000 tons of TNT.

CEP: Circular error probable, a measure of accuracy; if large numbers of the same type of warhead from the same type of missile were shot at a single point target, the CEP would be the radius of the circle within which half the warheads landed.

SSKP: Single shot kill probability.

DV: Delivery vehicle (e.g., an ICBM).

Sources: The data in this table are from open sources. All data on throw weight, range, yield, and CEP are from John Collins, U.S.-Soviet Military Balance: Concepts and Capabilities, 1960–1980. (McGraw-Hill Publication Co., 1980): 446–447, except the following:

2,400-lb throw weight for Minuteman III. Paul Nitze, in U.S. Senate. Committee on Foreign Relations. Hearings: The SALT II Treaty (1979): pt. 1, p. 458.

MX throw weight: Aerospace Daily, Feb. 5, 1980: 187.

MX range: DMS Market Intelligence Report, "MX," (Greenwich, Ct: 1979): 1.

Minuteman III yield: Nitze, The SALT II Treaty: pt. 1, p. 458.

MX yield and CEP: Herbert Scoville, Jr., MX: Prescription for Disaster (Cambridge, Mass.: MIT Press, 1981): 16.

Minuteman III range: Collins lists a range of about 6,900 nm for Minuteman III armed with MK 12 RV's. Since Mk12A is somewhat heavier than Mk12, the Mk12A-armed Minuteman III's range will be somewhat less than that of the Mk12-armed version.

EXHIBIT 3

LAUNCH UNDER ATTACK

Another approach to MX survivability is to accept vulnerable silo basing and resolve to launch silo-based MX missiles before attacking Soviet reentry vehicles (RVs) could arrive to destroy them. This type of response to a Soviet attack is called launch under attack (LUA). Adopting this approach to MX survivability would imply relying on LUA as opposed merely to preserving it as a possibility. The United States now preserves the capability to LUA as a matter of stated doctrine. Some, though not all, of the other basing modes described in this report would also allow this capability to be preserved. This chapter does not in any way address the present U.S. doctrine or the status of means to support that capability, but only potential future systems of reliance on LUA.

OVERVIEW OF RATIONALE FOR LUA AND POSSIBLE DRAWBACKS

The chief attraction of LUA basing is that it can be implemented faster and more cheaply than other basing modes since there is no basing "mode" to speak of. The United States could in principle put MX missiles in the Minuteman silos as they came off the assembly line, meaning MX deployment in the second half of this decade. However, some of the hardware needed to support the LUA capability (warning sensors, communications links, and the like) might have longer lead-times. A truly robust and dependable system might therefore take slightly longer to deploy.

Even with a wide range of sophisticated, redundant support hardware—just about everything one could think of buying in the way of sensors and communications—the price of an LUA system (excluding the missiles themselves) would come to billions of dollars rather than tens of billions as for other basing modes. Some of the systems required for LUA would in fact be desirable, perhaps even necessary, to deploy with any basing mode.

This hardware—warning sensors, command posts, and communications links—could be made virtually impossible for the Soviets to destroy or disrupt. What cannot be assured with confidence is that competent National Command Authorities (NCA) would in all circumstances have access to this system in the short LUA timeline; this is essentially a matter of procedures and national policy, not technology.

Because already-existing silos (or a small number of new ones) could be used, there would be little new construction and hence little environmental and societal impact.

LUA would preserve familiar features of silo basing, including weapon effectiveness as measured by accuracy, time-on-target control, and the like; familiar force management procedures; and familiar arms control verification procedures.

From the point of view of strictly military utility, the possibilities for an LUA force differ very little from those available to a survivable force. The same targets (and perhaps more) would be available in the first few minutes of a war as in the first few hours or days. Essentially the same targeting flexibility could be provided with technically feasible hardware.

Reliance on LUA also has potentially serious drawbacks.

Depending on the circumstances, decisionmakers could lack crucial information regarding the extent and intent of the Soviet attack—information necessary to guage the proper response. It is not clear, however, that much better information would always be available to the commander of a survivable force within a short period after a nuclear attack.

Decisionmakers would also lack an interval between attack and response during which intelligence information could be assessed, diplomatic measures considered, and the intent of the U.S. response signaled—assuming the circumstances of nuclear war permitted such things at all.

Decision time would obviously be very short. NCA would have to make unprecedentedly weighty decisions in less than 15 minutes.

To guarantee the LUA capability against some contingencies it might be necessary to adopt unpalatable procedures regarding, for instance, delegation of launch authority.

No matter how much money and ingenuity were devoted to designing safeguards for the U.S. capability to launch under attack, and even if the safeguards were very robust indeed, it would probably never be possible to eradicate a lingering fear that the Soviets might find a way to sidestep them.

Finally, despite all safeguards, there would always remain the possibility of error, either that missiles were launched when there was no attack or that they failed to launch when the attack was genuine.

POSSIBILITIES FOR LUA SYSTEMS

There is a wide variety of possibilities for LUA systems, and which is "best" is not really a matter of technology but of doctrine, procedures, and national policy. Doctrine determines the types of attack which the system is designed to meet and those which it is not. For instance, it would be easier to configure an LUA system on the assumption that a Soviet attack would be directed at missile silos and perhaps other military targets but would not be preceded by attack on Washington. If Washington were attacked first, an LUA system designed on this assumption might fail. But since the intercontinental ballistic missile (ICBM) vulnerability problem is perceived generally within the context of counterforce attacks excluding U.S. cities, it is not clear that an LUA force must be required to meet such a contingency; in this case it might be thought that an appropriate response could be executed with surviving submarine, cruise missile, and bomber forces. These are clearly issues of doctrine. Regarding procedures—and to take a more extreme example—it would also be easier to design an LUA system on the assumption that launch authority were vested in certain circumstances in persons other than the President and other duly constituted NCA or even that the response to be made to a Soviet attack of a given sort were decided in advance and, so to speak, "wired into" the ICBM system.

Doctrine and procedures—issues of national policy, not technology—more than anything else therefore determine the architecture of an LUA system.

This section outlines the technically feasible hardware elements and procedures that could go into an LUA system. It seeks to give a sense both the breadth of possibilities and of the fundamental limitations. The next section shows how some of these elements might come into play in the circumstances of a Soviet attack. It should be emphasized that what is being described here are elements of a hypothetical future LUA system, not means which support the present U.S. LUA capability.

The principal elements to analyze from the technical point of view are targets and the military utility of an LUA force, the timeliness of possible attacks, early warning and attack assessment systems, command posts, and communications links. Possible procedures by which decisions could be made and launch orders given can be laid out, but a selection among them would be decision for the highest levels of political authority.

TARGETS AND MILITARY UTILITY

The first question to ask of an LUA force is whether there are important and identifiable differences, in terms of the military effectiveness of a U.S. response to Soviet attack, between immediate LUA response and a delayed response executed by a survivable force. Though there are some differences, on balance it appears that little or nothing from a purely military point of view is sacrificed by immediate response.

In the first place, there would seem to be no targets which would be absent or untargetable early in the war but which would somehow appear later on. Thus, there can be from this point of view no disadvantage to retaliating immediately; on the contrary, it would seem that a difference between early and delayed response, if one were to exist, would favor the early response. The most stressing case for an LUA system is one in which the Soviet attack came with no indications of preparation for attack before the actual launch of Soviet missiles. In this case, a prompt U.S. response could destroy other Soviet military assets before they had time to disperse from their ordinary operating bases. If the Soviet attack came from a generated posture, some assets might be difficult to target, but this situation would not necessarily improve with time. Even if there were significant Soviet target complexes that "appeared" later, it is unlikely that they would be hardened to such an extent that their destruction would require ICBMs, although if they were mobile a rapid response-time for U.S. attack could be useful. Such rapid response is most easily accomplished with ICBMs. Even assuming the existence of targets which a survivable force could target but an LUA force could not, one must assume in addition that the U.S. intelligence assets required to locate these targets would survive an initial Soviet attack.

As to the nature of the targets that should be assigned to an LUA MX force, the important issue for this purpose is not what these targets might be, but how the selection might differ from those assigned to a survivable retaliatory force. Again, there do not appear to be significant differences. In either case, the actual targets attacked might well depend upon the nature of the Soviet provocation and have the goal of inflicting on the Soviet Union a level of damage—measured overall—commensurate with the damage anticipated from the Soviet attack, as well as the latter could be judged at the time the U.S. decision to respond had to be made. If Soviet silos were among the targets marked for destruction by the LUA force, one might want to have some means for determining which were still full and which empty, and one would also have to take the chance that the Soviets would themselves launch under attack when our missiles were in flight. Both problems exist for a survivable force as well. In practice it is likely that the same information, obtained at launch, would be used to support retargeting to avoid attacking "empty holes" whether by survivable or LUA forces; the only difference would be the retargeting time available. In practice it is also possible to guess in advance which Soviet missiles would be used in an attack on U.S. silos. There is also an analytical basis upon which to question the utility of bothering with any sort of "empty hole" retargeting. (It might even be thought desirable to attack empty holes to preclude "reload.") As to Soviet LUA, with a survivable force there would be a time delay before retaliation during which efforts could be made to destroy Soviet sensors capable of indicating a U.S. launch.

Since decisions would have to be made quickly, and since extensive ad-hoc retargeting would be difficult to carry out in the short LUA timeline, some preplanning would have to be done regarding the responses to be made to a given Soviet attack. Such preplanning would also be done for survivable forces. To the objection that such preplanning is unpleasant or "commits" the United States to certain types of response, it can only be noted that the concept of deterrence presupposes, independent of the forces concerned, that Soviet attack will provoke with high certainty a U.S. response. Whether the United States would actually choose to retaliate if deterrence failed cannot be said on the basis of the forces deployed. Of course, LUA allows little time for reflection if Soviet attack did occur.

There might be no need to have the entire U.S. ICBM force postured for LUA. Since a survivable force of, say, 1,000 RVs might be considered adequate for a delayed response, no more than this number of RVs need be included in the force which "survives" by launching under attack.

TIMELINES

Soviet ICBMs take about a half hour to make the journey from their silos to U.S. ICBM fields in the Central United States. The time from first launch to first impact could in principle be shortened by a small amount, but this would be likely to cause some degradation in accuracy. A realistic Soviet laydown would also occur over a span of time, from just under 30 minutes until somewhat later.

Speaking roughly, receipt of the launch message or Emergency Action Message (EAM) by the missile force as late as a few minutes before Soviet RVs arrive would be sufficient to guarantee safe escape of the missiles. This brief time period would be accounted for by the time taken for the EAM to be transmitted to the missile fields, decoded, and authenticated; the time taken to initiate the launch sequence; the time from first missile takeoff to last; and the time needed for the last missile to make a safe escape from the lethal effects of the incoming Soviet RVs.

Thus, the time available for ICBM attack assessment and decisionmaking would be the half-hour ICBM flight time minus this small time period for missile launch.

Soviet submarine-launched RVs targeted at command posts and communication nodes could arrive earlier than the ICBMs. It is assumed here that the Soviets would not possess submarine-launched ballistic missiles (SLBMs) deployed near U.S. coasts of sufficient accuracy and in sufficient numbers to constitute themselves a primary threat to U.S. silos. Forward-deployed SLBM RVs could arrive in the Central United States within 8 to 15 minutes of launch and at coastal targets, such as Washington, within 5 to 10 minutes. This means that relatively soft targets such as command bunkers and communications nodes, if targetable, could be destroyed early in the attack. One of the principal goals of a robust LUA system must be to survive such a precursor SLBM attack in order to support execution of a launch decision.

Assuming simultaneous launch of Soviet ICBMs and SLBMs, the timetable which results is shown in figure 65.

The LUA timetable could be extended somewhat by a "dust defense" such as described in chapter 3. In this scheme, the dust cloud formed by deliberate detonation of buried nuclear weapons in the silo fields would destroy the first wave of Soviet RVs. The United States would have until the dust cleared—tens of minutes—since a second attack could not be mounted during this time.

OVERVIEW OF TECHNICAL REQUIREMENTS

In order to meet the timeline and attack constraints outlined above, a U.S. LUA capability would require warning and attack assessment sensors impervious to disruption; survivable command posts to digest and organize sensor information; and secure, reliable communications linking the command posts with the warning sensors and with the missile fields. The most important requirement, and the most difficult to meet in practice, would be providing a connection from the "survivable command posts to NCA empowered to make launch decisions. This architecture is shown in figure 66.

The paragraphs below indicate the range of technically feasible candidates for these system elements. It will be apparent that no single element can be made survivable against a determined Soviet effort to disrupt it. One must instead make disruption as difficult and time-consuming as possible, provide redundant backup systems, and seek to make price of disruption so high that Soviet attack on all U.S. LUA assets would virtually be cause itself to retaliate against the Soviet Union.

EARLY WARNING AND ATTACK ASSESSMENT SYSTEMS

The important features of warning and attack assessment systems are when in the course of an attack they could be expected to provide information, what information they could furnish at that time, and how difficult to disrupt they would be. In general, the first two features are related in that the more complete the information they furnish, the later in the attack they do so. Timely information concerning the size and character of the attack would be vital to the confidence a decisionmaker could have in his judgment to fire U.S. nuclear weapons at the Soviet Union. There would be a premium upon confirmation of the facts of the situation from as many sources as possible. For this reason it is desirable to have sensors based on a variety of distinct physical principles.

The following paragraphs outline in general terms the important features of a wide range of warning and attack assessment systems that the United States could deploy to support LUA. Since even in aggregate the cost of these systems would be less than the costs of other MX basing modes, it is not inconceivable that the United States would deploy all of them and more.

SATELLITES

The booster motors of large ballistic missiles, which operate for some minutes after launch, emit huge amounts of power (hundreds of kilowatts) in the short-wave infrared portion of the electromagnetic spectrum. This radiation could be detected by satellites at very great distances from the earth. It would be virtually impossible for the Soviets to conceal this evidence of their attack.

Such satellites could provide an accurate count of the number of launches, the types of missiles launched (from comparing the brightness of their infrared emission to data from test launches), and at least the approximate (wing level)) locations of the launch points. This information could be available to U.S. command posts (discussed below) almost immediately. Several minutes more observation could lead to at least a very rough indication of the intended targets to the extent of predicting whether the Central United States (where U.S. silos are) only was under attack or whether coastal targets were included as well. This information might suggest whether the attack was directed only at U.S. silos or whether it was a massive attack on all U.S. targets, cities (many of which are on the coasts) included. It would not be possible on the basis of this early information to tell whether the Soviets had withheld attack on certain specific targets, an indication of their intentions.

It would not be possible to secure such satellites absolutely against attack on them, but such an attack could be made very difficult. Though geosynchronous orbit would be most convenient for such satellites, it could perhaps be desirable to deploy them in other, higher orbits. Geosynchronous orbit is that unique orbit 22,300 miles from the Earth at which the orbital period of satellites is equal to the rotation period of the Earth. Thus satellites in geosynchronous orbit remain over the same point on the Earth's surface as both they and the Earth go round. A single satellite could therefore keep watch over the Soviet Union at all times. Because of its convenience, however, geosynchronous orbit is somewhat crowded. It would therefore be possible for the Soviets to station a "space mine" near to a U.S. warning satellite and answer in response to U.S. protests that the mine was in fact some other sort of satellite (e.g., communications) which it was convenient to position over the Soviet Union. The United States would then not be in a position to assert that the Soviets had no business there, because it would be quite plausible that they did have legitimate purposes for positioning a satellite in this unique, convenient orbit. If on the other hand the U.S. satellites were in an orbit chosen more or less randomly from amongst the infinite number of possible altitudes, we would be in a better position to assert that the only possible purpose for a nearby Soviet satellite must be to interfere with ours. The United States might then justify on these grounds measures against such interference. Nonsynchronous orbit means that more than one satellite would be required to keep continuous watch on the Soviet Union, however, since at any one time most of them would be over other parts of the Earth.

Satellites could also be threatened by direct attack from a missile launched from the Soviet Union. However, the U.S. satellites could be positioned high enough that it would take many hours (18 or so) for an attacking vehicle to reach them. What is more, since the interceptor missiles required to reach high orbits would be quite large, the Soviets would probably launch them only from the Soviet Union. Most of the satellites would be on the other side of the Earth when the first interceptor was launched, and launch of other interceptors would have to be staggered so as to intercept the rest of the satellites as they "came around." Direct-ascent antisatellite attacks on high orbits would therefore present a timing problem to the Soviets. The United States would most certainly be aware that the satellites were under attack hours before they were destroyed.

Measures can also be taken to insure the survival of satellites. For instance, they could be provided with sensors to alow them to determine when they were under attack. They could maneuver to avoid a homing interceptor and deploy decoys or chaff to confuse homing sensors. Satellites at such distances from the Earth might aso be able to be hidden entirely by giving them small optical, infrared, and radar signatures. One might also hide dormant backup satellites amongst a swarm of decoys; the satellite would be turned on when the primary satellites encountered interference. Last, backup satellites could be deployed on missiles in silos in the United States and launched into low orbits to replace the primaries. These reconstituted satellites could also be attacked, but it would take time for the Soviets to acquire data on their orbits, even assuming the United States allowed them unhindered operation of the means to acquire this data. Some of these techniques for satellite security are more effective than others.

Last, the United States might not choose to show patience indefinitely with persistent Soviet attacks on our warning sensors, particularly if we had chosen to rely on LUA as the guarantor of our land-based missiles.

RADARS

Radars could be either land-based or deployed on oceangoing ships. Radars deployed near the United States would provide warning information rather later than satellites—perhaps 15 minutes or so after launch—but they would provide much more accurate prediction of the impact points of attacking RVs. This information would be sufficient to determine which silo wings and which metropolitan areas were under attack.

Powerful radars of this sort would be rather large and soft targets and therefore susceptible to SLBM or even paramilitary attack. Jamming is also a potential threat. An endoatmospheric ballistic missile defense could be provided around such radars. For instance, the Perimeter Acquisition Radar at Concrete, N. Dak., happens to be in the area selected by the United States as the only site where an ABM system can be deployed within the ABM Treaty and Protocol. The purpose of such an ABM system would not be to protect the radar against any level of attack, but to force the Soviets to send so many warheads to destroy it that such an attack would constitute a major provocation.

SENSOR AIRCRAFT

Aircraft carrying radars (similar to AWACS aircraft used for tactical purposes) or infrared sensors could be used either as a backup for other sensors, taking off from a strip-alert status at U.S. bases, or as a primary system maintaining continuous airborne patrol. The aircraft could be on station within several hours of takeoff and could provide detailed attack assessment information (similar in character to the land-based radars) within about 15 minutes of impact.

Such aircraft would be a hedge against disruption of satellite or fixed land-based systems. If on continuous patrol, they would be very resistant to ballistic missile attack.

Since the aircraft would take some time to arrive on station if they were not maintained on continuous airborne patrol, there could be a gap between destruction of the primary U.S. systems and reconstitution by the aircraft. This gap could be filled by rocket-launched probes.

ROCKET-LAUNCHED PROBES

These probes, carrying long-wave infrared sensors, would be similar to the probes proposed for the Overlay exoatmospheric ballistic missile defense system to acquire its targets. They would arrive on station in minutes and provide detailed attack assessment information similar to that provided by the aircraft until they fell back to Earth about 20 minutes or so after launch. Housed in silos, they would be vulnerable only to nuclear attack. The probe silos could be located far from ICBM silos so that their launch could not be confused with ICBM launch by Soviet warning sensors.

NUCLEAR DETONATION DETECTORS

Since SLBM RVs could arrive on U.S. territory well in advance of the ICBMs aimed at the silos and before the time that a launch decision would have to be made, these detonations could provide further confirmation that the United States was under attack. Such detectors could be bolted on to large numbers of satellites deployed for other purposes. Alternatively, U.S.-based sensor stations employing seismic or electromagnetic pulse detectors could verify that the U.S. was under nuclear attack. It is very unlikely that natural phenomena could mimic the effects of nuclear detonations.

Though the detonation of nuclear weapons on the United States would not by itself necessarily identify the Soviet Union as the attacker, the other warning systems would either indicate the origin of the attack or be of such a nature that their disruption could be accomplished only by the Soviets.

COVERT WARNING SENSORS

It might be possible to deploy warning sensors the existence of which could reasonably be kept secret from the Soviets. Even if this did not actually turn out to be possible, it would be a factor the Soviets would have to consider before they satisfied themselves that the United States would be without advance notice of their attack.

WARNING SENSORS FOR SLBM'S

So far discussion has concentrated on warning of ICBM attack. All of the means described so far are applicable to the SLBM case as well. The satellites would give a launch count immediately and coastal SLBM radars impact point prediction within minutes of approach to the coasts. Planes and probes would be relatively inefficient in the SLBM role since many of them would be required to cover all attack corridors.

COMMAND POSTS

Fixed land-based command bunkers of a hardness sufficient to withstand attack even by inaccurate SLBMs would be difficult to construct. The United States now operates a network of fixed command posts including the National Military Command Center (NMCC) in the Pentagon, the Alternate National Military Command Center (ANMCC) at a rural site outside Washington, Strategic Air Command (SAC) Headquarters in Omaha, and North American Aerospace Defense Command (NORAD) Headquarters in Cheyenne Mountain, Colo. An improvement on fixed sites would be to deploy a fleet of wide-bodied aircraft with the necessary communications equipment to receive and process warning information, communicate with NCA, and launch U.S. silo-based missiles if given proper authorization. Some of these aircraft, called Airborne National Command Posts (ABNCPs), could be on continuous airborne patrol and others on strip alert. The United States deploys a fleet of such aircraft at present. If there were advance indication of imminent Soviet attack, the President himself or other NCA could take to the air in these command posts.

Consideration might also be given to ground mobile command posts, disguised as vans traveling the Nation's highways.

Concerns could be raised about possible means to destroy or disrupt such command posts, but since they are considered for use with just about all MX basing modes, any such problems would not distinguish LUA basing. In fact such disruption would be very difficult.

COMMUNICATIONS LINKS

Studies of command, control, and communications (C^3) systems to support strategic nuclear forces of any kind, LUA or otherwise, indicate that there is a wide variety of possibilities for wartime communications and just as wide a range of means to disrupt and impede such communications. The nature of the disruption would depend on the amount of damage done to U.S. communications installations and the extent of disruption of the atmosphere due to nuclear explosions. An LUA C^3 system would have an advantage over systems supporting survivable basing because it would be needed at a time when the United States had suffered less damage. On the other hand, it would be at a disadvantage in that there might be little time to attempt to reconstitute disrupted links.

Many of the same considerations apply to the communications links which applied to the warning sensors. None can be protected absolutely against Soviet attack, but disruption can be made difficult, time consuming, and provocative.

Communications links are required from the warning sensors to the command posts, from the command posts to the missile fields, and between the command posts and responsible launch authorities. The first two are easier to specify than the last, since this last depends sensitively on where the launch authorities are assumed to be and upon whether they are under attack or not. A fuller discussion of the problems of providing communications systems to support strategic nuclear forces in general is contained in a separate chapter. The following discussion seeks to sketch some of the considerations relevant to LUA.

WARNING SENSORS TO COMMAND POSTS

It appears that satellite communications would be needed for this purpose, at least for the warning satellites, since they would not be connected to the command posts by line of sight. The same considerations regarding survivability apply here as for the warning satellites, but the situation is in some respects easier. To avoid jamming and ionospheric disruption due to high altitude nuclear detonations, these satellites could operate at millimeter wavelengths. They could be stationed in unusual, deep-space orbits so the Soviets could have no pretense for stationing space mines near them, and direct-ascent interceptors would require a long time to reach them. Since the communications satellites would be cheaper than the warning satellites, there could be many of them. Other measures—deep-space storage, concealed dormant satellites, decoys, maneuverability, etc.—such as described for the warning satellites could also be tried here. Rocket-launched reconstitution satellites could be on-station in a short period. There are many U.S. communications satellites of all sorts in space, and arrangements could also be made to use them if the primary system failed.

Fixed ground stations for the downlinks would be vulnerable to attack, but such attack would at least be required to disrupt them. They could be proliferated throughout the United States and even defended with ballistic missile defense. An improvement on fixed ground stations would use mobile ground terminals, highway-going vans with concealed receiving dish and data processing equipment. Data could be transferred from ground stations—fixed or mobile—to the airborne command posts by radio (line-of-sight if necessary) and satellite uplink.

Ground stations would not be necessary at all if arrangements were made for the airborne command posts to receive data in semiprocessed form directly from the warning satellites via the communications satellites using millimeter wave or laser links.

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The sensor aircraft would use satellite links to communicate with the command post. The fixed radars could use radio (line-of-sight if necessary) or satellite to send their data to the command aircraft. The rocket-launched probe would be in line-of-sight with the command posts and could communicate directly.

COMMAND POSTS TO MISSILE FIELDS

If an order were given to launch MX missiles from their silos, the command posts could transmit the EAM to the launch control centers in the silo fields or directly to the silos by a variety of means, including line-of-sight ultra high frequency (UHF) radio and satellite injection. These methods provide for high probability of correct receipt of the EAM within minutes, even in a disturbed environment.

BETWEEN COMMAND POSTS AND NATIONAL COMMAND AUTHORITIES

This is the most difficult part of the communications system to specify. The reason for this is not that technology does not provide solutions, but because these solutions could depend on where the NCA might be, which depends on who the NCA are, which in turn depends on what procedures are adopted for NCA continuity.

Roughly speaking, there are three cases to consider. In the first, the President or other NCA is in Washington, and Washington has survived at least to the point in time where a launch decision is required. Communications in this case can be by satellite or airborne relay using a number of aircraft, maintained on strip alert in peacetime, which form a net over the United States for UHF line-of-sight communications.

In the second case, the President or other NCA is himself in a command airplane. Communications is by satellite or airborne relay.

In the third case, Washington is destroyed and the President did not manage to make it to a survivable location. In this case the important questions are, first: Who and where is the NCA and can it be arranged that they take command in time to launch under attack? and second: Does it matter if we could not LUA? since it might appear in this case that war was not going to remain limited and our other nuclear forces would be sufficient to achieve U.S. objectives. The first is a question of procedures and authority and the second of doctrine. They obviously cannot be answered by technology assessment. Some suggestion of alternative responses to these questions will be made in the section below entitled Procedures.

PINDOWN

Pindown refers to the possibility that the Soviets could force our missiles to remain in their silos by threatening to explode nuclear weapons in their paths and destroy them in flight. In practice, however, pindown of silo-based MX would require a huge expenditure of Soviet weapons for an uncertain result and is therefore not an important threat to LUA.

In a pindown attack, nuclear weapons from SLBMs and, later in the attack but before ICBM arrival on U.S. silos, low-trajectory ICBMs, could seek to create an environment lethal to U.S. missiles in flight. These warheads would be exploded at high altitudes—about 300,000 ft—in the flyout corridors above the missile fields. The relevant parameter here is the number of weapons of a given yield which must be exploded every minute in the flyout corridors to ensure that any missile passing through them is destroyed or disrupted. The damage is caused by X-rays from the nuclear explosions, and there are two possible kill mechanisms. In the first, X-rays are deposited on the exterior of the missile and vaporize the surface. When the surface layer is removed, the recoil momentum is transmitted through the missile as a compression wave which can damage the interior of the missile or blow the backside off. The other method by which the X-rays could disrupt the missile is by causing ionization in the electronic circuits of, for instance, the guidance computer.

The flyout corridors above the existing Minuteman wings are in fact rather large, and their precise dimensions can to some extent be made uncertain to the Soviets. In addition, the MX missile is planned to be much more resistant to X-rays than Minuteman. The Soviets would also not know with confidence just how hard U.S. missiles were.

On the other side, if the Soviets were genuinely determined to try a pindown attack, they could design warheads especially for this purpose. These warheads would not need heat shields since they would not reenter the atmosphere. Thus a warhead of a given yield would be lighter, meaning more megatonnage on a given booster.

The upshot of all this is that, if MX missiles were distributed throughout the Minuteman fields, the Soviets would have to explode hundreds of megatons per minute in the flyout corridors to guarantee pindown. If the Soviets assumed that no U.S. launch decision could possibly be made until at least 10 minutes into the attack, 15 to 20 minutes of pindown would be required. Timing constraints would demand that much of this megatonnage be launched from submarines remote from their home bases. Pindown would therefore compete with other time-urgent missions of the forward-deployed Soviet submarine force and with secure reserve missions of the remaining force. These time constraints, combined with the huge numbers of weapons needed, make pin-down an unattractive, if not impossible, Soviet strategy against LUA for silo-based MX. (Reckoning strictly on the size of deployment area the amount of megatonnage required to pin down MX in MPS basing would be about ten times less than for silo basing.)

PROCEDURES

For the U.S. threat to launch under attack to be credible, procedures would have to be devised to guarantee that the President or other NCA were able to communicate in timely fashion with the command posts in a position to receive attack assessment data from the sensors and execute the missile force. The issue here is not whether the U.S. instruments of command would eventually reconstitute themselves to wage and terminate a nuclear war, but whether there would be continuity of command in the first half hour of the war. Devising an acceptable set of procedures is a matter for decision at the highest levels of political authority. It is not the intention of this discussion to suggest or speculate what these procedures might actually be should the United States adopt reliance on LUA, still less what procedures support the present LUA capability, but merely to set out the logical possibilities.

These possibilities are quite distinct depending on the circumstances of the attack. In particular, it matters whether the possibility of attack was foreseen before the actual launch of Soviet missiles (i.e. whether "strategic" warning preceded "tactical" warning) or whether the attack was a "bolt from the blue" surprise. Realistic or not, much fear about reliance on LUA focuses on the second circumstance. Surprise attack is clearly most stressing as regards the physical capability of the United States to launch under attack.

It would also be vital whether the Soviet attack had the specific aim of disrupting the U.S. chain of command supporting LUA. As has been discussed above, every effort can be made to preclude the possibility that the Soviets could deny the LUA capability by means short of physical attack upon the NCA. It appears that such efforts could be quite successful indeed: sensors, command posts, and communications links could be provided, with cost and effort, which were very difficult to disrupt. Thus, as a practical matter, the Soviets could be faced with the choice either of permitting LUA or of attacking directly the U.S. political leadership. To make this choice the Soviets would have to ask themselves whether they preferred to be at war with a nation in possession of intact national leadership and usable ICBMs or with a nation in possession of neither. The U.S. perception of what the Soviets would intend in making such a choice could affect the procedures the United States selected for its LUA system. For instance, if it were agreed that the Soviets could not intend anything but total war if they were willing to "decapitate" the U.S. Government, then it might be concluded that U.S. bombers, cruise missiles, and SLBMs were sufficient weapons to wage such a war. U.S. doctrine might then state: LUA seeks to deter Soviet attacks short of decapitation; decapitation attacks are to be deterred by threat of retaliation upon Soviet value. On the other hand, if the United States judged such a doctrine to be inadequate, a determined effort would have to be made to devise procedures which would permit LUA in all circumstances. The United States might further judge it imprudent to state a doctrine covering all possibilities, preferring to add uncertainty to the Soviet decision.

Questions of doctrine would thus have an obvious effect upon which procedures were adopted for LUA basing and are just as obviously not susceptible to technical analysis. In what follows, it is assumed that the United States would wish to assure the LUA capability in all circumstances, and various possibilities are explored to satisfy this wish. At the point where these procedures are judged to become unacceptable, one has the choice of abandoning LUA basing altogether or determining that the circumstances in question would no longer require a "survivable" (via LUA) U.S. ICBM force.

THE NATIONAL COMMAND AUTHORITY

NCA is the phrase used to describe the operational institution of the U.S. Government responsible for decisions to initiate the use of nuclear weapons. The individuals who occupy institutional roles comprising the NCA are called the National Command Authorities (also NCA). These individuals consist of the President and, upon his death or incapacitation, his successors as designated by the Constitution and the Presidental Succession Act; the Secretary of Defense and his successors; and the Joint Chiefs of Staff and their successors, these designated by Defense Department regulations.

The process by which the NCA might order the use of nuclear weapons by U.S. Armed Forces has for obvious reasons not been discussed publicly. Hearings conducted by the House Foreign Affairs Committee in

1974 made clear that no military officer may initiate the use of nuclear weapons unless authorized by the President or his successor. In practice, it appears that many of the procedures for NCA operation are decided by each President on the basis of personal preference.

ATTACK WITH ADVANCE "STRATEGIC" WARNING

In a period of crisis, it might become apparent either from Soviet statements, from intelligence indications, or from estimation of Soviet reaction to U.S. moves, that nuclear attack was imminent. Such advance warning is called "strategic" warning to distinguish it from warning indicating that an attack is actually in progress ("tactical" warning).

One reaction to strategic warning would be for the President or other NCA to take to the air in airborne command posts for the duration of the crisis. There could be concern that this action, if made known, could heighten tensions and provoke panic in the U.S. public. For this reason the President himself might wish to remain on the ground and have a lesser official assume airborne alert. Whether this could be accomplished covertly could be questioned since the command planes would be rather distinctive. Even disguising them to look like freight aircraft would be pointless if they took off from military airfields like Washington's Andrews Air Force Base. Disguising the movements of high U.S. officials from the press, particularly under the circumstances, might also prove difficult.

An alternative to providing a "survivable" NCA would be for the President to decide in advance the responses to be made to certain sets of attack assessment data and order that these responses be executed unless he were able to intervene to veto or change them. The responses would be transmitted to ABNCPs, the crews of which (presumably military officers) would be the executors. Whether such an arrangement would actually constitute delegation of command authority to others is not clear, since the precise instructions could be excrypted and thus totally unknown to the executors.

SURPRISE ATTACK WITHOUT DECAPITATION

A "bolt from the blue" attack whose object was not to disrupt the U.S. chain of command could in principle be dealt with by arranging for the President and other NCA to be at all times in instantaneous, reliable communications with the command posts which monitor warning data and launch the ICBMs. As a practical matter, of course, account must be taken of circumstances when the President is traveling abroad or shaking hands in a crowd. Though it would seem that adequate procedures could be worked out for such cases, they might be burdensome and obtrusive for the President and other NCA.

SURPRISE ATTACK WITH DECAPITATION

This would be the most stressing circumstance for a system of LUA. There are several procedures that could be devised to meet this circumstance:

1. LUA fails. This "response," discussed previously, considers that this circumstance, implying Soviet willingness to destroy the political leadership of the United States, would be outside of the range of contingencies for which ICBM "survivability" is intended. U.S. doctrine could so state or imply.

2. Responses decided on in advance by the President would be executed by ABNCPs unless the President or other NCA intervened to veto or change them. This option is identical to the second option discussed for the case of advance or "strategic" warning except that in this case these procedures would be in force at all times, even when no particular crisis were occurring. The character of the response to be made to a given set of warning data could be encrypted and known only to the President. As a hedge against espionage or revelation of the President's choices, the instructions could be arranged to establish only the probabilities that certain responses would be made. These probabilities could be made to change on a day-to-day basis according to the world situation. The whole set of responses could be "wired into" the ICBM force or executed by the intervention of the crew of the ABNCP.

3. Launch authority could devolve on the crew of the survivable command posts. The NCA could override command post decisions if they survived and were in communication. It has been suggested that the time during which such NCA intervention could take place might be lengthened by preserving the option to disarm missiles in flight if the NCA chose to veto or change a launch decision made by others.

OPERATIONAL POSSIBILITIES FOR LUA

This section illustrates the operational possibilities for a system of reliance on LUA in the form of attack "scenarios." These scenarios aim at technical verisimilitude, but no claim is implied that what happens in them is in any other sense plausible, much less acceptable.

The range of possible LUA scenarios is limitless, and each could be embellished. At each juncture, many different paths could be taken. The choices made here, when they have any particular rationale at all, are made to illustrate the workings of the technical hardware. It is not thought appropriate for a technology assessment to adopt any other approach.

All the scenarios described assume no advance or "strategic" warning and that the United States makes every effort to preserve its capability to launch under attack.

As a reminder of the elements of the LUA system described in the previous section, the following list is provided. It should be recalled that these are elements of a hypothetical future system to support reliance on LUA, not elements of the system that presently supports the U.S. LUA capability.

National Command Authorities (NCA).

Fixed Ground Command Posts.

Airborne National Command Posts (ABNCPs), continuously airborne or backup strip-alert at Central U.S. airbases.

Warning satellites.

Fixed ground radars.

Sensor aircraft, continuously airborne or backup strip-alert.

Rocket-launched sensor probes.

Coastal SLBM radars.

Nuclear detonation detectors.

Communications satellites, primary and reconstitutable.

The scenarios are organized by timeline with, T= . . . indicating the time in minutes.

ILLUSTRATIVE SOVIET ICBM ATTACKS ON U.S. SILOS ONLY

These "scenarios" illustrate the LUA time-lines for pure countersilo attacks in which no effort is made by the Soviets to deny the U.S. LUA capability. One might imagine any number of sequences of events leading up to these attacks. The only important assumption for these examples of LUA is that strategic warning has either not been received or has not caused the United States to assume an alert or "generated" posture. The first, small attack is termed a "demonstration" since, apart from destroying a subset of U.S. ICBMs, it would seem to have no clear purpose other than to demonstrate Soviet willingness to use nuclear weapons and to test U.S. willingness to respond. The Soviet attack in the second scenario is the standard "limited counterforce" attack whose purpose is to destroy the U.S. ICBM force completely.

ILLUSTRATIVE SMALL "DEMONSTRATION" ATTACK

T=0: Soviets launch fifty SS-18 ICBMs.

Interim: U.S. fixed and airborne command posts receive satellite data indicating number and type of missiles launched and Soviet silo wings of origin. No evidence that SLBMs are included in the attack. Immediate measures taken to open communications links with President or other NCA. Backup ABNCPs, sensor aircraft, and perhaps other forces alerted.

T=5: Further satellite date indicates Central United States as location of targets. Coastal targets known to be excluded, but targets in Central United States not further specified. Backup ABNCPs and sensor aircraft ordered to take off. Military commanders order launch of infrared probe.

T=10: NCA in communication with command posts and alerted to situation. Probe on station and acquiring data.

T=15: Infrared and radar planes, probe, and land-based radars all indicate that attack consists of about 500 RVs. Predicted impact points correlate with locations of three out of six U.S. ICBM wings. No evidence of any other targets.

T=20: NCA orders no LUA since only half of ICBM force under attack. Or: NCA orders launch of 50 U.S. RVs targeted at Soviet SS-18 and SS-19 silos. Simultaneously U.S. embassies, including Moscow, informed of intent of U.S. response. Or: Et cetera.

Interim: U.S. ICBMs launch (if applicable).

T=30: Soviet RVs impact U.S. silos.

Illustrative Full Attack on U.S. ICBMs

T=0: Soviets launch several hundred ICBMs.

Interim: As before.

T=15: Aircraft, probe, and radars all indicate attack of over 2,000 RVs targeted at all ICBM wings. No evidence of other targets.

T=20: NCA orders launch of the half of the ICBM force postured for LUA at Soviet silos and perhaps other military targets. Or: NCA orders entire ICBM force launched. Or: Et cetera.

T=20-30: As before.

ILLUSTRATIVE SOVIET ICBM/SLBM ATTACK ON U.S. SILOS AND LUA CAPABILITY EXCLUDING WASHINGTON

T=0: Soviets launch ICBMs at U.S. ICBMs. Simultaneously, SLBMs from submarines near U.S. coasts launch at fixed command posts, fixed communications nodes, fixed sensors, and airfields supporting airborne sensors and command posts. All of these targets are assumed to be located in Central United States or, if near coast, not to be attacked. Coastal SLBM radars are not attacked since they collect most of their information before they can be destroyed. Interim. Continuously airborne ABNCP receives satellite data indicating: number and types of ICBMs and silo fields of origin; number, type, and launch locations of SLBMs. No information about intended targets at this time; therefore not yet clear whether Washington and other coastal targets under attack. Immediate efforts taken to open communications links with NCA. Backup ABNCPs and sensor aircraft scrambled.

T=5: Further satellite data indicates Soviet ICBMs and SLBMs targeted at Central United States, not coasts; actual Central U.S. targets not specified. Coastal radars, however, indicate SLBMs targeted at inland fixed ground command posts and communications nodes, radars, and airfields where backup ABNCPs and sensor aircraft are based. One SLBM RV appears to have ballistic trajectory which will carry it far from any U.S. military installation. Military commanders order launch of infrared rocket probe.

T=7: SLBM RV with "odd" trajectory bursts at very high altitude over Eastern United States. No damage whatever to buildings or population from this very high-altitude burst, but electromagnetic pulse and ionospheric disturbances disrupt some longrange radio and landline communications. Satellite communications linking NCA, fixed command posts, and ABNCPs is undisturbed.

Interim: SLBM RVs impact Central U.S. targets. Fixed command posts destroyed; command shifts exclusively to ABNCP. Large number of RVs targeted at fixed radars saturates ballistic missile defense; radar destroyed. Some, though not all, backup ABNCPs and sensor aircraft excape.

T=15: Sensor aircraft and probe indicate that Soviet ICBMs are targeted at U.S. silo fields only. Nuclear detonation detectors confirm SLBM detonations. Data made available to NCA.

T=15-20: NCA concludes on basis of information available that Soviet countersilo attack in progress. SLBM attack evidently attempted to deny U.S. LUA capability.

T=20: NCA orders LUA.

Interim: U.S. ICBMs launch.

T=30: Soviet ICBM RVs impact empty silos.

ILLUSTRATIVE SOVIET ICBM/SLBM ATTACK ON U.S. SILOS, OTHER MILITARY TARGETS, LUA CAPABILITY, AND WASHINGTON

This attack adds the crucial ingredient of direct attack on Washington. It would seem reasonable to assume that if the Soviets were willing to target the U.S. National Capital and political leadership, they would target also military targets unrelated to the U.S. ICBM force or LUA capability such as submarine and bomber bases. This assumption, made here, would not affect the U.S. capability to LUA but could make Soviet intentions clearer in the early minutes of the attack.

T=0: Soviets launch ICBMs and SLBMs.

Interim: Satellites indicate ICBM and SLBM launches. Number and type of ICBMs launched consistent with countersilo attack. Number of SLMB launches indicates determined effort to destroy time-urgent U.S. military capability as well as LUA capability. Attack judged massive by command posts. Immediate measures taken to assure communications between NCA and ABNCP. Backup ABNCPs and sensor aircraft, as well as strategic bombers, alerted.

T=5: Further satellite and coastal SLBM radar data indicate Washington under attack. Impact expected at T=10. NCA notified urgently by command posts.

Soon after: SLBM impacts on Washington. ABNCP loses contact with NCA. No procedures to reconstitute NCA in time to LUA. LUA fails.

Or, as above, until:

T=5: Peacetime procedures allow for full two-way communications between NCA and command posts at this time. Informed of situation, NCA authorizes LUA if Washington destroyed and makes choice among retaliatory options. Crews of command posts do not know character of response chosen by NCA. NCA stays on the line.

Interim: Nuclear detonations on Washington. NCA goes off the line.

T=12: ABNCP receives confirmation of nuclear detonations on Washington and many other U.S. targets from nuclear detonation detectors.

T=15: Probe and sensor aircraft continue to indicate countersilo ICBM attack. ABNCP executes LUA according to NCA's wishes.

Interim: U.S. ICBMs launch.

T=30: Soviet ICBM RVs impact empty silos.

ATTEMPT TO DISRUPT U.S. TECHNICAL CAPABILITY TO LUA PRECEDES SOVIET ATTACK

This kind of "scenario" imagines a prolonged "war of nerves" preceding actual Soviet nuclear attack in the course of which the Soviets attempt, by means contrived not to provoke U.S. preemption, to destroy critical hardware elements of the U.S. LUA capability. These hardware elements include warning sensors and communications links, but not the NCA. Scenarios like this are sometimes cited as reasons to distrust reliance on LUA.

No system of warning sensors and communications can be made absolutely resistant to disruption. Rather, the United States could make such disruption time consuming for the Soviets, thus removing any element of surprise, and require that the means to disruption be extensive, provocative, and even overtly hostile. As a practical matter, one can also make a subset of the system virtually immune to disruption. Whether this residuum could be considered sufficient to support a U.S. LUA decision is not clear, but it could impose on the Soviets the concern that even if they accomplished the disruption of the rest of the system, the United States might still be able to launch under attack. Above all, of course, the Soviets would have to consider that before their attempts at disruption had succeeded, the United States might preemptively attack them or at least inflict comparable damage on their systems.

The satellites are the element which, while susceptible to disruption, would take the longest to destroy. Direct-ascent anti-satellite interceptors would take some 18 hours to reach the high orbits where the satellites could be placed. The United States would thus have ample warning that disruption was in progress. As a practical matter, such high-altitude direct attack would also be quite difficult for the Soviets to execute and would be subject to various U.S. countermeasures, as discussed in the previous section. It would also seem that Soviet preparations for such an attack could scarcely be concealed; for one thing, the boosters required would be the size of SS-18s or larger.

Space mines are a means whereby the satellites could be destroyed instantly, *once the mines were emplaced.* As discussed in the previous section, unusual orbits could be chosen for U.S. satellites. The United States could reasonably assert that Soviet placement of space vehicles in the same or nearby orbits could have no other purpose than to disrupt the U.S. LUA capability.

In either case—direct-ascent interception or space mines—there would be no question of "surprise" attack. The United States could in addition possess the capability to launch a set of replacement satellites (perhaps less sophisticated and presumably in lower orbits) before Soviet disruption of the primary system were complete. These replacements, too, could be attacked, but this attack would also take time.

Supposing the United States permitted disruption of its warning satellites, still the airborne sensors, land-based (and perhaps ship-based) radars, and the rocket-launched probe would remain. One can conceive of threats (sabotage, close-in jammers) to the groundbased radars, but barring this, they could be hardened to the point where their destruction required nuclear attack. The probes could also be in hardened silos. Associated BMD systems could increase the price of destruction by ballistic missile attack.

Supposing now that the satellites and the radars and probes were destroyed, the sensor aircraft would still provide warning and attack assessment. It is generally believed that aircraft operating in North American airspace in wartime would be difficult for the Soviets to attack. These aircraft could operate out of their home airfields and, presumably, civilian airfields for long periods. Thus in a period of prolonged conflict, in which other U.S. sensor assets were destroyed and the United States wished to maintain an LUA capability, these aircraft might provide enduring warning and attack assessment. Though not providing warning of Soviet attack at launch, they would still provide notice of attack within 15 minutes of the time a launch decision was required. Under the circumstances, U.S. decisionmakers would presumably put themselves in a position to make rapid decisions.

Thus, a Soviet attempt to deny the U.S. warning and attack assessment capability could be made exceedingly difficult and risky, if not impossible. A similar analysis could be performed for the communications links described previously. Thus, vulnerability of the technical elements of the LUA capability need not be an "Achilles' heel" for reliance on LUA. Whether the procedures supporting decisionmaking can be made as robust is another matter, as has been discussed extensively.

SUMMARY OF CRITICAL ISSUES FOR LUA

This section summarizes the critical issues that might enter into a decision to rely on LUA as the guarantor of ICBM "survivability." As is apparent from this chapter, some of these issues, and most certainly judgments regarding them, are in the end nontechnical. Though technical analysis can further define these issues, it cannot resolve them. Certain of these issues apply in some measure to survivable basing as well as to LUA; what matters for purposes of comparison are the differences between the two types of basing. For instance, that certain circumstances of LUA are unpleasant is obvious, but it is not clear in all cases that they are improved by delaying response.

It must be borne in mind that the observations made here apply to a hypothetical future system of reliance on LUA, not the means which support the present LUA capability.

INFORMATION AVAILABLE TO DECISIONMAKERS

Decisionmakers would require information concerning the extent and intent of a Soviet attack and confidence that this information was accurate. Technical analysis can specify which data might be available at certain times in the course of an attack but cannot suggest what information might be considered adequate to support a decision to launch offensive missiles.

In general, the earlier in the attack a sensor acquired information, the less detailed it would be. Thus, at the time of launch, the number, type, and origins of boosters launched could be specified. Several minutes later, it could be possible to determine whether the entire United States was under attack or just a portion thereof. By midcourse (15 minutes from launch and 15 minutes before impact), the impact points of RVs could be predicted. The locations of detonations of submarine-launched RVs on the United States might also be known. By this time, only 5 to 10 minutes would remain for decisionmaking.

One might legitimately question whether, if the United States possessed a survivable ICBM force, better information that this would be available to support a retaliatory decision within a short time. That is, given the widespread confusion and disruption of communications following even a small attack, the information supplied by warning sensors in the first few minutes might in fact be the most complete available for a long time after the attack. Deployment of a survivable force might actually lead the United States to deploy fewer and less robust sensors than it would deploy if relying on LUA. Thus, as a practical matter, the information upon which to gauge response could conceivably be less with survivable forces than with LUA.

Despite the redundancy and technical variety of the warning sensors, there could be reluctance on the part of decisionmakers to base launch decisions on information collected by such remote means.

DECISION TIMELINES

Depending on the circumstances, the amount of time available for deciding on a response to Soviet attack could range from an upper limit of 20 minutes to no time at all. Meeting this timeline would probably require at least some provisional advance planning by the President and other NCA.

POSSIBILITIES FOR DIPLOMATIC AND OTHER ACTIVITIES

The LUA timeline would leave no time for diplomatic activities between attack and response. At very least, such activity could serve to signal to the Soviets U.S. perceptions of their attack and the intent of any U.S. response. Communication with other governments, U.S. overseas installations and U.S. military forces worldwide might also be accomplished at this time.

However, it is not clear to what extent the circumstances of nuclear war, especially as regards disruption of communications, would permit such activities within a short period of an initial attack anyway.

PROVIDING FOR LAUNCH AUTHORITY

Timely command decisions by authorized NCA is clearly a requirement for reliance on LUA.

This requirement would be most difficult to satisfy if the Soviets intended deliberately to destroy or "decapitate" the NCA. In this circumstance, possible options might be: LUA fails (not intended for this extreme case); provision is made for very early NCA decision; decisions decided on in advance by the NCA are executed by others if the NCA does not veto or change them; launch authority is delegated to others than the NCA.

Which of these options, if any, would be acceptable is a matter not of technology but of decision at the highest levels of political authority.

Even in the less extreme case in which no attack on the NCA is intended, provision must be made for the NCA to be available at all times for rapid decision. Such procedures might be onerous for the President and other NCA.

FEAR THAT U.S. LUA CAPABILITY COULD SOMEHOW BE SIDESTEPPED

The analysis presented here indicates that, from a technical point of view, sensors and communications could, with money and effort, be provided to make at least the technical elements of the LUA capability exceedingly difficult, if not impossible, for the Soviets to disrupt. Procedures to support decisionmaking are another matter. Even if both hardware and procedures were devised which were very robust indeed, if might not be possible to eradicate completely a lingering fear that the Soviets might find some way to "sidestep" the system. These fears could become aggravated at a time of crisis.

RISK OF ERROR

There are two risks of error in a basing system of reliance on LUA: the risk that launch would take place when there was no attack, and the risk that launch would fail to take place when there was an attack.

Insofar as technology is concerned in the assessment of these risks, one can in principle make arbitrarily small the probability that electronic systems by themselves make either kind of error, though beyond a point efforts to decrease the chance of one error could increase the chance of the other.

But it would seem that the principal source of error might not be electronic or mechanical malfunction by itself. The odds that a sensor indicates something out of the ordinary might be quite high, but the chances that it indicates something resembling a plausible Soviet attack would be much smaller. The probability that several sensors based upon different physical principles indicated the same plausible attack would be much smaller still. That is, electronic systems tend to make random, rather than highly structured, errors. On the other hand, electronic systems have a very limited ability to correct errors once made. Human beings, by contrast, have a high capacity to correct errors, but also a high capacity to commit highly structured errors. The risk of error for an LUA system would seem highest when the human being's ability to make highly structured errors combines with the machine's limited ability to correct them. Mistakenly initiating a "simulated" attack by, e.g., loading the wrong tape into a computer, would be an error of this type. It is obviously not possible to set and enforce a bound on the probability that such an error could occur in an LUA system.

EXHIBIT 4

THE ULTIMATE ABSURDITY

The actions and processes described in this book have led to two absurd situations.

The first of these absurdities has been with us for some time, and has come to be widely recognized for what it is. It lies in the fact that ever since World War II the military power of the United States has been steadily increasing, while at the same time or national security has been rapidly and inexorably decreasing. The same thing is happening to the Soviet Union.

The second of these absurdities is still in an early stage and, for reasons of secrecy, is not yet so widely recognized as the first. It lies in the fact that in the United States the power to decide whether or not doomsday has arrived is in the process of passing from statesmen and politicians to lower-level officers and technicians and, eventually, to machines. Presumably, the same thing is happening in the Soviet Union.

At the end of World War II, the United States was, as it had been for more than a century, invulnerable to a direct attack by a foreign power. Just a few years later, the development of the atomic bomb by the Soviet Union ended that ideal state of affairs, perhaps forever.

By the early 1950s the U.S.S.R., on the basis of its own unilateral decision to accept the inevitable retaliation, could have launched an attack against the U.S. with bombers carrying fission bombs. Most of these bombers would have penetrated our defenses and the American casualties could have numbered in the tens of millions.

By the mid-sixties, the U.S.S.R., again on the basis of its own decision to accept the inevitable retaliation, could have launched an attack on the U.S. using intercontinental missiles and bombers carrying thermonuclear weapons. This time the number of American casualties could very well have been on the order of 100 million.

This steady decrease in national security did not result from any inaction on the part of responsible U.S. military and civilian authorities. It resulted from the systematic exploitation of the products of modern science and technology by the U.S.S.R. The air defenses deployed by the U.S. during the 1950s and 1960s might have reduced somewhat the number of casualties that the country might have otherwise sustained, but their existence did not substantially modify this picture. Nor could it have been altered by any other defense measures that might have been taken but that for one reason or another were not.

From the Soviet point of view the picture is similar but much worse. The military power of the U.S.S.R. has been steadily increasing since it became an atomic power in 1949. Soviet national security, however, has been steadily decreasing. Hypothetically the U.S. could unilaterally decide to destroy the U.S.S.R., and the U.S.S.R. would be absolutely powerless to prevent it. That country could only, at best, seek to wreak revenge through the retaliatory capability it would then have left.

Each of us has lived as the pawn of the other's whim—or calculation—for the past twenty years.

The first absurdity is the simple, direct, and probably inevitable result of the interaction of modern science and technology with the chronic military confrontation between the two superpowers. The nuclear-arms race, then, is simply an especially dangerous manifestation of a deeper struggle. This deeper struggle in turn owes its existence to historical forces and tensions that I have not attempted to discuss here. Seemingly, statesmen so far have not been able to cope successfully with this underlying struggle.

Only concerted action by the two superpowers can completely do away with this first absurdity. The long series of closely interrelated actions and reactions by each of them has led to a situation of such complexity that only a similar series of interdigitated arms control and disarmament steps can undo it.

But even if the basic causes of the arms race have been and remain beyond the reach of American statesmen and politicians, its rate and scale have been largely subject to our control. Over the last thirty years we have repeatedly taken unilateral actions that have unnecessarily accelerated the race. These actions have led to the accumulation of unnecessarily large numbers of oversized weapons. In short, these actions have led to the present situation of gross overkill. I do not mean to imply by anything I have written that the Soviets are blameless for accelerating the arms race. The Russian penchant for secrecy, the closed nature of Soviet society, and, for a time, Stalin's visible paranoia—all these are parts of the reciprocating engine that drives the arms race.

I have emphasized American actions partly because I shared responsibility for some of them, partly because I know the details involved in most of the rest and hence understand them far better than I do Russian actions, but most importantly because of a fact that many people sense but do not quite grasp: In the large majority of cases the initiative has been in our hands.

Our unilateral decisions have set the rate and scale for most of the individual steps in the strategic-arms race. In many cases we started development before they did and we easily established a large and long-lasting lead in terms of deployed numbers and types. Examples include the A-bomb itself, intercontinental bombers, submarine-launched ballistic missiles, and MIRV. In other instances, the first development steps were taken by the two sides at about the same time, but immediately afterward our program ran well ahead of theirs both in the development of further types and applications and in the deployment of large numbers. Such cases include the mighty H-bomb and, very probably, military space applications. In some cases, to be sure, they started development work ahead of us and arrived first at the stage where they were able to commence deployment. But we usually reacted so strongly that our deployments and capabilities soon ran far ahead of theirs and we, in effect, even here, determined the final size of the operation. Such cases include the intercontinental ballistic missile and, though it is not strictly a military matter, manned space flight. There are, of course, a few instances where each side has taken actions not yet duplicated by the other. Only the Soviets have deployed the fractional orbital bombardment system, albeit in very small numbers. Only we have had an extensive system of overseas bomber bases surrounding the other side's homeland and a fleet of widely deployed aircraft carriers having a very powerful strategic bombardment capability even if that is not their only purpose or even their major purpose. (I have excluded from consideration all weapons systems, such as Soviet IRBMs and our tactical fighter-bombers, which cannot be readily used against the homelands of the two superpowers.)

The second absurdity—the steady transfer of life-and-death authority from the high levels to low levels, and from human beings to machines—stems from two root causes. One of these is the development and deployment of weapons systems designed in such a way as to require complex decisions to be made in extremely short times. The other is the sheer size and wide dispersal of our nuclear-weapons arsenal.

As we have seen, deployment of MIRV by both sides, coupled with advances in accuracy and reliability, will put a very high premium on the use of the frightful launch-on-warning tactic and may place an even higher premium on a preemptive strike strategy. Under such circumstances, any fixed land-based-missile system must be able to launch its missiles so soon after receipt of warning that high-level human authorities cannot be included in a decision-making process without seriously degrading the system, unless perhaps such authorities have been properly preprogrammed to produce the "right" decision in the short time that might be available to them. And an identical situation applies to any ABM system. After years of waiting, but only minutes of warning, it must respond at the precisely correct second. In order to have any chance of being effective, it must have a "hair trigger." Thus, we seem to be heading for a state of affairs in which the determination of whether or not doomsday has arrived will be made either by an automatic device designed for the purpose or by a preprogrammed President who, whether he knows it or not, will be carrying out orders written years before by some operations analyst.

Such a situation must be called the ultimate absurdity. It would involve making the ultimate decision in an absurd manner, and it would almost surely be more dangerous and insidious than the situation that would result from the invention and deployment of what others have called the ultimate weapon.

The sheer size of the huge nuclear-weapons arsenal and its very great dispersal is leading us in the same direction. The proper command and control of these weapons requires a correspondingly large and complex system reaching down from the President, whose authorization to use nuclear weapons is required by law, to the many soldiers and technicians at lower levels who actually have physical custody of the weapons and the buttons that fire them. All kinds of complicated technical and organizational schemes have been invented and introduced to inhibit any unauthorized use of a nuclear weapon. These include the so-called "permissive-action link" (PAL), the "two-key" type of control system, and the "fail-safe" technique employed by our SAC bombers. So far, these have worked, but no one can be certain they will continue to do so indefinitely. Some of these controls, schemes, and devices are cumbersome and awkward. They "get in the way" and they reduce the state of readiness of the various elements of the stockpile. A number of the schemes have been unpopular with the military services from the beginning, and the introduction of some of them has been resisted.

Some people would like to eliminate the distinction between ordinary and nuclear weapons that now exist in most people's minds. If they succeed, even in part, can we expect these extraordinary control measures to continue in force?

Can we rely on the Soviets to invent and institute the same kind of controls? What will happen as advances in our weapons technology require them to put more and more emphasis on the readiness and the quick responsiveness of their weapons? Do they have the necessary level of sophistication to solve the contradiction inherent in the need for a "hair trigger" (so that their systems will respond in time) and a "stiff trigger" (so that they won't fire accidentally)? How good are their computers at recognizing false alarms? How good is the command and control system for the Polaris-type submarine fleet now being rapidly, if belatedly, deployed by the Soviets? Is it fail-safe?

It cannot be emphasized too strongly that unfavorable answers to these questions about their capability mean diminished national security for us. Yet there is no way for us to assure favorable answers to them. The only way we can reestablish something like our former level of national security and safety is by eliminating the need to ask them. Strategic weapons must be designed so that no premium is put on a preemptive attack and so that there is no need for the kind of "hair trigger" epitomized in the launch-on-warning concept. Their numbers must not be so great and their dispersal not so wide that such long and complex chains of command are necessary. Weapons systems that do not fit these characteristics must be eliminated. The distinction between ordinary weapons and nuclear weapons must be reinforced and not weakened.

What underlies these overreactions and technological excesses? The answer is very largely patriotic zeal, exaggerated prudence, and a sort of religious faith in technology. Malice, greed, and lust for power are not the main sources of our trouble. In a way, that's too bad; if evil men were the progenitors of these dangerous errors we could expose them and root them out and all would be well. But dealing with errors committed by sincere men acting in good faith is extremely difficult, if not impossible. And the guilty men and organizations are to be found at all levels of government and in all segments of society: Presidents, Presidential candidates; governors and mayors, members of Congress, civilian officials and military officers; business executives and labor leaders; famous scientists and run-of-the-mill engineers; writers and editorialists; and just plain folks.

The various individual promoters of the arms race are stimulated sometimes by patriotic zeal, sometimes by a desire to go along with the gang, sometimes by crass opportunism, and sometimes by simple fear of the unknown. They are inspired by ingenious and clever ideas, challenged by bold statements of real and imaginary military requirements, stimulated to match or exceed technological progress by the other side or even by a rival military service here at home, and victimized by rumors and phony intelligence. Some have been lured by the siren call of rapid advancement, personal recognition, and unlimited opportunity and some have been bought by promises of capital gains. Some have sought out and even made up problems to fit the solution they have spent much of their lives discovering and developing. A few have used the arms race to achieve other, often hidden objectives.

Nearly all such individuals have had a deep long-term involvement in the arms race. They derive either their incomes, their profits, or their consultant fees from it. But much more important than money as a motivating force are the individuals' own psychic and spiritual needs; the majority of the key individual promoters of the arms race derive a very large part of their self-esteem from their participation in what they believe to be an essential—even a holy—cause.

The organizations these men belong to or represent run the gamut from the Pentagon to the National Defense Industries Association, from the Navy League to the local Rotary, from university departments to the PTA. The strongest and most aggressive of them derive their very *raison d'être* from the arms race. When the principal programs or activities of such organizations are threatened, they react as if endowed with the instincts of living beings. In this book I have expanded on examples of this phenomenon in the reactions of the General

Electric Propulsion Division and the Joint Committee on Atomic Energy whenever reductions in the nuclear-airplane program loomed, in the reactions of not only national but also local politicians to attempts to make sense out of the B-70 program, and in the reactions of the Army missile-development organization when it was becoming clear that its beloved Jupiter was no more than a backup to a stopgap. These three cases are, it must be emphasized, only examples; similar events differing only in nonessential details made it very difficult to cancel the Skybolt, the Dyna-Soar, the Manned Orbiting Laboratory, the Navaho, the Snark, and many, many others.

At various times, pride and arguments over pecking order, rather than threats of cancellation, have provided a major stimulus to the arms race. When outer space exploded on the political scene and replaced atomic energy as the sexiest technological area in which the Congress was directly involved, the various Armed Services Committees and subcommittees and the Joint Committee for Atomic Energy jockeyed for legislative control over it. In the process, they stimulated and promoted a number of expensive technological developments that were either unnecessary (large-scale nuclear auxiliary power) or premature (nuclear rocket propulsion) or nonsensial (controlled thermonuclear rockets).

The intense interservice rivalry over roles and missions in space and long-range missilery did the same thing, only more so. Many programs had as one of their main (but hidden) objectives the preemption or recapture of some particular position in the roles-and-missions struggle. Skybolt, Thor, Wizard and the early communications-relay satellites are some of the more obvious instances.

Occasionally wider and more complex power struggles result in programs being continued long after all logic said they should be halted. Such cases include the struggle over the nuclear airplane—a convoluted and long-drawn-out contest among the JCAE, the AEC, the Air Force, the Navy and the Office of the Secretary of Defense—as well as the B-70 battle fought by the Secretary of Defense, the Air Staff, the aerospace industry and the House Armed Services Committee.

Partly as a result of participation in this series of long-drawn-out and sometimes bitter struggles, and partly just due to long association, strong personal bonds and a spirit of camaraderie have built up among the various parties interested in the arms race in one way or another. Many deep friendships exist between procurement and development officials and the leaders of the arms industries. They have bet their futures, often their honor, on each other. Chairmen of powerful Congressional committees usually hold their positions much longer than the principal officers in the executive branch do, and over the years they develop strong feelings of fatherly responsibility for the programs, agencies, and persons that come within their jurisdiction. They often act to promote the programs and causes of these agencies and men without too much regard for their content, and the agency heads and their minions reciprocate with various open and covert demonstrations of admiration and affection.

These political forces are magnified by the gross misapplication of "worst-case analysis," a method of analysis that makes it utterly impossible for both superpowers simultaneously to recognize any given strategic situation as being safe for each of them

These human failings are exaggerated by a widely held myth: that technical experts—generals, scientists, strategic anaylsts—have some special knowledge making it possible for them, and only them, to arrive at sound political judgments about the arms race. This belief is held not only by much of the general public, but also by many of the experts themselves. And it is made all the more plausible by lavish use of secrecy whenever the debates begin to get tough.

The net result of all this over the years since World War II has been the creation of a defense establishment and an arms industry that are very much bigger than they need to be. The people who inhabit this oversized military-industrial complex in turn form the constituency supporting those elements of the Congress that automatically endorse any weapons development program. Thus a vicious spiral has been created that gives the arms race a "mad momentum" of its own and drives it forward blindly and faster than necessary without regard for, and in spite of, the absurd situations that have been steadily arising from it.

I have not attempted assess the causes of the strategic-arms race and I have not tried to apportion the blame for its existence. Rather, I have examined many of the separate steps by which it has reached the incredible situation now facing us, and I have found in the majority of those cases that the rate and scale of the individual steps has, in the final analysis, been determined by unilateral actions of the United States. To be sure, in most cases the taking of each step in the first place has been the almost inevitable result of some combination of preceding steps taken by the Soviets as well as ourselves. But even so, the reaction typically far outran the cause. Accordingly, it is fair to say that the size of our reaction was unilaterally determined by us.

I do not suggest that Einstein and Szilard are culpable for their mistaken assessment of the German A-bomb program, or that those of us on the Von Neumann Committee should be chastised for encouraging and endorsing too many different kinds of big ballistic-missile systems in the mid-fifties, or that the people who promoted all those wild ideas in the wake of Sputnik should be summarily banned from public life. Each of those mistakes and many others like them were made in the context of a totally new situation. Plenty of prudence was, in my view, justified at the time. But the strategic-arms race is now almost a third of a century old. We must learn from these past mistakes that such excessive prudence is itself dangerous and can no longer be justified. Similarly, the frantic concern and zeal rampant in the land after Sputnik that stimulated so many wild ideas can also be explained and excused by the novelty of that situation. We were all surprised by the sudden emergence of the Soviet Union as a first-rate technological power; the reaction Sputnik engendered was nearly universal. But being surprised once ought to be enough; continued overreactions to a series of lesser surprises cannot be condoned. On the contrary, the public safety demands that they be stopped.

Why has the United States been responsible for the majority of the actions that have set the rate and scale of the arms race? Why have we led the entire world in this mad rush toward the ultimate absurdity?

The reason is not that our leaders have been less sensitive to the dangers of the arms race, it is not that our leaders are less wise, it is not that we are more aggressive or less concerned about the dangers to the rest of mankind. Rather, the reasons are that we are richer and more powerful, that our science and technology are more dynamic, that we generate more ideas of all kinds. For these very reasons, we can and must take the lead in cooling the arms race, in putting the genie back into the bottle, in inducing the rest of the world to move in the direction of arms control, disarmament and sanity.

Just as our unilateral actions were in large part responsible for the current dangerous state of affairs, we must expect that unilateral moves on our part will be necessary if we are ever to get the whole process reversed.

It may be beyond our power to control or eliminate the underlying causes of the arms race by unilateral actions on our part. Our unilateral actions certainly have determined its rate and scale to a very large degree. Very probably our unilateral actions can determine whether we move in the direction of further escalation or in the direction of arms control and, in the long run, nuclear disarmament.

Conventional good sense urges us to keep quiet, to leave these matters to the experts and the technicians. My father, troubled by my repeated trips East to testify against the ABM, asked me, "Why are you fighting City Hall?" His metaphor is sound; the defense establishment is indeed our City Hall, and it can be depended upon to care for its own interests, whether or not these are the interests of the entire nation. If we are to avoid oblivion, if we are to reject the ultimate absurdity, then all of us, not just the current "in" group of experts and technicians, must involve ourselves in creating the policies and making the decisions necessary to do so.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. STEVENS. Mr. President, this is the fourth time that the Senate will have debated the MX in less than 12 months. We debated the MX in connection with a continuing resolution in December of last year. We had the MX resolution in May of this year. We had the authorization bill with the MX issue in July of this year and now in November we are back once again to the MX.

If we view the MX in isolation from other weapons systems it is vulnerable, as the Senator from Arkansas says. It is costly. But the difference of my approach and that of the proponents of this amendment is that I feel they want to have it both ways. They say that it is destabilizing because it is this new technology in the existing Minuteman silos and at the same time it is vulnerable.

We believe that it is probably the most necessary action for Congress to take in terms of the defense program. The MX itself is the key to the whole arms reduction program.

And at the outset, Mr. President, let me ask unanimous consent to have printed in the Record the President's own statement on the MX which is entitled "The MX: A Key to Arms Reduction" which appeared in the Washington Post on May 24, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 24, 1983]

THE MX: A KEY TO ARMS REDUCTION

(By Ronald Reagan)

(Today the president joins the debate that has been going on in this space over the merits of the MX missile.)

In a matter of hours, the Congress will vote on a question of vital concern to all Americans—one of the most important votes involving arms reduction it may ever be called on to cast. The debate on the MX Peacekeeper missile, and the whole issue of strategic modernization, has been on the front pages for months now and may seem to have reached its saturation point. But, as is too often the case, the nature of much of the debate has generated far more heat than light, and made it harder for many sincere citizens to reach a calm, reasoned decision.

In these final hours before the Congress acts, I want to state, clearly and directly, what is at stake, and why it is so important to our country and to the world our children will inherit from us. Most of us are already familiar with what the vote will be about. The specific legislative proposal is to approve flight testing of the MX Peacekeeper missile and the work needed to base it in existing Minuteman silos. This is the first essential step toward deployment of 100 Peacekeeper missiles beginning in 1986, and for the development of a new, small and mobile single-warhead ICBM—all part of a long-overdue modernization of our aging defense system.

But if the details of the debate are clear enough, its importance may not be. At stake is the future of arms reductions—balanced, verifiable arms reductions that can make the world of tomorrow a safer place for all the Earth's people. That is a goal all sensible people share, an issue that cuts across party and philosophical lines and unites us as Americans and as members of the human family.

When I endorsed fully the Scowcroft Commission's recommendations on the MX Peacekeeper and modernization, I did so because I was firmly convinced that they balanced the three keys to our country's present and future safety: modernization, to maintain state-of-the-art readiness against a much newer Soviet array of systems; deterrence, to continue to make clear to the Soviets that aggression on their part would never pay; and progress in arms reductions to move from a balance of terror toward stable, peaceful discourse in the competition of ideas.

All three of these elements are crucial to our country's present and future well-being; they are also interdependent. Modernization goes hand-in-hand with a credible deterrent; both are necessary incentives to persuade the Soviets that it is in their best interest as well as ours to achieve meaningful arms reductions.

So the vote on the MX package concerns far more than one piece of military hardware. It bears directly on our ability to strengthen the peace through arms agreements that make for more security and stability by reducing overall force levels.

The Scowcroft Commission proved that this is not a partisan issue. Its members, drawn from both parties, from several previous administrations, and from some of our best technical and scientific institutions, demonstrated that Americans with widely differing attitudes can cope with a complex, emotional issue, rise above politics, and achieve a workable, bipartisan consensus.

The members of the commission agreed on the need to build and deploy the MX, not as an engine of destruction, but as a safeguard for peace; not as a means to fight a war, but as a deterrent to conflict and an incentive to peaceful negotiation. These are things we all want.

The question now before us is whether or not the Congress will join this consensus, a consensus that can unite us in our common search for ways to protect our country, reduce the level of nuclear weapons and the risk of war. Such a consensus is more than desirable; it is crucial to America's future and to the future of all the civilized values we hold dear and would protect from mass destruction.

If we can consolidate this consensus now, it can be sustained from one administration to the next, from one party to another, and lay the groundwork for steady progress toward arms reduction and a more peaceful and secure world. It is this realization which has caused many members of the Congress, who disagree with this administration on other issues, to make common cause with us on this one. Only last week, Democratic Rep. Les Aspin of Wisconsin explained why the Scowcroft Commission's recommendations deserve support as a tool for peace and arms reductions.

"A core question," he wrote, "is whether you can get the Soviets to negotiate without dangling the MX over their heads. . . . [I] tend to believe we need the MX—not to give the United States the capability to wipe out the Soviet ICBM force, but to turn on a lightbulb in the Kremlin's brain and make it realize that it is in Moscow's interest as well as ours to shift to single-warhead missiles and to agree to a limit on warheads.

"The goal of all this is to prevent nuclear weapons from being used in the first place. The best way to achieve that goal is to create a situation in which neither side has an incentive to use nuclear weapons. That is precisely what the Scowcroft approach does."

The appropriations committees of both House and Senate, on a broad bipartisan basis, have already voted to support this package.

As the full Congress now reaches the eleventh hour, the choice is clear: a vote for the MX is a vote for what all of us—here and among our friends overseas—want for our country and for posterity—peace, security, significant arms reductions and an end to nuclear horror. Toward this noble goal, I pledge to continue to work closely with the Congress in pursuit of a reduction—a build-down—of nuclear arsenals. But, to succeed, I will need its bipartisan support. I cannot think of any single issue where it is more justified, and more vital to the future of mankind.

Mr. STEVENS. Mr. President, it is clear that those of us who are most concerned about the success of the arms reductions talks realize that the Peacekeeper is the necessary first step toward achieving a meaningful arms reduction program.

Mr. President, I was sitting here as I listened to my friend from Arkansas thinking back many years ago when I sat on a baby flattop coming back from World War II across the Pacific. I had been an engineering student prior to the war and I was facing the question of what to do when I reentered civilian life. It was at that time sitting there on that aircraft carrier that I decided that I would switch to political science and to law degree as a goal because of my feeling that somewhere, somehow, someone had to have made some serious errors to have gotten the United States into the position where it could have been drawn once again into a world war.

I felt that I should try to dedicate my educational career to seeing if I could be prepared to participate in the planning that would keep the United States out of another world war.

I feel very strongly this is one of those times when we must make the choices that are necessary. They are not only necessary, they are absolutely essential to our ability to make certain that we are prepared sufficiently so that there will be no third world war.

We will demonstrate not only our resolve to be prepared for war but we will also demonstrate the necessity for the Soviets to come to that bargaining table and stay at the bargaining table if we deploy the MX's. The whole concept of initiating a build-down has been endorsed as is demonstrated by the President's statements that I have just had printed in the RECORD. There is no question that the Soviet Union respects power. We had an example of that right here in the Senate when the Senate voted on the ABM system. A significant action that was taken by the Senate when it recognized that the Soviets were moving ahead with a new system, the ABM system, and unless we indicated a willingness to completely offset their system with one of our own they would continue building that and far out strip the United States with a system that would have been totally destabilizing in terms of the two great powers of the world. We authorized our system by a one-vote margin in the Senate.

And the Senate will recall that following that authorization, the President went to the Geneva conferences at that time and was successful in negotiating a position with the Soviets whereby they limited their system, we limited our system, and the ABM system has not added to the arms race as we all feared at the time.

The same people that urged us then not to authorize the ABM system are urging us now not to authorize the MX system, to let the President and his advisers go to the Geneva arms reduction talks with one arm tied behind them.

Mr. President, I wish to have printed in the RECORD and, I ask unanimous consent that I be able to do so, the exchange that I had with General Scowcroft on May 4, and then with Secretary Weinberger at the hearings on May 5.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 4 MX RESOLUTION HEARINGS

Senator STEVENS. General, the START posture that we have enunciated is predicated on the ability to deploy 100 MX missiles if we do not reach an agreement in Geneva, is it not?

General SCOWCROFT. Yes, the current one.

Senator STEVENS. So that when you talk about the national will to continue the posture of the past four Presidents, you are really talking about our willingness to deploy these missiles if we are not able to reach an agreement with the Soviets which would lead to a change in that posture of being ready and willing to deploy the hundred MX? Is that right?

General SCOWCROFT. Yes. But I would put it broader and I would say that the Soviets are gauging us constantly, as we are them, and they have the posture about which they are relatively comfortable now, no elements of which they are not prepared to give up without paying something for it. And it seems to me they are going to reasonably look and see if they have to pay anything. That is the mirror image of will, it seems to me.

Senator STEVENS. Last year when we worked on the continuing resolution, the Congress put a provision in this existing law that authorizes the President to deploy missiles that are built during the research and development phase if there is no arms agreement. In other words, they are missiles that are already being built. Can you envision an arms control agreement which would go toward your concept of a single-warhead and encompass the concepts that are being talked about here now, a graduated build-down concept for one, as a result of a negotiation where we went into the negotiation with a full range of options of the triad? Can you envision us being successful?

General SCOWCROFT. Yes, I can.

Senator STEVENS. We have heard comments—my colleagues are gone now unfortunately—I can remember at the time when the last Administration was negotiating when we cautioned our members on this side of the aisle not to make comments about the inability of the President to reach an agreement that could be supported by the Senate. Some of us found fault with it after the result, but we were very cautious about any attempt to make statements which the Soviets could misunderstand and believe that the President's ability to secure ratification of the treaty had already been impaired. Now I would like to know do we have the time to delay modernizing our ICBM force until after the negotiation, until after we see we can be successful?

General SCOWCROFT. I don't think we do because I don't think we are going to be successful unless the Soviets realize that it is in their interest to bring those negotiations to a successful conclusion, and it seems to me they have no particular incentive to now. They are quite comfortable for now and at least to the end of the decade when we will have new forces coming in, quite comfortable with their posture, see no reason to give it up, especially as they can wait this time and see what develops in the West.

Senator STEVENS. Now the question of first-strike capability of the vulnerable MXs deployed in the Minuteman silos has been raised. Isn't that a possibility that we might in the future shift our national stance on the item that would be something the Soviet negotiators would see readily and be even more ready to find a way to reach an agreement to prevent that change of policy as far as the United States is concerned?

General SCOWCROFT. I think absolutely so. I think they have to take much more seriously a weapon system which can put their forces at risk as opposed to the ones we have now with the probability so low that they would not consider a reasonable option.

Senator STEVENS. On page 23 of your report, you make four statements, your Commission did. "Over the long run, stability would be fostered by a dual approach towards arms control and ICBM deployments which moves toward encouraging small, single-warhead ICBMs. This requires that arms control limitations and reductions be couched not in terms of launchers but in terms of equal levels of warheads of roughly equivalent yield."

That really envisions a change in the START posture that we have now, does it not?

General SCOWCROFT. Yes, it does.

Senator STEVENS. We are going to be hearing tomorrow from Secretary Weinberger, but I take it your Commission would not have made that report if it had not been in some way coordinated with the Administration or people at least who are prepared to negotiate in Geneva?

General SCOWCROFT. They were aware of where we were planning to come out, and the President, of course, himself. The Commission's Report is the President's report.

Senator STEVENS. If the Congress decides not to take off the fencing that prevents the basing of the MX, if we fail to deploy the MX, or at least to give the authorization to deploy, let's put it that way, what is the earliest time either of new small missiles or the Minuteman III upgrade that we could be deemed by the Soviets to have been able to fully modernize our ICBM forces?

General SCOWCROFT. I think one cannot advance the deployment of the small missile by very much. We suggest around 1993. One might be able to accelerate it in part, Senator, but there are a number of uncertainties about the small missile that need to be cleared up. And if one were to go to it right now, I think you would find both in cost and in deployment mode a number of problems that have vexed us about the large missile. So we think it is going to take time to work that out. Interesting enough, a Minuteman upgrade program would take longer than the deployment of the MX and we think would not do anything here, would not have the same results that an MX would.

Senator STEVENS. Your report also recommended that we go ahead with some stepped up research on hardening of the existing silos.

General SCOWCROFT. Yes.

Senator STEVENS. That also would not escape the Russians' attention.

General SCOWCROFT. No, it would not. And while we do not base our recommendations on the success in hardening, we think there are some promising concepts that should they prove out at reasonable cost we might be able to significantly harden the silos in which we would put the MX, and, of course, would that prove out, we would recommend doing that.

Senator STEVENS. What was the stated term which is the objective of the START talks? How long would the agreement be?

General SCOWCROFT. I don't know offhand how long the agreement is. We feel that also in arms control that we need to try to develop at least in arms control a framework that is much more permanent than the periodic treaties that we have had, which unfortunately many of them lapsed at the time of the deployment of new systems.

Senator STEVENS. That has been a penchant of the Soviets to have a short-term agreement which would require subsequent agreements to have the arms control mechanism continued?

General SCOWCROFT. Well, both sides earlier had felt that in an age of rapidly changing technology, that we do not want to have treaties which technology would make obsolete too quickly. So it was sort of the consent of both sides that we have relatively short ones. But in 1974, for example, for SALT II, we changed the time frame from five years. Originally, SALT II was supposed to run out in 1979 or 1980. We extended it out 10 years. And now it is our feeling, maybe not all the details, but at least the framework needs to go very far out in order to provide the kind of predictability in concept, if not in particular forces, that each side can adhere to.

Senator STEVENS. For those who believe in the gradual build-down concept, the time is now, if we allow this, the negotiating period of START, to evaporate by misleading the Russians to believe another Administration may be coming and it might be ready in two to three years to state a new posture for the United States. By that time the Russian position would be so solidified as far as their new missile and their deployment it would be almost impossible to reach a conclusion that we could convince them to enter a new approach such as graduated build-down, is that not correct?

General SCOWCROFT. I think that is certainly true, and I think non-deployment of the MX will raise greater questions about deployment of other systems.

Senator STEVENS. General, I am one who believes Geneva is a poker game that involves the future of the world and I want the Administration to have all the chips on the table, and I hope the Senate and Congress does.

General SCOWCROFT. One of our Commission members is Mr. John Lyons, President of the Iron Workers Union. He has an eloquent statement likening our arms control negotiations to collective bargaining in which each side assesses the imperative of the other side and what their weaknesses are and they come to their conclusions on that base.

Senator STEVENS. That is right, and if union members have voted that one fringe benefit out that was on the table already from management, it wouldn't be much of a negotiation. I really think that the experience of the ABM has to be looked at Congress.

General SCOWCROFT. We feel strongly it should.

Senator STEVENS. Thank you very much.

Chairman HATFIELD. Thank you Senator.

MAY 5 MX RESOLUTION HEARING

Chairman HATFIELD. Thank you, Senator Stennis.

Senator Stevens?

Senator STEVENS. Mr. Secretary, I am most interested in the negotiating position in the START talks. I know you may be getting tired of me making certain that everyone is in agreement with this goal. It is my understanding that we seek to reduce both the warheads by at least a third and the missiles hopefully to cut their current number in half in the START talks. Is that your understanding?

Secretary WEINBERGER. Yes, that is essential. The President wants very deep reductions and he asked for that as a start in the START talks. He has also asked for consideration in the second phase, in which we would come down even farther, and he has requested that the negotiators try to get an agreement that the missiles and throw weight itself be considered, which again is a most effective means of measuring the destructive power of these weapons.

Senator STEVENS. The nation seems to be torn apart by this debate that has just taken place in the House and over the country about the freeze. The Administration is for a freeze as long as it is preceded by reductions as a result of the START talks, isn't it?

Secretary WEINBERGER. Yes, it is all a matter of time. We don't want to freeze while we are behind. We want to freeze after there has been equal and balanced reductions that are fully verifiable down to the point where there is again parity, and then have a freeze. But perhaps not even stop there, but keep going to lower levels. That has always been the President's goal.

Senator STEVENS. Has the President indicated formally in writing in any place the acceptance of the Scowcroft Commission Report?

Secretary WEINBERGER. Oh, yes, many times, and he has done so orally and on national television, and he has done so in private meetings. There is not the slightest question about his full commitment to the full recommendations of the Scowcroft Commission.

Senator STEVENS. That report does in fact require a modernization of our bargaining position or stated position at START, does it not?

Secretary WEINBERGER. Inferentially it does, Senator, because it talks about the development of a new small missile, and the new small missile with a single warhead would require a larger number of total warheads and a different means of counting. So that is required, and that process of trying to revise and develop a START position that is fully consistent with the Scowcroft Commission recommendations is underway in an interdepartmental process right now. We are meeting on it with State and with ACDA and with various people.

Senator STEVENS. In connection with that, there has been a considerable amount of discussion concerning the proposal—I think Senator Cohen articulates it primarily on our side—concerning the graduated build-down concept. Is that concept inconsistent with the Administration's negotiating position now?

Secretary WEINBERGER. Well, it is a little hard to tell exactly what that entails or what it would entail. It is phrased in general terms and the degree of application it would have to all forms of nuclear warheads is not completely clear to me. But we are certainly examining it very carefully because the basic goal that the President wants to achieve I think is the same goal that the sponsors of that movement have, and that is to have a major reduction in the number of nuclear weapons, and indeed all weapons, because the President has given similar instructions to bargainers on the conventional discussions as to the conventional side, and that is reductions be very deep, be mutual, be balanced, bring us down to parity at much lower levels, and be fully verifiable. And that, I understand, is one of the goals of Senator Cohen.

Senator STEVENS. Certainly to the extent both the Administration's position and the graduated build-down concept seek in terms of reduction first before seeking any freeze you have a consistency. They both seek a reduction concept, recognizing that we are not on a parity now.

I wasn't here for all the testimony, but as I understand the testimony that was given here the other day in the opening portion of these hearings, the suggestion was made that rather than having the MX as one of the items in the bargaining process in Geneva, we don't need the MX, we could use the cruise missile and Pershing, particularly the Pershing, because that disturbs the Russians the most. If we did not have the MX in the whole negotiating position, a land-based, accurate, prompt delivery missile, would we in your opinion have the bargaining position that we should have to bring the Russians to a conclusion for a total reduction in armament on their side and ours?

Secretary WEINBERGER. No, sir, I don't think we would. I don't think they would stay at the table or enter discussions if they knew we were giving up the ground-based leg of the triad. They would have then won by default, so to speak, and they could concentrate their planning on the remaining two legs, and assuming those were continued to be authorized they would be in the position that would enable them to forestall or forego any discussion of the ground-based leg.

Senator STEVENS. Well, in order to be successful in such a negotiation with the MX, you would have to give up a portion of one of the other two legs of the triad, would you not?

Secretary WEINBERGER. You would indeed, yes.

Senator STEVENS. So it is essential for the Administration to have the MX authorized and capable of deployment in order to have a freer chance of negotiating reductions in Geneva; is that correct?

Secretary WEINBERGER. I think that is absolutely correct. I would only amend it to say it is not only essential for the Administration to have, it is essential for the country to have it.

Senator STEVENS. I agree with that.

With regard to the MX, the Commission discussed three potential alternatives: a common missile like the Trident D-5, a sea-launched missile, an upgraded Minuteman III or the Midgetman. Of those three, which could we achieve first as far as being able to deploy it, and how do any one of those compare with the MX option?

Secretary WEINBERGER. Well, I would like to get General Vessey to speak to that because he is so much more expert in it than I am. But the common missile problem, Senator, is that you get what nearly always happens when you strive for commonality in these systems, and that is something that is less effective as a submarine-launched missile and less effective as a ground-launched missile. You would also have to begin at the beginning because you don't have that now. We looked at commonality at a very considerable length and what the prospects are. I would much rather do it if we do get a single missile and thereby save a bit of money. But it turns out you would lose the characteristics of accuracy and hard target kill capability on the scale the D-5 will have with the submarine, and you will not regain the accuracy or hard target kill capability that you would need and have in the MX. You will also give up $5 billion that has been sunk in the development and, as Senator Stennis pointed out, 10 years of discussions, and a couple more years of development before that. So I don't think that would be in any sense a substitute. The new small missile is not yet a missile, it is a concept.

Senator STEVENS. I respect General Vessey but I want to pursue back to my original concept. If we went on any one of those three, we couldn't go to Geneva with a full deck, could we?

Secretary WEINBERGER. No, sir.

Senator STEVENS. If we are going to be able to negotiate to get good reductions, we have to have the triad?

Secretary WEINBERGER. I am in total agreement with that.

Mr. STEVENS. Mr. President, in that exchange the Senate will see that I pursued the concept I am trying to articulate now and that is if we are to be successful at the arms reduction talks, we must have the MX; otherwise, the President would have to bargain away one of the other two legs of the triad in order to get the Soviets to stand down their MX system that is already deployed. If the Geneva arms reduction talks are to proceed on the basis of parity in the beginning and a concept of reductions on both sides, this deployment is absolutely necessary. Besides that, Mr. President, the Scowcroft Commission has given us a recommendation which if we follow it will lead to a deployment in the least expensive way and the fastest way to meet our demands, the demands of our defense system. The 100 Peacekeepers will replace 100 Minuteman III's in the existing silos, 69 deployed in Wyoming and 31 in Nebraska.

These are more accurate warheads. They will improve our capability. And they will demonstrate our willingness to deploy them on schedule, and bring the Russians to that bargaining table where we can start having the dialog that is necessary to interest the world, a dialog which will lead, I hope, to the eventual agreement on both sides to the build-down concept which is started right here in this Senate.

I think that is a most important contribution to be made in the interest of world peace by Members of the Senate and now totally subscribed to I believe by the President and his advisers.

Incidentally, the MX is on schedule. There have been no delays despite the repeated attempts to delay. The flight tests of the MX have been successful. We had a launch on June 17 and another one on October 14 of this year and tests have led to some reports that convinces us that this missile is capable of performing as predicted.

All the propulsion systems have performed as predicted. The guidance system has performed well within mission goals, and all reentry vehicles impacted the target areas in accordance with the targeting program.

I think that these tests demonstrate once again the outstanding success and superiority of American engineering expertise and the know-how of our system if it is applied to goals as defined by the Scowcroft Commission.

Mr. President, as I indicated in my very first comment, we have got to stop focusing on the vulnerability of this system in isolation. As the Scowcroft Commission suggested, and as I have admitted in the beginning, we would not expect the Peacekeeper missiles to survive a massive attack. What we do expect is that this system—coupled with the next system which will come on following it, the small missile combination—will enhance our strategic position and it will demonstrate our resolve to maintain our ability to deter nuclear attack. One has to remember that this will provide the strength of the land-based leg of the triad and we will still have the sea and air capability.

We must stop looking at these in isolation and realize that without the MX all of the might of the Soviets will be concentrated on the other two legs—and certainly that will be more destabilizing than anything I know for the United States to realize that we are completely left without a land-based portion of our total triad program.

Unless, that is, the Senator and those who join him want to announce that they are going to abandon the triad, that we no longer need a defense system based upon the triad concept. If that is the case, then I think the proponents of this amendment should articulate that position.

We have committed ourselves to a triad position in the past. We intend to provide that capability and demonstrate that capability with the MX. The overall U.S. strategic forces in the triad compare favorably with the Soviet strategic forces if we have the MX.

We must realize that unless we are willing to go, as I said in the beginning, to the bargaining table with the resolve that we will maintain the systems that are required to meet the threat of the Soviet offensive forces, then I think we will be in the situation where we will have no alternative but to change our whole concept of defense.

If we demonstrate that resolve and if we go to the bargaining table with the MX, with the triad intact, and lay before the Soviets and the world a plan to reduce the number of warheads, to reduce the number of the launching vehicles and to take the world back toward a lower threat to the continued viability of the economic systems that do exist in the world, then I think we will have done our job.

I certainly had the feeling that those of us who went out of our way to make certain that the ABM system was authorized for the purpose of going to negotiation succeeded. And I do hope that those who are here realize that.

The Senator from Mississippi rightfully can claim, I believe, a great deal of the credit for the success of those negotiations at the time of the ABM Treaty controversy. I have recalled before how he called me back from Dallas and he called people back from all over the country when that vote came up unexpectedly. And when we got here we found he knew how to count because it was a 49-to-49 vote and then one more got back than was expected and we won that vote, as I recall, 50 to 49.

Now I do think we need to count this time again, too. I am hopeful that the Senate will be mindful of the fact, as I said, that this is the fourth time it has been asked to vote on the MX. To my knowledge, there are no new arguments. To my knowledge, there has been nothing demonstrated by the tests or the delay which would in any way indicate that those who supported the position I have articulated were in error, nor has there been any indication in this period of time that the Soviets are less dedicated to the deployment of their land-based ICBM system. They have continued. They have continued in their deployment, they have continued in their production, and they have continued in trying to obtain absolute superiority in the strategic area over the United States.

Mr. President, so far as this Senator is concerned, we could not countenance that result. I urge the Senate to once again defeat this amendment.

I yield whatever time the Senator from Mississippi wishes.

Mr. STENNIS. I thank the Senator. If he would yield me 2 minutes, I might ask for an additional minute or two more.

Mr. President, let me say this for the Senator from Arkansas. He came in with some turbulence here about the MX and other matters. But he always presents matters clearly, honestly, and convincingly.

Let me tell him now that he and no other Senator has ever heard one word of criticism from me about taking a position against a weapon and claiming that he is, therefore, destroying our military defenses and our military protection. Anything that cannot win standing on its own, I will not buy.

Now, Mr. President, the Senator from Alaska has referred to the history of this matter. This missile has had stormy times due primarily to the problem of a launching pad, the system of a launching pad. Now I remember way back yonder when I was chairman of a small subcommittee on military construction, which included small items based on testing of missiles, someone—I do not recall what his name was—stopped a minute and said, "Look out, these are going to take all of your money now, the missiles."

Well, I did not pay much attention to him, but he was a prophet. These were very expensive and they would not have had the vote of this membership over a period of 10 years, with one exception, had not the majority believed that it was necessary for our well-being.

Now all the way through, I have never tried to master the scientific part of these weapons of the Army, Navy, Air Force, Marines, or any of the rest. I look at things from the standpoint of deterrence—deterrence. That is why we are spending these great fortunes here.

By the way, this bill, as I understand it now, with its $252 billion, in round numbers, is the largest bill that the Congress has ever passed in peacetime or in wartime. Now it is no fun to put that much money up. But it is a whale of an argument in favor of a belief for the need.

Now, Mr. President, that one time that a vote was lost on support of another element of the triad—the B-1 bomber several years ago. That amendment was offered in good faith calling on the President to make a judgment, after consultations, as to what he personally thought about the soundness of our strategic deterrence capability.

Now, this was before we had a new President. He was coming in new. We knew that he would be in in January, but we did not know who it was because the elections were not held.

I advised against bringing that amendment up. The sponsors of it said, "Well, let's go. Nobody is against it except a few of you Democrats."

Well, we lost the vote by a narrow margin. But it did not become law that time. The next year, though, they did pass the law and Mr. Carter, exercising his judgment under the mandate of that amendment, deferred the B-1 bomber. We already had the appropriation bill out of here and the amount of money was in there for the B-1 and the MX.

We are back here now 10 years from the time we started with the same theme holding, to me. There has not been a great deal of trouble about this MX except the basing mode. That is what the argument has been all about. It has been in court and out of court, back and forth. Four Presidents have approved it, four Joint Chiefs of Staff have approved it, and others in line. Both Houses have approved it.

This is the deterrent of the triad. If we were not going to keep up the triad, I do not think I would favor taking these steps. The triad is the long-range ground-based nuclear missile, the Trident long-range hideaway submarine, and the long-range bomber.

This is a lot of money. It is repetition. We have been at it year after year. There is a hold on that thing that bears down on you when you are awake or asleep, in my case at least, feeling like maybe we are failing to shore up those defenses. You have to trust someone to handle this for our side in conference. We are still trying to get some kind of an agreement that is workable, that will not give either side an advantage with reference to arms limitations. Not disarming; arms limitation.

I emphasize that because I keep reading in the paper once in a while that someone gets it confused and people are misled.

This is a very expensive item, and I wish we were at the end of the road. If there had been any way to find one, I would have been in there helping the side that was looking for a substitute because the entire defense budget as I said, is now $252 billion.

I have been here when the whole budget was a little less than $100 billion. So this is big money which makes it all the more important that we cast a safe vote, a sound vote.

I am glad to see it reconsidered. I am pleased to see the people debate it to the extent that they do here.

By the way, this is a magnificent bill that the chairman of the subcommittee, the chairman of the full committee, the Senator from Texas (Mr. TOWER) and others have put together. I thought we had a splendid debate last week.

These things have been up so much it is hard to surprise us, after we have been around here all this time, to call up with new angles.

Mr. President, I submit this to the membership. I would like to mention the four Presidents who had approved the weapon as a whole: Mr. Nixon, Mr. Ford, Mr. Carter, and Mr. Reagan. I remember talking to all of them about it. Mr. Schlesinger, Mr. Rumsfeld, Mr. Brown, and Mr. Weinberger, Secretaries of Defense. The Joint Chiefs of Staff have always supported it.

There is no real alternative, Mr. President, in the near time to maintain this triad to which I have briefly referred. That is where the Russians may have some surprise for us somewhere sometime, but they will never have anything that begins to equal this triad without our knowledge far in advance. I think we would be able to do something about it.

With all deference to everyone, do not vote for this unless you think it is needed. With all deference to everyone who may vote that way, I say we have to get together a majority here and move this program forward, which I believe we will.

For over 35 years the United States has relied upon deterrence for its protection against nuclear war, and the bulwark of this deterrence has been the triad—land-based intercontinental ballistic missiles, sea-based ballistic missiles, and manned strategic bombers. Early in that period, we developed and deployed a number of land-based ICBM's—Atlas, Titan, Minuteman I, Minuteman II and Minuteman III. But for over 10 years we have not deployed a new ICBM. In 1973, we began funding the development of a new ICBM—the MX. Thus, the MX missile is the next in line to prevent deterioration of the land-based part of the triad. If we do not buy some type of modernization of our ICBM's, we are buying trouble for the triad and the triad concept which we have relied upon for our security.

The MX was first funded by Congress in 1973—for fiscal year 1974—and has been funded each year for 10 years. Over $6.7 billion has been appropriated so far on development. The last four Presidents—Nixon, Ford, Carter, and Reagan—have recommended MX. The last four Secretaries of Defense—Schlesinger, Rumsfeld, Brown, and Weinberger—have strongly argued for MX and continue to do so. The Joint Chiefs of Staff for 10 years have all recommended going forward with the MX. The Chairmen of the JCS in that time were men from all three Services—Admiral Moorer, Navy; General Brown, Air Force; General Jones, Air Force; and General Vessey, Army. Last year, the Joint Chiefs who were against the dense pack basing mode, still recommended going forward with MX in Minuteman silos. Now the Scowcroft Commission has recommended moving forward with MX and the President has endorsed this recommendation. The House Appropriations Committee voted in favor of this resolution to approve the MX and the Senate Appropriations Committee has recommended Senate approval of this resolution. I would urge the Senate to also give the green light go-ahead to this important program.

The United States has relied upon deterrence for its protection against nuclear war. The main tool of this deterrence has been the triad—land-based ICBM's, sea-based SLBM's, and bombers. The Russians know they cannot attack one part of this three pronged spear without risking catastrophe from the other two groups. But if we let one part of the triad deteriorate, they could use all their power to overcome the other two parts. Further, the triad provides insurance against all parts of our nuclear strength running into difficulties at the same time. It would be very bad indeed if the United States allowed one part of its triad to deteriorate and then learn later on that the other parts had become vulnerable. We simply cannot afford to take that risk.

Failure to move forward with the MX would be the beginning of deterioration of one part of the triad. This would weaken the bulwark of deterrence upon which we have successfully relied all these years. It could encourage the perception, if not the reality, that the Russians have gained a nuclear advantage. Deterrence is not and cannot be a bluff. There must be hard weaponry that the Russians can see together with firm and steady purpose that will convince them and make it absolutely plain to them that any attack on us would be utter folly. They should have no doubt that neither our weaponry nor our purpose would fail us in the event of attack upon us. Moving forward with the MX is a signal to them that both our weaponry and our purpose will be kept strong. Approval of this resolution would be a firm step in the direction of shoring up the triad and keeping deterrence strong.

I believe that the President is sincerely trying to get an arms control agreement with the Russians. He has gone to the negotiating table in Geneva and has tabled a proposal. The Russians have responded some with suggestions of their own. The President modified the U.S. negotiating proposal to incorporate some of the thinking of a build-down proposal. So there is motion in this field. But the MX is a major tool in the negotiating kit of the President as we try to deal with the Russians on arms limitations. It undergirds our whole negotiating stance and proposal. Removal of this tool would undermine the American position and chances of an agreement. Approval of this resolution will give a green light to the President to move forward on these negotiations and these new proposals by providing him the negotiating leverage and tools represented by the MX.

Finally, America's allies look to us to counter Russian nuclear threats against them. Sometimes they may rely on our nuclear strength too much and fail to provide enough for their own conventional defense. But we are living in a real world where we must keep our allies for our own security interests. At this time, in the defense field we need to convince our allies to do more for their own conventional defense and to accept the deployment of new nuclear missiles in Europe if the Russians fail to agree to nuclear arms limitation in Europe. If we fail to move ahead with MX, our ability to convince our allies to take these important steps will be seriously undermined. This could lead to further trouble if they then fail to improve their defenses. We should not let this cycle of trouble begin. I think that approval of MX will give our allies encouragement and hopefully be a leadership step in getting our allies to go forward if necessary, with deployment of missiles in Europe and to provide more for the conventional defense of NATO.

Mr. BUMPERS. Mr. President, I yield myself such time as I may need.

I would like to ask the Senator from Alaska a question. I am curious as to why we call the Trident II a missile, we call the Pershing a missile, we call the Minuteman III a missile. We call every missile we have a missile except the MX and we call it the Peacekeeper. Can the Senator explain that to me?

Mr. STEVENS. I think that name expresses the feeling of many of us that, that without it we will be hard pressed to keep the peace. I would defend that name. I believe it is a viable and good name for this missile system because again I say without the MX, we would be hard pressed to keep the peace.

Mr. BUMPERS. Has the Senator ever read George Orwell's novel, "1984"?

Mr. STEVENS. Yes; I read it, and I must say I keep looking around for the Big Brother. I must say, there are a lot of little brothers, but I have not found the Big Brother yet.

Mr. BUMPERS. I thought the Peacekeeper was referred to in there somewhere, but I looked at it over the weekend and I could not find it. I wonder why a missile that would destroy the planet would be called a peacekeeper.

Mr. STEVENS. Unless we have that missile, we do not have to worry about having the capability that you say that missile would have, because the Russians certainly have already deployed it. But the Senator, I think, belittles the concept of the bargaining tables.

Mr. BUMPERS. I certainly do. That is the least persuasive argument there is for this missile. If the Senator were on the Soviet side and sitting across the bargaining table in Geneva, and you knew the United States was building a Trident II missile as fully as capable as the MX but designed to be placed in a submarine, which is invulnerable, and you thought you had a choice between that and a missile which is absolutely vulnerable, the only one we have that is, the Soviets know they can destroy the MX in a fixed silo, which one would you hope the United States would deploy? Why, the MX. I want to ask the Senator, where on Earth is the leverage? It occurs to me if the Soviets had a choice, the MX is the one they would divinely hope we would build, not the Trident II.

Mr. STEVENS. Let me answer the question. Why does the Senator get so disturbed about it if it is so vulnerable? The Senator said it is destabilizing. If it is so vulnerable, why is it destabilizing.

Mr. BUMPERS. Destabilizing from our standpoint, not the Soviets.'

Mr. STEVENS. It is destabilizing because it will make them think twice about our planning?

Mr. BUMPERS. It will not make them think one and a half times, Senator.

Mr. STEVENS. Then you need not worry about it.

Mr. BUMPERS. I do worry about it. I have three children and I want to see them grow to adulthood.

Mr. STEVENS. I have six children. Nothing gets me more disturbed than to have someone mention their children in the sense that I do not love mine.

Mr. BUMPERS. We know you love your children. That is not the debate here. We are talking about whether or not the planet will survive. If the President suddenly got his way in the START talks, his first START proposals, that leaves the Soviet Union with 500 to 800 ICBM's, land-based and they see us deploying 1,000 warheads in a fixed-base silo, which has to be considered a first-strike weapon, and we have the ability to lay two warheads on every MIRV'd land-based missile they have and one on each un-MIRV's ICBM, and since land-based missiles constitute 70 to 80 percent of all their forces under that proposal, what do you think the Soviets will think?

They are not about to sit still at a time of crisis and wait to see whether or not we are going to destroy 90 percent of their ICBM's and all their submarines in port and bombers. That is what is destabilizing. It is from their viewpoint, not ours.

Mr. STEVENS. We are talking about 100 MX's. Even 1,000 MX's would not worry the Soviets that much.

Mr. BUMPERS. I am talking about a thousand warheads, not a thousand missiles.

Mr. STEVENS. Even a thousand warheads would not destabilize the Soviets that much. What it will do is it will make them think twice.

Mr. BUMPERS. Think twice about what, Mr. President?

Mr. STEVENS. It will make them think twice about their planning and whether to go to that bargaining table and whether to reduce their warheads. Does the Senator entirely discount the history of the ABM? Are we simply passing each other in the night?

Mr. BUMPERS. Mr. President, we spent $6 billion on a tie vote in the Senate, broken only by the Vice President of the United States, to put $6 billion in an ABM system out in South Dakota and North Dakota, and started dismantling it after we had spent the $6 billion, but just before we finished it, because it would not work. That is exactly what we are doing here.

Mr. STEVENS. Oh, how some people like to rewrite history. We ought to name the Senator Mr. Truman.

Mr. BUMPERS. If I am rewriting history, Mr. President, I ask the Parliamentarian to correct it.

Mr. STEVENS. The Senator is rewriting history. The reason the whole ABM system was stopped is that the Soviets agreed to reduce their plans. They were building their ABM system on a rampant basis. We went to Geneva and negotiated that system. We agreed to limit ours, they agreed to limit theirs. We saw no reason to build any more. It certainly did not fail. How does the Senator know it failed? We never used it.

Mr. BUMPERS. I know one thing, Mr. President. The Pentagon would never have agreed to dismantle something that worked that they had just finished building for $6 billion.

Mr. STEVENS. We stood down that system, Mr. President.

Mr. BUMPERS. Mr. President, I am sorry I agreed to a 2-hour time limit. I wish we had a lot more time to talk about this. We have a number of Senators on my side who wish to speak.

I want to make a couple of points: One, I wish to clarify a couple of points I made earlier about the cost of this missile. I forget exactly how I worded it in the past. But I want to point out that this missile, the warheads—I mean the missile—the day it is deployed, we will have spent $170 million per missile, $17 million per warhead, 50 to 60 percent higher than the cost of the B-1 or Trident.

But I made the point a while ago and I want to reemphasize it, a better measure of cost is what is survivable. The Pentagon knows that if the Soviets strike first, only 1 to 2 percent of this missile force will survive in the early 1990's. This means for $17 billion, we get one missile, in a worst-case scenario. That comes out to $1.7 billion per warhead. You can buy a Trident submarine for the cost of one survivable warhead. Not one missile—one warhead. I say that just to point out the absurdity of the cost of this system, completely aside from all of the other very compelling arguments.

Let me close my remarks at this point by saying to the Senator from Alaska that I went overseas on one of those baby flattops he talks about, just an 18-year-old or 19-year-old country boy from Arkansas, headed for the final invasion of Japan. Right after we put to sea, the United States dropped a bomb on Hiroshima. I did not know anything about atoms or nuclear power. All I knew was I was going to get home to my girl friend. I was absolutely rhapsodic about what I thought I saw in that the end of the war, and nothing else really mattered to me at that time.

It was only after I became an adult and began to worry about the awesomeness of that destructive power—and, Mr. President, I am going to say in all candor something I do not like to say in public because people must have hope—since that very day, it seems to me that the world—and I am not just blaming the United States; the Soviet Union must share in it as much if not more than we—we have moved inexorably and irreversibly toward the ultimate holocaust everybody wants to avoid.

George Kistiakowksy—and the Senator from Massachusetts certainly knew him—who was one of President Eisenhower's science advisers, said about 2 years ago that the miracle is going to be that, by the end of this century, a nuclear explosion does not occur before the turn of the century, but an even greater miracle will be if it does not set off a nuclear holocaust.

The Senator from Alaska and I just happen to see this differently. Anybody who stands around here with a pious look on his face and pretends he knows more or has a deeper concern for his children or the planet, is just that, pious. But we see this with different minds. I have looked at the MX, analyzed it, and I think it is destabilizing, I think it continues the inexorable course toward the nuclear holocaust.

I yield to my colleague, the Senator from Massachusetts (Mr. KENNEDY).

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am glad that the Senate of the United States has voted on the MX four times in the last 12 to 15 months, because, even though there has not been a significant change in the votes, about the MX an awareness in this body, and certainly among the American people, has increased. It is without a mission and a weapon without a home.

Many of us who have opposed this system since an MX amendment was first offered in 1979 have found, Mr. President, that there has been a shifting rationale by those who support it. As I recall, and I ask the Senator from Arkansas whether his understanding is the same—when this body voted on putting the MX into fixed silos in 1981, it was overwhelmingly rejected by the U.S. Senate. It was rejected by many of those in the Senate of the United States who now support the MX in fixed silos. In 1981 these same Senators argued that putting the MX into fixed silos was going to insure their vulnerability without increasing our security.

I am just wondering whether the Senator from Arkansas and others who continue to oppose the MX are troubled by the change in rationale by those who now support the MX in fixed silos.

Mr. BUMPERS. Mr. President, the Senator is, of course, deadly accurate. In 1981, this very body voted overwhelmingly against building an MX missile to put in fixed-base silos. Perhaps it was before the Senator came in this morning when I quoted a lot of Senators who said at the time that to put this missile in a fixed-base silo would be the height of folly.

One of the leaders in that line of argument was our late departed brother, Scoop Jackson, who time and again said, "This just gives the Soviets a better target to shoot at." And I have said on the floor of the Senate many times, of course, that they do not even have to reprogram their computers to target those new MX missiles. They just shoot at the same silos.

The Senator is wise and perceptive to recall the fact that the Senate said all of those things then, and he is also dead right that absolutely nothing has changed since then that refutes that logic. The Soviets have changed but the logic remains compelling against it.

Mr. KENNEDY. Many have argued that if Congress rejects the MX, somehow we will have demonstrated that we are not interested in a triad, that we are not interested in modernization, and that we are not interested in insuring a strategic deterrent. Is it not the understanding of the Senator from Arkansas that there is a major modernization program underway for our Minuteman missiles that will improve their accuracy? By rejecting the MX we certainly are not turning our back upon the land-based leg of the triad.

Mr. BUMPERS. The Senator again, of course, is absolutely accurate. Talk about the modernization of the triad, the D-5, the Trident II missile is under full research and development; we are going to build and deploy it. The Pershing missile is about to be deployed in Western Europe. We are building Trident submarines on the assembly line. We are cranking out air-launched cruise missiles at a rapid rate. We have just finished modernizing our Minuteman forces.

I could go on forever talking about what we have done from a modernization standpoint. But when it comes to the triad, think about what we are about to do. We have not built a bomber in 25 years and now we are going to build two within 5 years. The B-1 is going to be coming off the assembly line in 2 more years. We hope that the Stealth might be operational by 1990, 1991, a penetrating bomber. Does that sound like we are giving up the triad?

And second, to hear the debate, you would think that to be opposed to MX meant you were for unilateral disarmament. We are debating a $250 billion defense bill. Do you know how much this amendment deletes from that $250 billion? $2 billion. Does that sound like a country with no resolve, that has decided to tell the Russians to come and get us?

Mr. KENNEDY. The point made by the Senator from Arkansas raises another issue that I would like to ask him about and that is the question of national will and resolve.

We in this body have been told by the administration that if we do not produce the MX after it has been on the drawing boards for many years, somehow we do not have the will or the determination to defend ourselves.

The Senator from Arkansas has already mentioned the Senate's commitment to the Stealth bomber and the D-5, and other strategic systems. I am wondering whether the Senator from Arkansas feels that the argument about national will holds any water?

Mr. BUMPERS. I will not repeat how much money we are spending on modernization of our strategic forces. It is a well-known fact that the B-1, the Stealth, the Trident submarines, the Trident I and II missiles, the Pershing, the modernization of the Minuteman III, plus all the money for conventional forces, and on and on, $250 billion worth is in this bill. I do not know how much money it takes to show our resolve, frankly. I think resolve is important, but the point I want to make is that intelligence is also important. You do not have to send your brains on a vacation because you are a patriot or because you think we ought to have a strong defense, and that is precisely what we do when we spend $17 billion on the most vulnerable weapons system anybody could conjure up.

Mr. KENNEDY. Finally, I would like to know whether the Senator believes that the administration's strong commitment to the MX missile is inconsistent with any sensible build-down proposal.

Mr. BUMPERS. I appreciate the Senator asking that question. I intended to cover that in my original statment but did not get around to it.

Let me point out to the Senator, in answer to his question, it is absolutely inconsistent with build-down, No. 1, for two reasons. No. 1, under the START talks, the President originally proposed 5,000 warheads. That means we have to dismantle 2,500 warheads right off the top. The Soviet Union is going to have to dismantle a lot of warheads right off the top. If you want to negotiate how fast you are going to do it, whether you are going to do it on a percentage basis per year, that is one thing. But Senator PERCY on March 1, 1983, when he joined Senators NUNN and COHEN on the build-down concept—everyone was saying that it was going to go into effect immediately, we were going to start to negotiate build-down with the Soviet Union—the Senator from Illinois in one of his charts set out that one of the build-downs might be to get the 5,000 warheads which had already been tabled as a START I concept at that time. And he pointed out in here that if we are going to have the MX, we have got to dismantle Poseidon and Trident submarine missiles, which are invulnerable. In other words, we have to give up invulnerable missiles to accommodate the MX which is vulnerable.

So, obviously, you are not building the U.S. strategic forces with the MX. You are weakening the security of this country. You are putting a vulnerable missile out there. If the President has his way about 5,000 missiles in silos, we have to either dismantle the MX, in which case we have just blown $17 billion, or we have to dismantle other missiles, including invulnerable missiles on our submarines. It is that simple.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Senator from Arkansas has 18 minutes remaining.

Mr. KENNEDY. Madam President, I give my strong support to this amendment deleting funding for the MX missile system.

I share the view of many of my fellow Senators that the MX is a fateful decision for America to make. This is not just another weapons system. It is not just another issue in the long line of complex defense issues we are dealing with in the legislation now before us. It is, instead, a radical departure from the theory of nuclear deterrence. As we cross the MX threshold, we are entering the brave new nuclear world of first-strike capability and launch-under-attack policy.

When the Armed Services Committee recommended funding for the MX, its report argued that the MX is the only near-term solution available to redress the current imbalance in prompt hard-target kill capability. However, the committee report went on to concede, in effect, that deployment of MX missiles in existing Minuteman silos would leave the missiles completely exposed to Soviet attack. Indeed, evidence from the Air Force indicates that by the time we deploy the MX in the late 1980's, Soviet improvements in missile accuracy will enable them to destroy 99 percent of our fixed-silo-based missiles, including the MX. In other words, the Air Force believes that only one MX missile will survive a preemptive Soviet attack. Because of its extreme vulnerability, the MX as a deterrent is incapable of redressing any nuclear imbalances, real or perceived.

The Reagan administration has used the build-down proposal as a bargaining chip with Congress to secure support of the MX, so let us examine the effect of this deal on our national security. If the administration were to commit the United States to the build-down proposal, while proceeding with its plans to deploy 100 MX missiles, each carrying 10 warheads, 2,000 older warheads would have to be destroyed on approximately 700 missiles. The result is that the formula "MX plus build-down" it a recipe for disaster. Our ICBM force will be even more vulnerable than it is today, because the Russians will have even more incentive to shoot first, and they will have even fewer targets to shoot at.

Build-down proponents argue that their proposal will discourage the deployment of the MX for this reason. But the President has shown no intention of pulling back from MX under build-down. In fact, the administration is glad to pay the price of build-down if that is what it takes to get MX from Congress. It is bad enough that MX is a destabilizing new escalation of the nuclear arms race, but it is even worse to apply build-down to MX, which only makes the problem more critical by making MX even more destabilizing.

Another justification for the MX is that it is the only near-term action that will induce the Soviets to negotiate in good faith at the bargaining table. However, as the MX is useless as a deterrent and its only utility is as a first-strike weapon, it is difficult to see how it advances negotiations. Any additional first-strike capability by either side is destabilizing and can only heighten mistrust, accelerate the arms race, and make arms control harder to achieve. A President truly committed to serious arms control does not ask for destabilizing first-strike weapons.

Some supporters of the MX have admitted that the MX itself makes no sense, but argue that we need it as a steppingstone to get to the new generation of small mobile missiles for the future—the so-called Midgetman. I agree that Midgetman could lead both the Soviet Union and the United States to a more realistic nuclear balance by reducing reliance on destabilizing multiple warhead missiles like the MX.

However, support for the senseless MX will not help us to obtain the sensible Midgetman. The Air Force has already expressed a strong preference for MX over Midgetman. As press reports make clear, the Air Force is not likely to be content with a mere 100 MX missiles; it has plans for building 100 more. The Air Force has also shown its reluctance on Midgetman by padding the small missile's cost, by pushing back the date of its initial operating capability, and by quietly expanding its size to the point where it may finally be too large to be mobile. Outside experts, such as Dr. Richard Garwin, have argued that the Midgetman could, with proper effort, become operational within months of the MX's date. In short, as long as we give the go-ahead to MX, Midgetman will only be pushed further into the background. If we want Midgetman, then let us vote for Midgetman and put the expense and danger of MX behind us.

Some have argued that a vote for MX, regardless of its strategic utility, is a vote in support of our "national will." But when we put expressions of vague "national resolve" above commonsense in an area as vitally important as the nuclear arms race, then we are truly heading toward catastrophe. Let us build national will; but let us build it behind the right weapons systems and the right causes. The best way to develop a national consensus on defense is to put the MX behind us by rejecting it once and for all.

The MX is a missile without a mission and a weapon without a home. The Air Force had considered 30 different basing modes for the MX before recommending that the new missiles be deployed in existing Minuteman silos. These 30 basing modes demonstrate the ingenuity of our scientific community—but they also show that despite all the years and all the studies, no one yet knows what to do with this missile.

The decision to place the MX in the old Minuteman silos is a concession of defeat, and every Member of the Senate knows it. In baseball, you are out after three strikes—surely, the MX should be out after 30 swings and misses.

The MX is a dangerous and expensive first-strike weapon that will weaken deterrence and fuel the nuclear arms race, instead of advancing the cause of arms control. The MX makes no strategic sense. It will not spur the Reagan administration to adopt a more flexible negotiating position. It will not lead to the development of less dangerous and less threatening systems. I can upon the Senate to end the MX nightmare once and for all, and return to the path of sensible strategic weapons policy and serious arms control.

When the first MX comes off the production line, we will have to live with it as well as the problems it creates for our national security. Let there be no illusions: no matter how it is packaged and explained to the American people, deployment of the MX is a needless escalation of the arms race that makes arms control even more remote than it seems today. The Senate should have the courage of its convictions of 2 years ago when it rejected placing the MX in existing silos. The only thing that has changed between then and now is our resolve to do what we know is right. The time has come to put the MX missile out of its misery. We should accept this amendment and prohibit any further funding for this dangerous nuclear weapon.

Mr. BUMPERS. Madam President, does the Senator from Alaska wish to get into the debate at this point?

I yield 5 minutes to the Senator from Michigan (Mr. LEVIN).

Mr. LEVIN. I thank my friend from Arkansas.

Madam President, we have always vowed that we would never put an MX missile, a new, modern, highly capable 10-warhead missile, into a fixed silo.

In June 1976, Senate and House Armed Services Committee conferees in their report said as follows. It was a conference report which was adopted by Congress. The conferees said:

> This rationale behind the development of a new missile system (MX) is to provide a land based survivable strategic force. The development of an alternate basing mode as opposed to a fixed or silo based mode is the key element in insuring this survivable force. The conferees are in agreement that providing a survivable system should be the only purpose of this effort; that the design of this system should not be constrained for silo basing; that none of this program's funds shall be expended in fixed or silo basing for MX.

Thereafter, the Senate Armed Services Committee reported out an authorization bill which we approved in the Senate, which provided that "a survivable system should be the only purpose of the MX program."

That was an exact quotation from what we adopted: "a survivable system should be the only purpose of the MX program."

The Secretary of Defense, Secretary Weinberger, said the following in November of 1981:

> It is very difficult to get a survivable ground-based system but that difficulty, we think, should not drive us to a decision to produce a system that we know is just as vulnerable as what we have now, but costs an enormous sum without accomplishing anything.

He went on:

> We do not think it would add anything to the deterrent quality of our strategic system and we do not think it would add anything to its survivabilty.

That is what our Secretary of Defense said in November 1981. About the same time, actually on October 5, 1981, the Secretary said:

> What we think we cannot do is put a vast amount of our resources in a plan that we know is not survivable, even now.

That is our Secretary of Defense. That was not from a debate on the Senate floor by opponents of the MX system, as my friend from Alaska might indicate or might want it to be. That is a quotation from our Secretary of Defense, who has been one of the strongest supporters of the MX.

Secretary Weinberger said in his fiscal 1983 "Annual Defense Report," or posture statement, to Congress in February 1982:

> Nuclear weapons systems will not be funded merely to make our forces mirror Soviet forces according to some superficial tally of missiles or aircraft deployed in peacetime. Obtaining a facade of symmetry between U.S. and Soviet forces in terms of such simplistic counts is not a requirement for which I would allocate scarce defense dollars. Instead, our goal will be to gain and maintain a nuclear deterrent force which provides us an adequate margin of safety with emphasis on enduring survivability.

The distinguished chairman of the Armed Services Committee, Senator TOWER, in an interview with U.S. News and World Report, on January 10 of this year, said the following about putting the MX in silos:

> We should not spend money on the missile if we cannot find a way to issue its survival. That would mean buying an expensive missile and putting it in holes that become increasingly less survivable as the Soviets improve their capability to beat it. To think otherwise is to think that Russia will act with restraint and not attempt to defeat MX. Well, that's false on the face of it.

So I ask my friend from Alaska, perhaps rhetorically, should we ignore our own Secretary of Defense in November of 1981 and in February of 1982, and the chairman of our own Armed Services Committee in January of 1983, saying that we should not spend money on the MX missile if we cannot find a way to insure its survival?

Do we ignore what we have known for these many years, beginning 1976, when Congress adopted a conference report which said that we will never put the MX missile into a nonsurvivable basing mode?

Do we ignore all this, because we do not know what else to do with the darned thing and so we are going to put it somewhere—in the very place we always vowed we would not put it?

To do that, Madam President, brings us closer to the brink. We are about to increase the risk of nuclear war. We will be the victims of this action.

The MX missile has taken on a life of its own. It is driving us down this dangerous road, and we are its passengers. We are unable to find a sensible surviving home for it, so we are going to put it somewhere, hoping to get the problem behind us. Would that it were so.

The specter of extinction is going to haunt us more and more, until we cease building more and more destabilizing machinery of extinction.

MX cannot be justified on military grounds. We are doing a great deal to modernize the triad. Other major modernization programs include Trident I, Trident II, the B-1B, Stealth bombers, air-launched cruise missiles, advance cruise missiles, and command communication and control improvements. Even without upgrading, the Air Force has said our present ICBM's are "fully capable now and should continue to be an effective weapons system through the year 2000, if not indefinitely."

If we wanted to upgrade Minuteman, we could obtain the same hard-target kill capability as MX for about half the cost by installing new guidance systems on many of our Minuteman III's.

In terms of surviving, prompt hard-target kill capability—if one believes that promptness makes a difference in the first 10 to 12 hours of strategic nuclear war—we will add more military effectiveness to our triad by deploying one Trident II submarine in 1989, with about 200 surviving warheads, than we would get at the same time with full deployment of the MX with only 10 to 70 surviving warheads.

The cost of one Trident II boat with missiles is about $2 billion in fiscal year 1982 dollars; MX will cost over $16 billion in fiscal year 1982 dollars. Thus, we can get about 3 to 20 times the surviving, prompt hard-target kill capability with one Trident II boat for one-eighth the cost compared to MX.

Strategic Air Command Commander, Gen. Bennie Davis, and Air Force Chief of Staff, Gen. Charles Gabriel both have testified that our SLBM's are "prompt enough,"

No; we are not building the MX for military reasons. We are doing it for appearances, because it has been argued that our national will would look weak if we do not build the MX.

The former Director of Central Intelligence, Bill Colby, answered the national will argument in a letter to me, as follows:

> * * * It is certainly possible to say that our "national will and cohesion" will be intact if we have the wit and wisdom to maintain our current retaliatory force, while we seek a stoppage of the arms race through a freeze, rather than once again seeing the level of terror heighten on each side. In fact. I believe that our "national will and cohesion" will be better demonstrated by a decision to place our efforts on improving our ability to meet the Soviet challenge at the other levels of our competition, i.e., the conventional field and our competition in the third world. The Soviets, having been blocked by our retaliation capability from strategic adventures in recent years, have sought to use the softer and easier techniques of subversion, proxy wars, and political manipulation. If we put half the national will and cohesion that are alleged to exist in the MX decision to work in these other fields, it would constitute a much more substantial addition to our overall posture with respect to the Soviet Union and its threats to our interests and allies.

We can and should avoid the calamity of placing MIRV'd missiles in fixed silos. It endangers us. It endangers the world's survival.

I urge the adoption of this amendment by my colleague from Arkansas.

Mr. BUMPERS. Madam President, I yield 3 minutes to the distinguished Senator from South Carolina.

Mr. HOLLINGS. I thank my distinguished colleague from Arkansas.

Madam President, the point of the Senator from South Carolina has been, in addition to the destabilizing factor of the MX missile, focused on the intolerably high cost of the MX, particularly in comparison to other strategic programs.

With respect to the cost, there is no question that while President Reagan is preparing us for nuclear war, we are underprepared for conventional battle.

The fact remains that at the present time, under President Reagan's schedule, we will spend on average of $80 billion a year for the next 5 years, or $400 billion, on strategic weapons. This is an outrageous overemphasis on the nuclear, in my opinion, and gives tremendous erosion to the consensus necessary for proper support for the defense that we must have in this country.

If you look at those costs and if you are trying to save costs, you should realize that times have changed since we started the MX program and that we can now go two routes: one, with upgraded Minuteman with the exact capabilities as MX in the same silos for about $13 billion and thereby save about $17 billion from the $30 billion MX fiasco.

Or we can go with the Trident II approach. We could have an additional seven Trident submarines to the 15 now planned by the President. This additional seven would add about 1,344 warheads at a cost of $17.5 billion. thus, you are saving, compared with the MX, about $13 billion.

But more than anything else, you will have survivable warheads, all survivable, whereas there is only 1 or 2 percent survivability with MX in the MX Minuteman silos deployment.

Therein is what I think we should be talking about. If we are going to throw money at defense, particularly in the strategic area, we destroy the consensus that we developed for a strong defense at the beginning of the President's term.

We had seen at the end of the Carter term that he was then moving toward a stronger defense. We had satisfied the pay problems in the military. President Carter himself submitted a much expanded defense budget request for fiscal year 1981. We increased that by $72 billion and then we have had over a $100 billion increase in our defense budgets in the last 3 years.

But now to insist on the waste of just throwing billions, whether it is a $30 billion waste or $17 billion waste, we cannot afford it and it erodes the kind of consensus that we need in our economy at this particular moment for the support of a strong conventional defense.

Madam President, the survival of the MX missile after the dense pack debacle can be traced to the hands of the Scowcroft Commission and to a gullible Congress. Appointed by the President to review the future of strategic forces in general, the Scowcroft Commission recommended the installation of 100 MX missiles in upgraded Minuteman silos—an idea that had previously been severely condemned by the most vocal supporters of the MX, including Secretary of Defense Weinberger. While the Congress has accepted the thrust of the Commission's recommendations, few Members have determined for themselves if the underlying factors prompting the MX recommendation are sound. Now is the time for such scrutiny.

The decision on MX should extend beyond the scope of the program and also consider overall defense priorities. The debate on the MX should address: its critical factors such as survivability, expansion, alternatives, and cost; the balance between strategic and tactical force modernization; our military's readiness requirements, particularly under the modernization plans projected for 1985-95; and the cost of manpower versus equipment in future years.

The strong congressional support expressed last year for a large defense buildup has been eroding during 1983 in the face of massive Federal deficits, crippling levels of unemployment, and the overall deteriorating economy. Confronted with the very serious and growing military threat of the Soviet Union, we can ill afford to lose the consensus supporting an expanded defense capability. The way to stop the erosion of support is to conduct an objective evaluation of defense priorities that leads to a significant upgrading in the fighting stance of our forces at an affordable price and within a reasonable timeframe. Our economy has no room for procurement of a DOD/U.S. defense industry wish list of programs. The often hard-line rhetoric of the administration should be replaced by performance. Spending unlimited sums of money for defense does not result in an improved capability. Getting the right kind of soldier, the right kind of equipment, and staying ready and trained to fight is the road to an improved capability. The American public deserves no less than the confidence that large defense budgets result in that goal.

The Scowcroft Commission's report stated that the Soviet's modernization of its multiple warhead ICBM programs could effectively destroy the whole range of strategic targets in the United States. Yet, Air Force testimony to the Congress has placed about 25 percent of our land-based ICBM force surviving a Soviet first strike. The Commission correctly states that whatever the case, the United States must be able to neutralize Soviet strategic forces and have the comparable ability to destroy Soviet military targets, hardened or otherwise.

The key questions in the MX debate revolve around whether: Firsts, our present strategic forces—and those planned under the administration's extravagant defense budgets for fiscal year 1984-88—provide effective deterrence and second, is the MX essential to this deterrence—particularly in view of its exorbitant cost ($30 billion) at the expense of neglecting more critical priorities of our convention forces.

The Scowcroft Commission contends that the MX is the "bargaining chip" needed to obtain a satisfactory arms agreement. It is further alleged that MX deployment can be seen as the cornerstone of the U.S. resolve and will to maintain an effective nuclear deterrent capability. Such contentions are erroneous. Our entire strategic force modernization effort is a forceful illustration of United States will. There is an abundance of will and resolve in the Trident D-5 system, the new single warhead Midgetman missile, the B-1 and stealth bombers, the strategic cruise missile programs, strategic command and control improvements, and the R&D on a ballistic missile defense system. We are spending nearly $400 billion for these programs in the next 5 years while producing thousands of new warheads—warheads with a hard-target kill capability.

Much has been ballyhooed by the administration about the need for ICBM survivability in the face of improving Soviet nuclear forces. However, by placing MX in fixed silos, we would be deploying about 35 percent of our land-based MIRV'd missiles—and nearly 100 percent of our land-based hard-target warheads—in only 10 percent of our silos. The absurdity of this move is well documented in the following quote from the Senate Armed Services report on the fiscal year 1983 defense authorization bill:

> The committee is also concerned that the possibility exists that strategic deterrence and crisis stability could be jeopardized, rather than enhanced by the deployment of high value, militarily important weapons in so small a number of relatively easily destroyed shelters. . . . No further work is to be undertaken in support of fixed-point silo basing of MX.

Such an incredulous move on MX deployment significantly eases the Soviet planner's task for eliminating our ICBM forces short of a first-strike use by the United States.

Contrary to the administration's claim that canceling the MX would send the wrong signal to the Soviets, it would send the right signal. It would be the first sign that we are getting our defense priorities in order. We can stop the Reagan administration's dangerous imbalance favoring strategic weapons and start remembering the needs of our soldiers and marines on the battlefield.

Forgoing the MX is not a signal of abandonment of ICBM modernization or of the concept of the strategic triad. Coupled with cancelation of the MX should be a firm commitment for development of the Midgetman missile, the Trident II system—with a minimum of 22 Trident subs, and the stealth bomber armed with the newest cruise missiles. We can upgrade the current Minuteman III force to provide comparable range, accuracy, and hard-target capability as proposed for MX. The Air Force has stated that such an improved Minuteman force can be available within the same timeframe suggested for MX deployment—at a cost of about $13 billion versus the MX cost of $30 billion including warhead. One Trident submarine would provide approximately 200 survivable warheads at a cost of $2.5 billion. The MX—at $30 billion and fewer survivable after a Soviet first strike—is a ridiculous price for the capability.

With Congress facing years of Reagan-imposed deficits of $200 billion and more, it is our responsibility to assure that those dollars available for defense improve our security, not lessen it. Savings from canceling MX can be used on many conventional programs that are shortchanged because of MX. These included the F-16, airborne missiles, attack submarines, tanks, ammunition, tactical vehicles, equipment for the Reserve and Guard, the Marines' rapid deployment needs, and the readiness and training of all forces.

Madam President, last week Senators Bumpers, Leahy, Hatfield, Hart, and myself distributed a dear colleague letter identifying our major concerns with the President's MX proposal and why we oppose the MX. Our major opposition to the system is as follows:

MX would be an extremely destabilizing weapon, vulnerable to a Soviet first strike while posing a major first strike threat against Soviet forces. In the early 1990's, MX survivability would be only 1-2 percent—one or two missiles!—if the Soviets struck first. At the same time, in a U.S. first strike, 1000 MX warheads could destroy the great majority of Soviet strategic forces if the reductions in the President's START proposal were accomplished.

MX would cost appreciably more than other strategic systems, robbing necessary defense programs of much needed funds. MX would cost 60 percent more per warhead than either Trident or B-1, yet would be the least survivable of the three by a wide margin. MX's cost per survivable warhead in the early 1990's is staggering: $850 million to $1.7 billion each. We are being asked to spend $17 billion—as much as five aircraft carriers—so that one or two missiles can survive in the early 1990's.

MX is fundamentally at odds with an arms control environment in which warheads, rather than launchers, are limited. The vulnerable MX, under the President's 5,000 warhead START ceiling, would crowd out up to 1,000 much more survivable warheads currently in place, such as Trident I and Poseidon.

MX would jeopardize future ballistic missile warhead reductions in a "START II" negotiation by giving us only three choices for the 1990's, all bad:

First, dismantle MX's deployed only a few years before.

Second, dismantle additional survivable warheads, i.e., Trident II and Midgetman, in order to keep vulnerable MX warheads.

Third, refuse to agree to any further ballistic missile warhead reductions.

If, despite all the compelling arguments against highly MIRVed silo-based missiles, the President is determined to deploy such a missile, Trident II in silos would be just as effective. With warheads, not launchers, being limited, the fact that MX will carry more warheads than Trident II is irrelevant. Trident II will be available just three years after MX; it makes no sense to buy duplicate missiles.

Finally, we know that many of our colleagues have supported MX in the last few months because of its bargaining leverage in arms control negotiations—not, ironically, with the Soviets but with this administration. Some have urged that the President seek "an immediate agreement with the U.S.S.R. on a build-down as a framework and precursor for the detailed START treaty." We include among us both opponents and advocates of the build-down concept. Last month, the President seemed to embrace the build-down.

However, his Rose Garden speech and accompanying fact sheet make no mention of an immediate or precursor—prior to full START agreement—build-down proposal. In fact, while the language is ambiguous, the President's remarks and his fact sheet suggest that, unlike the build-down proposed by some in the Senate, the administration's version of build-down might only be an element of a full START agreement, probably several years away.

Making build-down only a reductions mechanism in a comprehensive START agreement would undermine the stated intent of this concept. The U.S. START proposal already calls for reductions; a build-down in START would not change the size of the reductions themselves, only the manner of achieving them. Such a build-down would thus have little substantive impact on the content or pace of the negotiations.

The President's ambiguity in the wake of widely reported bureaucratic resistance to the build-down, and repeated descriptions of build-down by Senators as the basis for a precursor approach, should give everyone pause.

If for some the price of MX is a proposal for an interim build-down agreement, then surely they would wish to have this ambiguity clarified before voting to support MX production funding.

In summary, the MX was designed for a different era than the one most of us believe we are now entering. MX would be vulnerable, costly, destabilizing, and out-of-date. Of perhaps greatest significance, a vulnerable MX—designed when launchers, not warheads, were the focus of arms control—would fundamentally conflict with the thrust of U.S. arms control and national security policy, as expressed by the Scowcroft Commission and the President himself. The burden it would place on our security policy would not be lifted until MX was dismantled.

Madam President, I ask unanimous consent that the following information be printed in the Record.

First, costs for an upgraded minuteman program—with the same capability as MX—and the MX program as provided by the Air Force.

Second, quotes from members of the Senate Armed Services Committee and other defense experts on why MX in Minuteman silos is a terrible idea.

Third, an MX fact sheet distributed by Senators Bumpers, Leahy, Hatfield, Hart, and myself.

There being no objection, the material was ordered to be printed in the Record, as follows:

MINUTEMAN UPGRADE

[Then-year dollars, in millions]

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	Total
R&D	$634.25	$733.2	$579.67	$346.36	$206.88	0	0	0	0	0	$2,500.36
Missile procurement	0	1,850.58	1,672.59	1,520.55	1,403.15	$1,391.07	$1,406.75	$928.03	$37.06	$39.2	10,248.98
Milcon	0	11.79	24.68	25.8	26.96	0	0	0	0	0	89.23
Total	634.25	2,595.57	2,276.94	1,892.71	1,636.99	1,391.07	1,406.75	928.03	37.06	39.2	12,838.57

[1] 48 mo IOC after go ahead; 24 mo later for full operational capability. Thus, July 1983 go ahead equals July 1987 IOC and July 1989 FOC.

[2] Approximately 350 Minuteman III with AIRS guidance and MK-12A warhead.

Source: Air staff.

MX PROGRAM COSTS—SCOWCROFT COMMISSION RECOMMENDATION

[Then-year dollars, in millions; by fiscal years]

	1983	1984	1985	1986	1987	1988	1989	Total
RDT&E	$2,506	$2,034	$1,676	$897	$410	0	0	$7,523
Procurement	0	2,536	3,476	3,042	2,878	$2,130	$661	14,723
Milcon	17	72	141	98	78	71	0	477
Total	2,523	4,642	5,293	4,037	3,366	2,201	661	22,723
Missile buy		27	37	48	48	48	15	

Note: Excludes Department of Energy costs.

Source: Air staff.

MX QUOTES WITH REFERENCES

Sen. John Tower, November 2, 1981—Interview in the U.S. News & World Report:

"By stuffing the MX's into fixed silos, we're creating just so many more sitting ducks for the Russians to shoot at . . . True, the MX missile itself will be more powerful, more accurate—and we need that kind of weapon. But it's of little use to us unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms-control talks."

Caspar Weinberger, Secretary of Defense, January 6, 1981—Confirmation hearings in front of the Senate Armed Services Committee:

"I would feel that simply putting it [the MX] into existing silos would not answer two or three of the concerns that I have: namely, that [the location of] these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our forces."

Sen. Henry Jackson, October 5, 1981—SASC hearings, "Modernization of the U.S. Strategic Deterrent," page 11:

"My main criticism—and I criticized the Carter administration—is that in the 1980's Minuteman and Titan are vulnerable in those silos. I think you and others properly have criticized that deployment. Then after 8 months we come back here; we have looked at all these other things supposedly, but it took 8 months to do that, and we end up with what we have now . . . We have given the Soviets a better target to shoot at."

Senate Armed Services Committee report of the fiscal year 1983 Defense Authorization Bill, April 13, 1982:

"The planned interim basing of MX does not redress the problem of the vulnerability of the land-based ICBM force. . . . The $715 million requested for research and development on interim basing of the MX is denied. No further work is to be undertaken in support of fixed-point silo basing of MX."

Sen. William Cohen, December 16, 1982—CONGRESSIONAL RECORD, page S15206:

"The reason Sam Nunn and I proposed our amendment a year ago was that we were frustrated with what we perceived to be an intention to move forward with an interim basing mode—placing the initial missiles in superhardened silos—that was not survivable, but was costly and probably in violation of the terms of SALT I and II. We specified that the MX funds could not be used for that purpose. . . ."

Rep. Melvin Price, October 6, 1981—Opening statement, HASC hearings, Military Posture, part 2, pg. 2:

"What is to be gained by deploying just 36 MX missiles in existing silos? If 4,600 silos of the MPS mode would be too vulnerable to proliferation of Soviet ICBMs, how are 36 or even 100 MXs in fixed silos to be more survivable? What technical knowledge do we have now as to the feasibility of deep silos basing?"

William Perry, Former Undersecretary of Defense, November 13, 1981—SASC hearings, Strategic Force Modernization Programs, page 441 and 447:

"My concern is that if we had this very accurate, very threatening missile in unprotected silos, and if they do not go to a survivable system themselves . . . that simply increases the hair trigger . . . on both sides."

"I agonized over that and said on balance I would not go ahead with that [MX in silos] because I don't believe we will come up with a survivable basing mode that is acceptable.

"Since I am pessimistic that we will get a basing mode that is both survivable and acceptable, I am opposed to putting a weapon that lethal in an unsurvivable mode, for reasons I have described in terms of hair triggering the alert."

Senate Strategic and Theater Nuclear Forces Subcommittee Report on fiscal year 1983 Defense Authorization Bill, March 24, 1984—(endorsed by Sens. Thurmond, Goldwater, Cohen, Quayle, Jackson, Nunn, Hart and Exon):

The number of additional warheads that would survive an attack upon MX missiles so deployed [in Minuteman silos] does not appear to justify the costs—assessed at $2.6 billion over the next five years—associated with this basing scheme.

"The Committee also is concerned that the probability may exist that strategic deterrence and crisis-stability could be jeopardized, rather than enhanced, by the deployment of high-value, militarily important weapons in so small a number of relatively-easily destroyed shelters."

General Lew Allen, Chief of Staff, U.S. Air Force, January 29, 1981 SASC hearings

". . . An essential feature of the MX deployment is that the basing mode be survivable. One does not obtain that through placing it in Minuteman silos. Therefore, I do not favor such a deployment."

Dr. James P. Wade, Principal Deputy Undersecretary of Defense, October 27, 1981—SASC hearings "Strategic Force Modernization Programs" p. 42:

". . . If you focus just on the survivability aspect of the value gained by placing the MX in a hardened silo . . . the value is at best marginal."

Harold Brown, former Secretary of Defense, November 13, 1981—Washington Post, op-ed page:

"The Oct. 2 decision adopts an admittedly very vulnerable basing system, and indicates an intention to continue to explore other possibilities for some time in the future. . . . There is talk of further hardening of existing silos for a much-truncated MX force, but since the MX will not be available until 1986, that further hardening, if it is at all feasible, will not be available before the Soviets can install a new generation of guidance systems. The Soviets, using technology that they have already developed, will surely be able by that time to improve the accuracy of their ICBMs further, so that in the case of a nuclear war the hardened MX silos will find themselves in the fireball and in the crater left by the nuclear explosion of Soviet warheads; the silos would not survive such an experience."

Sen. Sam Nunn, December 2, 1981—CONGRESSIONAL RECORD page 29358:

"The experts who have testified before the Armed Services Committee, and I am sure other committees have had similar testimony, agree that the Soviets today have the combination of yield and accuracy necessary to overcome the levels of hardness contemplated. The MX simply is not survivable in existing silos, whether they are hardened or unhardened. This fact is confirmed by every expert witness who has testified, and it includes also not only governmental witnesses but also knowledgeable outside witnesses, including the Air Force and our intelligence community."

Rep. William Dickinson, October 6, 1981—HASC hearings on Military Posture, part 2, Pg. 4:

"From my understanding of the physics of the problem it is almost impossible to guarantee a respectable level of survivability with missiles encased in a silo of ICBM's. In other words, we are trying to address our so-called window of vulnerability, and I am concerned that we are not closing that window of vulnerability but simply pulling down the shade."

Sen. William Cohen, December 2, 1981—CONGRESSIONAL RECORD, pages 29340, 29341:

"If you believe in the window of vulnerability, then putting those missiles [the MX] in unprotected, immobile silos is a very dangerous move. It's inviting of the very kind of Russian strike that we fear . . .

"It also, I think can be agreed upon that the hardening of missile silos, as has been recommended by the administration on an interim basis, does very little to improve missile survivability, and that such hardening does not reduce the threat of nuclear conflict or strengthen nuclear deterrence . . .

"I think inherently in any decision about having fixed silos, we must deal with the question as to whether or not, by putting these new, bigger, more destructive missiles in a fixed mode we thereby lower that threshold and make them much more targetable, much more attractive for the Soviets to attack in a moment of strategic error, miscalculation, and madness."

Dr. Richard DeLauer, Undersecretary of Defense for Research and Engineering, March 11, 1982—HASC hearings on Military Posture, Part 5, pp. 387, 388.

"The reason that I did not relate interim basing [of the MX missile in Minuteman silos] to the survivability problem is that the resulting survivability will be no better than it is now."

Caspar Weinberger, Secretary of Defense, October 5, 1981—SASC hearings, Modernization of the U.S. Strategic Deterrent, page 21.

"I don't think they (Minuteman silos) can be hardened enough on a permanent basis to warrant putting (MX missiles) in fixed and known silos. I think they can be hardened enough to give added strength for a few years."

Lt. Gen. Kelly Burke, Deputy, Deputy Chief, of Staff, U.S. Air Force, March 15, 1982.

"I . . . testified earlier that the Air Force had recommended, irrespective of congressional action, that superhardening was not worth the cost. It had some value. It also had a very big price tag and our recommendation was not to do that."

Sen. Dennis DeConcini, December 3, 1981—Congressional Record, Page 29543:

"By placing our most advanced strategic weapon—the MX—in silos which belong to an earlier era of nuclear technology, the President has reduced—perhaps even eliminated—the usefulness of the MX. Hardened existing silos would make a nice target for Soviet planners, it might even encourage them to contemplate a pre-emptive attack because the payoff—America's MX missile—would be so attractive."

Sen. Dan Quayle, December 3, 1981—Congressional Record, page S29498:

"The primary justification for a new land-based missile must be that it is relatively invulnerable to a Soviet first strike. If it is not, it will lose its deterrent value, which is the position we are facing with our Minuteman missiles.

"It continues to distress me that, despite years of discussion and debate, we still lack an acceptable basing mode for the MX."

Sen. James Exon, December 3, 1981—Congressional Record, page 29501:

"Probably the most serious of all is the ill-conceived placing of the 10-warhead MX missile in palce of the 3-warhead Minuteman III missile or the single-warhead Minuteman II and Titan missiles which would contribute to the unstable "launch-on-warning" doctrine we should instead by trying to avoid. It makes no sense to this Senator to place a more valuable weapon such as the MX in silos which are becoming more vulnerable with each passing month. During time of tension or warning of actual Soviet missile launch there will be a greater tendency to "use them or lose them" rather than having our land-based missiles attempt to "ride out" an attack and then retalitate. This situation does not contribute to crisis stability—one of the administration's own properly stated goals."

General David Jones, then Joint Chiefs of Staff, October 5, 1981—SASC hearings, Modernization of the U.S. Strategic Deterrent, page 19:

"In my own view, I consider the MX in a very survivable mode to be extremely important to the security of the Nation. I remain to be convinced there is a survivable mode other than MPS. So, if forced with the difficult choice. B-1, ATB, and MX, I would put MX last under the current program slice."

Sen. Sam Nunn, December 2, 1981—Congressional Record, page 29358:

"There is considerable doubt in my mind about the wisdom of proceeding with an MX program at all if we cannot, at some point, come up with a reasonable opportunity for survivability of the missile."

Conference report on the fiscal year 1977 Defense Department Authorization Bill. June 1976:

"The rationale behind the development of a new missile system (MX) is to provide a land based survivable strategic force. The development of an alternate basing mode as opposed to a fixed or silo based mode is the key element in insuring this survivable force. The conferees are in agreement that providing a survivable system should not be constrained for silo basing; that none of this program's fund shall be expended in fixed or silo basing for MX; and that none of the program reduction shall reduce the Department's proposed investigations of mobile deployment."

Sen. John Warner, March 24, 1982—Baltimore Sun:

"The MX would be too vulnerable to a Soviet first strike under that arrangement [MX in existing silos] and the Subcommittee saw no point in building the missiles until the permanent basing decision was made."

"Sen. John Tower, October 2, 1981:

"I am enormously skeptical to the point of feeling that this plan [MX in Minuteman silos] doesn't give us enough added capability for the money involved and leaves us with a highly vulnerable land-based system."

Sen. Mark Andrews, December 2, 1981—Congressional Record, page 29346.

"If we spend over $300 million to harden a bunch of silos, to put a 10-warhead missile in a fixed point because we are afraid that the Russians are targeting 3-warhead missiles in a fixed point all we do is step up the opportunity for them to take out 10 warheads at a time instead of 3 warheads at a time."

Sen. Alan Dixon, December 2, 1981—Congressional Record, page 29369:

"I support the MX missile. I think hardening of the silos in permanent basing modes, as presently contemplated, invites disaster and is a terrible mistake."

Adm. Stansfied Turner, former Director of the C.I.A., March 13, 1983—New York Times Magazine.

"For several years now, the immediate problem with the MX has been how to base it. Placed in existing silos, it would be vulnerable to surprise attack by the Soviet Union's beefed-up strategic forces—just as vulnerable as our present generation of land-based missiles."

General Ellis, then Commander-in-Chief of the Strategic Air Command, February 18, 1981:

"We must correct our vulnerability by deploying the MX in a mobile basing configuration. . . .

"Senator, If we had the mobility in the Minuteman force that we are building into the MX force we wouldn't need an MX force."

MX Fact Sheet

THE MX IS DANGEROUSLY DESTABILIZING

No one, including this Administration, denies that MX, based in silos, would be quite vulnerable. By the time MX would be fully deployed, fewer than 10 percent of them—10 missiles!—would be likely to survive a Soviet first strike. In the early 1990's, MX survivability would likely plummet to barely 1-2 percent—one or two missiles!—as Soviet ICBM accuracies continue to improve. Sitting ducks, some have accurately called MX.

MX's destabilizing nature is compounded by the threat it would pose to the survivability of the entire Soviet ICBM force. The Administration argues that 100 MX would not be enough to attack all 1398 Soviet ICBMs, which is correct for 1983. But this conveniently ignores the fact that under a U.S. proposed START agreement, the Soviets would have appreciably fewer ICBMs, particularly multiple warhead (MIRVed) ICBMs, than they do now. President Reagan's original START proposal sought a limit of 850 ballistic missiles, under which the Soviets would probably have retained fewer than 500 ICBMs (the balance going to SLBMs). This would have given the 100 MX the capability to attack all Soviet ICBMs with two warheads each, a clear first-strike threat. President Reagan has relaxed his 850 limit, and press reports indicate that a figure of 1200 is likely. Probably no more than 700-800 of these would be ICBMs, and only about 200-300 of them could be MIRVed in order to stay within the 5000 warhead and throw-weight limits. One hundred MX would thus be sufficient to target two warheads against each MIRVed Soviet ICBM and one warhead against most or all of the non-MIRVed Soviet ICBMs, enough to destroy perhaps 90 percent or more of Soviet ICBM warheads. A few submarine warheads could then take care of almost all Soviet bombers and the great majority of their missile-firing submarines, most of which stay in port.

MX's capability to destroy so much of the START-limited Soviet ICBM force in a first strike, while itself highly vulnerable to a Soviet attack, would be the single most destabilizing situation the U.S. could produce in the next decade. In a crisis the Soviets would be compelled, by their very counterforce and pre-emption doctrines that this Administration has warned us about for so long, to attack MX before it could be launched against Soviet targets. MX thus contradicts the President's own rhetoric and the conclusions of the Scowcroft Commission about the importance of moving to more survivable and stabilizing systems.

THE MX WOULD COST MORE PER WARHEAD THAN OTHER MORE STABILIZING SYSTEMS

As shown below, MX warheads could cost some 80 percent more than weapons on the B-1 and 55 percent more than warheads on Trident:

Cost per warhead in fiscal year 1984 dollars[1]

System:	Millions
MX	$16.6
Trident	10.6
B-1	9.3

[1] See end of fact sheet for explanation.

This higher cost for MX warheads might be acceptable if they had good survivability, yet MX is by a wide margin the least survivable of the three. In fact, the cost per survivable MX warhead, a more meaningful measure, is staggering: 5 to 18 greater than B-1 and Trident in the late 1980's, and 50 to 180 times greater in the early 1990's!

COST PER SURVIVABLE WARHEAD

[In millions of fiscal year 1984 dollars]

System	Normal alert posture	Crisis alert posture
MX:		
Late 1980's	$170	$170
Late 1990's	850–1,700	850–1,700
Trident	16	12
B–1	31	9.3

At a time when a number of important defense programs—not to mention domestic programs—are squeezed for funds, and the deficit is running out of control, we cannot afford such waste and extravagence.

MX WOULD CROWD OUT MORE SURVIVABLE SYSTEMS UNDER A START AGREEMENT

Under the President's START proposal, both sides would have to reduce to 5000 ballistic missile warheads. Thus, deploying 1000 vulnerable MX warheads would force us to dismantle 1000 others. By 1990, at least some, if not most, of these would be survivable Trident I and Poseidon SLBM warheads. By the mid-to-late 1990's, the vulnerable MX would be taking the place of 1000 accurate, survivable Trident II D-5 SLBM or small ICBM ("Midgetman") warheads. Thus MX, a weapon designed in the 1970's, would appreciably diminish, not enhance, our security in the 1990's.

MX COULD WEAKEN OUR NEGOTIATING LEVERAGE WITH THE SOVIETS IN START

As described above, the vulnerable MX would take the place of up to 1000 survivable U.S. warheads in our strategic force posture in the 1990's. The Soviets recognize this, and so should we. The Soviets also recognize that they do not know how to destroy Trident submarines, nor do we think they know how to destroy a mobile "Midgetman" ICBM. By contrast, not only do the Soviets know how to destroy silo-based MX missiles, but they have that capability *today.* It seems clear that with D-5 deployment coming just a couple of years after MX, the Soviets would much prefer to face 1000 MX warheads than 1000 D-5 warheads. Deploying MX could thus actually *reduce* our leverage with the Soviets in START by reducing the number of survivable U.S. warheads the Soviets would have to worry about.

MX WOULD COMPLICATE AND PERHAPS JEOPARDIZE FURTHER REDUCTIONS IN A "START II" NEGOTIATION

The warhead displacement problem of MX described above becomes still worse if the U.S. tries to negotiate even modest further cuts, such as a reduction to 4000 warheads, in a "START II" negotiation a few years hence. With MX, our choices would be simple, but stark:

Dismantle MX's that would have been deployed only several years before;

Dismantle additional survivable Tridents and Midgetmans to make room for vulnerable MX's;

Refuse to agree to further reductions in START II.

A warhead ceiling, unlike the launcher ceilings of old, are unforgiving and stern: every warhead deployed crowds out another weapon that might have been. The vulnerable MX, a weapon of the past, would thus, in the new era of arms control that has now begun, exact a heavy price from us for years to come.

EVEN IF A SILO-BASED MIRVD MISSILE WERE NECESSARY, THE TRIDENT II D-5 WOULD BE JUST AS EFFECTIVE AS MX

The D-5 missile will be available at the end of this decade, just a couple of years after the MX. If, despite all the compelling arguments against MX, the U.S. still believed that we needed a silo-based MIRVed missile, we could simply deploy the D-5 in silos. If the D-5 ends up carrying 6-8 warheads, then 125-165 D-5s in silos could embody all the capabilities of 100 MX. The cost difference in producing an extra 25-65 missiles would be far outweighed by the savings accrued from having only one missile production line rather than two. We would thereby avoid the expense of "coming down a second learning curve" and other associated start-up costs. In addition, operating and maintenance, operational testing, and logistics costs would be reduced, as would ongoing R&D costs.

Such a move would also recognize that in the new arms control era we have now entered, where limits on warheads, not missile launchers, are emphasized, the fact that MX carries more warheads than the D-5 is of no practical significance. On a warhead basis, the two missiles are essentially equivalent when silo based. The Administration seems not to have caught up to the logic of its own START Proposal. It makes no sense in this new era to waste scarce defense dollars to duplicate a capability we will have anyway just a couple of years later.

COST ASSUMPTIONS

MX: $14.8 billion in fiscal year 1982 ($16.6 billion in fiscal year 1984) remaining to be obligated in program. Divided by 1000 warheads is $16.6 million. 10 percent survivability implies $170 million per survivable RV, 1-2 percent survivability implies $850 million-$1.7 billion.

Source for costs: Air Force.

Trident: One Trident SSBN cost is $1.759 billion, 24 C-4 missiles are $271 million. Total of $2.03 billion divided by 192 warheads is $10.6 million. Normal alert status of 67 percent assumed, 90 percent for crisis alert. All SSBNs at sea assumed to survive.

Source for costs: Navy.

B-1: $15 billion in fiscal year 1981 dollars assumed remaining to be obligated in the $20.5 billion program. Equivalent to $18.6 billion in fiscal year 1984 dollars. 20 weapons per aircraft for a total of 2000 weapons. 30 percent normal alert, 100 percent crisis alert status assumed. All alert aircraft assumed survivable.

Source for B-1 program cost: Air Force.

Mr. HOLLINGS. Madam President, once again the MX provides the Congress the opportunity to make a decision the administration cannot make. The choices are clear. Can we afford $30 billion for a system that gives us no capability unless we become the aggressor? Must we overprepare for nuclear war with a system whereby we must use it or lose it? We have and will continue to have the best strategic forces available—canceling the MX does not alter this fact. Our judgment on this matter may decide whether our pilots have precision munitions to defeat a Soviet attack, whether our soldiers are adequately trained to fight and have bullets for their guns, or whether our troops can survive a Soviet chemical weapon barrage.

For economic commonsense, for military commonsense—we should stop the MX program now.

I thank my distinguished colleague.

Mr. BUMPERS. Madam President, I yield 3 minutes to the Senator from Colorado (Mr. HART).

Mr. HART. Madam President, I thank the Senator from Arkansas.

Madam President, with the collapse of the effort to ratify the SALT II treaty, the MX missile started a 3-year odyssey in search of a place to be based.

The proposal by the Carter administration to base this missile in a mobile mode in Utah and Nevada made sense only with restriction on Soviet warheads represented by the SALT II Treaty.

When that treaty failed, then even the mobile basing mode for the MX made no sense.

This administration, committed in 1980 to the proposal of closing the window of vulnerability, spent 2½ years searching for a place to put the MX missile. It took that long, Madam President, because none of the basing modes made any sense without a limitation on Soviet warheads and, most of all, the fixed vulnerable basing mode of existing land-based silos. It took the Scowcroft Commission in April of this year to put that prospect back on the table when every thoughtful strategic planner of whatever ideology understood from the beginning that it made no sense.

Some Senators have argued for the MX because it is going to be a bargaining chip. They should drop that argument. The President already has said he does not intend to negotiate the MX away. He intends it to be the follow-on land-based leg of the triad.

The only bargaining chip the MX represents is between the President and Congress.

As to the Scowcroft Commission, General Scowcroft himself in testifying before a congressional committee stated that the Commission left the MX in the package to get support for a consensus behind arms control and a single warhead mobile missile. He himself said it was a political solution and not a military solution.

So, Madam President, here we are on the threshold of a vote for the most destructive, war fighting, destabilizing, vulnerable nuclear weapon system this country has ever contemplated and we are doing so not for military reasons, not for strategic reasons, not for national security reasons but for political reasons so we can get the President to be serious about arms control and move away from land-based fixed missiles. That makes no sense, Madam President, either because this country should not be spending $30 billion to try to convince the President not to do what we are doing.

The Scowcroft Commission recommendations make no sense. The MX missile makes no sense from any point of view and, Madam President, if the Senate wanted to put itself on record as backing away from the arms race, as committing ourselves to true national security, we would enact the amendment of the Senator from Arkansas, defeat the funds for this missile and restore some sanity to the nuclear debate.

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Mr. BUMPERS. Madam President, I yield 3 minutes to the Senator from Tennessee (Mr. SASSER).

Mr. SASSER. Madam President, I thank the distinguished Senator from Arkansas.

Madam President, since becoming a member of the Senate I have consistently supported strategic modernization efforts of the last two administrations. For example, I have supported the cruise missile program. I have supported production of a new long-range strategic bomber, the B-1. I have supported the production of the Trident submarine and its C-4 and D-5 missile systems. I am supporting the research and development of a new single warhead missile system, the so-called Midgetman. And I have supported research and development of the MX. I have even supported production of an MX missile which would be deployed in a survivable basing mode.

But Madam President I must draw the line. I cannot and will not support production of an MX missile that is to be deployed in a basing mode that is not survivable and that will actually lead to a less stable nuclear balance of power. The MX in Minuteman silos is such a missile system.

The MX in the Minuteman silos actually leads us to less stability rather than more stability. It creates insecurity rather than more security. It moves us down the road toward a launch-on-warning or launch-under-attack policy, one which is new to the United States of America and one which I think is exceedingly dangerous and one which I think is prone to nuclear war by miscalculation.

Madam President, the nuclear doctrine of this country has always been that we would launch our nuclear missiles only after nuclear detonations had taken place here, and if we go forward and build an MX missile system in a basing mode which is nonsurvivable then we move toward a use-it-or-lose-it doctrine and the only way to protect these missiles is to fire them on warning or move toward a so-called launch-under-attack policy. That would be a very dangerous change in policy.

Madam President, some have suggested that recent events in the Middle East, the Caribbean, and Central America make it all the more imperative that we go ahead with production and deployment of the MX.

The truth of the matter is that the argument for the MX is no greater today than it was the last time this Senate debated the issue. If anything, the argument to halt production of this missile is greater than ever.

Madam President, the world is less stable than it was several months ago when we last debated the MX missile question. We simply do not need another destablising element relations between the Superpowers.

The MX in Minuteman silos is not a survivable weapons system. It places our nuclear forces on a hair trigger. It weakens the 30-year policy of maintaining a second-strike retaliatory nuclear arsenal.

I cannot support the basing of MX missiles in Minuteman silos, and I hope that my colleagues will join in supporting this effort to delete production funds for the MX missile.

Madam President, the proposition behind this amendment is exceedingly simple.

The MX is only survivable if it is launched before its silos are attacked, therefore, a vote for the MX in its present basing mode is a vote for a strategic nuclear policy that is infinitely more dangerous than current policy.

No one, not the Scowcroft Commission, the Joint Chiefs of Staff, the Secretary of Defense, nor the President can give us satisfactory assurances that placing the MX in Minuteman silos is a survivable basing mode.

So by voting for the MX in its current deployment we move one step closer to the day when the MX might trigger a nuclear holocaust if by chance we are given false warning of a nuclear attack or if there is a nuclear incident precipitated by some third party.

That should not be an acceptable strategic nuclear deterrence policy.

There are other, safer alternatives to MX deployment in Minuteman silos, Mr. President.

These have been discussed at some length on this floor over the last several months. They should be further explored so that we can back away from this launch-on-warning policy which is embodied by the MX.

A nuclear hair-trigger spells a clear and present danger for this country and the world. We must turn away from that danger now and vote against production funds for the MX missile.

Mr. STEVENS. Madam President, I yield myself 4 minutes.

Mr. President, if all that my friends, and they are my friends, say is true, then my response would be that maybe the Russians will listen and maybe the Russians will come to the bargaining table prepared to do what must be done in the interest of mankind.

Having been raised in a very religious home I find it difficult at times to respond to my friends who cast doubt on those of us who believe in a strong defense and believe in the concepts that are involved in this type of authorization. The impact of what they say at least on my mind is that somehow or another we who believe in authorizing the MX for a stated purpose of trying to get the Russians to that bargaining table are wrong.

I do not believe that is the case, but in any event, let us just assume, Madam President, that we were not in the continuum we are in right now, that the President had not been elected and Mr. Carter had been reelected. It was my amendment that prevented the Carter administration from committing all of the funds in the basing mode concept to the MPS system. Many of us had worried about the recommendations of President Carter that would have led us to spend $55.4 billion, in fiscal year 1984 dollars, on 4,600 shelter for 200 missiles, without a B-1. We would not have had a B-1. We would have given up the other leg of the triad under the Carter administration. After this administration came to office, many of us went to the administration and urged them to create a high level commission to examine into this total proposal and to come up with recommendations on what to do about the triad, how to maintain it. The Scowcroft Commission has done an excellent job. As a result of the Reagan proposal now, pursuant to the report of the Scowcroft Commission, we will have 100 MX's in Minuteman silos, 100 B-1 bombers. Both will be authorized and in production and then we will go to the bargaining table.

We will go to the bargaining table with a complete triad, with the expressed determination of this country to be prepared if the Soviets are unwilling to stand down some of their arsenal. Do not forget, they have the Backfire bomber that is the equivalent of our B-1. It is right across the straits from Alaska, I might add. When two of our fleets were in the North Pacific this year, the Soviet equivalent of the B-1, the Backfire, came out to pay a visit on them.

The MX has been deployed in the Russian scheme already. So we go to the arms reduction talks knowing that the Russians have already deployed the systems that we have authorized and are prepared to deploy.

I believe that maybe they might listen to my friend. Maybe they might listen to the concept that this is destabilizing. If that is the case, then I hope that my friends are right. I hope the Russians interpret the MX as being destabilizing. I hope they will come to the bargaining table because I know the net result in the long run, if we get to the bargaining table and bargain the way both sides should bargain, there will be a reduction in arms, there will be a reduction in the nuclear strength of both of the superpowers, and that is what we seek.

I think nothing demonstrates that more than the refinement of the President's proposal consistent with the Scrowcroft Commission. I intend to urge the Senate once again to approve this request. I yield back the balance of my time.

Mr. BUMPERS. Madam President, how much time do the proponents have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. BUMPERS. I yield 15 seconds to the Senator from Kentucky.

Mr. FORD. Madam President, before the Senate votes on this amendment, I hope each of my colleagues will pause to reflect upon the enormity of the issue before us—the Senate is about to vote on the question of whether or not the MX missile will be produced so that it can be deployed in Minuteman silos.

I truly believe that deployment of the MX in this manner would be the most dangerous thing the United States has ever done. This basing mode will do nothing to enhance the security of the country because the MX will be as vulnerable as the Minuteman it replaces. Rather than strengthening our deterrence, deployment of the highly accurate 10-warhead missile in this nonsurvivable mode will only increase Soviet incentives to launch a first-strike attack. The only way for the United States to protect the MX would be by an early launch, a strategy that increases the risk of accidental nuclear war.

My constituent, Glen Stassen, a professor at the Southern Baptist Theological Seminary and a highly respected member of the nuclear freeze movement, has written to me of his first-hand experience with the systems we use to give us warning of Soviet attack. I quote from his statement:

> I was a small part of the team of engineers that worked on the development of the Distant Early Warning Radar system (the DEW Line) whose task was to give us warning of Soviet attack. Soon after it was installed it saw a flock of geese flying across Canada, and said the Russians are coming. Then it saw the full moon rise, and again said the Russians are coming. On this and other U.S. systems in a recent eighteen-month period, there have been 143 false warnings.

How can anyone present in this Chamber today in all good conscience support a system that will not only place the Soviet Union under a first-strike threat but that is so susceptible to error that a flock of geese could cause it to start a nuclear holocaust?

I support some forms of strategic modernization, which is why I voted for the build-down the other day. For instance, I believe that under the terms of the freeze we would be precluded from deploying the single warhead mobile missile, Midgetman, clearly the soundest idea in arms control to be made in years. We would also not be able to deploy the Pershing II and cruise missiles in Europe. I would, of course, prefer not to have to deploy these systems, but in the absence of an arms control agreement with the Soviet Union and in the face of the relentless buildup of their SS-20's, we must go forward with the missiles. We have made a promise to our NATO allies, who are adhering to their difficult decision to deploy the weapons on their own soil, to carry out the deployment of the Pershing II and cruise missiles, and we cannot unilaterally break that contract.

Not all modernization is destabilizing, Madam President. But the MX is. The administration wants to deploy MX for use as a bargaining chip in the Geneva talks with the Soviet Union, a most dangerous ploy, for instead of a game of one-upmanship we will surely be playing Russian roulette. Instead of a gambit to stop nuclear war, this unstable system could very well bring on the destruction of civilization as we know it.

I ask unanimous consent that Professor Stassen's statement be printed in the RECORD in its entirety and I urge my colleagues to think twice before they cast their votes.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF PROF. GLEN H. STASSEN

The Scowcroft Commission concedes that MX missiles in fixed, land-based silos may be vulnerable to a first-strike Soviet attack. While conceding MX vulnerability, the Commission counters that nevertheless many of our bombers could be launched on the basis of radar warning. Bombers will fly, but the MX will have been left perched on the windowsill of the window of vulnerability.

Alternatively, the Commission suggests, the MX missiles could be launched in the twelve-minute interval between an attack against the bombers and the arrival of an attack against the missiles.

In either case, building the MX missiles in fixed silos will add great pressure on the United States to launch on a hair-trigger basis. The MX missiles, with ten highly accurate warheads each, and increased kilotonnage per warhead, will greatly increase the amount of our nuclear force that is on land-based, vulnerable launchers. We will not want to lose them to a first-strike attack.

According to the New York Times, Secretary Weinberger said the MX missiles placed in fixed Minuteman silos "won't be vulnerable if they're not still in the silos when the Soviet missiles arrive, will they?" This means we will rely on launching the missiles quickly when we receive radar and computer warning of Soviet attack.

But false radar and computer warnings are a frequent fact of life. If we combine false warnings with launch-on-warning, we are likely to get nuclear war that was never meant to be.

I was a small part of the team of engineers that worked on the development of the Distant Early Warning Radar system (the DEW Line) whose task was to give us warning of Soviet attack. Soon after it was installed, it saw a flock of geese flying across Canada, and said the Russians are coming. Then it saw the full moon rise, and again said the Russians are coming. In this and other US systems in a recent eighteen-month period, there have been 143 false warnings.

Building the MX missile means we will be basing our avoidance of nuclear war on the assumption that false warnings will be detected as false in the few minutes before we launch our missiles. I know first-hand that the best systems still make mistakes.

The Scowcroft Commission says accurate, multiple-warhead ICBMs are destabilizing. Nevertheless it wants to build accurate, multiple-warhead MX ICBMs—in order to place the Soviet Union under first-strike threat. The Commission expresses the hope this may give the Soviet Union incentive to replace MIRVed missiles with Russian Minutemen. But it will equally put them under great pressure to launch on warning. The Soviet Union has over 70 percent of its nuclear weapons in fixed, land-based launchers. They will not want to lose these to an MX and Minuteman attack. The KAL 007 disaster cannot lead anyone to want to trust the fate of our children to the mistake-free nature of Soviet radar and computers, or to their not launching their missiles when they believe they are under attack.

I cannot believe our government would insist on continuing the nuclear arms race until both we and the Soviet Union build a first-strike nuclear capability. I am the father of three sons whom I love dearly. I cannot believe the US Senate would vote to place the lives of all our children in dependence on mistake-free Soviet radar and computers.

I am also a person of faith. I can only understand the drift into mutual first-strike and launch-on-warning as placing idolatrous trust for our safety in the very nuclear buildup that will destroy us. I fear we are bringing judgment on ourselves, on those we love, and on everyone downwind. I fear we are bringing the nuclear winter of icy death that leading scientists last week indicated strategic nuclear war will cause to descend upon the entire northern hemisphere.

Neither the Nuclear Weapons Freeze Resolution as a resolution nor the builddown as a policy will stop the drift into the zone of first-strike weapons. That drift can be stopped by a mutual and verifiable halt on flight-testing of MIRVed ballistic missiles, contingent on the Soviet Union also to halt such flight-testing. The drift into the zone of first-strike nuclear war can also be stopped by a Congressional decision to fence off funding for readily verifiable nuclear weapons, contingent on a Soviet halt of those nuclear weapons which are readily verifiable.

Like KAL 007, the world is straying off course into a very dangerous zone of destruction by false warning. Majorities of people in all major nations with which we are allied, and in our own nation, are calling to the pilots to change the course. Please hear that call. If nuclear missiles, rather than heat-seeking missiles, are fired in haste, it will not be 269 civilians but potentially billions who will be tragically killed. Our children are unwilling passengers on this journey and we are straying rapidly off course.

Mr. FORD. I thank the Chair and I thank the distinguished Senator from Arkansas.

Mr. HATFIELD. Mr. President, I am pleased to stand, once again, with my good friend from Arkansas (Mr. BUMPERS) to delete production funds for the MX missile.

In the next 5 years, the people of this country will be asked to spend

$27.5 billion to fund the MX missile program. The average American family will pay $400 in taxes to fund it. The Nation as a whole will lose, at a conservative minimum, 385,000 jobs. Of the projected $27.5 billion to be spent on the system, $24 billion will be spent in six States. The remaining 44 States (all of which will experience a tremendous net loss of tax resources while receiving little revenue from contract awards) will be asked to shoulder the tremendous burden of the overwhelming cost of the MX missile. A case in point: The people of the State of Oregon will be asked to pay $302.5 million over the next 5 years to fund the MX missile. To date, projected MX expenditures in the State total only $400,000. Oregon then will experience a net loss of 302.1 million tax dollars. Oregonians will experience further unemployment and appreciably less spendable income.

There is no level of consideration upon which this weapon system can be justified. It is morally, diplomatically, economically and militarily bankrupt. We have already squandered an unconscionable amount of money on it. In the beginning, we did so in deference to what I call the bargaining chip hoax. This line of thinking holds that, in all likelihood, the weapon will never be built. However, if the Soviets know that we are developing it, they just might give up something arsenal. We are never told precisely what type of reciprocity to expect from the Soviets. Nor are we given any reason to believe that the trade-off being contemplated is at all plausible. Rejecting the bargaining chip hoax is equated, by some, with rejecting patriotism itself.

So Congress wraps the MX up in the flag and votes for it as though it were a civic duty. I think we ought to stop and wonder what kind of mindless spell we must be under as we pledge allegiance to the peacekeeper. The pragmatic fact is that this pledge contradicts whatever allegiance we hold to the survival of the human race.

The bargaining chip hoax has succeeded, and now the only deal we are prepared to cut is one in which we may restrain ourselves from building an endless number of peacekeepers, as opposed to a smaller number. That is the bargain.

But in order to overcome the final hurdle—so the Pentagon tells us—we must embrace the greatest hoax of all: the arms control hoax. It is one of the shrewdest con jobs I have seen perpetrated on the American public in almost two decades of service in the Senate. This hoax maintains that in order to make the world a safer place through arms control, we must defer to the desire of the military in both superpowers for a first-strike capability.

But this con job gets even better. As we inch toward the day when both superpowers begin to seriously contemplate a first strike, we will simultaneously dispose of old weapons we had intended to shelve anyway and call it peace through build-down. I cannot help but wonder that the requests and the public relations pitch to support these requests will be 15 years from now when this counterforce capability is optimized and we find ourselves feverishly gripping the first-strike nuclear trigger. What will they ask for then? Mr. President, I do not know the answer, but I do know that after witnessing the selling of the MX as an instrument of arms control, my capacity for surprise has all but vanished.

Mr. HART. Mr. President, we stand today at a critical crossroads in the history of arms control and the arms race. The MX missile presents us with a stark choice forced upon us by a mistake we made over a decade ago. That mistake was the failure to limit multiple warhead missiles in the SALT I agreement concluded in 1972. Today, we are reaping the bitter harvest of that fateful misjudgment in the form of ICBM vulnerability and an ever more unstable strategic balance. Yet we still have the opportunity to rectify the dangerous errors of the last decade and reverse our slide down the slippery slope toward nuclear obliteration.

In order to seize upon that opportunity, we must cancel the MX missile program and embark upon serious negotiations aimed at ending the arms race through a nuclear freeze and restoring strategic stability by mutual reductions of nuclear arms.

Mr. President, the MX missile will bring us closer to the nuclear abyss, closer to the dangers of a nuclear war started by fear or misperception. All this year, I have fought against the funding of the MX. For 2 weeks, I and many of my colleagues sought to make its dangers clear to the Congress and the country. Today, we are fighting again to stop a missile without a home, a missile without a mission. If we are unsuccessful today, Mr. President, I want to say now that the battle is not over. We will continue to oppose the MX in committee and on the floor of the Senate until the country is once again on the path of true arms control.

The cancellation of the MX missile is a necessary first step in this process because the MX is antithetical to the very idea of seeking stability through arms control.

The MX is not survivable. It does not contribute to the deterrence of nuclear war. It destabilizes the strategic balance by increasing the incentives for preemptive nuclear strikes.

The MX missile, in short, embodies the very worst aspects of the MIRV's missile systems that we failed to limit a decade ago. We cannot afford to make the same mistake twice, for the arguments against arms control are even more misguided than they were 10 years ago, and the stakes are even higher.

At stake in our decision to either build or banish the MX is nothing less than the force structure and strategic doctrine of the United States for the next decade.

At stake, consequently, is the stability of the strategic balance and the incentives against nuclear war.

At stake, ultimately, is the fate of the Earth.

The case for the MX missile is even weaker than that advanced in defense of MIRV's a decade ago. The MX missile does not even satisfy its most basic operational requirement: survivability.

Through 10 years of development and 30 proposed basing plans, survivability has been the raison d'etre of the MX missile project. The Congress rejected each successive basing option because the fundamental requirement of survivability was never met.

Finally, the President appointed the Scowcroft Commission with the express purpose of finding a survivable basing mode for the MX missile. In its decision to advocate basing the MX in existing Minuteman silos, however, the Scowcroft Commission tacitly acknowledged an increasingly obvious fact: There is no survivable basing mode for a fixed land-based missile, nor is there any survivable basing mode for a land-based missile like the MX, whose huge size makes only limited mobility possible and whose multiple warheads made an inviting target.

It is difficult to overstate the implications of the Scowcroft Commission's decision to advise the basing of MX missiles in Minuteman silos. The Commission's decision undermines the entire justification for the MX missile by conceding that the MX cannot be made survivable.

The proponents of the MX missile have for years been arguing that the MX was necessary to compensate for the vulnerability of the Minuteman missiles in the very silos that they now propose as basing sites for the MX. No less an authority than the chairman of the Senate Armed Services Committee argued as recently as November of 1981 that—

> By stuffing the MX into fixed silos, we're just creating so many more sitting ducks to shoot at . . . It's of little use to us unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms control talks.

The Armed Services chairman is not alone in voicing his doubts of the survivability of the MX in existing or even superhardened silos.

Former Secretary of Defense Harold Brown, former Under Secretaries of Defense William Perry and James Wade, and countless other Senators, Representatives, House and Senate committees, and defense experts have all joined the strong consensus of informed opinion in arguing that MX missiles in existing silos will be extremely vulnerable.

Most estimates suggest that between 70 and 90 percent of the MX force could be destroyed by a preemptive attack if based in existing silos.

These estimates, backed as they were by the overwhelming majority of expert opinion, led the Congress in December 1981 to reject (90 to 4) the option of basing the MX in existing or hardened silos, and the Senate Armed Services Committee, in March 1982, unanimously reaffirmed Senate opposition to interim basing in existing silos.

Now, we are being asked to support the option of basing the MX in silos that we know to be vulnerable simply because the Scowcroft Commission has tied a blue ribbon around the idea.

The logical conclusion of the Commission's findings is not that we should base the MX in vulnerable silos because we cannot find a survivable basing mode for them. The logical conclusion to be reached is that if we cannot find a survivable basing mode for the MX, we should not deploy it at all.

Deploying the MX in vulnerable silos removes any deterrent effect that the MX might have. Because it will be vulnerable to a Soviet first-strike, the MX cannot assure retaliation against the Soviets in order to deter a first strike.

Not only is the MX not suited for deterrence, it is not needed for deterrence.

The United States presently has enough survivable missiles to inflict unacceptable damage upon the Soviet Union even after sustaining a first strike, and a first strike is therefore deterred. The Scowcroft Commission is to be commended for exposing the fallacies of the so-called "window of vulnerability."

As the Commission correctly pointed out, there is no "window of vulnerability" because the Soviet Union cannot effectively conduct a simultaneous attack upon our land-based missile and bomber forces and because our submarine based forces continue to provide a survivable deterrent force.

There are those who still argue that we need to modernize our forces by deploying the MX, but the simple truth is that our means of destruction are already modern enough.

Our B-52 strategic bombers—old as they are—are newer than the Soviet's Bear and Bison bombers. And our B-52's have been extensively modernized as well. Our ICBM's are older than those of the Soviets, but our ICBM warheads are roughly the same age, and many, particularly the newest Minuteman III warheads, are more accurate than those of the Soviet Union. In addition, our ICBM force is solid fueled, while 95 percent of the Soviet ICBM force is still liquidfueled. While our submarines are older than those of the U.S.S.R., our submarine-launched missiles are much newer and more advanced than those of the Soviets. In short, the last thing we need is a new way to destroy our planet. We should be modernizing our arms controls, not our arms.

There is indeed one capability of the MX missile that would change the nature of our nuclear forces significantly, but it is not a capability consistent with the doctrine of deterrence. This is the ability of the MX to promptly destroy hardened targets such as Soviet missile silos; in other words, it is the ability to launch a preemptive strike.

In fact, since they are themselves vulnerable, MX missiles can add to our nuclear capabilities only if they are used in a first strike.

This may tempt us to use MX missiles before we lose them. The United States might even feel forced to adopt a launch on warning strategy in order to prevent preemptive destruction of MX missiles. There have been ominous statements from this administration's defense officials that the United States may in fact be considering such a strategy, which would put us at the mercy of our fallible warning systems.

We cannot afford the risks of accidental nuclear war that such a launch on warning strategy would involve—we have already had numerous false warnings of nuclear attack—yet if we are to credibly threaten to use the MX in order to deter war, we will have to threaten to use it first, and this is hardly deterrence.

On the Soviet side, the knowledge that the MX missile could be used to preemptively destroy Soviet missiles but can itself be preemptively destroyed, will create even greater incentives for the U.S.S.R. to launch a first strike.

The Soviets have 70 percent of their strategic warheads on potentially vulnerable land-based ICBM's, while only 28 percent of the U.S. force is similarly vulnerable. The Soviets thus feel far more threatened by a first strike capability than we do—especially since their relatively invulnerable submarine missile force is inferior to ours and must spend 80 percent of its time in ports, vulnerable to attack.

The significance of the vulnerability of the Soviet forces to preemptive attack must not be overlooked. Deterrence is a psychological concept: Its effectiveness depends on how the Soviets perceive the MX, not how we perceive it. The Soviets will attempt to infer our intentions from our capabilities, and they see in the MX the capability of a first strike by the United States.

This may cause them to adopt a launch-on-warning strategy or to launch preemptive strikes to compensate for their vulnerability. Thus, the MX missile will put both the Soviets and the United States in the position of putting their nuclear forces on a hair trigger, where all that stands between survival and oblivion is a single mistake.

In sum, there is no sensible rationale for the MX missile consistent with the prevention of nuclear war.

As the Scowcroft Commission confirmed, our nuclear forces are already adequate for the requirements of deterrence; unlike the MX, they are survivable and can retaliate. As the Commission also tacitly admitted, there is no survivable basing mode for the MX.

The combination of vulnerability and first-strike capability is likely to precipitate a nuclear war rather than deter one, as it would create incentives on both sides for launching first strikes in crisis situations. Perhaps the incompatibility of the MX with deterrence is best illustrated by the words of Bernard Brodie, a pioneer in the theory of nuclear deterrence and an eloquent advocate of arms control.

> Thus far, the chief purpose of our military establishment has been to win wars. From now on its chief purpose must be to avert them. It can have almost no other useful purpose.

The chief consequence of the MX will not be the ability to win wars. For contrary to the delusions of some in the Reagan administration, a nuclear war would have no winners. Nor can the MX be used to avert wars, because of its vulnerability and first strike capability. Instead, the chief consequence of the MX will be neither to win nor avert wars, but to begin them. It can have no other purpose.

Lacking any sound military justification for the MX, the missile's supporters have concentrated on political justifications for the MX.

They argue that the United States needs the MX as a bargaining chip in negotiations with the Soviets, and that we should therefore, proceed to deploy it regardless of its destabilizing nature.

The only possible bargaining chip represented by the MX, however, is that we might be tempted to launch a first strike against the Soviets. The threat of mutual annihilation is hardly the kind of bargaining chip that is conducive to arms control. Furthermore, the Reagan administration has repeatedly indicated that it does not intend to bargain away the MX.

Secretary of Defense Caspar Weinberger said as much when he stated that President Reagan's letter to Congress on the MX commits him to nothing basically new. Kenneth Adelman, the new Director of the U.S. Arms Control Agency, gave another clear signal that the administration does not intend to bargain away the MX when he suggested in his most recent arms control proposal that the United States could attempt to trade 100 MX missiles for all the Soviet Union's medium and heavy missiles.

This is equivalent to asking the Soviets to reduce their warheads from 7,000 to 2,000 in number while ours remain unchanged.

Three former ACDA Directors characterized this suggestion as "preposterous;" we might as well attempt to trade a World War II vintage destroyer for the entire Soviet Navy. Clearly, this administration has no interest in serious bargaining on the MX.

Probably the most outrageous assumption of the "bargaining chip" argument is its assumption regarding the Soviet response to deployment of the MX missile.

The Soviets, it is assumed, will come meekly to the table, cowering before the prospect of the MX missile and foregoing any retaliatory deployments of their own.

We saw this same mistaken expectation before when we failed to limit MIRV's in SALT I.

The Soviets, it was said, could be induced to make bargaining concessions by the threat of U.S. deployment of MIRV's. What happened instead was that the Soviets developed MIRV's of their own, MIRV's that now threaten our land-based missiles.

Rather than producing an arms control agreement that reduced the risk of war, the attempt to use MIRV's as a bargaining chip resulted in a world where both sides had plenty of dangerous chips and very few bargains.

Any effort to use the MX as a bargaining chip will have the same effect.

The Soviets will counter the MX with deployments of their own, perhaps with a mobile land-based missile. We will then feel compelled to respond to their deployment with further weapons of our own, and we will be off on a race with no winners and with only one possible conclusion.

The belief that we could "get ahead" or "negotiate from superior strength" has no meaning in this age of nuclear overkill. We already have the means at hand to bargain with the Soviets from a position of a parity embodied by our capability to destroy each other, and we need no more compelling reason to negotiate than the threat of that destruction.

Indeed, the only bargain that seems to have come from the MX is a Faustian bargain of the worst kind between the Congress and the President. In order to entice the President to become more reasonable and flexible in arms control negotiations, some have agreed to support the MX missile in return for Presidential assurances of flexibility in arms control.

The objective of bringing the President to seriously negotiate on arms control is indeed an admirable one. But the effort to do so through support for the MX missile appears to be doomed to failure. By all accounts, it is very unlikely that the United States will reach any arms agreements with the Soviets under this President. To the contrary, the Intermediate Nuclear Forces negotiations are on the verge of outright failure after the President passed up a reasonable compromise forged in the woods of Geneva. It appears that the Scowcroft Commission, too, sold its soul in a vain attempt to bring this President to an arms control stance capable of reaching an agreement that would help to prevent nuclear war.

Most of the conclusions reached by the Commission—its debunking of the mythical "window of vulnerability," its endorsement of efforts to develop a small, mobile, single warhead missile, its suggestion that warheads should be the unit of account of arms control, and its expressed opinion that Star Wars space-based defense is now and will remain for the foreseeable future a profound and dangerous illusion—is consistent with reasonable and stabilizing arms control.

Yet in order to make these conclusions palatable to the President, the Commission found it necessary to fly in the face of its own reasoning and endorse the deployment of the MX missile in the most vulnerable basing mode imaginable. By all appearances, however, the Commission succeeded only in providing a figleaf for the MX rather than in changing the administration's fundamental unwillingness to seriously negotiate on nuclear arms.

I urge those who have embraced the MX in the hope of encouraging seriousness and reason in the administration's arms control proposals to reconsider—they may discover that they have been attempting to bargain with Mephistopheles. Trading support for the MX for the appearance of arms control is no better than trading one's soul for the appearance of immortality.

The second political argument raised on behalf of the MX is that we need to deploy the MX as a demonstration of our resolve so the Soviets will negotiate seriously. That we should feel the need for such irrational expressions of "resolve" only demonstrates that we fear our own lack of resolve.

I, for one, do not doubt our resolve to bear any burden to remain free. There is no need to demonstrate more resolve than our programs of submarine, bomber, and cruise missile modernizations, nor is there a need to show more national will than that of our already existing defensive forces.

What is needed is a demonstration of our national will to reach arms control agreements with the Soviets that benefit us both even in the face of Soviet intransigence elsewhere.

The idea that we can reach arms agreements with the Soviets if only we demonstrate more resolve to arm ourselves also makes the mistaken presumption that our President can be seriously negotiated with. The assumption of this administration's good faith in arms negotiations ignores this administration's irresponsible references to "winnable" nuclear war, to "protracted" nuclear war, to civil defense with shovels and to nuclear demonstration shots.

It ignores false declarations of American weakness that question the awesome power of our nuclear deterrent and cause our friends and allies to do the same.

It ignores the total lack of progress on arms control despite talk of flexibility and the failure to make a single new arms control proposal for 8 months until forced to do so by the overwhelming majority of U.S. public opinion.

It ignores the abandonment of longstanding negotiations to achieve a complete ban on nuclear tests and to ban antisatellite weapons, and the continuing refusal to ratify the SALT II Treaty.

It ignores the gutting of the Arms Control and Disarmament Agency and the appointment of a new Director who has little experience on the subject.

And it ignores, in short, the entire pattern of this administration's approach to the Soviets and to the subject of nuclear war.

The choice before the Senate is clear.

We can seize upon the opportunity to reverse our mistake of a decade ago and drive the nails into the coffin of the MX and the ideas of winnable war and counterforce that go along with it, or we can choose to blindly follow the President down the path to nuclear instability, and ultimately, to oblivion.

There is no military justification for the MX. There is no political justification for the MX. Least of all, is there any justification for the MX that has anything to do with meaningful arms control?

The only acceptable basing mode for the MX is to bury the entire idea. Once we have done so we can embark upon a new era of arms control, based not upon brinkmanship and bargaining chips, but upon restraint and reciprocity. Only then can we heed the words of John Kennedy's solemn pledge to the assembled nations of the United Nations:

> We in this hall shall be remembered either as part of the generation that turned this planet into a flaming funeral pyre or the generation that met its vow "to save succeeding generations from the scourge of war." In the endeavor to meet that vow, I pledge you every effort that this Nation possesses. I pledge you that we shall neither commit nor provoke aggression, that we

shall neither flee nor invoke the threat of force, that we shall never negotiate out of fear and we shall never fear to negotiate."

Mr. GLENN. Madam President, I rise to support the amendment that would delete production funding for the MX missile in fiscal year 1984 defense appropriations.

This Congress will make few decisions more important in the national defense and security areas than the subject of this morning's proposed amendment: whether to produce and deploy the MX missile.

The costs involved are enormous and likely to grow. The implications for arms control are substantive and worthy of consideration. Once launched, production will be difficult to halt, and we will have to live with the results for many years.

My colleagues know me as a strong supporter of our Nation's defense. Freedom and the power to deter war by strength are worth whatever they cost. I have always recognized that an adequate defense is not cheap. Even amidst our current economic morass—the result, in very large measure, of this administration's own economic mistakes—I do not believe that cutting defense is a magic carpet back to balanced budgets.

I hope, therefore, that my colleagues on both sides of this Chamber will recognize how reluctantly I came to the conclusion that, in the case of the MX missile, we can and should accept the responsibility of telling the President that his advisers have made a mistake, that this weapon system does not represent a good investment of the Nation's defense resources, that it probably would not work as planned, and that if it will not work, it will not help to deter the Soviets either.

The MX program stands or falls on the ability of the missile system to survive a Soviet surprise attack and hit back at Soviet hard targets. Existing U.S. ICBM's, the Minuteman III's, have some capacity for hitting Soviet hard targets, including missile silos, but their own survival can no longer be guaranteed against the accurate Soviet missiles now available. The MX program is being justified on the basis that the MX missiles will be able to ride out an attack, while their size and accuracy will make possible a counterattack against remaining Soviet missiles. The knowledge of this assured U.S. capacity, in turn, will deter the Soviets from ever trying a surprise attack in the first place. Thus, MX will contribute to nuclear deterrence and peace.

I have some problems with this whole scenario. While recognizing the theoretical possibility of a Soviet attack against existing missile silos, I question how large a percentage of our defense effort we should devote to this particular threat. Our bomber- and submarine-launched forces would still survive—is a Soviet Premier really likely to bet on our not using them?

But grant, for the moment, the Soviet threat to land-based ICBM's and the need to make our land-based deterrent more survivable. MX, to play its role, must show that it can survive. Has the administration made a case for its survivability, one that would justify spending $25 billion or more? I think not.

Much attention has been paid to super hardening of silos. I will not retrace the grounds covered by so many commentators. But, even if the Congress could be satisfied on these points, serious questions would remain. Many of my colleagues will remember that I have long been unhapppy with the whole concept that underlies the MX and skeptical that a survivable basing mode for MX can ever be found.

We find ourselves facing a vulnerability problem with our land-based missiles—a vulnerability problem which the Soviets also face, in some degree, from our Minuteman III missiles and will face even more strongly when the Trident D5 comes into service—because both sides chose to put several warheads on each missile. This raises the option, attractive at least in theory, of destroying 10, 20, or even 30 missiles with the warheads from only 1 missile.

We could buy a lot more survivability, a lot more reliability, a lot cheaper if our land-based ICBM force included missiles able to take advantage of deception, mobility, or some combination of both. For such use the small, mobile missile would be preferable. Carrying only a single, very accurate warhead, such a missile would not be a very attractive target; and if widely dispersed, would force the Soviets to waste some of their MIRV capacity.

In short, I believe that the MX missile is the wrong solution to the problem of ICBM vulnerability and presents possibly insoluable problems in attempting to carry out its mission of survival and counterattack. For that reason, I intend to vote against funding any production of the missile. If today's decision is to deny production funding or at least delay a final decision until next year, I hope that the Congress will emphasize consideration of alternate missiles, preferably along the lines of the small, mobile missile, and furthermore that we will encourage the executive branch to do the same.

Mr. RIEGLE. Mr. President, I rise in support of Senator BUMPERS' amendment to delete $2.1 billion in production funds for the MX. I want to commend Senator BUMPERS and others who have taken the lead in this effort to stop the MX.

Mr. President, today's vote is critical, for it represents our final opportunity to stop the nuclear madness which will be unleashed should the MX—our most modern and most destablizing nuclear strategic weapon—be deployed.

The arguments against MX deployment—made persuasively by military and arms-control experts spanning the political spectrum—are all too familiar. Today, with United States-Soviet relations overwhelmed by heightened tensions and mistrust, those arguments are even more compelling.

Mr. President, I am convinced that deploying MX in vulnerable Minuteman silos will do serious harm to our national security. The MX, deployed in such a manner will be extremely destabilizing—vulnerable to a Soviet first strike while, at the same time, posing a first-strike threat against Soviet forces. With a price tag of over $20 billion, the MX will be considerably more costly than other strategic systems—robbing other defense programs and domestic programs of much needed funds. Its arms-control implications are devastating, and will likely result in a deadly acceleration of the nuclear arms race while increasing the likelihood of nuclear war.

Notwithstanding these compelling arguments for foregoing MX deployment, some Members of this body have agreed to support the President in his desire to deploy this weapons system in exchange for an administration commitment to propose an interim build-down agreement as a precursor to a detailed START Treaty. However, even at this late hour, there appears to be some ambiguity with respect to the President's commitment to move ahead with such an interim agreement.

While the administration has clearly spelled out its intention to incorporate the build-down concept into the basic U.S. negotiating position on START, its commitment to proposing an interim build-down proposal, which would envision reductions in United States and Soviet nuclear arsenals prior to the signing of a START agreement, appears less than clear.

I would urge those who have been persuaded to support MX deployment by the administration's build-down commitment to seek a clarification of that commitment prior to casting today's vote.

Once again, I urge my colleagues to vote against MX production and I commend Senator BUMPERS for introducing this amendment.

Mr. SPECTER. Mr. President, in my nearly 3 years in the Senate, no matter has taken more of my time than the issue of nuclear deterrence. On this subject, I have visited the Minuteman silos in Grand Forks, N. Dak.; inspected the B-1 bomber at Edwards Air Force Base, Calif.; studied the nuclear submarines in Charleston, S.C.; and observed NATO installations in Western Europe. On the closely related issue of arms reduction, I visited the START and INF talks at Geneva; proposed two sense of the Senate resolutions, which passed, calling for a prompt summit between our President and the Soviet President, and conferred on these subjects with President Reagan, Vice President BUSH, Secretary of Defense Weinberger, then-Assistant to the President for National Security Affairs Clark, General Scowcroft, and others. In addition, I have read numerous documents, been briefed by many other officials of the Department of Defense, conferred with experts on all sides of the issue, engaged in numerous discussions with my colleagues in the Senate and listened to the views of many constituents.

As is the case on so many complex and controversial matters, a final judgment is difficulty because it depends upon an assessment of many conflicting facts, on evaluating potential conduct of unpredictable adversaries, considering possible technological changes, weighing heavily the assessment of the President as Commander in Chief and listening to a varied constituency of almost 12 million Pennsylvanians.

In voting for authorization of the MX last May, I expressly stated it was a tentative vote for reasons set forth extensively in my floor statement of May 25, 1983. Aften considering the roster carefully, I have decided to vote against funding for the MX missile at this time because:

First, there is no sound basing mode for the MX missile, which make it appear to be a first strike weapon;

Second, the United States has substantial other nuclear deterrent forces considering our submarines, our bombers with cruise missiles, and our other ICBM's;

Third, the desirability of greater allocation of defense appropriations resources to conventional as opposed to nuclear force; and

Fourth, the need to consider defense expenditures, like all other appropriations, in the light of the deficit and national debt.

I have supported the President's request for a substantial buildup in the fiscal year 1982 and fiscal year 1983 defense budgets, and I am prepared to support substantial additions in fiscal year 1984 as well. Last week, for example, I voted to increase expenditures for M-1 tanks because of my view that a build up of conventional forces is necessary. I am prepared to vote for more expenditures for submarines. In the balance between nuclear and conventional forces, it is my sense that a greater allocation of resources should be accorded increases in conventional forces.

The mounting deficit, which is expected to approximate $200 billion that year, is another major factor in my thinking. Considering the infirmaties of the MX and our other nuclear strength, it is my judgment that $30 billion would not be wisely spent for 100 MX missiles at this juncture. In essence, these are the reasons for my vote today. A fuller statement follows.

I support taking all steps necessary to maintain an adequate nuclear deterrent. I support the strategic triad, including land-based ballistic missiles, as recommended by the Scowcroft Commission. Accordingly, I have voted for the Trident submarine and the Trident II missile, the B-1 bomber, the air-launched cruise missile and other elements of the President's strategic modernization program.

Regarding the ICBM force, I support the Midgetman missile as recommended by the Scowcroft Commission. The MX missile would essentially provide a stop-gap system during the few years between its earliest possible deployment in about 1986 and the deployment of the Trident II missile in the late 1980's and the Midgetman thereafter.

The issue for me whether to appropriate production funds for the MX missile turns primarily on two considerations: First, whether the existing systems in the triad, particularly the Minuteman ICBM are insufficient, particularly against hardened targets, and second, whether, on balance, the advantages of the MX outweigh the disadvantages and justify the costs, estimated at upward of $30 billion. The main advantage is significantly increased accuracy which makes all MX warheads capable against hardened targets. While Minuteman missiles, despite being less accurate, can be configured to be capable against hardened targets, deployment of 100 MX missiles would increase the number of ballistic warheads capable of destroying Soviet missile silos or command centers.

The disadvantages, as I see it, include questionable survivability and the perception that the United States might want the MX for its utility in a nuclear war-fighting scenario rather than merely for its deterrent value in order to prevent war altogether.

Perhaps the biggest problem with the MX is the absence of a clearly survivable basing mode. When it was first suggested that the MX be deployed in existing Minuteman silos, the Senate rejected this approach immediately. A year ago, when it was suggested to base the MX in the defense pack mode, I voted against appropriating nearly $1 billion to fund such deployment.

The Scowcroft Commission's support for such deployment plainly depends on our ability in the future to so-harden Minuteman silos as to assure the survivability of the missiles they would contain. Recent statements by the administration, like those of the Commission last spring, point to some advances in hardening technology. While preliminary results of this research indicate that these silos can be made several times harder than they now are, it is still not clear that they can be made hard enough to withstand concerted attack.

Last spring, on the Defense authorization bill, I supported moving ahead on the MX program but indicated that mine was a tentative vote. I made clear then that my vote on the appropriations bill would depend on subsequent developments in the arms control negotiations in Geneva and other factors such as hardening technology not yet in sharp focus.

In order to stay abreast of new developments, I engaged in a series of meetings with Dr. Ronald Lehman of the National Security Council, and other State and Defense Department experts. I also spoke to and corresponded on these issues with the President, Judge Clark and Mr. MacFarlane.

One argument advanced by the administration in favor of the MX was that it demonstrated national resolve and our determination to strengthen and modernize our defenses, particularly our strategic weapons. I believe that our general resolve has been well enough established by our actions around the world including most recently those in Lebanon and Grenada. Regarding the military buildup, I have consistently supported increases in defense spending during both the authorization and appropriations process. Regarding the strategic modernization program, I continue to support those elements except for the MX despite doubts but which I am not prepared to vote to fund at the present time for the reasons indicated in this statement.

In order to do our utmost on arms reduction, I believe it necessary for the United States to take the initiative on a summit between President Reagan and top Soviet leadership. I have long urged a summit meeting of the Presidents of the United States and Soviet Union. In May of 1982 and again in June of 1983, the Senate overwhelmingly approved resolutions I offered for a prompt summit.

I have pressed this issue in private meetings with President Reagan.

While the country is threatened by $200 billion in deficits, I believe we must face the hard choices on military spending. We cannot afford to do everything. On some increases such as the number of M-1 tanks, I have supported spending even more than the administration requested. On the overall defense budget, we must not only keep it within sustainable and reasonable limits but also correctly balance our expenditures between nuclear strength and conventional strength. In general, I have supported increases in the nuclear area, including the Pershing II and ground-launched cruise missiles for Europe as well as the D-5 submarine-launched ballistic missile and the air-launched cruise missiles carried by our B-52 bombers now, and in the future by our B-1 and Stealth bombers.

In facing hard choices on military spending we have to ask ourselves how much additional deterrent a particular system provides in comparison with its drawbacks and possibly destabilizing effects and its overall costs. In this light, I do not feel on the present record that the case has been made for the MX missile in Minuteman silos. Its just too massive an expenditure and too uncertain an addition to our already substantial nuclear deterrent.

My vote today against production funds, like my vote last spring to authorize production, is a tentative vote. I maintain an open mind. I intend to continue to monitor developments on hardening technology and on the START talks.

As I have said before, I believe that the judgments of the President are entitled to a strong presumption and I continue to want to support the President. In my judgment, however, the record does not justify going ahead with production at this time.

Soviet behavior of Geneva and around the world is so recalcitrant and belligerent as to provide strong temptation to react by building more ICBM's. For example, the shooting down of the Korean Air Lines flight was so barbaric as to require a very strong response. In fact I spoke on the Senate floor in support of specific tougher sanctions than the President was prepared to employ. If the choice would have been up to me, I would have cut off all contacts with the Soviet Government except for the nuclear arms negotiations.

On careful reflection, however, I think our judgment on the MX must not rely too heavily on the Korean Airline incident or other such Soviet misdeeds. For one thing, building more ICBM's realistically is not going to change Soviet behavior in places like Afghanistan or Poland. Second, the real brunt of a decision to produce MX missiles would fall not on the Soviet people but on our own because it would add to the burden on our economy of the $200 billion deficit.

Because my opposition to building the MX at this time rests partially on economic grounds, I will be looking carefully at our recovery and gauging how large an increase in defense spending we can sustain in the years ahead.

The administration has argued that progress on the MX provided essential leverage for progress on START. In my view, however, our continuation with all other weapons systems and improvements in the strategic modernization program should provide sufficient incentive for the Soviets to bargain seriously in Geneva assuming that they are open to making the deep-cuts proposed by the President at all. In this regard, a distinction should be drawn between leverage and a bargaining chip. Since the administration has indicated that even in the face of a successful arms control agreement, it did not intend to remove the MX missiles, they cannot correctly be considered a bargaining chip. Moreover, as to incentives to bargain in good faith, I have to believe that the staggering costs which burden their economy even more than our own and the mutual benefits of reducing reliance on destabilizing systems such as ICBM's, provide considerable motivation for the Soviets just as they do for us.

On the MX, as on many fundamental issues, the answer one arrives at often depends on the question one asks. If the question were whether we needed the MX to match the Soviet heavy ICBM's which also have 10 accurate warheads, the answer would have to be yes. Our Minuteman have only three warheads with much less accuracy. On the other hand if the question is, regardless of what the Soviets have, do we need 100 MX missiles in order to achieve and maintain adequate deterrence, then my answer is no. Our submarine forces which carry about 50 percent of our ballistic missiles are so capable and invulnerable that in conjunction with the Minuteman and the B-52 bombers, which will now have ALCM's, our strategic deterrent is more than adequate. In addition, with the deployment of Pershing II and ground-launched cruise missiles in Europe, we will acquire additional capability to destroy hard targets in crucial areas of the Soviet Union.

If circumstances change and require a different judgment on production funds 1 year from now, the worst effect would be a 1-year delay in deployment of MX missiles. Besides, in the meantime, testing of the missile and research and development and related work on hardening Minuteman silos and other basing modes can proceed. It may even happen that the results of this research will provide a better basing mode than the increasingly vulnerable Minuteman silos.

I believe that so much attention has been focused on the MX missile, as opposed to other systems in our triad, as to obscure what I consider the real issues.

While I favor continued reliance on the triad, the inevitable and increasingly vulnerability of the ICB's logicially requires that we place more emphasis on our submarine forces. With the deployment of Trident boats we will be operating ballistic missile submarines in the Pacific and adjacent waters as well as in the Atlantic. Our patrol areas are increasing tenfold. In addition, the Trident boats which are being built at the rate of one a year, are vastly quieter and more difficult to detect than the already undetectable Posiedon submarines. With the addition of Trident II missiles, our sea-based nuclear forces will have substantial prompt hard target capability. Consequently, at best, the MX would provide a large increase in present capabilities to destroy hard targets only a few years earlier than the Trident II missiles.

If there were convincing evidence that our submarine forces were becoming less dependable, then the argument for the MX it would become correspondingly stronger.

Indeed throughout the past decade, one of the main arguments for the missile experimental was concern over the possibility of sudden and major breakthroughs by the Soviets in antisubmarine warface capability. The MX was to increase our hedge against that risk. However, such breakthroughs have not occurred and are nowhere in sight. Accordingly, there is no reason to doubt the testimony of Navy officials that our submarine force will remain undetectable at least through the end of this century. That being the case, there is less need for the MX than some had anticipated.

Another justification for the MX was the growing vulnerability of Minuteman silos. It was assumed that the MX would be deployed in the race track or some such deceptive basing that would make it reasonably survivable. However, if deployed in Minuteman silos only a small percentage could survive a major attack, according to Air Force studies. Therefore, we are being asked to assume that hardening technology will achieve a dramatic breakthrough in the near future that would make these silos secure from attack. If these improvements do not occur or occur only after several more years of effort, then the utility of the MX will be greatly reduced and very short-lived, given the expected deployment date of the Trident II missile.

None of the above considerations establish the MX has no value, only that its value is limited both in added deterrence and in time. In this context, the cost of the system becomes more important than it otherwise might be.

Before casting today's vote, I have carefully considered the President's letter to me dated November 3, 1983, and I have consulted administration officials to consider the full force of their reasoning. The essential underpinning of the administration's contention that the MX is required is that the United States must have prompt capability to destroy nearly all hardened targets in order to deter Soviet attack on us or our allies. Put differently, the contention is that the Soviets will not be deterred by the present capability of our ballistic missile forces, not to mention the bombers, to destroy hundreds of hardened targets and thousands of unhardened military, governmental, and industrial facilities. I do not believe that the Soviet leadership could ever conclude that any benefit they could hope to gain from attacking the United States would be worth the price of the virtually total annihilation of the critical industry of the Soviet Union and most, if not virtually all, of its military might. Nor could they find acceptable the disabling of their economy and the unavoidable killing of tens of millions of people in the execution of the U.S. single integrated operational plan (SIOP).

Advocates of the MX sometimes misstate the issue by arguing that opponents seek to maintain deterrence by threatening to obliterate Soviet cities. Massive attacks on cities are by no means the only option available to the United States with its present strategic force structure.

Supporters of the MX frequently contend that opponents want to abandon the land-based leg of the triad. No one is suggesting, however, that the 1,000 Minuteman missiles be dismantled. The issue, rather, is whether it is worth upward of $30 billion to replace 100 of them with 100 MX missiles. The effect of such a replacement would be to increase ICBM warheads from about 2,400 to over 3,000 and the number capable of destroying hard targets from a few hundred to nearly 1,500.

The contention is also advanced that greatly increasing our prompt hard target capability is required by the Soviet program of hardening command and control centers. It is asserted that command centers are so highly valued by the Soviets that great deterrent effect can be achieved by holding them at risk. There is, no doubt, some validity to this assertion. But it is an argument that can be carried too far. If all hardened targets were immune, deterrence would clearly diminish. That some of a few hundred might be, does not produce the same result.

Much of the argument for MX is anticipatory. It rests on projections of future hardening efforts that indicate a significant increase in the number of such targets by the end of this decade. But by then, we will have deployed the initial sets of Trident II missiles which were specifically designed for hardened targets. At that stage, these missiles would suffice.

The defense experts respond, saying that the submarine forces have communications problems. Having reviewed the many redundant systems for transmitting emergency action messages to submarines, I feel confident they would get the orders to fire. Besides, the real problem in submarine communications is that they do not talk back to shore stations for fear of disclosing their positions. Thus, they cannot confirm that they have received an order. That the messages only flow from shore to sea seems untroubling since that is the only direction that counts for ordering missiles fired.

Advocates of the MX also tend to minimize the destabilizing effect of the missile. By putting more valuable targets in the vulnerable Minuteman silos, we only increase Soviet incentives to consider a preemptive first strike. Also, the hard targets in the Soviet Union include their missile silos as well as their command and control centers. It is therefore highly questionable whether the net effect of threatening a large portion of Soviet silos with this new capability is to increase stability, as the administration asserts, or to increase instability. One possible result that would be seriously destabilizing would be for the Soviets, under the new threat, to shift to a policy of launch on warning.

Another factor to be considered is the Soviet response. While they may strengthen their strategic forces anyway, it seems highly likely that they would match our efforts on our deployment of the MX. Another round of the arms race would be triggered by our deployment—with all the attendant expense and danger.

There is also an inherent illogic between our adding more warheads and more capable warheads and our proposing sharp reductions in START. While the President now supports the build-down concept, in the ICBM area he insists first on a build up. His position assumes that the Soviets are now superior in overall strategic power even though no U.S. commanders would trade all our systems for the Soviets.

I have said before, I think we have rough parity now. If the Soviets have some advantage in ICBM, we do in SLBM and bombers with cruise missiles. In any event, the concept of superiority has lost its meaning in the current balance of forces. Both nations are inferior because each can be destroyed by the other.

How can we ever halt the arms race if each side insists on just one more new system to catch up before freezing, building down or reducing?

Indeed, since the forces of the two superpowers are asymmetrical, there will never come a time when they will clearly be equal. We have chosen, I think for good reason, to rely more on sea-based missiles, and the Soviets on land-based missiles.

Proponents argue that MX is needed to end the destabilizing Soviet monopoly on prompt hard target capability. First, it is not a monopoly because our Minutemen have such capability, albeit not in equal measure. Second, when close in, our Poseidon subs with Trident I missiles have some capability against hard targets. So do our B-52's with gravity bombs, SHRAM missiles and air-launched cruise missiles. Admittedly, the latter are not prompt, but the difference between 30 minutes and 7 hours may not always be so important.

Since so many complex and changing factors affect the value of the MX, I intend to keep an open mind about deploying the missile in Minuteman silos or elsewhere and to closely monitor developments on all the relevant issues.

Accordingly, I have intensified my dialog with the National Security Council officials, asking further questions and requesting additional materials. I urge colleagues who will oppose the missile on this vote to also keep an open mind. If ever there was a decision which required that it be made on the facts rather than on emotions, this is it.

I think it unfortunate that in the minds of both administration officials and opponents, the MX has become so much a symbol of other differences. In my view it should be judged on its own merits.

I consider it a close issue which I have found difficult to resolve. In the final analysis, however, I believe that the proponents of deploying the MX in Minuteman silos have had a very full opportunity to make their case and establish that the program is worth the money. In my judgment, to date they have not done so.

Mr. BUMPERS. Madam President, did the Senator from Alaska yield back his time?

The PRESIDING OFFICER. Yes; he did.

Mr. BUMPERS. Madam President, let me just first of all say I want to add Senators PACKWOOD, LAUTENBERG, MOYNIHAN, and BINGAMAN as cosponsors. I ask unanimous consent that they be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. One of the arguments that is made by the Senator from Alaska reminds me of the Sy Hersh book, the so-called madman theory. That was the Nixonian concept that we ought to convince the Soviets that we are crazy. And it occurs to me that we are just about back to that argument.

They are not going to bargain with us on the MX. But they must be terribly apprehensive about it, admittedly, because it has the ability to overwhelm their land-based silos. But it is also vulnerable, so they know if they decide to strike first, they can destroy all of them.

Now, the President has said that he wanted it for a bargaining chip and later he said, "I'm not going to bargain it away." My guess is he might as well say that because I do not think the Soviets are willing to give very much for it.

Madam President, if we are not going to be able to match the Soviet Union or overwhelm them with our superiority—and in my opinion we will not; I think they will match us missile for missile, warhead for warhead, delivery system for delivery system—and if that is the case, we ought to at least be able to outthink them. And the MX is not the way to out think them.

I have watched the debate on the MX almost since its inception. I was not very crazy about the so-called railroad track basing mode that President Carter proposed to the Congress either. But there was one thing about it: At least it was going to make MX survivable, or it would require the Soviets to waste 4,000 warheads on 200 missiles and leave a significant part of our land-based missiles intact.

Here is the present component of Soviet and American forces: 75 percent of all our warheads are on submarines and invulnerable. Thirty percent of them, even after MX, will be in vulnerable land-based silos.

It is just the inverse in the Soviet Union. Eighty percent of their forces are land-based and 20 percent invulnerable on submarines. So if you were sitting there in the Soviet Union and you saw the United States deploying MX with the ability to overwhelm, along with the Minuteman, virtually all your land-based silos, 80 percent of your strategic forces, would you consider that a hair trigger situation when you know you cannot do that to your enemy? They can unleash every single silo-based missile they have and they could still only destroy a maximum of 25 percent of our strategic forces. They know they cannot do to us what we can do to them. And I am telling you in times of crisis, in times of a computer malfunction, you are flirting with an unmitigated disaster.

Time is going to run out on us after this missile is deployed. There are a lot of Senators that would like to change their vote right now, but they are a little queasy about it. If you debated this a year from now, you would pick up more votes, 2 years from now, still more, and about 3 years from now the Senate would finally come to its collective senses and defeat this missile. But it will be too late. This is the last time.

Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will occur at 2:45 this afternoon.

AMENDMENT NO. 2506

(Purpose: To prohibit expenditure of funds to relieve economic dislocations)

Mr. NICKLES. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. NICKLES) proposes an amendment numbered 2506.

On page 87, beginning with line 25, strike out all down through line 6 on page 88 and insert in lieu thereof the following:

SEC. 798. None of the funds appropriated in this Act may be used to carry out the test program provided for under section 1109 of the Department of Defense Authorization Act, 1983 (10 U.S.C. 2392 note).

Mr. NICKLES. Madam President, the amendment which I have sent to the desk would delete funds that the Department of Defense has been spending for the last 3 years for conducting a test for an exemption from the so-called Maybank amendment. This amendment prohibits using procurement funds solely for the purpose of relieving areas of high unemployment. In other words, a price differential could not be paid for those contractors coming from an area of high unemployment.

I think that is good policy. I believe it is a mistake to get away from that which we have been testing, for the last 2 or 3 years. Quite frankly, we have seen some results from that test that I think prove it makes sense to keep the Maybank amendment as it is and that it does not make sense to use the Department of Defense as another jobs bill or another effort to allocate procurement funds strictly in the areas that have the highest unemployment.

The present law that we are looking at today would take about $4 billion worth of procurement funds, have the Defense Logistics Agency look at those procurement funds and see if they could not be allocated into areas of high unemployment, paying a differential of up to 2.2 percent greater than the lowest bid. Of course, who pays for that 2.2 percent? Nobody but the taxpayer.

In addition to the 2.2-percent price differential, which at $4 billion could reach up to over $80 million, you have the administrative expense which is enormous, because we have over 4,000 different labor areas that have to be surveyed in order to determine which are "labor surplus areas" and which ones are not. This is a real administrative burden on the procurement officers.

So we have a cost to the taxpayers which ranges anywhere from a couple million dollars to maybe $80 million in unnecessary expenditures. Then we have the administrative expense for the test that was conducted from February 26, 1981, to December 31, 1982, a period of 22 months, with administrative cost of $1,703,704. The differential for those contracts, stated in a report submitted by the President, reads, "Since these costs would not have been incurred but for those contracts for which a price differential was paid, the total cost to place contracts in labor surplus areas was $3,466,977, representing a 3.9-percent increase in making those awards for which a premium was paid."

In other words, for every contractor that did receive a contract due to this provision, if he received a contract higher than the lowest price submitted, it cost the taxpayers about 4 percent more than what it normally would have cost.

That is a real inequity.

Madam President, second and maybe most importantly, the reason I offer this amendment is that this provision in the appropriations bill and also in the authorization bill allows for a real inequity between contractors in various areas. In other words, if you happen to be a contractor in a labor surplus area, you have a 2.2-percent price advantage over those contractors who happen not to be in a labor surplus area.

Because 67 percent of this country is not in a labor surplus area, we have one-third of the contractors, who have a 2.2-percent price advantage over the other contractors who are not in labor surplus areas.

Of course, Uncle Sam; that is, the taxpayers, are picking up that 2.2 percent. I personally come from a manufacturing background, and 2.2 percent may not sound like much, but if you are in contracting 2.2 percent may be your entire profit margin. This is because most of the manufacturers' material costs are relatively the same. In many areas maybe your labor costs are the same. That 2.2 percent may mean whether or not you get the job.

I think the net result that you will see from this exemption is a lot of contractors will leave the areas that are not classified as labor surplus areas and go into areas that are classified as labor surplus areas.

We have a lot of labor surplus areas in the State of Oklahoma as well as in almost every State, with few exceptions. As an example, in Oklahoma, we found that while the city of Tulsa did not qualify, the county of Tulsa did. So, if you had a manufacturing facility, let us say, in Tulsa County, you would qualify as a labor surplus area giving you a 2.2-percent price advantage over a potential competitor in the city of Tulsa. That makes no sense. Yet you might be awarded the contract if you were in Tulsa County.

There is no accounting for who is struggling and who is not struggling. There are no economic criteria on who will receive the price advantage. It may well be that the manufacturer in the city of Tulsa is on his last breath. It may be that if he does not get that contract, he will go broke. It may be that the manufacturer in Tulsa County has a business that is very prosperous and he did not really need that additional contract but is trying to drive out competition. The 2.2-percent price differential will give him the needed advantage to corner the market, or maybe to keep someone else from coming into the market, thereby again reducing competition.

It is not fair, Madam President, to be able to tell two-thirds of the contractors, "Because of where you happen to be, you do not qualify for this Government contract because somebody else happens to be in a labor surplus area and he gets a 2.2-percent price advantage." In the very competitive markets that we find a lot of small businesses in today, 2.2 percent makes a major difference. Some businesses are going out of business or not getting the contracts they need to be able to expand. So we reward perhaps the wrong groups. It makes no sense to have Government subsidize those businesses.

Why make the Department of Defense bill into a jobs bill? We already have legislation covering that. In those areas that are depressed, we have economic assistance. Last year the program cost $41.1 billion and the Federal Government's contribution was $6.7 billion, a substantial amount. Last year we passed the jobs bill, $4.6 billion, most of it targeted into areas with the highest unemployment. I did not have a problem with that, but I do have a real problem with taking the Department of Defense bill and turning it into a jobs bill.

The language says we will continue this test 1 more year. We already have had the test in 1981 and 1982 and 1983, and now we are getting ready to do it again for 1984. I think everybody in this room is well aware of the fact that we will be looking again at a request to extend it beyond this and not just for $4 billion in contracts but probably for $7 billion. That is what the House was asking for and they were asking for permanent language.

Again, I think there are a lot of efforts by a lot of Congressmen and Senators to turn the Department of Defense bill into a jobs bill, efforts that I think are very much a mistake. We have two-thirds of the contractors who, because of where they happen to live, are at a price disadvantage under this amendment.

I hope we would be able to strike this language.

Madam President, I have no further comments at this time. I would hope that we would review this. I do not intend to ask for the yeas and nays on this amendment, but I would hope that those who are looking at this and also the authorization next year would be aware of the very detrimental effects it has on the economy and on competition, and I would hope that this program would not be extended beyond the year.

Mr. STENNIS. Madam President, I yield myself 5 minutes.

Madam President, I have been intrigued by the remarks of the Senator. He knows a lot about the subject.

Madam President, this problem itself is as old as the large military structure. I think the Senator was here when I said this was the largest bill ever passed by the Congress in peacetime or wartime. There is no complete answer to this problem, as I see it. I do not believe, though, you can perfect language on the floor of the Senate, or the House, either, because there is no way to get at it with that microscope that is necessary and no complete way to weigh the consequences of the words used.

I am really in sympathy with the problem. We have it to some degree down our way. We have never received anything substantial out of what was called the Maybank amendment.

If I may mention this, I do not suggest that the Senator abandon his problem at all, but if we could defer this matter until there is time to work something out—and it may take going over until next year—where Senators can meet with staff members, experts from Defense, construction people and all of us, and we can scrap it out, we might get some language that would meet the situation better than the present language. But I do not think we can do it with just a potshot. I thank the Senator for listening.

Mr. NICKLES. Madam President, I appreciate very much the remarks of my good friend and colleague, the Senator from Mississippi. I realize he has a lot of expertise in the area of defense over a great many years. I greatly respect him and his efforts and appreciate his comments. I think his suggestion is possibly a good one. I think it is wise and possibly beneficial to let others know there are a lot of people concerned about this amendment. I think its impact would be very detrimental to a lot of areas, to a lot of contractors, et cetera. I will adhere to the advice of my colleague and not ask for the yeas and nays on this amendment at this time, but will look at this amendment later. I move the amendment, if no one else wishes to speak.

The PRESIDING OFFICER. Is all time yielded back?

Mr. NICKLES. Madam President, I have one addtional comment. I ask unanimous consent that a letter from the President of the United States dated July 11, 1983, be printed in the RECORD, and also, a paper entitled "Results of Maybank Amendment Test and Justification for Retention of Maybank Amendment."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 11, 1983.

Hon. JOHN TOWER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Public Law 96-527, the Fiscal Year 1981 Defense Appropriations Act, required the conduct of a test involving modification of the Maybank Amendment. The Maybank Amendment, included in every annual Department of Defense Appropriations Act since 1954, states ". . . that no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations . . ." Public Law 97-86, the fiscal year 1982 Defense Authorization Act, and Public Law 97-114, the fiscal year 1982 Appropriations Act, required that the test be continued during fiscal year 1982. Additionally, Public Law 97-86 required me to provide a report to the Congress on the results, costs, and benefits of the test program. I provided the results of the test to you on July 20, 1982, covering the test period since the inception of the test on February 26, 1981 through January 31, 1982. In that report, because of the inconclusive test results, I supported continuation of the Maybank Amendment Test through fiscal year 1983.

Specifically, these laws authorized the Defense Logistics Agency to pay a premium of up to 5 percent on contracts not exceeding a cumulative value of $3.4 billion in fiscal year 1981, plus a like amount in fiscal year 1982, to place such awards in labor-surplus areas. Contracts for the purchase of fuel and certain subsistence items are excluded from the test.

Public Law 97-252, the fiscal year 1983 Defense Authorization Act, and Public Law 97-377, the fiscal year 1983 Defense Appropriations Act, authorize the Department of Defense to continue the test through fiscal year 1983 but at a reduced premium of 2.2 percent on contracts not exceeding a cumulative value of $4.0 billion. This legislation also requires me to provide you a report similar to that provided last year. The following report covers the test period from the beginning of the test on February 26, 1981 through December 31, 1982, a period of 22 months during which the 5 percent premium was paid.

My review of the results of this program to date indicates, in most instances, that firms located in labor-surplus areas can compete effectively with those firms located in non-labor-surplus areas. Given these results, I recommend that the Congress not repeal the Maybank Amendment. However, in view of the fact that the test is now being conducted at a lowered premium and to ensure a full and fair evaluation, I would support continuation of the test for another year at the levels presently authorized in the fiscal year 1983 Defense Authorization Bill.

Sincerely,

RONALD REAGAN.

RESULTS OF MAYBANK AMENDMENT TEST AND JUSTIFICATION FOR RETENTION OF MAYBANK AMENDMENT

The Defense Logistics Agency awarded 35,770 contracts valued at $3,084,640,658 under the test. On 97.3 percent or 38,814 contracts, valued at $2,996,536,186, awards were made to the low bidder without a price differential. However, on 2.7 percent, or 956 contracts valued at $88,103,942, a price differential of $1,763,173 or 2.0 percent of the overall value of these contracts was paid. The total costs to administer this test, over and above the normal administration costs, were estimated to be $1,703,704. Since these costs would not have been incurred but for those contracts for which a price differential was paid, the total cost to place contracts in labor surplus areas was $3,466,877, representing a 3.9 percent increase in making those awards for which a premium was paid.

Under the test, bids were received on contract requirements from both labor surplus and non-labor surplus area firms. Where the labor surplus area bidder was higher than the five percent limitation, the contract was awarded to the lower non-labor surplus area bidder. The Defense Logistics Agency made 6,875 such awards at an aggregate value of $430.7 million. Had there been no five percent limitation on the price differential payable for labor surplus area awards, the amount of these awards would have been $535.2 million, resulting in a premium of $104.5 million or an increase of 24.3 percent. Premiums on individual contracts would have ranged from 5.1 to 107.2 percent.

Contractors who were paid a premium indicated that 3,207 additional employees would be hired. While there is no doubt that the economies of the areas that received awards benefited, because of the large number of different areas (2351) in which awards were placed there was no practical method to determine the impact on unemployment levels or the overall economies of these areas. Similarly, there was no way to determine the impact that the reduction of 3,335 employees had in the labor areas that lost contract awards.

The gain of 3,207 jobs in one group of areas and the loss of 3,335 jobs in another group of areas for a net loss of 128 jobs suggests that an unsatisfactory cycle could occur if the Maybank Amendment were repealed. Many Department of Defense contracts involve procurement over a relatively short time. If, on the next procurement, a community had moved out of the labor surplus classification, it would be denied the right to participate and the work shifted elsewhere. Subsequently, it might drop back into a labor surplus status, setting in motion an uneconomic cycle of rising and falling employment with Defense procurement perpetuating this unsound economic condition.

Congress did not, in either fiscal year 1981, fiscal year 1982, or fiscal year 1983, appropriate any additional funds for premiums paid and other costs associated with this test. The administrative expense of the test has cost the government and the taxpayers, as of December 31, 1982, approximately $1.7 million or a 1.9 percent increase in price for those contracts on which a premium was paid. If these administrative costs associated with the test are included, then the overall costs increase to $3.5 million or a premium of 3.9 percent.

In fiscal year 1982, approximately 33 percent of the Nation's labor areas were designated as labor surplus areas. Nevertheless, these labor surplus area firms won $38.6 billion or 35.2 percent of the Defense Department contract awards independently of the test program. Therefore, it appears that labor surplus area firms can compete very effectively with non-labor surplus area firms, without the benefit of any preference or premiums.

Repeal of the Maybank Amendment would have a serious adverse effect on the readiness of our combat forces and result in significant added procurement costs because of the severe restriction on competition. Some 2,767 of the 4,127 labor market areas are now classified as non-labor surplus by the Department of Labor. On an equal geographical distribution basis, this would mean that firms located in 67 percent of the labor areas throughout the country would be denied the opportunity to compete for a substantial number of Department of Defense procurements.

The Department of Defense has consistently supported retention of the Maybank Amendment. Repeal of the Amendment would be harmful to the nation's defense because it could: Reduce competition among defense suppliers and increase prices for defense purchase; jeopardize making awards to the best qualified and most efficient producer and result in decreased quality and delays in defense production; place intense political pressures on Department of Defense contracting officials from local firms and governments; divert contracts now won by small business and minority firms in open competition to large business firms that will perform in labor surplus areas; adversely affect DOD's ability to meet offset and co-production commitments with foreign governments; and impede NATO Rationalization, Standardization, and Interoperability (RSI) agreements and Memoranda of Understanding (MOUs) with foreign governments.

Mr. LEVIN. Madam President, I rise in opposition to the amendment offered by the Senator from Oklahoma. The test program exempting a portion of the Defense Logistic Agency's procurement budget from the requirements of the annual Maybank amendment is an important concept that has yet to receive a fair chance by the Department of Defense. In its August 1983 report on implementation of the test waiver of the Maybank amendment, the Department of Defense admitted that to date the Department had only obligated $3 billion of the $12.4 billion earmarked by Congress over the last 3 years for this program.

Madam President, not only should we retain this program but I will join with Senator QUAYLE later today to reinstate the reporting requirements on this test waiver—requirements that were stricken in conference on the fiscal year 1984 DOD authorization bill. It is clear that the DOD has been dragging its feet in implementing this program, as evidenced by the relatively small percentage of funds actually obligated. Also, when DOD finally released its often delayed report on the test program, it was clear that the report was unnecessarily negative and replete with statistical flaws of major proportion.

For these reasons it is imperative that the Senate leave this test program intact to adequately test the concept of a small set-aside for awarding defense contracts in labor surplus areas.

Mr. NICKLES. Madam President, I move the adoption of the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. STENNIS. I did not understand the last remark of the Senator.

Mr. NICKLES. I yield back the remainder of my time and I move the amendment.

Mr. STENNIS. Madam President, we have only four Senators here, I believe—five, including the Chair. I think I had better suggest the absence of a quorum and see how fast we can get the word around.

I withdraw my request for the absence of a quorum. I think we are ready to vote now on the amendment before the body. We can do it by voice vote.

The PRESIDING OFFICER. Is there any further debate? Hearing none, the question is on agreeing to the amendment.

The amendment (No. 2506) was rejected.

Mr. STENNIS. I move to reconsider the vote by which the amendment was rejected, Madam President.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. I thank the Senator from Oklahoma. He has made a start that I think will be of value to him later.

Madam President, I hope there is another amendment now so we can get started on the argument. The Senator from Alaska is in the building; he will be back in a few minutes. He is always ready to go when he gets back. So if either group has an amendment to offer, I hope they can bring it forward now. Failing that, if Senators know of anyone who is wanting to bring an amendment up, we might call them up. Otherwise, we shall have to have the cloakrooms make calls to the membership that we must have someone proceed with an amendment.

Mr. QUAYLE. Madam President, will the Senator yield?

Mr. STENNIS. Yes, I yield.

Mr. QUAYLE. I have an amendment that we have attempting to get cleared on both sides of the aisle. It deals with the precise subject that the Senator from Oklahoma brought up, the Maybank amendment. As a matter of fact, it requires tightening up the reporting requirement so we can get a better understanding of how the test program for the labor surplus areas has actually worked. I do not know if we are prepared to go ahead and offer it at this moment. My staff has indicated that we are.

I wonder if the distinguished ranking minority member could give me some indication if this amendment has in fact been cleared on his side of the aisle. If not, I will suggest the absence of a quorum to see if we can work it out.

Mr. STENNIS. Madam President, we have not been given any special information about this amendment. I am speaking for myself. I can suggest the absence of a quorum and contact Senator Stevens and see what his wishes are.

Mr. QUAYLE. That would be fine with me, Madam President.

Mr. STENNIS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

AMENDMENT NO. 2507

(Purpose: To make technical adjustment)

Mr. STEVENS. Mr. President, this is an amendment that was not covered by the unanimous-consent request. It is strictly a technical amendment. We have made an error in the bill and referred to bachelors' allowance for quarters when it should be basic allowance for quarters.

I ask unanimous consent that it be in order for me to offer this amendment at this time. I further ask unanimous consent that the adoption of this amendment will not preclude any Senator's right to offer a subsequent amendment to this section of the bill; that this be deemed original text for the purpose of amendment. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, I join in supporting the amendment.

Mr. STEVENS. I thank the Senator. It is strictly an amendment for the correction of an error.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) for himself and Mr. MELCHER proposes an amendment numbered 2507:

On page 80, line 10, delete "Bachelors" and insert in lieu thereof "Basic";

On page 80, line 9, delete "Bachelors" and insert in lieu thereof "Basic";

On page 82, line 22, delete "Bachelors" and insert in lieu thereof "Basic";

On page 83, line 1, delete "Bachelors" and insert in lieu thereof "Basic".

Mr. STEVENS. Mr. President, I ask for the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So Mr. STEVENS' amendment (No. 2507) was agreed to.

Mr. STEVENS. Mr. President, we do have, as all Senators know, a very long unanimous-consent agreement. I call the attention of all Members of the Senate to that agreement. It is printed in the first page of the calendar of business for today. It is going to be extremely difficult for us to finish at any reasonable time this evening unless Senators do come forward and present their amendments.

We have disposed of two of those amendments so far, and the Senator from Mississippi and I are here waiting for any Senator who wishes to present an amendment.

The votes on the amendments will commence at 2:45 p.m. Once we have reached the hour of 2:45, there will be no further stacking of votes, and all amendments will be voted on as they are raised.

It is the intention of the leadership, as I understand it, to stay in as late as necessary in order to make certain that we finish this bill no later than 6 p.m. tomorrow.

There is a series of amendments scheduled for tomorrow which are extremely time consuming, and anyone with an amendment and who wishes to debate it will be well-advised to offer that amendment today.

Mr. STENNIS. Mr. President, as I understand it, the Senator is saying that as to so-called minor amendments, we might debate them and let the votes be stacked.

Mr. STEVENS. I appreciate the Senator's support of the position we are trying to enunciate, and that is that Senators offer their amendments.

Mr. STENNIS. I believe that if the Senator from Alaska puts it on the line, we will get some results.

Mr. BYRD. The Senator has me here.

Mr. STENNIS. Exhibit No. 1.

AMENDMENT NO. 2508

(Purpose: To require the Office of Federal Procurement Policy to review certain procurement practices and procedures of the Department of Defense and to report its findings, conclusions, and recommendations to the Congress)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) for himself and Mr. SASSER, Mr. HOLLINGS, Mr. BOREN, Mr. ARMSTRONG, Mrs. KASSEBAUM, and Mr. ANDREWS, proposes an amendment numbered 2508.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

PROCUREMENT PRACTICES OF THE DEPARTMENT OF DEFENSE AT THE END OF THE FISCAL YEAR

SEC. . (a)(1) Not later than February 1, 1984, the Office of Federal Procurement Policy (hereinafter in this section referred to as the "Office") shall review the procurement actions of the Department of Defense during the one-week period ending September 30, 1983, and transmit to the Congress a report on such review as provided in paragraph (2). In carrying out the preceding sentence, the Office shall review the regulations and administrative and managerial guidelines applicable to procurement actions of the Department of Defense during the final quarter of a fiscal year.

(2) The report required by paragraph (1) shall include (A) the number and dollar amount of contracts and purchases which were made by the Department of Defense during the one-week period referred to in paragraph (1), (B) the findings and conclusions of the Office on whether the Department of Defense had a bona fide need for the property or services procured by each such contract and purchase, (C) a list of the contracts and purchases which were made by the Department of Defense during such period without formal advertising, including the dollar amount of each such contract or purchase, (D) a list of the contracts and purchases made by the Department of Defense during such period after soliciting bids or proposals from only one source, including the dollar amount of each such contract and purchase, (E) each justification for making each contract and purchase included in the list under clause (C) or (D) without formal advertising or soliciting bids or proposals' from more than one source, (F) the findings and conclusions of the Office on whether any regulation or administrative or managerial guideline reviewed pursuant to paragraph (1) (including the requirements of Office of Federal Procurement Policy letter number 81-1) were violated in making any of the contracts or purchases reviewed pursuant to paragraph (1), and (G) such recommendations for legislation and administrative actions relating to the procurement practices of the Department of Defense as the Office considers appropriate to assure economy and efficiency in procurement actions by the Department of Defense during the final quarter of a fiscal year.

(b)(1) The Secretary of Defense shall furnish to the Office such information on the procurement actions of the Department of Defense and the regulations and administrative and managerial guidelines applicable to such actions as the Office considers necessary to carry out subsection (a).

(2) The Inspector General of the Department of Defense shall furnish to the Office such information on the procurement actions of the Department of Defense and the regulations and administrative and managerial guidelines applicable to such actions as the Inspector General has acquired and the Office considers necessary to carry out subsection (a).

(3) The Comptroller General of the United States shall furnish to the Office such information on the procurement actions of the Department of Defense and the regulations and administrative and managerial guidelines applicable to such actions as the Comptroller General has acquired and the Office considers necessary to carry out subsection (a).

(4) Each official furnishing information to the Office under paragraph (1), (2), or (3) shall include with such information all information furnished by such official to the Congress, any committee of the Congress, or any Member of the Congress relating to the procurement actions required by subsection (a) to be reviewed by the Office.

Mr. BYRD. Mr. President, there have been disturbing reports of a hurry-up, last-hour spending spree by the Department of Defense just as the 1983 fiscal year came to an end on September 30.

The amendment I am offering addresses the abuses which may have occurred during the last week or so of the past December, at the very end of the fiscal year.

As my colleagues are aware, on September 30, the Defense Department engaged in the largest single-day expenditure since the United States disengaged from Vietnam; 234 contracts, worth a staggering $4.2 billion, were awarded. That is $4.20 for every minute since Jesus Christ was born.

This seems to be a classic example of hurry-up spending to avoid having to return any appropriated money back to the Treasury. How much of the spending may prove to have been wasted? How much of it was awarded as the result of procedures which avoided competitive bidding and multisource contracts? How much of it actually violated guidelines which, in the recent past, have been provided by the Office of Federal Procurement Policy? How much of it actually violated DOD's own procurement regulations? How much of it, in fact, runs counter to the very spirit, if not the letter, of the Weinberger reform program?

A number of my colleagues have been seeking answers to these questions. A majority of the Senate Armed Services Committee has asked Secretary Weinberger to report in detail on this matter. The Government Affairs Committee leadership has asked the DOD Inspector General to conduct an audit of this matter. A number of other Senators have asked the Comptroller General to investigate the matter.

This end-of-year procurement spending spree should be reviewed as well by the Office of Federal Procurement Policy.

My amendment focuses on the last week of the fiscal year, to coincide with the work product which has been requested by the Armed Services Committee and the Governmental Affairs Committee. OFPP is required, by February 1, 1984, to review the procurement actions by DOD during that week, to break those contracts down by type and dollar amount.

The Office of Federal Procurement Policy is to make a determination as to whether there was a bona fide need for the property and services purchased. It is to analyze how much of this action was done without formal advertising and bidding procedures and how much was done by sole-source mechanisms.

The Office of Federal Procurement Policy is then to make a determination as to whether these procurement actions violated Federal procurement regulations, and make recommendations on regulatory and legislative action, if appropriate, to correct whatever abuses may have occurred.

The work product of Secretary Weinberger's office, the Inspector General, and the Comptroller General of the United States, in responding to congressional inquiries on this matter, is to be reviewed by the OFPP.

I hope that the results of these investigations and this report will be a sound understanding as to what is really happening in DOD procurement activity. I am sure that once we gain a real understanding of whatever problems and abuses have occurred, we can take appropriate action.

I do not maintain that the Department of Defense is alone in this practice. I am quite sure that a good many other departments do the same thing. But the news reports concerning the Department of Defense focus on that department, point the finger at that department, and I feel that the amendment I have offered is appropriate in the light of these circumstances.

I hope that the managers can accept my amendment. As I say, I think some other departments are doing the same thing; but if we start with this department and, via my amendment, make some progress, we can perhaps turn as well to some of the other departments.

I yield the floor.

Mr. STEVENS. Mr. President, I am delighted that the Senator has raised this amendment. I will not oppose it. I learned Friday not to oppose an amendment dealing with the Office of Federal Procurement Policy with relation to the Department of Defense. In this instance, it will be to the advantage of the department to have the facts reviewed and brought to the attention of the American public.

It is unfortunate that there is an article that alleged that the Department of Defense went on a spending spree at the end of the fiscal year—not being critical at all of the distinguished Democratic leader in terms of his desire to have that reviewed, if it in fact took place.

There is every reason to believe that the review will demonstrate that there was not an 11th-hour shopping spree. As a matter of fact, most of the contracts in the announcement that alleged there was a spending spree were available for another year. There was no necessity to announce them on September 30 or in the vicinity of September 30 because of the expiration of funds. They were announced for other reasons at about that time.

A very small percentage of the contracts were funded with operating appropriations which were not available after September 30. The largest single contract was for torpedos to be procured from Honeywell, Inc., and that was from an appropriation which is available until September of 1985. It was not an 11th-hour shopping spree. It was, in effect, the award of a contract after substantial review.

A large number of contract awards represented a concern for meeting self-imposed contract award deadlines. They were deadlines that were created in part by request of Members of the Senate.

I have here a letter from the Secretary of Defense who responded to Senator ANDREWS and others who had written along with Senator ANDREWS setting forth that there had been agreement to delay a large number of these contracts.

It is a fact that these contracts were announced on the day that they were announced after a review period that had been self-imposed.

I still believe that we should not have put the Office of Federal Procurement Policy in the position of being another agency to review the Department of Defense. It is being reviewed by the Inspector General and his staff and that should be sufficient.

That would be my only objection to the amendment that the Senator has presented and since, as I said, I learned on Friday that that position is not supported by the remainder of the Senate, it would be my feeling that this review of the alleged shopping spree that the Senator from West Virginia wishes to have done would be in the best interest of the Department of Defense. I will not oppose the amendment.

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill, the deputy majority leader.

I believe my friend from Maine has something he wants to say.

Mr. COHEN. Mr. President, if the Senator will yield, I simply wish to request the distinguished Senator from West Virginia to add me as a cosponsor of this amendment.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senator from Maine (Mr. COHEN) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, I shall offer a few comments about why I think it is all the more imperative that we try and develop a uniform system of procurement in this country.

I mentioned last week during the Senator's other amendment dealing with the Office of Federal Procurement Policy that this Office, unless we do something within the next few days, is going to go out of business. We have to reauthorize the Office of Federal Procurement Policy.

The opposition to the reauthorization of OFPP is coming from within DOD, NASA, and GSA. These three major contracting agencies of this Government that spend the bulk of the money oppose the restoration of what we call regulatory authority to the Office of Federal Procurement Policy.

What we are trying to do is to develop some sense of uniformity, so we do not end up with hurry-up spending, which I might say to my friend from West Virginia has been a problem at least since 1921 when the first OMB circular went out to curb this wasteful spending practice. Each year the Director of OMB sends out a little notice saying, "For God's sake, do not spend all this money in the last few weeks of the fiscal year." There has been virtually no oversight, no review, and no mechanism to see whether or not agencies are complying.

I think what we have to really insist on in this Congress is that we finally do something about having a uniform system of procurement to the best we can, that we have strong oversight, and that we prevent the kind of activities that occurred the last day of this past fiscal year. Reauthorizing the OFPP is just one small step in that process. But we should keep the pressure on and if it requires OFPP to be the overseeing unit, so be it.

This Congress should strongly endorse the reauthorization of OFPP and to do it soon, if not this week then certainly by next week, and to lend support for the Senator's amendment.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his expression of support. I agree with him that we should reauthorize the Office of Federal Procurement Policy, OFPP, and that we do not have long in which to do that. Time is running out. We expect to adjourn sine die by next Friday I believe it is, a week from this Friday. I believe the reauthorization is in the Treasury-Post Office bill. I am not sure of where that bill is going as of this moment.

But I thank the Senator for support. I hope that he will use this vast knowledge which he has in this area, and he is exactly right. I hope that we can find some way to achieve the continuation of that Office.

Mr. COHEN. If the Senator will yield further, let me say it is not simply a matter of Congress pointing the finger at the Department of Defense or NASA or GSA, in some sort of pious declaration about their spending habits. The fact of the matter is we, too, contribute to the kind of abuses that have taken place in years past. We delay the appropriations bill until late in the congressional session. Many of these agencies have not been able to make plans as to how they are going to spend the money, how much money they are going to have. They delay in letting the contracts, waiting for us to act.

It is not as if we can, without some fault ourselves, point the finger and say it is all their fault. It is a complex area. We have to do away as much as we can with sole-source contracting, for example. We have to put the emphasis—I know the Senator from Mississippi has spoke on this himself—on more competition in contracting. We have to insist upon greater uniformity. We have to insist that we end this process of yearend spending, hurry-up spending; but it is all a part of a larger picture that we do not seem to have a handle on our procurement process. It is out of hand and no one is in control.

Last week the Senator from West Virginia pointed out that we have situations where we are spending $1,100 for a 26-cent item, because of the way in which the contracts are drawn and the way in which these costs are buried and have not been discovered. It is a very complex area, but we cannot simply ignore it any longer. We are spending and wasting billions of dollars every year.

So I simply reiterate my support for the Senator's amendment and I am delighted to hear it will be accepted.

Mr. BYRD. I thank the Senator.

Mr. STENNIS. Mr. President, if the Senator will yield to me, I support the Byrd amendment and as far as I know, all those on this side of the aisle also support the amendment.

The PRESIDING OFFICER. Is there futher discussion? Does the Senator from Alaska yield back his time?

Mr. STEVENS. I do yield back any time I have.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 2508) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agree to.

Mr. BYRD. I thank the Chair and I thank the manager. I thank the ranking manager.

AMENDMENT NO. 2509

(Purpose: To reduce the amount of funds available to the Department of Defense for consultant and related services)

Mr. MATTINGLY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Georgia (Mr. MATTINGLY), for himself Mr. PRYOR and, Mr. JEPSEN, proposes an amendment numbered 2509.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 24, delete $17,871,056,000 and insert $17,822,456,000 and,

On page 37, line 17, delete $12,323,026,000 and insert $12,303,026,000 and,

On page 11, line 16, delete $6,594,744,000 and insert $6,583,344,000 and,

On page 8, line 17, delete $22,266,908,000 and insert $22,246,908,000

Mr. MATTINGLY. Mr. President, the amendment that I offer will reduce funds available to the Department of Defense for consultants and related services by $100 million. This cut is in addition to the $148 million reduction recommended by the Appropriations Committee. Thus, I am urging a $248 million reduction from the budget request of $1.423 billion for these purposes.

I hope all my colleagues will take a moment to read the committee report language on the Defense Department's expenditures for consultant services. The report notes that the committee last year recommended a $200 million reduction in the fiscal year 1983 request for these services.

However, the current reported level for fiscal year 1983 indicate that these expenditures decreased by only $59 million. Not only were clear congressional instructions ignored, but one must also ask from what accounts DOD drew the $140 million in excess consultant funds.

I commend the distinguished subcommittee chairman for his outstanding leadership in pursuing this matter, and also the ranking minority member. They have recognized a clear need to gain control of these expenditures. They are to be commended for the work that the subcommittee has done over the past several years.

During the recent Appropriations Committee markup of this bill, Secretary of the Air Force Verne Orr sent a letter to the committee members telling us that things were in good hands on the matter of the tactical fighter engine procurement debate and that he had 250 consultants working on it. Clearly, Mr. President, I think that is a good example of why I believe we should say, "enough is enough."

These reductions are not directed at the most important area of consulting expertise: engineering technical services. These contracts provide the mechanism for the exchange of information between contractors and defense personnel about the installation, maintenance, and operation of new and complex systems and should not be affected by the amendment.

Mr. President, this is a continuing effort by myself and Senator PRYOR of Arkansas and others to try to constrain the growth of consultant studies and fees by the Federal Government. Although $248 million sounds like a lot of money and it is a lot of money, these cuts will not cut into DOD muscle. This is one way to get the attention of DOD and make sure the taxpayers' money is spent correctly. Beginning with the reduction by the Subcommittee on Defense, approved by the full Committee on Appropriations, with the Mattingly amendment further reducing these fees by some $33 million at that time, and with this additional amendment reducing consultant fees by $100 million, I think we will achieve some of the goals toward which we have been striving and bring some sanity back into consultant contracts and studies. I urge my colleagues to support this amendment and ask the distinguished chairman and ranking minority member if they are prepared to accept this amendment.

Mr. STEVENS. Mr. President, I think it is important to read to the Senate the portion of our report to which the Senator from Georgia referred. It appears on page 39. It is short. It reads as follows:

> The budget request includes $1,423,000,000 for studies, analyses, and consulting costs, an increase of over 17 percent from the current reported rate of spending for such services. The fiscal year 1983 request of $1,273,000,000 was reduced in the appropriation act by nearly $200,000,000, yet the current reported level of spending for these fiscal year 1983 costs exceeds $1,214,000,000. The Committee is forced to the conclusion that the reductions specifically directed by Congress were ignored since actual spending declined less than $60,000,000 below the budgeted rate. Furthermore, it is implied that the Department of Defense decreased other programs unrelated to contract services costs in order to accommodate the total directed reduction.

Mr. President, it is for that reason that I am willing to accept the amendment of the Senator from Georgia. We have cut $148 million from the budget request. This amendment will cut another $100 million. If the Department wishes funds in excess of that amount, it must reprogram them. If it does not reprogram them this year, we will fence consulting appropriations so tightly next year that they will not be able to be used without reprograming again.

I hope they get the message. The amendment of the Senator from Georgia is designed to send that message. We do not want to see consulting costs grow at a rate which far exceeds the overall growth rate of the Department of Defense. There is increasing evidence that many of those consulting contracts are with people who have just left the Department. I think cost escalation of these consulting contracts is something that is going to undermine the confidence of the American public in our system and in the whole concept that we are trying to support now of modernizing our defense forces.

So I am prepared to recommend that the Senator's amendment be adopted. I hope my colleague from Mississippi will join with me. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I do not know of any contest over these figures. I heartily approve the purpose of it and what the Senator from Georgia has done about it. It is one of those fields where something can be done. Of course, if you cut, you make the finger bleed, why you can supply money that is absolutely needed from other sources. So I am going to support the amendment. I do not know of anyone over here that is opposed to it.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the amendment be considered in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MATTINGLY. Mr. President, I want to thank the Senator from Mississippi and the Senator from Alaska for their help in this 2-year and 10-month struggle that we have had for reduction of studies in consultant fees in the Federal Government. We see that something can be done if you are persistent. In the past, people may have thought, "Well, maybe we ought to give up since we have been turned back so many times in trying to control these unnecessary expenditures," but adoption of this amendment demonstrates that you can succeed if you are persistent.

I think the taxpayers should be genuinely pleased over this. It is going to be one time that, when it goes to a conference, it will not be disposed of, because the House has also approved similar reductions. So the taxpayer will succeed on this as well. I thank the Chair.

STUDIES, ANALYSIS, AND CONSULTING COSTS

Mr. PRYOR. Mr. President, I want to commend the Appropriations Subcommittee on Defense, as well as the full Appropriations Committee, for their inclusion of language in this bill to reduce appropriations for studies, analysis, and consulting costs at DOD by $148 million. I am encouraged by these actions.

I support the amendment by, and want to specifically acknowledge the work of, my distinguished colleague from Georgia, Senator MATTINGLY, whose efforts to cut waste from agency budgets for these services have been significant. His willingness to work in a bipartisan manner to reduce expenditures of questionable necessity and appropriateness is most heartening.

Mr. President, I have long been concerned about the Federal Government's use of consultants. Time and time again, in my own investigations which I pursued as a member of the Governmental Affairs Committee, and in General Accounting Office investigations which I requested, it has been demonstrated that taxpayer dollars are being wasted or inappropriately spent for the procurement of such services. These problems are particularly acute at DOD, where problems GAO found in 1981 included:

Sufficient in-house capability to perform contracted services;

A lack of competition with the award of sole-source contracts;

Disproportionate levels of last quarter and even last day contract awards;

The award of contracts for unsolicited proposals; and

The award of contracts to contractors with former DOD employees on the payroll.

Mr. President, the list goes on. What is dramatically and disturbingly clear is that the costs to taxpayers of these contracts in many cases are enormously excessive.

I want to call my colleagues attention to the committee report which accompanies this bill. On page 39, under "Consultants Studies, and Analyses," the committee report says:

> The fiscal year 1983 request of $1,273,000,000 was reduced in the appropriation act by nearly $200,000,000, yet the current reported level of spending for these fiscal year 1983 costs exceeds $1,214,000,000. The Committee is forced to the conclusion that the reductions specifically directed by Congress were ignored since actual spending declined less than $60,000,000 below the budgeted rate. Furthermore, it is implied that the Department of Defense decreased other programs unrelated to contract services costs in order to accommodate the total directed reduction. The descriptive term "nonprogrammatic reductions," which seems to have crept into DOD budgeting vernacular, appears to have been employed by the Department of Defense for practical application. More importantly, it appears that other programs have been reduced to cover such questionable projects as an Air Force contract study to develop a rationale to overturn the consumable item consolidation program specifically directed by the Secretary of Defense. Such efforts do not appear to be driven by readiness considerations.

Mr. President, this is very disturbing. In 1983, DOD apparently decided that it has no mandate to comply with the directions of Congress. This is unacceptable and intolerable. Reform and agency compliance are necessary governmentwide, and DOD is no exception to this rule. I have heard the weak excuse too many times, that to put any constraints on DOD, no matter how small or justified, threatens our national security. On the contrary, to force DOD to utilize its funds in an efficient, competitive, and appropriate manner can do nothing but strengthen our national defense. That is my desire and the desire of the American taxpayers.

The PRESIDING OFFICER. Do Senators wish to yield back their time?

Mr. STEVENS. I yield back the remainder of my time.

Mr. MATTINGLY. I move the adoption of the amendment.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. MATTINGLY. I do.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia (Mr. MATTINGLY).

The amendment (No. 2509) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATTINGLY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2510

(Purpose: To specify additional matters to be included in the 1984 report on the test program providing for the payment of price differentials to relieve economic dislocations under contracts awarded by the Department of Defense)

Mr. QUAYLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Indiana (Mr. QUAYLE), for himself, Mr. LEVIN, Mr. DIXON, and Mr. BYRD proposes an amendment numbered 2510.

Mr. QUAYLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, between lines 16 and 17, insert the following new section:

SEC. 799A. The second sentence of section 1109(b) of the Department of Defense Authorization Act, 1983 (10 U.S.C. 2392 note) is amended to read as follows: "The report required to be submitted not later than April 15, 1984, shall include—

"(A) an assessment of the costs and benefits of the test program;

"(B) statistics and other information on all contracts that were awarded in each State during the previous fiscal year on which a price differential was paid to a firm located in a Labor Surplus Area and that were awarded during the previous fiscal year on the basis of competitive bidding to firms in Labor Surplus Areas (including the amount of any price differential paid and the estimated number of full-time employees added or lost as a result of such contracts);

"(C) information, to the extent available, on amounts saved or additional amounts expended in the previous fiscal year under the unemployment compensation programs, the medicaid program (under title XIX of the Social Security Act), the food stamp program (under the Food Stamp Act of 1977), and other Federal assistance programs based on need, as a result of the operation of the program provided for in this section;

"(D) information on the extent to which the number of firms, from both in and outside Labor Surplus Areas, bidding on Defense Logistics Agency contracts in any fiscal year increased or decreased over the previous fiscal year;

"(E) information on the extent to which the program provided for in this section has increased or decreased the competitiveness in Defense Logistics Agency procurement operations, including information on any dollar savings resulting from any increased competitiveness or any additional dollar expenditures resulting from decreased competitiveness; and

"(F) information on the extent to which the Department of Defense is promoting the program provided for in this section through mailings, seminars, outreach efforts, and media advertising.

The Defense Logistics Agency shall establish such reporting standards and requirements as are necessary to assure that the statistics and other information included in the report to which the preceding sentence applies are complete and accurate.".

Mr. QUAYLE. Mr. President, I offer this amendment on behalf of myself, Mr. LEVIN, Mr. DIXON, and the minority leader, Mr. BYRD.

Mr. President, I offer this amendment to amplify on what the Appropriations Committee has already done concerning the test program in regard to the Maybank amendment. As this body well knows, the Maybank amendment, which prohibits the designation of contracts in labor surplus areas, has been with the Department of Defense for a considerable period of time—since 1954.

In 1952, the Defense manpower policy No. 4 (DMP-4), was adopted making it the policy of the Federal Government to target purchases of goods and services to firms in high unemployment areas.

The Maybank amendment, which was added to the Defense Appropriations bill in 1954 and renewed each year thereafter, exempted the Department of Defense from its provisions by prohibiting it from paying any price differential on contracts. Thus, the Maybank amendment basically rendered DMP-4 meaningless.

In 1977, efforts were started to enforce DMP-4. Beginning with amendments to the 1981 Defense appropriations bill and continuing with related amendments until this year, there has been success in instituting a program designed to test the effectiveness of allowing a small price differential to firms in areas of high unemployment to increase their competitiveness.

We have in the last few years gone beyond that prohibition and, in certain cases, permitted a 2.2 percent price differential in bids submitted by firms in labor surplus areas amounting to up to $4 billion worth of Defense Logistics Agency (DLA) contracts. The Defense authorization bill, as reported out of conference and passed this summer, will continue the test program through fiscal year 1984. The current provision also continues the requirement for a report by the President on the program test results. We have put the Pentagon on the same footing, essentially, as the rest of the Federal Government. The rest of the Federal Government has procurement policies applicable to labor surplus areas and does in fact have special considerations.

My amendment, Mr. President, is designed to ascertain through more complete and accurate reporting some of the facts that we really need so that we can make a determination on whether the Maybank amendment should or should not be part of the annual defense appropriations bill.

During consideration of the Defense authorization bill in the Senate this summer, an amendment was offered by Senator TOWER on my behalf which expanded and clarified the information which must be included in the report which the President is already required by law to submit. This amendment was adopted by the Senate but unfortunately, the amendment was dropped in conference committee on the basis that the new requirements were considered unduly onerous and the existing reports were considered adequate.

I feel the language in my amendment last summer and the amendment I offer today is important because the Defense Logistics Agency reports have been found to be very inaccurate and inconsistent. Let me describe some of the problems.

There is no verification of actual jobs lost. DLA only verifies the number of jobs created that a firm reports, not the jobs lost. It is impossible to ascertain whether the reported number of jobs lost are accurate without verification by DLA. The reporting system does not record the number of jobs that are maintained by a contract. The jobs that are maintained because of a contract have just as much impact, if not more, on an economically distressed area as do the jobs added. Finally, it should be noted that 76 percent of the contracts awarded to firms in labor surplus areas through the use of a price differential did not list any employment gain.

I come to this issue with the presumption that the Maybank prohibition should not apply, but I think that the facts and the statistics that we have are certainly inconclusive.

The report I have referred to is the report of the test on the modifications to the Maybank amendment for fiscal years 1981 through fiscal year 1983—February 1981 through December 1982. I would like to read a couple of examples from the report that must make one wonder about the accuracy and validity of the reporting.

On page 389, the report indicates that a contract that was awarded in the Bronx for a total of $102,660 added 14 employees. The unsuccessful evaluated bid price was $102,494, a difference of a little over $200. Yet the report states that the unsuccessful bidder lost 30 employees.

That is more than double. That simply does not make sense. That cannot be. In fact, a $200 differential translates into 15 jobs lost. Something is wrong. I do not want to say anything about the two businesses involved, but I would really question those statistics.

To understand the problem my amendment seeks to address, you only have to look at another example along the same lines, Mr. President, on page 404 of the report. This one happened to be a contract awarded in Brooklyn for $17,496. The employees added by the successful bidder were 21. The unsuccessful bid was $17,280, and yet the report claims that 76 employees lost their jobs. This just sounds like magic. How can a contract with a differential of $210 or thereabouts translate into the loss of 55 jobs? The report just is not accurate.

Although DLA is aware that there are reporting problems, I believe that because of the importance of this program to the economically disadvantaged areas of this country, it is necessary to require reporting standards which insure a full evaluation of the pros and cons of this program.

Therefore, I am again offering this amendment. My amendment requires that the report include:

An assessment of the costs and benefits of the test program.

Statistics and other information on all contracts that were awarded in each State during the previous fiscal year on which a price differential was paid to a firm located in a labor surplus area and that were awarded during the previous fiscal year on the basis of competitive bidding to firms in labor surplus areas.

Information on amounts saved or additional amounts expended in the previous fiscal year under the unemployment compensation programs, Federal medical programs, the food stamp program, and other Federal assistance programs based on need, as a result of the operation of the program.

Information on the extent to which the number of firms, from both in and outside labor surplus areas, bidding on Defense Logistics Agency contracts in any fiscal year increased or decreased over the previous fiscal year.

Information on the extent to which the program has increased or decreased competitiveness in Defense Logistics Agency procurement operations, including information on any dollar savings resulting from any increased competitiveness or any additional dollar expenditures resulting from decreased competitiveness.

Information on how the Department of Defense is promoting the program through mailings, seminars, outreach efforts, and media advertising.

The way in which the existing report was compiled suggests that it is exceedingly misleading or there are facts not being reported to the Senate. The whole report, in my judgment, is suspect and needs to be substantially improved. That is the purpose of my amendment.

Mr. President, I have discussed my amendment with the ranking member and others, and I believe it will be noncontroversial and will be accepted.

Mr. BYRD. Will the Senator yield?

Mr. QUAYLE. I yield to the Senator from West Virginia, who is a cosponsor of the amendment.

Mr. BYRD. Mr. President, I very much support the amendment. I am happy to be a cosponsor.

Almost as long as I have been in the Senate there have been two "birds" in the Senate. There are still two "birds" in the Senate. One is a "Quayle" and the other is a "Byrd."

I compliment the Senator strongly and I do hope the amendment is agreed to.

Mr. QUAYLE. I thank the Senator. I might say I am a proud member of the "bird caucus."

Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, I have no objection to this amendment. We are prepared to accept it. It will require another study. One of these days, I am going to reach that point where even the suggestion of another study and financing another study will lead me to oppose any further amendments authorizing the expenditure of taxpayer funds for studies. But I have not reached that level of opposition to any amendment yet. I think this one may prove to be beneficial to the overall defense program, because of the results I believe it will produce.

Mr. STENNIS. If the Senator will yield to me, I support the amendment. As far as I know, all Members on this side of the aisle support the amendment.

Mr. STEVENS. I am constrained to point out after the last amendment, the Department of Defense will not have money enough to hire consultants to make this study. Perhaps those who are on duty full time will have to make the study. That might be a beneficial result.

I yield back the remainder of my time.

THE MAYBANK LABOR SURPLUS AREA PROGRAM

● Mr. SPECTER. Mr. President, I strongly support and am a cosponsor of the amendment offered by Senator QUAYLE to require a more thorough and complete report by the Department of Defense on the labor surplus area program under the Maybank amendment.

The Maybank amendment was first added as a rider to the DOD appropriations bill in 1952, prohibiting the Department of Defense from complying with an executive order to target a percentage of Government procurement contracts to areas of high unemployment. The labor surplus area program, established in 1980, presently sets aside $4 billion annually in nonstrategic purchases of the Defense Logistics Agency to firms in areas of high unemployment. As cochairman of the Northeast-Midwest Coalition, it is my view that the program has been successful in strengthening the defense industrial base, preserving and creating jobs, and promoting economic recovery. The Defense Logistics Agency has recently issued a report which claims the program has resulted in a net loss of jobs. The data used by the Agency contain numerous inaccuracies, which even the Defense Department acknowledges as major flaws.

In the first time period evaluated by the Defense Logistics Agency, February 1981—September 1981, unsuccessful bidders claimed inaccurate and unsubstantiated job losses. Inconsistencies similar to those in the first report are in the second.

The amendment offered by Senator QUAYLE should insure a more thorough analysis of the program by the Department and allow the Congress to make an objective evaluation of its impact. In particular, it will require the Defense Logistics Agency to establish whatever standards and reporting requirements are necessary to obtain complete and accurate data.

I urge the adoption of the amendment.●

Mr. QUAYLE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment (No. 2510) was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to.

Mr. QUAYLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2511

(Purpose: To prohibit funds appropriated by this act for the advanced technology bomber program from being used for any other purpose)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 2511.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, between lines 16 and 17, insert the following new section:

SEC. 799A. None of the funds appropriated by this Act to carry out the Advanced Technology Bomber program may be obligated or expended for any other purpose.

Mr. BYRD. Mr. President, I compliment the managers of the bill. I believe we are making good progress today.

Mr. President, this amendment is designed to protect the Stealth bomber program. It is the same subject matter that I was successful in getting into the authorization bill earlier.

It prohibits any of the money in this Appropriations measure earmarked for the Stealth bomber to be obligated or expended for any other purpose. The Stealth program, I believe, is progressing satisfactorily and is on the cutting edge of American advanced technology. It is a very highly classified program—by virtue of the restrictions on information concerning it, there is no visible national constituency to protect it. In the next few years, therefore, if cost overruns or funding crunches occur in other American hardware programs, there may well be a growing temptation to raid the Stealth account. There may be attempts to reprogram the Stealth money for any number of other systems.

This amendment is designed to prevent any diversion of funds for this crucial program.

One of the major advantages we have over the Soviet Union is in the area of our high technology. We dare not permit this advantage to lag.

Instead, I think each person who is convicted of espionage against this country of ours ought to be shot. I think we ought to deal with them as the Soviets deal with some of their own people. I understand, for example, they executed some of the persons who were at fault in allowing a Korean plane to fly 1,000 miles westward in Soviet air space some 2 years ago. The Soviets finally learned about this. The Korean pilot was flying west when he should have been flying east. The Soviets forced his plane down on a frozen lake and one or two persons were killed. I am told, though I do not know it to be a fact, that they executed the Soviet military personnel who were found to be at fault.

I am not jesting at all when I say that when I read about and hear about individuals who are selling American military secrets concerning our technology to the Soviet Union, to Bulgaria, or any of the Warsaw Pact nations, I would like to see us put some real teeth into the penalty. I am not sure the court would sustain such a proposal, but I find it difficult to understand why some persons in this country sell or give away secrets that go to the very heart of our most sophisticated technology and get off with not too heavy a penalty.

But that is beside the point just now.

It is important to keep Stealth on track, to keep it fully funded, to bring the technology to maturity as aggressively as possible.

The Nation needs a new intercontinental strategic bomber, one which is versatile and capable of performing a full range of missions. The combination of new technologies being incorporated into Stealth will permit that aircraft to penetrate Soviet airspace well beyond the turn of the century. In effect, the technology renders obsolete a Soviet air defense network worth billions of dollars, I suppose—certainly, many, many millions of dollars.

The funding levels of the Stealth program are highly classified. The progress of the technology is highly classified. The most that can be said today is that the technology represents the best of U.S. technology and is progressing satisfactorily. When the program reaches fruition, I am sure that our efforts today to protect its development, to keep it on track, will be rewarded.

Many Senators, Mr. President, have become increasingly concerned that there is a mismatch between the range of weapons systems being procured with the dollars available over the next several years. If, as is feared, those dollars become thinly stretched among the many competing programs, there will be great temptation to slow down the development of many of these systems.

This amendment is intended to serve notice that such stretchouts, such waffling, will not be tolerated in the area of Stealth technology. We will not permit any of the money dedicated to this program to be diverted to competitor weapons systems. Nor do we expect anything less than the full funding of the program, consistent with prudent management practices—from now through the initial operating capability (IOC) and finally until the full operating capability (FOC) of Stealth is achieved.

Mr. President, that is the purpose of my amendment. I should be happy to hear the comments of the manager of the bill.

Mr. STEVENS. Mr. President, I call the attention of my good friend to section 767 of the bill, on page 67, which says:

> SEC. 767. Of the funds appropriated by this Act for strategic programs, the Secretary of Defense shall provide funds for the Advanced Technology Bomber program at a level at least equal to the amount provided by the committee of conference on this Act in order to maintain priority emphasis on this program.

We put that in the bill because of the discussion we had with the distinguished Senator from West Virginia 2 years ago. It is a matter that has been pursued in the authorization bill this year and it is already contained in our bill. I want to assure the Senator of our complete commitment to the ATB, or Stealth, approach. We are pursuing the R&D in that area.

Mr. BYRD. Mr. President, I was aware of the language of the bill. I thought it well at least to establish legislative history that would leave no question as to the intent of the Congress. I am satisfied with what the manager has just said.

There being no doubt, I feel that the legislative history has been helped and this, in turn, will make it indubitably clear to those who are responsible for the program that it is the intent of Congress that this program not be abated in any way in order to advance other programs.

With that assurance, Mr. President, I withdraw the amendment.

The amendment (No. 2511) was withdrawn.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. Mr. President, we have a series of amendments that are left. I do hope Senators will come to the floor and pursue those amendments. We are scheduled to have a vote on the MX at 2:45 p.m. There is plenty of time to take up any of these amendments that require a half-hour or less. I do hope Senators will present their amendments to the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAPANESE TRADE RESTRICTIONS

Mr. BYRD. Mr. President, I want to assist the managers by offering my amendment—I believe this is my fourth and last amendment which is provided for in the agreement. We are making good progress on the measure. I think those of us who have amendments that can be developed and disposed of during the time when, otherwise, the situation may be lagging, perform a duty in helping the managers to have something to work with.

AMENDMENT NO. 2512

Mr. BYRD. Mr. President, I shall in a moment send to the desk a sense-of-the-Senate resolution dealing with a problem that, according to Ambassador William Brock, will cost the United States $5 billion in lost trade revenues. I refer to the Japanese decision to stall on implementation of reasonable rules for import inspection. The Japanese Government had agreed in May of this year to revise 16 laws which are nontariff barriers to fair trade. But a recent State Department report reveals that Japanese Labor Ministry officials say "it will take years" to resolve differences concerning product inspection standards.

Mr. President, there is a Wall Street Journal article describing this problem, dated October 20, 1983, entitled "Japan's Bureaucrats Stalling on Rules to Ease Imports, U.S. Officials Contend." I ask unanimous consent that that Wall Street Journal article appear in the RECORD at the close of my remarks, not in the middle of them.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BYRD**. I thank the Chair.

As the article points out, the Japanese have no difficulty getting their products accepted for the U.S. market. This is another case in which the open trade policy that we practice has put us at a competitive disadvantage. We bend over backward to permit foreign companies to sell their goods to American customers while artificial barriers of every kind keep our goods out of foreign markets. This is entirely contrary to the spirit of the General Agreement on Tariffs and Trade.

I remind my colleagues that it took 3½ years of negotiation before Japanese officials agreed to allow the import of baseball bats made in the United States, on the grounds that they were unsafe. The Trade Representative's office reports that, just recently, the Japanese Government decided to allow those American-made bats into the country.

I do not think Congress needs to be hit with a baseball bat before we come to the conclusion that fair trade is better than so-called free trade. The great Jewish theologian, Hillel, said, "If I am not for me, then who will be for me?"

Well, I am for a policy that permits U.S. companies to compete with their Japanese counterparts on a fair basis. Our trade deficit with Japan was more than $16 billion last year, and already exceeded $10 billion in the first 7 months of this year. The Department of Commerce has estimated that every $1 billion decline in exports results in the loss of 25,000 American jobs. There is no reason that the American people should accept this deficit as an economic fact of life.

So here is a case in which we have negotiated for reasonable treatment and our trade partner is dragging its feet. I appreciate that every sovereign country has the right to protect its people with reasonable product standards. But the Japanese Government has agreed to remove these unreasonable requirements which keep American products from competing with Japanese goods. The resolution I offer is intended to remind our colleagues in the Japanese Government that we expect them to move expeditiously.

I would add that I have written to President Reagan to request that he address this matter in his upcoming discussions with Japanese Prime Minister Nakasone. I believe we will strengthen the President's hand in this respect if we send a clear message by our action on this resolution I am sure that Ambassador Brock of the Office of the Special Trade Representative will welcome this sign of support in his ongoing negotiations to achieve fair treatment for American-made goods.

Now, what does the resolution provide? It says that it is the sense of the Senate that the President should: First, take all practicable steps to assure that Japan applies product standards, testing requirements, and other regulatory practices in a manner which treats products of the United States exported to Japan in a fair and nondiscriminatory way.

It says, second, that the President should urge Japan to undertake prompt action to assure compliance with all agreements and understandings between the United States and Japan to reduce nontariff barriers to the importation of products of the United States into Japan, and that, third, the President submit a report to the Senate on the results of discussions held between the United States and Japan, the purpose of which were to achieve a reduction in the nontariff barriers to the importation of products of the United States into Japan and include in such report: the President's determination of whether sufficient progress has been made in reducing such barriers, and if the President determines that inadequate progress has been made with respect to the reduction of such barriers, the President's recommendations for any legislative action that would likely result in a reduction of such barriers.

I now send my sense-of-the-Senate resolution to the desk and ask that it be stated by the clerk.

The **PRESIDING OFFICER**. The amendment will be stated.

The bill clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 2512.

Mr. **BYRD**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. I have already stated its purpose.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

SEC. —. It is the sense of the Senate that the President should take certain actions to reduce nontariff barriers to the export of products from the United States to Japan.

Since the United States and Japan have agreed that Japan shall revise certain laws relating to product standards, testing requirements, and other regulatory practices in order to facilitate the importation of products of the United States into Japan;

Since the reduction of nontariff barriers to the importation of foreign products conforms with the General Agreement on Tariffs and Trade and recognized principles of free and fair trade; and

Since the United States has sought to establish with its foreign trading partners a policy that product standards, testing requirements, and other regulatory practices not be imposed as artificial barriers to the importation of foreign products: Now, therefore, be it declared,

That it is the further sense of the Senate that the President should—

(1) take all practicable steps to assure that Japan applies product standards, testing requirements, and other regulatory practices in a manner which treats products of the United States exported to Japan in a fair and nondiscriminatory manner;

(2) urge Japan to undertake prompt action to assure compliance with all agreements and understandings between the United States and Japan to reduce nontariff barriers to the importation of products of the United States into Japan; and

(3) submit a report to the Senate on the results of discussions held between the United States and Japan the purpose of which were to achieve a reduction in the nontariff barriers to the importation of products of the United States into Japan and include in such report—

(A) the President's determination of whether sufficient progress has been made in reducing such barriers; and

(B) if the President determines that inadequate progress has been made with respect to the reduction of such barriers, the President's recommendations for any legislative action that would likely result in a reduction of such barriers.

Mr. **STEVENS**. Mr. President, the Senator is correct, of course, in the timeliness of this amendment because the President of the United States leaves tomorrow to travel to the Far East and, among other things, to be involved in trade negotiations with the Prime Minister of Japan. As a matter of fact, he will stop in my home State, in my hometown, on the way to Japan. It appears more and more like I am going to be sitting here when he is in my hometown. That is not a very nice thought; we do not get the President of the United States to Anchorage that often.

But I think that the sense-of-the-Senate resolution that the distinguished minority leader has offered is exceedingly timely. Since it is a sense-of-the-Senate resolution, it states a reaffirmation of past positions enunciated both by the Congress and by the executive branch, and we see no reason not to accept the amendment.

May I ask, did the Senator put this Wall Street Journal article of Ambassador Brock's in the RECORD?

Mr. **BYRD**. Yes. I had asked unanimous consent that it appear at the close of my remarks. If the distinguished manager of the bill would like to insert it, I will withdraw my request.

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Mr. STEVENS. No. I just wanted to make sure it was there, because it states the same position and has the same momentum behind it as the Senator's sense-of-the-Senate resolution.

Mr. BYRD. Mr. President, I ask unanimous consent that my request that the article be inserted in the Record at the end of my remarks be vitiated, and I would like to suggest the distinguished manager of the bill, who carries a much heavier load than I do in this bill, be allowed to insert that article into the Record at whatever point he wishes.

Mr. STEVENS. I am perfectly willing to have it printed in the Record at the request of both of us. I have no problem with that.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Oct. 20, 1983]

JAPAN'S BUREAUCRATS STALLING ON RULES TO EASE IMPORTS, U.S. OFFICIALS CONTEND

(By Urban C. Lehner)

Tokyo.—When Japan revised 16 of its product-standard laws in May, U.S. officials hailed the move as a major step toward a more open Japanese market. At the time, U.S. Trade Representative William Brock called it "the most significant development in our bilateral trading relationship" in several years. He said the revisions could boost U.S. exports to Japan by up to $5 billion a year; U.S. exports to Japan in 1982 were $21.7 billion.

But now, after observing how the Japanese bureaucracy plans to enforce the revisions, some U.S. officials aren't so optimistic. A recent internal U.S. government cable obtained by this newspaper asserts that "the Japanese government did not implement the political commitment to accept the results of tests conducted by foreign testing organizations or foreign firms."

The cable was written from Tokyo last month following a study mission by 15 U.S. testing experts. Its disclosure comes at an embarrassing time for the Japanese government, just three weeks before a scheduled visit to Japan by President Reagan.

The revisions of the 16 laws were aimed at addressing foreign complaints that a wide range of Japanese product-standard and testing requirements constituted a major nontariff barrier to foreign products, including metal baseball bats, refrigerator cords, recreational boats and medical equipment. A key point in the complaints was that foreign products are inspected lot by lot at Japanese ports of entry. Japanese manufacturers, by contrast, can avoid having each lot of their products inspected by submitting to a one-time inspection of their factories.

It would be difficult for foreign companies to obtain factory inspections by Japanese authorities. But it would be feasible, it was thought, for American testing organizations like Underwriters Laboratories to test U.S. factories using Japanese standards.

However, the fact that the Japanese bureaucracy is resisting accepting foreign test results means "the revisions will have little practical effect to permit increased U.S. exports to Japan," the State Department cable says. It adds: "Another effort to persuade the Japanese bureaucracy to implement completely the political commitment to accept foreign test data is needed before a significant number of U.S. suppliers can benefit from the revisions in the standards and certification system."

Japanese government officials denied the cable's charges. A spokesman for the Ministry of International Trade and Industry blamed a "misunderstanding" on the part of the U.S. and expressed regret that Japan's efforts haven't been properly appreciated. A Foreign Ministry spokesman said the system has just begun functioning and it was too early for the U.S. to make accusations.

The MITI spokesman denied that there had been any commitment by the Japanese government to designate foreign testing organizations. It isn't possible because of the legal problems involved, he said. But he said the Japanese government's position is to use as much foreign data as possible.

The Foreign Ministry spokesman said the Japanese government had begun accepting foreign-test data for some products, such as medical instruments, drugs, foodstuffs and electrical goods.

In unveiling the proposal for the revisions in January, the cable notes, a Japanese government committee declared: "Results of tests conducted by foreign testing organizations or firms of foreign countries will be accepted, except where there exist compelling reasons not to do so, if the reliability of such data are confirmed."

In fact, the settlement of one Japan-U.S. trade dispute allowed Underwriters Laboratories to test U.S. plants making metal baseball bats for export to Japan. But this is an exception. When the 15-man U.S. mission, including representatives of a number of American testing organizations, visited Japanese government agencies here last month, they weren't welcomed by working-level Japanese bureaucrats with open arms. At the Labor Ministry, according to the cable, they were told: "It will take years and then, maybe, we will accept foreign data."

One obstacle seems to be that the Japanese want the foreign testing organizations doing the tests to be not-for-profit groups, as Japanese testing organizations are. Although Underwriters Laboratories is a not-for-profit group, most U.S. testing organizations are for-profit.

The cable notes that Japanese firms wishing to sell in the U.S. don't have any difficulty getting their factories inspected. It says that Underwriters Laboratories at State Department initiative, since the 1950s has designated inspection agencies in about 50 countries. "Japanese firms, of course, are major beneficiaries of this open policy," the cable notes.

The U.S. expects to raise this issue, among others, with the Japanese on a political level, officials in Washington say. The cable holds out hope that Japanese bureaucrats may be persuaded to lift the not-for-profit restrictions and urges joint U.S. government-industry efforts to certify a number of U.S. factories by next October.

Mr. STEVENS. Mr. President, I believe that the Senate should accept the sense-of-the-Senate resolution offered by the distinguished Senator from West Virginia.

I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I am glad to support the amendment. The suggestion of the insertion in the Record, I believe, is very good. I believe it renders a service that will bear fruit.

Mr. BYRD. Mr. President, I thank both the distinguished managers of the bill, and I yield back the remainder of my time.

Mr. STEVENS. I yield back the remainder of our time.

The PRESIDING OFFICER. (Mr. Mattingly). All time having been yielded back, the question is on agreeing to the amendment.

So Mr. Byrd's amendment (No. 2512) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we still have 11 amendments that we could take up today, and I call the Senate's attention to the fact that we should be moving ahead on these controversial amendments or else we will be here until the wee hours of tomorrow morning. We do have four amendments that, under agreement, cannot be taken up until tomorrow. I urge that we do get some indication from Senators as to the order in which they would wish to raise their amendments.

Mr. STENNIS. Mr. President, if the Senator will yield, I was here and it was explained fully on the floor. I understand that it went out on the speaker. It has been explained this morning that all these amendments with the exception of one or two of the larger ones are at issue now and subject to being called up. I believe just a courtesy call to Senators would bring them in.

AMENDMENT NO. 2513

(Purpose: To require that the Secretary of Defense notify the Committees on Appropriations concerning the procurement of the alternate fighter engine)

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, may I inquire of the Senator from Alaska if he has any other amendments that he would prefer to take at this time? If not, I have one that I think our staffs have conversed about, and I will be glad to take it up now if it is all right with the Senator from Alaska and the Senator from Mississippi.

Mr. STEVENS. Mr. President, I am glad to proceed to the Senator's amendment, and I will be happy to recommend to the Senate that we adopt this amendment.

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Georgia (Mr. Nunn) proposes an amendment numbered 2513.

Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Starting with "until" on line 3 page 33 strike all down through "authority:" on line 5, page 33 and insert in lieu thereof the following: "until the Secretary of Defense notifies the Appropriations Committees of both the House and the Senate of his approval of the decision made by the source selection authority:"

Mr. NUNN. Mr. President, this amendment concerns fighter engines, and I know the members of the Appropriations Committee have been over this in great detail as well as those of us on the authorizing committee.

The Air Force is currently developing an alternate fighter engine for the F-15 and F-16 fighter aircraft. The engine selected could possibly be used for the F-14's as well. The fiscal year 1984 Authorization Act has over $100 million in Air Force research and development funds for this purpose. The appropriations committees have provided similar funding. The development of the alternate fighter engine will culminate in the selection of either the F-100 engine or the F-110 engine or a combination of both. The Air Force, beginning in fiscal year 1985; plans to procure 3 to 5 years of production engines which is estimated to be a multimillion-dollar procurement. The House and the Senate authorizing and appropriations committees have expressed a keen interest in the program and have generally been supportive of this competition.

The Senate Defense appropriations bill contains a provision requiring notification by the Secretary of the Air Force prior to the obligation of any funds for procurement of the alternate fighter engine.

The amendment I am proposing today essentially changes the committee mandate and reporting requirement on the fighter-engine competition from the Secretary of the Air Force to the Secretary of Defense. This is an appropriate change for a very important program. It insures that whatever the Air Force Secretary decides, as the source-selection authority, that decision will be the position of the entire Department of Defense. It certainly insures that the Secretary of Defense, himself, will review the Air Force decision.

This amendment does not change any funding. It does not change the committee approval of long lead funding, which I know was a point of controversy in the committee. It does not change the source-selection authority. It does not stop or slow down the engine competition. It does emphasize the importance of this decision by making sure that the Secretary of Defense reviews it and that he so reports to Congress.

It does require that the notification to the committees about the Air Force decision will come from the Secretary of Defense, himself.

Mr. President, I know that my staff has consulted with the staff of the Senator from Alaska and the staff of the Senator from Mississippi about this amendment. It does not change the committee intention. It does escalate the decisionmaking to some degree by requiring a review by the highest levels in the Department of Defense and a subsequent notification to Congress.

I hope the amendment can be accepted by the Senator from Alaska and the Senator from Mississippi.

Mr. STEVENS. Mr. President, I thank the Senator for his amendment. I am sure he realizes that the amendment in the bill was not drawn by the committee and it was presented in a way that I think requires the amendment that has been suggested by the Senator.

We had discussed it and felt that, under the circumstances, we might be able to clarify it in conference. But I think it probably would be better to clarify it right here.

We are happy to recommend adoption of the Senator's amendment.

Mr. NUNN. I thank the Senator from Alaska.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. STEVENS. Does the Senator from Mississippi wish to comment on the Nunn amendment?

Mr. STENNIS. Mr. President, with reference to the Nunn amendment, I have a communication from the Senator from Louisiana (Mr. JOHNSTON). I will read it and especially call it to the attention of Senator NUNN. Senator JOHNSTON says:

> I have taken an interest in this subject and it was a matter of considerable discussion in our Committee. Of principle concern is that the Congress would not become involved in selecting the contractor in this competition, and of equal importance is that our Committee and the Congress would not impose a delay in the process. Is it my understanding with the Senator from Georgia that this amendment does not, in fact, impose any further delay on the source selection process?

Mr. NUNN. I say to the Senator from Mississippi, in answer to the question of the Senator from Louisiana, that I appreciate the interpretation of the Senator from Louisiana, and I agree with it.

I think it is important that it be clear that it is not the intent of this amendment to further delay the competition nor to insert Congress in the process any further than the committee has already seen fit to do by the notification. This simply makes the notification come from the Secretary of Defense rather than the Secretary of the Air Force.

Mr. STENNIS. I thank the Senator from Georgia.

Mr. President, I have no objection to the amendment. I do not know of any objection on this side of the aisle.

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

Mr. DODD. Mr. President, I commend the Senator from Georgia (Mr. NUNN) for introducing this amendment. Ever since the Air Force announced the so-called competition between Pratt & Whitney's F100 engine and General Electric's F110 I have had serious doubts about its justification, fairness and above all its cost. My review of the history of the alternate fighter engine program revealed that the Air Force's justification for this competition had repeatedly changed as soon as the previous justification was discredited. I cannot help but think that what this shifting rationale is meant to conceal is a result, already predetermined by the Air Force, to allocate a significant proportion of the fighter engine business to General Electric. The competition—for which no specific requirement has ever been identified—serves only as a pretext to justify this allocation.

While it seems now that this competition will be allowed to take place, I welcome the amendment of Senator NUNN. It would have the Secretary of Defense review the Air Force Secretary's decision before the Air Force can go ahead with making selection contract awards. This will not cure this altogether flawed process but at least provide, this Senator hopes, for a more objective review.

Again, I commend the Senator from Georgia for his amendment and urge my colleagues to adopt it.

Mr. NUNN. Mr. President, I see that the Senator from Louisiana (Mr. JOHNSTON) is on the floor.

I say to the junior Senator from Louisiana that we have just had a dialog on the amendment I offered which requires a notification by the Secretary of Defense rather than the Secretary of the Air Force. The question of the Senator from Louisiana was posed by the Senator from Mississippi, and I answered that question to the best of my ability. So I think the Senator from Louisiana has had his point clarified.

Mr. JOHNSTON. Mr. President, if the Senator from Georgia says that my question has been clarified, I am sure it has been clarified.

Mr. NUNN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2513) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, under the unanimous-consent agreement, I had 1 hour set aside for the purpose of considering an amendment on the B-1 bomber. It is not my plan to offer that amendment, simply because I think that at this particular time in the history of the U.S. Senate, they regard that issue as having been settled, at least for this time and this bill.

I do want to say to my colleagues that I think what we are doing on the B-1 bomber in terms of the rate of production is a very unwise decision.

As those familiar with the program know, we have a program to procure 100 aircraft that will be procured in a schedule that calls for 7 aircraft in fiscal year 1983, 10 in fiscal year 1984, 34 in fiscal year 1985, and 48 in fiscal year 1986.

In fiscal year 1987, the procurement rate goes to zero; and presumably, under this schedule, the number of employees goes from 60,000 in fiscal year 1986 to zero in 1987.

Of course, the scene that this sets and what our amendment would have been designed to do would have been to smooth out that very sharp peak, so that you would not go from 60,000 employees one year to zero the next, but would smooth out the rate of production and, I believe, save money, but, more important, not skew the decision for the advanced technology bomber.

It seems to me that what is going to happen is that, along about fiscal year 1985 or 1986, the first thing that will happen is that the Air Force is going to come in and discover some new economies of scale in the production of the B-1 bomber. Oh, the B-1 is going to be a wonderful machine. It is going to exceed all its estimates. It is going to be cheap, and it should be cheap if you are building 48 a year. With that rate of production, there should be quite a saving in quantity discount.

Then, if I am not mistaken, there will be some newly found defect in the advanced-technology bomber. I do not know what the defect will be, but I am sure it will be talked about on the floor of the Senate. Also, about that time, the recipients of those 60,000 jobs will begin to make their political force known in the U.S. Senate and in Congress.

And in the process, what is going to happen, I fear, and I hate to say it but I predict it, is that we are going to build no advanced-technology bombers, at least not in this timeframe, but the request will be to build more B-1 bombers, the B-1 bomber which is 20-year-old technology today, which will be 25 years old at the time that that comes up, and we will be building not 100 but I fear more than 100 and that may be the secret agenda here. I hope that is not so.

It never gives one the vindication of the pleasure that one expects to be able to say: "I told you so." To those of us who said we should not be in Lebanon it is no pleasure to say: "I told you so" when our Marines lie dead, and indeed it will be no pleasure to say it with the B-1 bomber when the advanced-technology bomber is not built.

But it seems to me that this is what this schedule of production indicates, and I think it is a very unwise thing. But as I say, I think the Senate at this time feels that it has made that decision because we have debated it before and at least for calendar year 1983 I will not propose to take the time of the Senate by introducing that amendment.

Mr. NUNN. Mr. President, if the Senator from Louisiana will yield just for a brief observation of the Senator from Georgia, I agree with his analysis of the B-1 program as far as the funding is concerned. I agree with his prophecy about what is likely to happen in the future. I agree with his conclusions about the effect on that as far as the B-1 is concerned and as far as the advanced technical bomber is concerned. I am afraid that what we have done, and we did it over my objection and I joined the Senator from Louisiana in trying to prevent it back in the authorization bill, is we have built up a pace of production on the B-1 bomber that precludes an objective analytic decision being made on the advanced technical bomber when it comes time for that decision.

This reason, as the Senator from Louisiana has already observed, is that we are going to be in a severe budget crunch along that time. We are going to have to make a decision on the continuation or noncontinuation of the B-1 production line at a point in time when that production line is so hot that to terminate the production line will involve terminating not just a few jobs but thousands and thousands and thousands and thousands of jobs all over the United States. I am afraid that this production line and the pace of development of the B-1 is not simply a decision brought on in the course of normal procurement processes. I am afraid that this is a decision that is being made very much with a view in mind that the B-1 production will continue and the advanced technical bomber will not be given a fair hearing by Congress or by the Department of Defense at a point in time where it may very well be that that bomber is crucial to our national security.

So I am afraid that the pace and the schedule of the B-1 production is foreclosing an objective and analytical decisionmaking process in the area that is I think very, very important to our national security.

So I join with the Senator from Louisiana. I do not know how many votes we have. I think it was in the midforties back on the authorization bill. It does not appear to me that any votes have been changed during that period of time, and I think that the further down the road we go, the harder it is to interrupt this process.

So I do agree with the Senator's analysis and I would hope that we would find a way next year to assure that as to this kind of preemptive strike, if we might call it that, against the advanced technical bomber, I hope we can find a way to unwind that kind of preemptive strike because it appears to me that that is very apparent in what is being done.

I will not take any pleasure in a couple years in saying "I told you so," but I think that this is very likely to be the case.

So I congratulate the Senator from Louisiana for his efforts in this respect and I hope the efforts will continue.

Mr. STEVENS. Mr. President, I take it that the time being consumed now is the time that was allocated to the Senator from Louisiana on the B-1 bomber.

The **PRESIDING OFFICER.** That will take unanimous consent, since the amendment was not sent to the desk.

Mr. JOHNSTON. Mr. President, I so ask unanimous consent.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. STEVENS. I ask the Chair to notify the managers of the bill if any of the time is going to be taken off the bill. I take it, since we are under controlled time, there could be no time charged other than that charged to either the bill or to an amendment. Is the Senator incorrect on that?

The **PRESIDING OFFICER.** All time is charged either to an amendment or to a bill.

Mr. STEVENS. I am happy that the decision has been made to charge the time to the amendment that the Senator from Louisiana had a right to offer.

I would only say this, Mr. President, that I am pleased he will not offer his amendment.

I want him to know that we do share his apprehensions. However, I call his attention to the fact that the bill before us does not ramp the production schedule up to four. It goes only up to three under this bill. And he knows, I am certain from the comments I have made here on the floor in the past with regard to the M-1 and to other systems, that I do not favor increasing production rates to the point where it yields higher costs on a system that could continue for a longer production period without increasing costs to the Government. I think the B-1 may well be that type of production. It also relates to decisions that will be made with regard to the ATB.

I, myself, have expressed the hope on several occasions that the ATB research will be folded into the B-1 so that we might have a B-1C and a B-1D, et cetera, down the line, and slowly fold the Stealth technology into the B-1.

I know there are others who do not share that feeling. So that is a debate to be held in later years. In any event, the Senator's warning about the production schedule is one that I think should be heeded.

I see no reason to go up to monthly production rate of four and then drop back rapidly to two and to one at a time when we may want to have a production line in being to deal with the ATB as it comes off the drawing boards, if it does come off the drawing boards. But I am pleased the Senator decided not to offer his amendment. We will go into multiyear production soon and I think in the long run that will save considerable amount of money during the construction period for the B-1.

Mr. JOHNSTON. Mr. President, I am somewhat reassured to hear the distinguished chairman say he is going to monitor this and that he shares the apprehension about this bomber. I do indeed hope that he will look very carefully at that ramping up from three to four a month because it is a decision which I do think tends to prejudice the ATB decision when that decision will be ripe.

I thank the distinguished chairman.

Mr. KENNEDY. Mr. President, I want to join with Senators JOHNSTON and NUNN in expressing my concern over the funding for the B-1B bomber.

I continue to believe that we should halt funding for the B-1B bomber entirely. The B-1B is an enormously costly, wasteful, and unnecessary bomber. It is a supersonic turkey that will gobble up $6 billion in this year alone, and as much as $40 billion by the time the program is completed.

The B-1 will do little to improve our ability to penetrate Soviet air defenses beyond what we can achieve with the B-52. We do need a new strategic bomber; but it is Stealth and not the B-1B that we need.

But if we are going to proceed with the B-1, the least we can do is develop that bomber in a way that will facilitate the transition to Stealth. At a minimum we should eliminate two of the worst features of the B-1:

Multiyear procurement, which is a transparent attempt by the proponents of this ill-considered bomber to lock in its full future funding now, before a new President can shut it off.

Accelerated production, which is an equally transparent attempt to build in enough momentum now to keep production going far into the future.

MULTIYEAR PROCUREMENT

Less than 2 years ago, Congress enacted Public Law 97-86, which established formal criteria governing whether a new weapon system should be purchased through multiyear funding. The five criteria we established are: Degree of savings, design stability, cost stability, funding stability, and requirements stability. In a recent study, the General Accounting Office found that the B-1 failed to satisfy the first four of the five criteria. GAO observed "overall [we do] not believe that the Air Force had demonstrated that the B-1B program fully meets the criteria in Public Law 97-86."

The B-1 falls short in several important respects. The first is design stability, which means that the design must be technically mature and have successfully completed the stages of research, development, test, and evaluation. But the first production model of the B-1 will not even come off the assembly line before October 1984, and full flight testing will not begin before December 1984. It is obvious that the B-1 does not even come close to meeting this requirement.

Some have argued that the B-1B has design stability because of its similarity to the B-1A. But an examination of the B-1B shows that it is a significantly different plane in design and capabilities. With respect to design, only 80 percent of the airframe, only 70 percent of the offensive avionics to penetrate enemy defenses, and only 60 percent of the defensive avionics are common to the B-1A and the B-1B.

The capabilities of these two planes also differ significantly. The B-1A was designed to fly high and at high speed, while the B-1B in addition to its supersonic potential, is also intended as a low-flying, Earth-hugging bomber that will penetrate enemy defenses at speeds below mach 1.

Other critical areas where the B-1B fails the test for multi-year procurement are cost stability and potential savings. We have found in the past that without strong assurance of savings, multiyear procurement can actually cost the government more over the life of the system. The Air Force assures us that the cost of the bomber will hold steady at $20.5 billion in 1981 dollars. But a separate DOD component, the cost analysis improvement group, has estimated a total cost of $26.8 billion. GAO, too, has questioned the Air Force claims of savings for the bomber, reducing the potential savings from $800 million to $300 million or less. A speculative savings of 1 percent to 2 percent in program costs is hardly sufficient to justify multiyear procurement.

ACCELERATED PRODUCTION

The second feature of concern is the accelerated production schedule contemplated for the 100 bombers by the appropriation in this bill. Under the committee schedule, production would rise from 1 bomber in 1982, to 7 in 1983, 10 in 1984, 34 in 1985, and 48 in 1986. In 1987, production would drop to zero. At its peak in 1986, B-1 production would be at four per month.

It is unrealistic to assume that a production line turning out planes at four per month in 1986 will come to a dead halt in 1987, with enormous disruption in our industrial base and work force. Instead, the committee schedule is skewed to create irresistible momentum for production of still more B-1's—notwithstanding that the utility of these planes will be near an end almost before they leave the assembly line.

The loser in this process will be the plane that is the real hope for retaining the air leg of our triad—the advanced technology—or Stealth—bomber. Rather than adopt a production schedule that will inevitably postpone the day when Stealth will be built, we should explicitly build Stealth into our plans now, by providing a transition from B-1 to Stealth. We can do this by stretching out production of B-1 and phasing out the B-1 line in a way that will ease the switchover to Stealth in the late 1980's.

The proposal suggested by Senators JOHNSTON and NUNN, which I support would reduce the number of B-1's from 34 to 31 in fiscal year 1985 and from 48 to 36 in 1986; and it would provide for 15 B-1's in 1987. The peak rate of production would be 3 per month, rather than 4 per month in the current plan. The same 100 bombers would be built, but rather than an abrupt and unrealistic plunge from 48 to zero in 1 year, our amendment would permit a gradual phase-out of the B-1 and allow for a smooth transfer of production capabilities to Stealth.

A comparison of the committee bill and the proposed production schedule shows the wisdom of this approach:

	Committee bill	Amendment
1982	1	1
1983	7	7
1984	10	10
1985	34	31
1986	48	36
1987	0	15
1988	0	0
Total	100	100
Peak per month (1986)	4	3

Opponents of this approach argue that it will increase the total costs of the B-1 program. I seriously question the size of their claim, as has GAO. But even assuming that their will be some slight increase in program costs, it is a small price to pay to insure that we proceed with all reasonable speed to develop the bomber we need for the 1990's—and that is Stealth.

There is no justification for the excessive B-1 bias built into the committee bill through multiyear funding and accelerated production. If we must proceed with the B-1, we do so in a way that will best utilize our scarce resources, while providing the maximum security to our Nation.

Mr. STEVENS. Mr. President, I yield back any time we may have had on the Johnston amendment.

Mr. JOHNSTON. I yield back my time.

Mr. STEVENS. Does the Senator from Mississippi wish to say anything?

Mr. STENNIS. Nothing further.

The PRESIDING OFFICER. All time has been yielded back.

AGENDA OF AMENDMENTS

Mr. STEVENS. Mr. President, we do have a vote coming up at 2:45 p.m. I hope that we might even still start another amendment. There are a series of other amendments that have a short period of time allocated to them. According to my count there are seven amendments that are in the time agreement that cannot be brought up until tomorrow.

I had misled the Senate in thinking there were five. There are two others that will be presented as amendments to amendments, and, therefore, the items that we cannot take up until tomorrow include seven amendments.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. STENNIS. Will he call out again for the information of all Senators the seven that he has in mind?

Mr. STEVENS. Let me go through the list.

We have disposed of the Bumpers amendment and the Johnston amendment.

The Kassebaum-Levin amendment I understand will be brought up later on this afternoon.

Senator INOUYE has an amendment on OMB circular that we do not anticipate until tomorrow.

Senator TOWER has the amendment on produciton of chemical weapons which will come up tomorrow.

The Boschwitz and Pryor amendments are amendments to the Tower amendment, so they will not come up until tomorrow.

Senator D'AMATO has an amendment he may bring up today.

Senator TOWER has another amendment on additions to the bill and Senator LEVIN has an amendment on the same subject. It is my understanding that they also will be brought up tomorrow. They could be brought up today.

Senator KENNEDY has an amendment, Senator MELCHER has an amendment, and the committee amendment. All those could be brought up today.

Senator INOUYE's Hickam Air Force Base amendment probably will not be brought up until tomorrow.

Senator TOWER's amendment on warranties and the Andrews amendment dealing with the same subject would not be brought up until tomorrow.

So, as a practical matter, we anticipate having the Weicker-Chafee amendment, the Kassebaum amendment, the D'Amato amendment, the Kennedy and Melcher amendments, and perhaps the committee amendment on McNeil Island decided today.

Mr. STENNIS. Mr. President, if the Senator will yield, what about the Levin amendment on add-back?

Mr. STEVENS. As I indicated, the Senator from Michigan desires not to offer that until he sees what the outcome of the Tower amendment is on add-back. We have agreed that is a logical sequence with that amendment.

Mr. STENNIS. I thank the Senator.

Mr. STEVENS. Mr. President, again let me state that we do hope we can proceed with the Weicker-Chafee amendment on submarines as soon as possible. The sooner we can do that, the greater chance there is we are not going to be around here all night. We do have that amendment, on which there is a 1-hour time limit; then we have the Kassebaum-Levin amendment, on which there is 1 hour limit; the D'Amato amendment, 20 minutes; the Kennedy amendment, 30 minutes; the Melcher amendment, 30 minutes; and the committee amendment on McNeil Island, an hour, yet to complete tonight before I can suggest to the majority leader that we carry this bill over until tomorrow.

Mr. President, I suggest the absence of a quorum.

PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I note the committee amendment in the time agreement refers specifically to the hour of 3 p.m., that it is not to be considered before the hour of 3 p.m. today. I want to serve notice that following the Bumpers amendment, it would be my intention to call up the committee amendment on McNeil Island.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the quorum calls that we have consumed so far in waiting for Members has come off the time on the bill. I ask unanimous consent that no more time on quorum calls be charged against the managers of the bill. Of that 1 hour, all that is left, I understand, is 28 minutes. We will need all that time for today and tomorrow to handle requests that may come from individual Senators or ourselves in dealing with the subject matter of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, if the Senator from Alaska would yield to me, it seems like we ought to give some consideration now—we have a few minutes—to these so-called minor amendments, that we would ask for time agreements on them now.

Mr. STEVENS. I might point out to my friend that we do have time agreements on amendments that could be offered. The D'Amato amendment, the Kennedy amendment, and the Melcher amendment, all three of them could be raised this afternoon. I have just served notice that we will raise the McNeil Island amendment.

Mr. STENNIS. The McNeil Island amendment, I was going to ask you about that. We have had that up several times. I have it here as 1 hour not earlier than 3 p.m.

Mr. STEVENS. We will raise it immediately after this vote, I say to my good friend.

Mr. STENNIS. That is fine.

Mr. STEVENS. Mr. President, how much time remains on the bill?

The PRESIDING OFFICER. The Senator from Alaska has 28 minutes and the Senator from Mississippi has 23 minutes.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the request of the Senator from Alaska is granted.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. President, taking a minute on the bill, I want to remind Senators that following this vote, which will commence immediately on the Bumpers amendment which deals with the MX, we will then turn to the committee amendment on McNeil Island.

Following that amendment, we hope to have the amendment on submarines offered by Senators Weicker and Chafee, and following that, the Kassebaum-Levin amendment on MIRV.

Then we have three other amendments we can do this evening. So we still expect a series of votes this afternoon.

VOTE ON AMENDMENT NO. 2505

The PRESIDING OFFICER. The hour of 2:45 p.m. having arrived, the Senate will now vote on amendment No. 2505 offered by the Senator from Arkansas (Mr. Bumpers). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. Durenberger), the Senator from Washington (Mr. Evans), and the Senator from Oregon (Mr. Packwood) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DeConcini), the Senator from Illinois (Mr. Dixon), the Senator from Hawaii (Mr. Inouye), and the Senator from New Jersey (Mr. Lautenberg) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. Lautenberg) would vote "yea."

The PRESIDING OFFICER (Mr. Gorton). Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 37, nays 56, as follows:

[Rollcall Vote No. 377 Leg.]

YEAS—37

Andrews
Baucus
Biden
Bingaman
Boren
Bradley
Bumpers
Burdick
Cranston
Dodd
Eagleton
Exon
Ford
Glenn
Hart
Hatfield
Hollings
Huddleston
Humphrey
Kennedy
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Pell
Proxmire
Pryor
Riegle
Sarbanes
Sasser
Specter
Stafford
Tsongas
Weicker

NAYS—56

Abdnor
Armstrong
Baker
Bentsen
Boschwitz
Byrd
Chafee
Chiles
Cochran
Cohen
D'Amato
Danforth
Denton
Dole
Domenici
East
Garn
Goldwater
Gorton
Grassley
Hatch
Hawkins
Hecht
Heflin
Heinz
Helms
Jepsen
Johnston
Kassebaum
Kasten
Laxalt
Long
Lugar
Mathias
Mattingly
McClure
Murkowski
Nickles
Nunn
Percy
Pressler
Quayle
Randolph
Roth
Rudman
Simpson
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Wallop
Warner
Wilson
Zorinsky

NOT VOTING—7

DeConcini
Dixon
Durenberger
Evans
Inouye
Lautenberg
Packwood

So Mr. Bumpers' amendment (No. 2505) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we thought we could proceed with the McNeil Island vote. I understand there are negotiations going on on that amendment. We have been asked to defer at least 30 minutes. The bill is open. We are prepared to take up amendments. I might say to the Members of the Senate there is no reason why we need to be here beyond 7:30 tonight if Senators will come up with their amendments now.

We have adequate time to take care of all the amendments we can today. There will be seven carried over until tomorrow by the prior agreement. I hope that someone will come forth with an amendment.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, I do not have an amendment to offer. I want to make a statement and ask unanimous consent to print some additional articles in the Record.

Mr. STEVENS. I yield to the Senator. How much time does the Senator wish?

Mr. SYMMS. Three or four minutes.

Mr. STEVENS. I will be happy to yield 5 minutes to the Senator.

THE SENATE HAS FINALLY DEFEATED THE SALT II TREATY

Mr. SYMMS. Mr. President, I would like to make some comments about last Friday's history-making vote on the Helms-Symms amendment to end U.S. unilateral compliance with the unratified SALT II Treaty.

The 1980 Presidential campaign was portrayed by Jimmy Carter as a national referendum on SALT II. Now SALT II has finally lost.

I believe last Friday's vote was the first real Senate test vote on SALT II.

It is true that on December 3, 1981, the Senate voted 49 to 45 to table an amendment which would have endorsed the Reagan administration's policy of complying with the unratified SALT II Treaty. Thus, it is possible to argue that since then, the Reagan administration has continued to comply with the unratified SALT II Treaty against the expressed will of the Senate.

But the December 1981 vote was only on a policy of complying with SALT II, and not really on SALT II itself. The Helms-Symms amendment was, however, directly opposed to SALT II, and thus the vote on this amendment was the first clearcut test vote on SALT II.

This time the Helms-Symms amendment was written so as to clearly oppose SALT II.

Therefore those desiring to defeat the Helms-Symms amendment were required to muster a two-thirds majority to make this point. They did not.

I believe that this judgment is quite reasonable, as the following analysis of the Constitution of the United States will show.

The Constitution states in article II, section 1:

> He [i.e, the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur . . .

Last Friday's vote was 50 to 29 to table the Helms-Symms amendment. Thus, 79 Senators voted. One Senator originally voted nay and then changed his vote to a live pair voting against. So he can be considered present and voting against. Thus there were 80 Senators present. Now two-thirds of 80 is 54. Thus the opponents of the Helms-Symms anti-SALT II amendment were required to muster at least 54 votes to show that SALT II should receive the advice and consent of the Senate for ratification. The proponents of SALT II fell four votes short.

On the other hand, the opponents of SALT II only needed to amass one vote more than one-third of the Senators present to show that they disapproved SALT II and would block Senate advice and consent for its ratification. One-third of 80 is 27. The opponents of SALT II numbered 29 or 30, and thus there was one or two votes more than needed to block SALT II. The opponents of Salt II thus got 36.25 percent of the vote, and they only needed 34 percent. If the one paired Senator's vote is counted, because he paired against, the percentage of the Senate voting against SALT II was 37.5 percent. The proponents of SALT II got 62.5 percent to 63.75 percent of the vote and the opponents got 36.25 percent to 37.5 percent of the vote.

In sum, I believe that last Friday's historic vote has shown that SALT II is defeated and is now dead. More than one-third of the Senate is opposed to SALT II.

Indeed, of the 20 Senators who were absent, I believe that half would probably have joined the opponents of SALT II. In addition, most Republican Senators would have opposed SALT II, had not Ronald Reagan's administration urged a vote against the Helms-Symms amendment. Therefore there is probably a block of the full Senate of about 39 to 70 Senators opposed to SALT II.

Any Senator who disputes this judgment is welcome to propose a straight up-and-down vote on the Senate's advice and consent for ratification of SALT II. Indeed, I would urge it.

Absent such a vote, I believe that it is quite legitimate, proper, and even necessary to declare that SALT II has been clearly defeated by the Senate. SALT II is dead.

Let any Senator who disagrees give us a clean vote. If the Reagan administration disagrees, let them ask the Republican leadership for a clean vote.

In the meanwhile, the Reagan administration's policy of complying with the unratified SALT II Treaty is again still being perpetuated in the face of the now much more clearly expressed will of the Senate. I believe that a challenge of the legality of the U.S. policy of complying with the now dead, defeated SALT II Treaty is proper and required.

The Reagan administration opposed the Helms-Symms anti-SALT II amendment. This is a puzzling circumstance for the Reagan administration. Everyone would have thought that Ronald Reagan was against SALT II. As a candidate, Ronald Reagan made the following statements:

> 1. *SALT II is illegal*, because the law of the land, passed by the Congress, says we cannot accept a treaty in which we are not equal, and we're not equal in this treaty . . . (October 30, 1980, emphasis added.)
>
> 2. I believe the SALT II Treaty should be withdrawn, and I especially believe that the U.S. should *not abide* by its terms *prior to ratification*. To abide by the terms of the proposed agreement would *violate* article 33 of the Arms Control And Disarmament Act of 1961. (May 1980, emphasis added.)
>
> 3. I cannot, however, agree to any treaty, including the SALT II Treaty, which, in effect, legitimizes the continuation of a one-sided arms buildup. (August 18, 1980.)
>
> 4. I believe the Senate should declare that this treaty, fatally flawed as it is, be shelved . . . (September 17, 1979.)

Moreover, the July 1980 Republican Party platform stated boldly:

> The Republican Party *rejects* the fundamentally flawed SALT II Treaty negotiated by the Carter Administration . . . [which] would have codified *Western inferiority*. (Emphasis added.)

The Republican platform said further that the U.S. would:

> Accept no arms control agreement which in any way jeopardizes the security of the U.S. or its allies, or which locks the U.S. into a position of military *inferiority*. (Emphasis added.)

Evidently, the Reagan administration now rejects these 1980 statements as mere campaign rhetoric, and President Reagan now supports SALT II. But over one-third of the Senate is still opposed. And Ronald Reagan's statements of 1980 are still true. The Republican Party statement rejecting SALT II in 1980 is still true.

It is strange that President Reagan should support SALT II for another reason. A senior White House official stated in July 1982:

> Our security, in the President's judgment, requires that we do not agree to an unverifiable treaty.

Yet President Reagan himself has stated that the SALT II Treaty is unverifiable. On January 29, 1981, President Reagan stated in regard to SALT II:

> There is no verification as to the number of warheads on Soviet missiles, no method for us to do this . . .

It is supremely ironic that President Reagan now supports a SALT II Treaty which he once said was unverifiable.

Perhaps this irony is related to another previous statement. The July 1980 Republican platform bravely promised:

> We pledge to end the Carter cover-up of Soviet violations of SALT I and SALT II . . .

The Senate voted on September 23, 1983, 93 to 0 on a unanimous rollcall vote to require the President to report urgently and publicly to the Senate SALT violations by the Soviet Union. The President has not yet reported on Soviet SALT violations after repeated attempts by the Senate to request such a report. Is the coverup of Soviet SALT violations continuing under the Reagan administration? This is a serious problem for a Republican Senator to even be considering.

The Soviets have been smugly gloating over the Reagan administration's support for SALT II for over 1½ years. On June 1, 1982, the official Soviet organ Tass stated:

> One should also welcome President Reagan's statement about his intention not to take actions capable of undermining the SALT II Treaty. This can not but be evaluated as an indirect admission of the erroneousness of former assessments of this treaty by Washington.

But this smug Soviet gloating over President Reagan's previous de facto Presidential ratification of the SALT II Treaty without the advice and consent of the Senate must change to Soviet outrage and consternation, now that the Senate has finally clearly expressed its opposition to SALT II. The Soviets, however, have already disavowed, abrogated, and canceled SALT II long ago, by their clear and repeated SALT II violations.

SOVIET SALT VIOLATIONS

Last Friday, my distinguished friend, Senator Biden gave a long list of Soviet actions which the U.S.S.R. could easily take, he said, if it were not for their need to comply with the SALT II Treaty. I would like to briefly analyze this list of Soviet actions supposedly outlawed by SALT II, as we now finally pronounce SALT II to be dead:

First. "No deployment of the SS-16 mobile missile"—but the Soviets have had 100 to 200 mobile SS-16's operationally deployed at the Plesetsk Test Range for several years, in the opinion of top administration officials.

Second. "No increase in ICBM and SLBM warheads above specified limits"—but the Soviets are almost completely encrypting their ICBM test telemetry, making it impossible for the United States to verify the warhead limits.

Third. "No increases in the Backfire bomber production rate"—but Under Secretary of Defense DeLauen has testified to Congress that the Soviets are producing 36 to 40 Backfire bombers per year. The late Soviet President Brezhnev promised in a statement the United States deemed an integral part of SALT II not to produce more than 30 Backfires per year.

Fourth. "Strict limits on the characteristics of new ICBM's with rules governing characteristics of one permitted new type"—but the Soviets are now testing two new type ICBM's, with several more coming, and the United States is unable to determine their characteristics precisely because of the high level of Soviet telemetry encryption which is itself another SALT II violation.

Fifth. "No testing and deployment of rapid reload/refire capability for ICBM launchers"—but the Soviets have tested and deployed their SS-18 ICBM with just such prohibited characteristics, according to the DOD book "Soviet Military Powers." SALT II does not define rapid, but there are reports of Soviet reloading and refiring from silos within several hours.

Sixth. "No interference with national technical means of verification"—but the Soviets are almost completely encrypting the telemetry on their new missiles, which is itself a SALT II violation.

Yet in 1979, Senator Biden himself proposed a U.S. understanding to the SALT II Treaty which would have given the U.S. the right to withdraw from the SALT II Treaty if the Soviets encrypted their telemetry as much as they are now doing.

Seventh. No deliberate concealment measures which impede verification, [and] no deliberate denial of telemetry information, including encrypted telemetry, when such denial impedes verification—but, as I have already pointed out, SALT II has not prevented the Soviets from doing just this with their almost complete telemetry encryption and their massive program of "maskirovka" or strategic camouflage, concealment, and deception.

In sum, Mr. President, my distinguished friend and colleague Senator Biden is simply wrong. The SALT II Treaty has not prevented the Soviets from doing most of those actions which he says it has or will. And Senator Biden himself in 1979 in his SALT II understanding wanted the United States to abrogate or withdraw from SALT II if the Soviets massively encrypted their missile testing telemetry, as they are now doing in violation of SALT II.

Finally, Mr. President, I ask unanimous consent that two publications by me be printed in the RECORD. The first is entitled, "Soviet Arms Control Violations Create Security and Constitutional Crisis" by Senator STEVE SYMMS, published in the American Security Council's "Washington Report" of March 1983. The second publication is entitled, "President Reagan's Decision To Continue SALT Policy Is Illegal," also by Senator STEVE SYMMS, published in the Conservative Caucus "Member's Report" of June 1982. While it may seem self-serving to ask to reprint my own statements, these two publications help to explain my views, and show that I have long been a leading advocate of defeating SALT II. Indeed, in my 1980 campaign, one of the leading issues was my opposition to SALT II.

I am glad that this issue has finally been resolved, and that SALT II has finally been defeated by the Senate. I am glad to say that I have fulfilled one of my most important campaign promises: To defeat SALT II. I only wish everyone else opposed to SALT II in 1980 was still opposed.

Mr. President, I also ask unanimous consent that the Helms-Symms amendment be printed in the RECORD, together with our Dear Colleague letters. I also request unanimous consent that a Washington Times article of November 7, 1983, entitled "Senate Vote Ended Compliance on SALT II, Conservatives Say," be printed in the RECORD.

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 31, 1983.

DEAR COLLEAGUE: I ask for your co-sponsorship and support for my amendment, which would end U.S. unilateral compliance with the unratified 1979 SALT II Treaty. For the past four years, under two administrations, U.S. policy has been to treat the restraints of SALT II as binding on the U.S. strategic posture based upon the presumption that the Soviets would show equal restraint. Yet while we adhered to the constraints, the Soviets did not.

In effect, this policy has meant precise U.S. compliance with all of the provisions of the unratified treaty—a de facto reatification of SALT II, without the advice and consent of the Senate. In 1979, SALT II was offered as a "freeze" of strategic postures. We should consider what has happened under this arrangement, before we go on to consider another "freeze" proposal.

There are thus three kinds of arguments against the unratified SALT II Treaty: The Constitutional argument, the strategic argument, and the compliance argument, namely, the fact of Soviet SALT II violations. The Senate has already expressed its view on each of my three arguments.

The Constitutional argument is very simple. U.S. compliance with an unratified arms control treaty is unconstitutional and even illegal. The Senate's own corporate prerogatives and powers have too long been ignored. The only way the U.S. can legally comply with an arms control treaty is with the advice and consent of the Senate. Indeed, on December 3, 1981, the Senate tabled by a vote of 49 to 45 an amendment which would have endorsed the U.S. policy of complying with the unratified SALT II Treaty. Thus the U.S. continues to comply with SALT against the already expressed will of the Senate. My amendment would merely state the will of the Senate positively and properly.

Secondly, the Senate Armed Services Committee has already reported that the fatally flawed SALT II Treaty is unequal, unbalanced, destabilizing, and "not in the national security interest of the U.S." Thus even if the Soviets were not violating SALT II and the Senate's prerogatives were not being ignored, there would be fully sufficient reason to vote against the unequal SALT II Treaty locking the U.S. into permanent inferiority.

Thirdly, the Soviets themselves have not been in compliance with the SALT II restraints. Not only have the Soviets not deactivated some of their forces as required by SALT II, but they have significantly expanded their forces since 1979. There is also strong evidence that the Soviet Union is violating the SALT II Treaty, which they have an international legal obligation to comply with pending ratification on both sides or absence of formal notice of one side not to ratify. There is also strong evidence that the Soviets are violating the SALT I Anti-Ballistic Missile Treaty. President Reagan himself has expressed his "serious concerns" at the United Nations about Soviet encoding of missile testing telemetry signals, Soviet testing of a prohibited second new type ICBM, and Soviet construction of prohibited ABM Battle-Management radars. There are other clear indications that the Soviets have already "broken out" of all arms control treaties and "peaceful co-existence" relations with the West. Indeed, the Senate has already voted on a roll call 93 to 0 to require the President to report urgently to the Senate in public about Soviet SALT violations.

One-sided U.S. compliance with the already unequal SALT II Treaty will damage U.S. national security even further, because it means that the U.S. is disarming while the Soviets are illegally arming. Thus the Soviets have all the benefits of U.S. compliance with the unratified SALT II Treaty, while they themselves are violating its fundamental provisions with impunity.

Ronald Reagan in 1980 made the following statements:

"SALT II is illegal, because the law of the land, passed by Congress, says we cannot accept a treaty in which we are not equal." (October 30, 1980).

"I believe the SALT II Treaty should be withdrawn, and I especially believe that the U.S. should not abide by its terms prior to ratification. To abide by the terms of (SALT II) would violate Article 33 of the Arms Control and Disarmament Act of 1961 . . ." (May, 1980).

"I can not agree to any treaty, including the SALT II Treaty, which . . . legitimizes the continuation of a one-sided arms build-up." (August 18, 1980).

These arguments are still true.

There are other facts as well which support a yes vote on my amendment. For example, the Defense Department has stated that the "interim restraint" policy of U.S. SALT II compliance is under intensive review because of the President's concerns about the Soviet SALT violations. Moreover, approximately about $100 million is being spent deactivating U.S. forces in compliance with SALT II. These funds would be better spent in building up U.S. defenses.

I urge you to support my substitute for the "freeze." The Senate has already registered its support for each of my three arguments. Now is the time to express firmly the will of the Senate against the SALT II freeze.

Sincerely,

JESSE HELMS.

HELMS-SYMMS AMENDMENT

At the end of the bill, add the following new section:

"SEC. . (a) The Senate finds—

(1) that the Committee on Armed Services of the Senate has determined that the SALT II Treaty is unequal, unbalanced, destabilizing, and not in the national security interest of the United States:

(2) that the United States (a) has deactivated 292 Inter-Continental Ballistic Missiles, Submarine-Launched Ballistic Missiles, and B-52 bomber aircraft, all of which are counted in the SALT II Data Exchange, (b) has cancelled deployment of stockpiled Minuteman III Inter-Continental Ballistic Missiles with Multiple-Independently Targetable Re-entry Vehicles, (c) has modified B-52 bomber aircraft equipped to carry Air-Launched Cruise Missiles with "strakelets", and (d) has reduced the potential payload and throw-weight of the MX Inter-Continental Ballistic Missile;

(3) that the Department of Defense memorandum issued on March 24, 1980 entitled "United States Programmatic Actions Relative to the SALT II Treaty", which is still in effect, directed the US military services to take no programmatic actions which were inconsistent with the provisions of the unratified SALT II Treaty;

(4) that by prolonged inaction on the SALT II Treaty by the Senate and the initiation of Strategic Arms Reduction Talks, the United States Government has given constructive notice to the Soviet Union that it does not intend to ratify such treaty.

(b)(1) It is the sense of the Senate that no national defense program involving the national security of the United States shall be terminated, impeded, delayed, or affected in any way in order to comply with the terms of the SALT II Treaty unless and until the Senate has given its advice and consent for the President to ratify the Treaty in accordance with the treaty-making provision of the Constitution of the United States.

(2) It is furthermore the sense of the Senate that the United States compliance with the SALT II Treaty should cease until and unless the President certifies to the Senate in writing that the Soviet Union has been in full compliance with all the provisions of the SALT II Treaty, the SALT I Anti-Ballistic Missile Treaty, the 1962 Kennedy-Khrushchev Agreement, the 1925 Chemical Warfare Protocol, and the 1972 Biological Warfare Convention.

U.S. SENATE,
Washington, D.C., November 4, 1983.

DEAR COLLEAGUE: I urge you to support the Helms SALT II amendment, which I am cosponsoring. This amendment would end U.S. unilateral compliance with the unratified SALT II Treaty. SALT II is unequal and the Soviets are violating it. There are many "fatal flaws" in the SALT II Treaty. The four most important are:

(1) The longstanding Soviet monopoly in heavy ICBMs, such as the SS-18 and SS-19, codified by SALT II.

(2) The allowed growth in the already overwhelming Soviet counterforce threat (See display chart).

(3) The failure to limit stockpiled Soviet missiles capable of rapid refire.

(4) The exclusion of the intercontinental Soviet Backfire bomber.

These factors explain why the Senate Armed Services Committee reported that the SALT II Treaty is unequal and dangerous to U.S. security.

On January 3, 1980, after the Soviet invasion of Afghanistan, former President Carter asked Senator Robert Byrd to delay Senate consideration of the SALT II Treaty. President Carter stated that: "The purpose of this request is not to withdraw the Treaty from consideration, but to defer the debate so that the Congress and I as President can assess Soviet actions and intentions . . ."

I believe that we can now assess Soviet actions and intentions. The evidence is overwhelming that the Soviets are clearly violating SALT II, the SALT I Anti-Ballistic Missile Treaty, and the 1962 Kennedy-Khrushchev Agreement. For example, the Soviets are almost completely encoding the telemetry signals in testing all their new missiles, in an effort to deliberately conceal their capabilities from the U.S. In 1979, the Senate Intelligence Committee stated that Soviet actions "which involve deliberate concealment and deception would constitute serious violations of the (SALT II) Treaty." According to President Reagan, the Soviets are also violating the 1925 Chemical Warfare Protocol, and the 1972 Biological Warfare Convention.

I urge you to vote for the amendment ending U.S. unilateral compliance with the unratified SALT II Treaty. A vote against this amendment is a vote in favor of preserving a dangerous U.S. strategic inferiority to the Soviet Union, and a vote in favor of appeasing Soviet SALT violations.

Sincerely,

STEVE SYMMS,
U.S. Senator.

[From the Washington Report, March 1983]

SOVIET ARMS CONTROL VIOLATIONS CREATE SECURITY AND CONSTITUTIONAL CRISES

(By Senator Steve Symms)

The evidence is mounting daily that the Soviet Union is flagrantly violating the Strategic Arms Limitation Treaty, SALT II, in at least six significant cases. And it is also violating other arms control agreements.

These violations gravely threaten U.S. national security and world peace because they enhance Soviet strategic superiority. In stark contrast to the Soviet military buildup, the U.S. is restricting its program for modernizing its strategic weapons in order to comply strictly with the unratified SALT II Treaty.

Thus the Soviets have all the benefits of U.S. compliance with SALT II, while accepting none of the Treaty's obligations.

VIOLATIONS AND FREEZE

Soviet arms control violations are also critical to considerations of the nuclear freeze proposal. These violations should tell us clearly that Soviet compliance with the complicated, two-stage freeze agreement cannot logically be assumed.

Most important, the unilateral U.S. compliance with SALT II, is a violation of both the U.S. Constitution and public law.

I will not attempt to recapitulate the complete record of all the Soviet SALT violations. I want to stress, however, that I have been able to document 14 instances of Soviet negotiating deceptions in SALT I and II, more than 30 violations of the terms of the SALT agreements, and 47 additional cases of Soviet violations and diplomatic duplicity in regard to other treaties. (For details, see: "The Bitter Fruit of SALT: a Record of Soviet Duplicity," David Sullivan, Texas Policy Institute, 1982.)

I will focus only on the Soviet SALT II violations, which are most current and most critical to our security. I could just as easily present evidence of massive Soviet violations of the Biological and Chemical Warfare conventions (e.g., the "yellow rain" situation in Afghanistan and Laos), the Threshold Nuclear Test Ban Treaty, and the Kennedy-Khrushchev agreement of 1962.

Indeed, I am obligated to make the point that aggressive and provocative Soviet actions, such as, its invasion of Afghanistan, its repression of human rights in Poland, its aggression through surrogates in Angola, Mozambique, and Ethiopia, and its destabilizing action in the Caribbean and Central America, are themselves violations of both SALT I and SALT II.

An integral part of SALT I is a twelve-part document entitled "Declaration on Basic Principles of Relations between the United States of America and the Union of Soviet Socialist Republics." In the preamble, the parties declare that SALT I is "guided by" the "desire to strengthen peaceful relations," "to remove the threat of war," and to "promote the reduction of tensions in the world." The most quoted phrase is a pledge "to attach major importance to preventing the development of situations capable of causing a dangerous exacerbation of their relations."

The Declaration applies to SALT II because the Preamble to the Treaty states that it "proceeds" from the 1972 agreement.

The Declaration of Basic Principles has often been referred to as the Code of Conduct for the two superpowers in the nuclear age. It clearly establishes the principle of linkage between the political conduct of the parties and the terms of the SALT agreements.

One would not need to be uncharitable toward the Soviet Union to find its political conduct inconsistent with the terms of the Declaration of Basic Principles. Without any difficulty at all, one can make the case that the violation of the Kennedy-Khrushchev agreement of 1962 is in itself a violation of SALT.

HAVE THERE BEEN SOVIET SALT II VIOLATIONS

There are still a few American officials and political analysts who contend that the Soviets do abide by their treaty obligations, especially in regard to arms control. The numbers who hold this position, however, are dwindling.

In his recently published memoirs, "Keeping Faith," former President Carter found it necessary to state that there is "an erroneous belief . . . that the Soviet leaders have habitually violated earlier SALT agreements, but that their defaults were somehow concealed by disloyal American leaders." (p. 214) He staunchly denied that he had concealed Soviet treaty violations.

In the same book, however, Carter quoted former Secretary of State Henry Kissinger who took a more cautious line. According to Carter, "He [Kissinger] added that the Soviets . . . would honor the letter of an understanding, but that one had to be very careful because they would probe for every loophole in the language in order to gain some advantage, even if it violated the intent of the original deal." (p. 188)

In the Washington Times of September 15, 1982, Kissinger went beyond the matter of "loopholes" to a specific violation. "On actual violations, I'm familiar with one," declared the architect of detente. This is the testing of surface-to-air missiles (SAMs) as anti-ballistic missiles.

Many American leaders have been more bold than Dr. Kissinger. They have accused the Soviets outright of SALT violations, leaders ranging from INF negotiator Paul Nitze, former Defense Secretary Melvin Laird, retired Chief of Naval Operations Admiral Zumwalt, Senators Jake Garn, Gordon Humphrey, and Jesse Helms, along with former Senator James Buckley, former Congressman David Emery, defense analyst Colin Gray, and Ambassador Seymour Weiss.

The massive Soviet violations of SALT were stressed formally in the 1980 Republican Party Platform. Moreover, the Platform twice indicted the Carter Administration for covering up Soviet violations of the Biological Warfare Convention and the SALT I and SALT II agreements:

"The Republican party deplores the attempts of the Carter Administration to cover-up Soviet non-compliance with arms control agreements, including the now overwhelming evidence of blatant Soviet violations of the Biological Warfare Convention by secret production of biological agents at Sverdlovsk. . . . We pledge to end the Carter coverup of violations of SALT I and II, to end the cover-up of Soviet violations of the Biological Warfare Convention. . . ."

Later, on May 9, 1982, in an address to the United Nations, President Reagan underscored the Party's early warning about Soviet SALT violations and negotiating perfidy. He told the audience of diplomats from around the world: "So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict U.S. defense programs, and in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige. Unfortunately, for some time suspicions have grown that the Soviet Union has not been living up to its obligations under existing arms control treaties."

The Republican Party Platform was correct in stressing the flagrant Soviet violations of the SALT II Treaty. The following are only the most widely reported examples:

THE MOST FLAGRANT VIOLATIONS

First, the extensive Soviet exercise in rapid reload and refire of the heavy SS-18 cold-launched ICBMs. This exercise violated or circumvented the SALT II ceilings on launchers and specific provisions prohibiting rapid refire of ICBMs. It also contributed enormously to the already overwhelming Soviet counterforce capability.

Second, the Soviet covert deployment of 100 to 200 camouflaged and concealed mobile SS-16 ICBMs at the Plesetsk test range. This activity explicitly violates several provisions of SALT II prohibiting the deployment of SS-16s. It also violates SALT provisions on Data Exchange. It is similar to the illegal Soviet deployment of 18 SS-9 ICBMs as Fractional Orbital Bombardment weapons (FOBs) at the Tyuratam test range during the SALT I period. The SS-16s provide the Soviets with a significant covert strategic reserve force.

Third, the deployment of AS-3 "Kangaroo" long-range air-to-surface missiles on 100 TU-95 Bear bombers, in explicit violation of several SALT II provisions. The range of the missile is such that the bombers so equipped must be counted as MIRVed launchers. The Soviets have not identified them, however, as MIRVed launchers. The deployment of these missiles also amounts to another violation of the Data Exchange provision, which calls into question all Soviet-supplied data.

Fourth, Soviet deployment of long-range air-to-surface cruise missiles on intercontinental Backfire bombers. This deployment violates several provisions of SALT II, as well as the Brezhnev statement on the Backfire bomber which was attached to the Treaty.

Fifth, the almost total encryption of telemetry signals from the following Soviet missile test programs: SS-NX-20 Sub-Launched Ballistic Missile; SS-18 Mod X ICBM; SS-20 IRBM; and most recently the new Soviet medium-weight ICBM and light-weight ICBM (neither of which has as yet been designated). The high level of encryption on the tests of these new ICBMs is particularly critical because the Soviets have at least two additional new ICBMs ready for testing. This high level of encryption or encoding of telemetry data is a clearcut, flagrant violation of several provisions of SALT II.

Sixth, the massive camouflage, concealment, and deception on several strategic programs, which deliberately interfere with U.S. National Technical Means (satellite reconnaissance) of SALT verification. Interestingly, a Soviet military textbook published in 1966 states explicitly that Soviet interference with U.S. satellite reconnaissance will be deliberate.

CAMOUFLAGE AND ENCRYPTION

Soviet camouflage, deception, and telemetry encryption specifically violate Paragraph 3 of Article XV of the SALT II Treaty, which states: "Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means. . . ." Moreover, a Second Common Understanding attached to Paragraph 3 states further: "Each Party is free to use various methods of transmitting telemetric information during testing, including encryption, except that . . . neither Party shall engage in deliberate denial of telemetric information, such as through use of telemetric encryption, *whenever such denial impedes verification of compliance with the provisions of the Treaty.*" (Emphasis added.)

In regard to the new Soviet missiles now undergoing testing, the U.S. needs to be able to verify such factors as: launch weight, throw weight, number of warheads, number of stages, length of stages, diameter of stages, type of propellant, and procedures for release of multiple warheads. All these characteristics of the new Soviet missiles are now being concealed from U.S. monitoring by the almost total encryption of telemetry.

Columnists Evans and Novak have reported encryption of 95 percent of telemetry data on these tests. (See: The Washington Post, December 15, 1982, "Of Hostages and Cheats," and New York Post, December 15, 1982, "Soviets Black Out New Missile Tests.")

It has been U.S. policy that significant encryption of telemetry would be a violation of SALT since the days of the Carter Administration. Immediately after returning from the SALT Summit meeting in Vienna, President Carter stated to a joint session of Congress on June 18, 1979:

"It is the SALT II agreement itself which forbids concealment measures. . . . It forbids the encryption or the encoding of crucial missile test information. A violation of this part of the agreement—which we would quickly detect—*would be just as serious as a violation of the limits on strategic weapons themselves.*" (Emphasis added.)

In addition, a State Department White Paper on SALT II verification published during the Carter Administration (August 1979) stated:

"*Deliberate concealment efforts are themselves a violation*, and if detected could be *grounds for abrogating the Treaty*, even if we are not certain what activity is being concealed. . . . Concealment measures designed to impede verification would themselves be violations." (Emphasis added.)

These statements clearly mean that the concealment and high level encryption of missile test information now being practiced by the Soviet Union must be regarded as grounds for declaring the Treaty null and void. And they most certainly underscore the extreme difficulties that would be associated with determining Soviet compliance with the terms of a nuclear freeze agreement.

The Reagan Administration has exhibited an ambivalent attitude toward these issues. It has tolerated the Soviet SALT II violations, while charging the Soviets with violations of the Biological Warfare and Chemical Warfare conventions, the Kennedy-Khrushchev agreement, and Threshold Test Ban Treaty.

THE CONSTITUTION AND TREATY RATIFICATION

Regrettably, both former President Carter and President Reagan have defied the U.S. Senate's prerogatives regarding treaty-making, as specified in the Constitution. Both Presidents have committed the United States to compliance with the SALT II Treaty without the advice and consent of the Senate.

The policy of compliance with the unratified Treaty which began in the Carter Administration has been extended by the Reagan Administration. In March 1981, a State Department announcement specified that the U.S. would not "undercut" SALT II as long as the Soviets "showed equal restraint." In a Memorial Day address at Arlington Cemetery the next year, President Reagan himself stated: "As for existing strategic arms agreements, we will refrain from actions which undercut them, so long as the Soviet Union shows equal restraint."

Policy statements like these in both Administrations run contrary to the letter and spirit of the Constitution. Senate consent is a requirement in order for a treaty to have the force of law. The U.S. Constitution declares in Article II, Section 1: "He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. . . ."

Moreover, the U.S. SALT II compliance policy is conditioned upon reciprocal behavior. That is, U.S. compliance depends on Soviet "equal restraint." Certainly, nothing in the Constitution grants the Soviets a role in determining whether the U.S. shall comply with a treaty.

The six Soviet violations of SALT II, listed above, clearly indicate that the Soviets are not complying with the terms of the Treaty, nor are they showing "equal restraint" in any realistic interpretation of that phrase. It should also be noted that the Soviets have never officially informed the United States that they will not undercut SALT II. To the contrary, they have authoritatively informed the U.S. on several occasions that they will not comply with SALT II until it is ratified.

In contrast, U.S. compliance with the unratified Treaty is official. Department of Defense Directives 5100.7, 5100.72, and Air Force Regulations 28-1 go so far as to require a quarterly report from the military services, certifying to compliance with the Treaty.

EXAMPLES OF U.S. UNILATERAL COMPLIANCE

There are many examples that can be cited of U.S. unilateral compliance with the unratified Treaty during the Reagan Administration. The following is only a partial list:

The U.S. has officially notified the Soviet Union of its actual or intended deactivation of 292 strategic delivery vehicles in compliance with the Data Exchange provisions of the Treaty: 160 Polaris SLBMs, 54 Titan II ICBMs, and 80 B-52D bombers. It should be noted that these delivery vehicles constitute about 13 percent of the delivery vehicles allowed the U.S. under SALT II, and they carry over 500 warheads. They also constitute about one-third of existing U.S. deliverable nuclear firepower (megatonnage).

Second, the U.S. cancelled deployment of stockpiled Minuteman III MIRVed ICBMs in compliance with the SALT II ceiling of 1,200 for MIRVed SLBMs and ICBMs. These missiles were to replace Titan IIs now being deactivated and would have compensated for some of their megatonnage. Moreover, the Minuteman IIIs would have added over 15 percent to the number of hard-target-kill warheads in the U.S. strategic force. This cancellation of Minuteman IIIs was taken in the face of the deployment by the USSR of 820 new MIRVed ICBMs since 1977. The warheads of these new missiles are on average three times as powerful as the MK-12a warheads carried on our latest Minuteman IIIs.

Third, the U.S. has modified those B-52 bombers to carry Air-Launched Cruise Missiles (ALCMs) with "strakelets." These modifications to the wing roots of the B-52s cost $80 million. The action was taken to comply with the SALT provision which requires that "Functionally Related Observable Difference" be placed on those bombers which will carry ALCMs, in order to make it possible for the other side to distinguish them from similar bombers which carry only classic gravity bombs. In no way did this expensive modification enhance the operational capability of the B-52s. It was carried out solely to comply with the unratified treaty.

Fourth, the U.S. redesigned the B-1b bomber in order to carry fewer ALCMS—20 instead of 22—again, in compliance with the terms of SALT II. This ten percent reduction in the ALCM payload of the B-1s is a significant unilateral constraint.

Fifth, the U.S. limited the throw-weight of the MX ICBM to slightly more than 3,600 kilograms in compliance with a limit the U.S. itself placed on the new ICBM authorized in SALT II. The U.S. first established that limit in 1977 when it sought to reach an agreement with the USSR on the size of the SS-19 missile then coming into the Soviet inventory. During both the SALT I and SALT II negotiations, the Soviets had refused to agree to size and weight distinctions for light and heavy ICBMs.

Sixth, the U.S. also limited the launch weight of the MX to approximately 90,000 kilograms in compliance, again, with its specification for the new light ICBM.

Seventh, the U.S. limited the number of warheads on the MX to ten, instead of the original number of 14, to comply with the Treaty. This constitutes a reduction in the payload of the MX of over 30 percent, a significant operational factor.

DENSE PACK COMPLIES WITH SALT

Given these seven examples of unilateral restraint, it was not surprising that the proposed deployment of MX missiles in a Dense Pack mode was justified as complying fully with the unratified Treaty. Both Secretary Weinberger and Assistant Secretary Perle went quickly on record following the November 22nd announcement to assure everyone that the plan did not violate the Treaty.

That the Dense Pack basing scheme is now being reviewed by the Scowcroft Committee is immaterial. The fact is that the Administration clearly felt constrained by SALT II, and signaled once again its intention to comply with its provisions.

In a strange way, the lame duck Senate of the 97th Congress may have placed itself in the position of approving still another compliance with SALT II which will disadvantage our defense capabilities. The Senate approved on December 20th an amendment authored by Senator Gary Hart to the Fiscal Year 1983 Extended Continuing Resolution Appropriations Bill. This amendment declares: ". . . no initial flight test of the MX missile may be conducted until after both Houses of the Congress have agreed . . . [on] a basing mode for such missile."

The Hart Amendment does not make a specific reference to SALT II, but its provisions were clearly in the minds of the Senators when they considered the Amendment. The second Agreed Statement, attached to paragraph 9, Article IV of the SALT II Treaty, stipulates that neither side can change the number of stages in a "new ICBM" after its original tests. An MX prototype was scheduled for testing in January. If that test has not been delayed, the Scowcroft Committee could not have considered the option of a small mobile ICBM with three stages, versus MX with four stages. A single test of the MX would have closed out that option.

If the Scowcroft Committee, however, endorses in any way the MX missile as designed, the Hart Amendment will have killed valuable time in deploying the missile, all because of a sense of obligation to comply with SALT II.

AFFIRMATIVE LEGISLATION

It may be argued that the Hart Amendment was offered in an effort to insure Congressional compliance with Section 33 of the Arms Control and Disarmanent Act of 1961. That section states:

> No action shall be taken under this or any other law that will obligate the U.S. to disarm or reduce or limit the armed forces or armaments of the U.S., except pursuant to the treaty-making power of the President under the Constitution, or *unless authorized by further affirmative legislation of the Congress of the U.S.* (Emphasis added.)

If it can be argued that the Hart Amendment is "affirmative legislation" in regard to MX, the action taken earlier in canceling the deployment of Minuteman IIIs to replace retired Titan IIs was in defiance of affirmative legislation. That action was authorized by Congress in both Fiscal Years 1981 and 1982.

The evidence, therefore, continues to grow that both the Executive and Legislative branches of our government are engaged unconstitutionally in compliance with an unratified Treaty to the disadvantage of United States defense capabilities.

CONCLUSION

At no other time in our modern history has this nation bound itself unilaterally by the terms of an unratified treaty in the face of noncompliance with that treaty by another nation. Were this matter related to a minor activity, fishing rights for example, it might not be so critical. At this moment, the very survival of the United States is in jeopardy because of our compliance with SALT II.

Not only is this compliance unilateral and unrequired, it is also unconstitutional. We are, therefore, faced with twin crises, a Constitutional crisis and a national security crisis.

The Constitutional crisis could be resolved by the Senate in one of two simple but dramatic moves. The Senate could give its consent to ratify the Treaty. Or it could vote to send the Treaty back to the President, thereby signaling rejection. Those favoring the first course would argue that we might as well ratify the Treaty if we are going to comply with it. Those favoring the latter course would argue that Soviet political and military conduct clearly dictates that we should reject the Treaty and move forward urgently with those measures necessary to insure our national survival.

Similarly, the national security crisis could be approached, if not resolved, in one of two ways. The U.S. could expose the Soviet violations of SALT I and II, abrogate the agreements, reconsider the arms control negotiations now in process, and immediately begin an urgent modernization of its strategic forces. Alternatively, the U.S. could continue to tolerate the Soviet violations of SALT I and II, and rely on diplomatic efforts, such as START or Freeze, to insure our survival and well being.

Those opposed to the first course would argue that to abrogate the SALT arms control agreements would move us immediately to the brink of nuclear war, and the Soviet Union would be fully justified in reacting strongly, if not violently, to our action. Moreover, the proponents of this position would argue that most of the uncommitted and Third World nations would agree with the Soviet position.

Those opposed to the second course would argue that if we continue to constrain ourselves and rely on future arms control agreements, which ultimately must rest on the nonexistent good will of the Soviet Union, we are doomed in time to extinction or slavery. Therefore, the only proper and Constitutional course of action is for the government of this sovereign and independent state to accept the full responsibility to "provide for the common defense." Furthermore, the proponents of this position would argue that bold and responsible action by the United States would gain more approval among both friendly and uncommitted nations than appeasement.

I have yet to hear a convincing case that there is military or political virtue in the refusal of the Executive and Legislative branches of our government to choose one course of action or the other. As I see it, our hypocritical indecision in the face of crises is proof that we are already being blackmailed by the expanding military power of the Soviet Union.

PRESIDENT REAGAN'S DECISION TO CONTINUE SALT POLICY IS ILLEGAL

(Remarks by Senator Steve Symms of Idaho May 27, 1982)

1980 GOP PLATFORM ABANDONED

Mr. President, the U.S. Government has managed to mire itself in an extraordinary policy for compliance with strategic arms limitation treaties (SALT). On the one hand, the U.S. Government covers up and apologizes for Soviet violations of the SALT II treaty. These violations are well-known and demonstrable. This is contrary to the Republican Party Platform of 1980.

U.S. LAW BEING VIOLATED

On the other hand, the executive branch is unilaterally deactivating and limiting its own strategic forces in order to comply with SALT II and SALT I. This is in violation of U.S. law. Thus the U.S. Government is acting contrary to its electoral platform promises on arms control, while violating U.S. laws. Only the U.S. Senate can hold the administration accountable to the law and the Constitution regarding unilateral U.S. SALT compliance.

SOVIET TREATY VIOLATIONS ARE WELL ESTABLISHED

There have been many significant violations of the SALT II treaty reported in the press. The evidence for these violations is well-established, and quite strong. The most important are:

The reported Soviet rapid reload and refire exercises for their giant SS-18 cold-launched ICBM.

The reported Soviet covert deployment of the camouflaged and concealed mobile SS-16 ICBM's at the Plesetsk Test Range. This activity is similar to the Soviet illegal deployment of 18 SS-9 ICBM's at the Tyuratam Test Range during SALT I.

The Soviet deployment of AS-3 Kangaroo air-to-surface missiles on 100 TU-95 Bear intercontinental bombers, in violation of several provisions of SALT II. This is also a Soviet falsification of the data exchange, calling into question all Soviet-supplied data.

The continued almost total encryption of telemetry signals from the following Soviet missile programs: the SS-NX-20 SLBM, the SS-NX-19 SLCM, the SS-18 MOD X ICBM, and the SS-20 IRBM, in violation of several provisions of SALT II.

The fact that all Soviet camouflage, concealment, and deception is intended to deliberately interfere with U.S. national technical means of SALT verification (satellite reconnaissance), and therefore constitutes another Soviet SALT II violation. This violation is confirmed by a Soviet military dictionary from as early as 1966.

WHY DID REAGAN CHANGE HIS POLICY?

According to conclusive evidence, SALT I and SALT II were deceptively negotiated, unequal, destabilizing and not in the U.S. national security interest. But the United States is nevertheless still complying with both. Why?

Early in the Reagan administration, in January 1981, President Reagan called Soviet leaders liars and cheats who commit any crime to advance their objectives. In the same press conference, President Reagan declared that SALT II was unverifiable. President Reagan's concern that SALT II was unverifiable was fully consistent with his campaign statements opposing SALT II as "fatally flawed," unequal, destabilizing, and unverifiable. His concern was also fully consistent with the Republican platform's tough arms control section, which was reaffirmed by President Reagan after the election.

SENATE CAN CHALLENGE REAGAN COMPLIANCE WITH CARTER-BREZHNEV PLAN

In February 1981, Navy Secretary Lehman stated that continued U.S. compliance with SALT I and II was illegal. Lehman's statement was also fully consistent with Reagan's own policy declarations on the subject of SALT compliance. Lehman was referring to section 33 of the Arms Control and Disarmament Act of 1961, which states that U.S. military force levels can only be limited by treaties requiring advice and consent of the Senate, or by affirmative congressional legislation.

Section 33 of the Arms Control and disarmament Act of 1961 states:

"No action shall be taken under this or any other law that will obligate the United States to disarm or reduce or to limit the armed forces or armaments of the United States, except pursuant to the treaty-making power of the President under the Constitution, or unless Authorized by further affirmative legislation by the Congress of the United States."

Strictly interpreted, section 33 states that Presidential policies to limit U.S. force levels in compliance with expired or unratified SALT treaties can be challenged at any time by the Senate.

REAGAN IS REDUCING U.S. FORCES BY 28 PERCENT TO COMPLY WITH SALT

The Reagan administration plans to unilaterally deactivate 160 Polaris SLBM's 52 Titan II ICBM's, and 80 B-52 Intercontinental bombers, all of which are counted in and limited by SALT II. These 292 strategic delivery vehicles carry 334 nuclear warheads, and comprise about 26 percent of our existing firepower or megatonnage. The Untied States neither asked for nor gained Soviet quids pro quo in arms control concessions before making the decision to unilaterally deactivate these forces, but this is a separate problem. More significantly, each of these deactivations could be viewed as a violation of section 33 of the Arms Control and Disarmament Act, because they violate both elements of section 33. They are occurring in compliance with an unratified SALT II treaty, and they are occurring without affirmative congressional legislation. Indeed the Titan II and B-52 deactivations are planned in actual defiance of congressional legislation, the fiscal 1983 defense authorization bill.

REAGAN DECISION TO DISMANTLE U.S. NUCLEAR SUBMARINES IS ILLEGAL

There are several strong arguments against Polaris submarine dismantlement, in further compliance not only with SALT II, but also with SALT I. The deactivation and dismantling of Polaris submarines is being done without affirmative legislation from the Congress, which makes it illegal. Further, by dismantling Polaris in order to comply with the expired SALT I Interim Agreement, the U.S. Government is acting in violation of the law. There has been no binding legal consent of the Senate for continued U.S. compliance with the SALT I Interim Agreement beyond October 1977. The dismantling of Polaris submarines is required in order to stay under the U.S. submarine and SLBM limits of the expired SALT I agreement, 41 submarines with 656 SLBM's, as new Trident submarines are built. The United States could go up to 44 submarines carrying 710 SLBM's by retiring our 52 Titan II ICBM's, instead of Polaris submarines. Titan II deactivation is planned anyway, but this option is being completely ignored. The United States is thus dismantling two Polaris submarines for every new Trident submarine going on sea trials, of which there are now two.

As specified in section 33, the treaty-making power includes the advice and consent of the Senate. The Senate has not given legally binding advice and consent on continued U.S. compliance with SALT I beyond its expiration in October 1977. The U.S. Senate did pass a concurrent resolution in September 1977 supporting the Carter administration's policy of indefinite continued U.S. SALT I compliance, but this resolution does not have the force of law, and in any case it was not even acted upon by the House. Further, there has never been affirmative legislation by the Congress specifically authorizing the deactivation and dismantling of Polaris submarines.

In sum, Polaris submarine dismantlement in compliance with SALT I is clearly illegal. It violates both elements of section 33. There can be no dispute with the above facts.

There are several additional important facts relating to deactivation and dismantlement of Polaris submarines.

TO COMPLY WITH SALT, 187 MILLION DEFENSE DOLLARS ARE BEING USED TO DISARM 10 U.S. SUBS WHICH COST $3.5 BILLION

First, 2 of the 10 Polaris submarines have already been dismantled illegally and rendered inoperable under the Carter administration. The third of the 10, the U.S.S. *Patrick Henry*, is planned for deactivation and dismantling beginning next month, in June 1982. The remaining 7 of the 10 Polaris subs are also planned for deactivation in succession.

Second, the cost of dismantling each submarine is about 15.7 million dollars. These funds are drawn from Navy operations and maintenance funds. Thus the total cost of dismantling the eight remaining Polaris submarines is about 125.6 million dollars. These vital operations and maintenance funds have never been specifically authorized by Congress for the purpose of dismantling Polaris submarines. Instead of being used for the dismantling of good submarines, these O. & M. funds should be diverted instead to improving readiness and military capability.

Third, the total investment in procurement and operation of the 10 Polaris submarines over the last 24 years is about $3.5 billion. Thus the continued deactivation of Polaris subs will throw away $3.5 billion worth of good military capability.

Fourth, if the eight remaining Polaris subs are not dismantled, but are instead retained as attack or torpedo submarines, they will require some additional investment to cover overhaul, refueling and operations. These overhaul and refueling costs are estimated to be about $500 million, spread over several years.

Fifth, the United States now has only 94 attack submarines in its entire fleet, compared to about 189 for the Soviets. If the United States retains these 8 good Polaris submarines, our attack submarines force will be increased to 102. We need every attack submarine that we can get, and the Polaris subs are still in good working order.

Sixth, apologists for the Soviets claim that the Soviets have reportedly dismantled the missile bays on about four or more of their comparable earliest Y class submarines, in compliance since 1977 with the expired SALT I agreement. I would point out, however, that these submarines are evidently not being retired, as is currently planned for our Polaris subs, but are instead being reportedly converted into either cruise missile or attack submarines. Thus the Soviets do not throw away good weapons. The Soviets continue to use good submarines. We should do the same.

Seventh, the Secretary of the Navy, the Honorable John Lehman, has confirmed all of the above facts over a year ago. In February, 1981, Secretary Lehman stated that U.S. unilateral compliance with both SALT I and SALT II was illegal. He was referring to continued Polaris deactivation in violation of section 33 of the Arms Control and Disarmament Act. John Lehman was right. The United States should no longer illegally comply with an expired SALT I agreement. Soviet SALT I compliance itself has been widely questioned, but that is a separate problem. It is a strange situation, however, when the United States is illegally complying with SALT I, while the Soviets have illegally violated SALT I.

REAGAN REJECTS DEPLOYMENT OF 100 U.S. ICBM'S TO COMPLY WITH SALT CEILINGS

In another example of violation of section 33, the Reagan administration initially rejected deployment of 100 stockpiled Minuteman III ICBM's in place of Minuteman II's because this would have eventually violated SALT II. Defense Secretary Weinberger actually stated in a March 24, 1981 letter to Senator Schmitt that—"Additional Minuteman III's would provide very limited military utility and could impact future arms control negotiations . . ." Minuteman III deployment was authorized by Congress in both fiscal year 1981 and fiscal year 1982. Thus here is another example of affirmative legislation actually being violated in order to comply with the unratified SALT II treaty.

SALT LIMITS VS. ICBM DEPLOYMENT OPTIONS

Finally, there are reports that the Reagan administration has been considering a "dense pack" deployment mode for the new MX ICBM. But "dense pack" would entail building new or relocating old ICBM silos, either of which would clearly violate article IV of the SALT II treaty. There are reports that MX deployment in the dense pack configuration was fully acceptable technically and militarily, but that the Reagan administration has been reluctant to approve "dense pack" because it violates SALT II. So here is another example of a U.S. deployment option which has been delayed and may be rejected because it would violate an unratified SALT II treaty. Thus, it is another violation of section 33.

In the cases of continued U.S. compliance was authorized by Congress with the expired SALT I and the unratified SALT II, there has been neither legally binding Senate advice nor consent, and in fact, in several cases, affirmative legislation has been ignored.

NAVY SECRETARY OVERRULED BY STATE DEPARTMENT

As noted, Secretary Lehman's February 1981 statement that U.S. continued compliance with SALT I and II was illegal was well founded, and fully consistent with President Reagan's campaign statements, the Republican platform and Reagan's January 1981 statements. Hence many observers were surprised when in February 1981 Lehman was summarily reprimanded and the State Department quickly proclaimed that the

United States and the Soviets would continue indefinitely to comply with SALT I and II as long as neither side did anything to "undercut" the agreement.

There were reports that President Reagan was puzzled by the reprimanding of Lehman for merely advancing Reagan's own declared anti-SALT II policy, but Reagan did nothing to change the U.S. unilateral SALT II compliance policy. Leaving aside the vague meaning of actions which undercut SALT, unilateral U.S. SALT II compliance is unsatisfactory. In addition to violating section 33 of the relevant law, the Reagan administration, like the Carter administration before it, has failed to even request a Soviet statement of their own compliance intentions. Perhaps this is becasue the Soviets have stated authoritatively several times that they are not bound to comply with SALT II unless the United States ratifies it. Thus the Soviets have all the benefits of United States compliance with SALT II, which is occurring in violation of U.S. law, while themselves accepting none of the obligations. Soviet violations of SALT II are consistent with their disavowal of the treaty.

It is unrealistic for the United States to unilaterally comply with a treaty which the Russians have said they will not comply with and which we cannot verify. In sum, the United States is still unilaterally complying with SALT II, despite President Reagan's expressed opposition to it, its nonverifiability, its failure to be ratified, its actual and illegal constraining effect on U.S. Forces, and Soviet disavowals and violations.

HAIG DENIES EVIDENCE OF SOVIET CHEATING

On May 12, 1982, Secretary of State Haig testified to the Senate Foreign Relations Committee that "SALT II was dead." Nevertheless, he also noted that the United States continued its policy of complying with SALT II. He added insistently that there was absolutely no evidence of any Soviet violations of SALT II. Moreover, in a press conference that same week, President Reagan announced that both the U.S. and the U.S.S.R. were complying with what he called the "monitoring provisions" of SALT II, without defining what was meant by this new and vague term. Then strangely, on Thursday, May 13, in an editorial, the Washington Post significantly qualified the SALT II compliance situation. The Post wrote that "most of its (SALT II's) terms are being respected by the United States and the Soviet Union. If the Soviets are violating parts of SALT II, then they are in violation of the whole treaty. Either the Soviets are complying with SALT II, or they are not. President Reagan's reference to only the so called "monitoring provisions," and the Post's qualification that only "most" of SALT II's provisions were being respected seem to fly in the face of Secretary Haig's flat assertion that there was no evidence of Soviet SALT II violations. On May 23, 1982, Secretary Haig stated on national television that the United States and the U.S.S.R. continue to observe "some" of SALT II's constraints. This is an even greater qualification of how much of SALT II the Soviets may be complying with. The Director of the Arms Control Agency, Eugene Rostow, has stated recently that both the United States and the U.S.S.R. are observing in "general" the SALT II limits. "General" compliance is a new concept, and an even greater indictment of Soviet behavior.

In fact, the Reagan administration has a wholly contradictory policy regarding U.S. compliance with SALT II. President Reagan's own campaign statements, platform, and January 1981 statements on the undesirability and the unverifiability of SALT II are being completely denied by Secretary Haig. At the same time that the State Department declares SALT II to be dead, the United States is unilaterally complying and denying the firm evidence of Soviet violations. And further, the United States continues to significantly constrain its own programs in illegal compliance.

The Washington Post of May 23, 1981, stated what was probably the real reason that the State Department denies the reports of Soviet SALT violations. According to Michael Getler:

"Some Reagan administration officials remain suspicious of what the Soviets are doing under SALT II restrictions, which are still being informally obeyed. However, sources say the administration refuses to bring complaints before the standing consultative commission, whose meetings it attends, for fear of legitimizing SALT II." (P.A. 13)

But U.S. compliance actions have already legitimized SALT II. Meanwhile, the United States will not face up to its suspicions about Soviet violations by challenging the Soviets at the SCC. This again illustrates the contradictory nature of U.S. SALT compliance policy. Thus the United States is in fact illegally complying with SALT II, while the Soviets are violating SALT II.

REAGAN RHETORIC CONTRADICTED BY REAGAN POLICIES

Meanwhile, President Reagan's own innate suspicions of Soviet intentions in arms control negotiations and compliance have resurfaced. In his Eureka College "Start" speech of May 9, 1982, President Reagan stated:

"So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict U.S. defense programs, and in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige. Unfortunately, for some time *suspicions* have grown that the Soviet Union has not been living up to its obligations under existing arms control treaties." (Emphasis added.)

EXPOSING SOVIET VIOLATIONS

Several Senators, James Buckley, Jake Garn, Gordon Humphrey, a former Defense Secretary, Melvin Laird, and a former Chief of Naval Operations, Admiral Zumwalt, have all taken the lead in exposing Soviet SALT violations over the years.

Probably the most authoritative accusation of Soviet SALT violations ever made needs citation. Mr. Paul Nitze, who is now the Chief U.S. Negotiator for Intermediate Range Nuclear Force Negotiations, was asked by Senator Zorinsky during Senate Foreign Relations Committee SALT II hearings in 1979: "Do you know of any violations that have come before the SALT I Standing Consulatitive Commission that were not resolved under SALT I?" Mr. Nitze replied:

"No, but how were they resolved? They were resolved by accepting what had been done in violation."

Thus Paul Nitze himself, one of our most knowledgeable and experienced SALT negotiators, has strongly bolstered the thesis that there have in fact been Soviet SALT violations.

In conclusion, as President John F. Kennedy stated on March 2, 1963 in regard to the limited test ban treaty then under negotiation with the Soviets:

"We know enough now about broken negotiations, secret preparations and the advantages gained * * * never to offer again an uninspected moratorium."

President Kennedy's admonition is probably the best approach to currently popular notions proposing an unverifiable United States-Soviet nuclear "freeze." The Brezhnev-Kennedy-Hatfield nuclear freeze proposal is a good example. It is unverifiable, as is SALT II, as President Reagan has pointed out.

ARMS CONTROL ADVANCES MARXIST-LENINIST GOALS

The chief enemy of arms control is Marxism-Leninism. The Soviets are indeed waging ideological warfare through arms control negotiations. As V.I. Lenin stated long ago:

"Every "peace program" (i.e. such as a nuclear weapons freeze) is a deception of the people and a piece of hypocrisy, unless the principal object is to explain to the masses the need for a revolution."

[From the Washington Times, Nov. 1, 1983]

SENATE VOTE ENDED COMPLIANCE ON SALT II, CONSERVATIVES SAY

U.S. compliance with the SALT II Treaty was legally ended in a Senate vote Friday, conservatives contend.

The Senate Friday voted, 50-to-29, to shelve an anti-SALT II proposal by Sen. Jesse Helms, R-N.C., and Stephen Symms, R-Idaho. But conservative sources contend that the Senate needed to reject it by a two-thirds margin because compliance with an unratified treaty is illegal.

The view is certain to be challenged by SALT II supporters and the Reagan administration itself, which publicly announced in 1981 that, although the SALT II Treaty was never ratified, it would observe the treaty's terms if the Soviet Union did likewise.

The Helms-Symms proposal called for the end of U.S. compliance unless the president stated in writing that the Soviets were complying with a wide range of other arms agreements.

The controversial SALT II Treaty, agreed to by the United States and the Soviet governments after long negotiations, set limits on offensive strategic nuclear weapons in the superpowers' arsenals.

While President Carter agreed to the SALT II Treaty, Congress never ratified it. Carter called it back when the Soviet Union invaded Afghanistan.

Critics claim, however, that the Soviets have been violating the treaty while the United States has been complying with its provisions.

In calling for support of his proposal, Helms charged, "U.S. compliance with an unratified arms control treaty is unconstitutional and even illegal."

He said the United States could comply with the treaty only if it had the advice and consent of at least two-thirds of the senators present at a vote.

The Helms-Symms Amendment "was written in a way to clearly oppose SALT II. Therefore those desiring to defeat the Helms-Symms Amendment were required to muster a two-thirds majority. They did not," an opponent of the treaty declared.

The amendment referred to the treaty as "unequal, unbalanced, destabilizing and not in the national security interest of the United States."

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the time for the Senator from New York, under the unanimous-consent agreement, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the time allocated to the committee amendment on McNeil Island be reduced to 20 minutes, 10 minutes on a side, and that the amendment be scheduled to come up immediately after the Tower amendment tomorrow.

The Tower amendment is the chemical amendment. I point out that there is also a Boschwitz amendment that may be in the second degree, and a Pryor amendment which is a substitute.

So I am saying that after the chemical amendment is disposed of, including the second degree amendment and the substitute, the next item of business would be the McNeil Island amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2514

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself and the Senator from Georgia (Mr. NUNN) and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) for himself and Mr. NUNN proposes an amendment numbered 2514.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section.

"Notwithstanding any other provision of this Act, no funds appropriated by this Act shall be expended for the research, development, test, evaluation or procurement for integration of a nuclear warhead into the Joint Tactical Missile System (JTACMS)".

Mr. KENNEDY. Mr. President, the Senator from Georgia, Senator NUNN, and I have talked to the ranking minority member, Senator STENNIS, as well as the chairman of the subcommittee, Senator STEVENS, about this amendment, and I hope that it will be accepted.

I am sure the distinguished chairman of the Defense Appropriations Subcommittee would agree with me that funding for conventional weapons should not be diverted to nuclear programs unless Congress authorizes such a change.

It has recently come to our attention that funds that Congress is providing for developing the joint tactical missile system (JTACMS) may be diverted to the development of a tactical nuclear capability.

Apparently in the Army's request for proposals to industry on this program, it specified that one of the warheads that should be developed is a follow-on to the Lance nuclear warhead.

This is entirely inconsistent with my understanding of the purpose of JTACM's—which is to develop a deep-strike conventional missile to target the Soviets second-echelon forces in Europe. In the committee's report the chairman refers to JTACM's as providing a "conventional deep-strike capability."

Given that the Army's RFP is inconsistent with Congress understanding of this system, I think we should amend the appropriations bill to insure that no money provided for JTACM's be used to develop or deploy nuclear-capable warheads.

We should not permit a system that is supposed to raise the nuclear threshold in Europe to be turned into a system that will lower this threshold.

Mr. President, I understand that the Armed Services Committee will review this issue in hearings in the early part of next year.

I know the Senator from Georgia has been extremely active in the development of this program and has had a number of contacts with NATO military leaders and that their understanding is that JTACMS is a conventional program.

This amendment insures that no funds will be spent in fiscal year 1984 for the research and development of a nuclear warhead for the joint tactical missile system.

I hope that it will be accepted by the managers of the bill.

Mr. NUNN. Mr. President, I am pleased to join with the Senator from Massachusetts in proposing this amendment to the Senate. I do hope the Senator from Alaska and the Senator from Mississippi will accept the amendment and it will be adopted by the Senate.

This program originated and has been sold by the Army, by the Department of Defense, and by many of us here on the Hill who have been very involved in this whole concept. It has been proposed as part of the overall deep-strike/second echelon attack program. It has been proposed over and over again as an alternative to short-range tactical nuclear missiles in Europe. Lo and behold, after all of this, we find that the request for bids from the contractors went out with a requirement that one of the missions required a nuclear warhead.

That is precisely what we are trying to get away from. It is not going to be easy. It is not going to be short term. It is not going to be quick.

We had a long debate in the Chamber on the 155 nuclear warhead on the defense authorization bill. The Senate overwhelmingly terminated that program. In spite of all the discussions about moving away from early use of short-term battlefield weapons, we find in the 5-year defense plan a huge number of short-range tactical nuclear warheads at a very large expense. Then we have a launcher, the joint tactical missile, which is supposed to deliver conventional munitions and smart weapons. We have it now creeping back into the age of the 1950's and 1960's which relates primarily to short-range battlefield weapons that either have to be used at the very outset of any kind of war or overrun because they are of such short-range nature.

So the last thing we need to do is to convert this conventional program, designed, as the Senator from Massachusetts has said, to raise the nuclear threshold into another vehicle to deliver short-range tactical nuclear systems.

So I am proud to join the Senator from Massachusetts in this amendment which will at least tell the Army to halt on the use of the aspect of this program relating to a nuclear warhead for 1 year while we take a look at what they are doing and hopefully while they take a look at what they are doing themselves.

As it now stands, this is becoming a schizophrenic program moving in a direction that is totally opposite of what the Army has advertised and what many of us have been pushing—the increase in conventional deterrence and defense.

So I do hope that the Senator from Alaska and the Senator from Mississippi will accept the amendment. I ask that an article on this subject from the November 1983 Armed Forces Journal be included at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SERVICES ASK NUCLEAR WARHEAD FOR NEW "CONVENTIONAL" JOINT TACTICAL MISSILE

The Pentagon's long-awaited initiative for a new, Strike Deep, Assault Breaker type of conventional missile to attack Soviet second echelon forces has taken a bizarre twist. In its Request for Proposals to Vought, Martin-Marietta, and Boeing for the so-called Joint Tactical Missile System (JTACMS), the US Army Missile Command has specified five warheads. Numbers three on the priority list is a nuclear warhead.

A nuclear warhead for a new missile whose entire thrust was to raise the nuclear threshold in Europe by improving NATO's conventional force options?

JTACMS has been called a "centerpiece" of US conventional force intitiatives in NATO by Sen. Sam Nunn (D-GA), and President Reagan has endorsed "boldy proceeding" with these new technologies. But the Army has long wanted to develop a new nuclear battlefield missile to eventually replace Lance. Senior officials in the Office, Secretary of Defense, have told AFJ, however, that "under no circumstances" would they permit Assault Breaker or JTACMS to become a nuclear system. Why they failed to check the specifics of the Request for Proposal, or whether Army proponents of the nuclear option "slipped one by," is not clear.

The five warheads include: improved cluster munition bomblets for air defense suppression; a near-zero CEP 500 lb unitary warhead; a Lance follow-on-nuclear warhead; an anti-ship fuze and warhead to detonate under the keels of ships; and a terminally-guided "bus" for near-zero CEP anti-armor submunitions. (The latter warhead was once the first priority.)

As one bewildered defense planner described the warhead priorities to AFJ, "Never underestimate the bureaucracy's ability to take a new technology and turn it into something we're already doing." Another asked, "How do we explain that we're going to 'raise the nuclear threshold' in Europe by deployed yet another atomic weapon there?"

Mr. STEVENS. Mr. President, I understand the comments of the Senators. I apologize for having temporarily stepped out of the Chamber. But we had discussed it prior to that time.

I think the problem really stems from the article in the Armed Forces Journal for November 1983 when it was reported that the services asked for a nuclear warhead for a new conventional joint tactical missile. One of the comments in that article was that the senior officials in the office of the Secretary of Defense told the Armed Forces Journal, however, that under no circumstances would they permit the Assault Breaker or JTACMS to become a nuclear system.

This amendment is now an amendment that applies to the funds in this bill. I am informed that there is an evaluation going on of the Lance system to determine whether these are redundant systems and whether they might be brought together. However, I can assure Senators that we have no desire to send any kind of message that we are on one hand seeking to reduce the number of nuclear warheads in the European theater and on the other attempting to be able to fit a nuclear warhead onto a conventional missile.

So we agree to this amendment on the basis that it is limited to this year and does not permit evaluation of the concept of trying to reduce redundancy in missiles.

It will not preclude the studies of this missile in that series of studies that is aimed at eliminating redundancy as far as the missile arsenal of this country is concerned.

Does my good friend from Mississippi have a comment to make?

Mr. STENNIS. Yes.

Mr. STEVENS. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, since I first heard of the idea of trying to convert this over to a nuclear missile, I have been totally opposed to it, just based on commonsense as I saw it.

I do not know anything about the technical part of it. I am not a judge of efficiency; I do not claim to be. But I got in on the ground floor about these amendments and have been at it ever since in the authorization subcommittee. And that is where the man told me it is going to take all your money.

So I think we have to call a halt, with all deference to the Air Force or whoever it may be backing them up, and let this be a good first-class effective weapon, but of the type that is not nuclear. As I understand this amendment, that is being agreed to for 1 year, for 1984, and is going to make that limitation without any committal as to what may be our position for fiscal year 1985.

I think it is a very good attitude of those that worked on this matter, the Senator from Massachusetts, the Senator from Georgia, and also the Senator from Alaska.

So I am delighted at this turn of events here. I think we are following a sound policy. I am not going to change my mind about it unless there is a totally different set of facts.

I thank the Senator for yielding.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. STEVENS. I yield back the remainder of my time.

Mr. KENNEDY. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. KENNEDY).

The amendment (No. 2514) was agreed to.

Mr. KENNEDY. I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. I thank the Senator from Alaska and the Senator from Mississippi.

AMENDMENT NO. 2515

(Purpose: To provide an appropriation of $336.0 million in advance procurement funds for four SSN-668 attack submarines in the fiscal year 1986 budget)

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut (Mr. WEICKER), for himself, Mr. CHAFEE and Mr. DODD, proposes an amendment numbered 2515.

On page 26, line 3, strike "$1,874,400,000", and insert in lieu thereof "$2,042,400,000".

Mr. WEICKER. Mr. President, the purpose of my amendment is to restore $168 million to the SSN-688 nuclear-powered attack submarine program. The SSN-688 class submarine is one of the most effective weapons systems in our arsenal, and it is now being delivered on schedule and within cost. It is a worthy program deserving our full support.

The bill, as it now stands, provides $1.7 billion to fully fund three SSN-688 submarines in the fiscal year 1984 budget, but only $168 million in advance procurement funds. Since the Navy had requested $336 million in long-lead funding for four attack submarines in fiscal year 1986, the subcommittee reduction would force the Navy to fund three instead of four SSN-668 submarines in fiscal year 1985 and 1986.

In making these adjustments to the program, the chairman of the Defense Appropriations Subcommittee is not questioning the need for these submarines or whether the yards have the capacity to effectively handle higher production rates. The issue, so far as the subcommittee is concerned, is whether the Navy can afford to budget four of these submarines each year. The subcommittee is also concerned that planned modifications be incorporated in an orderly fashion.

The chairman's concerns are legitimate. In order to fund four SSN-688 class submarines in fiscal year 1985 alone, the Navy must set aside $3.0 billion—a very substantial sum indeed.

Despite severe competition among the military services for funds and accompanying pressure to hold down Navy spending, the Secretary of the Navy and Chief of Naval Operations are firmly committed to a four-boat program in fiscal year 1985 and 1986 and are convinced they can obtain the funds to carry it out.

The rationale for moving to a four-boat per year program is simple.

The Navy has 91 nuclear-powered attack submarines and has established a force level objective of 100 attack boats to be achieved by 1990. I believe this objective to be consistent with the mission of this submarine force. To maintain a force level of 100 attack submarines, a building rate of 3.3 boats per year is needed. Over the last decade, SSN's have been funded at a rate of two boats per year. A higher production rate is now necessary to reach the 100 total.

I have consistently been in favor of cutting this budget where such cuts eliminate wasteful and unnecessary programs. This is not the case with the SSN program.

I urge my colleagues to support this amendment.

Mr. CHAFEE. Mr. President, as the distinguished senior Senator from Connecticut has stated, the amendment before us adds $168 million for advanced procurement for the *Los Angeles*-class 688 attack submarines. With the addition of these funds, the total amount for advanced procurement will be $336 million. This amendment, I would stress, is contained in the Defense Authorization Act, which was passed earlier this year. It is the amount requested by the President. I think that is very significant. It is also the amount contained in the version of this appropriations bill passed by the House last week.

The effect of adding this money will be to enable use to produce the 688 attack class submarines at the rate of four per year in fiscal years 1985 and 1986. Without the full amount requested, the rates in those years would be three per year.

That is the importance of these long-lead items. If you do not have the long-lead items, then you just cannot produce the submarines at the proper rate in those years. If we should decide that we want to change the rate upward—for instance, if this amendment should not prevail and people say, "Oh, well, we will get to it later"—you cannot do that. The reason you go into this long-lead procurement is to get the items in advance on time.

Mr. President, I think we all know the 688 program is one of the most vital defense programs in our country and in this budget. We all also know that the Soviet submarine force continues to grow at a rate faster than ours. However, we have relied on quality. We have not gone for large numbers as the Soviets have. As the Senator from Connecticut has said, we are planning for 100 688 submarines. If the life of a submarine is stretching out 25 years, and if you build 4 a year, that is the way you are going to stay at your 100 level. Absent that, either you are going to reduce our force or you are going to extend the life of the submarine beyond 25 years, which I do not think is a wise move to make for safety and other reasons.

Mr. President, this weekend we saw on news programs and in the papers pictures of a Soviet nuclear-powered attack submarine floating on the surface in the Atlantic Ocean not far from our shores. The submarine was one of the *Victor III* class, a submarine which is entering the Soviet fleet at the rate of three per year. But if you think, "Oh, well, they are only adding three per year," please remember that the *Victor III* class is only one of five classes of attack submarines which the Soviets currently have under construction.

The growing size of the Soviet submarine force requires us to continue building our 688's to the projected force level of 100. This will still leave us with fewer submarines than the Soviets—but at the same time, Mr. President, we have never seen a *Los Angeles*-class submarine floating on the surface, either. The qualitative edge will be maintained, and if we build attack submarines in sufficient quantity, this vital aspect of our national defense will be insured.

A building rate of four attack submarines per year, which is well within the capacity of our existing shipyards, will provide us with maximum efficiency of production and will make possible the goal of producing 100 *Los Angeles*-class submarines. This goal of 100 is strongly supported by the Chief of Naval Operations. Admiral Watkins called me earlier today at lunchtime and restated his firm commitment to this program. The Chief of Naval Operations is strongly behind this program, as is the Secretary of the Navy.

I believe that this represents a reasonable and prudent force level in light of the needs and missions of this class of submarines. Moreover, as I think we all know, we will begin retiring the 594-class submarines starting just 6 years from now.

So this further increases the need for additional 688 class submarines, and I support the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. Am I to suppose, from what is just occurring here, that the distinguished Senator from Alaska does not oppose my amendment?

I yield to the distinguished Senator from Connecticut.

Mr. DODD. I thank my colleague. I will be very brief. Most of the arguments have been eloquently made by my distinguished colleague from Connecticut and the distinguished Senator from Rhode Island, Senator CHAFEE.

It is not by accident that the two Senators from Connecticut, and the Senator from Rhode Island, are concerned about GSS submarines. It is in Groton, Conn., where these submarines are constructed, as well as in Newport News, Va. We do not have as many as the Soviets do, but clearly the attack submarines are one of the finest weapons in our defense arsenal. The fact that we do not have as many is not really the issue. We feel that the submarines built in the United States are far superior to anything the Soviets have.

This submarine is one of the most effective weapons system we are currently procuring both in its military function as well as in its cost effectiveness. It is an outstanding buy. According to Navy estimates we need a force level of 100 first-line nuclear attack submarines to meet the anticipated Soviet threat in the nineties. The building rate of recent years is inadequate for reaching that level and, therefore, Navy plans call for a rate of constructing four of these ships beginning next fiscal year. The $336 million advance procurement fund in this year's budget was meant to maintain that building rate in fiscal year 1986. By halving these funds the Appropriations Committee deleted long-leadtime components for two ships, thereby reducing the building rate for three each in fiscal years 1985 and 1986.

There is no need for this reduction, and there is no need to restrict our options in this matter in this particular bill. The action of the Appropriations Committee would preclude our supporting the four SSN's per year or, at least, it would make it more difficult and costly to restore that rate. On the other hand, funding the four sets of long-leadtime items that were in the budget would not restrict our options as these components can be used in later years, should Congress decide that a three-ships-per-year construction rate would be more desirable.

Mr. President, the prudent way is not to narrow our options with respect to this crucial element of our defense structure. The action of the Appropriation Committee is contrary to the long-term plans of the administration, the authorization bill we passed, and the appropriation bill passed by the House.

I strongly urge my colleagues to vote for this amendment restoring this unjustifiable reduction.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the committee has recommended a reduction for advance procurement of $168 million to maintain the construction rate of three submarines per year. There are three submarines in the fiscal year 1984 program.

By leveling the planned construction rate to three ships per year, this will save $1.4 billion over the next 2 years.

The Navy plans to introduce a new class of attack submarines within the next few years. We want to contain the construction of the SSN 688's to the existing rate so that the new technology changes will be incorporated into the base design of the SSN 688 class ships. Holding the construction rate to three ships will permit orderly induction of these new technology modifications.

These submarines cost over $700 million apiece, and we believe that as many of the new design modifications ought to go into the SSN 688 subs.

If we increase the rate to four and essentially freeze the SSN 688 design, those ships will be, by definition, the old design, the old technology.

I want to further point out to the Senate as I did on Friday, that we know the budget for the Department of Defense is on a downward trend line. The real growth that was incorporated in the 1982 budget come down for the 1983 budget and now it is coming down again in the 1984 budget. It does not take a crystal ball to realize that we will be extremely fortunate to maintain the real growth in the Department of Defense above 2½ to 3 percent for 1985. It makes no sense to be ramping up in this bill for 1984 and saying go out and buy the advance leadtime items to increase the production in 1985 and 1986 to four submarines per year when we probably are going to be constrained to reduce the submarine account in 1985 and 1986 in any event.

I realize that these submarines are one of the best buys the Navy has. No one has backed the submarines more than I, and no one wants to see us complete these submarines as rapidly as possible, incorporating the new technology, more than I. If we do not incorporate the new technology now, the Navy will modify these ships at excessively high cost in later years.

I call on the Senate to start using its head about the concept of new technology and new systems. This is one instance where, if we take the $168 million out this year and acknowledge we are going to build at the rate of three a year and we incorporate into the new subs the new technology in the outyears, we will get the more capable ships in the long run, and we will effect the budget savings that ought to be considered. But this is the ramp-up/ramp-down problem as far as production. If we use these funds for advance procurement now, we will be buying material and supplies for new construction in 1985 and 1986 which will be beyond the scope of the budget limitations for those years.

I think it is just a simple matter of whether the Senate means what it says that we should handle this budget with an eye for a 3-year budget. If you really look at the 3-year budget, even the Senate-approved budget, there is not money in that budget for this kind of expansion in 1985 and 1986. As a matter of fact, there should not be. Until the Navy settles its plans for new design subs we should incorporate new technology as rapidly as possible into the current SSN 688's. Even though the new design subs will cost more money, we hope they will be as good a buy as improved SSN 688 ships.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield my friend time. I know he opposes me on this.

Mr. STENNIS. I will not take much time, Mr. President.

Mr. President, I do not want to go back too much to my experiences, but I remember the distress that I was in a few years ago when we were just buying one submarine a year, only one. That was 1978, and 1979. Things were picking up then. They were becoming more important all the time. These are attack submarines that I am talking about.

In the committee we were concerned and active about getting that stepped up and did get it stepped up to two per year for 1981, 1982, and 1983.

I think, perhaps, the submarines are the most valuable weapons we have in this great field. I believe they are more dependable, and this is not comparing individuals, than the bombers are, and more dependable, when they can get at these things, along with the Trident, more dependable than the other part of the triad.

The main point is these are well made. They know what they want, these admirals that handle them, who recommend them. The Secretary of the Navy wants them. I do not owe them anything, but I think now there is a change to build up and make up at least some of the time that we lost back there in those lean years. I say that in deference to my friend from Alaska.

Mr. President, I hope that a majority will see fit to vote for this additional number for the long-leadtime items. We will really be making up for the time we lost coming in on this highly valuable weapon. They are not made in my part of the country, much less in my State. They just have a special place of their own in our better weaponry.

I hope we can catch them up.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. Mr. President, I yield to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I support the amendment offered by the distinguished Senators from Rhode Island and Connecticut.

I am very concerned as to the consequences if the Senate should adopt the course of action proposed by the Senate Appropriations Committee with regard to advance procurement for our attack submarines.

The number of our own attack submarines is driven by the Soviet submarine threat. The Soviets now possess a ratio of 3 to 1 over the United States in their attack submarine force, an overwhelming numerical superiority. Each year, those entrusted with formulating the outyear budgets in the Department of Defense commence with an analysis of that threat and work backward. For many years, I was privileged to work by the side of the distinguished Senator from Rhode Island (Mr. CHAFEE) when he was Secretary of the Navy. We are joined today by the distinguished Senator from Connecticut in urging our colleagues to reverse the action of the appropriations committee.

Moreover, we can no longer rely on overall technological superiority, as we have in the past. There is a significant trend in the ability of new Soviet submarines to operate quietly and, in other ways, in a manner highly competitive with our submarines.

The number now becomes extremely important, with the Soviet fleet receiving new attack submarines at a rate of almost 3 to 1 over those being delivered to our own Navy. Only last week, the public became aware of the *Victor* class Soviet submarines operating close to our eastern coast, right off my State of Virginia. I can assure this body that the Soviet Union is operating its submarine fleet worldwide.

A building rate of four SSN's is required in fiscal year 1985 and fiscal year 1986 in order to reach the force level objective of 100 by the end of this decade. I believe that this number is the absolute minimum necessary to maintain our current relative posture vis-a-vis the Soviet Union.

As we all know, this does not commit the Congress to four SSN's should it be determined at a later date that a lesser number would meet our national requirements. However, deletion of $168 million as proposed by the Appropriations Committee would deprive the Congress of the assurance of funding the four SSN's for fiscal year 1986.

The attack submarine is one of the best buys in our defense arsenal. It is tough, flexible, and heavily armed. It can operate alone for extended periods in enemy waters. We urgently need to get more of these ships to the fleet.

I urge my colleagues, therefore, to support the full budget request of $366 million for advance procurement of long-lead components for four of these four essential submarines.

I see the distinguished author of the amendment (Mr. WEICKER) on his feet, so I shall yield to him.

Mr. WEICKER. I do not intend to interrupt the Senator.

Mr. WARNER. Mr. President, I have completed my statement.

Mr. WEICKER. Mr. President, I thank my distinguished colleague from Virginia. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, I yield to the distinguished Senator from Rhode Island (Mr. CHAFEE).

Mr. CHAFEE. Mr. President, in opposition to the amendment, the distinguished manager of the appropriations bill talked about the new submarines coming on line and argued that we should wait until the technology is here. It seems to me, Mr. President, we could use that argument for every weapons system that comes along: Do not buy more airplanes because there is another airplane on the drawing board. It is my understanding, and the distinguished Senator from Alaska can correct me on this, that the succeeding class of attack submarines will not come into operation until 1994. It is a class that is going to be authorized in 1989 and then join the fleet in 1994.

I support the next class, Mr. President. I am sure it will have technological advancements over the 688 class. But I do point out, and I am sure the distinguished floor manager knows, that we are not locked into a set design for the 688. Modifications are continually coming along and improving the capability of that submarine. That is not something where we are stuck with a design that is now over 10 years old, with no changes made to advance the capabilities of that vessel. Advances have been incorporated, especially in its weapons delivery system.

So, Mr. President, I think we should not put off moving toward the goal of 100 submarines, which is not an overwhelming number. Certainly, it costs money. But if we look at the number of attack submarines the Nation has traditionally had, the 100 is not anywhere near the largest number we have had. Not by a long shot, or even close to it.

So, Mr. President, I think it is very important that we get these long-lead items so we can move into production with the four per year in 1985. Then, if the new class of submarines is authorized in 1989, coming along and delivered to the fleet in 1994, all well and good. But let us not use that as a reason to delay increasing the number *Los Angeles* class vessels we have in our submarine fleet.

We are not simply matching the numbers the Soviets produce. Certainly, those numbers are important, and nobody knows more about that than the distinguished senior Senator from Virginia. But in addition, we have certain missions that we have to cover and certain tasks we have to perform in the event of wartime. We need these submarines for those purposes as well.

Finally, I think it is important to remember, Mr. President, that we constantly talk in this body about the need to upgrade our conventional forces. This is a conventional force, Mr. President. This is part of the nonnuclear weapon Navy. True, it will have a nuclear capability, but its primary mission is in the conventional mode. That is the mode that I think is so important for us to advance, in order that there will not be a need on our part or the other side's part to resort to nuclear weapons in the event deterrence fails.

Mr. President, for those reasons, I urge the support of the amendment.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 22 minutes; the Senator from Connecticut has 13 minutes.

Mr. WEICKER. Mr. President, may I suggest to my friend from Alaska that I am prepared at this time to yield back the remainder of my time so we can expedite matters. I do not know what he is prepared to do, but we have no further speakers on this side and I do not intend to carry forward the debate.

Mr. STEVENS. Very well, Mr. President, let me take just 4 or 5 minutes and summarize the position of the committee.

There is $3.5 billion in this bill for Trident and SSN 688 submarine construction. Nobody can say we have neglected the submarine yards that are employing people, nor could anyone assert that we have failed to place the emphasis that is required on the submarine program. What we are saying is that if the $168 million is approved, most assuredly, the argument is going to be made that we should begin construction of four submarines next year or we will have wasted the money that we put into advance procurement this year. That is what got us to three, Mr. President. We were going on at one and got advance procurement to two. Then we got up to two and got advance procurement for three. There is no more education out of the third kick of a mule. I have been kicked three times.

Four ships will be requested next year if we approve long-leadtime money today. One Senator in here will tell you that is how it has come about—two in 1983, three in 1984; we are up to three in 1984. I say that is enough.

This bill is not a jobs bill. It is time for us to recognize that three submarines a year of this type, and $3.5 billion for submarine construction is enough money.

Particularly, I urge the Senate to consider that in this case, we know that the advance technology is coming on, and a new design ship is being planned. We should not procure four SSN 688 ships a year given these developments. If we build four ships a year, it should be a new design. If the Navy freezes the SSN 688 design, it is wrong to go with this accelerated procurement. We may be faced with the same thing we are doing with the M1 tank.

If we proceed with an accelerated construction rate we will run the ships back in the shipyards to put the modifications on them. That is what is happening to the M1 tank right now.

This submarine right now—and the proponents of this will have to admit it—is being modified as it comes off the line. That is how fast this technology is moving. We should put as much of our new design technology right into the base of this production line and not as an afterthought, because that is what is costing money. I hope the Senate will listen to us on this one, because, believe me, $3.5 billion in subconstruction is enough to be spending now. I remind the Senate, when I stand on this floor next year I may tell you we may not be able to afford even three ships. The required budget increase for four ships may preclude even three ships next year unless you fight with me to increase the real growth of the defense bill. I would be willing to bet that half of the people who vote for this advanced procurement increase will be voting next year to reduce the fiscal year 1985 budget even further, to say, "No, we should not have that much real growth in defense." Somehow or other these things have to come together if we are going to save the money we ought to save and build the defense we want.

I yield back the remainder of my time.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER (Mr. HECHT). The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, I want to briefly respond. I mean briefly because I think the Senator from Alaska and the Senator from Connecticut have the capacity to incite each other to riot if we continue to go ahead and make these inflammatory statements, and I do not see any purpose in that. I think he makes some good points. I would hope that mine might be better, but that does not mean I do not have great respect for the chairman of the subcommittee.

The $3 billion which he refers to is for procurement, not just of the attack submarines but also of the Trident, so when we talk about a submarine program it includes both of those elements, one being, as the distinguished Senator from Rhode Island pointed out, basically a conventional item, the other one being in the strategic arsenal.

I again have to point out that our job on the floor and in committee is to pick and choose between various systems. I think many of us believe that our submarine capacity in terms of both deterrence and our strategic capabilities is the most valuable system that we have in our entire arsenal. What we are saying is that this is where the priority should lay. As the Senator knows, I do not go along with every weapons system. Indeed, I voted against the MX. I have been against the MX. I do not feel, in terms of money spent, that is a good investment. So it is not with the idea in mind that we want to necessarily increase defense spending and then make public pronouncements cutting the same. We are doing the job of picking and choosing. I think no more than that ought to be attributed to any Senator on this floor; that is our job. So I would hope, as a system which I consider the best that we have, we give this our priorities. That is the main thrust of what it is that I and others propose this afternoon.

Mr. President, I ask unanimous consent that the distinguished Senator from Virginia (Mr. WARNER) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. I yield to my distinguished friend and junior colleague.

Mr. DODD. Mr. President, I thank my colleague for yielding.

Let me echo his remarks to the distinguished Senator from Alaska. No one has a better record than he when it comes to supporting submarines.

The very first of these ships, of course, was designed in Newport News and built there, where the distinguished Senator (Mr. WARNER) comes from. Going back to the earliest days in the previous decade, the 1970's, there were years when we went from five to six submarines, and then five. In 1974, we dropped one. In 1976, we were down to two. And then we went to three in 1977, then to one in 1978.

Just because we purchase long lead items does not mean that in the following year we increase the number of actual buys. This number has floated from as high as six down to one in a given year over the last 15 years.

So with all due respect, funding the long-lead items for the fourth, would not lock us into buying the fourth. It just gives us that option. A suggestion to the contrary would not be borne out by the history of this particular submarine and its construction over the years.

I thank my colleague from Connecticut for yielding. I hope that our colleagues will support this amendment.

Mr. PELL. Mr. President, I urge support of the amendment to restore $168 million in advance funding for the nuclear attack submarine program.

For nearly 25 years the ballistic missile submarines have formed the most effective and potentially survivable component or our strategic deterrent forces. In the past decade, we have observed the Soviet Union mount an unprecedented expansion of its nuclear submarine fleet. I support the Reagan administration's commitment to expanding our submarine program, and urge the adoption of this amendment to that we may move toward a production rate of four attack submarines in fiscal year 1985 and 1986.

Mr. President, this amendment would restore $168 million for attack submarine advance procurement, for a total of $336 million in long-lead funding toward a fourth attack submarine in 1984. This is the amount requested by the administration and is included in the House-passed DOD bill, along with the appropriation for three attack submarines that is also contained in the Senate bill. Long-lead funding contributes to more cost-effective procurement, and has been essential to the stabilization of production and delivery schedules that has been achieved in this important ship building program.

The attack submarine program is one of our most critical and effective national defense programs, and I strongly urge my colleagues to join in supporting this amendment.

Mr. WEICKER. Mr. President, I am prepared to yield back the remainder of my time.

Mr. STEVENS. I have yielded the remainder of my time.

Mr. WEICKER. I yield back all my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS: I announce that the Senator from Minnesota (Mr. DURENBERGER), the Senator from Washington (Mr. EVANS), the Senator from Oregon (Mr. PACKWOOD), are necessarily absent.

Mr. CRANSTON: I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from Illinois (Mr. DIXON), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. LAUTENBERG), are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. LAUTENBERG), would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 55, nays 36, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—55

Andrews
Baucus
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Byrd
Chafee
Cochran
Cohen
Cranston
D'Amato
Denton
Dodd
East
Exon
Glenn
Goldwater
Hatch
Hecht
Heflin
Heinz
Helms
Humphrey
Kennedy
Leahy
Levin
Long
Mathias
Melcher
Mitchell
Moynihan
Nunn
Pell
Percy
Pressler
Pryor
Quayle
Randolph
Riegle
Sarbanes
Sasser
Specter
Stafford
Stennis
Symms
Thurmond
Tower
Trible
Tsongas
Warner
Weicker
Wilson

NAYS—36

Abdnor
Armstrong
Baker
Bentsen
Burdick
Chiles
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Dole
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Ford
Garn
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Grassley
Hatfield
Hawkins
Huddleston
Jepsen
Johnston
Kassebaum
Kasten
Laxalt
Lugar
Matsunaga
Mattingly
McClure
Metzenbaum
Murkowski
Nickles
Proxmire
Roth
Rudman
Simpson
Stevens
Wallop
Zorinsky

NOT VOTING—9

DeConcini
Dixon
Durenberger
Evans
Hart
Hollings
Inouye
Lautenberg
Packwood

So Mr. WEICKER's amendment (No. 2515) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 2491

(Purpose: To express the sense of Congress regarding a mutual U.S.-U.S.S.R. new MIRVed ICBM flight-test pause)

Mrs. KASSEBAUM. Mr. President, I call up an amendment I have at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mrs. KASSEBAUM), for herself, Mr. LEVIN, Mr. DURENBERGER, Mr. MATHIAS, Mr. CRANSTON, Mr. HUDDLESTON, Mr. BUMPERS, Mr. BOREN, Mr. INOUYE, and Mr. PRESSLER proposes an amendment numbered 2492.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) It is the sense of the Senate—

(1) that consistent with the recommendations of the President's Commission on Strategic Forces to seek greater strategic stability through a negotiated reduction in the number of highly MIRVed, accurate, intercontinental ballistic missiles, the President should announce the willingness of the United States to suspend flight testing, while strategic arms negotiations proceed, of new MIRVed intercontinental ballistic missiles if the Soviet Union is also willing to suspend the flight testing of such missiles; and

(2) that any agreement entered into between the United States and the Soviet Union providing for mutual suspension of the flight testing of new MIRVed intercontinental ballistic missiles should provide for reliable means for verification.

(b) As used in this section, the term "new" includes any intercontinental ballistic missile flight-tested for the first time after May 1, 1979, or a variant of any intercontinental ballistic missile flight-tested for the first time after May 1, 1979.

The PRESIDING OFFICER. There is a 30-minute time limit on this amendment.

Mrs. KASSEBAUM. Mr. President, this amendment, which is being offered by Senator LEVIN, myself, and others, addresses a test pause for all MIRV'd ICBM's that have been developed since 1979 if it is mutually agreed to by the United States and the U.S.S.R.

I would like to just take a brief moment to quote from President George Washington's Farewell Address in which he said:

> The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest.

I think we are at a period of time, Mr. President, of uncertain conditions and grave tensions regarding our relationship with the Soviet Union.

Mr. BYRD. Mr. President, may we have order in the Senate so that the Senator may be heard?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Kansas.

Mr. BYRD. Mr. President, the Senate is not in order. I apologize to the Senator. I think we should take our conversations elsewhere and take our seats.

Mrs. KASSEBAUM. I thank the minority leader and I thank the Chair.

The amendment, is I think, one that will help address and alleviate some of the tension in the world. It is in no way a backdoor effort to stop the production of the MX. I am one Senator who has supported the authorization and appropriation for the MX. But I believe this particular sense-of-the-Senate resolution offers us an opportunity to project a stabilizing effect into the whole arms control negotiations.

What this would do, as a matter of fact, is really, if it would be agreed to by both sides, halt our testing of the MX but it would also halt the Soviet Union's testing of their SSX-24, a solid fuel missile which they are testing, as well as the modified SS-18's and SS-19's. So in many ways it is three of their missiles for one of ours.

But, more importantly, Mr. President, it really helps move us toward, I think, an effort to bring some degree of control into the question of nuclear armament and toward a single warhead missile, which would provide us, as the Scowcroft Commission said, with stability, which, as it said in their Commission report, should be the primary objective both of the modernization of our strategic forces and of our arms control proposal.

I would just like to say that it is not an effort for us here in the U.S. Senate to try to dictate what our arms control policy should be. I think that we would all have some reservations about trying to assert policy in one direction or another. But we also have a role to play, I believe, Mr. President, in trying to lend some support through our votes and through our determination and through our thinking and judgment for a certain direction that we believe is important.

I would just like to call attention to one part of the amendment which says we will pause if the Soviets do. This language leaves us free to resume MX flight testing should the President determine that it would be vital. This language leaves us an option if it is unclear whether the Soviets are complying honestly.

I believe that this is fully consistent with the START negotiations that are on the bargaining table and the recommendations of the Scowcroft Commission. The amendment, in focusing on heavily MIRV'd ICBM's, makes that most clear.

Mr. President, I would like to yield time to the Senator from Michigan, who is a cosponsor, Mr. LEVIN.

The PRESIDING OFFICER. The Chair says to the Senator from Kansas, the Chair erred. There are 30 minutes on each side.

The Senator from Michigan.

Mr. LEVIN. I thank the Chair.

Mr. President, I am proud to be a cosponsor of this amendment which would express the sense of the Senate that the United States should announce its willingness to pause in the testing of any ICBM's with multiple warheads while strategic arms negotiations proceed if—and this is the big if—the Soviet Union agrees to such a pause. This bipartisan proposal has the support of both supporters and opponents of the MX who believe that we should make this attempt to avoid another expensive and destabilizing leg of the nuclear arms race if at all possible.

The Congress is going to provide the President with the funds to build the first 21 MX missiles, in large part because a majority feels that we must answer a massive development effort by the Soviets of large, MIRV'd ICBM's over the last decade to demonstrate our national will to keep up in every part of the arms race. Many MX supporters hope that building this large new missile will make the Soviets rethink their approach to arms control and increase their interest in seeking negotiated limits on new missiles. Unfortunately, the Soviet response is much more likely to be a speedup in their own strategic development and deployment programs. Building, testing, and deploying the MX are not likely to send the Soviets running to the negotiating table with new interest in arms control out of fear that we are catching up. Rather, they will step up their own spending, and the race will go on.

If our amendment is adopted by the Senate and then implemented by the President, we could in a sense have our cake and eat it too. The President would have the funds to proceed with the MX, demonstrating resolve to make continuous improvements in our strategic deterrent, while this resolution would demonstrate our willingness to negotiate an end to the development of the most destabilizing weapons in both sides' nuclear arsenals. This approach would allow us to pin the responsibility for continuing this most threatening part of the arms race squarely on the Soviet Union. We would continue testing the MX only if the Soviets were unwilling to match our offer of a testing moratorium by halting work on their own MX, the SS-X-24 ICBM, as well as their so-called fifth generation modifications to the SS-18 and SS-19 ICBM's which are expected to be tested later this year. The Soviet Union continually outmaneuvers us in the propaganda wars over strategic arms by announcing their willingness to negotiate various types of freezes and reductions in nuclear weapons. The United States could neatly turn the tables on them with this proposal for a mutual pause. If the Soviets did not agree, MX testing and deployment would proceed and we could then point out that we tried to avoid opening this new chapter in the arms race.

But the advantages of a mutual pause in MIRV'd ICBM testing are not merely propaganda points. Halting Soviet improvements to their MIRV'd ICBM's would yield real military benefits to the United States. The Soviets' current ICBM arsenal is made up of 550 SS-11's, 60 SS-13's, 150 SS-17's, 308 SS-18's, and 330 SS-19's. All but the SS-13's are fueled by liquids that are highly toxic and volatile. Preparing them for launching is hazardous and timeconsuming, and the rockets require an extremely intricate set of pumps and circuits in order to regulate fuel flow into combustion chambers in the correct proportions. Of course, the Soviets have learned to handle this liquid fuel with few problems, but this may have been of necessity given their limited success in developing solid propellant ICBM's. The United States concluded more than 30 years ago that liquid fuels were too dangerous and unreliable and developed solid propellants exclusively. With the exception of 52 Titan II missiles, all our ICBM's are now solid fueled. The Soviets are anxious to make the shift to solid fuels. As Dr. John Kincaid, who helped design most of the basic rocket motors now used by the U.S. Navy, has said:

> Whoever thinks the Soviets have stuck with liquids because they chose to do things that way doesn't know what they are talking about. No one would mess around with liquids if they didn't have to. The reason

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the Russians do it is because they are so (———) backward.

The Soviets have been able thus far to develop successfully only two solid fuel land-based missiles—the single warhead SS-13 ICBM and the SS-20, a three warhead intermediate, not intercontinental, range missile. The SS-X-24 is the first solid-fueled Soviet ICBM likely to be deployed in significant numbers. Moreover, the SS-X-24 is likely to have significantly increased system reliability and effectiveness compared to current Soviet ICBM's. The SS-X-24 could also be turned into a mobile ICBM, which is not feasible for a liquid-fueled missile. It could carry up to 10 reentry vehicles (RV's) and replace missiles with only one or four RV's, thus adding many more RV's to the Soviet arsenal. Its more modern warhead and guidance technology is likely to provide militarily significant improvements in system lethality over the 1950's and 1960's-era technology in the missiles it would replace. Halting the new generations of the SS-18 and SS-19 would also prevent the Soviets from further improving the accuracies, yields, yield-to-weight ratios and reliability of these multiple warhead missiles. All of these developments, if allowed to continue, would clearly not be in our own strategic security interests. Halting Soviet programs to improve reliability, accuracy, and hard target kill potential of their missiles and to develop solid-fueled ICBM's would certainly be in our strategic security interests. In April, I asked the chairman of the Joint Chiefs of Staff at an Armed Services Committee hearing if the United States has a military interest in getting the Soviet Union to stop deploying new ICBM's, and he replied emphatically, "Yes, we do."

I would also like to emphasize that this proposal for a mutual flight test pause is both timely and verifiable. Even though flight test programs for the new Soviet missiles and our own MX have already begun, it will still be some time before any of these missiles has been fully tested and ready for deployment. A new ICBM must be flight tested more than a dozen times to have high confidence that all its systems will operate according to design, and the Soviets have historically been quite conservative and tested their new missiles even more exhaustively before deployment. The MX flight test program has only just begun and is scheduled to continue well into 1986. The SS-X-24 has only had four tests, three of them reportedly unsuccessful, and the fifth generations of the SS-18 and SS-19 have not yet been tested. National technical means of verification through land- and space-based systems are fully capable of detecting ICBM flight tests and of distinguishing between training tests of operational missiles and experimental flight tests of new designs.

I should also emphasize that the mutual test pause is intended to be an interim first step toward negotiated reductions in the nuclear arsenals of both sides, and not the end result of such negotiations. Halting the development of new MIRV'd ICBM's would help set the stage for those negotiations and is not inconsistent with the President's START proposals, the proposal for a build-down, or the nuclear freeze approach. A pause would have to be followed by negotiations for further limits and reductions, which might well include reductions in the Soviet arsenal of MIRV'd ICBM's. The pause would also maintain whatever value the MX might have as a bargaining chip in the START talks, because a bargaining chip is useful only before the missile is deployed and not after. As Paul Warnke, our chief SALT II negotiator has stated, referring to and concurring with the experiences of chief SALT I negotiator Gerard Smith:

> It is really the potential, rather than the actualization of that potential, that gives you the major bargaining position . . . Once you have gone ahead and done that which you were threatening to do, the threat is no longer of any particular use to a negotiator.

Let me now recount some fascinating and chillingly relevant Senate history from 1970 which shows that a mutual pause on the further flight testing of MIRV'd ICBM's is an idea whose time came over a decade ago—and has stayed.

It came in the late 1960's and in 1970 in the U.S. Senate. Senators Brooke, Case, Fulbright, Muskie, PERCY, Javits, Phil Hart, and others saw that the deployment of fixed MIRV'd ICBM's increased the risk of a nuclear holocaust. They saw that stability required each side to be confident in its ability to deter the other side by being able to retaliate following a nuclear attack. They saw that threatening the survivability of the other side's nuclear forces is destabilizing. They saw that making one's own forces more survivable was stabilizing and reduced the risk of nuclear war.

Senator Brooke, with 42 cosponsors, introduced a sense of the Senate resolution in early 1970 which urged President Nixon to bring a halt to the MIRV race before it was too late by offering the U.S.S.R. a mutual pause on the further testing of MIRV'd ICBM's. Senator Brooke told the Senate on April 9, 1970, that we must decide "what to do about land-based ICBM's which are becoming vulnerable as missile accuracy on both sides improves and which invite attack on our own territory."

A long debate over the Brooke resolution occurred. Opponents said that we would be giving up military advantage and that the Senate would be interfering with the President's prerogatives by adopting even a nonbinding sense of the Senate resolution.

But the Senators persisted.

Senator Brooke argued that—

> If the moratorium took place and there is no further testing and no further deployment during this time, both will have performed a great service; and they will be more apt, in that climate, to be able to enter into a mutual arms limitation agreement than if they sat down in June and began to talk—but at the same time both parties were increasing their arsenal, both parties were continuing to test, and both parties were moving ahead with far more devastating technology.

Senator Phil Hart argued that—

> Absent a moratorium, such as we call for in this resolution, each side will continually feel compelled to take one last step to place itself in a superior position by some new weapon deployment. It is, therefore, imperative that we now take the initiative and say "Let's stop now. What do you say?" Until that step is taken, there appears to be no way of blocking the continued arms spiral.

Senator Hart said the effort on each side to take one last step was a tragic example of the fallacy of the last move.

Senator PERCY, a cosponsor of the resolution, expressed the indebtedness of the Senate to Senator Brooke "for his initiative and leadership in seeking a mutual suspension of testing of MIRV's by both the Soviet Union and the United States."

Senator Brooke concluded:

> We have arrived at a fragile moment which we must either grasp by bold initiative or see it fall victim to our own hesitation.

The resolution was amended by the Foreign Relations Committee to include a moratorium on deployments of all strategic weapons, including particularly MIRV and ABM, and was subsequently adopted by the Senate by a vote of 72 to 6.

The Nixon administration opposed the resolution but, after its passage, proceeded to offer the Soviets some half-hearted MIRV deployment limitations at Vienna. The limitations were conditioned by an agreement to onsite inspection and the United States was to be allowed to continue producing MIRV warheads. The proposal was rejected by the Soviets.

Three of the leading participants in this effort 13 years ago have sent a letter that has been placed on each Senator's desk urging your support for this amendment. As former Senators Ed Brooke, Jacob Javits, and James Pearson put it:

> We were right in what we proposed 13 years ago. Our people and the Soviet people would be safer today if we had prevented the introduction of MIRVd systems. We should not compound that failure by further emphasis on MIRVd ICBMs that are at once lethal and vulnerable. In the context of President Reagan's new initiatives at START, let the Senate urge both governments to demonstrate their commitment to

> restraint by jointly suspending the flight testing of such systems.

Henry Kissinger was quoted as stating in December 1974, that "I wish I had thought through the implications of a MIRV'd world more thoughtfully in 1969 and 1970 than I did." He has written more recently:

> The challenge is to resolve, finally, the intellectual problem of how to insure strategic stability amid the revolution wrought by thousands of warheads on only hundreds of launchers, and that the principal cause of instability with current weapons systems is the disproportion between warheads and launchers. All the remedies that have been tried are vulnerable to technology . . . There is no effective or intellectually adequate solution to this problem except to seek to eliminate multiple warheads within a fixed time. (Time magazine March 21, 1983).

We are now at another fragile moment, to use Senator Brooke's term.

The Soviets are flight-testing modifications of their SS-18 and SS-19, thereby improving their accuracy. The Soviets are flight-testing their new SS-X-24, a solid fuel missile with greater reliability and effectiveness.

And we, of course, have started the flight testing of the MX.

We are heading toward the precipice predicted in 1970. It is all deja vu—except that this all really happened before.

The Scowcroft Commission itself repeatedly expressed fears about MIRV'd ICBM's.

The Commission wrote, "Whether the Soviets prove willing or not, stability should be the primary objective both of the modernization of our strategic forces and of our arms control proposals."

The Commission continued, "From the point of view of enhancing such stability, the Commission believes that there is considerable merit in moving toward an ICBM force structure in which potential targets are of comparatively low value—missiles containing only one warhead."

And further, "For those silos or shelters holding a missile with only one warhead, each would present a far less attractive target than would be the case for a silo containing a large missile with many MIRV's."

How can the Senate express its hopes for mutual and verifiable arms control and its continuing deep concern about MIRV'd ICBM's? I believe our mutual pause amendment fits those needs. It is supported by Senators who voted for and against MX and by Senators on both sides of the aisle.

It is not unilateral—it is mutual.

It does not tie the President's hands. It is simply advice to the President.

It does not pretend to suggest the outcome of negotiations relative to MIRV'd ICBM's or anything else—it only seeks to create an atmosphere in which those negotiations might succeed.

It is aimed at the most dangerous of the dangers and at the most destabilizing weapons in our inventories.

It would put the onus on the Soviets if both sides continue during the negotiations to stumble into the quicksand that MIRV'd ICBM's represent.

It is to our advantage militarily that the Soviets be slowed up in the deployment of their new solid-fuel missile and the newly modified and more accurate SS-18 and SS-19.

For those who opposed MX because it was so destabilizing, this amendment offers a breather in the race toward more and more destabilizing systems on both sides.

This amendment should also appeal to those who voted for MX principally because of the national will and desire to support the President arguments.

This amendment expresses our views—it does not bind the President.

It expresses our concerns—it does not presume to dictate the outcome of negotiations.

It might help achieve some clear arms control value out of the decision to proceed with MX.

It would give some hope of a shift away from the final holocaust.

Mr. President, how much time remains to the proponents of this amendment?

The PRESIDING OFFICER. 12 minutes.

Mr. LEVIN. I thank the Chair, and I yield the floor.

Mrs. KASSEBAUM. Mr. President, I yield 3 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, I rise in support of the Kassebaum-Levin amendment. I think the Senator from Kansas and the Senator from Michigan have already stated in a very credible way why the Senate should adopt the amendment. I wish to associate myself with the arguments they have already made.

Beyond that, let me say that I think it would be an appropriate step to take supplementing the action of the Senate today in the defeat of the Bumpers amendment. This would be an appropriate step to take in conjunction with the approval of the next step in the procurement of the MX missile by the United States.

I say that because I think that the vote today on the Bumpers amendment could only have occurred following the instructions issued by President Reagan to General Rowny when he went to Geneva for the latest round of the START talks.

President Reagan's new negotiating position is substantially advanced from any prior position he has taken. There is new ground for hope that some agreement may finally be reached. The action of the Senate today is one of firmness, but taken in conjunction with the President's negotiating position it is also a reasonable and deliberate position.

I think we want to make it clear that the United States is not rushing to Armageddon. If we get to Armageddon it will be because we were pushed there and pulled there because of threats from other people, not because we want to go there.

The Kassebaum-Levin amendment underscores that position, that we want to pause, that we want to say, "Yes, we will do everything that is necessary to defend the United States and to defend our allies, but we are not anxious to gear up for another expensive generation of armaments. We are ready to pause. We want to stop."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MATHIAS. I hope the Senate will approve this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MATTINGLY. I yield 5 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I thank the Senator from Georgia for yielding.

Mr. President, I might say that I have the greatest respect for the junior Senator from Kansas and the cosponsor, the junior Senator from Michigan, but I just think at this time and this place before we accept an amendment like this, we should look at what the Soviet record is with respect to this entire question.

I understand that the Kassebaum-Levin amendment intends a bilateral, negotiated, mutual, United States-Soviet pause in MIRV warhead testing, in effect it would become unilateral for the United States. The Soviets might accept and agree to the pause, but the United States would stop testing. Even if the Soviets agreed to stop MIRV testing, given their record of SALT violations I do not have much confidence in their compliance with a pause.

We are not dealing with a country that has freedom of speech, a free press, freedom of religion, private property. We are dealing with a people who have yielded to the wishes of dictators and they run their country with a dictatorial process. They have a completely different set of ethics. I note the Korean Airline flight 007 is a recent example.

When the airliner was shot down, first they lie about it and then when that is obvious to the world, that they did shoot down the airliner, they make it clear that they would do it again if the same circumstances arose and murder 269 innocent people.

Let us take a look at what the record is in the past of unilateral freezes. The reason that we should look at U.S. unilateral freezes or pauses is, as I have said, the Kassebaum-Levin pause would most likely become in effect a U.S. unilateral pause. Since 1958 we have had seven unilateral freezes and the Soviets have broken each one of those.

In 1958 to 1961 we had a moratorium on atmospheric nuclear testing, and the Soviets violated it in 1961.

In 1964, the United States cut back nuclear materials production and nuclear weapons reactors and in factories. The Soviets keep right on building such reactors and factories.

In 1967, the United States froze ICBM's and SLMB's, and the Soviets kept on building ICBM's and SLBM's.

In 1972, the SALT I agreement was portrayed as a feeeze on Soviet offensive programs, but they engaged in a massive unprecedented offensive buildup under SALT I.

In 1977, the administration of President Carter canceled the B-1 bomber. What did the Soviets do in response? They built the Backfire bomber, and they are mass producing them at the rate of 3 per month, or 36 to 40 per year.

They have more of them each and every month, and they are producing them at a faster rate than allowed by the Brezhnev SALT II Statement on Backfire—30 per year.

In 1978, President Carter canceled the neutron warhead, the enhanced radiation warheads, and the Soviets kept right on deploying SS-20's in Eastern Europe.

In March 1982, Mr. Brezhnev proposed the unilateral Soviet freeze on the SS-20's, but in reality what did they do? After he proposed the freeze, they built 54 more for deployment, and they are still building SS-20's in violation of their own unilateral SS-20 freeze.

Former Secretary of Defense Harold Brown was quoted one day in 1980 to say, "When the United States builds, the Soviets build. When the United States stops building, the Soviets keep on building."

I think just in toto, Mr. President, since SALT I in 1972, the United States has deactivated over 710 strategic delivery vehicles carrying over 6,000 warheads which were deployed or planned during the 1969-83 period. What is the record of the Soviets during exactly the same 1969-83 period? They have deployed over 1,250 additional ICBM, SLBM, and intercontinental Backfire bomber delivery vehicles carrying over 6,000 additional warheads. The Soviets thus now have over 1,000 more missiles and bombers than the United States carrying over 1,000 more warheads. And each of their warheads is more accurate and three times as powerful

I think, Mr. President, if we want to keep a peaceful situation in the world, the only way we are going to be able to make any headway toward real, verifiable reduction of these weapons of mass destruction is to demonstrate once and for all that the United States did not start the arms race, and we are not going to lose it. Once the Soviets understand that we are not going to lose the arms race, that we want to match them at least at equality or parity then I think they will be willing to come to the bargaining table with sincere bargaining intention. Until that time, I think they are going to keep right on building and building and building.

I ask unanimous consent that the following Defense Department Fact Sheet on the U.S. Nuclear Weapons Stockpile be printed in the Record at this point, because this fact illustrates my point that the United States has deactivated unilaterally while the Soviets have been adding forces to achieve superiority.

There being no objection, the fact sheet was ordered to be printed in the Record, as follows:

August 25, 1983.

Fact Sheet

The United States Nuclear Weapons Stockpile—

This fact sheet addresses one important aspect of the current debate about our national defense are arms control policies—the size of the United States nuclear weapons stockpile.[1] It is often stated or assumed that the quantity of nuclear weapons has steadily increased, and that we now have more nuclear weapons than ever. This is in fact the case for the Soviet Union, whose stockpile has grown without interruption ever since the USSR first acquired nuclear weapons in 1949. For the United States, however, just the opposite is true: the number of weapons in the U.S. nuclear stockpile is now at its lowest level in 20 years.

In accordance with the Atomic Energy Act of 1946, the President annually authorizes both nuclear weapons production and our aggregate weapons totals. The size and makeup of the U.S. nuclear weapons stockpile authorized by the President has varied considerably over the years. During the first few years after the Second World War, the stockpile was very small, because there was a limited supply of nuclear material (plutonium and enriched uranium) and because the Soviets had not yet developed nuclear weapons. Thus, we had only two nuclear weapons in the stockpile in 1945; nine in 1946; thirteen in 1947; and 50 in 1948. After the Soviets' first nuclear test in 1949, and in view of the serious international situation, the United States began to acquire more nuclear weapons. The increase was accelerated in the late 1950's and early 1960's.

The quantity of weapons in the U.S. nuclear stockpile finally reached its highest level in the mid-1960's at a few tens of thousands (the precise number is classified). Since that time, the stockpile quantity has declined considerably, as the recently declassified graphs attached below demonstrate. The number of weapons in our total inventory was one-third higher in 1967 than it is today. What is more, the total yield (detonation energy) of the stockpile has declined, because we have withdrawn many large, high-yield weapons. As a result, the total megatonnage of our nuclear weapons has been reduced by 75 percent since 1960.

Because the bulk of the US stockpile was built during the 1960's, those weapons are now becoming obsolete. We have therefore decided that we must modernize our forces to improve the safety and security of our nuclear weapons and to preserve the effectiveness of our deterrent. As we produce new weapons, however, we disassemble and destroy older ones.

Greater safety, survivability and effectiveness, not increased numbers, are the goals of our force modernization program. In some cases, we can actually achieve those aims with fewer—but more modern—weapons than we had before. Thus, when we and our NATO allies agreed to the two-track decision to deploy longer-range intermediate-range (LRINF) missiles in Europe in response to the Soviet build-up of SS-20 missiles, and simultaneously to pursue arms reductions with the Soviet Union, we also decided to withdraw 1000 older nuclear weapons from Europe. In addition, we agreed to withdraw one additional weapon for each new LRINF missile that we had to deploy.

The US proposal in the INF talks to eliminate US and Soviet LRINF missiles would obviate the need for any NATO deployments. We have also suggested an interim agreement which would substantially reduce each side's LRINF missile warheads to equal levels. In the START negotiations, we have called for deep reductions in Soviet and American strategic forces. If those proposals are implemented, the size of our stockpile will decrease considerably. Even if we do not achieve our aim of substantial negotiated arms reductions, however, our long-range plans would entail only a moderate increase in the size of the American stockpile over the next 15 years. Under those plans, the number of our nuclear weapons would remain far below the level reached in the mid-1960s, while the modernization and replacement of existing delivery systems will allow us to continue to reduce the average yield of our weapons.

The variations in the size of the stockpile and its total megatonnage which we have discussed are shown in recently declassified graphs. The graphs indicate percentage changes; the actual quantities are classified. Regrettably, until we are able to eliminate totally the threat of nuclear war, the United States must possess nuclear weapons as a deterrent. We must continue to avoid nuclear war, and meet our national and international objectives and commitments, by ensuring that our nuclear weapons stockpile is safe, secure, and capable of deterring the Soviet Union from using or threatening to use force against us or our allies. As we pursue these important objectives, we remain firmly committed to maintaining the lowest level of nuclear weaponry consistent with our national security and that of our allies.

Mr. GOLDWATER. Will the Senator yield to me?

Mr. MATTINGLY. I yield to the Senator from Arizona 3 minutes.

Mr. GOLDWATER. I thank the Senator from Georgia.

Mr. President, here we go again. I do not know why it is that my colleagues keep forgetting that the only time we have had peace in this world is when we have had strength. We do not have that kind of strength right now, so we have an uncertain peace.

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[1] By "stockpile", we mean our total inventory of nuclear weapons, whether they are in the United States or deployed with our forces overseas, stored or mounted on delivery systems such as ICBM's.

I can understand the concern of people in this country about the building of more missiles. However, to suggest that we will suspend testing providing they suspend testing, with all due respect to the authors, to me is a rather laughable, peculiar situation, because the Soviets are not going to suspend testing equipment. They are already testing. For us to suspend at this time when all we are trying to do is provide a substitute, a replacement for the Minuteman—as I have often said, our shoes wear out, so we buy a new pair of shoes. The Minuteman is an old missile. It has been sitting in the silos a long time. They will work.

I have to say this: We have never tested one in all of our history for accuracy. We think we can hit something as big as the areas around Johnson Island, but that is not terribly accurate.

But let us say they are accurate. The President, in his recommendations, talked about a negotiated reduction in the number of highly MIRV'd weapons—we do not have many highly MIRV'd weapons. They have. They do not MIRV just 5; they do not MIRV just 10; they go up to 25. If we can believe them, if we can believe our own observations, they are rather accurate, or accurate enough. We have to test.

I might say that we have not even tested in the silos yet and they are in the process now of digging test silos down in the deserts of my State just to see what the Minuteman is going to take in the way of a perfected silo. That is to answer the question, will they not work in the present Minuteman silos? There are some of us who think they will, there are some people who think they will not.

We have not even reached that stage yet where we are ready to say it is going to take this kind of silo reinforced for this or reinforced for that. I think any attempt at this would be to leave the wrong impression with our potential enemy, the Soviets, and leave them in a rather amused situation, I might say.

We go on to say in this amendment that any agreement entered into by the United States and the Soviet Union providing for mutual suspension of flight testing of nuclear MIRV'd intercontinental ballistic missiles should provide for a reliable means for verification.

My God, how we have been trying to get reliable means of verification now since way back in the 1970's. The only way we have of more or less reliable verification is our own ability to intercept their telemetry. Now that they have made that a very difficult job, knowing what they are doing in testing of missiles is going to be that much more difficult.

While, as I say, I have the greatest respect for the author of this amendment and I think she is one of the finest persons in this body and I have respect for those who cosponsor this amendment, I think it is time, Mr. President, that we began to be a little realistic about this whole thing we are in. We are in a whole new kind of war. We are in a war where we do not even know who our enemies are. We do not even know what kind of weapons they are going to use.

Now we say, well, we shall quit building our weapons, hoping that the goodness of the Russian will make him quit, too. I have always thought it is kind of unwise to get in a cage with a bear unless you have something big to kill him with.

I shall oppose this amendment, Mr. President, because I do not think it is needed.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, if I could answer just a moment some of the questions raised by my distinguished colleague from Arizona (Mr. GOLDWATER), because I greatly respect his judgment in these matters and his honesty, I would just like to point out that we do not stop production or testing by this resolution. In fact, that continues. It will only be if, indeed, the Soviets would agree.

As I pointed out earlier, it would halt far more advanced production that they have in testing than it does our own. But in no way do we stop.

As far as verification, and I would like the Senator's opinion on this, one of the things that I think is so beneficial now is the verification of flight tests is really very easy.

We have the technology now to provide the verification of those flight tests. That is one of the reasons I think something like this does provide an initial arms control agreement, which I think is important.

I say to the Senator from Idaho that I could not agree with him more: The Soviets do operate under a different set of ethics; we should not wear blinders to that. But I think we also have to be mindful that we can—and we are not stopping the building. This is not a unilateral agreement in any way. I think it does allow us to exert some momentum and some initiative in arms control negotiations.

Mr. MATTINGLY addressed the Chair.

Mr. SYMMS. Would the Senator from Georgia allow me 1 more minute to respond to the comment of the Senator from Kansas?

Mr. MATTINGLY. Yes, Mr. President. I yield time to the Senator.

Mr. SYMMS. Mr. President, I appreciate what the Senator from Kansas is saying. I want to make it clear that this amendment would not make the Soviets stop testing a single warhead—ICBM, the SS-X-25—that they have or any program they have. It would in effect be a unilateral evidence of good faith on our part, as I have said, because we would stop testing MIRV's, and even if they agreed to stop testing MIRV's, their history of flagrant SALT violations suggest they would keep testing.

Mr. President, there is a big misconception in this country on the part of the American people that, somehow, the United States started the arms race. Many of us with this point of view politically often are very critical of our national news media in a general sense because of the lack of understanding of many of these issues that the public gets from our ill-informed or biased news media.

For example, there seems to be a misconception on the part of the public that we support a dictatorship in El Salvador and are trying to overthrow a popular elected government in Nicaragua, but the precise opposite is true.

For the record, Mr. President, the United States first tested and deployed the long-range bomber and we first tested and deployed the MIRV'd missiles. For the Soviets' record, they were the first country to test and deploy: The ICBM in 1957, the SLBM in 1958, the ABM in 1962, the cruise missile in 1957, the fractional orbital bombardment system (FOBS), in 1967, the ASAT in 1969, and the SAM's in 1956. The Soviets are the ones that are pushing the arms race. If we could just get that point across to our own people and to the world.

I plead with our colleagues in the fourth estate, the news media, to somehow bring this out to the American people. Because the initiative on this issue is, it is not the record of the United States. The United States has not been out aggressively gobbling up little countries, as the Soviets have been doing since 1917. The U.S. record is one we can all be very proud of. It has been based on the very proper and highest ethics and we should get the highest esteem.

We should be proud of that, but we are not getting that message out to the public and that should be made very clear; that it is the Soviet Union that is pushing the arms race, and we should not need to have this kind of a factual recitation or demonstration to make that point on the Senate floor. All people need to know is the truth, and I think it would be rather naive for us to accept this amendment at this time. I yield the floor. I thank the Senator from Georgia.

Mr. MATTINGLY. To add to what the Senator has said, since we deployed the Minuteman III from initial operational capability in June 1970, the Soviets have deployed some 820 new MIRV'd ICBM's including the SS-17's, 18's, and 19's. The throw weight of the SS-18 is more than twice the size of the Peacekeeper and is currently capable of carrying up to 14 reentry vehicles, each with twice the yield of the Mark-12A. The SS-19 is an ICBM comparable in size and capability to the Peacekeeper, and the currently deployed SS-18 and SS-19 force consists of about 668 MIRV'd ICBM's with nearly 5,000 reentry vehicles, each with greater yield and accuracy than our most modern Minuteman III. And to add to that, even the SALT II treaty, as weak as it is, permits us to flight test one new ICBM which can be a MIRV'd MX. If we adopted this amendment, it would undercut the President's strategic modernization policy directly, not indirectly.

The practical effect of such a moratorium would be to halt the MX Peacekeeper program in place, and thereby to halt the modernization of our ICBM force. I believe, as the Scowcroft Commission has made clear, that failure to proceed with the MX deployment would undercut deterrence, weaken the triad, and make it far more difficult to achieve an equal and verifiable START agreement. In support of the MX deployment and production, of which continued flight testing is a key step, the Congress has endorsed repeatedly the Scowcroft recommendations. This amendment is really a backdoor attempt to reverse the Congress' endorsement of the Peacekeeper program and represents a repudiation of the newly formed bipartisan consensus on strategic modernization and arms control.

Mrs. KASSEBAUM. Mr. President, if I may again just briefly respond, I think there is a serious misunderstanding that somehow we stop the testing and production of the MX. We only halt test flights of the MX if, indeed, the Soviets have agreed to do so. Up until that time we continue production and we continue testing. I think it is something that, indeed, does fit into the START talks as I mentioned that are ongoing and to the Scowcroft Commission recommendations.

From a historic reference, it is interesting to note that in 1970 there was a vote taken in the Senate on this very same issue. It passed 72 to 6. The purpose of that was that testing and deployment of the multiple warheads would seriously destabilize the strategic balance by enabling us to attack and destroy most of the other side's strategic weapons by using only a small portion of our own weapons. If, indeed, at that time we had followed what was an enormous vote in the Senate to halt the testing, we would have already moved to a single warhead in all probability and that is the very stability that the Scowcroft Commission was trying to address.

The PRESIDING OFFICER (Mr. SYMMS). Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. How much time do the proponents have?

The PRESIDING OFFICER. The proponents have 5 minutes and 49 seconds, the opponents have 16 minutes and 30 seconds.

Mr. LEVIN. I wonder if the Senator from Kansas will yield me 2 minutes?

Mrs. KASSEBAUM. I would be delighted to.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, my friend, the Senator from Idaho, indicated that the Soviet Union has a different set of ethics. Indeed, that is true and that should be the main reason why we should not want them to have the SS-X-24, the solid fuel missile which is going to give them tremendous new military capability. We should not want them to have the mods of the 18's and 19's, which will give them greater military capability. It is because they are dangerous that we should try to stop them from having additional missiles in their hands.

It has been argued that this amendment calls for a unilateral freeze. It does not. It calls for a mutual pause. It says that we will be willing to stop the flight testing of our MIRV'd ICBM's if the Soviet Union will do likewise. It is not based on faith. It is not unilateral. It requires verification.

It is then urged upon us that the Soviets will never stop testing of their land-based missiles. My friend from Arizona, I believe, said that the Soviets will not stop testing. If they will not stop the testing, we have not lost anything because this amendment requires that the pause on the flight testing be a mutual pause, not a unilateral pause.

Mr. President, this Senate in the early 1970's was faced with a similar problem, and by an overwhelming vote the Senate sent a message to the then President, "For Heaven's sake, offer a pause on the flight testing of MIRV'd ICBM's to the Soviet Union." The President did, and for reasons which are now somewhat obscure in history the Soviet Union rejected it. We can take that initiative again with the Soviet Union. The worst that can happen to us is that the Soviet Union will say no and then the finger will be pointed directly at them.

Mr. BOREN. Mr. President, nothing has a higher priority for this country than reaching a mutual, verifiable arms control agreement between our Government and the Soviet Union.

In the timely pursuit of such an agreement we must explore many different strategies and, while we cannot adopt them all, I believe that the proposal embodied in this amendment has great merit.

The idea of a pause in the flight testing of ICBM's with more than one warhead is another step in the right direction—it is clearly in the national interest.

It would, I believe, help create a positive atmosphere at the START talks and present a clear challenge to the Soviets to make a similar move. It should be stressed that this is not meant as a unilateral action and, if there is no response from the other side, we are not constrained from continuing our own testing.

But, it is a first step—an offer to begin moving away from the cliff—for that reason alone, it deserves the support of the full Senate.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. Sixteen minutes and thirty seconds for the opponents, 3 minutes and 29 seconds for the proponents.

Mr. STEVENS. Does the distinguished Senator from Kansas wish to speak now?

Mrs. KASSEBAUM. I ask unanimous consent to add the names of Senators FORD, BINGAMAN, and PELL as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. I have agreed to cosponsor Senator KASSEBAUM's sense of the Congress resolution regarding a mutual U.S.-U.S.S.R. new MIRV'd ICBM flight test pause because I feel that such an action would act as a stabilizing influence on arms control negotiations.

The Scowcroft Commission has officially stated that MIRVing of our missiles is a destabilizing element that contributes to increased tensions with the Soviet Union. Moreover, the Commission recommended the deployment of the so-called Midgetman missile with a single warhead. Integral to this idea is the adoption of an arms control posture aimed at building down force levels on both sides.

I disagreed with the Scowcroft Commission in one important area; it advocated deployment of the MX missile which I believe will increase the tensions that exist between the Soviet Union and the United States. In deploying the MX, the United States sacrifices a measure of its own security. For each MX deployed, we must destroy 7 Minuteman III missiles or 29 Minuteman II missiles. This means that we decrease the overall number of targets while we increase the value of each target. I believe that MIRV's are fundamentally destabilizing weapons which only encourage Soviet nuclear expansion.

We do not benefit from the deployment of the MX. The Soviets can increase their missile forces simply by loading up each launcher with more warheads. In addition, we must ask ourselves just how the MX can be made compatible with the idea behind a build-down. The very genius of the build-down is that it provides the strongest possible disincentive against the adoption of multiple warhead systems. That should move us into single-RV systems, in order to preserve the greatest number of launchers and aim points possible. If we deploy MX before a build-down takes place, we must wonder whether the Soviets will view the proposal seriously. If we deploy MX after a build-down goes into effect, we shoot ourselves in the foot.

Therefore, we must make every effort to control the number of new land-based MIRV'd ICBM's. I believe that the Kassebaum amendment is a step in this direction. First and foremost, a pause on MX flight tests would be mutual and verifiable. Such a pause could create a climate of strategic stability in which Soviet and American representatives could renew their efforts in negotiating a comprehensive arms control agreement.

I believe that the flight test pause offers a number of advantages. While it is not as wide-ranging as other arms control proposals, this action would have an immediate effect on the military postures of both the United States and the Soviet Union. As it would be a bilateral pause, both countries would have an equal stake in making the pause work. Moreover, the technical means are now available to monitor, and thereby assure, full compliance with the flight test pause. If either party begins testing, the pause comes to an immediate end. With a minimum of risk to our national security, we can restore a measure of stability to the arms control process. I urge my colleagues to support Senator KASSEBAUM's amendment.

Mr. PERCY. Mr. President, the amendment introduced by Senators KASSEBAUM and LEVIN would declare the sense of the Senate that the United States should announce our willingness to pause in testing new MIRV'd ICBM's if the Soviets agree; propose to the Soviet Union an arms control agreement to reduce the number of MIRV'd ICBM's on both sides; encourage development of small, single-warhead ICBM's; and limit total warheads rather than launchers.

The arms control portion of the amendment is to be commended but a moratorium on MIRV'd ICBM testing would remove any incentive for Soviet accommodation on: MIRV reductions, movement to small ICBM's and reduced levels of inventory.

Since small single-warhead ICBM's will not be ready to deploy until the early 1990's, without the MX there would be no new U.S. ICBM deployed until then. By comparison, the Soviets have deployed some 800 new MIRV'd ICBM's—SS-18's, SS-19's, and SS-17's—since the United States deployed its last Minuteman in 1975. This amendment would do nothing to reduce the 800 Soviet MIRV'd ICBM's already deployed.

The Scowcroft Commission recommended deployment of the MX primarily to influence Soviet willingness to enter arms control agreements that enhance stability.

I do not believe that a moratorium on flight testing of MIRV'd ICBM's would be consistent with the Scowcroft Commission report or with the last three votes of the Congress on MX.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield to myself such time as I may use.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, a pause in the testing of these missiles is extremely costly, and I would have to ask my colleagues to think of the fact that test facilities must be maintained, the people employed in them must be maintained, and their expertise is essential to the success of the testing. An experienced testing force is a requisite. How are we going to keep experienced people ready to do their job if Congress is going to start saying let us tread water. I am not opposed to treading water if I thought there was something to be saved by waiting a little while. I do not see the Russians treading water.

I do not see them sending us any messages that would indicate if we would not test a missile or we not test a plane they would delay. I remember delaying the B-1. They proceeded with their Backfire bomber. I remember delaying the MX. They have now deployed their land-based missile. We delayed on the intertheater missile and they have deployed theirs, and now we are trying to get the Pershing into the NATO area of Europe. I have every respect for anyone who feels that there might be something to be gained by once again trying to send a signal, but, Mr. President, in order to communicate, someone has to be on the other end listening and willing to comprehend in some way that the world is shouting to the Soviets to slow down, to try and send some message to the rest of the world. We have done it repeatedly. I oppose this amendment on the basis that I have tried to bring other amendments before the Senate for the reason that we have a program; it is in being. The testing program in and of itself is not offensive. To delay it is going to increase the costs of our defense budget, and as one who has been a strong supporter of defense, as I project out into the outyears, as the budget process teaches us to think not of just 1 but of at least 3 and perhaps 5 years before we vote on anything, I have tried to ask the Senate to think. Now, unfortunately, I seem to be shouting from a small cavern myself in regard to the MX and to the submarines, but at least in this I would hope the Senate would listen to us. It will cost, for an additional delay of 1 year, $600 million. That is what it costs to keep this force standing by doing nothing.

Mr. President, we cannot afford that. We could afford it if it would be any kind of chip to buy peace, and I would be the first one to urge it. But we cannot afford any more delays.

I think that once we have authorized these weapons systems, we have brought them through the design phase, and we are ready to have testing, we should test them.

I think that if I knew and if the majority of the Senate knew of any single gesture of the Russian leader, who seems to be absent, or anyone who would speak for that combination of people there, just one little move of their little finger, telling us that they would be willing to have some kind of talk about reducing this terrible threat to the world, I would say let us not just tread water; let us drain the tank.

It is time for us to realize that it does not do us any good to send these false messages. They did not pay any attention to us on the B-1 or the other systems, and I do not think they would on this one.

Much as I would like to join those who support the concept in the interest of getting the most out of our taxpayers' dollars in this area, I say that we should pay the people we brought on board to do the testing and get the testing done.

Mr. STENNIS. Mr. President, I would like to support the Senator from Kansas, one of the most resourceful and earnest Members we have, but it took years to develop this system and bring it around to where we could use it, and I think it is one of the most effective weapons we have. We would give it up if it would pay, but I do not think a sense-of-the-Senate resolution, with all deference, is the way to go at it.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

Mr. LEVIN. Mr. President, will the Senator from Kansas yield me 4 minutes?

Mrs. KASSEBAUM. I yield.

The **PRESIDING OFFICER.** The Senator has 3 minutes and 5 seconds remaining.

Mr. **LEVIN.** Mr. President, it seems to me that the Senator from Alaska is trying to have it both ways.

On the one hand, he is saying that it will not do us any good to send these messages, that the Soviets are not listening. He may be right. If the Soviets are not listening, they are not going to accept this, and nothing will be lost, because it is a mutual pause that is being proposed.

On the other hand, the Senator says it will cost us $600 million. I do not know where he got those figures. I hope he will make the figures available for the Record. The only way it would cost us anything would be if the Soviet Union accepted the offer.

My friend again tries to have it both ways, and he cannot. They either would accept the offer, in which case there would be a pause, or they would not accept the offer, and in that case there would not be a pause.

Finally, my friend says that it will cost us some money to slow down the arms race. That is the ultimate reason we are given for not slowing down this arms race. The reason we are given today, on the floor of the Senate, for not pausing in the flight testing of the most dangerous, destabilizing weapon we have ever tested is that it will cost us money to do that. The costs of continuing the arms race are not considered, only the cost of slowing it down.

I hope that the Senate is willing to invest the relatively hundreds of millions of dollars that are involved in slowing down the arms race, rather than the $20 billion involved in continuing it with this destabilizing weapon and its flight testing.

Mrs. **KASSEBAUM.** Mr. President, I ask for the yeas and nays on the amendment.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mrs. **KASSEBAUM.** Mr. President, I yield back any time I have remaining.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. **STEVENS:** I announce that the Senator from Washington (Mr. Evans) and the Senator from Oregon (Mr. Packwood) are necessarily absent.

Mr. **BYRD:** I announce that the Senator from California (Mr. Cranston), the Senator from Illinois (Mr. Dixon), the Senator from Colorado (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Inouye), and the Senator from New Jersey (Mr. Lautenberg) are necessarily absent.

The **PRESIDING OFFICER.** Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 42, nays 50, as follows:

[Rollcall Vote No. 339 Leg.]

YEAS—42

Andrews
Armstrong
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Bumpers
Burdick
Chiles
DeConcini
Dodd
Dole
Durenberger
Eagleton
Ford
Glenn
Hatfield
Huddleston
Johnston
Kassebaum
Kennedy
Leahy
Levin
Mathias
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Pell
Pressler
Proxmire
Pryor
Riegle
Sarbanes
Sasser
Specter
Stafford
Tsongas
Weicker

NAYS—50

Abdnor
Baker
Boschwitz
Byrd
Chafee
Cochran
Cohen
D'Amato
Danforth
Denton
Domenici
East
Exon
Garn
Goldwater
Gorton
Grassley
Hatch
Hawkins
Hecht
Heflin
Heinz
Helms
Humphrey
Jepsen
Kasten
Laxalt
Long
Lugar
Mattingly
McClure
Murkowski
Nickles
Nunn
Percy
Quayle
Randolph
Roth
Rudman
Simpson
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Wallop
Warner
Wilson
Zorinsky

NOT VOTING—8

Cranston
Dixon
Evans
Hart
Hollings
Inouye
Lautenberg
Packwood

So Mrs. Kassebaum's amendment (No. 2492) was rejected.

Mr. **BAKER.** Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. **STEVENS.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **BAKER.** Mr. President, may I have the attention of the Senate for a moment? Could we have order, Mr. President?

The **PRESIDING OFFICER.** This time will be charged on the bill.

LEGISLATIVE PROGRAM

Mr. **BAKER.** Mr. President, if I could have the attention of Members, I am going to inquire of the managers on both sides how far we have come, how far we can yet go today, and what are the realistic prospects for finishing this bill with time for debate on amendments before the time for final passage not later than 6 o'clock tomorrow.

Mr. President, if I may, I first yield to the distinguished majority manager, the assistant majority leader.

Mr. **STEVENS.** Mr. President, I will respond by saying that we have handled all the amendments we can handle today, with the exception of one amendment Senator Melcher has. There is a 30-minute time agreement on that amendment and we will take it up after we finish this colloquy.

Mr. **BAKER.** May I inquire, will there be a rollcall vote on that?

Mr. **STEVENS.** There will be a rollcall vote on that.

There are two amendments of an absent Member who did not get back that we will postpone until tomorrow and the five that we had agreed to take up tomorrow. Even under a worst-case scenario, we will be able to vote at 6 p.m., as required by the time agreement, tomorrow afternoon.

Mr. **STENNIS.** Mr. President, if the Senator will yield, I think that it is entirely possible. That is a good, firm, solid estimate.

The **PRESIDING OFFICER.** Will the Senator suspend? Will all Senators please cease conversation and all those staff members in the Chamber cease conversations so that we may hear?

The majority leader.

Mr. **BAKER.** Mr. President, I yield to the Senator from Mississippi.

Mr. **STENNIS.** Mr. President, I thank the majority leader. The estimate given by the Senator from Alaska about getting through tomorrow, the time is very conservative, very solid, and I think beyond all doubt things will move along. We have had good cooperation today, with his leadership, of Members showing up and ready to vote and coming to vote. So I think we are in good shape.

Mr. **STEVENS.** Mr. President, we have taken care of 18 amendments today.

Mr. **BAKER.** I thank both Senators.

I agree with the observations of the Senator from Mississippi. I think to deal with 18 amendments on this bill today is little short of miraculous.

I would say to my colleague, the minority leader, that based on the report we have just had, it appears that we will have one more record vote tonight, which should happen fairly soon, a little after 6, perhaps. I do not plan then to ask for another record vote tonight. The managers can continue if there is useful work to be done. I would estimate we can be out before 7 o'clock tonight.

There is already an order to reconvene at 9 in the morning.

Before I proceed, I will inquire of the minority leader if he has any observations to make in that connection.

Mr. **BYRD.** Mr. President, while we have good attendance on the floor, I believe our colleagues would like to have the majority leader explain the work for the rest of the week, as he did earlier when not too many Senators were in the Chamber.

Mr. **BAKER.** Mr. President, I will.

If I could have the attention of Senators, I would point out that after we finish this bill, which will be tomorrow sometime after 6 p.m. under the order previously entered, the Natural Gas

Policy Act would automatically recur as the pending business. It was temporarily laid aside so we could reach this measure. I have no illusions that we can finish the Natural Gas Act tomorrow.

The PRESIDING OFFICER. Will the majority leader please suspend? Will all those Senators in the Chamber carrying on a conversation please leave the Chamber, and all staff retire from the Chamber if they are going to have conversations?

The majority leader.

Mr. BAKER. Mr. President, I have no illusions about finishing the Natural Gas Act tomorrow, but I would expect we will have further debate on that measure after we finish this bill.

After consulting with the chairman of the Energy Committee, Senator McClure, I do not believe he plans to go very late tomorrow evening, which means we will be on the Natural Gas Act again on Wednesday.

Mr. President, at that point, we begin to face some serious complications, most particularly the continuing resolution, which expires on November 10 at midnight, which is Thursday.

We have to pass a new continuing resolution by Thursday midnight and have it on the President's desk, or else we cannot go out of here. The House of Representatives plans to be out on Thursday evening, but the Speaker or the majority leader, as the case may be, very correctly said in the Record on Friday, I believe, that they would be out on Friday unless they did not finish the continuing resolution. I agree with them. We simply cannot go out for Friday, Veterans' Day, unless we finish the continuing resolution.

So sometime on Wednesday I would fully expect that if we have the continuing resolution here, I would once more ask the distinguished Senator from Idaho to let us go to that measure and set aside the Natural Gas Act again. I know that does not please him. As a matter of fact, it causes him great grief. For fear that I may excite him to further remarks on that subject, I will simply say I do not believe I have any other alternative. But we will be on the continuing resolution, if the schedule holds, sometime on Wednesday. I hope we can finish that bill in time to get it to conference on Thursday and on the President's desk well in advance of the termination date of the present continuing resolution on Thursday midnight.

Mr. GLENN. Will the majority leader yield further?

Mr. BAKER. Yes.

Mr. GLENN. Why will the Senate than turn to the natural gas bill?

Mr. BAKER. Natural gas will automatically recur as the pending business after the continuing resolution because it will be temporarily laid aside. The continuing resolution is not here yet, and we cannot act on it until it arrives from the House. The way this will work out we will be on the natural gas bill until we get the continuing resolution.

Mr. McCLURE. Will the Senator yeild?

Mr. BAKER. I yield.

Mr. McCLURE. I thank the Senator for yielding. I understand the necessity of getting on with the continuing resolution, which does have a time limit. It would be my expectation that in view of the likelihood that we can see now that the other body will have the continuing resolution to us by Wednesday, it would mean, in effect, making it impossible to complete the natural gas legislation in the time we have between tomorrow night and Wednesday. It would not be my intention to ask the majority leader to have us meet unduly late on those nights. Indeed, it might be that the House will get us the continuing resolution late on Wednesday night and we might continue with the natural gas bill until the continuing resolution gets to us.

Mr. BAKER. I yield to the majority manager.

Mr. STEVENS. There has been a question as to which amendment comes first on the appropriations bill. It has been agreed that it will be the chemicals amendment of Senator Tower that will be the first one. If there is some controversy in the record about that, if it needs unanimous consent, I will ask the leader to yield to us for that purpose. I do not think there is any question but that the Tower amendment on chemicals is the first amendment.

Mr. BAKER. Mr. President, do we not have an order on how those are to be sequenced tomorrow?

Mr. STEVENS. We did. We discussed it. But again, we have the problem of Senators coming in from a distance and if we take the chemicals one first, it is 2 hours with a 1-hour amendment to the amendment. That accommodates people who will not be here in time. I think everyone wants to have almost a full Senate here to vote on the chemicals amendment. I am hopeful that there is no disagreement on that, that we will take the chemicals amendment first.

Mr. BAKER. Mr. President, I am led to believe that even though the printed unanimous consent agreement provides for the Tower amendment first, there has been a change in that and that the Tower add-on amendment will be first. The binary gas amendment will be second.

Could I ask the Chair, is that the present state of the journal?

The PRESIDING OFFICER. The calendar as printed is incorrect. The journal shows the add-on amendment to be first.

Mr. BAKER. I thank the Chair.

To repeat what the Chair has just said, the calendar of today on page 2, which details the schedule for Tuesday is incorrect, and the Tower add-on will be first and binary gas will be second.

Mr. BYRD. If the Senator will yield, that is shown on page S15471 of the Record of November 4, Friday.

Mr. BAKER. I thank the minority leader.

Mr. METZENBAUM. Under this order, may I ask the Senator from Alaska, will the Senator indicate, under this order, when McNeil Island will come up?

Mr. STEVENS. That will follow the disposition of the chemicals amendment. With the consent of the Senator from Texas, I would like to be shown as the sponsor of the chemicals amendment, and I will offer it first tomorrow.

Mr. METZENBAUM. And immediately after that McNeil Island?

Mr. STEVENS. There is an amendment to it and a substitute to it. There are three amendments under the chemicals section. The Senator will follow the disposition of those three amendments.

Mr. BAKER. Mr. President, to further answer the minority leader, these are the things we have to do in addition to the CR, and one way or another we have to figure out what to do about the debt limit. I continue to work on that. I hope we will find solutions that do not require a great deal of time, that will permit us to pass a debt limit this week. In any event, we have to pass a debt limit before we can go out of here on November 18. Mr. President, I urge Senators to understand that while I am perhaps more devoted than anyone else in this Chamber to getting out on November 18, it would be the height of irresponsibility if we did so without passing a debt limit extension. So one way or another, in addition to the CR, we are going to have to do a debt limit. For the life of me, I do not know how right now, but we will continue to work on it.

Mr. STEVENS. The Chair informs this Senator that we still do not have it straight. I must ask unanimous consent that the chemicals amendment come first, as stated in the printed unanimous-consent agreement.

Mr. BYRD. Mr. President, there are some Members who cannot be here until after 11:30 tomorrow because of elections. I hope if this request is agreed to that it does not interfere with their schedules.

Mr. BAKER. Mr. President, just to make sure we are absolutely certain about what is going to happen tomorrow, I yield to the manager of the bill on the majority side so he may propound a unanimous consent.

Mr. STEVENS. Mr. President, I ask unanimous consent that the first amendment tomorrow be the amendment dealing with chemicals, for which 2 hours was reserved as is printed on page 2 of the Calendar of Business today.

Mr. BYRD. Mr. President, reserving the right to object, and I probably shall not because it is my understanding that the chemical warfare amendment has 2 hours.

Mr. BRADLEY. If the Senator will yield, that would mean that the earliest vote would come at 11:30 a.m.?

Mr. STEVENS. It is not later than 11:30. It depends on how much time is used. There are 2 hours on the first amendment, an hour on the second. Following that vote, a Senator has a right to offer a third amendment. It would be not later than 11:30. The first period is 2 hours on the basic amendment, then an hour on the Boschwitz amendment to that basic amendment.

Mr. BRADLEY. So it could be a total of 3 hours.

Mr. STEVENS. It could be 3 hours before we have a vote. It could be less.

Mr. STENNIS. Regular order, Mr. President.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BAKER. Mr. President, let me continue——

Mr. BRADLEY. Mr. President, reserving the right to object.

Mr. BYRD. Let us be sure, Mr. President.

Mr. BRADLEY. The earliest a vote can take place is 11:30 a.m., and the latest is 12:30, if we reach unanimous consent?

Mr. STEVENS. As the Senator is aware, Mr. President, I cannot specifically answer that. There are 2 hours on the first amendment. After time is yielded back on that, Senator BOSCHWITZ can offer his amendment, on which there is an hour. I think the minimum time is 2 hours, the maximum time would be 3, starting at 9:30 a.m.

Mr. BRADLEY. The unanimous-consent request has the earliest vote coming at what time?

Mr. STEVENS. There is no way to answer that, Mr. President.

Mr. BAKER. Mr. President, I know what the Senator from New Jersey is concerned about. I want to make sure that the record is clear that the unanimous-consent agreement that was given does not provide a not-earlier-than arrangement. It provides that there will be not more than 2 hours of debate. Then there can be an additional hour of debate on an amendment to the amendment. So it could run as long as 3 hours plus rollcalls. It could be any time. But there is no guarantee about what time it will occur.

My best guess is that we are not going to have a vote before 11:30 or thereabouts.

Mr. BRADLEY. I thank the majority leader.

Mr. BAKER. Mr. President, let me continue with my outlining the schedule.

The PRESIDING OFFICER. There is a pending unanimous-consent request.

Mr. BRADLEY. Mr. President, with the majority leader's assurance that it probably will not come before 11:30 a.m., I shall not have an objection to the unanimous-consent request.

Mr. BAKER. Let me see if I have this right: If I will give the Senator assurance that it probably will not happen before then. I can give that.

Mr. BRADLEY. In my position, that is the best way the Senator could answer.

Mr. BAKER. Very well, Mr. President, let us leave it at that. I shall try to help the Senator the best I can.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, may I try to outline the balance of the week and maybe even a glimpse into next week? It is an oversimplification, if not an excess of ambition, to say that I hope that this week, we can finish most of the work we need to do except for perhaps debt limit, perhaps reconciliation, and conference reports that we shall have to deal with next week. In order to do that, we are going to have to finish this bill, we are going to have to take up Treasury-Post Office and either do it, which I hope we will, or figure out we cannot do it, which is a possibility, in which case it will go in the continuing resolution.

We are going to have to make another effort at the natural gas bill.

There is another matter, Mr. President, which I wish to add to the list which I have not previously discussed with the minority leader. I had indicated earlier that the math-science bill would be brought up and I told a number of Senators, including the minority leader unofficially, I think, that that would serve as a vehicle for Senators on which to offer the tuition tax credit matter. That is not the case. While that bill, the math-science bill, may come up, I do not anticipate a tuition tax credit amendment to it. I do expect, however, to ask the Senate at some point next week—not this week—to turn to the women's pension equity bill. I do anticipate that there may be an effort to add tuition tax credit to that measure.

The long and short of it is I do not favor tuition tax credit for secondary education. Notwithstanding that, at the request of a number of Senators, I have agreed to try to provide a vehicle to which that might be offered. I do not know the outcome of it, but apparently, this is the bill that Members will utilize for that purpose. So there will be an effort next week, perhaps on Monday, to reach the women's pension equity bill.

The Export Administration Act must be dealt with. It is my hope that we can get a short time limitation on that bill and take it up, perhaps even yet this week.

Mr. STAFFORD. Will the majority leader yield for a question?

Mr. BAKER. Yes, Mr. President.

Mr. STAFFORD. Did I understand the majority leader to say the math-science bill will come up?

Mr. BAKER. I hope we can do it in short order, since the tuition tax credit amendment will not be offered to it.

Mr. STAFFORD. Will it be coming up after the debt limit extension bill or before?

Mr. BAKER. Mr. President, I shall consult with the distinguished Senator from Vermont on that. But I would not be surprised if we could pass that math-science bill almost by unanimous consent.

We have health insurance to deal with. If we ever figure out how, we have a housing authorization bill that we ought to try to deal with. That is a latter of the most intense sort of negotiations at this time.

In summary, Mr. President, we must do the continuing resolution before Thursday midnight. We have to do debt limit before we can go out on November 18. We have a number of conference reports which must be dealt with as and when they reach the Senate. We have appropriations bills that may be dealt with, including the Treasury-Post Office bill.

Natural gas will recur as the pending business when work on this bill is completed. Reconciliation must be dealt with. I anticipate that that is more likely next week than it is this week.

In addition to those items, we have the women's pension equity, which may be on Monday, Export Administration, health insurance for the unemployed, perhaps housing authorization, and almost certainly something after that.

Mr. BYRD. Mr. President, if the majority leader will yield.

Mr. BAKER. Yes, Mr. President, I yield.

Mr. BYRD. There may be other items some of those on this side would like to see action on. I shall bring those to the majority leader early in the morning.

Second, may I ask the majority leader if he anticipates any dealing whatsoever with war powers, inasmuch as December 25 marks the end of the 60 days in Grenada; if the President should wish to have additional time, what will we do? Will we come back and take action then, or shall we try to anticipate such action before we go?

Mr. BAKER. Very well, Mr. President. I did not include that, once again because I do not know the answer to it. The point made by the minority leader is a good point, one that we shall have to address. I shall be glad to discuss that with him.

Mr. McCLURE. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. McCLURE. I thank the Senator for yielding.

Mr. President, I remind the majority leader and other Members of the Senate that we have not really yet debated the natural gas bill. We have not been on it for the purpose of amendment to the bill. As he will recall, we were held up with a minifilibuster on the motion to proceed to the consideration of that legislation. I hope that the recitation of the calendar items to be considered in the balance of this session will not detract from the opportunity to legislate in that field if indeed we can do so.

Mr. BAKER. Mr. President, I thank the Senator. As he knows, I intend to commit as much time as circumstances will possibly permit to try to pass this bill. It is not just a gesture. It is a genuine effort to try to reach this bill. Unfortunately, we have spent so much time on the motion to proceed and obtain cloture on it that it has sharply reduced our ability in terms of scheduling.

Mr. President, I thank all Senators for their attention. I say there apparently will be one more record vote tonight. After that, I expect there will be no more and the Senate will go out until 9 o'clock tomorrow as previously ordered.

Mr. PRYOR. I have one question I want to address to the majority leader, if he will yield.

Mr. BAKER. Yes, Mr. President, I yield.

Mr. PRYOR. Mr. President, I am glad to see the Senator from Alaska (Mr. STEVENS) is still on the floor. This is a dual kind of question, if the Senator from Alaska will kindly give me his attention.

We are still concerned with the time tomorrow for the vote on the chemical warfare amendment. I understand the majority leader's reluctance to say that no votes will be held before 11:30 a.m., but I am wondering if I may ask the manager of the amendment, the Senator from Alaska (Mr. STEVENS), if, in the event that the opponents of the amendment offered by the Senator from Alaska still needed additional time—say 1 hour and 30 minutes or so—and if the proponents such as himself do not wish to use all the time, would it be possible to yield to this side or to those who oppose his amendment any additional time so we might say that 11:30 time, in that neighborhood, would be the first vote, to assure that some of our Members who are going out across the country for elections would be back by that time?

Mr. STEVENS. I would be reluctant to say that we would not yield back time. On the other hand tomorrow morning I would be receptive to a request that the time on both the amendment and the Boschwitz amendment to that amendment be used concurrently. That would accomplish the result, and we would have used the time for both sides obviously before we voted on any one of the amendments. I do not have any problem with saying it is going to be at least 11:30 in my judgment before we have a vote. I would not say that we could agree that it could not occur before 11:30 because of what might happen tomorrow.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER (Mr. COCHRAN). The majority leader is recognized.

Mr. BAKER. Mr. President, there are all sorts of ways to try to see that things do go on. There are far fewer ways to see that they come to an end in this body, and I would like to reassure both Senators that nobody is going to try to pull the wool over their eyes. There are elections tomorrow. I understand that. My guess is that there is only the tiniest possibility that anything would go awry. I do not expect votes before 11:30.

Mr. PRYOR. I think the majority leader.

Mr. BAKER. Mr. President, there is one matter that I left off, and it was pure inadvertence. The list must also include the Civil Rights Commission reauthorization bill. What I mean by that is to call up the bill, which is on the calendar, which is the House-passed bill, for debate and action by the Senate. I understand that that may be controversial and that almost surely there will be an effort to amend it, but it is still the stated firm resolve of the leadership on this side to call up the Civil Rights Commission reauthorization bill before we go out in time for us to have worked the will of the Senate.

Mr. President, I yield the floor.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I was asking for the floor primarily so the Senator from Montana could take the floor and present his amendment. Throngs of us have been told that that was coming up next and real soon. I believe we are down to it. If I may act for the Senator from Alaska, too, I hope my friend would seek to be recognized and call up his amendment.

AMENDMENT NO. 2516

(Purpose: To extend the anticipated 4 percent cost of living increase to all military personnel in the grade E-1)

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, I thank the distinguished senior Senator from Mississippi for those pertinent remarks.

Mr. President, this amendment will not take very long. It is only a half-an-hour equally divided and perhaps we will not use all of that half-hour.

The PRESIDING OFFICER. Will the Senator sent the amendment to the desk?

Mr. MELCHER. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an amendment numbered 2516:

At the end of Title VII add the following new section:

"SEC. . Notwithstanding any other provision of this bill, compensation for all military personnel grade E-1 shall be increased 4 percent at the same time as pay adjustments for grades E-2 and E-3. Provided further, an amount sufficient to provide the 4 percent increase for military personnel grade E-1 with less than 4 months active duty may be transferred from the account for DOD recruiting activities."

Mr. MELCHER. Mr. President, this amendment is an amendment that deals with the fairness in pay for our lowest grade E-1's and the cost-of-living adjustment that will be allowed to all of our military personnel, Federal workers, including probably Congress, January 1.

Mr. President, I rather enjoy the Armed Forces TV ads. We saw the rather catchy jingle that appeared several times during the Superbowl game last January. When John Riggins was not running for a touchdown or Charlie Brown was not catching a pass, they interrupted with a time out for the purpose of ads. That TV ad was, if you will recall, an Army-Navy-Air Force-Marines jingle. More recently, we have been watching another ad which I also enjoy. It has as its theme "Be all that you can be" and features the Rangers. I greatly admire the ad and I greatly admire the Rangers. I worry a little bit about rope burn as I watch them slide down those ropes rather rapidly, but it is a great ad. We have read since Beirut and particularly since Grenada that our recruiting offices have picked up business; that there are more recruits; there is greater interest in enlisting. So I believe it is a good time to review what can be significant and encouraged enlisting.

It is without a doubt that we want to upgrade those who enlist or reenlist in our Armed Forces, and this bill seeks to aid in that very cause by a 4-percent cost-of-living adjustment for members of the Armed Forces effective January 1. It also makes a necessary correction.

It allows a higher than 4-percent cost-of-living adjustment for two of the midgrade enlisted personnel to correct compression problems, and so far it is so good. But—and that is the second point—this 4-percent does not apply to the lowest grade E-1's for their first 4 months. Those at the lowest grade are receiving $573 per month.

Now, what could be the reason for this seemingly absence of care, this absence of paying attention to what we are doing with the cost-of-living adjustment?

Well, the answer in this appropriation bill is simply this: The Appropriations Committee has followed the Authorization Act.

When we had the authorization bill before us last summer, on July 16 the Senate voted to freeze the E-1 cost-of-living adjustment for the first 4 months, and so they made an exception. The amendment that I offered at that time to make it uniform for E-1's lost by a bundle. It only received 14 votes in favor of making that correction. I thought that was a mistake, and on July 25 I proposed a second amendment calling for an E-1 pay adjustment but allowing authority to the Armed Forces to transfer the needed amount—less than $20 million—for the year from the recruiting program, which cost is roughly $1 billion per year because, after all, the ads on TV are one thing to catch the attention of those who might be interested in enlisting, but pay is key in recruiting. Four percent on $573 would add $23 per month, making it about $600 per month for first-time enlistees, and that is an incentive when you can say in the recruitment office or with the ads that if you sign up, you will be getting about $600 per month right off the bat.

The purpose of good recruiting, of course, is to get the best caliber young people. That is our goal. We want to get the best caliber that is possible for their leadership capabilities and their abilities and hold onto them.

So on July 25 on my second try we had a big boost in those who supported my amendment; it went up to 26. That is far from enough, not nearly enough, but it was almost double the previous vote of 14. Now, I believe it is time to try again to do the right thing. And if we double the 26, why, we will have a majority.

Then there is another reason for offering it now. Conditions have changed. We have had casualties in Beirut and Grenada and both actions have seen E-1 casualties. Despite what was commonly believed by the Senate this past July when we were voting on the authorization bill, E-1's are assigned overseas to do battle. Two E-1's were killed in Beirut and an E-1 was one of the few casualties in Grenada.

The arguments for the amendment are easily understood. It is fair and equitable. We treat them all the same.

We think of what we are doing here for ourselves. We will probably get a 4-percent pay increase effective the first of the year. That pay increase, if it is granted, if we decide on it, will apply to each and every Senator alike, those who have served in this body for 10 years, 20 years, 30 years—or whoever is elected tomorrow in the State of Washington. There will not be any differential in pay among Senators. We are all treated alike. We are all treated equally on the pay question.

With respect to the people of the Armed Forces who are in battle, we used to call ourselves "dogfaces." It did not seem very flattering. Maybe they call them "doughboys" now, as we did in World War I. The E-1 seaman on the ships and the E-1 marines, I think, call themselves "grunts." They are right there. They have the hardest work.

They are in the biggest and most dangerous parts of the battle. To have the differential for E-1's in a certain stage does not make much sense. I think it is splitting hairs, and we should correct that, because we should recognize their value and know that they are right there in the front lines, available to catch the worst, and usually do.

What are the arguments against it? What are the arguments that are valid against the amendment? Surely, the cost is not a sound argument. With respect to the $20 million additional that it will cost to justify this error, to pay E-1's the cost-of-living adjustment at the same time the rest of them get it, if it is an item, we will allow the Armed Forces to transfer out of recruitment the $20 million, if there is something out of that $1 billion for recruiting purposes.

Perhaps a valid argument against the amendment is that we can get all the recruits we need now. That does not quite ring a bell with me. We want to get the best possible recruits we can. This little pay adjustment is just one more incentive to get the best possible recruits.

After all, we are after quality. It is not quantity; it is quality, the quality of those recruits. We are only going to have a certain number accepted in the Army, the Air Force, the Navy, and the Marines, and pay is part of the incentive to enlist. Pay is part of attracting quality.

So we should recognize their value and remove from the bill this idiosyncracy, this peculiar arrangement, whereby we would want to have a little different scale for the E-1's in the cost-of-living adjustment.

The ads and the jingle I mentioned about the Army, the Navy, the Air Force, and the Marines will not ring quite as true. There will be a flat note for those people who recognize that when we passed the authorization and passed the appropriation, we did not really think of them as being worth as $23 a month cost-of-living increase that will be given at the same percentage rate, 4 percent, to the rest of the grades.

That line in the Ranger ad for the Army, "All that you can be," just does not seem like they mean it if we are going to hold $23 from the E-1's for a period of time, 4 months.

We are after the finest young people we can attract into the Armed Forces. I think that also means we are going to treat them with the utmost fairness and are not going to split hairs, that we are going to treat them as young men and women who are worth their salt, and that we will not have a sort of double standard on cost-of-living increases.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN. Mr. President, I yield the Senator from Iowa such time as he desires.

Mr. JEPSEN. Mr. President, to answer some of the statements made by the distinguished Senator from Montana, I would direct my remarks first of all, to the most emotional. There are no E-1's with under 4 months of service who have been fighting and dying in Lebanon and Grenada. We have checked, and there are no E-1's with less than 4 months of active duty who are in any of our combat zones, and there is little likelihood of that ever happening.

Let us make sure we understand what we are talking about here. The DOD Authorization Act provided a 4-percent basic pay allowance increase for all military personnel except E-1's with less than 4 months of active duty. The DOD Authorization Act attempted to continue to target the pay-raise dollars in that most effective manner which we used 2 years ago, for the first time in history. The results have been very gratifying. Morale has never been higher, and the pay compression and many of the other factors that had been driving our senior enlisted personnel out of the military service were brought back under control again.

I point out to the distinguished Senator from Montana that even without a 4-percent pay raise, an E-1 entering active duty on January 1, 1984, will realize a 15-percent pay raise after only 7 months, through normal promotion procedures.

I point out that the studies of military recruiting reveal that young people overestimate E-1 pay. It is not even a minor consideration in their decision to join the military.

I point out that personal conversations with noncommissioned officers make it clear that they believe that recruit pay is already too high.

I also point out that unlike a freeze on E-1 pay, a further reduction in advertising, as advocated by the Senator from Montana, would really harm military recruiting, which is going better than ever.

At this time, Mr. President, I have raised the point of order that the amendment is general legislation on a general appropriations bill and, therefore, is out of order.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Until the time of the amendment has been utilized or yield back a point of order will not lie.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa still has the floor.

Mr. JEPSEN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Montana has 2 minutes and 50 seconds; the Senator from Alaska or his designee has 11 minutes and 40 seconds.

Mr. JEPSEN. Will the Senator yield time whenever I need it? May I yield to the Senator without losing my time or does it have to go through the manager of the bill?

Mr. RUDMAN. How much time does the Senator from Nebraska wish?

Mr. EXON. Four or five minutes.

Mr. RUDMAN. Mr. President, I yield that time to the Senator from Nebraska and will be prepared at the end of that to speak for 2 minutes and yield back the remainder of our time assuming the Senator from Montana would yield back the remainder of his time.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I rise in opposition to the amendment offered by the Senator from Montana. I think this is the second or third time that this identical amendment has been offered. It has been defeated and I suggest that it is becoming somewhat redundant.

Mr. President, the creation of this new pay category—E-1 with less than 4 months of service—was subject to considerable debate within the Armed Services Committee in the Manpower and Personnel Subcommittee of which I am the ranking minority member.

Mr. President, during the first 4 months of service, a new recruit is for the most part in his or her training period. Let me remind my colleagues that the President proposed no pay raise in fiscal year 1984 for all of our military personnel.

Senator JEPSEN and I were the leaders in providing for the first-ever targeted pay increase for military personnel in 1981 and as the chairman and ranking minority member we worked very hard in trying to fashion a reasonable and workable package.

Mr. President, recruiting at the present time is at an alltime high, since the beginning of the All Volunteer Force. We can live with not providing a cost-of-living increase for recruits with less than 4 months of service in light of all the past which must be accomplished in building up our defense strength.

Mr. President, we have many additional features for recruits that generally are not known or understood. A young man or woman coming into the service could qualify for an enlistment bonus of anywhere from $5,000 to $8,000. They can start immediately with contributing to the education fund which the Government will match on a 2-to-1 basis. Even after they finish the 4 months of service and become eligible for a cost-of-living increase promotions are relatively rapid from pay grades E-1, E-2, and E-3.

Mr. President, I would simply suggest that the same argument that defeated the amendment offered by the Senator from Montana apply again at this time. And while he talks about $23 per month, it is $22 million we are talking about and that $22 million was not authorized.

Therefore, I simply feel, Mr. President, that the amendment should be voted down again and I would hope that we would do it in some proper form, whether it is an up-or-down vote or whether we go to the basic germaneness question that was just raised by the Senator from Iowa.

Mr. President, I yield back any remaining time that I have on the time yielded to me.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN. Mr. President, how much time does the Senator from New Hampshire have available?

The PRESIDING OFFICER. The Senator from New Hampshire has 8 minutes and 10 seconds.

Mr. RUDMAN. Mr. President, I yield myself such time as I may need.

Mr. President, I think the arguments that were stated here in the Chamber and were stated, of course, several months ago when we voted on the same issue on the authorization bill have been well stated by the Senator from Iowa and the Senator from Nebraska.

Let me just summarize briefly the subcommittee's position.

First, a pay of about $575 per month in basic pay plus allowances for a young man or woman in their apprenticeship of 4 months in the service is hardly underpay. As a matter of fact, it probably compares quite favorably adding up all the benefits of that base pay to what young apprentices at that age would earn in almost any calling whatsoever in civilian life.

Second, the argument that we have people in a combat situation who would be in this position as the Senator from Iowa has pointed out is just not factual. People almost invariably serve for more than 4 months before they are eligible for overseas duty. At 4 months they have not completed basic plus other special or unit training.

Third, as far as the argument that we are not attracting quality personnel because of this, the fact of the matter is that each chief of the various services, Army, Navy, Air Force, and Marine Corps, has testified before the Defense Appropriations Subcommittee and I believe the Armed Services Committee that because of what the Congress has done with pay and allowances over the last several years we are in the midst of the best recruiting program we have ever had in terms of quality, in terms of test scores, and in terms of education.

So this amendment really, in the opinion of the subcommittee, simply spends money that does not buy us anything in terms of improving our defense. Granted, in our committee $31 million is a small sum indeed. But I will tell you in New Hampshire it is a lot of money, and I suspect it is a lot of money in Iowa, Nebraska, and I bet even in Montana. It is $31 million that we do not have to spend and we should not spend.

Mr. President, I think I have said about enough unless anyone wishes me to yield them time.

Mr. GOLDWATER. Mr. President, will the Senator yield time?

Mr. RUDMAN, Mr. President, I yield such time as the Senator from Arizona may wish.

Mr. GOLDWATER. Mr. President, I do not believe the quality of our troops has ever been as high as it is today. Pay certainly has not been any retarder of quality. I know this through almost constant visits with the troops at all levels, and I wish to see this amendment defeated. It is not needed.

The PRESIDING OFFICER. Who yields time?

Mr. JEPSEN. Mr. President, I am prepared to make a tabling motion after all the time has expired on both sides and will do so when it is indicated it is in order.

Mr. RUDMAN. Mr. President, I am prepared to yield back the remainder of my time unless the Senator from Montana wishes to use an additional amount of his time.

Mr. MELCHER. Mr. President, what we are really talking about on $573 per month per recruit is pay comparable to working at McDonald's. But nothing else is comparable. At McDonald's you probably get about the same amount of pay for a 40-hour week or a 38-hour a week. But these recruits are working 60 hours a week, and sometimes a lot longer. It is not very comparable on the food mostly. Most people would prefer McDonald's food.

Really that is not what we are arguing about, though. We are debating whether or not we want to have uniformity in a cost-of-living adjustment without some peculiar arrangement that denies it for a certain portion of the E-1's and only the E-1's, the lowest paid.

Those E-1's are serving in Beirut. They were on Grenada. I suppose they have left there now, but they were there.

So it is splitting hairs, talking about whether you are going to have to have 4-percent pay increase, $23 per month extra, whether or not it is 4 months, 6 months, or 10 months. That does not make any sense. Though, what it does do is argue against those good TV ads. Those ads indicate that we are proud of them and we are going to treat them with fairness and we are going to recognize their value.

We have two options on the amendment. We can either take the $22 million and say it is an add-on, or we allow the Department of Defense to say it will help in recruitment and we will reduce that $1 billion by $22 million and we will make the adjustment. They have their option.

All this talk about normal promotions really does not come out too good because there are a lot of people who are E-1's who do not reflect this normal promotion that has been described here this evening because that really is not the case. For those E-1's who were killed in Beirut it was never the case.

When you ask someone to take the hardest road and you say but you are not going to be entitled to $23 cost-of-living adjustment, it just does not make any sense to me.

I hope the amendment is carried. I do not object to the tabling motion. If a tabling motion fails I hope we can pass it on voice vote.

The PRESIDING OFFICER. The time has expired.

Mr. RUDMAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. JEPSEN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Iowa (Mr. JEPSEN) to table the amendment of the Senator from Montana (Mr. MELCHER). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Washington (Mr. EVANS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 69, nays 24, as follows:

[Rollcall Vote No. 340 Leg.]

YEAS—69

Abdnor
Andrews
Armstrong
Baker
Bentsen
Boren
Boschwitz
Bradley
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
Denton
Dixon
Dole
Domenici
Durenberger
East
Exon
Garn
Glenn
Goldwater
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heinz
Helms
Humphrey
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Laxalt
Long
Lugar
Mathias
Mattingly
McClure
Mitchell
Murkowski
Nickles
Nunn
Pell
Percy
Pressler
Proxmire
Quayle
Roth
Rudman
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Warner
Weicker
Wilson
Zorinsky

NAYS—24

Baucus
Biden
Bingaman
Bumpers
Burdick
Byrd
DeConcini
Dodd
Eagleton
Ford
Heflin
Huddleston
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Moynihan
Pryor
Randolph
Riegle
Sarbanes
Sasser
Tsongas

NOT VOTING—7

Evans
Hart
Hollings
Inouye
Lautenberg
Packwood
Wallop

So the motion to lay on the table amendment No. 2516 was agreed to.

Mr. JEPSEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2517

(Purpose: Restore Funds for Binary Chemical Weapons Production Facilities and Production)

Mr. STEVENS. Mr. President, there is an amendment at the desk that I offer on behalf of the Senator from Texas and the Senator from Arizona that I wish to lay down.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS,) for Mr. TOWER, Mr. STEVENS, and Mr. GOLDWATER, proposes an amendment numbered 2517.

Mr. STEVENS. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows:

On page 22, line 5 delete "$1,943,500,000" and insert in its place "$2,067,900,000"

Mr. STEVENS. Mr. President, there will be no more rollcall votes tonight. The Senator from Maine has asked that I yield to him and I do yield to him 10 minutes on the bill.

CHEMICAL WEAPONS

Mr. COHEN. Mr. President, the Senate will soon take up discussion of perhaps the most obscene and the most noxious of weapons in today's military arsenals: chemical weapons. The question of whether to modernize the U.S. stockpile of chemical weapons has aroused strenuous debate in the Congress and indeed in the Nation. I will not review the elements of the national debate. Suffice it to say that there are compelling arguments on both sides of this issue. I rise today to suggest an approach which I hope will help move us toward an objective shared by all parties in the debate: The complete elimination of these particularly loathsome weapons from the face of the Earth.

It has long been U.S. policy to insure that chemical weapons are never used. In recent years, evidence has been presented to show that the Soviet Union has been inordinately interested in preparation for chemical warfare. While much of this may be defensive in nature, evidence of Soviet use of biological weapons in Southeast and Southwest Asia raises disturbing questions about Soviet willingness to use chemical weapons in a battlefield environment.

In 1969, the United States ceased production of chemical weapons. For 14 years, we have continued this policy of restraint. At the same time, we have engaged in multilateral discussions with the Soviet Union aimed at achieving a complete and verifiable ban on chemical weapons. The multilateral negotiations have continued to the present. The bilateral negotiations recessed in 1980 and have not yet been resumed.

I have in the past supported the U.S. moratorium on production of chemical weapons and would prefer to see it continued, if U.S. security intersts could, at the same time, be maintained. However, the controversy over Soviet programs and actions and the need to maintain a viable deterrent to chemical warfare raise important questions about whether or not to continue the unilateral production ban. I believe the moratorium stands as solid evidence to the world of U.S. abhorrence of these terrible weapons and U.S. dedication to legislating their elimination.

I understand that an amendment will be proposed to the Defense appropriations bill restoring funding for the production of chemical weapons and for the construction of production facilities. In reviewing the present status of the chemical weapons issue, as well as its history, I have been seeking a means of preserving the production moratorium while insuring the credibility of the U.S. deterrent. Are there, for example, measures we could take, short of actually producing new weapons, which might spur meaningful arms control efforts, yet leave the United States in a position to maintain a viable capability?

I believe there are two immediate steps which would have this effect. First, we must invigorate our arms control efforts in this area. I commend the administration for pursuing a chemical weapons ban in the multilateral framework of the Committee on Disarmament in Geneva. I support these efforts and believe they should be continued in earnest. As a former U.S. negotiator as the Committee on Disarmament has noted, however, a bilateral agreement with the Soviet Union is a prerequisite to a multilateral treaty. This view is shared by the Defense Department official presently responsible for chemical matters. Toward this end, I shall soon be introducing in the Senate a resolution commending the administration for its efforts to achieve a multilateral arms control agreement on chemical weapons and urging that it propose the reestablishment of bilateral negotiations with the Soviet Union aimed at concluding a complete and verifiable ban on chemical weapons. I believe such a proposal will demonstrate this country's resolve to achieve a worldwide ban on this class of weapon.

At the same time, I believe we must take steps to insure that, until they are eliminated, chemical weapons will never be used. Our best hope, in my view, rests on a credible deterrent posture. We must maintain a force which will deter the use of chemical weapons by others while we move to negotiate their elimination. I believe we may be able to achieve this by taking steps short of appropriating funds for production of new chemical weapons.

I agree with those who argue that we must continue to strengthen our ability to defend our forces against the use of chemical weapons by others. I believe, too, that we must look to modernize our aging chemical weapons stockpile. In this regard, I feel that we should appropriate funds sufficient to take the initial steps in the construction of production facilities. In the case of the so-called Bigeye weapon, I feel that construction should not proceed until adequate certification is received from the Secretary of Defense that all technical problems have been resolved. I shall not take the time this evening to mention some of those technical problems.

In my view, we should preserve, at least for the time being, the moratorium on production of chemical weapons. While initiating work on chemical weapons production facilities, I believe we should defer production of the 155-millimeter binary projectile to allow time to press ahead on our objective of banning such weapons. During this period, I believe we should also continue to study the technical problems which have arisen in the development of the binary weapon.

Mr. President, I believe it imperative that the United States continue to exhibit and underscore the very responsible policy it has traditionally followed on chemical weapons. We must continue to demonstrate to our people and to the people of the world that the U.S. Government will do all in its power to prevent the growth and proliferation of chemical weapons. By delaying production of new such weapons, while placing ourselves in a position to move ahead if required, we can pursue our goals while maintaining our national security interests. We can emphasize our resolve and, hopefully, enhance the prospects for a verifiable ban on chemical weapons by engaging the Soviet Union in intensive negotiations. I will be discussing these measures with the managers of the Defense appropriations bill and my other Senate colleagues in the next 24 hours. I believe we all share the objective of a worldwide ban on these noxious weapons and I look forward to a fruitful dialog on the role we in the Senate can play toward its achievement.

STEEL PLATE

Mr. SPECTER. Mr. President, I would like to express my concern to the bill manager, the distinguished Senator from Alaska, and the ranking minority member, the distinguished Senator from Mississippi, regarding the recent purchases by the Defense Industrial Supply Center (DISC) of foreign steelplate, which is an essential strategic material. Steelplate is vital to the superstructure of many of our defense weapons systems including the Trident submarines, the *Los Angeles* class nuclear attack submarines, the *Nimitz* class aircraft carriers, and the Trident submarines, and the M-1 tanks. Without a domestic capacity to produce steelplate, our ability to build and maintain armored superstructures will be significantly harmed.

Mr. HEINZ. I join my distinguished colleague from Pennsylvania in this expression of concern, and I would like to ask the chairman of the Defense Appropriations Subcommittee if he is aware of these foreign purchases by this division of the Defense Logistics Agency. The present state of the domestic steelplate industry poses major difficulties for the long-term security of our defense industrial base. Of four producers in the United States, one producer has recently announced that it will discontinue production of steelplate while another has filed for chapter 11 bankruptcy. The remaining two producers have, despite efficient production and price reductions of about 50 percent, declined significantly in capacity utilization. I am informed that one of these companies has fallen from a capacity utilization of 80 percent in 1979 to a present utilization of only 40 percent.

Mr. SPECTER. I would like to briefly elaborate on the remarks of my distinguished senior colleague. It is my understanding that the Department of Defense, in the past 3 years, has procured in excess of 12,000 tons of these steelplates from overseas producers through brokers. In fiscal year 1982, the Department of Defense purchased 4,000 tons of steelplate, and in fiscal year 1983 it purchased 8,000 tons of steelplate from a variety of foreign sources. In the past 2 years purchases made by the DISC from foreign sources accounted for over 80 percent of total DISC steelplate procurement.

Mr. STEVENS. I thank the distinguished Senators from Pennsylvania for bringing this defense procurement matter to the attention of the ranking minority member and myself. Do the Senators have any specific requests to make in this regard?

Mr. HEINZ. Mr. President, given the strategic importance of this steelplate, I believe that it is in our national security interests that Congress monitor the DISC purchases to determine the products purchased, the dollar value of these purchases, the foreign sources of these purchases, and the reason the procurements were made from foreign sources. I also believe that it would be valuable if we could obtain this information for fiscal years 1982 and 1983.

Mr. SPECTER. If I may add, Mr. President, I believe it is important for Congress to have a sound, factual basis from which to determine the effect these foreign purchases are having and will have on our national security interests. Would the Senator from Alaska and the Senator from Mississippi agree to request a report from the Department of Defense detailing its purchases of foreign steelplate, and join us in looking into this critical issue?

Mr. STEVENS. That is acceptable to the Senator from Alaska.

Mr. STENNIS. I certainly appreciate the Senators' concerns, and I agree to their request.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there has not been a time for the transaction of routine morning business today. Therefore, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 7:10 p.m., in which Senators may speak for not more than 1 minute each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

COMMUNITY INVOLVEMENT IN THE WAR AGAINST ILLEGAL DRUGS

Mrs. HAWKINS. Mr. President, community groups and grassroots organizations continue to be a powerful and effective force in this country. The greater part of our Revolutionary Army was made up of groups of community militiamen called the Minutemen: ill-clad and poorly equipped, but ready to fight bravely and energetically on a minute's notice.

Today this country has witnessed the strength and influence of modern-day minutemen, in the form of neighborhood groups, community organizations, church associations, and tenant councils. In fact, in the war against illegal drugs in this country, it is the community groups who have volunteered their time, and money, and taken swift action against the drug pushers and dealers who have invaded their territory and threatened the lives of their children.

Just 2 weeks ago in Washington, D.C., 300 residents of a community in the northeast section marched to protest drug sales in the neighborhood. Spurred on by an epidemic of drug overdoses in the area—3 deaths and 25 overdoses in 1 month—21 church groups, aided by the local police, organized the march with tenant councils and other neighborhood organizations.

I would like to commend the efforts of this community group in Washington, D.C., as well as an area organization in my home State of Florida. A group of Brevard County citizens have banded together to solve the problem of teenage drug abuse in their area. Mr. President, I ask for unanimous consent that a newspaper article on the Brevard County program be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

BREVARD PROGRAMS TARGET TEEN-AGE DRUG ABUSE

Brevard Countians who were horrified at a recent suspension from school of a local 10-year-old for possession of marijuana will have an opportunity beginning Wednesday to get involved in community action to deal with teen-age chemical substance abuse.

A two-part television series called "The Chemical People" will be seen on Public Broadcasting System stations across America (Channel 24 in Orlando) from 8 to 9 p.m. on Nov. 2 and Nov. 9.

Community participation will be in the form of town hall meetings in each of five sections of Brevard County which will begin at 7:45 and continue after the conclusion of the broadcasts which will feature First Lady Nancy Reagan.

The first program will inform, motivate and confront the wall of denial that often prevents action and is designed to show that the problem belongs to everyone.

A week later the second program will aim at convincing citizens they are not helpless by showing community approaches that have proven successful in other parts of the country.

The goal of the second town hall meeting is to form a permanent task force of concerned citizens to prevent and combat youth involvement with chemical substance abuse.

This project evolved from a similar effort in Pittsburgh in 1982 and is one of the first undertakings of the newly formed National Coalition for the Prevention of Drug and Alcohol Abuse.

Over 50 national organizations are currently working with public television to try to prod America into action.

The effort is also being supported by a number of state and local groups.

Media focus on this problem has been heavy recently and the contribution of public television by airing this two-part series is to be commended.

We are pleased to see that more people are recognizing that alcohol is a drug by talking about chemical abuse and substance abuse rather than making a verbal distinction between alcohol abuse and drug abuse.

The only accurate distinction is that alcohol, at least where adults are involved, is a legal drug as opposed to the many illegal drugs with which we are increasingly concerned.

We earnestly hope that people who care about the welfare of the children of the community will get involved by attending one of these town hall meetings, and that turf guarding by professionals who are involved in some of the many programs in this field will not be permitted to fragment the community effort.

Additional information on the town hall meetings can be obtained by calling 723-9367.

All of the meetings will begin at 7:46 both nights, Nov. 2 and Nov. 9. The sessions will be at the Hoover Junior High School Library, Melbourne High Auditorium, Lifelong Learning Center at Brevard Community College in Cocoa, Roosevelt Junior High, Cocoa Beach and at Jackson Middle School, Titusville

CAPTAIN MICHAEL FRANCIS RITZ, 82D AIRBORNE DIVISION

Mr. HART. Mr. President, in recent weeks and months, hundreds of American families throughout the Nation have experienced the indescribable pain and sorrow that comes with the notification that a family member has been killed or seriously wounded in the service of our country.

One such family is the family of Army Capt. Michael Francis Ritz, a member of the 82d Airborne Division, who was killed in hostile action during the recent invasion of Grenada. In addition to his wife and family, Captain Ritz is survived by a brother who has written a very touching tribute to this young man whose love for his family, his friends, and his country was as great and as boundless as his love for life itself.

Mr. President, I respectfully ask unanimous consent that the tribute to Captain Ritz be printed, in its entirety, in the Record as a reminder to the American people that our Nation continues to be blessed with valiant men and women who find no sacrifice too great to be made for their country.

There being no objection, the tribute was ordered to be printed in the Record, as follows:

I CAN'T LET MY BROTHER BE JUST ANOTHER NAME ON A CASUALTY LIST

(By William R. Ritz)

Michael Francis Ritz, my youngest brother, was born 28 years ago.

This week, we'll bury Michael.

Mike was an Army paratrooper captain with the 82nd Airborne Division. He died last week on Grenada, the victim of "hostile action," the Army told us.

We don't know exactly when the Army will bring Mike home to us. Only that it will be his last trip.

You can't imagine how painful this is to write. But I can't let Michael's death pass without trying to put it in perspective. I can't let my brother be just another name on a casualty list.

There is a message here, a lesson to be learned for all of us. Tragically, it took his death to bring it to light.

It's not a political message. I don't want his memory cheapened by political opportunism and, for that reason, won't address the political decision that sent Michael to an island I didn't even know existed one week ago.

Rather, Michael's message was wrapped in the example of fairness, integrity and caring he set by his lifestyle.

A flame of decency and love burned hot within Mike's heart and soul from the moment he was born. And he carried it with him throughout his life, all the way to Grenada.

Mike was a special kid, a splendid low-key boy full of laughter and pranks.

His impishness hid behind his freckles and reddish-blond hair. His strong sense of purpose hung on those huge shoulders of his. His love of life was mirrored in his clear, deep blue eyes.

GIVING WAS HIS FIRST PRIORITY

His first priority always was giving rather than receiving, whether it was to a member of his family, one of the soldiers in the infantry company he commanded, or simply to those who had the good fortune to know him.

When he was growing up, we called him Mikey. He was much like any other little boy—playing cowboys, climbing trees, riding sleds, throwing footballs and gradually warming to the idea that girls weren't so bad after all. He was a superbly gifted athlete and earned all-conference honors in football and soccer and was elected team captain.

There were a lot of things more important to Mike than schoolwork, in fact, almost everything. But somehow he charmed his way through high school and struggled through

The Citadel, in Charleston, S.C., to earn his degree.

Like most students, he partied when he could get off campus on weekends. But many weekends Mike didn't party. He spent them with disadvantaged youngsters as a Big Brother.

Don't be surprised. It wasn't any big deal to Mike. He wanted to do it.

As he matured into a man, the flame in his heart and soul burned brighter.

Children could sense it, they were attracted to his gentleness like bees to honey.

HE LOVED AMERICANS

My three children adored their Uncle Mike, and he loved them back ferociously. Mike spent hours playing catch or wrestling on the floor with Joshua, playing trucks with Andrew, dressing dolls with Meghan or simply scooping all three of them onto his lap for a story. He never was too tired.

An altar boy as a youngster, Michael believed in a God and went to Mass regularly, but his religion was his private business and he didn't wear it on his sleeve. If it did anything, it only refined and reinforced his principles of fairness and decency, honesty and love.

About the only thing Michael ever did wrong was to exceed the speed limit on the highway.

Aside from his family, Michael's greatest love was his country and its people. Not white people or black people, not Chicanos or American Indians, not rich or poor—just plain Americans. Despite the complex problems tearing at it, this country was something special, Michael believed.

It comes as no surprise then that, almost from the time he could walk, Michael wanted to be an Army officer. He wouldn't settle for just being good. He wanted to be the best.

Michael was tough. He was a Ranger and a paratrooper and wore the coveted Ranger "tab" and jump wings of the airborne proudly on his uniform.

Michael's first major assignment was to a Ranger battalion in central Alaska, where he spent much of his three-year assignment traversing glaciers, mountains and other rugged terrain. He was a quiet leader and a natural motivator. He was tough but fair.

As a commander, Mike could mete out swift and harsh military justice if the occasion called for it. But in the next instant, he could dig deep into his own pocket for cash for a soldier who needed to get home on emergency leave.

He earned his troops' respect, and they responded accordingly.

MARRIED FOR 16 MONTHS

While in Alaska, Michael met Marty, a wonderful woman; and 16 months ago they were married.

Aware of his ability, the Army chose Mike for early promotion to captain. This year, he received his dream assignment—command of an infantry company in the presitigious 82nd Airborne Division, the "All-American Division," the Army's top combat unit based at Fort Bragg, N.C.

Mike and Marty bought a house near Fort Bragg, added an oversized and underbrained puppy, and started their family. Marty is expecting their first child in January. Michael would have made a wonderful father, but his son or daughter will never know firsthand what a great guy he was.

If it sounds like I'm describing some kind of superman, perhaps I am. Ask those who knew Mike, who loved Mike, who worked for him, and for whom he worked.

Mike is gone, but that spirit that burned in his heart and soul can remain in this country. The principles that Mike lived by and died for—honesty, decency, fairness and love—can't be forgotten.

In life, Mike lived those principles in hopes of creating a better world. In death, Mike would hope others would carry those principles on for him.

Michael Francis Ritz loved this country, and he loved its people. He was called on to do a job and he did it as best he could. It required his life and he gave it willingly.

God bless you, Mikey.

THE NATIONAL DEBT

Mr. STEVENS. Mr. President, I would call the attention of the Senate to comments in USA Today, Friday morning's issue.

I ask unanimous consent that it be printed in the RECORD but first let me read it.

"USA's debt. The national debt has quadrupled since 1960, but the economy has grown even faster. As a result, debt as a percentage of the gross national product is now less than 20 years ago, but rising." As this chart points out, the debt in ratio to the gross national product in 1960 was 47.6 percent. This year, it is estimated to be 35.8 percent.

There are many of us who believe that the rapid increase in the gross national product will assist in the long run in helping us deal with some of the problems that are associated with the monstrous national debt that we are attempting to cope with and which is the subject of debate in connection with the debt ceiling bill.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

USA's DEBT

The national debt has quadrupled since 1960, but the economy has grown even faster. As a result, debt as a percentage of gross national product is less now than 20 years ago—but rising.

NATIONAL DEBT—BILLIONS OF DOLLARS

1960—$291.
1970—$383.
1980—$914.
1983—$1,385.
1986 [1]—$2,047.

DEBT [2]-TO-GNP RATIO

1960—47.6%.
1970—29.4%.
1980—27.8%.
1983 [1]—35.8%.
1986 [1]—41.2%.

[1] —estimate.

[2] —debt held by public, excluding debt held by Federal Reserve and government accounts.

Source: Treasury Department.

YES, INDEED—THE NUCLEAR FREEZE IS VERIFIABLE

Mr. PROXMIRE. Mr. President, in the course of the debate on the nuclear freeze on Monday, October 31, the senior Senator from Maine, Senator COHEN, argued that verification of the nuclear weapons freeze would be virtually impossible. And he contended that if we could not verify Soviet compliance with the nuclear freeze treaty, we should not negotiate it. I agree wholeheartedly with the necessity of verification. I disagree vigorously with the argument that we could not verify Soviet compliance. Certainly any arms control agreement we make with the Soviet Union—of any kind—should carry with it compliance provisions. This is an absolutely quintessential part of any treaty with the Soviets.

We have learned in our failure to provide a compliance feature in the biological warfare treaty with Russia what happens when we do not require a trustworthy basis for compliance. In that case the Soviets invaded Afghanistan. We have strong evidence that in the course of that invasion they used chemical agents to kill Afghanistan people, civilian as well as military, including "yellow rain." This Soviet act constitutes a clear and flagrant violation of the treaty. What did we do about it? Nothing. Why? We have no basis for lodging an effective protest. What can we do? We cannot bring our evidence to bear to demonstrate the violation.

We have no effective monitoring system in place. Our Government has simply thrown up its hands. Last year I succeeded in getting an amendment through this body denouncing the Soviet Union for violating the treaty and calling on the President to denounce the treaty and renegotiate a treaty with effective compliance features. Unfortunately the House failed to act on my amendment and we are still saddled as a signatory to a treaty with the Soviet Union which this country may observe, but which the Soviet Union flaunts, and we have no basis for requiring their complaince.

Could this happen with the nuclear freeze? No way. Every single proposal for the freeze—the referendum on the freeze in Wisconsin and eight other States, the proposition put to thousands of Americans in public opinion polls by Gallup and Harris, the poll of 8,000 members of the Foreign Policy Association—every single one specified that the freeze should and would contain strong and effective verification provisions. Of the eight Democratic candidates for President, seven have declared their endorsement of the nuclear freeze. Every one of those seven has insisted that the freeze they support must provide for verification.

Are all of those who have indicated their support—in fact their overwhelming support—dupes who trust the Soviets or dolts who do not understand verification? Is verification of a comprehensive nuclear freeze on testing, production, and deployment of nuclear weapons impossible or virtually impossible, as Senator COHEN argues? The answer, Mr. President, is absolutely not. The senior Senator from Maine is just plain wrong.

I suppose there is no American better qualified to judge the verifiability of an agreement of this kind with the Soviet Union than the former head of the Central Intelligence Agency, William Colby. Mr. Colby has spent much of his life opposing the Soviet Union, and investigating it from every angle. Few if any Americans understand as well as Colby the threat the Soviet Union poses to this country or understands the concealment, the treachery, the deception of the Soviet Union as well as this man, who demonstrated this understanding of the Soviet threat repeatedly as the head of the CIA. Colby is certainly no inexperienced idealist.

Mr. Colby has retired from the CIA and what is he doing now? He is devoting his life to a plea for public support of the nuclear freeze. Certainly he understands we cannot trust the Soviet Union to keep its word. Certainly he knows we do not live in a Sunday school world of forgiveness and honor. He has flatly assured committees of the Congress that this country could verify a comprehensive mutual nuclear weapons freeze. We could verify Russian compliance or violation.

Mr. President, it is interesting that Senator COHEN, as author of the so-called build-down proposal has contended that we should negotiate this treaty that he favors with the Soviet Union. Whey would it be easier or safer or surer to rely on the Soviets complying with the build-down than its compliance with the comprehensive nuclear freeze. Keep in mind that a principal difference between the freeze and the build-down is that the freeze would stop nuclear testing. The build-down would not. Our top scientists tell us that we could enforce a ban on a nuclear testing more readily than any other aspect of an agreement with the Soviet Union because of the remarkable advance of the science of detection of such disturbances.

A number of top military experts have also supported the comprehensive nuclear freeze as verifiable. Of course, no one can ever give us absolute assurance that we could detect any cheating, any time, any place. Our monitoring, like any human system, is fallible. But let us never forget that if we fail to negotiate a comprehensive nuclear freeze, the risk of nuclear war is infinitely greater. Sometime, someplace, someone somewhere, by design or error, will press a button that will start the last world war unless we stop the arms race. The freeze has by far the best chance to do just that.

THE GENOCIDE TREATY—ACTION RATHER THAN REACTION

Mr. PROXMIRE. Mr. President, last month the National Committee To Commemorate Genocide Victims in the Ukraine 1932-33 organized a highly successful rally on behalf of the 7 million innocent men, women, and children who were the victims of a murderous forced starvation in the Soviet Union. Just prior to the rally, my colleagues Mr. HOLLINGS and Mr. DOMENICI sponsored Senate Concurrent Resolution 70 commemorating the anniversary of the Ukrainian famine and condemning the utter inhumanity of that tragic Soviet action.

I am proud to be a cosponsor of the resolution. It clearly takes a positive step toward recognition of yet another grim mass murder by proclaiming a national commemoration day, by using diplomatic channels to bring world attention to this willful human destruction, and by urging the Soviet Union to accept charitable contributions of food and other necessities.

But this is only one part of a broader action we can take. Greater strides are critical if we are to wipe out mass murder and genocide completely. Ratification of the Genocide Treaty is one essential step in reaching that goal.

Mr. President, the Senate speaks in open support of worldwide human rights protection. We chastise other governments for their abuse of people's basic rights and freedoms. We condemn the Soviet Union for its starvation of over 7 million Ukrainians. Yet we still have not ratified the Genocide Treaty. The treaty corresponds directly with our overall human rights stance. The arguments against the treaty have all been systematically refuted time and time again.

We can continue to take incremental steps—after the fact—condemning genocide. These small steps do in fact reaffirm our commitment to certain inalienable rights of all human beings. But they do nothing to protect those rights. Therefore, we must do more. Now is the time to make the broad statement that we will not tolerate genocide. Now is the time to act rather than react.

It is a travesty that we have waited 50 years before condemning the Soviet Union for starving 7 million innocent members of their society. But it will be a far worse travesty if our failure to ratify the Genocide Treaty contributes, in any way, to the genocidal deaths of other innocent lives in the future.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:50 p.m., a message from the House of Representatives delivered by Ms. Goetz, one of its reading clerks, announced that the House had passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1037. An act to authorize appropriations for fiscal year 1984 for certain maritime programs of the Department of Transportation, and for other purposes.

The message also announced that the House had passed the following bill and joint resolution in which it requests the concurrence of the Senate:

H.R. 1234. An act to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States;

H.J. Res. 383. Joint resolution to designate the week beginning November 6, 1983, as "Florence Crittenton Mission Week";

H.J Res. 386. Joint resolution designating the second week of November 1983 as "National Congregate and Meals on Wheels Week"; and

H.J. Res. 405. Joint resolution to extend the term of the Presidential Commission for the German-American Tricentennial, and for other purposes.

HOUSE MEASURES REFERRED

The following bill and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1234. An act to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States; to the Committee on Commerce, Science and Transportation.

H.J. Res. 383. Joint resolution to designate the week beginning November 6, 1983, as "Florence Crittenton Mission Week"; to the Committee on the Judiciary.

H.J. Res. 386. Joint resolution designating the second week of November 1983 as "National Congregate and Meals on Wheels Week"; to the Committee on the Judiciary.

H.J. Res. 405. Joint resolution to extend the term of the Presidential Commission for the German-American Tricentennial, and for other purposes; to the Committee on the Judiciary.

REPORT OF THE COMMITTEE ON THE BUDGET SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of November 4, 1983, the following report was submitted on November 4, 1983, during the adjournment of the Senate:

By Mr. DOMENICI, from the Committee on the Budget, without amendment and without recommendation:

S. 2062. An original bill to provide for reconciliation pursuant to section 3 of the first concurrent resolution on the budget for fiscal year 1984 (H. Con. Res. 91, 98th Congress) (with additional views) (Rept. No. 98-300).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without recommendation, without amendment:

S. Res. 250. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1102 (Rept. No. 98-301).

S. Res. 254. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1108 (Rept. No. 98-302).

Mr. ANDREWS, from the committee of conference, submitted a report on the disagreeing votes of the two Houses to the bill (S. 726) to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes (Rept. No. 98-303).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

John H. Riley, of Virginia, to be Administrator of the Federal Railroad Administration.

(The above nomination was reported from the Committee on Commerce, Science, and Transportation with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATFIELD:

S. 2063. A bill for the relief of Valerie Irene Graham and her son, Joseph Macaree; to the Committee on the Judiciary.

By Mr. BUMPERS (for himself, Mr. COCHRAN, Mr. MELCHER, Mr. PRYOR, Mr. DECONCINI, Mr. HEFLIN, Mr. BENTSEN, Mr. SASSER, and Mr. EXON):

S. 2064. A bill to amend the farm disaster emergency loan program to require the Secretary to base single enterprise production loss determinations on actual production only, and to prohibit the Secretary from including production determinations from sources such as payment-in-kind or land diversion program participation; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. EXON:

S. 2065. A bill to provide equitable adjustments in the natural gas market and consumer relief; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN:

S. Res. 272. A resolution to offer condolences to France; to the Committee on Foreign Relations.

By Mr. PERCY (for himself and Mr. LEVIN):

S. Res. 273. Resolution expressing the sense of the Senate that the Attorney General of the United States should withdraw the motion or waive its demand for costs in the case of Liuzzo v. United States; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUMPERS (for himself, Mr. COCHRAN, Mr. MELCHER, Mr. PRYOR, Mr. DECONCINI, Mr. HEFLIN, Mr. BENTSEN, Mr. SASSER, and Mr. EXON):

S. 2064. A bill to amend the farm disaster emergency loan program to require the Secretary to base single enterprise production loss determinations on actual production only, and to prohibit the Secretary from including production determinations from sources such as payment-in-kind or land diversion program participation; to the Committee on Agriculture, Nutrition, and Forestry.

SINGLE ENTERPRISE PRODUCTION LOSS DETERMINATIONS

Mr. BUMPERS. Mr. President, this bill will prohibit the Secretary of Agriculture from considering PIK lands that have been set aside in making a determination as to whether or not a farmer has suffered a 30-percent loss due to the drought, entitling him to disaster relief.

Mr. EXON. Mr. President, will the Senator from Arkansas add the Senator from Nebraska as a cosponsor?

Mr. BUMPERS. I ask unanimous consent that that be done, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. EXON:

S. 2065. A bill to provide equitable adjustments in the natural gas market and consumer relief; to the Committee on Energy and Natural Resources.

NATURAL GAS MARKET ADJUSTMENT ACT OF 1983

Mr. EXON. Mr. President, today, I am introducing the "Natural Gas Market Adjustment Act of 1983," for consideration by my colleagues in the interest of providing stability to natural gas prices for the Nation's residential gas consumers. I request the bill be printed and properly referred in the RECORD. This proposal seeks to address the problem of the contractual rigidities which have turned the current law's price ceilings into price floors. This bill would address only three areas of vital concern: A reduction in take-or-pay requirements for 3 years to 50 percent; voiding certain indefinite price escalator clauses which threaten a contractual price spike in 1985; and finally, the establishment of a prospective prudent purchase rule for pipeline purchased gas adjustments.

First of all, this measure would provide greater relief to the Nation's consumers from burdensome take-or-pay clauses by reducing the required take to 50 percent for 3 years. This reduction would be triggered at the election of the purchaser, after notice is provided to the seller no less than 30 days prior to the delivery of the reduced volumes. The volumes not taken would then be released to the seller for sale to another purchaser and, if the original purchaser was a pipeline, that pipeline would be obligated to transport the gas for a "just and reasonable" consideration. In addition, the measure would ban contract provisions which would operate to prevent adequate makeup of gas volumes which have been paid for but not taken.

A recently released report by the Congressional Budget Office states that these take-or-pay provisions imposed in supply contracts have forced pipelines to assume nearly all of the risks associated with marketing gas and have thus insulated producers from market signals. These take-or-pay provisions appear most frequently in high-cost gas contracts and force pipelines to reduce purchases of cheap gas due to contractual liabilities under these clauses.

Second, this measure would void certain indefinite price escalator clauses. This is consistent with previous orders of the Federal Power Commission—the FERC's predecessor—and court decisions as well. In 1961, the FPC prohibited certain indefinite price escalators, such as most-favored-nation clauses, which allow prices to automatically escalate to any higher prices that any other purchaser is paying in a certain geographic area. The FPC order did allow certain regulatory action clauses which permit price hikes to an allowable regulated rate. In 1968, the U.S. Supreme Court indicated that indefinite escalator clauses by their design and function alone may be incompatible with the public interest.

Most indefinite escalators are prohibited in contracts which are subject to FERC's jurisdiction. However, they exist in many contracts nonetheless because the Commission's power to prohibit such clauses ceases as gas is deregulated. Come January 1, 1985, these indefinite escalators will kick in and threaten, what the GAO has called, a "contractual price spike" on all decontrolled gas.

By voiding indefinite escalators, producers and pipelines can go back to the bargaining table and negotiate. Parties remain free to amend or modify their agreements. A fixed escalation or deescalation provision that is "market sensitive" would appear to be more appropriate and provide greater stability and predictability to natural gas prices. Indefinite escalators have been prohibited because they allow the producer to increase prices through the operation of factors which bear no relation to his cost of production. Price is tied to some criteria outside of the "four corners" of the contract which is not dependent on the bargaining power of the parties to the contract.

Finally, the third element of this measure would establish a pipeline prudent purchase rule by adding a new subsection to section 601(c) of the Natural Gas Policy Act. This rule would apply prospectively to contracts entered into or which have been renegotiated after the enactment of this bill. To provide some guidance to the Commission, this rule would adopt "prudence" rules developed by the FPC in 1975 for review of short-term, emergency sales of natural gas. This 1975 FPC order set forth, in addition to other relevant factors, five guideposts for the Commission to consider in determining whether a purchase is prudent or not. This provision incorporates the FPC's criteria to offer some guidance to the Commission, avoiding the "blank check" approach of some, or the 10-percent guarantee approach of others.

I offer this measure in the spirit of constructive suggestion. This measure, I believe focuses narrowly upon the true needs of the natural gas market today. As the Congressional Budget Office's November 8, 1983, report notes, the average price of natural gas has already risen to the level it would reach if gas competed freely with oil. Proposals now pending before the Congress have, in CBO's estimation, negligible effect, when compared to the current law which is gradually phasing out controls on new gas supply. Within 3 years, the CBO notes, prices under the NGPA and the proposal reported by the Senate Energy Committee, would be roughly equal. Furthermore, compared to the current law, the Senate Energy Committee's bill would redistribute existing gas revenues from new gas producers, mostly independents, to low-cost old gas producers, who are the major oil companies.

Even more important, the CBO states that the Senate Energy Committee proposal would change the prices that many consumers pay depending on whether the pipelines that serve them have new or old gas. Pipelines with endowments of cheap, older gas, CBO finds, would realize substantial price increases over the next 3 years.

I am hopeful that my colleagues will agree that changes to the current decontrol act, the NGPA, must be focused on the contracts problem and that further wellhead price decontrol is irrelevant to the needs of today's market.

Mr. President, I ask that a copy of the Natural Gas Market Adjustment Act be printed and that it appear in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Natural Gas Market Adjustment Act of 1983".

IMPOSITION OF TAKE OR PAY LIMITS

SEC. 2. (a) Title III of the Natural Gas Policy Act of 1978 (15 U.S.C. 3361 et seq.) is amended by adding at the end thereof the following section:

"SEC. 316. IMPOSITION OF TAKE OR PAY LIMITS

"(a) GENERAL RULE.—In the case of any contract for the first sale of natural gas in effect on the date of enactment of this section, the purchaser may elect not to be obligated to take delivery of, or pay for, any volume in excess of 50 per centum of deliverability during a period of 3 years from the date of enactment of this section.

"(b) DURATION OF REDUCTION.—Any reduction of volumes pursuant to this section shall last for one year and may be extended for additional one-year periods, but in no event shall any reduction extend beyond the third year after enactment.

"(c) NOTICE REQUIREMENTS.—Any purchaser electing pursuant to this section to reduce the volumes purchased shall provide the seller with written notice no less than thirty days prior to the date on which delivery of such volumes is to be reduced.

"(d) RELEASE OF VOLUMES NOT TAKEN.—Upon receipt of the notice provided for in subsection (c), the seller shall have the right to sell volumes not taken by reason of this section. If the seller elects to sell such volumes in accordance with this section, the purchaser shall tender to the seller full and unconditional release from all duties and obligations in contract or in law with respect only to volumes not taken. The purchaser, if a transporter of natural gas, shall be required to provide the seller with transportation respecting any of such volume of natural gas sold. The consideration for transportation provided under this section, and the terms and conditions of such transportation, shall be just and reasonable within the meaning of the Natural Gas Act.

"(e) BAR AGAINST NONPRICE DISCRIMINATION BY PURCHASERS.—Nothing in this section shall be construed as allowing any Purchaser to discriminate against any one seller or class of sellers of natural gas on any basis other than the price of natural gas.

"(f) CONTRACTS COVERING MORE THAN ONE CATEGORY OF NATURAL GAS.—For purposes of this section, any contract establishing two or more categories of natural gas for purposes of pricing the natural gas delivered under the contract shall be treated as separate for each such category.

"(g) PROHIBITION OF CONTRACT PROVISIONS WHICH OPERATE TO PRECLUDE MAKEUP OF GAS VOLUMES WHICH ARE PAID FOR BUT NOT TAKEN.—In the case of deliveries of natural gas on or after the effective date of this section under any contract for the first sale of natural gas, any obligation to pay for natural gas volumes which are not taken is declared against public policy and unenforceable to the extent that such obligation fails to adequately provide for—

"(1) makeup of all gas volumes which are paid for but not taken; and

"(2) if makeup does not occur, for refunds, in cash or in cash equivalent, of all amounts paid for gas volumes not taken within a period of three years, unless the contract provides otherwise.

(b) The table of contents of title III of the Natural Gas Policy Act of 1978 is amended by inserting at the end thereof the following:

"Sec. 316. Imposition of take or pay limits.".

INDEFINITE PRICE ESCALATORS

SEC. 3. (a) Section 313 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3373) is amended to read as follows:

"SEC. 313. INDEFINITE PRICE ESCALATOR CLAUSES

"(a) GENERAL RULE.—Any indefinite price escalator clause of any contract applicable to the first sale of natural gas is declared to be against public policy and unenforceable.

"(b) DEFINITION OF INDEFINITE PRICE ESCALATOR CLAUSES.—For purposes of this section, the term 'indefinite price escalator clause' means any provision of any contract—

"(1) which provides for the establishment or adjustment of the price for natural gas delivered under such contract by reference to prices (established by other contracts) for natural gas, for crude oil, for refined petroleum products, or for any other commodity; or

"(2) which the Commission determines is comparable in form and result.".

(b) The table of contents of title III of the Natural Gas Policy Act of 1978 is amended by striking out the item relating to section 313 and inserting in lieu thereof the following:

"Sec. 313. Indefinite price escalator clauses.".

PRUDENCY

SEC. 4. (a) Subsection (c) of section 601 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431 (c)) is amended by adding at the end thereof the following new paragraph:

"(3) PRUDENT PURCHASE RULE.—

"(A) RULE.—The Commission may not deny any interstate pipeline recovery of the amounts paid for purchases of natural gas under contracts for the first sale of natural gas entered into or renegotiated after enactment of this section on the grounds that the amounts paid were excessive due to abuse or similar grounds, if such amounts are prudent purchases.

"(B) Fair market value.—Fair market value shall be determined upon a consideration of all of the relevant factors of such purchases including—

"(i) the pipeline's long and short term need for gas;

"(ii) the price and availability of other readily accessible gas supplies;

"(iii) the amount of gas dedicated to the purchase;

"(iv) comparison of the prices with appropriate market price in the same or nearby areas; and

"(v) the relationship between the purchaser and the seller.

"(C) Natural gas act applicability.—If the amounts paid for purchases of natural gas under contracts entered into or renegotiated after enactment of this section are prudent purchases pursuant to this section, then such amounts shall be deemed to be just and reasonable for purposes of sections 4 and 5 of the Natural Gas Act.

"(D) Definitions.—For purposes of this section, the term 'prudent purchases' shall include amounts paid with respect to purchases of natural gas if such amounts bear a reasonable relationship to the fair market value of the subject gas.".

ADDITIONAL COSPONSORS

S. 175

At the request of Mr. DeConcini, the name of the Senator from North Carolina (Mr. Helms) was added as a cosponsor of S. 175, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

S. 1059

At the request of Mr. Denton, the names of the Senator from Idaho (Mr. Symms), the Senator from Georgia (Mr. Mattingly), the Senator from North Carolina (Mr. Helms), and the Senator from Florida (Mrs. Hawkins) were added as cosponsors of S. 1059, a bill to provide that it shall be unlawful to deny equal access to students in public schools and public colleges who wish to meet voluntarily for religious purposes and to provide district courts with jurisdiction over violations of this act.

S. 1197

At the request of Mr. Stevens, the names of the Senator from California (Mr. Wilson), and the Senator from Idaho (Mr. Symms) were added as cosponsors of S. 1197, a bill to admit certain passenger vessels to the coastwise trade.

S. 1273

At the request of Mr. Symms, the name of the Senator from Arizona (Mr. DeConcini) was added as a cosponsor of S. 1273, a bill to direct the Secretary of Agriculture to conduct, in accordance with law and the intent of the Congress, the pilot project study of alternative means of providing assistance under the school lunch program previously authorized by law, and for other purposes.

S. 1296

At the request of Mr. Specter, the name of the Senator from California (Mr. Cranston) was added as a cosponsor of S. 1296, a bill to amend the Tariff Schedules of the United States to provide for rates of duty on imported roses consistent with those maintained by the European Economic Community on imports of roses from the United States and other nations.

S. 1405

At the request of Mr. Denton, the name of the Senator from Idaho (Mr. Symms) was added as a cosponsor of S. 1405, a bill to assure the first amendment rights of all citizens and to provide criminal penalties for violations thereof.

S. 1680

At the request of Mr. Goldwater, the name of the Senator from Arkansas (Mr. Pryor) was added as a cosponsor of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1716

At the request of Mr. Grassley, the name of the Senator from Idaho (Mr. Symms) was added as a cosponsor of S. 1716, a bill to clarify the personal injury and death provisions of section 844 of title 18, United States Code, relating to arson.

S. 1855

At the request of Mr. Hollings, the name of the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 1855, a bill to authorize the operation of U.S. land remote sensing satellite systems, and for other purposes.

S. 1913

At the request of Mr. Huddleston, the names of the Senator from Pennsylvania (Mr. Heinz), the Senator from Colorado (Mr. Hart), and the Senator from New Mexico (Mr. Bingaman) were added as cosponsors of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1971

At the request of Mr. Boren, the name of the Senator from Wyoming (Mr. Simpson) was added as a cosponsor of S. 1971, a bill to amend title 5, United States Code, to provide additional rules concerning the observance of the birthday of Martin Luther King, Jr., Washington's Birthday, and Columbus Day.

S. 2009

At the request of Mr. East, the name of the Senator from Iowa (Mr. Grassley) was added as a cosponsor of S. 2009, a bill to amend the Fair Labor Standards Act of 1938 to exempt tire dealers and retreaders under section 13(b)(10) of that act in the same manner as certain automobile service and automobile selling establishments.

S. 2013

At the request of Mr. Bumpers, the names of the Senator from Michigan (Mr. Levin) the Senator from Michigan (Mr. Riegle), the Senator from South Carolina (Mr. Hollings), the Senator from Oregon (Mr. Hatfield) the Senator from Maryland (Mr. Sarbanes), and the Senator from West Virginia (Mr. Randolph) were added as cosponsors of S. 2013, a bill to amend the level of funding authorized for the maternal and child health services block grant for the purpose of insuring no less than the current level of services for fiscal year 1984.

S. 2024

At the request of Mr. Bingaman, the names of the Senator from Vermont (Mr. Leahy), and the Senator from Michigan (Mr. Riegle) were added as cosponsors of S. 2024, a bill to amend the Public Health Service Act to revise the system under which communities pay the United States for the services of National Health Service Corps personnel.

SENATE JOINT RESOLUTION 113

At the request of Mr. Wilson, the name of the Senator from West Virginia (Mr. Byrd) was added as a cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theater Week."

SENATE JOINT RESOLUTION 118

At the request of Mr. Chafee, the name of the Senator from North Dakota (Mr. Andrews) was added as a cosponsor of Senate Joint Resolution 118, a joint resolution to establish the Abraham Lincoln One Hundred Seventy-Fifth Anniversary Commission.

SENATE JOINT RESOLUTION 173

At the request of Mr. Johnston, the name of the Senator from Georgia (Mr. Mattingly) was added as a cosponsor of Senate Joint Resolution 173, a joint resolution commending the Historic American Buildings Survey, a program of the National Park Service, Department of the Interior.

SENATE JOINT RESOLUTION 181

At the request of Mr. Bentsen, the names of the Senator from North Dakota (Mr. Burdick), the Senator from Arizona (Mr. DeConcini), the Senator from Montana (Mr. Baucus), and the Senator from Maryland (Mr. Sarbanes) were added as cosponsors of Senate Joint Resolution 181, a joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

SENATE JOINT RESOLUTION 184

At the request of Mr. Hollings, the names of the Senator from Kentucky (Mr. Ford), and the Senator from

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Georgia (Mr. MATTINGLY) were added as cosponsors of Senate Joint Resolution 184, a joint resolution to designate the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week."

SENATE CONCURRENT RESOLUTION 69

At the request of Mr. PERCY, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Concurrent Resolution 69, a concurrent resolution expressing the sense of the Congress that the Secretary of Transportation should make available for civilian use certain satellite-directed navigational aids developed by the Department of Defense for the guidance of aircraft.

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. HOLLINGS, the name of the Senator from Florida (Mr. CHILES) was added as a cosponsor of Senate Concurrent Resolution 70, a concurrent resolution expressing the sense of the Congress regarding actions the President should take to commemorate the anniversary of the Ukrainian famine of 1932-33.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. BIDEN, the name of the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of Senate Concurrent Resolution 78, a concurrent resolution to establish a Commission on Civil Rights in the legislative branch of the Federal Government.

SENATE RESOLUTION 137

At the request of Mr. KASTEN, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of Senate Resolution 137, a resolution expressing the sense of the Senate that Taiwan should retain full membership in the Asian Development Bank, and that it should not be expelled as a precondition for membership in that body by the People's Republic of China.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 267

At the request of Mr. GOLDWATER, the name of the Senator from Nevada (Mr. HECHT) was added as a cosponsor of Senate Resolution 267, a resolution to support the establishment of a National Historical Intelligence Museum.

AMENDMENT NO. 2492

At the request of Mrs. KASSEBAUM, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of amendment No. 2492 proposed to H.R. 4185, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

AMENDMENT NO. 2505

At the request of Mr. BUMPERS, the names of the Senator from Oregon (Mr. PACKWOOD), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr. MOYNIHAN), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 2505 proposed to H.R. 4185, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

SENATE RESOLUTION 272—OFFERING CONDOLENCES TO FRANCE

Mr. MOYNIHAN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 272

Whereas, the American and French peoples have long been bound by friendship and shared regard for democratic principles and institutions; and

Whereas the United States and France are allies; and

Whereas France has joined with the United States, and Great Britain and Italy, in a multinational force which at the invitation of the Government of Lebanon has endeavored to aid in the restoration of peace and democracy in Lebanon; and

Whereas on October 23, 1983, 58 French soldiers were killed in Beruit in an attack by terrorists; and

Whereas the President of the Republic of France has reaffirmed the determination of his country to continue to work for the reestablishment of a free and independent Lebanon, as has the President of the United States: Now therefore be it

Resolved, That the Senate of the United States offers its condolences to the families of the slain French soldiers and to the People of France.

SEC. 2. The Secretary of State is requested to convey to the government of France this message of condolence.

SENATE RESOLUTION 273—RELATING TO DEMAND FOR COSTS IN THE CASE OF LIUZZO V. UNITED STATES

Mr. PERCY (for himself and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 273

Whereas on the evening of March 25, 1965, Viola Liuzzo was shot and killed while helping to transport civil rights marchers on the Selma to Montgomery Voting Rights March;

Whereas Mrs. Liuzzo was killed by a shot from a car carrying four members of the Ku Klux Klan, one of whom was Gary Thomas Rowe, an informant working with the Federal Bureau of Investigation;

Whereas although working with Federal law enforcement authorities, Gary Thomas Rowe did not prevent the shooting;

Whereas in part through information obtained from Gary Thomas Rowe, the Klansmen directly responsible for the death of Mrs. Liuzzo have been brought to justice;

Whereas the murder had a devastating effect on members of the immediate family of Mrs. Liuzzo, and was a deep shock to the civil rights community and the Nation as a whole;

Whereas members of the family of Mrs. Liuzzo brought legal action against the United States under the Federal Tort Claims Act to recover for the tragic loss, but judgment was returned against the plaintiffs and in favor of the United States by the United States District Court for the Eastern District of Michigan on May 27, 1983 (*Liuzzo* v. *United States* (565 F. Supp. 640));

Whereas the United States, by motion, has sought reimbursement from the plaintiffs for the costs of defending the lawsuit in the amount of $79,873.41; and

Whereas the award of such costs would be ruinous to the plaintiffs, who have already been devastated by the tragic death of Viola Liuzzo: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Attorney General of the United States, in the interest of doing substantial justice in the unusual circumstances of this case, should withdraw the motion for taxation of costs and pursue such other procedures as may be appropriate to relieve the plaintiffs of the burden to pay the costs of the United States in the case of *Liuzzo* v. *United States*.

Mr. PERCY. Mr. President, today I am submitting a resolution that deals with the aftermath of a tragic event in this country's march toward full civil rights for all our citizens, the killing of Viola Liuzzo. On the evening of March 25, 1965, as Mrs. Liuzzo was carrying civil rights marchers back to Montgomery, Ala., from Selma, she was killed by a shot from a car carrying four members of the Ku Klux Klan. At that time in our history, as the drive for civil rights was gaining force and national recognition not only in the South but throughout our country, the Ku Klux Klan was organizing itself to resist, to deny the rights of blacks and other American citizens to vote and to enjoy other civil rights that many of us had learned long before to take for granted under the Constitution. In Alabama and elsewhere, they had formed covert groups that bombed, beat, threatened and even killed blacks and others working in this great cause. In a word, the Klan was a terrorist organization.

The Federal Bureau of Investigation attempted to infiltrate the Klan, to get information about its activities. This was an important and necessary step, and helped not only to solve crimes committed by Klansmen, but also to prevent crimes, including the assassination of important civil rights leaders. But to infiltrate effectively, the FBI had to make use of individuals who themselves were very much like the Klansmen, people like Gary Thomas Rowe. Rowe was effective as an informant just because he was rough, unschooled, and comfortable among members of the Klan. He blended in. He blended in so well, in fact, that he was appointed leader of one of the special action groups set up by the Klan to carry out their criminal activities. As a leader, he banded together with three other Klansmen on the eve of the Selma to Montgomery Voting Rights March in 1965 and set out to harass the marchers. Together this seamy group watched the car driven by Mrs. Liuzzo, and then approached it and heckled the civil rights marchers on their way to Montgomery. They chased the car, and, finally, fired on it. It was one of those shots that killed Mrs. Liuzzo. Many of my colleagues will remember the deep shock we experienced when we learned of the crime. It truly rocked the Nation. Fortunately, Rowe provided the evidence necessary to bring the guilty to justice, and the Klansmen responsible for the killing were apprehended in less than a day.

In the wake of this senseless tragedy, Mrs. Liuzzo's children and others began to ask questions about the FBI's role in the events that led up to her death. When it became clear that Rowe, a Government informant, had been in the very car from which the shots were fired, the questions multiplied. How could it be that someone working for the Government, who had been right next to the man who fired the fatal shot, could not have prevented the crime? What sort of guidelines had the FBI laid down for dealing with informants infiltrating violent organizations in this country? How closely had the agents supervising Rowe's activities monitored his conduct, and what had they authorized him to do? Discovering the answers to these and other questions was no easy job for the Liuzzo family and those helping them.

Some years after the event, they brought suit under the Federal Tort Claims Act for damages resulting from Mrs. Liuzzo's death. The District Court which heard the case acknowledged that it had substance. "Plaintiffs have survived two substantive motions to dismiss," wrote the judge, "and have presented the court with a case which is neither frivolous nor beyond belief." *Liuzzo* v. *United States*, 508 F. Supp. 923, 940 (E.D. Mich. 1981). A number of important issues were litigated, and argued vigorously on both sides. Particularly important were issues as to whether the domestic intelligence activities of the FBI are subject to the Federal Tort Claims Act, and whether the statute of limitations for that act would run during the time that the Government prevented disclosure that Government personnel participated in allegedly wrongful conduct. These are serious questions. They are particularly important today, as our law enforcement agencies frequently resort to informers and clandestine operatives to penetrate the strange twilight world of crime and violence inhabited by the likes of the Ku Klux Klan. The suit was brought in good faith, and although the Liuzzo children lost, they forced the Government to look hard at important questions, questions to which there are no easy answers.

In May of this year, the District Court ruled against them, and in favor of the United States. Judgment says simply that "it is ordered and adjudged that the plaintiffs take nothing, that the action be dismissed on the merits, with prejudice and that the defendant recover of the plaintiffs its costs of action." As though losing this case were not enough of a blow, the Assistant Attorney General then filed with the court a motion for taxation of costs of $79,873.41. The amount is staggering. Fees for the court reporter are set at $9,195.61; for witnesses, at $12,723.51; for costs of answering to discovery, $49,190.29; for travel expenses related to depositions, $2,975.25; and for trial preparation, $5,806.75.

It is no exaggeration to say that the burden on the Liuzzos of paying these costs would be crushing. Mrs. Liuzzo's husband died several years ago. All five of the children themselves have families to support. They are close to the poverty level already, having had no college education. If the Justice Department pursues this claim, it is a very real possibility that the Liuzzos could be forced into bankruptcy or overwhelming debt.

Mr. President, this is just not fair. It is not fair to the Liuzzos, and it is not fair in principle. This family lost a mother to racial hatred more than a decade ago. From everything I understand, she was a high-minded person, willing to give generously of her own time and energy to help others achieve the full enjoyment of civil rights guaranteed in our Constitution. And she was cut down by a band of bigots. When it became clear that the Federal Government had been involved to some degree with the Klansmen who committed this crime, the Liuzzos had every right to pursue their remedies under the law. In my view, there were important civil rights issues at stake in this case. I am very troubled by the possibility that the Government may use its victory in this case to squelch important civil rights litigation in the future. There can be no question that people injured by the Government would think long and hard about suing to protect their rights, if it became standard practice for the Government to hit them with astronomical bills afterwards. Surely, no such result was intended when the Congress, by statute, allowed for recovery of defendants' costs.

That is why we are submitting this resolution, Mr. President. The Liuzzos brought their suit in good faith. There is no good reason why they should be penalized this way. Such a huge award would have a chilling effect on many potential litigants, including persons pressing important civil rights claims against the Federal Government. And the Attorney General has the discretion to withdraw his motion for taxation of costs.

I sincerely hope my colleagues will agree that this resolution deserves support, and I invite it. Nothing we can do here can erase the trauma, the pain and the sorrow of the past. But we should do what we can to head off something I think would just add to the Liuzzo tragedy. Viola Liuzzo died for a cause, one that I think every Member of this body will honor. The Federal Government should not drive her children to the poorhouse simply because they wanted an honest trial of the important civil rights issues involved in her death.

Mr. LEVIN. Mr. President, today I am joining Senator PERCY in sponsoring a resolution expressing the sense of the Senate that the Attorney General of the United States should withdraw the Federal Government's motion for taxation of costs against the plaintiffs in Liuzzo against United States.

On the night of March 25, 1965, Viola Liuzzo, a Detroit housewife and mother of five children, was shot and killed while driving on a highway connecting Selma and Montgomery, Ala. Mrs. Liuzzo was transporting marchers back to their homes after the Selma to Montgomery civil rights march. The march was an important step in the fight for civil rights, but it had a tragic ending that night.

The shots which killed Viola Liuzzo were fired from a car carrying four members of the Ku Klux Klan—Eugene Thomas, Colie Leroy Wilkins, William Orville Eaton, and Gary Thomas Rowe. One of the four—Gary Thomas Row—was actually a paid FBI informer. His report of the murder provded the information necessary to apprehend the other occupants of the car.

Although the Liuzzo family learned almost immediately after Viola Liuzzo's murder that Gary Thomas Rowe was an informer for the FBI, 10 years passed before the family became aware of the extent of Rowe's participation in the Klan's violent activities during the 1960's, when Rowe testified before the Church Subcommittee on his involvement with the FBI. In 1977, the family filed a lawsuit against the United States under the Federal Tort Claims Act, alleging that the Government was responsible for the murder of their mother and seeking damages for her death.

On May 27, 1983, Federal District Court Judge Joiner ruled that the United States had not negligently caused the death of Viola Liuzzo. Judge Joiner also ordered that the United States recover from the plaintiffs its court costs for defending the lawsuit. While Judge Joiner ordered judgment for the United States on the ultimate question of negligence, it is important that he ruled in the family's favor on a number of motions preceeding the trial on the merits. Judge Joiner's opinion in *Liuzzo* v. *United States*, 508 F. Supp. 923 (1981), reflects the good faith of the family in bringing the lawsuit:

> Plaintiffs have survived two substantive motions to dismiss, and have presented the court with a case which is neither frivolous nor beyond belief. Indeed, the converse is true. The record in this case reflects evidence of considerable violent and illegal activity on the part of Gary Thomas Rowe, activity which was, at least at times, apparently known of by his contact agents. The court is not here deciding that plaintiffs have shown a substantial likelihood of success on the merits, but rather is simply stating that their claims are based on allegations which are, in part, currently supported by some evidence.

Mr. President, on June 16, 1983, the American Civil Liberties Union (ACLU), on behalf of the Liuzzo family, filed a motion for reconsideration of the court's decision to award costs to the plaintiffs in Liuzzo against United States. On July 28, 1983, the Government responded to the motion for reconsideration and filed its own motion for taxation of costs supported by a bill of costs totaling over $76,000. Judge Joiner is expected to rule on the ACLU's motion for reconsideration in the near future.

Under rule 54 of the Federal Rules of Civil Procedure, the winning party in a civil lawsuit is presented to be entitled to costs. Section 2412(a) of title 28 of the United States Code places the Federal Government on "equal footing" with private litigants who prevail in civil suits. Thus, the Federal Government is presumed to be entitled to awards of costs in cases of this type. However, statistics from the Administrative Office of the U.S. courts show that where the United States is a winning defendant in a civil case, costs are in fact awarded in only a small percentage of these cases. During a 12-month-period in 1982, there was 8,425 cases where the United States was a defendant which were terminated with an outcome favorable to the United States. Costs were awarded to the United States in only 392 or 4.7 percent of these cases.

Even if an award of costs were the norm in cases where the United States is a defendant and is the winning party, the facts and the history of the Liuzzo case would warrant an exception to the general rule. As this resolution states, the Liuzzo family has already suffered incalculable emotional pain due to the violent death of their mother. The family should not be penalized for pursuing their claim in Federal court, particularly where the family's resources are so limited and where their claim was a reasonable, albeit unsuccessful, one.

I hope my colleagues will join Senator Percy and I in cosponsoring this resolution.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE APPROPRIATION, 1984

BUMPERS (AND OTHERS) AMENDMENT NO. 2505

Mr. BUMPERS (for himself, Mr. Leahy, Mr. Hatfield, Mr. Hollings, Mr. Hart, Mr. Kennedy, Mr. Cranston, Mr. Riegle, Mr. Sasser, Mr. Levin, Mr. Ford, Mr. Proxmire, Mr. Tsongas, Mr. Bradley, Mr. Sarbanes, Mr. Glenn, Mr. Packwood, Mr. Lautenberg, Mr. Moynihan, Mr. Bingaman, and Mr. Melcher) proposed an amendment to the bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes; as follows:

On page 33, strike out line 25 through line 8 on page 34, and insert in lieu thereof the following: "$5,451,217,000, of which $81,600,000 shall be available for the purchase of the phase III Defense Satellite Communication System (DSCS III) under a multiyear contract: *Provided*, That this authority shall be available only after the Secretary of the Air Force certifies to Congress that at least 10 per centum savings is available under multiyear contracting; and in addition, $55,000,000, to be derived by transfer from 'Missile Procurement, Air Force, 1983/1985', to remain available for obligation until September 30, 1986. None of the funds appropriated by this Act shall be available for the procurement of the MX missile.".

NICKLES AMENDMENT NO. 2506

Mr. NICKLES proposed an amendment to the bill H.R. 4185, supra, as follows:

On page 87, beginning with line 25, strike out all down through line 6 on page 88 and insert in lieu of thereof the following:

Sec. 798. None of the funds appropriated in this Act may be used to carry out the test program provided for under section 1109 of the Department of Defense Authorization Act, 1983 (10 U.S.C. 2392 note).

STEVENS AMENDMENT NO. 2507

Mr. STEVENS proposed an amendment to the bill H.R. 4185, supra, as follows:

On page 80, line 10, delete "Bachelors" and insert in lieu of thereof "Basic";

On page 80, line 9, delete "Bachelors" and insert in lieu of thereof "Basic";

On page 82, line 22, delete "Bachelors" and insert in lieu of thereof "Basic";

On page 83, line 1, delete "Bachelors" and insert in lieu of thereof "Basic".

BYRD (AND OTHERS) AMENDMENT NO. 2508

Mr. BYRD (for himself, Mr. Sasser, Mr. Hollings, Mr. Boren, Mr. Armstrong, Mrs. Kassebaum, Mr. Andrews, and Mr. Cohen), proposed an amendment to the bill H.R. 4185, supra, as follows:

At the appropriate place in the bill, add the following:

PROCUREMENT PRACTICES OF THE DEPARTMENT OF DEFENSE AT THE END OF THE FISCAL YEAR

Sec.   . (a)(1) Not later than February 1, 1984, the Office of Federal Procurement Policy (hereinafter in this section referred to as the "Office") shall review the procurement actions of the Department of Defense during the one-week period ending September 30, 1983, and transmit to the Congress a report on such review as provided in paragraph (2). In carrying out the preceding sentence, the Office shall review the regulations and administrative and managerial guidelines applicable to procurement actions of the Department of Defense during the final quarter of a fiscal year.

(2) The report required by paragraph (1) shall include (A) the number and dollar amount of contracts and purchases which were made by the Department of Defense during the one-week period referred to in paragraph (1), (B) the findings and conclusions of the Office on whether the Department of Defense had a bona fide need for the property or services procured by each such contract and purchase, (C) a list of the contracts and purchases which were made by the Department of Defense during such period without formal advertising, including the dollar amount of each such contract or purchase, (D) a list of the contracts and purchases made by the Department of Defense during such period after soliciting bids or proposals from only one source, including the dollar amount of each such contract and purchase, (E) each justification for making each contract and purchase included in the list under clause (C) or (D) without formal advertising or soliciting bids or proposals from more than one source, (F) the findings and conclusions of the Office on whether any regulation or administrative or managerial guideline reviewed pursuant to paragraph (1) (including the requirements of Office of Federal Procurement Policy letter number 81-1) were violated in making any of the contracts or purchases reviewed pursuant to paragraph (1), and (G) such recommendations for legislation and administrative actions relating to the procurement practices of the Department of Defense as the Offices considers appropriate to assure economy and efficiency in procurement actions by the Department of Defense during the final quarter of a fiscal year.

(b)(1) The Secretary of Defense shall furnish to the Office such information on the procurement actions of the Department of Defense and the regulations and administrative and managerial guidelines applicable to such actions as the Office considers necessary to carry out subsection (a).

(2) The Inspector General of the Department of Defense shall furnish to the Office such information on the procurement actions of the Department of Defense and the regulations and administrative and managerial guidelines applicable to such actions as

the Inspector General has acquired and the Office considers necessary to carry out subsection (a).

(3) The Comptroller General of the United States shall furnish to the Office such information on the procurement actions of the Department of Defense and the regulations and administrative and managerial guidelines applicable to such actions as the Comptroller General has acquired and the Office considers necessary to carry out subsection (a).

(4) Each official furnishing information to the Office under paragraph (1), (2), or (3) shall include with such information all information furnished by such official to the Congress, any committee of the Congress, or any Member of the Congress relating to the procurement actions required by subsection (a) to be reviewed by the Office.

MATTINGLY (AND OTHERS) AMENDMENT NO. 2509

Mr. MATTINGLY (for himself, Mr. PRYOR and Mr. JEPSEN) proposed an amendment to the bill H.R. 4185, supra, as follows:

On page 10, line 24, delete "$17,871,056,000" and insert "$17,822,456,000".

On page 37, line 17, delete "$12,323,026,000" and insert "$12,303,026,000".

On page 11, line 16, delete "$6,594,744,000" and insert "$6,583,344,000".

On page 8, line 17, delete "$22,26,908,000" and insert "$22,246,908,000".

QUAYLE (AND OTHERS) AMENDMENT NO. 2510

Mr. QUAYLE (for himself, Mr. LEVIN, Mr. DIXON, and Mr. BYRD) proposed an amendment to the bill H.R. 4185, supra, as follows:

On page 88, between lines 16 and 17, insert the following new section:

SEC. 799A. The second sentence of section 1109(b) of the Department of Defense Authorization Act, 1983 (10 U.S.C. 2392 note) is amended to read as follows: "The report required to be submitted not later than April 15, 1984, shall include—

"(A) an assessment of the costs and benefits of the test programs;

"(B) statistics and other information on all contracts that were awarded in each State during the previous fiscal year on which a price differential was paid to a firm located in a Labor Surplus Area and that were awarded during the previous fiscal year on the basis of competitive bidding to firms in Labor Surplus Areas (including the amount of any price differential paid and the estimated number of full-time employees added or lost as a result of such contracts);

"(C) information, to the extent available, on amounts saved or additional amounts expended in the previous fiscal year under the unemployment compensation programs, the medicaid program (under title XIX of the Social Security Act), the food stamp program (under the Food Stamp Act of 1977), and other Federal assistance programs based on need, as a result of the operation of the program provided for in this section;

"(D) information on the extent to which the number of firms, from both in and outside Labor Surplus Areas, bidding on Defense Logistics Agency contracts in any fiscal year increased or decreased over the previous fiscal year;

"(E) information on the extent to which the program provided for in this section has increased or decreased the competitiveness in Defense Logistics Agency procurement operations, including information on any dollar savings resulting from any increased competitiveness or any additional dollar expenditures resulting from decreased competitiveness; and

"(F) information on the extent to which the Department of Defense is promoting the program provided for in this section through mailings, seminars, outreach efforts, and media advertising.

The Defense Logistics Agency shall establish such reporting standards and requirements as are necessary to assure that the statistics and other information included in the report to which the preceding sentence applies are complete and accurate.".

BYRD AMENDMENTS NOS. 2511 AND 2512

Mr. BYRD proposed amendments to the bill H.R. 4185 supra, as follows:

AMENDMENT NO. 2511

On page 88, between lines 16 and 17, insert the following new section:

SEC. 799A. None of the funds appropriated by this Act to carry out the Advanced Technology Bomber program may be obligated or expended for any other purpose.

AMENDMENT NO. 2512

At the appropriate place in the bill, add the following:

SEC. . It is the sense of the Senate that the President should take certain actions to reduce nontariff barriers to the export of products from the United States to Japan.

Since the United States and Japan have agreed that Japan shall revise certain laws relating to product standards, testing requirements, and other regulatory practices in order to facilitate the importation of products of the United States into Japan;

Since the reduction of nontariff barriers to the importation of foreign products conforms with the General Agreement on Tariffs and Trade and recognized principles of free and fair trade; and

Since the United States has sought to establish with its foreign trading partners a policy that product standards, testing requirements, and other regulatory practices not be imposed as artificial barriers to the importation of foreign products: Now, therefore, be it declared,

That it is the further sense of the Senate that the President should—

(1) take all practicable steps to assure that Japan applies product standards, testing requirements, and other regulatory practices in a manner which treats products of the United States exported to Japan in a fair and nondiscriminatory manner;

(2) urge Japan to undertake prompt action to assure compliance with all agreements and understandings between the United States and Japan to reduce nontariff barriers to the importation of products of the United States into Japan; and

(3) submit a report to the Senate on the results of discussions held between the United States and Japan the purpose of which were to achieve a reduction in the nontariff barriers to the importation of products of the United States into Japan and include in such report—

(A) the President's determination of whether sufficient progress has been made in reducing such barriers; and

(B) if the President determines that inadequate progress has been made with respect to the reduction of such barriers, the President's recommendations for any legislative action that would likely result in a reduction of such barriers.

NUNN (AND CHILES) AMENDMENT NO. 2513

Mr. NUNN (for himself and Mr. CHILES) proposed an amendment to the bill H.R. 4185, supra, as follows:

Starting with "until" on line 3, page 33, strike all down through "authority:" on line 5, page 33 and insert in lieu thereof the following: "until the Secretary of Defense notifies the Appropriations Committees of both the House and the Senate of his approval of the decision made by the source selection authority:"

KENNEDY (AND NUNN) AMENDMENT NO. 2514

Mr. KENNEDY (for himself and Mr. NUNN) proposed an amendment to the bill H.R. 4185, supra, as follows:

At the end of the bill, add the following new section:

"SEC. . Notwithstanding any other provisions of this Act, no funds appropriated by this Act shall be expended for the research, development, test, evaluation or procurement for integration of a nuclear warhead into the Joint Tactical Missile System (JTACMS)".

WEICKER (AND OTHERS) AMENDMENT NO. 2515

Mr. WEICKER (for himself, Mr. CHAFEE, Mr. DODD, and Mr. WARNER) proposed an amendment to the bill H.R. 4185, supra, as follows:

On page 26, line 3, strike "$1,874,400,000" and insert in lieu thereof "$2,042,400,000".

MELCHER AMENDMENT NO. 2516

Mr. MELCHER proposed an amendment to the bill H.R. 4185, supra, as follows:

At the end of title VII add the following new section:

"SEC. . Notwithstanding any other provision of this bill, compensation for all military personnel grade E-1 shall be increased 4 percent at the same time as pay adjustments for grades E-2 and E-3. Provided further, an amount sufficient to provide the 4 percent increase for military personnel grade E-1 with less than 4 months active duty may be transferred from the account for DOD recruiting activities."

TOWER (AND OTHERS) AMENDMENT NO. 2517

Mr. STEVENS (for Mr. TOWER) (for himself, Mr. STEVENS, and Mr. GOLDWATER) proposed an amendment to the bill H.R. 4185, supra, as follows:

On page 22, line 5, delete "$1,943,500,000" and insert in its place "$2,067,900,000".

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, the Senate Select Committee on Indian Affairs has scheduled an oversight hearing on the impact that certain coal land exchanges between the Department of the Interior and western land grant railroads, the Burlington Northern and Union Pacific will have on the value of Indian-owned coal. The hearing will be held on Tuesday, November 15, at 9:30 a.m. in room SD-538, Dirksen Senate Office Building.

For further information, contact Tom Champion or Max Richtman at 224-2251.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing regarding the strategic petroleum reserve scheduled for Thursday, November 10, will begin at 11 a.m. instead of 10 a.m. as previously announced.

In addition, I would like to announce the location of the field hearing scheduled before the subcommittee on Monday, November 28, to receive testimony regarding coal use by the Nation's railroads. The hearing will begin at 10 a.m. in room 403 of the Federal building, 210 Franklin Road SW., Roanoke, Va. Witnesses should submit 50 copies of their testimony either to the Energy and Mineral Resources Subcommittee office—room SD-306 of the Dirksen Senate Office Building—prior to the hearing or to room 403 of the Federal building in Roanoke the day of the hearing.

For further information regarding these hearings you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 224-5205.

ADDITIONAL STATEMENTS

EXHIBITION OF NEW EDUCATIONAL TECHNOLOGY

● **Mr. PELL.** Mr. President, in this era of swift technological change and intense international economic competition, all of us face problems of economic dislocation in our respective States. Even while overall economic conditions show improvement, structural problems persist, requiring the training and retraining of thousands of workers to new tasks and new techniques. The problem is particularly critical for small businesses which simply do not have the resources to mount sophisticated training programs for their work forces.

Fortunately, one solution appears to be readily at hand at minimal cost. The Department of Defense and a few other governmental agencies have made great progress in developing new educational technology which is especially suited for the training of workers in a wide range of basic and vocational skills. The technology generally features computer controlled training programs, often with video displays which show pictorially and in detail the task or procedure to be learned. The systems generally are interactive, permitting the trainee to ask the system to repeat or to give more detail, while the system, in turn, can ask the trainee questions and correct erroneous answers.

I am contemplating new legislation in the near future which will facilitate the transfer of this technology to the private sector and promote its use by small businesses in particular.

As an introductory step I am sponoring, together with Senator Byrd and Senator Nunn, an exhibition of some striking examples of this new technology on Wednesday and Thursday November 9 and 10 in the Rotunda of the Russell Senate Office Building. The exhibition is being staged for Members of the Senate and House and interested staff members and the general public is also welcome. I ask that the schedule of exhibitions be printed in the Record at the conclusion of my remarks, along with an informative article entitled "Interactive Videodisc Learning Systems" by Richard L. Currier, from the November 1983 issue of High Technology.

The material follows:

Training Technology Demonstration Schedule—Russell Building Rotunda—November 9 and 10, 1983

All of the demonstration equipment will be operating and available for inspection from 10:30 AM to 4:30 PM on Wednesday and Thursday November 9 & 10. Formal presentations will be given at the times listed below on both days. Individual demonstrations can be arranged with the demonstrators at other times.

MORNING PROGRAM—BASIC SKILLS

10:30—University of Maryland program in functional literacy. Developed to train U.S. Army personnel to read manuals and instructions relevant to tanks, wheeled vehicles, artillery and missiles. Uses microcomputer and videodisc technology developed by Digital Equipment Corporation.

11:00—Army Research Institute program in Spatial Data Management (SDM). Developed to train military personnel in map reading and test taking skills. Uses microcomputer and videodisc technology, developed by the Human Resources Research Organization.

11:30—Navy Personnel Research and Development Center program for automated literacy training through computer assisted instruction (CAI). The program requires the trainee to complete sentences by choosing appropriate words and to rearrange sentences in logical sequence. Instructional program operates on a database of paragraphs from Navy manuals stored in disc memory, but can be applied to any text.

AFTERNOON PROGRAM—VOCATIONAL SKILLS

12:00—Army Research Institute hand held computerized vocabulary tutor. Developed by the Franklin Research Center to teach the special technical vocabulary for cannon crewmen, but can be used for a wide variety of subjects. The trainee is required to identify equipment components, using a portable microcomputer that weighs less than four pounds.

12:30—Interactive Research Corporation program in basic computer skills. Developed to teach the use of personal computers with word processing, spread sheet analysis and other software applications. Uses integrated microcomputer and videodisc.

1:00—Army Research Institute and Naval Training Equipment Center personal electronic aid for maintenance (PEAM). This is a portable information system for mechanics in the field who don't have access to voluminous technical manuals. Designed by Texas Instruments to deliver technical data in easily accessible and understandable form, the system utilizes solid-state electronics and thin-film electroluminescent flat panel displays packaged in a briefcase size carrier.

1:30—Navy Personnel Research and Development Center program in electronic equipment maintenance training (EEMT). This is a trainer-simulator system designed by Cubic Corporation to reduce dependence on use of actual training equipment in Navy technical schools. Equipment images are shown in progressively focused detail and the trainee manipulates controls to simulate repairs.

Interactive Videodisc—Learning Systems

(By Richard L. Currier)

A student chooses two test tubes from a rack, pours the contents into a beaker, and heats the mixture. Suddenly, it explodes. If this accident happened in a real chemistry lab, the consequences would be serious. But this lab would be a simulation—test tubes, beaker, and explosion would all be video shots coded onto a videodisc and played back by commands given to a microcomputer.

This simulation is only one example of interactive videodisc, which combines video images recorded on disc and random-access capability. The new medium has been called "the ultimate educational tool," and it combines the potential of many teaching devices. Interactive videodisc brings together the emotional power of television and the interactive power of the computer. It is destined to have a major impact on education, training, information services, retail sales, and entertainment.

With its capabilities, interactive videodisc makes possible a more powerful educational experience, in which computer-based educational systems can display video imagery, real-time action, and stereo sound. These learning systems allow interactive teaching, learner control of materials, and minimal supervision. Interactive videodisc can simulate reality, providing an effective and inexpensive alternative to hands-on experience. Because disc players can be installed almost anywhere, and discs changed as necessary, the same material can be taught at many locations, and exotic courses may be offered where there is no local expertise. The new system also uses special teaching techniques, including simulations, movie maps, object disassembly, and motion decomposition.

A major current use of interactive videodisc is in industrial training, although many applications, such as point-of-sale retailing and entertainment, are not primarily educational. Interactive videodisc will become more common as a teaching tool as the price of hardware and software falls.

Depending upon its application and user, interactive video can be produced with a variety of equipment configurations. Most interactive videodisc systems use constant angular velocity—type (CAV) laser/optical discs; however, capacitance electronic disc (CED) technology has recently started to offer interactive capabilities.

Interactivity. The key advantage of these systems is their ability to respond to the user. Programs require the viewer to play an active part in the presentation of materials. If a student believes he knows a subject, he can take the test immediately instead of going through the lesson. Whenever the student answers questions, the computer indicates whether the replies are correct, and may direct the disc to go ahead or return to a previous lesson according to the student's scores. Interactivity allows students greater freedom; they may choose the order in which they study sections of a subject. By contrast, more traditional methods of training, such as videotape and books, are linear—all the material is presented in the same order to every student. Watching videotape and listening to lectures, the student is a passive observer, a less effective learning role.

To make the student more active, a design technique known as branching creates alternative routes through a given set of program materials (see "Linear vs. interactive programs," above). Branching lets students proceed at their own pace, see only the materials they need or want to see, be tested on their comprehension of the materials, and receive remedial work where needed.

Like interactive videodisc, microcomputers are capable of branching, but they cannot equal the sophistication of the video display, made possible because videodisc stores more data than magnetic storage media. More than 400,000 bits of information are required to create a single image on a television screen. A microcomputer disk holds up to 5,000,000 bits—only enough space to store about 12 images. At the standard video playback speed of 30 frames per second, the entire disk would hold just 0.4 seconds of real-time video. (Also, microcomputers build screen displays too slowly to show real-time video.)

Videodisc, in contrast, can hold up to an hour of real-time video on both sides. Furthermore, it is less expensive than videotape: Disc players sell in the same price range as tape players, but the discs themselves can be produced in quantity for under $10 each, less than half the cost of videocassette tapes.

Each side of an interactive CAV disc will hold up to 54,000 still frames, 30 minutes of live-action video, or 20 hours of still-frame audio—or any combination. (Still-frame audio, only recently announced by Sony, compresses 1.3 seconds of digitized audio so that it can be stored in the space normally reserved for a single video frame. This allows the system to mimic a slide/tape system, with 4,000 slides and 18 hours of audio—or any other desired mix between audio and still-frame—to be stored on each slide.) Most important, any part of this audio-visual information can be accessed and displayed within two or three seconds, allowing more interaction than with any other video medium.

Teaching with videodisc. In the past year, educational applications for interactive video have multiplied, and the number of firms offering products or services has more than doubled. Business and industry are using systems as on-the-job trainers. Inexpensive videodisc simulators are training military personnel to service and use expensive equipment. Schools are using videodisc simulators for lab experiments and as sophisticated "electronic tutors," whereby carefully programmed feedback guides students through lessons. Videodisc reference materials will be made for home use.

The most important source of information and support for interactive videodisc projects since the field began to develop in 1978 has been the Nebraska Videodisc. Design/Production Group, an affiliate of the Nebraska ETV (Educational Television) network at the University of Nebraska. In addition to more than 50 projects, the Nebraska Group has sponsored a series of national symposia, which have become the primary forum for the field. The group also offers intensive hands-on training workshops in interactive design and production techniques. A project at Nebraska has already produced the type of lab simulation described earlier.

One ambitious plan is the Action Code system, a joint venture between Perceptronics (Woodland Hills, Cal.) and National Education Corp. (Newport Beach, Cal.). National Education is the largest private vocational training institution in the U.S., with more than 100,000 students in 50 proprietary schools nationwide. Action Code uses a scanning wand, similar to that used at the supermarket checkout counter, to read bar codes printed at various locations in a printed workbook. Scanning each bar code sends instructions to the controlling microprocessor, which then accesses the appropriate interactive segment from the disc player. The student can interact with the video materials through the touch-sensitive screen and control the order of presentation with forward and reverse commands. When the viewer has completed that segment, he or she continues in the manual until the next bar code appears.

National Education plans a major marketing effort for Action Code, and Perceptronics will begin shipping the units to the proprietary schools and industrial customers in January. The system will help teach courses in electronics, pneumatics, hydraulics, robotics, and management techniques. The vocational schools are also working with the American Medical Association to produce courseware that will keep physicians current on the latest medical techniques without requiring them to attend classes or seminars.

Action Code, abot to integrate familiar print media with often threatening electronic media, will bridge the computer generation gap and bring consumers of all kinds into direct contact with electronic information systems, says Ronald Tapper, vice-president of operations at National Education's training systems group (Westport, Conn.).

Electronic tutors. Interactive videodisc can respond to student questions in much the same way as a teacher does—by explaining difficult material, giving additional examples, correcting mistakes, providing guidance, etc. It can even include recorded images of a human teacher. In an interactive system designed to train people in cardiopulmonary resuscitation (CPR), developed by David Hon, director of advanced technology development at the American Heart Association, a videodisc monitor and a computer are linked to a life-size mannequin. Electronic sensors embedded at strategic locations in the mannequin automatically measure and evaluate the student's performance of the CPR techniques that have been demonstrated on the video screen by a human teacher. The face and voice of the instructor then reappear, telling the student how well he or she is doing, and suggesting improvements, but the course is actually being "taught" by the victim. Feedback continues until the student has mastered all aspects of CPR.

The complete system is being sold to hospitals, businesses, schools, and other institutions, and other system software is underway for teaching advanced cardiac life support (ACLS) for maintaining heart-attack victims who have just been revived with CPR. The ACLS system will simulate indicators, such as vital signs and EKGs, of the medical problems that can arise during a cardiac emergency and will generate them randomly at rates that correspond to actual probability of occurrence.

The CPR trainer demonstrates the potential of interactive videodisc training: It was reported significantly more effective than live instruction in recent studies involving three different kinds of testing by three independent research organizations. An informal evaluation of videodisc training at the Army's Air Defense School (Fort Bliss, Tex.) showed similar results, reports Richard Cavagnol, director of product development for the training systems division of WICAT (Orem, Ut.), a manufacturer of high technology learning systems and software. An interactive videodisc simulation, created by WICAT, covered 12 hours of a 26-week course on maintaining an IHAWK missile battery. The developers then tested mechanics trained in classrooms and on actual equipment against those who used the interactive videodisc. Of 17 students taught by traditional methods, 14 could not begin to solve the exam problem; three took more than 12 minutes. Yet all 20 students who went through the videodisc program solved the problem in less than 4 minutes, says Cavagnol.

In interactive videodisc systems, the learner can have control over materials. The chemistry lab, for example, would allow the student to choose which chemicals to use and how to run experiments. After each student decision, the system would show the result, offer feedback, and list new choices. It is unlikely that a student in a classroom with 20 or 30 others would have as much freedom in designing tests, or even have the range of materials.

Also, because students have some control over the order of presentation, they might opt for more frequent review than a classroom teacher would have time to give, or omit parts of the lesson if familiar with the material. On many systems, the videodisc's speed (freeze frame, still frame, normal motion, and fast forward) and direction (forward and backward) can be changed by the user.

Because random-access videodisc technology allows each video frame to be accessed and displayed independently, every motion sequence can be "decomposed" into its constituent frames. These can then be played as freeze frames, in which the frames in a sequence are displayed one by one as the viewer presses the step-frame key. Alternatively, fames can be played in slow motion, in which the player mechanism displays frames at any rate chosen by the viewer (or the control program). In still frame, a single frame is shown for a period of time. Still frames are designed to be shown as unmoving shots; freeze frames stop a moving sequence. Real-time and fast-forward modes are also available. And the random-access videodisc player makes all of these modes available in both forward and reverse. All these capabilities can be applied to any real-time video sequence; they require no special video production techniques when they are shot.

Motion decomposition is used in an experimental program on American Sign Language. As the student begins to master hand signals, the program challenges him or her to recognize each sign as early as possible in its formation, stopping in the middle of a half-formed sign and asking the student to identify it. The student can then step forward frame by frame, until able to make a positive identification. With practice, each sign can be recognized quickly, and the student can achieve great fluency in comprehension. Motion decomposition has obvious applications in the teaching and learning of dance, athletic, and exercise techniques; it has already been used in teaching industrial tasks.

With such control over the videodisc system, the students can work at their own pace. Combined with the feedback provided by the system, this capability makes it possible for students to work with minimal human supervision. Independence and self-pacing are two reasons why customers have responded well to videodisc training in IBM's Guided Learning Centers, reports Pam Evans of IBM. The centers are located across the country, distributing resources to make customer classes more convenient and to reduce travel costs. Ford has installed interactive videodisc training systems at 3900 of 4700 dealerships to teach sales and repair techniques, reports Peter Bossis, a Ford training supervisor. Interactive videodisc systems have also been used on a large scale by the state of Florida in training 8000 social welfare workers.

Simulating emergencies. Interactive videodisc's ability to simulate reality is considered by some of the most powerful application of videodisc in education (see "Teaching techniques with videodisc," p. 56). Using simulation, a designer can create very low-cost devices that mimic the behavior of complex equipment. Furthermore, simulations can "break" expensive equipment to allow students to repair it or can reproduce life-threatening situations to give them experience in handling emergencies. For these reasons, simulations have proved especially suited to military, industrial, and medical training. A tank-gunnery simulator was developed for the Army by Perceptronics to train tank gunners without having to fire expensive ammunition. The simulator's exterior cabinet resembles the tank's gunnery control panel. By peering through a viewfinder, the trainee can identify enemy tanks, then aim and fire shells. If the shot is good, the enemy tank is destroyed; if not, the miss is shown on the video screen, seen through the viewfinder.

Users of the simulator at first objected to the sluggishness of the system's controls, but in fact the system had been programmed to respond as slowly as the actual equipment. Thus students learned the necessary compensation required to handle a modern tank. After the army began to use the trainers, the U.S. won the annual tank-gunnery competition with Canada for the first time in years, says Gershon Weltman, president of Perceptronics.

Simulations like the CPR trainer are successful for medical applications because they allow students to practice cause they allow students to practice indefinitely without risk to human life. Doctors learn disease recognition and diagnosis with a simulation developed by WICAT for Smith-Klein Beckman. The "patient" on videodisc describes his or her symptoms and answers any questions the doctor asks. On the basis of information from the patient and results of tests, the physician makes a diagnosis and prescribes treatment. Sophisticated feedback generated by the system includes suggestions for eliminating unnecessary tests, to save the patient money.

Motion decomposition and simulation are only two of the new teaching techniques made possible by interactive videodisc systems. Others include movie maps, disassembly, and masking.

Movie map videodiscs reproduce places that might be too expensive, too dangerous, or too remote for students to visit. The original "Movie Map," created by Nicolas Negroponte, Andy Lippman, and their colleagues at MIT's Architecture Machine Groups, consists of thousands of photographs of the streets of Aspen, Colorado, taken approximately 10 feet apart. These are stored as still frames on a videodisc.

The controlling minicomputer allows the viewer to explore Aspen at will by using a touch-sensitive screen and two videodics players. The user touches the edges of the screen—right or left, top or bottom—and the computer selects the appropriate video frames in correct sequence to create the illusion of traveling the streets of the city. The viewer may turn in any direction at each intersection and may even "enter" certain specially marked buildings or linger over any scenic view.

Movie maps use the strategy of exploration to stimulate the learner's curiosity. They take the student directly into an experiential universe where events unfold realistically; learning is a natural result of the experience.

Other movie maps have been developed with the support of the Defense Advanced Research Projects Agency (DARPA). One consists of thousands of photographs of the interior surfaces of a jeep engine, allowing a mechanic-in-training to tour every nook and cranny of the engine. Another DARPA project produced a movie map of the U.S. Embassy in Guatemala so that military personnel could quickly familiarize themselves with the entire building to prepare for emergency situations.

Another method of teaching is object disassembly. This technique is expecially useful for training mechanics or maintenance workers. An instrument panel, for example, is displayed on the screen with special markers. When a student touches one of these, the screen may zoom in on a particular area, or show the interior of an object. One such system, produced by the Cubic Defense Systems div. of Cubic (San Diego), trained Navy personnel to service a highly complex radar command system. The student can disassemble the radar system by touching system control devices or markers on the screen. For example, bright red triangles at various locations on the screen unlock, open, or give access to that part of the equipment on which they are located, as if the student were actually working on hardware. It is even possible to "test" equipment after "repairs" have been made, using leads that can be "connected" to varous terminals on the command system itself to get computer-generated readouts of electrical activity at many different locations.

Interactive Training Systems (Cambridge, Mass.) has developed an interactive videodisc system that bases its primary instructional strategy on the master-apprentice relationship. "We went back to the natural human learning situation, and studied the pattern of interactions between master and apprentice, to see exactly how information was being passed from one to the other," said David Lubin, cofounder, with Harry Lasker, of ITS—perhaps the first company to develop and successfully market a line of interactive video products as its sole business.

In analyzing the master-apprentice relationship, Lubin and Lasker, both professors of education at Harvard, identified 40 "learning formats" which have become the basis of ITS videodiscs. A typical format called "Find It" consists of a sequence in which a human voice asks the student to find a particular object on the screen—a switch on an instrument panel, for example. The student points to a switch on the touch-sensitive screen. If correct, he receives praise from the master; if incorrect, he is gently told to try again. Here the microcomputer masks part of the instrument panel so that there are fewer choices available. Each time the student misses, a greater portion of the screen is masked, until the student has been guided to the correct choice.

How costly? Development costs for interactive video programs vary with size, level or degree of interactivity, and production values. A typical development project might cost $50-100,000 and produce a highly interactive program on a single videodisc. At least half of this amount will be spent in the critical process of creating an appropriate interactive design and in integrating video imageware and computer software. Video production and software development account for the rest.

To reduce production costs, some companies are working on videodisc editors and authoring tools. One example is ITS's interactive design formats, which served as models for 40 sets of instructional design specifications. These formats contain authoring tools for the textual, video, and programming components. Course designers can create interactive video courses by selecting among the 40 formats, rather than by individually programming each segment. A complete instructional authoring system can be purchased from ITS for $15-25,000. Another system, under development by WICAT, will help instructional specialists create the software necessary to control the disc, says Cavagnol. Because a third of development costs stems from programming, the system could prove a boon to users.

A full high school or college course on videodisc will cost roughly $1 million, according to Dustin Heuston, chairman of WICAT. Heuston feels that traditional textbook publishers will not produce satisfactory videodisc courses because they are not used to such large frontend investments. New courseware firms specializing in interactive videodisc courses are rising instead.

CAV discs can be mass-produced for between $10 and $25 each, depending on whether 50 or 5000 copies are needed, plus a setup charge of $2-3000 for each press run. Mass production of videodiscs is thus significantly chapter than that of videocassettes, especially considering the lower costs of packaging, storing, and distributing disc products. Although a tape will hold more linear video than a disc, each hour of video materials on disc may actually represent 3 hours or more of interactive viewing, because of the time spent in branching procedures, in replaying or decomposing motion sequences, and in viewing still frames and text screens.

Playback systems begin at about $1500, for low-level systems, and range up to $5000 or more. If the consumer already owns a full-function microcomputer, disc drive, and monitor, however, the videodisc player and interface can be added for about $2000. This cost may drop as much as 50% over the next 18 months as disc players with built-in interfaces appear on the market. When a true mass market for interactive video emerges, the random-access videodisc player will cost roughly the same as a VCR of comparable quality.

Game boosts market. In addition to educational applications, interactive videodisc is moving into entertainment and sales. The sudden surge of laser videodisc games last summer is reshaping the interactive market.

"Dragon's Lair," the first laser disc videogame, was released by Cinematronics and Starcom, both of San Diego. Sophisticated animation sequences show Dirk the Dragonslayer confronting one perilous situation after another. The player uses the joystick and firing button to control Dirk's actions, making him leap out of harm's way or ward off a deadly attack. If the player fails to take the correct action, Dirk dies. The player who fends off all obstacles and rescues the fair princess wins the game.

Although "Dragon's Lair" is somewhat primitive in interactive design, Cinematronics has been unable to produce units fast enough. Meanwhile, it is developing a second-generation game of much greater sophistication, in which independently stored video components (backgrounds, characters, etc.) are interactively assembled on the screen. This design gives the player ongoing control over the characters' actions, rather than the simple "either-or" branches of Dirk's journey.

Other games will be released, including "Astron Belt," by Bally/Midway (Chicago), and "Vortex," by Advanced Optical Simulation Systems (formerly Interact—Los Angeles), which will market a videogame based not on animation but on real-time photographic video of live actors. The game will be tied to a television series, and each week, as the plot unfolds, the videodisc will be taken out of the game modules and replaced with new discs that reflect changes in characters, locales, and situations.

Market analysts are keeping close watch on "Dragon's Lair" and its competition for reasons that go beyond the health of the videogame business. It is widely believed that the early videogames greatly helped to pave the way for the introduction of small computers into the home. If laser disc games sweep the country and the videogame industry in the months to come, as some predict, a strong consumer demand for home videodisc games and educational products will not be far behind.

In the future, consumers will be able to buy disc players equipped with a standard interface and compatible with a standard input/output port such as the RS-232. This will enable people to create high-level interactive videodisc systems simply by plugging a disc player into a standard microcomputer.

Videodisc has also become a force in automated retailing. Because the newer point-of-sales devices not only deliver a video sales pitch but also take the customer's order or request for information, a single display kiosk can market a large number of products.

Interac Corp. (Woodland Hills, Cal.), makers of multilateral information display systems for Disney's Epcot Center, has developed an advanced automated retailing system called ASCIT, designed to sell products with high price tags and a high information content. ASCIT uses interactive video to determine the technical sophistication of the customer, deliver a sales pitch at the appropriate level, take the customer's order, and train the customer in the proper use of the product. ASCIT will sell for $8-15,000 per terminal. Other automated retailing systems, developed by Trilogic (Cupertino, Cal.) and Interactive Learning Systems (Denver), are being used to market computer products and financial services, respectively.

The tremendous storage capacity of the laser/optical videodisc makes it an ideal medium for handling large electronic databases that do not require frequent updating. When the multigigabit storage areas can be used for alphanumeric characters, rather than having to carry a video signal, a single disc will be able to hold the equivalent of the complete Encyclopaedia Britannica. Many electronic publishers are now studying the feasibility of using videodiscs to store and distribute electronic databases, such as those provided by The Source and CompuServe.

True video databases are also possible, given a storage capacity in excess of 100,000 frames per disc. Photographic databases of museum collections, hematology slides, and other subjects are being produced. Such databases can be combined with automated retailing, as in the IVICOM system developed by the George P. Johnson Co. (Chicago). The firm rents videodisc space to hotels worldwide and places the system in the offices of major corporate travel coordinators, who use IVICOM with its onboard computer to make reservations.

Whether in a travel agent's office, store, school, or training center, interactive videodisc will make the ways we learn, teach, and communicate more exciting and visual.●

S. 1972—AMENDMENT OF DRAWBACK PROVISIONS OF TARIFF ACT OF 1930

● Mr. ROTH. Mr. President, I rise to provide an explanation of S. 1972 which I introduced on October 9. S. 1972 amends the drawback provisions of the Tariff Act of 1930 to allow tradeoffs of imported and domestic merchandise between different companies while retaining the benefit of drawback for the importer. Such an amendment would provide other importers of fungible commodities the same treatment provided for the petroleum industry under section 22.5(e) of the customs regulations (19 CFR 22.5(e)). This amendment is a further refinement of the drawback substitution privileges available under the Tariff Act of 1930, as amended by Public Law 85-673. Under the substitution rules, drawback is retained when domestic products are substituted for imported products within a company. S. 1972 would extend this substitution provisions to tradeoffs between different companies.

Under existing drawback regulations, a drawback claimant must actually use the imported material in order to be eligible for drawback. If the claimant is not the actual importer, he must receive a certificate of delivery, customs from 7543, from the importer which certifies delivery to the drawback claimant. Section 22.5(e) of the customs regulations of the United States, title 19, chapter 1, allows an importer of crude petroleum to tradeoff his imported crude petroleum for domestic crude petroleum and still claim drawback provided no certificate of delivery is furnished to the party receiving the imported crude petroleum. This allows the importer to claim drawback on that quantity which he traded off.

This bill is intended to address the following hypothetical situation: Company A located in Delaware imports a bulk commodity, X. Company B located in New York needs X, but only has that product at its Los Angeles plant. Company A, on the other hand, needs additional X for its California operation. Companies A and B would like to swap merchandise to save transportation costs and time. However, under current customs law company A would lose its drawback privileges on the quantity of imported X it swaps with company B. But if company A is permitted to deliver the imported X to company B without providing a certificate of delivery, company A would retain drawback rights.

Such a law would be useful to industries, like the chemicals industry, in which it is a common practice for two firms to exchange quantities of a material. In some instances duty-paid material is involved in such exchanges. This refinement of the drawback provisions would help export industries like the chemicals industry to be more competitive by saving time and money on transportation and providing more flexibility for accounting and storage arrangements.

This bill is strongly supported by the National Committee on International Trade Documentation.●

THE FEW WHO DO MOO

● Mr. MOYNIHAN. Mr. President, one Sunday morning, not very long ago, the CBS network program "Sunday Morning" treated its audience to an account of a fog-horn calling contest in San Francisco. Those who arose early enough that day could hear near perfect imitations of the Bay City's most boisterous deep-booming beacons. I do not remember much of who actually won the contest—only that a succession of men and women made their way to the microphones to bellow forth.

Mr. President, I can now report the results of a similar event of equally profound and enduring consequences to those who inhabit New York's dairy country. To be precise, I have learned that Dr. Arnold Ruxin of Cobleskill, N.Y. has won this year's Schoharie County Moo-Off.

Now, Mr. President, mooing comes not entirely naturally to those who walk on two legs, rather than four. It requires a certain manner of skill or, at the very least, a certain lack of inhibition. In Schoharie County, the heart of the Nation's third largest dairy-producing State, one does not travel far without hearing the divinely bovine call of the field. Every New Yorker is familiar with it. Yet to imitate that familiar sound, one must be a master mooer.

Mooing is not solely a man's business. Dr. Ruxin's runner-ups were Florence Hamm and Clara Cross, also of Cobleskill, N.Y. For their efforts, the three victors, not unsurprisingly, received coolers of Schoharie County dairy products.

Mr. President, I have sponsored legislation that gives thought to establishing a nationwide dairy promotion program. Can it be that we already found spokespersons for the cause? Now New York can boast the world's Moo-Off champions, not to mention Miss America. Which leaves me, like San Francisco, in a delightful fog.

My thanks, to radio station WSCM in Cobleskill for sponsoring the Moo-Off and to the Cobleskill Jaycees and the Community Women's Club for making it an altogether charming feature of this year's Independence Day celebration in Schoharie County.●

THE STRENGTH OF THE VOICE

● Mr. HUMPHREY. Mr. President, an article published in today's Washington Times reinforces the argument that I have frequently put forward in support of the Voice of America's modernization program. Documents found following the U.S. invasion describe the coup leaders' fears of the Voice's impact on the people of Grenada.

The Voice's broadcasts are of tremendous importance to its estimated weekly audience of 100 million people all over the world. This is especially true in countries behind the Iron Curtain, where "truth" refers primarily to the title of a newspaper, Pravda, rather than its contents. The broadcasts' effectiveness is attested to by the Soviet Union's and its satellites' extensive jamming efforts. The Soviet Union spends some $300 million a year on making Western broadcasts unintelligible. Fortunately, jamming is never completely effective, and our message gets through, as the Grenadan documents attest to. However, VOA cannot continue these successes with the equipment it has now.

The statistics have been read to this body before. The last time state-of-the-art equipment was installed at VOA was when President Eisenhower approved new equipment in 1954. Most VOA transmitters are more than 15 years old, about 35 percent are 30 years old, and much of the equipment used to broadcast into the Soviet Union and Eastern Bloc countries was manufactured during World War II. These statistics are appalling, particularly in comparison to the high level of resources that the Soviet Union and other nations commit to their international broadcasting efforts.

I trust my colleagues will read with an eye to the future the excerpts from this article that I am having inserted. Mr. President, I ask that the excerpts from this article be printed in the RECORD.

The article follows:

DOCUMENTS SHOW VOA'S BROADCASTS CONCERNED LEADERS

(By Alan McConagha)

Documents obtained from Grenada following the Oct. 25 invasion indicate the rules there were concerned about the influence of Voice of America broadcasts into that island nation.

VOA Director Kenneth Tomlinson, citing one of the documents, noted that problems caused by VOA broadcasts were raised at an "extraordinary" meeting of the New Jersey Movement's Central Committee in mid-September.

"In some respects, the masses have gone backward ideologically," the gathering was told. Reports on the Korean Air Lines disaster was especially troubling to the group. Concluded one member: "The people are getting their lines from the Voice of America."

Tomlinson said "a popular faith in VOA reporting obviously is troubling a number of leaders in the communist world."

In Bulgeria, Tomlinson said, the editor of Anteni, the weekly Bulgarian political and cultural journal, questioned with alarm why so many people's "personal opinion and the opinion of the Voice of America are similar."

Tomlinson noted that while the article defended Soviet accounts of its shooting down of a Korean Air Lines jumbo jet with 269 people aboard on Sept. 1, it is remarkable that an official Communist journal would concede that the Bulgarian people rely on VOA broadcasts for information about what is happening in the world.

In the committee minutes, the governing New Jewel Movement feared its ability to rule was deteriorating daily. One speaker complained that the masses were slipping away from communist ideology. He said in relation to the KAL incident that people were following the "line" of the Voice of America.●

GRENADA: "THE CARIBBEAN DOMINO"

● Mr. HELMS. Mr. President, we should be thankful that the American people are no longer easily misled by the major news media of this country. The latest evidence of this is the U.S. mission in Grenada.

As Dr. Eric Brodin of Campbell University in North Carolina notes, the editors and reporters who are "stridently complaining about not being admitted on the island for their 'first-hand' accounts" have not "done their homework in explaining the background of the events, and the overall significance of this area for [the] U.S. economic lifeline and its strategic importance."

In his typically lucid style, Professor Brodin has provided a cogent and coherent minihistory in his latest column in the Dunn Daily Record. Mr. President, I ask that it be printed in the RECORD.

The column follows:

[From the Daily Record (Dunn, N.C.), Nov. 1, 1983]

THE CARIBBEAN DOMINO

(By Eric Brodin)

Even before the Beirut massacre death-toll had been completed, and the vestiges of emotional impact in the nation's media been wrung for all its "human interest" content, attention was turned to another point of international crisis: The invasion of Grenada by six East Caribbean countries led by U.S. Marines to assure the safety of the 1,000 Americans on that 133-square-mile island. This was the outcome of a violent power struggle between two avowed Marxists, one just a little more radical than the other. But the consistent failure of newspaper and TV news reports was to place this event in some historic and strategic context. The reporters were stridently complaining about not being admitted on the island for their "first hand" accounts, but it would appear that not one of those journalists had done their homework in explaining the background of the events, and the overall significance of this area for U.S. economic life-line and its strategic importance.

When in 1959 Fidel Castro declared his revolution, it was the first implantation of a communist republic in our own backyard, violating all the precepts of the Monroe Doctrine. From this source of red contagion in this hemisphere, subversion and revolution-for-export has hit one country after the other. It is dangerous myopia to forget these historic events when attempting to explain "why our Marines are in Genada." Cuba has become a Soviet outpost in our own backyard, where its surrogate henchmen are found in increasing places around the Caribbean. The first targets were the Dominican Republic, Venezuela and Bolivia. As early as June 1959, a guerrilla expedition invaded the Dominican Republic; in 1964 the Organization of American States (OAS) exposed Cuba's attempt to overthrow the Betancourt government in Venezuela. More familiar is the death of Castro associate "Che" Guevara, while on a revolutionary expedition in Bolivia.

Whereas those early attempts had been abortive, as Soviet troops trained and provided military arms to Cuban troops, the communist footholds in our hemisphere increased.

In March 1979, the first post-colonial and legally constituted government of Grenada was violently overthrown by Cuban trained Marxist Maurice Bishop, 39. Just months later the Sandinistas overthrew the Somosa government in Nicaragua, becoming a source of revolutionary ferment in Central America. To do the bidding of Communist take-overs in the Caribbean area, there are 2,500 Soviet military advisors in Cuba, along with 6-8,000 "civilians." Nicaragua has 70 and Grenada 30 Soviet agents. And there are in addition 5-6,000 Cuban advisors in Nicaragua today. In 1981 and 1982 the Soviets delivered 66,000 tons of military hardware to Cuba, three times more than the annual average during the last 20 years, according to Caribbean expert Edward A. Lynch.

So what is special about Grenada, with its 110,000 population? The Cuban presence has been profound, virtually controlling every ministry, establish a 24-hour curfew and closing down the press. The Cuban "construction workers" were there in larger numbers and more battle-ready than western intelligence sources had believed. And the caches of arms found was, in President Reagan's words, enough to foment revolution in the whole area. Maurice Bishop served the Soviet-Cuban axis' ends as long as he was of service to them, but when he began to chafe and even promised his Caribbean neighbors that he would support a system which "would lead to genuine democracy and eventual elections", Kremlin grew restive with him and had him, and three cabinet members, killed. Maurice Bishop thus followed the fate of Yemen's Salim Ali and Afghanistan's Mohammed Daoud, who when they no longer served international communism sufficiently well, were found superfluous and expendable.

The area of the Caribbean is important to the U.S. for several reasons. Forty-four percent of all shipping to the U.S.A. goes through the Caribbean, and so does 50 percent of our imported oil. Three of the four choke points are already in virtual control of the Cubans. For these reasons, it made good sense for the Organization of Eastern Caribbean States to form a pact for mutual defense. It was these six states that asked the U.S.A. and Jamaica to support the invasion of Grenada. It was refreshing to hear the frank statements of support and appreciation by Jamaica's Edward Seaga and the Prime Minister of Dominica and head of the Caribbean group, Eugenia Charles.

It is more the pity that an apparent majority of our journalists, too many of our politicians, and those whom we want to call friends and allies, failed to support us in international forums. Unless we remember the lessons of history we are compelled to repeat their often tragic mistakes.●

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. BAKER. Mr. President, I am advised that the minority leader has no further need for time, no other Senator is seeking recognition, and that if I do not adjourn or recess pretty soon, somebody is going to turn out the lights.

Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and, at 7:02 p.m., the Senate recessed until Tuesday, November 8, 1983, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate November 7, 1983:

DEPARTMENT OF STATE

Alfred L. Atherton, Jr., of Florida, a career member of the Senior Foreign Service, with the personal rank of Career Ambassador to be Director General of the Foreign Service, vice Joan M. Clark, resigned.

DEPARTMENT OF COMMERCE

Donna F. Tuttle, of California, to be Under Secretary of Commerce for Travel and Tourism, vice Peter McCoy, resigned.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Richard M. Scaife, of Pennsylvania, to be a member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1985, vice Mae Sue Talley, term expired.

EXTENSIONS OF REMARKS

CHINA POLICY FOR THE NEXT DECADE

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. ZABLOCKI. Mr. Speaker, for many years Members of Congress, and particularly members of the Foreign Affairs Committee, have profited from the active research and study efforts of the Atlantic Council. This highly respected association of some of the most prominent foreign policy thinkers has long performed a much needed service by tackling most difficult, yet relevant, problems facing the United States in its foreign relations.

Consistent with its earlier undertakings, the Atlantic Council has just completed a major study of United States-China policy. Given the great attention on U.S. relations with China and the prospects ahead, this study could not be more timely. Therefore, I ask that the executive summary and the list of members of the study group be included in the record at this point, so that my colleagues can have convenient access to the major findings of the Atlantic Council's work.

The executive summary follows:

EXECUTIVE SUMMARY

As the euphoria of the US-PRC relationship has been replaced with the daily toil of managing the relationship, each side has grown to view the other with some caution. The present American administration has emphasized a greater concern about defense policy and the Chinese have exhibited a more assertive nationalism with calls for independence from the two superpowers, i.e. an intermediate position between the US and the USSR. Though Beijing is still in important aspects closer to Washington than to Moscow, tactical repositioning by the Chinese either closer to Moscow (as in 1982) or to the US (as appears to be emerging in 1983) has tended in the past to produce *ad hoc* policy responses by the US, responses which many of our friends and allies viewed as more emotional than pragmatic and not always supportive of their interests.

The Atlantic Council's Committee on China Policy has sought to appraise the interests of both countries, to understand where those interests converge or diverge, to break the romantic notions of inevitable harmony or hostility, and to recommend policies upon which to base a long-term relationship.

This policy paper examines the current state of bilateral relations between the United States and China; projects the most desirable and realistic objectives for the US government and ways to achieve them; surveys the prospective influence and likely interaction of other key actors who may influence the relationship; and discusses how the US can best coordinate its policies to satisfy the interests and allay the anxieties of its Atlantic and Pacific friends and allies and to avoid complicating the Taiwan question.

The Committee then concludes with the following policy recommendations to the Administration concerning future policy of the United States toward China. These are recommendations the Committee believes the public and the Congress wil endorse and that our friends and allies will recognize and support as contributing to global stability and their own security.

GENERAL RECOMMENDATIONS

1. The United States Government should develop a sound long-term posture through the next decade that seeks enhanced cooperation with the People's Republic of China (PRC)—a very large and underdeveloped country—which, as an independent, nonaligned international and regional entity, shares some but not all of our global and regional objectives, particularly in Asia and the Pacific.

2. An economically healthy, stable, and secure China, which contributes to the peace and stability of the region, is in the national interest of the United States, and is an interest shared by our Asian and European friends and allies. To this end, the United States should place priority on the continued development of a sound geopolitical relationship with China and on the enhancement of cooperation with China in developing its economic potential.

3. Relations with the PRC and other countries in the region require that the US maintain a strong military presence in East Asia and the Pacific and make clear we are committed to a forward military defense of our interests in the region.

4. The United States, more than it has the recent past, should consult with and take into account the views of its Asian friends and allies in dealing with the PRC and encourage reciprocal consultations. Specifically, the security and economic concerns of Japan, the Republic of Korea, and the nations of ASEAN and ANZUS, and the population of Taiwan should be taken into account.

5. Our Atlantic friends and allies should also be consulted with respect to our China policies and encouraged to consult with the US with respect to their policies. It is important that our respective policies be compatible, particularly in the areas of technology transfer and international trade. The United States and its industrialized friends and allies in the coming decade should do in concert what we can to facilitate China's economic development. A process for continuing consultations among the allies should be established to facilitate cooperation in helping China in such areas as joint feasibility studies for projects to be financed by government funding.

BILATERAL RELATIONS

6. The United States and China share certain geopolitical objectives, such as opposing Soviet expansionism, making possible cooperative efforts in various forms. Our policy objectives with respect to Afghanistan and Indochina are similar and call for further consultations. On the Korean Peninsula, despite the fact that the United States and China support different parties, our objectives in avoiding hostilities are parallel. The United States and the PRC should urge their respective Korean allies to adopt policies supportive of these objectives. The United States should also encourage the PRC to develop further contacts with South Korea that could point the way to eventual cross-recognition. In other areas, such as the Middle East and Southern Africa, we should seek our common interest; and wherever and whenever our interests converge, we should cooperate.

7. The basis of our relations with China should not rest exclusively on our common opposition to the Soviet Union. We should seek to expand the basis of the relationship to rest on economic, scientific, and cultural ties, on shared efforts to maintain stability in Asia, and on Chinese involvement in the search for solutions to the problems that transcend national boundaries (such as arms limitations or international economic issues).

8. While the United States must show appreciation of Chinese needs, sensitivities, and domestic political environment, the same attitude is required of the PRC toward the United States. If the relationship is to move forward and continue to enjoy broad public support in the United States, the Chinese must demontrate greater awareness of American sensitivities and appreciation of our domestic political system (including the separation of powers) and our pluralistic society. U.S. officials should make clear that Chinese rhetorical excesses only serve to undermine support in the United States for strengthening United States-Chinese relations and complicate US diplomacy on international issues.

9. Throughout the next decade, the United States should cooperate with the PRC primarily through trade, export credits, and direct investment in the Chinese economy. The United States should facilitate and promote US private sector participation in Chinese economic growth and encourage China to establish a favorable climate for American enterprises, as, for example, in the areas of developing coal, renewable energy resources, potential of off-shore oil and gas reserves, and agriculture.

10. To facilitate commercial trade in line with US export policies, the Committee recommends that the Joint Economic Commission and the Joint Commission on Commerce and Trade and their working groups should explore each other's laws and regulatory practices in order to defuse potentially disruptive trade issues stemming from asymmetries in business and government practices.

11. The US should actively promote the transfer of technologies that are consistent with China's economic development needs and abilities to absorb. At the same time, the US should continue to press the PRC to promulgate and enforce laws (patent, copyright, etc.) necessary to protect the interests of the industrialized nations in technology transferred. Correspondingly, the PRC should join such international agreements as General Agreement on Tariffs and Trade, the Paris Convention, and the Universal Copyright Conventions.

12. The Committee asserts that it is in the US national interest that the Chinese national economy move toward modernization. However, it recognizes this course involves a degree of risk since a strong Chinese indus-

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

trial base could be used in the future for military purposes not consistent with our national interest. To allay these fears, a broad study should be conducted to identify and quantify the probable impact of Western technology on China's industrial capability.

13. The US should quickly agree as to how best to expedite decisions on applications for the transfer of "dual-use" technologies and should be most responsive to those requests which would best contribute to the civilian sector (communications, transportation, power supplies, renewable resources, etc.). Technologies which make a direct and significant contribution to nuclear weapons and their delivery systems, electronic and anti-submarine warfare, and intelligence gathering should continue to be withheld, though each area should be carefully examined to ensure that only the most sensitive technologies are routinely denied.

14. The US government should not press weapons systems and technology on the Chinese, but rather should wait for their initiatives. The US should be responsive to requests from the Chinese armed forces, including arms sales, in developing China's ability to protect itself. This cooperation must be consistent with US law, international agreements, and commitments to allies of the United States. However, the US should not encourage the Chinese to carry out a program to modernize and expand its armed forces to a degree that would significantly increase the Chinese capacity to project force beyond its current borders. Neither should the United States seek to enter into a military alliance with the PRC.

15. In negotiations with the USSR on strategic and intermediate range nuclear missiles, both the US and the PRC should be sensitive to the possible interests and concerns of the other.

16. The United States should actively encourage and support the education and training of the Chinese in a variety of fields: scientific and technological as well as in the social sciences, the arts, and the humanities. It is in our national interest that the coming generation of leaders in China have exposure to, and benefit from, the best that can be offered by our universities, businesses, and other training facilities.

17. The United States should ensure the future of sound research and education about China by assuring direct access in China for our scholars, scientists, and journalists, by ensuring the continued funding of our library and research facilities, by enhancing our ability to acquire and utilize the large volume of Chinese language publications available, and by encouraging our China specialists to develop their background knowledge and language proficiency.

18. The US should not construe expected improvements in the Sino-Soviet relations as necessarily adverse to our national interests, but should judge such improvements with respect to their contribution, if any, to peace and stability in the region.

19. The Taiwan situation should be worked out peacefully by the Chinese on both sides of the Strait. The US Government should avoid promoting or coercing either party into adopting any particular solution, insisting only that the use of force be avoided.

MEMBERS OF THE COMMITTEE ON CHINA POLICY

Chairman: U. Alexis Johnson, Director, Atlantic Council; former Under Secretary of State, US Ambassador to Japan, Thailand, and Czechoslovakia, and Chief, US Delegation, SALT.

Rapporteur: George R. Packard, Dean, School for Advanced International Studies, Johns Hopkins University; former Deputy Director, Woodrow Wilson Center for Scholars, Smithsonian Institution.

Project director: Alfred D. Wilhelm, Jr., Senior Fellow, Atlantic Council.

Members

A. Doak Barnett, Member of the Board, National Committee on U.S.-China Relations; Professor of Chinese Studies, School for Advanced International Studies, Johns Hopkins University.

Ralph N. Clough, East Asian Scholar; former Fellow, Asia Society.

Terry Deibel, Professor, National War College.

Phillippe Deshormes, Secretary General, North Atlantic Assembly (Brussels).

Robert Dernberger, Professor of Economics, University of Michigan.

Job Dittberner, Director, Institutional and Political Affairs, North Atlantic Assembly (Brussels).

Russell E. Dougherty, Executive Director, Air Force Association; former Commander-in-Chief, SAC and Chief of Staff, SHAPE.

John K. Emmerson, Senior Research Fellow, Hoover Institute on War, Revolution and Peace, Stanford University.

Carl W. Ford, Jr., Professional Staff Member, Senate Foreign Relations Committee.

Henry H. Fowler, Chairman, International Division, Goldman Sachs & Co.; former Secretary of the Treasury.

Ellen L. Frost, Director, Government Programs, Westinghouse Electric Corporation; former Deputy Assistant Secretary of Defense.

Curt Gasteyger, Director, Programme for Strategic and International Security Studies, The Graduate Institute of International Studies (Geneva).

Jeffrey Gayner, Counselor for International Affairs, The Heritage Foundation.

William H. Gleysteen, Jr., Director, Asia Society; former U.S. Ambassador to Korea.

Andrew J. Goodpaster, former Superintendent, U.S. Military Academy; former Supreme Allied Commander, Europe.

John E. Gray, Chairman, International Energy Associates Limited.

Pyong-choon Hahm, Secretary General to the President of the Republic of Korea; former Professor of Law, Yonsei University (Seoul); former Korean Ambassador to the United States.

Harry Harding, Senior Fellow, Foreign Policy Studies Program, The Brookings Institution; former Professor of Political Science, Stanford University.

Eric W. Hayden, Vice President, Economic and Strategic Planning, Bank of America Asia Limited (Tokyo).

Martin J. Hillenbrand, Dean Rusk Professor of International Relations, University of Georgia; former Director General, Atlantic Institute for International Affairs (Paris) and U.S. Ambassador to the Federal Republic of Germany.

Harold C. Hinton, Professor of Political Science, Institute for Sino-Soviet Studies, George Washington University.

David S. Holland, Senior Vice President, Exploration, Pennzoil Exploration and Production Company.

William G. Hyland, Senior Associate, Carnegie Endowment for International Peace.

Masamichi Inoki, President, Research Institute for Peace and Security (Tokyo).

Thomas Kahn, Special Assistant to the President, AFL-CIO.

Franklin D. Kramer, Partner, Shea and Gardner.

Winston Lord, President, Council on Foreign Relations; former Assistant Secretary of State.

David E. McGiffert, Partner, Covington and Burling; former Assistant Secretary of Defense for International Security Affairs.

James W. Morley, Director, East Asian Institute, Columbia University.

Richard Nations, Correspondent, Far Eastern Economic Review.

Hisahiko Okazaki, Minister; former Director General for Foreign Relations, Japanese Defense Agency (Tokyo).

Michel Oksenberg, Professor of Political Science, University of Michigan; former Staff Member (China), National Security Council.

Jan S. Prybyla, Professor of Economics, The Pennsylvania State University.

Christopher H. Phillips, President, National Council for US-China Trade.

James Reardon-Anderson, East Asian Librarian, Columbia University; former Professor of Asian Studies, School for Advanced International Studies, Johns Hopkins University.

Thomas W. Robinson, Sun Yat-sen Professor, Georgetown School of Foreign Service; former Professor, National War College.

Rainer Rupp, Economic Directorate, NATO Headquarters (Brussels).

Nathaniel Samuels, Advisory Director, Lehman Kuhn Loeb Inc.; former Under Secretary of State for Economic Affairs.

Robert A. Scalapino, Professor of Political Science, University of California (Berkeley); Member, National Committee on US-China Relations.

Brent Scowcroft, Lt. General, US Air Force (retired); former Assistant to the President for National Security Affairs.

Raymond Philip Shafer, Chairman, National Committee on United States-China Relations; Partner, Coopers and Lybrand; former Governor of Pennsylvania.

Gaston J. Sigur,[1] Director, Institute for Sino-Soviet Studies, George Washington University.

Richard H. Solomon, Head, Social Science Department, Rand Corporation; former Staff Member (China), National Security Council.

Helmut Sonnenfeldt, Guest Scholar, The Brookings Institution; former Counselor, Department of State.

Douglas T. Stuart, Director, University of Southern California School of International Relations (Munich); NATO Fellow.

Leonard Sullivan, Jr., Defense policy consultant, System Planning Corporation; former Assistant Secretary of Defense.

Robert G. Sutter, Specialist in Asian Affairs, Congressional Research Serivce, Library of Congress.

Gregory G. Tallas, Vice President, The First National Bank of Chicago.

William T. Tow, Professor, University of Southern California School of International Relations (Munich); NATO Fellow.

Philip H. Trezise, Senior Fellow, The Brookings Institution; former US Ambassador to OECD.

Leonard Unger, Professor, The Fletcher School of Law and Diplomacy, Tufts University; former US Ambassador to Taiwan.

Roy Werner, Corporate Director, Policy Research, Northrop Corporation.

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[1] Served until accepting a position on the National Security Council staff.

Allen S. Whiting, Professor, University of Arizona.

Mike Witunski, Corporate Staff Vice President, McDonnell Douglas Corporation.

Joseph J. Wolf, Rapporteur, Atlantic Council's Committee on NATO; former Minister, US Delegation to NATO.

Ex Officio Members

Theodore C. Achilles, Vice Chairman, Atlantic Council.

Joseph W. Harned, Deputy Director General, Atlantic Council.

Kenneth Rush, Chairman, Atlantic Council.

Francis O. Wilcox, Director General, Atlantic Council.

Project assistants

Eliane Lomax, Atlantic Council

Robert Means, Atlantic Council.

Student intern: Rosemary Brennan, Temple University and Nankai University.●

THE 66TH ANNIVERSARY 'OF THE BOLSHEVIK REVOLUTION—A DAY OF SORROW

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. BIAGGI. Mr. Speaker, November 7 marks the 66th anniversary of the Bolshevik Revolution in Russia. At this time I would like to recognize this day as a day of sorrow and irreconcilability.

Since they seized power in 1917 the Soviets have oppressed and enslaved not only the Russian people but the many peoples of Eastern Europe as well. These people continue to live under the brutality and repressiveness of Communist tyranny. November 7, 1917, also marked the beginning of Soviet-sponsored aggression and terrorism throughout the world.

The list of innocent victims of Soviet-sponsored aggression is endless. Soviet tyranny continues to oppress and brutalize its victims in all regions of the world. The recent Korean Air Lines massacre and continued Soviet support of Communist terrorism in Central America gravely threaten the peace and stability of the free world.

By recognizing the 66th anniversary of the Communist takeover in Russia as a day of sorrow, we commemorate and mourn all those who have perished as a result of Communist oppression. It also displays our unbending support for all those still living under the yoke of Communist tyranny who seek freedom and self-determination.

The history of communism, as practiced by the Soviet Union, is one of oppression, enslavement, and disregard for human rights. This legacy continues, and in our recognition of the 66th anniversary of the Bolshevik Revolution we must express, without equivocation, our irreconcilability with communism and our undying resolve to defend the rights and liberty of free peoples throughout the world.

At this time, Mr. Speaker, I insert into the RECORD the following statement made by the Congress of Russian-Americans:

CONGRESS OF RUSSIAN-AMERICANS, INC.,
Long Island City, N.Y., October 1983.

THE DAY OF SORROW AND IRRECONCILABILITY, 1983

As we approach the 7th of November, the day when the Soviet Union annually celebrates international communism's arrogation of power in Russia, we—Russian-Americans—appeal to the U.S. Government and to freedom loving citizens of this country to designate this day as the Day of Sorrow and Irreconcilability.

Sadly, albeit fittingly, among all the ethnic groups comprising the tapestry of these United States of America, only the Russian-Americans persist in annually asking their Government and their fellow Americans to observe this inglorious day. Russian-Americans feel it is their sacred duty to mark with mourning and defiance the day international communism claimed their former countrymen as their first victim. Moreover, Russians living under Soviet rule acutely realize that with every new nation saddled with the yoke of communism their burden becomes not lighter, but immeasurably greater. Still, their determination to live free blazes as never before.

On this infamous day we express our sorrow for all the victims of communist terror, and our irreconcilability with the theory and practice of communist doctrine.

Last year, our declaration enumerated the crimes committed by the Soviet government within the Soviet Union and its satellite countries. We asked all concerned to share with us our feelings of sorrow and irreconcilability.

This year we wish to emphasize that November 7, 1917 marked not only the beginning of immeasurable sufferings of the Russian and other enslaved peoples of the Soviet Union, but also the beginning of a global human tragedy which today threatens the very existence of the Free World.

By using the territories of the former Russian empire as a base for its attack upon the Free World, while mercilessly exploiting and deceiving its materially and spiritually impoverished citizens, the Soviet government created a mighty military state capable of dictating its will to the Free World. Utilizing the atomic threat, the Soviets gradually take over key strategic positions in all parts of the world.

It seems that today there is not a single nation on the face of the earth that has not been victimized by communist aggression. Today we must count among the communist victims peaceful U.S. citizens who perished in the Korean airliner shot down at the orders of the Soviet government.

Therefore, to stem the tide of communist aggression, we ask the government of the United States of America and, through its good services, all other Free World governments, to designate November the 7th, the day when the Soviets will be displaying their military might, as the Day of Mourning for All Victims of Communist Terror and fly all flags at half-mast.

We also ask representatives of all peoples enslaved by international communism to join us in conducting memorial services on this day and pray for all those still living under the yoke of communist tyranny.

BOARD OF DIRECTORS,
Congress of Russian Americans.●

PAINFUL MEDICINE FOR PHYSICIANS

HON. GEORGE E. BROWN JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. BROWN of California. Mr. Speaker, When the House considers the Tax Reform Act of 1983, the Ways and Means Committee will offer an amendment for medicare savings. I offer my support for this amendment, and I would like to explain why.

Health care costs are receiving widespread attention today. In 1982, total hospital spending rose by $17.9 billion, or 15 percent. The February Consumer Price Index (CPI) rose 3.5 percent; hospital charges rose 13.2 percent, or nearly four times the CPI. Increases are attributed in part to more costly technologies, the fact that medicare and medicaid do not cover full hospital charges for care, and inadequate government regulation to control health care costs. Third-party—insurance company—payments for health care encourage overuse of hospital facilities and services.

The economic stabilization program represented initial Federal intervention in the early 1970's. It held the health care inflation rate down to 5.7 percent but it was then abandoned. Without Federal controls, hospitals charges increased dramatically—17.2 percent in 1975. But a number of States recognized the need for Government action. They developed overall cost control programs, which on the average have held down the rate of increase to 2 percentage points below the national average.

The rapid growth in health care costs, combined with other adverse economic circumstances, are taking their toll on medicare's hospital insurance trust fund. The Congressional Budget Office projects that the fund's reserves will be exhausted by 1990. Expenditures are also rapidly rising in the supplementary medical insurance fund—part B. Because three-fourths of part B is financed by general revenues, it is not in danger of bankruptcy. However, to meet its projected demands, the Congressional Budget Office projects that $31.9 billion in general funds will be needed in 1988, compared to $14.2 billion this year, a 225-percent increase in just 4 years.

Over the past 3 years Congress has enacted medicare cuts totaling $25 billion through 1986 in attempts to reduce medicare's financial burden. To date, spending reductions in medicare have been achieved through specific program changes, by increasing beneficiaries' out-of-pocket payments—part A and B deductibles and coinsurance—and by limiting the amount which medicare pays to hospitals and physicians.

The Social Security reform bill changed medicare's payment system and reduced payment rates. Effective October 1, 1983, the program is designed to provide incentives to hospitals to control costs and streamline care. The Social Security Advisory Council, which convenes every 4 years to review the financial status of the system, is focusing on medicare this year. Although the Council's final report is not due until December 1983, it has tentatively recommended revising hospital insurance—part A—benefits, increasing the part A premium, varying premiums by income, increasing the age for eligibility, physician assignment, and voluntary vouchers.

One of the Council's tentative recommendations, physician assignment, is embodied in the Ways and Means Committee amendment. Currently, hospital-based physicians may bill medicare patients for the amount of their services which medicare does not pay. This amendment requires hospital-based physicians who agree to treat medicare patients to accept medicare payment as payment in full—called medicare assignment. It also freezes the rate of payment for 6 months—from January 1, 1984, to June 30, 1984—at the June 30, 1983 level. It requires hospitals participating in medicare to obtain from doctors on their staffs an agreement to accept medicare assignment.

Some health care professionals claim that some doctors would stop treating medicare patients, so patients' access to their doctors might be limited or eliminated. Critics also claim that this amendment sets a dangerous precedent in requiring acceptance of assignment. But the system already has a precedent of assignment in that three-fourths of medicare payments to hospitals and other providers are based on assignment. In addition, the amendment does not require hospitals to enforce their agreement with physicians, and does not impose new penalties on physicians.

Certainly some doctors will stop treating medicare patients for this period. Certainly subcommittee hearings would help us clarify our choices. But we are faced with a system that will be involvent in the very near future if we do not act quickly and decisively. We have incorporated budget savings in medicare through reforms imposed on hospitals and beneficiaries. Unfortunately, physicians must share in the savings reforms. This proposal is a reasonable approach, especially since physicians are not required to treat medicare patients.

I congratulate my colleagues on the Ways and Means Committee for working to assure medicare's future solvency. I encourage reforms which provide incentives for high quality, cost effective care, rather than encouraging increased visits and procedures. As Congress discusses medicare's solvency, as well as health care costs in general, it is inevitable that all groups will have to suffer some cuts. I hope that hospital-based physicians will accept our sincere good intentions to insure a sound medicare system, and will continue to work with legislators to control health care costs.●

HEALTH CARE EXCELLENCE

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. GEJDENSON. Mr. Speaker, today I would like to call to the attention of my colleagues the work of two physicians who are contributing to the transformation of our health care delivery system. Their names are Dr. Kenneth R. Dardick and Dr. Lawrence H. Bernstein, and together they recently received the Patient Care Award for Excellence in Patient Education, sponsored by Patient Care magazine.

Dr. Dardick and Dr. Bernstein operate what is called a family practice, which is dedicated to the concept that the patient is an intelligent responsible partner who can participate actively in his or her health care. Mr. Speaker, I feel it imperative, if we are ever to stop the upward spiral of health care spending, that programs such as these be initiated all over the country. It is only when patients become informed enough to make intelligent health care decisions that they will attempt to have a say in the quality and cost of the treatment they are receiving.

The dedication of Dr. Dardick and Dr. Bernstein is exemplified in their approach to the care of newborns, infants and young families. New parents and children need support, understanding and guidance from the family physician. Dr. Dardick and Dr. Bernstein supply this support system beginning shortly after the pregnancy is diagnosed. Reading lists are given to the parents. If necessary the books are made available to the family. Throughout the pregnancy the doctors discuss with the mother and the father the complex issues the family faces with the pregnancy and with the birth of the child.

The school systems are a major resource which Dr. Bernstein and Dr. Dardick have used to provide community education as well. The doctors have participated in question-and-answer sessions with nursery school parents, have served as consultants for nursery school staff and for public school nurses. They have met with schoolchildren to discuss many subjects including "medical research," "heart health and fitness," "the effects of smoking," and "what happens during a physical exam." One doctor develped a wall chart detailing the common childbirth illnesses as a teaching tool for parents, school nurses and teachers. The chart is now being distributed to every school by the State department of education.

The doctors have sponsored many adult education programs for the community at large. The topics, such as "cardiovascular disease," "how to cope with stress," "routine preventive care," and "common childhood illnesses" aim to provide a basic health education to the public.

The elderly, disabled, and homebound are likewise well attended by the physicians. A program was designed to teach the lay caretaker the fundamentals of nutrition, physical therapy, and assistive devices. The level of care provided by these caretakers has improved significantly.

Dr. Bernstein and Dr. Dardick have long recognized the obligation of the physician to serve as an activist in the community, to do the most good for the most people. I would like to honor and commend them.●

H.R. 4102: THE WRONG BILL AT THE WRONG TIME

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. LENT. Mr. Speaker, it is interesting that a number of diverse editorial voices from around the country have reached the same conclusion about H.R. 4102, the Universal Telephone Service Preservation Act. This conclusion is that this is the wrong bill at the wrong time.

I recommend that my colleagues in the House read the following editorials before H.R. 4102 is considered in the House this week. For example, the Detroit News concludes that "Congressional champions of 'universal service' are rushing to regulate against imaginary inequities at an unknown cost." The Washington Post indicates that "as serious social policy the case for it has long since evaporated." And the New York Times opines that if Congress passes such legislation, it would "surrender to political panic and vote to retard change."

The editorials referred to follow:

[From the Detroit News, Oct. 20, 1983]

SHOOTING IN THE DARK

The Federal Communications Commission (FCC) took Congress by surprise this week and delayed from January 1 to April 3 a controversial order that would have added a $2 charge for access to long-distance service to residential phone bills.

The FCC delay can be read as an effort to defuse a congressional push to overturn the access charge scheme. Yet the delay is unlikely to ease the clash between the FCC and AT&T on the one hand and Congress on the other because more than a $2 charge is at stake. On Jan. 1, the court ordered divestiture of AT&T will take place. The FCC is seeking to accommodate a new era of increased competition, while opponents in Congress look back with longing to the safety of Ma Bell's arms.

Once AT&T is servered from the bell operating companies offering basic, local phone service, it is acknowledged by all that the cost of basic telephone service will go up. AT&T's lucrative long-distance service will no longer subsidize low local phone rates as in the past. However, competition and innovation by AT&T, MCI, GTE, ITT, and others will be driving the cost of long-distance service down. The net impact on consumers is unknown.

Basic phone rates will go up, perhaps double in many states, for a variety of reasons. Most of the increase is a result of divestiture, including the direct cost of the breakup, new equipment, the downgrading of Bell company bond ratings, and the loss of AT&T revenue opportunities. Congress can do little about this.

However, the $2 residential charge is something Congress can change. The FCC ruling shifts some of the burden of defraying local operating company costs from the long-distance carrier to the consumer. It means an access charge of $2 a month for residential users and $6 for business users, increasing to an average of $8 to $12 by 1990.

The House Energy and Commerce and the Senate Commerce Committees, have constructed bills designed to either eliminate the $2 residential charge (the House version) or delay its implementation until 1986 (the Senate version). Businesses would still pay an access charge, but long-distance carriers would subsidize residential rates. Both bills set up special funds to ensure telephone service at subsidized rates for rural and low-income people.

The House bill, championed by Trenton Democratic Rep. John Dingell, would set up funds of about $1.1 billion to defray costs of service for low-income users and high-cost (rural) areas. The universal service fund would be filled by a charge to long-distance carriers. The Senate bill establishes similar funds totaling $400 million for high-cost areas and low-income supports. However, in the case of low-income users, half of the cost of the subsidy would be paid by a fund of charges to long-distance carriers and half by the states.

It is unclear whether consumers will be better off due to these efforts.

Residential customers, first of all, will lose the lower long-distance rates that would have been possible with the greater cost-savings of long-distance carriers. Second, if big business customers, who make up the biggest share of phone revenues, use private lines to dodge the public system and the heavier subsidy burden of business, phone companies will be forced to raise residential rates even higher. Congressional efforts to assess fees on the "bypassers" may only partially recoup such losses. Finally, in the Senate case, the consumers may be burdened by either higher state taxes or budget cuts in order to subsidize low-income phone users.

It is clear that Congress is shooting in the dark. For example, studies show that rural and poor phone users make a disproportionately high number of long-distance calls, so that savings there may offset their increased basic service rates. In addition, as rates begin to more closely reflect the cost of usage, consumers and suppliers will have an incentive to economize. Phone companies have suggested that multiparty lines, limited calls and dialing area, and flat rate usage charges are options for consumers who want to cut costs.

The FCC's ruling that the access to long-distance should be charged to those who use long-distance is a market approach novel only because we have grown up with the Ma Bell monopoly. Only experience can tell us who gains and who loses in the new system, and reform can then be tailored to fit the facts. Congressional champions of "universal service" are rushing to regulate against imaginary inequities at an unknown cost.

[From the Washington Post, July 31, 1983]

Your Phone Bill

The usual shrieks of protest arose last week when the Federal Communications Commission took its decision on phone rates before a couple of congressional committees. If you had been there, you might have got the impression that the rapacious FCC was determined to raise your telephone bill, with nothing to stop it but a few courageous congressmen sworn to protect the poor and defenseless. Can that be true?

No, of course not. The issue is the subsidy that the long-distance phone rates have traditionally conferred on the local service. Changes in communications technology now make it necessary to end that subsidy, a process that is never painless.

The subsidy in this case is very large—as the FCC calculates it, about $10.7 billion a year, or nearly 40 percent of total long-distance revenues. For decades government regulators have deliberately kept long-distance service overpriced and local service underpriced with the intention of enabling everyone to afford a phone. The idea worked tolerably well as long as there was only one national unified system, AT&T. But now other companies are competing with AT&T for its long-distance business. If AT&T is forced to continue the overcharges, its competitors will eat it up. If the regulators force the competitors to help carry the overcharges, the big customers will shift to private systems beyond the reach of the regulators. Many large companies already operate their own systems, and they are proliferating rapidly.

The FCC has concluded, correctly, that it's time to end the whole tottering structure of overcharges and subsidies. It wants to do that gradually, over the next six years, starting with an increase next January of $2 a month for each residential line. The FCC, incidentally, has made its own contribution to the confusion by calling this increase an "access" charge. It's not. It's simply the first step in bringing the price of local service up to the full cost, as the subsidy declines.

A lot of congressmen want to write legislation to continue subsidizing local phone bills. It won't work. The technology will keep outrunning them. If they want to address the small number of genuine hardship cases, the way to do it is through a small increase in the present federal tax on phone service. But, as the FCC points out, the cost of phone service after inflation has dropped 30 percent over the past decade. While the price of local service goes up, the price of long-distance calls will keep coming down. After all these years the subsidy evokes a certain sentimental affection. But as serious social policy the case for it has long since evaporated.

[From the New York Times, Oct. 6, 1983]

Putting Congress on Hold

The Federal Communications Commission wants residential telephone users to pay $2 a month and businesses as much as $6 a month for access to long distance. But Congress, fearful of a blacklash when the proposed rates start in January, threatens to overrule the decision. That would be an ill-informed mistake.

To the F.C.C.'s critics, the access charges are another assault on common sense by economic theoreticians bent on tinkering with the best telephone system in the world. In fact, flat-fee access charges are no threat to phone service. Far from it. They would produce better service for no more money. Congress seems not to understand that—and should not rush to judge until it does.

A few decades ago, long distance was an expensive luxury in a telephone system built primarily for local use. The way long-distance costs were apportioned was relatively unimportant. But new technology has dramatically changed the economics of telecommunications. Today, the real cost of calling cross-country is only slightly greater than calling crosstown.

Yet for reasons of inertia and politics, the regulators have only recently begun to adjust rates accordingly. Despite this failure to adjust, American phone service remains first-rate. Why should we tinker with it now? In part, because technology forces us to.

Long-distance callers will pay inflated charges only if they have no alternative. Now, heavy users can create their own satellite communications systems, entirely bypassing Ma Bell and her high rates. For the moment, such systems carry only a tiny fraction of long-distance traffic, but the handwriting is on the wall if not in the airwaves: long-distance charges must come down.

Long-distance callers share the use of billions in equipment in local phone company offices. On average, a quarter of the messages traveling along local wires are long-distance. To compensate the local phone companies, long-distance users are now billed for about a quarter of the local equipment costs, about 15 cents a minute.

What's wrong with that? Once local systems are built, it costs little or nothing to provide access to long distance. The 15-cent-a-minute charge thus needlessly discourages long-distance calls. So Billy calls home from college once a month rather than once a week. Businesses spend $4 to type and mail a message that would cost the phone companies only $3 to handle. Multiply that by millions of long-distance calls not made each day and you get some idea of what the inefficiency costs.

With fixed access rates, individual long-distance calls will cost less, encouraging people to make more of them, thus creating more efficient use of the whole phone system.

Critics charge that to rely more on fixed access fees would force poor people to give up their phones. If that were a realistic danger, more efficient use of long distance might not be worth the social cost. But it's not realistic. In fact, the F.C.C. has invited phone companies to create cheap, no-frills "lifeline" service if they haven't already established it.

Congress has a choice. It can surrender to political panic and vote to retard change, hoping that long-distance callers don't find ways to beat the overcharges. Or it can allow a gradual transition to efficient, cost-based pricing, taking care to protect access to phone service at reasonable prices. And that is no choice at all.●

TRIBUTE TO DETECTIVE LOUIS TELANO

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. BIAGGI. Mr. Speaker, as a 23-year veteran of the New York City Police Department, it is my pleasure today to honor Detective Louis "Tonto" Telano who after 28 years of dedicated service to the citizens of New York, is retiring.

On November 10, 1983, Detective Telano will be honored at a testimonial dinner given by his friends and colleagues for a colorful career that has spanned three decades. As one-half of the undercover team of the Lone Ranger and Tonto, Detective Telano has achieved the reputation as one of the most innovative and one of the toughest cops in New York City. Detective Telano, with his partner John Sepe, "the Lone Ranger," are credited with one of the highest number of arrests in New York City's history. As an undercover officer for the New York City Housing Authority which has the responsibility for the city's 192 housing projects, Detective Telano's days often found him trying to preserve his anonymity by dressing up in disguises so as not to alert his suspects. He and his partner often materialized as construction workers, Good Humor men, insurance salesmen, junkies, and as Hassidic rabbis. Once, they both reverted to their prior occupations as sanitation workers to make a drug arrest. Detective Telano's appetite for undercover work has carried him virtually unscathed through several knife fights and many shootouts. Once as a patrolman, Telano was bitten in the line of duty by the enraged girl friend of a narcotics dealer he had just arrested.

I feel that this tribute would not be complete without mentioning the many citations and awards Louis Telano has received over the years, which number over 75. I had the privilege of being present 5 years ago when Detective Telano received the Public Safety Award from the New York City Correction Officers Benevolent Association of which he was also a member from 1961 to 1968. Shortly before that award, Detective Telano was named New York area vice president of the American Law Enforcement Officers Association. In addition to these honors and positions, Detective Telano has also served as president of the New York City Housing Authority's Detective Endowment's Association, vice president of the Fraternal Order of Police and just recently, in January 1983, was inducted into the "Who's Who in Law Enforcement."

Detective Louis Telano's upcoming retirement will not take this outstanding officer out of the public eye however. At the age of 49, Louis Telano will remain active. He has started his own business of Tonto Investigations and Security—a bodyguard and electronics surveillance agency in Brooklyn. I wish him much luck and success as he takes on this endeavor, but I know he will not need it—he will be doing what he does best.

I remember with great fondness the days when I was a young police officer—they were the finest days of my life. It is my pleasure to share in the honoring of another officer who has made police work his life. I join Louis' wife, Elizabeth, his seven children—two of whom are following in their father's footsteps—one a New York State trooper and one a New York City police officer—and all of the people whose lives have been affected by Louis Telano in saying "Congratulations Tonto for a job very well done."●

THE CHEERFUL IGNORANCE OF THE YOUNG

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. PORTER. Mr. Speaker, I would like to bring to the attention of my fellow colleagues an article which appeared in the Washington Post on October 3, 1983. It brings to light the shocking and almost unbelievable lack of knowledge that some of America's youth possess about not only this country's past but an overall lack of understanding of world history, geography, and everyday current events.

If the youth of this country have no idea as to why we have the freedoms and liberties that we do, then how can we expect them to safeguard and respect our laws and Constitution, and uphold the beliefs and spiritual values of our Nation.

The individuals mentioned in this article are not the uneducated, illiterate of this country. They are students of such notable educational institutions as the University of California and the University of Southern California.

I hope my colleagues will take the time necessary to review the article that follows:

THE CHEERFUL IGNORANCE OF THE YOUNG IN LOS ANGELES

(By Benjamin J. Stein)

LOS ANGELES.—I spend a lot of time with teenagers. Besides employing three of them part-time, I frequently conduct focus groups at Los Angeles area high schools to learn about teen-agers' attitudes toward movies or television shows or nuclear arms or politicians. I meet the friends of the teen-agers who work for me. I make it my business not only to meet those young people, but also to ask them about their lives and about what they know. In the course of two years of this kind of inquiry, I have collected a mass of data about how teen-agers see business (very negatively), how they feel about the likelihood of nuclear war (terrified), how they like Richard Gere (a lot), and how they feel about American cars (extremely negative).

But all of these specific attitudes pale into insignificance compared with something else I have learned of: the astounding level of ignorance of the Southern California teen-ager. No amount of preparation could possibly cushion the blows of unawareness of even the most elementary current events, history, politics, economics, or just what goes on each day in the world outside of Los Angeles which lurks in the cheerful minds of these children. I have not figured out a way to quantify this ignorance, but I can offer a few examples that might just make you wonder where all that money for public education is going.

Recently a 19-year-old junior at the University of Southern California sat with me while I watched "Guadalcanal Diary" on TV. It goes without saying that the child had never heard of Guadalcanal. More surprisingly, she did not know who the United States was fighting against in the Pacific. ("The Germans?") She was genuinely shocked to learn that all those little people on that island were Japanese and that the United States had fought a war against them. ("Who won?")

Another student at USC did not have any clear idea when World War II was fought. She believed it was some time this century. (She is a journalism major.) She also had no clear notion of what had begun the war for the United States. ("Pearl Harbor? Was that when the United States dropped the atom bomb on Hiroshima?") Even more astounding, she was not sure which side Russia was on and whether Germany was on our side or against us.

In fact, I have not yet found one single student in Los Angeles, in either college or high school, who could tell me the years when World War II was fought. Nor have I found one who could tell me the years when World War I was fought. Nor have I found one who knew when the American Civil War was fought.

Not one could name all the presidents since World War II. Only one could even place the correct decade in which Dwight Eisenhower was president. Not one could tell me who Martin Luther King Jr. was except that he was black. A few have known how many U.S. senators California has, but none has known how many Nevada or Oregon has. ("Really? Even though they're so small?") Of at least 10 whom I have asked, only one could name both of California's senators.

Of the (at least) 12 whom I have asked, none has known within 40 million what the population of the United States is. Only two could tell me where Chicago is, even in the vaguest terms. (My particular favorite geography lesson was the junior at the University of California at Los Angeles who thought that Toronto must be in Italy. My second-favorite geography lesson is the junior at USC, a pre-law student, who thought that Washington, D.C. was in Washington state.) None had even the vaguest idea of where New England is, and several had never heard of Vermont or Connecticut and could not identify them as states of the Union.

Not so long ago, I watched a television news show about the so-called "lifting" of martial law in Poland. On the Screen were pictures of Poles in large pen-like enclosures rounded up after martial law was imposed. One of my assistants, a junior at USC, stared at the screen open-mouthed.

"What's going on there?" she asked. "Why are those people in that big cage?"

I explained that they had been imprisoned as the result of a crackdown by the communist government. "Why don't they just leave and come to L.A.?" she asked. I explained that they were not allowed to leave.

"They're not?" she said. "Why not?"

I explained that in totalitarian states citizens usually could not emigrate.

"They can't?" she said. "Since when? Is that something new?"

After some explanation of that, she asked who "that guy in the uniform" (Wojciech Jaruzelski) was. I explained that he is the dictator of Poland. "He is?" she asked. "Why does he do that?"

She then expressed amazement that there were such things as non-free countries in the world. She had never known that before. She was amazed that there was a whole array of countries around Russia which were controlled by Russia. ("There are? Why doesn't Reagan make them stop?") She was also amazed that people could be and were put in prison for expressing political views in Russia. ("What a burnt idea.") Finally, she wondered why she had never been told about this subject before.

Of the teen-agers with whom I work, none had ever heard of Vladimir Ilyich Lenin. Only one could identify Josef Stalin. (My favorite answer "He was president just before Roosevelt.") Only two could even approximately identify Thomas Jefferson. Only one could place the date of the Declaration of Independence. None could name even one of the first 10 amendments to the Constitution or connect them with the Bill of Rights. Only one knew even roughly when the Great Depression was. None could say even approximately when Lyndon Johnson was president.

Only a few could articulate in any way at all why life in a free country is different from life in an un-free country. None had ever heard of the Warsaw Pact. None could tell me what NATO stood for. ("Aren't they the ones who put up the space shuttle and all those things?")

On and on it went. On and on it goes. I have mixed up episodes of ignorance of facts with ignorance of concepts because it seems to me that there is a connection. If a student has no idea when World War II was and who the combatants were and what they fought over, that same human being is likely to be ignorant of just what this society stands for. If a young woman has never heard of the Bill of Rights, that young woman is unlikely to understand why this is a uniquely privileged nation with uniquely privileged citizens, young and old. If a student has never heard of the Warsaw Pact and has no idea what the Russian system is all about, that student is unlikely to understand why sacrifice is necessary to defend this society.

The examples here could be repeated almost endlessly. (One night in 1982, I watched a TV miniseries about Adolf Hitler. In the series, a demented, defeated Hitler rants that he never wanted war, that it was forced on him by Russia and England. One of my friends at UCLA said to me while watching, "Why did Russia and England do that?") The point is that in a state of such astonishing ignorance, young Americans may well not be prepared for even the most basic national responsibility—understanding what the society is about and why it must be preserved. The kids I saw (and there may be lots of others who are different) are not mentally prepared to continue the society because they basically do not understand the society enough to value it.

None of this means that the children in my circle are bad children or inherently flawed. Far from it. They are fine human beings. Their comments often bring tears of joy to my eyes. Recently, two of them read an article in the newspaper about a militantly anti-Semitic organization. One of them pointed at the word "anti-Semite" and said, "What's this word?" I explained that it was someone who hated Jews for no other reason than that they were Jews. The girl looked at me with genuine amazement and asked, "Why would anyone do that?" The other girl said, "What is it again? I never heard of that."

I respectfully suggest that we should be happy and proud to have such gilded, innocent children in our midst. But unless they are given some concept of why the society must be protected and defended, I fear that they will learn too soon about a whole variety of ugly ideas they did not want to know about. If we are going to upgrade our educational system, if we are going to start teaching again, I hope we will begin by instructing young Americans with historical facts and with concepts about why the society is worth preserving. People who do not value what they have rarely keep it for long, and neither will we.●

A GOLD MEDAL FOR DANNY THOMAS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. FORD of Tennessee. Mr. Speaker, today the U.S. House of Representatives unanimously adopted a resolution which calls for a gold medal to be struck by the Treasury Department in recognition of an outstanding humanitarian and American who stands as example to all people of the true meaning of faith and commitment. This fine man to be fittingly honored by this distinguished and rare award is my friend Danny Thomas. Danny Thomas is close to the hearts of all the people of my home district in Memphis, Tenn., where in 1962 he founded the St. Jude Children's Research Center.

This wonderful children's hospital has dedicated the past 21 years to finding a cure for the catastrophic diseases which afflict children. Danny Thomas made a vow to the patron saint of the hopeless in 1940 to repay the blessings of his life if it should ever amount to much. In the late 1950's he sought the advice of his close friend Cardinal Cushing Stritch in Chicago on how he should fulfill his commitment. Being a native Memphian, Cardinal Stritch suggested a children's hospital in Memphis. When St. Jude Children's Research Hospital opened its doors in 1962, the young patients entering with leukemia had only a 5 percent survival rate. Today, those leukemia victims have over a 50-percent chance of survival. The dramatic increase is due to the tremendous strides made through St. Jude's Cancer Research Center.

Danny Thomas has tirelessly given of his time and resources to make St. Jude Children's Research Hospital the hope to the families and the children struck by grievous illness. These patients receive the latest in medical care at no cost to the children or their families. Most of the funds which support Saint Judes come from private contributions. Currently, the hospital has a budget of $40.3 million.

Through St. Jude Children's Research Center, Danny Thomas has given the most precious gift of life to thousands of children. It is befitting that this gold medal of honor be given to him as a tribute to his generous humanitarian spirit.●

REAGAN ADMINISTRATION FIGHTS SEX BIAS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. HYDE. Mr. Speaker, among the best kept secrets of our time are the efforts of the Reagan administration, through the Justice Department, to fight sex discrimination.

An example is contained in the New York Times story, November 1, 1983, page A-21, written by Linda Greenhouse concerning a case now before the Supreme Court on the issue of whether title 7 of the Civil Rights Act of 1964 applies to the selection of partners in a law firm.

In the seventh paragraph of this important story, we note that "The Justice Department joined in Mrs. Hishon's appeal to the Supreme Court."

It is not amiss to note that if the media disagreed with the administration's position, it would be identified as "The Reagan Administration," but when the administration supports an attack on sex discrimination the operative phrase is "The Justice Department."

I share Ms. Greenhouse's article with my colleagues:

[From the New York Times, Nov. 1, 1983]

COURT EXAMINES SEX BIAS IN PICKING LAW PARTNERS

(By Linda Greenhouse)

WASHINGTON, Oct. 31—The Supreme Court gave a skeptical hearing today to the argument by a major law firm that the Federal law against employment discrimination does not apply to a law firm's decision on which young lawyers should become partners.

Several Justices appeared incredulous when Charles Morgan Jr., a one-time civil rights lawyer now representing King & Spalding, a big Atlanta law firm, said a law firm is free under Federal law to offer all its male associates a chance at a partnership after six years of employment, while requiring all the women to wait 10 years.

"Why doesn't that fall squarely within the act?" Associate Justice John Paul Stevens asked Mr. Morgan.

PARTNERSHIP PROMOTION DENIED

"Because the act doesn't apply to partnership," was the reply.

The question before the Court was whether title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of sex, race and religion, applies to the partnership decision.

The case, which has stirred intense interest within the legal profession, began as a lawsuit by Elizabeth A. Hishon, a 1972 honors graduate of Columbia Law School who was denied a partnership at King & Spalding after seven years of employment as an associate. At that time the firm had never had a woman as a partner; the only other woman it had employed as a lawyer remained an associate for 33 years.

Mrs. Hishon's suit was dismissed in Federal District Court. The United States Court of Appeals for the 11th Circuit upheld the dismissal, ruling that a law partnership was a "voluntary joinder," like a marriage, to which Title VII did not apply.

BACKED BY JUSTICE DEPARTMENT

The Justice Department joined in Mrs. Hishon's appeal to the Supreme Court (Hishon v. King & Spalding, No. 82-940). Paul M. Bator, a deputy solicitor general, told the Justices that it was not necessary to place a label on the relationship of partners to one another. Rather, he said, the case was a straightforward matter of an employee seeking equal opportunity.

"Title VII clearly and sharply provides that women employees may not be treated worse than male employees," Mr. Bator said. "She was an employee, and her complaint was that she was treated worse than the other associates."

That was a somewhat narrower argument than the one put forward by Mrs. Hishon's own lawyer, Emmet J. Bondurant 2d. Mr. Bondurant said he agreed with the Government that the case could be approached as a classic case of an employee who did not receive an equal opportunity for advancement. But he also urged the Court to rule that partners, too, despite their status as co-owners of the law firm, are governed by Title VII in their relationships to one another as well as to their employees.

ARGUMENT SEEMED TOO BROAD

Associate Justice Lewis F. Powell Jr., a former senior partner of a major Richmond law firm, was disturbed by the potential breadth of that argument. "So any partner down through the years may claim a violation of Title VII?" over compensation or status within the firm, Justice Powell asked. Mr. Bondurant answered "yes."

The Court's scorn, however, was reserved for the argument Mr. Morgan presented on behalf of King & Spalding. He asserted that as "enforcers of the Constitution," lawyers deserve special constitutional protection from "Government regulation," including the civil rights laws. In any event, he insisted, Congress meant to exempt all partnerships from Title VII.

"Now, Mr. Morgan," Associate Justice Sandra Day O'Connor said in a tone of strained patience. "Congress well knew how to write exemptions into the law when it wanted to. You are asking us to create one ourselves." Justice O'Connor herself was offered a job as a secretary at a major Los Angeles law firm after her graduation near the top of her class at Stanford Law School.●

CUTTING THE DAIRY SURPLUS

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. CONABLE. Mr. Speaker, if there is any agency concerned by the cost of programs to the Government, it is the Office of Management and Budget. So it is significant that OMB has now issued cost estimates revealing that the Conable dairy proposal would be more than $1 billion less costly to the Government in the next 4 years than the committee bill, H.R. 4196. At the same time, consumers would save more than $4 billion during the same period while consuming several billion pounds more of dairy products.

The Director of OMB has outlined this position in a letter to the minority leader, the Honorable ROBERT H. MICHEL, and I include it in the CONGRESSIONAL RECORD at this point.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., November 4, 1983.

Hon. ROBERT H. MICHEL,
Republican Leader, House of Representatives, Washington, D.C.

DEAR MR. LEADER: The Administration has reviewed and updated its estimates of the alternative dairy proposals now pending before the House of Representatives to reflect the continuous changes in the supply and demand factors affecting CCC outlays.

The enclosed estimates were prepared by staff of the Department of Agriculture and reviewed by the Office of Management and Budget. They represent our best judgment as of November 1, 1983, and supercede all earlier estimates.

Because adjustments in supply often take many months to measurably affect CCC net outlays, we have provided estimates for a four year period that assumes implementation of new policy on December 1, 1983. We made a neutral assumption about policy in years subsequent to the expiration of temporary changes in law; the law as in effect just prior to its expiration is presumed to remain the policy for the balance of the estimating period. This is in accord with our traditional practice in making such multi-year estimates and reflects the actions of the Congress over the past thirty years.

Certain aspects of the enclosed estimates deserve special attention. Most important is our conclusion that over the FY 1984-87 period, the so-called "compromise" plan embodied in H.R. 4196 will require $2.118 billion in cash diversion payments to dairy producers and add $1.036 billion to the deficit compared to the Conable amendment.

Thus no doubt should remain: the Conable amendment would generate very substantial savings over the plan embodied in H.R. 4196. That is just one of the factors that has led the Administration to give its endorsement to the Conable amendment.

We deeply appreciate your efforts to devise a workable and fair solution to the dairy surplus problem. If I can be of further assistance, please let me know.

Sincerely,

DAVID A. STOCKMAN,
Director.

Enclosure.

COMPARISON OF DAIRY ALTERNATIVES

	Fiscal year—				
	1984	1985	1986	1987	Total 1984-87
Net CCC budget outlays:					
Current law	1,313	1,423	1,656	1,880	6,272
H.R. 4196	1,203	1,880	1,308	711	5,102
Conable [1]	1,636	1,253	707	470	4,066
Consumer cost:					
Current law	34,830	37,510	40,660	43,820	....
H.R. 4196	36,640	37,510	38,520	40,410	....
Conable [1]	34,770	35,940	37,640	39,930	....

[1] Assumes use of discretion in accordance with the policy reflected in Secretary Block's letter of Oct. 28, 1983.●

IN DEFENSE OF GRENADA ACTION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. BIAGGI. Mr. Speaker, as I indicated yesterday, I plan to insert a series of statements in the CONGRESSIONAL RECORD to try and counteract the critics of our Nation's successful action in Grenada which led to the rescue of some 700 American medical students.

One of the more persistent criticisms relates to the duration of our involvement in Grenada. The President has consistently maintained that our forces would remain on the island only for a short time in order to accomplish their mission—which primarily was the safe evacuation of all American students.

As an indication of the veracity of his assertion, this morning's Washington Post headline reads, "U.S. To Withdraw 2,300 Troops From Grenada by Friday." In addition to this positive news, Defense Secretary Caspar W. Weinberger informed President Reagan yesterday that all hostilities have ceased in Grenada which formed the basis for the decision to withdraw almost half of our forces from the island.

Credibility in military actions by our Commander in Chief is an absolutely essential element in these United States. There was certainly apprehension among many in this Nation over the decision to commit troops into Grenada. There was also great sorrow in this Nation over the 18 military personnel killed thus far in Grenada. However, because the mission of our military in Grenada was clearly spelled out—and more importantly successful—that factor clearly supercedes the concerns.

The President this morning in a news conference preferred to characterize the military actions in Grenada as a rescue mission as compared to an invasion. Whatever the characterization, I as one American am pleased to see the American students from St. George's Medical College safe and sound on U.S. soil again and I am also pleased over the news that 2,300 American soldiers are leaving Grenada this week. All in all, it was a job well done.●

DAY OF SORROW AND IRRECONCILABILITY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. ADDABBO. Mr. Speaker, on November 7, 1983, Russia will mark the 66th year since the Soviet Government seized power. In that time, we have seen other countries fall under the domination of Soviet rule, or feel the threat of domination. We have debated and disagreed time and again about how we, who enjoy our basic freedoms, can halt the loss of freedom abroad.

As the Soviet Union celebrates, we must leave behind the intensity of debate momentarily, and mourn the loss of freedom. This is a day of sorrow and irreconcilability. We must express our sorrow over injustices and misdeeds the extent of which we can never fully know. We must send out a message that the loss of human freedoms creates a way of life ultimately irreconcilable with our own.

We must make clear to the world that we abhor not only each specific abuse of human rights and each instance of unnecessary suffering, but also the climate of fear that governs the life of each citizen. In our sorrow, we join with fellow Americans who have lived under Soviet rule, or have loved ones living under Soviet domination. They have experienced that pain of the Soviet system directly, and from them we learn a new, fierce devotion to personal freedom.

On this day of mourning, we remember the mass of humanity that has suffered in so short a space of time. We can give the current victims of the Soviet system hope through our own affirmation of a society in which fear has no place, and individual freedom holds the highest priority.

I include the following news release from the Congress of Russian-Americans, Inc.:

BOARD OF DIRECTORS,
CONGRESS OF RUSSIAN-AMERICANS, INC.,
Long Island City, N.Y., October 1983.

THE DAY OF SORROW AND IRRECONCILABILITY, 1983

As we approach the 7th day of November, the day when the Soviet Union annually celebrates international communism's arrogation of power in Russia, we—Russian-Americans—appeal to the U.S. Government and to freedom loving citizens of this country to designate this day as the Day of Sorrow and Irreconcilability.

Sadly, albeit fittingly, among all the ethnic groups comprising the tapestry of these United States of America, only the Russian-Americans persist in annually asking their Government and their fellow Americans to observe this inglorious day. Russian-Americans feel it is their sacred duty to mark with mouring and defiance the day international communism claimed their former countrymen as their first victim. Moreover, Russians living under Soviet rule acutely realize that with every new nation sadled with the yoke of communism their burden becomes not lighter, but immeasurably greater. Still, their determination to live free blazes as never before.

On this infamous day we express our *sorrow* for all the victims of communist terror, and our *irreconcilability* with the theory and practice of communist doctrine.

Last year, our declaration enumerated the crimes committed by the Soviet government within the Soviet Union and its satellite countries. We asked all concerned to share with us our feelings of *sorrow and irreconcilability.*

This year we wish to emphasize that November 7, 1917 marked not only the beginning of immeasurable sufferings of the Russian and other enslaved peoples of the Soviet Union, but also the beginning of the global human tragedy which today threatens the very existence of the Free World.

By using the territories of the former Russian empire as a base for its attack upon the Free World, while mercilessly exploiting and deceiving its materially and spiritually impoverished citizens, the Soviet government created a mighty military state capable of dictating its will to the Free World. Utilizing the atomic threat, the Soviets gradually take over key strategic positions in all parts of the world.

It seems that today there is not a single nation on the face of the earth that has not been victimized by communist aggression. Today we must count among the communists victim peaceful U.S. citizens who perished in the Korean airliner shot down at the orders of the Soviet government.

Therefore, to stem the tide of communist aggression, we ask the government of the United States of America and, through its good services, all other Free World governments, to designate November the 7th, the day when the Soviets will be displaying their military might, as the Day of Mourning for all Victims of Communist Terror and fly all flags at half-mast.

We also ask representatives of all peoples enslaved by international communism to join us in conducting memorial services on this day and pray for all those still living under the yoke of communist tyranny.●

IN SUPPORT OF H.R. 1761

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. D'AMOURS. Mr. Speaker, I rise in strong support of H.R. 1761. I want to thank the chairman and members of the Committees on Merchant Marine and Fisheries and Public Works and Transportation for their support of this legislation.

H.R. 1761 reauthorizes title I of the Marine Protection, Research and Sanctuaries Act, commonly known as the Ocean Dumping Act, at level funding of $4.213 million for fiscal year 1984. In addition, the bill addresses several current ocean dumping problems and provides strengthening amendments to the act In summary, the provisions of the bill seek to guarantee that, to the extent we must dump, we do all we can to make sure we have selected the most appropriate dumping sites, that they have been sufficiently studied and that the subsequent dumping is adequately monitored. To accomplish these ends, the bill changes the Administrator's heretofore discretionary site designation authority to perform permanent site designation procedures to a mandatory duty. It requires the Administrator to establish an explicit schedule for completing site designation studies and provides interested parties with the right to seek a writ of mandamus when those studies are not completed, and it requires the Administrator to develop appropriate monitoring programs.

Additionally, the bill changes a discretionary permit processing fee to a mandatory one. It seeks to clarify our obligations under this act to follow the provisions of the London Dumping Convention. Finally, it provides for a program of quality control regarding submitted information and data, and provides criminal penalties for submitting false statements or tampering with monitoring devices.

The Ocean Dumping Act was enacted in 1972 as a result of concern over the effects of unregulated ocean dumping. Unfortunately, Mr. Speaker, many of the problems that led to the passage of the original act still exist today. In the past few years we have seen increasing pressure to reverse long-standing ocean dumping policy in order to use the ocean as society's garbage dump and sewer system. As more pressure is applied to halt harmful land disposal practices, more pressure is brought to bear on the ocean.

As a resource that is commonly accessible by individuals, cities, and nations, the ocean is not protected by the same economic and political forces that protect private property. Dumpers are not forced to pay for the use of the ocean. Thus, they do not have to pay for the immediate or long-term damage they cause. Unlike land disposal, there is no nearby affected group of concerned citizens to protest the resulting hazards that might be created. Ocean dumping is economically and politically expedient.

It is up to the Congress to provide a voice for the ocean and to insure that it has sufficient protection, so that our future generations will enjoy a healthy and unpolluted ocean environment.

It is for this reason, that I introduced H.R. 1761. Mr. Speaker, this bill strengthens the provisions of the Marine Protection, Research and Sanctuaries Act and provides the needed added protection for our ocean. I urge my colleagues to support this legislation.●

A RIVER OF RED INK

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. BATES. Mr. Speaker, we have been awash in the past few years in the rhetoric of the budget deficit—from proponents and opponents alike. We have filled the air and the CONGRESSIONAL RECORD with complaints, resolutions and proposed solutions, yet we have lacked, both as a nation, as a legislative body, the courage and commitment to act.

With all due respect to this Nation's many economists, I have a suspicion that the many facts and figures that we have at hand concerning our Nation's finances compound the problem rather than assist us in finding a way out. Perhaps it is the sheer magnitude of the sums involved. The official $195.4 billion deficit for 1983, for example, is a number far from any meaningful human scale. Any attempt to simplify it by referring to thousands of miles of toothpicks laid end to end or similar device merely confuses the issue still further. If there is no human scale by which to measure the yearly deficit then how do we illustrate the $1.4 trillion total national debt?

If the size of the problem confounds both our imaginations and our ability to deal with it, then the conflicting recommendations from these same economists simply add a complex and frustrating icing to the cake.

The most reasonable analysis of America's financial woes is in the evident and quite undeniable effects upon the people of this country. Do we, we must ask, have sufficient resources to provide for the common safety, basic transportation, the health and welfare of this and future generations and to assure reasonably equal opportunity to our people? The answer is, of course, "No." Resources are stretched thinner, and the choices we in Congress and those on the State and local levels are faced with is how to spread the suffering most equitably.

It seems unconscionable, therefore, to fritter away our Nation's economic resources on interest payments that are merely a constant reminder of our past wastefulness. The $104 billion annual debt service takes food from the mouths of America's poor, endangers our security and disrupts our society. It is 12 percent of our Federal Government's income that is not wisely spent.

Our national debt will increase by more than 4 percent of our Nation's gross national product per year in 1984—the largest increase since World War II. It will have happened for an unprecedented 3 years in a row.

Economists have pointed out that the debt can be viewed in a positive sense, "keeping the money flowing" into a healthy national economy. Both intellectually and spiritually we reject this argument. In no manner can the mortgaging of our heritage be viewed in a positive light. We have all heard it a thousand times before, but to consistently outspend our income is to set a course for economic disaster.

There are times when Government borrowing in anticipation of revenues is, indeed, necessary and prudent. Municipalities and county governments all over this Nation have shown the direction of this in a fiscally responsible fashion. Those same bodies have amply demonstrated that spending in excess of their resources was damaging, both in the short and long run, and have found ways to reduce spending without abdicating the essential role of government.

We should, therefore, be very suspicious of those who suggest somehow that the deficit is a healthy and routine consequence of good government operations. With the exception of borrowing in short-term anticipation of revenues, we have no evidence whatsoever of any beneficial effect upon our Government. Quite to the contrary, we have a significant body of evidence that the people of our Nation are suffering as a result of our lack of resolve.

A DOWNWARD SPIRAL

Perhaps the most alarming feature about this plunge into bankruptcy is the seemingly inexorable nature of it. It reminds me of the businessman, who upon being asked how he went bankrupt replied, "well, slowly at first, then a lot more quickly."

The Library of Congress has estimated that even with the economic recovery in progress, "revenues and outlays are not expected to approach balance * * * for 5 or 6 years." We can look ahead to project that Tax Code changes will lose about $90 billion in 1984 and even more in the future.

We do not seem to have the resolve, the courage to begin to scale back the costs of our Government. Sadly, we do not even have the plans to do so if we had the courage.

We are not ideologues who speak from a single political perspective without regard to the practical aspects of financing government. I and many of us in this Congress have spent much of our careers in local government bodies where the balance of revenues and outlays was a day-to-day, and down-to-earth process. If government's wallet was empty, then services had to be reduced. I do not propose injuring our security or jeopardizing our population. Yet it has been demonstrated in recent years, and especially in the last few months just how wasteful our Government can be. If we were as ruthless in rooting out overpricing, dishonesty, and wasteful practices as we were in going after the welfare "chiselers" then we might substantially reduce this debt, and set ourselves on the road to recovery.

AT THE BEGINNING

I think that we must view the debt crisis in terms of a spiritual commitment. Our extravagant habits in the past years have amply demonstrated a distressing lack of that commitment. Now, even in the smallest way, we must begin to rededicate ourselves to serving the public good, while not bankrupting the public in the process.

I have no easy solutions about how to reduce these deficits. I can only point to the urgent need to do so. We must, it seems, dedicate ourselves to the eradication of the burden on next year's, next generation's resources. We must begin the process of recovery by a commitment to eliminating this debt. The tools are at hand, all that is wanting is the courage to begin.

We can begin by critically reviewing those programs and expenditures that do not directly benefit our population. How can increasing our contribution to the International Monetary Fund by $8.8 billion, for example, benefit any but the major international banks? We should conscientiously reject the "automatic" increases to the debt. Merely increasing the debt ceiling is not "the next best thing to money in the bank."

Finally we must begin the difficult and painful process of weeding out the extravagant and unnecessary within our governmental operations. The consequences of our deliberations often have names with families to support and, more often than not, wide con-

BEST COPY AVAILABLE

stituencies to which they can appeal for support at budget time. But there must be no sacred cows, whether we are considering cost-of-living increases, marketing orders, or defense contracts. The fact is that if defense and entitlements were protected from cuts, then every other Federal program, including education, Federal courts, health, environment, welfare, and anti-crime programs would have to be cut by more than 75 percent.

The $1.4 trillion national debt does not allow us the luxury of further procrastination.●

THE NEW H.R. 100

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. FLORIO. Mr. Speaker, during the past several months House Energy and Commerce Chairman JOHN DINGELL, Representative BARBARA MIKULSKI, the Congressional Caucus for Women's Issues and I have worked hard on drawing up an equitable compromise on H.R. 100, the Nondiscrimination in Insurance Act. Just a few days ago, on October 27, I was pleased to announce that an agreement had finally been reached with the women's, civil rights, and labor organizations supporting this legislation.

As you know, H.R. 100 seeks to eliminate discrimination in all types of insurance and annuities. The bill would prohibit discrimination on the basis of race, color, sex, religion, or national origin. The new compromise maintains this fundamental principle of nondiscrimination, but at the same time eliminates the costs associated with the original H.R. 100.

The compromise does not contain the retroactivity and topping up provisions included in the original proposal. These two provisions of the original H.R. 100 were cited by the insurance industry and others as causing an enormous financial burden on the industry or State and local governments.

As the House Energy and Commerce Committee begins its consideration of the new H.R. 100, I would like to share with my colleagues a recent New York Times editorial in support of this compromise.

[From the New York Times, Nov. 2, 1983]

INSURE AGAINST SEX DISCRIMINATION

A bill to prohibit sex discrimination in insurance and annuities faces a tough test this week in the House, where the insurance industry is working hard to bury it. The industry's objections are understandable, for this is an issue on which people of good will disagree. On balance, though, there's a very strong case for the compromise now before the Commerce Committee.

The proposal would require companies that sell insurance and annuity policies to treat men and women equally. Why would anyone oppose it? There are two main objections, both arising from non-sexist issues.

The first concerns longevity. Women typically outlive men. Accordingly, insurance companies charge them lower premiums for life insurance—and higher premiums for annuities. Thus a law requiring unisex premiums, according to insurers, would inject discrimination into a system that's now unbiased.

The trouble with that argument is that though such categorization may be seen as economically neutral, it is not socially neutral. It is illegal to charge higher life insurance premiums to black people (who on average die younger), because we have decided that economic distinctions by race are socially wrong. So, too, are there good social reasons for eliminating economic distinctions by gender, wherever practical.

Is it practical? The insurance industry argues, with good reason, that insurers shouldn't be forced to equalize benefits retroactively, out of their own reserves. But the compromise worked out by the Commerce Committee staff would only require equality of premiums and benefits for the future.

The second objection to equal treatment relates to auto insurance. Women have far fewer accidents than men, so they now typically pay much lower insurance rates. If rates were now equalized, women would end up having to pay much more. Insurers would also have powerful incentives to seek out female customers and reject males.

This problem is more apparent than real. Women have fewer accidents than men mainly because they drive less. By basing rates more on miles driven, insurers will be able to balance their books without drastic changes in premiums.

By eliminating unnecessary legal distinctions between the sexes, Government can make it easier for women to assert their rights as equals in the economy. The antidiscrimination law for insurance is a modest step in the right direction.●

"THEY DIED SERVING THEIR COUNTRY"

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. SISISKY. Mr. Speaker, in the bombing of Beirut, Lebanon, and the American rescue mission on Grenada, the Fourth District of Virginia lost two men.

Marine Lance Cpl. Warner (Champ) Gibbs, 20 years of age, was 1 of over 200 killed in the bombing of the Marine headquarters in Lebanon.

Army Capt. Michael Ritz was one of the 18 casualties on the island of Grenada.

Mr. Speaker, in honor of these two brave men, who died so gallantly protecting the lives of others, I would like to say they did not die in vain. They died in the most honorable way a man can die—serving their country.

These men were on separate missions of peace. Lance Corporal Gibbs, of Portsmouth, Va., served in Lebanon to relieve some of the pressures upon warring factions in the stricken country. He did his job and he is a credit to his country, his family, and the Marines.

Capt. Michael Ritz, of Fayetteville, N.C., formerly of Petersburg, Va., was killed at the age of 28 in action on the Caribbean island of Grenada. In the words of his father, retired Col. Robert Ritz, "It's a terrible sacrifice, but it's a lot better sacrifice (to have) eight dead now than two or three thousand later on."

And so, Mr. Speaker, I would like to honor these two courageous military men. God bless Captain Ritz and Lance Corporal Gibbs, their families and all the other men whose lives were lost in Lebanon and Grenada.●

TRIBUTE TO LT. GEN. NATHANIEL ROSS THOMPSON, JR.

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. WOLF. Mr. Speaker, when Lt. Gen. Nathaniel Ross Thompson, Jr., became Inspector General of the U.S. Army on September 1, 1983, he became part of the unique history of the inspector general system which has been carrying on its mission successfully for over two centuries. I know my colleagues join me in wishing General Thompson continued success in his military career. We are fortunate to have individuals of his caliber and professionalism serving our country in the military.

I now submit for the record some biographical information on Lieutenant General Thompson as well as a summary of the history of the inspector general system of the U.S. Army:

LT. GEN. NATHANIEL R. THOMPSON, JR.

Lieutenant General Nathaniel Ross Thompson, Jr., was born on September 5, 1927 in Philadelphia, Pennsylvania. In 1945, upon graduating from high school, he enlisted in the U.S. Army where he completed airborne training and served with the 82d Airborne Division. After his discharge in 1947, he returned to his native Philadelphia where he attended Temple University and graduated in 1951 with a degree in accounting and an ROTC commission as a Second Lieutenant.

Recalled to active duty, he attended the Engineer School, Fort Belvoir, Virginia. LTG Thompson's early assignments were primarily in the transportation field, which included platoon leader and, later, Commander of the 51st Transportation Company (Truck) in Europe; Commander, 461st Transportation Company, Fort Story, Virginia; and several other company-size units.

LTG Thompson continued his civilian education and received a Master of Business Administration degree, specializing in comptrollership, from Syracuse University in 1958. In his subsequent assignments he served as comptroller, commanded several transportation units, and attended the Transportation Officer Course and the U.S.

Army Command and General Staff College, Fort Leavenworth, Kansas.

After serving in Korea as Plans and Movements Advisor, Headquarters, U.S. Army Advisory Group, he was assigned to Washington, D.C., as Chief, Special Funds and Working Capital Funds Branch, Office of the Department of the Army Budget. He then served in Vietnam as the Commander of the 11th Transportation Battalion and the Director of Transportation, U.S. Army Support Command, Da Nang. Returning to Washington, D.C., he was assigned to the Office of the Special Assistant for Strategic Mobility, Office of the Joint Chiefs of Staff, Directorate for Logistics, J4 and later graduated from the Industrial College of the Armed Forces at Fort McNair.

In a series of assignments at Fort Eustis, Virginia, LTG Thompson served as Deputy Assistant Commandant of the U.S. Army Transportation School; Commander, 7th Transportation Group; and, again at the Transportation School, as the Assistant Commandant. His next assignments were at MacDill Air Force Base as the Director of Logistics, J4, U.S. Readiness Command and again in Washington, D.C. as Director of Transportation, Energy and Troop Support, Office of the Deputy Chief of Staff for Logistics, Department of the Army.

LTG Thompson assumed command in July 1979 of the 21st Support Command, U.S. Army, Europe, where he served until becoming The Inspector General for the Department of the Army on 1 September 1983.

LTG Thompson and his wife, Dolores, have five children: Captain Nathaniel R. Thompson, III, Mrs. Kathleen Liesfeld, Mrs. Barbara Burns, Mr. James Thompson, and Mr. Patrick Thompson.

THE INSPECTOR GENERAL OF THE U.S. ARMY

The Inspector General System of the U.S. Army began at the suggestion of George Washington with a Resolution of the Continental Congress in 1777. Washington felt the need for a principal assistant to aid him in the training, discipline and development of his growing Army. Although Major General Frederick von Steuben was preceded by three earlier inspectors, he is credited with establishing the high standards of integrity, knowledge and loyalty to conscience which have characterized the system ever since. The office of Inspector General was revived in every early crisis, finally being made permanent in 1821 at the request of Secretary of War, John C. Calhoun. Eventually the Inspectorate became a staff department with full-time members until 1901 when officers from all branches began to be detailed to it for specified periods of duty. Regardless of its composition, the Inspector General System has faithfully performed its role as the eyes and ears of the commander at every level.

Beginning with Baron von Steuben, inspectors have divided their time between matters of training, efficiency and conduct as required by their commanders. The scope of their inquiries has ranged from unit mission capabilities and funds expenditures to the welfare and morals of unit members. Additionally, inspectors have served as channels for subordinates' inquiries and issues of concern which needed command attention. Commanders as different as Anthony Wayne and William Sherman have called the inspectors their "alter ego." The recognized need for an Inspector General System was based on the belief that in addition to all the inspections made by persons by reason of duty or command, there was needed also inspection from an office without affiliation or responsibility for the command inspected. The System members had to be knowledgeable in military matters, their reports being confidential to allow the unit commander to control situations in his own unit as they developed.

The present mission of inspectors general is to inquire into and report upon matters affecting mission performance and the state of discipline, economy and efficiency of the organization to which they are assigned. Implicit in every function is the duty to train the Army and its members to better meet their requirements and perform their duties.

Inspectors perform general inspections that are systemic and compliance oriented from the lowest echelon up through the vertical echelons of commands in include the Department of the Army Staff and the Secretariat. Inspections are also horizontally oriented to include combat, combat support and combat service support organizations. The functions of the Department of the Army Inspector General include general inspections, training management inspections, and nuclear standardization inspections. Army inspectors general also are the ombudsmen of the Army and handle requests for assistance or compliance from anyone of any grade or station within or without the Army.

The Army Inspector General System investigates allegations of the violation of professional ethics such as the abuse of command prerogatives or mismanagement of the like. It does not handle criminal allegations. The Army Inspector General System is responsible for all inspection and audit followup within the Army be it the Army Audit Agency, the Defense Audit Service or the General Accounting Office.

The allegation is often made that because inspectors general wear the uniform and work for commanders they are not independent. Few in any endeavor are organizationally independent. However, the allegation is moot. The real issue is integrity. All those who serve as inspectors general take an oath upon appointment, to include The Inspector General, to uphold the standards of the Inspector General System. There is no such requirement for auditors and investigators. In the words of a former Inspector General, John C. Breckinridge, the duty of inspectors general is to "touch most firmly the points the generals most need to know." The system has been meeting this requirement successfully for over two centuries.●

THE DAY OF SORROW AND IRRECONCILABILITY, 1983

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 7, 1983

● Mr. WALKER. Mr. Speaker, I wish to share with my colleagues a statement of the Congress of Russian-Americans, Inc., entitled "The Day of Sorrow and Irreconcilability, 1983." I have found this narrative very enlightening and I trust that each of my colleagues will feel the same way. The statement follows:

As we approach the 7th day of November, the day when the Soviet Union annually celebrates international communism's arrogation of power in Russia, we—Russian-Americans—appeal to the U.S. Government and to freedom living citizens of this country to designate this day as the Day of Sorrow and Irreconcilability.

Sadly, albeit fittingly, among all the ethnic groups comprising the tapestry of these United States of America, only the Russian-Americans persist in annually asking their Government and their fellow Americans to observe this inglorious day. Russian-Americans feel it is their sacred duty to mark with mourning and defiance the day international communism claimed their former countrymen as their first victim. Moreover, Russians living under Soviet rule acutely realize that with every new nation saddled with the yoke of communism their burden becomes not lighter, but immeasurably greater. Still, their determination to live free blazes as never before.

On this infamous day we express our sorrow for all the victims of communist terror, and our irreconcilability with the theory and practice of communist doctrine.

Last year, our declaration enumerated the crimes committed by the Soviet government within the Soviet Union and its satellite countries. We asked all concerned to share with us our feelings of sorrow and irreconcilability.

This year we wish to emphasize that November 7, 1917 marked not only the beginning of immeasurable sufferings of the Russian and other enslaved peoples of the Soviet Union, but also the beginning of a global human tragedy which today threatens the very existence of the Free World.

By using the territories of the former Russian empire as a base for its attack upon the Free World, while mercilessly exploiting and deceiving its materially and spiritually improverished citizens, the Soviet government created a mighty military state capable of dictating its will to the Free World. Utilizing the atomic threat, the Soviets gradually take over key strategic positions in all parts of the world.

It seems that today there is not a single nation on the face of the earth that has not been victimized by communist aggression. Today we must count among the communist victims peaceful U.S. citizens who perished in the Korean airliner shot down at the orders of the Soviet government.

Therefore, to stem the tide of communist aggression, we ask the government of the United States of America and, through its good services, all other Free World governments, to designate November the 7th, the day when the Soviets will be displaying their military might, as the Day of Mourning for All Victims of Communist Terror and fly all flags at half-mast.

We also ask representatives of all peoples enslaved by international communism to join us in conducting memorial services on this day and pray for all those still living under the yoke of communist tyranny.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate

Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, November 8, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 9

9:00 a.m.

Labor and Human Resources

To hold hearings on the nomination of David A. Zegeer, of Kentucky, to be Assistant Secretary of Labor for Mine Safety and Health.

SR-485

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee

To hold hearings on S. 197, authorizing funds for fiscal year 1984 to provide for a study on the adequacy of certain airline industry practices and Federal Aviation Administration rules and regulations concerning air quality aboard aircraft.

SR-253

*Labor and Human Resources

To resume hearings to review Federal and State efforts to impose higher standards in education.

SD-430

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nominations of Susan M. Phillips, of Iowa, to be Chairman of the Commodity Futures Trading Commission, and Daniel Oliver, of Connecticut, to be General Counsel of the Department of Agriculture, and other pending nominations.

SR-328A

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Charles C. Cox, of Texas, to be a member of the Securities and Exchange Commission.

SD-538

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Business meeting, to mark up proposed legislation authorizing funds for fiscal years 1984 and 1985 for the Nuclear Regulatory Commission.

SD-406

Foreign Relations

To hold hearings on Senate Resolution 74, expressing the sense of the Senate concerning the future of the people on Taiwan.

SD-419

Governmental Affairs

To hold hearings to evaluate a proposal to request congressional approval for the Carter Library in Atlanta, Ga.

SD-342

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee

To hold hearings on S. 1662, with respect to the authority of the Special Counsel of the Merit Systems Protection Board, S. 1664, to designate the Chairman of the Federal Labor Relations Authority as the chief executive and administrative officer of the Authority, and S. 1665, to authorize the President to appoint an employee of the Federal Labor Relations Authority to act as General Counsel during any vacancy in such office.

SD-124

Judiciary
Criminal Law Subcommittee

To hold hearings to examine capital offenses by Federal prisoners.

SD-226

Select on Indian Affairs

Business meeting, to mark up S. 1196, to confer jurisdiction on the U.S. Claims Court with respect to certain claims of the Navajo Indian Tribe, H.R. 2898, to declare all Federal right, title, and interest in specified lands are held in trust by the United States for the benefit of the Paiute Indian Tribe of Utah, and to declare such lands are part of the tribe's reservation, S. 1224, to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation, and S. 1694, to declare that the United States hold certain lands in trust for the Las Vegas Paiute Tribe.

S-224, Capitol

Joint Economic

To hold hearings to examine the impact on society of the increase in the number of American women entering the work force in the last three decades.

340 Cannon Building

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

Joint Economic

To hold hearings on agricultural and environmental policies.

SR-485

NOVEMBER 10

10:00 a.m.

Armed Services

To resume hearings to review the organization, structure, and decisionmaking procedures of the Department of Defense, focusing on the Department of Defense's planning, programming, and budgeting system.

SR-222

Commerce, Science, and Transportation

To hold hearings on the nominations of James L. Emery, of New York, to be Administrator of the St. Lawrence Seaway Development Corporation, and Mari Maseng, of South Carolina, to be an Assistant Secretary of Transportation.

SR-253

*Environment and Public Works

To hold hearings on the nominations of William L. Mills, of Tennessee, to be a member of the Council on Environmental Quality, and Joseph A. Cannon, of Virginia, to be Administrative Assistant of Air for the Environmental Protection Agency.

SD-406

Foreign Relations

To hold hearings on proposed resolutions relating to the safety and deployment of U.S. Armed Forces in Lebanon, including Senate Resolution 248, Senate Resolution 253, Senate Joint Resolution 187, and Senate Joint Resolution 190.

SD-419

Governmental Affairs

To hold hearings on proposed legislation to modify the number of Federal holidays.

SD-342

Judiciary

Business meeting, to consider pending calendar business.

SD-226

11:00 a.m.

*Energy and Natural Resources
Energy and Mineral Resources Subcommittee

To hold oversight hearings to examine the strategic petroleum reserve and the Department of Energy's base-line assessment of the SPR program.

SD-366

NOVEMBER 14

10:00 a.m.

Judiciary
Administrative Practice and Procedure Subcommittee

To hold hearings on the role of whistle blowers in administrative proceedings.

SD-226

11:30 a.m.

Finance
Health Subcommittee

To resume hearings on long-term health care.

SD-215

NOVEMBER 15

9:00 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee

To hold hearings on the direction of the development of a civil space station.

SR-253

Energy and Natural Resources
Energy and Mineral Resources Subcommittee

To hold oversight hearings on the current condition of America's coal industry.

SD-366

9:30 a.m.

Governmental Affairs

To hold hearings on S. 1566, proposed Program Fraud Civil Penalties Act.

SD-342

Small Business
Government Regulation and Paperwork Subcommittee

To hold oversight hearings on the implementation of the Paperwork Reduction Act of 1980 (P.L. 96-511).

SR-428A

Select on Indian Affairs
To hold oversight hearings on the impact of certain coal land exchanges between the Department of the Interior and western land grant railroads, the Burlington Northern & Union Pacific, on the value of Indian-owned coal.
SD-538

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the state of Soviet agriculture.
SR-328A

Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (P.L. 95-95).
SD-406

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on Federal employees health benefit programs.
Room to be announced

Labor and Human Resources
Aging Subcommittee
To hold hearings to redefine old age provisions contained in the Older Americans Act.
SD-430

2:00 p.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold oversight hearings on acquisition of land and acquisition and termination of grazing permits or licenses issued by the Bureau of Land Management pursuant to the Taylor Grazing Act (43 USC 315 et seq.) at the White Sands Missile Range in New Mexico.
SD-366

Governmental Affairs
To hold oversight hearings on Federal regulations of the Lobbying Act of 1946.
SD-342

NOVEMBER 16

8:30 a.m.
Veterans' Affairs
To hold joint oversight hearings with the House Committee on Veterans' Affairs on the adequacy of VA standards and procedures with respect to funeral and burial services provided for veterans whose remains are unclaimed at VA medical centers.
344 Cannon Building

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Special on Aging
To hold hearings to evaluate the payment procedures of the social security system.
SD-562

9:30 a.m.
Labor and Human Resources
To hold hearings on private sector initiatives to promote the health and well-being of the American family.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Foresty and Environment Subcommittee
To hold hearings on S. 1610, to designate certain lands in Wisconsin as wilderness.
Room to be announced

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
To hold hearings on the future of United States and Soviet relations.
SD-419

Governmental Affairs
To continue oversight hearings on Federal regulations of the Lobbying Act of 1946.
SD-342

10:30 a.m.
Small Business
To hold oversight hearings on the status of women in the work force.
SR-428A

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold oversight hearings on the operation and management of the Federal Crop Insurance Corporation, Department of Agriculture.
SR-328A

Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings to review current gas markets and alternatives for delivery of Alaskan gas through the Alaskan natural gas transportation system to those markets.
SD-366

2:30 p.m.
Select on Ethics
Closed business meeting.
S-207, Capitol

NOVEMBER 17

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit and Rural Electrification Subcommittee
To hold hearings on S. 1300, to insure that rural electric and telephone systems will be able to continue to provide high quality, affordable electric and telephone service to consumers in rural America.
SR-328A

Finance
Energy and Agricultural Taxation Subcommittee
Taxation and Debt Management Subcommittee
To hold joint hearings on S. 1768, to provide energy tax credits for certain equipment used aboard or installed on fishing vessels; to be followed by the Subcommittee on Taxation and Debt Management holding hearings on miscellaneous tax bills, including S. 1332, S. 146, S. 1809, S. 1857, and S. 1758.
SD-215

Labor and Human Resources
Handicapped Subcommittee
To hold hearings on section 504 of the Rehabilitation Act of 1973, relating to institutional care and services for retarded citizens.
SR-428A

9:45 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on Federal arts policy.
SD-430

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95).
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers' union (HEREIU).
SD-342

Select on Indian Affairs
To hold hearings on S. 885, to provide for settlement of unresolved claims relating to certain allotted Indian lands on the White Earth Indian Reservation, Minn.
SD-124

2:00 p.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on Federal arts policy.
SD-430

NOVEMBER 18

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on issues relating to National Family Week and National Adoption Week, November 20-26, 1983.
SD-628

NOVEMBER 29

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review targeted scarce resource provisions of the Older Americans Act.
SD-430

10:30 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on the implementation of the Toxic Substances Control Act (Public Law 94-469).
SD-406

NOVEMBER 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

DECEMBER 6

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review long-term care policy provisions of the Older Americans Act.
SD-430

DECEMBER 7

9:30 a.m.

Labor and Human Resources

To hold oversight hearings on the status of the job corps program.

SD-430

DECEMBER 14

9:00 a.m.

Labor and Human Resources

To hold hearings on pending nominations; to be followed by a business meeting, to consider pending calendar business.

SD-430

10:00 a.m.

Labor and Human Resources

To hold oversight hearings on activities of the Equal Employment Opportunity Commission.

SD-430

SENATE—*Tuesday, November 8, 1983*

(Legislative day of Monday, November 7, 1983)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our opening prayer will be offered by the Reverend Harold R. Patteson, minister of the Eau Claire Presbyterian Church, Columbia, S.C. He is sponsored by the President pro tempore.

PRAYER

The Reverend Harold R. Patteson, minister, Eau Claire Presbyterian Church, Columbia, S.C., offered the following prayer:

Almighty God, as we pause before Thee at the beginning of this work session, grant that we may be aware of Your Presence here and of Your Lordship over our lives and over our Nation; that You will give to them knowledge and understanding, wisdom and discretion. As they debate, deliberate and come to decisions, rule in their hearts and minds and overrule in their actions that Your holy will may be done. Let justice run down as mighty waters and the benediction of Your peace cover us as the heavens.

Gracious Father, I ask Your special blessing upon this Nation today. As this people select at the polls those who will have authority over them in the several local offices of government, may Your Providence guide that those who are elected may be persons of integrity and principle who will lead this Nation according to Your holy will and all Your wise laws.

May the King of Peace, even the Lord Jesus Christ, rule in every heart and receive all glory, praise and honor, in whose name we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

BOMBING OF THE CAPITOL

Mr. BAKER. Mr. President, the Senate convened this morning at 9 o'clock and will transact its business today according to the previously announced schedule, notwithstanding the act of violence committed against the Capitol, in the Senate wing, last evening.

It is fortunate, indeed, that the Senate was not in session late, as it had been announced it would be; for, after looking at the damage to the corridors and especially the cloakrooms, it is clear that had the Senate been in session, there would have been great injury to a number of Senators and perhaps a loss of life of Senators and staff.

Mr. President, it is strange, indeed, that yesterday, on the floor of the Senate, I conferred with the Sergeant at Arms of the Senate, who indicated to me that he had talked to the distinguished minority leader; to the distinguished chairman of the Committee on Rules and Administration, Senator MATHIAS; and to the ranking minority member of that committee, Senator FORD.

Senator BYRD and I had agreed—if he will permit me to say so—that during our respective caucuses today, we would announce new rules and regulations for access to the second floor corridors around the Senate Chamber, on the recommendation of security experts, our own and those in other branches of the Government.

Mr. President, what happened last evening will not deter us from transacting the Nation's business according to our responsibility. We will proceed now, without further fanfare, to transact that business while we go about the task of cleaning up this wing and getting on with the requirements that the country expects of us.

Mr. President, if I have any time remaining, I yield it to the control of the distinguished minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. Under the previous order, the Democratic leader is recognized.

THE CAPITOL—THE PEOPLE'S BUILDING

Mr. BYRD. Mr. President, I join in the remarks of the majority leader.

I told some members of my staff yesterday that something like this was going to happen. I just hoped that we would not be here when it did happen. I am glad no one was injured

This is the people's building, not mine. But I think that with all the experiences we have undergone in recent weeks and days, and the things that have happened elsewhere in the world, it should come as no surprise that this wanton act has occurred.

NOMINATION OF ELIZABETH V. HALLANAN

Mr. BYRD. Mr. President, I have a judgeship nomination, and a messenger is waiting at the door.

The nominee is a lady from West Virginia. She is Elizabeth Hallanan. I am eager for us to process her nomination in the Committee on the Judiciary.

I see that the distinguished President pro tempore is here. He is the chairman of the Judiciary Committee.

By the way, this lady is a daughter of the former late Republican National Committeeman, a good friend of mine. I have a lot of good Republican supporters in West Virginia. That was demonstrated again last year.

I am going to support the nomination of Elizabeth and I hope we will be able to confirm her nomination before the Senate adjourns sine die.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. BAKER. Mr. President, it will be with special pleasure that we admit the messenger from the President in just a moment.

I might say that the Senator does indeed enjoy extensive support from both parties in his home State, as do I in my State, and I have always been proud of that and grateful for it.

This lady's father not only was a distinguished Republican in West Virginia but also was a friend of my father's. They served together on the Republican National Committee.

Mr. President, I thank the Senator for yielding, and I am prepared to admit the messenger, if the Senator from West Virginia is prepared to do so.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

(The nominations received today are printed at the end of the Senate proceedings.)

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time remaining after the execution of the standing orders in favor of the two leaders be devoted to the transaction of routine morning business in which Senators may speak for not more than 5 minutes each and to extend no longer than 9:30 a.m.

The PRESIDING OFFICER (Mr. Gorton). Without objection, it is so ordered.

Mr. BYRD. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. BYRD. Mr. President, I yield such time as he may use to Mr. Proxmire and he may yield any unused time back to the majority leader or any other Senator.

Mr. PROXMIRE. Mr. President, I thank the leader.

GROWING PUBLIC REACTION TO RECENT FINDINGS OF ENVIRONMENTAL CONSEQUENCES OF NUCLEAR WAR

Mr. PROXMIRE. Mr. President, on last Saturday afternoon, I stood outside Camp Randall football stadium in Madison, Wis., shaking hands with football fans flocking by the thousands to see a football game between the University of Wisconsin and the University of Iowa teams. It was the kind of early November football day we dream about—clear, bright, sunny skies with a soft southerly breeze and a comfortable 55° temperature. Few, if any, human groups radiate the happiness of a football crowd on a beautiful day. The old bromide about "what a great day it is to be alive" takes on special meaning.

I describe this background, Mr. President, because I was startled by the number of football fans who, on that day, brought up the revelations that scientists had disclosed during the previous week about the devastating environmental consequences of nuclear war. The scientists reported last week that a nuclear war involving the superpowers would shut off all but a small percentage of sunlight out of the Northern Hemisphere for weeks. Temperatures would drop to 13 below zero, Fahrenheit. Both farm crops and farm animals would die. For years, we have known that a superpower nuclear war would kill outright millions of Americans and that many others would die agonizing deaths, with hospitals and doctors among the first casualties. But this new revelation predicted that most of the survivors would die of starvation, and many would literally freeze to death. Is this an exaggeration? Of course, 13 degrees below zero is common in Wisconsin—we are used to it. But our electric utilities would be among the first casualties. And 13 degrees below zero, when there is no heat in the house and literally no place to go to escape the cold, would be entirely different. Think of the situation: There is no food; street lights and house lights are out, dead with the extinction of utilities, and there is no sunlight even at noon.

That vision of bitter cold and darkness day and night with death and dying everywhere haunted a number of Wisconsin and Iowa football fans on that supremely beautiful November day in Madison. But what brought on the nuclear winter comments at a football game? Was it the stark contrast? After all, the bright, clear sunny day—the happy, lively crowd—the feeling that this life is so good confronted the nightmare that haunts more and more of us of nuclear death. Most of us, as human beings, are prepared to die. But we are not prepared to see our children and grandchildren perish in agony in their childhood. And many of us have developed an affection for the beautiful Earth that has given us such a good and happy life.

Then, Mr. President, on Sunday, I went to Milwaukee County Stadium to meet the crowd surging in to see the Green Bay Packers play the Cleveland Browns. I arrived an hour and a half before the game so I could work the crowd as intensively as possible. Milwaukee is not Madison. From 30 years of experience in working these crowds, I knew the Milwaukee reaction might be far different from the university attitude of Madison. And on last Sunday, in Milwaukee, the Sun could not break through a thick, gloomy cloud cover. Would the reaction be different? It was not. I ran into that same concern with the grim prospect that we face a new and more-terrible-than-ever threat from the nuclear arms race.

Oh, sure, just as in Madison on Saturday, on Sunday in Milwaukee, many more expressed their support or opposition to our actions in Beirut or Grenada than brought up the environmental study. But Beirut and Grenada had dominated the TV, radio, and newspaper reports all week. The nuclear-war-environmental study had won little or no TV or radio attention. Newspaper coverage was heavy on Beirut and Grenada. It was relatively light on the scientific findings about nuclear war's environmental consequences, but this weekend's experience in Madison and Milwaukee convinced me that this scientific study will steadily strengthen the determination of our people to stop the nuclear arms race. It is likely to have a far more enduring and profound effect on the policies of this body and of our Government than the tragic terrorist attack on our marines in Lebanon or than our spectacular invasion of Grenada. And it should have.

THE MYSTERIOUS GERMAN INDUSTRIALIST

Mr. PROXMIRE. Mr. President, two American University historians recently revealed the identity of a mysterious German industrialist who bravely warned the Allies about Hitler's planned "final solution" for the Jews of Europe. A Washington Post article highlights the fascinating research odyssey conducted by these two "academic detectives"—Richard Breitman, a European history specialist, and Alan Kraut, an expert in U.S. immigration policy—and chronicles the heroic efforts of this individual.

The gallant man was identified as Eduard Reinhold Karl Schulte, who headed the largest zinc-producing firm in Hitler's Germany. Former CIA Director Allen Dulles, who was chief U.S. intelligence officer in Switzerland during the war, points to Schulte as having "rendered most valuable services to the cause of the United Nations, motivated solely by his hatred of the Nazi system and his desire to see it overthrown as thoroughly and speedily as possible."

The importance of Schulte's firm to the German war economy allowed him contacts with high-level German intelligence sources. In addition, Schulte's firm had a branch in Switzerland, permitting him official travel to neutral soil and direct access to Allied intelligence networks. Thus Schulte could effectively convey military secrets and yet remain undetected. For example, Schulte reported to the Polish Consul in Geneva in May 1941, that the Germans were about to finish their plans for an invasion of the Soviet Union. As we all know, they in fact invaded only 1 month later. He also revealed other important pieces of military information that Allied intelligence later confirmed.

Throughout 1942, Schulte pleaded desperately with his Allied contacts to take seriously his warnings about the Nazi intent to liquidate the Jews of Eastern Europe. Tragically, Allied intelligence did not believe the reports. They instead claimed that the reports came from unreliable sources and referred to the information as a "wild rumor inspired by Jewish fears."

Breitman and Kraut point out that over half the Jews who perished in the Holocaust were still alive at the time of Schulte's warnings, and that "chances are, had the West been able to do something, they could have saved hundreds of thousands and perhaps millions." Whatever the reason for our inaction, the end result was the uncontested slaughter of millions of innocent people.

Mr. President, Eduard Schulte put his own life in jeopardy to help the civilized world battle genocide. He may not have saved a single soul because of our refusal to heed his urgent warnings. But his efforts were noble. We have witnessed the tragedy of genocide. We too must make a concerted effort to prevent its reoccurence. The ratification of the Genocide Treaty will be an important first step in this effort.

Mr. President, I yield back my time to the majority leader and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASIAN DRUG TRAFFIC

Mrs. HAWKINS. Mr. President, sometimes I wish that certain countries had no "open-door policy"—if illegal drugs are going to pass through it. As all here are aware, about 90 percent of the illegal drugs abused in this country are of foreign origin, primarily from Latin America and Asia.

The administration has successfully begun its attack on the drug traffic, particularly in marihuana and cocaine, origination in the Caribbean. Asia, however, is the source of almost 65 percent of the most addictive drugs abused in the United States; namely, opium and its derivative, heroin. In fact, increased heroin production in Pakistan and bumper opium crops in the Thai-Burmese border area have introduced new problems in the Asian drug traffic.

Mr. President, I ask unanimous consent to have printed in RECORD a table and a newspaper article on Asian drug production and traffic.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASIAN DRUG TRAFFIC

The two regions of Asia that together supply nearly 65 percent of the illegal heroin coming into the United States are (1) the Golden Crescent—Pakistan, Afghanistan, and Iran in Southwest Asia (SWA); and (2) the Golden Triangle—Burma, Thailand, and Laos in Southeast Asia (SEA). Of the estimated 4.0 metric tons of heroin smuggled into the United States in 1982, about 54 percent was refined from opium poppies grown in the Golden Crescent and about 10 percent from the Golden Triangle. SWA heroin dominates the U.S. East coast; Mexican heroin the West and Southwest. SEA heroin has not yet regained its former U.S. markets since the Golden Triangle's period of drought, 1978-1980.

1981 ILLEGAL HEROIN IMPORTS INTO THE UNITED STATES

	Metric tons	Percent of supply
Southwest Asia	2.2	54
Mexico	1.4	36
Southeast Asia	0.4	10

Asian opium supplies are expected to be abundant for the next several years because of increased production in Iran, and bumper crops in the Thai-Burma border area. Moreover, in recent years, laboratory technique in Pakistan has so improved that it can now produce high-quality heroin hydrochloride. Therefore, in addition to opium poppy cultivation and opium-based production, Pakistan has become a major heroin producing and transshipment nation.

Major refining centers for SWA opium are in Pakistan, Turkey, or Italy. Most SWA opium and heroin moves through Pakistan or Turkey to West European and American markets.

Most SEA drug traffic moves from the Burmese Shan State into the Thai-Burmese border area, which is the primary site of SEA heroin refineries, then across Thailand to Bangkok, and then on to Hong Kong. In the last several years, there have been increasing incidents of China being used for transit of heroin between Bangkok and Hong Kong. Other routes used with increased frequency are central Burma to the Adaman Sea to Malaysia or Singapore; or across Burma into India.

Most Asian heroin is transported by commercial air passengers into the United States. Of the several Asian transshipment points Hong Kong is the primary center because of its abundant air passage opportunities, and its relatively few laws regulating financial transactions.

ESTIMATED 1979–82 ASIAN PRODUCTION OF METRIC TONS OF OPIUM[1]

	1979	1980	1981	1982
Southwest Asia:				
Pakistan	800	125	100	75–125.
Iran	300	300 plus	300 plus	300-plus.
Afghanistan	400 plus	200–250	200–250	200–250.
Southeast Asia:				
Burma	125	160	500–600	500–600.
Laos	40	40	50	50.
Thailand	17	12	50	57.

[1] About 10 metric tons of opium can produce 1 ton of heroin.

[From the Washington Post]

SOUTH CHINA IS CHANNEL FOR HEROIN

(By Michael Weisskopf)

HONG KONG.—Major drug syndicates in Southeast Asia have opened a new transit route through China to facilitate smuggling of heroin from the "Golden Triangle" to lucrative markets here and the West, according to narcotics officers.

The so-called "China connection" was inaugurated about three years ago by drug traffickers looking for easy land passage to Hong Kong from the Golden Triangle region of Burma, Thailand and Laos, where most of Asia's opium is grown, said police and customs agents.

Couriers started a new trail of heroin, a distillate of opium, by slipping across the laxly policed border of Yunnan Province straddling the opium-rich region. The drugs move overland to Canton, where they are loaded onto fishing trawlers or railway cars destined for this British colony and its 40,000 to 50,000 heroin addicts, authorities said.

Most of the heroin remains here but some is sent to the West Coast of the United States, according to police sources.

Other drug smugglers have taken advantage of lax customs inspections at Chinese airports, said police. Posing as businessmen or tourists from Southeast Asia, they fly to Peking or Canton with concealed shipments of heroin, then board Chinese airline flights to the United States, Europe or Hong Kong.

Although the smuggling operations are financed and organized in Hong Kong and Bangkok, they apparently are assisted by local Chinese, according to police.

The Chinese connection, which became possible after Peking opened its borders to trade and tourism, still is regarded as a lesser transit route from the infamous Golden Triangle. But drug specialists here said it provides traffickers greater flexibility in escaping detection.

"It's another card in their pack," said Hong Kong's commissioner of customs and excise, Douglas Jordan.

"The idea is to send the stuff through two or three stops and to increase the number of couriers to throw us off," explained C.J.W. Bagley, acting chief narcotics officer for the police department.

China's government originally denied that its territory was being used as a transit route for narcotics, reflecting official sensitivity left over from the nation's once widespread opium addiction.

But after prodding from Hong Kong, Chinese authorities finally acknowledged the problem in 1981 and began training customs agents to search for opium and heroin entering China from the Golden Triangle.

A special narcotics staff was set up in Canton, which is a center for trafficking because of its proximity to Hong Kong and its international air links. Canton police now have telephone lines to their Hong Kong counterparts. Chinese authorities have visited here to learn laboratory analysis of hard drugs.

Jing Bing, head of China's observer delegation at the U.N. Commission on Narcotic Drugs, told a session in February that foreign traffickers have "taken advantage of China's open-door policy" to smuggle drugs through China to other countries in July, Chinese customs announced intentions to take "resolute antismuggling measures."

The crackdown actually began about two years ago. According to Chinese statistics, custom agents in Peking and Canton tracked down 18 cases of heroin smuggling from early 1981 to the end of 1982. They seized over 132 pounds of the drug and arrested 36 traffickers, who were later sentenced to prison terms ranging from five years to life.

In the first eight months of this year, Hong Kong police and customs agents cracked five cases of drug smuggling from the Golden Triangle through China.

Jordan said cooperation from China has aided enforcement here. Although intelligence agents in Bangkok often can learn the destination of narcotics, they cannot always trace their paths.

Earlier this year, customs agents arrested a Hong Kong man coming from China with 27.5 pounds of opium from the Golden Triangle. With the help of Canton police, agents were able to uncover friends and relatives in Hong Kong who were involved in the smuggling network.

Despite some recent progress in enforcement, police despair of ending drug smuggling across the long and rugged Yunnan border, which is said to be as difficult to police as the U.S. border with Mexico.

"How can you stretch a security net across all of Yunnan Province?" asked Bagley.

UKRAINIAN HELSINKI MONITORING GROUP

Mr. PERCY. Mr. President, tomorrow is the seventh anniversary of the founding of one of the most inspiring human rights groups of modern times. Seven years ago Ukrainians in their capital city of Kiev met to form a group of citizens to monitor Soviet compliance in Ukraine of the Helsinki Final Act. The Soviets had signed the Final Act the preceding year at the conclusion of the Conference on Security and Cooperation in Europe.

Similar groups were formed in many nations. In the United States we created the Helsinki Commission by act of Congress. But the Ukrainian group was different in an important way. It was not sanctioned by Soviet authorities; it was a spontaneous association of Ukrainian people. Increasingly, in fact, it came into conflict with Soviet authority, as the state sought to ignore or violate the basic human rights guaranteed Ukrainians. The founding members of the Helsinki Monitoring Group paid for their vigilance with their freedom. Every single founding member of the Ukrainian group is now in prison, labor camp, or exile.

And so today, we honor the courage of the founding members of the Ukrainian Helsinki Monitoring Group. They are an inspiration to all of us and we shall not forget them.

FARM CREDIT LEGISLATION URGENTLY NEEDED

Mr. SASSER. Mr. President, I wish to address an issue today which I believe this body has ignored for too long. I am referring to the present crisis in the area of farm credit. All of my colleagues are aware of the devastation on crops across America wrought by this year's drought, the worst such natural disaster in 50 years. Yet, I fear Mr. President, that the greatest impact of the drought and the continuing stagnation in our agricultural economy lies ahead. As the problems associated with the drought, high interest rates, and continued low prices come together, we are approaching a perilous period for American farmers, unless the Senate takes action on legislation designed to ease the farm credit crunch.

The impact of several successive years of hard times is already being felt by farm lenders. All farm lenders are experiencing higher-than-normal deliquency rates and liquidications according to the Department of Agriculture. Most forecasts indicate a continuation of this troubling upward trend for more of our farm borrowers. Specific evidence of the troubles in this segment of the farm economy are vividly seen in figures on Farmer's Home Administration loan practices.

At the end of August of this year, FmHA had acquired some 1,027 failing farm properties. This compares with just 538 properties under FmHA ownership at the end of 1982. In less than a year FmHA has nearly doubled its inventory of farm properties. What is even more shocking is that in 1981 FmHA held only 223 such properties.

The parade of dismal statistics in the FmHA files does not end here. There are presently 2,138 foreclosures pending among FmHA borrowers. Over 1,200 FmHA borrowers have discontinued farming this year due to bankruptcy. There are over 3,500 bankruptcy petitions that have been filed by FmHA borrowers. And this is only the tip of a very troubling iceberg. Taking the entire FmHA farm loan portfolio into consideration, one farm advocate group has pointed out that FmHA has forced out or are in the process of forcing out of business over 19,000 farming operations in fiscal year 1983.

Mr. President, these figures speak clearly for urgent congressional action to address this crisis. I have introduced legislation that would effectively address many of the problems in financing farm operations today, as have several of my colleagues. None of these bills has reached the Senate floor.

Postponing consideration of farm credit legislation any further can only bring continued misery to literally thousands of farmers. We urgently need to examine the policies of FmHA, the lender of last resort, to determine what we can do legislatively to address the roots of our farm credit problems.

Legislation was introduced shortly before the Columbus Day recess which would serve as a good starting point for such an examination. S. 1949, the Drought Relief Act of 1983, contains several significant provisions including one calling for the deferral of foreclosure on certain FmHA borrowers. Hearings have been held on this important bill and it is my hope that the Senate will act expeditiously in considering S. 1949, which I am proud to cosponsor.

Without passage of this type of legislation, Mr. President, we are leaving our Nation's farmers to fend for themselves in the search for answers to the financial problems plaguing the farm sector. I suggest that to continue to ignore this issue amounts to shirking our congressional duty. The time has come for the Senate to face the responsibility of coping with the farm credit crisis and to move forward with affirmative steps designed to alleviate the agony felt by our farmers today.

A TRIBUTE TO BANCROFT TIMMONS

Mr. HEFLIN. Mr. President, I rise today to pay tribute to a close friend and fine Alabamian who passed away during the month of October, W. Bancroft Timmons, president of the Alabama Motorist Association.

Wallace Bancroft Timmons was a native of Berlin, Md., who moved to Birmingham, Ala., in 1947 to manage the AMA. At that point, the association had dropped to an all-time low in membership, numbering only 2,500. Today, after 36 years of the leadership of Bancroft Timmons, the AMA has more than 108,000 members.

Timmons was much more than president of the AMA, however. In a very real sense, he was a representative of everyone who owned or drove an automobile in Alabama. All of the State's motorists have benefited from his tireless efforts in working for the good of motorists. Timmons was an effective lobbyist for measures that would protect motorists, just as he staunchly opposed legislation that would penalize the owners and operators of automobiles.

In addition to legislative efforts such as these, Bancroft Timmons was widely recognized in Alabama for having been largely responsible for cleaning up speed traps which plagued motorists around the State.

Mr. President, all of Alabama—and not just those citizens who knew him, or worked with him, or were represented by him, have lost a friend and a defender with the passing of Bancroft Timmons. My condolences go out to his widow, Vivian, his son and his daughter.

I ask unanimous consent that a resolution adopted by the board of directors of the Alabama Motorists Association be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY BOARD OF DIRECTORS OF THE ALABAMA MOTORISTS ASSOCIATION

Whereas, our friend and co-worker Wallace Bancroft Timmons passed to his eternal rewards on October 3, 1983, while actively championing the interests of the Alabama Motorists Association, and

Whereas, all members of the association will be forever indebted to Wallace Bancroft Timmons for his skillful conduct of its affairs and his fidelity to its interests for more than 36 years, and

Whereas, his zeal and foresight during these years have increased the membership of the Alabama Motorists Association more than fifty-fold and his management abilities have increased its assets over one hundredfold and brought the association to an enviable financial position almost unique among comparable organizations, and

Whereas, all motorists in the State of Alabama are in his debt for his continuous and effective efforts in pressing for legislation protective of their interests and successfully opposing proposed legislation detrimental to the legitimate interests of automobile owners and operators, and

Whereas, all Alabama motorists are the beneficiaries of his tireless and successful efforts in combatting unjust local practices in the enforcement of traffic regulations and attempts to assess unjust penalties upon motorists, and

Whereas, untold thousands of motorists throughout the United States are in his debt for protecting them from unjust fines by breaking up local "speed traps" an in securing the adoption of equitable policies for their release on bond without harrassment in event of apparently justifiable traffic charges, and

Whereas, in his passing the members of the Alabama Motorists Association have sustained an irreparable loss and all Alabama motorists have lost a superlative and effective advocate,

Now, Therefore be it Resolved, by the Directors of the Alabama Motorists Association in special meeting assembled this 21st day of October, 1983, that we thank Almighty God for the life and works and influence of Wallace Bancroft Timmons and for the great privilege of being closely associated with him, and

Be it further resolved, That we extend our deepest love and Christian sympathy to his wife Vivian, their two children, and other members of the family in the great loss we share with them, and

Be it further resolved, That we pray God's richest blessings upon them and ask that His everlasting love will comfort their hearts and give them strength for every need, and

Be it finally resolved, That this resolution be spread upon the minutes of this meeting and that copies be given to Vivian and the children.

ACCEPTANCE OF APPOINTMENT AS JUDGE OF U.S. BANKRUPTCY COURT

Mr. HEFLIN. Mr. President, I ask unanimous consent that correspondence of Judge Will G. Caffey, Jr., U.S. bankruptcy judge for the Southern District of Alabama to President Ronald Reagan and the President of the Senate, George Bush, in compliance with title 5, United States Code, section 8331(22)(a), be printed in the Record in their entirety.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

U.S. Bankruptcy Court,
Southern District of Alabama,
Mobile Ala., October 25, 1983.

Ronald Reagan,
The President of the United States, The White House, Washington, D.C.

Dear Mr. President: I conformity with Title 5, United States Code, Section 8331(22)(A), I wish to advise that I agree to accept appointment as a Judge of a United States Bankruptcy Court established under Section 201 of the Bankruptcy Reform Act of 1978 (PL 95-598, Nov. 6, 1978, 92 Stat. 2681).

While I am aware of the fact that the future of the bankruptcy courts is in doubt because of the failure of Congress to approve legislation to meet the constitutional problems presented in *Northern Pipeline Construction Company* vs. *Marathon Pipeline Company,* 102 S. Ct. 2858 (1982), this notice is being given to protect the retirement benefits contained in 5 USC Sec. 8339(n).

Very truly yours,
Will G. Caffey, Jr.,
U.S. Bankruptcy Judge.

U.S. Bankruptcy Court,
Southern District of Alabama,
Mobile Ala., October 25, 1983.

George H. W. Bush,
President of the Senate, Washington, D.C.

Dear Mr. Vice President: Notice is hereby given in conformity with Sec. 8331(22)(A) that I have agreed to accept an appointment as a Judge of a United States Bankruptcy Court established under Section 201 of the Bankruptcy Reform Act of 1978 (PL 95-598, Nov. 6, 1978, 92 Stat. 2681).

A copy of my letter to the President of the United States encompassing this agreement is attached hereto.

Very truly yours,
Will G. Caffey, Jr.,
U.S. Bankruptcy Judge.

DR. GEORGE BAGLEY TO RETIRE

Mr. HEFLIN. Mr. President, it is with mixed emotions that I announce that on November 15, Alabama will lose a fine religious leader and outstanding citizen when Dr. George Bagley, executive secretary-treasurer of the Alabama Baptist Convention for the past 20 years, retires. Dr. Bagley's years of dedicated service certainly illustrate that his retirement years are deserved; on the other hand, the people of Alabama will miss the outstanding leadership provided by this great Alabamian.

Dr. Bagley has devoted his entire life to spreading the gospel. After graduating from Birmingham's Howard College, now Samford University, with both a bachelors degree and a doctorate, he continued his education at the Southern Baptist Theological Seminary in Lousiville, Ky. Dr. Bagley then moved on to serve as pastor at the First Baptist Church of Stevenson, Ala., and then at the Avoca (Indiana) Baptist Church.

Dr. Bagley soon returned to Alabama, and began his long and fruitful association with the State Baptist convention. After 18 years of service in assorted posts, including 8½ years as assistant executive secretary, George Bagley was elected executive secretary-treasurer of the organization in 1963. He has held that position ever since.

Throughout his life, George Bagley's leadership skills and complete dedication have been widely recognized. He has served as a charter member of the stewardship commission of the Southern Baptist Convention, and continued his service as a member of the stewardship advisory committee.

Recognizing a Christian obligation to minister to people around the globe, Dr. Bagley has served in mission fields in all parts of the world, including Europe, Africa, Central America, South America, and the Far East.

Mr. President, I have long been associated with Dr. Bagley, both as a friend and admirer. During my tenure as chief justice of the Alabama Supreme Court, I had the privilege of appointing him to the Alabama State Ethics Commission. In that post, he served with great distinction, befiting a man of his high moral caliber. As an original member of the commission, he was instrumental in developing its role and defining its standards. He continued this service during a later term as chairman of the ethics commission.

Alabama has received many other benefits from Dr. Bagley. He has served as a trustee and vice president of the Alabama Council on Alcohol Problems. He was a member of two committees of the Alabama State Bar, one studying the State's penal system and the other helping develop a proposed new State constitution.

George Bagley truly exemplifies the religious spirit on which our great Nation was founded. Through his religious teachings, he has benefited the lives of thousands. Through his community service, he has greatly contributed to the well-being of all Alabamians.

His service has been generous, dedicated, principled and exceptional. I salute Dr. George Bagley—a great minister, a devout Baptist, a moral leader, an eminent citizen—on the occasion of his retirement.

Thank you, Mr. President.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1984

The PRESIDING OFFICER. Under the previous order, the hour of 9:30 a.m. having arrived, the Senate will resume consideration of the unfinished business, H.R. 4185, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

The Senate resumed consideration of the bill.

amendment no. 2517

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Tower amendment, on which there will be 2 hours of debate equally divided.

The amendment is as follows:

On page 22, line 5, delete "$1,943,500,000" and insert in its place "$2,067,900,000"

Mr. STEVENS. Mr. President, this is the first of a series of amendments today. This is the amendment to add back into the bill the funds for binary weapons. It will be followed by a Boschwitz amendment. As soon as I am able to do so, I will ask that the time for the Boschwitz amendment and the Tower-Stevens amendment be combined.

After that, there will be a substitute offered by the Senator from Arkansas; he has the right to do that. We anticipate that the vote on the binary matter will start sometime around 11:30.

At the present time, some of the staff are having a difficult time getting into the building. For that reason, I suggest that we have a quorum call, which would not be charged against either side, for a period of 10 minutes. I ask unanimous consent that the time used on this quorum call that I will now enter not be charged against either side under the time agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I yield myself such time as may be required.

Mr. President, it is not a pleasant task to ask the Senate to restore the funding budgeted for the production of chemical weapons. I do not think anyone can think of binary weapons without abhorring the thought of using weapons of this kind. They are in many ways more repugnant than even the horrendous destructive force of nuclear weapons.

But there is really no responsible alternative in the world as we know it today. We cannot make the chemical weapon threat vanish by simply turning our backs to it. We are dealing with an adversary that has already demonstrated not only the capacity to produce but the will to use chemical weapons whenever their use suits the demands of those who control that enormous nation, the Soviet Union.

In this weapons system as in others I discussed yesterday such as the MX, we are approaching a time for negotiation. We are approaching a time when people who represent this country will go to Geneva and attempt to bring about a reduction in weapons systems, including chemical weapons systems.

In order to have a position at that negotiation that effectively deals with chemical weapons, we must show the will to produce these weapons if the Russians will not abandon their use.

We must have a deterrent, a truly modern, effective deterrent, in the absence of a truly binding and verifiable international ban on these types of weapons.

Mr. President, we have not produced any chemical weapons in this Nation for 14 years. Since I have served as chairman of the Defense Appropriations Subcommittee, we have attempted to put off efforts to modernize our chemical deterrent.

We can no longer do that.

We can no longer do that, and it is primarily time now, because of the Geneva Conference, to demonstrate that we are prepared to replace the weapons that are in our arsenal. They are now old and outmoded, and the amendment I have presented to the Senate would restore to this bill $124.4 million, budgeted for retaliatory weapons production.

This funding was recommended by the Defense Appropriations Subcommittee, which went into the subject in depth. It was deleted in the full committee by a narrow vote.

Mr. President, I have had discussions with the Secretary of Defense, and, as I think the Senate knows, the President of the United States is on his way to my State—as a matter of fact, to my home city, I was to be included in that trip along with my wife. I have stayed here today primarily because of this amendment in order to present it to the Senate and to urge the Senate once again to vote that we must go ahead with these weapons.

I feel it is our duty under the circumstances we face to proceed as was outlined through our defense subcommittee and authorized by the defense subcommittee bill as we reported it to the full committee.

Mr. President, we are going to face up to this question at some time and, from my point of view, the time is now. We have not dealt lightly with this subject. We have gone into it in depth. I urge the Members of the Senate to look at the general provisions of the bill. Section 793 on page 84 commences the discussion in the bill itself of extensive precautionary language, a clear sense of the resolution of Congress that we seek, that we enunciate once more our objective as a complete verifiable ban on chemical weapons.

We cannot achieve that under the current circumstances. The language in the bill deals with a restriction on the procurement of production facilities and equipment for the Bigeye binary chemical bomb. The Secretary of Defense must certify to Congress that the technical problems delaying this program have been resolved and that the design of the bomb has been successfully tested before funding for that weapon can be obligated.

I want to read that section so that there is no misunderstanding of it, of the sense with which we have approved this subject.

> (a) It is the sense of Congress that a complete verifiable ban on the development, production, and stockpiling of chemical weapons should remain the primary United States chemical warfare objective and that the production of new lethal chemical weapons for deterrence is only an interim step until such a treaty can be achieved. Consequently, all chemical agent and munitions production shall cease when such a treaty enters into force. Stockpiles and production facilities shall then be destroyed in accordance with the terms of the agreement. Development of lethal chemical agents and munitions shall similarly cease with the exception that research into agents and possible delivery means may continue only for the purpose of designing and testing chemical protective equipment and procedures as a safeguard against treaty violations or as specified in the agreement. It is further the sense of Congress that the United States chemical agent and munitions stockpile should be sized to the minimum level required to deny any potential aggressor a significant military advantage from chemical use and thus create an effective deterrence against initiating chemical warfare. The existing stockpile should be demilitarized in parallel with acquisition of modern binary munitions. The Department of Defense shall submit a plan with options to demilitarize the existing chemical stockpile by 1990, 1995, and 2000, identifying estimated costs as well as military, arms control, and environmental implications. In order to ensure the United States stockpile of chemical agents and munitions does not grow beyond the minimum level essential for deterrence, the Department shall begin large scale demilitarization of the existing stockpile within one year of initiating binary munitions production at a rate of destruction of agent at least equal to the rate of new production. This action shall be in addition to the requirement to render a serviceable artillery projectile useless for every binary munition produced.
>
> (b) No lethal chemical weapons may be produced to support the deterrent and retaliatory needs of United States allies unless an ally or alliance requests such production. In no case shall the number of weapons produced to support allied needs exceed their stated requirements, and in all cases such weapons shall remain under United States custody and control until chemical retaliation has been authorized by the National Command Authority.
>
> (c) In conjunction with the fiscal year 1985 budget submission, the Secretary of Defense shall submit a report to the Committees on Appropriations of the House and Senate on the status and potential shortcomings, as well as recommendations for overcoming any such shortcomings, of United States chemical demilitarization capabilities as they relate to the requirements for such demilitarization established by this Act.

I call to the attention of the Senate, Mr. President, that the Boschwitz amendment, as I understand it, will deal with making extremely clear, as this language was intended to do, that we are on a basis of trying to reduce our stockpile at a rate of 2 for 1. There will be a double, an order to destroy twice the amount of existing chemical weapons for each one unit that is produced under this new production order.

The effect of that will be at this same time to modernize the chemical weapons backlog or arsenal that we have and to destroy twice as many of the old weapons that we have in comparison to the new that we produce.

I welcome the discussion by Senator BOSCHWITZ. I think we have attempted to carry out the objective that he had. I hope that he will come and present that matter to the Senate today as soon as possible. As a matter of fact, as soon as he comes, as I said, I intend to ask that we blend the 3 hours together and discuss the whole subject at once, if that meets with the approval of the Senator from Oregon (Mr. HATFIELD).

Mr. President, I think the funding for this weapons system is essential to the security of the United States or I would not be making this statement or presenting this amendment to the Senate. We must show our determination to maintain a modern and effective deterrent, as well as show our determination to achieve the goal of effecting a true ban on these most terrible weapons. We want to reduce the total stockpile in any event, and this is the way to achieve that goal.

Mr. President, let me remind the Senate of what happened in 1982, when we last moved to renew the production of these weapons. We were seeing a positive response from the Soviets, I am told, to our initiative to try to achieve a total ban.

We had started to work with them in response to their positive position, and then we stepped back from production once again and the Soviets ceased negotiations. I do not think there is any greater example of the position that we have been trying to articulate here than that. The Soviets are not going to stay at the bargaining table to help achieve the goal that we seek of a total ban on these weapons unless we are willing to show our determination to match their force if they do not do so.

Mr. COHEN. Will the Senator yield?

Mr. STEVENS. Yes, I will be happy to yield.

Mr. COHEN. I inquire of my friend from Alaska whether or not there might not be an approach that could accommodate what the Senator is seeking to do and at the same time take into consideration some of the concerns that will be and have been voiced by others; namely, that the United States has had a ban on the production of chemical weapons for some 14 years now; that we have tried to seek negotiations on a multilateral basis and, indeed, we dropped negotiations back in 1980 with the Soviet Union on a bilateral basis; and whether or not we might take almost a "last clear chance" approach from the law and apply it here by confining the moneys appropriated under this bill to the construction of facilities combined with reopening of negotiations with the Soviet Union. We would be saying, before we actually start producing these binary weapons let us sit down and see if we cannot have one last chance at arriving at a negotiation to ban their production and use.

It would seem to me that we need not take the ultimate step at this point of actually producing the binary weapon at a time when we might be able to at least step forward to the Soviets and say let us make a good effort here before we initiate the production of these binary weapons.

I think it would be worth taking this half step and to go forward at least with the facility without necessarily committing this country irrevocably to the production of the binary weapon itself. Would the Senator be open to such a discussion?

Mr. STEVENS. I might say to my friend that I have been pursuing conversations with Members of the other body to see what we might up come with out of conference if the Senate pursues the position that I have asked it to adopt. I think the solution that the Senator mentions is one that might have a chance to survive in conference. The House has no funding in the bill for this purpose and I do not know what the middle ground is between the Senator's position and no funds at all. I know that the Senator's position is the middle ground between the funding proposition I have suggested to the Senate and the position that the House has already enunciated of no funds at all.

I say to the Senator, if that is the best we could achieve in conference, I would be most willing to return to the Senate with that position. But I think that the 1982 example is a clear one. The Russians have withdrawn from negotiations and have no reason to negotiate under the current stance. I am not certain that building the productive facilities in and of themselves would bring the Russians to the bargaining table, but at least it would get their attention.

I would rather have the funds because I truly believe that in the course of the history we have been through in the last 20 years we have shown in many instances that the Russians do respond when we are in the position where we are able to produce the systems that might offset their current edge in the total international scene. I would be happy to work with the Senator in conference on such a position. I hope he will join with us in trying to establish the position that we should go to conference with a position as enunciated in this amendment.

Mr. COHEN. I raise the point because there are still, as I think the Senator is aware, some technical problems with the so-called Bigeye bomb. It seems to me that the better part of wisdom would be to continue the R&D and even, indeed, field testing of that particular weapon before going forward with this particular bill and appropriating the amount of money that is involved for the production of the weapon before it is fully tested.

I would think at this particular point in time it is all the more important that the United States convey to the rest of the world, particularly to our Western European allies, who are the ones principally affected by this decision, that we are willing to take one last step toward trying to arrive at a negotiation with the Soviet Union, while continuing with the construction of the facilities and, indeed, continuing the research and development until such time as we complete the proper testing of any new weapons system.

As far as our allies are concerned, I think they would look with some degree of receptivity to the fact that 1 month before the deployment of the Pershing II and the ground launch cruise missile they are not being confronted with one more domestic challenge that is going to be mounted against them. So I would think, if the Senator would give serious consideration to adopting this proposal, that would in fact be met with a greater degree of receptivity in the House of Representatives as opposed to total opposition to the proposed amendment.

Mr. STEVENS. Let me point out to the Senator that the bill already contains this statement:

> SEC. 793. No funds appropriated herein may be obligated or expended for the procurement of production facilities and equipment for the BLU-80/B (Bigeye) binary chemical bomb until the Secretary of Defense certifies to Congress that the technical problem causing a one year delay in the program has been solved and that the revised bomb design has been successfully tested.

So the funds, if they are put into this bill, are fenced and they are, I think, effectively fenced until that test has been completed.

Mr. COHEN. Does that fencing apply to the Bigeye as well as the 155mm?

Mr. STEVENS. It does not apply to the shell. It applies to the bomb. That is where the delay has been. There has been no delay on the shell. It is the bomb. But as a practical matter, it does fence the bomb itself until the test is completed. But again, the Geneva talks are ongoing. We had an indication that the Russians were prepared to discuss with representatives of our Nation the reduction of the stockpile on their side as well as ours. We took the position that there should be no production and they withdrew from the bargaining table. I do not know of anything that demonstrates, as I said, more clearly the need for taking action to demonstrate our willingness to go ahead, in taking the action we suggest will do that. I firmly believe in the ability of our negotiators if they can get them to the table.

The Senator, I am sure, being a member of the Committee on Armed Services, is aware of the limitation that is in the authorization act that has already passed. That, of course, is binding upon this appropriation that is pursuant to that authorization. I think it would be helpful if we put that in the Record at this point. It says on page 85 of the conference report to accompany S. 675:

> LIMITATION ON PROCUREMENT OF BINARY CHEMICAL WEAPONS
>
> Sec. 1233. (a) Notwithstanding any other provision of law, no funds may be obligated or expended after the date of the enactment of this Act for the production of binary chemical weapons unless the President certifies to the Congress that for each 155-millimeter binary artillery shell or aircraft-delivered binary aerial bomb produced a serviceable unitary artillery shell from the existing arsenal shall be rendered permanently useless for military purposes.
>
> (b)(1) Funds appropriated pursuant to the authorization of appropriations for the Army in section 101 of this Act may be used for the establishment of a production base for binary chemical munitions and for the procurement of components for 155-millimeter binary chemical artillery projectiles, but such funds may not be used for the actual production of binary chemical munitions before October 1, 1985.
>
> (2) Notwithstanding the provisions of paragraph (1), before the production of binary chemical munitions may begin after September 30, 1985, the President must certify to Congress in writing that, in light of circumstances prevailing at the time the certification is made, the production of such munitions is essential to the national interest.
>
> (3) For purposes of this subsection, "production of binary chemical munitions" means the final assembly of weapon components and the filling or loading of components with binary chemicals.

Again, the appropriation of funds pursuant to that authorization is for at least 1 year.

Mr. COHEN. I understand that.

I say to the Senator that my concern is that it is a bit premature to go forward with the procurement of the binary weapon before a number of technical difficulties have been addressed and taken care of.

No. 2, in terms of its timing, I believe it is important that we display to the Western European Allies at this point that we are still willing to make one last effort to negotiate with the Soviet Union. I am not terribly optimistic when it comes to dealing with the Soviet Union. I have read about indications that they are willing to discuss onsite inspection with reference to chemical weapons. Whether that is simply a tactic on their part, whether there is any truth or sincerity in their willingness to discuss it, I do not know.

However, I think that in terms of our posture, as the Senator has indicated, that we actually have stopped the deployment of chemical weapons for 14 years, I think it is worth projecting to the world that we are still willing at this point to make one last effort, and to do so with no real infliction of harm upon our own productive capability.

We can go forward with the construction facility and continue the R&D and work out the problems on the binary weapon itself, and at the same time continue negotiations; and I think our posture will be improved throughout the Western World, and we will be seen as advocates of banning this noxious and destructive weapon.

M. STEVENS. I understand what the Senator is saying.

If he examines the authorization process he went through as a member of the Armed Services Committee, he will see that the position taken by the Senate was modified in conference, in the authorization bill. If we are to achieve anywhere near what the Senator wants, we will have to fulfill the authorization act, at least.

All our amendment seeks to do is to fund the authorization that came out of the conference committee, not the position taken by the Senate, but the conference committee, in the authorization bill. In other words, we are funding a compromise position, to begin with.

If we want to go to conference, we must compromise once again, and I would urge that the Senate allow us to seek that compromise in conference, as we did with the authorization committee.

The authorization committee, I think, has come back with an authorization which totally fences this appropriation for at least a year and perhaps beyond, in terms of the bomb itself, because of the test provision that is required.

It seems to me that if we do not fund it this year, the authorization committee will have to go back, as I understand it, and get another authorization next year, and we will be back to the same battle again.

I would rather see if we can convince the Senate to allow us to go to conference with the House and see what kind of appropriation of funds can survive the appropriations process in conference, as the provision that was before the Senate did survive in the conference on the authorization process.

In any event, we are fairly down the road from the original request that came from the administration. It has been modified severely since that time.

Mr. President, I reserve the remainder of my time.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STEVENS. I yield.

Mr. HATFIELD. I understand that the Senator, in his colloquy, made reference to the fact that the Senate would go with no funds to the conference with the House. Is that a correct statement?

Mr. STEVENS. There would be no funds for the production of the artillery shell or for the weapons. There would be no funds for the construction of facilities.

Mr. HATFIELD. The Senator is correct. But what is the funding for this particular weapons system within the current defense appropriation bill that is now pending before the Senate?

Mr. STEVENS. There is funding in the bill for research and development.

Mr. HATFIELD. I believe it is $890 million for this weapon. What the Senator is seeking in his amendment is to restore only $124 million to the total that was in the bill of $890 million. Is that correct?

Mr. STEVENS. The Senator is correct, that the bill before us contains money for research and development, for the operation and maintenance of existing retaliatory systems, and for the defensive measures that are involved.

There is a total of $895 million in the bill, and we seek to restore the money for procurement. But it is the money for procurement that got the Russians to the table once before, and when it was withdrawn, they withdrew from the table.

As a matter of fact, the committee recommendation now totals—I am mistaken; let me correct that—it is $766,941,000. We have reduced the amount of both the budget and the authorization. So that the amount that is before us now is not the $895,241,000; it is $766,941,000; and we seek to restore the funds that were requested, $124,400,000.

Does the Senator from Mississippi seek time at this time?

Mr. STENNIS. Later.

Mr. STEVENS. Mr. President, how must time remains on our side?

The PRESIDING OFFICER (Mr. Kasten). Thirty-two minutes remain on the side of the Senator from Alaska.

Mr. HATFIELD. I yield myself whatever time is necessary.

Mr. President, the production—I emphasize the word "production"—of chemical weapons of any sort is morally and diplomatically indefensible and unjustifiable.

We should bear in mind—and it was reported in the press this morning—that for every one casualty incurred by the use of a chemical weapon, an estimated 20 civilians will be grotesquely murdered. The 1969 moratorium on the production of chemical weapons in this country signaled a giant forward step for U.S. credibility in the global arena. I am convinced that renewed production of chemical weapons, binary or otherwise, would serve to further tarnish our already precarious international image. At home, where our infrastructure is coming apart at the seams and public service organizations are being forced to close because of administration budget cuts, shiny new nerve gas factories would force the already skeptical American public to seriously question the priorities of their Government.

The moral and diplomatic justifiability of chemical weapons is not, however, the issue before us today. Before appropriating money, we must certainly review the specifics of each proposed program. The production and procurement of retaliatory binary nerve gas weapons is no exception. Whether or not we concur with the administration's assertion that chemical weapons are a necessary component of our weapons arsenal, we cannot ignore the fallacies of the premises upon which the request is based as well as the technical flaws of the proposed binary weapons themselves.

The Appropriations Committee has determined that the requested $124.4 million for the production and procurement of 155-millimeter binary shells and the Bigeye bomb is premature and unrealistic for two reasons. First, recent comments by Secretary of Defense Weinberger, as well as a study released last month by the Blue Ribbon Chemical Stockpile Status Panel, lead one to conclude that the current usable stockpile provides a sufficient chemical weapons deterrent.

Second, information available on the proposed binary weapons programs, as emphasized by the General Accounting Office in its recommendation for deletion and deferment of proposed funds, is insufficient. For these reasons, the Appropriations Committee deleted requested production and procurement funds from the Department of Defense chemical weapons program included in the bill before you today.

In a written response to questions submitted by Senator NUNN on behalf of the Senate Armed Services Committee earlier this year, Secretary Weinberger stated:

> For procurement of new artillery shells, the need is not one of addressing a clear lack of military capability . . . the quantity—in the existing stockpile—is in the range of sufficiency.

At issue in the debate over stockpile sufficiency is the question of optimum ratio of chemical versus conventional artillery rounds to be fired in the event of a war. Even the administration admits "the objective of U.S. retaliatory use of chemical weapons would generally not be to obtain casualties but rather to force the other side into protective posture." A number of experts contend that an artillery fire of less than 5 percent chemical weapons achieves the desired effect, while an excess of 5 percent not only detracts from the destructive capability of conventional artillery fire, but also succeeds in killing an overwhelming and unnecessary number of civilians. The Administration claims that "several times" that amount is necessary, but no credible argument for such a need exists. From a variety of unclassified sources, we know that chemical weapons contained in the current stockpile fired around the clock as 5 percent of the total artillery fire could sustain between a 30- and 135-day war in Western Europe.

Would it not be both militarily premature and fiscally irresponsible to appropriate money to a weapons program for which not only is there no clear need but also substantial evidence that the United States possesses a more-than-adequate stockpile of usable chemical weapons?

Technically and logistically, the proposed 155-millimeter artillery shells and the Bigeye bomb are flawed. The General Accounting Office's "recommended dollar reductions to the Department of Defense's fiscal year 1984 ammunitions procurement and production base program" issued in September 1983, recommended deletion of funds for the production of both weapons and deferral of funds for the establishment of facilities to build such weapons and equipment to assemble the Bigeye bomb for a variety of technical and logistical reasons.

The Bigeye bomb has had developmental delays that must be corrected before production begins—Air Force representatives agree that the Bigeye bomb program should not be funded.

"Until a decision is made on the location," funding for the production facilities and assembly equipment is "premature."

Again, these are the conclusions of the GAO.

Another one: "Therefore, this request to produce—155-millimeter binary artillery shells—is also premature."

That is our own General Accounting Office.

Again, this is not a vote for or against a sufficient chemical weapons program. The remaining $776.9 million requested for the Department of Defense's chemical weapons program remains in this bill. Rather, this is a vote for or against fiscal responsibility. Before we hand our money for such a program, the Department of Defense must address both serious technical and logistical flaws involved in the production and procurement of the proposed binary chemical weapons, as well as the question of sufficiency of the current stockpile. Because the administration has yet to present a clear case for the national security urgency of such weapons or a technically unflawed binary chemical weapon, the appropriation of funds for production and procurement is premature at this time.

Now let me just speak further momentarily against this amendment from a fiscal point of view.

I think most of us are aware that there is a growing concern about the deficit we face today in our fiscal picture. Most of us are aware that through the efforts of a number of Senators of both parties here in the Senate and in discussions with the House of Representatives, as well as the White House, there is an attempt being made to put together a package of proposals that would address the deficit problem in 1984, 1985, 1986, and 1987, primarily 1985, 1986, and 1987.

In the general consensus at this point that has been published in the press, it is recognized that we could accomplish a $150 billion reduction of that deficit by first addressing new revenues, $75 billion worth of new revenues and $75 billion in spending cuts. Then that is subdivided so that in effect what is suggested so far, in this proposal, that is only a proposal, is that in the next 3 years we would reduce annually appropriated accounts by another $21.9 billion.

Now that simply means that we are going to have to find within the appropriated accounts, outside of the entitlements, some $7.3 billion a year.

Now, if we are going to take those reductions, if this should become a reality, from the appropriated accounts, that means we have to deal with the military budget as well as the nonmilitary funds.

Let me remind you, in the last 25 months we have had an increase of 36 percent funding in the military accounts through the appropriations process. And every major reduction that has been made in the spending program has been made in the nonmilitary appropriated accounts.

If we abolished all of those, which constitute only about 5 to 9 percent of the total budget, we would still have in excess of a $100 billion deficit. So, consequently, we are going to have to address the military programs.

Now my litany of this particular fiscal problem is simply to establish a very elementary point. If we are going to address that deficit that has many of us deeply concerned, we are going to have to address it in terms of the 1984 defense bill that is before us now.

Let me remind you that this is a down payment on a $4 to $6 billion weapons system in the outyears. So when you vote this, if you vote to go into production at this time, do not run out and tell your constituents that you are deeply concerned about the deficits facing the United States of America. Do not tell them we are going to do it next year after the election, because you are making a commitment now that is going to have a tremendous impact upon our ability to address that deficit in 1985, 1986, and 1987. We ought to have every fiscal conservative vote on this if they really are serious about trying to bring this deficit under control.

Let me assure you again—abolish all the maternal care programs, all of the welfare programs, all of the health programs, all of the education programs, all of these so-called expensive programs that people are always saying, from the White House on down, that we have to reduce spending, reduce spending, reduce spending. I remind you that on one day we got the word from Mr. Stockman that he would recommend a veto on an agriculture bill that had in excess of $3 billion of what the President asked for, and the next day I received a letter from the same Mr. Stockman saying you have underspent, you have underappropriated by over $14.7 billion in the military area the White House wants.

We get again to that double bookkeeping Mr. Stockman keeps: Every item on the agenda that we spend for human needs is a deficit-producing dollar. Every dollar we appropriate for defense is a nondeficit-producing dollar.

I do not know what school he graduated from to form such an economically illiterate conclusion.

But I just want to make very clear that this is more than a binary weapons system. This is a fiscal issue that we are going to vote on today.

I hope that the people who have been making all of these press releases and making all these great statements on the problem of the deficit ceiling truly want to get this thing under control. This Nation is facing fiscal disaster. I have never noticed at least a certain number of our colleagues who have ever exercised that fiscal concern when it came to military spending. It is always on the human programs.

Let us start going across the board. I am willing. I have exercised some leadership in cutting some of those human programs, much to my own chagrin, to try to get fiscal order. Every time we raise the possibility of saving some money on the military front that is another story. We are not so fiscally conservative. We are not so fiscally concerned when it comes to military expenditure.

Let me say this whole idea of build-down that now is going to be introduced to take out of the chemical weapon arsenal some old leaky drums and put in some brand new ones is irrelevant until the current stockpile is no longer sufficient. Sufficiency is the key. We do not need to produce more now, if we ever have to, and the technical problems have not been ironed out.

Let me say, also, that in 1981 our Appropriations Committee, said in its report on the defense appropriations bill, and the Senate passed that bill, we told the administration, "Give us a list, country-by-country, of the Western allies who are willing to accept the forward deployment of this chemical weapon on their land," because that is the only logistically applicable way that this can be fully utilized. "Give us a country-by-country report on their views regarding the binary program."

And interestingly, they have yet to fulfill the requirement that we put in that bill. In fact a number of the NATO allies have publicly indicated already that they will not accept chemical weapons and they will not train their soldiers to use chemical weapons.

So I think we better take care of our diplomatic front and our technical front, and then we better deal with the fiscal picture here today.

So I urge my colleagues to vote this down in the name of fiscal sanity, in the name of some element of morality, if that does not appeal, then at least look at the dollars involved and hopefully in the name of some pragmatic hard-bitten realism we better put our money only where we have the technology in hand and the technological problems ironed out.

GAO is saying cut nerve gas—that is what GAO is saying—from this bill for production purposes.

Let me have Senators bear in mind finally once again that we have over $750 million for R&D, for technical research, for protective sear; and all these other things that show our resolve, that demonstrate our resolve, that we have to somehow demonstrate to the Soviet Union. Frankly, I am getting tired of the Soviet Union determining our foreign policy and defense policy and everything else. I think we should have a little originality to determine what our own sufficiency and needs are. But that is another day and another issue.

I yield the floor.

Mr. BOSCHWITZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PRYOR. I did not understand the Chair.

The PRESIDING OFFICER. Who yields time? Time is under the control of the Senator from Alaska and the Senator from Oregon.

Mr. HATFIELD. Mr. President, I yield time to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. I thank the distinguished Senator from Oregon and the chairman of the Appropriations Committee. I deeply appreciate his very eloquent remarks and his longstanding opposition to the resumption of production of chemical weapons.

He has been in the forefront of this fight for a very long time, and I am proud to join him at this moment.

Mr. President, this is no new issue before the Senate. In fact, looking back to 1980 I find that on seven occasions this body has voted on the issue of nerve gas and the resumption of its production.

In 1980, there were four votes; in 1981, one vote; in 1982, one vote; and in 1983, one vote. That was the vote back in July when, by a vote of 50 to 49 with the Vice President's tie-breaking vote, we saw the resumption of the nerve gas issue authorized.

Since that time the House Appropriations Committee and the Senate Appropriations Committee, in their wisdom, have deleted funds for the production of nerve gas.

Mr. President, I have argued in the past against the funding for chemical weapons, and once again I find myself making arguments and presenting evidence against this project. My points will be summarized and very brief.

My main argument is budgetary. I fail to see why we should embark upon a costly program of funding for chemical weapons when, according to the General Accounting Office, there is no clear-cut doctrine or policy for these weapons. There is no long-range plan. No one can supply assurances as to their successful testing, or specific uses in combat, or the ways in which nerve gas will be used along with conventional weapons.

What is more, every major country in Western Europe has made it perfectly clear that it will not store or deploy our chemical weapons. If these weapons are to be used effectively, or at all, where must they be stored? We all know that answer. On European soil.

In a general sense, our rush to produce a new nerve gas program simply encourages low standards, as it is with the Bigeye bomb. I must say that I was very surprised when the proponents of this amendment included funding for the Bigeye bomb in its further development. The Bigeye has been a repeated embarrassment, but it is still insisted upon by those who propose this amendment, although they and many of us privately agree that its procurement is very premature. At this point, 40 developmental tests have been planned for the Bigeye bomb. Yet only the first few have been conducted and by no means were all of these successful.

Eventually there will be 60 operational tests, and it is simply too early to sink additional millions of millions into Bigeye production when we are still uncertain as to its use and effectiveness. The cost per bomb could be as high as $40,000, not the $17,000 to $18,000 claimed by DOD.

Other budgetary considerations need attention. Part of the administration's request was for the 155-millimeter shells at a cost of $45 million. Yet we have plenty of these shells on hand, Mr. President, and they are in adequate condition. In a recent letter to Senator Sam Nunn, of Georgia, our colleague, Secretary Weinberger made this statement:

> For procurement of new artillery shells, the need is not one of redressing a clear lack of military capability. The U.S. possesses a stockpile of chemical nerve agent artillery shells similar to the proposed M-687 binary round, that are compatible with modern 155-millimeter and 8-inch artillery pieces. The quantity is in the range of sufficiency (at least for U.S. forces) and actually is higher than the planned acquisition quantity for the binary projectile.

That was a statement by Secretary Weinberger. After that statement, Mr. President, a special blue-ribbon panel on stockpile status appointed by Secretary Weinberger issued a report in October concluding that deterioration of the shells and gas is not significant and that the life of the stockpile can be prolonged even further into the future by storage at cooler temperatures. The report further states, and this is the special blue-ribbon panel: "In general, the components of the munitions appear to be in good shape."

In fact, I have long argued that our present stockpiles were sufficient many times over. If the Senate is still not convinced by the assurances of Secretary Weinberger and his panel, let me point out that the cost of producing one binary shell that utilizes this new system, the binary method of mixing in flight, is 18 times the cost of upgrading an existing unitary shell in our stockpile.

Mr. President, I think there are four basic questions that we need to ask and to have answered before we continue pouring money into this chemical weapons program.

First, does the United States have a sufficient stockpile of 155 millimeter nerve gas artillery shells, the first chemical weapon that the Army proposes to produce to deter a chemical attack?

Secretary Weinberger conceded to the Senate Armed Services Committee that that stockpile of 155 millimeter artillery shells is sufficient and is in fact larger than the new quantity of these shells that the Army hopes to produce.

Mr. PRYOR. The second question, a very important question, one that is asked constantly of my colleagues and me; Is the present stockpile of 155 millimeter and 8-inch chemical weapon artillery shells deteriorating to the point that our stockpile is obsolete and unreliable? I hear that argument repeatedly. "We have leakers. That is old. The last was made in 1969."

We had to find the answer, and we had to find the facts and figures. So a special blue ribbon panel on chemical stockpile status was appointed by Secretary Weinberger on March 22, 1983, just a few months ago. This was the conclusion, that the metal deterioration of the shells is not serious and the military utility of both the 155 millimeter and 8-inch munitions has not been seriously degraded to date.

So that wipes out that argument. We have a sufficient stockpile, and that stockpile has not deteriorated significantly.

The third question: If the United States does not need to produce 155 millimeter nerve gas artillery shells, then should the United States still go ahead and produce the Bigeye bomb?

In answer, there are several technical problems with this proposed Bigeye bomb which have to be overcome before the Army could begin production. Despite the fact that the Bigeye has been in the design stage for 19 years, the Bigeye bomb should not become a new case or, I should say, another new case, of starting production before a system is ready to be produced.

Mr. President, I would draw your attention and my colleagues' attention to a report of May 11, 1983, by the House Armed Services Committee for the fiscal year 1984 Defense authorization bill. In this report it was agreed that the Bigeye bomb is not ready for production.

Mr. President, I ask unanimous consent to have printed in the Record at this point page 6 and page 111 of that particular report.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

> In the chemical weapons area, the committee recommends disapproval of the request for the Air Force and Navy Bigeye binary chemical weapon on grounds that this weapon was not yet ready to pass from development to production. (p. 6)
>
> The Department of Defense has decided to defer procurement of the Bigeye chemical weapon in fiscal year 1984 in order to solve several technical problems. The committee recommends no authorization for the Bigeye binary chemical weapon in fiscal year 1984. (p. 111)

Mr. PRYOR. Mr. President, the final question: If the United States does not need additional 155 millimeter nerve gas artillery shells and the Bigeye bomb is not ready to be produced, why should Congress authorize production funds in fiscal year 1984?

That answer is very simple: There is no good reason for the Congress to authorize millions and millions of dollars to begin production of a new chemical weapons system this fiscal year.

Those are the basic four questions, and I think, Mr. President, the four answers to those questions as we continue this discussion on our policy relative to the production of chemical weapons.

Mr. President, I think that this whole issue, this whole argument, is one that has taken an enormous amount of time in this body and in the other body. But I must point out that when the General Accounting Office, on September 28, 1983, recommended against appropriating funds for binary chemical weapons production, it called the request premature, saying that the Bigeye bomb has technical problems and has undergone only limited testing, I think that argument is sufficient to justify a vote against or perhaps tabling this amendment.

Also, the blue-ribbon panel proposal stated, on September 27, 1983:

> Leakers are isolated and either sealed or detoxified as part of routine surveillance procedures. The fraction of leakers is small, less than 6 per 10,000 artillery projectiles. In most cases, leaks seem to occur at improperly fitted joints.

We look at the General Accounting Office report of July 1, 1983, which states that:

> The United States has a large stockpile of toxic chemical munitions to deter other countries from using chemical warfare and to retaliate if deterrence is not successful.

We once again look to the September 28, 1983, General Accounting Office report, in which, on the final page, page 37, it gives its final recommendations against the resumption of production of chemical weapons.

Mr. President, in conclusion, I would like to state that we are wrong, I think, in attempting to go forward with chemical weapons production at this time.

I heard a story the other day, Mr. President, about a rancher. He was a worm rancher, not a cattle rancher. He grew worms. He had hundreds of acres of worms. He put a sign up one day. He thought he would gin up a little business, so he put a sign up in front of the gate to his worm ranch. This sign proclaimed most proudly that anyone that day could come in and buy all of the worms he wanted for $1.

You know what happened, Mr. President? Someone from the Pentagon, one of the procurement officers, was driving by that day, and he looked up there and saw "All the worms you can buy for $1." He walked up there to that worm rancher and said, "I want $2 worth."

That is my point, Mr. President. In the list of priorities, the resumption of nerve gas production is probably at the very lowest on the list.

We have seen this reservation reflected in the Senate Appropriations Committee, we have seen this same sentiment reflected in the House Appropriations Committee. I firmly believe, Mr. President, that in its wisdom, this body, this Senate, this day is going to find its true measure of responsibility and meet that responsibility in turning down the further production of nerve gas that is of no military value to this country and that will not deter the Soviet Union to any degree from utilizing nerve gas or from producing nerve gas.

I say, Mr. President in due respect, I am hoping that all of our colleagues who have been voting on the matter in the past will reexamine very thoroughly the reasons, whatever they might be, why they have cast their votes and that they will look very closely at how we might bring this issue to a close.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. PRYOR. I am very glad to yield to my friend from Massachusetts.

Mr. KENNEDY. I thank the Senator from Arkansas for yielding for a question.

As I understand the argument of the Senator from Arkansas, recent reviews of our chemical weapons have indicated that there has not been a deterioration of our stockpile.

Mr. PRYOR. In response to my friend and colleague from Massachusetts, he is absolutely correct when he states that the General Accounting Office did, in its report, state:

> The United States has a large stockpile of toxic chemical munitions to deter other countries from using chemical warfare and to retaliate if deterrence is unsuccessful.

In this report and in previous reports and in subsequent reports, we see no true indication that the present stockpile has deteriorated significantly.

Mr. KENNEDY. The second point that the Senator from Arkansas has made today is that the tests of the Bigeye binary bomb have not been conclusive in terms of its reliability. Is the Senator from Arkansas saying that the reliability of the Bigeye binary bomb is in question and that, even though the Senate raised this issue on previous occasions, those problems have not been addressed.

Mr. PRYOR. The Senator from Massachusetts is absolutely right. In every report that we have seen, we have not been able to establish, one, that the Bigeye bomb works or, two, that it is safe or, three, that it would not kill more of the enemy than it might kill of our own people. It is a very dangerous and untested weapon, and we are here today attempting to appropriate additional millions of dollars for its production.

Mr. KENNEDY. Mr. President, argument has been made that we need new chemical weapons as a bargaining chip in the Geneva negotiations. This is an argument that has been used quite effectively on the floor with regard to the MX missile. It is my understanding that the negotiations to date have been in a multilateral forum, and that we have not engaged in direct bilateral negotiations with the Soviet Union to ban chemical weapons.

It is my understanding that existing international agreements on chemical weapons do not have adequate verification provisions.

Certainly, I believe that it is essential that we have adequate verification procedures in any agreement between the United States and the Soviet Union and that we ought to challenge the Soviet Union in front of the world community to negotiate a verifiable ban on the production and deployment of chemical weapons.

Is that the position of the Senator from Arkansas?

Mr. PRYOR. The Senator from Massachusetts has accurately stated my position.

Furthermore, Mr. President, relative to the Bigeye bomb, if the Bigeye bomb does not work or if it might kill more of our own boys than the enemy, I certainly do not think that is much of a bargaining chip.

Finally, I would say that when we produce this new generation of nerve gas and have no place to store it, I would only conclude that we are going to try to store it right here in this country. Then it will be too late to use it as a retaliatory measure, as the Senator from Alaska suggested earlier in the debate.

Mr. KENNEDY. Finally, could the Senator give us an update as to whether the governments of Western Europe—where this weapon would be utilized—are willing to store this weapon on their soil and whether they want to have it in their arsenals?

Mr. PRYOR. I respond to my friend from Massachusetts by saying that in West Germany, since 1970, that Government has stated explicitly that not only will they store no more chemical weapons produced in this country on their soil; further, they will not even train their personnel to use them. That is how strong their position is. That is the reason that, today, when we produce this massive new quantity of chemical weapons, we are not going to have anywhere to store them.

I might just say that, shortly, there will be an amendment offered by the distinguished Senator from Minnesota (Mr. BOSCHWITZ), I understand, which will be a build-down amendment. It will state that as we produce this new generation of chemical weapons and nerve gas, we will destroy the old stockpiles. I have a question I want to pose to him at the proper time in the debate: How do we destroy it? The answer is: We have no way of destroying it.

So, Mr. President, what we are going to be doing is increasing the stockpile of old and new nerve gas agents, and it looks like all of it is going to be stored right here on this soil, because in Europe, they will not store it.

Mr. KENNEDY. Mr. President, I thank the Senator for his responses and for the leadership he has provided on this issue.

Mr. PRYOR. I thank the distinguished Senator from Massachusetts.

Mr. President, I reserve the remainder of my time.

Mr. JOHNSTON. Mr. President, who is in control of the time?

The PRESIDING OFFICER. The Senator from Alaska and the Senator from Oregon have control of the time.

Mr. JOHNSTON. Would the Senator from Alaska or his representative yield me 3 minutes?

Mr. President, I ask unanimous consent that I be allowed to speak for 3 minutes in support of the amendment.

Mr. STENNIS. Mr. President, I have permission to yield 3 minutes of the time allotted to the Senator from Alaska to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, just very briefly on the question of whether or not present stocks of chemical weapons are deteriorating or not——

Mr. STENNIS. Mr. President, may we have quiet? Those who have to talk, there is plenty of room on the outside. No bombs are bursting in the air. This is an awfully important matter.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, in the colloquy a moment ago the questions was asked whether or not present stocks of chemical weapons are deteriorating, and the answer was that they were not. Mr. President, that happens to be at variance with the Gold report which states as follows:

> Based on the data accumulated by the Chemical Systems Laboratory, the Tooele Army Depot Laboratory, and other laboratories there is evidence of slow decomposition (5-20 percent) of the chemical agents (GB and VX and possibly H) over a 20-25 year period. Leakage in artillery shells has been observed. "Leakers" are isolated and either sealed or detoxified as part of the routine surveillance procedures. The fraction of "leakers" is small (less than six per ten-thousand artillery projectiles) and in most cases, the leaks seem to occur at improperly fitted joints or brazed joints. There are also occasional leaks in the bombs, rockets, spray and bulk storage tanks.

Now, Mr. President, the so-called Gold report is made up of a panel of the most distinguished scientists in the country: Dr. Charles Bender from Lawrence Livermore Lab, Dr. Melvin Calvin from the University of California chemistry department, to go down the list. Dr. Eichelberger from Aberdeen Proving Ground, Dr. Magnami from Sandia National Lab, Dr. Margrave from Rice University, Dr. Rogers from the University of Georgia, Dr. Westheimer from Harvard University, all subscribe to this Gold report. So I think it is beyond argument that present stocks of chemical weapons are in fact deteriorating.

Mr. President, I think it is unfortunate that the Soviets have proceeded in a massive way to build chemical weapons and in fact to be far ahead of us in chemical weapons. We have tried the nonmanufacture mode and the response we have gotten is a redoubling of the efforts from the Soviet Union. It seems, Mr. President, that the only way we can get the Soviet Union ever to negotiate about anything is to play from strength, and to unilaterally allow our stock of chemical weapons to deteriorate as the Gold Commission indicates they are, and they are dangerous to keep, it seems to be a very unwise thing for this country to do. We must at least have the capability to use chemical weapons and to use them and to store them in a safe way, which the binary process gives us the capability of doing. Otherwise, we are in fact slowly, unilaterally disarming as our present stocks of chemical weapons already dangerous to keep further deteriorate.

It seems to me that the Stevens amendment is a proper response to our national need.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I am authorized to yield myself 10 minutes of the time allotted the Senator from Alaska (Mr. STEVENS).

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, the issue of modernizing our chemical deterrent is not a politically popular issue, but it is nonetheless vitally important to our Nation's security. Before I address myself to the specifics of the proposal before us today, I would like to review some of the background to this issue.

In 1969, the United States unilaterally terminated its production of chemical weapons. Since that time, we have been engaged in negotiations with the Soviet Union—both on a bilateral and a multilateral basis—for comprehensive chemical disarmament. Unfortunately, our efforts have not brought about the response that we sought. The Soviet Union has continued to develop a massive chemical warfighting capability, and we continue to amass evidence confirming that they have used and sponsored the use of chemical weapons in violation of solemn international accords. At the same time the Soviet Union has refused to seriously negotiate a chemical disarmament accord. In February of this year, the United States stepped up its ongoing negotiating efforts before the Committee on Disarmament in Geneva where Vice President BUSH tabled this proposal.

I was present in Geneva at the time the Vice President tabled this proposal. And might I say, Mr. President, it was received enthusiastically by nearly all the members of the Disarmament Committee in Geneva with the exception of the Soviet delegation.

The lack of progress in these negotiations, and the apparent Soviet unwillingness to negotiate seriously, can be attributed in part to the lack of any real incentive for them to do so. The current U.S. stockpile of chemical weapons, while large, is of limited military value due largely to obsolete delivery means. Only 10 percent of our current stockpile is in the form of useful munitions, while fully 90 percent are either unusable or in need of repair. Thus, our chemical arsenal presents neither a credible deterrent to chemical war, nor an effective inducement for the Soviets to negotiate in good faith a ban on the production and use of chemical weapons.

In the defense authorization process, the Congress took an important step in addressing this problem. The Senate's version of the defense authorization bill provided funding to begin production of the component parts of the 155 mm binary artillery shell. However, the Senate adopted a provision prohibiting the final assembly of these component parts until October 1, 1985, and permitting it thereafter only if the President certifies that such assembly is essential to the national interest. This time, limitation would allow for five full negotiating sessions before the Committee on Disarmament, and it will provide our negotiators with maximum leverage to test Soviet intentions. In addition, the Senate deferred production of the air-delivered version of the binary weapon until certain technical problems could be resolved.

During the authorization conference, the House receded to the Senate's funding and provisions relating to production of the 155mm projectile. In turn, the Senate receded to a House provision that sought to constrain the size of our chemical weapons stockpile by requiring that one unitary munition be rendered militarily useless for each binary munition produced. In addition, the conferees adopted language reaffirming the U.S. commitment to the Geneva protocol of 1925, which commits its signatories to a no first-use of chemical weapons policy. This comprehensive package approved by the Congress in the defense authorization bill marks an important step forward in our efforts toward chemical disarmament and deterrence. In July, Louis Fields, the U.S. Ambassador to the Committee on Disarmament, addressed the likely impact of a production go-ahead on his negotiating efforts:

> During recent visits to Geneva by senior-level U.S. officials, many Ambassadors openly offered the opinion that a decision to move forward with modernization would prove beneficial to the negotiations and would likely even be necessary if progress were to be made.

Last week, the full Appropriations Committee voted 14-12 to delete funding for procurement of the 155mm binary projectile and the related production facilities. This overturned the action of its Defense Subcommittee which recommended that this program be funded as authorized. The amendment of the Senator from Alaska is identical to the provisions relating to chemical modernization adopted by the Defense Subcommittee, and I believe it represents a compromise package worthy of widespread support.

This amendment includes the provisions adopted by the Congress in the defense authorization bill, which I have already outlined above. In addition, it includes other provisions drafted by the Defense Subcommittee that are designed to address other concerns which exist regarding one chemical modernization program. For example, this amendment seeks to address those concerns which remain about technical problems encountered in the Bigeye development program. It does so by fencing the funds included in the amendment for Bigeye production facilities until the Secretary of Defense certifies to the Congress that these problems have been corrected.

The amendment offered by the senior Senator from Alaska also expands the "draw-down" provision included in the defense authorization bill. By expanding its application to include bulk agent in our stockpile, we are able to require that the Department of Defense render militarily useless the equivalent of two existing munitions for each new binary munition produced. My colleague from Minnesota, Senator BOSCHWITZ, will discuss this provision in greater detail in connection with his amendment. Each of these provisions were designed to address the concerns of opponents of our chemical modernization program as proposed by the administration, and I believe the net result is a stronger total package.

In conclusion, the action of the Appropriations Committee last week constitutes an unravelling of the carefully constructed program of force modernization and chemical arms reduction negotiations approved by the Senate earlier this year. Unless we proceed with the actual production of the 155mm binary chemical weapon, the United States will not only be unable to maintain a credible deterrent to chemical war, but we will be unable to achieve our ultimate objective—comprehensive, verifiable chemical disarmament. In light of the current status of our chemical stockpile, further adherence to a unilateral moratorium on the production of new weapons risks unilateral disarmament by obsolescence. At this very moment, while we are debating whether or not to open one chemical weapon production facility, the Soviets are operating 14 separate facilities and are actually using these weapons to advance their aggressive purposes.

For these reasons, I urge you to support the amendment from the Senator from Alaska which seeks to restore funds for production of the 155mm binary chemical artillery shell and the related production facilities. This vote will not benefit any of us politically, but it is the right thing to do in the interest of our Nation's security. Whether it serves as an incentive for mutual and verifiable chemical disarmament, or in the absence of such an agreement, by restoring a credible U.S. chemical deterrent, this action will represent an important step toward reducing the likelihood that chemical weapons will be used against us.

Mr. President, I ask unanimous consent that staff members of the Armed Services Committee, whose names I send to the desk, be granted the privilege of the floor during the consideration of S. 2039 and during any votes thereon.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

Mr. TOWER. Mr. President, I yield back the remainder of my time.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. I yield myself such time as I may require.

Mr. President, I should like to respond to two statements that have been made today, one by the Senator from Alaska (Mr. STEVENS) relating to breaking off the discussions and the claim that Soviets were the ones who broke off discussions.

I have a Congressional Research document to which I should like to refer in order to refute that statement. The document is entitled, "Issue Brief on U.S. Chemical Warfare Preparedness Program" dated December 20, 1982, and updated July 17, 1983. On page 4, it reads:

> The bilateral talks recessed in the summer of 1980 because of a lack of progress in the preceding year and the upcoming U.S. presidential election. Since the election, the United States has not resumed bilateral talks, though it does participate in the multilateral forum. Many anticipated that the Administration would return to the bilateral talks when, at the United Nations Special Session on Disarmament in May, the Soviet Union proposed some Basic Provisions of a Convention on the Prohibition of the Development, Production, and Stockpiling of Chemical Weapons and on Their Destruction. In those proposals, the Soviets for the first time adopted some language that the U.S. had long sought to incorporate. For example, the Soviet proposals stated that "there ought be the possibility for systematic international on-site inspection" to verify the destruction of stockpiles. The Administration's interpretation of Soviet motives in submitting the draft provisions was that they were a ruse to lend credence to the Soviet campaign to portray itself as a leader in world peace, and did not provide the basis for renewed progress. The Administration opted to pursue the matter with the Soviets in the multilateral forum.

So I think that we have fairly good evidence that this was not necessarily the interpretation given by the Senator from Alaska.

I ask unanimous consent to have printed in the RECORD at this point a letter from the former Chief Negotiator for Bilateral Negotiations on Chemical Weapons, Charles C. Flowerree, and former Assistant Director, U.S. Arms Control and Disarmament Agency, James F. Leonard, dated July 11, 1983.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 11, 1983.

DEAR SENATOR: We are former Foreign Service Officers who have served in senior positions in the Arms Control and Disarmament Agency and have had first-hand experience in negotiations on chemical and biological weapons. In view of the upcoming Senate vote on funding for the production of binary chemical weapons, which is included in the fiscal year 1984 Defense Authorization bill, we would like to put forward our views on the likely impact of the production of these weapons on current efforts to negotiate a comprehensive and verifiable chemical weapons ban.

It has long been recognized that binary weapons would create additional obstacles to the achievement of a chemical weapons ban. In 1974, for example, Dr. Fred Ikle, the current Under Secretary of Defense for Policy, then Director of the U.S. Arms Control and Disarmament Agency, observed in testimony before the House Armed Services Committee: "If we start on a new type of production program it becomes even harder to envisage constructive arms control agreements limiting competition in chemical weapons."

Although we do not believe that the negotiating difficulties posed by binaries would be insurmountable, they would add yet another burden to an already difficult problem, particularly in regard to verification.

Even more significant, however, than the potential impact of binaries on the negotiation of the terms of a CW treaty are the political ramifications. In the work on chemical weapons now underway in the Committee on Disarmament in Geneva the United States occupies the political high ground. The draft chemical weapons proposal tabled by the United States earlier this year is regarded by the delegations of allied and non-aligned countries alike as a serious and fair approach, although they may have differing views on certain detailed provisions. While most countries involved in the negotiations understand the fallacy of the Soviet argument that binaries are a new and more lethal type of chemical weapon, they would perceive the commencement of production of binaries by the U.S. as an escalation of the confrontation in chemical warfare capabilities between the U.S. and the Soviet Union. Such a development would cause a deterioration in the favorable atmosphere in which the U.S. negotiators are now operating.

For our NATO allies the advent of binaries would raise new political problems as they would be confronted with the possibility that these weapons might be deployed on their territories. There is wide-spread aversion to any new deployment of chemical weapons in Europe, where they are seen as constituting a greater threat to the unprotected civilian population than to troops who have the means to defend against a chemical attack. Thus allied support for our position in the chemical arms control efforts underway at the Committee on Disarmament is likely to be adversely affected by a decision to move ahead with the production of binaries.

Finally, we do not believe that using binaries as a bargaining chip is an effective way to achieve our arms control objectives. The verification problems and other thorny issues standing in the way of a satisfactory agreement do not stem simply from the Soviet assessment of U.S. chemical warfare capabilities. Moreover the Soviets could very well respond to our action by producing binaries of their own, making the task of reaching an agreement even more difficult.

In sum, looking at the question of binary production from an arms control perspective, we believe that rather than being a step that will spur the Soviet Union to negotiate on our terms, such a move would create divergencies with our allies, adversely affect the U.S. position in the negotiations, and lessen the chances for an agreement.

Mr. HATFIELD. Mr. President, in this particular letter, they merely state they are former Foreign Service Officers who have served in certain positions in the Arms Control and Disarmament Agency and have had first-hand experience in negotiations on chemical and biological weapons. Let me quote two paragraphs:

> It has long been recognized that binary weapons would create additional obstacles to the achievement of a chemical weapons ban. In 1974, for example, Dr. Fred Ikle, the current Under Secretary of Defense for Policy, then Director of the U.S. Arms Control and Disarmament Agency, observed in testimony before the House Armed Services Committee: "If we start on a new type of production program it becomes even harder to envisage constructive arms control agreements limiting competition in chemical weapons."

Further in the body of the letter, it states:

> In the work on chemical weapons now underway in the Committee on Disarmament in Geneva the United States occupies the political high ground. The draft chemical weapons proposal tabled by the United States earlier this year is regarded by the delegations of allied and non-aligned countries alike as a serious and fair approach, although they may have differing views on certain detailed provisions. While most countries involved in the negotiations understand the fallacy of the Soviet argument that binaries are a new and more lethal type of chemical weapon, they would perceive the commencement of production of binaries by the U.S. as an escalation of the confrontation in chemical warfare capabilities between the U.S. and the Soviet Union. Such a development would cause a deterioration in the favorable atmosphere in which the U.S. negotiators are now operating.

Mr. President, you can interpret reports any way you wish. A while ago, the Senator from Louisiana (Mr. JOHNSTON), came to the floor and gave a recitation about the Gold report. The Senator's interpretation indicated there were great problems with safety and leakage and so forth.

All right, let me take the people who really would be in a most intimate position to know. Dr. Frank H. Westheimer, who was a member of the Blue Ribbon Chemical Stockpile Status Study, to which the Senator from Louisiana referred, sat down with Dr. Mathew Meselson of Harvard, who is recognized as an outstanding authority on this, to give a summarization of that report as it relates to this subject. Let me quote from that statement by Dr. Westheimer, a member of the commission.

> (1) The 155mm and 8-inch artillery projectiles and GB bombs in the stockpile are in usable condition.
>
> Metal components appear to be in good shape, except for rare inperfections apparently unrelated to aging.
>
> There is evidence of slow decomposition (5-20 percent) of the chemical agents over a 20-25 year period.
>
> The fraction of leakers is small, less than four per ten-thousand and the leaks are minute. Leakers are isolated and designated for demilitarization.
>
> The "stabilizer" is largely or completely gone. It is not known, however, whether this will cause a higher rate of aging than in the past.
>
> (2) There could be as little as 5 percent additional degradation of the agent by 1990. It is also possible, but rather improbable, that degradation could render the munitions almost useless by 1990. The best estimate is that the agent will be at least 50 ± 10 percent pure by 1990 and that at least half of the 155mm and 8-inch projectiles will be usable at that time.
>
> (3) Storing the munitions at lower temperature could significantly extend their lifetime. This could be done by storage under roofs with reflective paint and/or air-conditioning.
>
> (4) A better estimate of the useful lifetime of the stockpile could be obtained from accelerated aging tests conducted over a range of temperatures. Useful results could be obtained in 6-9 months after such tests are initiated.
>
> (5) Field tests, as conducted in the past, are needed if one is to draw firm conclusions about the condition of the stockpile, including the extent to which "flashing" (agent burning during dispersal, rendering it ineffective) may occur.

Mr. President, I think that those three documents ought to certainly refute those arguments which I think are fallacious. In no way do they change the position that I have established here, and that is that there is no fiscal reason, there is no military reason, there is no negotiating reason, and there is no reason of any kind to reestablish production at this time. Bear in mind that we have in the bill yet over $770 million for continued R&D and other programs for this kind of weapons system.

I suggest the absence of a quorum.

Mr. STEVENS. Will the Senator withhold that?

Mr. HATFIELD. Yes.

Mr. STEVENS. Mr. President, I yield such time to the Senator from Mississippi as he wishes.

Mr. STENNIS. Mr. President, for a good number of years, naturally, on the Armed Services Committee, I have had to be interested in this subject matter and had to cast a vote on it rather frequently. Many times I would like to have been able to conclude that we ought to abolish the entire system, just not be in the business anymore, lay it aside and trust our luck. I say that I was tempted to conclude that.

But every time, I was driven to the conclusion that we could not leave this blank spot, this unfulfilled need, to some degree, at least, need and having something in our reserve arsenals. We must have it, as I see it, in our reserve arsenals to take care of situations that may arise.

I do not think it is oversimplification at all. But let me first point out that none of these amendments here would strike out the whole supply or abandon this type of weaponry or stop having gas for military purposes. They all deal—and in good faith, of course—they all deal with the details of steps of progress. This is an evolutionary process. We have gone from the ordinary to the extraordinary in this field, as we have done in so many other ways.

This gas is not as volatile as the gas before. It is not as easily to be mishandled or get out of control or be abused and be injurious to our own men.

This is a step forward where the poisonous effects do not take place until it is actually mixed. Like a chemical compound, it has to be mixed to be lethal.

The vote was very close in the committee, 14 to 12. I do not fall out with anyone that has a different opinion. But a vote as close as that, following a vote for it in the subcommittee, shows that there is tremendous evidence of a need of some kind. So I say the need must be expressed in terms of going forward.

After all, this $124 million, in terms of military preparedness, especially in this field of chemical warfare, the processes of containing and preserving the product, that is a relatively small amount of money to be added to the sums that are in the bill already, and no one is moving to take it all out. Compared to the cost of the present system, that is small. This is a small step forward in taking care of the better system, the binary system.

This is just for the building of a process here, production of facilities, and does not include any gas itself, as I understand. It is a safety factor in one way because that is one of the main purposes.

So I say this is an evolutionary process. We have to have better weapons all along and must make these decisions.

So I hope that we can settle this down. I do not want to kill the interest. I hope we can settle this down for this bill anyway by respectfully voting down these proposed two additional amendments and then to pass the main one which will put us back on the track of these steps forward.

I yield the floor, Mr. President.

Mr. STEVENS. Mr. President, my good friend from Oregon has enunciated the fiscal reasons, the military reasons, and the negotiating reasons for his position.

Let me state that from a fiscal point of view this bill is $9 billion below the President's budget and that budget itself has been reduced by $5 billion since it was submitted. So we are nearly $14 billion below the President's January budget. We are $2.5 billion below even the Senate's budget as far as this bill is concerned.

I am certain that there are no fiscal reasons for saying that we need to cut this bill further. I have been against increasing items that would lead to out-year expenditures that were volatile. In this instance, though, the majority of the expenditures is in the bill and they are in the R&D and defense area as far as defense of these items.

As far as the negotiating standards, first let me deal with the military concept. These weapons represent an area of need as far as our military is concerned so long as the Soviets maintain their aggressive position.

The Assistant Secretary of Defense wrote to Senator TOWER on November 3 and stated that the panel, and that is the blue ribbon DOD panel, examined the total stockpile, but focused attention on the military useful proportion of the stockpile, the 155 millimeter and 8-inch chemical artillery projectiles and bombs which represent 10 percent by agent weight of the current chemical stockpile.

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I have repeatedly commented on the Soviet position. There is a declassified document issued in October of this year on the continued development of chemical weapons capabilities in the U.S.S.R. issued by the Department of Defense. On page 12, it says:

> Since the late 1960's, the amount of agents, weapons, and material in storage at these depots has increased significantly, and the buildup continues.

This is referring to the Soviet chemical weapon depots.

> A graphic representation of the increased characteristic of most of these areas is shown in figure 14, which is a nerve agent production plant that has obvious increase in capacity since the sixties in terms of the photographs that are available of the area.

The Soviet capability is well-known. I would hope there would not be any disagreement here that we now know that the Soviets have in fact used these chemical weapons in Southeast Asia and in Afghanistan and that the agents used in Afghanistan indicate to us that the Soviets have an entirely new generation of chemical weapons.

They have not only developed those but they have deployed them will forward and they have used them to their obvious advantage in terms of their activities in Afghanistan.

Last, I think if we talk about the negotiating stance, there is no question that Ambassador Fields, the U.S. negotiator, has indicated that it has been some time, 2 years, since the Soviets have indicated a willingness to consider the chemical production problem in the arms control talks. They have indicated an interest to renew those talks since this subject has been presented to the Senate.

One last comment. I am informed that the distinguished Senator from Arkansas has been misinformed concerning our ability to destroy chemical munitions. We do have a chemical munitions destruction facility in Utah which has been and is engaged in the destruction of chemical munitions.

In fact, Ambassador Fields, our negotiator on chemical weapons in the Committee on Disarmament, I am told has invited his colleagues to visit that facility and will take representatives of 30 nations, including 17 Ambassadors, to see that facility and to see a demonstration on the verification techniques envisioned by the United States in its proposal for a treaty. That visit will take place soon.

Mr. President, I again say that no one likes to be in the position of stating to the Senate that construction of these very lethal weapons is necessary. That is the same position we have had on the MX. It is one of the items that will be in negotiation. I think that the history of the Russians' participation in the negotiations for arms reduction as far as chemical weapons are concerned demonstrate once again that the only way to get them to the bargaining table is to be able to convince them that we are ready to meet them in terms of the production of this kind of weapon and that they will come and they will discuss limitations and reduction of these weapons storage, if we are willing to stand up and say we have authorized them and the funds are there to build them if that is absolutely necessary.

Does the Senator from Virginia wish some time?

Mr. WARNER. Yes.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. Seven minutes.

Mr. WARNER. Mr. President, I understand the Senator wishes to reserve time for another Member. I shall take 2 minutes.

Mr. STEVENS. No. The Senator from Virginia may have 7 minutes. We have time on the bill and time on the Boschwitz amendment that is still pending.

Mr. PRYOR. Mr. President, may I interrupt the distinguished Senator from Virginia and ask the time remaining for the opponents of the amendment on this side?

The PRESIDING OFFICER. Eleven minutes.

Mr. PRYOR. I thank the Chair.

Mr. WARNER. Mr. President, I rise to support the amendment offered by the distinguished senior Senator from Alaska.

I am concerned that, although this body has repeatedly supported modernization of chemical munitions over a period of several years, we may once again delay in attaining a credible chemical warfare deterrent capability.

Mr. President, I have taken an active role in this debate for the several years that the issue has been before the Senate. It has a family origin. My father was a young doctor in World War I, and I remember very vividly what he told me about his service tending the wounded of both sides in the trenches in World War I.

Fortunately, I found a small prayer book that he kept during that period and in it was a diary, I did not know the existence of this prayer book until I discovered it this past spring. My father has been dead since 1946.

I undertook a trip to France this summer using that prayer book as a guide and visited the places that he noted in the flyleaf where he participated in the battles as a doctor, where he set up field hospitals, and the like.

As I walked through those battlefields and then later through the adjoining gravesites where hundreds of thousands of men are buried, many of whom died as a result of the gas attacks, I thought about the debate that we would again have this fall on this issue.

Recently I compiled data on the use of chemicals in World War I which I believe will be of interest to my colleagues.

These data show that every army using chemicals as a weapon steadily increased the use of those chemicals as the war progressed.

Of course, history cannot record what would have happened to the AEF, the American Expeditionary Force, if we had not had chemical retaliatory capability.

But the reason I am participating so strongly in this debate, as I have in others, is that I believe the action that we will hopefully take on the Stevens amendment will lay a foundation to avoid ever again that type of conflict, another war occur. We must avoid the first use of these weapons, but we must have a deterrent. The horror is indescribable.

I ask unanimous consent at this time to introduce into the RECORD a graph depicting the tonnages of chemical agents used during World War I.

There being no objection, the graph was ordered to be printed in the RECORD, as follows:

TONS OF CHEMICAL WEAPON AGENTS USED IN BATTLE DURING WORLD WAR I

Country	1915	1916	1917	1918
Germany	4,000	6,000	15,000	30,000
France	0	4,000	6,000	15,000
United Kingdom	0	2,000	4,000	8,000
Austro-Hungary	0	1,000	2,500	6,000
Italy	0	500	2,500	3,000
U.S.A.	0	0	0	1,500

Mr. WARNER. Mr. President, while I believe we all agree that it is important to continue to strive for a ban on the use of chemical weapons, experience has shown that we can negotiate a reduction only from a position of strength. That in turn means that we must build an offensive retaliatory capability that not only deters the use of chemical weapons in the event or war, but acts as an incentive to the Soviets to seriously negotiate a verifiable ban.

We do not have this capability today. Seventy-two percent of our stockpile is either unservicable/unrepairable, or is in bulk containers for which we have no serviceable filling plants or munitions into which to fill them.

There is no useful capability to deliver persistent chemical agents beyond artillery range. Existing spray tanks, which are like crop-dusting machines, are virtually suicidal to use against modern Soviet defenses.

The two binary munitions needed to redress our most serious deficiencies are the 155-millimeter GB-2 artillery projectile and the Bigeye bomb.

Our production capability will require 18 to 24 months and the funding in the fiscal year 1984 budget is critical to maintaining our national chemical deterrence posture.

Development of the 155-millimeter projectile is complete. Production awaits funding by the Congress.

The Bigeye bomb is ready to have its production base constructed. This munition is most urgently needed, for it will give us the capability to deliver persistent agent beyond artillery range. Although development of the bomb did experience difficulty last fall, the problem was fixed in the spring of this year. Four additional operational tests run in May, July, August, and September this year have demonstrated the soundness of our investment strategy in Bigeye. In sum—we are ready to begin establishing the production base for this critically needed munition. The necessary funds are being requested this year to provide the production facilities.

Some of the opponents of our binary program have asked us to wait a little longer before we take action to modernize our stockpile.

In effect, we are being encouraged to continue our unilateral disarmament program to give the Soviets more time to continue to build, to continue to illegally use chemicals and to continue to deploy chemical warfare equipment. The argument frequently used is that given more time, the Soviets will show signs of being willing to negotiate. The fact of the matter is that, to date, the Soviets have not negotiated seriously at all. They have failed to show the slightest interest in wanting to reach an agreement. Yet we continue to defer and delay our modernization.

Mr. President, we must do everything possible to deter the use of these horrible weapons but we must also face reality—the Soviets will not follow suit out of a sense of good will, and world opinion will not sway them from their pursuit of maintaining an overwhelming chemical warfare capability. Only a strong U.S. position may persuade them to negotiate seriously. This body has the solemn duty to reestablish that position of strength and leadership. We must provide our military forces with the capability to deter the Soviets, to give our soldiers the tools they need, and to support our negotiators in Geneva.

Mr. President, I urge this body to provide the funds being requested.

Thank you, Mr. President.

Mr. KENNEDY. Mr. President, I oppose this amendment to add funds to resume production of nerve gas. The House of Representatives has rejected this idea, the Senate Appropriations Committee has rejected it—and so should the Senate. The Reagan administration may be looking for still another arms race it can try to run and try to win—but when it comes to nerve gas, Congress should have the courage and the good sense to say no.

The commitment we need is not to launching a new round of the nerve gas race, but to eliminating these gruesome weapons from the face of the Earth.

President Reagan and congressional supporters of such weapons argue that we must do as the Russians do, and that the United States needs an expanded offensive chemical warfare capability to counter the extensive and growing Soviet arsenal.

But the United States already stockpiles approximately 200,000 tons of chemical munitions, including large numbers of modern 155-millimeter artillery shells, which can be used to respond to any Soviet first use of these weapons.

Even the Secretary of Defense admitted in written testimony before the Armed Services Committee last February that when it comes to:

> * * * procurement of new artillery shells, the need is not one of redressing a clear lack of military capability. The U.S. possesses a stockpile of chemical nerve agent artillery shells [that] * * * actually is higher than the planned acquisition quantity for the binary projectile.

The administration also argues that existing stockpiles are deteriorating and rapidly becoming unusable. But according to the October 19 report by the Pentagon's own Blue Ribbon Panel on Chemical Stockpile Status, deterioration is not a significant problem, and the military utility of both the 155-millimeter and 8-inch munitions "has not been seriously degraded to date."

Furthermore, it has yet to be shown that binary weapons will work any better than our existing chemical munitions. As Rear Adm. Thomas Davies, Vice Adm. John Lee, former Secretary of Defense Robert McNamara, and former Secretary of State Cyrus Vance pointed out in a letter sent last week:

> Because the binaries have never been open air-tested in their actual configuration, their reliability is far from certain. Recent test failures involving the proposed Bigeye binary bomb, which led both the House and Senate Armed Services Committees to delete part of the administration's fiscal year 1984 request for this program, underscore the importance of not proceeding with the production of binary munitions until they have been fully tested.

Binary weapons may also cause greater logistical problems than existing chemical munitions. Not only are binaries heavier and bulkier, but they also may be more difficult to operate, as they require two separate components to be assembled on the battlefield. An April 29, 1983, GAO report on chemical warfare concluded that:

> The available data do not sustain the argument that binaries offer substantial technical and operational advantages over existing weapons * * * Army estimates indicated that nearly four times the space is required for transporting and storing binary munitions, compared to unitary.

It has been the policy for the last three administrations, both Republican and Democratic, to oppose U.S. production of new chemical weapons. There is no plausible jutification for reversing this broadly accepted and long-standing bipartisan policy.

Proceeding with nerve gas production will also strain U.S. relations with NATO. Our European allies recognize that the vast majority of casualties from chemical warfare would not be NATO or Warsaw Pact soldiers—instead, the victims will overwhelmingly be defenseless civilians. There is little doubt that our NATO allies quite rightly would refuse to store—let alone actually use—new chemical weapons on their soil. If President Reagan thinks he has problems with the current Euromissile deployments, wait until he tells our allies that nerve gas is on the way. Even if we go forward with nerve gas production. Such weapons will almost certainly have to be stored in the United States, far from Europe where they might supposedly be used, thereby heavily detracting from their military utility.

Instead of building more of these grotesque weapons, the United States should continue to improve its capabilities to defend our troops in the event of chemical war. Protective items of equipment, such as masks and special clothing, have been shown to be an effective defense against chemical warfare, without significantly reducing the combat capability of ground units. Providing our troops with better protection and better training will be a far less expensive and far more effective means of deterring our enemies. We can demonstrate to the Soviet Union that chemical weapons will give them absolutely no advantage in the event of war.

Instead, we should press forward with negotiations with the Soviet Union to ban chemical weapons altogether. It is clear that the existing international agreements to which both the United States and the Soviet Union are parties—the Geneva protocol of 1925 and the Biological Weapons Convention of 1972—are inadequate.

Proponents of the resumption of U.S. chemical production assert that Soviet use of such weapons in Asia proves that Moscow cannot be trusted to adhere to an agreement, and that therefore the arms control approach should be abandoned.

But the advocates of nerve gas production have learned the wrong lesson from this past experience. According to a recent report by the Carnegie Panel on U.S. Security and the Future of Arms Control, the correct lesson is that effective agreements must contain adequate measures for verification. Neither the Geneva protocol nor the Biological Weapons Convention meets that test—in fact, they contain no verification provisions whatever.

They are based entirely upon trust among nations.

Obviously, the United States cannot afford to enter into agreements with the Russians based solely on trust. We must insist on strict measures of verification to insure that the Soviets do not cheat and that any substantial violations of the agreement are detectable. Instead of abandoning attempts to ban nerve gas because of the poor experience with existing treaties, we should insist on negotiating new agreements that are verifiable.

I am encouraged by the administration's recent efforts to raise this issue as part of the ongoing multilateral negotiations in the Committee for Disarmament in Geneva. But the administration's argument that it needs congressional authorization for binary weapons as a "bargaining chip" in these negotiations is dangerous and misleading. The verification problems and other complex issues standing in the way of a satisfactory agreement will only be made worse by unilateral U.S. escalation of nerve gas production. The Soviets could very well respond to our action by escalating the production of binary weapons of their own.

The last thing we need, on top of the nuclear arms race, is a nerve gas race with the Soviet Union. We should defeat this amendment and restore at least some semblance of sanity to our weapons policy.

Mr. GLENN. Mr. President, in the interest of safety for our own military personnel, for the safety of Americans on our own bases in this country, for the safety of millions of Americans in towns and cities through which these weapons may have to be transported, and for the safety of our own troops in the field, I rise to support the Tower amendment which would restore funding to make these weapons safer for our own people.

I totally abhor chemical weaponry and favor a complete elimination of all chemical weapons through a negotiated treaty with the Soviets. Such negotiations proceeded from 1969 into 1977 and were terminated for lack of substantial progress.

The Soviets have had substantial stockpiles of nerve gas chemical weapons since shortly after World War II. We responded with our own deterrent development of chemical weapons and have had them in stockpile since 1957.

That there is a deterrent effect is confirmed by history. In World War I the Germans had gas and we did not; they used it in a limited way. Other allies however responded also in a limited way, and neither side used it again for the remainder of the war. In World War II, they had gas and so did we; neither side used it. In Korea against the Communists, they had gas and so did we; neither side used it. In Vietnam, both sides had it available; neither side used it. In Afghanistan, the Soviets have gas, and the Afghans do not; the Soviets have used it.

The question today is not whether to have or not to have chemical weapons. We already have them and have had them for several decades through seven U.S. Presidents and with the full support of Congress.

The question today is one of safety, and safety only. When the original chemical weapons were manufactured, they were unitary; that is, the toxic chemicals were mixed and placed in the shells in a fully toxic state. Any leakage or damage to a shell would result in near instant death to anyone nearby or downwind. Unfortunately, shells do age and become more prone to leakage. Even conventional explosive artillery shells age and have had to be overhauled in the past to provide reliability and safety.

In recent years, a new technique for fabricating chemical shells has been developed. It is binary; that is, the toxic elements are kept separated within the shell itself until actually fired. The materials separately are not toxic, and leakage, damage to a shell, or even a misfire is far, far less likely to cause fatalities of our own people.

That is what this vote is all about.

It is not a vote for a new type weapon. We already have them.

It is not a vote for increasing our stockpiles. Written into the bill is a requirement that one old weapon, unitary, will be destroyed for each new weapon constructed, binary.

It is not a vote for a new type gas to go into the shells. It will be the same, but unmixed and thus nontoxic, until fired.

Also, if we vote against the amendment, we in effect are voting in favor of unilateral disarmament, because aging and increasingly unsafe shells will have to be taken out of service and destroyed to protect our own people, and there will be no replacements.

I believe we must maintain our deterrent force. I do not intend to stand by and watch this Nation unilaterally disarm in an area where the Soviets already have a distinct advantage over us. I do not believe that is what the American people want. I have been through two wars and as President Eisenhower once said, "I want peace as only a soldier can." But I do not believe the road to peace is weakness or unilateral capitulation.

Past voting on this matter of increased safety has been completely misrepresented by some for political purposes, so I know there is no political gain, and great political risk in voting for this amendment. But I also know it is in the best interest of our country to do so. It is safer for our own troops to store, safer to handle, safer to transport through towns and communities where millions of Americans live, and safer for our own troops to use in combat if that horrible situation ever arises.

In short, Mr. President, this vote is simply a vote for maintaining the maximum safety for our own people, of a deterrent weapon stockpile we must have. Without this, we will be forced to gradually unilaterally disarm. I intend to vote for the amendment, and I urge my colleagues to do likewise.

Mr. THURMOND. Mr. President, I am pleased to join the distinguished floor manager, Senator STEVENS of Alaska, as a cosponsor of this amendment.

Mr. President, I had the honor of serving in the U.S. Army during the D-Day invasion until the war's end. As the allies began to roll the German Army back across Europe, the subject of chemical warfare was raised by many commanders because we knew that the Germans possessed a stockpile of chemical weapons. Our intelligence officials, however, stated that such use was highly unlikely because the Germans knew the allies possessed such weapons.

Mr. President, if a madman like Hitler, who was capable of committing the vilest of atrocities, was deterred because of our retaliatory capability, then it is in our best interest to insure that our retaliatory capablity today is adequate.

We have heard the argument that the United States is relinquishing the "moral high ground" in this issue by producing such terrible weapons. Ask the people of Afghanistan and Laos what they think of such morality.

There has also been a great deal of emphasis on spending more money for defensive equipment as an alternative to producing offensive capability. We could carry that logic one step further and equip our soldiers with bulletproof clothing and take away their rifles. Then we would have a firm position on the moral high ground.

Mr. President, the issue is not morality, and the deficiency cannot be removed by more negotiations with the Soviets. The issue, quite simply, involves deterrence. The only way to prevent the use of such weapons against our forces is to possess a retaliatory capability that is unquestionably sufficient.

I urge my colleagues to vote for adoption of this amendment.

THE HORROR WEAPON WE DO NOT NEED

Mr. HART. Mr. President, spurred on by charges that the Soviet Union is engaging in chemical warfare in Southeast Asia and Afghanistan, the Reagan administration asked Congress for authority and money to build a new generation of chemical weapons. It requested $114 million this year to begin production of binary weapons—so named for the two nontoxic chemicals mixed in flight to produce a toxic chemical by the time the artillery shell hits. Wisely, the Appropriations Committee deleted all production funds for binary chemical weapons. Now we are being asked, in the amendment by the distinguished Senator from Texas, to restore some of those funds. I strongly oppose that amendment. Thus far, public debate on this issue has taken a familiar, black-and-white tone: If the Soviets are building and using chemical weapons, then we should be also.

But this argument misses the point. The decision to build chemical weapons—to build any weapons, for that matter—must be based on military considerations, not ideological grounds. Weapons decisions based on ideology lead to absurd and terrifying results. In the case of nuclear arms, ideology has led to calm statements on the absurd theory of limited nuclear war. In the case of chemical weapons, ideology is leading some of clamor for expensive, unnecessary, and unjustifiable weapons.

Military needs, diplomatic considerations, safety for our troops, and plain commonsense all argue against binary chemical weapons production.

First, binary weapons could well be more dangerous to our NATO troops than to their potential adversaries. Only in the past few years has our military taken steps to train and equip our troops to fight and survive in a chemical warfare environment.

We have just begun to buy protective equipment for our troops. And the Department of Defense, far from stepping up this effort, actually withdrew its request for protective equipment systems in the Bradley fighting vehicle.

We have barely begun to train our European-based troops to fight in a chemical environment. Protective gear creates problems of coordination, communication, and troop mobility. But, until recently, only Soviet troops were organized into specialized chemical-biological-radiological units, and only Soviet troops engaged in realistic operational exercise.

Our military hardware in Europe is woefully unsuited for battle in a chemical environment, while the Soviets' is well-suited. For instance, our new tank, the M-1, still lacks the chemical weapon warning device required by a law which Senator SAM NUNN and I authored.

Chemical weapons, and particularly binaries, can never contribute to a deterrent unless our forces are prepared to defend against use by the enemy. Consequently, we must commit the resources necessary to protect our troops in chemical combat. We must not decrease funding for protective gear as the administration has proposed.

Second, binaries would have little value as a deterrent against a Soviet chemical first strike because they would not be available. They would not be available because, in all likelihood, our European allies would not permit their deployment on European soil. In a crisis, binary stocks would have to be shipped abroad—competing with other vital air and sealift requirements, making timely response unlikely.

Third, American attempts to deploy binary weapons in Europe would further alienate an already divided Atlantic alliance. We need to rally our allies to our views on many issues today—Poland, theater nuclear force modernization, arms limitation, and the financial burden of defending Europe. Injecting the polarizing issue of chemical weapons into the diplomatic scene now could shatter hopes for consensus on these and other issues. The issue of chemical weapons use is one European governments are not prepared to face. Indeed, our credibility in exposing Soviet responsibility for Asia's "yellow rain" could dissipate in the face of European anxiety about our plans to wage a chemical war on their soil.

Finally, the human and financial resources that binary development will require could and should be devoted to two more pressing matters: Acquiring protective equipment for our troops, and, just as important, disposing safely or obsolete and defective chemical weapons—some dating back to World War I—stored at various facilities around the country. The Army has earmarked these weapons for demilitarization, but has not had the resources to destroy this hazard.

From the day of its first modern use in World War I, chemical warfare has horrified humanity. But chemical weapons are not only horrifying—they are weapons we can ill afford, weapons that alarm our own allies. Quite simply, they are weapons we do not need—and we should not build them.

Mr. President, I urge my colleagues to join me in rejecting this amendment.

Mr. PERCY. Mr. President, the vote on this amendment revolves on two key issues: Are new chemical weapons needed to preserve our deterrent against a Soviet first-use of these inhuman weapons and, second, would production of new weapons in some way enhance the prospects for negotiating a mutual ban on maintaining any chemical weapons stockpile. I believe the answer to both questions is "No."

First, both the Secretary of Defense and the Appropriations Committee have made it clear that the current stockpile of 155mm chemical shells is sufficient for purposes of deterrence. In reply to questions submitted earlier this year by Senator NUNN, Secretary Weinberger affirmed that:

> The United States possesses a stockpile of chemical nerve agent artillery shells, similar to the proposed M-687 binary round, that are compatible with modern 155mm and 8-inch artillery pieces. The quantity is in the range of sufficiency—at least for U.S. forces—and actually is higher than the planned acquisition quantity for the binary projectile.

The Defense Department's justification for producing new shells is to guard against future deterioration of the current stockpile. However, in a report issued on September 27, the Secretary's own Blue Ribbon Panel on Chemical Stockpile Status concluded that, "In general, the components of the munitions appear to be in good shape, except for rare instances of imperfections in the brazed joints."

The DOD report notes that the instances in which these imperfections have caused leaks is less than six ten-thousands of 1 percent. As the committee report on this bill states, "Current stockpiles of present 155mm and 8-inch artillery projectiles are and will continue to be in useable condition into the next decade."

Second, I must say that in the light of a briefing I received in July from our representative to the United Nations-sponsored negotiations on a chemical weapons ban, the chances for concluding a treaty appear very bleak whether or not the United States goes forward with new chemical systems. Furthermore, I fail to understand why the Soviets would be more frightened by the proposed binary artillery shells when the main argument for them is that they are safer to handle by our own troops. Indeed, the Army is proposing to procure fewer binary shells than are now in the inventory.

The binary projectiles have never been tested in the open atmosphere, but our existing weapons received extensive open-air testing and thus their reliability and effectiveness is well-known. For all these reasons, I do not think a U.S. decision to replace an adequate chemical weapons inventory with a smaller, and untested inventory will in any fashion alter Soviet incentives to negotiate a comprehensive ban. Soviet attitudes are far more influenced by their resistance to legitimate U.S. demands for on-site inspection.

Mr. President, the NATO alliance stands today at a crucial crossroad. In the next few weeks the alliance will most likely be asked to follow through on its December 1979 decision to deploy new intermediate-range nuclear missiles in Europe absent an arms control agreement in Geneva. I believe that our allies will be able to stand by this collective decision. But the cause of maintaining public support within Europe for this vital NATO modernization program is not strengthened if the United States persists in trying to produce new chemical weapons.

Mr. President, in closing, I want to commend the Appropriations Committee for its wise decision to delete funds for the procurement of new binary weapons. I also commend the committee for the policy statement of chemical weapons arms control, which is included in section 793 of the bill. The section provides a concise and cogent description of our national objectives in these important negotiations. I do not believe that production of new chemical weapons is needed as an interim step toward gaining a treaty banning all such weapons from the Earth. Should the Congress decide, however, to go forward with this program, I believe that the guidelines which the committee established in this section will at least insure that the negative implications of such a decision will be minimized.

UNITED STATES-SOVIET CHEMICAL WEAPONS CAPABILITIES

Mr. SYMMS. Mr. President, I rise to support the Tower-Stevens binary chemical weapons amendment. As my contribution to the debate on this amendment let me give an overall comparison of United States and Soviet chemical warfare capabilities.

First, the U.S.S.R. outnumbers the United States in chemical warfare combat units by a factor of 35 to 1.

Second, the U.S.S.R. outnumbers the United States in chemical warfare personnel by a factor of 25 to 1. The U.S.S.R. outnumbers the United States in chemical warfare decontamination equipment by a factor of 10 to 1.

Third, the U.S.S.R. outnumbers the United States in chemical warfare munitions.

Fourth, the U.S.S.R. outnumbers the United States in deliverable chemical warfare munitions by a factor of 80 to 1.

Fifth, the U.S.S.R. outnumbers the United States in chemical warfare munitions production facilities by a factor of 14 to 1.

Sixth, the U.S.S.R. possesses about 150,000 to 700,000 tons of modern chemical warfare munitions, compared to less than 50,000 tons possessed by the United States, of which only about less than 5,000 tons are militarily usable but obsolete weapons. The Soviets have at least a 5 to 1 advantage in overall chemical warfare offensive capability.

Seventh, the United States has not produced chemical weapons since 1969. Since 1969, the Soviets have continued to produce these weapons at an accelerated pace and have actually used these weapons in Southeast and Southwest Asia.

Mr. President, I ask unanimous consent that an article by Dr. Joe Douglass entitled "Fallout From Yellow Rain" be printed in the RECORD in support of my views.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FALLOUT FROM YELLOW RAIN

(By Joseph D. Douglass, Jr.)

After five years of unsuccessful protests, the United States' response to the Soviet use of lethal chemical warfare agents and toxins (i.e. yellow rain) in Afghanistan and Southeast Asia now appears to have fallen back on the old standby, "What we really need is a better treaty." As explained by the Undersecretary of State for Political Affairs, Lawrence Eagleberger, in Congressional hearings this past spring, the conclusion that should be drawn as a result of the Soviet actions is that "real, equitable and fully verifiable arms control is an absolute necessity. It is not that arms control is pointless; it is that we have to do a better job of it."

One of the most disturbing aspects of this position is that it directly follows a statement that the policies of the United States "cannot be based on a benign or naive view of the Soviet Union and its intentions," and the almost unbelievable assertion that "With a realistic appraisal of the Soviet goals and an appreciation that they are not constrained by many of the values we support, we can proceed with caution and prudence to help build a world eventually free from chemical, biological and toxin weapons."

The arms control process, particularly in the chemical and biological area but elsewhere as well, has adopted a strong position on the need for equitable and verifiable treaties as a dodge to avoid addressing the real issue. The real issue is, what use is any treaty, however well written, with the Soviet Union, unless their intentions are to comply with both the spirit and letter of the treaty which, in the case of the chemical and biological areas, is clearly not the case. Obviously, the unspoken concern is how these Soviet violations add further credence to the alleged Soviet violations and circumventions in the various nuclear arms control areas.

The 1972 Biological and Toxin Weapons Convention is probably one of the best treaties that was ever written. It is good because everything is outlawed—development of agents, production of agents, storage of agents, development of weapons, and any types of related assistance to other parties involving biological agents and toxins. Under the 1925 Geneva Protocol the use of poisonous gases and biological agents in war is prohibited. And, it has become quite clear over the past five years that the Soviet Union has blatantly violated both the spirit and the letter of both these treaties.

Nor is it appropriate to blame verification. It is quite true that there are no effective provisions for verification in either the Geneva Protocol or the Biological and Toxin Weapons Convention. However, the violations have been so extensive and so blatant that no provisions have been needed to establish the case of deliberate non-compliance. While initially there were some concerns that the United States might have been over-anxious in its claims of violations and might have been using the data to support its own chemical weapons rearmament program, these possibilities have been dispelled as other nations addressed the data and reached the same conclusions: namely, that chemical and toxin weapons are being employed and that the only plausible explanation is that the Soviet Union and its allies are directly violating the treaties.

In his recent testimony before the United States Congress, Sterling Seagrave, who, more than any other individual, deserves credit for surfacing the Soviet atrocities in Southeast Asia and Afghanistan, discussed the governments that have examined the data and have reached the above conclusions. His list includes Canada, France, West Germany, England, Israel, South Africa, Australia, Norway, Sweden, Denmark, China, Thailand, Singapore, and New Zealand. The only glaring deficiency at this time is the absence of strong, public pronouncements by these governments against the Soviet actions and in support of the United States analyses.

The problem, therefore, is not the absence of a "real, equitable and fully verifiable" arms control agreement. The problem is compliance. No treaty, however well written, will be any better than the current one unless the Soviets are motivated to comply with the treaty and they have clearly demonstrated that they have no such motivation. Until Mr. Eagleberger and like-minded Western officials can figure out how to make the Soviets comply, their diplomatic energies might be better directed to areas other than negotiating more unilaterally constraining arms control agreements.

Chemical and biological warfare are areas that all Western countries would like to see disappear, which is probably why it receives so little attention in NATO and, indeed, why countries such as Great Britian and the United States, in effect, unilaterally disarmed in these areas. This is also a major reason why Congress has repeatedly turned aside the Army's request for a chemical weapons modernization program since 1976. Unfortunately though, chemical and biological warfare are not going away. Thanks to the Soviet Union, the problem is growing worse and the time is rapidly approaching when the governments of the West must come to grips with the possible significance of this fact.

The significance is potentially very broad ranging. All NATO forces are highly vulnerable to a concerted chemical and toxin attack. And, in the event of a serious crisis, it is inconceivable that the Soviet Union would not employ those methods to debilitate NATO, not only its ground forces, but certainly its land based nuclear deterrent forces, and most important, its civilian war support and the political and military decision process.

The Middle East, always a tinderbox of trouble, now has an added chemical and biological dimension. Perhaps mindful of the Afghanistan employments so close to their borders and also as a result of transfer of chemical and biological agents from the Soviet Union to certain Middle East countries, notably Iraq, possibly Egypt and Syria, there has emerged a large scale proliferation of capabilities and intentions and activities to obtain various manufacturing and weaponization capabilities. The list of countries currently known or heavily suspect in this area in addition to Iraq would have to include Iran, Israel, Syria, Egypt, Libya, and Saudi Arabia.

Nor is this just a European NATO or Middle East problem. Studies conducted in the late '60s and early '70s concluded that the United States itself was extremely vulnerable to various forms of chemical and biological warfare. These vulnerabilities have all increased over the past ten years. Again, in the event of a severe crisis, why would not the Soviet Union use every opportunity to debilitate the United States forces and disorganize the country on the eve of the war, possibly being able to render ineffective up to seventy percent of the military forces, demoralize the population and paralyze the government? This, also, is not an unreasonable possibility when one considers the effectiveness of modern chemical and biological weapons techniques and the vulnerability of the West and lack of real attention at high government levels to the problem.

Nor is the problem strictly a military problem. The use of chemical and biological agents has increasingly crept into the arsenal of potential terrorists weapons. Terrorists in the United States have built nerve gas and have threatened use of that gas against the White House. A terrorist cell in Paris was apprehended while in the process of manufacturing anthrax. Various sources emerging both out of the Middle East and South Africa have indicated that the training in chemical and biological warfare provided by the Soviets has extended through the Cubans to include the PLO, SWAPO, and other revolutionary organizations. And, of special importance to all Americans, a Cuban military officer in the "Directorate of Chemical Troops of the Revolutionary Armed Forces" has announced the establishment of an "advanced" training school for chemical warfare in Cuba; and, refugee reports strongly suggest the manufacture, storage, and experimentation, as well as training, and not only chemical, but toxin and biological agents as well.

The chemical and biological problem continues to expand. Now is not the time to ignore the Soviet actions and naively continue to press for a better arms control treaty. It is time for the top level officials to recognize that chemical and biological warfare actions of the Soviets and over a dozen other nations have produced a new and serious problem requring realistic and urgent top level attention.

The **PRESIDING OFFICER**. The Senator from Alaska.

Mr. **STEVENS**. I might ask the Senator from Oregon if he would have any objection if we reserve the remainder of our time on this amendment and let the Senator from Minnesota proceed with his amendment at this time. I think we might be able to work out an accommodation with the Senator if we allow him to proceed now.

Mr. President, I ask unanimous consent that the Senator from Minnesota be able to offer his amendment, notwithstanding the time allocated on the principal amendment has not expired on either side.

The **PRESIDING OFFICER**. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2518 TO AMENDMENT NO. 2517

(Purpose: To clarify provisions of the bill relating to the destruction of chemical weapons)

Mr. **BOSCHWITZ**. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota (Mr. BOSCHWITZ) proposes an amendment numbered 2518 to amendment No. 2517.

Mr. **BOSCHWITZ**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

Strike out "$2,067,900,000" and insert in lieu thereof "$2,067,900,000: *Provided*, That the Secretary of Defense shall destroy at least the equivalent of two existing chemical weapons for each new binary munition produced—

"(1) by rendering useless at least one existing serviceable chemical artillery shell for every binary munition produced; and

"(2) by reducing, within one year after initiating binary munitions production, the existing stockpile of Department of Defense chemical munitions at a rate not less than the rate of production of new binary munitions;".

Mr. **BOSCHWITZ**. In short, Mr. President, this amendment would state that for every new binary weapon produced there would be a reduction of the equivalent agent from two existing unitary weapons. This is a double reduction of unitary weapons for each new binary weapon that is built.

It allows the reduction by destroying the bulk chemical and the weapon itself, the unitary weapon.

Mr. President, I rise to offer a second-degree amendment to the amendment now pending, but before I discuss it I want to commend the Senator from Alaska for having the courage to bring forward the amendment that is now before the Senate.

This has been an extremely difficult issue for me, as I am sure it has been for many other Senators. It has taken a very high profile. Even though we have voted on chemical weapons over the years, because of the fact that the Vice President was recently called in to make his first vote in 6 or 7 years the whole issue has suddenly taken on a very high profile, and perhaps it should. I have no objection to that. But there is a great temptation because of it to avoid the necessity of dealing with it once again. I feel that the issue of chemical weapons must be dealt with, so I appreciate and admire the Senator from Alaska for having the courage to bring it forward once again.

In order to put my amendment in proper perspective and give it a little background, I ask unanimous consent that a speech given by Ambassador Kenneth Adelman, when he was at the United Nations, be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT BY AMBASSADOR KENNETH L. ADELMAN

Mr. Chairman: Ypres, April 22, 1915: Just before dusk a greenish cloud of chlorine gas drifted over the allied lines causing burning, panic and for many lingering death of unspeakable agony. Most survivors of that first gas attack are now gone, yet their cries were heard and echo still through this century. Their suffering led after the war to signature of the 1925 Geneva Gas Protocol banning the use in war of chemical and bacteriological weapons.

Lowghar Province, Afghanistan, September 13, 1982: Soviet soldiers pumped toxic gas into an underground passageway killing 60 Afghan adults and 13 children. The victims of that attack decomposed immediately with flesh peeling from the bone and blue-black skin. Yet, unlike casualties of Ypres, their agonies have been ignored by a world grown used to the unspeakable.

The continuing use of chemical weapons, responsible for the death of at least 10,000 persons in Afghanistan and Southeast Asia, is a major humanitarian issue of our times and is in stark contrast to the progress all nations seek toward real and verifiable disarmament. Violation of the oldest arms control agreements have implications for all arms control and disarmament agreements which cannot be ignored. How then can we maintain the credibility of international agreements or believe pledges to respect human rights?

The 1925 Geneva Gas Protocol, one of the oldest arms control agreements still in force, prohibits the use of chemical weapons in warfare. It was followed in 1972 by the Biological and Toxin Weapons Convention, which forbids the production, stockpiling, or transfer of biological or toxin weapons. Yet each of these has been violated by the Soviet Union. As President Reagan stated on November 22:

"The whole world remains outraged by the Soviets' and their allies' use of biological and chemical weapons against defenseless people in Afghanistan, Cambodia and Laos. This experience makes ironclad verification all the more essential for arms control."

How, despite all these agreements, has the world regressed from Ypres to Southeast Asia and Afghanistan through three successively more lethal generations of chemical weapons? The gases of World War I, like phosgene, chlorine and mustard gave way to nerve gases, developed but not used in World War II. Today, a third generation of chemical weapons in the form of lethal toxins has been developed and is in use by the Soviet Union. These new killing agents, which can be produced in large quantities, were until recently unknown to warfare.

For over five decades all of these weapons have been successfully eliminated from the battlefields of the industrialized world. In World War II fear of retaliation was an effective deterrent to use of nerve gas. Yet in the Third World, protocols alone have not prevented use of these deadly substances. In Ethiopia many thousands died from chemicals in the 1930's. Today, there is conclusive evidence that they are again in widespread use against people of the Third World.

In 1975, when reports of chemical warfare began to come from the most inaccessible corners of Laos, there was a tendency to disbelieve, even to seek explanations in nature. Yet in those poisonous vapors sprayed from aircraft, a hilltribe, too remote for the outside world to notice, was being exposed to the same horrors as trench warfare. In 1976, more reports of chemical destruction came from the remote highland villages of the Hmong. The victims were inhabitants of these villages, men, women and children, particularly the children who were least able to resist the lethal effects of toxic agents. As time passed, the reports multiplied from many sources. There was no longer doubt that the Hmong were being victimized, not by any identifiable nerve gas but by chemicals until then unknown to warfare. They were the products of laboratories with long experience in development of chemical warfare. In 1978, the same reports began to come from Kampuchea and in 1979 from Afghanistan. In 1980, the U.S. along with other nations took the responsible course of bringing the issue to the United Nations. The 1925 Protocol had made no provision for investigation of complaints, verification or enforcement of compliance, and an investigation was set in motion by a resolution of the General Assembly.

While the sophistication of Soviet chemical compounds and the remoteness of the areas in which they were used continued to stand in the way of scientific analysis, evidence was nonetheless mounting. It came from:

Testimony of those who saw and suffered from the attacks;

Testimony of doctors, refugee workers, journalists and others who questioned survivors of chemical use;

Testimony from defectors who carried out the actual attacks;

Preliminary analysis of physical samples from the attack sites;

Documentary evidence from open sources and intelligence from "national technical means."

Taken together, it was possible to conclude in the words of a U.S. report circulated as United Nations Document A/37/157 of March 24, 1982 that:

"Lao and Vietnamese forces, operating under Soviet supervision, have, since 1975, employed lethal chemical and toxin weapons in Laos; that Vietnamese forces, since 1978, used lethal chemical and toxin agents in Kampuchea; and that Soviet forces have used a variety of lethal chemical warfare agents, including nerve gases, in Afghanistan since the Soviet invasion of that country in 1979."

Now, it is possible to state with certainty, including positive scientific evidence from each country, that toxin weapons of Soviet origin are in use in Afghanistan, Kampuchea and Laos. A comprehensive report on this evidence from Secretary of State George Shultz has been circulated as United Nations Document A/C.1/37/10 of December 1, 1982. Secretary Shultz' report concludes:

Reports of chemical attacks from February through October 1982 indicate that Soviet forces continue their selective use of chemicals and toxins against the resistance in Afghanistan. Moreover, new evidence collected in 1982 on Soviet and Afghan government forces' use of chemical weapons from 1979 through 1981 reinforces the previous judgment that lethal chemical agents were used on the Afghan resistance. Physical samples from Afghanistan also provide new evidence of mycotoxin use.

Vietnamese and Lao Troops, under direct Soviet supervision, have continued to use lethal and incapacitating chemical agents and toxins against the Hmong resistance in Laos through at least June 1982.

Trichothecene toxins were found in the urine, blood and tissue of victims of "yellow rain" attacks in Laos and Kampuchea and in samples of residue collected after attacks.

A common factor in the evidence is Soviet involvement in the use of these weapons in all three countries. Continued analysis of prior data and newly-acquired information about Soviet mycotoxin research and development, chemical warfare training in Vietnam, the presence of Soviet chemical warfare advisors in Laos and Vietnam, and the presence of the same unusual trichothecene toxins in samples collected from all three countries reinforce our earlier conclusion about the complicity of the Soviet Union and about its extent.

So that there is no mistaking the extent of evidence or the gravity of these charges, I should like now to briefly review the situation in each country. In Afghanistan, Soviet forces are known to have used lethal chemical agents against Mujahidin resistance forces and Afghan villages at least since the Soviet invasion in December 1979. We now have evidence of at least 60 separate attacks through October 1982. New evidence indicates that the Soviets have continued selective use of toxic agents in Afghanistan up to the present. For the first time, we have obtained scientific evidence of the use of mycotoxins by the Soviets through analyses of two contaminated Soviet gas masks acquired in Afghanistan, one directly from the body of a Soviet soldier. Analysis of material taken from the outside surface of one mask has shown the presence of trichothecene mycotoxin. Analysis of a hose from the second Soviet mask showed the presence of several mycotoxins. In addition, a vegetation sample from Afghanistan shows preliminary evidence of the presence of mycotoxins.

Our hypothesis that mycotoxins have been used in Afghanistan has now been confirmed. Reports during 1980 and 1981 described a yellow-brown mist delivered in attacks which caused blistering, nausea, vomiting, and other symptoms similar to those described by "yellow rain" victims in Southeast Asia. Initially, it was difficult to prove that trichothecene mycotoxin was being used, but we are now in a position to do so.

These scientific findings are corroborated by testimony from Soviet and Afghan personnel directly involved in chemical attacks. A captured Soviet soldier, Anatoly Sakharov, has testified on the use of three chemical agents. Soviet chemical specialist Yuriy Povarnitsyn has provided details on his mission to examine Afghan villages following a chemical attack. An Afghan pathologist has described accompanying Soviet chemical warfare personnel into contaminated areas following Soviet chemical attacks, and a number of former Afghan military officers have pinpointed storage sites for lethal agents in Afghanistan.

In Laos, reports of chemical attacks against Hmong villages and guerrilla strongholds date from mid-1975 and describe over 240 separate incidents. Hmong refugees, who have recounted the familiar details of attack by toxic agents and exhibited the same severe medical symptoms, entered Thailand each month from January through June of this year. They brought with them more samples of "yellow rain" dropped by aircraft and helicopters on their villages and crops. Analysis of these samples, some as recent as October 1982, show that the material used in Laos contains trichothecene toxins which cause vomiting, bleeding, blistering, severe skin lesions and other symptoms observed by qualified doctors. Experts have concluded that the Hmong have been exposed to a toxic agent and that no disease, plant or chemical occuring in nature could have caused such unique physical effects.

As in Afghanistan, physical evidence—including blood samples and biological specimens—has been corroborated by eyewitness accounts and testimony from many sources including some responsible for the attacks. A complete description of chemical warfare in Laos between 1976–78 was provided by a former pilot of the Lao People's Liberation Army who flew aircraft equipped to dispense toxic chemical agents on Hmong villages in the Phou Bia area of Northern Laos. He confirmed that the LPLA, in cooperation with the Vietnamese Army, has conducted chemical warfare in Laos at least since April 1976. Since that time, descriptions of the attacks have been remarkably consistent and usually involve aircraft or helicopters spraying yellow rain on Hmong villages and crops.

Finally, in Kampuchea, we have evidence of over 140 separate chemical attacks. Since October 1978, the Government of Democratic Kampuchea has regularly accused Vietnam and its clients of Kampuchea of using Soviet-made chemical agents against guerrilla forces and civilians alike. In the past year, most of these attacks have occurred near the Thai border, facilitating collection of samples and other evidence of toxin use. Analysis of blood, tissue, urine and other samples from victims of such attacks during February and March has been performed in three countries. While results differed according to techniques used, all concluded that illness has been provoked by toxic agents.

Again in Kampuchea, the perpetrators themselves have provided details on the attacks. A Vietnamese army soldier reports that during operations in the Phnom Melai region he observed two Soviet personnel firing hand-held chemical weapons. Three hundred persons died in the attack he cited. Mr. Chairman, this carnage is continuing and we have reports of chemical warfare in Kampuchea as recently as November 1982.

I have attempted here to summarize our findings with respect to each country as briefly as possible. These conclusions rest on a large body of evidence assembled with the full resources of the U.S. Government. Hundreds of samples have now been collected from Southeast Asia since mid-1979 and from Afghanistan since May 1980. Tissue specimens and body fluids from attack victims have been analyzed both by the US Government laboratories and by those of independent American universities. Positive findings have also been presented before the internationally respected Society of Toxicology, the International Mycotoxin Symposium in Vienna and the Association of Analytical Chemistry. Nor are these findings limited to the U.S. A comprehensive toxicological study was carried out by Dr. Bruno Schiefer of the University of Saskatchewan and submitted as United Nations Document A/37/308 of June 21, 1982. An epidemiological study was initiated by the Surgeon-General of the Canadian Armed Forces and made available to the Secretary-General on August 25, 1982. Research conducted in the laboratories of Thailand has also found evidence of toxic chemicals not naturally present in Southeast Asia.

I would like to suggest, Mr. Chairman, that it is easy to discount individual bits of evidence. One can dismiss eyewitness testimony as biased or photographs as doctored or laboratory analysis as inconclusive or testimony by other persons as hearsay. But when a body of evidence accumulates, as it has in Afghanistan and Southeast Asia, with the various components independently confirming chemical warfare, it is no longer possible to do so. Consider, for example, the composite picture that emerges from testimony and evidence of chemical warfare in Laos:

A Lao pilot has testified to dropping chemical agents from a specially equipped aircraft;

The Hmong victims have given their version of the plane and cloud of yellow rain falling to the ground;

Separate sources have confirmed the presence in the area of an aircraft of the type described by the pilot and the victims;

Subsequent medical examination of victims reveals symptoms caused by toxic agents;

Starting in 1981 evidence from defectors and eyewitnesses was supported by blood and tissue analysis from victims showing high levels of trichothecene mycotoxin.

Faced with massive evidence of chemical warfare, the Soviet response has been cynical denial. The Soviet Permanent Representative has attempted to deliberately obfuscate the issue by circulating to the General Assembly three documents with elaborate denials and counter-charges. He dismisses the excruciating deaths caused by chemical weapons of well over 6,000 Lao, 1,000 Kampucheans and more than 3,000 Afghans as "malicious fabrication," "unconfirmed hearsay," and "a noisy propaganda campaign." The Soviet Union has even claimed in documents submitted to the General Assembly that the toxin which eyewitnesses report is distributed by Mikoyan-24 helicopters, Antonov-2 bi-planes, Ilyushin-28 bombers or special artillery shells is the result of herbicides used by the U.S. in Vietnam.

To date, the Soviets have issued such denials confident in the knowledge that the chemical compounds involved would not be detected by the West. We are now, however, able to isolate the components of yellow rain. They are trichothecene mycotoxins at strengths many times higher than found in nature. There is good evidence for the presence of commercially-produced pollen as a carrier and to help ensure the retention of toxins in the human body. There is further evidence of an added chemical to give the mixture adhesiveness. These toxins do not exist together in nature under any circumstances nor separately in the strengths found in yellow rain. They are derived from sophisticated production of lethal toxins within the Soviet Union.

It is a matter of record that the Soviet Union has developed a capacity for multiton production of lethal toxins such as these. Evidence accumulated since World War II shows that the Soviets have made extensive preparation for large scale offensive and defensive chemical warfare. Toxic agents and delivery systems have been identified, along with production and storage areas within the Soviet Union and continuing research, development and testing of new agents at the major Soviet chemical proving grounds. Chemical warfare battalions are part of the standard table of organization for Soviet Armed divisions including those deployed in Afghanistan today. While the Soviets label these units as "defensive," I submit that the ill-equipped Majahidin resistance forces pose no chemical warfare threat to Soviet occupation forces.

The Soviet response to evidence of their own brutality in Afghanistan and Southeast Asia is the classic totalitarian technique of accusing others of precisely their own crimes. The Soviet Union in submissions to the United Nations, makes the same tired charges about American use of herbicides in the Vietnam War. Mr. Chairman, the Vietnam War ended almost ten years ago. Let no one forget, however, that the chemicals in Agent Orange were in widespread commercial use, aimed at plants, not people. More has been sprayed along U.S. state highways than in all of Vietnam, and are still in commercial use on a restricted basis in the U.S. and elsewhere. There is, in any case, no connection between use of a commercial herbicide against plants and deliberate use of lethal chemicals by the Soviet Union against human beings.

It has been easy for some to dismiss Southeast Asia and Afghanistan as remote areas, subject to strife for generations. Yet, what is occurring there may become the pattern of the future if we continue to avoid the facts, preferring not to call those responsible to account. Chemical warfare is first and foremost a global issue with greatest significance for those least able to defend against chemical and biological weapons.

Speaking before the League of Nations, Haile Selassie of Ethiopia described how "special sprayers were installed in aircraft so that they could vaporize over vast areas of territory a fine death-dealing rain. It was thus that as from the end of January 1935, soldiers, women, children, cattle, rivers, lakes, and pastures were drenched continuously with this deadly rain." Today there are again reports of chemical warfare in Ethiopia at Turukruk near the Sudanese border on February 15 and, more recently, in an attack 37 survivors of which were found by a Western-trained doctor to exhibit persuasive symptoms of nerve gas. We believe these allegations, as yet unproven, deserve investigation. They are disturbing harbingers of possible repetition elsewhere of the pattern we see today in Afghanistan and Southeast Asia. Chemical warfare, conducted by proxy in the Third World, as it is today by Vietnam in Laos and Kampuchea, is a frightening possibility.

The protocols and conventions to limit these insidious weapons are for the protection of all nations. The prohibition on the use of chemical weapons has, by reason of the practice and affirmations of states, become a part of the rules of customary international law which are binding on all states. As biologically-produced chemical substances, the toxins whose use I have described fall within the prohibitions of both the 1925 Protocol and the 1972 Biological and Toxin Weapons convention. Violation of these basic agreements by use of sophisticated toxins against defenseless populations of the Third World is in cynical contempt of international law and human decency.

The facts are grim. Chemical weapons provoke fear, revulsion and an unwillingness to face the reality of their use. On such matters, to paraphrase William James, the will to disbelieve is palpably strong. Yet the United Nations Experts Group has now concluded that "it could not disregard the circumstantial evidence suggestive of the possible use of some sort of toxic chemical substance in some instances." This qualified language is not surprising. The team was repeatedly denied access to each of the three countries—Laos, Kampuchea, and Afghanistan—where it was supposed to investigate reports of chemical warfare. In words from their report, "due to circumstances beyond its control, the group was not in a position to proceed to the territories where chemical attacks had allegedly occurred and it was, therefore, unable to conduct any on-site investigations on those territories."

It is, of course, disappointing that, after two years of investigation, the United Nations Experts Group was unable to reach more definitive conclusions. Nonetheless, the material compiled by the United Nations team and documented in their report supports our finding that trichothecene toxins have been identified in samples. Furthermore, the team notes evidence that these toxin agents have been used.

The United Nations experts do not rule out the possibility of natural contamination, although they admit it is unlikely. It has been shown scientifically, however, that this is not the case. This leaves as the explanation the only other possibility offered in the United Nations report: namely, that chemical and toxin agents are being used. We also note that the Soviet explanation for the presence of these lethal toxins in Southeast Asia, as submitted in their scientific report to the United Nations, was dismissed by the United Nations experts as scientifically unsound.

It is not surprising that the United Nations report is less definitive than those of the United States. The U.N. team was subject to severe restrictions of both time and resources. In two years the team was able to meet only six times and carry out three brief trips to Pakistan and Thailand.

It is ironic, therefore, that the Soviet Union has chosen to emphasize the ambiguities in the United Nations report, as reflected in Pravda on December 2, 1982, even before the United Nations report was issued. What Pravda did not report is that the unwillingness of the USSR and its clients to cooperate with the United Nations team crippled the investigation.

Let us not be misled by denials. The strength of international law, Mr. Chairman, depends in large part on prompt international reaction to its violation. A treaty that when broken causes no outcry is without strength. The evidence is now in. Let it not be said of us here that the jury was indifferent. In the words of Secretary of State George Shultz:

"The world cannot be silent in the face of such human suffering and such cynical regard for international law and agreements. The use of chemical and toxic weapons must be stopped. Respect for existing agreements must be restored and the agreements themselves strengthened. Respect for the dignity of humanity must be restored. Failure to achieve these goals can only have serious implications for the security of smaller nations, like those whose people are being attacked. If such basic elements of human rights can be so fundamentally ignored, how can we believe any pledges to respect human rights? All who would seek to promote human rights, and all who would seek to maintain the credibility of international agreements, have a duty to call world attention to the continuing use of chemical and toxin weapons, and to seek a halt to their use."

Mr. Chairman, eight years ago the world was deaf to reports of chemical warfare from Laos. Today, we have the first indication that use of these noxious weapons may have spread into Africa as well. We cannot afford to lose another eight years and countless lives. The international community must act and act now to build pressure to stop this continuing outrage. Thank you, Mr. Chairman.

Mr. BOSCHWITZ. Mr. President, that speech is absolutely remarkable. That speech deals with the use by the Russians of chemical weapons in Afghanistan, Laos, and Kampuchea. The speech talks about the fact that chemical weapons are responsible for the deaths of at least 10,000 persons in those areas; that chemical weapons had not been used for 50 years, until the Russians once again used them in Afghanistan, Laos, and Kampuchea. Reports of their use from these very inaccessible corners of the world began to surface in 1975. It is now possible to state with certainty, said Ambassador Adelman, including positive scientific evidence from each country, that toxin weapons of Soviet origin are in use in Afghanistan, Kampuchea, and Laos.

Mr. President, in Laos, Ambassador Adelman pointed out that there were reports that described over 240 separate incidents of the use of chemical weapons. That is an absolutely amazing number, Mr. President. But in Laos alone, without considering the other countries, Ambassador Adelman said, "reports of chemical attacks against Hmong villages and guerrilla strongholds date from mid-1975 and describe over 240 separate incidents."

Ambassador Adelman then continues by saying that "In Kampuchea, we have evidence of over 140 separate chemical attacks."

That is a direct quote, Mr. President, that we have evidence of over 140 separate chemical attacks.

That is a total now, between Laos and Kampuchea, of 380 such attacks.

In Afghanistan, Soviet forces are known to have used lethal chemical agents against resistance forces and to quote Ambassador Adelman, "We now have evidence of at least 60 separate attacks through October 1982."

That is a total, Mr. President, of 400 chemical attacks leveled by the Soviets against Laos, Afghanistan, and Kampuchea. There is evidence of over half of those attacks and reports of an additional 240.

Mr. President, this entire statement, which is quite lengthy, will be printed in the RECORD, as I have previously requested. The number of chemical attacks is something that is undoubtedly not known to many of my colleagues. They were delineated in quite some detail by Ambassador Adelman, who, at that time, was the U.S. Permanent Representative to the United Nations. It is there that the multinational efforts are being made to negotiate some form of restriction on the use of chemical weapons to improve on the 1925 treaty, which, as you know, Mr. President, said that use of such weapons would be illegal. It did not prohibit the production of the weapons, nor did it provide for any type of verification.

Mr. President, I ask unanimous consent that at this point, an article that appeared in the Washington Post on July 22, written by James J. Kilpatrick, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A VOTE FOR NERVE GAS

(By James J. Kilpatrick)

The Senate went through some agonizing debate last week before Vice President George Bush cast a tie-breaking vote in favor of moving ahead with the production of nerve gas. It is a matter on which all of us may agonize together, for the question is an exceedingly close one. The House debated the issue in June, and by a margin of 14 votes took the opposite position: production of these fearful weapons should not be resumed. Not since November 1977 had a vice president been required to break a tie in the Senate. The division reflects feelings that are deeply held.

I would have voted in favor of the funding. Opponents made persuasive arguments—often impassioned arguments—but it seemed to me that, in the end, they failed to comprehend the situation. This business of nerve gas is not at all like the business of nuclear arms. In the area of nuclear arms, the United States and the Soviet Union remain in rough and terrible parity. In the area of chemical weaponry, no such parity exists. Here we are fearfully vulnerable.

"Nerve gas" is a colorless, odorless, almost undetectable compound chemically related to certain pesticides. The Germans invented the first of them in the 1930s—a gas called Tabun—in the course of research on insecticides. In 1938, recognizing the military possibilities, the Germans secretly developed a more lethal offshoot known as Sarin. These gases are stored as liquids. Packed into bombs or artillery shells, they are dispersed in vapor or droplets. They enter the body by inhalation or by absorption through the skin. They act within milliseconds on the central nervous system; victims suffer uncontrollable vomiting, convulsions, blindness, bronchial constriction and paralysis. If the gas has been inhaled, death comes within minutes; if it has been received through the skin, death comes within a few hours.

Neither Tabun nor Sarin was used in World War II. After the war, the United States, Britain and Russia divided the Germans' stockpile of nerve gas. We dumped most of ours in the sea. The Soviets had another idea. For the past 40 years the Soviet Union has engaged obsessively in the development and production of the weaponry of nerve gas. Former congressman Richard Ichord of Missouri made himself an expert on the subject. He has disclosed intelligence to this effect: "The Red Army includes a chemical warfare contingent fully 10 percent as large as the entire U.S. Army—80,000 to 100,000 officers and enlisted men. At some 40 sites in Eastern Europe, these forces train intensively for chemical warfare . . . Approximately every third Soviet missile and rocket warhead, and up to 10 percent of artillery projectiles, mortar shells, land mines and aerial bombs, are loaded with a chemical agent."

Against that threat, the United States is now virtually helpless. We have developed excellent gas masks and protective garments; our tanks are better protected by filtration systems than before; but any threat we might voice of retaliation would be an empty threat—and the Soviets know it.

Let us remember a maxim from the golden days of Rome. The Antonines, Gibbon tells us, "preserved the peace by constantly preparing for war." It was a sound policy then; it remains a sound policy now.

Mr. BOSCHWITZ. Mr. President, in that article, Jack Kilpatrick points out that the Russians have not only used these weapons, but that, indeed, they have gone to considerable effort to improve their position with respect to that. He quotes former Represenatative Richard Ichord of Missouri, who has made himself an expert on the subject. The Representative disclosed, and is quoted in Kilpatrick's article:

> The Red Army includes a chemical warfare contingent fully 10 percent as large as the entire U.S. Army—80,000 to 100,000 officers and enlisted men. At some 40 sites in Eastern Europe, these forces train intensively for chemical warfare . . . Approximately every third Soviet missile and rocket warhead, and up to 10 percent of artillery projectiles, mortar shells, land mines and aerial bombs, are loaded with a chemical agent.

In short, Mr. President, the Russians have not only used this weapon, but they have gone to great extents to arm themselves with this weapon.

Mr. President, we must be prepared. I am sure that all Members of the Senate look forward to the day when weapons, especially chemical weapons, are rendered unnecessary. I believe that it is and should be a goal of our chemical weapons policy to have a comprehensive ban on their production, development, and stockpiling. Kenneth Adelman, who is now Director of the Arms Control and Disarmament Agency, expressed this goal very well in a recent address to the United Nations when he stated:

> One of the most important (arms control endeavors) is in the effort to rid the world of chemical weapons. To this end the United States is working with other members of the Committee on Disarmament in Geneva to elaborate a convention on the complete and effective prohibition of the development, production, and stockpiling of chemical weapons and on the destruction of existing stocks.

Despite the obvious difficulties involved in moving toward this goal, I feel it is crucial to keep this as the cornerstone of our chemical weapons policy.

An unfortunate corollary to this policy, however, is that, absent an effective multilateral agreement to eliminate these weapons, the United States must maintain a chemical weapons stockpile of sufficient size and quality to deter any enemy from a first use of these agents against American troops. I certainly support that policy. Several years ago, such sentiments might have been characterized as alarmist. But the evidence of recent years has made clear that, in President Reagan's words:

> The Soviet Government has provided toxins for use in Laos and Kampuchea, and are themselves using chemical weapons against freedom fighters in Afghanistan.

That these actions by the Soviet Union and its proxies violate the Geneva protocol of 1925, the Biological Weapons Convention of 1972, general international law as evidenced by the practice of states, and minimal standards of armed conflict has served as very inadequate defense or solace for the persons upon whom these atrocities have been visited. I want to insure that our troops are protected from similar attack by more than paper pledges.

As long as other nations insist on maintaining stockpiles of these weapons, I feel we must have adequate deterrence. We have, as I have stated, Mr. President, a policy of no first use.

In the Second World War, there was an interesting incident. Our President, President Roosevelt, and Prime Minister Churchill were concerned about the use by the Germans of chemical weapons, the Germans having developed many of the chemical weapons that, even today, are the ones still in stockpile and unfortunately, as I have indicated, in use in certain parts of the world.

We were concerned about their first use by the Germans, so the President and Prime Minister got to the Germans with the message that we would not use these first but that, in the event they were used, we had large stockpiles and we would use them against the military targets that the Germans had. For whatever reason, but probably because of the threat of deterrence, chemical weapons were not used in the Second World War. The importance of deterrence, really, Mr. President, is paramount.

This is nothing new, Mr. President, I think one of the greatest fallacies about this whole issue has been that it involves the question of whether or not the United States should maintain chemical weapons. That is emphatically not its purpose. Our country has maintained chemical weapons for decades and will continue to do so whether this amendment of the Senator from Alaska is adopted or not. Throughout this period the Government of the United States has felt it necessary to possess, but not use, these weapons and that policy remains unchanged and will remain unchanged whatever the outcome of this vote.

If, then, the question is not "Should we have chemical weapons?" What is the question we are debating here? I submit Mr. President, that the question is "What sort of chemical weapons should the United States have? Should we continue to rely on unitary chemical munitions, or should we end a 14-year moratorium on the production of chemical weapons in order to equip our Armed Forces with binary chemical munitions?" It is on the merits of this question that I intend to cast my vote.

Production of binary chemical weapons will not appreciably alter the prospective nature of chemical warfare. These munitions, though differing from existing stockpiles in storage, have essentially similar characteristics on the battlefield. The effects, duration, and defense against both types of munitions are similar. The differences are to be observed in storage. Binary weapons, simply stated, can be stored safely with ease while unitary weapons cannot.

Both, then, are lethal on the battlefield, but binary are safer while in storage. If we need chemical weapons for deterrence, simple safety considerations argue that they should be binary ones.

But maintenance of a chemical deterrent capability must be balanced, Mr. President, against what I perceive to be the third point of our chemical weapons policy: The need to maintain this stockpile at the lowest practicable level.

Mr. HATFIELD. Will the Senator yield for a question at this point?

Mr. BOSCHWITZ. I would ask the Senator if I could continue, and I will yield for a question at the termination of my remarks, which is almost in hand.

It is to this point that my amendment addresses itself. Although I find the arguments for the production of binary weapons compelling, I am sure all my colleagues would join me in characterizing them as necessary evils at best. This fact, combined with the low marginal value which such weapons have when used in combat, makes it desirable to limit their production and stockpiling as much as possible. I would find this amendment, which will allow modernization of our chemical munitions, much less palatable if its net effect were to further increase the quantity of our chemical weapons stockpile.

To that end, I propose this amendment, similar to the one I had filed when the Defense authorization bill was considered, which was to insure that this modernization bill will not serve as a euphemism for enlarging our chemical weapons stockpile. Indeed, the amendment reflects my belief that we can actually reduce the overall level of our military chemical stockpiles by not simply replacing unitary chemical munitions with binary ones, but by also reducing our supply of bulk agents by a like amount. My amendment will have the net effect of destroying two of our current chemical weapons supply for every new binary munition produced, in effect a double reduction by destroying the equivalent of two unitary weapons for each binary built.

I have no fear that this measure will deplete our chemical weapons inventory to dangerously low levels. Indeed, I find many of the comparisons which are often drawn between the chemical weapons stockpiles of the United States and the Soviet Union on behalf of this amendment unpersuasive. The marginal value of chemical weapons on the battlefield declines rapidly. Their effect on an enemy with adequate defensive gear will be greatest at the outset but declines rapidly once passive defense measures are taken. Relatively few munitions, then, are required to maintain an adequate deterrent in this field. That fact, coupled with the fact that the United States, unlike the Soviet Union, does not have to maintain a stockpile of chemical weapons large enough for use against insurgents who oppose its—the Soviets—imperialistic ambitions, suggests that a reduction in our chemical weapons stockpile can be effected without endangering our deterrent's effectiveness.

I therefore urge all my colleagues, whatever their attitude toward the principal amendment, to lend their support to my amendment. To do so will insure that if the amendment of the Senator from Alaska is adopted it will not be the unwitting vehicle for a net increase in our overly large chemical munitions stockpile. Rather, his amendment, as amended, will allow for modernization but at the same time take some initial steps toward reducing these weapons out of existence.

I yield the floor.

Mr. HATFIELD. I would like to ask the Senator to yield for a question. If I understand the Senator correctly, his amendment, which I believe is also subject to a point of order, is proposing that we trade two new binary chemical weapons for one existing weapon in the arsenal?

Mr. BOSCHWITZ. No, no; the Senator has that backward. Two existing weapons or their equivalent. In some of the unitary weapons, the chemical is stored in drums. The equivalent chemical or weapon itself.

Mr. HATFIELD. I see. I am glad to get it in that ratio.

Now, let me ask, would this be a tradeoff from the deliverable-repairable portion of the chemical arsenal or from the nonrepairable-nondeliverable portion?

Mr. BOSCHWITZ. The amendment states that for each new binary munition produced at least one existing serviceable chemical artillery shell shall be reduced, and also the equivalent of chemical, some of which is stored not in the weapons themselves but in drums.

Mr. HATFIELD. Does the Senator know which portion of the chemical arsenal he is dealing with then in the tradeoff? What percentage of the total arsenal?

Mr. BOSCHWITZ. Sixty percent of the chemical is stored in drums, 40 percent in weapons.

Mr. HATFIELD. How many tons does that 60 percent represent, or to how many weapons does it equate?

Mr. BOSCHWITZ. I ask the Senator since apparently he knows and I do not. I am informed the figure is 60 percent.

Mr. HATFIELD. The Senator is approximately correct. It is 61 percent that is in bulk. Now, how do you measure a trade between bulk——

Mr. BOSCHWITZ. I understand that the figures are classified.

Mr. HATFIELD. No; these are published. I have the publication here.

Mr. BOSCHWITZ. I do not know.

Mr. HATFIELD. Let me ask the Senator then, how do you equate 61 percent of the arsenal in bulk to a weapon for a trade?

Mr. BOSCHWITZ. I presume that the weapons have a more standardized type of weight with respect to the chemical, and that is the presumption that I have proceeded under, that the weight in chemical would be destroyed.

Mr. HATFIELD. How much weight is there in 61 percent of the arsenal?

Mr. BOSCHWITZ. My staff says that it would be approximately 300,000 tons, of which 60 percent is in bulk.

Mr. HATFIELD. Then how does the Senator equate a trade between a bulk item with a weapon?

Mr. BOSCHWITZ. As I have stated, the amount of chemical that is placed in the new weapon would be eliminated from the bulk; and in the case of a unitary weapon, the unitary weapon would be destroyed.

Mr. HATFIELD. Well, then, is the Senator aware that he is actually escalating the arsenal in that kind of a formula?

Mr. BOSCHWITZ. No. No.

Mr. HATFIELD. I think that is precisely what the Senator's amendment will do. It will escalate the chemical weapons arsenal.

Mr. BOSCHWITZ. Let me describe once again the amendment to my friend from Oregon—that twice as much chemical must be destroyed for each new weapon that is produced. If the Senator is saying that some of the chemical is in 55-gallon drums and some other form of storage, and therefore the number of weapons can go up, there is nothing to prevent us from now putting that chemical into weapons form, too, so that the overall amount of chemicals will go down at a rate of 2 for 1, and that is the object of the amendment and that is how the amendment reads.

Mr. HATFIELD. Let me just say that the Senator's amendment does precisely the opposite. Because 61 percent of the arsenal today is nondeliverable-nonrepairable, he is going to be putting a new weapon in for each weight that he wants to draw out of the currently useless portion of the arsenal, so what he is doing is really escalating the whole chemical weapons program. Let us bear in mind that 5,000 tons equal 1 million artillery projectiles. And when you get into this business of taking 60 percent of the arsenal today that is in bulk, that is not repairable, not deliverable, and you are going to take that out and put in an active weapon, you are escalating the whole system.

Mr. BOSCHWITZ. Not at all. If the Senator would read the amendent, he would see that the drawdown is in two parts.

First, that there must be a 1-for-1 reduction in artillery shells in the munition itself, and then there would also be a 1-for-1 reduction in the bulk chemical. But there must be a 1-for-1 reduction in the munitions themselves, with the result that there will not be an increase and the chemical will be drawn down.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. The hour of 12 o'clock having arrived, the Senate will now stand in recess until 2 p.m.

Thereupon, at 12 noon, the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

Mr. STEVENS. Mr. President, I yield myself such time as I may need.

I believe that the Boschwitz amendment adds a new dimension to this debate, and I want to make certain that the Senate understands this, and then I will make a position known concerning it.

Page 85 of the bill contains a sense-of-the-Senate provision that is aimed toward the same concept of a reduction and a demilitarization of the existing stockpile. It provides for a reduction of one of the old munitions for each new one that is produced.

It also contains a requirement to render a serviceable artillery projectile useless for every binary munition produced. The intent of that was to effect the same concept as I said in my opening statement.

The Boschwitz amendment goes further. It is not a sense-of-the-Senate resolution; it is a provision which will be part of the bill and will become statutory law.

I am informed that, for the first time, the Department of Defense is willing to accede to this language, having it become a matter of law to require the type of reduction that the Senator from Minnesota has long advocated. I think he has made a substantial contribution to this ongoing debate and dialog.

We are prepared to try to take action to incorporate his amendment into mine. Pending the Senator's return to the floor, I should like to delay that, because I think he would want to be here at the time, to make certain that none of his rights is jeopardized in any way.

I do support the Boschwitz amendment. It is an improvement on our bill. It goes further than the bill, because it is not a sense-of-Congress provision, and, as such, it is an amendment that I think we should incorporate into the amendment I have presented on behalf of the administration.

Mr. President, I am authorized by the Senator from Mississippi to say that he supports the same treatment of the Boschwitz amendment, if it will meet with the approval of others involved in this matter, particularly my good friend the chairman of the committee.

Senator BOSCHWITZ has left the floor, and he said he will be back in a few minutes.

Does the Senator from Oregon wish to address this matter?

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Oregon has 30 minutes remaining. The Senator from Minnesota has 5 minutes remaining.

Mr. HATFIELD. Mr. President, I think that the Boschwitz amendment is definitely legislation on an appropriations bill, and I will not raise a point of order.

However, I think it should be clearly understood that what we are doing is taking garbage out of the arsenal, under the Boschwitz amendment, and putting in some new, golden weapons, the binary weapons. By any other name, call it build-down or these other fancy names, you still have arms escalation. You are escalating the arsenal. The only direction it is moving is upward.

I merely want to clarify that so that all these totals that attach to these new arms management programs that are floating around here do not mislead the public.

Sixty-one percent of the arsenal today is junk, in terms of deliverable, serviceable weaponry. So when you take out some of that junk and put in some very deliverable kinds of weapons, do not call that arms control or deescalation. It is only escalation.

I believe that the whole amendment should fall, and I would have no objection to adding the Boschwitz amendment, which just reemphasizes and underscores what we are doing. That is all it does. We will then get to a vote on the whole matter and get on with the other issues before us.

So I will not raise a point of order on this, although I am informed by the Parliamentarian that it would probably be subject to a point of order as legislation on an appropriations bill.

Mr. STEVENS. Mr. President, I do not wish to prolong the matter, but I assure my good friend that I do not view the Boschwitz amendment as being in any way an amendment that does not achieve a real, substantive change in the position of those of us who supported the concept that was enunciated by the administration.

What the Boschwitz amendment really says is that if we produce binary weapons which would amount to one-third of the current stockpile, two-thirds of that current stockpile would have to be destroyed. I think that is not properly understood, if people do not recognize it for what it is. It is a two-for-one reduction which the Senator says in this amendment must be accomplished. As I indicated, the sense-of-Congress resolution would have gone one for one and would have aimed at the same purpose, but his amendment is two for one, and it is mandated in law. I think that is a sizable change to there weapons systems.

It is quite a build-down, because, as the Senator points out, a portion of that whole system, we admit, is useless under the current circumstances. I believe that the Boschwitz amendment is a meaningful one.

I see my good friend here now, and I wish to ask him if he would have any objection if I incorporated his amendment into the amendment I have offered on behalf of the administration.

Mr. BOSCHWITZ. I do not object.

I do point out that the reduction is not only two for every new one, but also, one of the old ones that is reduced must be in a chemical weapon.

Mr. COHEN. Mr. President, I express my objection to the use of the word "build-down" with respect to this vote. Build-down has been developed within a framework of trying to shape the future deployment of the nuclear weapons possessed by both the United States and the Soviet Union—ICBM's and others. It was formulated specifically to try to develop some sort of incentive to reduce the size, the megatonnage, and the destructive capability, and to alter the force structure, of the nuclear arsenals of both the United States and the Soviet Union.

So, to use the phrase "build-down" is a misnomer. If you are going to use that phrase, perhaps we will include a 5-percent guaranteed reduction every year and all the other elements of the negotiation that took months to accomplish with the administration.

Mr. STEVENS. I have been very sensitive about that.

Mr. COHEN. But apparently there has been a sort of cavalier attitude displayed here, that this is somehow analogous to it, and I suggest that it is not.

There is a saying: "Beggars mounted ride their horses to death." I do not think we should take this phrase, which was used in an entirely different context, and suddenly run all out here and ride it to death on a different concept.

Mr. STEVENS. It is not the same concept. It is a meaningful direction to reduce existing chemical weapons stocks and put this provision into the bill now instead of a sense-of-Congress provision.

Mr. President, I ask unanimous consent that I may modify my amendment to incorporate therein an amendment in the second degree that has been offered by the Senator from Minnesota (Mr. BOSCHWITZ).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The modified amendment is as follows:

> On page 22, line 5, strike "$1,943,500,000", and insert in lieu thereof "$2,067,900,000: *Provided*, That the Secretary of Defense shall destroy at least the equivalent of two existing chemical weapons for each new binary munition produced—
>
> "(1) by rendering useless at least one existing serviceable chemical artillery shell for every binary munition produced; and
>
> "(2) by reducing, within one year after initiating binary munitions production, the existing stockpile of Department of Defense chemical munitions at a rate not less than the rate of production of new binary munitions;".

Mr. STEVENS. Mr. President, it is my understanding that the vote will occur soon on the combined amendment.

Let me say to my friend from Oregon that I do understand his position. I understand it fully. I know of no more formidable opponent in any legislative hall than the Senator from Oregon, when he makes up his mind to express himself on a matter such as this.

I have not offered this amendment lightly. As a matter of fact, the Senator will recall that I indicated that I did not think I would offer the amendment, and the Senator from Texas indicated that he would if I did not.

We have gone back over all the material involved and have conferred with the administration, and my staff has had lengthy conferences with the people representing our Government in the arms reduction talks.

The adoption of this amendment is absolutely essential for us to be able to have the complete position we need at the Geneva talks.

It is not an easy matter on which we ask the Senate to vote. It is not a new matter. The Senate has voted before on this, in the authorization process.

It is a change in direction so far as appearances are concerned. So far as I am concerned, it is an announcement of a willingness to change our position to resume production of these weapons if the Soviets are unwilling to continue their participation at the bargaining table.

As I stated before to the Senate, they were at the bargaining table. They were prepared to go ahead and withdraw because they felt that we were negotiating with them solely as to their stockpile.

We have a meaningful position here, I think, one that will accomplish a goal at the bargaining table. It also will commit this country to a course of reducing the numbers and the amount of our chemical munitions. So it accomplishes a twofold purpose in my opinion.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. STENNIS. Mr. President, I support the amendment for the increased amount here with reference to the gas. I was attracted to the Boschwitz amendment. I think it is a fine step, a contribution.

As I understand our procedural matter here is that the Senator wants to combine them.

Mr. STEVENS. Yes.

Mr. STENNIS. All will be included in one vote.

Mr. STEVENS. Yes.

Mr. STENNIS. Very well. That makes the two things that I was supporting in the same amendment. Of course, my vote will be that way. For those of us who did not get to hear Senator BOSCHWITZ this morning when he explained it, it was with reference to the binary gas, and it is with reference to the countdown. What did he call it?

Mr. BOSCHWITZ. Reduction.

Mr. STENNIS. The countdown reduction. When one new one comes in, two of the old ones go out.

Mr. BOSCHWITZ. That is correct.

Mr. STENNIS. I commend him again for that. I think it is a fine step to take for this troublesome question. But we have to have the gas, as I see it.

I yield, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I wish to inquire as to how many more wish to be heard on the opposition side. I see the Senator from Arkansas, the Senator from Colorado, and the Senator from Montana wish to be heard.

We have how many minutes remaining?

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

Mr. HATFIELD. Eleven minutes remaining. It dropped from 30 to 11 in a short time.

The PRESIDING OFFICER. The 30 was on the Boschwitz amendment. The 11 is on the current amendment.

Mr. HATFIELD. Mr. President, I wish to allocate the time to those who wish to be heard.

Before I do that, I think it is a very interesting observation. As I listened to these strained and rather convoluted explanations of what is being proposed in the Boschwitz amendment and others, it sounds to me more like a unilateral disarmament proposal because we are going to go down in our arsenal. As it is explained, we are going to reduce our arms on a unilateral basis—that very thing has been charged against some of us who have been struggling for real arms control. It is very interesting now to hear some unilateral disarmament proposals actually presented here on the floor gain the kind of support that they are gaining. That observation is just gratuitous.

I wish to yield to the Senator from Arkansas 2 minutes, the Senator from Colorado 2 minutes, and the Senator from Montana 2 minutes, and then reserve the remaining period of time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank the distinguished chairman of the Appropriations Committee for yielding to me. I will take just a very quick moment.

Mr. President, now that we have incorporated the Boschwitz amendment into the full amendment offered by the distinguished Senator from Alaska, Senator STEVENS, and Senator TOWER, I would like to just, if I could, comment as a layman on what I think the Boschwitz amendment is going to do. It is going to do nothing. It is going to do nothing because nothing can be done at this time to demilitarize the tremendous quantity of nerve gas that we have stored today.

This viewpoint is supported by evidence given to the Senate Appropriations Committee in a meeting called by Chairman HATFIELD on May 5, 1983. Two distinguished parties testified before the committee. One was Sol Hormatz and the others were those individuals from the Department of Defense who advocate the production of nerve gas and the revocation of the policy that we have had since 1969.

I would just share the question offered by Senator HATFIELD and the response given by the Department of Defense.

This is in the written questions, not the oral questions:

> Will unitary agents be withdrawn and destroyed on a one-for-one basis as binaries are produced, or will the present stockpile be maintained and refurbishment continued until full production of binaries is completed, only then demilitarized?

That was the question.

The answer given by the Department of Defense:

> The ultimate objective is to demilitarize the entire military agent and weapons stockpile; however, the primary limiting factor is the development of safe, cost-effective methods to demilitarize the unitary stockpile and the construction of the demilitarization process.

To make a long story, we have not the method, we have not the means, and we do not have the money to actually destroy the present stockpile that Senator BOSCHWITZ does want to destroy. It is an impossibility. We should recognize it for what it is—an impossibility.

Mr. President, in closing, we should recognize the issue of nerve gas for what it is. It is an ugly wart that will not go away. It will not go away from this body, from the debate on the military bill, and, Mr. President, I am very hopeful that our colleagues, in November of 1983, will finally say no to the issue of chemical warfare by our vote in a few minutes on the Tower-Stevens amendment.

I thank the President, and I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 minutes.

Mr. HART. Mr. President, the simple fact is that the United States does not need a new generation of chemical munitions among them within the arsenal we possess. Chemical warfare agents are useful only if the using side can defend itself against the effects of that usage.

Five or six years ago the Senator from Georgia (Mr. NUNN) and the Senator from Colorado proposed that the Army undertake to equip itself and, indeed all of our land forces, both our personnel and our equipment, against the use of chemical warfare agents by any side, thereby deterring the other side from using these kinds of munitions.

In fact, if the use of chemical munitions is not effective against the opponent, then there is no reason to use them.

The military has been dragging its feet for the last 5 or 6 years in terms of investment in defensive warfare techniques and technology. Consequently, if we went forward with binary weapons today, we could not use them for fear of gassing our own forces and civilians in the area. They are not practicable munitions. Merely building them and stockpiling them if the Soviets know we are not equipped to defend ourselves against the effects of those various munitions against our own forces, it is no deterrent whatsoever and it is no bargaining chip whatsoever.

The fact of the matter is without defensive capability, and we do not have that defensive capability, a new generation of binary weapons makes no sense whatsoever. The United States is wasting its money. The United States is not prepared, neither are its NATO allies, to operate in a chemical warfare environment. The Soviets know that. If we go ahead and spend these billions of dollars, we have done nothing but deplete the National Treasury and send a signal to the world that we have learned nothing but the immorality of practicing warfare by the use of chemical agents.

I urge the rejection of both these amendments and I support our colleague from Oregon.

The PRESIDING OFFICER. The Senator from Montana is recognized for 2 mintues.

Mr. MELCHER. Mr. President, the use of chemical agents, like nuclear weapons, would be used in warfare which probably would be totally out of control of those making war.

Chemical warfare agents are delivered through discharges into the atmosphere, as the chemical agents are dispelled and spread far beyond the immediate area of the war through wind currents and turbulent confusions. Control of these agents is thus possible only to the extent that the meteorological situation can be predicted and controlled, in other words, controlling the weather.

While the Army field manual telling us how to use chemical agents lists factors such as the influence of weather and rain for consideration in deciding whether to use the chemical weapons, the manual does not provide and did not provide specific guidance to the user because no one controls the weather. It is incapable of control. Chemical agents deployed on the battlefield could conceivably spread much beyond the national borders of the adversary against which they were used, subsequently affecting nonadversary nations and populations.

In World War I when poison gas was used it was very, very tough stuff. In World War II as a result of that there was not any gas used.

We are beyond the area of where it is conceivable that any commander on any side could select this disastrous type of weapon to be used on a battlefield. It cannot be used because there is no control over it.

We simply should not invest the defense dollar in something that cannot be used and is too horrible to contemplate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENS. Mr. President, I yield myself 5 minutes on the bill.

Mr. COHEN. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. COHEN. I thank the Senator for yielding.

Earlier today, Mr. President, the Senator from Alaska and I had a colloquy which I would like to at least explore a little bit further. It was my judgment that we ought to confine the appropriation to the continuation of the building of facilities while at the same time resuming direct bilateral negotiations with the Soviet Union about achieving a ban and total prohibition on the use and production of chemical weapons.

I said this for several reasons. No. 1, I think it is premature to procure the 155-mm munitions because they have not been fully field tested. It is premature to procure the Bigeye for the same reason, among others. The better course would be for us to try and limit our efforts at this time to the facilities while raising at least an initiative with the Soviet Union to resume those negotiations broken off in 1980.

That, in my judgment, would send the right kind of signal not only to the Soviets but to our allies as well and to those around the world.

It is my understanding that the Senator from Alaska feels that that is a responsible and reasonable course to pursue but that he would like to have the opportunity to go before the conference with this particular amendment to give him and others a stronger hand to achieve the goal that I suggest would be the responsible one.

Is that the Senator's position, that he be willing to place this proposal before the House of Representatives to see if we could not proceed on a so-called two-track system: to continue with the production facilities and yet not undertake to go forward on the munitions themselves, and to try to reinstitute the negotiations with the Soviets that were suspended on a bilateral basis back in 1980? Would the Senator be willing to pose that to the conference?

Mr. STEVENS. As I said to the Senator, it would be my intention to propose that in the conference, understanding the conference position on this issue. As I understand it, $106 million of the moneys I seek to replace are in fact associated with facilities. The $18 million plus is associated with the round itself. I think that the solution that the Senator mentions, particularly in view of the fact that that $18 million is fenced anyway in the authorization bill until October 1985, is a reasonable position to ask the House to adopt. I am hopeful they will do that.

Mr. COHEN. I thank the Senator for his comments. I do urge the conferees when they meet with their fellow Members from the House that they pursue this. I think it is important that we at least make the effort to say let us resume those negotiations, that we adopt sort of a last clear chance approach with the Soviets, that we have an opportunity to come to an agreement about the prohibition of these weapons.

Mr. STEVENS. I thank the Senator. I assure him we will attempt to proceed as he has outlined.

The PRESIDING OFFICER. Who yields time? No time remains.

Mr. HATFIELD. Mr. President, I only want to inform the Chair I am ready to make a motion to table the Stevens amendment, as modified by the Boschwitz amendment, at whatever time everyone has had ample opportunity for discussion.

Mr. STEVENS. I will say to my friend I was hopeful we would have an up-or-down vote on this amendment. This is the first time I heard there would be a motion to table. It is the Senator's prerogative. I want to make certain that the Members of the Senate understand the issue, however, whether it is a motion to table or up or down. That is that we now have the amendment that I offered to add funds to the bill for the specific purpose of proceeding with the chemical weapons proposal presented to the committee. The Boschwitz amendment adds to that as a provision of law that there would be two-for-one destruction, two existing weapons would have to be destroyed for each new weapon produced. It is a combined vote. I hope that no matter how the Senator wishes to pursue it, Senators understand that. Is the Senator going to move to table the amendment?

Mr. HATFIELD. Yes.

Mr. STEVENS. Very well.

Mr. HATFIELD. Mr. President, at this time I will state the committee position does not support the amendment of the Senator from Alaska, as modified by the Senator from Minnesota. I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Texas, as modified. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. WILSON (when his name was called). On this vote I have a pair with the distinguished Senator from Washington (Mr. Evans). If he were present and voting, he would vote "aye." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. Cochran), the Senator from Washington (Mr. Evans), and the Senator from Alaska (Mr. Murkowski) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. Hollings) and the Senator from Hawaii (Mr. Inouye) are necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 46, nays 48, as follows:

[Rollcall Vote No. 341 Leg.]

YEAS—46

Andrews
Baucus
Biden
Bingaman
Boren
Bradley
Burdick
Chafee
Chiles
Cranston
Danforth
DeConcini
Dodd
Durenberger
Eagleton
Gorton
Grassley
Hart
Hatfield
Heinz
Huddleston
Kassebaum
Kennedy
Lautenberg
Leahy
Levin
Mathias
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Riegle
Roth
Sarbanes
Sasser
Specter
Stafford
Tsongas
Weicker

NAYS—48

Abdnor
Armstrong
Baker
Bentsen
Boschwitz
Bumpers
Byrd
Cohen
D'Amato
Denton
Dixon
Dole
Domenici
East
Exon
Ford
Garn
Glenn
Goldwater
Hatch
Hawkins
Hecht
Heflin
Helms
Humphrey
Jepsen
Johnston
Kasten
Laxalt
Long
Lugar
Mattingly
McClure
Nickles
Nunn
Quayle
Randolph
Rudman
Simpson
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Wallop
Warner
Zorinsky

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Wilson, against

NOT VOTING—5

Cochran
Evans
Hollings
Inouye
Murkowski

So the motion to lay on the table amendment No. 2517, as modified, was rejected.

Mr. BOSCHWITZ. Mr. President, I move to reconsider the vote by which the motion to table was rejected.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

amendment no. 2517, as amended

The VICE PRESIDENT. The Senator from Alaska is recognized.

Mr. STEVENS. I am now prepared to go ahead with the basic amendment. I seek advice of the chairman, if he wishes to ask for the yeas and nays.

Mr. HATFIELD. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. This is on the same amendment, as amended. It has the Boschwitz amendment, which is the reduction amendment requiring a 2-for-1 reduction. Those who voted "no" last time, if they want to support my position, vote "aye."

The VICE PRESIDENT. The question is on agreeing to the amendment, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mrs. HAWKINS (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Mississippi (Mr. Cochran). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withdraw my vote.

Mr. WILSON (when his name was called). On this vote I have a pair with the distinguished Senator from Washington (Mr. Evans). If he was present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. BYRD (after having voted in the affirmative). On this vote I have a pair with the distinguished senior Senator from Hawaii (Mr. Inouye). If he were present and voting, he would vote "nay." I have voted "yea." If I were permitted to vote, my vote would remain "yea." Under the circumstances, I withdraw my vote.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. Cochran), the Senator from Washington (Mr. Evans) and the Senator from Alaska (Mr. Murkowski) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. Hollings) and the Senator from Hawaii (Mr. Inouye) are necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber who wish to vote?

The yeas and nays resulted, yeas 46, nays 46, as follows:

[Rollcall Vote No. 342 Leg.]

YEAS—46

Abdnor
Armstrong
Baker
Bentsen
Boschwitz
Bumpers
Cohen
D'Amato
Denton
Dixon
Dole
Domenici
East
Exon
Ford
Garn
Glenn
Goldwater
Hatch
Hecht
Heflin
Helms
Humphrey
Jepsen
Johnston
Kasten
Laxalt
Long
Lugar
Mattingly
McClure
Nickles
Nunn
Quayle
Randolph
Rudman
Simpson
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Wallop
Warner
Zorinsky

NAYS—46

Andrews
Baucus
Biden
Bingaman
Boren
Bradley
Burdick
Chafee
Chiles
Cranston
Danforth
DeConcini
Dodd
Durenberger
Eagleton
Gorton
Grassley
Hart
Hatfield
Heinz
Huddleston
Kassebaum
Kennedy
Lautenberg
Leahy
Levin
Mathias
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Riegle
Roth
Sarbanes
Sasser
Specter
Stafford
Tsongas
Weicker

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—3

Hawkins, for
Wilson, for
Byrd, for

NOT VOTING—5

Cochran
Evans
Hollings
Inouye
Murkowski

The VICE PRESIDENT. On this vote, the yeas are 46, the nays are 46. The Senate being equally divided, the Vice President votes in the affirmative.

So the amendment (No. 2517), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOSCHWITZ. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT

The VICE PRESIDENT. Under the previous order, the Senate will now consider the last committee amendment on the McNeil Island.

Who yields time?

The Senate will be in order.

The PRESIDING OFFICER (Mr. Quayle). The Senate will come to order.

Those Senators desiring conversation, please retire from the Senate Chamber. The Chair will not proceed until the Senate comes to order.

The Senate will come to order. Those Senators desiring to converse, please retire from the Chamber.

Under the previous order, the Senate will now consider the last committee amendment on McNeil Island, which the clerk will state.

The legislative clerk read as follows:

On page 88, line 7, insert a new section 799.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, this is the amendment that I am obligated to discuss with the Senator from Ohio in the Chamber.

Mr. GORTON. Mr. President, will the Senator yield?

Mr. STEVENS. I yield to the Senator from Washington.

Mr. GORTON. Mr. President, this amendment was discussed at length on Friday last and the Record includes a spirited discussion between myself and the Senator from Ohio.

(By request of Mr. Gorton, the following statement was ordered to be printed in the Record:)

● Mr. EVANS. Mr. President, this amendment to the fiscal year 1984 defense appropriations bill transfers ownership of the McNeil Island Federal Penitentiary complex to the State of Washington.

The penitentiary was abandoned by the Federal Government in 1980 after over 100 years of operation. It was declared surplus in 1981. The State of Washington has since been leasing the facility because of the severity of overcrowding in our prisons. Negotiations regarding the transfer of the facility have been ongoing between the State and the General Services Administration for the past 2 years. But a substantial rent increase has brought this issue to the forefront and requires immediate resolution.

The question has been raised as to why we did not follow the normal procedure of going through the authorizing committee. I would like to point out that Senator Stevens' Subcommittee on Civil Service, Post Office, and General Services has jurisdiction over this matter and has held hearings on legislation (S. 1422) to transfer surplus Federal prison facilities to States without costs. Testimony was received, at that time, regarding McNeil Island. Senate bill 1422, in fact, passed the Senate on May 26, 1982, but died in the House. So we have tried legislatively and administratively to resolve this problem for the past 2 years, but time will not allow us the luxury of waiting any longer.

Mr. President, the existing lease agreement expired October 31, and GSA intends to triple the rent to $1 million if this issue is not settled. Our amendment freezes the rent increase. But the increase will still occur unless this matter is concluded legislatively.

I might add that it is true that the State of Washington has appropriated $8.8 million for the purchase of the property. But, subsequent to that action, the State learned of the administration's policy—and, I might add, the Senate agreed in passing Senate bill 1422—to transfer surplus prison facilities for free. So, as a result, negotiations between the State and GSA on McNeil Island for purchase of the island broke down.

Therefore, Mr. President, I urge adoption of this amendment which would greatly relieve a crisis situation in my State, and also meet the stated goals of the administration.●

Mr. GORTON. Mr. President, I join with my colleague, Senator Evans, to state why this amendment is appropriate and why it is necessary.

It is appropriate for the Federal Government to transfer surplus Federal property to State and local governments for correctional facilities. If these vacated Federal facilities are available for State ownership and use at no cost to the State, prison overcrowding in the State's system can be reduced and the Federal facilities can have a continued functional life and value to the public.

The President's Task Force on Violent Crime recommended that these kind of transfers take place. The President responded to this recommendation and made transfers for prison purposes an exception to the Federal Property Review Board's general policy that transfers of surplus Federal property shall take place at fair market value.

A number of 100 percent discount conveyances have taken place though the Department of Education's authority to request transfers of surplus property for educational purposes. Washington is in the process of applying for a transfer under this authority, but the delay involved, the uncertain outcome, and GSA's threatened rent increase make legislation necessary.

The Senate has given its sound approval for these transfers of prison property. Last May we passed, unanimously, S. 1422, which provided for donations of surplus Federal property to any State for the construction and modernization of criminal justice facilities. This bill did not pass the House, but it was the product of full hearings in the Senate, including witnesses discussing McNeil Island.

Washington has been negotiating for over 2 years to acquire McNeil Island. It has pursued a discount conveyance at the same time that it negotiated with the General Services Administration, by working for S. 1422 and by applying for a free transfer through the Department of Education. The State has not entered into a contract to buy McNeil Island. It has negotiated a tentative price of $8.8 million and appropriated the money in case a discount conveyance proves to be impossible. But negotiations have broken down in light of the clear Federal policy that it should be transferred at no cost.

Over the past 2 years, the State has invested $3 million in the property in capital improvements and has paid an additional $1 million rent. It will spend $15 to $20 million in improvements once it gets title. In addition, the State saves the Federal Government approximately $1 million each year on maintenance costs for the portion of the islands it manages as a wildlife sanctuary.

I would like to note, while I am on the subject of the wildlife sanctuary, that the State entered into an agreement with the Department of Interior which this amendment is in no way intended to alter. At the time it was first declared surplus, the Department of Interior, Fish and Wildlife Service, agreed to give up its first claim on the property provided the State agree to certain conditions on its use of the property. The State agreed to these conditions, which have been incorporated into each of the lease agreements with the General Services Administration.

The State intends, and the sponsors of this amendment intend, that these conditions shall be incorporated into the deed conveying the McNeil Island complex to the State. In addition, there may be other agreements between the State and other Federal agencies which the General Services Administration has intended to incorporate into its conveyance of McNeil Island. This amendment is not intended to supersede those agreements.

In summary, Mr. President, this amendment is an appropriate transfer of surplus Federal property for a public use which is consistent with national policy.

It is necessary because of the costly and frustrating delay which has accompanied the State of Washington's efforts to acquire the property. Without legislation, the State will face a sharp and unwarranted increase in rent which is only prevented now because we are considering this amendment.

This amendment represents good policy, and I urge its adoption.

I yield to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I have raised questions about this amendment for the past several days with the Senator from Washington, and it is fair to say that I still do not look favorably on this transfer.

I wish to point out that there is a memorandum of understanding between the State of Washington and the General Services Administration which provides that GSA is not in a position at this time to quote a firm price for sale on the property. However, preliminary investigations indicate that in GSA's opinion an offer less than $8.8 million will not be acceptable.

It goes on to say that the State has determined any price in excess of $8.8 million would not be acceptable.

Then in addition to that, dated July 7, 1983, there is a letter from Kenneth Lindebak, Director of Disposal Division of the Office of Public Buildings and Real Property, in which he makes it clear that legislation failed to pass Congress and that in spite of the Reagan administration position that we should give away these properties, that without legislation that cannot legally be done.

And it goes on to say:

> We have been working with the State for several years now on a negotiated sale. The State legislature has appropriated money for the purchase and we expect to receive an offer around $9 million. We believe a negotiated sale of this 4,400 acre island is in the best interest of the Government and we are working to complete this sale by the end of September. In answer to your letter, I have no intention to screen the McNeil Island property with your office and therefore I am returning the education application. It is my understanding your Washington office has been informed of this.

Having said that I do have some strong feelings about the whole question of giving away Federal property. I expressed myself the other day that I do not think the President or anyone else has the right to do this nor should do it.

However, the Senator from Washington has argued that there are mitigating circumstances and that the public interest would be better served if the property were transferred to the State of Washington.

I still have reservations about that but wish to inquire of my good friend from Washington to the following effect.

I want to make sure that the present wildlife habitat on McNeil Island will be maintained by the State of Washington after the island is transferred. I am told that GSA has proposed to the State a draft deed that requires the State to maintain the island's wildlife habitat. The draft deed also provides that the island shall revert to the United States if the State fails to maintain the wildlife habitat. I believe that these provisions are very important and should be included in the deed executed pursuant to this legislation. Does the Senator from Washington agree?

Mr. GORTON. Yes; I fully expect that the executed deed will contain provisions protecting wildlife habitat that are identical or at least substantially similar to the provisions contained in the draft deed.

I may add, before the Senator goes on to the next question, that I have visited this island. It is peculiarly suited for this purpose, and I can assure the Senator from Ohio that both I and my colleague from the State of Washington regard this as a particularly magnificent wildlife refuge and will lend our own efforts to see to it that it is so preserved.

Mr. METZENBAUM. I am pleased to receive those assurances from my friend from Washington as well as his colleague.

I have one more question. The McNeil Island provision in this leigislation does not place any terms or conditions on the transfer of the island. Is this intended to in any way undermine GSA's authority to impose terms or conditions in the deed with respect to wildlife habitat?

Mr. GORTON. Absolutely not. This provision in the legislation does not contain terms and conditions only because we did not consider it a necessary part of the legislation itself.

It is fully contemplated that GSA will impose whatever terms and conditions it deems advisable, including terms and conditions regarding wildlife habitat.

Mr. METZENBAUM. I thank the proponent of the legislation, my good friend from Washington.

Mr. President, I do not think that we should pass this amendment, but I do not intend to hold up the passage of a bill which I believe contains something like $250 billion or $260 billion for an item which relates to an $8.8 million transfer.

Under those circumstances I cannot say that I am prepared to accept the amendment or not to oppose its passage, but I will say that I will not request a rollcall vote and will be satisfied just by being on the floor and indicating my opposition.

I might say there are a number of other Senators who have indicated that they are also opposed. But I think we debated it long enough, and my guess is, and it is a reasonably well calculated guess, that if we were to take it to a vote the Senator from Washington would prevail since he has more of our people on that side than I have on this side.

Mr. GORTON. I thank the Senator from Ohio for his consideration and I am only sorry that I have not persuaded him enthusiastically to support the amendment. I can assure him that the entire property, wildlife refuge, prison, and all, will be used for the best of public purposes, that it will actually relieve the Government of the United States from a certain expense and that all of the money which the State might use to purchase the property and considerably more will be put into improving it and making it more useful for those purposes.

Mr. METZENBAUM. I am pleased to have those assurances from the Senator from Washington.

If he is ready I am now ready for the Chair to put the question.

The PRESIDING OFFICER. Does the Senator yield back the time?

Mr. GORTON. Mr. President, I yield back the remainder of my time.

Mr. METZENBAUM. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the committee amendment.

(Putting the question.)

The excepted committee amendment was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2520

(Purpose: To make certain additions and other adjustments to the FY 1984 Department of Defense Appropriations Act)

Mr. TOWER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas (Mr. TOWER) proposes an amendment numbered 2520.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike page 2 through line 4 on page 40, and insert in lieu thereof:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; *$15,402,901,000.*

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of Reserve provided for elsewhere), midshipmen, and aviation cadets; *$11,448,872,000: Provided, That notwithstanding any other provison of law, funds made available by this Act shall be available for payment of the Aviation Officer Continuation Bonus pursuant to agreements accepted from officers of all aviation specialties where shortages exist.*

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); *$3,515,659,000: Provided, That notwithstanding any other provision of law, funds made available by this Act shall be available for payment of the Aviation Officer Continuation Bonus pursuant to agreements accepted from officers of all aviation specialties where shortages exist.*

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; *$12,903,803,000.*

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3019, and 3033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; *$1,426,600,000.*

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or personnel while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; *$758,600,000.*

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; *$180,100,000.*

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8019, and 8033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; *$389,400,000.*

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 265, 3033, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; *$1,977,600,000.*

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; *$604,400,000.*

TITLE II

RETIRED MILITARY PERSONNEL

RETIRED PAY, DEFENSE

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and Air Force, including the reserve components thereof, retainer pay for personnel of the Inactive Fleet Reserve, and payments under section 4 of Public Law 92-425 and chapter 73 of title 10, United States Code; $16,592,600,000.

TITLE III

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, not to exceed $8,490,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretry of the Army, and payments may be made on his certificate of necessity for confidential military purposes: *of which* not less than *$1,260,200,000* shall be available only for the maintenance of real property facilities.

ARMY STOCK FUND

For the Army stock fund: *$408,600,000.*

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, and not to exceed $2,700,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes: *$22,246,908,000 of which* not less than *$670,700,000* shall be available only for the maintenance of real property facilities: *Provided, That of* the total amount of this appropriation made available for the alteration, overhaul, and repair of naval vessels, not more than *$3,150,000,000* shall be available for the performance of such work in Navy shipyards: *Provided further, That funds* herein provided shall be available for payments in support of the LEASAT program in accordance with the terms of the Aide Memoire, dated January 5, 1981.

NAVY STOCK FUND

For the Navy stock fund; *$632,869,000.*

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, *$1,547,050,000, of which* not less than *$237,100,000* shall be available only for the maintenance of real property facilities.

MARINE CORPS STOCK FUND

For the Marine Corps stock fun; *$22,280,000.*

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, including the lease and associated maintenance of replacement aircraft for the CT-39 aircraft to the same extent and manner as authorized for service contracts by section 2306(g), title 10, United States Code; *and* not to exceed $4,770,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, *$17,851,756,000 of which* not less than *$1,243,600,000* shall be available only for the maintenance of real property facilities.

AIR FORCE STOCK FUND

For the Air Force stock fund; *$1,353,325,000.*

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, *$6,588,344,000, of which $10,000,000 shall be available for the hiring of 400 auditors in the Defense Contract Audit Agency. Provided, That* not to exceed *$8,571,000* can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes. Of the total amount of this appropriation, not less than $78,000,000 shall be available only for the maintenance of real property facilities.

DEFENSE STOCK FUND

For the Defense stock fund; *$47,000,000.*

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications *$677,100,000, of which* not less than *$39,500,000* shall be available only for maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications *$639,500,000, of which* not less than *$30,000,000* shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications *$52,879,000, of which* not less than $2,200,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications *$790,900,000, of which* not less than *$20,000,000* shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft) *$1,169,800,000, of which* not less than *$41,000,000* shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau, *$1,807,300,000, of which* not less than $38,800,000 shall be available only for the maintenance of real property facilities.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses, in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; and the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; $899,000, of which not to exceed $7,500 shall be available for incidental expenses of the National Board; and from other funds provided in this Act, not to exceed $680,000 worth of ammunition may be issued under authority of title 10, United States Code, section 4311: *Provided,* That competitors at national matches under title 10, United States Code, section 4312, may be paid subsistence and travel allowances in excess of the amounts provided under title 10, United States Code, section 4313.

CLAIMS, DEFENSE

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of the National Guard units thereof; *$172,900,000.*

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; $3,372,000, and not to exceed $1,500 can be used for official representation purposes.

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the XXIII Olympiad) provided by any component of the Department of Defense to the 1984 games of the XXIII Olympiad; *$45,000,000; Provided, That the Department of Defense may also provide support to the Los Angeles Olympic Organizing Committee on a reimbursable basis, with such reimbursements to be credited to the current applicable appropriation accounts of the Department.*

Environmental Restoration, Defense

For expenses, not otherwise provided for, for environmental, restoration programs, including hazardous waste disposal operations and removal of unsafe or unsightly buildings and debris of the Department of Defense, and including programs and operations at sites formerly used by the Department of Defense; $300,000,000 to remain available until expended.

TITLE IV

PROCUREMENT

Aircraft Procurement, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment lay-away; and other expenses necessary for the foregoing purposes; *$3,255,530,000,* to remain available for obligation until September 30, 1986.

Missile Procurement, Army

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necesary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, *to remain available until September 30, 1986.*

Procurement of Weapons and Tracked Combat Vehicles, Army

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; *$4,698,344,000* and in addition, *$111,600,000,* to be derived by transfer from "Procurement of Weapons and Tracked Combat Vehicles, Army, 1983/1985," to remain available for obligation until September 30, 1986*: Provided, That notwithstanding any other provision of law, within three months after enactment of this Act the Secretary of the Army shall complete and submit to the Committees on Appropriations and Armed Services of the House and Senate a study on the feasibility and cost effectiveness of establishing a second production source for the AGT 1500 engine for the M-1 tank, together with the Secretary's determination, based on the findings of such study, whether a second production source contract is in the national interest. The Secretary may implement his determination sixty days after the submission of the findings and determination: Provided, That current production of the AGT 1500 engine shall not be interrupted or reduced by the establishment of a second production source.*

Procurement of Ammunition, Army

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized in military construction authorization Acts or authorized by section 2673, title 10, United States Code, and the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; *$2,067,900,000* to remain available for obligation until September 30, 1986.

Other Procurement, Army

For construction, procurement, production, and modification of vehicles, including tactical, support (including not to exceed fifteen vehicles required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $100,000 per vehicle), and nontracked combat vehicles; the purchase of not to exceed two thousand one hundred and forty-one passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be required, and construction prosecuted thereon prior to approval of title as required by section 335, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; *$4,753,077,000, of which $24,400,000 shall be available for the M9 Armored Combat Earthmover under a multiyear contract,* to remain available for obligation until September 30, 1986.

Aircraft Procurement, Navy

(including transfer of funds)

For construction, procurement, production, modification, and modernization of aircraft, equipment including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; *$10,396,601,000, and in addition, $22,100,000, to be derived by transfer from "Aircraft Procurement, Navy, 1983/1985",* to remain available for obligation until September 30, 1986.

Weapons Procurement, Navy

(including transfer of funds)

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, as follows: For missile programs, *$3,034.500,000*; for the MK-48 torpedo program, $124,600,000; for the MK-46 torpedo program, *$212,900,000*; for the MK-30 captor mine program, *$78,500,000*; for the MK-30 mobile target program, *$17,600,000*; for the MK-38 mini-mobile target program, $2,000,000; for the antisubmarine rocket (ASROC) program, $17,300,000; for modification of torpedoes, $111,800,000; for the torpedo support equipment program, $72,100,000; for the MK-15 close-in weapons system program, $120,400,000; for the MK-45 gun mount/MK-6 ammunition hoist, $16,100,000; for the MK-75 gun mount program, $11,100,000; for the MK-19 machine gun program, $900,000; for the 25mm gun mount, $700,000; for small arms and weapons, $2,500,000; for the modification of guns and gun mounts, $13,600,000; for the guns and gun mounts support equipment program, $9,300,000; in all: *$3,764,900,000, and in addition $73,200,000, to be derived by transfer from "Weapons Procurement, Navy, 1983/1985",* to remain available until September 30, 1986: *Provided,* That within the total amount appropriated, the subdivisions within this account shall be reduced by $36,000,000 for revised economic assumptions.

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended, as follows: for the Trident submarine program, *$1,709,000,000* for the T-AK cargo ship conversion program, $900,000; for the SSN-688 nuclear attack submarine program, *$2,042,000,000* for the reactivation of the *U.S.S. Missouri*, $57,700,000: *Provided, That none of these funds shall be available for obligation until the Secretary of the Navy reports to the Committees on Appropriations on the decision whether to implement the phase II battleship modernization, and any decision to proceed with phase II shall be accompanied by a plan for implementation to include cost and schedule data;* for the aircraft carrier service life extension program, $95,900,000; for the CG-47 AEGIS cruiser program, *$3,360,000,000*, for the DDG-51 guided missile destroyer program, *$79,000,000*; for the LSD-41 landing ship dock program, *$406,900,000: Provided, That a multiyear contract may be awarded only after the Secretary of the Navy certifies that real savings of at least 10 percent over competitive annual procurement are available under such multiyear contract*; for the FFG-7 guided missile frigate program *$116,400,000*, and in addition, *the following amounts shall be derived by transfer: from the FFG-7 guided missile frigate program of "Shipbuilding and Conversion, Navy, 1980/1984", $26,500,000; from the FFG-7 guided missile frigate program of "Shipbuilding and Conversion, Navy, 1981/1985", $19,100,000; from SSN-688 nuclear attack submarine, FFG-7 guided missile frigate, T-AGOS ocean surveillance ship, and escalation programs of "Shipbuilding and Conversion, Navy, 1982/1986", $66,000,000; and from the Trident submarine, SSN-688 nuclear attack submarine, FFG-7 guided missile frigate, CVN aircraft carrier, and escalation programs of "Shipbuilding and Conversion, Navy, 1983/1987", $72,000,000; in all, $183,600,000 to be derived by transfer;* for the T-AO fleet oiler ship program, *$335,500,000*; for the MCM mine countermeasures ship program, *$301,000,000*; for the MSH coastal mine hunter program, $65,000,000; for the T-AGS surveying ship program, *$17,000,000*; for the T-AKR fast logistics ship program, *$236,400,000*; for the T-AH hospital ship program, *$176,000,000, and in addition, $44,000,000 to be derived by transfer from the T-AH hospital ship program of "Shipbuilding and Conversion, Navy, 1983/1987"*; for the T-AFS combat stores ship program, $11,000,000; for the LHD-1 amphibious assault ship program, *$1,379,700,000*; for the strategic sealift program, $31,000,000; for craft, outfitting, post delivery, cost growth, and escalation on prior year programs, *$1,071,900,000*; in all *$11,184,200,000, and in addition, $227,600,000 to be derived by transfer*, to remain available for obligation until September 30, 1988: *Provided, That additional obligations may be incurred after September 30, 1988, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction; and each Shipbuilding and Conversion, Navy, appropriation that is currently available for such obligations may also hereafter be so obligated after the date of its expiration: Provided further*, That within the total amount appropriated, the subdivisions within this account shall be reduced by $140,500,000, as follows: $27,500,000 for consultants, studies, and analyses, and $113,000,000 for revised economic assumptions: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion): the purchase of not to exceed one vehicle required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $100,000 per vehicle and the purchase of not to exceed six hundred and sixty-seven passenger motor vehicles of which six hundred and twenty-five shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, as follows: For ship support equipment, *$677,007,000*; for communications and electronics equipment, *$1,555,233,000*; for aviation support equipment, *$715,928,000;* for ordnance support equipment, $926,162,000; for civil engineering support equipment, $196,622,000; for supply support equipment, *$113,662,000;* for personnel/command support equipment, $323,091,000; in all: *$4,393,705,000*, to remain available until September 30, 1986: *Provided*, That within the total amount appropriated, the subdivisions within this account shall be reduced by *$114,000,000* as follows: $20,000,000 undistributed reduction; $4,000,000 for consultants, studies, and analyses; and $90,000,000 for revised economic assumptions.

PROCUREMENT, MARINE CORPS

For expenses necessary for procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including purchase of not to exceed two hundred and four passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands, and interests therein, may be acquired and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; *$1,765,161,000* to remain available for obligation until September 30, 1986.

AIRCRAFT PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; *$21,124,900,000*, of which $5,626,800,000 shall be available only for purchase of the B-1B bomber under a multiyear contract; of which $112,100,000 shall be available for contribution of the United States share of the cost of the acquisition by the North Atlantic Treaty Organization of an Airborne Early Warning and Control System (AWACS) and, in addition, the Department of Defense may make a commitment to the North Atlantic Treaty Organization to assume the United States share of contingent liability in connection with the NATO E-3A Cooperative Programme; and in addition, *$304,100,000*, which shall be derived by transfer from "Aircraft Procurement Air Force, 1983/1985," of which *$288,200,000* shall be from the A-10 program, *$7,900,000 shall be from the 30mm gun pod program to be available only for the purchase of 30mm gun pods*, and $8,000,000 shall be from the C-130H program to be available only for the purchase of C-130H aircraft; and in addition, *$12,900,000*, which shall be derived by transfer from "Aircraft Procurement, Air Force, 1982/1984," from the Civilian Reserve Airlift Fleet modification program to be available only for the *Civilian Reserve Airlift Fleet* modification program. *Provided*, That none of the funds in this Act may be obligated under the four major fiscal year 1984 production contracts for the B-1B bomber if the current dollar costs of such production contracts would exceed the Air Force's original current dollar estimates for the four major fiscal year 1984 B-1B production contracts based on the production portion of the $20,500,000,000 estimate for the B-1B bomber baseline costs expressed in fiscal year 1981 constant dollars; *to remain available for obligation until September 30, 1986: Provided, That none of the funds appropriated by this Act may be obligated for procurement of the alternate fighter engine until the Secretary of Defense notifies the Appropriations Committees of both the House and the Senate of his approval of the decision made by the source selection authority: Provided further, That nothing in this paragraph shall prohibit award of separate long lead contracts for essential parts and components necessary to meet the required delivery schedule for the alternate fighter engine:*

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MISSILE PROCUREMENT, AIR FORCE

(including transfer of funds)

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; *$7,593,407,000 of which $81,600,000 shall be available for the purchase of the phase III Defense Satellite Communication System (DSCS III) under a multiyear contract: Provided, That this authority shall be available only after the Secretary of the Air Force certifies to Congress that at least 10 per centum savings is available under multiyear contracting; and in addition, $55,000,000, to be derived by transfer from "Missile Procurement, Air Force, 1983/1985"*, to remain available for obligation until September 30, 1986.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed five vehicles required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $100,000 per vehicle and the purchase of not to exceed one thousand two hundred and sixty-one passenger motor vehicles of which seven hundred and thirteen shall be for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be required, and construction prosecuted thereon, prior to approval of title as required by sectin 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layway; *$6,982,231,000* to remain available for obligation until September 30, 1986.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, and other procurement for the reserve components of the Armed Forces, not to exceed *$176,000,000, to remain available until Sepbember 30, 1986, distributed as follows: Amy National Guard, not to exceed $100,000,000; Air National Guard, not to exceed $25,000,000; Naval Reserve, not to exceed $51,000,000.*

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS, COAST GUARD

For acquisition, construction, and improvements, and otherwise provided for $300,000,0000, to be transferred to the Coast Guard: "Acquisition, Construction, and Improvements," to remain available for obligation until September 30, 1986.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed seven vehicles required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $100,000 per vehicle and the purchase of not to exceed seven hundred and twenty-two passenger motor vehicles of which three hundred and ninety-three shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; *$957,646,000*, to remain available for obligation until September 30, 1986.

TITLE V

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $4,181,939,000, of which $15,000,000 shall be available only for integration (including qualification) of the Hellfire missile on the UH-60 helicopter, to remain available for obligation until September 30, 1985.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance; rehabilitation, lease, and operation of facilities and equipment, as authorized by law; *$7,516,300,000*, to remain available for obligation until September 30 1985.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law *$12,366,483,000, of which $23,500,000 shall not be made available for obligation on visible/ultraviolet laser technology prior to the submission of a report by the Department of Defense Defensive Technologies Study Team recommending a plan for the expenditure of laser technology funds*, to remain available for obligation until September 30, 1985.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; *$2,740,328,000, of which $20,000,000 shall not be made available for obligation on short wavelength laser technology prior to the submission of a report by the Department of Defense Defensive Technologies Study Team recommending a plan for the expenditure of laser technology funds*, to remain available for obligation until September 30, 1985: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purpose of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs to be merged with and to be available for the same time period as the appropriation to which transferred.

DIRECTOR OF TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director of Defense Test and Evaluation in the direction and supervision of test and evaluation, including initial operational testing and evaluation; and performance of joint testing and evaluation; and administrative expenses in connection therewith; $49,000,000, to remain available for obligation until September 30, 1985.

TITLE VI

SPECIAL FOREIGN CURRENCY PROGRAM

For payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for expenses in carrying out programs of the Department of Defense, as authorized by law; $3,050,000, to remain available for obligation until September 30, 1985: *Provided*, That this appropriation shall be available in addition to other appropriations to such Department for payments in the foregoing currencies.

TITLE VII

GENERAL PROVISIONS

SEC. 701. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 701A. In Section 790 of this Act, the term "$700" shall be read as "$800" and the term "$475" shall be read as "$600".

Sec. 701B. In addition to the sums otherwise appropriated by this Act, there is appropriated $200,000 for the purpose of providing transportation and for the payment of the costs of transportation as authorized by Section 1490 of title 37, United States Code.

Mr. TOWER. Mr. President, what is the control of the time situation on my amendment?

The PRESIDING OFFICER. There is an hour and a half on the amendment, equally divided.

Mr. TOWER. Between the proposer of the amendment and the manager of the bill?

The PRESIDING OFFICER. Should the manager of the bill oppose the amendment, that is correct.

Mr. TOWER. And the time in opposition is controlled by the minority manager?

The PRESIDING OFFICER. By the minority manager or his designee.

Mr. TOWER. Mr. President, I first want to thank Senator STEVENS and his staff for their decision to mark up and report this legislation as an original bill without waiting for the House to complete action on its bill. It seems that every year at this time, the Appropriations Committees maneuver back and forth, one attempting to gain advantage over the other in the scheduling of its markups and floor action. Each year we are placed up against the deadline of the continuing resolutions. While I would have preferred to see this bill earlier in the session, I think that the Defense Subcommittee deserves a great deal of credit for its responsible decision to report this bill without further delay. I believe we must act swiftly on the bill, Mr. President, with the objective of completing a conference with the House prior to Thursday.

To expedite this, I think the Senator from Alaska (Mr. STEVENS) has worked very hard to achieve time agreements which permit some time for a conference to be held and complete action between now and Thursday night. I think it would result in an enormous additional cost to the Department of Defense if they were forced to continue under a continuing resolution.

While overall I applaud the efforts of the Appropriations Committee and believe that for the most part they preserved our modernization program intact, on examination I feel that to fully implement national security policy as expressed in the authorization conference report there should have been some amendments and changes made. I have offered those in the form of the offered amendment which, for the most part, in about 90 percent of the instances, simply increase slightly the amount that was included in the original appropriations bill. That is to say, I simply made some increases in those accounts.

In other instances where programs were not funded and there was no funding in the House bill, I felt it necessary that at least funding of these programs be considered in the conference. So to make the items conferencible and keep them alive, I have included them in my offered amendment.

I worked very closely with the Senator from Alaska on this amendment. He has been enormously cooperative. While he does not necessarily agree with me in every proposal I have advanced in this amendment, I have deferred to his wishes on a few and amended my amendment to conform to some of his wishes. We have arrived at a compromise. I would have liked to have included some other things but I was very interested in compromising the issue. The distinguished Senator from Alaska does a good and conscientious job. I believe we have come up with something that we can both live with. I would hope that the Senate would act favorably on the amendment.

I might hasten to add that the appropriations bill as reported out of the Appropriations Committee was substantially below the budget ceiling. The thrust of my amendment will be to add $491.2 million to the total amount in the Appropriations Committee bill. That will still mean that that will be well below the budget ceiling. I think close to $2 billion below the budget ceiling. So I emphasize we are still well within budget and will not be running over the budget. As a matter of fact, once this bill is compromised with the House bill it may mean that we will not even meet the standards that we have endorsed of a 3 percent real increase per annum. I hope that Senator STEVENS, Senator STENNIS, and their Senate colleagues can prevail in the conference because the House bill, in my view, is much too low. I think it provides for about 1.5 percent in terms of real growth. I hope that Senator STEVENS and Senator STENNIS, as I am sure they will be, will be diligent in trying to insist on the numbers agreed to in the Senate so that we can keep our increase in real terms at an amount that is commensurate with the very pressing requirements.

Mr. President, again let me urge the Senate to accept this amendment. It involves a number of programs that a number of Senators have a very vital interest in and have supported strongly in the past, both in the committee and on the floor.

So I urge its adoption. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, at the present time I am undecided whether to support the amendment or oppose it because I still do not know entirely what it does. Pending that time, I would suggest that my good friend from Mississippi under the time agreement is entitled to time.

There is no question that the amount in this bill, from the point of view of the administration, is lower than anticipated. However, we have added back a considerable amount of money now, and it is not as low as it was when the matter was first raised by the Senator from Texas.

I would point out that now, with this amendment, we are $5.8 billion above the House.

It seems to me that anything we would do that would tie our hands in conference is going to mean that we are going to come back closer to the House mark than we will the Senate mark. The items that the Senator from Texas wishes to restore are items in the House bill which we have reduced, primarily. I do think that it is going to take some time to confer on this.

I told the Senator from Texas I want to try to work it out with him if it is at all possible.

I think I will not say anything further here until we can study this amendment. I would like to hear from my friend from Mississippi as to what he would like to do with it.

Does the Senator from Montana seek some time?

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I suggest the absence of a quorum and suggest the time be equally charged.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I send to the desk a modification of my amendment and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> At the end of the amendment, add the following new subsection: subsection 701(c). Notwithstanding any other provision of this act, no amount shall be obligated or expended in excess of the amounts authorized for any program in the Department of Defense Authorization Act, 1984.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. TOWER. Mr. President, I believe that I may modify my amendment on my own initiative without requiring unanimous consent. The yeas and nays have not been ordered.

The PRESIDING OFFICER. The amendment that has been offered by the Senator from Texas is specified in the unanimous-consent arrangement. Therefore, a modification would have to have unanimous consent.

Mr. TOWER. I ask unanimous consent that I may modify my amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. Mr. President, the net effect of my amendment would be to add back funding for certain programs that were authorized but not fully funded or were not funded at all in the appropriations bill. I think that this amendment is consistent with the national security policy as comprehended by the Department of Defense authorization bill and agreed to by both the House and the Senate.

It does not include all matters authorized. I have recognized the need to give the conferees some negotiating leverage with the House. We do not use the term "bargaining chips" anymore. We use the term "negotiating leverage." I believe that as the bill stands, even after my amendment, there will be ample negotiating leverage on the part of the Senate conferees.

The modification that has just been incorporated into my amendment would actually reduce the total amount of the bill in the neighborhood of $400 million, and my add-ons, consistent with the authorizing process, would add $491 million to the bill. The modification would reduce the bill by $900 million, that is to say, by taking out of the appropriation bill those programs that were not a part of the authorization bill—not authorized and in most instances were not requested—in some instances I think perhaps were requested, but in any event were not authorized by the authorizing legislation.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I do oppose the amendment. I am sorry if there has been a failure to communicate the position I thought we were negotiating. There was a misunderstanding on that, and it is unfortunate that that is the case. But the net effect of the amendment of the Senator from Texas is to take out of conference those items that we have reduced from the House bill, below the House allowance in most instances.

In addition, it adds in some moneys that we took out. Those items are items that neither the House committee nor the Senate committee felt should be funded under the circumstances.

Now, we can go through those on a point-to-point basis. I think the main thing at stake is whether those of us who spend time going over these items in detail after we see what the House has done in the appropriations process are going to have the flexibility to deal with this appropriations process as we know it. It is slightly different from the authorization process. It is a matter dealing primarily with dollar signs, and this requires a different kind of negotiation.

But in any event, beyond that are some items that are in the bill which are not specifically authorized by this year's authorization bill, although they are authorized. There is $300 million to fund the cleanup on military reservations and property under the control of the Department of Defense to comply with EPA orders, to comply with policies of this country that affect every other piece of real estate in the country but do not affect the DOD until it has money to comply.

We found PCB's, we found hazardous materials, we found unsightly and in some instances unexpended ordnance, live ammunition, in some of these properties that used to be active as far as the military is concerned and that are now not in use by the military, but they are not usable to anyone else because they have not been decontaminated.

This $300 million is for that purpose, and it is authorized. It is the general law of the United States as far as the EPA is concerned.

The Department of Defense just looks at us and says, "We're sorry, we can't do that. We don't have the money." We put up the funds for it at this time, and I think it is a legitimate, authorized goal of the Defense Department to comply with the laws of the United States.

There is nothing that says we cannot appropriate money unless it is specifically authorized by this year's authorization bill. There are some things that are authorized by general law of the United States, and I claim that this is one.

The other thing is that, as we did in 1982, we have included $300 million for Coast Guard acquisition. The Coast Guard is under tremendous pressure, brought about primarily by the interdiction of foreign drugs coming into our country. As we know, the Coast Guard has been hard pressed to keep up with that problem.

They also have an increasing problem in terms of law enforcement. They have authorized activities. We have added $300 million in the Defense bill to take care of the Coast Guard to carry out the policy of the committee that has tried to transfer to the Reserve and the National Guard and the Coast Guard new equipment, to make available to them first-run equipment, rather than have them take hand-me-downs from the Defense Department.

The Coast Guard is a military branch of this Government. It deserves money out of the Defense bill. It has been overlooked because it is looked at, primarily by the administration and by the OMB, as being a civilian agency, which is its predominant role in peacetime. It still has a readiness role so far as defense is concerned, and in wartime it is literally the Coast Guard that defends our Nation's perimeter.

We did this in 1982, and we have done it this year on the same basis, that it is authorized by general law.

There are some other items that go beyond the specific amount authorized in the authorization bill. I will be happy to discuss them with any Member of the Senate. We have a list here.

We held hearings from February through September. We have 5,300 pages of testimony that the Senator from Mississippi and I and others took, in order to look into the details of appropriations under the authorization bill that has become law.

What the amendment of the Senator from Texas says is, "Forget about all that. Nothing in the bill before you can be any different from the authorization bill we passed earlier this year."

If the Senate wants to do that, then let us do away with the appropriation process. I thought we were supposed to look at the general authorization which appropriates maximums. It says that no more than a certain amount can be appropriated. We look at those items and say how much should be appropriated.

There are thousands of items in this bill. My staff and I have gone over every one of them. We have done the best we can, and the Senator from Mississippi and his staff have worked with us.

We believe that the bill before the Senate adequately addresses the appropriations process, taking into account the fact that we are going to conference, and we hope to increase the House amount. We are $5.8 billion over the House. The net effect of the Senator's amendment, unfortunately, is to give back into the process the amount the House already announced it wants.

That is not the way it works in conference, Mr. President, and I hope the Senate will understand.

We have a series of other items in this bill that are not specifically authorized by the current authorization bill. For example, there is an Army item called the tactical embedded computer. The House put up $20 million for that, and we agreed with them. It is needed.

We have other items I could mention. We have added $50 million for the research and development of the fighter engine. That is to bring about equality in order to carry on this competition and bring it to an end. That competition was specifically authorized in the past.

In the Air Force, we have an Air Force System Air Command item for $30.6 million. It is a transfer of funds, but it is not specifically authorized.

There is no question that some of these items are not specifically authorized in this year's bill. We take the position that they were either authorized by a previous authorization bill or are authorized by general law. The House has a series of such items. The effect of the Senator's amendment would be to reduce the House amount even more. As I understand his amendment, it says that notwithstanding any other provision of law, the amounts in this bill before the Senate cannot exceed the amounts in the authorization bill.

The House bill exceeds the authorization bill in some items, based on the theory I have just enunciated; that is, that the Appropriations Committee can rely on general authorizations from prior years and general authorizations that apply to the Defense Department, as they apply to all segments of our Government.

Mr. President, does the Senator from Mississippi wish any time?

Mr. STENNIS. Yes, if the Senator will yield.

Mr. President, I think there is some confusion here, or a mixup to some degree.

There are a great number of items in this amendment that have been in the bill. I think we should ask for a quorum call and let these gentlemen talk about it some more, if that is agreeable. If not, I will go ahead and say what I have to say.

Mr. RUDMAN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. RUDMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPECTER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, as they say when reporting decisions between diplomats and the heads of state, we have had a frank and useful discussion. I am not sure to what extent it is going to be binding. I am prepared to submit the amendment to the judgment of the Senate.

I may say that in an effort to expedite the passage of the Defense appropriations bill and the amendments, I incorporated into my amendment matters in which a number of Members had an interest and discouraged them from offering amendments to add these amounts back into the bill. Having done that, I feel obliged now to press on with this amendment because they are foreclosed now from offering amendments.

I hope the Senate will agree with me on this amendment. I have made an effort to avoid stripping the conferees of their negotiated positions. For example, I withdrew my proposal to add $200 million for NATO air defense, some money for variable housing allowance, money for Copperhead, and a few other things. I have tried to arrive at an accommodation. I apologize for any hard feelings that may have been caused. We are all honestly motivated and I think we want to get on with the business of providing the best possible defense for the country in the most cost-effective way.

Mr. President, what is the situation on time?

The PRESIDING OFFICER. The Senator from Texas has 15 minutes remaining. The time of the Senator from Alaska has expired.

Mr. TOWER. Mr. President, I reserve the remainder of my time, but I shall yield it to anyone who would like to speak at this point.

Mr. HATFIELD. Did the Senator ask a question?

Mr. TOWER. I yield to the Senator from Oregon for a question.

Mr. HATFIELD. Mr. President, I was merely inquiring as to what the proposal is at the moment.

Mr. TOWER. The proposal will be to add back moneys that were authorized but not included in the appropriations bill, not funded in the appropriations bill, some of them just add-ons that money was authorized for, but not appropriated, some are add-ons that exceeded the appropriations in the bill. I do not think there are any so-called major controversial items in here, with one exception. There is a deep-basing follow-on technology R&D for the MX, $20 million. That is the only thing that relates to MX. Nothing relates to the B-1 or binary weapons or any other of the major items that have been controversial.

Mr. HATFIELD. Would the Senator yield for a further question?

Mr. TOWER. Yes.

Mr. HATFIELD. What is the total change or total difference?

Mr. TOWER. The total would be a $491 million add-on. That would still put us $2 billion below the budget ceiling. However, I have also modified my amendment to knock out 900 million dollars' worth of items that were appropriated but not authorized; in other words, unauthorized items.

The bill would be $502 million below what the Appropriations Committee approved. So it would actually be a reduction of the Appropriations Committee bill.

Mr. HATFIELD. If the Senator would yield for a further question, as I understand, this is about $490 million over that amount which was voted out by the Appropriations Committee. These items of add-ons or add-backs, will they be in conference?

Mr. TOWER. Some will not be in conference. In an effort to reserve the maximum negotiating leverage, I have backed away from including some things originally included in the package, such as $200 million for NATO air defense. That is funded in the House appropriations bill. That is an example of some things I have backed away from to preserve that negotiating position.

Mr. HATFIELD. Then, Mr. President, the question before the Senate at this time is whether to add back $491 million to the appropriations bill that was reported by the Appropriations Committee.

Mr. TOWER. Add back $491 million and take out some $900 million, for a net savings of $500 million below ceiling.

Mr. HATFIELD. $500 million below what the committee reported?

Mr. TOWER. That is right, $500 million below the bill before us.

Mr. STEVENS. Mr. President, I yield myself time off the bill.

I point out that $300 million of that is the EPA fund, $300 million of that is the Coast Guard addition. The Senator from Texas is incorrect. There is at least another, I would say, $300 million or $400 million that is in the House bill that is not specifically authorized for this year but generally authorized. His amendment would cut out of the bill any amounts that are not specifically authorized by the 1984 authorization bill.

Mr. HATFIELD. Let me ask the subcommittee chairman, then, who monitored and shepherded this bill.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Is this on the time of the Senator from Texas?

The PRESIDING OFFICER. It is out of the time on the bill, controlled by the Senator from Alaska.

Mr. STEVENS. How much time do I have on the bill, Mr. President?

The PRESIDING OFFICER. Ten minutes.

Mr. HATFIELD. What is the basic bottom-line difference between the package of add backs that the Senator from Texas has proposed at this point and the bottom-line figure of the bill as reported by the Appropriations Committee?

Mr. STEVENS. As I understand it, Mr. President, the amendment adds $491 million to the bill and takes out of the bill the items that I have mentioned that both the House and Senate committees have placed in the bill pursuant to general authorizations.

Mr. HATFIELD. Mr. President, may I have some time, about 2 minutes?

Mr. STEVENS. Yes; I yield 2 minutes to the Senator.

Mr. HATFIELD. Mr. President, as chairman of the full committee, I know this action is a very important action. Every member of the committee has a keen interest in it. I think that something of this kind certainly ought to be put to at least a record vote so that we know precisely, each person, that we have not made some kind of compromise and deal here that does not protect at least every member to know precisely what it is. Therefore, I find a certain confusion right now in trying to hear and understand these figures that were given by the Senator from Texas and the chairman of the committee.

Mr. STEVENS. I might say to my friend, Mr. President, that when the time comes, I shall make a motion to table the Senator's amendment. It will change completely the committee process. It changes the House bill in a way we do not understand yet, because we have added things that are authorized but not appropriated, but have been passed by the House.

The Black Hawk, for instance, the tactical embedded computer, $110 million for a procurement item—those are general authorizations—the CINC Headquarters, $112 million for CINC Headquarters, they are in the House bill. They are not specifically authorized this year. There are other items such as I mentioned, the EPA fund and the Coast Guard fund which are not specifically authorized this year. I have indicated and the Senator from Mississippi has indicated to the authorization committee, we would be willing to add to this bill any amounts that were authorized but are not appropriated, where there are no funds appropriated in either bill, so that those items would be in conference. There are a list of those. We have also agreed to increase the amounts where we exceed the House up to the authorization limit. That would be a conferencible item with the House in any event, and we might as well take in $120 million as take in $100 million. But where we are below the House, we have indicated we do not want to add back in those items. That would take them out of conference. Those items where the House has exceeded our mark ought to be subject to a conference, in our opinion. But the amendment of the Senator from Texas says that those items not specifically authorized by this year's bill would fall. This will eliminate items from the bill that I think neither he nor I would anticipate at this time. They are not specifically authorized.

I yield the floor. The Senator from Mississippi has time on the bill, I might add.

Mr. HATFIELD. The Senator indicated he will at the appropriate time make a tabling motion as to the amendment of the Senator from Texas?

Mr. STEVENS. It would be my intention to move to table this amendment.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, how much time remains? I do not know just how you divide it.

The PRESIDING OFFICER. The Senator from Mississippi has 23 minutes on the bill subject to his control.

Mr. STENNIS. I will not use anything like all of that time.

Mr. President, Members of the body, this is the appropriation bill that carries, you might say, everything for the Department of Defense. Thousands of items are in this bill, and every one of them has been gone over by staff and by Senator Stevens in particular. I attended quite a few of the hearings and the markup particularly.

On this question of authorization, someone, I support half jokingly, said that I was not standing up for the principle of authorization. May I modestly say that I am the author of the requirement for authorizations. Years ago the only authorization required was military construction. I introduced that amendment to authorize battleships, airplanes, and everything the Appropriations Committee was doing then. The Armed Services Committee did not pass on it. That is way back. It has grown and grown. Now we even authorize manpower, womanpower. I have been and I am an advocate, but there are lots of items in this bill that I could not keep up with and did not keep up with.

We have now come down to the next to the last amendment, as I understand it, the amendment by the Senator from Texas. And he is a terrific worker and a fine chairman of the Armed Services Committee. I have no complaint, because the rules permit it, but this amendment that I am holding is something like, I do not know, 20 to 30 pages. I saw it for the first time this morning. I saw a preliminary part of it yesterday. The bill was under debate all day yesterday.

This sounds rather lame, but with these 27 items added in this amendment that is pending and also language that takes out 26 other items—that is a total of 53—I cannot explain those items to the membership. I just cannot do it. There is not time. It is now 6 minutes until 5 o'clock and we vote at 6.

I have tried hard to always be able to explain what I advocate. I just could not put it over to other Senators. I am not going to vote for this amendment. I regret it. That is my situation.

Mr. ANDREWS addressed the Chair.

Mr. STENNIS. Does the Senator want me to yield for a question?

Mr. ANDREWS. Mr. President, I would ask the Senator to yield for a question, yes.

Mr. President, I should like to ask my esteemed colleague, the senior Senator from Mississippi, who serves with me on the Transportation Subcommittee, as well as on the Defense Subcommittee, as well as on the Armed Services Committee, to point out to our colleagues a key item in this bill that will be eliminated by this amendment.

We put $300 million, Mr. President, as my colleague from Mississippi knows, into the bill for the Coast Guard. We put $300 million in because those Coast Guard vessels are vitally needed in the fight against drug traffickers. They all revert to the Navy in time of war. Technically, you could say they do not belong in this bill, but actually they do. It should not be traded against highways and bridges and the rest. If this amendment is adopted, is it not true, I might ask my colleague, the senior Senator from Mississippi, that it will delete these $300 million that are going to be used so well for the Coast Guard?

Mr. STENNIS. That is what I understand, yes. I remember it from the Senator's committee where he had the proof and I voted with him on it, and I appreciate that, Mr. President.

Mr. ANDREWS. There is nothing parochial in North Dakota about the Coast Guard, but it is important that we take a look at what this kind of an amendment will do, the mischief it will bring about to some carefully crafted compromises.

Mr. STENNIS. I feel that this is such a large dose in such a short time, in good faith, though, by the author, that I cannot properly explain what is in it and what will go out, so I ask to be excused from that. I will vote against the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? Is there further debate?

Mr. TOWER. Mr. President, I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. I thank the Chair. I thank the Senator from Texas.

Mr. President, having listened to the debate and having heard the representation of the Senator from Texas, he is certainly accurate in his assertion that the amendment that he offers contains a number of separate amendments that otherwise would have been offered. The distinguished Senator from Mississippi has asked about some of the items. I would be happy to explain four of them that I would have offered as separate amendments had it not been for the Senator from Texas offering this omnibus amendment.

I might add that all four of the items that I would have offered were authorized. I think that we need to be clear procedurally. These are important items. They are important to the defense of the Nation. Parochially, they do provide employment in my home State and also in a number of other States. That is certainly not something for which I apologize. I simply wish the Members of this body to know that this effort by the Senator from Texas represents not only his work but the distinct desires and aspirations as embodied in the defense authorization bill of a great many other Senators.

Mr. STEVENS. Will the Senator yield?

Mr. WILSON. Of course.

Mr. STEVENS. May I point out to the Senator that the items he talks about will be in conference, are in the House bill, and are negotiable items. If the Senator from Texas wins, the $300 million for compliance with EPA orders which affects many military installations in the Senator's State as well as mine and the $300 million for Coast Guard which affects his State as well as mine, will be deleted from the bill.

The PRESIDING OFFICER. The 2 minutes yielded by the Senator from Texas have expired.

Mr. TOWER. Mr. President, I am prepared to yield back the remainder of my time.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. I suggest the absence of a quorum, charged agaisnt the time I have on the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I do not want to prolong the debate on this amendment. I understand the position of the chairman of the Armed Services Committee and the position expressed by members of his committee.

I point out to the members of the committee, once again, that there is $5.8 billion more in this bill than in the House bill. The only way we can succeed to bring it up to the House level is to go to conference with them on the basis of conferenceable items.

The net result of the amendment of the Senator from Texas is to delete all the items from the Senate bill that are not specifically authorized by this year's authorization bill, all the items that are in the House bill that are not in the authorization bill. The Senate cannot delete items from the House bill.

The House add-ons will be in conference, and the Senate add-ons will not be in conference. The net result of the amemdment is to take away from the Senate the power to add any money to this bill.

We have $300 million that is binding on the military but is not complied with by the military because they do not have the money unless we put it in the appropriations bill. The $300 million for the Coast Guard will not be there unless we put it in.

The money he seeks to add to the bill, with the exception of four or five items that we indicated we had no objection to and would add to the bill, are already in this bill.

I think the Senate should permit the Appropriations Committee to handle the appropriation of money pursuant to authorization in the traditional manner.

The Senator from Texas has the right to do what he has done, but I do not see that we can handle thousands of items and then have each of the items, where we have made a reduction, added back by a general amendment of the kind before us now.

Mr. TOWER. Mr. President, will the Senator yield me 1 minute on the bill?

Mr. STEVENS. I yield.

Mr. TOWER. Mr. President, there are still literally hundreds of items that would be in conference. We have not brought up to the House level every matter in this bill on which there is a House-Senate difference. There is still a great deal of negotiating leverage.

Also, in the past, whereas I have offered a number of amendments to the appropriations bill, I have offered only one amendment to this bill. I have tried to expedite the work of the Senate by incorporating in it the interests of various other Senators, so that there will be only one amendment, rather than several, which would have kept us here an additional 2 days on the bill.

Mr. President, I commend the distinguished Senator from Alaska. He has done splendid work on the bill. But I do not think it is untoward for the chairman of the authorizing committee to have some disagreement. I agree wholeheartedly with most of his work. There is only a small portion of it to which I address myself, which I think is within my rights, and indeed my duty, if I see it to be in the interests of the security of the United States.

Mr. STEVENS. Mr. President, the Senator from Texas, in his usual inimitable way, understates the position. It is one amendment, 39 pages long, that touches every section of the bill.

Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. On this question, the yeas and the nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Washington (Mr. EVANS) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 31, as follows:

[Rollcall Vote No. 343 Leg.]

YEAS—62

Abdnor
Andrews
Baker
Baucus
Biden
Boren
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
D'Amato
DeConcini
Dodd
Dole
Domenici
Durenberger
Eagleton
Ford
Gorton
Hatfield
Hawkins
Heflin
Heinz
Huddleston
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Long
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Packwood
Pell
Pressler
Proxmire
Pryor
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Specter
Stafford
Stennis
Stevens
Trible
Tsongas
Wallop
Weicker
Zorinsky

NAYS—31

Armstrong
Bentsen
Bingaman
Boschwitz
Cohen
Danforth
Denton
Dixon
East
Exon
Garn
Glenn
Goldwater
Grassley
Hatch
Hecht
Helms
Humphrey
Jepsen
Levin
Lugar
Nickles
Nunn
Percy
Quayle
Simpson
Symms
Thurmond
Tower
Warner
Wilson

NOT VOTING—7

Cochran
Cranston
Evans
Hart
Hollings
Inouye
Murkowski

So the motion to lay on the table Mr. TOWER's amendment (No. 2520), as modified, was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, the Senator from Michigan has an amendment. We are prepared to discuss that. We have one other potential amendment. I understand the Senator from Hawaii will not be here to offer his amendments. That should mean that we will finish this bill on time at or before 6 p.m.

Mr. LEVIN. Madam President, I thank my friend from Alaska.

Mr. STENNIS. May we have quiet, please, Madam President?

The PRESIDING OFFICER. Will the Senator from Michigan suspend? The Senate is not in order.

The Senator from Michigan.

Mr. LEVIN. Madam President, this amendment will add back a number of conventional forces items which were eliminated by the Appropriations Committee. It is now being modified to add a few of the items which the Senator from Texas also wanted to add back but which have now been tabled.

I would like to suggest the absence of a quorum to give us an opportunity to redraft this amendment so that we can add back two of the five items which I intended to add back, plus a number of the items which were in the amendment that was just tabled where we do not have a higher House level.

Mr. STEVENS. Madam President, the Senator from Michigan is correct. We are going on an amendment now that represents a compromise between the add-on amendment of the Senator from Michigan and items in the previous amendment that was tabled which the committee was prepared to accept.

I would ask that we have the time to get that amendment prepared. It will just take the matter of drafting.

I might try one thing, if I could.

Madam President, the Senator from Utah and the Senator from Wyoming have suggested to me that we should contain in the bill a requirement that the Secretary of Defense submit an annual report to Congress concerning the projected growth of military power of the Soviet Union as compared to the United States for a 20-year period. At the present time, they are limited to 5 years. This would be a request to expand that to a broader scope study.

I would have no objection to this. I ask my friend from Mississippi if he would have any objection if we directed the study to be extended to 20 years.

Mr. GOLDWATER. I might say that this report is available from three publications. It is available from Jane's in England. It is available from the Armed Forces Journal on an annual basis. It is available from the Air Force on a semi-annual basis. I do not see why we should burden the Secretary of Defense with drawing up another list when we have all the lists we need.

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. I wonder if the manager will yield me about 3 minutes? I am asking the floor manager if he can spare 3 minutes.

Mr. STEVENS. I yield 3 minutes to the Senator.

The PRESIDING OFFICER. I will say to the manager of the bill he has 2 minutes remaining on the bill.

Mr. STEVENS. I have time on the amendment by the Senator from Michigan.

The PRESIDING OFFICER. But the amendment has not been sent to the desk yet so it is not pending.

Mr. STEVENS. I will yield whatever time I have.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I did not raise the issue, as I have in the past, about the $57 million in this bill which will start reactivation of the third battleship, this one being the battleship *Missouri.*

All the claims that have been made for battleships about their being cost effective do not include the fact that it takes 4,000 people, considering the alternate crews and support shore personnel, to operate the ship. Also, the ship itself, after you spend a half-million dollars just for the first phase, lasts just 15 years, less than half of what a nuclear cruiser would last.

Here is what Samuel L. Morison, who writes as the U.S. editor of the respected publication Jane's Fighting Ships, says about the battleship *Missouri.*

> We also have the celebrated speed restriction of the Missouri which, despite the Navy's denial, is probably fact. . . The best circumstantial evidence seems to indicate that the Missouri has up to a 5-knot speed restriction . . . One has to consider that to recommission the Missouri will cost more money in fiscal year 1981 dollars than any of the other battleships because the cracked barbette will have to be replaced (unless the Navy wants to accept a reduction of capability), extra care and attention will have to be paid to the propulsion system, all the 40 millimeter gun mounts will have to be removed and ancillary equipments and spaces adapted to other use, and the electronic system will have to be modified more heavily than the other Iowas.

Madam President, that is not the Senator from Arkansas speaking. That is one of the most renowned and respected authorities on naval ships in the world.

I just want to remind everybody that this is the third battleship. I know there is a lot of macho surrounding the *New Jersey* right now, but it is still a very cost-ineffective ship.

I thank the Senator for yielding.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I ask the Senator from Mississippi if he will yield to me. I have yielded out all the time we have.

Mr. STENNIS. I gladly yield to the Senator. Madam President, what time have I remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. STENNIS. I yield 10 minutes.

Mr. STEVENS. I will not take that much time. I thank the Senator.

I want to put into the RECORD a chart which explains in statistical form some of the things I have been trying to point out to the Senate.

It shows the original 5-year plan of the Reagan administration, starting in 1981, what was contemplated for expenditure over a 5-year period, and how that has been changed. It has been changed, Madam President, to the point where the real growth that has taken place on that period of time is much less than was anticipated. I have been trying to point out to those who are interested in this deficit that worries us all that the deficit is not being increased by defense spending. As a matter of fact, the projected deficit is coming about because of matters outside of this bill.

In 1981, there was a 12.5-percent increase in spending. That came down to 12 percent in 1982, to 6.8 percent in 1983. It will be approximately 4 percent this year. I anticipate, as I have said before, the trend line will be down in 1985 and later years.

In 1981, when we started this new program, we anticipated spending $288.9 billion in 1984. The President, in fact, has revised that request himself down to $260.9 billion. We are in the process now of passing a bill which is approximately $251.8 billion.

The thing I want to point out to the Senate is that there is some $37 or $38 billion less in this bill now than was projected to be in it when we began the 5-year plan. The trend line on defense is definitely down. The rate of increase is down so that we are at the point now where, before we finish this bill, I project we will be approximately $40 billion less than the expenditure that was announced for this Department in 1981.

Mr. BUMPERS. Will the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. BUMPERS. The Senator is saying that defense has nothing to do with the deficit. What caused the $195 billion deficit last year?

Mr. STEVENS. I will be happy to discuss that question at a later time. What I am saying is that the increases in the debt projections that are coming about are not a result of increases in this budget. We are not increasing this budget as it projected over the last 4 years or 3 years, in the 3-year projections. That is the chart I want to put into the RECORD. Each year we have actually appropriated less.

I point out to my friend that in 1983, when we anticipated an expenditure of $257 billion, we actually spent $205 billion. So the actual outlays are even less than the appropriations figure.

We are not contributing in this bill to the increased projections for deficits for the future.

Mr. BUMPERS. Let me say to the Senator I am not quarreling with the figures he is using as to what we appropriated in 1982 and 1983, and now for 1984. But I understood the Senator to say just a moment ago that this bill has nothing to do with deficits.

Mr. STEVENS. The increases in the deficits in the future are not coming about because of increases in defense spending.

Mr. BUMPERS. I will not quarrel with that statement.

Mr. STEVENS. I ask unanimous consent that this chart be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

NATIONAL DEFENSE, BUDGET FUNCTION 050 BUDGET AUTHORITY

[Dollars in billions]

Fiscal year 1981—Reagan 5-yr. plan

1981	177.1
1982	221.8
1983	254.5
1984	288.9
1985	326.2

REQUEST VERSUS ACTUALS

Fiscal year	Budget request	Appropriation	Outlays
1982	$214.1	$213.8	$182.8
1983	257.5	239.1	205.0

Fiscal year 1984 defense bill comparisons—defense bill only

January budget request	$265.3
Amended budget	260.9
Senate committee recommendation	251.8

PERCENT REAL GROWTH ESTIMATES

	Fiscal years—				
	1981	1982	1983	1984	1985
Request projected in:					
1981	12.4	14.6	7.3	7.0	7.0
1982		12.7	13.2	4.6	10.4
1983			8.7	10.0	11.1
Actual	12.5	12.0	6.8	4.0	

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. STEVENS. Madam President, at the time the distinguished Senator from Connecticut offered an amendment on submarines, there was a change made in the bill. The amendment should have changed two figures in the bill. It changed the figure for submarines; it did not change the total amount in the bill for the total amount of that line item. I ask unanimous consent that it be in order to offer an amendment to carry out the purpose of that amendment.

The Senate will remember, I opposed that amendment. The Senate adopted it. In order to make the bill comply with the will of the Senate, it is necessary to have this technical amendment.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT NO. 2521

(Purpose: Technical amendment to reflect revised totals for Shipbuilding and Conversion Navy resulting from amendment No. 2515)

Mr. STEVENS. Madam President, I send the amendment to the desk.

The **PRESIDING OFFICER.** The amendment will be stated.

The bill clerk read as follows:

> The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2521.
>
> On page 28, line 7 delete "$11,184,200,000" and insert "$11,352,200,000."

Mr. STEVENS. Madam President, I ask for adoption of the amendment.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment.

The amendment (No. 2521) was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT NO. 2522

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The amendment will be stated.

The bill clerk read as follows:

> The Senator from Michigan (Mr. LEVIN) proposes an amendment numbered 2522.

Mr. LEVIN. I ask unanimous consent that further reading be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

> Page 2, line 10, delete "$15,401,626,000" and insert in lieu thereof "$15,402,901,000".
>
> Page 2, line 19, delete "$11,447,097,000" and insert in lieu thereof "$11,448,872,000".
>
> Page 3, line 8, delete "$3,515,159,000" and insert in lieu thereof "$3,515,659,000".
>
> Page 3, line 20, delete "$12,902,253,000" and insert in lieu thereof "$12,903,803,000".
>
> Page 7, line 17, delete "$17,334,571,000" and insert in lieu thereof "$17,377,771,000".
>
> Page 8, line 17, delete "$22,357,308,000" and insert in lieu thereof "$22,327,308,000".
>
> Page 10, line 24, delete "$17,905,456,000" and insert in lieu thereof "$17,856,856,000".
>
> Page 20, line 22, delete "$4,598,244,000" and insert in lieu thereof "$4,636,744,000".
>
> Page 23, line 18, delete "$10,321,701,000" and insert in lieu thereof "$10,396,601,000".
>
> Page 24, line 14, delete "$2,989,500,000" and insert in lieu thereof "$2,994,500,000".
>
> Page 25, line 4, delete "$3,764,900,000" and insert in lieu thereof "$3,769,900,000".
>
> Page 36, line 23, delete "$4,169,939,000" and insert in lieu thereof "$4,174,439,000".
>
> Page 37, line 5, delete "$7,487,554,000" and insert in lieu thereof "$7,497,554,000".
>
> Page 30, line 17, delete "$1,748,461,000" and insert in lieu thereof "$1,765,161,000".
>
> Page 31, line 20, delete "$21,100,400,000" and insert in lieu thereof "$21,117,400,000".
>
> At the end of Title VII insert the following:
>
> SEC. 701A. In section 790 of this Act, the term "$700" shall be read as "$800" and the term "$475" shall be read as "$600".

Mr. LEVIN. Madam President, this amendment is a combination of an amendment I had intended to send to the desk adding back a number of items to the appropriations bill with a number of items that were part of the amendment of the Senator from Texas. This amendment will increase our conventional forces capabilities in a number of unglamorous combat readiness areas. It is also an amendment which funds prudent research and development. I shall now enumerate what items are in this amendment. The amendment totals $350.6 million. I understand it is acceptable to the managers of this bill.

First, it funds needed industrial plant equipment investment to keep our depot maintenance capabilities modern. That is a $148 million item. It adds $70 million to improve the Navy's electronic warfare capabilities with an EP-3 aircraft.

It adds $10 million to the Navy's real property maintenance program. That program has been reduced by the Appropriations Committee.

It adds $38.5 million in procurement for the DIVAD—the division air defense gun to improve our Army's capabilities against Soviet ground attack aircraft. It adds $5 million for the Penguin conventional antiship missile, a useful weapon made by our NATO ally Norway. This procurement, thus promotes interoperability among our NATO naval forces.

It adds $16.7 million for the Marine Corps light armored vehicle to improve our rapid deployment force capabilities. It adds $17 million for civil reserve airlift fleet enhancements for long-range transport of conventional forces. About $5 million is added for the Navy's land-capable Hawk trainer aircraft. There are some additional smaller research and development items on advance software technology.

The principle that is applied here is that, with one exception, DIVAD, we are adding items that would not be in conference at the authorized level but for these additions. That is the general principle.

The primary purpose of this amendment is to make our Armed Forces stronger in those areas in which we need to be much stronger—the ability to deter or fight a nonnuclear conflict. It also is designed to make a point about our Nation's defense budget priorities.

These priorities still are too heavily weighted in favor of spending billions for unnecessary strategic nuclear programs and against investing enough to maintain and improve our conventional military capabilities.

There is no question that the United States must be strong and militarily capable in both the strategic nuclear and conventional forces arenas. Our strategic deterrent underwrites our conventional capabilities as well as deterring the Soviets from attacking us or our allies with nuclear weapons or engaging in nuclear blackmail.

No one is proposing that we should fail to maintain sufficient survivable and flexible nuclear forces. That is necessary, and that is why I have supported those strategic modernization programs which are necessary to accomplish this objective.

On the other hand, Congress is now overspending in the strategic nuclear area while underspending in the conventional area. Instead of raising the nuclear threshold, we are increasing the chances for nuclear war by diverting scarce resources away from basic conventional programs to pay for such nuclear redundancies as a bomber which cannot penetrate sufficiently—the B-1B—and a missile which cannot survive to retaliate—the MX.

My amendment would raise the threshold we all want to raise as high as possible—the fragile dividing line between fighting a terrible conventional war, from which there will be survivors, and suffering the consequences of a strategic nuclear war, after which the living shall envy the dead. Raising this threshold reduces the chances of nuclear war.

My amendment attempts to solve the dilemma which we face in our present defense posture, Madam President—a dilemma which the commander of all American and European forces in NATO has characterized as mortgaging our defense to the nuclear response.

Gen. Bernard Rogers, who commands a great deal of respect among the members of our Armed Services Committees, described this dilemma as follows in an interview printed in the New York Times of July 10, 1983:

> The young soldiers we have in Western Europe are good troops. What concerns me most is that we have failed to provide sufficient sustaining capacity—ammunition stocks, pre-positioned material to replace losses of equipment on the battlefield such as tanks and howitzers, to keep them fighting for a sufficient length of time. Under current conditions, if attacked conventionally we will have to request the release of theater nuclear weapons fairly quickly because of that lack of sustainability.

Most of the programs in my amendment are as important as the sustainability programs, Madam President, because they contribute directly to our conventional war fighting capabilities. Let me briefly describe those in more detail:

My amendment adds $5.1 million to fund more adequately the variable housing allowances which enable our highly skilled personnel to live in those areas of the country where housing cost are higher than average. This program is important to the retention and readiness of these individuals and to the well-being of their families. We ask our military personnel to sacrifice enough without imposing on them further burdens. The VHA program is expensive, but the committee has underfunded this program in a move which I think harms personnel readiness.

My amendment adds $7 million for procurement of an EP-3 electronic warfare aircraft for the Navy in fiscal year 1984. The EP-3 is a perfect example of the underappreciated "nuts and bolts" of our defense posture. It is a propeller-driven aircraft needed by our aircraft carrier battle groups to wage effective electronic warfare against the Soviets.

We can have all the nuclear aircraft carriers in the world, Madam President, but they will be much less effective without the assistance of EP-3's. The committee proposes that the Navy fulfill its need for these platforms by modifying existing P-3 antisubmarine warfare aircraft. All that does is reduce our capabilities to fight the Soviet submarine threat. The Navy should not be forced to choose between these two necessary capabilities, and my amendment prevents this.

Another $17 million in my amendment fully funds to its authorized level an important long-range airlift program known as the civil reserve airlift fleet. The CRAF program is one of the most cost-effective means we have to improve our national abilities to deploy military forces quickly and over long distances to protect our vital interests. Airlift and sealift are the backbone of our rapid deployment force capabilities to protect the Persian Gulf oil fields. We should not underfund an airlift program which is universally recognized as a cost-effective military investment.

My amendment would add $10 million to the Navy's real property maintenance program. The Preparedness Subcommittee of the Senate Armed Services Committee held hearings into the real property maintenance programs of all the services. We discovered that all of them have been unable to keep pace with the expanding backlogs of needed and overdue maintenance projects.

Real property maintenance makes a direct contribution to combat readiness by improving the working and living spaces for our military. It also is cost effective when it forestalls more costly replacement construction. The additional $10 million I propose would be a useful increase in the Navy's program.

Finally, Madam President, my amendment would add $148 million to the industrial plant equipment program for all our services. This program funds needed replacement equipment for the depots and other facilities which overhaul, maintain, modify and upgrade our military hardware.

You cannot have Army depot maintenance, naval air rework, or Air Force logistics center programs without adequate industrial equipment actually to accomplish this work. We have ignored the needs of our inhouse maintenance facilities for far too long and this money I seek to restore tries to correct this underfunding. Our huge investments in new and sophisticated military equipment will not pay off as they should if we cannot maintain this hardware due to a lack of modern, capable industrial equipment. Our combat readiness can only suffer from this neglect.

In summary, my amendment establishes a clear priority in this bill in favor of improving our conventional combat capabilities. It does so by restoring funds for military nuts and bolts. It does so without adding exorbitant sums, since it mainly restores funds to or near previously authorized levels. It is a prudent, cost effective military investment in our national security.

I would like to mention that, in the interests of reaching a compromise with the managers of the bill, I have modified my original amendment by eliminating three other proposed additions to the committee's bill.

I had sought to add back $10 million for the TAUB aviation logistics support ship for the Marine Corps; $15.5 million for 55 30-millimeter antitank gun pods for Air National Guard A-7 aircraft; and $67.4 million to fund permanent change of station travel in all the services.

These additions still have significant military merit, especially the TAVB ship and the 30-millimeter gun pods. However, since these programs already will be part of the conference with the House, I have dropped them from my amendment. I urge the Senate conferees to give favorable consideration to funding them at the higher levels, since they are prudent conventional forces improvements.

I understand that my amendment now is acceptable to the managers of the bill. I thank my friends from Alaska and Mississippi and my friend from Texas, also, since this incorporates a number of the items which originally were part of the amendment of the Senator from Texas.

Mr. PROXMIRE. Madam President, will the Senator from Michigan yield for a question?

Mr. LEVIN. I would be happy to yield for a question.

Mr. PROXMIRE. This is a $350.6 million add on?

Mr. LEVIN. Add backs.

Mr. PROXMIRE. There is no offsetting reduction?

Mr. LEVIN. That is correct.

Mr. PROXMIRE. It is simply an increase?

Mr. LEVIN. That is correct.

Mr. STEVENS. Madam President, the Senator from Michigan is correct: These are items we have examined. What they do is increase the Senate's position as we go into conference. These are items we had discussed before. For instance, there is the EP-3 aircraft item of $70 million. The House committee had zeroed that out and we had not provided any moneys also. It is a matter that is of interest to Members of the Senate to have that item in conference. We are willing to take it to conference. That is the basis, as the Senator from Michigan stated, that this amendment increases the amount that is stated in the bill for the purpose of conference as we approach negotiations with the House.

I am informed that the final amount is $350.6 million according to our calculations. I thank the Senator for his willingness to understand the situation and modify his amendment as he has presented it.

Madam President, I am prepared to accept the amendment. I ask my friend from Mississippi if I may make that statement.

Mr. STENNIS. Madam President, this amendment has been put together in the last few minutes. I have glanced at it.

But I have said with such cursory examination that I just could not support any more of these amendments.

I thank the Senator.

Mr. STEVENS. I do support it, Madam President, because I think it will give us what many people on the Armed Services Committee wish—additional amounts that we can negotiate with as we approach the House in conference. I am sorry to have this disagreement with my friend from Mississippi.

Mr. STENNIS. That is all right.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I ask unanimous consent that the Senator from Texas (Mr. TOWER), Senators EXON, MITCHELL, PRYOR, and LEAHY be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Will the Senator yield 1 minute to me?

Mr. LEVIN. I would be happy to yield.

Mr. TOWER. Madam President, may I say that this does restore some of the items that were tabled in my previous amendment and I think some of the more important ones. It, therefore, achieves most of the objectives that I sought in my previous amendment without, of course, carrying the backing of the nonauthorized items. I am hopeful that the Senate will support it.

Mr. PROXMIRE. Madam President, will the Senator from Alaska yield to me 30 seconds?

Mr. STEVENS. Yes, I would be happy to yield.

Mr. PROXMIRE. Madam President, I understand there will not be a rollcall vote on this. I want to be on record as opposing the amendment.

Mr. STEVENS. Madam President, I yield back the remainder of our time. Does the Senator from Michigan yield back the remainder of his time?

Mr. LEVIN. I yield back the remainder of my time.

Mr. STEVENS. I would ask for a voice vote on this.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 2522) was agreed to.

Mr. TOWER. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, I am informed there is nothing further to come before the Senate on this bill. To my knowledge, that is the situation. There are other matters presented in the time agreement that Senators have indicated they do not wish to raise. I ask for third reading.

The PRESIDING OFFICER. Are there any further amendments? If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. MATHIAS. Madam President, I urge that we earmark $250,000 of the defense appropriations bill to fund the celebration of America's Bicentennial of Air and Space Flight. The celebration began last year in France with recognition of man's first flight, in 1783. This year, the focus of the bicentennial shifts to the United States, with the celebration of the first American manned flight at Baltimore, Md.

The United States played a leadership role in the development of air and space technology, so it is fitting for us to assume a leadership role in this international tribute to man's achievement in flight. With this appropriation, Congress pays tribute to our unique achievement in aerospace science, technology, and commerce, and demonstrates our resolve to remain a leader in manned flight.

As you know, President Reagan is the Honorary Chairman of the Air and Space Bicentennial, and I am the Chairman of the U.S. Organizing Committee. These funds will enable the Bicentennial Committee to organize a series of important events during 1984. This ambitious program will include a nationwide tribute to the courage and daring that has marked the history of our Nation's reach for the skies. It will begin on June 24, 1984, the 200th anniversary of the first U.S. manned flight, and end on July 4, in Washington. That 10 day celebration—called Air and Space U.S.A.—will include the following activities.

An aerospace exposition at the Washington Convention Center.

An international hot air balloon rally on the Mall.

Aircraft displays at Dulles, Andrews AFB, and Baltimore-Washington International Airport.

A Kennedy Center entertainment gala featuring a "Hollywood Salute to Air and Space."

A National Air and Space Museum special event.

Appearances by the U.S. Air Force Band.

The July 4 Parade of States and allied nations.

Fly-over by American military and commercial aircraft.

Re-creation of the first American manned flight in Baltimore, Md.

A television special for PBS, underwritten by the private sector.

A newspaper advertising campaign recounting great moments in American aviation history and inviting public attendance at the Washington area events.

A major address by President Reagan.

In many ways, this appropriation represents earnest money—a commitment from the Congress to do its share to make the Bicentennial a success. We expect it to trigger a wave of private sector contributions that will help us turn this historic occasion into a blockbuster event.

Since its inception, the U.S. Air and Space Bicentennial Committee has sought to "reignite the pioneering spirit of the American people and to communicate our determination to remain preeminent in aviation and space flight."

With these funds, and the additional contributions from the private sector, we will help achieve this goal.

Mr. MOYNIHAN. Madam President, I will vote against the pending bill to appropriate funds for the Department of Defense in the fiscal year just begun, as I voted on July 26 of this year against the authorization. The reason is the same: The administration's proposal to procure and deploy MX missiles in Minuteman silos. The bill before us would appropriate $2 billion for production of the first 21 MX missiles.

As extended debate was conducted in the Senate in July on the matter, I will refrain from a lengthy statement. I would note simply that on the day the first MX missiles are deployed in those Minuteman silos at the Warren Air Force Base in Wyoming, the world will have been placed on a hairtrigger, set for nuclear war to begin on a few minutes' notice should one day a computer, likely in Moscow, fail to operate properly.

It is more than a costly thing we do today; it is a mad and dangerous thing. As I have so many times in the past, I ask my colleagues once again to consider what will be the consequence of the deployment of the MX in the manner the administration has suggested. It is not yet too late for the decision to be reversed. But one day it will be.

Mr. DOMENICI. Madam President, I support the Department of Defense appropriation bill as reported by the committee. I would like to commend my distinguished colleagues, Senators HATFIELD and STEVENS and the other members of the Appropriations Committee for reporting this bill.

S. 4185 provides $251.7 billion in budget authority and $149.5 billion in outlays for fiscal year 1984 for activities of the Department of Defense and other defense activities. With outlays from prior-year budget authority and other actions completed, the Defense subcommittee is $2.5 billion in budget authority and $0.9 billion in outlays below its section 302(b) allocation under the first budget resolution.

Madam President, I ask unanimous consent that a table showing the relationship of the reported bill to the congressional spending budget and the President's request be printed in the RECORD at the conclusion of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEFENSE SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed	0.1	77.7
S. 4185, as reported by the Senate	251.7	149.5
Adjustment to conform mandatory programs to first budget resolution assumption	−.1	−.1
Subcommittee total	251.7	227.0
Subcommittee 302(b) allocation	254.2	227.9
House-passed level (H.R. 4185)[1]	248.4	225.6
President's request[2]	261.0	229.3
Subcommittee total compared to:		
Subcommittee 302(b) allocation	−2.5	−.9
House-passed level (H.R. 4185)[1]	+3.2	+1.4
President's request[2]	−9.3	−2.3

[1] House-passed total has been adjusted to add in the $1.8 billion for military and civilian pay raises included by the Senate in its bill but not included by the House.

[2] President's request adjusted for congressional action to date.

Note.—Details may not add to totals due to rounding.

WARRANTIES

Mr. TOWER. Madam President, the Committee on Appropriations has adopted a provision offered by the Senator from North Dakota requiring that all weapons systems procured using funds in the bill now under consideration by the Senate or any other bill be accompanied by a written warranty that the system was designed, manufactured, and equipped to conform to the Government's performance requirement and that the weapon system is free from all defects in materials and workmanship.

I fully recognize that most Senators who are not intimately familiar with the details of Federal contracting or weapons systems procurement will think that this is a sound provision and will wonder why the Department has not been doing precisely this all along. They will assume, once again, that it is an example of departmental incompetence, that the Department has intentionally failed to obtain the greatest possible protection for itself and American taxpayers in the procurement of weapons systems.

Few Senators, I am sorry to say, will recognize that there is a procurement community of thousands of career professionals, both military and civilian, at the Department of Defense who have been involved for their entire working lives with weapons acquisition. This career community obviously has often considered the issue of warranties and has a number of warranty-type provisions which appear in contracts to the maximum extent possible and consistent with sound procurement practice.

I would urge Senators to take a moment to look at the specifics of this proposal and to understand its implications, which I shall briefly describe. Before doing that, however, let me also say that I appreciate the interest of the Senator from North Dakota in this matter. It is an appropriate subject for congressional oversight and involvement. But the appropriate forum, Mr. President, is the Committee on Armed Services, not the Committee on Appropriations.

Let me state clearly that the concern that I express about the procedures of the Senate is not a concern reflective of some type of jurisdictional dispute. Rather, it is a belief that the rules of the Senate which confer upon authorizing committees general oversight responsibility and the responsibility for looking at programmatic details are sound. The question of the type of contract provisions which ought to appear in weapons procurement contracts is a question exclusively within the jurisdiction of the Committee on Armed Services.

I am disappointed that the Senator from North Dakota did not submit his proposal as freestanding legislation in order to give the Committee on Armed Services an opportunity to hold hearings on the matter or to work with him to develop a workable legislative proposal. He has instead chosen to place legislative provision on an appropriations bill. I would assure the Senator from North Dakota that if he had proceeded in accord with well-accepted Senate procedures, the matter would have received the attention of the Armed Services Committee. We continue to be prepared to give the matter our attention.

Having said these things, let me take a few moments to explain to Members of the Senate the problems that adoption of the provision in the bill reported by the Committee on Appropriations would cause. First, the amendment would require the modification of thousands, if not hundreds of thousands, of contracts, because the amendment is written in such a way that it has retroactive application. The amendment is addressed to funds appropriated by this or any other act. As it is drafted, the amendment would apply to all contracts on which any moneys are presently being spent.

There are billions of dollars' worth of contracts covered by funds obligated but not yet expended. For example, funds obligated for some Navy shipbuilding contracts are not totally expended for 5 or 6 years after their obligation. The warranty required by the Andrews amendment would apparently have to be incorporated in every one of those existing contracts. Since such an obligation was not contemplated by either party to the contract at its inception, there would have to be a renegotiation of the cost for every contract.

In addition, the Senator from North Dakota and other Senators must understand that the type of overall warranty protection which the amendment requires is not a protection that is to be provided at no cost by a manufacturer. The warranty provision effectively requires the manufacturer to become an insurer with respect to the function and design of every part or component of a weapons system, including a number of parts and components for which the manufacturer does not control procurement. For example, under the proposed amendment, the builder of a nuclear aircraft carrier, which includes literally hundreds of thousands of parts, would have to warrant the entire system, even if the prime contractor had no control over design or manufacture of numerous components. It is not difficult to imagine the large insurance premiums that manufacturers will demand from the Government for the type of warranty protection that the amendment contemplates.

The warranty provision in the appropriations bill would force contractors to pursue the least risky technical course and thus would inhibit innovation necessary for military technological superiority. In the face of quantitative weapons system inferiority to the Soviet bloc, it has been well recognized that our Nation's edge is technological superiority. The provision of the Senator from North Dakota is going to be a major step toward eroding that superiority. With the type of unlimited warranty liability in this provision, any reasonable contractor will not push for the state of the art but will design and build to the most proven fail-safe standard. I have spoken with contractors about this matter and they have confirmed my view that the required absolute warranty would expose contractors to such enormous financial risk that they could not rationally choose any other course of action.

Under the committee amendment, prime contractors would be required to warrant the items over which they have no design manufacturing control, including equipment furnished by the Government. A major complex weapons system commonly includes substantial amounts of Government-furnished equipment. This is designed, tested, contracted for, and procured by the Government. It is delivered to the prime contractor for incorporation into the weapons system. The committee would now require the prime contractor to warrant the performance of the entire system even if it has had no control over major portions of that system.

There are other costs that are hidden in the committee amendment as well. Under the committee amendment, the prime contractor would now have to require comparable warranty from all of his subcontractors. Many small businessmen will not have the financial resources to back up such a warranty. Thus the subcontractor or the prime contractor will have to obtain insurance, which will just result in further cost to the Government.

In addition, the committee amendment would propose contractual liability without fault. The prime contractor becomes liable under the committee amendment even though he may be totally without fault for a defect in some element of the weapon system. This would, in effect, create a new concept of contractual liability.

There is also an irony to this warranty provision as provided in the committee amendment. On pages 11 and 12 of the committee report there is an extensive discussion about competition. Immediately after this discussion, on pages 12 and 13, is the discussion of the warranty provision. The irony of this juxtaposition is that the warranty provision is blatantly anticompetitive. To comply with the warranty, a prime contractor is going to be forced to provide spare parts support and maintenance, thus reducing competition and narrowing the small business base. If a prime contractor must provide the warranty required by the amendment, it would insist upon producing more spare parts in-house and providing direct maintenance for the system to protect itself. This would reduce the opportunities of other businesses to compete for that type of work.

In addition, the prime contractor would logically insist upon certain controls with respect to the use of the equipment, including the right to set up operational controls. A failure to observe such controls would invalidate the warranty, as in commercial practice. This would probably inhibit improvements to the system to meet evolving threats and would be an intolerable restriction on operation of military weapons systems.

The Department of Defense has made its views known on this matter. The Deputy Secretary of Defense wrote to me on October 28. Mr. President, I would ask unanimous consent that the letter of the Deputy Secretary of Defense and most of the supporting material attached to the letter be printed in the RECORD.

The Department concludes correctly, I believe, that warranties are generally applied selectively and rarely are they applied to a complete system, even in a commercial application. The Department has indicated that the language as contemplated in the committee amendment would increase the cost of Department of Defense programs to an unacceptable level and create a problem in trying to apply warranties to all programs.

I hope it is clear from my comments today that the conseqences of this provision are sufficiently serious that it is obviously inappropriate to try to incorporate a legislative provision of this type on an appropriations bill. The proposal of the Senator from North Dakota is clearly legislative, and it ought to be carefully considered by the committee of jurisdiction. The Committee on Armed Services is ready to give the matter the attention it deserves if the Senator from North Dakota wishes to submit a bill embodying his proposal.

I shall not offer an amendment at this time to either delete or modify the language of the Senator from North Dakota. I am inclined to believe that this is a subject that does not lend itself to a legislative solution. The solution should be found through action of the agency, in consultation with the Congress. Since there have been no hearings in the Armed Services Committee, I would not be comfortable proposing a warranty provision which might be unworkable.

At the same time, I recognize that many of my colleagues would be reluctant to be on record as voting against warranties, even if the particulars of the amendment are not practical or fair. I will not ask my colleagues to make such a vote.

Instead, I would like to put the Senate on notice that the Armed Services Committee is promptly scheduling hearings on this subject, and the committee will energetically exercise its jurisdiction over this matter. I hope that the conferees on the Defense appropriations bill will delete the Senate provision on warranties, and I will encourage them to do so. In that way, we can utilize the legislative process to develop a policy on performance guarantees which we can be certain is sound.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Secretary of Defense,
Washington, D.C., October 28, 1983.

Hon. John Tower,
Chairman, Committee on Armed Services, Washington, D.C.

Dear John: During my appearance on October 26, 1983, before the Senate Armed Services Committee, you asked me to send you my views on the subject of warranties for weapon systems, and for any additional information we could provide on our OFPP (Office of Federal Procurement Policy) position.

Let me reemphasize that DOD supports the use of warranties when they make good business sense. All of our contracts for supplies provide for a "warranty" in fact in the sense that our inspection and acceptance clause covers patent and latent defects. Furthermore, we use some additional form of warranty on about one-third of our purchases. The proposed legislative language, however, would require that all weapon systems have a written guarantee from the prime contractor covering all performance requirements, or that written waivers would be required from the Secretary of Defense. The universality of this proposed legislation is clearly not well thought-out.

We have a number of concerns about this proposed warranty language: it appears to be retroactive and would apply to all existing production contracts; it applies to complete weapon systems, whereas we have found that warranties are most effective when applied to a specific parameter of a subsystem (like reliability of an engine); it would transfer a disproportionate share of risk from the government to the contractor (and we would pay for this shift); it would reduce opportunities for competition for spare parts; it would inhibit our need to use advanced technology to counter the threat (either the contractor would be unwilling to accept the risk or the Department couldn't afford the price); it doesn't recognize that warranties can be voided by urgent production changes to accommodate changing military mission needs; and it also fails to recognize that world-wide deployment and support of our weapon systems would most likely void any reasonable warranty provision at the weapon system level.

A problem we have had from the beginning in dealing with this issue is that we cannot easily quantify specific dollar impacts on weapon systems. We believe the most intelligent use of a warranty is one that is tailored to a specific purpose and included in the acquisition strategy of a program during the development phase. It can then have the effect of improving the inherent performance of the parameter you wish to emphasize. Our experience is that quality is not improved merely because of the blanket use of warranties. We have repeatedly responded in written form to the Congress in an effort to convey our concern through a variety of channels as indicated in the attached listing.

I thank you for the opportunity to explain the rationale leading us to be unalterably opposed to this provision. Moreover, this issue is of extreme importance to the Department of Defense because of its potential of having a significant cost impact without a corresponding benefit.

As far as our position on OFPP is concerned, we continue to oppose the granting of regulatory authority. I am including for your ready reference prior correspondence we have provided the various committees of the Congress.

Sincerely,

Paul Thayer,
Deputy Secretary of Defense.

RESPONSE

The proposed warranty language presents several problems to the Department of Defense in its present form. First, it should be clearly understood that warranties, even when applied to commercial items, cost money whether explicitly or whether they are included in the price of the end item. Secondly, warranties are generally applied selectively and rarely are they applied to a complete system even in a commercial application. We believe the language as contemplated would increase the cost of our programs to an unacceptable level and create a problem in trying to apply warranties on all programs.

Although warranties are good in selected applications, there are other incentives that can be applied to derive similar results. Our Acquisition Improvement Program initiative number 16, "Contractor Incentives for Reliability and Support" is an example of our approach to the Senator's concern. This is a different form of incentive that is tailored on a selected basis to programs depending on the repair concept and risk. For example, we certainly don't want contractors out in the mud or on all our ships repairing equipment during combat conditions. These incentives for reliability and supportability are being expanded through the use of award fees, competition strategies, source selection criteria, and cost incentives for interim contract support. In addition, DOD is selectively expanding the use of warranties as is demonstrated in some of our aircraft engine procurements; however, it is expensive and we haven't completed the cost benefit analysis in this particular area to sufficiently judge the full merit of these warranties.

Rather than blanket the application of warrants, we suggest considering language that would require DOD to report how we are incentivizing our contractors to enhance the reliability and supportability of our major systems.

TALKING PAPER

WARRANTIES

Disadvantages

Warranties cost money—either explicit or priced into the equipment.

Would increase cost of programs to an unacceptable level.

Inhibits future competition of piece parts because use of other than warranties parts voids the warranty.

Can't have contractors repairing equipment aboard ship or in the battlefield.

Because of various weapon system/equipment deployments contractors would demand many disclaimers. This might dilute the value of a warranty.

Warranties should not be applied on a complete system, even commercially they are applied selectively.

Excessive use of warranties creates a severe problem to administer.

Warranties seldom include cost of return shipment to repair facilities.

Warranty concern covered in DOD procedures

Our Acquisition Improvement Program initiative No. 16 "Contractor Incentives for Reliability and Support" is an example of an approach to Senator Andrews' amendment.

Different form of incentive that is tailored on a selected basis depending on the repair concept and risk.

Incentives are expanded through the use of award fee, competitions strategies, source selection criteria, and cost incentives for interim contract support.

The Department uses a standard "Inspection" clause in our contracts to protect against defects in material or workmanship.

Components of equipment warranted to the prime contractor by his vendors is passed on to the government, "pass through warranty."

DOD selectively expanding use of warranties in engine procurements. However, we haven't completed cost benefit analysis to sufficiently judge the full merit of these warranties.

Office of the
Under Secretary of Defense,
Washington, D.C., July 25, 1983.

Hon. Pete Wilson,
U.S. Senate,
Washington, D.C.,
(Attention: Mr. Kirk Owen).

Dear Senator Wilson: This is in reply to your request of July 21, 1983, for information to respond to Mr. Talcott relative to his suggested use of warranties in the acquisition of weapon systems. The Department of Defense is sensitive to Mr. Talcott's concern that we procure the best material possible to meet the needs of our national security. Mr. Talcott has suggested utilizing warranties as a means of guaranteeing the performance of equipments. Although warranties are effective in selective applications they should not be applied on a large scale basis for several reasons. First, warranties, even when applied to commercial items, cost money whether expressed explicitly or whether they are included in the price of the end item. Secondly, warranties are generally applied selectively, and rarely are they applied to a complete system even in a commercial application. We believe the use of warranties on a large scale would increase the cost of our programs to an unacceptable level and create an unmanageable administrative process.

Although warranties are good in selected applications, there are other incentives that can be applied to derive similar results. Our Acquisition Improvement Program initiative number 16, "Contractor Incentives for Reliability and Support," is an example of our approach to Mr. Talcott's concern. This is a different form of incentive that is tailored on a selected basis to programs depending on the repair concept and risk. For example, we certainly don't want contractors out in the mud or on all our ships repairing equipment during combat conditions. These incentives for reliability and supportability are being expanded through the use of award fees, competition strategies, source selection criteria, and cost incentives for interim contract support. In addition, DoD is selectively expanding the use of warranties as is demonstrated in some or our aircraft engine procurements; however, it is expensive and we haven't completed the cost benefit analysis in this particular area to sufficiently judge the full merit of these warranties.

We hope our comments on the subject of warranties will be helpful in replying to Mr. Talcott.

Sincerely,

MARY ANN GILLEECE,
Deputy Under Secretary,
(Acquisition Management).

On 31 August, Mr. Metzger, a member of Senator Andrews staff, met with Lt. Col. Messamore and Major Hergenroeder. Mr. Metzger asked questions concerning the following points:

Why can't warranties be applied to all weapon systems that are being built from perfected prototypes? Answer—Meaningful warranties can't be applied across the board for several reasons: The nature of some end items precludes use of some weapons in peacetime and precludes contractor repair actions once used (ICBMs), technology cannot always support the requirement to identify the cause and contractor responsibility for a defect (interdependent and complex avionics), technical risk on some programs makes warranties imprudent (cost-type contracts, greater technical unknowns causing greater cost risk), plus, such large scale application would make warranty administration and cost prohibitive (millions of parts requiring computer record keeping, millions of parts being tracked in transportation pipelines, significant manhours being required to negotiate and litigate honest differences of opinion on warranty compliance).

2. What are the conditions under which warranties can be used? Answer—Where the warranty is consistent with a primary weapon development objective, where technology can be reasonably expected to yield the desired, warranted performance and where meaningful, reasonable contractual remedies can be enforced. The Alternate Fighter Engine illustrates an acceptable use of warranties since our major design objective was engine durability; over the past decade technology had improved and it has become reasonble to believe 3000 tactical cycles can be achieved; our engine use in peacetime is the same as in war; we are already keeping track of cycles on our engines and we shall contract for these engines on a firm, fixed price basis.

3. Can you have a fixed price warranty along with a cost-type production contract? Answer—This would not be logical since the risks evident in a cost type contract would drive the price of the fixed price warranty to an unacceptably high level.

4. If other than warranties were used to incentivize contractor performance (i.e., award fees, contract incentives, etc), wouldn't the contractor remain free to cut production costs at the expense of field performance in order to realize a greater profit? Answer—The contractor is obligated to meet contractual specifications, which define acceptable field performance. As long as he meets those specifications, he can reduce his production costs as appropriate. In many cases this cost reduction benefits us since it also lowers our acquisition costs.

In addition to these questions, AF/RDCS stressed the following ideas:

Because of the variability within defense acquisition circumstances, we have different tools to incentivize contractor performance. These have been addressed under Defense Acquisition Improvement Initiative No. 16, "Contractor Incentives for Realiability and Support." It would be inappropriate to overemphasize warranties at the expense of these other tools (F^3 competition, source selection criteria, award fee).

2. Warranties are difficult to structure and administer. The Air Force has instituted the Product Performance Agreement Center (PPAC) to evaluate past warranty use and guide our way toward improved uses.

Overall, at the end of this meeting, it was apparent that Mr. Metzger had a greater understanding of the complexities and impracticalities of seeking warranties on all weapon systems. He left us with the impression that he would convey to Sen. Andrews the aforementioned problems. Nevertheless, Mr. Metzger likewise appeared that he still wanted to define the circumstances under which warranties would make sense, with the outcome being bill language that would require warranties under the appropriate circumstances. One impetus for Sen. Andrew's perseverance is the attached statement by US Mayors.

THE UNDER SECRETARY OF DEFENSE,
Washington, D.C., September 7, 1983.

Hon. MARK ANDREWS,
Committee on Appropriations,
Washington, D.C.

DEAR SENATOR ANDREWS: Reference your letter of August 25, 1983, which requested information regarding military equipment under warranty. Unfortunately the Department does not have a central depository where the requested information could be readily collected and transmitted to your office. Further, since the information is not readily available, we would like to apprise you of the magnitude of our task should we attempt to fully comply with your request.

A similar survey of departmental use of warranties a few years ago reflected that over 30 percent of the then 3.8 million items (this figure is now 4.1 million for fiscal year 1982) in our inventory were covered by some form of warranty. To demonstrate the vast number of procurement actions requiring a screening, our fiscal year 1982 acquisition transactions were about 13 million with a total value of $125 billion. A previous assessment of this type of tasking indicated in excess of 450,000 manhours and about 6 months were required to accomplish a comprehensive review of this nature because the data is not automatically collected or stored and must be done manually at the individual procurement activities. As a result we will not be able to fulfill your needs by the requested September 6, 1983 date.

We are investigating appropriate ways to collect some meaningful data perhaps by sampling, which we feel will be responsive to your request.

Sincerely,

——— ———.

THE DEPARTMENT OF DEFENSE STATEMENT ON WARRANTIES

(By Ms. Mary Ann Gilleece)

Mr. Chairman, and members of the committee. I appreciate the opportunity to discuss the general area of warranties and their application in the acquisition of military equipment as practiced in the Department of Defense.

We share a basic objective with the public, this committee, and the industry to ensure that we field the best equipment possible to meet our national security needs. In so doing we take a balanced risk approach to attain the reliability, maintainability, and system or equipment performance that is essential to meet this requirement. The Department of Defense seeks to employ good business practices in structuring our acquisition strategies to satisfy these combined objectives at least cost. We are constantly improving our methods through the application of lessons learned, exchanges with industry, commissions and our interface with the Congress and the public.

We have learned through some good and bad experiences that we attain the best results through selectively tailoring our acquisition strategies on a case-by-case basis. Warranties and various kinds of performance guarantees are valuable techniques we use frequently in our acquisition process, but they are not appropriate in all cases. Let me take a moment to review some relevant background for you.

The Department of Defense has had a long history in the use of warranties. The services used varying approaches to warranties and correction of defects, but in 1964 the Department issued detailed instructions for the use of warranties in firm-fixed-price contracts. These instructions were identified in the armed services procurement regulation (ASPR), now the defense acquisition regulation (DAR), in section 1-324. Since that time we have gone through several expansions and clarifications and are in the process of achieving further improvements when the Federal acquisition regulation (FAR) is implemented in the spring of 1984.

In 1967 we expanded our warranty coverage policy by adding a "correction of deficiency" clause and a "warranty of construction" clause. The latter clause introduced "consequential damages" as a liability to the contractor for damage to Government property. Consequential damages is important because it opened a new issue relative to the sharing of risk between Government and contractor. The issue arose when the Australian Government sued Lockheed Aircraft and its subcontractor, Menasco, because of an alleged landing gear failure which caused the loss of the aircraft and other damages. An out-of-court settlement resulted in Menasco, Lockheed, and the U.S. Government contributing to the price of a replacement aircraft.

This incident resulted in a review of the Department's policy on warranties and consequential damages. In February 1971 a change to DOD's procurement policy was promulgated which aimed at reducing Government procurement costs by limiting the contractors risk. The key change provided that: "It is the policy of the Department of Defense generally to act as a self-insurer for loss of or damage to property of the Government occurring after final acceptance of supplies delivered to the Government and resulting from any defects or deficiencies in such supplies." Therefore, the policy of the Government acting as a self-insurer to reduce cost is a long-standing one with the Department. This was subsequently supported and reinforced by the congressionally established Commission on Government Procurement in 1972.

The Department's use of warranties in recent years in situations where we judge them to be beneficial has been quite substantial. Based on a 1979 survey one third of our 4.1 million types of items in inventory are covered by some form of warranty. Existing commercial warranties are generally included in our purchase of commercial products. We exercise our rights under these commercial warranties where it is cost effective to do so. Further, all of our contracts and purchases have mandatory inspection clauses which provide for pre-acceptance inspection to determine conformity to contract requirements. These clauses do not extend beyond acceptance except to provide subsequent coverage involving latent defects, fraud, or gross mistakes that amount to fraud.

The Department also enters into a variety of product performance agreements or guarantee arrangements in which we specifically tailor their application on a case-by-case basis. Product performance agreements are a form of incentive that we use selectively to motivate a contractor to enhance the performance of the product, and to enhance supportability during interim contractor support before transitioning into organic support.

Examples of performance agreements/guarantees include various types of reliability improvement warranties (RIW) which are used to improve reliability and reduce support costs. These have been effectively used, for example, by the Air Force in the acquisition of Tacan radios and selected electronic components on the F-16.

Although RIW has been successful in helping to achieve reliability goals, we must recognize that trade-offs are involved. For the Government to introduce these types of incentives, hardware acquisition costs may be increased, as well as administrative complexity. For the contractor, there is pricing risk because of competitive pressures, optimistic R&M estimates, unforeseen operational stresses, and mishandling that may occur in the field.

Nevertheless, we continue to use the RIW approach selectively and often combine it with a mean time between failure guarantee (MTBF). Other warranty variants to MTBF may involve mean time to repair (MTTR) and mean time between unscheduled removals (MTBUR).

Other types of warranties selectively used are: Warranty of supplies (similar to a standard commercial off-the-shelf warranty) warranty of technical data to ensure that technical data contract requirements are met, availability guarantees, and logistic support cost commitment (LSC) to achieve logistic support cost goals.

Without exception warranties and product performance agreements and guarantees cost money, whether it is explicitly identified or whether it is included in the price of the end item. It has been a long-standing DOD policy to analyze the cost benefits of a warranty application and identify the trade-offs that are relevant. Our experience has shown that: (1) Warranties are best applied in a competitive environment, (2) warranties work best when selectively applied to specific components rather than complete systems, and (3) the equipment should be well-defined and based on established technology. The use of warranties must be carefully managed on large systems to insure that the correction of one defect doesn't necessitate the replacement of or modification to other items of equipment (i.e. ground equipment, support equipment or, training equipment). In addition, the application of warranties is also best suited to fixed-price type of contracts because cost reimbursable type contracts results in the Government paying all or part of the cost to correct the deficiency.

We are continuing to refine our views on the application of warranties based on our own experience as well as that of the private sector. For example, during 1979 the Air Force conducted a major review with industry to examine the application of commercial type warranties to military hardware. They established a set of principles to act as a guide in their combined efforts to identify the requirements for fielding a quality product. Subsequently, the Air Force published a product performance agreement guide and organized a product performance agreement center that is now functioning to assist management offices in the selective application of performance agreements and warranties.

The defense acquisition improvement program has included five separate management initiatives designed to improve the support and readiness of our weapons systems. Recently, Deputy Secretary Thayer combined these initiatives into a single priority initiative on support and readiness to which he has committed his personal attention. Among the various actions being taken to implement this initiative are efforts to incorporate planning for improved support and readiness in the front end of the acquisition process. Acquisition strategies must now be responsive to this initiative by establishing reliability and support goals early in a program. Source selection criteria is being revised to emphasize the importance of reliability and maintainability. Selective use of award fee arrangements and cost incentives for interim contractor support are being used to focus attention on this area. These acquistion improvement approaches complement the emphasis we continually place on "designing in reliability." Progress is being continually monitored. For example, changes to six major programs (Divad, AH-64, GLCM, ASPJ, AHIP, and AMRAAM) concerning support and reliability were directed during recent DSARC milestone meetings.

Many of the aforementioned product performance agreements and guarantees are similar to the types used by commercial industry. However, we must keep in mind the different environments in which each operates. What is appropriate in the private sector may not be in the public sector. A commercial company is in control of the design of its product, and of any configuration changes. This allows for continuous trade-offs of performance improvement, warranty obligation and market penetration. Warranties are frequently utilized as a marketing tool used in a competitive environment. Also, most warranted commercial products involve limited application of state-of-the-art technology.

A commercial product usually involves a planned product improvement effort which requires an investment to improve the product and offset future warranty claims. The investment for product improvement is generally heavy the first year of delivery and is further influenced by the marketing strategy of the company.

The Government, on the other hand, operates in a different environment. The technology involved is generally state-of-the-art because we must be responsive to the threat. Changes in the threat often result in changing mission performance needs. Many specifications, consequently, are unique to each piece of hardware and usually involve extremes of temperature, vibration and other operational conditions seldom experienced by commercial products. Our configuration control and trade-offs are used to maximize our performance and supportability requirements at reasonable cost. Much of our equipment does not lend itself to a sequential series of product improvements as in industry. We maintain an extensive test inspection system during development and production, and we rely heavily on this system to remedy defective products. Perhaps the most important difference—the Department of Defense has public accountability whereas industry has private accountability.

As you know, the commercial side has at times experienced serious problems with warranties. The Magnuson-Moss Warranty Act, for example was enacted in 1975, (Public Law 93-637, 15 USC 2301) for the purpose of protecting the consumer regarding commercial warranties. Aircraft and engine manufacturers have experienced difficulties with fielded equipment. The automobile manufacturers have considerable difficulty at times introducing new features such as the braking system on the 1979 X-cars. All of these products have been covered by some form of warranty relating to defective material and workmanship. The question is whether warranties actually motivate a contractor to be more careful in the performance of a contract. Our experience has shown that given the nature of defense business the use of warranties should be applied on a case-by-case basis and should reflect a balance of risk between the Government and the contractor and the attendant cost considerations.

There is always room for improvement relative to our use of warranties and product performance guarantees. The subject, as the record reflects, has been studied periodically over the last twenty years with the last in-depth effort being only a few years old. In the meantime our application of various types of warranties has expanded significantly with increasing sophistication.

In summary, one of our major acquisition objectives is to deliver systems that are reliable and have high quality. We regard warranties as an important tool. They cost money, and we try to be sure that it is worth it when we use them. The conditions under which they seem to make sense exist for about one third of our inventory items, and we use them in these cases. We believe our policies must remain flexible so those who know the most about an individual procurement can decide which tools will work best in each case. We will continue to review our experience and exchange lessons learned within the defense community.

ARMED SERVICES PROCUREMENT REGULATIONS

1-324 Warranties.

1-324.1 *General.* A warranty is a promise or affirmation given by a seller to a purchaser regarding the nature, usefulness, or condition of the supplies or performance of services to be furnished. The principal purposes of a warranty in a Government contract are to delineate the rights and obligations of the contractor and the Government for defective items and services and to foster quality performance. Generally, warranties survive acceptance of the contract items for a stated period of time or use, or until the occurrence of a specified event, notwithstanding other contractual provisions pertaining to acceptance by the Government. Thus, they allow the Government additional time after acceptance in which to assert a right consistent with the guidelines of this paragraph.

1-324.2 *Criteria For Use.*

(a) The use of a warranty must be approved by the Chief of the Purchasing Office (CPO) except such approval is not required in the following procurements:

(1) commercial items (see 3-807.7(b) and 1-324.3(c));

(2) firm fixed price and fixed price with economic price adjustment contracts containing quality assurance provisions that reference specifications MIL-I-45208 or MIL-Q-9858;

(3) technical data except when the warranty provides for extended liability; and

(4) construction contracts when the warranties contained the federal, military, or construction guide specifications applicable to a given construction project are used.

(b) The following factors shall be considered in deciding whether to use a warranty. These factors shall be considered together, and individual factors alone should not form the basis for a decision to use, or not to use, a warranty.

(1) *Nature of the Item (Supplies or Services).* It is important to consider the nature of the item and its end use in determining whether a warranty is appropriate. This consideration has various facets such as the complexity and function of the item, the degree of the development of the item and the state of the art, the difficulty of detecting defects in the item prior to acceptance by the Government, and the potential harm to the Government which could result if the item were defective. If for example, due to the nature of the item or existing quality assurance procedures, the Government does not have sufficient opportunity to examine the items in order to determine conformity with specifications or whether there are defects in material or workmanship, a warranty would be advantageous. It provides additional time after acceptance for the Government to take corrective action when defects or nonconformities are discovered. The type of specification involved should also be considered. When the design of the item is specified in detail by the Government, the contractor's obligations under a warranty normally extend only to defects in material and workmanship or failure to conform to specifications. When the Government does not specify the design, the warranty extends also to the usefulness of the design.

(2) *Cost.* In determining whether use of a warranty is advantageous to the Government, the benefits to be derived from the warranty must be related to the cost of the warranty to the Government. Warranty costs arise from the contractor's charge within the contract price for accepting the deferred liability created by the warranty and from the Government's administration and enforcement of the warranty. A contractor may quote a higher price to provide the warranty. Necessarily, the degree of competition available on an item considered for warranty coverage is a major factor in the amount the contractor may include in his price to the Government for the warranty. In addition, the experience of the contractor in producing the item is another major factor in the cost of the warranty, since the contractor may rely on an actuarial basis to support his financial risk in warranties. As a further consideration, the estimated cost to the Government for correction or replacement by the contractor, by another source, or by the Government, in the absence of a warranty, should be compared to the warranty costs considered above.

(3) *Administration.* Essential to the effectiveness of any warranty right is the Government's ability to enforce the warranty. As a general rule, there must be some assurance that an adequate administrative reporting system for defective items exists or can be established. This depends upon such factors as: nature and complexity of the item; location and proposed use of the item; storage time for the item; distance of the using activity from the source of the item; difficulty in establishing existence of defects; and difficulty in tracing responsibility for such defects.

(4) *Trade Practice.* Another factor influencing the decision to include a warranty is whether or not the item is customarily warranted in the trade. In many instances, as a result of trade practice, the cost of an item to the Government will be the same whether or not a warranty is included. In such instances, it would be in the Government's interest to include such a warranty.

1-324.3 *Limitations.*

(a) Except as authorized in 1-324.6(c), warranties other than as contained in the clauses entitled Inspection of Supplies and Correction of Defects (7-203.5) and Inspection and Correction of Defects (7-402.5) shall not be included in cost-reimbursement type contracts.

(b) Any warranty clause included in a contract shall not limit any rights afforded to the Government by the provisions of the Inspection clause related to latent defects, fraud, or gross mistakes that amount to fraud. Further, except in the case of construction contracts warranty clauses, all such warranty clauses shall provide that the warranty therein applies notwithstanding inspection and acceptance by the Government or any provision of the contract concerning the conclusiveness thereof. As far as possible, the warranty clause should be used to express all warranties contemplated by this paragraph 1-324. Care should be taken to insure that the warranty clause used and any other warranty provisions in the contract (*e.g.*, in the specifications) are consistent.

(c) Contracts for commercial items, when use of a warranty is determined to be appropriate in accordance with 1-324.2, shall include a clause such as those in 7-105.7 (a) or (b) modified in accordance with 7-105.7(d)(2), unless it is determined that the Government's planned usage of the item is inconsistent with the item's normal usage or that Government specifications have substantially altered the item. In these circumstances, a more appropriate warranty provision consistent with the guidelines of this paragraph shall be included. Also, the Government may adopt the contractor's standard commercial warranty when it is determined by the contracting officer that the provisions are not inconsistent with (i) the rights afforded the Government under the clauses in 7-105.7 (a) or (b), or (ii) other provisions of the contract.

1-324.4 *Preparation of Warranty Provisions.* To facilitate both contract pricing and administrative enforcement of Government rights, warranties shall clearly set forth the exact nature of the item and its components and characteristics that the contractor warrants, and the extent of the contractor's warranty including all of the contractor's obligations to the Government for breach of the warranty. Many different factors must be considered in determining the precise warranty terms needed for the particular items. The terms and conditions of warranties may vary with respect to the scope and duration, the extent of the contractor's obligation, the specific remedies available to the Government, and other factors. Accordingly, in preparing such provisions the guidelines set forth below shall be considered.

(a) *Extent of Contractor's Obligations.* Generally, the contractors obligations under warranties extend to all defects discovered during the warranty period. The term *defects* as used herein does not include damage caused by the Government. When a warranty for the entire item is not advisable, a warranty may be required for a particular aspect of the item which may require special protection (*e.g.*, installation, components, accessories, subassemblies, preservation, packaging and packing, etc.). When the Government specifies the design of the item and its measurements, tolerances, materials, tests, or inspection requirements, the contractor's obligations for deficiencies shall usually be limited to defects in material and workmanship or failure to conform to specifications. When express warranties are included in contracts (except contracts for commercial items) all implied warranties of merchantability and fitness for a particular purpose shall be negated by use of the language in paragraph (i) of the clause in 7-105.7(a), paragraph (g) of the clause in 7-105.7(b), or paragraph (i) of the clause in 7-105.7(c).

(b) *Remedies.* Normally, a warranty shall provide, as a minimum, that the Government may obtain an equitable adjustment of the contract or direct the contractor to repair or replace defective items at the contractor's expense. When the item is of such a nature that repair or replacement by the contractor may not afford an appropriate remedy to the Government, or when repair or replacement is impractical, the warranty should provide alternate remedies to assure that the Government's interests are protected. For example, a warranty might state that the Government may return defective items to the contractor for repair, direct their replacement by the contractor, or arrange, at the contractor's expense, for their repair or replacement by the Government or an alternate source. When it can be foreseen that it will not be practical to return an item to the contractor for repair to remove it to an alternate source for repair, or to replace the defective item, the warranty should provide that the Government may repair or require the contractor to repair the item in place at the contractor's expense. Unless provided otherwise in the warranty, the contractor's obligation to repair or replace, or agree to an equitable adjustment of the contract, shall include the costs necessary to furnish all labor and material to (i) reinspect items which the Government reasonably expected to be defective, (ii) accomplish the required repair or replacement of defective items, and (iii) test, inspect, package, pack, and mark repaired or replaced items. When repair or replacement of defective items required, the contractor shall generally be required by the warranty to bear the expense of transportation for returning the defective item from the place of delivery specified in the contract (irrespective of the f.o.b. point or the point of acceptance) to the contractor's plant for repair or replacement and subsequent return of the corrected item. When defective items are returned to the contractor for repair or replacement from other than through the place of delivery specified in the contract or when the Government exercises alternate remedies for repair or replacement of the defective items as may be provided in the warranty clause, the contractor's liability for transportation charges incurred shall not exceed an amount equal to the cost of transportation by the usual commercial method of shipment between the place of delivery specified in the contract and the contractor's plant and return.

(c) *Duration of the Warranty.* In preparing warranty provisions, care must be taken to clearly specify the time period or duration of the warranty. Time periods shall be established after consideration of such factors as (i) estimated useful life of the item,

(ii) the nature of the item including storage or shelf-life, and (iii) trade practice. The period specified shall not extend the contractor's liability for patent defects beyond a reasonable time after acceptance by the Government.

(d) *Notice.* A provision shall be included in a warranty specifying a reasonable time for furnishing notice to the contractor regarding the discovery of defective items. This notice period, which shall apply to all defects discovered during the warranty period, shall be long enough to assure the Government has adequate time to give notice to the contractor through administrative channels. In establishing the notice period, such factors as the following shall be considered: (i) time necessary for the Government to discover defects, (ii) time required for the Government to take necessary administrative steps to report discovery of defects to the contractor, and (iii) time required to discover and report defective replacements. However, the warranty should require prompt notice by the Government.

(e) *Markings.* The packaging and preservation provisions of contracts containing a warranty shall require the contractor to stamp or mark items delivered under the contract in accordance with MIL Standard 129, "*Marking of Shipments,*" or to otherwise furnish notice with the item of the existence of the warranty. This will inform Government personnel who store, stock, or use the items that such items are under contract warranty. Markings required by the contract may be brief, but should include all data necessary to allow the user to determine whether the particular item is covered by the warranty. A brief statement that a warranty exists, the substance of the warranty, its duration, and who is to be notified if the item is found to be defective will generally be sufficient. For commercial items, the contractor's trade practice in warranty marking is acceptable if sufficient information is presented for supply personnel and users to identify items under the contract warranty.

1-324.5 *Pricing Aspects of Fixed-Price Incentive Contract Warranty Provisions.* In fixed-price incentive contracts which contain warranty provisions, particular attention must be given to the pricing aspects of the warranty. The estimated costs of the warranty to the contractor should normally be considered in establishing the incentive target price. All costs of the warranty should be considered in establishing the ceiling price of the contract. All costs incurred or estimated to be incurred by the contractor in complying with the warranty shall be considered when establishing the total final price. Contractor compliance with the warranty after the establishment of the total final price shall be at no additional cost to the Government.

1-324.6 *Warranties of Technical Data.*

(a) The factors contained in 1-324.2 shall be considered in deciding whether to provide for warranties of technical data delivered under contracts calling for technical data.

(b) The factors of 1-324.2 should also be considered in determining whether there should be an extended liability provision, *e.g.,* 7-104.9(o)(2). Particular emphasis should be placed on whether the extended liability is justified by (1) the likelihood that correction or replacement of the nonconforming data, or a price adjustment in lieu thereof, will not afford adequate protection to the Government, and (2) the effectiveness of the additional remedy as a deterrent against furnishing nonconforming data.

(c) The "Warranty of Technical Data" clause, 7-104.9(o), may be included in both fixed price and cost reimbursement contracts. In addition, technical data is warranted under the clauses in 7-105.7(c), 7-203.5, 7-402.5, and 7-901.21 when the 7-104.9(o) clause is not included in the contract.

1-324.7 *Examples of Warranty Clauses.* The following are examples of warranty clauses:

(a) Fixed-price supply contracts, 7-105.7(a), for noncomplex items.

(b) Fixed-price research and development or supply contracts for deliverable complex items, 7-105.7(b).

(c) Fixed-price supply, service, or research and development contracts for systems and equipment when performance specifications and design are of major importance (*Correction of Deficiency* clause), 7-105.7(c).

(d) Fixed-price services contracts, 7-1904.5(b).

(e) Fixed-price construction contracts, 7-604.4.

1-325 Variation in Quantity.

1-325.1 *General.* To the extent that a variation is caused by the conditions specified in the clause in 7-103.4(a), that quantity may be accepted only to the extent specified in the Schedule. Except as set forth in 1-325.2, the permissible variation shall be stated as a percentage and may be an increase, a decrease, or a combination of both. There should be no standard or usual percentage or variation. Each procurement for which an overrun or underrun is permissible should be based upon the normal commercial practices of the particular industry for particular items, and the permitted percentage should be no larger than is necessary to afford a contractor reasonable protection. In no event shall the permissible variation exceed plus or minus 10%. The clause in 7-103.4(b) shall be included only when one or more of the causes of quantity variation foreseeable exists at the time of solicitation. Consideration shall be given to the quantity to which the percentage variation applies. For example, when it is contemplated that delivery will be made to multiple destinations and it is desired that the quantity variation extend to the item quantity for each destination, this requirement must be set forth with particularity.

* * * * *

WARRANTIES

DOD is fully supportive of the use of warranties when appropriate:

Foster quality performance.

Delineate rights and obligations of Government and contractors.

Use appropriate when:

Technology is mature so that risk can be defined reasonably; i.e., an item in the early stages of production and with very little operating experience may lead to risk. This risk may be so great that if contractors must give warranties to Government, the price to cover his costs if he has trouble meeting provisions of warranties may be exorbitant. He will price the risk. Risk doesn't go away by establishing warranty; Government share may shift to contractor, but price will increase with shift.

Warranty must be consistent with acquisition objectives and mission the item is to accomplish; i.e., if item must retain level of intensity for 72 hours warranty that only requires 48 hours would be inconsistent (i.e., fighter engine durability is a major objective of the competition).

Must be able to administer warranty reasonably; i.e., ability to collect data on items to determine if item is still within warranty before we can enforce warranty. Ability to collect data should not be more expensive than the likely benefits of the warranty (i.e., Air Force is already collecting engine data—no new administrative apparatus is needed to collect data).

Fixed price type contract.

Competition—lowest price for warranty.

Difference between commercial and defense warranty:

DOD obtains commercial warranty on most of its commercial equipment. The only reason we wouldn't is if we use the item in such a way as to invalidate the warranty or, on balance, the price is cheaper without it.

Commercial environment contractor unilateral right to change item and an individual buyer has no input to design. (There are multiple buyers.) DOD is only buyer of military equipment.

Military designs and specifications provided by government and government has unilateral input to changes (i.e., changes in threat or safety of flight can change requirements).

Major difference is configuration control (i.e., who has it).

Commercial—offeror of warranty has it.

Military—offeree of warranty has it.

Another difference is that military equipment (weapon system) is usually state-of-the art technology; commercial warranties are almost always applied to lower technology items. When we have low technology items, or when buying commercial items, we use the commercial warranty when it makes sense.

Commercial warranties normally require return of item to manufacturer for repair and all service on item to be performed in accordance with warranty provisions—if they do not act in accordance with manufacturer, warranty is invalidated.

If similar conditions were imposed on weapon systems, it would be difficult if not impossible to comply with the conditions of the warranty because our military hardware are deployed throughout the world—repair facilities contract or services may not be available if item breaks down during use. Therefore, we find it easier to apply warranties to subsystems rather than complete weapon system; i.e., send the black box back to manufacturer rather than the ship or aircraft. Also, we must develop organic repair capability (i.e., within the Army) so we can repair the items during wartime. Organic repair (rather than sending it to the manufacturer) usually invalidates a warranty.

Additional problems with required warranty on all weapon systems:

Warranties cost money—result would be significant increase in defense budget. Evidence of this is when we buy military items, the warranty is priced separately.

Difficulty in many cases of enforcing warranty—item not accessible; physically impossible to return to contractor or put into service facility for repair.

Problems administering warranties; i.e., warranty period expires while item is in storage—user sometimes not aware item covered by warranty.

Blanket warranties would put too much risk on contractors. It would be passed down from prime to sub to vendor and, if enforced, would drive people out of the defense industrial base, especially small businesses.

At best it would lead to a string of disputes—disagreements between contractor and government concerning responsibility for items breaking; i.e., contractor states government's misuse of product caused problem.

It would work against competition in spare parts. As soon as another manufacturer's part is inserted, warranty is usually void.

These reasons led to our present policies to make the use of warranties discretionary; we use them when appropriate (on about ⅓ of our 4.1M inventory items). Commission on government procurement endorsed the position that DOD should basically be a self-insurer in order to limit contractor risk and keep procurement cost down. They are an important tool; they cost money. We need the flexibility to use or not use them when it makes sense.

Warranties penalize poor performance and are intended to limit the buyer's common law remedies. Thus, the buyer can only obtain damages as allowed by the warranty. However, incentives are available that not only penalize poor performance, but also reward excellent performance.

Contractor performance incentives:

Acquisition Improvement Program is placing emphasis on improving support and readiness by establishing reliability and support goals early in the front end of a program.

We are trying to reward good performance by using award fees for good reliability and structure cost incentives for interim contractor support.

This is complimented by increased emphasis on "designing in reliability" in order to ease the transition from development to production.

Action by services:

Air Force has published a product performance agreement guide that is a detailed informational guide focusing on methods for motivating improved assurance that the products we purchase will work as advertised.

Air Force has established the Product Performance Agreement Center at Wright Patterson Air Force Base. The services at this center are offered to and used by all the services.

The Center is currently involved in:

Developing a data base that will define the procedures to evaluate the cost effectiveness of performance agreements and warranties.

Supporting program offices in the structuring of warranties.

Consideration will be given to making this Center a tri-service center.

SUMMARY

DOD is most supportive of reliability, durability, and the performance objectives needed to make our military equipment the best and the safest for our troops. Use of a warranty is but a tool that can be used in the appropriate case to assure to a greater extent that we will obtain the necessary equipment in the most cost-effective manner. Our contracting officers are highly trained and should continue to have the flexibility to use all tools available to him.

Department of Defense: Comments on Proposed Warranty Legislation

1. Current Program: DOD policy as defined in the Defense Acquisition Regulation is discretionary regarding the use of warranties. DOD is supportive of the use of warranties when they make good business sense. We use some form of warranties on about one-third of our purchases of inventory items. We believe it is very important that we continue to have the flexibility to apply or not apply warranties on a case-by-case basis. Warranties cost money, and we try to be sure they are worth it when we use them. We find they make the most sense when applied to relatively mature technology, usually at the subsystem rather than major system level, in a competitive environment, on a fixed price contract and in a manner which does not create an administrative burden greater than the likely benefits to be derived.

2. Change proposed by Senator Andrews' amendment: Written warranties would be required on all weapons systems, or written waivers would be required from the Secretary of Defense.

3. Effect of proposed legislation: The proposed amendment is not considered practical or wise. It would cause defense costs to rise because of the inherent disproportionate transfer of risk to the contractor. It would create a burdensome reporting system to process waivers for every weapon system for which warranties do not make sense, which we believe to be the majority of our programs.

4. *Additional Comment:* We plan to continue to strengthen our knowledge and use of warranties and product performance guarantees. for example, the Air Force's newly formed Product Performance Agreement Center will be available to the tri-Services to provide experience gained, lessons learned, and provide advice to program managers and contracting officers. We want to continue to administer the subject of warranties in a flexible, case-by-case manner, with the decisions decentralized to those in the best position to know whether an arrangement of this type makes good business sense for the DOD and the taxpayer.

Proposed Amendment Relating to the Warranty of Weapon Systems by the Suppliers of Such Systems

Sec. . (a) Except as provided in subsection (b), none of the funds appropriated by this or any other Act may be obligated or expended for the procurement of a weapon system unless the prime contractor of such system provides the United States with a written guarantee—

(1) that the system was designed, manufactured, and equipped so as to conform to the Government's performance requirements as specifically delineated (A) in the production contract, (B) in any prior contract or contracts leading to the award of the production contract, or (C) in any other agreement relating to the production of such system entered into by the United States and the contractor;

(2) that the system, at the time it is provided to the United States, is free from all defects (in materials and workmanship) which would cause the system to fail to conform to the Government's performance requirements as specifically delineated (A) in the production contract, (B) in any prior contract or contracts leading to the award of the production contract, or (C) in any other agreement relating to the production of such system entered into by the United States and the contractor; and

(3) that, in the event of a failure of the weapon system to meet the conditions specified in clauses (1) and (2)—

(A) the contractor will bear the cost of all work including repairing or replacing all parts promptly that are necessary to achieve the required performance requirements; or

(B) if the contractor fails to repair or replace such parts promptly, as determined by the Secretary of Defense, the contractor will pay the costs incurred by the United States in procuring such parts from another source.

(b) The Secretary of Defense may waive the requirements of subsection (a) in the case of a weapon system if the Secretary—

(1) determines that the waiver is necessary in the interest of the national defense; and

(2) notifies the Committees on Appropriations of the Senate and the House of Representatives in writing of his intention to exercise such waiver with respect to such weapon system.

(c) The Comptroller General of the United States shall determine, on a continuing basis, whether the Department of Defense is complying with the requirements of subsections (a) and (b) and shall report his findings to the Committees on Appropriations and on Armed Services of the Senate and the House of Representatives annually. The Comptroller General shall include in each such report (1) any instances of noncompliance with warranty provisions found in the course of audits by the General Accounting Office of weapon systems programs, and (2) such recommendations for improvements in compliance with such requirements as the Comptroller General considers appropriate.

IN SUPPORT OF BETTER DEFENSE POSTURE

Mr. SYMMS. Madam President, the fundamental difficulty in engaging in the defense debate is the complacency of those who believe that Soviet military superiority has no economic or even national security consequences for America. Many American leaders believe that if we simply ignore the Soviet military superiority, it will just go away. The only trouble with this approach is that if its advocates of passivity are wrong, we will only find out in crisis or even war. But then it will be too late to build up America's defenses, as we were able to do in 1917 and 1941. Modern military technology now has long lead times. Moreover, the complacent approach ignores the real economic penalties which a weakened America will pay in terms of lost prosperity. President Reagan requested a 10-percent increase in defense in his budget of last January. I was one of only two Senators who voted for a 10-percent defense increase in the Budget Committee last spring. Now we are authorizing and appropriating an increase of between 3 and 4 percent.

The platform of one national party in the 1980 Presidential campaign compared our current national security situation to the period just before World War II. It stated that the danger to America today is as great as it was at the time of the Japanese surprise attack on Pearl Harbor in December 1941.

The Soviet Union today poses a much greater threat to American security than Japan or Germany combined ever did, even in the grimest early days of World War II. Yet today we are spending a much lower percentage of our Federal budget and our gross national product on defense than we did in 1962. In 1962, 20 years ago, we spent about 46 percent of our Federal budget and about 12 percent of our GNP on defense, yet today we are spending only about 27 percent of our Federal budget and less than 6 percent of our GNP on defense. John F. Kennedy correctly saw in 1962 that we needed to face up to the Soviet threat. Today, the Soviet threat is much worse than it ever has been, yet we are spending much less of our resources to address this Soviet threat.

For example, the Soviet strategic and military threat from Cuba is today much worse than it was in 1962, the year of the Cuban missile crisis. President Reagan and three other top Reagan administration officials have called attention to the Soviet intercontinental bear bombers, nuclear-delivery-capable fighter bombers, and strategic submarines, and nuclear warhead facilities in Cuba, accusing the Soviet Union of violating the 1962 Kennedy-Khrushchev agreement. This agreement brought the world back from the worst military crisis in its history.

If the Soviets are violating the agreement that ended that crisis, then it is clear that we are again facing a crisis of Soviet nuclear blackmail as grave as we faced in 1962.

During the past year President Reagan has publicy accused the Soviets of violating three significant arms-control agreements: First, the Kennedy-Khrushchev agreement of 1962; second, the biological warfare convention; and third, the Geneva Protocol on Chemical Warfare. President Reagan has come very close to accusing the Soviets of violating three other arms-control treaties: First the SALT II Treaty, second, the SALT I ABM Treaty, and third, the Threshold Test Ban Treaty.

Over the past decade of détente, the Soviet Union has become an outlaw nation, which violates the fundamental tenets of international law. Indeed, former Secretaries of Defense and State have accused the Soviets of violating both SALT I agreements. Official Defense and State Department documents of 1959 and 1962 accuse the Soviets of 50 other treaty violations. The conclusion emerges from official U.S. Government documentation that the Soviets have violated, evaded, or circumvented almost every international treaty they have signed since 1917. The Soviets are clearly violating the rules of détente, the 1972 agreement on basic principles of United States-Soviet relations, by their actions in the Caribbean, Afghanistan, and Poland. Thus American national security cannot rely upon arms-control treaties, negotiations, and international law for protection against Soviet intimidation and aggression. Only unilateral U.S. defense programs will save us from Soviet nuclear blackmail, fear, and the threat or reality of war.

The record of Soviet aggression during the decade of détente and Soviet violations and circumventions of the SALT and other arms-control treaties demonstrates that the United States cannot rely on arms-control treaties, negotiation, diplomacy, and international law for protection against Soviet intimidation and aggression. Even accommodation and appeasement have proven futile. Only unilateral U.S. defense programs will save the United States from Soviet nuclear blackmail, fear, and threat or reality of war.

As Winston Churchill told the British Parliament in July 1934:

> If you want to stop war, you gather such an aggregation of force on the side of peace that the aggressor, whoever he may be, will not dare to challenge.

In 1983, it is the Soviet aggressor nation which has the greatest aggregation of force, and it is again the nations of peace which are weak. We are not even striving for military parity, and superiority is out of our reach.

Defense Secretary Weinberger and others have repeatedly testified to Congress that there has been a dangerous shift in the military balance in Soviet favor. Other leaders of both political parties have pointed out that the 20-year relentless Soviet military buildup, coupled with the collective failure of the United States and our allies to make a sufficient response, has resulted in a dangerous shift in the global military balance.

The Soviets have outinvested and outproduced the United States in military capability for over a decade, even including the efforts of our mutual alliance systems. The Soviets have spent over $710 billion more than the United States on defense over the last decade, according to official DOD estimates. Total Soviet investment on future military capabilities is now about double our own.

U.S. defense spending is at the lowest level since before the Korean war. The United States is still spending less than 6 percent of its GNP on defense.

In contrast, the U.S.S.R. is spending 14 to 18 percent of its GNP on military capability. Again, official U.S. estimates show that the Soviets have spent about $710 billion more than the United States on the military since 1969. The result of this gap is ominous—the Soviet Union has more military capability in almost every category of force comparison. Soviet floor space in military-industry factories increased by over one-third over the last decade, indicating that the Soviet military growth trend is planned to continue in coming years through the 1980's.

During early 1980, several different American groups recommended that the U.S. defense budget be increased over the Carter 5-year plan by $160 billion to $226 billion. The bipartisan committee on the present danger recommended even higher levels of defense spending. Nevertheless, it is a little known fact that the Reagan administration has actually increased defense outlays, and I stress outlays, by only $12 billion over President Carter's plans through the end of the fiscal year 1983 continuing resolution. The difference between Carter and Reagan in real, actual defense spending in outlays has only been marginal.

In the words of President Reagan's National Security Adviser in September 1981:

> "The Challenges we face in the 1980's may well be the most substantial in our nation's history * * * because of inadequate defense spending over the past decade, we find ourselves today in an extremely disadvantageous strategic position * * * tough words must now be followed by substantial action.

To date, the Reagan administration has softened its tough words, and it has not achieved the policies or defense programs necessary to adequately protect American national security.

In 1980, the Chairman of the Joint Chiefs of Staff testified to Congress that:

> The Soviets now possess an accumulated military capital stock some 25 to 50 percent larger than that of the U.S. * * * the differential is projected to increase to the 40 to 60 percent range in favor of the Soviet Union by the mid 1980's.

What has the Soviet $710 billion spending advantage gained for them? Total Soviet investment in future military capabilities is now about double our own. In 1980 and 1981, Soviet investment in strategic nuclear forces was about three times higher than ours, and about two times higher in general-purpose forces.

Since 1974, the Soviets have produced:

Over twice as many tanks as the United States;

Over eight times as many armored vehicles as the United States;

Over 13 times as many artillery and rocket launches as the United States;

Over twice as many combat aircraft as the United States;

Over six times as many intercontinental ballistic missiles (ICBM's) as the United States;

Over 250 times as many intercontinental bombers as the United States;

More major surface warships than the United States;

Over twice as many attack submarines as the United States;

And over 15 times as many ballistic missile submarines as the United States.

While the United States may not be able to match the Soviets weapon for weapon in every category, we are significantly behind in every category of military capability.

Last year alone, the Soviets deployed more MX ICBM warheads—over 1,000—than the United States plans to deploy on the entire MX program between 1987 and 1989. The Soviets even now have deployed 820 ICBM's as capable as our MX, which has just begun flight testing. The Soviets are already themselves testing ICBM's which are even better than their 820 MX-equivalent ICBM's, for deployment before the MX is deployed in 1987. Thus, in the key area of ICBM capability, the Soviets are way ahead.

As a first priority, the United States needs to modernize our strategic nuclear forces in order to restore the balance with Soviet nuclear forces and regain at least parity. U.S. strategic forces, even under the very modest Reagan strategic modernization program, account for only 15 percent of our defense budget, yet they are the cheapest kind of forces to procure and maintain, and they have the additional advantage of deterring war at all levels of violence. But the United States is way behind in strategic forces. This is the most important area of military capability, yet we are comparatively the weakest in strategic capability.

The Reagan defense budget has already taken more than its share of cuts. The Reagan 5-year defense plan was unveiled in March 1981, and it planned to add $116 billion to the underfunded Carter plan for the same 5 years. Now, less than 2 years later, less than one-half of the Reagan defense increase remains in budget authority for the outyears. Over $58 billion in budget authority has already been cut if current years and in future years. The Reagan defense increase is now only $12 billion more than Carter's in defense outlays. Thus, Congress has continued to cut defense, just as it did throughout the 1970's.

We cannot forget that American defense needs must be determined by the Soviet threat to our national security. The main facts about the Soviet threat we face are clear, open, public, and unclassified. We must develop a complete understanding of these facts on the threat, however, and determine what to do.

But there is great resistance to acceptance of the plain implications of these facts, because to understand these facts is to be forced to accept the need for a major, sustained, U.S. defense buildup in response. But we simply cannot wait to restore our military strength—we must do it now, this year, in this defense appropriation bill, before it is too late.

A few additional points need to be made about the level of our defense budget, before going into the implications for our economy of sustained weakness vis-a-vis the Soviets.

First, the United States has a commitment to NATO to achieve an annual real growth in defense spending of a minimum of 3 percent each year. This 3-percent real growth in defense spending should be considered a floor, not a ceiling, for our defense spending commitments. To go below 3-percent real defense growth, as the House first concurrent budget resolution for fiscal year 1984 has already done, would undermine all our efforts to increase defense spending in the United States, NATO, Europe, and Japan.

Second, the Reagan defense budget for fiscal year 1984 is right at the outyear projection made in the fiscal year 1983 budget resolution last year. This 1984 level was agreed to as part of the White House-congressional negotiations on reaching a spending ceiling for fiscal year 1984. Thus Congress did not agree last year to a freeze or to a reduction in defense spending from fiscal year 1983 to fiscal year 1984. Instead, last year Congress agreed to a $25 billion increase in the national defense budget function for fiscal year 1984. Thus the whole Congress is already on record as voting in favor of substantially increasing the defense budget from fiscal year 1983 to fiscal year 1984, as reflected in the vote on the first concurrent budget resolution of last year.

What has changed since 1981? The Soviet threat has grown worse, and the American media has begun a sustained campaign for defense spending cuts.

Third, if the defense budget is arbitrarily cut further, we should bear in mind that this will precipitate a reoccurrence of all the problems of the past—

Stretch out of procurement programs, at rates of production which are noneconomic;

Decrease in readiness, by restricting funding for operations and maintenance;

Foregoing modernization of our strategic and theatre nuclear forces, while significantly slowing down general purpose and naval force modernization. Already over long leadtimes will be extended.

Moreover, a defense spending cut will in all probability also precipitate force structure reductions and threaten overseas alliance commitments.

In sum, the United States should not be reducing its defense spending, precisely at the time the Soviets are increasing their defense spending at a rate of 4 to 5 percent real growth per year. Such U.S. defense reductions would make the United States permanently inferior to the U.S.S.R., because the spending and capability gap would never be closed.

In response to all proposals that the defense budget can still be further reduced, we should recognize that we will be sacrificing real military protection at a time of acute danger from relentless Soviet military buildup. Even if the full Reagan defense plan was fully enacted, which is now precluded, the United States could not catch up to the Soviets in several crucial military capabilities until well into the next century.

The conclusion may be inescapable that the United States will be inferior to the Soviets in all crucial military capabilites until well into the next century. The bottom line is that the United States will surely be permanently inferior to the Soviets if there are further defense budget cuts.

We should realize that there is a relationship between American economic prosperity and a strong national defense. Too often we fail to recognize this relationship.

There are tangible domestic economic implications resulting from a permanently weakened America. U.S. access to foreign raw materials, markets, and trade routes are threatened by Soviet military superiority. Soviet nuclear blackmail threats could disrupt the U.S. stock market, as happened in 1962 during the Cuban missile crisis. Soviet military superiority could also enable them to credibly threaten to renege on their loans to the United States and to the West—totaling over $80 billion. Their military superiority could then allow them to pull the plug on the entire Western economic system.

Those who advocate further cuts in the defense budget at a time of impending national security crisis must be forced to face up to the economic implications of long-term U.S. weakness.

Several final recommendations are necessary.

First, it is political decisions which have imposed the All-Volunteer Force and long procurement leadtimes on our defense structure. These political handicaps can be changed by political decisions.

Second, we need to continue to exhort our NATO and Japanese allies to increase their defense spending. More equitable burden sharing is required. This can be accomplished best by a proper American example.

Third, we need to completely overhaul the structure of our defense program planning and budgeting process, to include the way the Congress handles the defense budget, and defense authorizations, and appropriations. For example, we need long-term budgeting and procurement. A real 5-year defense plan, rather than a rolling 1-year defense plan, would be a useful reform. And the constitutional problem of multiyear contracts for procurement has already been overcome in our shipbuilding program.

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Fouth, we need a thorough overhaul of our defense personnel system. For example, we can no longer afford to pay civilian wages to our troops, who in war would have to fight conscript troops. We need to go back to a selective draft ourselves. The All-Volunteer Force and the retirement program consumes over half our defense budget. This is simply too high a share for personnel costs. We should also consider expanding our Reserve Force structure in place of regular forces. This could result in more military capability for less cost.

Finally, we need to increase our technology and R&D base for defense. Technology is still our best hope.

The most exciting and interesting idea in defense strategy in many years is President Reagan's proposal for a space-based defense against Soviet ballistic missiles. Funding for this program is alone adequate justification to increase the defense budget.

I ask unanimous consent, that an excellent statement by Mr. John Fisher of the American Security Council before the House Appropriation Subcommittee on Defense be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PRESENTATION TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON DEFENSE

Mr. Chairman, the American Security Council is pleased to have the opportunity to testify before your Subcommittee.

Your invitation to testify noted that Congress was headed toward some cuts in the proposed defense budget. You asked for our testimony on how to cut the defense budget without harm to our defense posture.

We will testify on how significant savings could be made in the years ahead. But, after a careful review, we have no recommendations as to any cuts which can be made now. In fact, we see this Defense Budget as only slowing down the rate by which the Soviets are increasing their military lead over the United States.

I will testify about the biggest gap in our budget process—the lack of a positive strategy which would provide you an overall framework to judge a military strategy and proposals for its implementation.

Colonel Philip S. Cox will discuss a few key defense issues and weapons systems.

Brigadier General Robert C. Richardson will outline basic concepts on how we could buy more security for our investment in defense.

We have submitted written statements. We will each summarize our statements.

The Annual Report which the Secretary of Defense presents each year to the Congress contains an introductory section which reviews the international situation and seeks to show the correlation between the military posture he is proposing and U.S. foreign policy. That section is designed to show that the military establishment is not following a course of its own or working at cross purposes with our foreign policy.

The weapons that are recommended for funding by the Department of Defense are selected on the basis of such factors as: the roles and missions of the individual Services; the estimated weapons developments of potential enemy nations, i.e., the threat; the promises of technology; and the dictates of party platforms.

Secretary Weinberger in his February 1, 1983, Annual Report to the Congress does an excellent job of describing U.S. Foreign Policy and National Security objectives.

He traces the evolution of U.S. Defense Strategy from "massive retaliation" to "flexible response."

U.S. military strategy since shortly after World War II has been geared to a foreign policy of some version of containment.

The Secretary describes the burgeoning Soviet military threat powered by investment in strategic nuclear forces three times greater than ours and 50 percent higher in general forces.

We have prepared the attached charts which show the results of this difference in investment levels.

You will note that the Soviets have now gained a 3½ to 1 advantage in strategic offensive weapon megatonnage and a 39 to 1 advantage in strategic defensive weapons.

Containment has not prevented long term Communist expansion because it has only the negative goal of defending the status quo.

This is not a true national strategy because it does not have a positive goal and has no positive programs.

For convenience, we may make the comparison of two football teams, one of which is on the offense and seeking to score points, while the other team restricts itself to playing defense. The reality is that the team which plays only defense and has no game plan for scoring points is doomed to defeat.

That is why we are working with other organizations and pro-defense leaders across the country for the adoption of a national strategy of peace through strength.

The first requirement for developing a strategy is to identify the desired goal.

In this connection, we were inspired by and adopted the goal set by John F. Kennedy in his January 11, 1962, State of the Union message:

"Yet our basic goal remains the same: a peaceful world community of free and independent states—free to choose their own future and their own system, so long as it does not threaten the freedom of others."

More recently, we have been similarly inspired by President Reagan's June 8, 1982, speech to the British Parliament when he said:

"Let us now begin a major effort to secure the best—a crusade for freedom that will engage the faith and fortitude of the next generation. For the sake of peace and justice, let us move toward a world in which all people are at last free to determine their own destiny."

Our first study on a positive strategy for the United States was completed in 1964 with the formal cooperation of 128 universities and colleges and 102 organizations.

In 1978, we worked with other organizations and pro-defense leaders in identifying the eight basic principles of a national strategy of peace through strength.

This became the Peace Through Strength Resolution which is now endorsed by 135 national organizations and 249 Members of Congress. It has been passed by 12 state legislatures and by one house of another 6 legislatures.

The Peace Through Strength Resolution was introduced in the U.S. Senate on March 8, 1983, as Senate Concurrent Resolution 15 and referred to the Senate Armed Services Committee. It was introduced in the U.S. House of Representatives on March 9, 1983, as House Concurrent Resolution 83 and referred to both the Armed Services Committee and the Foreign Affairs Committee.

Secretary of Defense Caspar Weinberger, Chairman of the Joint Chiefs of Staff General John W. Vessey, Jr., and President Ronald Reagan have all endorsed the Peace Through Strengths Resolution.

I have attached copies of the Resolution as it was introduced in each House this year.

There were no speeches made when the Resolution was introduced in the House, so I direct your attention to the speeches made by Senators Laxalt, Zorinsky, Tower, DeConcini, Denton, Johnston and Symms in which they outlined the need for and defined the principles of a national strategy of peace through strength.

The need for and the broad concepts of a national strategy of peace through strength were described as follows:

Senator Paul Laxalt: "Mr. President, the greatest problem we have as a Nation is how to deal with the growing Soviet politico-military threat to us and the rest of the free world.

"The invasion of Afghanistan and the repression of Poland are reminders that the Soviets are as ruthless as were the Nazis in expanding and consolidating their totalitarian empire.

"Soviet expansionism has been driven by the goal of world domination and guided by a grand strategy to achieve that goal.

"Soviet successes have been possible only because the United States has had neither a goal nor a strategy in this conflict. U.S. policy has been essentially that of reacting to Soviet initiatives in defense of the status quo.

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"There are eight basic principles inherent in a national strategy of peace through strength. These principles will serve to clarify the direction of the strategy and the basis of some of its details, and they will serve as a yardstick to evaluate competing programs and initiatives. Unless the United States speedily adopts such a strategy to coordinate its national security efforts, it is doomed to ineffectual policies, uncoordinated responses to Soviet aggression, and ultimately, a great growth in the power and influence of the Soviet Union."

Senator Ed Zorinsky: "Mr. President, the principal goal of the United States has been the preservation of peace and freedom. No responsible American disputes this goal, but differences on how best to achieve it have badly divided our Nation and led to disastrous reverses in foreign policy. Because of these differences, it has proved impossible to adopt or adhere to a national strategy. Without a national strategy to give it direction and coherence, our foreign policy has been reactive, inconsistent, and far weaker than it need be.

* * * * * *

"The United States has at last recognized that détente cannot help to achieve the national goal of peace and freedom and has begun the first steps toward strengthening its defense and foreign policy. However, because these steps have not been explained to the American people in the context of a well-articulated national strategy, the political consensus for making them has been eroding. Such a strategy has been working out—the national strategy for peace through strength.

"The national strategy for peace through strength is based upon the realization, backed by over 20 years of experience, that the Soviet Union cannot be cajoled into good behavior by weakness or unilateral restraint. At the same time, it is neither possible nor desirable to coerce the Soviet Union by the direct use of military force. Instead, the national strategy of peace through strength, while providing for the military and strategic forces necessary to establish a margin of safety, will arrest and counteract the spread of Soviet influence by non-military means.

"The national strategy for peace through strength is embodied by eight principles, which will serve as a yardstick by which future U.S. defense and foreign policy initiatives can be evaluated. These principles outline the steps necessary to preserve the safety of the United States and its allies, while at the same time promoting greater understanding of and respect for democratic principles."

Two of the eight principles deal directly with the Defense Budget.

These are: "*Second Principle:* to achieve overall military and technological superiority over the Soviet Union."

Here's how Senator John Tower described this principle in his sponsoring remarks: "Democracy does not need military power to win the fight for the minds of men. Democracy needs nothing more than energetic advocates and a world political environment in which it can demonstrate its superiority.

"The key to a peace through strength strategy is to achieve our goals without armed conflict. To do this, we must deter the Soviets from starting a war.

"History shows that only superior war fighting capability can deter an aggressor. Forces that cannot win cannot deter.

"The United States can have a superior war fighting capability without the cost of across-the-board numerical superiority if it exploits advanced technology such as the cruise missile and space-based laser."

We must spend whatever is necessary to rebuild a superior war fighting capability. That is the most cost effective approach—deterrence is cheaper than war. *"Third Principle:* to create a strategic and civil defense which would protect the American people against nuclear war at least as well as the Soviet population is protected."

Here's what Senator Steve Symms said about this principle: "Since the early 1960's, the United States has structured its military forces and designed its strategies in keeping with a concept called Mutual Assured Destruction (MAD).

"According to the MAD principle, the U.S. and the Soviet Union will be equally deterred, and therefore secure, if the population and industrial centers of both nations are defenseless and can be easily destroyed by either a nuclear first strike or a retaliation. According to MAD, the absence of defensive weapons enhances deterrence.

"As a matter of policy, therefore, the United States has scrapped nearly all its defenses. We have no defenses against Soviet ballistic missiles and only a few aged fighter interceptors to defend against Soviet bombers.

RECOMMENDATIONS

I. We urge that for the future, you ask the Executive Branch to prepare for you and all committees an intergrated summary of United States grand strategy dscribing the roles to be played by each government agency. Only by seeing the overview can you judge a military strategy and proposals for its implementation.

II. It is particularly important to move ahead on the modernization of our strategic forces before they become so obsolete that they no longer deter. It is also important to seek a unique technological advantage at the strategic level to control the ladder of escalation. There is high promise for this in defensive weapons.

Deterrence is cheaper than war.

The proposed Defense Budget does not call for regaining a superior war fighting capability. All it does is to slow down the rate at which the Soviets are gaining advantage.

III. Start structural and policy chages to make some of the money-saving reforms proposed by General Richardson.

Mr. SYMMS. Mr. President, I have also spent some considerable time recently thinking about the problems of American strategic doctrine and military posture as it relates to our arms control policy.

I ask that two recent essays of these subjects which I have written be printed in the Record.

There being no objection, the essays were ordered to be printed in the Record, as follows:

A Critique of U.S. Strategic Doctrine and Posture

Should the United States deliberately plan to lose a Third World War? This was the question Casper Weinberger asked his tormentors: "I've been to several meetings at which the word 'prevail' has been hurled at me with great venom by some fellow, usually in the back of the room. What does he want? Does he want us not to prevail? Show me a Secretary of Defense who's planning not to prevail and I'll show you a Secretary of Defense who is out to be impeached."

This exchange resulted from a leak of the 1983 Defense Guidance to the New York Times, which reported that it is stated:

"The primary role of United States strategic nuclear forces is deterrence of nuclear attack on the United States, its forces and its allies. Should such an attack nevertheless occur, United States nuclear capabilities must prevail even under the conditions of a prolonged war."

The fact that such a statement could be considered controversial is perhaps the ultimate legacy of Robert McNamara's doctrine of Mutual Assured Destruction—the view that deterrence depends completely on our ability to kill civilians and destroy cities, and that defense was impossible and merely drove the "arms race." Over the years, this has been futher perverted into the doctrine that cities and civilians were the only legitimate targets for deterrence. Thus the same people who professed horror at the slaughter of a few hundred Palestinian civilians endorse the view that civilians are the only legitimate targets for nuclear weapons and oppose any effort by the United States to effectively be able to attack anything else, or to limit damage to the American people in the event of war.

However, strategy without the forces to accomplish it is meaningless. The United States still mainly possesses forces developed during the McNamara Assured Destruction era—weapons that do not have significant capability to destroy hardened or fortified military targets. The survivability of our forces has been allowed to decline to such a degree that we no longer have even the Margin of Safety contemplated by Robert McNamara—a viable, survivable TRIAD with each leg capable of accomplishing the Assured Destruction mission.

What has the United States achieved by abandoning its "Margin of Safety," the strategic nuclear superiority we enjoyed in the 1960's? The prophets of Assured Destruction believed that we would slow down the arms race, achieve greater strategic stability and a safer war. What we have achieved is an accelerated strategic arms race run principally by the USSR, a vulnerable deterrent force, and Soviet strategic superiority.

Sensible nations, particularly nations with the greatest industrial capability in the world, do not experiment to see how close to disaster they can come without going over the edge. Yet this has been exactly what we have done. Those who seek safety through the threatened mass destruction of civilian populations have achieved neither safety, security, nor effective arms limitation. These same people who, today, advocate the nuclear freeze, do as much as the massive Soviet strategic buildup to create the "window of vulnerability."

If, however, one believes that the objective of war is to destroy the opponents' armed forces and that the ability to do so in a retaliatory attack is a better deterrent to war than the threat to massacre civilians, the military balance suddenly becomes relevant. It is quite different whether one has 500 or 5,000 surviving weapons, and whether or not those weapons can destroy targets such as missile silos, nuclear weapons storage bunkers, and command and control centers which have been protected against nuclear attack by tons of concrete.

Would we measure the capability of our Army in terms of how many old ladies it could kill? Of course not. Then why do so many believe that we should measure the capability of our strategic nuclear deterrent forces by such a criteria? The United States does not target civilians. Hence, what relevance is the theoretical capability of US forces to kill civilians? Isn't it a lot more relevant to estimate how many military installations we can destroy in a retaliatory attack? Or our ability to terminate Soviet attacks upon the US and our allies—isn't this relevant? Isn't the fact that we cannot effectively do either today relevant to our defense policies and to our assessment of such arms control concepts as the nuclear freeze?

The fact that the Soviet Union would surge ahead of the United States in strategic nuclear capability in the early 1980s is not a recent invention of the Reagan Administration. Even during the 1979 SALT II debate, the Carter Administration admitted that our ICBM force and, under certain circumstances, our bomber force would become vulnerable in the early 1980s. The Carter Administration did not exaggerate the threat to our forces—quite the contrary, it did not fully admit the severity of the threat.

As far back as 1979, Gen. David Jones, Chairman of the Joint Chiefs of Staff, admitted to the Senate Armed Services Committee that: "In the static indicators, the Soviet Union will have a substantial advantage in most categories in the early 1980s." Chief of Naval Operations Admiral Thomas Hayward was even more candid: "With respect to essential equivalence, it is my view that without any question, the Soviets will have a first strike capability over the next few years. If that is not a loss of essential equivalence, I do not know what is, and we have to do something about that to correct it."

Secretary of Defense Harold Brown, in 1979, told the Senate Armed Services Committee that: "The combination of accurate guidance and the large numbers of warheads expected in the early 1980s will give their ICBMs force the ability to destroy our silos with a relatively small fraction of their ICBMs." Moreover, "Under some circumstances, SLBMs could pose a significant counterforce threat to our bombers, by barrage attack on our present Strategic Air Command bases. There is also the potential of our bombers being destroyed with an ICBM barrage attack whose larger numbers could compensate for the longer bomber escape time, so that even if the bombers got off the ground, they may not escape the area that is barraged."

The Soviet Union has built strategic forces enormously more powerful than our own. The Soviets now have more missiles of every type and more strategic bombers than does the United States. Soviet missiles are far larger and more powerful. Soviet missiles and bombers are far more modern in design. The following mid-1982 numbers speak for themselves:

	United States	U.S.S.R.
Category:		
ICBM's	1,052	1,398
SLBM's	520	950
SSBN's	32	62
Intercontinental bombers	237	430
Missile throw weight (mkg)	2	5
ICBM warheads	2,150	5,900
IRBM's	0	600
IRBM warheads	0	1,300
Bomber defense missiles	0	10,000
ABM missiles	0	32

What does this all mean? The essential fact is that the Soviet Union can eliminate 90 percent of the US ICBM force in a surprise nuclear attack, while some 90 percent of the Soviet ICBMs can survive a US retaliatory attack. Moreover, the Soviet Union has developed the capability to reload its land-based missile launchers, both intercontinental (ICBM) and intermediate range (IRBM), and launch follow-on attacks against the United States. Even without this capability, the Soviet ICBM force alone can eliminate perhaps 80-90 percent of all military targets in the United States within thirty minutes of a Soviet attack. A full US retaliatory response would be only perhaps a third as effective in retaliating against similar Soviet military targets.

This is what President Reagan had in mind when he stated: ". . . the Soviet's great edge is one in which they could absorb our retaliatory blow and hit us again." This is the situation that our present military programs are aimed at eliminating.

If one believes that the military balance is relevant, or that it is necessary for the United States to be able to retaliate effectively against Soviet military targets and to prevent follow-on Soviet attacks against the United States, the only question becomes the adequacy of the Reagan programs or whether we are moving fast enough to eliminate the current vulnerability.

Soviet ability to disarm the United States while maintaining a capability to launch intercontinental and theater nuclear does not exist in a vacuum. The Soviet capability to sweep into Western Europe using conventional, chemical and tactical nuclear weapons is of enormous strategic significance. When we combine the two—Soviet ability to disarm the U.S. while retaining long range nuclear strike potential of great magnitude and the occupation of Western Europe, the Soviets clearly have the capability to prevail in a classical military sense—certainly the way their leaders would define the term. This is an extremely dangerous situation.

Another fundamental mission of our strategic forces is to destroy Soviet capability to project power into Western Europe and other vital areas on its periphery. This is another mission that cannot possibly be achieved by nuclear forces that are merely adequate for the Assured Destruction role. Dr. Kissinger's 500 warhead Assured Destruction attack is not going to destroy the Soviet Union's ability to project military power.

The Soviet monopoly on the ability to destroy a high percentage of Western military targets with theater and intercontinental nuclear strikes and the Soviet ability to occupy with land forces such key areas of the world as Western Europe and the Persian Gulf is augmented by a Soviet monopoly on the things necessary to limit damage—active and civil defenses.

The Soviets have the world's only operational ballistic missile defense systems, and they have the only anti-satellite defense system. They have enormous advantages in both air and civil defenses.

Even such officials of the Carter Administration as Under Secretary of Defense William Perry admitted that, by 1985, US B-52 bombers would not be able to penetrate Soviet air defenses. Even when the B-1 bombers become available in 1986, and cruise missiles are available in large numbers, Soviet air defenses will be able to degrade the effectiveness of a US retaliatory attack. However, it is Soviet civil defenses that have the greatest potential today to negate the fundamental concept of Assured Destruction—the idea that deterrence depends on the ability to kill civilians.

It turns out that civilians are rather easy to protect. The simple expedient of evacuating cities can negate most of the theoretical assured destruction capability. It could result in an enormous disparity in civilian casualties—as much as 10 or 40-to-1 in the Soviet favor.

While it is clearly impossible to prevent widespread destruction of urban housing and industrial facilities if cities are attacked, it clearly is possible to protect vital industrial equipment using civil defense techniques. Again, only the Soviet Union has developed a considerable capability to do this.

President Reagan has noted the existence of the "window of vulnerability," and that the Soviet Union has "definite margin of superiority, enough so there is risk. . ." A serious effort to terminate that vulnerability requires more than the initiating of military programs—of course they are necessary—but the development and the public presentation of a doctrine that explains the necessity for the United States to engage in prudent self defense. Without such a doctrine, weapons systems become purely budget numbers and more vulnerable to political attack.

We must shed forever Assured Destruction doctrine that defense is not possible. Defending the nation against alien attack is a fundamental objective of the government and to abdicate it, reduces the very legitimacy of that government. It encourages the type of defeatism and irrational fear that has been the basis of the anti-nuclear and freeze movements of the 1970s and 1980s.

When key Air Force officers admit the Soviets may soon orbit laser weapons, but argue we shouldn't be worried about them because they probably won't work very well, we have seen the ultimate result of Assured Destruction mentality—a form of complacency that is fundamentally inimical to our security.

A number of strategic objectives for the United States were adopted by the Eisenhower Administration in 1954. These are still highly relevant today. They were:

"To achieve a victory which will insure the survival of the United States.

"To preserve and retain as many of its effective allies as possible.

"To reduce by military and other measures the capabilities of the Soviet Union to wage war against the United States and its allies.

"To prevent, by all means consistent with other US objectives, the active participation of Communist China in the war on the Soviet side. Failing this objective, to reduce by military and other measures, the capabilities of Communist China to the point where it has lost its will or ability to wage war against the United States and its allies.

"To render ineffective the control structure by which the Soviet and Chinese Communist regimes have been able to exert ideological and disciplinary authority over individual citizens or groups of citizens in other countries.

"To prevent, so far as practicable, the formation or retention, after the war, of military power in potentially hostile states sufficient to threaten the security of the United States."

None of these objectives can be achieved by an Assured Destruction strategy of city bombardment. Attacks on cities made a certain degree of sense in World War II and its aftermath when nuclear weapons were scarce and a global war would be decided primarily by logistics intensive conventional warfare. However, once nuclear arsenals expanded beyond several thousand on both sides, it is the military forces in being that have become the most important military targets. This fact was finally even recognized by the Carter Administration which, in its last days, adopted to so-called PD-59 strategy which significantly increased emphasis on military targeting.

A Critique of U.S. Arms Control Policy

Previous efforts at arms control must be assessed to be a failure. The extensive arms control efforts of the 1970s, especially those under the "true believers" of the Carter Administration, accomplished little if anything. Indeed, as President Reagan has recorded: "The decade of so-called détente witnessed the most massive Soviet buildup of military power in history," and as a result of this, "the Soviet dictatorship has forged the largest armed force in the world."

There is nothing in theory wrong with arms control. The objectives sought by the Reagan Administration are basically valid: equal force levels; verifiable provisions; substantial reductions; and reduced risk of war. The problems with the pursuit of arms control is that it seems to generate a belief, irrespective of the actual results, that such goals are actually achievable and that the Soviet Union is interested in the same goals. They clearly are not.

Previous arms control efforts have been exercises in negotiating agreements that are either unequal in their terms or in their effect in the Soviet favor, that suffer from serious verification difficulties, and that have eliminated various options required by the United States for the preservation of its nuclear deterrent.

The only arms control agreements that have proved acceptable to the USSR are those that are clearly unbalanced in the Soviet favor, improving Soviet warfighting objectives, inhibit important US strategic programs, contain substantial loopholes and permissive provisions that allow the Soviet military buildup to continue and which suffer from substantial verification problems.

Thus SALT I and II, for example, preserved a Soviet monopoly on powerful "heavy" ICBMs, weapons of enormous destructive potential, while severely constraining US capability to deal with the Soviet threat. Both these agreements left key terms undefined and allowed great loopholes for the Soviet Union to exploit.

It is now rather commonplace to conclude, as Henry Kissinger did in 1979, that ". . . the Soviets have pressed against the legal limits of SALT I." It is even possible to conclude as Melvin Laird did in 1977, that: "The evidence is incontrovertible that the Soviet Union has repeatedly and flagrantly violated the treaties to which we have adhered." This may be somewhat of an exaggeration, but as President Reagan declared in May 1982, "Unfortunately, for some time suspicions have grown that the Soviet Union has not been living up to its obligations under existing arms control treaties." Moreover, as he told the General Assembly of the United Nations:

"The Soviet Union and their allies are violating the Geneva Protocol of 1925, related rules of international law, and the 1972 Biological Weapons Convention. There is conclusive evidence that the Soviet Government has provided toxins for use in Laos and Kampuchea and are themselves using chemical weapons against freedom fighters in Afghanistan."

For those who believe it is possible to "end the arms race," or promote world peace on the basis of what amounts to a "gentleman's agreement" with the USSR, the so-called "nuclear freeze," it might be instructive to compare the operative language of the Biological Weapons Convention with that of the nuclear freeze resolution of Senators Hatfield and Kennedy. The Biological Weapons Convention prohibits "the development, production, stockpiling, acquisition or retention of agents, toxins, weapons, equipment and means of delivery" of biological agents. The nuclear freeze resolutions prohibits "testing, production and deployment of nuclear weapons systems and missiles and aircraft designed primarily to deliver nuclear weapons. . ."

The similarity between the nuclear freeze and the most ineffective arms control agreement ever signed is striking. Moreover, Soviet violation of these agreements casts doubt on the fundamental premises which have been behind our approach to arms control. As Secretary of Defense Caspar Weinberger recorded in his annual presentation to Congress in 1982: "Our past approach to verification often relied on the theory that the Soviets would not risk violating isolated arms control provisions that were hard to verify, since there would always be some risk of detection, and to be caught would have damaging political consequences for them. In particular, this theory assumed that there would be a vigorous condemnation by world opinion and a strong response by many governments. What is now left of the validity of this theory?"

It was not the 1979 outbreak of anthrax at a Soviet biological warfare facility at Sverdlovsk that convinced us beyond any reasonable doubt that the Soviets were violating the Biological Weapons Convention. It actually took over five years of actual use of these weapons against villages in Indochina and Afghanistan before we began to obtain firm evidence.

Biological and chemical weapons are weapons of mass destruction. Yet the Soviets are using them for purposes of aggression and violating international agreements and international law in the process. What does this tell us about the value of arms control agreements with the Soviet Union?

Senior officials of the Reagan Administration, including the Secretary of Defense and the Director of the Arms Control Agency, have voiced serious concern about Soviet compliance with the Threshold Test Ban Treaty of 1974 which limits nuclear testing to 150 kilotons.

As for the SALT Agreements, there have been reports of up to 25-30 Soviet compliance issues with SALT I and SALT II. Apologists for the Soviet Union like Cyrus Vance of the Carter Administration have managed to discover enough ambiguity in the SALT treaties to allow the Soviet Union to do almost anything; and there is enough intelligence uncertainty to justify, in the minds of some, doing nothing where ambiguity is not the issue.

Much ambiguity does exist in the "detente" era treaties. However, the range of compliance issues existing today strongly suggests that the compliance problems result from a calculated Soviet strategy of doing anything they feel they can get away with, irrespective of whether or not it violates the letter or the spirit of the treaties. Even Henry Kissinger has characterized Soviet behavior as "sharp practice."

Soviet behavior, however, goes beyond "sharp practice." It reflects the fact that the Soviet Union desires to achieve decisive military superiority with which to support an aggressive, expansionist foreign policy. It sees arms control negotiations and negotiations concerning compliance as a form of political warfare. They also exploit Western public opinion as an instrument of this warfare. There exists extensive Soviet clandestine involvement in the "peace movement," and in its various campaigns such as efforts against the neutron bomb and for the "nuclear freeze."

In the aftermath of SALT I, the US Congress reached the point of virtually curtailing all US strategic weapons programs. The Soviet Union responded with the largest military buildup in history. Much of that buildup resulted from the fact that the Soviet Union took actions like the deployment of the SS-17 and SS-19, as former President Nixon stated in 1980, which were "contrary to our understanding of that agreement." As the Senate Intelligence Committee reported in 1979: "The Soviets' unanticipated ability to emplace the much larger SS-19 in a slightly enlarged SS-11 silo circumvented the safeguards the United States thought it had obtained in SALT I against the substitution of heavy for light ICBMs."

The Soviet Union may today be developing a "breakout" capability from the ABM Treaty. The Joint Chiefs of Staff have reported that "Soviet phase-array radars, which may be designed to impact predictions and target handling for ABM battle management are under construction at various locations throughout the USSR. These radars could perform some battle management functions as well as provide redundant ballistic missile early warning coverage. The first of these radars is expected to become operational in the early 1980s."

ABM radars are clearly the long lead-time component of an ABM systems and the core of the ABM Treaty is its supposed limitation on ABM battle management radars. The Soviets may well be violating this provision right now.

Another key feature of the ABM Treaty is the ban on giving bomber defense missiles (SAMs) ABM capability. Even Cyrus Vance admitted in 1978 that the Soviets tested the radar of one of these missiles in such a way that "the activity could have been part of an effort to upgrade the SA-5 system for an ABM role or to collect data for use in developing ABM systems or a new dual SAM/ABM system." Moreover, as Secretary Weinberger reports, their main effort is at the development of a "rapidly deployable ABM system."

The Soviet strategic threat against the United States has literally increased eightfold in terms of the number of warheads capable of attacking the U.S. since the SALT negotiations began in 1969. There has been a threefold increase since the SALT I Treaty was signed in 1972, and a 60 percent increase since SALT II was signed in 1979.

It is not an accident that the 90% vulnerability of our ICBM force to Soviet attack has come after more than a decade of arms control negotiations and two treaties on strategic arms. To argue, as did the Carter Administration, that arms control could not have prevented this, is wrong. Quite to the contrary, arms control helped bring this about.

It is not clear that the United States can achieve a survivable basing mode for the MX ICBM while abiding by SALT I and II. It probably cannot. The same is probably true for any other ICBM the United States could deploy.

The Soviets fully recognize that arms control with compliance represents nothing more than unilateral constraints upon the United States. Arms control with massive circumvention by the Soviet Union, also represents unilateral constraints upon the United States. This is precisely what the Soviet Union wants and what it has achieved during the era of "detente."

As Ronald Reagan told the General Assembly of the United Nations:

"Agreements on arms control and disarmament can be useful in reinforcing peace; but they are not magic. We should not confuse the signing of agreements with the solving of problems. Simply collecting agreements will not bring peace. Agreements genuinely reinforce peace only when they are kept. Otherwise, we're building a paper castle that will be flown away with the winds of war."

Pursuing arms control as an instrument of "detente" politics of an "Euro-Appeasement" (which in practice is much the same) is dangerous to our security. The U.S. Government cannot encourage public opinion to believe that arms control will be the solution of our strategic problems or is likely to make a positive contribution to keeping the peace. It is more likely to have the opposite effect.

The arms control silly reason is upon us. It seems that our political leadership of both parties are in a race to determine who can come up with the least responsible arms control proposal. Despite some 14 years of strategic arms negotiations with the Soviet

Union we still seem to believe that if we come up with some magic formula, the Soviet Union will accept it and the arms race will be over.

How short are our memories. It was only 1979 when the top officials of the Carter Administration was telling us that the cause of the many defects of the SALT II Treaty was the fact that the Soviet Union would not accept more meaningful limitations and reductions. It was Paul Warnke who characterized the "fatally flawed" SALT II Treaty as "the best we could get." There are reasons for this.

The fundamental reality that we seem unwilling to accept is that there is no evidence that the Soviet Union is willing to accept meaningful, verifiable arms limitation or reduction and quite a bit of evidence to suggest that they will not. The only arms control agreements that have proved acceptable to the Soviet Union in the past are those that: grant the Soviet Union military superiority through a combination of provisions that are unequal in the Soviet favor on their face and others that are unequal in effect; provisions that are not so much limitations but which are "loopholes" so far as Soviet military programs are concerned; that contain provisions that cannot be verified; that contribute to the Soviet goal to be able to fight, win and survive a nuclear war by eroding the U.S. nuclear deterrent.

Those who believe that we can achieve meaningful arms control by waving the magic wand would do well to reflect on the fact that it took seven years to negotiate SALT II with the Soviet Union—and SALT II placed no effective contraints upon Soviet military power. Indeed it would permit the Soviet to deploy at least 18,000 nuclear warheads, not to mention the fact that it provided no limit on the number of missiles the Soviet Union could build for reload and refire purposes.

The Soviet Union sees arms control negotiations as an arena of political conflict with the United States. It takes nuclear weapons and the military balance very seriously. Soviet strategic nuclear forces are designed to win wars. They are therefore instruments of nuclear blackmail for all sorts of political threats and leverage. In the words of Secretary of Defense Caspar Weinberger, "Soviet policy calls for forces which are designed to destroy Western nuclear forces on the ground and in flight to their targets, and for the capacity to survive should nuclear weapons reach the Soviet homeland."

Arms control can contribute to the Soviet goal of a strategic nuclear warfighting capability, if it restrains United States strategic forces far more than it does the Soviet Union. The Soviets are not interested in minor strategic advantages as the result of arms control negotiations. They are after major advantages, and have thus far been only willing to accept agreements that were blatantly unbalanced in the Soviet favor.

Thus in SALT I the Soviet Union insisted on more ICBMs and SLBMs than were allowed the United States and on a monoploy on the largest and most destructive missiles. SALT II carried over most of these unequal provisions (more ICBMs for the Soviets and the Soviet monopoly on heavy missiles) and added some unequal provisions relating to bombers. Most Soviet bombers including the highly capable Backfire were excluded from the limitations while retired U.S. bombers, that could not even fly, were counted. Both SALT I and II adopted the missile launcher as the basic unit of limitation. The launcher was not only unequal in the Soviet favor (Soviet launchers were capable of launching larger and more powerful missiles and are now much more resistant to nuclear attack); but this also contributed to the Soviet goal of being able to launch a disarming surprise attack on the United States by limiting the number of U.S. targets the Soviet Union would have to strike in such an attack. Much of the difficulty we face in finding a survivable basin mode for the MX missile is a direct result of the limitations place on offensive and defensive forces in the SALT I and II Treaties.

The recent report of the Scowcroft Commission is in effect a rejection of past approaches to arms control as dangerous to our security. It concluded that ". . . arms control limitations and reductions should be couched, not in terms of launchers, but in terms of equal levels of warheads of roughly equivalent yields." It recognized the danger of allowing the Soviet Union to have larger and more powerful missiles: "Any arms control agreement equating SS-18 and small single-warhead ICBMs because each is one missile or because each is one launcher would be destabilizing in the extreme."

Not only has the Soviet Union insisted on military advantages and unequal restrictions on the U.S., but it has also insisted on agreements that allowed massive expansion of Soviet strategic forces. There has actually been an eight or nine fold increase in the number of Soviet strategic nuclear warheads aimed at the United States since the SALT negotiations began in 1969. Indeed since the SALT II Treaty was signed in 1979 there has been almost an 80% increase in the number of Soviet nuclear warheads aimed at the United States. Soviet modernization has been so rapid that about half of the Soviet missile force was deployed with in the last five years, a period that saw almost no U.S. modernization.

Not being content with unequal provisions and provisions that allowed massive force expansion, the Soviet Union has systematically evaded, circumvented or violated existing arms control agreements. It is interesting to note that almost half the Soviet ICBM warheads are now deployed on missiles that violate the SALT I Interim Agreement as it was interpreted by the United States in 1972 when we signed and ratified the Treaty. The Soviets are now making a mockery of the SALT II Treaty. They have tested two new ICBMs (the treaty limits them to one) and are preparing to test two more. They are encrypting missile telemetry at virtually total levels. They have clandestinely deployed the SS-16 ICBM. The Soviets are not only producing Backfire bombers at a rate above the agreed limit of 30 per year but are preparing to deploy a long range cruise missile on the Backfire in violation of the Treaty.

Not content with a Treaty limit in SALT I of 62 modern ballistic missile submarines (compared with 44 for the United States) the Soviets have gone on to build more than 70 ballistic missile submarines, dismantling 8 of them to keep under the agreement limit of 62. But what did the Soviets do with the dismantled "Yankee" ballistic missile submarines? They are rebuilding them into strategic cruise missile submarines. This is perhaps the ultimate monument to arms control the way it has been practiced with the Soviet Union over the last decade and a half.

We now have evidence that the Soviet Union has violated or circumvented every existing arms control treaty of significance: the nuclear testing treaties, the ABM Treaty, the chemical, biological and conventional weapons agreements. Instead of learning from our experience, we seem to be ignoring it. I am particularly struck by the words of Lawrence Eagleburger, Under Secretary of State:

"We have all heard the charges that the continuing Soviet defiance of international norms through the use of chemical and toxin weapons proves that arms control cannot work. Further, if the Soviets would so blatantly violate two important international treaties, what will keep them from violating other arms control agreements as well? Mr. Chairman, we would content that Soviet actions lead to a different conclusion—real, equitable, and fully verifiable arms control is an absolute necessity. It is not that arms control is pointless; it is that we have to do a better job of it."

Are Soviet arms control violations *our* own fault? Do they occur because "we" have to do a "better job of it"? For those who believe that the more the Soviets violate existing arms control agreements, the more we need more arms control, I can only say that the Soviet compliance record does suggest that we need quite a lot of arms control.

Everything we see in the Soviet Union points to an expanding pattern of arms control violations. There is simply no penalty placed on the Soviet Union for violation. These Soviet apologists both inside and outside of the U.S. government are quite adept at finding some ambiguity in the agreements that supposedly justifies the Soviet actions and can seem quite talented in coming up with literally outlandish theories to explain away Soviet arms control violations. The Liberal press in American seems to just lap this up. Thus we are asked to believe that bee defocation is the real cause of Soviet poison gas and biological attacks in Afghanistan and Indochina, and thousands of victims of these attacks are merely suffering mass hysteria.

The harsh reality is that the Soviet Union entered every existing arms control treaty of significance with the intent to violate or evade it. They are continuing to do that and we are continuing to accept such behavior. Indeed we are increasingly adopting the conceptual basis of the last major Soviet arms control violations as the basis for new arms control proposals. The operative language of the "nuclear freeze" resolution are virtually identical to that of the Biological Weapons Conventions, which Soviets are clearly violating.

The "build-down" proposal is conceptually identical to the "new" ICBM provision of SALT II, which the Soviets are now violating.

It is really very simple to get an arms control agreement with the Soviet Union. The principles for agreement acceptable to the Soviet Union are:

No effective limit on the growth of Soviet forces.

An effective prohibition on the improvement of U.S. forces.

No effective verification capabilities.

Formal acceptance of U.S. inequality.

These points deserve more discussion. Since we seem determined to negotiate new arms contol agreements with the Soviets irrespective of their consequences, we should forthrightly face up to the requirements of this policy.

NO EFFECTIVE LIMIT ON THE GROWTH OF SOVIET FORCES

Soviet nuclear weapons aimed at the United States have increased from 1,000 in

1969 to almost 9,000 today. (This does not even count refire capability.) Soviet missile capability aimed at Western Europe has about doubled in that period. It is rapidly growing. All this is taking place despite the SALT I and II agreements.

SALT I and II were acceptable to the Soviet Union because they placed no effective limit on the growth of Soviet strategic forces. In SALT I the Soviets refused to define in the Agreement what constitute a "heavy" ICBM. They then went on to deploy two missiles, the SS-17 and the SS-19 that were "heavy" ICBMs under the proposed U.S. definition. These missiles had three to five times the throw weight of the largest "light" ICBM that existed when SALT I was signed in 1972 and four to six times as many warheads. Their accuracy was also four to six times as great.

SALT II also placed no effective limit on the growth of Soviet capabilities. The Soviets had 5,000 warheads at the time SALT II was signed on intercontinental systems. That has increased by almost 80 percent today. This was accomplished by carrying over the basic unit of limitation of SALT I—the missile launcher. SALT II authorized the upgrade of every Soviet missile to missiles at least as large and as powerful as the Soviet SS-19, a missile directly comparable to the proposed U.S. MX.

In addition, neither SALT I or II dealt with refire capability. The Soviet Union can have any number of missiles it desires and it has developed a refire capability by building and stockpiling large numbers of extra missiles. As Secretary of Defense Caspar Weinberger reported, "The Soviets have made provision for the delivery of reserve missiles, warheads and propellant to ICBM complexes for reload purposes. None of these extra missiles or warheads are counted under the SALT agreements. Only the launchers are counted."

In the defensive systems area, the Soviet Union insisted that the ABM Treaty contain no effective objective definitions to give any meaning to the limitations agreed upon. The Treaty does not define such vital terms as what constitutes an ABM battle management radar or what constitutes testing in the ABM mode. Hence the Treaty has had no real effect in limiting the growth of Soviet ABM potential.

The Joint Chiefs of Staff in the last days of the Carter Administration reported that:

"Soviet phased array radars, which may be designed to improve impact predictions and target handling capabilities for ABM battle management, are under construction in the USSR. These radars could perform some battle management functions as well as provide redundant ballistic missile early warning coverage. The first of these radars is expected to become operational in the early 1980's."

Secretary of State Cyrus Vance in 1978 stated that the Soviets tracked strategic ballistic missile warheads with a SA-5 surface-to-air missile, and that this "activity could have been part of an effort to upgrade the SA-5 system for an ABM role or to collect data for use in developing ABM systems or a new dual SAM/ABM system."

There are no less than four references in the Scowcroft Commission report to the Soviet potential to "break-out" of the ABM Treaty. It noted the Soviets have the potential "for a rapid expansion of Soviet ABM defenses, should they choose to withdraw from or violate the ABM Treaty. Such a potential is enhanced by the continued deployment of modern and capable Soviet air defense missile systems." At least one new Soviet defensive system is designed to have capability against short-range ballistic missiles; it could perhaps be upgraded for use against re-entry vehicles of some submarine-launched missiles and even ICBMs.

Let us for a moment examine current Soviet proposals. They are again based on the fundamental principle that arms control must place no effective constraint upon Soviet military programs.

The Soviet INF proposal translates into zero missiles for United States and no limit on the Soviet Union. The Soviets attempt to disguise this fact by casting their proposal in terms of a regional limit in Europe, and they lie about the range of the SS-20. Yet their proposal translates into no limit on the number of missiles and warheads the Soviet Union can target against Europe, the Middle East, Asia and large areas of North America.

The Soviet proposal exploits the fact that the SS-20 is a very long range missile. It is really an ICBM. It can deliver three warheads to targets 5,000 kilometers distant and can deliver a single warhead well over 7,000 kilometers. This means that any Soviet SS-20 base including those on the Chinese border, can target Europe and even the U.S. from the areas in which the SS-20s are currently deployed.

The issue of whether the Soviets plan to relocate some of the SS-20s now in Europe to the Far East is secondary. It hardly matters whether they do this or destroy these missiles and deploy new ones outside of Europe, but targeted against Europe.

The Soviets will never abandon their opposition to "global limits" on intermediate range missiles, because to do so will abandon their fundamental principle that arms control must have no fundamental and effective limit on the growth of Soviet nuclear forces.

The Soviet proposal for START also is based on this principle. The Soviets refuse effective limits on throw weight or destructive potential. They have refused to agree to any reduction in warheads. They are proposing relatively cosmedic reductions in launchers, while placing no effective limit on the improvement in the power of the missiles allowed. They refuse a ban on reload capability, because without such a ban there is no limit on the number of warheads they could target on the United States.

In MBFR they want an agreement for reductions without agreement on data—i.e., how large these reductions would be. We are expected to trust the Soviets—the same people who told us there was no need for a definition of "heavy" ICBM in SALT I because no dispute would arise over this issue and who are now trying to tell us that the PL-5, a missile tested in 1983 is really the SS-13, a missile tested almost 20 years before.

AN EFFECTIVE PROHIBITION ON THE MODERNIZATION OF U.S. FORCES

The Soviets have insisted that arms control agreements effectively terminate or drastically delay U.S. military programs while have no major effect on Soviet programs.

The ABM Treaty terminated the U.S. Safeguard program which posed a major threat to the emerging ability of the Soviets to destroy U.S. ICBMs in a first strike. The U.S. had four ABM sites under construction and the technology of the system was in some respects a decade or more ahead of the Soviet system at Moscow. The ABM Treaty mandated the termination of 3 of these sites, while having no effect on the Moscow ABM, and the U.S. unilaterally dismantled the fourth.

The SALT I Interim Agreement on strategic forces eliminated the U.S. option to deploy more of its small Minuteman ICBM and limited the U.S. to smaller, less protected silos. This was a substantial aid to Soviet ability to destroy U.S. ICBMs in a frist strike.

SALT II carried over these provisions and added a Protocol, which the Soviets clearly hoped to make permanent. This protocol prohibited the deployment of U.S. submarine and ground launched cruise missiles, while affecting no Soviet program. It managed to delay the U.S. SLCM by several years.

The current Soviet INF proposal (and all its prior variants) is based on one simple principle. A level of zero missiles and bombers for the United States.

Soviet proposals for START not only carry over the worst features of SALT I and II, but add a number of restrictions on U.S. programs: termination of the U.S. Trident program while the Soviet Delta III program is allowed to continue; termination of U.S. cruise missile programs; termination of the U.S. B-1 bomber with no restrictions on the Soviet Backfire.

NO EFFECTIVE VERIFICATION

The Soviets have consistantly refused to allow cooperative inspection of any type. They have recently refused to agree to negotiations aimed at improving verification for the Threshold Test Ban Treaty (this would force a termination of Soviet testing at several times the Treaty limit, as is now the case). Despite the SALT II ban on the encryption of telemetry in ways that impede verification, the Soviets are now encrypting virtually all telemetry from their new missiles. They have a major concealment and deception program underway in the USSR. This program has allowed them to clandestinely deploy the SS-16 ICBM, in violation of SALT II, for years before it was detected. As then Director Eugene Rostow declared in 1972, "certainly evidence has come along that causes great concern about whether the SS-16 provisions of SALT II are being respected."

FORMAL U.S. ACCEPTANCE OF UNEQUAL FORCE LEVELS CONTRARY TO JACKSON AMENDMENT

In SALT I the United States accepted a Soviet advantage of up to 55 percent in ICBMs, 50 percent in SLBMs, about 50 percent in total missiles, and a Soviet monopoly on "heavy" ICBMs. In SALT II we accepted a Soviet advantage of 35 percent in ICBMs and a Soviet monopoly on heavy missiles. Soviet Backfire bombers were excluded from the limitations while retired U.S. bombers were counted. The Soviets were allowed to have more warheads on their ICBMs than the U.S.

SALT I, SALT II and the Soviet START position allows the Soviet Union to have a massive advantage in missile throw weight or destructive potential. It is currently on the order of three to one and it is growing. It will continue to grow under either or all of these agreements.

There are many features of SALT II and the Soviet START position that are equal on their face but unequal in effect. The supposed limit on "new" types of ICBMs is nothing more than a loophole. It allows the Soviets to introduce three or four "new" types of ICBMs compared to one for the U.S. But not even being content with that, the Soviets have violated the provision by testing the PL-5, which is in clear violation of even the permissive "new" type rule of SALT II.

The Soviet INF position is a masterpiece of inequality. The Soviets not only demand zero U.S. intermediate range missiles, medium and light bombers (in exchange for an agreement that would place no limit on Soviet forces capable of attacking Europe) but also propose that the U.S. should actually remove all of our fighter bombers from Europe while placing no limits on Soviet fighter bombers in Europe. This is achieved by selective range definition, selective counting rules and lying about the range of Soviet systems.

I am increasingly puzzled over President Reagan's attitude toward arms control. President Reagan knows what the Soviet Union and its leadership is like. He has characterized it, quite accurately, as an "evil empire." Yet he increasingly seems to believe that we can have meaningful and verifiable arms control with the "evil empire", despite his stated belief that the Soviets lie and cheat and commit any crime, and that the Soviet Union is violating existing agreements.

Even the supposed hardline Reagan Administration has begun to walk down the road of unilateral concession. The military balance is now worse than the day upon which Ronald Reagan took his oath of office. The U.S. is unilaterally deactivating 292 strategic nuclear delivery vehicles carrying over 500 warheads, about one third of our existing nuclear firepower. Meanwhile, the Soviets have added over 74 strategic nuclear delivery vehicles not even counting those deployed in violation of SALT I and II. We are increasingly reducing our standards and giving only lip service to verification and equality in arms control agreements.

President Reagan has not endorsed the Scowcroft Commission's report on START. He has completely rejected it. He has made a trivial modification in the number of deployed missiles allowed under the agreement, but this will not achieve any movement toward a survivable posture. Indeed, under our new revised START position, both we and the Soviet Union can have many fewer missiles than we now have and the ICBM forces of both sides will be vulnerable to nuclear attack. The scowcroft Commission recommended adoption of a unit of limitation based on warheads and throw weight. President Reagan, taking the advice of the Department of State, has rejected that. We are now well underway towards an agreement that at best will be a carbon copy of SALT II and which will make nuclear war far more likely.

Limiting the number of nuclear warheads without limiting their destructive power, as the State Department would like, would simply increase our vulnerability to a disarming first strike. It would place no effective limit on the growth of Soviet capability to attack the United States. It would make it impossible to ever regain a survivable land based deterrent force. Not only our ICBMs, but our bombers would be vulnerable if we place no effective limit on the yield of Soviet nuclear warheads. It matters little if we even were to get the Soviets to agree to a ⅓ reduction in the number of nuclear warheads if we allow them to increase the yield of those warheads 5 to 25 fold.

When we hear calls for "flexibility" in our arms control posture, we should translate it into calls for "unilateral concessions," for that is what it is. When we hear calls for a "mutual and verifiable freeze," we should translate it into "unilateral and unverifiable" limitations. When we hear advocacy of a "mutual and guaranteed build down" we should translate this into "unilateral guaranteed disarmament of the United States" because that is what it is.

Mr. PELL. Madam President, I will vote for S. 2039, the 1984 Defense appropriations bill, despite my very serious reservations about the commitment this legislation represents to a massive and long-term buildup of new strategic weapons systems. These weapons will not enhance our national security; they will only serve to escalate the arms race and increase the danger of nuclear war. During debate on the bill, I voted in favor of the amendment to delete production funding for the MX missile because of my strong view that the MX is both wasteful and destabilizing. The $2.1 billion contained in this bill for procurement of 21 MX missiles is only the first installment in a multiyear, multibillion program. As I have previously indicated in debate on this question, there is hardly any basis to believe that the MX is a credible bargaining chip in arms control negotiations with the Soviets. Similarly, I believe that the commitment in the bill to multiyear contracting for the B-1 bomber is a serious mistake, as is the funding which has been added back on the floor for binary chemical weapons.

Despite these serious reservations, there are many positive elements in this bill that I strongly support. I commend the Appropriations Committee for its continued strong support for our submarine building program, which was further strengthened on the floor by additional advance procurement funding for the SSN-688 attack submarine program. I was pleased to join with Senator WEICKER and Senator CHAFEE in cosponsoring this amendment, which insures the continued expansion of one of our most effective and potentially survivable deterrent programs.

I also strongly commend the committee for including $300 million in this bill for the Coast Guard's capital improvements program. This represents a long overdue and welcome recognition of the Coast Guard as a vital part of our Armed Forces, and this amount will assist the effort which is underway to correct the years of underfunding that have threatened to cripple the Coast Guard's increasingly diversified mission. I also strongly support the inclusion of $300 million in the bill to fund a new account to clean up hazardous waste from abandoned military installations. This problem has recently arisen in my own State in connection with former Navy land at Quonset Point, and it is evident that the Navy presently lacks the resources to address this serious problem. The funding contained in this bill is a constructive step, and I commend the committee for responding to this recently identified problem.

On balance, Madam President, I believe this bill is a good one. Despite its reliance on costly new strategic programs, it is over $9 billion below the administration's budget request and approximately $2 billion under the allocation contained in the first budget resolution. The committee has paid close attention to needed improvements in conventional programs as well as important manpower concerns. For all these reasons, I intend to support S. 2039 despite my continued opposition to the MX and the other strategic programs contained in the bill.

IN SUPPORT OF SENATOR BUMPERS' AMENDMENT TO DELETE FUNDING FOR THE MX

Mr. BAUCUS. Madam President, I want to speak about my vote to delete funding for the MX missile.

The United States needs a strong national defense. But that does not mean we should spend billions of tax dollars on weapons that will not improve our national security and our posture for peace through strength.

The MX missile does neither. It does not strengthen our military arsenal and it does not deter adversaries. Above all, it can only signal to the rest of the world our intention to build weapons that are the most destabilizing to arms control negotiations.

MX—A VULNERABLE WEAPON

The MX suffers the critical flaw of having no consistent purpose. It was originally planned to replace the Minuteman missile, which Pentagon planners said had become vulnerable to attack by new, highly accurate Soviet missiles. So far, the Pentagon planners have been unable to devise an acceptable basing scheme that would make the MX missile invulnerable to Soviet attack. Without a basing mode that is superior to that of the Minuteman, there is no reason to go forward with the MX.

THE BARGAINING CHIP ARGUMENT

Many of us fear that proponents have defined the MX as a "bargaining chip" in the arms control negotiations to take advantage of the public's fervent desire to control nuclear weapons through arms control negotiations.

History provides us with examples of our dealing with bargaining chips, and their value at negotiating arms control. A noted analyst points out that there have been earlier fateful steps in the history of the arms race when the Johnson administration made the decision to develop MIRV's (for Multitude Independently Targeted Reentry Vehicles) and then were deployed during the Nixon administration. The development was opposed by a large number of Senators and Congressmen who urged a moratorium until an arms control agreement banning MIRV's might be reached.

The Nixon administration's response was that MIRV's were needed to offset Soviet advantages, and that only by planning to deploy MIRV's might the United States get the Soviet Union to agree to withhold development of a similar weapon. But, according to the country's chief SALT I negotiator, the Soviet Union was so far behind the United States in developing MIRV's that it did not want to be prevented from catching up. The result was that both sides deployed MIRV's.

This is now seen as one of the most destabilizing steps in the arms race and led Henry Kissinger, who approved their deployment, to state, "I wish I had thought through the implications of a MIRV's world."

HAIR-TRIGGER WEAPON

We need, now more than ever, to establish some stability in an otherwise unstable environment. The MX is a hair trigger. It has, as its only protection, a "launch-on-warning" response to escape on attack. Virtually all arms specialists agree that a launch-on-warning policy is dangerous and highly destabilizing. One can only conclude that we will protect the MX by launching it and that the Soviets will most certainly look for new ways to escalate and strengthen their attack capabilities.

COMMITMENT TO NEGOTIATE

We must question the commitment of the administration to a negotiated arms control when we see a negotiating team being assembled with no regard to experience. Kenneth Adelman's nomination as Director of the Arms Control and Disarmament Agency was vigorously opposed by myself and others on the grounds that he had no experience.

William Clark, our most recent National Defense Adviser to the President, had no experience and the head of the delegation to the strategic arms reduction talks (START); Edward Rowney has been key in turning the talks into an acrimonious and contentions session.

Madam President, all of the posturing for peace, deterrence, and military strength is for nothing if we cannot genuinely talk about limiting the continual buildup of arms.

Stabilizing and deterring use of nuclear arms needs to be done from a position of strength that is balanced. We need to keep up our defense.

THE "DETERRENCE" ARGUMENT

Today we have a vast nuclear arsenal. We have 1,000 Minuteman II's and III's, and 43 Titan II's. The Minuteman III's can carry three warheads each. We currently have 300 long-range bombers, modernized B-52's and FB-111's in the Air Force's strategic bomber squadrons. These bombers are capable of launching our most modern cruise missiles. At the end of 1983, we will have deployed about 500 air-launched cruise missiles (ALCM's). Eventual plans call for the deployment of 2,880 ACLM's.

Our sea-based strategic force is also strong. Presently, the U.S. submarine force consists of 31 Poseidon, each carrying 16 missiles, and 2 Trident submarines, each carrying 24 missiles. Current authorizations call for the completion of at least 12 Trident submarines. In addition, *Los Angeles* class attack submarines and selected surface ships will be fitted with nuclear armed sea-launched missiles (SLBM's) beginning in 1984.

The purpose of these strategic forces is to prevent war. They deter an enemy's attack because they could survive a first-strike.

Our strategic forces are impressive, and, the capability of our Navy and Air Force to deliver some of these strategic weapons systems is a critical element in our strategic triad.

THE NEED FOR EMPHASIS ON CONVENTIONAL FORCES

But while we have spent tremendous amounts of money in recent years to develop these strategic systems, it is in our conventional forces that we have fallen behind and are vulnerable. We have ignored land-based and conventional forces.

I believe we must renew our conventional forces by taking four steps:

First, we should give the military personnel higher priority;

Second, we must spend more money to improve the readiness of our forces;

Third, we should develop an ability to respond more rapidly to diverse tactical situations, rather than overemphasize complicated and risky strategic nuclear force response;

Fourth, we must arm personnel with effective weapons tailored to actual combat needs which will provide us with the flexibility we will need on the battlefield of tomorrow.

CONCLUSION

Madam President, I repeat, the MX missile will not add to our military strength, nor will it provide a deterrent. It will do exactly the opposite. It would be a serious mistake for Congress to allow construction of any new weapon that would hurt improvement of our conventional forces, sap our economy, and undermine the prospects for world peace.

THE MX MUST BE ON THE BARGAINING TABLE

Mr. PRESSLER. Madam President, as a cosponsor of the Kassebaum amendment urging a moratorium on MX flight tests, I am disappointed by yesterday's vote in the Senate. The amendment called for a mutual moratorium in the testing of multiple warhead missiles. It would apply only if the Soviets showed the same restraint. In my view, adopting this measure for the duration of arms control talks would have improved prospects for significant, verifiable, and mutual reductions in nuclear weapons.

In my view, significant reductions must mean two things. First, deep reductions in the size of the nuclear arsenals of the United States and the Soviet Union. Second, reducing and eventually eliminating the most destabilizing types of weapons from these arsenals. The MX represents this type of destabilizing weapon.

Unfortunately, we find ourselves locked in a dilemma. The Soviets have several types of MIRV'd missiles. Included are weapons already in operation that match the capabilities of the MX. Here, I refer to the Soviet SS-18 and SS-19 missiles. The Soviets currently possess 308 operational SS-18's alone. Beyond these systems, the Soviets have begun to test a new and improved large missile, the SS-X-24.

If we are to bring about significant reductions with the Soviet Union, we must, I believe, provide them with positive incentives for doing so. The Soviets are hard bargainers and have never given up weapons for its own sake. Only by demonstrating that the alternative to arms control would be U.S efforts to match their current and future capabilities, can we hope to provide the incentives that would induce the Soviets to compromise at the negotiating table.

Faced with current and proposed Soviet weapons that match or exceed America's future MX, I joined many others in Congress in supporting MX testing and development, not as an end in itself but as an element of arms control policy. At that time, I joined 18 other Republican Senators in writing to the President. Our message then emphasized that our support for releasing fiscal year 1983 funds does not represent a consensus on the need to deploy 100 MX missiles. Rather, yesterday we effected our part of an agreement with your administration to proceed with a militarily controversial program in exchange for a strong commitment to proceed seriously and immediately with a reformulation of the U.S. START proposal, a meaningful guaranteed build-down proposal, development of a more survivable, small, single warhead ICBM, and creation of a bipartisan, durable arms control panel.

I believe, then as now, that only by showing a willingness to proceed with MX could we hope to make MX deployment unnecessary. In dealing with the Soviets this appears to be the only sure way to achieve results.

Assuring the effectiveness of this policy required that the MX be tied to the recommendations of the Scowcroft Commission to move away from MIRV'd weapons. This closely paralleled the assumptions that guided the nuclear weapons build-down concept of which I am an early cosponsor.

In the weeks since the May MX vote, I have closely monitored administration actions in keeping its end of the MX/arms control bargain. I worked forcefully to insist that the build down be implemented in full. The build down would allow us to use the MX's bargaining leverage. Under the build down, Soviet compromise in arms control would allow the United States to avoid MX deployment and it would help rid the United States of the threat posed by Moscow's MX-like weapons that are already in operation.

I had the President's personal assurances of a deep commitment to this approach. But for the time it seemed that junior officials were resisting this agreement. I, therefore, wrote to the President on July 29, repeating my understanding of the May MX vote and alerting him of efforts to undermine the arrangements. Soon thereafter, I was reassured by Judge William Clark, the President's National Security Adviser, that the build-down would be put into place at the Geneva talks. That has now been done. Instructions given to our START negotiators in Geneva were appropriately changed at the start of October.

The MX flight test program began in early summer. This may be the type of proof that the Soviets require in moving from rhetoric to action in arms control. Given the fact that the Soviets had previously started flight tests of their SS-X-24, MX flight testing seemed a prudent step.

I believe that the MX vote, the build-down proposal and initial flight testing have created conditions for determining Soviet seriousness and for protecting against Soviet strategic advantage.

In cosponsoring the Kassebaum MIRV'd weapons flight test moratorium, I acted in the belief that we have taken sufficient steps to promote negotiations to make the MX and comparable Soviet systems unnecessary. Adopting the actions called for by the amendment would allow the United States to sustain conditions for a successful outcome in Geneva.

I asked the President to consider this before taking additional actions with regard to the MX that could undermine opportunities for significant, verifiable and mutual arms reductions. The vote on this amendment was close—42 Senators voted in its favor and 50 were opposed. There is a clear signal here for the administration. Other Senators and I will be closely monitoring the situation. Should the MX be deployed it must not be for lack of American efforts to reduce the number of destabilizing MIRV'd missiles.

Madam President, the MX must not be allowed to acquire a life of its own. Its real value to the United States can be best achieved only if its deployment becomes unnecessary.

Mr. LEVIN. Madam President, I shall cast my vote in favor of this Defense Appropriations Act for fiscal 1984.

I do so with misgivings about its funding of the B-1B bomber, the MX missile and binary chemical munitions. They represent unwise defense spending priorities.

However this bill is an improvement over the fiscal 1984 defense authorization in that it does make prudent economies in the defense budget.

This bill is estimated to be several billions below the national defense function in the budget resolution, which reflected the authorization spending levels.

Thus real growth in the fiscal 1984 defense budget is set at a level more tolerable to our taxpayers as well as more appropriate in terms of the overall spending priorities of the total Federal budget.

The bill before us also contains billions to maintain and improve our conventional forces in many areas, thus helping to reduce the chances of nuclear war.

I strongly oppose the MX, the B-1, the extra nuclear and binary nerve gas munitions.

I fought the fight against them in the authorization process and hoped to express opposition to them by voting against that bill so that the Appropriations Committee would see some sign of the depth of feeling.

Relative to the nerve gas issue, it worked and the Appropriations Committee left out the item. Regrettably, the Senate restored it today.

But there are no more signals to be sent to the Appropriations Committee. There is only yes or no on the total DOD bill.

This bill is significantly less costly than the authorization bill. It contains a number of items I fought for, not just items I fought against.

My opposition to MX and a number of items is no less fierce because I vote for this overall bill.

I shall continue to wage a fight against them.

But my vote for this bill is a demonstration of my commitment to a strong defense capability for this Nation within fiscally responsible limits.

The PRESIDING OFFICER. All time has expired. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. Cochran), the Senator from Washington (Mr. Evans), the Senator from Arizona (Mr. Goldwater), and the Senator from Alaska (Mr. Murkowski) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. Cranston), the Senator from Colorado (Mr. Hart), the Senator from South Carolina (Mr. Hollings), and the Senator from Hawaii (Mr. Inouye) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 86, nays 6, as follows:

[Rollcall Vote No. 344 Leg.]

YEAS—86

Abdnor
Andrews
Armstrong
Baker
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hatch
Hawkins
Hecht
Heflin
Heinz
Helms
Huddleston
Humphrey
Jepsen
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Mitchell
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson
Zorinsky

NAYS—6

Baucus
Hatfield
Melcher
Metzenbaum
Moynihan
Proxmire

NOT VOTING—8

Cochran
Cranston
Evans
Goldwater
Hart
Hollings
Inouye
Murkowski

So the bill (H.R. 4185), as amended, was passed.

Mr. STEVENS. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. STENNIS. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Madam President, I yield to the Senator from Alaska.

Mr. STEVENS. I thank the distinguished majority leader.

Madam President, I move that the Senate insist on its amendments, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer appointed Mr. Stevens, Mr. McClure, Mr. Garn, Mr. Cochran, Mr. D'Amato, Mr. Andrews, Mr. Kasten, Mr. Rudman, Mr. Weicker, Mr. Hatfield, Mr. Stennis, Mr. Johnston, Mr. Chiles, Mr. Huddleston, Mr. Inouye, Mr. Eagleton, Mr. Proxmire, Mr. Hollings, and Mr. Bumpers conferees on the part of the Senate.

AMENDMENT NO. 2522, AS MODIFIED

Mr. STEVENS. Mr. President, I ask unanimous consent that in the engrossment of this bill the Chair be authorized to make technical corrections to the amendment (No. 2522) of the Senator from Michigan.

The PRESIDING OFFICER (Mr. JEPSEN). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I state to the Chair and to the Senate that the Senator's amendment added moneys to the bill. Those numbers were added to the wrong base numbers in two instances, and they have to be corrected to be precise. It is an error in mathematics as far as the bill is concerned. It will not change the intent of the amendment.

The PRESIDING OFFICER. Will the Senator send those corrections to the desk?

Mr. STEVENS. Yes; I will. They are being computed right this minute.

The modification is as follows:

On page 8, line 17, delete $22,246,908,000 and insert $22,317,308,000.

On page 10, line 24, delete $17,822,456,000 and insert $17,851,756,000.

Mr. BAKER. Mr. President, I take this opportunity to commend the distinguished Senator from Alaska, the assistant majority leader, and the distinguished Senator from Mississippi who has managed on this side. The distinguished Senator from Alaska and the distinguished Senator from Mississippi always do a magnificent job in this field. I cannot imagine a Senate bill being better handled than by Senator STENNIS and Senator STEVENS in a matter of this sort.

I wish to offer them my congratulations and I am sure that of other Members.

We were on the bill a total of 4 days, Mr. President. During that time we consumed a little over 25 hours, had 13 rollcall votes, and dispatched a number of amendments, most were adopted, a few were not. I think altogether it was a very responsible and prompt handling of an important piece of legislation.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, I will not take much time of the Senate. I want to associate myself completely with the remarks that have been made by the majority leader with respect to the able handling of this bill by the managers and those who were designees of the managers.

Mr. BAKER. I thank the minority leader.

Mr. President, I have been asked about whether there will be further votes tonight or not. I have had a conversation with the minority leader. In the ordinary course of events, now would be the time for the natural gas bill to come back. I am inclined to believe that, in order to make a firm and assued statement with respect to votes, it might be better now to have a period for the transaction of routine morning business and let the natural gas bill come back as the unfinished business tomorrow when we finish the opening circumstances. Could I inquire if that is satisfactory to the distinguished chairman of the Energy Committee on this side?

Mr. McCLURE. Mr. President, if the Secretary will yield, I have no objection to that if that is the desire of the leadership and would accommodate the Members.

Mr. BAKER. Could I inquire, Mr. President, of the minority leader if that is agreeable on his side?

Mr. BYRD. It is so agreeable that I want us to see to it in a hurry.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 6:45 p.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there will be no more rollcall votes tonight.

Mr. METZENBAUM. Mr. President, could the majority leader tell us what time we will go back to the natural gas bill?

Mr. BAKER. Yes. Mr. President, there is an order for the Senate to convene in the morning at 9 o'clock. I expect we will be on the bill tomorrow about 9:30.

Mr. METZENBAUM. I thank the majority leader and I thank the minority leader for his cooperation.

TEXTILE EMPLOYEES WEEK

Mr. THURMOND. Mr. President, I should like to call my colleagues' attention to a recent editorial appearing in the Easley Progress, a daily newspaper published in Pickens County, S.C., which is one of almost 30 counties in my State that rely on a high level of textile industry employment.

As many of my colleagues know, each year a special week called "National Textile Week" is set aside in textile-producing areas of this country, during which time tribute is paid to employees who have made the U.S. textile industry the most efficient and productive industry in the United States.

This editorial, written by Carnis P. Davis, publisher of the Easley Progress, is a succinct and cogent statement of the importance of the industry and its employees to Pickens County and to many hundreds of communities throughout the country whose economies depend heavily, if not solely, on a healthy, productive U.S. textile industry. In all, the livelihoods of some 2 million Americans—cotton growers, wool growers, manmade fiber producers, spinners, weavers, finishers, apparel makers, and more—depend on this industry.

In light of the tremendous surge of textile and apparel imports which has occurred this year and which threatens the recovery of this vital industry from a deep and prolonged recession, I ask unanimous consent that this editorial be printed in the RECORD following my remarks and request that each Member take note of its message.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Easley Progress, Oct. 19, 1983]

HONOR THE TEXTILE EMPLOYEES

(By Carnis B. Davis)

It is proper that we set aside a week to honor the textile employees in Pickens County for they, more than any other group of citizens among us, have made a profound impact on our economy.

The textile industry is our bread and butter. Our merchants depend upon it. Our banks exist because of it. Our hospitals lean heavily upon it. Our schools have advanced because of it. Our tax revenues would dry up without it. Our county would be the poorer but for it.

We enjoy a unique situation in Pickens County. Our textile plants somehow manage to keep going even when times are bad. During the recent recession most of the mills kept to a fairly normal schedule. We did not hear of any real hardships because of curtailment or layoffs. This was not true in other areas of the country.

Our textile plants are an exceptionally stabilizing factor in Pickens County's economy. And now that the recession has turned around, the plants are going full blast. All of the major textile plants in the county are now on a 'round-the-clock schedule, seven days a week. That will pour more money into our economy, make the cash registers sing and the bank accounts bulge.

Farsighted textile officials are gearing up for even better days ahead. Alice Manufacturing Company is spending huge amounts of money on ultramodern equipment, keeping their plants in a top competitive position in the industry. This means more orders for them, and better working conditions for their employees.

It's exciting to think what has happened to Pickens County over the last several decades because we had this good solid textile industry in our midst. It's a little sobering, too, when you think about how much we owe the textile industry.

We owe them a good portion of our livelihood, and because of this we owe them our allegiance and our cooperation and our support.

As we join in the celebration of Textile Week Oct. 23–29, let's put on an extra big smile of welcome to the textile employees when they come into our stores to shop. Let's pat them on the back and say "Thanks for being here."

It's their Week. Let's make it special for them.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:25 p.m., a message from the House of Representatives, delivered by Ms Goetz, one of its reading clerks, announced that the House has passed the following bills and joint resolutions; in which it requests the concurrence of the Senate:

H.R. 2479. An act to amend the Act of March 3, 1869, incorporating the Masonic Relief Association of the District of Columbia, now known as Acacia Mutal Life Insurance Company;

H.R. 2718. An act to amend chapter 35 of title 44, United States Code, relating to the coordination of Federal information policy, and for other purposes;

H.R. 2910. An act to amend the Act of November 2, 1966, regarding leases and contracts affecting land within the Salt River Pima-Maricopa Indian Reservation;

H.R. 3555. An act to declare certain lands held by the Seneca Nation of Indians to be part of the Allegany Reservation in the State of New York;

H.R. 3885. An act to provide for the restoration of Federal recognition to the Confederated Tribes of the Grande Ronde Community of Oregon, and for other purposes;

H.R. 4194. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act; and

H.J. Res. 93. Joint resolution to provide for the awarding of a special gold medal to Danny Thomas in recognition of his humanitarian efforts and outstanding work as an American.

HOUSE MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2479. An act to amend the Act of March 3, 1869, incorporating the Masonic Relief Association of the District of Columbia, now known as Acacia Mutual Life Insurance Co.; to the Committee on the Judiciary.

H.R. 2718. An act to amend chapter 35 of title 44, United States Code, relating to the coordination of Federal information policy, and for other purposes; to the Committee on Government Affairs.

H.R. 3555. An act to declare certain lands held by the Seneca Nation of Indians to be part of the Allegany Reservation in the State of New York; to the Select Committee on Indian Affairs.

H.J. Res. 93. Joint resolution to provide for the awarding of a special gold medal to Danny Thomas in recognition of his humanitarian efforts and outstanding work as an American; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE MEASURES HELD AT DESK

The following bills were ordered held at the desk by unanimous consent.

H.R. 2910. An act to amend the Act of November 2, 1966, regarding leases and contracts affecting land within the Salt River Pima-Maricopa Indian Reservation;

H.R. 3885. An act to provide for the restoration of Federal recognition to the Confederated Tribes of the Grande Ronde Community of Oregon, and for other purposes; and

H.R. 4194. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1955. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the Motor Vehicle Operations and Maintenance function at the Naval Shipyard, Philadelphia, Pa., to performance under contract; to the Committee on Armed Services.

EC-1956. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, clarification on a provision of the previously transmitted communication dealing with establishment of the Carter Presidential Library; to the Committee on Governmental Affairs.

EC-1957. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Indian Health Care Improvement Act for fiscal year 1982; to the Select Committee on Indian Affairs.

EC-1958. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Low Income Home Energy Assistance Program for fiscal year 1982; to the Committee on Labor and Human Resources.

EC-1959. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Air Force's proposed letter of offer to Turkey for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-1960. A communication from the Acting Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a report covering certain properties to be transferred to the Republic of Panama in accordance with the Panama Canal Treaties and other documents; to the Committee on Armed Services.

EC-1961. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60 day period prior to November 2, 1983; to the Committee on Foreign Relations.

EC-1962. A communication from the Assistant Attorney General (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records for the Immigration and Naturalization Service; to the Committee on Governmental Affairs.

EC-1963. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to the Netherlands for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-465. A resolution adopted by the Evangelical Convenant Church relating to the commitment of the Government of the United States to a "No First Strike" pledge for the use of nuclear weapons; to the Committee on Armed Services.

POM-466. A resolution adopted by the Board of Supervisors of the County of Los Angeles, California urging all citizens to renew their resolve that this nation shall stand firm in the defense of our Constitution and all freedoms contained therein; to the Committee on Armed Services.

POM-467. A resolution adopted by the U.S. Metric Association, Inc., urging Congress to set deadlines for completion of the metric transition to ensure that the best interests of industry and the consumer are served; to the Committee on Commerce, Science, and Transportation.

POM-468. A resolution adopted by the General Assembly of the State of Illinois; to the Committee on Finance.

"RESOLUTION

"Whereas, Without strict enforcement, the provisions of Section 307 will be denied any practical effect, and American dollars will continue to reimburse the Soviet Union for its operation of forced-labor camps; therefore, be it

"Resolved, by the Senate of the Eighty-Third General Assembly of the State of Illinois, that this House urges the federal government to provide for the strict enforcement of Section 307 of the Tariff Act of 1930 and halt the illegal flow of products from Soviet labor camps into this country; and be it further

"Resolved, That this House requests the federal government to urge its allies in the free world to similarly prohibit the importation of Soviet forced-labor-produced goods; and be it further

"Resolved, That suitable copies of this preamble and resolution shall be sent, respectively, to President Ronald Reagan, Secretary of the Treasury Donald Regan, Commissioner of Customs William Von Raab, Vice President George Bush in his capacity as President of the Senate, Speaker of the House Thomas P. O'Neill, and the Members of the Illinois Congressional Delegation."

POM—469. A resolution adopted by the Senate of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation.

"Resolutions Memorializing the Congress of the United States to Rescind the Fifty-Five Miles Per Hour National Speed Limit.

"Whereas, the fifty-five miles per hour national speed limit was originally imposed by the Federal Emergency Highway Energy Conservation Act of nineteen hundred and seventy-four and was intended as a temporary response to the Arab oil embargo of nineteen hundred and seventy-three; and

"Whereas, the national speed limit was made permanent by the federal-aid highway amendment of nineteen hundred and seventy-five; and

"Whereas, presently, the law cannot be justified as an emergency fuel conservation measure because the Arab oil embargo was lifted in nineteen hundred and seventy-four, the demand for oil has decreased considerably and the nation no longer faces an energy crises, and, finally, the fuel saving which results from lowering the speed limit is minimal; and

"Whereas, with regard to safety, many observers point out that other factors such as reduced volumes of driving, the general economic conditions, improved car design, use of safety belts, driver education, elimination of roadside hazards, and better emergency and medical facilities should receive more credit for the reduction in highway fatalities; and

"Whereas, it should be noted that highways can be and are designed to accommodate vehicles traveling in excess of fifty-five miles per hour; therefore be it

"Resolved, that the Massachusetts Senate respectfully urges the Congress of the United States to repeal the national speed limit and allow States the option to increase the speed limits; and be it further

"Resolved, that copies of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, to the presiding officer of each branch of Congress, and to Members thereof from the Commonwealth."

POM-470. A resolution adopted by the Senate of the Commonwealth of Massachusetts; to the Committee on Finance.

"Resolutions Memorializing the Congress of the United States to Enact Legislation to Correct the Discrimination Against Those People Born in the So-called "Notch" Years.

"Whereas, the National policy of the United States concerning senior citizens has been to grant them assistance in declining years through social security benefits, all in consideration for their contributions to the system; and

"Whereas, it appears there has been discrimination in the treatment of people from between nineteen hundred and seventeen and nineteen hundred and twenty-one and all those born in other years; and

"Whereas, since there is presently discrimination against golden-agers in this certain age bracket, it can be anticipated that somewhere in the future another "notch" will be chopped in the social security tree; now therefore be it

"Resolved, that the Massachusetts Senate hereby urges the Congress of the United States to pass Congressman Joseph Moakley's resolution which calls on the social security administrator and the Secretary of the Department of Health and Human Services to study the "notch" problem and make recommendations to Congress; and be it further

"Resolved, that copies of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, to the presiding officer of each branch of Congress, and to the members thereof from this Commonwealth."

POM-471. A resolution adopted by the city council of the city of Pittsburgh, Pa. calling for a worldwide freeze on nuclear armaments, and declares the week of October 17, 1983 through October 22, 1983, "Nuclear Awareness Week" in Pittsburgh; to the Committee on Foreign Relations.

POM-472. A resolution adopted by the Senate of the Commonwealth of Massachusetts; to the Committee on Foreign Relations.

"Resolutions Memorializing the Congress of the United States to Assist Ethiopian Jews Through Every Available Means.

"Whereas, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights guarantees to all persons the right of freedom of religion, the right to hold opinions without interference, the right to freedom from expulsion and the right to emigrate; and

"Whereas, Ethiopian Jews are among the oldest continuous Jewish communities in existence, their history extending back for three thousand years; and

"Whereas, this community once numbered several hundred thousand persons, but the scourge of wars, pestilence, persecution, and famine over the years has reduced it to some twenty-five thousand people; and

"Whereas, the American people are becoming increasingly aware of the difficulties facing Ethiopian Jews and are seeking ways to assist them; and

"Whereas, the plight of Ethiopian Jews demand that the American people and all people of good will do everything possible to alleviate their suffering; now therefore be it

"Resolved, that the Massachusetts Senate hereby urges the Congress of the United States to express to relevant foreign governments, our own country's concern for the welfare of the Ethiopian Jews and, in particular, their rights to emigrate freely; and be it further

"Resolved, that copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the Presiding Officer of each Branch of Congress of the United States and to each Member thereof from this Commonwealth.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations, without amendment:

S.J. Res. 194: An original joint resolution making further continuing appropriations for the fiscal year 1984, and for other purposes (Rept. No. 98-304).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 270: A resolution expressing the sense of the Senate with respect to the North Korean bombing in Rangoon.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 113: A joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theatre Week".

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment and an amendment to the title and with a preamble:

S.J. Res. 141: A joint resolution to designate the week of September 25, 1983, through October 1, 1983, as "Carrier Alert Week".

By Mr. THURMOND, from the Committee on the Judiciary, with amendments and an amended preamble:

S.J. Res. 161: A joint resolution to designate the week of April 15, 1984, through April 21, 1984, as "National Child Abuse Prevention Week."

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 183: A joint resolution to recognize the second week of November 1983, as "National Meals-on-Wheels and Congregate Meal Week".

By Mr. STAFFORD, from the Committee on Environment and Public Works, without amendment:

S.J. Res. 195. Joint resolution approving the interstate cost estimate and interstate substitute cost estimate for fiscal years 1984 and 1985.

● Mr. STAFFORD. Mr. President, the Senate passed H.R. 3103, the Surface Transportation Technical Corrections Act of 1983, on October 25 by a vote of 91 to 2. The members of the Environment and Public Works Committee very much appreciated the cooperation of our distinguished colleagues in recognizing the emergency nature of this legislation, and in postponing consideration of many items which are very important to them.

As the House had already passed H.R. 3103 on June 14, the Senate requested a conference and named conferees. The House did not agree to go to conference at that time, and instead amended the bill further.

The bill the House passed on November 1 went far beyond the original purposes of the bill which was to address several problems of an emergency nature. Severe storms this past year in California, Utah, and Arizona caused major damage to Federal-aid highways. The emergency relief program funds for which such damaged highways are eligible have been depleted and additional funds are urgently needed.

The second purpose of this bill was to approve the interstate cost estimate (ICE) and the interstate substitute cost estimate (ISCE) so that over $5 billion in interstate construction, interstate transfer and minimum allocation funds can be released to the States. These funds could have been apportioned to the States October 1 if Congress had acted on these approvals.

In further amending H.R. 3103, the House has added a provision within the jurisdiction of the Senate Commerce, Science, and Transportation

Committee. This provision would extend antitrust immunity for collective ratemaking on single-line rates. This is controversial and could jeopardize reaching agreement on the remainder of H.R. 3103. Senator PACKWOOD has advised me of his strong opposition to this provision.

In addition, the House added over $150 million in new authorizations primarily for demonstration projects which are not of an emergency nature. Secretary Dole has written to me advising that she would recommend that the President veto legislation which contains new authorizations beyond those necessary for emergency relief or any provision on antitrust immunity. I ask unanimous consent that Secretary Dole's letter be printed in the RECORD following my statement.

It is for these reasons that Senator SYMMS, Senator RANDOLPH, Senator BENTSEN and I recommended to the Environment and Public Works Committee that action be taken on a joint resolution. The committee unanimously approved this joint resolution which would approve the ICE and the ISCE for 2 years. Because a joint resolution requires the signature of the President, there would be no problems with the recent Supreme Court decision on legislative veto.

Mr. President, it is my hope and the committee's hope that we can go to conference on H.R. 3103 and resolve the differences so that emergency relief funds and the interstate funds can be made available to the States. We are prepared to do that, however, only if there is an assurance from the other body that only the original purposes of the legislation will be considered. If that cannot be accomplished, I believe it would be irresponsible for the Congress to adjourn without attempting to approve the ICE and the ISCE through a joint resolution. If this is not done, the States may be without interstate construction and interstate transfer funds until February if Congress should adjourn shortly. I believe this would be counterproductive to the progress made by the Surface Transportation Assistance Act of 1982 in repairing the deteriorating roads and bridges in this country.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., November 3, 1983.
Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, D.C.

DEAR BOB: I am deeply distressed with the version of the Highway Emergency Relief Bill (H.R. 3103) that passed the House on November 1. As you know, the Administration has discouraged amendments that would create new spending authority, add to the cost of completing the Interstate system, or otherwise delay enactment of the bill. Unfortunately, the House-passed bill not only includes amendments which more than double the spending levels of the Senate-passed bill and increase Massachusett's apportionment of Interstate construction funds, but also includes statutory changes that would extend anti-trust immunity for truck rate bureaus. This is so serious that it would prevent the Administration's support for the bill. If contained in the enrolled bill, I would have to recommend that the President veto the legislation.

While there are a number of provisions in the Senate and House bills that the Administration strongly supports, the most time-sensitive issue for the Nation is approval by the Congress of the Interstate Cost Estimate and the Interstate Substitute Cost Estimates. I have already provided you with our formal transmittal of these estimates.

If you go to Conference on this bill, I urge you to stay as close as possible to the version of H.R. 3103 that was reported out of your committee. However, I would also support your use of a Joint Resolution to approve only the cost estimates for a two-year period, with the understanding that the other provisions that we support would be addressed in separate highway legislation as soon as possible.

The Office of Management and Budget advises that enactment of H.R. 3103 as it passed the House on November 1 would not be in accord with the program of the President.

I would be pleased to discuss this matter further with you. Please let me know if I can provide any further information on this issue.

With best wishes.

Sincerely,

ELIZABETH HANFORD DOLE.●

● Mr. RANDOLPH. Mr. President, I join with the chairman of the Committee on Environment and Public Works, Mr. STAFFORD, the chairman of the Subcommittee on Transportation, Mr. SYMMS, and the ranking member of the subcommittee, Mr. BENTSEN, in recommending to the Senate the Senate joint resolution reported by the Committee on Environment and Public Works today. The resolution approves the interstate cost estimate and the interstate substitution cost estimate transmitted by the Secretary of Transportation in accordance with the Surface Transportation Assistance Act of 1982.

As our colleagues will recall, the Senate considered highway legislation late last month which included at that time the approval of these two important tables. However, the House of Representatives made major changes in the legislation, H.R. 3103, which the Senate passed, raising doubt as to the enactability of that highway bill prior to adjournment of the first session.

Since the approval of the two cost estimates is necessary to apportion approximately $5 billion in authorizations contained in the 1982 Surface Transportation Assistance Act, the Congress must send to the President legislation before adjournment. By reporting this joint resolution, the Committee on Environment and Public Works has developed another option for such approval.

Mr. President, I urge the passage of this resolution and believe that it will be added pressure on the House to move forward with our Interstate construction program. Currently 19 States have used all of their previously apportioned interstate funds. If we had to wait until the second session to approve the cost estimate, it is my belief that the progress which has been made toward completing the Interstate System will be slowed.●

● Mr. SYMMS. Mr. President, on November 3 members of the Committee on Environment and Public Works voted unanimously to report a joint resolution approving the interstate cost estimate (ICE) and the interstate substitute cost estimate (ISCE) for two years. Until Congress approves these estimates, the U.S. Department of Transportation is unable to release over $5 billion in interstate construction, interstate transfer and minimum allocation funds, all of which should have gone out on October 1. Already, the following 18 States are out of or close to being out of interstate construction money: Alabama, Arizona, Florida, Georgia, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Utah, Virginia, Washington, and Wisconsin.

This joint resolution is being introduced even though approval of the interstate estimates are already contained in H.R. 3103, the Surface Transportation Technical Corrections Act of 1983. That legislation has passed the House, and on October 25 it passed the Senate by an overwhelming vote of 91 to 2. However, the other body chose not to go to conference at that time and instead returned to the House floor on November 1 to add a large number of demonstration projects and other controversial provisions to the bill.

The original purpose of H.R. 3103 was to address the need for an additional authorization of $150 million for the emergency relief highway program. States such as California, Utah, and Arizona which have suffered through major storm-related disasters over the past several months are understandably concerned that this additional funding be approved and made available as soon as possible. There is critical highway repair and reconstruction work that must be done if travel in the affected areas is to begin to return to normal.

The Senate-passed bill also addressed the emergency relief funding needs, and, in addition, it provided for approval of the estimate of the cost to complete the Interstate System as is required for the apportionment of funds authorized for fiscal years 1985 and 1986. Because of the recent Supreme Court decision on legislative veto, it was the committee's belief that the ICE should be approved through statutory language rather than by a concurrent resolution.

A similar approval was included with respect to the interstate substitute cost estimate; this ISCE includes each State's projected division of the amounts which will be used for highway and transit projects.

There were no amendments to the Senate-passed bill creating new spending authority. I thank my colleagues for recognizing the emergency, time-sensitive nature of H.R. 3103. Many Senators, I know, are concerned about important transportation projects in their States, but have cooperated in moving this bill, with the understanding that there will be highway legislation early next year to address such concerns.

The House-passed bill, in addition to more than doubling the spending levels of the Senate-passed bill, would also extend antitrust immunity for truck ratemaking bureaus. This matter is a controversial one and it is within the jurisdiction of the Commerce Committee.

Secretary of Transportation Elizabeth Dole has strong objections also to the House-passed version of H.R. 3103. She is particularly concerned about the increased spending levels, and the provision on truck rate bureaus, and for those reasons would recommend to the President that such legislation be vetoed.

In conclusion, Senators STAFFORD, RANDOLPH, BENTSEN, and I are in full agreement on the need for a joint resolution approving the interstate estimates. All of us would prefer to go to conference on H.R. 3103, if it can be returned to its intended purpose. If this is not possible, I ask my colleagues for their support of the joint resolution. In this way interstate funds can at least be made available to the States, so that serious disruptions to that program do not occur.●

● Mr. BENTSEN. Mr. President, I join with my colleague in endorsing the passage of Joint Resolution 195, which approves the Interstate Cost Estimate and the Interstate Substitute Cost Estimate. A speedy passage of this measure is essential for all the States in proceeding with the construction of the Interstate Highway System. Interstate construction funds cannot be apportioned to the States until Congress acts.

The importance of this legislation cannot be over emphasized. More than 40 percent of our States have exhausted their interstate funds. Interstate construction activity in these States has virtually come to a halt. Timely passage of this measure will assure that all States will have the interstate dollars necessary to move forward with the construction of the Interstate Highway System so vital to not only the commerce and industry of this country, but to nearly every citizen involved in day to day travel.●

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Thomas G. Hull, of Tennessee, to be U.S. district judge for the eastern district of Tennessee.

Daniel G. Horgan, of Florida, to be U.S. Marshal for the southern district of Florida for the term of 4 years.

By Mr. PERCY, from the Committee on Foreign Relations:

Daniel Anthony O'Donohue, of Virginia, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary to the Socialist Republic of the Union of Burma.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee; Daniel A. O'Donohue.

Post; Burma.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses, names, none.
4. Parents, names, none (deceased).
5. Grandparents, names, none (deceased).
6. Brothers and spouses, names, Mr. and Mrs. Gerald B. O'Donohue, $10, 1982 Patrick O'Hara Democratic primary congressional candidate.
7. Sisters and spouses, names, Mr. and Mrs. Kenneth Whitehead, $10, 1981 N.Y. Republican Party, $25, 1982 N.Y. Republican Party, $100, 1983 N.Y. Conservative Party.

William H. Luers, of Illinois, a career member of the Senior Foreign Service, class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czechoslovak Socialist Republic.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee, William H. Luers.

Post, Ambassador to Czechoslovakia.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names, none.
4. Parents, names, none.
5. Grandparents, names, none.
6. Brothers and spouses, names, none.
7. Sisters and spouses, names Mr. and Mrs. Richard Phelps, $400, 1979-83 State of Massachusetts Government—Democratic Party of; Dr. and Mrs. John T. McCaffey, $250, 1979-83 Republican Party National Committee and Ronald Reagan campaign.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee, Frank V. Ortiz, Jr.

Post, Ambassador to Argentina.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses, names, none.
4. Parents, names, none.
5. Grandparents, names, none.
6. Brothers and spouses, names, none.
7. Sisters and spouses, names, none.

Thomas P. Shoesmith, of Virginia, a career member of the Senior Foreign Service, class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee, Thomas P. Shoesmith.

Post, Ambassador to Malaysia.

Contributions, amount, date, and donees:

1. Self, none.
2. Spouse, none.
3. Children and spouses, names, Thomas M. Shoesmith, none; Jo Ann Shoesmith, none.
4. Parents, names, deceased as of 1976.
5. Grandparents, names, deceased as of 1950.
6. Brothers and spouses, names, not applicable.
7. Sisters and spouses, names, Jane S. Newcomb, none; Nelson Newcomb, none.

Charles H. Price II, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee, Charles H. Price II.

Post, Ambassador to United Kingdom.

Donor, date, donee, and amount:

Charles H. Price II:

01-06-79—Leonard for Council Committee, $50.

02-01-79—Wheeler for Mayor Campaign, $100.

02-28-79—Richard Berkley—Berkley for Mayor, $200.

06-25-79—Richard Berkley—Berkley for Mayor, $200.

03-12-79—Richard Berkley—Berkley for Mayor, $250.

04-10-79—Ronald Reagan—Reagan for President Committee, $1,000.

05-07-79—Kay Waldo, Friends of Kay Waldo, $50.

07-02-79—Kay Waldo, Friends of Kay Waldo, $50.

10-11-79—Kit Bond, Friends of Kit Bond, $100.

12-11-79—Republican National Committee $50.

(1979)—American Bank & Trust Co. Political Action Committee (This amount represents the total of monthly deductions from his paycheck.), $280.

05-05-80—Kit Bond, Bond for Governor Committee, $200.

09-12-80—Kit Bond, Bond for Governor Committee, $500.

08-05-80—National Conservative Political Action Committee, $500.

09-25-80—Republican National Committee Prelude to Victory Party, Kansas City, Missouri, $5,000.

03-12-80—United Republican, $25.

05-06-80—Tom Coleman, Citizens for Coleman, $500.

07-28-80—Richard Berkley, Berkley Birthday Dinner, $100.

08-22-80—Senate Campaign Committee, Senatorial Trust, $5,000.

09-24-80—American Bank & Trust Co. Political Action Committee, $100.

10-14-80—McNary for Senator, $100.

10-30-80—Kit Bond, Bond for Governor Committee, $1,000.

09-27-80—James Spainhower, Missourians for Spainhower, $100.

12-10-80—James Spainhower, Missourians for Spainhower, $25.

(1980)—American Bank & Trust Co Political Action Committee (This amount represents the total of monthly deductions from his paycheck.), $480.

02-04-83—Berkley for Mayor, $200.

08-29-83—Republicans Abroad, $1,000.

Carol Swanson Price:

01-31-79—Richard Berkley, Berkley for Mayor, $100.

03-12-79—Richard Berkley, Berkley for Mayor, $250.

04-10-79—Ronald Reagan, Reagan for President Committee, $1,000.

07-01-80—United Citizens for Kemper, $100.

07-29-80—Kit Bond, Kit Bond for Governor, $500.

09-21-80—Kit Bond, Kit Bond for Governor, $500.

08-01-80—National Conservative Political Action Committee, $500.

09-17-80—Reagan-Bush Compliance Fund (This is not a political contribution within the meaning of the Federal Election Campaign Act of 1971), $1,000.

02-18-80—Senate Campaign Committee, Senatorial Trust, $1,000.

09-25-80—Republican National Committee, Prelude to Victory Party, Kansas City, Missouri, $3,000.

01-17-83—Danforth for Senator, $500.

08-29-83—Republicans Abroad, $1,000.

Joint contributions of Charles H. Price II and Carol Swanson Price:

06-17-80—United Citizens for Kemper, $100.

05-02-80—Tom Coleman, Citizens for Coleman, $200.

08-22-80—McNary for Senator, $100.

12-19-80—Inaugural Committee, $84.

12-23-80—Kennedy Gala, $250.

Parents, grandparents, and siblings are deceased. Children (Pickette Virginia Price, Charles Blair Price, Caroline Lee Rhoden, Melissa Marie Rhoden, and Charles H. Price II) have made no political contributions).

Diego C. Asencio, of Florida, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brazil.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Diego C. Asencio.

Post: Brazil.

Contributions, amount, date, donee.

1. Self, none.
2. Spouse, none.
3. Children and Spouses: Names Manuel, Diego Carlos and Norma Fehrmann, Anne Francies and Donald Cooke, Maria Dolores, Francis Xavier, none.
4. Parents Names: Deceased.
5. Grandparents Names: Deceased.
6. Brothers and Spouses Names: N/A.
7. Sisters and Spouses Names: N/A.

Robert E. Lamb, of Georgia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State, vice Thomas M. Tracy, resigned.

W. Tapley Bennett, Jr., of Georgia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State, vice Powell Allen Moore, resigned.

T. M. Alexander, Sr., of Georgia, to be a Member of the Board of Directors of the African Development Foundation for a term of six years. (New Position.)

Lewis A. Dunn, of Virginia, to be an Assistant Director of the United States Arms Control and Disarmament Agency, vice Thomas D. Davies, resigned.

Frank J. Donatelli, of Virginia, to be an Assistant Administrator of the Agency for International Development, vice Francis Stephen Ruddy.

Langhorne A. Motley, of Alaska, to be a Member of the Board of Directors of the Inter-American Foundation for the remainder of the term expiring September 20, 1984, vice Thomas O. Enders, resigned.

J. William Middendorf II, of Virginia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 1988, vice Marc E. Leland, term expired.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PERCY. Mr. President, also for the Committee on Foreign Relations, I report favorably a Foreign Service nomination list which appeared in full in the CONGRESSIONAL RECORD of November 4, 1983, and, to save the expense of reprinting these names on the Executive Calendar, ask that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2066. A bill to declare certain lands held by the Seneca Nation of Indians to be part of the Allegany Reservation in the State of New York; to the Select Committee on Indian Affairs.

By Mr. HELMS (for himself, Mr. THURMOND, Mr. HOLLINGS, and Mr. EAST):

S. 2067. A bill to confer jurisdiction on the U.S. Claims Court to determine damages suffered by the Carolinas Cotton Growers Association, Inc., an agricultural cooperative association, and admitting liability therefor; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 2068. A bill to provide funds for construction of irrigation facilities in the Pleasant Valley Water District, California; to the Committee on Energy and Natural Resources.

By Mr. PRESSLER (for himself and Mr. D'AMATO):

S. 2069. A bill to amend the Small Business Act; to the Committee on Small Business.

By Mr. HEFLIN:

S. 2070. A bill to amend certain provisions of the Internal Revenue Code of 1954 relating to the reporting of tips in the case of certain food and beverage establishments; to the Committee on Finance.

By Mr. HATFIELD, from the Committee on Appropriations:

S.J. Res. 194. An original joint resolution making further continuing appropriations for the fiscal year 1984, and for other purposes; placed on the calendar.

By Mr. STAFFORD, from the Committee on Environment and Public Works:

S.J. Res. 195. An original joint resolution approving the interstate cost estimate and interstate substitute cost estimate for fiscal years 1984 and 1985; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2066. A bill to declare certain lands held by the Seneca Nation of Indians to be part of the Allegany Reservation in the State of New York; to the Select Committee on Indian Affairs.

LEGISLATION TO CONVEY TITLE TO CERTAIN LAND TO THE SENECA NATION

● Mr. D'AMATO. Mr. President, I rise to cosponsor legislation introduced by my distinguished senior colleague from New York. This is noncontroversial legislation with great merit, solving an urgent dilemma faced by the Seneca Nation.

The legislation is needed because, in 1971, the New York State Department of Transportation began condemning properties in the path of the proposed Southern Tier Expressway. Part of that land belonged to the Seneca Nation and was not subject to condemnation. Therefore, the State of New York agreed to convey to the tribe a parcel of land to compensate the tribe for its loss resulting from the granting of an easement through which the expressway was built. This 800 acres of land is, therefore, a part of the reservation in the eyes of the holders of the land, the State of New York, and all other concerned parties other than the Federal Government. Even the Department of the Interior has agreed to consider the land as part of the reservation for all intents and purposes. Nevertheless, absent congressional action ratifying the transfer, a cloud over the precise status of the land remains.

Mr. President, this legislation is needed to remove that cloud and to insure that the Seneca Nation will be treated as it has every right to be treated. In formulating its plans for the usage of this land, the tribe must know that the status of the land is as they envisioned when the exchange was agreed to and made. In deciding the use of this land, the certain availability of funds from existing Federal programs will weigh heavily. I urge my colleagues to adopt forthwith this much needed legislation.

I ask unanimous consent that the legislation be printed in the Record in its entirety. Thank you Mr. President.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the lands described in subsection (b) are declared—

(1) to be part of the Allegany Reservation in the State of New York, and

(2) to have the status of tribal lands for purposes of Federal law.

(b) The lands referred to in subsection (a) are the lands held by the Seneca Nation of Indians and more particularly described as follows:

(1) All that piece or parcel of land acquired by the Seneca Nation of Indians from the State of New York, Department of Transportation, pursuant to a deed dated September 2, 1981, situate in lots numbered 24, 25, 26, 28, and 29, township numbered 2, range numbered 7, in the town of Red House, county of Cattaraugus, State of New York, and consisting of seven hundred and ninety-five acres, more or less.

(2) All that piece of parcel of land acquired by the Seneca Nation of Indians from the State of New York, Department of Transportation, pursuant to a deed dated February 26, 1982, situate in lot numbered 14, township numbered 2, range numbered 8, town of Cold Spring, county of Cattaraugus, State of New York, and consisting of six acres, more or less.●

By Mr. HELMS (for himself, Mr. Thurmond, Mr. Hollings, and Mr. East):

S. 2067. A bill to confer jurisdiction on the U.S. Claims Court to determine damages suffered by the Carolinas Cotton Growers Association, Inc., an agricultural cooperative association, and admitting liability therefor; to the Committee on the Judiciary.

JURISDICTION FOR THE CLAIMS COURT TO HEAR A SPECIFIC CASE

● Mr. HELMS. Mr. President, I introduce for appropriate reference a bill to confer jurisdiction on the U.S. Claims Court to determine damages suffered by the Carolinas Cotton Growers Association, Inc., an agricultural cooperative association, and admitting liability therefor.

Carolinas Cotton Growers Association, Inc., the growers association, is a marketing cooperative for cotton farmers located in North and South Carolina. The growers association performs its function by purchasing cotton directly from farmers at a price slightly less than the price being quoted on the New York Cotton Exchange for cotton of like grade and subsequently selling that cotton at or slightly above the market price established by the cotton exchange for that grade of cotton. For decades the grade of the cotton purchased has been determined by the U.S. Department of Agriculture at the time it is purchased by the growers association.

During the winter of 1980-81 the growers association discovered that the Department of Agriculture had in most cases significantly overgraded the 1980 crop purchased by it. The Growers Association believes that this overgrading occurred because of a major reorganization and consolidation of the classification program in North and South Carolina, resulting in the retirement of many experienced graders and the employment of new personnel lacking sufficient classification skills. As a result the Growers Association was forced to sell the 1980 crop cotton it had purchased at a price substantially lower than that originally paid farmers based upon the grade determined by the Department. This resulted in a loss of approximately $3.8 million and nearly bankrupted the Growers Association.

Had the grading been done by a nongovernmental organization, the Growers Association would have a virtually irrefutable claim against that organization for damages. However, because section 2680(h) of the Federal Tort Claims Act. (28 U.S.C. 2680(h)) precludes tort claims against the Government for misrepresentation, without legislative relief the Growers Association cannot prosecute a claim against the Government for its losses caused by the action of the Department of Agriculture.

The proposed legislation would establish liability of the Government and confer special jurisdiction on the U.S. Claims Court to award such damages as that court finds resulted from the misgrading. The legislation does not establish the amount of damages which would be paid. Rather, it merely gives the Growers Association an opportunity to prove its damages in a court of law.

Mr. President, I ask unanimous consent that a copy of the proposed legislation and a memorandum prepared by the special legislative counsel to the Growers Association explaining the background and basis for the legislation be included in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred on the United States Claims Court to hear, determine and render judgment on the claim of the Carolinas Cotton Growers Association, Inc., of Raleigh, North Carolina, an agricultural cooperative association organized under the laws of the State of North Carolina, based upon damages and losses sustained as the result of erroneous grading of cotton from the 1980 crop by the United States Department of Agriculture, and liability of the United States for such damages and losses is hereby admitted. Suit upon such claim may be instituted any time within one year of the date of enactment of this Act, and any judgment rendered thereon shall be paid in the same manner as a judgment under the Federal Tort Claims Act.

Explanatory Memorandum

(Nature and Operations of Carolinas Cotton Growers Association, Inc.)

The Growers Association is a cooperative marketing association incorporated under North Carolina law and operating in the states of North and South Carolina. Its headquarters is in Raleigh, North Carolina.

The Growers Association has over 1,200 active members who have used the association to market their cotton in the last three years. In addition, it has over 50,000 equity holders. The active members consist principally of family farmers ranging from those producing only a few bales of cotton each year to those producing over a thousand such bales. The typical member markets from 50 to 100 bales through the association, producing average gross income of approximately $15,000 to $35,000.

The Growers Association markets cotton for its members by first purchasing their cotton during the period October through February at a price between four and six cents less per pound than the price quoted on the New York Cotton Exchange spot market for cotton of the same color, staple length and tensile strength as that being purchased.[1] These specifications of the cotton are generally referred to as its "class". Subsequent to purchase the Growers Association sells the cotton (usually to textile mills) at or slightly above the spot market New York Cotton Exchange quoted price at the time of sale for cotton of such specifications.

THE ROLE OF THE DEPARTMENT OF AGRICULTURE

For decades the Growers Association has purchased cotton from its members in reliance upon so-called class cards issued by the United States Department of Agriculture showing the cotton's class as determined by that agency's Agricultural Marketing Service. In 1980, as a result of a reorganization of USDA's classification operations, the personnel conducting such grading for farmers in North and South Carolina were consolidated at a single office in Florence, South Carolina. Because of this reorganization many experienced graders, not willing to move to Florence, either resigned or retired. New and inexperienced personnel were hired in their place to perform this crucial function.

THE MISGRADING OF THE 1980 CROP

In approximately October 1980, the Growers Association began its customary practice of purchasing cotton based on the USDA classification. Relying upon the USDA class cards, the Growers Association paid producers six cents per pound less than the then current New York Cotton Exchange spot price for equivalent grades of cotton. The Growers Association completed its purchases in February 1981.

Sales of that 1980 crop also began routinely. However, in February 1981, the Association shipped bales to a mill in South Carolina which rejected them, claiming that the quality of this cotton was below that represented by the class cards. The Growers Association immediately demanded arbitration, and the arbitration board (itself an agency of USDA), meeting in Memphis, Tennessee, concluded after review of samples of the shipment that less than 10 percent of it was properly classed and more than 90 percent of it was graded at too high a quality.

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[1] At the time of purchase, to protect against market price fluctuations the Growers Association routinely sells on the New York Cotton Exchange a futures contract for an equivalent amount and grade of cotton.

This adverse ruling by the arbitration panel, however, was only the beginning of the association's problems. The true magnitude of the USDA's errors became apparent in the following weeks and months as numerous other bales were also rejected as overgraded. Soon the association realized that the cotton inventory could not be sold based upon the class cards. Subsequent sampling of each of the cotton lots determined that in the majority of cases the actual quality of cotton was much lower than the classification by the USDA. In many cases, the cotton could be sold for only 50 to 75 percent of the price which it would have brought had the USDA classification been accurate. Moreover, because it had to resort to time-consuming reclassification of the cotton, the Growers Association, despite its best efforts, was not able to market its inventory as quickly as in the past. Thus it had a substantial inventory on hand throughout the fall of 1981 and well into 1982.

The total losses which the Growers Association believes it sustained through 1982 as a direct result of the misclassification is $3,836,884.50. These damages include losses on sales, additional interest and storage costs for inventory not sold, lost gross profits and miscellaneous related costs including compress charges, arbitration charges, mill charges and transportation costs on rejected shipments. The loss was of such a magnitude that it wiped out all of the equity interests of the 50,000 equity holders in the association.

LEGAL REMEDIES AVAILABLE

Had the grading been carried out by a non-governmental organization, the Growers Association would have had a virtually irrefutable case establishing liability for the damages proximately flowing from the error. Under North Carolina law a person providing evaluation services made in the course of their occupation is liable for negligent misrepresentations to individuals who may reasonably rely on the same, irrespective of whether contract privity exists. *Sanford* v. *Owens,* 46 N.C. App. 388, 265 S.E.2d 617 (1980) (purchaser of property can sue engineers for inaccurate soil report made to former owners of property); *Davidson & Jones, Inc.* v. *County of New Hanover,* 41 N.C. App. 661, 255 S.E.2d 580 (1979) (general contractor and subcontractors who relied on a soil report in submitting bids can sue engineers who prepared the soil report); *Alva* v. *Cloninger,* 51 N.C. App. 602, 277 S.E.2d 535 (1981) (purchaser of house can sue appraiser who provided report to lender which report failed to include structural defects). There can be no legitimate factual dispute that the misgrading occurred or that misgrading of the magnitude involved was a breach of the graders' duty to exercise reasonable care. Thus liability is not reasonably at issue.

However, because the grading was undertaken by an agency of the federal government, such a claim may not be pursued because of the doctrine of sovereign immunity. While the immunity of the federal sovereign from suits for tortious injuries caused by it has in most instances been waived by Congress in enacting the Federal Tort Claims Act (28 U.S.C. 2671 *et seq.*), that waiver is neither total nor applicable in this case. Specifically, any claim for "misrepresentation" may not be prosecuted against the federal government. 28 U.S.C. 2680(h); *United States* v. *Neustadt,* 366 U.S. 696 (1961); *United States* v. *Croft-Mullins Electric Company,* 333 F.2d 772 (5th Cir. 1964), cert., denied 379 U.S. 968; *Hall* v. *United States,* 274 F.2d 69 (10th Cir. 1959); *Ware* v. *United States,* 626 F.2d 1278 (5th Cir. 1980). Thus, unless legislation is enacted specifically conferring jurisdiction on a federal court to hear this matter and enter judgment on it, the Growers Association will be denied any opportunity to obtain judicial recovery of its damages sustained as a result of the actions of USDA.[2]

THE PROPOSED LEGISLATION

The proposed legislation achieves four principal objectives. First, it establishes by statute the liability of the United States for such damages. Second, it confers special jurisdiction on the United States Claims Court (the successor to the United States Court of Claims) to hear, determine and render judgment on the claim of the Growers Association for its damages and losses sustained as a result of the erroneous cotton grading. Third, it sets a short statute of limitations to apply to the claim. Finally, it provides a procedure for payment of any judgment without resort to present or future legislative appropriations.

The admission of liability is, in light of the egregious errors here involved, neither inappropriate nor unprecedented. It would be unfair to the association to force it to prove that graders acted negligently with respect to each lot classed, as might well be necessary without legislative establishment of liability. This could necessitate extensive expert witness involvement and unfairly and unnecessarily draw out any trial on the claim, increasing the cost to the association of recovering its damages. Furthermore, there is ample legislative precedent for admission of such liability, as set forth in the following section.

The establishment of jurisdiction in the Claims Court assures the association that it would have its day in court just as it would have had it elected to require producers to use private graders to class their cotton. Moreover, the Claims Court would be a geographically neutral forum, experienced in managing large and complex claims.

The legislation also adopts a short statute of limitations to apply to the claim. This avoids any issue as to which statute of limitations would apply (that of the state or the Federal Tort Claims Act) and requires the association promptly to commence its action, diminishing the amount of any interest cost for which the government might be liable.

Finally, the legislation provides a means for payment of any judgment rendered without requiring any present appropriation (the amount of which cannot now be known with exactness) or any future appropriations (which would face the inevitable delays of the legislative process). As structured, any judgment would be paid out of the same funds as judgments on claims under the Federal Tort Claims Act.[3]

The proposed legislation, unlike many other private bills, requires no legislative judgment as to the amount of any idemnity. It also reserves completely to the government the defense that some or all of the damages sustained by the association may have resulted from its own conduct. It merely assures the Growers Association that it will have the same right to litigate its claim for damages as it would have had private (rather than governmental) graders been used.

PRECEDENTS FOR THIS LEGISLATION

The federal statutes and reports contain innumerable instances where Congress has conferred special jurisdiction, waived a defense or admitted liability for claims arising from conduct of the United States government or its employees.[4]

The proposed bill is based upon Private Law 88-346 (79 Stat. 1195) in which certain named spinach growers in Colorado were permitted to sue for their losses sustained because of erroneous representations by FDA that their crop had been contaminated by the pesticide heptachlor. The opinion ultimately rendered is reported under the caption *Mizokami* v. *United States,* 414 F. 2d 1375 (Ct. Cl. 1969).[5] That decision acknowledged the legislative determination of liability and then dealt with the amount of damages to be recovered. Under this proposed legislation the issue of liability would not be reached in the authorized litigation, which would focus entirely on the damages proximately caused by the government's conduct.

Thus, there is ample precedent for this legislation, and under the proposed bill the interests of the United States in assuring that the Growers Association would recover only for damages resulting directly from government conduct would be protected.

PRIVATE LAW 88-346

[78 Stat. Private Law 88-348—Oct. 6, 1984]

(October 6, 1964, [H.R. 3642])

An act for the relief of Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred on the United States Court of Claims to hear, determine, and render judgment on the claims of Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami, jointly, doing business as Mizokami Brothers Produce, of Blanca, Colorado, based upon damages and losses allegedly sustained as the result of erroneous determinations by the Food and Drug Administration in 1962 that spinach grown by the said Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami, jointly, doing business as Mizokami

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[2] On December 9, 1982 in the hope that USDA might elect not to assert immunity, the Growers Association did submit a claim to that agency. To date, no action has been taken either granting or denying that claim, and the association has received no indication that USDA is inclined to act favorably on it. Under the Federal Tort Claims Act, any claim not disposed of by an agency within six months of being filed shall be deemed finally denied and an injured party may then commence judicial action thereon. 28 U.S.C. 2675(a).

[3] It is understood that those judgments are paid by the Treasury Department from funds earmarked for this purpose.

[4] *Glidden Co.* v. *Zdanok,* 370 U.S. 530 (1962); *Pope* v. *United States,* 323 U.S. 1 (1944); *Indians of California* v. *United States,* 98 Ct. Cl. 583 (1942); *United States* v. *Central Eureka Mining Co.,* 357 U.S. 155 (1958); *Hempstead Warehouse Corp.* v. *United States,* 98 F. Supp. 572 (Ct. Cl. 1964).

[5] A copy of Private Law 88-346 and decision of the Court of Claims in the *Mizokami* case is attached hereto.

Brothers Produce, of Blanca, Colorado, was contaminated by the pesticide heptachlor. Suit upon such claims may be instituted any time within one year of the date of approval of this Act.

Approved October 6, 1964.

[MIKE MIZOKAMI, SAM MIZOKAMI, TOM MIZOKAMI, AND HATSUYO MIZOKAMI *v.* THE UNITED STATES, No. 5-65, UNITED STATES COURT OF CLAIMS, JULY 16, 1969]

F. Trowbridge vom Baur, Washington, D.C., for plaintiffs, George M. Coburn and Geoffrey T. Keating, Washington, D.C., of counsel.

R. W. Koskinen, Washington, D.C., with whom was Asst. Atty. Gen. William D. Ruckelshaus, for defendant.

Before Cowen, Chief Judge, and Laramore, Durfee, Davis, Collins, Skelton and Nichols, Judges.

OPINION

Per Curiam:

This case was referred to Chief Commissioner Marion T. Bennett with directions to make findings of fact and recommendation for conclusions of law under the order of reference and Rule 57(a). The commissioner has done so in an opinion and report filed on November 29, 1968. Exceptions to the commissioner's findings of fact and recommended conclusion of law were filed by the parties and the case has been submitted to the court on oral argument of counsel and the briefs of the parties.

The court is in agreement with the opinion, findings and recommended conclusion of law of the commissioner with certain changes and it incorporates and adopts the same, with changes and modifications, as hereinafter set forth, as the basis for its judgment in this case. Therefore, plaintiffs are entitled to recover and judgment is entered for plaintiffs in the sum of $301,974.33.

Chief Commissioner Bennett's opinion, as modified by the court, is as follows:

Plaintiffs, partners in Mizokami Brothers Produce, growers and shippers of fresh vegetables, are the largest growers of summer spinach in the United States. From their main location at Blanca, Colorado, plaintiffs ship most of their summer spinach crop to the eastern United States, where it is washed, graded, and made up in 10- and 20-ounce packages ready for household use by firms in the prepackaged vegetable industry.

Between July 16 and August 17, 1962, agents of the Food and Drug Administration (FDA) took samples from 10 cars of spinach shipped by plaintiffs to various customers to check for possible violations of the Federal Food, Drug, and Cosmetic Act. 21 U.S.C. § 301 et seq. As to eight of the cars, plaintiffs, were advised that no unallowable pesticide contamination had been found. By means of paper chromatographic testing, however, FDA determined that two shipments to Muller Foods Company of Jersey City, New Jersey, were contaminated with heptachlor, a pesticide for which FDA regulations allowed no human tolerance on spinach. The samples had been taken on August 6, 1962, and, on August 10, 1962, FDA notified Muller of its findings and directed that no further use be made of the spinach. On the same date, FDA secured an embargo on the remaining spinach by the Jersey City Board of Health. One of the two cars had already been unloaded, while the other still contained 418 bushels of spinach. On August 14, 1962, defendant filed a libel of seizure and condemnation against the 418 bushels of spinach in the United States District Court for New Jersey on grounds that it was contaminated or adulterated within the meaning of 21 U.S.C. §§ 342(a)(2)(B) and 346a(a). Under date of August 17, 1962. FDA officially notified plaintiffs of the heptachlor finding.

Plaintiffs took numerous steps to check the accuracy of the FDA finding and to investigate potential sources of contamination after hearing of the finding from the Muller Foods Company on August 10, 1962. Plaintiffs retained William R. Bradley and Associates, chemists, of Newark, New Jersey, and Dr. Polen of the Velsicol Corporaton of Chicago and the inventor of heptachlor, to test samples of the condemned spinach. Tests by both proved negative as to the presence of heptachlor. On August 30, 1962, plaintiff Mike Mizokami and counsel appeared at an FDA hearing in Denver, denying ever having used heptachlor, and presenting results of their fruitless search for a source of contamination.

At this juncture, the FDA sent a sample of the condemned spinach to Washington for analysis by gas chromatography, a procedure considerably more sensitive than paper chromatography. By letter of September 24, 1962, the Deputy Commissioner of FDA admitted to plantiffs that the original analysis by paper chromatography was in error and that the gas chromatographic analysis had not confirmed the presence of heptachlor.

Plaintiffs now claim damages resulting from FDA action in the amount of $543,879.96, stemming from four main alleged sources as follows: (1) discing under spinach forced by defendant's error, $438,593.75; (2) sales of spinach at lower prices in the 1962 and early 1963 summer spinach seasons, $75,633.76; (3) cost of Colorado counsel, $6,651.35; (4) miscellaneous travel, telephone, legal, and other expenses, $23,001.10.

Plaintiffs are before the court under Priv. L No. 88-346, 78 Stat. 1195 (1964), which provides as follows:

> * * * That jurisdiction is hereby conferred on the United States Court of Claims to hear, determine, and render judgment on the claims of Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami, jointly, doing business as Mizokami Brothers Produce, of Blanca, Colorado, based upon damages and losses allegedly sustained as the result of erroneous determinations by the Food and Drug Administration in 1982 that spinach, grown by the said Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami, jointly, doing business as Mizokami Brothers Produce of Blanca, Colorado, was contaminated by the pesticide heptachlor. Suit upon such claims may be instituted any time within one year of the date of approval of this Act.

Past special jurisdictional acts can be placed on one of two general categories. One type of act is designed merely to waive some affirmative defense which the United States could presumably otherwise effectively plead. Such acts have waived defenses based on statutes of limitations,[1] as well as those based on the principle of res judicata.[2]

The other type of act additionally embraces an admission of liability by the United States and leaves a greater or lesser number of the factual and legal questions relating to damages for the court. Pope v. United States, 323 U.S. 1, 65 S.Ct. 16, 89 L.Ed. 3 (1944); Indians of Cal. v. United States, 98 Ct.Cl. 583 (1942), *cert. denied,* 319 U.S. 764, 63 S.Ct. 1324, 87 L.Ed. 1714 (1943). *See generally,* Glidden Co. v. Zdanok, 370 U.S. 530, 566-567, 82 S.Ct. 1459, 8 L.Ed.2d 671 (1962).

[1] It is clear that Priv.L.No. 88-346, *supra,* constitutes a waiver of the sovereign immunity which defendant could otherwise claim in this case. In the absence of the special act, any suit on the above-stated facts under the Federal Tort Claims Act, 28 U.S.C. §§ 2671 et seq., would be precluded by 28 U.S.C. § 2680(h), which expressly excepts from the Tort Claims Act waiver of sovereign immunity "[a]ny claim arising out of * * * misrepresentation * * *." In Jones v. United States, 207 F.2d 563 (2d Cir.1953), *cert, denied,* 347 U.S. 921, 74 S.Ct. 518, 98 L.Ed. 1075 (1954), plaintiffs sought damages for an alleged misrepresentation by the Director of the United States Geological Survey as to the oil production potential of certain realty which the United States had leased to a corporation in which plaintiffs were substantial stockholders. Though USGS had sufficient information available to compute accurately the productive capacity of the land, the Director supplied plaintiffs with a much lower figure than was utimately recovered, thereby inducing them to sell their stock at an insufficient price. Plaintiffs' complaint was based on theories of both negligent and willful misrepresentation. Dismissal was affirmed by Judge Frank in these words:

> Plaintiffs' second cause of action asserts willful misrepresentation. This claim is clearly barred by Sec. 2680(h) of the [Tort Claims] Act. * * * We think the first cause of action, for negligence, is also barred. Section 2680(h) prohibits suits against the government on claims arising out of "assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights." As "deceit" means fraudulent misrepresentation, "misrepresentation" must have been meant to include negligent misrepresentation, since otherwise the word "misrepresentation" would be duplicative. [207 F.2d at 564.]

Defendant's motion to dismiss for failure to state a claim was likewise granted in

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[1] United States v. Central Eureka Mining Co., 357 U.S. 155, 78 S.Ct 1097, 2 L.Ed 2d 1228 (1958); United States v. Alcea Band of Tillamooks, 329 U.S. 40, 07 S.Ct 167, 91 L.Ed. 29 (1946); Northwestern Bands of Shoshone Indians v. United States, 324 U.S. 335, 65 S.Ct 690, 89 L. Ed. 985 (1945); Erwin v. United States, 97 U.S. 392, 24 L.Ed 1965 (1878); Aragona Constr. Con. v. United States, 165 Ct Cl. 382 (1964); Hempstead Warehouse Corp. v. United States, 98 F.Supp. 572, 120 Ct.Cl 291 (1951); Coos Bay Lower Umpqua & Siuslaw Indian Tribes v. United States, 87 Ct.Cl 143 (1938), *cert. denied,* 306 U.S. 653, 59 S.Ct 642, 83 L. Ed. 1052 (1939); Duwamish, etc., Indians v. United States, 79 Ct.Cl. 530 (1934), *cert. denied,* 295 U.S. 755, 55 S.Ct. 913, 79 L.Ed. 1698 (1935); Assiniboine Indian Tribe v. United States, 77 Ct. Cl. 347 (1933), *appeal* dismissed, *cert denied,* 292 U.S. 606, 54 S.Ct 772, 78 L.Ed. 1467 (1934).

[2] Cherokee Nation v. United States, 270 U.S. 476, 46 S.Ct. 428, 70 L.Ed 694 (1926).

Anglo-American & Overseas Corp. v. United States, 242 F. 2d 236 (2d Cir. 1957), aff'g 144 F. Supp. 635 (S.D. N.Y. 1956). At issue there was an alleged misrepresentation by the FDA that certain tomato paste imported by plaintiffs complied with standards of the Pure Food and Drug Act. The court held that the claim

> * * * "arose out of" the assertedly negligent representation of the quality of the tomato paste by federal employees. Such a claim is barred by Jones v. United States, 2 Cir., 207 F. 2d 563, certiorari denied 347 U.S. 921, 74 S. Ct. 518, 98 L. Ed. 1075, which held that Section 2680(h) * * * excepted from liability negligent as well as intentional misrepresentation, [242 F. 2d at 237.]

The Tenth Circuit adopted a similar position, granting summary judgment for defendant in Hall v. United States, 274 F. 2d 69, 71 (10th Cir. 1959), because

> * * * [p]laintiff's loss came about when the Government agents misrepresented the condition of the cattle, telling him they were diseased when, in fact, they were free from disease. The claim is that this misrepresentation caused plaintiff to sell his cattle at a loss. * * * Misrepresentation as used in the exclusionary provision of the * * * [Tort Claims Act] was meant to include negligent misrepresentation.

The Supreme Court, in reversing a Fourth Circuit holding that the United States was liable to a home purchaser who was the victim of a negligently made appraisal by the Federal Housing Administration, settled the negligent misrepresentation question in favor of the Government, citing the *Jones, Anglo-American & Overseas Corp.*, and *Hall* cases, *supra.* United States v. Neustadt, 366 U.S. 696, 81 S. Ct. 1294, 6 L. Ed. 2d 614 (1961). The Supreme Court in *Neustadt* noted that it could not accept the lower court's reasoning that the misrepresentation involved was merely "incidental" to the plaintiff's claim. The Court then held that it was

> * * * in accord with the view urged by the Government, and unanimously adopted by all Circuits which have previously had occasion to pass on the question, that § 2680(h) comprehends claims arising out of negligent, as well as willful, misrepresentation. [366 U.S. at 702, 81 S. Ct. at 1298.]

The Court of Claims has recently denied, because of 28 U.S.C. § 2680(h), any recovery on the legal claim in a congressional reference case based on negligent misrepresentation by an Agriculture Department official that certain potatoes would meet the import requirements of Sweden, O'Donnell v. United States, 166 Ct.Cl. 107, 109 (1964).

The legislative history of the special jurisdictional act now before the court indicates that Congress was well aware of the Tort Claims Act bar against plaintiffs. The House and Senate Judiciary Committees each said:

> The committee feels that the Government's admission of error and expression of regret for the incident is a commendable act. However, as is apparent in this appeal for legislative relief, the Mizokami Bros. have *no other way to be compensated* for any damages or losses caused by the Government's erroneous action but to appeal to Congress. [H.R.Rep. No. 1659, 88th Cong., 2d Sess. 3 (1964); S.Rep. No. 1578, 88th Cong., 2d Sess. 3 (1964) (emphasis added).]

The committee report in each House also sets out letters from the Departments of Justice and Health, Education, and Welfare which cite the Tort Claims Act doctrine discussed above and recommend denial of relief to plaintiffs. H.R.Rep. No. 1659, *supra* at 4-7; S.Rep. No. 1578, *supra* at 5-8.

It thus seems certain that the sovereign immunity bar was lifted by the provision that "jurisdiction is hereby conferred" on this court to "hear, determine, and render judgment" on plaintiffs' claims. Priv.L.No. 88-346, *supra.* To hold otherwise would be to presume that Congress passed the bill in question merely to send plaintiffs to this forum for a ritual confirmation of the *Neustadt* rule and concomitant dismissal of their petition.

It is concluded, however, that Congress has gone one step further and conceded liability for the actions of the FDA. The committee report in each House contains the following crucial wording:

> The persons affected have appealed to the Congress for relief because the Government did not finally correct its erroneous determination until a considerable period of time had elapsed and as a result the growers suffered losses and difficulties in connection with their business.
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> * * * * *
>
> * * * The committee finds that it must disagree with the conclusion of the Department of Health, Education, and Welfare that relief should not be extended in this case. * * *
>
> It is not enough to say that a mistake by the Government should be borne by the individual harmed in the absence of general legislation. * * * The Congress has the power to grant relief and it seems only right that a remedy should be provided. However, this committee feels that questions concerning the quantum of damages and whether a sufficient connection can be proven between the Government's action and the alleged losses are most properly determined by a court. Under a jurisdictional bill, these matters must be proven by competent evidence in accordance with the rules and procedures of the Court of Claims. [H.R.Rep. No. 1659, *supra* at 2, 4; S.Rep. No. 1578, *supra* at 4-5 (emphasis added).]

Though perhaps it could more clearly have so provided, it thus appears that Congress has left the factual and legal questions relating to causation and damages, matters especially appropriate for judicial determination, for this court, having first determined liability itself. It has exercised its power to provide for the payment of debts [3] and has imposed on the Government "a new obligation where there has been none before" by recognizing a claim "merely moral or honorary." Pope v. United States, *supra* 323 U.S. at 9, 65 S.Ct. at 21; *see* United States v. Realty Co., 163 U.S. 427, 16 S.Ct. 1120, 41 L.Ed. 215 (1896).

Defendant cites Aragona Constr. Co. v. United States and Hempstead Warehouse Corp. v. United States, *supra,* in opposition to this viewpoint. In the former case, however, the jurisdictional bill contained the following provision:

> * * * Proceedings for the determination of such claim and review thereof, and payment of any judgment thereon, shall be had as in the case of claims over which such court has jurisdiction under section 1491 of title 28 of the United States Code.
>
> * * * Nothing contained in this Act shall be construed as an inference of liability on the part of the United States Government. [165 Ct.Cl. at 393.]

The jurisdictional bill in the *Hempstead Warehouse Corp.* case likewise provided that

> * * * [p]roceedings for the determination of such claim, and appeals from, and payment of, any judgment thereon shall be in the same manner as in the case of claims over which the Court of Claims has jurisdiction under section 145 of the Judicial Code, as amended. [98 F.Supp. 572, 120 Ct.Cl. at 292.]

No reference to the general jurisdictional act of this court or to any other general jurisdictional act is made in Priv. L.No. 88-346, *supra.* The two cases cited by defendant, therefore, are inapposite to the instant one.

[2] It is agreed that plaintiffs disced under 335 acres of quality spinach in the latter part of the 1962 season and that they obtained lower average prices for their 1962 and early 1963 crops than for those in 1961 and early 1962, respectively. It is as to the cause of that situation that parties differ, plaintiffs ascribing it to the FDA and defendant blaming an allegedly weak market for summer spinach.

Defendant claims that a 37-percent drop over the 1959-65 period in combined rail and truck unloads of fresh spinach in the New York, Philadelphia, and Boston markets (where six of plaintiffs' seven major customers are located) demonstrates an overall weakness in the fresh spinach market due to competition from frozen spinach. It is doubtful that this one statistic establishes such a broad conclusion. In addition, plaintiffs' spinach is shown to be of such high quality that it actually does not compete with most other varieties. This fact seriously weakens that portion of defendant's evidence which is based on the market for spinach in general.

Plaintiffs have also proved that from 1957-65, except for 1962 (after July 16) and early 1963, the demand for Mizokami spinach far exceeded the supply, necessitating a procedure whereby plaintiffs' eastern broker would prorate cars among customers, filling but a given percentage of each order to prevent one customer from gaining a competitive advantage. Even assuming, *arguendo,* that the general fresh spinach market has declined, such hypothetical decline appears not to have affected plaintiffs in the years just before and after those in question and, by reasonable inference, not in 1962 and early 1963.

Defendant has based considerable argument on price figures for the New York wholesale market, though testimony of defendant's principal witness shows that such figures include transportation costs, profit for the wholesaler, and possibly other items. Since the prices relevant to this case are those for which plaintiffs sell spinach *f.o.b.* Blanca, Colorado, even if any conclusions significantly favorable to defendant could be drawn from the New York figures, which conclusions are not shown, they would be of indirect analogical value at best.

A marketing and acreage guide issued by the Agricultural Marketing Service of the Department of Agriculture in February 1962 noted that the 1961 eastern spinach crop suffered heat damage during the fall harvest, thereby aiding the Colorado growers; it went on to suggest a planting increase for 1962 in Colorado spinach of 5 percent over 1961. Defendant points to the fact that combined rail and truck unloads of fresh spinach from all areas in the New York, Philadelphia, and Boston markets increased about 7 percent from the summer spinach season (June-October) of 1961 to that of 1962 to prove that Colorado growers ignored the AMS guide and overplanted, thereby glutting the market. It likewise seems doubtful that an increase in unloads from *all areas* in only *three cities* can be deemed to demonstrate a substantial overplanting in Colorado. Alternatively, one could argue from defendant's reasoning about the 37-percent drop in unloads, 1959-65, *supra*, that the 7-percent increase indicates a good market for summer spinach. Defendant would have it so that an increase in an unload figure shows an overplanting, while a decrease shows a weak market.

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[3] U.S. Const. Art. I, § 8. If Congress had not intended to admit liability, it could, and doubtless would, have referred the bill pursuant to the congressional reference procedures, 28 U.S.C. §§ 1492, 2509, for advice on the equitable right, if any, of plaintiffs to recover.

Plaintiffs, on the other hand, deal more specifically with the product in issue, relying on their proof of exceptional quality and inability to meet demand. Plaintiffs also produce expert testimony that their increase of 260 acres between 1961 and 1962 would not have hurt their market. Proof is adduced to indicate that the demand in early 1962 of *plaintiffs'* customers, specifically, was strong.

Against this, defendant establishes that George Russ, of Center, Colorado, shipped some 57,224 bushels of spinach in 1962, in a 1-year project, and that he obtained prices near those received by plaintiffs. His entry into the market is suggested as a cause of the discing under and sales losses.

Although neither Daniel J. Storey, a Philadelphia customer then buying spinach through Hyman Rubin, nor Earlis R. Mead, market reporter for the Consumer Marketing Service of the Department of Agriculture in New York City, was contemporaneously aware of Mizokamis' FDA problems in 1962, plaintiffs establish that news travels fast in the produce business and that the overall effect of the stoppages and erroneous determination was to depress their business and force price cuts. Ernest LaBarba, of Dallas, Texas, started buying from competitors after FDA stoppage of a shipment to him on July 16, 1962, and resumed business with plaintiffs only because of dissatisfaction with other spinach. Community Produce of Boston, one of plaintiffs' seven major customers, bought no spinach from plaintiffs between August 4 and August 27, 1962, having had cars from Mizokami intercepted on August 2 and August 6, 1962. Hyman Rubin, plaintiffs' eastern broker, estimates that the FDA problem prevented his handling at least an additional 55 cars (46,200 bushels) of Mizokami spinach in 1962.

In sum, plaintiffs demonstrate a sufficient connection between the actions of defendant and their discing under and sales losses. Because, then, plaintiffs would have been able to sell their entire 1962 crop at substantial prices but for the FDA problem, the facts that 1962 sales to plaintiffs' seven major customers dropped only 8 percent from 1961, that plaintiffs sold more spinach between August 20 and September 24 in 1962 than in 1961 or 1963, and that plaintiffs' prices rose moderately in the latter part of the 1962 season, are of little avail to defendant. For example, because of the acreage increase in 1962, plaintiffs should have sold *considerably* more spinach to their seven major customers and should have sold *considerably* more during the August 20-September 24 period for 1962 than for 1961 or 1963. Additionally, the mere fact that a moderate price increase occurred does not change the more crucial facts that prices were, for the duration of the August 10-September 24 period, lower in 1962 than in previous years and that the normal price increase expected in late August each year was smaller than usual in 1962. The proof adduced by defendant, therefore, fails to dispute the conclusions warranted by plaintiffs' evidence.

Having determined that "sufficient connection [has been] proven between the Government's action and the alleged losses," it remains for this court to ascertain "the quantum of damages." H.R.Rep. No. 1659, *supra* at 4; S.Rep. No. 1578, *supra* at 4. Such damages are recoverable only to the extent that they were "sustained as the result of erroneous determinations by the FDA. Priv.L.No. 88-346, *supra*. The first of such determinations having been made on August 10, 1962, plaintiffs' damages prior to that date (*i. e.*, from the date of the first FDA sampling on July 16) are not recoverable under the jurisdictional Act.

In Story Parchment Co. *v.* Paterson Parchment Paper Co., 282 U.S. 555, 562, 51 S.Ct. 248, 250, 75 L.Ed. 544 (1931), the Supreme Court explained that

> * * * there is a clear distinction between the measure of proof necessary to establish the fact that petitioner had sustained some damage and the measure of proof necessary to enable the jury to fix the amount. The rule which precludes the recovery of uncertain damages applies to such as are not the certain result of the wrong, not to those damages which are definitely attributable to the wrong and only uncertain in respect of their amount.

The Court of Claims has followed this general rule of damages, noting that it "is a settled principle that where the fact of damage has been established, absolute certainty or precise mathematical accuracy as to the amount of damages is not necessary." Dale Constr. Co. *v.* United States, 168, Ct.Cl. 692, 729 (1964), and cases cited therein; *accord*, Specialty Assembling & Packing Co. *v.* United States, 355 F.2d 554, 174 Ct.Cl. 153, 184 (1966), and cases cited therein; Adams *v.* United States, 358 F.2d 986, 993, 175 Ct.Cl. 288, 299 (1966); Luria Bros. & Co. *v.* United States, 369 F.2d 701, 712-713 (1966), 177 Ct.Cl. 676, 695-696 (1966).

It is accordingly concluded that, absent the actions of the FDA in 1962, plaintiffs could have sold the crop on the 335 acres which were eventually disced under, or abut 134,556 additional bushels of spinach. It is further concluded that plaintiffs could have obtained an average price of $2.22 per bushel for their entire crop in 1962, such price being the overall average price received both in 1961 and 1963, so that, allowing for harvesting costs of $0.53 per bushel, an additional $227,399.64 would have been realized from the acreage not sold at all, as well as an additional $49,904.65 from the acreage sold at depressed prices, from August 10, 1962, through the end of the 1962 season, for an average of $1.83 per bushel. Finally, but for the last vestiges of the heptachlor problem, plaintiffs would have received about $2.07 per bushel for the first 25,320 bushels sold in 1963 rather than the actual figure of $1.89 per bushel, thereby increasing their revenue $4,557.60.

All 165 hours of office time and all 31 days of travel time expended by plaintiffs' Colorado counsel, Mr. Whitford W. Myers, were related very closely to the heptachlor finding, in that they concerned the possibility of a Tort Claims Act action, reestablishing satisfactory relations with eastern customers, and preparation and prosecution of plaintiffs' endeavor to obtain legislative relief, culminating in the act under which this suit is brought. With regard to plaintiffs' claim for recovery of those expenses, defendant does not challenge the amount of time expended or the valuation placed thereon, but argues that plaintiffs should recover only for those services rendered prior to September 24, 1962, the date of FDA's letter of apology, citing Piggly Wiggly Corp. v. United States, 81 F.Supp. 819, 112 Ct.Cl. 391, (1949).[4] By its argument, defendant appears to agree with plaintiffs that the special jurisdictional act contemplates recovery of such fees, but urges that they must be limited, as aforesaid, to make the recovery on this item only $1,125.

There is no basis in logic or in the legislative history to choose the date of the FDA letter of apology to bar further recovery of Colorado counsel expenses, as all of Mr. Myers' work was equally related to defendant's error and plaintiffs' efforts to minimize its effects and ultimately to be made whole for them. It is also worthy of note that the services for which recovery is sought were all rendered prior to enactment of the jurisdictional act on October 6, 1964, and, therefore, not directly involved in the preparation and presentation of this lawsuit. Plaintiffs are entitled to recover $7,301.35,[5] representing 165 hours of office time at $15 per hour, 31 days of travel time at $150 per day, and $176.35 in reimbursement of expenses.

Defendant does not challenge plaintiffs' recovery of the following items: (1) $1,591.30 for the value of the condemned spinach and storage, icing, and other expenses incident thereto; (2) $146.18 for expenses of th FDA hearing in Denver on August 30, 1962; (3) $185 for analysis of a sample of the condemned spinach by William R. Bradley and Associates, chemists, of Newark, New Jersey; (4) $315.60 for telephone expense of calls to counsel, customers, and chemists and other matters related to the FDA error through June 1963; and (5) $861 for legal expense in defense of the New Jersey libel suit.

Plaintiffs claim an additional $221.36 for telephone expense incurred due to the heptachlor problem for the period July 1963-June 1964. No reason appears to accept June 1963 as an arbitrary cutoff date for recovery of plaintiffs; telephone expense, all of which is equally related to defendant's actions and all of which was incurred before the jurisdictional act became law.

There is a failure of proof with regard to plaintiffs' claim for $1,507.50 direct labor expense of discing under the 335 acres in 1962.

Although Hyman Rubin sustained a loss of $5,437.06 in July and August 1962 on Mizokami spinach which he was unable to sell because of the FDA situation, the evidence fails to establish any preexisting obligation of the Mizokamis to reimburse Rubin for any of their spinach which for some reason he could not sell. Absent such proof, the sum claimed is not a loss sustained by plaintiffs and is therefore not susceptible of re-

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[4] The court there referred to "the general rule that attorneys fees are not allowed in suits against the United States in the absence of an express statutory provision allowing them * * *." [81 F.Supp. at 829, 112 Ct.Cl. at 432.] This was a termination claim arising under the Contract Settlement Act which did not provide for attorneys' fees. *See also* Rash v. United States, 360 F.2d 940, 947, 175 Ct.Cl. 797, 810-811 (1966).

[5] Plaintiffs paid Mr. Myers $650 and seek $6,651.35 in their claim for Colorado counsel expense. The larger sum allowed includes the $650 and accordingly deletes it from plaintiffs' claim for miscellaneous expense to avoid duplication and for uniformity.

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covery under the terms of Priv.L.No. 88-346, *supra.*

Finally, plaintiffs are entitled to recover the travel expense (beyond Mike Mizokami's normal one annual business visit to eastern customers) necessitated by defendant's error through the date of passage of the jurisdictional act which commenced the judicial phase of their quest for relief. Such expense emanated from consultations with counsel, with FDA, with Congress, and with plaintiffs' eastern customers and amounts to $9,490.65.

In summary, it is concluded that Priv.L.No, 88-346, *supra*, is a special jurisdictional act which also concedes liability for actions of the FDA. Compensable damages sustained by plaintiffs include $227,399.64 for spinach disced under, $49,904.65 for sales of spinach at reduced prices (subsequent to August 10) in the 1962 season, and $4,557.60 for sales at reduced prices in the early 1963 season. Plaintiffs additionally are entitled to recover $7,301.35 for Colorado counsel expenses and $12,811.09 for miscellaneous travel, telehone, legal, and other expenses, all of which were directly related to the FDA actions.●

By Mr. CRANSTON:

S. 2068. A bill to provide funds for construction of irrigation facilities in the Pleasant Valley Water District, Calif.; to the Committee on Energy and Natural Resources.

CONSTRUCTION OF IRRIGATION FACILITIES IN THE PLEASANT VALLEY WATER DISTRICT

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to include the Pleasant Valley Water District within the boundaries of the San Luis unit of the Central Valley project and to authorize funds for construction of irrigation facilities in the district.

Mr. President, the Pleasant Valley Water District is located in the agriculturally rich San Joaquin Valley of California near the community of Coalinga. For some time, the district has been interested in building a water distribution system to bring water from the San Luis unit of the Central Valley project to the district to irrigate agricultural lands now served by ground water. If included in the service area of the CVP, the district would be eligible to borrow moneys for the construction of the distribution system from the Bureau of Reclamation to be repaid over a period of 40 years without interest if the lands in the district are qualified. To be qualified, ownership cannot exceed 160 acres for a single owner, 320 acres for certain corporations, or up to 960 acres for individuals under certain circumstances, under Federal reclamation law as amended by Congress in 1982. Moreover, within 5 years from the date of the initial delivery of project water, any excess land must be disposed of at prices which do not reflect the enhanced value of the land from the project water.

In the past it has not been feasible for the Pleasant Valley Water District to build the distribution system because of the lack of participation by Standard Oil of California. The company owns almost half of the land in the district—17,000 acres of the 38,000 acres—far exceeding the acreage limitation. Last month, however, Standard Oil agreed to sell its excess lands under recordable contracts—contingent upon its being able to retain its mineral rights—thereby enabling the district to seek Federal irrigation water.

Standard's decision is vital not only to the future of the Pleasant Valley Water District, but also to that of the nearby agriculturally based community of Coalinga. Both must overcome two serious obstacles to their survival. One is the alarming rate at which the area's groundwater is dropping. The other is the damage to the district's wells and pipes, and to the city of Coalinga itself, caused by an earthquake there last winter. These circumstances have made it questionable whether the area will have the water to survive. Also in question has been whether the community could attract the long-term investment needed to rebuild. If, with Standard's cooperation, Pleasant Valley can now proceed to construct a water distribution system, the opportunity and stimulus for Coalinga's rebirth as a productive agricultural area should be at hand.

The legislation I am introducing today provides the necessary authorization for the Pleasant Valley Water District to proceed with its irrigation project. Specifically the bill includes the water district within the service area of the Central Valley project, authorizes the Secretary of the Interior to sell the district up to 100,000 acre-feet of water, and authorizes the appropriation of $37 million for construction of the water distribution system.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act to authorize the Secretary of the Interior to construct the San Luis unit of the Central Valley project, California, to enter into an agreement with the State of California with respect to the construction and operation of such unit, and for other purposes", approved June 3, 1960 (74 Stat. 160; Public Law 86-468) is amended by—

(1) inserting "(a)" after "Sec. 8."; and

(2) adding at the end thereof the following:

"(b)(1) The Pleasant Valley Water District is made part of the San Luis unit of the Central Valley Project.

"(2) For the purpose of furnishing water for irrigation for any lands within the boundaries of the Pleasant Valley Water District, the Secretary of the Interior is authorized to enter into a contract for the sale of up to 100,000 acre feet of water under the provisions of applicable Federal reclamation law. For the purpose of carrying out the preceding sentence, there is authorized to be appropriated $37,000,000, plus such additional amount, if any, as may be required by the reason of changes in cost of construction of the types involved in the San Luis unit as shown by engineering index.".

By Mr. PRESSLER (for himself and Mr. D'AMATO):

S. 2069. A bill to amend the Small Business Act; to the Committee on Small Business.

BUSINESS DEVELOPMENT PROGRAMS

Mr. PRESSLER. Mr. President, today I am introducing legislation to make a needed clarification in the Small Business Act. I hope that the Senate and the House will move swiftly to address a problem that has developed in two of the SBA's most important loan programs.

Small business development centers have in the past made use of SBA 502 or 503 funds in conjunction with funds from the SBA's 7(a) program to provide needed financing for many worthwhile business development programs. In my home State of South Dakota, funds from the two separate programs (503 and 7a) were successfully combined to allow a new business to become established in a small community. That project will provide over 100 jobs for the area.

The ability to use both development loan funds (502 or 503) and regular business loan money 7(a) has proved very successful in allowing small business growth and expansion in both urban and rural area.

Unfortunately, confusion stemming from passage of the Budget Reconciliation Act of 1981 may discontinue the joint usage of these two programs. It was not the intention of the Congress, in my view, to disallow continued combination of these programs up to a $1 million total; however, the drafting of the Reconciliation Act will have that effect. Under this new interpretation, a total limit of $500,000 would be established—only one-half of the fund level previously available.

The bill I am introducing today with my good friend, the distinguished Senator from New York, Mr. D'AMATO, will simply clarify the intent of Congress in this regard and allow continued combination of the 502 or 503 and 7(a) programs. While no projects have been halted as yet, the failure of the Congress to clear up this issue could leave many potential small business projects stranded. It is my hope that we can pass this legislation before Congress adjourns for the year and heads off any disruption in providing these needed small business funds.

At this point, I would ask that a table be inserted in the RECORD to show the extent of this combination financing in fiscal year 1983. As my colleagues can see, a total of almost $50 million in SBA loans were made with this type of funding. At this time almost $3 million in loan approvals are pending and face possible disruption unless Congress takes swift action.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ESTIMATE OF 503/502 LOANS WITH 7a COMPANION LOANS

	Made fiscal year 1983		Pending	
	Number	Amount	Number	Amount
Region I:				
502/503	30	$7,700,000	[1]	
7(a)	30	5,000,000		
Region II:				
502/503	5	1,895,000	[1]	
7(a)	5	1,659,000		
Region III:				
502/503				
7(a)				
Region IV:				
502/503	9	2,516,000	2	$268,000
7(a)	9	2,735,060	2	550,000
Region V:				
502/503	28		2	
7(a)	28	9,672,000	2	
Region VI:				
502/503	6	315,000	[1]	
7(a)	6	642,500		
Region VII:				
502/503	10	1,407,000	4	296,000
7(a)	10	1,457,000	4	377,000
Region VIII:				
502/503	4	1,076,000	[1]	
7(a)	4	1,169,300		
Region IX:				
502/503	5	1,298,000	1	500,000
7(a)	5	936,000	1	222,000
Region X:				
502/503	28		2	
7(a)	28	9,672,000	2	
Totals:				
502/503	125	16,207,000	11	1,064,000
7(a)	125	32,942,860	11	1,149,000

[1] None.

Mr. PRESSLER. Mr. President, I think it is important to note that the use of 502 or 503 funds in any project is dependent on private sector funding as well. In the 502 and 503 programs, 50 percent of any project's financing must come from non-Federal sources with 10 additional percent provided by the recipient of the funds. Thus, any project using combination funding must have community and private, as well as government, support.

I would urge my colleagues to make themselves familiar with the importance of these loan moneys to their own States. I think they will find that without the legal clarification provided in my bill, communities and small businesses all over the country will be losers. The Congress made this error and should move quickly to correct it.

By Mr. HEFLIN:

S. 2070. A bill to amend certain provisions of the Internal Revenue Code of 1954 relating to the reporting of tips in the case of certain food and beverage establishments; to the Committee on Finance.

REPORTING OF TIPS IN THE CASE OF CERTAIN FOOD AND BEVERAGE ESTABLISHMENTS

Mr. HEFLIN. Mr. President, today I am introducing a bill to address many of the problems that have arisen under the tip reporting requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). Restaurant owners, operators, and employees in Alabama, and throughout the country, are rightfully concerned over the tremendous burden placed upon them by the reporting and allocation of restaurant employees' tip income.

As my colleagues will remember, the Senate clearly expressed its opposition to the tip income reporting requirements when it deleted these provisions from TEFRA by a vote of 70 to 25. I cosponsored that amendment and, in a speech before the Senate, stated that Congress would be making a grave error if it imposed this unfair and unworkable burden on the waiters and waitresses of America and the restaurant industry. Unfortunately, the tax bill came back from conference with these provisions added back. I then voted against final passage of TEFRA.

Mr. President, I still strongly believe that these provisions must be repealed. Traveling throughout my home State of Alabama I have listened to the strong concerns expressed over these regulations by waitresses, waiters, and restaurant operators. In response to their concerns I joined with my colleague from South Dakota, Senator PRESSLER, in sponsoring legislation to repeal these provisions. I believe that these requirements would not only generate a bureaucratic nightmare of recordkeeping and reporting for small businesses, but they would also create an adversary relationship between the employer and his employees.

Until Congress repeals the tip reporting law I believe we must provide relief to restaurant owners and employees from the law's most onerous requirement, the allocation provision. Under TEFRA, employers are required to allocate income to an employee that does not report tips aggregating 8 percent or more of gross receipts of the restaurant's sales. This income may or may not have been received by that individual. In rural States, such as Alabama, where tipping is less than the national average, our restaurant employees will be forced to prove they make less than 8 percent of the restaurant sales. This is a novel approach to enforcement of our tax laws and has no parallel in the remainder of the Tax Code. The Federal Government is certainly entitled to collect all taxes owed to it, but it should not require private citizens to become, in effect, revenue agents. This is precisely what this allocation requirement would do. Not only would this requirement place a new financial burden on restaurant owners and operators, it also has the potential of being most damaging to employee/employer relations.

The bill I am introducing would modify the allocation requirements of the tip reporting provisions contained in TEFRA. Essentially, this bill would allow the employer to provide the necessary information to the Internal Revenue Service for it to make determinations of tax liability. Therefore, if the reported tip income of an employee fails to equal or exceed 8 percent of the restaurant's gross receipts, it would be up to the IRS to determine if any tax liability is owed. This would eliminate the process of requiring a restaurant owner or operator to allocate income to an employee and place the burden of proof on the IRS where it rightfully belongs.

Mr. President, this untenable new burden on restaurants and hotels across this country, many of which are small, family operated enterprises, is ill-conceived and unnecessary. Until Congress passes legislation repealing these provisions, my bill will provide needed relief from the tip reporting requirements. I urge my colleagues to give it their whole hearted support.

ADDITIONAL COSPONSORS

S. 699

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 699, a bill to provide for Federal support and encouragement of State, local, and community activities to prevent domestic violence and assist victims of domestic violence, to provide for coordination of Federal programs and activities relating to domestic violence, and for other purposes.

S. 1145

At the request of Mr. DENTON, the name of the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. MCCLURE), the Senator from Florida (Mr. CHILES), and the Senator from North Carolina (Mr. EAST) were added as cosponsors of S. 1145, a bill to recognize the organization known as the Catholic War Veterans of the United States of America, Inc.

S. 1201

At the request of Mr. MATHIAS, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 1201, a bill to amend title 17 of the United States Code to protect semiconductor chips and masks against unauthorized duplication, and for other purposes.

S. 1273

At the request of Mr. SYMMS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1273, a bill to direct the Secretary of Agriculture to conduct, in accordance with law and the intent of the Congress, the pilot project study of alternative means of providing assistance under the school lunch program previously authorized by law, and for other purposes.

S. 1621

At the request of Mr. Humphrey, the name of the Senator from Rhode Island (Mr. Chafee) was added as a cosponsor of S. 1621, a bill to amend the Federal Aviation Act of 1958 to require commercial passenger carrying aircraft to be equipped with smoke detectors and automatic fire extinguisher in all aircraft lavatories and galley areas.

S. 1680

At the request of Mr. Goldwater, the name of the Senator from Nevada (Mr. Hecht) was added as a cosponsor of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1772

At the request of Mr. Matsunaga, the name of the Senator from North Dakota (Mr. Burdick) was added as a cosponsor of S. 1772, a bill to amend title XVIII of the Social Security Act to provide for direct medicare reimbursement for services performed by registered nurse anesthetists.

S. 1913

At the request of Mr. Huddleston, the name of the Senator from Delaware (Mr. Biden) was added as a cosponsor of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1939

At the request of Mr. Matsunaga, the names of the Senator from Louisiana (Mr. Long), the Senator from Texas (Mr. Bentsen), the Senator from New York (Mr. Moynihan), the Senator from Montana (Mr. Baucus), the Senator from Maine (Mr. Mitchell), and the Senator from Arkansas (Mr. Pryor) were added as cosponsors of S. 1939, a bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain property for the energy tax credit, and for other purposes.

S. 1978

At the request of Mr. Dole, the name of the Senator from Wisconsin (Mr. Kasten) was added as a cosponsor of S. 1978, a bill to amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to assure equality of economic opportunities for women and men under retirement plans.

S. 2014

At the request of Mr. Specter, the names of the Senator from Alabama (Mr. Denton), and the Senator from Oklahoma (Mr. Boren) were added as cosponsors of S. 2014, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children.

S. 2031

At the request of Mr. Moynihan, the name of the Senator from Pennsylvania (Mr. Specter) was added as a cosponsor of S. 2031, a bill relating to the residence of the American Ambassador to Israel.

SENATE JOINT RESOLUTION 118

At the request of Mr. Chafee, the name of the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of Senate Joint Resolution 118, a joint resolution to establish the Abraham Lincoln 175th Anniversary Commission.

SENATE JOINT RESOLUTION 141

At the request of Mr. Bingaman, the names of the Senator from Connecticut (Mr. Dodd), the Senator from Colorado (Mr. Hart), and the Senator from Michigan (Mr. Levin) were added as cosponsors of Senate Joint Resolution 141, a joint resolution to designate the week of September 25, 1983, through October 1, 1983, as "Carrier Alert Week."

SENATE JOINT RESOLUTION 165

At the request of Mr. Mathias, the name of the Senator from Arizona (Mr. Goldwater) was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws.

SENATE JOINT RESOLUTION 183

At the request of Mr. Glenn, the name of the Senator from California (Mr. Cranston) was added as a cosponsor of Senate Joint Resolution 183, a joint resolution to recognize the second week of November 1983, as "National Meals-on-Wheels and Congregate Meal Week."

SENATE JOINT RESOLUTION 184

At the request of Mr. Hollings, the name of the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of Senate Joint Resolution 184, a joint resolution to designate the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week."

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. Hollings, the names of the Senator from Mississippi (Mr. Stennis), the Senator from Arizona (Mr. DeConcini), the Senator from West Virginia (Mr. Randolph), the Senator from Montana (Mr. Melcher), the Senator from Michigan (Mr. Levin), the Senator from Ohio (Mr. Metzenbaum), the Senator from Missouri (Mr. Eagleton), and the Senator from New Mexico (Mr. Bingaman) were added as cosponsors of Senate Concurrent Resolution 70, a concurrent resolution expressing the sense of the Congress regarding actions the President should take to commemorate the anniversary of the Ukrainian famine of 1932–33.

SENATE CONCURRENT RESOLUTION 72

At the request of Mr. Moynihan, the names of the Senator from South Carolina (Mr. Hollings), the Senator from New Jersey (Mr. Bradley), the Senator from Maryland (Mr. Sarbanes), and the Senator from Maine (Mr. Cohen) were added as cosponsors of Senate Concurrent Resolution 72, a concurrent resolution calling on the President to appoint a special envoy for Northern Ireland.

SENATE CONCURRENT RESOLUTION 80

At the request of Mr. Dole, the names of the Senator from South Carolina (Mr. Hollings), and the Senator from Maryland (Mr. Sarbanes) were added as cosponsors of Senate Concurrent Resolution 80, a concurrent resolution expressing the sense of the Congress that the President should take all steps necessary to bring the question of self-determination of the Baltic States before the United Nations, and for other purposes.

SENATE RESOLUTION 268

At the request of Mr. Chiles, the names of the Senator from Georgia (Mr. Mattingly), the Senator from Oklahoma (Mr. Boren), the Senator from Texas (Mr. Tower), the Senator from Alaska (Mr. Murkowski), and the Senator from Utah (Mr. Hatch) were added as cosponsors of Senate Resolution 268, a resolution to express the thanks of the Senate to America's educators.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE APPROPRIATION, 1984

BOSCHWITZ AMENDMENT NO. 2518

Mr. BOSCHWITZ proposed an amendment to amendment No. 2517 proposed by Mr. Tower (and others) to the bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes:

Strike out "$2,067,900,000" and insert in lieu thereof "$2,067,900,000: *Provided*, That the Secretary of Defense shall destroy at least the equivalent of two existing chemical weapons for each new binary munition produced—

"(1) by rendering useless at least one existing serviceable chemical artillery shell for every binary munition produced; and

"(2) by reducing, within one year after initiating binary munitions production, the existing stockpile of Department of Defense chemical munitions at a rate not less than the rate of production of new binary munitions;".

RECONCILIATION

GARN AMENDMENT NO. 2519

(Ordered to lie on the table.)

Mr. GARN submitted an amendment intended to be proposed by him to the bill (H.R. 4169) to provide for reconciliation pursuant to section 3 of the first concurrent resolution on the budget for the fiscal year 1984; as follows:

On page 6, between lines 2 and 3, insert the following:

(c) Notwithstanding any other provision of law, there shall not be an increase in rates of pay under section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) by reason of the adjustment provided in subsection (a).

● Mr. GARN. Mr. President, earlier this year this body voted to provide for a 15-percent pay increase for Members of Congress, in exchange for a limitation on outside earned income. I voted very reluctantly for the amendment that made those changes; first, because I felt constrained to support the leadership of this body in getting on with pressing Senate business. Even so, had the amendment only have provided for a pay increase I could not and would not have voted for it. But, as a very real practical matter, the effect of that amendment was to reduce my own level of personal income by more than $30,000 per year. Only because of the fact that the amendment also carried with it, you recall, a limitation of outside income could I justify my vote for that amendment, because the net effect of the amendment was to reduce my own level of personal income by more than $30,000 per year. Though I voted for that amendment, I continue to believe that full public disclosure of all income sources is the preferred method of dealing with outside income. I continue to believe that our electoral process allows the people to decide whether the conduct of their elected officials is acceptable. I continue to prefer to trust in their judgment.

Now we are faced once again with the question of congressional income. This time, as has happened before, we are faced with a back-door approach, that would simply include Members of Congress in the 4-percent pay raise proposed for Federal employees as a part of the Omnibus Reconciliation Act of 1983. Once again we see the Congress securing an increased taxpayer's investment in expanded congressional paychecks without facing an up-or-down vote on the merits of a pay raise.

My intention in offering this amendment today, Mr. President, is to force the Congress to make its case for a salary increase in the full glare of public debate, and not hide a pay raise under the umbrella of an overall increase for Federal workers.

But beyond that desire to force both debate and an up-or-down vote on a pay raise, Mr. President, it is my firm belief that this amendment should be adopted, because we simply should not be allowed a pay increase through the back door. The language of this amendment closes that door for Members of Congress, and I urge my colleagues to support it.

I further urge my colleagues to remember that this amendment does not resolve the larger question of congressional salaries and income. Regardless of the success or failure of this amendment, we must still come to grips with this very difficult and controversial problem of congressional compensation. Year after year, we deal with it on a piecemeal, ad hoc basis. And year after year we are seen to struggle, avoid, play hide-and-seek and generally portray ourselves as unable or unwilling to face up to this admittedly sticky issue.

We are, of course, bound by the nature of our constitutional system to be faced with the question of fixing the terms of our own compensation. The Congress is constitutionally the only forum for resolving this question. Even if we were to pass a law that established a "third party process" for establishing congressional salaries, that process would still be our creature. Short of a constitutional amendment establishing a process for the compensation of Members of Congress, we are stuck with the problem. Frankly, I would support a constitutional solution to the problem. I am continuing to give it some study and I may come back with a recommendation along those lines.

But as we know, a constitutional approach is a lengthy process, and the issue is before us now, and a solution is already long over due.

It seems to me, then, that we must, in the meantime, look for a solution that outlines a process for determining the merits of congressional compensation that could be endorsed and supported by the majority of our citizens, and a solution whose very logic will bind us to its terms, even though we are, as the ultimate law-making body, not irretrievably bound to any legislation which we have ourselves created.

I believe some of the principle elements of such a system would include, at a minimum, a requirement for full public hearings, open debate, and a separate recorded up-or-down roll call vote on any proposed increase, and that no increase thus adopted could take place before each member voting for it had to stand the test of reelection. There are undoubtedly other essential elements of such a process, and I would welcome the thoughts of my colleagues on that score.

Returning now to the proposed amendment, Mr. President. It is simple, and direct, and it simply has the effect of denying the proposed 4-percent pay raise to Members of Congress. It would not affect the proposed increase for other Federal workers; it simply removes the application of the 4-percent adjustment to the formula for fixing legislative compensation, as provided in the Legislative Reorganization Act of 1946 (2 U.S.C. 31[2]), for fiscal year 1984.

I repeat again, Mr. President. This amendment does not resolve this issue for the future, beyond the current fiscal year. I hope that we can find the courage in this body to seriously and conscientiously go beyond this amendment and seek a long-term answer to a difficult question in an open, deliberate and thoughtful process that will demonstrate our desire to deal with the issue of our own compensation in the most forthright, fair, and equitable manner possible, given an inherent, unavoidable constitutionally imposed conflict of interest.●

DEPARTMENT OF DEFENSE APPROPRIATION

TOWER AMENDMENT NO. 2520

Mr. TOWER proposed an amendment to the bill H.R. 4185, supra; as follows:

Strike page 2 through line 4 on page 40, and insert in lieu thereof:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistance, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; *$15,402,901,000.*

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistance, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of Reserve provided for elsewhere), midshipmen, and aviation cadets; *$11,448,872,000: Provided, That notwithstanding any other provison of law, funds made available by this Act shall be available for payment of the Aviation Officer Continuation Bonus pursuant to agreements accepted from officers of all aviation specialties where shortages exist.*

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); *$3,515,659,000: Provided, That notwithstanding any other provision of law, funds made available by this Act shall be available for payment of the Aviation Officer Continuation Bonus pursuant to agreements accepted from officers* *of all aviation specialties where shortages exist.*

Military Personnel, Air Force

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; *$12,903,803,000.*

Reserve Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3019, and 3033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; *$1,426,600,000.*

Reserve Personnel, Navy

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or personnel while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; *$758,600,000.*

Reserve Personnel, Marine Corps

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; *$180,000.*

Reserve Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8019, and 8033 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; *$389,400,000.*

National Guard Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 265, 3033, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; *$1,977,600,000.*

National Guard Personnel, Air Force

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; *$604,400,000.*

TITLE II

RETIRED MILITARY PERSONNEL

Retired Pay, Defense

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and Air Force, including the reserve components thereof, retainer pay for personnel of the Inactive Fleet Reserve, and payments under section 4 of Public Law 92-425 and chapter 73 of title 10, United States Code; $16,592,600,000.

TITLE III

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, not to exceed $8,490,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretry of the Army, and payments may be made on his certificate of necessity for confidential military purposes: *of which* not less than *$1,260,200,000* shall be available only for the maintenance of real property facilities.

Army Stock Fund

For the Army stock fund: *$408,600,000.*

Operation and Maintenance, Navy

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, and not to exceed $2,700,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes: *$22,246,908,000 of which* not less than *$670,700,000* shall be available only for the maintenance of real property facilities: *Provided, That of* the total amount of this appropriation made available for the alteration, overhaul, and repair of naval vessels, not more than *$3,150,000,000* shall be available for the performance of such work in Navy shipyards: *Provided further, That funds* herein provided shall be available for payments in support of the LEASAT program in accordance with the terms of the Aide Memoire, dated January 5, 1981.

Navy Stock Fund

For the Navy stock fund; *$632,869,000.*

Operation and Maintenance, Marine Corps

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, *$1,547,050,000, of which* not less than *$237,100,000* shall be available only for the maintenance of real property facilities.

Marine Corps Stock Fund

For the Marine Corps stock fun; *$22,280,000.*

Operation and Maintenance, Air Force

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law, including the lease and associated maintenance of replacement aircraft for the CT-39 aircraft to the same extent and manner as authorized for service contracts by section 2306(g), title 10, United States Code; *and* not to exceed $4,770,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, *$17,851,756,000 of which* not less than *$1,243,600,000* shall be available only for the maintenance of real property facilities.

Air Force Stock Fund

For the Air Force stock fund; *$1,353,325,000.*

Operation and Maintenance, Defense Agencies

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, *$6,588,344,000, of which $10,000,000 shall be available for the hiring of 400 auditors in the Defense Contract Audit Agency. Provided, That* not to exceed *$8,571,000* can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes. Of the total amount of this appropriation, not less than $78,000,000 shall be available only for the maintenance of real property facilities.

Defense Stock Fund

For the Defense stock fund; *$47,000,000.*

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications *$677,100,000, of which* not less than *$39,500,000* shall be available only for maintenance of real property facilities.

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications *$639,500,000, of which* not less than *$30,000,000* shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications *$52,879,000, of which* not less than $2,200,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications *$790,900,000, of which* not less than *$20,000,000* shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft) *$1,169,800,000, of which* not less than *$41,000,000* shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau, *$1,807,300,000, of which* not less than $38,800,000 shall be available only for the maintenance of real property facilities.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses, in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; and the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; $899,000, of which not to exceed $7,500 shall be available for incidental expenses of the National Board; and from other funds provided in this Act, not to exceed $680,000 worth of ammunition may be issued under authority of title 10, United States Code, section 4311: *Provided,* That competitors at national matches under title 10, United States Code, section 4312, may be paid subsistence and travel allowances in excess of the amounts provided under title 10, United States Code, section 4313.

CLAIMS, DEFENSE

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of the National Guard units thereof; *$172,900,000.*

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; $3,372,000, and not to exceed $1,500 can be used for official representation purposes.

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the XXIII Olympiad) provided by any component of the Department of Defense to the 1984 games of the XXIII Olympiad; *$45,000,000; Provided, That the Department of Defense may also provide support to the Los Angeles Olympic Organizing Committee on a reimbursable basis, with such reimbursements to be credited to the current applicable appropriation accounts of the Department.*

Environmental Restoration, Defense

For expenses, not otherwise provided for, for environmental, restoration programs, including hazardous waste disposal operations and removal of unsafe or unsightly buildings and debris of the Department of Defense, and including programs and operations at sites formerly used by the Department of Defense; $300,000,000 to remain available until expended.

TITLE IV

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment lay-away; and other expenses necessary for the foregoing purposes; *$3,255,530,000,* to remain available for obligation until September 30, 1986.

MISSILE PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necesary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, *to remain available until September 30, 1986.*

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; *$4,698,344,000* and in addition, *$111,600,000,* to be derived by transfer from "Procurement of Weapons and Tracked Combat Vehicles, Army, 1983/1985," to remain available for obligation until September 30, 1986*: Provided, That notwithstanding any other provision of law, within three months after enactment of this Act the Secretary of the Army shall complete and submit to the Committees on Appropriations and Armed Services of the House and Senate a study on the feasibility and cost effectiveness of establishing a second production source for the AGT 1500 engine for the M-I tank, together with the Secretary's determination, based on the findings of such study, whether a second production source contract is in the national interest. The Secretary may implement his determination sixty days after the submission of the findings and determination:*

Provided, That current production of the AGT 1500 engine shall not be interrupted or reduced by the establishment of a second production source.

Procurement of Ammunition, Army

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized in military construction authorization Acts or authorized by section 2673, title 10, United States Code, and the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; *$2,067,900,000* to remain available for obligation until September 30, 1986.

Other Procurement, Army

For construction, procurement, production, and modification of vehicles, including tactical, support (including not to exceed fifteen vehicles required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $100,000 per vehicle), and nontracked combat vehicles; the purchase of not to exceed two thousand one hundred and forty-one passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be required, and construction prosecuted thereon prior to approval of title as required by section 335, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; *$4,753,077,000, of which $24,400,000 shall be available for the M9 Armored Combat Earthmover under a multiyear contract,* to remain available for obligation until September 30, 1986.

Aircraft Procurement, Navy

(including transfer of funds)

For construction, procurement, production, modification, and modernization of aircraft, equipment including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; *$10,396,601,000, and in addition, $22,100,000, to be derived by transfer from "Aircraft Procurement, Navy, 1983/1985"*, to remain available for obligation until September 30, 1986.

Weapons Procurement, Navy

(including transfer of funds)

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, as follows: For missile programs, *$3,034.500,000*; for the MK-48 torpedo program, $124,600,000; for the MK-46 torpedo program, *$212,900,000*; for the MK-30 captor mine program, *$78,500,000*; for the MK-30 mobile target program, *$17,600,000*; for the MK-38 mini-mobile target program, $2,000,000; for the antisubmarine rocket (ASROC) program, $17,300,000; for modification of torpedoes, $111,800,000; for the torpedo support equipment program, $72,100,000; for the MK-15 close-in weapons system program, $120,400,000; for the MK-45 gun mount/MK-6 ammunition hoist, $16,100,000; for the MK-75 gun mount program, $11,100,000; for the MK-19 machine gun program, $900,000; for the 25mm gun mount, $700,000; for small arms and weapons, $2,500,000; for the modification of guns and gun mounts, $13,600,000; for the guns and gun mounts support equipment program, $9,300,000; in all: *$3,764,900,000, and in addition $73,200,000, to be derived by transfer from "Weapons Procurement, Navy, 1983/1985"*, to remain available until September 30, 1986: *Provided,* That within the total amount appropriated, the subdivisions within this account shall be reduced by $36,000,000 for revised economic assumptions.

Shipbuilding and Conversion, Navy

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended, as follows: for the Trident submarine program, *$1,709,000,000* for the T-AK cargo ship conversion program, $900,000; for the SSN-688 nuclear attack submarine program, *$2,042,000,000* for the reactivation of the *U.S.S. Missouri,* $57,700,000: *Provided, That none of these funds shall be available for obligation until the Secretary of the Navy reports to the Committees on Appropriations on the decision whether to implement the phase II battleship modernization, and any decision to proceed with phase II shall be accompanied by a plan for implementation to include cost and schedule data;* for the aircraft carrier service life extension program, $95,900,000; for the CG-47 AEGIS cruiser program, *$3,360,000,000,* for the DDG-51 guided missile destroyer program, *$79,000,000*; for the LSD-41 landing ship dock program, *$406,900,000: Provided, That a multiyear contract may be awarded only after the Secretary of the Navy certifies that real savings of at least 10 percent over competitive annual procurement are available under such multiyear contract*; for the FFG-7 guided missile frigate program *$116,400,000,* and in addition, *the following amounts shall be derived by transfer: from the FFG-7 guided missile frigate program of "Shipbuilding and Conversion, Navy, 1980/1984", $26,500,000; from the FFG-7 guided missile frigate program of "Shipbuilding and Conversion, Navy, 1981/1985", $19,100,000; from SSN-688 nuclear attack submarine, FFG-7 guided missile frigate, T-AGOS ocean surveillance ship, and escalation programs of "Shipbuilding and Conversion, Navy, 1982/1986", $66,000,000; and from the Trident submarine, SSN-688 nuclear attack submarine, FFG-7 guided missile frigate, CVN aircraft carrier, and escalation programs of "Shipbuilding and Conversion, Navy, 1983/1987", $72,000,000; in all, $183,600,000 to be derived by transfer;* for the T-AO fleet oiler ship program, *$335,500,000*; for the MCM mine countermeasures ship program, *$301,000,000*; for the MSH coastal mine hunter program, $65,000,000; for the T-AGS surveying ship program, *$17,000,000*; for the T-AKR fast logistics ship program, *$236,400,000*; for the T-AH hospital ship program, *$176,000,000, and in addition, $44,000,000 to be derived by transfer from the T-AH hospital ship program of "Shipbuilding and Conversion, Navy, 1983/1987";* for the T-AFS combat stores ship program, $11,000,000; for the LHD-1 amphibious assault ship program, *$1,379,700,000*; for the strategic sealift program, $31,000,000; for craft, outfitting, post delivery, cost growth, and escalation on prior year programs, *$1,071,900,000*; in all *$11,184,200,000, and in addition, $227,600,000 to be derived by transfer,* to remain available for obligation until September 30, 1988: *Provided, That additional obligations may be incurred after September 30, 1988, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction; and each Shipbuilding and Conversion, Navy, appropriation that is currently available for such obligations may also hereafter be so obligated after the date of its expiration: Provided further,* That within the total amount appropriated, the subdivisions within this account shall be reduced by $140,500,000, as follows: $27,500,000 for consultants, studies, and analyses, and $113,000,000 for revised economic assumptions: *Provided further,* That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further,* That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

Other Procurement, Navy

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion): the purchase of not to exceed one vehicle required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $100,000 per vehicle and the purchase of not to exceed six hundred and sixty-seven passenger motor vehicles of which six hundred and twenty-five shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, as follows: For ship support equipment, *$677,007,000*; for communications and electronics equipment, *$1,555,233,000*; for aviation support equipment, *$715,928,000;* for ordnance support equipment, $926,162,000; for civil engineering support equipment, $196,622,000; for supply support equipment, *$113,662,000;* for personnel/command support equipment, $323,091,000; in all: *$4,393,705,000*, to remain available until September 30, 1986: *Provided*, That within the total amount appropriated, the subdivisions within this account shall be reduced by *$114,000,000* as follows: $20,000,000 undistributed reduction; $4,000,000 for consultants, studies, and analyses; and $90,000,000 for revised economic assumptions.

Procurement, Marine Corps

For expenses necessary for procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including purchase of not to exceed two hundred and four passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands, and interests therein, may be acquired and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; *$1,765,161,000* to remain available for obligation until September 30, 1986.

Aircraft Procurement, Air Force

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; *$21,124,900,000*, of which $5,626,800,000 shall be available only for purchase of the B-1B bomber under a multiyear contract; of which $112,100,000 shall be available for contribution of the United States share of the cost of the acquisition by the North Atlantic Treaty Organization of an Airborne Early Warning and Control System (AWACS) and, in addition, the Department of Defense may make a commitment to the North Atlantic Treaty Organization to assume the United States share of contingent liability in connection with the NATO E-3A Cooperative Programme; and in addition, *$304,100,000*, which shall be derived by transfer from "Aircraft Procurement Air Force, 1983/1985," of which *$288,200,000* shall be from the A-10 program, *$7,900,000 shall be from the 30mm gun pod program to be available only for the purchase of 30mm gun pods*, and $8,000,000 shall be from the C-130H program to be available only for the purchase of C-130H aircraft; and in addition, *$12,900,000*, which shall be derived by transfer from "Aircraft Procurement, Air Force, 1982/1984," from the Civilian Reserve Airlift Fleet modification program to be available only for the *Civilian Reserve Airlift Fleet* modification program. *Provided*, That none of the funds in this Act may be obligated under the four major fiscal year 1984 production contracts for the B-1B bomber if the current dollar costs of such production contracts would exceed the Air Force's original current dollar estimates for the four major fiscal year 1984 B-1B production contracts based on the production portion of the $20,500,000,000 estimate for the B-1B bomber baseline costs expressed in fiscal year 1981 constant dollars; *to remain available for obligation until September 30, 1986: Provided, That none of the funds appropriated by this Act may be obligated for procurement of the alternate fighter engine until the Secretary of Defense notifies the Appropriations Committees of both the House and the Senate of his approval of the decision made by the source selection authority: Provided further, That nothing in this paragraph shall prohibit award of separate long lead contracts for essential parts and components necessary to meet the required delivery schedule for the alternate fighter engine:*

Missile Procurement, Air Force

(including transfer of funds)

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; *$7,593,407,000 of which $81,600,000 shall be available for the purchase of the phase III Defense Satellite Communication System (DSCS III) under a multiyear contract: Provided, That this authority shall be available only after the Secretary of the Air Force certifies to Congress that at least 10 per centum savings is available under multiyear contracting; and in addition, $55,000,000, to be derived by transfer from "Missile Procurement, Air Force, 1983/1985"*, to remain available for obligation until September 30, 1986.

Other Procurement, Air Force

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed five vehicles required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $100,000 per vehicle and the purchase of not to exceed one thousand two hundred and sixty-one passenger motor vehicles of which seven hundred and thirteen shall be for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be required, and construction prosecuted thereon, prior to approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; *$6,982,231,000* to remain available for obligation until September 30, 1986.

National Guard and Reserve Equipment

For procurement of aircraft, missiles, tracked combat vehicles, and other procurement for the reserve components of the Armed Forces, not to exceed *$176,000,000*, to remain available until September 30, 1986, distributed as follows: Army National Guard, not to exceed $100,000,000; Air National Guard, not to exceed $25,000,000, *Naval Reserve, not to exceed $51,000,000.*

Acquisition, Construction, and Improvements, Coast Guard

For acquisition, construction, and improvements, not otherwise provided for; $300,000,000, to be transferred to the Coast Guard: "Acquisition, Construction, and Improvements," to remain available for obligation until September 30, 1986.

Procurement, Defense Agencies

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed seven vehicles required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $100,000 per vehicle and the purchase of not to exceed seven hundred and twenty-two passenger motor vehicles of which three hundred and ninety-three shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; *$957,646,000*, to remain available for obligation until September 30, 1986.

TITLE V

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, Development, Test, and Evaluation, Army

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $4,181,939,000, of which $15,000,000 shall be available only for integration (including qualification) of the Hellfire missile on the UH-60 helicopter, to remain available for obligation until September 30, 1985.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance; rehabilitation, lease, and operation of facilities and equipment, as authorized by law; *$7,516,300,000*, to remain available for obligation until September 30 1985.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law *$12,366,483,000, of which $23,500,000 shall not be made available for obligation on visible/ultraviolet laser technology prior to the submission of a report by the Department of Defense Defensive Technologies Study Team recommending a plan for the expenditure of laser technology funds*, to remain available for obligation until September 30, 1985.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; *$2,740,328,000, of which $20,000,000 shall not be made available for obligation on short wavelength laser technology prior to the submission of a report by the Department of Defense Defensive Technologies Study Team recommending a plan for the expenditure of laser technology funds*, to remain available for obligation until September 30, 1985: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purpose of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs to be merged with and to be available for the same time period as the appropriation to which transferred.

DIRECTOR OF TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director of Defense Test and Evaluation in the direction and supervision of test and evaluation, including initial operational testing and evaluation; and performance of joint testing and evaluation; and administrative expenses in connection therewith; $49,000,000, to remain available for obligation until September 30, 1985.

TITLE VI
SPECIAL FOREIGN CURRENCY PROGRAM

For payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for expenses in carrying out programs of the Department of Defense, as authorized by law; $3,050,000, to remain available for obligation until September 30, 1985: *Provided*, That this appropriation shall be available in addition to other appropriations to such Department for payments in the foregoing currencies.

TITLE VII
GENERAL PROVISIONS

SEC. 701. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 701A. In Section 790 of this Act, the term "$700" shall be read as "$800" and the term "$475" shall be read as "$600".

Sec. 701B. In addition to the sums otherwise appropriated by this Act, there is appropriated $200,000 for the purpose of providing transportation and for the payment of the costs of transportation as authorized by Section 1490 of title 37, United States Code.

STEVENS AMENDMENT NO. 2521

Mr. STEVENS proposed an amendment to the bill H.R. 4185, supra; as follows:

On page 28, line 2 delete "$11,184,200,000" and insert "$11,352,200,000."

LEVIN (AND OTHERS) AMENDMENT NO. 2522

Mr. LEVIN (for himself, Mr. TOWER, Mr. EXON, Mr. MITCHELL, Mr. PRYOR, and Mr. LEAHY) proposed an amendment to the bill H.R. 4185, supra; (which was subsequently modified); as follows:

Page 2, line 10, delete "$15,401,626,000" and insert in lieu thereof "$15,402,901,000".

Page 2, line 19, delete "$11,447,097,000" and insert in lieu thereof "$11,448,872,000".

Page 3, line 8, delete "$3,515,159,000" and insert in lieu thereof "$3,515,659,000".

Page 3, line 20, delete "$12,902,253,000" and insert in lieu thereof "$12,903,803,000".

Page 7, line 17, delete "$17,334,571,000" and insert in lieu thereof "$17,377,771,000".

On page 8, line 17, delete "$22,246,980,000" and insert "$22,317,308,000".

On page 10, line 24, delete "$17,822,456,000" and insert "$17,851,756,000".

Page 20, line 22, delete "$4,598,244,000" and insert in lieu thereof "$4,636,744,000".

Page 23, line 18, delete "$10,321,701,000" and insert in lieu thereof "$10,396,601,000".

Page 24, line 14, delete "$2,989,500,000" and insert in lieu thereof "$2,994,500,000".

Page 25, line 4, delete "$3,764,900,000" and insert in lieu thereof "$3,769,900,000".

Page 36, line 23, delete "$4,169,939,000" and insert in lieu thereof "$4,175,439,000".

Page 37, line 5, delete "$7,487,554,000" and insert in lieu thereof "$7,497,554,000".

Page 30, line 17, delete "$1,748,461,000" and insert in lieu thereof "$ 1,765,161,000".

Page 31, line 20, delete "$21,100,400,000" and insert in lieu thereof "$21,117,400,000".

At the end of title VII insert the following:

SEC. 701A. In Section 790 of this Act, the term "$700" shall be read as "$800" and the term "$475" shall be read as "$600".

NATURAL GAS POLICY ACT

BRADLEY AMENDMENT NO. 2524

(Ordered to lie on the table.)

Mr. BRADLEY submitted an amendment intended to be proposed by him to the bill (S. 1715) to amend the Natural Gas Policy Act of 1978, to protect consumers from those price increases that would occur because of market distortions as a consequence of current regulation of natural gas prices, to permit natural gas contracts to reflect free market prices, to provide for phased deregulation of natural gas prices in order to achieve a free market by a date certain, to eliminate incremental pricing requirements for natural gas, to eliminate certain restrictions on the use of natural gas and petroleum, and for other purposes; as follows:

Strike all after the enacting clause, and insert the following:

SECTION 1. (a) Short title.—This Act may be cited as the "Natural Gas Policy Act Amendments of 1983".

(b) TABLE OF CONTENTS.—

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.

TITLE I—TRANSITIONAL PRICE AND CONTRACT PROVISIONS

Sec. 101. Repeal of certain contract requirements and imposition of take-or-pay limits.
Sec. 102. Transportation obligation for certain natural gas.
Sec. 103. Effect of certain contract clauses.

TITLE II—REMOVAL OF WELLHEAD PRICE CONTROLS ON NEW CONTRACTS AND REPEAL OF JURISDICTION OVER CERTAIN FIRST SALES

Sec. 201. Removal of wellhead controls on new contracts.
Sec. 202. Repeal of Natural Gas Act jurisdiction over certain sales of committed or dedicated natural gas.
Sec. 203. Amendment to provisions allowing reimposition of price controls and report to the Congress.

TITLE III—PIPELINE PRUDENCE STANDARD

Sec. 301. Pipeline prudence standard.

TITLE IV—CONTRACT CARRIER AUTHORIZATION

Sec. 401. Contract carrier authorization.
Sec. 402. Coordination with the Natural Gas Policy Act.
Sec. 403. Effective date.
Sec. 404. Miscellaneous provisions.

TITLE V—REPEAL OF CERTAIN RESTRICTIONS ON NATURAL GAS AND PETROLEUM USE AND PRICING

Sec. 501. Repeal of certain sections of the Powerplant and Industrial Fuel Use Act 1978.
Sec. 502. Conforming amendments.
Sec. 503. Repeal of incremental pricing requirements.

TITLE VI—NATURAL GAS IMPORTS

Sec. 601. Amendment to the Natural Gas Act.

TITLE I—TRANSITIONAL PRICE AND CONTRACT PROVISIONS

REPEAL OF CERTAIN CONTRACT REQUIREMENTS AND IMPOSITION OF TAKE-OR-PAY LIMITS

Sec. 101. (a) Title III of the Natural Gas Policy Act of 1978 (15 U.S.C. 3361 et seq.) is amended by inserting a new section 316 to read as follows:

"§ 316. Imposition of take-or-pay limits

"(a) General Rule.—In the case of any contract for the first sale of natural gas in effect on the date of enactment of this section and not exempted by subsection 121(f) from the wellhead price controls specified in subtitle A of title I, the purchaser may elect not to be obligated to take delivery of, or pay for, any volume in excess of the volumes specified in subsection (b) for the periods specified in subsection (c).

"(b) Volumes.—For the purposes of subsection (a), the volumes shall be—

"(1) 50 per centum of deliverability during the first and second year from the date of enactment of this section;

"(2) 60 per centum of deliverability during the third year from the date of enactment of this section;

"(3) 70 per centum of deliverability during the fourth and fifth years from the date of enactment of this section; and

"(4) an amount necessary to offset any reduction in volume of natural gas sold by the purchaser due to reduced demand for natural gas by its customers because of purchases made by such customers from other sources and transported under section 320, as determined by rule or order of the Commission.

"(c) Duration of Reduction.—Any reduction of volumes pursuant to this section shall last for one year and may be extended for additional one-year periods, but in no event shall any reduction extend beyond the fifth year after enactment.

"(d) Notice Requirement.—Any purchaser electing pursuant to this section to reduce the volumes purchased shall provide the seller with written notice no less than thirty days prior to the date on which delivery of such volumes is to be reduced. Such notice may be given in advance of the effective date of this section.

"(e) Release of Volumes Not Taken.—If the purchaser elects, pursuant to this section, to reduce the volumes purchased, the volumes not taken are released and may be sold to any other purchaser. Such volumes will constitute released take-or-pay gas and—

"(1) shall not be subject to the abandonment requirements of the Natural Gas Act;

"(2) shall not be committed or dedicated to interstate commerce under the Natural Gas Act; and

"(3) shall not be subject to the provisions of this Act relating to the maximum lawful price for the first sale of natural gas.

"(f) Contract and Transportation Obligations.—If the purchaser elects, pursuant to this section, to reduce the volumes purchased, the purchaser shall tender to the seller full and unconditional release from all duties and obligations in contract or in law with respect to volumes not taken under subsection (e). The puchaser, if a transporter of natural gas, shall tender transportation for such gas in accordance with the provisions of section 317.

"(g) Purchases From Affiliates.—If a purchaser elects pursuant to this section to reduce the volumes purchased, the purchaser must reduce purchases of its own production, and purchases from any affiliated producer, to a percentage of deliverability no higher than the percentage of deliverability which the pipeline is receiving in contracts for less expensive gas.

"(h) Casinghead Natural Gas.—This section shall not apply to casinghead natural gas. The term 'casinghead natural gas' as used herein shall mean gas produced from a well which, under the laws or rulings of the regulatory body having authority over the production of oil and gas of the jurisdiction in which such well is located, is classified as an oil well, and in the absence of any classification under such laws or rulings, such term shall mean gas which is produced in conjunction with crude oil from the same producing formation from a single well.

"(i) Drainage Situation.—This section shall not apply to the extent the production of the volume for which delivery is required to be taken would either cause drainage or be necessary in order to prevent drainage. For purposes of this section, the determination of whether delivery is required to be taken in order to prevent drainage will be determined by the drainage provision in the applicable gas sales contract. In the absence of a contractual provision, the determination will be made by the State or Federal agency having regulatory jurisdiction with respect to the production of natural gas.

"(j) Prevention of Reservoir Damage.—This section shall not apply to the extent that reduction in takes would be likely to result in damage to the well or reservoir.

"(k) Otherwise Applicable Law.—Any provision or rule of State or Federal law which conflicts with this section shall be inoperative after the date of enactment of this section to the extent that such provision or rule would otherwise apply to prevent the operation of this section.

"(l) Contracts Covering More Than One Category of Natural Gas.—For purposes of this section, any contract covering two or more categories of natural gas for purposes of pricing the natural gas delivered under the contract shall be treated as separate contracts for each such category.

"(m) Effective Date.—The provisions of this section shall go into effect thirty days after the date of enactment.".

(b) The table of contents of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301 note) is amended by inserting after the item relating to section 315 the following:

"Sec. 316. Imposition of take-or-pay limits.".

TRANSPORTATION OBLIGATION FOR CERTAIN NATURAL GAS

Sec. 102 (a) Title III of the Natural Gas Policy Act of 1978 (15 U.S.C. 3361 et seq.) is amended by adding a new section 317 to read as follows:

"§ 317. Transportation obligation for certain natural gas

"(a) In General.—Any purchaser which is a pipeline electing to reduce the volumes taken under section 316, which results in 'released take-or-pay gas' as defined therein shall have an obligation to transport such gas. The obligation of the pipeline purchaser shall not exceed on an annual basis the largest volume delivered under the contract during any twelve consecutive months in the thirty-six months prior to its termination.

"(b) Limitation of Obligation.—The Commission, or in the case of an intrastate pipeline purchaser the State agency with jurisdiction over the pipeline purchaser, upon application by the pipeline purchaser and after opportunity for hearing, may order a limitation of the obligation of the pipeline purchaser under this section if compliance with the obligation would require construction of additional facilities other than minor facilities as defined in section 320 or would impair the ability of the pipeline purchaser to render adequate service to its existing customers.

"(c) Consideration.—The consideration for any transportation provided under this section shall include an incentive allowance of $0.05 per million Btu's plus the just and reasonable rate, or the fair and equitable rate, for such transportation, as established by the Commission or appropriate State regulatory body, unless the Commission or appropriate State regulatory body has established by rule a different incentive allowance for such transportation. No amount of such incentive allowance shall be required to be credited and flowed back to the customers of such pipeline. Further, no amount of such incentive allowance shall be used in establishing rates to be charged by the pipeline.".

(b) The table of contents of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301 note) is amended by inserting after the item relating to section 316 the following:

"Sec. 317. Transportation obligation for certain natural gas.".

EFFECT OF CERTAIN CONTRACT CLAUSES

Sec. 103. (a) Most Favored Nations Clauses.—Title III of the Natural Gas Policy Act of 1978 (15 U.S.C. 3361 et seq.) is amended by adding a new section 318 to read as follows:

"§ 318. Limitation on most favored nations clauses

"(a) General Rule.—In the case of any contract for the first sale of natural gas in effect on the date of enactment of this section which is exempted from the wellhead price controls specified in subtitle A of title I by section 121, beginning on December 31, 1984, any most favored nations clause of any such contract may not operate to increase the price paid for such natural gas above the price paid as of December 31, 1984, multiplied by the monthly equivalent of the annual inflation adjustment factor applicable for such month.

"(b) Definition of Most Favored Nations Clause.—For purposes of this section, the term 'most favored nations clause' means any provision of any contract which establishes the price by reference to the price paid under any other contract for the first sale of natural gas.".

(b) Indefinite Price Escalator Clauses.—Title III of the Natural Gas Policy Act of 1978 (15 U.S.C. 3361 et seq.) is amended by adding a new section 319 to read as follows:

"§ 319. Effect of indefinite price escalator clauses

"(a) General Rule.—In the case of any contract for the first sale of natural gas in effect on the date of enactment of this section which is exempted from the wellhead price controls specified in subtitle A of title I by section 121, beginning on December 31, 1984, any indefinite price escalator clause of any such contract may not operate to increase the price paid for such natural gas above the price paid as of December 31, 1984, multiplied by the monthly equivalent of the annual inflation adjustment factor applicable for such month.

"(b) Definition of Indefinite Price Escalator Clauses.—For purposes of this section, the term 'indefinite price escalator clause' means any provision of any contract—

"(1) which provides for the establishment or adjustment of the price for natural gas delivered under such contract by reference to prices (established by other contracts or otherwise) for natural gas, for crude oil, for refined petroleum products, or for any other commodity, or

"(2) which the Commission determines is comparable in form and result.".

(c) Conforming Amendment.—Section 105(b) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3315(b)) is amended by striking out paragraph (3).

(d) The table of contents of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301 note) is amended by inserting after the item relating to section 317 the following:

"Sec. 318. Limitation on most favored nations clauses.

"Sec. 319. Effect of indefinite price escalator clauses.".

TITLE II—REMOVAL OF WELLHEAD PRICE CONTROLS ON NEW CONTRACTS AND REPEAL OF JURISDICTION OVER CERTAIN FIRST SALES

REMOVAL OF WELLHEAD PRICE CONTROLS ON NEW CONTRACTS

Sec. 201. Section 121 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3331) is amended by inserting "and (f)" following "(e)"; and by adding new subsection (f) to read as follows:

"(f) Removal of Controls on New Contracts.—The provisions of subtitle A shall not apply to—

"(1) new natural gas (as defined in section 102(c)) not subject to any contract for the first sale executed prior to the date of enactment of this subsection,

"(2) released take or pay gas under section 316.".

REPEAL OF NATURAL GAS ACT JURISDICTION OVER CERTAIN SALES OF COMMITTED OR DEDICATED NATURAL GAS

Sec. 202. Section 601(a)(1)(B) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431(a)(1)(B)) is amended by striking "or" at the end of clause (ii), by replacing the period at the end of clause (iii) with a semicolon, and by the addition of a new clause (iv) to read as follows:

"(iv) natural gas exempted from the operation of subtitle A of title I pursuant to section 121(f).

AMENDMENT TO PROVISIONS ALLOWING REIMPOSITION OF PRICE CONTROLS AND REPORT TO THE CONGRESS

Sec. 203. (a) Section 122 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3332) is amended as follows:

(1) In subsection (a), strike ", or the Congress, in accordance with subsection (c)(2),";

(2) In subsection (c), strike "concurrent resolution of disapproval described in section 507(c)(1)" and insert "joint resolution of approval described in section 507(c)(1)";

(3) Strike paragraph (c)(2), and redesignate paragraph (c)(1) as subsection (c).

(b) Section 507 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3417) is amended as follows:

(1) In subsection (a)(1) strike "concurrent" and insert "joint",

(2) Strike paragraphs (a)(2) and (a)(3) and redesignate paragraph (a)(1) as subsection (a).

(3) In subsection (c), strike "202, and 206";

(4) In subsection (c)(1) strike "Concurrent" or "concurrent" wherever it appears and insert "Joint" or "joint";

(5) Strike paragraphs (c)(2) and (3) and redesignate paragraph (c)(1) as subsection (c).

TITLE III—PIPELINE PRUDENCE STANDARD

Sec. 301. Section 601(c)(2) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431(c)(2)), is amended by inserting "imprudence," after "fraud, abuse," and before "or similar grounds."

Sec. 302. Section 601 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431) is amended by inserting a new subsection (d) to read as follows:

"(d) Prudence Standard Applicability.—The provisions of section 601(c)(2) respecting the Commission determination of whether any amount paid with respect to any purchase of natural gas was imprudent shall apply to any amounts paid for natural gas after the date of enactment.

Sec. 303. Section 2 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301) is amended by adding a new subsection to read as follows:

"(38) Imprudence.—The term 'imprudence' includes, but is not limited to failure by a pipeline to bargain at arms-length with any producer, or the entering into or of operating pursuant to any contract for the purchase of natural gas that materially prevents the pipeline from responding to changes in customer demand or other market forces.".

TITLE IV—CONTRACT CARRIER AUTHORIZATION

Sec. 401. (a) Title III of the Natural Gas Policy Act of 1978 (15 U.S.C. 3361-3375) is amended by adding a new section 320 to read as follows:

§ 320. Contract carrier authorization

"(a) General Interstate Pipeline Rule.—An interstate pipeline shall transport natural gas under this section if—

"(1) a seller or a purchaser of natural gas requests an interstate pipeline to transport natural gas,

"(2) such pipeline has available capacity, and

"(3) the seller or purchaser certifies that—

"(A) at least forty-five days in advance it notified the interstate pipeline currently serving the person for whom such transportation service is being sought of its intent to request an authorization pursuant to this section,

"(B) it attempted, in good faith, to negotiate a continuation of current service, if any, by such pipeline at a price and on terms satisfactory to a purchaser, and

"(C) it has been unable to conclude any other satisfactory agreement for the transportation of such gas.

"(b) General Intrastate Pipeline Rule.—

"(1) Applicability.—The Commission, after consultation with the Governor of the affected State, shall order an intrastate pipeline to transport natural gas in accordance with this section if—

"(A) a seller or a purchaser of natural gas requests an intrastate pipeline to transport natural gas,

"(B) such request is received by such intrastate pipeline and filed with the State agency, and that State agency has failed to take final administrative action within a period of ninety days after receipt of such request,

"(C) such pipeline has available capacity, and

"(D) the seller or purchaser certifies that—

"(i) at least forty-five days in advance it notified the intrastate pipeline currently serving the person for whom such transportation service is being sought of its intent to request an anthorization pursuant to this section,

"(ii) it attempted, in good faith, to negotiate a continuation of current service, if any, by such pipeline at a price and on terms satisfactory to the purchaser, and

"(iii) it has been unable to conclude any other satisfactory agreement for the transportation of such gas.

"(2) Exemption.—This subsection shall not apply if a State agency certifies that—

"(A) it has authority to require an intrastate pipeline with available capacity to transport natural gas for a seller or a purchaser of natural gas requesting such transportation, and

"(B) pursuant to such authority, it is required to take final administrative action within a time certain.

"(3) Jurisdiction of the Commission.—No intrastate pipeline shall be subject to the jurisdiction of the Commission under the Natural Gas Act by virtue of transporting natural gas pursuant to the requirements of this subsection. The Commission shall—

"(A) establish an incentive allowance for contract carriage compensation under subsection (f) for an intrastate pipeline ordered by the Commission to transport natural gas under subsection (b), if no incentive allowance has been established pursuant to State law, or

"(B) establish a fair and equitable rate for transportation by an intrastate pipeline, if no rate has been established pursuant to State law.

"(c) General Local Distribution Company Rule.—

"(1) Applicability.—The Commission, after consultation with the Governor of the affected State, shall order a local distribution company to transport natural gas in accordance with this section if—

"(A) a seller or purchaser of natural gas requests a local distribution company to transport natural gas,

"(B) such request is received by the local distribution company and filed with the State agency, and that State agency has failed to take administrative action within a period of ninety days after receipt of such request.

"(C) such local distribution company has available capacity, and

"(D) the seller or purchaser certifies that—

"(i) at least forty-five days in advance it notified the local distribution company currently serving the person for whom such transportation service is being sought of its intent to request an authorization pursuant to this section,

"(ii) it attempted, in good faith, to negotiate a continuation of current service, if any, by such local distribution company at a price and on terms satisfactory to the purchaser, and

"(iii) it has been unable to conclude any other satisfactory agreement for the transportation of such gas.

"(2) Exemption.—This section shall not apply if a State agency certifies that—

"(A) it has authority to require a local distribution company to transport natural gas for a seller or a purchaser of natural gas requesting such transportation, and

"(B) pursuant to such authority, it is required to take final administrative action within a time certain.

"(3) Jurisdiction of the Commission.—No local distribution company shall be subject to the jurisdiction of the Commission by virtue of transporting natural gas pursuant to the requirements of this subsection. The Commission shall—

"(A) establish an incentive allowance for contract carriage compensation under subsection (f) for a local distribution company ordered by the Commission to transport natural gas under subsection (c), if no incentive allowance has been established pursuant to State law, or

"(B) establish a fair and equitable rate for transportation by a local distribution company, if no rate has been established pursuant to State law.

"(4) Restriction.—

"(A) No individual facility served as of the date of enactment of this Act, or historically served by a local distribution company, may receive gas transported under this section, except according to the procedures in this subsection.

"(B) For the purposes of this paragraph, any individual facility that—

"(i) has received gas from a local distribution company since January 1, 1980,

"(ii) is not receiving gas as of the date of enactment, and

"(iii) has service facilities physically connected to the local distribution company, shall be deemed to have been historically served by such company.

"(C) The prohibition under subparagraph (A) shall not apply—

"(i) to a request for transportation service to an individual facility served as of the date of enactment of this Act, or historically served, by a local distribution company to the extent that the volume of natural gas to be transported exceeds the average annual deliveries to such facility within four years prior to the date of enactment,

"(ii) to gas transported to service facilities not in existence as of the date of enactment,

"(iii) to gas transported to serve facilities which—

"(aa) have not used gas for three years prior to date of application for transportation service, or

"(bb) have not used gas for four years, in the case of facilities historically served by a local distribution company,

"(iv) to the extent that the individual facility has a direct purchase contract with an interstate natural gas pipeline that was executed on or before July 29, 1983, or

"(v) to a request for transportation service if such request has the concurrence of the local distribution company and the State agency.

"(5) General Exception.—Notwithstanding any other provision of this subsection, the Commission may, by order, approve a request for transportation service in accordance with this section if it finds that—

"(A) a State agency having regulatory jurisdiction over local distribution companies has taken final administrative action on a request for transportation service pursuant to this section, and such action is no longer subject to appeal pursuant to State law, and

"(B) the final action by the State agency did not result in transportation service because such action was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(d) Available Capacity.—

"(1) Rebuttable presumption.—A pipeline or a local distribution company shall be presumed to have available capacity unless the Commission determines that such pipeline's or local distribution company's total capacity is necessary to render adequate service to its existing customers.

"(2) Partial capacity.—If the Commission finds that a pipeline or a local distribution company has available capacity to transport only a portion of the natural gas requested to be transported under this section, the Commission shall require such pipeline to transport such natural gas to the extent of such available capacity in accordance with this section.

"(e) Protection for High Priority Users.—

"(1) General rule for existing customers.—Any pipeline transporting natural gas pursuant to this section shall continue to serve its existing customers, in preference to its contract carriage customers, except as provided herein.

"(2) Establishment of contract carriage service priority.—Any contract carriage customer may seek to establish a contract carriage service priority in order to assure that capacity is available for the existing high-priority users of the gas transported on behalf of such customer.

"(A) Filing requirement.—The contract carriage customer seeking to establish a contract carriage service priority shall file such information as may be required by the Commission in order to establish the volume of natural gas to be transported by the pipeline in order to meet the current requirements of the existing high-priority users of the gas transported on behalf of such customer. The contract carriage customer seeking to establish the contract carriage service priority shall file such information at the same time it files the request for authorization pursuant to subsection (k)(1).

"(B) Commission determination.—The Commission shall determine the volume of natural gas which is necessary to meet the current requirements of the existing high-priority users of the gas transported on behalf of any contract carriage customer, taking into consideration all of the sources of supply of such contract carriage customer. Such volume shall constitute the contract carriage service priority.

"(3) Application of priority.—In the event that the transporting pipeline later develops insufficient capacity to satisfy the transportation needs of both its existing customers and its contract carriage customers, the Commission shall, by rule or order, require the pipeline to transport the contract carriage service priority volume, in preference to the volume necessary to meet the requirements of customers who are not high-priority users of such pipeline.

"(4) Insufficient supply.—Nothing in this section shall affect—

"(A) the priority of service afforded users under Title IV of this Act of the pipeline's gas supply that is subject to the pipeline's curtailment plan, or

"(B) the priority of service established pursuant to State law for any intrastate pipeline.

"(f) Contract Carriage Compensation.—

"(1) General rule.—Compensation for transportation service provided under this section shall be determined according to this subsection.

"(2) Voluntary transportation allowance.—Any pipeline or local distribution company that voluntarily agrees to transport natural gas under this section shall be permitted to charge an incentive allowance of up to $0.05 per million Btu's (in excess of the just and reasonable rate, or the fair and equitable rate, for such transportation as established by the Commission) unless and until the Commission determines by rule or order that some other amount is appropriate as an incentive in the public interest. The Commission shall not require any portion of such incentive allowance to be credited and flowed back to the customers of such pipeline or local distribution company. Further, no amount of such incentive allowance shall be used or considered in establishing rates to be charged by the pipeline.

"(3) Required contract carriage compensation allowance.—Any pipeline or local distribution company that protests the transportation of natural gas under this section and is subsequently ordered to transport such natural gas by rule or order of the Commission shall be allowed to charge an appropriate incentive allowance, to be determined by the Commission. The allowance may exceed the just and reasonable rate, or the fair and equitable rate, for such transportation by up to $0.05 per million Btu's if, in the judgment of the Commission, the protest was a reasonable effort to protect the pipeline's or local distribution company's ability to continue to render adequate service to its existing customers. The Commission shall establish criteria to be used in determining the amount of the incentive allowance to be granted. The Commission shall not require any portion of such incentive allowance to be credited and flowed back to the customers of such pipeline or local distribution company. Further, no amount of such incentive allowance shall be used or considered in establishing rates to be charged by the pipeline or local distribution company.

"(4) Transportation by multiple pipelines or local distribution companies.—If transportation service is provided under this section by more than one pipeline or local distribution company, the Commission may allocate the incentive allowance provided for in subsection (2) or (3) among the parties providing transportation service under this section.

"(5) Incentive allowance limitation.—Notwithstanding any other provision of this section, any pipeline that transports natural gas owned or produced by an affiliate of such pipeline may not receive an incentive allowance for such transportation service. Similarly, any local distribution company that transports natural gas owned or produced by an affiliate of such local distribution company may not receive an incentive allowance for such transportation service.

"(6) Consumer protection rate designs.—Within ninety days after enactment the Commission shall promulgate regulations which require that the just and reasonable rates for the transportation service provided in accordance with this section include an equitable percentage of the fixed costs of the transporting pipeline (including any costs associated with prepayments for gas not taken which the Commission permits to be included in the pipeline's cost of service) in order to protect all classes of customers, but particularly residential and commercial customers of the transporting pipeline. Such regulations shall be designed to require rates for transportation service provided in accordance with this section that are comparable to transportation charges included in the price of gas sold to pipeline customers receiving comparable service.

"(g) Construction of New Facilities.—Upon request of a seller or purchaser of natural gas requesting transportation of natural gas under this section, the Commission may order a pipeline or local distribution company to construct and operate minor facilities necessary for the transportation of natural gas under this section. The person requesting transportation service shall pay the cost of construction and operation of such facilities.

"(h) Service Obligation.—If a customer of an interstate pipeline elects to reduce its obligation to purchase natural gas from such pipeline, the service obligation of that pipeline to sell natural gas to such customer pursuant to the Natural Gas Act shall be reduced, to that extent, at the option of the pipeline.

"(i) Minimum Bills and Demand Charges.—The Commission, upon petition by a pipeline or local distribution company, shall reduce such pipeline's or local distribution company's obligation to purchase natural gas under any minimum bill contract, service agreement, or demand charge tariff to the extent necessary to offset any reduction in volume of natural gas purchased by it—

"(1) in the case of a pipeline due to reduced demand for natural gas of its customers because of purchases made under this section, or

"(2) in the case of a local distribution company to permit the local distribution company to purchase natural gas from others pursuant to the authority of this section and to reflect any reduced demand for natural gas of its customers because of purchases under this section.

"(j) Termination.—The Commission may, by order, reduce or terminate the transportation service provided for under this section upon the filing of a petition by any party to a transportation service agreement if the Commission determines that, because of unforeseen circumstances, the volumes of such natural gas supplied or delivered do not substantially comply with the terms of the authorization under this section.

"(k) Nondiscrimination Provision.—

"(1) No interstate pipeline subject to the requirements of this section may discriminate between existing customers and contract carriage customers in providing storage for natural gas sold or transported or in determining the rate to be charged for such storage.

"(2) The Commission shall require each interstate pipeline subject to the requirements of this section to publish separate, nondiscriminatory tariffs for purchase, transportation, storage, and sale of natural gas.

"(3) The Commission shall prohibit any interstate pipeline from conditioning the transportation or storage of natural gas by a contract carriage customer upon purchases by such contract carriage customer of natural gas from such pipeline.

"(l) Regulations.—The Commission shall issue final regulations implementing the requirements of this section within one hundered and twenty days of enactment of this section. The regulations shall—

"(1) provide for self implementation of transportation requested under this section in the absence of any protest; and

"(2) require semiannual certification by each interstate pipeline of its total capacity, its available capacity, and the amount of natural gas actually taken by its existing customers in months of peak natural gas usage during the five years immediately preceding.

"(m) Procedures.—

"(1) All requests for transportation service under this section shall be filed with the Commission, which shall cause the same to be published in the Federal Register and forwarded to the appropriate State agency as soon as practicable.

"(2) Any transportation service request may be protested by the pipeline or local distribution company to which it is addressed or by any other interested person, or any State agency, on the grounds that—

"(A) the request, if implemented—

"(i) would render the pipeline or local distribution company requested to provide the transportation service unable to render adequate service to its existing customers, or

"(ii) would render the pipeline or local distribution company presently serving the person on whose behalf such transportation is being sought unable to render adequate service to its remaining customers,

"(B) the seller or purchaser did not meet the notice requirement contained in subsection (a), (b), or (c),

"(C) the seller or purchaser did not negotiate in good faith as required by subsection (a), (b), or (c), or

"(D) the transportation would not comply with the requirements of this section.

Such protest must be filed within thirty days after publication of the request for transportation service.

"(3) At the expiration of the thirty-day protest period provided in paragraph (2), if no protest has been received, the transportation service shall be implemented pursuant to subsection (j)(1).

"(4) The Commission shall hear and decide protests filed hereunder as expeditiously as practicable, giving priority to such proceedings; and shall enter its order with respect to any protest within ninety days after the date the protest is filed, extending the entry of its order beyond such ninety-day period only for good cause shown. If the Commission cannot enter its order within such ninety-day period, in the absence of a stay entered to avoid irreparable injury, requests for transportation service shall be implemented at the end of such ninety-day period.

"(5) Commission proceedings and orders with respect to any protested request shall be limited to consideration of and decision on the specific grounds for protest specified in this section and asserted in the protest.

"(n) Definitions.—For purposes of this section, the term—

"(1) 'contract carriage customer' means any person receiving transportation service under subsection (a):

"(2) 'existing customer' means any person served by a pipeline other than a contract carriage customer;

"(3) 'high-priority user' includes any high-priority user, any essential agricultural use, and any essential industrial process and feedstock use, as defined in title IV;

"(4) 'intrastate pipeline' means any person engaged in natural gas transportation (not including gathering) which is not subject to the jurisdiction of the Commission under the Natural Gas Act, except a local distribution company;

"(5) 'minor facilities' means those facilities, including sales taps, which the Commission determines by rule or order do not involve substantial costs;

"(6) 'render adequate service to its existing customers' means the capacity to transport, store, and deliver the volume of natural gas necessary to meet the maximum contractual quantities applicable to each customer to receive gas under all rate schedules or tariffs: *Provided, however,* That such capacity shall not include (i) capacity which the Commission finds has been applied for by a prospective contract carriage customer purchasing from such local distribution company and for which the prospective contract carriage customer has produced evidence satisfactory to the State agency of a current obligation on the part of the local distribution company to deliver gas without interruption except during emergencies; or (ii) capacity otherwise available to the local distribution company which the prospective contract carriage customer is authorized (either by the local distribution company or the State agency) to utilize. Such authorization may be for any number of days of a year and may be subject to interruption for use by the local distribution company;

"(7) 'State agency' means an agency or instrumentality of a State or political subdivision thereof, including a municipal utility, with authority to fix, modify, approve, or disapprove rates for the transportation or sale of natural gas; and

"(8) 'total capacity' means the capacity to transport natural gas that can be made available consistent with accepted engineering principles to deliver a given volume of natural gas to a given location through all means, including but not limited to, direct haul, storage capacity, compression, flow reversal or transportation by displacement.".

(b) The table of contents of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301 note) is amended by inserting after the item relating to section 310 the following:

"Sec. 320. Contract carrier authorization.".

COORDINATION WITH THE NATURAL GAS POLICY ACT

Sec. 402. Title VI of the Natural Gas Policy Act of 1978 is amended—

(a) by amending section 601(a)(1)(C)(i) to read, "(i) authorized under section 302(a), 311(b), or 320; or"

(b) by amending section 601(a)(2)(A) by striking "or" at the end of clause (i), replacing the period at the end of clause (ii) with a semicolon, and inserting the following:

"(ii) authorized under section 317 or 320 of this act; or

"(iv) transported by an intrastate pipeline, whether voluntarily or as the result of an order by a State regulatory commission, for any party under contract carriage terms, regardless of the source or ultimate destination of such gas.".

EFFECTIVE DATE

Sec. 403. The amendments made by section 401 shall apply to the transportation of natural gas pursuant to requests made one hundred and twenty days after enactment.

MISCELLANEOUS PROVISIONS

Sec. 404. (a) State Retail Ratemaking Authority.—Section 602 of the Natural Gas Policy Act of 1978 is amended by adding new subsections (c) and (d) to read as follows:

"(c) State Regulatory Authority.—Nothing in this Act, or in the Natural Gas Act, shall preclude any State regulatory authority from reviewing the natural gas purchasing practices of any utility subject to its ratemaking jurisdiction to ensure that the utility's natural gas purchases provide its customers with natural gas at the lowest possible price consistent with its service obligations.

"(d) Buyer's Cooperatives.—The Commission may issue rules that facilitate and encourage any local distribution company or municipality to cooperatively purchase gas. The failure of the Commission to issue rules under this paragraph shall not be construed to prevent or impair formation of such buyer's cooperatives.".

Sec. 405. Clarification of Commission's Authority Under Section 7.—Section 7(a) of the Natural Gas Act of 1978 (15 U.S.C. Sec. 717f(a)) is amended by adding the following: "The authority of the Commission under this subsection extends to the expansion of transportation and storage facilities and gathering lines and to the physical connection of pipeline facilities to wells or to the facilities of any other pipeline company necessary to provide transportation service to customers. The Commission may require such method of payment or of the furnishing of security for payment as affords protection to others against bearing the costs of unused capacity should the demand for which the expansion was undertaken thereafter diminish.".

TITLE V—REPEAL OF CERTAIN RESTRICTIONS ON NATURAL GAS AND PETROLEUM USE AND PRICING

REPEAL OF CERTAIN SECTIONS OF THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978

Sec. 501. (a) The following sections of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.) are repealed:

(1) sections 103 (a)(16), (a)(18), (a)(19), and (a)(29) (42 U.S.C. 8302 (a)(16), (a)(18), (a)(19), and (a)(29));

(2) sections 201 and 202 (42 U.S.C. 8311 and 8312);

(3) section 302 (42 U.S.C. 8342);

(4) section 401 (42 U.S.C. 8371);

(5) section 402 (42 U.S.C. 8372); and

(6) section 405 (42 U.S.C. 8375);

(b) The table of contents of the Powerplant and Industrial Fuel Use Act of 1978 is amended by striking the items relating to the sections repealed by subsection (a) of this section.

CONFORMING AMENDMENTS

Sec. 502. (a) Section 102 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301) is amended by striking "and major fuel-burning installations" and "and new" whenever these phrases appear.

(b) Section 103 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8302) is amended—

(1) in subsection (a)(13)(B), by—

(A) striking clause (ii)(III);

(B) striking "; or" at the end of clause (ii)(II), and inserting a period in its place; and

(C) inserting "and" at the end of clause (ii)(I);

(2) in subsection (a)(15), by striking "or major fuel-burning installation" and "or new" wherever these phrases appear;

(3) in subsection (a)(20), by striking "or major fuel-burning installation";

(4) by redesignating subsection (a)17), (a)(20), (a)(21), (a)(22), (a)(23), (a)(24), (a)(25), (a)(26), (a)(27), and (a)(28) as subsections (a)(16, (a)(17), (a)(18), (a)(19), (a)(20), (a)(21), (a)(22), (a)(23), (a)(24), and (a)(25);

(5) in subsection (b), by striking "or major fuel-burning installation" wherever this phrase appears;

(6) in subsection (b)(1)(D), by striking everything after "synthetic gas involved" and inserting in its place a period; and

(7) by striking subsection (b)(3), and redesignating subsection (b)(4) as subsection (b)(3).

(c) Section 104 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8303) is amended to read as follows: "The provisions of the Act shall apply in all the States, Puerto Rico, and the territories and possessions of the United States, except Hawaii and Alaska.".

(d) Section 303 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8343) is amended—

(1) by striking "or installation" and "or installations" wherever the phrases appear;

(2) by striking "or 302" wherever the phrase appears;

(3) by striking subsection (a)(3);

(4) by amending subsection (b)(1) to read as follows:

"(1) The Secretary may prohibit, by rule, the use of natural gas or petroleum under section 301(b) in existing electric powerplants.";

(5) in subsection (b)(3), by striking "or major fuel-burning installation"; and

(6) by amending the last sentence of subsection (b)(3) to read as follows: "Any such rules shall not apply in the case of any existing electric powerplant with respect to which a comparable prohibition was issued by order.".

(e) Section 403 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8373) is amended by striking—

(1) in subsection (a)(1), "major fuel-burning installation, or other unit" and the comma immediately preceding this phrase and "installation, or unit" and the comma immediately preceding this phrase;

(2) in subsection (a)(2), "installation, or other unit" and the comma immediately preceding that phrase, and "installation, or unit" and the comma immediately preceding that phrase;

(3) in subsection (a)(2), the last sentence; and

(4) in subsection (a)(3).

(f) Section 404 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8374) is amended by striking—

(1) in subsection (c), "new or" in the phrase "applicable to any new or existing electric powerplant"; and

(2) subsection (g).

(g) Section 701 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C 8411) is amended by striking—

(1) in the last sentence of subsection (b), "or installation";

(2) subsection (c);

(3) in the title of subsection (d), "And Exemptions";

(4) in the first sentence of subsection (d)(1), "or any petition for any order granting an exemption (or permit";

(5) in subsection (d)(1)(B), "or in the consideration of such petition,";

(6) in subsection (f), "or a petition for an exemption (or permit) under this Act (other than under section 402 or 404),"; and

(7) subsection (g).

(h) Section 702 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8412) is amended by striking—

(1) in the title of subsection (a), "Or Exemption";

(2) in subsection (a), "or granting an exemption (or permit)";

(3) subsection (b), and redesignating subsection (c) as subsection (b);

(4) in the first sentence of subsection (b)(1) (as redesignated), "or by the denial of a petition for an order granting an exemption (or permit) referred to in subsection (b),";

(5) in the first sentence of subsection (b)(1) (as redesignated), "such rule, order, or denial is published under subsection (a) or (b)" and inserting in its place "such rule, or order is published under subsection (a)";

(6) in the first sentence of subsection (b)(2) (as redesignated), "the rule, order, or denial" and inserting in its place "the rule or order";

(7) in the second sentence of subsection (b)(2) (as redesignated), "(or denial thereof)"; and

(8) in subsection (b)(3) (as redesignated), "any such rule, order, or denial" and inserting in its place "any such rule or order".

(i) Section 711 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421) is amended by striking in the first sentence of subsection (a), "or major fuel-burning installation".

(j) Section 721 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8431) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(k) Section 723 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8433) is amended by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c).

(l) Section 731 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8441) is amended by striking—

(1) "or major fuel-burning installation" wherever the phrase appears; and

(2) "title II or" in subsections (a)(1) and (g)(3).

(m) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is amended by striking in the first sentence of subsection (a), "from new and existing electric powerplants and major fuel-burning installations" and inserting in its place "from existing electric powerplants".

(n) Section 761 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8471) is amended by striking—

(1) in subsection (a), "any existing or new electric powerplant or major fuel-burning installation" and inserting in its place "any existing electric powerplant"; and

(2) in subsection (b)—

(A) "new or" in the phrase "In the case of any new or existing facility"; and

(B) "except to the extent provided under section 212(b) or section 312(b)" and the comma immediately preceding that phrase.

REPEAL OF INCREMENTAL PRICING REQUIREMENTS

Sec. 503. (a) Subject to subsections (b) and (c) of this section, title II of the Natural Gas Policy Act of 1978 (15 U.S.C. 3341-3348) is repealed, and the items relating to title II are stricken from the table of contents of that Act.

(b) A rule promulgated by the Commission under title II of the Natural Gas Policy Act of 1978 shall continue in effect only with respect to the flow-through of costs incurred before the enactment of this section, including any surcharges based on such costs.

(c) The Commission may take appropriate action to implement this section.

TITLE VI—NATURAL GAS IMPORTS

AMENDMENT TO THE NATURAL GAS ACT

Sec. 601. Section 3 of the Natural Gas Act is amended by redesignating the existing section as subsection (a) and entitling it "General Rule"; by striking the word "Commission" wherever it appears and by inserting the words "Secretary of Energy"; and by inserting new subsections (b) and (c) to read as follows:

"(b) PUBLIC INTEREST CRITERIA.—In any proceeding concerning an importation of natural gas, the importation shall be consistent with the public interest only if the Secretary determines that the contract governing the terms and conditions for such an import does not materially prevent the importer from responding to changes in customer demand for natural gas or other market forces.

"(c) EXISTING LNG IMPORTS.—After 120 days from the date of enactment of this subsection and notwithstanding any previous order issued pursuant to subsection (a) of this Act, no person shall import any liquefied natural gas from a foreign country without having first secured an order from the Secretary that such importation is consistent with the public interest as set forth in subsections (a) and (b) based upon a de novo review of such importation. For purposes of this review, such importation shall be deemed consistent with the public interest as set forth in subsection (b) if the importer resells the imported liquefied natural gas directly to local distribution companies or persons that qualify under section 1(c) of this Act and if the importer does not sell any natural gas produced in the United States. For purposes of this section, the point of importation for any determinations with respect to liquefied natural gas shall be the tailgate of the regasification facility.".¼

Mr. BRADLEY. Mr. President, we are faced with a peculiar situation:

The natural gas market is disordered and threatens to become more so; consumers are paying more than market clearing prices for gas and those consumers that can are switching to oil; producers are having great difficulty selling their gas; their selling prices are falling; prices are threatening to jump in January 1985 because of certain provisions—indifinite price esclators—in existing contracts; pipeline companies face financial catastophe caused by take-or-pay provisions they signed in the middle 1970's; willing consumers want to buy gas from willing producers but the connecting pipelines refuse to move the gas; and legislation to remedy these problems is widely perceived to be necessary, even essential, for consumers and producers both.

As the debate opens we find two main proposals before us: One, S. 1715 would move toward a decontrolled market; the other, S. 996, would move toward a more regulated market.

As different as these two proposals are, they do contain common elements. Both contain contract-carriage provisions, both address take or pay, both restrain indefinite price escalators, and both contain a prudence standard to increase pipeline accountability. Mr. President, there is enough common ground to forge an acceptable compromise.

We must find a compromise that: First, resolves the major problems now distorting the natural gas market; second, can command sufficient support in the Senate and in the country to insure passage; and third, is not so extreme as to provoke a filibuster by those who feel most strongly on either the producing side or the consuming side. Some say this cannot be done. I disagree.

At the appropriate time I will offer a substitute and I ask unanimous consent that my proposed substitute be printed in the RECORD following my comments. This, like all evolving compromises is subject to further change. It represents a statement of principles; I am wide open to suggestions regarding the details.

The substitute is a reasonable, balanced compromise that contains elements common to both S. 996 and S. 1715. It benefits consumers while providing production incentives for new gas. It benefits producers without increasing prices to consumers. How is that possible?

The elements of my substitute are these:

First. Take-or-pay relief—both S. 996 and S. 1715 provide some form of take-or-pay relief for pipelines and their customers. I would apply this relief at 50 percent for the first year, 50 percent for the second, 60 percent for the third, and 70 percent for the fourth and fifth.

Second. Limits on indefinite price escalators—both S. 996 and S. 1715 provide some form of limitation on contract clauses that contain price escalators tied to oil or other commodities that could cause gas prices to jump dramatically on January 1, 1985. I would not allow these clauses to raise prices above the December 31, 1984, level plus inflation. I would outlaw most-favored-nation clauses.

Third. Pipeline accountability—again, both S. 996 and S. 1715 contain some form of prudence standard that seeks to make pipelines more sensitive to market conditions as they purchase gas. I would add "imprudence" to section 601(c) of the NGPA, and require pipelines to respond to market forces and changes in customer demand.

Fourth. Contract carriage—both S. 996 and S. 1715 contain contract carriage that enables natural gas consumers to seek sources of supply other than their traditional pipeline. I have made several strengthening changes to the contract carriage provisions of S. 1715; these changes are described in more detail below.

Fifth. New-new gas decontrol—my amendment would remove the $3.50 price ceiling for never-before-contracted gas, new 102 gas; this gas is now selling in the market for about $3.00.

Sixth. Clarification of the President's authority to reimpose price controls—one effect of the Supreme Court decision on the legislative veto is to allow the President to reimpose price controls without congressional consent. My amendment would require a joint resolution to reimpose price controls.

Seventh. Repeal of incremental pricing and Fuel Use Act limitations as in S. 1715.

Eighth. Import provision—requires imports to be responsive to changes in customer demand or other market forces; requires administrative action on certain pending LNG importation proceedings.

Mr. President, I ask unanimous consent that a section-by-section summary of my substitute be entered into the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

BRADLEY SUBSTITUTE—SUMMARY OF MAJOR PROVISIONS

TITLE I—TRANSITIONAL PRICE AND CONTRACT PROVISIONS

Sec. 101. Take or Pay Relief. Provides five year period for take or pay relief; pipelines can use provision to reduce take or pay obligations to 50% of deliverability the first year, 50% the second year, 60% the third year and 70% the fourth and fifth years.

Volumes not taken are "released" and may be sold to another purchaser at a deregulated price; reserves are protected.

Sec. 102. Transportation Obligation. Requires pipelines exercising take or pay provision to transport the gas for a new purchaser.

Sec. 103. Effect of Certain Contract Clauses. Limits the operation of indefinite price escalator clauses, and prohibits operation of most favored nations clauses.

For gas deregulated on January 1, 1985, the price could not fly above the December 31, 1984 price, plus inflation, due to the operation of indefinite price escalator clauses.

TITLE II—REMOVAL OF WELLHEAD PRICE CONTROLS OF NEW CONTRACTS AND REPEAL OF JURISDICTION OVER CERTAIN FIRST SALES

Sec. 201. Removal of wellhead price control on new contracts. Deregulates "new-new" (new 102) gas defined as gas not subject to a contract prior to the date of enactment.

Sec. 202. Technical.

Sec. 203. Amendment of provisions allowing reimposition of price controls with a joint Congressional resolution of approval.

Repeals sections 122, 123, and 507 of the NGPA.

TITLE III—PIPELINE PRUDENCE STANDARD

Sec. 301. Inserts "imprudence" into Section 601(c) of the NGPA; requires that contracts be responsive to changes in customer demand or other market forces.

TITLE IV—CONTRACT CARRIER AUTHORIZATION

Sec. 401. Contract Carrier Authorization. Contract carriage authorization requires interstate pipelines, intrastate pipelines, and local distribution companies to transport natural gas for other purchasers.

Encourage voluntary transportation arrangements in preference to mandatory contract carriage.

Financial incentives for pipelines and local distribution companies to participate in contract carriage transportation are provided.

Same as sec. 401 of S. 1715 with the following amendments:

Defines available capacity in terms of existing contracted quantities instead of demand forecasts.

Prohibits discrimination in the provision of storage.

Reduces a pipeline's take-or-pay obligation caused by contract carriage.

Authorizes FERC to reduce minimum bills as may be necessary due to contract carriage.

Encourages buyers' cooperatives.

Authorizes state regulatory agencies to review LDC's gas purchasing practices.

Clarifies FERC's authority to order expansion of facilities.

Secs. 402 and 403. Technical.

TITLE V—REPEAL OF CERTAIN RESTRICTIONS ON NATURAL GAS AND PETROLEUM USE AND PRICING

Secs. 501 and 502. Repeal certain provisions of the Powerplant and Industrial Fuel Use Act of 1978.

Sec. 503. Repeals the incremental pricing requirements for natural gas under the NGPA.

TITLE VI—IMPORT PROVISIONS

Sec. 601. Requires imports to be responsive to changes in customer demand or other market forces; requires administrative action on certain pending LNG importation proceedings.

Mr. BRADLEY. Mr. President, let me describe in some more detail one of the most important features of my substitute, contract carriage.

This provision has the potential to make the natural gas market more competitive, providing benefits to consumers and producers alike. Indeed, contract carriage supporters range from the most enthusiastic consumers' group, CLEC, to the most enthusiastic free-marketeers, the independent producers. The only real opposition to this provision are some executives representing the most conservative, risk-averse government-blessed monopolies in the Nation, public utility executives of interstate pipelines and local distribution companies. Why do they oppose it? Simple. Why does any monopolist oppose competition?

I believe it is correct to say that the Energy Committee spent more time on the contract carriage provision than any other single provision even including old gas. At the end of the 3 weeks of markup, the committee adopted contract carriage on an 18-to-1 vote. On no other issue was the vote so overwhelming.

There is an irony associated with Senator BUMPERS' opposing vote. A fertilizer company Agrico in Blytheville, Ark., had been struggling to stay open in spite of rising natural gas prices. Agrico finally found a producer willing to sell gas cheaper than the pipeline's gas. Agrico asked the pipeline, Arkla, to transport the gas to their plant on a contract carriage basis. Arkla refused. Finally, in September 1983 after months of frustration, Agrico had to close the plant, laying off 100 employees.

Mr. President, contract carriage is supported by and will clearly benefit consumers, both residential and industrial. The distribution companies and AGA do not like it; they, like all monopolists, prefer the status quo. I can only assume that they would prefer not to have the ability to seek out cheaper gas for their residential customers. However, the State public and consumer advocates—the people whose job it is to seek to keep gas prices as low as possible for residential and commercial customers of distribution companies—know that it will benefit residential consumers.

Let me read just one sentence from a letter the National Association of State Consumer Advocates sent me last week:

> After long and careful study we are convinced that—with the adoption of certain key amendments—the contract carriage provisions of S. 1715 will be a powerful force for achieving lower wellhead prices for residential and commercial consumers.

I ask unanimous consent that, the full text of the NASUCA letter dated November 2, 1983, be printed at this point in the record.

Contract carriage will work like this. A buyer—a local distribution company or an industrial user or any other consumer of gas—will go out and find a gas producer willing to sell gas. They will approach the pipeline that runs between the producer and the buyer. In some cases more than one pipeline will be involved. If the pipeline agrees to transport the gas from the producer to the buyer, the three—or more—parties notify the FERC who makes the proposed arangement public. The pipeline will be allowed to charge the just and reasonable rate, including all variable costs and a full and proper allocation of all fixed costs—including any outstanding take-or-pay obligations still facing the pipeline—plus a 5 cent per million Btu's incentive fee that accrues to its stockholders. The pipelines would thus have a real incentive to transport gas for others. If no one objects during the 30-day comment period, the contract is signed and the gas gets moved.

I have just described the case where the pipeline recognizes that everyone benefits from the contract carriage transaction. I hope most or even all contract carriage arrangements will be voluntary. Senator FORD worked very hard in committee to insure the procedures allowed and encouraged voluntary contract carriage. However, we have seen much evidence of pipelines unwillingness to transport gas for others on a voluntary basis. If anyone still doubts this, let me mention just a few of the many examples of consumers frustrated by recalcitrant pipelines.

An interstate pipeline recently announced that it would not transport gas for certain industrials unless they agreed to a settlement in a pending FERC rate proceeding. As a result, the industrials will be forced to continue using more expensive oil at their plants, consumers on the pipeline will pay higher rates because of the loss of transportation revenue credits, gas producers will cut back their production and the local distributors will lose valuable transportation revenues.

A textile manufacturer and an agricultural user with plants on the east coast spent weeks negotiating with an interstate pipeline over the renewal of a self-help arrangement. Despite the willingness of the local distributor and another pipeline to participate in the deal, the pipeline refused to participate because "it preferred to buy and sell gas, not transport gas for users." Only after a complaint had been drafted and a lawsuit was imminent, did the pipeline agree to renew the arrangement.

A glass company with plants in the Midwest waited weeks for its self-help service to commence while the pipeline and the FERC feuded over whether the pipeline should be able to retain a greater portion of the transportation revenues. In effect, the pipeline held the user hostage in an effort to force Commission concessions on the rate issue.

A paper company with a plant in the Southeast attempted to renew its arrangement with an interstate pipeline at the time when the threat of curtailments still existed. Despite several meetings with the pipeline, followup letters and the support of the local distributor, the pipeline refused to renew the arrangements. During negotiations, the pipeline indicated a strong interest in purchasing the gas that the industrial had under contract.

An agricultural user with a plant in the Midwest was refused transportation service by the pipeline because of the local distributor's reluctance to urge the pipeline—which also supplied the distributor—to participate.

Two agricultural users and a manufacturer with plants in the Southeast were refused pipeline transportation service because the local distributor had "philosophical problems" with industrial self-help. After months of negotiations, numerous meetings and letters to the distributor, the industrials simply gave up trying to put the deal together.

Mr. President, this contract carriage provision is mandatory only if the pipeline has available capacity and if the pipeline refuses to transport the gas.

If the pipeline refuses to move the gas voluntarily, or if any other interested party objects on grounds that the contract carriage arrangement would render the pipeline or distribution company unable to render adequate service to its existing or remaining customers, the buyer and seller appeal to FERC, or, in the case of a local distribution company or intrastate pipeline, to the State regulatory body. If the pipeline can convince FERC—or if the distribution company can convince the State regulatory body—that it does not have the capacity to transport the gas, or if any party can convince FERC that the transaction would render the pipeline or distribution company unable to render adequate service to its remaining customers, the transaction would be turned down.

At the local distribution company level, an industrial customer who is turned down by the LDC or State agency may appeal under State law, up to and including the State supreme court. At the request of several, usually prostates'—rights members of the committee, a provision was included that would allow an industrial firm to appeal a final State decision to FERC only if it could be proven that the State—that is, the State regulatory agency and the State judicial bodies—acted in a manner that was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." I reluctantly agreed to this violation of State sovereignty, figuring that no State regulatory agency and certainly no State supreme court could ever be found arbitrary and capricious or in violation of State law.

Mr. President, despite the numerous protections, some people have come to me with concerns that are legitimate. I was initially reluctant to make any changes whatsoever in the version adopted into S. 1715 on an 18-to-1 vote. However, I am confident my colleagues will agree that the amendments strengthen the overall contract carriage provision and make it work better.

The major concern addressed by these contract carriage amendments is that local distribution companies will be reluctant to use contract carriage thereby depriving residential and commercial customers the benefits of lower gas costs. The first amendment, therefore, authorizes State regulatory agencies to review the gas purchasing practices of local distribution companies. In New Jersey, our board of public utilities already does this since three of our four gas utilities are served by more than one pipeline, and all four have gas production affiliates—that have had difficulty getting gas moved to New Jersey. Contract carriage gives distribution companies another option to buy cheaper gas. Their opposition seems to indicate that they do not want this option. The contract carriage provision included in my substitute allows State agencies to be sure distribution companies use it to get residential and commercial customers the benefits of contract carriage.

Another change to the S. 1715 version of contract carriage that I have included in the substitute would encourage local distribution companies or municipalities to form buyers' cooperatives. Some LDC's had been concerned that they were not big enough or smart enough to compete for gas in the big scary marketplace.

Another change prohibits the pipelines from discriminating between its existing customers and any contract carriage customers in the provision of storage facilities. Without access to storage facilities, it was argued, local distribution companies could not use contract carriage.

A legitimate concern about local distribution companies' minimum bills and pipelines' take-or-pay obligations has been expressed. To understand the problem, here is an example. Let us say that an industrial customer wants to use contract carriage, buying gas from a producer, transporting it through a pipeline and through the facilities of its local distribution company—an LDC's existing or historical customers must go through the LDC's facilities for its contract carriage; that is, is not allowed to bypass the LDC. In this case the industrial user will be buying less gas from the LDC. The industrial customer may be transporting as much or more gas through the LDC's pipes—to the benefit of the other customers of the LDC—but the industrial will be buying less gas from the LDC. This means that the LDC may want to reduce the amount of gas it buys from the pipeline. I have added a provision requiring FERC to reduce the LDC's or a pipeline's minimum bill to the extent necessary to offset any reduction in volume of natural gas due to its customers use of contract carriage.

In turn, the pipeline may have a similar problem with its supplier. If the LDC reduces the volume of gas it buys from the pipeline, the pipeline might face take-or-pay problems with its producer. Therefore, my amendment would allow FERC to grant the pipeline take-or-pay relief to the extent the problem was caused by contract carriage. Producers will still be selling the same amount of gas, but they would be selling that volume to different people. As contract carriage becomes more commonplace in the gas market, I would expect contracts between LDC's, pipelines, and producers to adapt and become flexible enough to allow for those transactions without FERC involvement. But during this transition, some temporary assistance may be warranted.

The contract carriage provision in the substitute would also allow the FERC to order pipelines to expand their facilities to serve transportation customers in the same manner that FERC now orders pipelines to expand their facilities to serve its regular sales customers.

The last change regards the definition of available capacity. S. 1715 defines available capacity in terms of demand forecasts determined by FERC. This would probably result in endless haggles over assumptions, and projections of weather and economic conditions. My amendment would make the determination of available capacity more objective and better protect the capacity of existing customers. The amendment would allow existing customers of pipelines to keep their maximum contractual quantities less any capacity that a firm customer wants to use for contract carriage as approved by the State regulatory agency. That is, a distribution company would not be required to give up any capacity that it has contracted for with a pipeline except to the extent that a firm customer of that LDC wants to switch from buying gas from the LDC to contracting for transportation from the LDC. For example, say a local distribution company has a contract with its pipeline for up to 100 units of gas. That 100 units of capacity would be reserved to the LDC as necessary to render adequate service to its existing customers with one exception. If one of the LDC's firm customers who now requires 10 units—a public housing authority, for example—wants to switch from sales service with the LDC to transportation service with the LDC, the LDC clearly has the 10 units of capacity to serve that firm customer; and my provision would facilitate that switch with the approval of the State agency. Capacity considerations would clearly not be a issue. The capacity necessary for the LDC to render adequate service to its remaining customers would be 90 units. If the LDC or State agency grants another customer the use of a portion of the LDC's reserved capacity, that would, of course, be allowed. This would all be done under the supervision of the State agency.

Mr. President, I ask unanimous consent that a series of arguments supporting contract carriage be entered into the RECORD following my substitute.

Mr. President, before I conclude this discussion of contract carriage, let me share with you a note I received from Mr. Joseph Kennedy, president of Citizens Energy Corp. He wrote:

> DEAR SENATOR BRADLEY: Thanks for your encouraging note, Senator. Citizens Energy not only provides cheap oil to Massachusetts but we have attempted repeatedly to provide *cheap* gas to local distribution companies (not just in Massachusetts). The local distribution companies, the poor and all general ratepayers would benefit (not to mention shut in producers). But at every step we have been blocked by the pipelines. I've got files full of war stories with pipelines. If possible get us contract carriage, and I'll get New Jersey cheap gas.
>
> Sincerely,
>
> JOE KENNEDY.
>
> P.S.—You keep up the good work.

Mr. President, we have an opportunity to assist the gas consumers of this country. Let us not lose it. I am open to further suggestions or modifications on my substitute. Some have suggest-

ed that gas supply could be augmented by allowing some volumes of natural gas to move from one regulated category to another. This may have some merit. I have not included these suggestions in this substitute but I am willing to discuss any and all reasonable proposals. I believe it is possible to put together a bill that resolves the major, widely perceived problems in the natural gas market and that can pass. My substitute is an effort to find the elusive combination to this lock. I urge others to examine it, make suggestions and work cooperatively toward the twin goals of efficiency and equity.

There being no objection, the material was ordered to be printed in the Record, as follows:

National Association of State
Utility Consumer Advocates,
Washington, D.C., November 2, 1983.
Hon. Bill Bradley,
U.S. Senate, Hart Senate Office Building, Washington, D.C.

Dear Senator Bradley: I write on behalf of NASUCA, which comprises advocates from 30 states, who are the official state representatives of consumers of natural gas and other public utility services before state and federal regulatory agenices.

We have been studying for many months possible legislative solutions to the current disorders and inefficiencies in the natural gas markets. We are firmly convinced that mandatory contract carriage is essential to achieve a competitive wellhead market. Although it is also necessary to correct the so-called "take-or-pay" and "contracts" problems (which are symptoms of market disorders) residential and commercial consumers will derive permanent protections only if the cause of those disorders—the pipelines' unwarranted monopoly control over purchasing decisions—is addressed.

The pipelines now use "voluntary carriage" to impose two-tiered pricing under which certain large industrial consumers with the ability to switch to fuel oil can use carriage to obtain competitive prices for gas at the wellhead while local distribution companies serving residential and commercial consumers are refused carriage, fenced out of the market, and forced to pay higher prices to the pipeline. After long and careful study we are convinced that—with the adoption of certain key amendments—the contract carriage provisions of S. 1715 will be a powerful force for achieving lower wellhead prices for residential and commercial consumers.

We understand you will offer amendments to ensure that benefits accure to residential and commerical consumers. With these amendments contract carriage clearly serves the interests of residential and commercial consumers and preserves fully the operational and financial integrity of local distribution companies.

With the incorporation of these amendments we are pleased to enthusiastically support the contract carriage provisions of S. 1715.

Respectfully,

John K. Keane, Jr.,
Chairman, Natural Gas Legislation Committee.

The Need for Legislation: Why Voluntary Transportation Arrangements Are Not Sufficient

The opponents of contract carriage argue that voluntary transportation arrangements are sufficient and that mandatory contract carriage legislation is not needed. This assertion is demonstrably false.

The contract carriage proposals would establish a mechanism under which pipelines would be compelled to transport gas. This would prevent the pipelines from continuing to frustrate transportation proposals that are clearly in the public interest.

The opponents of contract carriage argue that it is unnecessary to compel transportation because pipelines voluntarily enter into such arrangements. This latter claim seriously mischaracterizes the situation:

The "willingness" of pipelines to transport gas for a user is a recent phenomenon which will probably move to be temporary. Historically, pipelines have agreed to transport gas for short periods, but have then refused to extend those agreements or to enter into new ones when the pipelines perceived it to be in their interest to terminate the transportation service.

Not all major interstate pipelines are currently willing to transport gas on behalf of users. A number of major pipelines are actively opposing demands that they transport gas for users.

Without mandatory carriage legislation, pipelines will be able to withhold, or delay, specific transportation arrangements (as happened recently on the Columbia Gas Transmission system) in order to win concessions in regulatory and other proceedings.

Without the proposed legislation, it can take weeks or months of needless delay in order to obtain pipeline cooperation for proposals that are obviously in the public interest.

Those pipelines that have agreed to transport gas for users have severely limited such arrangements to short terms, such as one year, or have limited transactions to fuel oil displacement arrangements.

In view of the recent emergence of pipeline industrial sales programs, there is a clear danger that the pipelines will attempt to choke off competition from gas acquired from independent sources.

Without contract carriage legislation, all natural gas users will continue to be held hostage to the dictates of the pipelines.

Contract Carriage Legislation Will Reduce the Price of Natural Gas for All Classes of End-Users

The natural gas market is in the paradoxical position of facing oversupplies and rising prices. Low-cost supplies are available, but not accessible to willing purchasers due to the inability to obtain the necessary transportation. By making less expensive supplies available, contract carriage will increase competition among sellers. This will in turn produce lower, more stable prices for all consumers of natural gas.

All classes of users, including residential and other small end-users, will obtain price benefits from contract carriage due to a combination of three factors:

First, there will be the direct reduction in prices as a consequence of distribution companies purchasing low cost supplies. The assertion by distribution companies that only large industrials have the market power to be able to take advantage of contract carriage transportation is demonstrably false. Distribution companies clearly have the market power, as well as the knowledge of the natural gas market, to compete for low-cost supplies. Historically, distributors have had no difficulty in finding prospective sellers to serve them. Moreover, experience with other natural gas transportation programs reveals that a broad spectrum of end-users, incuding hospitals, schools and agricultural users, have been able to arrange for their own low-cost suppliers. In some cases, small users have joined together to purchas gas directly at the wellhead.

Second, the increased competition among sellers for customers will provide an important incentive, where no incentive currently exists, for pipelines to secure the lowest prices possible. In effect, the market (rather than FERC through protracted hearings) will insure prudent pipeline purchases. End-users on a pipeline's system will therefore benefit indirectly from the effect of subjecting pipelines to competitive forces.

Third, all classes of customers will benefit indirectly from the retention of industrial load. It is undisputed that numerous industrial users have switched to alternate fuels or in some cases shut down, due, at least in part, to the high cost of natural gas. When a user leaves the system, the fixed costs of the pipelines and distribution companies are allocated to a smaller number of users. Consequently, users which have no real ability to switch fuels, such as residential consumers, are forced to pay an increasing share of fixed costs. By making cheaper gas available, contract carriage will prevent industrial load loss and the adverse impact that such load loss would otherwise produce.

Pipelines Will Be Fairly Compensated for Their Transportation Services

A pipeline providing contract carriage services will be fairly compensated for such services and should benefit financing from the institution of a national transportation system.

Under the legislative proposals, transportation rates will be based on full costs—including pipelines' take-or-pay obligations—and consistent with the traditional just and reasonable, and fair and equitable, standards.

This means that transportation customers will pay their proportionate share of fixed costs of the pipeline system. In addition to the cost-based rate, the transportation rate will include an appropriate rate of return.

If enacted, the contract carriage provisions would insure continuation of the existing and well-established regulatory practice of developing rates which reflect the cost of providing the service.

The legislation includes provisions for an Added Incentive Charge, an additional charge above the just and reasonable rate, to provide "carrot" for pipelines to voluntarily provide transportation services.

Pipelines will also benefit from the additional total throughput which should result from contract carriage making available lower cost supplies. By reducing the price of gas, especially that of the price sensitive load, contract carriage legislation will help maintain natural gas markets. Therefore, the pipelines total throughput, and total revenues, should be increased.

Carriage Legislation Will Not Create Minimum Bill/Take-or-Pay/Service Obligation Problems

Opponents of contract carriage allege that legislation will cause massive minimum bill and take-or-pay problems which will injure all gas consumers, especially residential consumers. They further claim that contract carriage legislation is inconsistent with local distributor's long-standing public service obligations. These arguments are long on rhetoric and short on substance.

MINIMUM BILL

Some local distributors argue that if users on their systems enter into contract carriage arrangements, the local distributors will incur massive minimum bill obligations to their pipeline suppliers—obligations which will adversely impact residential users.

In fact, this contract carriage legislation provides for a reduction in the distributor's minimum bill obligation to the pipeline, but only to extent that the transportation services replace gas that the distributor would otherwise have been obligated to buy.

Given the fact that the minimum bill "problem" has a readily available solution, these same distributors go on to argue that the solution itself will impair the reliability of service from the pipeline. This impairment will allegedly result from the fact that the reduction in a distributor's minimum bill obligation will be accompanied by a reduction in the pipeline's service obligation. Once again, however, they have misstated the situation.

The service obligations may be reduced, but only "to the extent" that the contract carriage service replaces service from the pipeline. Thus, a distributor (or a user served by the distributor) would be able to arrange for contract carriage service which is in addition to existing service from the pipeline without in any way impairing that existing service.

TAKE-OR-PAY

A further argument being advanced is that contract carriage legislation would create monumental take-or-pay problems for the pipelines—problems which will ultimately increase rates to consumers. Again, we are presented with a grossly oversimplified analysis which overlooks several important facts.

First, this argument ignores the fact that take-or-pay problems were caused by past pipeline purchasing practices. They were not created by contract carriage arrangements. Whether consumers should be required to reimburse pipelines for this take-or-pay liability is an issue that will have to be resolved whether or not contract carriage legislation is passed.

Second, the argument assumes that contract carriage legislation will worsen the take-or-pay situation. In fact, contract carriage arrangements offer the possibility or reducing take-or-pay obligations by encouraging direct producer sales in return for take-or-pay reductions. Indeed, some pipelines have already perceived this possibility.

Third, in those cases in which contract carriage customers are responsible for take-or-pay liability, they would have to pay take-or-pay costs as part of their transportation rate.

SERVICE OBLIGATION

Finally, opponents argue that contract carriage legislation is inconsistent with the public service obligation of local distributors. By that they mean that it is unfair for local distributors to remain under a continuing obligation to provide utility service to all consumers if consumers are free to seek gas from other sources.

The short answer is that distributors, as well as state and local regulatory authorities, are perfectly capable of accommodating contract carriage and the utility's service obligation. For example, the same approach being proposed at the pipeline level could be adapted to meet local needs.

Thus, for example, the utility's service obligation to sell gas to a particular user could be reduced to the extent that the user replaces utility gas with contract carriage gas. If the user later seeks to reinstate his utility service in order to meet these energy requirements, the utility would have a modified service obligation—i.e. an obligation to make a good faith effort to acquire the additional gas, if any, needed to serve the user. The utility would not penalized for failing to do the impossible if gas could not be acquired.

From the users perspective, the danger that service could not be restored would be a risk that the user would have to assume when it replaced utility gas with contract carriage supplies. On the other hand, the utility's "good faith gas acquisition requirement" would protect the user from utilities that wanted to penalize users that elect to receive contract carriage service.

USER ACCESS TO AVAILABLE PIPELINE CAPACITY WILL NOT INJURE RESIDENTIAL CONSUMERS

Some opponents of contract carriage legislation argue that residential consumers will be injured if users, particularly industrial users, are able to compel pipelines to transport gas acquired from independent sources. These arguments have no real substance.

The first argument is that residential users will be required to subsidize the transportation rate paid by the user to the pipeline and to the local distributor. Such subsidization should not occur at either level.

With respect to pipeline transportation rates, the proposed legislation requires that the person receiving the transportation service pay the cost of providing the service. The requirement that the rates be "cost based" will prevent subsidies.

At the distribution company level, the question of transportation rates will either be set by an existing state or local regulatory body (e.g. a state public utility commission), or, when no such regulatory authority exists, by the local distributor itself. In either case, residential users will be adequately protected.

In that regard, all users that continue to purchase gas from their utility supplier, whether they be residential, commercial or industrial users, have a common interest in seeing that transportation rates are not subsidized at their expense.

Recognizing that "adverse rate impact" is a nonissue, opponents of the legislation have argued in the alternative that state commissions will keep transportation rates unreasonably low by reducing utility profits. This, they argue, will impair the financial viability of the utility and thereby harm residentials.

In essence, this "argument" is that the state commissions cannot be trusted to protect residential customers within their jurisdictions, an argument which borders on the preposterous. Moreover, it assumes that the transportation customer that relies on a local distributor to haul its gas is indifferent to the financial health of the utility—an equally strained argument. The truth is that the financial viability of local utilities are not threatened by contract carriage.

A further argument against contract carriage for users is that local distributors will lose control of their gas supplies. For example, they claim that during cold weather distributors will be required to deliver contract carriage gas to low priority users while service to residential users is interrupted.

What they fail to explain is why contractual arrangements, similar to arrangements routinely worked out previously, cannot be negotiated under which transportation gas can, if necessary, be diverted during periods of peak demand. Nor do they mention the fact that state regulatory authorities have adequate power to order such diversions. The truth is that the operational, contractual and legal questions can be resolved with relative ease, just as they have in the past.

Underlying all of the above arguments is a very simple, but unfounded assumption. Namely, that most users, particularly industrial users, will abandon their utility systems if pipelines can be required to carry their gas. Even if this assumption were true, the rate and operational impacts could, as explained above, be managed without injury to other consumers.

Moreover, it must be recognized that this assumption is a gross oversimplification which ignores the fact that most users would prefer to stay out of the gas business and would much rather let their utilities continue to supply them. It also ignores the very real operational considerations that can make contract carriage service ill-suited for a particular user's energy requirements. Finally, it ignores the fact that the local utility and local regulatory authorities are, and will continue, to determine whether and under what terms and conditions users would be able to transport their own gas on a local utility system.

CONTRACT CARRIAGE LEGISLATION WILL PROVIDE LOCAL DISTRIBUTION COMPANIES WITH ADEQUATE PROTECTION FROM POTENTIAL LOAD LOSS

The opponents of contract carriage have alleged that large industrial consumers will attempt to circumvent their existing local distribution company suppliers by hooking up directly to interstate pipelines. The loss of such large loads would, it is concluded, irreparably injure other consumers on the local distributor's system.

However, protections have been built into both the House and Senate proposals specifically designed to insure that local distribution companies and their customers are adequately protected from such injury. The House bill provides that any proposal to circumvent an existing local distribution company supplier will be subject to review under the well-established "public convenience and necessity standard." Under the Senate bill, facilities historically served by a local distribution company would not be able to receive transportation service unless there is the concurrence of the distribution company and the relevant state agency or if the facility meets one of the limited, enumerated exceptions. Both proposals would protect distribution companies against their concerns relating to load loss.

PROTECTION OF HIGH PRIORITY END-USERS

Opponents of contract carriage legislation have raised totally unfounded arguments that such legislation will result in inadequate or unstable service to residential and other high priority end-users.

Although often confused, there are two separate issues involved. First, opponents claim that pipelines may be forced to undertake transportation obligations without adequate allowance for existing customers.

Second, there is a concern that high priority and end-users will find themselves without service in the event of an unexpected interruption of service. Both these claims are totally without merit.

1. The legislative proposals were carefully designed to ensure that a pipeline will not be required to provide transportation service unless there is sufficient capacity in addition to the capacity required to serve the pipelines' existing obligations ("available capacity"). The Bradley bill now defines "available capacity" in terms of the pipelines' actual contractual requirements of existing customers. Thus, a pipeline's existing customers have primary right to the pipeline's capacity, with new transportation customers able to utilize only the portion of the pipeline's capacity which remains after allowing for the existing customers' full contractual entitlements. Existing firm customers may switch from sales service to transportation service with the approval of the State agency.

2. High priority end-users are also protected under the contract carriage proposals in the event of interruption of service. This is true whether the interruption was caused by a supply shortage or by a capacity problem on the pipeline system. If pipelines face insufficient supply and therefore must go into curtailment, both bills provide that existing curtailment procedures and priorities would apply. If the pipelines must reduce service because of a capacity interruption, effective mechanisms are provided to ensure preferences to residential and other high priority users, so that such end-users are the last to be curtailed.

Some distributors pretend to champion the cause of the residential consumer by arguing that capacity problems should be handled by completely interrupting all contract carriage deliveries before requiring the interruption of any gas purchased by distributors from the pipeline. This suggestion would actually hurt residential consumers. Thus, for example, a distributor that buys all of its gas from the pipeline would be able to serve low priority loads (with installed alternate fuel capabilities) at the same time that contract carriage volumes destined for another distributor's residential customers are completely interrupted. The only realistic approach is to ensure that high priority users are given preferential treatment (whether served from pipeline or non-pipeline sources) during periods when capacity problems arise.

CONTRACT CARRIAGE PROCEDURES ARE STREAMLINED AND WORKABLE

The contract carriage proposals would establish an efficient procedural mechanism for ensuring pipeline participation in transportation transactions, with a minimum of federal regulatory involvement and without causing injury to the pipelines' existing customers. Opponents assertions that the procedures are administratively unworkable are patently incorrect.

Under both the House and Senate bills, the procedure for commencing a transportation transaction is both simple and straightforward. A shipper must simply notify the pipeline and the Commission of its interest in obtaining transportation service. The Commission then notices the request for transportation and, if no protests are filed within a designated time, the transaction is self-executing.

The permissible grounds for protest are specified in the legislation. Moreover, a careful balance is achieved which provides adequate protections to existing customers, but which also prevents opponents of particular transactions from raising irrelevant issues. Moreover, in those cases in which protests *are* filed, the Commission is given only a limited time within which to act. Unless exceptional circumstances exist, the transaction will be allowed to go forward in the event the Commission fails to reach a decision within the specified time period.

While the procedures for dealing with protests ensure that there will be minimal delay, there should be relatively few protests of proposed transactions, given all of the protections built into the legislation. Furthermore, in light of the large excess capacity being experienced by most pipelines, the question of whether a pipeline has available capacity should rarely arise.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on the Carter Library Proposal on Wednesday, November 9, at 10 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Ms. Margaret Hecht at 224-4751.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION, FORESTRY, AND ENVIRONMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Soil and Water Conservation, Forestry and Environment of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, November 8, to hold a hearing on S. 1851, the White Mountain National Forest Wilderness Act of 1983.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, November 9, to consider the following Executive nominations:

Susan M. Phillips to be Chairman of the Commodity Futures Trading Commission;

Daniel Oliver to be General Council of the U.S. Department of Agriculture; and

William E. Seale to be a member of the Commodity Futures Trading Commission.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, November 8, at 9:30 a.m., to consider pending calendar business, including continuation of markup on S. 1739, the Water Resources Development Act of 1983.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL DISABLED VETERANS WEEK

● **Mr. GLENN.** Mr. President, America's strength depends on many things—a healthy economy, good public schools, and the compassionate spirit that moves us to care for those who cannot care for themselves. But we must never forget that our national well-being also depends on the dedication and courage of Americans of all origins who serve in our Armed Forces.

It is our men and women in uniform who are the first casualties of the statesman's failure to keep the peace. In conflicts from the beginning of our Republic to the rubble of Beirut, Americans have sacrificed and suffered for this Nation.

We are right to honor those who have been disabled in their Nation's service. And it is appropriate that we designate this week in their honor.

But that is not enough.

It is not enough to go through the motions of paying homage to our disabled veterans. It is not enough to make flowery speeches 1 week a year and walk away, believing we have done our part.

Toward the end of the most divisive and tragic period in American history, Abraham Lincoln, visiting a battle-torn regiment from Indiana, spoke of one of America's most solemn obligations—a sacred duty "to care for him who shall have borne the battle."

We could spend an infinity in this Chamber outlining this or that program to care for those who have "borne the battle" for us and for future generations of Americans. And we all here will agree that we must make every effort, day after day, to see that our disabled veterans have the best care available.

But our responsibility to our disabled veterans, to our men and women in uniform, and to those who have been killed in action is even more profound. And again I turn to Lincoln, who, still speaking to the veterans from Indiana, described the supreme task for America and its leaders as being one wherein we had to insure that we would "do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

Unless we bend our every effort toward that "just and lasting peace," we will not be keeping the faith with those whom we honor here today.●

BEST COPY AVAILABLE

AUTO SAFETY

● Mr. DANFORTH. Mr. President, the United Services Automobile Association, the Nation's ninth largest automobile insurer, has decided to replace its 150-car fleet in 1985 with airbag-equipped vehicles. Citing the lifesaving potential of airbags, retired U.S. Air Force Brig. Gen. Robert McDermott, USAA's chief executive officer, said that it is his hope that other companies with large fleets of cars will also buy vehicles equipped with safety airbags.

Mr. President, I share this hope. I also share General McDermott's distress over the needless loss of life that is occurring because airbags are still unavailable to the public-at-large. I have introduced legislation, cosponsored by Senators PELL, PACKWOOD, HATCH, and RANDOLPH, which would make airbags widely available. My bill, S. 1108, has been reported by the Commerce Committee and is now pending action on the floor.

I congratulate General McDermott and the USAA for the enlightened corporate policy they are pursuing, and I wish them well in their negotiations with Ford Motor Co.—the only automobile manufacturer to bid on the General Services Administration's proposal to equip 5,000 Government vehicles with airbags. Together, USAA and Ford are certainly pursuing "a better idea" in safety technology.

Mr. President, I ask that the text of General McDermott's remarks, "An Insurance Industry Perspective on Auto Safety," be printed in the RECORD.

The material follows:

REMARKS BY ROBERT MCDERMOTT, AMERICAN ASSOCIATION FOR AUTOMOTIVE MEDICINE, OCTOBER 5, 1983, LA MANSION DEL RIO

Thank you, and good afternoon.

First, please let me be the latest to say "Welcome to San Antonio." As an advisory board member for both the Southwest Research Institute and the University of Texas Health Science Center, I am delighted that they are cooperating with you in holding the Twenty-Seventh Annual Conference of the American Assocation for Automotive Medicine in our city.

I suppose that at this point it's customary for a speaker to tell a joke or two to loosen up the audience and prepare them for the long ordeal ahead. But there are some subjects for which no joke is appropriate, and automobile safety is one of them. I've never been able to find anything funny in the fact that 44,000 or more Americans die every year on this nation's streets and highways.

You are all professionals—men and women who don't take things for granted, who seek the truth by working to develop hard data that events occur in a certain way and that there is a rhyme and reason for their occurrence.

As I give you my perspective on the status of automobile safety today in the United States, I would like to relate it to you in terms of empirical evidence that is both encouraging and frightening.

First, let's state the problem, and I will use figures given to me by one of your colleagues, Brian O'Neill of the Insurance Institute of Highway Safety.

Brian compiled these statistics from reports of the National Accident Sampling System and the Department of Transportation.

The good news is that traffic deaths were down last year, from 49,300 in 1981 to 43,700 in 1982. That downward trend is continuing in 1983.

But in terms of traffic deaths, that's all the so-called "good news" there is.

Here is the bad news . . .

In 1981 there were 26,500 passenger occupant fatalities. Nearly 13,000—almost half—of those deaths occurred in frontal or front angle impacts.

Obviously, your greatest chance for being seriously hurt in a car wreck comes from things located in front of you—and this has been the case historically.

In 1981, more than half a million people suffered brain and/or spinal cord injuries in car crashes. Some 24 percent—120,000—of those people incurred these critical injuries by hitting the steering wheel, windshield or "other front interior" of the cars in which they were riding.

Skull and facial injuries in 1981 totaled some 700,000, with 63 percent being caused by that same group of steering wheel, windshield and "other front interior" impacts.

Another 65,000 persons suffered serious chest injuries in 1981 from those same sorts of crashes.

Abdominal injuries in 1981 totaled 16,000 from the steering wheel, windshield and "other front interior" impacts.

Some 280,000 people in 1981 suffered serious injuries to extremities—legs and arms—caused by this same source of injuries.

In all, 24 percent of the most serious injuries to passenger car occupants involved in crashes in 1981 came from this front-of-the-car source of steering wheel/windshield/front interior.

Let me offer two more pieces of data to further illustrate this point.

According to the National Accident Sampling System, 63 percent of all accidents causing serious injury in 1981 involved a frontal or front angle collision.

And, 61 percent of all vehicles involved in "tow-away accidents" in 1981 suffered primary damage from frontal or front angle impacts.

Surely, it's only natural to assume that with the overwhelming evidence available and published regarding the seriousness of frontal or "head-on" collisions, that Americans today would be making unprecedented efforts to protect themselves in the event of such crashes by wearing the safety belts available in nearly every car on the road today. Further, one would assume that, given the extraordinary number of fatalities and serious injuries caused by this national health problem, the federal government would leave no stone unturned in the effort to make cars safer.

Sadly, as you and I know, neither of these perfectly sensible and logical actions have come to pass.

According to Department of Transportation figures, as of May 31 of this year, seatbelt usage had risen to a total of 14 percent—only slightly better than the historical average of approximately 11 percent.

But these low figures don't tell the whole story. Seatbelt usage is consistently lower among young people in the 15-24 age group and among those from lower socio-economic areas—and these are the two groups which statistics have shown are most likely to be involved in auto crashes.

According to the National Accident Sampling System, in 1981, of car occupants in the 15-to-24 age group involved in crashes, only eight percent were wearing belts.

In 1981 car crashes in which there was a passenger in the middle of the front seat, only six percent of these passengers were restrained by belts or some other device—and this figure relates to all ages, not just young people. It's relatively safe to assume that many of these middle-of-the-seat passengers were small children.

Besides the most recent national seatbelt campaign, what else have our friends in Washington been doing to help alleviate the problem?

In my view Washington made a serious error when the Administration rescinded the passive restraint regulation, and I was very pleased when the Supreme Court decided unanimously that NHTSA had not made its case.

Where would passive restraints have their greatest effect? Obviously, these restraints—either automatic seatbelts or airbags—would have significant positive results in frontal or front angle collisions, which account for all of the statistics I cited to you earlier.

Yet, the Administration, in the name of "getting government off people's backs," rescinded the passive restraint regulation, and so today the carnage on our highways and roads continues.

I don't know about you, but I do believe that the deaths of thousands of people each year, and serious injuries to tens of thousands more, needs to be addressed without let up by all segments of our society—including the federal government.

When it comes to saving people's lives, a lot of the deregulation arguments go out the window. There is a case for enlightened government regulation where public safety is concerned. You know these arguments only too well.

It is because of public safety needs that all milk sold in this country is pasteurized.

It is because of public safety needs that we have electrical and building codes in our cities to avoid dangerous overloads and flimsy construction.

It is because of public safety need that NHTSA should promulgate a regulation that mandates passive restraints.

We are now told that NHTSA will propose a new regulation regarding passive restraints by October 15—a week from this Saturday. I'm anxious to see the language of this new rule and hope it demonstrates their understanding of the need for enlightened regulation of automobile safety.

Believe it or not, there is some good news coming out of Washington on the auto safety front. The Administration has proposed that the General Services Administration conduct a test of compact-sized airbag-equipped automobiles by initially purchasing some 5,000 such cars next year for use in GSA motor pools, GSA is negotiating with Ford Motor Company to design, engineer, and provide airbags in its new Tempo.

General Motors produced 10,000 cars equipped with airbags back in the 1970s and sold them all—with very favorable crash results, as you all know. I believe that the GM program solved the major issues of airbag design and manufacture and I have some reservations regarding the need for still another test program. Still, it's better than nothing, and because this program for the first time addresses the use of airbags in smaller cars, it may mark the beginning of a real effort to provide airbags to the motoring public.

While those of us in the insurance industry, including the National Association of Independent Insurers, which I will assume chairmanship of next week, are working with other groups to seek broad availability of passive restraints in cars, we encourage Ford in this latest effort to put state-of-the-art passive restraints on the road in the new downsized cars.

I would like to take this opportunity to announce the USAA, my company, plans to completely replace our fleet of some 150 automobiles with the new airbag-equipped Ford Tempo.

It is my hope that other companies across the country—insurance and otherwise—which have large fleets of cars will also sit down with Ford and equip themselves with these new cars. We should congratulate Ford for working with GSA on this latest project, and should work to demonstrate to Ford a buyer demand for passive restraint-equipped automobiles by getting as many of them on the road as possible.

In addition to Ford's efforts, there is some other encouraging news on the passive restraint front . . .

Although Americans will not be able to buy the airbag-equipped Ford Tempo at dealer showrooms, it now appears that they will have a choice soon of several other automobiles in which the airbag will be sold as an option.

Mercedes-Benz will be offering driver-side airbags as an option in its top-of-the-line models this fall. Certain models of Toyota and Volkswagen already offer automatic belts as an option. And, we understand that BMW and Volvo are considering the possibility of making airbags available as an option . . . and that Honda, which has never been afraid to innovate, has been testing airbag-equipped cars for possible introduction into the U.S. market.

It's significant that these decisions will soon be made since just yesterday the latest Highway Loss Data Institute information on crash results by automotive model was released in Washington.

These data show again that larger cars—all American-made, by the way—are safer than smaller cars—whether made in America or abroad. And once more, it's General Motors cars which lead the pack, while Japanese-made cars bring up the rear.

That trend has continued now for several years and it leads one to think that GM would seek every advantage to keep that leadership—including making passive restraints available, at least as an option—and that the Japanese would be working hard to improve the results of their cars. So far, GM has done nothing, while the Japanese, who are loathe to sit on their hands when a problem appears, are apparently getting ready—through the efforts of Toyota and Honda—to do something about it in a big way. My only hope is that General Motors—and all its American work force—doesn't find itself behind one day and wondering how it got there.

Now, I'm supposed to give you the insurance industry perspective on automotive safety, so here it is.

We in the insurance industry want automotive safety—and we want as much of it as possible. It's been estimated that automobile crashes are a $20-billion-plus burden on the people of this country every year—and you and I, through the premiums we all pay, must absorb most of that cost.

As one who is involved with several industry associations, I can tell you that the insurance industry as a group will continue to seek the common usage of the most effective safety technology available—whether it's airbags, automatic seatbelts, windshields that "give" on impact but don't shatter, increased dashboard padding or safety bumpers.

We will work with groups like yours to encourage the development of new technologies in automotive safety.

We will work with the automobile companies and the government in hopes of securing a more enlightened attitude toward the use of all safety technologies in automobiles.

And, we will work to inform the general public of the importance of these technology applications and of the need for consumers who want safe cars to demand them from auto makers.

Finally, the insurance industry through its individual companies, like USAA, will continue to promote seatbelt usage * * * will continue to support the effort to keep drunk drivers off the road * * * will continue to promote the enactment and enforcement of child restraint laws in all of the 50 states. And any other American company—insurance or otherwise—should do the same since what we are talking about here is conserving our most precious resource—as a nation, as companies and as families—and that is our people. Children, brothers and sisters, moms and dads, grandparents—these are the resources we are talking about.

At USAA, for example, we give to any of our 5,000 employees who become new parents a child safety restraint seat for those new-born infants. Since April of 1982, we've given away 331 of those seats. We also loan the safety restraint seats to our employees on a month-to-month basis for use by their other children.

Further, we've just made available to our 1.25 million USAA members a new rider in their auto insurance policies which will pay an additional $10,000 in medical benefits or death benefits for any USAA member or family member who is involved in a car crash and is wearing a seat belt, riding in a child restraint seat or is a driver or passenger in a car seat protected by passive restraint devices—including airbags and automatic belts. Those benefits are provided to our members whether they are riding in their car or someone else's when the crash occurs.

The benefits also extend to guests who might be riding or driving a USAA member's car.

And we're providing this coverage at absolutely no extra cost to our insureds.

As USAA's chief executive officer, I take pride in these accomplishments—and in what we were able to do last year by broadcasting to the public the first comparative car safety data compiled by HLDI and IIHS.

Our overall auto safety campaign over the past year has resulted in a reported doubling of the number of USAA members who now "buckle up"—from 11 percent to 23 percent. By continued effort, I hope we can convince even more of our members and the general public to use their seatbelts.

But despite that improvement, I remain convinced that the optimum solution has got to be passive restraints—either airbags or automatic belts, as the public may choose.

That phrase—"as the public may choose"—is important because, right now, the public doesn't really have a choice. You and I can't go into a GM, Chrysler, Ford or AMC showroom and buy a car equipped with passive restraints.

The auto makers have decided not to offer you and me that option.

They will let you buy a car that talks to you—that tells you in plain English that you've left the lights on. But they won't let you buy an automatic belt.

And now, most frivolous of all, GM has happily announced that it has developed the ultimate in car stereos—the "super stero," GM calls it. And this option on GM luxury cars will be available for you and me to buy for only $895, according to "Popular Science."

As a father of five and a grandfather of 10, it's difficult for me not to get emotional over this issue when I see General Motors proudly offering an $895 "super stereo," but refusing to offer me the option of buying a normal car stereo and an airbag, which together would be patently affordable at the same price or less than the "super stereo."

We're not discussing a business problem. It's not a matter of dollars. It's not a matter of deregulation triumphing over the regulators or vice versa. While groups such as the American Association for Automotive Medicine have looked at the problem for years and worked on developing solutions, many of the solutions have not been implemented with the speed that other health hazard solutions—such as polio vaccine—have been put to use.

This is a national shame, and it's long past time to end the bickering and foot-dragging which have resulted in the deaths of so many and the maiming and disfigurement of so many more.

Remember, even though traffic deaths are down, 120 people are killed in car crashes every day of the year. That's the equivalent of a major airliner crash every day—and you know the hue and cry that would be raised if a passenger jet went down daily for even a week, much less a year.

As chairman-elect of NAII, I hope to be in a position to multiply my potential to do more about safety matters this next year. The stature of your Association is such that your recommendations are heard and given serious consideration by the decision-maker in both government and industry. We in the insurance industry must, and will work to see that your recommendations are heard and not set aside.

Thank you very much.●

WHO WILL BE IN SPACE?

● Mr. GOLDWATER. Mr. President, this year we are celebrating the 25th anniversary of our civilian space agency, the National Aeronautics and Space Administration (NASA). We have much to be proud of in terms of the accomplishments of those years.

Our space adventures began with a 31-pound artificial satellite; then culminated with man's landing on the Moon proclaiming that: "We came in peace for all mankind."

Today, we provide a wealth of information to Americans and to other citizens of the planet Earth regarding weather, geological conditions, and other data. We have developed a communications network which is better than anything that could have been envisioned just a few short years ago. All this information is the harvest of our programs in space.

This Nation proved that when we put our minds to something we can accomplish almost anything. It was the commitment of successive administrations and Congresses, and the support of the American people, that allowed these space programs to be undertaken and achieved. But success only comes with leadership and with the necessary support.

Mr. President, we cannot afford to just live on the successes and achievements of the past. Currently, the administration and the Congress have been discussing whether the United States should develop a manned space station for the 1990's. Perhaps an article by James E. Oberg in the November 4, 1983, issue of the Christian Science Monitor can help us answer that question.

Mr. Oberg discusses recent reports that the Soviets may have encountered difficulties on their Salyut 7 space station. The article is interesting and informative. What is most impressive, however, is his closing paragraph. It reads as follows:

> When this long-anticipated crew handover occurs, Western observers will realize that space may never again be empty of human travelers. There will henceforth always be people in space, living, working, observing, . . . and speaking Russian.

Mr. President, this statement best summarizes the position the United States finds itself in today. We chose, almost a decade ago, not to proceed with manned space activity. We are turning space over to the Soviets by default. We are losing our lead in all manned activities including scientific, commercial, and even military activity.

The best way to maintain the achievements of the past is by a commitment to the future. We must have a permanent manned presence in space, a commitment made long ago by the Soviet Union. The time is growing short. This Nation needs both leadership from the President and support from the Congress if the American people are to continue to play a role—their rightful role—in space.

Mr. President, I ask that the article by James Oberg be printed in the RECORD in its entirety.

The article follows:

SOVIET SPACE PROGRAM MAY GAIN DIVIDENDS FROM SALYUT'S TROUBLES

(By James E. Oberg)

HOUSTON.—Hundreds of miles above Earth, possibly the greatest spaceflight drama since the struggles to save Apollo 13 and the crippled Skylab space station has been unfolding in recent weeks.

Soviet Cosmonauts Vladimir Lyakhov and Alexander Alexandrov remain in orbit long past their scheduled return date: Their replacements narrowly escaped death when their launch rocket blew up underneath them. Widespread reports have it that the cosmonauts in orbit are marooned. Their Salyut 7 space station has also been the subject of dramatic rumors. The most critical one concerns a possible rocket fuel leak that may have crippled most of the station's maneuvering capability.

To make sense out of these events it is necessary to understand what the Soviets have been trying to do in space recently.

What the Soviets attempted to do Sept. 26 was nothing short of making space history with a new "giant leap for mankind"—a continuous human presence in space. Cosmonauts Vladimir Titov and Gennady Strekalov were to have undertaken the world's first space station relief mission, allowing the two current inhabitants of Salyut 7 to return home while the space station continued to function.

In the past, long-term crews have flown to an empty station, activated it, received visiting crews, then after many months deactivated the station and left it empty. That was not supposed to have happened this time—and this goal may still be reached.

Formerly, visiting crews spent about a week aboard the Salyut. This time, the overlap may have been scheduled to last two or three weeks: The aborted launch attempt (to have been called Soyuz T-10) occurred at least 10 days earlier than would have been the case for a routine week-long visit. This would have given the new crew sufficient time to get used to space conditions and to be fully briefed by the departing crew on the station's routines and idiosyncrasies.

The purpose of routine week-long visits is tied in with another problem that the launch failure led to. The seven-ton Soyuz craft, unlike the multiyear-mission, 20-ton Salyut module, has a limited lifetime in orbit. As a general rule, such spaceships only spend 60 to 80 days in orbit before returning. Three times before, Soyuz ships had remained in space for slightly more than 100 days, but all three were contingency cases.

During missions of six or seven months' duration, the Soyuz craft attached to the Salyut must be periodically swapped for a fresh one. About every 58 days a new visiting crew is launched.

Soviet space officials have never directly explained the reason for the duration limitation rule, but reasonable analogies with American space vehicle characteristics can provide some insight. First among them is the presence of highly corrosive "hypergolic" propellants—fuels that, when mixed, ignite spontaneously—in the Soyuz service module tanks. As weeks pass, the exposed valves and seals in the engine could be expected to deteriorate. They may suddenly leak all the fuel, or they may not function at all when called upon during the critical return to Earth. Also batteries aboard the Soyuz may slowly lose their charges. Finally, exposure to 16 cycles of daily sunrise-sunset thermal stress may have a cumulative impact on the mechanical hardware of the ship.

It was this gradual aging of the Soyuz T-9, which brought cosmonauts Lyakhov and Alexandrov to Salyut 7 late in June, that set off alarms around the world on Oct. 19, the day that the Soyuz exceeded in age the previously longest Soyuz mission.

The alarm was sounded in a BBC report from London, which said that the cosmonauts could not return home safely, nor could they remain aboard the failing Salyut space station.

The report was based on authentic anxieties. With the danger of a return to Earth aboard the aging Soyuz T-9 growing daily, the cosmonauts may also have been faced with serious doubts about the security of the Salyut. A report by Aviation Week & Space Technology magazine described a serious rocket fuel leak that was said to have occurred Sept. 7. Two of the three sets of fuel tanks on the Salyut were reportedly involved. The magazine, evidently relying on United States intelligence sources that routinely monitor conversations between the cosmonauts and mission control in Moscow, claimed that the tanks drained overboard due to a ruptured pipe. Aviation Week also reported that the cosmonauts were about to evacuate the station in emergency mode before mission control advised them to stay. At that time the station had been pumping a new supply of rocket fuel from the unmanned tanker spacecraft Progress 17, so a failure in the fuel transfer apparatus may also be plausible.

Since the date of the alleged fuel leak, the Soviet cosmonauts have been following a flight plan consistent with such a situation. They have greatly restricted the station's pointing maneuvers over ground targets for photography, while concentrating instead on passively drifting through space. This flight plan is very useful for materials-processing experiments, which must avoid disturbances induced by firing rockets. According to Soviet news reports, the cosmonauts are conducting those kinds of experiments.

But even if the fuel-leak story were true, it does not spell the end of Salyut 7 and the latest big Soviet push in space. Perhaps the pipes can be repaired during a space walk, using special tools possibly sent up on the Progress 18 robot freighter that linked up Oct. 22. [Indeed, such space walks took place Tuesday and Thursday, according to the official Soviet news agency Tass—although the agency said that the two cosmonauts were installing a new solar battery.] Perhaps the leak actually involved only equipment aboard the previous robot tanker, Progress 17.

And if the propulsion system failure is real and cannot be fixed, the Soviets still have one "ace in orbit" left. This is another unmanned space vehicle, designed to act as an add-on module to the Salyut space station. Once attached, the module—which is vaguely similar in size, weight, and capabilities to the Salyut—can serve as a specialized laboratory, a storeroom (with at least three times the cargo capacity of a Progress craft), or even a greenhouse. The module has its own power supply (solar panels) with which to augment the Salyut, and—most important—it has its own propulsion system.

When such a vehicle was tested earlier this year—under the code name "Kosmos 1443"—it spent several months linked up with the Salyut 7. Future launches of such modules are expected shortly. Once a new craft of this type can be attached to the Salyut 7, all propulsion difficulties will be moot.

While the West watched anxiously for some sort of Soviet rescue operation in orbit, the path through space of the Salyut 7 space station made it clear that indeed the Soviets were preparing a new launching.

At 12:59 p.m. Moscow time on Oct. 20, the Soviets launched an unmanned supply ship, Progress 18. It linked up successfully at 2:34 p.m. Moscow time, two days later. A few hours later, as the station crossed North America, radio listener Richard Flagg in Melbourne, Fla., heard the two Russian spacemen laughing and joking as they opened letters and gifts from home. "A happy crew" is how Mr. Flagg, an experienced Soviet space-watcher, put it.

Such supply flights must occur every two months or so to restock the life-support consumables aboard the station, and to bring up new equipment as needed. According to Moscow, the ship was also carrying rocket fuel to replenish the Salyut's drained tanks.

Meanwhile, the Soyuz T-9 continued to grow older. But under automatic interrogation from the ground (Flagg and his colleagues were picking up intense bursts of radio telemetry data from the Soyuz, informing Soviet space engineers of the status and health of all its systems) the Soyuz seemed to be receiving a clean bill of health. It would take up to three weeks to unload the Progress and clear the docking port it occupied, so by the time any new ship could be sent up to the Soyuz T-9 would be at least 135 days old. But perhaps even that unprecedented age can be tolerated.

It would certainly benefit the Soviets to qualify their Soyuz ships for missions of that duration; thus, they may receive a major bonus by being forced to do so this time. Such an extended lifetime would allow a reduction in the required number of "Soyuz-swap" visiting missions, at great savings in money and crew training time.

A new attempt to send up a relief crew could occur within a few weeks, after the Progress 18 freighter has been unloaded and jettisoned. If by then the Soyuz T-9 has lost enough reliability for a safe return trip, an unmanned Soyuz could be sent up first.

When this long-anticipated crew handover occurs, Western observers will realize that space may never again be empty of human travelers. There will henceforth always be people in space, living, working, observing, . . . and speaking Russian.

James Oberg, a noted expert on the Soviet space program, is the author of "Red Star in Orbit." He is a space engineer in Houston.●

THE POTASH INDUSTRY

● Mr. DOMENICI. Mr. President, today I wish to tell this country about the state of our Nation's potash industry. To put it simply, the news is not good. But, hopefully, through the work of community leaders, business, labor, State and National leaders the news will get better over the course of the next 12 months.

Our Nation's potash industry is centered near Carlsbad, N. Mex., and, over the years, seven companies have mined potash in the area. Potash, a term used for potassium compounds, is an important factor in the U.S. world agricultural production. Potassium is one of the three key elements used to promote plant growth and improve crop yield, and there is essentially no substitute for it. Roughly 95 percent of the potash consumed in the United States is used for fertilizer with the other 5 percent being used for chemical and ceramic manufacturing.

The largest share of potash is obtained by underground mining and the rest from salt lakes and subsurface brine deposits. Well over 86 percent of U.S. potash production is located near Carlsbad and the industry is energy intensive.

Potash undergoes some beneficial treatment before being used by farmers as fertilizer. However, some potash does require chemical alteration and some potash is mechanically mixed with other fertilizer. The standard potash compound used in America is potassium chloride.

Today this American industry is in trouble. It is in trouble because of the ill effects of a combination of long-term problems as well as short-term economic developments that impact both on the potash industry's American market and foreign markets.

Crop surpluses, worldwide recession, a too strong dollar, cheaper foreign potash, outright dumping of foreign potash, high interest rates, foreign exchange shortages in some potash importing countries and energy costs have all caused the troubles that we find today.

The conditions for many of these factors were born in the late seventies and as we entered into the eighties we began to pay the price for our transgressions of those earlier years. Although demand for fertilizer is projected to increase through the end of this century in this Nation and in the world, current prospects for the U.S. potash industry are mixed. In spite of many steps we might take, U.S. producers will continue to face intense competition from other producing nations.

In 1967, 3,913 people were employed in seven potash mines near Carlsbad. As of December 31, 1982, 2,177 people were employed in six mines. As of August 4, 1983, five mines remained open, some on a limited basis, and employed 1,376. Recently we have been informed that two mines have resumed heavier production and additional employees could be back to work by the end of the month.

Total payroll in Carlsbad in 1982 was $66,963,349 and the total assessed value of potash produced in 1981 on both private and Federal land was $262,467,148.82.

Potash consumption in the United States has doubled since the early sixties while production and sales of U.S. potash producers has declined. In 1982, U.S. mills and mines produced an estimated 1.75 million metric tons of K2O equivalent in 1982—22 percent below the 2.24 million tons produced in 1980 and 39 percent less than the 2.85 million metric tons of 1965. Consumption in 1982 was estimated at roughly 6 million metric tons which was about 5 percent below the 1980 figures but still almost twice as much as the 3.08 million tons in 1965.

Exports of potash have also fallen greatly in past years. From 1972 to 1980 exports of U.S. potash averaged 775,000 metric tons which in 1982 exports stood at an estimated 350,000 metric tons. While all this has happened, U.S. producer inventories have increased to their highest level since 1967 and prices have decreased to their lowest level since 1979. Obviously, the gap between production and consumption comes from imports of potash. Today the main source of potash imports is Canada. However, in recent years a growing share of the market has been taken by Israel with smaller increased amounts coming from East Germany and the Soviet Union.

In 1965, 1.01 million metric tons of K_2O equivalent were imported and by 1979 rose to 5.17 million tons. Since that peak, imports dropped to an estimated 4.8 million tons in 1982.

For many years domestic producers were able to keep up with the increasing use of fertilizer by agriculture in the United States and in the world. Potash resources were sufficient in both quantity and quality. However, as the more easily removed and higher grades of our potash were used up, larger deposits easily removed were developed in Canada.

Currently, it takes 10 tons of potash ore from our U.S. mines to get 1 ton of marketable ton of K_2O equivalent compared with about a 6-ton ratio in the early sixties.

However, in Canada, approximately 4 tons of potash ore from Saskatchewan are treated to get a marketable ton of K_2O which is about the same ratio that has been maintained for the past two decades.

Obviously, this has given Saskatchewan potash a cost advantage over U.S. produced potash and over the past decade the supply and price of Canadian potash has a determining and lasting influence on U.S. potash prices.

U.S. producers, through transportation cost advantages, have been able over the years to hold onto a share of the domestic market as these costs offset the lower Canadian production costs.

Santa Fe Railroad is the major transporter of potash and during the first 5 months of 1983 Santa Fe shipped some 11,000 freight carloads. Santa Fe basically uses dedicated trains, often running 75 cars or more in length, to move potash to ports for export.

Santa Fe Railroad officials have pledged their full cooperation to the potash industry in attempting to maintain that transportation advantage.

However, during the past few years, both the United States and Canada have lost part of their share of the U.S. market. Many have charged that other countries, including Israel, East Germany, the Soviet Union, and Spain have, or are, currently dumping potash at unfair prices on the American market and international markets.

The reason for this is the fact that these countries badly need foreign currency because of their huge balance-of-trade deficits. Furthermore, because the governments involved own part, if not all, of the production involved, they can, as a national policy, subsidize sales of their potash production to help their balance of trade.

One example this year occurred when a potash company closed down its Carlsbad mine and then quickly signed a long-term contract with the Dead Sea Works Ltd., an Israeli Government-owned chemical company.

This company is Israel's only major supplier of potash. It is a company 90 percent owned by Israel Chemicals (Ltd), a Government-owned holding company. The Dead Sea Works has financed its investment programs from its own resources, with the aid of at least two World Bank loans.

The contract involved pegs the Israeli price at a level lower than the prevailing U.S. domestic price regardless of any other factors. Reportedly, this type of "evergreen" contract does not constitute unfair pricing or dumping, per se. However, the U.S. Trade Representative, Ambassador William E. Brock, has indicated to me that under certain circumstances it could lead to creation of an unfair trade practice—such as dumping products at less than fair prices or subsidization by foreign governments.

With that in mind, I will inform my colleagues that I am working closely with the potash industry on several remedies.

Some of those remedies involve legislative initiatives. I am as much a free trade proponent as an Member of the Senate but I refuse to sit idle while foreign countries illegally dump their products on our market.

And, in some cases, the plants in these foreign countries which produced these products have been indirectly financed by U.S. contributions to the World Bank or the International Monetary Fund.

Ask an unemployed miner in Carlsbad, Silver City, or Grants, N. Mex., about free trade. Free trade American style will weaken our Nation if we are not careful.

We have in the case of potash a situation in which we are attempting to insulate a small, important American industry from predatory foreign trade practices. I recognize that some may call my efforts protectionism. If that is what it is called, then I will gladly lead a fight to protect American workers and businesses from unfair trade practices of foreign governments.●

ANNUAL CONGRESSIONAL CONSULTATIONS ON REFUGEE ADMISSIONS

● Mr. SIMPSON. Mr. President, I ask that the following materials be printed in the Congressional Record as the substance of the annual consultation between the representatives of the President and members of the Judiciary Committees of the House and the Senate on refugee admissions for fiscal year 1984.

Mr. President, in order to conserve the printing costs of the Congressional Record, I am refraining from including in this report the much more detailed—and assuredly much more lengthy—report of the U.S. Coordinator for Refugee Affairs. This report, submitted to Congress in August 1983 and covering the proposed program for fiscal year 1984, should be considered to be incorporated by reference in these remarks.

Should any of my colleagues have any questions about this rather lengthy report or wish to obtain a copy, I would refer them either to the staff of the Subcommittee on Immigration and Refugee Policy, which I chair, or to the author of the report: The Office of the U.S. Coordinator for Refugee Affairs, in the Bureau for Refugee Programs of the Department of State.

The materials referred to follow:

U.S. Coordinator for
Refugee Affairs,
Washington, D.C., September 16, 1983.

Hon. Alan K. Simpson,
U.S. Senate,
Washington, D.C.

Dear Senator Simpson: The annual Congressional Consultations on refugee admissions presents an opportunity for the Congress and the Administration to review U.S. refugee policy not only in principle but also in the practice of day-to-day implementation. The fiscal year 1984 consultation documents, which I am sending you today, are the result of discussions with Congressional committees, as well as the Departments of State, Justice, and Health and Human Services, foreign governments, private voluntary organizations, and state and local governments.

Continuing the open spirit of partnership I have sought to maintain with the Congress, I would like to share with you some of my personal observations on developments in American refugee affairs over the past year.

Despite all our efforts over the past year, significant problems persist in the domestic refugee program. Refugee costs remain high, as reflected by welfare dependency rates. The relationship and division-of-labor among the Federal government, state governments, voluntary resettlement agencies, and sponsors remains imperfectly defined. In the absence of a broadly accepted revitalized sense of sponsorship, the refugees are moving more and more into the orbit of entitlement programs under state management. To us, this represents a regression in the traditional idea of refugee sponsorship which is unacceptable to this Administration and to most of the American people as well. We are committed to returning the principal responsibility for the resettlement of refugees to the private sector, albeit with adequate Federal assistance in the early stages. Having recognized the difficult situations we are still facing, I hasten to add that I am not despondent about improvements. Quite the opposite.

In fiscal year 1983, I completed a wide ranging review of our domestic program. This was done through a series of consultations with refugee leaders, state and local government officials, and resettlement agencies. They were asked how we could improve the management of the program. The response was that the basic structure of the Refugee Act is adequate, but that the program needs substantive improvements. Issues raised in these local consultations included the need for an assistance support program outside of our public assistance programs, though there was disagreement as to whether such a program should be administered by the states or resettlement agencies. Other issues raised were case-management, targeted assistance, monitoring of resettlement agencies, and further refinement of national placement policy.

I have supported several changes in the past year in an attempt to achieve greater efficiency in our domestic program:

Working to assure that public cash assistance does not continue to be the primary form of support for refugees during their initial period in the U.S.;

Greater accountability for the expenditure of public funds managed by the states and the resettlement agencies;

Improving the degree of cooperation among the Federal government, state governments, and refugee resettlement agencies;

Strengthening the role of resettlement agencies and private sponsorship, especially during the critical initial stage of resettlement;

Introducing incentives for refugees to work sooner, and for earlier private sector involvement in hiring refugees; and

Strengthening refugee community leadership in order to provide a strong community infrastructure for the long term.

These initiatives have met with resistance in many sectors of the program. I am not surprised. Our national policy and funding patterns provide support to several sectors at the same time, without always clearly specifying operational objectives and measures for accountability. Ours is not a system of sole Federal authority over policy and programmatic decisions. The private voluntary agencies retain a rightful and major role.

States feel themselves essentially powerless to control movements into their jurisdiction and are restricted by categorical program requirements. Many are unwilling to restructure programs to draw more heavily on private sector resources during the initial resettlement phase. Resettlement agencies place too low a priority on testing viable sponsors and are too timid at seeking private sector alternatives to public welfare.

Administration responses to these issues in FY 1983 have included the development of a consolidated grant approach to provide greater flexibility and accountability for state governments, improvements in the cooperative agreement with the resettlement agencies, refinement of national placement policy, and efforts to make the resettlement agencies and local sponsors responsible for refugees for a longer initial period of time. Special projects for refugee groups experiencing particular difficulties were also funded, specifically for refugees from the highlands of Laos. An Interagency Group on Refugee Information was established to coordinate the collection, distribution, and reporting of refugee information. Standardized information will be distributed to agencies that have refugee data reporting or analysis requirements to correct current information inconsistencies. While data standardization may sound like an arcane special interest, I am convinced that the effort is essential for improved program-wide management.

In addition to our domestic concerns, refugees continue to influence our foreign policies and strategic interests in many parts of the world. This calls for a complex set of national and international decisions and responses. Consistent with my view of the office, I have undertaken specific initiatives in the international arena as well.

During fiscal year 1983 there have been refugee flows from countries in Africa, East Asia, Eastern Europe, the Soviet Union, the Near East, Southeast Asia, Latin America, and the Caribbean. Many refugees seek temporary asylum in the hope of voluntary repatriation. Others seek resettlement in place. A comparatively small number of refugees require resettlement in third countries.

With regard to Vietnam, we have worked hard during fiscal year 1983 to strengthen and increase the Orderly Departure Program so that increasing numbers of Vietnamese will be able to depart that tortured country safely, rather than flee by boat. It is our intention to continue improvements to the ODP approach and to promote it as a bridge to a safe and compassionate future immigration route for family reunification.

With regard to refugee programs for Africa, we continue to provide financial aid and assistance for care and maintenance through international organizations, and to provide support for voluntary repatriation programs. The majority of Africans resettled in the United States have been Ethiopians, although during fiscal year 1984 they are expected to constitute a smaller per centage of the total number admitted from Africa.

Most of us are aware that over the past year the Soviet Union tightened controls on emigration, resulting in only 1,400 Soviets being admitted to the U.S., of this number 1,100 are Soviet Jews who have elected to resettle in our country. With regard to Polish refugees, 5,600 will be admitted during this fiscal year, as will some 7,000 other East Europeans.

Because of the traditional hospitality of the Latin American countries, only a small number of Latin Americans require resettlement outside the region. In response to a request from the President of El Salvador, the U.S. has approved the admission as refugees of up to 200 Salvadorans released under a special political amnesty program of the Government of El Salvador. Canada, Australia, and other Western countries are also participating in this program.

During fiscal year 1984 we will continue to have significant numbers of Afghans and Iranians eligible for resettlement in the United States.

As part of the Administration's efforts to revive and strengthen international burden sharing for refugee relief and resettlement, the Administration convened a Ministerial-level meeting on refugees with representatives of the United States, Australia, Canada, Japan, and the United Nations High Commission for Refugees in Honolulu, Hawaii, in August. This high-level meeting on refugee issues was the first of its kind, and resulted in an agreement of participating government officials on the importance of maintaining significant resettlement efforts for Indochinese refugees during the next 18 months while nonetheless continuing to work for a safe repatriation for tens of thousands who cannot be resettled in another country. The Japanese agreed to work toward increasing the numbers of refugees they would accept, while maintaining their current high level of financial contributions to relief activities in the region. The Government of Japan has also contributed approximately $4.3 million to upgrade the medical, dental, and educational facilities at the Bataan Refugee Processing Center in the Philippines. This important contribution will enhance refugee self-sufficency and reduce post-arrival costs of refugees in the United States.

The Administration resolved barriers to the admission of Indochinese unaccompanied minors through their inclusion in the Orderly Departure Program, and made major improvements in the health, language, and orientation programs for refugees coming to the United States. A more consistent level of monthly arrivals was achieved, thus decreasing the burden on receiving communities. In addition, there was a tightening of the Department of State's reception and placement cooperative agreements. Also in fiscal year 1983, I convened a major conference with national religious leaders to explore the ethical issues and moral principles underlying U.S. and international responses to worldwide refugee situations. One of the major objectives of this conference was to focus attention on the decline in the quality of refugee sponsorship.

During fiscal year 1983 the President approved the formation of a Senior Interagency Group for Refugee Policy under my chairmanship. The purpose of this body is to provide a forum for improved coordination of foreign and domestic refugee policies.

The world refugee situation continues to require substantial international cooperation and a major commitment to refugee protection, relief, and resettlement. It is in this context that the Administration presents its recommendations for a fiscal year 1984 refugee admissions ceiling of 72,000 refugees worldwide: 3,000 for Africa, 50,000 for East Asia, 12,000 for Eastern Europe and the Soviet Union, 1,000 for Latin America, and 6,000 for the Near East and South Asia.

Much remains to be done. Priorities for fiscal year 1984 will include continued close monitoring of the international arena, and substantially increased emphasis on domestic program and management reforms.

I look forward to working with the Congress to face these realities, and to continue our nation's leadership role in responding to the humanitarian needs of refugees.

Sincerely,

H. Eugene Douglas,
Ambassador-at-Large.

U.S. Senate,
Committee on the Judiciary,
Washington, D.C., September 28, 1983.

The President,
The White House,
Washington, D.C.

Dear Mr. President: The Committee on the Judiciary has now concluded its Consultations with your representatives on the recommended refugee admissions for fiscal year 1984.

The Committee believes that the proposed level of refugee admissions for fiscal year 1984—72,000—reasonably reflects the existing international refugee situation, and will serve to support our traditional humanitarian commitment to assist victims of persecution throughout the world. We note that the Administration also proposes to make an adjustment to permanent resident status of up to 5,000 asylees during fiscal year 1984 which action will effectively provide a total of 77,000 slots for permanent resettlement in the United States for those who have fled political persecution in their own homelands.

We appreciate the efforts of the Administration in 1983 in: (1) closely monitoring refugee resettlement in order to assure fiscal accountability within the resettlement agencies; (2) reducing secondary migration by improving the quality of initial refugee placement; and (3) encouraging early achievement of refugee self-sufficiency. We look forward to working with the Bureau of Refugee Programs and the Office of Refugee Resettlement to accomplish even greater improvement in 1984.

The Committee was pleased that the interchange of views this year addressed not only refugee admissions, but also the international refugee assistance program. We support the concept that a generous program of humanitarian aid complements a reasonable resettlement effort.

The Committee emphasizes the importance of the relief assistance provided by the United States to alleviate the misery and suffering of refugees throughout the world. The staff of the Subcommittee on Immigration and Refugee Policy recently filed a report on Refugee Problems in Central America. The report identifies areas of critical need for additional humanitarian assistance in that region, and we strongly recommend the consideration of the report.

Finally, Mr. President, we do wish to express our continued support of your efforts to encourage others in the international community to respond both to the resettlement needs of refugees and to the providing of assistance to refugees; and we applaud the successes you have had in those efforts.

With best personal regards,

Most sincerely,

Strom Thurmond,
Chairman.
Joseph R. Biden, Jr.,
Ranking Minority Member.
Alan K. Simpson,
Chairman, Subcommittee on
Immigration and Refugee Policy.
Edward M. Kennedy,
Ranking Minority Member,
Subcommittee on Immigration,
and Refugee Policy.

U.S. Senate,
Committee on the Judiciary,
Washington, D.C., October 7, 1983.

The President,
The White House,
Washington, D.C.

Dear Mr. President: As I indicated in the letter I joined in sending you on September 28th from the Judiciary Committee, I generally concur in your recommended admission levels for refugees in 1984. However, I do have serious concerns over the reduction in total numbers and in the drastic cut in refugee admissions for Latin America—down to only 1,000 from a modest 2,000 ceiling this past year. I do not believe these reductions reflect the priority we should indicate in dealing with growing refugee problems, particularly in Central America.

While most refugees in Latin America have found asylum in neighboring countries and there has not been, historically, a need for large-scale third country resettlement—except for Cubans—that trend is changing. Already we have belatedly joined this year with Canada, Australia and Belgium in resettling from El Salvador several thousand political prisoners. According to the Department of State's report to Congress, and from material presented during the recent consultations, there may be as many as 3,500 political refugees seeking asylum next year from El Salvador alone.

Given the continued need to respond to Cuban refugees, as well as to meet potential refugee problems elsewhere in the region, I do not believe the proposed ceiling of 1,000 admissions for Latin America is realistic. Since there will likely be unused numbers from other regions, particularly from the Soviet Union and Eastern Europe, I strongly urge you to instruct the Department of State to use those numbers, without formal consultations, to meet additional resettlement needs in Latin America, if they arise during the year. Also, I hope you will be prepared to increase overall admissions if conditions require it.

Many thanks for your consideration and best wishes,

Sincerely,

EDWARD M. KENNEDY,
Ranking Minority Member.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., September 23, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We have completed the consultive process mandated by P.L. 96-212, the Refugee Act of 1980, with regard to refugee admissions and allocations for fiscal year 1984 as recommended by you and transmitted to us by the U.S. Coordinator for Refugee Affairs, Ambassador H. Eugene Douglas.

Your proposal calls for a ceiling of 72,000 refugees to be allocated as follows: up to 50,000 from East Asia, 12,000 from Eastern Europe/Soviet Union, 6,000 from the Near East/South Asia, 3,000 from Africa and 1,000 from Latin America/Caribbean.

We are pleased to advise you that we interpose no objections to the numbers and allocations as recommended. We, however, wish to reiterate, as in the past, that these numbers should be considered as ceilings rather than goals. Furthermore, should there be any need to reallocate refugee numbers between regions during the fiscal year, we would respectfully request that we be consulted on any such reallocation.

It would be appreciated if the U.S. Coordinator for Refugees would keep us advised on a monthly basis on the progress of the fiscal year 1984 refugee admissions program.

Sincerely,

PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary.
DANIEL E. LUNGREN,
Ranking Minority Member,
Subcommittee on Immigration,
Refugees, and International Law.
ROMANO L. MAZZOLI,
Chairman, Subcommittee
on Immigration, Refugees,
and International Law.

COMMITTEE ON THE JUDICIARY,
Washington, D.C., September 27, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: While I generally agree with the views expressed in the letter from the consultative members to you, I wish to make some additional comments with regard to the refugee level set for Latin America and the Caribbean.

I am particularly concerned that the refugee numbers from this region of the world have been reduced from 3,000 during the last fiscal year to 1,000 for this year.

Recognizing the turmoil that currently exists in Central America and the magnitude of the migration now occurring there, I am concerned that the proposed level will not be adequate to meet the demand there.

For this reason, I would request to be kept apprised of the situation in Central America and can assure you that I stand ready to consult on any proposal to increase the refugee levels for Central America should it become necessary.

Sincerely,

ROMANO L. MAZZOLI,
Chairman, Subcommittee on Immigration,
Refugees, and International Law.

COMMITTEE ON THE JUDICIARY,
Washington, D.C., September 28, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: After reviewing the Administration's proposal for FY 1984 refugee admissions, I recommend a world-wide ceiling of 83,000 (compared with the proposed 72,000 figure) to allow adjustments in the Administration's suggested allocations for East Asia and Eastern Europe/Soviet Union. An 83,000 figure represents a 7,000 reduction compared with the FY 1983 ceiling of 90,000.

I applaud your policy of attempting over the next two fiscal years, in concert with other receiving nations, to substantially reduce the Indochinese refugee camp population of approximately 192,000. The FY 1984 allocation for East Asia will have to accommodate approximately 15,000 Indochinese refugees who already have been approved (in FY 1983) for admission to the United States but are undergoing recently lengthened English language and cultural orientation training programs abroad. The remaining 35,000 will have to accommodate persons coming under the Orderly Departure Program. The large numbers of refugees in transit, the administrative difficulties in screening refugees earlier in this fiscal year, and the continuing flows of refugees (estimated at 30,000 for next year) justify an allocation of 58,000 for East Asia (compared with the proposed figure of 50,000). A 58,000 allocation represents a 6,000 reduction compared with the FY 1983 allocation of 64,000.

The allocation for Eastern Europe and the Soviet Union, in my judgment, should remain at 15,000 (the FY 1983 allocation) because actual admissions this year have approximated this figure. A lower allocation of 12,000, in my judgment, would reduce the flexibility of our refugee program in that part of the world.

Sincerely,

HAMILTON FISH, Jr.,
Ranking Minority Member.

THE WHITE HOUSE,
Washington, October 12, 1983.

Hon. ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration and Refugee Policy, Committee on the Judiciary, Washington, D.C.

DEAR SENATOR SIMPSON: President Reagan has asked me to thank you for your recent letter, cosigned by Senators Thurmond, Biden, and Kennedy, in regard to the recommended refugee admissions for fiscal year 1984.

The President was pleased to hear from you and to receive your words of support for the Administration's efforts. We have taken the liberty of sharing your letter with the appropriate officials, and I assure you that your thoughts and recommendations will continue to be given priority consideration.

Again, many thanks for your counsel and support regarding these important matters.

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.

U.S. COORDINATOR FOR
REFUGEE AFFAIRS,
Washington, D.C., October 12, 1983.

Hon. STROM THURMOND,
U.S. Senate.

DEAR MR. CHAIRMAN: I have the honor to inform you that the President has formally approved the admission to the United States of up to seventy-two thousand refugees in fiscal year 1984.

A copy of Presidential Determination 83-11 is attached to this letter.

I wish to express the Administration's gratitude for the advice and cooperation extended to us during the consultation process.

Sincerely,

H. EUGENE DOUGLAS,
Ambassador-at-Large.

THE WHITE HOUSE,
Washington, October 7, 1983.

PRESIDENTIAL DETERMINATION No. 83-11

Memorandum for the Honorable H. Eugene Douglas, United States Coordinator for Refugee Affairs.

Subject: Fiscal year 1984 refugee ceilings.

In accordance with the relevant statutes and after appropriate consultations with the Congress, I have determined that:

The admission of up to 72,000 refugees to the United States during FY 1984 is justified by humanitarian concerns or is otherwise in the national interest;

The 72,000 worldwide refugee admission ceiling shall be allocated among the regions of the world as follows: 50,000 for East Asia; 12,000 for the Soviet Union/Eastern Europe; 6,000 for the Near East/South Asia; 3,000 for Africa; and 1,000 for Latin America/Caribbean; and

An additional 5,000 refugee admission numbers shall be made available for the adjustment to permanent residence status of aliens who have been granted asylum in the United States, as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with provisions of the Immigration and Nationality Act and after appropriate consultations with the Congress, I specify that special circumstances exist such that, for the purposes of admission under the limits established above, the following persons, if they otherwise qualify for admission, may be considered refugees of special humanitarian concern to the United States even though they are still within their countries of nationality or habitual residence:

Persons in Vietnam with past or present ties to the United States; and

Present and former political prisoners, and persons in imminent danger or loss of life, and their family members, in countries of Latin America and the Caribbean.

You will inform the appropriate committees of the Congress of these determinations.

This memorandum shall be published in the Federal Register.

RONALD REAGAN.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the Congressional Record this notice of Senate employees who propose to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 which would permit Mr. Neil T. Messick and Mr. Ian Butterfield, of the staff of Senator William V. Roth, Jr., to participate in a program sponsored by the Konrad-Adenauer-Stiftung, in the Federal Republic of Germany from October 8 to 15, 1983.

The committee has determined that participation by Messrs. Messick and Butterfield in the program in West Germany, at the expense of the Konrad-Adenauer-Stiftung, to discuss issues of mutual interest, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. William A. Reinsch, of the staff of Senator John Heinz, to participate in a program sponsored by the U.N. Committee on Trade and Development (UNCTAD) of discussions with high-level government officials, from December 6 to 8, 1983.

The committee has determined that participation by Mr. Reinsch in the program, at the expense of UNCTAD, is in the interest of the Senate and the United States.●

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Executive Order No. 12169, dated October 26, 1979, appoints the Senator from New Jersey (Mr. Lautenberg) to serve on the U.S. Holocaust Memorial Council.

ARGENTINE DEMOCRACY—A NEW BEGINNING

Mr. PELL. Mr. President, the people of Argentina cried out loudly and clearly for democracy on October 30, when they turned out in overwhelming numbers to elect a civilian President after 8 years of military rule. They were 8 difficult and trying years for the Argentine nation, especially trying for the families who today still feel the personal anguish resulting from the death or disappearance of loved ones.

The new Argentine democracy under Raul Alfonsin is not going to have an easy time. The economy, with one of the highest rates of inflation in the world and with a $40 billion foreign debt, presents an enormous problem. The demands of the people for a better life than they had under the military are going to seem overwhelming. Politically, the former military rulers are going to be uneasy and apprehensive about the policies of the civilians which are going to affect them.

One of the first issues the new civilian government is going to have to confront is that which affects the Argentine national conscience—to account for the thousands of dead and disappeared and to punish those guilty within the military of these crimes against the Argentine people. The military, a few weeks ago, passed an amnesty law absolving itself of responsibility for acts committed during the so-called dirty war of the 1970's, but many prominent civilians, including President-elect Alfonsin have promised to challenge this. Argentine democracy will not flourish until the families know if their loved ones have died, that they know the circumstances behind each death, and that the guilty be brought to justice.

I note with interest that Augusto Conte McDonnell, whom I met during my visit to Argentina in February of 1981, has won a seat in the new Congress. Within the democratic system now, he will be able to continue his work, supported by colleagues like Emilio Mignone, with whom I also met, to bring justice back to the people.

The task of President-elect Alfonsin and other leaders is going to be a most difficult and dangerous one because the military is very sensitive about the human rights issue. I hope that the Argentine military, those farsighted military leaders who cooperated to bring their nation to democracy again, will cooperate in this national effort to see that justice and the Argentine nation and people are served. I commend the military's decision to turn power over to the civilians on December 10, 7 weeks earlier than scheduled. This truly gives much hope for the future in Argentina.

VETERANS DAY

Mr. SIMPSON. Mr. President, this Friday, November 11, is Veterans Day 1983. On that day the citizens of our great Nation will pause and express their gratitude to those who have sacrificed so much that this great Nation may continue to enjoy the blessings of freedom and liberty. What those valiant men who fought in World War I—and all of our wars since then—have done for us remains vivid in our minds. It is appropriate that we set aside a day such as this: A day to celebrate the end of that war, the "war to end all wars," as a tribute to this Nation's 28.5 million living veterans and to those who have gone on before.

It is particularly fitting, as we do this, to note that Veterans Day this year falls in "National Disabled Veterans Week," a week set aside to pay a special tribute to those veterans suffering from disabilities incurred in the service of their country.

Certainly there is no greater obligation on the part of a government than to assure the defense of its citizenry and defend its borders. And, as a continuing expense of that national self-defense, a government is further obligated in a broad variety of ways to meet the needs of those who have given up a portion of their life to fight at the Nation's call. The obligation to provide compensation to those disabled in the service of their country is one that has always been recognized as the highest duty of a grateful nation. The provision of high quality health care such as is provided by our Veterans' Administration through its 172 hospitals, its 226 outpatient clinics, its 99 nursing homes and 15 domiciliaries—both to those disabled in service and, to the extent facilities are available, to other veterans in need of such care is unquestionable. The provision of a pension to veterans disabled, resulting not in the service of their country, yet who are in financial need, is but another of the Nation's commitments. The provision of a variety of benefits to assist in the rehabilitation of veterans or in their readjustment to civilian life following service is of particular import. And finally, the provision of a dignified final resting place, where our veterans are assembled one last time as they enter eternity, constitutes our final and finest obligation to those selfless men and women, who have given of themselves that we may remain free.

As we commemorate Veterans Day this week, it is particularly appropriate that, as chairman of the Senate Committee on Veterans' Affairs, and in behalf of its members, I pay particular credit to our wartime veterans—to those who gave much to our Nation, fought for it, preserved it, and made it great.

It is fitting at this time to briefly review some of the legislative accomplishments of the Congress in behalf of veterans during the preceding year. It has been a year of significant achievement. Last Thursday, this body passed H.R. 2920, the Veterans' Health Care Amendments of 1983, improving the quality, scope, and efficiency of health-care services available through the Veterans' Administration to our veterans. Significantly, as we view the approach of the "aging veteran phenomenon," the 11.3 million World War II veterans whose average

age is currently in the midsixties who, at age 65, become eligible for health-care services in VA facilities, that bill authorizes a new and innovative pilot program, the providing of adult day health-care services in both VA and non-VA facilities to veterans in need of them.

In addition, the act would extend eligibility for veterans' readjustment counseling—the very popular and very successful "vet centers" program. The act would increase per diem payments to State veterans' homes, acknowledging the Congress' recognition of this very important and cost effective program.

Already enacted into law is Public Law 98-77, the Veterans' Emergency Job Training Act of 1983, which was signed into law by the President on August 15, 1983, at the annual convention of the Veterans of Foreign Wars in New Orleans where I, too, was honored by being asked to speak. This law authorizes a 2-year, $300-million program to provide economic opportunities through training for veterans currently suffering from unemployment. The high rates of unemployment, in particular among Vietnam-era veterans, is a vexatious issue for us all. This bill will provide these veterans opportunities for training for stable long-term employment.

Public Law 98-105, signed by the President on September 30 of this year, extends by 1 year the VA's authority to provide certain contract medical care to veterans living in Puerto Rico and the U.S. Virgin Islands.

On June 15 the Senate incorporated S. 636, the Veterans' Administration Adjudication Procedure and Judicial Review Act, into H.R. 2936, which would afford veterans the right to judicial review of veterans benefits decisions, something not currently available to them. This bill which has passed the Senate three times before, has had wide bipartisan Senate support and would significantly augment the remedies currently available to our veterans.

The committee reported S. 1388, the Veterans' Disability Compensation and Survivors' Benefits Amendments of 1983, on September 28. That bill is now cleared for full Senate action, something I would anticipate within the first 2 weeks of the second session of the 98th Congress, and quite likely by the end of January 1984. The Veterans' Disability Compensation and Survivors' Benefits Amendments of 1983 provide, most significantly, a cost-of-living increase for benefits paid to service-connected disabled veterans, their dependents, and survivors. This cost-of-living adjustment of 3.5 percent is to become effective April 1, 1984, payable in checks received by those individuals receiving such benefits on May 1. By addressing that legislation early in the second session, there will be adequate opportunity to proceed to final action upon it, and complete it, well prior to the date that payment to those veterans is to be made.

I would note, Mr. President, that, as we in Congress wrestled with the matter of containing a Federal deficit exceeding $200 billion, this Nation's veterans through their various organized representatives and most notably, the Veterans of Foreign Wars, The American Legion, and the Disabled American Veterans, expressed again their sense of patriotism and sacrifice as they acknowledged the need to curb the deficit and acquiesced willingly in the delay of cost-of-living adjustment payments for 6 months—provided that all other similarly adjusted entitlement payments were treated equally. I am fully committed to seeing that our faith is kept with these veterans and here and now assure them that I will be doing all in my power to be certain that their earned benefits are adjusted in timely fashion and that payments so adjusted are in hand on May 1.

As we approach Veterans Day, Mr. President, American troops are committed to the maintenance of peace in Lebanon and to the return of our Caribbean neighbor, Grenada, to democratic rule. In this effort, servicemen's lives have been lost. Others have been injured and disabled. Yet, in the finest tradition of all that has made America great—a tradition that so characterizes our veterans—our young servicemembers have gone willingly to answer this Nation's call. We owe them a duty in these perilous times to seek the peaceful resolution of the world's problems. that is an awesome responsibility in which we all share. And of which, as we approach Veterans Day, 1983, we must all be so very aware.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WILSON). Without objection, it is so ordered.

ORDER TO HOLD H.R. 2910 AT THE DESK

Mr. BAKER. Mr. President, I ask unanimous consent that once the Senate receives H.R. 2910, a bill to amend the act of November 2, 1966, regarding leases and contracts affecting land within the Salt River Pima-Maricopa Indian Reservation, from the House of Representatives, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD H.R. 4194 AT THE DESK

Mr. BAKER. Mr. President, I ask unanimous consent that once the Senate receives H.R. 4194, a bill to extend the expiration date of section 252 of the Energy Policy and Conservation Act, from the House of Representatives, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD H.R. 3885 AT THE DESK

Mr. BAKER. Mr. President, I ask unanimous consent that once the Senate receives H.R. 3885, Grand Ronde Restoration Act, from the House of Representatives, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PLACE HOUSE JOINT RESOLUTION 383 ON THE CALENDAR

Mr. BAKER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of House Joint Resolution 383, a joint resolution to designate the week beginning November 6, 1983, as "Florence Crittenton Mission Week," and I ask that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE SECRETARY OF THE SENATE TO TAKE CERTAIN ACTION WITH REGARD TO PLACING THE CONTINUING RESOLUTION ON THE CALENDAR

Mr. BAKER. Mr. President, let me say that I understand the House of Representatives has not yet finished action on the continuing resolution. I am advised that it may be 8:30 p.m. or later this evening before they do complete action on the bill. I think in order to expedite the consideration of that measure when it reaches the Senate, it would be the better part of discretion to provide that that message can be received tonight and placed on the calendar.

Therefore, Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive a message from the House of Representatives on the resolution making continuing appropriations for the Agencies and Departments of Government when it is received from the House of Representatives and that, when it is received, it be placed on the calendar.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

LEGISLATIVE AGENDA

Mr. **BAKER**. Mr. President, I have had a number of inquiries about the women's equity bill, which I announced this morning might serve as a vehicle for the tuition tax credit. I have since been advised that bill will not be the bill on which the tax tuition credit will be offered, but perhaps a bill dealing with the Olympic tariffs which was ordered reported from the Finance Committee yesterday, House Joint Resolution 290, I am told.

Mr. President, let me say just for the benefit of Senators, as I have announced before, I am committed, notwithstanding that I do not support tuition tax credit for secondary education, to provide a vehicle to which that might be offered as an amendment. Apparently that house joint resolution is the resolution that will be chosen.

I would anticipate at that time, Mr. President, that that would be before the Senate next week, most likely on Wednesday. It might be laid down on Tuesday night and be the pending question on Wednesday.

I am not now asking for that. I am simply saying this as a matter of information.

Tomorrow, Mr. President, we will continue to debate the Natural Gas Policy Act, and at some point tomorrow, I believe early in the day, it will be necessary for me to ask the Senate to temporarily lay aside the natural gas bill and go, instead, to the continuing resolution, which will be on the calendar, I believe.

I hope we can finish debate on the continuing resolution tomorrow and then on Thursday that we can do some other things on the list of things that must be done before we go out, perhaps the Civil Rights Commission bill or other matters that I will discuss with the minority leader.

Our first order of business now is to pass the continuing resolution before midnight on Thursday night. By pass, I mean in both Houses with conference action by both Houses and the bill to be placed before the President, which would be done by appropriate means since the President is out of the country, but which can be attended to.

Mr. President, I believe that is all I can announce tonight. We have an order for the Senate to convene in the morning at 9 o'clock.

ORDER DESIGNATING PERIOD FOR ROUTINE MORNING BUSINESS ON TOMORROW

I ask unanimous consent that after the recognition of the two leaders on tomorrow under the standing order, the time remaining before the hour of 9:30 a.m. be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes each.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE NATURAL GAS ACT

Mr. **BAKER**. Mr. President, the effect of that is, I believe—and I inquire of the Chair to this effect—when morning business is closed on tomorrow, the Chair will automatically place before the Senate the unfinished business, which is the Natural Gas Act, is that correct?

The **PRESIDING OFFICER**. That is correct.

Mr. **BAKER**. I thank the Chair.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. **BAKER**. Mr. President, I have nothing else to transact. I see no other Senator seeking recognition. I see the minority leader signal that he has nothing further. Therefore, I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 9 a.m. tomorrow.

The motion was agreed to and the Senate, at 6:38 p.m. recessed until Wednesday, November 9, 1983, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate November 8, 1983:

The Judiciary

Elizabeth V. Hallanan, of West Virginia, to be U.S. district judge for the southern district of West Virginia vice Dennis R. Knapp, retired.

National Transportation Safety Board

Vernon L. Grose, of California, to be a member of the National Transportation Safety Board for the term expiring December 31, 1987, vice Francis H. McAdams, term expired.

Department of State

Geoffrey Swaebe, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Department of Justice

Frank Henry Habicht II, of the District of Columbia, to be an assistant attorney general, vice Carol E. Dinkins, resigned.

In the Air Force

The following officers for appointment in the U.S. Air Force under provisions of section 624, title 10 of the United States Code:

To be major general

Brig. Gen. Donald O. Aldridge, 486-34-6278FR, Regular Air Force.

Brig. Gen. Thomas C. Brandt, 204-26-9199FR, Regular Air Force.

Brig. Gen. Aloysius G. Casey, 169-24-4566FR, Regular Air Force.

Brig. Gen. Lewis G. Curtis, 010-26-6350FR, Regular Air Force.

Brig. Gen. John J. Doran, Jr., 013-24-3203FR, Regular Air Force.

Brig. Gen. William L. Doyle, Jr., 563-36-5239FR, Regular Air Force.

Brig. Gen. Michael J. Dugan, 091-28-2234FR, Regular Air Force.

Brig. Gen. Archer L. Durham, 549-38-9447FR, Regular Air Force.

Brig. Gen. Eugene H. Fischer, 337-24-6756FR, Regular Air Force.

Brig. Gen. Charles R. Hamm, 431-52-4569FR, Regular Air Force.

Brig. Gen. Elbert E. Harbour, 427-66-3504FR, Regular Air Force.

Brig. Gen. Winfield S. Harpe, 258-46-9088FR, Regular Air Force.

Brig. Gen. Jerry D. Holmes, 447-30-3500FR, Regular Air Force.

Brig. Gen. Bradley C. Hosmer, 224-48-7119FR, Regular Air Force.

Brig. Gen. John P. Hyde, 295-28-8595FR, Regular Air Force.

Brig. Gen. Hansford T. Johnson, 251-58-7597FR, Regular Air Force.

Brig. Gen. Buford D. Lary, 461-48-9827FR, Regular Air Force.

Brig. Gen. Michael A. Nelson, 560-46-5214FR, Regular Air Force.

Brig. Gen. Robert B. Patterson, 237-42-6895FR, Regular Air Force.

Brig. Gen. Randall D. Peat, 329-28-3055FR, Regular Air Force.

Brig. Gen. Leonard H. Perroots, 236-46-8026FR, Regular Air Force.

Brig. Gen. Clifford H. Rees, Jr., 509-38-2122FR, Regular Air Force.

Brig. Gen. Arthur. J. Sachsel, 158-18-5115FR, Regular Air Force, Dental Corps.

Brig. Gen. Ellie G. Shuler, Jr., 249-50-1947FR, Regular Air Force.

Brig. Gen. Charles P. Skipton, 287-28-0483FR, Regular Air Force.

Brig. Gen. Larry N. Tibbetts, 309-34-5140FR, Regular Air Force.

Brig. Gen. Claudius E. Watts, III, 245-52-1354FR, Regular Air Force.

Brig. Gen. Gordon E. Williams, 002-22-6525FR, Regular Air Force.

Department of State

William Caldwell Harrop, of New Jersey, a career member of the Senior Foreign Service, class of Career Minister, to be Inspector General of the Department of State and the Foreign Service, vice Robert L. Brown, resigned.

Legal Services Corporation

Paul B. Eaglin, of North Carolina, to be a member of the board of directors of the Legal Services Corporation for the remainder of the term expiring July 13, 1984, vice Robert Sherwoods Stubbs II.

Pepe J. Mendez, of Colorado, to be a member of the board of directors of the Legal Services Corporation for the remainder of the term expiring July 13, 1986, vice Robert E. McCarthy, term expired.

HOUSE OF REPRESENTATIVES—*Tuesday, November 8, 1983*

The House met at 12 noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
November 3, 1983.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Tuesday, November 8, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

Rabbi Arnold M. Goodman, Congregation Ahavath Achim, Atlanta, Ga., offered the following prayer:

Eternal and ever living G-d, Thou who createst within us the capacity to organize society to help promote our mutual welfare, we turn to Thee for Thy continued blessings upon the just and the lawful endeavors of our leaders.

May they who, on our behalf, bear the awesome responsibility of ongoing decisionmaking be guided by the challenge of the prophet who taught that the Holy G-d is sanctified through righteousness. May our leaders continually hear within their inner beings the call of the Prophet Amos who challenged us to live so that justice would well up as water, and righteousness as a mighty stream.

Bless the Members of this great and deliberate body with the insight to decide wisely and with the courage to choose appropriately so that our beloved Nation will continue to be extolled for its commitment to all that is good and decent.

Strengthen, we pray, our devotion to peace so that we will be worthy to share in the process of Messianic fulfillment when swords will be beaten into plowshares and spears into pruning hooks, and nations will then no longer wage war.

We paraphrase the Psalmist in praying that: He who in these days of turmoil and crisis, has endowed this Nation with strength will enable us to use this strength to help create a national and a world order of peace. Amen.

THE JOURNAL

The **SPEAKER** pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

RABBI ARNOLD M. GOODMAN

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, it is an honor for me to welcome today our guest chaplain, Rabbi Arnold M. Goodman, who serves as rabbi of Congregation Ahavath Achim in Atlanta, Ga.

Currently, Rabbi Goodman serves as the president of the Rabbinical Assembly, the 1,100-member organization of Conservative Rabbis in the United States, Canada, Israel, and other parts of the world.

On September 1, 1982, Rabbi Goodman assumed the pulpit of Congregation Ahavath Achim in Atlanta. He succeeds Rabbi Harry Epstein who in his 54 years of service to Ahavath Achim developed it into the second largest Conservative Congregation in the United States. Rabbi Epstein has also served as our guest chaplain in the House of Representatives.

Rabbi Goodman was born on June 27, 1928, in Brooklyn, N.Y. He attended the City College of New York, where he was awarded a B.S. in psychology in 1948. From there he went on to attend the Jewish Theological Seminary of America, where he studied from 1948 to 1952 to become a rabbi and teacher. In further academic pursuits, Rabbi Goodman attended the University of Chicago from 1954 to 1955, and was awarded an M.A. degree from the school of education. He attended DePaul University Law School from 1956 to 1962, where he earned his J.D. degree, and in 1977, he was awarded a doctorate of divinity, honoris causa, from the Jewish Theological Seminary in New York.

Following his ordination in 1952 from the Jewish Theological Seminary of America, Rabbi Arnold M. Goodman spent his entire rabbinic career in the Midwest until moving to Atlanta. Two years in the army chaplaincy (1952-54) were followed by 12 years (1954-68) of service to Congregation Rodfei Sholom-Oir Chodesh in Chicago's far Southside. In January 1966, Rabbi Goodman accepted the call to serve the Adath Jeshurun Congregation in Minneapolis, Minn., where he served through August 1982. In September 1982 Rabbi Goodman assumed the pulpit of Congregation Ahavath Achim of Atlanta, Ga.

Rabbi Goodman served twice as president of the Minnesota Rabbinical Association, and has been a member of the Committee of Jewish Law and Standards of the Rabbinical Assembly. He has also served as chairman of several Minneapolis Talmud Torah committees, and in 1972, he was Minnesota statewide chairman of the 25th anniversary celebration of Israel's independence.

For 15 years, Rabbi Goodman was a lecturer in Jewish studies at the College of St. Catherine for Women in St. Paul. Rabbi Goodman, a popular lecturer, has appeared before many groups and has given talks on many Jewish subjects. He has also spoken frequently on issues relating to aspects of constitutional law as it relates to Jewish interests, such as church and state, abortion, and medical ethics.

From August 1971, to June 1972, Rabbi Goodman and his family spent a sabbatical year in Israel. While there, he qualified for the Israel bar and he is now a member of the Lishkat Orchei Din—the Israel Bar Association.

Rabbi Goodman married Rae Thelma Parnes on June 15, 1949. They have three children: Ariel Michael, Daniel Stuart, and Shira Deborah.

Ariel Michael is a resident of Israel. He is a graduate economist with an MBA from Hebrew University, and he currently works as an industrial economist for BEDEK, the Israel Aircraft Co. He is married to Dr. Ciporit Prywas of Tel Aviv. They have a son.

Daniel Stuart is a medical resident at the University of Minnesota's internal medicine program. He and his wife, Judy Spira of Birmingham, Ala., have a daughter.

Shira Deborah is a graduate of Princeton University and is now attending Harvard Law School.

I am pleased to have my rabbi, Arnold Goodman, be with us today.

RABBI ARNOLD M. GOODMAN

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, the distinguished gentleman from Georgia (Mr. LEVITAS) indicated that our guest chaplain, Rabbi Arnold Goodman, had spent 24 years in the city of Minneapolis. He was there associated with the Adath Jeshurun Synagogue where he provided leadership, wise counsel, and intellectual stimulation for its congregation of more then 1,000 families.

Like our friends in Georgia, Minnesota is extremely proud of Rabbi Arnold Goodman and pleased to have him acting as our chaplain for the day.

THE COPPER INDUSTRY

(Mr. McNULTY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, I am puzzled at the policy of this administration in encouraging new copper projects in foreign countries when our mining people are hard hit by joblessness and historically low prices.

The world price of copper today is 68 cents per pound, less than the equivalent price during the Great Depression. Unemployment in the American copper industry remains significantly higher than overall national unemployment.

Despite this, we continue to entertain proposals from copper exporting nations. The Inter-American Development Bank tomorrow will examine a loan from COLDELCO, the state-owned Chilean copper firm, for $268 million.

A decade ago, less than 9 percent of U.S. refined copper production was from imports. In the first half of 1983, 30 percent of our consumption was imported.

In 1975, Chile provided less than 20 percent of our imported copper. In the first 8 months of this year, Chile provided 56 percent of a much larger market.

Congress has twice passed a new statute dealing with world bank policies that increase world production of commodities in surplus on the international market. It is time for the executive branch to heed the clear message from Congress.

AT&T

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, this is lesson 2 in great AT&T fables. Today we are going to address the myth that you will cost your State money if you vote for H.R. 4102.

This myth's apostles say the bill's universal service fund will transfer funds so that, for instance, West Virginia's long distance users will pay $3 million more than the State gets back. But what they are not saying is that the Energy and Commerce Committee report, using AT&T figures, shows my State actually gaining $5 million. They are not saying what the real issue is, and that is where the long-distance high-volume users should help support basic telephone service.

And, finally, they are not telling you that by saving pennies for long distance you are costing all consumers big dollars.

Take a look. West Virginia, for instance, has 600,000 residential telephone lines. Passing H.R. 4102 saves $24 per year the first year in access fees, or almost $15 million for all West Virginia customers.

I urge my colleagues to check the Energy and Commerce report, since its calculations for your State probably differ from what you have heard from AT&T lately. Please multiply the number of residential lines in your State by the $24 access fee that will be saved in the first year.

And, finally, remember what the real transfer issue is. It is whether AT&T is going to be able to transfer $2¼ billion that has supported local telephone service and transfer it to windfall profit. That is the transfer issue.

OUR MARINES' MISSION IN BEIRUT

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, when our 11-member delegation was in Beirut on October 29, we were concerned for the safety of the marines' "A" Company, which was located at Beirut University. It was virtually cut off from marine headquarters at the airport. Because of hostile elements in the area.

I was glad to learn today that the troops have been withdrawn from this position at the university.

Another plus is that at least in Beirut, our Government is saying the Marines' mission is one of presence, which makes much more sense than saying it is a peacekeeping mission.

As I have said for 2 months now, the best place for the Marines in Beirut is on the ships, and if we need to show our presence, we can fly our F-14's and other aircraft over the Beirut area and occasionally send patrols in and out of the city.

□ 1210

TWENTY-THREE YEARS AGO

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, 23 years ago this day, John Kennedy defeated Richard Nixon for the Presidency. Americans were reaching for a new frontier. For a time, however brief, America was itself: proud and graceful, strong yet restrained, and America was fun.

During those 1,020 days, we learned that to understand our problems abroad we must first recognize them here at home. We knew that to reach freedom, we must reach it together, black and white, rich and poor together.

We did not denigrate our Government; we asked to serve in it. We savored politics and respected leadership.

Now, through the necessary perspective of two decades, we can say with considerable certainty: On November 8, 1960, the American people chose well.

FOREIGN AID MILITARY GUARANTEES OUT OF HAND

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I will oppose the Long foreign aid amendment when it comes before the House today. Since this administration has come to power, economic aid has increased 19 percent, military aid spending authority has increased 151 percent, and off-budget military guarantees have increased by 57 percent.

This bill will mean that since 1981, economic aid will have increased by 11 percent, military aid spending authority will have increased by 179 percent, and off-budget military guarantees will have increased by 75 percent.

We need, Mr. Speaker, a balanced program, a program balanced between military and economic assistance, but there is a point beyond which reasonable people cannot go and I simply cannot justify this year alone a one-half billion dollar increase in off-budget military aid guarantees.

THEY CANNOT HAVE IT BOTH WAYS ON DAIRY

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, we are in the old numbers game again when it comes to dairy. I just warn people out there that the best thing to do is to throw away all the figures you got in the last few days because there are going to be so many floating around, using weird presumptions and everything else. They are going to do nothing but spread confusion. But if you do use them, please check the presumption upon which the studies are based.

Let me just give my colleagues some examples. The latest Michel "Dear Colleague," for instance, now says that the compromise is going to cost $1 billion more than Conable. Now that is the opposite of USDA estimates a few weeks ago. If you look closely you can find the reason. There is no charge that in 1984-85 the cost of Conable is $700 million more by USDA estimates. However, in the outyears 1986-87 they presume that we are going to go back to the old law and give the farmers a $5 price increase so that there is a huge 40 percent increase. There is no way that is ever going to happen, no way in this world.

Second, if we take a look at recent projections which have come out by the Conable supporters, they use opposite presumptions. They come out with an OMB and a Cornell study which indicates that the diversion program is going to be a failure and give bad cost figures. Then they use a USDA consumer study which presumes that the program is going to be so successful that we get all sorts of huge retail price increases to consumers because there are shortages.

Now they cannot have it both ways. My best advice is, take a look at those figures that occurred a few weeks ago, and rely upon those. If you are looking at new figures, we have a CRS study, for instance, that will show that there will be very little consumer difference in the two options, much less than the cost difference.

The only thing that there is no disagreement about is that the dairy compromise will end the over-supply and the dairy compromise will give a chance for 30,000 producers to stay in business. The price cut option will put 30,000 family farms out of business.

NO GAG RULE ON TELEPHONES

(Mr. CORCORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORCORAN. Mr. Speaker, the Committee on Rules is meeting later today on H.R. 4102. In a request without precedent, to my knowledge, the chairman of the Energy and Commerce Committee, JOHN DINGELL of Michigan, has asked for a modified closed rule when the House considers this horrible legislation.

First, Chairman DINGELL wants only 1 hour of general debate, despite the fact that the Energy and Commerce Committee sat in markup on this bill for 7 days. That ratio of 1 to 168 reminds me of how much money Illinois consumers will pay under H.R. 4102 to get a return of $1 on their telephone bills.

Second, Mr. DINGELL wants to limit debate on amendments under the 5-minute rule to only 5 hours. Well, Mr. Speaker, the Communications Act of 1934, which H.R. 4102 would change, has not been materially changed in 50 years. After 50 years and all the technological changes that have occurred in telecommunications, I believe the House of Representatives should not be limited to 5 hours in which we, the elected Representatives of 232 million Americans, work our will on such far-reaching and controversial legislation as H.R. 4102.

Mr. Speaker, I hope the Rules Committee stays with its precedents on bills of this kind and reports to the House a fair and open rule for all concerned.

NATO-LIKE TREATY NECESSARY FOR CARIBBEAN

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, after our trip to Grenada this weekend, I am convinced President Reagan not only did the right thing, he did the only thing he could do.

In addition to our American students being in danger, I believe the Soviet Union and the Cubans planned for Grenada to be a springboard into the rest of the Caribbean as well as Central America. Secret documents between the U.S.S.R., Cuba, North Korea, and Grenada show a tremendous military commitment to further revolution in the Caribbean.

I believe two things should be done: First, there has to be a multinational presence of some sort with the Eastern Caribbean nations and other allies and the United States to discourage the Cuban and Soviet Communists. A force of 600 to 700 would be sufficient to protect the island until the Grenadians can protect themselves.

Second, I believe we need to ask our State Department and President Reagan to draft a long-term mutual defense treaty with all island nations in the Caribbean and all countries in North and South America who would like to retain their freedom. This would be similar to our NATO treaty and would stop Communist advances in our hemisphere. This would discourage the Soviet Union and Cuba from further military adventurism.

NUMBERS GAME ON DAIRY BILL

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, my distinguished friend on the Committee on Agriculture, the gentleman from Vermont (Mr. JEFFORDS), said earlier that we had gotten into a numbers game, which I acknowledge, and that we ought to throw out all the recent studies indicating relative cost to the taxpayers and consumers of the various proposals to come before this body tomorrow relative to the dairy program.

I suspect that the gentleman from Vermont (Mr. JEFFORDS) feels this way because the recent studies have been going against him. It has been acknowledged all along that the Conable proposal would be cheaper for the consumers, although there may be dispute about how much cheaper for consumers it would be ultimately. But until recently, the studies have indicated that the Treasury would suffer more from the Conable proposal than the compromise proposal which Mr. JEFFORDS espouses.

Mr. Speaker, I would just have to say that when it comes to determining the relative ability to guard the Treasury, as between the Department of Agriculture, which made the estimates indicating the compromise proposal would be cheaper, or the Office of Management and Budget, which has put out a study indicating that the Conable proposal would be cheaper, I suspect most people here would consider the Office of Management and Budget to be the more effective guardian of the Treasury, and the less likely to give away the public treasure.

□ 1220

IN OPPOSITION TO THE TELECOMMUNICATIONS BILL

(Mr. RINALDO asked and was given permission to address the House for 1 minute.)

Mr. RINALDO. Mr. Speaker, while many special interest groups have supported H.R. 4102, the telecommunications bill under the mistaken belief it is pro consumer, the fact of the matter is that the bill is an absolute disaster for New Jersey consumers.

Should the bill be enacted, the Federal Communications Commission estimates that New Jersey would lose at least $208 million in capital outflow next year alone. The reason for this outflow of money is that the bill would create a national subsidy pool of more than $4.5 billion to help hold down local telephone rates following the breakup of AT&T on January 1, 1984. Funding for the pool would be derived from a surcharge on long distance phone calls. Because New Jerseyans make a disproportionately large number of long distance phone calls and because the State has a relatively mature, efficient local telephone system, the State's contribution to the national pool would be substantially greater than what it could expect to get back in the form of a subsidy to underwrite local rates.

Moreover, because the bill approved by the Energy and Commerce Committee would use up so much of the subsidy fund by underwriting local rates in more affluent States, where this assistance is not needed, there would be less to help those who really need it—the elderly, the sick, and those on fixed incomes. Although this bill gives lipservice to protecting these groups, the lion's share of the pool money would subsidize telephone service for the relatively well to do.

As currently written, H.R. 4102 is bad for consumers in New Jersey and other mature States, and would result in higher telephone bills and poorer service.

A SURPLUS OF ADVICE FOR THE PRESIDENT

(Mr. ROEMER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, the President has a tough job—war, peace, interest rates, unemployment, national defense—and it must be lonely at the top. But the President does enjoy some companionship in the area of gratuitous advice.

Congress is full of advice. Every Senator wants to be President. Every Member of the House wants to be Secretary of State. I am sure the President cannot wait to hear BUDDY ROEMER's 1-minute each week.

The press, of course, is in the advice business. I can just see the President reading the columns of Anderson and Rowan so as to be able to run the country from week to week.

Finally, there is the advice given by former Presidents like Jimmy Carter, who warned the President this week not to retaliate for the Beirut massacre of our marines.

Mr. Speaker, I would say this to the President: "Mr. President, you can ignore the advice of the press and the Congress at your own risk and probably do quite well. But please ignore the advice of Mr. Carter, who did a lousy foreign policy job in office and was fired by the American people."

Frankly, if we stay in Lebanon, the Israeli response to terrorism makes more sense than Mr. Carter's response.

Mr. Speaker, I say to the President: "Keep your retaliatory and preemptive strike options open, Mr. President, whether you use them or not."

PERMISSION FOR SUBCOMMITTEE ON ENVIRONMENT, ENERGY, AND NATURAL RESOURCES OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT DURING THE 5-MINUTE RULE ON TOMORROW

Mr. SYNAR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations be permitted to sit while the House is reading for amendments during the 5-minute rule on Wednesday, November 9, 1983.

The minority has been informed of this request, and I am advised that they have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

T.I.P.S. CITES INEQUITIES IN TAX EQUITY AND FISCAL RESPONSIBILITY ACT

(Mr. MACKAY asked and was given permission to address the House for 1 minute.)

Mr. MACKAY. Mr. Speaker, a group of six waitresses and waiters traveled from Ocala, Fla., to give testimony to the House Ways and Means Committee concerning the controversial Tax Equity and Fiscal Responsibility Act of 1982. These six are members of an association called T.I.P.S., a representative body of the over 7½ million employees in the restaurant industry.

There appears, Mr. Speaker, some confusion and misunderstanding which is beginning to surface in the restaurant industry and is directly attributed to the Tax Equity and Fiscal Responsibility Act provision dealing with waiters' and waitresses' tips, and its inequities as it is applied to both the employer and the employee.

As you know, I have been a strong advocate of a balanced budget, a strong advocate for cutting back Federal spending across the board, closing loopholes where ever they exist. However, enforcement provisions such as this tend to hurt those most unable to pay while failing to get to the cheaters the law was aiming at. While I support all Americans paying their fair share, I oppose efforts to penalize the innocent in an attempt to get to the guilty.

These six members of T.I.P.S. who, I believe, speak for servers across the country, have publically stated that H.R. 3803 will return the stability to the servers and will give back to them the fairness which was lost in the provision of the present law.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. This is the day for the consideration of suspension bills, and pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today.

TELEVISION NETWORK FINANCIAL INTEREST AND SYNDICATION RULES

Mr. WIRTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2250) to provide a moratorium until June 30, 1988, on changes to the Federal Communications Commission rules regarding network television syndication, network television financial interests, and prime time access, as amended.

The Clerk read as follows:

H.R. 2250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a), in order to maximize competition in the television broadcasting marketplace and to promote diversity of programing sources for the public, subject to section 2, the Federal Communications Commission shall not have authority to take any action after August 1, 1983, and before June 1, 1984, to repeal, amend, or otherwise modify the provisions or applicability of any of the following:

(1) section 73.658(j)(1)(i) of title 47, Code of Federal Regulations (commonly known as the "Syndication Rule"; 23 F.C.C. 2d 382);

(2) section 73.658(j)(1)(ii) of title 47, Code of Federal Regulations (commonly known as the "Financial Interest Rule"; 23 F.C.C. 2d 382); and

(3) section 73.658(k) of title 47, Code of Federal Regulations (commonly known as the "Prime Time Access Rule"; 23 F.C.C. 2d 382).

(b) Any action by the Federal Communications Commission which—

(1) is taken after August 1, 1983, and before the date of the enactment of this Act, and

(2) would be unauthorized by reason of this Act if it were taken on or after such date of enactment,

shall be null and void, retroactive to the date such action was taken, to the extent the action is so unauthorized.

SEC. 2. The first section of this Act shall not limit the authority of the Federal Communications Commission to modify the provisions or applicability of any rule referred to in subsection (a) of such section with respect to any network which, as of the date of the enactment of this Act, has fewer than one hundred and fifty television licensees affiliated with such network and such licensees carry not more than twenty-five hours per week of programing from the interconnected program service offered by such network. As used in this section, the term "network" has the meaning given such term in section 73.658(j)(4) of title 47, Code of Federal Regulations (as in effect August 1, 1983).

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Colorado (Mr. WIRTH) will be recognized for 20 minutes and the gentleman from Illinois (Mr. MADIGAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2250 was unanimously reported last week from the Energy and Commerce Committee. The legislation would strip the FCC of the authority for a 6-month period from repealing the financial interests, syndication, and prime-time access rules.

In 1970, the FCC outlined its reasons for adopting the financial interest and syndication rules by declaring:

> We propose to encourage and increase competitive forces—both creative and economic—in television program production and procurement through limitations on the capacity of network corporations to confine network schedules to programs in which they have financial and proprietary interests.

I have consistently stated that the financial interest and syndication rules have served to promote and encourage competition in the communications marketplace. Additionally, the rules have made a significant contribution to bringing the widest possible diversity of programing sources to the American public. These are two very basic communication policy goals which the rules have helped to promote.

In March, Congressman WAXMAN, along with Congressman MOORHEAD and myself introduced this legislation with a 5-year moratorium. Since that time the telecommunications subcommittee has held a number of hearings that have explored this issue. The subcommittee's hearing focused on the impact that repeal of the rules would have on independent television stations, independent producers, advertising costs, free television, emerging competition in the video marketplace, and the diversification of creative control over network programing.

I would like to take this opportunity to commend the efforts of Mr. WAXMAN and Mr. MOORHEAD in bringing this issue to the attention of our colleagues in the House.

On August 4, the FCC adopted a tentative decision in its financial interest and syndication rules proceeding. The FCC's tentative decision would not only repeal the financial interest rule but would substitute a new and unworkable forced sales rule for the current network syndication prohibition. This would require the networks to relinquish any syndication rights to prime-time series within 6 months of the end of the network run or 5 years after the series commenced, whichever comes first, and this extremely limited rule would sunset in 1990. The FCC's tentative decision is simply inadequate to deal with the real threat of network dominance of the program supply market. I am totally unconvinced that the FCC's action obviates the need for legislation.

Although the Commission indicates that its tentative decision addresses the concerns of independent television stations through adoption of the forced sale rule, the Nation's independent television stations and syndicators resoundingly reject that approach as being altogether insufficient as a means of protecting them against network practices which would restrict the flow of off-network product. Moreover, total repeal of the financial-interest rule as proposed by the Commission would enable the networks to return to the practice of requiring producers to give up ownership interests in their programing as a condition of securing network airing of their show. It is abundantly clear that having to give up a financial interest in their programing would completely undermine the major incentive that the creative community has today, to not only come forward and produce, but to produce quality product.

What is also alarming is that the Commission's reasoning in its tentative order would seem to call into question the underlying policy rational for the prime-time access rule, even though the FCC has repeatedly stated it does not intend to lift that rule. H.R. 2250 would strip the FCC of authority to repeal this rule as well.

The tentative decision would stifle the creative integrity of the programing marketplace by once again giving the networks reign to dominate the production process.

It is imperative that the FCC's tentative decision not go into effect. Although there was in committee, and remains in the full House, wide bipartisan support for the 5-year moratorium approach, the Energy and Commerce Committee agreed to adopt a compromise 6-month, instead of a 5-year, moratorium. This was done to insure the speedy action on this measure necessary to prevent the FCC decision from becoming effective in the immediate future.

This 6-month moratorium will also allow the committee to further assess trends in the television industry. We want to make sure that any changes in the financial interest, syndication, or prime-time access rules result in more competition in the television industry and more program diversity for the American public, and the course that the FCC has charted aimed at tantamount repeal of these rules will only assure less competition and less diversity.

Additionally, the 6-month moratorium is intended to induce the parties involved to narrow, and hopefully resolve their differences. It goes without saying that my subcommittee will review any reconciliation of these differences only in terms of how the public will best be served.

If progress is not made on this front, or if the FCC again moves in the direction of repeal of the rules, we are fully prepared to come back with the long-term moratorium approach. The administration came out last week in support of a 2-year moratorium on the exercize of FCC authority. As I said a moment ago, it is very clear the long-term approach clearly has wide, bipartisan support. I plan to again move the 5-year moratorium legislation early in the next session in order to assure that Congress is prepared to act and resolve this issue, rather than having its will frustrated by an independent agency which puts deregulation in and of itself ahead of encouraging competition in the video marketplace and ahead of providing a diversity of programing for the American public.

I would ask that my colleagues join me and the distinguished ranking member of the Telecommunications Subcommittee, Congressman RINALDO, who has been instrumental in helping us formulate this compromise, in placing a moratorium on the FCC's authority to repeal these rules which are so essential to assuring that the public's interest in the development of a diverse and competitive television program marketplace is preserved.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. RINALDO).

Mr. RINALDO. Mr. Speaker, last Tuesday, I offered an amendment to legislation which would have imposed a 5-year moratorium on the authority of the Federal Communications Commission to take any action with respect to the repeal of the financial interest, syndication, and prime time access rules as they apply to the three major television networks.

My amendment which was unanimously adopted by the Energy and Commerce Committee would impose a 6-month moratorium on the Federal Communications Commission authority to review this rule.

I made clear at that time that this amendment is not a policy judgment in opposition or support of the rule. Instead, it asks that the matter be brought to the attention of the major parties of interest—television producers and network executives—for negotiation and hopefully eventual agreement.

I feel that the postponement of a final judgment by the FCC will serve as an inducement to such discussions, and provide an opportunity for their successful conclusion. I have been encouraged by the fact that these parties began their negotiations last Thursday and am hopeful that they continue to bargain in good faith.

To be certain there is a public interest question that is involved in the financial interest and syndication. Unfortunately, this was overlooked by many of the persons who testified before the Telecommunications Subcommittee in mid-August. These witnesses tended to focus upon the relative strength of the bargaining position that existed between the television producers and the major networks.

I want to make clear that I am concerned about the quality of what is produced on television, and while I am hopeful that the major parties will come to an agreement on this matter, I also want to state that this Congress should not and will not abdicate its responsibilities by giving carte blanche to anything that is decided by the major parties. Rather, their agreement will serve as a framework for future legislation which should address such issues as how to promote diversity and greater creative freedom in the production of television programing.

I am hopeful that in 6 months we in Congress will possess adequate information to insure that any legislation we may later enact is equitable to the varying competing interests and is in the public interest.

I urge my colleagues to join me in supporting this legislation.

□ 1230

Mr. WIRTH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, although H.R. 2250 addresses an issue on which there has been some controversy, the bill itself is no longer controversial. The Energy and Commerce Committee's substitution of a 6-month moratorium for the bill's 5-year freeze led H.R. 2250 to be unanimously reported from committee and to be placed on the suspension calendar.

I suspect, however, that at some time within the next 6 months we will be back on the floor debating a lengthier moratorium. So it is important that today we carefully consider the consequences of the FCC's proposed repeal of the financial interest and syndication rules.

My colleagues will quickly find this is an issue without angels. In our subcommittee's hearings we have found that both the major independent producers and the three major networks have disgraceful records in many areas of programing, especially in providing opportunities and fair portrayals for women and minorities. Both the producers and the networks share responsibility for the dismal quality of television programing.

But though bereft of angels, repeal of the rules remains an important issue. In reviewing the FCC's proposed action, we must ask ourselves two questions. First, what public interest goal is served by giving even more power to the three networks? How will television become better if just three network program executives make all the programing decisions?

Second, what effect will repeal have on the free flow of information? Our Nation has always found repugnant a government's control of information, whether here or in a totalitarian state. It betrays our constitutional heritage. It threatens to destroy that which sets us apart from so many other nations.

A free and unfettered flow of information is one of our most important possessions, one of our most important rights.

Importantly, our courts have recognized that private entities, as well as governments, can inhibit the free flow of information. Indeed, the Supreme Court's view has been that the purpose of the first amendment is "to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government or a private licensee."

So it is imperative that Congress and the FCC adopt policies that reflect both the purpose and spirit of the first amendment.

This is why the repeal battle is so important. It is much more than a battle between "Guccis and wing tips." At stake are policy decisions fundamental to the first amendment.

The financial interest, syndication, and prime time access rules have brought more competition to every facet of the television industry. For example, under the rules there has been a dramatic rise in the number of independent television stations, the prime alternative to network programing. That rapid growth, from 73 stations in 1970 to 179 stations in 1982, has increased the independent's viewing audience share from 10 percent to 17 percent.

Moreover, by creating a real alternative to network programing, the independent television stations are causing advertising costs to fall in some markets by as much as 20 to 60 percent.

Overall, the television industry now has more people creating, distributing, and providing outlets for programing than ever before.

This all means more competition to the networks, which translates into less network power and control over the television industry.

The networks are properly reasoning that since the rules brought more competition, repeal will have the opposite effect. But they are also equating the new profits they would gain from repeal with the public interest.

Unfortunately, the FCC accepts this equation and has chosen to ignore the new competition and diversity in television; it has even ignored the tremendous rise in network profits—550 percent—over the life of the rules.

Indeed, the Commission accepts the networks arguments so completely that it has also agreed to repeal the 7-7-7 rule, which presently places at least some restrictions on the network ownership of radio and television stations.

For the public, these regulatory actions mean that the three networks will exert greater control over television and be even more insulated from public pressure to improve programing. And it is impossible to exaggerate the extent to which repeal would result in an increase of homogeneity, stagnation, and mediocrity.

We will have an environment where the free flow of information can be inhibited.

That is the great danger. William Douglas sounded the alarm a decade ago when he wrote that:

> Looking ahead, the days seem dark to me. Great wealth controls most of our news outlets * * *. A Society of the Dialogue, as espoused by the first amendment, will be increasingly difficult to stimulate.

The battle of Guccis and wing tips makes good copy and trivializes the issue but ignores the larger question of a concentration of media power. And this is a question Congress cannot afford to ignore.

Justice Douglas suggested that the best way to protect the first amendment was to create an environment where there is "a medley of voices." In recent years that medley has been provided by the independent television stations, the one group that will be hurt most by repeal.

The networks want the power to influence that medley. They want to hold the key to the success of their competitors, and they want the power to dictate all programing so that it satisfies their arbitrary rating points.

The networks want our trust, but we have seen them, in trying to repeal the rules, intimidate charities and public interest groups into supporting repeal by asserting public service announcement time would be lost unless the rules were eliminated. But in our hearings, when the networks knew they could be held accountable, they conceded this was not the case and the future of free television was not at stake.

We cannot ignore our responsibility and say a pox on everyone's house. If we do we could jeopardize our most fundamental right, access to the free flow of information.

The rules present a much larger issue than a distribution of corporate profits—it is a fight that could affect what information the American people receive and how they think about it. It is an issue Congress, not the FCC, must decide.

Mr. MADIGAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WIRTH. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. Mr. Speaker, I thank the gentleman for yielding.

I appreciate, along with others, the work of the subcommittee. There is just no question in my mind that television is one of the most important areas for the testing of ideas and the shaping of values. It is a marketplace of ideas that we need to keep free and I believe this legislation does that admirably.

Mr. Speaker, I rise in support of this bill and I urge my colleagues to join me. As the Representative from the Second District of New York and as chairman of the Congressional Arts Caucus, I have a longstanding and abiding interest in the Federal Communication Commission's proceeding relating to the financial interest and syndication rules.

I can think of no issue now pending before the Commission or Congress that will have a more immediate and dramatic impact on the quality and diversity of programing available on the public airways to the constituents we all represent. Moreover, the production of movies and other programing for television is an important industry in my State and in States and districts all over the country. For example, in New York City alone, some 10,000 people are employed in the production of motion pictures and tapes for television. Since 1972, just after these rules were promulgated, there has been a 62.6-percent increase in employment in this industry, so do not let anyone tell you this is just a California problem.

I am alarmed at the apparent willingness of the Commission to eliminate these rules in favor of a plan that would vest the three major networks with virtually unlimited power to determine the nature and content of television programing available to the American public. It is this threat to quality programing, competition, and diversity in the television marketplace that has given rise to the introduction of H.R. 2250. It is Chairman Fowler's unyielding attitude and refusal to delay final Commission action on these rules, to afford Congress the time to review this important issue, that necessitates the adoption of this amendment presently under consideration.

I am concerned about the concentration of power and the opportunity for abuse of such power by the three major networks in determining what our constituents see when they switch on a television set. Regrettably or not, the television marketplace has become one of the most important forums in our society in which ideas are tested and values are shaped. The public interest demands greater diversity in programing and a greater number of outlets independent of network control on which to view this programing. There is sufficient evidence in the record before the FCC and Congress to find that the current rules have served these twin goals admirably. Moreover, I believe that the networks have failed to sustain their burden that the television marketplace is sufficiently changed—since 1981 when consent decrees against the three networks embodying the FCC rules become effective—to warrant repeal or modification of these rules.

There is evidence before the FCC and Congress that implementation of the "Fowler Plan," will cause immediate harm to independent stations, independent producers, advertisers and thus the viewing public.

Maintaining the status quo for approximately 6 months so that Congress can consider this issue, however, will insure that a mistake is not made by the FCC.

Mr. Speaker, I urge my colleagues to join me in supporting this bill so as not to foreclose congressional scrutiny of this urgent matter.

Mr. WIRTH. Mr. Speaker, I thank the gentleman for his comments. I thank the gentleman from New Jersey (Mr. RINALDO).

Mr. PORTER. Mr. Speaker, this matter is described as a struggle between two giant industries—the television networks and the motion picture producers.

In actuality it is, rather, an antitrust matter, a question of whether competition can be preserved in an important area of national communications and creativity.

I hold no case against the networks, nor for that matter in favor of the producers. Rather, I look to see the likely course of competition where heavily financed networks may be given free rein to control producing, financing and syndicating television shows. Despite all the disclaimers and protestations to the contrary, I cannot believe that this is going to encourage competition or help the survival of the small producers. Rather, I believe that the networks would pull all the strings into their own hands and the creative endeavors would cease to have any independence in an area where competition is already and necessarily a limited commodity.

For these reasons I believe the legislation before us, keeping in Congress hand for 6 more months control of this subject matter, is wise. I would go further and prevent the FCC for 5 more years, as originally proposed in H.R. 2250, of which I am a cosponsor, the power to terminate the competitive nature of a marketplace that, like it or not, gives the people what they like to see.

● Mr. DANNEMEYER. Mr. Speaker, I rise in support of H.R. 2250 and urge my colleagues to adopt this measure which will defer, for 6 months, any effort to repeal the existing financial interest and syndication rules. Personally, I think a longer moratorium would have been desirable but this 6-month breathing space is consistent with what the other body has adopted, meaning that we can get action now on this bill.

The real question, with respect to the financial interest and syndication rules, is whether we are going to encourage competition or perpetuate a Government created monopoly over the dissemination of television programs. If we permit the three major networks to own the syndication rights as well as the first run rights to television shows, not only will they be able to get those syndication rights for less than they might be worth but they will be able to control the flow of programs that might be available to the independent TV stations to air. I recognize, of course, that the FCC proposed last August that a 5-year "forced sale" rule be applied to certain programing in lieu of a complete repeal of the syndication rule, but I wish to point out that this proposed forced sale only applies to prime time programing and not to childrens' shows, such as those produced so well by Walt Disney Productions, or to other non-prime-time programing. Also, this forced sale rule would sunset in 1990, leaving television show producers and independent television stations at the mercy of the networks to an even greater extent after that date.

Opponents of this legislation will argue that free market forces ought to apply and that competition has increased in the television industry in recent years. However, the networks still enjoy at least three quarters of the market and according to a study produced by the CBS broadcast group, they will still have a 70-percent audience share by 1990. Moreover, the networks seem to have an amazingly similar outlook on the world which makes that 75-percent-plus share all the more formidable. As a consequence, it is my feeling that the FCC should be just as jealous in promoting competition in the television industry as it has been in the telephone industry. And if the FCC has reservations, then Congress should reinforce that competitive emphasis, which is exactly what adoption of this legislation will do.

Mr. Speaker, I urge the adoption of H.R. 2250 as reported from the Energy and Commerce Committee.●

● Mr. FAZIO. Mr. Speaker, I rise in support of H.R. 2250. The purpose of this measure is to achieve one major objective: To prevent four people who sit on the Federal Communications Commission from changing the face of the television marketplace without the participation of the Congress in this important policy process.

As many of you are aware, the full House Appropriations Committee, during consideration of House Joint Resolution 367, the continuing resolution passed an amendment which I offered to place a 1-year moritorium on the Federal Communications Commission's proposed changes to the financial interest and syndication rules. Unfortunately that particular bill was never reported to the House floor. A similar effort was made to place a 6-month moritorium on the supplemental appropriations bill for fiscal year 1984, but a germaneness problem prevented the amendment from being offered.

Now, however, through this measure we have the opportunity to delay the Federal Communications Commission until June 1, 1984, from modifying, repealing, or amending the financial interest, syndication and prime time access rules. These rules, first promulgated in 1970, greatly enhanced competition in the television marketplace. By repealing them now, we jeopardize the future of nearly 200 independent television stations across America, and deny the independent production community the incentives it requires to create television programs of quality.

A public policy matter of this importance and far reaching implications must not be dealt with in isolation and without a full airing of the issues involved. Thus, it is incumbent upon the Congress to debate the merits of the existing rules, and to determine if any changes are warranted.

FCC Chairman Fowler would, however, deny us our perogative to do such. Rather, he has endeavored, under the guise of increased competition, to repeal the existing rules. It is the view of many that his actions would not have increased competition, but rather thwarted it.

That is why it is necessary for us to pass H.R. 2250.

This measure will merely delay for 6 months any further action on these rules by the FCC. Additionally, this will give Congress the time to act on H.R. 4260, the bill just introduced by Congressman WAXMAN which allows the continuation of the existing rules. When H.R. 4260 is brought before the House, that will be the appropriate time for full debate.

As for now, immediate action on H.R. 2250 is necessitated by the FCC's determination to proceed quickly. We must not allow that unwise and unwarranted action. Rather, we need breathing room. That is what H.R. 2250 gives us.

I urge your support for this measure.●

● Mr. LEVINE of California. Mr. Speaker, I rise in support of this measure, although I believe the current compromise time period is too limited. The financial interest and syndication rules have served the public well, and have encouraged the development of independent and diverse sources of programing.

If these rules were repealed, as the networks and the FCC propose, the variety of programing would be significantly reduced. The three networks already enjoy a virtual monopoly on prime time programing. Allowing the networks to control syndication rights would only make their monopoly over all television programing complete.

A policy of deregulation often conjures up images of greater market efficiency and competition. However, television deregulation would further limit the scope of television programing and production. It would restrict the ability of independent stations to bid for programs and encourage the networks to show only those programs in which they share a significant financial interest.

If the networks were suddenly permitted to share in syndication—which is the primary source of profit for most independent creators—the independent production community would be devastated. If we are interested in protecting an open communications climate which encourages the free exchange of ideas, then the TV marketplace should be encouraged to expand. Unless creators have a financial stake in their work, the television industry will be reduced to a world not only of three main buyers, but also of three main producers.

While relaxing the syndication rules would directly serve the financial interests of the networks, it would not serve the public interest. In order to preserve a broader and more diverse presentation of ideas and entertainment on television, I urge adoption of this bill.●

● Mr. GILMAN. Mr. Speaker, as a cosponsor of H.R. 2250, financial interest and syndication legislation, I rise in strong support for this measure. The bill before us prohibits the Federal Communications Commission from revising its financial interest, prime time access, and syndication rules before June 1, 1984.

Well over a decade ago, the FCC adopted regulations in response to a growing concern over market domination by the three major networks in this country. The rules promulgated at that time prohibited the networks from acquiring any interest in the syndication or distribution of programs produced by anyone other than the network itself. I believe that those rules were devised with the best interests of everyone having been considered, and do not feel that any major changes are necessary at this time.

This past summer, however, the Federal Communications Commission reacted to network petitions to alter these rules, and proposed repealing the financial interest rule altogether, as well as modifying the syndication rule. This legislation is in direct response to that action. Repeal of the rules would endanger the limited opportunity for negotiating that program producers now enjoy when selling syndication rights to the networks, and would probably result in the producer receiving less than fair market value for a particular program. Although the television marketplace has changed of late, the networks still command over 80 percent of the viewing audience. By maintaining the rules as they were adopted in 1970, we can insure that the viewing public has alternatives to programs broadcast by the major networks. Were we to allow the kind of an incursion into syndicated programing that the FCC rules propose, we would be doing the public a great disservice. Having reviewed this matter closely, I became a cosponsor of the bill and urge my colleagues support for its passage.●

● Mr. MATSUI. Mr. Speaker, public access to a free and unencumbered flow of information from a diversity of sources is a basic premise upon which our democracy rests. We have an opportunity to reaffirm our commitment to this principle today by supporting H.R. 2250, legislation which places a 6-month moratorium on the Federal Communications Commission's (FCC) ability to repeal its rules on network financial interest, syndication, and prime-time access.

Earlier this year, the FCC initiated a rulemaking to repeal the financial interest and syndication rules. These regulations, promulgated in 1970, sought to address the potential lack of diversity and competition in the broadcast marketplace posed by the overwhelming dominance of the three commercial networks. The rules accomplished this goal, in part, by prohibiting the commercial networks from acquiring a financial interest in the syndication or distribution of programs they broadcast, which are created by independent producers.

The rules enabled producers to retain rerun rights and to sell their product to independent TV stations. Small stations were then permitted to bid for popular programing such as "MASH" and TV special events that attract viewers and advertising dollars. This situation has strengthened the standing of smaller stations and allowed them to compete with network affiliates for prime-time audiences.

Despite the growth in independent stations and innovative video techniques, the networks remain the sole outlet for 69 percent of all prime-time programs. Eighty-two percent of the American viewing public watch that programing, and the networks total viewing share is expected to remain above 70 percent by 1990. According to reports prepared by various Federal agencies, including the FCC, a video alternative like cable television creates no applicable diversion of network viewing. In addition, these reports found that no realistic competitive alternatives to the networks currently exist now or will in the foreseeable future.

In light of this reality, I respectfully submit that it is premature to repeal the financial interest and syndication rules at this time. These Federal standards encourage the creation of thoughtful and diverse types of programing which serves well the public interest. Without them, we raise profound philosophical and constitutional questions regarding the concentration of power over the free expression of ideas via television—our society's most powerful and influential source of communication.

In conclusion, I urge my colleagues to adopt this legislation.●

The **SPEAKER** pro tempore (Mr. RATCHFORD). The question is on the motion offered by the gentleman from Colorado (Mr. WIRTH) that the House suspend the rules and pass the bill, H.R. 2250, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to provide a moratorium until June 1, 1984, on changes to the Federal Communications Commission rules regarding network television syndication, network television financial interests, and prime time access."

A motion to reconsider was laid on the table.

DRUG LABELING

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3851) to amend the Federal Food, Drug, and Cosmetic Act to remove the prohibition against stating in the labeling and advertising of a drug that it has been approved under that Act, as amended.

The Clerk read as follows:

H.R. 3851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 301(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(1)) is amended by striking out "The" and inserting in lieu thereof "(1) Except as provided in section 505(k), the".

(b) Section 505 of such Act (21 U.S.C. 355) is amended by adding at the end the following:

"(k) A drug which is subject to section 503(b)(1) and which has an application approved for safety and effectiveness under this section may include on its label the statement 'FDA Approved' followed by the number assigned to the application by the Secretary and, upon the expiration of eighteen months from the date of the enactment of this subsection, such a drug which is manufactured after the expiration of such months shall include such statement and number. Such a drug may also include, in accordance with regulations of the Secretary, such statement and number in its advertising and in any labeling (other than the label).".

SEC. 2. The Secretary of Health and Human Services shall, not later than six months from the date of the enactment of this Act, promulgate regulations under the last sentence of section 505(k) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (b) of the first section.)

The **SPEAKER** pro tempore. Is a second demanded?

Mr. MADIGAN. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from California (Mr. WAXMAN) will be recognized for 20 minutes and the gentleman from Illinois (Mr. MADIGAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

The FDA Approval Labeling Act permits the manufacturers of prescription drugs to state "FDA approved" followed by the approval number of their drug labeling and advertising. Requested by FDA and supported by pharmacist groups and generic drug makers, this legislation was unanimously reported by the Energy and Commerce Committee.

Currently, section 301(l) of the Federal Food, Drug, and Cosmetic Act prohibits drug manufacturers from making any representation regarding FDA approval in their labeling or advertising. During our hearing, the Subcommittee on Health and the Environment heard numerous complaints from pharmacists about section 301(l) because of the difficulty of determining whether a drug has been approved by FDA.

Others questioned the constitutionality of section 301(l)'s absolute ban on statements regarding FDA approval. Recent Supreme Court decisions have extended first amendment protections to commercial statements that are accurate and not misleading, such as whether a drug has FDA approval.

The FDA Approval Labeling Act addresses these concerns in two ways. First, the bill requires that all approved prescription drugs manufactured 18 months after enactment be labeled as FDA approved followed by the approval number. Second, the legislation permits drug manufacturers to use the approval statement in their promotional materials and advertising.

I urge my colleagues to support H.R. 3851.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority supports passage of this legislation, H.R. 3851, with the inclusion of the amendment proposed by the gentleman from California. This bill has received favorable consideration from the Committee on Energy and Commerce and the Subcommittee on Health and the Environment. In committee and subcommittee markup, not a single opposing vote was cast.

Because the gentleman from California has already explained the provisions of the bill, I will not belabor other Members' time by doing the same. However, I wish to reiterate that this legislation has the strong support of such groups as the American Pharmaceutical Association, the National Association of Retail Druggists, and the National Association of Chain Drug Stores. In addition, the administration has indicated that it has no objection to the bill. Moreover, to my knowledge, there is no group which has expressed opposition to the bill.

Therefore, Mr. Speaker, I would ask my colleagues to support this very important and needed piece of legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 3851, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXEMPTING IRRIGATION CONVEYANCE SYSTEMS FROM FEES AND CONDITIONS UNDER THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2982) to exempt irrigation conveyance systems from fees and conditions under the Federal Land Policy and Management Act of 1976, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. As used in this Act, the term "the Act" means the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.).

SEC. 2. Section 501 of the Act is hereby amended by adding at the end thereof the following new subsection:

"(c) There are hereby granted rights-of-way for irrigation systems, as described in subsection (a)(1) of this section, constructed prior to October 21, 1976, and in use during the period beginning on such date and ending on October 21, 1983, for agricultural, livestock, or private domestic purposes and which traverse public lands or lands within the national forest system. Grants made by this subsection are supplementary to, and not in lieu of, any other grants made by previous Acts: *Provided,* That each such previous grant of right-of-way shall remain in full force and effect unless the holder thereof notifies the Secretary or Secretary of Agriculture, as appropriate, that he elects to be governed by the provisions of this subsection, in which case such previous grant shall be deemed to have been relinquished and shall terminate. Any grant of right-of-way for an irrigation system described in the first sentence of this subsection which is based on an Act of Congress enacted prior to October 21, 1976, shall be subject to fees or payments to the United States, or permits or other rights-of-way authorization, only to the extent such payments or authorization are required by the Act of Congress under which the grant is claimed. No grant made by this subsection shall be subject to any fees or payments to the United States or to permits or other authorization. Each such grant shall continue in effect so long as the relevant system is used solely for agricultural, livestock, or private domestic purposes: *Provided further,* That the holder of such a grant and his successors shall comply with the following requirements:

"(1) Each such grant shall be recorded with the appropriate Secretary or Secretaries no later than January 1, 1988, and every thirty years thereafter or, in the event of a transfer of such grant after January 1, 1985, no later than thirty days after the date of transfer. Recordation required by this paragraph shall be such as will provide the appropriate Secretary or Secretaries information concerning the location and characteristics of the irrigation system as necessary for proper management of the public lands and lands within the national forest system, and shall include the name and address of the holder of the grant; in the event of any change in such address, the holder shall notify the appropriate Secretary or Secretaries within thirty days.

"(2) the holder of each such grant shall allow the Federal Government and the public free and unrestricted access to, upon, and across the right-of-way for all purposes not inconsistent with the exercise and enjoyment of the right-of-way.

"(3) All physical facilities on a right-of-way granted by this subsection shall be constructed, reconstructed, repaired, and maintained in a manner which (i) minimizes damage caused by the physical facilities themselves to scenic and esthetic values and fish and wildlife habitat, and otherwise protects the environment; (ii) protects property, lives, and health, including that of other lawful users of lands adjacent to or traversed by such rights-of-way; (iii) does not unreasonably obstruct or interfere with the interests of individuals living in the general area traversed by the right-of-way who have historically relied on the fish, wildlife, and other biotic resources of the area for subsistence purposes.

"(4) The holder of each such grant shall indemnify the United States against any liability for damage to life or property arising from the holder's occupancy or use of the granted right-of-way: *Provided,* that upon relinquishment of such a grant, such indemnification shall thereafter no longer be in effect.

Nothing in this subsection shall be construed by implication to exempt any right-of-way granted by this subsection from applicable Federal or State standards for public health and safety, air and water quality, or environmental protection or from any other applicable provision of State or Federal law. Nothing in this subsection shall be deemed to confer any power or authority to regulate or control in any manner the reservation, appropriation, use or diversion of water for agricultural, livestock, or private domestic purposes. Nothing in this subsection shall be deemed to confer any right or claim to the acquisition or use of water, or to require the conveyance or transfer to the Federal Government of any such right or claim. The appropriate Secretary may act to terminate or suspend or to abate the use of a right-of-way granted by this subsection, pursuant to section 506 of this Act, only upon abandonment of such a grant or for noncompliance with the provisions of this subsection. Upon relinquishment, abandonment, or termination of such a grant, the holder shall within reasonable time cease use of the right-of-way and remove all structures and improvements except those owned by the United States, and shall restore the site insofar as reasonably possible, unless the appropriate Secretary agrees in writing to wholly or partially waive such requirement. Structures or improvements not so removed within a reasonable time shall become the property of the United States. Mineral and vegetation material (including timber) within a right-of-way granted by this subsection are reserved to, and shall remain the property of, the United States, but may be available for use on the right-of-way in case of emergency.".

SEC. 3. Section 505 of the Act is hereby amended by adding at the end thereof the following new subsection:

"(c) This section shall not apply to rights-of-way granted by subsection (c) of section 501 of this Act."

The **SPEAKER** pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes and the gentleman from Illinois (Mr. MADIGAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

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Mr. **SEIBERLING**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2982 deals with one particular type of right-of-way situation involving both BLM and national forest lands. With the enactment of the Federal Land Policy and Management Act (FLPMA) in 1976, there was established (in title V) a comprehensive statutory system for the establishment and regulation of rights-of-way for various purposes, including irrigation systems. However, FLPMA itself specifies that nothing in that act is to be construed as terminating and valid right-of-way, and also that all actions of the relevant Secretary under FLPMA are to be subject to valid existing rights. This bill deals solely with certain irrigation systems constructed prior to the enactment of FLPMA which have been and are being used for agricultural, livestock, or private domestic purposes.

As we brought out at our subcommittee's hearing on this bill, the Forest Service and BLM have adopted a policy of requiring the users of these pre-FLPMA irrigation systems to obtain permits, and have gradually made these permits more and more detailed as to the terms and conditions which the user is to be required to meet. In addition, the administration evidently takes the view that these pre-FLPMA irrigation systems are subject to the FLPMA requirement of an annual rental fee for the right-of-way, and that they cannot be transferred without the approval of the relevant Secretary. (Since continued validity of water rights in many cases is dependent on continued availability of such irrigation ditches, obviously this requirement has aroused alarm that individual water rights are threatened with confiscation by administrative fiat).

As reported by the Interior Committee, H.R. 2982 essentially offers the holders of the affected irrigation systems an optional alternative to litigation, which they may accept if they elect to do so. That alternative does two things: First, it unambiguously grants a free right-of-way across Federal lands to those pre-FLPMA irrigation systems used for agricultural, livestock, and private domestic purposes. Second, it details the terms and conditions under which these rights-of-way are to be used, and the extent to which they are subject to Federal regulation in the interests of protecting the environmental and other values of the Federal lands involved and the public interest in access to and safe use of those lands.

The overall effect of the alternative to litigation embodied in the committee bill is to assure the users of these irrigation systems that their ability to continue to use these established systems is recognized and protected, while at the same time making it clear that the Forest Service and BLM will be able to properly manage the Federal lands involved.

As matters stand today, Mr. Speaker, some of the users of these pre-FLPMA irrigation systems believe that they are being forced into the courts

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to defend what they contend are valid existing rights that were recognized by FLPMA and which they maintain are being eroded by the administration's interpretation of FLPMA. Nothing in this bill would prevent any of these people from actually proceeding to court, if they believed that remained necessary, to protect any valid rights they now have. However, by establishing a clear basis for continued use of these irrigation systems, free from rental fees and subject only to necessary regulation for specified purposes, the bill would provide an optional, alternative approach that I believe appropriately balances and protects the interests of the irrigators, the Federal Government, and the public as well.

Mr. Speaker, not only the prospective beneficiaries of this legislation but the committee members are indebted to the gentleman from Colorado, Mr. KOGOVSEK, the author of this bill. Throughout our consideration of this legislation in the Committee on Interior and Insular Affairs, he provided invaluable assistance and creativity as we attempted to fashion legislation which would fairly address not only the problems experienced by the users of these irrigation systems but also the larger public interest in proper management of the Federal lands.

Mr. Speaker, I reserve the balance of my time.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would ask the gentleman from Ohio (Mr. SIEBERLING) if I might have his attention.

The gentleman from Alaska who, I understand, is to be managing this issue is a little bit behind, because we moved so quickly on the first three issues today.

I understand that he is en route to the floor, and I do not wish to unduly belabor this or to try to tie this up, but I wonder if the gentleman from Ohio could tell us something about the subcommittee action and committee action on this bill, so that the Members on this side might have some understanding of what the minority attitude toward this proposal has been.

I yield to the gentleman for his response.

Mr. SEIBERLING. I thank the gentleman for yielding.

At our subcommittee's hearing on this bill, it was brought out that both the Forest Service and the BLM have adopted a policy of requiring the users of these pre-Federal Land Policy and Management Act irrigation systems to obtain permits and have gradually made these permits more and more detailed as to the terms and conditions which the users are required to meet.

And in addition, they have taken the view—the administration has—that these pre-FLPMA irrigation systems are subject to the requirement of an annual rental fee for the right-of-way, and that they cannot be transferred without the approval of the relevant Secretary.

Since continued validity of water rights in many cases is dependent on the continued availability of such irrigation ditches, obviously this requirement has aroused alarm and apprehension that individual rights are threatened by confiscation by administrative fiat. As reported by the Interior Committee, and there was no dissenting vote in the vote of the committee, H.R. 2982 simply offers the holders of these irrigation systems an optional alternative to going to court to require the Secretary to respect their rights as granted under previous law.

That alternative does two things: It unambiguously grants a fee right-of-way across Federal lands for these preexisting systems when they are used for agriculture, livestock, and private domestic purposes, and it also details the terms and conditions under which that right-of-way can be used, and the extent to which it will be subject to Federal regulations to protect the environmental and other values of the Federal lands involved and the public interest and access to, and safe use of, the land.

This will assure the users of these systems, if they choose to take this option, to continue to use them as they have in the past, while at the same time making clear that the Forest Service and BLM can properly manage the Federal lands involved, and it does seem to me that that is desirable. Otherwise, they are going to be forced into court and we will have all kinds of litigation, putting both the Government and the users to considerable expense for rights that we, in passing the Federal Land Policy and Management Act, intended to be recognized. While this bill would not prevent users from going to court if they decide to go that route, it would establish an option which I think protects both the Government's interests and the private users' rights.

Mr. MADIGAN. I thank the gentleman from Ohio for his very comprehensive explanation.

Mr. KOGOVSEK. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Colorado.

Mr. KOGOVSEK. Mr. Speaker, I rise in support of H.R. 2982 and strongly urge my colleagues to join me in passing this legislation through the House. The bill is extremely important to the people of the various Western States because it deals with water conveyance systems for agricultural, livestock, and private domestic purposes. As I am sure we will all agree, water is one of the most important commodities in the West. Yet, without a ditch, flume, pipeline or other system to convey the water from the source to another point, it cannot be effectively put to beneficial use. In essence, without a conveyance system, the water would be meaningless.

I introduced H.R. 2982 in order to bring equity to the manner in which the Federal Government was treating rights-of-way for irrigation conveyance systems constructed, and in operation, prior to the enactment of the Federal Land Management and Policy Act of 1976 (FLPMA). In the State of Colorado, for example, such fees were not imposed until recently. More important, the Forest Service and Bureau of Land Management have assumed FLPMA to be an authorization to regulate the waters of the various States in which such rights-of-way are necessary. This is clearly a direct contradiction of the intent of Congress.

Mr. Speaker, the irrigation conveyance systems we are talking about today may be categorized into three basic areas: First, systems established under the act of July 26, 1866 (43 U.S.C. 661) and the act of March 3, 1891 (43 U.S.C. 946); second, systems constructed and in operation prior to October 21, 1976 (enactment of FLPMA); and systems constructed after October 21, 1976 (enactment of FLPMA). There is no question about post FLPMA ditches, as they are required to be governed by FLPMA. In addition, there should be no question regarding ditches constructed under the 1866 or 1891 acts, since a necessary requirement for a water right to be adjudicated, or a permit to be issued, is the actual construction of the ditch and the granting of a right-of-way. In essence, any party, in Colorado at least, who holds a water right and is conveying such water across Federal lands, must also have been granted a right-of-way for such purposes. The principles of Western law hold that a water right is not perfected until such water has been put to beneficial use. This cannot occur unless a right-of-way has been granted, as appropriate. The question, therefore, is whether rights-of-way established under the acts of 1866 or 1891 carry with them valid existing rights as those protected under FLPMA. Clearly, the Committee on Interior and Insular Affairs stated that they do hold such rights and are protected by FLPMA.

It was my intent, when working with the Interior Committee in drafting the substitute amendment, that the new subsection (c) would apply only to those cases that are voluntarily entered into by the ditch owner. Thus, if the owner decides not to participate in the new provisions, he must establish that his ditch is governed by another act. The priority date of an adjudicated water right should determine which act is applicable.

H.R. 2982 is a compromise bill which has strong bipartisan support. It is a measure that protects valid existing rights, State water law and rights, the environment and the interests of the Nation over Federal lands. Most important, it establishes guidelines as to how these irrigation ditches are to be regarded. If fees or conditions were not required under the 1866 or 1891 acts, then ditches operating lawfully under these acts by valid existing right should not have imposed upon them any fees or conditions. Likewise, if fees and conditions were originally required under the governing act, then such will continue to be required. The procedures we have established are fair and equitable, and I strongly urge the enactment of this legislation.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Montana (Mr. MARLENEE).

Mr. MARLENEE. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 2982. My distinguished colleague, the gentleman from Colorado (Mr. KOGOVSEK) should be highly commended for bringing this situation to the attention of the Interior Committee and for his bipartisan efforts in bringing appropriate legislation to the floor of the House.

The bill addresses a problem which arose recently regarding the status of certain irrigation ditches which cross Federal lands. Since enactment of the Federal Land Policy and Management Act (FLPMA) in 1976, The Bureau of Land Management and the Forest Service have been attempting to bring the older pre-FLPMA ditches in under the scrutiny of that act and have been attempting to impose annual rental fees for the use of Federal lands.

Holders of these rights have argued that they have "valid existing rights" exempted from FLPMA and they came to Congress seeking relief from the pressures being imposed on them by the Federal agencies.

Basically, after a detailed hearing and investigation, our committee agreed with the ditch holders. H.R. 2982 passed our committee unopposed.

The bill gives the holders of these pre-FLPMA grants an option of asserting their rights in court. Or, if they choose not to enter into a legal battle, they may elect to come under this legislation which grants them a free right-of-way provided they relinquish any prior grant and accept some specified terms and conditions of the new grant.

The terms and conditions include appropriate recordation of the right-of-way; access to and across the right-of-way for the Federal Government and the public; protection of environmental values and of health, safety, and property; indemnification of the United States against liability arising from use of the right-of-way; and restoration of the lands affected by the right-of-way upon abandonment, relinquishment, or termination of the right-of-way.

The legislation has been carefully crafted to protect the holders of pre-FLPMA grants if they so choose. The bill is also limited to irrigation systems used for agricultural, livestock, or private domestic purposes. It is not our intention to grant free use of Federal lands to municipal water systems.

The irrigation ditches involved in this matter are primarily in the West. But, generally, the bill gets the Federal Government off the backs of small farmers, cattlemen and ranchers nationwide.

I urge my colleagues to support the legislation.

● Mr. CHENEY. Mr. Speaker, I support H.R. 2982. Many irrigation, livestock, and private domestic operations in the West rely on longstanding grants of right-of-way on Federal lands. The terms and validity of some of these rights-of-way have been called into question by the recent actions of certain Federal agencies. This bill will provide needed legal certainly for holders of rights-of-way for irrigation ditches on Federal lands. This bill, as amended by the full committee, does two things.

First, in the case of certain possibly defective claims to rights-of-way made under acts of Congress prior to the Federal Land Policy and Management Act (FLPMA), the bill sets up a completely optional procedure for the issuance of new rights-of-way under FLPMA. The limited types of terms and conditions which can legally be imposed on such FLPMA rights-of-way are clearly specified in the legislation. I note that, as the committee report explains in detail, the legislation expressly states that it does not provide any Federal authority to regulate water flows on rights-of-way for irrigation, livestock, or private domestic purposes. The committee was scrupulously careful to avoid giving the Federal Government the power to require the creation or maintenance of instream flows, for example, and I very much agree with that decision.

Second, the committee agreed to explicitly exempt qualified grants of irrigation, livestock, and domestic rights-of-way made under earlier acts of Congress from the Federal Land Policy and Management Act and from certain other statutes. I supported this effort, and want to congratulate the gentleman from Colorado (Mr. BROWN) who was principally responsible for this amendment. The sponsor of the bill, Congressman KOGOVSEK, also deserves recognition for his support of this principle. There is no reason why right-of-way granted by the Federal Government for a clearly legitimate purpose should later be subjected to onerous regulation, including fees or permits, by administrative fiat, and this amendment will make it very clear that Congress did not intend this to happen.●

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Mr. SEIBERLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARLENEE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill (H.R. 2982), as amended.

The question was taken.

Mr. HARKIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule XXIII and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

EXEMPTING RURAL ELECTRIC COOPERATIVES FROM CERTAIN RIGHT-OF-WAY RENTAL PAYMENTS UNDER THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2211) to exempt rural electric cooperatives from certain right-of-way rental payments under the Federal Land Policy and Management Act of 1976, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764) is amended by inserting the following sentence at the end of the subsection: "Rights-of-way shall be granted, issued, or renewed, without rental fees, for electric or telephone facilities financed pursuant to the Rural Electrification Act of 1936, as amended, or any extensions from such facilities: *Provided,* That nothing in this sentence shall be construed to affect the authority of the Secretary granting, issuing, or renewing the right-of-way to require reimbursement of reasonable administrative and other costs pursuant to the second sentence of this subsection.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes and the gentleman from Montana (Mr. MARLENEE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2211 deals with rental fees for rights-of-way across Federal lands for construction or extension of electric or telephone lines which receive Federal assistance under the Rural Electrification Act.

Rights-of-way for such purposes are provided by the Bureau of Land management and the Forest Service in accordance with the provisions of title V of the Federal Land Policy and Management Act of 1976. Section 504(g) of that act establishes the basis rule that the holder of such a right-of-way is to pay annually the fair market value of the right-of-way; but it also allows the appropriate Secretary to reduce or eliminate such rentals when the holder of a right-of-way is a Federal, State, or local government agency, a nonprofit association or corporation, or the provider of a valuable benefit to the public or the concerned Secretary's programs. Under the law, this discretionary authority of the Secretary is to be exercised as he finds equitable and in the public interest.

When we held a hearing on this bill and a companion bill introduced by Mr. OBERSTAR of Minnesota, it became evident that the administration has essentially decided that rural electric or telephone lines financed through the Rural Electrification Administration will never qualify for such discretionary rental fees, although it would seem that in many cases these REA facilities would be exactly the sort of thing Congress had in mind when the Secretary was given authority to waive such fees.

As reported by the committee, H.R. 2211 would eliminate the Secretary's discretion with regard to facilities which are receiving this sort of Federal subsidy, and would exempt them from rental fees. The appropriate Secretary could continue to require that appropriate administrative costs associated with issuance of a right-of-way must be borne by the recipient of the right-of-way.

Mr. Speaker, this bill is a simple and straightforward proposal. It applies only to telephone or electric lines which are being federally subsidized through the Rural Electrification Act, and I believe it is completely consistent with the policies of that act and the general policies of FLPMA.

Mr. Speaker, it just seems to me that the present policy that the Department of the Interior is following with respect to these lines is at odds with the policy established by Congress when it decided that REA facilities should be subsidized.

Let me read to you from section 921 of title 7 of the United States Code which is the Rural Electrification Act:

> Congessional Declaration of Policy
>
> It is declared to be the policy of the Congress that adequate telephone service be made generally available in rural areas through the improvement and expansion of existing telephone facilities and the construction and operation of such additional facilities as are required to assure the availability of adequate telephone service to the widest practicable number of rural users of such service.

In accordance with that policy, the rural electrification system—both for telephone and electric services—is subsidized by the Federal Government.

Some people ask why should we subsidize this particular electrical system when some private, for profit corporations who are supplying rural electric systems are not subsidized. My answer to that is that was a determination made by the U.S. Congress.

But the fact is that it does cost more to provide electrical service to rural areas because of the long distances involved for relatively sparse populations, and that is one of the basic reasons that there is a Federal subsidy.

Certainly we should not add to that cost when we are allowing those lines to cross Federal lands since it does not cost the Federal Government any additional money, and this bill provides that any administrative costs will be repaid to the Government.

Concern was expressed when we took this matter up in committee that maybe new REA lines would choose to go across Federal lands in preference to more efficient routes going across private lands simply because they would not have to pay a fee to cross the Federal lands. But that is not going to be the case because the Secretary of Interior does have the authority to refuse to grant the right-of-way if he feels it is not in the public interest or serving the interest of efficiency.

So we do not need to deal with that issue in this matter because that is already dealt with in FLPMA.

So, in summary, I would strongly urge the Members to support the bill offered by the gentleman from Montana, Mr. MARLENEE. I think he did a public service as well as our colleague from Minnesota (Mr. OBERSTAR) when they brought this matter to our attention.

I note that the total loss of revenue which would be otherwise achieved if we carried out the Secretary of Interior's desire to change rental fees to REA's is very, very small, amounting to approximately $1 million annually in the current fiscal year and hitting a maximum of $1.2 million in fiscal 1987, according to the Congressional Budget Office. That is purely speculative because we are not receiving that revenue at the present time and this would merely continue the existing policies as they were prior to Secretary Watt's change in policies.

I reserve the balance of my time.

□ 1300

Mr. MARLENEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the author of H.R. 2211 I rise in support of H.R. 2211. I would like to thank the chairman of the Public Lands Subcommittee, Mr. SEIBERLING, for his support in expediting this badly needed corrective legislation. I also commend the chairman of the House Interior and Insular Affairs Committee, Mr. UDALL, for helping to bring this legislation to the House floor today.

Mr. Speaker, as Mr. SEIBERLING has pointed out, H.R. 2211 simply restores the exemption from rental fees which rural electric and telephone facilities have always received when they have needed to cross Federal land. H.R. 2211 restores this exemption by simply amending section 504(g) of the Federal Land Policy and Management Act.

This legislation still allows the Federal Government to recover administrative costs such as processing fees, inspection, monitoring and other costs when a rural electric or telephone cooperative needs to cross Federal land to bring service to rural areas. The amendment restricts the exemption only to telephone and electric facilities rather than entities financed by the 1936 Rural Electrification Act. This prevents large telephone or power companies from receiving the exemption should they buy a cooperative or company financed by the 1936 Rural Electrification Act. The cooperative would still receive an exemption but that exemption would not extend to the company or corporation which purchased the cooperative.

The revenue foregone because the Forest Service or Bureau of Land Management cannot collect rights-of-way fees will be very small indeed. In fact, for the last 40 years the Federal Government charged no rights-of-way fees for rural electric or telephone cooperatives. According to the Congressional Budget Office, the Federal Government will not receive $1 million annually. And it is questionable whether the loss of revenue is even $1 million, because if the Federal Government charges rural cooperatives rights-of-way fees for service that goes across Government land to Government facilities, then the cooperatives charge the Federal Government whatever it cost to bring that electric or telephone service to the Government facility.

Mr. Speaker, this legislation is a straight forward approach and accomplishes my objective of holding down the high costs of providing essential electric and telephone service to sparsely populated areas.

H.R. 2211 is simply an extension of the good neighbor policy. Where REA cooperatives operate, landowners provide free access for electrical and telephone lines to cross their land even when those facilities cross their land to provide service to the Government. There is no reason for the Federal Government to exempt itself from this good neighbor policy.

Mr. LUJAN. Mr. Speaker, I rise in support of H.R. 2211. I would like to commend my colleague from Montana (Mr. MARLENEE) for introducing this legislation which will clarify Congress intent with respect to rights-of-way for rural electric and telephone cooperatives when they need to cross Federal lands.

Mr. Speaker, as you know, Congress has believed since 1936 when it passed the Rural Electrification Act that rural America needed Federal assistance to obtain electrical and telephone service. In 1936, Congress agreed to supply low-interest loans to rural electric cooperatives to bring service to sparsely populated areas. The loans helped hold down the high cost of bringing service to these areas. In 1949, Congress amended the 1936 act to include telephone cooperatives and companies.

Then in 1976, Congress passed the Federal Land Policy and Management Act to manage our public lands. Section 504(g) of that act requires the Federal Government to charge fees for the use of Federal lands, including fees for rights-of-way. However, we also provided that a special consideration should be given to local and State governments as well as nonprofit organizations. Apparently, FLPMA is not clear enough on this matter, because the Federal Government has recently begun to charge cooperatives and companies financed by 1936 Rural Electrification Act for rights-of-way across Federal land.

Mr. Speaker, it is not consistent for Congress to subsidize REA's with low interest loans and then charge them rental fees to cross federal land. H.R. 2211 simply amends section 504(g) of FLPMA to allow an exemption from rights-of-way fees for facilities financed by the 1936 Rural Electrification Act. With this amendment, Congress will be consistent with respect to its policies for rural electric and telephone cooperatives. Rural America can be assured that Congress will continue to help bring electrical and telephone service and keep the high cost of that service down.

Thank you, Mr. Speaker.

● Mr. OBERSTAR. Mr. Speaker, I want to compliment the gentlemen from Ohio (Mr. SEIBERLING), chairman of the Subcommittee on Public Lands and National Parks, for steering H.R. 2211 through subcommittee, full committee, and now to the House floor for final action. As the original sponsor of legislation to exempt rural electric cooperatives and rural telephone companies from Federal right-of-way fees on public lands, I know how crucial this legislation is not only to the co-ops and the borrower companies, but also to their member consumers who live in sparsely settled, high-cost-of-living areas and for whom such fees would represent yet another intolerable financial burden in stressful times.

I also want to compliment the gentleman from Montana (Mr. MARLENEE), a sponsor of companion legislation, who shares my concern about these costs and their effect upon rural residents and businesses and who has taken such splendid initiative in subcommittee and here on the floor in bringing this legislation to fruition. I would also like to express my appreciation to my colleague from Minnesota (Mr. VENTO), a member of the subcommittee who has been so patient and understanding of the problem, and who has helped steer the legislation to floor action.

The Rural Electrification Act of 1936 recognized the need for Federal involvement in rural electrification and established the Rural Electrification Administration as a credit agency to assure that funds would be available for this task. In 1949, Congress expanded the REA authority to include loans to improve and extend telephone service to rural areas. Our Federal commitment to rural electrification continues today as rural electric the telephone companies work to maintain and improve local service.

In 1976, Congress passed the Federal Land Policy and Management Act. Title I of the act stipulates that "The United States should receive a fair market value for the use of public lands and their resources unless otherwise provided for by statute." The act recognized, however, the discretion of the Bureau of Land Management and the Forest Service to grant rights of way to public and non-profit cooperative utilities at discounted or no rental charges.

After controversial public hearings in 1980, the USDA adopted new regulations which require both an initial installation fee and an annual rental based on fair market value. While fair market value should be paid for the use of Federal lands. These are circumstances, however, which merit an exemption. A strong case can be made for exempting rural electric and telephone companies.

The public character of rural electric and telephone cooperatives and companies, through the congressional mandate, the public origin of their funding and the public nature of their membership, entitle them to special consideration. The BLM and Forest Service policy is in direct conflict with the national goal of universal telephone and electric service at reasonable rates established in the 1934 Communications Act and the Rural Electrification Act.

Legislation to exempt rural electric and telephone companies financed by the REA has received the support of the National Telephone Cooperative Association, the National Rural Electric Cooperative Association and the National REA Telephone Association.

It makes little sense for a Federal agency to impose new charges on these companies, most of whom borrow from REA to build and improve their systems. The Federal Government is simply loaning these companies money with one agency, the REA, and taking it away with another, the Bureau of Land Management and the Forest Service.

The Range Telephone Cooperative in Montana, for example, was notified by the Forest Service that it would be charged $1,970 a year for 20 years for right-of-way fees for 60 miles of cable in Custer National Forest. Since the Forest Service is one of the subscribers on the line, the cooperative threatened to raise the Forest Service's telephone bill to offset that new charge. At the same time, the Range Cooperative has close to $18 million in low-interest loans from the REA.

Rural electric and telephone companies serve areas where consumer density is very low, and unlikely to increase because privately owned land is unavailable for building. The major overhead cost to cooperatives is the long powerline requirements. Investor-owned utilities average about 25 to 30 customers per mile of power line while cooperatives average only about 4.5 customers per mile of line. Investor-owned utilities generate revenues of about $36,000 per mile while cooperatives average less than $3,000 per mile.

Anything which substantially increases these costs imposes new burdens on these companies and adds to the power and telephone costs for consumers. For example, the average REA-financed telephone company must invest $1,100 for each subscriber while the Bell System invests about $835 per subscriber. Close to 20 percent of the REA company subscribers are sharing their phone lines with two to eight other subscribers. The rural power consumer is already at a disadvantage, without the higher prices passed on from the additional costs of right-of-way fees.

It is not good public policy to place the rural electric and telephone customer at a severe rate disadvantage and the rural companies under a burden not shared by their investor-owned counterparts. I urge my colleagues to support H.R. 2211.●

● Mr. **BOUCHER.** Mr. Speaker, I urge my colleagues to join in supporting H.R. 2211, which exempts rural electric and telephone cooperatives from the right-of-way rental payments which are imposed where rights of way cross Federal lands.

Rural electric and telephone cooperatives provide an invaluable service, bringing the benefits of electricity and telephones to residents of remote and sparsely populated areas. Without these cooperatives, the high cost of providing service to rural residents could well leave many of our citizens without these services.

One factor in the cooperatives' ability to serve rural towns and counties at a reasonable cost is the availability of rights of way across Federal lands. This administration, unfortunately, has acted to threaten that availability and to increase the operating costs of the rural electric and telephone co-ops by exacting unnecessary right-of-way fees.

When Congress passed the Federal Land Policy and Management Act in 1976, requiring the payment of rental fees for rights-of-way across Federal lands, it also made clear its intention to exempt or reduce fees for nonprofit utilities. Contrary to this intent, the Secretaries of Agriculture and Interior began in 1980 to exact right-of-way fees from rural electric and telephone cooperatives. These fees have boosted consumer utility bills and, in some instances, complicated the extension of electric and telephone services for isolated areas.

H.R. 2211 prohibits the collection of these fees and assures that Congress original intent is met. I hope the members of this body will join me in assisting rural residents with the passage of this important legislation.●

Mr. **MARLENEE.** Mr. Speaker, I yield back the balance of my time.

Mr. **SEIBERLING.** Mr. Speaker, I yield back the balance of my time.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill, H.R. 2211, as amended.

The question was taken.

Mr. **HARKIN.** Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on the motion will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 403, FURTHER CONTINUING APPROPRIATIONS, 1984

Mr. **PEPPER.** Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 362, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 362

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 403) making further continuing appropriations for the fiscal year 1984, and the first reading of the joint resolution shall be dispensed with. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the joint resolution shall be considered as having been read for amendment under the five-minute rule. No amendment to the joint resolution shall be in order except the following amendments printed in the Congressional Record of November 7, 1983, by, and if offered by, the Member or Members designated, said amendments shall not be subject to amendment except as specified, and all points of order against said amendments for failure to comply with the provisions of clause 7, rule XVI are hereby waived:

(1) the amendment by Representative Wright of Texas, which shall be debatable for not to exceed one hour, equally divided and controlled by Representative Wright and a Member opposed thereto;

(2) the amendment by Representative Perkins of Kentucky or Representative Hall of Ohio to the amendment by Representative Wright, which shall be debatable for not to exceed thirty minutes, equally divided and controlled by the proponent of the amendment and a Member opposed thereto;

(3) the amendment by Representative Boland of Massachusetts, which shall be debatable for not to exceed thirty minutes, equally divided and controlled by Representative Boland and a Member opposed thereto;

(4) the amendment by Representative Long of Maryland, which shall be debatable for not to exceed thirty minutes, equally divided and controlled by Representative Long and a Member opposed thereto; and

(5) the amendment by Representative Zablocki of Wisconsin to the amendment by Representative Long, which shall be debatable for not to exceed thirty minutes, equally divided and controlled by Representative Zablocki and a Member opposed thereto.

At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The **SPEAKER** pro tempore. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. **PEPPER.** Mr. Speaker, for purposes of debate, I yield 30 minutes to my friend, the distinguished gentleman from Tennessee (Mr. QUILLEN), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 362 is a rule providing for the consideration of House Joint Resolution 403, further continuing appropriations for fiscal year 1984.

House Resolution 362 is a modified closed rule, providing for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule makes in order specified amendments, waves the germaneness rule against the amendments, and provides for one motion to recommit.

Under the normal procedure, continuing appropriation resolutions are not considered as general appropriations bills. They are not considered privileged, however, if they are reported after September 15.

Because House Joint Resolution 403 is not considered as a general appropriations measure, none of the rules usually applicable to general appropriations bills are relevant. The further continuing resolution made in order by this rule is not bound by the provisions of clause 2, rule XXI for example, which prohibit the inclusion of unauthorized appropriations or of legislation in an appropriations bill (or in amendments thereto). In the absence of the rule we are considering today, any germane amendment would be in order.

Under the provisions of House Resolution 362, however, only three specified amendments are made in order to the further continuing resolution. Except as specified, these three amendments are not subject to amendment. Two of the three amendments are each subject to one of two second degree amendments made in order by the rule. The rule waives points of order against the three primary amendments and the two secondary amendments for failure to comply with the provisions of clause 7, rule XVI, the germaneness rule.

All of the amendments made in order by the rule are printed in the CONGRESSIONAL RECORD of November 7 and can be offered only by the Members specified in the rule. House Resolution 362 does not delineate the order of consideration of amendments.

The amendment made in order to be offered by the distinguished majority leader, Mr. WRIGHT, would increase funding for certain education and other social programs and is debatable for 1 hour. No amendment is in order to the Wright amendment except for an amendment to be offered by Representative PERKINS or Representative HALL of Ohio dealing with increased funding for certain nutrition programs. Under the rule, this second degree amendment is debatable for 30 minutes.

The amendment made in order to be offered by Representative LONG of Maryland would change the funding levels for certain foreign assistance programs and is debatable for 30 minutes. No amendment is in order to the Long amendment except for an amendment to be offered by Representative ZABLOCKI to conform certain foreign assistance programs to their current law authorization levels. Under the rule, this second degree amendment is debatable for 30 minutes.

The rule also makes in order a nonamendable amendment to be offered by Representative BOLAND which would change the date at which certain previously appropriated housing assistance funds could be obligated. This amendment is debatable for 30 minutes.

None of the three amendments made in order to House Joint Resolution 403 are germane to the joint resolution. House Joint Resolution 403 simply extends the provisions of Public Law 98-107, continuing appropriations for fiscal year 1984, so that they would expire on February 29, 1984 rather than on November 10, 1983. Because the provisions of the amendments made in order by the rule apply to the entire fiscal year or they may apply to funds in another act, they exceed the scope of House Joint Resolution 403, which applies to a portion of the fiscal year. Therefore, a waiver of clause 7, rule XBI against the amendments is necessary.

The amendment made in order by Mr. WRIGHT is nongermane to House Joint Resolution 403 because it appropriates funds for the entire fiscal year.

The amendment made in order by Mr. BOLAND is not germane to the further continuing resolution because it earmarks funds already appropriated before the provisions of House Joint Resolution 403 would take effect and because it refers to funds not included in the continuing resolution.

The amendment to be offered by Mr. LONG of Maryland is not germane to this further continuing resolution because it appropriates funds for the entire fiscal year.

The amendment made in order by Mr. PERKINS or Mr. HALL of Ohio would change the funding levels for nutrition programs not contained in the amendment to be offered by Mr. WRIGHT.

The amendment made in order by Mr. ZABLOCKI contains authorization language applicable to certain foreign assistance programs, although no authorization language is contained in the amendment to be offered by Mr. LONG of Maryland.

The rule makes the amendment by Mr. PERKINS or Mr. HALL in order to the amendment to be offered by Mr. WRIGHT, and it makes the amendment by Mr. ZABLOCKI in order to the amendment to be offered by Mr. LONG. Because the test of germaneness on a second degree amendment applies to the primary amendment to which it is made in order, a waiver of the germaneness rule against the two second degree amendments was necessary.

A waiver of clause 7, rule XVI against the two second degree amendments was necessary because they are nongermane to the primary amendments to which they are made in order.

Mr. Speaker, House Joint Resolution 403 provides temporary financing authority during the period between November 10, 1983 and February 29, 1984 for programs and agencies under 6 of the regular 13 appropriations bills which have not yet been enacted into law. These programs are currently operating under the provisions of the continuing resolution, Public Law 98-107, which expire on November 10, 1983. After Thursday, the authority for these programs and agencies to continue spending will cease.

As a simple extension of the continuing resolution, the provisions of House Joint Resolution 403 set funding levels at the lower of the level set by existing law or the lowest level contained in differing versions of pending appropriations legislation. This further continuing resolution is identical to the continuing resolution except for the expiration date of February 29, 1984.

Without passage of this legislation, seven Cabinet-level departments—the Departments of Agriculture, Commerce, Defense, Interior, Justice, State, and Treasury—and the programs under their jurisdiction will lack the authority to function after November 10. These programs and agencies affect the lives and protect the welfare of tens of millions of Americans. This body can uphold its responsibility to them by adopting this rule and passing this further continuing resolution.

□ 1310

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule and the provisions of the bill have been ably explained by the distinguished gentleman from Florida.

But I want the Members of the House to know that if there was ever a railroad job, this is one of them. When this continuing resolution was before the Rules Committee, the members of the Rules Committee on our side were not allowed a copy of the rule. We heard only the key provisions in the rule when the motion was made to report it. The Democrats caucused in the chairman's office and decided to railroad it through the Rules Committee and now they bring it to the floor of the House with amendments that are likely to result in a veto.

And here it is just before Veterans Day, when if this bill is in fact vetoed, then the House membership will suffer as a result of this action.

One of the amendments adds over $1 billion to our deficit.

I would like to see a clean continuing resolution brought to the floor of the House, and debated on its merits. These amendments should have been held over to be included in the supplemental. But, no; the House Rules Committee, over the request of the chairman of the Appropriations Committee and the ranking Republican member of the Appropriations Committee, went ahead and made these amendments in order.

Mr. Speaker, I urge that this rule be defeated so that it can go back to the Rules Committee and a clean resolution be voted out so that it can be considered on the floor of the House.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I oppose House Resolution 362, which provides a special order of business for House Joint Resolution 403, further continuing appropriations for fiscal 1984.

As reported, the joint resolution only extends the current continuing resolution through February 29, 1984. In its current form, the joint resolution is supported by the administration, and would be signed by the President.

However, the rule makes in order three amendments to the joint resolution.

And that is the problem.

The President will not sign this resolution if it contains the amendments made in order by the rule.

The current continuing resolution expires in 48 hours from midnight tonight. If we adopt this rule, and the amendments, then we will probably have Thanksgiving dinner right here, with an appetizer of veto bait, and a main course of fattened legislative turkey.

Make no mistake about it, if we adopt these amendments, that resolution will be vetoed, and the veto will be sustained.

If we vote down this rule, I hope that the Rules Committee will see the light, and give us a closed rule.

When the Committee on Appropriations met to mark up this joint resolution, nine amendments were adopted. But the chairman then moved, with my second, to package those amendments as a separate supplemental, and to report the joint resolution as introduced. That motion carried.

By voting against the rule, we are simply saying to the leadership and to the Rules Committee that the House as a whole should show the same restraint as the members of the Committee on Appropriations.

No amendments. Period.

Let us vote down this rule.

□ 1320

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. YATES. Is the gentleman's warning of a Presidential veto directed against each of the amendments that are proposed under the rule, or is it directed against all of them?

Suppose, for example, the House were to adopt the rule and to adopt the amendment that is going to be offered on the Foreign Operations appropriation. Does the gentleman have any idea as to whether that would provoke a veto?

Mr. CONTE. That is a good question and a very fair question.

In order to be consistent, you see, I am for that foreign aid agreement, but I feel that the proper procedure would be to tack it on to the foreign aid bill itself and then come onto the floor next week with that bill.

But if I agree to that amendment, which I would like to have in the continuing resolution, then the other side who have these other amendments will say, "Well, you agree to that one and, therefore, you should agree to ours."

I have a letter here from Dave Stockman, and he says:

> The Administration will work with the Senate and the conference committee to provide adequate levels of funding for the foreign assistance program.

He is very, very explicit that the President's senior advisors are going to recommend a veto of this bill, if these amendments are adopted.

I think the real objection is to the billion dollars that Mr. WRIGHT is insisting on putting on this bill.

I went to the Rules Committee, and I complimented the chairman and a Member of the Rules Committee for the tremendous job that they did on the last continuing resolution, and I said, "You know, you showed discipline at that time. Show discipline in this one here."

And the gentleman knows, since he has been around here longer than I have—and I have been here a quarter of a century—it was the first time, because we showed discipline, that we walked out of here in the daylight on the continuing resolution. But this time we are going to celebrate Thanksgiving Day right here, I will bet my bottom dollar on that one, just because some special interests want to tack on an amendment on this bill.

I say it is wrong. It is wrong and it is a shame what they are doing to this House and to this Congress. And we will have it out here. We will have it out later on when we get into the continuing resolution.

I urge defeat of the rule.

Mr. QUILLEN. Mr. Speaker, prior to yielding to the gentleman from Mississippi (Mr. LOTT), I just want to point out the Government comes to a screeching halt as of midnight Thursday, November 10, unless a conference report is passed and signed into law. And it really is a crying shame that the membership has to tolerate such a Christmas tree continuing resolution. I cannot conceive the logic of the Rules Committee in adding these amendments.

The resolution should be defeated.

Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. I thank the gentleman for yielding.

Mr. Speaker, first, I would like to point back to a little history and commend the chairman of the Rules Committee and the Rules Committee on both sides of the aisle for the job that we did earlier this year, in fact last month, on the continuing resolution and supplemental. In spite of the fact that we had a lot of our colleagues who came to the Rules Committee and asked for a number of amendments to be made in order, we had the good judgment to say, "No, we need to get this continuing resolution through and the supplemental through, we need to get one through that will not be vetoed, so that the Government can go forward in an orderly fashion instead of the usual mess that we have when we take up continuing resolutions."

And I know that there are many on both sides of the aisle, including the leadership of the Rules Committee, who would like to have done that again. But this time, no, it looks like we are going to play the games of the past.

I must also complain about several things in the rule itself. First, the members of the Rules Committee voted without a rule before them. They did not know for sure what they were voting on, and the amendments that were made in order had not been printed in the RECORD. Many of the people who testified before the Rules Committee asking that these amendments be made in order did not know, in fact, what would be included in those amendments.

There are those here on the floor of the House who complained about the budget process in 1981 when we did not know for sure what we were voting on. Well, I can tell you that the Rules Committee did not know for sure what it was voting on when it took up this rule. They did not see it, the members of the Rules Committee, until later, and they did not know for sure what would be in these amendments.

I also object to the selective way in which amendments were made in order and those which were not made in order. As a matter of fact, the chairman of the Appropriations Committee requested that the rule be a closed rule, it be a clean continuing resolution. His request for no amendent was ignored.

The gentleman from Maryland (Mr. HOYER) asked for an amendment to be made in order. It was not made in order. The gentleman from New York (Mr. GREEN), the gentleman from Texas (Mr. LOEFFLER), the gentleman from New Jersey (Mr. SMITH), and the gentleman from Texas (Mr. BARTLETT) all asked for amendments to be made in order, and yet their requests were denied, and these amendments were made in order.

I think we are just cruising for a real mess here. You may have good reason for being for one amendment or another, and I am sure there are some Members on this side of the aisle who would like to be for some of these amendments, but what is going to be the end result? Why are we doing this? If we are going to play political games to ourselves, let us do it on the supplemental. We can put everybody and his brother's little goodie on the supplemental. We can position and politic, and we can let that go through the whole process and play our games. But why, on the continuing resolution, when we know that Thursday night we are going to be sitting here with no continuing resolution, that it will probably be vetoed, and we will have to come back right quick and deal with the continuing resolution either Thursday night or next week, with the Government at risk of coming to a halt?

Now, there are those who say, "Oh, don't worry, don't worry, the other body will take care of this problem." All of you on this floor who believe that, raise your hand.

We are committing hari-kari here once again with the continuing resolution. We are going to come down to the crunch later on this week and next week, and we are not going to have a continuing resolution.

And those of you who would like to see this body complete its work and get out of here, as we should, in the best interests of the American people, on the 18th or by Thanksgiving, this ain't the way to do it. I join with my colleague, the gentleman from Massachusetts, and I urge my colleagues to defeat this rule. Let us have a process by which we can bring up a clean continuing resolution and get on with the business of the day.

Mr. Speaker, I would like to offer a few observations for the benefit of my colleagues.

First, I want to reiterate what my colleague, Mr. QUILLEN, has said about the chairman of our committee (Mr. PEPPER) and the fairness he has exhibited toward the minority since he assumed the chairmanship. So I do not believe that anything that happened at the Rules Committee meeting last Friday was in any way done in malice toward the minority. It is my understanding that the Democrats caucused on this rule and returned with a rule which added some things that were not discussed during the hearings. A motion was made to report a rule that had not been distributed in printed form to the other members. I think at that point a point of order probably should have been raised, or at least some time taken until a printed rule could be distributed and discussed further. Under our committee rules, these rules on bills are supposed to be available to members at the beginning of the meeting, not at the end, so we can intelligently discuss them. It would always be in order during markup to further amend those base rules if desired, and copies of those amendments should be in writing.

But, what disturbs me even more than the procedural handling of this rule, was the way in which the amendments it makes in order was handled. Not one of the amendments made in order by this rule was made available to Rules Committee members during the course of that hearing. We were being asked, in effect, to provide for the consideration of nongermane amendments we had not even seen—amendments that would not be printed in the CONGRESSIONAL RECORD until 3 days after the Rules Committee meeting.

Back in July of 1981, the then chairman of the Rules Committee, Mr. BOLLING, propounded an informal policy by way of letter to members, informing them that in the future, and I quote: "I will attempt to prevent any vote on matters which Members of the House have not had the opportunity to examine and consider for a reasonable time." To carry out this policy, he said he would require, and again I quote, "that all amendments of any kind will be officially printed in their final form in a timely fashion before the Rules Committee order reported a 'rule' on the matter in question," on major bills, requiring a complex rule.

It is ironic that the Member who criticized the reconciliation experience of 1981, the distinguished majority leader, was the one who came before the Rules Committee proposing a billion dollar add-on amendment to this continuing resolution, and did not have the text of that amendment in writing. Oh, he had charts, graphs, summaries, and anecdotes—but no amendment.

The other curious thing about this whole incident is that the last time the Appropriations Committee reported a bill of this nature with extraneous goodies, the leadership pigeonholed that bill in another committee, and forced the Rules Committee to take up a clean bill. This time, however, it was the same leadership that undermined the chairman of the Appropriations Committee, who, with some difficulty, brought us a clean bill and managed to put those extraneous matters in a separate supplemental bill. I regret that the Rules Committee took this slap at the Appropriations Committee chairman who was trying to act responsibly. I think this little amendment chicanery is a blatant partisan ploy—the leadership is playing Russian roulette with the continuing operation of our Government for obvious political purposes.

Finally, I must point out the paradox this presents in terms of those on the other side who have taken extended special orders and 1 minutes to berate the administration for the deficit problem, and yet who plead with us now to load this continuing resolution down with spending increases. Is this your deficit reduction plan? I was almost convinced that the motivation behind all those speeches was sincere, that we had some converts on the other side to the need to control spending. But I guess talk is cheap, and this rule is proof that amendments can be expensive. You have put money where your mouth was, and your rhetoric now rings hollow.

I would urge my colleagues to vote down this rule so we can get back to a clean continuing resolution that will allow this Government to proceed without political blackmail threats.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. I thank the gentleman for yielding, and I would like to commend both the gentleman from Tennessee (Mr. QUILLEN) and the gentleman from Mississippi (Mr. LOTT) for their statements. They certainly hit the nail right on the head.

Mr. Speaker, I am opposed to this rule for a number of reasons, not the least of which is the fact that I feel like I am being deprived of my constitutional rights more than at any other time since I came to this Congress 6 years ago.

In the continuing resolution there are two amendments which are being allowed, two closed amendments, dealing with one of the most important issues that this Congress faces every year, and that is foreign aid.

We are bypassing the entire committee structure by having Mr. LONG sponsor an amendment which implements the entire foreign aid bill, with little debate and no opportunity to amend the legislation.

For example, the Foreign Affairs Committee reported out a foreign aid bill many months ago, which has never come to this floor, and that foreign aid bill had an increase of over $800 million over last years spending. And that is one of the reasons it has never come to the floor, because it would have been defeated.

Now we have some kind of parliamentary trickery going on around here where we have a continuing resolution with a rule which is going to allow the Long amendment for $7,054,000,000, followed by another amendment by Mr. ZABLOCKI, the chairman of our Foreign Affairs Committee, which is going to authorize another half billion dollars above that, and Mr. ZABLOCKI arrives at those figures by taking the highest figures of the House foreign aid bill and the highest figures of the Senate foreign aid bill and then giving blind authorization to that level of spending.

□ 1330

Here is the Long amendment. I defy you to find one item in here of how much money we are giving to whom. Let me give you an example.

Hidden in this bill is $75 million for the Government of Zimbabwe, a friendly country, right? No; wrong. Let me tell you what Zimbabwe has done in the last 2 months.

Two months ago, on September 12, Zimbabwe abstained on a U.N. vote on the KAL Korean Air Lines shootdown. Is not that something? And we want to give them $75 million.

Then just recently Zimbabwe joined Nicaragua in sponsoring a resolution to condemn the United States of America on its rescue operation of American citizens in Grenada, and we want to give them $75 million.

Then just a few days ago the Zimbabwe Government led an open boycott against a memorial service for U.S. marines killed during the Beirut bombing. Can you imagine that?

Mr. Speaker, if this were an open rule, or if we had that foreign aid bill before us, I could stand here and wipe out that $75 million for Zimbabwe and dozens of other countries who continue to come before the United Nations, the General Assembly, the Security Council, to bad-mouth this country and vote against us after we give them American taxpayers' money. It is wrong.

This rule ought to be defeated. If you want to vote on foreign aid, bring it to the floor and let us have an open debate on it. Let us not do it this way.

Mr. WILSON. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I would be glad to yield to the gentleman from Texas.

Mr. WILSON. I thank the gentleman for yielding.

The gentleman is on the Committee on Foreign Affairs, I believe. I was not aware of the Zimbabwe amendment, but I think it is important that the House know that even with the Zablocki amendment, it still falls below the budgetary allocation for that function. Is that not correct? 302(b)?

Mr. SOLOMON. No. With the Zablocki amendment, it would come to, in round figures, about $600 million more than fiscal year 1983. It is, however, lower than the bill that was put out by the House Committee on Foreign Affairs, which was about $850 million above last year's spending.

Mr. WILSON. But it is below the 302(b) allocation that we adopted with the budget resolution. That is my point.

The SPEAKER pro tempore. The time of the gentleman from New York (Mr. Solomon) has expired.

Mr. WILSON. Mr. Speaker, I ask unanimous consent that the gentleman have 30 additional seconds.

The SPEAKER pro tempore. The time is controlled by the gentleman from Tennessee (Mr. Quillen).

Mr. QUILLEN. Mr. Speaker, may I ask the chairman of the Committee on Rules if he has any time to yield?

Mr. PEPPER. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. Wilson).

Mr. WILSON. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would just like to ask the gentleman from New York, with the Zablocki amendment, however, it is still below the Committee on the Budget and the budget resolution 302(b) allocation for foreign aid; is that not correct? It is higher than last year, but below the allocation, and I would remind the gentleman that the allocation was raised so we could provide more money for Israel without taking it out of the other countries.

Mr. SOLOMON. The gentleman is absolutely correct and under this gag rule, nothing can be done to raise, lower, or change any part of the contents of the entire continuing resolution.

Mr. WILSON. I understand.

Mr. PEPPER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a question was raised by my distinguished and beloved colleague on the Committee on Rules about the minority not being furnished with a copy of the proposed rule before the vote. Let me tell my colleagues what happened in the committee, and I am reading from the transcript of the meeting.

> The Chairman. I said I would open for a motion to dispose of the rule on this matter.

Mr. Long said:

> Mr. Chairman, I move that the committee grant a modified closed rule with one hour of general debate, making in order amendments which are non-amendable except as specified and which must be printed in the Record of November 7, 1983, that is, Monday.
>
> Mr. Quillen. Do you have a copy of the rule?
>
> The Chairman. We are just putting it together.

Mr. Long went on to talk about the time allotted in the rule. Then a little bit later on, Mr. Quillen said:

> Just a minute, Mr. Chairman. We have not seen a copy of the rule. Under normal procedure a copy of the rule is passed out. We waited and waited and waited until the caucus was over and came back. It seems to me you should have had the courtesy to allow us copies of the rule. You are mentioning amendments there that I would like for the gentleman from Louisiana to repeat.
>
> The Chairman. Mr. Chairman—I mean, my dear friend, Mr. Quillen, we realize you are completely correct. You know, we just haven't had the time to put the rule together. We had promised to be back in 20 minutes. We wanted to try to keep that promise. We would be very glad if the committee wishes to recess until we can put the rule in proper order. We would be glad to do that. Otherwise, I am sure Mr. Long would be glad to go over the details.
>
> Mr. Quillen. No, I don't want you to recess, but I think it is a valid complaint. If the gentleman from Louisiana would be kind enough again——

And you mentioned the Long amendment, and so on.

So I offered to recess the committee until the rule could be written up before we had the vote and, my dear friend, I do not believe we have had any minority and majority in this House which has had a more cordial and cooperative relationship than we have had on the Committee on Rules. I revere and respect the friendship and integrity of the ranking minority member. We get along perfectly.

They are correct in saying that they should have had a copy, but let me tell you what the rule provides. I am reading from a rule of the Rules Committee. It is clause (a)(4) under rule III:

> When a recommendation is made as to the kind of rule which should be granted for consideration of a bill or resolution, a copy of the language recommended shall be furnished to each member of the committee at the beginning of the committee meeting at which the rule is to be considered—

Now listen, my colleagues:

> Or as soon thereafter as the proposed language becomes available.

That is the rule. We did not violate the rule. We presented it in writing as soon as it was ready. I offered to adjourn the committee until the rule could be written up and handed to my friends on the committee.

"No," they said, as a matter of kindness and courtesy, "No, we do not request that."

So I am sorry. I want to tell my friend right now, in the presence of the House, that I suspect that in the future, we will follow the rule. If we do not have a written rule ready before we vote, I am just going to recess the committee until the rule is written up. That may cause inconvenience to the committee and may even, sometimes, to the leadership, because we try to respond, as we did in this case. The leadership told us they had three amendments they wanted us to make in order for this continuing resolution.

One of them was an amendment by the gentleman from Massachusetts (Mr. Boland) appropriating no additional money but just changing one date in a housing bill as to the effective date of that bill.

The second one was in respect to foreign assistance. That request was made by the honorable gentleman from Maryland (Dr. Long) and by the distinguished gentleman from New York on the minority side (Mr. Jack Kemp). The major money requested in that amendment was for Israel and for Egypt, and they said it was essential that those funds be made available.

□ 1340

The third amendment was presented by the distinguished majority leader, the gentleman from Texas (Mr. Wright). The amendment, ably presented by the gentleman, assisted by the honorable gentleman from Kentucky, Mr. Carl Perkins, chairman of the Committee on Education and Labor, is one in which they pointed out needed funds in several areas relative to education. And altogether, that, plus the amendment that we made in order for the gentleman from Kentucky (Mr. Perkins) to offer to the Wright amendment, is within the budget adopted by this House and by the Congress.

We always have the problem of competing requests. I understand that there is the possibility of a further supplemental appropriations bill. If there is one presented to the committee, then the Rules Committee will certainly give fair consideration to all of the amendments that are presented.

In this instance the leadership asked us to limit it to three amendments, the ones I have just detailed. With two additions that is what we have done in this case. I think it has been reasonable. We did it in good faith. If we did not technically observe the rule in respect to my friend's request, he knows that he did not make a point of order. He understood our situation.

We will certainly again try to be technically in order, although the rule said that we do not have to present it in writing until it is available, and we did that.

Mr. Speaker, I am sorry that there was any disagreement in this case, but I hope the gentleman understands that we all try to proceed in good faith in these very important matters.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the distinguished gentleman from Florida read correctly the minutes of the proceedings in the Rules Committee, but he did not take into account the fact that the Democratic membership caucused before they brought the rule to the full committee, and that we four Republicans had no way to overcome it. The steamroller was in effect. What good would it have done to recess until they typed up a rule?

The courtesy afforded me over the years by the distinguished gentleman has been above reproach. I appreciate it, and we have no misunderstanding. But I have a political antenna which told me that the streamroller was in action. It would not matter what we did because certain of the Republican amendments that were offered were not allowed.

The gentleman mentioned the gentleman from New York, Mr. JACK KEMP, and the other amendment, but I do not think that either of those was presented as a Republican amendment because the Republican's name does not appear first. The gentleman knows very well in his heart that the rule was brought up with the clear intention of doing what the Democrats did, and there was no way to change it.

Mr. Speaker, if the gentleman wants to agree to take the rule back to the Rules Committee and reconsider it, I will agree to that. Otherwise, if he does not, I think the membership of this House should vote the rule down so that it will have to come back to the floor for consideration.

Mr. BONIOR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am happy to yield to the gentleman from Michigan.

Mr. BONIOR of Michigan. Mr. Speaker, the point has been raised several times here that the Rules Committee did not allow Republican amendments to this bill, and I just think it ought to be emphasized that, as the gentleman has indicated, one of their leaders, the gentleman from New York (Mr. KEMP), came in and testified for one of the three primary amendments that were allowed under this rule. The gentleman from New York (Mr. GREEN) came in and testified for the second of the three amendments that are allowed under this rule.

So this is not something that was done without consultation or without even the support of the Republican Party or of distinguished Members within the gentleman's party.

Mr. QUILLEN. Mr. Speaker, I appreciate the gentleman's statement.

I do not see the name of any Republican heading any amendment that is listed, any of the five amendments. It is just a problem that we as the minority have to suffer over here. I do not like the steamroller tactics, I do not like the railroading, and I urge that we defeat this rule.

Mr. Speaker, I yield 5 minutes to our distinguished minority leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, I want to go on record as certainly endorsing the comments of the gentleman from Massachusetts (Mr. CONTE) as he began part of this debate on the rule. I certainly underscore the comments of the gentleman from New York (Mr. SOLOMON) and the comments of the whip.

I looked at this modified closed rule making in order, No. 1, an amendment by the majority leader debatable for an hour, and I was curious to know more about it, and as I looked at the RECORD of November 7, I saw that that one amendment embodies a number of different items, one costing $165 million, another $81 million, another $12 million, another $30 million, another $195 million, and another $143 million. These are all millions of dollars, and they are coming from my friend, the majority leader, who has from time to time taken the floor bemoaning the large deficits and attributing them to tax reduction as distinguished from expenditures.

Now, we go on in this amendment and we see there are 17 items of increase here totaling $997 million, practically $1 billion in round terms.

I wonder if the distinguished committee chairman or any member of the Rules Committee, for example, could answer the question as to how many of these individual parts of the Wright amendment are actually authorized. Was that question raised in the Rules Committee at all? We do have the two-step process around here of authorizing and then appropriating, and I have some real concern about that.

Mr. WRIGHT. Mr. Speaker, I wonder if my dear friend, the minority leader, would yield?

Mr. MICHEL. I am happy to yield to the author of the amendment.

Mr. WRIGHT. Mr. Speaker, let me just assure the gentleman that every penny included in this amendment, which is offered at the instructions of the Democratic Steering and Policy Committee, is fully covered in the congressional budget resolution. It is not a budget buster. It will not add one penny to the amount contemplated in the budget resolution.

Mr. MICHEL. But it has not been——

Mr. WRIGHT. Mr. Speaker, I am going to answer the rest of the gentleman's question.

Mr. MICHEL. All right.

Mr. WRIGHT. Every penny included in this amendment has been voted by the majority of the House in authorizing legislation.

Mr. MICHEL. Does the gentleman mean in the form of a budget resolution?

Mr. WRIGHT. No, I am talking about authorizing legislation. And on some of those authorizing bills the Senate has not acted.

Mr. MICHEL. Yes.

Mr. WRIGHT. The Senate may not ever intend to act, but the House intended for these things to be included. Some of those bills are hanging fire at the present moment, and they may be consigned to a slow subcommittee with instructions to report back on July 27, 1999, so far as I know.

I do know that every penny contained in this amendment has been at one time or another this year approved by a majority of the Members of this House.

Mr. MICHEL. Mr. Speaker, if my memory serves me correctly, the only one that has actually been signed into law is the Job Partnership Training Act authorizing expenditures of $75 million. The others are really lacking the full authorizing process.

I am sure the gentleman would surely agree that while one House may act on these items, that certainly does not indicate that both Houses have acted or that there has been some conference agreement.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield further?

Mr. MICHEL. I yield to the majority leader.

Mr. WRIGHT. Mr. Speaker, the gentleman is fully aware that on numerous occasions in the past the House has taken occasion on the continuing resolution to contain funds for provisions on which Members of the House have insisted and on which Members of the other body have just been intractable and unresponsive.

Mr. MICHEL. I will have to agree with the gentleman that on——

Mr. WRIGHT. The gentleman is aware also that the other body does the same thing and habitually has done the same thing on continuing resolutions. So I do not see anything new or anything different. There is not a penny in the Wright amendment that has not been approved by a majority vote of this House.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, that is not so. That is wrong. I ask the majority leader to tell me, when was an increase in the authorization for the work-study program passed by this House?

Mr. WRIGHT. The college work-study program has been approved by the Congress on numerous occasions.

Mr. CONTE. It is at its maximum authorization of $550, and no bill, to my knowledge, has been passed by the House to increase that.

The SPEAKER pro tempore. The time of the gentleman from Illinois (Mr. MICHEL) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 5 additional minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, if the gentleman will withhold for just a moment, as the gentleman well knows, I served within the Appropriations Committee for many years and regarded very jealously that right of making an independent judgment from time to time, particularly on those pieces of legislation that had been authorized. But then, when they have not been authorized, we have an additional problem.

□ 1350

The majority leader makes the point that on continuing resolutions it is not unique to load it up. Well, that is true, but we are in a rather critical time here as we have to get one enacted rather hurriedly. There have been all kinds of requests, but in one sense to add 17 programs for funding to this continuing resolution when, frankly, there has been only one enacted into law, I think puts each and every Member of this House at a disadvantage in eventually working his will on these individual items.

The gentleman may want to respond further on that. I yield to him.

Mr. CONTE. Well, I find four programs where the House has not acted, and I may be wrong. I would like to have the majority leader show me that I am wrong. I have five here: Work-study, supplemental educational opportunity grants, community health centers, Gallaudet College, and emergency shelters for homeless. I do not find anywhere that increased authorizations for those programs have been passed by this House of Representatives.

Mr. WRIGHT. Mr. Speaker, I wonder if the distinguished minority leader would yield further?

Mr. MICHEL. I am happy to yield.

Mr. CONTE. I would like to have the page and date.

Mr. WRIGHT. I do regret very much that I cannot provide page and date, but it is my impression that on more than one occasion Members of this House have voted for a college work-study program, that we have authorized economic opportunity grant programs.

Mr. CONTE. The college-work study authorization is $550 million. It was never authorized over that, and the gentleman's amendment provides over that. Sure, maybe 10 years ago we voted for something; but I am saying that an increase in current authorizations for these five items has never been passed by this House.

Mr. WRIGHT. Mr. Speaker, I wonder if the gentleman would yield further?

Mr. MICHEL. I am happy to yield.

Mr. WRIGHT. It is my recollection that earlier this year, and I stand to be corrected, that the House passed legislation providing emergency shelter for homeless Americans, several million of whom now have been afloat on the moving tide of the recession.

Mr. MICHEL. That is a $10 million item the gentleman has.

Mr. WRIGHT. It seems to me that we did authorize that legislation.

Mr. CONTE. I am told that was passed in H.R. 1, but not the others.

Mr. WRIGHT. Well, now, the gentleman then reduces his request for information to two items.

Mr. CONTE. Four items.

Mr. WRIGHT. College work-study, the student economic opportunity grants.

Mr. CONTE. Community health centers, and Gallaudet College.

Mr. WRIGHT. May I address those and then we will come to whatever else the gentleman has in mind?

I believe the gentleman will recall that there has been debate on this floor as to the level of funding which ought to be provided for these programs that make it possible for young Americans of modest economic circumstances to attend colleges and universities.

I think the gentleman will recall that the House traditionally has voted a higher figure than the other body has been willing to accept.

Now, it may be that the other body whittled down the amounts that we have authorized, or it even may be that the other body has simply failed to act upon legislation that we have recommended; but I can assure the gentleman that I have contacted the committee on the budget and have been advised that these amounts are fully consonant with the figures that were contemplated for these programs when the House voted for the budget resolution.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman; but of course, we have a limited amount of time here.

Mr. CONTE. The point that the majority leader makes here is that the other body is dragging their feet on that vocational rehabilitation reauthorization that we passed. That has not been too long ago—I think it was about 5 or 6 weeks, maybe 2 months ago.

Well, how about the immigration bill? The other body passed the immigration bill and the gentleman froze it in the Judiciary Committee. The gentleman will not even let it come out on the floor of the House.

Should we then immediately put this in the continuing resolution? Would the gentleman give me that right to do that today?

I ask the gentleman, will you give me the right to put the immigration bill in this continuing resolution, because the majority will not take it out of the Judiciary Committee and bring it to the floor and let the gentleman from Kentucky (Mr. MAZZOLI) work his will later?

Mr. WRIGHT. Will my distinguished friend, the distinguished minority leader, yield?

Mr. MICHEL. Very briefly.

Mr. WRIGHT. That I might respond further?

Mr. CONTE. It is a two-way street, you know.

Mr. WRIGHT. I say to my friend, the gentleman from Massachusetts, I would have no objection to the House considering the immigration bill. I think it should be more properly considered on its own merits as a separate proposition; but if the gentleman from Massachusetts had considered it a matter of sufficient urgency——

The SPEAKER. The time of the gentleman from Illinois (Mr. MICHEL) has expired.

Mr. WRIGHT. Mr. Speaker, may the gentleman have some additional time?

Mr. QUILLEN. Mr. Speaker, I am out of time. The gentleman from Texas (Mr. WRIGHT) has used up our time.

Would the gentleman yield this side some additional time?

Mr. PEPPER. Mr. Speaker, I yield an additional 5 minutes to the gentleman from Texas, the majority leader.

Mr. QUILLEN. Mr. Speaker, I ask the chairman to yield this side 5 minutes.

Mr. PEPPER. I will be glad to yield 5 minutes to my distinguised friend from Tennessee (Mr. QUILLEN).

Mr. QUILLEN. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. MICHEL. I will in turn yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I thank the gentleman. The much-yielded time gives me an opportunity, I think, to respond to my delightful friend, the gentleman from Massachusetts. If the immigration bill had been considered—and that seems to me somewhat extraneous to the matter that we have before us now—it does not appropriate money. This bill appropriates money. If the gentleman from Massachusetts had considered that a matter of sufficient urgency and immediacy for its inclusion in the continuing resolution, I wonder why the gentleman from Massachusetts did not go before the Rules Committee and ask for its inclusion.

Mr. MICHEL. Well, of course, I think I can answer that.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. CONTE. The gentleman went before the Rules Committee and before my good friend, the gentleman from Florida (Mr. CLAUDE PEPPER) and begged him—begged him, not to allow any amendments to the continuing resolution. This is a continuing resolution. It is a continuing resolution and we do not want to load it up like a Christmas tree with the gentleman's amendment and all the other amendments that are going to bring a veto, and while your friends over there are smiling, they are going to be here Friday and Saturday. There is only one guy they can blame, and that is the majority leader.

Mr. MICHEL. Mr. Speaker, let the gentleman from Illinois make a point or two, and that is that there is a distinction between a supplemental and a continuing resolution. Often these additional expenditures get clouded when they are offered on a continuing resolution, as distinguished from being highlighted as a supplemental, calling for additional spending.

I think it is quite obvious that there are those who would just as soon not be so identified with figures that tend to increase spending and, therefore, exacerbate the deficit which we have, while all the time talking in very pious terms about how terrible that deficit is, and all being caused by tax reductions.

I would like to ask the chairman of the Rules Committee, if I might, one simple question with respect to procedure, because if I read the text of the amendment, it provides for simply the insertion of the amendment proposed by the gentleman from Texas.

Would that not then be subject to a division of the question on those 16 or 17 different sections of the amendment?

Mr. PEPPER. It makes in order——

Mr. MICHEL. It is my understanding that the intent of the amendment would have been to strike out and insert; then, of course, we would have been voting en bloc; but it is my understanding also under our rules that with language that simply calls for inserting, without striking and inserting, that we can call for a division of the question at the appropriate time and conceivably have 16 or 17 votes on what is now made up to be a package of the Wright amendment.

Mr. PEPPER. Mr. Speaker, I would say to my friend that I am informed that it would be in the discretion of the Chair as to whether or not a division would be proper in that case.

Mr. MICHEL. I understand that. I am just making the point that from the precedents in the House——

Mr. PEPPER. We did make in order the Perkins amendment in the RECORD.

Mr. MICHEL. The occupant of the Chair might want to be alerted to the fact that that request might very well be made, not knowing for sure exactly how many times or in what form, but I think we may want to take a little closer look at some of these individual items that currently go into making up this package presented by the majority leader.

Mr. Speaker, if I could yield back the balance of my time, whatever it might be, if that is appropriate, the gentleman from Tennessee may have another speaker.

□ 1400

Mr. QUILLEN. Mr. Speaker, I urge the defeat of the rule. It is a bad rule. It is clearly the product of a steamroller in the Rules Committee. I think we should now be debating a clean continuing resolution for the benefit of the Membership of this House, and it is horrible to think that we could be in on Veterans Day after losing so many brave young Americans across the seas in so many different wars. We should honor these on Veterans Day. Let us send this resolution back to the Rules Committee and bring it back as a clean resolution.

I urge the defeat of the rule.

Mr. PEPPER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding me this time.

Mr. Speaker, the gentleman asked me, if I was going to oppose the rule or support the rule. I really think that I rise to lament the rule rather than to support or oppose. Now, I am going to end up voting for the rule, specific aspects of which we have been discussing.

Ladies and gentlemen, it is my perception and I may be the only one of the 435 that sit in this body, to look at it this way, that the rule on which we vote today indicates once again the failure of this House, the other body, and of the administration to make the appropriation's process work.

We are here 38 days after the onset of the fiscal year, and we still have six appropriations bills that have yet to become law.

That is not a system that is properly functioning. That is not a system that is working. Very frankly, I supported in the Appropriations Committee the clean resolution. Some have criticized me for that but I believe that at the very worst that is what should have happened; and that would have been the worst, because we ought to be able to, in this House, operate effectively and efficiently enough, so that we are not placed in the position of having to debate whether A or B should go into a continuing resolution. There should be no need for a continuing resolution.

In particular, Mr. Speaker, I am also concerned that this rule, as a practical matter, provides for all but 1 of 13 of the appropriations bills to be funded at 1984 levels. The sole exception is the bill on Treasury, Postal, and General Government appropriations.

The Treasury-Postal bill for which I sought an amendment from the Rules Committee was not included as one of the amendments that were made in order.

We have passed a Treasury-Postal bill. It is in the Senate, and the Senate pulled it from the floor, not to consider it, not because of appropriations measures or because of a judgment as to how much money we are going to spend on the Treasury Department, or on any other agencies that are included in that bill, including the White House, the Office of Personnel Management, and the Office of Management and Budget, but because of an issue important to many but extraneous to the appropriations process, in a very real sense, and that is, of course, the issue of abortion.

Mr. Speaker, the tragedy of this day is not that we vote on the rule, not the exception.

Thank you, Mr. Chairman.

Mr. PEPPER. Mr. Speaker, how much time do I have remaining please?

The SPEAKER pro tempore. The gentleman from Florida (Mr. PEPPER) has 7½ minutes remaining.

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. I thank the distinguished chairman for yielding me this time.

I had not intended to seek time on the rule. I did not know that the rule was controversial.

I did not suppose that the rule was going to be fought, but because some things have been said here on the floor tending somewhat to impugn the motives of some of the Members who have supported this rule, and who support the amendment which I am going to offer, I think it is incumbent upon me to express the reasons that I find myself in a position of having to offer this amendment.

The gentleman from Illinois, my distinguished friend, the minority leader, made much of the fact that the amendment would add some money, and he said that means that any of us who vote for it are very inconsistent if we then decry high budget deficits.

That just is not quite accurate. Yes, it adds money that has been severely cut, money that has been harshly trimmed away from programs that we consider to be vital to the very heart and soul of this American system of ours, such programs as nutrition for mothers who are carrying children, such programs as elementary educational programs which have demonstrated that with the application of such effort, they can improve the capacity of young Americans to read, such programs as the programs which were attacked and questioned by the distinguished gentleman from Massachusetts, student economic opportunity grants and work study programs to permit young Americans of modest economic circumstances to attend college.

Now, those programs have been severely cut, and if I might have the chart, I would like to show that chart, so that we may see by graph—I do not need a platform—just bring the chart, if you will.

I would like for Members to see what has happened in these last 3 years to educational programs. Now, the President's commission said some very strong things about mediocrity in education, and that if a foreign power had done to us what we have allowed to be done, we might consider it an act of war.

The President has made a lot of speeches advising local school boards that they need to do things differently, but it costs money to have good educational programs. Here is what has happened to our educational programs.

The green lines on these graphs show what a continuing services budget would have provided simply on the current services level of 1981, if we had made no changes—just provide the same services we were providing then.

The red graphs show the depths to which the President in his budget request would have asked us to reduce those programs, and those charts in the middle, the black charts, show what we have done by appropriations.

We surely have resisted the most extreme cutting that the administration has asked but we still are about $2 billion low in education. Now, that is not the reason that we have deficits. The gentleman from Massachusetts (Mr. CONTE) remembers on September 21, I bent over backward and did my best when the regular appropriation bill was on the floor. The gentleman from Massachusetts pleaded with me to take $100 million out of an amendment that I was offering. I acceded to his request. The gentleman remembers that.

The gentleman from Kentucky (Mr. NATCHER) eager that the President should sign that regular departmental appropriation bill, pleaded with me to take some more money out, and I took it out, even though I was under instructions by the Democratic Steering and Policy Committee to seek full funding up to the level the House had voted for these programs.

I yielded in an effort to achieve harmony, and on that day, from the CONGRESSIONAL RECORD, it was not equivocal, and the gentleman from Massachusetts may have misunderstood. He may have thought I said the supplemental. I did not say the supplemental. I said: "Now, may I ask this further question? If I were to agree to reduce this figure by this amount, would I have the strong assurance, and would our membership have the strong assurance of the distinguished gentleman from Kentucky (Mr. NATCHER), who is such a friend of education, and the gentleman from Massachusetts, who also is a friend of education, that in the continuing resolution, we would move on the elementary and secondary education programs to the full amounts that have been made possible by the votes in the House on our authorizing legislation?"

□ 1410

The answer was, Mr. NATCHER said, "You have my assurances, Mr. WRIGHT."

There it is in the RECORD. I had the assurances of the Appropriations Committee leaders on both sides that if I would accede to their requests on that day, notwithstanding my instructions as the agent of the Democratic Steering and Policy Committee, if I would reduce that amendment, they then would include in this continuing resolution the full amounts voted by the House.

That is all I am asking them to do—to fulfill to this House the promise that they made to the House publicly, not privately, here on the floor.

If a man's word no longer stands for what he says, then something precious has been taken out of this Chamber.

I am not asking for 1 penny more. Indeed, I am asking for less than was promised to this membership on the word of the gentleman from Massachusetts.

The SPEAKER pro tempore. The time of the gentleman from Texas (Mr. WRIGHT) has expired.

All time has expired.

Mr. PEPPER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. For the benefit of the Members, the Chair would advise that there are two more suspensions, and then the House will return to the vote on this resolution.

NAMING OF VETERANS' ADMINISTRATION MEDICAL CENTERS FOR JAMES E. VAN ZANDT AND FOR CARL VINSON

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4294), to name the Veterans' Administration Medical Center in Altoona, Pa., the "James E. Van Zandt Veterans' Administration Medical Center," and to name the Veterans' Administration Medical Center in Dublin, Ga., the "Carl Vinson Veterans' Administration Medical Center."

The clerk read as follows:

H.R. 4294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration Medical Center in Altoona, Pennsylvania, shall after the date of the enactment of this Act be known and designated as the "James E. Van Zandt Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed a reference to the James E. Van Zandt Veterans' Administration Medical Center.

SEC. 2. The Veterans' Administration Medical Center in Dublin, Georgia, shall after the date of the enactment of this Act be known and designated as the "Carl Vinson Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed a reference to the Carl Vinson Veterans' Administration Medical Center.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi (Mr. MONTGOMERY) will be recognized for 20 minutes and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4294, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the chairman of our Subcommittee on Hospitals and Health Care, the distinguished gentleman from Pennsylvania (Mr. EDGAR), to explain the bill.

Mr. EDGAR. Mr. Speaker, on July 29, our colleague, BUD SHUSTER, introducted H.R. 3720 cosponsored by the Pennsylvania delegation, which would name the Altoona, Pa., Veterans' Administration Medical Center in honor of former Congressman James E. Van Zandt. I sponsored a similar bill, H.R. 2596. On May 12, 1983, Congressman ROY ROWLAND introduced H.R. 3012, to name the Dublin, Ga., Veteran' Administration Medical Center in honor of the late Carl Vinson, a Member of this body for more than 50 years. These measures were combined in a clean bill, H.R. 4294, which was unanimously reported by the Committee on Veterans' Affairs on November 3, 1983.

Mr. Speaker, James Van Zandt served in the Congress for 22 years. He had a distinguished career with the U.S. Navy and was retired in 1959 with the rank of real admiral (Reserve). He served three times as the national commander of the Veterans of Foreign Wars, and is a member of the American Legion and the Veterans of World War I. The members of the Pennsylvania delegation, as well as all of the major veterans' organizations, have endorsed this measure. All of the members of the Committee on Veterans' Affairs are cosponsors. It is a modest, but distinctly apt, tribute to Jimmie's 65 years of service to veterans and their dependents to name this VA medical center in his honor.

Mr. Speaker, I beleive that this is a good bill, and I urge my colleagues to support it. I would now like to yield to my colleague, the Honorable ROY ROWLAND, for his comments on the provision in H.R. 4294 regarding Carl Vinson.

Mr. ROWLAND. Mr. Speaker, will the gentleman yield?

Mr. EDGAR. Mr. Speaker, I yield to my colleague, the Honorable ROY ROWLAND, for his comments on the provisions regarding Carl Vinson.

Mr. ROWLAND. I thank the gentleman and appreciate his yielding to me.

Mr. Speaker, I think at this time, when we have in the past several weeks experienced a great deal of difficulty around the world, that our attention is more acutely focused on our military and on our veterans, and I think it is an appropriate time for us to consider renaming these veterans hospitals.

Mr. Speaker, at the request of numerous VA organizations in Georgia and in behalf of all of the Members of the Georgia delegation, I rise today to speak for this legislation to rename the Veterans' Administration Medical Center in my hometown of Dublin, Ga., in honor of the late Honorable Carl Vinson.

Although he was reelected to the Congress from both the 6th and 10th Congressional Districts, his home of Milledgeville now rests in my own 8th Congressional District.

Mr. Vinson distinguished his life in many ways, but among the most well-recognized is his record-setting term in the House of Representatives. For over 50 years, he served in this body, serving under nine administrations. Thirty of those years were spent as chairman of the House Naval Affairs Committee, now known as the House Armed Services Committee.

Prior to his election to the Congress, he was an attorney, a State representative, and a judge. He was known alternately as Uncle Carl, the Swamp Fox, Mr. Defense, and the Admiral. And as chairman of the House Armed Services Committee, he became known as the father of the modern two-ocean Navy.

When asked about his keen interest in the Navy, he responded that it was our ability to protect the seas which kept our land safe. In honor of his concern of the Navy, he was to be the first living person to have a major Navy ship named after him.

During his years as chairman, his philosophy for keeping order was to "never let them all get mad at once." Apparently it worked. He earned the respect of his fellow colleagues and maintained his position.

He was successful in boosting military pay. He was instrumental in getting the Air Force to locate an air base in Warner Robins—which abuts my district. He fought for bonus pay for our Nation's veterans. And most importantly, through his able guidance and strong leadership, he strengthened our defense.

On the keel of the aircraft carrier, the U.S.S. *Carl Vinson,* is a quotation taken from Mr. Vinson. "No person representing the American people should ever place the defense of this Nation below any other priority."

Mr. Vinson surpassed his own credo in his efforts to guide our Nation toward military independence.

Although he often stated that he did not like to reminisce, certainly he would not begrudge us the opportunity to pay tribute to him by renaming the Dublin VA Medical Center the "Carl Vinson Memorial Veterans Administration Medical Center."

Mr. EDGAR. Mr. Speaker, in summary, let me indicate that these two bills combined in H.R. 4294 are a deep tribute to two men who have served their country well.

The Carl Vinson naming of the hospital in Dublin, Ga., is an honorable action for this House to take, and the naming of the hospital in Altoona after James E. Van Zandt is an important action for us.

□ 1420

I would like to commend my colleague, the gentleman from Pennsylvania (Mr. SHUSTER), who worked very hard on this legislation.

Mr. Speaker, I hope that the Members of the House will support this bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4294. This bill would honor two very distinguished former Members of this body by having VA hospitals named after them. The hospital in Altoona, Pa., would become the James E. Van Zandt Veterans' Administration Medical Center and the hospital in Dublin, Ga., would become the Carl Vinson Veterans' Administration Medical Center.

Mr. Speaker, former Congressman Van Zandt is personally known to many of us. His record of service to the Nation in war and peace is a most enviable one. He is a veteran of three wars, rising from an enlisted status in the U.S. Navy in World War I to the rank of rear admiral in the Naval Reserve following his active duty during the Korean conflict. He came to Congress in 1938 and served until 1943 when he resigned to go on active duty in World War II. Following his discharge he was again elected to Congress and served until 1963.

Mr. Van Zandt was always a champion of veterans. He was elected three times as national commander of the Veterans of Foreign Wars and is an active member of several other veterans organizations. While in Congress he served on the House Veterans' Affairs Committee, the House Armed Services Committee, the Committee on Naval Affairs, and was the ranking member of the Joint Committee on Atomic Energy during its early days. He is a tireless worker in many fields and is a respected and beloved veterans' leader whose name will add luster to the VA hospital in Altoona, Pa.

Mr. Speaker, Carl Vinson's name is legend in this body. He served in Congress longer than anyone else. He was known far and wide as "Mr. Defense." The United States was in four wars during his tenure here. All during that time, Mr. Vinson was a visionary leader who understood this Nation's role in the world. He understood more than most the need for a strong national defense, and he spent a lifetime of service to his country leading defense efforts The Dublin, Ga., VA Medical Center will gain increased stature by having his name enshrined upon its walls.

Mr. Speaker, the House Veterans' Affairs Committee has very strict rules about recommending that veterans' hospitals be named after individuals. The most cogent rule requires that the individual be truly distinguished. Jimmy Van Zandt and Carl Vinson meet this test in every way and

I therefore urge my colleagues to support H.R. 4294. I congratulate the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Georgia (Mr. ROWLAND) for introducing the bills that led to our action here today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I thank the distinguished gentleman from Arkansas.

Mr. Speaker, I join in strong support for the bill (H.R. 4294) naming the Veterans' Administration Medical Center in Altoona, Pa., the James E. Van Zandt Veterans' Administration Medical Center.

Jimmy Van Zandt was born in Altoona, Pa., which is the district that I am privileged to represent and is the site of the Veterans' Administration Medical Center that, under this legislation, will bear his name.

While it is true that I was the sponsor of this legislation, I should like to emphasize that Congressman EDGAR of Pennsylvania played an extremely crucial role in bringing this to pass, and certainly the distinguished chairman, Mr. MONTGOMERY, and the distinguished ranking member, Mr. HAMMERSCHMIDT, also played very crucial roles and but for their help and their leadership, this certainly could not have come to pass.

Now this legislation, Mr. Speaker, has the support of the entire Pennsylvania delegation because Jimmy Van Zandt is a friend and colleague of each Member on both sides of the aisle of that delegation.

As a Member of this House from 1938 to 1963, with time out for military service, Jimmy Van Zandt served the Commonwealth of Pennsylvania with singular distinction, and still serves our State today as the Secretary of the Pennsylvania Congressional Delegation Steering Committee and, I might add parenthetically, Mr. Speaker, for the awesome salary of $1 per year.

Jimmy Van Zandt has served this Nation in the military, seeing active duty in both world wars and in Korea and received numerous distinctions, retiring as a rear admiral in the U.S. Naval Reserve.

This action we are considering today is particularly appropriate because of Jimmy's tireless efforts on behalf of our Nation's veterans.

He is a three-time commander and twice Pennsylvania Department Commander of the Veterans of Foreign Wars of the United States, and the recipient of that organization's Distinguished Service Medal.

He has always found the time in a remarkably crowded schedule of responsibilities to get involved to help America's veterans.

I feel that this is a fitting tribute to a man whose unique service to his community, State, and Nation is an inspiration to us all.

Mr. Speaker, I urge my colleagues to support the legislation.

Mr. EDGAR. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Speaker, I would like to commend the gentleman (Mr. SHUSTER) for his leadership on this bill, and I would like to associate myself with his remarks on Jimmy Van Zandt's leadership to the Pennsylvania delegation. It has been outstanding over the years. He is still an active person as he stimulates discussion and debate every week here as we meet for lunch and at other events, and I think it is an honor and a tribute to him to name the hospital.

Mr. Speaker, I join with my colleague from Pennsylvania in this action.

Mr. SHUSTER. I thank my friend from Pennsylvania.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I am pleased to be a cosponsor of H.R. 4294, a bill that would provide for the naming of the VA Medical Center in Altoona, Pa., for the Honorable James E. Van Zandt and for the naming of the VA Medical Center in Dublin, Ga., for the Honorable Carl Vinson.

Mr. Speaker, the late distinguished chairman of the Armed Services Committee, Carl Vinson, served as a Member of this body for more than 50 years. During his lifetime Carl Vinson served his Nation in many ways. A brief biography is set out in the committee report, but his biography does not do justice to this great American. Not only did Mr. Vinson serve the people of Georgia with distinction, he also served all Americans during his years in public office. Carl Vinson was a major force in establishing our public policy relating to military affairs. As chairman of the Armed Services Committee for many years, he helped mold our Nation's defense posture and worked with many Presidents over the years to implement that policy. He believed in a strong national defense and during his many years as chairman he made certain that our country was second to none. He loved America and he served his country well.

Carl Vinson will long be remembered as one of our greatest and most distinguished citizens. Military hardware bears his name. But, Mr. Speaker, we must not overlook the fact that Carl Vinson cared much for the citizen soldier who served in the active military forces. He was instrumental in making certain that those who served were given due recognition for their service. He cared about veterans and he worked closely with the Committee on Veterans' Affairs to make sure that once military personnel left active duty they would continue to be remembered for their services.

He supposed the committee in establishing a network of veterans benefits and services that everyone agrees is a model for other countries to follow. He believed in taking care of those who were honorably discharged from service after defending their Nation during a period of war or national conflict.

It is for these reasons, Mr. Speaker, that the distinguished gentleman from Georgia, Mr. ROWLAND, and other members of the Georgia delegation, introduced legislation, H.R. 3012, to name the Veterans' Administration Medical Center in Dublin, Ga., for this great man. I am pleased to support that effort.

Mr. Speaker, I also support the distinguished chairman of our Subcommittee on Hospitals and Health Care and the distinguished gentleman from Pennsylvania (Mr. SHUSTER) and other members of the Pennsylvania congressional delegation in their efforts to name the Veterans' Administration facility in Altoona, Pa., for my good friend, the Honorable James E. Van Zandt.

Mr. Speaker, James E. Van Zandt was a distinguished Member of this body for 22 years. He served with distinction on both the Armed Services and the Joint Atomic Energy Committees. During all those years, he was best known as Mr. Veteran, and to many, as Mr. VFW on Capitol Hill.

Prior to his election to the Congress, Jimmie had established a national reputation as a spokesman and advocate of World War I veterans. He established a record of leadership in modern times which has never been surpassed in the VFW, or as far as I know, any other national veterans organization. He was elected for three consecutive terms as the National Commander in Chief of the VFW just prior to his election to Congress.

Jimmie is a veteran of World War I, World War II, and the Korean conflict. Even though he was already a Member of Congress when World War II began, he elected to serve with the Navy in the Pacific theater of operations retiring as a captain at the end of the war. Following his World War II service, he was reelected to his old seat in Congress, retiring in 1961.

Jimmie continued to remain active in the U.S. Naval Reserve achieving the rank of rear admiral at the time of his retirement. Today he is still serving as secretary of the steering committee of the Pennsylvania congressional delegation, in which capacity he has continued his activities and support of veterans programs.

Yes, Mr. Speaker, Jimmie has been active in the VFW since his service in the Navy in World War I. I know of no other veterans leader who has served continuously in a high capacity at a national veterans organization for a longer period of time than Jimmie Van Zandt. He is still active at the national level of the VFW where he is revered and admired by thousands of younger veterans. He has established a record of accomplishment and leadership which will be difficult to ever surpass.

Mr. Speaker, another achievement of Jimmie Van Zandt, which should not go unnoticed, is the VFW Memorial Building at 200 Maryland Avenue NE., just on the other side of the Hart Senate Office Building. It was Jimmie's enthusiastic leadership as chairman of the VFW Building Committee whose efforts culminated in the building which now houses the national offices of the VFW here in Washington. The VFW Memorial Building will forever be a monument to Jimmie Van Zandt not only in the VFW, but for all of us who served with him on Capitol Hill.

Lastly, Mr. Speaker, Jimmie can take great pride in having actively participated in the building of the great and comprehensive program of veterans' rights and benefits to which all veterans and their dependents are entitled. It was during his service in this body that the present Veterans' Administration hospital and health care system was established. One of the 172 VA hospitals is located in his former congressional district, Altoona, Pa. I can think of nothing more fitting and proper than to name this hospital after Jimmie Van Zandt who served his country so admirably both in war and peace. We can do no less for this great American.

I urge my colleagues to support the reported bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill, H.R. 4294.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MODIFICATION OF U.S. REVERSIONARY INTEREST IN CERTAIN LANDS CONVEYED FOR USE OF THE UNIVERSITY OF CALIFORNIA

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2629) to direct the Administrator of Veterans' Affairs to modify the reversionary interest of the United States in certain lands previously conveyed to the State of California for the use of the University of California.

The Clerk read as follows:

H.R. 2629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs shall execute such legal documents as necessary to permit the use of the real property described in section 2 (or any portion of such property) for educational or cultural purposes in addition to the use of such property as a research and medical center and for allied purposes. The Administrator may carry out the preceding sentence subject to such terms and conditions as the Administrator requires in order to protect the interests of the United States.

SEC. 2. The real property referred to in the first section of this Act is the property transferred to the State of California for the use of the University of California by a quitclaim deed dated December 10, 1948, executed by the Administrator of Veterans' Affairs under the Act entitled "An Act to authorize the Administrator of Veterans' Affairs to transfer a portion of the Veterans' Administration center at Los Angeles, California, to the State of California for the use of the University of California", approved June 19, 1948 (62 Stat. 559), and recorded in the land records of the County of Los Angeles, California, at page 307 of book 29032.

SEC. 3. Any document executed to carry out the first section of this Act shall provide that the property involved shall revert to the United States if it ceases to be used as a research and medical center or for educational or cultural purposes.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi (Mr. MONTGOMERY) will be recognized for 20 minutes and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, again I yield such time as he may consume to the distinguished chairman of our Subcommittee on Hospitals and Health Care, the distinguished gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. I thank the gentleman, the chairman of the full committee, for yielding time to me.

Mr. Speaker, I rise in support of H.R. 2629, introduced by Mr. BEILENSON of California on April 20, 1983, and reported by the Committee on Veterans' Affairs on November 3, 1983. This measure would expand the purposes for which land transferred to the University of California at Los Angeles (UCLA) in 1948 could be used. This land was transferred with a condition that it could be used only as a research and medical center. The committee was advised that UCLA is presently using this land for a nuclear medicine laboratory and rehabilitation center and that it would like to use a portion of the land, which is not needed for any VA purposes, for educational or cultural purposes. This bill will eliminate any legal objection to such usage. Therefore, I urge my colleagues to support H.R. 2629.

□ 1430

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 2629, a bill modifying the reversionary interest of the United States in a 35-acre tract of land previously conveyed to the State of California for the use of the University of California.

The land in question is currently restricted to medical and research needs. This bill will allow the university to also use it for educational and cultural purposes.

Mr. Speaker, this bill is not controversial. It was favorably reported by the full House Veterans' Affairs Committee on November 3. The administration advises that it has no objection to passage of the bill.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the author of this bill, the gentleman from California (Mr. BEILENSON).

Mr. BEILENSON. Mr. Speaker, I rise in support of the bill. I commend and thank my good friend the distinguished chairman of the committee, the gentleman from Mississippi (Mr. MONTGOMERY), and my good friend the distinguished chairman of the subcommittee the gentleman from Pennsylvania (Mr. EDGAR), for their help in shepherding the bill thus far.

Mr. Speaker, H.R. 2629, the measure before us, is a bill I introduced in April of this year which would allow the University of California at Los Angeles (UCLA) to use a parcel of land deeded to it by the Veterans' Administration (VA) for educational or cultural purposes other than those specified by the deed. This bill would permit UCLA to make fuller use of this particular site than is now possible under the conditions of the deed.

In 1948 Congress granted this 35-acre parcel of land in west Los Angeles, owned unneeded by the VA, to UCLA to be used for a research and medical center and for allied purposes. The bulk of this land, located northeast of the intersection of Wilshire Boulevard and Veteran Avenue, is unused except for two medical facilities—the laboratory of nuclear medicine and radiation biology, and the rehabilitation center. UCLA's renowned medical center and its supporting facilities are concentrated in an area to the north, closer to the heart of the campus.

UCLA could make better use of this property if the restriction limiting its use to medical facilities is lifted. University officials are currently discussing a number of alternative uses, one of which is a plasma physics laboratory. UCLA has become one of the world centers of plasma physics research, but has little space on the campus for this important work.

H.R. 2629 is a simple measure which directs the Administrator of Veterans' Affairs to execute the legal documents necessary to permit the specified parcel of land to be used for education or cultural purposes in addition to the use of it for medical facilities. As in the case of the original law granting the property to UCLA, the bill provides that the property shall revert to the United States if it ceases to be used for the purposes specified by it.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join the distinguished gentleman from Pennsylvania in urging my colleagues to support the adoption of H.R. 2669. The passage of this legislation will assure that the University of California will be allowed to make better use of approximately 35 acres of land transferred to the State of California.

Mr. Speaker, the property in question was conveyed by the VA to the State of California a number of years ago to be used by the University of California for a research and medical center and for allied purposes. The University of California is requesting that the restrictions on the use of this property be modified as it feels it can put the property to better use. H.R. 2669 would allow this 35-acre tract of land to be used for educational and cultural purposes in addition to the use of such property as a research and medical center as required when the land was first conveyed by Public Law 80-726.

The desire on the part of the university was called to our attention by the distinguished gentleman from California, Mr. ANTHONY BEILENSON, when he introduced H.R. 2629 to modify the reversionary interest in the property. Although the committee attempted to obtain the views of the administration on the bill, for reasons unknown to anyone, such views were not forthcoming. The committee can see no reason why the modification should not take place and the legislation was unanimously ordered reported by our Committee on Veterans' Affairs on November 3.

I commend the efforts of the distinguished gentleman from California, Mr. BEILENSON. The committee is pleased to work with him in this matter.

I urge my colleagues to support the bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill, H.R. 2629.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 403, FURTHER CONTINUING APPROPRIATIONS, 1984

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 362.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, House Resolution 362.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HILER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 233, nays 169, not voting 31, as follows:

Roll No. 457]

YEAS—233

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Byron
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
D'Amours
Daniel
Daschle
de la Garza
Dicks
Dingell
Dixon
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Ferraro
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gore
Gray
Guarini
Hall (OH)
Hall, Sam
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hayes
Heftel
Hertel
Hightower
Holt
Hoyer
Hubbard
Hughes
Hutto
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lundine
MacKay
Markey
Matsui
Mavroules
Mazzoli
McCurdy
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Rangel
Ratchford
Reid
Richardson
Rodino
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Simon
Sisisky
Skelton
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NAYS—169

Archer
Badham
Barnard
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carper
Chandler
Chappie
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
Davis
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
Erlenborn
Evans (IA)
Fiedler
Fields
Fish
Forsythe
Franklin
Frenzel
Gekas
Gibbons
Gilman
Gingrich
Goodling
Gradison
Green
Gregg
Gunderson
Hall, Ralph
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Hopkins
Horton
Huckaby
Hunter
Hyde
Ireland
Jacobs
Jeffords
Kasich
Kemp
Kindness
Kramer

Lagomarsino
Latta
Leach
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McKernan
McKinney
Michel
Miller (OH)
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Nielson
O'Brien
Oxley
Packard
Parris
Pashayan
Patman
Petri
Pursell
Quillen
Rahall
Ray
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rudd
Sawyer
Schaefer
Schneider
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Slattery
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Tauzin
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Wortley
Wylie
Zschau

NOT VOTING—31

Andrews (TX)
Carney
Cheney
Coughlin
Dellums
Derrick
Donnelly
Early
Feighan
Foglietta
Gramm
Hall (IN)
Hefner
Howard
Jenkins
Leath
Leland
Lowry (WA)
Luken
Martinez
Molinari
Owens
Paul
Pritchard
Roe
Towns
Williams (OH)
Winn
Wolf
Young (AK)
Young (FL)

□ 1440

The Clerk announced the following pairs:

On this vote:

Mr. Howard for, with Mr. Cheney against.

Mr. Hefner for, with Mr. Paul against.

Mr. Lowry of Washington for, with Mr. Gramm against.

Mr. Leland for, with Mr. Young of Florida against.

Mr. Donnelly for, with Mr. Young of Alaska against.

Mr. Andrews of Texas for, with Mr. Coughlin against.

Mr. Towns for, with Mr. Carney against.

Mr. Owens for, with Mr. Molinari against.

Mrs. Hall of Indiana for, with Mr. Winn against.

Messrs. McKINNEY, McCLOSKEY, and BROOMFIELD changed their votes from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1450

REQUEST TO MAKE IN ORDER THE OFFERING OF THE TRAXLER AMENDMENT TO HOUSE JOINT RESOLUTION 403, FURTHER CONTINUING APPROPRIATIONS, 1984

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that during consideration of the joint resolution (H.J. Res. 403) in the Committee of the Whole House, it shall be in order for me to offer the amendment by Mr. TRAXLER which was printed in the CONGRESSIONAL RECORD on November 7, 1983, on page H9302, as if I had printed it in the RECORD pursuant to the provisions of House Resolution 362.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I shall not object, but I would say to the gentleman that from the standpoint of a number of us who were here on Friday—and I know the gentleman was on a special mission on behalf of the Speaker on Friday and was not a part of this—but on behalf of some of us who were here, we were rather critical of the hurry-up procedure that was used on Friday in order to get that rule filed.

It was our point at that time that we thought it would have been better to have had the House wait awhile so that we would have known what was in some of these amendments so we would have had some idea of just what the rule was making in order. We were told that, despite the fact that we had gone into special orders, and despite the fact the hurry-up procedure was being used, that we were going to have this rammed down our throats.

It sounds to me as though what was done while it was being rammed down our throats was that there was a mistake made. I do not wish to penalize the gentleman for that mistake, but I will say that it was a lousy procedure that was used on Friday and it is a shame that that lousy procedure also resulted in a mistake of this kind.

I am not going to object to the gentleman's request, but I think it is high time that we begin to operate this place in a more adult fashion.

Mr. BOLAND. I thank the gentleman for his remarks.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. LOEFFLER. Mr. Speaker, reserving the right to object, throughout the deliberation of the various continuing resolutions before our full committee, the gentleman from Arkansas, Mr. ALEXANDER, and I had offered amendments dealing with the drought conditions in the United States. Each time those amendments were approved by the committee.

As we went toward the Committee on Rules, we were excluded through powers that were beyond our control.

In view of that, in view of the fact that no one would work with us when, in fact, we had passed amendments, unfortunately, I must object to the unanimous consent request.

The SPEAKER pro tempore. Objection is heard.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the joint resolution (H.J. Res. 403) making further continuing appropriations for the fiscal year 1984, and that I may include extraneous and tabular material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, 1984

The SPEAKER pro tempore. Pursuant to House Resolution 362 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the joint resolution, House Joint Resolution 403.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 403) making further continuing appropriations for the fiscal year 1984, with Mr. FOWLER in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. Pursuant to the rule, the first reading of the joint resolution is dispensed with.

Under the rule, the gentleman from Mississippi (Mr. WHITTEN) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, today the House will consider, and I hope, pass a continuing resolution—one that continues Government operations. As everyone in this House knows, the Committee on Appropriations has been asked to do a very difficult job this year, and we are doing the best we can to accomplish our task.

The Committee on Appropriations is having a very good year. We passed the jobs bill this spring and a supplemental this summer. Of the 13 regular appropriation bills 8 have been enacted into law:

HUD-independent agencies (Public Law 98-45);

Energy and Water Development (Public Law 98-50);

Legislative Branch (Public Law 98-51);

Transportation (Public Law 98-78);

Military Construction (Public Law 98-116);

District of Columbia (Public Law 98-125);

Labor-HHS and Education (Public Law 98-139); and

Interior and Related Agencies (Public Law 98-146).

In addition two conference reports are ready for congressional action: Agriculture and Commerce-Justice-State. As everyone knows the House passed the Defense appropriations bill last week and should clear the Senate sometime this evening and it is our intention to move this bill through conference by the November 18 target adjournment date. I also understand that the Senate is trying to overcome their scheduling problems and move the Treasury bill to the floor. Only funding for the foreign aid bill is uncertain.

I point these facts out because it appears that 12 of our 13 bills will be provided for under the regular order. It is my expectation that for practical purposes only the foreign aid bill will be covered for the duration of a continuing resolution.

Faced with these circumstances I introduced and placed before the committee a simple date extension of the existing continuing resolution until February 29, 1984. I did this for a number of reasons:

First, it looks like only one bill will be affected for the duration of the continuing resolution—foreign aid;

Second, the President has already signed this bill once before; this is a mere extension of an existing public law, and

Third, most important, it is my sincere hope that we avoid legislative fights we should not be involved in.

I need not remind my colleagues about the mess we got into over the last continuing resolution. We adopted 19 separate amendments in committee including invoking of the War Powers Act. This latter action caused the bill to be referred to the Foreign Affairs Committee for an unspecified period of time—and effectively killed the bill. Our first resolution is still pending in that committee. I understand that the Speaker also received a formal request for sequential referral of that resolution to the Energy and Commerce Committee because of what was proposed regarding legislative provisions relating to the FCC and FTC. I hope we all learned a lesson from that experience.

Last week I wrote to Chairman **Pepper** of the Rules Committee and pointed out these facts. I would like to quote from that letter to the chairman:

> After lengthy debate, numerous amendments were adopted in committee that could have created a referral problem similar to that we had earlier and jeopardize the necessary continuation of Government programs on November 10. Recognizing this situation I moved to separate the committee's actions into two separate measures.

The rule under which this resolution is being considered makes five amendments in order. I do not know what the disposition will be of each of them but I merely remind my colleagues that the existing resolution expires at midnight Thursday and the cleaner the resolution the easier our task to provide for the orderly continuation of the Government.

Remember, under the opinion of the Attorney General, unless an extension of the resolution is enacted by midnight Thursday many Government services will stop.

□ 1500

It has gotten to the point where our legislative committees simply do not get authorizations enacted in time, and practically all of the legislative committees are authorizing programs annually. In 1982 there were 24 new annual authorizations. With the increase in the number of authorization bills and the other business of the House we simply are not getting through with the authorizations. So it leaves it where we on the Appropriations Committee are requested to pick up the burden and carry it. We have had members of legislative committees which have not enacted authorizations, want us to resolve their issues in a continuing resolution. So we are faced with having to pick and choose among many items more properly addressed by the legislative committees.

But that is not the worst part of it. A continuing resolution is a hybrid. It appropriates, but it may contain legislation. As a result, it is a good horse to ride. When we send it over to the other body, it often becomes a Christmas tree, if we have not loaded it down halfway before it goes over.

We did not want to be faced with the same situation again. That is one of the principal reasons the committee reported out a resolution merely extending the termination date of the existing resolution.

So I want the Members to know that it is in that atmosphere that we had our hearings this year. The committee has worked hard, and has reported 12 bills for fiscal year 1984. The President has signed into law eight of these bills. Since the President took office in 1981, the Congress has passed 41 appropriation bills and he signed 37. And we overrode his veto on one supplemental appropriation bill.

So when we met this year, I called the attention of our committee to these facts in an effort to recall what happened before. In the past we have had to meet virtually around the clock in order to reach conference agreements so the Government would not have to shut down. In the interest of orderly procedure, I introduced a separate resolution, a continuing resolution (H.J. Res. 403). This was a continuing resolution, continuing the programs for bills not yet enacted until those regular annual bills are signed into law, or until February 29, 1984, whichever occurs first.

Notwithstanding the past history of problems which can befall a continuing resolution if it is used as a vehicle for issues better addressed elsewhere, in full committee we adopted nine amendments to the resolution I had introduced which covered the waterfront. Many of these were legislative in nature, and should be considered by the legislative committees.

Now, I do not say that critically. Each Member strongly believes in what he offered in committee, and knew that here is a train that has to reach its destination.

I asked the committee, since we saw that we could not get anywhere like we were, having had this experience before, to separate those nine amendments and put them in the supplemental appropriation. They did not belong on the continuing resolution. They are more supplemental in nature.

So we reported a separate supplemental appropriation bill and a continuing resolution which merely extends the date of the existing continuing resolution (Public Law 98-107) which the President has already signed.

Now, I am sorry to say that there may have been some misunderstanding somewhere along the line, but I have learned from way back when I was a district attorney: "Don't promise what you are going to do in the future because the picture may change."

I promised nobody anything. I was trying my dead level best to do the best I could. It was innovative, it was new, it had not been done before. But it was the thing to do then, to put the amendments already agreed to in a supplemental bill and let it travel on its own merits. The further continuing resolution, because of its priority since it keeps vital Government programs going, was kept separate.

So I make no apologies on trying to do that. I have been here a long time. I have learned to yield to the leadership. It is their business. I voted for this rule. The leadership is entitled to bring something up. But by the same token, we were right when we separated supplementals from a continuing resolution, which is what we did. I do want the Members to know that we acted in good faith, and I think the Members may wish that we had stuck to that provision before it is over, because when it goes to the Senate I do not know what they will do. But I am judging by the past. I said over here, "We put everything but the kitchen sink in it, before we separated the two measures, and I think they will put the kitchen sink in it when it gets to them."

That is not said critically, but it is based on prior experience. So I want the Members to know that here again, under the opinion of the Attorney General of the United States, except for national defense and certain programs to protect life and property all Government programs for bills provided for in the resolution will terminate at midnite on November 10.

So I hope the Members will go along with the Appropriations Committee recommendation, and I will tell the Members why. I think we are sound in what we propose, but I cannot fault those who are in another position and doing what they may believe in. But I do think we were sound in our procedure, and if the leadership sees fit to add things to it, that is the reason they are the leadership. They are entitled to be heard.

But I do want the Members to know that the more we attempt to change this, the harder job we are going to have with the Senate and be sure that when we add one thing, they add two. I am not inviting that. I am just saying that it has always been that way.

So, Mr. Chairman, I am just asking the Members, for goodness sake, to realize that we have acted in good faith, and, I think, soundly. If anybody changes it after that, they cannot do it except under the rules, and if it is under the rules, that is what the rules are for.

Mr. MITCHELL. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to my colleague, the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, I thank my colleague for yielding, and I asked him to yield merely to make a point of clarification

In the beginning of the gentleman's statement, he pointed out that one of the major difficulties has been that the authorizing committees have not authorized their legislation on time. That may well be true, but it is certainly not true of all the committees.

Mr. WHITTEN. Oh, certainly it is not. They all have their reasons.

Mr. MITCHELL. Mr. Chairman, will the genteman yield just a bit further?

Mr. WHITTEN. Certainly, I yield to the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, I really think the House has got to deal with the problem of the Budget Committee. It is the budget that takes so long to get through on that first resolution. The authorizing committees are scared to death to go ahead and try to lock something in concrete until they get an idea of where they will be.

More recently, we have had the matter of reconciliation. I know that in my Committee on Small Business we had to hold up our bill that we passed in May, waiting to find out what might occur as a result of the reconcilation.

So I think, in all fairness, that we ought to make it clear that the budget process is also a culprit in this.

Mr. WHITTEN. I think so, too. Let me back up some, because a lot of authorizing committees have acted, but where they have not I do not fault them, because they simply have not had time in many cases.

□ 1510

Let me say that the budget resolutions, not the Budget Act, have created some of the problems we face.

At any rate, we are at the place where the train has got to move and the more cars you tie on to it, the harder the job is and you are going to end up with something that you want, but a whole lot more that you do not want, I am afraid.

So I thank you for your attention. I just want to assure you that our 57-member Appropriations Committee did its dead level best. This is our interest. We have no criticism of somebody else who handles their job the way they see it.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, I support House Joint Resolution 403 in its current form.

As reported, the resolution simply changes the expiration date on the current continuing resolution from November 10, 1983—which is the day after tomorrow—to February 29, 1984.

However, the programs funded by that resolution have changed since it was enacted, and will change in the next few weeks, because, as you all know, when an appropriation bill is enacted, that law becomes the funding mechanism, and the continuing resolution disengages.

On the first day of the fiscal year, the first continuing resolution covered 9 of our 13 appropriation bills. Since October 1, four more bills have been enacted.

So by extending the current continuing resolution, we are providing funding for five appropriation bills:

Agriculture,
Commerce/Justice/State/Judiciary,
Defense,
Foreign Aid, and
Treasury.

Funding for these bills is provided at exactly the same levels, and under the same terms and conditions, as the first continuing resolution.

Agriculture is funded at the House rate and conditions, with specific levels for several programs.

Commerce/Justice is funded at the lower of the House or Senate rate, and under the more restrictive authority, with specific funding levels provided for a number of programs which were stricken from the House bill on the floor.

The Defense bill is funded at an annual rate of $247 billion, with several specific program restrictions.

The foreign aid bill is funded at the current rate or the budget estimate, whichever is lower, and under the more restrictive authority.

The Treasury bill is funded at the current rate, and under the current terms and conditions.

In addition to these basic funding levels, we are extending such special provisions as:

Funding at the current rate for several Labor/HHS programs, which were not authorized, and not funded in the regular Labor/HHS bill just enacted.

A 14-percent ceiling on increased in the standard level user charge.

Funding for preferred rate mail.

A cap on blue collar pay.

All in all, a straight extension of the current continuing resolution is about the most moderate action that the House could take.

This is the position which was ultimately taken by the committee, and is the most responsible position for the House.

I will speak separately on the amendments made in order by the rule.

However, I urge my colleagues to oppose those amendments, and to preserve the outstanding record of this Congress on appropriations bills.

And that record is outstanding. Four bills were enacted before the beginning of the fiscal year. The first continuing resolution was a model of legislative responsibility and self restraint. Four more bills have been enacted since the start of the fiscal year, including the first Labor/HHS bill in 5 years. And the President has indicated he will sign the Commerce bill. With hard work on Defense, and compromise on Agriculture, we can adjourn for Thanksgiving with 11 of the 13 appropriations bills signed into law.

Are we going to ruin that record by pandering to the special interests who want to go off on a political fishing trip, with this resolution as veto bait?

I hope not.

Vote down the amendments, and then let us pass a clean extension.

Mr. Chairman, at this point I would like to review some of the specific provisions of the current continuing resolution that we are extending:

COMMERCE-JUSTICE

The extension of the continuing resolution provides funding for most programs and activities of the Departments of Commerce, Justice, and State, the Judiciary and related agencies at the House-passed levels in H.R. 3222, the fiscal year 1984 appropriations bill, or the Senate-reported levels in S. 1721, fiscal year 1984 appropriations bill, whichever is lower for each

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account. The remaining programs and activities of these Departments and agencies are provided for at specified levels in section 101(g) of Public Law 98-107.

The conference report on H.R. 3222 was filed in the House on November 3, and House action on that report is scheduled for later today or tomorrow. The administration has announced that they have no objection to the enactment of that bill. I am hopeful that final action can be taken on that bill quickly, so that these programs would be funded under this second continuing resolution for a minimum amount of time.

DEFENSE

House Joint Resolution 403 continues defense at fiscal year 1983 levels, the same as the current continuing resolution. There are no exceptions to 1983 levels in the current resolution on House Joint Resolution 403.

The fiscal year 1983 total is $232.4 billion compared with the fiscal year 1984 amended request of $260.9 billion and the House passed level of $247 billion. The Senate is expected to pass the 1984 bill November 8, 1983 and conference is scheduled for November 15, 1983. The bill should be ready for Presidential signature by late November.

The proposed extention of Defense at 1983 levels under House Joint Resolution 403 should not have serious adverse impact unless there is a delay in completing action on the bill past the start of Thanksgiving recess. If Defense has to live under the continuing resolution into next year, contracts awaiting funding and so-called lost opportunities start to impact at about $1 billion per month starting in 3 to 4 weeks.

Pay levels are not impacted by the continuing resolution. The pay raise will not take effect until January 1, 1984 and a Defense bill should be signed into law by that time.

There is no funding in 1983 for binary gas production and the House denied 1984 production funds.

Other major programs of interest include:

	Number of systems		
	1983	1984 request	1984 House
Procurement:			
B-1	7	10	10
MX	0	21	21
Trident subs	0	1	1
M-1 tank	855	720	825
IFV	600	600	600
AH64	48	112	112
UH60A	96	84	84
Patriot	277	525	525
DIVAD	96	130	130
Mine sweepers	1	4	2
F-18	84	84	84
F-16	120	120	120
Pershing	27	96	96
R&D (in millions):			
B-1	$753.5	$749.9	$749.9
MX	$2,500.0	$2,034.4	$2,03.4
ASAT	$216.0	$205.6	$205.6

FOREIGN AID

Extension of the continuing resolution provides new budget authority in the amount of $10.925 billion for foreign assistance programs. This is $712 million below the President's budget requests for these programs and $372 million below the amount which would be provided under the Long-Kemp amendment.

The resolution provides no increases over the President's budget, while significant cuts below that budget are as follows:

	Millions
International Development Association (IDA)	−$150
Asian Development Bank	−28
Agency for International Development	−72
Sahel development	−9
Peacekeeping operations	−15
Trade and development program.	−12
International narcotics control	−15
Antiterrorism program	−5
Military assistance program	−364
Military training	−10
Foreign military sales guarantees (off budget)	−724
Export-Import Bank guarantees (off budget)	−1,000

Under the continuing resolution, El Salvador can receive up to $64.8 million in military assistance, a reduction of $21.5 million below the President's request. No new limitations are imposed on this military assistance.

Israel receives $785 million in economic support funds and $1.7 billion in foreign military sales, $550 million of which would be forgiven from repayment. These amounts and terms are the same as the President's request.

LABOR/HHS/EDUCATION

With the enactment of the fiscal year 1984 Labor, Health and Human Services, and Education appropriations bill, which was signed by the President last Monday, October 31, for the first time in 5 years, most programs within those Departments are disengaged from the continuing resolution.

The continuing resolution will continue to provide funding at the fiscal year 1983 rate for certain programs on which action was deferred in the bill, because the authorizations had expired. Those programs include:

Health planning.

Public Health Service research training.

Refugee assistance.

Child abuse prevention and treatment.

ACTION.

With respect to the refugee assistance programs, I would just say a word to follow up on the committee's concern with getting started a training program for people involved in those programs. During the floor debate in the House on passage of H.R. 3913 on September 22, there was a colloquy stating that it was the committee's understanding that the Department had the authority to undertake a training program within the amounts provided. Furthermore, in conjunction with a last minute reprograming request in fiscal year 1983, the Department indicated it would undertake such a training program and have a proposal out before the end of the first quarter of fiscal year 1984. I would like to state my understanding of the intentions of the committee with respect to this training program. Within the amount made available for social services programs, the Office of Refugee Resettlement is expected to sponsor a pilot university program that will develop a training program for those States that have the largest number of refugees to serve as a model for regional university training programs.

TREASURY/POSTAL SERVICE

The extension of the continuing resolution provides for those items under the Treasury/Postal Service and General Government section to be funded under the terms and conditions of fiscal year 1983, with a few exceptions.

In funding for revenue foregone for the Postal Service, this continuing resolution provides for a freezing of preferred class rates at the step 14 level, about $879 million, for such users as nonprofit organizations, veterans' magazine publishers, charity groups, and so forth.

The revenue foregone appropriations make up for the revenue the Postal Service might otherwise realize if it were delivering certain classes of mail at higher rates. The committee position has consistently been that with the economy still in a relatively uncertain posture, any rate increases for nonprofit and charity groups would be counterproductive.

The resolution also provides for continued 6-day delivery and rural delivery, and for free mailing for overseas voting and the blind.

In another area, the continuing resolution puts a cap on the pay increases for Federal blue collar and certain other workers, limiting such increases to the same percentage as that for white-collar workers.

This is a money saving move the administration wants. Were it not for this provision, blue collar workers would receive pay increases at the local prevailing rates, which in turn would cost around $1 billion during this fiscal year.

I might say here, Mr. Chairman, we need to move as soon as possible to make appropriate modifications to the continuing resolution so as to bring blue and white collar 90-day-pay-raise delays on track with each other.

Also under the pay cap provision, the resolution eliminates the application of the cap for school teachers who teach overseas for the Department of Defense. Pursuant to the elimination of that provision, DOD teachers employed overseas will be eligible for pay raises along the lines of those granted to teachers in the United States.

The resolution also exempts Federal blue collar supervisors from pay raise limitations so as to bring that group more into line with their private sector counterparts.

The implementation of this provision began during fiscal year 1983, under section 107(f) of Public Law 97-377 which provided an exemption from the fiscal year 1983 pay limitation for blue collar supervisors. The administration contends that to include this provision, as we have done, will maintain the continuity of its 2 year phase-in plan for putting blue collar supervisors on a par with their private sector counterparts.

Also contained in the continuing resolution is a provision which places a ceiling on the standard level user charge for square footage rates for all Government space in 1984, to the 1982 SLUC rates plus 14 percent.

Under existing law, the General Services Administration charges Government tenants for Government occupied space, both commercial and Government-owned, at a rate comparable to rates charged by the private sector in the same area.

As I said in my remarks during consideration of the fiscal year 1984 Treasury bill on October 27, hopefully, the appropriate legislative committees will take a look at the user charge situation, and work on the development of some consistent method of assessing charges.

Mr. Chairman, at this point, I would like to express my strong concern over a matter I consider to be very important; that matter pertains to personnel levels at the Customs Service.

Twice this year, in two separate fiscal year 1984 markups, the Treasury/Postal Service Subcommittee has specifically taken action to restore some 2,000 positions to the Customs Service which were proposed for elimination by the Office of Management and Budget. The Senate has specifically stipulated that 1,600 of those 2,000 positions are to be restored.

It has been the position of both the House and Senate that the high level of drug smuggling and related crime in this country dictates the need for a strong law enforcement effort to stem the tide of illicit drugs coming into this country.

In addition to the crime problem, personnel reductions could slow down the processing of visitors into the United States, as well as reduce the efficiency of processing incoming and outgoing commerce.

Further, there is strong feeling that personnel reductions would be counterproductive to ongoing primary border inspection function consolidation efforts which the committee has strongly indicated it wants accomplished in the near future.

Mr. Chairman, I would like to close my remarks on the Treasury/Postal Service section by saying that we here in the Congress will need to pay special attention to special needs of certain of the agencies funded under the Treasury/Postal Service jurisdiction—specifically in the law enforcement and tax policy areas.

As such, we will need to give consideration to special requirements, and to initiatives by the other body.

Now, if I may, Mr. Chairman, during the debate on the rule, the majority leader, the gentleman from Texas (Mr. WRIGHT) took the floor of the House here, the well of the House, and he referred to me and to my distinguished chairman, the gentleman from Kentucky (Mr. NATCHER), that we had given our word to this tremendous amendment that he is going to offer later on today.

I asked the gentleman to yield, but there was no more time.

Now, let us look at the RECORD, page H7325 of September 22, 1983.

> Mr. WRIGHT. I yield to the gentleman from Massachusetts.
>
> Mr. CONTE. As the gentleman in the well knows, during the 2 days of discussions I have had with him on this package, I have always said I favor the Pell grants and would go for the higher figure for the Pell grants.
>
> Mr. WRIGHT. I thank the gentleman.

As Al Smith said, "Let us look at the record." The gentleman from Texas went on:

> Now may I ask this further question, that if I were to agree to reduce this figure by this amount, would I have the strong assurance, and would our membership have the strong assurance of the distinguished gentleman from Kentucky (Mr. NATCHER), who is such a friend of education, and the gentleman from Massachusetts (Mr. CONTE), who also is a friend of education, that in the continuing resolution we would move on the elementary and secondary education programs to the full amounts that have been made possible by the votes in the House in our authorizing legislation?

We would move on the elementary and secondary education programs.

Take a look at the gentleman's amendment here today. Half a billion dollars of that has nothing to do with elementary and secondary education.

If the gentleman from Kentucky gave him a pledge on that, which maybe he did, it was on elementary and secondary education.

Now, I have taken this well many, many times, and I said, you know, I do not have much to give this House. I have been here 25 years. The one thing that I have to give this House is my word.

There is no man in this House that is more honorable than the gentleman from Kentucky (Mr. NATCHER). I take his word. I take his word and bond. I take it in bond any day of the week and I stand before you, my peers, and you can take my word and bond; 25 years, I have never gone back on my word.

Now, you know those other people in the other end of the building, they have no discipline at all. If you think this is a Christmas tree, I say to the gentleman from Kentucky, CARL PERKINS, today, you wait. The limbs are going to fall down when they get through with it. You are not going to be able to put any ornaments on it.

Now, I do not care how many bottles of Chanel No. 5 you put on this thing, it stinks.

Pass a clean continuing resolution. Let us adjourn here and recess with the continuing resolution in the daytime, not in the wee hours.

Here is the gentleman from Texas. I yield to my good friend, the gentleman from Texas.

□ 1520

Mr. WRIGHT. I am a little out of breath, because I ran up a couple of flights of stairs.

I was in the office downstairs and heard the gentleman from Massachusetts (Mr. CONTE) suggest that I had brought into question the honor or the integrity of our mutual friend, Mr. NATCHER.

I had no intention of bringing into question the honor of my good friend, of the distinguished gentleman, and I hope that I have not.

I do call the gentleman's attention to the response to the question which he read. He read the question. He did not read the response.

It is the next line in the RECORD. After I asked if I were to agree to reduce the figure by this amount, would I have the strong assurance of the gentleman from Kentucky, and the gentleman from Massachusetts, that in the continuing resolution, that is what we have here today, we would move on the elementary and secondary education programs to the full amounts that have been made possible by the votes in the House in our authorizing legislation. The gentleman read that much.

The very next line, Mr. NATCHER said:

"You have my assurances, Mr. WRIGHT."

Mr. CONTE. I said that.

Mr. WRIGHT. Well, then Mr. NATCHER asked for more time to be granted and he elaborated on it.

He said, "I would like to assure the majority leader that he would have my support." And now that was not equivocal. I do not bring into question the honor or the integrity of my friend from Kentucky. All of us respect **Bill Natcher**. All of us respect **Sil Conte**, and maybe for reasons that they deem adequate, they have changed their minds. Mr. **Conte** tells me he did not understand that he was agreeing to put money into the continuing resolution. He thought he was agreeing to put more money into the supplemental appropriation. Maybe that is what he thought. That is not what I said.

The question was "continuing resolution."

That is what we have here today.

Now, if the gentleman from Massachusetts did honestly misunderstand, fine. If he thought we meant the supplemental appropriation, fine, but if that were the case, I wonder why the gentleman from Massachusetts did not move to put that money in the supplemental appropriation.

Mr. CONTE. I said in the full committee that I would have no objections of putting that money in the supplemental. I said leave the CR alone.

That amendment of course was dragged down here in the full committee by Mr. **Murtha**. He said he did it for you, and it was defeated by the full Committee on Appropriations.

I will go along with some of these things that you want in a supplemental. I do not think this is the proper vehicle. As Al Smith said, look at the Record, and the Record was, you asked a question of my good friend, Mr. **Natcher**, and you included me, but I never answered.

You read the Record. There is no answer from me there. You said elementary and secondary education programs. Do not lose your sight of those words. Elementary, secondary education, and here you have half a billion dollars in this $1 billion amendment that has nothing to do with elementary and secondary education.

I yield to my good friend, Mr. **Wright**.

Mr. WRIGHT. Well, the gentleman says on page 7331, Mr. **Conte**:

> I talked at great length to the majority leader, the gentleman from Texas (Mr. **Wright**) and I tried to reach some kind of compromise, because government is the art of compromise. All along, I tried to impress upon the majority leader that if we went just a little too far in this bill, we could get a veto.
>
> I just received a call from Mr. Stockman, who was very much upset about the adoption of the Wright amendment. It may be all right for you; you may have your political issue here, but I have been on this committee for 25 years.

Remember, I am quoting here from what Mr. **Conte** said.

He said, you will agree. I know my friend **Sil Conte**, that you and I did, as you recited here, attempt to reach a compromise, and that you had said to me, as my friend **Bill Natcher** had said to me, that you wanted to get this bill signed by the President.

It was at that point that I agreed to withhold consideration of these additional sums until the continuing resolution came up in order that you might get the President's signature. Does the gentleman recall it that same way now?

Mr. CONTE. Your package was $400 million, and I said that was too much.

Mr. WRIGHT. That was after I cut it down at **Bill Natcher**'s request.

It started out about $700 or $800 million.

Mr. CONTE. You came over and sat over here, and I said, "It is too much."

I said this would be vetoed if you put that in there. I asked unanimous consent for you to take $100 million, and it came out of the Pell grants with the assurance that I would work like the dickens to get that back in conference, and we did.

We got the $100 million back, so you got your package of $400 million, 300 here and 100 in conference.

Mr. WRIGHT. How much of that $300 million stayed in the conference?

Mr. CONTE. Quite a bit of it. I will have to look at our records, half.

Mr. WRIGHT. About half?

Mr. CONTE. About half, but the $100 million went out.

Mr. WRIGHT. About $150 million out of $1,600,000,000 that you were short of the amounts approved by the House in the authorization bill; $150 million of that $1,600,000,000 stayed in. That is fine. You got your signature. You got the President to sign it, and I congratulate you. I am glad you got that. It was a public service to get that done, but now I think it is not unfair for the House to come back and ask that the additional amounts which we think are necessary, if we are going to be first in education, should be appropriated.

Here is our only vehicle. You know the supplemental is a burial ground. It would not mean anything to put it in the supplemental. This is the way it has to go. It has to be signed.

Mr. CONTE. That is not so. We have had supplementals, and we had the President veto one, and I stood on this floor here and fought that veto, and we overrode that veto.

That is the place to go. Do not put the onus on these people being here Friday and Saturday, and you know that is going to happen.

Mr. WRIGHT. I appreciate the gentleman's good wishes. I accept them in the spirit in which they are offered.

Mr. CONTE. Somebody thought I got mad at you down here.

Mr. WRIGHT. You? Of course, not you.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. I invite the gentlemen participants in this colloquy to follow the rules and address the Chair and not each other.

Mr. CONTE. Thank you, Mr. Chairman.

Mr. Chairman, I yield to the gentleman from Kentucky (Mr. **Natcher**).

Mr. NATCHER. I thank the gentleman for yielding.

I want to call to the attention of my friend, Mr. **Wright**, the majority leader in the House, my statement that appears in the Congressional Record on page H7325.

Mr. **Conte**, as you well know, the majority leader has been reading from page H7326. Now, let us turn back one page and go to page H7325, the page just ahead of the one that he proceeds to read from, and let me read this paragraph to the Members in which I said:

"Let me say to the majority leader this:

"When you have a conference; when a conference is held between the House and the other body as far as the rehabilitation bill is concerned; when those figures are adjusted and the authorizations are increased, I intend, Mr. **Wright**, to offer the necessary amendments at the proper time and in the proper bills to increase these amounts," which I do; and I say that to the majority leader now.

Like the gentleman in the well, I believe that our greatest asset is our children. Now Mr. **Conte**, as you well know, that appears on the page ahead of the one that the majority leader has been reading today.

Our bill was signed into law by the President a week ago Monday. We exceeded the President's budget for discretionary programs by $4,030,000,000. The President signed that bill. Nowhere in that bill do we have three buildings that the Wright amendment would now provide for. That was not discussed in the colloquy that the majority leader refers to. One of those buildings is in Boston, one of them is in New Mexico, and the other one is in Miami. The amount of $43,300,000 for those three, Mr. **Conte**, violates the basic statute, and you know it. The Higher Education Act of 1965 provides that any college or any university in this country that wants to submit an application for construction assistance has a right to submit it.

An advisory goup of experts is supported to examine it. They examine it to determine whether or not it should be approved.

The Higher Education Act of 1965 provides that no more than 50 percent of the cost shall be appropriated by the Federal Government.

☐ 1530

Matching money is required to be paid by the university or the college. The law also provides, as my friend from Massachusetts (Mr. **Conte**), well knows, and so does the majority leader, that no more than 12½ percent of the entire money appropriated for these buildings shall be used in any one State.

I would say to the gentleman from Massachusetts (Mr. Conte), your memory is good. You remember in the conference with the other body on the regular bill they had a project in New Mexico, they had one in Boston, and they had one in Pennsylvania.

Pennsylvania now would drop out and Miami goes in this time.

On the other side, the chairman of the Senate subcommittee said, "Certainly I recede. I recede without question." He knew that it violated every law in the book. They are now back in here. This was not a part of any previous colloquy. I say to the gentleman from Massachusetts (Mr. Conte) and the majority leader, you cannot point to a word in the Congressional Record on September 22, 1983, regarding these buildings.

When you want to put the facts out on the table, why do you not put all of them out there to tell the Members in this House what you are doing.

I thank the gentleman.

Mr. WALKER. Will the gentleman yield?

Mr. CONTE. Briefly I yield.

Mr. WALKER. I thank the gentleman for yielding, because the majority leader has referred to the fact that he had all of these assurances with regard to the matters being brought to the attention of the House on that previous bill. But the assurances were based upon the fact that he was going to be willing to strike $100 million from his amendment.

When that motion to strike came, I objected and did not allow it to be struck. And later on, the money was struck, but it was struck upon the provision that there were no deals incumbent upon that. And so any of the assurances that were made previous in the Record were wiped out by the fact that there was an assurance made to me when I allowed the money to be struck that we were not doing it with any deals having been made.

So the fact is that if the additional money is being brought forward on the pretense that somehow there was a previous deal struck in the House among the members of the Appropriations Committee and the majority leader, that was ruled invalid by the fact that I objected to the motion on which the gentleman had predicated his $100 million.

Mr. CONTE. I thank the gentleman.

Mr. WRIGHT. Would the distinguished gentleman from Massachusetts yield?

Mr. CONTE. I will be glad to yield.

Mr. WRIGHT. And I promise that I shall not belabor this point further. But the distinguished gentleman from Pennsylvania (Mr. Walker) raises a point about the manner in which and the understanding by which that money was removed from the amendment that I earlier had offered.

I simply call his attention and that of the House, and then I promise I am not going to talk any more about this because the amendment needs to be considered on its merits, and if it will not rise or fall on its merits it does not deserve to rise or fall, to understand that what I have said is exactly correct, because again at the bottom of page H7326 I say:

> Mr. Wright. Mr. Chairman, given the understandings and assurances that we have received from the two leaders of this important appropriations subcommittee, I ask unanimous consent that on page 42, line 11, the figure proposed in my amendment be changed from $3,913,000,000 so as to read instead $3,813,000,000.

And so on.

So it was. I am not even going to talk about it any more. I just simply wanted to say, and I will stipulate that the gentleman from Pennsylvania was not a party to any agreement that I may have made.

I will even stipulate that the gentleman from Massachusetts did not by his own intention become a party to agreeing to put it in the continuing resolution. He thought he was talking about the supplemental.

I referred to the continuing resolution repeatedly throughout the colloquy and that was my understanding, and that is what is in the Record.

I release these gentlemen from any agreement they may or may not have made. I am not asking them to vote for this, nor anyone else to vote for my amendment on the basis that someone had promised me that it would be considered. It is already before the House. Under this rule it is going to be considered.

I am satisfied.

I just want the House to have the opportunity to work its will. That is all. And that right has been granted or will be granted when this amendment is presented. That is all I ask for. That is what has been granted. I am satisfied:

If a majority vote for it, I earnestly implore those who are on the conference committee then to fight for it and to keep it in the bill. If a majority reject it, I shall accept that as the verdict of the House.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend from Iowa.

Mr. SMITH of Iowa. I think something has been overlooked here. They were talking that day about a continuing resolution. This is not the continuing resolution. That continuing resolution was passed here about 5 weeks ago and that continuing resolution was loaded down in the committee with several amendments. The leadership then referred it to the Foreign Affairs Committee and it has not been seen since.

Mr. CONTE. The gentleman from Iowa is absolutely right.

That continuing resolution that the gentleman from Texas (Mr. Wright), was speaking of was passed and is expiring on November 10. This is another continuing resolution. That one was loaded, that one was loaded down. I will tell you: that one was loaded down. The largest Mack truck in the United States would have busted right down to the ground, the springs would have busted.

We came out then, the chairman came out and moved around the corner and brought a clean continuing resolution.

Mr. WRIGHT. Will the gentleman yield?

Mr. CONTE. Before I yield, I want the Record to be explicitly clear.

Everyone take the Record out for September 22, page 7326, and read that Record. It is absolutely clear. The majority leader spoke about elementary and secondary education.

Now look at his list. This is half a billion dollars of other things in there that have nothing at all to do with secondary and elementary education. And I will tell you, I do not want to bring those schools up, Mr. Chairman. I did not want to bring the schools up and that pains me because I favor part of that package.

But, let me tell you some of the other people sitting here are elected by a half a million people. They must feel shortchanged here today. They did not have somebody in power, in a seat of power, to get them a school.

Mr. WRIGHT. Would my dear friend yield?

Mr. CONTE. Sure I yield.

Mr. WRIGHT. I really said awhile ago we were not going to talk any more about what was said on September 22. But the gentleman is not correct when he says that all we were talking about was elementary and secondary education.

Refer if you will to page 7324. I made reference in the last column, second paragraph from the top, to Pell grants. In the next paragraph I made reference to the Head Start program. In the next paragraph I made reference to the Job Corps program. In the next paragraph I made reference to the SSIG.

Down here where Mr. Natcher is responding, he is responding to the Job Training Partnership Act, and the middle paragraph on the next page, page 7325, and the final paragraph.

So we were talking about all of these things. We were not just talking about elementary and secondary education, although that is important and probably the most important thing in the law.

Mr. CONTE. I do not want to prolong this but here again it is very explicit. This is Mr. Wright talking. He talks about Bill Natcher, Sil Conte, friends of education, and he said that in the continuing resolution we move on the elementary and secondary education programs to the full amounts that have been made possible by the votes in the House in our authorizing legislation.

He is explicit. He is clear. He is talking about that. But that is water over the dam.

Even that is wrong, to put those in the continuing resolution here today. You are going to get a veto and I am going to be on this floor at 2 o'clock, 3 o'clock in the morning with a new continuing resolution, with the chairman from Mississippi, when I could be up in the beautiful Berkshires doing a little upland hunting with my dog and enjoying myself and relaxing rather than doing this futile thing here today.

□ 1540

This is silly. You are going to win the skirmish and lose the battle. For what? To win a political battle?

Some of these things are meritorious, and I would like to help you, and I would help you in a supplemental, but not in a continuing resolution.

Mr. NATCHER. Mr. Chairman, will the gentleman yield to me?

Mr. CONTE. I yield to the gentleman from Kentucky (Mr. Natcher).

Mr. NATCHER. Mr. Chairman I would just like to say this and I am going to be brief. I appreciate the gentleman yielding to me.

In our bill for fiscal year 1984 we exceeded the President's budget for discretionary education programs by $1,887,000,000. Last year, as the gentleman in the well knows, the total appropriation for education was approximately $10.2 billion in the President's budget request. We carried it up to $14 billion.

Mr. Chairman, the gentleman in the well, Mr. Conte, every Member on his side on the subcommittee and every Member on this side is for education. Education has no better friends in the Congress than the Members that serve on this subcommittee.

And when anyone comes in here, Mr. Conte, it makes no difference whether it is the majority leader or who it is, and talks about education and what we have done, he ought to just take a look at the Record.

I thank the gentleman (Mr. Conte).

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Pennsylvania (Mr. Walker).

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

I just wanted to point out that the gentleman from Texas was once again being selective in what he read from the Record. He read to the point at which he culminated the deal on the floor but then did not read the next sentence where there was a reservation of objection raised, precisely because what he was doing was cutting the deal. That is the point that I made earlier, because that deal was objected to at that point.

I think that to come back to the floor based upon that particular deal is not what the Record would reflect.

I thank the gentleman for yielding.

Mr. CONTE. Thank you.

The CHAIRMAN. All time of the gentleman from Massachusetts (Mr. Conte) has expired.

The Chair recognizes the gentleman from Mississippi (Mr. Whitten).

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. Glickman).

Mr. GLICKMAN. Mr. Chairman, I rise in great trepidation at getting involved in this debate.

Rarely speaking on appropriations issued and not wanting to venture myself into the intramural problems which are existing here and hoping that we are all acting in good faith, which I believe that we are, in trying to get to the substance of the Wright amendment for the moment which I think the people of this country would like us to do rather than skirt the issue and engage in name-calling; and I would just like to say as one Member who has supported most of these programs, some are higher education, some are elementary and secondary education, some low-income energy assistance, I have to tell you that I come down here today having serious reservations about adding this additional money to the bill right now.

As a Democrat, I think the amendment puts a lot of us between a rock and a hard place because we do support to component parts of the amendment. I do not think there is any Member in this body that is as strong a voice for education as the gentleman from Texas, the majority leader. But I would have to tell you as one Member, I look at the situation in this country now with respect to the massive deficit with a great deal of concern.

On the Senate side, we are pulling teeth to get Mr. Dole and Mr. Domenici and others to try to come up with a tax increase package to try to reduce this deficit.

Now, I just worry that if we add $1 billion, at least at this stage for these programs, and these are all very good programs, I would like to fund them all and probably will fund most of them if they come back on a supplemental, but at a time that the Senate is trying to put together a tax increase and we are trying to put together a tax increase package, that this is not a time for us to come to the floor of this House and ask to spend $1 billion more. I say to my colleagues I do not think it is.

I think that if we had this $1 billion, whether the President signs it or not, and I am not sure he is going to sign it, it will make it very difficult to then go out to the American people and try to tell them that we believe we are serious about cutting the deficit.

So as one Member, I am saying these are awful tough programs for me to argue against: higher education, elementary and secondary education, adult education, education of immigrant children.

But I would point out to my colleagues that the fiscal year 1984 appropriations bill that Mr. Natcher brought us, all had increases over the fiscal year 1983 bill for most of the programs contained therein. So we are not talking about any cuts at all under the 1984 appropriations bill for most of these programs.

I say we have to hold the line; when we have to hold the line because of $200 billion deficits, should we not start holding the lines on those programs that are perhaps most politically difficult for us to hold the line on in order for us to have the kind of credibility?

So I can say to you that I am not only for holding the line on defense programs whether it is the MX missile or the M-1 tank, but I am also talking and holding the line, or merely freezing, on the kinds of domestic programs that my constituents like, and which are so important to this country.

So, very reluctantly and with great trepidation coming down and challenging folks in a battle that I have no interest in being involved in at all, I would urge that we try to keep to the basic provisions of the bill and not support the add-ons.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. Mitchell).

Mr. MITCHELL. Mr. Chairman, I, too, sat through this debate and it got almost venomous at times, and at times it was almost hilarious.

But while I sat there, what I had in mind was whether or not the programs contained in the Wright-Perkins amendment are needed. That is the issue, not who cut what deal, not who said what, but whether the moneys for these programs are properly spent, because the programs are needed?

I commend the chairman of the committee, and my buddy, Mr. Conte, also, for all they did in adding on in the appropriations process.

On the other hand, there was an understanding among certain Members of the House that the budget ceilings would be the prevailing spending limit that we would work on.

I do not like the budget process any more, but if I thought that these amendments would exceed the limitations imposed by the budget process, as much as I want these programs I would vote against the Wright-Perkins amendment.

But they do not, they do not exceed. They are within the limitations of the budget.

I would like to suggest to you that in terms of deficits and all the other things that we talk about, this country has some very, very serious problems that we need to address.

How many people are homeless in your district? I have homeless people in my district, and they are also in New York, Chicago, Cleveland. We need the money.

We are not at all sure that we are going to get it on a supplemental appropriation.

I would suggest to you that you go back just a few months and read one of the national publications that spoke about the growing illiteracy in America, people cannot get a job because they are too illiterate to even write out the application.

I would respectfully suggest that based upon that we ought to support the Wright-Perkins amendment. Let us not bring it to a question of personalities; let us not bring it down to a question of prestige; let us bring it down to a question of need.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding.

I agree with the gentleman's statement. The money, for instance, for that homeless program which has been brought up runs out on the 31st of December. So we are not going to have any more money to help shelter people in many parts of this country, at least to help in that particular vein.

I think Congress ought to do something.

The CHAIRMAN pro tempore (Mr. KAZEN). The time of the gentleman (Mr. MITCHELL) has expired.

Mr. WHITTEN. Mr. Chairman, I yield 1 additional minute to the gentleman from Maryland (Mr. MITCHELL).

Mr. VENTO. Mr. Chairman, will the gentleman from Maryland continue to yield?

Mr. MITCHELL. I yield to the gentleman further.

□ 1550

Mr. VENTO. Is it so highly unusual for the Appropriations Committee to place projects in appropriation legislation that are not authorized and approved and certainly that is a concern and I am glad to hear it stated today. I hope that that particular policy remains consistent.

But I do think as one looks over the subject of this amendment, we ought to argue it on the merits.

I want to commend the gentleman for his statement. I agree thoroughly with it.

Mr. MITCHELL. I thank the gentleman for his.

Let me conclude very quickly by saying, whatever else you consider when you consider this continuing resolution, consider it against need. Congressman NATCHER, I have such an enormous respect for you, and I know what you have done. I know what you would like to do. You would like to have done more. I honestly believe, and I am not a member of the committee, I honestly believe that you are not going to get a chance to do the more that you want to do unless we do it under this continuing resolution.

SIL CONTE, you and I joke all the time. Good friends. I have come to you personally to ask you to intercede on my behalf of programs before the committee.

The CHAIRMAN pro tempore (Mr. KAZEN). The time of the gentleman from Maryland (Mr. MITCHELL) has expired.

Mr. WHITTEN. Mr. Chairman, I yield 1 additional minute to the gentleman from Maryland.

Mr. MITCHELL. I want to thank you because each time I brought to you a matter, you acted with integrity.

But the point is I know that you would want to do more and I do not think we can get caught up in the issues of a supplemental or something else. I think you are right. In order to meet the need we have got to use the vehicle that is at hand and the vehicle is the continuing resolution. I wish it were not that way. I wish that it was not. But since it is the only vehicle available to us, I would urge the support for the Wright-Perkins amendment.

I thank the gentleman for his kindness in yielding me the time.

Mr. LIVINGSTON. Mr. Chairman, while House Joint Resolution 403 as presently drafted continues to fund activities authorized by title XV of the Public Health Service Act, I suggest that House Joint Resolution 403 does not authorize increases beyond 1983 levels for any existing health system agencies (HSA's) funded under section 1516, title XV, of the Public Health Service Act.

Furthermore, I suggest that it is the intent of House Joint Resolution 403, when in circumstances where an individual State exercises its option authorized by section 1536 of Public Law 97-35, that moneys previously used by local health system agencies would revert back to the Treasury or be held in reserve for future awards to States.

Finally it is not the intent of House Joint Resolution 403 to authorize grants for operations for health planning activities established under title XV of the Public Health Service Act beyond the life of this joint resolution?

Mr. Chairman, I raise these concerns because of actions being taken by the Department of Health and Human Services which are not in the best interest of States and only serve to increase Federal funding for local health planning agencies that have yet to prove their effectiveness.

As Members will recall, the current Federal health planning program has been operating without an authorization since fiscal year 1982. We have continued to fund local health systems agencies (HSA's)—section 1516, title XV of the Public Health Service Act—through the continuing resolution process. State health planning activities—section 1525, title XV of the Public Health Service Act—are also funded through the continuing resolution process. Funding provided under the fiscal year 1983 continuing resolution for local planning activities for HSA's was $37.7 million and State planning offices received $19.2 million. The continuing resolution before us today would continue that amount of funding up to February 29.

The purpose of this statement is to begin to address a situation which has already developed regarding funding disparities between local and State health planning activities.

Provisions of Public Law 97-35, the Omnibus Reconciliation Act, allowed States—who chose to do so—to consolidate and close their local health planning offices (HSA's) and centralize all health planning activities in one State office. Those States that decided to exercise this option (section 1536, Public Law 97-35) would no longer receive funds for local HSA's, but would continue to receive a Federal payment for State planning offices.

The moneys once available to these States for local HSA's are returned to the Department of Health and Human Services. However, what happens to these funds after HHS gets them is of concern to me.

Since fiscal year 1982, HHS has not redistributed these returned funds to the Treasury or the 50 and more State and territorial State health planning offices. Instead, HHS has redistributed all of these returned funds to those remaining local HSA's which still operate in some States.

By providing these additional funds to an ever dwindling number of local HSA's, the Health and Human Services Department has actually increased each of the remaining HSA's funding base beyond what was originally intended in the fiscal year 1983 continuing resolution.

In other words, despite the fact that fewer local HSA's exist nationwide, we in Congress and HHS are still providing, through the continuing resolution process, the same amount of total funding for local health planning activities (HSA's). Meanwhile, funding for State planning offices continues to remain the same even though their number has remained constant. The following is a list of those States who only operate a State health planning office and have not benefitted at all from the estimated $17 to $19 million returned to HHS:

Rhode Island, Hawaii, American Samoa, Guam, Trust Territories, Virgin Islands, District of Columbia, Northern Marianas, Puerto Rico, Alabama, Mississippi (has applied), Missouri, Nebraska, Ohio, Florida, Louisiana, Indiana, Kentucky, Maine, South Dakota, and Texas.

It is my contention that it is not the intent of this continuing resolution or any continuing resolution to condone these back-door increases in funding for only local HSA's. Moneys returned to HHS should either be returned to the Treasury or also redistributed among the State planning offices. Or, at the very least, HHS should hold any returned funds in reserve until authorization legislation is passed by Congress clarifying this issue.

I might add that because HHS present policy is to redistribute returned funds only to local HSA's, these HSA's and their supporters have effectively thwarted any attempts by the House or the Senate to move ahead with an authorization bill for health planning.

● Mr. FRENZEL. Mr. Chairman, consideration of the continuing resolution is always a low point in Congress budgetary respectability.

Programs which would not be funded through the regular appropriating process can obtain funding through the continuing resolution process. It is an easy vehicle for providing money for questionable programs.

Continuing resolutions prevent any chance of budgetary restraint. They sidestep the budget process and the normal legislation process. They discount the value of budget work and normal appropriations work done throughout the year. When the budget resolutions are as excessive as is the fiscal year 1984 budget, funding through continuing resolutions is even worse.

House Joint Resolution 403 is a particularly bad continuing resolution because the rule for its consideration provides for five add-on amendments. The amendment process today provides a carnival for budget add-ons which are not affordable and are not sufficiently considered. It would be a nice play if we were not spending real taxpayers' dollars.

The majority leader has a blatantly irresponsible amendment to today's bill. He and his friends lambast the administration for the enormous deficits, yet they add another $1 billion for programs that have a good sound to some constituencies but are already well funded. The amendment unfortunately places concerns of the American constituency at large at great risk.

His amendment would reverse much of the progress which was made in the 1981 reconciliation and appears to be designed primarily to embarass the President.

Continuing resolutions are bad enough when they are clean. This dirty one deserves to fail. Our deficit is bad enough already.●

● Mr. FISH. Mr. Chairman, I voted today against the rule on the continuing resolution, along with my colleague from New York, BEN GILMAN, because we wished to offer an amendment to House Joint Resolution 403. The modified closed rule prevented us from doing so.

Mr. Chairman, there are 19 small cities throughout the United States which have been adversely affected by losing their designation as a "central city" for purposes of entitlement funding under the Department of Housing and Urban Development's small cities community development program. One of these cities is in my congressional district, and one is in Congressman GILMAN's district.

Loss of central city status would be devastating to our cities, Newburgh and Middletown. There is no doubt that these cities need these entitlement funds, nor that they serve a large population of low- and moderate-income people. Although the HUD appropriations provides funding in fiscal year 1984 for these cities, they will no longer be eligible in fiscal year 1985 without further action by the Congress. H.R. 1 provides that a central city would maintain its entitlement status if at least 75 percent of its community development block grant funds were used to directly benefit low- or moderate-income people. However, H.R. 1 is still in conference, and the grandfathering provisions of the House and Senate housing and community development bills differ in terms of the length of time during which the central cities would maintain their entitlement.

Mr. Chairman, these cities are clearly in need of these community development funds. Mr. GILMAN and I do not believe it was the intent of the Congress to penalize municipalities which fall below arbitrary criteria. At a recent meeting on this matter, OMB was asked to revise its criteria and definitions for central cities, and the Census Bureau promised to consider updated figures on population and commutation.

In the interim, we believe that our cities should continue to be funded as they have prior to the 1980 census until these issues are resolved. Our amendment would have read as follows:

> Notwithstanding any other provision of law, any unit of general local government qualifying as a metropolitan city described in section 102(a)(4)(A) of the Housing and Community Development Act of 1974 for purposes of assistance under section 106 of such Act for fiscal year 1983 shall qualify as such a city for purposes of such assistance for each succeeding fiscal year, unless such unit of general local government is determined to not qualify as such a city on the basis of data obtained in a census conducted after the date of the enactment of this Act under section 141 of Title 13, United States Code.

Mr. Chairman, the other cities affected by the elimination of entitlement funds for central cities are:

Cape Coral and Cocoa, Fla.

West Lafayette, Ind.

Muskegon Heights, Norton Shores, and Portage, Mich.

Moss Point, Miss.

Asbury Park, Long Branch, and Sayresville, N.J.

Concord and Salisbury, N.C.

San Benito, Orange, and Pharr, Tex.

Colonial Heights and Hopewell, Va.

I urge my colleagues from these cities to support our amendment, which we will offer to the supplemental appropriation or which will be offered as part of the conference report on H.R. 1 in the Senate.●

● Mr. GILMAN. Mr. Chairman, at the time the House considered the rule to the continuing resolution, I voted against the rule, because the Congressman from New York (Mr. FISH) and I had intended to offer an amendment to House Joint Resolution 403. Unfortunately, the modified closed rule reported by the Rules Committee prevented us from doing so.

As my colleague from New York stated, there are 19 cities that have lost their designation as "central cities." These communities will lose much needed HUD small cities community development funds because of arbitrary eligibility criteria. Because the continuing resolution provides no mechanism for us to consider the problem being experienced by the cities or Middletown and Newburgh, as well as the 17 other municipalities, we intend to offer an amendment to the supplemental appropriations bill. At that time, we intend to solicit the support of the membership of this body in correcting the misdesignation of these cities and urge your support at that time.

We have been working with the Senate on this matter, and hope that H.R. 1, the housing authorization bill, will be a viable vehicle for arresting this problem. However, Mr. Chairman, regardless of which measure contains our amendment, I urge my colleagues to assist us with this amendment, and to support its adoption.●

● Mr. BIAGGI. Mr. Chairman, I rise as a senior member of the House Education and Labor Committee in support of the pending amendment which would increase appropriations for key education programs by $1.3 billion.

Mr. Chairman, I join with my colleagues in support of this measure based upon my longstanding commitment to the fundamental principles of educational equity for all citizens, especially those which need the very programs which we are providing for in this amendment.

Specifically, the Wright-Perkins amendment reaffirms the will of the House on September 13, 1983, to provide for increases in all of these programs as part of the reauthorization of the Vocational Rehabilitation Act, H.R. 3520.

This restorative action was necessitated by massive reductions in all of these programs as part of the 1981 Omnibus Reconciliation Act. In a word, these cuts in education, job training, and social service programs were ill conceived and unfounded. They cut out the very heart of programs which provide a floor of support—a life-sustaining system—for our neediest citizens.

This amendment provides the following increases above the fiscal year 1984 appropriations bill: $3.645 billion for chapter I, an increase of $165 million; $812.8 million for vocational education, an increase of $81.4 million; $112 million for adult education, an increase of $12 million; $382.3 million for the community services block grant, an increase of $30 million; $2,070 million for the low-income energy assistance program, an increase of $195 million; $1,357.4 billion, an increase of $143 million for education of the handicapped; $1,037.8 billion for vocational rehabilitation, an increase of $43.9 million; $145 million for the education of alien children, not provided in the fiscal year 1984 appropriations bill; $67.8 million for college construction, an increase of $43.3 million; $570 million for college work study, an increase of $20 million; $380 million for supplemental educational opportunity grants, an increase of $10 million; $347 million for community health centers, an increase of $10 million; $28 million for the National Technical Institute for the Deaf in Rochester, N.Y., an increase of $1.7 million; an increase of $75.4 million for job training activities; an increase of $2 million for Gallaudet College to $54 million; and $10 million for shelter for the homeless.

Mr. Chairman, I believe the amendment offered by Chairman PERKINS also addresses, in a bipartisan fashion, the Child Nutrition Amendment of 1983, H.R. 4091, which passed the House on October 25. As an original cosponsor of this measure, I am strongly supportive of its provisions which increase funds for child nutrition programs by $150 million, consistent with the levels set forth in the first concurrent budget resolution. This amendment will restore assistance to the hard-hit "working poor" which have been forced to pay increased amount for these nutrition programs which has resulted in dropout rates from the program at unacceptably high levels and cut programs by 50 percent.

The Wright-Perkins amendment is essential if we are to forestall the inaction by the Senate on the vocational rehabilitation bill. My own city of New York has been especially hard hit by these budget cuts. While I supported the fiscal year 1984 Labor-HHS appropriations bill which provided modest increases in some of these programs, these levels did not fully address the will of Congress which expressly provided for greater increases in the budget resolution.

The Congress and the public have both spoken on the need to provide adequate funding for education programs. At a time when national priorities must focus upon a citizenry that is prepared for the challenges of the next century, Congress must act to honor these priorities. I believe that this action takes that step and I urge my colleagues to join me in support of this amendment.●

Mr. WHITTEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore. All time has expired.

Pursuant to House Resolution 362, the joint resolution is considered as having been read for amendment under the 5-minute rule.

The text of House Joint Resolution 403 is as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102(c) of the joint resolution of October 1, 1983 (Public Law 98-107), is hereby amended by striking out "November 10, 1983" and inserting in lieu thereof "February 29, 1984".

The CHAIRMAN. No amendments are in order except the following amendments printed in the CONGRESSIONAL RECORD of November 7, 1983, by, and if offered by, the Member or Members designated. Debate on each amendment shall be equally divided and controlled by the proponent and a Member opposed thereto, as specified below, and said amendments shall not be subject to amendment except as specified:

First, the amendment by Representative WRIGHT, which shall be debatable for not to exceed 1 hour;

Second, the amendment by Representative PERKINS or Representative HALL of Ohio to the amendment by Representative WRIGHT, which shall be debatable for not to exceed 30 minutes;

Third, the amendment by Representative BOLAND which shall be debatable for not to exceed 30 minutes;

Fourth, the amendment by Representative LONG of Maryland, which shall be debatable for not to exceed 30 minutes; and

Fifth, the amendment by Representative ZABLOCKI to the amendment by Representative LONG, which shall be debatable not to exceed 30 minutes.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LONG of Maryland: At the end of H.J. Res. 403 insert the following new section:

SEC. 2. Sec. 101(e) of such joint resolution is amended by striking out "*Provided,* That" and all that follows through the end of said paragraph and inserting in lieu thereof the following: ":*Provided,* That notwithstanding any other provision of this joint resolution except section 106, or the provisions of this paragraph making amounts available or otherwise providing for levels of program authority, the following amounts only shall be available and the following levels of authority only shall be provided for the following accounts or under the following headings: $127,380,983 for payment to the "Inter-American Development Bank" and not to exceed $806,464,582 in callable capital subscriptions; $79,720,549 for payment to the "International Bank for Reconstruction and Development", to remain available until expended, and not to exceed $983,220,105 in callable capital subscriptions; $61,604,261 for payment to the "Asian Development Bank", to remain available until expended, and not to exceed $251,377,943 in callable capital subscriptions; $314,164,000 for "International Organizations and Programs", including the provisions of section 103(g) of the Foreign Assistance Act of 1961 except that $160,000,000 shall be available only for the United Nations Development Program and $52,500,000 only for United Nations Children's Fund; $725,213,000 for "Agriculture, rural development and nutrition, Development Assistance", of which $5,100,000 shall be available only for Botswana; $244,600,000 for "Population, Development Assistance"; $100,656,000 for "Health, Development Assistance"; $121,477,000 for "Education and human resources development, Development Assistance", of which $4,000,000 shall be available only for scholarships for South African students in accordance with the last sentence of section 105(a) of the Foreign Assistance Act of 1961, and $4,900,000 shall be available only for Botswana; $150,000,000 for "Energy and selected development activities, Development Assistance", and not to exceed $20,000,000 of the funds appropriated to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for obligation until September 30, 1985 for the Private Sector Revolving fund, except that amounts hereafter deobligated from the Private Sector Revolving Fund are hereby continued available for reobligation for the purposes of such fund; $30,000,000 for "American schools and hospitals abroad"; $103,000,000 for "Sahel development program"; $36,537,000 for "Payment to the Foreign Service Retirement and Disability Fund"; $1,100,000 in foreign currencies for

"Overseas training and special development activities (foreign currency program)"; $2,894,000,000 for the "Economic support fund", of which not less than $910,000,000 shall be available for Israel, $750,000,000 for Egypt, $40,000,000 for Portugal; $353,066,500 for "Operating Expenses of the Agency for International Development"; $10,500,000 for "Trade and development"; $116,000,000 for the "Peace Corps"; $41,200,000 for "International Narcotics Control"; $3,000,000 for the "African Development Foundation"; $14,000,000 for the "Inter-American Foundation"; $323,000,000 for "Migration and Refugee Assistance"; $420,400,000 to carry out the provisions of section 503 of the Foreign Assistance Act, of which $60,000,000 shall be available only for Portugal and not more than $33,500,000 shall be available for El Salvador; $46,000,000 for "International Military Education and Training"; $1,315,000,000 for necessary expenses to carry out sections 23 and 24 of the Arms Export Control Act, of which not less than $850,000,000 shall be allocated to Israel ($1,700,000,000 of the amount provided for the total aggregate credit sale ceiling during the current fiscal year shall be allocated only to Israel), and not less than $465,000,000 shall be allocated to Egypt; $4,446,500,000 of contingent liability for total commitments to guarantee loans under "Foreign Military Credit", of which $45,000,000 shall be available only for Portugal and $900,000,000 only for Egypt and not more than $30,000,000 for El Salvador; and not to exceed $3,865,000,000 of gross obligations for the principal amount of direct loans and $9,500,000,000 of total commitments to guarantee loans and $16,007,000 for administrative expenses under "Export-Import Bank of the United States"; *Provided further*, That such terms and conditions shall be applied without regard to the earmarkings, ceilings, or transfer of funds contained in such acts except that all terms and conditions of Title V of P.L. 97-121 shall apply: *Provided further*, That the amounts made available as loans to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 shall remain available for obligation until September 30, 1985, and that 50 percent of the amount made available for "International disaster assistance" shall remain available for obligation until expended: *Provided further*, That no funds in this paragraph shall be available for Guatemala except for economic development projects through private voluntary organizations: *Provided further*, That none of the funds appropriated by this resolution may be used to eliminate the Minority Resource Center as a separate and distinct entity within the Agency for International Development, including implementation of a consolidation of the Minority Resource Center within the Office of Small and Disadvantaged Business Utilization under section 133(c)(8) of the International Development and Food Assistance Act of 1977: *Provided further*, That not less than 10 percent of the aggregate of the funds appropriated by this resolution to carry out chapter 1 of part 1 of the Foreign Assistance Act of 1961 shall be made available for activities of economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically Black colleges and universities, and private and voluntary organizations which are controlled by individuals who are Black Americans, Hispanic Americans, or Native Americans, or who are economically and socially disadvantaged (within the meaning of section 133 (c)(5) (B) and (C) of the International Development and Food Assistance Act of 1977). For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women; *Provided further*, That of the funds and authorities provided directly pursuant to this Act for military assistance programs for El Salvador, 30 percent shall be set aside and may not be expended until: (a) Salvadoran authorities have substantially concluded all investigative actions in the case of the National Guardsmen charged with murder in the deaths of the four United States churchwomen in December, 1980 that were set forth in communications from the State Department, including letters dated July 8 and September 23, 1983, and (b) Salvadoran authorities have brought the accused to trial and have obtained a verdict: *Provided further*, That 10 percent of the funds provided in this bill for military assistance programs for El Salvador shall be set aside and may not be expended until the President has determined and certified that the Government of El Salvador has not taken any action which would modify, alter, suspend, or terminate phase I or III of the land reform program promulgated under Decree 154 (dated March 5, 1980) or Decree 207 (dated April 28, 1980) in a manner detrimental to the rights of the beneficiaries or the potential beneficiaries under those decrees, and that the Government of El Salvador continues to make documented progress on implementing the land reform program (the cumulative total of funds set aside shall not exceed 30 percent): *Provided further*, That none of the funds heretofore appropriated or otherwise made available for Syria for the purposes of carrying out the provisons of Chapter 4 of part II shall be expended after the cessation by Syria of the cease-fire in Lebanon. (a) The Administrator of the Agency for International Development is directed, in accordance with the preceding sentence, to terminate the economic assistance program to Syria and to deobligate all funds heretofore obligated for assistance to Syria, except that such funds may continue to be available to finance the training program begun before enactment of this Resolution. (b) The Administrator of the Agency for International Development is authorized to adopt as a contract of the United States Government, and assume any liabilities arising thereunder (in whole or in part), any contract with a United States or third-country contractor which had been funded by the Agency for International Development prior to the date of enactment of this Resolution. Amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made pursuant to chapter 4 of part II of the Foreign Assistance Act (and predecessor legislation) for Syria are hereby continued available until expended to meet necessary expenses arising from the termination under this section of assistance programs for Syria authorized by such chapter: *Provided further*, That of the total aggregate credit sale ceiling made available to Israel up to $300,000,000 may be made available for research and development activities in the United States for defense articles to be produced in the United States for the Lavi program and up to $250,000,000 may be made available for the procurement of defense articles and defense services in Israel: *Provided further*, That none of the funds appropriated or otherwise made available to the Agency for International Development shall be used to fund projects or programs where comparable American private enterprise funding is available: *Provided further*, That the Secretary of the Treasury and the Secretary of State are directed to submit to the Committee on Foreign Affairs and the Committee on Appropriations, by February 1, 1984, a report on the domestic economic policies of those nations receiving economic assistance, either directly or indirectly from the United States including, where appropriate, an analysis of the foreign assistance programs conducted by these recipient nations: *Provided further*, That reprograming notices shall be transmitted as required under the provisions of section 523 of Public Law 97-121.

Mr. LONG of Maryland (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 362, the gentleman from Maryland (Mr. Long) will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Is any Member opposed to the amendment?

Mr. SOLOMON. I am, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from New York (Mr. Solomon) will be recognized for 15 minutes.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Chairman, when the Chair was reading the rule, the Chair read the amendment by Representative Boland.

Is that amendment still going to be considered, or is that amendment now out of order because of an objection that took place earlier?

The CHAIRMAN pro tempore. The Chair would advise the gentleman that the amendment was not printed in the Record so it is not in order at this time.

Mr. SOLOMON. And the amendment will not be offered or be debated then?

The CHAIRMAN pro tempore. Unanimous consent was denied in the House.

Mr. SOLOMON. I thank the Chairman.

Mr. LONG of Maryland. Mr. Chairman, I am offering this amendment, printed in the November 7 Record, on H9300, on behalf of myself and the gentleman from New York (Mr. Kemp), the ranking minority member of the Subcommittee on Foreign Operations, and on behalf of most of the members of the subcommittee, on both sides of the aisle.

The amendment represents a true compromise. The overall total is $11,297,105,971, slightly below the 302(b) allocation and $340.3 million below the Presidential budget request.

It therefore conforms to the Budget Act.

Compared to the existing continuing resolution, the Long-Kemp amendment would provide the following:

For Israel, a total increase of $425 million in budget authority, composed of an increase of $300 million in FMS forgiven loans and an increase of $125 million in economic supporting assistance.

AID, economic development assistance, an increase of $81.5 million, which is designed to increase efforts in such fields as agriculture, education development, and population programs.

Foreign military credit sales, the level will provide for full funding of key military assistance programs of Israel, Egypt, Portugal, Turkey, Greece, Korea, the Philippines, and Pakistan in the national security interests of the United States.

Export-Import Bank, an increase of $35 million in direct loans and $500 million in guaranteed loans.

Increases for such programs as American schools and hospitals abroad, international narcotics, U.N. development program, U.N. Children's Fund, and the Peace Corps.

The Long-Kemp amendment also would provide for the deobligation of funds which had been previously appropriated to Syria if Syria breaks the ceasefire in Lebanon. And language which establishes a 10-percent set-aside of AID funds for minority enterprises.

For El Salvador, the Long-Kemp amendment would establish a ceiling of $64.8 million for military assistance programs for El Salvador, compared to the $86.3 million budget request. And sets aside 30 percent of the military assistance funds for El Salvador until the persons accused of the murders of the church women have been brought to trial and a verdict obtained.

Also sets aside 10 percent of the military assistance fund for El Salvador until the President certifies that the land reform program is continuing.

Mr. Chairman, I am pleased to offer this amendment on behalf of myself, Mr. Kemp, Mr. Yates, Mr. McHugh, Mr. Wilson, and other members of the subcommittee.

The Long-Kemp amendment does represent a reasonable compromise. And I repeat, the Long-Kemp amendment is below the 302(b) allocation and more than $300 million below the Presidential budget request. It represents conservative funding and I urge its adoption.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Washington.

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Mr. DICKS. Mr. Chairman, I am interested in the provision within the bill that calls for the expenditure of some $300 million in R&D money in the United States and $250 million in money in Israel for the development of the Lavi. This seems to me, as I understand it, to be an unprecedented step, in allowing these moneys to be used for this kind of airplane development.

Could the gentleman from Maryland explain this for the Committee?

Mr. LONG of Maryland. Let me say that it is not unprecedented. Just this past year there have been a number of programs for which this was done.

The purpose of this is to allow Israel to become more self-sufficient in its weapons program so that it does not have to keep coming to the United States for money all the time. People are always whining about how much money we are giving to Israel, when the fact is that it is the best bastion of defense the United States could possibly get for the money in the Middle East. Israel has given up a lot of lives. What we are trying to do is to make them more self-sufficient.

Mr. DICKS. So they are going to spend $300 million of their foreign military sales money for R&D work in the United States; is that correct?

Mr. LONG of Maryland. That is right.

Mr. DICKS. And $250 million of R&D money can be spent in Israel for the purposes of development of this airplane?

Mr. LONG of Maryland. That is correct, or these funds could be spent for other defense procurement in Israel.

Mr. DICKS. I appreciate the gentleman from Maryland yielding to make that point.

Mr. LONG of Maryland. I think the provision is in the best interest of our country.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New York (Mr. Solomon).

Mr. SOLOMON. Mr. Chiarman, I yield 5 minutes to the gentleman from West Virginia (Mr. Rahall).

Mr. RAHALL. I thank the gentleman from New York for yielding to me.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Maryland. I feel that certain sections of the amendment are not in the best interests of the U.S. economic and foreign policy goals. Allowing a foreign government to use U.S. appropriated funds to pay for defense articles and services to be produced in a foreign country for its own use would set a dangerous precedent. In light of the high rate of unemployment in the United States, particularly in my home State of West Virginia which has the highest rate of unemployment in the Nation, we can ill afford to be helping foreign countries build industries which will come into direct competition with American companies in the near future.

Developing the Lavi fighter and building up the Israeli defense industry with U.S. tax dollars not only takes money away from Americans, it takes their jobs also. Approximately 6,000 jobs would be lost as a direct result of taking the $250 million out of the U.S. economy and allowing Israel to spend it on defense articles and service which can just as easily be purchased here in the United States.

Section 42(c) of the Arms Export Control Act states that these security assistance funds "* * * may be used for procurement outside of the United States only if the President determines that such procurement will not result in any adverse effects upon the economy of the United States or the industrial mobilization base * * *." Having 6,000 Americans lose their jobs as a direct result of using U.S. tax dollars to build up the industry of a foreign country would definitely have an adverse effect on our economy. How many more jobs would have to be lost in the future before we determine that allowing foreign companies to bid successfully against U.S. companies for DOD contracts would have an adverse effect on our economy?

Americans are being stripped of their tax dollars to build up foreign fighting machines. They should not have to sacrifice their jobs as well.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from California.

Mr. LEWIS of California. I appreciate the gentleman's yielding.

Mr. Chairman, I really rise to ask a question so that the gentleman can clarify the point that he is making.

I am a member of the subcommittee, but it may be that I am not really clear about the point that the gentleman is making. We have not had a lot of discussion in our subcommittee in open debate regarding these issues. The gentleman is talking, I think, perhaps about $300 million.

Mr. RAHALL. Yes; we are talking about $300 million for research and development in the United States for defense articles to be produced in the United States and an additional $250,000 million for procurement of defense articles and defense services in Israel in direct competition with U.S. companies for DOD contracts. The Long amendment also represents a $425 million increase for Israel in grant aid over the administration's proposed budget.

I might add that the gentleman makes another point I failed to mention, which is the fact that the appropriate committees have not had hearings on this matter, there has not been adequate discussion. There are very few Members in this body, I would say, who know fully what we are being asked to vote upon in this amendment because the appropriate committees, the Foreign Relations Committee, has not had their day in court on this particular amendment.

Mr. LEWIS of California. That is the question. The gentleman is talking about $300 million that may go to develop an aircraft in which $250 million may be spent or actually allocated to a foreign country rather than creating jobs here at home.

Mr. RAHALL. For the development of this technology, to develop this fighter, yes.

Mr. LEWIS of California. I must say to the gentleman that I am very sorry that this question was not discussed in the subcommittee as it might have been. Indeed, the public should know about this, and it should be a part of public debate.

Mr. RAHALL. I thank the gentleman for his comments.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, the gentleman asked whether or not the administration is in favor of the coproduction of the Lavi. It is my understanding that they are but either way we should pass this coproduction idea. I do want the gentleman to know that there is strong support from both sides of the aisle for the coproduction of the Lavi and a closer strategic relationship between the United States and Israel. The key to pressure on Syria for an independent and free Lebanon is for the United States to cooperate more closely with Israel.

I understand that the gentleman has raised the question about unemployment. Many of the component parts are produced in the United States of America and create jobs in our Nation. I can understand the gentleman's position, but there is not only strong support, there is recognizable need. And I cannot think of a more important time for us to pass this amendment than right now at this critical time in the reconsideration process.

I stood up in the Chamber and supported the gentleman's fine comments with regard to what was happening in Lebanon and the need for U.S. support for the independence for Lebanon and aid to Lebanon which I strongly support. I can only say to my friend that I cannot think of a more important time for this country to be cooperating with Israel than at this time because of the critical nature of those events, not only in Lebanon but in other parts of the Middle East. And I think this amendment for coproduction is an integral part of that cooperation.

Mr. RAHALL. I thank the gentleman from New York for his comments.

Mr. LONG of Maryland. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. I thank the gentleman for yielding.

Mr. Chairman, I wish I could say to my colleagues that we did not have to go through this process; I wish that this legislation were not a continuing resolution; I wish that we had a 1984 appropriation bill for foreign aid that would meet all our needs, but it is not to be so. The only vehicle that we have to repair damage that has been done to this Nation's foreign policy and to build up those economic as well as security assistance accounts is this act, this continuing resolution. This amendment is the compromise we knew we had to make, so the President's assistance proposals could be met.

I testified, with the chairman, the gentleman from Maryland (Mr. LONG), in behalf of a rule that would allow for this amendment. I strongly favor the amendment and coauthor this compromise. The administration, I am disappointed to say, probably will oppose it, as my friend, the gentleman from New York, would respond, but only because they, the administration, wants a clean continuing resolution.

However, I am one who helped, along with my subcommittee minority members, to bring this modified amendment to the full Committee on Appropriations and it ultimately carried 45 to 3. There is strong bipartisan support for this amendment. It provides essential funding for what the President wants it to do in those areas of the world that are so critical to this country's foreign policy.

Our friends on the Democratic side of the aisle have worked with us to fashion a bipartisan compromise. This was the same type of a compromise that we worked out in 1983. I see several of them sitting in the Chamber. I appreciate their friendship; I appreciate what they have done to try to meet the needs of our Nation's foreign policy while providing needed economic aid for some vital programs.

If we are to have any chance of bringing our foreign assistance programs to the levels mandated by our national security requirements, we must amend the continuing resolution to provide additional assistance where needed.

Our most pressing needs are in the area of security assistance. The Long-Kemp amendment is structured to address these requirements as a matter of priority.

Our amendment would add $373 million in new budget authority over the present continuing resolution. Of that amount, $315 million is earmarked for added military assistance for Israel and Egypt. if this amended is not passed, those partners in Camp David will be faced with serious shortfalls in their defense programs. For Israel, of a total $1.7 billion, $850 million is grant and $850 million is loan. For Egypt, of a total $1.365 billion, $465 million is grant and $910 million is loan.

Our amendment would raise FMS loan guarantees to the budget request for base rights countries (Turkey, Greece, Korea), and provided additional needed assistance for Pakistan. We have just concluded vital base agreements with Turkey and Greece, in connection with our mutual NATO responsibilities; these funds are necessary if we are to meet our commitments thereunder. Both countries need increased FMS levels to carry out modernization programs in support of NATO's deterrent. (FMS offbudget increase under Kemp: $515 million.)

Pakistan would receive the full request for this fiscal year, if our amendment passes: $300 million under Long/Kemp against. $260 million under the continuing resolution. Pakistan directly faces Soviet troops in Afhganistant and requires U.S. support to stand firm against Soviet intimidation. Soviet planes have strafed Pakistan villages. Pakistan has unselfishly shouldered the burden of 3 million refugees.

The Long-Kemp amendment would also deobligate funds now in the pipeline for Syria. These funds are the residue of appropriations made during the previous administration. Given the recent interansigence of Syria in Lebanon, and the suspected complicity of Syria in the attack on U.S. marines, on French forces, and on IDF headquarters, this deobligation is intended as an expression of our strong disapproval of the policies of the Assad government.

Year after year, foreign aid is funded under continuing resolutions. But the world doesn't run on continuing resolutions. Our national security interests, the needs of our friends and allies, the demands of our foreign policy, are dynamic, determined by events not under our control.

We have seen major changes in the world wrought in a matter of 48 hours, as events in Grenada have shown. Yet we have appropriations that fund these vital requirements that, in some cases, are based on priorities and earmarks that are 3 and 4 years old—all because of the continuing resolution mechanism.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has expired.

Mr. SOLOMON. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. KEMP. I appreciate the gentleman yielding this additional time to me.

Mr. Chairman, this is not a perfect amendment and there are plenty of changes that will be made before this process is over but I ask my conservative friends to recognize the need of repairing the damage done to the President's security assistance programs and help me pass this assistance amendment.

The Mideast is too important and Camp David too vital to our interests to say no. We also need to send a strong signal to the world that we believe in the joint cooperation with Israel that this amendment envisions. We want friends and are willing to make substantial investments in the peace process for those Arab countries who want to join in that process. And we hold out a hand of friendship to others who potentially could be allies in the Camp David process, but we must not turn our back on our democratic ally, Israel.

Mr. Chairman, the House of Representatives has a responsibility to base foreign aid legislation on current realities. Closing our eyes and blindly extending the continuing resolution without the Long-Kemp amendment would ill serve the duties entrusted this Chamber or the vital national security and foreign policy requirements of our country.

I urge that the amendment be adopted.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to my friend, the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's remarks on that, but as I understand it, there is money in here in the nature of about $75 million that will go to that stalwart supporter of the United States known as Zimbabwe. Why do we have that?

Mr. KEMP. First, the gentleman should be aware that it is the present continuing resolution, not my amendment, that earmarks $75 million for Zimbabwe. My amendment contains no such earmark. To be candid, I am not happy with every part of this amendment and I do not think anybody is happy with every part of it. But I will tell the gentleman this: There is also money in this bill that would make the gentleman more sanguine. We cannot have perfection or everything we want. It is not perfect. I will tell my friend, whatever comes out of conference, whatever comes out in the continuing resolution in the final analysis, will also contain some things that the gentleman does not agree to.

Mr. LUNGREN. If the gentleman will yield further, did not Zimbabwe introduce the resolution of condemnation against the United States on Grenada?

Mr. KEMP. Yes. The gentleman will probably find some other countries in the foreign aid package who did not vote with us, either, but that is no reason to turn our backs on this legislation that is so important to this country, and our ability to protect our national security interests throughout the world.

I share the gentleman's disdain for the Zambabwe vote in the United Nations against the United States and this amendment is a better expression of those feelings than just taking the language in the continuing resolution.

Mr. SOLOMON. Mr. Chairman, in yielding time to the next colleague here, I just want to point out that I hope Members will notice that I am yielding mostly to the other side of the aisle, just to show the wide spectrum of opposition for any reasons to this legislation and how it was brought to the floor.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I do not object to any of the actions taken by any member of the subcommittee in supporting the bill or this amendment, but I feel constrained to vote against the Long amendment today.

Since this administration has come to power in 1981, foreign economic aid has increased 19 percent, foreign military aid spending authority, budget authority, has increased 151 percent, and off-budget military aid guarantees have increased 57 percent.

I supported the original subcommittee mark, and I was willing to support Chairman LONG's original compromise motion as a reasonable effort at compromise between the two sides. But this amendment today will mean that since 1981, economic assistance has increased by 11 percent, military aid spending authority, budget authority, has increased by 179 percent, and off-budget military guarantees will have increased 75 percent.

I would say also that in comparison to last year, you will find this bill is 7 percent below last year in terms of economic assistance, but 13 percent above last year in terms of the increase in military aid off-budget guarantees. That is not the kind of balanced approach which my constituents want and I do not feel it is the kind of balanced approach we ought to have in this bill.

I am amused at the administration's opposition to the bill, frankly, because they have gotten so much of what they want in terms of internal budget priorities. As I say, I would have supported the original Long amendment, but there is a certain point beyond which one simply cannot go.

Mr. LONG of Maryland. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. WILSON).

Mr. WILSON. I thank the gentleman for yielding this time to me.

Mr. Chairman, if the administration is opposed in any way to this continuing resolution, it is not that they are opposed in substance but they are opposed to putting it in the continuing resolution. I do not know of any of us in the room who are not opposed to doing it by this method. It is just that this method happens to be the only one that we have to deal with.

First of all, I would like to deal with the arguments of the gentleman from Wisconsin (Mr. OBEY), concerning the large amounts of increase, or the relative amounts of increase in FMS and in off-budget items as compared to economic items. The three largest are Pakistan, Turkey, and Greece. All three of those were negotiated under the previous administration, which was a Democratic administration, particularly Pakistan and Turkey.

Second, in answer to my friend, the gentleman from West Virginia, this is not the first time that this has been done, in allowing Israel to spend research and development money in Israel. This money was spent also on the Merkava tank, or the Chariot tank, which destroyed the T-72's in the last Israeli war, and has provided us with an enormous amount of technical and intelligence data, allowing us to better deal with those Russian weapons systems.

I would also point out that Pratt & Whitney and Grumman are two major subcontractors for the Lavi fighter plane, and I think that we will all profit from the technology that will be developed in the Lavi.

To the argument that this might cost American jobs, it is impossible because the Lavi fighter is at least 12 years away. It certainly does not compete with any American fighter plane that is today in production, No. 1; and No. 2, the United States, American contractors, are going to get the big end of this business. It will not cost any American jobs.

Finally, I would say that if there is anything we should be concerned with today, it is better cooperation between the United States and Israel, better cooperation between the United States and Egypt.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MILLER). Again, he is opposing this bill for a different reason that I am, but I just want to again point out the wide spectrum of opposition to this legislation.

Mr. MILLER of California. I thank the gentleman from New York for yielding this time to me. I appreciate that he has yielded this time to me when he does not agree with my viewpoint.

Mr. Chairman, I just think it is important that the House understand that the Long amendment, if it is adopted, while making improvements on the continuing resolution with respect to the situation in El Salvador, I still think it is unacceptable.

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I believe that conditions on aid to El Salvador on the continuing resolution for fiscal year 1984 are inadequate, and that we must take stronger measures to let leaders of the Salvadoran Government know that we do not endorse what is taking place in their country.

I applaud the efforts of the subcommittee chairman, Mr. LONG of Maryland, to tie 30 percent of military aid to a trial and verdict in the case of murdered U.S. churchwomen, and to tie 10 percent of military aid to a Presidential certification that the Salvadoran Government is not taking steps to roll back the land reform program. But I believe that these conditions do not go far enough, an that we must pay attention to what is going on today in El Salvador. We have spent close to $1 billion in military and economic aid there in the last 4 years, and have very little to show for our support.

Those who claimed that the March 1982 elections in El Salvador were causing democracy and pluralism to spring forth should take a second look. The Christian Democrats, who won the most votes, have effectively been marginalized. Power has become more and more concentrated in the hands of the far right. The Constituent Assembly has moved steadily to strip land reform of its meaning. Peasants are being evicted from their land by the military and fear prevents many potential beneficiaries from exercising their rights to claim land.

Meanwhile, the death squads have stepped up their campaign of terror, claiming dozens of victims in the last several months. The targets have included labor leaders, Foreign Ministry officials, and university professionals. The residences of professors at the Catholic University have been bombed, and radio stations have been threatened for refusing to broadcast communiques from the death squads. The U.S. Embassy has protested these events, but to what avail? The death squads have now even threatened high-ranking church officials, including Archbishop Rivera y Damas, for their continued denunciation of human rights violations and for their advocacy of a netogiated solution to the conflict. The church's official legal aid office continues to document scores of murders each week by the security forces and paramilitary squads.

Yet while all this is going on, Special Ambassador Richard Stone and other administration officials continue to tell the Salvadoran opposition that they must return to El Salvador and participate in upcoming Presidential elections. That notion is ludicrous as long as the killing of government critics continues out of control.

I am greatly dismayed that this continuing resolution deletes all reference to the murder of U.S. trade unionists almost 3 years ago. The perpetrators of those murders are out free because they have connections to highly placed military officials, and because a full investigation of this case would embarrass some of the people we are supporting in El Salvador. I believe that without pressure from this Congress, the murderers of U.S. trade unionists will never be brought to justice.

Providing more military aid to El Salvador will not help the army win the war. Despite all of our aid and training, the military situation continues to deteriorate in favor of the guerrillas. The army is back to its old tricks of refusing to fight or to adopt tactics recommended by U.S. advisers. The Salvadoran Army is still killing innocent civilians. It should be clear to us now that no amount of U.S. aid is going to win the war and that we should use our influence to pressure for a negotiated settlement before it is too late.

I commend our Ambassador Thomas Pickering for telling Constituent Assembly leader Roberto D'Aubuisson and the Salvadoran military that we are concerned about the death squads and the failure to implement the land reform. But that message will only get through when we in Congress let it be known that we will not approve aid until our concerns are met. This continuing resolution does not go far enough. We will never see the results we seek until we force the head of the Salvadoran Government and the administration to stop the killing and to get on with necessary political, economic, and social reforms.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may use.

I will not take much time, Mr. Chairman, but I will just try to point out why many of us are opposed to this legislation.

First of all, it completely circumvents the committee process. I am a member of the Committee on Foreign Affairs. I serve on three subcommittees, and one of those happens to be the Subcommittee on Africa, a geographical subcommittee. All of the work that has been done in that subcommittee and on the full Committee on Foreign Affairs has been negated by this resolution that now comes before us. Sure, if I wanted to vote for the legislation, I could, because it wipes out most of what the committee did and what I objected to, but this is not the way we ought to be legislating.

I would like to take the rest of this time to talk about a situation I am very upset with, a situation that we are not allowed to deal with under this resolution, and that is the situation of Zimbabwe. I just cannot believe that this House is going to pass an amendment which is going to appropriate $75 million to a country that continues to slap us in the face. This is just one example of many things that takes place.

For example, I mentioned before during the debate on the rule that on September 12, Zimbabwe abstained on the vote in the United Nations on the Korean airline shoot-down. I think that was absolutely disgraceful.

Shortly after that, the Zimbabwe Government joined Nicaragua in sponsoring a resolution to condemn the United States for its rescue attempts of American citizens in Grenada. They did abstain, they did worse; they sponsored the resolution.

Even worse, when our American Embassy in Zimbabwe wanted to hold memorial services for the dead marines and the U.S. Rangers who were recently deceased, they actually boycotted that memorial service. I think that is absolutely disgusting.

If this amendment were not being attached today to a continuing resolution, if it were to come before us in a foreign aid bill, we would have time to discuss this and hundreds of other items that appear in that foreign aid bill. As it is now, we are being gagged, and there is nothing we can do about it. I cannot offer an amendment to cut off that $75 million or to even cut it in half. I think that is wrong.

We ought to be enacting the continuing resolution, a clean one-page resolution which simply extends the date to February 29 so that we could all have time to discuss the terribly important issues that are in this foreign aid bill.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to my colleague, the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, I thank the gentleman for yielding to me.

Much of what the gentleman has to say about the Zimbabwe situation has a kind of cogency to it. On the other hand, recently we had Mr. Mobuto from Zaire in this country, and he was received by the President, praised by Republicans and Democrats, and by the President, and if the gentleman will recall, shortly after his return to his country of Zaire, he roundly condemned the United States of America.

There is a problem that we have in terms of the perception of America and the perception that African nations have, one to another, with regard to how they should see America.

My point is that if we start singling out one nation, we may have to go down the list of a lot of nations, some of whom the President of this country has embraced.

Mr. SOLOMON. Mr. Chairman, I think the gentleman is making a terribly important point here. I think we ought to have the opportunity to discuss not only Zimbabwe, but Zaire, Mozambique, Tanzania, and all the other countries to which we are giving taxpayer dollars.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LEWIS).

The CHAIRMAN. The Chair will advise the gentleman from New York (Mr. SOLOMON) that he has only 1 minute remaining.

Mr. SOLOMON. Then, Mr. Chairman, I yield that 1 remaining minute to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman, and I am not sure that I will have the time to do what I would like to do in that 1 minute.

I wonder if the chairman of our subcommittee, the gentleman from Maryland (Mr. LONG), would join me in a colloquy and answer some questions for me?

Mr. LONG of Maryland. I would be happy to, if the gentleman will yield.

Mr. LEWIS of California. Mr. Chairman, I say to the gentleman from Maryland (Mr. LONG) that I am particularly interested in the provisions and the language in his amendment that relate to a 10-percent set-aside for minority contractors. I think this is important since we did not discuss this in the subcommittee. I think that it is important that the House discuss it so we can understand clearly what is involved.

Could the gentleman outline for the House what the meaning of that is and what is involved in terms of the technical side of it?

Mr. LONG of Maryland. Mr. Chairman, I would ask the gentleman from Pennsylvania (Mr. GRAY) to respond to that question.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. GRAY. Mr. Chairman, that was discussed in the subcommittee, I say to the gentleman from California.

Mr. LEWIS of California. I am not exactly sure when that could have been.

Mr. GRAY. Unfortunately, I believe the gentleman from California was not present at the time it was discussed and voted on by the subcommittee. It was voted unanimously by all those who were present. Let me tell the gentleman essentially what that amendment does.

Mr. LEWIS of California. Was that a rump caucus, by chance?

Mr. GRAY. No; it was not.

The CHAIRMAN. The time of the gentleman from California (Mr. LEWIS) has expired.

All time of the gentleman from New York (Mr. SOLOMON) has expired.

Mr. LEWIS of California. Mr. Chairman, I wonder if somebody would mind explaining at least to America, if not to me, what this amendment does.

The CHAIRMAN. The gentleman will desist. The gentleman from Maryland (Mr. LONG) has the time.

Mr. LONG of Maryland. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. MCHUGH).

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. MCHUGH. I yield to the gentleman from Pennsylvania.

Mr. GRAY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Long-Kemp amendment.

Let me just simply say, in response to the question of the gentleman from California (Mr. LEWIS), that if the gentleman from California had been present at the subcommittee meeting when the markup was done, he would have known what action was taken. Essentially, what the gentleman referred to was a 10-pecent set-aside for socially and economically disadvantaged businesses to do foreign assistance work in the development assistance programs of the foreign aid areas.

This is nothing new. We have it in several other areas; and indeed, the same committee passed the same kind of amendment for private voluntary organizations just a few years ago.

I am sorry that the gentleman was not present when the subcommittee met. It was not a rump caucus. It was an official meeting and markup, and it is just unfortunate that he was not here.

Mr. MCHUGH. Mr. Chairman, I hope that my colleagues on both sides of the aisle will support this amendment, for three basic reasons.

First of all, this is an amendment which is fiscally responsible and indeed restrained. It is $300 million below the President's request. It is at least $700 million below the budget resolution which we adopted. It is below the 302(b) allocation. It is, therefore, a fiscally conservative amendment.

The second reason for supporting this amendment is that it is a bipartisan compromise. Some liberals will be dissatisfied with certain aspects of this compromise, and some conservatives will be dissatisfied with certain aspects, but I think it is a pragmatic compromise worked out by a broad spectrum of Members who serve on our Foreign Operations Subcommittee.

Third, it is an amendment which is preferable to the continuing resolution. This is really the key point, because the alternatives we are faced with here are this amendment or the continuing resolution. The continuing resolution is inadequate in many respects, and I think it is important to bear this in mind. For example, the continuing resolution would actually cut grant military aid to Israel by $200 million; our amendment would increase that aid by $100 million.

The continuing resolution would cut UNICEF by 36 percent, from $42.5 million to $27 million; our amendment would provide a modest increase of $10 million. The continuing resolution would cut the Peace Corps, whereas our amendment would provide a modest increase of $7 million.

I think, in short, that while this procedure is not the best procedure, while we would prefer to have a regular bill on the floor so that amendments could be offered—and I sympathize with my friend, the gentleman from New York (Mr. SOLOMON), on that point—the fact is that we have only two options at this point. One is the continuing resolution which both sides of the aisle find inadequate; and this amendment, which is the product of a bipartisan effort at cooperation and accommodation.

We do not often get that on foreign aid, and I think the membership should give some significant weight to this compromise.

The CHAIRMAN. The time of the gentleman from New York (Mr. MCHUGH) has expired.

All time has expired.

AMENDMENT OFFERED BY MR. ZABLOCKI TO THE AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. ZABLOCKI. Mr. Chairman, I offer an amendment which was printed in the RECORD at page H9302.

The Clerk read as follows:

Amendment offered by Mr. ZABLOCKI to the amendment offered by Mr. LONG of Maryland:

In the text proposed to be added to H.J. Res. 403 by the amendment offered by Mr. Long of Maryland—

(1) insert "(a)" immediately after "Sec. 2.";

(2) strike out ", as authorized by section 407 of H.R. 2992, as reported" and insert in lieu thereof "authorized by section 108 of the Foreign Assistance Act of 1961 (as added by the International Security and Development Assistance Authorizations Act of 1983)";

(3) strike out "and the provisions of section 209 of S. 1347 as reported" and strike out "and under the authorities of section 209 of S. 1347, as reported,";

(4) strike out the proviso which begins "*Provided*, That none of the funds appropriated by this resolution may be used to eliminate the Minority Resource Center" and ends "Act of 1977:";

(5) strike out the proviso which begins "*Provided further,* That not less than 10 percent of the aggregate" and ends "deemed to include women;";

(6) strike out the proviso which begins "*Provided further,* That of the funds appropriated directly" and ends with "obtained a verdict;" and strike out the proviso which begins "*Provided further,* That 10 percent of the funds directly provided" and ends "exceed 30 percent)"; and

(7) strike out the proviso which begins "*Provided further,* That none of the funds heretofore appropriated or otherwise made available for Syria" and ends "programs for Syria authorized by such chapter;".

At the end of the matter proposed to be added to H.J. Res. 403 by the amendment offered by Mr. Long of Maryland, added the following:

(b) Section 101(e) of the joint resolution of October 1, 1983 (Public Law 98-107), is further amended by striking out ", notwithstanding section 10 of Public Law 91-672, and section 15(a) of the State Department Basic Authorities Act of 1956, or any other provision of law".

TITLE II—INTERNATIONAL SECURITY AND DEVELOPMENT ASSISTANCE AUTHORIZATION PROVISIONS

SHORT TITLE

Sec. 201. This title may be cited as the "International Security and Development Assistance Authorizations Act of 1983".

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 202. (a) There is authorized to be appropriated to the President $1,315,000,000 for the fiscal year 1984 to carry out section 23 of the Arms Export Control Act. The total principal amount of loans guaranteed under section 24(a) of the Arms Export Control Act shall not exceed $4,446,500,000 for the fiscal year 1984.

(b) There are authorized to be appropriated for the fiscal year 1984 the following amounts to carry out the following provisions of the Foreign Assistance Act of 1961:

(1) $725,213,000 to carry out section 103.

(2) $244,600,000 to carry out section 104(b).

(3) $133,400,000 to carry out section 104(c).

(4) $121,477,000 to carry out section 105.

(5) $160,000,000 to carry out section 106.

(6) $103,000,000 to carry out section 121.

(7) $30,000,000 to carry out section 214.

(8) $266,214,000 to carry out chapter 3 of part I, of which $160,000,000 shall be for the United Nations Development Program, $52,500,000 shall be for the United Nations Children's Fund, $17,500,000 shall be for the International Atomic Energy Agency, $15,000,000 shall be for the Organization of American States development assistance programs, $10,000,000 shall be for the United Nations Environment Program, $2,300,000 shall be for the World Meterological Organization, $2,000,000 shall be for the United Nations Capital Development Fund, $1,000,000 shall be for the United Nations Education and Training Program for Southern Africa, $500,000 shall be for the United Nations Voluntary Fund for the Decade for Women, $150,000 shall be for the convention on International Trade in Endangered Species, $2,000,000 shall be for the World Food Program, $500,000 shall be for the United Nations Institute for Namibia, $343,000 shall be for the United Nations Trust Fund for South Africa, and $50,000 shall be for the United Nations Voluntary Fund for Victims of Torture.

(9) $47,000,000 to carry out section 481.

(10) $25,000,000 to carry out section 491.

(11) $3,074,000,000 to carry out chapter 4 of part II.

(12) $639,700,000 to carry out section 503.

(13) $56,452,000 to carry out chapter 5 of part II.

(14) $46,200,000 to carry out chapter 6 of part II.

(15) $22,000,000 to carry out section 661.

(16) $370,000,000 to carry out section 667.

(c) There is authorized to be appropriated to the President to carry out the African Development Foundation Act $3,000,000 for the fiscal year 1984.

(d) There is authorized to be appropriated to carry out the Peace Corps Act $116,000,000 for the fiscal year 1984.

(e) Section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956 shall not apply with respect to funds appropriated for "Migration and Refugee Assistance" or for the Inter-American Foundation by the joint resolution of October 1, 1983 (Public Law 98-107), as amended by this joint resolution.

ASSISTANCE FOR ISRAEL AND EGYPT

Sec. 203. (a)(1) Section 31(b)(3) of the Arms Export Control Act is amended to read as follows:

"(3) Of the aggregate total of credits (or participations in credits) extended under section 23 of this Act and of the total principal amount of loans guaranteed under section 24(a) of this Act, not less than $1,700,000,000 for the fiscal year 1984 shall be available only for Israel, of which not less than $850,000,000 shall be credits under section 23. Of the total aggregate credit ceiling made available for Israel for the fiscal year 1984, up to $300,000,000 may be made available for research and development activities in the United States for defense articles to be produced in the United States for the Lavi program and up to $250,000,000 may be made available for the procurement of defense articles and defense services in Israel.".

(2) Section 31(c) of such Act is amended—

(A) in the first sentence by striking out "for the fiscal year 1982 and for the fiscal year 1983" and inserting in lieu thereof "for the fiscal year 1984"; and

(B) in the last sentence—

(i) by striking out "$550,000,000" and inserting in lieu thereof "$850,000,000 for the fiscal year 1984"; and

(ii) by striking out "for each such year".

(b) Section 31(b)(6) of such act is amended to read as follows:

"(6) Of the total amounts of credits (or participations in credits) extended under section 23 of this Act, not less than $465,000,000 for the fiscal year 1984 shall be available only for Egypt, and Egypt shall be released from its contractual liability to repay the United States Government with respect to such credits (and participations in credits). Of the total principal amount of loans guaranteed under section 24(a) of this Act, not less than $900,000,000 for the fiscal year 1984 shall be available only for Egypt.".

(c) Section 31(b)(5) of such Act is amended—

(1) by striking out "for the fiscal year 1982 and for the fiscal year 1983" and inserting in lieu thereof "for the fiscal year 1984"; and

(2) by inserting "Korea," immediately after "Greece,".

(d) Section 532 of the Foreign Assistance Act of 1961 is amended to read as follows:

"Sec. 532. Earmarkings for Israel and Egypt.—Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1984, not less $910,000,000 shall be available only for Israel and not less than $750,000,000 shall be available only for Egypt.".

TERMINATION OF ASSISTANCE PROGRAMS FOR SYRIA

Sec. 204. Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 540A. Termination of Assistance Programs for Syria.—(a) After the enactment of this section, funds available to the Agency for International Development may not be used for any payment or reimbursement of any kind to the Government of Syria or for the delivery of any goods or services of any kind to the Government of Syria.

"(b) The Administrator of the Agency for International Development shall deobligate all funds which have been obligated for Syria under this Act prior to the enactment of this section, except that—

"(1) such funds may continue to be used to finance the training or studies outside of Syria of students whose course of study began before the enactment of this section;

"(2) the Administrator may adopt as a contract of the United States Government any contract with a United States or third-country contractor which would otherwise be terminated pursuant to this subsection, and may assume in whole or in part any liabilities arising under such contract, except that the authority provided by this paragraph may be exercised only to the extent that budget authority is available to meet the obligations of the United States under such contracts; and

"(3) amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated for Syria under this chapter shall continue to be available until expended to meet necessary expenses arising from the termination of assistance programs for Syria pursuant to this subsection.

CONDITIONS ON MILITARY ASSISTANCE FOR EL SALVADOR

Sec. 205. (a) Not more than 70 percent of the amount made available for the fiscal year 1984 for military assistance for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act may be expended until—

(1) Salvadoran authorities have substantially concluded all investigative actions in the case of the National Guardsmen charged with murder in the deaths of the four United States churchwomen in December 1980 that were set forth in communications from the Department of State (including the letters dated July 8 and September 23, 1983); and

(2) Salvordoran authorities have brought he accused to trial and have obtained a verdict.

(b) Not more than 90 percent of the amount made available for the fiscal year 1984 for military assistance for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 and under the Arms Export Control Act may be expended until the President has determined and certified to the Congress that—

(1) the Government of El Salvador has not taken any action which would modify, alter, suspend, or terminate the land reform program promulgated under Decree 154 (dated March 5, 1980) or Decree 207 (dated

April 28, 1980) in a manner detrimental to the rights of the beneficiaries or the potential beneficiaries under those decrees; and

(2) the Government of El Salvador continues to make documented progress on implementing the land reform program.

MINORITY SET-ASIDE

SEC. 206. Not less than 10 percent of the aggregate of the funds made available for the fiscal year 1984 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be made available only for activities of economically and socially disadvantaged enterprises (within the meaning of section 133(c)(5) of the International Development and Food Assistance Act of 1977), historically Black colleges and universities, and private and voluntary organizations which are controlled by individuals who are Black Americans, Hispanic Americans, or Native Americans, or who are economically and socially disadvantaged (within the meaning of section 133(c)(5)(B) and (C) of the International Development and food Assistance Act of 1977). For purposes of this section, economically and socially disadvantaged individuals shall be deemed to include women.

MINORITY RESOURCE CENTER

SEC. 207. None of the funds authorized to be appropriated for the fiscal year 1984 to carry out the Foreign Assistance Act of 1961 may be used to eliminate the Minority Resource Center as a separate and distinct entity within the Agency for International Development, including implementation of a consolidation of the Minority Resource Center with the Office of Small and Disadvantaged Business Utilization under section 133(c)(8) of the International Development and Food Assistance Act of 1977.

PROMOTING THE DEVELOPMENT OF THE HAITIAN PEOPLE AND PROVIDING FOR ORDERLY EMIGRATION FROM HAITI

SEC. 208. (a)(1) It is the sense of the Congress that for the fiscal year 1984—

(A) up to $24,000,000 of the funds available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, and

(B) up to $10,000,000 of the funds available to carry out chapter 4 of part II of such Act,

should be made available for development assistance for Haiti, subject to the limitation in subsection (b).

(2) To the maximum extent practicable, assistance for Haiti under chapter 1 of part I and under chapter 4 of part II of the Foreign Assistance Act of 1961 should be provided through private and voluntary organizations.

(b) Funds available for fiscal year 1984 to carry out chapter 1 of part I or chapter 2, 4, or 5 of part II of the Foreign Assistance Act of 1961 may be obligated for Haiti, and credits may be extended and guarantees may be issued under the Arms Export Control for Haiti, only if the President determines that the Government of Haiti—

(1) is continuing to cooperate with the United States in halting illegal emigration to the United States from Haiti;

(2) is cooperating fully in implementing United States development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years);

(3) is continuing to comply with the fiscal performance targets set by the International Monetary Fund; and

(4) is making a concerted and significant effort to improve the human rights situation in Haiti by implementing the political reforms which are essential to the development of democracy in Haiti, including the establishment of political parties, free elections, and freedom of the press.

(c) Six months after the date of the enactment of this section, the President shall report to the Congress on the extent to which the actions of the Government of Haiti are consistent with each paragraph of subsection (b).

(d) Notwithstanding the limitations of section 660 of the Foreign Assistance Act of 1961, funds made available under such Act for the fiscal year 1984 may be used for programs with Haiti to assist in halting significant illegal emigration from Haiti to the United States.

PRIVATE SECTOR REVOLVING FUND

SEC. 209. The amendment contained in section 407 of H.R. 2992, as reported by the Committee on Foreign Affairs of the House of Representatives on May 17, 1983, is hereby enacted.

ANTITERRORISM ASSISTANCE PROGRAM

SEC. 210. The amendments contained in title II of H.R. 2992, as reported by the Committee on Foreign Affairs of the House of Representatives on May 17, 1983, are hereby enacted, except that, for purposes of such enactment, section 575 of the Foreign Assistance Act of 1961 shall read as follows:

"SEC. 575. APPROPRIATIONS.—There is authorized to be appropriated to the President to carry out this chapter $5,000,000 for the fiscal year 1984. Amounts appropriated under this section are authorized to remain available until expended.".

□ 1630

Mr. ZABLOCKI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 362, the gentleman from Wisconsin (Mr. ZABLOCKI) will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Is the gentleman from New York (Mr. SOLOMON) opposed to the amendment?

Mr. SOLOMON. He is opposed to the amendment, Mr. Chairman.

Mr. CHAIRMAN. The gentleman from New York (Mr. SOLOMON) will be recognized to share the time.

The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I am offering is necessary because of the parliamentary situation the House finds itself in at this moment. The Committee on Foreign Affairs has reported a foreign aid authorization, H.R. 2992, that has not yet been considered on the floor. In the absence of authorization and appropriations legislation for foreign aid, these programs must be funded through this continuing appropriation.

The Long amendment would provide a number of appropriations for foreign aid that have not been authorized. It also contains policy provisions that belong in the authorization legislation. Therefore, since we are confronted with the Long amendment to this continuing resolution, I feel constrained to offer this amendment so that these programs and policy provisions contained in the Long amendment will be authorized before they are appropriated.

My amendment essentially tracks the Long amendment. Because it would be inappropriate in a continuing resolution to consider all the issues contained in H.R. 2992, the foreign aid authorization, my amendment authorizes only those items for which we are being asked to provide an appropriation through the Long amendment. The only differences of substance are that the amounts proposed for authorization are in some instances slightly higher than those in the Long amendment and a few selected programs which have broad bipartisan support are also being authorized in my amendment.

I wish to reiterate that this amendment is not a substitute for the foreign aid bill in the guise of an amendment. It is a necessary limited approach and does not forfeit the opportunity for the House to eventually consider the foreign aid authorization hopefully in this session or certainly early next year.

My amendment serves U.S. national security interests in a number of important ways. The amendment authorizes $1.7 billion in foreign military sales credits and guarantees for Israel, with loan repayment of half of this amount forgiven. It provides Egypt with $1.365 billion in foreign military sales credits and guarantees with loan repayment of $465 million forgiven. The amendment also authorizes amounts for military assistance, slightly higher than in the Long amendment to adequately fund critical military aid programs to Greece, Turkey, Spain, Portugal, and other base rights countries.

The amendment also authorizes a number of key economic aid programs. For example $3,074 billion is for the economic support fund which provides economic assistance in areas of special political and strategic interest to the United States, such as the Middle East. Israel is earmarked for $910 million in ESF, and Egypt is earmarked for $750 million.

Development assistance is authorized which provides help to poor countries to meet basic human needs of their populations and to promote self-help economic development. Other programs include U.S. voluntary programs to international organizations, and for such efforts as international narcotics efforts, disaster assistance, the Peace Corps, U.S. trade assistance and assistance for American schools and hospitals abroad, basically in the same amounts as appropriated in the Long amendment.

In addition the policy provisions in the Long amendment regarding Syria and El Salvador are included in my amendment. The gentleman from Wisconsin also provides that foreign assistance funds to Haiti are conditioned on Haiti's cooperation in halting illegal emigration to the United States, cooperation in implementing U.S. aid programs in Haiti, cooperation with International Monetary Fund fiscal performance targets, and that it is making a concerted effort to improve human rights in that country.

Finally, the amendment authorizes the creation of a $5 million program to assist friendly states in combating international terrorism through a program of training and purchases of passive resistance equipment in airports and through protection of public officials. This antiterrorism provision enjoys wide bipartisan support and is enthusiastically endorsed by the administration.

These are the basic outlines of the amendment. It, along with the appropriations continued as the Long-Kemp amendment, will advance U.S. interests through the provision of economic and military assistance to friends and allies and will inject controls into the consideration of U.S. policy in El Salvador. At the same time, the amendment withholds a number of authorities and controversial policy provisions that are contained in the foreign aid authorization and leaves their consideration for further debate when the House considers that authorization.

Mr. Chairman, perhaps the most important aspect of the amendment is that it protects the legislative process. The rules of the House require an authorization before appropriations can be made. And while this amendment is not an authorization bill it does authorize those programs for 1984 that are being appropriated in the Long-Kemp amendment to House Joint Resolution 403.

For this reason alone, my amendment should be supported by all of those who value an orderly legislative process that is consistent with the rules of the House.

I urge support of my amendment.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I agree with the gentleman. The amendment proposed by the gentleman from Wisconsin (Mr. ZABLOCKI) simply provides authorization to the Long-Kemp amendment without modifying in any significant way. In a sense, it puts the legislative stamp of approval on it.

I agree with the gentleman and I accept the amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield for a question?

Mr. ZABLOCKI. I am delighted to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I understood the gentleman just to say, before the gentleman from Maryland rose to his feet, that the amendment of the gentleman provides for both authorization and appropriation?

Mr. ZABLOCKI. It provides an authorization for appropriation.

Mr. YATES. Authorization for appropriation?

Mr. ZABLOCKI. For appropriation, yes.

Mr. YATES. Mr. Chairman, I thank the gentleman.

Mr. ZABLOCKI. Mr. Chairman, I know when I am ahead and there is no need to take any more of the committee's time.

I will reserve the balance of my time.

The CHAIRMAN. The gentleman from New York (Mr. SOLOMON) is recognized.

Mr. SOLOMON. Mr. Chairman, I yield myself as much time as I will consume.

Mr. Chairman, as I said before on the Long amendment, I think this is the wrong way to legislate.

Last year's total spending in the foreign aid budget came to about $6 billion 950 million, almost $7 billion. When the Foreign Affairs Committee met to mark up the foreign aid bill, we produced a bill with appropriations of almost $8 billion. In doing so, there was much opposition to that legislation because we felt under the present fiscal restraints that we could not provide the funds necessary for domestic programs that were necessary that many on that side of the aisle called for.

Consequently, we did not feel that we could increase the foreign aid budget by that amount. That is the reason that the gentleman from Wisconsin (Mr. ZABLOCKI) has stood in the well and has said that the bill has not come on the floor, because the gentleman knows and everybody else knows that that bill would not pass under the present fiscal restraints that we have.

Yet here today we have a continuing resolution which was stripped, it was coming before this floor under a modified rule which has allowed amendments by Messrs. WRIGHT, PERKINS, HALL, BOLAND, LONG of Maryland, and ZABLOCKI, all of which increase that spending, so that now we are back up to spending almost the amount that the Foreign Affairs Committee had originally authorized and which would not pass this House.

I just do not understand how we could let this legislation come before the House under this form.

I reluctantly oppose it, because I personally think the gentleman from Wisconsin (Mr. ZABLOCKI) has done a good job. He has corrected many of the problems that I would have voted against the original bill on; but nevertheless, it becomes a question of dollar spending and we are still up to the level of what we were going to spend before. That is why I object to the Zablocki amendment, although I do think my chairman has done a good job in bringing the amendment to the floor.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to our chairman.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding.

Is the gentleman from New York opposed to regular legislative procedure? That is all my amendment does. Is the gentleman opposed to regular and orderly legislative procedure?

Mr. SOLOMON. I would say to my chairman, I am not, and that is my argument. I would like to have regular procedure so that we could debate this under an open rule, so that we could offer amendments and we could all have our case heard and the American people could hear what we are doing here today.

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield further, I agree with the gentleman from New York that that would be preferable. However, since we are found in this situation, I am sure the gentleman will agree that it is better to support the Zablocki amendment. At least we have some semblance of regular legislative procedure.

Mr. SOLOMON. Reclaiming my time, Mr. Chairman, I would say to my good chairman, I have mixed emotions about it, because the chairman has done a good job. It is still the wrong way to go about it and I still am going to have to reluctantly oppose the Zablocki amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ZABLOCKI. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. SMITH).

Mr. SMITH of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Chairman, I rise in support of the amendment offered by the chairman of the Foreign Affairs Committee, Mr. ZABLOCKI.

I am particularly pleased that the chairman has included funding for AID's private sector revolving fund in his amendment. This new private sector initiative, which was approved by both the House Foreign Affairs and the Senate Foreign Relations Committees, sets an important new direction for our foreign aid program. It emphasizes creative local solutions to economic development problems, and it provides new opportunities for American businesses.

I am confident that this new program will demonstrate that our economic assistance programs can be a spark for growth and self-sufficiency in the third world. AID is required to channel the bulk of the private sector funding to small businesses and cooperatives that cannot generate startup capital on their own. Through the use of small loans for AID's private enterprise program, AID will be able to show the advantages of truly independent and privately run cooperatives and small businesses. The private sector revolving fund will enable the development of cooperatives which will not have to rely on direct host government subsidies. As these enterprises grow, they will have the ability to tap government funds without risking governmental domination.

Autonomous cooperatives and viable small businesses are a force for economic growth in the third world, and equitable economic growth fosters the conditions in which free citizens can make a free choice of government. As Paul Hoffman, the Administrator of the Marshall plan, once remarked: "The best way to combat communism is with prosperity." He was right. If people are working their own land, and earning a decent salary, and feeding and educating their families, they will not be seduced by Marxist rhetoric. With our constructive support, democracy and development can go hand in hand in poorer nations.

I urge all of my colleagues to support the Zablocki amendment.

Mr. SMITH of Florida. Mr. Chairman, I want to take this opportunity to commend both the chairman of the Foreign Affairs Committee, on which I serve, the gentleman from Wisconsin (Mr. ZABLOCKI), and to commend the chairman of the Foreign Operations Subcommittee on Appropriations, the gentleman from Maryland (Mr. LONG).

I want to commend them first for the job they have done in bringing this to the floor so that there would be the ability to get this issue up and speak about it, since much of what is contained here is also contained in the Senate bill and the appropriations are going to match; but also, I want to commend them because they have taken the issues beyond those which were raised in the original bill. I speak of the money that is going to be deobligated for Syria. Those of us in this House and in this Congress that have been concerned about this problem since the problem arose in Lebanon, and since the recalcitrance and intransigence of Syria has become so evident, since they have become such a stumbling block for the peace process, since they have become such a difficult negative force, we have been concerned about what this country has been giving them in the way of aid all during this time when they are standing in the way of the peace process that this country is attempting to facilitate.

□ 1640

The amendment of the gentleman from Wisconsin, the chairman of the Foreign Affairs Committee, to deauthorize and deobligate the money that is still in the pipeline to Syria, hundreds of millions of dollar's worth of money, and let me suggest to the gentleman from New York (Mr. SOLOMON) that while we may be spending more than was originally authorized, on the one hand, that spending for Israel is money that could not be better spent for an ally who is helping this country ultimately obtain peace in the Middle East. We are taking away money from the country which is the biggest stumbling block to that peace and that is Syria. I wish to commend the chairman of the Foreign Affairs Committee. I have been trying to do this for a year, and I hope we can get this passed. It is most important that this be done.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman has made a very good statement. The one significant difference in the contribution which the gentleman from Wisconsin's amendment makes is that it says no money to Syria, period. Our amendment qualified it somewhat and says if Syria breaks the cease-fire. There is some question what happened there, and I think he is to be commended.

If the gentleman from New York (Mr. SOLOMON) wants to see Syria get money under some conditions, then, of course, he is justified in doing it. I doubt very much whether that is his intention.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I want to commend the gentleman from Florida. As a member of the Foreign Affairs Committee he has done yeoman work not only on this particular issue but on all other committee matters as well. I thank him for the help he has been to the committee.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SMITH) has expired.

Mr. ZABLOCKI. Mr. Chairman, I yield 1 additional minute to the gentleman from Florida.

Mr. MORRISON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. I thank the gentleman for yielding.

Mr. Chairman, I rise to commend the gentleman on his statement and to associate myself with the sentiments that he expressed.

I know that the gentleman has worked hard on the issue of U.S. aid to Syria. Syria has stood in the way of the peace process in Lebanon and in the Middle East. This is no time to be giving that nation valuable resources that may help it resist a prompt resolution of the crisis in Lebanon.

I want to raise my voice in support of the additional aid to Israel as contained in the Long amendment. I am convinced that the assistance is something that is very much needed and will be well used by our foremost ally in the Middle East. I commend the gentleman for his contribution to the bill.

Mr. SMITH of Florida. I could think of nothing more poetically right, the poetic justice that we are always looking for, than taking money from that country which is the stumbling block and giving it to that country which is helping us to achieve peace in the Middle East.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I am not going to discuss the merits of the the Zablocki amendment, or the merits of the Long amendment.

I simply rise to say that the procedure that we are using here is a terrible procedure. It is a terrible legislative procedure. The gentleman from Wisconsin is right in saying that what we have before us is better than doing nothing, at least it does make certain we have an authorization in place before we appropriate.

What he is really saying is that he is going to allow the Appropriations Committee to write authorization bills. We are going to ignore the authorization process around here and allow a handful of people on one subcommittee to write the authorization legislation as well as the appropriation legislation.

That is an awful procedure. It comes down to another point in time when the Members of this House have not had a chance to work their will on major pieces of legislation, on something that affects not only the interests of this country domestically but in this instance, affects the diplomatic relations of this country thoughout the world. I think that that is a terrible procedure, and I would hope that the no votes would be against a procedure that permits the Appropriations

Committee to begin writing authorization bills.

I yield back the balance of my time to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. EMERSON).

Mr. EMERSON. Mr. Chairman, what we have before us is an amendment to the continuing resolution that is, in effect, the entire foreign aid authorization bill. This is ridiculous procedure. I am for furthering the Camp David processes. I am for help for El Salvador. But to ask us, without opportunity for amendment, to accept everything contained in this amendment, much of which is highly unpalatable, is asking too much and I must, therefore, oppose the amendment.

The CHAIRMAN. The gentleman from Wisconsin (Mr. ZABLOCKI) has 8 minutes remaining.

Mr. ZABLOCKI. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. YATRON).

Mr. YATRON. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Zablocki amendment which contains an authorization for appropriations for U.S. voluntary contributions to international organizations. The amount authorized is the full amount recommended by the Subcommittee on Human Rights and International Organizations, which I have the honor to chair.

I urge the adoption of the amendment.

Mr. Chairman, I rise in support of the Zablocki amendment which contains an authorization for appropriations for U.S. voluntary contributions to international organizations. The amount authorized is $266,214,000, the full amount recommended by the Subcommittee on Human Rights and International Organizations, which I have the honor to chair.

The programs funded under the international organizations and programs account reflect both the idealism and pragmatism of our Nation. These programs not only help meet humanitarian needs, they also support U.S. objectives of strengthening international cooperation, promoting economic and social development, helping build viable and responsible international organizations, strengthening safeguards against nuclear proliferation, and furthering the cause of human rights.

The amounts provided in both the Zablocki and Long bills for these programs are substantially above those recommended by the executive branch—and they certainly should be. The figures in both amendments, however, are in line with the traditional emphasis Congress has placed on the vital importance of these programs. For too long succeeding U.S. administrations have praised these programs only to ask the Congress for far less funds than are needed. The Congress has repeatedly responded with significant increases.

Mr. Chairman, these funds are more essential now than ever before. The developing countries have not yet begun to recover from the severe decline of the world economy in recent years—a decline which many have described as the worst since the Great Depression. We have seen the impact in our own land. In the poor countries, already wretched conditions have been further worsened. Enormous strains have been placed on the budgets of many developing countries with resulting cutbacks in expenditures on health, education, and welfare services, as well as on subsidies for such basic items as food, fuel, and medicine.

It is obvious to all who look that the needs of the developing countries are great—yet the need for more funds for these voluntary contributions this year is not solely a reflection of poverty. It is also based on the realistic expectation that all we have done for decades through our development assistance programs is on the verge of what could be one of mankind's greatest achievements: A 50-percent reduction by the end of the century in the staggering death rate of children from malnutrition and disease. That rate is now 40,000 per day.

Today as a result of the collaboration of the U.N. Children's Fund (UNICEF), the U.N. development program, the World Health Organization, our own Agency for International Development, and others, we have the means at hand to make rapid progress toward saving the lives of 20,000 children per day. Labeled the Children's Health Revolution and led by UNICEF, a global effort has been launched with the strong support of President Reagan and other world leaders. This amendment with the funds for UNICEF and UNDP, two of the agencies key to the success of the Children's Health Revolution, gives the Congress its first opportunity to express its full support for this vital international program.

Mr. Chairman, I would like to take just a few moments to discuss what the international organizations funds will be used for. Most of these funds—$225 million—are for only five programs. The bulk goes to the two best run and most effective international organizations: the U.N. development program and UNICEF—both run by Americans. By far the largest is for UNDP which is authorized at a fiscal year 1984 level of $160 million. The second largest program is UNICEF, the U.N. Children's Fund, which is at $52.2 million. The other three remaining large programs are: the International Atomic Energy Agency (IAEA), $17.5 million; Organization of American States (OAS), $15 million; and the U.N. environmental program, $10 million.

The amount in the Zablocki amendment earmarked for the United Nations development program is $160 million, $40 million over the amount requested by the President. I would like to detail just a few reasons why I believe UNDP is important and why I strongly feel that this increase is justified.

First, UNDP is the central funding and coordinating mechanism for all U.N. technical assistance. Moreover, it plays a key role in development of programs for agencies like the World Bank. Thus, UNDP activities are key to U.S. policy and strategy to promote economic growth and development.

Second, UNDP is a first-rate professional organization. It is brilliantly led by our former colleague Brad Morse and has the confidence and support of all major donors. UNDP is generally regarded as one of the most effective and efficient U.N. activities. At a time when we are prepared to complain about some U.N. activities, we should be prepared to speak up for and support those which do a good job.

Third, UNDP serves as a vehicle for American influence in the U.N. system at a time when our influence elsewhere in the system is at a low ebb. The administrator of UNDP has always been an American. This has resulted in a hard-headed management approach at UNDP where serious project evaluation emphasizing cost effectiveness, is a key operating principle. With UNDP's central role in the U.N. system, American leadership is a significant advantage for us. This year Brad Morse is up for reelection. A larger U.S. contribution not only might help strengthen his reelection chances but is also overdue. Thirteen countries have increased their contributions by a larger annual percentage than the United States from 1976 to 1982. On a per capita basis we are only the 14th largest contributor. Our share of total contributions has fallen from 40 percent in 1966 to 17.8 percent in 1982.

Nor should we forget, Mr. Chairman, that strictly in financial terms the United States actually gets back from UNDP more than we contribute. In 1981 it has been estimated that UNDP spent $184 million in the United States while our contribution that year was $125.8 million. If we do not want to risk our demonstrated ability to affect UNDP policies, we need to show our willingness to increase our contribution and maintain our strong financial backing for UNDP.

Finally, we need to increase our support for UNDP because the agency badly needs the funds. Over the last 2 years contributions have declined at a rate of 6 percent per year for the last 2 years. With the serious world recession, the developing countries have had less to contribute to their own development. At this critical juncture UNDP needs more money if it is to avoid reducing its own projects. An increased U.S. contribution will also help reduce pressure from developing countries to have the UNDP budget moved to the assessed budget.

Mr. Chairman, I have already talked in some detail about the Children's Health Revolution and the major role UNICEF plays. The Zablocki amendment earmarks a fully justified $52.5 million for this important program. In view of the promise offered by the new health strategies, the $10 million increase over last year's appropriations level is modest. The administration's requested level of $27 million is inconsistent with the strong support voiced by the President for the health revolution strategy.

I would like to note that the term of Jim Grant, UNICEF's able executive director, will end on December 31 of this year. The U.S. candidate for the next term will be in serious jeopardy if the Congress accedes to the amount requested by the President.

The third largest voluntary program for which funds are earmarked by the Zablocki amendment are for a U.N. affiliate, the International Atomic Energy Agency, IAEA. The amendment earmarks $17.5 million. This is $1 million less than the administration requested for IAEA but should provide enough funds needed to support strengthening of the agency's nuclear nonproliferation safeguards program and to promote technical cooperation benefiting developing countries. These activities are a major component of U.S. efforts to halt the spread of nuclear weapons.

The fourth major program earmarked in the Zablocki amendent is $15 million for the technical assistance activities of the Organization of American States. The OAS is the major regional organization in our hemisphere and a major focus of U.S. policy designed to foster cooperation with our neighbors in Latin America and the Caribbean. The amount is $500,000 below the requested amount but should be sufficient to appropriately support the OAS four voluntary development assistance funds. The fiscal year 1984 program will give priority to energy, food, materials technology, regional development, literacy training, small technology research, foreign trade, and tourism.

The fifth major program earmarked by the amendment is $10 million for the U.N. environmental program. This is substantially less than the $3 million requested. Such a small contribution would undermine U.S. influence in an organization which the United States was instrumental in establishing and which has appointed a distinguished U.S. AID official as its Deputy Administrator.

UNEP is now 10 years old. It has made a major contribution to promoting environmental awareness worldwide. It has served as a catalyst in promoting regional cooperation. UNEP has fostered a new appreciation of the importance of sound long-term environmental planning and protection.

UNEP's current activities address important U.S. concerns: It has endorsed an international agreement on the ozone layer; it is sponsoring preparation of principles on the protection of the marine environment; it is promoting guidelines for the transportation and storage of toxic wastes; and it is promoting the exchange of information relating to trade in dangerous chemicals.

UNEP recognizes the importance of economic development and is seeking to develop techniques to avoid adverse environmental impacts without discouraging needed development.

If UNEP is to fulfill its potential, it needs additional resources. A $10 million contribution will represent only 13.8 percent of UNEP's budget—far short of the 25 percent contribution the United States makes too much of the U.N. budget. UNEP is too important to the world and our country for the Congress to agree to the mere 4 percent of the budget the administration wants to contribute.

Mr. Chairman, the remainder of the amount authorized in the amendment is spread out over a number of small programs and agencies. Several of these are humanitarian: the South Africa Trust Fund, the Institute for Namibia, and the Voluntary Fund for Victims of Torture. The administration did not request funds for these programs but they are important aspects of our commitments to oppose apartheid, to promote a peaceful transition in Namibia, and to aid the victims of gross human rights violations.

Mr. Chairman, with the exception of the World Food Program, the other funds earmarked in the amendment reflect the level requested by the President.

While the amendment does not earmark funds for the U.N. Institute for Training and Research, I am hopeful the administration will make a modest contribution in fiscal year 1984 to support its new management's efforts to improve UNITAR.

I urge adoption of the amendment.

Mr. Chairman, is the $15 million for Cyprus included in the amendment?

I yield to the chairman for his response.

Mr. ZABLOCKI. The executive branch had requested $3 million.

The committee had in the bill, H.R. 2992, authorized $15 million for Cyprus. It is not earmarked for Cyprus in this amendment; but if the President so chooses, he could use up to that amount for Cyprus.

Mr. YATRON. I thank the chairman.

I yield back the balance of my time.

Mr. SOLOMON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ZABLOCKI. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI) to the amendment offered by the gentleman from Maryland (Mr. LONG).

The amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Maryland (Mr. LONG), as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 458]

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Dickinson
Dicks
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan

BEST COPY AVAILABLE

Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

□ 1700

The CHAIRMAN. Four hundred and five Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New York (Mr. SOLOMON) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Five minutes will be allowed for the vote.

The vote was taken by electronic device, and there were—ayes 262, noes 150, not voting 21, as follows:

[Roll No. 459]

AYES—262

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (TX)
Annunzio
Anthony
Aspin
Barnes
Bartlett
Bateman
Beilenson
Bereuter
Berman
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Broomfield
Brown (CA)
Bryant
Burton (CA)
Burton (IN)
Carney
Carper
Carr
Chandler
Chappell
Clarke
Clay
Coelho
Coleman (MO)
Coleman (TX)
Collins
Cooper
Corcoran
Coughlin
Courter
Coyne
D'Amours
Daschle
Dellums
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gejdenson
Gekas
Gephardt
Gilman
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hamilton
Hance
Harkin
Harrison
Hartnett
Hawkins
Heftel
Hertel
Horton
Hoyer
Hunter
Hutto
Hyde
Ireland
Jeffords
Johnson
Kaptur
Kasich
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Long (LA)
Long (MD)
Lowery (CA)
Lujan
Lundine
MacKay
Markey
Martin (NY)
Martinez
Matsui
Mavroules
McCain
McCloskey
McCollum
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Neal
Nelson
Nowak
O'Brien
Oberstar
Ortiz
Ottinger
Owens
Patterson
Pepper
Pickle
Porter
Price
Ratchford
Reid
Richardson
Ridge
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shaw
Sikorski
Siljander
Simon
Sisisky
Skelton
Smith (FL)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Vander Jagt
Vandergriff
Vento
Vucanovich
Walgren
Waxman
Weber
Weiss
Wheat
Whitehurst
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (FL)
Young (MO)
Zablocki

NOES—150

Andrews (NC)
Applegate
Archer
AuCoin
Badham
Barnard
Bates
Bedell
Bennett
Bethune
Bevill
Bilirakis
Bonior
Brooks
Brown (CO)
Broyhill
Byron
Campbell
Chappie
Clinger
Coats
Conable
Conte
Conyers
Craig
Crane, Daniel
Crane, Philip
Crockett
Daniel
Dannemeyer
Daub
Davis
de la Garza
Dickinson
Dreier
Duncan
Emerson
English
Erlenborn
Evans (IA)
Fields
Flippo
Gaydos
Gibbons
Gingrich
Goodling
Gradison
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hatcher
Hayes
Hightower
Hiler
Hillis
Holt
Hopkins
Hubbard
Huckaby
Hughes
Jacobs
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kindness
Kramer
Latta
Lloyd
Loeffler
Lott
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Mazzoli
McCandless
McCurdy
McDade
McEwen
Michel
Miller (CA)
Miller (OH)
Montgomery
Moorhead
Murphy
Myers
Natcher
Nichols
Nielson
Oakar
Obey
Olin
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Pease
Penny
Perkins
Petri
Pursell
Quillen
Rahall
Ray
Regula
Ritter
Roberts
Robinson
Roemer
Rogers
Savage
Schulze
Sensenbrenner
Shelby
Shumway
Shuster
Skeen
Slattery
Smith (IA)
Smith (NE)
Smith, Denny
Smith, Robert
Snyder
Solomon
Stangeland
Stenholm
Stump
Tauke
Taylor
Thomas (CA)
Valentine
Volkmer
Walker
Watkins
Weaver
Whitley
Whittaker
Whitten
Williams (MT)
Wylie
Zschau

NOT VOTING—21

Cheney
Derrick
DeWine
Dixon
Early
Gramm
Hefner
Howard
Jenkins
Leath
Leland
Lowry (WA)
Luken
Martin (NC)
Molinari
Paul
Pritchard
Rangel
Williams (OH)
Winn
Young (AK)

□ 1710

The Clerk announced the following pairs:

On this vote:

Mr. Lowry of Washington for, with Mr. Hefner against.

Mr. NEAL changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wright: At the appropriate place in the joint resolution insert the following new section:

Sec. . Such joint resolution is further amended by adding the following new section:

Sec. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for carrying out chapter 1 of the Education Consolidation and Improvement Act of 1981, $165,000,000 to become available on July 1, 1984, and remain available until September 30, 1985.

VOCATIONAL EDUCATION

For an additional amount for carrying out the Vocational Education Act of 1963, $81,400,000 to become available on July 1, 1984, and remain available until September 30, 1985.

ADULT EDUCATION

For an additional amount for carrying out the Adult Education Act, $12,000,000 to become available on July 1, 1984, and remain available until September 30, 1985.

Office of Community Services

COMMUNITY SERVICES BLOCK GRANT

For an additional amount for carrying out the Community Services Block Grant Act, $30,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For an additonal amount for carrying out Title XXVI of the Omnibus Budget Reconciliation Act of 1981, relating to low income home energy assistance, $195,000,000.

EDUCATION FOR THE HANDICAPPED

For an additional amount for carrying out the Education of the Handicapped Act, $143,000,000 to remain available until September 30, 1985.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For an additional amount for carrying out section 100(b)(1) of the Rehabilitation Act of 1973, $43,900,000.

EDUCATION FOR IMMIGRANT CHILDREN

For carrying out emergency immigrant education assistance under title V of H.R. 3520 as passed the House of Representatives, September 13, 1983, $145,000,000.

HIGHER EDUCATION

For an additional amount to carry out part B of title VII of the Higher Education Act of 1965, $20,100,100 for construction and related costs of a model engineering center at Boston University, $18,200,000 for a model engineering center at the University of New Mexico, and $5,000,000 for a model computer center at Barry University. These funds, to remain available until expended, are subject to section 721(b) and the facilities shall be of the type described in section 713(g).

For an additional amount for work-study programs under title IV of the Higher Education Act of 1965, $20,000,000.

For an additional amount for supplemental educational opportunity grants under title IV of the Higher Education Act of 1965, $10,000,000.

COMMUNITY HEALTH CENTERS

For an additional amount for carrying out titles III and XIX of the Public Health Service Act with respect to community health centers, $20,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For an additional amount for carrying out the National Technical Institute for the Deaf Act, $1,700,000.

GALLAUDET COLLEGE

For an additional amount for carrying out the Act of June 18, 1954 (68 Stat. 265), relating to Gallaudet College, $2,000,000.

JOB TRAINING

For an additional amount for carrying out part A of title II of the Job Training Partnership Act, $70,800,000.

For an additional amount for carrying out section 401(j) of the Job Training Partnership Act relating to Native American programs, $2,336,400.

For an additional amount for carrying out section 402(f) of the Job Training Partnership Act relating to migrant and seasonal farmworker programs, $2,265,600.

EMERGENCY SHELTER FOR THE HOMELESS

For carrying out the Emergency Shelter for the Homeless activities under section 101 (l) of H.R. 1, as passed the House of Representatives on July 13, 1983, $10 million.

(b) Notwithstanding any other provision of this joint resolution, for carrying out the special supplemental food program for women, infants, and children under section 17 of the Child Nutrition Act of 1966, there are authorized to be appropriated for fiscal year 1984, $1,360,000,000.

(c) Notwithstanding any other provision of this joint resolution, no part of any of the funds appropriated or otherwise made available by this or any other Act may be used to implement mandatory monthly reporting-retrospective budgeting for the food stamp program during the period beginning on January 1, 1984, and ending on October 1, 1984.

Mr. WRIGHT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Reserving the right to object, Mr. Chairman, I do so simply to propound a parliamentary inquiry of the Chair.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Chairman, I am wanting to know whether or not it would be possible at a time appropriate to divide the question on this amendment into its 17 component parts.

The CHAIRMAN. The Chair will respond to the gentleman from Pennsylvania that the Chair does not know precisely how many parts there are to the gentleman's amendment, but the gentleman is entitled to ask for a division, and the gentleman from Pennsylvania has that right upon demand.

Mr. WALKER. And the gentleman from Pennsylvania would be protected to offer such a motion just before the vote on the Wright amendment?

The CHAIRMAN. The Chair is unable to protect in the traditional sense of the word the gentleman from Pennsylvania because what the gentleman is requesting is a request and it is not a motion.

Mr. WALKER. I thank the Chair. But it would be proper to make that request at the time just before the vote on the Wright amendment; is that correct?

The CHAIRMAN. The Chair will respond that before the Chair puts the question on the amendment offered by the gentleman from Texas, if there is a timely request by the gentleman from Pennsylvania, it will be entertained.

Mr. WALKER. I thank the Chair. I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. Wright)?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 362, the gentleman from Texas (Mr. Wright) will be recognized for 30 minutes, and a Member opposed, the gentleman from Massachusetts (Mr. Conte), will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. Wright).

Mr. WRIGHT. Mr. Chairman, this is an important amendment offered on behalf of the House Democratic leadership. Various component parts of the amendment will be explained and elucidated by a number of Members.

I ask only at this point that Members consider this amendment on its merits because I earnestly believe that on its merits it will warrant their support.

Mr. Chairman, I yield 4½ minutes to the very distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. Perkins), who is a cosponsor of this amendment.

□ 1720

Mr. PERKINS. Mr. Chairman, in early September, we passed a bill from the Education and Labor Committee, H.R. 3520, which extended and amended the Rehabilitation Act and also increased the authorizations for several education and domestic programs by $1.6 billion. We have cutback here in the amendment that is being offered today to approximately $997 million.

Now, I want to make a few remarks. When we reported H.R. 3520 from the Education and Labor Committee, the Labor-HHS-Education appropriation bill had been marked up by the subcommittee headed by the gentleman from Kentucky (Mr. Natcher). They went as far as they could go up to the authorization ceiling set by the Gramm-Latta vote here a few years ago. That was as far as they could go on chapter 1, Vocational Education, Adult Education, Community Services Block Grant, and all of the other programs. They went up to the ceilings.

Several of us felt that that was not high enough; so we sponsored this bill to increase the authorizations for several programs, reported it from committee, got a rule on it, brought it to the House, and we had an overwhelming vote in favor of the bill here in the House. But we were never able to get to the conference table. We tried and tried and tried. We thought we were going to get to conference with the Senate on two or three different occasions, but there was just not any way. Any finally a letter was circulated on the other side of the Capitol to the effect that until some agreement was reached to exclude consideration of these increased authorizations from the conference, there would not be any conference. So our only other avenue to travel was the continuing resolution route.

I can see the viewpoint of some of these people about the continuing resolution. I want to compliment my distinguished colleagues, the gentleman from Kentucky (Mr. NATCHER), the gentleman from Massachusetts (Mr. CONTE) and the gentleman from Mississippi (Mr. WHITTEN). They want as far as they could go at that time. But since we could not get to conference and we felt that the caps should be lifted, we had to go to a continuing resolution. We tried to get a similar amendment on the first continuing resolution. We were successful. And this was the only way that we could proceed. I personally feel that the integrity of the committee system is at stake. If we could not tie onto a continuing resolution—and that is the purpose of a continuing resolution—we might as well give up, after we have tried so hard and gotten nowhere in going to conference with the U.S. Senate. It is the first time in my experience in this Chamber that we have ever failed to get a conference with the U.S. Senate.

So I say we are justified and well justified to come before the Chamber in this continuing resolution and ask that these funding levels be increased.

Now, all you have to do, if you wonder whether we need this extra money, is to ask your local school districts. We are increasing title I (Chapter 1)—the program for disadvantaged children—$165 million, just to give you an example. And I think every local school district in the country will tell you that they have had to lay off thousands of school aides under this program because of the budget cuts made during the past 3 years.

Now, I would like to describe the amendment Mr. WRIGHT and I are offering in more detail:

Our amendment will increase funding for 16 essential education and domestic programs above the amounts provided in their regular fiscal 1984 appropriations bills.

This amendment is not a budget buster. Both Chambers have already approved these higher funding levels in enacting the first concurrent budget resolution for fiscal 1984. The amounts in our amendment are well within the budget ceilings for that resolution.

Our amendment totals $997.7 million and would appropriate the following extra amounts for 16 key education and domestic programs:

Chapter 1 (education for disadvantaged)	$165.0
Vocational education	81.4
Adult education	12.0
Community services block grant	30.0
Low-income energy assistance	195.0
Education of the handicapped	143.0
Vocational rehabilitation	43.9
Education of immigrant children	145.0
College construction	43.3
College work study	20.0
Supplemental opportunity grants	10.0
Community health centers	20.0
National Technical Institute for Deaf	1.7
Job training	75.4
Gallaudet College	2.0
Emergency Shelters for the homeless	10.0

In addition, the amendment authorizes, but does not appropriate $1,360,000,000 for the special supplemental feeding program for women, infants, and children (WIC). This is a $300 million increase in the authorization.

Now, I would like to discuss why these 16 education and domestic programs deserve additional funding.

First, we must remember that most of these programs suffered significant budget cuts during the past 3 years. Even those programs that were not cut have not received the funding necessary to keep up with inflation.

The increase we propose in some cases will only partly restore the dollars cut since fiscal year 1980 or 1981. We have scaled down the amounts we are requesting from the levels in H.R. 3520, in order to have an amendment of reasonable cost that all of us can support.

Bear in mind, too, that we are generally talking about programs that help the poorest or most disadvantaged Americans, or programs that contribute to the goal of quality education for all. Each of these programs has a successful track record.

I would like to review the justifications for increasing these individual programs:

CHAPTER 1, EDUCATION CONSOLIDATION AND IMPROVEMENT ACT

This program, which has helped raise the achievement scores of millions of disadvantaged children, was cut 6 percent between fiscal year 1980 and fiscal year 1982 in actual dollar terms. As a result of these cuts, approximately 800,000 fewer children were being served in fiscal year 1982, and approximately 750,000 fewer in fiscal year 1983, than would have been served if we had maintained the program at its 1981 current services level.

The extra $165 million will only partially restore what we would need to return the program to its level of services in 1981, before the Reagan rescissions were enacted. The new appropriation will allow participation to increase from the current level of 5.2 million to about 5.6 million disadvantaged children.

We propose that the extra $165 million be distributed among the components of chapter 1 as follows:

	Millions
LEA grants	$142.4
Migrant State agency program	12.2
Handicapped State agency program	7.0
Neglected and delinquent	1.5
State administration	1.7
Evaluation and studies	.2
Total	165.0

These breakouts will insure each category the same proportion of total funding as it received under the regular fiscal year 1984 appropriations bill.

VOCATIONAL EDUCATION

Following a 16 percent cut between fiscal years 1980 and 1982, 600,000 fewer students and 7,000 fewer teachers have been involved in federally-supported vocational training programs. The proposed increase of $81.4 million will partially restore the program to its level of services in fiscal year 1980, when funding was $779 million.

We are proposing that the additional $81.4 million for vocational education be distributed as follows:

	Millions
Basic grants	$63.1
Program improvement	11.1
Programs of national significance	.9
Special programs for disadvantaged	1.6
Consumer and homemaking education	3.5
State advisory councils	.8
State planning	.4
Total	81.4

Again, these distributions are based on the same proportion each category received in the regular fiscal year 1984 appropriations bill.

ADULT EDUCATION

The adult education program was cut 30 percent between fiscal years 1980 and 1982. This increase of $12 million will only partially restore the program to its actual fiscal year 1980 level of $122.6 million. This extra money will enable 250,000 more adults to attain basic literacy and become more productive citizens.

EMERGENCY IMMIGRANT EDUCATION

The amendment contains a new appropriations of $145 million for financial assistance to school districts to meet the extra cost of educating immigrant children. These programs are authorized by title V of H.R. 3520, as it passed the House. Many school districts are experiencing influxes of alien and immigrant children, for whom the Supreme Court has declared they must provide educational services. It is estimated that the average cost of educating these students is $2,500 per pupil per year, due to their language problems and other special needs. The $145 million will help address the special needs of these students, whose presence in the school districts is a result of Federal immigration policy. We intend these funds to be administered pursuant to the provisions of title V of H.R. 3520, as it passed the House on September 13.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF AND GALLAUDET COLLEGE

The current authorization ceiling set by Gramm-Latta for the National Technical Institute for the Deaf (N.T.I.D.), for fiscal year 1984 is $26,300,000, an insufficient amount to accommodate those students who have enrolled this fall.

To date, N.T.I.D. has 578 paid freshman registrations for this fall compared to 340 in a normal year and a projected enrollment of nearly 1,250 students as compared to 993 last year. This increase was caused by the rubella epidemic of the mid-1960's and is, as we now see, having a tremendous effect on colleges who serve deaf students.

Similarly, Gallaudet College finds itself in the same position as N.T.I.D.—ever-increasing enrollments due to the "Rubella Bulge", yet insufficient funds to meet this new demand.

This amendment increases funding for N.T.I.D. by $1.7 million and for Gallaudet by $2 million. The amount will be used to give them inflationary relief from built-in cost increases and help them begin to prepare for the drastic increases in students in fiscal year 1984 caused by this epidemic.

COMMUNITY SERVICES BLOCK GRANT

The community services block grant is the only Federal program specifically aimed at preventing poverty. The program sponsors State and local initiatives, through block grants to States, aimed at making poor people self-sufficient—getting them off welfare rolls instead of maintaining them there.

This amendment would increase funding for the community services block grant by $30 million over the fiscal year 1984 appropriation level of $352 million. This would bring the program up to $382.3 million. This amount is a modest increase; it is in fact still $210 million short of what would be needed to restore services under this program to the 1981 levels before the community services administration was dissolved.

Currently, 9 percent of the total funding for the community services block grant is allocated to the discretionary programs under this act. It is our intention that 9 percent of this additional $30 million, $2.7 million, be reserved for these discretionary programs in the future. Furthermore, it is my hope that this $2.7 million be distributed in the following way, so that each discretionary program will be increased in direct proportion to the percentage amount it is currently receiving:

Community economic development	$1,600,000
Rural housing	345,000
National youth sports	486,000
Farmworkers and migrant workers	269,000
Total	2,700,000

VOCATIONAL REHABILITATION

The vocational rehabilitation program is an 80 percent Federal and 20 percent State matching program assisting handicapped individuals to become independent and employable. It is a 63-year-old program presently serving 1 million persons, 227,000 of whom in fiscal year 1982 have been fully rehabilitated. Due to budget cuts and inflation, it has experienced a 31-percent reduction in purchasing power so that the number served last year was the lowest it has been in 14 years.

The results of recent funding reductions are as follows: In terms of dollars, the purchasing power loss was $384 million; $209 million was lost due to inflation; $175 million was lost through cuts in funding for other rehabilitation programs and cuts in the innovation and expansion grants part of the Rehabilitation Act.

This amendment would increase funding for the Rehabilitation Act of 1973 by $43.9 million over the current fiscal year 1984 appropriation level of $1,214 million. These funds would be earmarked for the basic State grants. This would bring this program up to $1,357.4 million for fiscal year 1984. This is a modest increase of $93.9 million over the fiscal year 1983 level. It is absolutely critical that this program which is so cost effective and which serves so many disabled individuals in our country be increased to this level immediately.

LOW-INCOME ENERGY ASSISTANCE

The low-income energy assistance program was created to respond to the energy needs of those low-income households disproportionately affected by high energy costs. This block grant program provides assistance to States to help their residents in meeting home heating and cooling costs.

This year, 7 million households received heating assistance, which represents only about 36 percent of households eligible for low-income energy assistance funds under statutory criteria. Due to the extremes in temperature experienced by many parts of our country, the funds granted to many States have not been sufficient. To alleviate this severe shortage from occurring again in the future, the funding must be increased. This amendment would increase funding for this program by $195 million over the currently appropriated fiscal year 1984 level of $1.875 billion to a level of $2.070 billion. This is only a $95 million increase over the fiscal year 1983 level of $1,975 billion.

EDUCATION OF THE HANDICAPPED ACT

In addition, this amendment increases funding for the Education of the Handicapped Act by $143 million over the current appropriation of $1,214.4 million for fiscal year 1984. This level is only an increase of $158 million over the fiscal year 1983 level of $1,199.4 million. This additional money will be used to fund programs under part B of this Act.

The Education of the Handicapped Act, Public Law 94-142, was originally intended to be funded at 40 percent of the national average per pupil expenditure for fiscal year 1982. Instead, the actual appropriation, as a percentage of the per pupil expenditure for handicapped children, has dropped steadily, from 12 percent in the late 1970's to about 9 percent in fiscal year 1983. Therefore, this amendment is needed to maintain the Federal commitment to a quality education for handicapped children.

JOB TRAINING PARTNERSHIP ACT

This amendment also contains an increase for the Job Training Partnership Act (JTPA) of $75 million over the amounts which were appropriated in the regular fiscal year 1984 appropriations for the Labor Department. This increase will mean that the total nationwide funding for State and local job training programs will, for the current 9-month transition period under JTPA, be nearly equal in annualized terms to last year's level under the Comprehensive Employment and Training Act. Taking into account the $1,422,000,000 provided for such period to State and local programs under the regular appropriation, plus $126,400,000 in carryover funds made available to local service delivery areas, the funds provided by this amendment would add $70,800,000 for title II-A of JTPA. The result would be to make available a total of approximately $1,620,000,000 for purposes of title II-A of JTPA for the 9-month period ending next June 30. In addition, $2,336,400 would be added for Native American programs and $2,265,600 for migrant and seasonal farmworker programs, in accordance with the percentages to be set aside for these programs under JTPA.

COLLEGE STUDENT AID

Our amendment would raise the authorizations as well as the appropriations for the college work study program and the supplemental opportunity program; $20 million would be added to college work study for a total of $570 million, and $10 million would be added to supplemental opportunity grants, raising the total appropriation to $380 million.

The current authorization levels were imposed by the budget slashing of the omnibus budget reconciliation of 1981. As a result, thousands of students have received less Federal aid to attend college. During the past 2 years, while funding for student aid programs has remained constant or declined, the cost of attending college has increased by approximately 30 percent.

Increases in college work study and supplemental opportunity grants will help more students attend postsecondary schools and will begin to ease the burden placed on students by previous budget cuts. Over 25,000 additional students will be able to receive supplemental grants under this amendment, and more than 30,000 more students will be able to receive college work study awards.

In summary, Mr. Chairman, these are all worthy programs that need this extra funding to continue their success. I urge my colleagues to join with us in passing this amendment. Let us show that this Chamber's support for education extends beyond rhetoric and is backed up with real dollars.

Mr. CONTE. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. PURSELL).

Mr. PURSELL. Mr. Chairman, I have not had an opportunity to study some of these various authorization levels, but when you look at the Wright-Perkins amendment of $996.9 million, I think it is a very bad precedent, for two reasons. One, when we look at the authorization levels that have not been appropriately signed into law, you are asking the Appropriations Committee and Members of Congress, in a legislative body, to violate a basic principle of violating the authorization levels. I think that is a serious mistake for Congress to start. It is a very bad precedent.

I think if these initial requests through the proper committee-subcommittee hearings were duly held during January through June, you would find that the subcommittee of which I am a member, through the leadership of the gentleman from Kentucky (Mr. NATCHER) and the gentleman from Massachusetts (Mr. CONTE), did an outstanding job of putting together a good Labor-HEW appropriations bill. It had the unanimous support of both Democrats and Republicans on both sides of the aisle. When that bill went to the full committee, it was the agreement by our leadership to get the President to sign this bill which was $4 billion over the President's mark. If you look at the breakdown of these line items, you find generally high education levels. Pell grants, the highest in our history, at $2.9 billion.

I think it is a mistake to circumvent a committee on which all of the members have been fully supportive of education and health for years. I do not know a single member on that committee on either side that has not been an advocate for education over the many years of their legislative service both here in the Congress or in the State legislative body in which they had served.

So until we have legal authorizations levels to review this amendment is inappropriate. Once Congress begins to ignore authorizations levels and responsible committee work all discipline is lost and our process is totally dismantled.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. MICHEL), the distinguished minority leader.

Mr. MICHEL. Mr. Chairman, the majority leader said earlier today that his amendment is not the cause of high budget deficits.

Well, as the saying goes, a dollar is a dollar is a dollar. And when you add a billion dollars of spending, you add to the deficit, unless you offset that with increased revenues. I do not see any tax increases in this amendment.

I have heard the majority's words time and time again in recent weeks, and I have listened to the majority's commercials, all decrying the evils of high budget deficits.

Now we have the majority pushing a billion dollar spending amendment, all the while denying that it adds to the deficit. I will let the American people decide as to what that says about the sacredness of the words being uttered on the subject.

This amendment is a perfect exampel of why we have reached deficit levels of $200 billion. We have, unfortunately, all too routinely approved amendments such as this over the years which have built billions and billions into the system.

Once the money is in place, and people come to expect it, we face an almost impossible task in trying to put the brakes on.

We heard the majority leader earlier try to explain the fact that his amendment exceeds enacted authorization levels in 13 out of 17 instances. He did not succeed in his explanation, with this Member at least, but I will leave it to others to further pursue that issue.

I would prefer in my limited time to call attention to several specific items in the amendment.

Language is included in the amendment which seeks to prevent implementation of monthly retrospective reporting requirements in the food stamp program, an item in which I have had an interest over a number of years.

Such requirements are designed to reduce error rates. Recent studies show that such requirements have the potential for reducing waste by up to 10 percent of the total cost of the program.

I do not know why some would want to prevent us from reducing waste, fraud, and abuse, unless it is because they give higher priority to complaints from State level bureaucrats who claim that they cannot administer it.

If we keep listening to those complaints, we will never get anywhere in trying to eliminate waste.

Turning to the pork barrel projects in the amendment, we see a $20 million project for Boston University, located, of course, in Boston, Mass. We have another $18 million included for the University of New Mexico.

Both of these projects were rejected by the conference on the Labor-HHS appropriations bill, and rightly so. Now they are back before us again.

Another $5 million is included by Berry University.

I have a number of privately endowed universities in my district who would love to have $5 million from the Federal Government for a computer center. I am sure most everyone else here does as well. Yet we are singling out one school for special treatment.

This is out and out pork and ought to be rejected.

Finally, let me call to your attention the $145 million included in the amendment to begin a new program of assistance for the education of children or illegal aliens. One can make a number of arguments regarding the specifics of the program.

But what particularly concerns me is that the majority leader is asking the American people to finance the education of illegal immigrants.

He does this while refusing to let us address the overall problem of illegal immigration that is causing the problem in the first place.

The Senate has passed an immigration bill two times by overwhelming majorities and the House Judiciary Committee has reported one out. But it has not come before us on the floor, and will not come to the floor because the Democratic leadership refuses to bring it up.

The majority leader is obviously a very important part of that leadership. Perhaps he can explain why we are not being permitted to act on that legislation.

All I can say is that I think many people in this country are going to be mighty upset about having to fork over their tax dollars to finance the education of illegal aliens when this body refuses to do anything to control the massive influx of such illegals into this country in the first place.

In my judgment, the Wright amendment is clearly unjustified on many counts, and I urge its rejection here today.

□ 1730

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consumer to the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Perkins-Wright amendment to the continuing resolution. I would particularly like to address my remarks to the increases for education programs that are contained in the amendment. The amendment provides for a total increase for education of $637 million. These increases for education were essentially already approved by the House when it adopted H.R. 3520, the reauthorization of the Vocational Rehabilitation Act, on September 13. That bill included a title IV which raised the authorization levels for these education programs. That bill was passed by the overwhelming margin of 324 to 79. In fact, an amendment to strike title IV lost by better than a 2 to 1 margin.

The other body has refused to go to conference on the Vocational Rehabilitation bill. Therefore, the increased authorizations for the education programs have not yet been enacted. In the absence of the increased authorizations, the recently enacted Labor-HHS-Education appropriations bill for fiscal year 1984 could not include additional appropriations for these education programs. Thus, this amendment provides, in effect, for both the increased authorization and the appropriations for these education programs.

I should also point out that the increases for education provided by this amendment fall within the assumptions of the first budget resolution.

In short, the House has already endorsed these increases for education in three previous votes—the adoption of the first budget resolution, the adoption of the Vocational Rehabilitation Reauthorization, and the defeat of the amendment to strike title IV. This is an opportunity to prove that the House was really serious in those three votes for increased funding for education. This amendment involves the real money.

I have noticed that in response to the new found concern for education there has been a great deal of breast-beating, hand-wringing and finger-pointing. What we have frequently heard is a lot of political rhetoric about education and the interest and concern that we have for it. This amendment is the chance to show that we are willing to put some real resources behind that rhetoric, that we are really committed to improving American education.

Among the increases for education programs included in this amendment is an increase of $165 million for the chapter 1 program. The chapter 1 compensatory education program and the programs for migrant education and education of the handicapped have a long track record of success in aiding the disadvantaged in improving their educational achievement. The amendment includes an increase of $81.4 million for vocational education, a vitally needed program in a time of rapid economic and technological change. The amendment also provides for a $20 million increase for college work study and a $10 million increase for the supplemental educational opportunity grant program. These increases will provide approximately 50,000 work and grant opportunities for needy students in postsecondary education.

I urge my colleagues to give their overwhelming support to the Perkins-Wright amendment.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Wright-Perkins amendment to the continuing resolution. My colleagues may be aware that the House Subcommittee on Elementary, Secondary, and Vocational Education, of which I am a member, is now in the midst of a series of hearings in preparation for the reauthorization of the Vocational Education Act. Testimony at these hearings has underscored the importance of vocational education to the security, economic well-being, and continued prosperity of our Nation. Dr. Gene Bottoms, executive director of the American Vocational Association which helped develop the vehicle bill for the reauthorization, reminded the subcommittee in his testimony only a week ago of the demands now being placed on educators by the current rapidly changing labor market for new equipment, updated curriculums, and well trained instructors whose knowledge and skills truly reflect the workplace of today. The States are in need of funding assistance and a national training policy to meet this critical need. The Federal Government must supply this funding and leadership.

It is no secret that the United States is now being challenged by foreign competitors for its preliminary role in the world economy. In this intense international competition, the American economy must remain on the cutting edge of industrial change, and only an active and adequately funded Federal vocational education effort can achieve this. Mr. Chairman, the Federal Government must truly renew its investment in the reindustrialization of our Nation if the American standard of living and our future economic security are to be preserved. To do this the Federal Government must be willing to spend the money necessary to allow vocational educators to carry out their important task of training current and future workers.

The plain fact is however, that Federal vocational education programs are now inadequately funded to meet these critical goals. The additional $81.4 million for vocational education in the Wright-Perkins amendment is desperately needed by States struggling to train in-school youth and to retrain unemployed adults for secure employment in our economy.

Mr. Chairman, all of the funding increases contained in this amendment are important and should be approved by the House. The increases for vocational education are critical and deserve the support of all of my colleagues.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. HARRISON).

[Mr. HARRISON. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The Chair will advise the gentleman from Texas (Mr. WRIGHT) that he has 25 minutes remaining.

Mr. WRIGHT. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. ECKART).

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I yield to my friend, the gentleman from Ohio.

Mr. FEIGHAN. I thank the gentleman for yielding.

Mr. Chairman, I would like to express my support for the Wright-Perkins amendment to House Joint Resolution 403. With the Rehabilitation Act amendments stalled in the Senate, and a 1984 appropriation for education that is $7 billion below inflation-adjusted 1980 levels, it is now time for Congress to take action and insure that this country's valuable education programs are adequately funded.

As most of my colleagues know, the Wright-Perkins amendment falls neatly within the budget guidelines approved by both the House and the Senate in June. Today, Congress has the opportunity to follow through on the promise it made to the American people and their social programs 5 months ago.

When one considers the defense appropriations bill recently approved by this body, the cost of this amendment becomes minuscule. It should be pointed out that if we build 95 MX missiles instead of 100, we could fund all these education, child nutrition, and energy assistance programs and still have change to spare.

As Franklin Roosevelt once said, "the school is the last expenditure upon which America should be willing to economize." With these wise words in mind, let me say that I am disappointed that education funding by the Federal Government has decreased 16 percent in the last 3 years. As a result of these cuts, my congressional district alone, has lost $3.2 million for worthwhile and highly effective educational programs.

For example, the chapter I program for educationally disadvantaged youngsters, which provides valuable instruction in reading and mathematics, has been cut 17 percent since 1981. The State of Ohio has already lost $52 million in chapter I funds and because of this, 46,000 children are no longer allowed to take advantage of this program.

In addition to losing $2.2 million in chapter I funds, my district has also lost $1 million for vocational and adult education programs. Nationally, funding for vocational and adult education programs has been cut by 12 percent since 1981.

Let us not forget that behind all these numbers, percentages, and facts, there is more than a dollar sign; our children's well-being is at stake. If our children are not being sufficiently educated, and if we refuse to responsibly train all those who enter the job-market, then all of us have a duty to rethink our priorities.

Mr. ECKART. I thank the gentleman for yielding this time to me.

Mr. Chairman, Hubert Humphrey said that the best test of government is how we care for those in the dawn of life, the children, those in the twilight of life, the elderly, and those in the shadows of life, our handicapped and disabled.

Today the Wright-Perkins amendment deals with those who live in the shadows of light. This amendment is essential to correct the savaging that was done during the Gramm-Latta Budget Reconciliation Act, and to salvage programs crippled by the Reagan administration's budget cuts.

This amendment is an essential step in rectifying these funding deficiencies. It would increase funding for the Education of the Handicapped Act by a modest $143 million over the current appropriation of $1.22 billion for fiscal year 1984. Part B of the Education of the Handicapped Act, as amended by Public Law 94-142, provides financial assistance to States for the education of children—ages 3 to 21—having one or more of nine physical or mental disabilities ranging from learning disabilities to severely and profoundly handicapping conditions.

There are approximately 4 million handicapped children presently enrolled in State and local special education programs—and it is anticipated that this figure will grow by 80,000 per year. In Ohio, this program provides funds for the education of an estimated 12,980 handicapped children.

More importantly, it is a program that works. Testimony presented to the Education and Labor Committee last year by the mother of a severely handicapped child dramatizes the cost-effectiveness of Federal expenditures for handicapped persons:

> His specialness has cost the taxpayers about $44,000 so far . . . By getting the help he needs now, he will not later need SSI, special housing, food stamps, Medicaid, and other assistance. He will pay taxes, probably at least $88,000 worth if he worked for forty years at a minimum wage. That is nearly double what he has cost society. And society will realize an additional savings—$4 million—the current cost of institutionalizing a handicapped person for life.

Public Law 94-142 was originally intended to be funded at 40 percent of the national average per pupil expenditure for fiscal year 1982. Instead, actual appropriations have dropped steadily from 12 percent in the late 1970's to the current low of 9 percent.

It is unconscionable to continue to promote a policy which denies equal access to educational opportunities for all Americans.

Make no mistake, this is the most important education vote of the session.

For the cost of less than one B-1, the Wright-Perkins amendment would provide a modest $143 million increase over current appropriations for educating our handicapped. Almost 4 million handicapped children in the United States today are allowed some decency, given some encouragement, and have some opportunity to be productive parts of our society.

We have all decried the state of American education, but now, Mr. Chairman, we have an opportunity to do something about it. Let us not piously cite national reports and national commissions; let us give meaning to our town hall meetings; let us give some action to our outcry.

Today we have an opportunity to fund education. Today we have an opportunity to provide assistance for those who do live in the shadows of the light, our children, the disabled and the handicapped.

Mr. WRIGHT. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Wright-Perkins amendment to the continuing resolution, and I ask unanimous consent to revise and extend my remarks.

The budget policies of the Reagan administration over the past 2 years have been designed to shift priorities of Federal spending. Reducing spending has not been the primary goal. Rather, the focus has been on shifting emphasis from domestic programs to military programs.

Some of the programs that have been cut the most in that shift are treated in this amendment. The funding increases provided are modest. Given the urgent needs the affected programs are designed to meet—and have in fact successfully met—the increases are inadequate. But they are needed, and they will help.

Most of the affected programs involve either education or job training. If there has been a consensus in the country and in the Congress on anything in recent months, it has been that we need to do more in the way of education and job training. If we are serious about competing in world markets, if we are serious about providing opportunities for our children, if we are serious about helping people get on their feet, we should support this amendment.

I strongly support the additional funding for all the programs covered by the Wright-Perkins amendment. There is one, however, that I think is especially important.

The amendment increases the authorization level for the special supplemental feeding program for women, infants, and children by $300 million.

WIC is one of the most successful of all Federal programs. By providing prescription food supplements to pregnant and nursing women, infants, and young children, WIC improves the quality of life at its most critical and vulnerable stage.

I believe we should support WIC programs because we should care about the health needs of low-income pregnant women and infants who have been found medically at risk.

But if that is not a good enough reason, WIC is also tremendously cost-effective. A study by the Harvard School of Public Health found that WIC caused a marked reduction in low-birth-weight babies, with the result that each $1 of WIC expenditures saved $3 in future hospital costs.

Last week I had the privilege to sponsor the screening of a film on premature babies and prenatal care. The film was produced as part of a seven-part series for PBS titled "Your Children, Our Children."

The film dramatically and movingly made the case that proper prenatal care, which is relatively inexpensive, is critical to avoiding premature births and low-birth-weight babies. Prenatal care, including adequate nutrition, costs about $250 to $300 per person. Intensive care in a hospital's neonatology unit costs about $1,000 a day.

Adequate funding for WIC is vital. We are not helping everybody who needs it now; in fact, we are only helping about 1 out of 3 eligible women and infants. If we fail to approve the additional $300 million authorization included in Wright-Perkins, however, we will not even be able to continue to service the existing caseload. We will be cutting people who need these services off the rolls.

A favorite line of Members of Congress from both parties and all political viewpoints is "America's children are our hope for the future." This amendment is a chance to invest in the future. I urge its adoption.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. O'Brien).

Mr. O'BRIEN. I thank the gentleman for yielding this time to me.

Mr. Chairman, as I listened to the comments in support of Wright-Perkins, I would have the feeling that perhaps nothing has been done for the handicapped, for the immigrants, for energy assistance.

I would point to the record and I would point particularly to a record put together by Bill Natcher and Silvio Conte in behalf of these people under the 1984 appropriation bill. There is $3,480 million for chapter I. There is $1,875 million for low-income energy assistance. There is $1,214 million for the handicapped. There is $993.9 million for vocational rehabilitation, and on down the line.

It seems to me that we are doing the very best we can, given the circumstances we are in, and I think we ought to follow the lead of Natcher and Conte and stay with the bill that has been passed and not add this amendment.

☐ 1740

Mr. CONTE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. Bartlett).

Mr. BARTLETT. Mr. Chairman, I rise in strong opposition to this amendment.

The $1 billion that would be allocated to education and labor programs would in fact go in many instances to some very laudable programs—for example, $43 million for vocational rehabilitation State grants. But this vote is not a vote for one or two particular worthy causes that individual Members may have an interest in. This vote would be a vote to go back to the days of spending and spending of the 1970's and taxing and taxing, and in fact go back to the days when we considered and passed spending bills with seemingly no restraint.

Unless this House is prepared to return to the days of double-digit inflation and high interest rates that deny young families the right to buy a home and unless this House is prepared to choke off the economic recovery and put more Americans back out of work, then this House should not pass this amendment.

Adding $1 billion to the continuing resolution for these programs is simply a result of the spend-and-spend mentality that would promise each individual special interest group anything at the expense of the recovery of this economy.

To vote for this amendment would be to vote to repudiate the gains that we have made since 1981. It would be a vote to repudiate the 2.9 million jobs that have been added to this economy since December of 1982. A vote for this amendment is not a vote for or against any individual program, as the gentleman from Illinois so eloquently said. In fact, the totality of these programs is already in the continuing resolution at $16.9 billion. But it is a vote for ill-considered, and massive increases in spending.

Mr. Chairman, fiscal restraint is not an easy path to follow, but it does yield its results. It is always easier to vote to spend and never to restrain, but that is the path to destruction. A vote to restrain is not a glamorous path to follow. How much more appealing and dramatic it is to wave our magic funding wand and tell our constituents they can have anything they ask for and no one has to pay for it.

So to say no—and say no, we must—is a difficult task, but it is the responsible course to take when faced with amendments such as this.

Mr. Chairman, we must say no for the sake of our country's financial stability, for our integrity as legislators to examine each individual program on its merits, for young families who wish to buy homes in the next decade, for senior citizens who would ask for protection from the ravages of double-digit inflation, and for workers who want jobs and who would ask this Congress not to deny them jobs by choking off the recovery.

Mr. Chairman, we must vote no on this amendment. We must vote no to a return of unrestrained ill-considered ill spending by this Congress.

Mr. WRIGHT. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. de la Garza), the distinguished chairman of the Committee on Agriculture.

Mr. de la GARZA. Mr. Chairman, I rise in support of the amendment.

There are several features of the amendment which I support. One in particular on which I had introduced a bill prior to the efforts of our distinguished majority leader in assisting us and introducing the amendment with regard to alien children, legal or illegal.

I heard my dear friend, the gentleman from Illinois, the distinguished minority leader, say recently that the American people would point a finger at us for educating illegal aliens. The fact is that the Supreme Court imposed upon us that obligation. It is not this Congress, it is not myself, it is not my area; it is many areas of the United States. But it has a specific impact on those areas with adjacent borders, Canadian borders, the coastal States, and my area in Texas.

The commissioner of education put out a long explanation about the fact that there are existing programs. The fact is that there are, but they do not address the issue that is of major importance. Very few, if any, of the Federal programs build the plant, and that is the problem in my area. The local school district, not the State of Texas, not the Federal Government, has the responsibility. The local school district has the responsibility to build the classrooms and to build the plant from local funds, from tax revenues, from the local taxpayers, and the money is not there. So we are caught, regardless of what we do on an immigration bill.

Somehow some of my colleagues have woven the immigration legislation into this issue. That is immaterial. The Supreme Court did not say to pass or not to pass an immigration bill. The Supreme Court said a child, a creature of God, is entitled to an education while he is in this country, regardless of the status, legal or illegal, of his parents, or regardless of the status, legal or illegal, of the child. So what we are doing here is helping some school districts oblige the Supreme Court of the United States that gave the mandate.

Mr. Chairman, I hate to put it in this way, but some of our colleagues are going to mention "illegal" and make it sound as though that connotation of "illegal" somehow sometimes casts a cloud upon an individual. He is the same creature of God that you and I are, but for mostly economic reasons he is compelled to leave his country, and by accident or design happens to land in our country. We should address this issue certainly, but the education of the children is a mandate of our Supreme Court.

The CHAIRMAN. The time of the gentleman from Texas (Mr. de la Garza) has expired.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Lungren).

Mr. LUNGREN. Mr. Chairman, I would like to discuss the issue that was just spoken of by the gentleman who preceded me. That is the question of this $145 million for a new program that has not become law because it merely passed on a voice vote when we were considering some other piece of legislation which is now really hung up on the Senate side. We are talking about $145 million for a program that has not been authorized by this Congress, nor is it authorized by any legislation that is on the books at the present time.

The funds would not go to those who are illegal. They would go to those school districts based on a per capita grant for every student in those school districts who had not lived in the United States for a particular period of time before that school year. So that could be an American citizen who was living overseas with his family and came back in, and they would get a per capita grant in that particular district.

The object of this is to help those who are here illegally, there is no doubt about that. But as the previous speaker said, why should we worry about an immigration bill? The Speaker of the House has announced that there is no present constituency for an immigration bill because there is no national problem about immigration in this country. We hear that on one day, and the very next day we have the majority leader of the House bringing forward to us a proposal for $145 million to be billed to the American taxpayer to take care of a problem that the Speaker has assured us does not exist.

In point of fact, the gentleman who spoke before me is absolutely correct in one major respect. Most people who are here illegally are working. They are part of the economy of the States in which their children now attend school. Someone from Texas told me that that is not the problem, rather that "the problem is that we don't have an income tax in our State." Therefore, the taxes from working illegal aliens would not go to the support of their children's education.

It is a perfect right of any State to have an income tax or not to have an income tax, but then to come to the floor of the House and say that the taxpayers of the entire country should bail out that particular part of the country because they have decided not to do it is, I think, unacceptable.

Mr. Chairman, certainly we should have legislation to deal with the greater issue, and we should not just put this on an appropriations bill.

□ 1750

Mr. WRIGHT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. SHARP).

Mr. SHARP. Mr. Chairman, I rise in support of the Wright amendment.

Mr. Chairman, among other purposes this amendment provides additional funding for the low-income energy assistance program. The Congress designed this program to help low-income households meet residential energy bills which have risen dramatically in recent years.

Members of Congress have characterized the low-income energy assistance program as: "a social compact made by a majority of Members of Congress to protect those persons least able to absorb energy price increases."

The rationale for this charcterization was that proceeds from the windfall profit tax should go to those persons most directly affected by the decontrol of oil prices. That legislation would have provided over $3 billion for this purpose, but appropriations have never approached that level.

Department of Energy data indicate that average residential energy prices have continued to increase over the past year, principally as a consequence of rising natural gas prices.

Since 1979, the increase in energy prices has been 325 percent, while the level of assistance available to low-income households has been increased by only 60 percent.

Virtually all fiscal year 1983 funds, including oil overcharge funds which the Congress provided to supplement funding for this program, have been exhausted despite what most consider to have been a mild winter.

Even with the additional funding from oil overcharge moneys, last year 27 States had closed their programs by May. Four were closed as early as February. More importantly, at least 19 States had no assistance available for households receiving shutoff notices this spring for overdue winter utility bills.

In fiscal year 1982, $2.195 billion was available. Without the passage of this amendment, the funding for this program will decline in fiscal year 1983 by 15 percent in real terms.

As we are all well aware, consumers are still experiencing residential energy price increases and these are likely to continue for the forseeable future.

If we experience a winter only slightly colder than last year we face the possibility of many low-income Americans having no heat and quite possibly dying.

Although I realize the need for budgetary restraint, we cannot abandon our Nation's poor and elderly. I strongly urge my colleagues to support the amendment.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. SHARP. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I noticed with some interest the difference between the argument of the gentleman in the well and the argument of the gentleman on the other side of the aisle who preceded the gentleman.

I suspect he might argue that if you are from a warm part of the country, then we should not help those who may need energy assistance, in the same way he would argue that those with a large immigration problem should not be assisted either.

I appreciate the gentleman's statement. I would like to associate myself with the gentleman's remarks in support of the Wright amendment.

Mr. SHARP. Mr. Chairman, I appreciate that. I think it is important that low income energy assistance goes to all parts of the country, because we know that the terrible heat in the summer can be devastating, especially to many of the elderly, and they are eligible for funds and that will be a part of this program as well.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. ANDREWS).

Mr. ANDREWS of North Carolina. Mr. Chairman, two of the programs we are discussing today, the community services block grant and the low-income energy assistance program are within the jurisdiction of the Subcommittee on Human Resources, which I chair. I would like to discuss the community services block grant.

As you know, this program was developed in conjunction with the Reagan administration's decision of 3 years ago to terminate the Community Services Administration (CSA). It provides the only specific Federal assistance with the objective of preventing poverty. It sponsors State and local initiatives, through a block grant mechanism designed during the 1981 reconciliation process, aimed at making poor people self-sufficient—getting them off welfare rolls instead of maintaining them there.

In 1981, we worked with the administration. We were fearful that the termination of CSA and the subsequent block granting of community service funds was in reality an effort to kill the poverty program. We were assured, instead, that this was simply in keeping with the New Federalism and that State block grants would only enhance our efforts. Now, barely 2 years after our reconciliation agreement, the President is indeed proposing to kill the poverty program.

The President says this program duplicates the social services block grant. I cannot understand that rationalization. The word "poverty" is not used once in the Social Service Block Grant Act, nor is low-income used as a criteria for participation.

The administration makes an empty, almost cynical, promise that those receiving assistance could apply for help through the social services block grant. But the President proposes no new moneys for that program.

The level of funding provided in this amendment would simply allow us to continue the community services block grant at about the same level of service provided last year. It is about $200 million short of what would be needed to restore service to even the 1981 levels. It simply allows us to maintain at this year's level the community economic development program, programs to address rural poverty, the national summer youth sports program, programs for the elderly poor, programs to assist the families of migrant and seasonal farmworkers, and other State and local community initiatives.

This may be the only opportunity we have to give this program the funding it needs. I urge you to support this program and the Wright-Perkins amendment.

The second program under the subcommittee's jurisdiction is the low-income energy assistance program. This program was created to respond to the energy needs of those low-income households disproportionately affected by high energy costs. This block grant program provides financial assistance to States to assist their residents in meeting home heating and cooling costs. The program is intended to directly assist those who must make the tragic choice of whether to "heat or eat."

Each State, in its application for program assistance, must make assurances that Federal funds will not be used to assist a household unless at least one member is receiving public assistance or the household has an income below 150 percent of poverty or 60 percent of the State's median income. Many States, however, have set 125 percent of poverty as their eligibility standard. For those Americans with income at or below 125 percent of the poverty line, the percent of their moneys directed toward household energy is at least four times as high as those with median incomes. This year 7 million households received heating assistance which represents only about 36 percent of households eligible for low-income energy assistance funds under statutory criteria.

Due to the extremes in temperatures experienced by many parts of our country this past year, the funds granted to many States have not been sufficient. Several States have depleted their available moneys and now cannot continue to help those in need. To alleviate this severe shortage from occurring in the future, the funding must be increased. The administration has proposed to cut the current funding by more than 25 percent. If this were to happen, some 1.8 million households would lose assistance. Very simply, this amendment would not only maintain those already receiving assistance, but raise the level of funding to help the truly needy meet their high energy costs.

Once again, I urge you to support this necessary program by supporting the Wright-Perkins amendment.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, I rise in support of this very important amendment.

Mr. Chairman, I rise in support of the Wright-Perkins amendment, and would call attention to two very important items which it includes: $43.9 million for State grants for vocational rehabilitation and $143 million in additional budget authority for Public Law 94-142, the Education for All Handicapped Children Act.

The Education of the Handicapped Act is the primary Federal law assuring a free, appropriate education for handicapped children. Public Law 94-142 provides Federal financial assistance to States for the education of handicapped children, ages 3-21, having one or more of nine physical or mental disabilities. As a result of this landmark legislation passed in 1975, an effective Federal, State, and local partnership has been established to provide a free, appropriate public education to more than 4 million handicapped children across the country. Prior to the enactment of Public Law 94-142, many handicapped children were housed in institutions receiving only custodial care, others who were fortunate enough to be in the public schools, were sitting unidentified or in overcrowded special education classrooms receiving little individual attention. As a result of the Education for All Handicapped Children Act, handicapped children are now being given the opportunity to obtain skills that will ultimately enable them to become self-sufficient taxpaying citizens.

It is important to adopt the Wright-Perkins amendment because in addition to the 4 million plus handicapped children that are currently participating in State and local special education programs the number of handicapped children is expected to increase at a rate of 80,000 per year. For the first 2 years that Public Law 94-142 was enacted, the Federal Government met its obligation to State and local education agencies. The level of Federal assistance for the years following, from 1979 to the present, show a steady decline in support. At the same time that the Federal Government was reducing financial assistance, from 12.5 percent of the average per-pupil expenditure in 1979 to a low of 8 percent in 1983. Therefore, as the special education population increases, it is critical to provide additional funding for Public Law 94-142 in order to carry out the vital mission of improving the quality of instruction for all handicapped children.

In addition to the impact on services to handicapped children, we must also consider the long-term costs of our failure to adopt this amendment. It has been demonstrated time and again that the high costs of institutionalizing a handicapped adult at taxpayers' expense—$1 million to $4 million per person—can often be prevented by providing appropriate education programs to handicapped youth. If we are truly serious about cutting costs, we must provide the additional education dollars through the adoption of the Wright-Perkins amendment so that services to handicapped children will not be severely cut below current levels.

There should be no need for a lengthy discussion of the increase in this amendment for vocational rehabilitation. The House is on record in support of this level of funding for fiscal year 1984, which was included in a unanimously approved amendment to H.R. 3520, the reauthorization bill passed by the House in September. My colleagues on both sides of the aisle have spoken on behalf of restoring this lost purchasing power to one of the Federal Government's most cost-effective programs. I would just remind my colleagues that the spending power of the rehabilitation State grant program has fallen more than 30 percent since 1979, and last year the number of handicapped persons being rehabilitated was lower than it has been for 14 years. This represents a severe loss of income to the Government, as well as a severe personal loss to those many handicapped persons not able to get the services they need to become employed.

One further reminder about the rehabilitation program—unlike most programs within the jurisdiction of the Department of Education, this is not a forward funded or advance funded program. Moneys appropriated in fiscal year 1983 must be spent in fiscal year 1983, and States must provide their required 20 percent match within the fiscal year they receive the funds. Although States are now telling us they can and will match the full amount represented by this increase, we cannot expect those State funds to be available indefinitely. Acting on an increase for rehabilitation very late into the fiscal year will simply not work to achieve the purpose that so many of you have agreed we want to achieve with this program. Now is the time to act, if we are going to act, on increasing rehabilitation spending. I urge you to support this amendment.

Mr. CONTE. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I take the floor to try to rectify the misimpressions the gentleman is creating. In painting the education funding picture in Reagan grey and Wright white, he does a substantial disservice to the Members of this body who have labored long and hard to keep education funding at acceptable levels, and who, in fact, have done so.

I saw a copy of the gentleman's "Dear Colleague," cosigned by the Speaker and others. It stated that he would offer an amendment to include funding for badly starved educational and social services, crippled by Reagan administration cuts.

That is most misleading, Mr. Chairman. This body has fought and has fought hard for education programs.

Education funding has risen from $14 billion in fiscal year 1980, under Carter, to $14.2 billion in fiscal year 1981, to $14.6 billion in fiscal year 1982, to $15.3 billion in fiscal year 1983.

In fiscal year 1982, I stood right here and fought for an override of the President's veto of two supplemental bills. One contained an additional $1 billion for guaranteed student loans, which we got through. And then we overrode the veto on the supplemental that added $217 million to student aid Pell grants and SEOG's.

In fiscal year 1983, the President proposed a budget of $9.9 billion for the Department of Education. And we prevailed in enacting an appropriation for the Department of $15.3 billion.

Now, I know the gentleman has been distributing his charts. But his charts do not even mention fiscal year 1984, and that is the year in which he proposes to add this $1 billion.

Let me tell you what we have done in fiscal year 1984 in the bill that was just signed into law. Compared with the President's budget request of $13.2 billion, we enacted and the President signed an appropriation of $15.2 billion.

For those of you who think this not an increase over fiscal year 1983, let me tell you it represents an increase of $723 million over fiscal year 1983. In fiscal year 1984, the cost of guaranteed student loans, an entitlement program, will decline by some $900 million.

We took that $900 million in savings and added $723 million into the discretionary programs:

For chapter 1, which the gentleman proposes to raise, we added $279 million over fiscal year 1983, and nearly half a billion over the President's request.

For impact aid, we added $100 million over the base rate for fiscal year 1983.

For handicapped education, we are $114 million over the base rate we enacted into law in the continuing resolution last December.

For student financial assistance, we provided $3.977 billion, an increase of $360 million over fiscal year 1983, and $460 million over the President's request.

In total, we added $723 million in discretionary programs over and above the fiscal year 1983 enacted levels, including all the programs we had in the jobs bill and the supplemental.

The gentleman would have you believe that he is the Wright knight of the education programs. That it is either him or the destruction of education. Let me say that there have been a lot of people fighting for education before he decided to ride his white horse. And let me also say he is trampling on a lot of his friends, on his side of the aisle, who have labored long and hard on behalf of education.

□ 1800

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, 3½ months ago the House voted for health care for unemployed Americans when we passed the Health Care for the Unemployed Act. Unfortunately for millions of unemployed workers and their families, the Senate has done nothing.

Today, we have another chance to help some of the unemployed people who so desperately need health care.

If you do not have health insurance because you have lost your job; or if you are poor or living in a medically underserved area; there is only one place you can turn to see a doctor or a nurse—a community health center. If you want to help people who have no health care, then you should vote for the Wright-Perkins amendment and the $20 million it contains for community health centers.

Those who oppose this money will tell you it is an increase in spending. They are wrong. In fact, it is a decrease.

Last spring, the Congress added $65 million for community health centers when we passed the jobs bill. That made the total appropriation for fiscal year 1983 $360 million. With the additional $20 million we are voting on today, community health centers will have $347 million for fiscal year 1984. That is a decrease of $13 million.

Even with the jobs bill money in 1983, the Reagan administration has terminated over 250 community health centers since 1981 because of budget cuts. Who has been hurt? Fifty-eight percent of the users of community health centers are poor; 60 percent are minorities; and 40 percent are children under 18. Community health centers only exist in areas with few doctors, high infant mortality, a high percentage of poor and elderly, and where unemployment is high.

The $20 million in the Wright-Perkins amendment is needed for people who have no health care. They deserve our help.

I urge all members to support the Wright-Perkins amendment.

Mr. WRIGHT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. BURTON).

Mrs. BURTON of California. Mr. Chairman, I rise in support of the Wright amendment and the Perkins amendment.

Mr. Chairman, I rise in support of the Perkins amendment, which will restore much needed funding to the school lunch and child nutrition programs. In 1981, over 3 million children were eliminated from these programs as a result of budget cuts. It would be a cruel deception to assume that these children no longer needed the food provided by these programs.

The action we take here today will affect the future of our Nation's children. We cannot begin to talk seriously about extending the length of the school day, or increasing the number of required courses that students must take without insuring that needy children have a sufficient and nutritious diet. You cannot educate hungry children. I implore my colleagues to vote in favor of this critical amendment.

In addition, I would like to express my strong support of the Wright amendment which will increase funding for essential education and domestic programs. Many of our Nation's most vulnerable people depend on these programs. We have an absolute obligation to protect them from the disastrous effects of further reductions.

Mr. Chairman, no one seriously disputes the need for these programs, or that they are successful. Chapter I, for example, which provides education programs for disadvantaged students, is extremely important in improving the achievement levels of poor, educationally deprived, and minority children. One recent assessment revealed that between 1971 and 1980, the reading scores of the lowest achieving 9-year-olds improved by 8.8 percent, more than double the gains made by that age group as a whole.

Recent budget cuts have drastically reduced the number of children served by this program. Chapter I is serving only 47 percent—or 5.2 million of the 11 million children eligible for this program. The Wright amendment will allow an additional 400,000 students to take advantage of this important program.

I urge my colleagues to support the Wright amendment.

Mr. WRIGHT. Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. I thank the gentleman for yielding me this time.

Mr. Chairman, I support this amendment. This amendment evolves not from the much-discussed floor debate of September 22. Rather, the genesis of this amendment is the long commitment which this Nation has to the education, health, and employment of its citizens.

First, I want to discuss this amendment's effect upon our effort to get

Americans back to work. The amendment increases funding for the entire Job Training Partnership Act by approximately $75 million. That represents only 14 percent of the dollar increase necessary if we are to fully fund JTPA at last year's intended levels.

JTPA is authorized for 2 years. With this amendment, we will still be appropriating $445 million less over the remaining 21 months than we anticipated with last year's appropriation played out over 21 months. I know there is a tendency to cut jobs money because unemployment rates are declining. However, I encourage you to look beyond the unemployment rates to the employment levels. You may find what we are finding in Montana. This year, compared to last, we have 2,000 fewer unemployed people. However, we have 14,000 fewer employed people working today compared to a year ago.

The jobs money in this bill is needed more today than it was 1 year ago. And there is more. Without this amendment, funding for low income energy assistance will be $100 million below last year. Without this amendment, community services block grants will be $31,800,000 below what we did last year. Without this amendment, the college work study program will be $40 million below what we did last year. Without this amendment, community mental health centers will be $33 million below what we appropriated last year.

My colleagues, even with the addition of our amendment, each of those worthy efforts, energy assistance, community services, college work study, community health centers, each of them will still receive, with this amendment, less money than we appropriated for them last year.

Finally, and as a member of the House Budget Committee, it is important for me to say to you that if this amendment passes, the Labor-HHS Education appropriation bill will be below the budget which you passed by $4,500,000,000.

The CHAIRMAN pro tempore (Mr. SHARP). Does the gentleman from Massachusetts wish to yield them?

Mr. CONTE. Mr. Chairman, I have no requests for time at this point, and I reserve the balance of my time.

Mr. WRIGHT. How much time does the gentleman from Massachusetts have remaining, and how must time do I have remaining, Mr. Chairman?

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. WRIGHT) has 14 minutes remaining, and the gentleman from Masssachusetts (Mr. CONTE) has 9 minutes remaining.

Mr. WRIGHT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the amendment specifically with regard to a provision that I think would place a bureaucratic nightmare on States that are administering the food stamp program.

We required, under the omnibus reconciliation bill of 1982, that the States reach certain error rate levels, or suffer a penalty and that the States reach those targets by a date certain.

Unfortunately, at the request of the administration, the Congress mandated monthly reporting and retrospective budgeting and made it mandatory for all States, regardless of whether they desired to use it or regardless of whether it would be effective or not. At the time, it was estimated that money could be saved by this mandatory monthly reporting requirement. Experience, however, has proved differently.

Three major studies in Colorado, Michigan, and Illinois all have established that there are no significant savings that result from monthly reporting, and that indeed the State costs are increased. In Michigan, costs increased by 16 percent and in Illinois, by 20 percent.

Almost all of the States have come back to the Congress asking that this requirement either be postponed or that it be made optional. Indeed, in order to make it effective, you have to target about 10 to 15 percent of the recipients, so States are now asking for waivers from the Department with regard to that requirement, and it is creating a jungle of bureaucracy at the Department. So the problems are basically this with regard to monthly reporting. It is creating a bureaucratic jungle instead of less bureaucracy.

It is increasing costs instead of reducing costs, and indeed it is providing the basis for more errors rather than reducing errors.

The point is this: The States ought to be left up to their own approach as to how to do it. If they want to use monthly reporting, then that ought to be optional with the States.

We have already extended this requirement to January 1, 1984. What this amendment will do is extend it for a total of 1 year to October 1, 1984, so that the subcommittee can again look at this requirement and develop an approach that will reduce errors, reduce costs, and I think be in the best interests of both taxpayers and beneficiaries alike.

No person has expressed the reasons for doing this better than the distinguished former Senator from Oklahoma, Henry Bellmon. I include a copy of a letter he wrote on the subject, when he served as director of the Oklahoma Department of Human Services, earlier this year in the RECORD:

STATE OF OKLAHOMA, OKLAHOMA COMMISSION FOR HUMAN SERVICES, DEPARTMENT OF HUMAN SERVICES,
Oklahoma City, Okla., May 13, 1983.

Hon. MIKE SYNAR,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN SYNAR: On April 29, 1983, 32 states joined together to send the attached mailgram to Health and Human Services Secretary Margaret Heckler and Secretary of Agriculture John Block, enlisting their cooperation in our efforts to secure Federal legislation amending the mandatory implementation of monthly reporting and retrospective budgeting in AFDC and food stamps.

While Oklahoma has had some success with monthly reporting and retrospective budgeting in AFDC, it is our opinion the same process will not be effective in the Food Stamp Program and will, in fact, be a costly and difficult administrative process. Beyond the question of administration, retrospective budgeting has caused some unnecessary hardship for recipients because it computes current benefits on income received one or two months ago whether or not their income is still being received. Some states are facing litigation on this and although they may supplement these artificially reduced AFDC grants (without Federal funds), no mechanism exists to make up shortages in food stamp benefits.

For these reasons, it is our strong recommendation that monthly reporting and retrospective budgeting be made an optional process and that, for states which elect to use them, broad waiver automatically be exercised by HHS and USDA in order to tailor them to the conditions and caseloads in those states. Currently the monthly reporting and retrospective budgeting track record does not support its mandatory status.

In the AFDC Program, Oklahoma is currently processing 23,000 pieces of paper per month which results in approximately 800 changes per month. It is anticipated that if we are required to do monthly reporting in the Food Stamp Program, the number of reports processed monthly will increase to 45,000 per month. Also in the Food Stamp Program, since recertifications are done much more frequently than in the AFDC Program, there will not be a significant number of substantial changes reported in comparison to the cost of administering the program.

We trust that you will agree with this position and urge you to support appropriate legislation.

Sincerely,

HENRY BELLMON,
Director.

TEXT OF MAILGRAM

To: The Hon. Margaret Heckler, Secretary, U.S. Department of Health and Human Services, 200 Independence Avenue, SW., Washington, D.C.

The Hon. John R. Block, Secretary, U.S. Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, D.C.

As state public welfare administrators, we are requesting that you support our efforts to amend existing statutes pertaining to mandatory implementation of Monthly Reporting and Retrospective Budgeting (MR/RB). It is the consensus of the states that MR/RB should be a state option rather than a mandatory administrative process.

MR/RB can be costly to implement, especially in light of limited federal and states resources. Additionally, the problems experienced to date in implementing AFDC caseloads will increase substantially as states begin to include their Food Stamp caseloads in the MR/RB process.

We are extremely concerned about the effect of MR/RB on our error rates. We had already achieved considerable success in curbing our error rates prior to the imposition of mandated MR/RB. Now, at a time when we are faced with diminishing resources and the possibility of fiscal sanctions, we are forced to use an unproven alternative. It is our contention that we must be allowed to administer the AFDC and Food Stamp programs in ways best suited to our varied caseload and administrative characteristics.

For the reasons above, it is the consensus of the states that the following legislative proposals be enacted:

Make monthly reporting and retrospective budgeting optional to the states in AFDC and Food Stamps,

Expand the waiver authority to permit compatibility among AFDC, Food Stamps and Medicaid,

Place a moratorium on counting quality control errors caused by the implementation of MR/RB.

Copies of this telegram are being shared with key Congressional Leaders, in particular, members of the House Ways and Means, Senate Finance and House and Senate Agricultural Committees. We hope that you will actively support our position on these important issues.

Leon Frazer, Alabama; Kenny Whitlock, Arkansas; George Goldstein, Colorado; Stephen Heintz, Connecticut; James Buford, District of Columbia; John Syria, North Carolina; John Cuddy, Ohio; Henry Bellmon, Oklahoma; John Crosscope, Jr., South Carolina; David Pingree, Florida; James Ledbetter, Georgia; Franklyn Sunn, Hawaii; Thomas Purce, Idaho; Jeffrey Miller, Illinois; James Ellenbecker, South Dakota; Sammie Lyn Puett, Tennessee; Marlin Johnston, Texas; Andrew Gallegos, Utah; Donald Blinzenger, Indiana; Michael Reagen, Iowa; Robert Harder, Kansas; Joseph Gallant, Massachusetts; Agnes Mansour, Michigan; James O'Rourke, Vermont; Alan Gibbs, Washington; Leon Ginsberg, West Virginia; Linda Reivitz, Wisconsin; Leonard Levine, Minnesota; John LaFaver, Montana; George Albanese, New Jersey; Joseph Goldberg, New Mexico; and Cesar Perales, New York.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. Moody).

Mr. MOODY. Mr. Chairman, I rise to support the last speaker and his comments about monthly reporting and budgeting.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Mineta).

Mr. MINETA. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in strong support of the Wright-Perkins amendment, which would put this House firmly on record in support of reasonable and adequate levels of funding for 16 different education and social programs.

I am particularly interested in the increases proposed in funding for handicapped education and for alien education. These are both unusually worthy programs, which provide significant social benefits for relatively little spending. It is a shame that we have lost sight of the great value such programs have to this society as investments in our future. Any funds spent on educating the handicapped, new immigrants, or children of disadvantaged families is returned many times over in the social and economic benefits of having them participate fully in our economy.

As a Member from California, where so many newly arrived immigrants and refugees have settled, I know from personal experience how useful and productive these programs can be.

What we are talking about today is not excessive or wasteful spending. We are talking about thoughtful and considered investments. It is certainly true that spending money in and of itself does not guarantee quality education. But no one has ever shown me how refusing to spend money would improve our educational system.

We must not lose sight of our fundamental goal of providing children with a quality education. We must not fail in our responsibilities.

I congratulate the sponsors of this amendment for their leadership on this issue, and I urge the adoption of the amendment. Thank you.

Mr. WRIGHT. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. Ford).

Mr. FORD of Tennessee. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Wright amendment and would like to say that the funds that are requested in this proposal are necessary and reasonable.

The significant budget cuts in various social and educational programs experienced over the past several years have had a tremendous impact on the lives of millions of Americans who depend on these valuable social services.

While we often make mistakes, we are a nation of compassionate men and women.

Mr. Chairman, it is obvious that we have made a mistake in cutting many of the programs that affect the hungry, the homeless, the elderly, the sick, the disadvantaged, women, students, and the jobless in this country.

The amendment being offered today to the continuing appropriations resolution does not pretend to solve all of the problems that we are confronted with but the impact of those recent budget cuts have created many, many problems and I think that this amendment that is offered by the majority leader certainly will go a long way in trying to solve some of those problems.

However, it does signal that the Congress, the body of the people, realizes that mistakes have been made in previous budget cuts and that the groundwork must be laid for correcting these inequities that have resulted in the budget cuts over the recent years and in supporting the Wright amendment, I should note that the Ways and Means Subcommittee on Public Assistance and Unemployment Compensation which I chair has been involved in the low-income energy assistance program for quite some time.

I know that there are 16 other programs that will be affected by this amendment and that is why I call upon my colleagues to support the Wright amendment.

We have shared in my subcommittee some jurisdiction in the development of this program with the energy assistance for those who are not able to pay the high cost of utilities, and, Mr. Chairman, with that I urge my colleagues to join with me and give full support for the Wright amendment and adopt their amendment today.

AMENDMENT OFFERED BY MR. PERKINS TO THE AMENDMENT OFFERED BY MR. WRIGHT

Mr. PERKINS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Perkins to the amendment offered by Mr. Wright: At the end thereof insert the following new section:

SHORT TITLE

Sec. (a). This section may be cited as the "School Lunch and Child Nutrition Amendments of 1983".

INCREASE IN FEDERAL REIMBURSEMENT FOR REDUCED PRICE MEALS

(b)(1) Section 11(a)(2) of the National School Lunch Act is amended by striking out "40" and inserting in lieu thereof "25".

(2) Section 9(b)(3) of the National School Lunch Act is amended in the third sentence by striking out "40" and inserting in lieu thereof "25".

(3) Section 4(b) of the Child Nutrition Act of 1966 is amended—

(A) in paragraphs (1)(B) and (1)(C) by striking out "30" and inserting in lieu thereof "15"; and

(B) in paragraph (2)(C) by striking out "thirty and inserting in lieu thereof "fifteen".

INCREASE IN INCOME GUIDELINES FOR DETERMINING ELIGIBILITY FOR REDUCED PRICE MEALS

(C) Section 9(h)(1)(A) of the National School Lunch Act is amended in the fourth sentence by striking out "185" and inserting in lieu thereof "195".

ADDITIONAL FUNDING TO IMPROVE SCHOOL BREAKFAST PROGRAM MEAL PATTERN

(d)(1) Section 4(b) of the Child Nutrition Act of 1966 is amended by inserting at the end thereof the following paragraph:

"(3) The Secretary shall increase by 6 cents the current adjusted payment for each breakfast served under this Act and section 17 of the National School Lunch Act to assist States in improving the nutritional quality of such breakfasts, to the extent feasible.".

(2) The Secretary of Agriculture shall review and revise the nutrition require-

ments for meals served under the school breakfast program to improve the nutritional quality of such meals, taking into consideration both the findings of the National Evaluation of School Nutrition Programs and the need to provide increased flexibility in meal planning to local school food service authorities. Not later than one hundred and eighty days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to implement such revisions.

CHANGE IN TUITION LIMITATION FOR PRIVATE SCHOOLS

(e)(1) Section 12(d)(5) of the National School Lunch Act is amended—

(A) in the first sentence by striking out "$1,500" and inserting in lieu thereof "$2,500"; and

(B) by inserting at the end thereof the following new sentence: "On July 1, 1984, and on each subsequent July 1, the Secretary shall prescribe an annual adjustment in the tuition limitation amount in the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent twelve-month period for which such data is available.".

(2) Section 15(c) of the Child Nutrition Act of 1966 is amended—

(A) in the first sentence by striking out "$1,500" and inserting in lieu thereof "$2,500"; and

(B) by inserting at the end thereof the following new sentence: "On July 1, 1984, and on each subsequent July 1, the Secretary shall prescribe an annual adjustment in the tuition limitation amount in the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent twelve-month period for which such data is available."

ADDITION OF ONE MEAL AND ONE SNACK TO THE CHILD CARE FOOD PROGRAM

(f) Section 17(f)(2)(B) of the National School Lunch Act is amended by striking out "two meals and one supplement" and inserting in lieu thereof "three meals and two supplements".

INCREASE IN AUTHORIZATION FOR NUTRITION EDUCATION AND TRAINING

(g) Section 19(j)(2) of the Child Nutrition Act of 1966 is amended by inserting at the end of the first sentence ", except that for fiscal year 1984, there shall be authorized to be appropriated $7,500,000".

EXCLUSION OF CERTAIN MEDICAL EXPENSES FROM INCOME OF HOUSEHOLD

(h) Section 9(b)(3) of the National School Lunch Act is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by inserting at the end of such paragraph the following new subparagraph:

"(B) For purposes of determining eligibility under subparagraph (A), 'household income' does not include unusually high medical payments which (i) could not be reasonably anticipated or controlled by the household and (ii) were not recoverable through public or private sources.".

ELIMINATION OF REFERENCE TO FOOD STAMP PROGRAM ELIGIBILITY STANDARDS

(i) Section 9(b)(1)(A) of the National School Lunch Act is amended—

(1) by striking out in the second sentence "For the school years ending June 30, 1982, and June 30, 1983, the" and inserting in lieu thereof "The"; and

(2) by striking out the third sentence.

RESTORATION OF CERTAIN KINDERGARTENS TO SPECIAL MILK PROGRAM

(j) Section 3(a) of the Child Nutrition Act of 1966 is amended in the first sentence immediately before ", and (2)" by inserting "(except that the preceding limitation shall not apply to kindergarten programs in such schools)".

EFFECTIVE DATES

(k)(1) Except as otherwise provided, the provisions of this section shall take effect on the date of the enactment of this joint resolution.

(2) The amendment made by subsection (c) shall take effect on the date of the enactment of this joint resolution, except that each school food authority may elect to delay implementation of such amendment to a date not later than July 1, 1984.

(3) Not later than sixty days after the date of the enactment of this joint resolution, the Secretary of Agriculture shall issue final regulations to implement the amendments made by subsection (h). The amendments made by subsection (h) shall take effect upon issuance of such final regulations, except that each school food authority may elect to delay implementation of such amendments to a date not later than July 1, 1984.

(4) The amendment made by subsection (b) shall take effect on the first day of the first month following the date of the enactment of this joint resolution.

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 362, the gentleman from Kentucky (Mr. PERKINS) is recognized for 15 minutes, and a Member opposed to the amendment will be recognized for 15 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Massachusetts.

Mr. CONTE, I thank the gentleman for yielding.

Mr. Chairman, the hour is late. Rather than debate this amendment, we are going to fight the whole issue of the Wright amendment; and I will accept this amendment.

Mr. PERKINS. Well, let me thank the gentleman from Massachusetts, and I feel that I should make a brief statement, since this amendment in committee was bipartisan all the way through.

But before I start my explanation, let me call the attention of the House to the work of the cosponsor of this amendment, Mr. HALL of Ohio. Mr. HALL is a tireless advocate for these feeding programs. Without his work over the years I know that thousands of needy children would not be receiving the nutrition they so badly need from the school lunch program and these other programs. Mr. HALL is a fine public servant, and we are all in his debt.

Mr. Chairman, this amendment which I am offering with Congressman TONY HALL of Ohio is an amendment to the Wright amendment. Our amendment simply restores approximately $100 million in funding to the Federal child nutrition programs—less than 10 percent of the funds eliminated from these programs by the budget cutbacks of 1981. As a matter of fact, our amendment would still leave these programs at 30 percent less than they would now be receiving if those cutbacks had not occurred in 1981.

In that year Congress cut spending on the school lunch and child nutrition programs by 35 percent and as a result 3.5 million fewer children are now particiating in these programs. This year, in adopting the congressional budget resolution for 1984, the Congress sought to remedy some of this harm by permitting the restoration of $150 million of the funding cut in 1981. This amendment would implement that budget resolution.

The House on October 25 passed this same legislation as H.R. 4091 by a vote of 306 to 114. The reason that we are offering the identical provisions today as an amendment to the continuing resolution is that the other body is refusing to move on the House-passed bill. In fact, the chairman of the appropriate committee in the other body has announced his strong opposition to that legislation.

Consequently, our amendment today is the only legislative device which we have remaining to us this year to implement the budget resolution. We have no other recourse.

This amendment attempts to alleviate the worst effects of the 1981 cutbacks. Its provisions focus on encouraging more children of the working poor to return to the lunch program, on improving the breakfast program, on retaining private schools in the program, on expanding meals for children in day care settings, and on providing milk to children in kindergartens.

The amendment contains the following exact changes from current law:

The student's cost of a reduced price lunch is lowered from the current 40 to 25 cents, and of a reduced price breakfast from the current 30 to 15 cents.

The eligibility for reduced price meals is raised from the current 185 percent of the Federal poverty guidelines to 195 percent of the guidelines.

An additional 6 cents per meal is provided for breakfasts to improve the nutritional quality of the breakfast program.

The tuition cutoff for private school participation is raised from $1,500 to $2,500 and indexed to inflation.

Federal subsidies are allowed for one additional meal and one snack in the child care food program which serves children in day care centers.

The authorization ceiling for the nutrition education and training program is raised from $5 to $7.5 million.

A medical hardship deduction for unusual, high medical payments is allowed for families applying for free and reduced price meals.

The requirement that free meal eligibility be the same as that required for food stamp eligibility is eliminated.

The special milk program is restored for children in kindergartens.

Mr. Chairman, I believe that all Members can support this amendment, and I urge its adoption. For the sake of legislative history, I would like to refer the Members to my more detailed explanation of this legislation when the House considered it as H.R. 4091 on October 24.

Mr. HALL of Ohio. Mr. Chairman, it is with great pleasure that I join Mr. Perkins, the distinguished chairman of the Education and Labor Committee, in proposing this amendment to the standing amendment sponsored by our colleague from Texas (Mr. Wright).

Our amendment, the School Lunch and Child Nutrition Amendments of 1983, was adopted by this very same membership on October 25. The vote was 306 to 114—reflecting an almost 3-to-1 margin. This proposal enjoyed a great deal of support from Members sitting on both sides of the aisle.

Our amendment would make nominal restorations to cuts sustained by the national school lunch and other child nutrition programs through the enactment of the Omnibus Budget Reconciliation Act of 1981.

In summary, our amendment makes the following changes in current law:

First, reduces the students' cost of a reduced price lunch from the current 40 to 25 cents, and of a reduced price breakfast from the current 30 to 15 cents;

Second, raises the eligibility for reduced price meals from the current 185 percent of the OMB poverty guideline to 195 percent of the OMB poverty guideline;

Third, provides an additional 6 cents for breakfast to improve the nutritional quality of the breakfast program;

Fourth, raises the annual tuition for private school participation from $1,500 to $2,500 and indexes this provision to inflation;

Fifth, allows Federal subsidies for one additional meal and snack in the child care food program which assists children in day care centers;

Sixth, raises the authorization ceiling for the nutrition education and training program from $5 to $7.5 million;

Seventh, allows a medical hardship deduction for unusual, high medical payments for families applying for free and reduced price meals:

Eight, removes the requirement that free meal eligibility be the same as that required for food stamp eligibility—maintaining 130 percent of poverty for free meal eligibility; and

Ninth, allows the special milk program to operate for children in kindergarten programs.

I would like at this time to commend those who took part in so carefully crafting this proposal. I must comment that the cost to result from these changes is indeed nominal compared to the benefits they will provide.

We have reviewed several studies and surveys which document the important role assumed by the national school lunch and other child nutrition programs in improving the nutritional status of young children—particularly low-income children. Why, our own Congressional Budget Office reported that:

> School feeding programs appear to be significantly more effective in improving the nutrition of low-income children that direct money payments to their families.

Despite these findings which so clearly attest to the success of these programs, in the 1981 Budget Reconciliation Act, it was seen fit that the Federal Government reneg on its commitment to safeguard the health and well-being of our Nation's children. Child nutrition programs—including the school breakfast program and the school lunch program—sustained cuts totaling $1.5 billion. For instance, funding for the school breakfast program was cut by 20 percent, resulting in an enrollment decline of 900,000 pupils.

The school lunch program suffered a similar fate. Program funding was cut 30 percent. Prior to that time, 94,000 schools serving 26 million children participated in the program. After the enactment of the reconciliation bill, the number of schools participating in the lunch program dropped by nearly 2,000, and the number of children in that program declined by more than 3 million.

Perhaps the most devastating impact was made on the nearly 1.1 million children who are no longer receiving the free and reduced-price lunches under the program. In my district, in Dayton, Ohio, the budget reductions and changes in participation guidelines forced close to 1,000 children from the program. I discussed this situation with Mrs. Betty Bender, the director of school food services in Dayton City Public Schools. She informed me that most of these children are borderline cases, that they were members of families known as the working poor. These children are no longer participating in the program because their family incomes—$18,315.00 per year for a family of four—were just too high.

Mr. Chairman, a vote for this amendment will give us an opportunity to move back in line with our commitment to safeguard the health and wellbeing of our Nation's children. In 1981 we cut the child nutrition programs by $1.5 billion. Our amendment makes a modest restoration. In fact, this legislation will reflect less than a 10-percent restoration of that funding cut. But it is an important statement of our continuing concern for our children's health.

The budget resolution for fiscal year 1984 permits this restoration. In addition, the bill makes more children eligible for the reduced-price meals by raising family income eligibility levels.

I continue to believe that we made a grave error in so drastically reducing Federal support for our child feeding programs in 1981. This amendment is offering us the opportunity to make amends.

I encourage all of you to take advantage of this opportunity.

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The CHAIRMAN pro tempore (Mr. Sharp). The question is on the amendment offered by the gentleman from Kentucky (Mr. Perkins) to the amendment offered by the gentleman from Texas (Mr. Wright).

The amendment to the amendment was agreed to.

Mr. CONTE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Walker).

Mr. WALKER. I thank the gentleman from Massachusetts for yielding.

There is one amendment or one part of the Wright amendment that I understand has not been talked about very much and I think does deserve the attention of the Members, because as far as I am concerned it is one of the worst provisions of the entire amendment.

It involves no particular funding except what it does is deny funding to a very important program, that being a program that is designed to try to end fraud, waste, and abuse in the food stamp program.

GAO report after GAO report has indicated to us that there may be as much as $2 billion a year worth of fraud in food stamps. Back several months ago we attempted to correct that fraudulent practice by having a better reporting system, by assuring ourselves that we had a system to find out whether or not the people getting food stamps were entirely deserving of food stamps.

Under the Wright amendment, what we would be doing is denying funds to operate that program.

What the Wright amendment is then is an amendment that attempts to eliminate an antifraud provision in food stamps.

If the American people believe one thing, it is that we ought to at least eliminate waste, fraud, and abuse in Government. And when we have a program like food stamps where the waste, fraud, and abuse is running at 15 to 20 percent, they think we ought to get about the job.

With the Wright amendment what you would be saying is let us get rid of that effort, let us not go after waste, fraud, and abuse, and let it go on. The fact that there are billions of dollars being spent in food stamps for people who are not then receiving the benefits of that program, and it is being paid out fraudulently, let us put that beside the point. We are simply going to move ahead here and not allow the States to proceed with this antifraud provision.

So I think that it is important that we consider as we vote on the Wright amendment that that provision is in there which would virtually cancel for 1984 an antifraud provision that this Congress put in place about 2 or 3 years ago.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

I do not know whether he was on the floor when I did discuss this particular amendment.

The problem we are finding with this amendment is that all of the major studies that are being done on monthly reporting requirements indicate that it is not resulting in any savings.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

Mr. WRIGHT. Mr. Chairman, I yield the gentleman 1 minute, if I may.

Mr. PANETTA. If the gentleman will yield, we have had major studies in Colorado, in Michigan, in Illinois. Every one of the studies indicates that there is absolutely no savings associated with this, that the administrative costs have gone up in these States 16 percent in the case of Michigan, 20 percent in the case of Illinois.

CBO now tells us that there is little or no savings to be attached with the monthly reporting requirement. It is very clear that if States are going to meet the targets we have set with regard to penalties, we should let the States do it as they choose. Let us not impose an administrative process on them that many of the States simply cannot use effectively.

Mr. WALKER. I thank the gentleman for expressing that.

My bottom line, though, is it is not going to cost us $2 billion a year worth of administrative costs, and we may end up saving some of the $2 billion a year that is now going into fraudulent payments.

Mr. WRIGHT. Mr. Chairman, may I inquire as to the time?

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. WRIGHT) has 9 minutes remaining; the gentleman from Massachusetts (Mr. CONTE) has 7 minutes remaining.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Chairman, I rise in support of the gentleman's amendment which would increase funding for vital education and labor programs by $996.4 million in fiscal year 1984.

Mr. Chairman, the increases proposed by this amendment are not radical, nor are they budget busting as some might argue. In fact, these figures are lower than those assumed in the 1984 budget resolution, which passed this Chamber as well as the Senate by a wide margin.

This amendment acts to restore funding for educational programs which suffered large cutbacks in fiscal year 1981, and which have been losing purchasing power in each subsequent year due to insufficient increases to keep up with inflation.

The chapter I program, for example, was cut nearly 6 percent between fiscal years 1980 and 1982, despite the fact that only 47 percent of eligible children are being served. This program provides assistance to the most disadvantaged students in an effort to improve their reading skills and their aptitude in math. The Wright-Perkins amendment would allow an additional $165 million for this program.

Vocational education, education of the handicapped, adult education, college work-study, and supplemental educational opportunity grants—all of these programs provide vital funding for projects targeted at increasing the employability of today's students. the amendment before us would provide $266.4 million in additional fiscal year 1984 moneys for these vital functions.

I am particularly pleased to note that this amendment increases funds for the Job Training Partnership Act by $75.4 million to a total of $3.559 billion. This year marks the beginning of a new partnership between Government and business in training workers for the job market. As a successor to CETA, this program has been carefully crafted to avoid criticisms which plagued the previous system, and will be under great pressure to perform more efficiently and to be more reflective of the job market than its predecessor. However, we are placing this burden on the Job Training Partnership Act while initiating its programs at funding levels less than that of the closeout year for CETA. Even with the increases provided by this amendment, JTPA would receive $421.7 million less than comparable activities in fiscal year 1983. If we are serious about our efforts to train Americans for productive employment, we must translate our commitment into monetary terms, and support the gentleman's amendment.

Mr. Chairman, this amendment also includes increases for such programs as vocational rehabilitation, which has received bipartisan support throughout its 63-year history. There are approximately 36 million disabled Americans, 26 million of whom are adults with work disabilities. The vocational rehabilitation program is their primary conduit to employability, particularly for those with the most severe handicaps. Yet, it is estimated that in 1983 only 1 in 20 disabled persons eligible for rehabilitation services can be accepted into vocational rehabilitation programs because of funding limitations. The increase of $43.9 million scheduled for this program would extend rehabilitation services to a wider group of eligible and needy individuals.

Mr. Chairman, I also rise in support of the amendment by Mr. PERKINS to the amendment, which would attach the text of H.R. 4091 to the continuing resolution. That bill, which passed this body by a wide margin, would allow for increased expenditures under the National School Lunch Act and the Child Nutrition Act of 1966.

The budget resolution for fiscal year 1984 includes, among other things, an increase of $150 million for child nutrition programs. In order to achieve these funding increases, however, it is necessary to make legislative changes in the act so as to increase entitlement obligations for those purposes.

I am pleased to note that fully one-third of the proposed increases will go to assist children of families with incomes between 135 percent and 195 percent of poverty. These children receive reduced price meals, but in many instances it has been shown that these families' budgets were disproportionately strained by the increased cost of lunches that resulted from reductions in the program in 1981. By increasing reimbursement rates from 40 cents less than free to 25 cents less than free for lunches, and from 30 cents less than free to 15 cents less than free for breakfasts, we will make it feasible for many additional low-income children to join the program.

Another particularly important component of this amendment involves an increase in reimbursement for the school breakfast program. Studies by the U.S. Department of Agriculture had shown that while the lunch program fulfilled dietary requirements, the school breakfast program was deficient in many nutritional aspects. The additional $32 million in reimbursals will be used by schools to ameliorate this situation.

I believe this amendment to be an equitable, bipartisan approach to improving the nutritional status of our schoolchildren, and urge my colleagues to support its passage.

Mr. Chairman, I urge my colleagues to support the Wright-Perkins amendment as modified by the Perkins child nutrition amendment to increase appropriations for these 16 programs, and to reaffirm the promise made to the American people by this body when it approved the fiscal year 1984 budget resolution.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I rise in support of the Wright-Perkins amendment and hope that the House will vote in favor of this initiative.

This measure is within the budget authority agreed to by the House and Senate and almost all the measures included in this amendment have passed this House in authorization bills already this year, only to end up languishing in the Senate or conference committee because of the unwillingness of a select group of Senators backing only the Reagan administration limits on education and other reasonable nutrition and low-income assistance programs.

These programs and amendments are therefore reasonable and within the budget framework and other goals that we have set for ourselves.

In the very measure we have before us is most of the Department of Defense appropriation, a $247.5 billion budget.

Mr. Chairman, the increase alone in the DOD appropriation bills exceeds the total budget for all the education programs that now exist. It is ironic that Members get so wrapped up in the budget deficit by virtue of the amendment before us at this point when the more logical targets are so obvious. Do these Members feel that only education dollars add to the deficit and not other tax expenditure and exhorbitant military spending. Surely they do not.

Mr. Chairman, I submit that especially the education programs in this amendment represent a great investment in America's future, our children. Clearly these tried and proven programs in chapter 1, education of the handicapped, adult education, all will provide dividends in the future that will indeed pay for itself.

I only wish I could say the same for the DOD appropriation, certainly that spending, however necessary, is in more than one way dead end spending. It simply does not have the utility and return that other spending has that the National Government provides.

Mr. Chairman, an important program is included in the Wright amendment for which I am very grateful. There is $10 million for emergency shelter for the homeless.

The funding for this measure, which has passed the House twice as an authorization with bipartisan support, will elapse December 31.

With the continued serious plight and distress of the homeless across this Nation, we, indeed, must at least provide interim funding until Congress returns in January and February to act on full funding for the homeless authorization.

Finally, Mr. Chairman, there are those who say we cannot include the increase in education and other worthy programs being proposed in the Wright-Perkins amendment because President Reagan will not accept these measures, the good members of the Appropriations Committee are especially concerned about this possibility.

Let me state that I do not and I hope this House does not yield to that view, this really is one of our last opportunities to address and state our priorities in a meaningful manner and to add substance to the House-Senate budget resolution objectives and the authorization measures that have overwhelmingly previously passed this House.

I feel that we ought to challenge the administration and the President on these issues and do so in a meaningful way if the President cannot accept education, fuel assistance, and help for the homeless in this continuing resolution maybe we can find some of his foreign aid programs objectionable as well. Therefore, Mr. Chairman, I offer my thanks to the majority leader, Mr. WRIGHT, and the distinguished chairman, Mr. PERKINS, for their leadership in offering these important amendments and hope that this House will respond with overwhelming support for the same.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I rise in support of this amendment which seeked to increase funding for 17 education and social programs by $996.9 million.

While I very much favor responsible fiscal restraint, in light of the inflationary pressures impacting on State and local governments, I believe a strong case is made to justify increased funding levels of the many important educational and social programs. The President's National Commission on Excellence in Education has called for a renewed commitment to excellence which can only be accomplished if our educational programs are adequately funded. The Wright-Perkins amendment would provide the necessary funding for this effort.

In addition to the educational programs this amendment addresses, it also provides much needed funding for the Job Training Partnership Act, low-income energy assistance, emergency shelters for the homeless, and community health centers. These programs present the only hope available for a better quality of life, not only to my constituents in the First Congressional District of Illinois, but to countless thousands of citizens across this land.

As the cost of living continues to increase, the delivery of these essential services becomes critical to an increasing number of Americans who find it difficult to cope with the ravages of inflation, and joblessness. Without a serious Federal commitment in the areas which this amendment addresses itself, It will be virtually impossible for them to make it.

I strongly urge my colleagues in this Chamber to put partisan politics aside and concern themselves with whether or not this proposed amendment is veto bait; rather, be directed by human need passing the Wright-Perkins amendment.

Mr. CONTE. Mr. Chairman, I reserve the balance of my time. I have no further requests for time, but I will reserve the balance of my time.

Mr. WRIGHT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. I thank the gentleman for yielding and I would just like to say that what the Wright-Perkins amendment does is simply deliver on one of the great promises of the last 3 years of the Reagan administration, which turned out to be one of the great lies in politics over the last 3 years, and that was this: The President told the American public that his cuts in the reconciliation bill would not hurt the poor, they would not hurt the homeless, they would not hurt the elderly, they would not hurt the children in need.

The fact of the matter is, as we audit each and every one of those cuts we find out that people and families in desperate need have been dramatically hurt by those budget cuts. They are the homeless. They are the elderly without money to pay for heat. They are the children who have been cut off the school lunch program. They are the handicapped that are having educational services curtailed.

So what we are doing here is in fact redeeming the promise of the social safety net for the poor, the homeless, and the elderly in this country because Ronald Reagan went on national TV, he came before this Congress and promised us that those individuals would not be harmed by his actions.

Now we see time and again in front of committee after committee as we look at the ramifications of the budget cuts of 1981 that those people have been desperately, desperately maligned by these budget cuts. So what this amendment does, the Wright-Perkins amendment, is make a modest effort at trying to restore those cuts that have so damaged the most vulnerable in our society, the women looking for work who find now that there is no day care for their children; the elderly who are trying to pay for the heat.

□ 1820

But most importantly, it provides for protection of the women's, infants', and children's program. The most dramatic and expensive event that takes place for the Federal Government in terms of social services is the birth of a low birthweight, premature baby because that child will end up costing us literally hundreds of thousands of dollars, at the same time bringing unfortunate misery to that family.

I think if we are going to redeem the promise of the social safety net, then we must pass the Wright-Perkins amendment.

Mr. WRIGHT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GRAY).

Mr. GRAY. Mr. Chairman, first of all, I want to acknowledge the fact that I know that the committee has worked very hard in terms of supporting education and particularly the efforts of the Committee on the Budget to reverse some of the misguided priorities that we have seen in the last 2 years. They are to be commended.

But earlier during the general debate, my colleague from Maryland (Mr. MITCHELL) made a statement which is still ringing in my head and I hope in the hearts and minds of everyone here.

That is: What is the need that we face? Certainly when we look at what has happened in fiscal year 1981, fiscal year 1982, fiscal year 1983, there is a need to pass the Wright amendment. It provides $165 million more for disadvantaged children under chapter 1 which will enable us to serve 330,000 additional students; it provides $143 million for education for the handicapped to provide a 10-percent increase over fiscal year 1983 which will still not bring us up to where we should be; it provides more money and we ought to ask the question as to need. I urge your support for the Wright amendment.

Mr. DE LA GARZA. Mr. Chairman, I rise in support of the amendment offered by the distinguished majority leader, Congressman JIM WRIGHT, which would delay implementation of monthly reporting/retrospective budgeting (MRRB) in the food stamp program until October 1, 1984.

I think this amendment is necessary because results of a recent 12-month Illinois study of MRRB started in the fall of 1981 have just been made available which indicate there may in fact be no savings in the food stamp program under this requirement. Indeed, the Illinois study, the only demonstration project contracted by USDA covering food stamp households, shows that benefit costs actually rose 8 percent while administrative costs climbed an astounding 20 percent, the result of increased labor costs, automated system costs, and postage and debugging problems, all of which it is reasonable to assume any State would encounter in setting up such a complex reporting system.

At the time MRRB was considered by the Congress, it was touted as the most significant savings feature of the fiscal year 1981 food stamp reconciliation legislation. Indeed, the Congressional Budget Office and the U.S. Department of Agriculture stated at the time that savings for fiscal year 1984 would amount to $257 million. This projection was based on preliminary results of the first year of a 1976-78 Colorado study of MRRB for AFDC households. More recent analyses of hard data from the Colorado project, however, indicate that there were no statistically significant savings realized. This conclusion was also reached in an additional AFDC demonstration project in Michigan conducted October 1980 to September 1981.

In the food stamp program, retrospective budgeting is required for all households with the sole exception of migrant farmworker households as long as these households are in the migrant job stream. Monthly reporting is required for households with earned income, those containing potential earners, those whose household head is receiving unemployment insurance, and those whose household head is required to register for work. Only migrant households and those whose adult members are without income and elderly or disabled are excluded from this requirement. Because this requirement affects so many households, the law provides waiver authority where a State agency can prove monthly reporting of certain households would result in unwarranted expenditures by the State agency. It is my understanding that at the end of October, the Department had received over 280 requests from the States for waivers in this regard.

A review of MRRB in the food stamp program in my State of Texas indicates that the monthly reporting requirement would be cost effective for only 10 percent of the caseload. However, the State's request for additional waivers have not been approved by the U.S. Department of Agriculture, and beginning August 1 of this year when the State began phasing in MRRB, over 50,000 households are now filing monthly reporting forms with their local food stamp office. Together with those reporting periodically, the agency can expect to receive over 115,000 reports each month. Texas estimates that to continue MRRB for these households in fiscal year 1984 would cost an additional $10.6 million in administrative costs primarily because staff worktime is increased by 30 percent per case.

Implementation of retrospective budgeting is proving to be more complex than anticipated because of varying policies for those reporting on a monthly basis versus those reporting periodically. This is something which the committee would want to look at in new legislation amending the Food Stamp Act.

The 9-month extension offered by this amendment would allow States like mine the opportunity to conduct additional pilot studies of the cost effectiveness of MRRB for certain households. Texas has indicated a desire to do this and I wish to offer my State and others this opportunity through my support, and I trust your support, of this amendment.●

● Mr. BOUCHER. Mr. Chairman, I rise in support of the amendment to House Joint Resolution 403 continuing appropriations for fiscal 1984, offered by our distinguished majority leader and our distinguished chairman of the Committee on Education and Labor which would restore funding for education and other important social programs.

Earlier this year, both Houses of the Congress approved a budget resolution which recognized the need to strengthen Federal support for vocational rehabilitation, vocational education, education for the handicapped, and the other programs included in this amendment; 2 months ago, an overwhelming majority of my colleagues in this Chamber once again joined to demonstrate our support for these programs by approving H.R. 3520, the Rehabilitation Act Amendments of 1983. Notwithstanding the broad bipartisan support for these programs in this body, the other Chamber has so far refused to consider our actions. Today we stand here yet again to reaffirm our commitment to quality education and training for all Americans.

The programs included as part of this amendment are effective, established programs which have a solid track record of success in serving millions of our citizens. For more than 60 years, vocational rehabilitation programs have given millions of America's handicapped citizens the opportunity to become gainfully employed. The popular WIC program, which provides food assistance to women, infants, and young children who are nutritionally at risk, has proven to be effective in improving the health of women and their young. The chapter 1 program for disadvantaged students also has a demonstrated record of success in raising the reading achievement scores of poor, low-achieving, and minority children.

Moreover, these programs are cost effective. For every $1 spent on vocational rehabilitation, an estimated $11 is returned by the individual who becomes employed. As much as $3 is saved for every $1 spent in the WIC program. Yet, Federal support for these programs has been cut dramatically.

Each of the other programs included in this amendment faces similar dilemmas: In the face of proven success and an increase in the number of persons needing assistance, Federal support has been reduced.

We are all well aware of the importance of each of these programs for the Nation as a whole; however, for the people of my district in southwest Virginia, these programs represent a lifeline in the midst of an economic storm.

Southwest Virginia has been particularly hard hit by the current economic recession. In many of our coal-producing counties, unemployment has soared above 25 percent. High unemployment and the resulting economic dislocations have combined to cripple the area's economy. As a result, vocational education has assumed and enhanced importance in southwest Virginia. Given adequate funding, vocational education programs could provide more training for the workers who have already demonstrated the drive, the determination, and the dedication to hard work that will aid southwest Virginia and the rest of the country in recovering from the recession.

Unfortunately, this administration has chosen to ignore the real potential that vocational education and adult retraining programs promise for our work force and for long-range economic growth. It has chosen instead to follow the path of budget cuts in the face of increased need. Previous funding reductions dramatically decreased the effectiveness of vocational education and adult retraining programs at the very time the need was most acute.

The administration is ignoring the immediate need for an increase in support for vocational education. We are facing a national crisis in our vocational education system that demands a national solution, not a reduction in support. Rather than acting as merely a caretaker of the status quo, we must serve as a catalyst for change to upgrade vocational education in America.

Historically, the Federal Government has made a firm commitment to both excellence and equity in vocational education. Almost 70 years ago, a congressional study commission on vocational education discovered an urgent social and educational need for vocational education and training. At that time, the nature of industry and the skills needed to perpetuate that industry were rapidly changing. Large pools of untrained men and women were out of work and desperately needed the opportunity to develop the necessary skills. States and localities varied in their resources for vocational education programs. Moreover, the problem extended beyond State lines and affected the welfare of the entire Nation. Congress recognized this urgent need and accepted the responsibility: in 1917, the Smith-Hughes Act established a national commitment of support for vocational education.

The 1980's present us with similar challenges and opportunities. The needs of today for vocational education, as well as for the other education and social programs included in this amendment, are greater than ever before, but resources to meet these needs are limited. Only under the leadership of the Federal Government can we marshal the collective resources of the Nation to meet the challenge which is too large for State or local governments to handle alone.

I urge my colleagues to join me in supporting this amendment to reaffirm—for the third time—our commitment to quality education and training for all Americans, an investment in our future.

Thank you.●

Mr. WRIGHT. Mr. Chairman, we have only one other speaker. I wonder if the gentleman from Massachusetts (Mr. CONTE) would use up such time as he may want.

Mr. CONTE. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. WALKER. Mr. Chairman, I rise to ask for a division of the question.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. WALKER) will please state to the Chair the portions that he wishes to divide.

Mr. WALKER. Mr. Chairman, I wish to divide the question into—I think it is 17 ways.

PARLIAMENTARY INQUIRY

Mr. WRIGHT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WRIGHT. Mr. Chairman, I have not yielded back the balance of my time. I wonder if the gentleman's request is timely at this moment. I have simply suggested that the minority might use its remaining time.

If the gentleman's request at this moment does not preclude our concluding debate, then I have no objection to his making it at this time.

The CHAIRMAN. The gentleman is correct. The gentleman from Massachusetts had no more requests for time. The gentleman from Pennsylvania was appropriately recognized to demand a division of the question on the amendment. But the time of the gentleman from Texas for debate on his amendment is protected.

Mr. WALKER. Mr. Chairman, I wish to divide the question into the following categories: Compensatory education for the disadvantaged, vocational education, adult education, community services block grant, low-income energy assistance, education for the handicapped, rehabilitation services and handicapped research, education for immigrant children, higher education, the higher education science centers, the college work-study appropriation, supplemental education opportunity grants, the community health centers, the National Technical Institute for the Deaf, Galludet College, job training, emergency shelter for the homeless, the section of the bill which is related to child nutrition, and the section of the bill which is the mandatory monthly reporting language on food stamps.

The CHAIRMAN. The request of the gentleman from Pennsylvania (Mr. WALKER) is appropriate and the Wright amendment will be divisible in the order contained in the amendment.

Mr. WALKER. I thank the Chair.

Mr. WRIGHT. Mr. Chairman, I yield myself such time as remains.

The CHAIRMAN. The gentleman from Texas (Mr. WRIGHT) has 6 minutes remaining.

Mr. WRIGHT. Mr. Chairman, I should like to say I am sorry that we will be required to take 17 separate votes. I should have thought that it might have been considered as one package. That was the intention, I believe, of the Committee on Rules in drafting the rule. However, the gentleman from Pennsylvania is fully within his rights.

This merely means that we will have to have a vote on each separate component of this package. I ask you to vote for each of them.

It is not possible in the short time that remains, of course, for me to delineate and to defend each of them separately. I think that has been well done.

We have made a good and, I believe, complete record as to the need for each and every one of these portions of assistance that have been voted by the House previously.

The House already had indicated its desire to provide this form of help for America's citizens.

Let me just address myself to the broader subject, the subject of priorities.

Let us see if we cannot get some basic sense of perspective.

The main thing I want to impress upon us is the fact that it is not that kind of expenditure that has caused the deficit. The expenditure for domestic programs, in fact, has been cut on a current services basis over the past 3 years by approximately $75 billion.

These are the figures provided by the Congressional Budget Office: If we were to consider the current services level that applied in 1981, we would be spending today $75 billion more than we are spending, absent this amendment which in comparison with the amount that these programs have been caused to suffer is very modest on all of our domestic programs. That is not the cause of the deficit.

Let us see where we are spending more. We are spending more on the current services level, even after accounting for inflation, by some $90 billion on defense, more for weapons, more for implements of destruction, less for school books, less for training, less for nutrition, less for schools.

We are spending some $32 billion more this year on interest alone without reducing so much as a penny the staggering national debt that the President and his misguided policies have brought into being.

The biggest single item causing our staggering deficit this year is $135 billion more that has been drained out of the Treasury as a result of the excessive 1981 tax cut.

So that is what is causing the deficit, not these domestic programs, not money for schools, not money for kids who want to get an education, not money to help the people who cannot afford to heat their homes in the winter.

Those are not the things; not money that allows women who are pregnant to have a wholesome diet and allows their children therefore, at birth to have a fair chance in life, otherwise they would be handicapped for the remainder of their existence.

These are not the things that are causing the deficit because on a current services level we are spending $75 billion less this year upon those worthwhile domestic programs that this modest amendment seeks, in a very small measure, to restore.

No, the things that are causing the deficit are the money we are spending without blinking for weapons of destruction, for higher interest rates, and for tax giveaways, most of which inure to the advantage of the wealthiest people.

So if you would redress that enormous imbalance to this small degree, if you would recognize that this country has a promise and a pledge that the humblest child born of the most improvident home in this land has a birthright as an American to as good an education as anyone can get anywhere on Earth, for a chance to get ahead, to a decent nutritious diet, to an opportunity to live in some degree of comfort and convenience and to have the necessities of life available to that individual through his or her work, if you believe those things, if you think that those commitments that have been made over the years by this Congress and by this country are precious and are important, then here is your opportunity to vote for this amendment.

□ 1830

I hope that the President will accept it. If we can have a big enough vote, surely he will recognize that this comes as a mandate of expression from those of us who most closely represent the wishes of the people of the United States.

And I remind you that in poll after poll, Americans, when asked what would they like to spend more money on, do not usually respond that they would like to spend more money on weapons of destruction or on interest rates or on tax giveaways, but they do say that they believe that we ought to spend enough money on education to make certain that America is forever first in the field of education, because if we ever cease to be first in education, however sophisticated our weapons, we will not be first long in defense. And however sophisticated may be our machines of production, if we settle for second best in education, we will not long remain first in competition among the nations of the world.

And with those views in mind, I hope that you will vote "yes" on each of these components as they are presented to us severally and individually.

The CHAIRMAN. All time has expired.

The first question will be put on the remainder of the amendment, as amended, on which a division of the question has not been demanded, namely, on the Perkins amendment language now part of the pending amendment offered by the gentleman from Texas (Mr. WRIGHT).

At the conclusion of that vote, then we will vote separately on the divisible portions in the order in which they appear in the amendment.

The question is on the Perkins amendment language now part of the Wright amendment.

That portion of the Wright amendment was agreed to.

The CHAIRMAN. The Clerk will report the first portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for carrying out chapter 1 of the Education Consolidation and Improvement Act of 1981, $165,000,000 to become available on July 1, 1984, and remain available until September 30, 1985.

The CHAIRMAN. The question is on the portion of the amendment relating to compensatory education for the disadvantaged.

The portion of the amendment relating to compensatory education for the disadvantaged was agreed to.

The CHAIRMAN. The Clerk will report the next portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to the funds otherwise available, for the following purposes:

VOCATIONAL EDUCATION

For an additional amount for carrying out the Vocational Education Act of 1963, $81,400,000 to become available on July 1, 1984, and remain available until September 30, 1985.

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the portion of the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The question is on the portion of the amendment relating to vocational education.

The question was taken, and on a division (demanded by Mr. WALKER) there were—ayes 37, noes 20.

So the portion of the amendment relating to vocational education was agreed to.

The CHAIRMAN. The Clerk will report the next portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

ADULT EDUCATION

For an additional amount for carrying out the Adult Education Act, $12,000,000 to become available on July 1, 1984, and remain available until September 30, 1985.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the portion of the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The question is on the portion of the amendment related to adult education.

The portion of the amendment relating to adult education was agreed to.

The CHAIRMAN. The Clerk will report the next portion of the amend-

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ment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

Office of Community Services

COMMUNITY SERVICES BLOCK GRANT

For an additional amount for carrying out the Community Services Block Grant Act, $30,000,000.

The CHAIRMAN. The question is on the portion of the amendment relating to Office of Community Services, Community Services Block Grant.

The portion of the amendment relating to Office of Community Services, Community Services Block Grant, was agreed to.

The CHAIRMAN. The Clerk will read the next portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount to carry out Title XXVI of the Omnibus Budget Reconciliation Act of 1981, relating to low income home energy assistance, $195,000,000.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the portion of the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The question is on the portion of the amendment relating to low income home energy assistance.

The portion of the amendment relating to low income home energy assistance was agreed to.

The CHAIRMAN. The Clerk will read the next portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

EDUCATION FOR THE HANDICAPPED

For an additional amount to carry out the Education of the Handicapped Act, $143,000,000 to remain available until September 30, 1985.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the portion of the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The question is on the portion of the amendment relating to education for the handicapped.

The portion of the amendment relating to education for the handicapped was agreed to.

The CHAIRMAN. The Clerk will report the next portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For an additional amount to carry out section 100(b)(1) of the Rehabilitation Act of 1973, $43,900,000.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the portion of the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The question is on the portion of the amendment relating to rehabilitation services and handicapped research.

The portion of the amendment relating to rehabilitation services and handicapped research was agreed to.

The CHAIRMAN. The Clerk will report the next portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

EDUCATION FOR IMMIGRANT CHILDREN

For carrying out emergency immigrant education assistance under title V of H.R. 3520 as passed the House of Representatives September 13, 1983, $145,000,000.

The CHAIRMAN. The question is on the portion of the amendment relating to education for immigrant children.

The question was taken; and on a division (demanded by Mr. LUNGREN) there were—ayes 41, noes 23.

Mr. LUNGREN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

□ 1840

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 460]

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (AL)
Edwards (CA)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson

Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

☐ 1850

The CHAIRMAN. Four hundred four Members have answered to their names, a quorum is present, and the committee will resume its business.

We have a unique parliamentary situation which the Chair would like to explain.

Does the gentleman from California (Mr. LUNGREN) insist on his demand for a recorded vote?

Mr. LUNGREN. Mr. Chairman, I do insist on my demand for a recorded vote.

The CHAIRMAN. The Chair would like to explain the parliamentary situation.

Pending is a request by the gentleman from California (Mr. LUNGREN) for a recorded vote on a portion of the Wright amendment entitled "Education For Immigrant Children." If 25 Members rise, we will have a 5-minute recorded vote on that portion of the Wright amendment.

Immediately at the conclusion of that vote, up to eight other votes could occur seriatim. No other debate will occur. All debate on the Wright amendment and all amendments has concluded. If recorded votes are ordered, they will be in order, and there could be many votes, the Chair advises the membership.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California (Mr. LUNGREN) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 203, not voting 22, as follows:

[Roll No. 461]

AYES—208

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Aspin
Barnes
Bartlett
Bates
Beilenson
Bennett
Berman
Biaggi
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Carper
Carr
Chandler
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Coyne
Crockett
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dymally
Edwards (CA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gray
Green
Guarini
Hall (IN)
Hall, Ralph
Hamilton
Hammerschmidt
Hance
Harrison
Hawkins
Hayes
Heftel
Hertel
Hightower
Horton
Hoyer
Hubbard
Hutto
Ireland
Jacobs
Jones (NC)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Levin
Levine
Lipinski
Loeffler
Long (LA)
Long (MD)
Lundine
Markey
Martinez
Matsui
Mavroules
McCloskey
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Reid
Richardson
Rodino
Roe
Rose
Roybal
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sikorski
Simon
Skeen
Smith (FL)
Solarz
Spratt
St Germain
Staggers
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Torres
Torricelli
Towns
Traxler
Udall
Vandergriff
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Wheat
Whitley
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Zablocki

NOES—203

Anthony
Applegate
Archer
AuCoin
Badham
Barnard
Bateman
Bedell
Bereuter
Bethune
Bevill
Bilirakis
Bliley
Boner
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chappie
Clinger
Coats
Coleman (MO)
Conable
Conte
Cooper
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Daub
Davis
Dickinson
Dowdy
Dreier
Duncan
Dyson
Eckart
Edwards (AL)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Fiedler
Fields
Fish
Flippo
Forsythe
Franklin
Frenzel
Gaydos
Gekas
Gingrich
Glickman
Goodling
Gore
Gradison
Gregg
Gunderson
Hall, Sam
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Hiler
Hillis
Holt
Hopkins
Huckaby
Hughes
Hunter
Hyde
Jeffords
Johnson
Jones (OK)
Jones (TN)
Kasich
Kemp
Kindness
Kolter
Kramer
Lagomarsino
Latta
Lent
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Mazzoli
McCain
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McKernan
McKinney
Michel
Miller (OH)
Montgomery
Moore
Moorhead
Murphy
Myers
Natcher
Neal
Nichols
Nielson
O'Brien
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Quillen
Ray
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Rostenkowski
Roth
Roukema
Rowland
Rudd
Russo
Sawyer
Schaefer
Schneider
Schulze
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skelton
Slattery
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stump
Sundquist
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whittaker
Whitten
Wolf
Wortley
Wylie
Yatron
Young (FL)
Young (MO)
Zschau

NOT VOTING—22

Cheney
DeWine
Early
Edgar
Edwards (OK)
Garcia
Gramm
Hall (OH)
Hefner
Howard
Jenkins
Leath
Leland
Lowry (WA)
Luken
Molinari
Paul
Pritchard
Stratton
Williams (OH)
Winn
Young (AK)

☐ 1900

So the portion of the amendment relating to education for immigrant children was agreed to.

The result of the vote was announced as above recorded.

Mr. MARTIN of North Carolina. Mr. Chairman, I have a unanimous-consent request which I have discussed with the majority leader and with the ranking member on the minority side.

Mr. Chairman, I ask unanimous consent that on the remaining portions of the Wright amendment, if a recorded vote is ordered on any one of those portions, the time allotted for each vote be reduced to 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The Clerk will report the next portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

HIGHER EDUCATION

For an additional amount to carry out part B of title VII of the Higher Education Act of 1965. $20,100,100 for construction and related costs of a model engineering center at Boston University. $18,200,000 for a model engineering center at the University of New Mexico, and $5,000,000 for a model computer center at Barry University. These funds, to remain available until expended, are subject to section 721(b) and the facilities shall be of the type described in section 713(g).

The CHAIRMAN. The question is on the portion of the amendment relating to an additional amount to carry out part B of title VII of the Higher Education Act of 1965.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 122, noes 286, not voting 25, as follows:

[Roll No. 462]

AYES—122

Ackerman
Addabbo
Akaka
Alexander
Barnes
Beilenson
Berman
Bevill
Boner
Bonior
Bonker
Borski
Bosco
Boxer
Brooks
Brown (CA)
Bryant
Burton (CA)
Clay
Coleman (TX)
Collins
Coyne
Crockett
de la Garza
Dellums
Dingell
Dixon
Donnelly
Dowdy
Downey
Dymally
Evans (IL)
Fascell
Fazio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Gaydos
Gejdenson
Gray
Guarini
Hall (IN)
Hall (OH)
Harrison
Hawkins
Hayes
Hertel
Hoyer
Jacobs
Jeffords
Kastenmeier
Kennelly
Kildee
Kolter
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Levine
Lipinski
Long (LA)
Long (MD)
Lujan
Lundine
Markey
Martinez
Matsui
Mavroules
McCloskey
Mikulski
Mineta
Mitchell
Moakley
Mollohan
Moody
Murphy
Nowak
Oakar
Oberstar
Ortiz
Owens
Pepper
Perkins
Price
Rangel
Ratchford
Richardson
Rodino
Roe
Rose
Roybal
Sabo
Savage
Scheuer
Schumer
Seiberling
Simon
Skeen
Skelton
Smith (FL)
Solarz
Staggers
Stark
Stokes
Studds
Torres
Towns
Udall
Vento
Watkins
Waxman
Weaver
Wheat
Williams (MT)
Wilson
Wise
Wright
Zablocki

NOES—286

Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Bartlett
Bateman
Bates
Bedell
Bennett
Bereuter
Bethune
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boucher
Breaux
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Conable
Conte
Cooper
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
Derrick
Dickinson
Dicks
Dorgan
Dreier
Durbin
Dwyer
Dyson
Eckart
Edwards (AL)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Forsythe
Franklin
Frenzel
Fuqua
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Green
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Heftel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kazen
Kemp
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach
Lent
Levin
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Mazzoli
McCain
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Miller (CA)
Miller (OH)
Minish
Montgomery
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Obey
Olin
Ottinger
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Petri
Pickle
Porter
Pursell
Quillen
Rahall
Ray
Regula
Reid
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Rostenkowski
Roth
Roukema
Rowland
Rudd
Russo
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Slattery
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
St Germain
Stangeland
Stenholm
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Traxler
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walgren
Walker
Weber
Weiss
Whitehurst
Whitley
Whittaker
Whitten
Wirth
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zschau

NOT VOTING—25

Cheney
Conyers
DeWine
Duncan
Early
Edgar
Edwards (CA)
Edwards (OK)
Garcia
Gramm
Hefner
Howard
Jenkins
Leath
Leland
Lowry (WA)
Luken
Molinari
O'Brien
Paul
Pritchard
Stratton
Williams (OH)
Winn
Young (AK)

☐ 1910

Mr. TRAXLER, Ms. FERRARO, Messrs. SHANNON, RAHALL, SYNAR, and MRAZEK changed their votes from "aye" to "no."

So the portion of the amendment relating to an additional amount to carry out part B of title VII of the Higher Education Act of 1965 was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will report the next portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes.

For an additional amount for work-study programs under title IV of the Higher Education Act of 1965, $20,000,000.

☐ 1920

The CHAIRMAN. The question is on the portion of the amendment relating to an additional amount for work-study programs under title IV of the Higher Education Act of 1965.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. QUILLEN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 336, noes 72, not voting 25, as follows:

[Roll No. 463]

AYES—336

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnes
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Crockett
D'Amours
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin

Dwyer
Dymally
Dyson
Eckart
Edwards (AL)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Gonzalez
Goodling
Gore
Gray
Green
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Harkin
Harrison
Hatcher
Hawkins
Hayes
Heftel
Hertel
Hightower
Hillis
Holt
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Livingston
Lloyd
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Lundine
MacKay
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Rahall
Rangel
Ratchford
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Siljander
Simon
Sisisky
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Zablocki

NOES—72

Archer
Badham
Barnard
Bartlett
Bateman
Broomfield
Burton (IN)
Coats
Conable
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Dickinson
Dreier
Erlenborn
Fields
Forsythe
Frenzel
Gekas
Glickman
Gradison
Gregg
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hunter
Hyde
Kemp
Kramer
Latta
Lewis (CA)
Loeffler
Lungren
Mack
McCain
McCandless
McCollum
McEwen
Miller (OH)
Moorhead
Nielson
Oxley
Pursell
Quillen
Ray
Roberts
Robinson
Roemer
Rudd
Schaefer
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Skelton
Smith, Denny
Smith, Robert
Solomon
Stenholm
Stump
Tauke
Thomas (CA)
Vander Jagt
Weber
Whittaker
Young (FL)
Young (MO)
Zschau

NOT VOTING—25

Cheney
DeWine
Duncan
Early
Edgar
Edwards (CA)
Edwards (OK)
Garcia
Gramm
Hefner
Howard
Jenkins
Leath
Leland
Lowry (WA)
Luken
Madigan
Molinari
O'Brien
Paul
Pritchard
Stratton
Williams (OH)
Winn
Young (AK)

So the portion of the amendment relating to an additional amount for work-study programs under title IV of the Higher Education Act was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will report the next portion of the amendment on which a division of the question been demanded.

The Clerk read as follows:

> SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, for the following purposes:
>
> For an additional amount for supplemental educational opportunity grants under title IV of the Higher Education Act of 1965. $10,000,000.

The CHAIRMAN. The question is on the portion of the amendment relating to an additional amount for supplemental educational opportunity grants under title IV of the Higher Education Act of 1965.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COLEMAN of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 328, noes 78, answered "present" 1, not voting 26, as follows:

[Roll No. 464]

AYES—328

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Bryant
Burton (CA)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Crockett
D'Amours
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (AL)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hamilton
Hammerschmidt
Hance
Harkin
Harrison
Hatcher
Hawkins
Hayes
Heftel
Hertel
Hightower
Hillis
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Livingston
Lloyd
Long (LA)
Long (MD)
Lowery (CA)
Lujan
Lundine
MacKay
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Regula
Reid
Richardson
Ridge
Rinaldo
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Snyder
Solarz
Spence
Spratt
Staggers
Stangeland
Stark
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (MO)
Zablocki

NOES—78

Archer
Badham
Bartlett
Bateman
Brown (CO)
Broyhill
Burton (IN)
Chappie
Coats
Conable
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Dreier
Erlenborn
Fields
Forsythe
Frenzel
Gekas
Gradison
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Holt
Hunter
Hyde
Kemp
Kindness
Kramer
Latta
Lewis (CA)
Loeffler
Lott
Lungren
Mack
Madigan
Marriott
Martin (IL)
Martin (NC)
McCandless
McCollum
Michel
Miller (OH)
Montgomery
Moorhead
Nielson
Oxley
Porter
Ray
Ritter
Roberts
Robinson
Rudd
Schaefer
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Smith, Denny
Smith, Robert
Solomon
Stenholm
Stump
Tauke
Taylor
Walker
Whittaker
Young (FL)
Zschau

ANSWERED "PRESENT"—1

St Germain

NOT VOTING—26

Cheney
DeWine
Duncan
Early
Edgar
Edwards (CA)
Edwards (OK)
Garcia
Gramm
Hefner
Howard
Jenkins
Leath
Leland
Lowry (WA)
Luken
Molinari
O'Brien
Paul
Pritchard
Schulze
Stratton
Thomas (CA)
Williams (OH)
Winn
Young (AK)

□ 1930

So the portion of the amendment relating to supplemental educational opportunity grants under title IV of the Higher Education Act of 1965 was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will report the next portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

COMMUNITY HEALTH CENTERS

For an additional amount for carrying out titles III and XIX of the Public Health Service Act with respect to community health centers, $20,000,000.

The CHAIRMAN. The question is on that portion of the amendment relating to community health centers.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 267, noes 141, not voting 25, as follows:

[Roll No. 465]

AYES—267

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Barnes
Bates
Beilenson
Berman
Bevill
Biaggi
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Carper
Carr
Chappell
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
D'Amours
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (AL)
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Goodling
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hayes
Heftel
Hertel
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Lloyd
Long (LA)
Long (MD)
Lujan
Lundine
MacKay
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McEwen
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Price
Rahall
Rangel
Ratchford
Regula
Reid
Richardson
Ridge
Rinaldo
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Simon
Sisisky
Slattery
Smith (FL)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whittaker
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Zablocki

NOES—141

Archer
AuCoin
Badham
Barnard
Bartlett
Bateman
Bedell
Bennett
Bereuter
Bethune
Bilirakis
Bliley
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chandler
Chappie
Clarke
Clinger
Coats
Coleman (MO)
Conable
Corcoran
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Dickinson
Dreier
Duncan
Emerson
Erlenborn
Fiedler
Fields
Forsythe
Franklin
Frenzel
Gekas
Gibbons
Gingrich
Gradison
Gregg
Gunderson
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hightower
Hiler
Hillis
Holt
Hopkins
Hunter
Hyde
Ireland
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Lent
Lewis (CA)
Livingston
Loeffler
Lott
Lowery (CA)
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
McCain
McCandless
McCollum
McGrath
Michel
Miller (OH)
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Petri
Pickle
Porter
Pursell
Quillen
Ray
Ritter
Roberts
Robinson
Roemer
Roth
Rudd
Sawyer
Schaefer
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Skelton
Smith (IA)
Smith (NE)
Smith, Denny
Smith, Robert
Snyder
Solomon
Spence
Stangeland
Stump
Sundquist
Tauke
Taylor
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Weber
Whitehurst
Wolf
Wylie
Young (FL)
Young (MO)
Zschau

NOT VOTING—25

Cheney
DeWine
Early
Edgar
Edwards (CA)
Edwards (OK)
Garcia
Gramm
Hefner
Howard
Jenkins
Leath
Leland
Lowry (WA)
Luken
Molinari
O'Brien
Paul
Pritchard
Schulze
Stratton
Thomas (CA)
Williams (OH)
Winn
Young (AK)

□ 1940

So the portion of the amendment relating to community health centers was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will report the next portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. . (a). Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For an additional amount for carrying out the National Technical Institute for the Deaf Act, $1,700,000.

The CHAIRMAN. The question is on the portion of the amendment relating to National Technical Institute for the Deaf.

The portion of the amendment relating to the National Technical Institute for the Deaf was agreed to.

The CHAIRMAN. The Clerk will report the next portion of the amend-

ment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. (a) Notwithstanding any other provision of this joint resolution the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

GALLAUDET COLLEGE

For an additional amount for carrying out the Act of June 18, 1954 (68 Stat. 265), relating to Gallaudet College, $2,000,000.

The CHAIRMAN. The question is on the portion of the amendment relating to Gallaudet College.

The portion of the amendment relating to Gallaudet College was agreed to.

The CHAIRMAN. The Clerk will report the next portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. (a) Notwithstanding any other provision of this joint resolution the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

JOB TRAINING

For an additional amount for carrying out part A of title II of the Job Training Partnership Act, $70,800,000.

For an additional amount for carrying out section 401(j) of the Job Training Partnership Act relating to Native American programs, $2,336,400.

For an additional amount for carring out section 402(f) of the Job Training Partnership Act relating to migrant and seasonal farmworker programs, $2,265,600.

The CHAIRMAN. The question is on the portion of the amendment relating to job training.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MITCHELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 150, not voting 26, as follows:

[Roll No. 466]

AYES—257

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnes
Bates
Beilenson
Berman
Bevill
Biaggi
Bilirakis
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Byron
Carper
Carr
Chappell
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conyers
Cooper
Corcoran
Coughlin
Coyne
Crockett
D'Amours
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fields
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Goodling
Gore
Gray
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hayes
Heftel
Hertel
Hillis
Horton
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Levin
Levine
Lewis (FL)
Lipinski
Lloyd
Long (LA)
Long (MD)
Lundine
MacKay
Madigan
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Price
Rahall
Rangel
Ratchford
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Rodino
Roe
Rogers
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Simon
Sisisky
Skelton
Smith (FL)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Tauzin
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NOES—150

Andrews (TX)
Archer
Badham
Barnard
Bartlett
Bateman
Bedell
Bennett
Bereuter
Bethune
Bliley
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chandler
Chappie
Conable
Conte
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Dickinson
Dorgan
Dreier
Duncan
Edwards (AL)
Emerson
English
Erlenborn
Fiedler
Forsythe
Franklin
Frenzel
Gekas
Gingrich
Glickman
Gradison
Green
Gregg
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hightower
Hiler
Holt
Hopkins
Huckaby
Hunter
Hutto
Hyde
Ireland
Jones (OK)
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Lent
Levitas
Lewis (CA)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McCurdy
McEwen
McGrath
Michel
Miller (OH)
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Nichols
Nielson
Olin
Oxley
Packard
Parris
Pashayan
Porter
Pursell
Quillen
Ray
Roberts
Robinson
Roemer
Roth
Roukema
Rudd
Schaefer
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Slattery
Smith (IA)
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Taylor
Thomas (GA)
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Wolf
Wortley
Wylie
Young (FL)
Zschau

NOT VOTING—26

Cheney
DeWine
Early
Edgar
Edwards (CA)
Edwards (OK)
Fish
Garcia
Gramm
Hefner
Howard
Jenkins
Leath
Leland
Lowry (WA)
Luken
Molinari
O'Brien
Paul
Pritchard
Schulze
Stratton
Thomas (CA)
Williams (OH)
Winn
Young (AK)

☐ 1950

So the portion of the amendment relating to job training was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will report the next portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available in addition to funds otherwise available for the following purposes.

EMERGENCY SHELTER FOR THE HOMELESS

For carrying out the Emergency Shelter for the Homeless activities under Section 101 (1) of H.R. 1, as passed the House of Representatives on July 13, 1983, $10 million.

The CHAIRMAN. The question is on that portion of the amendment relating to carrying out the Emergency Shelter for the Homeless activities under section 101(1) of H.R. 1.

The portion of the amendment relating to carrying out the Emergency Shelter for the Homeless activities under section 101(1) of H.R. 1 was agreed to.

The CHAIRMAN. The Clerk will report the next portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes;

(b) Notwithstanding any other provisions of this joint resolution, for carrying out the special supplemental food program for women, infants, and children under section 17 of the Child Nutrition Act of 1966, there are authorized to be appropriated for fiscal year 1984, $1,360,000,000.

The CHAIRMAN. The question is on paragraph (b) of the portion of the amendment relating to Emergency Shelter for the Homeless.

Paragraph (b) of the portion of the amendment relating to Emergency Shelter for the Homeless was agreed to.

The CHAIRMAN. The Clerk will report the final portion of the amendment on which a division of the question has been demanded.

The Clerk read as follows:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

(c) Notwithstanding any other provision of this joint resolution, no part of any of the funds appropriated or otherwise made available by this or any other Act may be used to implement mandatory monthly reporting retrospective budgeting for the food stamp program during the period beginning on January 1, 1984, and ending in October 1, 1984.

The CHAIRMAN. The question is on paragraph (c) of the portion of the amendment relating to Emergency Shelter for the Homeless.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 201, not voting 22, as follows:

[Roll No. 467]

AYES—210

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Annunzio
Anthony
Applegate
Aspin
Barnard
Barnes
Bedell
Beilenson
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Coyne
Crockett
Daschle
de la Garza
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dwyer
Dymally
Eckart
Edwards (CA)
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gore
Gray
Guarini
Hall (IN)
Hall (OH)
Hance
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hertel
Hoyer
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Levin
Levine
Levitas
Lipinski
Long (LA)
Long (MD)
Lundine
Markey
Martinez
Matsui
Mavroules
McCloskey
McCurdy
McHugh
McKernan
McNulty
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sikorski
Simon
Sisisky
Slattery
Smith (FL)
Smith (IA)
Solarz
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Walgren
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Zablocki

NOES—201

Andrews (TX)
Archer
AuCoin
Badham
Bartlett
Bateman
Bates
Bennett
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Clinger
Coats
Coleman (MO)
Conable
Conte
Cooper
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Daub
Davis
Derrick
Dickinson
Dreier
Duncan
Durbin
Dyson
Edwards (AL)
Emerson
English
Erdreich
Erlenborn
Fiedler
Fields
Fish
Forsythe
Franklin
Frenzel
Fuqua
Gekas
Gibbons
Gilman
Gingrich
Goodling
Gradison
Green
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Heftel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Mazzoli
McCain
McCandless
McCollum
McDade
McEwen
McGrath
McKinney
Mica
Michel
Miller (OH)
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Natcher
Nelson
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Patman
Petri
Porter
Pursell
Quillen
Regula
Ridge
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rudd
Sawyer
Schaefer
Schneider
Schulze
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Skelton
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
Stangeland
Stenholm
Stump
Sundquist
Tauke
Tauzin
Taylor
Thomas (CA)
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whittaker
Wolf
Wortley
Wylie
Young (FL)
Young (MO)
Zschau

NOT VOTING—22

Cheney
DeWine
Early
Edgar
Edwards (OK)
Garcia
Gramm
Hefner
Howard
Jenkins
Leath
Leland
Lowry (WA)
Luken
Molinari
O'Brien
Paul
Pritchard
Stratton
Williams (OH)
Winn
Young (AK)

□ 2000

Mr. ANDREWS of Texas changed his vote from "aye" to "no."

Mr. REID changed his vote from "no" to "aye."

So paragraph (c) of the portion of the amendment relating to emergency shelter for the homeless was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. No other amendments being in order, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FOWLER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 403) making further continuing appropriations for the fiscal year 1984, pursuant to House Resolution 362, he reported the joint resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. WRIGHT. Mr. Speaker, I demand a separate vote on the so-called Wright amendment, as amended.

Mr. Speaker, on that vote, I ask unanimous consent that it may be a 5-minute vote.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. Is a separate vote demanded on the remaining amendment? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the appropriate place in the joint resolution insert the following new section:

SEC. . Such joint resolution is further amended by adding the following new section:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for carrying out Chapter 1 of the Education Consolidation

and Improvement Act of 1981, $165,000,000 to become available on July 1, 1984, and remain available until September 30, 1985.

VOCATIONAL EDUCATION

For an additional amount for carrying out the Vocational Education Act of 1963, $81,400,000 to become available on July 1, 1984, and remain available until September 30, 1985.

ADULT EDUCATION

For an additional amount for carrying out the Adult Education Act, $12,000,000 to become available on July 1, 1984, and remain available until September 30, 1985.

OFFICE OF COMMUNITY SERVICES

COMMUNITY SERVICES BLOCK GRANT

For an additional amount for carrying out the Community Services Block Grant Act, $30,000,000.

LOW-INCOME HOME ENERGY ASSISTANCE

For an additional amount for carrying out title XXVI of the Omnibus Budget Reconciliation Act of 1981, relating to low income home energy assistance, $195,000,000.

EDUCATION FOR THE HANDICAPPED

For an additional amount for carrying out the Education of the Handicapped Act, $143,000,000 to remain available until September 30, 1985.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For an additional amount for carrying out section 100(b)(1) of the Rehabilitation Act of 1973, $43,900,000.

EDUCATION FOR IMMIGRANT CHILDREN

For carrying out emergency immigrant education assistance under title V of H.R. 3520 as passed the House of Representatives, September 13, 1983, $145,000,000.

HIGHER EDUCATION

For an additional amount for work-study programs under title IV of the Higher Education Act of 1965, $20,000,000.

For an additional amount for supplemental educational opportunity grants under title IV of the Higher Education Act of 1965, $10,000,000.

COMMUNITY HEALTH CENTERS

For an additional amount for carrying out titles III and XIX of the Public Health Service Act with respect to community health centers, $20,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For an additional amount for carrying out the National Technical Institute for the Deaf Act, $1,700,000.

GALLAUDET COLLEGE

For an additional amount for carrying out the Act of June 18, 1954 (68 Stat. 265), relating to Gallaudet College, $2,000,000.

JOB TRAINING

For an additional amount for carrying out part A of title II of the Job Training Partnership Act, $70,800,000.

For an additional amount for carrying out section 401(j) of the Job Training Partnership Act relating to Native American programs, $2,336,400.

For an additional amount for carrying out section 402(f) of the Job Training Partnership Act relating to migrant and seasonal farmworker programs, $2,265,600.

EMERGENCY SHELTER FOR THE HOMELESS

For carrying out the Emergency Shelter for the Homeless activities under section 101(l) of H.R. 1, as passed the House of Representatives on July 13, 1983, $10 million.

(b) Notwithstanding any other provision of this joint resolution, for carrying out the special supplemental food program for women, infants, and children under section 17 of the Child Nutrition Act of 1966, there are authorized to be appropriated for fiscal year 1984, $1,360,000,000.

(c) Notwithstanding any other provision of this joint resolution, no part of any of the funds appropriated or otherwise made available by this or any other Act may be used to implement mandatory monthly reporting-retrospective budgeting for the food stamp program during the period beginning on January 1, 1984, and ending on October 1, 1984.

SHORT TITLE

Sec. ——. (a) This section may be cited as the "School Lunch and Child Nutrition Amendments of 1983".

INCREASE IN FEDERAL REIMBURSEMENT FOR REDUCED PRICE MEALS

(b)(1) Section 11(a)(2) of the National School Lunch Act is amended by striking out "40" and inserting in lieu thereof "25".

(2) Section 9(b)(3) of the National School Lunch Act is amended in the third sentence by striking out "40" and inserting in lieu thereof "25".

(3) Section 4(b) of the Child Nutrition Act of 1966 is amended—

(A) in paragraphs (1)(B) and (1)(C) by striking out "30" and inserting in lieu thereof "15"; and

(B) in paragraph (2)(C) by striking out "thirty" and inserting in lieu thereof "fifteen".

INCREASE IN INCOME GUIDELINES FOR DETERMINING ELIGIBILITY FOR REDUCED PRICE MEALS

(C) Section 9(b)(1)(A) of the National School Lunch Act is amended in the fourth sentence by striking out "185" and inserting in lieu thereof "195".

ADDITIONAL FUNDING TO IMPROVE SCHOOL BREAKFAST PROGRAM MEAL PATTERN

(d)(1) Section 4(b) of the Child Nutrition Act of 1966 is amended by inserting at the end thereof the following paragraph:

"(3) The Secretary shall increase by 6 cents the current adjusted payment for each breakfast served under this Act and section 17 of the National School Lunch Act to assist States in improving the Nutritional quality of such breakfasts, to the extent feasible.".

(2) The Secretary of Agriculture shall review and revise the nutrition requirements for meals served under the school breakfast program to improve the nutritional quality of such meals, taking into consideration both the findings of the National Evaluation of School Nutrition Programs and the need to provide increased flexibility in meal planning to local school food service authorities. Not later than one hundred and eighty days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to implement such revisions.

CHANGE IN TUITION LIMITATION FOR PRIVATE SCHOOLS

(e)(1) Section 12(d)(5) of the National School Lunch Act is amended—

(A) in the first sentence by striking our "$1,500" and inserting in lieu thereof "$2,500"; and

(B) by inserting at the end thereof the following new sentence: "On July 1, 1984, and on each subsequent July 1, the Secretary shall prescribe an annual adjustment in the tuition limitation amount in the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent twelve-month period for which such data is available.".

(2) Section 15(c) of the Child Nutrition Act of 1966 is amended—

(A) in the first sentence by striking out "$1,500" and inserting in lieu thereof "$2,500"; and

(B) by inserting at the end thereof the following new sentence: "On July 1, 1984, and on each subsequent July 1, the Secretary shall prescribe an annual adjustment in the tuition limitation amount in the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent twelve-month period for which such data is available.".

ADDITION OF ONE MEAL AND ONE SNACK TO THE CHILD CARE FOOD PROGRAM

(f) Section 17(f)(2)(B) of the National School Lunch Act is amended by striking out "two meals and one supplement" and inserting in lieu thereof "three meals and two supplements".

INCREASE IN AUTHORIZATION FOR NUTRITION EDUCATION AND TRAINING

(g) Section 19(j)(2) of the Child Nutrition Act of 1966 is amended by inserting at the end of the first sentence ", except that for fiscal year 1984, there shall be authorized to be appropriated $7,500,000".

EXCLUSION OF CERTAIN MEDICAL EXPENSES FROM INCOME OF HOUSEHOLD

(h) Section 9(b)(3) of the National School Lunch Act is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by inserting at the end of such paragraph the following new subparagraph:

(B) For purposes of determining eligibility under subparagraph (A), 'household income' does not include unusually high medical payments which (i) could not be reasonably anticipated or controlled by the household and (ii) were not recoverable through public or private sources.".

ELIMINATION OF REFERENCE TO FOOD STAMP PROGRAM ELIGIBILITY STANDARDS

(i) Section 9(b)(1)(A) of the National School Lunch Act is amended—

(1) by striking out in the second sentence "For the school years ending June 30, 1982, and June 30, 1983, the" and inserting in lieu thereof "The"; and

(2) by striking out the third sentence.

RESTORATION OF CERTAIN KINDERGARTENS TO SPECIAL MILK PROGRAM

(j) Section 3(a) of the Child Nutrition Act of 1966 is amended in the first sentence immediately before ", and (2)" by inserting "(except that the preceding limitation shall not apply to kindergarten programs in such schools)".

EFFECTIVE DATES

(k)(1) Except as otherwise provided, the provisions of this section shall take effect on the date of the enactment of this joint resolution.

(2) The amendment made by subsection (c) shall take effect on the date of the enactment of this joint resolution, except that each school food authority may elect to delay implementation of such amendment to a date not later than July 1, 1984.

(3) Not later than sixty days after the date of the enactment of this joint resolution, the Secretary of Agriculture shall issue final regulations to implement the amendments made by subsection (h). The amend-

ments made by subsection (h) shall take effect upon issuance of such final regulations, except that each school food authority may elect to delay implementation of such amendments to a date not later than July 1, 1984.

(4) The amendment made by subsection (b) shall take effect on the first day of the first month following the date of the enactment of this joint resolution.

Mr. WRIGHT (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WRIGHT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 254, nays 155, not voting 24, as follows:

[Roll No. 468]

YEAS—254

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Barnes
Bates
Bedell
Beilenson
Berman
Bevill
Biaggi
Bilirakis
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Byron
Carper
Carr
Chandler
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coughlin
Coyne
Crockett
D'Amours
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Eckart
Edwards (CA)
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Foglietta
Foley
Ford (MI)
Fowler
Frank
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hayes
Heftel
Hertel
Hightower
Horton
Hoyer
Hubbard
Hutto
Ireland
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Lloyd
Long (LA)
Long (MD)
Lundine
MacKay
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Reid
Richardson
Ridge
Rinaldo
Rodino
Roe
Rose
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Simon
Sisisky
Skelton
Smith (FL)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NAYS—155

Archer
AuCoin
Badham
Barnard
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bliley
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chappie
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Dickinson
Dreier
Duncan
Dyson
Edwards (AL)
Emerson
Erlenborn
Fiedler
Fields
Fish
Flippo
Forsythe
Franklin
Frenzel
Gekas
Gingrich
Glickman
Goodling
Gradison
Gregg
Gunderson
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Huckaby
Hughes
Hunter
Hyde
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Lent
Lewis (CA)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McDade
McEwen
McGrath
Michel
Miller (OH)
Montgomery
Moore
Moorhead
Myers
Natcher
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Quillen
Ray
Regula
Ritter
Roberts
Robinson
Roemer
Rogers
Rostenkowski
Roth
Rudd
Sawyer
Schaefer
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Slattery
Smith (IA)
Smith (NE)
Smith, Denny
Smith, Robert
Snyder
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Tauzin
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Wolf
Wortley
Wylie
Young (FL)
Zschau

NOT VOTING—24

Cheney
DeWine
Early
Edgar
Edwards (OK)
Florio
Ford (TN)
Garcia
Gramm
Hefner
Howard
Jenkins
Leath
Leland
Lowry (WA)
Luken
Molinari
O'Brien
Paul
Pritchard
Stratton
Williams (OH)
Winn
Young (AK)

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. CONTE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONTE moves to recommit House Joint Resolution 403 to the Committee on Appropriations, with instructions to that committee to report the resolution back to the House forthwith, with the following amendment: Strike out all after the resolving clause, and insert in lieu thereof:

That section 102(c) of the joint resolution of October 1, 1983 (Public Law 98-107), is hereby amended by striking out "November 10, 1983" and inserting in lieu thereof "February 29, 1984"

□ 2010

The SPEAKER. The gentleman from Massachusetts (Mr. CONTE) is recognized for 5 minutes.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that if a vote is demanded on the motion to recommit, the time to be reduced to 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONTE. Mr. Speaker, I hope not to take the 5 minutes, but my motion to recommit is a simple, straight motion with the continuing resolution, as it came out of our committee and went up before the Committee on Rules. It is a clean, continuing resolution extending the date to February 29, 1984, which was in the original continuing resolution offered by the gentleman from Mississippi, JAMIE WHITTEN, to the Committee on Rules.

We strip everything. We strip out the foreign aid amendments that were adopted here today. We strip out the Wright amendment, close to a billion dollars in all the items that we discussed. I am not going to discuss the merits of those. We strip all of that. It is a clean continuing resolution.

As I said before, and as I said to my good friend, the gentleman from Texas (Mr. WRIGHT), I am for a lot of these programs that he has here, but this is the wrong place and the wrong vehicle to put these kind of amendments on.

We are going to get a veto on this bill if the Senate does not strip it and we went out on conference, and I doubt that very much. In 25 years of marching over there on different conferences with the Senate, it has always been the other way around. Where we have added something, they have added a little bit more. They are not going to be outplayed by the House of Representatives. We are certainly going to get a veto. We will be in here Friday or Saturday.

This a clean way out of it. If you want some of these measures that you are fighting for here today, do it in the supplmental. We have a supplemental up in the Committee on Rules. It can come down here, Mr. Speaker, any time you say. We can debate those issues. We can vote on them in a supplemental.

I know what is going to be said here, that we will get a veto on the supplemental, but we have overridden vetoes in the past. But the continuing resolution keeps the Government going and it expires on November 10.

Mr. Speaker, we have been here too long today, and it is my 36th wedding anniversary today.

The SPEAKER. I want to congratulate the gentleman and say the luckiest corner he ever turned was the day he met Corinne.

Mr. CONTE. I thank the Speaker.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman from Texas (Mr. WRIGHT) is recognized for 5 minutes.

Mr. WRIGHT. Mr. Speaker, of course, I ask for a no vote on this motion to recommit.

The delightful, genial, always effervescent gentleman from Massachusetts, luckily married for 36 years, has described his proposal as a clean proposal. Actually, it would be more accurately described as a naked proposal because it would strip the bill of all that we have done here today. It would reverse every decision that we have made on the House floor.

It would clean some things out, all right. It would clean out the homeless of any help we provide for them. It would clean out the jobless of any help we provide for them in the way of job training. It would clean out those people who want to help women and infants and children to get a better nutritional program.

If that is the way you like your bills clean, then you clean them out. You clean the schools out. You clean the schools out of all those food programs by which they have been trying to give a hot lunch to the kids who otherwise cannot afford it.

You would clean it out, all right. That is the kind of clean bill that the gentleman would offer us.

It would clean out all of our efforts to help our friends abroad that we have voted earlier today in an attempt to be of assistance to friendly foreign countries that are resisting aggression on their shores. That is the kind of clean bill the gentleman would offer us.

It would clean us out of all the decisions we have made. Clean us out of our opportunity to have our voices heard and, therefore, on behalf of the decisions we made in solemn judgment today, I ask a no vote and a happy anniversary to our good friend from Massachusetts.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the passage of the bill.

The vote was taken by electronic device, and there were—yeas 166, nays 244, not voting 23, as follows:

[Roll No. 469]

YEAS—166

Archer
AuCoin
Badham
Barnard
Bartlett
Bateman
Bedell
Bennett
Bereuter
Bethune
Bilirakis
Bliley
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chandler
Chappie
Clinger
Coats
Coleman (MO)
Conable
Conte
Cooper
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Dickinson
Dreier
Duncan
Edwards (AL)
Emerson
Erdreich
Erlenborn
Evans (IA)
Fiedler
Fields
Fish
Flippo
Forsythe
Franklin
Frenzel
Gekas
Gibbons
Gingrich
Goodling
Gradison
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Huckaby
Hunter
Hyde
Ireland
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McDade
McEwen
Michel
Miller (OH)
Montgomery
Moore
Moorhead
Myers
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Patman
Petri
Pursell
Quillen
Ray
Regula
Ridge
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rudd
Sawyer
Schaefer
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Slattery
Smith (IA)
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Tauzin
Taylor
Thomas (CA)
Vander Jagt
Vandergriff
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Wolf
Wortley
Wylie
Young (FL)
Zschau

NAYS—244

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Barnes
Bates
Beilenson
Berman
Bevill
Biaggi
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Byron
Carper
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Coyne
Crockett
D'Amours
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
English
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hayes
Heftel
Hertel
Hightower
Horton
Hoyer
Hubbard
Hughes
Hutto
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lundine
MacKay
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Rahall
Rangel
Ratchford
Reid
Richardson
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Sisisky
Skelton
Smith (FL)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NOT VOTING—23

Cheney
DeWine
Early
Edgar
Edwards (OK)
Florio
Garcia
Gramm
Hefner

Howard
Jenkins
Leath
Leland
Lowry (WA)
Luken
Molinari
O'Brien
Paul
Pritchard
Stratton
Williams (OH)
Winn
Young (AK)

□ 2020

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 203, nays 206, not voting 24, as follows:

[Roll No. 470]

YEAS—203

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Annunzio
Anthony
Aspin
Barnes
Beilenson
Berman
Bevill
Biaggi
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Bryant
Burton (CA)
Carr
Chandler
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Coyne
D'Amours
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Dwyer
Dymally
Dyson
Edwards (CA)
Evans (IL)
Fascell
Fazio
Ferraro
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hayes
Heftel
Hertel
Horton
Hoyer
Hutto
Jeffords
Johnson
Jones (NC)
Jones (TN)
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Levine
Lipinski
Long (LA)
Long (MD)
Lundine
Markey
Martinez
Matsui
Mavroules
Mazzoli
McGrath
McHugh
McKernan
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Morrison (WA)
Mrazek
Murtha
Natcher
Neal
Nowak
Oberstar
Obey
Ortiz
Ottinger
Owens
Panetta
Patterson
Pease
Pepper
Perkins
Pickle
Porter
Price
Rangel
Ratchford
Ridge
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Rowland
Roybal
Sabo
Savage
Scheuer
Schneider
Schumer
Seiberling
Shannon
Sikorski
Simon
Skelton
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
St Germain
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Walgren
Watkins
Waxman
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Young (MO)
Zablocki

NAYS—206

Andrews (TX)
Applegate
Archer
AuCoin
Badham
Barnard
Bartlett
Bateman
Bates
Bedell
Bennett
Bereuter
Bethune
Bilirakis
Bliley
Breaux
Britt
Broomfield
Brown (CO)
Burton (IN)
Byron
Campbell
Carney
Carper
Chappie
Clinger
Coats
Coleman (MO)
Conable
Conte
Cooper
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Crockett
Daniel
Dannemeyer
Daub
Dickinson
Dorgan
Dreier
Duncan
Durbin
Eckart
Edwards (AL)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Feighan
Fiedler
Fields
Fish
Flippo
Forsythe
Franklin
Frenzel
Gekas
Gibbons
Gingrich
Goodling
Gradison
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hightower
Hiler
Hillis
Holt
Hopkins
Hubbard
Huckaby
Hughes
Hunter
Hyde
Ireland
Jacobs
Jones (OK)
Kaptur
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Lent
Levin
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McKinney
Michel
Miller (OH)
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Murphy
Myers
Nelson
Nichols
Nielson
Oakar
Olin
Oxley
Packard
Parris
Pashayan
Patman
Penny
Petri
Pursell
Quillen
Rahall
Ray
Regula
Reid
Richardson
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rudd
Russo
Sawyer
Schaefer
Schroeder
Schulze
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Slattery
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
Staggers
Stangeland
Stenholm
Stump
Sundquist
Tauke
Tauzin
Taylor
Thomas (CA)
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Weaver
Weber
Whitehurst
Whittaker
Wolf
Wortley
Wylie
Yatron
Young (FL)
Zschau

NOT VOTING—24

Broyhill
Cheney
DeWine
Early
Edgar
Edwards (OK)
Florio
Garcia
Gramm
Hefner
Howard
Jenkins
Leath
Leland
Lowry (WA)
Luken
Molinari
O'Brien
Paul
Pritchard
Stratton
Williams (OH)
Winn
Young (AK)

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2030

PARLIAMENTARY INQUIRY

Mr. SNYDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SNYDER. Mr. Speaker, was a motion to reconsider laid on the table?

The SPEAKER. It was laid on the table, yes.

CONFERENCE REPORT ON S. 726, TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT OF 1978 AMENDMENTS

Mr. KILDEE submitted the following conference report and statement on the Senate bill (S. 726) to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 726) to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. The matter preceding title I of the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325) (hereafter in this Act referred to as the "Act") is amended—

(1) by striking out "DEFINITIONS" and inserting in lieu thereof the following:

"DEFINITIONS

"SEC. 2. (a) For purposes of this Act, the term—";

(2) by striking out "and is eligible to receive services from the Secretary of the Interior" in paragraph (1);

(3) by inserting before the semicolon at the end of paragraph (5) thereof the following: "and the reference to Secretary in clause (5)(A) of such section shall be deemed to refer to the Secretary of the Interior"; and

(4) by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) 'Indian student count' means a number equal to the total number of Indian students enrolled in each tribally controlled community college, determined in a manner consistent with subsection (b) of this section on the basis of the quotient of the sum of the credit hours of all Indian students so enrolled, divided by twelve.

"(b) The following conditions shall apply for the purpose of determining the Indian student count pursuant to paragraph (7) of subsection (a):

"(1) Such number shall be calculated on the basis of the registrations of Indian students as in effect at the conclusion of the third week of each academic term.

"(2) Credits earned in classes offered during a summer term shall be counted

toward the computation of the Indian student count in the succeeding fall term.

"(3) Indian students earning credits in any continuing education program of a tribally controlled community college shall be included in determining the sum of all credit hours.

"(4) Credits earned in a continuing education program shall be converted to a credit-hour basis in accordance with the tribally controlled community college's system for providing credit for participation in such program.

"(5) No credit hours earned by an Indian student who is not making satisfactory progress toward a degree or certificate, in accordance with the standards and practices of the appropriate accrediting agency or the institution at which the student is in attendance, shall be taken into account.".

SEC. 2. Section 101 of the Act is amended by inserting immediately before the period at the end thereof the following: ", and to allow for the improvement and expansion of the physical resources of such institutions".

SEC. 3. (a) Section 102 of the Act is amended—

(1) by striking out "is authorized to" in subsection (a) and inserting in lieu thereof "shall, subject to appropriations,"; and

(2) by striking out "to defray the expense of activities related to education programs for Indian students" in subsection (b) and inserting in lieu thereof "to defray, at the determination of the tribally controlled community college, expenditures for academic, educational, and administrative purposes and for the operation and maintenance of the college".

(b) Section 106(a) of the Act is amended by inserting after the second sentence the following new sentence: "Such application shall include a description of recordkeeping procedures for the expenditure of funds received under this Act which will allow the Secretary to audit and monitor programs conducted with such funds.".

SEC. 4. (a) The Act is amended—

(1) by redesignating sections 104 through 114 as sections 105 through 115, respectively; and

(2) by inserting after section 103 the following new section:

"PLANNING GRANTS

"SEC. 104. (a) The Secretary shall establish a program in accordance with this section to make grants to tribes and tribal entities (1) to conduct planning activities for the purpose of developing proposals for the establishment of tribally controlled community colleges, or (2) to determine the need and potential for the establishment of such colleges.

"(b) The Secretary shall establish, by regulation, procedures for the submission and review of applications for grants under this section.

"(c) From the amount appropriated to carry out this title for any fiscal year (exclusive of sums appropriated for section 105), the Secretary shall reserve (and expend) an amount necessary to make grants to five applicants under this section of not more than $15,000 each, or an amount necessary to make grants in that amount to each of the approved applicants, if less than five apply and are approved.".

(b) The Act is further amended—

(1) by striking out "section 106" in section 106 (as redesignated by subsection (a)(1)) and inserting in lieu thereof "section 107";

(2) by striking out "section 105" in section 107 (as so redesignated) and inserting in lieu thereof "section 106"; and

(3) by striking out "section 106(a)" in section 111 (as so redesignated) and inserting in lieu thereof "section 107(a)".

SEC. 5. Section 105 of the Act (as redesignated by section 4(a)(1)) is amended—

(1) by inserting "from a tribally controlled community college which is receiving funds under section 108" after "upon request" in the first sentence thereof; and

(2) by striking out "to tribally controlled community colleges" in such sentence.

SEC. 6. (a) Section 106 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by striking out "FEASIBILITY" in the heading of such section and inserting in lieu thereof "ELIGIBILITY";

(2) by striking out "feasibility" each place it appears in such section and inserting in lieu thereof "eligibility";

(3) by striking out "Assistant Secretary of Education of the Department of Health, Education, and Welfare" in subsection (a) and inserting in lieu thereof "Secretary of Education";

(4) by inserting at the end of subsection (b) the following new sentence: "Such a positive determination shall be effective for the fiscal year succeeding the fiscal year in which such determination is made."; and

(5) by striking out "10 per centum" in subsection (c)(2) and inserting in lieu thereof "5 per centum".

(b) Section 107 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by striking out "feasibility" in subsection (a) and inserting in lieu thereof "eligibility", and

(2) striking out "Assistant Secretary of Education of the Department of Health, Education, and Welfare" in subsection (b) and inserting in lieu thereof "Secretary of Education".

SEC. 7. Section 108(a) of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"SEC. 108. (a) Except as provided in section 111, the Secretary shall, subject to appropriations, grant for each academic year to each tribally controlled community college having an application approved by him an amount equal to the product of—

"(1) the Indian student count at such college during such academic year, as determined by the Secretary in accordance with section 2(a)(7) of this Act; and

"(2)(A) $4,000 for fiscal year 1984,

"(B) $5,025 for fiscal year 1985,

"(C) $5,415 for fiscal year 1986, and

"(D) $5,820 for fiscal year 1987,

except that no grant shall exceed the total cost of the education program provided by such college.".

SEC. 8. Section 109 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by inserting "(a)" immediately after the section designation; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) The amount of any grant for which tribally controlled community colleges are eligible under section 108 shall not be altered because of funds allocated to any such colleges from funds appropriated under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13).

"(2) No tribally controlled community college shall be denied funds appropriated under such Act of November 2, 1921, because of the funds it receives under this Act.

"(c) For the purposes of sections 312(2)(A)(i) and 322(a)(2)(A)(i) of the Higher Education Act of 1965, any Indian student who receives a student assistance grant from the Bureau of Indian Affairs for postsecondary education shall be deemed to have received such assistance under subpart 1 of part A of title IV of such Act.".

SEC. 9. Section 110 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"APPROPRIATION AUTHORIZATION

"SEC. 110. (a)(1) There is authorized to be appropriated, for the purpose of carrying out section 105, $3,200,000 for each of the fiscal years 1985, 1986, and 1987.

"(2) There is authorized to be appropriated for the purpose of carrying out section 107, $30,000,000 for each of such fiscal years.

"(3) There are authorized to be appropriated such sums as may be necessary for the purpose of carrying out sections 112(b) and 113 for each of such fiscal years.

"(b)(1) For the purpose of affording adequate notice of funding available under this Act, amounts appropriated in an appropriation Act for any fiscal year to carry out this Act shall become available for obligation on July 1 of that fiscal year and shall remain available until September 30 of the succeeding fiscal year.

"(2) In order to effect a transition to the forward funding method of timing appropriation action described in paragraph (1), there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations to carry out this Act, the first of which shall not be subject to paragraph (1).".

SEC. 10. Section 111 of the Act (as redesignated by section 4(a)(1) of this Act) is amended by redesignating subsection (b) as subsection (c) and by striking out subsection (a) and inserting in lieu thereof the following:

"SEC. 111. (a)(1) If the sums appropriated for any fiscal year pursuant to section 110(a)(2) for grants under section 107 are not sufficient to pay in full the total amount which approved applicants are eligible to receive under such section for such fiscal year—

"(A) the Secretary shall first allocate to each such applicant which received funds under section 107 for the preceding fiscal year an amount equal to 95 per centum of the product of—

"(i) the per capita payment for the preceding fiscal year; and

"(ii) such applicant's Indian student count for the current fiscal year;

"(B) the Secretary shall next allocate to applicants who did not receive funds under such section for the preceding fiscal year an amount equal to 100 per centum of the product of—

"(i) the per capita payment for the preceding fiscal year; and

"(ii) the applicant's Indian student count for the current fiscal year;

in the order in which such applicants have qualified for assistance in accordance with such section so that no amount shall be allocated to a later qualified applicant until each earlier qualified applicant is allocated an amount equal to such product; and

"(C) if additional funds remain after making the allocations required by subparagraphs (A) and (B), the Secretary shall allocate such funds by—

"(i) ratably increasing the amounts of the grants determined under subparagraph (A) until such grants are equal to 100 per centum of the product described in such subparagraph; and *"(ii) then ratably increasing the amounts of both (I) the grants determined under subparagraph (A), as increased under clause (i) of this subparagraph, and (II) the grants determined under subparagraph (B).*

"(2) For purposes of paragraph (1) of this subsection, the term 'per capita payment' for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled community colleges under section 107 for such fiscal year by the sum of the Indian student counts of such colleges for such fiscal year. The Secretary shall, on the basis of the most satisfactory data available, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this title.

"(b)(1) If the sums appropriated for any fiscal year for grants under section 107 are not sufficient to pay in full the total amount of the grants determined pursuant to subsection (a)(1)(A), the amount which applicants described in such subsection are eligible to receive under section 107 for such fiscal year shall be ratably reduced.

"(2) If any additional funds become available for making payments under section 107 for any fiscal year to which subsection (a) or paragraph (1) of this subsection applies, such additional amounts shall be allocated by first increasing grants reduced under paragraph (1) of this subsection on the same basis as they were reduced and by then allocating the remainder in accordance with subsection (a). Sums appropriated in excess of the amount necessary to pay in full the total amounts for which applicants are eligible under section 107 shall be allocated by ratably increasing such total amounts.

"(3) References in this subsection and subsection (a) to section 107 shall, with respect to fiscal year 1983, be deemed to refer to section 106 as in effect at the beginning of such fiscal year.".

SEC. 11. Section 112 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"REPORT ON FACILITIES

"SEC. 112. (a) The Administrator of General Services shall provide for the conduct of a study of facilities available for use by tribally controlled community colleges. Such study shall consider the condition of currently existing Bureau of Indian Affairs facilities which are vacant or underutilized and shall consider available alternatives for renovation, alteration, repair, and reconstruction of such facilities (including renovation, alteration, repair, and reconstruction necessary to bring such facilities into compliance with local building codes). Such study shall also identify the need for new construction. A report on the results of such study shall be submitted to the Congress not later than 18 months after the date of enactment of this subsection. Such report shall also include an identification of property—

"(1) on which structurally sound buildings suitable for use as educational facilities are located, and

"(2) which is available for use by tribally controlled community colleges under section 202(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(a)(2)) and under the Act of August 6, 1956 (70 Stat. 1057; 25 U.S.C. 443a).

"(b) The Administrator of General Services, in consultation with the Bureau of Indian Affairs, shall initiate a program to conduct necessary renovations, alterations, repairs, and reconstruction identified pursuant to subsection (a) of this section.

"(c) For the purposes of this section, the term 'reconstruction' has the meaning provided in the first sentence of subparagraph (B) of section 742(2) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(2)(B)).".

SEC. 12. Section 113 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"CONSTRUCTION OF NEW FACILITIES

"SEC. 113. (a) With respect to any tribally controlled community college for which the report of the Administrator of General Services under section 112(a) of this Act identifies a need for new construction, the Secretary shall, subject to appropriations and on the basis of an application submitted in accordance with such requirements as the Secretary may prescribe by regulation, provide grants for such construction in accordance with this section.

"(b) In order to be eligible for a grant under this section, a tribally controlled community college—

"(1) must be a current recipient of grants under section 105 or 107, and

"(2) must be accredited by a nationally recognized accrediting agency listed by the Secretary of Education pursuant to the last sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), except that such requirement may be waived if the Secretary determines that there is a reasonable expectation that such college will be fully accredited within eighteen months. In any case where such a waiver is granted, grants under this section shall be available only for planning and development of proposals for construction.

"(c)(1) Except as provided in paragraph (2), grants for construction under this section shall not exceed 80 per centum of the cost of such construction, except that no tribally controlled community college shall be required to expend more than $400,000 in fulfillment of the remaining 20 per centum. For the purpose of providing its required portion of the cost of such construction, a tribally controlled community college may use funds provided under the Act of November 2, 1921 (25 U.S.C. 13), popularly referred to as the Snyder Act.

"(2) The Secretary may waive, in whole or in part, the requirements of paragraph (1) in the case of any tribally controlled community college which demonstrates that neither such college nor the tribal government with which it is affiliated have sufficient resources to comply with such requirements. The Secretary shall base a decision on whether to grant such a waiver solely on the basis of the following factors: (A) tribal population; (B) potential student population; (C) the rate of unemployment among tribal members; (D) tribal financial resources; and (E) other factors alleged by the college to have a bearing on the availability of resources for compliance with the requirements of paragraph (1) and which may include the educational attainment of tribal members.

"(d) If, within twenty years after completion of construction of a facility which has been constructed in whole or in part with a grant made available under this section—

"(1) the facility ceases to be used by the applicant in a public or nonprofit capacity as an academic facility, unless the Secretary determines that there is good cause for releasing the institution from this obligation, and

"(2) the tribe with which the applicant is affiliated fails to use the facility for a public purpose approved by the tribal government in furtherance of the general welfare of the community served by the tribal government, title to the facility shall vest in the United States and the applicant (or such tribe if such tribe is the successor in title to the facility) shall be entitled to recover from the United States an amount which bears the same ratio to the present value of the facility as the amount of the applicant's contribution (excluding any funds provided under the Act of November 2, 1921 (25 U.S.C. 13)) bore to the original cost of the facility. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is located.

"(e) No construction assisted with funds under this section shall be used for religious worship or a sectarian activity or for a school or department of divinity.

"(f) For the purposes of this section—

"(1) the term 'construction' includes reconstruction or renovation (as such terms are defined in the first sentence of subparagraph (B) of section 742(2) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(2)(B))); and

"(2) the term 'academic facilities' has the meaning provided such term under section 742(1) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(1)).".

SEC. 13. The Act is further amended by adding at the end thereof the following new title:

"TITLE III—TRIBALLY CONTROLLED COMMUNITY COLLEGE ENDOWMENT PROGRAM

"PURPOSE

"SEC. 301. It is the purpose of this title to provide grants for the encouragement of endowment funds for the operation and improvement of tribally controlled community colleges.

"ESTABLISHMENT OF PROGRAM; PROGRAM AGREEMENTS

"SEC. 302. (a) From the amount appropriated pursuant to section 306, the Secretary shall establish a program of making endowment grants to tribally controlled community colleges which are current recipients of assistance under section 107 of this Act or under section 3 of the Navajo Community College Act. No such college shall be ineligible for such a grant for a fiscal year by reason of the receipt of such a grant for a preceding fiscal year, but no such college shall be eligible for such a grant for a fiscal year if such college has been awarded a grant under section 333 of the Higher Education Act of 1965 for such fiscal year.

"(b) No grant for the establishment of an endowment fund by a tribally controlled community college shall be made unless such college enters into an agreement with the Secretary which—

"(1) provides for the establishment and maintenance of a trust fund at a federally insured banking or savings institution;

"(2) provides for the deposit in such trust fund of—

"(A) any Federal capital contributions made from funds appropriated under section 306;

"(B) a capital contribution by such college in an amount equal to the amount of each Federal capital contribution; and

"(C) any earnings of the funds so deposited;

"(3) provides that such funds will be deposited in such a manner as to insure the accumulation of interest thereon at a rate not less than that generally available for

similar funds deposited at the same banking or savings institution for the same period or periods of time;

"(4) provides that, if at any time such college withdraws any capital contribution made by that college, an equal amount of Federal capital contribution shall be withdrawn and returned to the Secretary for reallocation to other colleges;

"(5) provides that no part of the net earnings of such trust fund will inure to the benefit of any private person; and

"(6) includes such other provisions as may be necessary to protect the financial interest of the United States and promote the purpose of this title and as are agreed to by the Secretary and the college, including a description of recordkeeping procedures for the expenditure of accumulated interest which will allow the Secretary to audit and monitor programs and activities conducted with such interest.

"USE OF FUNDS

"SEC. 303. Interest deposited, pursuant to section 302(b)(2)(C), in the trust fund of any tribally controlled community college may be periodically withdrawn and used, at the discretion of such college, to defray any expenses associated with the operation of such college, including expense of operations and maintenance, administration, academic and support personnel, community and student services programs, and technical assistance.

"COMPLIANCE WITH MATCHING REQUIREMENT

"SEC. 304. For the purpose of complying with the contribution requirement of section 302(b)(2)(B), a tribally controlled community college may use funds which are available from any private or tribal source.

"ALLOCATION OF FUNDS

"SEC. 305. (a) From the amount appropriated pursuant to section 306, the Secretary shall allocate to each tribally controlled community college which is eligible for an endowment grant under this title an amount for a Federal capital contribution equal to the amount which such college demonstrates has been placed within the control of, or irrevocably committed to the use of, the college and is available for deposit as a capital contribution of that college in accordance with section 302(b)(2)(B), except that the maximum amount which may be so allocated to any such college for any fiscal year shall not exceed $350,000.

"(b) If for any fiscal year the amount appropriated pursuant to section 306 is not sufficient to allocate to each tribally controlled community college an amount equal to the amount demonstrated by such college pursuant to subsection (a), then the amount of the allocation to each such college shall be ratably reduced.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 306. (a) There is authorized to be appropriated to carry out the provisions of this title $5,000,000 for each of the fiscal years 1985, 1986, and 1987.

"(b) Any funds appropriated pursuant to subsection (a) are authorized to remain available until expended.".

SEC. 14. Section 5(a)(1) of the Navajo Community College Act is amended by striking out "October 1, 1979" and inserting in lieu thereof "October 1, 1984".

SEC. 15. In promulgating any regulations to implement the amendments made by this Act, the Secretary of the Interior shall consult with tribally controlled community colleges.

And the House agree to the same.

Carl D. Perkins,
William D. Ford,
Ike Andrews,
Paul Simon,
Dale E. Kildee,
Pat Williams,
Ray Kogovsek,
Major R. Owens,
Frank Harrison,
Gary L. Ackerman,
Timothy J. Penny,
John N. Erlenborn,
Jim Jeffords,
Bill Goodling,
Tom Coleman,
Thomas E. Petri,
Steve Gunderson,
Ron Packard,
Managers on the Part of the House.

Mark Andrews,
Barry Goldwater,
Frank H. Murkowski,
John Melcher,
Daniel K. Inouye,
Dennis DeConcini,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 726) to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

(1) The Senate bill, but not the House amendment, prohibits counting credit hours taken in continuing education courses in the "Indian Student Count" for purposes of funding under this program, if the course is otherwise supported by a Federal grant, contract, or cooperative agreement. The Senate recedes.

(3) The Senate bill, but not the House amendment, limits each individual student to seventy-five credit hours in a two-year program and to one hundred fifty credit hours in a four-year program to be counted for support under this program. The House recedes with an amendment which incorporates the original House language and adds a provision by which hours earned by an Indian student shall be counted for purposes of computing the Indian Student Count if the student is making satisfactory progress toward a degree or certificate in accordance with standards and practices of the appropriate accrediting agency or the institution at which the student is in attendance.

The Conferees wish to emphasize that credit hours generated by Indian students participating in single classes, which may or may not be part of the institution's continuing or community education program, but which lead to a certificate shall be counted in determining the institution's Indian Student Count.

(4) The Senate bill uses the term "credit hours" in section 1 (section 2(b)(1) of the Act as amended by the Senate bill). The House amendment uses the term "number" in the parallel House provision—section 1 of the House bill (section 2(b) of the Act as amended by the House bill). The Senate recedes.

(5) The Senate bill authorizes "improvement and expansion" of the physical resources of the colleges. The House amendments authorizes "repair and renovation" of those resources. The House recedes.

(6) The House amendment, but not the Senate bill, designates $4,000 per FTE for Fiscal Year 1983. The House recedes.

(7) The Senate bill, but not the House amendment, authorizes funding for Section 113 of the Act. The House recedes.

(8) The Senate bill provides that no new school may enter the program until existing schools receive the total dollar amount each received in the preceding fiscal year, regardless of changes in enrollment. The House amendment provides that no new school may enter the program until each of the existing schools receives the same amount per FTE received in the preceding fiscal year times its FTE count for the current year. The House recedes with an Amendment. The House Amendment mandates that before any newly eligible tribally controlled college may receive funds under section 107, existing institutions must receive 95 percent of the product of their per capita payment from the preceding year and their Indian Student Count for the current fiscal year—before awards are made to those institutions which did not receive funds in the previous fiscal year. If the 95 percent condition is met, then the newly eligible school receives 100 percent of the funds it is eligible to receive. The conferees intend that funds remaining will next be allocated to bring the existing institutions up to 100 percent of the product of their per capita payment for the preceding year and their Indian Student Count for the current year. Any funds remaining after those allocations shall be used to ratably increase the grants to all institutions.

(9) The House amendment, but not the Senate bill, contains a subsection which refers to designation of section numbers prior to the effective date of these amendments. The Senate recedes with an amendment that changes the designation of 1982 to 1983.

(10) The Senate bill sets the due date for the facilities report at September 30, 1985. The House amendment sets the due date at September 30, 1984. The House recedes with an Amendment. The House Amendment provides that the facilities report be submitted to the Congress 18 months after the enactment of the bill. It is the Conferees expectation that the Department of the Interior will request appropriations sufficient for the General Services Administration to carry out the study.

(11) The Senate bill, but not the House amendment, authorizes construction of facilities. The House recedes.

(12) The House amendment, but not the Senate bill, repeals existing section 113 of Public Law 95-471, as redesignated. The House recedes.

(13) The Senate bill, but not the House amendment, establishes an endowment program. The House recedes with an amendment. The House Amendment adds lan-

guage to the Senate provision prohibiting an award under the endowment provisions of this act, if the institution receives an award under Title III, Part C Challenge Grants in the same fiscal year. The Challenge Grants section of Title III was recently amended by Public Law 98-95 to permit use of Part C funds for endowment building.

(14) The House amendment, but not the Senate bill, extends the authorization of Section 5(a)(1) of the Navajo Community College Act through fiscal year 1987. The Senate recedes.

CARL D. PERKINS,
WILLIAM D. FORD,
IKE ANDREWS,
PAUL SIMON,
DALE E. KILDEE,
PAT WILLIAMS,
RAY KOGOVSEK,
MAJOR R. OWENS,
FRANK HARRISON,
GARY L. ACKERMAN,
TIMOTHY J. PENNY,
JOHN N. ERLENBORN,
JIM JEFFORDS,
BILL GOODLING,
TOM COLEMAN,
THOMAS E. PETRI,
STEVE GUNDERSON,
RON PACKARD,
Managers on the Part of the House.

MARK ANDREWS,
BARRY GOLDWATER,
FRANK H. MURKOWSKI,
JOHN MELCHER,
DANIEL K. INOUYE,
DENNIS DECONCINI,
Managers on the Part of the Senate.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4102, UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT OF 1983

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-506) on the resolution (H. Res. 363) providing for the consideration of the bill (H.R. 4102) to amend the Communications Act of 1934 to assure universal telephone service within the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2755, FEDERAL COMMUNICATIONS COMMISSION AUTHORIZATION ACT OF 1983

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-507) on the resolution (H. Res. 364) providing for the consideration of the bill (H.R. 2755) to authorize appropriations for the Federal Communications Commission for fiscal years 1984 and 1985, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3020, SMALL BUSINESS ACT AMENDMENTS

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-508) on the resolution (H. Res. 365) providing for the consideration of the bill (H.R. 3020) to amend the Small Business Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 2982, de novo, and H.R. 2211, de novo.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that the time for the vote on the first suspension, if a vote be taken, be in a 5-minute period.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

EXEMPTING IRRIGATION CONVEYANCE SYSTEMS FROM FEES AND CONDITIONS UNDER FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 2982, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill, H.R. 2982, as amended.

The question was taken.

Mr. QUILLEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXEMPTING RURAL ELECTRIC COOPERATIVES FROM CERTAIN RIGHT-OF-WAY RENTAL PAYMENTS UNDER THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 2211, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill, H.R. 2211, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

The title of the bill was amended so as to read: "A bill to exempt electric and telephone facilities assisted under the Rural Electrification Act from certain right-of-way rental payments under the Federal Land Policy and Management Act of 1976."

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the Judiciary Committee on the Judiciary may be permitted to sit tomorrow during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, this has been cleared with the minority.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER laid before the House the following communication from the chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce:

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 7, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House, that on November 4, 1983, the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce was served with a deposition subpoena issued by the United States District Court for the District of Columbia. I will, in consultation with the General Counsel to the Clerk of the House, make the determinations required by the House Rules and will notify you of those determinations.

Sincerely,

John D. Dingell,
Chairman, Subcommittee on Oversight and Investigations.

COMMUNICATION FROM THE HONORABLE STEWART B. McKINNEY

The SPEAKER laid before the House the following communication from the Honorable Stewart B. McKinney:

House of Representatives,
Washington, D.C., November 4, 1983.
Hon. Thomas P. O'Neill, Jr.
Speaker of the House,
House of Representatives, Washington, D.C.

Dear Mr. Speaker: This is to notify you, pursuant to Rule L(50) of the Rules of the House that Joseph McGee, a former employee of mine has been served with a subpoena issued by United States District Court for the District of Connecticut. I have been informed that Mr. McGee will be requested to testify concerning activities related to his official duties as a member of my staff. I will, therefore, in consultation with the General Counsel to the Clerk of the House, make the determinations required by House Rule L(50).

Sincerely,

Stewart B. McKinney,
Member of Congress.

PERMISSION FOR SUBCOMMITTEE ON MANPOWER AND HOUSING OF COMMITTEE ON GOVERNMENT OPERATIONS TO HOLD A HEARING TOMORROW DURING THE 5-MINUTE RULE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that the Subcommittee on Manpower and Housing of the Committee on Government Operations be permitted to hold a hearing tomorrow during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. NIELSON Of Utah. Reserving the right to object, Mr. Speaker, this has been cleared with the minority. We have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I was unable to cast my vote on rollcall No. 456 on Friday, November 4, when the House considered the question of adjournment. More than 200 of my colleagues were absent since it was not anticipated that a recorded vote would be ordered on a motion to adjourn. However, had I been present, I would have voted "yea."

UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OXLEY. Mr. Speaker, throughout the debate about whether Congress should enact legislation to hold down local telephone rates, I have urged that we determine first whether such legislation is necessary. My position has been that it is unwise to enact legislation designed to remedy a problem until we know specifically whether a problem exists.

Those who oppose my position have argued that we already know that a problem exists. To support their claim, they have pointed to the fact that some telephone companies have recently requested permission from their State public utilities commissions for authority to significantly increase rates.

The fact is that telephone company requests for rate increases do not necessarily mean that rate increases will occur. In fact, the evidence demonstrates that State public utilities commissions have already rejected more than 62 percent of the rate increases that telephone companies have requested for next year. And an article published on Sunday, November 6, 1983, in the Washington Post explained that State regulators had allowed smaller rate hikes in 1983 than in either 1982 or 1981.

Mr. Speaker, I include the Post article in the Record at this point:

[From the Washington Post, Nov. 6, 1983]

Phone Bill Threat Held Exaggerated—Some Regulators, Analysts See States Holding Line

(By Michael Isikoff)

The threat of sharply higher telephone rates stemming from the breakup of the Bell System is already proving to be exaggerated, according to some federal regulators and phone industry analysts.

The reason: State regulators, holding their fingers to the political winds, have been getting tougher with local phone companies. Despite record rate requests filed earlier this year by Bell operating companies, state utility commissions have actually been allowing smaller increases in 1983 than in either of the past two years, industry figures show.

"The states are doing their job just as we expected them to do," says Jack Smith, chief of the Federal Communications Commission's common carrier bureau. "When we see what rates are at the end of the year, they're not going to be nearly as outrageous as everybody thought they were going to be."

Consumer advocates and other critics say such comments blithely ignore the future impact of some of the FCC's own actions, particularly its controversial access charge order which, starting April 3, is scheduled to add $2 a month to every consumer's phone bill. In their view, nothing less than the country's historic policy of "universal telephone service" is a jeopardy—one main reason they are pushing legislation that would prevent the $2 fee from taking effect. The telephone measure, bitterly opposed by AT&T, is scheduled for House floor action this week.

But while the debate over phone rates intensifies in Congress, evidence of more stringent regulation at the state level continues to accumulate.

During the first 10 months of this year, local telephone companies were allowed $1.4 billion in rate increases by state regulatory commissions, which was only 38 percent of the $3.7 billion total they requested.

That represents a nationwide phone company batting average significantly below that of recent years. In 1982, for example, state commissions approved 55 percent of phone company requests, for a total of $2.8 billion in rate increases. In 1981, state commissions also approved 55 percent, for a total of $3.2 billion in rate hikes.

"The state commissions have been sensing the political situation and have been very stringent in what they've been giving out," said Mark Luftig, analyst for Salomon Brothers Inc. in New York. "They can't afford to lose credibility. They can't look like they're giving away the store."

Fears of a doubling or even tripling in local telephone rates were first heard earlier this year after a spate of staggeringly large rate requests were filed by many of the Bell operating companies.

In California, Pacific Telephone asked for $1.24 billion. In Texas, Southwestern Bell requested a record $1.7 billion. In New York, New York Telephone asked for $947 million.

These filings—unprecedented for telephone rate cases—were quickly linked by most analysts to the confusion and uncertainty surrounding the impending divestiture by AT&T. As of Jan. 1, 1984, the Bell System's 22 local phone companies are to be spun off from its corporate parent and reorganized into seven regional operating companies.

Fearing the imminent loss of the protection of Ma Bell, and facing the prospect of entering the financial markets as independents for the first time, the local companies began racing to their state regulatory commissions with requests far in excess of their real needs, according to some state regulators.

"The telephone companies were trying to get away with everything they could and take advantage of the confusion" (over divestiture), said Paul Rodgers, director of the National Association of Regulatory Utility Commissioners.

Whatever the phone companies' motivation, state commissions haven't been buying. In the past few months alone, Georgia's commission disallowed 77 percent of a $158-million request filed by Southern Bell, while Michigan chopped a $451 million request by Michigan Bell down to $182 million.

PENDING RATE REQUESTS—10 LARGEST GENERAL RATE CASES PENDING BEFORE STATE COMMISSIONS

State	Company	Amount
Texas	Southwestern Bell	$1,704,000,000
California	Pacific Telephone & Telegraph	1,248,000,000
New York	New York Telephone	947,580,000
Oklahoma	Southwestern Bell	280,400,000
Missouri	Southwestern Bell	233,000,000
Pennsylvania	Bell of Pennsylvania	257,000,000
Tennessee	South Central Bell	279,700,000
Illinois	Illinois Bell	247,500,000
Alabama	South Central Bell	217,400,000

PENDING RATE REQUESTS—10 LARGEST GENERAL RATE CASES PENDING BEFORE STATE COMMISSIONS—Continued

State	Company	Amount
California	General Telephone of California (non-Bell Co.).	318,700,000

Source: Federal Communications Commission.

In Texas, Southwestern Bell's record request is still pending, but the staff of the public utility commission has recommended that nearly half of it be denied.

The extent to which these actions are a guide to the future is a subject of intense debate, however. Eric J. Schneidewind, chairman of the Michigan Public Utility Commission, argues that a number of FCC actions will literally force state commissions to approve higher rates next year no matter how much regulators feel pressured to hold them down.

For openers, the FCC has stripped states of their power to set depreciation schedules and mandated faster write-offs of phone company equipment, thus adding to the rate base. In addition, Schneidewind says, the access charge decision itself will effectively require states to match the new $2 monthly fees with their own access fees on the local level.

"A lot of these increases we won't even have the authority to disallow," he says. "It's totally inaccurate to say the pattern of the past [year] will exist in the future."

Moreover, consumer advocates argue that to rely on the protection of state regulators is a historically risky proposition. To be sure, some state commissions have hundreds of professionally trained economists, accountants and auditors capable of analyzing sophisticated phone company requests. In New York, for instance, the Public Service Commission has a budget of $29 million and a staff of 625, including its own Communications Division, Office of Research and Office of Accounting and Finance.

Yet for every New York there is a Vermont—a state with a three-member Public Service Board (two of whom are part-time) and an 11-member staff, including a single "telecommunications analyst" assigned to telephone rate requests. That is not particularly surprising because, during the energy crises of recent years, state commissions tended to beef up their electric utility staffs without making comparable increases in the number of their telephone analysts.

"The majority of states don't have the kind of commissions that can analyze these requests," says Robert Nichols, legislative counsel for Consumers Union. "They've tended in the past to rubber stamp a local request. The usual telephone rate game is for the local Bell company to come in and ask for significantly more than what they really want and then the state cuts that in half and everybody's happy."

In the final analysis, the precise impact on phone rates remains highly uncertain, most analysts acknowledge. Under the FCC's access charge order, historically underpriced local rates are supposed to gradually rise while long distance rates come down. Since about two-thirds of the average residential phone bill of about $37.50 per month is attributable to long distance service, that could mean an overall reduction for most consumers.

Yet less affluent customers—who make fewer long distance calls—will be hardest hit by increasing local rates.

The result says Nickles, is that telephone rates "are going to rise faster," although he acknowledges that talk of a doubling or tripling in rates is a "political football."

Telephone rates "are going to rise faster," adds Nichols, although he acknowledges that the talk of a doubling or tripling in rates "gets thrown around like a political football."

The important point, many experts say, is that the decisions on phone bills won't be made at high levels in Washington, but in the trenches before state commissions. And while many of these commissions have beefed up their staffs and expertise in recent years, they still have a long way to go to handle the new demands imposed on them by divestiture, says Wally French, president of Regulatory Research Associates, a New Jersey consulting firm.

"It's going to be a crash course for many state commissions," he says.

□ 2040

IN TRIBUTE TO WAYNE ASPINALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. KOGOVSEK) is recognized for 60 minutes.

Mr. KOGOVSEK. Mr. Speaker, it is never easy to come before this body to speak about a former colleague who has passed away. It is especially not easy when that colleague happens to be a predecessor of yours who over the years has also become a mentor and a friend.

Mr. Speaker, as I am sure all of you are aware, Wayne Aspinall, a former Member of this body and chairman of the House Committee on Interior and Insular Affairs died recently at his home in Palisade, Colo. I thank you for this opportunity to pay tribute to my most distinguished predecessor.

Wayne Aspinall considered public service the highest calling that a person could aspire to and he stood behind that belief by committing his entire adult life to the causes that he felt were important to the betterment of mankind.

The chairman's respect for and knowledge of the American political process are legendary. Few Members can boast of managing over 1,000 pieces of legislation through Congress without ever losing one. The fact that he did accomplish such a feat attests not only to his knowledge of the process, but also to the exceptional esteem with which he was held by his colleagues.

Chairman Aspinall had his detractors to be sure. Who among us does not? He demanded excellence from those who worked for him but he also demanded, and received excellence from himself. He was tough, some people called him stubborn, but his hallmark was never-say-die.

It was through the efforts of Wayne Aspinall that much of the arid West is now habitable for both tourists and permanent new residents alike. He was the architect and chief sponsor of the Colorado River Storage Project Act. He was referred to by many as the father of the Upper Colorado River Basin compact. He sponsored the Land and Water Conservation Fund Act, an act that made possible the development of recreation areas across the Nation, and, it was Wayne Aspinall who negotiated compromises from opposing sides to finally bring into reality the Wilderness Act of 1964.

For years before it became popular, Chairman Aspinall called for conservation and prudent development of our natural resources. He warned of an impending oil shortage back in the early sixties; a warning that went largely unheeded until the oil embargo of 1973.

Wayne Aspinall served 48 of his 87 years as an elected servant. Beginning as a school board member, then as both a member of the Colorado House of Representatives, to which he was elected speaker, and the Colorado Senate. He finally culminated his public career with 24 years of outstanding service in this body.

Perhaps Chairman Aspinall's son, Owen, said it best in the eulogy that he delivered at his father's memorial service in Grand Junction a couple of weeks ago. He said that his father—"has won the race of immortality. His reward—eternal peace with his creator and a legacy for his fellow man that will serve as an inspiration for many people for years to come."

Mr. Speaker, as long as people continue to live in and move to, the Western part of this great Nation, the legacy of Wayne Aspinall will surely go on.

EULOGY

On behalf of the Aspinall family I would like to say that usually a mortuary is a place of sadness. Usually a memorial service is a place of tears. For the next few minutes I wish to change that. Today is a time of victory! Today is a time of rejoicing! Our father, our brother, our grandfather, our great-grandfather, our leader, our confidant, our friend has won the race of immortality! His reward—eternal peace with his creator and a legacy for his fellowman that will serve as an inspiration for many people for years to come.

Let us give thanks, not necessarily in the form of a prayer but simply in the form of a declaration. First of all, let us give thanks to God for this man's life of some 87 years. Thank you God for bringing him safely through the perils of birth, infancy, four wars and all the pitfalls that layed in waiting to snare the unwary as he journeyed through life. Thank you God for keeping him steadfast in the goals he set for service to his fellowman. Thank you also God for giving him the necessary support of a wife, family and friends that helped him carry his earthly burdens with a goodly portion of happiness for himself.

We would also like to give thanks to all of you here today—not only in your attendance but in your great support that you gave Dad down through the years. In his estimation public service was the highest calling any person could aspire to, and for some 48 years you made it possible for him to accomplish this. The family would also like to thank Governor Richard Lamm, Mrs. Gary Hart—the wife of United States Senator Gary Hart, United States Senator Bill Armstrong, United States Representative Ray Kogovsek and Dad's colleague, former United States Representative Byron G. Rogers, for taking time from their busy schedules to come here this afternoon and pay honor to Dad's memory.

Thanks also to those of you that since his retirement from public office have kept his interest in life and work alive. The family has listed a few of you here today as honorary pallbearers but there are many more. Only space prohibits a more lengthy list, but each has singularly gone out of his or her way to make Dad's life more pleasurable and productive.

We want to also give a special thanks to those of your who have been instrumental in bestowing honors upon him for his work while in office. There are many people that labor honestly and for long hours to serve their fellowman, but very few are allowed to live long enough to enjoy these many honors. Dad was one of the few. If there was any recognition he did not knowingly receive, we are not aware of it. Thanks to you for recognizing his work while he was alive and letting him know about it so he could appreciate it. The latest honor was a resolution of the American Mining Congress Public Land Committee. Dad did not live to see it, but it will be added to the multitude of his other adulations.

The family would next like to thank Dr. Patrick Moran, his medical doctor that helped him through the final years of his life. Always kind, always courteous, always thoughtful and always frank and honest, Dr. Moran led him through the torment of cancer that eventually took his life.

Thanks also to the staff and personnel at St. Mary's Hospital as well as that of the Hilltop Rehabilitation Center. Without their understanding and tender care, Dad would have suffered much more than he did. Finally, we wish to thank the director and ladies of the Visiting Nurse and Rehabilitation Service and Care Hospice. Dad wished to remain at home during the final months of his life, and these ladies working with our friends, Mrs. Helen Burnett and Mrs. Lisa Williams, made it all possible. We all come into this world physically dependent on the care of others. Some of us, like Dad, leave this world the same way. Six months ago all of these ladies that helped Dad in his final hours were complete strangers, except Nurse Dody Cotter. Today names such as Nurse Bonnie Bunte, Nurse Marlene Cook, Nurse Judy Rifkin and Nurse Betty Zinni are and shall always be a very real part of our hearts.

The family would also like to thank the members of the Veterans organizations represented here today. Dad was always proud of his honorable participation in World Wars I and II and his membership in the American Legion, the Veterans of Foreign Wars, the 40 and 8, the Military Order of Cooties, and as an Honorary member of the Disabled American War Veterans. In his family message to his family he pointed out, "It has been my contention since being discharged from World War II that the greatest bond of fraternal union comes from having taken the oath of service to our Country during the travails of war. Those who have held up their hand and taken the oath of service to their Country are indeed bound by a bond of fellowship and common interest that others who have not had such experience have a difficult time of understanding."

I am not going to take the time here this afternoon to repeat what has already been extensively covered, and I might add extremely well done locally, by the news media covering Dad's life and his many accomplishments. The Western State College Foundation in Gunnison will soon have his memorabilia and papers. A room will soon be constructed at the college in a manner similar to the one in his home in Palisade that he used as an office. There all that are interested will be able to see on display the life of a dedicated public servant. Hopefully the younger generation will take time to observe, perhaps to study, the life of this man and maybe one or two will use Dad's life as a model for his or her own life. Dad would like that, for underneath all his talents there was always the man that was the educator. There were a few who resented this part of his personality but none could deny that he usually had the facts straight and that he was always willing to share.

Sixteen years in the Colorado State Legislature, first as a Representative and then as a Senator and twenty-four years in the United States House of Representatives, shaped his life as a public servant. Many of you are aware of his third election to Congress when he won by only twenty-nine votes. President Eisenhower carried the Fourth Congressional District by 22,200 plus votes. Dad just barely broke even and although he enjoyed the kidding of being called "Landslide Aspinall", he was proud of the fact that to many people after that election he was considered to be first a public servant and then a partisan politician.

Dad always enjoyed telling the story on himself about the time that he was campaigning in Artesia, now Dinosaur, Colorado. He had purchased several hundred "Kilroy signs". They read "Aspinall Was Here". He had distributed several signs in the town and was about to leave when it was brought to his attention that one sign in particular had been placed on the screen of the front porch of a lady that was enagaged in the oldest of women's professions. Dad was asked if the sign should be removed. The sign "Aspinall Was Here" was not removed. Dad carried the precinct by a good vote and in all subsequent elections never lost it. Needless to say, my mother didn't see any humor in the story at all.

A sister, three children, eight grandchildren and four great-grandchildren survive Dad. Dad was a family man but the raising of the family was delegated to our mother. She complemented him. While he was in pursuit of service to his fellowman she kept the family going. She passed away in 1969. In 1970 Dad married Essie F. Best, a childhood friend, and she shared his life until just last August 5th.

Dad was always of the opinion that natural resources are for the benefit of man. They are to be used wisely but they are to be used—used for the good of the people of today with a view to the fact that others will follow who may or may not need such natural resources. It was only natural that a great deal of his life was spent in trying to determine the right use and the amount of use of water, especially in the West—of timber, especially on public lands—of grazing values, especially on public lands—of minerals, of fish and wildlife wherever found. Wise harvesting of all natural resource values was to him a part of life. A non-harvesting philosophy was not a part of his thinking. All of life's values are to come into existence and are to be developed and harvested—for the benefit of human beings.

Although Dad was labeled as one of the "Dirty Dozen" by extreme environmentalists, and this was undoubtedly an instrumental factor in his defeat in 1972, he always considered himself a conservationist and an environmentalist. I quote once again from his letter to his family. "Although I have a reputation of a kind for my life of public service to my peers, yet I have been fortunate in the fact that a great deal of my life's work has been spent in the field of natural resources values. I was a Teddy Roosevelt conservationist before most of today's citizens were born. I consider myself to be a knowledgeable environmentalist—honestly inclined to protect the biological life forms and ecosystems of the planet. I at least have a fair understanding of the relationship between all of the various forms of life (plant and animal) existing on this globe of ours. I believe that my life span has been in an age when human beings (man) has been the dominant life form in the world. And, in his control man should not only be observant, but he must be practically sympathetic to the other forms of life around him. I have but little use for a zealot in any situation. To me they are selfish members of humanity, who go out on a limb for their own aggrandizement of self pleasure."

A few words are necessary about the way he died. Perhaps this is more for his immediate family than for you, his "extended family" and friends. It may seem strange that after almost a half-century of service to his fellowman, which surely is to be found in favor in the eyes of his God, the last year of his life was a constant battle to adjust pain medicine just enough to kill the pain and not enough to impair his mental abilities. He remained mentally alert up to three days before this death, but it was at a sacrifice of enduring pain. To the less informed it might seem that God was punishing him instead of rewarding him. We take refuge in the fact that our Savior died in pain thinking that his God had forsaken him. We take refuge in the thought that perhaps the parallel of Dad dying in pain might just have made him a little bit more special in the eyes of God—a little bit more like the very few of us that are hand-picked for a special task on earth.

The family has chosen a Scottish Rite Memorial Service here this afternoon because of its beauty and its basic belief in God. Dad became a Master Mason in Palisade Lodge #125 on March 26, 1926. He was a past master of that lodge. He became a 32° Scottish Rite Mason on February 15, 1939, and a charter member of the Grand Junction Scottish Rite bodies on March 25, 1941. He was made a Knight Commander of the Court of Honor in October of 1951 and elected by the Supreme Council to receive the 33° Inspector General Honorary on October 20, 1959. He was coroneted on January 9, 1960.

Once again in his family message to his family, Dad said of his belief in God as follows, and I quote:

"I have always believed in God, a Supreme Being over all the universe. Although man's pronouncements of Him and His ways have interested me, I have always kept the interpretation of His Being and His relations with man as a part of my own counsel. I would rather watch a preacher than hear one any day. 'I would rather one would walk with me than merely tell the way.' I have professed my belief in Jesus Christ, the great teacher, the Son of God. However, I have never ruled out for others their rights to their great teachers and their Sons of God. In my belief, God is the Father of all mankind. All mankind are His sons and daughters—all mankind possesses the essence of divinity—some to a greater and more direct degree than others."

"As I look to my future, if I have a chance to serve my God and his Angels elsewhere, I trust that I shall be qualified for and pleased with eternity. I know only that I would like to be a resident of that place where goodness, righteousness and love prevail. The Holy Writ and other religious writings hold promises to immortality. I am equally concerned that my immortality here on earth shall be available to my fellows in like proportions."

Surely last Sunday morning at 11:45 a.m. he must have been greeted by his Creator with the comforting words—"well done good and faithful servant." Thank you.

I have always been entranced, challenged and satisfied with the thought expressed by a great writer, William Cullen Bryant in his production, Thanatopsis:

"So live, that when thy summons comes to join the enumerable caravan which moves to that mysterious realm, where each shall take his chambers in the silent halls of death, thou go not, like the quarry-slave at night, scourged to his dungeon, but sustained and soothed by an unfaltered trust, approach thy grave, like one that wraps the drapery of his coach about him, and lies down to pleasant dreams".

Governor OWEN S. ASPINALL,
Grand Junction, Colo.

DEAR GOVERNOR ASPINALL: We are sad to learn of the passing of your father and extend to you and the family our deepest condolences. The Honorable Wayne Aspinall did as much for American Samoa as any other leader, more than most. As our orators say, "Ua gasolosolo ao; Ua tafea le tauofe; Ua tu'ua malo; Ia ma Agaga maniua le malaga" With our kindest thoughts of you at this time. Tuna and Fofo I. F. Sunia Member of Congress.

(Translation: The clouds of sorrow shall pass; the blue of the sea shall return; our leader has left us; may he and his creator have a blessed journey.)

WASHINGTON, D.C.

OWEN ASPINALL,
Aspinall and Aspinall,
Valley Federal Bldg.

Wayne Aspinall was a towering figure in western water resources development. A man of vision. A genuine leader in promoting wise water policy, and a genuine friend of reclamation.

All of us who care about the West will miss him. The Aspinall family has our sincere sympathy.

ROBERT N. BROADBENT,
Commissioner, Bureau of Reclamation,
Department of the Interior.

[From the Durango Herald, Oct. 17, 1983]

ASPINALL REMEMBERED

(By Sam Maynes)

"A man of strength and courage in a time of change."

This slogan, used in one of Wayne Aspinall's last political compaigns, aptly described Colorado's most distinguished politician. Public service on a local, state and national level was his destiny. Citizens of Colorado and the rest of the nation will forever benefit from the legacy of that public service.

I first met Mr. Aspinall when I was invited by Charles Traylor, Grand Junction lawyer and long-time Aspinall campaign manager, to attend an Aspinall-For-Congress workshop. For the next 25 years, Mr. "A" touched my life in a special manner. Crusty, arrogant, powerful and demanding described Mr. Aspinall. Yet he required no more from others than he was willing to give. Dedicated, knowledgeable, warm and caring, loyal to principle, striving for excellence, likewise applied to the 14-year Chairman of the United States House Interior and Insular Affairs Committee.

During his tenure as chairman, Wayne Aspinall touched the lives of all citizens of the United States. Public lands, water resource development territories, national parks, Indian affairs were all the domain and concern of the Interior Committee. He had an unwavering commitment to water resource development and yet was so respected by his "opponents" that among the many awards which he received was the National Wildlife Federation's "Conservationist of the Year" award. Mr. Aspinall considered himself an "environmentalist" as opposed to a preservationist, believing that man must make wise use of natural resources in concert with the environment.

Wayne Aspinall was a special friend of the Colorado Ute Indian people. When "Congress," in the form of Mr. Aspinall, came to the Southern Ute Indian Reservation, he invariably lectured on the need and desirability for Indian people to rely on themselves to manage their own affairs. The Southern Utes' affection and respect for Chairman Aspinall was demonstrated when the Tribal Council gave him a Ute name, "Ta wa' ci," which roughly translated means "the man who watches things and protects the peoples' interests." In addition, he received honorary membership status in the twlight of his political career.

The last traditional chief of the Ute Mountain Ute Indian Tribe, Jack House, expressed to me the pleasure and honor he felt when asked by Chairman Aspinall to testify before the Interior Committee when Congress was considering authorization of the Dolores and the Animas-La Plata Water Resource Development projects. Perhaps the Indian people's strong feeling for Mr. Aspinall was best expressed by John Baker, Jr., a Southern Ute Tribal Council member, when he said recently at a Tribal Council meeting: "Perhaps if he hadn't been here, we would not be here now."

On many occasions I was able to travel with Mr. Aspinall on his visits to the San Juan Basin. He displayed an enviable talent for remembering people, places and events. He put extraordinary energy in fulfilling his desire to be among and to discuss issues with his widely divergent constituency. Be It Washington, D.C. or Dove Creek, Wayne Aspinall had a dominant role in forging public and political opinion on what was best for the West. We were enriched by his presence, just as we are saddened by his death.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. BROWN).

Mr. BROWN of Colorado. I thank the gentleman for yielding.

Mr. Speaker, I rise to pay tribute to the memory of Wayne Aspinall who was referred to by his friends as "Mr. Chairman." His service in this body during the 12-year period when he was chairman of the House Interior and Insular Affairs Committee reflected great credit upon not only Wayne Aspinall, but this country and that committee as well.

His accomplishments are many and varied, but I would like to share with you a few personal observations about Wayne Aspinall, the man.

He was an individual of great integrity. He not only served his country in World War I with great enthusiasm, but returned to serve our country in World War II when general war broke out and his country was in danger. He was a patriot that put service to the country ahead of personal concerns. He was an attorney. He was a noble spokesman for water. As has been pointed out, he was a great spokesman in the State legislative process, one of the rare individuals who served not only as chairman of the Democratic Party in the State of Colorado but also Democratic speaker of the house of representatives in Colorado, and majority leader on the Democratic side in the State Senate.

If those accomplishments were not enough, he then came to the House of Representatives where he served 24 years, longer than anyone else in the history of Colorado except for one, Ed Taylor, one of his predecessors in the Fourth Congressional District. Wayne Aspinall was one of the only two Coloradans to ever serve as a chairman in the House of Representatives. He leaves a great heritage, not only with the legislation that he helped pass or the type of attitudes and outlooks that he helped bring to legislation, but his integrity that he brought to the process.

As a Coloradan he received and deserved bipartisan support in many of his elections. In many, many of those elections, the Republican Party was pressed to find a candidate who would carry their banner against Wayne Aspinall, not because there were not legitimate issues that the parties differed on but because Wayne had carried forth his responsibility to speak for the State and speak for the Nation in such an admirable manner that few wanted to contest the seat that had contributed so much to our Nation. There is one aspect that has not been covered and I would like to share some thoughts with you on that tonight and that is Wayne Aspinall, the environmentalist.

□ 2050

So often we have fought in this Chamber on water projects as hurting the environment, but few who know Colorado or know the West could ever hold that view.

It is true, I am sure, that some projects in some areas may have caused the environment problems. But in Colorado and the West, when we find our water coming in one short period of time, the arid desert comes forth unless we do something with that water supply.

The original explorers that came out to look at Colorado described it as a great American desert, and indeed it looked that way. By the genius of people with vision who found ways to store that water and to irrigate the parched land and turn that desert into a garden, they changed the face of Colorado and changed the face of the western part of the United States. Wayne Aspinall was one of those with vision, one that helped turn a semiarid desert into a garden and into a beautiful area that all of America is proud of and comes to visit.

Wayne Aspinall, the environmentalist, his contribution to our great country may last far longer than these words of honor to him. But they indeed are a noble contribution because this State of Colorado and this Nation is far better off because of his work and his effort in which none of us could ask for more when the final words are written about us.

Mr. KOGOVSEK. The gentleman from Colorado will remember at Mr. Aspinall's funeral and at his memorial service the words of the Governor of Colorado. He indicated that it is impossible to take a drink of water in the State of Colorado without somehow remembering that Wayne Aspinall made that water possible on the western slope.

I would further say to the gentleman he was fortunate to be able to serve as the Representative of half of the western slope that Wayne Aspinall represented, and to be able to serve with an administrative assistant that served with the chairman so many years, because I think that that close association with that administrative assistant, Mr. Cleary, had to give you an insight that a lot of people did not have as far as the man was concerned.

Mr. BROWN of Colorado. If the gentleman will yield, I thank him for his observation. It is true that I was fortunate enough to have Mr. Aspinall's administrative assistant stay with me and run my office for the past 2 years.

I might say he brought much of the genius and the enthusiasm that Mr. Aspinall had brought to his service. I cannot tell you what a marvelous advantage it is to have someone as your administrative assistant who not only knows about so many of the acts that are in law, but was there to help draft them some 20 years before. That kind of knowledge and input is a rare commodity these days.

Mr. KOGOVSEK. The gentleman from Colorado and I both serve on the Interior and Insular Affairs Committee that Wayne Aspinall chaired for some 14 years, and he and I both know the problems that the chairman had then trying to walk that fine line between the environmental movement on one side and the developers on the other side.

I think that probably no one did a better job in trying to bring the kind of balance than Chairman Aspinall did.

I thank the gentleman from Colorado for participating in this colloquy this evening and this special order for Wayne Aspinall.

● Mr. SUNIA. Mr. Speaker, I rise to add my voice and deep personal regards for Wayne N. Aspinall, a longtime friend of American Samoa and the territories.

While Wayne was chairman of the Interior and Insular Affairs Committee the territories—and my constituency, the Territory of American Samoa—had a strong and eloquent voice in this Chamber. He was always looking for ways to help and assist the conditions and general health and welfare of the territories. He was a wise counselor and adviser in the era of the general buildup of our infrastructure and physical plant during the early 1960's.

We are indebted also to his son Owen who also served us well as attorney general, then Lieutenant Governor and finally as Governor. He, like his father, was deeply committed to our territory and served it well.

Congressman and Mrs. Aspinall have visited the territory and my people loved them and their concern about seeing the islands firsthand to better understand the problems and conditions they were so dedicated in alleviating.

Also, Miss Taotafa Lutu, the daughter of the late High Chief Lutu of Fagatogo Village married their son Owen while he was serving in the territory. Today they live in Colorado.

The strong feeling of love that was generated by the Aspinalls was mutually returned and my people still remember their many good works and devoted service.

I would like to extend my heartfelt condolences to the children, Owen, Richard, and JoAnne, and in that the feelings of a grateful territory.

Wayne Aspinall will be long remembered in American Samoa and in all of the territories as a great friend, a benevolent benefactor, and a sincere and elevated steward of the greater interests of the territories. His kind do not come often, but they are indeed cherished and remembered. I, and all of American Samoa, will greatly miss and long remember former Congressman Wayne N. Aspinall of Colorado. Thank you.●

● Mr. WIRTH. Mr. Speaker, I rise tonight to join with my colleagues from Colorado, Mr. KOGOVSEK, and many other Members, in honoring a fellow Coloradan and a man whose presence and years of work in this Chamber left an indelible mark on the institution and the national conscience—former Congressman Wayne N. Aspinall of Colorado.

Two weeks ago, Colorado and the Nation lost a true treasure, a large chunk of history, and a good friend. We mourn that loss and we join with citizens everywhere in sharing our deepest sympathies with Wayne's family and friends.

For those of us cutting our teeth on Colorado politics throughout the fifties and sixties, Wayne Aspinall was, quite simply, the Congressman from Colorado's western slope. Throughout the 40 years of his public life—16 in the Colorado Statehouse and the final 24 in this body—Wayne Aspinall was the symbol of the character of western Colorado; a tough negotiator, a strong and principled leader, a believer in the virtue of the land, its uses, and its promises. It is fitting to note that following his defeat in the Democratic primary of 1972, Wayne chose not to remain in Washington, his adopted home of 24 years, but to return to his real home, the source of his strength and beliefs—the western slope.

Others tonight will speak to Wayne's list of accomplishments, his legislative initiatives, his victories, and his lasting contributions to the policies of public lands and water. That Wayne's focus throughout his years in Congress was continually aimed at those issues of lands and water—the very life of the West—tells us even more forcibly of his love and concern for his origins and his home. To many he was simply known or referred to as "Mr. Chairman," wielding his legislative will over countless issues. Yet, to many others he was the champion of the land, a man of foresight who saw that the West could be both tamed and preserved, enhanced and protected, nurtured to grow, and, where appropriate, shielded from the hand of man.

I commend to the Members' attention a biography of Wayne Aspinall which has been written by Colorado State Representative Carol Edmunds. In her book, "Wayne Aspinall: Mr. Chairman," Representative Edmunds shares the insight into Wayne's style and ability which many of us have come to recognize as we continue to build on the work and the processes he left behind. Ms. Edmunds states:

> Many a Congressman praised Aspinall as a man adept at reconciling diverse points of view. While his detractors claimed he had blocked passage of a Wilderness Act until he realized the measure would pass in spite of his obstinance, his supporters observed that Aspinall was hammering out a complex bill to insure that Congress, not the President, would determine how the public lands were used. Aspinall, said his admirers, was a man who could have welded the Missouri Compromise of 1820. It just so happened that in 1964, it was the Wilderness Act that had to be welded.

BEST COPY AVAILABLE

Wayne Aspinall was a man of negotiation, a man of foresight and strength, western Colorado and the Nation may never have another like him, an observation so aptly brought forth by Mr. Carl Hilliard, of the Associated Press, in an article I include herewith in the RECORD and commend to my colleagues' attention.

THE OLD DISTRICT WILL ALWAYS BE WAYNE ASPINALL'S

(By Carl Hilliard)

He was a Colorado representative longer than anyone could remember, and it was hard to tell just what his political affiliation was.

Wayne Aspinall was a Democrat but wore the trappings of a Republican, and was liked and respected by both. And while he never really forgave those Republicans who tore up his Western Slope district through redistricting, he didn't sulk or pout or retreat to Washington for a cushy lobbying job as so many ex-Congressmen do.

Aspinall was a Western Sloper, and if you happened to interview him and didn't know what the real Western Slope issues were, you damn sure did when he was finished with you.

He did not mince words, and he didn't spend a lot of time trying to look or act like a politician.

If you asked him a stupid question, he would get right to the point.

"That's a stupid question," he'd say. "You ought to know better than that—and here's why . . ."

And Wayne Aspinall would proceed to explain why, step by step, and when he was finished you'd wonder why in hell you'd asked the question in the first place.

So much for finesse.

As far as looking like a politican, well, Wayne Aspinall usually wore a suit or sport jacket, and something that resembled a tie, even if it was a bolo tie. But that was about it.

He was as thin and tough as barbed wire, and he combed his hair straight back, and his grin was like a grimace, but he was always too busy to worry abut how he looked on television.

But something must have worked for him because he spent 24 years in Congress, and 14 of them were spent leading the Interior Committee, then known as the Committee on Interior and Insular Affairs.

He helped draft the Wilderness Act of 1964, and the Land and Water Conservation Fund Act and knew a lot about trees and forests and other outdoorsy things, but you got the impression he didn't really give much of a damn about the outdoors.

He did. But what he really cared about was water, and when things like Savery-Pothook and Fryingpan-Arkansas, and Smith Forks and other things are mentioned, you might as well mention Wayne Aspinall, too, because he led the fight for their creation.

You can call it boondoggling or pork-barreling or whatever you want, but Aspinall knew the value of water.

For some crazy reason, the Republican-dominated Colorado Legislature felt compelled to jack the 4th District around, redesigning it to split the Western Slope in half after the 1970 census, and they did what they set out to do: guarantee election of a "real" Republican for the next decade.

Denver University Professor Alan Merson challenged Aspinall in a primary and won heavily on the east side of the mountains, conceding the Western Slope votes to Aspinall, and beat the old veteran by a scant 1,758 votes.

It could have been 50 votes, or 50,000 votes, for it was the last political hurrah for both of them.

Wayne Aspinall died at 87 on Oct. 9, at his home on the Colorado River, and services were Thursday in Palisade, in the heart of his old district.

It doesn't matter who represents the district now.

Somehow it will always be Aspinall's.●

● Mr. MONTGOMERY. Mr. Speaker, I was sorry to hear of the death of our former colleague, Representative Wayne Aspinall of Colorado. I had the privilege of serving with Chairman Aspinall for several years and I found him to be one of the most gentlemanly and sincere Members in the Congress.

I remember that he was thoughtful and very helpful to new Members and he will also be remembered for his great knowledge on issues involving the environment.

Chairman Aspinall headed the Interior Committee, and having come to Washington from Colorado, I think he had a great understanding of the environment. He was certainly a very effective committee chairman and his advice was sought by Members on both sides of the aisle on Interior matters.

Wayne Aspinall was a very capable leader and a fine Representative of the State of Colorado. His contributions to this Chamber and to his country will not be forgotten.●

● Mr. COELHO. Mr. Speaker, I would like to take this opportunity to join with you here today to pay tribute to a man who served us not only as a respected colleague, but as chairman of the Interior Committee—the late Wayne N. Aspinall.

I am proud to serve on the Interior Committee, which Mr. Aspinall so capably chaired for many years. His achievements as an effective legislator are to be commended and his contributions to the House honored. Chairman Aspinall's dedicated to our public lands, and to our water and natural resources is evident today, and he is remembered by colleagues past and present for his accomplishments.

My predecessor, former Congressman Bernie F. Sisk, who served with Mr. Aspinall on the Interior Committee, said of him:

> I thought a lot of Wayne Aspinall. He was one of the best legislators I have ever known or worked with. He did more for the development of water in the Western United States than anyone else. He was a truthful and dedicated individual.

I am very pleased to have been afforded this opportunity to honor Chairman Aspinall. He approached his job with enthusiasm and honesty, and is remembered as an exceptional legislator. His family, friends, and colleagues can be proud to have been associated with such a fine man.●

● Mr. SCHAEFER. Mr. Speaker, I join other members of the Colorado delegation and the entire State of Colorado in mourning the passing of the Honorable Wayne "Mr. Chairman" Aspinall.

Wayne Aspinall's best service to the House and the Nation was his work as chairman of the House Interior and Insular Affairs Committee. For 14 years Wayne Aspinall worked diligently for the needs of the West as well as the citizens of his district and Colorado.

Wayne Aspinall was known in the West as the protector of Western water. He understood what was at stake in the West and the dire need to conserve and protect one of our most precious resources.

He was viewed by many as a strong, prodevelopment leader who believed in harnessing the power of the Nation's rivers. Accordingly, his efforts were the object of attack by various environmental groups. Yet, with hindsight, we can see that Wayne Aspinall was really a conservationist who not only understood man's role in the environment, but also worked to educate others.

Former Congressman Aspinall was a distinguished member of this body. I recently read that while a Member of the House of Representatives, Congressman Aspinall managed 1,000 separate bills on the floor, and yet, he had the extraordinary record of not having one bill defeated.

This is a sad occasion as we take time to honor the passing of a man who was an inspiration for many who have followed him. The "Chairman" former Congressman Wayne Aspinall, will be missed. Yet, his achievements, while here in the House of Representatives, for the Nation, for the West, and for the people of Colorado, will never be forgotten.●

● Mr. UDALL. Mr. Speaker, the passing of Wayne Aspinall in Colorado at the age of 87 was particularly sad news to all of us in the West who knew Wayne and worked with him on so many issues over the years.

As chairman of the Committee on Interior and Insular Affairs, Wayne Aspinall left a powerful imprint on my part of the country. He was tough, independent, meticulous about the legislation that moved out of his committee, and always fair.

Wayne Aspinall did real credit to this House during his long service here.

Ben Cole, of the Washington Bureau of the Arizona Republic, put together a column that really is the finest tribute I have seen to my old friend from Colorado. I ask that it be inserted in the RECORD so that I may share it with my colleagues.

CAP SUPPORTER LEAVES LEGACY OF SUCCESS FOR WEST

(By Ben Cole, Washington Bureau, the Arizona Republic)

WASHINGTON.—Wayne Aspinall is a man the state of Arizona should never forget.

Aspinall, who died Sunday in his Colorado home at the age of 87, was the legislative technician who opened the way to build the Central Arizona Project.

This is by no means intended to minimize the heroic efforts of Arizona's own members of Congress—Carl Hayden, John J. Rhodes, Morris Udall—and many, many others.

It was nonetheless Aspinall who, in 1968, won approval of the bill to authorize CAP, the biggest reclamation project ever, in an unruly House of Representatives by what amounted to a unanimous vote without a roll call.

The one congressman who could not go along with Aspinall's no-rollcall strategy was then-Rep. H. R. Gross, R-Iowa. He simply stayed off the floor until the deed was done.

Winning approval of the CAP authorization was not the only complicated measure Aspinall put through successfully. It was his pride that throughout his career as chairman of the House Interior and Insular Affairs Committee that he never took a measure to the floor without passing it.

He once took time from his busy schedule to talk about his life and the elements that shaped his philosophy. He recalled how early experiences forced him to understand the two-sided nature of human affairs.

He came from a staunch Protestant background, yet in college he met and learned to respect and understand many young Roman Catholics.

His father, Mack Aspinall, a sturdy countryman, instilled in young Wayne prejudice against "town boys." Yet it was a "town tough" who one summer day plunged into the Colorado River to save Aspinall from drowning.

These two experiences impressed Aspinall with two-sided nature of human affairs.

Throughout his life, Wayne Aspinall was deeply suspicious of any generalization. He saw himself as a lonely seeker for the truth, trying to find the "right" amid the confusion, bias and self-interest that constitute American politics.

Before he became a lawyer, Aspinall was a school master, a strict teacher whose most severely disciplined pupils numbered some who later became his strongest political backers.

When he took up law practice, he earned a reputation for his skill in settling cases out of court.

In Congress, he pursued a fiercely independent course, neither liberal nor conservative and often the despair of his Democratic colleagues.

"Nobody," he once said, "puts the bee on this congressman."

Aspinall refused to conduct hearings on CAP until all the controversies, particularly those between Arizona and California, were settled. His committee room, he said, was not a human-relations court where family feuds were decided.

He made certain every detail was examined and every difference composed before he let the CAP bill go to the floor in 1968.

There was high political risk for Aspinall in advancing CAP—his own state of Colorado was still unable to use its share of the Colorado River water.

Aspinall included authority for five Colorado projects, and two of these are nearing completion, while a third is about to get under way. The other two face uncertain futures.

As it was, the authority for these projects for Colorado was not the issue that caused him most political harm in future years.

He was stridently assailed by environmentalists for championing reclamation and multiple-use land policies.

Wayne Aspinall left a constructive mark on the West and set the standard high for those who now follow him in the halls of Congress.●

● Mr. CORRADA. Mr. Speaker, I rise to join my colleagues in paying tribute to the Honorable Wayne Aspinall of Colorado. For over two decades, Congressman Aspinall represented Colorado and also served as a much respected chairman of the Interior and Insular Affairs Committee for 14 years.

Congressman Aspinall served in the Congress during the early years of the economic development program in Puerto Rico known as Operation Bootstrap and throughout the years he developed a strong friendship with the people of Puerto Rico. He traveled often to Puerto Rico where he enjoyed our warm hospitality and climate.

He was also a good friend of my predecessor, Hon. Jorge Córdova-Díaz, and was instrumental together with our late colleague Phil Burton, in our successful efforts in obtaining a vote in committees for the Resident Commissioner and the other delegates. This achievement, which also allows for delegates to achieve seniority, remains one of the most important gains for the territories. This provision has allowed my good friend and colleague TONY WON PAT to become chairman of the Subcommittee on Insular Affairs.

In addition, Chairman Aspinall was instrumental in the establishment of the San Juan National Historic Site, El Morro Castle, a historic fortress which guards the entrance to San Juan Harbor. He introduced the bill that established the site and which has resulted in the increased use and restoration of this important facility.

Congressman Wayne Aspinall's years in the House were important ones for Puerto Rico and his interest and friendship were deeply appreciated by all Puerto Ricans.

On behalf of the people of Puerto Rico, I want to extend my deepest sympathy and prayers to his family.●

● Mr. FORD of Michigan. Mr. Speaker, it was with great sadness that I learned of the death of one of our most respected former colleagues—Chairman Wayne Aspinall. His record during his 24 years in Congress and 42 years in public office is unsurpassed. Wayne served as chairman of the Committee on Interior and Insular Affairs for 14 years and, in this capacity, he managed over 1,000 bills on the floor—each of which passed the House. As a master of the rules of the House, Wayne was also one of the most courteous and effective Members of Congress.

While gaining influence and stature in Washington, Wayne never forgot the interests which he represented—Colorado and the West. Through his work with water projects, Chairman Aspinall helped arid land in Colorado blossom with agricultural products. Wayne set a fine example as both an individual and a statesman for all Members of Congress. My thoughts and prayers go out to the Aspinall family in their time of grief.●

● Mr. WON PAT. Mr. Speaker, on October 9, 1983, the people of Guam and many Members of this body lost a great and true friend with the passing of former Congressman Wayne Norviel Aspinall, who died at his home in Palisade at the age of 87.

I am very pleased that my colleague, Congressman RAY KOGOVSEK, who now represents the part of Colorado which formerly was represented by Mr. Aspinall, has taken this special order to permit us time to eulogize this fine human being.

I came to know Congressman Aspinall early in the 1950's during my frequent trips to Washington as Speaker of the Guam Legislature to lobby in Congress for my people. Later, when Congressman Aspinall began what was to be a 14-year reign as chairman of the House Interior and Insular Affairs Committee, I had many opportunities to work closely with him on matters pertaining to Guam.

In particular, he was very knowledgable about Guam and other U.S. territies, having visited those areas, and in part, this was due to the presence on American Samoa, and later Guam, of his oldest son, Owen. But his keen and seemingly never-ending interest in territorial matters stemmed more from a genuine concern over our welfare and a willingness to promote our political and economic well-being.

He was by nature a fiscal conservative and more often than not we spent our time discussing how the islands spent their Federal dollars in ways which was not always to the liking of the chairman. He stood beside us, however, during good times and lean times and with his consummate legislative skills became the foremost congressional advocate of permitting Guam and the Virgin Islands to elect their own Governors.

In 1972, Chairman Aspinall again joined with a hardy band of his colleagues to successfully urge Congress to establish the office of congressional Delegate to Congress. Unfortunately, I never enjoyed the honor of actually serving in Congress with Wayne Aspinall, who was defeated for reelection in the 1972 primary campaign. I deeply missed that opportunity to serve under a man whom I regarded as a great and powerful leader and a man who was a true friend of my island.

Not too long after I came to Congress I was surprised with a visit from Mr. Aspinall who took a look at my new office in the Cannon House Office Building and remarked how far Guam had progressed in its political development. True to his character, he never mentioned his own political problems but rather offered his support and blessings on my new congressional career.

My only regret is that I never had the opportunity to return the countless favors Wayne Aspinall did for my people and for me personally. While speaker of the legislature, I was proud to have led the drive to name an important street after the chairman that I hope for years to come, Aspinall Street, will serve as a reminder of the contributions this wonderful man made to the peoples of the territories.

Thank you.●

● Mr. KRAMER. Mr. Speaker, although I did not have the honor to serve with Wayne Aspinall, I did know him, as did many others, by his many accomplishments. They have commanded, and will continue to command, great respect.

After serving 16 years in the State legislature, Mr. Aspinall came to Washington to make the voice of Colorado and the West heard in the Nation's Capital for nearly a quarter of a century. He conducted himself throughout his career in a largely nonpartisan manner befitting the statesman that he was, concerned not so much with what the party line might be, as with what might be best for Colorado and the country.

As chairman of the Interior and Insular Affairs Committee at the Federal level, he was instrumental in the development of Colorado's water, national parks, wilderness, and other public lands. He was responsible for authorizing construction of more than a dozen water projects and was called the father of the Upper Colorado River Basin compact. He made it possible for Colorado and the West to flourish.

Carol Sullivan, a former State representative and biographer of Mr. Aspinall, writes that she came to appreciate the "depth of his expertise in subjects he chose to master," such as water reclamation and the management of public lands. He worked long and hard to obtain a profound understanding of issues affecting the West, because it was his nature to be diligent, but also because it was a labor of love.

His sincere concern for Colorado and her national resources was evidenced by the fact that he continued to closely follow water issues long after he needed to. Just this spring, I am told, when the Glen Canyon Dam was spilling, he called the Bureau of Land Reclamation in Colorado, because he was concerned about possible damage to the dam. His interest at that point, of course, was personal, but to some extent it always had been. It was this very personal concern about the fate of Colorado that made him the dedicated statesman he was.

Mr. Aspinall was a man who put a high premium on family and what we often now sadly call the old values, of honesty, devotion, discipline. He was a no-nonsense guy who believed in getting the work done without wasting the taxpayers' money or the Government's time.

He made a point of keeping in touch with the Coloradans he represented, visiting virtually every community each fall. As he found out what the people in his district were concerned about, they found out that he was not the impersonal, hard figure sometimes presented by the national press. He was warm and considerate and often told stories that poked fun at himself. He knew how to take his job seriously, without taking himself too seriously.

In closing, I would like to say, in tribute, that he was hopelessly old fashioned. It was a label his critics threw at him, but which he made his own. He wore it as a badge of courage, because he was proud to be a man who believed in absolute values. He did not change his values when he entered public life, nor when he came to Washington and it never crossed his mind to change them to fit the times.

In a word, he was a man of character. He embodied the strength and individualism of the West. The poet John Donne wrote, "Every man's death diminishes me." Wayne Aspinall's death diminishes us all a little more than most.●

● Mr. KAZEN. Mr. Speaker, I am particularly pleased that the gentleman from Colorado, Mr. KOGOVSEK, has obtained this time for tribute to the late Wayne N. Aspinall.

I came to the House of Representatives in January 1967. My first committee assignment was to the Committee on Interior and Insular Affairs and my first chairman was Wayne Aspinall.

After having served 20 years in the Texas State Legislature, I was not without experience in the legislative process. Yet, I learned much more about that process during the 6 years I served under the chairmanship of Wayne Aspinall.

Wayne Aspinall was a master of parliamentary procedure. More importantly, however, he was truly an expert on each and every matter within the jurisdiction of the committee. Because of these attributes, the Committee on Interior and Insular Affairs was, perhaps, the most productive in the House during his tenure as its chairman.

In the 14 years in which Wayne Aspinall chaired the committee, no bill reported from the committee and considered on the floor of the House ever failed eventual passage by the House.

Under his leadership, the committee operated in a businesslike manner and by the rules. True, he used his expertise and extensive knowledge to guide the course in legislation, yet he was always tolerant of the views of those who disagreed with him. The views of the minority party members were fully and fairly considered and he made it a point to consult with the ranking minority member of both legislative matters and matters of committee administration.

As chairman, Wayne Aspinall was not content to devote his attention only to the full committee. He attended and fully participated in each subcommittee proceeding.

Mr. Speaker, the Congress has the ultimate responsibility for the management of our natural resources. No one was more conscious of this than Wayne Aspinall. He was neither a developer nor preservationist. Rather, his every effort was to achieve that balance in the use of these resources which would best serve our Nation.

Wayne Aspinall knew that the strength of this Nation is in its people. He devoted all of his congressional career to directing the use of our vast resources to the enjoyment and benefit of the people and, they were, Mr. Speaker, well served.●

● Mr. RAHALL. Mr. Speaker, I am happy to participate in this special order honoring the late Wayne N. Aspinall, who served in this House from the State of Colorado.

I would like to thank my good friend and colleague on the committee Representative Aspinall chaired, Mr. KOGOVSEK, for arranging for this time.

Wayne Aspinall came to Congress at the age of 52, and served for 24 years. In 1958, he reached his goal—to become chairman of the Committee on Interior and Insular Affairs.

It is no secret that Chairman Aspinall had his opponents in the programs and efforts he initiated from his position of leadership on the Interior Committee, but he was indeed a craftsman in putting together legislative packages that served the best interests of his district and State.

Those of us on the Interior Committee, many of whom did not serve with Representative Aspinall, are well aware of his impact on the laws we deal with on a day-to-day basis, and marvel at his effectiveness.●

● Mr. LUJAN. Mr. Speaker, I join my fellow colleagues in paying special tribute to a great American, the Honorable Wayne Aspinall. It was with deep sorrow that I learned of his death on October 9. My prayers are with his family and close friends on this solemn occasion.

Athough we are all mournful of his death we can be proud of his many past accomplishments. He was truly an outstanding public servant and an exceptional human being.

Mr. Aspinall dedicated his life to serving the people, and in all, spent well over four decades as an elected official. His political career began in 1931 as a member of the Colorado House of Representatives. He later served as a State senator. While in the Colorado State Legislature he rose to the leadership positions in both houses. In 1948 he was elected to the U.S. House of Representatives and remained until 1972.

As a Member of the House and chairman of the Committee on Interior and Insular Affairs, Mr. Aspinall and I worked together on numerous occasions. Because of our close-knit working relationship. I can honestly say that he was a man of impeccable character. He was both trustworthy and reliable, and in every sense of the word a gentleman.

He was also a very structured, self-disciplined person, and because of this I consider him more a legislator than a politician. He thoroughly understood our system of government and had complete knowledge of its rules and procedures. In fact, every year 2 weeks before Congress would convene he would lock himself in his office and read the entire parliamentary rules of procedure, front page to back cover. He undoubtedly had an absolute command of the legislative process.

Due to his preparedness, hard work, and stalwart personality, Mr. Aspinall was very successful. He compiled an unprecedented record during his tenure a Chairman of the Interior Committee. Over 1,000 separate pieces of legislation from the committee were passed on the House floor of which the most important were the 1964 Wilderness Act, and the Land and Water Conservation Fund Act.

There were many other major bills managed by him that were enacted. All dealt primarily with water reclamation, national parks, wilderness, and public lands. These laws had, and continue to have such a tremendous affect on all Americans that Governor Lamm of Colorado stated—everyone who takes a drink of water should remember the Honorable Wayne Aspinall for the outstanding contributions he has made.

Men of Wayne Aspinall's stature are few and far between, and I consider it an honor to have worked with him. Although he has left this Earth, his memory will remain in the hearts and minds of all who knew him.●

● Mrs. SCHROEDER. Mr. Speaker, Wayne Norviel Aspinall was a sturdy, beloved, and powerful Member of Congress from Colorado. He died October 9 out in the land he cared for, the western slope of Colorado.

Colorado and the Nation have lost a faithful servant.

I want to share with my colleagues a remembrance of Congressman Aspinall by a long-time observer of his, Carol Edmonds Sullivan:

WAYNE ASPINALL—APR. 3, 1896 to OCT. 9, 1983

(By Carol Edmonds Sullivan)

During the 24 years he was in Congress and the 16 years he served in the Colorado Legislature, Wayne Aspinall seemed typecast to be a villain in an Edward Abbey novel. He was the perfect target for the monkey-wrench-gang environmentalists who saw him as pouring concrete in mighty rivers, damming the thunderous flow of the Colorado River.

And, indeed, he seemed to place himself in the environmental bull's eye when he talked about "the unmanageable appetite" of the younger generation and their "failure" to understand man's place in the ecosystem. In the late 1960s, the Sierra Club's David Brower, recognizing Aspinall's power over public lands, lamented, "We have seen dream after dream dashed on the stony continents of Wayne Aspinall."

From 1959 to 1973, Aspinall chaired the Interior and Insular Affairs Committee of the U.S. House of Representatives; he exercised Congressional hegemony over federal parks, wilderness and water reclamation. Those were the days when committee chairmen wielded quick gavels carrying considerable power. Aspinall knew how to exercise power, how to get things done—and how to make sure things didn't get done. For years he fought various wilderness bills; he argued that they bestowed too much power on the Executive. In 1964, a wilderness bill finally passed out of his committee and through Congress; his critics claimed that the bill passed on because Aspinall finally bowed to overwhelming public support for wilderness; he said the measure was finally "ready."

Things didn't happen in his committee before The Chairman was ready. Quite the contrary. He even governed over tardiness. When members were lax in attending, he instructed the committee secretary to record their absences. And he had other ways of compelling attendance. Once, Rep. Phil Burton of California returned to the committee room to find one of his prized amendments deleted "while I was in the can," as he later recounted angrily. Bills that emerged from Aspinall's committee generally glided through the House. In fact, the chairman had an extraordinary record: of the 1,000 bills that he managed on the House floor, not one was defeated. He knew how to count votes.

Of course, those were the days before political actioin committees, before the mushrooming of lobbying groups, before the number of Congressional committees swelled and before the growing power of subcommittee chairmen shrunk the power of committee chairman. In Aspinall's day, the title "Mr. Chairman" carried almost a royal connotation.

Before I met him one-to-one, I reported two or three Aspinall speeches for the Grand Junction Daily Sentinel and the Salida Mountain Mail. I remember thinking that his speech-making was bombastic and generalized. Only later, after countless interviews and conversations, did I appreciate the depth of his expertise in subjects he chose to master. He plumbed the intricacies of matters dear to the West: water reclamation, national parks, wilderness and other uses of the public lands, which, he often noted, cover one-third of our nation's total acreage, public lands that were concentrated in 17 Western states and Alaska. He understood and knew the stakes in water law, he spoke easily of acre-feet and prior appropriation, of the Reclamation Act of 1902, the Colorado River Compact of 1922, the historic river flow at Lee Ferry. And he worked countless hours to broker the diverse interests among those farmers, ranchers, politicians and city fathers in the Upper and Lower Basin who wanted to see more dams and couldn't always agree on whose dam was to be built first.

Those who came before his committee, be they friend or foe of the chairman, had better "have their ducks in order," in Aspinall's words. If they didn't, "Piffle" on their interests, he would say. Having one's ducks in order meant knowing the ins and outs of the subject, as well as knowing whether one had lined up enough support among the various constituencies that were interested in a bill. Aspinall had no patience with hearings that were staged for the press and the folks back home, rather than for the purpose of enacting laws. He once said, "I happen to be one of those who think that Congress was not created for reporters."

More than anything about the man, his discipline and sense of decorum were impressive. These were qualities his former colleagues cited when I interviewed them in Washington, D.C. after he left office.

This discipline he learned as a child in his father's Palisade peach orchards. He ran the peach packing shed, which he kept tidy and efficient. Wayne Aspinall prized "a well-run operation." Whether he was de-fuzzing peaches or wading through a welter of parliamentary rules, he believed in order. That included promptness; his Congressional staff recalls making appointments at such precise a time as 9:37 a.m.

Even after retirement, Aspinall abided by a regular schedule. At age 75 and into his 80s, he would don a business suit and begin weekdays at 9 a.m. to work for six or seven hours in the lavish office he had established in his Palisade home overlooking the Colorado River.

As important as discipline was, decorum was even more important to Aspinall. There was a proper way to do things, be in planting his garden with squash, pentunias and roses, or addressing a letter to his old friend the Hon. Gerald Ford, or writing weekly letters to his four children. Titles were important to him. He liked to be called "Congressman," "Mr. Chairman," or "Mr. A." In referring to his wife when talking to others, he often called her Mrs. Aspinall rather than "Essie." He knew the names of acquaintances' family members as well as he knew the names of his own grandchildren. Even at his frailest, when in recent months his voice was weak and his speech slurred from medicine, Aspinall would greet me on the telephone with a question about my daughter, "How's Kathleen?"

Family was Aspinall's keystone. He treated his wife Essie like a bride. She was a childhood sweetheart whom he married in 1970 one year after the death of his first wife Julia. He would tell Essie, "My, you look sweet tonight." Aspinall was bereft without the companionship of a wife. Essie Aspinall died in August (1983). And he suffered in recent years on behalf of his children—after the death of his eldest son Wayne Jr. and the stroke of his third-born Richard. But he was never one to grovel in self-pity or to encourage it in others. Of death and illness he merely said, "These things, they have to be." About his own failing health, he acknowledged that cancer and age were weakening him, but even in his last months he reached out for what life still offered—whether it was reading Time magazine, fulminating against the detractors of former Interior Secretary Jim Watt, or visiting on the phone with friends who called from across the country.

His counsel was still sought by current and former lawmakers. I still treasure advice he gave me when I was elected to the state Legislature in 1978, and Grand Junction state Rep. Jim Robb tells me he still heeds those same words. On a yellow legal pad, Aspinall wrote out a list of do's and don'ts for a legislator. Among them: "Be able to listen but not afraid to express your thinking . . . Do not furnish liquor for the press room . . . Timidity has no place in public office, though humility is always in order."

For those of us in the underpopulated West, and for anyone who sometimes feels all alone, his fierce sense of the value of each individual was uplifting.

Always outnumbered, Aspinall never admitted to feeling beaten. In fact, he was born, raised and thrived in the minority. As he was fond of saying, "When I was young, I was in the minority. I lived outside the little town of Palisade, and the townspeople always seemed to call the shots. Then I moved to Palisade, and the bigger town of Grand Junction always seemed to call the shots. Then I went to the state Legislature. As a person from Western Colorado, I observed that the lawmakers from the Eastern Slope seemed to call the shots. And in Congress, the big metropolitan areas seemed to hold all the marbles. But I never felt any hesitation."

Even after his defeat, Aspinall felt "no hesitation." He regretted not one iota the way he campaigned and the way he served. In fact, he said the 1972 defeat he suffered in a primary loss to Alan Merson (who then lost to Jim Johnson) was probably "the best thing that ever happened to me." As for his service in Congress, Aspinall told me last year, "I had served long enough. I fitted the epoch in which I lived and served. I don't think anyone fitted it any better."

(Note: Wayne Norviel Aspinall was born in Middleburg, Ohio, on April 3, 1896. In 1904, he moved with his family to a ten-acre peach orchard near Palisade, Colorado. He served in the Colorado House of Representatives and the U.S. House of Representatives. The statesman died on Oct. 9 of cancer. Carol Edmonds Sullivan, a former state Representative from Grand Junction and the author of the biography, Wayne Aspinall: Mr. Chairman (1980, Crown Point Publishers, Grand Junction) shares her remembrances of the beloved Democrat with the Colorado Statesman.)

● Mr. MAZZOLI. Mr. Speaker, I would like to add my tribute to my former colleague, Representative Wayne N. Aspinall, who recently passed away.

I remember Wayne as a competent, diligent legislator who worked hard for the country and for his constituency. He served them both well.

I extend my condolences to his family and loved ones.●

● Mr. BENNETT. Mr. Speaker, it is with heavy heart that we acknowledge the death of former Congressman Wayne Aspinall who, as chairman of the House Interior Committee and in all of his varied activities in Congress, left a heritage not only for this Congress, but for our entire country. He expanded the national park system, carefully encouraged the development of resources in our country, and provided for better environmental circumstances for all of us. America is deeply indebted to this fine man. Our deepest sympathy goes out to his beloved widow and family.

GENERAL LEAVE

Mr. KOGOVSEK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman form Colorado?

There was no objection.

DEINSTITUTIONALIZATION: THE OPTIMAL THERAPEUTIC SETTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. McKINNEY) is recognized for 10 minutes.

● Mr. McKINNEY. Mr. Speaker, during the past 20 years, the noble philosophy of deinstitutionalization has resulted, in part, in a plethora of destitute, ill-equipped, chronically mentally ill individuals being "dumped" on our Nation's communities. While the original intent of deinstitutionalization—that is, care of the chronically mentally ill in the community rather than "warehousing" in an institution—was laudable and one that I support, it remains a fact that the community support structures are not present to deal with the problem. The fragmented, uncoordinated mental health delivery system which mandates placement in the community is unquestionably harmful to those inappropriately placed. It is my hope that we can bring about a clarification of the goals of deinstitutionalization and provide the chronically mentally ill with the most appropriate and beneficial form of treatment.

Currently there is no coherent Federal policy that sets guidelines for deinstitutionalization of the mentally ill. The oft-cited "least restrictive setting" principle was a phrase coined by President Kennedy in his address to the Congress in 1963. As a result of this philosophy, the advent of psychoactive drugs, and the Community Mental Health Centers Act of 1963 deinstitutionalization gained momentum. Furthermore, the enactment of medicare and medicaid legislation allowed States to divest themselves of the financial responsibility of caring for the chronically mentally ill.

Due to the Mental Health Systems Act, the courts have embraced the least restrictive setting principle as a panacea to the problem of "warehousing" in State mental hospitals. The results have been devastating. It has been estimated that there are between 250,000 and 1 million homeless people in the United States today. Of these, half are estimated to be former mental patients. The population of State mental hospitals has declined from a peak of 650,000 in the mid-1950's to less than 150,000 today. Nationally 1,000 mental patients are discharged per day from institutions only 7 percent of which are referred to operating community mental health centers.

In New York City it is estimated that there are 36,000 homeless people of which half are estimated to be former psychiatric inpatients. The readmission rate in New York increased from 27 percent in 1955 to almost 65 percent by 1974. In my own State of Connecticut the population in State mental hospitals decreased from 9,000 in 1955 to just over 2,000 today. The list is endless. Yet, the support structures to care for, educate, train, and house this influx of mentally ill individuals into the community have not kept up with the demand for such services.

According to a 1983 American Medical News publication, "the streets, the train and bus stations, and the shelters of the city have become the State hospitals of yesterday. We have created a new institution, an asylum without walls in which the homeless psychiatric patient is disgracefully abandoned to meandor like a vagabond." It is important to understand that the success of the deinstitutionalization movement is predicated on the assumption that adequate community support structures would be available to care for the chornically mentally ill outside the institution. But, since the support structures are not present, the plan is doomed to failure at the expense of those it is designed to help.

The refinement and expansion of the Kennedy plan has continued in an uncoordinated manner since the enactment of the Community Mental Health Centers Act of 1963. In 1980 Congress extended the Community Mental Health Centers Act with Public Law 96-398—the Mental Health Systems Act. However, it was restructured in fiscal year 1981 when grants were directed toward specific target groups under block grants created by the Omnibus Budget Reconciliation Act, Public Law 97-35.

In essence, less moneys are now available for community based services as a result of efforts to cut Federal spending. In addition, Federal district court decisions have mandated that

States direct their rehabilitation efforts into the community treatment centers and away from State institutions. The District Court of the District of Columbia case, Dixon, et al. against Harris, et al., was a landmark civil rights action on behalf of the chronically mentally ill. It resulted in the Dixon plan for systematic deinstitutionalization of St. Elizabeths Hospital.

Further, in the Supreme Court case, O'Conner against Donaldson, it was ruled that "a State cannot constitutionally confined a nondangerous person who is capable of surviving safely in freedom without offering treatment to that individual." Thus, a legal precedent has been set for outplacement into the community, while at the same time a requirement exists for proper support structures to be present. Yet, there is less money available for this requirement of community care.

Through exhaustive research, discussion with mental health specialists and legal counsel, I have determined that the root of the problem is a lack of consistent Federal guidelines concerning deinstitutionalization. The least restrictive setting principle is vague, at best. "Least restrictive" is a term that assumes a valid and reliable measure associated with it. Mr. Speaker, I maintain that there is no universal measure of restrictiveness that is adequate for all chronically mentally ill individuals. Unfortunately, restrictive was interpreted to pertain merely to physical setting. But is that necessarily the most appropriate criterion of restrictiveness for all people? For some people the use of psychoactive drugs may be less restrictive than physical freedom, while for others the reverse may be true. It all depends on how "restrictiveness" is defined.

Certainly, the community is a less restrictive physical environment than an institution. Yet, it is necessarily less restrictive in a broader therapeutic context. For those who are equipped to handle the physical freedom of the community, I submit that their existence in the community—without the proper community support system—is more restrictive of personal liberty and well-being. In other words, we need to clarify what "restrictiveness" really means in such a way so that it can be applied on an individual case basis by those who are most qualified to do so—the medical community.

Mr. Speaker, I want to make it perfectly clear at this juncture that I am in complete support of the principles of deinstitutionalization. When it is appropriate and where the community support structures exist, treatment in the community is the ideal situation. However, when deinstitutionalization is pursued in an unabridged fashion with little if any consideration given to individual circumstances, then I must take exception to the policy. There are three major problems with the system as it exists today: First, a lack of support structures in the community; second, rapid readmission of inappropriately discharged patients; and third, the phenomenon of transinstitutionalization.

As I have stated, the ideal situation is a well-coordinated community mental health network with rapid referral allowing incremental changes in therapeutic milieu depending on individual needs. Without such a system, the community becomes a jungle, with survival of the fittest the only law. Are we going to continue to allow this situation to occur? I say no. While the second problem, a high readmission rate, in and of itself is a negative indicator of the success of deinstitutionalization, it is ironic that it may be the one result that has saved otherwise destitute people from the ravages of the street.

Finally, the use of nursing homes as the community support structures for patients is clearly in opposition to the philosophy of deinstitutionalization. The Dixon plan in Washington, D.C., which mandated J. B. Johnson Nursing Home as the recipient of discharged St. Elizabeths patients, is a case in point. Surely the nursing home is as much of an institution as St. Elizabeths. In fact, there has been evidence to suggest that it may be more restrictive in terms of physical liberties.

The only conclusion I can draw is that deinstutionalization is financially motivated and in many instances is not in the best interest of the chronically mentally ill.

Clearly, the appalling lack of necessary community services, the extra-ordinary high hospital readmission rates, and the extensive use of improperly administered nursing homes, indicates that the goal of rehabilitation in the community has not been accomplished. I am very concerned that under the guise of community care many States are using a poorly written Federal policy and the potential for budgetary savings to clear institutions of patients and "dump" them in the community where they are without even minimal services. In short, we have moved from institutional "warehousing" to community "warehousing."

This policy can no longer be tolerated; we must act to restore the use of State hospitals when community facilities are not available. This option, if not the most desirable, is certainly more humane than allowing the mentally ill to be released to a life of uncertainty, unspeakable squalor, and possible death.

Mr. Speaker, I submit that we are doing a disservice to the chronically mentally ill by allowing this practice to continue unchecked. For these reasons I would like to introduce for consideration a bill that will clarify the meaning of "least restrictive setting" by stipulating that care be provided in the "optimum therapeutic setting." Clearly, the optimum setting is the community, provided that sufficient rehabilitation services exist. I do not envision this legislation as a panacea to the problems inherent in chronic mental illness, but merely as an emergency stopgap measure for a dire situation.

Ideally, future Federal initiatives will stimulate the development of a comprehensive mental health network at the community level. My legislation is a logical incremental progression toward future action. I would like to reiterate my support for the philosphy of deinstitutionalization. But, until the facts of the situation catch up with the requirements of the philosophy, we cannot be successful. Let us not abrogate our duty as public servants; let us not continue down the primrose path of ignorance; but let us take control of the situation. My proposal is only the first step in gaining that control.●

ONE CITIZEN'S PATRIOTIC REQUEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. RUDD) is recognized for 15 minutes.

Mr. RUDD. Mr. Speaker, President Reagan's address to the Nation on Labor Day concerning the tragic downing of the South Korean airliner by the Soviets stirred the patriotism everywhere in America and especially in the heart of a gentleman in my district.

Mike Whitesides, a chef at a restaurant in Phoenix, Ariz., telephoned me at my office shortly after hearing the President's speech and asked if there were some way he could contribute to our Nation's defense program.

Specifically, he offered to donate money to a public fund that would be used toward the purchase of a piece of military equipment, such as a tank.

I was impressed by his sincerity and I encouraged him to pursue the idea, as well as offered him my assistance.

A few weeks later, Mr. Whitesides followed up our conversation with a letter and his contribution to the defense effort.

He wrote:

> I'd like to get right to the point and make a donation directly to the U.S. Department of Defense, rather than let it be distilled through the IRS, a world of welfare, or other Federal boondoggle.
>
> I only have $200.00 to spare, but I'll gladly give it if I can believe it will go to the right place and be used prudently. Maybe the Government funds should all be spent as if a working man ardously saved it up and

handed it over to our solons in trust and confidence.

I hope you can appreciate the sentiment behind this idea, and not only the naivete; I realize that our Government is a huge machine. You might call this a way of casting a vote.

Mr. Rudd, I'll leave it up to you to see that this check gets into the right hands.

Unfortunately, 8 weeks, several letters, and countless telephone calls later, Mr. Whitesides' patriotic gesture remains unfulfilled.

Neither the Department of Defense, the Office of Management and Budget, the IRS, the White House, nor the Treasury Department has been able to accommodate my constituent's request and identify a citizens' fund available for the purchase of military equipment and the strengthening of our Nation's defense.

The typical bureaucratic concerns and cries have been heard: Mr. Whitesides' request is "impractical," a "paperwork concern," and the Government "cannot guarantee" his donation will, as requested, go to the right place and be used prudently.

What happened? Well, maybe Mr. Whitesides was right: Our Government is a huge machine—and it too often takes longer to study and labor a problem than to solve it.

It would be a disgrace if the wishes of Mike Whitesides, and patriots like him go unanswered and are not accommodated.

The desires of dedicated American citizens to go beyond the payment of their taxes, and put their money where their hearts are, must be accommodated by our Government.

We must demonstrate the flexibility to heed the wishes of private citizens to have a direct role in the action of Government.

The requests of patriotic Americans everywhere should be honored and safeguarded by the Congress, the Federal agencies, and the Executive branch.

Whether large or small, general or specific, their contributions are genuine and heartening acts of generosity which are sorely needed—and should not be refused or unrecognized.

TOLERANCE AND TRUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 15 minutes.

● Mr. HOYER. Mr. Speaker, just a few short weeks ago, two men, famous for their stands in defense of liberty—but holding views quite opposite to each other in this respect—met, dined together and, finally, shared a podium at a small Virginia Baptist college.

That now landmark meeting between Senator EDWARD KENNEDY of Massachusetts and the Reverend Jerry Falwell, leader of the Moral Majority, produced a dialog which I believe, as a Christian and as an elected official, underscores my deep concern over the manner in which we bring the moral and the ethical values we learn through religion into the public arena.

Senator KENNEDY's comments go to the heart of how we, as a people of all faiths, ethnic groups and creeds, should relate to one another. We are invariably a people of good will and our regard for each other should never be blighted by preordained, stereotypical views, but should be based on a conscious effort to maintain a dialog of compassion and reason. Within the framework of such a dialog we can find room for disagreement, but also room for understanding. Only in this manner can we all work together to solve the many problems facing our country.

I urge my colleagues to take a few minutes to read Senator KENNEDY's remarks as excerpted in the Washington Post, and I insert these remarks at this point in the RECORD:

[From the Washington Post, Oct. 5, 1983]

TOLERANCE AND TRUTH

(By Edward M. Kennedy)

A generation ago, a presidential candidate had to prove his independence of undue religious influence in public life—and he had to do so partly at the insistence of evangelical Protestants. John Kennedy said at that time: "I believe in an America where there is no [religious] bloc voting of any kind." Only 20 years later another candidate was appealing to an evangelical meeting as a religious bloc. Ronald Reagan said to 15,000 evangelicals at the Roundtable in Dallas: "I know that you can't endorse me. I want you to know that I endorse you and what you are doing."

To many Americans, that pledge was a sign and a symbol of a dangerous breakdown in the separation of church and state. Yet this principle, as vital as it is, is not a simplistic and rigid command. . . .

The separation of church and state can sometimes be frustrating for women and men of deep religious faith. They may be tempted to misuse government in order to impose a value which they cannot persuade others to accept. But once we succumb to that temptation, we step onto a slippery slope where everyone's freedom is at risk. Those who favor censorship should recall that one of the first books ever burned was the first English translation of the Bible. As President Eisenhower warned in 1953, "Don't join the bookburners. . . . The right to say ideas, the right to record them, and the right to have them accessible to others is unquestioned—or this isn't America." And if that right is denied, at some future day the torch can be turned against any other book or any other belief. Let us never forget; today's Moral Majority could become tomorrow's persecuted minority.

The danger is as great now as when the Founders of the nation first saw it. In 1789, their fear was of factional strife among dozens of denominations. Today there are hundreds—and perhaps thousands of faiths—and millions of Americans who are outside any fold. Pluralism obviously does not and cannot mean that all of them are right; but it does mean that there are areas where government cannot and should not decide what it is wrong to believe, to think, to read and to do. . . .

The real transgression occurs when religion wants government to tell citizens how to live uniquely personal parts of their lives. The failure of Prohibition proves the futility of such an attempt when a majority or even a substantial minority happens to disagree. Some questions may be inherently individual ones or people may be sharply divided about whether they are. In such cases—cases like Prohibition and abortion—the proper role of religion is to appeal to the conscience of the individual, not the coercive power of the state.

But there are other questions which are inherently public in nature, which we must decide together as a nation, and where religion and religious values can and should speak to our common conscience. The issue of nuclear war is a compelling example. It is a moral issue; it will be decided by government, not by each individual; and to give any effect to the moral values of their creed, people of faith must speak directly about public policy. The Catholic bishops and the Rev. Billy Graham have every right to stand for the nuclear freeze—and Dr. Falwell has every right to stand against it.

There must be standards for the exercise of such leadership—so that the obligations of belief will not be debased into an opportunity for mere political advantage. But to take a stand at all when a question is both properly public and truly moral is to stand in a long and honored tradition. Many of the great evangelists of the 1800s were in the forefront of the abolitionist movement. In our own time, the Rev. William Sloane Coffin challenged the morality of the war in Vietnam. Pope John XXIII renewed the Gospel's call to social justice. And Dr. Martin Luther King Jr., who was the greatest prophet of this century, awakened our national conscience to the evil of racial segregation.

President Kennedy, who said that "no religious body should seek to impose its will," also urged religious leaders to state their views and give their commitment when the public debate involved ethical issues. In drawing the line between imposed will and essential witness, we keep church and state separate—and at the same time, we recognize that the City of God should speak to the civic duties of men and women.

There are four tests which draw that line and define the difference.

First, we must respect the integrity of religion itself.

People of conscience should be careful how they deal in the word of their Lord. In our own history, religion has been falsely invoked to sanction prejudice and even slavery, to condemn labor unions and public spending for the poor. I believe that the prophecy—"the poor you have always with you"—is an indictment, not a commandment. I respectfully suggest that God has taken no position on the Department of Education—and that a balanced-budget constitutional amendment is a matter for economic analysis, not heavenly appeals.

Religious values cannot be excluded from every public issue—but not every public issue involves religious values.

Second, we must respect that independent judgments of conscience.

Those who proclaim moral and religious values can offer counsel, but they should not casually treat a position on a public issue as a test of fealty to faith. Just as I disagree with the Catholic bishops on tuition tax credits—which I oppose—so other

Catholics can and do disagree with the hierarchy, on the basis of honest conviction, on the question of the nuclear freeze.

Thus, the controversy about the Moral Majority arises not only from its views, but from its name—which, in the minds of many, seems to imply that only one set of public policies is moral—and only one majority can possibly be right. . . .

Let me offer another illustration. Dr. Falwell has written: "To stand against Israel is to stand against God." Now, there is no one in the Senate who has stood more firmly for Israel than I have. Yet I do not doubt that faith of those on the other side. Their error is not one of religion, but of policy—and I hope to persuade them that they are wrong in terms of both America's interests and the justice of Israel's cause.

Respect for conscience is most in jeopardy—and the harmony of our diverse society is most at risk—when we re-establish, directly or indirectly, a religious test for public office. That relic of the colonial era, which is specifically prohibited in the Constitution, has reappeared in recent years. After the last election, the Rev. James Robison warned President Reagan not to surround himself, as presidents before him had, "with the counsel of the ungodly." I utterly reject any such standard for any position anywhere in public service. Two centuries ago, the victims were Catholics and Jews. In the 1980s, the victims could be atheists; in some other day or decade, they could be the members of the Thomas Road Baptist Church. Indeed, in 1976 I regarded it as unworthy and un-American when some people said or hinted that Jimmy Carter should not be president because he was a born-again Christian.

We must never judge the fitness of individuals to govern on the basis of where they worship, whether they follow Christ or Moses, whether they are called "born again" or "ungodly." Where it is right to apply moral values to public life, let all of us avoid the temptation to be self-righteous and absolutely certain of ourselves. And if that temptation ever comes, let us recall Winston Churchill's humbling description of an intolerant and inflexible colleague: "There but for the grace of God—goes God."

Third, in applying religious values, we must respect the integrity of public debate.

In that debate, faith is no substitute for facts. Critics may oppose the nuclear freeze for what they regard as moral reasons. They have every right to argue that any negotiation with the Soviets is wrong—or that any accommodation with them sanctions their crimes—or that no agreement can be good enough and therefore all agreements only increase the chance of war. I do not believe that, but it surely does not violate the standard of fair public debate to say it.

What does violate that standard, what the opponents of the nuclear freeze have no right to do, is to assume that they are infallible—and so any argument against the freeze will do, whether it is false or true.

The nuclear freeze proposal is not unilateral, but bilateral—with equal restraints on the United States and the Soviet Union.

The nuclear freeze does not require that we trust the Russians, but demands full and effective verification.

The nuclear freeze does not concede a Soviet lead in nuclear weapons, but recognizes that human beings in each grant great power already have in their fallible hands the overwhelming capacity to remake into a pile of radioactive rubble the earth which God has made. . . .

I am perfectly prepared to debate the nuclear freeze on policy grounds, or moral ones. But we should not be forced to discuss phantom issues or false charges. They only deflect us from the urgent task of deciding how best to prevent a planet divided from becoming a plant destroyed. . . .

Fourth and finally, we must respect the motives of those who exercise their right to disagree.

We sorely test our ability to live together if we too readily question each other's integrity. It may be harder to restrain our feelings when moral principles are at stake—for they go to the deepest well-springs of our being. But the more our feelings diverge, the more deeply felt they are, the greater is our obligation to grant the sincerity and essential decency of our fellow citizens on the other side.

Those who favor the Equal Rights Amendment are not "anti-family" or "blasphemers" and their purpose is not "an attack on the Bible." Rather we believe this is the best way to fix in our national firmament the ideal that not only all men, but all people are created equal. Indeed, my mother—who strongly favors ERA—would be surprised to hear that she is anti-family. For my part, I think of the amendment's opponents as wrong on the issue, but not as lacking in moral character.

I could multiply the instances of name-calling, sometimes on both sides. Dr. Falwell is not a "warmonger"—and "liberal clergymen" are not, as the Moral Majority suggested in a recent letter, equivalent to "Soviet sympathizers." The critics of official prayer in public schools are not "Pharisees"; many of them are both civil libertarians and believers who think that families should pray more at home with their children and attend church and synagogue more faithfully. And people are not "sexist" because they stand against abortion; they are not "murderers" because they believe in free choice. Nor does it help anyone's cause to shout such epithets—or try to shout a speaker down—which is what happened last April when Dr. Falwell was hissed and heckled at Harvard. So I am doubly grateful for your courtesy here today. That was not Harvard's finest hour, but I am happy to say that the loudest applause from the Harvard audience came in defense of Dr. Falwell's right to speak.

In short, I hope for an America where neither fundamentalist nor humanist will be a dirty word, but a fair description of the different ways in which people of good will look at life and into their own souls.

I hope for an America where no president, no public official, and no individual will ever be deemed a greater or lesser American because of religious doubt—or religious belief.

I hope for an America where the power of faith will always burn brightly—but where no modern Inquisition of any kind will ever light the fires of fear, coercion or angry division.

I hope for an America where we can all contend freely and vigorously—but where we will treasure and guard those standards of civility which alone make this nation safe for both democracy and diversity.●

TRIBUTE TO JOSEPH McCAFFREY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise today to salute Joe McCaffrey, longtime Capitol Hill correspondent for WMAL radio here in Washington. Joe has retired from this post to devote all of his time to the Culpeper News, a newspaper which he purchased a few years back. His leaving brings a vacancy which will be hard to fill.

Joe McCaffrey has been on Capitol Hill for 38 years, longer than anyone but our good friend Representative WHITTEN. He knows this place as well as anyone, and better than most. He is a reporter fair to all, he knows the issues, and does his homework. The results as predictably excellent. "McCaffrey's Washington," "Today in Congress," and "Meet the Member" were the broadcast for which McCaffrey was famous. Listeners knew that they would receive concise, accurate reporting about the activities on Capitol Hill. He kept people well informed and I am sure that he will keep that tradition alive at the Culpeper News.

I wish him well in his new endeavor. The citizens of Culpeper, Va., are gaining a great reporter and newsman. His absence here will be felt. I wish to thank him personally for his fine work through the years and to tell him sincerely that he will be missed.●

BELL SYSTEM EMPLOYEES SUPPORT H.R. 4102

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 15 minutes.

● Mr. WIRTH. Mr. Speaker, a few weeks ago AT&T Chairman Charles Brown wrote to every Member of Congress opposing legislation to modify the FCC's access-charge decision. In his letter, Mr. Brown strongly suggested that he was speaking on the behalf of AT&T's 1 million employees. Mr. Brown's letter began:

> I write to you with full confidence that I am speaking for our three million share owners, *Our one million employees* and our half million retired people. (Italics added.)

Mr. Brown's introductory sentence was not entirely accurate and is somewhat misleading.

The Communication Workers of America (CWA) and the International Brotherhood of Electrical Workers (IBEW), representing over 600,000 Bell System employees, have endorsed H.R. 4102, the Universal Telephone Service Preservation Act of 1983, and are working for its passage.

Below are three examples of the many letters I have received from Bell System employees in my district supporting my legislation to preserve affordable telephone service throughout the country.

> DEAR MR. WIRTH: I'm writing to ask your support and vote for House bill H.R. 4102. As a voter in your district, I'm very much affected by this bill.

I work for Mountain Bell and also belong the CWA union. It is my feeling that the small business people and the common people of this great country need the protection from higher telephone rates that this bill affords. If the predicted increases occur and the access charges are allowed to stand many customers of my company will be forced to curtail or even eliminate their telephone service. The loss of revenues to the company may even force me out of a job after 15 years of service. At the very least, it is certain to affect many of my fellow workers. I feel we need the protection that this bill provides from these very probable occurances.

Please give it your consideration and support.

Thank you,

BOULDER, COLO.

DEAR CONGRESSMAN WIRTH: I am an employee of Mountain Bell and a member in good standing of the Communications Workers of America. I urge you to support the bill H.R. 4102. It will affect my pay and the pay of the employees I worked with the past 5 years.

I feel we must also protect the residential and small business customer from the inevitable higher costs of telephone service.

Thank you for taking the time to listen to me.

Sincerely,

LONGMONT, COLO.

DEAR TIM: As a voter in your district and Vice President of CWA local 8417 in Boulder, I strongly urge you to continue your support of H.R. 4102. From telecommunications legislation you have backed or initiated in the past, I know that employee protections are high on your priority list and, with divestiture rapidly approaching, the issues regarding portability of pensions, benefits, and seniority must be resolved.

As far as the access charges are concerned, the small business person and residential customers will be the losers. Favoring large corporations on the basis that benefits will eventually "trickle down" to the public is an economic concept that I would like to see dispelled.

In conclusion, I would like to thank you for all your hard work in the past and will continue to support you.

Sincerely yours,

NEDERLAND, COLO.[1]

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LELAND) is recognized for 5 minutes.

● Mr. LELAND. Mr. Speaker, I rise briefly to explain my unavoidable absence from the House today. Municipal elections in Houston, including the mayoralty and city council races, necessitated my presence in my home district.

I thank the Speaker for this opportunity to set the record straight.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TORRES) is recognized for 5 minutes.

● Mr. TORRES. Mr. Speaker, I was not present for House proceedings on Friday, November 4, 1983. Had I been present on the House floor, I would have cast my votes in the following manner:

Rollcall No. 453, approving the Journal of November 3, 1983; "Yes."

Rollcall No. 454, House Resolution 355, the rule under which H.R. 4196 (dairy legislation) will be considered; "Yes."

Rollcall No. 455, final passage of H.R. 2114, maritime programs authorization; "Yes."

Rollcall No. 456, motion to adjourn; "No."●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WOLF (at the request of Mr. MICHEL), for today until 4 p.m., on account of attending a funeral.

Mr. YOUNG of Florida (at the request of Mr. MICHEL), for today until 3:15 p.m., on account of attending a funeral for Marine Sgt. John R. Weyl, killed in Lebanon.

Mr. DeWINE (at the request of Mr. MICHEL), for today from 4:30 p.m., on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NIELSON of Utah) to revise and extend their remarks and include extraneous material:)

Mr. McKINNEY, for 10 minutes, today.

Mr. PETRI, for 60 minutes, on November 17.

Mr. RUDD, for 15 minutes, today.

Mr. FRANKLIN, for 5 minutes, today.

(The following Members (at the request of Mr. HARRISON) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 15 minutes today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. WIRTH, for 15 minutes, today.

Mr. LELAND, for 5 minutes, today.

Mr. TORRES, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. PEPPER, for 60 minutes, on November 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LIVINGSTON, during general debate on House Joint Resolution 403, in the Committee of the Whole, today.

Mr. HALL of Ohio, in support of the Perkins amendment to House Joint Resolution 403 in the Committee of the Whole today.

(The following Members (at the request of Mr. NIELSON of Utah) and to include extraneous matter:)

Mr. KRAMER.

Mr. DANNEMEYER.

Ms. SNOWE in two instances.

Mrs. JOHNSON.

Mr. CONTE in two instances.

Mr. GILMAN in two instances.

Mr. SOLOMON.

Mrs. HOLT.

Mr. CLINGER.

Mr. McKINNEY in two instances.

Mr. BEREUTER in two instances.

Mr. KEMP in two instances.

Mr. McCOLLUM.

Mr. CHENEY.

Mr. YOUNG of Florida.

Mr. MADIGAN.

Mr. PHILIP M. CRANE in two instances.

(The following Members (at the request of Mr. HARRISON) and to include extraneous matter:)

Mr. JACOBS in two instances.

Mr. BOUCHER.

Mr. DE LUGO.

Mr. LEHMAN of Florida in two instances.

Mr. WALGREN.

Mr. ROE.

Mr. BRYANT in two instances.

Mrs. BOXER in two instances.

Ms. FERRARO in two instances.

Ms. OAKAR in two instances.

Mrs. SCHROEDER in two instances.

Mrs. BURTON of California.

Mr. VALENTINE.

Mr. MAZZOLI.

Mr. HAWKINS.

Mr. OBEY.

Mr. TORRICELLI.

Mr. MICA.

Mr. BARNES.

Mr. LANTOS in two instances.

Mr. SIKORSKI.

Mr. RODINO in two instances.

Mr. MATSUI.

Mr. STARK.

Mr. FLORIO.

Mr. WON PAT.

Mr. MARTINEZ.

Mr. LIPINSKI.

Mr. BROWN of California.

Mr. FRANK.

Mr. FAUNTROY.

Mr. CORRADA.

Mr. BONIOR of Michigan.

Mrs. BOGGS.

Mr. OTTINGER.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following title:

S. 448. An act to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes;

S.J. Res. 92. Joint resolution designating the week beginning May 13, 1984, as "Municipal Clerk's Week";

S.J. Res. 122. Joint resolution designating the week of November 27, 1983, through December 3, 1983, as "National Home Care Week";

S.J. Res. 139. Joint resolution to commemorate the centennial of Eleanor Roosevelt's birth; and

S.J. Res. 188. Joint resolution to designate the month of November 1983 as "National Christmas Seal Month."

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2920. An act to amend title 38, United States Code, to extend and improve various health-care and other programs of the Veterans' Administration; and for other purposes.

ADJOURNMENT

Mr. KOGOVSEK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 59 minutes p.m.) the House adjourned until tomorrow, Wednesday, November 9, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2110. A communication from the President of the United States, transmitting a report on progress toward a negotiated settlement of the Cyprus problem, pursuant to Public Law 95-384 (H. Doc. No. 98-130); to the Committee on Foreign Affairs and ordered to be printed.

2111. A letter from Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting a report on the Navy's decision to convert to contractor performance the custodial services function at the Naval Weapons Station, Charleston, S.C., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2112. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 178(c) of title 10, United States Code, to modify the method of selection of Directors of the Foundation for the Advancement of Military Medicine; to the Committee on Armed Services.

2113. A letter from the Acting Assistant Secretary for Legislative and Intergovernmental Affairs, transmitting a report of political contributions for James E. Goodby, Chief of Delegation to the Conference on Disarmament (CDE) with rank of Ambassador, and Sol Polansky, Vice Chairman, START Delegation, rank of Ambassador, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 3922. A bill to establish a 1-year limitation on the filing of claims for unpaid accounts formerly maintained in the postal savings system; with an amendment (Rept. No. 98-502, Pt. I). Ordered to be printed.

Mr. BROOKS: Committee on Government Operations. Report on mismanagement of aircraft depot maintenance activities by the Department of Defense. (Rept. No. 98-503). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on implementation of the Job Training Partnership Act and OMB interference (Rept. No. 98-504). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee of conference. Conference report on S. 726 (Rept. No. 98-505). Ordered to be printed.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 363. Resolution providing for the consideration of H.R. 4102, a bill to amend the Communications Act of 1934 to assure universal telephone service within the United States, and for other purposes (Rept. No. 98-506). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 364. Resolution providing for the consideration of H.R. 2755, a bill to authorize appropriations for the Federal Communications Commission for fiscal years 1984 and 1985, and for other purposes (Rept. No. 98-507). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 365. Resolution providing for the consideration of H.R. 3020, a bill to amend the Small Business Act, and for other purposes (Rept. No. 98-508). Referrred to the House Calendar.

Mr. FUQUA: Committee on Science and Technology. House Concurrent Resolution 168. Concurrent resolution expressing the sense of the Congress that it is not appropriate at this time to transfer ownership or management of any civil meteorological satellite system and associated ground system equipment to the private sector (Rept. No. 98-509). Referred to the House Calendar.

Mr. FUQUA: Committee on Science and Technology. House Concurrent Resolution 190. Concurrent resolution expressing the sense of the Congress that the Secretary of Transportation should submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate full research and development program planning documentation leading to expedited use by the civilian sector of certain satellite-directed navigational aids developed by the Department of Defense for the guidance of aircraft (Rept. No. 98-510). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 1557. A bill for the relief of William D. Benoni (Rept. No. 98-492). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 1680. A bill for the relief of the Junior Achievement of Jackson, Miss., the Jackson, Miss., Symphony Orchestra, and the Mississippi Museum of Art; with an amendment (Rept. No. 98-493). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 3221. A bill for the relief of Harvey E. Ward (Rept. No. 98-494). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 2387. A bill for the relief of Benjamin B. Doeh; with an amendment (Rept. No. 98-495). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 3926. A bill for the relief of Theron M. Bradley, Jr. (Rept. No. 98-496). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 3927. A bill for the relief of Kenneth L. Perrin (Rept. No. 98-497). Referred to the Committee of the Whole House.

Mr. MAZZOLI: Committee on the Judiciary. H.R. 1867. A bill for the relief of Olga Rojas-Pujolar (Rept. No. 98-498). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 1716. A bill for the relief of Divinia Manatad and Jeuerita Manatad; with an amendment (Rept. No. 98-499). Referred to the Committee of the Whole House.

Mr. LUNGREN: Committee on the Judiciary. H.R. 1426. A bill for the relief of Phillip Harper (Rept. No. 98-500). Referred to the Committee of the Whole House.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 3382. A bill for the relief of Dennis L. Dalton (Rept. No. 98-501). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SWIFT (for himself, Mr. DINGELL, Mr. FRENZEL, Mr. WIRTH, and Mr. RINALDO):

H.R. 4324. A bill to amend the Communications Act of 1934 to preserve the principles of the Federal Communications Commission's personal attack and political editorial rules through the 1984 election campaign, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. KENNELLY (for herself, Mr. FORD of Tennessee, Mr. CAMPBELL, Mr. STARK, Mr. MOORE, Mr. PEASE, Mr. FRENZEL, Mr. HANCE, Mr. THOMAS of California, Mr. MATSUI, and Mr. FOWLER):

H.R. 4325. A bill to amend part D of title IV of the Social Security Act to assure, through mandatory income withholding, incentive payments to States, and other improvements in the child support enforcement program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes; to the Committee on Ways and Means.

By Mr. FORD of Tennessee (for himself, Mr. Campbell, Mr. Stark, Mr. Pease, Mr. Matsui, Mr. Fowler, Mrs. Kennelly, Mr. Moore, and Mr. Frenzel):

H.R. 4326. A bill to provide for the conduct of pilot and demonstration projects to test methods in integrating the delivery of services to needy individuals under the various Federal human services programs and improving the administration of such programs, and to amend part A of title IV of the Social Security Act to make improvements in the program to aid to families with dependent children so that such program will be more manageable, more effective, and better designed to serve needy families; to the Committee on Ways and Means.

By Mr. FORD of Tennessee (for himself, Mr. Stark, Mr. Pease, Mr. Matsui, Mr. Fowler, and Mrs. Kennelly):

H.R. 4327. A bill to amend part A of title IV of the Social Security Act to modify the treatment of earnings under the AFDC program, to restore certain State options under such program, and to make other improvements in such program so that it will be more manageable, more effective, and better designed to serve needy families; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 4328. A bill to amend the Internal Revenue Code of 1954 to assure that foreign investment in operating concerns actively engaged in a U.S. trade or business other than farming should be distinguished from foreign investment in passive U.S. real property interests and that such operating concerns should not be subject to the provisions of the United States Foreign Investment in Real Property Tax Act of 1980; to the Committee on Ways and Means.

By Mr. PHILIP M. CRANE:

H.R. 4329. A bill to extend until July 1, 1987, the existing suspension of duty on 4-chloro-3-methylphenol; to the Committee on Ways and Means.

By Mr. McKINNEY:

H.R. 4330. A bill to amend the Public Health Services Act to clarify the meaning of least restrictive setting for the mentally ill; to the Committee on Energy and Commerce.

By Mr. WALKER:

H.R. 4331. A bill entitled: "Sunshine in Government Funding Act"; to the Committee on Government Operations.

By Mr. YOUNG of Missouri (for himself and Mr. Howard):

H.R. 4332. A bill to approve the master plan for the U.S. Capitol Grounds and related areas, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SHAW (for himself, Mr. Hertel of Michigan, Mr. Sawyer, and Mr. Hutto):

H.R. 4333. A bill to admit certain passenger vessels to the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mrs. BOGGS:

H.J. Res. 411. Joint resolution to proclaim December 7, 1983, as "My Nationality American Day"; to the Committee on Post Office and Civil Service.

By Mr. CONTE:

H.J. Res. 412. Joint resolution making further continuing appropriations for the fiscal year 1984; to the Committee on Appropriations.

By Mr. MICA:

H. Con. Res. 208. Concurrent resolution to express the sense of the Congress in extending congratulations to Argentina for the success of recently held democratic elections; to the Committee on Foreign Affairs.

By Mr. RINALDO:

H. Con. Res. 209. Concurrent resolution expressing the sense of the Congress that meetings of the 1984 session of the United Nations General Assembly should be held an equal number of days in New York City and in Moscow; to the Committee on Foreign Affairs.

By Mr. SKELTON:

H. Con. Res. 210. Concurrent resolution favoring a National Museum of the U.S. Army; to the Committee on Armed Services.

By Mr. GILMAN:

H. Con. Res. 211. Concurrent resolution expressing the sense of Congress that U.S. medical schools should accommodate the American medical students evacuated from Grenada; to the Committee on Education and Labor.

By Mr. CONTE (for himself, Mr. Wright, and Mr. Michel):

H. Res. 366. Resolution expressing the sense of the House of Representatives that the United States supports and encourages the goals and ideals of international Olympic competition; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BERMAN:

H.R. 4334. A bill for the relief of Paulette Mendes-Silva; to the Committee on the Judiciary.

By Ms. MIKULSKI:

H.R. 4335. A bill for the relief of Polytimi Kordompoulis; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 516: Mr. Bill Emerson.

H.R. 1013: Mr. Lowery of California and Mr. Ridge.

H.R. 1255: Mr. Rinaldo and Mr. Lantos.

H.R. 1376: Mr. Lott, Mr. Tauke, Mr. Parris, Mrs. Hall of Indiana, Mr. Martinez, Mr. Dymally, and Mr. Leland.

H.R. 1671: Mr. Kemp, Mr. Roe, Mr. Owens, Mr. Burton of Indiana, Mrs. Schneider, Mr. Murphy, Mr. Evans of Iowa, Mr. Forsythe, and Mr. Kogovsek.

H.R. 1887: Mr. Ford of Tennessee.

H.R. 1955: Mr. Erdreich, Mr. Hatcher, Mr. Mollohan, Mr. Schaefer, Mr. Skeen, Mr. Thomas of Georgia, Mr. Valentine, Mr. Young of Florida, and Mr. Brown of Colorado.

H.R. 2053: Mr. Lundine.

H.R. 2124: Mr. Dorgan.

H.R. 2133: Mr. Torres, Mr. Stenholm, Mr. Sikorski, and Mr. Hiler.

H.R. 2318: Mr. Bedell and Mr. Harkin.

H.R. 2564: Mr. Bilirakis, Mrs. Boxer, Mr. Broyhill, Mr. Dymally, Mr. Morrison of Washington, Mr. Ritter, Mr. Denny Smith, Mr. Thomas of Georgia, Mr. Wortley, and Mr. Hartnett.

H.R. 2566: Mr. Kogovsek, Mr. Patman, Mr. Bates, Mr. Horton, and Mr. Britt.

H.R. 2715: Mr. Lujan.

H.R. 2747: Mr. Solarz.

H.R. 2817: Mr. Vento, Mr. Fish, Mr. Roybal, and Mr. Levin of Michigan.

H.R. 2847: Mr. Frank.

H.R. 2918: Mr. Shaw.

H.R. 2927: Mr. Bereuter, Mr. Downey of New York, Mr. Kostmayer, Mr. Mollohan, and Mr. Roberts.

H.R. 3200: Mr. Dyson, Mr. Gejdenson, Mr. Morrison of Connecticut, Mr. Olin, Ms. Kaptur, Mr. Mrazek, and Mr. Clarke.

H.R. 3280: Mr. Tauke and Mr. Williams of Montana.

H.R. 3281: Mr. Tauke and Mr. Williams of Montana.

H.R. 3557: Mr. Long of Maryland, Mr. Rowland, and Mr. Levin, of Michigan.

H.R. 3614: Mr. Ford of Tennessee, Mr. Gonzales, Mr. Harrison, Mr. Tallon, Mr. Conte, Mr. Williams of Montana, Mr. Hance, and Mr. Dymally.

H.R. 3635: Mr. Bethune, Mr. Gilman, Mr. Coughlin, Mrs. Holt, and Mr. McCollum.

H.R. 3651: Mr. Whittaker, Mr. Paul, and Mr. Patman.

H.R. 3658: Mrs. Boxer, Mr. Bryant, Mrs. Burton of California, Mr. Dellums, Mr. Frost, Mr. Ralph M. Hall, Mr. Sam B. Hall, Jr., Mr. Lantos, Mr. Lewis of California, Mr. Miller of California, Mr. Mineta, Mr. Ortiz, Mr. Tallon, and Mr. Vandergriff.

H.R. 3734: Mr. Albosta and Mr. Martin of North Carolina.

H.R. 3784: Mr. Bates, Mr. Walgren, Mr. Towns, Mr. Addabbo, Mr. Weiss, Mr. Clay, Mr. Fauntroy, Ms. Mikulski, Mr. Roth, Mr. Mineta, Mr. Jeffords, Mr. Dellums, Mr. Savage, Mr. Ford of Tennessee, Mr. Stokes, Mr. Gonzalez, Mr. Schumer, Mr. Roe, Mr. Roybal, Mr. Patterson, and Mr. Wyden.

H.R. 3796: Mr. Akaka, Mr. Bateman, Mr. Beilenson, Mr. Corcoran, Mr. Fazio, Mr. Frank, Mr. Hartnett, Ms. Kaptur, Mr. Lagomarsino, Mr. Levine of California, Mr. Mitchell, Mr. Pritchard, Mr. Rangel, Mr. Russo, Mr. Stokes, and Mr. Wortley.

H.R. 3797: Mr. Quillen, Mr. Forsythe, Mr. Barnes, Mr. Studds, Mrs. Collins, Mr. Reid, Mr. Sikorski, Mr. Hertel of Michigan, Mr. Fazio, Mr. Fish, Mr. Yatron, and Mr. Simon.

H.R. 3832: Mr. Mrazek, Mr. Patterson, and Mr. Dwyer of New Jersey.

H.R. 3843: Mr. Whitehurst and Mr. Dicks.

H.R. 3867: Mr. Akaka, Mr. Fazio, Mr. Fascell, and Mr. Rudd.

H.R. 3870: Mr. Dowdy of Mississippi.

H.R. 3979: Mr. Markey.

H.R. 3985: Mr. Addabbo and Mr. Won Pat.

H.R. 4005: Mr. Roe, Mr. McCloskey, Mr. Downey of New York, Mr. Eckart, Mr. Evans of Illinois, Mr. O'Brien, Mr. Porter, Mr. Pease, Mr. Martinez, and Mr. McCollum.

H.R. 4020: Mrs. Hall of Indiana.

H.R. 4072: Mr. Stangeland and Mr. Thomas of Georgia.

H.R. 4078: Mr. Dorgan.

H.R. 4080: Mr. McGrath, Mr. Brown of California, Mr. Barnes, Mrs. Boxer, Mr.

Tallon, Mr. Rangel, Mr. Nelson of Florida, Mr. Mineta, Mr. Moakley, Mr. Andrews of Texas, Mr. Dymally, Mr. Morrison of Connecticut, Mr. Bliley, Mr. Bedell, Mr. Dwyer of New Jersey, and Mr. Sikorski.

H.R. 4081: Mr. Durbin.

H.R. 4105: Mr. Heftel of Hawaii.

H.R. 4126: Mr. Frenzel, Mrs. Owens, Mrs. Hall of Indiana, Mr. Bedell, Mr. Jeffords, Mr. Vento, and Mr. McNulty.

H.R. 4148: Mr. Lott.

H.R. 4206: Mr. Dwyer of New Jersey; Mr. Nielson of Utah; Mr. Vento, Mrs. Lloyd, Mr. Coats, Mr. Dixon, Mr. Fish, Mr. Gregg, Mr. Mitchell, Mr. Broyhill, Mr. Lantos, Ms. Kaptur, Mr. Tauzin, Mr. Dreier of California, Mr. Roybal, Mr. Wolf, Mr. Berman, Mr. Livingston, Mr. Levin of Michigan, Mr. Hammerschmidt, Mr. Wirth, and Mr. Kemp.

H.R. 4209: Mr. Hiler and Mr. Wyden.

H.R. 4214: Mr. Vento, Mr. Price, Mr. Williams of Montana, and Mr. Leach of Iowa.

H.R. 4243: Mr. D'Amours, Mr. Stangeland, Mr. Patman, Mr. Denny Smith of Oregon, Mr. Morrison of Washington, Mr. Smith of Florida, and Mr. Kolter.

H.R. 4287: Mr. Denny Smith.

H.J. Res. 20: Ms. Ferraro, Mr. Gekas, and Mr. Carr.

H.J. Res. 103: Mr. Archer, Mr. Bosco, Mr. Bryant, Ms. Kaptur, Mr. Wolpe, Mr. English, and Mr. de la Garza.

H.J. Res. 309: Mr. Andrews of Texas, Mr. Anthony, Mr. Archer, Mr. Bliley, Mr. Breaux, Mr. Corrada, Mr. D'Amours, Mr. Dickinson, Mr. Daniel, Mr. Hopkins, Mr. Kasich, Mr. Lehman of Florida, Mr. Long of Louisiana, Mr. Moore, Mr. Matsui, Mr. Robinson, Mr. Roemer, Mr. Sawyer, Mr. Sisisky, Mr. Stump, Mr. Walker, Mr. Wolpe, and Mr. Zablocki.

H.J. Res. 330: Mr. Tauke, Mr. Gingrich, Mr. Kildee, Mr. Bryant, Mr. Harkin, Mr. Rowland, Mr. Spratt, and Mr. Hartnett.

H.J. Res. 361: Mr. Franklin.

H.J. Res. 375: Mr. Patman and Mr. Duncan.

H.J. Res. 384: Mr. Lowry of Washington, Mr. Kostmayer, and Ms. Kaptur.

H.J. Res. 389: Mr. Chappell, and Mr. Matsui.

H.J. Res. 404: Mr. Montgomery.

H.J. Res. 408: Mr. McCandless, Mr. McGrath, Mr. McCloskey, Mr. McKinney, Mr. Markey, Mr. Hawkins, Mr. Lagomarsino, Mr. Roe, Mr. Panetta, Mr. Borski, Mr. Berman, Mr. Kasich, Mr. Obey, Mr. Vento, Mr. Dyson, Mr. Ortiz, Mr. Oberstar, Mr. Garcia, Mr. Walgren, Mr. Shelby, Mr. Boehlert, Mr. Dwyer of New Jersey, Mr. Kramer, Mr. Fazio, Mr. Hertel of Michigan, Mr. Lungren, Mr. Carper, Mr. Synar, Mr. Torricelli, Mr. Richardson, Mr. Vandergriff, Mr. Stark, Mr. Chandler, Mr. Anderson, Mr. Dannemmeyer, Mr. Biaggi, Mr. Wolpe, Mr. Hutto, Mrs. Martin, Mr. Dowdy of Mississippi, Mr. Frost, Mr. Fish, Mr. Pepper, Mr. Miller of California, Mr. Mavroules, Mr. McCollum, Mr. Fauntroy, Mr. Ratchford, Mr. Rodino, Mr. Yatron, Mr. Addabbo, Mr. Lowry of Washington, Mr. Harrison, Mr. O'Brien, Mr. D'Amours, Mr. Barnes, Mr. Morrison of Connecticut, Mr. McNulty, Mr. Stenholm, Mr. Fields, Mr. Daub, Ms. Ferraro, Mr. Hammerschmidt, Ms. Kaptur, Mr. Leland, Mr. Levitas, Mr. Sisisky, Mr. Frenzel, Mr. Durbin, Mr. Donnelly, Mr. Hoyer, Mr. Howard, Mr. Levine of California, Mr. Edgar, Mr. Harkin, Mr. Jacobs, Ms. Fiedler, Mr. Kostmayer, Mr. Corcoran, Mr. Dellums, Mr. Carney, Mr. Lehman of California, Mr. de la Garza, Mr. Murphy, Mr. Applegate, Mr. Bates, Mr. Bosco, Mr. Brown of Colorado, Mr. Broyhill, Mr. Bryant, Mr. Coelho, Mr. Edwards of California, Mr. Fazio, Mr. Ford of Tennessee, Mr. Coyne, Mr. Ford of Michigan, Mr. Gejdenson, Mr. Hughes, Mr. Kemp, Mr. Lewis of California, Mr. Mineta, Mr. Minish, Ms. Oakar, Mr. Owens, Mr. Reid, Mr. Rose, Mr. Roybal, Mr. Simon, Mr. Smith of Florida, Ms. Snowe, Mr. Towns, Mr. Weiss, Mr. Whitley, Mr. Wylie, Mr. Breaux, Mr. Bereuter, Mr. Daniel B. Crane, Mr. McCurdy, Mr. Pickle, Mr. Akaka, Mr. Sam B. Hall, Jr., Mr. Crockett, Mr. Sharp, Mr. Hall of Ohio, Mr. Edwards of Oklahoma, Mr. Udall, Mr. Bonker, Mr. Hyde, Mr. Glickman, Mr. Foglietta, Mr. Philip M. Crane, Mr. Mica, Mr. Hubbard, and Mr. Heftel of Hawaii.

H. Con. Res. 107: Mr. Wheat, Mr. Weaver, Mr. McNulty, and Mr. Parris.

H. Con. Res. 190: Mr. Studds, Mr. Forsythe, Mr. Weiss, Mr. Lewis of Florida, and Mr. Badham.

H. Con. Res. 207: Mr. Levin of Michigan, Mr. Berman, Mr. Harkin, and Mr. McCain.

H. Res. 287: Mr. Levine of California and Mr. Hartnett.

PETITIONS, ETC.

Under clause 1 of rule XXII,

270. By the SPEAKER: Petition of the Lake County Board, Illinois, relative to a national minimum drinking age; which was referred to the Committee on Public Works and Transportation.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2755

By Mr. RODINO:

—Page 7, strike out line 19 and all that follows through page 9, line 23 and insert in lieu thereof the following:

Sec. 8. (a) Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended—

(1) by striking out "$500" and inserting in lieu thereof "$50,000";

(2) by inserting "(a)" before "Whoever"; and

(3) by adding at the end thereof the following new subsection:

"(b)(1) Whoever knowingly—

"(A) in the District of Columbia or in interstate or foreign communication, by means of telephone, makes (directly or by recording device) any obscene or indecent communication, for commercial purposes, to any person under eighteen years of age or to any other person without that person's consent, regardless of whether the maker of such communication placed the call, or

"(B) knowingly permits any telephone facility under such person's control to be used for an activity prohibited by subparagraph (A),

shall be fined not more than $50,000 or imprisoned not more than 6 months, or both.

"(2) It is a defense to a prosecution under this section that the defendant restricted access to the prohibited communication to persons 18 years of age or older, in accordance with procedures which the Commission shall prescribe by regulation.

"(3) In addition to the penalties under paragraph (1), whoever, in the District of Columbia or in interstate or foreign communication, intentionally violates paragraph (1)(A) or (1)(B) shall be subject to a fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(4)(A) In addition to the penalties under paragraphs (1) and (3), whoever, in the District of Columbia or in interstate or foreign communication, violates paragraph (1)(A) or (1)(B) shall be subject to a civil fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

"(B) A fine under this paragraph may be assessed either—

"(i) by a court, pursuant to a civil action by the Commission or any attorney employed by the Commission who is designated by the Commission for such purpose, or

"(ii) by the Commission, after appropriate administrative proceedings.

"(5) The Attorney General may bring a suit in the appropriate district court of the United States to enjoin any or act or practice which violates paragraph (1)(A) or (1)(B). An injunction may be granted in accordance with the Federal Rules of Civil Procedure.".

(b) Section 223(a) of the Communications Act of 1934 (as redesignated by subsection (a) of this section) is amended in paragraph (2) by inserting "facility" after "telephone".

(c) The amendments made by subsections (a) and (b) of this section shall take effect upon the issuance of regulations by the Federal Communications Commission pursuant to section 223(a)(2) of the Communications Act of 1934, as added by subsection (a) of this section. The Commission shall issue such regulations not later than 180 days after the date of the enactment of this Act.

By Mrs. BYRON:

(Amendment to the Amendment in the nature of a substitute (text of H.R. 4295).)

—Page 17, after line 22, insert the following:

(f) Section 201 of the Communications Act of 1934 (as amended by this Act) is further amended by adding at the end thereof the following new subsection:

"(e)(1) A State commission may provide that foreign exchange service be available—

"(A) to any subscriber with respect to exchange areas which are within the same standard metropolitan statistical area; and

"(B) to any subscriber who was provided foreign exchange service on the date of the enactment of this subsection, notwithstanding that the exchange areas involved are in different standard metropolitan statistical areas.

"(2) As used in this subsection—

"(A) the term 'foreign exchange service' means service under which a subscriber within one exchange areas may elect, for all purposes, to receive telephone service as if that subscriber were located within another exchange area designated by the subscriber; and

"(B) term 'standard metropolitan statistical area' means the area in and around a city of 50,000 inhabitants or more as defined by the Office of Management and Budget.".

Page 17, line 23, strike out "(f)" and insert in lieu thereof "(g)".

By Mrs. COLLINS:

(Amendment to the Amendment in the nature of a substitute (text of H.R. 4295).)

—Page 20, after line 11, insert the following new subparagraph:

"(C) In the case of any exchange carrier serving any high-density metropolitan area, the carrier shall be entitled to receive under subparagraph (A) or (B) an amount equal to the portion of the surcharges which are imposed with respect to that area for payment under this subsection. As used in this subparagraph, the term 'high-density metropolitan area' means any exchange area in effect on the date of the enactment of this section which has a population of at least 1.5 million.".

H.R. 4102

By Mr. CORCORAN:

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 10, at line 21, delete the words "be receiving" and insert in lieu thereof: "have available to it".

—Page 10, delete lines 24 through page 4, line 6.

—Page 11, delete lines 19 through 24.

—Page 12, at line 6, after the word "Commerce" insert: "and to recover an equitable amount of support for the Universal Service Fund that would have been generated by the interexchange carrier through direct interconnection".

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 6, at line 16 after the "." insert: Such charge shall be assessed on a basis which provides competitive equality with any other line or facility which is like, similar or capable of providing a functionally equivalent service, regardless of the technology used, and shall generate an amount of subsidy equal to that amount of subsidy above economic costs that would have been generated by direct interconnection."

Page 6, at line 18, delete the words "otherwise uncompensated availability of" and insert in lieu thereof: "Amount of subsidy support for the Universal Service Fund that would have been generated by"

Page 7, at line 4 delete the words "10 per centum" and insert in lieu thereof: "the amount"

And Page 7, at line 7 delete ", until" and insert in lieu thereof: "." and delete all that follows through line 12.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 13, delete lines 10 through 13, and insert the following new subsections:

(2) Charges as determined and administered by the Commission under this section shall be paid to the Universal Service Fund as provided under rules promulgated by the Commission. To assure economic efficiency and competitive equity, the Commission, in determining the appropriate charges to support universal service and in promulgating its rules, shall take into consideration the amounts paid by carriers through direct interconnection to support universal service.

(3) The Commission shall exercise its full jurisdiction and authority under the Communications Act of 1934, as amended, to assure payment of all charges in compliance with this Act, including, but not limited to its powers over carriers, licensing and interconnection.

(4) Any person who withholds payment of any charge provided herein, with the intent to avoid payment to any carrier or the Universal Service Fund shall be subject to a fine of not more than $100,000 per day. Such fine shall be paid into the Universal Service Fund. Any exchange company or carrier shall have standing to file a complaint against any person suspected of violation of this section. Such complaint may be filed before either the Commission or any state or federal court of competent jurisdiction or both.

(5) any person who falsely certifies any fact to the Universal Service Board or applies for any payment from the Universal Service Fund with the intent to defraud or to obtain payment from the Fund knowing such payment is not due shall be subject to imprisonment of up to five (5) years and a fine not to exceed "$1,000,000 per offense."

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 26, delete lines 10 through 24 and lines 1 through 10 on page 27.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 3, at line 17, insert the following new subparagraph:

(5) to require the Commission and state commissions to deregulate telecommunications services to the full extent possible whenever and wherever a service or facility is subject to effective competition.

Page 42, at line 20, insert the following new section: "Section 230. The Commission, every state commission and the Universal Service Board shall deregulate telecommunications services and facilities to the full extent possible wherever and whenever a service, facility or market is subject to effective competition."

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 4, strike lines 7 through 9 and insert in lieu thereof:

"(KK) Exchange area means the area within a local access and transport area (LATA) as that term was described and approved by the United States District Court for the District of Columbia in Civil Action 82-0192, April 20th and July 8, 1983 and in a memorandum and order of August 5, 1983."

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 42, line 20, after the period insert the following:

"DEVELOPMENT OF TECHNOLOGY"

SEC. 14. The Communications Act of 1934 is amended by inserting after Section 230 (as added by this Act) the following new Section.

DEVELOPMENT OF TECHNOLOGY

SEC. 231. No executive agency, including the Commission or the Universal Service Board, and no state or political subdivision or agency thereof shall, with respect to any carrier or other person, inhibit or restrict the development or use of any technology, or impose any economic burden or otherwise exercise, or fail to exercise, its authority in a manner which penalizes or creates an advantage for any provider or user over any other provider or user of telecommunications facilities and services."

CONFORMING AND TECHNICAL AMENDMENTS

Page 2, after line 20, insert:

(6) The public interest will be best served by a policy of maintaining universally available telephone service at reasonable charges, administered under this act in a manner which does not inhibit or restrict technological development or use or penalize any technology, user or provider; promotes competition and economic efficiency; and does not penalize or create an advantage for any user or provider of telecommunications over any other user or provider of competitive alternatives.

Page 3, at line 9, after the word "services," insert: "in a manner which promotes economic efficiency while not inhibiting a competitive market for such services, and does not result in any advantage or disadvantage for any user or provider of communication services over any other user or provider of communication services;"

Page 3, at line 17, after the word "industry," insert: "by establishing a policy that prohibits use of regulatory or other authority to favor one technology or provider of telecommunications over any other technology or provider."

Page 22, at line 12, strike "or charges" and, insert: "by equalizing the amount of support paid to the Universal Service Fund by each provider of like, similar or functionally equivalent services so that competition in telecommunications is based on economic cost differences;"

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following: Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the United States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United States will benefit from continuing improvements in telecommunications technology

and the continued development of a competitive telecommunications industry.

DEFINITIONS

SEC. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, services, or other related functions by an exchange common carrier, to a carrier or other person providing interstate service, for the origination or termination of interstate communication.

"(ii) 'Direct interconnection' means the provision of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of exchange access from an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area designated as a local access and transport area (LATA) by the U.S. District Court for the District of Columbia in Civil Action 82-0192.

"(ll) 'Exchange carrier' and 'exchange common carrier' mean a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.

ACCESS CHARGES

SEC. 4. (a)(1) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase 1) shall take effect, as provided therein, except as modified by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

(b)(1) The Communications Act of 1934 is amended by inserting after section 221 the following new section:

"SEC. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b) No end-user common line charge shall be assessed on any residential subscriber of telephone exchange service, or on any business that is a subscriber of telephone exchange service and does not have more than one subscriber line.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access; and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(d)(1)(A) Effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commercial or governmental purposes, makes available (for other or for its own use) facilities, services, or related functions for exchange access, comparable to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 per centum of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier, unless the Commission determines that a higher percentage more accurately reflects the costs imposed upon exchange carriers by persons subject to the charge under this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person who is subject to charges under this subsection and who willfully and knowingly attempts to evade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the charge in effect on July 1, 1983, adjusted by the Commission under paragraph (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to be receiving from the exchange carrier an equivalent type and quality of exchange access as provided to a participating carrier; and

"(D) notwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be available to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assessed to a participating carrier.

If at any time after June 30, 1985, the Commission changes the method for calculating the minutes of use for purposes of determining charges for exchange access, the carrier differential shall thereafter be determined as if the new method was in effect on July 1, 1983.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total costs of providing exchange access to such carriers.

"(6) Until January 1, 1986, the Universal Service Board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forefeiture under this Act.

"(h)(1) The Commission shall, upon the request of a State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the Senate commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(i) the term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, and any agency or instrumentality thereof".

"(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

(A) non-governmental tax-exempt entities which use centrex-type services; and

(B) recovery of costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication."

(c) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier".

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(f) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls made from any subscriber line during any month."

(e) the preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum, of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum, of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum of such national average; and

"(iii) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 50 per centum of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

"(ii) the charge then in effect for lifeline telephone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

"(d) The Universal Service Fund also shall include a transitional account, from which any exchange common carrier shall be entitled to receive annual payments if needed to ensure that such carrier receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

'(e)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and other customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminates burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the accounts of the Universal Service Fund to any exchange carrier shall be subjected to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers exchange services."

UNIVERSAL SERVICE BOARD

SEC. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange "access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

"(D) shall take such actions as are necessary to minimize any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity or special characteristics required for exchange service and exchange access;

"(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402."

DEPRECIATION

SEC. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) State commissions shall have authority (i) to established classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

SEC. 9. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"SEC. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

SEC. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is

amended by adding at the end thereof the following new subsection:

"(d)(1) Each State commission shall establish rules for the provision of lifeline telephone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household may not have more than one life-line telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

"(3)(A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the handicapped.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4) Any charge for lifeline telephone service shall recover not less than 30 per centum and not more than 48 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.".

PROHIBITION OF CROSS SUBSIDY

SEC. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

SEC. 12. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

"SEC. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribes to use or share the use of telephone facilities and services in any manner which does not harm, or interests with the rights of others in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

PUBLIC PARTICIPATION

SEC. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new sections:

"PUBLIC PARTICIPATION

"SEC. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnesses, by any person in any proceeding under this title (including any proceeding of the joint board) if—

"(1) the person applying for assistance represents an interest—

"(A) which would not otherwise be represented adequately in the proceeding; and

"(B) representation of which is necessary for a fair disposition of the proceeding; and

"(2) the person applying for assistance does not have sufficient resources available to participate effectively in the absence of assistance.

"REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

"SEC. 230. (a) To ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the Universal Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residential telephone consumers. Each such State association shall have as its purpose the representation of such consumers within such State before telephone carriers and governmental bodies. Any State Association—

"(1) shall not be an agency or establishment of the Federal Government or of any State government.

"(2) shall be subject to the provisions of this section, and

"(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual powers conferred upon such a nonprofit corporation under such State laws.

"(b) The membership of the State association for a State for any calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age or older, and who have contributed for such year to the association a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

"(c)(1) Any State association which meets the requirements of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or administrative review or enforcement of any decision of any Federal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

"(2)(A) Subject to subparagraph (B), any State association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

"(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished by the association if the material was furnished to the carrier not less than fourteen calendar days, and not more than one year, before the mailing of such billing.

"(C) In the case of two billings per calendar year (as designated by the State association) for which informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

"(D) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier, for inclusion of the association's informational material in periodic customers billings, except that—

"(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weight of the enclosure furnished by the association does not exceed 35/100 ounce avoir; and

"(ii) the association may postpone reimbursement of any costs incurred plus interest before the first election of the Board of Directors under subsection (d) until the end of the twelve-month period following such first election.

"(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State asssociation shall consist of not less than fifteen nor more than twenty-one Directors, as the Board shall from time to time determine.

"(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agency of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

"(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors of any State association shall be elected by and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable expenses incurred by them in the performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit of any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(e) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to serve as incorporators of the State association and as an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumer's interests in State public policymaking proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a nonprofit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the association shall be incorporated in the District of Columbia by representatives of State associations when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolutions calling for the establishment of such Center;

"(B) be under the direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the use of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation, each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i)(1) Any telephone carrier, directly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any interference with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) The terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association.

"(2) The term 'State association' means a non-profit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communication service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam.".

EMPLOYEE PROTECTION

SEC. 14. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment as such provisions applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered position' means any position (i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(c) the term 'entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following: Act may be cited as the *"Universal Telephone Service Preservation Act of 1983"*.

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) the purposes of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United

States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

Sec. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, services, or other related functions by an exchange common carrier, to a carrier or other person providing interstate service, for the origination or termination of interstate communication.

"(ii) 'Direct interconnection' means the provision of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'indirect interconnection' means the obtaining of exchange access from an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a state designated by the state as the area within which telephone exchange service is provided.

"(11) 'Exchange carrier' and 'exchange common carrier' mean a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.

ACCESS CHARGES

Sec. 4. (a)(1) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase 1) shall take effect, as provided therein, except as modified by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

(b)(1) The Communications Act of 1984 is amended by inserting after section 221 the following new section:

"Sec. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b) No end-user common line charge shall be assessed on any residential subscriber of telephone exchange service, except as approved by the Commission.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access; and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(d)(1)(A) Effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commercial or governmental purposes, makes available (for other or for its own use) facilities, services, or related functions for exchange access, comparable to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 per centum of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier, unless the Commission determines that a higher percentage more accurately reflects the costs imposed upon exchange carriers by persons subject to the charge under this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commerically valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person who is subject to charges under this subsection and who willfully and knowingly attempts to evade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the charge in effect on July 1, 1983, adjusted by the Commission under paragraph (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to be receiving from the exchange carrier an equivalent type and quality of exchange access as provided to a participating carrier; and

"(D) notwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be available to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assessed to a participating carrier.

If at any time after June 30, 1985, the Commission changes the method for calculating the minutes of use for purposes of determining charges for exchange access, the carrier differential shall thereafter be determined as if the new method was in effect on July 1, 1983.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection

and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement provided exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total costs of providing exchange access to such carriers.

"(6) Until January 1, 1986, the Universal Service Board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forefeiture under this Act.

"(h)(1) The Commission shall, upon the request of an State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the Senate commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(1) the term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, any agency or instrumentality thereof".

"(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C. C. docket numbered 78–72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

(A) non-governmental tax-exempt entities which use centrex-type services; and

(B) recovery or costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication."

(c) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier."

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(f) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(e) the preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum of such national average; and

"(iii) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Univer-

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sal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 50 per centum of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

"(ii) the charge then in effect for lifeline telephone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

"(d) The Universal Service Fund also shall include a transitional account, from which any exchange common carrier shall be entitled to receive annual payments if needed to ensure that such carrier receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

"(e)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and other customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the accounts of the Universal Service Fund to any exchange carrier shall be subjected to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers exchange services."

UNIVERSAL SERVICE BOARD

SEC. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service Board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange "access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

"(D) shall take such actions as are necessary to minimize any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity or special characteristics required for exchange service and exchange access;

"(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402."

DEPRECIATION

SEC. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) State commissions shall have authority (i) to establish classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

SEC. 9. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"SEC. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

SEC. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Each State commission shall establish rules for the provision of lifeline telephone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household may not have more than one lifeline telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

"(3)(A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the handicapped.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4) Any charge for lifeline telephone service shall recover not less than 30 per centum and not more than 48 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.".

PROHIBITION OF CROSS SUBSIDY

SEC. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

SEC. 12. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

"SEC. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use or share the use of telephone facilities and services in any manner which does not harm, or interfere with the rights of others in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

PUBLIC PARTICIPATION

SEC. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new section:

"PUBLIC PARTICIPATION

"SEC. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnesses, by any person in any proceeding under this title (including any proceeding of the joint board) if—

"(1) the person applying for assistance represents an interest—

"(A) which would not otherwise be represented adequately in the proceeding; and

"(B) representation of which is necessary for a fair disposition of the proceeding; and

"(2) the person applying for assistance does not have sufficient resources available to participate effectively in the absence of assistance.

"REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

"SEC. 230. (a) To ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the Universal Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residential telephone consumers. Each such State association shall have as its purpose the presentation of such consumers within such State before telephone carriers and governmental bodies. Any State Association—

"(1) shall not be an agency or establishment of the Federal Government or of any State government.

"(2) shall be subject to the provisions of this section, and

"(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual powers conferred upon such a nonprofit corporation under such State laws.

"(b) The membership of the State association for a State for any calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age or older, and who have contributed for such year to the association a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

"(c) (1) Any State association which meets the requirements of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or administrative review or enforcement of any decision of any Federal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

"(2) (A) Subject to subparagraph (B), any State association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

"(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished by the association if the material was furnished to the carrier not less than fourteen calendar days, and not more than one year, before the mailing of such billing.

"(C) In the case of two billings per calendar year (as designated by the State association) for which informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

"(D) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier, for inclusion of the association's informational material in periodic customers billings, except that—

"(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weight of the enclosure furnished by the association does not exceed 35/100 ounce avoir; and

"(ii) the association may postpone reimbursement of any costs incurred plus interest before the first election of the Board of Directors under subsection (d) until the end of the twelve-month period following such first election.

"(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State association shall consist of not less than fifteen nor more than twenty-one Directors, as the Board shall from time to time determine.

"(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agent of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

"(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors of any State association shall be elected by and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable expenses incurred by them in the performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit of any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(e) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to serve as incorporators of the State association and as an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumer's interests in State public policymaking proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a non-profit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the association shall be incorporated in the District of Columbia by representatives of State associations when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolutions calling for the establishment of such Center;

"(B) be under the direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the use of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation, each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i)(1) Any telephone carrier, directly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any interference with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) The terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association.

"(2) The term 'State association' means a nonprofit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communication service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam.".

EMPLOYEE PROTECTION

SEC. 14. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment as such provisions applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered position' means any position (i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term 'entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following: Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United

States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

SEC. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, services, or other related functions by an exchange common carrier, to a carrier or other person providing interstate service, for the origination or termination of interstate communication.

"(ii) 'Direct interconnection' means the provision of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of exchange access from an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a State designated by the State as the area within which telephone exchange service is provided.

"(ll) 'Exchange carrier' and 'exchange common carrier' mean a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.

ACCESS CHARGES

SEC. 4. (a)(1) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase 1) shall take effect, as provided therein, except as modified by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

(b)(1) The Communications Act of 1984 is amended by inserting after section 221 the following new section:

"SEC. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b) Any such charge shall be assessed on a basis which provides competitive equality with any other line or facility which is like, similar or capable of providing a functionally equivalent service, regardless of the technology used.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access; and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(d)(1)(A) Effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commercial or governmental purposes, makes available (for other or for its own use) facilities, services or related functions for exchange access, comparable to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 per centum of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier, unless the Commission determines that a higher percentage more accurately reflects the costs imposed upon exchange carriers by persons subject to the charge under this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person who is subject to charges under this subsection and who willfully and knowingly attempts to evade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the change in effect on July 1, 1983, adjusted by the Commission under paragraph (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to be receiving from the exchange carrier an equivalent type and quality of exchange access as provided to a participating carrier; and

"(D) notwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be available to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assesssed to a participating carrier.

If at any time after June 30, 1985, the Commission changes the method for calculating the minutes of use for purposes of determining charges for exchange access, the carrier differential shall thereafter be determined as if the new method was in effect on July 1, 1983.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total costs of providing exchange access to such carriers.

"(6) Until January 1, 1986, the Universal Service Board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forfeiture under this Act.

"(h)(1) The Commission shall, upon the request of a State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the State commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(1) the term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, and any agency or instrumentality thereof".

"(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

(A) non-governmental tax-exempt entities which use centrex-type services; and

(B) recovery of costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication."

(c) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier".

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(f) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(e) the preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum of such national average; and

"(iii) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 50 per centum of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

"(ii) the charge then in effect for lifeline telephone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

"(d) The Universal Service Fund also shall include a transitional account, from which any exchange common carrier shall be entitled to receive annual payments if needed to ensure that such carrier receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

"(e)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and other customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the accounts of the Universal Service Fund to any exchange carrier shall be subjected to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers exchange services."

UNIVERSAL SERVICE BOARD

SEC. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service Board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

"(D) shall take such actions as are necessary to minimize any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity or special characteristics required for exchange service and exchange access;

"(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402."

DEPRECIATION

SEC. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) State commissions shall have authority (i) to established classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

SEC. 9. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"SEC. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

SEC. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is

amended by adding at the end thereof the following new subsection:

"(d)(1) Each State commission shall establish rules for the provision of lifeline telephone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household may not have more than one lifeline telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

"(3)(A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the handicapped.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4) Any charge for lifeline telephone service shall recover not less than 30 per centum and not more than 48 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.".

PROHIBITION OF CROSS SUBSIDY

SEC. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

SEC. 12. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

"SEC. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use or share the use of telephone facilities and services in any manner which does not harm, or interfere with the rights of others in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

PUBLIC PARTICIPATION

SEC. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new sections:

"PUBLIC PARTICIPATION

"SEC. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnesses, by any person in any proceeding under this title (including any proceeding of the joint board) if—

"(1) the person applying for assistance represents an interest—

"(A) which would not otherwise be represented adequately in the proceeding; and

"(B) representation of which is necessary for a fair disposition of the proceeding; and

"(2) the person applying for assistance does not have sufficient resources available to participate effectively in the absence of assistance.

"REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

"SEC. 230. (a) To ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the Universal Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residential telephone consumers. Each such State association shall have as its purpose the representation of such consumers within such State before telephone carriers and governmental bodies. Any State Association—

"(1) shall not be an agency or establishment of the Federal Government or of any State government.

"(2) shall be subject to the provisions of this section, and

"(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual powers conferred upon such a nonprofit corporation under such State laws.

"(b) The membership of the State association for a State for any calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age or older, and who have contributed for such year to the association a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

"(c)(1) Any State association which meets the requirements of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or administrative review or enforcement of any decision of any Federal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

"(2)(A) Subject to subparagraph (B), any State association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

"(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished by the association if the material was furnished to the carrier not less than fourteen calendar days, and not more than one year, before the mailing of such billing.

"(C) In the case of two billings per calendar year (as designated by the State association) for which informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

"(D) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier, for inclusion of the association's informational material in periodic customers billings, except that—

"(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weight of the enclosure furnished by the association does not exceed 35/100 ounce avoir; and

"(ii) the association may postpone reimbursement of any costs incurred plus interest before the first election of the Board of Directors under subsection (d) until the end of the twelve-month period following such first election.

"(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State association shall consist of not less than fifteen nor more than twenty-one Directors, as the Board shall from time to time determine.

"(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agent of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

"(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors of any State association shall be elected by and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable expenses incurred by them in the performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit of any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(e) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to serve as incorporators of the State association and as an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumer's interests in State public policy making proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a nonprofit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the association shall be incorporated in the District of Columbia by representatives of State associations when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolutions calling for the establishment of such Center;

"(B) be under the direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the use of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation, each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i)(1) Any telephone carrier, directly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any interference with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) The terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association.

"(2) The term 'State association' means a nonprofit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communication service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam.".

EMPLOYEE PROTECTION

SEC. 14. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment as such provisions applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this sub section—

"(A) the term 'covered position' means any position (i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term 'entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following: Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United

States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

SEC. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, sevices, or other related functions by an exchange common carrier, to a carrier or other person providing interestate service, for the orgination or termination of interstate communication.

"(ii) 'Direct interconnection' means the provision of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of exchange access form an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a State designated by the State as the area within which telephone exchange service is provided.

"(ll) 'Exchange carrier' and 'exchange common carrier' mean a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.

ACCESS CHARGES

SEC. 4. (a)(1) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase 1) shall take effect, as provided therein, except as modified by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

(b)(1) The Communications Act of 1934 is amended by inserting after section 221 the following new section:

"SEC. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b) No end-user common line charge shall be assessed on any residential subscriber of telephone exchange service, or on any business that is a subscriber of telephone exchange service and does not have more than one subscriber line.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access; and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(d)(1)(A) Effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commercial or governmental purposes, makes available (for other or for its own use) facilities, services, or related functions for exchange access, functionally equivalent to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 per centum of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier, unless the Commission determines that a higher percentage more accurately reflects the cost imposed upon exchange carriers by persons subject to the charge under this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person who is subject to charges under this subsection and who willfully and knowingly attempts to evade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calender year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the charge in effect on July 1, 1983, adjusted by the Commission under paragraph (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to be receiving from the exchange carrier an equivalent type and quality of exchange access as provided to a participating carrier; and

"(D) notwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be available to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assessed to a participating carrier.

If at any time after June 30, 1985, the Commission changes the method for calculating the minutes of use for purposes of determining charges for exchange access, the carrier differential shall thereafter be determined as if the new method was in effect on July 1, 1983.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total cost of providing exchange access to such carriers.

"(6) Until January 1, 1986, the Universal Service Board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forefeiture under this Act.

"(h)(1) The Commission shall, upon the request of a State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the State commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(1) the term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, and any agency or instrumentality thereof".

"(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

(A) non-governmental tax-exempt entities which use centrex-type services; and

(B) recovery of costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communications."

(c) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier".

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(f) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(e) the preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is suficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certifiction of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum of such national average; and

"(iii) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 50 per centum of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

"(ii) the charge then in effect for lifeline telephone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

"(d) The Universal Service Fund also shall include a transitional account, from which any exchange common carrier shall be entitled to receive annual payments if needed to ensure that such carrier receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

"(e)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and others customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the accounts of the Universal Service Fund to any exchange carrier shall be subjected to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers exchange services.".

UNIVERSAL SERVICE BOARD

SEC. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service Board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purpose of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercise in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange "access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

"(D) shall take such actions as are necessary to minimize any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity or special characteristics required for exchange service and exchange access;

"(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402.".

DEPRECIATION

SEC. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) State commissions shall have authority (i) to establish classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

SEC. 9. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"SEC. 227. (a) A state commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or groups of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

SEC. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is

amended by adding at the end thereof the following new subsection:

"(d)(1) Each State commission shall establish rules for the provision of lifeline telephone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household many not have more than one lifeline telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

"(3)(A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the handicapped.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4) Any charge for lifeline telephone service shall recover not less than 30 per centum and not more than 48 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.".

PROHIBITION OF CROSS SUBSIDY

SEC. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

SEC. 12. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

"SEC. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use or share the use of telephone facilities and services in any manner which does not harm, or interfere with the rights of others in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

PUBLIC PARTICIPATION

SEC. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new sections:

"PUBLIC PARTICIPATION

"SEC. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnessess, by any person in any proceeding under this title (including any proceeding of the joint board) if—

"(1) the person applying for assistance represents an interest—

"(A) which would not otherwise be represented adequately in the proceeding; and

"(B) representation of which is necessary for a fair disposition of the proceeding; and

"(2) the person applying for assistance does not have sufficient resources available to participate effectively in the absence of assistance.

"REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

"SEC. 230. (a) To ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the Universal Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residential telephone consumers. Each such State association shall have its purpose the representation of such consumers within such State before telephone carriers and governmental bodies. Any State Association—

"(1) shall not be an agency or establishment of the Federal Government or of any State government.

"(2) shall be subjected to the provisions of this section, and

"(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual powers conferred upon such a nonprofit corporation under such State laws.

"(b) The membership of the State association for a State for any calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age or older, and who have contributed for such year to the association a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

"(c)(1) Any State association which meets the requirements of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or administrative review or enforcement of any decision of any Federal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

"(2)(A) Subject to subparagraph (B), any State association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

"(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished by the association if the material was furnished to the carrier not less than fourteen calendar days, and not more than one year, before the mailing of such billing.

"(C) In the case of two billings per calendar year (as designated by the State association) for which informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

"(D) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier, for inclusion of the association's informational material in periodic customers billings, except that—

"(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weight of the enclosure furnished by the association does not exceed 35/100 ounce avoir; and

"(ii) the association may postpone reimbursement of any costs incurred plus interest before the first election of the Board of Directors under subsection (d) until the end of the twelve-month period following such first election.

"(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State association shall consist of not less than fifteen nor more than twenty-one Directors, as the Board shall from time to time determine.

"(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agent of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

"(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors of any State association shall be elected by and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable expenses incurred by them in the performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit of any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(e) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to serve as incorporators of the State association and as an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumers' interests in State public policymaking proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers' interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a nonprofit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the association shall be incorporated in the District of Columbia by representatives of State associations when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolutions calling for the establishment of such Center;

"(B) be under the direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the use of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation, each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i)(1) Any telephone carrier, directly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) Prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any interference with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) The terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association.

"(2) The term 'State association' means a nonprofit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communication service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam.".

EMPLOYEE PROTECTION

SEC. 14. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment as such provisions applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered position' means any position (i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term 'entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following: Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United

States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

SEC. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, services, or other related functions by an exchange common carrier, to a carrier or other person providing interstate service, for the origination or termination of interstate communication.

"(ii) 'Direct interconnection' means the provision of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect inteconnection' means the obtaining of exchange access from an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a state designated by the state as the area within which telephone exchange service is provided.

"(ll) 'Exchange carrier' and 'exchange common carrier' mean a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.

ACCESS CHARGES

SEC. 4. (a)(1) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase 1) shall take effect, as provided therein, except as modified by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

(b)(1) The Communications Act of 1934 is amended by inserting after section 221 the following new section:

"SEC. 221A. (a) Any system of charges for exchange access established by the Commission shall be with this section.

"(b) No end-user common line charge shall be assessed on any residential subscriber of telephone exchange service, or on any business that is a subscriber of telephone exchange service and does not have more than one subscriber line.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternatives or be used to avoid charges for exchange access; and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(d)(1)(A) Effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commercial or governmental purposes, makes available (for other or for its own use) facilities, services, or related functions for exchange access, comparable to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the subsidy support for the Universal Service Fund that would have been generated by the exchange carrier's facilities for exchange access, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 per centum of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier, unless the Commission determines that a higher percentage more accurately reflects the costs imposed upon exchange carriers by persons subject to the charge under this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all of the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person who is subject to charges under this subsection and who willfully and knowingly attempts to evade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the charge in effect on July 1, 1983, adjusted by the Commission under paragrpah (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to be receiving from the exchange carrier an equivalent type and quality of echange access as provided to a participating carrier; and

"(D) notwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be avaialble to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assessed to a participating carrier.

If at any time after June 30, 1985, the Commission changes the method for calculating the minutes of use for purposes of determining charges for exchange access, the carrier differential shall thereafter be determined as if the new method was in effect on July 1, 1983.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection

and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total costs of providing exchange access to such carriers.

"(6) Until January 1, 1986, the Universal Service Board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forefeiture under this Act.

"(h)(1) The Commission shall, upon the request of a State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the State commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(i) the term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, and any agency or instrumentality thereof".

(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

(A) non-governmental tax-exempt entities which use centrex-type services; and

(B) recovery of costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication."

(c) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier".

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(f) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(e) the preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum of such national average; and

"(iii) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Univer-

sal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible carrier shall be equal to 50 per centum of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

"(ii) the charge then in effect for lifeline telephone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

"(d) The Universal Service Fund also shall include a transitional account, from which any exchange common carrier shall be entitled to recieve annual payments if needed to ensure that such carrier receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

"(e)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and othe customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the accounts of the Universal Service Fund to any exchange carrier shall be subjected to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers exchange survices.".

UNIVERSAL SERVICE BOARD

Sec. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service Board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange "access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

"(D) shall take such actions as are necessary to minimize' any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity or special characteristics required for exchange service and exchange access;

"(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402.".

DEPRECIATION

Sec. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) State commissions shall have authority (i) to established classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

Sec. 9. The Communciations Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"Sec. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

Sec. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Each State commisson shall establish rules for the provision of lifeline tele-

phone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household may not have more than one lifeline telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

"(3)(A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the handicapped.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4) Any charge for lifeline telephone service shall recover not less than 30 per centum and not more than 48 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.".

PROHIBITION OF CROSS SUBSIDY

SEC. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

SEC. 12. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

"SEC. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use or share the use of telephone facilities and services in any manner which does not harm, or interface with the rights of others in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

PUBLIC PARTICIPATION

"SEC. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new section:

"PUBLIC PARTICIPATION

"SEC. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnesses, by any person in any proceeding under this title (including any proceeding of the joint board) if—

"(1) the person applying for assistance represents an interest—

"(A) which would not otherwise be represented adequately in the proceeding; and

"(B) representation of which is necessary for a fair disposition of the proceeding; and

"(2) the person applying for assistance does not have sufficient resources available to participate effectively in the absence of assistance.

"REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

"SEC. 230. (a) To ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the Universal Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residentiaf the Federal Government or of any State government.

"(2) shall be subject to the provisions of this section, and

"(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual powers conferred upon such a nonprofit corporation under such State laws.

"(b) The membership of the State association for a State for a calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age or older, and who have contributed for such year to the association a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

"(c)(1) Any State association which meets the requirements of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or administrative review or enforcement of any decision of any Federal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

"(2)(A) Subject to subparagraph (B), any State association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

"(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished by the association if the material was furnished to the carrier not less than fourteen calendar days, and not more than one year, before the mailing of such billing.

"(C) In the case of two billings per calendar year (as designated by the State association) for which informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

"(d) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier, for inclusion of the association's informational material in periodic customers billings, except that—

"(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weight of the enclosure furnished by the association does not exceed 35/100 ounce avoir; and

"(ii) the association may postpone reimbursement of any costs incurred plus interest before the first election of the Board of Directors under subsection (d) until the end of the twelve-month period following such first election.

"(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State association shall consist of not less than fifteen nor more than twenty-one Directors, as the Board shall from time to time determine.

"(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agent of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

"(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors of any State association shall be elected by and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable expenses incurred by them in the performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit of any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise

support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(e) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to serve as incorporators of the State association and as an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumer's interests in State public policymaking proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a nonprofit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the association shall be incorporated in the District of Columbia by representatives of State associations when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolutions calling for the establishment of such Center;

"(B) be under the direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the use of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation, each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i)(1) Any telephone carrier, diretly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any interference with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) The terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association.

"(2) The term 'State association' means a non-profit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communication service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam.".

EMPLOYEE PROTECTION

SEC. 14. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accured benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment as such provisions applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered position' means any position (i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term 'entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following:

Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

SEC. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, services, or other related functions by an exchange common carrier, to a carrier or other person providing interstate service, for the origination or termination of interstate communication.

"(ii) 'Direct interconnection' means the provision of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of exchange access from an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a state designated by the state as the area within which telephone exchange service is provided.

"(ll) 'Exchange carrier' and 'exchange common carrier' mean a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.

ACCESS CHARGES

SEC. 4. (a)(1) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase 1) shall take effect, as provided therein, except as modified by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

(b)(1) The Communications Act of 1934 is amended by inserting after section 221 the following new section:

"SEC. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b) No end-user common line charge shall be assessed on any residential subscriber of telephone exchange service, or on any business that is a subscriber of telephone exchange service and does not have more than one subscriber line.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access; and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(d)(1)(A) Effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commercial or governmental purposes, makes available (for other or for its own use) facilities, services, or related functions for exchange access, comparable to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed the amount of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defrey the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person who is subject to charges under this subsection and who willfully and knowingly attempts to evade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the charge in effect on July 1, 1983, adjusted by the Commission under paragraph (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to be receiving from the exchange carrier an equivalent type and quality of exchange access as provided to a participating carrier; and

"(D) nothwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be available to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assessed to a participating carrier.

If at any time after June 30, 1985, the Commission changes the method for calculating the minutes of use for purposes of determining charges for exchange access, the carrier differential shall thereafter be determined as if the new method was in effect on July 1, 1983.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total costs of providing exchange access to such carriers.

"(6) Until January 1, 1986, the Universal Service Board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary from which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forefeiture under this Act.

"(h)(1) The Commission shall, upon the request of any State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the Senate commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State Commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(1) the term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means and carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, and any agency or instrumentality thereof".

"(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C.C. docket numbered 78–72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

(A) non-governmental tax-exempt entities which use centrex-type services; and

(B) recovery of costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication."

(c) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier".

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(f) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(e) the preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum, of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum, of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum, of such national average; and

"(iii) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize dispartiies between the averge subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 50 per centum of—

"(A) the amount by which—

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"(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

"(ii) the charge then in effect for lifeline telephone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

"(d) The Universal Service Fund also shall include a transitional account, from which any exchange common carrier shall be entitled to receive annual payments if needed to ensure that such carrier receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

"(e)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and other customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the accounts of the Universal Service Fund to any exchange carrier shall be subjected to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers exchange services."

UNIVERSAL SERVICE BOARD

Sec. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service Board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange "access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

"(D) shall take such actions as are necessary to minimize' any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity or special characteristics required for exchange service and exchange access;

"(ii) investment and associated cost (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402."

DEPRECIATION

Sec. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) State commissions shall have authority (i) to establish classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

Sec. 9. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"Sec. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

Sec. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Each State commission shall establish rules for the provision of lifeline telephone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household may not have more than one lifeline telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

"(3)(A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the handicapped.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children) or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4) Any charge for lifeline telephone service shall recover not less than 30 per centum and not more than 48 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.".

PROHIBITION OF CROSS SUBSIDY

SEC. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

SEC. 12. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

"SEC. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use or share the use of telephone facilities and services in any manner which does not harm, or interfere with the rights of others in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

PUBLIC PARTICIPATION

SEC. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new sections:

"PUBLIC PARTICIPATION

"SEC. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnesses, by any person in any proceeding under this title (including any proceeding of the joint board) if—

"(1) the person applying for assistance represents an interest—

"(A) which would not otherwise be represented adequately in the proceeding; and

"(B) representation of which is necessary for a fair disposition of the proceeding; and

"(2) the person applying for assistance does not have sufficient resources available to participate effectively in the absence of assistance.

"REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

"SEC. 230. (a) To ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the Universal Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residential telephone consumers. Each such State association shall have as its purpose the representation of such consumers within such State before telephone carriers and governmental bodies. Any State Association—

"(1) shall not be an agency or establishment of the Federal Government or of any State government.

"(2) shall be subject to the provisions of this section, and

"(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual powers conferred upon such a nonprofit corporation under such State laws.

"(b) The membership of the State association for a State for any calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age or older, and who have contributed for such year to the association a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

"(c)(1) Any State association which meets the requirements of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or administrative review or enforcement of any decision of any Federal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

"(2)(A) Subject to subparagraph (B), any State association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

"(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished by the association if the material was furnished to the carrier not less than fourteen calendar days, and not more one year, before the mailing of such billing.

"(C) In the case of two billings per calendar year (as designated by the State association) for which informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

"(D) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier, for inclusion of the association's information material in periodic customers billings, except that—

"(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weigth of the enclosure furnished by the association does not exceed 35/100 ounce avoir; and

"(ii) the association may postpone reimbursement of any costs incurred plus interest before the first election of the Board of Directors under subsection (d) until the end of the twelve-month period following such first election.

"(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State association shall consist of not less than fifteen nor more twenty-one Directors, as the Board shall from time to time determine.

"(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agent of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

"(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors, of any State association shall be elected by the and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable expenses incurred by them in the performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit of any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise

support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(e) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to serve as incorporators of the State association and as an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumer's interests in State public policymaking proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a nonprofit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the association shall be incorporated in the District of Columbia by representatives of State associations when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolutions calling for the establishment of such Center;

"(B) be under the direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the use of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation, each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i)(1) Any telephone carrier, directly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any interference with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) The terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association.

"(2) The term 'State association' means a nonprofit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communication service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam.".

EMPLOYEE PROTECTION

SEC. 14. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment as such provisions applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered position' means any position

"(i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term 'entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following:

Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

SEC. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, services, or other related functions by an exchange common carrier, to a carrier or other person providing interstate service, for the origination or termination of interstate communication.

"(ii) 'Direct interconnection' means the provision of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of exchange access from an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a state designated by the state as the area within which telephone exchange service is provided.

"(ll) 'Exchange carrier' and 'exchange common carrier' mean a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.

ACCESS CHARGES

SEC. 4. (a)(1) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase 1) shall take effect, as provided therein, except as modified by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

(b)(1) The Communications Act of 1934 is amended by inserting after section 221 the following new section:

"SEC. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b) No end-user common line charge shall be assessed on any residential subscriber of telephone exchange service, or in any business that is a subscriber of telephone exchange service and does not have more than one subscriber line.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access; and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(d)(1)(A) Effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commercial or governmental purposes, makes available (for other or for its own use) facilities, services, or related functions for exchange access, comparable to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 per centum of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier unless the Commission determines that a higher percentage more accurately reflects the costs imposed upon exchange carriers by persons subject to the charge under this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing lifeline or rural service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person who is subject to charges under this subsection and who willfully and knowingly attempts to evade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the charge in effect on July 1, 1983, adjusted by the Commission under paragraph (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to be receiving from the exchange carrier an equivalent type and quality of exchange access as provided to a participating carrier; and

"(D) notwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be available to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assessed to a participating carrier.

If at any time after June 30, 1985, the Commission changes the method for calculating the minutes of use for purposes of determining charges for exchange access, the carrier differential shall thereafter be determined as if the new method was in effect on July 1, 1983.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total costs of providing exchange access to such carriers.

"(6) Until January 1, 1986, the Universal Service Board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payment required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forfeiture under this Act.

"(h)(1) The Commission shall, upon the request of a State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the Senate commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(1) the term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, and any agency or instrumentality thereof".

"(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

(A) non-governmental tax-exempt entities which use centrex-type services; and

(B) recovery of costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication."

(c) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier".

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(f) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(e) the preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum of such national average; and

"(iii) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 50 per centum of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

"(ii) the charge then in effect for life-line telephone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

"(d) The Universal Service Fund also shall include a transitional account, from which any exchange common carrier shall be entitled to receive annual payments if needed to ensure that such carrier receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

"(e)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and other customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the accounts of the Universal Service Fund to any exchange carrier shall be subjected to audit and adjustment by the Universal Service Board to ensure that—

"(A) Any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers exchange survices."

UNIVERSAL SERVICE BOARD

SEC. 6. Section 410 of the Communicatons Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service Board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange "access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

"(D) shall take such actions as are necessary to minimize any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity or special characteristics required for exchange service and exchange access;

"(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402."

DEPRECIATION

SEC. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) State commissions shall have authority (i) to established classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

SEC. 9. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"SEC. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

SEC. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Each State commission shall establish rules for the provision of lifeline tele-

phone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household may not have more than one life-line telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call place, or the duration or distance of such call.

"(3)(A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the handicapped.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4) Any charge for lifeline telephone service shall recover not less than 30 per centum and not more than 48 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.".

PROHIBITION OF CROSS SUBSIDY

SEC. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

SEC. 12. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

"SEC. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use or share the use of telephone facilities and services in any manner which does not harm, or interfere with the rights of others in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

PUBLIC PARTICIPATION

SEC. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new sections:

"PUBLIC PARTICIPATION

"SEC. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnesses, by any person in any proceeding under this title (including any proceeding of the joint board) if—

"(1) the person applying for assistance represents an interest—

"(A) which would not otherwise be represented adequately in the proceeding; and

"(B) representation of which is necessary for a fair disposition of the proceeding; and

"(2) the person applying for assistance does not have sufficient resources available to participate effectively in the absence of assistance.

"REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

"SEC. 230. (a) To ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the University Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residential telephone consumers. Each such State association shall have as its purpose the representation of such consumers within such State before telephone carriers and governmental bodies. Any State Association—

"(1) shall not be an agency or establishment of the Federal Government or of any State government.

"(2) shall be subject to the provisions of this section, and

"(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual powers conferred upon such a nonprofit corporation under such State laws.

"(b) The membership of the State association for a State for any calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age or older, and who have contributed for such year to the association a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

"(c)(1) Any State association which meets the requirements of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or adminstrative review or enforcement of any decision of any Federal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

"(2)(A) Subject to subparagraph (B), any state association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

"(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished by the association if the material was furnished to the carrier not less than fourteen calendar days, and not more than one year, before the mailing of such billing.

"(C) In the case of two billings per calendar year (as designated by the State association) for which informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

"(D) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier, for inclusion of the association's informational material in periodic customers billings, except that—

"(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weight of the enclosure furnished by the association does not exceed 35/100 ounce avoir; and

"(ii) the association may postpone reimbursement of any costs incurred plus interest before the first election of the Board of Directors under subsection (d) until the end of the twelve-month period following such first election.

"(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State association shall consist of not less than fifteen nor more than twenty-one Directors, as the Board shall from time to time determine.

"(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agent of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

"(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors of any State association shall be elected by and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable expenses incurred by them in the performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit of any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(e) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to serve as incorporators of the State association and as an an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumer's interests in State public policymaking proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a non-profit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the association shall be incorporated in the District of Columbia by representatives of State associations when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolutions calling for the establishment of such Center;

"(B) be under the direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the use of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation, each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i)(1) Any telephone carrier, directly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any intervention with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) The terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association

"(2) The term 'State association' means a nonprofit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communication service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam.".

EMPLOYEE PROTECTION

Sec. 14. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment as such provisions applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered position' means any position (i) which is not a superior position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term "entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

Sec. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following: Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

Sec. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United States will benefit from continuing improvements in telecommunications technology

and the continued development of a competitive telecommunications industry.

DEFINITIONS

SEC. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, services, or other related functions by an exchange common carrier, to a carrier or other person providing interstate service, for the origination or termination of interstate communication.

"(ii) 'Direct interconnection' means the provision of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of exchange access from an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a state designated by the state as the area within which telephone exchange service is provided.

"(11) 'Exchange carrier' and 'exchange common carrier' mean a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.

ACCESS CHARGES

SEC. 4. (a)(1.) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase 1) shall take effect, as provided therein, except as modified by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

(b)(1) The Communications Act of 1934 is amended by inserting after section 221 the following new section:

"SEC. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b) No end-user common line charge shall be assessed on any residential subscriber of telephone exchange service, or on any business that is a subscriber of telephone exchange service and does not have more than one subscriber line.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access; and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(d)(1)(A) Effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commercial or governmental purposes, makes available (for other or for its own use) facilities, services, or related functions for exchange access, comparable to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 per centum of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier, unless the Commission determines that a higher percentage more accurately reflects the costs imposed upon exchange carriers by persons subject to the charge under this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person who is subject to charges under this subsection and who willfully and knowingly attempts to evade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall be based on the average percentage of use for interstate access. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the charge in effect on July 1, 1983, adjusted by the Commission under paragraph (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to be receiving from the exchange carrier an equivalent type and quality of exchange access as provided to a participating carrier; and

"(D) notwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be available to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assessed to a participating carrier.

If at any time after June 30, 1985, the Commission changes the method for calculating the minutes of use for purposes of determining charges for exchange access, the carrier differential shall thereafter be determined as if the new method was in effect on July 1, 1983.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total costs of providing exchange access to such carriers.

"(6) Until January 1, 1986, The Universal Service Board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forfeiture under this Act.

"(h)(1) The Commission shall, upon the request of a State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the Senate commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(1) the term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47 Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, and any agency or instrumentality thereof".

(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

(A) non-governmental tax-exempt entities which use centrex-type services; and

(B) recovery of costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication."

(c) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier".

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(f) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(e) the preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum of such national average; and

"(iii) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 50 per centum of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

"(ii) the charge then in effect for life-line telephone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

"(d) The Universal Service Fund also shall include a transitional account, from which any exchange common carrier shall be entitled to receive annual payments if needed to insure that such carrier receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

"(e)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and other customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the accounts of the Universal Service Fund to any exchange carrier shall be subjected to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers exchange services."

UNIVERSAL SERVICE BOARD

Sec. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service Board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange "access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

"(D) shall take such actions as are necessary to minimize any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity or special characteristics required for exchange service and exchange access;

"(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402."

DEPRECIATION

Sec. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) State commissions shall have authority (i) to establish classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

Sec. 9. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"Sec. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

Sec. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Each State commission shall establish rules for the provision of lifeline tele-

phone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household may not have more than one lifeline telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

"(3) (A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the handicapped.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4) Any charge for lifeline telephone service shall recover not less than 30 per centum and not more than 48 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.".

PROHIBITION OF CROSS SUBSIDY

SEC. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

SEC. 12. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

"SEC. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use or share the use of telephone facilities and services in any manner which does not harm, or interfere with the rights of others in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

PUBLIC PARTICIPATION

SEC. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new sections:

"PUBLIC PARTICIPATION

"SEC. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnesses, by any person in any proceeding under this title (including any proceeding of the joint board) if—

"(1) the person applying for assistance represents an interest—

"(A) which would not otherwise be represented adequately in the proceeding; and

"(B) representation of which is necessary for a fair disposition of the proceeding; and

"(2) the person applying for assistance does not have sufficient resources available to participate effectively in the absence of assistance.

"REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

"SEC. 230. (a) to ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the Universal Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residential telephone consumers. Each such State association shall have as its purpose the representation of such consumers within such State before telephone carriers and governmental bodies. Any State Association—

"(1) shall not be an agency or establishment of the Federal Government or of any State government.

"(2) shall be subject to the provisions of this section, and

"(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual powers conferred upon such a nonprofit corporation under such State laws.

"(b) The membership of the State association for a State for any calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age or older, and who have contributed for such year to the association of a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

'(c)(1) Any State association which meets the requirements of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or administrative review or enforcement of any decision of any Federal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

"(2)(A) Subject to subparagraph (B), any State association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

"(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished by the association if the material was furnished to the carrier not less than fourteen calendar days, and not more than one year, before the mailing of such billing.

"(C) In the case of two billings per calendar year (as designated by the State association) for which informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

"(D) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier, for inclusion of the association's informational material in periodic customers billings, except that—

"(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weight of the enclosure furnished by the association does not exceed 35/100 ounce avoir; and

"(ii) the association may postpone reimbursement of any costs incurred plus interest before the first election of the Board of Directors under subsection (d) until the end of the twelve-month period following such first election.

"(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State association shall consist of not less than fifteen nor more than twenty-one Directors, as the Board shall from time to time determine.

"(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agent of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

"(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors of any State association shall be elected by and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable expenses incurred by them in the performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit of any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(e) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to serve as incorporators of the State association and as an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumer's interests in State public policymaking proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a nonpofit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the association shall be incorporated in the District of Columbia by representatives of State associations when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolutions calling for the establishment of such Center;

"(B) be under the direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the use of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation, each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i)(1) Any telephone carrier, directly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any interference with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) the terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association

"(2) The term 'State association' means a nonprofit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communication service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam.".

EMPLOYEE PROTECTION

SEC. 14. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgement as such provisions applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered position' means any position (i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term 'entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following: Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all uses and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United States will benefit from continuing improvements in telecommunications technology

and the continued development of a competitive telecommunications industry.

DEFINITIONS

SEC. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, services, or other related functions by an exchange common carrier, to a carrier or other person providing interstate service, for the origination or termination of interstate communication.

"(ii) 'Direct interconnection' means the provision of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of exchange access from an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a state designated by the state as the area within which telephone exchange service is provided.

"(ll) 'Exchange carrier' and 'exchange common carrier' means a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.

ACCESS CHARGES

SEC. 4. (a)(1) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase 1) shall take effect, as provided therein, except as modified by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

(b)(1) The Communications Act of 1934 is amended by inserting after section 221 the following new section:

"SEC. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b) No end-user common line charge shall be assessed on any residential subscriber of telephone exchange service, or on any business that is a subscriber of telephone exchange service and does not have more than one subscriber line.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access; and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such persons.

"(d)(1)(A) Effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commercial or governmental purposes, makes available (for other or for its own use) facilities, services, or related functions for exchange access, comparable to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 per centum of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier, unless the Commission determines that a higher percentage more accurately reflects the costs imposed upon exchange carriers by persons subject to the charge under this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person who is subject to charges under this subsection and who willfully and knowingly attempts to evade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to asssure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the charge in effect on July 1, 1983, adjusted by the Commission under paragraph (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to have available to it from the exchange carrier an equivalent type and quality of exchange access as provided to a participating carrier; and

"(D) notwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be available to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assessed to a participating carrier.

If at any time after June 30, 1985, the Commission changes the method for calculating the minutes of use for purposes of determining charges for exchange access, the carrier differential shall thereafter be determined as if the new method was in effect on July 1, 1983.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection

and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total costs of providing exchange access to such carriers.

"(6) Until January 1, 1986, the Universal Service Board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forefeiture under this Act.

"(h)(1) The Commission shall, upon the request of any State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the revelant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the Senate commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the revelant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(1) the term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, and any agency or instrumentality thereof".

(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

(A) non-governmental tax-exempt entities which use centrex-type services; and

(B) recovery of costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication."

(c) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier".

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(f) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(e) the preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum of such national average; and

"(iii) such additional amounts available under procedures which the Universal Services Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such services are substantially higher that the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Univer-

sal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carriers shall be equal to 50 per centum of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

"(ii) the charge then in effect for lifeline telepone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

"(d) The Universal Service Fund also shall include a transitional account, from which any exchange common carrier shall be entitled to receive annual payments if needed to ensure that such carrier receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

"(e)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and other customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the accounts of the Universal Service Fund to any exchange carrier shall be subjected to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers exchange services."

UNIVERSAL SERVICE BOARD

SEC. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service Board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange "access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

"(D) shall take such actions as are necessary to minimize' any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity of special characteristics required for exchange service and exchange access;

"(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402."

DEPRECIATION

SEC. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) State commissions shall have authority (i) to establish classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

SEC. 9. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"SEC. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

SEC. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Each State commission shall establish rules for the provision of lifeline telephone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household may not have more than one lifeline telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

"(3)(A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the handicapped.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4) Any charge for lifeline telephone service shall recover not less than 30 per centum and not more than 48 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.".

PROHIBITION OF CROSS SUBSIDY

SEC. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

SEC. 12. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

"SEC. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use or share the use of telephone facilities and services in any manner which does not harm, or interfere with the rights of others in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

PUBLIC PARTICIPATION

SEC. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new sections:

"PUBLIC PARTICIPATION

"SEC. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnesses, by any person in any proceeding under this title (including any proceeding of the joint board) if—

"(1) the person applying for assistance represents an interest—

"(A) which would not otherwise be represented adequately in the proceeding; and

"(B) representation of which is necessary for a fair disposition of the proceeding; and

"(2) the person applying for assistance does not have sufficient resources available to participate effectively in the absence of assistance.

"REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

"SEC. 230. (a) To ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the Universal Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residential telephone consumers. Each such State association shall have as its purpose the representation of such consumers within such State before telephone carriers and governmental bodies. Any State Association—

"(1) shall not be an agency or establishment of the Federal Government or of any State government.

"(2) shall be subject to the provisions of this section, and

"(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual powers conferred upon such a nonprofit corporation under such State laws.

"(b) The membership of the State association for a State for any calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age or older, and who have contributed for such year to the association a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

"(c)(1) Any State association which meets the requirements of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or administrative review or enforcement of any decision of any Federal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

"(2)(A) Subject to subparagraph (B), any State association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

"(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished to the carrier not less than fourteen calendar days, and not more than one year, before the mailing of such billing.

"(C) In the case of two billings per calendar year (as designated by the State association) for which informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

"(D) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier, for inclusion of the association's informational material in periodic customers billings, except that—

"(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weight of the enclosure furnished by the association does not exceed 35/100 ounce avoir; and

"(ii) the association may postpone reimbursement of any costs incurred plus interest before the first election of the Board of Directors under subsection (d) until the end of the twelve-month period following such first election.

"(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State association shall consist of not less than fifteen nor more than twenty-one Directors, as the Board shall from time to time determine.

"(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agent of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

"(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors of any State association shall be elected by and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable expenses incurred by them in the performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit or any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(e) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to serve as incorporators of the State association and as an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumer's interests in State public policymaking proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a nonprofit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the association shall be incorporated in the District of Columbia by representatives of State associations when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolutions calling for the establishment of such Center;

"(B) be under the direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the use of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i)(1) Any telephone carrier, directly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any interference with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) The terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association.

"(2) The term 'State association' means a nonprofit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communications service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam.".

EMPLOYEE PROTECTION

SEC. 14. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment as such provisions applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered position' means any position (i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term 'entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following:

Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United States will benefit from continuing improve-

ments in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

Sec. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, services, or other related functions by an exchange common carrier, to a carrier or other person providing interstate service, for the origination or termination of interstate communication.

"(ii) 'Direct interconnection' means the provision of exchange access through facilities specifically designated for such purposes by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of exchange access from an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a state designated by the state as the area within which telephone exchange service is provided.

"(ll) 'Exchange carrier' and 'exchange common carrier' means a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.".

ACCESS CHARGES

Sec. 4. (a)(1) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase 1) shall take effect, as provided therein, except as modified by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

(b)(1) The Communications Act of 1934 is amended by inserting after section 221 the following new section:

"Sec. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b) No end-user common line charge shall be assessed on any residential subscriber of telephone exchange service, or on any business that is a subscriber of telephone exchange service and does not have more than one subscriber line.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access; and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(d)(1)(A) effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commercial or governmental purposes, makes available (for other or for its own use) facilities, services, or related functions for exchange access, comparable to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 per centum of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier, unless the Commission determines that a higher percentage more accurately reflects the costs imposed upon exchange carriers by persons subject to the charge under this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real propery leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person who is subject to charges under this subsection and who willfully and knowingly attempts to evade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the charge in effect on July 1, 1983, adjusted by the Commission under paragraph (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to be receiving from the exchange carrier an equivalent type and quality of exchange access as provided to a participating carrier; and

"(D) notwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be available to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assessed to a participating carrier.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total costs of providing exchange access to such carriers.

"(6) Until January 1, 1986, the Universal Service Board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forfeiture under this Act.

"(h)(1) The Commission shall, upon the request of a State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the Senate commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(1) the term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-tariff-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, and any agency or instrumentality thereof".

(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

(A) non-governmental tax-exempt entities which use centrex-type services; and

(B) recovery of costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication."

(c) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier".

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than six calls are made from any subscriber line during any month."

(e) The preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum of such national average; and

"(iii) such additional amount available unde procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 50 per centum of—

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"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

"(ii) the charge then in effect for lifeline telephone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

"(d) The Universal Service Fund also shall include a transitional account, from which any exchange common carrier shall be entitled to receive annual payments if needed to ensure that such carrier receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

"(e)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and other customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the accounts of the Universal Service Fund to any exchange carrier shall be subjected to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers exchange services."

UNIVERSAL SERVICE BOARD

"SEC. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service Board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange "access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

"(D) shall take such actions as are necessary to minimize' any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity or special characteristics required for exchange service and exchange access;

"(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402."

DEPRECIATION

SEC. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) State commissions shall have authority (i) to established classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

SEC. 9. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"SEC. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic oneline telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFETIME TELEPHONE SERVICE

SEC. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Each State commission shall establish rules for the provision of lifeline telephone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household may not have more than one lifeline telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

"(3)(A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the handicapped.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4) Any charge for lifeline telephone service shall recover not less than 30 per centum and not more than 48 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.".

PROHIBITION OF CROSS SUBSIDY

SEC. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

SEC. 12. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

"SEC. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use of share the use of telephone facilities and services in any manner which does not harm, or interfere with the rights of others in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

PUBLIC PARTICIPATION

SEC. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new sections:

"PUBLIC PARTICIPATION

"SEC. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnesses, by any person in any proceeding under this title (including any proceeding of the joint board) if—

"(1) the person applying for assistance represents an interest—

"(A) which would not otherwise be represented adequately in the proceeding; and

"(B) representation of which is necessary for a fair disposition of the proceeding; and

"(2) the person applying for assistance does not have sufficient resources available to participate effectively in the absence of assistance.

"REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

"SEC. 230. (a) To ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the Universal Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residential telephone consumers. Each such State association shall have as its purpose the representation of such consumers within such State before telephone carriers and governmental bodies. Any State Association—

"(1) shall not be an agency or establishment of the Federal Government or of any State government.

"(2) shall be subject to the provisions of this section, and

"(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual powers conferred upon such a nonprofit corporation under such State laws.

"(b) The membership of the State association for a State for any calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age or older, and who have contributed for such year to the association a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

"(c)(1) Any State association which meets the requirements of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or administrative review or enforcement of any decision of any Federal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

"(2)(A) Subject to subparagraph (B), any State association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

"(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished by the association if the material was furnished to the carrier not less than fourteen calendar days, and not more than one year, before the mailing of such billing.

"(C) In the case of two billings per calendar year (as designated by the State association) for which informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

"(D) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier, for inclusion of the association's informational material in periodic customers billings, except that—

"(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weight of the enclosure furnished by the association does not exceed 35/100 ounce avoir; and

"(ii) the association may postpone reimbursement of any costs incurred plus interest before the first election of the Board of Directors under subsection (d) until the end of the twelve-month period following such first election.

"(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State association shall consist of not less than fifteen nor more than twenty-one Directors, as the Board shall from time to time determine.

"(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agent of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

"(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors of any State association shall be elected by and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable expenses incurred by them in the performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit of any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise

support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(e) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to serve as incorporators of the State association and as an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumer's interests in State public policymaking proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a nonprofit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the association shall be incorporated in the District of Columbia by representatives of State associations when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolutions calling for the establishment of such Center;

"(B) be under direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the us of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation, each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i) (1) Any telephone carrier, directly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any interference with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) The terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association

"(2) The term 'State association' means a nonprofit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communication service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam.".

EMPLOYEE PROTECTION

SEC. 14. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment as such provisions applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered postion' means any position (i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term 'entity subject to the modified final judgment' means any carrier divested as result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).) —Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following: Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be unversally available at affordable rates.

(b) the purposes of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United States will benefit from continuing improvements in telephone service; and

(4) to assure that the economy, general welfare, and national security of the United States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

SEC. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, services, or other related functions by an exchange common carrier, to a carrier or other person providing interstate service, or the origination or termination of interstate communication.

"(ii) 'direct interconnection' means the provision of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of exchange access from an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a state designated by the state as the area within which telephone exchange service is provided.

"(ll) 'Exchange carrier' and 'exchange common carrier' mean a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.

ACCESS CHARGES

SEC. 4. (a)(1) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase 1) shall take effect, as provided therein, except as modified by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

(b)(1) The Communications Act of 1934 is amended by inserting after section 221 the following new section:

"SEC. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b) No end-user common line charge shall be assessed on any residential subscriber of telephone exchange service, or on any business that is a subscriber of telephone exchange service and does not have more than one subscriber line.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access; and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(d)(1)(A) Effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commercial or governmental purposes, makes available (for other or for its own use) facilities, services, or related functions for exchange access, comparable to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 per centum of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier, unless the Commission determines that a higher percentage more accurately reflects the costs imposed upon exchange carriers by persons subject to the charge under this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person who is subject to charges under this subsection and who willfully and knowingly attempts to evade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the charge in effect on July 1, 1983, adjusted by the Commission under paragraph (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to be receiving from the exchange carrier an equivalent type and quality of exchange access as provided to a participating carrier; and

"(D) notwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be available to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assessed to a participating carrier.

If at any time after June 30, 1985, the Commission changes the method for calculating the minutes of use for purposes of determining charges for exchange access, the carrier differential shall thereafter be determined as if the new method was in effect on July 1, 1983.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total costs of providing exchange access to such carriers.

"(6) Until January 1, 1986, the Universal Service Board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forefeiture under this Act.

"(h)(1) The Commission shall, upon the request of a State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the Senate commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(1) the term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, and any agency or instrumentality thereof".

"(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

(A) non-governmental tax-exempt entities which use centrex-type services; and

(B) recovery of costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication."

(c) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier: *Provided, however,* That nothing shall preclude an exchange carrier; from providing billing services under contract for third parties.

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(f) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(e) the preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum of such national average; and

"(iii) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Univer-

sal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 50 per centum of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

"(ii) the charge then in effect for lifeline telephone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

"(d) The Universal Service Fund also shall include a transitional account, from which any exchange common carrier shall be entitled to receive annual payments if needed to ensure that such carrier receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

"(e)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and other customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the accounts of the Universal Service Fund to any exchange carrier shall be subjected to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers exchange sevices."

UNIVERSAL SERVICE BOARD

SEC. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service Board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purpose of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

"(D) shall take such actions as are necessary to minimize any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity or special characteristics required for exchange service and exchange access;

"(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402."

DEPRECIATION

SEC. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) State commissions shall have authority (i) to established classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

SEC. 9. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"SEC. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commmission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

SEC. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Each State commission shall establish rules for the provision of lifeline telephone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household may not have more than one lifeline telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

"(3)(A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single leads of households, the unemployed, and the handicapped.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4) Any charge for lifeline telephone service shall recover not less than 30 per centum and not more than 48 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.".

PROHIBITION OF CROSS SUBSIDY

SEC. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commerical activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

SEC. 12. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

"SEC. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly deterimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use or share the use of telephone facilities and services in any manner which does not harm, or interfere with the rights of others in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

PUBLIC PARTICIPATION

SEC. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new sections:

"PUBLIC PARTICIPATION

"SEC. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnesses, by any person in any proceeding under this title (including any proceeding of the joint board) if—

"(1) the person applying for assistance represents an interest—

"(A) which would not otherwise be represented adequately in the proceeding; and

"(B) representation of which is necessary for a fair disposition of the proceeding; and

"(2) the person applying for assistance does not have sufficient resources available to participate effectively in the absence of assistance.

"REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

"SEC. 230. (a) To ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the Universal Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residential telephone consumers. Each such State association shall have as its purpose the representation of such consumers within such State before telephone carriers and governmental bodies. Any State Association—

"(1) shall not be an agency or establishment of the Federal Government or of any State government.

"(2) shall be subject to the provisions of this section, and

"(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual powers conferred upon such a nonprofit corporation under such State laws.

"(b) The membership of the State association for a State for any calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age of older, and who have contributed for such year to the association a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

"(c)(1) Any State association which meets the requirements of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or administrative review or enforcement of any decision of any Federal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

"(2)(A) Subject to subparagraph (B), any State association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

"(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished by the association if the material was furnished to the carrier not less than fourteen calendar days, and not more than one year, before the mailing of such billing.

"(C) In the case of two billings per calendar year (as designated by the State association) for which informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

"(D) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier, for inclusion of the association's informational material in periodic customer's billings, except that—

"(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weight of the enclosure furnished by the association does not exceed $^{35}/_{100}$ ounce avoir; and

"(ii) the association may postpone reimbursement of any costs incurred plus interest before the first election of the Board of Directors under subsection (d) until the end of the twelve-month period following such first election.

"(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State association shall consist of not less than fifteen nor more than twenty-one Directors, as the Board shall from time to time determine.

"(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agent of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

"(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors of any State association shall be elected by and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable expenses incurred by them in the performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit of any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(e) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to seve as incorporators of the State association and as an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumer's interests in State public policymaking proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a non-profit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the association shall be incorporated in the District of Columbia by representatives of State associations when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolutions calling for the establishment of such Center;

"(B) be under the direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the use of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation, each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i)(1) Any telephone carrier, directly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any interference with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) The terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association.

"(2) The term 'State association' means a nonprofit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communication service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam.".

EMPLOYEE PROTECTION

SEC. 14. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment as such provisions applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered position' means any position (i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increased in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term "entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following: Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communications services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United

States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

SEC. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, services, or other related functions by an exchange common carrier, to a carrier or other person providing interstate service, for the origination or termination of interstate communication.

"(ii) 'Direct interconnection' means the provision of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of exchange access from an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a state designated by the state as the area within which telephone exchange service is provided.

"(ll) 'Exchange carrier' and 'exchange common carrier' mean a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.

ACCESS CHARGES

SEC. 4. (a)(1) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase 1) shall take effect, as provided therein, except as modified by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

"(b)(1) The Communications Act of 1934 is amended by inserting after section 221 the following new section:

"SEC. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b) No end-user common line charge shall be assessed on any residential subscriber of telephone exchange service, or on any business that is a subscriber of telephone exchange service and does not have more than one subscriber line.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access; and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(d)(1)(A) Effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commercial or governmental purposes, makes available (for other or for its own use) facilities, services, or related functions for exchange access, comparable to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 per centum of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier, unless the Commission determines that a higher percentage more accurately reflects the costs imposed upon exchange carriers by persons subject to the charge under this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person who is subject to charges under this subsection and who willfully and knowingly attempts to evade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the charge in effect on July 1, 1983, adjusted by the Commission under paragraph (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to be receiving from the exchange carrier an equivalent type and quality of exchange access as provided to a participating carrier; and

"(D) notwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be available to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assessed to a participating carrier.

If at any time after June 30, 1985, the Commission changes the method for calculating the minutes of use for purposes of determining charges for exchange access, the carrier differential shall thereafter be determined as if the new method was in effect on July 1, 1983.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total costs of providing exchange access to such carriers.

"(6) Until January 1, 1986, the Universal Service Board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forfeiture under this Act.

"(h)(1) The Commission shall, upon the request of an State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the Senate commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(i) the term "special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, and any agency or instrumentality thereof".

(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

(A) non-governmental tax-exempt entities which use centrex-type services; and

(B) recovery of costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication."

(c) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier".

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(f) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(e) the preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum of such national average; and

"(iii) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 50 per centum of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

"(ii) the charge then in effect for lifeline telephone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

"(d) The Universal Service Fund also shall include a transitional account, from which any exchange common carrier shall be entitled to receive annual payments if needed to ensure that such carriers receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

"(e)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and other customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the accounts of the Universal Service Fund to any exchange carrier shall be subjected to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers exchange services."

UNIVERSAL SERVICE BOARD

SEC. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) insuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service Board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, any may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange "access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

"(D) shall take such actions as are necessary to minimize' any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity or special characteristics required for exchange service and exchange access;

"(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402."

DEPRECIATION

SEC. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) State commissions shall have authority (i) to establish classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

SEC. 9. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"SEC. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

SEC. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Each State commission shall establish rules for the provision of lifeline telephone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household may not have more than one lifeline telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

"(3)(A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the handicapped.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4) Any charge for lifeline telephone service shall recover not less than 10 per centum and not more than 43 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.".

PROHIBITION OF CROSS SUBSIDY

SEC. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any state commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

SEC. 12. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

"SEC. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use or share the use of telephone facilities and services in any manner which does not harm, or interfere with the rights of others in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

PUBLIC PARTICIPATION

SEC. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new sections:

"PUBLIC PARTICIPATION

"SEC. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnesses, by any person in any proceeding under this title (including any proceeding of the joint board) if—

"(1) the person applying for assistance represents an interest—

"(A) which would not otherwise be represented adequately in the proceeding; and

"(B) representation of which is necessary for a fair disposition of the proceeding; and

"(2) the person applying for assistance does not have sufficient resources available to participate effectively in the absence of assistance.

"REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

"SEC. 230. (a) To ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the Universal Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residential telephone consumers. Each such State association shall have as its purpose the representation of such consumers within such State before telephone carriers and governmental bodies. Any State Association—

"(1) shall not be an agency or establishment of the Federal Government or of any State government.

"(2) shall be subject to the provisions of this section, and

"(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual powers conferred upon such a nonprofit corporoation under such State laws.

"(b) The membership of the State association for a State for any calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age or older, and who have contributed for such year to the association a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

"(c)(1) Any State association which meets the requirements of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or administrative review or enforcement of any decision of any Federal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

"(2)(A) Subject to subparagraph (B), any State association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

"(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished by the association if the material was furnished to the carrier not less than fourteen calendar days, and not more than one year, before the mailing of such billing.

"(C) In the case of two billings per calendar year (as designated by the State association) for which informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

"(D) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier, for inclusion of the association's informational material in periodic customers billings, except that—

"(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weight of the enclosure furnished by the association does not exceed 35/100 ounce avoir; and

"(ii) the association may postpone reimbursement of any cost incurred plus interest before the first election of the Board of Directors under subsection (d) until the end of the twelve-month period following such first election.

"(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State association shall consist of not less than fifteen nor more than twenty-one Directors, as the Board shall from time to time determine.

"(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agent of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

"(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors of any State association shall be elected by and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable expenses incurred by them in the performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit of any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(e) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to serve as incorporators of the State association and as an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumer's interests in State public policymaking proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a nonprofit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the association shall be incorporated in the District of Columbia by representatives of State associations when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolutions calling for the establishment of such Center;

"(B) be under the direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the use of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation, each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i)(1) Any telephone carrier, directly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any interference with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) The terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association

"(2) The term 'State association' means a nonprofit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communication service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam.".

EMPLOYEE PROTECTION

SEC. 14. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) the recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment as such provisions applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered position' means any position (i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term 'entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statisitics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following: Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United

States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

SEC. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, services, or other related functions by an exchange common carrier, to a carrier or other person providing interstate service, for the origination or termination of interstate communication.

"(ii) 'Direct interconnection' means the provision of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of exchange access from an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a state designated by the state as the area within which telephone exchange service is provided.

"(ll) 'Exchange carrier' and 'exchange common carrier' mean a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.

ACCESS CHARGES

SEC. 4. (a)(1) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase 1) shall take effect, as provided therein, except as modified by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

(b)(1) The Communications Act of 1934 is amended by inserting after section 221 the following new section:

"SEC. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b) No end-user common line charge shall be assessed on any residential subscriber of telephone exchange service, or on any business that is a subscriber of telephone exchange service and does not have more than one subscriber line.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristeristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access; and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(d)(1)(A) Effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commercial or governmental purposes, makes available (for other or for its own use) facilities, services, or related functions for exchange access, comparable to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 per centum of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier, unless the Commission determines that a higher percentage more accurately reflects the costs imposed upon exchange carriers by persons subject to the charge under this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange accesss.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person and who is subject to charges under this subsection and who willfully and knowingly attempts to evade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the charge in effect on July 1, 1983, adjusted by the Commission under paragraph (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to be receiving from the exchange carrier an equivalent type and quality of exchange access as provided to a participating carrier; and

"(D) notwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be available to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assessed to a participating carrier.

If at any time after June 30, 1985, the Commission changes the method for calculating the minutes of use for purposes of determining charges for exchange access, the carrier differential shall thereafter be determined as if the new method was in effect on July 1, 1983.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total costs of providing exchange access to such carriers.

"(6) Until January 1, 1986, the Universal Service Board shall permit the aggregation of costs and the divison of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State Commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forefeiture under this Act.

"(h)(1) The Commission shall, upon the request of and State Commission, delegate to such State Commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the Senate commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with resepct to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State Commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State Commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(1) the term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, and any agency or instrumentality thereof".

"(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

(A) non-governmental tax-exempt entities which use centrex-type services; and

(B) recovery of costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication."

(c) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier".

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(f) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(e) the preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum of such national average; and

"(iii) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 50 per centum of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

"(ii) the charge then in effect for lifeline telephone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

"(d) The Universal Service Fund also shall include a transitional account, from which any exchange common carrier shall be entitled to receive annual payments if needed to ensure that such carrier receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

"(e)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and other customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the accounts of the Universal Service Fund to any exchange carrier shall be subjected to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers exchange services."

UNIVERSAL SERVICE BOARD

SEC. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service Board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size of relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange "access, as described in section 4 of the Universal Telephone Service Presumption Act of 1983; and

"(D) shall take such actions as are necessary to minimize' any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defines by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity or special characteristics required for exchange service and exchange access;

"(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402."

DEPRECIATION

SEC. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) The Commission shall have authority (i) to establish classifications for interexchange facilities and the portion of facilities used jointly for interstate and intrastate services, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagaph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

SEC. 9. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"SEC. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

SEC. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Each State commission shall establish rules for the provision of lifeline telephone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household may not have more than one life-line telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

"(3)(A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the handicapped.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4) Any charge for lifeline telephone service shall recover not less than 30 per centum and not more than 48 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.".

PROHIBITION OF CROSS SUBSIDY

SEC. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

SEC. 12. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

"SEC. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use or share the use of telephone facilities and services in any manner which does not harm, or interfere with the rights of others in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

PUBLIC PARTICIPATION

SEC. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new sections:

"PUBLIC PARTICIPATION

"SEC. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnesses, by any person in any proceeding under this title (including any proceeding of the joint board) if—

"(1) the person applying for assistance represents an interest—

"(A) which would not otherwise be represented adequately in the proceeding; and

"(B) representation of which is necessary for a fair disposition of the proceeding; and

"(2) the person applying for assistance does not have sufficient resources available to participate effectively in the absence of assistance.

"REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

"SEC. 230. (a) To ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the Universal Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residential telephone consumers. Each such State association shall have as its purpose the representation of such consumers within such State before telephone carriers and governmental bodies. Any State Association—

"(1) shall not be an agency or establishment of the Federal Government or of any State governments.

"(2) shall be subject to the provisions of this section, and

"(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual powers conferred upon such a nonprofit corporation under such State laws.

"(b) The membership of the State association for a State for any calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age or older, and who have contributed for such year to the association a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

"(c)(1) Any State association which meets the requirements of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or administrative review or enforcement of any decision of any Federal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

"(2)(A) Subject to subparagraph (B), any State association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

"(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished by the association if the material was furnished to the carrier not less than fourteen calendar days, and not more than one year, before the mailing of such billing.

"(C) In the case of two billings per calendar year (as designated by the State association) for which informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

"(D) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier, for inclusion of the association's informational material in periodic customers billings, except that—

"(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weight of the enclosure furnished by the association does not exceed 35/100 ounce avoir; and

"(ii) the association may postpone reimbursement of any costs incurred plus interest before the first election of the Board of Directors under subsection (d) until the end of the twelve-month period following such first election.

"(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State association shall consist of not less than fifteen nor more than twenty-one Directors, as the Board shall from time to time determine.

"(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agent of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

"(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors of any State association shall be elected by and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable expenses incurred by them in the performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit of any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(e) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to serve as incorporators of the State association and as an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumer's interests in State public policymaking proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a nonprofit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the assocition shall be incorporated in the District of Columbia by representatives of State associations when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolutions calling for the establishment of such Center;

"(B) be under the direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the use of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation, each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i)(1) Any telephone carrier, directly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any interference with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) The terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association.

"(2) The term 'State association' means a nonprofit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communication service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam.".

EMPLOYEE PROTECTION

SEC. 14. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment as such provisions applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered position' means any position (i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term 'entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divesture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following: Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and developments;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United

States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

SEC. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, services, or other related functions by an exchange common carrier, to a carrier or other persons providing interstate service, for the origination or termination of interstate communication.

"(ii) 'Direct interconnection' means the provision of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of exchange access from an exchange carrier, by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a state designated by the state as the area within which telephone exchange service is provided.

"(ll) 'Exchange carrier' and 'exchange common carrier' mean a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.

ACCESS CHARGES

SEC. 4. (a)(1) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase 1) shall take effect, as provided therein, except as modified by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

(b)(1) The Communications Act of 1934 is amended by inserting after section 221 the following new section:

"SEC. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b) No end-user common line charge shall be assessed on any residential subscriber of telephone exchange service, or on any business that is a subscriber of telephone exchange service and does not have more than one subscriber line.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access; and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(d)(1)(A) Effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commerical or governmental purposes, makes available (for other or for its own use) facilities, services, or related functions for exchange access, comparable to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 per centum of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier, unless the Commission determines that a higher percentage more accurately reflects the costs imposed upon exchange carriers by persons subject to the charge under this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commerically valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person who is subject to charges under this subsection and who willfully and knowingly attempts to evade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the charge in effect on July 1, 1983, adjusted by the Commission under paragraph (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to be receiving from the exchange carrier an equivalent type and quality of exchange access as provided to a participating carrier; and

"(D) notwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be available to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assessed to a participating carrier.

If at any time after June 30, 1985, the Commission changes the method for calculating the minutes of use for purposes of determining charges for exchange access, the carrier differential shall thereafter be determined as if the new method was in effect on July 1, 1983.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total costs of providing exchange access to such carriers.

"(6) Until January 1, 1986, the Universal Service Board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall precribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forfeiture under this Act.

"(h)(1) the Commission shall, upon the request of a State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the Senate commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(1) the term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, and any agency or instrumentality thereof".

(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

(A) non-governmental tax-exempt entities which use centrex-type services; and

(B) recovery of costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication."

(c) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier".

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(f) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(e) the preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

Sec. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"Sec. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum of such national average; and

"(iii) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

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"(c)(1) an exchange common carrier is entitled to receive payments from the Universal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 50 per centum of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

"(ii) the charge then in effect for lifeline telephone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

"(d) The Universal Service Fund also shall include a transitional account, from which any exchange common carrier shall be entitled to receive annual payments if needed to ensure that such carrier receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

"(e)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and other customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the accounts of the Universal Service Fund to any exchange carrier shall be subjected to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers exchange services."

UNIVERSAL SERVICE BOARD

Sec. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service Board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange "access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

"(D) shall take such actions as are necessary to minimize any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity or special characteristics required for exchange service and exchange access;

"(ii) investment and asssoicated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402."

DEPRECIATION

Sec. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) State commissions shall have authority (i) to establish classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

Sec. 9. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"Sec. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at an single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

Sec. 10. Section 201 of the Communication Act 1934 (as amende by this Act) is amended by adding at the end thereof the following new subsection:

“(d)(1) Each State commission shall establish rules for the provision of lifeline telephone service by exchange carriers. Such rules shall provide that—

“(A) lifeline service may only be provided for the principal residence of a household,

“(B) a household may not have more than one lifeline telephone service line, and

“(C) any household receiving such service may not receive any other exchange telephone service.

“(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

“(3)(A) For purposes of this subsection, the term ‘lifeline telephone service’ means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

“(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the handicapped.

“(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

“(4) Any charge for lifeline telephone service shall recover not less than 10 per centum and not more than 45 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.”.

PROHIBITION OF CROSS SUBSIDY

SEC. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

“(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

“(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.”.

SHARED USE OF TELEPHONE FACILITIES

SEC. 12. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

“SHARED USE OF TELEPHONE FACILITIES

“SEC. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

“(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use or share the use of telephone facilities and services in any manner which does not harm, or interfere with the rights of others in their use of, such facilities and services.

“(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.”.

PUBLIC PARTICIPATION

SEC. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new sections:

“PUBLIC PARTICIPATION

“SEC. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnesses, by any person in any proceeding under this title (including any proceeding of the joint board) if—

“(1) the person applying for assistance represents an interest—

“(A) which would not otherwise be represented adequately in the proceeding; and

“(B) representation of which is necessary for a fair disposition of the proceeding; and

“(2) the person applying for assistance does not have sufficient resources available to participate effectively in the absence of assistance.

“REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

“SEC. 230. (a) To ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the Universal Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residential telephone consumers. Each such State association shall have as its purpose the representation of such consumers within such State before telephone carriers and governmental bodies. Any State Association—

“(1) shall not be an agency or establishment of the Federal Government or of any State government.

“(2) shall be subject to the provisions of this section, and

“(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual powers conferred upon such a nonprofit corporation under such State laws.

“(b) The membership of the State association for a State for any calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age or older, and who have contributed for such year to the association a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

“(c)(1) Any State association which meets the requirements of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or administrative review or enforcement of any decision of any Federal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

“(2)(A) Subject to subparagraph (B), any State association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

“(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished by the association if the material was furnished to the carrier not less than fourteen calendar days, and not more than one year, before the mailing of such billing.

“(C) In the case of two billings per calendar year (as designated by the State association) for which informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

“(D) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier, for inclusion of the association's informational material in peri[illegible]ustomers billings, except that—

“(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weight of the enclosure furnished by the association does not exceed 35/100 ounce avoir; and

“(ii) the association may postpone reimbursement of any costs incurred plus interest before the first election of the Board of Directors under subsection (d) until the end of the twelve-month period following such first election.

“(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State association shall consist of not less than fifteen nor more than twenty-one Directors, as the Board shall from time to time determine.

“(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agent of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

“(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors of any State association shall be elected by and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable expenses incurred by them in performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit of any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(e) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to serve as incorporators of the State association and as an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumer's interests in State public policymaking proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a nonprofit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the association shall be incorporated in the District of Columbia by representatives of State association when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolution calling for the establishment of such Center;

"(B) be under the direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the use of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation, each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i)(1) Any telephone carrier, directly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any interference with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) The terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association.

"(2) The term 'State association' means a nonprofit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communication service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam.".

EMPLOYEE PROTECTION

SEC. 14. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the folowing new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment as such provisions applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered position' means any position (i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term 'entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following: Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and developments;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purpose of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United

States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

Sec. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, services, or other related functions by an exchange common carrier, to a carrier or other person providing interstate service, for the origination or termination of interstate communication.

"(ii) 'Direct interconnection' means the provision of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of exchange access from an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a state designated by the state as the area with which telephone exchange service is provided.

"(ll) 'Exchange carrier' and 'exchange common carrier' mean a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.

ACCESS CHARGES

Sec. 4. (a)(1.) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78–72 (phase 1) shall take effect, as provided therein, except as modifed by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

(b)(1) The Communications Act of 1934 is amended by inserting after section 221 the following new section:

"Sec. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b) No end-user common line charge shall be assessed on any residential subscriber of telephone exchange service, or on any business that is a subscriber of telephone exchange service and does not have more than one subscriber line.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access; and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(d)(1)(A) Effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commercial or governmental purposes, makes available (for other or for its own use) facilities, services, or related functions for exchange access, comparable to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 per centum of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier, unless the Commission determines that a higher percentage more accurately reflects the costs imposed upon exchange carriers by persons subject to the charge under this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person who is subject to charges under this subsection and who willfully and knowingly attempts to avade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the charge in effect on July 1, 1983, adjusted by the Commission under paragraph (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to be receiving from the exchange carrier an equivalent type an quality of exchange access as provided to a participating carrier; and

"(D) notwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be available to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assessed to a participating carrier.

If at any time after June 30, 1985, the Commission changes the method for calculating the minutes of use for purposes of determining charges for exchange access, the carrier differential shall thereafter be determined as if the new method was in effect on July 1, 1983.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection

and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total costs of providing exchange access to such carriers.

"(6) Until January 1, 1986, the Universal Service Board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forefeiture under this Act.

"(h)(1) The Commission shall, upon the request of an State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the revelent portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the Senate commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(1) the term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulatins (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services of facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, and any agency or instrumentality thereof".

(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

(A) non-governmental tax-exempt entities which use centrex-type services; and

(B) recovery of costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication."

(c) Section 201 of the Communications act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier".

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(f) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(e) the preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of Communications Act of 1934 is amended by adding at the end thereof the following:

UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum, of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum of such national average; and

"(iii) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Univer-

sal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 50 per centum of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

"(ii) the charge then in effect for lifeline telephone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

"(d) The Universal Service Fund also shall include a transitional account, from which any exchange common carrier shall be entitled to receive annual payments if needed to ensure that such carrier receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

"(e)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and other customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the accounts of the Universal Service Fund to any exchange carrier shall be subjected to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments to not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) Such payments do not unreasonably impede the entry and operation of competitive suppliers exchange services."

UNIVERSAL SERVICE BOARD

SEC. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service Board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange "access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

"(D) shall take such actions as are necessary to minimize' any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity or special characteristics required for exchange service and exchange access;

"(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402."

DEPRECIATION

SEC. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) State commissions shall have authority (i) to established classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

SEC. 9. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"SEC. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

SEC. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Each State commission shall establish rules for the provision of lifeline telephone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household may not have more than one lifeline telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

"(3)(A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the handicapped.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4) Any charge for lifeline telephone service shall recover not less than 10 per centum and not more than 48 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.".

PROHIBITION OF CROSS SUBSIDY

Sec. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or eschange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

Sec. 12. The Communications Act of 1934 if amended by inserting after section 227 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

Sec. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that is prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use of share the use of telephone facilities and services in any manner which does not harm, or interfere with the rights of others in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

PUBLIC PARTICIPATION

Sec. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new sections:

"PUBLIC PARTICIPATION

Sec. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnesses, by any person in any proceeding under this title (including any proceeding of the joint board) if—

"(1) the person applying for assistance represents an interest—

"(A) which would not otherwise be represented adequately in the proceeding; and

"(B) representation of which is necessary for a fair disposition of the proceeding; and

"(2) the person applying for assistance does not have sufficient resources available to participate effectively in the absence of assistance.

"REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

"Sec. 230. (a) To ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the Universal Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residential telephone consumers. Each such State association shall have as its purpose the representation of such consumers within such State before telephone carriers and governmental bodies. Any State Association—

"(1) shall not be an agency or establishment of the Federal Government or of any State government.

"(2) shall be subject to the provisions of this section, and

"(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual powers conferred upon such a nonprofit corporation under such State laws.

"(b) The membership of the State association for a State for any calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age or older, and who have contributed for such year to the association a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

"(c)(1) Any State association which meets the requirements of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or administrative review or enforcement of any decision of any Federal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

"(2)(A) Subject to subparagraph (B), any State association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

"(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished by the association if the material was furnished to the carrier not less than fourteen calendar days, and not more than one year, before the mailing of such billing.

"(C) In the case of two billings per calendar year (as designated by the State association) for which informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

"(D) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier, for inclusion of the association's informational material in periodic customers billings, except that—

"(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weight of the enclosure furnished by the associaiton does not exceed $^{35}/_{100}$ ounce avoir; and

"(ii) the association may postpone reimbursement of any costs incurred plus interest before the first election of the Board of Directors under subsection (d) until the end of the twelve-month period following such first election.

"(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State association shall consist of not less than fifteen nor more than twenty-one Directors, as the Board shall from time to time determine.

"(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agent of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

"(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors of any State association shall be elected by and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable expenses incurred by them in the performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit of any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(e) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to serve as incorporators of the State association and as an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumer's interests in State public policymaking proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a nonprofit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the association shall be incorporated in the District of Columbia by representatives of State associations when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolutions calling for the establishment of such Center;

"(B) be under the direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the use of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation, each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i)(1) Any telephone carrier, directly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any interference with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) The terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association.

"(2) The term 'State association' means a nonprofit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communication service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam.".

EMPLOYEE PROTECTION

SEC. 14. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment as such provisions applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered position' means any position (i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term 'entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).) —Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following: Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United

States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

SEC. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provisions of facilities, services, or other related functions by an exchange common carrier, to a carrier or other person providing interstate service, for the origination or termination of interstate communication.

"(ii) 'Direct interconnection' means the provision of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of exchange access from an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a state designated by the state as the area within which telephone exchange service is provided.

"(ll) 'Exchange carrier' and 'exchange common carrier' mean a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.

ACCESS CHARGES

SEC. 4. (a)(1) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase 1) shall take effect, as provided therein, except as modified by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

(b)(1) The Communications Act of 1934 is amended by inserting after section 221 the following new section:

SEC. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b) no end-user common line charge shall be assessed on any residential subscriber of telephone exchange service, or on any business that is a subscriber of telephone exchange service and does not have more than one subscriber line.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access; and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(d)(1)(A) Effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commercial or governmental purposes, makes available (for other or for its own use) facilities, services, or related functions for exchange access, comparable to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 per centum of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier, unless the Commission determines that a higher percentage more accurately reflects the costs imposed upon exchange carriers by persons subject to the charge under this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person who is subject to charges under this subsection and who willfully and knowingly attempts to evade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the charge in effect on July 1, 1983, adjusted by the Commission under paragraph (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to be receiving from the exchange carrier an equivalent type and quality of exchange access as provided to a participating carrier; and

"(D) notwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be available to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assessed to a participating carrier.

If at any time after June 30, 1985, the Commission changes the method for calculating the minutes of use for purposes of determining charges for exchange access, the carrier differential shall thereafter be determined as if the new method was in effect on July 1, 1983.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total costs of providing exchange access to such carriers.

"(6) Until January 1, 1986, the Universal Service Board shall permit the aggregation of cost and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forfeiture under this Act.

"(h)(1) The Commission shall, upon the request of a State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the Senate commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(1) the term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, and any agency or instrumentality thereof".

"(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

"(A) non-governmental tax-exempt entities which use centrex-type services; and

"(B) recovery of costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication."

(c) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier."

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Except as provided in paragraph (2), no carrier may impose any charge for interstate director assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(e) the preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by additing at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber liner exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum, of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum, of such national average; and

"(iii) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

“(c)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

“(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 50 per centum of—

“(A) the amount by which—

“(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

“(ii) the charge then in effect for lifeline telephone service, multiplied by

“(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

“(d) The Universal Service Fund also shall include a transitional account, from which any exchange common carrier shall be entitled to receive annual payments if needed to ensure that such carrier receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

“(e)(1) The Universal Service Board shall establish an oversee and exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and other customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

“(2) Payments from the accounts of the Universal Sevice Fund to any exchange carrier shall be subjected to aduit and adjustment the Universal Service Board to ensure that—

“(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

“(B) such payments are used to maintain reasonable rates or charges;

“(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

“(D) such payments do not unreasonably impede the entry and operation of competitive suppliers exchange services.”

UNIVERSAL SERVICE BOARD

SEC. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

“(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

“(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

“(B) providing for an orderly transition to the system of charges for exchange access; and

“(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

“(2) The Universal Service Board shall be composed of—

“(A) five commissioners of the Commission; and

“(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

“(3) The Universal Service Board—

“(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

“(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

“(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

“(D) shall take such actions as are necessary to minimize any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

“(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

“(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

“(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

“(B) take into account—

“(i) the cost of capacity or special characteristics required for exchange access;

“(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

“(iii) the use of exchange facilities for exchange service and exchange access.

“(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

“(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

“(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402.”

DEPRECIATION

SEC. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

“(2)(A) State commissions shall have authority (i) to established classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

“(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

“(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

“(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.”.

PROVIDER OF LAST RESORT

SEC. 9. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

“STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

“SEC. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

“(b) For purposes of this section, the term ‘basic one-line telephone instrument’ means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.”.

LIFELINE TELEPHONE SERVICE

SEC. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Each State commission shall establish rules for the provision of lifeline telephone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household may not have more than one lifeline telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

"(3)(A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the handicapped.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4) Any charge for lifeline telephone service shall recover not less than 10 per centum and not more than 53 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.".

PROHIBITION OF CROSS SUBSIDY

SEC. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

SEC. 12. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

"SEC. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use or share the use of telephone facilities and services in any manner which does not harm, or interfere with the rights of others in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

PUBLIC PARTICIPATION

SEC. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new sections:

"PUBLIC PARTICIPATION

"SEC. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnesses, by any person in any proceeding under this title (including any proceeding of the joint board) if—

"(1) the person applying for assistance represents an interest—

"(A) which would not otherwise be represented adequately in the proceeding; and

"(B) representation of which is necessary for a fair disposition of the proceeding; and

"(2) the person applying for assistance does not have sufficient resources available to participate effectively in the absence of assistance.

"REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

"SEC. 230. (a) To ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the Universal Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residential telephone consumers. Each such State association shall have as its purpose the representation of such consumers within such State before telephone carriers and governmental bodies. Any State Association—

"(1) shall not be an agency or establishment of the Federal Government or of any State government.

"(2) shall be subject to the provisions of this section, and

"(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual powers conferred upon such a nonprofit corporation under such State laws.

"(b) The membership of the State association for a State for any calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age or older, and who have contributed for such year to the association a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

"(c)(1) Any State association which meets the requirements of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or administrative review or enforcement of any decision of any Federal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

"(2)(A) Subject to subparagraph (B), any State association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

"(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished by the association if the material was furnished to the carrier not less than fourteen calendar days, and not more than one year, before the mailing of such billing.

"(C) In the case of two billings per calendar year (as designated by the State association) for the informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

"(D) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier for inclusion of the association's informational material in periodic customers billings, except that—

"(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weight of the enclosure furnished by the association does not exceed 35/100 ounce avoir; and

"(ii) the association may postpone reimbursement of any costs incurred plus interest before the first election of the Board of Directors under subsection (d) until the end of the twelve-month period following such first election.

"(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State association shall consist of not less than fifteen nor more than twenty-one Directors, as the Board shall from time to time determine.

"(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agent of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

"(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors of any State association shall be elected by and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable, expenses incurred by them in the performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit of any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(C) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to serve as incorporators of the State association and as an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumer's interests in State public policymaking proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a nonprofit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the association shall be incorporated in the District of Columbia by representatives of State associations when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolutions calling for the establishment of such Center;

"(B) be under the direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the use of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation, each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i)(1) Any telephone carrier, directly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any interference with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) The terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association

"(2) The term 'State association' means a non-profit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communication service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam.".

EMPLOYEE PROTECTION

SEC. 14. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment as such provision applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered position' means any position (i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' mean the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term 'entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 1, line 4, strike the word "Act" and all that follows, and insert in lieu thereof the following: Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Interexchange tariffs.
Sec. 9. Provider of last resort.
Sec. 10. Lifeline telephone service.
Sec. 11. Prohibition against cross subsidy.
Sec. 12. Shared use of telephone facilities.
Sec. 13. Public participation.
Sec. 14. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United

States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

SEC. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, services, or other related functions by an exchange common carrier, to a carrier or other person providing interstate service, for the origination or termination of interstate communication.

"(ii) 'Direct interconnection' means the provision of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of exchange access from an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a state designated by the state as the area within which telephone exchange service is provided.

"(ll) 'Exchange carrier' and 'exchange common carrier' mean a carrier authoized to provide telephone exchange service on a universal basis within an exchange area.

ACCESS CHARGES

SEC. 4. (a)(1) The system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase 1) shall take effect, as provided therein, except as modified by section 221A of the Communications Act of 1934, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission may prescribe any additional procedures it determines to be necessary for proper allocation of such revenues among such carriers.

(b)(1) The Communications Act of 1934 is amended by inserting after section 221 the following new section:

"SEC. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b) No end-user common line charge shall be assessed on any residential subscriber of telephone exchange service, or on any business that is a subscriber of telephone exchange service and does not have more than one subscriber line.

"(c)(1) A special access charge shall be assessed with respect to any line that indirectly interconnects with the facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for—

"(A) any line that does not interconnect with the exchange facilities of any exchange carrier,

"(B) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access, and

"(C) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(d)(1)(A) Effective beginning July 1, 1985, any such access system shall provide that an exchange common carrier shall submit to the Commission a tariff under which any interexchange carrier or other person who, without direct or indirect interconnection with such carrier, and for commercial or governmental purposes, makes available (for other or for its own use) facilities, services, or related functions for exchange access, comparable to those available from an exchange carrier for exchange access, shall pay a charge—

"(i) which reflects the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

"(ii) which allows for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 per centum of the special access charge assessed, per line, under subsection (c) on those who indirectly interconnect with the facilities of the exchange carrier, unless the Commission determines that a higher percentage more accurately reflects the costs imposed upon exchange carriers by persons subject to the charge under this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(4) Any carrier or other person who is subject to charges under this subsection and who willfully and knowingly attempts to evade such charges by fraud or misrepresentation shall, upon conviction thereof, be fined not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction (including any surcharge established under section 225) shall, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the percentage of non-traffic-sensitive costs which may be apportioned to the interstate jurisdiction may not be greater than 25 per centum.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per access line, for exchange access by the interexchange carrier shall be—

"(A) during the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, equal to the charge in effect on July 1, 1983, adjusted by the Commission under paragraph (3);

"(B) effective beginning July 1, 1985, a percentage of the charge applicable for any participation carrier which is equal to the carrier differential;

"(C) notwithstanding subparagraphs (A) and (B), the applicable charge for any participating carrier where the interexchange carrier involved is determined, under rules and procedures established by the Commission, to be receiving from the exchange carrier an equivalent type and quality of exchange access as provided to a participating carrier; and

"(D) notwithstanding subparagraphs (A) and (B), the full costs of exchange access received by the interexchange carrier where, under rules and procedures established by the Commission, exchange access equivalent in type and quality to the exchange access provided to a participating carrier is determined to be available to, but not taken by, such interexchange carrier.

"(2) For purposes of this subsection—

"(A) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(B) The term 'carrier differential' means the percentage that—

"(i) the charge for exchange access applicable on July 1, 1983, assessed to an interexchange carrier described in paragraph (1), is of

"(ii) the charge for such access applicable on such date assessed to a participating carrier.

If at any time after June 30, 1985, the Commission changes the method for calculating the minutes of use for purposes of determining charges for exchange access, the carrier differential shall thereafter be determined as if the new method was in effect on July 1, 1983.

"(3) On January 1 and July 1 of each year beginning after the date of the enactment of this subsection, the Commission shall adjust charges prescribed under paragraph (1) to account for any change in the implicit deflator of the gross national product, as published by the Department of Commerce.

"(4) During the period beginning on the date of the enactment of this subsection and ending on June 30, 1985, persons obtaining exchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide exchange access covered by this subsection for similar services and related functions, except that, if the amount, which a reseller pays for any service to be resold, indirectly covers payments made for exchange access, then the reseller shall not be required to pay any additional amount for the exchange access for which payments have already been made indirectly.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from directly connecting interexchange carriers shall not be less than the total costs of providing exchange access to such carriers.

"(6) Until January 1, 1986, the Universal Service board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(g)(1) Effective beginning ninety days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forfeiture under this Act.

"(h)(1) The Commission shall, upon the request of a State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission thereunder.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost or is inconsistent with subsection (f) may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the Senate commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the sixty-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission shall have authority to affirm, remand, or modify the relevant portions of such tariff, taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply to any charge to the extent the charge necessary to maintain the carrier differential required under subsection (f) or to any surcharge established under section 225.

"(i) the term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) the term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interestate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(3) the term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983);

"(4) the term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board; and

"(5) the term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access; and

"(6) the term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) the term 'person' includes the United States, any State, and any agency or instrumentality thereof".

(2) the Federal Communications Commission shall consider revising, in accordance with section 405 of the Communications Act of 1934, the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In such reconsideration, the Commission shall take into account the impact of such decision and orders on—

(A) non-governmental tax-exempt entities which use centrex-type services; and

(B) recovery of costs associated with such services and corresponding adjustment in the charges for telephone exchange service.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication."

(c) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier".

(d) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(f) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(e) the preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with one hundred thousand or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 per centum of the amount by which such average costs of the carrier exceed 110 per centum, but do not exceed 115 per centum, of such national average;

"(ii) 90 per centum of the amount by which such costs exceed 115 per centum, but do not exceed 200 per centum, of such national average;

"(iii) 95 per centum of the amount by which such costs exceed 200 per centum, but do not exceed 250 per centum, of such national average; and

"(iv) 100 per centum of the amount by which such costs exceed 250 per centum of such national average.

"(B) In the case of any exchange carrier with more than one hundred thousand subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 80 per centum of the amount by which such average costs of the carrier exceed 150 per centum, but do not exceed 250 per centum, of such national average;

"(ii) 100 per centum of the amount by which such costs exceed 250 per centum of such national average; and

"(iii) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 50 per centum of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service exceeds

"(ii) the charge then in effect for lifeline telephone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

"(d) The Universal Service Fund also shall include a transitional acount, from which any exchange common carrier shall be entitled to receive annual payments if needed to ensure that such carrier receives from charges for exchange access and from the Fund for each calendar year an amount not less than the total revenues such carrier received for the equivalent of exchange access in 1982, reduced by (1) the value of terminal equipment and inside wiring which the Commission orders removed from the revenue requirements (multiplied by any applicable subscriber plant factor in effect on January 1, 1982); and (2) any cost of exchange access recovered in tariffs for exchange services.

"(e)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communication, and other customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The exchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the accounts of the Universal Service Fund to any exchange carrier shall be subjected to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers exchange services."

UNIVERSAL SERVICE BOARD

SEC. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service Board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange "access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

"(D) shall take such actions as are necessary to 'minimize' any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under paragraph (2)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity or special characteristics required for exchange service and exchange access;

"(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than fifty thousand subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsection (c) through (j) of section 402."

DEPRECIATION

SEC. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) State commissions shall have authority (i) to establish classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such method shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

SEC. 9. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"SEC. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within each State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

SEC. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is

amended by adding at the end thereof the following new subsection:

"(d)(1) Each State commission shall establish rules for the provision of lifeline telephone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household may not have more than one lifeline telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

"(3)(A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the handicapped.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4) Any charge for lifeline telephone service shall recover not less than 10 per centum and not more than 50 per centum of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.".

PROHIBITION OF CROSS SUBSIDY

SEC. 11. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(c)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

"SEC. 112. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

"SEC. 228. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use or share the use of telephone facilities and services in any manner which does not harm, or interfere with the rights of other in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

PUBLIC PARTICIPATION

SEC. 13. The Communications Act of 1934 is amended by inserting after section 228 (as added by this Act) the following new sections:

"PUBLIC PARTICIPATION

"SEC. 229. The Commission may provide financial assistance for the direct costs of participation, including reasonable fees for attorneys and expert witnesses, by any person in any proceeding under this title (including any proceeding of the joint board) if—

"(1) the person applying for assistance represents an interest—

"(A) which would not otherwise be represented adequately in the proceeding; and

"(B) representation of which is necessary for a fair disposition of the proceeding; and

"(2) the person applying for assistance does not have sufficient resources available to participate effectively in absence of assistance.

"REPRESENTATION OF RESIDENTIAL TELEPHONE CONSUMERS

"SEC. 230. (a) To ensure effective and democratic representation of residential telephone consumers in the implementation of the policy established in section 2 of the Universal Telephone Service Preservation Act of 1983, there is hereby authorized to be created in each State a nonprofit association of residential telephone consumers. Each such State association shall have as its purpose the representation of such consumers within such State before telephone carriers and governmental bodies. Any State Association—

"(1) shall not be an agency or establishment of the Federal Government or of any State government.

"(2) shall be subject to the provisions of this section, and

"(3) shall, to the extent consistent with this section, be subject to the laws of the State in which it is incorporated regarding nonprofit corporations, and shall have the usual power conferred upon such a nonprofit corporation under such State laws.

"(b) The membership of the State association for a State for any calendar year shall consist of all residential telephone consumers who are residents of such State, who are sixteen years of age or older, and who have contributed for such year to the association a minimum membership fee of $5 or a higher amount if determined appropriate by the Board of Directors of the State association.

"(c)(1) Any State association which meets the requirments of subsection (d) may intervene as of right as a party or otherwise participate in any State or Federal civil action or administrative proceeding (including any action or proceeding for judicial or administrative review or enforcement of any decision of any Fedeal agency or State agency) which the association reasonably determines may affect the interests of residential telephone consumers within that State.

"(2)(A) Subject to subparagraph (B), any State association which meets the requirements of subsection (d) may prepare and furnish to any telephone carrier in the State informational material to be mailed in or attached to the periodic customer billing of such telephone carrier to be mailed (or transmitted electronically) to residential telephone consumers in that State. Such informational material shall consist of a preprinted enclosure concerning the organization and activities of the State association and other matters of interest to residential telephone consumers.

"(B) Each telephone carrier furnished with any informational material by a State association in accordance with subparagraph (A) shall print or otherwise include or enclose such material within or attached to each periodic customer billing with respect to which such enclosure is furnished by the association if the material was furnished to the carrier not less then fourteen calendar days, and not more than one year, before the mailing of such billing.

"(C) In the case of two billings per calendar year (as designated by the State association) for which informational material was timely submitted under subparagraphs (A) and (B), the telephone carrier may not print or otherwise include or enclose other statements or enclosures which do not relate to telephone matters.

"(D) The State association of a State promptly shall reimburse each telephone carrier for all reasonable costs incurred by the telephone carrier for inclusion of the association's informational material in periodic customers billings, except that—

"(i) the State association shall not be required to reimburse the telephone carrier for any postage costs if the weight of the enclosure furnished by the association does not exceed $^{35}/_{100}$ ounce avoir; and

"(ii) the association may postpone reimbursement of any costs incurred plus interest before the first election of the Board of Directors under subsection (d) unitil the end of the twelve-month period following such first election.

"(d)(1) The general management of the property, affairs, and activities of each State association shall be vested in a Board of Directors. The Board of the State association shall consist of not less than fifteen or more than twenty-one Directors, as the Board shall from time to time determine.

"(2) No officer, employee, consultant, contractor, attorney, accountant, or real estate agent of any telephone carrier doing business in the United States, or any employer of such individual, or any member of the immediate family of any such individual, shall be eligible to serve as a Director of any State association.

"(3) Except for members of the interim Board of Directors, who shall be appointed under subsection (e), Directors of any State association shall be elected by and from among the membership of that association, and such Directors, except as necessary for the first elected Board of Directors to meet the conditions established under paragraph (6)(A), shall serve for staggered terms of three years and without compensation. Directors may be reimbursed for actual, reasonable expenses incurred by them in the performance of their duties.

"(4) The State association shall not have any power to issue any shares of stock, or to declare or pay any dividends, and no part of the income or assets of such association may inure to the benefit of any director, officer, or employee of the association, or any other individual, except (in the case of individuals other than directors) as salary or reasonable compensation for services, and any State association may not contribute to or otherwise support any political party or candidate for elective public office.

"(5) The Board of Directors of the State association shall—

"(A) develop election procedures that assure representation from the various geographic areas of the State (determined on the basis of State legislative districts or groups of districts in comparable areas), with no more than one-third of the Board elected each year; and

"(B) select one individual to serve on the Board of Directors of the National Consumer Telephone Resource Center.

"(e) The Governor of each State shall appoint, within three months after the enactment of this section, nine individuals to serve as incorporators of the State association and as an interim Board of Directors for such State association and as the first elected Directors are installed in office. Such appointments shall be made from among individuals who are well known representatives of consumer's interests in State public policymaking proceedings. Such appointments shall be made after consultation with appropriate State regulatory commissions and with organizations that have represented residential consumers interests in the State.

"(f) The incorporators under subsection (e) shall take whatever actions are necessary to establish the association under State law.

"(g) Members of the interim Board of an association may not seek election to the Board of Directors of that association or any other association until two years after their term expires.

"(h)(1) There is hereby authorized to be created a nonprofit organization to be known as the National Consumer Telephone Resource Center. The National Consumer Telephone Resource Center shall—

"(A) meet the standards established under subsection (a) and be subject to the provisions of subsection (d), except that the association shall be incorporated in the District of Columbia by representatives of State associations when at least eight State associations have been incorporated, have selected representatives to the Center, established election procedures in compliance with this section, and have passed resolutions calling for the establishment of such Center;

"(B) be under the direction of a Board of Directors composed of one representative of each State association;

"(C) provide technical information for the use of each State association; and

"(D) represent the collective interests of the State associations to the same extent as authorized in subsection (c)(1), in Federal policy and ratemaking proceedings.

"(2) Effective beginning one year after its incorporation, each State association may make a contribution from the revenue collected as membership fees to create and maintain the National Consumer Telephone Resource Center.

"(3) Directors of the Resource Center shall serve for a term of three years, without compensation, except that they may be reimbursed for actual expenses incurred by them in the performance of their duties.

"(i)(1) Any telephone carrier, directly or through any employee, agent, or affiliate of a telephone carrier may not—

"(A) prevent, interfere with, or hinder the activities of the association or the Center; or

"(B) interfere or threaten to interfere with or cause any interference with a State association or the Resource Center, or penalize or threaten to penalize or cause to be penalized any person who contributes to the State association or participates in any of its activities, in retribution for such contribution or participation.

"(2) Any person who willfully violates paragraph (1) shall be subject to a civil penalty of not more than $5,000.

"(j) For purposes of this section:

"(1) The terms 'Board of Directors' and 'Board' mean the Boards of Directors of a State association

"(2) The term 'State association' means a non-profit residential telephone consumer corporation authorized to be created under subsection (a).

"(3) The term 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5, United States Code.

"(4) The term 'periodic customer billing' means a demand for payment for telephone exchange or toll service made by telephone carrier to a residential telephone consumer on a monthly or other regular basis.

"(5) The term 'residential telephone consumer' means any resident of the United States whose residence is furnished with telephone exchange or toll service by telephone carrier.

"(6) The term 'telephone carrier' means any person which provides any exchange communication service in or affecting interstate commerce.

"(7) The term 'State' means each of the fifty States, the District of Columbia, and Puerto Rico and Guam."

EMPLOYEE PROTECTION

SEC. 14. Section 221 of the Communication Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment as such provisions applied during calendar year 1984 with respect to trasnfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered position' means any position (i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152(11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term 'entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall take effect on the date of the enactment of this Act.

By Mr. DANNEMEYER:

—Page 6, line 16, strike out "and".

Page 6, line 21, strike out the period and insert in lieu thereof "; and".

Page 6, after line 21, insert the following:

"(C) any line used exclusively by the United States, any State, or any agency or instrumentality thereof.

Page 8, after line 15, insert the following new subparagraph:

"(C) Charges under this subsection shall not apply to any line used exclusively by the United States, any State, or any agency or instrumentality thereof.

—Page 28, strike out line 8 and all that follows down through page 29, line 18, and insert in lieu thereof the following:

"(e)(1) Each State commission shall establish rules requiring the provision of lifeline telephone service by exchange carriers and establishing the rates and regulations applicable to such service.

"(2) In establishing eligibility for such service, a State commission may restrict eligibility on the basis of low-income criteria prescribed by the State commission.

"(3) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.".

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 6, line 3, strike out "and".

Page 6, line 8, strike out the period and insert in lieu thereof "; and".

Page 6, after line 8, insert the following:

"(C) any line used exclusively by the United States, any State, or any agency or instrumentality thereof.".

Page 8, after line 18, insert the following new subparagraph:

"(D) Charges under this subsection shall not apply to any line used exclusively by the United States, any State, or any agency or instrumentality thereof.".

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 28, strike out line 14 and all that follows down through page 29, line 24, and insert in lieu thereof the following:

"(e)(1) Each State commission shall establish rules requiring the provision of lifeline telephone service by exchange carriers and establishing the rates and regulations applicable to such service.

"(2) In establishing eligibility for such service, a State commission may restrict eligibility on the basis of low-income criteria prescribed by the State commission.

"(3) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.”.

By Mr. GEKAS:

—Page 20, line 20, after “service” insert “(other than under section 201(e)(4))”.

Page 20, line 22, after “service” insert “(other than under section 201(e)(4))”.

Page 20, after line 22, insert the following new paragraph:

“(3) In addition to payments under paragraph (2), an exchange carrier shall be paid an amount equal to—

“(A) the amount by which—

“(i) the carrier's average charges per residential customer for providing telephone exchange service (other than lifeline telephone service) exceeds

“(ii) the rate then in effect for telephone service for low-income elderly subscribers under section 201(e)(4), multiplied by

“(B) the number of such subscribers certified by the carrier to be receiving lifeline telephone service under section 201(e)(4).

Page 29, after line 13, insert the following:

“(4)(A) Rules prescribed under paragraph (1) by any State commission shall provide that a low-income elderly subscriber shall be entitled to be provided lifeline telephone service under this paragraph.

“(B) Notwithstanding paragraph (3)(A), any limitation on the number of calls which a subscriber may make within an exchange area shall not apply to a low-income elderly subscriber receiving lifeline telephone service under this paragraph.

“(C) For purposes of this subsection, the term ‘low income elderly subscriber’ means any individual—

“(i) who is 60 years of age or older; and

“(ii) who qualifies under such low-income criteria as the applicable State commission may prescribe under paragraph (3)(B).

Page 29, line 14, strike out “(4) Any charge” and insert in lieu thereof “(5)(A) Subject to subparagraph (B), any charge”.

Page 29, line 18, strike out the quotation marks and the period which follows.

Page 29, after line 18, insert the following new subparagraph:

“(B) In the case of any lifeline telephone service provided under paragraph (4) to any low-income elderly subscriber, the charge for such service shall be equal to 70 percent of the exchange carrier's average charges per residential subscriber of telephone exchange service.”.

(Amendment to the Amendment in the nature of a substitute (text of H.R. 4295).)

—Page 21, line 2, after “service” insert “(other than under section 201(e)(4))”.

Page 21, line 4, after “service” insert “(other than under section 201(e)(4))”.

Page 21, after line 4, insert the following new paragraph:

“(3) In addition to payments under paragraph (2), an exchange carrier shall be paid an amount equal to—

“(A) the amount by which—

“(i) the carrier's average charges per residential customer for providing telephone exchange service (other than lifeline telephone service) exceeds

“(ii) the rate then in effect for telephone service for low-income elderly subscribers under section 201(e)(4), multiplied by

“(B) the number of such subscribers certified by the carrier to be receiving lifeline telephone service under section 201(e)(4).

Page 29, after line 19, insert the following:

“(4)(A) Rules prescribed under paragraph (1) by any State commission shall provide that a low-income elderly subscriber shall be entitled to be provided lifeline telephone service under this paragraph.

“(B) Notwithstanding paragraph (3)(A), any limitation on the number of calls which a subscriber may make within an exchange area shall not apply to a low-income elderly subscriber receiving lifeline telephone service under this paragraph.

“(C) For purposes of this subsection, the term ‘low-income elderly subscriber’ means any individual—

“(i) who is 60 years of age or older; and

“(ii) who qualifies under such low-income criteria as the applicable State commission may prescribe under paragraph (3)(B).

Page 29, line 20, strike out “(4) Any charge” and insert in lieu thereof “(5)(A) Subject to subparagraph (B), any charge”.

Page 29, line 24, strike out the quotation marks and the period which follows.

Page 29, after line 24, insert the following new subparagraph:

“(B) In the case of any lifeline telephone service provided under paragraph (4) to any low-income elderly subscriber, the charge for such service shall be equal to 70 percent of the exchange carrier's average charges per residential subscriber of telephone exchange service.”.

By Mr. HARKIN:

(Amendment to the Amendment in the nature of a substitute (text of H.R. 4295).)

—Page 5, line 11, insert “(1)” after “(b)”.

Page 5, after line 15, insert the following new paragraph:

“(2) No end-user common line charge shall be assessed on any subscriber of telephone exchange service which is a qualified orphanage.”.

Page 16, after line 8, insert the following new paragraph:

“(8) The term ‘qualified orphanage’ means any private, non-profit organization the principal function of which is the operation and maintenance of facilities for the care, comfort, maintenance, or education of orphaned, handicapped, neglected, or dependent children under the age of 18.”.

By Mr. NIELSON of Utah:

(Amendment to the Amendment in the nature of a substitute (text of H.R. 4295).)

—Page 37, line 17, insert “(1)” after “(e)”.

Page 38, after line 2, insert the following new paragraph:

“(2)(A) Notwithstanding any other provision of this section, if during the 3-month period provided under paragraph (1) the Governor of any State determines that an agency or instrumentality of the State has been established for the purpose of advocating consumer interests in State regulatory commission proceedings, the Governor may designate that State agency or instrumentality for purposes of this paragraph.

“(B) Any State agency or instrumentality designated under subparagraph (A) shall have the same authority as would be provided under subsection (c) to a State association that meets the requirements of subsection (d).

“(C) In the case of any State for which a State agency or instrumentality has been designated under subparagraph (A), a State association shall not be established under this section and the Governor shall not make any appointments under paragraph (1).

By Mr. RINALDO:

(Amendment to the Amendment in the nature of a substitute (text of H.R. 4295).)

—Beginning on page 5, line 11, strike out the proposed section 221A(b) and all that follows down through the proposed section 225(c), ending on page 21, line 4, and insert in lieu thereof the following:

“(b)(1) An end-user common line charge shall not be assessed on—

“(A) any subscriber of lifeline telephone service (as defined in section 201(e)(3)), or

“(B) any subscriber of an exchange carrier (i) which has 50,000 or fewer subscriber lines within the State in which the service is being provided and (ii) for which there is in effect a determination by such carrier, in its discretion, that this subparagraph should apply.

Any determination (or revocation of a prior determination) under subparagraph (B) shall be in writing and filed with the Commission.

“(2) Subject to paragraph (1), in the case of—

“(A) any residential subscriber of telephone exchange service, or

“(B) any business or other subscriber of telephone exchange service who does not have more than one subscriber line,

an end-user common line charge may not be assessed in any amount during calendar year 1984, and during calendar year 1985 or thereafter may be assessed only if the charge does not exceed the limits under paragraph (3).

“(3)(A) The charges under paragraph (2) shall be established by the Commission and (2) shall not exceed—

“(i) during calendar year 1985, $1 per month; and

“(ii) during any calendar year after 1985, a monthly rate equal to $1 plus the monthly rate applicable at the close of the preceding calendar year.

“(B) In any calendar year before January 1, 1992, the charges permitted under paragraph (2) shall not exceed $4 per month.

“(c)(1) A special assess charge shall be assessed with respect to any line that has indirect interconnection with the exchange facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

“(2) The Commission shall provide for an exemption from such charge for—

“(A) any line that by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access; and

“(B) any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

“(d)(1)(A) Effective no later than July 1, 1985, any such system of charges for exchange access shall include a charge on any carrier or other person who, without direct or indirect interconnection with the exchange facilities of an exchange carrier, and for commercial or governmental purposes, makes available (for others or for its own use) facilities, services, or related functions for exchange access, comparable to those available from the exchange carrier. Such charge shall—

“(i) reflect the otherwise uncompensated availability of the exchange carrier's facilities for exchange access as a reliable and commercially valuable alternative for the facilities of such person, and

“(ii) allow for recovery of an equitable share of the costs of services, facilities, or other factors that are maintained in order to be able to provide, upon request, exchange service (including exchange access) to those who are covered by this subsection.

"(B) The charge, per line, under this subsection shall not exceed 10 percent of the special access charge assessed, per line, under subsection (c) on those who have indirect interconnection with the facilities of the exchange carrier, until such time as the Commission prescribes a method of calculating such charge which more accurately reflects the costs imposed upon exchange carriers by persons, or classes of persons, subject to the charge under this subsection. The Commission shall prescribe such method, by rule, as soon as practicable after the date of the enactment of this subsection.

"(2) Any amounts recovered by an exchange carrier under this subsection shall be used to defray the revenue requirements associated with providing residential service in such carrier's exchange area.

"(3)(A) Charges under this subsection shall not apply to any line which by the nature of its operating characteristics (including technical or geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access.

"(B) Charges under this subsection shall not apply to any line all the facilities for which are located on any single unit or contiguous units of real property leased, owned, or under the control of a person if such line is used solely for internal communications of such person.

"(C)(i) Charges under this subsection shall not apply to any line used by a person who certifies to the Commission that after the date of such certification such person will not use the facilities, services, or related functions available from an exchange carrier for exchange access as a substitute or supplement for the line covered by the certification.

"(ii) Any certification under clause (i) shall be subject to terms and conditions prescribed by the Commission which provide that if the person thereafter so uses such facilities, services, or related functions of the carrier, such carrier shall be entitled to receive from that person amounts in addition to the charges which otherwise apply for such use. The additional amounts shall be determined in a manner which is prescribed by the Commission and which reflect the costs imposed upon such carrier in making available facilities, services, or functions.

"(4) Any carrier or other person who is subject to charges under this subsection and who evades, or attempts to evade, such charges by fraud or misrepresentation shall forfeit to the United States not more than $100,000 for each violation, or not more than $500,000 for each violation in the case of any corporation.

"(e)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction, to the extent not recovered under the end-user common line charges, special access charges, and charges assessed under subsection (d), shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calendar year 1984 and any calendar year thereafter, the national aggregate percentage of non-traffic-sensitive costs (including any costs recovered by any surcharge established under section 225) apportioned to the interstate jurisdiction pursuant to actions taken under section 410 may not be greater than 25 percent.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, special access charges, or charges under subsection (d), shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(f)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per switched access line, for exchange access by the interexchange carrier in any calendar year shall be the rate per access minute charged during such year to a participating carrier multiplied by the appropriate access factor.

"(2)(A) For purposes of paragraph (1), the appropriate access factor for any such interexchange carrier—

"(i) for calendar year 1984, shall be the average 1983 access factor plus an adjustment factor of .10; and

"(ii) for calendar year 1985, and any calendar year thereafter, shall be a factor which the Commission shall determine under paragraph (B).

"(B) As used in subparagraph (A)(i), the average 1983 access factor shall be—

"(i) the average charges per access minute paid during calendar year 1983 by all interexchange carriers described in paragraph (1), divided by

"(ii) the average charge per access minute paid during such year by all participating carriers.

"(C) The factor determined by the Commission for any calendar year under subparagraph (A)(ii) shall be based on the extent to which equal interconnection has been made available to all such interexchange carriers in the preceding year, measured as a proportion of the total originating interexchange traffic to which such equal interconnection has been made available, in a manner so that the factor increases to 1.00 at such time as the Commission determines that equal interconnection has been made available to substantially all originating interexchange traffic.

"(3) Notwithstanding paragraph (2), effective beginning at such time as the Commission determines that equal interconnection has been made available at an end office to an interexchange carrier, such interexchange carrier shall pay the full costs of the exchange access it actually receives at that end office.

"(4) For purposes of this subsection:

"(A) The term 'access minute' means that usage of exchange facilities in interstate or foreign service for the purpose of calculating chargeable usage. On the originating end of an interstate or foreign call, usage shall be measured from the time the originating end user's call is delivered by the exchange carrier and acknowledged as received by the interexchange carrier's facilities connected with the originating exchange. On the terminating end of an interstate or foreign call, usage shall be measured from the time the call is received by the end user in the terminating exchange. Timing of usage at both the originating and terminating end of an interstate or foreign call shall terminate when the calling or called party disconnects, whichever event is recognized first in the originating and terminating end exchanges, as applicable.

"(B) The term 'end office' has the same meaning as such term has under the modified final judgement (as defined in section 221(e)(3)(B).

"(C) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from interexchange carriers which have direct interconnection with the exchange carrier shall not be less than the total costs of providing and making available exchange access to interexchange carriers.

"(g)(1) Effective beginning 90 days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forfeiture under this Act.

"(h)(1) The Commission shall, upon the request of a State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission under this section.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost, or is inconsistent with subsection (d) or (f), as the case may be, may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the State commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the 60-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission may exercise its authority under this Act with respect to the relevant portions of such tariff (including the authority to affirm, remand, or modify the relevant portions of the tariff), taking into full account the views of, and record developed by, the State commission. This

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paragraph shall not apply (A) to any charge to the extent the charge is necessary to maintain the carrier differential required under subsection (f), or (B) to any surcharge established under section 225.

"(i) For purposes of this section—

"(1) The term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) The term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983).

"(3) The term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983).

"(4) The term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures, established by the Commission or, after July 1, 1985, by the Universal Service Board.

"(5) The term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access.

"(6) The term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) The term 'person' includes the United States, any State, and any agency or instrumentality thereof.

"(j) Exchange access charges and the surcharge established in section 225 shall not apply to any person or carrier engaged in providing mobile service pursuant to license issued by the Commission, except to the extent that such person or carrier is providing interexchange communication.".

(c) The Federal Communications Commission shall consider revising the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In considering such revision, the Commission shall take into account the impact of such decision and orders on—

(1) non-governmental tax-exempt entities which use centrex-type services; and

(2) recovery of costs associated with such services and corresponding adjustments in the charges for telephone exchange service.

(d) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier.".

(e) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(f) The preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a)(1) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(2) Until January 1, 1986, the Universal Service Board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to be Universal Service Board.

"(2)(A) In the case of any exchange carrier with 100,000 or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 percent of the amount by which such average costs of the carrier exceed 110 percent, but do not exceed 115 percent, of such national average;

"(ii) 90 percent of the amount by which such costs exceed 115 percent, but do not exceed 200 percent, of such national average;

"(iii) 95 percent of the amount by which such costs exceed 200 percent, but do not exceed 250 percent, of such national average; and

"(iv) 100 percent of the amount by which such costs exceed 250 percent of such national average.

"(B) In the case of any exchange carrier with more than 100,000 subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 75 percent of the amount by which such average costs of the carrier exceed 115 percent, but do not exceed 160 percent, of such national average;

"(ii) 85 percent of the amount by which such average costs of the carrier exceed 160 percent, but do not exceed 200 percent, of such national average;

"(iii) 95 percent of the amount by which such average costs of the carrier exceed 200 percent, but do not exceed 250 percent, of such national average;

"(iv) 100 percent of the amount by which such costs exceed 250 percent of such national average; and

"(v) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 65 percent of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchanges service (other than lifeline telephone service) exceeds

"(ii) the charge then in effect for lifeline telephone service, multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service.

By Mrs. SMITH of Nebraska:

(Amendment to the Amendment in the nature of a substitute (text of H.R. 4295).)

—Page 5, strike out line 11 and all that follows down through line 15, and insert in lieu thereof the following:

"(b) No end-user common line charge shall be assessed before January 1, 1985, in the case of—

"(1) any residential subscriber of telephone exchange service, or

"(2) any business or other subscriber of telephone exchange service who does not have more than one subscriber line.

(Amendment to the Amendment in the nature of a substitute (text of H.R. 4295).)

—Strike out all after the enacting clause and insert in lieu thereof the following:

That the system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase I) shall not be effective before January 1, 1985.

SEC. 2. (a) Not later than December 1, 1983, the Federal Communications Commission shall prescribe methods and procedures for the recovery by exchange carriers of the costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in the first section of this Act takes effect.

(b) The methods and procedures prescribed under subsection (a) shall—

(1) take into account the service areas established and taking effect January 1, 1984; and

(2) to the maximum extent practicable, maintain the categorization and allocation of costs in effect on the date of the enactment of this Act.

By Mr. TAUKE:

(Amendment to the Amendment in the nature of a substitute (text of H.R. 4295).)

—Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Provider of last resort.
Sec. 9. Lifeline telephone service.
Sec. 10. Prohibition against cross subsidy.
Sec. 11. Shared use of telephone facilities.
Sec. 12. Employee protection.
Sec. 13. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

Sec. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost urban and rural areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this Act are—

(1) to assure the availability to all the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services, including interstate directory assistance, are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

Sec. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Exchange access' means the provision of facilities, services, or related functions by an exchange common carrier, to a carrier or other person providing interstate service, for the origination or termination of interstate communication.

"(ii) 'Direct interconnection' means the obtaining of exchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of exchange access from an exchange carrier by any means other than direct interconnection.

"(kk) 'Exchange area' means the geographic area within a State designated by the State as the area within which telephone exchange service is provided.

"(ll) 'Exchange carrier' and 'exchange common carrier' mean a carrier authorized to provide telephone exchange service on a universal basis within an exchange area.".

ACCESS CHARGES

Sec. 4. (a)(1) The provisions of the system of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (phase I) shall not be affected by this Act, except as provided by section 221A of the Communications Act of 1034, as added by subsection (b) of this section.

(2) To assure that each exchange carrier recovers all costs of providing exchange access during the period beginning January 1, 1984, and ending on the date the system referred to in paragraph (1) takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period. The Commission shall prescribe such additional procedures as it determines to be necessary for proper allocation and timely distribution of such revenues among such carriers.

(b) The Communications Act of 1934 is amended by inserting after section 221 the following new section:

"TELEPHONE EXCHANGE ACCESS CHARGES

"Sec. 221A. (a) Any system of charges for exchange access established by the Commission shall be in accordance with this section.

"(b)(1) An end-user common line charge shall not be assessed on—

"(A) any subscriber of lifeline telephone service (as provided for in section 201(e)), or

"(B) any subscriber of an exchange carrier (i) which has 50,000 or fewer subscriber lines within the State in which the service is bing provided and (ii) for which there is in effect a determination by such carrier, in its discretion, that this subparagraph should apply.

Any determination (or revocation of a prior determination) under subparagraph (B) shall be in writing and filed with the Commission.

"(2) Subject to paragraph (1), in the case of—

"(A) any residential subscriber of telephone exchange service, or

"(B) any business or other subscriber of telephone exchange service who does not have more than one subscriber line,

an end-user common line charge may not be assessed in any amount during calendar year 1984, and during calendar year 1985 or thereafter may be assessed only if the charge does not exceed the limits under paragraph (3).

"(3)(A) The charges under paragraph (2) shall be established by the Commission and (2) shall not exceed—

"(i) during calendar year 1985, $1 per month; and

"(ii) during any calendar year after 1985, a monthly rate equal to $1 plus the monthly rate applicable at the close of the preceding calendar year.

"(B) In any calendar year before January 1, 1992, the charges permitted under paragraph (2) shall not exceed $4 per month.

"(c)(1) A special access charge shall be assessed with respect to any line that has indirect interconnection with the exchange facilities of an exchange carrier, including any dedicated unswitched line, whether or not such line is provided by an exchange carrier.

"(2) The Commission shall provide for an exemption from such charge for any line that by the nature of its operating characteristics (including technical and geographic service characteristics) could not make use of exchange access as a reliable and commercially valuable alternative or be used to avoid charges for exchange access.

"(d)(1) Any non-traffic-sensitive costs apportioned to the interstate jurisdiction, to the extent not recovered under the end-user common line charges, or special access charges, shall be recovered through carrier common line charges. The Commission shall establish procedures to assure that exchange common carriers receive timely recovery of such costs.

"(2) For calander year 1984 and any calender year thereafter, the national aggregate percentage of non-traffic-sensitive costs (including any costs recovered by any surcharge established under section 225) apportioned to the interstate jurisdiction pursuant to actions taken under section 410 may not be greater than 25 percent.

"(3) The Commission may permit the aggregation of that portion of non-traffic-sensitive costs collected through carrier common line charges if and to the extent the Commission determines that such aggregation is necessary to achieve the purposes of this Act. The Commission may require that each exchange carrier recover such costs directly from carriers providing interstate services.

"(4) The Commission shall assure, to the maximum extent practicable, that any reduction in carrier common line charges taking effect after December 31, 1983, which is attributable to the imposition of end-user common line charges, or special access charges, shall be reflected in reductions in the charges for interstate telephone toll service which are subject to carrier common line charges.

"(5)(A) Notwithstanding subsection (c), any charges under such subsection may be reduced in accordance with a schedule of reductions established by the Commission by order.

"(B) The schedule of reductions shall be for the same period as provided for the phase-in of end-user common line charges under subsection (b)(3).

"(e)(1) In the case of any interexchange carrier which did not participate in the system of jurisdictional separations of carrier property and expenses on July 1, 1983, the charge by any exchange carrier, per switched access line, for exchange access by the interexchange carrier in any calendar year shall be the rate per access minute charged during such year to a participating carrier multiplied by the appropriate access factor.

"(2)(A) For purposes of paragraph (1), the appropriate access factor for any such interexchange carrier—

"(i) for calendar year 1984, shall be the average 1983 access factor plus an adjustment factor of .10; and

"(ii) for calendar year 1985, and any calendar year thereafter, shall be a factor which the Commission shall determine under paragraph (B).

"(B) As used in subparagraph (A)(i), the average 1983 access factor shall be—

"(i) the average charges per access minute paid during calendar year 1983 by all interexchange carriers described in paragraph (1), divided by

"(ii) the average charge per access minute paid during such year by all participating carriers.

"(C) The factor determined by the Commission for any calendar year under subparagraph (A)(ii) shall be based on the extent to which equal interconnection has been made available to all such interexchange carriers in the preceding year, measured as a proportion of the total originating interexchange traffic to which such equal interconnection has been made available, in a manner so that the factor increases to 1.00 at such time as the Commission determines that equal interconnection has been made available to substantially all originating interexchange traffic.

"(3) Notwithstanding paragraph (2), effective beginning at such time as the Commission determines that equal interconnection has been made available at an end office to an interexchange carrier, such interexchange carrier shall pay the full costs of the exchange access it actually receives at that end office.

"(4) For purposes of this subsection:

"(A) The term 'access minute' means that usage of exchange facilities in interstate or foreign service for the purpose of calculating chargeable. On the originating end of an interstate or foreign call, usage shall be measured from the time the originating end user's call is delivered by the exchange carrier and acknowledged as received by the interexchange carrier's facilities connected with the originating exchange. On the terminating end of an interstate or foreign call, usage shall be measured from the time the call is received by the end user in the terminating exchange. Timing of usage at both the originating and terminating end of an interstate or foreign call shall terminate when the calling or called party disconnects, whichever event is recognized first in the originating and terminating end exchanges, as applicable.

"(B) The term 'end office' has the same meaning as such term has under the modified final judgment (as defined in section 221(e)(3)(B).

"(C) The term 'participating carrier' means any carrier which participated in the system of jurisdictional separations of carrier property and expenses on July 1, 1983.

"(5) In addition to the preceding requirements of this subsection, the total amount recovered by an exchange carrier from interexchange carriers which have direct interconnection with the exchange carrier shall not be less than the total costs of providing and making available exchange access to interexchange carriers.

"(f)(1) Effective beginning 90 days after the effective date of this section, any person who owns or operates facilities to originate or terminate interexchange service other than through direct interconnection and who is subject to charges under this section shall promptly notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(2) Any person who fails to comply with paragraph (1) shall forfeit to the United States the sum of $50,000. Any such forfeiture shall be in addition to any other penalty or forfeiture under this Act.

"(g)(1) The Commission shall, upon the request of a State commission, delegate to such State commission, effective beginning July 1, 1985, the authority to administer the system of access charges, conditioned upon the compliance of the State commission with the requirements of this section, and with rules and procedures promulgated by the Commission under this section.

"(2) Any interexchange carrier or interexchange customer which alleges that any charge for exchange access is not justified by cost, or is inconsistent with subsection (d), may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or customer was a party to the tariff proceeding before the State commission involved. Any carrier or customer filing such a petition shall concurrently submit a copy of the petition to the State commission. The Commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the 60-day period following the submission of such pettion to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission may exercise its authority under this Act with respect to the relevant portions of such tariff (including the authority to affirm, remand, or modify the relevant portions of the tariff), taking into full account the views of, and record developed by, the State commission. This paragraph shall not apply (A) to any charge to the extent the charge is necessary to maintain the carrier differential required under subsection (e), or (B) to any surcharge established under section 225.

"(i) For purposes of this section—

"(1) The term 'special access charge' means a charge established by the Commission to recover the costs attributable to indirect interconnection, as provided under section 69.115 of title 47, Code of Federal Regulations (as adopted July 27, 1983). Such charge shall be based on the Commission's reasonable estimate of the costs of indirect interconnection, until such time as the Commission adopts by order a method of computing such charge based on techniques developed by the Commission which more accurately measures such costs.

"(2) The term 'end-user common line charge' means a charge assessed upon any customer of telephone exchange service to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.104 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983).

"(3) The term 'carrier common line charge' means a charge assessed upon any interexchange carrier to recover the interstate portion of non-traffic-sensitive costs, as provided in section 69.105 of title 47, Code of Federal Regulations (as adopted as of July 27, 1983).

"(4) The term 'non-traffic-sensitive costs' means facilities and equipment costs which do not vary with usage, as determined under practices and procedures established by the Commission or, after July 1, 1985, by the Universal Service Board.

"(5) The term 'interexchange service' means the services or facilities provided as an integral part of interstate communications, except services or facilities used for the provision of exchange access.

"(6) The term 'interexchange carrier' means any carrier which provides interexchange service.

"(7) The term 'person' includes the United States, any State, and any agency or instrumentality thereof.".

(c) The Federal Communications Commission shall consider revising the decision and orders of the Commission in C.C. docket numbered 78-72 (phase I) as such decision and orders affect users of centrex-type services. In considering such revision, the Commission shall take into account the impact of such decision and orders on—

(1) non-governmental tax-exempt entities which use centrex-type services; and

(2) recovery of costs associated with such services and corresponding adjustments in the charges for telephone exchange service.

(d) Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(c) No exchange carrier may impose any charge on any residential subscriber for terminal equipment not leased from such carrier.".

(e) Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Except as provided in paragraph (2), no carrier may impose any charge for interstate directory assistance.

"(2) Paragraph (1) shall not apply to restrict—

"(A) the recovery by any carrier for the costs for such assistance in the manner provided for as of October 1, 1983;

"(B) the recovery by any carrier from interconnecting interstate carriers for the costs of such assistance; and

"(C) the imposition by any carrier of charges on any subscriber for such assistance to the extent that more than 6 calls are made from any subscriber line during any month."

(f) The preceding provisions of this section shall take effect on the date of the enactment of this Act.

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a)(1) To assure to all the people of the United States the continued availability of telephone service at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board shall determine uniform surcharges on the charges for exchange access recovered from carriers and other persons directly or indirectly interconnecting with an exchange carrier, such that the Fund is sufficient beginning January 1, 1986, to make the payments under this section.

"(2) Until January 1, 1986, the Universal Service Board shall permit the aggregation of costs and the division of revenues among exchange carriers to the extent the Universal Service Fund is not sufficient to make payments required under section 225.

"(b)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund based on the amount that its average costs for all non-traffic-sensitive facilities per subscriber line exceeds the national average of such costs, as provided in paragraph (2). Any such carrier shall submit certification of such costs to the Universal Service Board.

"(2)(A) In the case of any exchange carrier with 100,000 or fewer subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 85 percent of the amount by which such average costs of the carrier exceed 110 percent, but do not exceed 115 percent, of such national average;

"(ii) 90 percent of the amount by which such costs exceed 115 percent, but do not exceed 200 percent, of such national average;

"(iii) 95 percent of the amount by which such costs exceed 200 percent, but do not exceed 250 percent, of such national average; and

"(iv) 100 percent of the amount by which such costs exceed 250 percent, of such national average.

"(B) In the case of any exchange carrier with more than 100,000 subscriber lines within a State, the carrier shall be entitled to receive—

"(i) 75 percent of the amount by which such average costs of the carrier exceed 115 percent, but do not exceed 160 percent, of such national average;

"(ii) 85 percent of the amount by which such average costs of the carrier exceed 160 percent, but do not exceed 200 percent, of such national average;

"(iii) 95 percent of the amount by which such average costs of the carrier exceed 200 percent, but do not exceed 250 percent, of such national average;

"(iv) 100 percent of the amount by which such costs exceed 250 percent of such national average; and

"(v) such additional amounts available under procedures which the Universal Service Board shall establish in order to minimize disparities between the average subscriber charges assessed by such carrier, compared to those assessed by other carriers in such State, for telephone exchange service in rural or remote areas where the costs of providing such service are substantially higher than the national average.

"(c)(1) An exchange common carrier is entitled to receive payments from the Universal Service Fund if it certifies to the Universal Service Board that it is offering lifeline telephone service consistent with the provisions of section 201(d).

"(2) The amount of the payments under paragraph (1) in the case of any eligible exchange carrier shall be equal to 65 percent of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service (other than lifeline telephone service) exceeds

"(ii) the charge then in effect for lifeline telephone service (other than under section 201(e)(4)), multiplied by

"(B) the number of subscribers certified by the carrier to be receiving lifeline telephone service (other than under section 201(e)(4)).

"(3) In addition to payments under paragraph (2), an exchange carrier shall be paid an amount equal to 65 percent of—

"(A) the amount by which—

"(i) the carrier's average charges per residential customer for providing telephone exchange service (other than lifeline telephone service) exceeds

"(ii) the rate then in effect for telephone service for low-income elderly subscribers under section 201(e)(4), multiplied by

"(B) the number of such subscribers certified by the carrier to be receiving lifeline telephone service under section 201(e)(4).

"(d)(1) The Universal Service Board shall establish and oversee an exchange access board (consisting of representatives of exchange common carriers, carriers providing interstate communications, and other customers directly obtaining exchange access) to administer the Universal Service Fund. The exchange access board shall administer the Universal Service Fund in a manner which expedites the crediting of payments to exchange common carriers through the use of rules and procedures which eliminate burdens or delays in the certification or application process to the maximum extent practicable, and which permit decisions to be made on the basis of uniform, general, simplified standards of eligibility which are readily applied to the information and other data included in each application.

"(2) Payments from the Universal Service Fund to any exchange carrier shall be subject to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers of exchange services.".

UNIVERSAL SERVICE BOARD

Sec. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than thirty days after the effective date of this subsection, the Commission shall establish a Universal Service Board for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for exchange access; and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) The Universal Service Board shall be composed of—

"(A) five commissioners of the Commission; and

"(B) four State commissioners nominated in accordance with subsection (c) and approved in accordance with subsection (a).

"(3) The Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the exchange access board in accordance with section 225;

"(B) shall establish, and may from time to time revise, practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and exchange access, which practices and methods shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers and which is consistent with the requirements of the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983;

"(C) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for exchange access, as described in section 4 of the Universal Telephone Service Preservation Act of 1983; and

"(D) shall take such actions as are necessary to minimize any unreasonable disparity for interstate service to or from rural or other remote exchanges which may arise from the greater costs of connecting lines (as defined by the Board) to and from such exchanges.

"(4) Any decision of the Federal-State Joint Board under subsection (c) pending on October 1, 1983, shall be submitted to the Universal Service Board (in lieu of the Commission) for review and action.

"(5) In establishing practices and methods under Paragraph (3)(B), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interstate communications, and promote continued universal availability of transmission services provided by exhanged common carriers at reasonable and affordable rates; and

"(B) take into account—

"(i) the cost of capacity or special characteristics prudently invested and essential to the provision of exchange service and exchange access;

"(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(6) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(7) The Universal Service Board may permit exchange common carriers which serve not more than 50,000 subscriber lines to use statistical cost data representative of such class of carriers to support tariffs for exchange access in lieu of individual cost studies.

"(8) Any determination made by the Universal Service Board under this section shall be considered a final action subject to judicial review under section 402(a), and subsections (c) through (j) of section 402.".

DEPRECIATION

Sec. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraphs:

"(2)(A) Each State commission shall have authority (i) to establish classifications for exchange facilities and the portion of facilities used jointly for interstate and intrastate services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities in a manner which promotes the economic viability of the exchange carriers involved.

"(C) The methods specified in subparagraph (A) shall provide for the full recovery of any unrecovered amount prudently invested in property, and no greater amount. Such methods shall be constructed to recover such amount not later than the end of the remaining useful life of the property involved.

"(3) Any determination under this subsection of the useful life of invested property shall reflect changes in technology and the impact of such changes upon the economic viability of the property.".

PROVIDER OF LAST RESORT

SEC. 8. The Communications Act of 1934 is amended by inserting after section 225 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"SEC. 226. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

SEC. 9. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following new subsection:

"(e)(1) Each State commission shall establish rules for the provision of lifeline telephone service by exchange carriers. Such rules shall provide that—

"(A) lifeline service may only be provided for the principal residence of a household,

"(B) a household may not have more than one lifeline telephone service line, and

"(C) any household receiving such service may not receive any other exchange telephone service.

"(2) Any charge for lifeline telephone service shall not be based on time of day of any local call placed, or the duration or distance of such call.

"(3)(A) For purposes of this subsection, the term 'lifeline telephone service' means telephone service for any residential subscriber which is offered for a single, discounted charge and under which a subscriber can make a limited number of calls within the exchange area in which such service is offered.

"(B)(i) A State commission may restrict eligibility for such service on the basis of low-income criteria prescribed by the State commission. In establishing such criteria, the State commission shall take into account the composition of the low-income population of the State, and specifically consider the needs of the elderly, single heads of households, the unemployed, and the disabled.

"(ii) A State commission may not make ineligible for such service individuals who are obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(4)(A) Rules prescribed under paragraph (1) by any State commission shall provide that a low-income elderly subscriber shall be entitled to be provided lifeline telephone service under this paragraph.

"(B) Notwithstanding paragraph (3)(A), any limitation on the number of calls which a subscriber may make within an exchange area shall not apply to a low-income elderly subscriber receiving lifeline telephone service under this paragraph.

"(C) For purposes of this subsection, the term 'low-income elderly subscriber' means any individual—

"(i) who is 60 years of age or older; and

"(ii) who is obtaining benefits under part A of title IV of the Social Security Act (relating to aid to families with dependent children), or title XVI of such Act (relating to supplemental security income for aged, blind, and disabled), or the Food Stamp Act of 1977.

"(5)(A) Subject to subparagraph (B), any charge for lifeline telephone service shall recover not less than 33 percent and not more than 50 percent of an exchange carrier's average charges per residential subscriber of providing telephone exchange service to residential subscribers.

"(B) In the case of any lifeline telephone service provided under paragraph (4) to any low-income elderly subscriber, the charge for such service shall be equal to 70 percent of the exchange carrier's average charges per residential subscriber of telephone exchange service.".

PROHIBITION OF CROSS SUBSIDY

SEC. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(f)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commission.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

SHARED USE OF TELEPHONE FACILITIES

SEC. 11. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"SHARED USE OF TELEPHONE FACILITIES

"SEC. 227. (a) Nothing in this Act shall operate to impair or diminish the rights of telephone subscribers to use and to share the use of telephone facilities and services in such a manner as may be privately beneficial without being publicly detrimental (as set forth in orders and decisions of the Federal courts and the Commission issued before the date of the enactment of this section).

"(b) Any tariff, rule, regulation, or other action shall not be valid to the extent that it prohibits or restricts the rights of a telephone subscriber or group of telephone subscribers to use or share the use of telephone facilities and services in any manner which does not harm, or interfere with the rights of others in their use of, such facilities and services.

"(c) Nothing in any system of charges for exchange access shall be construed to impose a charge upon shared users (as defined by the Commission as of July 1, 1983) solely on the basis of their shared use of communications facilities.".

EMPLOYEE PROTECTION

SEC. 12. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) The recognition after December 31, 1983, of creditable service, and the treatment after such date of associated accrued benefits and assets, in the case of any transfer of any qualifying employee between any entity subject to the modified final judgment shall be governed by the provisions of the modified final judgment as such provisions applied during calendar year 1984 with respect to transfers to or from the divesting corporation and any divested exchange carrier.

"(2) A qualifying employee, for purposes of this subsection, is an individual who is an employee of an entity subject to the modified final judgment, who is serving in a covered position, and who, on December 31, 1983, was an employee of any such entity serving in a covered position.

"(3) For purposes of this subsection—

"(A) the term 'covered position' means any position (i) which is not a supervisor position, within the meaning of section 2(11) of the National Labor Relations Act (29 U.S.C. 152 (11)) or (ii) the annual base pay rate for which is not more than $50,000, adjusted by the percentage increase in the consumer price index since December 31, 1983;

"(B) the term 'modified final judgment' means the judgment of the United States District Court for the District of Columbia in the case, United States against Western Electric, et alia, No. 82-0192, as modified;

"(C) the term 'entity subject to the modified final judgment' means any carrier divested as a result of such judgment, the corporation owning such carrier before divestiture, and any affiliate of any such carrier or corporation; and

"(D) the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(4) Nothing in this subsection shall be construed to limit benefits which would otherwise be provided under the modified final judgment or under applicable law.".

EFFECTIVE DATE

SEC. 13. The amendments made by this Act shall take effect on the date of the enactment of this Act.

EXTENSIONS OF REMARKS

PSYCHOLOGICAL FACTORS AND CHILDREN'S HEALTH

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, the Select Committee on Children, Youth, and Families recently held a regional hearing in Miami. One of the witnesses who presented testimony was Dr. Maurie D. Pressman, medical director of Horizon Hospital in Clearwater, Fla.

As chairman of the Select Committee's Task Force on Prevention Strategies, I found Dr. Pressman's presentation particularly interesting. He spoke of the psychological factors that affect physical health, with an emphasis on the health of our children. Through the proper use of psychology, there are many health problems that can be prevented.

I thought my colleagues would be interested in Dr. Pressman's testimony as well.

The text of the testimony follows:

REPORT TO THE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES BY MAURIE D. PRESSMAN, M.D.

The present crisis in burgeoning health care costs provide a background for a new approach for the alleviation of human suffering of medical illness and of America's health. Our crisis will be addressed by seizing it with two prongs of the tong: On the one hand to increase efficiency, thereby reducing health care costs; but on the other to alleviate suffering by the promotion of health and wellness and the release of human potential. This is relevant to all ages, but most particularly to children and youth.

For some time now we have been aware that the application of psychiatric and psychological consultation to the general medical patient reduces the need for overall medical care dramatically. This has been very well described in a series of studies which have been gathered together by Kenneth R. Jones and Thomas R. Vischi. Their publication in "Medical Care" (an official journal of the medical care section of the American Public Health Association) provides an excellent review of the literature concerning the "Impact of Alcohol, Drug Abuse and Mental Health Treatment on Medical Care Utilization". Though published in 1979 and describing studies which reach back to 1967 with their impact upon the practice of American medicine, their impact upon the reduction of health care costs has been negligible. It is well known that the rate of progression of health care cost is alarming, to the point of bankrupting our economy, our country and private corporate efforts in the foreseeable future.

The review of the research literature by Jones and Vischi coordinates with clinical observations to the effect that our medical schools focus for the most part upon material and physical phenomena. Laboratory studies and physical findings and history revolve upon so called objective data. The psychological investigation of the individual is minimized as less pure and less scientific. At the same time, we see that human suffering is always a mixture, an alloy, of physical organic phenomena and psychological phenomena. The rapid progression of neurochemical research in the field of psychiatry now brings to bear knowledge about the so called placebo effect. The placebo, once scorned as a contribution to imagination, is now recognized as a powerful instrument, perhaps producing positive results in 30-40 percent of the research population, and mediated by the mobilization of the body's own stores of morphine (endorphins) and related substances. Expanding research indicates that the psychological effects have everything to do with the management of anxiety and, in fact, that there are abroad in the body, the body's own analogues of valium and librium, the well-known tranquilizers. Therefore, we are rapidly building a view of the bridges which exists between the powers of the mind and the chemical responses of the body. All of this coordinates well with the fact that psychological factors have everything to do with the genesis of illness and with the rate of recovery. Unfortunately, our medical body is still trained to eschew the investigation of psychological factors; therefore, if someone comes into the hospital with low back pain, even low back pain which may be predicated upon a visible herniated disc, attention is directed toward stretching the patient, giving him muscle relaxants, and to letting it go at that. This is, indeed, unfortunate for it is well recognized by orthopedists that psychological factors contribute even to those proven organic cases of herniated disc. The patient, once stretched, may recover and then be sent home to the very factors which generated anxiety and the problem in the first place. This is, indeed, unfortunate for it is now easy to investigate psychological events and to take care of them with modern and rapid techniques for managing anxiety, family problems, sexual difficulties, and so on. This brief example, as it pertains to low back pain can be multiplied many times, in terms of the management of hypertension (high blood pressure is a symptom of stress is by far the predominant number of cases), GI disturbances, and many so called idiopathic disorders. The result, therefore, is that perhaps a most important determining cause of medical suffering is unrecognized, often the root of the trouble is not attended, the patient returns repeatedly to the physician's office (or hospital), and to our established ideal of investigating the patient with X-rays, CT scans, laboratory studies, and various physical approaches, while the important contributory agency remains undiscovered.

It is my firm belief (buttressed by such studies as that by Jones and Vischi) that the mandating of brief psychological investigation and when indicated psychological treatment, will significantly reduce this phenomenon of partial diagnosis and significantly reduce, therefore, the need for repeated expensive laboratory and x-ray studies, as well as repeated expensive hospitalizations. This approach of mixing psychological diagnosis with medical diagnosis can now be supported and buttressed by the fact that we do have so many new and effective and rapid treatment approaches to patients. More importantly, these new approaches lead to a change in life style, in turn releasing human potential, both physically and psychologically.

So much for the addressing of an issue of reducing health care costs through the application of psychological diagnosis. Let us address the issue of reducing the need for crisis health care through the application of wellness principles and the release of human potential. Let us address specific issues of Child, Youth and Family Services.

It was Freud's great discovery that the greater portion of the mind operates unconsciously—beyond awareness and voluntary control. Whereas psychoanalysis has proven to be a very expensive and time-consuming treatment, its gift to the medical profession resides in its functioning very much like an x-ray of the mind. By the application of psychodynamic spectacles, we can so to speak, look inside and see where a person's potential lies; where his hidden well-springs of desires and interests lay; where barricades of anxiety and inhibition reside, barricades which prevent the flow of interest. It is our firm belief that if one can assist a person of any age to find his hidden well-springs of interest and help those springs to flow, that the results will be beneficial indeed: a free flow of interested activity, a better result in terms of the product, and a smooth-functioning human being who is so engaged in his pleasureful and productive activities that time becomes a secondary factor. Our basic theme is that if we can discover the base of the hidden potential of the human being and release it, if we can do this by also removing the inhibitions and false anxieties which may prevent him from following his star, we can enable an individual to flow. The benefits will reside not only in increased mental health, but also its corollary increased physiological health.

Experience with olympic athletes indicates that it is much easier to work with a well population than with a population which is medically or psychologically at risk. The psychological and psychotherapeutic instruments which, when applied to the neurotic or sicker patient require a great and repeated push in order to move the patient forward, produce a quite different result in the well and well-motivated person. Such people as the olympic aspirants would seize the opportunities which were offered with these new techniques and spring forward as if released. We, therefore, would propose a pilot program called, "Fitness by Five".[1] "Fitness by Five" is a matter of producing an optimal state in a child by the time he is five years old. This rests upon applying the same techniques to the developing child as we apply to the olympic athlete; namely, to take a biomechanical assessment of his basic frame (muscles, bones, joints) wherein his weaknesses and strengths lay, and then to create a program to develop that potential to its fullest. Similarly with the inner physiology, to develop to its optimum the cardiovascular, the respiratory, the neurological apparatus. Similarly with the psychological apparatus. The child would be evaluated psychologically. His areas of weakness and potential surveyed and a program laid forth which would help him to develop in the best possible way. This same tripartite formula (biomechanical, exercise physiological, psychological) would be applied similarly to members of the family, as well as recreational athletes.

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[1] Tribute here is paid to Dr. Marvin Clein, formerly of the University of Denver, who authored and elaborated this idea.

Applying this formula to the sport of choice will allow the person to improve his physical and psychological health, becoming better at his chosen recreational athletic activity. The application of the formula of "Fitness by Five" also implies the need for an important educational process.

We thoroughly believe that education and the promulgation of knowledge can be a powerful instrument for good. Accordingly, we would propose the promulgation of information to families through not only conventional means, but also novelty methods: For example, flexible phonograph discs (inexpensively manufactured and carrying a message of 9-10 minutes) sent to the heart of the household, the mother, to distribute knowledge gathered by and discussed by the best authorities in the field. We would educate in areas of normal psychological development and the pitfalls of psychological health; in the areas of child rearing, sexual difficulties amongst parents, drug addiction, and many others. This, of course, does not preclude the use of conventional outlets for the distribution of information, but possibly is a novelty which can spread information of well recognized authorities in a way that will capture the interest of the family.

We would propose the development of health fitness centers (with particular attention to child, youth, and family) as part of a living community. We are pursuing a project in conjunction with Mr. Sidney Colen in Ocala (On Top of the World Center). Mr. Colen is developing a 90,000 person community, and has agreed in principle to develop health fitness centers as part of the living complex. Our plan is to perform the tripartite health-fitness evaluation upon the constituent members of the community, and offer this as part of their maintenance fee, and then to design and deliver a program for releasing physical and psychological potential. This will allow for regular seminars centered upon health issues, centered upon normal development, the ages of landmark achievement. We will deal with family problems, the scapegoated child, the abused child, sexual problems, the danger of addiction in this modern-day society, and so forth, and so on.

We further believe and suggest that there be screening techniques supplied by special psychological and psychiatric counselors at various schools in much the same manner that schools have the advantage of vision, speech, and hearing evaluations. There should also be a brief and relevant and effective evaluation of the individual's psychological achievements and certain pitfall syndromes, such as the propensity toward or the presence of learning disabilities. Using this as a simple and single example, let us recognize that many learning disabilities are due to a different kind of information processing in the child than is usual in his school community. The learning disabled child frequently comes from a family of architects; therefore, instead of using the lateral domination of one side of the brain or the other, he has a bilateral symmetry which in turn allows him to see things three dimensionally. This becomes a hazard when he is put into the usual educational system. Instead of seeing the difference between a small "b, p, d", he will vision these letters three dimensionally and notice they are all the same; therefore, substitute one for the other creating an apparent learning disability in our present educational system. It is easy to see that what has become a disability also represents a considerable latent talent, and such a child can go on to become a talented architect. This illustrates the fact that if we were to apply useful screening techniques for such a disorder as learning disabilities in the school, we could discover the disorder early, we could apply the correct educational design for such a child, and prevent a great deal of not only learning disability, but also psychological disability inherent in the fact that during his developmental years he has been exposed to a great deal of failure and attendant ridicule. This example can be multiplied.

Many times the drug addiction problem needs to be ferreted out, not by psychologists and psychiatrists alone, but by the specialists working in conjunction with experienced addiction counselors. It is these counselors who have been through it and have been on the scene for a period of time who can sniff out and identify early addiction problems. This is a most important area of effort, not only because of the size of the problems that exists in our country currently, but also because of the fact that the child or youth once seized, begins to specialize in an adaptation which is an excellent adaptation to the drug scene and to the addiction society, but of course a very poor adaptation to the tasks of life at large. During the years of his addiction, he has fallen farther and farther behind in those other skills which will be necessary in order to serve him in the pursuit of a happy and productive life as a useful and respected member of society.

In summary, if we discover the hidden potential of our children, youth and other citizenry, release it and reward it—all society will benefit.

The x-ray instrument of psychological screening—the use of psychology in planning—will add a new and important dimension to the solution of problems and the release of human potential.●

ERA: THE NEED FOR A CONSTITUTIONAL AMENDMENT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mrs. SCHROEDER. Mr. Speaker, yesterday, the House Judiciary Subcommittee on Civil and Constitutional Rights reported out House Joint Resolution 1, the equal rights amendment. The subcommittee held 5 days of extensive hearings, providing for excellent legislative history on ERA. Thomas I. Emerson, Lines professor of law emertus at Yale Law School, was one of the constitutional scholars to testify before the committee. I would like to enter into the Record a portion of his testimony addressing objections to the ERA related to issues of interpretation.

The testimony follows:

Opponents of the ERA, in the years that have passed since the proposed amendment was adopted by Congress, have advanced a number of objections related to issues of interpretation. Many of these, such as the argument that the ERA would require unisex rest rooms or sanction homosexual marriages, are in my judgment frivolous. The amendment cannot fairly be read to compel any such outcome; the legislative history plainly repudiates any such interpretation; and there is no likelihood that the courts would reach any such conclusion. Other objections, however, deserve fuller consideration.

It has been argued that the ERA would result in a vast accretion of federal power at the expense of the states and localities. This is a legitimate concern, but it is misdirected in the case of the ERA. Jurisdiction over all the traditional areas of state and local authority—the criminal law, family law, education, labor law, and the like—would remain with the state and local governments as it does now. The only change resulting from the ERA would be that the states and localities would have to exercise their powers in conformity with the principle of non-discrimination on account of sex. Enforcement of that requirement would rest with the state and local, as well as federal courts, and implementation would be the primary responsibility of the state and local legislatures. Moreover, the state and local legislatures would have a two year period of grace in which to adjust their statutes and regulations to the non-discrimination requirement. Only in the event that the state and local authorities refused or failed to adhere to the non-discrimination principle—that is, violate the constitutional mandate—would federal intervention occur in areas of state and local concern.

Another contention is that the ERA would result in the disruption of traditional family life. Here, again, the percise impact of the ERA should be kept in mind. The ERA deals only with equality of rights "under the law," that is, with *legal* rights. The ERA, however, does not require changes in social, cultural, or other nonlegal family arrangements. This is not to say that the ERA would have no impact on family life. Primarily the result would be that women who wish to engage in activities outside the immediate family circle would be assured equal rights in such endeavors. But this result is not coerced by the ERA. Such options are available but not mandated.

Many factors in modern society are changing the ways of family life. The ERA recognizes these changes and strives to provide an equitable basis upon which women may take part in a broader range of activities outside the home. It thus meets the new and growing needs of the society. It does not, however, compel the abandonment of traditional forms of family relationships.

Finally, the most insistent argument against the ERA has been the charge of uncertainty. It is said that the provisions of the ERA are too general and hence subject to varied and unpredictable interpretation. In large part this fear is self-generated. In interpreting the ERA, opponents are too often, in the words of Justice Oliver Wendell Holmes, "fired with a zeal to pervert." It is not hard, given the nature of law, language and lawyers, to think up half a dozen meanings which could be squeezed out of the formulation of a general principle. Those who engage in this practice ignore the fact that, at this stage of the constitutional amending process, the determination of what basic meaning is embodied in the provisions of the ERA is largely up to the framers of the amendment. It is within the power of Congress to make the legislative history that will provide a rational structure within which the necessary interpretation of the ERA will proceed.

The elements of that structure are available, and indeed were explicitly set forth when Congress first proposed the ERA in 1971 and 1972. They include the fundamental propositions that classification by sex is impermissible; that this does not prohibit a statute or regulation dealing with a physical characteristic unique to one of the sexes; that the ERA must be fitted into the existing constitutional framework, including the constitutional rights to privacy, freedom of religion, and freedom of association; that remedies by way of affirmative action are not precluded; and that a statute or regulation that is neutral on its face but has a substantial disparate impact upon one sex must be carefully scrutinized, taking into account all relevant factors, to determine whether it does in actuality deny "equality of rights under the law."

Of course some areas of uncertainty will exist. That is hardly surprising. But the fear that the ERA is couched in language that is too general is not borne out by the experience with the equal rights amendments that have been incorporated in a number of state constitutions. Nor would adoption of the ERA mark a departure from our constitutional tradition. Most of the cherished provisions of the bill of rights are expressed in the form of a general principle embodying a fundamental value of our society. Had the approach of the ERA opponents prevailed we would not now have in our Constitution provisions securing such basic rights as freedom of speech and of the press, freedom of religion, equal protection of the laws, and the right to due process of law.●

ERA: WOMEN AND THE MILITARY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mrs. SCHROEDER. Mr. Speaker, yesterday, the House Judiciary Subcommittee on Civil and Constitutional Rights reported out House Joint Resolution 1, the equal rights amendment. The subcommittee held 5 days of extensive hearings, providing for excellent legislative history on the ERA.

Jeanne Paquette Atkins, of the Women's Equity Action League National Information Center on Women and the Military, presented testimony on the exclusion of women from combat. In this excerpt from her testimony before the subcommittee, Ms. Atkins explains the history of the combat exclusion policies of the various service branches.

The excerpt follows:

Although ERA opponents tend to speak of "the combat exclusion law" as if there were a single statute or uniform policy, in fact the services operate under a variety of rules and definitions which have been subject to change over the years, are inconsistent among the service branches, and have little or no relationship to actual war planning.

Currently, two acts of Congress limit the utilization of women by the services. 10 U.S.C. § 8549 states that female members of the Air Force, except nurses and other professionals, "may not be assigned to duty in aircraft engaged in combat missions." 10 U.S.C. § 6015 prevents the Secretary of the Navy from assigning women permanently to "combat" vessels.

The Coast Guard, on the other hand, has no restrictions on the assignment of women. Women currently serve in the widest range of shipboard roles, on all types of Coast Guard vessels. This means that Coast Guard women, in a time of war, would be serving in virtually identical positions to those from which their Navy sisters are barred.

The Secretary of the Army is free from any Congressional restriction on the assignment of women. From 1948 to 1977, all women served either in the Army Nurse Corps, or in the separate Women's Army Corps—and jobs in either Corps were considered to be, by definition, non-combat. But in 1978, the Women's Army Corps was abolished, and with the full integration of women into the regular Army a "combat exclusion policy" was developed.

This policy barred women from assignment to: "Infantry, Armor, Cannon Field Artillery, Combat Engineer, and Low Altitude Air Defense Artillery units of battalion or smaller size." Women were also barred from all military occupational specialties which would be concentrated in such units. Thirty-eight job categories were closed to women as a result of this policy.

Upon the request of Congress, the Department of Defense in 1978 submitted to the Speaker of the House of Representatives a letter providing definitions of "combat" for purposes of these exclusions. This letter makes clear that women have served in, and will continue to be assigned to, "combat zones" or "hostile fire zones." The policy was thus not designed to keep women away from combat as it was defined for other purposes, but away from what the Department of Defense now termed "close combat."

In 1981, the Army further refined its policy by creating a new category of activity—"direct combat," and has since analyzed all job specialties and units to determine the relative probability of a soldier "routinely" engaging in such "direct combat." As a result of this analysis, in 1982 twenty-three additional specialties were closed to women.

These actions by the Army to further restrict the roles of women posed two problems. First, the battlefield analysis on which these closures were based appeared to be premised on a static war plan with traditional, World War II front-line fighting—in direct contradiction to current scenarios upon which battle strategies are being formed. The Army's 1982 Operations Manual, FM 5-100, explicitly presumes heavy fire in the rear as well as the front of any battle. Thus, by removing women from jobs only at the so-called "front", the Army failed to increase the protection of Army women, while severely impairing their career opportunities, skills training, and promotional chances.

Second, it almost immediately became clear that replacing skilled women in the newly-closed fields was not going to be easy. Reports that the Army was "re-examining" the decision to close one specialty—one with a high percentage of trained women in place—began almost as soon as the closures were announced. And indeed, on the 17th of this month it was announced that 13 specialties were determined not to be "direct combat" jobs after all, and were to be reopened to women.

It should be noted that the Army's actions to restrict women's opportunities came precisely at a time when their ability to recruit qualified men was much improved, due to economic and political factors. The history of the Army's policies regarding women leads WEAL to the conclusion that it is the perceived level of need for women's skills, not their protection, which ultimately drives the definition of "combat" in this context. We predict that in future years the restrictive policies will be similarly fluid, because defense strategists know that no branch can afford to be bound by artificial rules against the utilization of qualified women in times of national emergency.●

ERA: WOMEN AND THE MILITARY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mrs. JOHNSON. Mr. Speaker, yesterday, the House Judiciary Subcommittee on Civil and Constitutional Rights reported out House Joint Resolution 1, the equal rights amendment. The subcommittee held 5 days of extensive hearings, providing for excellent legislative history on the ERA.

Jeanne Paquette Atkins, of the Women's Equity Action League National Information Center on Women and the Military, presented testimony on the exclusion of women from combat. In this excerpt from her testimony before the subcommittee, Ms. Atkins explains how the equal rights amendment will break down barriers for women in the military.

The testimony follows:

Applying the essential principles of equality to our national defense policies would break down these artificial barriers.

First, all explicit gender-based exclusions—that is, the two Congressional limitations on women's assignment, the express exclusionary policies of the services, and the gender-based selective service laws—would fall. Moreover, any practices based on physical characteristics unique to one sex would have to be justified by a showing that their need was compelling. Determination of fitness for service in a particular job category or unit would have to be made on gender-neutral grounds.

Second, to the extent that such gender-neutral criteria might disproportionately exclude women from participation, those criteria would be subject to rigorous examination. Congress would be obligated to assure that such standards were indeed job-related, that the qualities measured were necessary to the efficient performance of the military role in question.

These two principals would increase, not decrease, the government's ability to assure that the most capable soldiers were available for any given military job. Moreover, claims that these equality principles are too rigid and unfounded; personal privacy rights would be balanced where they might come into conflict with the ERA.

This analysis rejects, in the context of explicit gender-based policies not related to privacy issues or to physical characteristics unique to one sex, any special allowance for "national security" interests as overriding the principle of equal rights. I submit to the subcommittee that no doctrine would allow overt classifications on the basis of race to be upheld today. It should be noted that despite the historical difficulties of racial integration of the service branches, no exclusionary or segregationist policies exist today. Nor could they withstand even the most minimal constitutional scrutiny.

Certainly, the public safety aspects of the government's activities in this area would be part of any analysis of neutral standards, or of policies regarding unique physical characteristics. This does not mean, however, that Congress would be free to give approval to military decisions which served only to perpetuate inequality and were unnecessary to the efficient operation of the armed services.

With or without the ERA, the military can always make policy decisions with mission readiness as their primary objective. The mistaken assumption is that such readiness must be at odds with equal treatment under the law. To date, the exclusionary policies implemented by Congress and the service branches, in fact, have not been based in factually-supported concerns for national security, but rather in stereotypes, myths, and a barely-concealed desire to preserve the image (if not the reality) of national security as an exclusively male responsibility. This irrationality is what the Equal Rights Amendment will address.●

ERA: WOMEN AND THE MILITARY

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● **Ms. SNOWE.** Mr. Speaker, yesterday, the House Judiciary Subcommittee on Civil and Constitutional Rights reported out House Joint Resolution 1, the equal rights amendment. The subcommittee held 5 days of extensive hearings, providing for excellent legislative history on the ERA.

Dr. Mady Wechsler Segal, associate professor of sociology at the University of Maryland, presented testimony on women in the military. In this excerpt from her testimony before the subcommittee, Dr. Segal refutes the argument that women cannot participate fully in the military because of the effects of their presence on interpersonal relations in military units.

The excerpt follows:

Let us turn to the effects of women's presence on interpersonal relations in military units. The success of a military unit whose mission requires coordinated activity is affected by the cohesion and morale of the unit. Individual performance is affected by acceptance and integration into the group. Cohesion affects the ability of a military unit to function effectively in combat and the ability of its members to survive the psychological stress of combat.

The critical question is: How does the presence of women in previously all male military units affect unit performance? Do women interfere with what has been referred to as "male bonding"? Empirical research completed to date shows basically no effect. For example, Army studies have shown that the proportion of women in combat support and combat service support units has no effect on measurable unit performance in field training exercises. Reports on the Navy's Women in Ships program indicate a high level of performance on the part of the women and acceptance by male crew members. A recent study concludes that "commonality of experience" is more important for group cohesion and interpersonal bonding than gender similarity. In units in combat, interpersonal interdependence is high and likely to foster cohesion, regardless of gender.

The concern that women in combat units would reduce cohesion is reminiscent of arguments used in the past to justify excluding women from other occupations, such as law, medicine, police work, and fire fighting. This exclusion was based partly on women's supposed inability as individuals to perform the jobs adequately, and partly on the potential disruption of men's interpersonal relations if women were included. While such arguments were accepted in the past, they have now been shown to be fallacious.

Concerns about interpersonal problems, both potential and real, associated with the gender integration of previously all-male settings, such as the military, are similar to concerns and problems that were experienced in the process of racial integration of the U.S. armed forces. Concerns about black men's limited motivations to fight and about their lack of acceptance by white men were used to limit their military roles. Subsequently, these concerns were addressed by service programs aimed at achieving racial equality and interracial harmony. Similar efforts directed at achieving gender integration could be expected to ameliorate the problems women encounter. Increased numbers of military women, specially in previously all-male settings, will likely necessitate interpersonal adjustments. As with other organizational changes, policies can be developed to assure smooth operational functioning.

In conclusion, we find that major arguments against equality of treatment for men and women in our military do not hold up under the weight of evidence. The past ten years have witnessed an unprecedented expansion in the proportion of women in our military forces. Despite repeated studies to establish the limits of our military women's capabilities, no such limitations have been demonstrated.●

ERA: WOMEN AND THE MILITARY

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● **Mrs. BOXER.** Mr. Speaker, yesterday, the House Judiciary Subcommittee on Civil and Constitutional Rights reported out House Joint Resolution 1, the equal rights amendment. The subcommittee held 5 days of extensive hearings, providing for excellent legislative history on the ERA.

Dr. Mady Wechsler Segal, associate professor of sociology at the University of Maryland, presented testimony on women in the military. In this excerpt from her testimony before the subcommittee, Dr. Segal refutes the argument that women cannot participate fully in the military because they lack the physical capabilities.

The excerpt follows:

Individuals' levels of physical strength, endurance, aerobic capacity, and adaptability to temperature extremes have consequences for the performance of many military jobs. The exclusionary argument is that since the average woman is weaker than the average man, all women should be excluded from the military or at least from jobs seen to require physical strength, including all combat jobs.

Let us look at the evidence. It is clear from research done in the military and by sports physiologists that average young man tends to perform better than the average young woman on measures of some physical abilities, especially upper body strength (though the evidence is less clear on traits such as adaptability to heat and cold). It is also clear that performance is affected not only by innate capability, but also by lifelong conditioning and level of physical fitness, and can be substantially improved through training. In many training programs, the women's percentage improvement is similar to men's and highly trained women outperform untrained men. However, since average women begin training at significantly lower levels than average men, the average performance of women after training remains lower than that of men. Since the physical performance of young people is affected by prior athletic activity, the current trend toward increased participation and success of girls and women in athletics presages increases in the average physical strength of women.

We can conclude that in those military jobs requiring high levels of physical strength, a smaller percentage of women than men will be capable of successful performance, even after training. Most human cultures have tended to so emphasize the differences between average males and average females that all members of each sex tend to be treated as if they represented the average for their sex. However, the general direction of social change in western nations has been towards recognizing individual capabilities and differentiating the individual from the group. If the goal in the military is to find the best fit between job requirements and individual abilities, then individuals should be selected for jobs on the basis of measures of those abilities, not gender.

Rather than assuming that all women are incapable of performance by virtue of the average women's lack of capability, specific requirements should serve as the selection criteria, not gender.

We also cannot assume that all men are capable of performing jobs that require a high level of upper body strength. If a certain level of strength is required for a particular job, then this should serve as one of the selection criteria for the job, along with others, such a cognitive abilities. Replacing gender restrictions on military job assignment with capacity to perform the job will mean that sometimes more qualified women rather than less qualified men will be assigned to the job. Thus, the job will be performed more effectively and our national security will be well served.

Indeed, the individual military services either already have physical strength standards for job classification or they are currently developing them. Like other job selection criteria, any such requirements must be validated by demonstrating their essential relationship to job performance. Since there are substantial differences in the proportion of men and women who can meet strict physical stength standards, such standards should be employed only if they can be objectively demonstrated to be highly predictive of individual success in the job. They should not be used as a substitute for exclusion based on gender.

Perhaps most important, not all military assignments currently closed to women depend on their occupant's physical strength. Women are barred from service aboard Navy ships with combat missions and from flying planes on combat missions in the Navy and Air Force. Navy woman are permitted to perform some jobs in shore billets, within the severe constraints on numbers imposed by current sea-shore rotations for men, but are excluded from those same jobs on ships. Such jobs require technical skills, not physical strength. Similarly, individual women in the Air Force are allowed, and clearly have the ability, to pilot planes, but are not allowed to pilot similar planes in combat. If gender restrictions were removed, our military personnel system would be much more flexible, making our military potentially more effective, not less.

Another individual trait that is related to successful performance in the military is the ability to perform under stress. In combat, this ability is critical to survival. It is sometimes assumed that women would be less capable of performing under the stress of combat than men. There is currently no evidence to substantiate such a claim. There is a great deal of evidence that American military women have performed on a par with their male peers in difficult circumstances and in situations of severe psychological pressure, including documented descriptions of the reactions of women in World War II, including those who were prisoners of war.

There is also evidence that women in other countries have performed on a par with men in combat, primarily in unconventionl, guerilla operations in national revolutions and in defense of the national homeland. Studies have documented the ability of American policewomen to cope with situations of potential and actual physical violence.●

ERA: WOMEN AND THE MILITARY

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Ms. FERRARO. Mr. Speaker, yesterday, the House Judiciary Subcommittee on Civil and Constitutional Rights reported out House Joint Resolution 1, the equal rights amendment. The subcommittee held 5 days of extensive hearings, providing for excellent legislative history on the ERA.

Eunice Cole, president of the American Nurses' Association, presented testimony on the need of the equal rights amendment before the subcommittee. Of particular interest is an excerpt from Ms. Cole's testimony on the Department of Defense proposal to draft nurses. I would like to submit for the RECORD the following excerpt from Ms. Cole's testimony:

THE DRAFT OF HEALTH PERSONNEL

Historically, ANA has been committed to assuring that adequate numbers of nurses are educationally prepared and available to deliver nursing care services in the military. We have worked with the three nurse corps in an attempt to recruit nurses into the military reserves and active duty as needed, with the goal of improving the status, benefits, education, and advancement opportunities for nurses in the military. We encourage those nurses who are eligible and choose to do so to serve in the military.

We are fully aware of a Department of Defense proposal for legislation which would provide for Selective Service registration, classification and the process for induction of health professionals.

At present, the proposal has not advanced to the Office of Secretary of Defense and has, therefore, not been submitted to Congress for debate.

If the proposal were to surface as legislation in its current format, the Association would vigorously oppose it as the proposal specifically provides for the registration of female health professionals.

First, we would not condone such a policy from this Administration which is so blatantly uncommitted to the equal rights of women. In light of the Administration's posture on women's issues, it is highly demeaning to require women to shoulder equal responsibility without allowing them equal rights. To have an Administration which denounces the ERA because women would be eligible for the draft, and at the same time push for a draft of women health professionals is unconscionable and indefensible.

Second, we believe the proposal to be highly discriminatory for health professionals in general and women health professions in particular. Women have been excluded from holding certain positions in the military such as plumber and electrician, because, ostensibly, they are potentially combat-related. Women have not been excluded from such military positions as nursing—certainly no less potentially combat-related than that of plumber. Quite obviously, if women were excluded from nursing positions in the military, there would be a shortage of nurses. It is clear that the decision to exclude or not exclude women from holding certain positions is based more on expediency than on a ideological commitment to shield women from the dangers of combat.

Finally, it seems equally unjust to single out health professionals for the draft, in the presence of well-publicized shortages in the military of qualified engineers and computer personnel. Such a policy is of questionable legality. Consequently, we must oppose any plan which mandates military service for health professions, while ignoring the unequal status of women both in and out of the Armed Services.●

THE ERA IS AN ECONOMIC ISSUE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Ms. OAKAR. Mr. Speaker, yesterday, the House Judiciary Subcommittee on Civil and Constitutional Rights reported out House Joint Resolution 1, the equal rights amendment. The subcommittee held 5 days of extensive hearings, providing for excellent legislative history on the ERA.

Dorothy Ridings, president of the League of Women Voters, presented testimony on the economic issue of the equal rights amendment. I would like to submit for the RECORD the following excerpt from Ms. Riding's testimony on the feminization of poverty:

THE FEMINIZATION OF POVERTY

Since the 1950's, three factors directly affecting women have combined to alter the face of poverty in this country. These factors are: (1) the increase in single-parent families, most of them headed by women; (2) the influx of women into the labor force where discrimination in education and in the marketplace continues to hold down their earning capacity; and (3) the growing number of elderly women who have not been adequately protected by social security, pensions, or insurance.

First is the increase in single female-headed housholds. Between 1960 and 1980, the proportion of the population defined as poor decreased from 22.2 to 13 percent. But because of the rise in the number of single parent families—there were 6.8 million such families in the United States in 1982, 90 percent of them headed by women—the drop in poverty has not affected all segments of the population equally (the increase in the poverty rate in 1982 has, of course, affected both male and female headed households). While the number of persons in poor families headed by white men decreased by 50 percent between 1960 and 1980, the number of persons in poor families headed by women rose 54 percent; 36 percent of families headed by women had incomes under the poverty line in 1982. For families headed by minority women, the situation is even worse; 47 percent of black families are headed by women and two-thirds of them live in poverty.

Men generally do not become poor because of divorce, sex-role socialization, sex discrimination, or dependent children. A combination of these factors often does mean poverty for women. The economics of divorce for men and women provides an example. A California study of 3,000 divorced couples found that 1 year after divorce, the wife's income dropped by 73 percent while the husband's rose by 42 percent. and 65 percent of women raising their children alone are doing so without any financial assistance from their children's father. Many women remain poor regardless of alimony, child support, welfare, or their own earnings. Even when they are employed, their poverty rate is high and it increases with the presence of children (the more children, the higher the poverty rate).

The second factor that fosters the feminization of poverty is the discrimination that women face in the labor market—discrimination that is manifest in hiring and promotions, pay inequities, sexual harassment, and occupational segregation. The result is an earnings picture that is far more limited for women than it is for men.

Nontraditional employment for women is only part of the solution to the problem of the low wages earned by women. First, in spite of all of the publicity, most women entering the job market continue to fill jobs that are predominantly female. Second, even when women do enter nontraditional occupations, they tend to be paid less than their male counterparts. For example, even women doctors and lawyers earn less than their male counterparts. And third, in spite of laws that prohibit sex discrimination in hiring and promotions, there is still a general reluctance on the part of employers to hire women in non-traditional capacities. And the myth persists that there is a lack of women trained for these nontraditional jobs. In July, the Secretary of Labor, speaking to representatives of women's organizations at a meeting sponsored by the Women's Bureau, said that the reason the federal goals for women in the construction trades could not be reached is the lack of women trained for these jobs. This is simply not true. The Department of Labor reports that in June 1983, 9.3 percent of all female construction workers were unemployed. Surely this figure suggests that there are women construction workers available and ready to work.●

ERA: WOMEN AND RETIREMENT INCOME

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Ms. OAKAR. Mr. Speaker, yesterday, the House Judiciary Subcommittee on Civil and Constitutional Rights reported out House Joint Resolution 1, the equal rights amendment. The subcommittee held 5 days of extensive hearings, providing for excellent legislative history on the ERA. Ann E. Freedman, associate professor of law at Rutgers Law School, Camden, was one of the constitutional scholars to testify before the subcommittee. I would like to enter into the RECORD an excerpt from her testimony addressing the implications of the ERA:

Another critical feature of the ERA is its firm rejection of biological determinism. The ERA requires women and men to be judged as individuals and not on the basis of sex classifications based on stereotyped preconceptions about physical differences between women and men. In enacting Title IX of the Education Amendments of 1972, Congress recognized the importance of this idea when it permitted girls with superior athletic ability to compete on boys teams rather than denying individual girls equal opportunity on the basis of stereotypes about the average characteristics of females. At the same time, because of the need for affirmative action to overcome historical discrimination against women in athletics, Title IX permits the maintenance of all-female teams where necessary to guarantee equal athletic opportunity to both sexes. Similarly, under the ERA the government could not exclude all women from jobs requiring physical strength because some are not strong enough to perform the work, but would instead be required to specify the strength needed to perform the job and judge candidates according to ability. For example, fire and police departments have traditionally excluded all women from jobs as police officers and fire fighters on the grounds of women's smaller average size and more limited upper body strength. The ERA would require that sex classifications be replaced with individual strength testing, as is now done for male candidates, and also, that the tests used be demonstrably relevant to skills and tasks actually performed on the jobs in question. To give another example, the ERA would reverse *Parham* v. *Hughes*, in which the Supreme Court ruled that Georgia could deny a father the right to sue for the wrongful death of his young son, despite the fact that Lemuel Parham, the father in question, had supported his son and maintained close ties to him during his son's lifetime, because Mr. Parham was an unwed father rather than an unwed mother. The ERA requires legislatures to classify on the basis of actual relationships between parents and children, not a vast overclassification based on average differences between biological mothers and fathers.

The ERA also requires strict scrutiny of classifications based on physical characteristics unique to one sex to assure that such classifications do not undermine the equality of the sexes. To treat people differently on account of characteristics unique to one sex is to treat them differently on account of their sex. Although such classifications are not prohibited outright, because there are a limited number of circumstances in which their use is justified, the state would bear the burden of demonstrating that such classifications are necessary and the reasons for them compelling. The dissent of Justice Brennan in *Geduldig* v. *Aiello* illustrates the approach contemplated by the ERA. Unlike the Supreme Court, Congress has recognized the importance to working women of equal treatment of pregnancy-related disabilities and rejected stereotyped characterizations of pregnant workers by passing the Pregnancy Discrimination Act of 1978. The ERA would provide a constitutional foundation for the protection of women from governmental discrimination based on such stereotypes.

Social Security and employment-related pensions are two other areas which contain a number of rules and policies which, though articulated in sex-neutral language, are nonetheless extremely sex discriminatory in practice, because they fail to respond to the economic realities of the lives of the majority of women. The life patterns of most differ from those of the typical man both because of sex discrimination in the labor market and because women have traditionally assumed the lion's share of responsibility for housework and childrearing. As a result, woman are more likely to have interruptions in their labor force participation, to work at lower wage jobs, and to work part-time or part-year. Yet ERISA permits employers to exclude from coverage employees under 25 years of age, although the years between 18 and 25 show the highest rate of labor force participation among women. ERISA also tolerates a ten-year vesting requirement and permits employers to exclude persons who work less than 1000 hours a year from coverage. ERISA also fails adequately to address the problems of divorced homemakers because it does not require employers to include survivor's benefits for former spouses of the wage earner.

The failure of the Social Security Act to take account of the life situations of most women, who combine homemaking and paid employment over the course of their lifetimes, is also striking. Two features notable in this regard are the lack of recognition of the economic contribution made by homemakers and the forty quarter threshold. The first lowers benefits available to women who have spent time as full-time homemakers and the second prevents many such women from qualifying for workers' benefits, which are far more advantageous than the dependent's benefits for which they may be eligible. Because of the disparate effect of the Social Security Act and ERISA on women, and their association with sex discriminatory attitudes and practices, the ERA will require Congress to review these provisions and substitute others that treat women more fairly.

Meaningful constitutional protection for equal rights for women is an idea whose time has come. Contrary to the assertions of its opponents, I believe the evidence shows that the ERA will be a major force for the elimination of sex discrimination and the improvement of the lives of all women. Therefore I urge this committee and the Congress to act favorably and promptly upon H.J. Res. 1.

ERA: WOMEN AND EDUCATION

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mrs. BURTON of California. Mr. Speaker, yesterday, the House Judiciary Subcommittee on Civil and Constitutional Rights reported out House Joint Resolution 1, the equal rights amendment. The subcommittee held 5 days of extensive hearings, providing for excellent legislative history on the ERA.

Bernice Resnick Sandler, director of the project on the status and education of women at the Association of American Colleges, presented testimony on the impact of the equal rights amendment on education before the subcommittee. Ms. Sandler did a good job at addressing some of the controversial issues surrounding the ERA and education. I would like to submit for the RECORD the following excerpt from Ms. Sandler's testimony:

How Would Private Colleges be Affected by the ERA?

The Equal Rights Amendment affects public entities. Private colleges, including single sex ones, as purely private entities would be exempt unless there was federal involvement. To the extent that institutions receive student financial aid and other assistance the ERA would apply to these institutions. With the exception of admissions, these institutions are already covered by all aspects of Title IX, so that the Equal Rights Amendment would not require any major change in what they have been required to do under Title IX. Even in the area of admissions (which are exempted under Title IX for private undergraduate institutions), many—but not all—have already abandoned admission quotas.

Would the Private Single Sex Colleges With Federal and State Involvement Have to Integrate?

There currently are 111 women's colleges (out of the approximately 3,000 institutions of higher education). The number of students at these women's colleges number 125,000, or approximately 1 percent of the total college population. These colleges have a long tradition and history of providing women with educational experiences they could not easily receive at coeducational institutions.

Women's colleges per se would not be prohibited by the ERA; what would be prohibited would be the use of government funds by these institutions. However, women's colleges receiving such funds might be able to justify their single sex nature as institutions which are necessary to remedy the effects of past discrimination. For example, there are studies which show that women's colleges may have a salutary effect on increasing women's achievements and leadership. Of course, any such institution would have to prove that its own programs had such an effect. The institution would also have to show that a genuine compensatory purpose could not be achieved in an integrated setting.

The affirmative action rationale can, but should not, be used to disguise the purpose of placing women in a secondary position in society, as the Supreme Court indicated in *Mississippi University for Women* v. *Hogan*, 102 S.Ct. 3331 (1982) when it invalidated an all-women's nursing program at a public insitution. The exclusion of men not only disadvantaged men but perpetuated stereotypic notions about nursing as a "female" profession, to the disadvantage of women, i.e., the institution's program did not serve to compensate the past discrimination.

Even if this compensatory rationale failed for a particular institution, the women's college could continue to operate much in the manner of traditionally black colleges which admit white students but still maintain a "black atmosphere." Women's colleges could in many instances maintain a uniquely "female climate" but still admit men. Indeed many women's colleges do exactly this already: they allow men to attend as cross-registrants from nearby colleges, as exchange students, etc., but retain their identity as a single sex college. In truth, not many men are willing to attend a woman's college, and those that do are usually very sympathetic to the aims of the college.

There are a little more than 100 men's colleges, of which most are rabbinical schools and Catholic seminaries. These schools whose purpose is to train rabbis and priests in religions where women are excluded from these positions on the basis of religious doctrine, would not be affected by the Equal Rights Amendment because of the counterbalancing protection of the First Amendment, and also because these institutions do not receive federal or state funds. There are approximately ten private undergraduate men's colleges, some of which are military schools. If these receive federal or state funding they would be required to integrate.

There are two state operated institutions for males only, both of which are military colleges (Virginia Military Institute and the Citadel [SC]). These may already be in violation of the 14th Amendment, following the University of Mississippi case. In any event, these schools would have to admit women under the Equal Rights Amendment, because they are publicly supported. As is common knowledge, all of the U.S. military academies have already admitted women; the admission of women to these state supported institutions is long overdue.

What about Private Institutions Without Federal or State Involvement Who Wish to Remain Single Sex? Would They Lose Their Tax Exempt Status?

As mentioned earlier, private institutions that did not receive federal or state funding would be allowed to continue. It is also likely that in some instances at least they would be able to retain their tax exempt status, especially those women's organizations or institutions which can prove that they are compensating for past discrimination. (Note: many women's organizations can still exist if they admit men. The League of Women Voters, for example, has admitted men for many years. As mentioned earlier with respect to women's colleges, most men are not eager to join a "women's" organization unless they are sympathetic to the goals of the group.)

Men's single sex schools that do not have federal funds, may be vulnerable to losing their federal tax exempt status as a charitable institution. The standards applied to make that determination would be those set forth by the Supreme Court in *Bob Jones University* v. *United States*, 103 S.Ct. 2017 (1983). In that case, the Court noted that the denial of tax exempt status is "permissible though not compelled under the Constitution." The Court held that the public policy prohibition of race discrimination in education as a charitable purpose had evolved from clear expressions of all three branches of government over an extended period of time. Thus Congressional and executive acts, as well as judicial interpretation of the Constitution would be relevant as to whether the requisite "offense to public policy" had occurred. The tax exempt status of single sex schools, both male and female, would be considered in this context. Revoking the tax exempt status would not be compelled. Moreover, the question of harm to the protected group would need to be considered, as well as whether the school provided an affirmative or compensatory purpose, as is possibly the case in women's schools.●

ERA: WOMEN AND EDUCATION

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mrs. BOXER. Mr. Speaker, yesterday, the House Judiciary Subcommittee on Civil and Constitutional Rights reported out House Joint Resolution 1, the equal rights amendment. The subcommittee held 5 days of extensive hearings, providing for excellent legislative history on the ERA.

Mary Purcell, president of the American Association of University Women, presented testimony on the impact of the equal rights amendment on education before the subcommittee. I would like to submit for the RECORD the following excerpt from Ms. Purcell's testimony that does a good job of explaining how sex bias in vocational education affect women's employment opportunities:

The same biases exist in the area of vocational education. Yes, we have a Title IX which has opened doors for women to train for nontraditional, high paying jobs. Furthermore, the Vocational Education Amendments were passed in 1976 "to recruit, train, and place adult women (as well as girls) in occupations that are nontraditional for their sex." However, most of the sex equity provisions of the Vocational Education Amendments were left to the state's discretion. Consequently, most of the states elected to spend very little money, if any at all, on overcoming sex bias in vocational education. Those few states which did elect to spend money to encourage occupational opportunities for women reported significant enrollment changes.

Vocational education training in our schools continues to operate as a dual education system segregated on the basis of sex. The New York City school system is a good example.

Last January, a coalition of New York City advocacy groups issued a report saying that the city has maintained a system of single-sex vocational high schools "virtually unimpeded" for more than 50 years. The Full Access and Rights to Education (FARE) Coalition in its report entitled "Their Proper Place: A Report on Sex Discrimintion in New York City's Vocational High Schools," said that "Eleven of the 21 vocational schools had enrollments in the 1981-82 school year that were 95 percent or more single-sex; four more were 90 percent or more sex segregated."

"New York City's male and female students are, with few exceptions, educated and trained separately for different occupations," the report concluded.

FARE charges that the New York City Board of Education has never taken adequate steps to eliminate the single-sex character of the traditionally male schools, and that females are discriminated against by various admissions procedures when they attempt to enroll in these schools. Moreover, the buildings themselves, having never been adapted to accommodate female students, lack adequate bathrooms and gym facilities.

One of the report's most serious charges is that school officials have ignored or condoned the creation of a school environment in which girls feel unwanted and threatened. Female students in the traditionally male vocational schools told FARE that sexual harassment and hostility towards them by male students are daily obstacles to their success and happiness in vocational education. By ignoring this type of treatment, the schools themselves give girls and young women the message that they are not welcome in the nontraditional training programs.

Following the public release of the report, the New York City Board of Education said it agreed with most of the charges and that it would implement a plan—over a five year period—to eliminate the violations cited. The same single-sex schools were also recently the subject of a state civil rights investigation instigated by the U.S. Department of Education under federal guidelines for the enforcement of Title IX in vocational education.

While New York City is in many ways not a typical American community, the manner in which it has maintained a vocational education system that is sex-segregated and sex-stereotyped while nominally open to both sexes is typical of many American school systems.

The continuing segregation by sex of students in vocational education means that girls and women are denied access to training for a variety of lucrative and challenging jobs and are still being channeled into low-paying fields such as cosmetology, dental office assistants and typing.

The decade since Title IX was passed has been one of improvements for women in education. Programs such as WEEA and Title IX of the Civil Rights Act have provided the tools and resources that are needed by schools to help them comply with the letter and spirit of Title IX. Title IX has been particularly successful in higher education where women have entered the professional schools in unprecedented numbers. Due to Title IX, women lawyers, doctors, dentists and veteranarians are no longer a rarity in this country.

Title IX is a good statute. But Title IX does not go far enough. Women and girls continue to be steered away from math and science courses, despite the fact that these courses provide the requisite skills for jobs in high technology and other growing fields. In vocational education, women are still channeled into lowpaying areas such as home economics and cosmetology while men are directed towards agricultural, industrial and technical programs that lead to higher paying jobs. From the elementary levels to the universities, athletics programs repeatedly deny girls and young women the same athletic opportunities boys and young men have used to gain educational and financial advantages.

What we need is an Equal Rights Amendment.

We need an ERA to provide a constitutional basis for prohibiting sex discrimination in education. Title IX, however valuable, is only a statute. As a statute it is subject to change or even erasure.

We need an ERA to provide a legal basis that will require the courts to look with great suspicion upon any type of statute that stereotypes women as a group. The courts of this country have long looked at classifications based on race and national origin with great suspicion. It is time that classifications based on sex were treated by the court with the highest degree of scrutiny.

Most importantly, we need an ERA to create a climate in this nation where sex discrimination in education and all other facets of our lives is wholly unacceptable.●

ERA: WOMEN AND WORK

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Ms. FERRARO. Mr. Speaker, yesterday, the House Judiciary Subcommittee on Civil and Constitutional Rights reported out House Joint Resolution 1, the equal rights amendment. The subcommittee held 5 days of extensive hearings, providing for excellent legislative history on the ERA.

Polly Madenwald, president of the National Federation of Business and Professional Women's Clubs, presented testimony on why the rapid entry of women into the work force has made the passage of the ERA critical. I would like to submit for the RECORD the following excerpt from Ms. Madenwald's testimony that does a good job of explaining how protective legislation has hurt women's employment opportunities:

PROTECTIVE LEGISLATION

It has been said, most recently by President Reagan, that an Equal Rights Amendment would undermine laws designed to protect women from the rigors of the workforce. Historically, however, protective legislation has been used not only to improve working conditions for women, but also to segregate women into certain lower-paying positions.

Early in ths century, special protection for women appeared to be the only means of achieving minimum standards in the workforce for all worker even at the cost of excluding women from some kinds of proitable employment. The Supreme Court struck down a law which would have regulated the hours worked on the grounds that it was "unreasonable unnecessary and arbitrary interference with the right and the liberty of the individual to contract in relation to his labor." (Lochner v. New York 1905) At that time, progressives fought for work weeks less than 60 hours a week or 10 hours a day, and not until 1938 did legislation regulating the hours of employment and guaranteeing overtime for extra work become national law.

The hope that laws improving and limiting conditions under which females labored would be carried into the workforce as a whole underlay part of the support for Muller v. Oregon (1908), which upheld protective legislation for women. However, Muller, like Bradwell before it, was based on the immutable "inherent differences between the two sexes." This two-sphere theory was used to prevent women from entering certain fields and to block their advancement in others. Muller argued that "the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and the vigor of the race," thus reflecting an earlier theory that a woman had only a limited amount of energy which should only be used for reproduction, as well as a growing concern for the preservation and enhancement of the race.

Thus, protective legislation became a handicap for women who needed to work. Massachusetts became the first state to pass a law prohibiting work at night for women, and other states followed its lead. Although the argument for prohibiting women's work at night stemmed from consideration of women's health and women's morals, the Women's Bureau in 1919 reported that for many women, finding child care at night was easier than finding it during the day.

In the 1920's, the Supreme Court validated the New York State law prohibiting women's work at night. Justice Sutherland, speaking for the majority, again pulled out the two-sphere theory when he ruled "night work so seriously affected the health of women, so threatened and impaired their peculiar and natural functions, and so exposed them to the dangers and menaces incident to night that the State felt impelled to take cognizance of the situation by enacting the statute attacked and that in doing so was clearly within its rights." The work of women actors, singers, and cloakroom attendants did not seem to fall into this classification, however.

Thus, special labor legislation restricted as fully as it was originally intended to protect. Women were prevented from competing on equal terms with men. Employers, bound by law to provide special benefits to women, would be hesitant to hire the more costly employee unless, by paying that employee less, they could cut the cost of employing her.

Today, federal law as well as state law legislates against the sweatshop conditions, the dawn to dusk hours, the subsistence-level pay for men as well as for women. Women, therefore, do not need special protection against oppressive conditions.

As women continue to pour into the workforce in ever-increasing numbers, they do need increased protection—not restriction in the guise of protection, but protection against unequal treatment both in the wageforce itself and in training to enter the labor force. Without such protection, working women will continue to be channeled into the lower-paying positions and could be denied the chance for advancement.●

ERA: WOMEN AND THE MILITARY

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Ms. SNOWE. Mr. Speaker, yesterday, the House Judiciary Subcommittee on Civil and Constitutional Rights reported out House Joint Resolution 1, the equal rights amendment. The subcommittee held 5 days of extensive hearings, providing for excellent legislative history on the ERA.

Carolyn Becraft, director of the Women's Equity Action League National Information Center on Women and the Military, presented testimony on the impact of the equal rights amendment on the status of women and the military before the subcommittee. I would like to submit for the RECORD an excerpt from Ms. Becraft's testimony.

The testimony follows:

The military is one area of federal law where explicit sex discrimination still exists. Currently, federal statutes restrict the manner in which the Secretaries of the Air Force and Navy can assign women, and all the services (with the exception of the Coast Guard) further restrict the roles women can play. As a result, entry to every service branch, opportunities to be promoted, education and training, are all routinely denied to women solely and exclusively on the basis of gender.

These discriminatory policies have created the illusion that wars are fought exclusively by men—as the protectors of women. ERA opponents argue that these exclusions must be maintained as barriers between the "proper" role of women and the supposedly all-male world of "combat."

While indeed the barriers are real, the notion that they serve to protect women from combat has always been an illusion. Women have served in every combat theater of every American war, have died, been wounded, and have been prisoners of war. Today, the skills and capabilities provided by women are so integral to the efficient operation of all branches of the armed services that, in any national emergency, it appears that the conscription of women is inevitable. In fact, plans for a draft of both men and women with medical skills are already being made.

The effect of the so-called "combat exclusions" is to control women's participation in the military, while still allowing Congress and the service branches enough flexibility to assure that women will be available when their skills are required. Behind every combat exclusion lies an exception—"except" nurses where they are needed; "except" in times of "real" national emergency; "except" when enough qualified men are not available.

The existence of these exclusionary laws and policies does not, then, protect women from combat. The real result is the creation of artificial barriers to promotion and to policy-making roles.

Women pay an enormous price for the maintenance of these laws and policies, and for the societal myths that underlie and are reinforced by them. This price comes as both an economic penalty and as a reduction in the quality of their citizenship rights.

The economic price is clear. The military is, quite simply, the largest employer and educator in the nation. Policies which limit the proportion of women who can enter the services deny women opportunities for job training and education in high demand technical and craft skills—not on the basis of their capabilities but because of their sex. Exclusion from the benefits of military service also means lost opportunities for college scholarships, veterans' education benefits, veterans' preference in government employment, veterans' insurance and loan programs, and limited access to the revolving door of the military-industrial connection—where the private sector pays well for the defense-related skills of former service members.

Recent research has verified a direct correlation between the economic status of women and military service. The Texas Population Research Center has just released data showing that among employed women of all races, those who have served in the Armed Forces are almost twice as likely to earn salaries of $300.00 per week or better than those women who have not. This conclusion was reached by comparing only women with similar education levels, and so does not even reflect the wider opportunities for training and education available to service members. The limitations on women's participation in the military thus provide an excellent example of discriminatory federal policies which help to create the earnings gap between men and women, and thus contribute to the feminization of proverty.●

THE DEATH OF GEORGE BISACCA IN LENOX, MASS.

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. CONTE. Mr. Speaker, visitors to the Berkshires always remark on my area's natural beauty—its steep mountain slopes, fiery fall colors, and serene blue lakes—but not everyone has been as privileged as I to know the people of the Berkshires. Hardworking, dedicated, and friendly, they have built up a tremendous tourism industry over the past years while expending special efforts to conserve the area's natural attributes.

No one represented this spirit of the Berkshires better than George Bisacca, owner of the Eastover Resort in Lenox, who succumbed to a heart attack Sunday, October 30. An Italian immigrant whose colorful background produced an even more colorful personality, George was one of those rare individuals whose abundant love for life actually meant love for people. He was both a shrewd businessman and a philanthropic grandfather whose contributions to the young and old throughout Berkshire County will stand as testament to his good nature.

You never had to ask George for help—he offered you more than you needed even before you had a chance to ask. He always stood ready to help in my campaigns, from throwing a huge parade to kick off my first campaign to providing a room in his resort at Eastover for victory parties following each one.

George never asked for anything in return for all his favors—and, even though he always managed to get me to dress up in some wild colonial outfit every Fourth of July, I never felt as though I could repay him for all of his assistance. Well, one day I finally got my chance—George called to tell me that he had been trying unsuccessfully for years to purchase a buffalo for his game farm and wondered if I could help him. Stewart Udall was at Interior then, and not only did I clear the purchase for George, but I helped him get a second one, a female, a few years later. Now at Eastover is one of the most beautiful herds of buffalo in the East that children who may never see the Great West can see in their own backyard.

Even though the people whose lives were touched by George tried in some small way to thank him, his loss is no less profound. He exemplified the Berkshires as much as its mountains, trees, and lakes. At this time, I would like to insert for the RECORD George Bisacca's obituary as it appeared in the Pittsfield, Mass., Berkshire Eagle.

GEORGE BISACCA, EASTOVER OWNER, DIES AFTER BEING STRICKEN AT HOME

LENOX.—George Bisacca of 455 East St., owner of the Eastover resort here and impresario of historical floats and other features in various Berkshire County parades and other events down through the years, died at Berkshire Medical Center early last night after suffering cardiac arrest at his home.

Besides creating and operating one of Southern Berkshire's major businesses, his resort on East Street here, Mr. Bisacca was a major contributor to many charitable causes in the area, both privately and through his various public activities.

He was a Civil War buff who had a large collection of memorabilia of that period at Eastover and often hosted "musters" there that featured the ordnance of the period. The firing of his collection of cannons and mortars as a climax of the annual playing of Tchaikovsky's "1812 Overture" had become a tradition at Tanglewood on Parade each August. Mr. Bisacca also lent his "steam train" and other floats representing bygone America to add to the color of the annual Tanglewood event.

Despite Mr. Bisacca's dazzling assortment of experiences as a young man and a lifelong penchant for traveling, he held a strong attachment to the Berkshires and recently told George R. Lagarce of Lenox, a longtime friend and business associate, "there's no better place than here."

Eastover, which he opened as a summer resort in 1947, was built into a year-round business that grossed $2.2 million annually and employed many local people as well as college students during their vacations.

His resort was designed to offer a place where single people, couples or families could enjoy an affordable, unpretentious weekend in the Berkshires.

But the resort was more than a business for him—it provided an extended family. He enjoyed the resort activities immensely and never hesitated to mix with guests and employees. "No one ever calls me Mr. Bisacca," he once told a reporter.

He also declined to tell reporters his age, which he managed to keep private during his many years of dealing with the press. A spokesman for the family said last night that even they are unsure of it.

In a newspaper advertisement penned two years ago, he wrote, "Resorts, with their sizable open spaces, are part of our conservation program and when forced to close, encourage the angry, efficient sounds of chain-saws and bulldozers making room for subdivisions and industry, thus increasing the pollution that is slowly but surely choking our country."

Robert K. Quattrochi of Pittsfield, owner of Pete's Chrysler-Plymouth, said of Mr. Bisacca that "even if he could get a better deal someplace else, he wouldn't do business with a guy if he didn't like him." He built "such a feeling of trust" with his business associates Quattrochi said, "that you wouldn't think of taking advantage of him."

Lenox Selectman John J. Pignatelli, who first met Mr. Bisacca in 1946, said he was "probably the greatest thing that ever happened to Lenox. The town has lost a true friend."

Mr. Bisacca was a member of the board of directors of the Berkshire Hills Conference. In the 1970s , he was president of the Lenox Hound and Hunt Club.

Born in Torino, Italy, son of Anthony and Clotilde Repole Bisacca, he came with his family as a young boy to Danbury, Conn., but his parents died before he was 10, leaving six children. He completed school through the 9th grade and at age 14 went to work for the Remington Arms factory in Bridgeport. The next year he became a streetcar motorman.

At 17, he joined the Ringling Brothers, Barnum & Bailey Circus as a roustabout and traveled all over the United States and Canada. After one year, he left the circus in North Dakota and hopped westbound trains to California, where he landed a job as a streetcar motorman.

Eventually returning to Connecticut, he began a business career in Stamford, first selling tires and eventually entering the wholesale gasoline business, through which he established 27 service stations in the Stamford area.

In 1947, he and his wife, the former Ruth Blumers of New York, bought the former Fahnestock estate here for $41,500, and converted it into Eastover.

Mrs. Bisacca died in 1976.

Mr. Bisacca leaves two daughters, Mrs. Ticki Winsor and Mrs. Susan McNinch, both of Lenox, and five grandchildren.

Roche Funeral Home is in charge of arrangements, which were incomplete.

In lieu of flowers, donations in Mr. Bisacca's memory may be made to the Church-on-the-Hill restoration fund or the Lenox Historical Society.●

PERSONAL EXPLANATION

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. BARNES. Mr. Speaker, I was absent from the House session last Friday, November 4, in order to travel to Grenada as part of the bipartisan leadership task force. I take this opportunity to indicate how I would have voted on rollcalls which occurred on that day. Rollcall No. 453, approval of the Journal, "yea"; rollcall No. 454, adoption of the rule providing for the consideration of H.R. 4196, the Dairy Production and Stabilization Act of 1983, "yea"; rollcall No. 455, final passage of H.R. 2114, maritime programs reauthorization, "yea"; rollcall No. 456, a motion to adjourn, "nay."●

OUR NEIGHBORS TO THE NORTH OPPOSE WINTER NAVIGATION

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, on August 3, the Committee on Public Works and Transportation ordered reported H.R. 3678, to provide for the conservation and development of water-related resources. In section 1123, the committee authorized the Corps of Engineers to implement a full year extension of the navigation season on the Great Lakes and a 10-month extension on the St. Lawrence Seaway.

Recently I communicated with Allan Gotlieb, Ambassador from Canada, to express to him my deep concern about winter navigation. Additionally, I sought his considered opinion because any successful extension of the shipping season on the Great Lakes would require substantial investments and serious consideration by the Canadian Government.

Mr. Gotlieb's response included his country's diplomatic note, previously delivered to the U.S. Department of State. To my knowledge, this formal communication has been shared by the State Department with appropriate Members of Congress. I share it with my colleagues today, because it articulates well the fundamental problems that would be imposed on Canada if the United States continues to pursue winter navigation.

I am very concerned that our Government has not formally expressed its intent to Canada, to pursue winter navigation. The recent phosphorus accord reached in Halifax, Nova Scotia, between the United States and Canada, cannot overshadow the serious conflicts our two nations have experienced in recent years regarding bilateral environmental issues.

I believe Canadian opposition raises yet another important issue in the debate over winter navigation. This distinguished body should seek out mutual interests and the cooperation of our valuable and trusted neighbor to the north before proceeding with section 1123 of H.R. 3678.

The communication follows:

The Embassy of Canada presents its compliments to the Department of State and has the honour to refer to the recent approval by the House of Representatives Committee on Public Works and Transportation of H.R. 3678 "Water Resources, Conservation, Development and Infrastructure Improvement and Rehabilitation Act of 1983". If enacted into law, Section 1123 of this Bill would provide authority for the phased implementation of navigation season extension on the Great Lakes and St. Lawrence Seaway systems ". . . substantially in accordance with recommendations of the District Engineer, Detroit District, contained in his report dated August, 1979 . . .".

The Embassy has the further honour to convey to the Department the Government of Canada's concern and serious reservations with regard to the proposed navigation season extension which, if enacted, could have implications for Canada and the Canada/United States relationship. The Embassy wishes to assure the Department that, in priniciple, the Government of Canada shares with the Government of the United States the desire to utilize, to the fullest degree possible and practical, the potential of the Great Lakes and St. Lawrence Seaway systems to maximize economic and social benefits to both countries. There are, however, several substantive bilateral questions with regard to the proposed navigation season extension (for which the August, 1979 report recognized that "formal agreement with the Government of Canada is required for any extension beyond the upper three Great Lakes") which must be addressed prior to any decision on implementation to ensure that the full range of Great Lakes and St. Lawrence River resources, which Canada and the United States share, are adequately protected.

The Government of Canada (and the Provincial Governments concerned) have followed closely since the mid-1970's the studies undertaken by the United States Army Corps of Engineers relating to a possible extension of the navigation season in the Great Lakes and St. Lawrence River systems. Canada has been interested in these developments to the extent that any proposals for an extended navigation season may accord with Canadian interests, or may raise the possibility of significant adverse transboundary effects which would be of concern. A fundamental principle and established tradition guiding Canada-United States bilateral relations is the cooperative management of transboundary waters. The requirement for joint management to preserve and protect the renewable resources of the Great Lakes system are specifically recognized in bilateral treaties including the Boundary Waters Treaty of 1909.

In the present instance the Government of Canada is particularly concerned that prior to implementation of any navigation season extension proposal (including demonstration projects) a thorough, comprehensive environmental impact assessment be undertaken in order to ensure that any plans for extending the operating season will not adversely affect the Canadian environment. The assessment must necessarily include evaluation of the potential effects of any extension of the navigation season on the Great Lakes environment, including fisheries, wildlife, riparian regimes, water levels and flows and the overall economic, social and recreational use of the Great Lakes and St. Lawrence River. In the Government of Canada's view the "adaptive assessment technique" recommended by the United States Army Corps of Engineers which would seek to accomplish environmental assessment concurrent with project development would not assure adequate protection for the rich and complex ecological systems of the Great Lakes and St. Lawrence River which Canada and the United States share. The impact assessment should also address the critical related factor of the effect upon the existing navigation regime and upon hydro electric generation in the Great Lakes and St. Lawrence River systems.

The Embassy also wishes to note that the Government of Canada has no parallel plans at this time for extension of the navigation season. Several studies over the last few years examined the capacity problems of the Seaway and looked at extension of the existing season as a potential solution. One study in particular specifically investigated the costs and benefits of several scenarios for season extension. However, the conclusion reached did not show such a project to be economically viable at this time. Release of these findings to Canadian industry generated very limited interest and virtually no expression of support for extension of the operating season. The current underutilization of Seaway capacity has meant there is even less interest at the present time in extending the navigation season.

The Canadian authorities recognize that it is possible that capacity problems could occur over the next several decades and as a result continue to study the problem. However, season extension is only one of several options for resolving capacity problems. All options would be reviewed prior to implementation for their potential social, environmental and economic costs and benefits.

At the present time, the Government of Canada is focusing its efforts on improving the utilization of the existing season through a number of initiatives, including infrastructure modifications on the Welland Canal and improved traffic control systems. The Seaway Administrations of Canada and the United States also adjust the opening and closing of the navigation season as weather conditions permit.

The Embassy requests that the Department provide in timely fashion the views set out above to the United States Senate and the House of Representatives. The Embassy would be grateful if the Department could recommend that these views be given serious consideration in any further deliberations by Congress concerning proposed navigation season extension on the Great Lakes and St. Lawrence Seaway systems.

The Embassy of Canada avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

Washington, September 30, 1983.●

CLINT LYONS HONORED BY RUTGERS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. RODINO. Mr. Speaker, it is a great privilege for me to recognize Clinton Lyons, who will be honored on November 9 by the Rutgers University Law School Alumni Association. He is a man who has served the legal profession with distinction, who has worked his entire career to further the rights of low-income people in our Nation's courtrooms.

Clint presently serves as executive director of the National Legal Aid and Defender Association, an organization of poverty lawyers which has been in the forefront of the fight to preserve the Federal Legal Services Corporation. He came to that position this year after having worked at the LSC during a most turbulent time.

Clint has been involved in the delivery of legal services to the poor since his graduation from Rutgers Law School, first as a staff attorney with the Essex County Legal Services Program, and eventually as the director of legal services programs in Newark and then in Georgia. In 1978, he came to LSC's Washington headquarters to direct the Office of Field Services until 1982, when he was appointed Acting Vice President and then Acting President. This was a challenge to Clint's administrative and leadership skills, one that he met most admirably. His management of the Corporation during this time earned him the widespread respect of the legal services community as well as many of President Reagan's appointees to the Corporation's Board of Directors.

Clint has demonstrated the sort of commitment and dedication that make the legal profession proud to count him as a member, and I take personal pride in the fact that he began his career in New Jersey. For the contributions he made to my home community and to our national legal services program, I salute Clint Lyons on this well-deserved honor.●

A NEW TYPE OF SUPERHERO

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. HAWKINS. Mr. Speaker, Dr. James Mays, a Los Angeles cardiologist and the creator of the fictional black superhero Radian, recently set into motion an imaginative plan to assist families in need. I would like to submit to the RECORD an article published by the Los Angeles Herald Examiner which further details this innovative community program.

The article follows:

[From the Los Angeles Herald Examiner]

BLACK PROFESSIONALS BEGIN PROGRAM TO ADOPT FAMILIES

(By Miles Beller)

Two years ago a black superhero named "Radian" burst upon the world.

The brainchild of Los Angeles cardiologist James Mays, Radian was a muscular do-gooder created to inspire black youth who were lacking outsized fantasy figures.

Now, in an effort to further spur aspirations of local black youngsters and perhaps turn wishful fantasy into a bit of hard reality, Mays and several other area black professionals such as lawyer Lawrence Grigsby, accountant Earl Harris, nutritionist Iris Brown, and pharmacy owners Tracy Lovelace and Eugene Wheeler have put together a new self-help program called Adopt-A-Family Endowment.

Under terms of the pilot program, Mays and the other professionals will be providing free services to the McNeese family—a family of 14 who reside in South Los Angeles and now are entirely supported by federal, state and county welfare funds.

"We are the first generation of successful black people," Mays explained yesterday, a day before this morning's press conference held at the McNeese residence to formally announce the program's launching. "And we're showing them 'you are a step away from where I am.' "

Mays went on to say that while "you can have fantasy figures such as Radian for the children," it is equally important to show black youngsters that "we do have black heroes in the community" such as postmen, doctors and lawyers.

Consequently, Mays noted, one of the program's main goals it to "have black professionals interact with the family, and hopefully serve as a motivating factor."

Mays also noted that a far-reaching goal of the program is to "redirect" those who are apt "to step out of a restaurant and point a gun at your head."

In addition to the professionals offering skills and services free of charge, Mays said that $200 would be given to the McNeeses each month for the next year.

"We'll be giving them a $200-a-month endowment," Mays pointed out, adding he thought that the money would probably be budgeted for food.

Though the McNeeses will be the first family to be helped by the Adopt-A-Family program, Mays said there is undoubtedly no shortage of black families needing such assistance.

By the end of this year's program, Mays said, he hopes there will be no shortage of black professionals who had volunteered their services and time to the program.

As to how the McNeeses came to be selected to be the program's first family, Mays said they literally came to him.

"It just so happened that the family came into my office," he commented. "And there they were . . . all lined up like ducks on a pond."

"Well, I was a patient there," recounted James McNeese, when asked how his family came to be chosen. McNeese, 43, broke both hips and suffered permanent spinal damage when he was 16 years old and fell from a truck while catching sacks of cotton.

Eventually, the entire McNeese family became Mays' patients.

In putting into words the hopes he has for what the Adopt-A-Family program can accomplish. NcNeese said that paramount for him was encouraging the children to strive for better grades and instilling in them the will to "look forward to the future."

"I didn't get the chance to go to school," he noted. "I had to stop at the 10th grade and go to work."

At the moment, NcNeese is particularly concerned about the education of his two eldest daughters, Willie Jean, 19, and Tammie, 18. Both girls are mothers out-of-wedlock who dropped out of school, later returning to high school and graduating with honors this year.

"Willie Jean wants to go into computers and Tammie wants to be a nurse," noted McNeese. And he trusts that the program will help his children attain this goal.

As far as the program's long-term benefits go, McNeese hopes it will provide "a better life for all—even after the year is up."

More prosaic concerns for NcNeese now include finding roomier lodgings for his brood. "We need a large place," he said of the three-bedroom apartment on 58th Place, just off Slauson Avenue and Hoover Street, that he rents for $650 monthly.

"Now the kids are all sharing bedrooms. My wife, Essie, and I are sharing our bedroom with two children."

Though keenly aware of the considerable problems his family now faces—problems the Adopt-A-Family program will try in the next 12 months to alleviate—McNeese knows his plight is not unique.

"There are some I know who are even in a worse situation," he said. "At least my family is not hungry and outdoors. We have food, a place to live."●

INDUSTRIAL INNOVATION AWARDS: WINNERS FROM PENNSYLVANIA

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. WALGREN. Mr. Speaker, each year the Editorial Advisory Board of Industrial Research and Development magazine holds a competition to confer awards on the 100 most significant new products, processes, and materials. Selection is based on considerations of importance, uniqueness, and usefulness from a technical standpoint. The IR 100 awards for 1983 were presented on September 22 at Chicago's Museum of Science and Industry.

Some of the statistics concerning the awards are revealing. According to Industrial Research and Development, 39 of the 1983 winners were developed with the aid of Government funds, 2 of them foreign and 37 United States. One of the foreign winners was supported 50 percent with Government funds, the other 40 percent. Government support for U.S.-based winners included 24 at 100 percent, with the other 13 ranging from 95 percent down to 3.6 percent. In 1982, governments supported all or part of the development of 36 winners; in 1981, 38.

I believe these statistics are indicative of the leverage provided by Government R&D support in advancing technical innovation. The appropriate Federal role in fostering innovation and productivity is a central issue for those of us who serve on the Committee on Science and Technology.

I am particularly pleased to note that seven of the prestigious 1983 IR 100 awards were conferred wholly or jointly on firms or universities located in Pennsylvania. The seven products were described in the October 1983 issue of Industrial Research and Development as follows:

Surgical tool detection device ("MagTec System") is a hospital operating room device that detects the presence and location of surgical tools and/or sponges left in a surgical site. The method is more objective and accurate than the conventional procedure of manually counting all tools and sponges prior to closing a surgical wound.

The system works on magnetic principles and consists of a control module and a probe. Prior to wound closure, the surgeon inserts the sterile probe, attached to the control module by a 10-ft cord, into the open wound. The wound cavity is searched for tools and/or sponges. If an object is detected, the control module emits an audible and a visual signal.

The detection device shortens the time a patient is in the operating room by eliminating the need to count and recount tools and sponges. It also eliminates the use of x rays to determine if missing tools or sponges have been left in a surgical site.

Valley Forge Scientific Corp., Valley Forge, PA. Developer: Jerry L. Malis, vice president, R&D and manufacturing. Price: $10 for the sterile disposable probe. Control modules are loaned to hospitals with probe purchase.

Switch matrix system performs high-speed message routing in multibeam antenna satellite systems. The system has a 20-nsec switching speed, compared to 1-msec speeds for existing systems. It operates at a 5-GHz frequency and has greater than 1-GHz bandwidth capability.

The switch matrix system uses a coupled crossbar architecture for complete interconnectivity in a nonblocking manner and to perform a maximum of 500,000 message routing changes per second.

Two-stage, dual-gate GaAs field effect transistors are used as the switching devices. These devices can turn on or off in less than 10 nsec and provide a 20-dB signal gain which limits the insertion loss introduced by the input and output directional couplers.

The system weighs less than 35 lb and uses less than 25 W of power. It was designed to handle all of the message routing functions between uplink and downlink beams in a communications satellite.

NASA Lewis Research Center, Cleveland, OH, a joint entry with Ford Aerospace Corp., Palo Alto, CA; General Electric Co., Philadelphia, PA; and Mitre Corp., Bedford, MA. Developers: A joint team of scientist. Price: $1 million for a 20 × 20-matrix unit.

Liquid flowmetering instrument ("Thermalpulse" HPLC Flowmeter) has been developed specifically for the measurement of liquid flow rates from 0.1 to 100 cc/min. with precision of at least 0./1%.

It uses no orifices or moving parts, but rather uses dual glass-encapsulated thermistor probes to impart a heat pulse into the flowing liquid and to detect its arrival downstream.

The output is inherently digital and computer compatible, making it possible, for example, for the unit to police a pumping system and indicate needed corrections for inevitable flow fluctuations.

Dow Chemical Co., Midland, MI, joint entry with Molytek Inc., Pittsburgh, PA. Developers: Theodore E. Miller Jr. and Hamish Small. Price: $2,000.

Long-distance microscope (Questar QM1) is designed for microscopic use at distances between 22 and 77 in. from the subject. At 24 in. the effective angular magnification for photographic purposes is 60 diameters. At 22 in., depth of field is 0.355 mm, and at 77 in. the depth of field is 4.11 mm. Resolution limits approach 2 μm.

The microscope uses a Maksutov Cassegrain catadioptric system. The system is practically free of chromatism, spherical aberration, coma, and astigmatism. Documentation of observations is easily accomplished with either a 35-mm single-lens-reflex camera or a video camera.

Applications include any object or event that must be viewed in detail but cannot be touched, moved, and/or observed at close distances. Rapidly moving objects can be observed and recorded by attaching a high-speed camera to the microscope.

Questar Corp., New Hope, PA. Developers: A team of scientists. Price: $5,450.

Plasma arc process to make sinterable titanium diboride (sintrium titanium diboride) produces submicron powder that can be cold pressed and sintered to fabricate high-hardness, high-density, electrically conductive ceramic shapes.

The PPG process uses controlled mixing of gaseous raw materials with hot hydrogen from a plasma torch (about 3000 C) to directly produce high-purity titanium diboride powder. The resultant particles have controlled composition and particle size.

Titanium diboride powder made through the PPG process is unique because its composition and submicron particle size allow pressureless sintering to shapes having density greater than 99% of theoretical.

By comparison, the conventional process to make titanium diboride gives a product that must be ground into a useful powder. Shapes fabricated from conventional carbothermic titanium diboride range in density up to 95%.

The composition and sintering conditions of the PPG process can be varied to optimize properties such as strength or thermal shock resistance of the shapes. This process technology also is available for the production of other ceramic materials, such as silicon carbide and titanium carbide.

PPG Industries, Pittsburgh, PA. Developers: A research team at the Barberton, OH, technical center of PPG's chemicals operation. Price: Negotiable; technology available for licensing.

Acoustic waveguide corona probe and meter monitor high-voltage power capacitors in the factory for internal coronas or microsparks.

The spherical pressure waves from microsparks diffuse rapidly as they propagate away from the source, and the pressure levels fall inversely with distance. Consequently, conventional acoustic sensors, which for safety reasons are coupled to the tank walls of electrical apparatus, can only receive a weak signal from internal corona.

On the other hand, acoustic waveguides, which are typically 0.5-in.-dia rods of fiberglass-polyester, may be safely located close to corona sources and will transmit a much larger acoustic signal to an ultrasonic sensor and special indicating meter at the far end of the waveguide.

The quality and reliability of electrical power apparatus is particularly important in these days of high-cost energy. Acoustic waveguide corona probes used with an indicating meter offer a relatively simle and low-cost means of both improving the quality of electrical apparatus in the factory and of monitoring incipient faults in apparatus in service.

The system will respond to corona energy levels in the range of microjoules and no adjustments are needed in order to monitor levels ranging from 1 to 10^5 units. The acoustic waveguide corona probe and indicating meter is presently being used on an EPRI project to identify PCB-filled capacitors which are failing and need to be replaced.

Westinghouse Electric Corp., Pittsburgh, PA. Developers: A research team. Price: $4,000.

X-ray diffraction stress analyzer (D-1000-A) is capable of applying all x-ray techniques of residual stress measurement. The advanced capability of this most versatile of all recently developed stress measurement x-ray instruments is due to a unique position-sensitive scintillation x-ray detector with two independent detection surfaces.

The detector, which may be easily detached from the analyzer, is adaptable to virtually any x-ray source ranging from synchrotrons to low wattage, miniature x-ray tubes.

The analyzer provides for 10 to 100 times faster data collection with better accuracy and no dead time, and is more compact and portable than any other x-ray stress analyzer.

Since no contact with the specimen or mechanical movement of any component of the instrument is necessary during stress measurement, the device is readily adaptable to remote operation. Further, its compactness, when used with a miniature x-ray source, allows for stress measurement inside of orifices smaller than 4 in. dia.

Pennsylvania State Univ., Materials Research Lab, University Park, a joint entry with Action Analytical Instruments, Englewood, CO. Developers: Clay Olaf Ruud and David and Brent Carpenter. Price: $60,000 to $130,000, depending upon options.●

ROLLCALL VOTES ON THURSDAY, NOVEMBER 3, AND FRIDAY, NOVEMBER 4, 1983

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. DANNEMEYER. Mr. Speaker, I was necessarily absent from a portion of the session of the House on Thursday, November 3, 1983, and all of the session on Friday, November 4, 1983.

I am submitting this statement for the RECORD on how I would have voted had I been present.

Rollcall No. 450. This was a vote on the Hughes amendment to the hazardous waste bill to require the Attorney General to deputize EPA officials to prosecute cases upon a showing of need rather than allowing EPA to move forward on their own as provided for in the bill as reported from the Energy and Commerce Committee. I would have voted "yea."

Rollcall No. 451. This was a vote on the Levitas amendment to the hazardous waste bill to provide for congressional review of EPA regulations implementing the small generator provisions of the legislation. I would have voted "yea."

Rollcall No. 452. This was a separate vote in the House on the Levitas amendment adopted in the Committee of the Whole. Again, I would have voted "yea."

Rollcall No. 453. This was a vote on approving the Speaker's approval of the Journal of the actions of the House on Thursday, November 3, 1983. I would have voted "yea."

Rollcall No. 454. This was a vote on adoption of the rule for consideration of H.R. 4196, the dairy legislation. While I am opposed to the dairy bill in its present form, the rule permits consideration of the Conable substitute which I prefer to the committee bill. Therefore, I would have voted "yea" on the rule.

Rollcall No. 455. This was a recorded vote on final passage of H.R. 2114, the reauthorization of maritime programs administered by the Department of Transportation. While the authorized funding levels are less than the budget in fiscal year 1983, the bill exceeds the President's budget request by $3 million. I know of no other way to protest excessive Federal spending than to oppose bills of this variety. Therefore, I would have voted "no."

Rollcall No. 456. This was a recorded vote on a motion to adjourn made by the gentleman from California (Mr. LUNGREN). Unfortunately, this normally routine motion was necessary to try and protect the rights of the minority on the rule to govern consideration of the upcoming continuing resolution. I would have voted "yea."●

WATER SOURCE GETS CLASSIFIED ENDANGERED

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. CONTE. Mr. Speaker, despite the short attention span of the media, the problem of acid rain has not disappeared. It is real, quantifiable in fiscal and environmental terms, and increasing every day. The adverse effects are not limited to aquatic life—as some uninformed officials contend—but rather extend to the environment, forest and agricultural resources, visibility, human health and material damages.

In my own State, the Water Resources Center at the University of Massachusetts has organized and implemented an "Acid Rain Monitoring (ARM) Project" to assess the direct damage to the environment from acid disposition. The ARM project is a grassroots network of approximately 800 volunteers who collect water samples from 1,229 lakes, streams, and reservoirs in their localities. The samples are then brought to 75 professional laboratories—volunteering their time and equipment—for chemical analysis. The results are devastating:

Seventy bodies of water in Massachusetts are now dead;

Over 40 percent of the waterways tested are endangered, critical, or already dead; and

Eighty-five percent of all lakes, streams and reservoirs sampled by the volunteers were sensitive to acid rain to some degree.

Acid rain is a serious problem today, and the future is not promising unless something is done to arrest this growing environmental danger. Let us take that difficult and economically painful step to deal with this real problem of acid rain. Time for discussion and long-term research about the effects is over; a solution is needed now before irreversible damage is done.

For my colleagues' reference, I will include a new account of the work of the acid rain monitoring project. Their efforts to document scientifically the effects of acid rain are commendable.

[From the Morning Union (Holyoke, Mass.), Oct. 17, 1983]

WATER SOURCE GETS CLASSIFIED "ENDANGERED"

(By Walter Hamilton)

HOLYOKE.—One of the city's primary sources of drinking water was classied as "endangered" by the effects of acid rain, according to tests completed Sunday by the Acid-Rain Monitoring Project.

As part of the statewide monitoring project, tests showed McLean Reservoir to be in danger of losing all its ability to neutralize the acidity in rainfall. The phenomenon of acid rain has been recognized as a widespread problem in the northeastern U.S. and Canada.

Laboratory analysis of the reservoir's water at Holyoke Community College indicated the water's ability to neutralize acid rain was equivalent to a solution containing 4.3 milligrams of limestone per liter of water. The water's pH is 7.08, or nearly neutral.

The endangered rating is the third lowest category of ability to neutralize acid rain. Only bodies of water with critical, below 2 milligrams of limestone per liter, and acidified, where the body of water has no neutralizing ability, are in worse shape.

McLean Reservoir is one of 228 endangered lakes, ponds, reservoirs and streams out of a total 1,229 being surveyed statewide. There are 194 in the critical category and 70 in the acidified category.

Project officials said once the reservoir loses its ability to neutralize acid rain, the resulting acidity can leach copper and lead from the water pipes and cause aquatic life, including fish, to die.

Amherst officials found lead levels in an elementary school's drinking water three times higher than drinking water standards allow after treatment of drinking water for pH levels was temporarily suspended. Water leaching lead from solder joining the school's copper pipes was blamed.

"We've been aware of the problem for the last 30 years," said Herm Covey, district manager for the state Division of Fisheries and Wildlife, one of several public and private agencies sponsoring the monitoring program staffed by 800 volunteers.

Covey said the acidity in some lakes, such as Lake Wyola in Shutesbury, have become so acidic at times, that his division has bypassed spring trout stocking. Low acidity of the water can kill fish and the food fish eat, he said.

At Laurel Lake in Erving, limestone was added to make the pond habitable for fish. Such measures might be needed at Quabbin Reservoir where highly acidic snow melts have killed smelt eggs in large numbers. Smelt are an important food for lake trout and yellow perch, Covey said.

The acid rain problem is believed caused by sulfur emissions from industry and utilities, many of them in Midwestern states, requiring a national effort and large amounts of money to clean up, Covey said.

"We can't sweep it under the rug anymore," said Covey. "We've had studies done that say it's going to get worse. Not only does it affect fish, but deer, trees and vegetables. It's getting to the point where its a matter of survival."

Project officials said volunteers will continue to take samples from all 1,229 bodies of water once a month from now until next spring. Findings will be published after monitoring is complete.●

COMMENDATION OF HUD SECRETARY, SAMUEL R. PIERCE, JR., ON THE LAUNCHING OF HIS FAIR HOUSING CAMPAIGN

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mrs. HOLT. Mr. Speaker, I want to commend and thank HUD Secretary, Samuel R. Pierce, Jr., for coming to my State of Maryland recently to launch a national campaign, paid for through public/private partnerships, to promote fair housing for all Americans.

On October 14, in Baltimore at a noon-day ceremony in front of the city hall in the War Memorial Plaza, Secretary Pierce joined with Baltimore Mayor William Donald Schaefer and business and civic leaders in kicking off the national campaign by unveiling a fair housing bus poster, and declaring his and the President's commitment to fair housing.

Secretary Pierce noted in his remarks that even though 15 years have passed since Congress enacted the fair housing law, unfortunately, housing discrimination still exists.

Secretary Pierce said that he is "unequivocally committed to the bold promise that no person will be denied freedom of choice in housing because of race, color, religion, sex, or national origin."

In President Reagan's state of the Union message, he promised to strengthen enforcement of our fair housing laws. H.R. 3747 is his followup on that pledge, and the legislation will put real teeth into the Fair Housing Act.

Mr. Speaker, I agree with Secretary Pierce's statement that, "the administration is committed to fairness." I am pleased that Secretary Pierce has pledged the "full backing of the Federal Government whenever and wherever even one person's constitutional rights are denied."

Mr. Speaker, I commend to my colleagues the text and coverage of the Secretary's remarks in Baltimore on the occasion of his launching this important campaign—"Fair Housing: President Reagan supports it, Secretary Pierce supports it," I support it, and "all America needs it."

REMARKS BY SECRETARY SAMUEL R. PIERCE, JR.

It's great to be here in Orioles and Colts country! Baltimore really is a city that knows how to win—and you have the teams to prove it. Things are looking better for the Orioles in the World Series, and the Colts are showing signs of returning to their glory years.

This isn't a sporting event, but today, in Baltimore, we're "kicking off" another event of National significance—a campaign to promote Fair Housing for all Americans. I am grateful to Mayor Schaefer and his staff for their enthusiastic cooperation in bringing this important issue right up front where it belongs.

I would also like to thank your local business leaders—especially Raymond Haysbert, Otis Warren, and Jon Boisclair—for their generosity in donating the space and materials for our Fair Housing poster campaign.

Of course, for black Americans and other minorities, discrimination in housing—and discrimination in general—has been a century-long challenge. A great deal of progress has already been made toward correcting the situation, but unfortunately, discrimination in housing is still with us.

That's why we're here today . . . to call attention to this reality and to make clear our intention to do whatever is necessary to eliminate unjust discrimination from our society.

As Secretary of Housing and Urban Development, and as President Reagan's chief representative to urban America, I am unequivocally committed to the bold promise that no person will be denied freedom of choice in housing because of race, color, religion, sex, or national origin.

In his State of the Union message, the President promised to strengthen enforcement of our Nation's fair housing laws. Not long ago, he followed up on that pledge by proposing a series of amendments that will put real teeth into the Fair Housing Act. Tough enforcement and swift justice are at the heart of the bill the President has sent to Congress.

I'll just comment briefly on the content of our proposed bill.

The law as it stands makes discrimination in the sale or rental of housing based on race, color, religion, sex, or national origin illegal and provides certain remedies for victims. It stresses conciliation between complainants and alleged offenders. And we have found that where the parties sit down to negotiate in good faith, the conciliation process is speedy and effective.

On average, it produces a settlement within a hundred days, which is much faster than any court or administrative hearing process is likely to be. Moreover, in 50 percent of these cases, complainants are provided with a dwelling.

But the trouble with the existing law is that it doesn't bring enough cases to conciliation because the enforcement procedures are too weak. The Fair Housing Act permits the Attorney General to bring suit against offenders only in multiple instances of discrimination. The law provides no relief to individual victims except those very few who can afford to bring suit at their own expense.

This is the basic weakness in the existing law. Under our proposal, the Secretary of HUD would be authorized, where conciliation efforts fail, to refer individual cases directly to the Attorney General for judicial enforcement. Our amendments would also provide stiff penalties against offenders—up to $50,000 for a first offense, and $100,000 for a second—in addition to injunctive relief. In other words, our amendments would make bigotry in housing a very expensive proposition. I'm hopeful that both houses of Congress will hold hearings this fall on Fair Housing so that by next year, a strengthened Fair Housing statute will be a reality.

It is my firm belief that our bill, when enacted, will be a weapon against the disgrace of housing discrimination. This Administration is committed to fairness, and that is why we have pledged the full backing of the Federal government whenever and wherever even one person's constitutional rights are denied.

Fair housing is an issue that transcends partisan concerns. We must never lose sight of our mutual goal of ending discrimination in housing. It is therefore appropriate that I, representing a Republican administration, and Mayor Schaefer, elected as a Democrat, join together in launching this fair housing campaign. Through our joint efforts, we hope to reach the minds and hearts of all people who love liberty and respect our Constitution. I know this campaign will be a successful one. After all, we're launching it in a city that knows how to win: in baseball, in football, or in any other cause its citizens believe in.

Thank you for being here today.

And now, Mayor, if you'll join me, we'll launch this campaign together.●

THE CABLE CONSUMER PROTECTION ACT OF 1983: H.R. 4299

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. BRYANT. Mr. Speaker, last Thursday I introduced H.R. 4299, the Cable Consumer Protection Act of 1983 as an alternative to H.R. 4103. I would like to address what I consider to be the radically different approach I take in my legislation as opposed to H.R. 4103. Therefore, I wish to describe some of the significant differences between the two bills.

First and foremost, my bill would not bail out cable operators from the contracts they voluntarily entered into with local and State governments. While I have no doubt that adjustments both large and small need and should be made in many of these contracts I believe that such adjustments are best made by the parties affected at the local level. I do not believe the cable industry has demonstrated a compelling need for the Federal Government to abrogate these contracts. To the contrary, I believe there is supporting evidence to show just the opposite.

Second, my bill would create what I consider to be a reasonable and certain renewal process while assuring a truly competitive environment. I strongly believe that cable subscribers are best served by the competitive bidding process. I do agree that all sides—cable operators, cable consumers, and State and local governments—benefit from having an open, fair and predictable renewal process.

H.R. 4299 would establish procedural timetables under which renewal applications must be processed. However, I do not believe it is appropriate to place the burden on a local or State government to prove why renewal is not justified. I also do not find it necessary to subject the determinations of local communities on franchise agreements to endless, lengthy and costly litigation by permitting the cable operator to seek de novo judicial review of bona fide, good faith decisions made by duly elected local officials.

Such provisions effectively emasculate local control over the renewal process and give cable operators legal standing enjoyed by no other entity which contracts with local or State government. I cannot imagine how it is inappropriate for cable operators to demonstrate why continued service in a community is in the public interest and to rely on their existing legal rights, which are substantial, to protect their interests. If the cable industry seeks a deregulated, unrestricted free market approach to rates, why should they not be willing to live by that same standard in the renewal process?

Rate regulation is a major area of difference between H.R. 4299 and H.R. 4103. H.R. 4103 would effectively eliminate rate regulation in most areas of the country for virtually all cable services over a short period of time. While I recognize there has been a great deal of debate over how effective rate regulation is, I believe it is far too early to prohibit such regulation of cable operators. I do not believe that the cable industry can demonstrate a widespread record of abuse of this authority by local and State governments. Moreover, I consider rate regulation an effective tool for local authorities to use to ensure enforcement of cable franchise agreements.

My proposal will permit, and in fact mandate, substantial deregulation of cable service rates. However, rate regulation over basic service and two-way communications where a cable operator is in direct competition with regulated telephone companies is preserved at the local level.

Among other provisions of H.R. 4299 are those which deal with the rights of apartment dwellers to be served by cable operators, mandates for citizen access to cable services and subscriber privacy protections. I also have included language which prohibits piracy of cable services.

Federal legislation over the cable industry may indeed be necessary to protect consumers and provide clarification of the terms of contract renewal for cable companies. I am convinced that the approach developed in H.R. 4299 is in the best interests of all parties concerned—the consumer, the operator and the local and State governments.

I look forward to working with my colleagues on the Energy and Commerce Subcommittee on Telecommunications, Consumer Protection and Finance when markup sessions begin on Federal cable legislation. I am sure that this will be a constructive process which will narrow the differences between H.R. 4103 and H.R. 4299 and bring together the National League of Cities, the National Cable Television Association, the U.S. Conference of Mayors and all other interested parties.

The following is a section by section analysis of H.R. 4299 for the information of my colleagues in the House who are probably hearing from both their mayors and cable operators on the various legislative proposals which have been introduced to deal with the cable television issue.

SECTION BY SECTION ANALYSIS

H.R. 4299 THE CABLE CONSUMER PROTECTION ACT OF 1983 PROPOSED BY REPRESENTATIVE JOHN BRYANT

Section 1 amends the 1934 Communications Act by adding a new Title VI with the following new sections:

Section 601 contains the findings of Congress that cable television and broadband telecommunications transmission systems are efficient modes for the delivery of new and varied telecommunications services; that a national policy can encourage the rapid expansion of cable transmission facilities and can encourage the construction and operation of cable television transmission facilities and services compatible with the particular needs of the residents of individual communities; that telecommunications service competition can exist only where competing service providers have equal and fair access to comparable transmission facilities at comparable prices; that competition in cable services should be encouraged wherever possible; that cable transmission facilities demonstrate substantial economies of scale and low incremental costs of carrying additional telecommunications services; and that the design, construction, availability, and operation of such monopoly facilities is a matter of important local concern.

Section 602 lists the purposes of the Act: to establish consumer rights in cable telecommunications services; to foster growth and expansion of freedom of speech through broadband telecommunications; to assure diversity of telecommunications services to cable subscribers; to promote competition among telecommunications services; to encourage the widest possible availability of cable transmission facilities to subscribers and cable service providers on a nondiscriminatory basis; to deregulate competitive cable services and assure the availability of adequate cable transmission facilities to such services; to define and encourage shared federal, state, and local responsibilities for the development of broadband telecommunications; and to protect the integrity of contracts to provide cable facilities, equipment and services to the public.

Section 603 defines the following terms: basic service, broadband telecommunications, cable facility, cable franchise or franchises, cable operator or cable system operator, cable service or cable service offering, cable subscriber, cable system, closed transmission medium or closed transmission media, franchising authority, law, person, personally identifiable information, telecommunications, telecommunications service, and United States. The definition distinguished between the facilities used to provide three types of services: basic, cable, and telecommunications. Basic service is defined as the availability of a cable facility and any services defined as basic service in a negotiated contract between a system operator and franchising authority or in a franchise or ordinance, and any other services that are defined by the FCC as basic service. Cable service is defined to mean one-way video and audio service offered by a cable operator on its cable system available to all subscribers, and not included in basic service. Telecommunications service means the offering of telecommunications (the transmission of information by electromagnetic means), but does not include basic or cable service. Cable subscribers include those who receive and those who transmit signals over the cable system except the operator.

Section 604 contains the scope of the Act's application. States or political subdivisions or agencies of states, and franchising authorities may award cable franchises within their jurisdiction in accordance with the provisions of the Act. Cable operators may not provide any service on their cable systems without a cable franchise in compliance with the Act. A grandfather clause exempts cable systems in operation on December 31, 1983 from this franchise requirement.

Section 605 sets forth the jurisdiction of state and local franchising authorities and of the FCC over basic service and telecommunications service. State and local franchising authorities shall have jurisdiction to ensure, with respect to any basic service or telecommunications service, the availability and fair terms and conditions, including rates and charges of cable facility and service availability, user access, equipment, and non-commercial and commercial uses. The FCC may establish minimum cable standards for technical specifications, terms and conditions for public, governmental, and educational access, system interconnection, equal employment opportunity and affirmative action, and cross ownership of cable and other media. Notwithstanding the authority of the FCC, the states or franchising authorities, may establish additional requirements appropriate for a particular community's needs, including reasonable consumer protection, public safety, and environmental protection, to ensure that cable systems are constructed and operated consistently with the public interest.

Section 606 defines the extent to which state and local authorities can regulate "cable service" (as opposed to "basic service"). A state or local franchising authority may not regulate the terms and conditions of a cable service offering unless that service is not subject to "effective competition in the relevant market" (defined as the availability to all subscribers of a comparable service at a similar or lower cost). This Section establishes a presumption that effective competition exists for any one-way video or audio service not included in "basic service." A cable operator may nonetheless contract with a franchising authority to provide specific cable services under specific conditions.

Section 607 promotes competition among various cable and telecommunications services. It authorizes the FCC and state and local authorities to adopt regulations to encourage fair and reasonable treatment of cable subscribers with respect to the use of cable facilities and the availability and diversity of competing basic services, cable services, and telecommunications services. A franchising authority and cable operator may specify, in a franchise agreement or renewal thereof, that certain obscene or otherwise constitutionally unprotected cable services shall not be provided, or shall be provided subject to conditions.

BEST COPY AVAILABLE

Section 608 authorizes the imposition on cable operators of fees for the privilege of holding a franchise. Franchise fees shall not exceed an annual aggregate of five percent of a cable operator's gross revenues related to the operation of the cable system which is the subject of the franchise. Franchise fees do not include taxes, charges for building permits or safety inspections or similar services performed by governmental authorities pursuant to generally applicable laws and regulations, bonds, security funds, letters of credit, insurance, indemnification, penalties, liquidated damages, or similar requirements incidental to the enforcement of the franchising agreement, or payments for the purpose of facilitating the use of channels set aside for public, educational or governmental use or payments to benefit subscribers, which are not paid directly to the franchising authority.

Section 609 establishes a fair process for reviewing applications for franchise renewals and extensions. Any application for franchise renewal must be filed at least 24 months, but not more than 36 months, before the expiration of a franchise. A cable system operator with franchises scheduled to expire within 24 months after the date of enactment of this Act shall be in compliance with this requirement if he files application for renewal within 60 days after the date of enactment. The franchising authority must initiate the renewal process within 120 days of submission of the application and conduct any proceedings necessary to adequately consider the application, including at least one public hearing. The subjects of this public hearing shall include the operator's past performance; its compliance with the terms of the existing franchise; the needs of the community served for public educational, government and other forms of access and the proposals contained in the renewal application. The franchising authority shall commence negotiations in good faith with any cable system operator regarding franchise renewal within 30 days after completion of the proceedings for consideration of the renewal application, shall make a final decision on the application within 18 months after its receipt, and, if that application is denied, shall notify the applicant in writing, within 30 days after the final decision, of the reasons for the denial. To maximize the potential for competition to obtain a franchise the bill allows a franchising authority to solicit, receive, and consider applications from other persons seeking a cable television franchise at any time.

Section 610 provides for the protection of the privacy of cable subscribers. No cable operator or cable subscriber may use the cable system to collect personally identifiable information with respect to a cable subscriber, except upon that subscriber's prior written consent. This prohibition does not apply to the collection of information solely for billing purposes, to monitor cable operator performance, to monitor for unauthorized reception of telecommunications, or to collect aggregate information about subscriber viewing patterns for the sole use of the operator and which may not be disclosed. A cable operator or cable subscriber shall ensure that any such information is destroyed when the information is no longer used or to be used for the purposes for which it was collected. Cable operators and subscribers are prohibited from disclosing personally identifiable information with respect to a cable subscriber except upon the prior written consent of the subscriber, or pursuant to a lawful court order authorizing such disclosure. Any consent of a cable subscriber to the collection or disclosure of personally identifiable information shall be valid for no more than one year, shall be revocable by the subscriber at any time without penalty, and is automatically revoked when the consenting person is no longer a cable subscriber. No penalty shall be imposed nor incentive offered to subscribers for the purpose of obtaining any such consent. Any such consent shall be expressed and signed on a document intended solely for evidencing the subscriber's consent. If a court authorizes or orders disclosure of personally identifiable information, the person to whom the order is directed shall notify the cable subscriber at 14 days before the disclosure is made. Each cable operator shall, at the time of entering into an agreement to provide telecommunications, and regularly thereafter, inform every subscriber of the rights of the subscriber under this section. The information so provided shall include a description of the nature of the information to be maintained by the cable operator, or cable subscriber using the information, and the location and availability of such information. A cable subscriber shall have access to all personally identifiable information regarding that subscriber which is collected and maintained by a cable operator or other cable subscriber. Any cable subscriber whose privacy is violated in contravention of this section shall, in addition to any other available remedies, be entitled to recover civil damages as authorized and in the manner set forth in 18 U.S.C. § 2520. States or political subdivisions or agencies thereof, or franchising authorities, may enact additional laws for the protection of subscriber privacy.

Section 611 provides that existing cable television franchises, or franchises issued pursuant to a franchise process initiated prior to the effective date of the Act, are not affected by the Act. A franchising authority and cable system operator may, however, agree to make a franchise to which they are parties subject to this Act. A cable operator may invoke the rights and obligations under this Act if, within one year of its effective date, the cable operator can prove to a court of competent jurisdiction that its franchise is an unconscionable contract.

Section 612 prohibits certain corrupt practices with respect to the obtaining or retention of a cable franchise. It makes unlawful the use of the mails or any means or instrumentality of interstate commerce in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to any official for the purpose of influencing his official act or decision, or for the purpose of inducing the official to use his influence with a franchising authority to affect or influence any act or decision of such franchising authority, in order to assist the person in obtaining or retaining a cable television franchise. The same prohibition applies to the corrupt use of the mails or any means of instrumentality or interstate commerce in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to any person while knowing or having reason to know that any portion of such money or thing of value will be offered, given, or promised, directly or indirectly, to any official for the same purposes. Individuals convicted of willful violation of these prohibitions are subject to a fine of not more than $10,000, or imprisonment of not more than five years, or both. Any corporation or partnership convicted of violating these prohibitions shall be fined not more than $100,000. Any officer or director of a corporation or partnership, or stockholder acting on behalf of a corporation, who is convicted of a willful violation shall be fined not more than $10,000, or imprisoned not more than five years, or both. Any official or person selected to be an official, who directly or indirectly, corruptly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself or for any other person or entity, in return for being influenced in his performance of any official act in order to assist any person in obtaining or retaining a cable television franchise shall be fined not more than $10,000, or imprisoned for not more than five years, or both. This section defines the term "official" to mean any officer or employee of a franchising authority or of any department, agency, or instrumentality thereof, or any person acting in an official capacity for or on behalf of any such franchising authority or department, agency, or instrumentality. An employee of a franchising authority or of any department, agency, or instrumentality thereof whose duties are essentially ministerial or clerical is not an official for purposes of this section.

Section 613 prohibits the unauthorized interception or reception of broadband telecommunications and defines broadband telecommunications as "wire communication" within the meaning of 18 U.S.C. § 2510(1). In the event of any difference between the provisions of Section 613 and 18 U.S.C. chapter 119, it is the intent of the Congress that chapter 119 shall be controlling.

Section 614 directs states and local franchising authorities to adopt regulations to ensure that no landlord, mobile home park owner, or governing body of a condominium or cooperative interferes with the installation of cable television facilities upon his property or premises, except to require that such installation conform to such reasonable conditions as are necessary to protect the safety, functioning and appearance of the premises, and the convenience and well-being of other residents; that the operator or resident or a combination thereof bear the entire cost of the installation, operation, or removal of cable television facilities; and that the operator and the resident agree to indemnify the landlord, mobile home park owner, or governing body of a condominium or cooperative for any damage caused by the installation, operation, or removal of cable facilities. In addition, the landlord, mobile home park owner, or governing body of a condominium or cooperative shall receive reasonable compensation in exchange for permitting cable television services on or within his property or premises.

Section 2 makes a conforming change to the Communications Act of 1934.

Section 3 establishes the effective date of the Act as the date of enactment. The FCC shall report to Congress five years after the effective date, and every five years thereafter, and shall recommend whether it believes changed circumstances in telecommunications services and basic services warrant amendment or repeal of this Act.●

ITALIAN AMERICAN LABOR COUNCIL HONORS ROBERT GEORGINE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. RODINO. Mr. Speaker, on Saturday, November 12, the Italian American Labor Council will present its annual Four Freedoms Award at a luncheon in New York City. I am pleased to recognize this year's recipient, Robert A. Georgine, president of the Building and Construction Trades Department, AFL-CIO.

There is no need for me to recite the highlights of Bob's career to Members of this body, for he has been an important force in the labor movement for so many years and is well known to us all. His contributions extend so far beyond this, however, as Bob is equally respected in the worlds of industry, public interest, and government service.

I can think of no more deserving recipient than Bob for this prestigious award. A family man, a dedicated public servant, and a tireless worker—Bob Georgine is a great American, and I salute him on this very special occasion.●

INTERNATIONAL HYPOCRISY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. OBEY. Mr. Speaker, I am often bothered by the fact that the international community, especially in the United Nations, is always eager to condemn Israel for alleged violations of international law and yet so silent when other countries and groups act in ways that violate all standards of international behavior.

The situation now taking place in northern Lebanon is another example of this international double standard. Although Israel has often been criticized for the way it deals with the Palestinian people—on some occasions, with justification—it is likely that very little will be said in the United Nations about the death and destruction that Syria and its allies are bringing down upon hundreds of Palestinian men, women, and children in Tripoli, Lebanon.

This double standard is not only unjust, it is counterproductive as well. Consistent and unreasonable criticism of Israel by the international community only makes that country defensive and less likely to do some of the things necessary to achieve an overall Middle East peace settlement. This double standard also contributes to the erosion of support for the United Nation and other international organizations in the United States. The American people will not continue to support an international body that appears so willing to criticize a country like Israel, which is democratic and friendly to the United States, and so hesitant to act against others who deserve international condemnation.

Richard Cohen has an excellent article in today's Washington Post on this subject and I recommend it to my colleagues.

The article follows:

[From the Washington Post, Nov. 8, 1983]

HYPOCRISY

(By Richard Cohen)

If you listen closely, you can hear the sound of hypocrisy. Shh. Hear anything? Of course not. It's the sound of the United Nations not being called into session, of rallies not being held in the streets, of nations not protesting, of the world press not editorializing bloody murder, of the Third World, in particular, keeping quiet and of the Arab countries themselves saying not a word. Palestinians are being killed once again, but this time it does not seem to matter.

This time, of course, the killers are other Arabs: breakaway elements of the Palestinian Liberation Organization, and also the Syrians. At the moment, they have the forces loyal to Yasser Arafat pinned down in and around the Lebanese city of Tripoli. Daily, the Palestinians and the Lebanese there are being bombarded by artillery. Combatants and noncombatants are dying in scores, refugees have hit the road again, and yet the world says nothing in protest.

You can, of course, imagine the outcry if the aggressor force were composed of Israelis. Then we would have a repeat of what happened in the summer of 1982. The world would scream bloody murder. Israel would be denounced as the aggressor that, in fact, it was. Television would bring us all scenes of the horror, and the world would wring its hands at pictures of the dead and wounded, of children burned and old people made homeless.

But the same thing is happening now, and to the same people. Of course, there is a difference this time. The aggressor is not Israel, but other Arabs and maybe some Iranians, to boot. That makes a difference, but not much of one. The dead are still dead. The wounded are still wounded. Refugees who are refugees two or three times over are on the road once again and none of this brings the Palestinians closer to their goal: a homeland.

Yet, at this writing, no Arab state has intervened. There has been no call for a meeting of the Arab League none of the usual threats from the Saudis to withhold the approximately $570 million a year that they provide to the Syrians and, until just recently, no public protest from them about the carnage in Tripoli. The Third World, so quick to pounce on Israel for transgressions ranging from naked aggression to mere existence, has remained mute. Apparently, the thinking is that people shot by Israelis suffer more than if they are shot by Syrians.

The silence is almost deafening. The Soviets, so outraged by what Israel did in Lebanon, say nothing about what their ally, Syria, does in the same country. The American left, just recently so outraged about Israel, has so far not managed to have a single petition published in the New York Review of Books. American politicians, some of whom could hardly wait to embrace Yasser Arafat, say nothing while the man they once hugged awaits what this time may really be the end.

For people who sincerely believe that Palestinians, too, deserve a homeland, what is happening now in Lebanon is a tragedy. It does nothing to advance the Palestinian cause. And for people who sincerely thought that Israel was both wrong and immoral in invading Lebanon, their cause, too, has been sold out by the hypocrisy of the Arab states. These states have shown they have one moral standard for Israel, another for themselves. The one for Israel, of course, is much higher.

As for the United Nations, it is bereft of morality. It watches passively as a national leader with a modicum of moderation loses out to radicals who will bring the world and their people nothing but war and more war. Peace and moral indignation somehow become irrelevant when Arab kills Arab. Only when Jews kill Arabs does mankind remember its responsibilities.

So the war continues. Syria and its flunkies in the PLO are doing what the Israelis could not—what, in effect, world opinion would not let them do. Ariel Sharon, who blames the current mess in Lebanon on Israel's inability to finish what it started, must be getting smug satisfaction from Arab resolve to pick up where Israel left off. There is only one thing different this time. Be quiet and you can hear it. It's the sound of silence.●

SERVICE IN THE ME DECADE

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. SOLOMON. Mr. Speaker, author Tom Wolfe labeled the 1970's "the Me Decade" because of our preoccupation with self-aggrandizement and our emphasis on getting what we want. This attitude prevails in the 1980's. But it is not universal, Mr. Speaker. It is not even triumphant. As we look at the selfless service provided by our men and women in uniform, and particularly the gallantry of those who fought and died in Grenada and Lebanon, we are reminded again that courage, sacrifice, and loyalty still count—and count most.

This point was made quite movingly by Mark Shields in a column for the Washington Post.

THE NEXT TIME YOU SEE A SERVICEMAN

(By Mark Shields)

In its first hour following the massacre of American Marines in Beirut, the MacNeil-Lehrer Report presented a memorable segment filmed one month earlier in Lebanon. In that segment, Jim Webb, a Marine combat veteran of Vietnam turned writer (and a good one, too) interviewed some young Marines then on assignment for their government in Lebanon.

What was most fascinating about the interviews was the interviewees. The young men themselves were un-self-conscious as they spoke of the dangerous task they had been given. These were young men who grew up in the same society that produced and promoted John McEnroe and designer chocolates. They had been exposed to the same senseless noise about the tragedy of fatty thighs and the tyranny of the wrinkle. They had heard of the critical importance of getting in close touch with your feelings, of boldly asserting yourself, of Getting Everything Now, Because You Deserve It.

But those young Americans in Beirut who were talking and bunking with death sounded different. They spoke without complaining of their task. They spoke seriously of duty, duty they obviously took quite seriously. They were not reckless in speech or manner; there was none of the papier-maché warrior—full swagger and forced bravado. Most were frank to admit they would, if offered the option, prefer to be home rather than where they were. But, quite apparently, they cared deeply about what they were doing.

I will not romanticize the Marine Corps. Surely there must have been more important moments in my life, but very few happier than the one when, after completing 13 weeks of boot camp at Parris Island, S.C., I finally boarded the train north. My memories of the Marine Corps are not all happy ones. But that is not what these few paragraphs are about.

What they are about is some young Americans in the fall of 1983 who believed in what they were doing, who believed in each other and cared openly about each other. That's not all bad. Very few of the Marines Jim Webb interviewed would be candidates for admission to Harvard or Stanford business schools. But how many MBAs or CEOs will ever know what it's like to have somebody right next to you, in a moment of crisis, who shares your values, who knows his job thoroughly, who will not run if things go badly, and who gives a very large damn about your own survival? To say nothing about not scheming to get your job?

At a time when the principal sacrifice asked of affluent Americans is to accept meekly a one-third reduction of their federal taxes (so that we can pay for the doubling of the defense budget), at a time when young Americans are not asked, as they were only 20 years ago, for their idealism but rather for their price, those young, brave, committed Americans—who faced tragedy and death—provided and inspiration and an encouraging example.

So here is a simple suggestion. The next time you are out in a public place and see a serviceman or woman (who in periods of non-crisis somehow are allowed to become either invisible or faceless or both) go up to that person. Smile and say thank you for what he is doing. If you have an extra buck in your pocket and feel the urge, why not offer to buy that person in uniform a soda or a beer?

The Marines on MacNeil-Lehrer reminded us that the United States is an awful lot more than a gross national product and the averages of 30 industrials. Greed is no match for patriotism in a very tight spot.●

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. CLINGER. Mr. Speaker, on November 4, 1983, I was absent from the floor of the House of Representatives for the last vote of the day. Had I been present, I would have voted in the following fashion: rollcall No. 456, motion to adjourn, "yea."●

BUREAUCRAT NEED NOT BE A DIRTY WORD

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mrs. SCHROEDER. Mr. Speaker, yesterday's Wall Street Journal contained an interesting piece on managing the civil service entitled, "Bureaucrat Need Not Be a Dirty Word," which I would like to share with my colleagues.

The article follows:

[From the Wall Street Journal, Nov. 7, 1983]

BUREAUCRAT NEED NOT BE A DIRTY WORD

(By Clayton M. Christensen)

Should we call employees associates or subordinates? Are production workers the company's front line, or are they the boys out back? These questions are not mere issues of semantics; they are at the core of a revolution in the way managers motivate their people. Star corporate performers like IBM and Delta have long known that challenging, training and trusting employees was their key to success, but for years they were loners. Now, thoughout the private sector, a growing number of managers are redefining their relationships with employees. They see their role as motivating employees, rather than controlling them.

Unfortunately, while the revolution in managers' attitudes toward their people is picking up steam in the private sector, it is losing ground in government. The term "bureaucrat," never a word connoting great respect, has become a term of derision. The past two presidents were elected on campaigns against Washington's bumbling bureaucracy, and their rhetoric has been internalized by many of the political appointees who occupy the top line-management positions in government.

Instead of treating employees with respect, many of Washington's managers distrust their bureaucrats' motives. Instead of challenging bureaucrats with responsibility, politician-managers reserve all decisions with political or policy implications to themselves. Instead of investing in employee development, most politician-managers simply do not care. After all, the average tenure of political appointees is 18 months—too short to see much benefit from training their workers with further skills. And there is little to train the bureaucrats for. The top four layers of management typically are reserved for members of the political team; bureaucrats cannot penetrate general management.

Washington's politician-managers have embraced these attitudes about their employees without question, even when the best private-sector companies have shown them to be destructive. America pays a high price for this failure of government's top management: Because of their attitudes, Washington's managers—and the bureaucrats they manage—are much less productive than they could be.

Washington's political appointees distrust their workers because they believe bureaucrats' political views and survival instincts might cause them to resist new policy initiatives.

There is widespread belief, therefore, that unless agency heads surround themselves with a large cadre of ideologically homogeneous political appointees to control the bureaucracy, the bureaucracy will control the government. In most agencies this management team assumes an us-vs.-them stance toward the career civil servants, and defines its mission as fighting the bureaucracy instead of managing it.

The idea that government employees will not respond to changes in management's policy, while private-sector employees will, is simply not true. Rather, workers in both sectors behave the way management expects them to behave. Not surprisingly, two of Washington's most successful managers, former transportation Secretary Drew Lewis and General Services Administrator Jerry Carmen, have demonstrated philosophies of managing people that come as close to the IBM-Delta model as can be found in government. Both have gotten exactly what they expected from their bureaucrats: loyalty and results.

Mr. Lewis had to make large, budget-driven cutbacks in programs for urban mass transit and hazardous-materials-transportation safety. Instead of pre-judging an entrenched bureaucracy's intentions and picking a fight with them, he relied on career civil servants, who had strong emotional commitments to their programs, to implement the reductions. They were loyal and highly effective in executing their new boss's policies.

Mr. Carmen is known for having shaken up the General Services Administration. But he has been effective, according to key associates, because of the tough-minded respect he has accorded his bureaucrats. He has filled some slots formerly reserved for political appointees with career civil servants. When one high-ranking career employee complained about a GSA program, Mr. Carmen let him hold a news conference to vent his views, and then put him in charge of a program to fix it.

On the other hand, Anne Gorsuch Burford, who brought an us-vs.-them attitude to her Environmental Protection Agency post and set about quickly to control her bureaucracy, also got what she expected: a bureaucracy that undermined her and her program. The reason for Messrs. Lewis's and Carmen's successes and Mrs. Burford's failure was not a matter of ideological harmony on the one hand and discord on the other; it was the way they managed their people. Unfortunately, the Burford model of management seems to dominate in Washington.

Mr. Carmen agreed in a recent interview. "I have come to the conclusion, and this is coming from a political person now, that we have substituted blaming the work force for blaming leadership. What this country has had over the last number of years is pretty poor government leadership."

Politician-managers' distrust of bureaucrats not only limits their own effectiveness, but restrains the bureaucracy's productivity. Managers who believe that bureaucrats are lethargic and unresponsive have established rules for nearly everything bureaucrats do. These procedures, based on the same view of the worker as Frederick Taylor's industrial-engineering systems, are designed to control bureaucrats; to prevent them from doing it wrong. Unfortunately, they also prevent bureaucrats from doing it better.

To improve productivity in government, the Reagan administration has proposed expanding the merit-pay system to reward civil servants for good performances. It is hoped that this new system will have an impact on productivity and innovation in government.

Money, however, is not the primary motivator of employees. A recent Public Agenda Foundation study of U.S. workers (which, interestingly, was distributed by the U.S. Office of Personnel Management) found that opportunity for advancement affects employee productivity much more than incentive pay does. The survey also identified two other factors that are just as important as performance-linked pay in their impact on productivity: non-monetary recognition for good work, and the chance to develop new skills.

The best private-sector companies discovered their people long ago. They learned that if management develops employees, trusts them with responsibility and gives them the autonomy to do their jobs efficiently, productivity, innovation and profits are the result. Many have found, in fact, that their people, not capital investment, have been their greatest source of productivity improvement.

It is time that public-sector managers discovered their people, too. If the experience of the best private-sector companies is any guide, perhaps the greatest cost savings of all can be found in spreading the revolution in managerial attitudes about workers to the top managers of government.

KOREAN DEMOCRACY NEEDS REAGAN

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● **Mr. TORRICELLI.** Mr. Speaker, today the President is on his way across the Pacific to meet with the leaders of Japan and South Korea. While in Seoul, Mr. Reagan will no doubt focus his discussions on the downing of Korean air flight 007 and the tragic bombing in Rangoon, Burma, that killed many of the members of the South Korean Cabinet. At the same time, Mr. Reagan has an opportunity to show his solidarity with the people of South Korea. There is no doubt that South Korea is an important strategic partner with the United States in Southeast Asia. Yet the talk in Seoul should include concern for the human rights situation in that country. While noting the importance of a strong South Korea, the President must also emphasize the country's great need for the restoration of democracy. The desire for a strong Korea and a democratic Korea should go hand in hand. This past Sunday, an article by Kim Young Sam appeared in the New York Times. As the leader of the New Democratic Party in South Korea, Kim Young Sam was released from house arrest this past June during a 23-day hunger strike to demand restoration of democracy. This article cogently illustrates the opportunities open to President Reagan on his visit to Seoul and describes an approach the United States should take to help South Korea along the road to democracy. I commend it to my colleagues.

KOREAN DEMOCRACY NEEDS REAGAN

(By Kim Young Sam)

SEOUL, SOUTH KOREA.—South Koreans remain convinced that freedom and democracy, which they still believe are the common goals of America and South Korea, will eventually reign. President Reagan, who is to visit Seoul in a few days, can help. Will he?

Many Americans died in the Korean War, and United States forces remain here today. Under these circumstances, we South Koreans refuse to believe that what is involved is merely the deterring of war in the Korean Peninsula and east Asia. We believe that fundamentally what is at stake is the shared pursuit of the values of freedom and democracy.

Unfortunately, American policy toward South Korea is perceived by Gen. Chun Doo Hwan's regime as overlooking, even condoning, blatant violations of basic human rights, which involve repressive secret police and brutal torturing of political prisoners. Obviously, there are many reasons for this perception, but one deserves to be singled out. Successive dictatorial rulers have taken full advantage of visits by American Presidents. They present the good will that Presidents show the Korean people as a sign of unqualified political support for their regimes. This is why many people have misgivings about what the Reagan visit might bring.

One reason President Reagan gave for the invasion of Grenada was the need to restore order and democracy. I believe he owes it to himself and that principle to use his visit here to emphasize my country's great need for restoration of democracy.

Arguments are familiarly presented elsewhere that it is sometimes inevitable that a dictatorship should receive American support if political stability is to be attained. But political stability imposed and enforced by dictatorial rule is nothing more than the stability of the cemetery. Such stability is often pregnant with potential rejection and denial by the people. The unrest gripping the Philippines in the wake of Beningo S. Aquino's murder shows that the stability under President Ferdinand E. Marcos's rule has not been stability at all.

Dictatorial rulers like President Chun and his predecessor, Park Chung Hee, frequently argue that to wage an effective battle against Communism, it is necessary to shelve basic human rights and freedom. This argument is as fallacious as the proposition that one should burn down a house to prevent a thief from entering it.

Dictatorships, especially military dictatorships, are bound to become corrupt. When freedom of the press is effectively curbed, corrupt practices can easily thrive and become rampant. A recent scandal involving illicit financial dealings, as well as an even larger financial scandal last year, was an offshoot of criminal corruption in the highest ruling circles. Members of the military dictator's family were especially implicated in the criminal practices.

These are but a few visible manifestations of the regime's corruption. America asks South Koreans to trust this corrupt, immoral regime. Let me ask the American people: Would you trust this kind of immoral Government if it were yours?

While South Koreans join the peoples of the world in voicing outrage at the Soviet Union's shooting down a Korean Air Lines plane with 269 people aboard and the Rangoon bombing that killed 19 Seoul officials, they are also painfully reminded of the thousands of civilians massacred by South Korean troops in Kwangju in 1980 when they were protesting against the military regime.

Koreans know it is their own task to restore democracy—no one else can do it for them. They can achieve it. But it will come only with a change in the Constitution so that they have the power to choose their own representatives. We do not beg Washington to actively intervene on behalf of our struggle to restore democracy. But we do ask its moral support. That involves changing its foreign policy. We keep asking questions: If we cannot turn to America for the justice that it represents, where can we turn? Where else can we find the moral uprightness with which America has been so long identified?

People everywhere who suffer oppression ask these same questions. They are questions America must ask itself. The tone of America's response must be firm and consistent. We do not expect to hear well-chosen phrases of so-called quiet diplomacy but firm unchangeable, indestructible words. These are the questions of our time that America must answer.

As leader of the South Korean opposition, I hope—and expect—that President Reagan will afford me an opportunity to discuss with him personally our mutual concern for human rights and democracy.●

WILLIAM G. ANLYAN, M.D.

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● **Mr. VALENTINE.** Mr. Speaker, I take great pleasure joining my fellow North Carolinians in honoring Dr. William G. Anlyan this coming Friday, November 11.

For more than 30 years, Dr. Anlyan has been a major force in establishing the high levels of medical achievement that have made Duke University in Durham world renowned.

A distinguished scholar and surgeon, Dr. Anlyan has shared his depth of knowledge with successive generations of medical students at Duke, where he serves as chancellor for health affairs and professor of surgery.

An alumnus of Yale University, where he graduated magna cum laude, and of Yale University School of Medicine, he amassed over the years an outstanding record in a variety of professional responsibilities. He is a member of the World Health Organization's Research Strengthening Group for Special Program for Research and Training in Tropical Diseases; chairman of Duke University's Medical School Advisory Committee and on its steering committee of Council on Aging and Human Development; member of the Regional Advisory Group of North Carolina Regional Medical Programs, Joint Conference Committee on Medical Care and University of North Carolina Health Services Research Advisory Committee; chairman of Veterans' Administration/Duke vice president's committee; consultant and former board of regents chairman of National Library of Medicine; distinguished service member of Association of American Medical Colleges; past president of Association for Academic Health Centers; and has held many other highly responsible posts.

Dr. Anlyan belongs to more than 20 professional societies, and has received many honors for his pioneering medical achievements, including an honorary doctor of science degree from Rush Medical College, Modern Medicine's Award for Distinguished Achievement, the Governor's Award for Distinguished Meritorious Service, the Abraham Flexner Award of the Association of American Medical Colleges, and designation by Yale as a distinguished surgeon alumnus.

To my contituents, however, Dr. Anlyan is best known for his leadership and extraordinary contribution to the development of programs and facilities at Duke Medical Center. Duke's outstanding reputation is due in large part to his dedication and commitment.

Mr. Speaker, it is fitting that the trustees of Duke University have chosen to honor Dr. William Anlyan by dedicating a portion of Duke Hospital North as "Anlyan Tower." Such recognition is surely due the man who has done so much to make Duke a mecca of medical achievement.●

LAKE HOWELL SILVER REGIMENT HIGH SCHOOL BAND

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. McCOLLUM. Mr. Speaker, I would like to take this opportunity to recognize a high school band from my district, the Lake Howell Silver Regiment, which is currently visiting our Nation's Capital. As one of only 40 bands to be invited to compete in the Marching Bands of America's Grand National Championship, the Silver Regiment was the sole representative of the State of Florida. They placed 22nd in the competition and were noted as the band most improved of those bands who were invited to compete last year as well as this year. The Silver Regiment is an organization which has had exchange students from abroad throughout the years of its existence and this year's foreign students were from Sweden and Germany.

I commend the band on their superb effort in last weekend's championship and am very proud to have them as representatives of Florida and of my district.●

THE COMMERCE DEPARTMENT FINDS FCC ACCESS ORDER UNFAIR TO LONG-DISTANCE CARRIERS COMPETING WITH THE SOON-TO-BE DIVESTED AT&T

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. BRYANT. Mr. Speaker, you are aware, as are my colleagues, that American Telephone & Telegraph will soon be divested of seven local operating companies. Under a recently postponed Federal Communications Commission access order, long-distance service providers who compete with AT&T for long-distance telephone business will be unfairly penalized by the charges which the FCC order would impose.

I am very aware of this inequity and was successful in the markup of H.R. 4102 in the Energy and Commerce Committee of defending and preserving an amendment which prevents these unfair charges from being imposed. My amendment would simply maintain the current system of charges until such time as the competing carriers have access to local network exchanges on a level equivalent with AT&T. At that time, when the competing carriers have one digit-plus long-distance number dialing, quality voice communication and other services not now available, these competing companies will pay charges equal to those paid by AT&T.

It has come to my attention that the Department of Commerce and its National Telecommunications and Information Administration agree with my position. In a letter to the FCC Chairman, Commerce Secretary Baldridge expresses concern that the FCC order "would substantially increase competitors' costs. It would do this before they are afforded the benefits of equal interconnecting required under the AT&T anti-trust settlement."

For my colleagues' consideration, I am enclosing the text of Secretary Baldrige's letter and the petition filed with the FCC.

SECRETARY OF COMMERCE,
Washington, D.C., October 25, 1983.

Hon. MARK S. FOWLER,
Chairman,
Federal Communications Commission,
Washington, D.C.

DEAR MARK, Federal policy has sought to foster more effective competition in the long-distance communications field for more than a decade The Commission's *Access Charges* decision is consistent with this policy. The decision make possible more cost-based pricing. Such pricing is necessary to sustained and effective competition.

The parts of the decision increasing the access charges assessed AT&T's long-distance service competitors, however, are a matter of serious concern. The decision would substantially increase competitors' costs. It would do this before they are afforded the benefits of equal interconnection required under the AT&T antitrust settlement.

AT&T's long-distance service competitors have petitioned the Commission urging a reduction in their charges until fully equal interconnection is achieved. We have carefully reviewed these petitions and believe that they advance a sound case for further revising the Commission's decision.

The Department's National Telecommunications and Information Administration is filing detailed and extensive comments in support of the petitions filed by the competitive carriers. I want to stress the importance of assuring that the transition to cost-based pricing and more effective competition is as smooth as possible. I urge the Commission to give prompt and serious consideration to this matter.

Sincerely,

MALCOLM BALDRIGE,
Secretary of Commerce.

Before the Federal Communications Commission, Washington, D.C.

CC Docket No. 78-72, Phase I

IN THE MATTER OF MTS AND WATS MARKET STRUCTURE

David J. Markey, Assistant Secretary for Communications and Information.

Richard H. Shay, Chief Counsel, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C.

Robert F. Aldrich, Attorney, Office of the Chief Counsel, National Telecommunications and Information Administration.

October 28, 1983.

COMMENTS ON PETITIONS FOR FURTHER RECONSIDERATION

The National Telecommunications and Information Administration (NTIA), as the Executive branch agency principally responsible for national telecommunications policy, respectfully submits the following comments on the petitions for further reconsideration filed in this proceeding.

Introduction and Summary

NTIA supports in part the petitions of GTE, MCI, SBS, and others for further reconsideration of the changes in access charges for "other common carriers" (OCCs). The 1984 charges in the Commission's plan represent a dramatic increase from the current ENFIA rate and should be revised. The precipitous increase is based on an insufficiently reliable method of computation, is disruptive of a smooth transition to equal access at equal rates, and is likely to affect adversely the postdivestiture long-distance marketplace. Specifically, the Commission's plan places at unnecessary risk the conditions necessary for workable competition. It may strip users of the option of testing the efficiency of recent entrants under conditions of equal access.

We fully support the principle of equal rates for equal access. We disagree with petitioners who argue a need to maintain a discount for other carriers beyond the point when equal access arrangements are in place. However, during the transition to equal access, the FCC should attempt to ensure that the progress toward equal charges is roughly parallel with progress toward equal interconnection.

NTIA urges the Commission to discontinue its effort to put a value on AT&T's premium access, and to concentrate instead on smoothing the transition from current ENFIA rates to equal access charges. We recommend that the Commission determine an estimated end-point for that transition and proceed to reduce the OCC's overall access charge differential to zero in equal, evenly spaced increments. We also recommend provision for a "mid-course correction" in the transition. At least once during the transition period, the Commission should review the progress made toward the provision of equal interconnection to the OCC's and, if necessary, reset the end-point on the basis of the information then available.

Basic Objectives

NTIA's support for the petitions is based on fundamental objectives we have consistently advanced in the course of this proceeding.

First, the Commission should take pains to ensure that users are not denied the opportunity to choose from the complete range of carrier and service options. The Commission has already gone a long way toward meeting this objective by dismantling longstanding regulatory barriers to competitive entry into long-distance markets. Today, many entrants compete with established carriers for the patronage of users—both large and small.

Concerns raised by the petitioners, however, call into question the continued adequacy of incentives for new carriers to enter and for incumbents to invest further in competing facilities and services networks. The progress made in removing entry barriers may be meaningless if residual or transitional regulations unnecessarily frustrate new entrants' prospects for survival and growth.

Second, the Commission should continue to ensure that the ground rules confer neither handicap nor advantage to any of the marketplace contestants. We believe the best way to achieve this is to ensure that charges for the use of the switched network are firmly grounded in the costs of making available network capacity and services. The Commission should not guarantee profits for any carrier in either the short or the long term. Share of the market, the rate of new capital formation and returns to shareholders must be left for users to determine by their choice of competing alternatives. Full and fair competition does not necessarily ensure that every carrier will thrive or even survive in the long run.

We are confident in the Commission's ability to make these judgments. In view, however, of the demonstrated benefits to users of the limited competition they have enjoyed to date, we urge the Commission to minimize its downside risks and to err, if it believes it may err, in favor of preserving a healthy rivalry through the period of transition to equal interconnection for all carriers.

Finally, the Commission should take care that each participant in the telecommunications marketplace is permitted to move from current arrangements to the cost-based post-divestiture environment in an orderly fashion. In time of rapid and substantial technological and market change, cost determinations cannot always be made with a high degree of confidence. The Commission is not required, in these circumstances, to quantify cost concepts which by their very nature elude quantification. Instead, the Commission should simply strive to ensure that the transition to the post-divestiture marketplace is free of abrupt dislocations and not prejudicial to the ultimate judgement of users.

The Commission's Premium Value Methodology

To determine the "correct" discount for OCC access charges, the Commission undertook an innovative analysis of the value to AT&T of its "premium" access. The Commission's method attempts to quantify the avoidable costs and additional revenues accruing to AT&T by virtue of its superior connections to local exchange networks. Reconsideration Order at paras. 112-128.

The Petitioners contend that the Commission's methodology employs faulty assumptions, ignores useful available data, and is otherwise flawed. The result, they allege, is a substantial underestimate of both the true value of AT&T's advantage and the correct OCC discount.

As a long-time participant in the ENFIA proceedings, NTIA is sensitive to the difficulties of putting a number on the value of differences between AT&T and OCC interconnection arrangements. We share the Commission's earlier view, expressed during the course of the ENFIA process, that "rough justice" is all that is required. This is all the more true now that we are entering the transition to a post-divestiture marketplace.

While the Commission is to be commended for undertaking of its own motion to quantify AT&T's advantages, we note that its estimate is subject to fairly large error—a point the Commission readily concedes. The error may be plus or minus half a billion dollars, by the Commission's estimate. Petitioners have attempted to correct the Commission's approach, and many of their contentions are well taken. However, while the revised estimates of petitioners correct some of the obvious deficiencies of the Commission's "first cut" estimate, they to are subject to wide variations that appear to exceed the bounds of tolerable error. Taken together, the modified estimates range from $4 billion by Allnet to MCI's "high" estimate of $11 billion. These are about two to five times the Commission's initial estimate. Other estimates are scattered throughout this range.

These enormous differences—five billion dollars—reveal a substantial lack of agreement even among the OCCs. Most importantly, however, they raise serious doubts whether a method for calculating the "opportunity cost" of premises access—regardless of the specific assumptions used or the data supplied—provides an adequate basis for launching and guiding the transition to a more fully competitive environment.

After carefully reviewing petitioners' modifications to the Commission's approach, we believe that the Commission's initial estimate could be improved. But our own best estimate of the—premium—using the Commission's method and the data submitted by petitioners—is so tentative and subject to such wide error that we believe the Commission ought to abandon the whole enterprise and use the ENFIA rate as the basis for starting the transition beginning January 1, 1984.

The ENFIA rate has several advantages over a rate based on opportunity cost calculations. Neither, of course, is based on verifiable measures of economic cost. But the ENFIA rate has been reviewed by the Courts; its adoption does not unduly prejudice the short or long-term prospects of any party; and, most important, it is the rate actually being paid by the OCCs for exchange access at this time.

"Front-Loading" the Transition

In addition to our doubts about the method used by the Commission to calculate the OCCs' 1984 charges, we also have concerns about the result reached. One of the Commission's key objectives is to assure a smooth, even transition from the current exchange access pricing arrangements to cost-based charges—a transition that will allow the OCCs and their customers, and others, to make an orderly adjustment to the post-divestiture marketplace. In the absence of a single "correct" method for assigning transitional costs, the FCC should avoid subjecting the OCCs immediately to unnecessarily severe rate increases while they are still receiving inferior access.

While properly solicitous overall of the need to avoid major and disruptive rate shocks, the Commission may have inadvertently lost sight of this crucial objective in setting the 1984 differential for the OCCs. As the petitions point out, the transition proposed by the Commission does not really permit a smooth progression from the current ENFIA tariffs to equal access charges. Taking into account the major increases authorized in the transport and switching charges and the required conversion from ENFIA minutes to "access minutes," it is apparent that the 1984 reductions in the OCCs' total discount are far more severe than those to be expected in future years.

OCC charges roughly double in 1984, then decline to the end of the transition. Coupled with the decline in AT&T's charge per minute, the differential will go from about 60%-75% to about 20%-30% of AT&T's charge. In other words, more than half the OCCs' discount will disappear in the first year of the transition.

Furthermore, such a dramatic change is well out of proportion to any expected improvement in the OCCs' access quality in 1984. Although it is difficult to predict how much progress will be made next year toward the equalization of interconnection, there is no indication that half of the subscriber lines in the nation will be so equipped, even at the end of 1984. Under the MFJ, of course, only one third of the BOCs' subscriber lines are required to be offered equal interconnection requirements by September 1985; and this requirement does not apply to the independents or to exchanges of less than 10,000 lines. Moreover, the record shows that several BOCs have indicated they do not expect to meet the MFJ deadlines.

The Deadline for Equal Charges

Another issue raised by GTE concerns the end-point of the transition period. GTE argues that this end-point should be later than the date upon which equal interconnection is actually available. We disagree. We can find no valid public policy reason to extend discounted access pricing beyond the point where equal interconnection is provided.

NTIA Recommends an Alternative Approach

NTIA suggests the Commission try an alternative approach to the transition to equal access at equal prices for all interexchange carriers. We believe there is no reliable way to estimate the value of premium interconnection to AT&T. Therefore, we suggest that the Commission economize its scarce resources and refrain from further efforts to do so. Rather, the Commission should emphasize again that the access charge plan is designed "... to preserve an opportunity for fair competition during a transition period in which we and the industry work to eliminate existing inequalities in interconnection options offered interexchange carriers." *Reconsideration Order* at para. 3.

The only solid information the Commission has on which to base this transition is the differential between the current ENFIA charges and the AT&T access charges that are implicit in the separations and settlements arrangements. With somewhat less confidence, the Commission can determine, at least tentatively, the end point of the transition. Absent more reliable information, the Commission's best approach is to start with the current differential and move relatively smoothly to equal access at equal prices.

Thus, we suggest that the Commission revise its access charge plan for carrier charges applicable to non-premium carriers in the following way. First, the Commission should determine the average charge per minute now paid by the OCCs and calculate the ratio of this charge to that paid by the MTS/WATS providers under separations and settlements. Second, the Commission should tentatively estimate the expected data of substantially equal access and divide this transitional period into equal subperiods. The Commission should then reduce the differential between OCC and MTS/WATS charges per minute by an equal amount in each period.

For example, if the current ratio of OCC to MTS access charges per minute were found to be .4 and the length of the transition were estimated to be four years, then the ratio would be increased (or the differential would be decreased) by .15 each year. Then, in each period and for each access charge element, the MTS/WATS providers would pay the full charge per minute and the non-premium carriers would pay those charges multiplied by the period's ratio. At the end of the transition, all carriers would have equal interconnection and pay equal access charges.

Because the length of the transition period is uncertain, we also recommend that the Commission examine the industry's actual progress toward equal interconnection at least once during the period. If progress toward equal interconnection is faster or slower than originally anticipated, the ratios to be applied to OCC charges can be recalculated to reflect the date on which substantially equal access is actually available.

This approach has two advantages. First, it avoids the essential arbitrariness and risk of wide error associated with calculating the value of the premium. These calculations have provoked well-justified criticism by the affected parties and attempts to refine the calculations can only lead to more controversy and delay. Second, the approach we suggest is consistent with the cautious way the Commission has proceeded with other aspects of the access charge plan in that it would not force an immediate major change in access charges on the OCCs.

The public interest is not served by protecting competitors from competition. In the end, we do want to "let the chips fall where they may." But we have not yet reached the end of the process of providing an equal opportunity for competition to any potential competitor. During the transition of the next few years, substantial caution is imperative so as not to prejudge the verdict of the marketplace. The Commission plan provides smooth transitions in the residential end user common line charges and in Centrex charges, for example. But the plan's transition for the charges paid by the OCCs is not smooth. It begins with an immediate and dramatic increase in access charges—an increase based on a very uncertain—at best—calculation of the premium. The approach we are recommending would eliminate both the jump and the estimation of the value of premium interconnection. It is a cautious approach which recognizes the ambiguities in calculating the cost differential and the very large stakes involved. We believe our approach will further our common goal of promoting competition in interexchange telecommunications.

David J. Markey, Assistant Secretary for Communications and Information.

Richard H. Shay, Chief Counsel, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, D.C.

Robert F. Aldrich, Attorney, Office of the Chief Counsel, National Telecommunications and Information Administration.

CERTIFICATE OF SERVICE

This certifies that copies of this pleading were served today on parties of record in this proceeding in accordance with the Commission's rules.

ROBERT F. ALDRICH,
Attorney.

October 28, 1983.●

TRIBUTE TO MISS KATHRYN E. STILWELL

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. TORRICELLI. Mr. Speaker, I rise today to pay tribute to Miss Kathryn E. Stilwell, a New Jersey educator for over 40 years and a lifelong community leader. Miss Stilwell has devoted herself to improving the quality of education in America and the life of our community. Wherever she has gone and in whatever role she had earned, Kathryn Stilwell has been a caring and effective leader.

Her contribution to public education can be measured by her work with fellow teachers, elected officials, parents, and students. For most of her life, Kay Stilwell was first and foremost an educator and counselor of young people. She served as both a social studies teacher and guidance counselor. Miss Stilwell has gone beyond the classroom to make the creed of her profession a full-time commitment. In the past few decades, she has been the president of her local educators association and PTA, the Bergen County Education Association, and the New Jersey Education Association. These titles represent more than credentials. They stand for an unending dedication to serving the people of New Jersey and the Nation.

For all her leadership positions, the citizens of Bergen County recognize Kay Stilwell for her personal involvement in our community. Students know her for her love of teaching and sharing ideas. Fellow teachers know her for her firm stance, best illustrated by her time in jail fighting for decent wages. And there are many people who know Kay Stilwell for her care and understanding as a hospital and Red Cross volunteer.

Miss Kathryn Stilwell represents the height of public service in America. Her mixture of leadership and personal contact has won her admiration and respect throughout Bergen County and New Jersey. I am proud to have Kay Stilwell as a constituent and inspiration.●

DRUNK DRIVING

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. SIKORSKI. Mr. Speaker, today I am inserting into the RECORD a copy of a speech I have been giving to junior and senior high school students in my district. The topic of this speech concerns the No. 1 cause of death for people under the age of 35—drunk driving.

As public officials I believe we have a responsibility to focus attention on the problem of drunk driving. Thousands of Americans will die this year in alcohol-related traffic accidents. Thousands that could be alive if we had the resolve to enact tough laws that get drunks off the road.

The remarks follow:

REMARKS OF HON. GERRY SIKORSKI

Politicians have a reputation for only telling people what they want to hear. There was a story about a Congressman at a town meeting. One of his constituents stood up and said: "I've been coming to these town meetings for years, and I haven't gotten a straight answer from you yet. I bet you wouldn't even tell me what your favorite color is!!"

The Congressman paused and said: "It's plaid."

Today I would like to speak to you about something that you, my constituents, may not want to hear. But it is a straight answer. I am working as hard as I can to see that none of you is ever able to drink and drive.

You won't hear many statistics more important than these: One out of every two Americans will be involved in an alcohol-related auto crash in his or her lifetime. The number one cause of death for you and me, and everyone else under age 35 in America, is drunk driving. Of the 25,000 Americans who die each year from alcohol-related traffic accidents, 10,000—that's 40 percent—are under the age of 21. 750,000 Americans suffer crippling and other serious injuries every year in drunk driving accidents. And on the average weekend night, one out of every ten drivers on the road is drunk.

You can't dismiss these statistics as having little to do with your life. Look at the odds. Half of you will be involved in an alcohol-related auto crash in your lifetime.

Those statistics are difficult to comprehend in sheer volume, but I hope that today you will think about the actual human misery they represent.

First, there is the meaningless loss of innocent life. The young mother and baby. The father and son on their way to Little League. When a drunk driver turns the ignition key, it's like loading a dangerous weapon. Thousands and thousands of innocent children and adults are slaughtered by someone who decided that he or she, and in 80 percent of the cases it's he, could handle a car after drinking.

Think about the misery of the families. How would your parents feel if you were suddenly killed in an auto crash? The shock following the call from the hospital. The haunting memory of seeing the disfigured body.

The mind-numbing sorrow that engulfs the lives of such parents often makes them strangers to their families. There is a 75 percent divorce rate among parents who have lost children in accidents.

Sometimes the injuries caused by drunk drivers are so terrible that it may be a blessing that the young people died. Brain damage, severe burns and amputations are common among survivors of these accidents. Imagine what it would be like to not be able to walk again. Imagine what it would be like to have your face permanently scarred.

And think how you would feel if you caused these injuries. What if you were driving after drinking, had an accident, and a friend in your car lost a leg? What if you killed someone?

It could happen to you. Once you get your license, you have the potential to kill. Forty-four percent of fatal alcohol-related crashes at night are caused by people between age sixteen and twenty-four. In Minnesota, thousands of teenagers are crippled or suffer other serious injuries in alcohol-related accidents. Remember one out of two people in this room will be involved in a drunk driving accident.

I know it's pretty sickening to hear about this. Well, a lot of people, including Students Against Drunk Driving (SADD) and Mothers Against Drunk Driving, are so sickened by it that they are demanding very strict laws to get drunks off the road.

As a Minnesota State Senator, I authored two major laws that made Minnesota one of the toughest states in the nation on drunk driving. As a result, there has been a 32 percent decline in alcohol-related deaths since 1981.

I am proud to now be sponsoring federal legislation patterned after Minnesota's drunk driving laws. States would lose their Highway Trust Fund money unless they imposed certain strict mandatory sentences on drunk drivers, increased law enforcement, established education programs for the public and rehabilitation and treatment programs for repeat drunk driving offenders. The states would also have to raise the drinking age to twenty-one.

I know many of you don't like that idea. Frankly, I don't like telling constituents things they don't like to hear. But I bitterly dislike hundreds of my young, bright and gifted constituents killing and crippling, and being killed and crippled by drunk driving.

If you truly want to "grab for all the gusto you can get," stay alive. Don't ride with a drunk driver. Don't drink and drive when you get your driver's license. And wear seat belts. Remember: one out of two of you will be involved in a drunk driving accident in your lifetime.●

PERSONAL EXPLANATION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mrs. SCHROEDER. Mr. Speaker, I was absent on Friday, November 5, 1983. Had I been present I would have voted as follows:

Rollcall No. 453: No.
Rollcall No. 454: Yea.
Rollcall No. 455: No.
Rollcall No. 456: No.●

EXPANDING OUR TIES TO THE EASTERN CARIBBEAN

HON. RON de LUGO

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. DE LUGO. Mr. Speaker, there has been a heated debate in this country and elsewhere concerning U.S. participation in the multinational intervention in Grenada. This is in marked contrast with the enthusiastic and grateful support our actions have received throughout the Eastern Caribbean.

Those of us who are from the area and who are, in the words of Dominican Prime Minister Eugenia Charles, "kith and kin" with the Grenadian people, have an awareness of some history and some current reality that needs to be shared with those who have suddenly been forced to pay attention to our little part of the world.

First, the bonds that link the peoples of these islands to each other are literally as strong as family ties. It is not at all unusual, for example, to find three brothers and sisters from one island living and working in three different Eastern Caribbean countries. In my congressional district in the U.S. Virgin Islands, nearly half of my constituents come from one or another of the nearby countries. It was concern for their "own" people—not distant strangers—that brought the Organization of Eastern Caribbean States to the decision that something drastic would have to be done to end the violent anarchy that had overtaken Grenada.

Second, the people of the Eastern Caribbean are devoted to the peaceful, democratic institutions of government developed under centuries of British tutelage. It has badly distorted the recent debate that so many commentators have confused these islands with the nations of South and Central America, where dictatorial regimes and violent changes in government have been the rule rather than the exception. There would, indeed, be little justification for the United States and others to intervene to restore democracy and stability in Grenada if this were just one more in a string of coups and revolutions such as constitute the tragic history of most of Latin American countries. But even Maurice Bishop, who seized power in the region's first coup, recognized the yearning of his people for their accustomed traditions and seemed at the time of his murder to be trying to bring Grenada back toward parliamentary democracy.

Third, the British left the Eastern Caribbean countries woefully unprepared to sustain their nationhood. After hundreds of years during which it served British purposes to keep them as colonies, Great Britian pulled out of this chain of small islands when they had become no longer profitable to maintain. They were left without adequate protections against foreign aggression or domestic subversion. Most important, they were left without economic tools that any nation, no matter how small, must have to survive. Without a strong, equitable economy, independence and democracy soon fall by the wayside.

The problems in Grenada grew out of the void left by the departing British. It is a credit to the people of the Eastern Caribbean that there have not been more Grenada's among the struggling islands.

It seems clear that the British cannot be counted on to do much, if anything, to help the islands that were once such a gold mine for them. These new nations are our friends and they have now turned to us for assistance. The Caribbean Basin Initiative, proposed by President Reagan and adopted this year by the Congress, is a very small step in the right direction. The benefits from the CBI to the Eastern Caribbean are very limited. Most of the funds actually provided for the CBI are for economic aid to El Salvador and other Central American countries. While it is true that the trade provisions may attract manufacturing investment to the region, for the CBI to succeed, it is essential for the United States to make much greater commitments to helping these poor countries develop their infrastructural and human resources. If these economies are to become self-sustaining so that independence and freedom may flourish, we will have to help them get the necessities for functioning in a modern competitive world.

With our geographical proximity and our close ties to the region, the U.S. Virgin Islands are an American outpost in the Eastern Caribbean. Our educational institutions, medical facilities, and agricultural research centers provide a nucleus immediately available to the United States for working with our "kith and kin" to keep this part of the world free and democratic.●

PERSONAL EXPLANATION

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. LELAND. Mr. Speaker, I rise briefly to ask that the record reflect how I would have voted on roll call vote No. 459, the Long amendment to House Joint Resolution 403. I was unavoidably absent from the House today, because of municipal elections in my home district. Had I been present, I would have voted in favor of the amendment.

I thank the Speaker for this opportunity to set the record straight.●

CONGRATULATIONS TO THE ARGENTINE GOVERNMENT

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. MICA. Mr. Speaker, as a member of the Foreign Affairs Committee for the past 5 years, I have been supportive of efforts to promote and uphold democratic institutions throughout the world. With this in mind, it is with great pleasure and pride that I today introduce a concurrent resolution congratulating the nation of Argentina for the successful conduct of elections held on October 30, 1983.

The success of this election should not be underestimated. The people of Argentina came out in full force to vote for their candidates—over 80 percent of those eligible to vote cast ballots in the election. In a nation of over 29 million, these statistics are commendable.

Moreover, the elections were conducted in a free and democratic manner, with no illegal domestic or foreign interference. The party of Dr. Raul Alfonsin received 52 percent of the ballots, a clear and decisive victory. Dr. Alfonsin's civilian government has been encouraged by the Argentina military establishment to take over the strings of Government 1 month earlier than had previously been planned. The new government is expected to take control December 10, 1983.

The United States looks forward to establishing a flourishing and enduring relationship with the newly elected civilian government of Argentina. I hope that my colleagues will join me in congratulating the people of Argentina on the success of their elections and in commending the Argentina military for their wisdom in promoting the smooth succession to power of the new civilian government of Argentina lead by Dr. Raul Alfonsin.●

IN DEFENSE OF GRENADA ACTION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. BIAGGI. Mr. Speaker, I have just returned from a joyous ceremony in the Rose Garden at the White House where President Reagan delivered the official "welcome home" to the estimated 700 American medical students safely rescued from Grenada 2 weeks ago.

As I have stated before, the military action taken by the United States was entirely justified considering the very real threat which was posed to each of these American students. The memory of the Embassy takeover in Iran and the 12-month hostage nightmare had to figure in the planning of the American military.

As the President indicated in his speech this morning, the White House has been inundated with telegrams and letters of thanks from returned students and their families. The fact that American forces are being withdrawn on a daily basis and real hope exists that they may be all out by Christmas firmly establishes the credibility of the President about the Grenada mission being a rescue mission as compared to an invasion.

It was a great sight to see both the students and the military together this morning with the Commander in Chief presiding. It was an occasion where patriotism replaced politics. I was proud to be there and proud to be an American on this important day.●

THE FAILURE OF AMERICAN BUSINESS MANAGERS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. OTTINGER. Mr. Speaker, I would like to bring to my colleagues attention an op-ed piece recently published in the New York Times on the state of productivity in the U.S. workplace. The author, Seymor Melman, is a professor of industrial engineering at Columbia University. Mr. Melman argues that the management tier, which has been taught to make money not goods, has contributed toward the declining competitiveness of American-produced goods not only in international markets, but in the United States as well. The step this country must take to rebuild its industrial base and restore the competitiveness of its goods is to invite the workers, who actually design and build the products, to participate in the decisionmaking within the company. I urge my colleague to read this article:

MANAGERS' DEBACLE

(By Seymour Melman)

From left to right, policy proposals for industrial renewal share a core assumption: that American managers as a group are interested in and capable of restoring competence in production. This assumption, once unchallengeable, is obsolete.

A generation of managers has been trained by our business schools to make money, not goods. Gripped by a dogma called "management science," the schools have played an important institutional role in the erosion of competence for production.

Until recently, American managers were the world's best organizers of industrial work. That was the basis of their profits and their claim to large personal income. The managers performed a vital function: To live, a community must produce.

For two centuries, a tacit understanding, a social contract, has been in force. In return for its decisionmaking power and wealth, management was expected by society to organize work. The legitimacy of that contract rarely has been challenged.

American industry's productiveness and all-around competence was a source of national pride. Whatever the criticism, management was perceived as fully interested in and able to organize production, the source of wealth. No one doubted that investing in and efficiently operating the means of production, especially those of basic industry, was the high road to wealth, fame and power.

In the last 25 years, management's social contract with workers and the community has been broken as managers have turned from making goods to making money by means other than production. The result of this transformation in management's professional imperatives is visible in the dissolution of production competence in once-great industries. These industries have been managed by persons increasingly oriented toward profits by financial strategems, commodity speculation and fast-return investments, finally striving for profits without the burdens of any production at all.

At the same time, a state-managed military economy, guided by cost- and subsidy-maximizing, is precisely the reverse of industrial efficiency. But it is a moneymaker and power base for everyone involved in it.

A firm's failure once enabled more competent management to take over production and marketing positions. Not any more. As managers' competence in making goods becomes increasingly rare, and ploys for making money dominate, industrial decay spreads. Top managers in remote central offices leave entire communities and regions economically stranded. Imported goods replace American goods. Jobs in producing occupations are severely reduced, hardly affected by the trickle of new work in high-tech industries.

Meanwhile, business schools rationalize the collapse of entire industries with facile explanations about post-industrialized society, sunset and sunrise industries, service economies, subsidized imports, Government regulation, the unions and "what's wrong with making money?"

New top managers have a trained incapacity for what their predecessors did ordinarily: offset a high wage with growing productivity, while producing goods of acceptable quality and price.

Because workaday competences have been largely abandoned in private and state enterprise, too many top managers have neither the interest in nor the skills to reverse the industrial debacle. Neither can such competence and self-interest be purchased by subsidies however grand.

If there is to be an industrial rebirth, America must turn to those who have a direct stake in making goods—production workers and engineers—for an alternative to managerialism. The producing occupations have a vital stake in industrial competence. Fashionable theories about mobility of capital do nothing for them. They have had little voice in the governance of industry, of their own work. But their talents and self-interests are indispensable for replacing management's failed institutions and ideologies.

As a result of growing numbers of plant closings, workers and communities are striving, increasingly, through stock ownership and other plans, to take over control of decision-making. The effectiveness of workplace democracy as a way of improving productivity and product quality is being demonstrated in scores of American factories ranging from heavy chemicals, plywood, food-processing and textiles to scientific instruments, electronics and auto assembly, and in networks of efficient industrial cooperatives in France, Spain and Italy.

Marshaling and spurring workers' decision-making power is the remaining option for significantly improving industry's productivity and all-around competence.●

HIGH VALUE DOLLAR HURTING EXPORTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. FRANK. Mr. Speaker, there are people in the administration who have been denying that the current extremely high value of the dollar vis-a-vis other currencies causes us problems when we try to sell American goods abroad. This seems to me an effort to deal with unpleasant reality by denying it. The decision to rely excessively on high interest rates as a means of dealing with the inflation problems of this country, has left us a legacy of an overvalued dollar which is a major reason why our balance of trade is far worse than it has ever been.

Recently I received very impressive first-hand testimony of this from a good friend of mine, Richard Morningstar, president of the Data Packaging Co., a high technology firm in Massachusetts which is export oriented. Mr. Morningstar shared with me a very trenchant letter from Herman Hollander, export sales manager of a Data Packaging Corp. subsidiary. In this letter to President Reagan, Mr. Hollander forcefully expresses the frustration he feels as one who is seeking to increase the export sales of American goods at the negative effect on his work which the overvalued dollar is having.

Because of the importance of this issue to the export question, I ask that Mr. Hollander's letter to President Reagan be printed here:

COSTAR EUROPE, LTD.,
August 10, 1983.

MR. R. REAGAN,
White House, Pennsylvania Avenue, Washington D.C.

DEAR MR. PRESIDENT: In my function of Export Salesmanager of the subsidiary of an American manufacturer of disposable laboratory labware, called Costar (division of Data Packaging Corp., Cambridge, Mass.) I am running into troubles!

Yes, Mr. President, I am really running into troubles, and the fact which is causing my troubles is your nice-looking dollar. The art-work of your dollar is nice, but, and that is the problem: the value is fantastic! Compared with last year, your dollar increased with more than 20 percent against the Dutch guilder (which normally is not a weak currency). In the last 10 years your dollar was not as high as he is today!

Our Dutch subsidiary is covering Western Europe, all Comecon Countries, Africa and South America. In many countries in these territories the differences between your dollar and their currencies are much higher. Our high-quality products are in use in many of these countries, but, when your dollar is increasing more, I do expect that the export of "American-origin" products will go down anxiously fast. Is that your opinion too?

My humble questions to your are: Can you help me to keep the sales at the current level? Do you want to tell my world-wide customers that they have to trust you and your dollar? Do you want to write me and my customers your opinion about what the dollar will do in the next future?

I do know that this problem is mine and not yours. I have to say that I expect that this subject will become a major American problem soon.

Awaiting your comments, I humbly remain,

Sincerely Yours,
HERMAN HOLLANDER,
Export Salesmanager.●

SENATE—*Wednesday, November 9, 1983*

(*Legislative day of Monday, November 7, 1983*)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

In a moment of silence, let us pray for President and Mrs. Reagan, as they journey, for their protection and safe return.

Gracious God, our Heavenly Father, these have been very somber hours on the Hill, and our spirits respond with ambivalence, gratitude mixed with indignation, as we reflect on Monday evening's bombing in the Senate. We are profoundly grateful at the providential early recess of the Senate. Had it been in session, many in the corridors and in the cloakrooms could have been severely injured, if not killed. We are grateful for the safety of the little rookie police woman and the veteran officer who could have been killed had they arrived on the second floor moments earlier. We are grateful that the reception in the Mansfield room had ended. We are grateful Lord, for those dedicated to our security, whose days of routine may so suddenly, so unexpectedly change, putting their lives in great jeopardy.

But our spirits are indignant at the mindlessness, the meaninglessness of an act that violates the people of America whose property this is. We pray Lord that Thou wilt guide as consideration is given for increased security against such senseless acts. We thank Thee, dear God, in Thy gracious providence that no lives were lost and we commend to Thee those responsible for the act, that Thou wilt minister to them in grace and healing. In the name of Jesus, the Saviour and Mediator, we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, I once more commend the Chaplain for his prayer this morning.

SENATE SCHEDULE

Mr. BAKER. At 9:30 a.m. today, Mr. President, we shall resume consideration of the unfinished business, which is S. 1715, the Natural Gas Act. If we can finish that bill or if we must move off that bill to other matters, our problem is somewhat complicated now by the fact that the House of Representatives failed to act on the continuing resolution. I have not yet been able to reach either Representative MICHEL or Speaker O'NEILL this morning, but as soon as I can, I shall try to ascertain the plans of the House, specifically when they think they can have a continuing resolution here for our consideration.

In the meantime, Mr. President, in addition to the natural gas bill, I should like to suggest that today will be a good day, since we will not be able to reach the continuing resolution immediately, in any event, to focus on the Civil Rights Commission Act and perhaps other matters. Treasury-Post Office comes to mind as one of the appropriations bills that has not yet been dealt with and we may not be able to deal with it. But that is a possibility.

What I am saying is that we shall resume consideration of the natural gas bill and we shall stay on that bill as long as it is useful and profitable to do so but, either after passage or when it is clear that we cannot pass the bill today, it may be that the leadership on this side should try to reach another bill such as Treasury-Post Office or Civil Rights Commission or both.

(Mr. GORTON assumed the chair.)

Mr. BAKER. Mr. President, I see the distinguished chairman of the Committee on Appropriations on the floor. I have not yet had an opportunity to confer with him on that, but I shall do so and shall have further remarks to make in the course of the day. I further would like to confer with the chairman of the Appropriations Committee about the complications and the ramifications of the House failure to pass the continuing resolution last night and gain his insights as to what is in store for us, especially relating to the time we finish this week and begin the Veterans Day holiday.

Mr. HATFIELD. Will the majority leader yield?

Mr. BAKER. Yes, Mr. President. I must say I am somewhat disquieted by the fact that the chairman of the Appropriations Committee came in from the Democratic side of the Chamber and is now using the minority leader's microphone. Other than that, I am pleased to yield to the Senator from Oregon.

Mr. BYRD. Will the majority leader yield to me first?

Mr. BAKER. Yes.

Mr. BYRD. We Democrats practice the good neighbor policy.

Mr. BAKER. But do not practice on us.

Mr. BYRD. We enjoy that more than the Senator knows.

Mr. BAKER. Mr. President, now that the chairman of the Appropriations Committee is back to my right—and the Senator from Oregon is not always on my right—I see he is now in a more familiar setting, I yield to him.

Mr. HATFIELD. I thank the majority leader. I say I think we have only about three or four options ahead of us.

As the Senator knows, the Appropriations Committee of the Senate did report a continuing resolution yesterday. We could, first of all, ask for unanimous consent to lift the 3-day rule and proceed to take up the Senate version of the continuing resolution, or if I could reconvene the committee and ask the committee to report the resolution without a report, that would negate the requirement to lift the 3-day rule. Or we could take the supplemental appropriations bill on the water projects that we have already reported out, which is a House vehicle, and use that for the continuing resolution. Or we could take the Treasury-Post Office, which is another House vehicle, and use that for the CR.

I say I only hope that the leadership could help us expedite the handling of the continuing resolution here, on the floor, as quickly as possible. We shall be in touch a little later with the chairman of the House committee to ascertain what their plan is now in picking up the pieces from their action last night.

I would venture a little guess here that they, in all probability, will give us a stripped-down continuing resolution, hoping to get it passed quickly on the House floor and sent over to us. If that occurs, we could still be about the business of handling the resolution here and then shift gears and incorporate our action in the House vehicle whenever it comes over.

I do not know that I have added anything to the leader's solution here or maybe added to the confusion.

Mr. BAKER. No confusion, Mr. President. All of them are good ideas. The bottom line is we have to do the CR as soon as we can. The suggestion

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

that we might act even in advance of the House acting sounds good to me.

Let me ask the distinguished chairman of the committee if we can confer informally about that in the next few minutes. Maybe both of us could have a further idea of what the House is going to do. Let me say I feel we need to pass the continuing resolution today.

By the way, Mr. President, let me say now that Senators should be on notice that if it is necessary for our legislative program, particularly but not exclusively for the CR, Members should be on notice of the possibility of a late evening. If we need to do that, I hope we will do that. If we do not, all right. But Members should take account of that possibility.

Mr. HATFIELD. If the majority leader will yield further, I am persuaded that the Senate version of the continuing resolution, if we can hold it and made a few modifications on it, is a signable resolution. I think that is important to consider, too. Because one of the reasons, if I may interpret House action, is that they weighted it down with such excessive baggage that they finally realized it was not going to be a signable bill; therefore, they destroyed their own product—self-destruction, so to speak.

I have a feeling now that if we can hold the line pretty close to what the committee has recommended or reported to the Senate floor, we shall not have to do that unnecessary, laborious process of sending to the President—wherever the President is—a CR that we know is going to have to be vetoed, to go through that whole exercise in order to face up to what we are going to have to do; that is, take a fairly stripped down, simple CR. Let us do it now instead of having to go through that second round of action.

Mr. BAKER. Mr. President, I agree. As the Senator knows, the President is in East Asia, and while we shall dispatch this bill when and if we pass it by special courier, it will take the President a while to perform the physical act of signing or vetoing that measure. So it complicates our time problem considerably.

I thank the chairman of the committee, and we will continue to work on this and involve the minority leader, to the extent he is willing to be involved, in our discussions and see where we are going next.

CONGRATULATIONS TO SENATOR EVANS

Mr. BAKER. Mr. President, let me take my remaining moment to say that I wish to extend our greatest congratulations to our newest Member on his election to the U.S. Senate in the State of Washington yesterday.

DAN EVANS performed like the champion he is. He gained about 57 percent of the total vote cast, which is a resounding victory, but most of all it is a vote of confidence in his stature and ability as a U.S. Senator and his performance in the brief period that he has been with us, and is, of course, a stamp of approval on his years of service as the Governor of the State of Washington.

I am sure every Member—I would think on both sides of the aisle—joins me in congratulating Senator EVANS and wishing him well in the next 5 years as a U.S. Senator.

Mr. HATFIELD. Will the Senator yield again for further comment on that?

Mr. BAKER. Yes; I do yield.

Mr. HATFIELD. As a next-door neighbor to the State of Washington, I, too, wish to extend my heartiest congratulations to Senator EVANS and to his wife Nancy. They have been a tremendous team, leading many programs in the State of Washington to try to reach the pinnacle that was set for them by the State of Oregon. I also congratulate the senior Senator from the State of Washington (Mr. GORTON), who is presiding at the moment, for his very outstanding leadership in this victory.

I have known Senator EVANS since we were fellow Governors, in fact, many years ago, and his calm and considered judgment has always been a hallmark of DAN EVANS—did not rush into things, did not panic in crises, but always exercised the most mature judgment and extraordinary wisdom.

I think he enhances the Senate as a body, and certainly as a next-door neighbor I welcome his continued service in this body.

Mr. BAKER. Mr. President, I fear I have used at least all my time. If the minority leader requires additional time, I will be glad to ask the Senate to provide it. I yield the floor, Mr. President.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

Mr. BYRD. Mr. President, I thank the majority leader.

THE CONDITION OF THE EXTENDED BENEFITS PROGRAM IS A DISGRACE

Mr. BYRD. Mr. President, I have been advised by the West Virginia Department of Employment Security and the U.S. Department of Labor that West Virginia next week will become ineligible for the extended benefits unemployment insurance program—the middle "tier" of benefits.

Although I have been aware for several months that my State was likely to lose eligibility for this program some time this fall if the program's eligibility criteria were not altered, and I have tried to prevent this loss of benefits for jobless West Virginians, I nonetheless again am struck by the incomprehensibility of this sad development.

Mr. President, there is no acceptable justification for this situation. How could there be when West Virginia's total unemployment rate computed by the U.S. Bureau of Labor Statistics for the month of August—the last month for which State-by-State data are available—shows our State's total unemployment rate is 16.7 percent, the highest in the Nation? I can assure my colleagues that it is of exceedingly little consolation that not a single State currently is eligible for this unemployment insurance program—the middle "tier" of benefits that Congress established in permanent law to be available to any State experiencing moderate to severe unemployment. However, I know many of them already have experienced the same frustration I feel today when their States, also having high unemployment, became ineligible for the extended benefits program.

I realize that total national unemployment has been falling over the past half year, and fell again for September in the data announced this past Friday. But, regardless of this improvement, as overdue and welcome as it is, the national unemployment rate still is at a severe level by all historical standards. More to my point, 20 States had total unemployment rates above 9 percent in the most recent month for which State-by-State data are available, ranging to West Virginia's high of 16.7 percent.

Equally or more distressing, the national rate of long-term unemployment—counting persons unemployed for 6 months or longer—remains almost as high as it was in December of last year when total unemployment peaked. There were 2.6 million such long-term jobless workers then—the highest level since the Great Depression; there were still 2.25 million in October. These rates show that while the recession is easing for a portion of our Nation's population, there is a sizable group that has yet to feel that improvement. Instead, for them, things continue to get worse and worse.

I defy anyone to provide an adequate explanation to me, or to the unemployed in my State or the other States with high unemployment, as to why the extended benefits program now is unavailable in any State.

What is the justification for that? What merit is there in that situation?

Perhaps we should direct that question first, Mr. President, to President Reagan and his administration. It was the administration that testified before the House Ways and Means Committee in early September that any changes Congress might make to ease State eligibility criteria in the extended benefits program would be vetoed. We should also remember that it was largely the administration's 1981 budget cuts that resulted in the virtual emasculation of the extended benefits program—leading to the lamentable current circumstances. We should remember that the administration opposed an amendment offered in September by Senator Carl Levin of Michigan—which I strongly supported—that would have modified the State eligibility criteria for the extended benefits program in such a way that West Virginia, Michigan, and other States with residual high unemployment would have qualified for at least some weeks of extended benefits if not all 13 weeks normally provided to eligible States under that program.

The inescapable truth, Mr. President, is that there is no acceptable explanation. The only explanation that can be offered is that the President and members of his party are unwilling to acknowledge the pain and suffering caused to working men and women and their families by the recession that began in 1981, and not only are unwilling to provide the same level of unemployment benefits provided to the unemployed in previous, less severe recessions, but also are openly, actively hostile to continuing such benefits. I find that very disconcerting.

I have served over 30 years in the Congress, and I am a realist, Mr. President. Despite the great energy and time I and other Senators and Representatives invested in the effort to salvage the extended benefits program, I expected that the administration's opposition would doom those efforts. Based on that assessment, I concluded that the only way to provide an adequate number of weeks of benefits for the long-term unemployed workers in high unemployment States was to discard the extended benefits program as well as the third and final "tier" of benefits, supplemental compensation, and replace both with a consolidated program of benefit, available on a permanent basis to any State with high unemployment. I introduced such a bill on August 4 of this year, with cosponsors from both parties. For States experiencing West Virginia's current predicament at the time that bill is enacted, as well as those that find themselves in similar situations in the future, my bill will assure that quirks of eligibility criteria will not prevent the long-term unemployed in high unemployment States from receiving all benefits Congress intended to be available to them.

Sadly, but all too predictably, the administration announced its strong opposition to this bill as well. Consequently, we are left for the time being with the flawed UI system that has permitted the travesty of high unemployment States such as West Virginia losing eligibility for extended benefits. I can assure my colleagues—and all West Virginians—that I intend to continue to pursue this reform legislation until the Congress acts to clean up this unforgivable situation.

For the moment, I am relieved to note that most persons now receiving unemployment benefits in West Virginia will not be disadvantaged immediately by the State's loss of eligibility for extended benefits. Those who exhaust the benefits available to them under the State's basic UI program, but still are unable to find work, simply will proceed immediately to the 14 weeks of supplemental compensation benefits available to West Virginia under the third "tier" of benefits. I am glad to have been a major actor in the successful fight to assure that the number of weeks of benefits available to West Virginians under this "tier" at least will not be reduced. Nevertheless, if the State remains ineligible for the extended benefits program long enough, many of West Virginia's unemployed will receive fewer weeks of benefits than have been available for the past year because extended benefits will not be available to them.

I remain committed to doing whatever I can to remedy this distressing situation—for the benefit of the long-term unemployed throughout the Nation, and certainly in my own State of West Virginia, who have been the unwilling victims of the recession that has not yet ended in many places, and who have yet to experience the recovery of which the President speaks in such glowing terms. What they have experienced is an outrage. This administration's unfairness and insensitivity will not forever stand in the way of the reform for which the unemployment insurance system cries out.

ROUTINE MORNING BUSINESS

The **PRESIDING OFFICER.** Under the previous order, there will now be a period for the transaction of routine morning business to extend not beyond 9:30 a.m. with statements therein limited to 2 minutes each.

REMOVAL OF INJUNCTION OF SECRECY—1983 TAX CONVENTION WITH SWEDEN

Mr. **BAKER.** Mr. President, I have a request that I will make now as in executive session.

I ask unanimous consent as in executive session that the injunction of secrecy be removed from the 1983 Tax Convention with Sweden, Treaty Document No. 98-11, transmitted to the Senate on November 7, 1983, by the President of the United States. I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the Record.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention between the Government of the United States of America and the Government of Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances, and Gifts, signed at Stockholm on June 13, 1983. I also transmit the report of the Department of State on the Convention.

The Convention is the first of its kind to be negotiated between the United States and Sweden. It will apply, in the United States, to the Federal estate tax, the Federal gift tax, and the Federal tax on generation-skipping transfers and, in Sweden, to the inheritance tax and the gift tax.

A principal feature of the Convention is that the country of the transferor's domicile may tax transfers of estates and gifts and generation-skipping transfer on a worldwide basis, but must credit tax paid to the other State on the basis of location or *situs* of specified types of property.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to ratification.

Ronald Reagan.

The White House, *November 7, 1983.*

WHY IS THERE OPPOSITION IN CONGRESS TO ENDING THE NUCLEAR ARMS RACE?

Mr. **PROXMIRE.** Mr. President, highly competent experts on military affairs oppose the negotiations of the end of the nuclear arms race with the Soviet Union. In spite of this the American public has repeatedly and overwhelmingly supported such negotiation. An impressive number of arms control, scientific, intelligence and military experts support this nuclear freeze. In view of the position taken by the leading Democratic candidates for President it seems virtually certain that if this country elects a Democrat as President of the United States, he will promptly start negotiations with the Russians to stop the nuclear arms race. Obviously the prospect that the country could elect a Democratic President in 1984 is a very real possibility. So how should this U.S. Senate respond if a President sent such a treaty to us for confirmation?

Mr. President, this Senator enthusiastically favors negotiating an end to the nuclear arms race. In fact, I believe that if we do not do so, civilization will not endure and our species may perish.

But I also believe that we must do the following:

First. We must only stop building and improving our nuclear deterrent when both this country and the U.S.S.R. have accepted the treaty. What does that mean? That means that we should continue to build our Trident submarines, our new land-target D5 missiles, our Stealth bomber and other effective new nuclear weapons—right up until both countries have accepted the treaty. Some opponents of the freeze argue that it is flatly contradictory for Senators to favor new nuclear weapons if they also favor the freeze. This is nonsense. Those of us who favor the freeze insist that it must be mutual. We contend that it cannot and will not be mutual until both sides—both superpowers—have accepted it. We renounce any unilateral disarmament. If this country were to cease building up its deterrent before negotiations have started or, indeed, before they have been successfully concluded would not that in effect disarm us unilaterally? Of course it would.

We recognize that the negotiations to enter the nuclear arms race cannot start until a President of the United States supports such negotiations. We know that cannot happen until January 20, 1985, or maybe January 20, 1989 or later. At any rate, negotiations will not start for more than 14 months from now. We know from past arms control negotiations with the U.S.S.R. that these negotiations could consume years. And we know they may finally fail. So we must continue to build our Tridents and D5 missiles and Stealth bombers while we negotiate. Is this inconsistent? Of course not. In fact it is the only policy consistent with an insistence that we make the nuclear freeze mutual and not unilateral.

Second. We must only ratify a nuclear freeze treaty if and when we are convinced that it is reasonably verifiable. Opponents of the freeze have shouted that we cannot verify what the Russians do in their closed society. Expert supporters of the freeze contend that by constant inspection by satellites and by sensitive monitoring to detect any suspect explosions we could discover any significant violation by the Soviet Union of a flat ban on nuclear testing—including underground testing and any production of deployment of nuclear weapons. Nuclear freeze experts appear to be divided on whether we should insist on onsite inspection. This Senator believes we should. I also believe that the inspection should be without notice whenever satellities or testing developments suggest violation.

In summary, Mr. President, I believe that if opponents of the nuclear freeze fully consider the implications of what we freeze advocates mean when we say this treaty must be both mutual and verifiable, they may reconsider their opposition. And I call on them to consider the implications of rejecting the freeze and continuing the nuclear arms race. Where does the greater risk of nuclear annihilation lie? Ask yourself that question. Is there salvation in endlessly building more modernized—that is more devastating nuclear arms? Or should we rely on a mutual and verifiable cessation? For the life of me, Mr. President I cannot understand why the answer is not easy.

AMNESTY INTERNATIONAL REPORTS ON IRAN

Mr. PROXMIRE. Mr. President, as I noted here last Friday, Amnesty International recently released its annual report of human rights activities around the world. Many of the nation-by-nation entries in that report should concern us here in the Senate. Today I wish to comment on the Amnesty International report on Iran.

The current situation in Iran is characterized by frequent abuses and violations of human rights. The Amnesty International account includes details of executions, tortures, and imprisonment without trial of many political prisoners. For certain crimes, whipping and amputation of limbs have been officially sanctioned as punishments. Furthermore, executions of pregnant women and people under the age of 18 reportedly continue. These executions violate the International Covenant on Civil and Political Rights, which Iran has ratified. All these abuses clearly flout internationally accepted standards of morality.

Of particular concern are the accounts of Iranians' repression of the Baha'i religious minority. Amnesty International's concerns include "summary executions, torture, arbitrary arrest and detention, and religious freedom, particularly in connection with the repression of the Baha'is." The report refers to "members of the Baha'i religion, the only substantial religious minority not recognized in the Iranian Constitution, who appear to have been imprisoned and executed for no other reason than their religious belief." As these words from Amnesty International indicate, the Iranian repression of Baha'is very nearly constitutes genocide.

Mr. President, I am not alone in my concern over these events in Iran. I know that many of my colleagues not only are aware of this situation but are also striving to respond appropriately. I strongly suggest that any meaningful response must include ratification of the International Genocide Convention. Ratification of this treaty would strengthen our position against human rights violations such as those occurring in Iran. Furthermore, ratification would signal our official condemnation of the crime of genocide, which is still threatened in Iran and other parts of the world today. I remind my fellow Senators that the need for a genocide ban remains current, and urge their support for the Genocide Convention.

THE PRINCIPLE OF FREE DEBATE IN THE UNITED NATIONS GENERAL ASSEMBLY

Mr. MATHIAS. Mr. President, last week the United Nations General Assembly agreed to a motion proposed by the delegate from South Yemen to prohibit debate on a resolution condemning the United States for its invasion of Grenada. It was an unusual departure from that body's tradition of free and far-reaching debate, and I believe extremely unfortunate.

To take away the right of nations to discuss the Grenada invasion is to strike at the very foundation of the United Nations. Its Charter calls for the peaceful settlement of disputes, international cooperation, and the development of friendly relations among nations, none of which can be achieved without open and extensive discourse.

In recent years both Congress and the administration have increasingly demonstrated an alarming level of frustration with the United Nations. Indicative of this trend was the Kassebaum amendment to this year's State Department authorization bill, which sought to reduce unilaterally the U.S. contribution to the U.N. budget. Though Senator KASSEBAUM assured me that her only intent was to encourage greater budgetary responsibility in the United Nations, the large margin by which the amendment passed the Senate was symbolic of much broader discontent—discontent which will only be aggravated by the unusual cloture motion adopted last week.

We all recognize that the United Nations has its shortcomings. The disturbing frequency with which Israel's rights and privileges in that body have been threatened is ample evidence of this. But in our imperfect and dangerous world it is incumbent on us to use all means at our disposal to manage the problems that beset the international community. As a former Secretary General put it, "If you don't like the United Nations you don't like the world." The United Nations is an important tool for the promotion of international order and the rule of law.

In 1945, when the Senate gave its consent to the treaty which allowed U.S. participation in the United Nations, it did so with the understanding that the General Assembly would provide its members with a forum for free and open discussion of the problems they share.

Senator Arthur H. Vandenberg, the U.S. Representative to the San Francisco Conference where the U.N. Charter was drafted, explained to his colleagues in 1945:

> While article 14 [of the U.N. Charter] carries with it only the power of discussion and recommendation in the Assembly, I think article 14 is the heart and core of the promise of this great adventure in behalf of the disappointed and distressed peoples of the earth.

Mr. President, the action taken by the General Assembly on November 2 is in contravention of the spirit, if not the letter, of the U.N. Charter and sets a dangerous precedent. It is therefore my earnest hope that Ambassador Kirkpatrick will convey these concerns to the Secretary General who will take appropriate action to insure that in the future the principle of free debate in the General Assembly will be respected.

THE OUTLOOK: 1985 MAY BE TOO LATE FOR BUDGET REPAIRS

Mr. MATHIAS. Mr. President, not too long ago a $100 billion deficit seemed impossible—like traveling at the speed of light. Today we find ourselves being pushed back in our seats as we speed toward a deficit twice that large. While the economy has thus far withstood the Federal Government's hypersonic journey into debt, I believe that the time to put on the brakes is now. The Senate's recent action on the debt limit extension bill signaled that the Senate may be prepared to act forcefully to fight the extraordinary deficits we now face.

The bipartisan budget appeal, led by six distinguished former Cabinet members, has sought for some time to educate Congress and the public about the dangers of these astronomical deficits.

The chairman of the Senate Budget Committee (Mr. DOMENICI) has courageously defended the budget and urged the Senate to move now to implement it, although he recognizes that it will involve pain for the Senate and some sacrifice for the country.

Former Secretary of Commerce Peter G. Peterson, one of the leaders of the appeal, recently wrote a thoughtful letter about how we can best cope with the deficit. He concludes that "the long term outlook is bleak" if we do nothing to control the deficit, but suggests a number of ways in which Congress could tackle the problem. I urge my colleagues to study his thesis.

I note in closing that I disagree with Mr. Peterson on one major premise—that decisive action to reduce he deficit is impossible before the 1984 elections. Congress can and should act now to ease the deficit crisis; 1985 may simply be too late.

I ask unanimous consent that Mr. Peterson's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 18, 1983.

LETTER SENT TO THE FULL MEMBERSHIP OF THE BIPARTISAN BUDGET APPEAL GROUP

DEAR ———: It has, as you know, been a number of months since we last wrote to the members of the Bipartisan Budget Appeal. They have been months punctuated by a great deal of public discussion, although not much real progress, on the fiscal problems which led to the formation of our group. My founding colleagues—Messrs. Blumenthal, Connally, Dillon, Fowler and Simon—and I have been monitoring both the discussions and the budget outlook itself. This seems like an appropriate time to put some new material before you and, more important, to solicit your views on a number of policy questions and on the role that a group like ours should play in the coming months.

Before turning to the central question—the appropriate strategy for the Bipartisan Budget Appeal in an election year—I'd like to summarize what has been happening on the fiscal front and where we see the situation going. The attached memorandum provides an in-depth look at the present situation and the various projections for what lies ahead. The first point that stands out is that the outlook for the federal budget remains alarming. Even on quite optimistic assumptions, deficits are projected to remain in the range of 5 to 6 percent of GNP through fiscal 1988. Our political system, however, seems to be devoting considerable effort either to pretending that the problem does not exist, or, blaming the Administration more or less exclusively without suggesting responsible steps necessary to reduce the deficits in any significant way. The former view manifests itself in a series of popular if ultimately untenable assertions—that the economy will "grow itself out" of deficits, that deficits don't affect the economy anyway, and that foreign capital flows will, in any event, finance U.S. deficits.

As the attached memorandum suggests, each assertion is critically flawed. As to the first, even with record growth—a repeat of the boom years in the mid-1960's—deficits would remain distressingly large. Assuming growth that is robust, but not widely implausible, deficits will remain intolerable. As to the second, we are aware of no coherent rebuttle to the proposition that continued high deficits will inevitably confront the Federal Reserve with an unacceptable choice—monetize the deficit and stimulate rampant inflation or resist the pressure to accommodate deficits and drive real interest rates, and with them an overvalued dollar and staggering trade deficits, to unacceptable levels. The cost of high deficits, in short, can be manipulated but not avoided: The alternatives are a return to record inflation (the inevitable consequence of a combination of loose monetary policy and loose fiscal policy), or wrenchingly high interest rates and sustained underinvestment in future growth (the inevitable consequence of restrictive monetary policy and loose fiscal policy). As to the third, while substantial foreign capital is flowing into the United States, were it not for these huge budget deficits, this foreign capital could be financing new private investment. In addition, to the extent these flows of foreign savings relieve some of the domestic interest rate pressures from our unprecedented deficits, they do so at a cost of output, profits, and jobs in our export and import competitive industries. This is because these capital inflows are linked to an overvalued dollar which "overprices" our exports aboard and "underprices" foreign imports in this country. Thus, high budget deficits crowd private borrowers out of the financial markets and crowd important sectors of U.S. economy out of the international markets for manufactured goods.

We are not, in short, cassandras when we point with alarm to projected out-year deficits. On the contrary, as the attached memorandum demonstrates, in sector after sector the costs of fiscal extravagance are manifest. While those who assert the contrary can at this moment obviously point with some elation to the present recovery and the booming stock market, the long term outlook remains bleak, and nothing in today's Dow Jones average or next month's inventory or retail trade figures can obscure our current shortage of savings, our apparently uncontrollable penchant for federal spending, our inadequate federal revenue base and the consequences to which the conjunction of these factors is leading. (As to the current recovery, none of us, even those most concerned with the metastasizing long term effects of deficits, believed that big deficits had outlawed the business cycle.)

The second point that stands out from the attached memorandum is that, as ominous as the near term situation is, with continuation on the present course the long term situation is worse—far worse. Future expenditures for interest costs, old age, and health will lead to bottomless future deficits. Even under fairly optimistic assumptions, we are now primed for calamity; by the year 2000, our present course will generate budget deficits in the range of 4.2 to 7.3 percent of GNP, and by the year 2025 the deficits will have doubled—reaching 8.7 to 16.2 percent of GNP. Under somewhat more pessimistic, and unfortunately more realistic, assumptions, we project a fiscal 2000 deficit of 6.3 to 9.9 percent of GNP, and a fiscal 2025 deficit of 16.8 to 25.8 percent of GNP! Unless something is done to change the course we are now following, interest on the national debt alone is scheduled to increase from 2 percent of GNP in 1980 to between 3.6 and 4.5 percent of GNP in fiscal 2000 and to between 6.3 and 11.6 percent of GNP in fiscal 2025 (using, in each case, optimistic assumptions). We need no long term projections to remind us of the explosion in health care costs; Medicare costs increased 18.6% in 1982! We are, in other words, being swept along by a current which becomes harder to resist every year; and there exists a very real danger that we will try a little harder each year to do something about it but will steadily lose ground nonetheless.

The third inescapable message in the attached material is that to date political pressure has skewed efforts to trim federal spending in a manner which has been neither effective nor equitable. The vast edifice of nonmeans tested federal entitlement programs (most of them 100 percent indexed to

CPI) has emerged unscathed from the budget cuts of the early 1980's. Supported by 35 to 40 entitlement organizations which boast 100 million members, these programs account for fully 40 percent of the budget. Their costs are projected to explode as demographic changes drive up the number of recipients and reduce the number of workers who contribute to their support and as changes in the medical sector ratchet the cost of providing medical care to the elderly steadily higher.

A final point that stands out is that even the most vigorous and politically sensible package of spending cuts cannot, standing alone, solve the problem. We are, as George Will has said, "undertaxed" given the outer limits of what is politically possible on the spending side.

In light of these disturbing dynamics, what then is an appropriate role for the Bipartisan Budget Appeal? One element of such a role, we feel, is education. Through work like that underlying the attached memorandum, we can as an organization try to puncture the myths and rationalizations that our political system serves up as an excuse for inaction, to provide our leaders with fair and impartial information about the present situation and the consequences of various policy choices. By educating, we may also be able to help end the current political stalemate. For example, by urging that tax increases be linked to major spending reductions and that any tax increases be based on consumption rather than savings, we can perhaps help build a consensus for doing something intelligent, equitable and consequential on the revenue side. Similarly, it now seems quite clear that positive action on the spending side will require a thoughtful and humane assault on the citadel of federal entitlements for the elderly. That means shifting entitlement programs more in the direction of the needy so that precious resources aren't squandered on those who are more than able to take care of themselves. (It may well be that such an assault can not be launched too directly. Still, some combination of measures—such as putting a cap on COLA indexing, taxing all benefits above contributions, capping benefits to those with higher wage histories, and so forth—can do much toward improving the situation.) It also means providing a bipartisan counterweight to the powerful lobbying groups who have made the citadel impregnable thus far.

Prodding our political system to do something about entitlement programs will, as we have seen time and again, be a monumental task. As the attached paper suggests, we are a long way from making any progress. The message coming from Washington today is either that the Social Security problem has been resolved or that Social Security is in any event now "sacred" because it has been blessed by the Bipartisan Commission's "solution". The tag line to that message is that growth in non-Social Security entitlement programs (in particular, federal, civilian and military pensions) can on the grounds of "fairness" be reduced no further than growth in Social Security—essentially one six month delay in indexing, for a relatively trivial $1 billion or less in savings. Together, these thoughts are a prescription for inaction, and only through education can we hope to create a consensus for stronger medicine.

Beyond education, a number of suggestions have been advanced for addressing our fiscal problems. Realistically, it is not likely that significant action will be taken until after the 1984 election—on the contrary, the combination of economic recovery, a strong stock market and a presidential race can be relied upon to assure that difficult questions will be tabled for the next 12 to 18 months. Only a demonstrable crisis would be likely to accelerate this process. In a sense, then, perhaps the immediate challenge is to ensure that the President-elect be in a position to move to resolve the fiscal crisis as soon as possible after the inauguration. In this spirit, a number of suggestions have been advanced. One is to hold an "economic summit" consisting of the leadership from the executive and legislative branches. Another is to create a Bipartisan Deficit Commission similar to the Social Security Commission which was of course created to tackle another problem that was also unusually sensitive from a political point of view. A third option would be the formation of a Bipartisan Private Sector Commission on the deficit which could operate in tandem with or separate from a formal Bipartisan Commission in the public sector.

Such suggestions raise a number of important considerations. First, would a formal Bipartisan Deficit Commission be productive or counterproductive in the midst of a presidential election campaign? There are obviously a number of risks. The formation of a Bipartisan Commission might permit public candidates to ignore the deficit issue entirely on grounds it is being handled by the Bipartisan Commission. Similarly, if the commission made its report in the course of the campaign, the report itself could distort the political process and give candidates an opportunity and even an incentive to pledge not to take steps that are politically unpopular, though fiscally imperative. One response to both considerations might be to restrict such a commission to fact finding until after the November 1984 election.

Similarly, a Bipartisan Private Sector Commission would have to tread gingerly in an election year. While such a group would have the advantage of being able to meet more privately and discuss realistic, if painful, options, both the timing and tenor of its discussions would inevitably be skewed by the various members' reading of the political climate and the progress of the campaign.

While the foregoing considerations suggest that action during the election campaign would have its risks, the risks associated with doing nothing until after the election seem equally grave, if not more so. Whatever, the danger that candidates would use any bipartisan commission—whether public or private—as a target for avoiding difficult choices or as a political stalking horse, the offsetting danger is one of delaying any action for as much as two more years. In light of all of our urgent concerns with the fiscal situation, it seems that at the very least the basic analytical work and the definition of options for the President-elect has got to begin before November of 1984.

From a tactical viewpoint, the question which faces our Bipartisan Budget Appeal is quite simply this: What should we do to encourage the candidates to face the deficit issues forthrightly and to commit to take meaningful action upon election? Should we press for the formation of either a private sector commission or an official commission to begin work early in 1984? If such a commission extends its efforts beyond fact finding, should a report be made before the election, or only thereafter? To what extent, setting aside the commission issue, can the Bipartisan Budget Appeal attempt to influence all the presidential candidates, to urge them, for example, to set up official bipartisan commissions after the election and otherwise to address promptly the fiscal crisis? The goal, it seems to us, must be to cause the President-elect to deal with the problem in this very first budget message—in March of 1985.

I urge you to write and let us have your views on these and other options. All of us would prefer that the regular political process function as intended, but seasoned observers in and outside the government tell us time and again that the process is paralyzed by the combination of enormous deficits and an array of vested interests which move to block every viable alternative.

Whatever the tactical choice, the founding members believe that the basic outline of our program remains valid—that cost of living indexation must be retarded, non-means tested entitlements and other subsidies reduced and reformed, real defense growth made more gradual and efficient, and revenues increased. We need to hear from you concerning the various elements of this program, those you now feel require greater emphasis, and any new elements you would like to add.

On a more personal note, you may know that I will be retiring from the chairmanship of Lehman Brothers at the end of this year to go into the merchant banking business. I hope, with your help, to continue to devote time, energy and resources to our bipartisan effort, as do our founding members.

I trust we will be hearing from you as we have so often and usefully in the past.

Warmest regards,

Peter G. Peterson.

P.S. I am tempted to apologize for the length of the attached document. Yet the political forces that continue to insist that there is no problem are so formidable that we have no choice but to be thorough in our research, analytical in our reasoning and, in consequence, voluminous in our output. Nonetheless, I am sorry because I know something of the magnitude of your reading burdens.

1983 VETERANS DAY

Mr. THURMOND. Mr. President, as they do each year at this time, Americans have begun to turn their thoughts to our national day of Thanksgiving. It is, of course, a time for giving thanks to God for the many blessings that He has bestowed upon us as individuals, and as a nation.

However, Mr. President, several weeks before Thanksgiving Day, on November 11, this Nation will express its special thankfulness for one of our greatest blessings—our veterans. I believe most Americans will agree that if it were not for the extreme sacrifice and dedicated service of the brave citizens who have defended our Nation, Thanksgiving Day, and indeed, our country—as we know it—would not exist today.

Throughout the history of the United States, citizens have been called upon to step forward and to participate in the protection of the freedoms and great principles that we hold sacred. Our citizens have overwhelmingly answered this call with loyalty, courage, and dedication.

During this turbulent century alone, Americans have been called upon to serve in four wars: World War I, World War II, Korea, and Vietnam. As a matter of fact, the Veterans' Administration reports that out of the 39 million men and women who have served during wartime in the U.S. Armed Forces throughout our 207-year history, approximately 24 million are living today. In recent weeks, in Beirut, Lebanon, and in Grenada, many more Americans have served with honor and have sacrificed—some with their lives—for our country.

Mr. President, with the memory of sacrifice so fresh in the minds of our people, I believe that Veterans Day, 1983, will have special meaning. As we remember those who have served us in Beirut and Grenada and throughout our history in all parts of this world, we should be reminded that Veterans Day too, is a day for thanksgiving.

HARVEY GANTT: CHARLOTTE'S FIRST BLACK MAYOR

Mr. HOLLINGS. Mr. President, a 40-year-old architect was elected last night mayor of Charlotte, N.C. There are some unique features to this American that this country should know about.

First, he was born and raised in my hometown of Charleston, S.C., right around the corner on Cannon Street while I grew up on Ashley Avenue. I could share in equal opportunity; Harvey Gantt could not. There is a second feature of distinction. He is black. But his spirit is proud. He presented himself in January of 1963 as the first black to be admitted to Clemson University.

Unlike James Meredith in Mississippi and others in the South during that time, Harvey Gantt's admission was peaceful. Much of that peaceful admission was due to the calm and dignity of Harvey Gantt's personality. While some were rabble rousing and name calling, Harvey maintained a posture above it all, and his wit and wisdom were the reason that he could go through not only peacefully, but with distinction academically. He started first with an architectural firm in Charlotte. He built respect and has now been selected its first citizen. Not because he was from Clemson University, or was black. But rather because of his character. If you are around him for just a brief moment you would know what I mean. He is an inspiration.

I was just asked by the media if this occurred in Charlotte because of the Voting Rights Act, or because of the improved state of race relations. I said that it was because of both, and one other reason—Harvey Gantt had proven himself as a leader already in civic and political activities. He inspired all those around him to attend to their civic duties.

No one was more qualified than he to be mayor of Charlotte. In 1975 he set up his own architectural firm—Gantt, Huberman, and Associates—and was elected to the Charlotte City Council, winning with the largest number of votes of any candidate in the Charlotte Democratic primary.

In that same year he was voted the NAACP Citizen of the Year and won the Distinguished Service Award from the Charlotte Jaycees. In 1979 he was awarded the Outstanding Service Award by the North Carolina League of Municipalities.

In 1982 he became mayor pro tem of Charlotte, and finally, yesterday, was elected mayor.

He was elected not because he was black, but because he was best. He drew 40 percent of the white vote because he stood and called for responsible government. Gantt pushed for a coalition of government, business, and neighborhoods to move Charlotte forward and manage its growth in a responsible fashion.

He called for fiscal responsibility and won the election on the issues, not his race. For that, we in the South, and indeed the Nation as a whole, can be proud.

In Charleston, we pride ourselves on historical firsts. They say there are 123 firsts from the first municipal college to the first theater to the first Chamber of Commerce. Now we have 124—Harvey Gantt, the mayor of the largest city in the two Carolinas. We wish Mayor Gantt well.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Morning business is declared closed.

NATURAL GAS POLICY ACT AMENDMENTS OF 1983

The PRESIDING OFFICER. Under the previous order the hour of 9:30 a.m. having arrived, the Senate will now resume consideration of the unfinished business, S. 1715, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 1715) to amend the Natural Gas Policy Act of 1978, to protect consumers from those price increases that would occur because of market distortions as a consequence of current regulation of natural gas prices, to permit natural gas contracts to reflect free market prices, to provide for a phased deregulation of natural gas prices in order to achieve a free market by a date certain, to eliminate incremental pricing requirements for natural gas, to eliminate certain restrictions on the use of natural gas and petroleum, and for other purposes.

The Senate resumed consideration of S. 1715.

AMENDMENT NO. 2485

Mr. McCLURE. Mr. President, I withdraw my amendment (No. 2485), and send an amendment to the desk.

Mr. METZENBAUM. Mr. President, before the Chair acts on that withdrawal, the Senator from Ohio wishes to be heard as to the right of the Senator from Idaho to withdraw the amendment.

The PRESIDING OFFICER. The Senator from Idaho has not lost the floor.

Mr. METZENBAUM. I am sorry. I did not hear the Chair.

The PRESIDING OFFICER. The Senator from Idaho has not lost the floor by withdrawing his amendment.

Mr. METZENBAUM. The Senator from Ohio is aware of the fact that the Senator from Idaho has not lost the floor. The Senator from Ohio is asking for recognition before the Chair permits any action with respect to the withdrawal of the amendment.

I believe the Senator from Ohio is entitled to recognition for that purpose.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio will not take the floor from the Senator from Idaho. The Senator from Idaho has a right to withdraw his amendment.

The amendment is withdrawn.

Mr. METZENBAUM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Idaho yield for a parliamentary inquiry?

Mr. McCLURE. Mr. President, I understand what the Senator is trying to do, and if I understand correctly, what he really wishes to do is to question the right of the Senator from Idaho to withdraw the amendment, and I think he will also at some appropriate time wish to test that right. I do not wish to deny him that opportunity to do so.

The other side of that, however, is that if I can yield to the Senator for a parliamentary inquiry without losing my right to the floor, I will ask unanimous consent that I may and for no other purpose but the parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Idaho has the right to yield for a parliamentary inquiry and for no other purpose and ask unanimous consent to do so.

Mr. McCLURE. I so ask such unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized for the purpose of a parliamentary inquiry.

Mr. METZENBAUM. Mr. President, I appreciate the courtesy of the manager of the bill, my friend from Idaho, and I rise for the purpose of a parliamentary inquiry as to whether or not a Member of the Senate has a right to withdraw an amendment after the Senate has taken some action on the amendment.

The rules specifically provide that, when the Senate has taken some action on an amendment, unanimous consent is required to withdraw the amendment.

The question then arises as to whether or not any action has been taken.

As the Chair knows, there was a unanimous-consent request made by the majority leader on November 3 and that speaks for itself at S. 15319 in which the majority leader asked for unanimous consent to set aside the pending measure with the understanding that we would return to consideration of the Metzenbaum amendment to the McClure amendment.

On June 22, 1971, Senator JAVITS was required by the Chair to obtain unanimous consent to withdraw an amendment because of the above-cited rule. The action that the Senate had taken was a unanimous-consent request that certain amendments to the Selective Service Act be considered at a certain time. The amendment was called up and debated and then withdrawn, but only with unanimous consent.

Now I should point out that there is a great similarity between that situation and the present situation because in that instance the unanimous-consent request had dealt with certain amendments to the Selective Service Act not with respect to the specific and in this case the Senate has acted to set aside my amendment to the McClure amendment and, therefore, the issue is very similar, not identifical but very similar.

I might say to the Senate that the record on that point indicates that the Presiding Officer ruled, on page 21278 of the RECORD of June 22, 1971:

> When the Senate has taken some action on the amendment unanimous consent is required to withdraw the amendment.

That is not the only instance in which we have had a situation of this kind because on September 29, 1971, Senator SAXBE, my predecessor, as a matter of fact, wanted to withdraw an amendment and he said:

> Mr. President, I wish to advise the Members of the Senate that it is my intention very shortly to ask unanimous consent to withdraw this amendment and that there will not be a vote before I do so.

And he was then cut off. But then at a later point he had recognized that rule. At a later point he said.

> I ask unanimous consent I might add because due to the time limitations previously agreed upon I believe it requires unanimous consent to do so.

Under those circumstances I think the situation is very similar to that which we are facing in this instance. But I think that there is more to what we are talking about than just the unanimous-consent request and the withdrawal of an amendment.

What we are talking about is the right of the Senate to proceed to the business at hand and the Senator from Ohio is prepared to go to a vote on my amendment now, a half-hour from now, an hour from now, any time.

Or, in the alternative, if the Senator from Idaho and the Senator from Louisiana prefer it that way, I am willing to lay aside my amendment and permit them to take the pending piece of legislation and make it a second-degree amendment setting mine aside temporarily. I think this Senate ought to move forward on the subject of natural gas.

Now the facts are that it is well known that I had said that, before S. 1715 passes, I would be prepared to debate the issue at length. But that is not the issue. What we now have is a filibuster taking place by the managers of the bill who do not want a Senator to be able to call up his amendment or her amendment until they get control of the floor and put in place an amendment in the first degree and an amendment in the second degree, so that no other amendments will be in order.

Now I want to make it clear on that subject. I do not object if they offer an amendment in the first degree and if the Chair rules against me to their doing that. Then I would say let us go ahead and vote on the second-degree amendment of theirs. Let us vote. Let us quit stalling. You wanted to bring this bill to the floor. Let us go.

I yield the floor.

I thank the Senator from Idaho.

The PRESIDING OFFICER. In answer to the parliamentary inquiry, there is no precedent under which temporarily laying aside the bill constitutes action on amendments to that bill. Therefore, the Senator from Idaho has the right to withdraw his amendment. The amendment is declared withdrawn.

AMENDMENT NO. 2524

(Purpose: Local Distribution Company Automatic Purchased Gas Cost Savings Passthrough Requirements)

The PRESIDING OFFICER. The clerk will report the Senator's amendment.

The bill clerk read as follows:

> The Senator from Idaho (Mr. MCCLURE) proposes an amendment numbered 2524.

Mr. McCLURE. Mr. President, I understand the statement of the Senator from Ohio, and I understand the feeling with which he has expressed himself with respect to the——

The PRESIDING OFFICER. Excuse me. The Senator from Idaho does not have the right to recognition until the amendment has been read or unanimous consent has been granted to waive its reading.

Mr. McCLURE. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

> On page 38 following line 18 insert the following:
>
> "SEC. 302. The Natural Gas Policy Act of 1978 is amended by adding the following new section:
>
> " 'SEC. 603.—LOCAL DISTRIBUTION COMPANY AUTOMATIC PURCHASED GAS COST SAVINGS PASSTHROUGH REQUIREMENTS.
>
> " 'GENERAL RULE.—Any purchased gas cost savings received by any local distribution company shall be automatically and immediately passed through by such local distribution company to all gas consumers on a volumetric basis.' ".

AMENDMENT NO. 2525

(Purpose: Local Distribution Company Automatic Purchased Gas Cost Savings Passthrough Requirements)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Louisiana (Mr. JOHNSTON) proposes an amendment numbered 2525 to amendment numbered 2524.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Add at the end of amendment number 2524 (Mr. MCCLURE) the following:
>
> " '(a) PURCHASED GAS COST SAVINGS SUBJECT TO AUTOMATIC PASSTHROUGH.—For the purposes of this section, any reduction in the amounts paid by a local distribution company for the purchase of natural gas from any interstate pipeline as a result of section 601(c)(3)(G), or any other reductions in amounts paid for natural gas by a local distribution company, shall be deemed a purchased gas cost savings.
>
> " '(b) COMMISSION RULES.—Within sixty days of the enactment of this section, the Commission shall promulgate such rules as may be necessary to provide for the automatic passthrough to customers of local distribution companies of the purchased gas cost savings specified in subsection (b).
>
> " '(c) PROHIBITION ON OFFSETTING MODIFICATIONS IN RATES AND CHARGES.—Any modification of the method of allocating costs to the rates and charges in effect on the date of enactment of this section of such local distribution company, which has the effect of creating any offset in the rates and charges for natural gas to any customer served by such company for the amount of any purchased gas cost savings received by

such local distribution company, is prohibited.

"'(d) ADDITIONAL ENFORCEMENT AUTHORITY.—In addition to such enforcement authority as may be available pursuant to section 504(b)(1), the Secretary, the Commission, or, on the request of the Secretary of Energy or the Commission, the Attorney General, may institute a civil action for injunctive or other equitable relief as may be appropriate to assure compliance with the provisions of this section requiring the passthrough of purchased gas cost savings received by any local distribution company. Such action may be instituted in any district court of the United States in the State in which such local distribution company conducts business or in the District Court of the United States for the District of Columbia.

"'(e) PREEMPTION OF STATE OR LOCAL LAW.—The requirements of this section shall preempt and supersede any provision of State or local law to the extent such provision of law would preclude the passthrough of any purchased gas cost savings pursuant to the provisions of this section, or prevent the applicaiton of the requirements of this section.'"

"SEC. 303. The Natural Gas Policy Act of 1978 is amended by inserting in Sec. 504(b)(1) after "Except as provided in paragraphs (2) and (3)," the phrase "and section 603(e),"."

Mr. JOHNSTON. Mr. President, let me say, in response to my distinguished friend from Ohio, that I would have opposed the amendment which he had pending before it was withdrawn because that amendment was not a good test vote. That amendment was very flawed in my judgment, and I think demonstrably so.

I believe, Mr. President, at an appropriate time that the distinguished Senator from Ohio may wish to put in S. 1715 and get a test vote on that amendment. But I would say to my distinguished friend that I would hope that he would allow a reasonable period of time to go by before he does that. What I mean by reasonable period of time is, for example, time enough for people to read the latest CBO report which compares S. 1715 and the so-called Gephardt bill. I am sure the Senator is familiar with the Gephardt bill over in the House of Representatives, which in turn is similar to S. 996, the Kassebaum bill, S. 996, pending here in the Senate.

What the Gephardt bill does, of course, is to roll back prices to August 1982 levels, and to keep them under controls through 1987, and thus not to ramp up or ramp down old and deep gas prices.

Now, that study—and this is not a study run by the oil companies, as the Natural Gas Supply Association study was—what this study indicates is that S. 1715 is in many ways, better for consumers than the Gephardt bill.

I do not want to be at all confrontational with the distinguished Senator from Ohio because I know that, first of all, he is exceedingly bright and, second of all, in this heart of hearts he is fair in his analysis. So I do not want to confront him with this in an adversary sort of way. I simply would ask him to let a reasonable period of time go by and analyze that CBO report.

If I may also tell the distinguished Senator from Ohio, I had a visit just the day before yesterday with one of the attorneys for the Columbia Gas System, which serves I believe the entire Sate of Ohio.

Mr. METZENBAUM. Part of it.

Mr. JOHNSTON. Or at least a major part of it.

And that attorney said that S. 1715 was a good deal for Ohio, but that the various pending measures, including a measure being considered by the Senator from Ohio, was not as good for the consumers of Ohio and thus Columbia Gas would have to oppose those alternatives.

I invite his analysis, his own independent analysis of the effects of S. 1715. That is why I say before we have the test votes on S. 1715, he ought to take a look at the effects of that bill. I know, as I say, he is bright and he is fair; if he will allow that time, I think maybe there may be a little mellowing of his attitude. Maybe the Senator from Louisiana and the Senator from Ohio will change places on the issue after this period of time. But, as of right now, I think the Senator ought to allow time for some study.

We are not trying to conduct any monkey business and filibuster this bill. I think the Senator knows better than that. I mean, it was brought up by the distinguished Senator from Idaho, who is the floor manager of the bill, so obviously he did not bring a bill up for the purpose of filibustering it. But at the same time, I think it is important that enough time go by—and I am not talking about days or weeks—but enough time to read some of these reports and let the word get out as to what S. 1715 does.

Mr. METZENBAUM. Will the Senator from Louisiana indicate what he means by "enough time"? We all know we are running up into November and it will soon be November 18 and we go to the 2 coldest months of the year until we get to January 23, I think it is, when we return. The Senator from Ohio feels that some legislation should be enacted.

Now, it is fair to say that if it is S. 1715, I do not think that "some" legislation is good. I am familiar with the CBO report and am prepared to discuss that but will not discuss it at this point just by the reason of lack of time. But the facts are that if you think S. 1715 is good, if you want a vote on it tomorrow at 2 o'clock as an amendment to this bill in the second degree, I am perfectly willing to cooperate with respect to the parliamentary procedures. I feel that those who think S. 1715 has merit ought to be given a chance to vote for it, without it being a final conclusive vote of this body. By offering it as a second-degree amendment, we would put the Senate in that position.

It is my feeling, my understanding, that vote counts have indicated—and I have not taken one, I am frank to say—that S. 1715 has very little support in this body. And whether you take 1 day or 2 days, it does not take staffers around here long to take a look at a CBO report once they make up their minds the issue is coming to a head.

So I would like to say, let us get on about our business. The matter of the time for consideration and review and analysis I think is behind us. The heating season is upon us. I think there is a sense of emergency that we ought to try and enact some legislation.

So I am saying let us go with my amendment, or go with the Senator's amendment. If the Senator wants to attach some amendment in the second degree without even looking at it I say go ahead and attach it. I do not think the bill is going anywhere unless we come to an agreement that the consumers in this country will be protected. So offer the second-degree amendment and then let me offer my second-degree amendment. If there is no opposition to your second-degree amendment, and I have not read it, go ahead and offer it.

Mr. JOHNSTON. Let me say to my distinguished friend, Mr. President, I know the Senator reads fast and is up on this issue, but this CBO report was not issued until 5 o'clock last evening and it is not yet even 10 o'clock. Most Senators have not even come to work yet, except those of us who are very, very hard workers.

Mr. METZENBAUM. The Senator from Louisiana is well aware of the fact that there have been draft reports of that CBO report that have been around. I do not think there are any great surprises in it. If the Senator feels that at 2 o'clock this afternoon the late risers will have had an opportunity to read it, let us agree that we will vote on S. 1715 with a second-degree amendment at 2 o'clock this afternoon, at 3 o'clock, at 4 o'clock.

Mr. JOHNSTON. The Senator will have his right to put on S. 1715 a second-degree amendment at an appropriate point. However, I expect we will be on the continuing resolution in short order.

Mr. McCLURE. Will the Senator yield to the Senator from Idaho without losing his right on the floor?

Mr. JOHNSTON. Yes.

Mr. METZENBAUM. I do not want to object to that procedure but I think both of my friends know I have the right to object and I think they will see to it that my rights are protected.

Mr. McCLURE. Mr. President, I thank the Senator from Louisiana for yielding without losing his right to the floor, and I thank the Senator from Ohio for not objecting to that. I think we have started well this morning, in regard to the tolerance of people on both sides, the Senator from Ohio making his parliamentary inquiry, going a little beyond a parliamentary inquiry, and making a speech on the merits as well as strategy. I did not object to that. I thought it might be useful to permit that discussion to go forward. I have not objected to the colloquy that went forth between the Senator from Ohio and the Senator from Louisiana. But that colloquy is the reason I asked the Senator to yield to me. It deals with when are we going to vote, how are we going to vote, and on what are we going to vote.

I would say to the Senator from Ohio as I tried to say before, one of my purposes has been to attempt to get a time agreement on the amendment to be offered by the Senator from Kansas (Mrs. KASSEBAUM). As the Senator knows, that is a bill which has been introduced and has several cosponsors. It has been around for quite awhile in one form or another. It was kind of a leadoff to this debate about what we ought to be doing on this matter in a legislative way. Since it is a kind of fundamental question, a fundamental approach, that has both a historic background and the support of a number of Members, it struck me as manager of the bill that that is a good departure point for the discussion and the determination of the issues before this body.

I am also advised by the Senator from Kansas that she does not believe that that matter can be disposed of in much less than 4 hours, if it can be debated and disposed of in 4 hours.

With no expectation that we are going to be permitted to stay on this bill for an uninterrupted 4-hour period today, I doubt that we will be in a position to move beyond that point today. That is the only reason I asked for this time from the Senator from Louisiana.

Mr. METZENBAUM. Will the Senator yield?

Mr. JOHNSTON. I yield to my friend without losing my right to the floor.

Mr. METZENBAUM. I am a cosponsor of the Kassebaum amendment and will support it, but I am also a strong advocate of getting on with the business of the natural gas bill. We know that 4 hours of debate with respect to the Kassebaum measure will preclude any vote. I, for one, feel that that is not the real issue. The real issue has to do with whether we have decontrol or we do not have decontrol. The real issue has to do with whether or not S. 1715 is a viable piece of legislation that has any support on the floor of the Senate.

I do not want anyone in this body to be able to say that those who are concerned about the consumers of this country are in any way responsible for delay. Therefore, I would like to say to my good friend from Kansas that I am not certain that taking that amendment up first is the right route to go. But if she wants to do that, I will not stand in her way. I am a cosponsor and I yield to her judgment.

However, if she does do that, I would not be in favor of 4 hours of debate because that will mean there will be no vote on this particular measure today.

I do not believe there are enough votes to pass the Kassebaum amendment. I think there are enough votes or close to enough, I think there are enough, to pass my amendment. I am positive there are not enough votes to pass S. 1715 as a second-degree amendment.

I would strongly urge upon the Senator from Kansas, who is my cosponsor and with whom I do have the privilege of working—I am her cosponsor, as a matter of fact, and she is mine as well—that if we are going to go to the Kassebaum amendment that there be a time shorter than 4 hours so that we may vote on it yet this morning before we get to the continuing resolution, and then get on with some other business that is pending.

I, for one, am as interested as anyone in the Senate on the whole subject of natural gas legislation. I would say I am willing to take some time to speak or yield my time, but I do not think we need anything like that amount of time in order to know how people are going to vote on the Kassebaum amendment.

Mrs. KASSEBAUM. Will the Senator from Louisiana yield without losing his right to the floor?

Mr. JOHNSTON. Yes.

Mrs. KASSEBAUM. If the Senator from Ohio will let me speak on my own amendment for a minute, I was prepared to say that, as a matter of fact, events have changed in the last couple of days since we first started this debate. While I have 17 cosponsors and many of them wish to speak, this was one of the reasons early on when we were talking about time that it was felt that it would be best to think in terms of 4 hours equally divided.

I would certainly think today, given the continuing resolution coming up and the desire of all parties to see us move ahead on this issue, we could certainly agree to a much shorter period of time. I think with the strong support that S. 996 has, it would be a good starting vehicle and enable us to talk about some of the issues, some of which have already been discussed.

Mr. McCLURE. Will the Senator from Louisiana yield without losing his right to the floor?

Mr. JOHNSTON. Yes.

Mr. McCLURE. I thank the Senator for yielding. I thank the Senator from Kansas for her statement. As far as I am concerned, a shorter period of time would be desirable. In view of the expressions of the Senator from Kansas and the Senator from Ohio, I will undertake to see what we might be able to get done with respect to a time limitation on the Kassebaum amendment, and see if we can get a unanimous-consent agreement that could be entered that would make it possible for us to dispose of the pending amendments and the Kassebaum amendment, if we can get a time agreement on the Kassebaum amendment, and perhaps vote on the Kassebaum amendment.

Mr. METZENBAUM. Since we are getting along so well, I wonder if we might also agree to permit the Senator, or one of the Senators, or me, whatever be the pleasure, to then offer S. 1715 as a second-degree amendment with a 1-hour debate limitation or a half hour debate limitation and go to a vote on that immediately after the Kassebaum amendment.

Mr. McCLURE. Will the Senator yield without losing his right to the floor?

Mr. JOHNSTON. Yes.

Mr. McCLURE. I will explore that possibility as well. We share the same goal the Senator from Ohio is seeking. I appreciate the fact that before, when it came to the motion to proceed to the consideration of the legislation, he and I were working on the same side trying to get this legislation before the Senate so we could vote on it. I cannot tell the Senator that I know what will happen if we seek these time agreements, but I will say to the Senator I will see what I can do.

Mr. JOHNSTON. Mr. President, let me momentarily reclaim my right to the floor and state that I think the Senator from Ohio has a good suggestion, but I would make this change: I do not believe we have enough time today, either under a 1-hour or 4-hour time agreement, to consider these amendments. I think it is the intention of the leadership to move the continuing resolution.

I do not think the Senate ought to be rushed into trying to finish natural gas in order to deal with must-pass legislation. I believe, however, that we will have time, probably a full day, next week sometime, to deal with natural gas.

If we do in fact have that full day, I think it might be appropriate to consider these two amendments in under 4 hours or 2 hours, whatever the distinguished Senator from Kansas wishes on her amendment. I would think we would need more than 30 minutes or an hour on S. 1715—maybe 2 hours. Certainly, to dispose of those two amendments in a day, I think, would be a day very well spent.

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Mr. METZENBAUM. Mr. President, I think the important point is that we start to vote and indicate how the Senate feels. I believe that my amendment, which would have eliminated any old gas decontrol, is an issue that ought to be placed before the Senate. I do not care how much time we debate, no mind is going to be changed. Senator KASSEBAUM's amendment is an issue that ought to be placed before the Senate. I do not care how much time we debate that, because I doubt that any minds will be changed.

S. 1715—I think everybody in this body pretty much knows where he or she stands. With all the reports that may be coming up, that is not going to change them at all.

As far as I am concerned, Mr. President, I would like to go ahead and vote on all three of those issues—the Kassebaum amendment having to do with the issue of old gas decontrol. I am prepared to move immediately.

It is my understanding that the continuing resolution is not ready to come to the floor. Therefore, as far as I am concerned, why do we not get on with the Kassebaum amendment? If that is what the Senator wants to do now, let us do it within a short period of time and let us vote. Then I shall put up S. 1715, or the Senator can put up S. 1715, then my old gas decontrol issue. Let us go. The continuing resolution is not ready to be voted on on this floor. I think we ought to get on about our business and quit talking. Let us start voting.

Mr. JOHNSTON. Mr. President, I say to my distinguished friend that I was advised as of last night that the CR would be ready this morning. I am advised now that that may not be the case. The Senator from Idaho is checking on that at this time.

If we have time, I surely say it would be appropriate to go ahead as the Senator from Ohio suggests. No one that I know of disagrees with the idea of test votes on S. 996, then S. 1715, with an appropriate amount of time for debate.

I agree with the Senator from Ohio that it does not need a lot of exposure, but it ought to have some. This is very, very important legislation.

On the idea of a test vote, if the Senator wants to get a good test, he ought to have enough debate so those who are proponents will say, "We have had enough chance to make our case and were voted down." Otherwise, it is not an appropriate test. That is why I think we need an appropriate amount of time to expose Senators to the issue. The Senator and I are very, very familiar with this legislation but there are a number of other Senators who are not up on issues such as take or pay, market out, and all of these very complicated matters.

Mr. METZENBAUM. I say to my friend from Louisiana it is now 10:05. We have been on it for a half hour. In 1 hour, or however long the Senator from Kansas agrees, we can dispose of the Kassebaum amendment, get a time certain on it for a vote; we can dispose of the Metzenbaum or McClure or Johnston amendment, whoever offers S. 1715 as the next amendment, get a vote up or down on that. As far as I am concerned, I am willing to agree to a half-hour debate on that issue.

I think the Senator from Louisiana would agree, we will not change one single vote, no matter how much oratory he or I or anyone of the other 98 Members of this body offers on that issue. Members of this body know where they stand. They are not going to worry about ramp up or ramp down, market out or some of those phrases. They are going to know that at this moment, frankly, in many instances, they are on the side of the consumers or on the side of the oil companies.

In other instances, there are other factors equally in play. I read in the paper the other day where the banks and the insurance companies are now against S. 1715. I never knew I was going to get such support as that. Some of the independent gas producers are against it. So let us get on with the ball game. Let us vote.

Mr. JOHNSTON. Mr. President, I yield the floor to the distinguished Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, let me suggest to my colleagues that we think in terms of working out a 4-hour time agreement equally divided on S. 996 and S. 1715. It seems to me that would give us ample time to take care of both bills.

I concur, I think everybody does know what the issues are. Probably not many minds will be changed on the basic elements of both of those pieces of legislation. It seems to me in that period of time, we can deal with both of the bills and see, indeed, where sentiment does lie.

(Mr. COHEN assumed the chair.)

Mr. JOHNSTON. Mr. President, I think—I am not in a position, obviously to make a time agreement. The distinguished Senator from Idaho is talking to the majority leader at this time. I think the question is how much time is available today and when this issue is going to come back up. Until that happens, we really cannot agree to a time agreement.

Mr. President, I hope that Senators will not take the view that because the big oil companies, happen to be for this bill or against that bill, or small oil companies happen to be for or against, or the insurance companies or the banks, that therefore it has to be good or bad. I really invite my colleagues in the Senate to look at that CBO report. I have never heard CBO identified with big oil or little oil or as anticonsumer. Indeed, I think CBO has done an excellent job of preserving its nonpartisan objective image. I hope they always have the image that they have today.

What does CBO say in their report issued just at 5 o'clock last night? The report begins with a statement which I have been trying to get across on the floor of the Senate, which is as follows—and this is a key point in natural gas. It says:

> Today, substantial evidence exists that the average price of gas has already risen to the level it would reach if gas competed freely with oil. Thus, the major issue in gas pricing policy today may be how to improve the efficiency and competitiveness of the gas market, rather than the redistribution of income from consumers to gas producers.

That is page xiii of the CBO statement.

What does that mean, Mr. President? That means that natural gas on the open market has already risen to the price the market would bear and that, on the average, decontrol of natural gas would not result in the rise of the price of natural gas. So says CBO. So, of course, said the Natural Gas Supply Committee, which also issued a report.

Mr. McCLURE. Mr. President, will the Senator from Louisiana yield without losing his right to the floor?

Mr. JOHNSTON. Yes, Mr. President, I yield.

Mr. McCLURE. I have been consulting with the leadership, Mr. President, with Senator BAKER in particular and with Senator HATFIELD, chairman of the Appropriations Committee, to determine if we can what time we might be able to devote to this matter today. I am advised that they will attempt to move either to the Treasury-Post Office appropriations bill or to the continuing resolution very soon, with the possibility that either the extended employment benefits bill or the Civil Rights Commission legislation—one or the other of those—might be the legislation that will be brought to the floor by the majority leader very soon. So it appears unlikely that we shall have the time that is necessary to dispose of the pending amendments and move to the Kassebaum amendment and dispose of it this morning or by early afternoon.

Mrs. KASSEBAUM. Mr. President, will the chairman yield for just a moment, or the Senator from Louisiana?

Mr. JOHNSTON. Yes, Mr. President, I yield.

Mrs. KASSEBAUM. I wish to say to the distinguished chairman of the Energy Committee that I am disappointed, because by 2 o'clock, really, if we could enter into this time agreement, we would be dealing with a major piece of legislation of vital importance to this country.

We can take all sorts of different reasons why we are not dealing with it when we are so close. In recognition of how important this is, to try and say, "Well, these other things may come along and we are going to have to do this," I think is most unfortunate.

Mr. McCLURE. Will the Senator from Louisiana yield further without losing his right to the floor?

Mr. JOHNSTON. Yes.

Mr. McCLURE. I appreciate the statement the Senator from Kansas has made. I hope everyone knows I have been pressing this matter for weeks to get it resolved, and it is still my intention to get it resolved before we adjourn—the sooner the better as far as I am concerned. But the majority leader does have other problems that he has to deal with. While this is primary to the Senator and to me at this particular time, the majority leader has other things that he must be concerned with, and I have to yield to that from time to time. If we are not able to get to the resolution of this matter today, I will be pressing him continuously, as I have been for weeks now, to make it an urgent priority in the list of things that must be done before we adjourn this session of the Congress. I still will make every effort toward that end.

Mr. METZENBAUM. Will the Senator from Idaho yield for a question, recognizing full well that the Senator from Louisiana still holds the floor?

Mr. McCLURE. If the Senator from Lousiana will yield for that purpose without losing his right to the floor, I would be happy to.

Mr. METZENBAUM. Is there any reason why we could not enter into an agreement with time limits with respect to, as the Senator from Kansas has suggested, a 4-hour time limit, with respect to votes on both 996 and 1715, both as second-degree amendments, and enter into the agreement without actually locking in place when that 4 hours would expire or even necessarily when the vote would take place? At least we would have provided that conclusion.

I might say parenthetically that I cannot see that the world is going to fall apart, nor even the country, if the Treasury appropriations bill does not come to the floor. As a matter of fact, I am told that there are two highly controversial amendments that are being talked about for that measure which would make passage of it utterly impossible. So I would think that when we are on this bill which means so much to the country and is so important to those who want to heat their homes this winter and the industries that operate thereunder, we ought to come to an agreement now, and then we can decide where we find the timeslot and also the time when we vote.

Mr. McCLURE. Mr. President, I would be pleased to respond to that, if the Senator from Louisiana will yield without losing his right to the floor.

Mr. JOHNSTON. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, I am happy to respond to the Senator from Ohio. I just look around. While there are six Members of the Senate within sight, maybe more within sound, that means there are 94 who are not, and a unanimous-consent agreement requires unanimous consent. That means that every Member of the Senate has to have the opportunity to be contacted. There have to be clearance procedures on both sides of the aisle.

Mr. METZENBAUM. If we come to an agreement, then we will see to it that there are hotlines put out of that effect on both sides. But I think we can come to an agreement on the floor subject to it being cleared all around.

Mr. McCLURE. As I indicated earlier, I will attempt to do what I can to see what we can do. I am prepared right now to enter into a unanimous-consent agreement on the Kassebaum amendment. I am not at the present time prepared to enter into a unanimous-consent agreement with respect to a vote on S. 1715 as a second-degree amendment. However, I am not foreclosing that possibility. I think that is a possibility. But as I say, if everyone within view and within earshot of what we are discussing is willing to enter into such an agreement with respect to the Kassebaum amendment, I am ready. I have been seeking that for some days now. I think every Member of the Senate has been on notice that we are trying to get that done, and I hope that we can, before we move off this bill, get a unanimous-consent agreement with respect to the Kassebaum amendment.

Mr. METZENBAUM. We are talking also about S. 1715, because I think it would only be fair to say that a vote on the Kassebaum amendment alone, of which I am a cosponsor, would not really indicate where the Senate stands.

Mr. McCLURE. I understand that a vote on the Kassebaum amendment, unless it is adopted, is not the final word. I suspect that even if it were adopted, there would be efforts made to further amend it. I do not seek to foreclose that possibility by whatever agreement we might enter into.

Mrs. KASSEBAUM. Will the Senator from Idaho yield?

Mr. McCLURE. I would be happy to yield without losing my right to the floor.

Mrs. KASSEBAUM. I fully appreciate how the Senator from Idaho, the chairman of the committee, is trying to move this legislation. He has given extraordinary effort, not only to the hearings and the markup but to push the legislation on the floor. I say, though, if we are able to work out a unanimous-consent agreement for a shortened period of time, I wish the committee would feel that they could do the same on 1715, because much debate has already occurred on 1715 in the earlier debate regarding the motion to proceed.

Mr. McCLURE. I understand what the Senator from Kansas is saying. As I said before, we have discussed the question of bringing the Kassebaum amendment to the floor under a time agreement openly and publicly for days. It was about the first comment I made when I took the floor, as the motion to proceed to the consideration of this matter became the pending business, indicating that that was my intention, and that intention has been widely disseminated. I think everyone knows what that issue is.

The Senator from Ohio some time ago raised the possibility of S. 1715 being offered as a second-degree amendment, and while that was done, I do not believe, at least within my knowledge, it has been as widely discussed as a procedural possibility as has the desire of the committee, of myself at least, to move to the consideration of the Kassebaum amendment at an early time. However, I have not foreclosed the possibility of S. 1715 being offered as a second-degree amendment, and I am actively exploring that possibility. But I am not in a position to say right now that I am able to enter into a unanimous consent agreement on that matter.

Mrs. KASSEBAUM. One of the things that changed, however, is that our time has been somewhat constricted.

Mr. McCLURE. Yes.

Mrs. KASSEBAUM. If we had the leisure of the whole week—and we can talk about moving this to next week—we all know that our plate is very full as far as what we have to handle next week before we go out.

Mr. McCLURE. That is correct.

Mrs. KASSEBAUM. And so I think we should be under no illusions that time is going to be better next week than it is right at this moment when I do think we have a window of 4 hours.

Mr. McCLURE. I do not think we have a window of 4 hours.

Mr. METZENBAUM. Would the Senator be willing if we had a window of 3 hours, 2 hours, 1½ hours? What did we come here for today? Just to withdraw the Senator's amendment? Let us get the show on the road. Let us vote.

Mr. McCLURE. The Senator, in all candor, put his finger on it. One of the major purposes was to do what has been done, but that is not the sole purpose.

Mr. METZENBAUM. That is fun and games, but it does not solve the problems of the country. We are wasting time. It is 10:20. We have been here for 50 minutes. Let us go ahead and use this time to debate the Kassebaum amendment and 1715 and let us vote.

Mr. McCLURE. I appreciate the concern of the Senator. I am as anxious to get this matter resolved as is the Senator from Ohio.

Mr. President, in sending the unprinted amendment to the desk as I did, and there has now been offered a second-degree amendment by the Senator from Louisiana, Members of the Senate will be given the opportunity to vote on these amendments. I hope they will approve them.

The purpose of the amendment I sent to the desk is to insure that customers of local distribution companies are guaranteed an automatic and immediate passthrough of natural gas price savings that will be generated as a result of the enactment of S. 1715.

Mr. President, there is no doubt that enactment of S. 1715 will create substantial and immediate savings in natural gas prices. One of the key provisions of S. 1715 that will generate these benefits is its so-called take-or-pay relief provision. Under this provision, natural gas pipelines would be relieved from the obligation to pay for billions of dollars of natural gas for which there is no market at the present time. In the absence of S. 1715, these expenditures will be passed on to gas consumers in the form of higher gas prices.

S. 1715 enables pipelines, at their option, to reduce the take-or-pay obligation on existing contracts down to 50 percent of contracted amounts during the first year, 60 percent during the second year, and 70 percent during the third year. As a result, this provision of S. 1715 will enable pipelines to refrain from paying for gas that they would otherwise be contractually obligated to pay for, but unable to accept immediate delivery of.

I want to emphasize that: Take-or-pay does not require pipelines to pay for volumes of gas which they will never get. It simply requires them to pay now for gas which they can not accept in their delivery system now, but will take delivery of sometime in the future.

It has been estimated by the Interstate Natural Gas Association of America that this provision of S. 1715 would reduce pipeline prepayment liabilities by $4.2 billion over a 3-year period.

The ramping and market-out provisions of S. 1715—and there I want to get back again to the definition for people who may be less familiar with this legislation—the ramping provision is that which changes the price path under current law and under current contracts of high cost gas moved down over a relatively short period of time and the price for low cost, old gas that has been under contract and regulation for a long period of time, moving it up over a somewhat longer period of time.

The market-out provisions in the bill permit the parties to the contract to exercise an option to avoid the consequences of their contracts at the end of a longer period of time. This will permit further price relief within the foreseeable future for the consumers of natural gas in this country.

The ramping and market-out provisions of S. 1715 will also generate billions of dollars of additional natural gas price savings. S. 1715 contains a 12-month ramp-down of high-priced gas and a 36-month ramp-up of below market priced gas.

Those periods, incidentally, need to be put in the context of a 60-day period at the beginning and a 6-month period at the end. So you would have to add 8 months to the periods I have given, which is then an effective time between the enactment of the bill and market-out provisions of 20 months on high-cost gas and 44 months on low-cost gas.

Mr. METZENBAUM. Mr. President, will the Senator yield for a question, without losing his right to the floor?

Mr. McCLURE. I yield.

Mr. METZENBAUM. The Senator from Idaho is pretty much talking about the merits of S. 1715, as such. But I wonder if the Senator from Idaho and the Senator from Louisiana would be prepared to adopt the second-degree amendment and the first-degree amendment at this moment because, to the best of my knowledge, there is no opposition to those amendments, and then we could really get into some substantive issues.

I, for one, am prepared to say that I do not have any objection to the second-degree amendment or the first-degree amendment, and if it is the regular order—and I do not have the right to call for the regular order because I do not have the floor—but if that is the case, I say go ahead and adopt the two amendments and then get on to something else.

Mr. McCLURE. I thank the Senator for his suggestion, and I welcome his support for these amendments, but these amendments are not just pro forma. They are of substance.

There are people who do not like them, as well as the majority of people here who do like them.

As is often the case when we reach the end of a price control period, or find a method by which you can offer some relief from price controls, there are those who are involved in the industry who seek that particular window of opportunity as price adjustment is taking place, to adjust the price for other reasons. They adjust the price to recapture what they might think are deferred costs, to adjust the price to catch up with what they believe the market will bear.

Whatever the motivation might be, there are those who would like to increase the price, and they would perhaps seek to do so as price relief for consumers under the passage of this legislation. It would become evident as they try to capture that price relief for their benefit, rather than pass it on to consumers.

That question is one in which local distribution companies, the utilities at the end of the pipeline, might be in a position to attempt to exercise. I am not saying they would, but because of that possibility, I think it is important that we adopt the amendments which are now pending in order to make certain that that does not occur. Then we can honestly guarantee to the consumers of this country that the price reductions that are possible under this legislation would be passed on and made available to the consumers of this country and not absorbed by someone else.

Mr. President, the market-out provisions of S. 1715—and that also is a matter of controversy, as to whether or not there will be a market-out provision, and that is not universally accepted—the market-out provisions of S. 1715 would generate gas price savings. They would do so by providing parties to producer-pipeline contracts with both an opportunity and an incentive to renegotiate existing contracts, particularly those having onerous pricing provisions. The freedom to renegotiate gas contracts will undoubtedly be the most direct and effective means for alining gas prices with the current state of the marketplace, and for guaranteeing long-term price stability in the marketplace.

The prudency provisions of S. 1715 will materially reduce gas purchase prices by inducing pipelines to purchase gas at the least cost. The prudency provisions are also matters of some contention, because those who are in favor of the prudency provisions can argue that there needs to be some review of what happens in the free market as we go through this period of transition, but there are others who do not like the review of free market decisions.

Mr. President, this is but a brief outline of some of the major provisions of S. 1715 that will generate gas price savings that my amendment is intended to insure will be automatically and immediately passed on to natural gas consumers served by local distribution companies. Recall that section 301 of S. 1715 contains a parallel provision that requires interstate pipelines to automatically pass through such savings. We took care of that at the producer level and the pipeline level, but the bill did not take care of it for the local distribution company level.

The provisions of the amendment I am offering today would provide that any purchased gas cost savings received by any local distribution company be automatically and immediately passed through by such local distribution company to all gas consumers on a volumetric basis. The Federal Energy Regulatory Commission would be given the responsibility for promulgating the necessary rules to insure that this does in fact occur.

The amendment prohibits any modification of the method of allocating costs to the rates and charges of the local distribution company in effect on the date of enactment, if such change would create any offset in the rates and charges to any customer for the amount of the purchased gas cost savings created by S. 1715. In other words, any cost savings must be fully passed through by local distribution companies to their customers.

The amendment also creates additional authorities, paralleling the enforcement authority already contained in the Natural Gas Policy Act of 1978, to insure that the provisions of this section are complied with.

In addition, the amendment preempts State and local law only to the extent that such law would preclude the passthrough of any purchased gas cost savings in accordance with the provisions of this section.

Mr. President, the Department of Energy has estimated that the enactment of S. 1715 would generate a total of $23 billion in consumer benefits. Without the adoption of this amendment, there is no guarantee that all gas consumers will immediately and fully receive the benefits of S. 1715.

Mr. President, the administration supports this amendment and has indicated their support in a letter which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, D.C., November 1, 1983.
Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for our views on your local distribution company (LDC) passthrough amendment to S. 1715. This amendment would require LDCs to passthrough to natural gas consumers any savings the LDC realizes in the cost of purchased gas from any source.

In our view, S. 1715 will result in a reduction in the wellhead price of natural gas. It is only fair that the benefits of these reductions go to those who have been paying the price for a regulated market: the American gas consumer. S. 1715 already has a provision requiring gas cost savings to be passed through by pipelines. This amendment will insure these savings are realized by the consumer at the burner tip.

The Administration supports this amendment.

The Office of Management and Budget advises that, from the standpoint of the President's program, there is no objection to the presentation of this report.

Sincerely,

DONALD PAUL HODEL.

Mr. McCLURE. Mr. President, it is for these reasons that I urge other Senators to join with me in adopting this amendment.

Mr. President, last week we spent 3 days proceeding to consideration of comprehensive natural gas legislation. Our inability to proceed faster delayed a much-needed debate on the various legislative proposals to provide essential short-term, as well as long-term, benefits to all American consumers.

The committee reported bill, S. 1715, is the most comprehensive measure before us. Other proposals, each with its own merits, are more narrow in scope.

Our goal must be to obtain an adequate supply of natural gas at reasonable prices, not just this winter, but for the next decade and beyond. Legislation that is so narrow in scope as to deny American consumers achievement of long-term supply benefits is not up to the standard that should govern us when legislating on natural gas.

Consumers are being poorly served by the existing regulatory framework under the National Gas Policy Act, commonly referred to as NGPA. Comprehensive legislation is needed, and extended debate on narrow "quick-fix" legislation not only is an inefficient use of the limited time remaining to the Senate this year but it jeopardizes the successful passage of natural gas legislation before adjournment. If we fail to take constructive action on natural gas, our constituents will be poorly served this winter.

Passage of a comprehensive proposal such as S. 1715 will bring down the average price of natural gas compared to current law. In addition its passage will send a signal to consumers, to producers, and to gas transporters and distributors, that starting now prices of natural gas will be determined by the marketplace—not by misdirected Government regulations. In the process consumers will benefit as the marketplace straightens itself out and prices come down, as happened following oil price decontrol.

Following crude oil decontrol domestic oil production increased and there was a reduction of the U.S. dependence on costly oil imports. Our stepped-up domestic oil production helped to restrain world oil prices. Crude oil prices, which peaked in early 1981, have declined ever since. Consequently, the price of gasoline has fallen by nearly 20 percent, adjusted for inflation, over the past 2½ years. Similar effects can be expected following natural gas price decontrol, unless the public failed to note, because they sometimes do not see all that amount of savings ending up in the price at the gasoline pump. Congress and oftentimes the States have increased taxation on gasoline during that same period of time and so the reduction in the price of gasoline has been offset by the increased burden of taxation on that product during that period of time. But the decline in price for gasoline has been real and it has been dramatic since 1981.

I would urge the Senate to keep in mind the lessons of the 1970's regarding crude oil price controls, and the beneficial consequences of decontrol so far in the 1980's. When Government controls were in place our oil related problems were worsened. When controls were removed the dramatic results were: Record high drilling rates, more domestic production, substantially reduced dependence on foreign oil, and substantially lower gasoline and crude oil prices. These benefits accrued to all Americans, and I think one of the things we need to look at as we recognize the presence of that increased burden of taxation is that that has contributed substantially to the cost of gasoline but it has concomitantly reduced the pressure for other forms of taxation that flow to the construction activities on our Interstate Highway System.

Similarly, S. 1715 would place reliance on the marketplace. Enactment of such comprehensive legislation would be a long-overdue step toward increased domestic production, increased natural gas reserves, and decreased natural gas imports.

Let us compare this bill to the alternatives, particularly the Dingell-Sharp bill in the House, which is close in effect to several potential pending substitutes in the Senate. And to do that comparison let me quote from a letter from Texas Gov. Mark White to Congressman JACK FIELDS, dated November 4, 1983.

DEAR JACK: Last week, I received a synopsis of the natural gas proposal which your colleagues John Dingell and Phil Sharp intend to offer for consideration by the full House Energy and Commerce Committee. As Governor of Texas, I am concerned that this bill would be a disaster for consumers in Texas and across the country and for the natural gas industry. While there are a few good provisions in the proposal, such as equal access for intrastate pipelines to additional gas supplies and the repeal of both incremental pricing and the Fuel Use Act, my initial conclusion is that the merits of these positive provisions are not sufficient to justify passage of this legislation.

Though it is my feeling that final judgment on the Dingell/Sharp proposal should be reserved until it has been formally submitted and we have had an opportunity to review the legislative language of each provision, I cannot now and do not anticipate that in the future I will be able to support

> this legislation. The ills of this overregulated industry will not be cured through more regulation. Rolling back gas prices and extending the NGPA price controls is a step backward from the status quo. If the federal regulations on the gas industry are removed and the free market is allowed to operate, our consumers will be relieved from the burden of rising gas prices and the gas industry will have the opportunity to operate in the marketplace. The marketplace and its encumbent forces will effectively allocate gas supplies at reasonable prices.
>
> In Texas and around the country, a healthy gas industry means tens of thousands of jobs, some of which have been temporarily lost due to the perverse regulatory scheme of federal wellhead pricing provisions of the Natural Gas Policy Act. The industry is now showing some signs of recovery. I am concerned that this bill, which would increase federal intervention in the gas industry, will be a depressing signal that could stop the progress toward recovery that is being made. I am concerned that the more stringent requirements this bill would place on the natural gas industry which is now aggressively moving toward a decontrolled environment after decades of strict federal controls, would be a disaster for this nation's gas consumers and the gas industry as a whole.
>
> I am also concerned that this bill has the potential to alter an individual state's "ratable take" regulations that govern allowable gas production. Ratable take and prorationing policy is difficult to conceive and difficult to administer. However, in Texas the Railroad Commission is fulfilling the obligation in a considered and even-handed manner. Texas' prorationing policy has evolved over 55 years of hard work, study and practical experience. Texas' "ratable take" system is designed to prevent waste, encourage exploration in times of surplus, and protect the rights of royalty owners and producers. In my judgment, it is inappropriate for the federal government to interfere with the State's obligation and authority to manage its own resources.
>
> It is not wise policy to extend price controls and heap additional regulatory requirements on an industry that is presently moving forward to a less regulated environment which will provide an opportunity to react in a timely and effective manner to market forces. A wiser policy would be to hasten the step toward a deregulated environment. Federal regulations, however well-intentioned, have been the most significant contributor to the current chaos in the gas industry that has resulted in rising gas prices to consumers while available gas supplies are in surplus. There is no indication that additional regulations will solve the problem.
>
> I do not intend for this letter to be simply an expression of discontent. I am also taking this opportunity today to offer my support for key concepts around which the ultimate compromise should be forged.
>
> (1) Any legislation enacted by Congress must be comprehensive in scope. It would be shortsighted to address only "new" high-priced gas, "old" gas, or contract provisions in isolation. Our problems are the inevitable byproduct of one theory underlining the NGPA, that the government can more efficiently allocate and price a major energy resource than can a free, competitive market.
>
> (2) Deregulation of wellhead natural gas prices must be the ultimate and the fundamental goal of any legislation. The concern that deregulation works only in favor of the producer at the expense of the consumer is belied by the current state of oil prices subsequent to decontrol of that commodity. The current surplus of natural gas provides the optimum environment in which to allow the marketplace to reduce the overall price and enable more supplies to move to more customers at a fair and reasonable commodity value.
>
> (3) The so-called "contracts problem" should be fixed fairly and equitably in conjunction with permitting all gas to flow in volumes equal to market demand at a unitary market established price.
>
> (4) Congress must avoid any temptation to assess a "windfall profits" tax in conjunction with deregulation of natural gas. Such a tax would do nothing to reduce the price of gas, would decrease its marketability, and would seriously hinder incentives to explore and produce.
>
> (5) The remaining vestiges of the dual market between interstate and intrastate gas must be eliminated. Intrastate consumers in Texas continue to pay weighted average prices higher than the customers of the fifteen largest interstate pipelines purchasing gas in Texas. Any legislation enacted must allow equal access by intrastate pipelines to interstate supply and to outer-continental shelf gas, without subjecting these local systems to federal jurisdiction.
>
> (6) The Fuel Use Act and the Incremental Pricing Sections of the NGPA must be repealed. These provisions are further examples of the federal government's unsuccessful attempts to direct the use and allocation of natural gas in place of the free market.
>
> I believe that a comprehensive legislative package embodying these six principles would have several salutary effects. Of initial importance is the fact that because the statutorily-driven price of gas is now too high to meet the market, deregulation would result in lower weighted average prices for all consumers. Price set by the marketplace would eliminate the distortions caused by present law and regain those customers lost because of higher-than-market prices. Real market demand for natural gas, unfettered by federal controls, is critical to this nation's economic health and energy security. If these intrusive regulations are removed and the gas market is allowed to balance, additional sales spurred by demand for a competitively priced fuel will stimulate the exploration and development so necessary for a continued supply of this vital energy resource. Without a balance brought about through deregulation, prices will continue to rise and gas sales will continue to decline, further depressing the exploration and development we need to avoid the shortages experienced in the last decade.
>
> I realize that the dynamics and politics of the U.S. Congress may not allow a bill that embodies all of these principles to become law. But I also realized that a law that does not seek to allow the natural gas industry to function in the free market is doomed to return to Congress for more stop-gap attempts to mitigate the disastrous effects it will most certainly have on the economy of this nation.
>
> The problems we now face in the natural gas market are not just problems for Texas, nor merely problems for New York, Ohio, or California. They are American problems, and they require an American solution. The free enterprise for profit system has not been tried and failed in the natural gas industry; it has not yet been allowed to be tried. I strongly urge Congress to embody the American principles of freedom of the marketplace in the legislation it is now considering.
>
> Any federal natural gas legislation enacted by Congress should move toward less government intervention. The Dingell/Sharp proposal would increase government regulation. When it is considered by the House Energy and Commerce Committee, I urge you to oppose those provisions that will extend or increase government intervention and regulation of the gas industry. I also urge you to oppose any provisions which will diminish or interfere with the State's authority to manage its own resources and to oppose the measure as a whole if it slows the progress of the natural gas industry toward a deregulated operating environment where gas can be made available to the consumer at a reasonable price. I believe that both consumers and producers alike will fare better with less, not more regulation.

The letter is signed by Mark White, Governor of the State of Texas.

Mr. President, it may appear to some that my remarks, particularly quoting that of the Governor of the State of Texas, a producing State, simply reflect producer bias. That is the reason that I took the time to put this in the RECORD. I would note that somebody from Texas or one of the producing States would quote with approval what the Governor of a producing State said.

Mr. President, I do not come from an oil producing State. Idaho is a consuming State. And in spite of the fact of the interests of my consumers in Idaho, of the interests of my constituents in Idaho, as that of a consumer, I endorse what the Governor of Texas has said with respect to this legislation that is before us today, and the necessary elements of legislation that should be encompassed in any bill that we pass.

I believe just as firmly as he does that the interests of consumers are at stake in this legislation. So-called quick-fix solutions, by way of extending price controls, extended Government regulation over an industry that has not yet been free to show what it can do free of regulation.

I, therefore, commend to all Members of the Senate the remarks of the Governor of Texas.

Mr. NICKLES. Will the chairman yield for a question?

Mr. McCLURE. I am happy to yield to the Senator from Oklahoma.

Mr. NICKLES. I appreciate the chairman's outstanding leadership in this issue. I was listening to the earlier comments of the Senator from Ohio and also the Senator from Kansas regarding procedure and how we could move this bill.

I will just make a couple of comments. I hope we will move as quickly as possible on the pending amendment and the second-degree amendment and then take up the Kassebaum amendment. I think everybody has agreed to this procedurally, regardless of whether or not we could or could not get a time agreement. Certainly, S. 996 is going to have to be voted on and addressed.

The Senator from Ohio had an amendment, which was withdrawn, but I expect we may have to vote on it sometime. I would hope the sooner the better.

We have talk about there now being a window of opportunity for deregulation of natural gas because we have an abundance of natural gas. Prices, if we deregulate, will go down. The marketplace will prove that.

We have a window of opportunity of just a few days to legislate. I think the sooner we can vote on the Kassebaum amendment, the sooner we can vote on the amendment of the Senator from Ohio, the sooner that myself and others who may have amendments on S. 1715 can offer those, the better it would be. I would hope that as soon as possible we could get on to taking up some amendments or substitutes to the bill and find out where the votes are. The sand is running out and I think that it is necessary for us to go forward.

I understand the dilemma with the Treasury appropriations coming up, but my real concern with the Treasury bill is that, quite frankly, if we are going to get on the Treasury bill, we are going to end up in a filibuster on Treasury. If we get tied up in a filibuster on Treasury dealing with abortion or whatever it may be, we may lose the 1 day we possibly can be working. We do not know when the continued resolution will come over from the House, but it may be that it will be some time before the continued resolution arrives. That would then give us an opportunity to deal with some of these amendments.

Mr. McCLURE. Mr. President, if there is any prospect at all to stay on this bill and dispose of amendments, I am all for it. I have tried to get that done for weeks. I did not want to proceed on a motion to consider this bill, but we were forced by a filibuster to do that.

With respect to the Treasury-Post Office, the majority leader indicates, as does the chairman of the Appropriations Committee, that they desire to act on that bill, if possible, before proceeding to the continuing resolution. Otherwise, the Treasury legislation would have to be included in the continuing resolution.

Although the House did not act on the continuing resolution yesterday, or perhaps I should say they acted negatively, they killed it and did not pass one over to us, it will be before us soon. As a matter of fact, there was discussion between the Senator from Oregon and the majority leader that they may ask us to proceed on it, pending action by the House. That is a matter that has to be done before November 10 because that will fund the operations of this Government, before we recess for the Veterans Day holiday.

While I do not necessarily like the fact that we will be displaced by other legislation, we may well be displaced by other legislation. I have been notified that the majority leader intends to attempt to do that.

I also understand what the Senator from Oklahoma has said with respect to the possibility of a filibuster in regard to that bill. I guess the majority leader wants to try.

Certainly, I do not want to pass this opportunity to once again commend the Senator from Oklahoma for his diligence. He has been pushing this legislation. There has been no one more faithful in the weeks and months that we have been sitting in the committee than the distinguished Senator from Oklahoma. I appreciate that help just as I appreciate his actions here on the floor today.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have consulted with the distinguished manager of this bill and the distinguished minority leader indirectly—I have sent a message to him—and have indicated to the Senator from Ohio what I am prepared to do. As soon as the minority leader can reach the floor or send a message to me that he is prepared to do so, I intend to ask unanimous consent that the Senate temporarily lay aside the present measure and proceed to the consideration of the Treasury-Postal Service appropriations bill. I do not wish to do that until the minority leader is available. Therefore, Mr. President, at this moment I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEPSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEPSEN. Mr. President, the issue of natural gas regulation is of great importance to the people of my State of Iowa, as well as all the rest of the States. The rapid increase in natural gas prices in recent years in my State has imposed great hardship upon Iowans in all walks of life. The elderly, the low income and the infirmed have been especially hard hit by the unconscionable and incredible rise in natural gas prices in the last few years. Some of my constituents are now forced to choose between food and fuel. I find this state of affairs totally unacceptable.

Mr. President, as I did the other day when the distinguished Senator from Montana and the distinguished Senator from Ohio were discussing this issue, I rise to my feet in this Chamber to urge that we not block action on the natural gas legislation.

Regardless of what position we may have in the spectrum of decontrol versus moderate decontrol versus no decontrol to changing the deregulation, or whatever it may be, it seems that we should, in this Chamber, recognize that there is a very major problem in this country today. That problem primarily stems from the Natural Gas Policy Act of 1978 which, as it now exists, provides for complete chaos and complete discrimination against those who are the elderly, the low income, and users at the burner tip and small business and industrial users.

So in all good faith we ought to move ahead and get some vehicle before this body so that we can get some action, some votes, and some amendments, whatever it may be. We ought to work the will of this Senate. In so doing we can provide the action that the people of this country deserve with regard to natural gas legislation.

Mr. President, I have been working with the Senator from Missouri, Senator DANFORTH, and others. Many people have been working, I understand from staff reports, on all aspects of this. I urge that the managers of the bill who now have their bill before the Senate proceed in order that we might get the legislative process working its way.

I cannot emphasize too strongly the fact that in this particular instance in the deregulating area there is a need for some action.

As I have indicated in the past, I think we all could have a sign hanging in all of our offices with big letters that states "Don't fix it if it isn't broken." But in this particular case with the natural gas problems that we have, there is a need to very carefully work out natural gas legislation that will provide for the marketplace, that will provide both the adequate supply and ultimately set a fair price for consumers for natural gas.

I suggest that we go ahead with the debate and vote on whatever bills we have before us, vote on both Kassebaum and S. 1715 in order to show clearly where the feeling and the sentiment of the Senate lie. In my opinion, neither has the votes to pass, but we need to see where the votes lie so that we can make constructive progress to bring this thing to a point where we get legislative action.

I thank the Chair for his kind attention. I urge the managers of this bill to clear the air, open up the gates, and let the debate flow freely, whatever need be to get some action on this.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KASTEN). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, so Members will know what is going on or at least know as much as I know about what is going on, I thought I would give an interim report.

For the last 2 hours we have been trying to work out a unanimous-consent agreement to get to the Treasury-Postal appropriations bill on an appropriate basis.

I do not think that is going to work. There is still some hope that we can do that, but I doubt it.

There is a possibility, Mr. President, that we will go instead to the continuing resolution. That has not yet been cleared on both sides, but it is being cleared on this side. I understand the minority leader may be inquiring of the possibility of reaching that bill by unanimous consent.

Also, there is a possibility that we will get the Civil Rights Commission bill, and that is cleared, I believe, on this side, and I will consult further with the minority leader. I have some reason to believe, based on our informal conversations, that is may be cleared on his side.

Also today, Mr. President, I intend to try to reach the executive calendar and to do matters that have been cleared on both sides as well as routine business. There may be other matters we can deal with as well.

I wish to give a further report to the Senate on the probable action of the House of Representatives on the continuing resolution, but I am not in a position to do that at the moment. I am still hopeful that we will get a CR from the House of Representatives today or tomorrow and that we can finish action on it by tomorrow night and go out for the weekend. But that is not certain.

Mr. President, I will make a further report as and when I have more information when we are in position to clear another bill for action at this time.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, as I have indicated to the majority leader, I called the Speaker and asked him what the chances were of their taking our Treasury-Post Office bill with a CR on it. He said no, no chance, and he indicated that the chairman of the Appropriations Committee over there was opposed to that procedure.

Then I asked when they would be likely to get us a continuing resolution.

He said, "Today or tomorrow." I said, "What are the chances, good, fair, or poor, for getting it over today?" He said, "Well, they are fair."

On the Civil Rights Commission, I think we are ready to go. We are canvassing our people to see if they are willing to go with the CR standing alone.

Mr. BAKER. I thank the Senator.

Mr. President, it would be our intention then, depending on how these matters clear, to temporarily go off the natural gas bill and take up one of the other two measures, but we are not ready to do that yet. So, while these matters are maturing, I suggest the absence of a quorum.

Mr. HATFIELD. Will the Senator withhold on that?

Mr. BAKER. Yes.

Mr. HATFIELD. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. HATFIELD. I would only like to just underscore some problems that we have here.

Frequently, the Senate is put in a position of having to take action on some pending matter because of a deadline. I think everyone realizes that we have until midnight Thursday, which is tomorrow night, to take action on this CR.

The Senate Appropriations Committee has acted on the CR, which is our right and prerogative to do under the Constitution. We reported it yesterday.

Now whatever vehicle or however this finally gets in to a conference with the House, because the House situation has bogged down as of last night when they defeated the CR that they reported from their committee, notwithstanding that action, the Senate is going to have to have some opportunity to debate some controversial items that are in the Senate CR—IMF, for one thing; low-income fuel subsidy is another thing. So consequently, we are going to have to be about the business of getting this vehicle up here, this CR, the Senate version, in order to get that debate underway.

I am hopeful the leadership can provide us the opportunity so that we are not facing all of these issues at 11:30 tomorrow night with a half hour remaining to make a major decision. Because even after the Senate acts and the House acts, we have to go to conference and still meet that midnight deadline on Thursday and stand the chance, if that does not work out to the satisfaction of the President, that in transmitting this by courier to Korea, getting the President's response on our action, and if it is a veto, then we have to go back to square one.

I only wanted to reiterate. I know the leadership has this very clearly in mind. The leadership has been very supportive of the appropriations process.

This year we have eight bills signed into law and we have reported every appropriation bill from the Senate. I would hate to see the appropriations process, for the first time in my memory really on track, get sidetracked off here into the marshland because it got fouled up temporarily over on the House side.

I am not being critical of the House, except to say I do not think there problems should impinge upon our ability to proceed in every expeditious manner, protecting everyone's rights, but in so doing we are really guaranteeing better rights of everybody to discuss and debate these issues than if we prolong this hiatus that we have been in for the last 2 hours and deny people the opportunity to have the time adequate to debate the issues within the Senate CR.

I thank the leadership.

Mr. BAKER. Mr. President, I thank the chairman of the Appropriations Committee. What the Appropriations Committee has done this year is remarkable. It is more than remarkable. It is fantastic to have eight bills signed into law. That is eight more than we got last year. And to be within striking distances of getting all of them is something I never dreamed possible at the beginning of the year.

I agree with the Senator. I hope we can work this out. I would still like to pass Treasury-Post Office, but it does not look like we can get to that at this moment and, finally, after 2 hours of deliberations, I guess it is about time we went to something else.

So, when I can clear it, I will reluctantly, but necessarily, ask us to go either to the CR itself or to the Civil Rights Commission bill.

Mr. HATFIELD. Will the Senator yield for one brief addendum?

Mr. BAKER. Yes.

Mr. HATFIELD. I think one of the phenomenal things in this whole process up to this point in trying to get a unanimous-consent agreement is that the most controversial, the most emotionally charged issue that we have faced in the Senate in my lifetime in the Senate has been abortion. Yet we have been able to go to both sides of this issue today and work out a reasonable procedure by which the Senate would not get bogged down on abortion under the present circumstances for the first time in my memory. That is part of this unanimous-consent agreement.

So not only would it get the CR moving but for the first time we would have a reasonable time to consider the abortion question, bring it to a vote and get on with the business of the Senate. So that is riding on this as well. I think Members of the Senate ought to know that.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. I yield the floor.

Mr. BYRD. Mr. President, I know of no objection to proceeding to the Treasury-Post Office bill on this side. There is no objection to going to the Civil Rights Commission on this side. We are attempting to ascertain whether or not we can go to the Senate CR on this side. We may very well be able to report back to the majority leader in the affirmative.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ANDREWS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ANDREWS. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ANDREWS. Mr. President, many of our colleagues have experienced criticism, sometimes of themselves and sometimes of certain projects or programs which are important to them, at the hands of various columnists.

No Member of the Senate is unaware of my strong support, dating back 30 years or more, of North Dakota's Garrison Diversion project. I am sure my colleagues will recall that, earlier this year we had a pretty vigorous floor debate over the merits of Garrison Diversion, and the appropriation enabling the project to go ahead was approved by a substantial margin, 62 to 35, a vote which was very gratifying to me and the people of North Dakota.

On October 7, in a column by Jack Anderson which was printed in hundreds of newspapers around the country, including some in North Dakota, we see the same old tired arguments of the National Audubon Society, many other environmental organizations and some of our mistaken friends in Canada, to the extent that the project is a boondoggle.

Mr. President, frankly, I tire of answering charges such as those contained in the Jack Anderson column. I think my colleagues are also weary of these constant exchanges which take place when various projects are subjected to abuse that is based on wild and undocumented claims. Former Gov. William L. Guy, who was Governor of North Dakota from 1961-73, and is from the other side of the political aisle, showing the bipartisan support this project enjoys in North Dakota, chose to respond to grossly inaccurate column. Governor Guy has done an excellent job of pointing out to Jack Anderson just how far off-base his article was.

Mr. President, I ask unanimous consent to have Governor Guy's letter be printed in the RECORD accompanying my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BASIN ELECTRIC
POWER COOPERATIVE,
Bismarck, N. Dak., October 12, 1983.

Mr. JACK ANDERSON,
United Features Syndicate,
New York, N.Y.

DEAR JACK: I am glad that you are interested in the Garrison Diversion Project. I will send two 1983 publications which will assist you and your aides in putting the project in perspective.

As a former Governor of North Dakota, 1961-1973, I have been deeply interested in all the state's natural resources including water and the environment.

The Garrison Diversion story started in the Flood Control Act of 1944. Congress said to North Dakota, "Let the 10-state Pick-Sloan Plan permanently flood 550,000 acres of your Missouri River bottomland to prevent flood damage and enhance navigation in downstream states, and we will offset your permanent loss by increasing farm production on one million North Dakota acres by irrigating them with Missouri River water."

North Dakota reluctantly agreed to give up forever nearly all of its more than a half million acres of irrigable Missouri River bottomland. Congress did not keep its word, but cut the project down to 250,000 when they funded the startup in 1965. None of these acres are on the Canadian border. The project cost at that time was less than $500 million.

Downstream interests have always openly and covertly opposed upstream Missouri River water diversion. When they were unable to prevent the 1965 funding of the Garrison Project's start by Congress, they resorted to a whole array of covert attacks to undermind the public confidence in the project.

Their activity enlisted environmentalists, out-of-state duck hunters, Canadian politicians, and local farmers who would lose some farm land to ditches. They have now come out in the open and the states of Missouri, Iowa, and Nebraska are challenging in court South Dakota's right to sell 50,000 acre feet of Missouri River water to the ETSI Pipeline Company.

Well meaning news people have been taken in by the shrill rhetoric—mostly from outside North Dakota, that oppose the project.

If downstream states will go to court to prevent 50,000 acre feet of Missouri River water from being diverted, then you can readily grasp what they will do to prevent the diversion of 871,000 acre feet for the 250,000 acre Garrison Diversion Project in North Dakota.

But to comment on your article. North Dakota politicians do not support the project "to please their rural constituency" of 1200 irrigation farmers. Over the years and very recently polls tell us that more than 75 percent of all North Dakotans continue to support the project.

Secretary Watt did not "quietly award the first contract for an irrigation project known as the Garrison Diversion Unit." Actually, Stuart Udall awarded the first contracts in 1966 and contracts have been awarded continuously since. The recent awarding by Watt was done after tense Congressional lobbying by opponents and proponents and after several noisy lawsuits.

The Phase I of the Garrison Diversion Project does not move Missouri water to "irrigate farm land near the Canadian border," nor does any water escape to Canadian drainage.

The "average cost of $1 million per farm" is misleading. The real cost is not to irrigate farms, but is to replace some of the $96 million of annual income lost to the state from permanently flooding 550,000 acres of North Dakota's irrigable land. To be fair and honest, much of the project cost must be levied against the flood control and navigation benefits downstream—not against North Dakota irrigated acres. They would never have achieved downstream benefits from North Dakota impoundment of the Missouri if North Dakota did not get some benefit to offset its annual loss.

The project does not cause Canadian fisheries "to face irreversible damage." Like the snail darter controversy, the Canadians already have the biota and fish species they object to. How could it be otherwise when for hundreds of years, Missouri River water and Canadian drainage waters have intermingled at flood stage, and millions of mud-carrying wild waterfowl annually waddle and migrate a few feet between the two drainages. Why do you deplore a claimed possible degree of loss to a $10 million Canadian fishing industry but shrug off North Dakota's proven annual permanently flooded land loss of $96 million in 1983 dollars?

If you believe the Canadian "problem" is measured by their vocalizing and trips to Washington, then you don't understand the David and Goliath posture of Canadian political parties. By out-condemning the United States, one party hopes to be more of a hero than the opposing party. The Garrison Diversion Project is made to order for them and gives them a chance to massage a deep inferiority complex.

The destruction of "130,000 acres of wetlands and grasslands" by the project is not borne out by the facts. Let me assure you that farm drainage will continue as before in this state whether there is a project or not. I firmly believe that when you bring Missouri River water into other parts of the state, you create opportunities for maintaining aquifers and wetlands far in excess of the losses claimed by opponents.

The Department of Interior has not ignored scientific data concerning the project. But the International Joint Commission did ignore its Technical Committee's scientific recommendations and instead turned to a political finding to placate Canadian objections.

How can three unidentified Department of Interior biologists describe a plan using words like "bogus, suspect, reality, and ludicrous" when they "hadn't even seen the data" supporting the plan? I can assure you that many other unidentified environmentalists who have seen the data support the plan.

In defense of the memo supposedly written by Governor Olson's aide, it is true that downstream and out-of-state interests have "sandbagged" the plan at every opportunity.

In contrast to the complaint about the cost of the Garrison Diversion Project, the anti-ballistic missile facility was built in North Dakota over my strong written objections at a cost of $5.2 billion. It was never even plugged in to see if it worked. The federal funds spent on the ABM project would have built ten Garrison Diversions at the time. I am not immune to cost benefit ratios, but please know that the Garrison Project costs are reimbursable to the federal government, whereas ABM costs are not.

The flood control and navigation benefits downstream, the hydroelectric sales from the six mainstem dams, and water user fees from irrigators, industrial water users, and municipal water systems are the benefits of the Pick-Sloan Plan that must be applied to the costs of the Garrison Diversion Project—not the irrigation of 1200 farms. (And where did you get 1200?)

Except for the subsidy of the low interest rates that existed in 1965, the federal government will be paid back its irrigation investment in a few decades. These reimbursements to the federal government do not include the increased federal income from increased economic activity caused by managing the Missouri River water.

You should note that the opponents downstream get their flood control and navigation benefits for nothing! No user fees, no local government cost sharing, no nothing!

I am sorry to disagree with you, Jack. I know that writing a daily column does not permit time to check facts or get "the rest of the story"—hence my letter to you.

With warm regards.

Sincerely,

William L. Guy.

Mr. ANDREWS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unnaimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUING APPROPRIATIONS

Mr. BAKER. Mr. President, we have spent a good part of the day trying to get to the Treasury-Postal Service bill, with the hope that we might be able to do something about the CR. That came to nothing; it is clear that that is not going to be possible at this moment.

I have consulted with the chairman of the Appropriations Committee, the minority leader, and others, and I am convinced that what we should do now is to try to go to the continuing resolution which is on the calendar and which was reported by the Senate Appropriations on November 8. That is Calendar Order No. 546, Senate Joint Resolution 194.

Mr. President, I ask unanimous consent that the pending measure be temporarily laid aside and that the Senate proceed to the consideration of Calendar Order 546.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I will not object. This side is agreeable to waiving the 1-day rule and the 3-day rule on this matter. I have no objection, and I have canvassed via the cloakroom. There may be one Senator (Mr. Melcher) who is now on the floor, who might want to raise a question.

Mr. MELCHER. Reserving the right to object, Mr. President, I am very hesitant to even mention this matter, but it is very significant.

A section of this continuing resolution makes reference to the Commerce, State, Justice appropriations bill which has been acted upon by both bodies but on which the conference report has not been agreed to yet.

That particular bill has a section in it which appropriates approximately $450,000 to pay some legal fees to be paid out of Justice Department funds, to pay the legal fees for some litigants in a case in New Mexico.

As far as I can determine, there is no authorization for such an expenditure of funds. It is a very unusual step, without precedent. The Justice Department has trust responsibility for the Indian pueblos involved in this case on the other side. It requires that the Justice Department defend their interests as part of the trust responsibility.

If the continuing resolution did not fold that in, I would have no objection to taking it up immediately and disposing of it. But it does fold that in and I think the proper time to address that matter would be in a conference report on Commerce, State, Justice when the appropriations comes before us.

Mr. HATFIELD. Will the Senator yield?

Mr. MELCHER. Yes.

Mr. HATFIELD. The Senator is referring to page 20 of our report, the $450,000 which has been set up in the Commerce bill, which has been folded into this, relating to the legal fees in New Mexico. Is that correct?

Mr. MELCHER. That is correct.

Mr. HATFIELD. I will say to the Senator that, as the Senator knows, his rights under this procedure outlined by the majority leader would protect his right to move to strike that as one avenue or approach.

The second is that this afternoon in the House of Representatives they are taking up the Commerce appropriations measure. So we have that on track, and at which time, again, in the normal flow of these regular appropriations bills, the Senator from Montana would have another crack at the whole thing because once that bill is acted upon by the House and the Senate then it drops out from under the continuing resolution.

So the Senator really retains the right to have two approaches or two shots at this and in no way, by taking up the CR at this time, does he compromise his rights.

I would only say to the Senator that before midnight tomorrow night we are going to have to act on this and we cannot ignore the Commerce appropriations. That is part of the unfinished business that creates a requirement for this second CR. I really do not have any option but to put the Senate into a situation where then we are talking about 5 minutes to midnight tomorrow night trying to resolve the whole question, to go to conference with the House and get back before midnight. That is impossible. This is Wednesday. Tomorrow night at midnight is the end of the line for us to take action. We have to do that knowing the President is either going to sign it or veto it.

I will say further to the Senator, with all the persuasion I have at my command, that because of the House getting into that difficulty last night and shooting down its own CR, we cannot wait until the House acts. The chairman of the House Appropriations Committee understands this. I have conferred with him this morning. We have many controversial issues in this CR. The International Monetary Fund, low-cost fuel subsidy. There are many issues that Senators will want to talk about. We can talk about those issues and get this up to third reading and wait for the House vehicle.

But I say to the Senator from Montana, do not prevent us from getting into these issues, from debating them. Otherwise, how are we going to complete our work by tomorrow night?

Mr. MELCHER. I understand.

Mr. HATFIELD. I happen to support the Senator's position on this issue, as he knows, Mr. President. I voted with him.

Mr. MELCHER. I understand the chairman's concern. It is a concern I personally share. I said at the outset that I hesitated even to mention it because I know of the time constraints this body has in which to act. I do not believe, however, that I am making a very significant request for the supporters of the amendment to delay judgment on it by dropping it out of the continuing resolution for this short period of time until that conference report on Commerce-State-Justice is over here.

Furthermore, Mr. President, I must point out that we have not, as of this time, received a legal opinion from the Department of Justice which is, indeed, in a unique position here. This is involved in this appropriation bill, it is legislation on that appropriation bill as far as I can determine, without authorization.

The Justice Department is instructed to spend money out of their funds for that very purpose of paying these attorneys, and they also have the distinct trust responsibility that is called upon by the Constitution, statutes, and State law.

I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, let me respond that I shall work with the Senator, as I say, since I am in total agreement with him on this amendment, to set up a way to delay the implementation of this particular point that he objects to. But I say to the Senator that I have no choice, as chairman of the Appropriations Committee. By law, I have to bring to this floor a CR that incorporates those bills that have not been signed into law. I have no choice to say to the Senator from Montana that I can delete Commerce from this CR, because the Commerce bill has not been signed into law.

I say further of the unanimous-consent agreement the leader has requested at this point, please do not force us into this situation. If we cannot get the unanimous-consent agreement, I have to call an immediate meeting of the Appropriations Committee. We shall meet downstairs and what we shall then have to do is report this same CR back to the floor without a report. Then there is no 3-day rule that we have to waive.

That just delays the thing, but we are going to have to push ahead with this CR—not by my choice, but by the choice of the calendar.

I give my full assurance to the Senator that I shall work with him in any way possible to get that isolated, get that out for consideration, for his debate, for discussion. But I ask him please to let us proceed at this point with the total responsibility we have of getting the CR acted upon before midnight tomorrow night.

With that assurance, would the Senator then be willing to let us bring it up at this point? All we are going to have to do is delay by about an hour to get a quorum of the Committee on Appropriations, to then report this same thing back without a report. Then we would not have to ask for unanimous consent as we are now, but to get to that objective is just another hour's delay.

Mr. MELCHER. I thank the chairman of the Appropriations Committee, my friend, for his very pertinent description of the time constraints and the extra work it would require. I also very much appreciate his assurance that he will work with me on an arrangement for such a deletion when the continuing resolution is before us.

Therefore, Mr. President, I shall not object.

Mr. HATFIELD. I thank the Senator from Montana for his great deference.

The PRESIDING OFFICER. Is there objection? Without objection, the request is granted.

Mr. BAKER. Mr. President, I thank the Chair. I especially thank the Senator from Montana. I understand his concern. I am sure all of us are grateful that he did not object so we can proceed with the business of the Senate.

FURTHER CONTINUING APPROPRIATIONS, 1984

Mr. BAKER. Mr. President, will the Chair now state the pending business?

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The assistant legislative clerk read as follows:

A Senate Joint Resolution (S.J. Res. 194) making further continuing appropriations for 1984, and for other purposes.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, this further continuing resolution is necessary—I think we all understand—to maintain programs and activities within the jurisdiction of regular appropriations bills for fiscal year 1984 not yet enacted into law. The first continuing resolution will expire on November 10—tomorrow—at midnight. That measure was needed to provide funding for the 9 of the 13 regular appropriations which had not been enacted into law as of October 1. Since that date, four additional bills have been enacted and of the five remaining bills, two have cleared committees of conference and one is awaiting conference. The other two bills have been reported by the committee and are eligible for floor consideration; that is, the Senate Appropriations Committee.

It remains the committee's intent to have enacted into law as many regular appropriations bills as possible before adjournment of this session of the Congress. However, until the remaining bills are actually signed into law, further continuing spending authority must be provided.

The bills and funding levels for the five appropriations bills covered by this recommended continuing resolution are as follows:

First, Agriculture. We have the rate established in the conference agreement on the regular fiscal year 1984 appropriation bill;

Second, the Commerce-Justice-State bill, the rate established in the conference agreement on the 1984 appropriation;

Third, the Defense bill maintains the spending rate at $247 billion established in the first continuing resolution;

Fourth, foreign operations. We adopted the rate and terms established in the Senate-reported fiscal year 1984 appropriations bill;

Fifth, the Treasury-Postal Service. That maintains basic funding levels at the current rates with the specific exceptions at Senate-reported level.

So, in effect, we have two Senate-reported levels of reference and we have one reference to the continuing resolution and two references to the conference reports.

Mr. President, the committee also recommends that the duration of this continuing resolution be for the balance of the fiscal year 1984. While the committee intends to pursue further action on the remaining unenacted fiscal year 1984 appropriations bills, the recommendation reflects the practical difficulties in attempting to take action on these bills, if any, in the next session of Congress. At that time, both the executive and legislative branches will be occupied with consideration of the budget for the 1985 fiscal year. Furthermore, the significance of holdover fiscal year 1984 appropriations bills will be diminished by the shortened coverage of these measures. It is, therefore, prudent to permit funding of the balance of this fiscal year to be provided under the terms of this measure, subject to congressional action on subsequent supplemental appropriation measures.

Mr. President, that is a brief outline of what we have before us and the problems we have in trying to get this acted upon before the deadline tomorrow night.

Let me also, at this moment, make a brief reference to what the status is in the House, to the best knowledge that we have at this time. The House defeated its measure by a 203-206 vote margin last night. I understand the House Committee on Appropriations is meeting and may possibly be considering one or two CR's.

I do not know what they will be, but, at the same time, they have the procedural problem of going to the Rules Committee, of getting a rule, at which time they will have to face a possible three-fifths vote, which, in all likelihood, comes down to a bottom line. That is the bottom line, that we probably will not get a House CR over here before noon tomorrow. That is why I implored the Senator from Montana and others to let us proceed at this time, because we could not afford to let the time between now and noontime tomorrow elapse without taking action on our own version of the CR.

So at this point the best assessment we can make is that we will probably get a CR from the House by tomorrow noon. That is perhaps being optimistic. So what my intent would be at this time—and I have discussed this with the ranking Member, Senator STENNIS—is that we proceed with the Senate version of the CR; that we move it right up to third reading, and at that time, if we have completed it, say, today by some miracle, or early in the morning, then we hold it until we receive the vehicle sent over by the House.

Then we can proceed from that point to either amend the House bill or substitute our own Senate bill, or whatever procedure we may use. But I am very desirous, Mr. President, to push this right on through to third reading. I do not think Senators should be lulled into any kind of feeling that this is going to be a pro forma action this afternoon, and we are not going to get down to business maybe until tomorrow.

We are in business now. We are in business to stay on this CR and complete it straight through whatever hour. I have received leadership permission to say if we can finish tonight in a reasonable period of time, we will finish tonight. That is our expectation.

I would like at this time to yield to the Senator from Mississippi, the ranking minority Member.

Mr. STENNIS. Mr. President, the chairman and I have been discussing these points. I am in total accord with what he says. We can get through if we start now and work fast enough.

Mr. BAKER. Mr. President, if I might have the attention of the distinguished floor manager of the bill, Mr. Hatfield. The report of the Senate Appropriations Committee on the continuing resolution addresses an issue which has been of particular concern to me. It has come to my attention that a very serious problem exists in regard to the ability of American trademark owners to enforce those trademarks against so-called "gray market" goods.

I understand that the Customs Service has had pending before the Treasury Department newly drafted regulations to address this concern and that Treasury has delayed for at least 8 months in publishing them. The committee report addresses this concern as follows:

> The Committee directs the Department of the Treasury to publish forthwith the proposed Customs Regulations drafted by the Customs Service amending 19 C.F.R. § 133.21 affecting the rights of trademark owners so that a timely process of public comment can commence.
>
> The Committee believes that a very serious problem involving the rights of trademark owners exists and that the Customs Service should no longer delay the publishing of these Regulations which are designed to address these critical matters.

I am supportive of the new position as proposed by the Customs Service. Trademarks, which represent the quality and integrity of a manufacturer's product, should not be jeopardized. Therefore, I would like to lend my strong support to the position taken by the Appropriations Committee and urge that these proposed regulatory changes be published forthwith.

This will allow for full and complete comment on the public record as to whether or not they should be finally issued and in what form.

I thank my distinguished colleague, the chairman of the Appropriations Committee, for recognizing this concern and I am glad to be able to support his committee in this regard. I appreciate the support evidenced by the remarks of my colleague, the distinguished majority leader. The committee hopes that by its action the Treasury Department will understand that we are very serious when we ask that these proposed regulations be published in the near future and made available for public comment.

Mr. HUDDLESTON. Mr. President, H.R. 3959, the so-called first supplemental appropriations bill, includes a provision limiting the interest rate charged on loans under the section 202 housing for the elderly and handicapped program to 9.25 percent. Without the limitation, interest rates would rise to 10.5 percent, a number of projects would not be viable, and we would be likely to build fewer section 202 units than anticipated.

I do not intend to offer this provision as an amendment to the continuing resolution, but I know that applicants are currently developing project applications for fiscal 1984 and I believe they need some guidance.

I believe the 9.25-interest limitation will be enacted at some point, and I believe HUD should proceed in such a way as to take account of that.

I know this is of interest to the chairman of the subcommittee, and I hope we might give some direction to HUD on this matter.

Mr. GARN. I do expect the 9.25-percent limitation to be enacted at some point. Pending that, I believe HUD should advise applicants to prepare applications based on both potential rates. That should protect HUD, the applicants, and congressional intent that 14,000 section 202 units be built in fiscal 1984.

Mr. HUDDLESTON. I thank the chairman of the subcommittee.

Mr. JEPSEN. Mr. President, Senator Cochran and I would like to take a moment of the Senate's time to clarify a matter contained in the agricultural portion of the continuing resolution.

The Agriculture Appropriations Subcommittee and, as a matter of fact, the full Appropriations Committee in conference with the House, has appropriated $800,000 for planning and engineering costs associated with the construction of a soil tilth facility at Iowa State University at Ames, Iowa.

I just wanted to make it clear that the appropriations listed herein will allow USDA to contract with Iowa State University for the planning and engineering associated with the construction of this facility.

It is my understanding that this colloquy will satisfy the Department of Agriculture and allow them to contract with Iowa State University at Ames, Iowa.

Mr. COCHRAN. The Senator from Iowa is correct. This was the intention and I concur with his remarks.

Mr. CHILES. I would like to compliment Senators Abdnor and DeConcini for their vigilance with regard to the administration proposal to consolidate and streamline U.S. Customs Service and INS border responsibilities. These responsibilities are currently shared by the two agencies, and the administration has proposed to give the Customs Service full responsibility for airports and seaports and INS full responsibility for land entry points.

Language included in the Senate report accompanying Senate Joint Resolution 194, the continuing resolution, directs that this consolidation plan not be implemented until the Congress has had a chance to review and approve it. While I agree with the general thrust of this language, I have long felt that great benefits could result in the consolidation of inspection activities to end the bureaucratic confusion and inefficiency of shared inspection responsibilities. For example, at the Miami International Airport during a one-stop test period, we learned that with the U.S. Customs Service and the INS cross trained and working together as one agency the entry of passengers through the airport was substantially speeded. It would be my hope that the administration's proposal could be approved perhaps with changes and not get mired down by endless and multiple congressional reviews.

I have initiated this colloquy to confirm something I believe to be true. Senator Abdnor, do you believe that substantial improvements could result from a proper consolidation of Customs and INS border inspection functions?

Mr. ABDNOR. I would like to thank Senator Chiles in helping us make this important clarification. I recognize that important benefits could result from a proper consolidation of INS and Customs inspection activities. Our only purpose in requiring prior congressional approval is to get a number of important questions answered prior to letting these consolidations go into effect. I could not, for example, support a consolidation that weakened border management functions and other important INS and Customs programs.

Mr. DECONCINI. I would like to echo the comments of Senator Abdnor and also thank Senator Chiles for making this point of clarification.

Mr. ABDNOR. Mr. President, I would like to make a short statement regarding the effect this continuing resolution will have on the agencies included in the Treasury, Postal Service and general government appropriations bill. I have asked the chairman to include only, and I stress only those accounts I believe require essential consideration. All of the agencies in the bill are affected, but the Department of Treasury enforcement functions face serious problems; if we do not approve totals included in the continuing resolution. I want to note that at the chairman's request the continuing resolution has been kept as clean and condensed as possible. I would have liked to place the entire Treasury bill in this continuing resolution. I did not because of the time problem we face. I must say that the agencies not specifically cited in this continuing resolution will remain funded at the fiscal year 1983 level. This will cause severe hardship if the Treasury bill is not passed prior to adjournment. I trust I can ask the entire Senate to assist me in that effort.

As one final note, I would like to add that funds for the customs air interdiction program included in this continuing resolution has $2 million for the acquisition of 20 modified AN/SQR—17 DMED's to perform the digitizer function at a price not to exceed $100,000 per unit, including the support for each unit. I note this only to reemphasize the committee report accompanying S. 1646.

Mr. ANDREWS. Mr. President, Senator COCHRAN and I would like to take a moment of the Senate's time to clarify a matter contained in the agricultural portion of the continuing resolution.

The Agriculture Appropriations Subcommittee and, as a matter of fact, the full Appropriations Committee in conference with the House, has recommended $800,000 for planning and engineering costs associated with the construction of a facility to house the Metabolism and Radiation Research Laboratory at North Dakota State University in Fargo, N. Dak.

Under a broad memorandum of understanding, the Department of Agriculture operates a closely integrated cooperative agricultural research program with the North Dakota State University. We have done so in the past with the greenhouses that we built at the college.

I just wanted to make it clear that the appropriations recommended herein will allow USDA to contract with NDSU for the planning and engineering associated with the construction of this facility.

It is my understanding that this colloquy will satisfy the Department of Agriculture and allow them to contract with NDSU.

Mr. COCHRAN. The Senator from North Dakota is correct. This was the intention and I concur with his remarks.

VISIT TO THE SENATE BY MEMBERS OF THE BRITISH PARLIAMENT

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, I am happy to join with the Senator from Rhode Island (Mr. PELL) in announcing to the Senate that we are honored by the presence of a distinguished delegation of our colleagues from the British Parliament, a delegation which is led by Mr. Michael Jopling, the Minister of Agriculture, and Mr. Peter Shore. I move that we stand in recess for 2 minutes so that Members can welcome our colleagues from Britain.

[Applause.]

The motion was agreed to, and the Senate, at 2:12 p.m., recessed until 2:18 p.m. whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. QUAYLE).

FURTHER CONTINUING APPROPRIATIONS, 1984

(The Senate continued with the consideration of the joint resolution.)

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, the bill is now open for amendment. I am aware that there will be an abortion amendment offered by the Senator from Alabama. I also understand there may be an amendment relating to the IMF, a low-income energy subsidy amendment, and others. I urge Senators to come to the floor to propose their amendments in order to expedite the handling of the measure.

Mr. President, since there are apparently no amendments, what would be the next parliamentary action?

The PRESIDING OFFICER. The Senator could ask for third reading.

Mr. HATFIELD. It is within my power to ask?

The PRESIDING OFFICER. The Senator is absolutely correct. Does the Senator desire to do so?

Mr. HATFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2526

Mr. ARMSTRONG. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. ARMSTRONG) proposes an amendment numbered 2526.

At the end of the joint resolution add the following language.

Mr. ARMSTRONG. Mr. President, may I interrupt the reading?

Mr. STENNIS. Mr. President, may we have conditions here where we can hear the Senator? This is an important matter.

The PRESIDING OFFICER. The Senator from Mississippi is entirely correct. The Senate will come to order. Those and others desiring discussion please cease conversation. The Senate will be in order and stay in order.

The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, if I may interrupt the reading clerk to simply say it is not my intention to ask unanimous consent that we dispense with the reading of the proposed amendment because I think it will be useful to read it. It is self-explanatory and it will actually facilitate the business of the Senate to permit the reading clerk to read it in full. It is fairly brief.

The PRESIDING OFFICER. The clerk will continue.

The assistant legislative clerk read further as follows:

At the end of the joint resolution, add the following language:

Since it is contrary to the laws of the United States to import into the United States "all goods, wares, articles and merchandise mined, produced or manufactured wholly or in part in any foreign country by convict labor or/and forced labor; and

Since the Department of State, in its Report to the Congress on Forced Labor in the USSR (February, 1983) stated that forced labor is used "to produce large amounts of primary and manufactured goods for both domestic and Western export markets; and

Since the provisions of 19 U.S.C. 1307 have not been enforced with respect to goods entering the United States from the Soviet Union;

Therefore it is the sense of the Senate that the officials responsible for the enforcement of 19 U.S.C. 1307 should:

(a) Use existing statutory authority to prevent the import of any product or material produced in the Soviet Union unless it was produced without the use of forced labor, and

(b) The Secretary of the Treasury should submit a report to Congress of the articles from the Soviet Union for which entry documents have been filed and the disposition of such request.

Mr. ARMSTRONG. Mr. President, I thank the reading clerk. I rarely ask the clerk to read amendments but in this case it actually speaks for itself and I am not going to attempt to debate the matter at any length.

I would like to recall, however, for the benefit of Senators, that approximately a year ago I proposed, and the Senate adopted, a resolution asking the State Department to give to the Senate a report on the use of forced labor in the Soviet Union. There had come to my attention, and to the attention of committees of the Senate, widespread allegations in the public press, here and abroad, in fact, both in the Orient and in Europe, stories of abuses of human rights on a scale and of a barbarous nature which have not been seen in decades around the world, and which really were reminiscent of the kind of tactics for which the Nazis were infamous 40 years ago.

Mr. President, with those kind of reports seeping out around the world, it seemed to me that we ought to have some official statement of what was known here in the West about the labor practices in the Soviet Union.

I will not attempt to summarize at this moment the details of that report, but Senators will recall that early this year, in fact, we did receive such a report. And in the State Department's February 1983 report, which at the time, I inserted in the CONGRESSIONAL RECORD, the State Department pointed out that forced labor is used to "produce large amounts of primary and manufactured goods for domestic and Western export markets."

In that report and others which I have submitted to the Senate, there emerges a devastating story of a human rights abuse on a truly tragic and vast scale. I have, myself, interviewed and held hearings for persons who have been behind the barbed wire in gulags, hearings held here in the Senate and also in West Germany. I have read extensively on the subject. I have talked not only to persons who have been behind the barbed wire but their families, journalists, and others who are expert in this matter.

The long and the short of it is this: Within the Soviet Union there are between 4 and 17 million persons in gulags; many of them, according to published, unofficial sources and official sources, as well, prisoners of conscience, religious dissidents, and political prisoners; persons who have been put in these gulags without any semblance, in many cases, of the kind of standards of civil rights or concern for jurisprudence which would be the characteristic of any civilized nation.

These persons, in turn, are kept, in many instances, according to testimony received by committees of the Senate, under almost unspeakable conditions—under conditons of malnutrition, of extreme hardship, of ill housing, of complete lack of proper clothing working in severe climates, and of psychological and physical torture.

Mr. President, there is not much we can do about that. There are limits on what our Nation can do about the civil rights and human rights abuses of other countries. But, at the same time, there are some things we can do. We can focus public opinion on it—and we have succeeded, to some extent, in doing so—and we can enforce our own legal processes.

That is what this resolution refers to. It has been, for a number of years, against the law, under the Tariff Act of 1930, to bring into this country goods produced or manufactured in whole or in part through the use of forced labor.

So all this resolution says is that the Senate would like to see this statute enforced and, as a matter of fact, it amounts to an encouragement of the process which is already underway.

I brought this matter to the attention of the Commissioner of Customs, and he has been good enough to institute proceedings to enforce this statute. There remain some regulations to be worked out. The Treasury Department is working on it.

But I think it appropriate, particularly in light of recent international developments, for the Senate itself to be on record that we do not condone such practices. And while we do not assert any kind of improper jurisdiction and we do not overestimate or exaggerate the effect that we can have on the practices, the penal practices and the police practices, of another country, least of all the Soviet Union, that we are not indifferent to these abuses of human rights.

So the resolution simply calls upon our Government to use its regular and normal processes to forbid the entry in this country of goods produced in this way.

Senators may wonder what are some of these goods. I have previously put into the CONGRESSIONAL RECORD a recitation of the kinds of merchandise that we are talking about. But simply to refresh the memories of Senators, we are talking about all kinds of things—wood products; certain kinds of manufactured goods; a number of metal products, some of which, as a matter of fact, for those who may be interested, I have in my office, merchandise which we believe to have been manufactured under conditions of forced labor which were purchased recently in this country.

Mr. President, unless there is other discussion, I would simply urge my colleagues to adopt this amendment.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I will speak for just a moment. Senator PERCY, who chairs the Foreign Relations Committee, is out of town, but I know that the Foreign Relations Committee was prepared to accept this on the State Department Authorization bill when that was before the Senate, and it was not offered at that time. So I think it would be certainly only appropriate to say at this time that I am sure, if the chairman were here, that Senator PERCY would in fact think this was a very appropriate measure to introduce.

Mr. ARMSTRONG. Mr. President, if the Senator from Kansas will yield, I would just like to thank her for her observations and for her encouragement and also indirectly the encouragement of the Senator from Illinois, the chairman of the Foreign Relations Committee. I thank her very much for bringing this to our attention.

The PRESIDING OFFICER. The question is on the amendment.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I would suggest putting the amendment to a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 2526) was agreed to.

Mr. ARMSTRONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ARMSTRONG. Mr. President, I thank all Senators. I trust this action by the Senate will be an encouragement to those in the Customs Commissioner's office and in the Treasury Department who are working on this matter and at an early date we will see the fruits of their labor. I thank all Members.

Mr. STENNIS. Mr. President, we move along so much better when we have good attendance. I join with the chairman in saying that we have nothing to do except to go to third reading, unless we have some amendments offered. I will keep on encouraging him that way. I do not want to cut anyone off but, after all, there has to be an end to things.

AMENDMENT NO. 2527

Mrs. KASSEBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mrs. KASSEBAUM) proposes an amendment numbered 2527.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the joint resolution, add the following new section:

SEC. . Funds appropriated or otherwise made available for fiscal year 1984 by this joint resolution or any other law shall be available notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Exchange Act of 1948, as amended until November 18, 1983.

Mrs. KASSEBAUM. Mr. President, this is essentially a technical amendment that I would like to place on the continuing resolution. I believe it is agreeable to both sides.

The intent of this is to allow the conferees on the State Department-USIA to finish their conference, which they anticipate doing tomorrow afternoon. But because it is so stated in the legislation that that authorization has to be completed before appropriations are enacted, we would need this amendment in place at this time.

I can only say to those who wonder why the authorization has not been completed that the conferees have had to deal with a wide number of issues—as a matter of fact, 91 have already been handled—but there are only 6 remaining in conference. It will be completed by tomorrow afternoon.

Mr. HATFIELD. Mr. President, we are ready to accept this amendment of the Senator from Kansas. I understand the circumstance.

Mr. STENNIS. If the Senator will yield, there is no objection on this side of the aisle that I know of.

Mr. HATFIELD. I thank the Senator.

Mr. President, we have a difficulty which the Senator from Kansas has very clearly outlined. May I take this occasion to make an observation?

Essentially, this is a State Department authorization amendment. Our Committee on Appropriations has frequently been criticized, especially by the Committee on Foreign Relations, for appropriating moneys that have not been authorized or to authorize appropriations on the appropriations bill. And rightly so, on occasion—perhaps not so much so on other occasions. But I think this represents again one of those interesting dilemmas we find ourselves in when we do violate the basic concept of authorizing committees handling authorizing legislation and appropriations committees handling appropriations legislation.

Having just made that brief observation, I am willing to accept the amendment. I hope the Senator from Kansas will communicate my observation to the chairman of the committee, our mutual friend (Mr. PERCY), that we are happy to accommodate the Committee on Foreign Relations at this time, since it finds itself in this very difficult situation, through the appropriations process. We are just happy to accommodate him.

Mrs. KASSEBAUM. Mr. President, I certainly thank the distinguished chairman of the Committee on Appropriations. I shall convey his concern to the chairman of the Committee on Foreign Relations. I am sure he understands, as I do, and appreciates the Senator's acceptance of this amendment.

Mr. President, I ask that it be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 2527) was agreed to.

Mrs. KASSEBAUM. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, we are at that point again where we are looking for Senators to offer amendments. I am just about at the point of asking for third reading.

Mr. DOLE. Good, I shall second it.

Mr. HATFIELD. Mr. President, I ask that the leadership be notified that we are ready to go to third reading.

Mr. BAKER. Will the Senator yield to me, Mr. President?

Mr. HATFIELD. I am happy to yield.

Mr. BAKER. Mr. President, I share the Senator's hope that we are at the point where we can ask for third reading. I ask my cloakroom if they will ask if there are any notifications. I hope that we shall have a further announcement to make.

Mr. MOYNIHAN. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, Mr. President.

Mr. MOYNIHAN. I do not believe this has been cleared on this side. May we have just a moment?

Mr. BAKER. Yes; that is the reason for the delay right now, that the majority leader may know as soon as possible.

The PRESIDING OFFICER. Does the Senator from Oregon seek recognition?

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DENTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2528

(Purpose: To prohibit the use of funds made available by this joint resolution to make payments relating to any abortion)

Mr. DENTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. SYMMS). The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama (Mr. DENTON) proposes an amendment numbered 2528.

Mr. DENTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. STENNIS and Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. PACKWOOD. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will report the amendment.

Mr. PACKWOOD. Mr. President, I believe it is a short amendment, and I want to hear the wording of it exactly.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

At the end of the joint resolution, add the following:

SEC. 111. None of the funds appropriated by this Act shall be available to pay for an abortion or to pay, after the last day of the current contract term applicable in the case of any Federal employees health benefits plan, for the administrative expenses in connection with any Federal employees health benefits plan which provides any benefits or coverage for abortions.

Mr. DENTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2529

(Purpose: To limit the use of funds made available by this joint resolution to make payments relating to an abortion)

Mr. DENTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. DENTON. I send a perfecting amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama (Mr. DENTON) proposes an amendment numbered 2529 to amend No. 2528:

On line 3, beginning with "to pay for", strike out all through line 8, and insert in lieu thereof the following: ", (1) to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or (2) to pay, after the last day of the current contract term applicable in the case of any Federal employees health benefits plan, for the administrative expenses in connection with any Federal employees health benefits plan which provides any benefits or coverage for abortions, except any such plan which provides benefits or coverage for an abortion only in the case of a mother whose life would be endangered if the fetus were carried to term.".

Mr. DENTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DENTON. Mr. President, let me explain to you and my colleagues the purpose of introducing the amendment in different sections. My first-degree amendment would prohibit funding for abortion under all circumstances and that amendment was the original amendment passed by the House in H.R. 4139. The House then added an exception to the general policy, allowing for funding when the life of a mother will be endangered if the fetus were carried to term, and my perfecting amendment has also accepted that exception. Therefore, if the perfecting amendment is adopted and the basic amendment as perfected is adopted, we will have the same text in the Senate bill that appears in the House Treasury-Postal appropriations bill.

Mr. President, during the last several years, our colleagues in the House have repeatedly included in their version of the Treasury-Postal appropriations bill the so-called Ashbrook amendment, which would ban the use of Federal funds for abortion under the Federal employees health benefits program.

On October 27, the House once again approved the amendment by a vote of 229 to 193. The Congress has enacted, and the Supreme Court has upheld, the Hyde amendment restriction on medicaid-funded abortions. The Federal Government, however, has continued to assume partial financial responsibility for abortions obtained by Federal employees. I believe that the Members of the House have displayed extraordinary courage in attempting to eliminate the one glaring inconsistency in our Federal policy on abortion.

Public opinion polls have consistently shown that the American people do not want their tax dollars used to finance abortions. More often than not, the questions that have revealed that view have inquired only whether Federal or State funds should be used to pay for medicaid-funded abortions. Perhaps, because the pollsters have been unaware of the fact that the Federal Government continues to finance abortions for its employees, the public has never been polled on the narrower question of whether or not the Government should subsidize abortions for that relatively affluent segment of the population. I have no doubt that the public would overwhelmingly oppose that subsidy.

Abortions for Federal employees have been paid for under the Federal employees health insurance program, which is financed through a 60-percent contribution by the Federal Government. In 1981, the last year for which figures are available, the Federal Government subsidized about 20,000 abortions at a cost of over $9 million.

Notwithstanding the fact that they support the thrust of the Ashbrook amendment, there are some Members of this body who believe that Federal health employee benefits are a form of compensation that should not be changed. We must remember, however, that participation in the program is not mandatory for Federal employees, and that it is not an entitlement program. The Federal Government offers health insurance to its employees as a way of enabling them to protect themselves against high and unpredictable costs of medical care.

The specific benefits offered by any particular health plan are not now fixed, nor have they ever been. The Office of Personnel Management is authorized to exclude or include any benefit that it considers unnecessary. Currently, some of the major carriers exclude payment for such things as eyeglasses, dental care, and even routine pap smears to detect cervical cancer. Moreover, the CHAMPUS health program for military personnel and their dependents abides by the provisions of the Ashbrook amendment by only providing abortions when the life of the mother is threatened.

On the subject of whether or not the Ashbrook amendment interferes with Federal labor-management relations, the General Counsel of the Office of Personnel Management said the following in a letter to Congress last year:

> The law simply does not permit the Federal Government to engage in negotiations with employee representatives regarding health benefits. Federal employees have certain rights to engage in collective bargaining with respect to conditions of employment, but not health insurance.
>
> While it is true that the Office of Personnel Management contracts with certain employee organization plans for the provision of health benefits, the plans participate in those contracts as insurance carriers and not as labor unions. OPM is, by law, the sole representative of Federal employees in all negotiations for health benefits.
>
> Accordingly, there is no connection whatsoever between the Federal-sector labor relations program, on the one hand, and the Federal Employees Health Benefits Program and the Ashbrook Amendment, on the other.

Mr. President, I have a letter from the Office of Personnel Management, dated November 1, 1983, signed by Donald J. Devine, Director of the Office of Personnel Management. I wrote and asked him if the administration supported the Ashbrook amendment, and this is his response:

> DEAR SENATOR DENTON: This is in response to your staff's inquiry concerning OPM's position on the provision (Section 618) in the Treasury, Postal Service, and General Government Appropriations Bill for fiscal year 1984 (H.R. 4139). As we understand it, the so-called "Ashbrook" Amendment offered by Congressman Chris Smith would ban the use of Federal funds for abortion under the Federal Employees Health Benefits (FEHB) Program. The Amendment is in accord with the Administration's position on abortion.

Mr. President, the essential point to be made is that the Federal Government, as an employer should not, by any rationale, be construed to be obligated to finance abortions in situations in which the life of the mother is not in jeopardy. We must realize the character of nontherapeutic abortion. As the Supreme Court said in the McRae against Harris case, upholding the constitutionality of the Hyde amendment:

> Abortion is inherently different from other medical procedures because no other procedure involves the purposeful termination of a potential human life.

In closing, I stress that the amendment would permit payment for abortions in cases where the life of the mother would be in danger if the fetus were carried to term. Moreover, the amendment in no way would deny Federal employees the right to obtain or contract for coverage of abortions at their own expense through their insurance carriers. It merely withdraws the Federal financial contribution to medical insurance that pays for nontherapeutic abortions.

Nor are we taking away any earned benefits. The Government's share of the cost of medical insurance would remain constant for any contract offered in the future.

It is time, therefore, for Congress to act to end a patent inconsistency in Federal policy. I urge my colleagues to support the Ashbrook amendment so that the 1984 health insurance contracts will be free of the inconsistency of federally subsidized abortion.

In addition, I ask unanimous consent that a compendium of opinion polls showing the consistent public opposition to using tax money to finance abortion be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC OPINION REGARDING THE USE OF TAX MONEY TO FINANCE ABORTION

Questions, poll date, and responses:

1. "Are you in favor of a law which permits a woman to have an abortion even if it has to be at government expense?" April 1975; yes, 35; no, 57.

Source: Gallup poll as reported in Blake (1977a:56-57).

2. "Do you think the government should help a poor woman with her medical bills if she wants an abortion?" July 1977; yes, 38; no, 55.

Source: New York Times/CBS News poll, *New York Times*, July 29, 1977, p. A2.

3. "Until recently, because the U.S. Supreme Court has ruled that abortions up to three months of pregnancy are legal, the federal government has allowed Medicaid money to be used to pay for abortions for women who are poor and cannot afford to pay them. * * * Do you favor or oppose a ban on the use of federal Medicaid funds for abortions * * *" July 1977; oppose ban, 44; favor ban, 47.

Source: *The Harris Survey*, "Abortion Debate Continues," August 18, 1977. Because of its length, the full question wording could not be included here.

4. "Do you think the government should or should not help a poor woman with her bills if she wants an abortion?" October, 1977; should, 47; shouldn't 44.

Source: CBS News/New York Times poll as reported by NARAL (Jan. 1978).

5. Do you "agree with President Carter's view that government funds should not be used to finance elective abortions for the poor?" November 1977; disagree, (na); agree, 58.

Source: Yankelovich, Skelly and White poll as reported by NARAL (Jan. 1978).

6. "Now I'd like you to tell me if you agree or disagree with the following statements: The government should help a poor woman with her medical bills if she wants an abortion." January 1978; should 46; shouldn't 54.

Source: CBS News/New York Times poll as reported in *Public Opinion* (1978) 1:35.

7. "Abortion is something that government should not pay for even if a woman seeking an abortion is very poor." May 1981; disagree, 40; agree, 54.

Source: ABC News/Washington Post poll, Survey #0034, June 8, 1981.

8. "Should federal or state funds be used to pay for abortions for women who are eligible for Medicaid?" November 1981; should, 38; shouldn't, 53.

9. "Should federal or state funds be used to pay for abortions for women who are eligible for Medicaid and become pregnant by rape or incest?" November 1981; should, 73; shouldn't 22.

Source for questions 8 and 9: Yankelovich, Skelly and White poll of American women for *Life*, November 1981.

Mr. PACKWOOD. Mr. President, we are once more back on a battle of familiar turf and territory. This is one more effort of the right-to-life process to nibble away at some of the civil liberties in this country.

Prior to coming to the U.S. Senate, I practiced labor law for a number of years. I represented employers—for example, trade associations. It was very clear to us and to the unions, when we bargained, that when we were talking about a total package of fringe benefits and wages, there was a certain amount of money that we were willing to pay to the employees. Beyond that, we would accept a strike or they would accept the package. How they chose to divide the package with respect to fringe benefits and wages was left to their determination. This adheres in private industry today; it is the same situation that exists in public employment today.

The package we provide for Federal employees should be a total package: The less they get in fringe benefits, the more they get in wages. They know that; we know that; their unions know that; and the different bargaining entities know that.

Consequently, to say that the Federal Government is paying for abortions is fallacious. The employees pay for abortions. They are the ones who choose to bargain for and to receive health insurance, and in generous quantities. Health insurance is a tax-free fringe benefit and wages are not. The Federal Government will pay the same amount with respect to its employee's health insurance, regardless of what we do here today. We are attempting once more to interfere with employee-employer relations in the Government. We have no business to do so.

I expect that very soon there will be a motion to table this amendment. We have been over this issue before in the Senate, and I hope that when the motion to table is made, the Senate will overwhelmingly, once and for all, reject this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I rise in opposition to the pending amendment which seeks to add the so-called Ashbrook language to this continuing resolution. Considering its content and the circumstances in which it has been offered, this can accurately be described as a killer amendment.

I have the greatest respect for the Senator from Oregon, the chairman of this committee, for the course he has set our committee on. The almost insurmountable burden placed on the work of the committee by social issue riders over the last several years threatens to permanently bog down the appropriations process. His courageous leadership in attempting to fend off every legislative gimmick which is aimed at committee bills has greatly expedited our vital work. This amendment is the latest in a series of attempts to take the short-cut through Congress to the President's desk. Mr. President, regardless of the policy merits or demerits of this proposal, this is the worst way to accomplish its ends.

In case there is any misunderstanding among my colleagues, the Ashbrook language is not—underline "not"—current law. This language is not in the current Senate Treasury-Post Office bill on the calendar, nor was it in the resolution that the House defeated last night. The only time Congress has actually approved this language was in a short-term continuing resolution in 1982. We are not in the situation of Hyde abortion language or other perennial riders which are now carried along each year. This is a new policy which the Senator from Alabama is attempting to establish and I hope the Senate will have the sense to say "no."

Mr. President, at some point Congress must find a way to avoid these cliff-hanger finishes. The current continuing resolution expires at midnight tomorrow night. The House failed to pass a bill last night by a 3-vote margin. The debt limit extension is still hanging out there unresolved. We are due to leave here on November 18, 6 working days from now. If ever there was an argument for keeping what should be a simple continuing resolution clean, we have one now.

Mr. President, the significance of this amendment and the strength of our opposition to it are not lost on the leadership. The majority leader's comments this morning about opposing all amendments should be taken to heart by Members as they vote on a motion to table this amendment. If this body is ever to avoid its annual episodes of brinksmanship, we must have the courage to clear away amendments of this kind when they are offered. I urge my colleagues to do just that.

I would hope that we would not get into a full-fledged debate on this matter at this time. There is much pressing business that sits before the body and indeed the funding of the Government depends on our passage of this resolution.

Mr. DENTON. Mr. President, will the Senator yield for a statement which I think he will welcome?

Mr. WEICKER. Does the Senator have a question?

Mr. DENTON. Would the Senator be pleased if I were to say that I do not want to participate in this debate at all?

Mr. WEICKER. I beg the Senator's pardon.

Mr. DENTON. Would the Senator be pleased if I would indicate my affirmation with him that I desire no further debate or any debate?

Mr. WEICKER. I understand that full well. Is the Senator suggesting he is going to withdraw his amendment? I do not desire, and I know the Senator does not desire debate, but this is by no means to impute he was not involved in the debate. It is just that I would hope as to not only in regard to this amendment, but indeed any other amendment dealing with extraneous matters that they do not go on these appropriations bills.

That is really what we are fighting for, not zeroing in on the Senator from Alabama and this particular amendment.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. WEICKER. I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I am in one of those unfortunate situations where all of us face the subject with a great deal of concern and seriousness.

Perhaps the most difficult issue with which we, in Congress, have had to deal is the question of the use of Federal funds to pay for abortions. Year after year the issue is raised, and while it does not get any easier, we somehow have managed to develop a consensus policy with which many Members have been able to live. The so-called Hyde amendment prohibits the use of Federal funds to pay for abortions except in those cases where the life of the mother would be endangered. Mr. President, my own position on abortion is one which I have spent a great deal of time in search of the appropriate Government response. I have come to the conclusion that we should oppose the use of Government funds for the direct payment of abortion except in the case specified by the Hyde amendment. I will continue to oppose abortion for reasons which I have made clear throughout the past several years.

The issue before us today, however, is quite a different matter. Just as I opposed direct Federal funding of abortions for most cases, I also opposed the efforts to restrict the use of a Federal worker's earnings as it relates to established medical benefit plans. As I have stated in the past, I do not believe the Federal Government should be in the business, even indirectly, of dictating to insurance companies whether or not they can make certain procedures available in their health plans if those procedures are both legal and part of a negotiated comprehensive compensation package. Health insurance is a form of compensation for work, as is salary, and has so been declared by the courts.

By adopting such restrictions as are being discussed here, we would be in effect telling Federal employees that their compensation, which has been earned, cannot be utilized for a specific legal purpose under a negotiated health benefit plan which provides for that coverage. We would be denying Federal employees the same health care options to which private sector employees are entitled, simply because Congress can exercise control over Federal employees.

There are those who will argue, as many of my friends have who share my opposition to abortion, that Congress can change any law affecting Federal employees' salaries and compensation. But by doing so, I believe we would be guilty of invading the privacy of individuals who contribute a significant amount of their earnings to the costs of their health plan. I also believe that such antiabortion restrictions in Federal health programs pose a threat to the collective bargaining rights of unions.

Congress should not be in the position of determining what specific benefits may be offered or denied under the Federal employees health benefits program. If we provide this particular restriction against abortion, where do we draw the line in relation to other medical procedures over which Members of Congress may have objections?

Let me reiterate, Mr. President, that I believe the destruction of innocent human life, either born or unborn, is one of the greatest crimes against all humanity, whether it be selectively through abortion, or indiscriminately through the use of military firepower which is unable to distinguish between children and armed soldiers or as in the case of the electrocution of our convicts or other capital punishment forms—I am opposed to all of them.

The great evil we face today is our blatant disregard for the value of all human life and our denial of rights, privileges, and dignity for all our citizens. The answer, however, is not in selective Government instrusion into the lives of Federal workers to deny a legal, medical procedure—no matter how objectionable to many of us that procedure may be—which is available to non-Federal workers.

I also say, Mr. President, in closing that I appreciate the wonderful cooperation of the people on this subject because I am very hopeful we can move to some kind of a conclusion on it and get on with this CR.

Mr. GRASSLEY. Mr. President, I urge passage of this amendment. Some have posited the argument that this should be strictly a private matter. But when 60 percent or more of the cost of these health benefits comes out of the Federal Treasury, that argument is tenuous at best.

The Denton-Ashbrook amendment presents exactly the same issue as the Helms-Hyde amendment voted upon last May—should the Federal Government be paying for abortions that in no way are needed to preserve the life of the mother? It would certainly be an inconsistency for us to continue to fund nonlifesaving abortions for our own employees and other Federal workers, long after ending such payments for low-income women through the Helms-Hyde amendment.

In 1981 the Federal employees health benefits program paid for approximately 17,000 abortions. I believe that we are taking the appropriate steps to prohibit Federal funding of abortions.

● Mr. LEVIN. Mr. President, I shall vote to table the Denton amendment to prohibit abortion coverage under Federal health insurance plans unless the mother's life is endangered because it would put Congress in the position of determining bargaining rights of Federal employees. Federal health insurance coverage for employees of the Government is part of an employee's compensation. Whether or to what extent Federal employee health insurance plans provide coverage for abortion has been determined by negotiations between OPM and insurance providers, rather than congressional directive. Furthermore, Senator DENTON's second degree amendment would permit coverage only where the mother's life is in danger, thereby excluding those Federal employees who seek an abortion because they have been the victim of rape or incest.●

Mr. WEICKER. Mr. President, I think we have fully gone over the merits and demerits of what is being proposed here. I think that little purpose is to be served by continuation of the debate by this Senator and I think others on our particular side of the issue.

I would hope that my colleagues would go ahead and vote to table the amendment and keep the CR relatively clean so we do not get into a long hassle as we go into the late hours of tomorrow night.

Mr. President, I move to table the underlying amendment of the distinguished Senator from Alabama and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut to lay on the table the amendment of the Senator from Alabama. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Washington (Mr. EVANS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON) would vote "yea."

The PRESIDING OFFICER (Mr. SPECTER). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 345 Leg.]

YEAS—44

Andrews
Baker
Baucus
Bentsen
Bingaman
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Dodd
Glenn
Gorton
Hart
Hatfield
Heinz
Inouye
Kassebaum
Kennedy
Lautenberg
Leahy
Levin
Mathias
Matsunaga
Metzenbaum
Moynihan
Packwood
Pell
Pryor
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stevens
Tower
Tsongas
Wallop
Weicker

NAYS—51

Abdnor
Armstrong
Biden
Boren
Boschwitz
Cochran
D'Amato
Danforth
DeConcini
Denton
Dixon
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Goldwater
Grassley

Hatch
Hawkins
Hecht
Heflin
Helms
Huddleston
Humphrey
Jepsen
Johnston
Kasten
Laxalt
Long
Lugar
Mattingly
McClure
Melcher
Mitchell
Nickles
Nunn
Pressler
Proxmire
Quayle
Randolph
Stennis
Symms
Thurmond
Trible
Warner
Wilson
Zorinsky

NOT VOTING—5

Cranston
Evans
Hollings
Murkowski
Percy

So the motion to lay on the table amendment No. 2528 was rejected.

Mr. WEICKER. Mr. President, I make the point of order against the pending second-degree amendment that it constitutes legislation on an appropriations bill.

Mr. BYRD. Mr. President, will the Senator allow me to make an inquiry?

Mr. WEICKER. Yes, Mr. President.

Mr. BYRD. While we have a large turnout, I ask the distinguished majority leader what the rest of the day of the Senate will be like.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Connecticut holds the floor.

Mr. WEICKER. Mr. President, I yield.

The PRESIDING OFFICER. The majority leader is recognized.

The Senate will be in order. The majority leader wishes to address the body.

Mr. BAKER. Mr. President, I thank the Chair. If I may have the attention of my colleagues for a moment, I shall try my best to answer the question of the minority leader.

First, Mr. President, barring unforeseen circumstances, I do not expect us to be in late tonight. I hope that we can finish the necessary work before the Senate by 6:30 p.m. or thereabouts.

Between now and 6:30 p.m., there are two things I feel we must do. First, we must try to make as much progress on this bill as possible. What I mean by that, very frankly, is that we shall go on as long as we are making progress. I do not now think we shall finish this bill today. But as soon as it appears that it would profit the Senate more to move on to something else, it will be the intention of the leadership on this side to ask the Senate to turn to consideration of the Civil Rights Commission reauthorization bill, which was sent us by the House of Representatives and is now on the calendar.

Those two things, Mr. President, will well occupy us for the balance of this day. I say to my friend, the minority leader, that I expect that we shall be able to do those or a substantial part of them and recess at 6:30 p.m. or thereabouts until 9 a.m. tomorrow.

Tomorrow, Mr. President, our first order of business, of course, will be to deal with the continuing resolution problem. It is my understanding now that the House of Representatives will not have a continuing resolution for us until sometime tomorrow. I do not know what shape that is going to be in and I do not know how much problem there will be in trying to meet the House in conference or in sending this bill or another bill to the House of Representatives or sending them back their bill with amendments. One way or another, we have to deal with the CR before midnight tomorrow night.

Mr. President, it is going to be a tight squeeze. We are going to have to not only deal with it here and in the House, but we are going to have to deal with a conference if there is a conference, and surely there will be. Then we shall have to have an expression by the President whether the bill is acceptable to him or whether he plans to veto it.

Mr. President, I hope we can do all these things between now and midnight tomorrow night. But I guess the summary is this. I do not think we will be in late tonight, but I think we had better watch out for tomorrow.

Mr. DENTON. Mr. President, will the majority leader yield for a procedural question?

Mr. BAKER. Yes, I will, Mr. President. But let me continue with this. The minority leader then asked about Friday.

The announced intention of the leadership on this side is to finish Thursday night. But in all fairness, as I have said before in this place, if we cannot deal with the CR problem and if it does appear to be a serious problem for the orderly operation of the Government, and especially if the House feels they must continue to work on this bill on Friday and on Saturday, I think we have nothing we can do otherwise. Let me say before the lynch party forms, I have every intention to try to finish by tomorrow night and not be in on Friday or Saturday and return on Monday.

Mr. BYRD. What does the majority leader see for Monday or can he see that far ahead through the maze of his responsibilities?

Mr. BAKER. Not very well. We have reconciliation to do, debt limit to do, we have Export Administration, we have natural gas, which will recur as the unfinished business, we have math-science, we have women's pension equity, and the distinguished chairman of the conference on this side says that ought to do until Monday night.

Mr. BYRD. Will my colleagues indulge me for one further question?

Does the majority leader still feel that we are likely to adjourn sine die on the 18th, whether it is possible or probable or improbable? And if we cannot do that, when would he propose to come back—1 or 2 days during the following week or after Thanksgiving?

Mr. BAKER. Mr. President, I wish to reiterate, it is the desire of the leadership on this side to finish our work and to adjourn sine die on November 18. I admit that there is a possibility that we cannot do all the work, but I think we can and should. I believe we ought to focus our effort and attention on that possibility.

I would rather not speculate now on what we would do if we have not finished our work on the 18th. That is a Friday. It is the weekend before Thanksgiving.

Our opinions are, if that unhappy event were to transpire, to come back on the first 2 days of the following week, which will be the 21st and 22d, and try then or, in the alternative, to come back on the 29th, which is the time we reconvene after the published recess period for Thanksgiving. If we come back on the November 29, Mr. President, I am very much afraid we shall be here until Christmas eve.

Mr. President, if the minority leader will permit me to do so, let me wait before I speculate on that.

Mr. BYRD. I thank the majority leader. I know he will do the best he can with what he has to work with. I thank him for his response.

Mr. STENNIS. Will the Senator yield to me?

Mr. BAKER. Yes, Mr. President, let me yield to the Senator from Mississippi and then to the Senator from Alabama.

Mr. STENNIS. Mr. President, the majority leader has outlined a very fine plan. Based on what I guess about the amendments to be offered, it may be that we are almost through this bill.

For 4 days, we were here on a very comprehensive bill, as the Senator will remember. Nearly all the appropriations bills have already passed. We have had some amendments today. If the majority leader would call for any amendments expected to be offered, we might find just a very few of them settle right down on it and be through in time to take up the other bills the Senator mentioned.

Mr. BAKER. Mr. President, I thank the Senator from Mississippi. I devoutly wish for that. I hope, indeed, that turns out to be the case.

I yield to the Senator from Mississippi.

Mr. DENTON. Mr. Leader, I imagine you heard, but I did not, on the last vote on the motion to table, was there a motion to reconsider?

Mr. BAKER. I do not believe so. If the Senator wishes to make that, I will yield now so he may do so.

Mr. DENTON. Mr. President, I make a motion to reconsider the vote by which the motion to table was not agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Now, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. I believe I made a point of order.

The PRESIDING OFFICER. The Senator had withheld his point of order. Will the Senator now please repeat his point of order?

Mr. WEICKER. I made the point of order against the second-degree amendment, that it was legislation on an appropriations bill.

The PRESIDING OFFICER. The amendment by the Senator from Alabama contains a contingency, and therefore it is legislation, so the point of order is sustained.

Mr. DENTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. DENTON. I appeal the ruling of the Chair, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the ruling of the Chair stand? The yeas and nays have been ordered. The clerk will call the roll.

Mr. DENTON. Mr. President, parliamentary inquiry. Will you clarify what the meaning of the yeas and nays is?

The PRESIDING OFFICER. The vote is in progress.

The assistant legislative clerk called the roll.

Mr. McCLURE (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Washington (Mr. Evans). If he were present and voting, he would vote "yea." If I were permitted to vote I would vote "nay." Therefore, I withhold my vote.

Mr. LONG (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from California (Mr. Cranston). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. STEVENS. I announce that the Senator from Washington (Mr. Evans), the Senator from Oregon (Mr. Hatfield), the Senator from Alaska (Mr. Murkowski), and the Senator from Illinois (Mr. Percy) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. Hatfield) would vote "yea."

Mr. BYRD. I announce that the Senator from California (Mr. Cranston) and the Senator from South Carolina (Mr. Hollings), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 46, nays 46, as follows:

[Rollcall Vote No. 346 Leg.]

YEAS—46

Andrews
Baker
Baucus
Bentsen
Bingaman
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Dodd
Glenn
Goldwater
Gorton
Hart
Heinz
Inouye
Kassebaum
Kennedy
Lautenberg
Leahy
Levin
Mathias
Matsunaga
Metzenbaum
Moynihan
Nunn
Packwood
Pell
Pryor
Riegle
Roth
Rudman
Sarbanes
Sasser
Simpson
Specter
Stafford
Stennis
Stevens
Tower
Tsongas
Wallop
Weicker

NAYS—46

Abdnor
Armstrong
Biden
Boren
Boschwitz
Cochran
D'Amato
Danforth
DeConcini
Denton
Dixon
Dole
Domenici
Durenberger
Eagleton
East
Exon
Ford
Garn
Grassley
Hatch
Hawkins
Hecht
Heflin
Helms
Huddleston
Humphrey
Jepsen
Johnston
Kasten
Laxalt
Lugar
Mattingly
Melcher
Mitchell
Nickles
Pressler
Proxmire
Quayle
Randolph
Symms
Thurmond
Trible
Warner
Wilson
Zorinsky

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

Long, against.
McClure, against.

NOT VOTING—6

Cranston
Evans
Hatfield
Hollings
Murkowski
Percy

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 46.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Has the Chair announced the vote?

The PRESIDING OFFICER. The Chair has announced the vote. The vote is 46 to 46.

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. I am advised that the ruling of the Chair is not the judgment of the Senate on a tie vote.

Mr. BUMPERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUMPERS. What is now the pending business?

The PRESIDING OFFICER. The pending question is the second-degree amendment offered by the Senator from Alabama (Mr. Denton).

Mr. BUMPERS. Mr. President, I withdraw my amendment without prejudice to its being offered later.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that we temporarily lay aside the pending business in order to consider an amendment which I have cleared with the distinguished manager of the bill as well as the Commerce Committee.

Mr. BAKER. Mr. President, reserving the right to object, I do not believe the Senator means to make it the pending business.

Mr. JOHNSTON. I mean the pending amendment.

Mr. BAKER. The pending question.

Mr. JOHNSTON. The pending question.

Mr. METZENBAUM. Mr. President, reserving the right to object, may we be informed what it is?

Mr. JOHNSTON. Yes.

The PRESIDING OFFICER. It is the proposition to lay aside both the pending amendments proposed by the Senator from Alabama (Mr. Denton).

Mr. METZENBAUM. Mr. President, reserving the right to object, may I ask the Senator from Louisiana what the business is and how long it will take?

Mr. JOHNSTON. It will not take long.

Mr. PACKWOOD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DENTON. Mr. President, I move to reconsider the vote by which the ruling of the Chair was not upheld.

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

On this question, the yeas and nays have been ordered.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. CHILES. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PACKWOOD addressed the Chair.

Mr. WEICKER. Mr. President, I am perfectly delighted to yield to the distinguished Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Parliamentary inquiry: The Chair was not sustained on the point of order, is that correct?

The PRESIDING OFFICER. Correct.

Mr. PACKWOOD. And was there a motion to table and to reconsider the vote? I could not hear.

The PRESIDING OFFICER. There was a motion to reconsider by the Senator from Alabama, Mr. Denton, and a motion to table by the Senator from

Idaho, Mr. McClure, and by agreement, the motion to table was agreed to.

Mr. PACKWOOD. Mr. President, I think at this stage, we are going to have to have some long discussion on the continuing resolution. For those who are in the Chamber, I plan to speak for, I would judge, an hour to an hour and a half tonight. I would be happy to talk with the majority leader about what his plans are, because I do not want to delay him in turning to other matters. But for now, I will simply go on reading from the book "Abortion in America." When I left off a year and a half ago, I had gotten to 1842:

> Van de Warker added that he was always astounded at "the cool effrontery of young girls and women" in discussing sexual matters with their local druggists. Throughout the 1860s and early 1870s local apothecaries wrote their national trade journal for the latest emmenagogic recipes and the "Druggists' Circular" complied by publishing several for their readers to try.
>
> Along with the suddenly striking public visibility of abortion and the existence of a booming business in abortifacient preparations, a third source of indirect evidence for the likelihood of increased abortion rates in the United States after 1840 was the accelerated proliferation of materials that allowed American women an ever widening access to possible methods of aborting themselves. While popular health manuals continued to supply some of this information, as they had earlier in the century, the number of specific tracts directed at women and their sexuality increased dramatically in the middle decades of the nineteenth century as well. Some of the latter had begun to appear in the 1830s, when the first serious public discussions of contraception and family limitation were published in the United States.
>
> Richard Reece's "Lady's Medical Guide," published in 1833, was a harbinger of later developments.

May we have order, Mr. President?

The PRESIDING OFFICER. The Senator from Oregon is correct. The Senate is not in order. The Senate will be in order. For those who desire to converse, please retire to the cloakrooms.

Mr. PACKWOOD. I thank the Chair.

> Reece advanced autoabortive techniques by recommending for suppressions of menstrual flow, in addition to the ingesting of aloes, black hellebore, or savin, the use of a syringe to administer vaginally solutions of pennyroyal, the favorite folk emmenagogue of the British Isles. Reece had patented a female syringe himself and urged readers to send for one. These syringes were doubtless ineffective as uterine probes and hence not directly abortive instruments, but their availability to the public beginning in the 1830s must have accustomed many women to the idea that instruments could be used safely and effectively to control their reproductive functions. In a similar vein, private clinics for women, like the one which opened at the corner of Lynde and Cambridge Streets in Boston in 1834, began to advertise pointedly during the 1830s their willingness to treat any and all female complaints. Although these early private clinics probably catered primarily to women concerned about venereal disease, such businesses were the forerunners of what would become a substantial number of private abortion clinics by the 1840s and 1850s.

The PRESIDING OFFICER. The Senate will be in order. The Senate will be in order.

Mr. PACKWOOD. I thank the Chair.

> In 1835 a leading Thomsonian writer, recommended in "the Midwife's Practical Directory" a mixture of tansy syrup and rum for women who had missed a period. The Thomsonians were among the regulars' most serious rivals during the 1830s and 1840s. Also among the enemies of the regulars were the so-called botanics, a sect that favored natural herbs over artificial drugs and chemicals. Professor Curtis of the Botanico-Medical College of Ohio, roasted the regulars in 1836 not only for their roughshod surgical techniques but for their enforced caution in cases of pregnancy. "The regulars," he wrote, were "afraid to give their Samsons [their most powerful drugs] in cases of gestation" and as a result often did a woman "an injury instead of giving her relief." Botanics, Curtis noted in a telling comparison, were able to forge ahead "always in favor of health and comfort, be the condition of the patient what it may." At the end of his volume Curtis appended recipes for supposedly natural emmenagogues.
>
> Alfred G. Hall, another botanic physician, was trying to compete for a livelihood in a city overcrowded with physicians: Rochester, New York.

The PRESIDING OFFICER. The Senate will be in order. Will the staff kindly cease all conversation? All conversations should be carried on in the cloakroom.

Mr. PACKWOOD. I thank the Chair.

> In 1843 Hall turned to publication to boost his income and attract some new patients. His "Mother's Own Book" listed in the table of contents under "secret information" a number of emmenagogic and abortifacient recipes. Most favored was a mixture of savin, gin, honey, and cayenne pepper, which Hall termed "very powerful in removing obstructions and perfectly safe."

The PRESIDING OFFICER. The Senate will be in order. Will the staff kindly cease conversations?

Mr. PACKWOOD. Again, I thank the Chair for maintaining order.

> He also confirmed——

The PRESIDING OFFICER. The Senate will be in order. Staff who continue to converse will be ejected from the Chamber. No conversations while the Senator from Oregon is speaking.

Mr. PACKWOOD. Again, I thank the Chair very much.

> He also confirmed, "Savin may be had at any of our apothecaries, in the shrub or leaves. It is an evergreen growing in this country, and it acts freely on the uterus in promoting Menstruation." After savin he liked bloodroot, black cohosh, hemlock, pennyroyal, tansy, and featherfew, each also taken with gin, honey, and cayenne. Laxatives and hot baths were recommended as supplements to these concoctions.
>
> A man calling himself A. M. Mauriceau and claiming to be a "Professor of Diseases of Women" published in 1847 "The Married Woman's Private Medical Companion." Mauriceau was actually Charles R. Lohman, Madame Restell's husband, though contemporary readers could hardly have known that. His book openly advocated abortion. In the introduction Mauriceau claimed that it was time for physiology to keep pace with the march of science, technology, and civilization. Women now could, and therefore now should, be spared from an early grave through excessive childbearing.
>
> He dismissed the argument that the kind of knowledge his volume conveyed might "perhaps . . . lead to immorality and vice." After all, his book addressed honorable, moral, married women. Mauriceau mentioned as emmenagogues the usual external causes of abortion, such as jumping and straining, plus several medicinal preparations. The latter depended upon thyme, pennyroyal, tansy, aloes, wild cherry bark, ash bark, or seneca snakeroot in various combinations with gin. His biggest pitch, however, was reserved for his own version of "Portuguese Female Pills," which he distributed by mail order. The pills "would undoubtedly, even produce miscarriage, if exhibited during pregnancy" and "their efficacy and certainty [were] such that they [were] sometimes administered in cases of malformation of the pelvis, when the female [was] incompetent to give birth at maturity." The pills were $5 per box, $3 per half box, and a New York City address was listed for mail orders.
>
> The "Married Woman's Private Medical Companion" discussed at length what Mauriceau believed to be the perfectly legitimate desire of many American women in the 1840s to limit the sizes of their families. Female health and happiness justified family limitation, and so might a desire to prevent the continuation of undesirable hereditary traits. Moreover, the social advantage of smaller families was, for Mauriceau, a compelling reason as well. He noted that poor women in the United States frequently nursed their infants over two years "to protect themselves, as they imagine, from becoming pregnant," but that this method was unreliable. The best method was an early abortion, the earlier the better, on the pretext of preventing a life-and-death crisis at full term. "It would seem more humane," he wrote, "to sacrifice, before the period of viability, an embryo whose existence is so uncertain, in order to protect the mother from the perilous chances of symphyscotomy [sic] and the Caesarean section. The abuse and criminal extention of such a resource," he added disingenuously, "is reprehensible, but not its proper and authorized employment. This operation should always be undertaken with great care, and all necessary precaution used to satisfy the public mind of its necessity." Perhaps most important of all, the volume continued to reassure women that abortions were, relative to childbirth, safe procedures in the 1840s. "As is well known by those versed in obstetrics," claimed Mauriceau, whenever an intentional abortion seemed medically necessary, "it [was] attended with no danger, especially in the earlier stages of pregnancy." In a footnote he mentioned that the process he used himself was perfectly safe, led to miscarriage in about three days, and would "impart no pain."
>
> Buel Eastman published his "Practical Treatise on Diseases Peculiar to Women and Girls" in Ohio in 1845, and by 1848 it was al-

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ready in its third edition. Eastman unambiguously endorsed the quickening doctrine, arguing that it was "hardly possible" to diagnose pregnancy prior to that sign. Consequently, women could and should treat themselves for stoppages until they actually quickened. Eastman's special pleading was on behalf of an herb known as biting smartweed, upon which he had written his dissertation. "This is the most active agent we possess to re-establish the monthly discharge," he asserted, and went into detail about its preparation and dosage. His appendix identified fifteen other substances as abortifacients or emmenagogues, and gave for each the recommended dosage in cases of suppression.

Another characteristic tract of the 1840s was M. K. Hard's "Woman's Medical Guide." Testifying indirectly to the increased frequency of instrumental abortion, Hard penned what amounted to a little treatise on the advantages of herbal and botanical emmenagogues over surgery. The book castigated the many physicians "whose only motive is gain," and urged women to use emmenagogic pills rather than become victims of the new corps of abortion performers. Hard favored herbal preparations and discussed in great detail the use of aloes, jalap, the varieties of cohosh, squawroot, black snakeroot, madder, smartweed, and motherwort.

Frederick Hollick brought out his "Diseases of Women in 1849. In it he mentioned mild emmenagogues, but refused to detail "stronger remedies" because he realized that American women were putting them to what he personally regarded as criminal usages as abortifacients. He likewise warned other physicians that patients often intentionally deceived medical men in cases of stoppage for the purpose of getting them to terminate suspected but unwanted pregnancies. Notwithstanding these attempts to separate himself from those writers who were making abortifacient information available to American women on a wide scale, Hollick did discuss two recently popularized methods of unblocking menstrual obstruction that had just come to his attention. By mid-century even the nation's inventors seemed intrigued by the potentialities of abortion as a widespread social phenomenon.

The first of the two devices Hollick claimed had recently become popular was a primitive suction system. Developed by a Dr. Sunot, the apparatus consisted of an air-tight cup "from which the air may be drawn by an air pump." It could be used on what Hollick euphemistically labeled the "lower body" to restore bleeding. According to Hollick, this device was "one of the most powerful and certain means of bringing on the menstrual flow that we possess. In fact, it can *scarcely fail!*" He did have the good sense to caution against using it recklessly, since it had the power to pull blood right through the pores of the skin. The second device Hollick described was based upon theories put forward earlier in the century concerning the effect of electricity in causing the uterus to empty its contents. This particular piece of equipment consisted of two long leads hooked up to a galvanic battery. One pole was placed upon the lower back, "and the other on the abdomen, just over the pubis; but at other times it is necessary to apply it more or less internally, in various ways not necessary to be here described."

Mr. BAKER. Mr. President, will the Senator yield?

Mr. PACKWOOD. Mr. President, I ask unanimous consent that I may yield to the Senator from Tennessee without losing my right to the floor and without my resuming being considered a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I recall now how I was not listening intently to his previous recitation from this book.

Mr. PACKWOOD. I would be happy to read it from the start. [Laughter.]

Mr. BAKER. It is no assault to the Senator's sensibilities to say that I do not plan to listen now either. [Laughter.]

What I would like to do, Mr. President, is to find useful work for the Senate.

Could I inquire of the Senator if he would be willing to yield to me for the purpose of a unanimous-consent request, the effect of which would be to put us on the Civil Rights Commission bill, on condition that if the request is granted, of course, he would lose the floor, but if the request is not granted, he would not lose his right to the floor, and that it would not count as a second speech.

Mr. PACKWOOD. Would the majority leader be willing, when we go back on this bill, to allow me to have the floor?

Mr. BAKER. I do not have the chairman of the committee present.

Mr. STENNIS. Mr. President, I would express the hope that it would be within an hour when we go back, giving us a chance to finish this thing.

Mr. BAKER. In response, Mr. President, I would like not to do that because I do not have the chairman here. It may be necessary for us to try to move on with the bill itself. But the Senator certainly can gain recognition.

Mr. PACKWOOD. The majority leader is right. I will yield for the purpose of his unanimous-consent request.

Mr. BAKER. I thank the Senator.

First, Mr. President, I make the request that the Senator may yield to me without losing his right to the floor, without it counting as a second speech when he resumes, unless the unanimous-consent request I make in respect of proceeding temporarily to another measure is objected to, in which case he will be rerecognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

CIVIL RIGHTS COMMISSION ACT OF 1983

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate temporarily lay aside the pending business and turn to the consideration of Calendar Order No. 360, H.R. 2230, an act to amend the Civil Rights Act of 1957.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I shall not object, the majority leader has propounded this request from time to time. We have all been put on notice and I know of no objection on this side.

Mr. BAKER. I thank the minority leader.

(Mr. PACKWOOD assumed the chair.)

Mr. BAKER. Mr. President, do I understand the distinguished Senator from Pennsylvania, who was most recently the occupant of the chair, may wish to reserve his right to object to the request I have put?

Mr. SPECTER. Mr. President, I did not plan to object. I wanted to be on the floor so I could be in a position to offer an amendment.

Mr. BAKER. The request pending is the request I stated earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2230) to amend the Civil Right Act of 1957 to extend the life of the Civil Rights Commission, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, the distinguished chairman of the Judiciary Committee is here and I understand the distinguished ranking minority member is here. It would be my hope that we could finish this bill this afternoon. I understand there will be amendments offered. We do not have a time agreement, but I hope Senators can turn their attention to the matter and finish the bill by, say, 6:30 p.m.

Mr. President, I also would say that there are items which have been cleared on today's Executive Calendar and the Legislative Calendar. We will do those immediately after we complete debate on this bill, or at 6:30 this afternoon.

Mr. President, I thank all Senators for their cooperation.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. President, I shall withhold the amendment until there have been opening statements by the chairman and the ranking member.

The PRESIDING OFFICER (Mr. DANFORTH). The Senator from South Carolina.

Mr. THURMOND. Mr. President, I support H.R. 2230, a bill to extend the life of the Civil Rights Commission.

The Civil Rights Commission was created in the 1957 Civil Rights Act. At that time, it was given only a 2-year existence. A series of subsequent authorizing legislation has extended the Commission until this year.

For several months, the Committee on the Judiciary has had under active consideration various proposals to reauthorize the Commission. These include the administration's proposal, which I introduced by request last spring, and a wide variety of permutations of legislation which has been introduced. The qualified nominees submitted by the administration have been simultaneously pending in the committee. We have attempted in good faith to work out an acceptable compromise under which those nominees could serve on a Civil Rights Commission with an extended life.

Mr. President, at no time during the course of those negotiations was the reauthorization of the Civil Rights Commission in doubt. I have made that intention clear, as have the distinguished majority leader (Mr. Baker) and the chairman of the subcommittee (Mr. Hatch). As recently as last week, the administration reaffirmed its clear support for the continued existence of that body.

Mr. President, with the November 29 deadline looming before us, it is imperative that we act as expeditiously as possible. The Commission must be reauthorized promptly. After surveyng all of the alternatives, I have concluded, along with the administration, the majority leader and the subcommittee chairman, that the best course of action at this point is to accept the bill passed by the House of Representatives, without change. This will enable us to send legislation to the President for his signature immediately. I see no reason for further delay at this point.

The House bill, H.R. 2230, has two basic features. First, it would extend the life of the Commission for 5 years, through September 30, 1988. This extension is in keeping with those in the past. Second, it would limit the President's removal power so that only removal "for cause" would be authorized. This, I believe, addresses the concerns which have been voiced by some of my colleagues. H.R. 2230 was passed by the House with wide, bipartisan support.

I understand that an amendment will be offered to this bill which would essentially place the Commission in the legislative branch of the Federal Government. I believe that this course of action would be ill-advised in several respects. First, it would further delay this legislation and place us in grave danger of missing the November 29 deadline. Second, there are substantial problems with this alternative, which I will discuss in more detail when it is offered. It is strongly opposed by the administration and was recently questioned in a Washington Post editorial.

Mr. President, in summary, let me emphasize that the continued life of the Civil Rights Commission has had, and continues to have, the support of the administration, myself, and various others on both sides of the aisle. In furtherance of that position, I firmly believe that this body should act promptly and favorably on H.R. 2230, without amendment.

Mr. BIDEN. Mr. President, I want first to thank the majority leader for keeping his commitment, as he always does keep his commitments, to bring up this legislation and to the chairman of the full Committee on the Judiciary for keeping his commitment to make sure that we move on disposing one way or the other of the Civil Rights Commission and its markup for reauthorization. I shall be very brief at this time and then yield to the Senator from Pennsylvania.

What I would like to do is make one thing perfectly clear: The House bill that we are voting on or will be voting on is not a bill everyone in the House supports. The House bill was in the context of an overall agreement. The overall agreement encompassed the makeup of the Commission.

As we all remember, the President of the United States did what some argue it is not his authority to do. Others, like myself, argue about the wisdom of his having done it. Still others argue that he does not have the legal basis to do it. Nonetheless, the President came forward and said he did not like those folks around the Commission now.

A President can say that.

The President then went forward and decided he was going to change two of the folks on that commission, and he did. That caused a bit of a brouhaha.

Then he suggested, about early summer, that he had decided there were three more people he did not like on that commission, one who is affectionately referred to as a Maoist, the other referred to as having been there too long. In our conversations about this, he said, "I do not want those three folks on the Commission and I am appointing three new folks. They are good folks." And they are. Abram is a qualified man, has good credentials on civil rights, and the two other appointees are good folks.

It became clear that there were some of us in the Senate who thought this was putting into question the independence of the Civil Rights Commission—which I might add has been an independent advisory group—I emphasize "advisory"—underline "advisory," I reemphasize "advisory." That is all it is, advisory. Some of us thought that, notwithstanding the fact that it had been an independent advisory committee from Eisenhower straight through President Reagan, President Reagan was, at a minimum, committing a breach of faith regarding what we all thought heretofore was an independent Commission. We can all argue whether it was or was not.

I suggest that the end result was that there was a great deal of discussion and dilemma about the future makeup of the Commission. The Senator from Utah, the Senator from North Carolina, the Senator from Kansas, the Senator from Pennsylvania and others of us said, maybe we can work this thing out; maybe we can do something that makes sense, preserves the integrity from our perspective and from the perspective of the Senator from Utah and others, who thought the integrity was there all the time; maybe we can do something to preserve the President's prerogative. maybe we can start to negotiate.

We negotiated for, literally, months—specifically 5 months. I am embarrassed to say I have probably spent more time on this issue, which Senator Dole refers to as a beltway issue, than anything else I have done in the last 5 months.

It was a good-faith effort. We met with administration officials, we met with everyone. We finally had a proposal that was encompassed within the context of this House-passed legislation to reauthorize the Commission, which said, "Look, we are going to increase the membership to eight and we are going to work it out the following way: We are going to have two of the three appointees that the President wants right away, one more of the appointees, the third one, in January of 1985, and then we are going to have two every year thereafter," and so on and so forth.

We really did, I thought, some pretty good work. We got a consensus, at least in terms of votes, on the Judiciary Committee. We thought we had it pretty well locked up and satisfied. Not everybody was happy—the civil rights community was not happy, the President was not happy, but the Senate was happy, and at least a majority of the members of the committee were happy. A majority, I emphasize. There was a distinct number of those in the minority who were not happy, but at least a majority were happy. So I got on my usual Amtrak train and headed on down thinking I had done the Lord's work the last 5 months along with Senators Specter, Dole, and others, and we had come up with a way to satisfy the civil rights constituency in this country, of which I consider myself a member, and also to do something which was positive and productive. I got in my office at 9:30 in the morning. We were about to go in to meet, and I received a call from the distinguished Senator from the full committee who said, "Joe, I think we are going to cancel today's executive session," which he should have done in light of what happened. I said, "Well, why?" He said, "Well, the President"—the chairman did not say this, but my staff informed me that the President had fired three members of the Commission, the three we had been negotiating over for 5 months. I almost wish he had just fired them in the beginning and we had gone on to this thing 5 months ago. But after 5 months of good negotiation, the morning we go in with the votes to pass the legislation, which is a version of this legislation that we have before us now, the President fired everybody. Well, all bets were off. He fired everybody. The House thought that the bill they passed and sent over to us was based on the makeup of the Commission at the time the House passed that bill. Now I find myself in the dubious position, along with Senator SPECTER and others on the floor, saying we are against this House-passed bill because after the firings, the House-passed bill does not maintain the integrity and the independence of the Commission.

So the President says he wants a commission, a Civil Rights Commission. Well, with all due respect, he wants a kind of Civil Rights Commission different than the kind of Civil Rights Commission I want. I want a Civil Rights Commission that is able to say what it wants to say and give an advisory opinion. Why should the President be afraid of an advisory opinion? The Civil Rights Commission has disagreed with every President, has criticized every President from Dwight D. Eisenhower, John Kennedy, Lyndon Baines Johnson, Richard Nixon, Gerald Ford, and Jimmy Carter. They have all been criticized by it. They did not like it; they lived with it. I thought that was part of the process. I, for example, am in total agreement with the appointees, and have so voted for the last 11 years, who state that they are for civil rights, but against busing and against quotas. So I do not just say that. I voted that way, and I voted that way as an advocate of civil rights for the past 11 years.

We are told that the real reason people are against these appointments relates to whether or not they are either for busing or against busing or for quotas or against quotas. It has nothing to do with that. It has to do with the integrity of the Civil Rights Commission.

And so I am going to yield the floor now, but I want to emphasize again for those who have their squawkboxes on, do not be misled; the House-passed bill that is before us, that is about to be amended, absent it being amended, is not supported by the civil rights community; it is not supported by the majority of the Members of the House of Representatives, and it is not supported by those of us who have been working for a compromise. The fact of the matter is, some of us think maybe the President has a different agenda on this issue and we are prepared to discuss, not at length but fully and hopefully by 6:30 finish it all, what that agenda is. With that, I will yield the floor.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. CRANSTON. Mr. President, for a quarter of a century the Civil Rights Commission has expressed the commitment of our Government and the American people to the cause of equal justice and civil rights.

Until this year, it was a commission free of Presidential obstruction, interference and manipulation.

If Congress refuses to act now and reauthorize an independent Civil Rights Commission, then Congress will demonstrate that it is as indifferent to civil rights as is Ronald Reagan.

This is the issue facing the Senate: Our responsibility—in the face of Presidential intransigence—to protect the independence and insure continuation of the Civil Rights Commission.

The U.S. Commission on Civil Rights was created by the Civil Rights Act of 1957.

The Commission is empowered to examine and report on discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, handicap, national origin, or in the administration of justice.

For more than 25 years, this Commission has carefully evaluated the effect of Federal laws in causing or in preventing discrimination.

It has weighed the effectiveness of Government equal opportunity programs in remedying the effects of discrimination and in providing equal employment opportunities to all our citizens.

Throughout its lifetime, the Commission has served with significant beneficial effect as a national clearinghouse for civil rights information.

Presidents of the United States have not always been pleased with the critiques of their programs issued by an independent, bipartisan Civil Rights Commission.

But every President of either party from Dwight Eisenhower to Jimmy Carter supported the efforts of this Commission and permitted it to do its work independently and without interference.

Every President until Ronald Reagan.

Mr. President, to do its job properly the Civil Rights Commission must function independently, free of Presidential domination.

Yet Ronald Reagan—who already had appointed two of the six sitting commissioners—recently fired without cause three additional commissioners to appoint others more to his liking.

Moreover, this precipitous action has been only the latest in a series of actions by this administration to obstruct a bipartisan settlement of the closely related issues of reauthorization and continued independence of the Commission.

Permitting Ronald Reagan to name five of the six commissioners as a price for reauthorization is too expensive a price, Mr. President, no matter how well qualified Ronald Reagan's nominees are.

If President Reagan is permitted to get away with his unprecedented firing of these commissioners without cause, no further commissioner would even feel free to express views critical of any administration policy without fearing loss of his or her job.

This is bound to chill the work of the Commission.

The President's actions raise serious questions about his willingness to permit an independent Civil Rights Commission to survive and about the sincerity of his commitment to civil right generally, despite his recent statements in signing the Martin Luther King holiday legislation.

Ronald Reagan in out of step with the vast majority of the Members of this body—on both sides of the aisle—and with the vast majority of Americans who believe this Commission should continue its vital work free of Presidential interference.

The Senator from Pennsylvania (Mr. SPECTER), member of the President's party, and the Senator from Delaware (Mr. BIDEN), the ranking Democrat on the Judiciary Committee, have jointly authored the amendment before us. This amendment will permit the Civil Rights Commission to do its work as an independent, bipartisan congressionally appointed body.

We do not have time to melt the opposition of this intractable President.

The Commission's legal authority has already expired, and the Commission will be shut down within a few weeks unless Congress acts now.

I urge overwhelming support for the Specter-Biden amendment to reestablish an independent Civil Rights Commission.●

AMENDMENT NO. 2533

(Purpose: To establish a Commission on Civil Rights in the legislative branch of the Federal Government)

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER), for himself and Mr. BIDEN, proposes an amendment numbered 2533.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, through line 2 on page 3 line three, strike all after the word "That" and insert in lieu thereof the following: this Act may be cited as the "Commission on Civil Rights Authorization Act of 1983".

SEC. 2. (a) Section 101 of the Civil Rights Act of 1957 is amended to read as follows:

"ESTABLISHMENT OF THE COMMISSION ON CIVIL RIGHTS

"SEC. 101. (a) There is created in the legislative branch of the Government a Commission on Civil Rights (hereafter in this Act referred to as the 'Commission').

"(b) The Commission shall be composed of eight members as follows:

"(1) four shall be appointed by the Speaker of the House of Representatives on the recommendation of the Majority Leader and the Minority Leader, no more than two of whom shall be of the same political party; and

"(2) four shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader of the Senate, no more than two of whom shall be of the same political party.

Not more than four of the members shall at any one time be of the same political party.

"(c) The Commission shall select a Chairman and a Vice Chairman from among its members annually. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

"(d) Members of the Commission shall be appointed for a term of eight years, except that as designated by the Speaker of the House of Representatives and the President pro tempore of the Senate the first and second Commissioners appointed shall serve two-year terms, the third and fourth Commissioners appointed shall serve four-year terms, and the fifth and sixth Commissioners appointed shall serve six-year terms. A Commissioner may be reappointed.

"(e) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations, as the original appointment was made.

"(f) A member of the Commission may continue to serve until his successor has taken office as a member of the Commission.

"(g) A majority of the Commission shall constitute a quorum.

"(h) The Speaker of the House of Representatives and the President pro tempore of the Senate jointly may remove a member of the Commission only for neglect of duty or malfeasance in office.".

(b) Section 102 of the Civil Rights Act of 1957 is amended by adding at the end thereof the following new subsection:

"(m) The provision of subchapter II of chapter 5 of title 5 of the United States Code, relating to administrative procedure and freedom of information, shall, to the extent not inconsistent with this section, apply to the Commission established under this Act.".

(c) Section 104(c) of the Civil Rights Act of 1957 is amended to read as follows:

"(c) The Commission shall submit reports to the Congress at such times as the Commission or the Congress shall deem desirable.".

(d) Section 105(a) of the Civil Rights Act of 1957 is amended to read as follows:

"(a)(1) There shall be a full-time staff director for the Commission who shall be appointed by majority vote of the Commission.

"(2)(A) Effective November 29, 1983, or on the date of enactment of this Act, whichever occurs first, all employees (other than the director, the members of the Commission and the special assistants thereof) of the Commission on Civil Rights are transferred to the Commission established by the amendment made by section 2(a) of the Commission on Civil Rights Authorization Act of 1983.

"(B) Upon application of any individual (other than the Director, a member of the Commission or a special assistant thereof) who was an employee of the Commission on Civil Rights established by the Civil Rights Act of 1957 on September 30, 1983, the Commission shall appoint such individual to a position the duties and responsibilities of which and the rate of pay for which, are comparable to the duties, responsibilities and rate of pay of the position held by such employee on September 30, 1983.

"(C) Any employee transferred under subparagraph (A) or appointed under subparagraph (B) shall be deemed to have been employed by the Government without a break in service for purpose of chapter 35 (retention preference), 55 (pay administration), 63 (leave), 81 (insurance) and 89 (health insurance) of title 5, United States Code.

"(3) Within the limitations of its appropriation, the Commission may appoint such other personnel as it deems advisable.

"(4) The Commission shall, not later than 90 days after the date of enactment, establish by regulation a personnel management system for the Commission which shall be consistent with the personnel management system established under section 732 of title 31, United States Code.".

(e) Section 106 of the Civil Rights Act of 1957 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 106. There are authorized to be appropriated $12,180,000 for each of the fiscal years 1984, 1985, 1986, and 1987.".

SEC. 3. (a) Effective thirty days after the date of enactment of this Act, files, records, and balances of appropriations of the Commission on Civil Rights are transferred to the Commission established by the amendment made by section 2(a) of this Act.

(b) To the extent not inconsistent with the amendments made by this Act, the Commission established by the amendment made by section 2(a) of this Act shall be bound by all rules issued by the Civil Rights Commission established by the Civil Rights Act of 1957 which were in effect on September 30, 1983, until modified by the Commission in accordance with applicable law.

Mr. SPECTER. Mr. President, this amendment is designed to further the purpose outlined in the last speech by the distinguished Senator from Delaware (Mr. BIDEN), and it seeks to establish a congressionally appointed, bipartisan Civil Rights Commission. The purpose of this amendment is to break the impasse which we now find ourselves in as a result of the events of the past several months.

In proposing this amendment, I do so reluctantly because it had been the hope of the Senator from Pennsylvania that the controversy could be worked out on an amicable basis among all the parties involved. I commend the very distinguished Senator from South Carolina, who chairs the Committee on the Judiciary, for his very strenuous efforts in trying to work out a compromise on this matter and for his patience in scheduling and rescheduling the complex matters which have come before the Committee on the Judiciary. I also commend the distinguished Senator from Utah (Mr. HATCH) for his diligence in conducting very extensive hearings on the three nominees submitted by the President, hearings which were held many months ago, as early as July 1983.

I sat through all of those hearings and, frankly, was impressed with the credentials of the three nominees submitted by the President. But as those hearings progressed, I came to conclude that if the three nominees were confirmed by the Senate, the institutional independence of the Commission would be undermined. Because of that sense, I wrote to the President on July 29, 1983, in a letter which was not made public at that time, as follows:

JULY 29, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As a result of listening to many witnesses at Judiciary Committee hearings and reflecting on the matter, I am writing to urge you to reconsider your three nominations for the U.S. Civil Rights Commission.

I do so for these reasons: (1) the confidence of the American people in civil rights enforcement requires it; (2) your policy on civil rights has been badly misunderstood; (3) this bold move, which would be a sharp reversal of your present position, would restore public confidence in your civil rights position.

As the record will show at the two hearings before the Judiciary Committee, I stated for the record that I believed you had the right to replace Commission members and the sole question before the Committee was the independence and qualification of your nominees. As the hearings progressed, there was no significant challenge to the qualfication and independence of the nominees.

Based on that analysis, it was my initial conclusion that the nominees should be confirmed. However, in this unique situation, the whole is greater than the sum of the parts.

In a context where you would be replacing five of six Commission members in an unprecedented manner during the 26 year life of the Commission, there is substance to the objection raised by so many witnesses that the character of the Commission is being inappropriately reshaped by one Administration which is contrary to the intent of Congress and the continuity of independence of the Civil Rights Commission. The substance, as well as the perception, is that the institutional independence of the Commission would be altered.

Such a bold move on your part would, in my opinion, give additional strength to your Presidency and to your commitment on civil rights. There is real value to listening and hearing and changing your mind.

It is my considered judgment that it is in the national interest generally and the enforcement of the civil rights law specifically for you to withdraw the three nominations.

Sincerely,

ARLEN SPECTER.

AMENDMENT NO. 2534

(Purpose: To establish a Commission on Civil Rights in the legislative branch of the Federal Government)

Mr. BIDEN. Mr. President, will the Senator yield?

Mr. SPECTER. I do.

Mr. BIDEN. Mr. President, I send a perfecting amendment to the desk to the pending amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. SPECTER. I do.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Delaware (Mr. BIDEN) proposes an amendment numbered 2534.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after line 4 on page 1 and insert in lieu thereof the following:

SEC. 2. (a) Section 101 of the Civil Rights Act of 1957 is amended to read as follows:

"ESTABLISHMENT OF THE COMMISSION ON CIVIL RIGHTS

"SEC. 101. (a) There is created in the legislative branch of Government a congressional Commission on Civil Rights (hereafter in this Act referred to as the 'Commission').

"(b) The Commission shall be composed of eight members as follows:

"(1) four shall be appointed by the Speaker of the House of Representatives on the recommendation of the majority leader and the minority leader, no more than two of whom shall be of the same political party; and

"(2) four shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and the minority leader of the Senate, no more than two of whom shall be of the same political party.

Not more than four of the members shall at any one time be of the same political party.

"(c) The Commission shall select a Chairman and a Vice Chairman from among its members annually. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

"(d) Members of the Commission shall be appointed for a term of eight years, except that as designated by the Speaker of the House of Representatives and the President pro tempore of the Senate the first and second Commissioners appointed shall serve two-year terms, the third and fourth Commissioners appointed shall serve four-year terms, and the fifth and sixth Commissioners appointed shall serve six-year terms. A Commissioner may be reappointed.

"(e) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

"(f) A member of the Commission may continue to serve until his successor has taken office as a member of the Commission.

"(g) A majority of the Commission shall constitute a quorum.

"(h) The Speaker of the House of Representatives and the President pro tempore of the Senate jointly may remove a member of the Commission only for neglect of duty or malfeasance in office.".

(b) Section 102 of the Civil Rights Act of 1957 is amended by adding at the end thereof the following new subsection:

"(m) The provision of subchapter II of chapter 5 of title 5 of the United States Code, relating to administrative procedure and freedom of information, shall, to the extent not inconsistent with this section, apply to the Commission established under this Act.".

(c) Section 104(c) of the Civil Rights Act of 1957 is amended to read as follows:

"(c) The Commission shall submit reports to the Congress at such times as the Commission or the Congress shall deem desirable.".

(d) Section 105(a) of the Civil Rights Act of 1957 is amended to read as follows:

"(a)(1) There shall be a full-time staff director for the Commission who shall be appointed by majority vote of the Commission.

"(2)(A) Effective November 29, 1983, or on the date of enactment of this Act, whichever occurs first, all employees (other than the Director, the members of the Commission and the special assistants thereof) of the Commission on Civil Rights are transferred to the Commission established by the amendment made by section 2(a) of the Commission on Civil Rights Authorization Act of 1983.

"(B) Upon application of any individual (other than the Director, a member of the Commission or a special assistant thereof) who was an employee of the Commission on Civil Rights established by the Civil Rights Act of 1957 on September 30, 1983, the Commission shall appoint such individual to a position the duties and responsibilities of which and the rate of pay for which, are comparable to the duties, responsibilities and rate of pay of the position held by such employee on September 30, 1983.

"(C) Any employee transferred under subparagraph (A) or appointed under subparagraph (B) shall be deemed to have been employed by the Government without a break in service for purpose of chapter 35 (retention preference), 55 (pay administration), 63 (leave), 81 (insurance) and 89 (health insurance) of title 5, United States Code.

"(3) Within the limitations of its appropriation, the Commission may appoint such other personnel as it deems advisable.

"(4) The Commission shall, not later than 90 days after the date of enactment, establish by regulation a personnel management system for the Commission which shall be consistent with the personnel management system established under section 732 of title 31, United States Code.".

(e) Section 106 of the Civil Rights Act of 1957 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 106. There are authorized to be appropriated $12,100,000 for each of the fiscal years 1984, 1985, 1986, and 1988.".

SEC. 3. (a) Effective thirty days after the date of enactment of this Act, all files, records, and balances of appropriations of the Commission on Civil Rights are transferred to the Commission established by the amendment made by section 2(a) of this Act.

(b) To the extent not inconsistent with the amendments made by this Act, the Commission established by the amendment made by section 2(a) of this Act shall be bound by all rules issued by the Civil Rights Commission established by the Civil Rights Act of 1957 which were in effect on September 30, 1983, until modified by the Commission in accordance with applicable law.

Mr. BIDEN. Mr. President, this amendment is one I hope the Senate will consider. I yield the floor.

Mr. SPECTER. The essential conclusion is that, with the confirmation of the President's three nominees, there would be five appointed by the President. In my judgment, that puts the institutional independence of the Commission into question.

The sequence of events which next followed, Mr. President, was that an effort was made to work out a compromise. At one juncture, representatives of the White House urged the Committee on the Judiciary to vote out the President's three nominees.

I agreed with representatives of the White House to cast a vote to vote out those three nominees so that the matter might be considered on the floor of the Senate. At the same time, I made my position plain at that time that I would vote for one of the nominees, Mr. Morris Abrams, who appeared to me to be preeminently well qualified, but I would not vote for the other two, not because of their lack of qualification but because of my conclusion that if all three were confirmed the institutional independence of the Commission would be undermined.

The Committee on the Judiciary would have been split, as I understand the positions, 9 to 9, notwithstanding my agreement to vote out all three nominees, and a vote was never taken.

The next sequence of events included substantial discussion, my introduction of Senate bill 1832, which was a compromise to provide for permanent reauthorization of the Commission and to establish 6-year staggered terms for members of that Commission. The distinguished Senator from Kansas (Mr. DOLE) then elaborated on that proposal by suggesting an eight-member Commission with staggered terms, replacement only for cause, and which could function only with the existence of a quorum. The efforts at compromise came very close, indeed, with a final thought that the Commission would be expanded to eight. The President would secure two additional appointments which, considering the two which he had already appointed, would bring his total appointments to four. Four appointees would already have been named by other appointing authorities.

The negotiations broke down when representatives of the President wanted a fifth appointment, effective April 1, 1984. It was my thought and the thought of others that that would not maintain the institutional independence of the Commission, because it would simply not be an even division.

The events of the firing of three Commissioners are now history, and it is my thought that some action must be taken to maintain the existence of a Civil Rights Commission. It is vital that there be a Commission to protect the interests of minorities, blacks, Hispanics, the interests of women, and the interests of all, without regard to race, color, or creed.

The congressionally appointed Commission of eight members, four to be appointed by the leaders of the Senate—two Democrats and two Republicans—and four to be appointed by the leadership of the House—two Democrats and two Republicans—will maintain the purpose of the existing Commission, that is, its investigatory role, its evaluating role, and its reporting role.

The decisions of the courts have made it plain that this is entirely constitutional: *Hannah* v. *Larche,* 363 U.S. 420, a 1960 decision by the Supreme Court, and *Buckley* v. *Valeo,* 424 U.S. 1 (1976), another decision by the Supreme Court of the United States.

Essentially stated, the Commission would go forward on a bipartisan basis, and the civil rights would continue to be protected. In my judgment, this is the best compromise which can be crafted, based upon the status of the record at this time.

Mr. President, have the yeas and nays been requested?

The PRESIDING OFFICER. The yeas and nays have not been requested.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. On the second-degree amendment or the first-degree amendment?

Mr. SPECTER. At this time, I withdraw my request for the yeas and nays.

Mr. DOLE. Mr. President, as I understand it, the pending business is the amendment of the Senator from Pennsylvania.

The PRESIDING OFFICER. The pending amendment is the Biden amendment to the Specter amendment.

Mr. DOLE. Mr. President, I regret that I was not here to hear the opening statements. I have listened carefully to the Senator from Pennsylvania.

In this instance, I think that both sides got what they deserve. We tried for weeks to work out a compromise, and neither side would give. I guess each side had a strong vested interest in the outcome; and as a result, despite all the good intentions of a lot of people, it was not possible to put together a compromsie that would satisfy one group on the one hand or the administration on the other hand.

The net result is why we are here today, and we are here today still searching for that compromise, whereby each side understands the interests of the other and is willing to accommodate some of the concerns the other side has.

My view is that we should have at least a quasi-Presidential commission. We are talking about Congress having a legislative commission. We are not even under the act. We are not even under the EEOC. Maybe it is all right for us to say that we should have a Civil Rights Commission and that we think we should have an amendment to say that we also will be subject to the laws as they apply. But it seems to me that the debate has been initiated, and perhaps between now and tomorrow morning there will be enough give on each side that it might even bring this to a rapid conclusion.

Mr. President, I have been working with Members on both sides, as have the Senator from Pennsylvania, the Senator from Delaware, the Senator from South Carolina, the Senator from Utah, and others, trying to hammer out some compromise that would not destroy the importance of the Commission.

It seems to me that in order to keep it at the same high level, there must be some Presidential involvement. You can have a Presidential commission, and that is one thing. You can have a legislative commission, and that is something else. How do you put it together?

You have the President appoint four members of an eight-member Commission, and then the House and Senate leaders recommend two apiece, and the President must accept those recommendations, and the President has the right to name the chairman and the cochairman, and things of that kind.

It seems to me that we are fairly close to working out some satisfactory package where there is a shared authority to appoint members of the Civil Rights Commission—specifically, the President pro tempore of the Senate and the Speaker of the House, upon the recommendation of the leadership of both parties, to submit candidates to the President. The question is, how many names? Does the President have a right to appoint four of the eight? Those are areas we have been exploring all day today and yesterday and in the past few days.

I hope that before any final action is taken on this amendment, we might have an opportunity at least to discuss it with the distinguished chairman of the committee and the distinguished ranking minority member of the committee, to see if we are getting close enough to find some agreement whereby we can accommodate the interests of all parties concerned.

Mr. BIDEN. Mr. President, will the Senator yield for a question?

Mr. DOLE. I yield.

Mr. BIDEN. I am not quite certain that I understand how far the Senator has flushed out this potential compromise. Does the potential vehicle for compromise envision the President with four appointees?

Mr. DOLE. That is one track we are pursuing, where the President, in effect, would have four appointees and, for all practical purposes, Congress would have four appointees, or you would limit his option so that he would have to take the recommendations from the Senate and the House, each of which would have two recommendations.

Mr. BIDEN. With respect to those appointees, has the Senator considered the prospect that the appointments made by each of the appointing powers—whether the President, the Senate, or the House—be bipartisan, that the President would have to appoint two and two, or one and one from different parties?

Mr. DOLE. That is right. We would try to maintain that parity, which is historic, as the Senator knows, on the Commission, which is one reason why many of the civil rights groups objected to the President's early plan, because it disrupted that balance. The balance would be an eight-member Commission, with not more than four from either party. Just how you reach that four, I guess, is a detail we would have to fashion, but it seems to me that we must have a balance.

Did I answer the Senator?

Mr. BIDEN. The Senator did just fine.

Mr. DOLE. I had a little side conference there.

But it seems to me there is a lot of good will in the Chamber and I hope outside of the Chamber we could probably discuss this, unless there is some disposition to end the debate on this and pass something this evening. There is a fairly good chance. I know the Senator from New Mexico, Senator DOMENICI, has been working with some of the civil rights groups and representatives of the White House. He has had a lot of input this afternoon. He is willing to try to help us. It is not a budget problem. But he has a very real interest in this area.

Mr. BIDEN. Mr. President, if the Senator will yield, I am not adverse, as the Senator well knows, to working this out. I would love to work it out. It may be that if the Senator has any draft of the potential compromise he is suggesting we could see that. I am not anxious to preclude the prospect of that occurring. I yield to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, will the Senator from Kansas yield for a question?

Mr. DOLE. I am happy to yield the floor.

Mr. SPECTER. Mr. President, I commend the Senator from Kansas who I think is not only a great compromiser but the greatest compromiser, and it has been my sense that when it was obvious that this amendment had two principal sponsors and 52 cosponsors there would be some movement by the administration to come to a compromise. I think that is by far the best resolution.

I would much prefer to see a Civil Rights Commission maintained in its current form with the President as the appointing authority. Given all the options, that is the preferable option.

I think we would all like to support the President on both sides of the aisle if we can, consistent with the preservation of the Civil Rights Commission and consistent with the institutional independence of the Commission. If a compromise can be worked out, that would be my fondest wish.

I would certainly join with the distinguished Senator from Kansas in any proposal that would reach that objective and that end.

Mr. BIDEN. Mr. President, will the Senator yield?

Mr. SPECTER. I yield.

Mr. BIDEN. This may be the appropriate thing to do because again we are not anxious—the Senator from Pennsylvania, the Senator from Maryland, any of us—to do anything other than to try to come up with a reasonable way to honor the independence of the Commission, and we would wish to have all the parties dealt in.

I would like to have the President part of that if he is willing. It may be appropriate in light of the fact that the pending business is the amendment that has 54 cosponsors. Rather than pursue that at this time it may be appropriate either to suggest the absence of a quorum and to sit down and see if we can work something out, or continue to talk about this, while we sit down and try to work something out.

I for one am not anxious to preclude any last-minute attempt to work out a compromise. I am happy to do that.

Mr. DOLE. Mr. President, I will just say to the Senator from Delaware, and again this is something we just talked about orally—I do not have it in writing, but it could be jotted down in writing—I do not think there are many areas that cannot be addressed. I think there must be a recognition by the different——

The PRESIDING OFFICER. The Chair will advise the Senator from Delaware that his amendment appears to strike out language in the original amendment and replace it with identical language and that such an amendment is not in order. Therefore, the amendment is not in order.

Mr. BIDEN. Mr. President, I wish to suggest that I modify my amendment, and I would send that modification to the desk.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. BIDEN. Mr. President, the Senator cannot yield the floor because if the Senator yields the floor he cannot send his modified amendment to the desk, so the Senator will be delighted to yield the floor as soon as he sends the modified amendment to the desk.

Mr. MATHIAS. Mr. President, I wish to ask the Senator a question.

Mr. BIDEN. I am delighted to yield for a question without losing my right to the floor, and I am delighted to answer a question.

Mr. MATHIAS. Mr. President, is the Senator familiar with that passage from the beatitudes——

Mr. BIDEN. I am familiar with all of them.

Mr. MATHIAS (continuing). Blessed are the peacemakers.

Mr. BIDEN. That is correct.

Mr. MATHIAS. But is the Senator also aware that peacemakers usually have a pretty tough time of it?

Mr. BIDEN. I am familiar with that passage. Does the Senator have any reason for asking me that?

Mr. MATHIAS. Oh, yes. I ask the Senator the question whether he is familiar with the beatitude, "blessed are the peacemakers," because I think that is the role the Senator from Kansas has been attempting to play here. It is a valuable role. However, I just wanted to be sure that both the Senator from Kansas and the Senator from Delaware were aware that the path of the peacemaker is never easy. Not very many people will agree with the compromise solution. The peacemakers are reviled and in some cases attacked. But I think it is still an effort that needs to be undertaken because we are really at a moment of crisis as far as the Civil Rights Commission is concerned. This thing can either descend into a bottomless pit, if there is disagreement with the Executive and disagreement among ourselves, or we can take this last opportunity to try to work out a compromise.

I want to commend what the Senator from Delaware is attempting to do and what the Senator from Kansas is attempting to do and what the Senator from Pennsylvania has done, because I think this is the last stop. This is the last time the train will stop in this station and we had better get on it.

Mr. BIDEN. I thank the Senator for his question. I am aware of the fact that the peacemakers are reviled sometimes and that is why I want to let Senator Dole know right this minute I would not be that way with him. I am going to support him all the way down the line in his efforts to make peace.

Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The modified amendment is as follows:

Strike out all after line 4 on page 1 and insert in lieu thereof the following:

Sec. 2. (a) Section 101 of the Civil Rights Act of 1957 is amended to read as follows:

ESTABLISHMENT OF THE COMMISSION ON CIVIL RIGHTS

"Sec. 101. (a) There is created in the legislative branch of Government a Congressional Commission on Civil Rights (hereafter in this Act referred to as the 'Commission').

"(b) The Commission shall be composed of eight members as follows:

"(1) four shall be appointed by the Speaker of the House of Representatives on the recommendation of the Majority Leader and the Minority Leader, no more than two of whom shall be of the same political party; and

"(2) four shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader of the Senate, no more than two of whom shall be of the same political party.

Not more than four of the members shall at any one time be of the same political party.

"(c) The Commission shall select a Chairman and a Vice Chairman from among its members annually. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

"(d) Members of the Commission shall be appointed for a term of eight years, except that as designated by the Speaker of the House of Representatives and the President pro tempore of the Senate the first and second Commissioners appointed shall serve two-year terms, the third and fourth Commissioners appointed shall serve four-year terms, and the fifth and sixth Commissioners appointed shall serve six-year terms. A Commissioner may be reappointed.

"(e) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

"(f) A member of the Commission may continue to serve until his successor has taken office as a member of the Commission.

"(g) A majority of the Commission shall constitute a quorum.

"(h) The Speaker of the House of Representatives and the President pro tempore of the Senate jointly may remove a member of the Commission only for neglect of duty or malfeasance in office.".

(b) Section 102 of the Civil Rights Act of 1957 is amended by adding at the end thereof the following new subsection:

"(m) The provisions of subchapter II of chapter 5 of title 5 of the United States Code, relating to administrative procedure and freedom of information, shall, to the extent not inconsistent with this section, apply to the Commission established under this Act.".

(c) Section 104(c) of the Civil Rights Act of 1957 is amended to read as follows:

"(c) The Commission shall submit reports to the Congress at such times as the Commission or the Congress shall deem desirable.".

(d) Section 105(a) of the Civil Rights Act of 1957 is amended to read as follows:

"(a)(1) There shall be a full-time staff director for the Commission who shall be appointed by majority vote of the Commission.

"(2)(A) Effective November 29, 1983, or on the date of enactment of this Act, whichever occurs first, all employees (other than the Director, the members of the Commission and the special assistants thereof) of the Commission on Civil Rights are transferred to the Commission established by the amendment made by section 2(a) of the Commission on Civil Rights Authorization Act of 1983.

"(B) Upon application of any individual (other than the Director, a member of the Commission or a special assistant thereof) who was an employee of the Commission on Civil Rights established by the Civil Rights Act of 1957 on September 30, 1983, the Commission shall appoint such individual to a position the duties and responsibilities of which and the rate of pay for which, are comparable to the duties, responsibilities and rate of pay of the position held by such employee on September 30, 1983.

"(C) Any employee transferred under subparagraph (A) or appointed under subparagraph (B) shall be deemed to have been employed by the Government without a break in service for purpose of chapter 35 (retention preference), 55 (pay administration), 63 (leave), 81 (insurance) and 89 (health insurance) of title 5, United States Code.

"(3) Within the limitations of its appropriation, the Commission may appoint such other personnel as it deems advisable.

"(4) The Commission shall, not later than 90 days after the date of enactment, establish by regulation a personnel management system for the Commission which shall be consistent with the personnel management system established under section 732 of title 31, United States Code.".

(e) Section 106 of the Civil Rights Act of 1957 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 106. There are authorized to be appropriated $12,100,000,000 for each of the fiscal years 1984, 1985, 1986, and 1988.".

Sec. 3. (a) Effective thirty days after the date of enactment of this Act, all files, records, and balances of appropriations of the Commission on Civil Rights are transferred to the Commission established by the amendment made by section 2 (a) of this Act.

(b) To the extent not inconsistent with the amendments made by this Act, the Commission established by the amendment made by section 2 (a) of this Act shall be bound by all rules issued by the Civil Rights Commission established by the Civil Rights Act of 1957 which were in effect on September 30, 1983, until modified by the Commission in accordance with applicable law.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. BIDEN. I yield the floor

Mr. DOMENICI and Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I will take just a moment.

I wish to tell the Senate why I am involved. Obviously, I am not on the committee of jurisdiction, but I come from a State that is over 30 percent Hispanic and needless to say they are genuinely worried about the fact we are not going to have a Civil Rights Commission.

Further, it should be noted that my State with reference to civil rights is about as progressive as any in the country and yet my Hispanic people are very concerned that we will go backward instead of continuing forward. We have many people there very familiar with what the Commission has done, its successes, and they are very concerned we come up with something that keeps it alive.

In other words, the stalemate is not good enough in this case. We have to do something, and I thank the Senators for letting me participate today and yesterday. I offered the suggestions I could and talked with people in my State who are rather expert. I wish to thank the Senator from Kansas for permitting us to help him and work with him, and I compliment the Senator from Pennsylvania for getting the issue here, and I hope we get a bill today. Whatever it is, I think we will leave this Chamber tonight convinced that we started something that has a chance of putting this Commission back in business.

I agree with the Senator from Kansas. I do not think a purely legislative commission is the best approach. I say to my good friend from Pennsylvania that I do not think he does either. Obviously he had no other alternative at the time he moved in that direction.

Maybe one that is partly legislative and partly executive if it has a little of both is the solution.

I also am concerned if it is purely legislative whether it really will have the powers that are necessary.

There are some subpena powers that have been tremendously important. They have to be used judiciously, but they have to be valid and operative. I have not studied the issue, but my recollection of the law would indicate that there are problems if it is a purely legislative commission which it would be without the Executive ever having signed it. The problems include subpena power and the like to carry out the functions.

So I am more than willing to continue to help where I can, and I thank the Senator for the opportunity.

Mr. BIDEN. Mr. President, if the Senator will yield on one point, I wish to make it clear that is the legislative approach that the Senator from Pennsylvania and I are supporting there is no question there would be subpena power.

I agree with the Senator that it would be nice to have the administration counted in, and I think it would be a good idea. But there is subpena power.

I compliment the Senator on his continuing concern for the American Hispanic community. That is why we have been meeting for the last 5 months with the leaders of the two major groups representing the Hispanic organization.

Mr. DOLE. Mr. President, I shall just take one moment because I know Senator HATCH, who has primary jurisdication, is here and has been waiting to speak, and I would just say this: The one problem, of course, we have when we get into this time of the year is how long we are going to be around here.

It just takes one Senator to walk over here and say, "This bill is not going to pass." That is all it takes at this point.

I assume the majority leader then is under some compulsion to establish priorities of where does this belong and should it be up here for 3 or 4 days. We have to move to the debt ceiling, reconciliation, the continuing resolution, and three of four other must items—hopefully budget reduction, deficit reduction, and that may not be quite as easy.

But, in any event, I hope that all those who have an interest in trying to resolve this problem—I know of no one in this Chamber who does not want to see a continuation of the Civil Rights Commission. And it ought to be as strong as we can make it.

Therefore, I think there ought to be shared authority by the President and by the Congress. To do any less, in my view, even though I think the Senator from Pennsylvania and others have done what they had to do when it appeared there was going to be no Commission at all, is not to fill the breach as they have done.

I hope that the administration's views can be reconciled with the views of other Senators who have a slightly different approach and with members of the Leadership Conference and other civil rights groups.

I would be very pleased to work with other Senators in trying to put that together between now and tomorrow morning.

Mr. KENNEDY. Mr. President, I rise in strong support of the amendment of the Senator from Pennsylvania.

For several months the Judiciary Committee has struggled to save the Civil Rights Commission.

Reauthorization legislation has been pending in the committee since last spring. Yet, there were no hearings on this important legislation until weeks before the Commission's expiration.

The President submitted nominees to the Commission who would replace effective, capable commissioners presently serving on the Commission. Most of us on the Senate Judiciary Committee were shocked by the sudden wholesale replacement of so many members of the Civil Rights Commission without any cause.

It was my belief and the belief of many on that committee that the President's actions, if permitted to succeed, would have irreparably endangered the integrity and independence of the Civil Rights Commission.

Week after week the Judiciary Committee attempted to resolve the differences among its members with respect to the reauthorization of the Commission and the President's nominees. Finally, we were prepared to vote on a painstakingly crafted compromise. Yet, the morning of the scheduled meeting we discovered the President had torpedoed this bipartisan effort by firing three commissioners from the Civil Rights Commission.

Is the President concerned about civil rights? Will he permit his administration to submit to the kind of scrutiny accepted by six previous Presidents?

Each of these Presidents, Republicans and Democrats, has respected the independence of the Civil Rights Commission. In that 25-year history, no commissioner had ever been fired. Appointments have been made only to fill vacancies.

The present administration has been frequently criticized by the Commission for a very sound reason. It is notorious as the most anti-civil-rights administration in modern history. It richly deserves that reputation. This attempt to fire three members of the Commission is only the latest exhibit in the case against the administration on civil rights.

Now with his Monday morning massacre at the Commission, the President demonstrated that he will not stand for an independent Civil Rights Commission to exist in the executive branch.

President Reagan's action was a crude attempt to destroy the independence of the Commission. It was an insult to all Americans committed to civil rights, and a slap in the face of Senators of both parties who had worked to find an acceptable solution.

This abrupt, callous action is reminiscent of President Nixon's decision to fire the Watergate special prosecutor 10 years ago last weekend. Once again, the White House, realizing it cannot impose its will over the wishes of Congress and the American people, has lashed out against its critics.

The time has come for Congress to protect the Commission from an executive branch bent on its destruction. We must reconstitute the Commission as an arm of Congress. At least for the present the executive branch is no longer a safe place for the truly independent Commission on Civil Rights.

There have been no allegations that the commissioners the President fired were in any way lacking in competence or commitment to civil rights. In fact, they were too efficient in this role—and that was the real source of the administration's difficulty. Instead of firing the messengers who bring the bad news about his dismal record on civil rights, the President should have fired the officials in his administration who are responsible for that record.

Rabbi Murray Saltzman, Dr. Mary Berry and Blandina Cardenas Ramirez are fulfilling their duties admirably. Their conscientious performance, their independent thought, their freedom in criticizing this administration's civil rights policies are the reasons they are being replaced.

The President's purge is nothing more than a flagrant attempt to politicize the Commission, and to make it a political arm of the White House. The Chairman of the Commission candidly admitted that aim last spring in his complaint that he needed more team players ready to march to the White House's tune. The Senate must not permit the purpose and function of the Civil Rights Commission to be subverted in this way.

It is essential that we have an independent agency to undertake factfinding with respect to racially discriminatory practices. The Civil Rights Commission has investigated such practices, conducted oversight of Federal agencies, criticized Presidential policies and made forward-thinking recommendations on civil rights issues.

The legislation introduced by Senators SPECTER, BIDEN, myself, and a bipartisan group of other Senators will preserve the concept, spirit, function, and independence of the Civil Rights Commission. The Commission will be reconstituted in the legislative branch and preserved as a truly independent agency.

The House of Representatives has passed reauthorization legislation. However, with the firing of the incumbent Commissioners, that bill's chief sponsors agree that the President has ended the present Commission's usefulness. They are now working to enact a companion measure to our proposal for a congressional commission.

This body must act to save this cruical oversight agency—the only institution with a mandate to monitor our civil rights performance—by making it an arm of the Congress.

With our history-making vote October 19 creating a national holiday in honor of Martin Luther King, this body pledged its commitment to civil rights progress.

We took a stand for the values of freedom, equality, and justice for all Americans.

With this vote today we can began anew to follow the ideals espoused by dozens of Members, in the statements made during the debate on the King holiday legislation.

The President may question whether the civil rights movement was an American movement. But, with our vote October 19 and with our vote today, the Senate affirms its belief that civil rights represents the highest ideals of our Founding Fathers, the highest ideals of the people of this great land.

Mr. President, we are told if the Senate wishes to save the Civil Rights Commission, then all we need do is to pass H.R. 3103, the reauthorization of the Commission which the House of Representatives adoped weeks ago.

In fact, the opposite is the case. For us to pass H.R. 3103 now, after all that has intervened, would turn the House action on its head. It would be directly contrary to the clear purpose of this bill at the time that it was actually passed by the House.

The debate in the other body makes abundantly clear that H.R. 3103 was intended to pre ent the President from summarily firing three incumbent commissioners without cause. It was designed to prevent the President from being able to purge those with whom he disagreed, and stack the Commission with his own handpicked majority.

That is what this bill was all about when it passed the House. Everyone knew that.

Now we are asked to adopt it too. There is one major problem. In the meanwhile the President carried out this Monday morning massacre at the civil Rights Commission, fired three incumbents without just cause and destroyed the concept of an independent commission within the executive branch.

Commissioners Blandina Ramirez, Mary Berry, and Rabbi Saltzman are now challenging their dismissal in court. I doubt that their removal without cause is consistent with the legislative history of the creation of the Commission. But the legal case may be entangled in the courts for some time and the final outcome is unclear.

Therefore, unless the Senate acts decisively, the President will be able to retain the fruits of this unjustified assault on the independence of the Commission. If we now pass H.R. 3103, or minor modification of it, the Senate will be ratifying the President's action and locking in the results. He will have succeeded in purging the Commission, and then his nominees will be portected from future removal.

In short, only those who applaud the President's action, and who think it was justified and consistent with the concept of an independent watchdog on civil rights, can, in good conscience, support passage of the House bill now.

Mr. BENTSEN. Mr. President, I would like to commend the Senator from Delaware for his dogged, persistent, and effective efforts to preserve the integrity of the Civil Rights Commission. Senator BIDEN has fought for the Commission in committee; just last week when I offered my amendment to extend its life until mid-February, he was at my side, helping to make the case for civil rights. And today, together with Senator SPECTER, he is offering us a responsible alternative to the administration's efforts to gut the Commission.

As one who has also been active in the effort to rescue the Civil Rights Commission from the ravages of the Reagan administration, I would like to pin down one point with the managers of this bill. I have asked assurance, that Hispanic Americans—America's fast-growing and soon to be largest minority—will be represented on the congressional Commission.

Senators SPECTER and BIDEN have given me that assurance and join my colleagues on both sides of the aisle in supporting the creation of a congressional Commission on Civil Rights. I think it is important that somewhere in this vast Government apparatus of ours there be an agency whose primary concern is the rights of minorities: The rights of Hispanics, and the elderly, and blacks, and women, and the handicapped, and native Americans.

I think it is a shame, Mr. President, that such an agency cannot safely exist within the executive branch—where it most logically belongs. Some of us in this body have worked hard to fashion a bipartisan compromise that would enable the Commission to remain in the executive branch, where it has stood as a symbol of justice and equality in America for more than a generation. However, just a week ago the President torpedoed that compromise by physically removing commissioners from their office and demonstrating once and for all that the administration will only accept a Civil Rights Commission it can control.

Mr. President, just last week the President signed legislation making Dr. Martin Luther King's birthday a national holiday. When he accepted the Nobel Peace Prize in 1964 Dr. King suggested that, "the tortuous road which has led from Montgomery to Oslo is a road over which millions of Negroes are traveling to find a new sense of dignity. It will, I am convinced, be widened into a superhighway of justice."

I hope Dr. King was right, because that road is now being traveled by millions of minority Americans. The Civil Rights Commission has helped light that road and show us the way to justice and equality in America. Presidents Eisenhower, Kennedy, Johnson, Nixon, Ford, and Carter recognized the mission and the work of the Civil Rights Commission. They did not always agree with its findings or recommendations, but they did not attempt to pack the Commission with their own appointees or twist it to their political will.

I think it is a sad day for America when there is no place in the executive branch for an independent Civil Rights Commission.

When we have an administration that is strangely reluctant to prosecute civil rights violations—that wants to give tax benefits to schools that discriminate—and seeks to gut title IX of the 1972 Education Act, I believe it is especially important that we find a safe haven for the Civil Rights Commission, we cannot permit civil rights to become a political orphan in America; we cannot let civil rights become the victim of rigid, partisan ideology.

Today—as much as at any time in our history—we need voices that can speak for justice and equality without fear of political retaliation. We need to improve affirmative action and strengthen Government equal opportunity programs. We need a Civil Rights Commission with an abiding commitment to equality, an independent, apolitical Commission that can give the American people the unvarnished truth about how far we have come down Dr. King's superhighway of justice—and how far we have to go.

Mr. President, I am proud to be a Member of the Congress that is determined to preserve the Civil Rights Commission—to provide shelter from the political firestorm created by this administration. In urging my colleagues to support this amendment and protect the integrity of the Civil Rights Commission, I want to emphasize that I am not quarreling with the qualifications of the replacement nominees sent up here by the President. In my opinion, individuals are not the question. Rather, I am concerned with the President's blatent attempt to stack the deck, introduce partisan politics into the issue of civil rights, and strip Hispanic Americans of their representation on the Commission.

Mr. HATCH. Mr. President, I share in the goal of all concerned here trying to resolve this on an amicable basis. There is no question in my mind that we should have a Civil Rights Commission. I have been a severe critic of the Civil Rights Commission in the past because I have not felt it has operated very effectively, and, in some ways, I think has operated detrimentally. On the other hand, I do believe that we should have a Civil Rights Commission.

I am also concerned about the amendment proposed by the Senator from Pennsylvania and the Senator from Delaware in his perfecting amendment to transfer the Civil Rights Commission to the legislative branch. My research indicates that this amendment may raise serious constitutional questions.

In 1975, the Supreme Court struck down as a violation of the separation of powers doctrine those provisions of the Federal Election Campaign Act of 1971 that purported to vest executive functions in a commission appointed and supervised by Congress. *Buckley* v. *Valeo*, 424 U.S. 1 (1975). In the words of one of the initial sponsors of Senate Concurrent Resolution 78, which is the precursor of these two amendments, the objective of this amendment is to create "a legislatively constituted Civil Rights Commission with all the rights and powers invested in the original Commission." (Cong. Rec. p. 29139, Oct. 25, 1983 (statement of Senator BRADLEY).) While I join with my colleagues in wanting to reauthorize the Civil Rights Commission and insure its continuity as an institution, the Commission has been for 26 years and now is an executive body which performs executive functions. It simply cannot be transferred to the legislative branch with all its present "rights and powers." The Constitution erects barriers to creation of legislative bodies with executive functions and vice versa. The Supreme Court has policed these barriers between the branches tenaciously in the past and must be counted upon to do so again if we attempt to overstep the constitutional separations between the branches of Government.

Beyond constitutional questions this amendment raises also many questions about the prudence of reconstituting the Civil Rights Commission within the legislative branch. For instance, the current staff of the executive Civil Rights Commission would suffer the loss of many employment protections upon transfer to the legislative branch. Not only would they lose the protections of the Civil Service Act which protect job tenure, they would also lose labor union organizational rights, the opportunity to appeal to the Merit Systems Protection Board, and interestingly, the protections of title VII of the Civil Rights Act of 1964. The status of the current staff of the Civil Rights Commission, if transferred to the legislative branch, would be considerably changed.

Another prudential concern deals with the nature of the mission of the Commission. The Commission has always operated as an advocacy institution. Yet its advocacy within the confines of the legislative branch will almost certainly bring it into conflict with the views of some Members of Congress or perhaps even an entire House of Congress. The Washington Post noted the difficulties this might produce, both for Members of Congress who feel their views are not adequately represented by a congressional staff body and for the legislative commission which could be compelled to satisfy the diverse views of the entire Congress:

> Other agencies responsible to Congress—the General Accounting Office, the Congressional Budget Office, the Office of Technology Assessment—are neutral fact-finding agencies, while the Civil Rights Commission has always, rightly, made judgments about policy while it ascertains facts . . . The best course, in our view, is the original compromise: reauthorize the commission with fixed terms. (Editorial Page, October 27, 1983).

Another prudential concern raised by this amendment concerns the process to hold the legislative commission accountable to carry out its mandate. Under this amendment, a member of the Commission could only be removed if the Speaker of the House and the President pro tempore of the Senate jointly agree that the member neglected his duty or was responsible for malfeasance in office. If those two officers, as is currently the case, are from different parties or disagree otherwise about the degree of neglect or malfeasance, this strict removal provision could make it very difficult for the Congress to insure that the legislative commission stayed within its mandate.

Before returning to the major issue before the Senate; namely, the constitutionality of this amendment, I would like to briefly trace the circumstances that have produced this effort to reauthorize the Civil Rights Commission before it expires completely on December 1 of this year.

Several months ago the President nominated three exceptionally qualified individuals to serve on the Civil Rights Commission. The Judiciary Committee hearings to examine the qualifications of these appointees produced remarkably laudatory testimony about the accomplishments and abilities of Mr. Abram, Dr. Bunzel, Mr. Destro, and Ms. Chavez, who was appointed to serve as staff director. Even those civil rights advocacy groups who opposed the confirmation of these individuals raised no objection to their qualifications or their commitment to civil rights. Their argument against the nominees was that the appointment of these three eminently qualified civil rights leaders would somehow compromise the Commission's independence.

This contention that the independence of the Commission would be compromised by the confirmation of these nominees, however, became very strained when the appointees themselves began to testify. Each of the nominees, all Democrats by political persuasion, established his independence from the President who appointed them and every other individual or group that may try to dissuade them from seeking the best means to achieve our national goal of equal opportunity under law. In fact, the nominees openly disagreed with the President on many significant civil rights questions. The independence of the Commission could hardly be doubted in the hands of these courageous and forthright leaders.

During the hearing process, the Judiciary Committee also examined the legal foundation for the President's authority to remove those whom he appoints to executive positions. In the words of the Supreme Court, "the right of removal . . . inheres in the right to appoint." *Shurtleff* v. *U.S.* 189 U.S. 311,316 (1903). Or in the words of James Madison, father of the Constitution, "the power of removal . . . rests on the President alone." I Annals of Cong. 469 (1789). Even its organic statute clarifies that the Commission "is created in the executive branch" under the authority of the President. 42 U.S.C. 1975 (A).

Now, despite the clarity of the President's authority to appoint replacements for commissioners serving on the Civil Rights Commission, strong special interest groups still opposed confirmation of these three nominees, not because they were unqualified, not because they did not have civil rights qualifications, not because they were not top leaders in the civil rights field, but because they claimed that their nominations interfered with the independence of the Commission. They certainly had no basis for this opposition or the consideration that the President's appointments lacked the expertise or dedication to equal protection under the law.

This only highlights the observation that the civil rights records of the individuals nominated by President Reagan are practically unassailable. Throughout the last several months, the nominee's qualifications have not been at issue. Neither has the President's authority to appoint new commissioners been an issue of any lasting consequence, in spite of the fact that certain of the fired commissioners are now contesting that in court. I do not think they have any real belief that they are going to win in a court of law.

The real issue that deadlocked the Judiciary Committee over the President's appointments came forward in testimony on July 13. Congressman Garcia, speaking for himself and a caucus of other Congressmen, frankly noted that the real issue is quotas. Congressman Garcia favors preferential treatment on the basis of race, in essence, racial discrimination, as a means to eradicate racial discrimination. I admire him for at least stating the issue forthrightly. He objected to the nominees because they oppose quotas. The nominees, however, correctly maintain that equal opportunity and quotas cannot coexist. Quotas require preferential treatment on the basis of race, color, creed, or gender.

These nominees are dedicated to the principles of equal opportunity without regard to any arbitrary and irrelevant classifications, such as race.

Thus the underlying issue that precipitated the stalemate in the Judiciary Committee was the question of how the Commission would continue to view quotas with the new nominees in place. In a sense, this issue could be stated as an independence question. The real independence question is whether the Commission would be entitled to freely examine all evidence and recommend the best policies or, whether the Commission will remain the captive of special interests that advocate quotas.

Judging from the qualifications of these nominees, their confirmation will guarantee the independence of the Commission. They will keep the Commission independent of the President, of special interest groups, and of any other outside influence that would like to control our Nation's civil rights policy. The real issue is that some groups do not want this kind of independence.

Take, for example, Mr. Abram. His independence is beyond question. Nearly two decades before the Civil Rights Act of 1964 and a decade before the Commission was created, Mr. Abram, a Rhodes Scholar and a graduate of the University of Chicago Law School, commenced his great, mostly pro bono career in opposition to those who felt whites deserved racial preferences. As author of the bills which banned public cross burnings and mask wearing in the late 1940's and early 1950's, Mr. Abram was instrumental in curtailing the menacing influence of the Ku Klux Klan. Following this victory, Mr. Abram began a 14-year fight against the Georgia county unit system which disenfranchised black people who were otherwise qualified to vote. His persistence culminated with a victory in the U.S. Supreme Court, permanently enshrining the constitutional principle of one man one vote.

Mr. Abram's credentials also include civil rights achievements within the Government and in the realm of international law. He was a principal author of the "International Convention Against All Forms of Racial Discrimination" adopted by the U.N. General Assembly in the 1960's. In 1965, Mr. Abram cochaired the planning session of the White House Conference for Civil Rights. President Johnson later offered him the first Chairmanship of the Equal Employment Opportunity Commission. In 1979, President Carter offered him a post on the Civil Rights Commission but later withdrew the nomination when Mr. Abram informed him that he was still opposed to racial preferences of any kind.

Dr. John Bunzel impresses me as no less independent. In 1946, he founded the Liberal Union at Princeton in order to combat discrimination in university admissions policy and within campus social clubs. After earning his Ph. D at the University of California, Berkeley, he was appointed to the California Attorney General's Advisory Committee on constitutional rights. As a committee member, Dr. Bunzel monitored civil and constitutional rights violations and assisted in proposing remedies to the Governor. In 1974, the San Francisco Board of Supervisors awarded Dr. Bunzel a "Certificate of Merit" for unswerving devotion—to the elimination of racial and religious bigotry and discrimination.

As president of San Jose State University, Dr. Bunzel appointed large numbers of minorities to high ranking positions, including more women than any other period in the university's history. He achieved this remarkable record without resorting to a system of racial quotas. While vigorous efforts were made to find and recruit qualified applicants, final selection for appointment to university positions was based upon individual merit.

Mr. Destro was born about the time Messrs. Abrams and Bunzel commenced their defense of civil rights, but in the years since 1975, when he graduated from California's Boalt Hall School of Law, Mr. Destro has demonstrated a similar commitment to civil rights. Indeed, his professional career is devoted to civil rights issues. As an associate attorney for a Cleveland law firm, Mr. Destro worked with the American Civil Liberties Union, the Christian Legal Society, and the Italian American Foundation to combat discrimination based on religion or national origin. Between 1977 and 1982 he served as general counsel to the Catholic League for Religious and Civil Rights. In that capacity he established a nationwide legal services practice specializing in civil rights litigation. As a professor of law at Catholic University, Mr. Destro teaches two courses on first amendment guarantees of civil rights.

No less committed to civil rights, Linda Chavez, nominee to the Executive Director position, was originally asked to be a member of the Commission. She felt she could use her talents more effectively, however, as its Director. A graduate of the University of Colorado in 1970, Ms. Chavez began her professional career as an instructor at Colorado and UCLA, where she taught disadvantaged students. She later joined the staff of the House Civil and Constitutional Rights Subcommittee.

In 1977, she was a consultant to the President's civil rights reorganization project under President Carter. A committed trade unionist, Ms. Chavez currently serves as assistant to the President of the American Federation of Teachers. In addition, she administers the national AFT office in Washington, D.C. and is editor of its monthly newspaper, the American Teacher. In that role, she has been commended by civil rights groups for her defense of poor and working minorities through her editorials and articles.

These four individuals have stellar records with regard to advocacy of civil rights of all Americans. It is a tragedy that they have not received the opportunity to make the remarkable contributions to civil rights which they would have undoubtedly made on the Civil Rights Commission.

Despite their unimpeachable qualifications, however, their confirmation was opposed to such lengths that the Senate Judiciary Committee was unable to reach agreement on legislation to reauthorize the Commission. Faced with this untenable situation, President Reagan employed his removal authority. The Commission now has only three Commissioners—not enough to form a quorum for business. Moreover, only a handful of days remain before the 60-day grace period for the Commission expires and it goes out of business entirely. In this circumstance, it is imperative that Congress act in the most expeditious manner to reauthorize the Commission. Without doubt, the most sure and swift way to insure the continued life of the Commission would be for the Senate today to pass the House-approved bill, H.R. 2300.

If the Senate adopts an amendment today to H.R. 2300, the legislation will be required to return to the House. A conference is likely to be required to resolve differences between the House and Senate on this issue. While the Congress attempts to establish the parameters of the reauthorization, the Commission is likely to expire. Accordingly, I urge my colleagues, for the sake of the life of the Civil Rights Commission, to oppose all amendments to H.R. 2300.

At this point, I would like to return to the constitutional questions posed by this amendment. As I stated at the outset, the Constitution explicitly states that "all legislative powers * * * shall be vested in Congress" and that "all executive power * * * shall be vested in a President." Thus, the principle of the separation of powers is not merely an abstract generalization in the minds of the framers of the Constitution, but an explicit command of our foundational document. The Constitution further expresses this concern with the separation of powers by stating that Members of Congress shall be ineligible to serve in an "office of the United States" during his tenure in the legislative branch. Finally the Constitution clarifies that the "President shall nominate * * * all * * * officers of the United States." Art. II, section 2, clause 2. The Supreme Court in Buckley against Valeo clarified that clause as follows:

> We think its fair import is that any appointee exercising significant authority pursuant to the laws of the United States is an "officer of United States," and must, therefore, be appointed in the manner prescribed by Section 2, Clause 2 of that Article. 424 U.S. at 126.

Of course, the Constitution does not circumscribe Congress' power to create a purely investigative or factfinding body. The power to legislate under the Constitution naturally includes the power to create committees, subcommittees, and factfinding bodies to gather information as a basis for legislation. If, on the other hand, Congress creates a body that carries out the commands of the law, assists or advises other governmental entities in carrying out the commands of the law, performs some national responsibility beyond the functions of Congress, or otherwise administers or acts in furtherance of the laws of the United States, this body would be performing executive functions and its officers must be appointed by the President.

A quick review of this amendment suggests several areas which suggest that the Civil Rights Commission performs executive functions beyond the constitutional authority of a congressional committee or investigating arm. For instance, the amendment authorizes the Commission, as it has for 26 years, to act as a national clearinghouse. This is a national function which authorizes the Commission to serve as a mediator for information exchanges between Federal agencies, State government agencies, private citizens, businesses, and other public and private entities. It is an executive function to assist other governmental bodies in the implementation of the law. Congress makes the law, but is not empowered to advise governments and individuals about how the law is to be applied in specific circumstances or localities.

Another Commission responsibility that suggests executive authority is the provision permitting the establishment of State advisory committees and permitting the Commission to consult with Governors, attorneys general, and other representatives of State and local governments. For 26 years, the Commission has been advising State governments about the best means to comply with the law. For 26 years, the Commission has used this authority to set up advisory commissions in the various States to monitor compliance with the law and to advise changes in offending State policies. We should perhaps question whether an investigatory arm or committee of Congress should have an independent channel to State governments for the purpose of advising compliance with a particular reading of the law. This could produce interbranch confrontation if the legislative commission urged compliance with an interpretation of law not shared by the President who has the constitutional responsibility to insure that the laws are properly administered. Precisely to avoid this kind of confrontation, the framers of the Constitution erected barriers between executive and legislative functions—barriers which this amendment appears to disregard.

This same kind of confrontation is suggested by the provision requiring all Federal agencies to cooperate fully with the Commission to the end that it may effectively carry out its functions and duties. Congress, of course, may secure the cooperation of executive agencies through the implementation of the appropriations power or other constitutional tools. It seems to beg confrontation, however, to require executive agencies to cooperate with an entity independent of Congress in the sense that its members can only be removed by Congress with extreme difficulty and under strictly defined circumstances.

The legislative Commission is also endowed with regulation and rulemaking authority by the amendment. It may make such rules and regulations as are necessary to carry out the purposes of the Commission. Since the Commission is largely independent of congressional supervision, this sweeping authority to make regulations could entail a new form of policymaking by unelected officials within the legislative branch.

Another provision of this amendment requires the executive Commission to surrender its executive records to this new legislative body. Not only does this suggest that the new Commission would continue to execute executive functions as it has in the past, but it also raises questions of separation of powers again. While Congress has authority to subpena specific executive records for carefully justified reasons within the legislative province, it is doubtful that the legislative branch may compel an agency to surrender all its records permanently to a legislative body. If this were possible, Congress could compel the Treasury Department or the Justice Department to surrender all records to an appropriate congressional committee. This precedent could severely challenge the comity relationship between the branches.

Beyond these specific problems within the amendment, however, the legislative Commission created by this amendment is nonlegislative in character. It resembles instead an independent agency. Its membership is limited to eight and is only removable for cause. It has independent rulemaking authority and a broad mandate to monitor and execute policy. Whenever an entity has been created with statutory independence from Congress, Congress takes great care to respect the prerogatives of the executive branch as well. For instance, the General Accounting Office, an independent body performing wholly legislative factfinding functions, is headed by a Presidential appointee. In this regard, the Supreme Court has pronounced that:

> Not having the power of appointment, unless expressly granted or incidental to its powers, the legislature cannot engraft executive duties upon a legislative office, since that would be to usurp the power of appointment by indirection. *Springer* v. *Philippines,* 277 U.S. at 202.

This amendment suffers from precisely the infirmity described by the Court; it attempts to engraft the executive functions of an agency which has functioned as an executive body for 26 years upon a legislative office. This jeopardizes the separation of powers doctrine and deprives the President of his power to appoint.

Let me make one final comment. I personally believe that the Civil Rights Commission is in this difficulty not because the President has acted the way he has, but I believe purely because of political considerations.

I believe that these three gentlemen have been fought against not because they lack qualification but basically because all three are against quotas and forced busing.

The real issue comes down to this: What we do here today or tomorrow is going to determine, really, what happens to the Civil Rights Commission. If we proceed with the amendment of the distinguished Senator from Pennsylvania, as amended by the distinguished Senator from Delaware, I have no doubt in my mind that the President will veto this bill regardless of what happens between the House and the Senate and any conference report that comes out.

If that is so, then we shall be back in this body after the first of the year, I suppose, fighting this all over again.

I cannot blame the President under the circumstances of the negotiations which have occurred here. I really could not find any fault with the President. First of all, his ability as President of the United States was challenged.

Mr. President, I need to have some answers to questions by the distinguished Senator from Pennsylvania or the Senator from Delaware or both. It is my understanding we shall shortly go out. Perhaps we can have them placed in the Record and tomorrow, they will be easier to answer.

Before I do that, let me make the point that I do not blame the President for standing up for his executive rights to appoint, especially after I think they were negligibly called into question during the committee hearings. I think with little or no justification whatsover,

Now, one might criticize fairly that the President did ask for the resignation of all three of the existing members and then intended to appoint three additional members. Perhaps had he staggered that, it would have been more palatable, it would have been more acceptable, but I have grave difficulties with anybody raising the issue that he did not have the right to do that if he wanted. I grant questions can be raised about that. I grant that you can criticize that. What I cannot grant is that he was acting outside of the scope of his powers as President of the United States. I do not blame some people for being upset. I would have preferred it had been done a different way myself. But once it was done, I think it was presumptive on the part of those who made the arguments that the President had no power to do that. The fact is he had all the power in the world to do that. To question the intent behind it or the advisability is one thing, the question of legal power is another.

I think what it comes down to is this: If we want a Civil Rights Commission, which I think most everybody in this body does, it is inadvisable to form the Civil Rights Commission into a legislative commission with legislative powers. I think it is not only inadvisable, I think it is constitutional error to do so.

Now, more than that, if that is what we insist on doing on the floor, I think that clouds the Commission, because I do not see what alternative the President has but to veto that type of an arrangement. If he vetoes that arrangement, then I suppose the Congress could come back after the first of the year and do exactly this again. If that is the way Congress decides to do it, I do not know who can stop it.

I think it is a real mistake, however, to do it that way. It would be far more preferable if we can work together to resolve this in an amicable way.

Now, I for one, being involved in an awful lot of the discussions on how to compromise this issue and how to resolve it and I think worked very hard to try and resolve this problem, found it very difficult to do so because of the politics involved on both sides of this particular issue. There is no question there were politics involved.

My personal feeling is we ought to get this Commission out of politics, and yet I am not quite sure how to do it. I do believe that it has a life of itself if we will just give it a chance to work. I am hopeful that we can resolve the problems surrounding the Commission and come up with a compromise that will be acceptable to the President and to everybody in this body by tomorrow.

Senator SPECTER, I notice, is on the floor. I want to ask a couple of questions of the distinguished Senator from Pennsylvania for the record. I would like to ask him this: How do the amendments offered by the distinguished Senator from Pennsylvania and the distinguished Senator from Delaware, as a perfecting amendment, differ from Senate Joint Resolution 78, the original Specter amendment?

Mr. SPECTER. I am pleased to respond to the distinguished Senator from Utah.

This is the same as the concurrent resolution that he referred to.

Mr. HATCH. There are no changes whatsoever in either of them other than technical changes to qualify the perfecting amendment?

Mr. SPECTER. I believe that is correct. I have been advised by staff that there was an addition after the resolution was introduced and that was to make changes to take care of the employees. In the Senator's statement he referred to some problems which existed with respect to rights which would be lost by the employees of the Civil Rights Commission, and that matter had not been considered at the time the resolution was prepared in the initial drafts, so that under the provisions of the amendments submitted today those employees were protected.

Mr. HATCH. Let me see if I am right in suggesting maybe a few other changes between Senate Joint Resolution 78 and the amendments as proposed today.

As I understand it, the requirement that nominees be from the general public has been dropped from the original Senate Joint Resolution 78, am I correct in that?

Mr. SPECTER. That is not in our resolution.

Mr. HATCH. That is not in your resolution. It is my understanding that the chairman and vice chairman are to be selected annually, is that correct?

Mr. SPECTER. Will the Senator repeat that question, please?

Mr. HATCH. One of the changes is that the chairman and the vice chairman are to be selected annually?

Mr. SPECTER. Yes, that change has been made.

Mr. HATCH. Another change I believe is that members are to serve 8-year staggered terms, which is a change from the original Specter bill?

Mr. SPECTER. That is correct.

Mr. HATCH. Another one is a commissioner may be reappointed?

Mr. SPECTER. The current proposal provides for reappointment, but I think this was also present in the original amendment.

Mr. HATCH. OK. Another one is that the staff director is appointed by a majority of the commissioners. Is that a change from the original?

Mr. SPECTER. That is correct.

Mr. HATCH. Another one is that the new amendments included protections for Commission staff which the Senator mentioned, present employees will be transferred, there will be no break in service upon transfer, as I understand it?

Mr. SPECTER. That is correct. The thrust of the original amendment which I introduced several weeks ago on the same day that we introduced the resolution is the same as the substance of what Senator BIDEN and I have introduced today. A principal change is to protect the employees, and there are some other minor matters, but none which go to the essence of what we have proposed.

Mr. HATCH. Let me end by complimenting the distiguished Senator from Pennsylvania for his efforts to try to resolve this issue.

I know that the distinguished Senator from Pennsylvania and my good friend spent hours listening and observing the committee hearings on this matter, on the nominations of these nominees, and I personally appreciate that very much. I know that the Senator from Pennsylvania is tremendously dedicated to resolving these issues in a way that will be satisfactory to everyone. I do have difficulties, of course, with these two amendments. I hope we can resolve this problem in the best interests of all concerned. It is my understanding that we will have some time to negotiate this and see if it can be resolved. I will do everything I can to assist the distinguished Senator from Pennsylvania and the distinguished Senator from South Carolina to resolve this issue.

I compliment the distinguished chairman of this Judiciary Committee. This has been a very difficult issue for him. I think he has tried to do the very best he can under the circumstances. I know he has participated in all the negotiations and, of course, has tried to resolve this issue, I know that he feels, as do I, that the President ought to have the right to appoint these people; that we ought to keep it that way. It hopefully will be resolved along those lines. I am very flexible as far as keeping the Commission alive, but I feel very strongly that the President ought to continue to be able to appoint, which would, of course, be obviated by the language the distinguished Senator from Pennsylvania has offered today. In any event, I know that there has been a lot of good faith effort on the part of everyone. It has been a tremendous burden, of course, on some of us who have sat through all of the hearings, all of the arguments, and many of the negotiations and committee conversations as well. I hope we can resolve it in the best interests of everyone.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Utah for his kind remarks. I want to comment very briefly on some of the things that he said.

I agree with much of what the Senator from Utah has said. I agree with much more of it than I disagree. I said earlier that the distinguished Senator from Utah performed an extraordinary feat in conducting these very extensive hearings. As the record will show, he and I were present to hear a great deal of testimony. It was during the course of those hearings, frankly, that I changed my perspective on the three appointees. When the distinguished Senator from Utah says that the President has the legal power to make the replacements, I believe that is correct. It is a different question from a different angle, however, as to whether the Senate ought to confirm all three of those nominees. But I researched the issue, and I concluded and said at the hearings that I thought the President had that power.

However, I believe that it is unwise for the Senate to exercise its powers of confirmation on more than one. The President should end up with having three of the six and not have a majority of the Commissioin.

When the distinguished Senator from Utah talked about the constitutionality of the legislatively created Commission which our amendment proposes, I refer to the case of *Hannah* v. *Larche,* a Supreme Court decision at 363 U.S. 420, where the Court described the Commission's functions as follows:

> . . . Its function is purely investigative and factfinding. It does not adjudicate. It does not hold trials or determine anyone's civil or criminal liability. It does not issue orders. Nor does it indict, punish, or impose any legal sanctions. It does not make determinations depriving anyone of his life, liberty, or property. In short, the Commission does not and cannot take any affirmative action which will affect an individual's legal rights. The only purpose of its existence is to find facts which may subsequently be used as the basis for legislative or executive action.

That, Mr. President, conforms very closely to the functions of the Federal Election Commission, as described by the Supreme Court in Buckley against Valeo, as follows:

> Insofar as the powers confided in the Commission are essentially of an investigative and informative nature, falling in the same general category as those powers which Congress might delegate to one of its own committees, there can be no question

that the Commission as presently constituted may exercise them.

So it is my judgment that congressional appointment of the Civil Rights Commission would be constitutional under those guidelines.

When the distinguished Senator from Utah commented about the qualifications of the three nominees, I agree with him totally. I do not believe that the issue is busing or quotas. It is my judgment that blacks and whites alike would agree that busing has been a colossal failure in this country. I am opposed to quotas, and I do not believe that it is the sentiment of the three nominees on those subjects which are in any way related to this controversy.

As I see it, the differences of opinion are slight and one of gradation and turn essentially on at least my conclusion that if the President appoints more than a majority, then the institutional independence of the Commission is undermined.

I join the distinguished Senator from Utah and the distinguished Senator from Kansas in urging that a compromise be found, if that is possible.

Mr. BAKER. Mr. President, I, too, hope for a compromise.

It is now 6:25 p.m., and I think there might be a better opportunity for some things to be worked out in the morning than there is tonight. So, if the managers and the sponsor of the amendment are agreeable, I propose that we leave this matter now and go to a period for the transaction of routine morning business, and return to the consideration of the pending matter in the morning.

Mr. SPECTER. I agree to that, and I thank the majority leader.

THE CALENDAR

Mr. BAKER. Mr. President, I have a few matters to take care of. I ask the minority leader if he is prepared to clear for action at this time Calendar Order No. 518, Senate Resolution 265, which has a technical amendment at the desk by Senator Mathias.

Mr. BYRD. Yes, Mr. President.

GRATUITY TO ADELE C. OSTRANDER

Mr. BAKER. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

> A Senate resolution (S. Res. 265) to pay a gratuity to Adele C. Ostrander.

The Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, I ask for immediate consideration of the amendment by Mr. Mathias.

AMENDMENT NO. 2535

(Purpose: To amend Senate Resolution 265)

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Tennessee (Mr. Baker), for Mr. Mathias, proposes an amendment numbered 2535.
>
> On page one, line 5, strike out "one year's" and insert in lieu thereof "eight and one-half months' ".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2535) was agreed to.

Mr. DANFORTH. The question is on agreeing to the resolution as amended.

The resolution (S. Res. 265) as amended was agreed to as follows:

S. Res. 265

> *Resolved,* That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Adele C. Ostrander, widow of Harry R. Ostrander, an employee of the Senate at the time of his death, a sum equal to eight and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. BAKER. I move to reconsider the vote, Mr. President.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JOINT REFERRAL OF RICHARD H. FRANCIS

Mr. BAKER. Mr. President, as in executive session, I ask unanimous consent that the nomination of Richard H. Francis, of Virginia, to be president of the Solar Energy and Energy Conservation Bank, which was received by the Senate on August 31, 1983, and referred at that time to the Banking Committee, be re-referred jointly to the Committees on Energy and Natural Resources and Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I have certain items on today's Executive Calendar which appear to be cleared for action by unanimous consent. May I ask the minority leader if he is prepared to confirm all or some part of the nominations I am about to identify: On page 2 under Air Force, Calendar Order No. 366; on page 2, under New Reports, 368 and 369; on page 3, under Department of State, Orders No. 370 and 371, 375 and 376; on page 4, Orders No. 377, 378, 380, 381, and 382; as well as nominations placed on the Secretary's desk in the Foreign Service.

Mr. BYRD. Mr. President, if I understood the distinguished Senator correctly, he refers to Calendar Orders Nos. 368, 369, 370, 371, 375, 376, 377, 378, 380, 381, 382, and those nominations on page 5. Am I correct?

Mr. BAKER. Yes, Mr. President, with one additional; that is No. 366 on page 2.

Mr. BYRD. Mr. President, I am not prepared to clear No. 366. I am prepared to clear certain calendar order numbers which the distinguished majority leader did not read. With the exception of 366, all those the identity of which has been stated by the majority leader are cleared on this side.

Mr. BAKER. I thank the minority leader.

Mr. President, may I have just a moment?

EXECUTIVE SESSION

Mr. President, there is one other item I am checking but at this time, based on the response of the minority leader, which I appreciate, I ask unanimous consent that the Senate now go into executive session for the purpose of considering nominations as follows: Calendar Orders Nos. 368, 369, 370, 371, 375, 376, 377, 378, 380, 381, 382, and the nominations placed on the Secretary's desk in the Foreign Service.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The clerk will state the nominations.

THE JUDICIARY

The assistant legislative clerk read the nomination of Thomas G. Hull, of Tennessee, to be U.S. district judge for the eastern district of Tennessee.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF JUSTICE

The assistant legislative clerk read the nomination of Daniel J. Horgan, of Florida, to be U.S. Marshal for the southern district of Florida.

The PRESIDING OFFICER. The nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF STATE

The assistant legislative clerk read the nominations of Daniel Anthony O'Donohue, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of the Union of Burma;

William H. Luers, of Illinois, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czechoslovak Socialist Republic;

Diego C. Asencio, of Florida, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brazil;

Robert E. Lamb, of Georgia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be an Assistant Secretary of State; and

W. Tapley Bennett, Jr., of Georgia, a career member of the Senior Foreign Service, class of Career Minister, to be an Assistant Secretary of State.

The PRESIDING OFFICER. The nominations are considered and confirmed.

Mr. BAKER. I move to reconsider the vote by which the nominations were considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AFRICAN DEVELOPMENT FOUNDATION

The assistant legislative clerk read the nomination of T. M. Alexander, Sr., of Georgia, to be a Member of the Board of Directors.

The PRESIDING OFFICER. The nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

The assistant legislative clerk read the nomination of Frank J. Donatelli, of Virginia, to be an Assistant Administrator of the Agency for International Development.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTER-AMERICAN FOUNDATION

The assistant legislative clerk read the nominations of Langhorne A. Motley, of Alaska, to be a member of the Board of Directors; and J. William Middendorf II, of Virginia, to be a member of the Board of Directors.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

Mr. BAKER. I move to reconsider the vote by which the nominations were considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

The assistant legislative clerk read the nominations placed on the Secretary's desk in the Foreign Service.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the nominations have been considered and confirmed.

The PRESIDING OFFICER. The President will be so notified.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend beyond 7 p.m., in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there will be no more record votes tonight.

NOTICE OF ABSENCE

Mr. STEVENS. Mr. President, the junior Senator for Alaska, Mr. MURKOWSKI, was necessarily absent on Tuesday. He traveled to Alaska with the President.

On Wednesday, Senator MURKOWSKI will be in Alaska for the purpose of testifying at EPA hearings in Sitka and Ketchikan.

MESSAGES FROM THE HOUSE

AT 9:51 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2867. An act to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes; and

H.R. 3259. An act to declare that the United States holds certain lands in trust for the Pueblo de Cochiti.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 448. An act to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes;

H.R. 2920. An act to amend title 38, United States Code, to extend and improve various health care and other programs of the Veterans' Administration, and for other purposes;

S.J. Res. 92. Joint resolution designating the week beginning May 13, 1984, as "Municipal Clerks Week";

S.J. Res. 122. Joint resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week";

S.J. Res. 139. Joint resolution to commemorate the centennial of Eleanor Roosevelt's birth; and

S.J. Res. 188. Joint resolution to designate the month of November 1983 as "National Christmas Seal Month".

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

At 12:14 p.m., a message from the House of Representatives delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2968) to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency retirement and disability system, and for other purposes; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. BOLAND, Mr. ZABLOCKI, Mr. MAZZOLI, Mr. MINETA, Mr. FOWLER, Mr. HAMILTON, Mr. GORE, Mr. STOKES, Mr. MCCURDY, Mr. ROBINSON, Mr. WHITEHURST, Mr. YOUNG of

Florida, Mr. Stump, Mr. Goodling; and for matters falling within the jurisdiction of the Committee on Armed Services: Mr. Price, Mr. Stratton, and Mr. Dickinson as managers of the conference on the part of the House.

At 12:45 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2077) to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes, it asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. Ford of Michigan, Mr. Udall, Ms. Oakar, Mr. Taylor, and Mr. Glickman as managers of the conference on the part of the House.

HOUSE MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2867. An act to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3259. An act to declare that the United States holds certain lands in trust for the Pueblo de Cochiti; to the Select Committee on Indian Affairs.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary reported that on today, November 9, 1983, he had presented to the President of the United States the following enrolled bill and joint resolutions:

S. 448. An act to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes;

S.J. Res. 92. Joint resolution designating the week beginning May 13, 1984, as "Municipal Clerks Week";

S.J. Res. 122. Joint resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week";

S.J. Res. 139. Joint resolution to commemorate the centennial of Eleanor Roosevelt's birth; and

S.J. Res. 188. Joint resolution to designate the month of November, 1983, as "National Christmas Seal Month."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, without amendment and with a preamble:

H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress concerning U.S. support for the efforts of the Association of South East Asian Nations (ASEAN) with respect to Kampuchea.

By Mr. GOLDWATER, from the Select Committee on Intelligence, without amendment and with a preamble:

S. Res. 267. Resolution to support the establishment of a National Historical Intelligence Museum.

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment:

S. 1982. A bill to extend the expiration date of section 252 of the Energy and Conservation Act.

By Mr. PERCY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 70. Concurrent resolution expressing the sense of the Congress regarding actions the President should take to commemorate the anniversary of the Ukrainian famine of 1932-1933.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

William P. Clark, of California, to be Secretary of the Interior (Exec. Rept. No. 98-20).

(The above nomination was reported from the Committee on Energy and Natural Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. TOWER, from the Committee on Armed Services:

William E. Mayer, of California, to be an Assistant Secretary of Defense.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEINZ:

S. 2071. A bill to limit the acquisition of depository institutions by nonbanks; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HEINZ (for himself and Mr. Dodd):

S. 2072. A bill to limit the circumvention of Federal banking law by State bank subsidiaries of bank holding companies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself and Mr. Trible):

S. 2073. A bill to improve the highway transportation system; to the Committee on Environment and Public Works.

S. 2074. A bill to improve the traffic flow on I-66; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER:

S. 2075. A bill to increase the number of Superior Court judges in the District of Columbia; to the Committee on Governmental Affairs.

By Mr. TSONGAS (for himself, Mr. Heinz, and Mr. Pell):

S. 2076. A bill to amend the Energy Security Act to extend the financing authority of the Synthetic Fuels Corporation to include projects for district heating and cooling and for municipal waste energy recovery, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TOWER (by request):

S. 2077. A bill to amend title 10, United States Code, to require authorization by law of certain consolidations of functions within the Department of Defense; to the Committee on Armed Services.

By Mr. HATCH (for himself and Mrs. Hawkins):

S. 2078. A bill to amend the Public Health Service Act to provide assistance to States to plan, develop, establish, expand, or improve State and local resource and referral systems for the dissemination of information concerning dependent care services; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself and Mr. Trible):

S. 2073. A bill to improve the highway transportation system; to the Committee on Environment and Public Works.

S. 2074. A bill to improve the traffic flow on I-66; to the Committee on Commerce, Science, and Transportation.

LEGISLATION PERTAINING TO RICHMOND-PETERSBURG TURNPIKE TOLLS AND HOV RESTRICTIONS ON INTERSTATE 66

Mr. WARNER. Mr. President, today, Senator Trible and I are introducing two bills that are designed to improve the highway transportation system of the Commonwealth of Virginia. Both of these provisions are contained in H.R. 3103, the Surface Transportation Technical Corrections Act, which is currently in conference. I feel it is necessary to introduce them as new bills because of the current stalemate between the House and Senate with respect to H.R. 3103. The citizens of Virginia should not be made to suffer the effects of not passing these provisions because of the inability of Congress to agree on other very expensive provisions of H.R. 3103 on the House side that do not affect Virginia, particularly in light of the fact that neither of my bills has any effect on the U.S. Treasury. They are necessary because Federal restraints are preventing the Commonwealth from working its will.

The Virginia General Assembly, in its 1983 sessions, enacted legislation for two reasons, which provided that tolls be kept on the Richmond-Petersburg Turnpike. The tolls need to be retained until I-295, between I-64 east of the city of Richmond and I-95 south of Petersburg, is completed in order to facilitate smooth traffic management.

The second reason, and the major reason, for extending the tolls is so that the tolls collected in the interim can be directed to the construction of five critically needed road projects in the Richmond-Petersburg area which could not be financed from normal

Federal or State revenue within the next 15 years.

In order to implement the provisions of the State's legislation, it is necessary that the Commonwealth be relieved of certain provisions of an agreement with the Federal Highway Administration in 1971. The FHWA has determined that the agreement cannot be amended administratively, but that such an agreement must be approved by Congress. Virginia House Members and I have just been informed, further, by the Virginia Secretary of Transportation, that every day the Federal Government does not act on this toll bill, that Virginia's road projects get delayed—which costs Virginians money. This has put a critical light to this legislation. As such, the Virginia House delegation was successful in having such a provision included in the House version of H.R. 3103. However, given the precarious nature of that legislation, I now find it necessary to introduce this new bill.

The other legislation I am introducing concerns a subject that was debated on the Senate floor when the Senate considered H.R. 3103.

I was very pleased when the Senate, in its wisdom, agreed with my amendment to reduce the high occupancy vehicle restrictions on I-66 from four to three and adopted it as a part of H.R. 3103. Similar action was taken in the House and this provision is included in both versions of H.R. 3103.

I will not go into the several compelling arguments in favor of this legislation because I have already filled the RECORD with material. This legislation is exactly the same as my amendment to H.R. 3103, except that some language has been added to clarify the original intent of the provision with respect to the Lynn Street and George Washington Parkway ramps.

Vehicles entering I-66 from these arteries have not been subject to HOV restrictions and while report language on H.R. 3103 makes the point clear, it was never intended that these ramps become subject to them as a result of this legislation.

Both of these provisions are timely and overdue. They have no costs to the taxpayers associated with them and they are not, to my knowledge, objectionable to any Member of Congress. I hope, Mr. President, that either as a part of H.R. 3103 or as separate legislation, they can be passed as soon as possible. I also reserve the right to offer them as amendments to any appropriate legislation that may come up in the Senate—over and over again, if necessary, until they become law.

By Mr. SPECTER:

S. 2075. A bill to increase the number of superior court judges in the District of Columbia; to the Committee on Governmental Affairs.

INCREASE IN NUMBER OF SUPERIOR COURT JUDGES IN THE DISTRICT OF COLUMBIA

Mr. SPECTER. Mr. President, I am today introducing legislation designed to prevent a crisis in our system of justice in the District of Columbia Superior Court. The caseloads and backlogs have reached alarming levels in the court, despite modern management techniques and lots of good, old-fashioned hard work. This bill will raise the number of judges in the superior court by 7 to a total of 51, including the chief judge.

On Tuesday, November 8, 1983, I held a hearing, as chairman of the District of Columbia Appropriations Subcommittee, on the question of the need for the new judges. The facts and statistics were disturbing. As of October 31, there were 3,102 felonies pending in the superior court. Since 1978, criminal case filings have increased from 26,420 to 33,589. By the end of 1982, the court had over 38,000 cases pending.

This backlog has created inordinate delays in both criminal and civil cases. Chief Judge H. Carl Moultrie reported at the hearing that the average felony case going to trial now takes 326 days from arrest to sentencing. For the 1,100 persons incarcerated pending their trials, such delays are intolerable. Perhaps more disturbing is the fact that the 1,985 persons released on both encountered the same delays. Judging from the nearest figures, many of those released preyed on additional innocent victims during that time.

Both the persons charged with these serious crimes and the public at large deserve prompt resolution of these matters so that the guilty may be appropriately sentenced and the innocent released.

I firmly believe that the District of Columbia's criminal justice system can be a model for the entire Nation. In September Congress approved the District's Appropriations Act for fiscal 1984. A significant feature of it was $25 million devoted largely to improvements in the Department of Corrections, where prison overcrowding has been a significant problem. It also contained an appropriation, subject to authorization, for the seven new judges for superior court. We thus need only authorize the judges in order to make use of this money and start attacking the backlog problem.

At our hearing on November 8, a spokesperson for the Mayor's Office indicated that the Mayor had not yet taken a position on the issue. While sympathetic to the need for the judges, concern was expressed about the home rule issues of who appoints the judges and who prosecutes local crimes. Obviously, the home rule issues are complicated and may take months or more for the District, the Congress, and the administration to resolve. The need for the judges is immediate, however; the defendants awaiting trial and the public deserving protection cannot afford to wait.

Indeed, the statistics show that even more than seven judges are needed. A 1982 D.C. Bar committee report suggests, by extrapolation, that 12 new judges are needed now. D.C. court officials indicated in testimony that they could justify the need for 15 judges, or 21 to include a full elimination of the backlog. It is clear that the seven judges are the minimum needed.

A particularly disturbing aspect of the criminal case backlog problem is the serious consequences of the delay. Not only are defendants' rights jeopardized and the public often endangered, but the delays also sometimes result in reversals of convictions. For example, a D.C. jury convicted Whitfield Graves in 1981 for felony murder, robbery, and first-degree burglary in the strangling death of James Mathews. The court imposed a sentence of 20 years to life. Yet the D.C. Court of Appeals reversed the conviction on September 23, 1983, because the 25-month delay between arrest and conviction violated Graves' right to a speedy trial. Less than 2 weeks later, a superior court judge dismissed a first-degree murder indictment, again on speedy trial grounds, when the Government witnesses were unavailable for a third time. Surely we have reached a crisis when the inability to resolve criminal cases timely results in freeing convicted and alleged murderers.

It is my deep hope that authorizing legislation, already approved by the Senate once in connection with the D.C. appropriation bill only to be removed in Congress, will win prompt Senate approval. I urge each Member to speed its passage.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 903 of title 11 of the District of Columbia Code is amended by striking out "forty-three" and inserting in lieu thereof "fifty".

By Mr. TSONGAS (for himself, Mr. HEINZ, and Mr. PELL):

S. 2076. A bill to amend the Energy Security Act to extend the financing authority of the Synthetic Fuels Corporation to include projects for district heating and cooling and for municipal waste energy recovery, and for other purposes; to the Committee on Energy and Natural Resources.

SYNTHETIC FUELS CORPORATION AMENDMENTS OF 1983

● Mr. TSONGAS. Mr. President, today my colleagues Senators Heinz and Pell and I are introducing a bill to extend the financing authority of the Synthetic Fuels Corporation (SFC) to include district heating and cooling and municipal waste-to-energy projects. This bill is similar to H.R. 2489, which was introduced by Representatives Oberstar of Minnesota and Schneider of Rhode Island and is currently under consideration in the House.

Three years ago, I opposed the version of the SFC approved by the Senate Energy and Natural Resources Committee. I was concerned about the program's enormous scale, aggressive pace, and environmental impact. Today I continue to question the need for a program of this size, as well as the appropriateness of the Corporation's narrow focus on synthetic fuels.

As long as the Corporation does exist, however, it could serve a beneficial purpose by financing a balanced mix of energy source. As the synthetic fuels study panel observed in their report released on May 18, 1982, "There are appropriate roles for the SFC that go beyond the financial assistance provisions set forth in title I of the Energy Security Act." The first of their suggestions was:

> To the extent that government involvement (including that of the SFC) is indicated in the energy field, balanced consideration should be extended to the broadest array of domestic fuel resources, alternate energy technologies, conservation methodologies, and other techniques to improve productivity on a non-discriminatory basis.

Our bill would make district heating and cooling and municipal waste-to-energy projects eligible for SFC funds and insure that the agency properly considers these innovative energy systems.

The technologies behind both district heating and cooling and municipal waste to energy are sensible and proven. But financial roadblocks hinder their development.

District heating and cooling is a process invented in America in 1877. It works this way. Hot or cold water, or steam, is piped from a thermal source to customers for use in space heating and cooling and industrial processes. A district heating and cooling system supplied by an electric powerplant's waste heat can increase the plant's fuel efficiency from 35 percent to 80 percent.

District heating and cooling is a proven technology. It is used extensively in Europe and the Soviet bloc. The Oak Ridge National Laboratory has estimated that up to 50 percent of this country's space and water heating needs—10 percent of total U.S. energy demand—could be supplied should this process be put into widespread use in the United States.

But there are financing obstacles. Capital expenditures account for about 75 percent of the life-cycle cost of a district heating and cooling system, while operating outlays account for only 25 percent. These high front-end costs and low operating expenses lead to financial losses during the initial years of a project and to substantial profits in the later years. Thus high interest rates, uncertainty of future energy demand, and difficulty in raising capital have deterred communities from investing in district heating and cooling projects eligible for price guarantees, loan guarantees, and other forms of financial assistance. This aid would reduce financial risks in these ventures and spur their prudent development.

Municipal waste to energy, sometimes called resource recovery, is also an innovative, established technology. It utilizes urban refuse to provide steam for heating or to generate electricity. A resource recovery plant can salvage over 85 percent of a city's refuse destined for landfill and exploit it for energy.

The technology is an everyday fact of life in dozens of American and European cities. If widely adopted in the United States, waste-to-energy plants could produce up to the equivalent of 220,000 barrels of oil per day.

But the financial circumstances are adverse, as with district heating and cooling. Today it is often cheaper for cities to dispose of their garbage in landfills rather than recycle it through resource-recovery plants. But landfill is rapidly becoming scarce. Not long from now many municipalities will face waste-disposal problems. At that time, municipal waste-to-energy plants will be essential. So we must begin to develop them now.

To overcome the financing pitfalls, our legislation would authorize limited price-support SFC loans for municipal waste-to-energy plants. The money would be withheld until a project begins to produce energy. The assistance would be available only during the first 7 years of a plant's operation. At that point, repayment of a loan would commence, continuing over the remaining lifetime of the project. The bill thereby would provide an easily administered, market-oriented mechanism for removing disincentives to the development of this technology.

The bill would have far-reaching benefits. Expanded use of district heating and cooling and municipal waste-to-energy systems would curtail America's crippling reliance on importance on imported oil and bestow upon our cities a measure of energy independence. Unlike synthetic fuels, these technologies can benefit communities throughout the United States. In addition, these systems would provide energy with much less environmental disruption than caused by synthetic fuels production. Jobs are created through the construction and operation of these projects but also from the industry and urban development attracted by the stable source of energy. The energy savings from district heating could enhance economic development in cities and attract businesses, industry, housing to urban areas.

Until now, the SFC has been evaluating only synthetic fuels projects proposed by relatively large energy companies. Our legislation would allow SFC loans to aid financially strapped urban areas in developing their own energy supplies. Our bill would stimulate economic development and create productive jobs through a market-oriented mechanism. The legislation has widespread support from a variety of groups. A similar bill in the House, H.R. 2489, has the backing of the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the AFL-CIO, the Consumer Energy Council of America, a coalition of labor, rural, energy and urban organizations, and other groups.

Mr. President, I believe there is a clear need for a program to aid in the development of district heating and cooling systems and municipal resource-recovery facilities. As I have said, I am no supporter of the SFC and do not believe that it is the only vehicle that can provide financial assistance to these technologies. But the Corporation exists, and its structure is well suited to accommodate these energy systems under its lending authority. I hope that the program to stimulate the development of district heating and cooling systems and municipal waste-to-energy projects contained in this legislation is the subject of committee hearings and receives the serious consideration it deserves.

Mr. President, I ask unanimous consent that a copy of the full text of this bill be printed in the Record following my remarks.

Mr. President, the Northeast-Midwest Congressional Coalition has prepared a bill summary and I also ask unanimous consent that this item be printed in the Record.

There being no objection, the bill and summary were ordered to be printed in the Record, as follows:

S. 2076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Synthetic Fuels Corporation Amendments of 1983".

DEFINITIONS

Sec. 2. Section 112 of the Energy Security Act (42 U.S.C. 8702) is amended by adding at the end thereof the following new paragraphs:

"(19)(A) The term 'district heating or cooling project' means an integrated pipeline system located in the United States which provides hot water, chilled water, or steam from a heating or cooling source to one or more unaffiliated users for residential, commercial, or industrial heating or cooling, or process steam, or any combination thereof.

"(B) Such term includes the pipe, pipe insulation, valves, pumps, expansion equipment and facilities, heat exchanges, temperature controls, terminal units, meters, and similar equipment, facilities, and property necessary for establishing and operating such system.

"(C) Such term does not include the heating or cooling source used for such system.

"(20) The term 'municipal waste energy project' has the same meaning as given such term in section 203(15) of this Act.

"(21) The term 'construction', when used with respect to any district heating or cooling project, has the same meaning as such term has with respect to biomass energy projects under section 203(9) of this Act.

"(22) The term 'project' means a synthetic fuel project, district heating or cooling project, or municipal waste energy project.".

EXTENSION OF CORPORATION'S FINANCING AUTHORITY FOR DISTRICT HEATING AND COOLING PROJECTS

SEC. 3. (a) Sections 132(a)(1), 133(a)(1), 134, 135(a), and section 137(a) of the Energy Security Act (relating to various forms of permitted financial assistance) are each amended by inserting "or district heating or cooling project" after "synthetic fuel project" each place it appears.

(b) Section 136 of such Act (relating to joint ventures for synthetic fuel project modules) is amended by adding at the end thereof the following:

"(g) The Corporation is also authorized to commit, or to enter into, joint ventures for district heating and cooling project modules under similar terms and conditions as apply under this section with regard to synthetic fuel project modules.".

(c)(1) Section 131 (b)(3), (b)(4), (e), (j), and (l) through (u), section 132 (a)(2)(A), (d), and (e), section 133 (a)(2), (a)(4), and (c), and section 137(b) of such Act are each amended by striking out "synthetic fuel project" each place it appears and inserting in lieu thereof "project".

(2) Section 135(a) of such Act is amended by striking out "to insure the production of synthetic fuel".

(3) Section 131(b)(1) and section 135(b) of such Act are each amended by inserting "or energy output" after "fuel" and "fuels", each place such terms appear.

(4) Section 137(a) of such Act is amended by striking out "synthetic fuel projects" and inserting in lieu thereof "projects".

(5) Paragraph (2) of section 131(u) of such Act is amended to read as follows:

"(2) Such cost-sharing agreements shall not exceed—

"(A) 1 percent of the preliminary total estimated cost of the applicant's proposed synthetic fuel project, or

"(B) 2 percent of the preliminary total estimated cost of the applicant's proposed district heating or cooling project or municipal waste energy project.".

(6) Section 131 of such Act is amended by adding at the end thereof the following new subsection:

"(v) A proposal for financial assistance for a district heating or cooling project shall include an evaluation of the energy efficiency of the area to be served by the proposed district heating and cooling system, and shall describe the effect that existing or future conservation activities would have on the economic viability of such a system.".

EXTENSION OF CORPORATION'S FINANCING AUTHORITY FOR MUNICIPAL WASTE ENERGY PROJECTS

SEC. 4. (a) The Energy Security Act is amended by inserting after section 132, relating to loans by the Corporation, the following new section:

"PRICE SUPPORT LOANS MADE BY THE CORPORATION FOR MUNICIPAL WASTE ENERGY PROJECTS

"SEC. 132a. (a)(1) In the case of any existing municipal waste energy project which produces and sells biomass energy, the Corporation may commit to make, and make, a price support loan in amounts determined under paragraph (3) for the operation of such project. Payments under any such loan shall be disbursed on an annual basis, as determined (in accordance with paragraph (3)) on the basis of the amount of biomass energy produced and sold by that project during the 12-month period involved and the type and cost of fuel displaced by the biomass energy sold.

"(2)(A) In the case of any support loan under this section for an existing municipal waste energy project—

"(i) disbursements under such loan may not be made for more than 5 consecutive 12-month periods;

"(ii) the amount of the disbursement for the second and any subsequent 12-month period for which disbursements are to be made under the support loan shall be reduced by an amount determined by multiplying the amount calculated under paragraph (3) by a factor determined by dividing the number of 12-month periods for which disbursements are made under the support loan into the number of such periods which have elapsed;

"(iii) except as provided in subsection (d), commencing at the end of the last of such 12-month periods, the support loan shall be repayable over a period equal to the then remaining useful life of the project (as determined by the Corporation) or 10 years, whichever is shorter; and

"(iv) commencing at the end of such last 12-month period, such loan shall bear interest at a rate determined by the Corporation (taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans) plus not to exceed 1 per centum, as determined by the Corporation, and adjusted to the nearest one-eighth of 1 per centum.

"(3) The amount of the loan payment to be disbursed under this subsection for any year with respect to each type of biomass energy produced and sold by an existing municipal waste energy project shall be equal to—

"(A)(i) the standard support price reduced by the cost of the fuel displaced by the biomass energy sold, or (ii) $2, whichever is lower, multiplied by

"(B) the amount of such biomass energy sold (in millions of British thermal units).

"(b)(1) In the case of any new municipal waste energy project which produces and sells biomass energy, the Corporation may commit to make, and make, a price support loan in amounts determined in accordance with the provisions of subsection (a), except as provided in paragraph (2).

"(2) In the case of any loan under this subsection for a new municipal waste energy project—

"(A) disbursements under such loan may not be made for more than 7 consecutive 12-month periods (with reductions as provided in subsection (a)(2)(A)(ii));

"(B) such loan shall bear interest at a rate not in excess of the rate prescribed under subsection (a); and

"(C) except as provided in subsection (d), the principal of or interest on such loan shall, in accordance with the support loan agreement, be repayable commencing at the end of the last 12-month period covered by the support loan, over a period not in excess of the period equal to the then remaining useful life of the project (as determined by the Corporation) or 15 years, whichever is shorter.

"(c) Before committing to make a price support loan under this section for any project, the Corporation shall consider—

"(1) the potential of such project to produce biomass energy,

"(2) the extent to which such project will supplement (rather than supplant) existing municipal waste energy projects.

"(d) The Corporation shall not commit to make or make a price support loan under this section to any municipal waste energy project until the Corporation finds—

"(1) such project meets the requirements of a plan as set forth in section 4003 of the Solid Waste Disposal Act (42 U.S.C. 6943), and

"(2) sufficient quantities of waste shall be available to supply such project until such loan is to be fully repaid under this section.

In determining the availability of waste under paragraph (2), the Corporation shall not treat as available waste required to fill the present and reasonably anticipated future needs of any materials recovery project in the area of such municipal waste energy project.

"(e)(1) Repayment of a support loan under this section shall be deferred during any deferral period, and such loan shall not bear interest during such period.

"(A) For purposes of this paragraph, the term 'deferral period' means, with respect to any support loan under this section for an existing or new waste energy project, any period when the average price (per million British thermal units) for number 6 fuel oil imported into the United States is less than the product of—

"(i) the average price for number 6 fuel oil imported into the United States on January 1, 1983, and

"(ii) 75 percent of the percentage (if any) by which the most recently published CPI exceeds the CPI for the month of January 1983.

"(B) For purposes of subparagraph (A), 'CPI' means the Consumer Price Index for all urban consumers published by the Department of Labor.

"(2) repayment of a support loan with respect to a municipal waste energy project under this section shall be subordinate to all other obligations to repay loans for financing such project.

"(f) For purposes of this section—

"(1) The term 'new municipal waste energy project' means any municipal waste energy project which—

"(A) is initially placed in service after the date of the enactment of this section; or

"(B) if initially placed in service before such date, has an increased capacity by reason of additional construction, and as such is placed in service after such date.

"(2) The term 'existing municipal waste energy project' means any municipal waste

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energy project which is not a new municipal waste project.

"(3) The term 'placed in service' means operated at more than 50 per centum of the estimated operational capacity.

"(4)(A) Except as provided in subparagraphs (B) and (C), the term 'standard support price' means the average price (per million British thermal units) for number 6 fuel oil imported into the United States on January 1, 1983, as determined, by rule, by the Corporation not later than 90 days after the date of the enactment of this section.

"(B) In any case in which the fuel displaced is number 6 fuel oil or any higher grade of petroleum (as determined by the Corporation) or natural gas the term 'standard support price' means 125 per centum of the price determined by rule under subparagraph (A).

"(C) In any case in which biomass energy produced and sold by a project is steam or electricity, the term 'standard support price' means the price determined by rule under subparagraph (A), subject to such adjustments as the Corporation may authorize by rule.

"(5) The term 'cost of the fuel displaced' means the cost of the fuel (per million British thermal units) which the purchaser of biomass energy would have purchased if the biomass energy had not been available for sale to that purchaser.

"(6) Any biomass energy produced by a municipal waste energy project which may be retained for use by the owner or operator of such project shall be considered to be sold at such price as the Corporation determines.

"(7) Not later than 90 days after the date of the enactment of this section, the Corporation shall prescribe, by rule, the manner of determining the fuel displaced by the sale of any biomass energy, and the price of the fuel displaced.".

(b) Section 112(10) of such Act (42 U.S.C. 8702(10)), defining loans, is amended by striking out "section 132" and inserting in lieu thereof "section 132 or 132a".

(c) The table of contents for such Act is amended by inserting after the item relating to section 132 the following new item:

"Sec. 132a. Price support loans made by the Corporation for municipal waste energy projects.".

PRODUCTION STRATEGY TO INCLUDE PLAN FOR DISTRICT HEATING AND COOLING PROJECTS AND MUNICIPAL WASTE ENERGY PROJECTS

Sec. 5. (a) Section 126(a) of such Act (42 U.S.C. 8722(a)), relating to the production strategy of the Corporation, is amended—

(1) by inserting "district heating or cooling projects, and municipal waste energy projects" after "synthetic fuel projects" where it appears in paragraph (1)(A); and

(2) in paragraph (2)(A), by striking out "as well as (ii)" and inserting ", (ii)", and by striking out the period at the end and inserting in lieu thereof ", and (iii) provide appropriate financial assistance for district heating or cooling projects and municipal waste energy projects.".

(b) Section 126(b)(3) of such Act (42 U.S.C. 872(b)(3)) is amended—

(1) by striking out "and" at the end of subparagraph (E), by striking out the period at the end of subparagraph (F) and inserting "; and" in lieu thereof, and by adding at the end thereof the following new subparagraph:

"(G) specifically address what types of district heating or cooling projects and municipal waste energy projects the Corporation intends to assist, as well as how it intends to provide that assistance.".

CORPORATE ORGANIZATION

Sec. 6. Section 117 of the Energy Security Act (42 U.S.C. 8713) is amended by adding at the end thereof the following new subsection:

"(f) The Board of Directors, by establishment of an office or otherwise, shall assure that the Corporation is organized and staffed so as to effectively evaluate, process, and review proposed and funded district heating or cooling projects and municipal waste energy projects.".

SYNTHETIC FUELS CORPORATION AMENDMENTS OF 1983

This bill would broaden the lending authority of the Synthetic Fuels Corporation to include district heating and cooling and municipal waste to energy projects. District heating/cooling is defined as an integrated pipeline system which provides hot water, chilled water, or steam from a heating or cooling source to one or more unaffiliated users for residential, commercial, or industrial heating or cooling. As defined in the bill, the heating or cooling source used for the district heating/cooling system would not be eligible for assistance.

A municipal waste to energy project is defined as any facility, or portion of a facility, primarily used for the production of biomass fuel—gaseous, liquid, or solid fuel—(and by-products) from municipal waste; or the combustion of municipal waste for the purpose of generating steam or forms of useful energy, including industrial process heat, mechanical power, or electricity (including cogeneration). (This is the same definition as that used in Section 203(15) of the Energy Security Act, P.L. 96-294.)

The bill has 3 major components:

Broadens the lending authority of the Synthetic Fuels Corporation to include district heating/cooling. These projects would be eligible for all forms of financial assistance available from the Corporation.

Amends Section 132 of the Energy Security Act, relating to loans made by the Synthetic Fuels Corporation, by adding a new section—Section 132a—authorizing price support loans for municipal waste to energy projects. The price support loan would be based on the difference between a "standard support price" and the average cost of conventional fossil fuel over a 12-month period to the buyer of energy produced from municipal waste. The "standard support price" is defined as the cost of imported No. 6 fuel oil on January 1, 1983. The price support is the lesser of the difference stated above, or $2.00 per million BTU. (The price support loan definition is substantially the same as that originally defined in Section 234 of the Energy Security Act, P.L. 96-294.)

Requires the Board of Directors of the Synthetic Fuels Corporation to assure that the Corporation is organized and staffed so as to effectively evaluate, process and review applications for district heating/cooling and municipal waste to energy projects.●

By Mr. HATCH (for himself and Mrs. HAWKINS):

S. 2078. A bill to amend the Public Health Service Act to provide assistance to States to plan, develop, establish, expand, or improve State and local resources and referral systems for the dissemination of information concerning dependent care services; to the Committee on Labor and Human Resources.

DEPENDENT CARE RESOURCE AND REFERRAL ACT OF 1983

Mr. HATCH. Mr. President, today Senator HAWKINS and I are pleased to introduce "The Dependent Care Resources and Referral Act of 1983." This legislation provides interested States with a one-time grant to develop means of providing families with information on dependent care services within their own communities.

Despite the social and economic forces which foster change in our contemporary family structure, a recent national survey revealed that a good family life remains the No. 1 social value for Americans, ranking in our national hierarchy of values above physical health, self esteem, and freedom of choice.

One of the most dramatic changes for both the family and for the civilian work force was the entrance of women into the labor market in unprecedented numbers. Labor participation by women has doubled since 1930. Currently, 52 percent of all working aged women are employed. Additionally, there are approximately 10 million American families maintained solely by women.

These women face continuing economic stress. Women who are single heads of households because of divorce have an initial 29 percent loss of income after the divorce, and after a year their income has dropped 73 percent. Other single heads of households face similar economic stress.

In the face of these shifting economic and social realities and with so many parents working, there emerges the central question: Who takes care of our children while the family works?

In 1947, only 19 percent of women with children worked. Today 53 percent of all children in this country have mothers in the job market. Newsweek cited that "In 1980, 45 percent of mothers with preschool children were working at jobs away from home, up fourfold from three decades before." That affects about 7.5 million infants and toddlers. Therefore, the need for child care for the children of working parents has greatly increased over the past 20 years and is expected to continue into the 1990's. More mothers are entering the work force than ever, and more are remaining at work during their child-rearing years. For many single parents of small children, child care services enabling the parent to work are a necessity.

But the caring does not end when the children are raised and on their own. Many American families are faced with difficult choices when older family members become ill or incapacitated.

Many families would choose to provide the supportive services themselves, but often fail due to the high costs, both financially and emotionally, that long term home care can require.

Respite and adult day care are two services often mentioned by these families as the most helpful in allowing them to continue working and maintaining as normal a life as possible while caring for older or disabled family members at home. Families need assistance in locating appropriate care givers, learning where services are located and the costs and transportation needs involved.

I have learned that many families throughout the country are searching for dependent care information within their local community. Many families are not aware of their options. The resources needed by families include a wide range of alternatives from "in home care" by a family member to "other home care" neighborhood and/or institutional care. Most families are seeking information regarding the types of care, the availability of care, the costs of care and the transportation to and from facilities.

The Federal Government should not be in the business of providing or even assuring the availability of child care services for every working parent. Nor do I advocate the Federal Government pay the tab for day-to-day dependent care services. Providing these services is best left to local and community efforts, including the work of the voluntary, church, and the private sector. An appropriate Federal response is to increase information resources and improve access to existing dependent care services. That is why Senator Hawkins and I are introducing the Dependent Care Resources and Referral Act of 1983. Resource and referral services are scant, but where they exist they have effectively increased parental awareness of child care options.

Greater consumer knowledge will result in greater cooperation among dependent care providers, both public and private to improve quality and variety of dependent care services. These resources and referral programs meet the needs while providing an educational service and improving relations between private and public sectors of the community. This legislation, while modest in budget, can provide one-time grants to States a proper Federal impetus to address a lack of available information on existing and new dependent care programs.

This legislation amends the Public Health Service Act to create a block grant for the development of resource and referral programs within States; $15 million is appropriated over the next 5 years and States may apply for their allotment only once. The resources and referral program shall make information available to the community on types of dependent care, including home based, church, community, private sector, employer based and within institutional settings. The program shall include information about the cost of such care, the location of and transportation to and from the care site, the hours of operation and dependents eligible to enroll. This Federal money shall not be used to duplicate existing services and may only be used for start-up costs of the system.

Mr. President, with more women in the work force than ever before, the needs of familes have altered. As chairman of the Senate Committee on Labor and Human Resources, I have scheduled a full committee hearing to further address the changes in the family for November 16, having already held a preliminary hearing on November 8.

In addition, Senator Denton, my distinguished colleague from Alabama, who chairs the Human Services Subcommittee, has held 4 days of hearings entitled the "Broken Family." These hearings have further highlighted the needs of families in our society.

At these hearings Senator Denton and I heard some startling statistics:

Fully 59 percent of children born in 1983 will live with only one parent at some time before they reach the age of 18.

More than 50 percent of the children in families headed by a female live in poverty, compared with only 8 percent in husband-wife families.

A recent census report found that 8.4 million women nationwide had custody of their children in 1981, yet less than half had been awarded child support. Of those entitled to payments, only 47 percent received the full amount—an average of $40 per week. Another 25 percent got partial payments, 28 percent got nothing. The disinclination of many men to help support their children is often cited as a major reason that more women are falling into poverty.

Through these subcommittee hearings, I have derived a greater understanding of these issues. I intend to introduce legislation in the next few weeks to reduce the pain made evident by these statistics. My hearings on November 8 and 16 will further underscore the need to address the so-called "feminization of poverty" with better training programs and more private sector support. In addition, this legislation I am introducing today, "The Dependent Care Resource and Referral Act of 1983," is the first of that package.

I am pleased Mrs. Hawkins is joining me today in the introduction of this bill. She has also played a major role in educating our body on critical issues supporting families. I urge my colleagues to join Senator Hawkins and me in supporting this bill.

Mrs. HAWKINS. Mr. President, I am pleased to join Senator Hatch in cosponsoring legislation to provide Federal assistance to the States for the extablishment of resource and referral programs for dependent care. This legislation, the Dependent Care Resource and Referral Act of 1983, would provide $15 million for allotments to the States to establish resource and referral systems for dependent care which would provide information on the availability, types, costs, and location of dependent care services.

The workstyles and lifestyles of families are changing as increasing numbers of women enter the work force for financial as well as social reasons. This trend toward both parents working has placed increased burdens on those parents who now have demanding work responsibilities as well as demanding family responsibilities. But there is no reason why either work or family has to suffer as long as our institutions are flexible enough to adapt to these changing circumstances. But to insure that both these responsibilities are balanced, we must provide families with information about all the dependent care options available to them so they can choose the service that is best suited to their particular needs.

Not all working parents can utilize the traditional 9–5 center based care of a commercial childcare facility. Legislation that I introduced earlier this year, the Medical Facilities Dependent Care Act was prompted by conversations I had with nurses and other health care professionals who encountered great difficulty in finding dependent care services that met their unusual and erratic work schedules. Many hospitals, faced with recruitment and retention difficulties of these highly skilled professionals have established employer-sponsored childcare programs in an effort to recruit and retain their labor force. Many hospitals have on-site centers but others have established vending or contracting out services with existing childcare centers in the community. Other hospitals have experimented with family-based day and night care, infant care, sick child care, and intergenerational dependent care.

Not all of the nurses with whom I spoke were caring for children. Many were in need of adult dependent care for elderly parents who lived with them. Adult daycare is a growing phenomenon, with at least 600 adult day care centers currently in operation in the United States, 32 in Florida alone. But the existence of these centers and other forms of care for the elderly dependent is not widely known. This information is crucial to an individual faced with making a decision regarding institutionalizing his or her elderly parent.

Mr. President, I am pleased that Senator HATCH, chairman of the Senate Labor and Human Resources Committee has introduced this legislation. I know that he recognizes the importance of adequate childcare services to enable working parents to handle both their work and family responsibilities. I believe that this legislation will improve the ability of families to choose the dependent care service best suited to their needs by making them more aware of the variety of different dependent care services available in their communities.

The Labor and Human Resources Committee has scheduled a hearing on November 16, 1983, which will highlight many of the private sector childcare programs that have been developed to meet the growing and diverse needs of working parents. These private sector inititives in behalf of children and families need to be encouraged and their existence need to be more widely publicized. Today, dependent care is not limited to children, nor is it restricted to center-based care. Families today can choose from a wide range of dependent care services that are designed to meet the changing needs of today's families. I believe that the resource and referral legislation that I join Senator HATCH in sponsoring will play a major role in enabling more families to adapt to the changes in today's culture. I urge my fellow Senators to join me in supporting this legislation.

ADDITIONAL COSPONSORS

S. 571

At the request of Mr. ROTH, the name of the Senator from Idaho (Mr. McCLURE) was added as a cosponsor of S. 571, a bill to amend the Federal Property and Administrative Services Act of 1949 to make Federal surplus property more accessible to local emergency preparedness and volunteer firefighting organizations and to authorize and direct the Federal Emergency Management Agency to recommend available Federal surplus to the Administrator of the General Services Administration, and for other purposes.

S. 772

At the request of Mr. HATCH, the names of the Senator from Vermont (Mr. LEAHY), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of S. 772, a bill to promote public health by improving public awareness of the health consequences of smoking and to increase the effectiveness of Federal health officials in investigating and communicating to the public necessary health information, and for other purposes.

S. 1059

At the request of Mr. DENTON, the names of the Senator from South Carolina (Mr. THURMOND), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1059, a bill to provide that it shall be unlawful to deny equal access to students in public schools and public colleges who wish to meet voluntarily for religious purposes and to provide district courts with jurisdiction over violations of this Act.

S. 1090

At the request of Mr. WALLOP, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 1090, a bill to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes.

S. 1113

At the request of Mr. D'AMATO, the names of the Senator from North Dakota (Mr. BURDICK) and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of S. 1113, a bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed.

S. 1145

At the request of Mr. DENTON, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 1145, a bill to recognize the organization known as the Catholic War Veterans of the United States of America, Inc.

S. 1325

At the request of Mr. McCLURE, the names of the Senator from Nebraska (Mr. EXON) and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 1325, a bill to amend the Internal Revenue Code of 1954 to provide financial relief to State and local governments by eliminating a requirement that would result in a duplicative mailing each year.

S. 1537

At the request of Mr. DANFORTH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1537, a bill to provide additional authorization of appropriations for certain programs for fiscal year 1984, and each of the 4 following fiscal years.

S. 1613

At the request of Mr. TRIBLE, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1613, a bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces.

S. 1772

At the request of Mr. MATSUNAGA, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1772, a bill to amend title XVIII of the Social Security Act to provide for direct medicare reimbursement for services performed by registered nurse anesthetists.

S. 1833

At the request of Mr. CHILES, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1833, a bill to amend title 38, United States Code, to authorize the VA to furnish each veteran with a compensable service-connected disability, such drugs and medicines as may be prescribed by any licensed physician for treatment of the service-connected disability.

S. 1857

At the request of Mr. DURENBERGER, the names of the Senator from Oregon (Mr. PACKWOOD) the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsor of S. 1857, a bill to amend title Internal Revenue Code of 1954 to remove certain impediments to the effective philanthropy of private foundations.

S. 1913

At the request of Mr. HUDDLESTON, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1992

At the request of Mr. BENTSEN, the names of the Senator from Hawaii (Mr. MATSUNAGA) and the Senator from Colorado (Mr. ARMSTRONG) were added as cosponsors of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

SENATE JOINT RESOLUTION 160

At the request of Mr. BYRD, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 160, a joint resolution to designate the week of October 17, 1983 through October 24, 1983, as "National Adult Continuing Education Week."

SENATE JOINT RESOLUTION 161

At the request of Mr. CHAFEE, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of Senate Joint Resolution 161, a joint resolution to designate the week of April 15, 1984, through April 21, 1984, as "National Child Abuse Prevention Week."

SENATE JOINT RESOLUTION 176

At the request of Mr. BOSCHWITZ, the names of the Senator from South Dakota (Mr. ABDNOR), the Senator from Arkansas (Mr. BUMPERS), the Senator from Alabama (Mr. DENTON), the Senator from Connecticut (Mr. DODD), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Ohio (Mr. GLENN), the Senator from Hawaii (Mr. INOUYE), the Senator from Indiana (Mr. LUGAR), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Idaho (Mr. MCCLURE), the Senator from Idaho (Mr. SYMMS), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate the week of October 16, 1983 through October 22, 1983, as "National Fetal Alcohol Syndrome Awareness Week."

SENATE JOINT RESOLUTION 181

At the request of Mr. BENTSEN, the names of the Senator from Florida (Mr. CHILES), the Senator from Arkansas (Mr. PRYOR) and the Senator from Texas (Mr. TOWER) were added as cosponsors of Senate Joint Resolution 181, a joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

SENATE CONCURRENT RESOLUTION 62

As the request of Mr. MATTINGLY, the name of the Senator from Virginia (Mr. TRIBLE) was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE CONCURRENT RESOLUTION 72

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of Senate Concurrent Resolution 72, a concurrent resolution calling on the President to appoint a special envoy for Northern Ireland.

SENATE CONCURRENT RESOLUTION 74

At the request of Mr. TSONGAS, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of Senate Concurrent Resolution 74, a concurrent resolution to encourage and support the people of Afghanistan in their struggle to be free from foreign domination.

SENATE CONCURRENT RESOLUTION 80

At the request of Mr. DOLE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of Senate Concurrent Resolution 80, a concurrent resolution expressing the sense of the Congress that the President should take all steps necessary to bring the question of self-determination of the Baltic States before the United Nations, and for the other purposes.

SENATE RESOLUTION 149

At the request of Mr. DODD, the name of the Senator from Michigan (Mr. LEVIN) and the Senator from Florida (Mr. CHILES) were added as cosponsors of Senate Resolution 149, a resolution to express the sense of the Senate that the laws which insure equal rights with regard to education opportunity for women should be maintained.

SENATE RESOLUTION 201

At the request of Mr. PRESSLER, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of Senate Resolution 201, a resolution expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union.

AMENDMENTS SUBMITTED

NATURAL GAS POLICY ACT

McCLURE AMENDMENT NO. 2524

Mr. McCLURE proposed an amendment to the bill (S. 1715) to amend the Natural Gas Policy Act of 1978, to protect consumers from those price increases that would occur because of market distortions as a consequence of current regulation of natural gas prices, to permit natural gas contracts to reflect free market prices, to provide for a phased deregulation of natural gas prices in order to achieve a free market by a date certain, to eliminate incremental pricing requirements for natural gas, to eliminate certain restrictions on the use of natural gas and petroleum, and for other purposes, as follows:

On page 38 following line 18 insert the following:

"SEC. 302. The Natural Gas Policy Act of 1978 is amended by adding the following new section:

" 'SEC. 603.—LOCAL DISTRIBUTION COMPANY AUTOMATIC PURCHASED GAS COST SAVINGS PASSTHROUGH REQUIREMENTS

" 'GENERAL RULE.—Any purchased gas cost savings received by any local distribution company shall be automatically and immediately passed through by such local distribution company to all gas consumers on a volumetric basis.' ".

JOHNSTON AMENDMENT NO. 2525

Mr. JOHNSTON proposed an amendment to the bill S. 1715, supra; as follows:

Add at the end of amendment number 2524 (Mr. MCCLURE) the following:

" '(a) PURCHASED GAS COST SAVINGS SUBJECT TO AUTOMATIC PASSTHROUGH.—For the purposes of this section, any reduction in the amounts paid by a local distribution company for the purchase of natural gas from any interstate pipeline as a result of section 601(c)(3)(G), or any other reductions in amounts paid for natural gas by a local distribution company, shall be deemed a purchased gas cost savings.

" '(b) COMMISSION RULES.—Within sixty days of the enactment of this section, the Commission shall promulgate such rules as may be necessary to provide for the automatic passthrough to customers of local distribution companies of the purchased gas cost savings specified in subsection (b).

" '(c) PROHIBITION ON OFFSETTING MODIFICATIONS IN RATES AND CHARGES.—Any modification of the method of allocating costs to the rates and charges in effect on the date of enactment of this section of such local distribution company, which has the effect of creating any offset in the rates and charges for natural gas to any customer served by such company for the amount of any purchased gas cost savings received by such local distribution company, is prohibited.

" '(d) ADDITIONAL ENFORCEMENT AUTHORITY.—In addition to such enforcement authority as may be available pursuant to section 504(b)(1), the Secretary, the Commission, or, on the request of the Secretary of Energy or the Commission, the Attorney General, may institute a civil action for injunctive or other equitable relief as may be appropriate to assure compliance with the provisions of this section requiring the passthrough of purchased gas cost savings received by any local distribution company. Such action may be instituted in any district court of the United States in the State in which such local distribution company conducts business or in the District Court of the United States for the District of Columbia.

" '(e) PREEMPTION OF STATE OR LOCAL LAW.—The requirements of this section shall preempt and supersede any provision of State or local law to the extent such provision of law would preclude the passthrough of any purchased gas cost savings pursuant to the provisions of this section, or prevent the application of the requirements of this section.' "

"SEC. 303. The Natural Gas Policy Act of 1978 is amended by inserting in Sec. 504(b)(1) after "Except as provided in paragraphs (2) and (3)," the phrase "and section 603(e),"."

FURTHER CONTINUING APPROPRIATIONS, 1984

ARMSTRONG AMENDMENT NO. 2526

Mr. ARMSTRONG proposed an amendment to the joint resolution (S.J. Res. 194) making further continuing appropriations for the fiscal year ending September 30, 1984, and for other purposes; as follows:

At the end of the joint resolution, add the following language:

Since it is contrary to the laws of the United States to import into the United States "all goods, wares, articles and merchandise mined, produced or manufactured wholly or in part in any foreign country by convict labor or/and forced labor; and

Since the Department of State, in its Report to the Congress on Forced Labor in the USSR (February, 1983) stated that forced labor is used "to produce large amounts of primary and manufactured goods for both domestic and Western export markets; and

Since the provisions of 19 U.S.C. 1307 have not been enforced with respect to goods entering the United States from the Soviet Union;

Therefore it is the sense of the Senate that the officials responsible for the enforcement of 19 U.S.C. 1307 should:

(a) Use existing statutory authority to prevent the import of any product or material produced in the Soviet Union unless it was produced without the use of forced labor, and

(b) The Secretary of the Treasury should submit a report to Congress of the articles from the Soviet Union for which entry documents have been filed and the disposition of such requests.

KASSEBAUM AMENDMENT NO. 2527

Mrs. KASSEBAUM proposed an amendment to the joint resolution, Senate Joint Resolution 194, supra; as follows:

At the appropriate place in the joint resolution, add the following new section:

SEC. . Funds appropriated or otherwise made available for fiscal year 1984 by this joint resolution or any other law shall be available notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Exchange Act of 1948, as amended until November 18, 1983.

DENTON AMENDMENT NO. 2528

Mr. DENTON proposed an amendment to the joint resolution, Senate Joint Resolution 194, supra; as follows:

At the end of the joint resolution, add the following:

SEC. 111. None of the funds appropriated by this Act shall be available to pay for an abortion or to pay, after the last day of the current contract term applicable in the case of any Federal employees health benefits plan, for the administrative expenses in connection with any Federal employees health benefits plan which provides any benefits or coverage for abortions.

DENTON AMENDMENT NO. 2529

Mr. DENTON proposed an amendment to amendment No. 2528 proposed by him to the joint resolution, Senate Joint Resolution 194, supra; as follows:

On line 3, beginning with "to pay for", strike out all through line 8, and insert in lieu thereof the following: ", (1) to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or (2) to pay, after the last day of the current contract term applicable in the case of any Federal employees health benefits plan, for the administrative expenses in connection with any Federal employees health benefits plan which provides any benefits or coverage for abortions, except any such plan which provides benefits or coverage for an abortion only in the case of a mother whose life would be endangered if the fetus were carried to term.".

BUMPERS AMENDMENT NO. 2530

Mr. BUMPERS submitted an amendment intended to be proposed by him to the joint resolution, Senate Joint Resolution 194, supra; as follows:

At the appropriate place in the joint resolution, add the following new section:

SEC. . None of the funds appropriated under this Act shall be available to the Secretary of Agriculture to implement or enforce that portion of any regulation, ruling, policy, or administrative determination which allows the inclusion of projected production determinations from payment-in-kind or land diversion program participation, or any source other than actual production, in making a single enterprise production loss determination for the 1983 crop year under section 1970 of Title 7, U.S.C.

GLENN AMENDMENT NO. 2531

Mr. GLENN submitted an amendment intended to be proposed by him to the joint resolution, Senate Joint Resolution 194, supra; as follows:

At the end of the joint resolution, add the following:

That (a)(1) subchapter I of chapter 81 of title 5, United States Code, is amended by inserting after section 8147 the following new section:

"§ 8148. Death benefits for law enforcement officers and firefighters

"(a) For the purpose of this section—

"(1) 'law enforcement officer' means an employee—

"(A) the duties of whose position include performing work directly connected with—

"(i) the control of crime or juvenile delinquency:

"(ii) the enforcement of the criminal laws; or

"(iii) the protection of Federal officials, public buildings or property, or foreign diplomatic missions; and

"(B) who, at the time the personal injury referred to in subsection (b) of this section is sustained, is—

"(i) engaged in the detection of crime;

"(ii) engaged in the apprehension of an alleged criminal offender;

"(iii) engaged in the keeping in physical custody of an alleged or convicted criminal offender; or

"(iv) assaulted or subjected to the conduct of criminal activity in the line of duty;

"(2) 'firefighter' means an employee the duties of whose position include performing work directly connected with the control and extinguishment of fires and who, at the time the personal injury referred to in subsection (b) of this section is sustained, is engaged in such work in the control or extinguishment of a fire or other emergency operation;

"(3) 'child' means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased law enforcement officer or firefighter (as defined in paragraphs (1) and (2)) who, at the time of such law enforcement officer or firefighter's death, is—

"(A) 18 years of age or under:

"(B) over 18 years of age and a student; or

"(C) over 18 years of age and incapable of self-support because of physical or mental disability;

"(4) 'dependent' means substantially reliant for support upon the income of the deceased law enforcement officer or firefighter;

"(5) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body; and

"(6) 'detection of crime' means the physical pursuit, investigation, or interviewing of any individual at a crime scene, but shall not include laboratory investigation, studies, or other similar acts of a nondangerous nature.

"(b)(1) In any case in which the Secretary of Labor determines, under regulations prescribed pursuant to this section, that a law enforcement officer or firefighter has died as the direct and proximate result of a personal injury inflicted by an outside force and in the line of duty, the Secretary shall pay a benefit of $50,000 as follows:

"(A) if there is no surviving child of such law enforcement officer or firefighter, to the surviving spouse of such law enforcement officer or firefighter;

"(B) if there are one or more surviving children and a surviving spouse, one-half to the surviving children in equal shares and one-half to the surviving spouse;

"(C) if there is no surviving spouse, to the surviving children of such law enforcement officer or firefighter in equal shares; or

"(D) if none of the above, to the dependent parent or parents of such law enforcement officer or firefighter in equal shares.

"(2) In any case in which the Secretary determines, upon a showing of need and prior to taking final action, that the death of a law enforcement officer or firefighter is one with respect to which a benefit will probably be paid, the Secretary may make an interim benefit payment not exceeding $3,000 to the individual entitled to receive a benefit under paragraph (1) of this subsection.

"(3) The amount of an interim payment to any individual under paragraph (2) of this subsection shall be deducted from the amount of any final benefit paid to such individual.

"(4) In any case in which there is no final benefit paid, the recipient of any interim payment under paragraph (2) of this subsection shall be liable for repayment of such amount. The Secretary may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

"(5) The benefit payable under this section shall be in addition to any compensation or other benefit that may be due under this subchapter or from any other source, but shall be reduced by payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-531(1)).

"(6) No benefit paid under this section shall be subject to execution or attachment.

"(7) No benefit shall be paid under this section—

"(A) if the law enforcement officer or firefighter's death was caused by the intentional misconduct of the law enforcement officer or firefighter or by such law enforcement officer or firefighter's intention to bring about such death;

"(B) if voluntary intoxication of the law enforcement officer or firefighter was the proximate cause of death; or

"(C) to any individual who would otherwise be entitled to a benefit under this section if such individual's actions were a substantial contributing factor to the law enforcement officer or firefighter's death.

"(c) The Secretary may prescribe rules, regulations, and procedures to carry out the purpose of this section. Such rules, regulations, and procedures will be determinative of conflict of laws and issues arising under this section. Rules, regulations, and procedures prescribed under this section may include regulations governing the recognition of agents or other persons representing claimants under this section before the Secretary. The Secretary may prescribe the maximum fees which may be charged for services performed in connection with any claim under this section before the Secretary, and any agreement in violation of such rules and regulations shall be void.".

(2) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8147 the following new item:

"8148. Death benefits for law enforcement officers and firefighters.".

(b)(1) Section 8101(9) of title 5, United States Code, relating to definition of "child", is amended by inserting after "means" the following: ", except as provided in section 8148(a)(3) of this title,".

(2) Section 8101(12) of such title, relating to definition of "compensation", is amended by striking out "Fund, but this does not in any way reduce the amount of the monthly compensation payable for disability or death;" and inserting in lieu thereof the following: "Fund, except that—

"(A) this paragraph does not in any way reduce the amount of the monthly compensation payable for disability or death; and

"(B) such term does not include benefits paid under section 8148 of this title;".

SEC. 2. The authority to make payments under section 8148 of title 5, United States Code (as added by the first section of this Act), shall be effective only to the extent provided for in advance by appropriation Acts.

SEC. 3. The amendments made by this Act shall take effect October 1, 1983, and shall apply with respect to injuries sustained on or after such date.

HEINZ (AND OTHERS) AMENDMENT NO. 2532

Mr. HEINZ (for himself, Mr. GLENN, Mr. RANDOLPH, Mr. SPECTER, Mr. HOLLINGS, Mr. SASSER, Mr. PERCY, Mr. RIEGLE, Mr. LUGAR, Mr. MOYNIHAN, Mr. EAGLETON, Mr. NUNN, Mr. CRANSTON, Mr. DIXON, and Mr. MELCHER) submitted an amendment intended to be proposed by them to the joint resolution, Senate Joint Resolution 194, supra; as follows:

At the end of the joint resolution, add the following new section:

SEC. . Notwithstanding any other provision of this joint resolution, of the funds appropriated by this joint resolution to the United States Customs Service—

(1) at least $4,240,000 shall be used to provide direct investigatory manpower positions which are to be devoted to the enforcement of those customs laws against fraud that involve the importation of steel, and

(2) at least $260,000 shall be used to purchase 4 mobile chemical spectrometers.

CIVIL RIGHTS COMMISSION EXTENSION

SPECTER AMENDMENT No. 2533

Mr. SPECTER (for himself and Mr. BIDEN) proposed an amendment to the bill (H.R. 2230) to amend the Civil Rights Act of 1957 to extend the life of the Civil Rights Commission, and for other purposes, as follows:

On page 1, line 3 through line 2 on page 3: strike all after the word "That" and insert in lieu thereof the following: this Act may be cited as the "Commission on Civil Rights Authorization Act of 1983".

SEC. 2. (a) Section 101 of the Civil Rights Act of 1957 is amended to read as follows:

"ESTABLISHMENT OF THE COMMISSION ON CIVIL RIGHTS

"SEC. 101. (a) There is created in the legislative branch of the Government a Commission on Civil Rights (hereafter in this Act referred to as the 'Commission').

"(b) The Commission shall be composed of eight members as follows:

"(1) four shall be appointed by the Speaker of the House of Representatives on the recommendation of the Majority Leader and the Minority Leader, no more than two of whom shall be of the same political party; and

"(2) four shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader of the Senate, no more than two of whom shall be of the same political party.

Not more than four of the members shall at any one time be of the same political party.

"(c) The Commission shall select a Chairman and a Vice Chairman from among its members annually. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

"(d) Members of the Commission shall be appointed for a term of eight years, except that as designated by the Speaker of the House of Representatives and the President pro tempore of the Senate the first and second Commissioners appointed shall serve two-year terms, the third and fourth Commissioners appointed shall serve four-year terms, and the fifth and sixth Commissioners appointed shall serve six-year terms. A Commissioner may be reappointed.

"(e) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

"(f) A member of the Commission may continue to serve until his successor has taken office as a member of the Commission.

"(g) A majority of the Commission shall constitute a quorum.

"(h) The Speaker of the House of Representatives and the President pro tempore of the Senate jointly may remove a member of the Commission only for neglect of duty or malfeasance in office.".

"(b) Section 102 of the Civil Rights Act of 1957 is amended by adding at the end thereof the following new subsection:

"(m) The provision of subchapter II of chapter 5 of title 5 of the United States Code, relating to administrative procedure and freedom of information, shall, to the extent not inconsistent with this section, apply to the Commission established under this Act.".

(c) Section 104(c) of the Civil Rights Act of 1957 is amended to read as follows:

"(c) The Commission shall submit reports to the Congress at such times as the Commission or the Congress shall deem desirable.".

(d) Section 105(a) of the Civil Rights Act of 1957 is amended to read as follows:

"(a)(1) There shall be a full-time staff director for the Commission who shall be appointed by majority vote of the Commission.

"(2)(A) Effective November 29, 1983, or on the date of enactment of this Act, whichever occurs first, all employees (other than the Director, the members of the Commission and the special assistants thereof) of the Commission on Civil Rights are transferred to the Commission established by the amendment made by section 2(a) of the Commission on Civil Rights Authorization Act of 1983.

"(B) Upon application of any individual (other than the Director, a member of the Commission or a special assistant thereof) who was an employee of the Commission on Civil Rights established by the Civil Rights Act of 1957 on September 30, 1983, the Commission shall appoint such individual to a position the duties and responsibilities of which and the rate of pay for which, are comparable to the duties, responsibilities and rate of pay of the position held by such employee on September 30, 1983.

"(C) Any employee transferred under subparagraph (A) or appointed under subparagraph (B) shall be deemed to have been employed by the Government without a break in service for purpose of chapter 35 (retention preference), 55 (pay administration), 63 (leave), 81 (insurance) and 89 (health insurance) of title 5, United States Code.

"(3) Within the limitations of its appropriation, the Commission may appoint such other personnel as it deems advisable.

"(4) The Commission shall, not later than 90 days after the date of enactment, establish by regulation a personnel management system for the Commission which shall be consistent with the personnel management system established under section 732 of title 31, United States Code.".

(e) Section 106 of the Civil Rights Act of 1957 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 106. There are authorized to be appropriated $12,180,000 for each of the fiscal years 1984, 1985, 1986, and 1987.".

SEC. 3. (a) Effective thirty days after the date of enactment of this Act, files, records, and balances of appropriations of the Commission on Civil Rights are transferred to the Commission established by the amendment made by section 2(a) of this Act.

(b) To the extent not inconsistent with the amendments made by this Act, the Commission established by the amendment made by section 2(a) of this Act shall be bound by all rules issued by the Civil Rights Commission established by the Civil Rights Act of 1957 which were in effect on September 30, 1983, until modified by the Commission in accordance with applicable law.

BIDEN AMENDMENT NO. 2534

Mr. BIDEN proposed an amendment (which was subsequently modified) to amendment No. 2533 proposed by Mr. SPECTER (and Mr. BIDEN) to the bill H.R. 2230, supra; as follows:

Strike out all after line 4 on page 1 and insert in lieu thereof the following:

SEC. 2. (a) Section 101 of the Civil Rights Act of 1957 is amended to read as follows:

"ESTABLISHMENT OF THE COMMISSION ON CIVIL RIGHTS

"SEC. 101. (a) There is created in the legislative branch of Government a Congressional Commission on Civil Rights (hereafter in this Act referred to as the 'Commission').

"(b) The Commission shall be composed of eight members as follows:

"(1) four shall be appointed by the Speaker of the House of Representatives on the recommendation of the Majority Leader and the Minority Leader, no more than two of whom shall be of the same political party; and

"(2) four shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader and the Minority Leader of the Senate, no more than two of whom shall be of the same political party.

Not more than four of the members shall at any one time be of the same political party.

"(c) The Commission shall select a Chairman and a Vice Chairman from among its members annually. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

"(d) Members of the Commission shall be appointed for a term of eight years, except that as designated by the Speaker of the House of Representatives and the President pro tempore of the Senate the first and second Commissioners appointed shall serve two-year terms, the third and fourth Commissioners appointed shall serve four-year terms, and the fifth and sixth Commissioners appointed shall serve six-year terms. A Commissioner may be reappointed.

"(e) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

"(f) A member of the Commission may continue to serve until his successor has taken office as a member of the Commission.

"(g) A majority of the Commission shall constitute a quorum.

"(h) The Speaker of the House of Representatives and the President pro tempore of the Senate jointly may remove a member of the Commission only for neglect of duty or malfeasance in office.".

(b) Section 102 of the Civil Rights Act of 1957 is amended by adding at the end thereof the following new subsection:

"(m) The provision of subchapter II of chapter 5 of title 5 of the United States Code, relating to administrative procedure and freedom of information, shall, to the extent not inconsistent with this section, apply to the Commission established under this Act.".

(c) Section 104(c) of the Civil Rights Act of 1957 is amended to read as follows:

"(c) The Commission shall submit reports to the Congress at such times as the Commission or the Congress shall deem desirable.".

(d) Section 105(a) of the Civil Rights Act of 1957 is amended to read as follows:

"(a)(1) There shall be a full-time staff director for the Commission who shall be appointed by majority vote of the Commission.

"(2)(A) Effective November 29, 1983, or on the date of enactment of this Act, whichever occurs first, all employees (other than the Director, the members of the Commission and the special assistants thereof) of the Commission on Civil Rights are transferred to the Commission established by the amendment made by section 2(a) of the Commission on Civil Rights Authorization Act of 1983.

"(B) Upon application of any individual (other than the Director, a member of the Commission or a special assistant thereof) who was an employee of the Commission on Civil Rights established by the Civil Rights Act of 1957 on September 30, 1983, the Commission shall appoint such individual to a position the duties and responsibilities of which and the rate of pay for which, are comparable to the duties, responsibilities and rate of pay of the position held by such employee on September 30, 1983.

"(C) Any employee transferred under subparagraph (A) or appointed under subparagraph (B) shall be deemed to have been employed by the Government without a break in service for purpose of chapter 35 (retention preference), 55 (pay administration), 63 (leave), 81 (insurance) and 90 (health insurance) of title 5, United States Code.

"(3) Within the limitations of its appropriation, the Commission may appoint such other personnel as it deems advisable.

"(4) The Commission shall, not later than 90 days after the date of enactment, establish by regulation a personnel management system for the Commission which shall be consistent with the personnel management system established under section 732 of title 31, United States Code.".

(e) Section 106 of the Civil Rights Act of 1957 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 106. There are authorized to be appropriated $12,100,000 for each of the fiscal years 1984, 1985, 1986, and 1988.".

SEC. 3. (a) Effective thirty days after the date of enactment of this Act, all files, records, and balances of appropriations of the Commission on Civil Rights are transferred to the Commission established by the amendment made by section 2(a) of this Act.

(b) To the extent not inconsistent with the amendments made by this Act, the Commission established by the amendment made by section 2(a) of this Act shall be bound by all rules issued by the Civil Rights Commission established by the Civil Rights Act of 1957 which were in effect on September 30, 1983, until modified by the Commission in accordance with applicable law.

GRATUITY TO ADELE C. OSTRANDER

MATHIAS AMENDMENT NO. 2535

Mr. BAKER (for Mr. MATHIAS) proposed an amendment to the resolution (S. Res. 265) to pay a gratuity to Adele C. Ostrander, as follows:

On page one, line 5, strike out "one year's" and insert in lieu thereof "eight and one-half months' ".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on energy and Natural Resources to consider the nomination of Helmuth A. Merklein, of Texas, to be an Assistant Secretary of Energy for International Affairs.

The hearing will be held on Thursday, November 10, beginning at 10:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. David Doane of the committee staff at 224-7144.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing regarding the strategic petroleum reserve scheduled before the Subcommittee on Energy and Mineral Resources for Thursday, November 10 will begin at 9 a.m. instead of 11 a.m. as previously announced. The hearing will be held in room SD-366 of the Dirksen Senate Office Building.

In addition, the oversight hearing regarding coal use by the Nation's railroads scheduled before the subcommittee for November 28 in Roanoke, Va. will begin at 11 a.m. instead of 10 a.m. as previously announced.

For further information regarding these hearings you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 224-5205.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on Tuesday, November 15, 1983, at 10 a.m., in room 328-A Russell Senate Office Building.

The purpose of the hearing will be to take a historic look at Soviet agriculture: The failure of collectivization, the human cost of collectivization, and the continuing Soviet agricultural problems. Current Soviet agricultural production will be examined in comparison to production in other Asian and European countries.

The hearing will focus on the Soviet state-induced famine of 1932-33 which took the lives of an estimated 7 million Ukrainians. The Ukrainian-American community is commemorating the 50th anniversary of the famine.

Anyone wishing further information, please contact the Agriculture Committee staff at 224-0014 or 224-0017.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION, FORESTRY, AND ENVIRONMENT

Mr. JEPSEN. Mr. President, I wish to announce that the Subcommittee on Soil and Water Conservation, Forestry, and Environment of the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on Wednesday, November 16, 1983, at 10 a.m. in room 328-A, Russell Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1610, a bill to establish the wilderness areas in Wisconsin.

Anyone wishing further information please contact the Agriculture committee staff at 224-0014 or 224-0017.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

Mr. COCHRAN. Mr. President, I wish to announce that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on Wednesday, November 16, 1983, at 2 p.m. in room 328-A, Russell Senate Office Building.

The hearing is in regard to the operation and management of the Federal Crop Insurance Corporation.

Anyone wishing further information, please contact the Agriculture Committee staff at 224-0014 or 224-0017.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, November 9, to hold a hearing on the Carter Presidential Library proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, November 9, at 10 a.m., to receive testimony on the organization of the military departments and their relationship with other Department of Defense and executive branch agencies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, November 9, to consider NRC authorizations for fiscal year 1984-85.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ABDNOR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, November 9, 1983, in order to receive testimony concerning the following nominations: Elizabeth V. Hallanan of West Virginia, to be U.S. district judge for the southern district of West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REMEMBERING ESCUADRON 201

● Mr. GLENN. Mr. President, this Friday is the day we dedicate to remembrance of our war veterans, and no one needs reminding of the patriotic and courageous wartime service of Hispanic Americans. They have been among the first to answer the call of duty in defense of our Nation and of the freedom we hold so dear.

Now, on Veterans Day, the American GI Forum of the United States, an organization founded by Hispanic Americans in 1948, would like us also to remember the contingent of Mexican fighter pilots who fought side by side with our military forces in the China seas and off the Philippine Islands during World War II.

These Mexican nationals, members of the Mexican Air Force Fighter Squadron 201, were attached to the American 58th Fighter Group, 5th Air Force. The 332 officers and men of "Escuadron 201" saw combat in the Philippine and Formosan air offensives and were assigned to protect American troopships against enemy attacks. They are the only Mexican military unit to have served and fought outside of Mexico.

All surviving members of "Escuadron 201" are honorary members of the American GI Forum, a nationwide veterans family organization. Since the end of World War II, membership in this patriotic organization has grown and includes veterans of the Korean and Vietnam wars. The American GI Forum should be congratulated for recognizing the need to commemorate the contributions made by Mexican fighter pilots by the establishment of a National Museum in Mexico.

I, too, wish to salute our neighbors to the south for joining our fight for freedom during those dark days of World War II.●

THE DEFICIT CHALLENGE—REMARKS TO THE NATIONAL MEAT ASSOCIATION

● Mr. DOLE. Mr. President, on Tuesday evening, November 8, I had the pleasure of addressing the National Meat Association on the subject of Federal budget deficits, the risks they pose to economic recovery, and the challenge they present for those of us in public service. The members of the association, like all business leaders across the country, are rightly concerned that our failure to come to grips with the problem of massive deficits endangers their efforts to build a better future for themselves and their families.

Government has to set an example, not just follow a trend. The American people expect discipline and responsible action from the Congress and the President. Until we provide leadership to tackle our fiscal crisis, we should not be surprised if our citizens remain skeptical of Government and politicians.

Mr. President, I hope that my remarks to the National Meat Association on the subject of the budget deficit may be of interest to Members, and I ask that the text of my November 8 speech be printed in the Record at this point.

The speech follows:

Remarks of Senator Bob Dole

THE DEFICIT—CHALLENGE AND RISK

The time is past for talk about the deficit. This is the time for action by Congress and the President to legislate real, significant reductions in the massive outyear deficits that threaten the stability and durability of the economic recovery. The people will not take any of us seriously—Democrats or Republicans—unless we can mobilize to deal with our most serious domestic problem. The budget deficit, and its relation to the fate of economic recovery, ought to be at the top of our legislative agenda—not just an excuse for campaign rhetoric. We need substantive action to reduce the deficit, now.

WHY NOW

There are differing views as to when the deficit becomes a severe problem—there is virtually no disagreement that deficits of the size we are contemplating do pose a serious threat. Some say a faster recovery will bring on "crowding out" fairly soon, as the Government competes in the credit markets. Others say a faster recovery will boost profits and incomes, thereby increasing Federal revenues and helping to reduce the deficit. There are no definitive answers to this question. Therefore our obligation is to choose the most prudent course—the course most likely to keep the recovery on track.

The right course—the only sensible course—is to act as soon as possible to reduce the deficit. If we are not certain how soon the deficit will threaten recovery, clearly we ought to act now in order to minimize the risk that problems will arise sooner rather than later. We know that as recovery proceeds, at some point deficits continuing at a $200 billion-plus level will either drive interest rates up or lead to renewed inflation. Neither of those results is acceptable: Both would make a mockery of the real substantial progress President Reagan has made in getting the economy back on a sound footing. To delay action on the deficit would mean no real change until 1985—and that may be too late.

THE RISKS WE FACE

There should be little doubt that we are already running into some problems because of our failure to act on the deficit. Amid the many favorable, and welcome, reports of economic advance—higher industrial production, rising consumer confidence, and declining unemployment—there are also some less welcome trends. The uptick in interest rates we have seen since last spring is cause of real concern, and there is no way to be certain it will not continue. The prime rate is back up to 11 percent—not a big increase, but a severe disappointment when the economy so desperately needs a clear downward trend in real interest rates. In May, 91-day Treasury bills were yielding 8.04 percent. Yesterday they were at 8.83 percent. In addition, and most important for the homebuyer and the critical housing industry, mortgage rates are up in the 13 to 13½ percent range.

None of these changes, in and of itself, is going to throttle the recovery. That is not the concern. But taken together, these upward-creeping interest rates raise the specter of a return to the unacceptably high double-digit rates of recent years. Those who remember the 21 percent prime rate are not eager to see it back again.

Even if everything else is going well in the economy, higher interest rates mean lower capital formation and long-term growth; more pressure for raising domestic barriers to free trade; and further escalation of Federal deficits, since we are obliged to pay the mounting interest costs on the burgeoning debt. These effects, taken together, are extremely bad news for our basic industries, where the need to upgrade heavy plant and equipment means a high degree of sensitivity to interest cost. Furthermore, the stronger dollar that results from higher U.S. interest rates makes it more difficult for our basic industries to compete with low-cost imports. As Charles Schultz has said, closing the deficit gap would be the best industrial policy imaginable.

Basic industries are not the only element of our economy that will suffer if the deficits are not brought down. All economic progress would be retarded, because higher interest costs bring less investment, a lower rate of capital formation—that means less growth over the long term, fewer jobs, and slower growth in our standard of living. The risk of "disinvestment" in this country is real: It must be dealt with. If it is not faced up to by cutting the deficit, we may embark on a low-growth path that could condemn many citizens to poverty who might otherwise be able to find productive and useful employment.

So it should be clear that the economic goals we all share—stable, sustained growth, free international markets, an improved trade balance, more productive jobs, low inflation—are put at risk by our failure to act on the deficit. Sooner or later the job will have to be done. The longer we wait, the more acute the crisis will be, and the more bitter the medicine we will have to take. Each month of delay means more outstanding debt, and that debt has to be financed. Financing costs just for the increment we will add to the debt amount to $100 billion over five years. This compounding of the debt problem must be stopped, and if we wait, the size of the spending cuts and tax increases needed to bring the deficit in line with reality will continue to mount. Every dollar of deficit reduction put off until 1985 will require $1.15 in deficit-reduction efforts to achieve the same result we could—and ought to—achieve right now.

ACTION TO DATE

There is plenty of blame to be shared for our failure to make a meaningful impact on the deficit, and there are plenty of people to share it. It is not just the White House, it is not just the Congress, it is not just the favored constituencies and special groups that we all like to please. All of us, together, are responsible—and all of us must come up with a solution.

The 1984 budget adopted by Congress is a good example of this problem. Even if fully implemented it would not have the necessary dramatic impact on the deficit. Furthermore, it is not a balanced package: $12.8 billion in reconciled spending cuts, compared with $73 billion in reconciled tax increases, is not anyone's idea of fairness or balance, especially when spending is running at 25 percent of GNP. Indeed, apart from reconciliation, the net effect on the 1984 budget would be to increase nondefense spending by $1 billion. And if we enacted all of the proposals provided for in the so-called contingency fund, we would increase spending by about $10 billion in 1984. That is why I, and 10 other members of the Finance Committee, voted against the budget resolution. It was not balanced between spending and revenues and it was not fair.

But the budget is just one sign of the inertia that has gripped Congress and the administration. Congress has been only too willing this year to accommodate special interests, rather than show the spirit and discipline it mustered, at least to some degree, in 1981 and 1982.

THE PRESIDENT AND THE SPEAKER

The Reagan administration has been correct in criticizing Congress for its inaction on spending. I have said so for nearly two years. But no one is free from responsibility for this problem, and both the President and the Speaker of the House need to help us by showing a little more flexibility. Some do not want tax increases, and some do want spending cuts. But of necessity we are going to need some of each, and we might as well face that fact. Many are willing to try to accommodate the President in acknowledging his spending and tax priorities in putting together a deficit reduction package. Similarly, we recognize that the Speaker has his own priorities, which have to be reckoned with in reducing the deficit. But I believe we can work these things out if the President, the House and Senate leadership, all are willing to negotiate. The danger is that if everyone rules too many things out of bounds, there will be no common ground left for reaching a deficit-reduction agreement.

We in the Finance Committee, as my colleagues know, have been trying to put together a deficit reduction package effective in January, 1985, that would match the tax increases in the budget resolution with equivalent dollar-for-dollar reductions in spending. That would cut the deficit by about $150 billion over three years—not as much as we may need, but a major shift in the trend of the deficit. We are trying to do it on a bipartisan basis—we are trying to see that everyone gives a little—we are trying to achieve the kind of balance and fairness necessary to forge a consensus.

The President has often mentioned that the budget is the responsibility of Congress, and that he would not interfere in congressional budget-making. That is why we hope he will be sympathetic to our efforts to put together a realistic budget.

We are also, I might add, trying to reflect the priorities the President has set down. Secretary Regan said yesterday that the President might take seriously a deficit-reduction package that makes tax increases contingent on spending reductions. We are trying to do that. The Secretary also indicated that the spending reductions would have to be "sizeable". We are trying to do that too—$75 billion over three years. That would match the tax increases in the budget resolution and split the difference 50-50 between taxes and spending. We hope, as Secretary Regan indicated might happen, that the deficit falls as low as $125 billion by fiscal year 1986. But $125 billion is still a huge figure—and there is no certainty whatever that it will be achieved by economic growth alone. The fact remains that acting to reduce the deficit now will do the most to insure economic growth at a sustainable pace. So we ought to agree that swift action on the deficit is the way to prosperity.

TO DO THE JOB

To do the job on the deficit we are all going to have to give some. There are not the votes to do it all with spending cuts, so we must balance spending and revenues in a package. On the revenue side, we would prefer to proceed along the tax-reform route that succeeded last year. But if there are not the votes to do that, we have to consider other revenue sources. If everyone demands a perfect package, we will have no deficit reduction at all. Flexibility is the key to a good package, a fair package, that really cuts spending while boosting revenues in an equitable way. We can touch the sacred cows if we agree on the overall, compelling need to reduce the deficit.

Let us not underestimate the stakes. Economic recovery is on track. Reducing the deficit will build on the strong base of economic progress that has been established, and avoid the kind of crisis that could bring all our efforts to nothing. Inflation has been running about 3 percent—we want to keep it there, or even lower it. Interest rates still are well below the record levels of the Carter years—we want to bring them lower still. Employment is rising, with unemployment down to 8.8 percent, and we have to sustain that downward trend. Housing starts are well over last year's levels, and the auto industry is having a good year. The economy is growing at a rapid clip, more rapid than most analysts predicted. Our goal in the finance committee is to sustain this progress and keep recovery going.

Major deficit reduction now is not a reversal of course. It is the only way to stay on course and avert a renewed economic crisis. We have had enough of crisis management where the economy is concerned—it is time we showed the leadership to get ahead of economic developments, rather than sit on the sidelines and wait for problems to arise. In any event the deficit problem is here, now—it must be dealt with, now.

It will take bold leadership to attack the deficit. There are a lot of political risks involved. But leadership can make the difference. The American people understand the problem and the need for everyone to pitch in. They will respond to a balanced, bipartisan, fair assault on the deficit. Our civic, business, and labor leaders are crying for action. So are our allies, our trading partners, and the world investment community. Exercising leadership is the best policy, and the best politics as well.●

SEVERANCE TAXES AND FISCAL DISPARITIES

● **Mr. DURENBERGER.** Mr. President, earlier this week, when the Senate was considering the debt limit bill, my colleague from Illinois (Mr. DIXON) proposed an amendment to limit the ability of States to levy a severance tax on coal, oil, and natural gas. The Senator withdrew his amendment before I had an opportunity to speak on it, so I would like to take just a few minutes now to address this very important matter.

The amendment of the Senator from Illinois would have prohibited States from imposing severance taxes on coal, oil, and natural gas, except to "recover the public costs directly attributable to the energy extraction activities," whatever that means. As written, the amendment presumed that each State had already set its severance tax rates at precisely this point by 1978. Under the amendment, States would have been prohibited from increasing their severance taxes on these energy resources above their 1978 level, as adjusted for inflation, unless the State could demonstrate that such an increase was necessary to cover "directly attributable costs." This amendment was identical to S. 463, the Severance Tax Equity Act, which Senator DIXON introduced earlier this year.

I would have opposed this amendment had it been brought to a vote, and I want to go on record now that I will oppose any such proposal if it arises again. Now, this calls for some explanation, since I am closely identified with the effort to limit States' severance taxes on coal extracted from Federal land. Indeed, I was the principal sponsor of a bill to do just that in the last Congress (S. 178).

The reason I oppose the approach taken in S. 463 is simple. It seeks to address the growing problem of fiscal disparities among States with a drastic solution, while other more appropriate solutions are readily available. I share the concern of my good friend from Illinois over the growing problem of fiscal disparities. It is a disease of our Federal system of government that will incapacitate it eventually if not properly treated. However, the solution proposed by S. 463 is a cure with effects on the Federal system equally as undesirable as the disease itself. In fact, the solution proposed by this legislation strikes directly at the roots of Federalism—the unfettered authority of the States to tax.

This authority is a cherished right of the States and has been restricted by Congress and the Courts only in those cases where the exercise of State taxing authority conflicts with the Constitution. Under article I, section 10, for example, States may not levy a tax on imports or exports, except to cover the cost of carrying out their inspection laws. Likewise, the Court found in the famous case of McCulloch against Maryland that the supremacy clause (article VI, clause 2) gives the Federal Government the right to limit or eliminate State taxes on the Federal Government.

The limitation on State taxing authority contemplated in S. 463 goes well beyond such narrow bounds. It runs directly counter to all our notions of the proper National-State relationship in the American Federal system. By adopting this approach we would be correcting a slow-acting malady, which we have time to address by other desirable actions, with a direct body blow to the Federal system that would shake its very foundation.

But, having dismissed the drastic solution proposed in S. 463 as unsound, we are left to face the very troubling dilemma of fiscal disparities—the wide variability in the ability of States to raise revenue. This is a problem I have spoken to repeatedly on the floor of the Senate over the past several years. I cannot overstress the dire consequences for our Federal system if these disparities are left to grow unchecked.

There are solutions to the fiscal disparities problem—solutions that will have the effect of strengthening the Federal system. No single solution is perfect or complete. Each is limited in its ability to address the problem, but taken together, there are a number of things that can be done to smooth out the worst of the disparities in revenue-raising capacity. Let me go through a partial list at this time.

First, we could adopt the approach I proposed in the last Congress in S. 178 to place a limit on the amount of severance taxes a State may levy on an energy resource extracted from Federal land. The ability of States to levy a tax on these resources derives from an explicit statutory grant of authority contained in the Mineral Leasing Act of 1921. Few constitutional scholars doubt that a limitation of this authority falls well within the doctrine put forth in McCulloch against Maryland. In fact, the explicit mention of the right of States to levy these severance taxes in the 1921 act is clear evidence that Congress meant to forego its right to prohibit this taxation. It is entirely appropriate in light of the changed circumstances of the 1980's for Congress now to limit the authority it granted almost 60 years ago.

Another reasonable action Congress might take in this regard deals with the Federal royalties shared with States. Under the Mineral Leasing Act of 1921, not only were States granted the authority to levy severance taxes on resources extracted from Federal land within their boundaries, they also were guaranteed a share of any royalties the Federal Government might collect on these resources. Some States receive significant revenues from these shared Federal royalties. Congress might reasonably withhold a State's share of Federal royalties when it insists upon levying excessive severance taxes on resources extracted from Federal land.

Along with shared royalties, States that contain Federal mineral lands, grazing lands, national park and forest lands, wilderness areas, and water resource projects also receive payments in lieu of taxes (PILT) from the Federal Government. Such payments are made under the rationale that this type of so-called open-space Federal land is especially burdensome on State and local governments because it is neither taxable nor otherwise revenue generating. If States insist upon levying excessive severance taxes on resources taken from these Federal lands, however, they become quite lucrative as revenue sources and hence it would make perfect sense for Congress to withhold PILT payments along with Federal royalties in these cases.

A third approach to addressing the problem of fiscal disparities is one I have been advocating ever since I came to the Senate. We can revise Federal aid formulas to take better account of fiscal disparities. There are currently about 25 allocation formulas distributing approximately $40 billion that attempt to take States' fiscal capacity into account in distributing Federal aid. The problem is, all of these formulas measure fiscal capacity in a very poor way—they use the State's per capita income. The shortcomings of using per capita income as a measure of fiscal capacity have been well documented, and there is a readily available alternative to income that more accurately reflects States' true revenue raising capacity. It is called the representative tax system (RTS). It was developed over 20 years ago by the Advisory Commission on Intergovernmental Relations (ACIR) and has been found superior to per capita income by numerous scholars, the General Accounting Office and the Congressional Budget Office. Furthermore, it is a tested system. The Canadian Government already uses it to distribute aid to its provinces.

I have made the point repeatedly, but let me reiterate it. Per capita income neglects the ability of States to raise a significant portion of their revenues through severance taxes and other exportable taxes such as sales and gambling taxes on tourists. When capacity is measured by per capita income, energy-rich States appear considerably less well off than they are, and thus receive more Federal aid than they should. The RTS corrects this problem by giving a truer measure of States' relative revenue raising capabilities. I ask to have printed in the RECORD a clear explanation of the RTS by an associate director of ACIR, Mr. John Shannon. It cuts through the complexity of the system and debunks many of the myths surrounding the RTS.

The beauty of this partial solution to the fiscal disparities problem is that it does not interfere with the economy or tax sovereignty of the various States. It permits the national economy to evolve in a natural and efficient manner and seeks only to correct the inequities that result.

The final alternative I would like to suggest is that Congress create a State revenue-sharing program designed specifically to reduce the worst fiscal disparities among States. I have already introduced a bill that would do just this, S. 700. I urge my colleagues to look closely at this legislation.

Not only would such a program address fiscal disparities, it would do so in a manner designed to lay the foundation for a genuine New Federalism. By establishing a State revenue-sharing program that puts a fiscal base under every State, regardless of its fiscal capacity, it would be possible to design a federalism reform package that would permit a real sorting-out of responsibilities among levels of government.

At this time, Mr. President, I also ask to have printed in the RECORD a paper by Gov. Richard Snelling of Vermont in which he pursues this idea in some detail.

Before closing, let me talk frankly to my colleagues from the energy producing States about this matter of fiscal disparities. If they would only recognize the legitimate concerns over fiscal disparities and would help us work toward solutions of the type I have suggested involving improved Federal formulas and other Federalism reforms such as a State revenue sharing program, the steam would go out of the efforts to impose drastic solutions to restrict States' tax authority. I submit that fiscal disparities will continue to grow, and at some point the problem will become so severe that Congress will react. My fear is that once we arrive at this point, the reaction will be closer to the approach put forward in S. 463 than the more modest solutions I have suggested here. This is not a prospect I look forward to. I value federalism too much as an overriding principle of government.

We have a choice. We can address the problem of fiscal disparities in a prudent manner, and thereby strengthen our Federal system for years to come; or we can wait until the problem is of such magnitude that it calls forth a drastic solution likely to weaken or debilitate the Federal system. I think the choice lies really with the representatives of the energy-producing States. I extend an invitation to my colleagues from these States to work with me in this endeavor. Our common interests in preserving the Federal system far outweigh any regional differences we may have.

I ask to have printed in the testimony of April 6, 1983, by Mr. John Shannon and the paper of August 20, 1983, by Governor Snelling be included in the RECORD; an editorial on this subject that appeared in the Dallas Morning News on September 20, 1983, and my subsequent reply to it.

The material requested to be printed in the RECORD is as follows:

TESTIMONY OF DR. JOHN SHANNON, ASSISTANT DIRECTOR, U.S. ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS, APRIL 6, 1983

Mr. Chairman, I appreciate this opportunity both to present the Commission's position on Revenue Sharing and to respond to your request for a description of the Representative Tax System as a means of measuring the tax capacity of states.

GENERAL REVENUE SHARING RENEWAL

On the issue of General Revenue Sharing (GRS), the Advisory Commission on Intergovernmental Relations has had a long and firm record of support. At its recent meeting in Charleston, South Carolina, the Commission reaffirmed that support with an endorsement that reads as follows:

Over the last two decades, the Advisory Commission on Intergovernmental Relations has consistently supported the general revenue sharing concept and has endorsed three principles to govern this program.

To ensure adequate coverage, the Commission has recommended that states and local governments be made direct program beneficiaries.

To ensure program certainty, the Commission has urged the use of a permanent trust as the funding mechanism.

To ensure funding adequacy and growth, the Commission has called for sharing of a constant percentage of the federal personal income tax base.

The point must be emphasized that the Commission did not recommend any basic changes in the formula for distributing GRS funds. However, many persons interested in formula changes have suggested, among other things, a switch from the current per capita income measure to the Representative Tax System approach for estimating the tax capacity of the states.

THE REPRESENTATIVE TAX SYSTEM FOR MEASURING STATE TAX CAPACITY

Over the last 20 years, a series of ACIR information reports have emphasized both the inadequacies of the per capita income approach and the need for building a better yardstick. In fact, our earliest report on this subject dates back to 1962; it first presented an alternative yardstick—the Representative Tax System—for measuring state tax capacity.[1]

That pioneering staff effort made a strong impression in Canada. As the Canadian representative, Mr. Clark, will probably point out in his testimony, the 1962 report played a part in the Canadian Parliament's decision to begin distributing federal equalization aid to the provinces using the Representative Tax System method for estimating provincial tax wealth.

In March of 1982, the Commission found that the use of a single yardstick, resident per capita income, to measure fiscal capacity seriously misrepresents the actual ability of many governments to raise revenue. In short, this misrepresentation results in a systematic overstatement or understatement of the ability of many states to raise revenue.

Mr. Chairman, I would like to make several observations that are intended both to explain the Representative Tax System (RTS) concept and to respond to certain charges leveled against it by its critics.

First, the Representative Tax System is a sophisticated yardstick for measuring the relative tax capacity of each of the 50 state-local systems. It answers this question: How would each of the 50 states rank on a tax productivity scale if every state applied identical tax rates (national averages) to each of the 26 commonly used tax bases.[2]

Second, this Representative Tax System yardstick was created because the present measure used by the Congress—state per capita income—has three serious deficiencies. These shortcomings can be summarized as follows: the per capita income measure significantly understates the tax wealth of energy rich as well as tourist rich states and overstates the tax wealth of several frost-belt states confronted with declining economic bases.

TABLE 1.—EXTREMES OF OVER- AND UNDER-ESTIMATION OF STATE-LOCAL TAX CAPACITY BY THE CONVENTIONAL PER CAPITA INCOME MEASURES (1981)[1]

	RTS tax capacity index [2]	Per capita income index [3]	Using per capita income, tax capacity is:	
			Underestimated	Over estimated
State:				
Alaska	324	131	−193	
Wyoming	216	111	−105	
Nevada	148	110	−38	
New Mexico	114	81	−33	
Texas	132	102	−30	
Oklahoma	127	98	−29	
North Dakota	124	97	−27	
Louisiana	117	91	−26	
Montana	114	90	−24	
West Virginia	90	80	−10	
New York	89	109		+20
District of Columbia	111	129		+18
Rhode Island	80	97		+17
Connecticut	110	122		+12
Maryland	98	109		+11
New Jersey	105	115		+10
Massachusetts	96	106		+10

[1] States with deviation of 10 or more percentage points.

[2] Based on the ACIR-NIE representative tax system approach.

[3] The per capita measure of personal income currently used in Federal formulas.

Source: ACIR staff estimates (U.S. average equals 100).

Third, the Representative Tax System has been unjustly criticized as being biased in favor of big spending states. Notwithstanding these dogged assertions, the Representative Tax System approach does not discriminate in favor of the heavy taxing states and against light taxing states. The relative capacity rating for each state does not depend on its taste for public goods and services. Moreover, the tax capacity index for each state would be the same whether all the representative tax rates (national averages) used in the calculation were cut in half or doubled.

It is the tax effort factor in the General Revenue Sharing formula—not the tax capacity measure—that works in favor of a heavy spending state such as New York. For example, if the tax effort factors were stripped out of the GRS formula and the

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[1] ACIR *Measures of State and Local Fiscal Capacity and Tax Effort,* M-16, Washington, D.C., 1962. See also ACIR, *Measuring the Fiscal Capacity and Effort of State and Local Areas,* M-58, 1971; ACIR, *Tax Capacity of the Fifty States: Methodology and Estimates,* M-134, March 1982; and ACIR, *Tax Capacity of the Fifty States, Supplement: 1980 Estimates,* June 1982.

[2] Appendix A provides a step-by-step description of the technique used by ACIR in constructing its Representative Tax System and Appendix B sets forth the representative tax bases (or proxies) and the representative tax rates (national averages).

Representative Tax System measure were substituted for the per capita income yardstick, the relatively light spending state of Texas would receive an additional $10 million in GRS funds while the heavy spending state of New York would have its 1983 General Revenue Sharing allotment cut by approximately $90 million.

Fourth, some who oppose introduction of the Representative Tax System claim that its utilization should wait until there is a comparable breakthrough on the expenditure side to ensure that both revenue capacity and expenditure needs are adequately weighed. Unfortunately, this counsel of perfection is the counsel of interminable delay. It is difficult enough to measure state revenue capacity; it is virtually impossible to get agreement on what constitutes legitimate expenditure needs.

Fifth, the Representative Tax System approach has been criticized as being too complex. There is no question but that the Representative Tax System yardstick is far more complicated than is the per capita income measure. There is, however, the obvious rejoinder—for every complex problem there is an answer that is neat, simple, and wrong. The very neat and simple per capita income measure produces the wrong answers for many of the energy rich states, for some of the tourist states, and for several Frostbelt states.

Sixth, although the RTS has some data imperfections, it still stands out as a far more accurate yardstick of state tax capacity than does the per capita income measure. There is no question that the RTS has certain data problems—the most important being the lack of annual property tax valuations. Nevertheless, on a scale of 1 to 100, I would score the accuracy of the RTS measurement at least 90 and the per capita income measure no more than a 70. In my judgment, a B+ performance should be favored over the D− performance every day of the week.

Mr. Chairman, this concludes my remarks.

APPENDIX A

RTS METHODOLOGY

For each of the 26 tax bases included, a representative ("average") tax rate is calculated. That rate is then applied to the tax base available for such taxation in each state. This multiplication shows the amount each state would collect if it levied that tax at the "average" national rate. The 26 separate tax collection calculations for each state can then be added to get the total tax capacity of each state and the states can be compared on a per capita basis. Each of these steps in the measurement process is described and illustrated below.

Step 1—Compute 26 representative tax rates according to the nationwide tax collections of all states and localities and the nationwide tax base amounts.

For example, the representative general sales and gross receipts tax rate of 6.5 percent (1980) was obtained by dividing the $51,175,484,000 state and local general sales and gross receipts tax collections by national retail sales of $791,261,640,000 (excluding food or drugs). The representative rates for each of the 26 tax bases are shown on Attachment B.

Step 2—Determine the hypothetical per capita yield for each tax in each state by applying the representative (average) tax rate to that state's actual tax base.

For example, when applied to the Mississippi sales and gross receipts tax base of $5,935,123,000, the 6.5 percent representative sales and gross receipts tax rate produced $152 per capita. However, in a tourism rich state like Navada with a tax base of $7,347,051,000, the 6.5 percent rate produced $593 per resident. More spectacularly, although the representative rate of 4.98 percent on the value of oil and gas production produced an average of $19 per U.S. resident, in Alaska it produced $1,167 per resident.

Step 3—Determine the hypothetical tax wealth or capacity for each state by adding together the per capita yields for each of the 26 taxes.

The 26 representative base times rate calculations together produced an average of $949 per U.S. resident (1980), whereas for Mississippi, the poorest state, the yield was $658 per resident, and for Alaska, the richest, the yield was $2,463 per resident.

Step 4—Index the results for each state to the U.S. average, $949; an index of 100 corresponds to the U.S. average per capita tax yield.

For example, Mississippi, with a per capita yield of $658, has an index of 69.3, meaning that Mississippi has only 69.3 percent of the average tax capacity. For Alaska, the index is 259.7, denoting capacity 259.7 percent of the U.S. average in 1980.

APPENDIX B.—INFORMATION UNDERLYING THE REPRESENTATIVE TAX SYSTEM FOR STATE AND LOCAL GOVERNMENTS FOR 1980

Tax	State-local tax collections		Tax base		Representative tax rate
	Billions of dollars	Percent of total	Amounts (millions)	Description	
1. General sales or gross receipts	$51.2	23.7	$791,261.6	Retail sales and receipts of selected service industries	6.5 percent.
2. Selected sales	26.5	12.3			
a. Motor fuel	9.8	4.6	115,968.0	Fuel consumption in gallons	$.08 per gallon.
b. Distilled spirits	1.6	.8	449.9	Consumption of distilled spirits in gallons	$3.63 per gallon.
c. Beer	.8	.4	117.8	Consumption of beer in barrels	$4.65 per barrel.
d. Wine	.2	.1	471.8	Consumption of wine in gallons	$.39 per gallon.
e. Tobacco	3.9	1.8	29,184.5	Cigarette consumption in packages	$.13 per package.
f. Insurance	3.1	1.5	$199,158.0	Insurance premiums for life, health, property and liability insurance	1.5 percent.
g. Public utilities	6.0	2.8	$200,862.0	Revenues from electric, gas, and telephone companies	3.00 percent.
h. Parimutuels	.7	.3	$13,802.1	Parimutuel turnover from horse and dog racing	5.23 percent.
i. Amusements	.3	.1	$28,279.0	Receipts of amusement and entertainment business	1.07 percent.
3. License taxes	7.7	3.3			
a. Automobiles	3.2	1.5	120.9	Private automobile registrations	$26.42 per registration.
b. Trucks	2.1	1.0	32.2	Private truck registrations	$66.14 per registration.
c. Motor vehicle operators	.4	.2	145.3	Motor vehicle operators' licenses	$2.69 per license.
d. Corporations	1.4	.6	2.71	Number of corporations	$512.58 per corporation.
e. Alcoholic beverage	.2	.1	.271	Licenses for the sale of distilled spirits	$666.79 per license.
f. Hunting and fishing	.4	.2	62.2	Number of hunting and fishing licenses	$6.71 per license.
4. Individual income	41.4	19.2	$247,386.3	Federal income tax liability	16.72 percent.
5. Corporate income	13.5	6.3	$214,634.0	Corporate income	6.29 percent.
6. Property	68.3	31.7			
a. Residential	37.4	17.3	$2,955,168.0	Market value of residential property	1.27 percent.
b. Commercial-industrial	22.0	10.2	$1,561,570.0	Net book value of inventories, property, plant and equipment of corporations	1.41 percent.
c. Farm	4.1	1.9	$670,075.0	Market value of farm real estate	.61 percent.
d. Public utilities	4.9	2.3	$398,744.3	Net book value of fixed assets for electric, gas, and telephone companies	1.22 percent.
7. Estate and gift	2.0	.9	$6,484.5	Federal estate and gift tax receipts	31.54 percent.
8. Severance	4.9	2.3			
a. Oil and gas	4.2	2.0	$84,981.8	Value of oil and gas production	4.98 percent.
b. Coal	.4	.2	$21,650.3	Value of coal production	2.14 percent.
c. Nonfuel minerals	.2	.1	$26,098.0	Value of nonfuel mineral production	.78 percent.
U.S. total	215.5	100.0			

Note.—Detail may not add to totals due to rounding.
Source: ACIR.

APPENDIX C.—1981 REPRESENTATIVE TAX SYSTEM ESTIMATES (PRELIMINARY) COMPARED TO PERSONAL INCOME

Region and State	Per capita tax capacity	Index: Tax capacity	1981 personal income per capita	Income index
New England:				
Connecticut	$1,131	109.9	$12,816	122.2
Maine	815	79.2	8,535	81.4
Massachusetts	988	96.0	11,128	106.1
New Hampshire	982	95.5	9,994	95.3
Rhode Island	827	80.4	10,153	96.8

APPENDIX C.—1981 REPRESENTATIVE TAX SYSTEM ESTIMATES (PRELIMINARY) COMPARED TO PERSONAL INCOME—Continued

Region and State	Per capita tax capacity	Index: Tax capacity	1981 personal income per capita	Income index
Vermont	864	84.0	8,723	83.1
Mideast:				
Delaware	1,143	111.1	11,095	105.8
Washington D.C.	1,142	111.0	13,539	129.1
Maryland	1,009	98.0	11,477	109.4
New Jersey	1,077	104.7	12,127	115.6
New York	916	89.0	11,466	109.3
Pennsylvania	931	90.4	10,370	98.8
Great Lakes:				
Illinois	1,070	103.9	11,576	110.3
Indiana	932	90.6	9,720	92.7
Michigan	990	96.2	10,790	102.9
Ohio	971	94.4	10,313	98.3
Wisconsin	935	90.9	10,035	95.7
Plains:				
Iowa	1,053	102.3	10,474	99.8
Kansas	1,125	109.3	10,813	103.1
Minnesota	1,030	100.1	10,768	102.6
Missouri	947	92.1	9,651	92.0
Nebraska	996	96.8	10,366	98.8
North Dakota	1,271	123.5	10,213	97.4
South Dakota	888	86.3	8,833	84.2
Southeast:				
Alabama	766	74.5	8,219	78.3
Arkansas	839	81.6	8,044	76.7
Florida	1,040	101.1	10,165	96.9
Georgia	838	81.4	8,934	85.2
Kentucky	843	82.0	8,420	80.3
Louisiana	1,200	116.6	9,518	90.7
Mississippi	737	71.6	7,408	70.6
North Carolina	818	79.5	8,649	82.4
South Carolina	774	75.2	8,039	76.6
Tennessee	812	79.0	8,447	80.5
Virginia	969	94.1	10,349	98.6
West Virginia	926	90.0	8,377	79.8
Southwest:				
Arizona	913	88.7	9,754	93.0
New Mexico	1,170	113.6	8,529	81.3
Oklahoma	1,310	127.3	10,247	97.7
Texas	1,359	132.1	10,729	102.3
Rocky Mountain:				
Colorado	1,160	112.8	11,215	106.9
Idaho	891	86.6	8,937	85.2
Montana	1,168	113.5	9,410	89.7
Utah	890	86.5	8,313	79.2
Wyoming	2,227	216.4	11,665	111.2
Far West:				
California	1,186	115.2	11,923	113.6
Nevada	1,523	148.0	11,576	110.3
Oregon	1,019	99.0	10,008	95.4
Washington	1,020	99.1	11,277	107.5
Alaska	3,333	323.8	13,763	131.2
Hawaii	1,076	104.6	11,036	105.2
U.S. average	1,029	100.0	10,491	100.0

Source: ACIR staff.

APPENDIX D.—TRENDS IN STATE TAX CAPACITY, SELECTED YEARS 1967–81

State	Tax capacity index				
	1967	1975	1979	1980	1981 (preliminary)
New England:					
Connecticut	117	110	108	112	110
Maine	81	84	80	80	79
Massachusetts	98	98	93	96	96
New Hampshire	110	102	96	97	96
Rhode Island	91	88	84	84	80
Vermont	88	94	85	84	84
Mideast:					
Delaware	123	124	109	111	111
Washington, D.C.	121	117	110	111	111
Maryland	101	101	99	99	98
New Jersey	107	109	102	105	105
New York	108	98	89	90	89
Pennsylvania	91	98	93	93	90
Great Lakes:					
Illinois	114	112	112	108	104
Indiana	99	98	98	92	91
Michigan	104	100	104	97	96
Ohio	100	103	101	97	94
Wisconsin	94	98	99	95	91
Plains:					
Iowa	104	106	108	105	102
Kansas	105	109	109	109	109
Minnesota	95	97	105	102	100
Missouri	97	96	97	94	92
Nebraska	110	106	100	97	97
North Dakota	92	101	109	108	124
South Dakota	91	94	95	90	86
Southeast:					
Alabama	70	77	76	76	75
Arkansas	77	78	77	79	82
Florida	104	102	100	100	101
Georgia	80	86	81	82	81
Kentucky	80	85	85	83	82
Louisiana	94	97	103	109	117
Mississippi	64	70	70	69	72
North Carolina	78	84	82	80	80
South Carolina	64	77	76	75	75

APPENDIX D.—TRENDS IN STATE TAX CAPACITY, SELECTED YEARS 1967–81—Continued

State	Tax capacity index				
	1967	1975	1979	1980	1981 (preliminary)
Tennessee	78	84	81	79	79
Virginia	86	93	93	95	[illegible]
West Virginia	75	89	92	94	90
Southwest:					
Arizona	95	92	91	89	89
New Mexico	94	92	103	107	114
Oklahoma	102	98	108	117	127
Texas	98	110	117	124	132
Rocky Mountain:					
Colorado	104	106	110	113	113
Idaho	91	89	91	87	87
Montana	105	103	113	112	114
Utah	87	86	87	86	87
Wyoming	141	153	173	196	216
Far West:					
California	124	110	116	117	115
Nevada	171	145	154	154	148
Oregon	106	100	106	103	99
Washington	112	98	103	103	99
Alaska	99	154	217	260	324
Hawaii	99	110	103	107	105
U.S. average	100	100	100	100	100

Source: ACIR staff.

THE ONE AND THE MANY—SERVING NATIONAL PURPOSES THROUGH 50 DIVERSE STATES

(Remarks of Richard A. Snelling, Governor of Vermont, annual meeting of the Western Governor's Policy Office, Bismarck, N. Dak., Aug. 20, 1983)

As governors or lay citizens, almost all Americans have experienced severe frustrations with this country's federal system. At the same time we place ultimate faith in this system and rely on it for most governmental processes. These two outlooks, frustration and faith, reflect great issues very much needing discussion.

The greatest federalism challenge of all is to get governmental budgets under control and at the same time support essential public services at nationally expected levels with equitable distribution of cost among all states and citizens. The nation cannot afford fiscally to continue to run $200 billion annual deficits, economically to burden the people of some states with gross overtaxation, or humanely to balance budgets through drastic cutbacks in welfare, environmental, developmental, and other domestic services.

Through managed restraint in fiscal policies, fairer allocation of the burden of taxes among the states, and more extensive decentralization of the delivery of public services, not only to the states but through them to counties and local governments, America must both get its finances in order and promote a satisfying life for all Americans. Within this framework, such fundamental goals as these should be addressed: Local discretion to deal with local problems; certitude that state-administered national programs are equitably conducted; state-level capacity to integrate multitudinous activities into comprehensive programs; fair incidence of the cost of national services on the residents and resources of all states.

I

Concerns like these are central themes of the American experience, hard nuts which we as a unified yet diverse people have had to crack and recrack in almost every generation. We are not approaching, indeed may already have entered, another period in which these great issues must be openly faced and reasonably re-resolved.

America is poised to move either toward renewed centralization of domestic power in the federal government or toward expanded reliance on the states and their subdivisions. The states, particularly their governors, should be at the heart of decision-making in this transition, ready to grapple with whatever need be faced, no matter how threatening or controversial.

If the states fail to position themselves in this way, the decisions will be made by others, most likely to state-level detriment. Most important, the states should be willing as states to adjust the domestic cost burden among themselves in such a way as to avoid either massively enlarged direct federal provision of domestic services, the starvation of those services through underfinancing, or greatly aggravated maldistribution of the state-local tax burden.

The issues are already on the table, placed there by dissatisfaction with governmental cumbersomeness and overkill, by President Reagan in his New Federalism proposals (no matter whether we agree or not with the specifics), by the Congress in its consideration of federalism matters in the debate on renewing Revenue Sharing. Governors should grab these issues, nettles and all, discuss them and research them, fight over them if need be, establish common positions, and then go out to do battle together for them. As a first step, now, it will be useful to review the following: the federalism fundamentals about which Americans agree; the present-day realities of the federal system; the problems this system poses vis-a-vis the fundamentals; and the lines along which these problems might eventually be solved.

As preliminary to this review, a word about "sorting out" is in order. This approach to federalism reform, proposed by the President in 1982 and diligently pursued by the governors, failed. Why? Because, as the history of the negotiations suggests, sorting-out was fatally flawed in its preoccupation with "no winners, no losers". The only way that functions and taxes could be realigned consistent with that preoccupation was through holding all states harmless. This required, not more equitable burdens on wealthier states, but larger federal assistance to states disadvantaged by the swap as to their capacities or new responsibilities—a roadway toward larger budgets, not toward restrained spending with fairer financing.

II

Since its beginnings, America has been a federated land, even before it was so recognized, with separate colonies sharing common roots, with thirteen and then eventually fifty states grouped under a common constitution, with great diversity of peoples and geography held together by superior common interests. Thus it is today, a tradition of separateness combined with nationhood reflected in an overarching consensus among state leaders about governance in the United States. These "shared views" are key elements of that consensus:

(1) Nationwide Americans have an accepted set of goals and standards, hard to articulate but nonetheless real, about floors of decency for everyday living; about environmental amenities as to land and air and water; about the physical facilities of the nation in roads, water systems, airports, and the like; about the education of our children and the health of our citizens; indeed about most aspects of the basic framework of American life.

(2) Governments—federal, state, county, local—are appropriate instruments, along with private enterprise and voluntary organizations, for advancing these goals and enforcing appropriate standards. The federal government provides a proper forum for the national articulation of goals and standards.

(3) Agreed purposes and service expectations should be broadly drawn so they can be implemented in different ways in different places, both recognizing and encouraging diversity rather than standardization in American ways of life.

(4) For most public services, as varied as housing, clean water, child nutrition, and law enforcement, the states and their local and regional subdivisions, close to end-of-the-line needs, are preferable over direct federal services as the instruments by which national goals are served.

(5) The financing of nationwide public services, even with these services being state and locally performed, should be substantially federal, drawing properly on the national economy to help meet national objectives.

(6) The needs and capacities of the states relative to financing their share of the costs are diverse, calling for some equalization of burden on in-state resources through differential allocations of federal grants.

(7) The overall cost of domestic public services for national as well as strictly state or local purposes must be realistically, and preferably rationally, related to what national and subnational economies will bear, requiring in short that the suit of services

be cut to the cloth of resources, not just to needs.

This list, though perhaps not all encompassing or all accepted, embraces the basic national and subnational components of cooperative federalism. They make up what most Americans envision about how our federal-state-local system should ideally function.

III

How does real-life federalism, 1983, stack up against that vision? Not very well, many would agree. National goals, while internalized and expressed in programs, are not clearly or comprehensively articulated. Nor is there a clear, consistent, logic-based division of roles among governmental levels for the financing or performance of various services.

In short, American federalism, objectively not visionarily viewed, is today a hodgepodge of accommodations, imperfections, anachronisms, inefficiencies, inequities, and inconsistencies. Yet somehow, a tribute to the ultimate rightness of the federal design, the system does deliver great varieties and quantities of public service throughout our supra-continental nation. The tragedy, the challenge if you will, is that we could do so very much better—and it is this, the sense of falling short, that drives, or will drive, this time of transition in American governance.

Instead of a few broadly stated purposes, with simple standards, financed with sensibly homogeneous block grants, there are 441 distinct federal domestic assistance programs, even after the elimination and pulling together of some 100 separate grants in the last couple of years. Again, despite recent progress, there is still much detailed regulation from federal administrators on how programs are conducted, not just broad supervision toward the achievement of ends. Yes, there is major federal financial participation in many domestic programs, some $93 billion worth in fiscal 1983, but it is almost infinitely divided among programs, not substantially consolidated into blocks or into General Revenue Sharing.

Unfortunately, federal assistance does not in a consistent or comprehensive fashion take into account the differential needs or capacities of the states as to state-conducted national services. A variety of need indicators are used, often including population as a basic measure, but usually not finely tuned to the problems addressed. And, as to capacity, only 29 of the 441 federal grants, about a third of the grants as to total dollars, include an indicator, in every case per capita income, a simplistic and incomplete guide to capacity.

The gross inadequacy lies in the maldistribution of the state-local fiscal burden in relation to capacity. As an analogy, we have come within the individual states to accept that all citizens must have a basic educational minimum, locally provided, regardless of the fiscal resources of particular communities. Through various equalization arrangements, the states have pursued this principle. Also, with equalization, they have served another principle, namely that the cost burden must not be allocated in gross unevenness. Communities are free with their own resources to go beyond the minimum, but no community is to be pauperized by it.

Similar principle might well be applied to the battery of domestic services which constitute a minimum national standard of decency. To support this minimum, no citizens in any particular state should have to pay grossly more in relation to their capacity than citizens of other states. This is not to argue now for the Representative Tax System (RTS) developed by the Advisory Commission on Intergovernmental Relations (ACIR) or for any other particular way in which these principles should be observed. But, as public finances grow tighter and tighter, equalization of some sort becomes necessary both for financing and for fairness. As citizens of a single great commonwealth, the United States, can we indefinitely accept in good conscience an uneven distribution of the burden for performing national services?

IV

The question can be even more broadly stated: Ought we remain content with a system so far at variance from our ideal? One approach to that question is to consider more specifically some of the particular problems of the system and the possibilities of doing something constructive about them. The problems are surely not in any respect simple, quite the contrary. But on matters of such moment, those listed below, that ought not deter us.

(1) The inadequate, uneven articulation of national goals. Many individual programs are authorized with limited statements of purpose. Broader goals are implied, too, for congeries of programs in such areas as welfare, environment, transportation, and economic development. But can we, and if we can, ought we not, by national action get clearly before us what we as a nation seek in each great area of this sort? Such articulation is a pre-requisite for comprehensive block grants for each such area.

(2) The need for performance standards, objective yet broad, preferably as to end results, not simply as to program activities. If states are really to have wide discretion in operations toward objectives, the objectives must be clearly, even if possible quantifiably, stated. Then, federal program audits can focus on what has been accomplished, not on how. But can such standards really be drawn in any fields? In more physical fields, miles of roads maintained, for example, probably yes. But in personal welfare areas, child nutrition, for example, is it being, can it be, done? Such a task, the articulation of standards, is certainly worth much more trying than it so far has been given.

(3) Confusion, inequity, and inadequate measures as to service needs. Misunderstandings abound in this regard, for example, as between need and capacity, need and effort, need and activity. Need is differentiated from these other concerns in having to do with the direct-life circumstances which call for public action, e.g. with extent of illiteracy, numbers of malnourished children, units of substandard housing, population pressure on recreational space, volume and composition of solid waste, rates of various kinds of crime, and miles of potholed roads. Need is an end to be met, not the cost, methods, or activity to meet it.

All the federal grant formulas, including that for General Revenue Sharing, consider need in some degree, often as elementally as just gross population differentials. However, the relevance, sophistication, and fairness of indicators varies greatly from program to program, quite understandably in a nation so large and diverse as ours—partly urban, partly rural, partly industrial, partly agrarian. And the larger questions, relating need in gross measures to block grants, have scarcely been addressed.

If we are to have a truly needs-oriented grant-in-aid system, one in which there is large discretion in the way needs are met, this area requires much work. To some extent, indicators of low capacity, notably per capita income, may run in the same direction as indicators of need, but they are not satisfactorily congruent.

(4) Unsatisfactory recognition, even nonrecognition, of capacity-to-pay differences among the states. Resident per capita income, unrefined and unmodified, is flawed as a capacity indicator since it does not take into account non-resident, non-income resources which some states have in substantial measure while others have scarcely none. Thus, for example, recreational magnet states like Nevada or Vermont are able to tax non-residential resources more lucratively than are low-tourism states. Similarly, energy-rich states like Oklahoma have stronger non-income resources than do energy-poor states like Mississippi.

When comparative state-by-state capacities are measured with these non-resident, non-income considerations taken into account, the relative positions of the states vis-a-vis a national norm for the states are considerably different than from a similar calculation considering only per capita income. The capacity measure developed by ACIR as part of the Representative Tax System gets at the overall capacities of the states by calculating the revenues that each state would raise if each used, with a few exceptions, all the taxes at average national rates that any state uses.

There are imperfections in the RTS measure, of course, e.g. differential impacts of different taxes on future tax base, but it does appear to be the best presently available comprehensive state-by-state revenue capacity measure. Comparing ACIR rankings with per capita income rankings, differences do stand out, for example, as for the State of Washington, which ranks among the nation's top ten states in per capita income but comes in near the mid-point, 24th, with the ACIR measure.

All this is not to argue for the substitution, today, of the ACIR measure for per capita income, nor to suggest some other measure which might be better than either. Rather, we should note that there are real differences among the states in the resources, in relation to population, on which each can draw to meet the state-and-local costs of carrying out national programs. Whether measured by income-only or comprehensively, Tennessee and Vermont, for example, show up as low capacity states while California and Connecticut on both measures stand out as high capacity. It seems both unjust and ineffective to lay substantially heavier burdens on the residents of some states than on those of others to finance the state-local role in delivering national services.

Even though present grants-in-aid tend toward equalization in some states, we have a very long way to go for bearable equity. And, as government budgets across the board are increasingly squeezed, witness the huge federal deficit and the shortfalls this year in almost all states. The pressure for fairly distributing state-and-local burdens and for raising what must be raised wherever it can best be raised will surely increase. These are undeniable reasons why capacity considerations in grant formulas constitute one of the major problems of federalism.

(5) Poor understanding, perhaps overstress, on fiscal effort in relation to state fiscal positions. To begin, effort and capac-

ity are quite separate though related matters. Effort has to do with how strongly a government is drawing on its tax base, not with the size (capacity) of the base per se.

General Revenue Sharing rewards high effort in the above sense as one of the components in its allocation formulas. Most categorical and block grants require matching—some unit of state-or-local outlay for specified counterpart amounts of federal participation—and in this way states that put up more money for particular programs, i.e. "make a greater effort", are also rewarded. Effort, in the pure sense of collections related to capacity, is taken into account in ACIR's work on its Representative Tax System but (and this is important) effort is not part of the capacity measurements and need not be part of any introduction of RTS into federal grant formulas.

Conceptually, the core question about effort in relation to a model intergovernmental system is whether it should be a determinant at all of the amount of federal monies going to different states. Spending more on particular programs in order to bring more federal dollars into a state is not in itself a direct indicator that a state is necessarily doing more about a particular problem, certainly not that it is necessarily being more effective in dealing with a problem. In some states, heavy matching may indicate ample resources, in others real sacrifice to attack real problems, while low matching (even low tax-to-capacity effort) may reflect effective administration, or simply capacity so low that normal leeway for effort is not available.

The point of all this is that the extent to which and the way in which effort, more realistically "matching", should be a component in grant formulas deserves to be questioned. Another concept would be that each state for each major functional area, perhaps for its services across-the-board, has a responsibility, not a carrot-induced "choice," to do what must be done at whatever cost and in whatever ways best suit its circumstances to carry out its part in executing national-goal programs within its boundaries. The amount it would get in federal assistance would be determined by need and capacity, and it would be free on its own with its own resources, unmatched, to go beyond its standard responsibility as part of the Union, offering such additional or more intensive services as it wished. A heroic idea, perhaps, but one that would lead to greater decentralization and fruitful diversity, with national programs still carried out through the states, than most of us could scarcely now conceive to be possible.

(6) An overburden of detail, multiplicity, and inappropriateness in federal grant administration. This is an old story, familiar to all of us, and one in which the story is not quite as sad as a few years ago. With the 1981 block grants and the anti-regulatory efforts of the Reagan Administration, the pendulum swing toward tighter and tighter supervision of more and more separate grants programs has at last been checked, actually reversed. But, even within the confines of the still largely categorical system, much headway remains to be made. As noted at recent NGA meetings, state government, no longer the last refuge of "good-time Charlies," is today professionally competent to handle whatever comes our way.

V

What can governors do about these problems? As regards some elements of the puzzle, particularly the matter of federal overcontrol, governors are already doing considerable through their national and regional organizations. But what about the more fundamental problems—things like standards, capacity, effort? Here are a few ideas on this, all geared basically not to making landmark changes now but to going down the road of commitment, discussion, negotiation toward such changes.

To begin, the general nature of the problems and of the solutions already seems sufficiently clear and understood to enable governors to take positions of principle on them now. It was for that reason, not to commit NGA to RTS, that proposals were recently considered within NGA to have governors accept the desirability of capacity equalization of some kind as part of NGA federalism policy.

Beyond this, the national and regional staffs of governors should be encouraged, indeed directed, to give major attention to the fundamentals raised here. The results of this work should be brought to the discussion tables, and governors should not shy away when their cherished preconceptions are challenged. For example, even the states' long fight against any limitation on the federal tax deductibility of state and local taxes might merit some "give" if important ground for the states could be gained thereby.

Governors should be prepared not only to state their positions but, where advantages might be gained, to work in a give-and-take way with their federal and local governmental brethren—with the Congress, the President, local governmental groups, federal program executives. A most important venture of this sort now looms sizable on the Congressional horizon—the possibility that Congress this fall in dealing with Revenue Sharing will adopt an amendment calling for a major federal study of federalism issues, jointly by Treasury, Commerce, GAO, and ACIR, a study not just of RTS but of the whole range of great intergovernmental questions. This is something, especially if full state and local participation is guaranteed, which governors should vigorously support.

Finally, a word about regional groups like WESTPO, the Western Governors Conference, the New England Governors Conference, and others. Groups like this, bringing together governors in the way this meeting has, are crucial vehicles for consideration of intergovernmental matters. Even more, they provide influential forums of policy setting and program coordination intermediate between the individual states and the federal government.

* * * * *

In essence, the theme of federalism debate should be the motto on the Great Seal of the United States—"E Pluribus Unum" out of the Many, One. But the emphasis, today, the desirable emphasis for federalism reform, should be a bit more on the Many, how to sustain their strength diversely but equitably, than on the One.

This paper does not get deeply into the fiscal technicalities of federalism, of which there are a great many, but these must of course be addressed as the great issues are explored. The main thing now is for the governors to "reason together" on these issues, too long held back on the national agenda. History is on the move. Governors should be with it, not off to the side.

[From the Dallas Morning News, Sept. 20, 1983]

Love Those Taxes

Very clever, these Frost Belt congressmen; and very persistent in their attempts to keep the federal cash pouring in. Witness the proposal of Sen. David Durenberger, R-Minn., to start calculating federal aid in accordance with a state's ability to raise its taxes, rather than in accordance with income, as the case is now.

Under Durenberger's system, the higher a state's taxes (hence the more limited its capacity to raise them), the more federal aid it would get: meaning that Southern and Western states, for forbearing from soaking the taxpayers, would lose federal assistance to high-taxing states like New York and New Jersey.

Just what this country needs—encouragement for the delusion that taxes, far from being too high, aren't high enough.

Though the reasons for the economic decline of the Northeast are complex, not the least of them is the steep state and local taxes that finance a generous range of social services—and steer businessmen to lower-tax states.

Durenberger's state, Minnesota, had in 1981 the 11th highest level of state and local taxes—$1,170, thanks to unbroken decades of "socially conscious" government. Still, Minnesota thinks it hasn't enough money. Has the state's congressional delegation stopped to think that there might be a connection here?

Hey, Don't Blame Me

To the editors: Your Sept. 20 editorial, "Love Those Taxes," has a valid point to make about the need to improve the allocation of federal aid to states. However, by taking potshots at me, you've shot yourself in the foot.

I am a longstanding ally of Texas in the quest to stop the practice by which high-taxing, high-spending states are "rewarded" with more federal aid, and lower-taxing states are penalized with less. That practice is no proposal of mine; it's been going on for years. It happens because federal aid is based partly on how heavily a state taxes its citizens. That's not a regional issue; it's just plain bad policy. By touting it as a Frost Belt vs. Sun Belt issue, you threaten the very reforms you desire.

My proposal deals with an entirely different factor in the federal aid equation. A state's share of aid also depends on the state's ability to raise its own revenues, and the current method of measuring that ability is flawed. It considers only the per-capita income of a state's citizens, under the assumption that the higher the income the more revenues can be raised (through a personal income tax).

As a state with no personal income tax, Texas well knows there are many other ways to raise state revenues: property tax, sales tax, excise tax, severance taxes on natural resources. I propose to use a well-proved system that takes all of a state's options into account when measuring its revenue-raising ability. It isn't "Durenberger's system," as you call it, but a system developed over 20 years by a federal advisory commission and already being used by the Canadian government. It doesn't reward high taxing.

You have a justifiable gripe, but you've mislaid the blame on me and my native Frost Belt. Are you so itchy about the snowy North that you can't see when we're on your side? Perhaps the sun was in your eyes.

DAVE DURENBERGER,
Chairman, Subcommittee on Intergovernmental Relations.
Washington, D.C.●

EFFECTS OF FEDERAL BUDGET DEFICITS ON THE MIDWEST AND OUR BASIC STEEL INDUSTRY

● Mr. QUAYLE. Mr. President, on October 16 and 23, the Times of Hammond, Ind., published a series of thoughtful articles on the effects of our current Federal budget deficits on the economy of the Midwest and our basic steel industry.

The Times believes that there are five factors, all directly affected by Federal Government policies, which must change before the long-term economic prospects of the Midwest region can be expected to improve. These are:

First, the Federal deficit;
Second, the strong U.S. dollar;
Third, trade imbalance;
Fourth, fair trade laws; and
Fifth, U.S. tax laws.

Mr. President, economic improvement in the Midwest directly depends on the health of our basic steel industry. U.S. steel companies, as the Times points out, have been hurt by increased steel imports into the United States. This increase in steel imports can be explained by high interest rates in the United States and the consequent strength of the U.S. dollar—these serve to make imports cheaper in the U.S. market. U.S. steel companies, in addition, have been hurt by unfair trading practices conducted by some of our trading partners. The U.S. steel industry deserves vigorous enforcement of our trade laws; private American steel firms cannot be expected to compete successfully with subsidized foreign government-sponsored industries.

The Times believes that the key to economic recovery is to trim the Federal deficit. Recognizing that cuts in defense will not cure our budget difficulties, the Times notes that nondefense spending has increased from 9.5 percent of GNP in 1960 to 12.3 percent in 1970 and up to 17.9 percent in 1982. The Times analyzes the components of the Federal budget and makes some suggestions as to how to cut Federal spending. I ask that these suggestions be reprinted in the RECORD.

The suggestions follow:

DEFICITS IN MULTI-BILLIONS WILL NOT QUIT

The federal government ended its fiscal year Sept. 30 with a deficit of more than $200 billion—almost double the record of $111 billion in the previous fiscal year.

And another big deficit is looming in the fiscal year just started. This is the budget that candidate Ronald Reagan told us in 1980 he would balance if he were elected president.

There is no talk of balancing budgets now, nor any time in the near future. In fact, there is a national debate going on whether $200 billion deficits really do matter much at all. Administration economists and their allies say they don't. Most other economists say they do.

We think the administration's position is self-serving. Even if deficits aren't hurting other sectors of the economy, they are surely hurting the industrial sector because they keep interest rates up.

Although interest rates have come down from about 21 percent to 10-11 percent since President Reagan took office, they are still too high to finance the capital improvements needed in basic manufacturing industries such as steel, machine tools and construction equipment. The rates are not expected to change much between now and November, 1984.

Presently, more than 75 percent of the nation's net private savings are being used to pay for the deficits. So even if heavy industry went ahead with capital spending projects at the current rates, its borrowing needs would soon collide with that of the government's, sending interest rates back up into the teens or beyond.

As long as that situation continues, the nation's industrial sector will not be able to participate fully in the recovery.

WEAKER DOLLAR WOULD HELP RECOVERY

Reducing the deficits will not only bring down interest rates, it will weaken the dollar and eventually improve our balance of trade.

Both of these developments would allow industrial America to compete more effectively with the rest of the world. Here's why:

Foreign investors are being induced to convert their money into dollars to take advantage of U.S. interest rates which are higher than any other industrial nation's.

The over-valued dollar has made American goods expensive to buy abroad and foreign goods inexpensive to buy here. The result will be a record high U.S. trade deficit this year—between $60 billion and $70 billion, according to the government's own spokesmen.

Worse, the dollar's value forces steel and other basic American industries to compete with one hand tied behind their backs. A less expensive dollar would have the opposite effect—foreign goods would become more expensive in this nation and American goods would become less expensive abroad.

In short, a cheaper dollar would encourage American exports and discourage imports. For instance, consumers at home and abroad would find that price differentials between American and foreign cars of comparable quality would be reduced by about a third.

But here, again, the only way to bring down the dollar is to reduce interest rates by cutting the deficits.

RECORD DEFICITS CAN'T BE TAXED AWAY

Three essential elements account for the huge U.S. budget deficits: taxes, defense spending and entitlement programs.

Taxes are the way the nation pays for its government. So one way to cut deficits is to raise taxes.

But the problem with raising taxes is that it's neither economically nor politically possible to raise them enough to bring the deficits down to a manageable level.

The President's Private Sector Survey on Cost Control (the Grace Commission) reports that if the government tried to bring the runaway deficits to heel solely through tax policy, it would have to raise taxes so high that they would become confiscatory.

To make its point, the Grace Commission points out that if the government put a 100 percent tax on each dollar that every citizen earned over $75,000, it would only pay for running the government a little over two weeks.

Politicians who say deficits can be controlled simply by socking it to the rich are not being candid—they are ducking the issue.

Most of the money in this nation is in the hands of people who earn between $15,000 and $50,000 a year. A tax increase designed to pay off the deficits would, by necessity, have to come out of their hides.

Nonetheless, a small tax increase might be useful in helping to cut the deficits if it was done in conjunction with other programs—programs designed to cut domestic spending.

Even more useful would be tax reform, perhaps a flat-rate tax or value added tax. They would be less painful, and fairer, than raising personal and business taxes again.

SOME IDEAS ON HOW TO CUT SPENDING

There are some ideas being bandied about in Congress now that could help reduce the deficits. One idea is to give the president "line item" veto power.

Presently, the president must accept or veto a budget measure in its entirety. If he could veto parts of it, the wasteful parts, billions of dollars could be saved. Newsweek magazine estimates that $75 billion a year is wasted on "pork barrell" projects.

A line-item veto could eliminate most of that spending, and congressmen could not be blamed for the consequences. They could tell their constituencies that they voted for the measure, but the president vetoed it.

Another reform would have the government go to a capital budget system, whereby it distinguished between spending as an investment and spending that cannot be recovered. It is a tool that businesses use to assess their liabilities and assets.

It would not add a nickle to the budget, but it would enable the government to plan its budget. Most public works expenditures are based almost entirely on political considerations (pork barrel). The federal government has no inventory of its physical investments; no assessments of the condition or capacity of its existing facilities and no comprehensive plan for maintenance, repair and new construction.

If the government had a clearer knowledge of what it was spending its money on, it would have a better idea of how and where to spend it to do the most good. A more intelligent method of spending the nation's money could also help reduce the nation's deficits.

Congress is a unique institution in that it can spend money it doesn't have. If everybody could do that, we'd probably all run up huge deficits.

But past extravagances have caught up with Congress and the country. Congress must be encouraged to find the will to say "no" to the special interests, to discipline itself, to get its spending priorities in order. It will take cooperation and sacrifice from all sectors of the economy.

Congressmen try to respond to their constituencies. When was the last time you asked your congressman to cut spending?●

DEATH OF THOMAS M. BRADLEY

● **Mr. SARBANES.** Mr. President, Maryland and America have lost a dedicated fighter for the people, Tom Bradley, president of the Maryland-District of Columbia AFL-CIO, who died suddenly on Thursday, October 27, 1983. Tom was a man of great decency and compassion and a strong leader in the struggle for a just society. I was privileged to have him as my close friend and I grieve at his death. His wise counsel and warm friendship, his unshakable belief in human dignity, and his fighting spirit, will be deeply missed.

Tom Bradley was not only the leader of the 425,000 members of the Maryland-District of Columbia AFL-CIO, but was also a champion of the causes of all working men and women. He worked tirelessly and unstintingly for a society in which all should have a place in the Sun. He believed in opportunity, in fairness, in respect for one another—in short in the values that make for a just and decent society. Marylanders of all rank have lost a true leader. My wife, Christine, joins me in mourning the loss of a dear friend and in extending our sympathies to Jean Bradley and to the four Bradley children, Tom, Jr., Kathleen, Karen, and Caroline.

Mr. President, two close friends of Tom Bradley's, Dr. Chester Wickwire, chaplain of the Johns Hopkins University and Ted Venetoulis, a columnist for the Baltimore News American and former Baltimore County executive, offered moving tributes at the funeral. I ask that these tributes be printed in the RECORD at this point.

The material is as follows:

EULOGY OFFERED BY DR. CHESTER WICKWIRE, OFFICE OF THE CHAPLAIN, THE JOHNS HOPKINS UNIVERSITY

At this time of falling colors, of seasons readying to turn, we remember the life of Thomas M. Bradley and feel the harsh interruption of our relationships; we mourn his death, and try to measure the meaning of this vital life that was suddenly brought to a halt last Thursday, October 27.

We are also compelled to think about our own death and ponder the significance of our existence. Shakespeare said, "We cannot hold mortality's strong hand," and "We all owe God a death."

A Japanese haiku reads:

A world of grief and pain,
flowers bloom even then,
the world is after all
as the butterfly,
however that may be.

From the Bible:

"We wait for the day to breathe and the shadow to flee."
"Death shall have no dominion."
"Love is as strong as death."
"Many waters cannot quench love."
"I will lift up my eyes to the hills from whence cometh my help; my help comes from the Lord."

Today as we are diminished by our loss we know that the sting of death cannot deny or hide the impact and achievement of Tom Bradley. Your presence here is eloquent witness to his life and to the place he holds in your memory.

He was in the line of Old Testament prophets who cried out, "Let justice roll down like waters." He was uniquely in the tradition of those who would bring good news to the poor, proclaim liberty to captives and set free the oppressed. He believed that the laborer deserves his wages, and that none should labor in vain.

He had been touched by the life and writings of Thomas Jefferson who said "I know of no safe depository of the ultimate powers of the society but the people themselves."

Tom Bradley knew who he was, where he began, and where he left off. Bright, informed, committed, he was leading the 425,000 member Maryland-D.C. AFL-CIO in a period of which it might be said in the words of a Bob Dylan song, "The times are a changing."

Responding to a tough challenge, Tom's was a major role in the creation of an additional benefits program, getting public employees recognized in the labor movement, increasing unemployment compensation benefits (a little at a time), and the creation of the State Employment and Training Department.

In a time extraordinarily difficult for labor, a time which was taking its toll on Tom, he remained completely dedicated to the cause of workers. An imaginative articulate battler, he was also pragmatic and realistic, capable of bringing people together for give and take and conciliation.

He had earned the respect of the entire community, not only as a strong leader of labor, but also as a sensitive servant of people and causes. I saw him giving vital support to the AFL-CIO Teamsters Annual Golf Tournament for the benefit of the Johns Hopkins tutorial project, collecting money and food for out of work miners and their families, and clothes for needy migrants.

Unpretentious and very human, he could have sung with Jackson Brown,

"When you come to feel that you're the only child
Take good care of your brother, and remember to be kind
When the pain of another will serve you to remind that there are those who feel themselves exiled,
On whom the fortune never smiled."

Tom Bradley was always helping the underdog on whom fortune never smiled.

Encouraging coalitions of concerned persons and groups, he gave vigorous endorsement to political candidates who he believed would help realize his vision of a fairer Maryland, his dream of an America where the promise of the country for everyone could be achieved.

His dream for labor and for the state and country was a hard dream to achieve. It meant for him long weary hours, vigorous debate and heavy stress. A Moses-like figure, needed, supported, and appreciated by area Unionists, recognized in and out of labor for his integrity and good judgment, he will be much missed.

In this trying time for labor, for the cause of the poor, for civil and human rights, Tom enjoyed not only the backing of the Union and important figures in the world of politics and in the community, he was also sustained by the loving support of his wife, Jean, his son, Tom Jr., and three daughters, Kathleen, Karen, and Caroline, his mother Adelae, his brother, Paul, and Dee, his mother-in-law. He encouraged each of them to grow as persons. Their home was a place of care, friendship, and renewal. Tom Bradley was very proud of his family.

Being in Tom's presence on many occasions, I know that he was a compassionate man who never lost his child's heart; he had an engaging sense of humor, liked to sing and, could play pinochle. Whether on a weekend trip to Roanoke Rapids during the J. P. Stevens boycott, at a rally, or in his home, Tom taught me much I could never learn around Hopkins. He was a good friend.

He went to Colt games in good times and bad, even when the team was 2 and 12, saying one ought to stick when the going gets rough. He liked college basketball where he said the game was played under the hoop, not above it as in the pro game. He played the game of life on the floor.

When Goethe was near death he said, "Light, the world needs more light." Later, he said, "No, warmth, the world needs more warmth." Tom brought a selfless warmth to relationships. He was comfortable with the meeting with governor or mayor, members of the Senate or Congress, on dancing with his wife, Jean at the White House, a few years ago, or trying to help someone at the bottom of the economic ladder.

His faith and hope were clearly apparent in the hospital. He did not turn his face to the wall but made friends and brightened the atmosphere in the ward. When many cards and flowers came to him, he wept, not from fear of death, but in gratitude for the gift of love and friends. Even in the hospital he could not forget his loyalties and so he convinced a hospital attendant to vote for Mondale, encouraged the nurses to organize, reminding them that while they received $7.50 an hour, organized checkers in food stores were receiving $11.00 an hour. He tried to help a man with white lung get compensation.

Although, in his struggle, Tom did not realize all his dreams, he left a pattern which says that meaning is found in the quality of life. That life which is best employed we honor most.

Matthew Arnold, in troubling times wrote lines which are appropriate now.

Is it so small a thing
To have enjoyed the sun,
To have lived light in the spring,
To have loved, to have thought
To have done
To have advanced true friends,
and beat down baffling foes?

Thomas Bradley left a rich legacy of memory and example of how to live, of standing, walking together, looking outward together in the same direction.

Within our sea of faith and doubt
Reading between the unpublished lines
of his life
There is undoubted evidence that
Tom Bradley had faith
in our potential,
And believed that there are enduring
values worth the struggle.

As we toll time for this life
Taken by time's sea,
Aware the sea too holds
a claim on us,
The good memorial offering is
to well fill our days
To stand together
(To support Jean, Tom Jr., Kathleen, Karen, Caroline, Adelae, Paul, and Dee),
Avoid islanding each other
Though death at last performs this act.

Saying with T.S. Eliot
"not fare well
But fare forward"
"We are the music while the music lasts"
"We are only undefeated
because we have gone on trying."

EULOGY OFFERED BY THEODORE VENETOULIS, COLUMNIST, BALTIMORE NEWS AMERICAN

We gather here this memorable morning to pay tribute to a fallen crusader . . . to an individual who stood in life as a symbol for all of us who believe that a free society, like a family, must care for its own . . . and who now in death, stands as an inspiration for those of us who also believe that a free society must behave fairly and openly.

And as I look before me at this sea of somber faces—I see not only his beloved family, who will suffer his loss more than any of us . . . I see Tom's colleagues in the labor movement . . . I see supporters in the political world . . . I see those who sat across from him at the bargaining table, or sat next to him in hearing rooms . . . famous and familiar faces. But out in the distance I also see the faces of people none of us might know—the face of the workers for whom he argued . . . the consumers for whom he fought . . . the unemployed for whom he rallied—the young and old—the poor and forgotten—the volumes of voiceless Americans who knew that Tom Bradley was their champion . . . and who somehow sensed the magic of this man who dedicated his life not to the gaining of personal wealth, but to the sharing of society's opportunities . . . not so that his family could live in splendor, but that his workers could live in pride.

This dedication to his profession and his career required that he be wiser than those he faced—which inevitably he was. It required that he be tougher than the battle he had to fight—which he inevitably was . . . and it required that he be more pragmatic than the dreams he pursued—which often he wasn't.

It was that quality of chasing dreams, climbing mountains, of relentlessly arguing for an improved life for people who often needed so little to improve their lives that separated Tom Bradley from the crowd that plays in the public arena . . . who so often let their anxieties violate their principles. Tom Bradley never did.

The public saw Tom Bradley clipping credit cards to hold down interest rates . . . they saw him holding picket signs to hold down interest costs . . . they saw him chastizing Presidents, Governors, State Senators, business leaders who were greedy, labor leaders who were equally greedy.

And some of us saw him working behind the scenes bringing together those who could resolve an issue before it became one. When he knew I knew the owner of a hotel that was about to be struck, he called and asked me to set up a meeting. "These guys are about to go to war," he said, "and it's over nothing." Bringing together a Mayor with an unfriendly union chief—he would maintain the trust of both. Bringing together the head of a utility with a consumer advocate he kept the confidences of both. Supporting one candidate over another he somehow kept the respect of both. Because when Tom Bradley gave his word he meant it . . . when he asked you to do something, you knew it was the right thing to do.

But it was his family, his wonderful wife Jean; his children—Tom, Jr.; his daughters Kathleen, Karen and Caroline; his brother and mother-in-law, Dee and his mother—who saw him as he really was—a gentle, firm, easy going and sensitive human being who would agonize over the aging of their dog, Mac . . . a father who was there during any hardship . . . a pushover who once seeing a wounded bird on the street, pulled his car to the side and gently cared for the distressed bird a tender, witty, funny man whose entrance in a room inevitably filled it with warmth. They knew a man who could have the guts to slash at a President's economic program in front of television cameras, and who had the power to force a Governor to hold special sessions, but who, privately would wonder timidly if Rick Dempsey might autograph a score card for his grand kids.

Tom Bradley will live in the memory of his colleagues because he lifted the labor movement from a second class outfit that relied on the politicians for handouts—to a first class fighting machine that elected the politician it chose to elect. To be buttonholed by Tom Bradley was to be buttonholed by an institution that at the press of a button could smother your office with telegrams, letters and telephone calls—or at the sound of an election, field an army of envelope stuffers and door knockers.

The machinists in Maryland are paid better today because he lived . . . public employees receive fringe benefits they might never have gotten, because he lived . . . consumers are safer because he lived, Baltimore County has a collective bargaining law, the State has a labor department because Tom Bradley lived—hard hats and farmers . . . welfare mothers and small businessmen are better off because Tom Bradley passed through this earth and made a couple of stops in the steps of the State House, the corridors of Annapolis, the offices of Mayors and executives, the club houses of politicians and civic advocates.

The record will show that Tom Bradley died because of a heart attack.

But those of us who knew him, know the records will tell only a medical story.

Nothing could stop the heart of Tom Bradley—a heart big enough to carry the burden of anyone out of work . . . anyone living in a senior citizens home or a housing project or standing behind an assembly line . . . anyone who was the victim of greed or inequity or deception and did not have the power to speak on their own . . . a heart large enough to contain the hopes and dreams of his family and friends, of every member of our community.

Nothing could stop that heart—nothing did.

It was Emily Dickinson who wrote the words that so fit our friend Tom—

"Because I could not stop for death . . . He kindly stopped for me;
The carriage held but just ourselves
And Immortality . . ."
Immortality for a west Baltimore machinist? Why not?

For what was finally stilled in this man was merely his body—not his spirit. In this moment of final rest he looms larger than the movement he led and will now walk side by side with great heroes he cherished—the Walter Ruethers and George Meaneys . . . the Franklin Roosevelts and Hubert Humphreys, the Martin Kings and John Kennedys.

To Tom Bradley, this partisan dreamer, this man of enormous trust and extraordinary gentleness, whose presence invaded our hearts and conquered our hopes, we say simply Good Night, Tommy—and as the Irish Folk song weeped . . . "We hardly knew ye . . ."●

THE GROWTH OF LOBBY GROUP ACTIVITIES

● Mr. DURENBERGER. Mr. President, many of my colleagues have remarked lately about what seems to be a tremendous increase in the amount of lobby group activity on Capitol Hill. We all seem to be getting more mail, more telegrams, more phone calls, and more personal visits from lobby group representatives.

Journalists have noted this phenomenon and characterized it as the era of "single-issue politics" and "me-first factionalism."

But this issue—the perceived significant growth of lobby group activity—had, until recently, not been subject to confirmation by a rigorous, systematic analysis.

Now, two political scientists from Boston College, Kay Lehman Schlozman and John T. Tierney, have documented this growth in a study whose findings were recently published in the Journal of Politics. Using data gleaned from interviews with a representative sample of 175 Washington-based organizations, the two authors concluded that "the apparent explosion in group activity is not illusory * * *." Not only is there significantly more lobby group activity now than in the past, but there is more of all types of activity; not only traditional person-to-person direct lobbying, but also more lobbying using high-technology techniques such as computers for direct mail grassroots lobbying.

As noteworthy as these findings are, the Schlozman-Tierney study is also important because it is the first systematic study of Washington lobbyists in 20 years.

Among the more significant findings of the Schlozman-Tierney study are the following:

That 88 percent of the study's respondents indicated that their lobby groups had become more active in recent years;

This high level of activity was common to different types of organizations: corporations, trade associations, unions, and public interest groups;

The increase in lobby group activity reflected an increase in virtually all kinds of lobbying techniques. Groups were not only more heavily involved with traditional person-to-person lobbying, but also with techniques using high technology, such as the use of computers to generate mail for grassroots lobbying campaigns;

Contrary to past thinking, lobby groups believed that large quantities of mail generated by a group—no matter how orchestrated such mail may appear—are effective in influencing voting decisions;

Lobby groups have become increasingly more professional with respect to their uses of research and technical information as a technique for influence;

Increased levels of activity can be traced to the growth and intrusion of Government in American society and to procedural and institutional changes in Congress.

Mr. President, Professors Schlozman and Tierney will testify on this important subject in hearings before the Governmental Affairs Committee, November 15, 1983.

I request that the Schlozman-Tierney article be printed in the RECORD.

The article follows:

MORE OF THE SAME: WASHINGTON PRESSURE GROUP ACTIVITY IN A DECADE OF CHANGE

(By Kay Lehman Scholzman, Boston College; John T. Tierney, Boston College)

[Interviews with government affairs representatives in a random sample of 175 Washington lobbying organizations support the popular impression that the volume of pressure group activity has skyrocketed over the past decade. There are many more groups now active on the Washington scene. Moreover, nearly all of them have increased their use of many different kinds of lobbying techniques—not simply, as might be expected, those facilitated by the revolution in electronic technologies or those encouraged by closer representative/constitutent relations, but also traditional forms of lobbying. Among the various factors responsible for this explosion in interest group activity are the internal changes in congressional organization since 1974.*]

The past two decades have been an era of pervasive change in American politics. Political scientists have been admirably sensitive to various modifications in the conduct of our politics. But if they have noted and documented the alterations in the voting habits of citizens, the financing of campaigns, the staffing of Congress, or the structure of the bureaucracy, they have paid less attention to the realm of pressure group activity.

This neglect of interest groups in assessing the contemporary political scene is perhaps ironic, for interest groups once figured prominently in the scholarly understanding of the American political process, and some of the most provocative academic interpretations of American politics since the turn of the century place competition among these groups at the heart of the political process. Following the tradition laid out early in the century by Arthur Bentley (1908), analysts of American politics during the 1950s—among them David Truman (1951), Earl Latham (1952), and Robert Dahl (1961)—characterized the political process not so much in terms of the static relations among institutions, as in terms of the dynamic relations among a plurality of contending groups.

It is not simply that scholars recognized the centrality of interest groups to policy-making in America. Rather, this empirical observation gave rise to a normative debate about the meaning of a vigorous group process for democratic governance. Champions of group politics argued that it enhances the mechanisms of representation, guaranteeing to ordinary citizens an effective voice in the halls of government; protects them from the coercive exercise of governmental power; precludes majority tyranny by accommodating the preferences of the most intensely concerned; ensures moderate policies and, therefore, political stability; and promotes political outcomes that approximate the public interest.

In the ensuing decade critics of the group process (Schattschneider, 1960; Olson, 1965; McConnell, 1966; Lowi, 1969) regarded much less optimistically pressure group dominance of policy. Oriented to justice rather than to liberty, and to change rather than to stability, these observers made a number of arguments to counter the advocates of interest group competition. They contended that, as interest groups usurp public authority, the boundaries between public and private spheres erode; that the resultant exercise of private power can be just as coercive—and much less accountable—than the exercise of public power; and that, because the pressure system is not universal, the interests of those groups not represented in the process—most notably, those of the poor and diffuse publics—are ignored in government policymaking. Given the degree to which such themes go to the heart of thinking about democracy, it is no wonder that a generation of academic observers of American politics took so seriously the role of interest groups.

Whether one's sympathies lie with the group theorists or their critics, this debate makes very clear that it matters crucially how active groups are in the political process. Therefore, it is central to know just how much group activity there is and what forms it takes. There have been several thoughtful treatments of interest groups in recent years (Wilson, 1973; Berry, 1977; Moe, 1980; Hayes, 1981). Unfortunately, however, with the exception of Walker (1981) and Gais, Peterson, and Walker (1982), there has been a paucity of new data collected—either of the systematic sort that Lester Milbrath (1963) amassed or of the in-depth kind that Bauer, Pool, and Dexter (1963) assembled two decades ago. Thus, although we have an old debate providing guideposts for the understanding of the republic's governance, we lack an empirical basis for judging whether the new realities accord with the old description. In this paper we use the results of our recently completed survey of 175 interest groups having offices in Washington to furnish descriptive data about changes in the Washington pressure group scene and to acquire some understanding of those changes. In particular, we use systematic data to probe how interest groups go about trying to influence the federal government. We assess not only how much group activity there is but also what kind; that is, we consider both the volume of group activity and the specific techniques employed. Furthermore, we shall probe the degree to which what we find constitutes change and inquire into the sources of any changes we isolate.[1]

AN EXPLOSION IN GROUP ACTIVITY?

In what Time called "an era of the strenuous clique and the vociferous claque" and Newsweek labeled an age of "Me-first factionalism," journalists and politicians have noted—and often lamented—the recent explosion in interest group activity.

Although journalists and politicians seem ready to declare this the age of "the imperial pressure group," their impressions have yet to be sustained by any systematically gathered data. After all, there is always the possibility that the expansion in group activity is merely illusory. It may be that the most successful lobbying traditionally has been that which is least overt—groups operating, largely unnoticed by the public, through regularized interactions with government officials. Perhaps what has happened is that a few noisy groups have arrived on the scene, exploiting new technologies (such as direct mail) and generating media coverage to bring their message to the public. Thus, perhaps what has changed is not the amount of activity but its visibility.

This line of argument also raises the possibility that we are witnessing both an expansion in group activity and a transformation of its character. Two of the principal changes in our larger political environment—the revolution in assorted electronic technologies and a reinforcement of the nexus between the congressman and his district—may well be giving rise not simply to more group activity, but to entirely new kinds of activity or at least to enhanced salience of some forms of activity at the expense of others.

Let us elaborate. We might reasonably expect recent developments in mass-communication and data-processing technologies to add new weapons to a pressure group's arsenal, facilitating its use of indirect forms of lobbying in order to influence the decisions of government officials. The electronic and print media make it easier than ever to reach not only the public at large but also special publics with messages specially designed to maximize their popular appeal. Given the sophistication and effectiveness of these communication technologies, we might expect to find organizations relying increasingly on methods such as direct-mail fund raising, efforts to generate letters and telegrams to public officials, and advertising campaigns in the media to explain positions on issues.

Similarly, we might expect the approaches taken by interest groups to be altered by the strengthening of the ties between the congressional representative and his district. Academic observers of Congress—among them, Ferejohn (1974), Mayhew (1974), Fiorina (1977), Fenno (1978), and Roberts (1981)—point to a cluster of phenomena to demonstrate that the modern legislator in recent times is not so much an instructed delegate as a parochial advocate, attentive both to the expressed preferences and the particularistic needs of constituents. Given this enhanced sensitivity to what the folks back home are telling legislators, we would expect interest groups to place special emphasis upon certain strategies and methods: for example, framing appeals to legislators in terms of the specific effects of a proposed measure upon their own districts; bringing influential constituents from the district to Washington in

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[1] In outlining our project in this way we are deliberately neglecting the important question of who is involved in the process. We are leaving for a subsequent paper the complicated—and perhaps more interesting—task of evaluating whether there has been a transformation in the nature of the interests that are represented by pressure groups, the question posed by Schattschneider (1961) about the nature of the "scope and bias of the pressure system."

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order to present a case to their own representatives rather than relying upon the persuasiveness of their permanent Washington lobbyists; generating communications from constituents. Here, our expectations of the effects of changes in the nature of congressional representation reinforce our expectations of the effects of new technologies. Both point in the direction of increased salience of indirect lobbying techniques in which groups mobilize citizens at the grassroots to communicate with policymakers.

We can use the results of our recently completed survey of government-affairs representatives in a sample of 175 Washington-based organizations to shed light on these matters. In order to construct a sample in which large and active organizations would have a great probability of being selected than smaller, less active ones, we devised a somewhat unusual sampling procedure (elaborated in much greater detail in the Appendix). Twice a year the National Journal publishes an index listing the private organizations mentioned in its articles during the preceding six months. We assembled indexes over a four-year period (1977-80) and sampled randomly from them by line, thus giving the more frequently mentioned groups a greater probability of being selected. Of the 200 organizations chosen—corporations, trade associations, unions, professional associations, civil rights groups, and so on—we were able to contact and interview 175 of them. Within each organization we sought to interview the individual having the broadest understanding of that organization and its involvement in politics. The interviews included both open- and closed-ended questions and lasted roughly two hours each.

We use the results of our survey as the primary data base for the tripartite inquiry that follows. First, we consider whether there in fact has been an explosive increase of late in pressure group activity and also whether technological and political changes have led to particular increases in certain kinds of techniques. Second, we probe further into two specific features of contemporary group activity—an emphasis on grassroots lobbying and the enhanced professionalism of Washington representation—that have received particularly great attention. Finally, we draw further on our survey to explore the primary reasons for the growth in pressure group activity.

HOW MUCH ACTIVITY?

Our initial concern is to investigate changes over time in the volume of group activity and to determine whether the perceived growth spurt is real or illusory. We can take a first, tentative stab at these questions by considering data we assembled (using information in the Encyclopedia of Associations [1979] and in the various volumes put out by Moody's Investors Service) about the birth dates of over 2100 of the nearly 2700 organizations listed in the 1981 Washington Representatives directory as having their own offices in Washington. Fully 40 percent of these organizations have been founded since the beginning of the 1960s; in fact, 25 percent have been founded since the beginning of the 1970s.[2] Thus, there are clearly many new organizations on the scene. We should note, of course, that the total number of organizations active in Washington politics has probably not grown proportionately in the same period because some organizations have presumably gone out of business during the period. We know, after all, that some groups are meant to be temporary from the outset because their founders are concerned about a particular piece of legislation or an isolated regulatory matter. However, what we know about the tendencies of organizations to persist—coupled with the fact that organizations listed in one edition of the Washington Representatives directory have a high probability of appearing in successive ones—leads us to the conclusion that there are many more organizations around than in the past.

But that is only half the picture. Not only are there many new organizations, but there are many more organizations in Washington. In the past two decades there has been a massive immigration of organizations to Washington. There are no data, analogous to those just cited for organizational births, about when these organizations first established offices in the national capital. However, we do have such figures for most of the 175 organizations in our sample. Sixty-one percent of our organizations have opened a Washington office—often a national headquarters—since 1960, 38 percent since 1970. This indicates, presumably, the increased salience of national politics both to groups originally established for other purposes and to groups long active in politics whose political interests are now so compelling that they have established a permanent beachhead in Washington.

The figures just cited require further amplification. Our Washington sample, in fact, underrepresents younger organizations. While 40 percent of all organizations having Washington offices have been established since 1960, only 20 percent of the groups in our sample are so young. Given that we deliberately attempted to sample large and active organizations, this discrepancy is not surprising. Although many recently formed organizations—for example, Common Cause and the Business Roundtable—have quickly established a substantial Washington presence, it is hardly astonishing that, in seeking active and powerful groups, we also netted a disproportionate number of older ones. Since our sample underrepresents new organizations, it presumably also underrepresents the number of groups opening offices in Washington in the past two decades. However, we can arrive at a reasonable estimate of the number of new arrivals in Washington by weighting the data from our survey by the broader data we assembled on organizational birth dates. On the basis of those calculations, we speculate that roughly 70 percent of all groups have opened their Washington offices since 1960, and that just under half have established their Washington offices since 1970.

TECHNIQUES OF INFLUENCE

Let us look more directly at the level of group activity. In an effort to piece together a comprehensive picture of exactly what techniques groups use in their efforts to influence, either directly or indirectly, what goes on in government, we devised an encompassing list of 27 such techniques. We presented our respondents with this list and asked them to tell us, with respect to each one, whether or not the group uses it. We show the results of that inquiry in table 1 in which we list in descending order the proportion of groups using each of the 27 methods. At the top of the scale, virtually all our respondents, 99 percent of them, testify at hearings; 98 percent contact officials directly; and 95 percent talk shop with officials in informal settings. At the bottom, only 20 percent engage in protests and demonstrations. Surely, the nature of our sample affects the results shown in table 1. Given our deliberate attempt to sample active organizations, it is not surprising that table 1 shows a great deal of activity. Still, what is striking about the figures in table 1 is just how much interest groups do. Seventeen of these techniques are used by at least three-quarters of the groups, and 21 are used by at least half. Turning it upside down, we can cite figures not contained in table 1 to the effect that the median number of techniques used by a group is 17, and the modal number of techniques is 21.

TABLE 1.—*Percentage of Groups Using Each of Techniques of Exercising Influence*

	In Percent
1. Testifying at hearings	99
2. Contacting government official directly to present your point of view	98
3. Engaging informal contacts with officials at conventions, over lunch, etc	95
4. Presenting research results or technical information	92
5. Sending letters to members of your organization to inform them about your activities	92
6. Entering into coalitions with other organizations	90
7. Attempting to shape the implementation of policies	89
8. Talking with people from the press and the media	86
9. Consulting with government officials to plan legislative strategy	85
10. Helping to draft legislation	85
11. Inspiring letter-writing or telegram campaigns	84
12. Shaping the government's agenda by raising new issues and calling attention to previously ignored problems	84
13. Mounting grassroots lobbying efforts	80
14. Having influential constituents contact their congressman's office	80
15. Helping to draft regulations, rules, or guidelines	78
16. Serving on a advisory commissions and boards	76
17. Alerting congressmen to the effects of a bill on their districts	75
18. Filing suit or otherwise engaging in litigation	72
19. Making financial contributions to electoral campaigns	58
20. Doing favors for officials who need assistance	56
21. Attempting to influence appointments to public office	53
22. Publicizing candidates' voting records	44
23. Engaging in direct-mail fund raising for your organization	44
24. Running advertisements in the media about your position on issues	31

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[2] It is interesting to note in this context that this growth has not been uniform across the various groups. Only 14 percent of the corporations have been established since 1960, 6 percent since 1970. The analogous figures for trade associations and other business groups are 38 percent since 1960, 23 percent since 1970; for professional associations, 30 percent and 14 percent; for unions, 21 percent and 14 percent; for public interest groups, 76 percent and 57 percent; for civil rights groups and organizations representing minorities, 56 percent and 46 percent; and for social welfare organizations and groups representing the poor, 79 percent and 51 percent.

25. Contributing work or personnel to electoral campaigns	24
26. Making public endorsements of candidates for office	22
27. Engaging in protests or demonstrations	20

It seems useful to digress to inquire whether different kinds of groups are specialists in different kinds of activities. Four kinds of organizations—corporations, trade associations, unions, and public interest groups—are sufficiently numerous in our sample to make possible further investigation. When we cross-tabulated these twenty-seven activities by these four categories of organizations, what was striking was the overall similarity among the four categories with respect to the various techniques they employ. (Table 4 upon which the following remarks are based is contained in the Appendix.) Among the most heavily used activities (those on the top half of the list, employed by at least 80 percent of all organizations), in only two cases do fewer than 70 percent of the organizations in a specific category use it. (Only 67 percent of the corporations report that they talk with people from the press and the media, and only 58 percent of the public interest groups indicate that they mobilize influential constituents to contact legislators.)

Further down the list some differences do appear. Public interest groups seem substantially less likely than the other kinds of groups to make financial contributions to candidates (partly, we assume, because of their tax-exempt status and the restrictions that places on their political activity). In addition, there are several techniques that seem to be employed more frequently by certain groups. Unions and public interest groups seem to be much more likely to publicize candidates' voting records and, not surprisingly, to engage in direct-mail fund raising. Furthermore, there are several techniques—donating manpower to campaigns, endorsing candidates, and engaging in protests—which are within the virtually exclusive preserve of the unions. Still, with respect to techniques used, it is the similarities across types of groups that are striking.

MORE ACTIVITY?

Of course, "a lot" of activity is not necessarily more activity. However, our data provide ample evidence not only of the large volume of group activity but also of recent expansion in that activity. Among the first questions we asked our respondents was an open-ended one inquiring about the changes over the past decade in the way their groups went about trying to influence what goes on in Washington. The question, not surprisingly, netted dozens of answers going off in many directions. However, the single most frequent reply—articulated by 32 percent of the respondents—was some variation of the simple theme of "We are more active than we used to be."[3] For example, the representative for a major peak association of businesses explained his organization's escalating political involvement by reference to the expanding range of matters that demand attention:

"There are more people in the act and more issues to deal with. For example, in the 93rd Congress, we had 40 issues; in the 94th, 71 issues; in the 95th, 101 issues; in the 96th, 132 issues. Hopefully, that's tapering off now."

Our open-ended question was followed immediately by a closed-ended item asking about changes in the group's level of activity over the past decade. A remarkable 88 percent of the respondents indicated that their groups had become more active in recent years. Nine percent said that their activity level was largely unchanged, and a mere three percent said that their activity had diminished.[4]

We can probe this issue further by returning to our list of 27 methods of political influence. Each time a respondent indicated that his group utilized a given technique, we inquired whether its use of that method had increased, decreased, or remained the same in recent years. We present the results in table 2 which shows, once again in descending order, the proportion of groups reporting increased use of a particular technique in recent years. Again there is a range: 68 percent of the groups in our sample are having more contact with people from the press and the media, while only 9 percent are engaging more frequently in protests and demonstrations. What is noteworthy, however, is how much increase there has been. In 14 of the 27 cases, at least half our respondents reported they were using a technique more in recent years. Viewed from another perspective, the median group reported increased utilization of 13, or just under half, of these methods.

The other side of this coin in perhaps even more striking. Our data on the proportion of groups reporting decreased use of a particular technique in recent years reveal a very narrow range: for each of the 27 techniques, the proportion of groups reporting a decrease in use was 5 percent or less. (The average across all 27 techniques was a decreased use by only 2 percent of the groups.)

MORE OR EVERYTHING?

On this basis we fell secure in concluding that the apparent explosion in group activity is not merely illusory, a by-product of the realization by a few groups that the media will cover whatever is noisy and interesting. In our introductory discussion, we posited that certain changes in the environment in which pressure groups operate—most importantly the revolution in electronic technologies and the strengthening of the connection between representative and constituency—would have the effect of not merely escalating group activity but transforming it. More specifically, we expected especially rapid rates of growth for certain techniques: those engaging the use of the media (for example, talking to people from the press and electronic media or running ads to publicize group positions); those facilitated by the use of computers (for example, direct-mail fund raising, communicating with organization members, and inspiring letter-writing campaigns); and those exploiting the links between legislator and constituency (for example, mounting grassroots lobbying efforts, alerting representatives to the effects of legislation on their districts, and arranging communications from influential constituents about policy matters).

TABLE 2.—*Percentage of Pressure Groups Using Each of Techniques More than in Past*

	In Percent
1. Talking with people from the press and the media [1]	68
2. Entering into coalitions with other organizations	67
3. Contacting government officials directly to present your point of view [3]	67
4. Testifying at hearings [3]	66
5. Sending letters to members of your organization to inform them about your activities [1]	65
6. Presenting research results or technical information	63
7. Mounting grassroots lobbying efforts [1 2]	59
8. Inspiring letter-writing or telegram campaigns [1 3]	58
9. Engaging in informal contacts with officials—at conventions, over lunch, etc. [3]	57
10. Attempting to shape the implementation of polices	56
11. Helping to draft legislation	54
12. Shaping the government's agenda by raising new issues and calling attention to prevously ignored problems	54
13. Consulting with government officials to plan legislative strategy [3]	54
14. Having influential constituents contact their congressman's office [2]	52
15. Making financial contributions to electoral campaigns [2]	49
16. Alerting congressmen to the effects of a bill on their districts [2]	45
17. Helping to draft regulations, rules or guidelines	44
18. Filing suit or otherwise engaging in litigation	38
19. Serving on advisory commissions and boards	32
20. Engaging in direct-mail fund raising for your organization [1]	31
21. Attempting to influence appointments to public office	23
22. Doing favors for officials who need assistance [3]	21
23. Running advertisements in the media about your position on issues [1]	19
24. Publicizing candidates' voting records	19
25. Contributing work or personnel to electoral campaigns	18
26. Making endorsements of candidates for office	14
27. Engaging in protests or demonstrations	9

[1] Facilitated by modern electronic technology.

[2] Relevant to strong representative-consistent relationship.

[3] Classic direct lobbying.

Table 2 indicates differences among the techniques in the extent to which their use by interest groups has increased. However, superficial inspection of table 2 does not indicate selective increases among the clusters of techniques that are either electronically relevant or constituency-based. Certainly, at the top of the list is one method of influence for which we would anticipate huge increases in an electronic age—talking with people from the press and media. However, two others that might also be related to new communications technologies—engaging in direct-mail fund raising and running ads in the media—are near the bottom. Techniques specified as particularly relevant to an era of close links between legislators and constituents seem anchored in the upper-middle ranges of the list, far from the bottom but not at the top.

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[3] This figure underrepresents the number of references to this theme because it does not include the many additional respondents who amplified this theme by citing some *specific* change, such as the growth of government activity, that has had the effect of increasing their involvement in politics. These responses will be discussed further below.

[4] We should point out that we are unsure of the effect of our sampling technique upon these figures. It is difficult to know whether, in systematically sampling organizations with high levels of Washington activity we also sampled organizations with increasing levels of Washington activity. We do not know whether the National Journal is systematically less likely to report on an active organization whose activity is, nonetheless, not growing. (See the Appendix for a discussion of related matters.)

To make some sense of these observations, we attempted to contrive some summary figures. We scanned the list 27 methods and designated six (indicated on table 2) that seemed clearly linked to electronic technology and five that seemed most clearly linked to a strong representative-constituent bond. (As anticipated by our earlier discussion, two techniques—mounting greassroots lobbying efforts and inspiring letter-writing campaigns—fell into both of these categories.) Then we specified five other techniques that seemed to conform to the classical stereotype of lobbying in Washington as it has been conducted for over a century. Finally, for each of these three broad categories, we found the average proportion of groups indicating increased use of the individual techniques in that category, with the following results:

Mean Percentage of Groups Using Techniques More Often

Electronically relevant techniques: 50%
Constituency-based techniques: 53%
Classic direct lobbying techniques: 53%

Let us not endow these figures with more meaning than they merit. We wish neither to reify these categories nor to maintain that our choice of which specific techniques belong in which categories is beyond argument.

What we have found, however, is substantiation of our earlier observation about the nature of the growth in pressure group activity—a variant of the theme "more of everything." We are not saying that there has been a uniform expansion across each of the many techniques groups employ. However, our expectation that the advent of television and computers or the importance of advocacy representation would tranform pressure group activity is not borne out. We did not find selective increases in either electronically related or constituency-based modes of interest group activity. Use of these forms of interest representation, of course, has skyrocketed, but so too has the use of the time-honored direct methods of contact and consultation.[5] Thus, the massive increase in group activity is built upon expanded use of all kinds of techniques.

Percentage of Groups for Whom Technique Consumes Time and Resources

	In Percent
1. Contacting officials directly (3)	36
2. Testifying at hearings (3)	27
3. Presenting research or technical info	27
4. Mounting grassroots lobbying (1, 2)	26
5. Shaping the government's agenda	20
6. Entering into coalitions	20
7. Consulting to plan legislative strategy (3)	19
8. Shaping implementation	17
9. Alerting reps to effects (2)	14
10. Sending letters to org. members (1)	12
11. Drafting legislation	12
12. Informal contacts (3)	10
13. Talking with people from the press and media (1)	10
14. Inspiring letter-writing campaigns (1, 2)	10
15. Making contributions to campaigns (2)	8
16. Drafting regulations	7
17. Having influential constituents contact (2)	6
18. Direct-mail fund raising (1)	5
19. Serving on advisory commissions	4
20. Filing suit	4
21. Running ads in the media (1)	3
22. Publicizing voting records	2
23. Contributing manpower to campaigns	2
24. Doing favors (3)	2
25. Engaging in protests or demonstrations	1
26. Influencing appointments	0
27. Making endorsements	0

MORE OF THE SAME

Our respondents—and the journalists who chronicle their doings—might read the foregoing and point out with a sigh that our statistical summaries reveal little of the texture of political life, that we have overlooked the many subtle changes in kind as well as degree of activity. We can use our respondents' answers to an open-ended question about changes in how their groups go about influencing what goes on in Washington to suggest some areas in which to investigate subtle alterations. As we have mentioned, the largest porportion of our respondents (32 percent) reported simply that their group was more active. However, shedding additional light on the significant ways in which group activity may have changed, roughly 20 percent of our respondents spoke of changes in the nature of grassroots lobbying, and another 20 percent pointed to what they regard as the enhanced professionalism of Washington lobbying, particularly as evidenced by a greater reliance on technical information.

To discern whether the changes identified by our respondents are in fact real, we needed a fuller understanding of the nature of group activity before the dawn of the new era. Accordingly, we consulted historical accounts of the Washington lobbying scene. We discovered that the absence of a systematic approach in the scholarly and journalistic works of previous eras would make it difficult to use these works to establish any kind of historical benchmark. We have no way of knowing whether the examples cited by these observers are typical or merely striking. Still, as we delved into this historical literature we were suprised to find precedents for techniques often considered unique to our modern era. Thus, we began to realize that we had found in our survey not only "more" but "more of the same."

GRASSROOTS LOBBYING

Grassroots lobbying it seems is not the invention of our era—one that enjoys the kind of data-processing and communications technologies that make this technique so easy to use. Rather, this is an ancient weapon in the pressure group arsenal. At the start of the century, without so much as a microchip to aid it, the Anti-Saloon League had a mailing list of over half a million people (Odegard, 1928, p. 76). Lest one assume that this powerful organization was unique in its resources, we find in the 1929 writings of Pendleton Herring every indication that this form of interest-group behavior was quite common at the time (Herring, 1929, p. 70).

Although it may be that the techniques of grassroots lobbying are less innovative than sometimes believed, the way grassroots communications are received and interpreted may have changed. The common wisdom among political scientists is that an official who gets even so much as a whiff of suspicion that communications have been orchestrated immediately discounts them. As a matter of fact, such stimulated communications have been labeled "probably the least effective and most relied on lobbying technique" (Zeigler and Peak, 1972, p. 153).

We asked our respondents about this problem with letter-writing campaigns. Because of the rich responses they provided, it is difficult to give statistical summaries of their replies. Nevertheless, several themes emerge with clarity. First, very few of our respondents said that because of the skepticism with which officials may greet such communications, their organizations eschew the use of grassroots lobbying techniques. Instead, groups seek ways to render those communications credible. Over two-thirds of the organizations using these methods mentioned attempts on their part to make the letters or contracts seem spontaneous and sincere. Typically, our respondents indicated that it helped to supply their members with a summary of salient points and to instruct them to compose their own letters, perhaps even to write in longhand. The comments of a vice president of Washington operations of a large membership organization indicate a typical approach:

"We try to avoid form letters. We send them the information and ask them to tailor to themselves and make it personal. It depends on the issues. Mass mailings work for the unions, but not for us."

In an interesting twist, the Washington bureau director of a leading civil rights group indicated that the more illegible and ungrammatical the letters generated by her organization, the greater the likelihood they would be taken seriously.

In addition, many of our respondents indicated that, if the communications arrive in sufficient quantity in congressional offices, they will be heeded no matter how orchestrated they seem. As the chief lobbyist for a large natural gas corporation (and son of a former congressman) told us:

"Members have to care about this mail, even if it's mail that is almost identically worded. Labor unions do this sort of thing a lot. The member [of Congress] has to care that *somebody* out there in his district has enough power to get hundreds of people to sit down and write a postcard or letter—because if the guy can get them to do *that,* he might be able to influence them in other ways. So, a member has no choice but to pay attention. It's suicide if he doesn't."

Confirmation of this view emerges from the results of a recent survey of Capitol Hill staff aides. The results of that study show that "orchestrated mail from constituents" ranks eleventh overall on a list of *ninety-six* types of communications that may influence the decisions of members of Congress (Staff, 1981, p. 7).

PROFESSIONALISM IN WASHINGTON REPRESENTATION

The other aspects of modern interest group politics that merited special mention from our respondents is the notion that the whole enterprise of Washington representation has become both more sophisticated and more professional. They indicated over and over that it was no longer sufficient just to know the right people. Now they must also marshall complicated and well-reasoned arguments. As the vice president of governmental affairs for an internatonal airline told us:

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[5] We can further substantiate this conclusion with additional evidence. We asked our respondents to scan the entire list and choose those three that consume the largest share of the group's time and resources. As shown by the data in the following table, the classic direct lobbying techniques (3) actually outrank the elctronically relevant (1) or constituency-based methods (2).

"The lobbying process has become more complex and requires more sophistication. The old boy network has broken down. Now a lobbyist has to be much more articulate about the issues."

Furthermore, lobbyists increasingly buttress their arguments with complex technical information and research findings that not only aid the government in making policy but help to present a group's case in favorable light. A senior lobbyist for a large chemcial company summed up the situation she and her colleagues face:

"Insofar as a great deal of the legislation we deal with is technical, we're doing a lot more providing of research results and technical information. We often think of ourselves as educators. Up until ten or twelve years ago, the issues were not so technical and complex. As the issues increased in technicality, on one congressman could be expected to know all the technical information about the issues. As a result, there is a greater reliance on staff by congressmen, and, in turn, the staffs rely on special interest groups for information."

This activity is clearly an important one, ranking high on our list of 27 techniques for exerting influence: 92 percent of our respondents indicate that they present research results and technical information as one of their activities; and 63 percent are doing more of it recently.

To some the corollary of the new sophistication and complexity of lobbying is a decline in the amount of the sleazy activity that we associate with lobbying in the era of the robber baron. According to the vice president for governmental affairs at a large corporation:

"To a large extent, the three B's—booze, bribes, and broads—have disappeared. Not altogether, you understand. But today a good lobbyist must have the ability to draw up factual information—a lot of it—in a short period of time for people on the Hill who want it. . . . Nowadays, taking somebody to a football game or a goose hunt just doesn't quite make it."

On this particular subject most of our other respondents were less forthcoming. Still, we can make a few observations. Most obviously, a more professional demeanor in presenting arguments and technical information does not preclude the use of illegal and quasi-illegal techniques.

With repect to outright bribery, nothing in our interviews contradicts the common wisdom among political scientists (for example, Milbrath, 1963, pp. 274-282) that there are so many legitimate avenues of influence in Washington politics that bribery is unnecessary. Nevertheless, our survey revealed that there was stil many transactions between lobbyist and politican at the penumbra of what is legal. For example, 56 percent of our respondents indicated that they do favors for officials who need assistance, although no one ranked it as as activity consuming a great deal of time and resources. Moveover, only 21 percent reported an increase in their use of this tactic. Still, they do perform favors, and no respondent indicated a decrease in this activity. In fact, we gathered quite a bit of anecdotal evidence of the kinds of services rendererd. For example, one corporate lobbyist admitted some regret at having lent the company limousine to a congressman for this daughter's wedding. Commenting more generally about the nature of some commonly used blandishments, the manager for government relations of a large professional association remarked:

"There not much of the illegal stuff but *a lot* of things that border on it: hunting lodges and fishing trips and golf vacations to Florida; big dinners. . . . What's the real difference between a $10,000 cash payment to a senator and arranging for and paying for a $10,000 dinner party to which the senator is free to invite his favored constituents and friends?"

What are we to make of this? It is clear that as congressional policymaking becomes ever more complex and specialized, there is greater demand for lobbying that is professional and substantively informed. However, a more professional posture and reliance on complex information does not preclude the use of favors or other techniques of influence that may be of more dubious legality. Although our conclusion is tentative, it is our impression that while the three B's have hardly disappeared, their usage does not seem to have accelerated as quickly as the employment of other techniques. Lest we consider this to be an entirely novel state of affairs, however, we can point out that a similar revolution was proclaimed over half a century ago when Richard Boeckel asserted that "the title 'legislative agent' [had acquired] something of a professional standing" and suggested that congressional efforts to register lobbyists constituted "a welcome recognition by Congress of the new dignity of their calling" (Boeckel, 1928, pp. 2-3). Thus, there is even precedent for the self-satisfaction with which many modern lobbyists seem to regard their vocation.

We have found instructive our brief foray into the historical accounts of Washington pressure politics: it has shown us that there is ample precedent for what often is proclaimed to be so new. What we see, in fact, is not only that there is more group activity now, but the same kinds of activities have been in use for many decades. Our remaining tasks is to try to understand why there is more pressure activity now.

WHY MORE ACTIVITY?

Useful as our data are in demonstrating an increase in interest group activity, they are less helpful in clarifying just why this expansion has taken place. However, we at least can draw some suggestions by looking at the remarks made by our respondents: in addition to the third of them who reported more activity over the past decade, many others pointed to some specific change in the Washington scene that had spurred them to increased efforts. These responses are useful for providing clues as to some of the sources of the recent escalation in pressure group activity.

We looked to see, for example, if our respondents mentioned that they are more active in recent years as a reaction to increased activity by groups they consider antagonistic to their interests. This explanation is posited often by group theorists who assume that groups will inevitably coalesce and act in defense of their own interests—especially in the face of organized threats.[6] Given the importance of this stimulus-response concept in group theory, we were surprised to find that only 5 percent of our respondents volunteered that they are more active today because their antagonists—whether business or public interest groups—are more active. Groups in fact may escalate their efforts in response to what their opponents do, but our results indicate that group representatives do not perceive this to be a cause for their actions.

GOVERNMENTAL ACTIVITY AS A SPUR?

A theme that arose more often—discussed by 14 percent of those replying to our open-ended question—is that because the government has grown so much and become so much more intrusive, their organizations have become more politically involved.[7] Commenting on the expanded scope of federal involvement, a lobbyist for a major corporation observed:

"More and more groups and companies have recognized the increasing size of government and have therefore stepped up their involvement. Economically, the government is much more important these days than it was ten years ago. Great Society legislation and the environmental and consumer laws have all combined to make companies feel they need to be more active in Washington."

The current administration, however, is trying aggressively to diminish the size of the federal government. In view of the connection some of our respondents drew between federal expansion and interest group activity, what can we expect to happen to pressure group activity as the government shrinks? Insofar as the retreat means withdrawal of support for their favored programs, we can expect even louder clamor from interest groups. Discussing budget cuts in a program from which the reader may have benefited, the executive director of a professional association to which the reader may belong remarked:

"Just in this past year the whole nature of our involvement has undergone change. The government's efforts to reduce social science funding through NSF by 75 per cent forced us to become more active. We even joined with ten other organizations to form the Consortium of Social Science Associations."

It is not surprising that government reductions would engender pressure activity as groups rise to defend subsidy programs from which they have benefited. But what about deregulation? Can we expect corporate political activity to constrict as the government lifts the regulatory crown of thorns that has (at least in the eyes of businessmen) rested so oppressively on the corporate brow? Before we leap prematurely to the conclusion that, if the government gets out of the business of economic regulation, corporations will get out of the business of political influence, let us consider what we learned in our interviews with four corporations in a recently deregulated industry, the airlines.

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[6] This theme is a common one in the literature of group theorists of politics of the 1950's. Its most articulate exponent, however, is Truman (1951, chs. 1-3). We ought to mention in passing another possible source of increased activity to which our respondents gave no voice. Although the empirical evidence is ambiguous, it often is alleged that the vacuum created by weak parties invites pressure group activity. In their answers to our open-ended question 3 percent of our respondents did discuss the enfeeblement of the parties. However, in so doing they were making no direct connection between party weakness and their own activity. Rather, disregarding the directive of the question, they simply were commenting on how the Washington scene has changed. Nevertheless, it is not surprising that our respondents did not make this link. From the vantage point of an organization's office of government affairs in downtown Washington, even the most perceptive observer would not have the kind of perspective to make such global inferences.

[7] In this context it is interesting that although 13 percent of the membership organizations (that is, 13 percent of all organizations interviewed except corporations) rely upon federal grants or contracts for at least 10 percent of their budgets, no one mentioned this government subsidy as being a source of their organization's increased activity. Growth in government activity was always identified as being a hindrance to group interests and thus a spur to defensive activity; government actions were never mentioned as having sponsored group activity.

Although our respondents from all four airlines indicated that deregulation makes life easier for their companies, they all remain very active politically, utilizing an average of 20 out of our 27 techniques of political influence. (For all corporations in the sample the average was 18.) Not only are they very active, these companies are *more* politically active now. All four said that their activity had risen in recent years. Furthermore, on average they have increased their usage of 16 of the 27 techniques. (Across the sample, the corporate average was 13.) This is not to say, however, that nothing has changed. The issues have changed—from routes and fares to airports and airways. The principal target has changed—from the Civil Aeronautics Board to the Federal Aviation Administration. But our discussions with airline executives make clear that their corporations remain highly active politically. Thus, if the experience of the airlines is any indication, substantial deregulation may not result in a wholesale contraction in corporate attempts to influence government—at least not in the short run.

CHANGES IN CONGRESS

We were not surprised to be told that increased pressure group activity is fostered by new threats either from organizational opponents or from the government. After all, the literature on interest groups has long since raised these points. We were struck, however, when twice as many of our respondents—28 percent—attributed their increased activity to the reforms of congressional organization and procedure since 1974. The many changes on Capitol Hill over the past decade—the proliferation of subcommittees, the diminished importance of congressional staff, the greater number of policy entrepreneurs, the requirements for open meetings, the rapid turnover in congressional membership—have altered the environment of legislative lobbying and have left pressure groups bent on influencing officials with little choice but to escalate the range and volume of their activities. These changes in Congress have evoked more pressure activity primarily by multiplying the number of access points and expanding the variety of opportunities interested parties have to exert their political will. Because the patterns evidenced are somewhat intricate, we wish to elaborate.

In the aftermath of procedural reforms in Congress that diminished the powers of committee chairmen and multiplied the number of subcommittees, it is no longer possible for a group to make its case effectively by contacting only a few powerful legislators (see Davidson, 1981). Lobbyists must cultivate a broader range of contacts not only because there are more subcommittees whose jurisdictions touch each group's interests, but also because single committees and subcommittees no longer exercise as complete control over legislation as they once did. With the growing tendency to refer bills to multiple committees, and with the general relaxation of the norms inhibiting floor challenges to committees, threats to a group's legislative interests may come from anywhere in the chamber and at many more points over a bill's progression through the legislative labyrinth.[5]

By increasing the number of people with whom groups need to establish contacts, the expansion and professionalization of congressional staff also have led to more work for interest groups. Because staff members can provide valued access to the legislators and increasingly act as a policy-making force in their own right (Malbin, 1980), groups find it desirable to cultivate good working relationships with them.

Sunshine rules, which open once-secret meetings to public scrutiny, were mentioned—although substantially less frequently—by our respondents as having similar effects: creating new opportunities for influence and thereby escalating the work load. According to the legislative counsel for one of the major hospital associations:

"It's great for the lobbyists, but the members of Congress hate it. There in the back of the hearing room are all these lobbyists watching a markup session and giving a thumbs-up or a thumbs-down to specific wordings or provisions. It's a fishbowl for them."

A final development in congressional politics that has meant more work for many groups is the accelerated turnover in congressional membership. In 1971 the ratio of newcomers to veterans was 1.2 to 1. By 1981 that ratio had risen to more than 3 to 1. The rate of turnover by 1981 had led to a decidedly junior Congress. By 1981 a majority of House members had served six terms or less, and 54 percent of the senators were in their first term (figures from Ornstein, 1981, p. 374). Many of our respondents commented that the absence of institutional memory that follows from such a rapid turnover has forced them to intensify their educational efforts as they patiently inform, programmatically, ignorant legislators and their staff members about the purposes, operation, and benefits of cherished programs. The director of a feisty social welfare action group described the Sisyphean task this way:

"One problem is that half the Congress has served fewer than six years. Much of the case made for food programs in the late 1960s was made to people who are no longer on the Hill. Current members of Congress only see the success of those earlier efforts; they look around now and, finding less malnutrition, don't see there's still a problem. Consequently, our lobbying task is being willing to tell the same story time after time to one legislator after another—making them see that hunger and malnutrition are reduced now because those programs [food stamps, school lunches, etc.] are in place, and that we can't afford to eliminate them. You have to have stamina to tell the story over and over—to persuade people who don't understand."

Thus, in yet another way the impact of changes on Capitol Hill is to demand that a conscientious group augment its efforts.

We consider it worth noting that although the architects of the congressional reforms of the 1970s had many purposes in mind, inducing more vigorous pressure from groups was not among them. Had the reformers paid attention to the lessons of history, they would have realized that this unintended consequence has precedent. Writing in 1929, in terms foreshadowing today's literature, Herring pointed to changes in Congress that invigorated group activity and altered the scope and methods of lobbying. In particular, he cited the reform of rules of procedure in the House of Representatives in 1911 that broke up the power center and distributed control more generally in the House; he also pointed to the adoption, at about the same time, of open congressional committee hearings as being a spur to group activity (Herring, 1929, pp. 41-43).

What we have learned about the impact of changes in Congress upon interest group activity helps us to solve an earlier puzzle. To review briefly, we originally expected to find selective escalation in the use of certain group techniques—those facilitated by electronic technologies and those capitalizing upon the close relationship between representative and district. We did, indeed, uncover increased employment of those methods of influence. However, we also found enhanced use of old-fashioned methods of direct lobbying.

The foregoing analysis of the implications for pressure groups of congressional reforms helps to explain why. These changes, taken collectively, spell both more opportunities for influence and more work for interest groups: more policymakers with whom one must consult and to whom one must present a case; more freshmen and issue amateurs requiring education; more meetings to attend; more hearings at which to testify and present technical information; more campaigns demanding contributions. These developments imply an increase in virtually all of the techniques relevant to legislative influence. In particular, however, they imply an increase in the use of those techniques we associate with old-fashioned lobbying. Thus, we now understand why the employment of these traditional methods has risen as quickly as the use of the clusters of electronically related or constituency-based methods.

CONCLUSION

In this paper we have trained for the first time in two decades systematic data on the question of what Washington-based pressure groups are doing. We were able to assess the journalistic common wisdom that there has been recently a vast expansion in the amount of interest group activity; we have found that, indeed, such an expansion has taken place. Not only are there more groups active in Washington, but they are doing more. The explosion in pressure group activity, however, is not confined to those methods peculiarly appropriate to an age either of electronic media and data processing or of stronger links between legislators and constituents. Rather, the increase has taken place across all categories of interest group techniques, the old-fashioned as well as the modern. Hence, we concluded, "more of everything."

In addition, when we probed more deeply, we learned that for each much-vaunted alteration in the nature of group activity there is historical precedent. It is the dimension not the substance that has been modified. Hence, "more of the same." Finally, we looked into the possible sources of this explosion in attempts to influence government and found the sources with government itself. Two developments seem to have fostered this growth: the tendency of the government to become involved in more and more areas of economic and social life; and the recent reforms in Congress which have multiplied the number of bases to be touched and meetings to be attended.

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[5] Our respondents' comments about the increasing number of committees and subcommittees they must deal with are germane to a subject we expect to treat in another context—theories about the dominance in the policy process of so-called subgovernments. Our findings suggest that self-contained and impermeable "iron triangles" have given way to many-sided polygons. Moreover, any such geometric metaphor is probably less appropriate than Hugh Heclo's (1978) concept of relatively more porous "issue networks" that are based on information and specialized knowledge.

Because the modes of interest group activity have remained in balance—that is, because there have been no selective increases in certain forms of group influence relative to others—it might be argued that "more of the same" is really simply "the same." We disagree. We only need recall the normative underpinnings of the debate between the group theorists and their critics to understand that an expanded group process is fraught with implications for democratic governance. Even if there is more of all kinds of activity, not just some kinds, and even if there is precedent for that which is presumed to be innovation, we must take seriously the meaning of this proliferating activity. (This observation is particularly germane for the explosive growth of political action committees—a development that has received a great deal of both scholarly and journalistic attention.)

In the 1950's and 1960's academic analysts of American politics debated the implications for democracy of a political process in which private groups play a dominant role. Today a similar dialogue is taking place although the terms of the discussion are somewhat different and the discussants are less likely to be drawn from the ranks of political science. Still, as before, it is a matter of some contention whether a clamorous group process is salutary for democracy. To some, the cacophony of interest articulation is the fulfillment of the pluralist promise, indicating that many hitherto silent voices are being heard. In their view, to suggest that the din be hushed is to attack one of the most fundamental of liberties in a republic: the right of citizens, acting collectively, to appeal to government. To others, the cacophony is the application to politics of the "Medecade" philosophy: with the clamor comes an increasingly divided and fragmented society, a paralysis in national policymaking, and a politics in which statesmanlike concern with the common good yields to the tunnel vision of the narrowly interested.

Because the escalation in special-interest politics so complicates their lives, many members of Congress incline to the latter view. Their distaste for a politics of fractious interest groups is perhaps ironic since the structural and procedural reforms initiated by Congress itself appear to have played an important part in spawning more interest group activity. Whether or not members of Congress like the higher decibel level, they have to assume some of the responsibility for having raised the volume.

REFERENCES

Bauer, Raymond A., Ithiel De Sola Pool, and Lewis Anthony Dexter (1963). *American Business and Public Policy.* New York: Atherton Press.

Bentley, Arthur F. (1908). *The Process of Government.* Chicago: The University of Chicago Press.

Berry, Jeffrey M. (1977). *Lobbying for the People.* Princeton, NJ: Princeton University Press.

Boeckel, Richard (1928). *Regulation of Congressional Lobbies.* Washington, D.C.: Editorial Research Reports.

Dahl, Robert (1961). *Who Governs?* New Haven: Yale University Press.

Davidson, Roger (1981). "Subcommittee Government—New Channels for Policymaking." In Thomas E. Mann and Norman J. Ornstein (eds.), *The New Congress.* Washington, D.C.: American Enterprise Institute for Public Policy Research.

Encyclopedia of Associations (1979). Edited by Denise S. Akey and Nancy Yates. 13th ed. Detroit: Gale Research Co.

Fenno, Richard F. (1978). *Home Style.* Boston: Little, Brown and Co.

Ferejohn, John A. (1974). *Pork Barrel Politics.* Stanford: Stanford University Press.

Fiorina, Morris (1977). *Congress—Keystone of the Washington Establishment.* New Haven: Yale University Press.

Gais, Thomas L., Mark A. Peterson, and Jack L. Walker (1982). "Interest Groups, Iron Triangles, and Representative Institutions in American National Government." Unpublished manuscript.

Hayes, Michael T. (1981). *Lobbyists and Legislators.* New Brunswick, NJ: Rutgers University Press.

Heclo, Hugh (1978). "Issue Networks and the Executive Estabishment." In Anthony King (ed.), *The New American Political System.* Washington, D.C.: American Enterprise Institute for Public Policy Research.

Herring, Pendleton (1929). *Group Representation Before Congress.* Baltimore: The Johns Hopkins University Press.

Latham, Earl (1952). *The Group Basis of Politics.* Ithaca, NY: Cornell University Press.

Lowi, Theodore (1969). *The End of Liberalism.* New York: W. W. Norton and Co.

McConnell, Grant (1966). *Private Power and American Democracy.* New York: Alfred A. Knopf.

Malbin, Michael (1980). *Unelected Representatives: Congressional Staff and the Future of Representative Government.* New York: Basic Books.

Mayhew, David (1974). *Congress: The Electoral Connection.* New Haven: Yale University Press.

Milbrath, Lester W. (1963). *The Washington Lobbyists.* Chicago: Rand McNally and Co.

Moe, Terry M. (1980). *The Organization of Interests.* Chicago: The University of Chicago Press.

Newsweek (November 6, 1978): 48.

Odegard, Peter (1928). *Pressure Politics: The Story of the Anti-Saloon League.* New York: Columbia University Press.

Olson, Mancur (1965). *The Logic of Collective Action.* Cambridge: Harvard University Press.

Ornstein, Norman (1981). "The New House and Senate in a New Congress." In Thomas E. Mann and Norman J. Ornstein (eds.), *The New Congress.* Washington, D.C.: American Enterprise Institute for Public Policy Research.

Roberts, Steven V. (1981). "Congressmen and their Districts: Free Agents in Fear of the Future." In Dennis Hale (ed.), *The United States Congress: Proceedings of the Thomas P. O'Neill, Jr., Symposium on the U.S. Congress.* Boston: Boston College.

Schattschneider, E. E. (1960). *The Semisovereign People.* New York: Holt Rinehart and Winston.

Staff: The Congressional Staff Journal (1981). "Orchestrated Mail Does Influence Staff—Who Says So?" (No. 6 of 97th Congress, December). Washington, D.C.: U.S. Government Printing Office.

Time (October 23, 1978): 73.

Truman, David B. (1951). *The Governmental Process.* New York: Alfred A. Knopf.

Walker, Jack L. (1981). "The Origins and Maintenance of Interest Groups in America." Paper presented at the Annual Meeting of the American Political Science Association, September, New York.

Washington Representatives—1981 (1981). Edited by Arthur C. Close. Washington, D.C.: Columbia Books, Inc.

Wilson, James Q. (1973). *Political Organizations.* New York: Basic Books.

Zeigler, L. Harmon, and Wayne G. Peak. (1972). *Interest Groups in American Society.* 2d ed. Englewood Cliffs, NJ: Prentice-Hall, Inc.

APPENDIX—THE WASHINGTON REPRESENTATIVES SURVEY

Our sampling procedure bears elaboration. We wished to devise a technique that somehow would sample randomly from Washington interest group activity, not to sample Washington lobbyists or even the universe of organizations represented. In practical terms this meant that we wished to construct a sampling procedures in which the active and well-funded organizations that build a large Washington operation—for example, General Motors, the Petroleum Institute, or the American Medical Association—would have a greater probability of being selected than smaller, less active, and affluent groups like the Moped Association of America, the Forzen Pizza Institute, and the American Association of Sex Educators and Counselors.

We were able to locate a surrogate measure of a group's Washington activity by using the National Journal's Index to Private Organizations. Twice a year the National Journal publishes three separate indexes—one listing the subjects, one listing the names of individuals, and one listing the private organizations mentioned in its articles during the preceding six months. In any one index to organizations, the AFL-CIO might occupy several inches of column space whereas the American Hotel and Motel Association might merit only a single entry. We assembled indexes over a four-year period (1977-80) and sampled randomly from them by line, thus giving the more frequently mentioned groups a greater probability of being selected.

Not all the organizations listed in the National Journal's index have their own offices in Washington. We included in our sample only those organizations listed in Washington representatives—1981 (1981) as having their own Washington offices. We eliminated those having only Washington-based legal counsel or consultants. Practical consideration dictated this decision. We deemed full-time organizational employees to be more likely to be intimately involved in many aspects of the organization's affairs and also, as salaried employees, more likely than those who bill clients by the hour to share their time with us. Furthermore, focusing exclusively on organizational employees allowed us to obviate problems of professional/client confidentiality.

We also eliminated from the sample research organizations like the Gallup Poll, foreign governments, and foreign corporations (these two because the are legally barred from lobbying Congress directly), and representatives of American subnational governments such as the City of Provo, Utah, or the State of New Jersey. The issue of how to treat organizations of government workers is workers is somewhat complicated. We decided to exclude those who lobby on behalf of governments, such as the Council of Chief State School Officers, but to retain those who lobby on behalf of their own private interest as public employees, such as National Treasury Employees Union. What this meant in fact is that we eliminated organizations in which it is a governmental unit (state, regional authority, city, etc.) that joins, but included those in which the individual himself joins.

The resulting sample contained 200 organizations—corporations, trade associations, unions, professional associations, civil rights groups, public interest groups, and so on. We ultimately conducted interviews in 175 of these organizations. Our sample includes a broad range of organizations extending from the Liberty Lobby and the Child Welfare League to the Chamber of Commerce, the American Legion, and the United Mine Workers.

In selecting the person within the organization to interview we searched the personnel listing in the *Washington Representatives* directory for the one person whose job title indicated that he or she would have the broadest understanding of that organization's involvement in politics. If, after an introductory letter and follow-up phone calls, that person was unable or unwilling to be interviewed, we asked to be put in touch with someone else in the organization having extensive experience in the organization and a comprehensive knowledge of its Washington activity. These interviews lasted approximately two hours each. The questionnaire included both open- and closed-ended questions, and encompassed a wide range of subjects.

In order to ascertain what kinds of bias we had introduced by using our somewhat unusual sampling procedure, we conducted some further checks. Our concerns were dual: with respect to the various categories of Washington organizations, we wished to assess the effects, first, of having established as our sampling frame only those organizations mentioned in the *National Journal*, rather than all those listed in the *Washington Representatives* directory; and, second, of having increased the probability that more frequently mentioned organizations would be chosen. To do so we made an enumeration of the nearly three thousand organizations meeting our criteria that were listed in the directory as having Washington offices. We also chose an unweighted random sample of two hundred organizations from the *National Journal*. Table 3 allows us to compare the distributions thus obtained with the weighted sample we originally drew from the *National Journal*.

Our weighted sample of two hundred organizations—and the one hundred seventy-five we actually interviewed—do not differ appreciably from the random sample of *National Journal* organizations in terms of the distribution of organizations into rough categories. There are some differences between the various *National Journal* samples and the distribution of the universe of organizations having Washington offices; however, the differences are exactly the opposite of what we had expected. When we drew our weighted sample, we were dismayed that 54 percent of the organizations represented business and assumed that the *National Journal's* thorough coverage of economic affairs was responsible. In fact, although we oversampled corporations and undersampled trade associations somewhat, the overall total for business organizations was right on target. Contrary to our initial concerns that our sample did not capture sufficient numbers of the antagonists of business—unions and public interest groups—we actually oversampled these two categories substantially. (This is perhaps a consequence of the journalistic ethic of giving each side of the story more or less equal coverage, regardless of whether there is equal pressure activity on both sides.) We should note that our sample is deficient in professional associations and in groups that defied classification. All told then, our sample is quite representative of the categories of groups having offices in Washington.

TABLE 3.—THE WASHINGTON PRESSURE SYSTEM

[In percent]

	All organizations having DC offices	National Journal random sample	National Journal weighted sample	Actually interviewed
Corporations	22	52	30	30
Trade associations and other business	32	21	24	26
Professional associations	15	5	8	7
Unions	4	8	12	11
Public interest groups	3	4	4	5
Civil rights/social welfare	9	13	15	13
Other/unknown	16	10	8	7
Total	101	100	101	99
N equals	(2,694)	(200)	(200)	(175)

TABLE 4.—PERCENTAGE OF GROUPS IN EACH CATEGORY USING TECHNIQUES OF EXERCISING INFLUENCE

[In percent]

	Sample	Corporations	Trade associations	Unions	Public interest groups
1. Testifying at hearings	99	98	100	100	100
2. Contacting officials directly	98	100	97	100	100
3. Informal contacts	95	98	97	95	96
4. Presenting research results	92	94	89	90	92
5. Sending letters to members	92	85	97	95	86
6. Entering into coalitions	90	96	91	100	92
7. Shaping implementation	89	90	91	85	92
8. Talking with press and media	86	67	89	95	96
9. Planning legislative strategy	74	81	85	85	83
10. Helping to draft legislation	85	86	94	85	74
11. Inspiring letter-writing campaigns	84	83	89	100	83
12. Shaping the Government's agenda	84	79	77	85	100
13. Mounting grassroots lobbying	80	79	80	100	71
14. Having constituents contact	80	77	94	85	58
15. Drafting regulations	78	85	83	75	75
16. Serving on advisory commissions	76	74	74	95	67
17. Alerting Congressmen to effects	75	92	74	85	57
18. Filing suit	72	72	83	95	79
19. Contributing to campaigns	58	86	66	90	29
20. Doing favors for officials	56	62	56	68	46
21. Influencing appointments	53	48	49	80	47
22. Publicizing voting records	44	28	37	90	75
23. Direct mail-fund raising	44	19	37	65	75
24. Running ads in the media	31	31	31	55	33
25. Contributing manpower to campaigns	24	14	23	70	33
26. Endorsing candidates	22	8	9	95	25
27. Engaging in protests	20	0	3	90	25
Average number of techniques	19	18	19	24	19
N equals	(174)	(52)	(35)	(20)	(24) ●

SEVENTH ANNIVERSARY OF UKRAINIAN HELSINKI GROUP

● Mr. DOLE. Mr. President, 7 years ago today, on November 9, 1976, 10 Ukrainians met in Kiev to announce the formation of the Ukrainian Public Group to promote the implementation of the Helsinki accords. Recognizing that the Helsinki Final Act could become the foundation for an effective alternative to totalitarianism, this group, along with similar Helsinki monitoring groups in Moscow, Lithuania, Georgia, and Armenia, began to examine how the Soviet Government was living up to its Helsinki human rights commitments. Hundreds of letters from Ukrainians to the group attested not only to the need for its work but also to the repressive nature of the Soviet system. Instead of greeting this new endeavor, the Kremlin, in a vicious campaign, singled out the Ukrainian group for especially harsh treatment.

Despite arrests and harassment, the group expanded and continued its work of bringing human rights violations to public attention. The fact that the group continued to grow after additional harsh measures were undertaken to suppress it, is a testament to the moral courage of its members, all of whom had little doubt as to the fate that awaited them. Indeed, of the 36 living group members, 26 are currently imprisoned or in internal exile, 7 have been forced to emigrate to the West and 3 live under constant police surveillance. Many of those imprisoned were falsely charged with criminal offenses. Many are treated with particular callousness by prison and labor camp authorities. Also, the families of some prisoners have been relentlessly presecuted. Despite the efforts of many concerned governments, nongovernmental organizations and private individuals in the West, the Soviet Government persists in its attempt to isolate and silence the Ukrainian Helsinki monitors. Indeed, a number of them have been given additional sentences shortly before they were scheduled to be released.

Mr. President, it is imperative for us to remember these brave men and women. Their active defense of fundamental human rights, in the face of virtually unparalleled adversity, is an inspiration of all Americans who cherish the principles upon which this Nation was founded. To forget the members of the Ukrainina monitoring group is to forget the precious nature of our own freedom.

EFFORTS PERSIST ON GROUP'S BEHALF

The U.S. delegation to the recently concluded Madrid meeting of the conference on security and cooperation in Europe, repeatedly spoke out in behalf of the Ukrainian Helsinki group and specifically raised, in plenary statements, the cases of 15 of its imprisoned members. The Commission on Security and Cooperation in Europe, on which I serve as cochairman, continues its efforts on behalf of all the persecuted members of the Helsinki monitoring groups in the Soviet Union. It is our hope that the Soviet Government will act upon the pledges it made at Madrid and show that it is serious in pursuing the goal of true security and cooperation in Europe, of which human rights is an essential ingredient. I assure you, Mr. President, that we will not forget those who stand in the forefront of the effort to turn the noble ideas embodied in the Helsinki Final Act and Madrid concluding document into reality.●

DRUG ABUSE PREVENTION PROGRAM BY THE ELKS

● Mr. LAUTENBERG. Mr. President, today Kenneth V. Cantoli, grand exalted ruler of the Benevolent and Protective Order of Elks, will meet with Members of Congress to announce a new national campaign by the Elks in the field of drug abuse education. As part of this effort, drug awareness chairmen have been named in every State and training seminars will be conducted in all 2,250 lodges in the country. Public service announcements and a radio and newspaper series will further reach out to the public, and young people in particular, to warn them of the hazards of drug abuse. The Elks Foundation has allocated almost one-quarter of a million dollars to begin this program.

Mr. President, I am proud to say that Mr. Cantoli is a constituent of mine, from Hasbrouck Heights, N.J. I commend Mr. Cantoli and his fellow Elks for their outstanding leadership on this critical problem. To inform my colleagues of this important new program, I ask that Mr. Cantoli's remarks to Members of Congress be printed in the RECORD.

The material follows:

REMARKS OF KENNETH V. CANTOLI, GRAND EXALTED RULER, BENEVOLENT AND PROTECTIVE ORDER OF ELKS

I would like to take this opportunity to thank the Honorable Peter W. Rodino, Jr., and Matthew J. Rinaldo for arranging this event. You are most gracious hosts, gentlemen.

And I would like to thank all of you for spending this time with us. We are very proud of the strong representation our Order has in the Senate and House of Representatives. Over 80 of your colleagues in Congress are members of this great family of Elkdom.

As members, you are all well aware of the Order's contributions to this country over the past 115 years. In excess of $430 million has been given to worthy causes, agencies and services since the Order was founded in 1867. Each year national, state and local programs conducted by our 1.6 million members in the United States, focus on special projects that need assistance.

Last year we were once again among the leaders in educational support with over $1.7 million contributed in scholarships for worthy, needy students.

In that same year, we contributed over $5.6 million to youth programs.

The handicapped and needy received an additional $9.4 million from the Elks last year.

In all, our charitable contributions for 1982 exceeded $25 million and that does not include the millions of volunteer hours contributed by our members.

This year we are embarking on a new program—one that could prove to be the most important in the history of our Order. Last year the Elks conducted a national survey of mayors to determine the greatest areas of need for volunteer help in our nation's communities. In response to the findings of that survey, the Elks are undertaking a national drug awareness education program. We view this program as a long-term commitment in addition to the yearly special projects and other volunteer works of the Order.

Drug awareness chairmen have been named in every state and training seminars are being conducted now for those chairmen. They will duplicate that seminar for all of our 2250 lodges in the country, where members will be responsible for implementing the drug awareness education program in their local communities.

The Grand Lodge will produce Public Service announcements that will be distributed to radio and television stations throughout the country. It will also be sponsoring a six-part radio series and a six-part newspaper series on the hazards of drug abuse among our young people. For the first six months, the Elks Foundation has allocated almost one quarter of a million dollars to begin this program.

We believe drug abuse poses today's greatest threat to our country's most precious resource: its youth. Drug abuse destroys the potentials of tomorrow's leaders before those potentials can develop. If this trend is not reversed our citizens will be severely hampered in their ability to find and elect men and women of your caliber and talents to lead our country in the future.

Our businesses and industries will be restricted in finding and developing teams of executives, managers and employees.

Our educational institutions will suffer—in fact we are seeing the effects already in high schools. Students, suffering from the effects of short term memory loss as a result of getting high on drugs, have literally lost vital portions of their formal education. Facts, figures, insights and experiences are irretrievably gone; pushed out of recall by mind-dulling drugs.

We simply cannot allow this trend to continue. The Elks are committed, leader by leader, lodge by lodge, member by member, to eradicating the use of harmful drugs among our children. We greatly appreciate your support in our efforts to combat this insidious chemical intrusion in our society. The minds and bodies of our young people are at risk. Our moral fiber and national character is at stake. We urge your endorsement and assistance in this national effort.●

FINANCIAL INSTITUTIONS STABILIZATION PACKAGE

● Mr. HEINZ. Mr. President, today I have introduced two bills that will halt the unauthorized, steamrolling breakdown of the congressionally mandated separation between banking and other financial services.

It is also my intention to introduce a third bill, which is an extension of S. 1532—a bill previously introduced by request by Senator GARN and cosponsored by myself, and Senators DODD and PROXMIRE—that imposes a 6-month moratorium on the breakdown of this legislative wall. I am withholding the introduction of this legislation for today, but ask that the text of this bill be included in the RECORD at the conclusion of my remarks.

Mr. President, it is possible that Congress would prefer an alternative to enacting this kind of temporary solution to the problem as I believe we should. Therefore, I am, as I indicated, introducing legislation constituting an alternative course of action for the Congress. This legislation would prevent the two most egregious circumventions of the Federal banking regulatory scheme.

The first measure I am introducing today would close the so-called nonbank bank loophole in Federal banking law. This bill redefines the term bank so as to prohibit nonbanking firms from acquiring a bank and then divesting themselves of either their commercial lending or deposit taking functons, and thereby evading Federal banking law.

To insure a balanced approach, I am also introducing a second measure; legislation to plug the other leak in the dike, the so-called South Dakota loophole. This legislation would prevent the use of State banking laws to circumvent congressionally established policy on the activities of bank and bank holding companies.

Mr. President, opinions may vary on whether, and to what degree if any, our Nation's various kinds of financial institutions should be allowed to merge, recombine or redefine the role of banking and nonbanking activities. But throughout several months of hearings this summer before the Senate Banking Committee, the most commonly expressed concern was over the recent action by several State legislatures to consider or enact laws explicitly designed to permit bank holding companies to undertake, through State-bank affiliates, activities otherwise barred under Federal law.

Speaking before our committee in April, Treasury Secretary Donald Regan, the administration's most vocal advocate of bank deregulation, said of this State activity:

> I think that as long as banks are going to come under the Federal deposit insurance framework, and as long as the Federal Government is going to be responsible * * * to help these banks if they get into trouble * * * then the Federal Government has a right to state what activities banks may or may not perform.

In September, Federal Reserve Chairman Paul Volcker described his concern to the committee this way:

> [W]e have seen initiatives taken in some States to provide sweeping powers for their own banks that go far beyond anything that the Congress has authorized either for banks or bank holding companies * * * We think that threatens not only to upset the balance between the two systems, but creates the possibility that by State initiatives * * * fundamental protection in Federal law would be undercut.

Only a little more than a year ago, Congress enacted the Garn-St Germain Act, which, among other things, limited the insurance activities of bank holding companies. In title VI of the Garn-St Germain Act, which originated as S. 207, cosponsored by Senators GARN, WILLIAMS, PROXMIRE, BENTSEN, NUNN, COHEN, and myself, Congress articulated a public policy which prohibited most bank holding company insurance activities—a policy intended to extend to the holding companies themselves and all their banking and nonbanking components. Legislation such as that enacted recently in South Dakota would circumvent the will and intent expressed in title VI of Garn-St Germain. This legislation would make clear that the limitations of Garn-St Germain, and those of the Bank Holding Company Act, extend to State banking affiliates of bank holding companies, even though State law may legitimately authorize free-standing State-chartered banks to engage in activities broader than those intended by Congress for bank holding companies.

Likewise, in connection with the securities and real estate activities of bank and bank holding companies, the Glass-Steagall Act has for 50 years defined public policy with respect to the separation between commercial and investment banking, and other commercial activities. It is possible that Congress may at some point decide to modify that policy. Nevertheless, that decision is for Congress to make—it is not a decision to be made by 1 or more of the 50 State legislatures especially where departures from Federal law are often based on reasons unrelated to what is best for this Nation's banking system as a whole.

I must emphasize that the issue of whether there are unintended loopholes in the Glass-Steagall Act and other legislation which permit State nonmember banks to engage, directly or indirectly, in such activities on their own is currently under review by the FDIC and is also the subject of litigation. Should it be finally determined by the FDIC or the courts that loopholes do exist in the Glass-Steagall Act or other laws which permit such activities, we will then be in a position to enact appropriate amendments to address any such loopholes on the basis of a full record developed before the FDIC and in the courts.

Mr. President, recent events have made legislative initiatives absolutely indispensable to the stability of the many institutions comprising the American financial system. It is equally indispensable to the exercise of Congress prerogative to mandate financial structure and regulation in accordance with longstanding public policy considerations. As I have noted on many occasions, my preference is for the so-called temporary moratorium. Whatever the form or wording, however, each piece of legislation that I have discussed today stands for the proposition, and the reality, that we in Congress can no longer afford to be passive witnesses to the crumbling of the American financial structure. The time for legislative action is most definitely now, and I urge all my colleagues to join me in this reassertion of the congressional prerogative.

The text of the proposed bill follows:

S. 2072

A bill to limit temporarily the acquisition of depository institutions and the commencement of certain new activities by State-chartered depository institutions and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The effective date of this Act is the date of its enactment and this Act is hereby repealed on June 30, 1984.

SEC. 2. On or after the effective date of this Act, no company that is engaged directly or indirectly, including through a subsidiary, in any activity not permitted for a bank holding company under section 4 of the Bank Holding Company Act of 1956 shall acquire control of any insured bank, and no company shall acquire control of insured banks in more than one State without prior approval under the Bank Holding Company Act of 1956.

SEC. 3. On or after the effective date of this Act, no company that is engaged directly or indirectly, including through a subsidiary (other than an insured institution), in any activity other than an activity permitted for a multiple savings and loan holding company on the effective date of this Act under subsection (c)(2) of section 408 of the National Housing Act or for a bank holding company under section 4 of the Bank Holding Company Act of 1956 shall acquire control of any insured institution, except as provided in subsection (m) of section 408 of the National Housing Act.

SEC. 4. No company that acquires or acquired control of an insured bank or insured institution on or after June 23, 1983, shall retain control of such bank or institution on or after the effective date of this Act and engaged directly or indirectly, including through a subsidiary (other than an insured institution), in any activity other than an activity permitted for a bank holding company under section 4 of the Bank Holding Company Act of 1956 or for a multiple savings and loan holding company under subsection (c)(2) of section 408 of the National Housing Act, unless such insured institution was acquired pursuant to subsection (m) of section 408 of the National Housing Act. After the effective date of this Act, no company shall retain control of insured banks in more than one State that were acquired on or after June 23, 1983, unless such banks were acquired with prior approval under the Bank Holding Company Act of 1956.

SEC. 5. On or after the effective date of this Act, no State-chartered depository institution may commence, either directly or indirectly, including through a subsidiary, any activity not previously and lawfully engaged in by that institution unless (a) such activity was authorized for that type of institution explicitly and not by implication by a State statute adopted, or by interpretation promulgated thereunder, prior to January 1, 1983; (b) such activity is permitted under section 4(c)(8) of the Bank Holding Company Act of 1956 for a bank hold company; or (c) such activity is explicitly authorized by a State statute, or interpretation promulgated thereunder, and is performed exclusively in the State authorizing such activity for customers present in the State: *Provided, however,* That this section does not authorize the conduct of any activity currently prohibited to State-chartered depository institutions under section 20 or 21 of the Act commonly known as the Glass-Steagall Act. Nothing in this section shall prohibit a State-chartered savings and loan association of savings bank from engaging in any activity expressly permitted for a Federal savings and loan association or savings bank under the Garn-St Germain Depository Institutions Act of 1982.

SEC. 6. Any State-chartered depository institution that commenced, directly or indirectly, including through a subsidiary, on or after June 23, 1983, any activity that would have been prohibited by this Act if commenced after enactment of this Act shall, upon enactment of this Act, immediately terminate such activity.

SEC. 7. The provisions of this Act shall be enforced by the appropriate Federal agency under the Financial Institutions Supervisory Act of 1966 and for this purpose any company that controls an insured bank shall be treated as a bank holding company.

SEC. 8. For purpose of this Act, the term—

(a) "bank holding company", "company", "control", and "subsidiary" have the same meanings as provided in section 2 of the Bank Holding Company Act of 1956;

(b) "depository institution" has the same meaning as provided in section 19(b) of the Federal Reserve Act;

(c) "insured bank" has the same meaning as provided in section 3(b) of the Federal Deposit Insurance Act and shall also include any institution that is eligible to become an insured bank under section 5 of the Federal Deposit Insurance Act, and any institution that accepts deposits may withdraw by check or similar means for payment to third parties and engages in the business of making commercial loans. The term "bank" does not include a foreign bank having an insured branch or an institution expressly exempted under section 2(c) of the Bank Holding Company Act of 1956; and

(d) "insured institution" and "multiple savings and loan holding company" have the same meanings as provided in section 408 of the National Housing Act.●

LOBBYISTS AND THE IRONY OF CONGRESSIONAL SUNSHINE RULES

● Mr. DURENBERGER. Mr. President, as I announced in the RECORD of October 31, the Governmental Affairs Committee is planning oversight hearings on the 1946 Federal Regulation of Lobbying Act on November 15 and 16, 1983.

One reason I am interested in this area is the extent to which substantial growth in the area of lobby group activity can be traced to organizational and procedural changes in Congress. In a study documenting lobby group growth, two political scientists from Boston College found that recent open meetings rules create new opportunities for influence and thereby escalate the work load.

An October 31, 1983, editorial in the Washington Post highlighted this phenomenon. Commenting on the crowds of lobbyists in attendance at House Ways and Means Committee markups, the Post observed that the congressional open meetings policy enabled lobby groups to "make sure that the pressure they exerted on a Congressman in private does not get dissipated when his colleagues press for compromise." The Post concluded that, although open meetings rules usually worked well, sometimes the public interest could best be served by private deliberations.

While I believe it may be exaggerating the power of lobby groups, the Post provides verification of the Boston College study's finding and points up one of the areas that our oversight hearings will cover.

The issue is important because it illustrates an ironic side effect of the sunshine rules Congress enacted for itself in the 1970's. By opening meetings, heretofore, closed to the public, Congress also provided increased access for lobby groups. This procedural change and other changes, such as the proliferation of subcommittees and the rapid turnover of congressional membership, has left lobby groups, according to the authors of the Boston College study, "with little choice but to escalate the range and volume of their activities."

Our hearings will provide further details of this phenomenon as part of our stated goal of gathering information to educate Members of Congress and the public on how lobby groups operate in a modern democracy.

Mr. President, I ask that this editorial be printed in the RECORD.

The editorial follows:

[From the Washington Post, Oct. 31, 1983]

BEHIND CLOSED DOORS

Before the House of Representatives reformed its ways, revenue and entitlement bills were routinely rammed through the Ways and Means Committee by its powerful chairman. Frequently it took many months before outside observers could figure out exactly which private interests had managed to walk away with what. That didn't strike most people as a good way of guarding the public interest, and 1973 reforms required that all meetings be open to the public unless a committed majority voted to close a particular session.

Since then open doors have been the rule at Ways and Means markups. But the people who have walked through those doors have not typically been the general public; rather, they have been the same powerful lobbyists who work the congressional corridors. Now they can make sure that the pressure they exerted on a congressman in private doesn't get dissipated when his colleagues press for compromise.

With the spotlight on them, congressmen spend much more time worrying about the quality of their own performances that the quality of the legislation they ultimately produce. Even minor technicalities get bogged down because legislators are embarrassed to admit they don't understand what's going on. Compromises get worked out in hasty corridor meetings or rammed through committee on party-line votes—and they tend to break down when a bill comes to the floor. And in the final chaos of a big tax markup it is still impossible for the public (and even the staffers) to figure out what happened.

The tax bill that recently emerged from Ways and Means was marked up in closed session. It is not a big revenue-raiser, but many provisions required considerable political courage. Judged by the speed and outcome of the process, closed doors certainly seem to have worked in the public interest in this case. That's not to conclude that closed sessions should be the rule. When it comes to handing out public benefits, secrecy can work very much against the general interest—witness the pork-barrel grab typical of closed appropriation subcommittee sessions.

By and large, the current rule seems to work well. Open sessions should be the general practice. But if a majority of a committee's members feels that a closed session is more appropriate for a particular measure, they should be willing to vote on the record for that decision. If the thing gets out of hand, you can be sure there will be plenty of noise about it.●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there are a few odds and ends that may be taken care of which may or may not have been cleared by the minority leader. We will know in a few moments.

In the meantime, I invite Senators who have remarks to make in morning business to do so now, and I will try to get the Senate out as soon as possible.

I remind Senators that tomorrow we have an order for the Senate to convene at 9 a.m.

ORDER FOR RECOGNITION OF SENATOR MOYNIHAN ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the two leaders are recognized tomorrow under the standing order, the distinguished Senator from New York (Mr. MOYNIHAN) be recognized on special order for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE PROCEDURE ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the execution of the special order tomorrow, the time remaining before 10:15 a.m., be devoted to the transaction of routine morning business, in which Senators may speak for not more than 2 minutes each; that at 10:15 a.m., the Senate resume consideration of the pending business, which is the civil rights reauthorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I think the better part of discretion would be to resume consideration of the pending bill at 10 a.m., instead of 10:15, and I ask unanimous consent that the order be amended in that fashion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BREACH OF SECURITY

Mr. MATHIAS. Mr. President, I wish to make a brief report to the Senate with respect to a report of a breach of security which has occurred at the Department of State.

Yesterday about 10 o'clock in the morning I received a telephone call from James Adams, who is a reporter for Metromedia Television News. He said that it was a matter that involved national security, and I agreed to meet with him.

Subsequently, I saw Mr. Adams early in the afternoon, and at that time he told me that he had received a call from Lorton Reformatory where one of the inmates had advised him that he, the inmate, was in possession of certain documents which purported to be classified papers from the Department of State.

Mr. Adams said that he went out last Friday and did in fact receive these documents from the inmate, Charles Cox; that he, Mr. Adams, was prepared to turn them over to the Department of State, without using the information contained in the documents and without making any copies of the documents on the condition that I would accompany him to the Department of State and that a responsible official of the Department of State would receive the documents.

There was an implication in Mr. Adams' request that I was asked to go in order to insure that appropriate legislative oversight in this matter would be applied.

Under those circumstances, I agreed to accompany him to the State Department and did so, and Mr. Adams delivered to Mr. Shumate, Acting Assistant Secretary of State, an envelope containing documents of varying degrees of security classification.

Mr. Shumate, who was the Acting Assistant Secretary of State, received the documents. He advised that the Department of State had recovered other classified material from Lorton Reformatory and advised that a departmental investigation was already underway.

I told him of the obvious interest of the Committee on Foreign Relations in this breach of security, that I was sure the committee would not only want to be advised of the results of the departmental investigation but would in fact probably want to make its own inquiries into the matter.

I am told today that the departmental investigation is going forward, so I wish to assure Senators that the matter is receiving the attention at the very highest level in the State Department.

I have also advised the chairman of the Committee on Foreign Relations, Mr. PERCY, as well as the majority leader of the Senate, and so they are fully informed as to the matter.

In closing, I wish to comment very briefly on the actions taken by James Adams, of Metromedia News, who I think has acted with a remarkable degree of responsibility. These documents had obvious sensational value simply because of the classification stamped on them. And he could have exploited that value for news purposes. He avoided that sensationalism by agreeing to turn the documents over without disclosing the text. I think this is an act of restraint on his part which is noteworthy. In an age in which we accuse the press of sensationalism, it is an act of restraint that I think should be noted here in the Senate.

I am also constrained to mention the action of the inmate, Charles Cox, who also showed a sense of responsibility by delivering the documents to Mr. Adams and by requesting that Mr. Adams turn them over to the proper authority. I have not talked to Mr. Cox. I do not know what motivated him, but clearly the action he took was a responsible one.

So, Mr. President, Senators may rest assured that although this is a serious matter it is being dealt with in a serious way and the proper committees of Congress will receive reports as soon as the information is available.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I have consulted with the minority leader by telephone. He has authorized me to say that the nomination that we were working for clearance on both sides which could not be included in our prior action has now been cleared on his side. It is also cleared on this side.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the sole purpose of considering the nomination of Maj. Gen. Paul W. Myers, U.S. Air Force, to be lieutenant general.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIR FORCE

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of Maj. Gen. Paul W. Myers, U.S. Air Force, to be lieutenant general.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Iowa, moves that the motion be laid on the table.

Without objection, the motion is laid on the table.

Mr. BAKER. I thank the Chair.

Mr. President, I ask that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 9 o'clock in the morning. After the recognition of the two leaders under the standing order, the distinguished Senator from New York (Mr. MOYNIHAN) will be recognized under a special order for not to exceed 15 minutes.

After the execution of the special order there will be a period for the transaction of routine morning business to extend no further than 10 a.m. At the hour of 10 a.m. the Senate will resume consideration of the unfinished business, which is the Civil Rights Commission reauthorization bill.

Mr. President, I hope and trust that this matter can be dealt with promptly and that there will be time then to return to the consideration of the continuing resolution.

Mr. President, I expect votes throughout the day. I expect, as well, that tomorrow will almost certainly be a late day, perhaps very late. The present continuing resolution expires at 12 midnight on Thursday.

I am informed that the House of Representatives will perhaps send us a continuing resolution during the day tomorrow.

We have a lot of work to do tomorrow, Mr. President, and once again I urge Members to consider that Thursday may be very late.

It is still the hope of the leadership that we can complete action on the must legislation by tomorrow evening at midnight and that it will not be necessary to bring the Senate in on Friday or Saturday. That remains a prospect, but I hope that we are able to finish the action on the CR before then and adjourn for the Veterans Day holiday as advertised.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. BAKER. Mr. President, I see no other Senators seeking recognition. I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 9 a.m. tomorrow.

Whereupon, the Senate, at 6:56 p.m., recessed until Thursday, November 10, 1983, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 9, 1983:

Department of State

Daniel Anthony O'Donohue, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of the Union of Burma.

William H. Luers, of Illinois, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czechoslovak Socialist Republic.

Diego C. Asencio, of Florida, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brazil.

Robert E. Lamb, of Georgia, a career member of the Senior Foreign Service, class of Minister-Counselor to be an Assistant Secretary of State.

W. Tapley Bennett, Jr., of Georgia, a career member of the Senior Foreign Service, class of Career Minister, to be Assistant Secretary of State.

African Development Foundation

T. M. Alexander, Sr., of Georgia, to be a member of the Board of Directors of the African Development Foundation for a term of 6 years.

U.S. International Development Cooperation Agency

Frank J. Donatelli, of Virginia, to be an assistant administrator of the Agency for International Development.

Inter-American Foundation

Langhorne A. Motley, of Alaska, to be a member of the Board of Directors of the Inter-American Foundation for the remainder of the term expiring September 20, 1984.

J. William Middendorf II, of Virgina, to be a member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 1988.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

The Judiciary

Thomas G. Hull, of Tennessee, to be U.S. district judge for the eastern district of Tennessee.

Department of Justice

Daniel J. Horgan, of Florida, to be U.S. Marshal for the southern district of Florida for the term of 4 years.

Foreign Service

Foreign Service nominations beginning Paul H. Boeker, and ending Laron Lee Jensen, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 4, 1983.

In the Air Force

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Maj. Gen. Paul W. Myers, 097-10-9174FR, U.S. Air Force.

HOUSE OF REPRESENTATIVES—*Wednesday, November 9, 1983*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Of all Your many gifts, O God, we thank You for the gift of freedom. Whether religious or political or social, we can believe as we would believe, we can vote as we wish, and we can speak as we desire. O God, You created us in Your own image, and You have given us consciences, so we thank You that we can be responsible for our works and our actions. Teach us, O God, to think seriously about the blessings of liberty and help us to be grateful for this noble tradition that is ours. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BLILEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BLILEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 368, nays 25, answered "present" 6, not voting 34, as follows:

[Roll No. 471]

YEAS—368

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Dwyer
Dyson
Eckart
Edwards (CA)
Emerson
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hightower
Hillis
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Johnson
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Miller (CA)
Mineta
Minish
Moakley
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Snyder
Spence
Spratt
Staggers
Stangeland
Stark
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

NAYS—25

AuCoin
Badham
Coughlin
Dannemeyer
Dickinson
Durbin
Gejdenson
Goodling
Harkin
Hiler
Holt
Lipinski
Markey
Miller (OH)
Mitchell
Ottinger
Rahall
Roberts
Roemer
Sabo
Schroeder
Sikorski
Solomon
Walker
Young (AK)

ANSWERED "PRESENT"—6

Dymally
Ford (TN)
Jacobs
Oberstar
Smith, Robert
St Germain

NOT VOTING—34

Boggs
Byron
Cheney
Crockett
Dixon
Early
Edgar
Edwards (AL)
Edwards (OK)
Evans (IA)
Ford (MI)
Forsythe
Garcia
Gramm
Hall (OH)
Heftel
Howard
Jenkins
Jones (NC)
Kemp
Leach
Lowry (WA)
Lungren
Mikulski
Molinari
Mrazek
Neal
Paul
Pritchard
Ridge
Solarz
Stratton
Udall
Winn

□ 1010

Ms. FERRARO, Mr. SAVAGE, and Mr. DANIEL B. CRANE changed their votes from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1020

APPOINTMENT OF CONFEREES ON H.R. 2968, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1984

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2968) to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency retirement and disability system, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and

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□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

agree to a conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. BOLAND, ZABLOCKI, MAZZOLI, MINETA, FOWLER, HAMILTON, GORE, STOKES, MCCURDY, ROBINSON, WHITEHURST, YOUNG of Florida, STUMP, and GOODLING; and, for matters falling within the jurisdiction of the Committee on Armed Services: Messrs. PRICE, STRATTON, and DICKINSON.

PERMISSION FOR SUBCOMMITTEE ON COMMERCE, CONSUMER, AND MONETARY AFFAIRS OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT TODAY DURING 5-MINUTE RULE

Mr. BARNARD. Mr. Speaker, I ask unanimous consent that the Subcommittee on Commerce, Consumer, and Monetary Affairs of the Committee on Government Operations be permitted to sit today in a hearing during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT TODAY DURING 5-MINUTE RULE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit at 10 a.m. on Wednesday, November 9, 1983, for the purpose of holding an oversight hearing on a proposal to amend 46 App. U.S.C. 183(b) by increasing the present amount of liability of the owner of a seagoing vessel for the payment of losses in respect of loss of life or bodily injury. In addition, the subcommittee expects to receive testimony on any changes that may be needed to the limitation of liability laws.

The ranking minority member of the committee, the gentleman from New Jersey (Mr. FORSYTHE), and the ranking minority member of the subcommittee, the gentleman from Kentucky (Mr. SNYDER), have been apprised of the hearing date and time and are in accord with this request.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

AT&T WINDFALL

(Mr. LELAND asked and was given permission to address the House for 1 minute.)

Mr. LELAND. Mr. Speaker, as the House of Representatives prepares to vote on H.R. 4102, the Universal Telephone Preservation Act of 1983, Members from across the country are being lobbied by AT&T in one of the most extraordinary campaigns I have ever witnessed.

At first, it was unclear why AT&T opposed the legislation so vigorously. The reason became clear, however, in October when AT&T filed long-distance rate reductions based on the Federal Communications Commission's access charge ruling, which shifts costs from long distance to local customers.

While the access charge decision would reduce AT&T's long-distance costs by more than $4 billion, its rate reduction request amounted to only $1.75 billion, leaving AT&T with a $2 billion windfall profit to keep for itself.

For that reason, and many others, I urge you to support H.R. 4102.

PASSAGE OF TELEPHONE BILL WOULD BENEFIT ALL CONSUMERS—ESPECIALLY SENIOR CITIZENS

(Mr. BONKER asked and was given permission to address the House for 1 minute.)

Mr. BONKER. Mr. Speaker, today the House will take up H.R. 4102, the Universal Telephone Service Preservation Act of 1983.

This issue, more than any other I can think of, pits AT&T against American consumers. Rising telephone rates are a threat to all consumers, but the real threat is to senior citizens who are least able to pay for the doubling and tripling of telephone rates that may occur if this legislation is not adopted. Under the leadership of the subcommittee chairman, the gentleman from Colorado (Mr. WIRTH), H.R. 4102 would provide continued availability of telephone service at affordable rates for all Americans.

Across this Nation local telephone users face massive rate increases. In my own State of Washington local rates may triple in certain areas. A recent CBS news poll found that 50 percent of our older senior citizens believe that they will not be able to afford telephone service if the rates are doubled.

Mr. Speaker, this issue is terribly important for senior citizens. Yesterday 13 major national senior citizens organizations all came out in strong support of H.R. 4102. It is really the most important issue to face senior citizens in this session of Congress. I urge the support of the Members of H.R. 4102 on behalf of senior citizens.

THE IMPORTANCE OF H.R. 4102 TO THE ELDERLY

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute.)

Mr. RICHARDSON. Mr. Speaker, as a member of the House Select Committee on Aging, I urge your support of H.R. 4102, the Universal Telephone Service Preservation Act of 1983. The purpose of the bill, simply stated, is to assure the continued availability and affordability of basic telephone service to all Americans.

Our Nation's telephone industry is going through a major transition. However, none of these changes—including the breakup of AT&T—can justify the doubling of local residential telephone rates.

When requests for large rate increases were made in several States throughout the country earlier this year, our Subcommittee on Housing and Consumer Interests held hearings and gathered information about the impact that such increases would have on older Americans. We learned that:

Fifty percent of Americans over 64 years of age and 72 percent of those with low incomes believe that they could not afford a phone if the cost of local telephone service doubled;

The activities of volunteer and other nonprofit organizations serving the elderly would be severely restricted by sizable increases in local telephone rates; and

The recent FCC "access charge" decision would inequitably spread the cost of maintaining the long distance and local telephone networks.

H.R. 4102 is designed to minimize proposed increases in local telephone rates by requiring those who benefit from the availability of the telephone network to pay a fair share of its service costs. Consistent with this principle, the bill: First, modifies the FCC's "access charge" decision, eliminating flat monthly charges on residential consumers and small businesses; second, insures that State regulatory commissions have sufficient authority to regulate telephone rates; third, establishes a universal service fund to assure that service remains affordable in rural and other high cost areas; and fourth, requires State public utility commissions to establish lifeline rates for low-income residential users.

This may well be the most important senior citizen issue in this session of Congress. Older Americans are counting on the Congress to keep future telephone rates affordable.

AMERICA'S DAIRY POLICY IS CAUGHT BETWEEN A ROCK AND A HARD PLACE

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of California. Mr. Speaker, today the House will vote on a proposal to reduce the country's massive oversupply of dairy products in an attempt to bring production back in line with consumption. The choice we are being presented with is not a clear cut one:

If we do nothing to alter the current $1 assessment on America's dairymen, many will go broke.

If we pass the compromise agreement that the House Agriculture Committee recommends, many cattlemen may go belly up.

According to many dairy organizations, passage of the Conable milk substitute will also spell doom for many dairy farmers.

I am reminded of the statement by the U.S. Secretary of Agriculture in 1946 when he observed that "We're in the position of a family with a litter of puppies: we've got to decide which ones to drown."

Personally I do not like the prospect of forcing America's dairymen, cattlemen, consumers or taxpayers into starvation at the expense of one another. However, today we are being asked to decide whether to pay dairy producers not to milk their cows, or to assess dairymen a $1 tax for the privilege of milking their cows, or to allow the Government to continue to purchase whopping amounts of cheese and butter at the expense of the taxpayer, only to see these goods rot away in warehouses across the country.

It is not a happy choice to make, or even a sensible one.

□ 1030

PERSONAL STATEMENT

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, I stand before the House as 1 of 26 freshmen Democrats voting against final passage yesterday of the continuing resolution. My vote was one of strong conviction that the Congress of the United States can no longer continue to fund the operation of the Federal Government by stopgap measures. There are two points I would like to make.

First, to the leadership of the House, I would say that the vote against the continuing resolution was not a vote against Congressman WRIGHT's amendment. Instead, it was a statement, a vote against the budget process that continually fails to address the enormous Reagan deficit.

The administration that promised the American people a balanced budget by 1983 has clearly failed to deliver, with projected deficits now expected to near the $300 billion mark. The involvement of the administration in the budget process, continually hampers the process, as does the inability of the Republican-led Senate to act in a reasonably expeditious manner on the budget. The Democratic-led House has demonstrated its commitment to passing a budget aimed at reducing the Reagan deficit.

Second, to my colleagues across the aisle, I would say that my vote should not be considered a victory against those educational and social investments necessary for the future well-being of our Nation. Had I felt as they do, I would have voted to recommit the bill, which I did not.

The statement was made yesterday that something has to be done to the current means used to arrive at a budget. The annual usage of a continuing resolution to keep the Government functioning must be put to a stop, the American people deserve no less. My vote yesterday affirms my conviction that something must be done to change the budget process. A reasonable, responsive approach to establishing a budget for the Federal Government will benefit all Americans. I think it is unfair for any Member of the House to view the vote yesterday of a mandate for anything less than a call for a more responsive approach to getting a budget passed and a beginning, a starting point for doing something constructive to address the burden placed on all segments of our society by the enormous Reagan deficits.

Hard choices concerning funding for education and other socially beneficial programs do not dissuade me. I support these programs and will continue to work to see that these vital investments in our Nation's future are made, and will work adamantly to secure the needed money to insure their success. But, I will as equally, continue to work with my colleagues to improve on the current budget process.

INTER-REGIONAL TRANSFER

(Mr. SWIFT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWIFT. Mr. Speaker, the inter-regional transfer issue, which has been raised by AT&T is an effort to balkanize the House. It is a divide and conquer strategy designed to pit one region of the country against another.

AT&T is alleging (incorrectly) that some States will unfairly subsidize the costs of telephone service in other States. This is part of an overall effort to distract the Congress from: First, the billions in unnecessary local rate increases that will occur over the next 6 years unless the Congress acts; and second, the enormous, unjustified shift in costs from large users of telephone service to residential ratepayers caused by the FCC's access charge decision.

H.R. 4102 is a national bill. It is a carefully crafted balance that received the support of northerners, southerners, westerners, midwesterners, and urban and rural members during the Commerce Committee's consideration of the bill. H.R. 4102 requires only the minimal transfers necessary to preserve universal telephone service—which is in the interest of all citizens, in all States.

These infinitesimal amounts pale in comparison to the enormous shift of wealth to the long-distance companies and their major corporate customers from the individual ratepayers and residential users that is mandated by the FCC's access charge order.

DEMOCRATIC PARTY SHOULD COME UP WITH A PLAN TO DEAL WITH BUDGET DEFICIT

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, I had come today to give a 1 minute speech on the telephone bill, but I decided instead that this morning we should speak to the vote last night on the continuing resolution.

I was 1 of 26 freshmen Democrats who voted "no" last night. We did this in protest of the budget process. We did this in protest of the inconsistency between the final appropriation bills and the continuing resolution with the budget resolution that we supported earlier in the year. A budget resolution in which revenues were projected have never been realized.

We face a gigantic budget deficit of $200 billion this year, next year it will be much larger. We cannot ignore that.

Maybe the freshmen have been inconsistent. Maybe we have been naive. Maybe we do not understand the process, but we are voting our conscience to try to get the Democratic Party to come up with a plan to deal with the budget deficit. That is what we need and that is what we hope will occur.

I think Democrats can be fiscally responsible. I think we need a plan to deal with the budget deficit.

H.R. 4102, A SOUND NATIONAL TELECOMMUNICATIONS POLICY

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, H.R. 4102 represents a sound national policy that addresses the needs of urban and rural America, and I believe that it merits your support.

Unless we act now, our constituents will face major increases in their local telephone bills. A major reason for this is a recent decision by the Federal Communications Commission, which will shift some $4 billion from the users of long-distance service, principally big business customers, to local telephone subscribers, increasing the rates for local subscribers substantially. I believe that this is unfair. The rationale for the FCC's action is that all the costs of local telephone facilities should be borne by local subscribers; but long-distance users utilize local telephone facilities.

They use the poles, the wires, the switches of the local facilities both to originate and terminate their long distance calls. They should also bear a share of the cost of these local facilities.

H.R. 4102 restores equity to the pricing of telephone service. It addresses the unique needs of rural Americans through its universal service fund. It is fair to the urban poor and those on fixed incomes, since it contains a lifeline provision for those who need a telephone, but who will not use it much.

Mr. Speaker, I urge the Members to support this worthwhile legislation.

AT&T WINDFALL

(Mr. BRYANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRYANT. Mr. Speaker, I rise to urge support for H.R. 4102 regarding telephones and would like to take a moment to point out one of the provisions of the bill which makes it good public policy.

As a result of the Federal Communications Commission's access charge order, AT&T's cost of originating and terminating long distance telephone calls will be reduced next year by approximately $4 billion. However, in its most recent filing with the FCC, AT&T has proposed to drop its long distance rates next year by only $1.7 billion. Therefore, if the Congress does not act and the FCC's proposal is allowed to go into effect unchanged, AT&T stands to reap a windfall in excess of $2 billion at the expense of local telephone service.

When the FCC first made its decision to shift $4 billion to the local ratepayers, the decision was justified by the FCC and AT&T on the basis that long-distance rate reductions would compensate for the increases in local telephone rates. "Yes," we were told, "local rates will go up, but long distance will go down. It will be a wash, but overall it will be more efficient."

Clearly, it is not a wash. In fact, our constituents will be taken to the cleaners under the FCC order.

During the Commerce Committee's markup of the legislation, the bill was amended so, to require the FCC to insure that the savings to long distance companies be passed through to the long distance user to the maximum extent practicable. This pass through amendment will guarantee that increases in local telephone rates will be matched by decreases in long-distance rates.

I believe Congress should adopt H.R. 4102, and help to keep local telephone rates affordable. It is not fair for local telephone rates to increase by $4 billion in order only to increase AT&T's profits. I urge you to join me in supporting H.R. 4102.

ANNIVERSARIES AND POLITICAL OBSERVATIONS

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, today is a day we can make some interesting political observations.

Today is Spiro Agnew's birthday.

Today marks the first full day that Jim Watt is out as Secretary of the Interior.

Today marks the anniversary date of the Community Works Administration, 50 years ago it was one of the New Deal jobs efforts.

We also observe today that the Republicans were almost unanimously opposed to those jobs efforts and not much has changed in this past half century.

Last night 84 percent of the Republicans in Congress voted against the bill to provide employment, education, and health care for American citizens.

Do not misunderstand, Republicans are not against all spending. Exactly 1 week ago today, 94 percent of the members of the Republican Party in this House—94 percent of them voted in favor of the largest spending measure in the history of the United States of America, the Defense appropriation bill.

We observe that little has changed.

LABOR PROTECTION

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, AT&T is the largest private employer in the country. Repeat next year, when the court-ordered divestiture takes place, there will be massive dislocations as employees are shifted from company to company. This dislocation will continue in future years as the newly created companies adapt to the new circumstances. But employees who are transferred from company to company will not be able to take their hard-earned pension and seniority rights with them.

H.R. 4102 corrects this deficiency. It provides that transferred employees who shift among the divested companies can take their pensions with them.

This legislation should pass on its own merits. Higher local telephone rates will disadvantage every American. But with the inclusion of important labor protections, I think it is imperative that Congress act this year to prevent unfair dislocations of employees of the telephone industry.

□ 1040

DEMOCRATIC STATEMENT ON H.R. 4102

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, H.R. 4102 addresses the concern over the impact of increasing telephone rates on the future of universal telephone service. The steps that the bill takes, however, are only the beginning, not the end, of the solution.

Much of the problem is left for the State public utility commissions to decide. Yet there is one provision in the bill which will work as a needed check on the outcome of this delegation: Public participation.

Section 12 of H.R. 4102 provides for meaningful public participation in the ratemaking process. It establishes funding at the Federal Communications Commission for groups that will not otherwise be able to effectively participate in its proceedings.

Its other provision establishes voluntary associations of consumers in each State. These associations would be funded through the voluntary contribution of consumers choosing to join them. Member consumers would be able to vote on the association's leaders and policies. In H.R. 4102, associations are given the power to place inserts in telephone bills to inform consumers about their activities, and the authority to intervene with other parties in rate cases and relevant judicial proceedings.

The voluntary associations would cost no tax dollars, create no new government bureaucracies, involve no government employees. They would not cost phone companies or their shareholders a penny. Only those who fear the consequences of effective consumer participation and awareness have anything to fear in the creation of these voluntary associations.

As Democrats, we stand for public involvement in public affairs. Our heritage as a party is a consistent belief that if the public is given an opportunity to participate in matters affecting their future, they can choose what is best for themselves. The voluntary association concept embodied in H.R. 4102 is true to this heritage, and merits your support.

I urge you to vote against any motion to strike or any amendment to weaken section 12 of H.R. 4102. It is the democratic thing to do.

WATCH OUT REPUBLICANS, HERE WE COME

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I wonder what is happening here in the House. You Republicans better watch out. Yesterday, we Democrats discovered that the President did the right thing in Grenada by saving American lives, by putting teeth in the Monroe Doctrine and by telling Castro to "watch out, Jack."

What is happening here? Yesterday, we Democrats actually voted against a spending bill because it spent too much money. Too much money? What is happening here? Can it be that my party is going to find itself in the position of voting for a strong, America-first foreign policy? What is happening here? You Republicans better watch out. Could it be that my party is going to turn its lower deficit rhetoric into real votes for lower interest rates? Watch out Republicans, here we come.

A VOTE FOR H.R. 4102 IS A VOTE FOR SMALL BUSINESS

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDEN. Mr. Speaker, H.R. 4102, the Universal Telephone Service Preservation Act of 1983, is going to be one of the key small business issues of the 98th Congress. This legislation exempts 3 million single-line small businesses from the Federal Communications Commission's (FCC's) access charge decision which would force them to pay $6 a month whether or not they make a single long-distance call. This legislation insures that our Nation's small businesses will not end up paying more for access to the long-distance network than the total cost of the long-distance calls that they actually make.

Mr. Speaker, most small businesses make a modest number of long-distance calls and conduct most of their business through local telephone service. In fact, in the last survey conducted, 62 percent of all business customers made less that $7 in long-distance calls per month; 3.9 percent of business users account for a whopping 61.7 percent of total interstate toll calls, and the 25 largest users of long-distance account for 15 percent of interstate long distance traffic by themselves.

Mr. Speaker, it is clear that our Nation's small businesses will benefit far more from H.R. 4102 than they will from the plans devised by the Federal Communications Commission. A vote today for H.R. 4102 is a vote to give our Nation's small businesses some real relief from rising telephone rates.

RURAL SUPPORT FOR H.R. 4102

(Mr. BOSCO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSCO. Mr. Speaker, I ask that you join in support of H.R. 4102, the Universal Telephone Service Preservation Act of 1983. As a representative of a rural district, I am concerned that, unless the Congress acts, rural and elderly constituents will face ever-escalating telephone bills they cannot afford.

Without passage of H.R. 4102, all telephone users will have to pay a flat monthly charge for "access" to the long-distance network, whether or not a customer makes a single long-distance call. This is an attempt to transfer $4 billion next year for long-distance users to local telephone bills, and more each year thereafter. I believe this FCC mandated fee is unfair and will cause financial hardship and disruption for service to some who must have telephone service.

H.R. 4102 recognizes the unique nature of rural telephone service and contains provisions to insure service to rural areas at affordable rates. The universal service fund will be created by a small surcharge on each long-distance telephone call, including "bypassers," and will be used to help defray the higher costs entailed in providing service to local, rural areas.

H.R. 4102 also provides a "lifeline" rate so that the urban poor and elderly, along with rural low-income customers will be assured essential telephone service. H.R. 4102 will help keep rates down in high-cost rural areas where telephone service is extremely expensive to provide because of fewer customers per line-mile. Thus, urban residents will be able to reach anyone in the country, a benefit to them.

Rural and urban members of the Energy and Commerce Committee reported H.R. 4102 and I hope you can join in supporting this important piece of legislation.

IN MEMORY OF MARINE PFC. HORACE STEPHENS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise today in memory of Marine Pfc. Horace Stephens of Capitol Heights, Md. Private Stephens is one of the brave and gallant fighting men killed by the actions of a suicidal assassin in Beirut.

Behind every person, every soldier, there is a story that explains how they arrived at a certain point in their lives. What unique course of events led Pfc. Stephens to the Marine barracks in Beirut on that fateful day? After graduating from Suitland High School in 1982, Stephens enlisted in the Marines to better himself, to serve his country and to gain training. Being a marine ran in the family, as he had eight cousins and an uncle in the Armed Forces. So when he was assigned to duty in Lebanon, he took it in stride. But last August Stephens' arm was broken in two places in a bomb blast at the Beirut Airport. It was after that brush with death that Stephens became all the more aware of the tenuous, unpredictable, and dangerous situation in war-weary Lebanon. He had been reassigned to light duty after the accident, serving meals to his fellow marines at the barracks while his arm healed. It is ironic that were it not for the earlier blast and resulting injury, Stephens probably would have been elsewhere on that day. He was to have returned home on the 17th of this month.

What can one say when a 20-year-old man in the prime and vigor of his youth dies? How can one explain away the loss of a 20-year-old man to his family with talk of gallantry, sacrifice, and patriotism? For it is the most grievous and lamentable of tragedies to see a man's potential, but know he will never realize it; to admire a man's qualities, but never see them again; to love a man, but to love him only through memories.

We, the Members of Congress and the rest of our Nation extend our deepest and most solemn condolences to the bereaved families of the soldiers killed in Lebanon and other parts of the world. Pfc. Horace Stephens and his comrades in arms left their marks on the world—they died for their country and their principles. No one will ever forget them.

THANKS TO THOSE WHO HELPED THE MOTHER OF A MARINE KILLED IN LEBANON

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, I would like to take a moment to thank a few people who helped the mother of one of our brave servicemen killed in the terrorist attack in Beirut—2 weeks ago.

Mrs. Shayne Evrillo of West Palm Beach, Fla., the mother of Marine Cpl.

Bret Croft, waited anxiously for more than a week to hear the agonizing and painful news of her son's death, and had little hope of getting to Dover, Del., to claim his body.

The Good Samaritan arrived in the form of Eastern Airlines and its employees—Mr. A. Russell Upshaw, Jr. and Ms. Fran Sisk—who provided Mrs. Evrillo with a round-trip ticket and hospitality during her sad journey to claim her son's remains.

I also would like to express my heartfelt thanks to Capt. Richard Yoder of Philadelphia and Col. Mike Lucci of Washington, D.C., for making Mrs. Evrillo's trip much more comfortable and a little less lonely than it would have been.

It is comforting to me that there are those who give so freely of themselves during the time of need of a total stranger.

LET US KEEP TELEPHONE RATES AFFORDABLE

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, the issue of telephone rate increases has caught fire and is blazing across my district, the State of West Virginia, and the Nation as a whole. Along with many of my colleagues, I have been deluged with letters and calls from constituents and have secured thousands of signatures on petitions imploring me to prevent their phone rates from increasing and asking me to support the bill we will begin debating today, the Universal Telephone Service Preservation Act of 1983, H.R. 4102.

The concerns of my constituents are serious, for the imposition of a new flat fee for access to long-distance telephone service may place the cost of telephone service out of the economic grasp of many West Virginians. Our State has been wracked by the pain of the highest unemployment in the country for over a year. Winter approaches, as does the spectre of higher heatings bills and the exhaustion of available unemployment benefits. Reemployment is not on the horizon.

Not being a member of my State's public service commission, I cannot decide the phone company's requested rate increase. Being a Member of Congress which strives to represent the needs of the people, however, I can listen to my constituents and press for passage of legislation that would eliminate the burden of the access charge. Keeping telephone rates affordable is a priority for me and for the people of the First District of West Virginia, so I hope my colleagues will join me in support of H.R. 4102.

□ 1050

H.R. 4102: A BAD DEAL FOR RURAL AREAS

(Mr. WHITTAKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHITTAKER. Mr. Speaker, I wish to bring to the attention of all Members of this House, particularly those representing rural areas, the discriminatory provisions contained in H.R. 4102—the Universal Telephone Service Preservation Act. The bill contains provisions which greatly disadvantage numerous telephone companies serving rural areas. Congressman TOM TAUKE will offer a substitute which will correct this inequitable treatment, and I urge all Members to vote for his amendment.

The universal service fund (USF) created by the bill is designed to provide assistance to telephone companies serving areas, largely rural areas, where the costs of providing telephone service exceed the national average. But H.R. 4102 prohibits telephone companies serving such areas from receiving any assistance from the USF if they have 100,000 or more subscribers. The Tauke amendment will eliminate the discrimination against larger rural telephone companies and will base assistance from the USF on actual need rather than on the size of the telephone company. Under this amendment, 33 States would receive more USF funds than under H.R. 4102, and no State would receive less.

The States which would receive more funds under the Universal Service Fund in the Tauke amendment than under H.R. 4102 are shown on this chart, which I ask unanimous consent to have inserted in the RECORD at this point.

All Members have recently received a letter from the Organization for the Protection and Advancement of Small Telephone Companies (Opastco), which represents 400 rural telephone companies, expressing opposition to H.R. 4102 in its present form. Opastco's objections would be answered by the Tauke amendment. I urge support for the Tauke amendment when the House considers H.R. 4102.

STATES WHICH WOULD RECEIVE MORE FUNDS UNDER THE UNIVERSAL SERVICE FUND IN THE TAUKE AMENDMENT THAN UNDER H.R. 4102

[In millions of dollars]

State	H.R. 4102	Tauke amendment
Alabama	13	45
Alaska	23	26
Arizona	17	21
Arkansas	21	42
California	13	25
Colorado	3	7
Florida	25	238
Georgia	12	30
Idaho	10	11
Indiana	4	5
Kentucky	9	32
Louisiana	5	61
Michigan	6	7
Minnesota	11	14
Mississippi	9	53
Montana	14	30
Nevada	3	14
New Jersey	2	16
New Mexico	10	17
North Carolina	10	13
North Dakota	12	18
Ohio	1	10
Oklahoma	13	15
Puerto Rico	0	37
South Carolina	2	29
South Dakota	6	10
Tennessee	1	2
Utah	3	4
Vermont	3	6
Virginia	4	13
West Virginia	6	23
Wisconsin	10	24
Wyoming	17	33

TAUKE SUBSTITUTE TO H.R. 4102 HELPS CONSUMERS MORE

(Mr. TAUKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUKE. Mr. Speaker, I want to bring to the attention of all Members of the House the fact that my substitute to H.R. 4102, the Universal Telephone Service Preservation Act, provides greater protection of universal telephone service.

The sponsors of H.R. 4102 have asserted that passage of their bill is essential to insure that telephone service remains affordable for the groups who need assistance. They have pointed out that their bill helps accomplish this goal by subsidizing the local telephone rates of consumers who need assistance most—people who live in rural areas and low-income families—by $1.2 billion per year.

However, if you are concerned about preserving universal telephone service, you should vote for my substitute rather than for H.R. 4102. The Tauke substitute provides 60 percent more assistance than H.R. 4102 to the low income and rural consumers who really need such assistance. Members can observe this by studying the chart comparing the two bills.

The Tauke substitute would also reduce, over a 6-year period, the massive untargeted subsidies to those who do not need assistance that H.R. 4102 would perpetuate permanently. I urge all Members to vote for my substitute when the bill is considered in the House today.

[In millions of dollars]

	Amount of subsidy	
	H.R. 4102	Tauke substitute
Consumers helped:		
Low income	679	883
High cost (rural) areas	544	1,063

LOCAL RATE INCREASES AND THE TELEPHONE BILL

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, for those who support this telephone legislation, I think it is very important to point out, are talking about local rate increases and the potential for local rate increases. We in Congress have absolutely nothing to do with local rate increases, whether in fact they take place or not.

If any of us in this Chamber who support this legislation go back home and tell our people that we have saved them $2 a month on the local access charge and say we have saved them all this money, we simply are not telling the truth. The fact is that local rate increases may or may not occur, no matter what we do in this Chamber.

I happen to come from a so-called donor State. I think it is important for each Member to determine what the local situation is in his particular constituency.

I happen to represent a State that will be sending $67 million in overcharges of long distance rates to States that in many cases are expanding States and are progressive States in the Sun Belt.

We will see $67 million from Ohio being sent to States like Florida, Colorado, and Texas when in fact our people need that money because we are an older industrial State and we have continued to fight the expansion of jobs and people into the Sun Belt area.

So it is very important I think that we take a look at the botton line and see what it is going to cost each of our individual States.

DEFICITS DO AFFECT INTEREST RATES

(Mr. GRADISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRADISON. Mr. Speaker, in recent months, we have all heard the argument that interest rates will not be influenced by the huge deficits we face.

Back in June, when this notion seemed to be gaining currency, I asked the Congressional Research Service to study this issue. The resulting CRS report has just been released. It was written by G. Thomas Woodward of CRS's Economics Division and is titled, "Do Deficits Influence the Level of Interest Rates?" It is CRS report No. 83-179E.

Mr. Speaker, the report's conclusion leaves little doubt as to the answer. Simply put, for interest rates to be unaffected by deficits requires real world human behavior that stretches believability. The study also points out that, because of significant methodological complexities, the observed lack of a simple statistical correlation between deficits and interest rates is insufficient to demonstrate the no-link hypothesis.

Mr. Speaker, this study reinforces my longstanding belief that deficits do indeed influence interest rates and, therefore, that they affect many important aspects of our economy. I hope it serves to convert those who have taken up the improbable notion that deficits do not influence interest rates, which I regard as an unfortunate diversion from the task at hand—reducing deficits.

THE HOUSE SHOULD REJECT THE RULE ON THE TELEPHONE BILL

(Mr. CORCORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORCORAN. Mr. Speaker, late yesterday evening the Committee on Rules completed its consideration of the rule for the telephone bill. I hesitate to give the number because the number for the bill has changed so repeatedly that no one is quite sure what it will be. First H.R. 3621, then H.R. 4102, and now H.R. 4295.

Not too long ago it was H.R. 4102 about which many of my colleagues had something interesting to say this morning though not always factual. But the real bill is going to be H.R. 4295.

The significance of that and the significance of the rule is I think important. The main reason why I would hope that the House of Representatives would reject the proposed rule for the telephone bill is because it makes in order a substitute bill that was introduced on November 3, H.R. 4295, which attempts to address the problem of bypass taxes. Yet neither of the committees of the House with jurisdiction over this matter, the Energy and Commerce Committee and the Ways and Means Committee, have held hearings or debated H.R. 4295.

The issue it raises is whether or not if a company, either a telephone company or a consumer, decides to leave the system, they would have to pay the bypass tax. The primary procedural significance of the tax treatment as provided for in this new bill, of course, is to circumvent the Ways and Means Committee, and that was one reason for the expeditious treatment provided in the rule.

Second, and more importantly, however, is the fact that there will be many companies, not only consumers, but long-distance telephone companies—including AT&T—that will leave the system. And when they leave the system you are going to have substantial damage done to the nationwide, integrated public telephone system that we now have. This will not only reduce telephone service for average consumers in Illinois and throughout the country, but it will drive up telephone rates for local service as well. Far worse than divestiture, which will separate the local from the long distance network, the new bill before us sets in motion an economic system that will fragment both networks.

Therefore, Mr. Speaker, for these and related reasons involving other ill-advised sections of this bill, I urge my colleagues to vote "no" on the proposed rule for H.R. 4102 so that it can be returned to the Rules Committee and the proper authorizing committees.

LET US FOLLOW THE MAJORITY VIEW ON PRODUCTION OF BINARY CHEMICAL WEAPONS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the other body did it again yesterday, with the Vice President for the second time in 2 months casting his vote to break a tie in favor of going forward with the administration's plan to produce binary chemical weapons.

You will recall that this was the exact same scenario that occurred on the defense authorization bill. The conferees on the authorization then proceeded to put chemical weapons into the conference report even though this system had been defeated overwhelmingly in the House and had not received a majority vote of the elected Members in the Senate.

The same thing is going to happen with the appropriation, unless the House instructs its conferees not to allow it to happen.

Mr. Speaker, when the request to appoint conferees is made I plan to offer a motion to instruct conferees not to accept chemical weapons funding. If another motion to instruct is offered, I will seek to defeat the previous question in order to offer my motion as an amendment.

The House has repeatedly gone on record in opposition to this new, costly and totally unnecessary weapons system, when we have a stockpile of chemical weapons in good shape and more than large enough to deter Soviet first use already on hand.

Let us have our conferees, the other body and the administration listen to the vast majority of the House for a change, and vote to instruct conferees that this is one weapon we simply do not need.

DAIRY BILL COMPROMISE VOTES

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, I would like to talk just a little bit about the dairy votes that are coming up today. There is one important vote and that is on the Conable amendment of which Members really ought to be very, very much aware.

First of all, we must remember that the goals that were established for the dairy industry by this House were to get the cost of the program under control and to get production under control.

There is no question but that the compromise does that, saves $1 billion, and is the only one that will get our surplus under control.

But, most importantly remember that if the Conable amendment passes, it will work by culling farmers as well as cows.

☐ 1100

Thirty-thousand producers will go out of business—most of them young farmers—if the Conable amendment passes.

The compromise says: Let us give them a chance, let us give them a chance to survive. For the next 15 months, let us see if those higher grain prices will take care of the situation. If it does not, then they will have to accept the support-price cuts; they have come forward and said they will do that.

In the interim, they are willing to contribute money to create, for the first time, a farmer-paid incentive program to get the situation under control.

The choice is clear: Do you want to give 30,000 farmers a chance to survive? Or, do you want them to go out of business next year?

YOU ARE NOT GOING TO SAVE YOUR CONSUMERS BY H.R. 4102

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, we will be considering the telephone bill shortly, which is not 4102, it is 4295, a recent major change being made in the bill on the way to the Rules Committee and not considered in subcommittee, not considered in full committee. The change involves a substantial revision of the section which taxes bypassers in the existing long distance lines. Inserted without any debate of any kind. A last minute adjustment to avoid referral to Ways and Means.

But let me just point out the big myth here; the myth is that this bill, recently 4295, is going to keep telephone rates down; that, in response to all the letters you are getting from your consumers you can write back and say, "See, I kept your rates down by implementing this legislation."

Well, that is simply not true. The fact is your average telephone bills around the country are about $30 per month and the fact is that the local service charges are only a small portion of this and your long distance charges are a portion of this; and with an increase of several dollars over a few years in local service rates and a reduction of several dollars for long distance calls you are talking about a virtual wash.

Those rates are determined by a lot of other things and they are probably going to go up. Only a strongly competitive high growth, telecommunications industry, with rational regulation at the State and Federal level will keep prices down. You are not going to save your consumers by 4102 come 4295. This bill has the kind of reregulate, new tax features which can only increase consumer costs.

PRESIDENT TAKES TOUGH POSITION WITH JAPANESE

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, I read with great interest this morning a wire service story from Tokyo. The story pointed out that the President, while we anticipated that he was going on a friendly ceremonial mission, is getting much tougher on the issue of trade and defense contribution by the Japanese.

Larry Speakes the Press Secretary is quoted as saying that "the President is going to preach peace and prosperity." It is clear that he is talking about peace with more defense effort from the Japanese Government and prosperity that looks to a redress of the imbalance in the $20 billion trade deficit between ourselves and the Japanese.

It points out in the wire service story that Prime Minister Nakasone and the President had what is called a frank discussion. Now that is polite language for disagreement.

The trade issue is simply that the Japanese Government should open up its markets to American products; the President clearly is telling their leadership that fact. Likewise, the President is reported in this wire service story as addressing the problem of the dollar/yen relationship.

I am pleased that President Reagan is taking a tough position with the leaders of Japan on those issues of greater contribution to defense and redressing the trade imbalance.

RECHECK YOUR FACTS ON AT&T

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, this is a continuation of AT&T fables. I just thought I would take care of a couple of them right now.

A lot of the Members have been lobbied, as I have, talked to about interregional transfers. They said my State was losing $3 million. Using AT&T's statistics from the Interstate Commerce Commission, I found that indeed West Virginia is a net gainer of $5 million.

So we have dismissed that. Those of you who have been told you are losing money through interregional transfers, I urge you to check with the Committee on Energy and Commerce.

Another Member, another lobbyist for the industry came by and told me that the Communications Workers of America were getting off the bill, they were no longer interested in it. After contacting them, I learned that they are firmly in support of the bill.

I was also told, for instance, that a major telecommunications company supporting the bill had withdrawn its support. I contacted them today and, of course, that is not the case either.

It greatly concerns me when one of the giants, one of the greatest giants in the telecommunications industry fails to communicate directly, itself.

I urge you, those of you who have been contacted by AT&T, to check the facts you have been given; check with the Committee on Energy and Commerce.

Finally, let me just say that in calculating the figures, I hope that AT&T will not be calculating our long-distance bills on the same calculators that they have been lobbying Congress with.

CORRECTING MISIMPRESSIONS ON THE DAIRY BILL

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, the distinguished gentleman from Vermont (Mr. JEFFORDS), speaking on the dairy bill just a moment ago, made a couple of assertions which

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I know are quite common and widely made and yet are highly questionable.

I thought I should take a moment to explain the questioning behind them.

He said, for example, that the compromise dairy legislation is a billion dollars cheaper than the Conable amendment, which will be voted on before too many hours have passed today.

The latest revised figures from OMB raise serious doubts as to whether or not that is the case.

It is the position of the Department of Agriculture and OMB that Conable is actually a billion dollars cheaper than the compromise.

Now I know that these figures are subject to dispute, that they are based on different assumptions, and so on, but I want that point to be kept in mind rather than have the Members accept, without questioning, any particular set of figures.

The second point that he made was that 30,000 farmers would be culled under the Conable amendment rather than the 1 million cows, which would be culled under the compromise proposal.

That again is not strictly the facts. What will happen in this situation, as in any case where you are forced to cut production, is that the less productive dairies may have to be reduced. They may be small or large, but they are not necessarily all small dairies, and they will be the less efficient dairies.

However, according to Department of Agriculture figures, we lose about 30,000 dairy farms each year as the forces of competition cause many dairy farmers to go out of business. What the so-called compromise bill does is protect the inefficient producer against the forces of the market.

MARTHA LAYNE COLLINS, KENTUCKY'S GOVERNOR-ELECT

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, Kentucky's Lieutenant Governor Martha Layne Collins capped her long climb through the ranks of Kentucky politics yesterday by becoming the first woman to win election as Governor in Kentucky's 191-year history. She won in a landslide, carrying five of seven congressional districts in Kentucky.

I am proud that she carried 23 of the 24 counties that I represent in Congress.

When Martha Layne Collins takes the oath of office in Frankfort on December 13, she will be only the sixth woman in U.S. history to serve as Governor of a State and only the third woman in our history to win a campaign for Governor not succeeding her husband in office.

Martha Layne Collins is an outstanding, hard-working, effective, efficient, beautiful 46-year-old Governor-elect of Kentucky. Next month when she takes office as Governor, she will be America's only woman Governor.

You can tell I like Martha Layne Collins. Her husband, Dr. Bill Collins, was my college roommate and fraternity brother for 3 years. I served as an usher in the wedding of Martha Layne Hall and Bill Collins in 1959. As her friend of 25 years, it was my pleasure to warmly endorse her candidacy in August of last year during a political picnic at Fancy Farm in my home county, Graves County, in western Kentucky.

Martha Layne Collins—Kentucky is proud of you. To my colleagues I say I look forward to her visiting our House of Representatives in the near future. You will be hearing lots more about Martha Layne Collins in the future.

APPOINTMENT OF CONFEREES ON H.R. 2077, FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE AMENDMENTS OF 1983

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2077), to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes, with a Senate amendment to the House amendment to the Senate amendment thereto, disagree to the Senate amendment to the House amendment to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Michigan? The Chair hears none and, without objection, appoints the following conferees: Mr. FORD of Michigan, Mr. UDALL, Ms. OAKAR, Mr. TAYLOR, and Mr. GILMAN.

There was no objection.

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DAIRY PRODUCTION STABILIZATION ACT OF 1983

The SPEAKER pro tempore (Mr. WISE). Pursuant to House Resolution 355 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4196.

The Chair requests that the gentleman from Michigan (Mr. BONIOR) preside over the Committee of the Whole temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4196, to stabilize a temporary imbalance in the supply and demand for dairy products, and to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion to improve, maintain, and develop markets for dairy products, with Mr. BONIOR of Michigan, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole arose on Monday, November 7, 1983, all time for general debate on the bill had expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. No amendments are in order except amendments recommended by the Committee on Agriculture, which shall not be subject to amendment, and the following amendments printed in the CONGRESSIONAL RECORD of November 1, 1983, by, and if offered by, the Member designated. Debate on each amendment shall be equally divided and controlled by the proponent and a Member opposed thereto, as specified below, and said amendments shall not be subject to amendment:

First, the amendment by Representative CLINGER, which shall be debatable for not to exceed 20 minutes;

Second, the amendment in the nature of a substitute by Representative CONABLE, which shall be debatable for not to exceed 1 hour;

Third, the amendments by Representative HARKIN, which shall be considered en bloc, and shall be debatable for not to exceed 30 minutes;

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole arose on Monday, November 7, 1983, all time for general debate on the bill had expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

Fourth, the amendments by Representative MADIGAN, and each of said amendments shall be debatable for not to exceed 20 minutes;

Fifth, the amendment by Representative MORRISON of Washington, which shall be debatable for not to exceed 10 minutes;

Sixth, the amendments by Representative OBERSTAR, which shall be considered en bloc, and shall be debatable for not to exceed 40 minutes; and

Seventh, the amendments by Representative SKEEN, which shall be considered en bloc, and shall be debatable for not to exceed 20 minutes.

The text of the bill, H.R. 4196, is as follows:

H.R. 4196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act may be cited as the "Dairy Production Stabilization Act of 1983".

TITLE I—DAIRY COMPLIANCE PROGRAM

DAIRY PRODUCTION STABILIZATION

SEC. 102. Section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)) is amended to read as follows:

"(d) Notwithstanding any other provision of law—

"(1)(A) Effective for the period beginning with the date of enactment of the Dairy Production Stabilization Act of 1983 and ending on the last day of the month of enactment of such Act, the price of milk shall be supported at a rate equivalent to $13.10 per hundredweight for milk containing 3.67 per centum milkfat.

"(B) Effective for the period beginning on the first day of the first calendar month following the date of enactment of the Dairy Production Stabilization Act of 1983 and ending on September 30, 1985, the price of milk shall be supported at a rate equivalent to $12.60 per hundredweight for milk containing 3.67 per centum of milkfat, except that—

"(i) on April 1, 1985, if the Secretary estimates that for the twelve-month period beginning on such date net price-support purchases of milk or the products of milk would be in excess of six billion pounds milk equivalent, the Secretary may reduce the price-support rate in effect on such date in the amount of 50 cents per hundredweight; and

"(ii) on July 1, 1985—

"(I) if the Secretary estimates that for the twelve-month period beginning on such date net price-support purchases of milk or the products of milk would be in excess of five billion pounds milk equivalent, the Secretary may reduce the price-support rate of milk in effect on such date in the amount of 50 cents per hundredweight; or

"(II) if the Secretary estimates that for the twelve-month period beginning on such date net price-support purchases of milk or the products of milk would be five billion pounds milk equivalent or less and if the Secretary determines it necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, the Secretary may increase the price-support rate in effect on such date in an amount not less than 50 cents per hundredweight.

"(C) The price of milk shall be supported through the purchase of milk and the products of milk.

"(2)(A) Effective for the fifteen-month period beginning January 1, 1984, to encourage the adjustment of milk production to levels consistent with the national demand for milk and the products of milk, the Secretary shall provide for a reduction of 50 cents per hundredweight to be made in the price received on all milk marketed in the United States by producers for commercial use. Enactment of the Dairy Production Stabilization Act of 1983 shall not affect in any manner the collection or enforcement of any deduction from the price of milk previously implemented by the Secretary under this subsection as in effect for any milk marketed for commercial use prior to the effective date of the reduction provided for in this paragraph, as added by section 102 of the Dairy Production Stabilization Act of 1983.

"(B) The funds represented by the reduction in the price required to be applied to the marketings of milk by a producer under subparagraph (A) shall be collected and remitted to the Commodity Credit Corporation at such time and in such manner as prescribed by the Secretary by each person making payment to a producer for milk purchased from the producer, except that in the case of a producer who markets milk of the producer's own production directly to consumers, such funds shall be remitted directly to the Corporation by the producer.

"(C) To the extent that funds collected under this paragraph are inadequate to make the payments to producers who reduce marketings under paragraph (3), such payments shall be made using funds otherwise available to the Corporation. The funds remitted to the Corporation under this paragraph shall be considered as included in the payments to a producer of milk for purposes of the minimum price provisions of the Agricultural Adjustment Act of 1933, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

"(3)(A) The Secretary shall, not later than January 1, 1984, provide for a milk diversion program under which the Secretary shall offer to enter into a contract with any producer of milk in the United States for the purpose of reducing the quantity of milk marketed by the producer for commercial use during the fifteen-month period beginning with a date determined by the Secretary.

"(B) Each such contract shall require that—

"(i) the producer shall reduce the quantity of milk marketed for commercial use in an amount equal to a percentage specified by the producer, but not less than 5 per centum and not more than 30 per centum, of the quantity of milk marketed by such producer for commercial use during the marketing history period described in subparagraph (F);

"(ii) any production capacity of a facility that becomes available for use because a producer reduces milk production in order to comply with the contract shall not be used by the producer, or made available by the producer for use by any other person, for the production of milk;

"(iii) any dairy cattle that would or could have been used by the producer for the production of milk if the producer had not entered into and complied with such contract shall not have been sold, leased, or otherwise transferred to another producer for the production of milk after the date of enactment of the Dairy Production Stabilization Act of 1983, or such earlier date as determined by the Secretary, unless such transfer is to another producer with respect to whom there is in effect a contract entered into under this subsection or unless the Secretary determines that the transfer does not result in adversely affecting the purpose of the program; and

"(iv) the producer shall repay to the Secretary the entire payment received under this subsection, including simple interest payable at a rate prescribed by the Secretary which shall, to the extent practicable, reflect the cost to the Corporation of its borrowings from the United States Treasury, commencing on the date payment is first received under this paragraph, if the producer fails to comply with such contract.

"(C) Except as provided in subparagraph (D), the Secretary shall pay to a producer who complies with a contract entered into under this paragraph an amount equal to the product of $10 per hundredweight and the amount, measured in hundredweights, by which the quantity of milk marketed by such producer for commercial use during the period specified in such contract is less than the quantity of milk marketed by such producer for commercial use during the marketing history period.

"(D) No payment may be made under subparagraph (C) to a producer with respect to—

"(i) any reduction in the quantity of milk marketed by the producer for commercial use that exceeds the sum of—

"(I) the reduction in the quantity of milk marketed for commercial use required under the provisions of the contract the producer has entered into under this paragraph, after any adjustment by the Secretary under subparagraph (E); and

"(II) 3 per centum of the quantity of milk marketed by the producer for commercial use during the producer's marketing history period: *Provided*, That no payment may be made for any reduction in the quantity of milk greater than 30 per centum of the aggregate quantity of milk marketed by the producer for commercial use during the marketing history period;

"(ii) any reduction in the quantity of milk marketed by the producer for commercial use if such reduction is less than the difference between—

"(I) the reduction in the quantity of milk marketed for commercial use required under the provisions of the contract the producer has entered into under this paragraph, after any adjustment by the Secretary under subparagraph (E); and

"(II) 3 per centum of the quantity of milk marketed by the producer for commercial use during such producer's marketing history period: *Provided*, That no payment may be made for any reduction in the quantity of milk less than 5 per centum of the aggregate quantity of milk marketed by the producer for commercial use during the marketing history period;

"(iii) any reduction in the quantity of milk marketed for commercial use by a producer who, as determined by the Secretary, was not actively engaged in the production of milk for commercial use as of the date of enactment of the Dairy Production Stabilization Act of 1983; and

"(iv) any reduction in the quantity of milk marketed for commercial use by a producer who violates any requirement specified in this paragraph.

"(E) The Secretary may, in accordance with such rules or procedures as prescribed by the Secretary, modify contracts entered into under this paragraph if the Secretary determines that an excessive reduction in the level of milk production in the United States would result from contracts entered into under this paragraph. In the event of such modifications, the Secretary may reduce the required reduction among all contracts on such basis as the Secretary determines will serve to reduce future dairy surpluses: *Provided*, That in no event shall any such reduction be apportioned on the basis of geographic region or area.

"(F) Any producer of milk in the United States seeking to enter into a contract for diversion payments under this paragraph shall provide the Secretary with evidence of the producer's marketing history. The marketing history shall be the marketings of milk by the producer for commercial use during the period beginning in 1982 and ending in 1983 which corresponds to the period of the diversion contract, or at the option of the producer the average marketings of milk by the producer for commercial use during the period beginning in 1981 and ending in 1982 and during the period beginning in 1982 and ending in 1983 which corresponds to the period of the diversion contract. The producer's marketing history may be adjusted as the Secretary determines necessary to correct for abnormally low production resulting from a natural or manmade disaster beyond the control of the producer or such other factors as the Secretary determines necessary to provide a fair and equitable marketing history.

"(G) No marketing history shall be assigned to any producer who commenced marketing of milk after December 31, 1982, except as provided in subparagraph (H).

"(H) A producer's marketing history established under this paragraph shall not be transferable to any other person, unless the entire production facility used by the producer to produce milk for commercial use during the marketing history period and the producer's entire dairy herd were transferred by reason of the death of the producer, by reason of a gift from the producer, or to a member or members of the family of the producer. The term 'member or members of the family of the producer' means (i) an ancestor or ancestors of the producer, (ii) the spouse of the producer, (iii) a lineal descendant or descendants of the producer, or the producer's spouse, or a parent or parents of the producer, or (iv) the spouse of any such lineal descendant.

"(I) Eligibility for diversion payments shall be determined on the basis of the marketing history provided for in subparagraph (F).

"(J)(i) Producers eligible for diversion payments shall apply for such payments at the end of each quarter. Payment may be made to any producer who can establish that marketings of milk of such producer for commercial use have been reduced from the level of marketings during the corresponding period of the marketing history period in an amount as specified by the Secretary for each quarter in the contract: *Provided*, That the aggregate quantity of such reductions for the entire diversion period must be at least equal to the total reduction required by the contract. Prior to approving such payment, the Secretary shall require evidence that such reduction in marketings has taken place. As part of such evidence, the producer shall certify, in a form specified by the Secretary, that such reduction is a net decrease in marketings of milk for commercial use and has not been offset by expansion of production in other production facilities in which the producer has an interest, or by transfer of partial interest in the production facility, or by employment of such other scheme or device to qualify for payment for which such producer would otherwise not be eligible.

"(ii) Payments made under this paragraph during the year shall be considered preliminary settlements for reductions in marketings. A final settlement shall be made following the end of the contract period and shall be based on the volume of marketings for the entire contract period. If, based on total marketings for the contract period, it is determined that preliminary settlements have resulted in overpayments to the producer, the Secretary shall recover such overpayments from such producer.

"(K) Application for payment shall be made by producers through the county committees established under section 8 of the Soil Conservation and Domestic Allotment Act.

"(L) A producer may assign a contract entered into under this paragraph only if—

"(i) the producer's interest in the entire milk production facility and the entire dairy herd used by the producer to produce milk for commercial marketings have been transferred as a unit to the person to whom the assignment is to be made;

"(ii) the assignee is a person to whom the producer's marketing history may be transferred under subparagraph (H);

"(iii) the producer and the assignee agree in writing that the assignee shall succeed to all rights and liabilities of the producer under the contract; and

"(iv) a copy of such writing is submitted to the Secretary before the transfer occurs.

"(M) A contract entered into under this paragraph by a producer who by reason of death cannot perform or assign such contract may be performed or assigned, in accordance with subparagraph (L), by the estate of such producer.

"(N) If the provisions for reductions in the price received for milk marketed for commercial use as provided for in paragraph (2) are held to be invalid by any court, or the Secretary is restrained or enjoined by any court from implementing such provisions, the Secretary shall immediately suspend making any diversion payments under this paragraph for the period beginning with the date of such court action and shall resume making such payments only if such court action is overruled, stayed, or terminated.

"(O) If the Secretary determines that there has been a marked deviation in the composition of milk marketed for commercial use by a producer from that of such producer's marketings during the marketing history period, an adjustment as determined appropriate by the Secretary shall be made in the producer's diversion payments to reflect the composition of milk marketed during the marketing history period.

"(4) Each producer who markets milk and each person required to make payment to the Corporation under this subsection shall keep such records and make such reports, in such manner, as the Secretary determines necessary to carry out this subsection. The Secretary may make such investigations as the Secretary deems necessary for the effective administration of this subsection or to determine whether any person subject to the provisions of this subsection has engaged or is engaged or is about to engage in any act or practice that constitutes or will constitute a violation of any provision of this subsection or regulation issued under this subsection. For the purpose of such investigation, the Secretary may administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any records that are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of records. Such court may issue an order requiring such person to appear before the Secretary to produce records or to give testimony on the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district of which such person is an inhabitant or wherever such person may be found.

"(5)(A) The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any provision of this subsection or any regulation issued under this subsection. Any such civil action authorized to be brought under this subsection shall be referred to the Attorney General for appropriate action. The Secretary is not required, however, to refer to the Attorney General minor violations of this subsection whenever the Secretary believes that the administration and enforcement of this subsection would be adequately served by suitable written notice or warning to any person committing such violation.

"(B) Each person (i) as to whom there is a failure to make a reduction in the price of milk received by such person as required by paragraph (2), (ii) who fails to remit to the Corporation the funds required to be collected and remitted by paragraph (2)(B), or (iii) who fails to make the reduction in marketings required by a contract under paragraph (3) shall be liable, in addition to any amount due, to a marketing penalty at a rate equal to the support price for milk for the fiscal year in which the failure occurs on the quantity of milk as to which the failure applies. The Secretary may reduce any such marketing penalty in such amount as the Secretary determines equitable in any case in which the Secretary determines that the failure was unintentional or without knowledge on the part of the person concerned. Each person who knowingly violates any other provision of this subsection, or any regulation issued under this subsection, shall be liable for a civil penalty of not more than $1,000 for each such violation. Any penalty provided for under this subparagraph shall be assessed by the Secretary after notice and opportunity for a hearing.

"(C) Any person against whom a penalty is assessed under subparagraph (B) may obtain review of such penalty in an appropriate district court of the United States by filing a civil action in such court not later than thirty days after such penalty is imposed. The Secretary shall promptly file in such court a certified copy of the record upon which the penalty is based. The findings of the Secretary may be set aside only if found to be unsupported by substantial evidence.

"(D) The district courts of the United States shall have jurisdiction to review and enforce any penalty imposed under subparagraph (B).

"(E) The remedies provided in this paragraph shall be in addition to, and not exclusive of, the remedies otherwise provided at law or in equity.

"(F) In carrying out this subsection, the Secretary may, on a reimbursable or nonreimbursable basis, as the Secretary deems appropriate, use—

"(i) administrators of Federal milk marketing orders;

"(ii) State and county committees established under section 8 of the Soil Conservation and Domestic Allotment Act; or

"(iii) administrators of State milk marketing programs.

"(6) The term 'United States' as used in paragraphs (2) and (3) of this subsection means the forty-eight contiguous States in the continental United States.".

TITLE II—DAIRY PROMOTION PROGRAM

FINDINGS AND DECLARATION OF POLICY

SEC. 201. (a) Congress finds that—

(1) dairy products are basic foods that are a valuable part of the human diet;

(2) the production of dairy products plays a significant role in the Nation's economy, the milk from which dairy products are manufactured is produced by thousands of milk producers, and dairy products are consumed by millions of people throughout the United States;

(3) dairy products must be readily available and marketed efficiently to ensure that the people of the United States receive adequate nourishment;

(4) the maintenance and expansion of existing markets for dairy products are vital to the welfare of milk producers and those concerned with marketing, using, and producing dairy products, as well as to the general economy of the Nation; and

(5) dairy products move in interstate and foreign commerce, and dairy products that do not move in such channels of commerce directly burden or affect interstate commerce of dairy products.

(b) It, therefore, is declared to be the policy of the Congress that it is in the public interest to authorize the establishment through the exercise of the powers provided herein, of an orderly procedure for financing (through assessments on all milk produced in the United States for commercial use) and carrying out a coordinated program of promotion designed to strengthen the dairy industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for fluid milk and dairy products produced in the United States. Nothing in this title may be construed to provide for the control of production or otherwise limit the right of individual milk producers to produce milk.

DEFINITIONS

SEC. 202. As used in this title—

(a) the term "Board" means the National Dairy Promotion and Research Board established under section 204 of this title;

(b) the term "Department" means the United States Department of Agriculture;

(c) the term "Secretary" means the Secretary of Agriculture;

(d) the term "milk" means any class of cow's milk produced in the United States;

(e) the term "dairy products" means products manufactured for human consumption which are derived from the processing of milk, and includes fluid milk products;

(f) the term "fluid milk products" means those milk products normally consumed in liquid form as a beverage;

(g) the term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity;

(h) the term "producer" means any person engaged in the production of milk for commercial use;

(i) the term "promotion" means actions such as paid advertising, sales promotion, and publicity to advance the image and sales of and demand for dairy products;

(j) the term "research" means studies testing the effectiveness of market development and promotion efforts, studies relating to the nutritional value of milk and dairy products, and other related efforts to expand demand for milk and dairy products;

(k) the term "nutrition education" means those activities intended to broaden the understanding of sound nutritional principles including the role of milk and dairy products in a balanced diet; and

(l) the term "United States" as used in sections 201 through 208 means the forty-eight contiguous States in the continental United States.

ISSUANCE OF ORDERS

SEC. 203. (a) During the period beginning with the date of enactment of this title and ending thirty days after receipt of a proposal for a dairy products promotion and research order, the Secretary shall publish such proposed order and give due notice and opportunity for public comment upon the proposed order. The proposal for an order may be submitted by an organization certified under section 205 of this title or by any interested person affected by the provisions of the title.

(b) After notice and opportunity for public comment are given, as provided for in subsection (a) of this section, the Secretary shall issue a dairy products promotion and research order. Such order shall become effective not later than ninety days following publication of the proposal.

(c) The Secretary may, from time to time, amend dairy products promotion and research orders.

REQUIRED TERMS IN ORDERS

SEC. 204. Any order issued under this title shall contain terms and conditions as follows:

(a) The order shall provide for the establishment and administration of appropriate plans or projects for advertisement and promotion of the sale and consumption of dairy products, for research projects related thereto, for nutrition education projects, and for the disbursement of necessary funds for such purposes. Any such plan or project shall be directed toward the sale and marketing or use of dairy products and fluid milk products to the end that the marketing and use of dairy products may be encouraged, expanded, improved, or made more acceptable. No such advertising or sales promotion program shall make use of unfair or deceptive acts or practices with respect to the quality, value, or use of any competing product.

(b) The order shall provide for the establishment and appointment by the Secretary of a National Dairy Promotion and Research Board that shall consist of not less than thirty-six members. Members of the Board shall be milk producers appointed by the Secretary from nominations submitted by eligible organizations or associations certified under section 205 of this title, or, if the Secretary determines that a substantial number of milk producers are not members of, or their interests are not represented by, any such eligible organization or association, then from nominations made by such milk producers in the manner authorized by the Secretary. In making such appointments, the Secretary shall take into account, to the extent practicable, the geographical distribution of milk production volume throughout the United States. In determining geographic representation, whole States shall be used as a unit. A region may be represented by more than one director and a region may be made up of more than one State. The term of appointment to the Board shall be for three years with no member serving more than two consecutive terms, except that initial appointments shall be proportionately for one-year, two-year, and three-year terms. The Board shall appoint from its members an executive committee whose membership shall reflect the different regions in the United States in which milk is produced and, to the maximum extent practicable, the membership composition of the Board. The executive committee shall have such duties and powers as are conferred upon it by the Board. Board members shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in performing their duties as members of the Board including a per diem allowance as recommended by the Board and approved by the Secretary.

(c) The order shall define the powers and duties of the Board that shall include only the powers enumerated in this section. These shall include, in addition to the powers set forth elsewhere in this section, the powers to (1) receive and evaluate, or on its own initiative develop, and budget for plans or projects to promote the use of fluid milk and dairy products as well as projects for research and nutrition education, and to make recommendations to the Secretary regarding such proposals, (2) administer the order in accordance with its terms and provisions, (3) make rules and regulations to effectuate the terms and provisions of the order, (4) receive, investigate, and report to the Secretary complaints of violations of the order, and (5) recommend to the Secretary amendments to the order. The Board shall solicit, among others, research proposals that would increase the use of fluid milk and dairy products by the military and by persons in developing nations, and that would demonstrate the feasibility of converting surplus nonfat dry milk to casein for domestic and export use.

(d) The order shall provide that the Board shall develop and submit to the Secretary for approval any promotion, research, or nutrition education plan or project and that any such plan or project must be approved by the Secretary before becoming effective.

(e) The order shall require the Board to submit to the Secretary for approval budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of the order, including projected costs of dairy products promotion and research projects.

(f) The order shall provide that the Board, with the approval of the Secretary, may enter into agreements for the development and conduct of the activities authorized under the order as specified in subsection (a) and for the payment of the cost thereof with funds collected through assessments under the order. Any such agreement shall provide that (1) the contracting party shall develop and submit to the Board a plan or project together with a budget or budgets that shall show estimated costs to be incurred for such plan or project, (2) the plan or project shall become effective upon the approval of the Secretary, and (3) the contracting party shall keep accurate records of all of its transactions, account for funds received and expended, and make periodic reports to the Board of activities conducted, and such other reports as the Secretary or Board may require.

(g) The order shall provide that each person making payment to a producer for milk produced in the United States shall, in the manner as prescribed by the order, collect an assessment based upon the number of hundredweights of milk for commercial use handled for the account of the producer and remit the assessment to the Board. The assessment shall be used for payment of the expenses in administering the order, with provision for a reasonable reserve, and shall include those administrative costs incurred by the Department after an order has been promulgated under this title. The rate of assessment prescribed by the order shall be 15 cents per hundredweight of milk for commercial use or the equivalent thereof: *Provided*, That any milk producer who can establish that the producer is participating in active, ongoing qualified State or regional dairy product promotion or nutrition education programs intended to increase consumption of milk and dairy products generally shall receive credit for contributions to such programs of up to 10 cents per hundredweight of milk marketed in determining the assessment due from such producer. Any person marketing milk of that person's own production directly to consumers shall remit the assessment directly to the Board in the manner prescribed by the order.

(h) The order shall require the Board to (1) maintain such books and records (which shall be available to the Secretary for inspection and audit as the Secretary may prescribe), (2) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe, and (3) account for the receipt and disbursement of all funds entrusted to it.

(i) The order shall provide that the Board, with the approval of the Secretary, may invest, pending disbursement under a plan or project, funds collected through assessments authorized under this title only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

(j) The order shall prohibit any funds collected by the Board under the order from being used in any manner for the purpose of influencing governmental policy or action except as provided by section 203(a).

(k) The order shall require that each person receiving milk from farmers for commercial use maintain and make available for inspection such books and records as may be required by the order and file reports at the time, in the manner, and having the content prescribed by the order. Such information shall be made available to the Secretary as appropriate to the administration or enforcement of this title, or any order or regulation issued under this title. All information so obtained shall be kept confidential by all officers and employees of the Department, and only such information so obtained as the Secretary deems relevant may be disclosed by them and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving the order with reference to which the information to be disclosed was obtained. Nothing in this subsection may be deemed to prohibit (1) the issuance of general statements, based upon the reports, of the number of persons subject to an order or statistical data collected therefrom, which statements do not identify the information furnished by any person, or (2) the publication, by direction of the Secretary, of the name of any person violating any order, together with a statement of the particular provisions of the order violated by such persons. No information obtained under the authority of this title may be made available to any agency or officer of the Federal Government for any purpose other than the implementation of this title and any investigatory or enforcement actions necessary for the implementation of this title. Any person violating the provisions of this subsection, upon conviction, shall be subject to a fine of not more than $1,000, or to imprisonment for not more than one year, or both, and, if an officer or employee of the Board or the Department, shall be removed from office.

(l) The order shall provide terms and conditions, not inconsistent with the provisions of this title, as necessary to effectuate the provisions of the order.

CERTIFICATION OF ORGANIZATIONS

SEC. 205. (a) The eligibility of any organization to represent milk producers and to participate in the making of nominations under section 204 of this title shall be certified by the Secretary. The Secretary shall certify any organization that the Secretary determines meets the eligibility criteria established by the Secretary under this section and the Secretary's determination as to eligibility shall be final.

(b) Certification shall be based, in addition to other available information, upon a factual report submitted by the organization, which shall contain information deemed relevant as specified by the Secretary, including but not limited to, the following:

(1) geographic territory covered by the organization's active membership;

(2) nature and size of the organization's active membership including the proportion of the total number of active milk producers represented by the organization;

(3) evidence of stability and permanency of the organization;

(4) sources from which the organization's operating funds are derived;

(5) functions of the organization; and

(6) the organization's ability and willingness to further the aims and objectives of this title.

The primary considerations in determining the eligibility of an organization shall be whether its membership consists primarily of milk producers who produce a substantial volume of milk and whether the primary or overriding interest of the organization is in the production or processing of fluid milk and dairy products and promotion of the nutritional attributes of fluid milk and dairy products.

REQUIREMENT OF REFERENDUM

SEC. 206. (a) Within the sixty-day period immediately preceding September 30, 1985, the Secretary shall conduct a referendum among producers who, during a representative period (as determined by the Secretary), have been engaged in the production of milk for commercial use for the purpose of ascertaining whether the order then in effect shall be continued. Such order shall be continued only if the Secretary determines that it has been approved by not less than one-half of the producers voting in the referendum, who during a representative period (as determined by the Secretary) have been engaged in the production of milk for commercial use. If continuation of the order is not approved by a majority of the producers voting in the referendum, the Secretary shall terminate collection of assessments under the order within six months after the Secretary determines that such action is favored by a majority of the producers voting in the referendum.

(b) The Secretary shall be reimbursed from assessments collected by the Board for any expenses incurred by the Department in connection with the conduct of any referendum conducted under this section and section 207, except for the salaries of Government employees.

SUSPENSION AND TERMINATION OF ORDERS

SEC. 207. (a) After September 30, 1985, the Secretary shall, whenever the Secretary finds that any order issued under this title or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such order or such provisions thereof.

(b) After September 30, 1985, the Secretary may conduct a referendum at any time, and shall hold a referendum on request of a representative group comprising 10 per centum or more of the number of producers subject to the order, to determine whether the producers favor the termination or suspension of the order. The Secretary shall suspend or terminate collection of assessments under the order within six months if the Secretary determines that suspension or termination of the order is favored by a majority of the producers voting in the referendum who, during a representative period (as determined by the Secretary), have been engaged in the production of milk for commercial use.

(c) The termination or suspension of any order, or any provision thereof, shall not be considered an order within the meaning of this title.

COOPERATIVE ASSOCIATION REPRESENTATION

SEC. 208. Whenever, pursuant to the provisions of this title, the Secretary is required to determine the approval or disapproval of producers, the Secretary shall consider the approval or disapproval by any cooperative association of producers, bona fide, engaged in marketing milk or the products thereof, as the approval or disapproval of the producers who are members of or under contract with such cooperative association of producers: *Provided*, That, if a cooperative association of producers elects to vote on behalf of its members, such cooperative association shall provide each producer, on whose behalf the cooperative association is expressing approval or disapproval, a description of the question presented in the referendum together with a statement of the manner in which the cooperative association intends to cast its vote on behalf of the membership. Such information shall inform the producer of procedures to follow to cast an individual ballot should the producer so choose within the period of time established by the Secretary for casting ballots. Such notification shall be made at least thirty days prior to the referendum and shall include an official ballot. The ballots shall be tabulated by the Secretary and the vote of the cooperative association shall be adjusted to reflect such individual votes.

PETITION AND REVIEW

SEC. 209. (a) Any person subject to any order issued under this title may file with the Secretary a petition stating that any such order or any provision of such order or any obligation imposed in connection therewith is not in accordance with law and requesting a modification thereof or an exemption therefrom. The petitioner shall thereupon be given an opportunity for a hearing upon the petition, in accordance with regulations issued by the Secretary. After such hearing, the Secretary shall make a ruling upon the petition, which shall be final if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant or carries on business are hereby vested with jurisdiction to review such ruling, if a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering a copy of the complaint to the Secretary. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires.

ENFORCEMENT

Sec. 210. (a) The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any order or regulation made or issued under this title. Any such civil action authorized to be brought under this subsection shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General minor violations of this title whenever the Secretary believes that the administration and enforcement of this title would be adequately served by suitable written notice or warning to any person committing such violation.

(b) Any person who willfully violates any provision of any order issued by the Secretary under this title shall be assessed a civil penalty by the Secretary of not more than $1,000 for each such violation and, in the case of a willful failure to pay, collect, or remit the assessment as required by the order, in addition to the amount due, a penalty equal to the amount of the assessment on the quantity of milk as to which the failure applies. The amount of any such penalty shall accrue to the United States and may be recovered in a civil suit brought by the United States.

(c) The remedies provided in subsections (a) and (b) of this section shall be in addition to, and not exclusive of, the remedies otherwise provided at law or in equity.

INVESTIGATIONS; POWER TO SUBPENA AND TAKE OATHS AND AFFIRMATIONS; AID OF COURTS

Sec. 211. The Secretary may make such investigations as the Secretary deems necessary for the effective administration of this title or to determine whether any person subject to the provisions of this title has engaged or is about to engage in any act that constitutes or will constitute a violation of any provision of this title or of any order, or rule or regulation issued under this title. For the purpose of such investigation, the Secretary may administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any records that are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of records. The court may issue an order requiring such person to appear before the Secretary to produce records or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. Process in any such case may be served in the judicial district in which such person is an inhabitant or wherever such person may be found.

ADMINISTRATIVE PROVISIONS

Sec. 212. (a) Nothing in this title may be construed to preempt or supersede any other program relating to dairy product promotion organized and operated under the laws of the United States or any State.

(b) The provisions of this title applicable to orders shall be applicable to amendments to orders.

SEPARABILITY

Sec. 213. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

Sec. 214. There are hereby authorized to be appropriated such funds as are necessary to carry out the provisions of this title. The funds so appropriated shall not be available for payment of the expenses or expenditures of the Board in administering any provisions of any order issued under the terms of this title.

TITLE III—DAIRY REPORTS

REPORTS

Sec. 301. The Secretary shall submit to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry the following reports:

(1) Not later than July 1 of each year after the date of enactment of this title, an annual report describing activities conducted under the dairy products promotion and research order issued under title II of this Act and accounting for the receipt and disbursement of all funds received by the Board under the order and including an independent analysis of the effectiveness of the program;

(2) Not later than July 1, 1984, a report on the impact of applying nationally the California standards for fluid milk on consumer acceptance, the sales price of the product, and product utilization;

(3) Not later than December 31, 1984, a report on recommendations for changes in the application of the parity formula to milk so as to make the formula more consistent with modern production methods and with special attention to the cost of producing milk as a result of changes in productivity; and

(4) Not later than April 15, 1985, a report on the effectiveness of the paid diversion program carried out under section 201(d) of the Agricultural Act of 1949.

AMENDMENTS OFFERED BY MR. HARKIN

Mr. HARKIN. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Harkin: On page 9, strike out lines 20 through 25, and page 10, strike out lines 1 through 6, and insert in lieu thereof the following new subparagraph:

"(E) The Secretary shall, in accordance with such rules and procedures as prescribed by the Secretary, modify the required reduction in milk marketed for commercial use under contracts entered into under this paragraph if the Secretary determines that as a result of such contracts (i) there would be an excessive reduction in the level of milk production in the United States, or (ii) during a period of ten consecutive market days there has been a reduction of 10 percent or more in the average price received by producers of all beef cattle sold for slaughter at representative locations in the United States in the prior 60-day period, or (iii) there has been other substantial hardship to producers of beef cattle, dairy cattle, hogs or poultry sold for slaughter. The Secretary may modify the required reduction on a uniform basis among all contracts, or may provide for adjustments on such other basis as the Secretary determines equitable.".

On page 14, immediately after line 23, insert the following:

"(P)(i) Each producer of milk in the United States seeking to enter into a contract for diversion payments under this paragraph shall, prior to entering into such contract, provide the Secretary with a plan which describes the manner in which the producer intends to achieve the reduction in milk marketings that would be required under such contract.

"(ii) Such plan shall include an estimate by the producer of the amount of such reduction which the producer intends to achieve through increased slaughter of dairy cattle (including the approximate number of dairy cattle that will be sold for slaughter each month of the contract), and the amount of such reduction through other means, including a description of such means.

"(iii) Each producer shall report to the Secretary any changes in such plan as soon as practicable after the producer decides to make or makes such changes.

"(iv) If, on the basis of the information provided by producers under this paragraph, the Secretary determines that for any period of the diversion program there will be substantial hardship to producers of hogs, beef cattle, or dairy cattle sold for slaughter, or to producers of any other livestock or poultry caused by depressed prices for such commodities that the Secretary determines would result from the increased slaughter of dairy cattle under the program, the Secretary shall adjust the reduction in milk marketed for commercial use required during the various periods of the contract so as to provide for the orderly marketing of dairy cattle for slaughter, or limit the amount of the reduction that may be achieved through the increased number of dairy cattle sold for slaughter during such period and require that the balance of such reduction in milk marketings be achieved through other means: *Provided,* That in the event the Secretary should specify a reduction in marketings in any quarter that is less than the contracted-for percentage, such specified reduction shall not be so great as to require the producer to make a reduction in excess of 150 per centum of the contracted-for reduction in any succeeding quarter; and *Provided further,* That after making any adjustments in milk marketed for commercial use in any period of the contract, except to the extent required by the foregoing proviso, the aggregate reduction in milk marketed for commercial use for the entire diversion period must continue to be at least equal to the total reduction required by the contract.".

On page 18, immediately after line 20, insert the following new section:

AVOIDANCE OF ADVERSE IMPACT OF DAIRY DIVERSION PROGRAM ON BEEF AND PORK PRODUCERS

Sec. 103. In order to minimize the adverse impact of the dairy diversion program on beef and pork producers in the United States during the period the diversion program is in effect—

(1) the Secretary of Agriculture shall, to the maximum extent practicable, utilize

funds available for the purposes of clause (2) of section 32 of Public Law No. 320, 74th Congress (7 U.S.C. 612c) and other funds available to the Secretary under the commodity distribution and other nutrition programs of the Department of Agriculture to increase the utilization of beef and pork for such purposes;

(2) the Secretary of Defense and other U.S. Government and State agencies are encouraged to utilize increased quantities of beef and pork to meet the food needs of the programs which they administer; and

(3) the Secretary of Agriculture shall take appropriate action to encourage the consumption of beef and pork by members of the public.

Mr. HARKIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Iowa (Mr. HARKIN) is recognized for 15 minutes.

Mr. HARKIN. Mr. Chairman, initially, I ask unanimous consent that the figure in my amendment which appears as 10 percent be changed to 5 percent in subparagraph (e) of my amendment as printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Iowa?

Mr. CONABLE. Reserving the right to object, Mr. Chairman, the gentleman has spoken to me about this unanimous-consent request. I have since checked and find that there were three Members of my party who went to the Rules Committee and asked for amendments and were denied them.

This rule was crafted by the Rules Committee with considerable particularity and care and it is my impression that there was a good deal of bargaining in the process.

For that reason, I am reluctant to agree to this unanimous-consent request which involves a considerable substantive change in the amendment that is provided by the rule.

I wonder if the gentleman has more that he would like to say about this, other than in the cold, gray light of dawn he felt that his amendment was a mistake, which I would understand.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Iowa.

Mr. HARKIN. I thank the gentleman for yielding.

At the time that we had to go to the Rules Committee with this amendment, we were trying to craft an amendment, of course, and I will explain it more in my remarks, that would provide for an orderly marketing of these dairy cows, if, in fact, the so-called compromise prevailed.

At the same time, we tried to come up with a floor or a basement under which we would not permit the fall in prices to occur if this should happen.

At that time, it was settled upon 10 percent. I do not know that there was any real investigation done at that time, just simply because we did not have the time to do it. But since that time, the National Cattlemen's Association "Cattle Facts" ran 30 years of data which showed that a 10-percent drop in cattle price would be a catastrophe for the industry and as they said that if you waited that long that would be something like giving a blood transfusion to a patient who is already comatose. In other words, if they are down that far, it would not make any difference what you did they would already be dead.

And so in order to try to bring this basement or this floor up a little bit, I ask unanimous consent to change it to 5 percent.

Mr. CONABLE. Mr. Chairman, further reserving the right to object, I am not an expert.

Mr. HARKIN. If the gentleman would yield further, I just want to make it clear that I do not know that it is a substantive change as such in what the amendment does overall. It is substantive in terms of when the floor becomes a trigger is all. It has no other effect on any other amendments being offered to the bill, such as the amendment of the gentleman from New York, or the gentleman from Illinois, or anybody else's.

Mr. CONABLE. Further reserving the right to object, Mr. Chairman, I am not an expert in this field, but it is my impression that this was fully considered by the Rules Committee and that the gentleman had his day in court up there. And, in fact, was arguing against the consideration on the floor of some other amendments.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Texas.

Mr. STENHOLM. I thank the gentleman for yielding.

And I would ask that the gentleman consider, as the gentleman contemplates whether or not to object to the gentleman's unanimous-consent request, the support for the gentleman's own amendment and the concern that is attempting to be addressed by making this change in the Harkin amendment is designed to see and quite possibly even under the gentleman's amendment that any disruptions of the marketing of the dairy cattle that are going to come to market, either under the gentleman's amendment or under the committee compromise, that they be the least disruptive to the meat markets, the cattle, the beef, the pork producers, the poultry producers, that they be the least disruptive as we in this body can make it. That is the purpose.

And I hope that the gentleman would consider that. It could very well be that this request would be helpful to the gentleman in his quest from the cattlemen's standpoint, of which I am certainly very concerned, and would urge that the gentleman consider that as the gentleman considers his objection.

Mr. CONABLE. Mr. Chairman, further reserving the right to object, I regret that we are likely to get into some debate of the merits at this point. And it seems to me that that is inappropriate.

I think I will object to any change in the rule as put down by the Rules Committee realizing that it may have some impact substantively.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Oklahoma.

Mr. WATKINS. I thank the gentleman for yielding.

I am sympathetic to the gentleman's amendment and tried to deal with it in a very positive light. By accepting Mr. HARKIN's proposal to reduce the 10 percent to 5 percent, I think would add to the gentleman's amendment. If you are looking at 60 cents per pound animal that deviates 10 percent, you are down 6 cents before it triggers and that could destroy, be very destructive, a disaster in the cattle markets across the country. You are still talking about 5 percent, which would be 3 cents down.

I think it is a very logical thing. I have been trying to study and find an answer to this thing because it is very much a dilemma for me. I have been looking at it very sympathetically, at the situation and I personally think Mr. HARKIN's proposal would be helpful to the cattle people that you want to help, Mr. CONABLE——

Mr. CONABLE. Further reserving the right to object, Mr. Chairman, I must say that I am quite uncertain of the effect of this on the substance of my amendment. And I understand the arguments that are being made at this point and I am sure there are arguments on the other side as well.

It seems to me the best course is to stick with the rule that we have, admitting that that rule is imperfect as rules frequently are. I would like to have my own amendment altered in some ways if I had the choice also.

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But it seems to me that we are going to have to deal with this in conference, in any event, with the other body, which has a different version.

Therefore, Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. HARKIN. Mr. Chairman, proceeding on, then, I would just like to point out what my amendment does and try to allay some of the fears of some Members that there is going to be this tremendous amount of meat coming on the market because of the compromise bill that we have before us today.

Let me just point out some figures for the record. Right now, if we take the figure of 1 million cows being slaughtered under the compromise bill, under the diversion program that we have in the bill, we are talking about 600 million pounds of carcass meat, 450 million pounds of boneless. And if you divide the 450 million pounds by 230 million people, we come out to about 1.96 pounds per person. If you divide that by the 15 months that we have, what we come out with is about 1.6 pounds of beef per year per person additional that will be coming on the market. If you divide this by the 70 pounds of beef consumed per person, per capita, annually in this country, that comes out to about a 2.2 percent of the beef consumed annually will be added to the market by the cows that will be culled under the diversion program.

Now, that is just in terms of beef. However, if you look at the total meat supply in the United States, that would represent less than 1 percent of the total U.S. meat supply; in other words, even if we do get the million cows slaughtered, it will only add less than 1 percent to the total meat supply of our country. I really do not think that it is going to have the tremendous effects that some people are talking about. I believe these estimates of the effects on meat prices have been greatly exaggerated and really blown completely out of proportion. So I wanted to lay some of those fears to rest.

Let me speak about a couple of other things, about the cattle inventory that we have right now. From 1982 to 1983, in terms of cattle and calves, we have had a five-tenths of 1 percent reduction. In cows and heifers we have had a reduction of eight-tenths of 1 percent. In beef cows, from 1982 to 1983, we have had a reduction of 1.2 percent. So we have been going down over the last year in terms of the number of cows and also cattle and calves that we have in our inventory. Again, with the amount of cows that will be coming on the market due to the diversion program, I really do not believe it will have the effect that some people are saying. I think it has been greatly exaggerated.

Let me just go over my amendment briefly and explain what it does. Assuming that the diversion program goes into effect, what my amendment does is, it says that the first thing that has to happen is that every dairy farmer has to submit a plan to the Secretary of Agriculture on how he is going to reduce his milk marketings and how he is going to take his cows to market. If the Secretary, after looking at this information, determines that too many cows are going to be coming on the market in the first month or the second month or the third month, he can then modify those contracts and spread this out over a long period of time.

Now, again, as I pointed out, if we can spread this out over a 15-month period of time, which is what we want to do and which my amendment is aimed at doing, we are talking about increasing by only 1.5 pounds per year per capita the total amount of beef consumed; and in terms of the total amount of meat if you include poultry, less than 1 percent.

So the Secretary then looks at these plans, and he can modify them and extend them out.

Now, there is a protection in there for our dairy farmers. The Secretary cannot go to a dairy farmer, let us say, who has a 20-percent contract, cut that contract down to 10 percent for 2 of 3 months, and then come back to the dairy farmer and say, "OK, now you have got to cut 50 percent."

My amendment says that in no case can the Secretary tell a dairy farmer that he has to cut his reductions by over 150 percent of what he had in his contract. In other words, if he had a 20-percent reduction in his contract, the Secretary at no time could ask that dairy farmer to increase his reduction by more than 30 percent. That would be the maximum he could do it.

Now, the second part of my amendment is what we were talking about earlier and what I had asked the unanimous-consent request for. That is the basement. Let us say that the Secretary does not modify the contracts, does not spread them out, and we see a tremendous drop in the price of beef in our country. My amendment says that if during a period of 10 consecutive days during the previous 60-day period of time there is a 10-percent or more reduction in the average price received by producers of all beef cattle sold for slaughter at representative locations in the United States, then the Secretary shall modify the required reduction in milk marketed at that point in time. He cannot put it off beyond that. He has to then take action to stop the cows from coming to market.

The third part of my amendment basically encourages the Secretary to utilize section 32, customs receipts, to utilize to the greatest extent possible these moneys from customs receipts for commodity distribution programs and for nutrition programs administered by the Department of Agriculture.

The CHAIRMAN. The Chair will advise the gentleman from Iowa (Mr. Harkin) that he has 2 minutes remaining.

Mr. HARKIN. I thank the Chair.

Mr. Chairman, it also encourages the Secretary of Defense and other agencies to use meat, and it encourages public consumption.

In short, what my amendment does is, it says:

> Look, if we are going to have the diversion program, we are going to spread this thing out over 15 months period of time, we are going to let the cows come on market in an orderly fashion, and we are going to put a floor under which we are not going to let the prices drop for our beef, pork and poultry producers in the United States.

It is an amendment that is absolutely necessary if we are going to go ahead with the diversion program or any other kind of program that we have.

Even if you are for the Conable amendment, I ask your support for this amendment—it is that necessary—regardless of how you vote on any of the succeeding amendments.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I certainly want to commend the gentleman and join him in support of his amendment. It is a very fine amendment. It is unfortunate that he was not allowed to tighten it up even tighter than he has. I think the point should be made that what he is talking about here is the floor that is only a 3-cent deviation, in the case of beef, on canners and cutters.

Mr. HARKIN. That is right.

Mr. ENGLISH. I think it is a very tight level; one that certainly gives the assurance and should allay the fears of many of the meat and pork producers.

Mr. HARKIN. I thank the gentleman. And we may be able to modify that in conference.

Mr. de la GARZA. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Texas.

Mr. de la GARZA. Mr. Chairman, this is a commitment the committee made to the producers of cattle and pork, and this is our fulfillment of the commitment.

Mr. HARKIN. I thank the gentleman.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Oklahoma.

Mr. WATKINS. Mr. Chairman, I still would like to make an appeal to the gentleman from New York (Mr. Conable), because the same people he is trying to help with his amendment would benefit by tightening up that 10-percent trigger to 5 percent. It is logical, and the only rational decision I think would be able to assist and help here. I would hope that the gentleman from New York is doing some figuring and some calculating, because

I know he is excellent with budget figures.

The CHAIRMAN pro tempore. Is any Member in opposition to the amendment?

Mr. MADIGAN. Mr. Chairman, we have several Members who wish to speak on the amendment. I have no idea whether they want to speak in opposition or in support of the amendment.

The CHAIRMAN pro tempore. The Chair wishes to allot the 15 minutes to a Member opposed so he or she can partition the time.

PARLIAMENTARY INQUIRY

Mr. HARKIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. HARKIN. Mr. Chairman, does not the rule allow 30 minutes total, 15 minutes per side, to the majority and the minority?

The CHAIRMAN pro tempore. That is not correct. It allows the time to a Member opposed to the amendment.

The Chair will recognize a Member who is opposed to control the 15 minutes.

Mr. CONABLE. Mr. Chairman, I will oppose the amendment for the purpose of yielding time to those Members on my side who wish to address it.

The CHAIRMAN pro tempore. The gentlemen from New York (Mr. CONABLE) is recognized for 15 minutes.

Mr. CONABLE. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Chairman, I appreciate my friend and colleague for yielding, and I rise in opposition to the amendment as is, but in support of the amendment in regard to what the gentleman would wish to do, if that is permissible.

One of the major concerns over the dairy compromise bill has been the impact of the bill on the red meat industry. This amendment is a noble effort to address that issue. I commend the gentleman for offering the amendment.

While I support the amendment, I do have some concern over whether the amendment can accomplish the author's intent. I point out to the gentleman from Iowa that the typical cattleman in my district operates on a very small margin. If a cattle feeder operates on a $2-per-hundredweight margin, he is doing really well. Most of the time, cattle feeders operate on 25 cents to 50 cents per hundredweight. The amendment calls for the Secretary to take action after the price of beef sold for slaughter dropped 10 percent or more in 10 market days. That is approximately $6 per hundredweight.

The Secretary taking action after the 10-percent drop in market prices in 10 days—or $6 per hundredweight in fed cattle prices—is like giving chicken soup to the dying patient. It is not going to hurt, but it would not help him either. Cattlemen in the "Big First" in my district in Dodge City are already selling their calves, feeder steers, and heifers below the cost of production. Feed cattle prices yesterday in Dodge City, Kans., were at an even $60 per hundredweight. A 10-percent decline in prices is $6. That could translate into a $1 billion loss to the feed cattle industry market before the Secretary even takes action. This $1 billion figure does not even include the market loss to the cow/calf producers. And, this figure does not include the loss to hog producers.

In addition, this amendment would be difficult for the USDA to administer and adds another administrative headache to a plan that is already administratively complex. However, let me reiterate, I think the amendment is an improvement to the bill. I am just worried whether it can do all that it is supposed to do. I urge my colleagues to support this amendment.

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Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I would be happy to yield to my colleague from Iowa.

Mr. HARKIN. I thank my friend from Kansas for yielding.

Mr. Chairman, I understand the gentleman's concern about some of the figures in it. I have been advised by counsel that this figure may be conferenceable, so perhaps I apologize to the Members. Perhaps I did not have to put them through this exercise in the beginning by asking unanimous consent.

I understand the 10-percent figure is conferenceable. The gentleman from Kansas has my absolute assurance that when we go to conference this gentleman will do everything he can to reduce that figure down to 5 percent.

Mr. ROBERTS. I appreciate the gentleman's comments. I know the 10 percent is not workable. I am worried about the 5-percent figure. I worry about how we can administratively do the job. I think the amendment and the gentleman's suggestion is a much-needed step in the right direction, but, as I said, I am just worried whether it can do all that it is supposed to do.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. GUNDERSON.)

Mr. GUNDERSON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I think we need to spend a little bit of time considering exactly how does the compromise, how does the other bill, affect beef farmers and the entire red-meat industry in this country.

I think the first thing we have to do is eliminate this mindset that the only commodity in agriculture that has any Government support happens to be the dairy industry. Let us take a look at some of the figures.

The fact is that under the school lunch and other commodity programs, USDA purchases about 25 million pounds of pork on an annual basis. Let us just assume a conservative estimate that we would spend about a dollar a pound. That is $25 million. In beef we are looking at about 143 million pounds, and for military purchases, last year we purchased $240 million worth of red meat for our military.

When we add this all up, folks, we are talking about over $400 million in purchases of red meat on an annual basis by the U.S. Government for our various functions. So, do not tell me the Government does not support the beef industry in this country.

The second thing we need to understand is, if the compromise passes, we are probably talking about the maximum slaughter of 1 million additional dairy cows through 15-month diversion program to get production and consumption down to the level we want to go. The fact is that, even if we slaughter the maximum additional cows, we will not be slaughtering as many dairy cows as we did in this country in the late 1970's. In 1976, we slaughtered over 10 million cows, in 1977 almost 10 million cows. In 1983 the estimate is 7.2 million cows. If you add a million to that for 1984 you are still only at 8.2 million. We still are not exceeding those levels we had in the 1970's.

If we slaughter 1 million cows, we are probably going to get about 450 million pounds of boneless beef. That is what the projections would be. The fact is, if you look at red meat imports between 1979 and 1982, you find a reduction in imports equal to that 450 million pounds. Thus, by reducing imports, and through the language in the amendment of the gentleman from Iowa, we will probably have less outside meat coming onto the market than we have had in the past.

Add all of these things up, and I think we get back to that basic question we all must answer. If, we eliminate a million cows in this country, how are we going to do it? Are we going to do it in a controlled fashion, as the compromise suggests, or are we going to do it in an uncontrolled fashion, as the price cut would suggest?

The fact is, under the compromise, we know that there is a limit on cull cows and no farmer will cull more than 30 percent. And the Secretary has the authority to reduce that. Under the price cut, we do not cull the cows, we cull farmers, and when you cull a farmer, you will probably cull an entire herd, and then all of a sudden we are dumping entire dairying operations onto the red meat market. That would be a disaster for beef and pork producers.

Mr. Chairman, the compromise is not only better for dairy farmers than a price cut, but better for beef and pork producers as well.

Mr. CONABLE. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIRMAN pro tempore. The Chair will advise the gentleman from New York (Mr. CONABLE) that he has 9 minutes remaining.

Mr. CONABLE. Mr. Chairman, I now yield 3 minutes to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to follow up on the previous speaker's comments.

First of all, I want to point out that there seems to be some confusion here. If the Conable amendment passes, then there will be no Harkin amendment because the Conable amendment strikes everything in the bill after the enacting clause. Therefore, if you want protection from the impact that culling has on the meat market, you want to make sure that you pass the compromise with the Harkin amendment because culling cannot be uncontrolled under the Conable approach. I think that is an important thing for the meat producers of this country to understand.

I also want to point out what we have already done to insure that we do not have any serious impact on pork and beef producers.

First, at the urging of the livestock industry and because of delays in Congress, the incentive program will now start in January so that any culling comes after the first of the year—away from the real problem we have had from this past summer's drought, and away from the normal culling period for dairy cows. That, we have done. We will be off into January or February before there is any culling to be done.

Second, working with the USDA and the cattlemen and other livestock producers we revised the plan which was initially brought forward to insure that we would not cause all the culling at once. If a farmer comes in with a plan that shows that, over the year, he will meet his contract on his production reductions, he does not have to match quarter to quarter. I do not want to get into the technicalities of that, but what that would have led to is a large cull in the first quarter. That need not happen now.

In addition, to make sure that we do not hurt them, we have the Harkin amendment which says that, in the event we are wrong, then the Secretary has the authority to come in and make sure that the culling is reduced so that we do not do anything to hurt the beef, poultry, and pork producers.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Iowa.

Mr. BEDELL. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the Harkin amendment. I have had numerous telephone calls from my cattle and hog producers in Iowa. I feel it is absolutely critical that somehow we cut back on the number of cows so that we do not flood the market.

The Harkin amendment goes a long way to say that that will be accomplished in a manner which will not be painful to those cattle and hog producers, and I would like to call the attention of the Chamber that we do have a telegram from the Iowa cattlemen in which they also support this Harkin amendment.

Mr. JEFFORDS. I thank the gentleman.

Mr. Chairman, I also would like to point out that an objective study done by a respected organization in this area—the Feed Manufacturers' Association—indicates that the maximum impact on beef prices would be 1 percent. When we realize that the dairy farmers have come forward and said, "We will take a 12-percent cut in order to get the program under control," I think that we have done a very fair job.

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Mr. CONABLE. Mr. Chairman, I now yield myself such time as I may consume.

Mr. Chairman, I take this time for the purpose of entering into a colloquy with the ranking minority member of the Committee on Agriculture, the gentleman from Illinois (Mr. MADIGAN).

I am concerned about the interchange between the cattle industry and the dairy industry with respect to this particular amendment, and it is my understanding that there will be some effect by this amendment on the dairy industry if the Secretary exercises his discretion under the amendment as presented. I certainly have no intention of trying to set one industry off against the other, although I must acknowledge that that tends to be the effect of this bill, particularly the compromise bill, from the word go.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. Mr. Chairman, I would like to ask the distinguished gentleman from Illinois if he would explain to me the elements of the interchange here, assuming the Secretary exercises the discretion that would be given by the Harkin amendment.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, the compromise itself is a very complicated bill, and this particular amendment, of course, is a very complicated amendment. But it seems to me that what the amendment says is that if the Secretary finds that the elements of the compromise are having a negative impact upon the cattle industry, then the Secretary is to suspend the elements of the compromise so as to avoid that negative impact on the cattle industry.

The gentleman from Wisconsin who spoke in the well a moment ago said that under the compromise we are going to eliminate 1 million cows, that we are going to send 1 million cows to slaughter, or that is the objective. It seems impossible to me to send 1 million dairy cows to slaughter without having some impact on the cattle market.

Consequently, if we are passing a bill here that is supposed to solve the dairy problem but saying that if this impacts on the cattle market, we will suspend the elements of the compromise, then what we are saying is that the elements of the compromise are really not going to be put into effect. We cannot have it both ways. We cannot eliminate 1 million cows and not impact on the cattle market.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. Mr. Chairman, I will ask the gentleman from Illinois a further question under my time.

Is it the gentleman's opinion that if in fact some change were to be sought, it would be conferenceable in connection with the Senate version of this bill? In other words, can the Harkin proposal be changed in conference, as the gentleman from Iowa would like to change it here by unanimous consent?

Mr. MADIGAN. Mr. Chairman, if the gentleman will yield, I do not know what is in the Senate bill with regard to this particular item. I understand the bill that we would go to conference on with the Senate contains provisions relating to a broad range of things other than dairy. It seems to me it probably touches on most of the agricultural subjects in which we have had an interest this year.

However, if it does not touch on this particular matter and the Harkin amendment is not in the bill that goes to the Senate, then it would seem to me that we could follow the procedure that we have on many occasions in the past where we come back from conference and go through the Rules Committee to make in order on the floor whatever the conference has done.

Mr. CONABLE. Mr. Chairman, I thank the gentleman for his answer.

Mr. Chairman, I have no further requests for time.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. First, Mr. Chairman, may I ask, how much time do I have remaining?

The CHAIRMAN. The gentleman from New York (Mr. CONABLE) has 2 minutes remaining.

Mr. CONABLE. I yield to the gentleman from Iowa.

Mr. HARKIN. Mr. Chairman, I thank the gentleman for yielding.

The gentleman will like what I am about to say.

I have a commitment to my cattlemen in Iowa to make sure that their position is not misinterpreted. I just want to read this:

> The Iowa Cattlemen's Association supports the Conable amendment as its No. 1 position on dairy legislation. However, the Iowa Cattlemen's Association also supports the Harkin amendment on orderly marketing and favors passage of both amendments.

Mr. Chairman, I just wanted to make that clear. I had a commitment to them to make sure that this was read.

Mr. CONABLE. Mr. Chairman, I thank the gentleman for his clarification.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, there is a point here that I want to get across as we talk about culling and herd reduction and culling farmers.

What has been happening in the dairy industry, which is one of the greatest and most efficient economic institutions in this country, over the last 15 years is that they have been reducing total dairy herd size by about a half million cows a year on a permanent basis, in addition to what is culled for replacement purposes. So there have probably been about 1 million cows culled, and what this proposed compromise does is add another million to that culled population.

In addition to that, the total number of farms that we are talking about "culling" has been dropping at the rate of about 30,000 dairy farms per year every year for the last 15 years. The reason is that our dairy farms are getting more productive and efficient. What the compromise does is try to slow down that process of becoming more productive as a result of the improvements that are taking place in the dairy industry.

Mr. CONABLE. Mr. Chairman, I thank the gentleman for his contribution.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I thank the gentleman from New York for yielding.

Mr. Chairman, I hear all this hue and cry about the million cows that are going to be culled and sent to the market. Yet last year we imported into our country beef at about the equivalency of 1 million cows. I did not hear any dissent here on the floor about the imports of beef. But now that it affects our dairy industry, we hear all about the negative impact that the culling of these dairy cows will have on the beef industry.

Where were our free traders and where were all the other Members when we were importing foreign beef? I want our beef producers to be successful, as we want all sectors of agriculture to be successful. The question I have is, "Why are we importing all this foreign beef to our own detriment? I think it is about time that we take a look at this problem from a new perspective. I know it is anathema to many in this city, but why do we not take care of our own people first for a change. All sectors of American agriculture must work in unison—for the good of all.

Mr. DASCHLE. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Iowa (Mr. HARKIN), to H.R. 4196, the Dairy Production Stabilization Act of 1983.

The objective of H.R. 4196 and the objective of the principal alternative, the amendment to be offered by the gentleman from New York (Mr. CONABLE) is the same, a reduction in milk production. There is agreement milk production should be reduced to address the current imbalance between dairy product supply and demand. There is also agreement because of this imbalance the cost of the dairy program to the taxpayers is too great. Both approaches reduce the dairy price support level. These two approaches are also similiar because the reduction in milk production will be accomplished by the same means, a reduction in the number of dairy cows.

While similiar in these respects, there are important differences between the Dairy Production Stabilization Act and the Conable amendment. During fiscal years 1984 and 1985, the Dairy Production Stabilization Act will cost the taxpayers $1 billion less than the Conable amendment. The Dairy Production Stabilization Act will also more effectively reduce the current dairy surplus. In 2 years, the Dairy Production Stabilization Act will reduce the current surplus from approximately 20 billion pounds to 600 million pounds whereas the surplus will be reduced to only 7.2 billion pounds should the Conable amendment be adopted. Further, the Dairy Production Stabilization Act provides for a dairy producer-financed, promotion program to encourage increased demand for dairy products.

Each of these differences is important, but one additional difference is especially significant. This difference is the Harkin amendment which provides for orderly marketing of culled dairy cows. The reduction in dairy cow numbers which will occur under either the Dairy Production Stabilization Act or the Conable amendment will not occur in a vacuum. The reduction in dairy cow numbers means more dairy cows will be sold for slaughter and the supply of red meat will be increased to the detriment of cattle, pork, and other meat producers. The Conable amendment makes no provision for the orderly marketing of culled dairy cows. In contrast, the Harkin amendment provides for needed orderly marketing of culled dairy cows.

I urge my colleagues to support the Harkin amendment and to support the Dairy Production Stabilization Act as amended because it is the better approach for the Nation's taxpayers, our cattle and pork producers, consumers, and the Nation's family dairy farmers.

● Mr. FRENZEL. Mr. Chairman, I rise today to express my continued support of the compromise bill and my disapproval of the amendment offered by the gentleman from New York (Mr. CONABLE).

Besides the initial headache that this amendment would offer to any conference committee, since the dairy legislation passed by the Senate is completely incompatible with this program, there are other difficulties with the Conable proposal. The Conable plan would cut the support price by $1.50 immediately. The producers in my district have told me that in the event of an immediate price cut they would have no choice but to start producing more milk. Increased production runs contrary to the original goal of any dairy legislation, which is to reduce surpluses.

Moreover, Mr. Chairman, I am very concerned about the budgetary impact of this legislation. In my judgment, the Conable amendment would, if passed, be a liability to the Federal budget. In a letter, signed by myself, and several other of my colleagues on the House Budget Committee, and circulated 2 weeks ago, we cited CBO estimates that the compromise plan would cost $770 million less in fiscal years 1984 and 1985, than the Conable alternative. Insofar as I am aware, the CBO has not changed its analysis.

It is also worth noting, Mr. Chairman, that the cost of the Conable plan would be totally absorbed by the taxpayer, while the major cost of the compromise plan would be carried by the assessment that dairy farmers would pay into the program.

There are several other amendments which would make adjustments to the compromise plan. All of them are very well intended. However, Mr. Chairman, I think we should be careful about any rush to improve on a plan which we have not seen operate yet.

My distinguished colleague from Minnesota (Mr. OBERSTAR) has an amendment to lengthen the lifespan of this plan from 15 to 21 months. I think that we may very well want to extend the time of this program also. However, that is a decision which would probably be better made once we know more about the full effect of the program we are installing. More importantly, we all know that the 21-month period will draw a certain veto. At this time then, the amendment is counterproductive.

It is because I believe that such decisions should be made later, from a more educated standpoint, that I am in opposition to most of the other amendments being offered today. A $10 diversion payment may be too high, as Mr. MADIGAN suggests. The producers in my district have told me that their production might have been diverted with a lower incentive. However, it would be better to see the nationwide participation rate before adjusting the committee plan.

It is also for these reasons that I cannot support the interesting ideas embodied in the amendments offered by Mr. CLINGER, limiting the 50-cent assessment to producers who increase production, and by Mr. SKEEN, which would exempt producer handlers from participation.

I am, Mr. Chairman, in favor of several amendments being offered today. Mr. HARKIN has an amendment which may reduce the meat industry's fear that a large amount of red meat will be made available too abruptly as dairy farmers cull their herds. It allows for a phasing in of culled cows into the market.

I also think Mr. MORRISON's amendment to allow those dairymen already paying into a State, or regional program to defer paying into a national program also in the compromise plan. Although this would not affect my producers since their 6-cent promotion fee does not exceed the 10-cent exclusion limit in the bill, I still believe that this amendment is only fair.

Mr. Chairman, we have waited too long to pass this legislation. Now that we finally have the question before us it would be a pity to make a wrong decision at this late date. The compromise plan is cheaper, will reduce surpluses, and is much more flexible than any other alternative.

Therefore, Mr. Chairman, I would urge the passage of H.R. 4196, as reported by the committee, and a rejection of the Conable amendment.●

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. CONABLE) has expired.

All time on the amendments has expired.

The question is on the amendments offered by the gentleman from Iowa (Mr. HARKIN).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. HARTNETT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call.

Mr. HARTNETT. Mr. Chairman, I withdraw my point of order, and I now demand a recorded vote.

The CHAIRMAN pro tempore. The Chair reluctantly must advise the gentleman that his request comes too late.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 472]

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (AL)
Edwards (CA)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kasich
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

☐ 1200

The CHAIRMAN pro tempore. Four hundred eleven Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from South Carolina (Mr. HARTNETT) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair will remind Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 348, noes 71, answered "present" 1, not voting 13, as follows:

[Roll No. 473]

AYES—348

Ackerman
Addabbo
Akaka
Albosta
Alexander
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carper
Carr
Chandler
Chappell
Cheney
Clarke
Clay
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Craig
Crockett
Daniel
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (AL)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gray
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hightower
Hiler
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lujan
Luken
Lundine
MacKay
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martinez
Matsui
Mavroules
McCloskey
McCollum
McCurdy
McEwen
McHugh
McKernan
Mica
Mikulski
Mineta
Mitchell
Moakley
Mollohan
Montgomery
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Roberts
Rodino
Roemer
Rogers
Rose
Rostenkowski
Roth
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schumer
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Snyder
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Walgren
Watkins
Weaver
Weber
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolf
Wolpe
Wright
Wyden
Yatron
Young (AK)
Young (MO)
Zablocki
Zschau

NOES—71

Anderson
Badham
Broomfield
Brown (CA)
Carney
Chappie
Clinger
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Dannemeyer
Dreier
Erlenborn
Florio
Forsythe
Frank
Gradison
Green
Gregg
Hartnett
Hillis
Holt
Hyde
Kasich
Lent
Lewis (CA)
Lowery (CA)
Lungren
Mack
Madigan
Markey
Martin (NY)
Mazzoli
McCain
McCandless
McDade
McGrath
McKinney
McNulty
Michel
Miller (CA)
Miller (OH)
Minish
Moorhead
O'Brien
Packard
Ridge
Rinaldo
Ritter
Robinson
Roe
Roukema
Schulze
Seiberling
Shumway
Smith (NJ)
Solomon
Stokes
Thomas (CA)
Vucanovich
Walker
Waxman
Weiss
Wortley
Wylie
Yates
Young (FL)

ANSWERED "PRESENT"—1

Edwards (CA)

NOT VOTING—13

Dellums
Early
Edgar
Edwards (OK)
Gramm
Heftel
Lowry (WA)
Molinari
Paul
Pritchard
Solarz
Udall
Winn

☐ 1210

Mr. LEHMAN of California changed his vote from "no" to "aye."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MORRISON OF WASHINGTON

Mr. MORRISON of Washington. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORRISON of Washington: Page 27, line 10, insert after "marketed" the following: ", or up to the aggregate rate in effect on the date of the enactment of this Act of such contributions to such programs (but not to exceed 15 cents per hundredweight of milk marketed) if such aggregate rate exceeds 10 cents per hundredweight of milk marketed,".

The CHAIRMAN pro tempore. Pursuant to House Resolution 355, the gentleman from Washington (Mr. MORRISON) is recognized for 5 minutes in support of his amendment, and a Member opposed to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. MORRISON).

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the chairman, the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. I appreciate the gentleman yielding. I would like to state to the gentleman that we have carefully studied and analyzed the gentleman's amendment. We find it to be a constructive amendment and we have no objection to it and would accept it on our side.

Mr. MORRISON of Washington. I thank the gentleman.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. I thank the gentleman for yielding.

For what it is worth, although this is a modest amendment for most of the Members here, I am sure it is important for the gentleman's State and I think his leadership on it deserves the accolade of the group. I have no objection to it.

Mr. MORRISON of Washington. I thank the gentleman. It is also important to about 10 different States that have shown leadership in the promotion of dairy products.

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from Washington.

Mr. SWIFT. I want to commend my colleague from Washington State for offering this amendment.

Mr. Chairman, I rise in support of the Morrison amendment. Washington State, along with six other States, has been a leader in the advertising and promotion of dairy products. Washington State dairy producers are currently assessing themselves 14.3 cents per hundredweight for a promotion program which is working—and working well.

Why should these pioneers in the promotion of dairy products be penalized?

This amendment supports the advertising program of the compromise bill while not thwarting the already operative State and regional promotional programs that are currently thriving. Once the national advertising program goes into effect, these States have the option to gradually shift some of their local programs into the national program without penalizing their own ongoing promotion programs.

I urge support of this amendment.

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from South Dakota.

Mr. DASCHLE. Mr. Chairman, I rise in support of this amendment.

I join with the chairman of the committee, the gentleman from Texas (Mr. de la Garza), in support of the amendment offered by the gentleman from Washington (Mr. Morrison). The amendment offered by the gentleman from Washington encourages the continuation of existing State and regional dairy product promotion programs which are financed by dairy producers with a contribution of more than 10 cents per hundredweight of production. Current State and regionally based producer-financed dairy product promotion programs have demonstrated promotion is an effective means of encouraging increased dairy product consumption and these State and regionally based producer-financed promotion programs should be encouraged to continue to promote increased dairy product consumption.

Mr. MORRISON of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont (Mr. Jeffords).

Mr. JEFFORDS. Mr. Chairman, I would like to speak in favor of the amendment. First, I think we ought to take a little time here to point out the importance of the promotion program which is in the dairy compromise and which would be struck if the Conable amendment is approved.

The studies indicate very strongly that more needs to be done in promoting the sale of dairy products. In fact, the estimates all indicate that we will have a significant, if not substantial, increase in consumption. This will reduce rather dramatically the cost to the Government of the program if we do something about promotion.

For instance, the CBO, which takes the most conservative estimate, indicates that it will increase consumption by at least 0.5 billion pounds. Another study by Cornell indicates that it will increase consumption 4 billion pounds annually, and that it will save the taxpayers about $660 million annually.

So this is a very important element of the dairy compromise which again would be struck out by the Conable amendment.

In addition, this amendment makes it more equitable in that it helps those areas which are already doing more than their part to do something about increasing consumption, and that is why I support the amendment and I think it is excellent.

Just to give an idea what the problem with the consumption of dairy products is, we are outspent right now 49 to 1 by the carbonated beverage industry. We need to do something about this.

This will give us a coordinated program of promotion, and as well as that market research which will assist greatly in reducing the costs of this program to taxpayers, reduce the surpluses, and give us a healthier life.

So I hope you will all support this very excellent amendment.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from New York.

Mr. CONABLE. I certainly would like it clear I am not opposed to promotion, and my support of the gentleman from Washington's amendment indicates that.

However, the best way to promote the sale of milk is to get the price down, and that is the effect of my amendment.

It is entirely possible that we can work out some kind of a voluntary promotion deal in conference with the other body, but I would like to point out that the compromise proposal mandates promotion and therefore is quite outside the tradition which normally gives the farmers some say in whether or not they have some promotion.

□ 1220

I think where they have taken the initiative, as they have in the gentleman from Washington's State, it is entirely appropriate that we recognize that and approve it.

Mr. MORRISON of Washington. Mr. Chairman, I yield to the gentleman from Minnesota for a question.

Mr. STANGELAND. I would like to know exactly how the gentleman's amendment affects States who presently do not have a promotion program. There would be a mandatory checkoff to farmers, dairy farmers in those States that presently do not have a promotion program.

Mr. MORRISON of Washington. The amendment would not affect those States which currently do not have a program.

Under the provisions of the bill, those States adopting an approved program could get up to as high as a 10-cent rebate if they chose to have a State program as opposed to a national program.

Mr. STANGELAND. So in the case of my State of Minnesota, which has a program, and presently has a 15-cent checkoff, but a producer, if he filed for a refund, could have a refund, how would the gentleman's amendment affect States such as that?

Mr. MORRISON of Washington. Under my amendment, the gentleman's producers, if they are currently participating in an approved State program, would have access to a full 15-cents refund.

Mr. STANGELAND. Mr. Chairman, I thank the gentleman for yielding. I would suggest that the chairman of the committee (Mr. de la Garza) and those who sit on the conference, presuming they have a conference, take a good, careful look at what we are doing with this amendment.

Mr. MORRISON of Washington. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. Rowland).

Mr. ROWLAND. Mr. Chairman, I rise in support of Mr. Morrison's amendment, and I commend you for your efforts in increasing the credit and grandfathering-in those States already contributing a local assessment to dairy promotion and research. In my State of Georgia, our dairy producers already take part in promoting the use of dairy products, and this has served as a crucial factor in increasing the consumption of milk in our State. This proposed nationwide dairy promotional program will help us to educate our consumers, effectively increase milk consumption, and certainly help to reduce the surplus.

I represent a district largely composed of agricultural interests and the dairy farmers in my district have been anxiously waiting for several months for congressional action and direction as to what their future holds. I am distressed that this issue was not dealt with earlier; however, in addressing this issue today we are giving our farmers a positive indication that we are all directly affected by their future. The dairy farmers which I talked with throughout my travels in my district are all in agreement that the current assessment has to be eliminated in order to allow many of the farmers to remain in the business. In discussing the provisions of the dairy compromise legislation, there was a consensus of support expressed by these dairy farmers which I am echoing today. In resolving this unacceptable situation, we can all agree that something must be done to correct the surplus problem, without reaching deeper into the taxpayers' pocket. According to the Congressional Budget Office, the compromise bill will save the taxpayers approximately $1.1 billion, without mentioning the dramatic reductions in the level of CCC dairy product inventories. This is what we want to accomplish: Savings to our taxpayers and surplus reductions. With the compromise plan, we can accomplish our goals.

In supporting the compromise, I also want to address the potential impact of the dairy compromise legislation on the beef, pork, and poultry industries. Since the beef, pork, and poultry industries contribute much to the State of Georgia and to my district, I do have reservations over the effects of the dairy compromise legislation on these industries. I do not feel any of us here want to intentionally hurt other segments of agriculture; therefore, to provide safeguards for these industries, Mr. Harkin has offered his amendment today, which I support. We all share the concerns of these industries, and we do not want to detrimentally affect them. The inclusion of the Harkin amendment encourages an orderly and controlled marketing of the cattle, and it is important to note, the Conable amendment does not provide this safeguard protection.

Farmers are dedicated, hard-working individuals who contribute to America's overall economic success. As we confront the problems, today, facing just one segment of agriculture, it is an unfortunate reality that many of these dairy farmers will not be able to remain in business. However, I believe the dairy compromise plan is the most effective means of insuring the survival of others. As we continue to work on issues facing the agriculture community, it is my sincere hope that we can be united in our efforts and work for the good of agriculture, as a whole.

The CHAIRMAN pro tempore. Is there a Member who wishes to oppose the amendment offered by the gentleman from Washington (Mr. Morrison)?

The question is on the amendment offered by the gentleman from Washington (Mr. Morrison).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. SKEEN

Mr. SKEEN. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Skeen: Page 18, line 20, strike out the close quotation marks and the period at the end thereof.

Page 18, after line 20, insert the following: "(7) For purposes of this subsection, the terms 'milk produced for commercial use' and 'milk marketed for commercial use' do not include milk produced by a producer who processes such milk for marketing as fluid milk or products of milk and who markets such processed milk.".

Page 21, line 18, strike out "and".

Page 21, line 21, strike out the period and insert in lieu thereof "; and".

Page 21, after line 21, insert the following: (m) the terms "milk for commercial use" and "milk produced for commercial use" do not include milk produced by a producer who processes such milk for marketing as fluid milk or products of milk and who markets such processed milk.

Page 27, line 11, strike out "Any" and all that follows through line 14.

Mr. SKEEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from New Mexico (Mr. Skeen) is recognized for 10 minutes, and a Member opposed to the amendments will be recognized for 10 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. Skeen).

Mr. SKEEN. I thank the Chairman.

Mr. Chairman, I think it would be well to start off by saying that we talk a lot about little people around here, little producers, little business person, and in this case this amendment strikes directly at a problem affecting the small dairy producer-handler.

The effect of this amendment would be to exempt the so-called producer-handler from the assessment under the compromise bill. The effect of this is to exempt some 500 producers out of 250,000 dairy producers in the United States from some of the provisions in this particular bill.

Let me say right at the beginning that a producer-handler is a dairy producer who processes and distributes his own dairy products.

They do not buy, and I want this made clear in the record that they do not in most instances ever buy from other producers, or anything of that kind. They are strictly small producers, something on the order of 150-cow herds or less. But in some instances they can go as high as 1,000 cows, but this is a very rare instance indeed.

They account for less than 1 percent of the total milk production in the United States.

These farmers do not and cannot participate in the withdrawal provisions of the diversion program because it would so unbalance their production that it would render it inefficient.

The producer/handlers are the only processors that would be taxed under this particular bill. They market their milk directly to their customers in a small geographic area, usually. They do not sell to the CCC or to the Commodity Credit Corporation, and they are, therefore, not a source of any surplus.

The argument is that any milk produced in the United States has some effect on the surplus in the United States. I would say it is just the reverse. These marketers are direct marketers; they are small and they do not produce any appreciable effect on the nationwide market because they do not have that kind of volume.

They also present a competitive increment or element into the process of milk production in the United States today.

As a matter of fact, they are the only producers that service some more remote areas of the United States. So I would say that they do provide a small amount of competition to large cooperatives and corporations that are in the milk business because the milk business is big business, because of the kind of supports that we have in the United States today for dairy production and thereby creating a surplus problem.

So I ask support for the amendment. It is a small amendment, fairly insignificant, but I think one that is vital to the concerns of the small dairy producer in the United States today who also processes and handles his own dairy production.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman.

Mr. CONABLE. I thank the gentleman for yielding.

Mr. Chairman, for what it is worth, I would like to say that I support the gentleman's amendment.

Mr. SKEEN. I thank the gentleman for his comments.

Mr. Chairman, I have no further requests for time.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Is there a Member who is opposed to the amendment?

Mr. HARKIN. Mr. Chairman, I oppose the amendment.

The CHAIRMAN pro tempore. The gentleman frm Iowa (Mr. Harkin) is recognized for 10 minutes.

Mr. HARKIN. I thank the Chairman.

Mr. Chairman, I rise in opposition to the amendment, even though I have a great deal of respect for my good friend from New Mexico (Mr. Skeen) who is a good, solid member of our subcommittee.

I have a lot of sympathy with the small producer/handler in this country. But as the gentleman said, producers/handlers are still benefiting from the price support program. So if they benefit from it they ought to be asked to help us out a little bit.

Now, the gentleman (Mr. Skeen) talks about the little producers/handlers. Well, let me tell you some of them are small but some of them are awful big.

There is one producer handler called the Braum Ice Cream Stores. They cover three States, Oklahoma, Texas, and Kansas; they have 123 retail stores, and they milk 3,500 to 5,000 cows.

Now, with the gentleman from New Mexico's amendment they would be exempted. In fact, I have some statements that while the number of producers/handlers is small, 589 located in all but 6 of the 50 States, their volume represents about 1 percent and surveys have shown that in some areas as much as 10 percent of the fluid milk sales during certain times of the year are handled by producers/handlers. Excluding these producers/handlers from this legislation would set a precedent that would result in pressure for further exemptions from the assessment and diversion program provisions.

In addition, and this is the point that I really want to make to my colleagues, if you exempt the producers/handlers some independent dairies, coops, and individual producers will then become producers/handlers; they will just change their method of operation slightly, rather than being incorporated, rather than being a co-op, they will all of a sudden become producers/handlers in order to exempt themselves from the assessment.

So to sum up, while there are some small ones, there are some very big ones and if you exempt them you will tear apart this whole compromise that we have put together.

Finally, as long as they benefit from the program I feel that the producers/handlers ought to also help us get out of the situation that we are in.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman.

Mr. JEFFORDS. I thank the gentleman for yielding.

Mr. Chairman, I, too, oppose the amendment. I probably end up sort of praising it with faint damns.

I think what we have done here is a compromise that was worked out among all producers. We worked very hard to get a compromise. But I would point out that the actual impact of this on a cost basis is very minimal, almost negligible, so do not be too concerned about that. But it does point up, though, that we do have here for the first time in history a paid-by-farmers diversion program.

Unfortunately this amendment would exempt the handlers from paying the 50 cents but would allow them to participate in a diversion program.

□ 1230

Now I think that probably can be worked out in conference, but obviously, you should not get it both ways.

So, I would reluctantly, in that sense, oppose the amendment.

I would like to make this one other observation relative to a comment made earlier as to a price cut versus promotion. At least Cornell, which the other side has relied upon, would indicate that you get about three times as much increase in consumption versus a promotion program, by the promotion program versus price cut.

And I point out both the compromise and the Conable amendment have a $1.50 price cut. It depends on how you phase them in.

Mr. HARKIN. Mr. Chairman, again, if you vote for this amendment, you exempt some extremely large producers-handlers. Based on data provided by the Dairy Division of the Agricultural Marketing Service of the USDA, the sales of the average producer-distributor in the United States were 2½ times as large as the deliveries of the average farmer marketing under Federal milk marketing orders in 1980.

Now, you might say, well, they do not contribute to the surplus. Well, that is also true of our dairy farmers in Florida, too, but they are willing to bite the bullet because they understand we are all in this together. They also understand that we all benefit, all dairy farmers, whether you are a producer-handler, or a cooperative, or whatever, you benefit from the price support program.

And to that extent, all dairy farmers ought to be willing to pitch in and to reduce these tremendous surpluses that we have.

I ask for a "no" vote on the amendment of the gentleman from New Mexico (Mr. SKEEN).

Mr. Chairman, I yield back the balance of my time.

Mr. SKEEN. Mr. Chairman, I appreciate very much that the gentleman from Iowa is trying to make his point, but once again, I want to point out to him and to the rest of the Members that what he has used in his arguments is a total concentration on extreme cases.

For instance, in using—and I think it proves my point right from the very beginning that you do have some rare exceptions, that these are all very small producers. You can take any kind of case and get the extreme and that is exactly what the gentleman from Iowa has done and I appreciate where he is going, but then if you have a producer covering the areas of Oklahoma, Texas, and Kansas, if you are in the Oklahoma Panhandle or in the Texas Panhandle, you are not covering an awful lot of area. And 3,500 cows would be an extreme case for a producer-handler under this bill.

Also, to use the argument that a coop could become producer-handlers is stretching this thing to a further extreme because that is almost to the point of being pure poppycock. The reason I will say that this way, is because to do that, the co-ops would almost have to disband into individual units and become real producer-handlers. They do not want to do that. And I do not think under many circumstances that the gentleman from Iowa would use that kind of an argument.

Also, to respond to the point that the benefits of these great programs that we have in the dairy producing areas of the United States are of great benefit to these small producers is also using an extreme example. These are folks who have, by and large, had a traditional production and distribution area of their own, long before Government programs were initiated in the United States in the dairy production end of the agricultural business. They have produced for a particular consumer and they do not participate in the programs that we have by selling to the CCC.

I want to emphasize to the Members that once again this is a small problem. I am rather surprised that the gentleman from Iowa has taken exception to this amendment because it does not really amount to a great deal to the whole program. We are trying to preserve for the small agricultural producer some kind of individuality and not because we have a national program for some kind of participation in these particular programs when they choose not to participate.

So what we are doing is saying that we have got a closed shop in the diary production end of this business and that if you do not belong to the team then you cannot produce at all, or you are going to be taxed.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Texas.

Mr. DE LA GARZA. I thank the gentleman for yielding. I agree with him that this issue has two sides to it. But I would like to remind the gentleman that all we do here would be for naught, including the gentleman's amendment, if approved, if the Conable amendment is agreed to. Then it will take everything out of the bill, including the gentleman's amendment.

Mr. SKEEN. I understand that very much and I do appreciate the gentleman from Texas reminding me. And I would like to say this: The reason why we chose to go ahead and bring up these amendments at this time is to make a record, regardless of what happens later on in the bill, that we still would like to see where we are giving some cognizance to this kind of an exception within the system.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Iowa.

Mr. HARKIN. I thank the gentleman for yielding.

I was just wondering again, about crafting these amendments. The gentleman from New York (Mr. CONABLE) was taking me to task earlier for perhaps not crafting an amendment exactly like I wanted it in the beginning. I wish the gentleman perhaps had crafted this amendment to just apply to the small producer-handlers and put some kind of a number of cow limit, because as the gentleman says perhaps I use an extreme case. But there are a lot of those in the United States.

Mr. SKEEN. If the gentleman will let me reclaim my time, I did not take exception to that, but I said in any instance that we argue on this floor you can use an extreme example. And I appreciate the point that he was making.

Mr. CRAIG. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Idaho.

Mr. CRAIG. I thank the gentleman for yielding.

Let me use two real, but extreme, examples. In my State we have two dairies at this moment that are milking over 1,000 cows apiece. They are ready to break ground for bottling plant facilities and will become producer-handlers if the compromise bill, with the gentleman's amendment in it, passes.

They will then be exempt, but they will receive the benefit of payback, the payback will ultimately pay for their bottling facility and they will be in full production.

Now that may be an extreme case, but it is reality.

Has the gentleman in his legislation recognized that he opens that door, or is the gentleman only saying that he will allow those who are currently in the producer-handler mode to receive the benefit and not those that can break ground and become that in 2 months or less period of time?

Mr. SKEEN. Once again this reverts back to what the intent is. I would like the record to be clear that what we intend doing is exempting those persons who are in this category now and not to abuse it by using it as a loophole.

Mr. LEVITAS. Mr. Chairman, I rise in support of the Skeen amendment. The goal of the dairy compromise bill, which I also support, is to reduce dairy production, eliminate some of the huge dairy surplus and provide some stability and a fair price for our dairy farmers while we attempt to bring dairy production back in line with consumption.

Producer-handlers, however, which the Skeen amendment seeks to exempt from the 50-cent tax and the paid diversion program, do not contribute to this Nation's dairy surplus. They have no surplus to sell because their distribution is made directly to the retailer/consumer. They sell to this established local market only and have geared their facilities and investment directly toward this market. In order simply to survive, they must operate at full capacity.

Furthermore, in no way will producer-handlers be able to benefit from the paid diversion program. These farmers cannot cut back on their production because it is tied directly to local demand and consumption and any reduction in production would render their operation grossly inefficient and could cause many of them to go out of business. Since they could not undergo any reduction, they could not receive any of the $10 per hundredweight provided by the paid diversion program. It would seem unfair, then, to force these farmers to pay for a program in which they could not participate.

The Skeen amendment will affect fewer than 500 of the 250,000 dairy producers in this country. This small group produces less than 0.2 percent of our total milk production and if they are included in the bill will generate less than $5 million in revenues from the 50-cent assessment—and, again, they would not be able to put to use the tax that was taken from them as other farmers would.

This group has traditionally been exempt from paid diversion programs because they have associated processing and distribution units which require volume maintenance for efficiency of operation and survival.

Finally, I hope my colleagues will recognize that producer-handlers represent the epitome of the small businessman. He is typically a farmer who produces the milk on his own farm, processes it on his own farm, and distributes it to his own community with his own means of transportation. He is a man who is not particularly interested in a large scale national milk program, but who wants to be left alone to continue his business of providing his community with a quality product at a reasonable price without interference from the Federal Government.

It would be detrimental to producer-handlers and unproductive toward the goals of the bill to force them to participate in the program.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendments offered by the gentleman from New Mexico (Mr. SKEEN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HARTNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 249, not voting 22, as follows:

[Roll No. 474]

AYES—162

Ackerman
Anderson
Applegate
Archer
Aspin
AuCoin
Badham
Bereuter
Bethune
Bliley
Boehlert
Boland
Bosco
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chandler
Chappell
Chappie
Cheney
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Conte
Corcoran
Coughlin
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Dicks
Donnelly
Dreier
Duncan
Dwyer
Edwards (AL)
Emerson
English
Fazio
Fiedler
Fields
Fowler
Frank
Franklin
Gejdenson
Gekas
Gibbons
Gingrich
Goodling
Green
Gregg
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Heftel
Hightower
Hiler
Hillis
Holt
Hunter
Hyde
Jenkins
Jones (OK)
Kemp
Kennelly
Kindness
Kolter
Kostmayer
Lagomarsino
Latta
Lehman (CA)
Leland
Levitas
Lewis (CA)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lundine
Lungren
Mack
Madigan
Markey
Marriott
Martin (IL)
Martin (NC)
Martinez
Mavroules
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McKernan
McNulty
Michel
Miller (CA)
Moakley
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Murtha
Nielson
Nowak
O'Brien
Packard
Parris
Pashayan
Petri
Pickle
Porter
Pursell
Ratchford
Ridge
Ritter
Roberts
Robinson
Roemer
Roth
Roukema
Rudd
Sawyer
Schneider
Shannon
Shaw
Shumway
Shuster
Skeen
Smith (NJ)
Smith, Robert
Spence
St Germain
Stangeland
Studds
Stump
Taylor
Thomas (CA)
Torres
Vandergriff
Volkmer
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whittaker
Wolf
Wortley
Yatron
Young (AK)
Young (FL)
Zschau

NOES—249

Addabbo
Albosta
Alexander
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Bilirakis
Boggs
Bonior
Bonker
Borski
Boucher
Breaux
Britt
Brooks
Broomfield
Brown (CO)
Bryant
Burton (CA)
Carper
Clarke
Clay
Collins
Conyers
Cooper
Courter
Coyne
Craig
Crockett
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dingell
Dixon
Dorgan
Dowdy
Downey
Durbin
Dyson
Eckart
Edwards (CA)
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Feighan
Ferraro
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gilman
Glickman
Gonzalez
Gore
Gradison
Gray
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kildee
Kogovsek
Kramer
LaFalce
Lantos
Leach
Leath
Lehman (FL)
Lent
Levin
Levine
Lewis (FL)
Lipinski
Lloyd
Long (LA)
Long (MD)
Luken
MacKay
Marlenee
Martin (NY)
Matsui
Mazzoli
McEwen
McGrath
McHugh
McKinney
Mica
Mikulski
Miller (OH)
Mineta
Minish
Mitchell
Mollohan
Montgomery
Moody
Mrazek
Murphy
Myers
Natcher
Neal
Nelson
Nichols
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Panetta
Patman
Patterson
Pease
Penny
Perkins
Price
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Rinaldo
Rodino
Roe
Rogers
Rose
Rostenkowski
Rowland
Roybal
Russo

Sabo
Savage
Schaefer
Scheuer
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shelby
Sikorski
Siljander
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith, Denny
Snowe
Snyder
Spratt
Staggers
Stark
Stenholm
Stokes
Stratton
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (GA)
Torricelli
Towns
Traxler
Valentine
Vento
Walgren
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Wylie
Yates
Young (MO)
Zablocki

NOT VOTING—22

Akaka
Barnard
Boner
Boxer
Brown (CA)
Carr
Dymally
Early
Edgar
Edwards (OK)
Gramm
Hance
Lowry (WA)
Molinari
Paul
Pepper
Pritchard
Solarz
Solomon
Udall
Vander Jagt
Winn

□ 1250

The Clerk announced the following pair:

On this vote:

Mr. Hance for, with Mr. Akaka against.

Mr. RICHARDSON and Mrs. JOHNSON changed their votes from "aye" to "no."

So the amendments were rejected.

The result of the vote was announced as above recorded.

AMENDMENTS OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. OBERSTAR: Page 2, line 19, strike out "April 1, 1985" and insert in lieu thereof "October 1, 1985".

Page 3, line 3, strike out "July 1, 1985" and insert in lieu thereof "January 1, 1986".

Page 4, line 1, strike out "fifteen-month" and insert in lieu thereof "21-month".

Page 5, line 20, strike out "fifteen-month" and insert in lieu thereof "21-month".

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 355, the gentleman from Minnesota (Mr. OBERSTAR) will be recognized for 20 minutes, and a Member opposed to the amendments will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment is very straightforward and uncomplicated. It extends the compromise dairy program 6 months beyond the time provided in the bill. It makes it a 21-month instead of a 15-month program.

My amendment provides that this dairy program will terminate at the same time as the other programs in the 4-year farm bill. It puts dairy on an equal footing with all the other farm programs that Congress has enacted into the 4-year farm bill.

The amendment will continue, therefore, the assessment of 50 cents a hundredweight for that additional 6-month period in order to finance the longer program. It will also make corresponding changes in the effective dates for the grant of authority for the Secretary of Agriculture to make the price support cuts that are provided for in the basic legislation.

What the supporters of my amendment want to do with the compromise bill is provide equity or equality for dairy farming with other aspects of farming. The extension of time is necessary. It is just simply realism to give the diversion program a fair chance to work and to be effective.

I have talked with a great number of dairy farmers throughout my district and elsewhere in the State of Minnesota and in other States who have said they will just wait on this 15 months, and when that 15-month period is over, they will have their heifers fresh and ready to go and we will be right back into the overproduction all over again.

That does not make any sense. Farmers are not going to stand by and take a financial beating. They recognize what is in store for them. They will prepare for that day when this program ends and when the diversion payments stop and when they have no income coming from the diversion program, and they will provide for this by increasing their production. They will probably cull their poorest producing cows. They will have some fresh and ready to go at the 15-month mark, but if they know that there is going to be a 4-year program, if they have some certainty that the Congress will have to act to provide for a future for dairy farming at the conclusion of this program, they will comply. They would be willing to go along with this. The concept of managing a reduction of the oversupply, even though many of them do not like the specifics of this bill; they would be willing to go along with it, if they had some certainty that there would be a future for dairy farmers beyond the 15 months.

□ 1300

Many of them think it is not a realistic approach, but they say, "This is what is available for us, so let us go along, but make it a realistic program."

We cannot make this thing work in 15 months. We can in 21 months, yes, and at the end of that period of time we know that the Congress is going to have to deal with dairy, in the 4-year farm bill and then we can count on dairy farmers being in compliance during the 15-month period of this program.

The CHAIRMAN pro tempore. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

Mr. OBERSTAR. Mr. Chairman, I reserve the balance of my time.

Mr. JEFFORDS. Mr. Chairman, I rise in opposition to the amendments.

The CHAIRMAN pro tempore. The gentleman from Vermont (Mr. JEFFORDS) is recognized for 20 minutes.

Mr. CONABLE. Mr. Chairman, at the outset, will the gentleman yield to me?

Mr. JEFFORDS. I am happy to yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, may I ask, is it true that the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR) would freeze the price at $12.60 a hundredweight throughout the entire period of the program which he has now extended?

Mr. JEFFORDS. Mr. Chairman, I cannot answer that question, and I will yield to the gentleman from Minnesota (Mr. OBERSTAR) for an answer.

Mr. OBERSTAR. Mr. Chairman, we keep the price cut at 50 cents, and it is 50 cents for the assessment program.

Mr. CONABLE. So there is no flexibility provided in the gentleman's amendment for a support price at all? It goes to $12.60 and stays there for the entire period that the gentleman is now extending beyond that of the committee bill; is that correct?

Mr. OBERSTAR. Yes.

Mr. CONABLE. Mr. Chairman, I thank the gentleman.

Mr. OBERSTAR. But there is authority in the basic bill for the Secretary to make changes along the way if that overproduction is there.

Mr. CONABLE. To go beyond $12.60? It was my understanding that the gentleman put a floor on the price.

Mr. JEFFORDS. Mr. Chairman, let me take back my time, and I will see if I can clear up this debate.

It is my understanding that what the gentleman's amendment does is extend the period during which diversion payments may be made up to 21 months, and that, thereafter, the permissible potential price cuts—up to $1.50—that are contained in the compromise would then be allowed. In essence, the amendment then adds an additional 6 months to the program.

I hope that that clears it up for the gentleman from New York.

Mr. Chairman, I want to say, obviously with some reluctance, that I oppose this amendment because, while I was originally in favor of the longer period, we have reached a compromise. That compromise was worked out with the Senate, and it was worked out with the administration and with the Department of Agriculture. Those of us who would have agreed with the gentleman from Minnesota wanted a 24-month diversion program, the administration wanted a 12-month diversion program, and the people who were in favor of the $1.50 price cut alone wanted no diversion program.

So we negotiated long and hard, and we came up with what we believe is a decent compromise.

I would agree that some problems are created by shortening the period, but nothing bad is going to happen. In fact, only good can happen by having the diversion program.

What we are saying is simply this: The diversion program will work. There is no one who disagrees with the fact that a diversion program, temporary or long term, would bring production under control, and there is little creditable disagreement with the fact that it will reduce the cost. It will reduce the cost.

All right. Now, I would agree that the longer the period, the better it would be. But that is not the compromise that was agreed to, and I am one who lives up to the agreements that I make. I feel that if we reach an agreement, then we have to go all the way with it.

Let me point out some facts here so we can get an idea of why the dairy farmer ought to be given a chance to survive, why we ought to save these 30,000 families that will be put out of business if we do not do it. Why we should give them a chance to survive. That is all we are asking for. Let us take a look at what the consumer has had, the impact on the consumer from the present dairy programs. This blue line represents all foods, that includes dairy. If there were not dairy in there, that is included in all food, that food line would be further up.

The green is the CPI. The dairy producers of this country, due to high productivity and the fact that they have been scraping and working hard, have benefited the consumers of this country, so it is 40 points below the Consumer Price Index.

Now, I want to get down to the cost of these programs, and let me explain a little math here so we will know how the Oberstar amendment works and how the compromise works. Basically, we raise a lot of money with the assessment program, and that is because we get money for every 100 pounds of milk produced in this country. So some simple math that we look at, I think, will refute in our minds any indication that this program is going to cost more money. We are going to collect under the compromise $681 million the first year. Now, if we go to the 15 months, that is $900 million we are going to collect from the farmers. We are going to use that in the diversion program primarily to save more money.

Under Conable, we are only going to reduce the price that the Government pays $1.10 for the milk that is brought by the Government. Simple math will tell us that 10 percent of $1.10 is a lot less than 50 cents. Also, we have cut the cost 50 cents a hundredweight, so we pick up more there, and that is $33 million there.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. Let me go through the charts first.

Mr. CONABLE. Let me just ask, are we discussing the Oberstar amendment?

Mr. JEFFORDS. We are discussing why I am in favor of the compromise and against the Oberstar amendment.

Mr. CONABLE. Mr. Chairman, I thank the gentleman.

Mr. JEFFORDS. The gentleman might get a little confused by this, but that is what I am doing. I want to show why this is a compromise. I will get back to Oberstar in a minute.

Mr. Chairman, with the farmer financed incentive plan, the cost to buy 100 pounds of milk is $16.50, and we take the price cut in the compromise off that $16. For each 100 pounds he does not produce, we save $6 a hundredweight—the $10 paid the farmer subtracted from $16.

Let me take a look at where we end up and why we are in a compromise situation here—the dairy compromise costs versus the Conable amendment costs, which is a straight $1.50 cut. As the charts show there is about a $1 billion difference in 1984 and 1985 between the two programs. That is why we reject the straight $1.50 compromise.

Let me point out that we have seen a figure floating around in the last couple of days from OMB. So that we know, what that presumes is this: They go to the outyears and they presume that we are so generous in 1986 that we give the dairy farmers of this country a 40-percent increase. This would come about under the basic 49 law which would come into play then. They presume we would do nothing about it. So then they come up with this huge figure, and then they do a little subtraction. They subtract from this huge figure $1 billion saving in the compromise. They then try to tell us that the Conable amendment would be less. Absurd.

So that is basically one of the reasons why we went to the compromise versus the Conable amendment. But the basic reason is that, very simply, this is the only one which will bring the amount of production of milk in this country under control.

Now to the chart on surpluses.

The blue line is the present assessment program. That is why we are against that. Look at what it is going to do. We are going to have more milk than we know what to do with.

Look at what the Conable amendment does. The red is the Conable amendment. That shows that it will take a long time to get it under control.

The green shows how successful the compromise would be.

Now, as to the Oberstar proposal, the problem with that is that it does extend the diversion program too long. That is, we go beyond the period which the administration will agree to. We will invite a veto with that. They will not in any way support anything beyond 15 months. We had to really push to get the 15 months versus the 12 months.

So that is the reason I cannot support the Oberstar amendment. Attractive as it may be, I must reluctantly say that if we are going to have a compromise here, if we are going to live up to the words that all of us agreed to in the House and in the Senate and with the administration at that point, then we should support the compromise.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield to me?

Mr. JEFFORDS. I am happy to yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I appreciate the gentlman's yielding.

First, I want to commend the gentleman from Vermont (Mr. JEFFORDS). As chairman of the committee and on behalf of all the committee members, regardless of their position on the legislation, I commend the gentleman for the preparation he has made for this debate and for the dedication which he daily shows to all of the interests in agriculture, particularly in milk. And he has done so throughout the years that he has served. I think it is very important that those of us who deal daily with the problems of agriculture are trying to do what we think best from our long experience in dealing in this area.

As much as I respect and admire my dear colleague, the gentleman from Minnesota (Mr. OBERSTAR), who offered this amendment, certainly the compromise, as the gentleman from Vermont has shown by his charts, is such that we should support, because we were seeking a middle ground and it is very important that we do so.

I know that we deal with figures from the Congressional Budget Office, which is nonpartisan, and which is the arm of the Congress. That office gives us the figures. As far as OMB is concerned, for example, I am reminded that our dear former colleague, Mr. Stockman, forecast for OMB that by 1982 we would have a $22 billion deficit in the budget, and that in 1984 we would have a surplus.

□ 1310

We find that Mr. Stockman and all his staff at OMB missed it by $178 billion. Instead of the surplus which he forecast, we have a $200 billion deficit.

Would you trust figures coming from that Agency? That is a very simple question.

I would ask my colleagues, would you trust figures from someone that had forecast that?

But the issue at hand is the Oberstar amendment and the Oberstar amendment by and of itself would have been a good amendment.

The fact is, though, that he carries for 6 months beyond the ending of the farm bill, October 1, 1985. We will have hopefully set in place more permanent legislation than the compromise that we have here today.

The compromise is admittedly stopgap. Hopefully it will work the way that we forecast it will work, and we are fairly certain that it will work, because those of us dealing with it have had the experience and have talked to the cattlemen and have talked to the pork producers and have spoken with all the dairy industry and have gone from an almost possible task within the art of the impossible to a compromise that we hope we can sustain.

Again, having said that, I commend the gentleman for his continuous interest, study, and dedication on this issue.

Mr. JEFFORDS. Mr. Chairman, I thank the gentleman.

I would certainly like to point out that we have only a temporary program in the compromise and that we want to work out a permanent solution in the farm bill.

The Conable bill would give us a permanent solution in 1 hour's debate this afternoon, rather than a more rational committee discussion of the whole problem facing the dairy industry.

I would hope that the body would realize that and would vote for the compromise and against this amendment and the Conable amendment.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Iowa.

Mr. HARKIN. Mr. Chairman, I thank my colleague for yielding.

Let me just review for a minute for the Members how we reached this compromise. When we first started dealing, the gentleman from Vermont and myself and the distinguished chairman, began dealing with the Department of Agriculture, the Secretary of Agriculture and his assistants and with Members of the Senate, we started out with a 24-month diversion program, because many of us felt we needed the 2 years, as the gentleman from Minnesota has stated.

The Department wanted 1 year. We absolutely were certain that 1 year would never work. One year just would not give us the time; so as we began our negotiations, we came down from 2 years, they came up from 12 months and we settled on this 15 month deal.

Now, if you ask me if I think that 15 months will take care of it, I would say that I hope so, but I do not know. I know that 2 years will take care of it, maybe 21 months will take care of it.

I am just saying that we reached a compromise and to that extent we were all going to abide by that.

It is my feeling that at the end of the 15 months, if this has not worked out, if some of these farmers have held back some for their calves, some of their heifers, then I think at that point we might want to come in and extend it beyond that for another 6 months; but if you feel that the Secretary has gone back on his word and that we reached a compromise and now he is saying that he does not support it and he supports Conable, then perhaps those Members who felt they might want to support the compromise might feel they are released from their obligation.

I just wanted to make that point to show how we got to the 15-month period of time.

I thank the gentleman.

Mr. JEFFORDS. Mr. Chairman, let me make one point and then I will yield again.

I think it is important to remind everyone that, even if the 15-month-incentive program does not work, you have the provisions of the Conable amendment in effect.

What the dairy producers have said is: "We want to get through this very problematical period of grain surplus. We want to work among ourselves to see if we can get our production under control; if we cannot, then we will voluntarily accept the provisions of the Conable amendment."

What we are simply for is just 15 months of help so that those producers may stay in business and have their families stay in their homes.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding.

I, too, want to join the others in complimenting the gentleman on his fine statement; but I am in favor of the Oberstar amendment. The reason I am is this, because the decision we make today on this legislation has far greater ramifications than appear on the surface. If we look at the economic impact of this bill, I think we can see some of those ramifications.

We in the United States today have some 11 million dairy cows, about 10 percent of which are producing milk that is being purchased by the Commodity Credit Corporation.

The way to reduce the surplus is not to penalize the dairy farmer, but to give the dairy farmer an incentive to reduce the supply.

If we drop the price to $11.50 a hundredweight, I can assure you that we are going to aggravate the problem and not eliminate the problem.

The reason for that is because the dairy farmer has a fixed overhead, like many other people, and if he gets less for his product, he is going to produce more to meet the payments that he has because of the high overhead.

So if we go the route of the Conable amendment, we are going to aggravate our problem, because we are going to have more surplus than we have today, and basically that is the problem that we have.

Also, with the Conable amendment, we are going to have 13,000 dairy farmers in this country go into bankruptcy.

This we cannot allow.

Now, the urban interests may say, "Well, we are not concerned about that," but you have to ask yourselves, too, will this help our consumers? The answer is no, because while you cannot make a case for driving 13,000 dairy farmers out of business and expect prices to come down, a case can be made that if you drive the small dairy farmer out of business, that you are going to have higher prices, not lower prices.

Mr. Chairman, let me make one more point.

I think, hopefully, under this compromise plan, the dairy farmer, and hopefully if this amendment passes, will have 21 months, and time is very critical; but if we go the Conable route, then we have the ax following immediately and you have no leverage, so we are going to be aggravating the problem.

There is some irony here, too, in that we have John Block in Rome today trying to figure out how we are going to help the starving nations of the world and we in this deliberative body are sitting here trying to penalize our most productive sector of agriculture, our dairy farmers. Now, that does not make a lot of sense to me. If we want to help the hungry of the world, then we should be patting our dairy farmers on the back, not giving them a kick in the pants.

This is where we are making some of the big mistakes today. We are not farsighted enough. We are just looking here and saying that we have a surplus. Where is the surplus? If two-thirds of the people of the world are suffering from malnutrition, I ask this body, where is the surplus? We have a problem of distribution, not one of surplus, and it is about time that we give critical examination to the issues that we are faced with here today.

The decision we make today on the dairy legislation has far greater ramifications than appear on the surface. Let us take a look at the economic impact of H.R. 4196 and the goals to be accomplished.

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We have in the United States about 11 million dairy cows, 10 percent of which are producing milk that is purchased by the Commodity Credit Corporation and classified as surplus. Because of past Federal dairy support practices, we have to reduce our dairy herds by some 10 percent, or roughly 1 million head in order to get supply and demand into adjustment.

Now how can this best be done? We have had a number of price support reductions in the past. At no time have these price support reductions reduced the number of dairy cows in the United States, nor have they reduced the amount of milk produced. The reason for this is that the individual farmer has to make his decisions on the basis of his individual cash needs. If we drop the dairy price support to $11.60 per hundredweight, I will assure you of one thing: The immediate reaction will be an increase in the amount of milk produced in order to meet the cash flow needs of the individual farmer. Frankly, the farmer has no other plausible option. He has no option except to try to survive by producing more.

The Conable amendment would force 13,000 farmers in the United States into bankruptcy—13,000 dairy farmers with an average of 65 to 70 cows per farm equaling 1 million head of cows; 13,000 farmers are going to be forced into bankruptcy and out of the dairy business. Now I am going to ask you something.

From the standpoint of the consumer, from the standpoint of our Nation's agriculture, is this really desirable? Will the consumer benefit and get lower dairy prices as a result? When we have had price support reductions, can you point to one single instance in which the price of milk has dropped to the consumer? You cannot.

However, a strong case can be made, that if you do remove 13,000 small dairy farmers from the dairy picture in the United States that eventually the consumer will pay more for milk. We cannot afford to take a short-term and narrow point of view. We have to take a look at the long-term outlook.

The beef producers are complaining that H.R. 4196 will affect beef prices. Let us put that into perspective. If 1 million dairy cows are slaughtered over the next 2 years, what are the consequences to the beef producers? Roughly 450 pounds of boneless beef per cow, 450 pounds times 1 million cows means that 450 million pounds of boneless beef will come onto the market. Divide this by 230 million Americans. Approximately 1.8 pounds of additional boneless beef to be consumed in the United States per capita over 2 years. That works out to the equivalent of about 3 additional hamburgers per person per year.

Let us take another look at it. This year we are going to import around 1,300 million pounds of boneless beef. That is three times the equivalent of our 1 million dairy cows. It does not bother us to help out other countries with massive imports of beef and, yet, if the Conable amendment passes, we would put our own dairy industry upon the sacrificial block. The Conable amendment is a very short-sighted approach.

Let us instead think in terms of a paid diversion program. The paid diversion gives the dairy farmer and the industry time to adjust. What do I mean by that? Under a paid diversion program, an individual farmer can adjust his production downward by 5 to 30 percent, and also reduce the number of cows, to allow supply and demand to meet at a point where the Government need not support the price of milk.

Essentially, the farmer will get 15 months in which to make a personal, onfarm adjustment. That is a very, very critical time period—as contrasted to the Conable amendment where the ax literally falls tomorrow. The $11.60 drop in support program will bankrupt 13,000 farmers, and another 26,000 are going to be very seriously affected. Many of the victims will be young farmers who are carrying high debt loads. These are the ones most likely to drop by the wayside. Without question, our overall dairy producing capabilities in the United States will be considerably harmed and damaged.

There is a great irony here. Our Secretary of Agriculture is in Rome today meeting with Third World nations and others to figure out how we can meet the demand for food of starving nations. We here as a deliberative body are trying to resolve the so-called problem with a 10-percent milk surplus. Well, I suggest to the Secretary that he take advantage of the barter authority he already has under existing law. That would be one way to feed Third World countries while reducing our own dairy surplus. In fact, the Senate has adopted my resolution urging the Secretary to barter our dairy products for strategic and critical materials. I could not obtain a rule to offer my resolution as an amendment to this bill, but I believe that we should send a message to the Secretary by incorporating the resolution in the conference version of this bill.

Today, we are deciding the fate of 13,000 dairy farmers or more who we are literally sending into bankruptcy because of a crime they committed—the crime of being overly productive. Is this a just fate for those who have served our food needs so well—who have made us the best fed Nation in the world—who have given us this abundance? I say vote in favor of the compromise legislation to give our farmers the time to adjust and a fair shake.

Thank you.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I am happy to yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, for the purpose of having a clear record here, I understood the gentleman to say just a moment ago that if the compromise did not work, I think I quote the gentleman verbatim, that we would then gladly accept the Conable provisions. Am I quoting the gentleman correctly?

Mr. JEFFORDS. With a slight change in emphasis, perhaps. What I said was that the compromise gives us 15 months to get our production under control. If those grain prices and all the things which the Secretary says are going to go up really do go up, then we will not need to reduce the price. On the other hand, if those things do not happen and we are still producing too much milk, then the provisions of the Conable $1.50 price cut can be phased in. That is what I said and that is what I mean.

Mr. MADIGAN. Well, then, the gentleman was not saying that he would accept the Conable provisions at that point?

Mr. JEFFORDS. No. The compromise took into consideration the wishes of those people who are making the Conable argument for a $1.50 price cut. We also deferred to those who say they have another way to get production under control and that there is no need to put 13,000 family farms out of business that we should give them a chance. That is the difference between these two programs.

□ 1320

Mr. MADIGAN. As a matter of fact, if the gentleman would yield further, so nobody is misled as a consequence of what is said in debate here, there is a provision in the compromise that goes to the Conable figures at a date certain. Is that not correct?

Mr. JEFFORDS. It gives the Secretary authority to reduce the support level on a date certain providing that his estimates of production indicate that he should reduce the price.

Mr. MADIGAN. Is it not also correct that that provision, if taking effect, would only last for 90 days and then we would resort to the original law which would put the support price somewhere around $17.50?

Mr. JEFFORDS. If you would presume that this body would be so irresponsible, then that is correct, but there is no one in the world who believes that will happen. I am sure that the gentleman does not believe that this body is going to give dairy farmers a 40-percent increase at that time. I do not believe that dairy farmers want that. I do not want it.

We want to work that out during the upcoming farm bill.

Mr. MADIGAN. Two things, if the gentleman would yield further, I want to be absolutely clear, is that when the gentleman in debate says, if all this does not work, the way the compromises are proposed, if all this does not work, then we are going to go to the Conable figures, only for 90 days, is that not correct?

Mr. JEFFORDS. That is not correct, because I know, you know and everyone knows that that is not what will happen.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Texas.

Mr. DE LA GARZA. I thank the gentleman for yielding.

I want to make something perfectly clear and do not want to have it become an issue in the debate on this amendment.

I, as chairman of the committee, have announced that early in 1984 we will begin hearings in preparation for the 1985 farm bill. Hopefully, we might be able to have it in place in 1984, if not early in 1985, so we are not at the last minute trying to pass legislation, too late for farmers to make their plans, et cetera, so the committee, I as chairman, we have taken no stand on the Conable compromise. Whatever this House adopts, we will have the option to renew all of the farm bill beginning the study early in 1984.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. SWIFT).

Mr. SWIFT. I thank the gentleman for yielding me this time.

Mr. Chairman, the gentleman who just left the well is one of those individuals with whom I always think twice before I disagree, not because he is fearsome but because he is almost always right.

I think the gentleman has demonstrated enormous loyalty in sticking with the compromise he made in good faith, even though there is erosion on the other side of the issue in holding their part of the bargain.

The point the body has to keep in mind is that we were not a part of the compromise. We individually have not made a commitment with the Secretary of Agriculture, and we are free to try and deal with one aspect of the compromise that seems to be agregiously inadequate.

By going to 15 months, you really raise in the minds of any dairyman whether or not it is worthwhile at all to enter into the program. In talking with my dairymen at home, they want 2 years, although 21 months is acceptable to them. Then they will have enough of a planning period that in fact they would feel induced to participate in the program, which is, after all, its purpose for being there.

With only 15 months, they are afraid that if they participate and some of their neighbor farmers down the road do not participate, at the end of 15 months, the other farmers who toughed it out will be ready to go full bore into production and the farmer who has participated, has tried to cooperate with the program, is really left holding the bag, no pun intended.

The point I make with all respect for the gentleman from Vermont and the gentleman from Iowa who entered into this compromise, is that the rest of us did not. there is evidence that the other parties to the compromise are backing away and that is all the more reason that we do not need to maintain that compromise.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. STANGELAND).

Mr. STANGELAND. I thank the gentleman for yielding me this time.

Mr. Chairman, I just want to reiterate what my colleague from Minnesota said. He stated the case very well for an extended period of 6 months in this program, and also the gentleman from Wisconsin (Mr. ROTH).

Supposing the compromise goes into effect January 1. It will expire April 1, 1985. We are not going to have a farm bill in place to take the slack up and we will be back early in April trying to readjust this dairy program one more time and trying to fine tune it one more time.

The gentleman's amendment will allow this program to continue through the period of the 1981 farm bill, and we will have a 1985 farm bill in place at the time this program expires, and our dairy farmers need this extra time to completely plan.

You have to understand, gestation is 9 months, lactation is 10 months and they just are not going to be in a program such as this on a 15-month basis and I would hope Members would support the gentleman's amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman yields back 1 minute.

The gentleman from Minnesota (Mr. OBERSTAR) has 14 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. PENNY).

Mr. PENNY. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the amendment to the dairy bill offered by Mr. OBERSTAR, Mr. OBEY, myself, and others.

Those of us from the Midwest have felt that three basic principles were essential in any dairy legislation. The bill must promise a reduction in the dairy surplus. The bill must save the Government money. And, finally, it must be designed in a manner that protects the cash flow of family-farm dairy operators.

Earlier this year, we supported a subcommittee bill, H.R. 2822, which included the following elements and achieved our objectives. It offered a 2-year, $10 per hundredweight incentive payment for those farmers who contracted to reduce dairy production. It eliminated all assessments. It provided for no price-support cuts and instituted a 15-cent per hundredweight dairy promotion program.

After consideration of that bill by the subcommittee, a substitute was agreed upon by the full committee. The substitute was a compromise achieved through negotiations between the Department of Agriculture, Members of the Senate, and the leadership of the House Agriculture Committee.

The substitute differed in many ways from the original legislation developed by our subcommittee. First of all, though it provided a $10 per hundredweight incentive payment, it only offered that payment for 15 months rather that the 24 months in our original bill. Second, it continued a 50-cent assessment whereas our original proposal would have repealed all assessments. Third, it provided for a 50 cents price support cut while our original bill provided for no price support cuts. It was similar in that it contained a 15 cents dairy promotion program.

Obviously, there are several areas which we would like to amend. However, those of us who have concerns about the current compromise feel that it would be most appropriate for us to focus our efforts on one modification that would make this plan more workable. We feel the way to improve the bill would be to extend the length of the incentive time period. Consequently, Mr. OBERSTAR is offering this amendment to lengthen the time period to 21 months.

First of all, that gives the program time to work. If we really want to reduce the surplus, we must have an incentive program in place long enough to achieve real reductions. Second, we feel the longer incentive program would lessen the adverse impact on redmeat prices. Certainly, cull cows would be brought onto the market if any dairy program is successful. A longer program would reduce the number of dairy cows marketed at any given time. Third, we feel that lengthening the time period protects small family dairy farmers. It increases the likelihood that the program will work and therefore avoids the disastrous consequences of price support cuts if the program does not reduce the surplus.

Finally, a 21-month time period would extend until the 1985 farm bill is in effect. We feel that would offer a better transition from this dairy legislation to another dairy program to be outlined in that 1985 farm bill.

I ask my colleagues to vote for the Oberstar amendment and family dairy farms.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Oberstar amendment. My district does not have very many dairy people. My district consists primarily of cattle and hog producers, and I have talked with many, many of those producers. They have told me their concerns, and I think some legitimate suggestions as to what should be done.

All of them agree that we need to do something about our dairy surplus, and all agree that we need to reduce our dairy herds.

Two major concerns were expressed to me. One of them was too many cows coming on the market all at once so it would disrupt the price of the fat cattle market. Another was the 15-month period and what would happen after that 15-month period was over. I agree that these are legitimate concerns. I believe we need to be concerned about three major things as we look at this legislation:

First, I think we need to be concerned about how we reduce our tremendous surplus that we have today of dairy products. I believe we have to be concerned about how we minimize the short-range impact upon our livestock producers, and I believe we have to concern ourselves about how we could reduce the cost to the taxpayers. If we are going to reduce the surplus of dairy products, I believe we have to support the compromise amendment, because in my opinion Conable will not do it. the average variable cost of production in Iowa is under $8. If we lower the support price to $12 or $11.60 as supported in the Conable proposal, how many people think that my producers are going to cut back when they can produce for a variable cost of under $8 and get $11.60 or $12 for what they are producing?

□ 1330

I would remind everybody that cows have calves and the more calves they have the more beef cattle are going to be on the market and the more they are going to depress livestock prices.

Second, I think we have to minimize the impact upon our producers. The Harkin amendment has done that almost exactly the way my people would support. It moves cows into the market in a slow method, so they will not so severely adversely affect it all at once.

I am proud I had a part in that amendment and part of that includes some of my suggestions.

Finally we need to be concerned about the cost to taxpayers.

The compromise will cost taxpayers $600 million less than the Conable amendment.

Mr. Chairman, I believe that the provisions of H.R. 4196, together with some of the key amendments that will be considered today, offer the most effective and equitable means of reducing both our dairy surplus and taxpayer outlays for the dairy price support program.

I have spent many hours over the past few weeks, Mr. Chairman, meeting and speaking by phone with a number of livestock producers and dairymen to hear out their positions on this issue and to learn as much as I could about the dairy problem and its possible solutions. In the course of this process, I do not believe that I heard from one cattleman, one pork producer, one dairy farmer, or one consumer who did not agree that our dairy production was out of control and that the surplus had to be reigned in. Moreover, I think that virtually everyone I spoke to agreed that we must reduce the Nation's dairy herd by almost 1 million cows if we hoped to eliminate our burdensome and costly dairy surplus.

The basic point raised by many, however, was that this reduction must take place in a way that will minimize any impact on livestock producers, keep Government expenses to a minimum, and assure that dairy producers, like farmers in other segments of agriculture, are made to accept their share of the difficult burden of readjustment which most of agriculture is going through right now.

Mr. Chairman, the concern of the livestock producer is particularly understandable. This past year, because of a wet spring, the PIK program, the drought, and low livestock prices, many cattlemen and pork producers have suffered tremendous losses. For most producers, this year of low livestock prices and sharply higher feed costs comes after a lengthy period of very low or negative feeding margins, unbearable interest rates, and other threats to their livelihood. Consequently, it is no wonder that some livestock producers have come to view the Government as being among their chief adversaries.

However, after careful consideration, I came to the conclusion that H.R. 4196, and certain amendments to it which I intend to support, offer the opportunity to resolve our dairy problem, to substantially reduce Government outlays, and to set the stage for more profitable livestock and dairy sectors in the months ahead.

Among the many factors that I weighed in reaching a decision on this issue were the relative costs of the different alternatives before us, the degree of success which I believed each alternative promised for reducing our surplus, and the likelihood that we could modify the legislation to safeguard the interests of our cattlemen and pork producers.

First, I would like to address the cost issue. The Congressional Budget Office (CBO)—whose independent cost figures we use to guide us on every other piece of legislation that comes before the House—has estimated that the cost of H.R. 4169 will be, in its first year of operation, at least $600 million less ($1 billion versus $1.6 billion) than the cost associated with the Conable amendment which, as we know, simply provides for a straight $1.50 per hundred weight reduction in the dairy price support level, and at least $300 million less than current law, including the $1 per hundred weight assessment now in place. Actually, the Conable amendment may cost even more, since the Secretary of Agriculture has stated that if he was granted the authority in the Conable amendment he would initially reduce the price support level to just $12 per hundredweight, rather than to $11.60 as authorized in the amendment. And, according to CBO, over the next 5 years, H.R. 4169 may be more than $1 billion less expensive than the Conable amendment.

In addition—and this point had not been previously communicated to many of the livestock producers with whom I spoke—at least 70 percent of the cost of the dairy diversion program will be financed by the 50-cent per hundredweight assessment which will be left in place under H.R. 4169. Moreover, H.R. 4169 would, if enacted, immediately reduce the dairy support price from $13.10 to $12.60 per hundredweight—in addition to the 50-cent assessment—with two additional 50-cent per hundredweight price support reductions over the following 18 months if the dairy surplus problem persists.

Second, I believe that only H.R. 4169 offers any real promise for reducing our dairy production. In reaching this conclusion, I checked with Donald E. Voelker of the Cooperative Extension Service at Iowa State University and obtained his figures for the estimated total and variable cost of production for dairy producers in the State of Iowa. According to the ISU figures, the total cost of production for a dairy producer with a respectable 14,000 pounds per cow production average is $13.05 per hundredweight. However, total variable costs are $7.78 per hundredweight.

It is my contention that—at least in the mid-term—as long as a producer can recover more than his variable costs of production, he is going to continue to produce, and perhaps even expand. If this point is accepted, then even if the price support level is ultimately reduced to $11.60 as provided under the Conable amendment, I do not believe that we are going to see any appreciable reduction in the level of dairy production. In my opinion, only H.R. 4169 offers any realistic chance that our dairy production will in fact be reduced.

Finally, I am confident that H.R. 4169 can be amended in such a way as to allay the fears of those livestock producers who understandably are concerned that the cow culling effort will result in depressed livestock prices during 1984.

As we know, Mr. HARKIN will offer an amendment, which I authored in part, that instructs the Secretary of Agriculture to implement the diversion program in such a way that dairy cows will be culled in an even and orderly manner over the duration of the program. I believe that this amendment, due to its specific mandate to the Secretary, stands as a significant improvement over the similar, but general and discretionary provision adopted in the Senate counterpart to H.R. 4169. In addition, at my urging, the Secretary will be required to order the increased utilization of beef and pork in the school lunch and other nutrition programs administered by the Department of Agriculture. Lastly, the amendment encourages the Secretary of Defense to order the increased use of beef and pork by members of the Armed Services.

I sincerely believe that the Harkin amendment will minimize any adverse impact on livestock producers resulting from the diversion program. In addition, I believe that livestock producers, as well as dairy producers, stand to benefit substantially from the reduction in dairy cows, because if there are up to 1 million fewer dairy cows in production, then we can expect to have up to 500,000 fewer dairy steers hitting the market in any year in direct competition with other fed cattle. Moreover, a smaller diary herd will mean that fewer dairy cows will be culled in future years.

I also intend, Mr. Chairman, to support an amendment to extend the length of the diversion program from 15 months to 21 months. This amendment will, I believe, assure that replacement heifers are not held back and put into production once the diversion program expires.

Again, Mr. Chairman, I intend to support H.R. 4169 and these important amendments, and I hope that everyone will realize that this measure is in the best interests of livestock producers, consumers, and dairy farmers.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. I thank the gentleman from Minnesota.

Mr. Chairman, I support the amendment of the gentleman from Minnesota (Mr. OBERSTAR).

I think this is an important amendment and one that would greatly enhance the effectiveness of the incentive program contained in H.R. 4196.

My main reservation to the compromise agreement all along has been the 15-month limitation on the incentive payment program. The original legislation to provide a dairy incentive program, H.R. 1528, a bill I introduced with several of my colleagues, provided a 2-year incentive payment period. We felt that such a time period was needed to insure that production cutbacks would be sufficient to balance the milk supply with demand.

While a 15-month incentive period, as provided in H.R. 4196, will substantially reduce production, I am concerned that production might not be quite below the level which would trigger a support price cut at the end of the incentive payment period.

I am confident that a 21-month incentive payment period, as provided by Mr. OBERSTAR's amendment, would successfully reduce production below such levels. The 21-month time period also provides more time for producers to spread out their cattle culling rate to minimize any impact on the Nation's redmeat supply.

Finally, I would note that the 21-month period would enable the incentive payment program to expire along with the other provision of the farm bill on September 30, 1985. We could thereby provide that further dairy policy debate would be part of the Congress regular authorization of a new farm bill.

Mr. Chairman, I urge support of the Oberstar amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. Mr. Chairman, I think it is important we all understand why we are here today.

We are not here because agriculture is making too much money in this country. We are not here because dairy agriculture is making too much money in this country. Anybody who believes the individual dairy farmer in this country is well off today, I would suggest that you come with me or with any other person involved in this debate and visit some of those dairy farmers. Most of them are barely making it—others are having auctions or going bankrupt.

The reason we are here today is because we have a problem. We have a problem in that we are producing too much milk and as a result: First, the Government has to buy too much under the dairy price support program; second, those purchases are costing us too much budgetwise; and third, because of that surplus the price for the farmer is such that he is not making any money.

So, as you can see, we are trying to deal with this from many different perspectives. And when you try to develop a public policy that will resolve this issue, you have to have those goals in mind.

First of all, how do you reduce the cost of the program to the Government?

There are several options. Right now we have the assessment where the farmer pays $1 assessment. We could up that to $5 and eliminate any cost of the dairy program to the Government.

But that is not going to solve the second problem, because you also have got to get the purchases down because if you want to get supply and demand back in balance so that "some kind of market" can work out there. You simply have to have the supply balance situation in a better equilibrium than it is today.

That is the beauty of the Oberstar amendment. In the compromise we have put together a program that will solve the purchases and cost problems. The Oberstar amendment will make sure the compromise works in a consistent, long-term fashion.

Dr. Bob Cropp, probably one of the most respected dairy economists in the country, has done an estimate on the compromise versus the Oberstar amendment. He has said that if we pass the Oberstar amendment and we go to a 21-month diversion program rather than 15 months, that we will reduce the purchases by the Government by 4.4 billion pounds more in fiscal year 1984 and fiscal year 1985.

If we do that, of course, we are also going to save the Government more money. The projection is that we will save the Government about $1 billion additionally—actually, $1.031 billion more. So if we reduce the stocks, we reduce the cost of the Government.

And, most importantly, we do so in a way that is in the best interests of the farmer.

The other important thing we do is we extend this program. We are putting into place this solution, this cure, this medicine, and in effect until the implementation of the 1985 farm bill.

It seems to me that it is only reasonable if we are going to change policy today, and most of us recognize the need to do that, that we do not make that change for only 15 months and then have a 6-month lapse between the paid diversion program and the implementation of the 1985 farm bill.

Thus, what the Oberstar amendment does is it extends the diversion to the 1985 farm bill, and does it in a way that not only reduces purchases but saves costs as well.

With that, I encourage my colleagues to support the Oberstar amendment and yield back any time I may have.

Mr. OBERSTAR. I thank the gentleman for a splendid statement.

Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Am I correct, Mr. Chairman, that at the conclusion of Mr. OBEY's time there will be 1 minute remaining?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. OBEY. Mr. Chairman, I am here to ask Members of the House to vote for the Oberstar-Obey amendment this afternoon.

We are faced with two alternatives. One, the compromise plan; the other, the Conable deep price cut.

Both plans are defective, but the Conable proposal is worse because, No. 1, it adds to the deficit; and, No. 2, it is based on the myth that somehow farmers are to blame for the surplus and somehow the price support program in the country is to blame for the surplus.

That is not the fact and even Secretary Block admits that.

I have a copy of a letter which Secretary Block sent to Senator JESSE HELMS and one sentence of that letter reads as follows:

> The failure to act now on the dairy compromise that several of us negotiated may eventually destroy a dairy program that until 1979 worked well for nearly 30 years.

So even Secretary Block admits the dairy support program has in the main kept a reasonable balance between supply and demand until just recently.

The reasons we have surpluses today are three. First, because of the grain embargo which lowered grain prices and forced farmers to run that grain through cows to try to make a profit.

Second, because of the high interest rate policies which forced farmers to put on additional cows in order to make their payments at the bank.

And, third, because the tremendous recession simply dropped the bottom out of consumption and that meant you had an increase in the surplus.

Farmers are not the cause of the problem. They are the victims of bad economic policy and that is why we have surpluses.

Our amendment simply tries to strengthen the incentive plan so that it will be the most effective plan possible to reduce those overhanging surpluses. It simply extends that incentive program by an additional 6 months.

It is needed to attract more farmers to participate in the program so that we can cut that surplus quickly and permanently.

If you do not extend this program by 21 months, you have the risk that not enough farmers will participate because farmers will see a close economic call, because they know that it will be a close economic question for them, and you will then have the potential for milk production going up again as soon as that 15-month incentive is over in order for farmers to make their payments at the bank again.

In fact, if you take a look at the numbers supplied by the USDA you will see that they predict just that. They predict an increase in the milk supply again after this incentive program is finished.

I would ask you, therefore, to support the Oberstar amendment because it is the most effective way to get down that surplus. It most certainly does not do it at an additional cost to the taxpayers because it is self-financing.

I want to make one other point. What we are simply trying to say is this: "Do not set us up so that we have too short a timeframe in order to make the incentive program work." And after you have safely gotten through the election, then say to us, "OK, boys, your way didn't work, so now let's have the deep price cut."

What we are saying is if we are going to try an incentive program, let us try the incentive program that everybody admits is the one that most likely would work.

Even the gentleman from Vermont (Mr. JEFFORDS) and the gentleman from Iowa (Mr. HARKIN) indicated earlier that on the merits they favored the 21-month incentive program rather than the 15-month incentive program.

The reason that they are supporting a shorter incentive program is because of this so-called compromise with the Secretary of Agriculture.

But as we know, the Secretary of Agriculture has backed away from that compromise. There is, therefore, no reason left not to support the incentive program that makes the most sense economically and is the most humane in terms of small family farmers.

So I would ask you to support the Oberstar amendment remembering that Secretary Block has not stuck to his agreement and there is, therefore, no obligation on the part of any person in this Chamber to stick to an agreement which the Secretary himself has abandoned.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield briefly.

Mr. ALBOSTA. I would like to say that I agree with the gentleman's comments. Certainly they point out the fact that dairy farmers generally will increase their production simply because if they know there is only a 15-month program, it is going to force them to keep all of their heifers. And those heifers are going to be producing milk again at the end of that 15 months.

□ 1340

I think it is very important to let them know that this program is a longer program.

The legislation the House is considering today is crucial to the future of dairy farmers in this country. The Agriculture Committee bill is by far the best and more importantly most effective means for reforming the dairy program. The current $1 assessment is ineffective in bringing supplies more in line with demand. Instead of helping to lower the milk supply, the $1 assessment program which I opposed when it was considered by Congress in 1982 has forced too many dairy farmers to increase production in order to keep their cash flow from declining to stay in business.

Now those opposed to the Agriculture Committee bill, a piece of legislation I might point out that is strongly supported by dairy farmers in Michigan and around the country, want this House to approve a straight price support cut with no incentives for reduced surplus milk production. This approach will be no more effective than the current $1 assessment because again dairy farmers would be encouraged to increase production to make up for the cut in the price support.

The House Agriculture Committee bill which I believe is the best alternative before us today does provide for a price support cut. But this bill establishes a paid diversion program of $10 per hundredweight of milk production that a dairy farmer reduces their production by over their historic production levels. The diversion payment program will be financed by keeping one of the two 50-cent assessments in place. However, the paid diversion program will give dairy farmers the tools to effectively cut surplus production without driving out many dairy farmers forever.

Furthermore, the Agriculture Committee bill sets up a dairy products promotion program to help increase the consumption of dairy products in the United States. This is the other side of the problem that must be recognized. We need to find ways to better untilize diary products whether through the school lunch and child nutrition programs in this country or by using Government-owned dairy products for bartering with foreign countries that have critical materials and minerals the United States needs for our national security.

I certainly agree with the gentleman from Wisconsin (Mr. OBEY) and thank him for yielding.

Mr. OBEY. Finally, let me ask the Members to base your votes today on your best economic judgment rather than on your political judgment because, if you do, the Oberstar-Obey amendment would pass.

The CHAIRMAN pro tempore. The gentleman from Minnesota (Mr. OBERSTAR) has 1 minute remaining.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

In summary, Mr. Chairman, what we have is a 15-month program arrived at without any science or reason but simply because that is all that the committee could wrangle out of the Department of Agriculture.

The administration has abandoned that compromise; there is no reason now for us to stick with 15 months. It is not a magic figure any longer. Twenty-one months, carrying this program through the conclusion of the 4-year farm bill, at least that makes sense. This amendment will continue the cuts provided in the compromise there will be a 50-cent cut on passage of the bill, a 50-cent reduction on October 1, 1985, a 50-cent reduction in January of 1986, doing exactly what this legislation intends in the basic bill but doing so over a 21-month period.

The 6-month extension will be self-financing, as is the committee bill. The amendment will reduce the surplus. It will reduce stocks of dairy cows, it will save the taxpayers an estimated $1 billion, in addition to the savings in the compromise committee bill.

It just simply makes good sense. You cannot ask farmers to buy something that has no future. What we are saying with this amendment is we are going to deal with the dairy problem when we deal with all of the other problems of agriculture, at the conclusion of the 4-year farm bill.

The chairman (Mr. de la Garza) has already said he is going to start early next year on a 4-year farm bill. What we are saying is treat dairy farmers the same as everyone else. Vote for the extension, vote for the Oberstar-Obey amendment.

The CHAIRMAN pro tempore. All time on these amendments has expired.

The question is on the amendments offered by the gentleman from Minnesota (Mr. Oberstar).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HARTNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 93, noes 325, not voting 15, as follows:

[Roll No. 475]

AYES—93

Albosta
Applegate
Aspin
Bates
Bedell
Beilenson
Berman
Bethune
Boehlert
Broyhill
Clinger
Conyers
Crockett
Daschle
Davis
Dellums
Dixon
Dorgan
Dwyer
Dymally
Edgar
Edwards (CA)
Fazio
Ford (MI)
Forsythe
Gaydos
Gejdenson
Gonzalez
Gray
Gunderson
Hall (IN)
Hammerschmidt
Harkin
Harrison
Hawkins
Hayes
Heftel
Jones (NC)
Kastenmeier
Kennelly
LaFalce
Leland
Levine
Lipinski
Marlenee
Martin (IL)
Martinez
McDade
McEwen
McHugh
Mitchell
Moody
Morrison (CT)
Morrison (WA)
Murphy
Murtha
Nowak
Oakar
Oberstar
Obey
Ottinger
Pease
Penny
Petri
Ratchford
Ridge
Rodino
Roe
Roth
Roybal
Sabo
Savage
Schroeder
Seiberling
Sensenbrenner
Shelby
Sikorski
Simon
Smith (IA)
St Germain
Stangeland
Stokes
Swift
Torres
Vento
Walgren
Weber
Williams (MT)
Wirth
Wolpe
Wright
Yatron
Zablocki

NOES—325

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Archer
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bennett
Bereuter
Bevill
Biaggi
Bilirakis
Bliley
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappie
Cheney
Clarke
Clay
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Daub
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dingell
Donnelly
Dowdy
Downey
Dreier
Duncan
Durbin
Dyson
Eckart
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gore
Gradison
Green
Gregg
Guarini
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kazen
Kemp
Kildee
Kogovsek
Kolter
Kostmayer
Kramer
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marriott
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McGrath
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Moakley
Mollohan
Montgomery
Moore
Moorhead
Myers
Natcher
Neal
Nelson
Nichols
Nielson
O'Brien
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pepper
Perkins
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rowland
Rudd
Russo
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Shannon
Sharp
Shaw
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
Staggers
Stark
Stenholm
Stratton
Studds
Stump
Sundquist
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Towns
Traxler
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Watkins
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Wise
Wolf
Wortley
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Young (MO)
Zschau

NOT VOTING—15

Boner
Chappell
Early
Gramm
Hance
Kindness
Lowry (WA)
Molinari
Mrazek
Paul
Pritchard
Solarz
Udall
Waxman
Winn

□ 1400

Messrs. STRATTON, PRICE, ROSTENKOWSKI, and ANNUNZIO changed their votes from "aye" to "no."

Mr. MARLENEE changed his vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CONABLE

Mr. CONABLE. Mr. Chairman, pursuant to the resolution, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Conable: Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Dairy Adjustment and Stabilization Act of 1983."

Sec. 2. Section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446), as amended by the Omnibus Budget Reconciliation Act of 1982, is amended, effective sixty days after enactment, by—

(1) deleting subsection (d) thereof; and

(2) amending subsection (c) to read as follows:

"(c) The price of milk shall be supported, through purchases of milk and the products of milk, at such level not less than $11.60 per hundredweight as the Secretary determines necessary in order to assure an adequate supply of milk to meet current needs and taking into consideration the net price-support purchases of milk or the products of milk by the Commodity Credit Corporation during the preceding fiscal year. The support price shall be established annually by the Secretary at the beginning of each fiscal year.".

Mr. CONABLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 355, the gentleman from New York (Mr. CONABLE) will be recognized for 30 minutes and a Member opposed to the amendment will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the gentleman from Pennsylvania (Mr. SCHULZE) tells me there is a Pennsylvania Dutch proverb that says there is more trouble in a bottle of milk than in a bottle of whisky. I do not like whisky that much, but I can attest to the fact that there is a lot of trouble in a bottle of milk, particularly if you are standing on the outside looking into the cozy circle of the Agriculture Committee.

I would like to summarize briefly points about my amendment, although I fear that most of the Members here present have already made up their minds and are not going to be persuaded by eloquence or the absence thereof.

First of all, my amendment eliminates the $1 per hundredweight assessment on farmers for all milk produced. Farmers strongly oppose the assessment, fought it in the courts, and lost. The committee would keep a 50-cent tax.

Second, support price reduction works. Flexible authority to reduce the price support level is clear and direct and has corrected surpluses five times in the past. It reduces prices, demand improves, and the surplus drops. The Secretary has written that, given this authority, he will reduce the price support by $1.10 in the first year and await the results before further action following. For the farmer, this will have little effect on income because the drop will be offset by the elimination of the $1 tax on all production; but for consumers, the lower price support means lower prices and more consumption.

As far as the cost to consumers goes, the U.S. Department of Agriculture, OMB, and the Congressional Research Service all agree that my amendment would cut the cost to consumers by more than $3 billion in the next 2 years at the same time they are consuming 3 billion pounds more of dairy products.

The cost to the Government is subject to disagreement. There is a wide spectrum of cost projections for the Government, but no agency is more concerned about the cost of Government programs than OMB. That agency has looked at the estimates of the USDA and the Congressional Budget Office, which are based on USDA assumptions, and concluded that those estimates grossly underestimate the cost of the diversion program which would pay farmers $10 a hundredweight for not producing milk. If they have underestimated the cost, the additional cost comes right out of the taxpayers. It is now estimated over a 4-year period of time to cost roughly $1 billion.

If the Government will pay farmers $10 a hundredweight for not producing milk, more than three-fourths of their payment for producing, there can be no doubt that participation will be heavy in those areas that now produce the surplus.

I can tell my friends, for whatever it is worth, that currently the Director of OMB is saying that the President will veto anything but the Conable amendment because of the cost.

Diversion will not work, in my view—although I must say that the cattlemen fear it will work too well—because it will be an administrative morass. Evasion would be simple by scheming with nonparticipants, and farmers can keep heifers and be back to herd strength in a year and back to surplus production. Paying farmers not to produce is the wrong way to go on farm programs.

In summary, my proposal would resolve the surplus problem on a permanent basis, would provide a reasonable transition to a stable market, would increase consumption, would repeal the dreaded milk tax, and all at less cost to the taxpayers and to the consumers.

The CHAIRMAN. Does the gentleman from Texas (Mr. DE LA GARZA) wish to be recognized in opposition to the amendment?

Mr. DE LA GARZA. Yes, Mr. Chairman. I am opposed to the amendment.

The CHAIRMAN. The gentleman from Texas (Mr. DE LA GARZA) is recognized for 30 minutes.

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Conable amendment because it just is not good enough when we compare it to the compromise bill.

People who favor the Conable amendment have been telling us it will reduce the dairy surplus. But we know that it will not reduce the surplus as effectively or as quickly as the compromise bill.

Those who favor the Conable amendment have been telling us it would produce great savings for consumers. But on this point, I ask my colleagues to consider two simple facts.

Fact No. 1 is that history indicates that very little, if any, of the reduction in price supports in cases like this is actually passed on to consumers by milk and dairy processors. If the Conable amendment becomes law, there might be some very small reduction in consumer prices—but we more likely would see a repetition of what happened when milk prices at the farm in Florida dropped by 95 cents a hundredweight and consumer prices remained the same.

Fact No. 2 is that even if the Conable amendment could produce savings for consumers, it would have only a small and temporary advantage over the compromise bill in that respect. Remember, the compromise bill also includes an immediate cut in the price support level, and it provides for further cuts later on if the surplus is not reduced to below specified levels. If the Conable amendment passes, the Secretary of Agriculture says he would reduce price supports by $1.10 per 100 pounds immediately—but if the compromise bill passes, the support would come down immediately by 50 cents, so the difference is not great. By 1985, the support level under the compromise bill could be the same as the level under the Conable amendment. This adds up to a simple conclusion—any consumer savings produced by what we do today will be small. And if they exist at all, they will be nearly as great under the compromise bill at the beginning and just as great later on.

Now, what about the taxpayers? Is the Conable amendment good enough for them? It is not in the short run, and it is not in the long run.

According to the Congressional Budget Office, the compromise bill would cost $728 million less than the Conable amendment in fiscal 1984 and $343 million less in fiscal 1985—a total saving of about $1.1 billion for the life of the pending bill.

We have seen assertions that the Conable amendment would cost less in the long run. If that means beyond fiscal 1985, there is no long run. The bill ends on September 30, 1985. But suppose the same program were reenacted to run for 3 additional years. The CBO estimates that if this is done, the compromise bill total cost over the following 3 years would be $69 million less than the cost of the Conable amendment. What this means is that unless you think a potential $1 billion in savings is not important, the Conable amendment is not good enough.

Now, what about effectiveness. The Conable amendment would reduce dairy production. But over the next 2 years, CBO estimates indicate the compromise bill would cut production by 14 billion pounds more than the Conable amendment. The compromise bill would cut Government purchases of surplus dairy products by 8.5 billion pounds more than Conable. In comparison, the Conable amendment is not good enough.

Many of my colleagues are concerned about the potential impact of these bills on the pork, beef, and poultry industries. I think we ought to talk commonsense about this subject. Either bill could lead to some culling of dairy cattle. But the compromise bill now includes the Harkin amendment with positive, effective tools for use by the Secretary of Agriculture to protect the livestock industry. The Conable amendment would provide no protection at all if culling rates should be high. In comparison again, the Conable amendment is just not good enough.

What about promoting sales of milk products to help produce some improvement in consumer demand? The compromise bill contains a program to move in this area. The Conable amemdment has nothing. Once more, the Conable amendment is not good enough.

Finally, some of my colleagues have been concerned by the fact that some farm organizations back the Conable amendment—and by the fact that the Secretary of Agriculture now says he likes the Conable amendment.

I would like to remind the committee that the Secretary earlier had taken part in negotiating the compromise and had indicated his support for that legislation. And just last week, after he had written to the minority leader in support of the Conable amendment, the Secretary also stated publicly that he thinks either bill would solve the dairy problem. I do not believe that the Conable amendment would solve the program as effectively. But I am glad to see that, even now, the Secretary agrees that the compromise bill, which his Department helped to work out, will do the job.

As for farm organizations, some of them do back the Conable amendment. But the National Grange is against it, and so is the National Farmers Organization, the National Farmers Union, the American Agriculture Movement, the National Milk Producers Federation and several major dairy farm cooperatives. In addition, I am informed that a number of county and State farm bureau units are not backing the Conable amendment.

Finally, this adds up to a simple and basic issue. Both the compromise bill and the Conable amendment are aimed at reducing the dairy surplus, but the compromise bill would do the job far more effectively.

The compromise bill will save more money for taxpayers.

On top of that, it reduces the support price, so if a support cut can produce any consumer benefit, that benefit would be there.

The compromise bill protects the livestock industries.

The compromise bill protects the dairy farmers, far more effectively than the Conable amendment.

When you add it all up, the balance is clear. The Conable amendment is not good enough, and I urge the House to reject it.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, I also want to express my appreciation to the chairman of the full committee for his cooperation in granting me this time, and I really have to apologize to the gentleman and to my other friends who have worked so hard on this dairy compromise bill. It is not a pleasant task for me to oppose legislation which I know represents as much work and effort as has gone into this. However, I cannot in good conscience support the compromise legislation, and I feel that the Conable amendment represents by far the superior approach to solving the dairy problems of this country.

□ 1410

Basically, we all know what the problem is. We have an extremely efficient dairy industry. I have been amazed myself as I look at the figures, which show that the number of dairy farms in this country has decreased every year, the number of dairy cattle has decreased every year, and yet the production of milk per cow continues to go up as a result of improvements in the genetic quality of dairy stock, improved management of herds, and improved automation.

Today we have about two-thirds of the number of the dairy cattle that we had just 15 years ago, and yet they are producing more milk. At the same time as that has been happening, the consumption of milk per capita in this country has countinued to go down, an unfortunate situation, and the net result of all this is that we have had an imbalance between production and consumption.

That imbalance is not tremendous. It amounts to about 10 percent. But that has resulted in the tremendous outlay on the part of the CCC to acquire these surplus stocks under existing legislation, and the storage of these stocks.

So what do we do? The dairy industry, of course, is the group primarily concerned about this. They prefer to continue in what they were doing, but they knew that was impossible because of taxpayer and consumer resistance, so they devised this so-called compromise plan. This compromise plan is an excellent plan from the standpoint of the dairymen who assisted in developing it, the large dairy co-ops in the Midwest and Northeast, who have been active players on the political scene, who represent large numbers of relatively small producers and whose production in large part goes into manufactured milk.

Under that scheme, of course, since we are producing more than the market can take, the Government takes that manufactured milk. In my area, southern California, most of the milk produced from the very efficient dairies there goes into the fluid market. We do not contribute too much to the surplus. The dairymen there do not like the compromise. They prefer to have the market operate as much as possible and they oppose this so-called compromise plan, as do dairymen in many other areas.

What the compromise does, and I compliment the chairman of the subcommittee who worked so hard to develop it, is that in a situation requiring curtailment of production, requiring a cut in cost to increase consumption, they have done just the opposite. They have conceived a plan which puts approximately $2 billion more into the pockets of the dairy producers, which increases the cost of milk, which reduces consumption in part by that increased cost and by the other factors involved in it, and which takes about $2 billion out of the pockets of the consumers. It also costs the taxpayers another billion dollars over the next 4 years, as Mr. CONABLE reported, in terms of the best estimates of OMB and the Department of Agriculture.

That is a miracle, believe me. To take this situation of large surpluses and convert it into the benefit of these dairymen, who should be making production cuts, and taking some reduction in income, is a miracle. I compliment the chairman of the subcommittee for creating this miracle. I think that he deserves a great deal of credit for it.

The CHAIRMAN. The time of the gentleman from California (Mr. BROWN) has expired.

Mr. CONABLE. Mr. Chairman, I yield 1 additional minute to the gentleman from California so the gentleman from Vermont (Mr. JEFFORDS) may ask him a question.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I am happy to yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

Mr. Chairman, I am sure the gentleman will agree with me that he has an unusual district, and that the average size of herds there is around 600 cows, and that also he has a milk board which sets the price for fluid milk, and that, in fact, his farmers are pretty much protected against any price cut. Therefore, if we pass a price cut on the Conable amendment, it will not have much impact on the gentleman's farmers.

Is it also not a fact that the gentleman's milk producers' council has just petitioned that board to pass on the assessment to the retailers and on to the consumers in order to increase their own net income? Is that not a fact?

Mr. BROWN of California. I thank the gentleman for pointing out that in my area of California we may have the most efficient milk producers in the United States and, in fact, in the world. What the impact of the compromise does is to prevent the rest of the country from even beginning to approach the improvements in productivity which we already have in southern California. This is an antiefficiency bill.

Mr. JEFFORDS. Let us not get into that argument.

The CHAIRMAN. The time of the gentleman from California (Mr. BROWN) has again expired.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 additional minutes to the gentleman from California.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I will be happy to yield to the gentleman from Michigan.

Mr. ALBOSTA. I thank the gentleman for yielding.

Mr. Chairman, I come from the State of Michigan and, of course, we do not have the huge dairy farms that are concentrated in one area that produces most of the milk for that area. We have what is known as the family farmers, and there are a lot of those young farmers out in those rural areas of Michigan who have a very tough time getting by.

We have about 14 percent unemployment in Michigan, and if we throw all these farmers out of business, is that the right thing to do? I think that is a question that we have to ask ourselves today.

Mr. BROWN of California. Mr. Chairman, if I may reclaim my time, I will respond to the gentleman this way: There is a widespread illusion, referred to already by the gentleman from Wisconsin earlier today, that small dairy farmers would be forced out of business by the Conable amendment.

Just the opposite is true. It is the inefficient farmer, regardless of size, who will lose out under the Conable amendment. What the compromise does is encourage inefficiency. A small farmer, raising his own feed, with all of the efficiencies which are inherent in a small farm, can be in a better position than a large farmer paying high prices for imported food and with high capitalization and high debt to equity ratio.

It is not small or large; it is efficiency versus inefficiency. It is whether you adhere to any semblance of market control or whether you, in the terms of my friend from Wisconsin, prefer a Government-controlled situation, which is what you get under the compromise.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I will yield to my good friend, the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. I thank the gentleman for yielding.

Mr. Chairman, I compliment the gentleman on his adherence to the free market. The fact is, the gentleman's dairy farmers in southern California are not in any way on a free market. Forty-three percent of their quota system, their price supported under the gentleman's State system, is on the cost of production; 42 percent because of the Federal price support; 15 percent based on net disposable income in the Los Angles area.

There is no free market out there. They have a quota system, and because they are protected under a different system than the gentleman has in California, than anybody else in the country, the gentleman has a protection that the dairy farmers in Vermont and Minnesota and Iowa and Wisconsin do not have.

Mr. BROWN of California. Mr. Chairman, if I may reclaim my time, I admit to everything the gentleman says. He need not belabor it.

We also have our own system for checkoff where we promote the consumption of dairy products which the gentleman has in his bill. I suggest the gentleman has a lot to learn from California, but the way to learn it is not to move toward more control and to extend it not only to the dairy industry, but to try to extend it to the beef industry and the pork industry and the chicken industry.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield for one more question?

Mr. BROWN of California. The gentleman has had his chance.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I will yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, I would simply like to make the point that it is not a difference between efficient and inefficient. The farmers who are going to be murdered under the Conable amendment are farmers with high debt load, mostly young farmers who have high debt load, many of whom have just gone into operation. These are the people who, because of the economy, are going to be ground down, not because of inefficiency. And they are some of the best farmers in my district.

The CHAIRMAN. The time of the gentleman from California (Mr. BROWN) has again expired.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, the gentleman is correct that it is the farmer with the high debt load who is going to suffer, but let me point out to you that the average dairy farmer in the Midwest is not young; he is old; he is in his fifties; he has lived on that farm for years. He has very little debt load. He makes money off of this system, and the gentleman knows it as well as I do.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to my distinguished chairman, the gentleman from Texas.

□ 1420

Mr. DE LA GARZA. Mr. Chairman, I would take strong issue with the gentleman that someone in his fifties is old.

Mr. BROWN of California. Mr. Chairman, I would go futher and say that one who is in his sixties is still young.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Chairman, the gentleman said in an earlier statement that the Nation's dairy farmers probably have a lot to learn about efficiency from California's dairy farmers.

Mr. BROWN of California. The gentleman does not overstress the point. Yes.

Mr. ROSE. And the gentleman admitted everything the gentleman from Iowa (Mr. HARKINS) said was true. But besides that, we are trying to craft a piece of legislation here that will work nationwide, that will not just give a special situation for southern California, and I fear that the Conable approach is going to give a special dispensation to certain parts of the country and not give us the truly nationwide dairy policy that we are all crying for.

Mr. BROWN of California. Mr. Chairman, I have commented already, I will say to the gentleman, on the artistic craftsmanship represented by the compromise, instead of the simplicity of the free market.

Mr. Chairman, in conclusion, let me mention several key points that need to be stressed.

The Conable price cut is permanent, the compromise price cut is not. The Conable amendment authorizes a $1.50 cut indefinitely, the compromise plan authorizes a $1.50 cut for only 3 months of the life of the bill—July-September 30, 1985. These price cuts are not the same—that is why the compromise backers oppose Conable.

Differences in the projections development by USDA, CBO, and Cornell University can largely be explained by differences in assumptions. The CBO figures are favored by the supporters of the compromise plan, in part because they are the most favorable in terms of Government oulays. Others, however, believe that the assumptions used by CBO are unrealistically optimistic with respect to the effectiveness of the paid diversion program. CBO has analyzed the bill objectively as the supporters of the bill intended the compromise plan to work. Sometimes the best of intentions fall short of reality. This is the message the other analysts are trying to get across—we can ignore their judgments if we choose, and we can, on policy grounds, decide to support the compromise plan anyway, even though we doubt it will work. I personally am glad we have a wide set of information upon which to make this decision. If we make a bad judgment, it would not entirely be out of ignorance.

I would like to read a few paragraphs of a letter dated November 4, 1983, from the Cornell economist, Dr. Andrew Novakovic,who has carried out the Cornell projections, along with a great deal of other research on the economics of the dairy industry. I might add I am grateful that Dr. Novakovic shared the benefits of his research with the Congress, and hope my colleagues who disagree with his conclusions will respect and appreciate, as I do, the professional quality of his work.

> First, there can be no question that the price cut approach embodied in the Conable plan clearly favors consumer interests, the Compromise Plan clearly favors producer interests, and the current Collection Plan clearly favors government budget cutting interests. I believe all plans are workable and effective in their own way, but each clearly strives for somewhat different effects. No proposal is uniformly superior or inferior across all possible performance categories. Hence, policymakers will have to make the difficult choice of how much importance to attach to each particular objective. As is so often the case, the choice involves trading a small benefit (cost) for a large number of people with a large cost (benefit) for a small number of people.
>
> If I were in a position to choose, I would seek a proposal that returned the dairy sector to a more market-oriented policy in which the government did not heavily intervene and in which the primary economic signal sent to dairy farmers was the price of milk; however, I would also seek to do this in a fashion that permitted orderly adjustments in the farm and wholesale sectors. Unless we are willing to make a *long-term* commitment to some kind of quota policy, and I will include the paid diversion program in that general policy category, the adjustments that are needed to bring supply in line with commerical demand require that some dairy farmers go out of the dairy business.
>
> Advocates of the Compromise Plan, and initially of the Collection Plan, argue that these plans would buy farmers some time while a longer term approach is being developed. This may be true, but these plans to some extent run the risk of buying time without doing much to move in the direction of a long-term solution. They may postpone the needed adjustment. Moreover, legislators will need to very carefully consider whether or not they want to embark on a plan like the paid diversion which represents an entirely different functional and philosophic approach to farm price supports.
>
> Although it means fairly high government costs for a few years, I believe I would favor a plan that involved fairly gradual price reductions. Given that farmers are already paying a one-dollar assessment, one might begin by eliminating the assessment and reducing the support price up to one dollar.

I will include Dr. Novakovic's entire letter at the end of my statement.

I think we can all agree that adjustments are needed in the dairy sector, and that some reduction in the number of cows milked—and number of dairy farms in business—are inevitable. We have heard arguments that the Conable amendment will have a devastating impact on smaller operations, often run by younger farmers. Some say 30,000 farms will go out of business because of Conable. If this were the case, I would strongly oppose the Conable amendment. I have spent two decades in Congress working for Federal programs that support the small family farm. I remain committed to the effort. The facts simply do not support the view that Conable will disproportionally impact small farms. Let me explain why:

First. The key variable, according to virtually all economists and studies—which we can, of course, ignore if we so choose—say that debt-load per cow is the most critical variable by far in determining an individual farm operation's ability to adjust to the $1 assessment, or a price cut.

Second. In each region, there are highly leveraged farms of all sizes—and small farms are often less heavily in debt and less dependent on farm income for economic viability. The smaller farm has always been more resilient—that is one of its greatest strengths.

Third. In California and the Southwest where the average dairy farm is large, the high debt-per-cow operations will generally be large. They will face the brunt of Conable. In the Northeast and parts of the Midwest where the average dairy farm is small, the high debt-per-cow farms will tend also to be small.

Fourth. The Conable approach will impact the inefficient producer as well. When this factor is combined with high debt, it is clearly possible such farms will move into other lines of operation.

Fifth. Historically since 1970, an average of 28,000 fairy farms have gone out of business each year. Farm numbers have declined even in years when the support price has been raised. The USDA estimated in its August 2, 1983, Federal Register notice on the impacts of the imposition of the second 50-cent assessment that the $1 assessment, or a $1 drop in support price, would cause about 19,000 farms to go out of business in 1983—near the average number of 21,000 for the 1973-82 period. Hence, the price cut is not seen as accelerating the decline in the numbers of dairy farms.

The letter follows:

NEW YORK STATE COLLEGE OF
AGRICULTURE AND LIFE SCIENCES,
Ithaca, N.Y., November 4, 1983.
Hon. GEORGE E. BROWN, Jr.,
Washington, D.C.
(Attention: Dr. Charles Benbrook)

DEAR CONGRESSMAN BROWN: I am writing this letter in response to a request from your associate Dr. Benbrook for a summary of my research on the implications of alternative dairy price support proposals. I am pleased to do so. I will try to keep my comments brief and to the point; however, there are a number of items I feel compelled to cover.

For your information, I have been interested in and studied dairy policy and dairy marketing since the mid-1970s, when I was a graduate student in agricultural economics at Purdue University. I have been an Assistant Professor in the Department of Agricultural Economics at Cornell University since January 1979, where my primary responsibilities are to conduct research and extension programs and teach in the broad area of dairy marketing. I have enclosed a brochure on "Dairy Marketing at Cornell University," which describes our program and personnel in general and my interests and responsibilities in particular.

The analyses which I have discussed with Dr. Benbrook and which I share with you now are based on an econometric model of the dairy sector that I first developed in 1976 at Purdue and which I have recently improved at Cornell. My earlier work with the original model is reported in the August 1977 issue of the American Journal of Agricultural Economics. The updated and revised model is documented in a forthcoming Cornell Agricultural Economics Department research bulletin. I have spent a considerable amount of time developing this model and feel that it is theoretically and statistically sound and that it meets the analytical standards of my profession.

While I feel that the results which I am about to share with you are derived by appropriate and sound methods, I must also point out that they, like any model forecast, are subject to some error. In this case, there are three possible types of forecast error. The first is simple statistical error. Based on validation runs with the model, I believe the statistical errors of my basic price, consumption, and production projections are relatively quite good. My forecasts of private and CCC stocks, net removals of dairy products by the CCC, and the net cost of CCC purchases are subject to greater error. In comparing results of various policy scenarios, I believe the relative differences between response variables across scenarios are accurate; however, the absolute magnitudes of some variables are less so. My opinion of the specific forecasts that I will present shortly is that they are reasonable. They coincide well with my intuitive feel for their likely magnitudes.

The second type of error is also quite normal for analyses of this type. That is the error that is introduced by the inaccurate forecasts of exogenous variables. In other words, the model predictions of the various dairy specific (endogenous) variables are based on assumptions about other more general (exogenous) variables, i.e., consumer incomes, feed prices, wage rates, etc. In each of the policy scenarios that I have analyzed, I make the same assumptions about the levels of these exogenous variables. Thus, if I guess wrong about the exact future levels of these variables (as I most certainly have), this will introduce errors into the absolute forecasts but, again, the relative differences between forecasts of response variables across policy scenarios are not affected.

The third source of potential error in these results is related to the second, but I think it needs to be singled out. The paid diversion component of the Dairy Compromise Plan and the second, refundable assessment under the Dairy Collection Plan are unprecedented. In addition, while we have some experience with generic promotion of dairy products, the scale and scope of the national promotion program suggested in the Compromise Plan is also unprecedented. Given the fact that these policies have never been applied to U.S. dairy markets, there is no way to estimate relevant response relationships based on historical data. Therefore the approach that I have taken to estimate their effects is to analyze their possible impact outside the model and then incorporate the implications of those analyses as explicit exogenous variables in the model. For example, research conducted in the area of milk promotion by my colleagues Olan Forker and Henry Kinnucan as reported in the enclosed copy of Dairy Marketing Notes (Volume 2) suggests that the type of promotion program authorized by the Compromise Plan could increase total, annual commercial disappearance of dairy products by four to six billion pounds, milk equivalent (M.E.). In my analysis I have assumed that a national promotion program would increase commercial disappearance about 1.5 billion pounds in the first year (1984) and 2.5 billion pounds the next year. This assumes that it would take some time to implement a program. Whether or not an actual national promotion effort would achieve higher or lower responses would depend primarily on how quickly a specific promotion strategy could be developed and implemented and on how effective that strategy is. I would characterize my assumption about the effect of a promotion plan as somewhat hopeful but reasonable.

I have treated the response to a paid diversion program and a refundable assessment in a similar fashion. In both cases, I assume that the incentives to reduce production result in a reduction in the number of cows. Based on calculations outside the model I estimate the amount of production reduction I would expect under each plan and then exogenously reduce cow numbers sufficiently to reflect that reduction in the model. My analysis of the response to a refundable assessment is reported in the enclosed Dairy Marketing Notes article (Volume 3). The assumed effect of the paid diversion program was calculated in a similar fashion (c.f. the enclosed paper on this topic written for The North East Farmer).

Given these important caveats about the model results and the assumptions I made to analyze the proposed policies, let me highlight some of my results for you. I will send Dr. Benbrook the entire results for all 40 or so endogenous variables under separate cover; these reports will also explicitly list the exogenous variables and their levels.

I have looked at quite a few possible policies and could analyze many other specific combinations. I will share with you a summary of the results for six policy scenarios that were simulated for the period (calendar years) 1982 to 1985. Actual levels of exogenous and price support variables are used in 1982. The current policy of the two 50 cent assessments is assumed to continue through December 1983. Although the actual plans call for a slightly different timetable, given the fact that the model is based on annual calendar year data, I made the following assumptions about the six alternatives for 1984 and 1985:

1. The Dairy Collection Plan ("Collection" in the tables)—the two 50 cent assessments, one refundable one not, remain in place through September 1985. The support price and CCC purchase prices are held constant at current levels, e.g., $13.10 on the support price. This assumes that the increase in the support price now required on October 1, 1984 will be eliminated. The refundable assessment is assumed to result in a modest production reduction, as discussed above.

2. The Dairy Compromise Plan ("Compromise" in the tables)—the refundable 50-cent-assessment is eliminated and replaced by a 50-cent cut in the support price on January 1, 1984. The nonrefundable 50-cent-assessment is eliminated on January 1, 1985, but there are no further support price cuts (because net removals are sufficiently low that the optional, additional price cuts are not triggered). A national assessment to support generic promotion begins on January 1, 1984 and continues through 1985. It is assumed that, given the credit allowed for current contributions to promotion programs, the net deduction will be 10-cent per cwt. Finally, a paid diversion program is assumed to be in effect in 1984. Under this plan, producers receive a $10 per cwt. payment on the difference between their actual marketings and their base period average marketings, if their actual marketings are 5 percent to 30 percent less than their base. It is assumed that this production reduction incentive is sufficient to encourage enough producers to enter contractual commitments with the Secretary of Agriculture to whatever aggregate level he sets. It is also assumed that some payments will (unknowingly) be made to producers who will not have to reduce their current production because it is already sufficiently below their base period level. Specifically, it is assumed that the diversion program results in about a 7 billion pound reduction in production but that USDA pays for an 11 billion pound reduction.

3. The Conable Bill: a. Version H—simply reduce the support price to $12.00 on January 1, 1984 and hold at that level through 1985. b. Version L—set the support price at $12.00 in 1984 and reduce it to $11.60 in 1985. c. Version P—use the same price support assumptions as Version H above and the same promotion plan as contained in the Compromise Plan. d. Version M—use the same support price as Version H but increase the CCC make allowance by 25-cent per cwt. and adjust purchase prices accordingly.

Selected consumer, producer, and government impacts under these alternatives are reported in Tables 1 to 3.

In addition to the previous caveats I have made regarding these model results, I would like to add two further cautions. The first pertains to the Compromise Plan. To set the stage, let me momentarily digress. Although legislative goals for price support policy clearly have been aimed at the farm level, the program of purchasing cheese, butter, and nonfat dry milk at specified prices clearly has a direct impact first on the wholesale market for these manufactured products and affect farm prices indirectly. This is a subtle point that is generally overlooked. This is unfortunate, and the design of the Compromise Plan shows why. Under the Compromise Plan, CCC purchase prices would be reduced slightly, providing a modest level of discouragement to manufacturers selling to the CCC. The paid diversion component of this plan provides a rather large incentive to reduce production but does nothing to reduce the demand for that milk. Economic theory and common sense would suggest that in this situation dairy product manufacturers would find it profitable to pay farmers somewhat higher prices in order to discourage farmers from cutting back production and thereby keep their manufacturing plants running nearer to full capacity and maximum efficiency. I have not yet tried to calculate the magnitude of this possible farm price increase or its implications, but I believe it would be a very important factor to try to incorporate in future work. As far as my analysis of the Compromise plan to date are concerned, this argument would imply that farm and other dairy prices are underestimated, production is underestimated, commercial disappearance is overestimated, and government costs and net removals may be underestimated.

TABLE 1.—SELECTED CONSUMER IMPACTS OF ALTERNATIVE DAIRY PRICE-SUPPORT POLICIES

Variable/year	Collect	Compromise	Conable H	Conable L	Conable P	Conable M
Commercial disappearance (billion pounds):						
1983	123.6	123.6	123.6	123.6	123.6	123.6
1984	126.0	128.8	128.4	128.4	130.1	127.9
1985	128.5	132.1	130.9	131.8	133.4	130.4
Consumer expenditures (billion dollars):						
1983	42.2	42.2	42.2	42.2	42.2	42.2
1984	43.2	42.7	41.0	41.0	41.5	41.5
1985	44.2	43.9	41.9	41.1	42.6	42.5
Retail price of fluid, whole milk (cost per half-gallon):						
1983	1.14	1.14	1.14	1.14	1.14	1.14

TABLE 1.—SELECTED CONSUMER IMPACTS OF ALTERNATIVE DAIRY PRICE-SUPPORT POLICIES—Continued

Variable/year	Collect	Compromise	Conable H	Conable L	Conable P	Conable M
1984	1.16	1.14	1.11	1.11	1.11	1.12
1985	1.18	1.16	1.13	1.11	1.13	1.14
Retail price of American cheese (cost per half-pound):						
1983	1.23	1.23	1.23	1.23	1.23	1.23
1984	1.23	1.19	1.14	1.14	1.14	1.16
1985	1.23	1.19	1.14	1.10	1.14	1.16

TABLE 2.—SELECTED PRODUCER IMPACTS OF ALTERNATIVE DAIRY PRICE-SUPPORT POLICIES

Variable/year	Collect	Compromise	Conable H	Conable L	Conable P	Conable M
Milk production (billion pounds):						
1983	139.1	139.1	139.1	139.1	139.1	139.1
1984	138.0	132.9	140.8	140.8	140.5	141.0
1985	138.4	137.8	138.7	138.3	138.4	139.5
Average price of all milk (dollar per hundredweight, average fat test):						
1983 [1]	13.48	13.48	13.48	13.48	13.48	13.48
1984	[1] 13.11	[1] 12.91	12.92	12.92	[1] 12.83	13.15
1985	[1] 13.35	13.39	12.93	12.57	[1] 12.84	13.15
Gross farm cash receipts from milk (billion dollars):						
1983[2]	18.8	18.8	18.8	18.8	18.8	18.8
1984[2]	18.1	[3] 18.4	18.2	18.2	18.0	18.6
1985	[2] 18.5	18.5	17.9	17.4	17.8	18.4

[1] Price includes nonrefundable assessment, net refundable assessment, and/or promotion deduction, where applicable.

[2] Income includes assessment refund.

[3] Income includes diversion payment.

TABLE 3.—SELECTED GOVERNMENT IMPACTS OF ALTERNATIVE DAIRY-PRICE SUPPORT POLICIES

Variable/year	Collect	Compromise	Conable H	Conable L	Conable P	Conable M
CCC net removals (billion pounds):						
1983	15.6	15.6	15.6	15.6	15.6	15.6
1984	12.0	4.1	12.4	12.4	10.4	13.1
1985	9.9	5.7	7.8	6.5	5.0	9.1
Cost of CCC net purchases (billion dollars):[1]						
1983	1.7	1.7	1.7	1.7	1.7	1.7
1984	[2] .9	[2] [3] 2.0	1.7	1.7	1.6	1.9
1985	[2] 1.1	1.5	1.5	1.3	1.4	1.6

[1] Figure excludes administrative and storage costs.

[2] Includes savings from assessments.

[3] Includes cost of paid diversion.

The second caution relates to the question of whether or not cuts in purchase prices will be reflected in market prices at wholesale and retail levels. The results presented in this study assume that they will be. The model assumes that wholesale prices of supported products are directly linked to CCC purchase prices and will rise and fall with them. Other product prices are assumed to rise and fall likewise, although in a less tight, one-for-one fashion. Recent research by Henry Kinnucan, reported in a forthcoming paper, indicates that retail dairy prices do rise and fall with farm milk prices, that the response of retail prices is very inelastic (ie., small) on either the upside or downside, and that the downside response is about two-thirds that of the upside response. In the model I am using, the retail price response is more elastic and is symmetric, i.e., there is no difference in the response to rising or falling farm prices. Kinnucan's results suggest that my results overestimate the consumer benefits of lower farm prices but that there definitely would be benefits to consumers. This conclusion coincides with my intuitive reaction to the model results.

By now you are probably wondering where this all leaves you. I will try to sort it out as I see it and make some comments on the merits of the various proposals.

First, there can be no question that the price cut approach embodied in the Conable plan clearly favors consumer interests, the Compromise Plan clearly favors producer interests, and the current Collection Plan clearly favors government budget cutting interests. I believe all plans are workable and effective in their own way, but each clearly strives for somewhat different effects. No proposal is uniformly superior or inferior across all possible performance categories. Hence, policy makers will have to make the difficult choice of how much importance to attach to each paticular objective. As is so often the case, the choice involves trading a small benefit (cost) for a large number of people with a large cost (benefit) for a small number of people.

If I were in a position to choose, I would seek a proposal that returned the dairy sector to a more market-oriented policy in which the government did not heavily intervene and in which the primary economic signal sent to dairy farmers was the price of milk; however, I would also seek to do this in a fashion that permitted orderly adjustments in the farm and wholesale sectors. Unless we are willing to make a long-term commitment to some kind of quota policy, and I will include the paid diversion program in that general policy category, the adjustments that are needed to bring supply in line with commercial demand require that some dairy farmers go out of the dairy business. Although this is inevitable and consistent with the long-term trend, it would seem wise to encourage these adjustments in an orderly fashion. Farmers and their lenders should have time to make appropriate plans. Moreover, I believe it is critical that longer run policy be developed so that the farm sector can make its plans on the basis of a fairly predictable long-term policy, not a year-to-year policy that swings from sending expansionary to contractionary signals.

Advocates of the Compromise Plan, and initially of the Collection Plan, argue that these plans would buy farmers some time while a longer term approach is being developed. This may be true, but these plans to some extent run the risk of buying time without doing much to move in the direction of a long-term solution. They may postpone the needed adjustment. Moreover, legislators will need to very carefully consider whether or not they want to embark on a plan like the paid diversion which represents an entirely different functional and philosophic approach to farm price supports.

Although it means fairly high government costs for a few years, I believe I would favor a plan that involved fairly gradual price reductions. Given that farmers are already paying a one-dollar assessment, one might begin by eliminating the assessment and reducing the support price up to one dollar. Given that the make allowance is clearly too low to bring the market price up to the support level and assuming that the announced support level should ideally be achieved, I would soften the blow of the initial price cut and put the support price back on a more honest footing by increasing the make allowance as well. To ensure future discipline if it is needed and to provide some longer run perspective to this policy, I would authorize an additional but more modest cut only if production and consumption were adjusting very slowly. I would make my initial goals modest, but I would strive to make it clear that my long-run goal was not modest. In that regard I might strive for something like a five-year adjustment path to a balanced market.

In setting up this plan I would consider some form of trigger mechanism and some sort of flexible price standard to help identify a general target for future prices. I do not feel that these concepts have been sufficiently developed by me or anyone else to make a specific proposal at this time.

I would also be very willing to endorse whatever legislation might be required to permit farmers to decide whether they are willing to tax themselves to provide funds for generic promotion. I think they could well benefit from such a program, but the initiative and cooperation must begin with them and the program must have sufficient time to be set up and administered effectively before a continuing referendum was brought up.

Finally, I think that it is essential that current price support strategy take into account the massive dairy product stocks owned by the CCC and to which we will add in the next couple of years under any of the current proposals. It is essential for humanitarian and pragmatic reasons that these stocks be reduced drastically in the not too distant future. I have not thought this through as carefully as I should, but I can see no way to avoid using world markets to reduce these stocks. Moreover, I would consider a quota to reduce casein and lactose imports, as at least a temporary measure.

I hope you find these comments useful. Feel free to call on me if I can be of further assistance.

Sincerely,

ANDREW M. NOVAKOVIC,
Assistant Professor.

Mr. CONABLE. Mr. Chairman, I now yield 3 minutes to the gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. Mr. Chairman, let me begin my comments by paying my respects to the gentleman from New York (Mr. CONABLE). Although we have intense differences on this particular amendment, my respect and friendship for him goes unaffected.

With that, let me begin by saying that H. G. Wells once wrote: "For every problem there is a solution that is simple, neat, and wrong."

That is exactly what we are looking at in the Conable amendment. It is simple, it is neat, and it is wrong. It will not work. Its passage could put thousands of small family dairy farms out of business—particularly our young and highly leveraged farmers.

As I have said many times here on the floor of the House—yes, we have to solve the overproduction problem facing the dairy industry and the cost problem of the dairy price support program. However, those solutions cannot come at the expense of the family farm structure of dairy agriculture.

Now, I am the first one who would argue that the dairy compromise we have before us today is not perfect—perhaps that is why they call it a compromise. I was the only member of the House Agriculture Committee to offer amendments to the bill during committee consideration.

Yet, compared with the two major alternatives we have to it—to keep the assessments or go to a $1.50/cwt price cut—it is undoubtedly superior. On virtually every count, the Conable substitute must fall.

A PRICE CUT DOES NOT SOLVE OVERPRODUCTION

First, the Conable substitute does little to remedy the underlying problem of overproduction—the problem that has caused the record stockpile 19.7 billion pounds (milk equivalent) of surplus dairy products currently held in Government storage.

That conclusion would not surprise anyone here today, for it is a simple economic decision. If your per unit profit is reduced and you want to maintain your overall profit margin, you have to sell more product. Dairy farmers certainly are no exception to the rule.

They have proven that over the last 3 years. In that time the support price for milk has either been frozen or effectively reduced by the current assessments. Yet, production has increased.

That is why the USDA production estimates show the Commodity Credit Corporation purchasing some 16.8 billion pounds of surplus dairy products in the next 2 years if the Conable price cut were enacted—9.0 billion pounds more than under the dairy compromise.

In fact, USDA estimates that only 600 million pounds of the current surplus would remain at the end of 2 years if the dairy compromise were enacted. And that is what really separates the dairy compromise from the Conable substitute—the compromise is effective.

A PRICE CUT DOES NOT COST LESS

A price cut is not only ineffective in solving the overproduction problem, it costs more as well—over $1 billion more to the taxpayers in the next 2 years.

The Congressional Budget Office's most recent estimates shows that the Conable price cut will cost taxpayers $3.493 billion over the next 2 years, during which time the dairy compromise would cost $2.422 billion—a difference of $1.071 billion.

This is not only important in our quest to balance the Federal budget, but also because one man's taxpayer is another man's consumer. So when you hear how much consumers will benefit from a producer price cut, you need to subtract at least $1 billion from those figures over the next 2 years.

A PRODUCER PRICE CUT WILL DO LITTLE FOR CONSUMERS

As my colleagues well know, there have been a lot of facts, figures, and statistics kicked around here this week. One of the more preposterous ones is that the Conable substitute will save consumers some $3.4 billion annually. That claim is based on an assumption that every penny of a producer price cut will be passed on to consumers by virtue of a free market economy.

That assumption is faulty for a variety of reasons, not the least of which is the fact that, by virtue of our Federal marketing order system, there is no free market for milk.

First, we have had producer price cuts five times since the beginning of the dairy price support program. In virtually every case, the consumer price for a gallon of milk went up, not down.

Second, leading dairy economists such as Dr. Truman Graf of the University of Wisconsin have shown that there is no guarantee that a change in producer prices will be passed on to consumers in any form. Rather, Dr. Graf indicates that a drop in farm milk prices will not led to a corresponding decrease in consumer prices because marketing firms generally increase marketing margins, profits, or both in such situations.

Finally, the patchwork of 49 different Federal milk marketing orders we have in the country, not to mention some States without Federal orders, creates areas with a fluid milk deficiency that effectively precludes consumers in those areas from feeling the effect of a producer price cut. In short, there is no "free market" within which a producer price cut can operate to solve dairy overproduction.

Now, I tried to get the Rules Committee to make in order an amendment to the Conable substitute that would have provided for a single Federal milk marketing order and a national pool of milk with a single blend price. It is only this way that a producer price cut will ever be passed through to consumers as milk is free to move from areas of greater surplus to areas of greater deficiency.

At that time, the supporters of an immediate $1.50/cwt price cut lined up in opposition to my amendment—an amendment to insure that consumers get the benefit of a producer price cut. Thus, the question everyone who is contemplating voting for this price cut must ask themselves is why are these born again consumer advocates recoiling from a perfecting amendment to the Conable substitute? Maybe—just maybe—they do not have the best interests of consumers at heart after all.

Thus, I can only tell my colleagues who have been bombarded with so many statistics in the last week that I sympathize with you and ask that you simply use commonsense when you analyze the competing data. Ask yourself, given the facts that producer price cuts have not led to consumer price reductions in the past, that leading dairy economists conclude there is no passthrough from producer price cuts to consumer prices, and that the current milk marketing system effectively prevents many consumers from benefiting from producer price cuts, what real consumer advantage is there in the Conable substitute?

The answer—none. In fact, all a price cut will do is drive young dairy farmers out of business. And 5 years from now when the older producers retire, there just might be product shortages, not product surpluses.

Finally, let us take a look at the Congressional Research Service study on the different proposals in front of us. That study will tell us that between 1984 and 1985 under the compromise, the price of milk per gallon will go down 3 cents. That same study will tell us that under the Conable amendment the price does not go down; it will go up a nickel between 1984 and 1985. Anybody who thinks we are going to save money for the consumer under the Conable amendment just is not looking at the objective study.

Now, let us talk about who is pushing this amendment. The only farm organization I know of that is pushing this amendment is the American Farm Bureau. If we had been listening to their rhetoric, we would think that they have a unanimous commitment from every one of their States and delegations to support this amendment. The fact is that at their national convention in January this year they debated dairy policy, and they had two options. One was a price cut, and the other was not the compromise, but the old Gunderson/Cropp quota plan with hard penalties from last year. And they only passed the resolution supporting a price cut by one vote out of over 200 delegates. That was before the compromise was even developed. Since then six States have opted out totally from support of a price cut. The American Farm Bureau is not united at all on this issue.

Finally, Mr. Chairman, let me say one more thing. For 3 years we in this country have been struggling with the dairy issue, in 1981, 1982, and now in 1983. Last year the assessment became law because the dairy industry in this Congress could not agree. The fact is that we told the dairy industry, "Get your act together and come to us with a program and we will pass it."

Are we now going to destroy the compromise this Congress asked the dairy industry to put together?

Mr. Chairman, that is the question. I urge you to oppose the Conable amendment.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. Gunderson) has expired.

Mr. CONABLE. Mr. Chairman, I now yield 2 minutes to the gentleman from New York (Mr. Wortley).

Mr. WORTLEY. Mr. Chairman, I rise in support of the Conable substitute.

The Conable substitute would give the Secretary of Agriculture the discretion to lower the price support program, now at $13.10 per hundredweight, to not less than $11.60. The Secretary has indicated that he will initially lower it to $12.

Traditionally, cuts in price supports result in lower production. When our dairy surpluses exceed consumption by 10 percent, something has to be done to bring production back into line with consumption. The Conable amendment addresses the situation of supply and demand.

The Conable substitute would lower dairy costs to consumers by as much as $4.5 billion below what is called for in the compromise proposal. The compromise does the consumer no favor, nor does it help the beef producer, the pork producer, or the poultry producer.

I represent a dairy district that produces over 660 million pounds of milk per year. The dairy farmers in my district endorse the Conable substitute by a substantial margin. They do not want unworkable, complex programs. They would like to decrease Government involvement in their operations.

A straight decrease in price supports will accomplish this, and by encouraging dairymen to promote their products, improve quality and let farmers determine their own destiny. The compromise plan does not give them the option of making long-range plans. In 15 months the incentive plan would expire; their needs would not.

Mr. Chairman, my farmers are not looking for something for nothing. The American taxpayer is tired of being asked to foot the bill to pay farmers or anyone else not to produce and not to work. The compromise plan would do just that.

Mr. Chairman, the Conable amendment is simple. The Conable amendment is fair. The Conable amendment is the choice of farmers in central New York. The Conable amendment is the right approach to reducing the dairy surplus, and I urge its adoption.

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Iowa (Mr. Leach).

Mr. LEACH of Iowa. Mr. Chairman, I rise in support of the Conable amendment.

Mr. Chairman, one of the oldest stories describing the dilemmas faced by elected representatives is the response of a Congressman to a constituent querying him about where he stood on a particularly controversial bill. The Congressman replied that some of his friends were for the measure, some were opposed, but that as far as he was concerned he wanted everyone to know that he stood steadfastly with his friends.

The dairy bill before us today could not more epitomize this fundamental democratic dilemma. Not only are consumer interests at odds with agricultural concerns, but the agricultural community itself is divided. As a representative of one of the most productive agricultural districts in America, I find my constituents anything but unified. By and large, the dairy industry supports the bill. Pork producers, cattlemen, and poultry producers oppose it. What is good for the goose is not perceived to be good for the gander.

In a legislative body based on population apportionment it is difficult to insure that farm concerns are adequately represented. Farm representatives must be given reason to hang together or different segments of the farm community will surely hang separately. Robbing Peter to pay Paul, when both are brothers in agricultural production, is inexcusable.

Rarely has legislation been brought before this body which is so blatantly good for one segment of an industry and so blatantly bad for another. Eventually it could prove to be bad for the consumer as well. Even more disheartening is the refusal of the Rules Committee upon advice of the Agriculture Committee to consider drought relief amendments designed to offset the inequality that this legislation imposes on the red meat and poultry industries.

Last week I urged the Rules Committee to allow three amendments intended to provide a more equitable balance to this legislation. These amendments, if accepted, would have implemented an emergency livestock feeding program to assist family farms preserve their livestock and poultry foundation herds and flocks; they would have directed the USDA to change the formula by which grain is valued for disaster loan assistance to insure that losses are calculated on a more realistic current cost basis; and they would have provided modest protection against a precipitous devaluation of farmland in the drought belt. Unfortunately, the leadership of the committees of jurisdiction objected to consideration of these amendments. Had drought relief amendments been included under the rule, a broader based, better balanced dairy bill addressing a larger mix of agricultural concerns could have provided a basis for united farm bloc support.

Mr. Chairman, had greater attention been given to the needs of drought stricken nondairy farmers, many more Members of this body could have seen their way clear to support this legislation. With such support, the passage of a more equitable bill could have provided many farmers—including dairy farmers—with the financial stability they need if they are to continue to feed not just this country but the world. Accordingly, it is with great reluctance that I rise in opposition to this particularly inequitable approach to dairy legislation.

Mr. CONABLE. Mr. Chairman, I now yield 1 minute to the gentleman from Wisconsin (Mr. Petri).

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment and in support of the dairy compromise reported by the Agriculture Committee. The compromise bill does contain several risks, but it is still the best solution we have been able to find for the problems of our dairy program. The Conable amendment, on the other hand, will result in thousands of small farmers being thrown out of business.

One of the risks in the compromise is that some farmers will shift part of their production into separate corporations, effectively hiding it, so they can benefit from payments for reductions at the same time their actual production is unchanged. The Department of Agriculture is going to have to write tough, comprehensive regulations to prevent this. I hope and trust that it will.

Another risk is that farmers will keep enough calves around, timed to freshen in mid-1985, so that production will immediately snap back to current levels after the compromise incentive program ends. We may have to take further action to prevent this.

Despite these risks, the compromise program offers the best prospect of reducing production surely and quickly, and without undue hardship for America's dairy farmers. I urge all my colleagues to defeat the Conable amendment and support the dairy compromise.

The CHAIRMAN. The Chair advises the gentleman from Texas (Mr. DE LA GARZA) that he has 21 minutes remaining, and the gentleman from New York (Mr. CONABLE) has 20 minutes remaining.

The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. TRAXLER).

Mr. TRAXLER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York (Mr. CONABLE). I believe that his approach is wrong, and that it will only increase the agony that our dairy farmers have been put through over the past 2 years by giving them another ineffective dairy program.

The facts are simple. CBO, an organization that has been quoted time and time again by Members on both sides of the aisle, says that the compromise, H.R. 4196, will cost us $1 billion less over the next 2 years than the Conable proposal. I have not heard this study faulted in any credible way, and I believe that CBO is in a better position to assess this matter than those who believe that if the support level is lower it must be a less costly program.

Mr. Chairman, H.R. 4196 is less costly than Conable because it encourages producers to reduce their milking. The paid diversion program will get milk production down, and that is what we are after. That diversion program is substantially producer financed, and when it meets its goal of reducing production, there will be no cost to the taxpayer.

H.R. 4196 is more humane than the Conable approach. I know the gentleman has the highest regard for dairy farmers, and I know that he represents an important dairy area in New York. But as the gentleman from Vermont (Mr. JEFFORDS) mentioned earlier today, Conable means that 13,000 dairy farmers will go out of business almost immediately. H.R. 4196, by contrast, provides for a ratcheting down of milk production in a gradual fashion which will minimize the adverse impacts that dairy farmers might encounter.

The Dairy Production Stabilization Act of 1983 also attacks an important portion of our dairy problem: demand. We have surpluses for two reasons: We produce too much, and we do not consume enough. The diversion program coupled with the price support cuts will get production down. The next step then is to encourage consumers to use more dairy products. The assessment for market promotion and development activities that is in H.R. 4196 recognizes this problem, and for the first time takes major steps to let people know that dairy products are desirable. If consumers use more, our surplus problem will be that much less. Consumption of dairy products has dropped from 700 pounds to 540 pounds annually over the past 30 years, and it is time we changed that trend. Many school officials tell me that parents are so used to serving their children drinks like Kool-Aid at home that about the only time a child gets milk in some instances is as part of a school meal program. This is a dangerous trend, both for economic and nutrition reasons. The Conable proposal, in contrast, does not even mention this problem of low demand.

Much is being made of who supports the Conable amendment. The Food Marketing Institute, the Milk Industry Foundation, and the National Independent Dairy Food Association are said to be supporters. They are all processors. They all want a cheap raw product for use in their operations. The argument that was used on the sugar price support program holds true hear as well: When the price of sugar dropped, the price of Coke and Pepsi did not. If the price of milk drops, I doubt the price of yogurt, ice cream, and cheeses are likely to drop. More likely, profit margins will increase. That price cut will not benefit consumers because they will not see it in the price of finished goods.

Public Citizen, Public Voice, and the Community Nutrition Institute support Conable. They are in the school of those who believe that a lower price support means a lower price to the consumer. These groups never support any farm price support program, so their position now is no surprise to me. Let us look at this issue. They want consumers to have a good supply of goods at a low price. If we drop the price and do not drop production, they might be right and we might have some lower prices. But at what cost? If 13,000 dairy farmers go out of business, production will drop off. We may lose our ability to increase supplies adequately in the future, and that means that prices will likely be higher to consumers in the future than they are now. As I have said so many times before, even though we might like to see a lower price in the grocery store, consumers benefit more from a stable supply in the long run than from a cheap price for 1 or 2 weeks.

The American Farm Bureau Federation supports Conable. But its county membership does not, necessarily. It is very interesting to me to have noted that at two recent county meetings in my district, in counties which are among the largest dairy producers in Michigan, the county farm bureau failed to endorse the national position. In fact, one county moved that the farmer bureau in Michigan attempt to work with the Michigan Milk Producers Association to reach a compromise that both groups might support. Many farm bureau members have written to me to let me know that they personally support H.R. 4196 and not the Conable substitute.

We have also heard that Secretary Block supports Conable—today. I commend to all of you the "Dear Colleague" letter sent by the gentleman from Iowa (Mr. HARKIN), the distinguished chairman of the Dairy Subcommittee, on November 4. As recently as 5 weeks ago, Secretary Block supported this compromise that he is now opposing. He even wrote of his support of the compromise to the chairman of the Senate Agriculture Committee in late September.

Now the Secretary has changed his mind because he cannot get the target price cuts that either he or David Stockman wants. In other words, if he cannot have the whole package at once, the compromise which was developed after weeks of work with representatives of dairy farmers gets thrown out. This fact alone should make us suspicious about the wisdom of the Conable substitute.

Mr. Chairman, the Conable substitute costs more. It does not really help reduce dairy production, and if it does so, it achieves that effect by driving thousands of producers out of business. It does not do a thing to help increase consumption. The support for it is either nothing new, misguided, halfhearted, or offered under dubious circumstances.

I urge the defeat of the Conable amendment, and the passage of H.R. 4196 as presented to the House earlier today.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. JONES).

Mr. JONES of Tennessee. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New York, and I urge the House to stand firm in support of the committee's compromise bill. This may well be the most important farm bill the House will consider in the 98th Congress, and if we fail to do the right thing today, we will sincerely regret it when it comes time to write the 1985 general farm bill.

As a member of the House Agriculture Committee for nearly 15 years and an active dairy farmer all my life, I have been witness to difficult times within every single commodity over which the committee has jurisdiction. For nearly a year we have been working closely together to develop a dairy program which can both provide a reliable supply of milk and still reduce the mounting surpluses and high Government costs. The negotiation process was tough, and at times I was doubtful that agreement would ever be reached. The compromise bill which the committee has endorsed is a workable program which the dairy industry supports and is prepared to implement immediately.

The Agriculture Department's own analysis indicates that the compromise will reduce milk production by 12.5 billion pounds—but the Conable amendment would only result in a relatively small 1.5-billion-pound reduction. Over the next 2 years, the CB estimates the compromise will cost about $2.4 billion—but the Conable amendment would cost over $1 billion more. Under the compromise, we can give American dairy producers a chance to solve their own problems and maintain their family farms. But, if we adopt the Conable amendment—you can mark my words—tens of thousands of family-size dairy farms will go out of business in the next year.

Again, Mr. Chairman, I urge my colleagues to seriously consider what is about to happen today. We have a clear choice, and I strongly believe our only choice is to reject this amendment and support the compromise.

□ 1430

Mr. DE LA GARZA. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. ALBOSTA).

Mr. ALBOSTA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Conable amendment.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, I thank the gentleman from Texas for yielding.

I believe we will be tested today on the seriousness of a lot of the concerns that Members of this House have voiced, and the test is the Conable amendment. A defeat of that amendment and enactment instead of the so-called compromise—because I do not regard it as much of a compromise on the substance of this program—will perpetuate one of the most expensive non-means-tested entitlement programs that we now confront.

We have seen agricultural spending go up by a very, very high rate. No one is proposing, certainly not the gentleman from New York (Mr. CONABLE), not myself, that we end agricultural subsidies. We are talking about a continued relatively high level of agriculture. We are talking about a very high level still remaining.

The question is, do we say that it is national policy that everyone now in the business of dairy farming is somehow to be guaranteed that he or she stays in, regardless of the need for the product, regardless of other market factors?

The Conable amendment is by no means a harsh attack on the farmers. It continues to mandate at a fairly high level the subsidy, but it gives flexibility to the Secretary of Agriculture so he can begin a transition process so that we can adapt to market conditions.

The alternative gets more and more complicated. The people giving us the compromise today gave us a bill a few years ago in 1981 which they told us was going to result in less production and less cost. It has, in fact, done the opposite.

Mr. OBEY. Mr. Chairman, will the gentleman yield on that point?

Mr. FRANK. I yield to the gentleman from Minnesota.

Mr. OBEY. Mr. Chairman, I would like to suggest that many Members supporting the compromise today are many of the people who were very unhappy with that proposal 2 years ago.

I would like to make the point that when you refer to the increased cost of agricultural programs today, that cost is coming from the PIK program not the dairy program, and this program will cost in 2 years only one-tenth of the cost of the PIK program for 1 year.

Mr. FRANK. I will take back my time. I will say to the gentleman that I only have 3 minutes and, unfortunately, that does not leave us enough time to extend the debate.

The Agriculture Committee and the people who put forth this, and I am not talking about the assessment program of 1982, I am talking about the dairy bill of 1981, and most of those who advocate the compromise or opposing the Conable amendment, were for the 1981 bill.

The fact is, that began a process of increased expenditure, wholly apart from the PIK program.

The dairy program has become a multibillion-dollar program without being involved with the PIK program.

The arguments that are being made are very clear. Do we disregard the consumer interest and disregard the long-term impact on the Federal expenditure so that we can effectively guarantee to everyone now in a particular line of work that he or she can remain in that line of work?

I do not think it is callous to say that we have to begin a gradual transition to the market.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 additional minute to the gentleman from Massachusetts.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Michigan.

Mr. ALBOSTA. Mr. Chairman, I certainly appreciate my good friend, the gentleman from Massachusetts, yielding, and he is my dear friend and I want that to be known to everyone; but I want to point out that for the long-term good of the consumers, it is absolutely necessary that we keep young farmers in the dairy business. Young farmers today have to go out in the morning at 5 o'clock and milk those cows. They have to take care of them all during the day. They have to put the hay up and the grain up to feed those cows all winter and they have to do it 7 days a week. We ought to be able to pay those farmers and we ought to be able to keep them in business for the good of the country.

Mr. FRANK. Mr. Chairman, to respond to the gentleman, the consumer cannot much longer afford this kind of concern for his or her welfare, concern for the consumers' welfare that constantly spirals the cost of the product and the cost to the Government of the program simply is not in the long-term interest of the consumer.

I do not believe it is the case that we simply have to defy any kind of market forces when we are dealing with agriculture and continue programs which go counter, in my judgment, to the consumers' interest, counter to the market totally, and then be told constantly it is for the consumer.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the objectives of dairy legislation should be fourfold: First, reducing the surplus; second, avoid serious dislocation of the family farm; third, provide a long-term stable supply of nature's most perfect food to the consumer; and four, achieve these goals at the least possible cost to the taxpayer.

I think the dairy compromise meets these challenges very effectively.

No. 1, CBO estimates that the cost to the taxpayers of the dairy compromise will be $1 billion less than the Conable amendment.

Second, the compromise most effectively reduces surplus and that should be the goal of this legislation, while at the same time stabilizing supply for the consumer.

Third, I think the dairy compromise will most effectively protect the family farm in America, as opposed to the large corporate farm.

For all these reasons, it seems to me that the compromise meets the test for effective dairy legislation much better than the Conable amendment.

Mr. ALBOSTA. Mr. Chairman, will my good friend yield?

Mr. REGULA. I yield to the gentleman from Michigan.

Mr. ALBOSTA. Mr. Chairman, I just wanted to make the point, that certainly the gentleman is correct. You cannot buy anything cheaper than good milk.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. Daub).

Mr. DAUB. Mr. Chairman, in the brief time that I have, first let me thank the gentleman from New York for yielding me this 1 minute.

I know for most of my colleagues who are not from agricultural or dairy States or communities, this will probably be perceived as a pun, but this issue, and it is a complicated one, could be "udderly" frustrating if you were not familiar with the ins and outs of the issue.

Our colleague, the gentleman from Massachusetts (Mr. Frank), did not have a lot of time to yield, but I wonder if the gentleman from Vermont (Mr. Jeffords) would take the microphone and let me ask the gentleman a question about his letter to Members dated November 7 of this year. Would the gentleman respond to a question?

Mr. JEFFORDS. I would be most happy to.

Mr. DAUB. The gentleman alluded to a vote in October 1981 on an amendment by the gentleman from Massachusetts, Mr. Barney Frank, and stated that the Conable amendment is similar. Would the gentleman elaborate on that for the interest of the membership?

Mr. JEFFORDS. Yes. At that time the gentleman from Massachusetts, who again was at one of the outer aspects of a compromise, offered a very similar amendment, only in the terms of parity pricing, that he has today. At that time this body, I think quite rightly, turned it down.

Unfortunately, the bill that the House passed and has passed has not been the law that has gone in. Otherwise we would not have this problem today, but the body did vote against it.

Mr. DAUB. Well, I feel when that amendment was defeated 243 to 153 that it has an analogy to what we are doing today.

I wish to take a moment to express a few concerns I have regarding debate on H.R. 4196, the compromise dairy bill we have considered today.

Last spring, I became an original cosponsor of one of the dairy compromise measures, out of my belief that it was imperative that we address—and resolve—the dairy surplus problem once and for all.

In the many months which have followed since this legislation was introduced, the administration had indicated their support for the compromise, and little opposition to the legislation was made known from any organization.

However, in the past 3 weeks, my office has been inundated with outcries that the dairy compromise will be devastating, if passed. While I do not wish to minimize the concerns some of my friends have expressed over this legislation, and the record will show through my support of the package of amendments offered by Congressman Harkin of Iowa, that I sincerely wished to take their concerns into consideration, I must, at this time, let my frustration be shown.

Had those with concerns about this legislation endeavored to make their opposition known while this compromise was being fashioned, the sponsors and supporters of the compromise would have taken the time—and there was time—to achieve a bill more favorable to all affected.

I strongly support the compromise.

Mr. de la GARZA. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. Lundine).

□ 1440

Mr. LUNDINE. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Conable amendment and in support of the compromise dairy program provided in H.R. 4196, the Dairy Production Stabilization Act of 1983.

The approach advocated by my colleague and neighbor from New York (Mr. Conable) would provide the Secretary of Agriculture with the authority to reduce the dairy support price by $1.50 per 100 pounds of milk production. Secretary Block has indicated that he will use the full authority provided under the proposal, cutting the support price $1.10 initially, with a followup reduction of 40 cents per hundredweight.

The strength of this proposal is its simplicity. But because of its simplicity, it fails to address the basic causes of the current dairy surplus problem. The dairy industry suffers from both overproduction and weak demand—overproduction due to the large number of dairy cows that have been brought into production, and declining consumption as a result of a gradual aging of our population and changes in consumer tastes.

The Conable amendment does not even claim to deal with these problems. It is offered primarily as a means of reducing Government costs and providing some price benefits to consumers. But even these claims are questionable. The substitute offers no supply management tools to prevent additional increases in milk production or to reduce the number of cows in production. As a result, farmers will respond to price cuts by increasing production and forcing the Government to purchase more, rather than less, surplus products.

As for the potential benefit to consumers, recent experience would show this is unlikely. In 1961, and again in 1972, efforts were made to reduce milk prices, either directly through support price cuts or by flooding the U.S. market with foreign dairy production. In both instances, farm prices and farmer receipts dropped significantly, with little or no reduction in retail milk prices.

Where the Conable approach will be successful is in reducing farm receipts to the point where thousands of dairy producers are forced out of business. The dairy farmers that remain in business will survive by buying cows and relying on increased marketings to offset lower milk prices.

The potential effect of this approach can already be seen in the operation of the current milk assessment program. In my district, where dairy farms tend to be small family operations with 40 to 50 milking cows, the current $1 per hundredweight assessment is now costing farmers between $700 to $800 a month. These farmers are already operating on very thin margins due to rising costs and heavy debt service. Few can afford additional losses of between $8,000 and $9,000 a year without serious harm.

Two things have been most striking about the operation of the assessment in New York since the spring. On the one hand, farm loan defaults and farm bankruptcies have skyrocketed. In just one of my farm counties, Steuben County, the Farmers Home Administration reports that between 80 and 90 farms have either been foreclosed or are close to foreclosure. This is not atypical of most farm counties in the State.

At the same time, dairy producers throughout the State have begun to increase milk marketing after years of relatively static production. Recent figures show that some 26,000 cows have been added to dairy herds in the State since last autumn and that overall production is up by more then 53 million pounds above 1 year ago.

What is ironic in this situation is the fact that farmers are being forced off their farms and out of business by Federal policies intended to reduce surplus marketings, while local cheese manufacturers complain of not being able to secure enough milk in the region to meet their production needs.

By cutting dairy prices an additional 50 cents per hundredweight, the Conable substitute would further aggravate these conditions and increase the number of farm bankruptcies in New York. What concerns me most is that the losses would not be confined merely to the more inexperienced or inefficient producers. It would also force bankruptcy upon the more efficient farmers who have already cut costs and placed themselves heavily in debt to improve or modernize their farms. If we lose these producers, the industry is in serious trouble.

The compromise program incorporated in H.R. 4196 offers a more balanced approach to the dairy surplus problem. It takes the best of the price reduction and supply management proposals and eliminates the shortcomings of each. The supply management provisions—the 15-month paid diversion program—will reduce milk production quickly without forcing thousands of farmers into bankruptcy. The Department of Agriculture has estimated that this program will reduce Government surpluses from the fiscal year 1983 level of over 20 billion pounds of dairy products to less than 1 billion pounds in fiscal year 1985.

Where the diversion program is essentially a short-term policy tool, the price reductions would be implemented over time to provide long-term controls on the dairy market. While the full extent of these reductions would be similar to those proposed in the Conable plan, they would be phased in gradually and linked to actual supply-and-demand movements within the market.

Added to these elements of the compromise is a new program of dairy research and promotion that is absolutely essential if we are to address the serious problem of declining consumer demand for milk and dairy products. This proposal offers, for the first time, a national-based program to identify and develop new consumer products and to market them on a broad basis. I believe the potential market for new or improved dairy products is significant. The growth of the market for yogurt during the past decade is a clear example of this potential.

I believe the compromise dairy plan can achieve the goals that simple price cutting cannot achieve separately. It will reduce dairy production and surpluses almost immediately. It will limit losses to dairy producers and provide price relief to consumers over time. And it will reduce Government costs more effectively than any of the other alternatives that have been proposed.

The Congressional Budget Office has estimated that enactment of the compromise legislation would result in a reduction in Government outlays for the dairy support program during the next 5 fiscal years of more than $2.6 billion from current levels of spending. Moreover, it will reduce short-term outlays by more than $1 billion below the level that would be spent if the Conable substitute were enacted.

Consumer representatives and dairy industry spokesmen are now in agreement that something must be done to bring dairy production back into balance with consumer demand. And it is clear that this must be done in a way that continues to assure adequate supplies of affordable dairy products to consumers without additional cost to Government. The Conable substitute, with its narrow focus of price reductions, cannot achieve this.

We require the broader, more balanced approach developed in the compromise legislation to provide a solution that is fair for both the farmer and the consumer. I intend to support the compromise dairy program and urge its adoption by the House.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. Moore).

Mr. MOORE. I thank the gentleman for yielding me this time.

Mr. Chairman, I am convinced that the Conable amendment is the best solution for consumers as it will save them some $3 billion and the taxpayer some $1 billion over this bill according to OMB.

But this is also the best solution for the dairy farmers and we as public servants as well. I represent supposedly the biggest or certainly one of the biggest dairy producing areas in the South. We ever have two cheese plants in my district. My dairy farmers are split. They do not know what to do about the compromise bill, but they are unified on the Conable amendment, unified in support of it.

Their logic is hard to argue with. It goes like this: Congressman, before you pass another complicated, untried Government program, to prop up one that is already not working, why do you not just cut back the one you have? If you have got too much milk, and we do, it is because of the price support program so reduce it and you will not get so much milk. I think they are right. I think we as public servants ought to come to their reasoning process and join with them. They know in the long run that a diversion program to pay them not to produce milk is not in their best interests. We as public servants ought to know it is not in the Government's best interests either.

It may well wind up embarrassing both of us, the dairy farmers, and we as public servants. Consider first the fact that there is no payment limitation in this bill, none whatsoever. Every other farm program has a limit, you cannot be paid more than $50,000. This bill has no limit. The sky is the limit.

Staff tells me there is one dairy farmer in California, if he chose to take part in this program, who has a dairy herd of 9,000 head. His diversion payment under this bill, get this, would be $3 million to work 30 percent less, $3 million to work 30 percent less.

Let me ask this: How many more of them are out there that would get a million or a half-million dollars, and what will we look like when we try to defend this program to the American people? I have a lot of constituents that would be glad to work full time for $3 million or even $2 million.

Second, consider the fact that there is a great possibility of gaining under this program. Under this program you do not really have to do anything you are not doing now to be paid. If you are still at or below the base period, you qualify for the diversion payment without doing anything more. Many are going to get paid for doing nothing, because they are already below that base. Others are going to move cows over to another farm as a silent partner and collect the diversion payment for the first farm as well as a share of that second farm's income.

Others will reduce production for 15 months just to get a payment but will go back into full production when it is over, if it ever ends.

USDA does not have the time or manpower to set up any kind of mechanism to prevent these games from happening. We are walking into a mistake if these things happen in the future.

Consider, third, the fact this bill sets a bad precedent, paying dairy farmers not to produce. We are told not to worry about that because it is only a 15-month program. I have heard that before. Fifteen months from now, there may well be pressure nonexistent now to extend this diversion payment program. I fully expect that to happen.

For these reasons, I ask my colleagues to support the Conable amendment, a better solution than diversion payments, in order to prevent the necessity of passing such payments as a replacement for the current assessment program which many of us oppose.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. McDade).

Mr. McDADE. Mr. Chairman, I rise in support of the so-called dairy compromise, H.R. 4196, the Dairy Production Stabilization Production Act of 1983. The dairy surplus is a serious problem, and while the compromise does not please everybody, I do believe it is our best option to address the situation we face.

The compromise takes the best parts of the price cut and supply management proposals. The temporary, farmer-financed diversion program will move to reduce the surplus quickly, and with a minimal displacement of dairy farmers as possible.

In addition, the Secretary of Agriculture will still retain the discretion to lower the price support of $13.10 per hundredweight to a level down to $11.60 per hundredweight to further manage dairy supplies.

The compromise allows dairy farmers to continue to operate, while providing price signals that may be necessary to discourage excessive production in the future.

One of my real concerns in the supply management approach is that, while it may quickly reduce production, there would be no assurance that production would not rebound after the 15-month diversion program ends. The addition of giving the Secretary of Agriculture those necessary price control mechanisms may prevent a return to the overproduction.

When compared to the approach offered by my good friend, the gentleman from New York, Barber Conable, the compromise is a better bill, better for the consumer, better for the Federal budget, and better for the dairy farmer. According to published reports, the compromise bill will cost the Federal Government some $1.27 billion less than the Conable approach.

Both bills would have similar effects on consumer prices, both bills give the Secretary of Agriculture the same price signals mechanisms necessary to control the supply. Its just that the compromise reduces the supply of dairy products through the price diversion and as a result, Government expenditures on behalf of the dairy price support program should fall considerably. The compromise is projected to reduce outlays to less than one-half of what was spent in fiscal year 1983. The key is that the compromise bill is the legislation that most quickly and effectively cuts the production of dairy supply.

I thank the gentleman for yielding and urge support for the dairy bill before us today.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. Lewis).

Mr. LEWIS of Florida. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Conable amendment. This amendment would cost the Government over $1 billion more than the compromise bill. Consumers' benefits of the Conable amendment will not materialize. Historically, very little, if any, of the savings from a support price reduction have found their way to the consumers.

This year Florida farm milk prices dropped by 95 cents per hundredweight. Yet, the retail price remained the same. Not one cent of the savings was passed on to the consumer.

While the Conable amendment by lowering milk price supports provides just as much incentive, as does the bill for farmers to slaughter their dairy cows, the Conable amendment provides no orderly procedure for marketing the slaughtered stock.

Recently, I met with more than 150 dairymen in my district. To some of them, passage of a dairy bill is a matter of survival.

Stick with the compromise and defeat the Conable amendment. It certainly will not do the job.

Thank you, Mr. Chairman.

Mr. de la GARZA. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. Huckaby).

Mr. HUCKABY. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Conable amendment and I would like to echo what the gentleman from Florida said. For many dairy farmers throughout the Nation, passage of some bill, either alternative is absolutely necessary for their survival.

I would suggest to my colleagues that the committee version, the compromise, has the far greater chance of becoming law. I also support the compromise and am opposed to the Conable amendment for this simple reason: The Conable amendment reduces the price supports. It is going to take years to force farmers into bankruptcy and to reduce the output significantly.

However, the committee bill pays farmers not to produce. There will be a large participation, but CBO tells us that even though we are paying farmers not to produce, we will save money because we will have to buy significantly less surplus milk, and hence, I think, this is the best approach and I urge my colleagues to vote with the committee.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. HUCKABY. I yield to the gentleman from Michigan.

Mr. ALBOSTA. Mr. Chairman, I hope the Members will accept the committee's recommendation and all of the work that they put into it.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from New York (Mr. Conable).

I am not a dairy expert. I do not represent some dairy interests.

My understanding is that both competing ideas have the same purposes—to reduce surpluses and not increase deficits.

Under the terms of amendment of the gentleman from New York, the producers in my area say they will increase production and increase surpluses. That is not progress.

At the same time, the deficit in the next 2 fiscal years is going to be three-quarters of a billion dollars larger under the Conable amendment. That is not progress either.

If you want to go backward, if you do not like progress, then I submit you should support the Conable amendment.

Otherwise, vote, as I shall, for the committee's compromise.

Mr. de la GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. Clarke).

□ 1450

Mr. CLARKE. Mr. Chairman, I rise in support of the Conable amendment.

I am a dairyman and I represent a lot of the North Carolina dairymen, all of whom want the Conable amendment.

The real problem we are discussing is how to reduce the enormous surplus of milk in this country. The diversion program contained in the compromise bill simply will not do it. The loss of cash flow created by the heavy assessment is already causing some dairies to increase production.

Some dairies will sell out entirely, thereby putting heavy pressure on beef prices. A few dairies would cutback enough to qualify for the $10 per hundredweight payment, but I suspect that a lot of them would hold back their heifers for freshening at the end of the 15-month period covered by the bill.

The final result of the compromise would be almost no net decrease in milk production. And the proposed costly advertising program would not do much, if anything, to increase milk sales. Similar advertising and promotion programs are already in operation in many parts of the country with limited success.

The only way we can achieve a real decrease in milk production is to cut the support price as the Conable amendment provides up to $1.50 per hundredweight. This will cost the Government less in the long run and it will get dairying back on a sound basis.

Mr. Chairman, I urge my colleagues to support the Conable substitute. It is a way to get rid of the dairy surplus. If we do not do it now, we will have to come back and do it next year.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. CLARKE. I yield to the gentleman.

Mr. VOLKMER. Is the gentleman saying all of the information we have from all sources basically that there will be participation in the diversion program and, as a result, we will have excess production lowered under the compromise bill is wrong and is the gentlemen saying that we are not going to have anybody participating in the diversion program?

Mr. CLARKE. I think the participation will be very limited.

Mr. VOLKMER. If that is the case, then with the additional 50 cents going to CCC we are actually going to lower, if that money is going to be kept by CCC, that is going to lower the cost to the taxpayers that much more than we presently have, and the Conable amendment is going to cost more under all of the estimates than the compromise under the Agriculture Committee bill.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. Martin)—enthusiastically, I might add.

Mr. MARTIN of New York. Mr. Chairman, I rise in support of the Conable amendment, the best of two rather bad alternatives for the dairy farmers of this Nation and of my district. But I say that because I am looking out for the best interests of those dairy farmers.

I just got off the phone some 20 minutes ago with Richard McGuire, president of the New York State Farm Bureau. He pointed out several reasons for supporting the Conable amendment.

Mr. McGuire noted, first, that milk checks received by the dairy farmers of my district would be about the same under either the Conable plan or the committee bill. He based this projection on the Secretary of Agriculture's indication that, under Conable, he would lower the price support to $12. The committee bill, of course, would lower the price support to a lesser extent but would retain one of the justly maligned 50-cent per hundredweight milk taxes.

Mr. McGuire also pointed out that eligibility for the paid diversion program would be limited to farmers who cut their production significantly to earlier levels. Diversion payments then would be based on cuts in production below those significantly lower levels.

And, of course, Mr. McGuire conveyed to me the Farm Bureau's strong conviction that the price support system has served dairy farmers and consumers well over the years and can be used to address effectively our current oversupply problems. I share that conviction.

Mr. Chairman, quite frankly the farmers of my district have been split almost down the middle on support for the measures we are considering. But they are unanimous in their objections to the 50-cent milk taxes which, my colleagues will agree, has been responsible for a great deal of antagonism around here. I want to point out that the Conable amendment provides us the opportunity to get rid of the despised milk taxes.

If we adopt the committee bill, I fear we will be coming back to a confusing array of milk taxes and complicated diversion-type programs time after time and year after year. I wish that were not so, but I am afraid it is as simple as that. Yes, the committee bill is better than what is in place now, but it retains a milk tax on which we have never had an up and down vote in this House.

This is our first opportunity to vote on the milk tax. If you embrace the milk tax, embrace the committee bill. But I urge you to reject the milk tax and support the Conable amendment.

Mr. de la GARZA. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. Skelton).

Mr. SKELTON. Mr. Chairman, I speak for the committee bill, the compromise bill which is before us, and against the Conable amendment.

I think it is a matter of credibility, Mr. Chairman. We have before us the figures not of one but of two bases: One, the Congressional Budget Office and the other the U.S. Department of Agriculture. Both of them in their figures are relatively close.

The Congressional Budget Office says that the compromise bill will cost the Treasury $1.1 billion less than the Conable substitute amendment. That, Mr. Chairman, speaks for itself.

One of the first things that concerned me in this whole issue was the matter of the red meats, the pork producers, the cattlemen.

I want to compliment our friend and colleague from Iowa (Mr. Harkin) for the amendment that he offered and which was passed, which does provide safeguards against bunching of culled cow sales. The Harkin amendment gives the authority to the Secretary of Agriculture to have an orderly marketing of those cattle which will be marketed no matter which dairy plan is adopted. This is protection for the producers of red meat.

Further, let us look at the Conable amendment, what it is and what it is not.

The price support reduction mandated by the Conable amendment will not result in lower consumer prices for milk, because these price reductions have not historically been passed through to consumers.

There is too much milk and it is costing the taxpayers too much. The compromise will reduce production. The Conable amendment will increase production in the short run. And, the Conable amendment will cost taxpayers $1.1 billion more.

Mr. CONABLE. Mr. Chairman, may I ask how much time remains on each side of the aisle?

The CHAIRMAN pro tempore. The gentleman from New York (Mr. Conable) has 12 minutes remaining, and the gentleman from Texas (Mr. de la Garza) has 10 minutes remaining.

Mr. CONABLE. Mr. Chairman, we have yet another distinguished voice from the upper Midwest, the gentleman from Minnesota (Mr. Weber), and I yield 2 minutes to the gentleman.

Mr. WEBER. I thank the distinguished gentleman from New York for the kind introduction. I rise in opposition to the Conable amendment and in support of the compromise as the only way of giving about 30,000 dairy farmers across the country a decent chance to make a living.

A couple of things that have come forward in the debate today really concern me and I want to try to address them.

First of all, as I talk to my colleagues about voting against the Conable amendment and on behalf of the compromise I think there is this impression that has been created that the compromise really is just a thinly veiled giveaway to the dairy farmers across the country.

I do not know a whole lot about dairying in California or in the Southeastern part of the country, but that just is not true in my district in Minnesota. Our dairymen are not getting rich in the upper Midwest.

This is a genuine, honest compromise. Those of us that are advancing the compromise and opposing the Conable amendment today have had to do some political spadework in our own districts with our dairymen because this does involve sacrifices.

It is precedent setting in that the entire cost is not borne by the taxpayers. The farmers are picking up a good deal of the cost of this bill. And, frankly, some of them are not too happy about that.

But that is to be expected because it is a compromise. It is a compromise that exacts costs from the dairymen as well as from other segments of our society.

Furthermore, I want to make the point that the approach embodied in the Conable amendment has been rejected by this House before. In 1981 in the vote on the farm bill, as my colleague from Nebraska tried to point out earlier, this House rejected the Frank amendment. We fully debated this approach to dealing with the dairy problem. The House said in its wisdom at that time that it did not want to take this approach.

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The Conable amendment really has nothing new to offer that the Frank amendment did not offer us in 1981. The circumstances have not changed in any way that enhances the case for an across-the-board price cut, and the House would be wise, in my judgment, to once again reaffirm its wisdom of 1981, reject the Conable amendment as they rejected the Frank amendment and pass the compromise.

Mr. de la GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. Stenholm).

Mr. STENHOLM. Mr. Chairman, in the heat of the debate let us not forget to remember that the problem we debate today is too much food for the American public at a reasonable price.

Much has been said about the loafer aspect of the diversion payment. Let me hurriedly point out that if you assume Conable, $12 per hundredweight, 239,000 dairymen, who fall in the 50-head and under category will be earning $336 a week above his varible costs for the next 52 weeks, and a zero return on their investment; or they will be losing $253 a week on their investment and working for nothing, for their labor, if you assume their total costs.

Mr. Chairman, we have a tough choice. There are two approaches here to solving the Nation's dairy problems, both with their supporters. Both reduce the price of milk by $1.50 per hundredweight. Neither approach is perfect. Either approach could fail to deliver what it promises. How should we choose?

If we choose on the basis of simplicity—on the basis of which way is easier to understand—then we will certainly vote for the Conable amendment.

But I do not believe we, as Members of the lawmaking body of the most powerful Nation on Earth, should necessarily vote for something just because it is easier for us to understand. Let us admit that the dairy problem is very complex, and the best way to solve it may not be the simplest way. Remember, for every problem, there is a solution which is simple, elegant, easy to understand—and wrong.

What criteria should we use in our decision, Mr. Chairman? What should a workable dairy program achieve?

Well, I think it ought to reduce our current surplus. In the near term—which, let me emphasize, is all we are talking about—the compromise will reduce overproduction, while the Conable amendment will lead to more production in the short run. The caves where we store the Nation's taxpayer funded dairy surplus will be fuller under Conable than under the compromise.

Second, I think we ought to choose the approach that will save taxpayers money. Our official forecaster, the Congressional Budget Office, says Conable will cost the Treasury $1,071 million more than the compromise. I know OMB says something different, but I also seem to recall how silent they were until after the administration decided to switch positions on the dairy question.

Third, I think we should choose the approach that will let dairymen get supply in line with demand while at the same time not unduly penalizing livestock producers. As a cattleman, I believe that the compromise combined with the Harkin amendment will have about the same effect on livestock prices as the Conable amendment. Everyone knows there will be some dairy cows sold. That is because there are just too many of them right now, and whether it is Conable or the compromise, they will move onto the market at some point. The Harkin amendment at least contains a way to provide for orderly marketing, and make sure the sales are spread over a longer period.

Let me make two other points. First, I wish the Conable amendment were the bonanza for consumers that some people think it will be. I am afraid they are wrong. During the last two times that farmers' milk prices dropped—1976-77 and 1981-82—the retail price did not drop along with them. The retail price went up. And throughout recent history, retail dairy prices have tended to rise proportionately more than farm dairy prices. All the assumptions about consumer savings are based on the theory that the whole support cut would be passed along to grocery shoppers. It will not happen that way.

Finally, let me say again that we are talking about the short term. I wish we were not. I wish we were doing some long-range planning for the dairy program. But realistically, that will not happen until the 1985 farm bill. The dairy program will probably look a lot different after that. But right now, we need something to get us through the next 2 years without busting the Treasury and without having milk coming out our caves.

Some people are worried that at the end of the paid diversion, dairymen will bring vast numbers of heifers into production, and we will be right back where we started—with a surplus. But let me point out that from the dairyman's own selfish viewpoint, that would be the worst thing that could happen.

If this paid diversion does not work, there will not be a second chance. I am one Member who will stand ready to make far more drastic changes than we have so far made if this plan fails. It is in dairymen's own interest to reduce overproduction, and I believe milk producers now realize that.

How interesting it is that we are here today having folks that voted last night to save $1 billion, of which I was one, turning right around and arguing to spend $1 billion on a dairy program by supporting the Conable amendment. How ironic that on one night we can be concerned about saving, and on the next spending $1 billion.

What we need is the compromise. It is not perfect by a long shot. It is not the best bill possible; but it is the best possible bill. I urge my colleagues to vote against the Conable amemdment and for the Compromise.

□ 1500

Mr. CONABLE. Mr. Chairman, I now yield 2 minutes to the gentleman from Illinois (Mr. Madigan), the distinguished ranking minority member of the Agriculture Committee and a man of balance, judgment, and sound positions.

Mr. MADIGAN. Mr. Chairman, I suspect the introduction may be some indication of which way I am going on this issue. I want to say at the outset that I had not decided which way I would vote, whether I would choose to vote for Conable or the compromise. My interest in this issue has been to insure that everybody would have the opportunity to debate in a full and fair way. I think we have accomplished that.

My ambition beyond that, because I do not have many dairy farmers in my constituency, is to insure to whatever degree I possibly can that the Members of this assembly are not in any way misled by debate items that often seem to be considerably in conflict.

Historically the only thing that has reduced the dairy surplus problem has been a Conable-type provision. There is plenty of data to support that assertion.

The compromise would ultimately get to Conable-type provision and it had appealed to me because it did it gradually and it said "Let us try these other things first."

But today we have heard from the sponsors of the compromise that before they would allow us to reach the chronological point in the timetable that the Conable-type provisions would be arrived at in the compromise, they are going to intervene with other legislation.

Now what we have at the moment is current law that is very onerous, we are told by the dairy people. The current law had its genesis in the dairy industry. It was their idea.

Now we have a compromise.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I will yield if I have time remaining.

But it was the lobbyist for one of the dairy industry groups that came up with this and I know when it came up. What we have now is a compromise also having its genesis in the dairy industry. We are going to reach a point when we get close to the Conable-type provision that there is going to be another compromise and this is going to have been a terrible idea. And that compromise, that subsequent compromise, is already in the offing because we have been told in the debate here today by the sponsors, by the advocates of the compromise that they will not let us reach the Conable-type provision.

The CHAIRMAN pro tempore. The time of the gentleman (Mr. MADIGAN) has expired.

Mr. CONABLE. Mr. Chairman, I yield 30 additional seconds to the gentleman from Illinois (Mr. MADIGAN).

Mr. MADIGAN. I thank the gentleman for yielding.

They will not let us reach the Conable-type provision in the compromise if their other things fail to work because they are going to have another bill and they are going to bring that to us before we would ever reach the Conable-type provisions that historically have worked. I do not want this assembly to be misled. I want the Members to understand that we have a compromise because an earlier idea failed, that before the good part of this compromise can be arrived at, we are going to have another compromise and this is going to go on ad infinitum until the thing finally collapses of its own weight.

I would have supported the compromise but I support Conable now because I do not want to be misled and I do not want anyone else misled.

Mr. DE LA GARZA. Mr. Chairman, I yield myself 1 minute.

The legislation that seemed so onerous that the gentleman just mentioned that we are operating under was written by the administration and we were forced to swallow it in a conference committee. What passed this House is not the legislation we are working under. So let there be no misapprehension, let there be no mistake, the law we are operating under now was written by the administration and we were forced to take it. And I carried it on the floor, but it was not the work of the Committee on Agriculture nor of any lobbying group, nor of any other lobbyist.

The only lobbying done that night when we finally compromised was by the administration.

This is their legislation we are operating under. I should know, I carried it for them.

Mr. DE LA GARZA. Mr. Chairman, I yield myself an additional 30 seconds.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, I do not know the rules of propriety with regard to mentioning names of people on the floor who are not Members of this assembly.

Mr. DE LA GARZA. The rules only apply to the other body, not to outside members.

Mr. MADIGAN. The gentleman who is identified as being the person who conceived this idea of the assessment is a gentleman named Healy who I understand to be a lobbyist for one of the dairy organizations, and he proposed it to Mr. Block, and Mr. Block accepted it.

Mr. DE LA GARZA. Then Mr. Block carried water for the lobbyist, not this committee or this gentleman from Texas.

The CHAIRMAN pro tempore. There are 7½ minutes remaining for the gentleman from New York (Mr. CONABLE); and there are 6½ minutes remaining for the gentleman from Texas (Mr. DE LA GARZA).

Mr. CONABLE. Mr. Chairman, I now yield 4 minutes to the distinguished gentleman from Vermont (Mr. JEFFORDS) whose position I believe I know.

Mr. JEFFORDS. I thank the gentleman for yielding.

Mr. Chairman, as we near conclusion, I think it is vitally important that we recognize just what is going on. First of all let me again reiterate what the chairman of the committee has already said as to my own involvement with the present program. I would like to remind this body that I stood up—in front of this body—and said that the provisions in that reconciliation package would be a disaster and that what we would have huge increases in production and huge increases in cost, and that is what you have gotten.

I know also that there has been admission from within the Agriculture Secretary's department regarding who conceived that plan, and I want you to keep that in mind.

Let us say we are not in an unusual position here. Why then do we have an unusual solution?

Because the problem we have now is caused by huge grain surpluses. That has caused farmers who would not otherwise be in dairying to come into the industry.

The growth in production in this country has been mostly west of the Mississippi and that has resulted in serious problems to the other areas of the country. What this compromise will do—that the Conable amendment will not do—is prevent serious regional dislocations and protect some 30,000 family farms from going out of business.

Now I would think at this time we ought to take a look at a family farm and understand what is really going to happen. I want everyone to understand this.

We could talk about numbers, we could talk about cost cuts, we can talk about consumer prices, but there are 30,000 family farms like this one [indicating] which are going to be put out of business if we pass the Conable amendment.

You are going to have 120,000 people who will be put out of the occupation that has made their lives so rewarding.

If you press that green button, you are not only saying goodby to 30,000 family farms, you are also saying to the taxpayers of this country that the $1 billion cost of that exit is to be borne by the taxpayers of this country.

I would like to end by saying that there have been discussions about the fact that it is the farmers themselves who have come forward and said: "We will contribute money out of our own pockets to reward those who will cut back production.

We do not want the taxpayers to pay that cost.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman.

Mr. ALBOSTA. I thank the gentleman for yielding.

I sat here, Mr. Chairman, all afternoon listening to this debate. I want to point out to the Members that are interested in what happens to the farmers and also the other Members of this body that it is strange that we are here arguing about how to reduce production when the Soviet Union is going crazy trying to figure out how they are going to increase production.

They sit in their same body and try to figure out a way to produce. We ought to be proud of the farmers we have in our country, we ought not to forget them, we ought not to forget them here today and throw them out without any concern whatever.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman.

Mr. VOLKMER. I thank the gentleman for yielding.

Is it not true that back in 1982 when we had the reconciliation that we in the House had a two-tier system that would have taken care of this situation, that we would not be in the problem we are in today if we had been able to pass that legislation into law?

Mr. JEFFORDS. That is quite correct.

Mr. VOLKMER. And if we go down the route of the Conable amendment now we will be back next year still trying to say that we have got to reduce production and we have to reduce prices; is that not correct?

Mr. JEFFORDS. That is exactly correct. I appreciate the gentleman's bringing that to our attention. I would like to end by saying that the choice here is whether or not you are going to give those 30,000 farmers a chance to survive. If in the next 15 months we find that production does go down because of the cost of grain or some other reason, then we will have given them a chance to survive. Our dairy farmers have come forward to you and me and said, "Look, that is all we want, just 15 months. If we are not all right by then, we will take the $1.50 cut."

□ 1510

Mr. DE LA GARZA. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I rise in opposition to the Conable amendment for the reasons just stated in the well and for other reasons.

Mr. Chairman, I oppose this amendment, and I urge my colleagues to do likewise, because the approach embodied in this amendment will not solve the twin problems at the heart of this debate on changes in the dairy price support program: The continued overproduction of milk throughout the Nation and the resultant high budgetary cost of surplus dairy product purchases.

If a price cut alone could solve the dairy overproduction problem, then milk production would have dropped during the last 8 months under the current milk assessment program whereby the U.S. Department of Agriculture is deducting first 50 cents and now $1 per hundredweight from all dairy farmers. This program effectively reduces the support level to $12.10 per hundredweight, only 10 cents above what advocates of the Conable plan suggest should be the support level now.

But instead of reducing production, as its advocates claim should happen, production has actually increased over year-earlier levels every month the assessment program has been in effect. I predict that is precisely what will happen if we pass the Conable plan. Dairy farmers have no choice. They are caught in the squeeze of rising production costs, high interest rates, and declining real milk prices. Should their milk price drop further, their only alternative, short of losing their farm, is to increase production.

This is why we must reject the Conable plan. It may appeal to many as the simplest approach, but it is also the wrong approach.

On the other hand, the compromise agreement, which was developed on a bipartisan basis by Members of the House and Senate in agreement with Agriculture Secretary Block, is a comprehensive proposal which combines price cuts with a producer-funded incentive program which will enable dairy farmers to reduce their production.

The major difference between the Conable amendment and the compromise plan in H.R. 4196 is that the compromise will bring milk production into line with consumption without forcing farmers out of business while the Conable plan will insure prolonged surplus production and continued depression in the dairy industry.

Both bills will reduce the effective support price immediately to between $12 and $12.10 per hundredweight. But we know from experience that will not provide sufficient production cutbacks. The compromise agreement goes a step further and provides that diary farmers who agree to cut their production will receive an incentive payment for doing so. Moreover dairy farmers themselves agree to the bill's provision that they pay a 50 cent assessment to fund a large portion of the incentive payments.

If milk production does not drop by sufficient levels, spelled out in the legislation, then further reductions in the support level would be enacted under the provisions of H.R. 4196. In fact, both proposals could result in a reduction in support prices of $1.50.

Thus, the choice before us is clear. We can enact a price cut which will not solve the problem or we can provide a reasoned, balanced approach designed to reduce support prices and encourage production cutbacks. Let us resolve the problem. I urge you to reject the Conable amendment and move onto final passage of H.R. 4196 without crippling amendments.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. DE LA GARZA) has 6½ minutes remaining and the gentleman from New York (Mr. CONABLE) has 3½ minutes remaining.

By tradition, the gentleman from Texas (Mr. DE LA GARZA) may close debate.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. HARKIN), the distinguished chairman of the subcommittee, who has done yeoman work in arriving at this compromise.

Mr. HARKIN. Mr. Chairman, I did not expect to take my time to talk about this, but I think it is a sad day when we have to sit in this Chamber and listen to someone resort to savaging an individual such as we just heard.

I just think it is reprehensible that someone would take this well and resort to naming an individual, and putting that individual in such a posture that it amounts to nothing less than a scurrilous attack upon that individual, and, I might add, on an individual, who did not do what the gentleman from Illinois alleged.

I was involved in that conference committee last year. We took the bill that we passed out of subcommittee and committee and passed on the floor, we took it into conference. And we met down in the bowels of the Capitol, down in Senator LEAHY's office in the Capitol. And the first person to give us the piece of paper on which was written the assessment, the dollar tax, was a gentleman who was then an assistant to Senator COCHRAN. That was the first time anyone had ever seen it. And we were forced to accept it.

The gentleman to whom Mr. MADIGAN referred to always supported the bill that we passed in the subcommittee, the full committee, and the House, the two-tier pricing system, with a cap on Government expenditures.

And so I want the record to be clear on that point. I have no obligation to stand here and defend any individual, but only when I believe an individual is very unfairly attacked on the floor of the House, and that individual cannot in any way reply.

And I am sorry that that thing had to happen here today.

And I just want to move on from that and to point out that there is one other misconception. And that is somehow, the subcommittee that I chair and the Committee on Agriculture, always wants to bust the Treasury and give everything away to the dairy farmers.

The bill that I just referred to that we took to conference last year would have capped for fiscal year 1983, Government expenditures at $850 million, period. We could not have spent any more than that, we capped it at $850 million. The administration would not accept it. Therefore, we had the assessment forced upon us, as I just reiterated to this body, in conference. That is why I refused to sign the conference report, that is why I refused to vote for that reconciliation bill.

And you know what the cost was last year of the dairy program? A staggering $2.3 billion.

We wanted to cap it at $850 million. The administration came through supporting the assessment. Not me, I never supported that assessment. Our committee never supported that assessment. And it cost us $2.3 billion.

So do not have the misconception that we are always trying to bust the Treasury. We were the ones that wanted to save the Government money. We were the ones last year that wanted to cut the surplus and that is what we are trying to do again this year.

Defeat the Conable amendment and we will begin to cut this surplus.

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Conable amendment.

Mr. Chairman, I am supporting the dairy compromise bill and opposing the Conable substitute for a simple reason: The compromise is a better deal for taxpayers, consumers, and farmers.

I have reached this decision only after long deliberation and careful study that included numerous extensive discussions with farmers in my congressional district.

I have concluded that the compromise is the surest way to accomplish all our goals.

First, let us look at our overall goal—cutting the burgeoning dairy surplus.

Figures from the nonpartisan Congressional Budget Office (CBO) and the Department of Agriculture (USDA) indicate that the surplus this fiscal year under the Conable substitute would be more than twice the size of the one that would accumulate under the compromise. The choice seems clear.

The compromise would accomplish a significant cut in the surplus without threatening another goal—limiting the cost of farm programs to the taxpayer.

Again, let us look at the CBO and USDA figures, which even Congressman Conable concedes are accurate. The figures show the Conable program costing taxpayers almost $1 billion more than the compromise during this fiscal year. That is because the compromise places some of the burden for paying for the paid diversion program where it belongs—on the farmers who will benefit. Again, the choice seems clear.

But most taxpayers are also consumers. Will the compromise's tax benefits be offset by price hikes? The answer is simple—no. The compromise is also the plan most likely to accomplish our goal of helping consumers.

Past experience has shown that price support cuts do not trickle down to the supermarket. Middlemen gain; consumers and farmers lose when the support level is dropped. It is unlikely, therefore, that consumers would benefit at all from the Conable plan.

The compromise, on the other hand, is likely to lead to a drop in prices for chicken, pork, and beef. Again, the choice is clear.

Will taxpayers and consumers benefit from the compromise at the expense of farmers? Once again, a simple "no" is the answer.

I am painfully aware that our decisions here today are not abstract legislative questions for our farmers, they are quite literally a matter of financial life or death. And I am convinced that for many the Conable plan means death, particularly for our smallest farmers.

It is estimated that as many as 30,000 farmers would go under as a result of the sharp and immediate drop in the price support level that the Conable substitute would implement.

Some might argue that those small, marginal farmers should go out of business or that they want to go out of business. But at least the compromise gives such farmers a way to ease their way out of the business, rather than forcing them into bankruptcy.

But what of the vast majority of dairymen who will remain in farming? The compromise is the best deal for them as well. Not only does the bill allow them to cut production gradually, it includes—and this is essential—a milk promotion program. Experts agree that the demand for milk could be boosted significantly. Some studies have shown that each dollar spent on promotion yields as much as $6 in additional sales—a clear benefit for our farmers. And again a clear choice for us in Congress.

I am not suggesting that the compromise bill is perfect. I was extremely disappointed by the defeat of the Clinger amendment, which would have made the bill more equitable by providing relief for our smallest farmers. Chairman de la Garza has suggested that perhaps those farmers will have to be "sacrificed," but I am not willing to accept such a cavalier attitude. These farmers deserve relief.

The Clinger amendment would have assured that only farmers who contribute to the surplus bear the cost of eliminating it. Specifically, it would exempt farmers who do not overproduce from paying the 50-cent assessment. This is only fair. One of our complaints about the assessment all along has been that it penalizes farmers who have done nothing wrong. That complaint remains valid.

But even with that major defect, the compromise merits passage. It will benefit taxpayers, consumers, and farmers—a remarkable accomplishment for a single bill.

Mr. CONABLE. Mr. Chairman, it is now a soaring pleasure to yield my remaining time, 3½ minutes, to the clarion voice of one of nature's noblemen, the minority leader, the gentleman from Illinois (Mr. Michel).

Mr. MICHEL. Mr. Chairman, the gentleman from Wisconsin (Mr. Obey) just suggested that I have the gentleman's words taken down and I think that they will be a matter of record.

Mr. Chairman, I rise in strong support of the Conable amendment.

I believe it is the best and only practical solution to the problem we face here today.

We all know the problem: Too much dairy production and not enough dairy consumption.

We have two choices before us: One is offered by the same dairy leadership that brought us massive price support increases in the early Carter administration and the present onerous $1 milk tax. The choice is embodied in the committee bill and it embraces the philosophy of further complicated and expensive Government tinkering in the market. It may be benevolent in its intent, but it is malevolent in results.

It pays people not to work and it pays them handsomely.

The other choice is the choice that has been successfully chosen by our Nation five times since World War II. It calls for minimizing the Federal Government's role in this segment of American agriculture and for maximizing market forces.

That, indeed, is the clear choice that we have today.

Soon the roll will be called, and we can each exercise our own choice and vote our conviction, but before we do so, there are a couple political realities that ought to be brought out into the open.

First, let me tell those who have an interest in tobacco that you are riding a sick horse. If you think this committee dairy bill is ever going to become law, you are making a big mistake.

Some of you should support the Conable amendment if for no other reason than to have an insurance policy on what I predict will be a dead horse before this year is over.

The Conable amendment will completely repeal the unpopular "milk tax" which the committee bill retains.

It will open new dairy markets—up to 1.3 billion pounds according to the Congressional Research Service.

It will please the pocketbook of your best friend in the market, the American consumer by about $1.9 billion, right away.

I will not devastate the cattle industry which contends that the committee bill will cost them $2 billion, or pork producers who fear a $300 million loss, or poultry producers who stand to lose $250 million.

The Conable amendment is medicine that has worked in the past and will work again.

To my conservative friends, let me say this: Conable is best by a billion so far as the budget is concerned.

By now every Member of the House should be aware of the administration's most recent cost estimates of the various options:

The Conable amendment will save over $1 billion more in the next 4 fiscal years than the committee bill.

It will save taxpayers nearly $200 million in the next 2 years when compared to the committee bill.

I know there are differing projections being tossed around, but I am convinced that the savings in the Conable amendment are real.

The savings estimates in the Conable approach are more realistic and more dependable than the projections on the cost of payments to dairy farmers for not producing.

The bill before us is one that calls for payments that can reach into the millions of dollars. Yes, millions of dollars.

The figures on this question are indisputable. A 7,000-cow farm—and there is one in California I am told that has 9,000 cows—would receive $2.7 million for reducing its production of milk by 30 percent under this bill.

Payments like these are not just absurd—they are obscene.

As both the gentleman from New York and the gentleman from Vermont have pointed out, a medium to a large producer of 500 cows would receive a payment of $225,000.

I hope you will choose wisely today. The choice is simple. The choice is clear. My choice is the Conable amendment.

I hope it is yours, too.

Mr. de la GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. Rose).

Mr. ROSE. Mr. Chairman, I did not think too much of it in the early part of my career, but it means a lot to me today, a conversation I had with a farmer down in my district.

He was complaining about a piece of agricultural legislation. The weather was lousy. And I said to him, "Well, John, isn't it awful that the weather has been so bad?" Trying to change the subject.

And he said, "Son," he says, "I count on the Lord giving me good weather a heck of a lot more than I count on the Government giving me the kind of program I need."

The American dairy farmer deserves better than what the Government has done to him in the course of this dairy legislation.

I started out working in the Agriculture Committee in the House to put a compromise together. The gentleman from California (Mr. Coelho) and I took it on ourselves personally to go sit down with various segments of the dairy industry and get them to work up a compromise that the administration would buy.

They came up with a compromise. They reluctantly bit the bullet and marched down to Block's office and they put a compromise together and everybody said,"Gosh, we are glad it finally worked."

□ 1520

And then it goes over to the other body, that great distinguished deliberative place, and it sails through there. It does not even get cold. I mean it has not even had time to touch the ground over here. And my colleagues on the other side of the aisle are on it like ducks on a June bug. And now, all of a sudden, we have had two threats here today on the floor. The minority leader has advised me that the tobacco section of the Senate bill is riding a dead horse. The gentleman from New York (Mr. Conable) has said the same thing. Is that a veto threat? Are we going to get vetoed in the House on something that was perfectly acceptable to the other body?

Mr. Chairman, I believe the American dairy farmer deserves better than that. I believe that this House deserves better than that. And I believe that we should send a strong message all the way down to the different parts of this town. Let us defeat the Conable amendment.

Mr. de la GARZA. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, let me say that there has been so much misinformation. The Conable approach was tried in 1974. It did not work. It was a disaster. President Nixon had to open up imports. We had to ask other countries to send milk to us. It was a complete disaster. That approach did not work. President Nixon had to open up the imports.

Finally, let me say that we are producing, yes, maybe a little bit too much. One of the Members on the other side mentioned the fact that it is a matter of distribution. There are still hungry people in the United States. There are still hungry people in the world. I know that for some of the Members it is a matter of "so we reduce the number of farmers." The farmers who are in trouble are good, efficient farmers; but the high interest rates and the problems of the near past have overburdened them with debt.

Mr. Chairman, let me tell the Members that I want to save every young farmer I can, because we are going to need that milk, we are going to need that nutrition for us and for the world. I think it would almost be a sin to put people completely and forever out of business and then have to come back and ask other countries to supply us milk that we could well have been producing.

The Conable amendment will, on the admission of its supporters, take farmers out of production by the thousands, never to get them back. One farmer on the land is worth to me more than one missile in Europe or anything else that we could do

With that, Mr. Chairman, I ask the members to vote no on the amendment.

Mr. GONZALEZ. Mr. Chairman, I support the committee bill and oppose the Conable substitute.

The committee bill represents an effective, good-faith compromise. It does not place all the burden on the Nation's milk producers. Neither does it continue a price support program that is overexpensive. Nor does the bill force consumers to shoulder unacceptable burdens. The committee bill, in other words, reconciles these interests in the best way possible.

The Conable substitute, even according to the Department of Agriculture people who talked to my office, would cost the taxpayers more than the committee bill. Unlike the Conable substitute, the committee bill gives dairymen a real incentive to cut production. The Conable language would in all likelihood drive production levels up, as farmers would be forced to produce more in order to make up the difference for lower prices and higher production costs.

As far as consumer costs go, the committee bill does not place vast new burdens on the consumer. It would leave current retail milk prices about the same—perhaps a penny less per gallon than present prices, if Congressional Research Service studies are accurate. The committee bill would, according to that same estimate, reduce butter prices by about 2 cents per pound. In other words, despite the administration's breathless claims about how much better off the consumers would be under the Conable bill, the fact is that the consumer position will improve if the committee bill is approved.

What is more important, the taxpayers as a whole will save money if the committee recommendation is accepted. Support costs will be reduced. In the long run, when you add up all the benefits and burdens, the individual, ordinary consumer and taxpayer is going to be better off if the committee bill is adopted.

There is no question that the committee has reported to us a bill that is responsible, a bill that is workable, and a bill that spreads the burdens in a fair way. The administration is playing its usual games with budget numbers, clouding the issue with ever-changing estimates, and dragging all manner of new-found objections across the stage. All these estimates are subject to speculation and adjustment. It has been truly said that if you took all the economists in the world and laid them end to end, they would never reach a conclusion. That being the case, we would be well advised to consider just what the committee has done here—and that is to report a bill that fairly reconciles all the interests at stake. That is something we can all understand, and that is something that is worthy of our support. The committee bill merits support; the Conable substitute falls short.

● Mr. GLICKMAN. Mr. Chairman, the vote we will be taking shortly on the substitute amendment offered by the gentleman from New York (Mr. Conable) is one of the more difficult ones with which I have had to grapple personally. As a member of the Agriculture Committee, I know that the committee made a real effort to develop a solution to a very serious and complex problem. But, after thorough study and extensive discussions of the committee bill coupled with the Harkin amendment and the alternative Conable approach, I have come to the conclusion that the Conable option will result in the better overall policy, for dairy farmers, for consumers, for the taxpayers, and, I would add, for other farmers as well.

I would stress that neither of the alternatives before us are perfect; they are, after all, trying to get us out of a less than perfect situation to put it mildly. The bottom line in all of this needs to be that we craft the most workable plan for reducing these incredible surpluses of dairy products while minimizing the disruptions to the agricultural economy and, hopefully, seeing that some price relief ultimately reaches consumers as a result of all this.

The committee worked hard to develop a plan that would achieve all of those goals, but I have reached the conclusion that we would be best off with the straightforward approach offered in the Conable amendment. It sends a clear signal for lower production through reduced price protection for the dairy industry. That should be a plus for consumers on the assumption that the reduced prices at the producer level will be passed on to consumers. At the same time, I think the straight price reduction approach embodied in the Conable amendment will minimize what I am afraid would turn into a real administrative headache in attempting to implement the committee's bill. All too often, the Government's intervention, no matter how well meaning, can result in severe dislocations instead of smooth and refined modifications. The Conable approach will keep us out of that and leave the question to the marketplace where I am hopeful this can be resolved.

In closing, I would make two observations, one specifically relating to the vote at hand and a second relating to the debate which this question has generated here in the House. On this question in specific, I think there is little question that either the Conable approach or the committee bill would be a significant improvement over the present situation. We cannot go on with these massive stockpiles, they are a drain on the economy and the Federal Treasury. They are doing little positive. On the nature of the debate on this, I would say that I am encouraged. I am encouraged because it has been heated and it has generated some creative thought. Over recent years we have heard a growing call for "new ideas" in a whole range of governmental programs; I hope this is a sign that we now are going to see a real debate begin on some fundamental "new ideas" in agriculture policy. For the good of our farmers—who I would remind my colleagues are still the backbone of this great Nation of ours—we need to include them in the search for new policies. Just as other sectors of our economy are being affected by technology and changes in the world at large, the same holds true for farmers. As we move beyond this specific debate and on to the broader questions posed by the next omnibus farm bill, I hope my colleagues will work together to forge new opportunities for this vital sector of our economy.●

● Mr. SWIFT. Mr. Chairman, I rise in somewhat reluctant opposition to the Conable amendment. I have over 700 dairy farmers in my district who have been writing and calling me concerning this bill. They all agree that the current dairy program is not working, but as in the rest of the Nation, they have very different ideas on how to correct the dairy program.

One provision which they all do agree on however, is the national promotion program contained in the compromise bill. Washington State dairy farmers have already assessed themselves 14.3 cents per hundredweight for a dairy promotion program. This program works in Washington State and will work throughout the Nation. The Conable amendment eliminates the national advertising promotion program, the best part of the compromise bill.

But, I am afraid that is not the end of it.

During the past few months we have been beseiged by statistics from the Department of Agriculture, the Congressional Budget Office, the Office of Management and Budget, Cornell University, and who knows whom else showing that if X happens, then Y will surely follow. All of these statistics prove whatever you want them to, depending on who you are and what your position is. But the one statistic that I have that is hard to manipulate is the actual past history of Dr. Truman Graf, University of Wisconsin economist. These numbers show that in the past when dairy farmers reduced their price, no corresponding reduction in the consumers' price occurred. This year, the price that dairy farmers were paid in Florida dropped by 95 cents per hundredweight. The price that the consumer paid in the store for milk was unchanged. But the theory of the Conable amendment runs contrary to this historical record. The theory is that the price reductions will be passed through and the lower retail prices will increase consumption, thus reducing surpluses. It is a great scenario and I truly wish it would work that way. There is, however, no reason to think it will. The evidence, in fact, is that it will not.

Dairy farmers throughout the Nation have in the past shown us what the response to the approach contained in the Conable amendment will be: They will be forced to increase production to keep their income steady so as to pay their operating expenses as they are currently doing with the dreaded $1 assessment. This leads to increased surpluses and therefore increased costs for the dairy program. That is not the author's intent. And certainly the amendment seems attractive at first. But nothing is ever as simple as it seems and the Conable amendment will have effects directly opposed of what it is designed to do. It is for that reason I urge my colleagues to oppose this amendment.●

The CHAIRMAN pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. CONABLE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. NIELSON of Utah. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 250, not voting 9, as follows:

[Roll No. 476]

AYES—174

Ackerman
Anderson
Anthony
Archer
Badham
Barnes
Bartlett
Bateman
Berman
Bethune
Bevill
Biaggi
Bliley
Boland
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Campbell
Carney
Carper
Chandler
Chappell
Chappie
Cheney
Clarke
Coats
Coleman (TX)
Conable
Conte
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
D'Amours
Dannemeyer
Dellums
Derrick
Donnelly
Downey
Dreier
Dwyer
Dymally
Dyson
Edwards (OK)
Erlenborn
Evans (IA)
Fiedler
Fields
Foglietta
Frank
Franklin
Gibbons
Glickman
Gradison
Green
Gregg
Hall (OH)
Hall, Ralph
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hightower
Hillis
Holt
Howard
Hunter
Hyde
Ireland
Kazen
Kemp
LaFalce
Lagomarsino
Latta
Leach
Lehman (CA)
Lent
Levine
Lewis (CA)
Livingston
Loeffler
Long (LA)
Lowery (CA)
Lujan
Luken
Lungren
Mack
MacKay
Madigan
Markey
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McGrath
McKinney
McNulty
Michel
Minish
Mitchell
Moakley
Montgomery
Moody
Moore
Moorhead
Mrazek
Nelson
Nielson
Nowak
O'Brien
Olin
Ortiz
Ottinger
Packard
Parris
Pashayan
Patman
Pickle
Porter
Rangel
Roberts
Robinson
Roe
Roemer
Roukema
Rudd
Schneider
Schroeder
Schumer
Shannon
Shaw
Shumway
Skeen
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Spence
Spratt
St Germain
Stark
Stokes
Studds
Stump
Thomas (CA)
Torres
Udall
Vander Jagt
Vucanovich
Walgren
Walker
Watkins
Waxman
Weiss
Whitehurst
Whittaker
Wise
Wolf
Wortley
Young (FL)
Zschau

NOES—250

Addabbo
Akaka
Albosta
Alexander
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Aspin
AuCoin
Barnard
Bates
Bedell
Beilenson
Bennett
Bereuter
Bilirakis
Boehlert
Boggs
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Bryant
Burton (CA)
Burton (IN)
Byron
Carr
Clay
Clinger
Coelho
Coleman (MO)
Collins
Conyers
Cooper
Crockett
Daniel
Daschle
Daub
Davis
de la Garza
DeWine
Dickinson
Dicks
Dingell
Dixon
Dorgan
Dowdy
Duncan
Durbin
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emerson
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Gonzalez
Goodling
Gore
Gray
Guarini
Gunderson
Hall (IN)
Hall, Sam
Hamilton
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hiler
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
Lantos
Leath
Lehman (FL)
Leland
Levin
Levitas
Lewis (FL)
Lipinski
Lloyd
Long (MD)
Lott
Lundine
Marlenee
Matsui
McCurdy
McDade
McEwen
McHugh
McKernan
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Mollohan
Morrison (CT)
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nichols
Oakar
Oberstar
Obey
Owens
Oxley
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Petri
Price
Pursell
Quillen
Rahall
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Rodino
Rogers
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schulze
Seiberling
Sensenbrenner
Sharp
Shelby
Shuster
Sikorski
Siljander
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Snowe
Snyder
Solomon
Staggers
Stangeland
Stenholm
Stratton
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torricelli
Towns
Traxler
Valentine
Vandergriff
Vento
Volkmer
Weaver
Weber
Wheat
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wolpe
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (MO)
Zablocki

NOT VOTING—9

Early
Gramm
Hance
Lowry (WA)
Molinari
Paul
Pritchard
Solarz
Winn

☐ 1530

Mr. BURTON of Indiana and Mr. RINALDO changed their votes from "aye" to "no."

Mr. DELLUMS and Mr. STOKES changed their votes from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

☐ 1540

AMENDMENT OFFERED BY MR. CLINGER

Mr. CLINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLINGER: Page 4, line 7, insert the following after "producers": "in excess of their respective marketing histories as determined under paragraph (3) and prorated quarterly, and by producers who have no marketing histories as determined under paragraph (3),".

The CHAIRMAN pro tempore (Mr. BONIOR of Michigan). Pursuant to House Resolution 355, the gentleman from Pennsylvania (Mr. CLINGER) will be recognized for 10 minutes, and a Member opposed to the amendment will be recognized for 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. CLINGER).

Mr. CLINGER. Mr. Chairman, for those Members who represent small dairy farms whose owners are being driven to the wall or into bankruptcy by virtue of the very onerous 50-cent assessment or the $1 assessment that has been imposed upon them, the amendment I am offering this afternoon is the last train leaving the station to eliminate that burden, particularly on the small dairy farmer who has not contributed to the enormous surplus we have developed in recent years.

What my amendment does, Mr. Chairman, very simply, is to make the 50-cent per hundredweight assessment—which, under the compromise bill, is mandatory on all farms and on all production—apply only to those who increase their production, as determined by their marketing history. The objective is to relieve those who have not contributed to the surplus and who will not contribute to the surplus from that very, very burdensome assessment which, as I say, has driven most of them to the point of bankruptcy.

Mr. Chairman, the rationale for offering my amendment is straightforward. I represent, as I suspect many others do, a district which has many small family-oriented dairy farmers, and their concerns have not really been addressed totally by this compromise bill, and certainly they were not addressed at all by the Conable substitute.

Pennsylvania has the largest rural population in the Nation—this is something that many people do not realize—and my dairy farmers, together with, I am sure, many others, have only about 30 to 35 cows on an average. They basically are providing milk to rural Pennsylvania towns, villages, and boroughs.

I know that 50 cents a hundredweight as an assessment does not sound like a lot of money, but it has placed an enormous strain on the family farmer who is currently operating on a very razor-thin margin.

The primary goal of this amendment and of this legislation, which I think is desperately needed, is to reduce our milk production and, in so doing, reduce our staggering surplus and the associated costs that go with it. It is well documented—and has been all afternoon—that our present scheme of collecting the $1 per hundredweight assessment on milk production is forcing our dairy farm families to try to increase milk production in order to make up for the loss of income.

The problem, Mr. Chairman, is that this assessment problem of the small dairy farmer is one that he cannot correct because he is not in a position to increase his production to make up that slack.

I would point out, Mr. Chairman, that recently a study was done in New England which showed that of all the dairy farms, those that had the small herds of 30 to 39 cows did not increase production during the time that the assessment has been imposed. As for the larger farms, yes, they did increase their production to make up that slack, but because the small farmer is at a real disadvantage and he is in a real crunch with high interest rates and high feed costs, he was unable to raise his production to make up that slack.

☐ 1550

It is unfortunate, because the dairy legislation should not be geared to force the small dairy farmer out of business. That, I submit, is what happens if this assessment continues to be imposed upon the small dairy farmer who has not contributed to the surplus.

It is obvious that the legislation is desperately needed, but let us not make the same mistake and force an assessment on small dairy farmers and not afford them the opportunity to make a living.

My amendment would basically use the 50-cent, hundredweight assessment, as a penalty to make it financially unattractive to overproduce milk.

Mr. SCHULZE. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I am happy to yield to the gentleman from Pennsylvania.

Mr. SCHULZE. Mr. Chairman, I think this as a worthy amendment, one which the gentleman has worked with the local dairy farmers to produce, and will really solve the problem of that small family farmer.

I congratulate the gentleman and urge an affirmative vote on the amendment.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield briefly to the gentleman from Iowa.

Mr. HARKIN. Mr. Chairman, I thank the gentleman for yielding.

While I have a lot of sympathy for the gentleman's position and for his amendment and while I have a lot of sympathy for the dairy farmers that the gentleman is trying to help here, the problem with the amendment, I think, is that it would exempt, as I understand it, about 60 percent of our producers.

The way the compromise is crafted, about two-thirds, almost close to 70 percent of the money that we are going to use to pay for the diversion, comes from the assessment.

Therefore, if we exempt 60 percent of the producers that the gentleman wants to, it shifts the burden of paying for the diversion from the producers to the taxpayers, and as unfair as it might be to have these farmers that the gentleman is talking about pay the assessment, I think it is probably even a little more unfair to have the taxpayers pick it up.

Mr. CLINGER. Mr. Chairman, I appreciate the gentleman's comments. I would only respond by saying that I do not think we are sure how many farmers are going to be affected by this amendment; but I would point out that our basic objective here, as I understand it, is to reduce the burden that the surplus has created.

Now, it seems to me that without this kind of relief provided to the small dairy farmer, we are going to reduce the surplus, but we are going to do it by forcing him out of business.

I think the gentleman would agree with me, that the cost we now incur in terms of supporting the surplus is about $17 per hundredweight, so to the extent that we are going to be reducing that $17, I would question whether it is going to be that much of a drain on the CCC.

In addition to my dislike of assessments, there are other important reasons why I feel my amendment has merit: First, dairy farm families have seen the dairy price support frozen for 3 years. Second, the cost of grain to feed the cows has increased markedly and is working as a support price drop for the farmers. I feel that this fact alone will bring about milk reduction. Third, if milk production is to be reduced at the expense of the family farm system, our schools and rural integrity will be deeply damaged as farmland is idled.

We are fortunate to be here today to debate a complex problem that other countries do not have to face, that of solving a problem of abundance rather than scarcity. Please remember that included in H.R. 4196, the possibility exists for cuts in the price if milk production is not reduced during the 15-month period of the paid diversion program. My amendment just seeks to insure that small dairy farmers are given an opportunity to remain in the marketplace with hope that those responsible for the dairy surplus nightmare adequately reduce their production. Otherwise, without my amendment, I am afraid that we will only succeed in reducing milk by forcing small dairy farmers out of business. If that is the case, and indigenous small dairy operations are assumed by out-of-State corporate farming interests, I am hopeful that we never have to gather here to debate a national scarcity.

Mr. KOSTMAYER. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from Pennsylvania which would apply the 50-cent reduction in price on all milk marketed for commercial use only to those farmers whose milk production exceeded their base period production.

I have talked with and met with many dairy farmers in my district, such as John Frederick of New Hope, Pa., who own and maintain relatively small, family-oriented dairy farms. Their farms are not responsible for the intolerable dairy surplus situation that we are faced with at this time. In fact, Pennsylvania, which has the largest rural population in the Nation, is not a State which produces far more milk than it consumes.

I want to commend the members of the Agriculture Committee for the fine work they did in bringing this important compromise legislation to the floor. By combining price cuts and a farmer-financed temporary incentive plan to reduce production, I believe this legislation will allow the dairy industry to make the necessary adjustments in production without causing irreparable damage to our Nation's ability to provide its own dairy products.

However, it is clear that the actions which we take today to reduce the dairy surplus in the short run across the Nation must not have the unfortunate long run side effect of forcing our small dairy farms out of business. Small dairy farmers and their families who work hard every day of the year and have already reduced their milk production do not deserve this fate.

Statewide farming groups such as the Pennsylvania Farmers Association, the Pennsylvania Farmers Union, and the Pennsylvania State Grange have indicated their strong support of the Clinger amendment. I am hopeful that my colleagues will join me in supporting the Clinger amendment to help insure the viability of our small dairy farmers as well as support the overall dairy compromise package.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Ridge).

Mr. RIDGE. Mr. Chairman, I rise in support of the amendment offered by my friend and colleague, the gentleman from Pennsylvania (Mr. Clinger).

I will ask my colleagues from nondairy areas who are sensitive to the needs of the urban small business man to take a look at the amendment and to share some of that sensitivity for the needs of the rural small business man to take a look at the amendment and to share some of that sensitivity for the needs of the rural small business man. Specifically I am talking about the small family dairy farm; the farmer who may raise and milk 30 to 50 cows: this husband and wife who work 365 days a year; the kind of farmer who submits a tax return that says, "I grossed $80,000, but after I paid $15,000 in interest and $15,000 for feed, various fees, utility costs, et cetera, I netted $5,000 at the end of the year in 1982."

This farmer netted $5,000 before he was compelled to pay either of the 50 cent assessments levied in 1983. He did not create the surplus, but he is being asked to participate in a program to pay for the diversion program, which we all agree is important in the compromise and necessary to reduce production.

Remember he grosses $80,000, milking 40 cows, and netted $5,000 at the end of 1982 before he paid a dime of that assessment.

Now, the small dairy farmer is willing to contribute to the compromise. He is going to contribute to the compromise because the support price is going to be cut; but let us not penalize him that additional 50 cents if he is willing to maintain a level of production, and that is what the dairy compromise is all about, consistent with his marketing history.

A vote for the Clinger amendment simply says the small dairy farmer will be penalized solely if he produces in excess of what he produced in either of the 15-month periods in 1981–82 or 1982–83 as defined by the bill.

I urge my colleagues to vote for the Clinger amendment and to give the small dairy farmer a chance to exist.

Mr. Chairman, $5,000 is well below the poverty level that we worry so much about in this House.

Mr. Chairman, I thank the gentleman.

Mr. CLINGER. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. Boland). Is the gentleman from Texas

(Mr. de la Garza) opposed to the amendment?

Mr. de la GARZA. Yes, I am, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Texas is recognized for 10 minutes.

Mr. de la GARZA. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. Jeffords).

Mr. JEFFORDS. Mr. Chairman, I thank the gentleman for yielding.

It is with extreme reluctance that I must oppose this amendment. It is one which, obviously, tears at the heartstrings, certainly for me, because it would exempt probably 80 to 90 percent of the producers in my State, and they are in tough shape. I agree with the gentleman that has pointed that out, but it would also reduce the program as far as those participating such that it would cost about half a billion dollars. That means more than half the savings would go with this amendment.

We agreed on a compromise. We worked hard for a compromise. One of the proposals that was considered was this very one, and it was appealing, but we had to reject it in order to get a workable compromise that would bring production under control; so it is with great reluctance that I must oppose and urge the Members to oppose this amendment.

Mr. de la GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. Harkin).

Mr. HARKIN. Mr. Chairman, I, too, echo the sentiments of the gentleman from Vermont. I reluctantly oppose the amendment by the gentleman from Pennsylvania (Mr. Clinger).

Again, it would probably exempt a lot of dairy farmers in the State of Iowa, too; but the problem is, as I pointed out in my colloquy with the author of the amendment, that what we are really doing is we are asking all dairy farmers to make some sacrifices. To that extent we tried to fashion a compromise that was somewhat equitable from coast-to-coast and border-to-border and not exempting one area or one region or one individual over another. That is why we tried to hold together on this compromise. That is why I opposed so strongly the Conable amendment because it would have developed a regional approach to this. It would have weighed heavier on one region than another.

What the gentleman has offered here in this amendment I think kind of goes along the same line. We are asking all the dairy farmers for some sacrifices. I understand that, and as I said, it might be unfair to ask a dairy farmer who has not produced a surplus to kick in the 50-cent assessment; but I ask you, is it more fair to ask the taxpayers of the country to pick up that 50 cents that he will not be kicking in to pay for the diversion?

What we have is a program that is going to pay farmers to cull their cows. About two-thirds of that payment comes from the assessment on the dairy farmers themselves, not from the taxpayers. To the extent that you exempt any category, any class, any region of this country from paying that assessment, you shift the burden to all the taxpayers of this country.

I guess what we are dealing with here is perhaps two unfair things. This may be unfair to ask these dairy farmers to do, but I guess it is more unfair to ask the taxpayers of this country to do it.

So in that case, I reluctantly would oppose the gentleman's amendment and ask that it be defeated.

□ 1600

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. Clinger) has 2 minutes remaining, and the gentleman from Texas (Mr. de la Garza) has 7 minutes remaining.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. McDade).

Mr. McDADE. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the amendment offered by my colleague from Pennsylvania.

If I have heard a statement here all day that cries out for equity, it is the statement that was just made, that this may be unfair, an admission that the tax, and it is a tax, that is being placed on some farmers in this country is not fair.

Our basic job here is to try to do equity as best we can. My friend from Pennsylvania simply says that a small farmer who does not exceed his historic pattern ought not to pay the tax. That is basic equity, my friends.

It seems to me that if we cannot accomplish that in this bill, then we can accomplish nothing. I am privileged to serve as a member of the Small Business Committee in this Congress. I have been a member of that committee for about 15 years.

We set it up in this body because we said we want to make a distinction between those large businesses and their problems and those of a small business person. We have that same distinction in this bill. I have family farmers who will never exceed the market. Their historic pattern is there. They are going to be asked to pay for a program that they are not contributing to the surplus, so I urge my colleagues to vote for the Clinger amendment. Let us restore basic equity to this Chamber.

Pennsylvania is a State of the family farmer. As such, our dairy farms are family owned, they are small and they serve an important geographic area. These small dairy farms do not contribute to the major surpluses of dairy products we face today. They do contribute to the local community, their State and to the Nation as they have for over 200 years.

Dairy legislation affects large and small farms differently. We must give consideration to the discrepancies between the amount of milk that is produced in different regions of the country. I believe that it must be stated and restated, small, family farmers do not, and have not contributed to the serious over supply problems of dairy products. They have not had their dairy products purchased for the national surplus.

In my own congressional district in Pennsylvania, the vast majority of the dairy farms are small, family-run businesses. It is clearly a question of equity and fairness that we adopt the Clinger amendment to protect all small, family-run farms.

The Clinger amendment is simple, yet effective. It would make the 50 cents per hundredweight assessment applicable only to those dairy producers who increase their dairy production over their historical production standards. This would remove the mandatory language that exists in the bill we are debating today.

Fifty cents does not sound like a major assessment in a body that debates billion dollar budgets, but it is an assessment that will deeply hurt those small family farmers, nationwide, operating on narrow profit margins.

The people of the Nation do not want to lose their own dairy operations, especially when it is these small dairy farmers that are not part of the problem we face today. These farmers are just trying as best they know how to make a decent living.

Mr. Chairman, I recognize the problems we face with dairy overproduction. Indeed, I support many of the provisions in H.R. 4196 and I support the incentive program to reduce the surplus and the enormous cost to the Government. However, I join Congressman Clinger in the belief that the 50 cent per hundredweight assessment should be used as a penalty to make it unattractive to overproduce milk. If the legislation pending passes without this amendment, I am afraid we will succeed in reducing the dairy surplus by reducing the numbers of small dairy farmers across the Nation who were unable to meet the margins of this legislation—again, these are the farmers that did not create the problem of the surplus.

Mr. Speaker, I remind my colleagues that the Clinger amendment does not change the fact that if the paid deversion program fails during the 15-month implementation period, the option of cutting the price support would still be available.

This is clearly a question of fairness and equity. The large, corporate dairy concerns must realize that they have a large role to play in the reduction of the significant surplus. The family farmer producing enough for the needs of his local community must be given enough breathing room to continue to exist while the overproduction problem is solved.

I urge my colleagues to join me in supporting the amendment offered by the gentlemen from Pennsylvania.

Mr. de la GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I repeat the words, or the sentiments of both my colleagues from Vermont and Iowa, that I feel great sentiment for the amendment offered by the gentleman from Pennsylvania.

I think possibly that what we have to consider, though, is that we have a compromise that is crafted and weighted as to have a minimum impact on the budget. Needless to say, as meritorious as his amendment might appear, it impacts on the budget $300, $400, maybe $500 million more.

Second, we are grasping at straws to try and keep as many dairy farmers as we can still in business. Hence, our strong opposition to the Conable amendment. That amendment would really have caused a disaster throughout the dairy section. We are caught with the situation that in order to save the many, we may have to ask a sacrifice of a few. And, certainly, this group would be one that would sacrifice, but I would think that it would be a sacrifice worthwhile, so that we can save the industry across the board. A defeat of this amendment may make real heroes of those that will be carrying the burden, but, nonetheless, they would have helped save their friends and neighbors. That is our commitment. To save the industry, so that we can continue to provide dairy products to our Nation and we do not have to appeal to other countries to assist us like we did in 1974. So, I say stay with us one more time, stay with us. As appealing as this amendment might be, stay with us on the compromise, because that way we assist more, we help more, and we stabilize hopefully the health of the industry. We will be saving for the future as many farmers as we can to provide us the milk and dairy products we need for the future.

I would ask you that one more time you stay with us, that you oppose the amendment, so that we might be able to help as many as we can.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. Clinger) is recognized for 1 minute.

Mr. CLINGER. Mr. Chairman, the gentleman from Iowa indicated that all dairy farmers were being asked to make a sacrifice. The dairy farmers that I am speaking about here, the small family-oriented dairy farmers, are being asked to make a supreme sacrifice. They did not contribute to the problem but they are subjected to enormous increases in interest rates. That burden, coupled with the enormous increase in grain prices which has driven them almost to the wall and now on top of that, this assessment has literally forced millions of them into bankruptcy.

All we are asking for is to preserve that small family farm. If you vote for the Clinger amendment, you will be thanked by the small dairy farmer and I urge your support.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. Oberstar).

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of the gentleman's amendment. It makes sense. If you comply with the reduction in dairy production, you ought not to have a penalty, and if you are not in compliance, if you exceed the base, the reduction set by the Secretary, then you ought to pay the penalty. That is all the gentleman is asking for, and I agree. I urge support for the Clinger amendment—which concept I included in dairy legislation and introduced earlier this year.

Mr. de la GARZA. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. Lewis).

Mr. LEWIS of Florida. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the gentleman's statement.

Mr. Chairman, my State of Florida is a deficit State in dairy production.

I agree with the gentleman from Pennsylvania that the 50-cent assessment should be treated as a penalty against those dairy farmers who increase their production and continue to add to our current surplus problem.

They are actually working against the purpose of this bill—which is to virtually eliminate our 19-billion-pound surplus of dairy byproducts.

I yield back the balance of my time.

Mr. de la GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me conclude by saying I urge the Members again to support the compromise which is a viable, workable compromise.

Under the gentleman's amendment, that type of farmer would nonetheless receive the incentive payments—the division payments—so they would benefit from the program. Yet, they would want to be excused from the assessment—the reduction in price. It would not be fair to all the others. It would negate the compromise basically, and with that, Mr. Chairman, I ask that you vote no.

I ask the Members to vote "no" and I yield back the balance of my time.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Clinger).

The question was taken; and on a division (demanded by Mr. Hartnett) there were ayes 26, noes 52.

RECORDED VOTE

Mr. HARTNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 159, noes 255, not voting 19, as follows:

[Roll No. 477]

AYES—159

Applegate
Badham
Barnard
Bateman
Bereuter
Bethune
Bevill
Boehlert
Boland
Borski
Broomfield
Brown (CA)
Broyhill
Burton (IN)
Byron
Chappie
Clinger
Coats
Coleman (MO)
Conte
Coughlin
Coyne
Daniel
Dannemeyer
Davis
Dickinson
Donnelly
Dreier
Duncan
Dymally
Edgar
Edwards (AL)
Edwards (OK)
Erdreich
Erlenborn
Fiedler
Fish
Flippo
Foglietta
Frank
Franklin
Gaydos
Gekas
Gilman
Goodling
Gradison
Hammerschmidt
Hansen (UT)
Harrison
Hartnett
Heftel
Hiler
Hillis
Holt
Horton
Hyde
Johnson
Kasich
Kastenmeier
Kemp
Kolter
Kostmayer
LaFalce
Lagomarsino
Latta
Leach
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lott
Lowery (CA)
Lundine
Mack
Madigan
Markey
Martin (IL)
Martin (NC)
Martin (NY)
Mavroules
McCain
McCloskey
McDade
McEwen
McGrath
McHugh
McKernan
Michel
Miller (OH)
Moakley
Montgomery
Moody
Moore
Murphy
Murtha
Myers
Nichols
Nielson
Nowak
O'Brien
Oberstar
Obey
Oxley
Packard
Parris
Pashayan
Pease
Penny
Petri
Porter
Pursell
Rahall
Regula
Ridge
Ritter
Robinson
Roe
Roth
Roukema
Sawyer
Scheuer
Schulze
Shannon
Shaw
Shelby
Shumway
Shuster
Sikorski
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Taylor
Thomas (CA)
Torres
Vander Jagt
Vento
Volkmer
Walgren
Walker
Weber
Whitehurst
Whitten
Williams (MT)
Williams (OH)
Wise
Wolf
Wortley
Wylie
Yatron
Young (FL)
Zablocki

NOES—255

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Archer
Aspin
AuCoin
Barnes
Bartlett
Bates
Bedell
Beilenson
Bennett
Berman
Biaggi
Bilirakis
Bliley
Boggs
Boner
Bonior
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CO)
Bryant
Burton (CA)
Campbell
Carney
Carper
Carr
Chandler
Chappell
Cheney
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conable
Conyers
Cooper
Corcoran
Courter
Craig
Crane, Daniel

Crane, Philip
Crockett
D'Amours
Daschle
Daub
de la Garza
Derrick
DeWine
Dicks
Dingell
Dixon
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dyson
Eckart
Edwards (CA)
Emerson
English
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fields
Florio
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frenzel
Frost
Fuqua
Garcia
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gore
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hansen (ID)
Harkin
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hightower
Hopkins
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kramer
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Lloyd
Loeffler
Long (LA)
Long (MD)
Lujan
Luken
Lungren
MacKay
Marlenee
Marriott
Martinez
Matsui
Mazzoli
McCandless
McCollum
McCurdy
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Mollohan
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Natcher
Neal
Nelson
Oakar
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pepper
Perkins
Pickle
Price
Quillen
Rangel
Ray
Reid
Richardson
Rinaldo
Roberts
Rodino
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Schaefer
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Sharp
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Snyder
Stenholm
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (GA)
Torricelli
Towns
Traxler
Valentine
Vandergriff
Vucanovich
Watkins
Weaver
Weiss
Wheat
Whitley
Whittaker
Wolpe
Wright
Wyden
Yates
Young (MO)
Zschau

NOT VOTING—19

Bonker
Dellums
Early
Gingrich
Gramm
Hance
Lowry (WA)
Molinari
Paul
Pritchard
Ratchford
Solarz
Stokes
Udall
Waxman
Wilson
Winn
Wirth
Young (AK)

☐ 1620

Mr. DANIEL B. CRANE and Mr. CHENEY changed their votes from "aye" to "no."

Mrs. JOHNSON and Mr. VOLKMER changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. There being no other amendments in order under the rule, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLAND, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4196) to stabilize a temporary imbalance in the supply and demand for dairy products, and to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion to improve, maintain, and develop markets for dairy products, pursuant to House Resolution 355, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HARTNETT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 325, noes 91, not voting 17, as follows:

[Roll No. 478]

AYES—325

Ackerman
Addabbo
Akaka
Albosta
Alexander
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Bartlett
Bateman
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
Daniel
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gore
Gradison
Gray
Gunderson
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jeffords
Jenkins
Johnson
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (MD)
Lott
Lujan
Lundine
Mack
MacKay
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McEwen
McHugh
McKernan
Mica
Mikulski
Miller (OH)
Mineta
Moakley
Mollohan
Montgomery
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nielson
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Panetta
Parris
Pashayan
Patterson
Pease
Penny
Perkins
Petri
Pickle
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Rowland
Roybal
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Snyder
Solomon
Spence
Spratt
Staggers
Stangeland
Stenholm
Stokes
Stratton
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Walgren
Walker
Watkins
Weaver
Weber
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (MO)
Zablocki

NOES—91

Anderson
Archer
Badham
Barnes
Bates
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Carney
Carper
Cheney
Conable
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Dannemeyer
Dreier
Edwards (OK)
Erlenborn
Fiedler
Fields
Frank
Franklin
Green
Gregg
Hall (OH)
Hansen (ID)
Hartnett
Holt
Hunter
Hyde
Jacobs
Kemp
Lagomarsino
Latta
Leach
Lent
Lewis (CA)
Long (LA)
Lowery (CA)
Luken
Lungren
Madigan
Markey
Marriott
Martinez
McCain
McCandless
McCollum
McGrath
McKinney
McNulty
Michel
Miller (CA)
Minish
Moody
Moorhead
Nichols

Nowak
O'Brien
Ottinger
Packard
Patman
Porter
Roberts
Roukema
Rudd
Russo
Schroeder
Shaw
Shumway
Smith (NE)
Smith, Denny
Smith, Robert
St Germain
Stark
Studds
Stump
Thomas (CA)
Vucanovich
Waxman
Wise
Yates
Young (AK)
Young (FL)
Zschau

NOT VOTING—17

Early
Gingrich
Gramm
Guarini
Hance
Jones (NC)
Lowry (WA)
Mitchell
Molinari
Paul
Pepper
Pritchard
Solarz
Udall
Weiss
Wilson
Winn

☐ 1640

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. de la GARZA. Mr. Speaker, pursuant to House Resolution 355, I move to take from the Speaker's table the bill (H.R. 3385) to provide equity to cotton producers under the payment-in-kind program, with the Senate amendments thereto, and agree to the Senate amendments with amendments inserting in lieu thereof the text and title of the bill, H.R. 4196, as passed by the House.

The SPEAKER. Pursuant to House Resolution 335, the motion is considered as having been read.

The Clerk will designate the motion.

The text of the motion is as follows:

> Mr. de la Garza moves to take from the Speaker's table the bill, H.R. 3385, with the Senate amendments thereto, and to agree to the Senate amendments to the text and to the title with amendments inserting in lieu thereof the text and title of H.R. 4196, respectively.

The SPEAKER. Pursuant to House Resolution 335, the previous question is considered as ordered.

The question is on the motion offered by the gentleman from Texas (Mr. de la Garza).

The motion was agreed to.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4196) was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 3385

Mr. de la GARZA. Mr. Speaker, pursuant to House Resolution 355, I move that the House insist on its amendments to the Senate amendments to the bill, H.R. 3385, and request a conference with the Senate thereon.

The motion was agreed to.

The SPEAKER. The Chair appoints the following conferees: Conferees for all except for section 131 of the Senate amendment and modifications committed to conference: Messrs. de la Garza, Foley, Jones of Tennessee, Brown of California, Rose, Weaver, Harkin, Whitley, Coelho, Thomas of Georgia, Madigan, Jeffords, Coleman of Missouri, Hopkins, and Skeen; and exclusive conferees for section 131 and additional conferees for section 213 of the Senate amendment and modifications committee to conference: Messrs. Gibbons, Jones of Oklahoma, Jenkins, Vander Jagt, and Frenzel.

GENERAL LEAVE

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4196, and the motions related to H.R. 3385 just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. WEISS. Mr. Speaker, I wish to have the record indicate that had I not missed the vote on final passage of the bill, H.R. 4196, I would have voted "no."

CONFERENCE REPORT ON H.R. 3222, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. SMITH of Iowa. Mr. Speaker, I call up the conference report on the bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Pursuant to the order of the House of November 1, 1983, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 3, 1983.)

The SPEAKER. The gentleman from Iowa (Mr. Smith) will be recognized for 30 minutes and the gentleman from Illinois (Mr. O'Brien) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa (Mr. Smith).

☐ 1650

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report and amendments in disagreement on H.R. 3222, and that I may be permitted to insert a table following my remarks on the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not going to take very much time. This conference report was reported out a week ago. We had hoped to get it on the floor last Thursday, but we were asked to delay, so the Members have had plenty of time to read the conference report. I will cover a few of the highlights, however, by saying that the conference report contains a total of $10,499,665,000 for fiscal year 1984 in budget authority.

The amount agreed to for 1984 is $256,927,000 more than the appropriations made for these programs in fiscal year 1983. It is $473,347,000 more than the total amount requested for fiscal year 1984, and the total is $99,323,000 more than the Senate bill. The conference report is $191,535,000 less than the bill that was reported by the committee to the House.

We have provided funding for some items that were not in the original House-reported bill, for example, the new criminal justice assistance program. However, I have been informed by the administration that if the bill passes in its present form, they will have no objection. If that is so, we will have the first bill signed into law for these departments and agencies in 4 years.

I hope that is the case and, therefore, I hope that no amendments are made to this report. It is a very fragile combination. The Senate gave up, I think, more than what the House gave up, but we arrived at what we believe to be a bill that everyone can support. Certainly we thought we had that when we left the conference committee.

So I think the Members should be pleased with the way we took care of this matter, and I hope that no amendments are adopted.

Mr. Speaker, I ask unanimous consent to insert at this point in the Record a summary table showing by department or agency the conference action compared with the amounts provided in fiscal year 1983 and the budget estimates for 1984, the House bill and the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The summary table follows:

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
TITLE I									
DEPARTMENT OF COMMERCE AND RELATED AGENCIES									
DEPARTMENT OF COMMERCE									
General Administration									
Salaries and expenses	32,543,000	33,200,000	33,200,000	32,868,000	32,868,000	+325,000	-332,000	-332,000	---
Special foreign currency program	500,000	700,000	---	693,000	693,000	+193,000	-7,000	+693,000	---
White House Conference on Productivity	1,500,000	---	---	---	---	-1,500,000	---	---	---
Bureau of the Census									
Salaries and expenses	68,999,000	78,200,000	77,600,000	77,507,000	77,507,000	+8,508,000	-693,000	-93,000	---
Periodic censuses and programs	98,944,000	78,000,000	78,000,000	78,220,000	78,220,000	-20,724,000	+220,000	+220,000	---
Total, Bureau of the Census	167,943,000	156,200,000	155,600,000	155,727,000	155,727,000	-12,216,000	-473,000	+127,000	---
Economic and Statistical Analysis									
Salaries and expenses	37,497,000	38,900,000	37,207,000	39,337,000	38,337,000	+840,000	-563,000	+1,130,000	-1,000,000
Economic development assistance programs	268,500,000	---	---	198,750,000	240,000,000	-28,500,000	+240,000,000	+240,000,000	+41,250,000
(By transfer)	(30,000,000)	---	---	---	---	(-30,000,000)	---	---	---
(Limitation on loan guarantees)	(150,000,000)	---	---	(150,000,000)	(150,000,000)	---	(+150,000,000)	(+150,000,000)	---
Salaries and expenses	26,750,000	18,100,000	---	24,950,000	27,500,000	+750,000	+9,400,000	+27,500,000	+2,550,000
(By transfer)	(2,500,000)	---	---	---	---	(-2,500,000)	---	---	---
Economic development revolving fund (Limitation on loan guarantees)	(20,000,000)	---	---	---	---	(-20,000,000)	---	---	---
Total, Economic Development Administration	295,250,000	18,100,000	---	223,700,000	267,500,000	-27,750,000	+249,400,000	+267,500,000	+43,800,000
International Trade Administration									
Operations and administration	170,226,000	144,900,000	183,831,000	156,993,000	167,393,000	-2,833,000	+22,493,000	-16,438,000	+10,400,000
(Limitation on direct loans)	(12,484,000)	---	(15,000,000)	---	(7,500,000)	(-4,984,000)	(+7,500,000)	(-7,500,000)	(+7,500,000)
(Limitation on guaranteed loans)	(28,250,000)	---	(30,000,000)	---	(15,000,000)	(-13,250,000)	(+15,000,000)	(-15,000,000)	(+15,000,000)
Minority Business Development Agency									
Minority business development	48,000,000	54,000,000	53,881,000	53,342,000	53,342,000	+5,342,000	-658,000	-539,000	---
United States Travel and Tourism Administration									
Salaries and expenses	8,100,000	5,400,000	10,100,000	12,870,000	12,000,000	+3,900,000	+6,600,000	+1,900,000	-870,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
National Oceanic and Atmospheric Administration									
Operations, research, and facilities	936,383,000	814,400,000	888,592,000	994,333,000	988,212,000	+51,829,000	+173,812,000	+99,620,000	-6,121,000
(By transfer from Airport and Airway trust fund)	---	---	(27,000,000)	(27,000,000)	(27,000,000)	(+27,000,000)	(+27,000,000)	---	---
(By transfer from Promote and Develop Fund)	(22,600,000)	(31,500,000)	---	(22,600,000)	(23,600,000)	(+1,000,000)	(-7,900,000)	(+23,600,000)	(+1,000,000)
(By transfer from CEIF receipts)	(4,140,000)	(8,907,000)	---	---	---	(-4,140,000)	(-8,907,000)	---	---
(By transfer from Construction)	(4,000,000)	---	---	---	---	(-4,000,000)	---	---	---
Coastal zone management	8,409,000	---	28,449,000	11,614,000	13,356,000	+4,947,000	+13,356,000	-15,093,000	+1,742,000
(By transfer)	(7,170,000)	---	(8,907,000)	(16,625,000)	(16,000,000)	(+8,830,000)	(+16,000,000)	(+7,093,000)	(-625,000)
Fishing vessel and gear damage compensation fund	1,750,000	1,750,000	1,750,000	1,732,000	1,732,000	-18,000	-18,000	-18,000	---
Fishermen's contingency fund	250,000	250,000	297,000	294,000	294,000	+44,000	+44,000	-3,000	---
Foreign fishing observer fund	6,950,000	12,000,000	12,000,000	11,880,000	11,880,000	+4,930,000	-120,000	-120,000	---
Fishermen's guaranty fund	1,800,000	1,800,000	2,100,000	2,079,000	2,079,000	+279,000	+279,000	-21,000	---
Fisheries Loan Fund	10,000,000	---	11,000,000	---	3,000,000	-7,000,000	+3,000,000	-8,000,000	+3,000,000
Total, National Oceanic and Atmospheric Administration	965,542,000	830,200,000	944,188,000	1,021,932,000	1,020,553,000	+55,011,000	+190,353,000	+76,365,000	-1,379,000
Patent and Trademark Office									
Salaries and expenses	78,495,000	82,500,000	80,444,000	79,640,000	80,444,000	+1,949,000	-2,056,000	---	+804,000
National Bureau of Standards									
Scientific and technical research and services	120,591,000	98,700,000	---	113,612,000	115,718,000	-4,873,000	+17,018,000	+115,718,000	+2,106,000
National Telecommunications and Information Administration									
Salaries and expenses	12,164,000	12,200,000	12,900,000	12,771,000	12,771,000	+607,000	+571,000	-129,000	---
(By transfer)	(503,000)	---	---	---	---	(-503,000)	---	---	---
Public telecommunications facilities, planning and construction	15,000,000	---	12,000,000	11,880,000	11,880,000	-3,120,000	+11,880,000	-120,000	---
Total, National Telecommunications and Information Administration	27,164,000	12,200,000	24,900,000	24,651,000	24,651,000	-2,513,000	+12,451,000	-249,000	---
Total, Department of Commerce: New budget (obligational) authority	1,953,351,000	1,475,000,000	1,523,351,000	1,915,365,000	1,969,226,000	+15,875,000	+494,226,000	+445,875,000	+53,861,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
RELATED AGENCIES									
Department of Transportation									
Maritime Administration									
Ship construction	25,000,000	---	---	---	---	-25,000,000	---	---	---
Operating-differential subsidies (appropriation to liquidate contract authority)	(454,010,000)	(401,294,000)	---	(401,294,000)	(401,294,000)	(-52,716,000)	---	(+401,294,000)	---
Research and development	15,300,000	11,500,000	---	11,385,000	11,385,000	-3,915,000	-115,000	+11,385,000	---
Operations and training	78,113,000	71,013,000	---	72,283,000	73,283,000	-4,830,000	+2,270,000	+73,283,000	+1,000,000
Federal ship financing fund (limitation on guaranteed loans)	---	(900,000,000)	---	---	---	---	(-900,000,000)	---	---
Total, Maritime Administration	118,413,000	82,513,000	---	83,668,000	84,668,000	-33,745,000	+2,155,000	+84,668,000	+1,000,000
Department of the Treasury									
Bureau of Government Financial Operations									
Chrysler Corporation Loan Guarantee Program: Administrative expenses	1,211,000	1,005,000	500,000	495,000	495,000	-716,000	-510,000	-5,000	---
Federal Communications Commission									
Salaries and expenses	82,917,000	86,159,000	---	86,383,000	86,383,000	+3,466,000	+224,000	+86,383,000	---
Federal Maritime Commission									
Salaries and expenses	11,770,000	11,324,000	10,756,000	10,648,000	10,756,000	-1,014,000	-568,000	---	+108,000
Federal Trade Commission									
Salaries and expenses	66,871,000	59,457,000	---	59,521,000	63,500,000	-3,371,000	+4,043,000	+63,500,000	+3,979,000
International Trade Commission									
Salaries and expenses	19,650,000	24,335,000	---	20,774,000	20,774,000	+1,124,000	-3,561,000	+20,774,000	---
Marine Mammal Commission									
Salaries and expenses	822,000	638,000	938,000	929,000	929,000	+107,000	+291,000	-9,000	---
Office of the United States Trade Representative									
Salaries and expenses	10,639,000	11,897,000	11,246,000	11,371,000	11,371,000	+732,000	-526,000	+125,000	---
Securities and Exchange Commission									
Salaries and expenses	89,690,000	91,935,000	---	90,592,000	93,000,000	+3,310,000	+1,065,000	+93,000,000	+2,408,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
Small Business Administration									
Salaries and expenses	274,609,000	248,200,000	240,240,000	230,483,000	223,643,000	-50,966,000	-24,557,000	-16,597,000	-6,840,000
(By transfer)	(25,600,000)	(16,600,000)	(20,600,000)	(26,600,000)	(36,600,000)	(+11,000,000)	(+20,000,000)	(+16,000,000)	(+10,000,000)
Business loan and investment fund	742,700,000	249,000,000	510,000,000	290,000,000	363,400,000	-379,300,000	+114,400,000	-146,600,000	+73,400,000
(Limitation on direct loans)	---	(41,000,000)	---	(83,000,000)	---	---	(-41,000,000)	---	(-83,000,000)
(Limitation on guaranteed loans)	(3,000,000,000)	(2,650,000,000)	---	(3,380,000,000)	---	(-3,000,000,000)	(-2,650,000,000)	---	(-3,380,000,000)
Disaster Loan Fund (limitation on direct loan)	---	(440,000,000)	---	---	---	---	(-440,000,000)	---	---
Surety bond guarantees revolving fund	---	9,000,000	9,000,000	8,910,000	8,910,000	+8,910,000	-90,000	-90,000	---
Pollution control equipment contract guarantee fund (limitation on guaranteed loans)	(250,000,000)	(150,000,000)	---	---	---	(-250,000,000)	(-150,000,000)	---	---
Total, Small Business Administration	1,017,309,000	506,200,000	759,240,000	529,393,000	595,953,000	-421,356,000	+89,753,000	-163,287,000	+66,560,000
Total, Related agencies	1,419,292,000	875,463,000	782,680,000	893,774,000	967,829,000	-451,463,000	+92,366,000	+185,149,000	+74,055,000
Total, title I, Department of Commerce and related agencies:									
New budget (obligational) authority	3,372,643,000	2,350,463,000	2,306,031,000	2,809,139,000	2,937,055,000	-435,588,000	+586,592,000	+631,024,000	+127,916,000
(Liquidation of contract authorization)	(454,010,000)	(401,294,000)	---	(401,294,000)	(401,294,000)	(-52,716,000)	---	(+401,294,000)	---
TITLE II									
DEPARTMENT OF JUSTICE AND RELATED AGENCIES									
DEPARTMENT OF JUSTICE									
General Administration									
Salaries and expenses	56,673,000	56,364,000	64,241,000	63,810,000	63,360,000	+6,687,000	+6,996,000	-881,000	-450,000
United States Parole Commission									
Salaries and expenses	6,879,000	7,836,000	7,321,000	7,248,000	7,248,000	+369,000	-588,000	-73,000	---
Legal Activities									
Salaries and expenses, general legal activities	145,428,000	166,589,000	153,758,000	158,758,000	158,385,000	+12,957,000	-8,204,000	+4,627,000	-373,000
Salaries and expenses, Antitrust Division	44,489,000	43,022,000	43,914,000	43,475,000	43,475,000	-1,014,000	+453,000	-439,000	---
Salaries and expenses, Foreign Claims Settlement Commission	774,000	954,000	835,000	827,000	827,000	+53,000	-127,000	-8,000	---
Salaries and expenses, U.S. attorneys and marshals	347,281,000	381,698,000	363,891,000	373,875,000	372,330,000	+25,049,000	-9,368,000	+8,439,000	-1,545,000
Support of U.S. prisoners	55,754,000	44,768,000	64,768,000	44,320,000	50,320,000	-5,434,000	+5,552,000	-14,448,000	+6,000,000
Fees and expenses of witnesses	35,700,000	38,266,000	38,266,000	37,883,000	37,883,000	+2,183,000	-383,000	-383,000	---
Salaries and expenses, Community Relations Service	5,864,000	32,969,000	5,866,000	32,196,000	32,196,000	+26,332,000	-773,000	+26,330,000	---
Total, legal activities	635,290,000	708,266,000	671,298,000	691,334,000	695,416,000	+60,126,000	-12,850,000	+24,118,000	+4,082,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
Interagency law enforcement									
Organized crime drug enforcement	127,500,000	89,949,000	89,949,000	89,050,000	89,050,000	-38,450,000	-899,000	-899,000	---
Federal Bureau of Investigation									
Salaries and expenses	854,254,000	1,057,690,000	1,050,381,000	1,041,857,000	1,047,000,000	+192,746,000	-10,690,000	-3,381,000	+5,143,000
Drug Enforcement Administration									
Salaries and expenses	255,496,000	287,623,000	280,478,000	282,623,000	286,123,000	+30,627,000	-1,500,000	+5,645,000	+3,500,000
Immigration and Naturalization Service									
Salaries and expenses	495,631,000	512,606,000	562,975,000	501,257,000	501,257,000	+5,626,000	-11,349,000	-61,718,000	---
Federal Prison System									
Salaries and expenses	401,083,000	429,163,000	425,370,000	424,284,000	424,284,000	+23,201,000	-4,879,000	-1,086,000	---
National Institute of Corrections	11,050,000	11,665,000	11,665,000	16,548,000	14,000,000	+2,950,000	+2,335,000	+2,335,000	-2,548,000
Buildings and facilities	66,667,000	43,142,000	53,142,000	42,711,000	47,711,000	-18,956,000	+4,569,000	-5,431,000	+5,000,000
Federal Prison Industries, Incorporated: (Limitation on administrative and vocational training expenses)	(8,940,000)	(8,554,000)	(9,323,000)	(8,554,000)	(8,554,000)	(-386,000)	---	(-769,000)	---
Total, Federal prison system	478,800,000	483,970,000	490,177,000	483,543,000	485,995,000	+7,195,000	+2,025,000	-4,182,000	+2,452,000
Office of Justice Assistance, Research, and Statistics									
Law Enforcement Assistance	88,388,000	112,321,000	88,621,000	159,219,000	157,219,000	+68,831,000	+44,898,000	+68,598,000	-2,000,000
Research and statistics	37,135,000	40,538,000	40,538,000	40,133,000	40,133,000	+2,998,000	-405,000	-405,000	---
(By transfer)	(392,000)	---	---	---	---	(-392,000)	---	---	---
Total, Office of Justice Assistance, Research, and Statistics	125,523,000	152,859,000	129,159,000	199,352,000	197,352,000	+71,829,000	+44,493,000	+68,193,000	-2,000,000
Total, Department of Justice:									
New budget (obligational) authority	3,036,046,000	3,357,163,000	3,345,979,000	3,360,074,000	3,372,801,000	+336,755,000	+15,638,000	+26,822,000	+12,727,000
(Limitation on expenses)	(8,940,000)	(8,554,000)	(9,323,000)	(8,554,000)	(8,554,000)	(-386,000)	---	(-769,000)	---

Comparative Statement of New Budget (Obligational) Authority

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House	Senate	Conference	Enacted	Estimates	House	Senate
RELATED AGENCIES									
Commission on Civil Rights									
Salaries and expenses	11,976,000	12,180,000	---	11,768,000	11,887,000	-89,000	-293,000	+11,887,000	+119,000
Equal Employment Opportunity Commission									
Salaries and expenses	147,421,000	155,300,000	151,928,000	151,399,000	151,399,000	+3,978,000	-3,901,000	-529,000	---
Legal Services Corporation									
Payment to the Legal Services Corporation	241,000,000	257,000,000	---	257,000,000	275,000,000	+34,000,000	+18,000,000	+275,000,000	+18,000,000
Total, Related agencies	400,397,000	424,480,000	151,928,000	420,167,000	438,286,000	+37,889,000	+13,806,000	+286,358,000	+18,119,000
Total, title II, Department of Justice and related agencies:									
New budget (obligational) authority	3,436,443,000	3,781,643,000	3,497,907,000	3,780,241,000	3,811,087,000	+374,644,000	+29,444,000	+313,180,000	+30,846,000
(Limitation on expenses)	(8,940,000)	(8,554,000)	(9,323,000)	(8,554,000)	(8,554,000)	(-386,000)	---	(-769,000)	---
TITLE III									
DEPARTMENT OF STATE AND RELATED AGENCIES									
DEPARTMENT OF STATE									
Administration of Foreign Affairs									
Salaries and expenses	1,016,585,000	1,148,586,000	---	1,124,450,000	1,114,810,000	+98,225,000	-33,776,000	+1,114,810,000	-9,640,000
(By transfer)	(8,111,000)	---	---	---	---	(-8,111,000)	---	---	---
Re-opening consulates	1,000,000	---	---	---	2,500,000	+1,500,000	+2,500,000	+2,500,000	+2,500,000
Representation allowances	3,876,000	4,247,000	---	4,148,000	4,148,000	+272,000	-99,000	+4,148,000	---
Protection of foreign consulates in the United States	---	6,000,000	---	---	---	---	-6,000,000	---	---
Acquisition, operation, and maintenance of buildings abroad	215,296,000	202,889,000	---	206,206,000	190,000,000	-25,296,000	-12,889,000	+190,000,000	-16,206,000
Acquisition, operation, and maintenance of buildings abroad (special foreign currency program)	8,360,000	10,113,000	---	10,012,000	10,012,000	+1,652,000	-101,000	+10,012,000	---
Emergencies in the diplomatic and consular service	4,400,000	4,400,000	---	4,356,000	4,356,000	-44,000	-44,000	+4,356,000	---
Buying-power maintenance	4,500,000	4,500,000	---	2,475,000	---	-4,500,000	-4,500,000	---	-2,475,000
Payment to the American Institute in Taiwan	8,744,000	9,475,000	---	9,380,000	9,380,000	+636,000	-95,000	+9,380,000	---
Payment to the Foreign Service Retirement and Disability Fund	95,970,000	103,791,000	---	102,753,000	103,791,000	+7,821,000	---	+103,791,000	+1,038,000
Total, administration of foreign affairs	1,358,731,000	1,494,001,000	---	1,463,780,000	1,438,997,000	+80,266,000	-55,004,000	+1,438,997,000	-24,783,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	Senate	Conference	Conference compared with — Enacted	Estimates	House	Senate
International Organizations and Conferences									
Contributions to international organizations..........	444,315,000	525,773,000	---	520,515,000	520,515,000	+76,200,000	-5,258,000	+520,515,000	---
Contributions for international peacekeeping activities..	73,400,000	66,948,000	---	66,279,000	66,279,000	-7,121,000	-669,000	+66,279,000	---
International conferences and contingencies...........	9,200,000	9,622,000	---	9,360,000	8,910,000	-290,000	-712,000	+8,910,000	-450,000
Total, international organizations and conferences..................................	526,915,000	602,343,000	---	596,154,000	595,704,000	+68,789,000	-6,639,000	+595,704,000	-450,000
International Commissions									
International Boundary and Water Commission, United States and Mexico:									
Salaries and expenses............................	8,928,000	9,849,000	10,749,000	10,651,000	10,651,000	+1,723,000	+802,000	-98,000	---
Construction......................................	---	679,000	---	672,000	672,000	+672,000	-7,000	+672,000	---
American sections, international commissions..........	2,918,000	3,461,000	---	3,426,000	3,426,000	+508,000	-35,000	+3,426,000	---
International fisheries commissions....................	8,526,000	9,218,000	---	8,876,000	8,876,000	+350,000	-342,000	+8,876,000	---
Total, international commissions................	20,372,000	23,207,000	10,749,000	23,625,000	23,625,000	+3,253,000	+418,000	+12,876,000	---
Other									
United States Bilateral Science and Technology Agreements...	1,700,000	1,700,000	---	1,683,000	1,683,000	-17,000	-17,000	+1,683,000	---
The Asia Foundation..................................	7,000,000	---	---	9,900,000	9,900,000	+2,900,000	+9,900,000	+9,900,000	---
Total, Department of State......................	1,914,718,000	2,121,251,000	10,749,000	2,095,142,000	2,069,909,000	+155,191,000	-51,342,000	+2,059,160,000	-25,233,000
RELATED AGENCIES									
Arms Control and Disarmament Agency									
Arms control and disarmament activities...............	16,006,000	18,500,000	18,500,000	18,315,000	18,500,000	+2,494,000	---	---	+185,000
Board for International Broadcasting									
Grants and expenses..................................	111,600,000	106,055,000	---	118,276,000	113,282,000	+1,682,000	+7,227,000	+113,282,000	-4,994,000
Reappropriation..................................	---	---	---	4,900,000	4,900,000	+4,900,000	+4,900,000	+4,900,000	---
Commission on Security and Cooperation in Europe									
Salaries and expenses................................	550,000	550,000	550,000	544,000	544,000	-6,000	-6,000	-6,000	---

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	Senate	Conference	Conference compared with Enacted	Estimates	House	Senate
Commission on Wartime Relocation and Internment of Civilians									
Salaries and expenses..................................	300,000	---	---	---	---	-300,000	---	---	---
Japan - United States Friendship Commission									
Japan - United States Friendship Trust Fund...........	1,700,000	1,700,000	1,700,000	1,683,000	1,683,000	-17,000	-17,000	-17,000	---
(Foreign currency appropriation)..................	(1,200,000)	(1,200,000)	(1,200,000)	(1,200,000)	(1,200,000)	---	---	---	---
United States Information Agency									
Salaries and expenses..................................	429,640,000	508,207,000	---	467,853,000	471,853,000	+42,213,000	-36,354,000	+471,853,000	+4,000,000
Radio broadcasting to Cuba............................	---	8,701,000	---	14,130,000	10,000,000	+10,000,000	+1,299,000	+10,000,000	-4,130,000
Educational and cultural exchange programs............	84,292,000	94,858,000	---	113,829,000	100,000,000	+15,708,000	+5,142,000	+100,000,000	-13,829,000
National endowment for democracy......................	---	31,300,000	---	23,000,000	18,000,000	+18,000,000	-13,300,000	+18,000,000	-5,000,000
Salaries and expenses (special foreign currency)......	10,327,000	10,556,000	---	10,450,000	10,450,000	+123,000	-106,000	+10,450,000	---
Center for cultural and technical interchange between East and West......................................	18,000,000	18,547,000	---	18,362,000	18,362,000	+362,000	-185,000	+18,362,000	---
Acquisition and construction of radio facilities......	35,800,000	47,959,000	---	41,438,000	31,000,000	-4,800,000	-16,959,000	+31,000,000	-10,438,000
Total, United States Information Agency.........	578,059,000	720,128,000	---	689,062,000	659,665,000	+81,606,000	-60,463,000	+659,665,000	-29,397,000
Total, Related agencies.........................	708,215,000	846,933,000	20,750,000	832,780,000	798,574,000	+90,359,000	-48,359,000	+777,824,000	-34,206,000
Total, title III, new budget (obligational) authority, Department of State and related agencies......................................	2,622,933,000	2,968,184,000	31,499,000	2,927,922,000	2,868,483,000	+245,550,000	-99,701,000	+2,836,984,000	-59,439,000
TITLE IV - THE JUDICIARY									
Supreme Court of the United States									
Salaries and expenses..................................	12,675,000	13,678,000	13,635,000	13,635,000	13,635,000	+960,000	-43,000	---	---
Care of the building and grounds......................	2,000,000	1,971,000	1,971,000	1,971,000	1,971,000	-29,000	---	---	---
Total, Supreme Court of the United States.......	14,675,000	15,649,000	15,606,000	15,606,000	15,606,000	+931,000	-43,000	---	---
United States Court of Appeals for the Federal Circuit									
Salaries and expenses..................................	4,406,000	6,039,000	4,680,000	4,680,000	4,680,000	+274,000	-1,359,000	---	---
United States Court of International Trade									
Salaries and expenses..................................	5,501,000	5,900,000	5,675,000	5,675,000	5,675,000	+174,000	-225,000	---	---

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Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
Courts of Appeals, District Courts, and Other Judicial Services									
Salaries of judges	68,410,000	69,880,000	69,500,000	69,500,000	69,500,000	+1,090,000	-380,000	---	---
Salaries of supporting personnel	300,250,000	333,733,000	330,000,000	330,000,000	330,000,000	+29,750,000	-3,733,000	---	---
(By transfer)	(9,000,000)	---	---	---	---	(-9,000,000)	---	---	---
Defender services	34,215,000	38,290,000	37,000,000	37,000,000	37,000,000	+2,785,000	-1,290,000	---	---
Fees of jurors and commissioners	42,500,000	43,500,000	43,500,000	43,500,000	43,500,000	+1,000,000	---	---	---
Expenses of operation and maintenance of the courts	65,000,000	78,928,000	75,350,000	75,350,000	75,350,000	+10,350,000	-3,578,000	---	---
Bankruptcy courts, salaries and expenses	95,600,000	104,280,000	100,895,000	100,895,000	100,895,000	+5,295,000	-3,385,000	---	---
Services for drug dependent offenders	4,000,000	5,000,000	5,000,000	5,000,000	5,000,000	+1,000,000	---	---	---
Space and facilities	132,412,000	168,662,000	142,624,000	142,624,000	142,624,000	+10,212,000	-26,038,000	---	---
Court Security	12,000,000	19,200,000	18,690,000	18,690,000	18,690,000	+6,690,000	-510,000	---	---
Total, courts of appeals, district courts, and other judicial services	754,387,000	861,473,000	822,559,000	822,559,000	822,559,000	+68,172,000	-38,914,000	---	---
Administrative Office of the United States Courts									
Salaries and expenses	24,066,000	27,625,000	26,075,000	26,075,000	26,075,000	+2,009,000	-1,550,000	---	---
(By transfer)	---	---	---	(700,000)	(700,000)	(+700,000)	(+700,000)	(+700,000)	---
Federal Judicial Center									
Salaries and expenses	7,684,000	9,342,000	8,445,000	8,445,000	8,445,000	+761,000	-897,000	---	---
Total, title IV, new budget (obligational) authority, the Judiciary	810,719,000	926,028,000	883,040,000	883,040,000	883,040,000	+72,321,000	-42,988,000	---	---
RECAPITULATION									
Grand total:									
New budget (obligational) authority	10,242,738,000	10,026,318,000	6,718,477,000	10,400,342,000	10,499,665,000	+256,927,000	+473,347,000	+3,781,188,000	+99,323,000
Net budget requests not considered by House	---	(281,816,000)	---	---	---	---	(-281,816,000)	---	---
(Limitation on expenses)	(8,940,000)	(8,554,000)	(9,323,000)	(8,554,000)	(8,554,000)	(-386,000)	---	(-769,000)	---
(By transfer)	(114,016,000)	(57,007,000)	(56,507,000)	(93,525,000)	(103,900,000)	(-10,116,000)	(+46,893,000)	(+47,393,000)	(+10,375,000)
(Limitation on direct loans)	(12,484,000)	(481,000,000)	(15,000,000)	(83,000,000)	(7,500,000)	(-4,984,000)	(-473,500,000)	(-7,500,000)	(-75,500,000)
(Limitation on guaranteed loans)	(3,448,250,000)	(3,700,000,000)	(30,000,000)	(3,530,000,000)	(165,000,000)	(-3,283,250,000)	(-3,535,000,000)	(+135,000,000)	(-3,365,000,000)
Memoranda:									
(Appropriations to liquidate contract authorizations)	(454,010,000)	(401,294,000)	---	(401,294,000)	(401,294,000)	(-52,716,000)	---	(+401,294,000)	---
Total appropriations, including appropriations to liquidate contract authorizations	(10,696,748,000)	(10,427,612,000)	(6,718,477,000)	(10,801,636,000)	(10,900,959,000)	(+204,211,000)	(+473,347,000)	(+4,182,482,000)	(+99,323,000)

Comparative Statement of New Budget (Obligational) Authority

	FY 1983 Enacted	FY 1984 Estimates	House	Senate	Conference	Conference compared with Enacted	Conference compared with Estimates	Conference compared with House	Conference compared with Senate
Department of Commerce	1,953,351,000	1,475,000,000	1,523,351,000	1,915,365,000	1,969,226,000	+15,875,000	+494,226,000	+445,875,000	+53,861,000
Department of Justice	3,036,046,000	3,357,163,000	3,345,979,000	3,360,074,000	3,372,801,000	+336,755,000	+15,638,000	+26,822,000	+12,727,000
Department of State	1,914,718,000	2,121,251,000	10,749,000	2,095,142,000	2,069,909,000	+155,191,000	-51,342,000	+2,059,160,000	-25,233,000
The Judiciary	810,719,000	926,028,000	883,040,000	883,040,000	883,040,000	+72,321,000	-42,988,000	---	---
Related Agencies:									
Arms Control and Disarmament Agency	16,006,000	18,500,000	18,500,000	18,315,000	18,500,000	+2,494,000	---	---	+185,000
Board for International Broadcasting	111,600,000	106,055,000	---	123,176,000	118,182,000	+6,582,000	+12,127,000	+118,182,000	-4,994,000
Commission on Civil Rights	11,976,000	12,180,000	---	11,768,000	11,887,000	-89,000	-293,000	+11,887,000	+119,000
Commission on Security and Cooperation in Europe	550,000	550,000	550,000	544,000	544,000	-6,000	-6,000	-6,000	---
Commission on Wartime Relocation and Internment of Civilians	300,000	---	---	---	---	-300,000	---	---	---
Chrysler Corporation Loan Guarantee Program: Administrative expenses	1,211,000	1,005,000	500,000	495,000	495,000	-716,000	-510,000	-5,000	---
Equal Employment Opportunity Commission	147,421,000	155,300,000	151,928,000	151,399,000	151,399,000	+3,978,000	-3,901,000	-529,000	---
Federal Communications Commission	82,917,000	86,159,000	---	86,383,000	86,383,000	+3,466,000	+224,000	+86,383,000	---
Federal Maritime Commission	11,770,000	11,324,000	10,756,000	10,648,000	10,756,000	-1,014,000	-568,000	---	+108,000
Federal Trade Commission	66,871,000	59,457,000	---	59,521,000	63,500,000	-3,371,000	+4,043,000	+63,500,000	+3,979,000
International Trade Commission	19,650,000	24,335,000	---	20,774,000	20,774,000	+1,124,000	-3,561,000	+20,774,000	---
Japan - United States Friendship Commission	1,700,000	1,700,000	1,700,000	1,683,000	1,683,000	-17,000	-17,000	-17,000	---
Legal Services Corporation	241,000,000	257,000,000	---	257,000,000	275,000,000	+34,000,000	+18,000,000	+275,000,000	+18,000,000
Marine Mammal Commission	822,000	638,000	938,000	929,000	929,000	+107,000	+291,000	-9,000	---
Maritime Administration	118,413,000	82,513,000	---	83,668,000	84,668,000	-33,745,000	+2,155,000	+84,668,000	+1,000,000
Office of the United States Trade Representative	10,639,000	11,897,000	11,246,000	11,371,000	11,371,000	+732,000	-526,000	+125,000	---
Securities and Exchange Commission	89,690,000	91,935,000	---	90,592,000	93,000,000	+3,310,000	+1,065,000	+93,000,000	+2,408,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1983	FY 1984				Conference compared with			
	Enacted	Estimates	House	Senate	Conference	Enacted	Estimates	House	Senate
Small Business Administration	1,017,309,000	506,200,000	759,240,000	529,393,000	595,953,000	-421,356,000	+89,753,000	-163,287,000	+66,560,000
United States Information Agency	578,059,000	720,128,000	---	689,062,000	659,665,000	+81,606,000	-60,463,000	+659,665,000	-29,397,000
Grand total	10,242,738,000	10,026,318,000	6,718,477,000	10,400,342,000	10,499,665,000	+256,927,000	+473,347,000	+3,781,188,000	+99,323,000
CONGRESSIONAL BUDGET RECAP									
Total	10,242,738,000	10,026,318,000	6,718,477,000	10,400,342,000	10,499,665,000	+256,927,000	+473,347,000	+3,781,188,000	+99,323,000
Amounts in this bill	(10,242,738,000)	(10,026,318,000)	(6,718,477,000)	(10,400,342,000)	(10,499,665,000)	(+256,927,000)	(+473,347,000)	(+3,781,188,000)	(+99,323,000)
Prior year outlays associated with this bill	---	---	---	---	---	---	---	---	---
Total Congressional mandatory and discretionary	10,242,738,000	10,026,318,000	6,718,477,000	10,400,342,000	10,499,665,000	+256,927,000	+473,347,000	+3,781,188,000	+99,323,000
Mandatory (total)	(200,080,000)	(211,937,000)	(107,766,000)	(210,136,000)	(211,174,000)	(+11,094,000)	(-763,000)	(+103,408,000)	(+1,038,000)
(Mandatory new)	(200,080,000)	(211,937,000)	(107,766,000)	(210,136,000)	(211,174,000)	(+11,094,000)	(-763,000)	(+103,408,000)	(+1,038,000)
(Prior year)	---	---	---	---	---	---	---	---	---
Discretionary (new)	(10,042,658,000)	(9,814,381,000)	(6,610,711,000)	(10,190,206,000)	(10,288,491,000)	(+245,833,000)	(+474,110,000)	(+3,677,780,000)	(+98,285,000)

Mr. KASTENMEIER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Speaker, I thank the gentleman for yielding.

In regard to amendment 105 relating to the Legal Services Corporation, I commend the gentleman from Iowa (Mr. SMITH) for his efforts to develop a fair, bipartisan compromise; and, on the whole, I agree with it. I would have preferred to have seen the provisions of H.R. 2909—the Judiciary Committee authorization bill—apply, and, in particular, am concerned about the greater limitations placed on legislative activities and alien representation.

I also believe that a $296 million funding level—which was consistent with the actions of this body in the first budget resolution as well as with the actions of the Judiciary and Appropriation Committees—was fully justified. However, the recommended figure of $275 million is a reasonable compromise, and will allow the Corporation to increase its funding of local programs, as well as training and support grants. The $275 million figure is approximately the same amount—$270 million—as the Corporation received in fiscal year 1979, before the Corporation had completed minimum access—2 attorneys per 10,000 poor—nationwide, and is $46 million less than the Corporation received in fiscal year 1981 when minimum access was completed. The increased costs of service attributed to inflation as well as increases—4 million—in the poverty population and in the legal needs of low-income persons fully justify the $275 million sum, which is a 14-percent increase over the $241 million funding levels of fiscal years 1982 and 1983. Due to the 25-percent funding cut which the Corporation experienced in 1982, staffs of local programs have been reduced from 15,539 to 11,488. In some programs, 50 percent of the staff has been eliminated. In addition, the most experienced staff are leaving in greater numbers. The funding figure can remedy this situation and allow the representation of more clients.

As I noted earlier, I am concerned that certain aliens who are allowed to work in this country or to remain here for periods of time have been excluded from representation by this legislation. It is my understanding that an alien who was allowed under the law to be represented at the time his or her case was accepted should not be denied continued representation on that same case if other competent counsel is unavailable and withdrawal of representation would violate the ethical responsibilities of his or her legal services attorney and section 1006(b)(3) of the Legal Services Corporation Act. In those rare cases, funding must be continued.

I urge you to support the motion of the gentleman from Iowa (Mr. SMITH) on legal services.

Mr. SMITH of Iowa. I appreciate that. I do want to say that our committee would surely like to have authorizing committees be able to get their authorizations out of the way, rather than our handling what amounts to authorizations in this bill. It would be highly desirable if that could be done.

I do not think that it would be possible to have what amounts to a better authorization than we have in this bill, however, no matter how it was handled, and I thank the gentleman for his comments.

Mr. Speaker, I reserve the balance of my time.

Mr. O'BRIEN. Mr. Speaker, I yield such time as he may consume to the ranking minority member of the Committee on Appropriations.

Mr. CONTE. I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of this conference report.

The conference report provides a total of $10,499,665,000 for the programs and activities of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies. This total is $257 million, or 2.4 percent, higher than the fiscal year 1983 appropriations and $473 million, or 4.5 percent, higher than the President's budget request.

While somewhat higher than the request, the conferees worked very hard to come back close enough to the President's numbers so that this bill could be signed into law. I am very happy to report that the statement of administration policy sent up here, dated November 8, announced that the administration "does not object to enactment of H.R. 3222."

I realize that there are some Members who are not entirely satisfied with every one of the compromises we have brought back here. I am not satisfied, either. That is the logical result of compromise, and compromise is what conferences are all about.

But I want to remind you that this is a very difficult bill to get to this point. We have not had an appropriation bill for these Departments and Agencies enacted into law for the past 4 years. This bill contains funding for politically sensitive Departments and Agencies, such as the Federal Trade Commission, the Legal Services Corporation, the State Department, the Justice Department, the Commission on Civil Rights, Radio Marti, the National Endowment for Democracy, contributions to international organizations, the Immigration and Naturalization Service, and others. No wonder we only get a bill every 4 years.

So I hope my colleagues will restrain themselves when we get to the amendments in technical disagreement. Let us not get hung up on one or two issues and prevent this bill from being signed into law. And despite the allegation in one of the many "Dear Colleague" letters which have been circulated regarding this conference report, this bill cannot go to the White House until every single issue is resolved.

Our conferees have done a good job. Support the conference report and the chairman's motions on the amendments in technical disagreement.

Mr. O'BRIEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend our distinguished chairman, NEAL SMITH, for his leadership in enabling us to bring this conference report on H.R. 3222, before you today. I would also like to thank our subcommittee members and their staffs for the hard and diligent work they have done on this bill.

Bringing this bill before you has not been an easy task. Indeed, we face many controversial issues that surround items in our bill, like the Federal Trade Commission, Legal Services, and the Economic Development Administration. There is something of interest and concern in this bill for everyone. But, it has been about 4 years since we have had a Commerce, Justice, State, and judiciary appropriations bill. It is about time we have had one signed into law.

When we first brought our bill to the floor of the House, we recommended $10.69 billion for the Departments of Commerce, Justice, State, and the judiciary. But by the time the House finished with it, this total had been trimmed to $6.71 billion. This reduction was a result of points of order lodged against funding for programs that were not yet authorized. Some of those programs were in the State Department, the Economic Development Administration, and Legal Services.

In the meantime, the Senate passed its version of the bill recommending $10.4 billion. The administration's request was for only $10 billion.

Today, we bring before you a report recommending a total of $10.5 billion for the fiscal year 1984 appropriations for Commerce, Justice, State, and the judiciary.

It is because of the tremendous efforts of our chairman and subcommittee members, we were able to work out our differences with the Senate.

The effort was closely watched by the White House, Mr. Speaker, to the degree that the administration has had a change of heart. In fact, the administration now supports the bill before us today. It is my hope that my colleagues will vote for passage of this bill as is.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I should have mentioned at the beginning that this has been a long and arduous process. We started on this bill last spring. We had many, many days of meetings and hearings. We finally got the bill out in May in very good time. We were ready to go to the floor in June. We were held up due to problems with the Committee on Rules and with other problems. A large share of the bill has not been authorized by the authorizing committees but, on the other hand, those committees all felt that these programs needed to be funded.

So we are in a very different position of trying to fund things that have not been authorized and we do not like to do that. But we could not do anything other than that. It held us up until the end of the fiscal year. We did finally get the bill passed in the House in September. I want at this time to comment that the gentleman from Illinois (Mr. O'BRIEN) and the Members on that side of the aisle and the Members on this side of the aisle, all of them have been very valuable contributors to the product we have today. The staff and all of the members of the subcommittee deserve a great deal of thanks for having made it possible to get this bill this far this year.

Mr. MORRISON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. I thank the gentleman for yielding.

Mr. Speaker, I would like to enter into a colloquy with the chairman of the Appropriations Subcommittee to clarify some of the details of the provisions of the bill as reported by the conference committee relating to the Legal Services Corporation. I would ask the chairman:

The conference report contains an allocation formula based on the goal of moving toward equalization of grants for programs in all parts of the country according to the number of poor people as determined by the 1980 census. I would just like to clarify what that formula is and how it works.

As I understand it, under that formula, local field programs as a group will receive the same proportion of the total Legal Services Corporation appropriation in fiscal year 1984 as the group did in fiscal year 1983, and this total will be distributed among the local programs in two steps: each to receive first an amount 5 percent higher than it received in fiscal year 1983 or an amount equal to $6.50 per poor person in its geographical area under the 1980 census, whichever is higher; and second, the remainder of the total to be distributed among them according to the equal percentage by which each program's funding as determined after the first step falls below $13 per poor person under the 1980 census.

I wonder if the chairman could confirm that that is correct.

Mr. SMITH of Iowa. That, I believe, is correct. As the gentleman knows, some areas of the country got started well ahead of other areas in providing legal services to the poor.

□ 1700

They built up substantial programs when other areas of the country had nothing. So several years ago we required what amounts to what we hope will be access eventually. We said:

> Before you give any more to those who already have more than minimum access, be sure to build up these other areas of the country.

Now all areas of the country for the last 2 years would have had at least minimum access to legal services if we had been able to maintain the funding at $321 million. They really do not have minimum access now since the funding was cut to $241 million.

But the purpose of the formula here was to try to build up the smaller programs and give some recognition to the fact that they had not had any increase last year or this year. That is the 5-percent increase, which really will not replace the cost of inflation, but at least it will give them a small increase.

Mr. MORRISON of Connecticut. Mr. Speaker, if the gentleman will yield further, as I understand it, this allocation formula will determine funding for local field programs regardless of whether the current recess-appointed members of the Legal Services Corporation Board have been replaced by Board members confirmed by the Senate?

Mr. SMITH of Iowa. Yes. That is in the conference agreement.

Mr. MORRISON of Connecticut. Moving further, Mr. Speaker, there is a circumstance in this funding formula, as I understand it, which will go into effect only if there is not a confirmed board prior to January 1, 1984, and I would just like to review with the gentleman the effect of that, if I might.

As I understand it, the conference report contains a provision under which each grantee and contractor of the Legal Services Corporation, under section 1006(a) (1) and (3) of the Legal Services Corporation Act whose funding is not prescribed by the allocation formula set forth above will receive total annual funding for fiscal year 1984 in the same proportion to the total Legal Services Corporation appropriation that it received in fiscal year 1983 unless other action is taken prior to January 1, 1984, by a majority of directors, each of whom has been confirmed by the Senate, and that despite a similar provision in the current continuing resolution, the Corporation has taken some action against some programs which would not be consistent with this provision because this is intended to preserve funding unless and until there is a confirmed board.

Mr. SMITH of Iowa. Yes. Unfortunately, Mr. Speaker, we had to deal with a contingency which none of us like, and that is the possibility that there may not be a confirmed board. If there is a confirmed board, certain things will take care of themselves.

We tried to take care of what will happen if there is not a confirmed board so we will know definitely what will happen. I might say that on the Senate side it was worked out. It is a very delicate matter, but it was worked out over there by both those who are opposed to and who are for the Legal Services Corporation. This is what they felt was a fair disposition of the funding that was provided.

Mr. MORRISON of Connecticut. So, importantly, if there is not a confirmed board before January 1, 1984, or if such a board does not take action before January 1, 1984, programs funded under each of the sections I have referred to, 1006 (a)(1) and (a)(3), must be maintained at proportional funding levels?

Mr. SMITH of Iowa. That would be so.

Mr. MORRISON of Connecticut. Mr. Speaker, if the gentleman will yield further, I have three other areas I would like to explore briefly.

First, with respect to class actions, the conference report tracks the current law as set forth in the current continuing resolution on the bringing of class action suits against Federal, State, or local governments, except that it authorizes a majority of the Legal Service Corporation Board, each of whom has been confirmed by the Senate, to establish procedural requirements for commencing such actions. However, as I understand this provision, the authority to impose procedural requirements is not to be used to prohibit or unduly hinder the bringing of class actions in circumstances dictated by standards of professional responsibility of the attorneys involved.

Mr. SMITH of Iowa. Yes, that is right. And again I want to say that this is one of those delicate matters. As the gentleman knows, we have had a lot of arguments on both the Senate and the House side on this matter, but what we came up with seemed to be something that satisfies those on both sides of the issue as much as can possible be done.

Mr. MORRISON of Connecticut. Mr. Speaker, if the gentleman will yield further, the conference report also contains a new provision which places time limits on hearings for defunding, suspensions for more than 30 days, or denial of refunding, and it shifts to the grantee or contractor the burden of rebuttal, once the Corporation has stated a valid cause for a denial of refunding and has set forth the necessary factual basis of what it has done.

Do I understand that change correctly?

Mr. SMITH of Iowa. Yes, that would be accurate. Some, as the gentleman knows, wanted to shift the burden completely to the grantee, some said there should not be any shift, but this provision is sort of an in-between position.

Mr. MORRISON of Connecticut. Finally, Mr. Speaker, there is one other provision I would like to ask the gentleman about.

Another proviso requires that grantees and contractors for the furnishing of legal assistance be either private attorneys or nonprofit corporations. Just to clarify the requirements for such nonprofit corporations as I understand it, they are required to have as one of their purposes the furnishing of legal assistance to eligible clients, and they are required to have a board, the majority of which is attorneys appointed by a bar association or associations representing a majority of the attorneys in the area served by the recipient. And, finally, this does not apply if these are not grantees or contractors for the purpose of providing legal assistance but for providing services to the corporation.

Mr. SMITH of Iowa. Mr. Speaker, that is correct. The situation was this: The way the provision was previously written, if a bar association, for example, or a law school wanted to provide legal assistance, they would have to prove that their primary purpose was to provide legal assistance. That just did not make any sense because provision of legal assistance might be a secondary purpose, however, such organizations are a very valuable constituent or client agency.

Mr. MORRISON of Connecticut. Mr. Speaker, I would like to thank the gentleman from Iowa (Mr. SMITH). I would just like to take a moment to say that I appreciate the work the gentleman has provided in support of this program in what I know was a very difficult negotiation with the Members of the other body. Those of us who worked hard on the Judiciary Committee to try to move this program toward authorization this year are very pleased with the work done by the gentleman and his committee, and I would like to thank him.

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman for his comments. I hope that if we can get this conference report approved and get it signed, that will help the gentleman and his committee to get the authorization through.

Mr. MORRISON of Connecticut. I certainly hope so.

Mr. O'BRIEN. Mr. Speaker, I yield 8 minutes to the gentleman from New York (Mr. FISH), who is the bearer of an honored name to which he has added his own formal luster.

Mr. FISH. Mr. Speaker, I would like to join my other colleagues who have commended the subcommittee, the subcommittee chairman, and the ranking member for the work product they have brought us. As a member of the Committee on the Judiciary, I am well aware of the number of years we have gone without an appropriations measure.

Mr. Speaker, I am completely bewildered by the action of our conferees in receding to the Senate in deleting from H.R. 3222, the add-on of approximately $30 million to the budget of the Immigration and Naturalization Service. The substantive committee, the Committee on the Judiciary, which has been concerned for many years over the inadequacy of resources available to INS to enforce and implement the Immigration and Nationality Act, reported out favorably in its fiscal year 1984 Department of Justice authorization bill, H.R. 2912, an increase of $94 million and over 1,700 positions. This bill unfortunately has still to see the light of day on this floor.

As reasonable people, we felt that there would be some difficulty in obtaining this magnitude of increased resources all at once. This despite the committee's firm belief that these positions represented the minimum necessary for INS to recoup from its many years as an unappreciated stepchild of the Department of Justice.

As a first step in the long road back toward legitimacy, the Appropriations Committee acted sympathetically and responsibly by increasing the INS budget request by $30 million for 750 additional positions which were destined for enhanced enforcement and more efficient service to the public.

The deletion of this add-on to the INS budget eliminated immediate funding for 125 inspection positions at airports and ports of entry. Many of us know or have experienced firsthand the result of the shortage of inspection personnel, foreign visitors for business and pleasure coming to the United States are waiting an unreasonably long period of time in unreasonably long lines just to be inspected and admitted. The action taken by our conferees will not relieve this situation.

Mr. Speaker, the conferees eliminated the immediate funding for 400 additional border patrol personnel. In fiscal year 1983, the border patrol apprehended more than 1 million aliens trying to enter the United States illegally. This is the highest number recorded to date. Let me emphasize, these were apprehensions. We have no idea how many aliens were not apprehended, how many made successful entries—maybe one successful entry per apprehension, maybe two—which translates into 2 million. Precise statistics are not available, but we can be sure that a lot of aliens succeeded. Given the economic conditions in Mexico and the constant pressure exerted on our overtaxed border patrol, we may expect attempted entries to continue to climb.

Over the years, many of us have taken the floor pledging our support for increased border patrol and enhanced enforcement. Many of us have called attention to the presence in our country of millions of illegal migrants who take jobs away from our constituents, who live in an underground culture in exploitable conditions, and who impose a burden on our social services. Yet, faced with the opportunity to do something about rectifying these conditions, the decision is that $30 million is too big a price to pay for a start at correcting these intolerable conditions.

The add-on also included funds for 100 positions in the adjudication activities. Why are they needed? Hundreds of people stand in lines day-in-and-day-out in front of our INS district offices waiting for an adjudication service, be it for a petition for a relative, an application for an adjustment of status, an extension of stay, or even a naturalization application. In some districts, it takes up to 2 years to be naturalized, this after having met the 5-year residency requirement.

Backlogs on adjudications are a fact of life in INS. Serious efforts have been made by the Service to streamline and automate some of these adjudication functions. However, it is our experience that no serious inroads can be made on backlogs, nor can prompt beneficiary services be given to the public without additional INS personnel. We should not forget that besides being an enforcement agency, the "S" in INS stands for service and that service is charged with the responsibility for granting certain benefits accorded by the Immigration and Nationality Act to eligible aliens.

I can only guess that every single Member of this body has, at one time or another, been asked to intercede with INS on behalf of his constituents for a certain benefit accorded by the Immigration Act. Also, I am sure I am safe in saying that many of you have had less than adequate responses by INS to your inquiries. This area of INS activities has been constantly short of personnel. It is one area where an infusion of personnel can solve many problems. The conferees' action again denies the service the additional personnel required in these activities.

Finally, the action of the conferees denies us 85 positions in antismuggling activities.

Mr. Speaker, the principal reason advanced for deleting the House $30 million add-on is that, at present, the administration has under consideration a fiscal year 1984 supplemental for INS for some $93 million. This supplemental presumably will be submitted in conjunction with the fiscal year 1985 budget this coming January, and that the matter of additional resources will be addressed at that time. This is simply illusory and will not occur.

There is no assurance that a supplemental now under study by OMB will ever be sent to Congress. Even if it is presented in January along with the budget, it will not be enacted until June or July of next year. The administration has already taken this into account. The amount of money projected for fiscal year 1984 supplemental is not $93 million, but $39 million as only the last quarter is considered. Additional resources in personnel and funding which can make any real impact on INS needs will not be forthcoming until the spring of 1985.

For years, the Committee on the Judiciary has been calling the attention of the Congress to the continual deterioration of enforcement and service capabilities of the INS. Year after year, we have tried to convince all parties concerned that the needs are actual and urgent. How long will our country wait for effective control over our border and personnel to carry out the mission of the Service?

Through my many years of experience with immigration matters on the Select Committee and on the Immigration Subcommittee, I can say our immigration system today is completely overwhelmed. The situation can only improve by giving INS the resources it needs to do its job. We cannot wait for a supplemental. We cannot wait until 1985. Help is required now.

□ 1710

Mr. O'BRIEN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Lungren).

Mr. LUNGREN. Mr. Speaker, I rise as the ranking Republican on the Subcommittee on Immigration, but more importantly as a Californian who is concerned about the immigration problem. It just seems that about every day we deal with the immigration problem in an ineffective way. A couple weeks ago the Speaker surprised many of us by announcing that there was no national problem and no national constituency for dealing with any such problem and, therefore, we would be denied the opportunity to even discuss on the floor a comprehensive immigration bill.

Yesterday the distinguished majority leader, the gentleman from Texas (Mr. Wright) wanted us to add $145 million in a new program that had not been authorized—to do what? To take care of those students who were here illegally; that is, those who were not citizens and crossed our borders in an illegal status. That does not suggest to me that there is not a problem, but nonetheless, we are told that there is no such problem.

Now we have this coming before us. Now, despite the fact that the Committee on the Judiciary has attempted for many years to augment the work force of the INS, we have taken out such funding as originally was approved. This translates into a direct loss of 750 new positions, including 400 new positions for the border patrol.

Now, although the Senate did not include funding for any new positions, Senator Laxalt, chairman of the Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary and related agencies, and Senator Alan Simpson, chairman of the Subcommittee on Immigration and Refugee Policy, engaged in a very significant colloquy on the Senate floor. At that time Senator Laxalt stated that he would be "pleased to recede to the House position concerning the additional $30 million when we meet in conference on this bill."

Members of the Judiciary Committee after communicating to the conferees their strong belief on the need for the increased funds awaited the results of the conference with high hopes that the House position would prevail. The decision of the House conferees to recede to the Senate position, in spite of Senator Laxalt's willingness to recede to the House position, came as a profound disappointment to me and other members of the Judiciary Committee.

Mr. Speaker, the national interest requires an enhanced border enforcement presence at the earliest possible date to deter massive illegal entries. Our failure to provide needed funding this year will permit large and continued increases in the undocumented population between now and the time we have the opportunity to fund positions again, perhaps in the context of consideration of a supplemental budget request.

In the months ahead I hope to urge the administration to submit to Congress a $93 million supplemental request, the figure recommended by Alan Nelson, Commissioner of the Immigration and Naturalization Service, but I do not think we should wait on that.

I understand the administration's position that if this House fails to act on comprehensive reform, that it will not be as effective to have increased funds now. I totally agree with them, but it looks like this House is going to be denied the opportunity to deal with the question of comprehensive immigration reform once again, as it was in the last Congress.

Therefore, the only alternative we have is increased border patrol. It ought to be done immediately, and I must say, Mr. Speaker, I am profoundly disappointed that it was not done in this conference report.

Mr. O'BRIEN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. Mazzoli).

Mr. MAZZOLI. Mr. Speaker, I appreciate all that the gentleman has done for the Justice Department and for the Immigration Service. It is not an easy task that the gentleman has as chairman of the appropriating subcommittee and chairman of that part of the conference.

Mr. Speaker, I am sure I need not say that I am extremely disappointed that our conferees receded to the Senate's position to delete the $30 million increase in our bill for INS.

The need is there more than ever. The action of our conferees is even more surprising since there was evidence stemming from a colloquy in the other body between Senators Simpson and Laxalt indicating that the Senate was ready to accept our House position.

The Committee on the Judiciary, the substantive committee responsible for seeing that our immigration law and policy is conducted in compliance with the Immigration and Nationality Act, has consistently called the attention of this body to the great need for additional resources in personnel and funding required by the Immigration Service.

It is indeed a sad state of affairs when dollars and cents can dictate an immigration policy which at the present time permits thousands of undocumented aliens to enter our country and take up employment to the detriment of our citizens and legitimate immigrants. In fact, last year the border patrol apprehended over 1 million aliens trying to cross illegally into the United States. The highest in our history.

Maybe money and people will not be the cure-all to all our immigration ills, but withholding such support certainly contributes to the continuing deterioration of our situation.

I certainly hope that the administration follows through with the $93 million supplemental for fiscal year 1984. And above all, I hope that our Appropriations Committee will live up to its implied support of such a supplemental.

I would ask the gentleman just a couple questions. We have heard, of course, some of our colleagues express their disappointment. I, frankly, am disappointed, too. I really wish we could have had the money. I think the gentleman himself is disappointed that the INS could not have had this money.

I would ask the chairman, is it the chairman's feeling that this money, this $30 million that would have been in there, would have been immediately available?

□ 1720

Mr. SMITH of Iowa. As the gentleman knows, on the House side, we put in $30 million over the budget request.

We were attacked on the floor, because this bill was too big. It was bloated, and we should not have put in any extra money over the budget request. Now, some of the same people are coming back and saying, well, you should not have receded on the extra money that you put in the bill above the budget request. It is not true that the Senate offered to recede on this item. They insisted on getting this bill down below $10,500,000,000 and this was one of the places they looked at to get a reduction.

What are the facts with regard to this particular item? The administration is formulating a program. It is not going to be $30 million, but a $93-million program, but they do not yet know what the program is. Allocating $30 million in this bill today is not going to put one extra guard on the line. It is not going to amount to anything at this time because INS is not going to use the money until they get the program put together. At that time, we will have a supplemental, and we certainly are favorably disposed to considering a supplemental. We will look at it, of course, to see that it is properly conceived and we will consult with the gentleman and his committee, as we always do. There has been no stronger support of this program than the subcommittee, and so, it is totally erroneous to leave the impression that leaving $30 million in the bill for INS in place of $30 million in legal services, or EDA, or SBA or some place else would be the proper thing to do because those funds would not be used by INS anyway. Such funds will be used in the other programs.

Mr. MAZZOLI. I again ask the chairman, knowing the sentiment in the House and in the country which is that the Immigration Service does need to be strengthened, and knowing that the gentleman from Iowa is one of the major movers in that direction, the INS has become much better as a result of the gentleman's stewardship of this section of the appropriating process, would the gentleman be able to tell me or the House to the extent when this $93 million comes along, would the gentleman look at it as sympathetically as he can?

Mr. SMITH of Iowa. We certainly will. I do have to agree with the administration that there are more things wrong than money. Money alone will not cure these problems. You have said that yourself. There has got to be some changes in the program.

Mr. MAZZOLI. What the gentleman has done over the past 2 years has enabled the Immigration Service to get into the new era with mechnization, computers, management techniques which has yielded a much more efficient operation. I thank the gentleman, and I appreciate his efforts over the years.

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman, and I yield 3 minutes to the gentleman from Michigan (Mr. CARR).

Mr. CARR. I thank the gentleman for yielding me this time.

I want to take a minute to highlight one small aspect of this report which is important.

The House bill earmarked $1 million under the Arms Control and Disarmament Agency for the Office of Operations Analysis within that agency. The Senate bill did not have anything for this office, and I was grateful that the Senate was able to compromise with us in an earmarking of a half million dollars for an Office of Operations Analysis.

The Office of Operations Analysis is the technical branch of the Arms Control and Disarmament Agency, a small group, a very capable group of strategic analysts, career professionals who have done high quality and important work for a long time.

The details of arms control are highly technical. The sophistication of weapons systems, verification and doctrine require professional analysis and help. The political decisionmakers require this resource.

Unfortunately, this office was abolished by the current administration, as part of its efforts to downgrade or at least alter its view of arms control.

As a result of the Arms Control and Disarmament Agency has been forced to rely entirely on the Department of Defense for its strategic analysis.

Now, I do not mean to denigrate at all the Pentagon. Obviously, the Defense Department's strategic analysts are also very capable, and they have a great deal of computer capability that they can use, but let us be honest. The Defense Department people by their charter are not arms controllers. They are arms builders and arms users, and they have an institutional bias in favor of arms, and I do not say this as a criticism, but it cannot help but color their assumptions and skew some of their conclusions.

If we are going to have meaningful arms control in this country, we need to have an arms control related strategic analyst in the Arms Control Agency. Then if the Pentagon people have a different perspective, we will be able to hear their side on the political judgment, and decisionmakers will be able to weigh the pros and cons.

During this last year, all operations analysis has been done on one side, and that is the worst basis for making a national arms control policy. This conference report will help reinvigorate both sides of any arms control question, and I want to thank the chairman for helping put this together.

Mr. SMITH of Iowa. I want to thank the gentleman from Michigan who is really our expert on the subcommittee on arms control.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. I thank the gentleman for yielding me this time.

Mr. Speaker I rise in support of the conference report that has been filed on the State, Justice, Commerce, and judiciary appropriation bill.

The conferees have acted responsibly, with respect to the Office of Justice Assistance, in bringing back an appropriation that is contingent upon the passage of authorizing legislation. This is recognition of the proper way to do business which is not to spend money until it is authorized. The authorization passed in the last Congress by overwhelming votes but was vetoed for unrelated reasons. The House passed the Justice Assistance Act of 1983 on May 10, 1983 by a 399-to-16 vote. The bill is now pending in the Senate and we anticipate its passage in the near future.

Upon passage, this program will provide much needed matching assistance to State and local enforcement agencies for programs that have been proven to be effective in fighting crime.

I also want to commend the conferees for increasing the funding for the Drug Enforcement Administration for fiscal year 1984. The conferees have accommodated the request of the administration for increases in the fight against drug trafficking. In addition, the conferees have provided $3.5 million to pay for 65 workyears of additional law enforcement activity by DEA.

I would be less than candid if I did not say that I regret that the Appropriations Committee has not held fast to the House bill which would have provided $7 million for 130 additional work-years for these activities. This does not restore the cutbacks that have already taken place at DEA since 1980. The House Judiciary Committee recommended that we restore all of the cuts—a total of 168 work-years at a cost of $8.85 million.

The four areas that were cut back were intelligence, diversion control, foreign cooperative investigations, and State and local training. Intelligence has been cut back by 68 work-years and this has resulted in the elimination of important intelligence work that is essential to the most effective, and efficient enforcement effort.

The diversion control program has been cut back by 84 work-years between 1981 and 1984. This program deals with the black market traffic in the pharmaceuticals diverted from physicians and pharmacists which are responsible for 70 percent of the deaths and injuries due to drug abuse in the United States.

The State and local training program by DEA, which is the primary source of expertise in drug enforcement, has been cut by one-third between 1981 and 1984. The technical legal knowledge that narcotics investigators must possess is complex and critical to successful prosecutions. A defective investigation can result in the loss of years of work, and sometimes the lives of brave, dedicated police officers.

Finally, we need more DEA agents overseas where so much of the heroin, cocaine, and marihuana is cultivated and processed for smuggling into the United States. Our intelligence-gathering capacity is terribly limited due to inadequate staffing. In many locations there are not even enough DEA agents to even provide adequate protection for one another, let alone do their job.

However, today we are at least moving in the right direction. For 4 or 5 years, we have only been working in the margin of what we should be doing. Law enforcement cannot be done on the cheap. It is a labor-intensive activity, and we need personnel to investigate and prosecute the cases.

I urge the adoption of the conference report.

Further, Mr. Speaker, I commend my colleagues, the chairman and the ranking minority Member, for a good conference report.

Mr. SMITH of Iowa. I thank the gentleman.

● Mr. FRENZEL. Mr. Speaker, I rise in opposition to the conference report on H.R. 3222, making appropriations for the Departments of Commerce, Justice, State, the judiciary and related agencies. I note that the bill is $378 million in outlays below the 302(b) budget subdivision. However, it is also $327 million above the President's latest request for the programs funded by this bill.

Mr. Speaker, I voted against this year's oversized budget, and continue to feel that spending levels are too high. Despite the worthwhile and necessary programs that are funded by this bill, the lion's share of the appropriations is for the operating of administrative agencies. I feel that those agencies should also be facing some sacrifices. As a result, I will vote against the bill.

Several proposed amendments to the conference report are noteworthy. First, I shall vote for funding of the Civil Rights Commission. I understand the desire of those who want to delete funding for the Commission in favor of the creation of a legislative branch Civil Rights Commission. I am also very sympathetic to the need for an effective, nonpartisan Commission. No matter what affection we may have for the Commission, organizationally a legislative branch Civil Rights Commission will not work effectively, and we will find ourselves at an impasse. Instead, we should be working to continue the independence of the existing Commission.

Second, an amendment will be offered to funding of the Federal Trade Commission, in an attempt to bring an FTC authorizations bill to the floor. Consistent with my previous stand on the FTC, an agency which is redundant or counterproductive, I will vote any way I can to restrict the usually redundant, and always counterproductive, activities of the FTC.

I also note that the Legal Services Commission is funded at $275 million, a 14-percent increase over fiscal year 1982 and fiscal year 1983. LSC is a worthwhile organization, and some increase is probably necessary. I regret, though, that the increase could not be more moderate in recognition of our current fiscal difficulties.

Mr. Speaker, I urge a no vote on this conference report.●

● Mr. FISH. Mr. Speaker, the Committee on the Judiciary, in its markup of the Legal Services Corporation Act Amendments of 1983, carefully delineated the categories of aliens that could receive legal services. H.R. 3222, in its original form reflecting Appropriations Committee action, incorporated the work product on alien representation of the Judiciary Committee. During House floor consideration, however, a point of order was sustained against language in the bill providing funding to the Legal Services Corporation.

The Senate, in contrast to the House Appropriations Committee, adopted a very restrictive approach to alien representation—delineating only four exceptions to the alien disqualification. I believe the Committee on the Judiciary, and the Appropriations Committee in its initial action, appropriately recognized that compelling policy considerations justified excluding 13 groups from the alien disqualification.

Let me examine the results of this restrictive approach. H-2 or temporary workers would not be eligible for legal services. These persons, as the Judiciary Committee report on the Legal Services Act Amendments of 1983 points out, are "clearly in the United States as a result of decisions by the executive branch that such persons are a benefit to the American economy."

Asylum applicants would be ineligible. They should be eligible because the nature of the threat that awaits a legitimate refugee fully justifies providing the procedural protections of counsel for the person who asserts a claim of persecution. Persons escaping persecution, it must be remembered, generally cannot take with them resources to hire attorneys. The United States, in my view, must not have two essentially different processes for determining asylum status—depending on the finances of the applicant.

Another category consists of individuals granted extended voluntary departure. The Judiciary Committee recognized the special situation of these individuals when it concluded that "it would be anomalous to refuse to return these individuals to another country because of human rights problems there, while at the same time denying them access to legal services here."

The Judiciary Committee, in addition to incorporating these three categories in the original version of H.R. 3222, also included parents, spouses, and unmarried sons and daughters—under age 21—of lawful permanent resident aliens, persons granted parole status, Cuban-Haitian "entrants," individuals granted indefinite stays of deportation, and aliens eligible for permanent resident status under the suspension of deportation and registry provisions of the Immigration and Nationality Act. The Committee on the Judiciary was guided by considerations of basic fairness in developing the list of exceptions to the alien disqualification. I hope at some other time we can rectify our omissions.●

● Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of the conference agreement on H.R. 3222 with the conferees position on the National Endowment for Democracy.

I urge my colleagues to reject any attempt to weaken further the democracy program. The original proposal for an appropriation of $31 million has now been reduced to $18 million. The idea of using U.S. experience in promoting democratic ideals in other countries is exactly the type of activity we in the Congress should be promoting.

Too often the criticism recently has been that the administration only seeks military solutions to problems overseas. The democracy program is an initiative that is long overdue which this administration and the leadership of both parties in this House strongly support. It is an eminently positive alternative for those who want to increase U.S. influence through cooperative programs to promote democracy in other countries.

The President of the United States, the AFL-CIO, the U.S. Chamber of Commerce, and the Republican and Democratic Parties all strongly endorse the National Endowment for Democracy. With appropriate congressional oversight, this program is a worthwhile initiative that should be undertaken without further delay. I urge my colleagues to give it their strong support.

THE WHITE HOUSE,
Washington, November 7, 1983.

Hon. ROBERT H. MICHEL,
U.S. House of Representatives,
Washington, D.C.

DEAR BOB: I remain deeply committed to the establishment of the National Endowment for Democracy. I further believe that it is very important that authorization and funding be provided for the political party institutes, as projected in the final report of the prestigious study group that developed this proposal.

Earlier this week the House voted to instruct its conferees to resist funding for the political party institutes under the National Endowment for Democracy structure. This was an unfortunate action which, if implemented, will significantly weaken our efforts to expand the international frontiers of democracy and individual liberty.

The point has been made—but it is well worth restating—that political parties from every corner of the globe have long been active as parties in international affairs. The political party foundations in the Federal Republic of Germany are the most visible, but by no means the lone example of the growing international attention and operations of the world's democratic political parties.

Ours are the oldest and most successful political parties in the world, and they can serve as vital resources in the national bipartisan effort to expand the frontiers of democracy and democratic rule. Our organized labor and business communities are supported as effective spokespersons and activists on behalf of democracy, and yet we chose to tie our hands by refusing to support the involvement of our strongest and most stable democratic institutions, the parties, in this process.

Many foreign political parties and governments have already expressed a direct interest in undertaking programs with the proposed party institutes. I can personally assure you and your colleagues that the procedures discussed for coordinating the actions of the party institutes are more than satisfactory to the United States Government and to the parties themselves.

Provisions exist within the Act itself, and of course within the United States Constitution, to guarantee effective oversight and to ensure that the institutes do not become "travel slush funds" at the taxpayers' expense. The Congress has the right and the responsibility to invoke all of its authority to assure itself that such irresponsible activities do not take place, and you have my personal commitment that the Executive branch will play a major role in assuring that the party institutes undertake responsible, effective, and meaningful programs abroad.

I strongly urge you and your colleagues to support the National Endowment for Democracy and all its component parts in the days ahead. If we view this as a coordinated national effort that speaks directly to the heart of our own faith in our democratic institutions, we can leave for future generations a vehicle which allows all of these institutions to join in the battle for individual liberty, personal freedom, and democratic rule of law abroad. I hope that all Members of the House—both Republicans and Democrats—can join in this effort, not only now, but in the months and years ahead.

Sincerely,

RONALD REAGAN.[1]

Mr. SMITH of Iowa. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CORCORAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 281, nays 133, not voting 19, as follows:

[Roll No. 479]

YEAS—281

Ackerman
Addabbo
Akaka
Albosta
Alexander
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnes
Bateman
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Bryant
Burton (CA)
Byron
Carper
Carr
Chandler
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
D'Amours
Daschle
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gradison
Gray
Green
Hall (IN)
Hall (OH)
Hamilton
Hammerschmidt
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hightower
Horton
Howard
Hoyer
Hughes
Hutto
Hyde
Ireland
Jeffords
Johnson
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Lipinski
Lloyd
Long (LA)
Lujan
Lundine
MacKay
Madigan
Markey
Marriott
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McDade
McHugh
McKernan
McKinney
McNulty
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Parris
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Rahall
Rangel
Ratchford
Regula
Reid
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sikorski
Simon
Skeen
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Vander Jagt
Vento
Waxman
Weiss
Wheat
Whitehurst
Whitten
Williams (MT)
Williams (OH)
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki

NAYS—133

Anderson
Archer
Badham
Barnard
Bartlett
Bereuter
Bethune
Bilirakis
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chappie
Cheney
Coats
Conable
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
DeWine
Dorgan
Dreier
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Fields
Flippo
Forsythe
Franklin
Frenzel
Gekas
Goodling
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hansen (ID)
Hansen (UT)
Hartnett
Hertel
Hiler
Hillis
Holt
Hopkins
Hubbard
Huckaby
Hunter
Jacobs
Jenkins
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Luken
Lungren
Mack
Marlenee
Martin (IL)
Martin (NC)
McCain
McCandless
McCurdy
McEwen
McGrath
Mica
Moore
Moorhead
Murphy
Nichols
Nielson
Oxley
Packard
Pashayan
Patman
Petri
Pursell
Quillen
Ray
Ritter
Roberts
Roemer
Roth
Rudd
Schaefer
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Skelton
Slattery
Smith, Robert
Snyder
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Tauzin
Thomas (CA)
Valentine
Vandergriff
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weaver
Weber
Whittaker
Zschau

NOT VOTING—19

Early
Gingrich
Gramm
Guarini
Hance
Jones (NC)
Long (MD)
Lowry (WA)
Molinari
Paul
Pritchard
Schulze
Sisisky
Smith, Denny
Solarz
Udall
Whitley
Wilson
Winn

□ 1740

Mr. **RALPH M. HALL** and Mr. **RUDD** changed their votes from "yea" to "nay."

Mr. **LENT** and Mr. **BETHUNE** changed their votes from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The **SPEAKER** pro tempore (Mr. SMITH of Florida). The Clerk will designate the first amendment in disagreement.

Mr. **SMITH** of Iowa. Mr. Speaker, I ask unanimous consent to consider en bloc the following amendments which are reported in technical disagreement and on which the managers on the part of the House propose to recede and concur in the Senate amendments: Senate amendments Nos. 2, 6, 18, 19, 20, 22, 24, 37, 38, 39, 40, 44, 47, 68, 77, 84, 98, 107, 109, 111, 112, 114, 116, 117, 118, 119, 121, 122, 124, 125, 126, 127, 128, 129, 130, 138, 143, 144, 147, 148, and 151.

□ 1750

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Iowa?

Mr. **WALKER**. Mr. Speaker, reserving the right to object, I do not intend to object. Could the gentleman tell me, was No. 7 on the list?

Mr. **SMITH** of Iowa. Mr. Speaker, will the gentleman yield?

Mr. **WALKER**. I yield to the gentleman from Iowa.

Mr. **SMITH** of Iowa. I thank the gentleman for yielding.

No. 7 was not on the list.

Mr. **WALKER**. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Iowa (Mr. SMITH)?

There was no objection.

The **SPEAKER** pro tempore. The Clerk will designate the amendments in disagreement.

The Senate amendments offered en bloc are as follows:

Senate amendment No. 2: Page 2, after line 8, insert:

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses for the promotion of foreign commerce and for scientific and technological research and development, as authorized by law, $693,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Department of Commerce, for payments in the foregoing currencies.

Senate amendment No. 6: Page 3, after line 4, insert:

ECONOMIC DEVELOPMENT ADMINISTRATION

Senate amendment No. 18: Page 5, line 22, after "including" insert "acquisition,".

Senate amendment No. 19: Page 5, line 22, after "aircraft;" insert "399 commissioned officers on the active list;".

Senate amendment No. 20: Page 5, line 24, after "facilities;" insert "and acquisition of land for facilities;".

Senate amendment No. 22: Page 5, line 24, after $888,592,000," insert "to remain available until expended,".

Senate amendment No. 24: Page 6, line 2, after "Fund" insert ": *Provided*, That of the funds appropriated in this paragraph, necessary funds shall be used to fill and maintain a staff of three persons, as National Oceanic and Atmospheric Administration personnel, to work on contracts and purchase orders at the National Data Buoy Center in Bay St. Louis, Mississippi, and report to the Director of the National Data Buoy Center in the same manner and extent that such procurement functions were performed at Bay St. Louis prior to June 26, 1983, except that they may provide procurement assistance to other Department of Commerce activities pursuant to ordinary interagency agreements. Where practicable, these positions shall be filled by the employees who performed such functions prior to June 26, 1983".

Senate amendment No. 37: Page 9, after line 8, insert:

No funds made available by this Act, or any other Act, may be used—

(1) by the Source Evaluation Board for Civil Space Remote Sensing as established by the Secretary of Commerce to develop or issue a request for proposal to transfer the ownership or lease the use of any meteorological satellite (METSAT) or associated ground system to any private entity; or

(2) by the National Oceanic and Atmospheric Administration to transfer the ownership of any meteorological satellite (METSAT) or associated ground system to any private entity.

Senate amendment No. 38: Page 9, after line 10, insert:

MARITIME ADMINISTRATION

Senate amendment No. 39: Page 9, after line 10, insert:

OPERATING-DIFFERENTIAL SUBSIDIES
LIQUIDATION OF CONTRACT AUTHORITY

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $401,294,000, to remain available until expended.

Senate amendment No. 40: Page 9, after line 10, insert:

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development activities, as authorized by law, $11,385,000, to remain available until expended.

Senate amendment No. 44: Page 10, after line 17, insert:

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed $600,000 for land and structures; not to exceed $385,000 for improvement and care of grounds and repair to buildings; not to exceed $3,000 for official reception and representation expenses; purchase (not to exceed ten for replacement only) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $86,383,000. Not to exceed $300,000 of the foregoing amount shall remain available until September 30, 1985, for research and policy studies. In addition, an amount equivalent to funds deposited into the General Fund of the Treasury by the State of Florida as a result of the expense of construction and relocation of the Fort Lauderdale Monitoring Station shall remain available until expended for the completion of construction and relocation of such monitoring station.

Senate amendment No. 47: Page 10, after line 25, insert:

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $20,774,000.

Senate amendment No. 68: Page 16, line 9, after "$5,866,000" insert ", of which $26,389,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c), the Refugee Education Assistance Act of 1980, Public Law 96-422, for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants".

Senate amendment No. 77: Page 18, line 12, after "1985" insert ": *Provided*, That there shall be allocated to the Drug Enforcement Administration offices in the land border States of Vermont, Michigan, New Hampshire, Minnesota, North Dakota, Montana, Idaho, Arizona, and New Mexico, a minimum of $10,000 each for the purchase of information and evidence unless the Committees on Appropriations are notified that efficient drug law enforcement would be impaired by such minimum allocation".

Senate amendment No. 84: Page 19, line 25, after "Health" insert "Resources and".

Senate amendment No. 98: Page 23, after line 2, insert:

SEC. 202. Notwithstanding any other provision of law or this Act, materials produced by convict labor may be used in the construction of any highways or portion of highways located on Federal-aid systems, as described in section 103 of title 23, United States Code.

Senate amendment No. 107: Page 24, after line 3, insert:

ADMINISTRATION OF FOREIGN AFFAIRS

Senate amendment No. 109: Page 24, after line 3, insert:

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), and for representation by United States missions to the United Nations and the Organization of American States, $4,148,000.

Senate amendment No. 111: Page 24, after line 3, insert:

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for the purposes authorized by section 4 of the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 295), $10,012,000, to remain available until expended.

Senate amendment No. 112: Page 24, after line 3, insert:

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of 31 U.S.C. 3526(e), $4,356,000.

Senate amendment No. 114: Page 24, after line 3, insert:

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), $9,380,000.

Senate amendment No. 116: Page 24, after line 3, insert:

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

Senate amendment No. 117: Page 24, after line 3, insert:

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congresss, $520,515,000.

Senate amendment No. 118: Page 24, after line 3, insert ": *Provided*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States' share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1983, through external borrowings.".

Senate amendment No 119: Page 24, after line 3, insert:

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, $66,279,000.

Senate amendment No. 121: Page 24, after line 3, insert:

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, conventions, or specific Acts of Congress, as follows:

Senate amendment No. 122: Page 24, after line 3, insert:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the United States and Mexico International Boundary and Water Commission, and to comply with laws applicable to the United States Section; and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

Senate amendment No. 124: Page 24, after line 3, insert:

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, to remain available until expended, $672,000.

Senate amendment No. 125: Page 24, after line 3, insert:

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, $3,426,000; for the International Joint Commission, including salaries and expenses of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses; not to exceed $3,000 for representation; and the International Boundary Commission, for necessary expenses, not otherwise provided for, including expenses required by awards to the Alaskan Boundary Tribunal and existing treaties between the United States and Canada or Great Britain.

Senate amendment No. 126: Page 24, after line 3, insert:

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, $8,876,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

Senate amendment No. 127: Page 24, after line 3, insert:

OTHER

Senate amendment No. 128: Page 24, after line 3, insert:

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For expenses, not otherwise provided for, to enable the United States to participate in programs of scientific and technological cooperation with Yugoslavia; $1,683,000, to remain available until expended.

Senate amendment No. 129: Page 24, after line 3, insert:

THE ASIA FOUNDATION

For a grant to the Asia Foundation, $9,900,000, to remain available until expended.

Senate amendment No. 130: Page 24, after line 3, insert ": *Provided*, That section 15(a) of the State Department Basic Authorities Act of 1956 shall not apply to the unobligated balances of previous appropriations for the activities of the Asia Foundation.

Senate amendment No. 138: Page 26, after line 5, insert:

UNITED STATES INFORMATION AGENCY

Senate amendment No. 143: Page 26, after line 5, insert:

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Department of the Treasury determines to be excess to the normal requirements of the United States, for necessary expenses of the United States Information Agency, as authorized by law, $10,450,000, to remain available until expended.

Senate amendment No. 144: Page 26, after line 5, insert:

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, $18,362,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended.

Senate amendment No. 147: Page 31, line 9, after "$26,075,000" insert ", of which $700,000 shall be derived by transfer from "Pretrial Services Agencies, The Judiciary" ".

Senate amendment No. 148: Page 31, after line 23, insert:

SEC. 404. Notwithstanding any other provision of law, the Administrative Office of the United States Courts, or any other agency or instrumentality of the United States, is prohibited from restricting solely to staff of the Clerks of the United States Bankruptcy Courts the issuance of notices to creditors and other interested parties. The Administrative Office shall permit and encourage the preparation and mailing of such notices to be performed by or at the expense of the debtors, trustees or such other interested parties as the Court may direct and approve. The Administrator of the United States Courts shall make appropriate provisions for the use of and accounting for any postage required pursuant to such directives. The provisions of this paragraph shall terminate on October 1, 1984.

Senate amendment No. 151: Page 34, after line 14, insert:

SEC. 509. (a) None of the funds provided under this Act shall be available for obligation or expenditure through a reprograming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprograming of funds.

(b) None of the funds provided under this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprograming of funds in excess of $250,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless, the Appropriations Committees of both Houses of Congress are notified fifteen drays in advance of such reprograming of funds.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 18, 19, 20, 22, 24, 37, 38, 39, 40, 44, 47, 68, 77, 84, 98, 107, 109, 111, 112, 114, 116, 117, 118, 119, 121, 122, 124, 125, 126, 127, 128, 129, 130, 138, 143, 144, 147, 148, and 151, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 5: Page 3, line 4, strike out "$37,207,000" and insert "$39,337,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 5 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$38,337,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 7: Page 3, after line 4, insert:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $198,750,000: *Provided*, That during fiscal year 1984 total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

Economic Development Assistance Programs

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $240,000,000: *Provided*, That during fiscal year 1984 total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal. Of the total amount appropriated under this heading, $40,000,000 shall be made available under the criteria and conditions of assistance described in section 101(a) of Public Law 98-8.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. Smith) is recognized for 30 minutes.

Mr. SMITH of Iowa. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. Walker).

Mr. WALKER. Mr. Speaker, I am going to ask that the House not recede and concur on this particular motion so that I am permitted to offer a motion that would strike $40 million from this amendment.

And let me tell my colleagues why I think that that is necessary.

What we are dealing with here is the Economic Development Administration. When this legislation was before the House $315 million was placed in the bill for EDA. It was stricken on a point of order because it is an unauthorized program.

The Senate put $200 million into their program.

The conference committee, in agreeing to this particular action, went to $240 million.

First, that is $40 million beyond the scope of the conference and it seems to me that we ought to take that into consideration.

Second, we are dealing with a totally unauthorized program here and we are dealing with phases of the program which we were promised just a few months ago were a one-time deal only; namely, about $40 million of spending that has been included in this program.

And so, I am going to offer an amendment, if we defeat this motion, that would strike $40 million from the appropriations.

Let me make it clear that we are not going to strike all of the money for EDA. We are just trying to get the conference report within the same scope that the conference had to consider; namely, $200 million. This would leave $200 million in place for EDA.

It seems to me that if we are going to practice some kind of fiscal restraint in this body, that one of the things that we ought to do is make certain that we at least exercise some responsibility on those things that are totally unauthorized.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, I certainly agree with the gentleman on the fiscal restraint, but I am even more concerned about the rules that we play under.

Does the gentleman mean to tell me that this was stricken on a point of order? When it left this House there was no money in it for EDA? And then the Senate had $200 million in their version and yet, when it comes back here in the conference report, it is even higher than what the Senate added when we had absolutely zero?

Mr. WALKER. The gentleman is absolutely correct. We had no money in it whatsoever because it was stricken on a point of order that it was an unauthorized appropriation. It came to the conference committee from the Senate with $200 million. We are now faced with a $240 million appropriation in the bill. And while I raise some question as to whether or not we ought to be voting any money for an unauthorized program, I think at the very least what this House should do is make certain that we stay within the limits that were the scope of the conference; namely, the $200 million.

Mr. SOLOMON. I certainly agree with the gentleman.

Mr. WALKER. That is what my amendment will end up doing.

Mr. SOLOMON. And I think we ought to certainly abide by the rules that we play under and not change them. This is not some game. I am going to support the gentleman. I appreciate his bringing it to our attention.

Mr. WALKER. I thank the gentleman.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the Members might like to have a little history of the EDA appropriation.

I do not remember the exact amount, but as late as about 3 years ago, the gentleman from Minnesota will remember, they had a substantially larger amount.

It has not been authorized, but unfortunately about half of this bill has not been authorized. We on the subcommittee do not like it. We would much rather work with authorized programs. As a matter of fact, the programs that we are appropriating for today should have been authorized a year ago in September.

But, on the other hand, you cannot stop the whole government, especially when the majority wants these programs to continue.

What happened was that last year there was approximately $200 million for the regular EDA program that had expired 2 years ago. Then we put in an additional $100 million in the jobs bill, so that they had a total in EDA of $300 million.

In the continuing resolution that expires tomorrow night they are authorized to spend at the rate of $250 million.

Upon looking at the whole program and upon talking to Members of the House on both sides of the aisle, we felt that under all the constraints we had, $240 million would be a proper level for this program in this bill.

Personally I would rather have had more money than that. But that is what we arrived at.

The administration did not request any money for this program, for SBA direct loans for Legal Services Corporation, and for a number of other programs. However, let me point this out and it is important to those Members who are interested in budget levels and deficits. We have worked this bill down to where the administration now says if this bill passes—we have worked out a package here, it is rather fragile, I admit—but the administration says that if this bill passes as it came back from the conference, they will sign the bill. So if $240 million is not over either the administration's budget or our budget at this particular time, we are in agreement. We have worked some other things out that got the bill down to where we could accommodate this level.

So I think that this is a good level. It satisfies to some extent anyway those who think that this is an important program.

I ask my colleagues to support the committee on this.

Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

□ 1800

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Iowa (Mr. SMITH) has described the appropriations situation very adequately, has given the history of the EDA appropriations, in a very clear and straightforward manner.

I would just like to address myself to the emergency jobs provision in this appropriation. I serve as chairman of the Subcommittee on Economic Development. The gentleman from Pennsylvania (Mr. CLINGER) is the ranking minority Member on that subcommittee. We have worked together to fashion for the regular EDA program a successor concept that is still stalled in the other body. We have monitored very closely, though, the appropriations, the $100 million emergency appropriations bill for the jobs program, and we will be holding hearings on that program in the near future.

Meanwhile, it is clear that under that program there were 2,800—actually, 2,867, to be exact—applications submitted. Two-hundred eleven of those projects were approved by the Economic Development Administration, still leaving a backlog of an estimated $1.5 billion in construction projects, job-creating projects, in distressed areas of the United States where there is high unemployment. One-hundred million dollars was grossly inadequate to meet the needs. Six years ago, with a far lower unemployment rate, we passed a $6 billion emergency jobs program, the Local Public Works Act, and EDA processed that program in less time, even, than was done here on this emergency jobs program.

The average Federal grant under the EDA jobs program meant that these projects went to relatively small communities or high unemployment neighborhoods of large cities and urban areas. The money was distributed in a fair fashion by the agency. Half of it went to rural areas and half of it went to urban areas. There is a $1.5 billion backlog. We have 9.5 percent unemployment in this country. We have over 9 million Americans out of work. Forty million dollars is not nearly enough to spend on a jobs program, but it is at least something. And, furthermore, the agency has some problems in meeting obligations under the existing jobs program that it is carrying out.

So I strongly oppose the intended motion of the gentleman from Pennsylvania to strike the little bit of money that we will have in this program to create jobs in distressed areas for people who need work and who are willing to work.

Mr. CLINGER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. I thank the gentleman for yielding.

Mr. Speaker, I would just like to associate myself with the remarks of the gentleman and agree that the jobs portion of this appropriation clearly is insufficient to take care of the vast number of projects that were submitted. But, more importantly, I think, is the fact that there were at least somewhere around $20 million or $30 million worth of those projects that had actually completed the screening and were proposed for approval by the Economic Development Administration but because of insufficient funds they were unable to do that.

These are projects that are ready, immediately ready, to go to construction in areas of very high distress. So I think that what this appropriation does is make it possible for those projects which have passed all of the tests, have gone through all of the screenings under the criteria established by the jobs bill but were not able to be funded because of the lack of funds, it will enable those projects to be funded. So we are talking about immediate job generation in areas of very high distress.

I think it would be unfortunate if that funding were not to be available because of the immediacy of the jobs that would be created under this provision. So I certainly agree with the gentleman and I would urge that the motion to recede be agreed to.

Mr. OBERSTAR. Mr. Speaker, the gentleman has described the situation very well, and I appreciate his comments and his support.

Mr. Speaker, if the Members are concerned about the budget impact, remember that the budget that the House adopted included funds in excess of the amount included in this appropriation. If you care about jobs and the unemployed, then please vote for the motion to recede and concur and against the motion to strike the $40 million for the jobs program.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I just want to point out, with regard to the statements made by the gentleman from Minnesota just a moment ago: First, these programs are hardly targeted toward needy areas. At the present time the Congress has declared over 85 percent of the country as a distressed area for purposes of this legislation, so we do not have a real targeting taking place.

Second, we have had a number of studies that have shown that there have been no new net jobs created by EDA over that period of time, despite the $100 million that has been spent. The $100 million that the gentleman refers to was said to be a one-time only appropriation when it was passed. I would submit that if the gentleman is correct in what he just told us, that 211 projects were funded for $100 million, every one of those projects has cost this country almost a half a million bucks. That is pretty expensive going, and one of the main criticisms of the EDA program is that we are getting a lot of nothing for a big expenditure. I think that the House may want to consider whether or not we want to sink $40 million more into that rathole when the Members vote on this particular amendment.

I thank the gentleman for yielding.

Mr. SMITH of Iowa. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. CLINGER).

Mr. CLINGER. Mr. Speaker, I would just like to correct one fact that the gentleman from Pennsylvania quoted. When we are talking here about 80 percent of the country, I would reiterate what the chairman indicated earlier, and that is that we have passed a bill in this House that substantially would tighten those requirements. But, more importantly, the money we are talking about here is under different criteria which clearly do target the funds to only those areas of very highest unemployment. The $40 million that is involved in the jobs bill is subject to different qualifications than under the original EDA legislation.

Mr. WALKER. If the gentleman will yield, there is nothing in this particular amendment which allows for that targeting. This program is totally unauthorized; and so, therefore, we would have to go by the language here, and the language here does not do that kind of targeting.

Mr. CLINGER. Reclaiming my time, the money that is being appropriated is to be appropriated under the jobs bill criteria which requires that you be above the national unemployment rate.

Mr. SMITH of Iowa. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, first of all, the program is administered in accordance with the EDA law, title I, which targets money to high unemployment areas.

Second, the Administrator of EDA is administering the act in such a way that targets the funds to the high unemployment areas, the highly distressed areas, regardless of the figure of 80 percent of the area of the United States being eligible under EDA. That is nonsense. Look at the way the act is being administered.

Third, that $475,000 per project leveraged an additional $475,000 in non-Federal funds which communities had to come up with to match the Federal funds. So you have got a 1-for-1 financial leveraging proposition in this jobs program.

Mr. SMITH of Iowa. Mr. Speaker, I ask for an aye vote, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. SMITH).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 305, nays 107, not voting 21, as follows:

[Roll No. 480]

YEAS—305

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Biaggi
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Courter
Coyne
Crockett
D'Amours
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gradison
Gray
Green
Hall (IN)
Hall (OH)
Hamilton
Hammerschmidt
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hillis
Holt
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leath
Lehman (CA)
Leland
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Livingston
Lloyd
Long (LA)
Lujan
Luken
Lundine
MacKay
Markey
Marriott
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shaw
Shelby
Sikorski
Simon
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert
Snowe
Spence
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Vander Jagt
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Williams (OH)
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (MO)
Zablocki

NAYS—107

Archer
Badham
Bartlett
Bereuter
Bethune
Bilirakis
Bliley
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Chappie
Cheney
Coats
Conable
Corcoran
Coughlin
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
DeWine
Dickinson
Dreier
Edwards (OK)
Emerson
English
Erlenborn
Evans (IA)
Fiedler
Fields
Forsythe
Frenzel
Gekas
Goodling
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Hopkins
Hunter
Hyde
Kindness
Kramer
Lagomarsino
Latta
Leach
Lent
Lewis (CA)
Loeffler
Lott
Lowery (CA)
Lungren
Mack
Madigan
Marlenee
Martin (NC)
McCain
McCandless
McCollum
Miller (OH)
Montgomery
Moorhead
Nelson
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Porter
Roberts
Robinson
Roemer
Roth
Rudd
Schaefer
Sensenbrenner
Shumway
Shuster
Siljander
Skeen
Smith (NE)
Snyder
Solomon
Stangeland
Stenholm
Stump
Tauke
Taylor
Thomas (CA)
Vandergriff
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Wolf
Young (AK)
Young (FL)
Zschau

NOT VOTING—21

Bedell
Early
Gingrich
Gramm
Guarini
Hance
Lehman (FL)
Long (MD)
Lowry (WA)
Molinari
Paul
Pritchard
Schulze
Sisisky
Smith, Denny
Solarz
Spratt
Udall
Valentine
Wilson
Winn

□ 1820

Mr. BARTLETT and Mr. COUGHLIN changed their votes from "yea" to "nay."

Mr. BEVILL changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 8: Page 3, after line 4, insert:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $24,950,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-seven permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1984, and such positions shall be maintained in the various States within the approved organizational structure in place on June 1, 1981, and where possible, with those employees who filled those positions on that date.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $27,500,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-seven permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1984, and such positions shall be maintained in the various States within the approved organizational structure in place on June 1, 1981, and where possible, with those employees who filled those positions on that date.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 11: Page 4, line 3, strike out all after "activities." down to and including line 8.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment amended to read as follows: "During fiscal year 1984 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $7,500,000. During fiscal year 1984, total commitments to guarantee loans shall not exceed $15,000,000 of contingent liability for loan principal.".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 15: Page 4, line 17, strike out all after "management" over to and including "funds" in line 4 on page 5.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: ": *Provided further,* That none of the funds appropriated in this paragraph or in this title for the Department of Commerce shall be available to reimburse the fund established by 15 U.S.C. 1521 on account of the performance of a program, project, or activity, nor shall such fund be available for the performance of a program, project, or activity, which had not been performed as a central service pursuant to 15 U.S.C. 1521 before July 1, 1982, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such action in accordance with the Committees' reprogramming procedures.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 21: Page 5, line 24, strike out "$888,592,000" and insert "$994,333,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment insert the following: "$988,212,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 23: Page 6, line 2, after "Fund" insert "; and of which $2,500,000 shall be available for payments under section 4(b) of the Commercial Fisheries Research and Development Act of 1964 for commercial fishery failures and disruptions; and in addition, $22,600,000 shall be transferred to this appropriation from the fund entitled "Promote and develop fishery products and research pertaining to American fisheries" ".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "; and of which $2,500,000 shall be available for payments under section 4(b) of the Commercial Fisheries Research and Development Act of 1964 for commercial fishery failures and disruptions; and in addition, $23,600,000 shall be transferred to this appropriation from the fund entitled "Promote and develop fishery products and research pertaining to American fisheries" ".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 33: Page 8, after line 3, insert:

NATIONAL BUREAU OF STANDARDS

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, $113,612,000, to remain available until expended, of which not to exceed $3,807,000 may be transferred to the "Working Capital Fund".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

NATIONAL BUREAU OF STANDARDS

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, $115,718,000, to remain available until expended, of which not to exceed $3,807,000 may be transferred to the "Working Capital Fund".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 36: Page 9, after line 8, insert:

During the current fiscal year, applicable appropriations and funds available to the Department of Commerce shall be available to test and evaluate alternative methods of creating an effective decennial census canvassing list, including the use of lists of addresses of housing units or other locations which the United States Postal Service is hereby authorized to provide solely for this purpose.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

During the fiscal year ending September 30, 1984, the United States Postal Service may furnish to the Secretary of Commerce any list of names and addresses requested under section 6(a) of title 13, United States Code. The Secretary shall prepare and submit to the President and the appropriate committees of Congress, not later than August 31, 1984, a report relating to—

(1) the purpose for which any list furnished by the Postal Service under the preceding sentence was used, particularly with regard to any progress made by the Bureau

of the Census in the development of an improved list methodology;

(2) categories of sources (other than the Postal Service) from which any list of names and addresses was acquired by the Bureau of the Census during the period covered by the report, and the relative advantages and disadvantages of acquiring and using lists from those other categories of sources as compared with acquiring and using lists furnished by the Postal Service;

(3) measures taken to ensure the confidentiality of any information furnished by the Postal Service under the preceding sentence; and

(4) such other matters as the Secretary considers appropriate.

The Secretary is encouraged to acquire lists of names and addresses from a representative sample of sources other than the Postal Service in order to ensure that meaningful comparisons under paragraph (2) may be made.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 41: Page 9, after line 10, insert:

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $72,283,000, to remain available until expended: *Provided*, That reimburements may be made to this appropriation from receipts to the "Federal ship financing fund" for administrative expenses in support of that program.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $73,283,000, to remain available until expended: *Provided*, That reimbursements may be made to this appropriation from receipts to the "Federal ship financing fund" for administrative expenses in support of that program.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment is as follows:

Senate amendment No. 42: Page 10, strike out lines 6 to 11, inclusive.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 42 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

None of the funds provided in this Act for the Maritime Administration shall be used for enforcement of any rule with respect to the repayment of construction differential subsidy for permanent release of vessels from the restrictions in section 506 of the Merchant Marine Act, 1936, as amended, until June 15, 1984.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 46: Page 10, after line 25, insert:

Federal Trade Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; the sum of $59,521,000: *Provided*, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374): *Provided further*, That none of the funds appropriated in this paragraph may be used to promulgate final rules under section 18(a)(1)(b) of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) until the enactment of legislation authorizing appropriations for the Federal Trade Commission or until the adjournment of the first session of the 98th Congress, whichever is earlier.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 46 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

Federal Trade Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefore, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; the sum of $63,500,000: *Provided*, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374): *Provided further*, That none of the funds appropriated in this paragraph may be used to promulgate final rules under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) until the enactment of legislation authorizing appropriations for the Federal Trade Commission or until the adjournment of the first session of the 98th Congress, whichever is earlier.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. Smith) is recognized for 30 minutes.

□ 1830

Mr. SMITH of Iowa. Mr. Speaker, I yield 7 minutes to the gentleman from Georgia (Mr. Levitas).

Mr. LEVITAS. Mr. Speaker, I think it is important for us to understand what the amendment that is being proposed would do. I would ask my colleagues to lend me their ears for just a few minutes, and so that reason and logic might prevail, please lend me your minds for a few minutes as well.

I am going to ask for a no vote on this motion so that a substitute motion can be offered.

What the amendment offered under this motion would do is fund the Federal Trade Commission for the year of this appropriation. And, would also provide that no new rules could be promulgated by the Federal Trade Commission until an authorization bill for the Federal Trade Commission has passed, or until the end of the 1st session of the 98th Congress, whichever is earlier. Obviously, with this motion the conferees believe there should be some restriction on the new rulemaking authority of the Federal Trade Commission, but I say to my colleagues that the 1st session of the 98th Congress is going to end hopefully within the next week or so at the most. So if the limitation on final promulgation of FTC rules expires at the end of the first session, there really is no limitation here at all. If we are going to have a limitation, which obviously the conferees believe we should have, it ought to be meaningful.

My amendment would simply take the first part of the language accepted by the conferees and say there shall be no new rules issued by the Federal Trade Commission until an authorization bill for the Federal Trade Commission is enacted.

Now, why is this important? I think it is fundamentally important. My proposal does not say the FTC should not go forward, should not do its enforcement work, should not bring cases and should not do preparatory work for rulemaking, but it simply says that an agency—listen to this—that an agency that has not been reauthorized in 2 years, cannot be fully funded and go forward with all its rulemaking activity without even an opportunity for the Members of this body and the other body to review what they have done and make some decisions as to what they should do in the future.

If we fail to adopt the amendment that I will offer, if we do not vote no on the amendment that is being proposed by the conferees, then we might as well pack up and go home. The agency's purpose of an authorization bill is to define an authority and place necessary restraints on the exercise of that authority. We cannot let the FTC be funded without defining and placing appropriate restraints on its authority. If we do, we are not doing our jobs. Yet if we adopt the conferees language, that is what we will have done.

Now, I am not suggesting something new. This is precisely what this committee proposed and what was in our conferees' report and what the Congress adopted in 1979 for the exact same reason.

Do you know what the committee, this subcommittee, which recognizes its responsibilities, included in their report when they first reported this appropriations bill out? They provided that there shall be no funds available to the Federal Trade Commission until it has been reauthorized, which makes a great deal of sense.

Why should we appropriate funds, not for a program, not for a couple of programs, but for an agency which this Congress has not reauthorized in 2 years? Is it not a small responsibility for us to discharge, and is it not a small responsibility for us to evaluate what an agency has done before we give them a carte blanche to go forward?

I know the gentleman from Iowa is keenly aware of his responsibilities as chairman of this important subcommittee of the Appropriations Committee, and I know that because I have heard him speak to this point on this floor, and I have read his views in his reports, and I have seen his actions on prior occasions. He knows there should be an authorization bill.

All I am suggesting here is a very modest change, that there be no new promulgation of rules until we have an authorization bill.

Mr. Speaker, let me say one other thing. I know the gentleman from Iowa wants to see an authorization bill. He will tell you that he wants to see an authorization bill. He will tell you that there should be an authorization bill, or we ought not to appropriate funds; but you will never see an authorization bill, you will not have an opportunity to reauthorize the Federal Trade Commission until we say there can be no new rules until there is an authorization bill.

My amendment will create the only incentive for bringing an authorization bill before this House. If you do not want an authorization bill, vote for the motion of the gentleman from Iowa. If you do want an authorization bill so that there will be some incentive to bring one forward, all I am asking is for you to vote down the motion of the conferees and then vote for the motion that I will offer which will fund the Federal Trade Commission at the same level as proposed by the conferees and will permit every FTC activity to go forward, but will also simply say no new rules will be promulgated until there is an authorization bill. If you want an authorization bill to come forth, this is the only way to do it.

So I will ask you procedurally, vote no on the motion of the gentleman from Iowa, whom I respect greatly, and if we prevail in that, vote yes on the substitute motion I will offer which will then provide the incentive for an authorization bill.

Mr. O'BRIEN. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Speaker, I urge the Members to support the arguments that have been put forward here by the gentleman from Georgia, in opposition to the motion of the gentleman from Iowa.

What we are talking about here really is the Federal Trade Commission authorization bill. This agency has not been authorized in some time. There is an authorization bill that is languishing in the Rules Committee. It has several provisions in it that have been requested by Members who are listening to this debate tonight and have talked to me personally about. We see no incentive for this authorization bill being considered in the House if this motion is adopted, because if the language of this appropriation goes forward, what incentive is there to adopt an authorization bill at all? There is no incentive.

There are a number of areas and issues which Members have talked to me about. For example, Members have talked to me about the issue of the FTC becoming involved in the regulation of the professions. We have language in this bill that would deal with that issue. A provision in the bill would put some limitations on the Federal Trade Commission's authority to regulate the professions.

There are those of you who have spoken to me about the fact that the Federal Trade Commission has either attempted or has written trade regulation rules without adequate review or without adequate knowledge that there has been a prevalence of the particular practices they are attempting to regulate.

We have language in the authorization bill that prohibits the Commission from initiating a rulemaking proceeding where isolated or insignificant violations have occurred. They have to go after them on a case-by-case basis, instead of issuing a rule.

□ 1840

In other words, the Commission has to have reason to believe that a pattern of unlawful conduct exists in order to write rules that apply generally to the industry.

There are a number of other amendments to the bill that are needed. We see no incentive for this bill coming to the floor of the House, unless we vote down the gentleman's amendment. This will then permit the gentleman from Georgia to offer an amendment that would say no new rulemaking until such time that an authorization bill is passed.

The Levitas motion is not going to affect any ongoing rulemaking activity. All it prohibits is the issuance of final rules by the FTC until the authorization bill is enacted. This does not affect in any way the other authorities of the agency. The agency would still be able to issue cease and desist orders and to carry out all of their responsibilities under the law.

Without this change that we are proposing, we see little or no incentive to move the FTC authorization bill to the floor. But with this proposed change that we are proposing here today, there would be great incentive then to move the authorization bill to the floor.

With the time restraints that we have this session, we feel it is necessary to provide this incentive for prompt action on the FTC authorization bill.

I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield 7 minutes to the gentleman from New Jersey (Mr. FLORIO).

Mr. FLORIO. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the motion of the gentleman from Iowa, and oppose any effort to restrict the Federal Trade Commission that goes beyond the restrictions contained in the Senate bill.

The effort to stop the internal workings of the FTC in processing rules is one such proposal as apparently is going to be offered, if the opportunity presents itself, would be an attack upon the independence of the agency.

Even the old legislative veto never went that far, but applied congressional review only after FTC rules had been promulgated.

I ask all Members to join in supporting this motion, so we can beat off this unfortunate attack upon the basic integrity of the agency. Consider what is happening at the FTC right now. Even in the last couple of weeks, congressional offices have been flooded with complaints regarding the failure on the part of the FTC to enforce the ban on resale price fixing.

Consider this: Last month the administration majority on the FTC announced it will no longer enforce the longstanding legal prohibitions on false advertising, but instead will take a more relaxed approach to such deception.

Now, in addition to this effort to subvert consumer rights from within the Commission, we are about to be presented with an effort on the House floor aimed at shutting down half of the FTC's activity. We are witnessing an attack on consumers from inside and outside the Commission.

There are some who would freeze the FTC's rulemaking process to stop further promulgation of rules. There is no need for this intrusion into their procedures, even from the perspective of someone who might oppose a particular FTC rule. The only rule which would likely be promulgated during the period of this appropriation is the credit rule which prohibits particularly offensive debt collection practices. For the information of the House, I will insert here a letter signed by a number of our colleagues which describes the credit rule and expresses support for it.

HOUSE OF REPRESENTATIVES,
Washington D.C., August 9, 1983.

Hon. JAMES C. MILLER, III,
Chairman, Federal Trade Commission,
Washington, D.C.

DEAR CHAIRMAN MILLER: We are very pleased to learn that the Commission has adopted, by a unanimous vote, a trade regulation rule which prohibits the most objectionable and egregious collection remedies now employed by creditors.

We share the Commission's underlying belief that the rule will provide consumers with substantial protections without imposing any undue burdens on creditors. By prohibiting confessions of judgement and wage assignments before judgment, the rule will assure debtors the opportunity to defend themselves in court, with the aid of counsel, before creditors can seize their property and paychecks. By prohibiting blanket waivers of state laws allowing debtors to deep certain essential property when their property is seized to enforce a money judgment, as well as by prohibiting blanket security interests in all household goods, the rule perserves the public policy of allowing debtors to deep basic necessities and precludes creditors from destroying family cohesiveness by seizing such basic necessities as dishes, furniture and children's clothing.

In addition, the rule will prevent creditors from unfairly collecting hundreds of dollars in late charges by pyramiding such charges when a debtor is late on only a single payment and then makes all other payments on time.

Finally, the required notice to cosigners of notes will insure that persons who would back up their friends or relatives will have a full understanding of their obligations and liabilities with respect to that debt.

We believe this type of rule is precisely the kind of consumer protection step the Congress had in mind when it authorized the Commission to stop "unfair" practices in 1938 and clarified the Commission's authority to promulgate trade regulation rules in 1975. We also are pleased to note that the rule carries out many of the recommendations of the congressionally appointed National Commission on Consumer Finance of 1972. We note that the Commission approved this rule after years of painstaking hearings and evidence-gathering and pared away several additional proposals put forward by the staff. While some of us might support an even tougher rule, it is a tribute to the care with which the Commission approached the rule that each recommended provision was carefully debated and analyzed.

Finally, it is particularly gratifying that all Commissioners, appointed by three different Presidents, support the rule. Bipartisan support for a rule of this kind gives the public confidence that the rule offers substantial protection to consumers while it is also prudent and restrained in avoiding any unnecessary burdens on the credit industry.

We urge the Commission to complete expeditiously its preparation of the background papers which are necessary for final promulgation. Again, we commend the Commission and its staff for long and thoughtful work in preparing and approving this rule.

Henry A. Waxman, James J. Florio, Peter W. Rodino, Jr., Fernand J. St Germain, Frank Annunzio, John J. LaFalce, Joseph G. Minish, John Conyers, Jr., Henry B. Gonzalez, Timothy E. Wirth, Walter E. Fauntroy, John F. Seiberling, James H. Scheuer, Parren J. Mitchell, Thomas P. O'Neill, Jr.

I would suggest that that may very well be the intent of some, not all, but some who are interested in seeing that this proposal not be allowed to go forward.

The credit rule is not scheduled to go into effect until 1 year after it is promulgated, so there will be plenty of time for Congress to review it before the finance industry is affected. Given this situation, the proposal to cut off funds for rulemaking is a gratuitous interference with the independence of the FTC. The prohibition on the promulgation of new rules is uncalled for, since no one is affected by the rule when it is promulgated; only when it becomes effective.

With respect to the long-term ability of the Congress to review FTC rules, I would point out the FTC authorization bill was reported by the Energy and Commerce Committee last May and sent to the Rules Committee.

The controversial issues that delayed the FTC authorization last year were virtually all resolved by the Energy and Commerce Committee. The reauthorization would have long since come to the floor if it had not been for the decision of the Supreme Court striking down as unconstitutional the legislative veto provision in the bill passed by the committee.

The controversy surrounding the question of what is to replace the legislative veto is complex and has ramifications far beyond the FTC. Nevertheless, we have been working diligently to resolve it in a bipartisan way. I am convinced that the Commerce Committee and the Rules Committee working together can resolve this problem. I had occasion today to testify before the Rules Committee that held a hearing on the question of how to deal with the legislative veto problem. I am suggesting that the motion of the gentleman from Iowa is appropriate, that we go forward with the appropriation, and that we will have an authorization that will deal with all facets of the FTC issue as the gentleman from North Carolina suggested we should, and I would ask for the support of this body for the motion.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

I would like to make two points which the gentleman probably would agree with.

The first point is that the gentleman says this goes beyond anything that we have heretofore proposed, even beyond a legislative veto. I remind him that this is exactly what we did in 1979. This is no different. The same restriction was put on in the same appropriations bill.

Second, the amendment that I will offer has absolutely nothing to do with prohibiting enforcement of the resale price-fixing requirements.

Indeed, I participated in a subcommittee hearing today in which we were urging the FTC to go forward with its enforcement in that area.

Mr. FLORIO. If I can reclaim my time, it is important to appreciate the fact when I say that this proposal that is offered here tonight, should the gentleman's motion not be approved, goes beyond even the legislative veto. In fact, the legislative veto at least waits for the FTC to put forward a rule and the Congress then works its will.

The current proposal would be absolutely prohibitive of the ability of the FTC to promulgate a rule, so the Congress can then evaluate it and work its will through a legislative veto process that may evolve out of the Rules Committee that would pass constitutional muster.

I am more than pleased, and have talked to a number of the gentlemen who are active in this whole process, to make some suggestion as to how we can resolve the authorization controversy in the form of providing for a disapproval resolution with an expedited process that the President would sign onto. That would deal with the problem of constitutionality, and I would ask that we go forward. And to the degree that we can do that, we will have an authorization in this whole debate, and the question would be moot, and I yield back the balance of my time.

Mr. O'BRIEN. Mr. Speaker, I yield myself such time as I may consume.

It is a rather peculiar, bizarre situation we are in. I find myself on the same side as the gentleman who just spoke in the well but for entirely different reasons.

It boils down to this: Is this particular item so important that it should overrule all the rest of the items in this very bill? If the House membership believes that this is all-important, then fine, go ahead and vote against the committee, but if this bill is more important than this single issue, then you should support the committee.

In the conference, Congressman Conte did the very best he could to achieve the aims that Congressman Levitas and Congressman Broyhill support to which I subscribe. I think they are right, but I do believe in the merits of this entire bill; and it is absolutely clear—and we have cleared it in the last 30 minutes with the Senate—that if the Broyhill-Levitas effort to modify the Kasten language succeeds, that will be hung in the Senate right now, and we will face a filibuster that will keep us here until the threshold of Christmas Eve.

□ 1850

So what I am thinking is as a matter of practical politics let us stay with the committee and not take apart the Kasten amendment. Otherwise we are not going home at all.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. Lent)

Mr. LENT. Mr. Speaker, I rise in opposition to the motion of the gentleman from Iowa (Mr. Smith) and in support of the position of the gentleman from Georgia (Mr. Levitas).

This motion would place a limitation on the Federal Trade Commission's ability to promulgate final rules only until the end of this session of the Congress. Now that the adjournment of this session is only days away, it is apparent that this limitation on the FTC's rulemaking authority is almost meaningless. It does not provide the needed incentive to bring an authorization bill for the FTC to the floor of the House.

The ranking minority member of the committee, the gentleman from North Carolina, who recently spoke in the well, and I have repeatedly urged that the authorization bill, which is H.R. 2970, which was reported from the Committee on Energy and Commerce back in May, should be brought to the floor. Our calls have fallen on deaf ears and the bill continues to lie dormant.

It is only appropriate that the members of this committee and this body be given an opportunity at long last to consider authorizing legislation. H.R. 2970 contains important provisions affecting the Commission's unfairness jurisdiction, the FCT's authority over professionals, and the right of defendants in civil penalty suits to question the legal determination on which a cease-and-desist order is based.

It is, therefore, critical that this Congress be afforded a chance to consider this legislation and in so doing give those subject to the authority of the Commission some certainty as to the scope of the FTC's legal authority.

I would also like to take issue with the statement of the gentleman from New Jersey. The motion that will be offered by the gentleman from Georgia if this motion is defeated would not interfere in any respect with the ongoing rulemaking activities of the Commission. It would not affect enforcement activities such as those concerning resale price maintenance which are now pending.

As a matter of fact, under title V of the bill as reported from the conference there is an express prohibition on the use of funds for overturning or altering the per se prohibition on resale price maintenance currently in effect under the Federal antitrust laws.

As I understand the situation, if the pending motion of the gentleman from Iowa is defeated, the gentleman from Georgia will then offer another motion which will place the same limits on the Commission's rulemaking authority until an authorization bill is actually signed into law.

The language of this motion will provide a strong incentive to move the authorization bill to the floor. I urge my colleagues in the House to defeat this motion and to support the motion to be offered by the gentleman from Georgia (Mr. Levitas).

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our subcommittee finds itself in a very difficult situation. It is uncomfortable. This is the second year that we have provided money for this agency without enactment of an authorization.

We do not like this situation. We want an authorization. We want to deal with the money matters. We do not want to deal with authorizing provisions. But as I mentioned earlier this afternoon, about half of this bill is not authorized. The authorizing committees have not been able to get their bills out and get them passed and signed into law.

The authorization for 1984 really should have been passed in September 1982. That would have been the orderly process. But the fact of the matter is it was not.

So when we reported our bill in June we provided funding for the FTC, but provided that such funds were subject to enactment of an authorization.

If we could have gotten the bill passed in June, having a requirement like this would have been fitting. We could have passed it at that time and there would have been enough time before the new fiscal year started that the authorization could have been worked out.

However, our bill was held up. We brought it up without a rule finally and it was not passed until September. We did not have time then to have a clause like this without putting the FTC out of business.

So the FTC went into the continuing resolution which began on October 1 and lasts through November 10, without any limitation on their rulemaking authority. In the Conference Committee on the fiscal year 1984 bill it was proposed by the House Members that we should at least provide that the FTC could not promulgate any rules until April 1 or April 15 if any authorization is not enacted before that time.

We came to the conclusion of the conference, and the Senate conferees were very much of the opinion that anything like that would prevent this conference report from being adopted in the other body. There are strong feelings over there and our bill would have been used as a vehicle for something that could not be resolved. That is what it really amounts to.

Suppose now the House votes down my motion to recede and concur, what happens? Here is what happens: If the substitute motion of the gentleman from Georgia is adopted, the bill will go to the other body with an amendment on it, and they tell me over there and there is no question about it, the provisions of this conference report will go into a continuing resolution which will carry the money for the FTC without limitation. So in the end, the gentleman from Georgia does not gain anything by throwing the FTC into a continuing resolution.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Georgia.

Mr. LEVITAS. I appreciate my good friend yielding.

Let me make two points in that regard.

First, I do not want this to go into a continuing resolution and I hope it would not. But if it unfortunately did, at least we would be talking only about between now and sometime in February.

The second point that I think is I would hope—I know the gentleman will take the same position—but imme-

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diately after this vote, or shortly after this vote, the gentleman from California (Mr. EDWARDS), is going to be offering a motion to take away all funding for the Civil Rights Commission.

While I do not have a crystal ball, my guess is that that is going to pass and if that passes then we will be in the same position the gentleman has just described.

I say if we are going to be in that position we might as well be in it on the basis of this motion.

Mr. SMITH of Iowa. The gentleman is correct; if that passes the conference report will be in a continuing resolution. But deleting funding for the Civil Rights Commission would not do any good either because they are going to get their money anyway under the continuing resolution.

We are already into the fiscal year. That is our problem. If this bill had come to the House last summer, we could have argued out these things, and I would not have hesitated a minute to put limitations on the use of money in the new fiscal year if they did not get their authorizing problem worked out. But the fact is we are now into the fiscal year and it is too late to put this limitation on without killing the FTC.

Mr. FLORIO. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from New Jersey (Mr. FLORIO).

Mr. FLORIO. Is it not the case that the other body is considering a continuing resolution for the entire year?

Mr. SMITH of Iowa. That is true. I do not know what the final outcome will be, but they are considering one for the entire year.

Mr. FLORIO. I thank the gentleman.

● Mr. LOTT. Mr. Speaker, I support the Levitas-Broyhill motion to prohibit the FTC from issuing final regulations until an authorization for that agency is enacted.

My colleagues will recall that since the 1980 FTC improvement amendments, the Congress has had the authority to disapprove the agency's regulations. That authority was held unconstitutional by the Supreme Court in the used car rule case earlier this year because our disapproval action was not subject to Presidential signature. Prior to that decision the Energy and Commerce Committee had reported a new, 3-year authorization for the FTC which included an extension of the two-House disapproval mechanism. The bill has been languishing in the Rules Committee since that time, even though constitutional alternatives for the legislative veto are readily available.

The Levitas-Broyhill motion is aimed at bringing that authorization bill to the floor so that we can decide on what kind of congressional review authority we want to retain over the FTC. The alternative, if we do not adopt that motion, is an FTC without any congressional check on it whatsoever. I would point out that there are other important improvements in the operations of the FTC contained in that authorization bill that will be lost if we do not keep up the pressure for the enactment of the bill. I would therefore strongly urge my colleagues to vote for the Levitas-Broyhill motion.●

Mr. SMITH of Iowa. Mr. Speaker, I request an "aye" vote on my motion, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. SMITH).

The question was taken; and the Speaker pro tempore announced that the "ayes" appeared to have it.

Mr. LEVITAS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 192, not voting 27, as follows:

[Roll No. 481]

YEAS—214

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews (NC)
Annunzio
Aspin
AuCoin
Barnes
Bates
Beilenson
Bennett
Berman
Bevill
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Bryant
Burton (CA)
Carper
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coyne
Crockett
D'Amours
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edgar
Edwards (CA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Garcia
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gradison
Gray
Green
Hall (IN)
Hall (OH)
Harkin
Harrison
Hawkins
Hayes
Hefner
Heftel
Hertel
Howard
Hoyer
Hughes
Jacobs
Jeffords
Johnson
Jones (NC)
Kaptur
Kastenmeier
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Long (LA)
Lundine
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Rangel
Ratchford
Reid
Richardson
Ridge
Rodino
Roe
Rose
Rostenkowski
Roybal
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Spratt
St Germain
Staggers
Stokes
Studds
Swift
Synar
Tallon
Torres
Torricelli
Towns
Traxler
Vento
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitten
Williams (MT)
Wirth
Wise
Wolpe
Wyden
Yates
Yatron
Zablocki

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Albosta
Andrews (TX)
Anthony
Applegate
Archer
Badham
Barnard
Bartlett
Bateman
Bethune
Biaggi
Bilirakis
Bliley
Boner
Breaux
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chandler
Chappie
Cheney
Clinger
Coats
Conable
Cooper
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daschle
Daub
Davis
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Fiedler
Fields
Flippo
Forsythe
Fowler
Franklin
Frenzel
Frost
Fuqua
Gekas
Goodling
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hightower
Hiler
Hillis
Holt
Hopkins
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Jenkins
Jones (OK)
Jones (TN)
Kasich
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath
Lent
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Luken
Lungren
Mack
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McCurdy
McEwen
McGrath
Michel
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Nichols
Nielson
Packard
Parris
Pashayan
Patman
Quillen
Rahall
Ray
Regula
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rowland
Rudd
Russo
Sawyer
Schaefer
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Skelton
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Weber
Whitehurst
Whitley
Whittaker
Williams (OH)
Wilson
Wolf
Wortley
Wright
Wylie
Young (AK)
Young (FL)
Young (MO)
Zschau

NOT VOTING—27

Bedell
Bereuter
Coleman (MO)

de la Garza
Early
Gaydos
Gingrich
Gramm
Guarini
Hance
Horton
Long (MD)
Lowry (WA)
MacKay
Madigan
Molinari
Oxley
Paul
Pritchard
Schulze
Sisisky
Smith, Denny
Solarz
Stark
Udall
Valentine
Winn

□ 1910

Mr. HERTEL of Michigan changed his vote from "nay" to "yea."

So the motion was agreed to. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 50: Page 11, after line 14, insert:

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $2,000 for official reception and representation expenses, $90,592,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 50 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $2,000 for official reception and representation expenses, $93,000,000.

Mr. SMITH of Iowa (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 51: Page 11, line 21, strike out "$218,240,000" and insert "$230,483,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 51 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$201,643,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 53: Page 11, line 24, strike out "$20,600,000" and insert "$26,600,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "beginning with disasters commencing between January 1, 1983, through September 30, 1983, determination of a natural disaster by the Secretary of Agriculture pursuant to 7 U.S.C. 1961 shall be deemed a disaster declaration by the Administrator of the Small Business Administration for purposes of determining eligibility for assistance under section 7(b)(1) of the Small Business Act for agricultural enterprises as defined in section 18(b) of the Small Business Act: *Provided*, That nothing in this paragraph is to preclude the applicability of section 18(a) of the Small Business Act with regard to the duplication of benefits for disasters commencing between January 1, 1983, through September 30, 1983: *Provided further*, That $36,600,000".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 54: Page 12, line 19, strike out "$235,000,000" and insert "$290,000,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 54 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$230,000,000".

The motion was agreed to.

□ 1920

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 58: Page 13, strike out all after line 13 over to and including line 5 on page 14 and insert "Department of Justice, $63,810,000 of which $556,000 is to remain available until expended for the Federal justice research program.".

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, $7,248,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; $158,308,000, of which not to exceed $10,374,000 for asbestos litigation support contracts shall remain available until September 30, 1985; and $450,000 to remain available until expended to reimburse private litigants for legal fees incurred in the State of New Mexico ex rel. Reynolds v. Aamodt water adjudication suit.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 58 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "Department of Justice $63,360,000 of which $556,000 is to remain available until expended for the Federal justice research program.".

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, $7,248,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; $158,385,000, of which not to exceed $10,374,000 for asbestos litigation support contracts shall remain available until September 30, 1985; and of which $2,753,000 shall be for the Office of Special Investigations; and of which $450,000 shall remain available until expended to reimburse private litigants for legal fees incurred in the State of New Mexico ex rel. Reynolds v. Aamodt water adjudication suit.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement:

The amendment reads as follows:

Senate amendment No. 61: Page 15, line 8, strike out "$363,891,000" and insert "$373,875,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 61 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert the following: "$372,330,000. In addition, section 408(c) of Public Law 95-598, the Bankruptcy Reform Act of 1978, is amended by inserting September 30, 1984 in lieu of April 1, 1984.".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 76: Page 18, line 8, strike out "$280,478,000" and insert "$282,623,000".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 76 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert the following: "$286,123,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 91: Page 22, line 8, after "expended" insert "*Provided*, That $3,500,000 shall be made available to complete the Bi-State Criminal Justice Assistance Center at Texarkana, Arkansas, under the same terms and conditions that previsious Federal assistance was made available for construction of this facility".

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 91 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ": *Provided*, That $67,300,000 of this amount shall be for a criminal justice assistance program, to be available only upon enactment of authorizing legislation except that $2,500,000 of such amount shall be available upon enactment into law of H.R. 3222 and shall be awarded by the Administrator to the National Center for State Courts for court system management and improvement: *Provided further*, That $3,500,000 shall be made available from Law Enforcement Assistance Administration reversionary funds to complete the Bi-State Criminal Justice Assistance Center at Texarkana, Arkansas, under the same terms and conditions that previous Federal assistance was made available for construction of this facility".

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 100: Page 23, strike out lines 8 to 11, inclusive.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 100 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, to read as follows:

SEC. 204. No part of the funds appropriated in this title for the Department of Justice may be used to represent the Tennessee Valley Authority in litigation in which the Authority is a party unless the Department is requested to provide representation in such litigation by the Authority.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 101: Page 23, after line 11, insert:

SEC. 203. Authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice appropriation authorization Act, whichever is earlier.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 101 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SEC. 205 (a). Subject to subsection (b) of this section, authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

(b)(1) With respect to any undercover investigative operation of the Federal Bureau of Investigation which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(A) sums authorized to be appropriated for the Federal Bureau of Investigation for fiscal year 1984 may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254(a) and (c)),

(B) sums authorized to be appropriated for the Federal Bureau of Investigation for fiscal year 1984 may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31 of the United States Code,

(C) sums authorized to be appropriated for the Federal Bureau of Investigation for fiscal year 1984, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 of the United States Code and section 3302 of title 31 of the United States Code, and

(D) the proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code, only upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, a member of the Undercover Operations Review Committee established by the Attorney General in the Attorney General's Guidelines on FBI Undercover Operations, as in effect on July 1, 1983) and the Attorney General (or if designated by the Attorney General, a member of such Review Committee), that any action authorized by subparagraph (A), (B), (C), or (D) of this paragraph is necessary for the conduct of such undercover operation. Such certification shall continue in effect for the duration of such undercover operation, without regard to fiscal years.

(2) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under subparagraphs (C) and (D) of paragraph (1) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(3) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (B) of paragraph (1) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation, as much in advance as the Director or his designee determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met,

shall be deposited in the Treasury of the United States as miscellaneous receipts.

(4)(A) The Federal Bureau of Investigation shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1984.

(i) submit the results of such audit in writing to the Attorney General, and

(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(B) The Federal Bureau of Investigation shall also submit a report annually to the Congress specifying—

(i) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted.

(ii) the number, by programs, of undercover investigative operations commenced in the one-year period preceding the period for which such report is submitted, and

(iii) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained. With respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on FBI Undercover Operations, such report shall contain a detailed description of the operation and related matters, including information pertaining to—

(I) the results,

(II) any civil claims, and

(III) identification of such sensitive circumstances involved,

that arose at any time during the course of such undercover operation.

(5) For purposes of paragraph (4)—

(A) the term "closed" refers to the earliest point in time at which—

(I) all criminal proceedings (other than appeals) are concluded, or

(II) covert activities are concluded, whichever occurs later,

(B) the term "employees" means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation, and

(C) the terms "undercover" investigative operation" and "undercover operation" mean any undercover investigative operation of the Federal Bureau of Investigation (other than a foreign counterintelligence undercover investigative operation)—

(i) in which—

(I) the gross receipts (excluding interest earned) exceed $50,000, or

(II) expenditures (other than expenditures for salaries of employees) exceed $150,000, and

(ii) which is exempt from section 3302 or 9102 of title 31 of the United States Code, except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such paragraph.

Mr. O'BRIEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 102: Page 23, after line 12, insert:

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $11,768,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 102 and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert the following:

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $11,887,000.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. Smith) is recognized for 30 minutes.

Mr. SMITH of Iowa. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. Edwards).

Mr. EDWARDS of California. I thank the gentleman from Iowa, the chairman of the subcommittee, for yielding me this time.

Mr. Speaker, I want to say at the outset that I am sorry that we are having this problem on this particular amendment.

The gentleman from Iowa, the subcommittee chairman, and the ranking Republican, the gentleman from Illinois (Mr. O'Brien), have already been most cooperative in dealing with the House Judiciary Committee. Indeed, in this particular bill, where we have communicated, the gentleman from Iowa and the Appropriations subcommittee have been totally cooperative. I am confident that this disagreement that the House Judiciary Committee has with the Appropriations Committee would not have taken place had there been better communication. I am sorry that I did not communicate better with the gentleman from Iowa. I am sure that this unfortunate situation would not have arisen. But it did. We made a mistake, and the committee followed with a mistake. It is a mistake that we consider must be rectified, and it can be. It will result in a very, very important civil right vote, a vote, I might say, that all of the civil rights organizations in the country would support a no vote.

So I do rise in opposition to the motion to recede and concur in the Senate amendment.

On August 4, the House of Representatives, in a very strong bipartisan effort, passed legislation, H.R. 2230, to continue the U.S. Commission on Civil Rights for an additional 5 years and to provide explicitly that Commissioners can only be removed for cause. The intent of the legislation was to protect and to preserve the historical independence of the Commission.

On October 24, the President fired three of the six commissioners, bringing to five the total number, of commissioners he has removed—five out of six. In doing so, he destroyed bipartisan efforts in both the House and the Senate to preserve the Commission as an independent body within the executive branch.

Therefore, a concurrent resolution (H. Con. Res. 200) has been introduced in both Chambers which would replace the current Commission with one appointed by the legislative branch. This represents a bipartisan effort to continue an independent bipartisan Commission in the Federal Government.

This is the resolution (H. Con. Res. 200) supported by 55 Senators on a bipartisan basis and more than 55 Members bipartisan in the House of Representatives.

Mr. Speaker, I assure the Members that the House Judiciary Committee is moving expeditiously to bring that resolution to the floor this session. This is the resolution; this is the Civil Rights Commission supported by all of the civil rights groups. Remember that.

If we approve this motion to fund the Commission as presently constituted for fiscal year 1984, we in effect thwart the will of the House. Our House vote in August was to retain an independent Commission. The Commission you get will not be an independent Commission. It will be a Commission with five of the commissioners newly appointed by the President.

Continuation of the Commission as presently structured would ratify the firing and replacement of these five commissioners.

The Commission would thus become a vehicle for one President rather than the independent voice which it has been for 27 years through Democratic and Republican administrations.

So, Mr. Speaker, I urge my colleagues to join us unanimously, the majority members of the Civil and Constitutional Rights Subcommittee, to defeat this motion. If we are successful, I will then move to insist on disagreement with the Senate's amendment to appropriate funds for the Commission. The amendment will then be returned to the Senate where it is hoped that the House position will prevail.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. O'Brien) is recognized for 30 minutes.

Mr. O'BRIEN. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. Fish).

Mr. FISH. Mr. Speaker, I thank my friend, the gentleman from Illinois, for yielding.

Mr. Speaker, I support the motion of the gentleman from California (Mr. EDWARDS). Striking funds for the Civil Rights Commission remains the only opportunity the House of Representatives has to demonstrate its support for an independent Civil Rights Commission.

This, I submit, is the paramount consideration this evening—the independence of the commissioners, a concept which has not been an issue since the creation of the Commission in 1957. Were it not for recent events which challenged the Commission's independence, we would not be challenging this motion today.

We are all familiar with the background of the effort to compromise on reauthorization of the Civil Rights Commission. President Reagan wanted to change three of the six commissioners. All summer and fall, a bipartisan compromise had been forged in the Senate to increase the number of commissioners from six to eight, with staggered terms. This would have accommodated two of the President's three appointees without dropping any current commissioners. The President has already appointed two, so under the compromise he would have had four out of eight. The firing of three commissioners 2 weeks ago makes the compromise moot.

Mr. Speaker, the House-passed bill, H.R. 2230, allows firing only for cause. Since the firings have already taken place, the bill in its present form serves no purpose. The President would have five out of six if reauthorization legislation is approved.

This is also the case if this appropriation for the Civil Rights Commission is not removed from H.R. 3222. I recognize the possibility that funding for the Commerce, State, and Justice Departments, as well as the Judiciary, will not be provided under a regular appropriation if the Senate does not agree with the House provision or refuses to go to conference again. However, these Departments and related agencies can be funded under the continuing resolution until a regular appropriations bill is signed into law. The Senate can veto this conference report any time in wishes.

All efforts to reauthorize the Civil Rights Commission have been based on two principles to maintain the institutional integrity of the Commission. First, no President could appoint a majority of the Commissioners, and, second, Commissioners could only be fired for cause. To approve funding for the Civil Rights Commission in this appropriation will ratify the President's actions in firing, for the first time, members of the Commission, without cause. It would also permit him to appoint five out of the six members of the Commission.

There is an alternative, which can be acted on by the House before the end of the session. House Concurrent Resolution 200, which I have co-sponsored with Mr. EDWARDS and more than 50 of our colleagues, would establish a truly bipartisan legislative branch Civil Rights Commission. We can pass this legislation and provide funds in order to continue the important work of the Commission. It has 55 sponsors in the Senate.

I urge my colleagues to defeat the motion to recede from the House position and concur in the Senate amendment, and to vote for the motion to be presented by the gentleman from California (Mr. EDWARDS).

□ 1930

Mr. O'BRIEN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in favor of the motion offered by the gentleman from Iowa (Mr. SMITH) and would strongly urge the membership to concur in that motion and to continue funding for the U.S. Commission on Civil Rights.

Let us make it perfectly clear: If the motion offered by the gentleman from Iowa is defeated and the position advocated by my friends from California and New York is adopted, we will effectively have defunded the Civil Rights Commission which, up until 2 weeks ago, was hailed by people on both sides of the aisle of all philosophical stripes as a very effective watchdog agency in the area of civil rights.

Mr. Speaker, the issue is not the independence of the Civil Rights Commission. That can be preserved by authorizing legislation which has been passed by this House and is presently pending in the other body. The issue is the effectiveness of a watchdog agency, whether it be in the executive branch of Government or whether it be in the legislative branch of Government.

I would submit that the concurrent resolution advanced by the gentleman from California and the gentleman from New York would be ineffective in four major points.

First of all, according to the precedents of the House, commissions that are established by concurrent resolution are valid only for the duration of the Congress that created it. In other words, when the 98th Congress adjourns sine die, this Commission created by House Concurrent Resolution 200 would be out of business.

Second, under present statutory law, the records of the current Civil Rights Commission could not be transferred to the legislative created Civil Rights Commission. They would be deposited in the Archives of the General Services Administration, and that would mean that the legislative branch Civil Rights Commission would have to start up from scratch.

Third, the subpena powers that would be granted under House Concurrent Resolution 200 to the legislative branch Civil Rights Commission are ineffective in terms of the criminal penalties that attach for a failure to comply with the subpena since this Commission would be comprised entirely of nonmembers of Congress.

Fourth, the criminal penalties for spilling the beans of what went on in executive sessions of the legislative Civil Rights Commission as proposed by House Concurrent Resolution 200 is clearly unconstitutional.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin (Mr. SENSENBRENNER) has expired.

Mr. O'BRIEN. Mr. Speaker, I yield 2 additional minutes to the gentleman from Wisconsin.

Mr. SENSENBRENNER. It is clearly unconstitutional because Congress cannot pass by resolution a criminal penalty.

I would submit that the resolution of my friend, the gentleman from California (Mr. EDWARDS), and my friend, the gentleman from New York (Mr. FISH) is not well thought out. We are in the closing days of this legislative session. If their position prevails, in effect we are going to burn our bridges behind us and not have any effective watchdog agency in the area of civil rights whatsoever.

Mr. Speaker, I would urge that the motion offered by the gentleman from Iowa be approved. If the authorizing legislation is not approved by this session of Congress before our adjournment, then the existing Civil Rights Commission, which has come under such great criticism, will go out of business, but I do not think we ought to make the irrevocable decision to defund that Civil Rights Commission tonight.

Mr. O'BRIEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. I thank the gentleman for yielding this time to me.

Mr. Speaker and Members of the House: I, too, believe that to accede to the Edwards-Fish position in this matter would be the signing of the death warrant of the Civil Rights Commission because that would mean with one blow that we will have, as the previous speaker has said, defunded the existing structure of the Civil Rights Commission, and with the other curtailed the opportunity, if one exists, for the alternative proposal espoused by the gentlemen from California and from New York, the substitute Civil Rights Commission to be formulated under the aegis of the House of Representatives.

I suggest that there are many who advocate the abolition of the present structure as a way of getting back at Ronald Reagan in the short term. I submit that Ronald Reagan will not be with us forever, and those who want to continue the record of the Civil Rights Commission and that structure which has served the country so well ought to denounce and not support the Edwards-Fish position but, rather, to permit the continuous funding of the present structure so that when Ronald Reagan and his administrations go into history, the Civil Rights Commission will have outlived whatever threat that might be to some.

The Civil Rights Commission is more important than the political end run that is being perpetrated by the maneuver by the gentleman from California.

Mr. O'BRIEN Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. I thank the gentleman for yielding this time to me.

Mr. Speaker, for the House's sake, I think it is very important that we vote no. This is a different bill and we must perfectly understand this issue because when the House passed the bill we said there could only be firings for cause. The House said "for cause," but because it understood that was the guts of the issue for having a Civil Rights Commission that was independent. They understood that if we allowed the President to fire people without cause, we would no longer have an independent Civil Rights Commission, which has been its history and its tradition for 25 years. As a consequence, when the President fired without cause, he has violated what the House said was the guts of this bill, so I think it is very, very important that we stand firm for our original position because otherwise this is really a sham.

Mr. Speaker, I do have a question for the distinguished gentleman from California, because I chair the Subcommittee on Civil Service and I am very concerned about whether or not we are watching carefully the employee rights at the Civil Rights Commission.

Mr. EDWARDS of California. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I would be delighted to yield to the gentleman from California.

Mr. EDWARDS of California. I thank the gentlewoman for yielding.

Mr. Speaker, we are working now with legislative counsel on amendments to House Concurrent Resolution 200, which would constitute the new Civil Rights Commission, to take care of the employees.

Mrs. SCHROEDER. I thank the gentleman for his response. The gentleman has done an excellent job on that, and I think it is very important to know that every effort is being made to try and help the employees at the Civil Rights Commission as we do this.

I must say, I think the House must stand its ground, must insist on an independent Civil Rights Commission, or we will look very silly.

Mr. SENSENBRENNER. Mr. Speaker, will the gentlewoman from Colorado yield?

Mrs. SCHROEDER. I would be delighted to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentlewoman for yielding.

Mr. Speaker, I am wondering how we can change civil service rights, which are set by statute, and pension rights which are set by statute, by a concurrent resolution. I think the major drawback of the concurrent resolution route is that we cannot amend statutory law to take care of employees in the four issues that I mentioned in the course of my remarks.

Mrs. SCHROEDER. Mr. Speaker, if I may reclaim my time, I think we are clearly working on that and we are trying to find a way that is amenable to all. It appears that we have a way to do that. That is what I wanted to make sure, that everybody was on board to make sure these kinds of protections were going to be extended. I can assure you we will do everything we can to make sure that they are, because I do not think that is the intent, to harm innocent people.

Mr. SENSENBRENNER. Will the gentlewoman tell the House what that way is, since you know?

Mrs. SCHROEDER. We are working on it and we will have it, I assure you.

Mr. SENSENBRENNER. You have a secret.

Mrs. SCHROEDER. I chair the Subcommittee on Civil Service and they chair the others, and I think everybody is on board. There is absolutely no legislative intent to harm innocent victims, and that is what we want to say.

Mr. SENSENBRENNER. Mr. Speaker, will the gentlewoman yield further?

Mrs. SCHROEDER. I will be happy to yield further, but I think you do not want to understand what I am saying. What I am saying is, we are trying to make it clear.

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Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SCHUMER).

Mr. SCHUMER. Mr. Speaker, I urge my colleagues to vote against the motion to recede and concur in the Senate amendment. The reason that the House must defeat this motion is that approval of the $11.9 million included in the conference report would continue the Commission in its present form. Continuation of the Commission at present would simply ratify the President's recent firing of three Commissioners after he failed to pack the Commission with members who would rubberstamp his civil rights policies.

A vote to defeat the motion of the gentleman from Iowa (Mr. SMITH) is consistent with this House's action in approving H.R. 2230. That bill called for a strong, independent Civil Rights Commission, allowing removal of Commissioners only for neglect of duty or malfeasance in office.

The issue is not the three people who were appointed or the three people who were fired. The issue is the very independence of the Commission itself.

The President is not reaching compromise on this issue, as even his colleagues in the Senate did. He does not want half of the Commissioners. He wants five of the Commissioners.

If we are to approve this motion, if we are to recede to the Senate, then what we are saying is that we will not have a Civil Rights Commission that is independent. We will have a Civil Rights Commission that is a rubber stamp.

Almost all the groups that are most concerned with civil rights have urged defeat of the motion to recede in accord with the Senate.

Mr. Speaker, I urge that we vote against the motion to recede.

Mr. COLEMAN of Texas. Mr. Speaker, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Speaker, I appreciate the gentleman's yielding.

I rise in strong support of the Edwards motion to insist on disagreement with the Senate, an amendment which will terminate funding for the U.S. Commission on Civil Rights, in order to replace the present body with a new, effective, and independent organization.

As my colleagues will recall, the President's recent action in firing three Commission members effectively destroyed the credibility and functioning of that body. It has existed since 1957 as an independent, bipartisan Federal agency to study and collect information on discrimination and to assess the equal protection and civil rights guarantees of the Constitution. I submit that the President's movements to reconstitute the Commission's makeup seriously compromise the agency's independent oversight responsibility and establishes a dangerous precedent for the nature of other Federal agencies that perform similar watchdog functions. By recommending continued funding for the present Commission, we would, in effect, endorse the President's actions. I cannot do that when segments of our society still suffer from discrimination and inequitable applications of law.

I commend the alternative introduced by Don Edwards, chairman of the House Judiciary Subcommittee on Civil and Constitutional Rights, which I have cosponsored, creating a legislative branch Civil Rights Commission to carry on the important enforcement work of the present Commission. The resolution provides for an eight member organization to be appointed evenly by the Speaker of the House and the Senate President pro tempore based on the recommendations of the majority and minority leaders of each body.

I urge my colleagues to join me in support of Representative Edwards' motion to the State, Justice, Commerce Appropriations conference report.

Mr. SMITH of Iowa. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. Conyers).

Mr. CONYERS. Mr. Speaker, I think it is incredibly important that we understand exactly why the gentleman from California urges that we oppose the motion to recede and concur in this amendment.

What has happened for the last 6 months is that the U.S. Senate has refused to continue to consider the nominations from the White House because they, too, in a bipartisan sense have been outraged by what has gone on.

We have had great support, the gentleman from New York, the majority leader in the Senate, have all joined in to lead us to this very difficult situation that we are in.

The gentleman from California (Mr. Edwards) has worked as hard as he could. The Congressional Black Caucus and its leadership have joined with him. We think this is the best effort that we can do is to come up with House Concurrent Resolution 200, that has 55 Senators on it.

This is not an attempt to evade the issue. It is true that this would expire at the end of the 98th session, but it seems to me it is the best thing that we can do under the circumstances.

Mr. Speaker, I also rise to oppose the motion to recede and concur in amendment No. 102 which would continue the U.S. Commission on Civil Rights, as presently structured.

As the gentleman from California mentioned, the bill passed by the House in August would have extended the life of the Commission for 5 years and insulated any Commissioners from removal, except for cause. That legislation, and other efforts to continue the Commission, have been stalled in the Senate because the administration has rejected good-faith, bipartisan efforts to work out a compromise. Efforts to maintain an independent Commission are still continuing in the other body.

Furthermore, in response to the recent firing of three more Commissioners by the President, a bipartisan group of members in both the House and Senate have introduced similar concurrent resolutions which would transform the Commission, and its staff, into an arm of Congress. The House Judiciary Committee is attempting to act expeditiously on that resolution.

If we now appropriate money for the Commission, disregarding the efforts of numerous Democratic and Republican Members and the civil rights community, we send a signal to the President that this House condones his unprecedented firing of five of the six Commissioners.

The Civil Rights Commission has carefully and objectively monitored this Nation's civil rights record since its creation in 1957. Its effectiveness, however, has been grounded in its ability to maintain the appearance as well as the reality of independence. By firing and replacing five of the six Commissioners, this administration has destroyed that independence.

We must not approve this motion to appropriate funds for the present Commission because if we do, we may lead the administration to believe that they can ignore the ongoing reauthorization and extension efforts which are aimed at resuscitating a credible and impartial, bipartisan Commission.

Congressional Black Caucus,
Washington, D.C., November 8, 1983.

Dear Colleague: On behalf of the Congressional Black Caucus, strongly urge your support for two motions which Rep. Don Edwards will offer to the conference report on the Commerce-Justice appropriations bill.

Specifically, he will seek to separate funding provided by the Senate for the U.S. Commission on Civil Rights which otherwise could be used by President Reagan to continue the Commission without enactment of an authorization.

On August 4, the House clearly expressed its view that members of the Civil Rights Commission should only be removed for neglect or abuse of office. Despite this, President Reagan fired three Commissioners just two weeks ago. Under his Administration 5 of the 6 members have now been removed without cause. This is unprecedented in the Commission's 27 year history, and we believe that Congress must firmly oppose what President Reagan has done to destroy the independence and integrity of this agency.

This is among the most important civil rights votes which will come before the 98th Congress, and we hope that you will support Don Edwards in his efforts to preserve an independent and bipartisan agency monitoring civil rights enforcement.

Sincerely,

Julian C. Dixon,
Chairman.
John Conyers, Jr.,
Member, Judiciary Subcommittee on Civil and Constitutional Rights.

Congressional Caucus for Women's Issues,
Washington, D.C., November 8, 1983.

Dear Colleague: As Co-Chairs of the Congressional Caucus for Women's Issues, we strongly urge you to support the continuation of an effective and independent U.S. Commission on Civil Rights.

Today the House will vote on the Conference Report on the State, Justice and Commerce Appropriations bill. The Conference Report provides funding for the Civil Rights Commission even though Congress has not authorized the Commission.

We urge you to vote:

(1) NO on the motion to recede to the Senate position.

(2) YES on the motion to insist on the House position.

If the Conference Report is accepted without change, the Congress will have ratified the unprecedented action of President Reagan in firing five of the six Civil Rights Commission Commissioners.

This is among the most important civil rights votes which will come before the 98th Congress. We hope that you will support these efforts to preserve an independent and bipartisan agency monitoring civil rights enforcement.

Sincerely,

Patricia Schroeder,
Co-Chair.
Olympia Snowe,
Co-Chair.

American Civil Liberties Union,
Washington, D.C., November 6, 1983.

Dear Representative: We are writing to you on behalf of the American Civil Liberties Union concerning the United States Commission on Civil Rights.

In addressing the future of the Commission in the days ahead, we urge you (1) to oppose any legislation to continue funding of the Commission as an agency in the executive branch, and (2) to support H. Con. Res. 200, a bill co-sponsored by Reps. Don Edwards and Hamilton Fish establishing the Commission as an independent agency in the legislative branch. Within the next ten days the House will vote on the appropriation of funds for the Commission in the Conference Report on the Commerce, Justice, State, the Judiciary and Related Agencies appropriations bill for fiscal year 1984. We urge you to oppose this appropriation. Approval of the $11,887,000 included in the conference report would continue the Commission in its present form while Congress has before it a bipartisan proposal to preserve the independence of the Commission by moving it to the legislative branch. We believe this new approach is necessary in order to retain the Commission's ability to evaluate the status of civil rights with objectivity. The President's recent firing of three Commissioners, coming soon after his efforts to pack the Commission with members who will ratify his civil rights policies, has destroyed any realistic hope of its continued independence in the Executive Branch.

We urge you to support and co-sponsor the bipartisan effort embodied in H. Con. Res. 200 and S. Con. Res. 78 to save the independent Civil Rights Commission. This requires a no vote on the motion to concur in the Senate amendment appropriating funds for the existing Commission when Subcommittee Chairman Neal Smith makes that motion during House consideration of the Conference Report. Once that motion is defeated, a yes vote is necessary on a motion to insist on disagreement with the Senate amendment.

Thank you for considering our views.

Yours sincerely,

JOHN SHATTUCK,
Director.
MURIEL MORISEY SPENCE,
Legislative Counsel.

FACTSHEET ON PROPOSAL TO ESTABLISH A LEGISLATIVE CIVIL RIGHTS COMMISSION (H. CON. RES. 200)

The House Concurrent Resolution (H. Con. Res. 200) would establish a legislative branch Civil Rights Commission which would replace the current one in the Executive Branch.

The Commission will consist of eight public members to be chosen evenly, and on a bipartisan basis, by the Speaker of the House and the Senate President pro tempore, upon the recommendations of the majority and minority leaders of each House.

The Commission will be an independent body with all the powers and responsibilities of the present Commission. According to a June 3, 1983 Congressional Research Service (CRS) Memorandum, since the Commission's primary function is investigative, appointment of all members by Congress is an appropriate way of transferring them to the legislative branch. To further guarantee the Commissioners' independence, no member can be removed except for neglect of duty or malfeasance in office. Removal would be made jointly by the Speaker of the House and the Senate President pro tempore. The Commission itself would select a Chairman and Vice-Chairman and a full-time staff director.

A Concurrent Resolution is only effective through the end of this Congress; thus, Congress would have to act again on this issue before the end of 1984.

The original, bipartisan co-sponsors of this Resolution are: Don Edwards (D-Calif.), Hamilton Fish (R-N.Y.), Robert Kastenmeier (D-Wisc.), John Conyers (D-Mich.), Patricia Schroeder (D-Colo.), Charles E. Schumer (D-N.Y.), Mike Lowry (D-Wash.), William F. Clinger (R-Pa.), Jim Leach (R-Iowa), Olympia Snowe (R-Maine), Julian C. Dixon (D-Calif.), Robert Garcia (D-N.Y.), William H. Gray (D-Pa.), Stewart B. McKinney (R-Conn.), Joel Pritchard (R-Wash.), Lynn Martin (R-Ill.), Esteban Edward Torres (D-Calif.), Nancy L. Johnson (R-Conn.), and Claudine Schneider (R-R.I.)

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., November 1, 1983.

PRESERVING AN INDEPENDENT CIVIL RIGHTS COMMISSION

DEAR COLLEAGUE: On August 4, the House adopted, by a strong bipartisan vote, legislation (H.R. 2230) which would extend the life of the Commission for five years and provide that Commissioners could only be removed for neglect of duty or malfeasance in office.

On October 24, despite good-faith bipartisan efforts in the House and Senate to continue the Commission as presently structured, the President fired three of the 6 Commission members, bringing to five the total number of members he would replace.

The result of this action is that the Commission's credibility as an independent Executive Branch Agency, a quality central to its effectiveness, has been destroyed. Thus, together with a bipartisan group of co-sponsors, I have introduced House Concurrent Resolution 200 which would create a legislative branch Commission to carry on the independent watchdog role which the current Commission has so well performed. The eight member, bipartisan Commission would be appointed evenly by the Speaker of the House and the Senate pro tempore, upon the recommendations of the majority and minority leaders of each House.

In order to assure the American public that the enforcement of our civil rights laws will continue to be monitored by an independent body, after the November 29 termination date for the Commission, the Congress must move quickly on this Resolution.

I write to urge you to join me, and the other co-sponsors of House Concurrent Resolution 200, in supporting a continued, independent Civil Rights Commission. The original co-sponsors include Representatives Fish, Kastenmeier, Conyers, Schroeder, Schumer, Clinger, Snowe, McKinney, Garcia, and Dixon.

If you wish to co-sponsor this Resolution or need further information, please call my Judiciary Subcommittee Counsel, Helen Gonzales, at 226-7680 as soon as possible.

Sincerely,

DON EDWARDS,
Chairman, House Judiciary Subcommittee on Civil and Constitutional Rights.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a terribly important motion. It is not for the reason that the gentleman from California says. It is because of what his motion is going to do to the whole bill. It is not just what the gentleman from California is trying to accomplish, which he would not accomplish with his motion, anyway.

Now, let me make clear that I have voted for every civil rights bill since I have been in Congress. I take a back seat to nobody and I am not from a district where I have to do it. I do it because I think it is right and I am going to vote for my motion tonight and I will be voting in favor of civil rights when I do it. It is not the opposite just because somebody says it is the opposite.

Voting against funding for the Civil Rights Commission is a vote against civil rights pure and simple and you cannot change that just because somebody says that it is not. For 20 years this item has been a pro civil rights vote and you do not change it overnight by doing a flip-flop down here on the floor.

This subcommittee never heard one word from anybody against funding this Commission until 2 days after we were back from conference. Now, what is so different about last Wednesday compared to the Wednesday before?

If we had not put the money in this bill for the Commission, we would have been beseiged with people saying, "Why didn't you fund the Civil Rights Commission?"

The gentleman from California is exactly right. We cooperate with his subcommittee completely on everything. We had the FBI language that the Senate proposal taken out of this bill because he did not like it. We tried to cooperate word for word. The gentleman from New Jersey will swear to that. We do not do anything without consulting with the Judiciary Committee when a matter involves Judiciary Committee jurisdiction.

So we ought to approve the committee motion tonight; but let me tell you some other reasons why we should approve it. Let us look at what happens a little closer. If the funds are provided in this bill and the Senate does not confirm the members of the Civil Rights Commission—now, the gentleman from Michigan just said the Senators are cooperating. Well, then, you do not need to worry. If they do not confirm the members of the Commission, the Civil Rights Commission is dead anyway. Why then do you have to kill this bill? There is no need to kill this bill in the meantime. You have gotten what you wanted if the Senate is cooperating. You do not have to kill this bill. If the Senate does not pass the authorization or confirm the members of the Commission, at least it would be the Senate that killed the Commission and not the House of Representatives. Do you want the House of Representatives to be the one that killed the Civil Rights Commission? Why not let the Senate be the one that kills the Civil Rights Commission.

Do you think you are holding a club over the President's head by telling him that he cannot have the money for the Civil Rights Commission? That is about like telling him that if he does not shape up you are going to cut his food stamp allowance. There is no club there at all. All you are doing is hurting this bill.

Let me tell you what happens if you defeat this motion. If this motion is defeated, I have been informed as recently as 2 hours ago, that this bill is going to go into the continuing resolution. They are not going to be able to take it up on the Senate floor and get it passed. If it goes into the continuing resolution, the Civil Rights Commission will get every dollar that is in this bill; so the motion of the gentleman from California will not accomplish a thing. All you do is prevent the bill from becoming law.

Well, now, what happens? What is the difference between going into the continuing resolution and having the bill become law? We have got a chance for this bill to become law for the first time in 4 years. The administration has told us that if this bill passes as it is now, it will be signed.

Now, here are the things that are different. In this bill, there is $45 million for NOAA that is not in the continuing resolution. If my motion does not carry, the people that are interested in these NOAA projects can just write it down, these projects are not in the continuing resolution. I have been besieged by 70 or 80 Members that want things in NOAA. If you want things in NOAA, you better pay attention to what is going on here tonight. Why should we fight for you if you are not going to support it after we get it on the floor?

One of these NOAA items is $20 million for Landsat. The entire authorizing committee wanted that, everybody on the committee. Other NOAA items in this bill include next generation radar systems; emergency oyster fisheries in Mississippi, Louisiana, and Alabama; and weather modification projects in Nevada, Utah, North Dakota, and Illinois. Those are not in the continuing resolution.

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The prohibition against the sale or lease of satellite systems for private interests, that is in this bill and not in the continuing resolution. If you are interested in that, I see numerous Members getting down here making speeches about it, if you vote no on the committee motion, you are voting to let them go ahead and sell the satellite system, just pure and simple, because that prohibition is not in the continuing resolution.

Other NOAA projects in this bill include maintenance of the State coastal zone management program, the Oregon institute renovation for $3.1 million, and $1.5 million additional for sea grant. All of those things are not in the continuing resolution.

Then there is $73.4 million for the Small Business Administration that is not in the continuing resolution that is in this bill that the President has said he will sign.

The U.S. trustees' program will not be authorized beyond March 31, 1984, under the continuing resolution; the authorization for that program is extended until September 30 in this bill. Then there is $6 million, for the CAP program. These funds can be used to fix up local jails which house Federal prisoners. If you need that money, you better vote "aye" on my motion.

There are also $5 million for a prison in Oregon, if you are from Oregon, and you are concerned about that or if you are concerned about the prison situation in this country, you ought to vote for that. Next there is law enforcement assistance. The gentleman from New Jersey (Mr. HUGHES) is vitally interested in that.

It is in this bill, if you want it, you better be on this bill and voting for this motion.

The Board for International Broadcasting includes an increase for Radio Free Europe and Radio Liberty. I hear everybody talking about how good those programs are, and how we ought to increase them. The increases are in here and if you want them, you better vote "aye" on this resolution.

Next, there is the education and cultural exchange program. This is $15.7 million more for that, than the amount in the continuing resolution, and a number of you are interested in that. Next, there is the CDS program, construction differential subsidy. The whole east coast and the Gulf of Mexico and the Northwest has been working on this all year. We have in this bill the provision that they want for construction differential subsidies. That provision is not in the continuing resolution, and that means an awful, awful lot to Baltimore, to Philadelphia, to New York, to Massachusetts, to the Gulf of Mexico. That provision means an awful lot in jobs, they tell us. I do not have a seaport in Iowa. I am trying to do what the Members want. If you vote "no" on this, that tells me you do not want this provision.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding.

Now that the gentleman has threatened everybody with the programs contained in the bill, I wonder if he would address the issue of the Commission.

Mr. SMITH of Iowa. I am not threatening anybody. I am telling the truth. I think you are entitled to be informed before you vote on this—what the difference is between a continuing resolution and being under this bill. I am not through yet.

We also have in the bill, funding for reimbursing private litigants in the New Mexico water adjudication suit. In addition, there are the additional guidelines for the Legal Services Corporation. I do not think either side wants to go back to the guidelines under the continuing resolution. They want what we did in this bill.

Then there is $800,000 put in the bill on the floor so San Diego could get some relief from the sewage coming over from Mexico. Everybody on the floor voted for it. There is also $100,000 for Nogales, Ariz., for the same purpose. Those amounts are going to be lost if we do not get this bill passed.

Why defeat the bill when it is not going to serve the purposes of those that want to defeat my motion anyway? For two reasons, it will not serve their purposes. First, the funds for the Civil Rights Commission are in the continuing resolution anyway, and second, if the Senate is on their side as they say, they will not confirm the new members of the Commission, and it will die anyway. Why harm everybody just to flex your muscles? I urge you to vote "aye" on this motion at this time.

● Mr. FRENZEL. Mr. Speaker, the Edwards of California request to vote against the appropriation for the Civil Rights Commission may be a very clever move, but it sounds mischievous to me.

The intent of the gentleman from California is to create a legislative Commission on Civil Rights because of dissatisfaction with the President's handling of the existing Commission's appointment. The Congress is not very good at a great many things, but it is particularly bad in administrative and executive functions.

We run the GAO. It cannot even count beans if there are more than a couple in the jar. We run the GPO. It is the most expensive printing operation in the world. We run the House restaurant. Enough said.

I share the frustration that has been expressed about the difficulties of appointing people to the Commission. Killing the Commission, however, sounds like a pretty childish answer to that problem.

I believe the Smith of Iowa motion should be adopted.●

Mr. SMITH of Iowa. Mr. speaker, I move the previous question on the motion.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. SMITH).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EDWARDS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 170, nays 235, not voting 28, as follows:

[Roll No. 482]

YEAS—170

Alexander
Annunzio
Archer
AuCoin
Badham
Barnard
Bartlett
Bateman
Bennett
Bevill
Bilirakis
Bliley
Breaux
Broomfield
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chandler
Chappell
Chappie
Cheney
Coats
Coleman (MO)
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
DeWine
Dreier
Duncan
Dyson
Edwards (AL)
Edwards (OK)
Emerson
Erlenborn
Fiedler
Fields
Flippo
Forsythe
Franklin
Frenzel
Gaydos
Gekas
Gibbons
Goodling
Gradison
Green
Gregg
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Heftel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Hunter
Hyde
Ireland
Johnson
Jones (NC)
Kasich
Kemp
Kramer
LaFalce
Lagomarsino
Latta
Leath
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott

Martin (NY)
Mazzoli
McCandless
McCollum
McDade
McEwen
McGrath
Mica
Michel
Miller (OH)
Moore
Moorhead
Morrison (WA)
Murtha
Myers
Natcher
Nichols
Nielson
O'Brien
Packard
Parris
Pashayan
Patman
Petri
Porter
Quillen
Ray
Regula
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland
Roybal
Rudd
Sawyer
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snyder
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tauke
Taylor
Thomas (CA)
Vander Jagt
Vandergriff
Vucanovich
Walgren
Walker
Watkins
Weber
Whitehurst
Whittaker
Whitten
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Zablocki

NAYS—235

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Applegate
Aspin
Barnes
Bates
Beilenson
Berman
Bethune
Biaggi
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Brown (CO)
Bryant
Burton (CA)
Carper
Carr
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
D'Amours
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Eckart
Edgar
Edwards (CA)
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Gore
Gray
Gunderson
Hall (IN)
Hall (OH)
Hamilton
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Hertel
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Luken
Lundine
MacKay
Markey
Martin (IL)
Martinez
Matsui
Mavroules
McCain
McCloskey
McCurdy
McHugh
McKernan
McKinney
McNulty
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rangel
Ratchford
Reid
Ridge
Rodino
Roe
Roemer
Rose
Rostenkowski
Russo
Sabo
Savage
Schaefer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Simon
Skelton
Slattery
Smith (FL)
Snowe
Solomon
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vento
Volkmer
Waxman
Weaver
Weiss
Wheat
Whitley
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zschau

NOT VOTING—28

Anthony
Bedell
Bereuter
Daschle
de la Garza
Dellums
Dickinson
Early
Gingrich
Gramm
Guarini
Hance
Kindness
Long (MD)
Lowry (WA)
Martin (NC)
Molinari
Oxley
Paul
Pritchard
Pursell
Rahall
Schulze
Sisisky
Smith, Denny
Solarz
Udall
Winn

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Messrs. YATES, BERMAN, ROSTENKOWSKI, DWYER of New Jersey, MRAZEK, VOLKMER, and SCHAEFER, and Mrs. LLOYD changed their votes from "yea" to "nay."

Mr. ANNUNZIO changed his vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. DURBIN). The Chair recognizes the gentleman from California (Mr. EDWARDS).

MOTION OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EDWARDS moves that the House insist on its disagreement to the Senate amendment numbered 102.

The SPEAKER pro tempore. The gentleman from California (Mr. EDWARDS) is recognized for 30 minutes.

Mr. EDWARDS of California. Mr. Speaker, I am not going to take very much time.

We have fully debated this issue and I am confident, and the subcommittee is confident, that the gentleman from Iowa (Mr. SMITH) and the gentleman from Illinois (Mr. O'BRIEN) can go back to Senator LAXALT and the other people in the Senate and save the bill except for this one amendment which I believe the House has acted on honorably and appropriately.

Mr. Speaker, I ask for an "aye" vote on my motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. EDWARDS).

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 105: Page 23, after line 23, insert:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $257,000,000: *Provided,* That notwithstanding any regulation, guideline, or rule of the Corporation, the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts under section 1006(a)(1) and (3) so as to insure that funding for each such current grantee and contractor is maintained in fiscal year 1984 in the same proportion which total appropriations to the Corporation in fiscal year 1984 bear to the total appropriations to the Corporation in fiscal year 1983, until action is taken by directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further,* That, notwithstanding the above proviso, the funds distributed to each grantee funded in fiscal year 1983 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area be distributed with a goal of achieving minimum access of $12.40 per poor person in the following order:

(1) First, grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) of the Legal Services Corporation Act shall be maintained in fiscal year 1984 at not less than the annual level at which each grantee and contractor was funded in fiscal year 1983;

(2) second, each grantee funded in fiscal year 1983 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area and who is presently receiving less than $6.20 per poor person under the 1980 Census shall be brought to that per capita level;

(3) third, each such grantee funded in fiscal year 1983 pursuant to the number of poor people within its geographical area and who, after increases received under the second priority above, is receiving less than the $12.40 per poor person necessary to provide the actual cost of a two-attorney unit for each 10,000 poor people under the 1980 Census shall be increased by an equal percentage of the amount by which the grantee's current funding falls below $12.40: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal Government or any State or local government unless—

(1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient;

(2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and

(3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse ef-

fects of the policy or practice have not been successful or would be adverse to the interests of the clients,

except that this proviso may be superseded by regulations promulgated by a majority of the Board of Directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further,* That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used—

(1) to pay for any publicity or propaganda intended or designed to support or defeat legislation pending before Congress or State or local legislative bodies or intended or designed to influence any decision by a Federal, State, or local agency;

(2) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities;

(3) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed—

(A) to influence any Member of Congress or any other Federal, State, or local elected official,

(B) to favor or oppose any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council or any similar governing body acting in a legislative capacity,

(C) to favor or oppose an authorization or appropriation directly affecting the authority, function, or funding of the recipient or the Corporation, or

(D) to influence the conduct of oversight proceedings of the recipient or the Corporation;

(4) to pay for any personal service, advertisement, telegram, telephone communication. letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or similar legislation, except that this proviso shall not preclude funds from being used to provide communication directly to a Federal, State, or local elected official on a specific and distinct matter where the purpose of such communication is to bring the matter to the official's attention if—

(A) the project director of a recipient has expressly approved in writing the undertaking of such communication to be made on behalf of a client or class of clients in accordance with policy established by the governing body of the recipient; and

(B) the project director of a recipient has determined prior to the undertaking of such communication, that—

(i) the client and each such client is in need of relief which can be provided by the legislative body involved;

(ii) appropriate judicial and administrative relief have been exhausted; and

(iii) documentation has been secured from each eligible client that includes a statement of the specific legal interests of the client, except that such communication may not be the result of participation in a coordinated effort to provide such communications under this proviso; and

(C) the project director of a recipient maintains documentation of the expense and time spent under this proviso as part of the records of the recipient; or

(D) the project director of a recipient has approved the submission of a communication to a legislator requesting introduction of a private relief bill,

except that nothing in this proviso shall prohibit communications made in response to a request from a Federal, State, or local official: *Provided further,* That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used to pay for any administrative or related costs associated with an activity prohibited in clause (1), (2), (3), or (4) of the previous proviso: *Provided further,* That none of the funds appropriated under this Act for the Legal Services Corporation will be expended to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)): *Provided further,* That an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of the previous proviso, to be an alien described in clause (3) of this proviso: *Provided further,* That none of the funds appropriated for the Legal Services Corporation may be used to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities, except that this provision shall not be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to provide adequate legal assistance to eligible clients or to advise any eligible client as to the nature of the legislative process or inform any eligible client of his rights under a new statute, order, or regulation: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to insure that financial assistance under this title shall not be terminated, an application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for more than thirty days, unless the grantee, contractor, or person or entity receiving financial assistance under this title has been afforded reasonable notice and opportunity for a timely, full, and fair hearing to show cause why such action should not be taken, and, when requested, such hearing shall be conducted by an independent hearing examiner, subject to the following conditions:

(1) such request for a hearing shall be made to the Corporation within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding, or suspend financial assistance and such hearing shall be conducted within thirty days of receipt of such request for a hearing;

(2) the Corporation shall make such final decision within thirty days after completion of such hearing; and

(3) hearing examiners shall be appointed by the Corporation in accordance with procedures established in regulations promulgated by the Corporation: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (1) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (2) a qualified nonprofit organization chartered under the laws of one of the States for the primary purpose of furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance, and efforts shall be made to insure that such board of directors or other governing body is bipartisan.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 105 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $275,000,000: *Provided,* That notwithstanding any regulation, guideline, or rule of the Corporation, the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts under section 1006(a) (1) and (3) so as to insure that total annual funding for each such current grantee and contractor is maintained in fiscal year 1984 in the same proportion which total appropriations to the Corporation in fiscal year 1984 bear to the total appropriations to the corporation in fiscal year 1983, unless action is taken by directors of the Corporation prior to January 1, 1984 who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further,* That, notwithstanding the above proviso, the funds distributed to each grantee funded in fiscal year 1983 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area be distributed in the following order:

(1) First, grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) of the Legal Services Corporation Act shall be maintained in fiscal year 1984 at not less than 5 per centum more than the annual level at which each grantee and contractor was funded in fiscal year 1983 or $6.50 per poor person within its geographical area under the 1980 Census, whichever is greater;

(2) Second, each such grantee funded in fiscal year 1983, pursuant to the number of poor people within its geographical area, shall be increased by an equal percentage of the amount by which the grantee's funding, including the increase under the first priority above, falls below $13 per poor person within its geographical area under the 1980 Census: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal Government or any State or local government unless—

(1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient;

(2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and

(3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interest of the clients:

except that this proviso may be superseded by regulations governing the bringing of class action suits promulgated by a majority of the Board of Directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further,* That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used—

(1) to pay for any publicity or propaganda intended or designed to support or defeat legislation pending before Congress or State or local legislative bodies or intended or designed to influence any decision by a Federal, State, or local agency;

(2) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities;

(3) to pay for any personal service, advertisement, telegram, telephone communcation, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official—

(A) to favor or oppose any referendum, initiative, consitutional amendment, or any similar procedure of the Congress, any State legislature, any local council or any similar governing body acting in a legislative capacity,

(B) to favor or oppose an authorization or appropriation directly affecting the authority, function, or funding of the recipient or the Corporation, or

(C) to influence the conduct of oversight proceedings of the recipient or the Corporation;

(4) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or similar legislation, except that this proviso shall not preclude funds from being used to provide communication directly to a Federal, State, or local elected official on a specific and distinct matter where the purpose of such communication is to bring the matter to the official's attention if—

(A) the project director of a recipient has expressly approved in writing the undertaking of such communication to be made on behalf of a client or class of clients in accordance with policy established by the governing body of the recipient; and

(B) the project director of a recipient has determined prior to the undertaking of such communication, that—

(i) the client and each such client is in need of relief which can be provided by the legislative body involved;

(ii) appropriate judicial and administrative relief have been exhausted; and

(iii) documentation has been secured from each eligible client that includes a statement of the specific legal interests of the client, except that such communication may not be the result of participation in a coordinated effort to provide such communications under this proviso; and

(C) the project director of a recipient maintains documentation of the expense and time spent under this proviso as part of the records of the recipient; or

(D) the project director of a recipient has approved the submission of a communication to a legislator requesting introduction of a private relief bill:

except that nothing in this proviso shall prohibit communications made in response to a request from a Federal, State, or local official: *Provided further,* That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used to pay for any administrative or related costs associated with an activity prohibited in clause (1), (2), (3), or (4) of the previous proviso: *Provided further,* That none of the funds appropriated under this Act for the Legal Services Corporation will be expended to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney general's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)): *Provided further,* That an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of the previous proviso, to be an alien described in clause (3) of the previous proviso: *Provided further,* That none of the funds appropriated for the Legal Services Corporation may be used to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities, except that this provision shall not be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to provide adequate legal assistance to eligible clients or to advise any eligible client as to the nature of the legislative process or inform and eligible client of his rights under statute, order, or regulation: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to insure that financial assistance under this title shall not be terminated, and a suspension of financial assistance shall not be continued for more than thirty days, unless the grantee, contractor, or person or entity receiving financial assistance under this title has been afforded reasonable notice and opportunity for a timely, full, and fair hearing and, when requested, such hearing shall be conducted by an independent hearing examiner, subject to the following conditions—

(1) such request for a hearing shall be made to the Corporation within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding, or suspend financial assistance and such hearing shall be conducted within thirty days of receipt of such request for a hearing;

(2) the Corporation shall make such final decision within thirty days after completion of such hearing; and

(3) hearing examiners shall be appointed by the Corporation in accordance with procedures established in regulations promulgated by the Corporation: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to ensure

that an application for refunding shall not be denied unless the grantee, contractor, or person or entity receiving assistance under this title has been afforded reasonable notice and opportunity for a timely, full, and fair hearing to show cause why such action should not be taken and subject to all other conditions of the previous proviso: *Provided further,* That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (1) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (2) a qualified nonprofit organization chartered under the laws of one of the States, a purpose of which is furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance: *Provided further,* That no member of the Board of Directors of the Legal Services Corporation shall be compensated for his services to the Corporation except for the payment of an attendance fee at meetings of the Board at a rate not to exceed the highest daily rate for grade fifteen of the General Schedule and necessary travel expenses to attend Board meetings in accordance with the Standard Government Travel Regulations: *Provided further,* That no officer or employee of the Legal Services Corporation or a recipient program shall be reimbursed for membership in a private club, or be paid severance pay in excess of what would be paid a Federal employee for comparable service: *Provided further,* That none of the funds appropriated in this Act shall be expended by the Legal Services Corporation to participate in litigation unless the Corporation or a recipient of the Corporation is a party, or a recipient is representing an eligible client in litigation in which the interpretation of this title or a regulation promulgated under this title is an issue, and shall not participate on behalf of any client other than itself.

Mr. PORTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 108: Page 24, after line 3, insert:

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945); expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties, and vehicles abroad; permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress; expenses of the United States-Japan Advisory Group; acquisiton by exchange or purchase of vehicles as authorized by law, except that special requirement vehicles may be purchased without regard to any price limitation otherwise established by law; $1,124,450,000, of which $17,500,000 shall remain available until September 30, 1985. *Provided,* That of the amount appropriated under this heading $2,000,000 shall be available only to carry out the provisions of the Soviet-Eastern European Research and Training Act of 1983. Of the amounts available for expenditure pursuant to the International Center Act of 1968, not to exceed $925,000 may be made available until expended from proceeds of lease, sale, or exchange for purposes authorized in section 5 thereof as amended by Public Law 97-186.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 108 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945); expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties. and vehicles abroad; permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress; expenses of the United States-Japan Advisory Group; acquisition by exchange or purchase of vehicles as athorized by law, except that special requirement vehicles may be purchased without regard to any price limitation otherwise established by law; $1,114,810,000, of which $17,500,000 shall remain available until September 30, 1985. Of the amounts available for expenditure pursuant to the International Center Act of 1968, not to exceed $925,000 may be made available until expended from proceeds of lease, sale, or exchange for purposes authorized in section 5 thereof as amended by Public Law 97-186.

REOPENING CONSULATES

For necessary expenses of the Department of State and the Foreign Service for reopening and operating certain United States consulates as specified in section 103 of the Department of State Authorization Act, fiscal years 1982 and 1983, $2,500,000.

Mr. PORTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 110: Page 24, after line 3, insert:

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), $206,206,000, to remain available until expended.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 110 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), $160,000,000, to remain available until expended, of which $1,100,000 shall be available for an air conditioning project at the United States Embassy in Mexico City; and of which not to exceed $2,800,000 shall be available for purchase of a site adjacent to the United States Embassy in Mexico City; and of which $1,500,000 shall be available for design and development of a new chancery building for the United States Embassy in Seoul, Korea; and, in addition there shall be available subject to the approval of the Committees on Appropriations of the House and Senate under said committees policies concerning the reprograming of funds, the sum of $30,000,000, to remain available until expended, for overseas housing requirements.

Mr. PORTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 115: Page 24, after line 3, insert:

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $102,753,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 115 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert the following: "$103,791,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 102: Page 24, after line 3, insert:

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, contributions for the United States share of general expenses of international organizations and representation to such organizations, and personal services without regard to civil service and classification laws, $9,360,000 to remain available until expended of which not to exceed $225,000 may be expended for representation as authorized by law: *Provided*, That $450,000 shall be available to meet the expenses incurred by the United States group in hosting the thirty-first annual meeting of the North Atlantic Assembly to be held in the fall of 1985.

MOTION OFFERED BY MR. SMITH OF LOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 120 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, contributions for the United States share of general expenses of international organizations and representation to such organizations, and personal services without regard to civil service and classification laws, $8,910,000 to remain available until expended, of which not to exceed $225,000 may be expended for representation as authorized by law.

Mr. PORTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 123: Page 24, after line 3, insert:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, including preliminary surveys, $10,651,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): *Provided, further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State: *Provided further*, That up to $800,000 shall be transferred to the city of San Diego, California, to reimburse the cost of treating domestic sewage received from Tijuana, Mexico: *Provided further*, That up to $100,000 shall be available for reimbursement of the city of Nogales, in the State of Arizona, for expenses incurred in treating domestic sewage received from the city of Nogales, in the State of Sonora, Mexico.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 123 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, including preliminary surveys, $10,651,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State: *Provided further*, That not to exceed $800,000 of the amount appropriated in this paragraph shall be available for reimbursement of the city of San Diego, in the State of California, for expenses incurred in treating domestic sewage received from the city of Tijuana, in the State of Baja California, Mexico, and not to exceed $100,000 of the amount appropriated in this paragraph shall be available for reimbursement of the city of Nogales, in the State of Arizona, for expenses incurred in treating domestic sewage received from the city of Nogales, in the State of Sonora, Mexico.

Mr. PORTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 134: Page 25, after line 10, insert:

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc., $104,994,000, of which not to exceed $52,000 may be made available for official reception and representation expenses: *Provided*, That notwithstanding section 8(b) of the Board for International Broadcasting Act of 1973, not to exceed $4,900,000 of the amounts placed in reserve in fiscal year 1983 pursuant to that section or which would be placed in reserve pursuant to that section, shall be available in fiscal year 1984 to the Board for carrying out that Act, and, in addition, $13,282,000 shall be appropriated for grants for RFE/RL, Inc. for facility modernization and program enhancement.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 134 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc., $100,000,000, of which not to exceed $52,000 may be made available for oficial reception and representation expenses: *Provided*, That notwithstanding section 8(b) of the Board for International Broadcasting Act of 1973, not to exceed $4,900,000 of the amounts placed in reserve in fiscal year 1983 pursuant to that section or which would be placed in reserve pursuant to that section, shall be available in fiscal year 1984 to the Board for carrying out that Act, and, in addition, $13,282,000 shall be appropriated for grants to RFE/RL, Inc. for facility modernization and program enhancement.

Mr. PORTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 136: Page 25, line 18, after "expenses" insert ": *Provided further*, That none of the funds appropriated under this heading may be made available for the Commission on Security and Cooperation in Europe during the calendar year 1984 while the chairman of the Commission on Security and Cooperation in Europe is not a Member of the Senate.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 136 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "*Provided further,* That none of the funds appropriated under this heading shall be available during calendar year 1984 unless a conference report on H.R. 2915, "The State Department Authorization Act" is filed.

Mr. PORTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

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The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 139: Page 26, after line 5, insert:

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities, including employment without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $20,000); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921–5928; and entertainment, including official receptions, within the United States, not to exceed $20,000; $467,853,000, of which not to exceed $6,509,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided,* That not to exceed $615,000 may be used for representation abroad: *Provided further,* That receipts not to exceed $500,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of Public Law 80–402, as amended.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 139 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activites, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $20,000); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921–5928; and entertainment, including official receptions, within the United States, not to exceed $20,000; $471,853,000, of which not to exceed $6,509,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided,* That not to exceed $615,000 may be used for representation abroad: *Provided further,* That receipts not to exceed $500,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of Public Law 80–402, as amended.

Mr. PORTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 140: Page 26, after line 5, insert:

RADIO BROADCASTING TO CUBA

For an additional amount, necessary to enable the USIA to carry out the Radio Broadcasting to Cuba Act (providing for the Radio Marti program or Cuba Service of the Voice of America), including the purchase, rent, construction and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, $14,130,000, to remain available until expended: *Provided,* That not to exceed $130,000 shall be available to carry out section 5 of such Act: *Provided further,* That not to exceed $10,000 may be used for an opening ceremony.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 140 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

RADIO BROADCASTING TO CUBA

For an additional amount, necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act (providing for the Radio Marti program or Cuba Service of the Voice of America), including the purchase, rent, construction and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, $10,000,000, to remain available until expended.

Mr. PORTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 141: Page 26, after line 5, insert:

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship and Congress-Bundestag Exchange Programs as authorized by Reorganization Plan No. 2 of 1977 and the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), $106,729,000. For the Private Sector Exchange Programs, $7,100,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 141 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship and Congress-Bundestag Exchange Programs as authorized by Reorganization Plan No. 2 of 1977 and the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), $92,900,000. For the Private Sector Exchange Programs, $7,100,000.

Mr. PORTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 142: Page 26, after line 5, insert:

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $23,000,000.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 142 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $18,000,000: *Provided*, That these funds shall be available for obligation only upon enactment into law of authorizing legislation.

Mr. PORTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 145: Page 26, after line 5, insert:

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, and for lease of real property for periods up to twenty-five years in Africa, $41,438,000, to remain available until expended.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 145 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, and for lease of real property for periods up to twenty-five years in Africa, $31,000,000, to remain available until expended.

Mr. PORTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 150: Page 34, after line 14, insert:

Sec. 508. None of the funds in this Act shall be available for payment of that portion of Standard Level User Charges (SLUC) that are in excess of a 14 per centum increase over the amounts paid for such charges in fiscal year 1983.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Iowa. moves that the House recede from its disagreement to the amendment of the Senate numbered 150 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

Sec. 508. None of the funds in this Act shall be available for payment of that portion of Standard Level User Charges (SLUC) that are in excess of a 7 per centum increase over the amounts paid for such charges in fiscal year 1983.

Mr. PORTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The amendment reads as follows:

Senate amendment No. 153: Page 34, after line 14, insert:

Sec. 511. None of the funds appropriated by the Act may be used for any activity the purpose of which is to overturn or alter the per se prohibition on resale price maintenance in effect under Federal antitrust laws.

MOTION OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Smith of Iowa moves that the House recede from its disagreement to the amendment of the Senate numbered 153 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

Sec. 510. None of the funds appropriated in title I and title II of this Act may be used for any activity, the purpose of which is to overturn or alter the per se prohibition on resale price maintenance in effect under Federal antitrust laws: *Provided*, That nothing in this provision shall prohibit any employee of a department or agency for which funds are provided in titles I and II of this Act from presenting testimony on this matter before appropriate committees of the House and Senate.

Mr. PORTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the various motions to amendments in disagreement on the conference report on H.R. 3222 just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 413, FURTHER CONTINUING APPROPRIATIONS, 1984

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 98-520) on the resolution (H. Res. 367) providing for the consideration of the joint resolution (H.J. Res. 413) making further continuing appropriations for the fiscal year 1984, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 4102, UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT OF 1983

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 363 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 363

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4102) to amend the Communications Act of 1934 to assure universal telephone service within the United States, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the text of the bill H.R. 4295 as an original bill for the purpose of amendment under the five-minute rule, and each section of said substitute shall be considered as having been read. At the expiration of ten hours of consideration of said substitute for amendment under the five-minute rule, no further amendment to the bill or to said substitute shall be in order, and the question shall occur on the pending amendment or amendments. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, as is the custom, I yield 30 minutes, for the purpose of debate only, to the gentleman from Ohio (Mr. LATTA), and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 363 provides for the consideration of H.R. 4102, the Universal Telephone Service Preservation Act of 1983. It is a modified open rule, allowing 1 hour of general debate. The time is to be divided and controlled by the chairman and ranking minority member of the committee.

In lieu of the committee amendment now printed in the bill, the rule makes in order an amendment in the nature of a substitute consisting of the text of H.R. 4295 as an original bill for the purpose of amendment under the 5-minute rule. House Resolution 363 provides that each section of the substitute shall be considered as having been read.

H.R. 4295 is identical to H.R. 4102, except for the inclusion of an amendment which was worked out in conjunction with the Ways and Means Committee. The amendment is a technical and clarifying amendment which was added to remove the imposition of a charge on bypassers of the local telephone system if those nonusers certify to the FCC that they will not request to connect with the local telephone system in the future. The change in the legislation helped resolve a committee jurisdictional dispute by clarifying that all nonusers would not be subject to a uniform fee structure in the nature of a tax, and therefore, that this would not be a matter under the jurisdiction of the Ways and Means Committee.

Mr. Speaker, House Resolution 363 is described as a modified open rule. However, it is modified only to the extent that a total amount of time is specified for the consideration of amendments. To proceed to the final consideration of H.R. 4102 in a timely way, the rule provides 10 hours for consideration of amendments. Other than the time limitation on the offering of amendments, the rule is open and, therefore would allow the offering of any amendment which is germane during the time allotted for consideration of amendments.

In structuring House Resolution 363, the Rules Committee responded to a request from the committee chairman, Mr. DINGELL, who requested that 5 hours be set aside for the consideration of amendments to H.R. 4102.

Initially, the Rules Committee considered a rule which would expand this time to 8 hours for amendments. The ranking minority member of our committee sought to amend the rule to provide for a total of 12 hours for amendment. House Resolution 363 is a compromise between these two proposals and provides 10 hours for consideration of amendments.

The members of the Rules Committee wanted very much to accommodate the need for Members on both sides of the aisle to express their point of view. I believe this rule will insure thorough debate, while at the same time insuring the House that it will have an opportunity to work its will on this extremely important bill.

Finally, upon conclusion of consideration of the bill for amendment, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the matter we have under consideration today is of vital importance to virtually every American. H.R. 4102 revises the FCC's access charge decision to insure that basic telephone service remains reasonable and affordable throughout the country. Our long standing national commitment to universal telephone service has benefited all users—large and small, business and residential. Universal telephone service binds our country and people together, and has become central to the economy.

By the same token, all long distance telephone companies need and use local telephone company facilities to orginate and terminate the great majority of long distance traffic. For these reasons, the bill requires all long distance companies and customers to contribute to the costs and maintenance of facilities which are jointly used to provide long distance and local telephone service. The FCC's decision would end almost all such contributions, shifting all those costs to local customers.

The legislation expressly overturns the FCC's imposition of flat monthly charges on residential and single-line business subscribers for access to the long distance network, and requires all long distance companies to bear an equitable but significantly reduced share of the costs of jointly used facilities.

In the absence of legislation, the FCC order will take effect soon. We must act now to protect consumers.

Mr. Speaker, House Resolution 363 is a fair rule which will facilitate adequate and orderly debate on legislation of great importance to the people of this country who depend upon their elected representatives to insure that telephone service will continue to be available and affordable. I urge my colleagues to adopt this rule and proceed to the consideration of H.R. 4102, the Universal Telephone Service Preservation Act.

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Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the hearings in the Rules Committee on this bill yesterday, it became evident that the bill made in order by this rule is a highly complex piece of legislation.

We were told that the bill deals with issues that will affect the future development of high technology industries in this country, and the large number of jobs that these industries can provide. We were informed that the legislation deals with important public policy questions about the level at which the local telephone rates of people in rural areas should be subsidized. The bill deals with questions about whether telephone customers in some States should be forced to subsidize the telephone rates of people living in other States who do not need such assistance in order to afford telephone service. Finally, we were informed that it deals with the question of whether we should continue to pursue the development of a competitive telecommunications industry.

Mr. Speaker, one measure of the controversy surrounding a bill is the number of Members testifying in the Rules Committee. Even though Members were not on notice that the rule might allow only specific amendments, a substantial number of Members still appeared yesterday in the Rules Committee to advocate different amendments.

The committee finally settled on this rule which provides 1 hour of general debate, and then 10 additional hours for the consideration of amendments. The rule does not attempt to lock the House into considering only a few major alternatives. On the other hand, because of the overall time limitation on amendments, there is no danger that the amendment process will drag out for days.

This rule is a compromise solution for dealing with an exceptionally complex bill. It is a reasonable way to deal with the problems that this bill presents.

Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Speaker, I rise in opposition to this rule. H.R. 4102 is a very complex piece of legislation. I know that at the time the debate will take place, the authors of this bill will argue that it is a simple bill whose only purpose is to keep local telephone rates low.

I want to alert the Members to the fact that this is an extremely complex piece of legislation. The bill deals with very difficult issues that affect not only the future development of the telecommunications industry but also the future development of the high technology industry that services that industry and the many thousands of jobs that it can provide.

There are many complicated issues in this legislation. For example, should we continue a system whereby we perpetuate high long-distance rates for the purpose of subsidizing local rates? And that issue is complicated by the fact that now the dominate long-distance carrier is going to be separated from the local telephone companies.

I can state that issue another way: Are we going to mandate a system where one company is subsidizing another? Should certain telephone consumers be forced to pay higher charges in order to hold down rates of other telephone consumers?

And another issue: What levels of subsidy should be provided for consumers in high-cost areas, for example, rural areas that have a low number of subscribers per mile of telephone lines?

And what about the issue of bypass? The bill creates a system of taxes for those who might bypass the local loop and the present telephone system. Such taxes would create a disincentive for those who might come up with a new technology to provide for their communications needs. In other words, it says if you develop a new way of providing long-distance capability or communications capability, we are going to tax you for your innovation and creativity.

There are many, many issues in this bill. The Energy and Commerce Committee had the bill under consideration for more than a week. There were a large number of amendments adopted. I recall at least 29 amendments that were considered in the committee in more than a week of consideration. A bill of this complexity, Mr. Speaker, should not be scheduled for debate here in these closing hours of this session of Congress, with no time to give careful and adequate consideration to what we are doing.

I wonder how many Members can truthfully say that they know what is in this bill and know what effect the content of this bill will have, not only on the telecommunications industry but also on the consumers of that industry. How many are really familiar with the alternatives that will be offered? And these alternatives are serious alternatives. Personally, I have no interest in offering any dilatory amendments, but I do feel an obligation, as the ranking minority member of this committee, to assist Members to take part in the debate, to assist them with their amendments in order to correct the mistakes that have been made in this bill.

We only have a very few hours to consider this bill in the House. There will be fewer hours of consideration of this bill in the House than in the Energy and Commerce Committee which devoted several days to its consideration. I think the Members must also remember that votes will come out of that time, so that actual debate on these amendments will be far less than the 10 hours that are allocated.

The bill will not reduce local telephone rates. And I want to point out that the State public utilities commissions controls 74 percent of the telephone rates, the FCC only 26 percent. The bill only perpetrates an unworkable, unfair subsidy system, and will force all of the proposed decreases in long-distance rates that were recently announced by AT&T to be rescinded. It will encourage bypass. The Congress should not act without consideration of all of the facts. A 10-hour rule of this kind does not give us adequate time to fully consider this bill.

Mr. Speaker, I urge the Members to vote against the rule.

Mr. LONG of Louisiana. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the distinguished chairman of the Committee on Energy and Commerce.

Mr. DINGELL. I thank my good friend for yielding me this time.

Mr. Speaker, the matter before the House has been considered with great care. Last year the matter was considered in a situation that might best be described as ad nauseam because of a lengthy filibuster that was staged in the committee during which time the committee considered scores of amendments offered in a deliberate attempt to obfuscate and delay that measure. Were that not so, that legislation might have come to the floor earlier.

I think it ought to be understood what is at stake here. The matter was carefully considered in the committee. It is supported by a broad coalition of consumer groups, senior citizen organizations, labor groups, the Conference of Mayors, the National Association of Regulatory Utility Commissioners, the black mayors of this Nation, the Governor of the State of Alaska, all of the AFL-CIO, including the two unions that work for AT&T and its subsidiaries, the Communications Workers of America and the International Brotherhood of Electrical Workers. That tells you who is on one side.

Who is on the other side? AT&T. I cannot blame AT&T for being opposed to this legislation. AT&T of late has been spending millions of dollars to defeat this legislation. Now, why? Why does AT&T so oppose this legislation? Because AT&T wants to reach out and touch every one of our constituents. They want to reach out and touch them in their wallets. AT&T has got the idea from the FCC that they are going to get a $4 billion a year gratuity from the citizens of the United States, and if the FCC's decision goes into effect AT&T is going to start drawing it on the first of April of next year, without doing one thing to afford better service or expand the opportunities for telephone communications to citizens of the United States.

That is why they are spending millions of dollars to defeat this bill, which would protect local ratepayers. It is a wonderful investment because for it AT&T is going to get $4 billion, mostly from the little people of this country. And maybe—maybe—out of the goodness of their heart they will return, they say, if this bill is not enacted, $1.75 billion, primarily to the big business customers of long distance. But they are going to keep $2.25 billion by reaching out and touching everybody, and, believe me, they are going to reach out.

Let me tell you this: If you vote against this rule, you can go home and tell your constituents it was a procedural vote, but in the RECORD tomorrow is going to be a list of those who support the legislation. Each and every one of those groups is going to be explaining to your constituents and to mine that they were opposed to your vote and that your vote was a vote for AT&T and not a vote for the consumers of this country.

PARTIAL LIST OF ORGANIZATIONS SUPPORTING H.R. 4102

This is partial list of organizations which support H.R. 4102, The Universal Telephone Service Preservation Act of 1983. These organizations consist of telecommunications companies, rural telephone companies, labor unions, consumer organizations, senior citizens, minority group representatives, and state utilities commissioners.

Advanced Telecommunications/Direct Line of Houston.

Americall LDC, Inc.

American Association of Retired Persons (AARP).

American Council for Competitive Telecommunications (ACCT).

Amalgamated Clothing and Textile Workers Union.

Associacion National Pro Personas Mayores.

Association of Long Distance Telephone Companies (ALTEL).

Combined Network, Inc.

Communications Workers of America (CWA).

Conference on Alternate State and Local Policies.

Connecticut Public Interest Research Group.

Consumer Energy Council of America.

Consumer Federation of America (CFA).

Consumers Union (CU).

Cooperative League of the USA.

Direct Dialing Systems of Tyler, Inc.

East Coast Farmworkers' Support Network.

Express Telecom.

First Phone of New England.

Governor Bill Sheffield, State of Alaska.

Industrial Union Department, AFL-CIO.

International Association of Machinists.

International Brotherhood of Electrical Workers (IBEW).

International Ladies Garment Workers Union.

International Union of Bricklayers and Allied Craftsmen.

Labor Coalition of Public Utilities.

LDX, Inc.

League of United Latin American Citizens.

Lexitel Corporation.

Louisiana Consumers' League.

Maryland Citizens' Consumer Council, Inc.

MCI Telecommunications, Inc.

National Associaton of Letter Carriers.

National Association of Regulatory Utility Commissioners (NARUC).

National Conference of Black Mayors.

National Consumers League (NCL).

National Council of Senior Citizens.

National Farmers Union.

National Telephone Cooperative Association (NTCA).

Network 1, Inc.

North Carolina Consumers' Council.

Office of Communication of the United Church of Christ.

Older Women's League.

RCA American Communications.

Rural Coalition.

Rural Housing Coalition.

San Francisco Consumer Action.

Satelco, Inc.

Satellite Business Systems (SBS).

Service Employees International Union.

Telecommunications Research and Action Center (TRAC).

Teleconnect, Inc.

Telesphere International.

Teltec Savings Communications Company.

Total Tel USA.

United Auto Workers (UAW).

U.S. Conference of Mayors.

U.S. Telephone Communications (US TEL).

U.S. Transmissions Systems (USTS).

United Food and Commercial Workers Union.

Valu-Line of the Lehigh Valley, Inc.

Valu-Line of Longview, Inc.

Valu-Line Greenville, Inc.

Western Tele-Communications, Inc. (WTCI).

STATE-BY-STATE CONTRIBUTION TO AT&T WINDFALL

Under the FCC's access charge decision AT&T will benefit from a cost savings of over $4 billion in the amount that it must pay to local telephone companies for use of their facilities to complete long-distance telephone calls. The FCC order would shift these costs to local residential and business customers through a flat monthly access charge.

When the access charge order was announced, AT&T stated that the savings it would realize as as result of the FCC's order would be passed through in lower long-distance rates. However, when the initial access charge tariffs were filed with the FCC, AT&T announced that it had requested a $1.75 billion reduction in long-distance rates—far less than the $4 billion plus the company will save if the FCC's order is implemented.

AT&T intends to keep the difference, over $2 billion. The following chart shows how much the ratepayers of each state will contribute to this windfall.

State	*Contribution*
Alabama	$29,000,000
Alaska	6,000,000
Arizona	34,000,000
Arkansas	19,000,000
California	196,000,000
Colorado	51,000,000
Connecticut	46,000,000
Delaware	10,000,000
Florida	136,000,000
Georgia	54,000,000
Hawaii	14,000,000
Idaho	4,000,000
Illinois	105,000,000
Indiana	42,000,000
Iowa	23,000,000
Kansas	23,000,000
Kentucky	25,000,000
Louisiana	36,000,000
Maine	9,000,000
Maryland	47,000,000
Massachusetts	65,000,000
Michigan	57,000,000
Minnesota	29,000,000
Mississippi	20,000,000
Missouri	44,000,000
Montana	9,000,000
Nebraska	15,000,000
Nevada	22,000,000
New Hampshire	16,000,000
New Jersey	128,000,000
New Mexico	17,000,000
New York	190,000,000
North Carolina	45,000,000
North Dakota	8,000,000
Ohio	74,000,000
Oklahoma	33,000,000
Oregon	28,000,000
Pennsylvania	101,000,000
Puerto Rico	6,000,000
Rhode Island	11,000,000
South Carolina	29,000,000
South Dakota	7,000,000
Tennessee	40,000,000
Texas	126,000,000
Utah	15,000,000
Vermont	7,000,000
Virginia	61,000,000
Virgin Islands	1,000,000
Washington	43,000,000
West Virginia	16,000,000
Wisconsin	33,000,000
Wyoming	11,000,000
District of Columbia	27,000,000

NOTE.—Figures reflect the state by state distribution of AT&T's windfall according to originating minutes of interstate long distance calling.

□ 2040

Mr. QUILLEN. Mr. Speaker, I think it is the duty of this House to hold the telephone rates down for the benefit of the consumers.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. RINALDO).

Mr. RINALDO. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to begin by saying that I am not speaking for AT&T, but I think I am speaking for consumers. I am speaking for all the groups that the distinguished chairman of the full committee mentioned. I would like to know whether or not those groups and the people who endorse this legislation really could stand in front of anyone anywhere and answer all the questions about the bill, whether or not they understand the ramifications of the legislation, and whether or not they know exactly what they endorse.

I have spoken to people who endorse the bill, and I have asked them, and I hope the other Members of this House would do that. Ask them what is in the bill. Ask them what effect the bill will have on rates in their States. That is what I am going to speak about in particular, what it does to rates in the States.

This legislation, if passed, will cost the consumers of my State alone $239 million per year. It is going to cost residential telephone users about $40 a year more for their telephone bills. I know the other side, the people who are for this bill, can get up and say, "Well, that is not really so because your figures are based on false economic assumptions." They are going to say, "That is not really so because you are using FCC figures." But they use FCC figures to back up the very purpose of the bill. Quite frankly, I think it is wrong to say we cannot use FCC figures when they are used against us but it is all right to use them when they are for us.

It brings to mind one little story that I have to tell here that I got a big kick out of.

Yesterday in the Committee on Rules, I thought the chairman of the full committee did a great job, the chairman of the subcommittee did a great job, the ranking minority member of the full committee did a terrific job, but I applaud Senator PEPPER. I thought he was best of all. He said:

> Before this bill was brought up, I would walk down the street in Florida and Mrs. Jones would come up to me and say, "What about my high telephone bill?" And I would answer her and say I have nothing to do with that. I would answer her and say that is up to the State PUC.

And then he said:

> If this bill passes, when I walk down the street and Mrs. Jones comes up to me and says, "What about the increases in my phone bill," then I am going to have to say, "Let me see if we can get an amendment through and do something to help you out."

The people on the other side who are for this legislation know full well it is not going to prevent telephone rate increases; it is going to exacerbate increases. It is going to make the situation worse.

We tried to work out a compromise. We tried to do the right thing. I am concerned about my mother and father and the senior citizens of this country, and I say this as a ranking minority member of the Aging Committee, which has a commitment to senior citizens.

I say this, Mr. Chairman: It was wrong of the Committee on Rules to grant a rule allowing H.R. 4295 to be treated as the original text on the floor. This legislation is significantly different from H.R. 4102, which was considered by the Committee on Energy and Commerce. We have a brandnew bill. We have a provision added to the bill that exempts a large category of telecommunications users from a bypass tax. This might have a devastating effect on the telephone system and deserves full consideration by the Committee on Energy and Commerce. At the very least, it should have been brought to the floor in the form of an amendment, and not as part of a totally new bill that, as a member of the committee, as the ranking member of the Telecommunications Subcommittee, I have not seen until today.

I also wonder what type of emergency exists to warrant ramming this bill through in the waning days of this year. The FCC has already announced that the access charge, which is the very heart of this legislation, is not scheduled to go into effect until April 3, 1984.

I strongly believe that we should spend more than 10 hours of debate on this subject. It is an extremely complicated piece of legislation, with a wide impact upon the users of this Nation's telecommunications network. It is based on a broad series of esoteric economic principles. When fully implemented, it would require 21 States to export more than $1 billion to other States.

The SPEAKER pro tempore. The time of the gentleman from New Jersey (Mr. RINALDO) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 3 additional minutes to the gentleman from New Jersey.

Mr. RINALDO. That is why I am opposed to this bill. Take a look at the "Dear Colleague" I sent out on the States that are going to export money. That money is going to have to be made up by increases in the rates to the local ratepayer. Remember that. And that is one of the biggest problems with this bill.

If anybody says my figures are wrong, I would be glad to show them facts and figures and backup data from the FCC and the Commerce Department, and I dare the other side to show us those kinds of figures, because they do not exist.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield for a correction?

Mr. RINALDO. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Speaker, the gentleman indicated that the limitation was 10 hours of debate. It is a limitation of 10 hours on the amendment process, which includes time out for votes.

Mr. RINALDO. I thank the gentleman and I accept the correction, and I am pleased that the gentleman brought it to the attention of the Members.

Mr. Speaker, let me mention one other fact. We have been fooling around with this legislation for 2 years. I stand here and I am proud to vote against the bill in its present form, even though there are a lot of good things in it. There are some good things in it. I like the pension portability. I like the universal service concept. I like a lot of things in the bill.

But let me tell my colleagues why I am going to vote against it. I will give you the political reason. Next November, when those rates go up real high and I am running for reelection in a largely Democratic, middle-income area, and the people talk about why the rates went up, I am going to say, "Do not point your finger at me. I did not vote for the bill."

I want to see the other side explain that away. I want to see them explain why $239 million is being exported out of my State. I want to hear them explain why the FCC, which has more than 150,000 pages of filings on telephone rates that they have not looked at yet, was completely ignored. I want to know why they said that it was not necessary for our committee to have the benefit of that study.

The FCC has the expertise in this area. They said they cannot make a decision until March of 1984 or later. Yet we in Congress are ready to make a decision right now. And quite frankly, that is why tomorrow I am going to offer an amendment for a 1-year moratorium. Let us give the FCC, let us give this body, time to get some experience under our belts after divestiture.

Once we have that experience, once we have the facts and figures, I would be glad to join the other side in working on a piece of legislation because then we can legislate based on experience, based on rate filings, based on studies, and based on what happens, and not on assumptions that may very well be wrong. Then we can work on a piece of legislation that will be workable.

Then we can work on a piece of legislation that will fully protect the consumer. Then we can work on a piece of legislation which will not cause $239 million to be exported out of my State and a fortune to be exported out of 20 other States. Then we can work on a piece of legislation that will not cause telephone rates in my State to increase $40 per household next year.

I urge the Members to vote against the rule.

Mr. LONG of Louisiana. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WYDEN).

Mr. WYDEN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the rule. As we begin our deliberation of legislation that would help keep phone rates affordable, I think we should stop for a minute to consider what our communications system will look like if the Federal Communication Commission's (FCC) decision is allowed to stand. I happen to think it is very clear who the winners and losers will be under the FCC's approach.

The winners will be those who make a lot of long distance calls—their rates will go down. The losers will be those who make mostly local calls with a few long distance calls thrown in—their rates will go up significantly.

Let us look a little closer at exactly who we are talking about when we mention the "winners" under the FCC's plan. One-fifth of the residential customers and one-fourteenth of the business customers generate 75 percent of all long-distance revenues for homes and businesses in this country.

So, under the FCC's plan, only a fraction of all the telephone users in this country are going to receive the lion's share of the benefits from the long-distance rate reductions.

The FCC approach, then, is basically one of supply-side telephone service. By making their first priority the well-to-do people and institutions—by giving those at the upper end of the economic ladder the real rate breaks—those who support the FCC's approach are gambling that the benefits eventually will trickle down to the majority of Americans. I assume this means that the elderly, the poor and, those who are just making ends meet every month are supposed to stand by patiently—ignoring their rising phone bills—waiting for the rate breaks to trickle down to them.

Mr. Speaker, I believe that telephone rates are going to be the pocketbook issue for millions of Americans, such as senior citizens and small businesses and I cannot believe my colleagues want to let the FCC lay a foundation for an information aristocracy where the well to do have access to in-home computers for shopping and banking, while senior citizens will have to fight to avoid being priced out of a phone they can use to call the doctor.

The bill we will consider once this rule is passed is a compromise. I would have preferred to completely eliminate the access charge which the General Accounting Office has described as being the product of a very sloppy decision by the FCC. Although the bill does not overturn the decision, I feel it is a good compromise. By removing the access charge from residential customers and single-line businesses, it will provide some relief to those who would be hardest hit by the FCC's action.

I am particularly pleased to say that Mr. GORE and Mr. RICHARDSON and I were successful in getting the Energy and Commerce Committee to exempt single-line businesses from the access charge during committee markup. It is vital to the economic well-being of our smallest businesses that they be exempted from paying an additional $6 per month for access to the long distance network.

BEST COPY AVAILABLE

I would also like to bring to the attention of my colleagues a technical change in the legislation that clarifies the intent of the bill with regard to any user of a private communciations system. This change would exempt from the access charge any user of a private system who certifies that he will not use the facilities of a local telephone company to distribute the traffic of the private system. I felt it vital that this change be made in the bill and I appreciate my colleague, Mr. WIRTH's assistance to that end.

The opponents of this bill have tried to drum-up support for their position by painting this as a question of regional competition and transferring money from cities to rural areas around the country. I hope my colleagues will think carefully about this issue because any transfer of money by region is small potatoes when compared to the $6.5 billion burden that would be transferred to residential and business customers through the end-user access charge under the FCC's approach.

Mr. Chairman, what this really comes down to is a basic question of fairness—do we want our senior citizens and small businesses to have equal access to telephone service, or do we want to reserve that service for a privileged few?

This is not a perfect bill, but I think it is one which serves all the people fairly, yet will allow our growing telecommunications industry to flourish as well.

Let us support this rule, and pass this important legislation.

Mr. LATTA. Mr. Speaker, I yield 6 minutes to the gentleman from Illinois (Mr. CORCORAN).

Mr. CORCORAN. I thank the gentleman for yielding this time to me.

Mr. Speaker, the rule before us is a curious rule, although not a surprising one, because the proponents of this legislation which will soon come before the House have been known before to control the development of the rule. They know that procedure will establish policy. In this case, however, as my friend, the gentleman from New Jersey, has pointed out, it may not indeed be a real policy, it may indeed only be the indication of a political policy, knowing full well that under most probabilities the legislation known as the telephone bill will not become a reality.

□ 2050

But they will be able to say, as was said not so many months ago, that if you had supported our policy approach, you would have been able to stop the divestiture, you would have in this instance been able to stop the increase in local rates.

Nothing could be further from the truth, Mr. Speaker, because the legislation before us, despite its magnitude, does nothing to address local rates, except down the road; does nothing to address divestiture, except in a curious way which I will mention momentarily; but the issue that concerns me most of all about the rule is the way in which a few Members of this House can control procedure in a way which denies the authorizing committees the appropriate opportunity to have full public hearings and to consider the consequences of what we might be doing, so that our committee system can work as it should to inform the Members of this House as to what the legislation presented to us actually would do.

The legislation that was originally called for to be considered in dealing with the telephone problem was H.R. 4201; however, on November 3 of this year, only 6 days ago, the proponents of this legislation introduced H.R. 4295, as a new bill. This bill has never had hearings before the Energy and Commerce Committee. It has never had hearings before the Ways and Means Committee, but it imposes a new tax, make no mistake about it. It imposes a bypass tax and what it provides is not only an increase in surcharges for our consumers, particularly those in the Northeastern and the Midwestern States of this country, but also it will do more, I submit, and, Mr. Speaker, let me underscore this, it will do more, I submit, to break up the integrated nationwide public telephone system that we have had in this country for years, the envy of the world, than any other thing, including the court decision, the modified consent decree or the agreement that was entered into presided over by Judge Green in the Northern District of New Jersey, because what this will permit is for private telephone companies to be created. It will permit not only end users, such as Borg-Warner and General Motors and all the large corporations of this country to create their own private systems, but it will encourage, it will provide an economic incentive, Mr. Speaker, for the long distance carriers themselves, MCI, GTE, Sprint, and AT&T to leave the basic integrated nationwide public telephone system.

Mr. Speaker, I do not travel that much, but I understand the telephone service is not so hot in Egypt, but I will tell you this, if we allow this kind of legislation to become law, the breakup, the fragmentation of our telephone system is going to be much worse, unfortunately, than we have experienced as we have traveled in other countries.

I would hope that we would recognize that this rule is a bad rule. The legislation that is coming before you has not been heard by the people of this country. There have been no public hearings on H.R. 4295. The only committee that is recommending, the only committee of the House of Representatives that is recommending to the full House this legislation is the Rules Committee. The Rules Committee has usurped unto itself the responsibility to recommend H.R. 4295 in an attempt to circumvent to protect the turf of the Ways and Means Committee.

Mr. Speaker, this is bad legislation. It is bad procedure.

Do you know who is going to pick up the equipment orders? The Japanese.

My friend and distinguished colleague, the gentleman from Michigan, the distinguished chairman of this committee, has complained vociferously about the penetration of the foreign auto manufacturers into this country. Who will pick up the equipment contracts to provide the telephone systems for these new private companies? We know the answer to that. It will not be primarily the U.S. manufacturers.

Mr. Speaker, I want to emphasize that the beneficiaries in the manufacture of the equipment to these new private companies will not be U.S. corporations, will not be U.S. companies. They will not be jobs for our people. We will not be taking advantage of the telecommunications explosion in a way which improves our economy and that applies to the State of Illinois, with the basic potential that we have. It applies to numerous other so-called frost belt States.

I would hope, Mr. Speaker, that we recognize the folly of this proposed resolution, that we would vote no against this resolution, because what we need to do is to send some of the people of this House a message and to return to the authorizing committees, the Ways and Means Committee and the Energy and Commerce Committee, this legislation so they can work their will and provide the assistance to the full House that we so sorely need.

Mr. LONG of Louisiana. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Louisiana, the chairman, and members of the committee.

I want to make sure that I clarify some elements stated by the gentleman from Illinois. I was not going to speak, but as a member of the Ways and Means Committee, I am compelled to speak. The gentleman referred to the bill as H.R. 4201. I believe what the gentleman was referring to was H.R. 4102.

I might point out that the rule offered by the gentleman from Louisiana makes in order H.R. 4295, which was introduced on November 3, 1983, as an amendment in the nature of a substitute for H.R. 4102, and the text of H.R. 4295 is identical to H.R. 4102, with one technical change worked out with the cooperation of the Committee on Ways and Means. That technical change is embodied in a letter in the report dated November 1, 1983, from Chairman ROSTENKOWSKI to Chairman DINGELL, which basically clarifies the whole issue of the tax that the gentleman from Illinois raises.

It is not a tax. It is basically a provision that allows an exemption from an access charge for any user of an unconnected private system which certifies that it will not use a local telephone company as a backup to the private system. If the private system uses the public network as a backup, then the user must pay the access charge retroactively, and the Committee on Ways and Means has agreed that this is not a tax, but basically is a user fee for benefits received.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. MATSUI. I yield to the distinguished gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I thank my dear friend, the gentleman from California, for that comment.

There is no tax in this legislation. There never was any tax in the legislation. There is not any tax in the Ways and Means suggestion. There is not any tax in the bill as reported by the Commerce Committee. If there were a tax, you can be absolutely certain the matter would have been referred to our good friends on the Ways and Means Committee. At the conclusion of the deliberations of the Commerce Committee, by a unanimous-consent request, which was agreed to by my Republican colleagues, including the gentleman from Illinois and the gentleman from North Carolina, it was agreed that we would see to it that the necessary technical and conforming changes were made in the legislation to assure that it was made clear to all that there was no tax in it.

My good friend, the gentleman from Illinois, apparently was not paying attention at the time this matter took place.

Mr. MATSUI. Mr. Speaker, I would just like to mention to the gentleman from Michigan, if I may, that as a former member of the Committee on Energy and Commerce, this may be my only opportunity, but I would like to commend him and the gentleman from Colorado (Mr. WIRTH) for the excellent job they have done.

I believe it was the gentleman from New Jersey who earlier stated that this bill is moving very rapidly. I recall in 1980 when I was a member of the gentleman's committee, we were still working on this issue in this bill; so it has been going on for quite a few years now.

I would just like to commend the gentleman from Michigan and the gentleman from Colorado (Mr. WIRTH) and other members for the very fine and excellent job they have done.

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. TAUKE).

□ 2100

Mr. TAUKE. Mr. Speaker, I would like you to just think quietly for a moment about the telephone system we have in the country today and the piece of legislation that is coming before us. I suppose I should start by saying to you that we have a good telephone system now and much of what is in the legislation offered by the gentleman from Michigan and the gentleman from Colorado is very good. They are fine gentlemen who have studied the issue carefully and much of the measure that they offer contains good things.

They have not, however, offered legislation which is perfect, nor have they offered legislation which cannot be improved.

When we vote on this issue, it is not going to be a decision between doing something or doing nothing. It is going to be a decision about how we should address the telephone issues. There are a lot of issues in this debate but there are three major concerns: One, what do we do about low-income individuals? What do we do about individuals who live in high-cost areas such as rural areas?

Three, what should we do about subsidies or access charges, or that transfer of money from interstate long-distance to local service? In the low-income area, I have no major difference with the gentleman from Colorado and the gentleman from Michigan. In fact, I will offer in the substitute that I am presenting more money to provide assistance to those who are low income.

In the area of high cost, those high-cost areas, I have no major difference with the thrust of the legislation. In fact, I will offer in my substitute more money to help those who live in high-cost areas but where my difference comes is on point 3, and that is, the transfer of money from the Interstate System to the local system, and that is the heart of this issue.

I see no good reason why we should give every telephone subscriber in this Nation a subsidy, whether they be the Vanderbilts, the Du Ponts, or the Rockefellers.

When we do that, we may be able to go home and say, "Oh, we held down local rates, but we have also moved away from a cost-based pricing system."

That will do several things. First of all, it will overprice interstate long-distance calls. When those calls are overpriced, the major users of that system have every incentive to leave that system, and when they leave the system, it shrinks the entire rate base.

There is nothing worse for consumers than to have the major users leave the system and have the remaining poor residential customers pick up the total cost.

The second thing that that does is it provides a major disincentive for the development of new technology; and when we do not develop new technology, that increases the costs to local consumers because they do not have that new technology to help bring down telephone costs. It also reduces our edge in the world marketplace, our competitive edge in the world marketplace. So, I suggest to you that that subsidy from long distance to local is at the heart of this issue, and the question is how much should that subsidy be? That is the issue that should be debated.

The rule that is before us attempts to suggest that in this bill we have, as what the chairman would seem to suggest, an all-or-nothing proposition. I do not know anybody on the floor who is going to push very hard for the nothing proposition, because nobody believes in that. We believe there should be something, and I hope that during the course of this debate, we will have the opportunity to discuss all those alternatives, although I foresee great difficulty in doing that under the current rule.

Let me just say finally that I know the gentleman from Michigan has a very impressive list of endorsers for this legislation, and it says a great deal about his ability to garner support. Let me submit to you, however, that many of those people, while they have endorsed the concept of doing something, are going around suggesting that there are some of these alternative proposals that they might also find themselves willing to support. They are concerned about the low income, as you and I should be. They are concerned about those in rural areas, as you and I should be. They are not necessarily saying, they want a massive subsidy for the Vanderbilts, the Du Ponts, and the Rockefellers.

Mr. LONG of Louisiana. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Speaker, we are here tonight not to debate the legislation but the rule and I would just like for the purposes of the record to point out a couple of things about the rule and why we have this particular rule.

As I believe the Members know, the time of debate is limited under the rule, the time of amendment is limited under the rule to 10 hours.

The question is, Why did we do that. We did that for one very simple reason, Mr. Speaker, and that is the experience that the Committee on Energy and Commerce had 2 years ago in the consideration of H.R. 5158 in which a handful of members of that committee offered one amendment after another, 1 day offered the same amendment four times, able to effectively close down with the arrogance of amendments, close down the process of considering legislation.

We are faced with a similar situation on this legislation in which printed in yesterday's RECORD are some 90 pages of amendments to this legislation, 90 pages of amendments.

The same process was being considered by those who wanted not to debate this bill, not to vote on this bill but to delay the legislation. I think it is extraordinary for somebody to claim, as was done earlier here, that a few Members of the House can control procedure and preclude the authorizing committee from raising the issues when that very same individual is the one who had in the RECORD 90 pages of amendments and went through that very process last year.

I would finally point out that the printing of those amendments alone in the RECORD, a number of pages at a cost per page of $483, cost the taxpayer last night for the purposes of that dilatory tactic almost $40,000. Unhappily, Mr. Speaker, that is why we are here tonight with a rule that has 10 hours of limitation.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. WIRTH. I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Speaker, there are very real issues that the gentleman from Iowa has raised such as the way in which we deal with new technologies, with consumers, competitors but all those issues can be amply dealt with within a 10-hour timeframe that allows all the major areas to be dealt with by amendments.

I do not think the issues which the gentleman has raised become necessarily determinative as to how this bill will finally look in the final analysis as you have made your case to the full House, and we all should realize the consequences if this bill does not pass, if it does not in fact have full debate in this body, and that is, when these access charges are levied next spring upon all members of the consuming public who use telephones, that we will be held accountable. The least we owe the public is an open, full debate under this rule which allows 10 hours for a full and fair discussion of any possible concern which the minority might raise.

Mr. WIRTH. I thank the gentleman and we will keep the rest of our time for the chairman whose position is unclear to the Members of the House.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, as a member of the Energy and Commerce Committee, I am all too familiar with the numerous and complicated issues raised by H.R. 4102 or H.R. 4295, whichever one prefers to call it. As I recall, the Energy and Commerce Committee felt the bill was sufficiently complex, not to mention significant, to warrant a 13-hour period for consideration of amendments and we operated under a unanimous-consent agreement to that effect. Moreover, by the time that 13 hours was up, the outstanding issues were still being as hotly debated as they were when the whole process started. Which may help explain why the Rules Committee spent 3 more hours just coming up with the rule we are now considering. Now, when even more people are being asked to pass judgment on this matter, we are being asked to address all these issues in even less time than the Energy and Commerce Committee took to address them and that, I think, would be a mistake, especially since the bill before us is not exactly the one that the Energy and Commerce Committee reported.

Perhaps some of you are wondering why an amendment in the nature of a substitute was made in order to be considered as original text. Well, the reason is that H.R. 4102, as reported by the Energy and Commerce Committee, had language in it that could be construed as levying a tax, a subject in which the Ways and Means Committee has a passing interest. Therefore, to satisfy the leadership of the Ways and Means Committee, it was agreed that language would be added to H.R. 4102 (and a clean bill introduced) to the effect that those who certify that they are entirely bypassing the telephone system with their alternative communications system will not be subjected to the bypasser surcharge contained in H.R. 4102. Now, while that change might address the tax versus user fee argument satisfactorily, although there is room for debate on that, it also has the effect of unraveling the entire rationale that was used to justify H.R. 4102 in the first place. Regardless of which side of the bill people were on, practically everyone has agreed that substituting a long distance surcharge for the FCC's so-called access fee will result in greater bypass, and an eventual loss of revenues to the local companies needed for the preservation of universal telephone service, unless such bypass were deterred. The bypasser surcharge was an attempt, perhaps unworkable but nonetheless an attempt, to deal with that issue, but the effect of the aforementioned change is to virtually eliminate the bypasser surcharge. Those who have alternative systems will simply file the required certification and those that lease private lines or use the regular network will soon develop the alternative systems and file the required certification as well. In short, bypass will be artificially stimulated rather than discouraged and the eventual result will be just exactly the opposite of what the proponents of H.R. 4102 intend.

For all those reasons, and procedural ones as well, I think we should reject this rule, Mr. Speaker. The bill before us is substantively different than the one that has been considered by committee and, even if that were not the case, insufficient time is being allotted to such a far reaching issue. Indeed, the fate of our entire telecommunications system is at stake and that is something that ought not to be decided in haste. Better to be deliberative over this subject of surcharges and make things right than rush to a political judgment and live to regret it. Which brings to mind a final point. If Members think this bill is a problem, just keep in mind that, if we override the judgment of the FCC and substitute our own, this will be only the first of many opportunities to vote on this problem in the future. For once Congress gets into the business of setting telephone rates, be they local or long distance, Congress will have a difficult time getting out of it.

Mr. Speaker, I urge rejection of this rule.

□ 2110

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. Mr. Speaker, I want to commend the chairman and ranking members of the Telecommunications Subcommittee and the Energy and Commerce Committee for working very diligently on a bill with the intent of keeping the most efficient telephone system in the world. They have also been supportive of my amendments which preserves the States' ability to regulate strictly intrastate calls, which preserves the present LATA system and which attempts to restrict the ability to bypass the system. I will be supporting the Rinaldo amendment to place a 1 year moratorium on access charges and then allow only $1 per month per year increase for a total of $4. This appears to me to be a reasonable compromise between the FCC plan which imposes $2 per month per year access charge for a total of $12 and the present proposal which has no access charges but keeps the long distance rates artificially high. I will also support an ENFIA amendment to provide fair competition among long distance carriers and if time permits I will present an amendment to section 13 providing that existing State consumer agencies can assume the duties prescribed in that section.

If these amendments are successful I will very willingly support this legislation and urge my colleagues to do likewise.

The SPEAKER pro tempore. The Chair would advise the Members that the gentleman from Ohio (Mr. LATTA) has 3 minutes remaining; and the gentleman from Louisiana (Mr. LONG) has 16 minutes remaining.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. RITTER).

Mr. RITTER. The gentleman from Iowa (Mr. TAUKE) mentioned when he was in the well that we had the greatest telephone system in the United States, and I am sure that both sides of the aisle, Democrats and Republicans, are seeking to retain that telephone system.

But this bill has become highly politicized. You can talk with people in the aisles, or in the halls, and find out that whereas they may think the bill is a turkey, they are boxed in.

Why basically is this bill flawed? It is flawed because it takes one existing system, particularly long-distance communications, and says to that system "Thou shalt subsidize the rest of the system, the local service."

Some people have said that the beneficiaries are going to be the little people, the poor people, minorities, perhaps.

I would like to quote from MICKEY LELAND who in a colloquy with Charles Brown, the chairman of the board of AT&T, said that minorities use long-distance telephones more than the average user. A study done by Urban Decision Systems shows that blacks and Hispanics in 22 urban centers and low-income centers had a long-distance bill of approximately $29, while the average long-distance bill was $18.

So that is not a good argument.

What this bill does is promote the technologies which attempt to bypass the system without paying the tax. The portion of the bill which was added went from a capability of interacting with the exchanges of long distance to a self certification.

I submit that that is a very substantive change. But somehow that worked its way into the bill on the way to the Rules Committee.

This was never discussed, never debated in committee, never debated in subcommittee, and somehow we are finding ourselves strapped with it here on the floor.

If we want to be the leading technological nation in the world in telecommunications, we will not place massive taxes on certain kinds of technologies and allow free rides for others. We will not hamstring the development of our telecommunications.

Mr. LONG of Louisiana. Mr. Speaker, I understand that the time of the gentleman has expired and, if that is so, having no further requests for time, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 249, nays 149, not voting 35, as follows:

[Roll No. 483]

YEAS—249

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Applegate
Aspin
AuCoin
Barnes
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Brooks
Broomfield
Brown (CA)
Bryant
Burton (CA)
Byron
Carper
Chappell
Clarke
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
D'Amours
Daschle
Dellums
Derrick
Dingell
Dixon
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edgar
Edwards (AL)
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Flippo
Florio
Foglietta
Foley
Ford (MI)
Fowler
Frank
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Glickman
Gonzalez
Gore
Gray
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Harkin
Harrison
Hayes
Hefner
Heftel
Hertel
Hightower
Horton
Howard
Hoyer
Hubbard
Hughes
Hunter
Hutto
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Luken
MacKay
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McHugh
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Price
Quillen
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Rodino
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sharp
Shelby
Sikorski
Simon
Skelton
Slattery
Smith (FL)
Smith (IA)
Snowe
Snyder
Spratt
St Germain
Staggers
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Young (FL)
Young (MO)
Zablocki

NAYS—149

Archer
Badham
Barnard
Bartlett
Bateman
Bethune
Bilirakis
Bliley
Boehlert
Britt
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Carr
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
DeWine
Dickinson
Donnelly
Dreier
Edwards (OK)
Emerson
Erlenborn
Evans (IA)
Fiedler
Fields
Ford (TN)
Forsythe
Franklin
Frenzel
Gekas
Gilman
Goodling
Gradison
Green
Gregg
Hammerschmidt
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hiler
Hillis
Holt
Hopkins
Huckaby
Hyde
Ireland
Jacobs
Johnson
Kasich
Kramer
Lagomarsino
Latta
Leach
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Mavroules
McCain
McCandless
McCollum
McDade
McEwen
McGrath
McKernan
Michel
Miller (OH)
Moore
Moorhead
Morrison (WA)
Myers
Nielson
Packard
Parris
Pashayan
Porter
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Rudd
Sawyer
Schaefer
Sensenbrenner
Shannon
Shaw
Shumway
Shuster
Siljander
Skeen
Smith (NE)
Smith (NJ)
Smith, Robert
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Williams (OH)
Wolf
Wortley
Wylie
Yatron
Young (AK)
Zschau

NOT VOTING—35

Annunzio
Anthony
Bedell
Boggs
Clay
de la Garza
Dicks
Early
Fish
Garcia
Gejdenson
Gingrich
Gramm
Guarini
Hance
Hawkins
Kindness
Long (MD)
Lowry (WA)
Lundine
Martin (NY)
Martinez
Molinari
O'Brien
Oxley
Paul
Pritchard
Pursell
Schulze
Sisisky
Smith, Denny
Solarz
Stark
Udall
Winn

□ 2130

Mr. LEVITAS and Mr. TAYLOR changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore, laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
November 9, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to the provisions of House Rule L(50), that I have received a subpoena issued by the United States District Court for the District of Columbia. I will, in consultation with my General Counsel, make the determinations required by the House Rule.

Sincerely,
BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

PERSONAL EXPLANATION

(Mr. DELLUMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLUMS. Mr. Speaker, yesterday, during consideration of amendments to the resolution on continuing appropriations, I was recorded as having voted "yea" on the Long of Maryland amendment. It was my intention to have voted "nay."

Mr. Speaker, I ask unanimous consent that this statement immediately follow the tally of the vote in the permanent RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ADELE HAGNER STAMP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

● Mr. HOYER. Mr. Speaker, I rise today to bring to my colleagues' attention an event that occurred last month at the University of Maryland College Park campus. I speak of the dedication of the Adele H. Stamp Union, honoring Adele Hagner Stamp (1893-1974), the first "Dean of Women" at the university.

The Student Union Building had been without a name for several years. The decision to honor Dean Stamp with this memorial is fitting in light of her many achievements and long years of service to Maryland and the university community.

Coeducation at the University of Maryland was in its infancy when Dean Stamp took charge in 1922. There were only 93 women out of 300 students. By the end of that first decade, there were 300 women, and when Dean Stamp retired in 1960, there were over 4,000 women enrolled.

With Stamp's guidance, women at Maryland flourished. Women formed their own debate team, Student Government Association, a senior honor society known as Mortar Board, a freshman women's honor society known as Alpha Lambda Delta, and even a championship rifle team. The rifle team was formed because Miss Stamp considered being a crack shot part of the rounding of a young woman's education.

During the 1930's Miss Stamp founded a chapter of Delta Kappa Gamma, the honor society for women teachers, organized a College Park branch of the American Association of University Women, and became active in the League of Women Voters, serving as chairman of education for a few years and eventually presiding over the League's Prince Georges County chapter from 1938-40.

Dean Stamp's wartime service in the Second World War included serving on the Advisory Committee for the WAC's in the Washington area.

Many honors were bestowed on her when she retired. The Alumni Association sponsored a special tribute to honor Adele Stamp, a daughter of Maryland who by her vision and faith in the potential powers of women has been an inspiration to them to achieve their best in the service of others. The tribute took place during the May Day celebration, a tradition inaugurated by Dean Stamp in 1923.

At the dedication ceremony last month, several former Maryland students turned out to pay tribute to the Dean. Principle among these was Judith A. Resnick, a graduate of the University of Maryland in electrical engineering. Resnick is slated to become the second American woman in space when she and her four cocrew workers take off on the 12th flight to the space shuttle and the maiden voyage of *Discovery.* Her task on the shuttle will be to assist in the deployment of tracking and data satellite and to test the way certain proteins separate in zero gravity—experiments that may lead to the development of new drugs. Ms. Resnick credited Dean Stamp with providing the guidance and direction she needed in her quest for a scientific career, a quest that will lead her to space exploration.

I feel it proper and fitting that Adele Stamp, a woman of grace, charm, beauty, and remarkable accomplishment, be so honored. Her dedication to women, the university, and the State of Maryland will never be forgotten.●

TRIBUTE TO LLOYD McBRIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Lloyd McBride, president of the 750,000 member United Steelworkers Union, who died on November 5 at his home in Whitehall, Pa.

Not only has our Nation lost a distinguished citizen, but the labor union movement has lost one of its outstanding leaders. Lloyd McBride guided the United Steelworkers Union through the worst industry slump since the Great Depression, and was serving the third year of his second 4-year term at the time of his passing.

I had the pleasure of knowing Lloyd since 1944, and having served myself at one time as legislative and educational director of the United Steelworkers of America, District 31, I watched Lloyd grow in stature in the labor movement. He was a solid, plain-spoken man who worked his way up through the ranks, as an organizer, grievance committee member, and local president, before moving up the ladder to subdistrict director, director, and finally, he became, on the retirement of I. W. Abel in 1977, the fourth president of the United Steelworkers in its 47 year history.

Lloyd McBride spent a lifetime serving the needs and wants of the working men and women of our great Nation, and it was largely through his efforts that the Steelworkers Union survived despite the difficult economic times which beset the steel industry in the 1980's. He will be missed for his leadership, his forthrightness, and his steadfastness through difficult times.

Mrs. Annunzio joins me in extending our deepest sympathy to his devoted wife, Delores, his son, Larry, his daughter, Sharon, and his three grandchildren.●

BULLETPROOF VESTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. VALENTINE) is recognized for 5 minutes.

● Mr. VALENTINE. Mr. Speaker, I am today introducing legislation designed to insure the safety and protection of local law enforcement officers. The purpose of this legislation is to provide for a one-time purchase of needed protective body armor—bulletproof vests—to be worn by police officers in the line of duty.

Simply put, the life of a police officer is in constant danger. When an officer responds to a call for assistance and knows that an individual with a weapon is involved, there is time to take precautions to protect and defend against the threat, reducing the risk of injury or death to the officer. It is not surprising, however, that officers are most often killed or injured during incidents in which the attack is totally unexpected.

The Institute of Justice sponsored a major program to develop a lightweight body armor that an officer could wear on a full-time basis throughout an entire working shift. This development was in response to the rapid increase in police injuries and fatalities from assualt with guns and knives during the period from 1960 to 1970.

The rationale for my legislation is just as obvious now as it was then. If an officer always wears body armor, the vulnerability to serious injury or death from unexpected assault is greatly reduced. While armor that could be concealed under normal clothing was available during the early 1970's, it was too heavy and uncomfortable and most officers would not wear it even if they had it. Consequently, soft or lightweight armor was developed and is still considered today preferable for full-time law enforcement officers.

Since about 1975, law enforcement officers have been using protective armor of the soft or lightweight variety to an increasing extent. This type of armor has been developed so that it quite effectively stops the penetration of many types of handgun bullets and some rifle bullets which pose threats to law enforcement officers.

Interestly enough, however, prior to 1975, State and local governments began to purchase new body armor for their officers, and many officers purchased their own if their department did not provide it.

Today, over half of the Nation's 528,000 law enforcement officers wear soft body armor on a daily basis. Law enforcement officers recognize that soft body armor was designed specifically to stop the handgun bullets like the ones that killed 791 police officers between 1971 and 1980. They also recognize that the bulletproof vests have proven to be a very effective protective device.

The U.S. Justice Department estimates that these vests have saved the lives of more than 400 police officers since the law enforcement community began wearing the body armor in the Mid-1970's. It is interesting that the approximately 28-percent decrease in firearm-related deaths could be accounted for partially by the increased use of soft body armor by law enforcement officers.

Mr. Speaker, the legislation I am introducing today on behalf of the Nation's law enforcement community would provide for the authorization of a one-time purchase of soft body armor for the protection and safety of law enforcement officers.

Specifically, the measure would authorize the Attorney General to make grants to States for the purpose of assisting local governments in the purchasing of bulletproof vests for use by police officers. The measure also requires local governments to contribute no less than 25 percent of the cost of the vests, and funds not expended by the local governments shall be returned to the general funds of the U.S. Treasury Department as miscellaneous receipts.

Mr. Speaker, the intent of my bill is simple: It would help save the lives of police officers whose public duties and responsibilities are to protect the citizens of this country. By routinely wearing body armor during all shifts, an officer is assured of full-time protection from most likely threats.

Mr. Speaker, I urge my colleagues to review the legislation, to seek me out on the House floor, or call my office for further information and/or cosponsorship.●

LEBANON: GROWING DANGERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, tonight we are preoccupied at this late hour with a host of pressing problems, there is the need to provide funding for agencies that will otherwise lose their legal ability to function in a little more than 24 hours; there is the fiscal crisis created by the inability of the other body to conclude action on a debt limitation bill; there are complex other issues demanding our attention. the President is in the Orient, distracting attention even further, and we ourselves cannot help but give some thought and care to the bomb explosion in this building relatively a few hours ago. But with all of that, we cannot, indeed we dare not forget that the greatest and most urgent danger is still in Lebanon, and that the danger there is growing, and that our men, our troops are still endangered, still mired in a militarily indefensible position, in a militarily unacceptable role—trapped militarily because they are fighting men sent to do a political errand, in ways that fighting men cannot function. These young men are, as one of my colleagues put it a long time ago, too few in number to fight, but too many to die.

Sitting here in our ease and relative safety, despite bomb scares in the Capitol, we forget too easily that nothing has changed in Lebanon, except for the worse. The number of American dead is greater. The political situation is graver. The options that our Government has are fewer. The situation in surrounding countries is more threatening. Our troops are still there, and though efforts have been made to secure their safety, no responsible military officer says that they are safe from attack. Nor can they be made safe, as I have said repeatedly, because that cannot be done within the constraints of their mission. All that has changed is that matters are worse, and once again we are letting the whole thing slip from our consciousness. But God forbid that we forget. The disappointing acquiescence of the Congress has already cost too many lives in Lebanon. It is time that we give thought to the issues, that we study the realities, and that we conduct our policy accordingly.

Consider the supposed civil war between the factions of the so-called Palestine Liberation Organization. This is in fact the final struggle, or it so seems to be, between Yasir Arafat and his erstwhile friends and allies in Syria. Arafat wants to keep his independence; the Syrians want to make his organization the servant of Syria. The prospect now is that Syria, if it is willing to kill enough innocent Lebanese in the old city of Tripoli, of marine song fame, and can do whatever they want to Arafat and his dwindling band of loyalists. If that happens, the balance of political power in Lebanon will shift once again, and this time there will be still more weight in the hands of Syria, which wants either to control Lebanon or at the very least insure that its government is very close to the Syrian way of thinking—a thinking that includes a close relationship with Iran and a deep and abiding enmity for Israel.

I wish to remind my colleagues, that one of the stronger religious factions in Lebanon is the Shia Moslem faction, which has close connections with Iran and likewise with Syria. If Syria can dominate the Shias and control the PLO forces in Lebanon—not to mention to continue to pull the strings of the Druse—the official government of Lebanon is left with precious little indeed as it is today and has been. When you connect those realities with the effort at national reconciliation in Lebanon, you begin to get an idea of just how difficult the U.S. policy objective is.

□ 2140

A handful of American marines sitting in the Beirut airport can in no way change any of those political realities. Those realities are, after all, set by military force and the coercive terror of the gangs controlled by the competing warlords, and our forces are, and I pray always will be, held out of that feuding. But if their mission is not to intervene militarily, then they cannot hope to make any real difference in the boiling and murky waters of Lebanese politics. And so they sit, unable to affect the situation they are assigned to resolve, targets for harassment and attack, open to meaningless and wasteful loss of life and limb.

And we here are almost sunk into an unconsciousness that reminds me of just a few days before October 24. No one can claim that the marines are in Lebanon to rescue anybody. There are not Americans there to rescue. No one can say that they are there to restore law and order. There has not been law and order there in 10 years or so. No one can say that they are there to restore legitimate governments. The official government is no more legitimate in its origins than any of the other factions that dominate one piece of Lebanon or another. No one can say that they are there to fight the Syrians; such a course would be foolhardy. Nor are they there to enforce any agreements. There are no agreements in Lebanon that anybody recognizes. In short, there is no definable mission that the Marines can accomplish. They are not involved in any negotiations; they are not mediating anything; and they are not able to fight, because their assignment forbids it. Neither militarily nor politically does their assignment make any sense, as I have been saying for months. And so they sit, isolated, forgotten except when the guns start firing again, endangered, the latest victims yet of the most irrational, tormented, endless wars of all time. They are there because the administration has some vague hope, but a hope that cannot in any way be aided by allowing more of our young men to be mangled or killed at the whim of another unknown, unidentifiable attacker. But the decisions for the future fate of Lebanon are being made not in the runways of Beirut airport, but in Geneva's comfortable surroundings, where the power brokers sit discussing how to carve their country up; and they are being made in Damascus, where the Syrians pull first one string and then another among the factions they control in Lebanon. The decisions are being made in Tel Aviv, where Israel makes its own decisions about which Lebanese faction to feed or to famish, what line it will choose to defend, and what military action it will take or hold back on. The decisions are being made in Tehran, where the mad Ayatollah does not blink to send children on suicide missions against his enemies in Iraq or anywhere else on the face of the Earth, and whose greatest dream is to conquer the world of Islam and make it over in his own image. And who is the inspiration behind the Lebanese factions that he controls in partnership with the Syrians? The Ayatollah. Those, among other places, are the sites of the decisionmaking in Lebanon—not the Beirut airport, not the city itself, and not, in fact, anywhere in the tortured carcass of Lebanon. Lebanon is merely where the victims live. Beirut is a city of victims, and our forces, our soldiers, are among them.

The complexities of the Middle East are so deep, the winds of change there so violent, and the interplay of rivalry so unpredictable that no one in this Chamber could pretend to understand it. Yet that is what we have committed our forces to—and not just in Beirut, but in the largely forgotten Sinai peacekeeping force. It is also what we are committed to in the form of the still-nascent Rapid Deployment Force, whose whole concept and mission assumes American combat involvement in the Middle East.

One aspect of the situation is this: We assume that the war between Iran and Iraq is a local war, of no importance to us. And yet the Government of Iraq would like to threaten oil shipments out of the Persian Gulf. They would like to do this because the threat might cause the United States to see its own interests as being greatly threatened, and thereby draw us into that long and apparently endless war. It is not too farfetched to think that someone who might wish the United States to be drawn into conflict with another enemy in the Middle East would try to trigger that kind of involvement through an attack on our forces in Beirut. I do not suggest in any way that Iraq might do something like that—but I do say that in the politics of terror that has dominated the area for decades and generations, it is not at all unreasonable to believe that someone wishing to draw the United States into conflict against that interest's enemies, might seek to goad our country into some retaliatory action against that enemy—goad us into making a commitment that we otherwise would not make. And that is a good reason to get out of Lebanon, as I have been advocating for weeks and months.

Our forces in Beirut are simply a target for anyone who wants to attack Americans, whether out of some sick revenge or some desperate, insane maneuver to draw us into a conflict in which we have no interest and which we in no way would rationally participate. Yesterday, the Pentagon said that the retaliation for the attack against the marines was only a matter of time and place. But there is more to consider than revenge, particularly when we still do not know who was responsible for that attack. The question is that in a world where not all things are as they appear to be, whether we could reliably identify the people responsible for the attack. And if we could, would our vengeful strike draw us deeper, irretrievably, into some conflict of which we want no part? The issue is not whether we want to do justice, but whether in the act of exacting revenge, we would be plunged into unintended, endless wars. The longer our forces stay in Beirut, the more they will be subjected to insane attacks and the greater the possibility that they will become the political pawns of the deadly game that goes into the shifting sands of the political wars of the Middle East. It is too horrible for most of us to contemplate, but it is a reality: the killing of innocent people in order to gain a political advantage is an ancient feature of Middle Eastern politics. Arafat this very day is holding the city of Tripoli as hostage to stave off military annihilation. The question is whether his enemies are willing to kill huge numbers of civilians in order to get at him. That is the kind of politics that is played in that part of the world—a politics in which the idea is to get anyone you can to fight your enemy of the moment, a politics in which enemies become friends, if they see that as a way to gain even a momentary advantage, it should be done. And it is a politics in which the sacrifice of innocent lives is just a part of the daily business of gaining political leverage. For us to leave our young men sitting open to attack in the midst of that kind of world—and most especially when the contending sides are in a talk-fight, fight-talk game—is absolute an unforgivable folly.

□ 2150

Consider just one aspect of the current talks about Lebanon's future. The question is what will the various sides do regarding the Lebanese-Israeli agreement. Syria and its allies in Lebanon want that deal abrogated altogether. Therefore, they will not accept any compromise. The upshot is that for the time being at least, all sides have chosen just to forget that the agreement exists. President Gemayel knows that if he is going to get anywhere with his hopes of finding a new political way of surviving and existing in Lebanon, the price will be a modification of the agreement with Israel. But who can arrange that modification, and how much can the Government of Israel accept, at a time when Israel has a shattered economy, a delicate political balance, and has already paid a bitter price for its gains in Lebanon. The United States is expected to act as broker in this deal, but what do we have to bargain with? If we act in a way to shore up Gemayel's hope of appeasing his Syrian tormentors, we do so at a price of bitterly offending our only real ally in the area, and that, of course, is Israel. Syria, the implacable, bitter foe of Israel, would like nothing better than to force the United States to offend Israel by acting in behalf of Gemayel, in whose behalf we have, after all, committed so much blood and treasure. Such is the swamp into which we have blundered—a swamp on which we have nothing to gain and a very great deal to lose.

The most bitter part of the whole dismal experience in Lebanon is that we have put our young men into an increasingly dangerous situation, with no real mission except to act as targets and victims for the ever-changing power politics of a region that understands nothing else. As I have said before, and repeat again tonight, if our forces move out and act in the aggressive way that military forces are supposed to act, then they become another faction in a country that already has dozens. Who would they attack, and in whose behalf? Would they attack in behalf of a government that represents a minority of Lebanon, not even the complete city of Beirut? Would they act in behalf of some moslem faction, and if so, which one? If the mission is peacekeeping, of course, there would have to be an effective government to keep the peace with. But that does not exist in Lebanon today, nor is there any prospect of it. If their mission were to clear out foreign forces, that would require them to attack not just Syria, but also Israel, our ally. And so they sit, immobile, trapped, and open to attack, either by our outright enemies or by mad fanatics who would like to goad us into attacking some third party. That is no fit thing to send our troops into, and it is irresponsible to keep them in that position. It is time, long since time, to leave the trap, the deadly trap that has already sucked too many good American lives into the abattoirs, the killing grounds, of Lebanon.

PERSONAL EXPLANATION

Mr. BEREUTER. Mr. Speaker, public service requirements compelled me to be elsewhere in the city this evening. As a result, I missed the voting on two rollcalls.

Had I been present on rollcall 481, I would have voted aye.

Had I been present on rollcall 482, I would have voted "no."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WINN (at the request of Mr. MICHEL), for today, on account of a death in the family.

Mr. EARLY (at the request of Mr. WRIGHT), for November 8 and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative programs and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. HILER) to revise and extend his remarks and include extraneous material:)

Mr. DANNEMEYER, for 60 minutes, on November 10.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. VALENTINE, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. MACKAY, for 5 minutes, today.

Mr. GAYDOS, for 60 minutes, on November 14.

Mr. GLICKMAN, for 60 minutes, on November 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DASCHLE, to revise and extend prior to the vote on the Harkin amendment in the Committee of the Whole today.

Mr. LEVITAS, to revise and extend his remarks immediately prior to the vote on the Skeen amendment to H.R. 4196 in the Committee of the Whole today.

Mr. GONZALEZ, immediately preceding the vote on the Conable substitute on H.R. 4196 in the Committee of the Whole today.

(The following Members (at the request of Mr. HILER) and to include extraneous matter:)

Mr. DAVIS.

Mr. FRANKLIN.

Mr. GEKAS.

Mr. LAGOMARSINO in two instances.

Mr. PORTER.

Mr. MARTIN of North Carolina.

Mr. KEMP in three instances.

Mr. PHILIP M. CRANE.

Mr. GILMAN.

Mrs. VUCANOVICH.

Mr. SILJANDER.

Mr. BLILEY.

Mr. DANIEL B. CRANE.

Mr. MARLENEE in two instances.

Mr. LOWERY of California.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. KASTENMEIER.

Mr. HAMILTON.

Mr. JACOBS.

Mr. WALGREN.

Mr. MURPHY.

Mr. SMITH of Florida.

Mr. SKELTON in two instances.

Mr. SWIFT.

Mr. LANTOS.

Mr. TORRES in two instances.

Mr. FOLEY.

Mr. BONIOR of Michigan.

Ms. OAKAR.

Mr. SHARP.

Mr. KOLTER in two instances.

Mr. LIPINSKI.

Mr. MARKEY.

Mr. EDGAR.

Mr. LONG of Maryland in two instances.

Mr. TRAXLER.

Mr. HAWKINS.

Mr. LUNDINE.

Mr. STOKES.

Mr. STARK in three instances.

Mr. CLARKE.

Mrs. SCHROEDER.

Mr. SHELBY.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Thursday, November 10, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2114. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions for Edmund Stohr, U.S. Representative to the International Civil Montreal, rank of Minister; and Geoffrey Swaebe, Ambassador-designate, and members of their families, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

2115. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's proposed lease of defense articles to Israel (Transmittal No. 7-84), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2116. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a report on the impact of Federal tax laws on historic preservation, pursuant to section 503 of Public Law 96-515; jointly, to the Committees on Interior and Insular Affairs and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. Deficiencies in FDA's regulation of the new drug "Oraflex" (Rept. No. 98-511). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Failure to implement effectively the Defense Department's high dollar spare parts breakout program is costly (Rept. No. 98-512). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Better justification needed for Defense Department support aircraft (Rept. No. 98-513). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. S. 1689. A bill to clear certain impediments to the licensing of the vessel *Endless Summer* for employment in the coastwise trade; with an amendment (Rept. No. 98-514). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3969. A bill to amend the Panama Canal Act of 1979 to allow the use of proxies by the Board of the Panama Canal Commission (Rept. No. 98-515). Referred to the House Calendar.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2353. A bill to amend the Deepwater Port Act of 1974, and for other purposes; with an amendment (Rept. No. 98-519, Pt. I). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules, House Resolution 367. Resolution providing for the consideration of H.J. Res. 413, a joint resolution making further continuing appropriations for the fiscal year 1984 (Rept. No. 98-520). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. S. 1015. A bill to clear certain impediments to the licensing of the vessel *La Jolie* for employment in the coastwise trade; with an amendment (Rept. 98-516). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. S. 1186. A bill to clear certain impediments to the licensing of the yacht *Dad's Pad* for employment in the coastwise trade; with amendments (Rept. No. 98-517). Referred to the Committee of the Whole House.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2883. A bill to admit certain passenger vessels to the coastwise trade; with an amendment (Rept. No. 98-518). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. SCHROEDER:

H.R. 4336. A bill to make certain miscellaneous changes in laws relating to the civil service; to the Committee on Post Office and Civil Service.

By Mr. PHILIP M. CRANE:

H.R. 4337. A bill to extend until July 1, 1987, the existing suspension of duty on 4-chloro-3-methylphenol; to the Committee on Ways and Means.

By Mr. DELLUMS (for himself, Mr. Lowry of Washington, Mr. Leland, Mr. Fauntroy, Mr. Berman, Mr. Crockett, Mr. Mitchell, Mr. Roe, Mr. Weiss, Mr. Hayes, Mr. Ottinger, and Mr. Simon):

H.R. 4338. A bill to amend title 38, United States Code, to provide for the entitlement to veterans' benefits of Americans who fought in the Abraham Lincoln Brigade during the Spanish Civil War, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GUARINI:

H.R. 4339. A bill to amend the Tariff Schedules of the United States regarding the classification of certain articles of wearing apparel; to the Committee on Ways and Means.

By Mr. MARKEY:

H.R. 4340. A bill to provide a moratorium until January 1, 1985, on the use by the Federal Communications Commission of any random selection system for granting any license or construction permit for any cellular radio telecommunications service; to the Committee on Energy and Commerce.

By Mr. MOLLOHAN:

H.R. 4341. A bill to amend title 38, United States Code, to provide that the surviving spouse of a veteran who dies from a service-connected disability shall be entitled to receive benefits for the month of the veteran's death; to the Committee on Veterans' Affairs.

By Mr. PATTERSON:

H.R. 4342. A bill to amend the Internal Revenue Code of 1954 to repeal the provisions which require a large food or beverage establishment to allocate a portion of its gross receipts to its employees as tips and to report such allocation to the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. PRICE (for himself and Mr. Dickinson) (by request):

H.R. 4343. A bill to amend title 10, United States Code, to provide for more efficient and expeditious disposal of lost, abandoned, and unclaimed property in the custody of the military departments; to the Committee on Armed Services.

By Mr. ROBERTS (for himself and Mr. Madigan):

H.R. 4344. A bill to amend the act of July 2, 1962, to authorize intrastate quarantines under extraordinary emergency conditions relating to exotic communicable diseases; to the Committee on Agriculture.

By Mr. STUDDS:

H.R. 4345. A bill to amend the Internal Revenue Code of 1954 to allow the energy investment credit for equipment designed to use sail power on vessels to lower fuel costs; to the Committee on Ways and Means.

By Mr. VALENTINE:

H.R. 4346. A bill to authorize the Attorney General to make grants to States for the purpose of assisting local governments to purchase bulletproof vests for use by police officers; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.J. Res. 413. Joint resolution making further continuing appropriations for the fiscal year 1984; to the Committee on Appropriations.

H.J. Res. 414. Joint resolution making further continuing appropriations for the fiscal year 1984; to the Committee on Appropriations.

By Mr. RITTER (for himself, Mr. Tauzin, Mr. Broomfield, Mr. Kolter, Mr. Ralph M. Hall, Mr. Gilman, and Mr. Bilirakis):

H. Con. Res. 212. Concurrent resolution expressing the sense of the Congress that the Soviet Union should be the host country for the United Nations every other year; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BURTON of California:

H.R. 4347. A bill for the relief of Yong-Suk Song; to the Committee on the Judiciary.

By Mr. HUNTER:

H.R. 4348. A bill for the relief of Jose Olosagaste; to the Committee on the Judiciary.

By Mr. LAGOMARSINO:

H.R. 4349. A bill for the relief of Phyllis Steiner; to the Committee on the Judiciary.

PRIVATE RESOLUTIONS

By Mr. LAGOMARSINO:

H. Res. 368. Resolution to refer H.R. 4349 to the chief judge of the U.S. Claims Court; to the Committee on the Judiciary.

By Mr. PASHAYAN:

H. Res. 369. Resolution to refer H.R. 4292 to the chief judge of the U.S. Claims Court; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of November 8, 1983]

H.J. Res. 408: Mrs. Kennelly, Mr. Mrazek, Mr. Schumer, Mr. Skelton, Mr. Downey of New York, Mr. Boner of Tennessee, Mr. Burton of Indiana, Mr. Guarini, Mr. Hunter, Mr. Brown of California, Mrs. Johnson, Mr. Kolter, Mr. Ritter, Mr. Roemer, Mr. Roth, Mr. Siljander, Mr. Evans of Iowa, Mr. Corrada, Mr. Young of Missouri, Mr. Brooks, Mrs. Schneider, Mr. Dymally, Mr. Long of Maryland, Mr. Rangel, Mr. Conte, Mr. Shannon, Mr. Barnard, Mr. Boucher, Mr. Tauzin, Mr. DeWine, Mr. Brown of Colorado, Mr. Bevill, Mr. Bilirakis, Mr. Waxman, Mr. Bethune, Mr. Green, Mr. Martinez, Mr. Evans of Illinois, Mr. Broomfield, Mr. Dicks, Mr. Neal, Mr. Mack, Mrs. Byron, Mr. Lipinski, Mrs. Holt, Mr. Ottinger, Mr. Madigan, Ms. Mikulski, Mr. Martin of New York, Mr. Wilson, Mr. Forsythe, Mr. McKernan, Mr. Zablocki, and Mr. Thomas of Georgia.

[Submitted November 9, 1983]

H.R. 31: Mr. Paul, Mr. Hansen of Idaho, Mr. Dorgan, Mr. Corcoran, Mr. Stangeland, Mr. Britt, Mr. Dymally, Mr. Craig, Mr. Lehman of California, Mr. Oxley, Mr. Gregg, Mr. Pease, Mr. Hutto, Mr. McDade, Mr. Livingston, Mr. Heftel of Hawaii, Mr. Harkin, Mr. Bereuter, Mr. Boehlert, Mr. Yatron, and Ms. Kaptur.

H.R. 750: Mr. Whitehurst and Mr. Applegate.

H.R. 1092: Mr. DeWine.

H.R. 1159: Mr. Clinger.

H.R. 1691: Mr. Patterson.

H.R. 1796: Mr. Kildee.

H.R. 1905: Mr. Sikorski, Mrs. Hall of Indiana, Mrs. Schroeder, Mr. Hartnett, Mr. Dymally, and Mrs. Holt.

H.R. 2053: Mr. Slattery.

H.R. 2168: Mr. Ackerman, Mr. Richardson, Mr. Studds, Mr. Mineta, Mr. Crockett, Mr. Stokes, Mr. Fauntroy, Mr. Won Pat, Mr. Green, Ms. Mikulski, Mr. Horton, Mrs. Hall of Indiana, Mr. Jeffords, Mr. Ottinger and Mr. Dwyer of New Jersey.

H.R. 2474: Mr. Stokes, Mr. Lehman of Florida, Mr. Wyden, Mr. Richardson, Mr. Dyson, Mr. Lagomarsino, Mr. Zschau, and Mr. Fish.

H.R. 2543: Mr. Breaux.

H.R. 2582: Mr. Matsui.

H.R. 2715: Mr. Gingrich.

H.R. 2779: Mr. McNulty and Mr. Kildee.

H.R. 2977: Mr. Jenkins and Mr. Dickinson.

H.R. 3261: Mr. Oberstar, Mr. Roybal, Mr. Rahall, Mr. Towns, Mr. Berman, Mr. Conyers, Mr. Evans of Illinois, and Mr. Biaggi.

H.R. 3282: Mr. Shannon, Mr. Clarke, Mr. Kostmayer, and Mr. Mavroules.

H.R. 3371: Mr. Carr.

H.R. 3405: Ms. Ferraro.

H.R. 3464: Mrs. Hall of Indiana and Mr. Bilirakis.

H.R. 3486: Mr. Studds and Mr. Biaggi.

H.R. 3616: Mr. Moody, Mr. Skeen, Mr. Owens, Mr. Porter, Mr. Aspin, Mr. Wylie, Mr. Biaggi, Mr. Swift, and Mr. Perkins.

H.R. 3642: Mrs. Hall of Indiana, Mr. Torres, Ms. Ferraro, Mr. Mazzoli, Mr. Fish, Mr. Wortley, Mr. Durbin, and Mr. Lehman of Florida.

H.R. 3750: Mr. Won Pat, Mr. Bosco, Mr. Morrison of Connecticut, Mr. Howard, Ms. Ferraro, Mr. Ford of Michigan, Mr. Murphy, Mr. Addabbo, Mr. Dymally, Mr. Harrison, Mr. Torres, Mr. Brown of California, Mr. Nelson of Florida, Mr. Mollohan, Mr. Ford of Tennessee, Mr. Corrada, Mr. Rinaldo, Mr. Hawkins, Mr. Rose, Mr. Bevill, Mr. Boucher, Mr. Lantos, Mr. Garcia, Mr. Conyers, Mr. Richardson, Mr. Britt, Mr. Young of Missouri, Mr. Levine of California, Mr. Lehman of Florida, Mrs. Boxer, Mr. Rangel, Mrs. Collins, and Mr. Vento.

H.R. 3789: Mr. Simon.

H.R. 3867: Mr. Gunderson and Mr. Hance.

H.R. 3923: Mr. Coats.

H.R. 3972: Mr. Bereuter.

H.R. 4016: Mr. Wirth.

H.R. 4093: Mr. Hertel of Michigan, Mr. Solarz, Mr. Shaw, Mr. Mitchell, Mr. Roe, Mr. Carr, Mr. Dymally, Mr. Fazio, Mr. Shelby, Mr. Mineta, and Mr. Andrews of North Carolina.

H.R. 4104: Mr. Lowery of California.

H.R. 4187: Mr. Lowry of Washington, Mr. McCollum, and Mr. McKinney.

H.R. 4206: Mr. Addabbo, Mr. Wylie, Mr. Bevill, Mr. Loeffler, Mr. McDade, and Mr. Derrick.

H.R. 4210: Mr. Ackerman, Mr. Addabbo, Mr. Albosta, Mr. Alexander, Mr. Bonior of Michigan, Mr. Brown of California, Mr. Conte, Mr. Ford of Michigan, Mr. Frenzel, Mr. Hammerschmidt, Mr. Heftel, Mr. Jones of Oklahoma, Ms. Kaptur, Mr. Lantos, Mr. Lehman of Florida, Mr. Levitas, Mr. McKinney, Mr. MacKay, Mr. Madigan, Mr. Mavroules, Mr. Minish, Mr. Panetta, Mr. Pepper, Mr. Pickle, Mr. Pritchard, Mr. Schaefer, Mr. Scheuer, Mrs. Schroeder, Mr. Simon, Mr. Skelton, Mr. Stark, Mr. Tauzin, Mr. Thomas of Georgia, Mr. Towns, Mr. Vento, Mr. Waxman, Mr. Wirth, and Mr. Young of Alaska.

H.R. 4221: Mr. Patman, Mr. Morrison of Washington, and Mr. Bateman.

H.R. 4324: Mr. Thomas of California, Mr. Stark, Mr. Kindness, and Mr. Morrison of Washington.

H.J. Res. 103: Mrs. Holt, and Mr. Barnard.

H.J. Res. 324: Mr. Shumway, Mrs. Roukema, Mr. Guarini, Mr. Hansen of Idaho, Mr. Hawkins, Mr. Morrison of Connecticut, Mr. Winn, Mr. Frank, Ms. Kaptur, Mr. Levine of California, Mr. McKernan, Mr. Weaver, Mr. Lagomarsino, Mr. Brown of California, Mr. Jeffords, Mr. Coats, Mr. Stenholm, Mr. Howard, Mr. Hoyer, Mr. Horton, Mr. Fish, Mr. Scheuer, Mr. Chandler, Mr. Staggers, Mr. Goodling, Mr. Torricelli, Mr. Vandergriff, Mr. Mollohan, Mr. McEwen, Mr. Courter, Mr. Hunter, Mr. Lungren, Mr. Bennett, Mr. Stratton, Mr. Hall of Ohio, Mr. Huckaby, Mr. Molinari, Mr. Wylie, Mr. Burton of Indiana, Mr. Brown of Colorado, Mr. Luken, Mr. Myers, Mr. Boehlert, Mrs. Boggs, Mr. Archer, Mr. Biaggi, Mr. Lantos, Mr. Carper, Ms. Mikulski, Mr. McCollum, Mr. Emerson, Mr. Williams of Ohio, Mr. Applegate, Mr. Ortiz, Mr. Andrews of Texas, Mr. Hopkins, Mr. Bethune, Mr. Vander Jagt, Mr. Lent, Mr. Oxley, Mr. Rogers, Mr. Spence, Mr. Pursell, Mr. Schaefer, Mr. Carney, Mrs. Holt, Mr. Madigan, and Mr. Davis.

H.J. Res. 382: Mr. Addabbo, Mr. Albosta, Mr. Barnard, Mr. Bates, Mr. Carper, Mr. de la Garza, Mr. Franklin, Mr. Hawkins, Mr. Hutto, Mr. Leach of Iowa, Mr. Mavroules, Mr. McKinney, Mr. Mollohan, Mr. Porter, Mr. Schaefer, Mr. Young of Alaska, Mrs. Boggs, Mr. Fazio, Mr. Kasich, Mr. O'Brien, Mr. Snyder, and Mr. Wyden.

H. Con. Res. 181: Mr. Patman and Mr. Simon.

H. Con. Res. 207: Mr. Edwards of Oklahoma.

H. Res. 334: Mr. Dannemeyer.

H. Res. 340: Mr. Fazio, Mr. Gekas, Mr. Green, Mr. Lantos, Mr. Lewis of Florida, Ms. Mikulski, Mr. Mineta, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Porter, and Mr. Solarz.

PETITIONS, ETC.

Under clause 1 of rule XXII,

271. The SPEAKER presented a petition of the Board of Supervisors, County of Los Angeles, Calif., relative to a charter for the Jewish War Veterans; which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4102

By Mr. CORCORAN:

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 10, at line 7, delete ", per access line, for" and insert in lieu thereof "for switched".

Page 10, at line 16, after the ";" insert the word "and".

Page 10, at line 21, delete the words "be receiving" and insert in lieu thereof: "have available to it at any serving end-office".

Page 10, at line 23, delete "; and" and insert in lieu thereof a ".".

Page 10, delete lines 24 through page 11, line 6.

Page 11, delete lines 19 through 24.

Page 12, at line 6, after the word "Commerce" insert "and to recover an equitable amount of support for the Universal Service Fund that would have been generated by the interexchange carrier through direct interconnection.".

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 6, at lines 11 and 12, delete "or indirect".

Page 6, at line 16, after the "." insert: "Such charge shall be assessed on a basis which provides competitive equality with any other line or facility which is like, similar or capable of providing a functionally equivalent service, regardless of the technology used, and shall generate an amount of subsidy above economic costs that would have been generated by direct interconnection.".

Page 6, at lines 18 and 19, delete the words "otherwise uncompensated availability of" and insert in lieu thereof: "amount of subsidy support for the Universal Service Fund that would have been generated by".

Page 7, at line 4, delete the words "10 per centum" and insert in lieu thereof: "the amount" and page 7, at line 7, delete ", until" and all that follows through the end of line 12, and insert in lieu thereof ".".

(Amendment to the amendment in the nature of a substitute (text of H.R. 4925).)

—Page 13, lines 4 and 5, delete "and who is subject to charges under this section".

Page 13, delete lines 10 through 13, and insert the following new subsections:

(2) Charges as determined and administered under this section shall be paid to the Universal Service Fund as provided under rules promulgated by the Commission. To assure economic efficiency and competitive equity, the Commission and the Universal Service Board, in determining the appropriate charges to support universal service and in promulgating its rules, shall take into consideration the amounts paid by carriers through direct interconnection to support universal service.

(3) The Commission and the Universal Service Board shall fully exercise jurisdiction and authority under the Communications Act of 1934, as amended, to assure compliance with this Act, including, but not limited to any powers over carriers, licensing and interconnection.

(4) Any person who withholds information or payment of any charge which is required by this Act shall be subject to a fine of not more than $100,000 per day. Such fine shall be paid into the Universal Service Fund. Any exchange company or other carrier shall have standing to file a complaint against any person suspected of violation of this section. Such complaint may be filed before either the Commission or any state or federal court of competent jurisdiction or both.

(5) Any person who falsely certifies any fact to the Universal Service Board or applies for any payment from the Universal Service Fund with the intent to defraud or to obtain payment from the Fund knowing such payment is not due shall be subject to imprisonment of up to five (5) years and a fine not to exceed "$1,000,000 per offense.".

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 26, delete lines 10 through 24 and lines 1 through 10 on page 27.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 3, at line 17, insert the following new subparagraph:

(5) to require the Commission and state commissions to deregulate telecommunications services to the full extent possible whenever and wherever a service or facility is subject to effective competition.

Page 42, at line 20, insert the following new section:

Sec. 14. The Communications Act of 1934 is amended by insisting the following new section:

"Sec. 230. The Commission, every state commission and the Universal Service Board shall deregulate telecommunications services and facilities to the full extent possible wherever and whenever a service, facility or market is subject to effective competition.".

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 42, line 20, after the period insert the following:

"DEVELOPMENT OF TECHNOLOGY

"Sec. 14. The Communications Act of 1934 is amended by inserting after Section 230 (as added by this Act) the following new Section.

"DEVELOPMENT OF TECHNOLOGY

"Sec. 231. No executive agency, including the Commission or the Universal Service Board, and no state or political subdivision or agency thereof shall, with respect to any carrier or other, person, inhibit or restrict the development or use of any technology, or impose any economic burden or otherwise exercise, or fail to exercise, its authority in a manner which penalizes or creates an advantage for any provider or user over any other provider or user of telecommunications facilities and services.".

CONFORMING AND TECHNICAL AMENDMENTS

Page 2, after line 20, insert:

(6) The public interest will be best served by a policy of maintaining universally available telephone service at reasonable charges, administered under this act in a manner which does not inhibit or restrict technological development or use or penalize any technology, user or provider; promotes competition and economic efficiency; and does not penalize or create an advantage for any user or provider of telecommunications over any other user or provider of competitive alternatives.

Page 3, at line 9, after the word "services," insert: "in a manner which promotes economic efficiency while not inhibiting a competitive market for such services, and does not result in any advantage or disadvantage for any user or provider of communication services over any other user or provider of communication services;".

Page 3, at line 17, after the word "industry," insert: "by establishing a policy that prohibits use of regulatory or other authority to favor one technology or provider of telecommunications over any other technology or provider.".

Page 23, at line 6, after the word "services," insert: "in order to promote the development of technology and to promote economic efficiency".

Page 24, at line 8, after the word "which" insert "promotes economic efficiency and the development and use of technology, which equalizes the amount of support paid to the Universal Service Fund by each provider of like, similar or functionally equivalent services so that competition in telecommunications is based on economic cost differences, which".

By Mr. FRENZEL:

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 5, strike out lines 16 through 25.

Page 6, strike out lines 1 through 24.

Page 7, strike out lines 1 through 25.

Page 8, strike out lines 1 through 24.

Page 9, strike out lines 1 through 25.

Page 10, strike out lines 1 through 25.

Page 11, strike out lines 1 through 24.

Page 12, strike out lines 1 through 24.

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 6, strike out lines 4 through 25.

Page 7, strike out lines 1 through 24.

Page 8, strike out lines 1 through 25.

Page 9, strike out lines 1 through 24.

Page 10, strike out lines 1 through 25.

Page 11, strike out lines 1 through 25.

Page 12, strike out lines 1 through 20.

By Mr. HANCE:

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 5, line 11, insert "(1)" after "(b)".

Page 5, after line 15, insert the following new paragraph:

"(2) No end-user common line charge shall be assessed on any subscriber of telephone exchange service which is qualified orphanage.".

Page 16, after line 8, insert the following new paragraph:

"(8) The term 'qualified orphanage' means any private, non-profit organization the principal function of which is the operation and maintenance of facilities for the care, comfort, maintenance, or education of orphaned, handicapped, neglected, or dependent children under the age of 18.".

By Mr. RITTER:

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Page 6, strike out the proposed subsection (d), beginning on line 9 and ending on line 24 of page 8.

Page 7, line 1, strike out "(e)(1)" and insert in lieu thereof "(d)(1)".

Page 9, beginning on line 3, strike out "special access charges, and charges assessed under subsection (d)," and insert in lieu thereof "and special access charges,".

Page 9, line 25, strike out "special access charges, or charges under subsection (d)," and insert in lieu thereof "or special access charges,".

Page 10, line 4, strike out "(f)(1)" and insert in lieu thereof "(e)(1)".

Page 13, line 1, strike out "(e)(1)" and insert in lieu thereof "(f)(1)".

Page 13, line 14, strike out "(h)(1)" and insert in lieu thereof "(g)(1)".

Page 13, beginning on line 23, strike out "or is inconsistent with subsection (d) or (f)," and insert in lieu thereof "or is inconsistent with subsection (e),".

Page 14, line 21, strike out "subsection (f)" and insert in lieu thereof "subsection (e)".

Page 14, line 23, strike out "(i)" and insert in lieu thereof "(h)".

Page 16, line 9, strike out "(j)" and insert in lieu thereof "(i)".

By Mrs. SMITH of Nebraska:

(Amendment to the amendment in the nature of a substitute (text of H.R. 4295).)

—Strike out all after the enacting clause and insert in lieu thereof the following:

That the provisions of the systems of access charges established under the decision and orders of the Federal Communications Commission in C.C. docket number 78-72 (phase I) shall not be affected by this Act, except as provided by section 2 and 3 of this Act.

Sec. 2. No end-user common line charge shall be assessed before January 1, 1985, in the case of—

(1) any residential subscriber of telephone exchange service, or

(2) any business or other subscriber of telephone exchange service who not have more than one subscriber line.

Sec. 3. (a) To assure that each exchange carrier recovers all costs of providing exchange access during the periods beginning January 1, 1984, and ending on the date the system referred to in the first section of this Act takes effect, the methods and procedures applicable on July 1, 1983, for allocating revenues from interstate telephone toll service among carriers shall apply during such period.

(b) The Commission shall prescribe such additional procedures as it determines to be necessary for proper allocation and timely distribution of such revenue among such carries, and for recovery of cost affected by section 2.

H.J. Res. 413

By Mr. BOLAND:

(Amendment to the amendment offered by Mr. Wright.)

—Insert the following new section:

Sec. . The second proviso of the appropriating paragraph entitled "Annual contributions for assisted housing" in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1984 (Public Law 98-45), is hereby amended by striking out "January 1, 1984" and inserting in lieu thereof "February 29, 1984".

By Mr. HOYER:

(Amendment to the amendment offered by Mr. Wright.)

—At the end thereof insert the following new section:

Sec. . Section 101(d) of Public Law 98-107 is hereby amended to read as follows:

"(d) Such amounts as may be necessary for continuing the activities, not otherwise specifically provided for in this joint resolution, which were provided for in H.R. 4139, the Treasury, Postal Service and General Government Appropriation Act, 1984, as passed the House of Representatives on October 27, 1983, at a rate for operations and to the extent and in the manner provided for in such Act.".

EXTENSIONS OF REMARKS

LD-50 TESTING: THE UNNECESSARY DESTRUCTION OF ANIMALS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. LANTOS. Mr. Speaker, each year millions of animals suffer and die unnecessarily in acute toxicity testing of drugs, cosmetics, and chemicals. The principal testing procedure used is the so-called LD-50 (lethal dose 50) in which doses of the substance being tested are administered to between 40 and 200 animals in order to determine at what level 50 percent of the animals are killed.

The use of this anachronistic toxicity test continues despite the fact that it has been decried as outdated and no longer necessary by both the industry and the science community.

I personally met with representatives of the four Government agencies which are overseeing toxicity testing for food, drugs, and chemicals and which accept LD-50 data. They assured me that alternative tests using fewer animals—the so-called ALD tests, approximate lethal dose tests—are available and reliable. In fact, these agencies use forms of ALD tests for some of their in-house toxicity testing.

Unfortunately, however, these agencies have not provided a clear signal to industry that ALD data is sufficient to meet toxicity testing regulations. Industry continues to conduct LD-50 tests to assure compliance with Government regulations.

The Food and Drug Administration is sponsoring an interagency workshop on November 9 to review regulatory requirements for toxicity testing. This is an excellent opportunity for these agencies to issue a public statement on the acceptability of alternatives to the LD-50 test.

I and a number of my colleagues in the House have sent identical letters to the heads of the Environmental Protection Agency, the Food and Drug Administration, the Consumer Product Safety Commission, and the Department of Transportation expressing our concern that the agencies go on record in opposition to the LD-50 test.

Mr. Speaker, for the benefit of my colleagues in the House, I am including in my remarks the letter sent to William D. Ruckelshaus, the Administrator of the Environmental Protection Agency. Similar letters were sent to the other three agencies involved.

CONGRESS OF THE UNITED STATES,
Washington, D.C., November 7, 1983.

WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: The November 9th Acute Studies Workshop, in which EPA is participating to discuss the LD-50 test on animals, is an important step towards improving government regulation of acute toxicity testing. We expect that a concrete statement of policy will be forthcoming that will make clear EPA's precise position on the role of the LD-50.

The obsolescence of the classic LD-50 test, which kills 40 to 200 animals per test, has been well documented. It wastes animal lives, is time consuming and expensive. Scientific consensus appears to indicate that an Approximate Lethal Dose test (ALD—also called "Limit test" or "Up-down test") would be equally efficacious, cheaper, and kill fewer than 10 animals per test. It seems clear to us that some form of ALD should become the central toxicological measure.

We advocate allowing flexibility for industry in its determination of toxicity. A clear statement from the regulatory agencies on the unsatisfactory nature of classic LD-50 data, however, will not hinder industries' toxicity testing procedures. In fact, many companies have taken the lead in developing forms of ALD testing for economic reasons.

Significant concern has been expressed to us by numerous individuals and groups over suffering of animals in toxicity testing. Regulatory reform of the type we are discussing is important in reassuring the public. We await quick and positive action from the agencies to bring government policy in step with the current scientific consensus on the LD-50 test.

Sincerely,
Tom Lantos, Henry A. Waxman, Jim Bates, Bob Kastenmeier, Jim Weaver, Parren J. Mitchell, Charles Rose, Jim Moody, Robert J. Mrazek, Edward S. Boland, Antonio Won Pat, Geo. W. Crockett, Jr., Bruce A. Morrison, Robert Roe, Thomas M. Foglietta, Bill Green.●

IN HONOR OF DOLORES G. SANCHEZ

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. MARTINEZ. Mr. Speaker, it is with great pride that I call to the attention of this Chamber the tremendous accomplishments of Dolores G. Sanchez. Ms. Sanchez is president and chief executive officer of Eastern Group Publications, Inc., the only all-Hispanic-owned chain of community newspapers in the Nation. Ms. Sanchez is also a partner and shareholder in Publication Associates of Los Angeles. This is an all-female company formed by Ms. Sanchez which will be publishing a book about the different cultures in Los Angeles.

It is always admirable to see a person active in civic affairs, but the extent of Ms. Sanchez' involvement is an exceptional inspiration. Most notably in 1978, Ms. Sanchez was appointed by President Carter to the National Commission on Unemployment Compensation. In 1974, she served on Mayor Bradley's Advisory Committee on the Status of Women in City Government and is currently on the Mayor's Advisory Committee on Education. Ms. Sanchez is also presently a member of the Los Angeles Olympic Organizing Committee Fine Arts Commission.

These fine contributions to her community have not gone unrewarded. In 1979, she received the Los Angeles City Employees Chicano Association Outstanding Public Service Award and the Mexican American Opportunities Foundation Woman of the Year Award. In 1980, Ms. Sanchez was chosen by Image de Los Angeles to receive their "recognition of contributions and dedication to the improvement of Hispanics with special concern for women in all fields of employment.

It is with great pleasure and gratitude that I commend Ms. Sanchez for her exemplary career. We could all profit from her example.●

A SALUTE FROM GUAM TO AMERICA'S VETERANS

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. WON PAT. Mr. Speaker, on behalf of the people of the Territory of Guam, I rise to salute the millions of men and women of this great country who have served our Nation in uniform. On Friday, November 11, we will all take time to pause and reflect on the countless contributions our veterans have made to the security of America. And in light of recent events in Lebanon and Grenada, I believe that it is fitting that on November 11, Veterans Day take on new dimensions as we honor not only those who have served in the past but those who serve in uniform today and tomorrow.

I know that I speak for all of my constituents on Guam when I say that

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● **This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.**

this country owes our very existence as a free and democratic society to the sacrifices of our men and women in uniform who have willingly laid down their lives to safeguard our freedom from tyranny.

Coming from Guam, an American island which was forced to wear the yoke of an oppressor for 4 long years, I am perhaps more aware than most in this body of what it means to see your freedom taken away at the point of a bayonet. The years 1941-44 were years filled with terror, death, and maiming for the people of Guam. Yet, never did we doubt that the American flag would once again fly over Guam. And, after a most herioc battle in which American troops battled and defeated a larger enemy force, Guam was again free, thanks to the dedication and bravery of American military veterans.

Since the war, my own people have joined the U.S. military in increasing numbers and today there are nearly 10,000 veterans on Guam with another 5,000 Guamanians serving in every branch of the military service. We are very proud of the impressive military record my people have developed and I sincerely doubt that more patriotic Americans can be found anywhere. The people of Guam know what it is like to welcome liberators in uniform and I can assure my colleagues here today that Veterans Day on Guam will be a very special day.

To all veterans in this country, wherever they live, I wish them a pleasant Veterans Day 1983 and thank each of them for making America the great and wonderful Nation we remain. Thank you.●

MY NATIONALITY—AMERICAN DAY

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mrs. BOGGS. Mr. Speaker, today I am introducing House Joint Resolution 411 to proclaim December 7, 1983 as "My Nationality . . . American Day." A day to remember the struggles of our forebears and to pay tribute to their ideals and principles which have endured for so long.

The American settlers came to the New World in search of a new life. They were brave men and women who were unhappy with the oppression taking place in the Old World. They brought with them different customs, traditions and religious beliefs, but they all shared common goals. They wanted to live in a world where people were free to govern themselves, a world in which one could speak freely without the fear of being silenced and above all, a world in which they were free from the religious persecution that existed in Europe. In order to reach their goals, the colonists were forced to break their bonds with the mother country, England. The American Revolution gave us our independence and established the framework for incorporating the multifaceted interests of all men and women into a more perfect union. Thus, with the ratification of the Declaration of Independence in 1776, we became a nation.

We are a nation suffused with history and embellished with a heritage deeply rooted in a vast diversity of ethnic values and principles from Europe, Africa and Asia. Indeed, no country in history can claim so diverse a cultural background. We are a melting pot, or as we in Louisiana might say, a veritable gumbo of ethnicity. Let me say, Mr. Speaker, that the city of New Orleans, a city that I have the proud distinction of representing, is but one example of the cultural diversity that is possible only in these United States. We in New Orleans are proud of our heritage and we have a genuine appreciation for our diverse backgrounds, but we are Americans. The nationality of being an American is truly unique and certainly unparalleled in any other country or culture in this world. America has come to stand for an unrivaled set of ideals and principles including free enterprise, human compassion, good will and an unending quest to pursue the same goals of freedom set forth by our forefathers 207 years ago.

My legislation was conceived by a proud American: Patrick Burke of Metairie, La., a friend and constituent of mine and an active member of the American Legion. He has taken his one man campaign to the Louisiana State Legislature and seen his dream become a reality in Louisiana. He has asked me to seek the support of the rest of the country in following his initiative in reaffirming our allegiance to the flag and to the principles and values upon which this great country of ours was founded. We already have an Independence Day to recognize the meaning and significance of our struggle to be free. I believe it is time to set aside a day to recognize the meaning and significance of being an American. We as a nation, cannot lose sight of the special qualities of our diverse heritage that add so much depth, character, and richness to our society.●

ADATH YESHURUN OF NORTH MIAMI BEACH CELEBRATES ITS SILVER ANNIVERSARY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, Thomas Paine said, "These are the times that try men's souls." He was referring to a different time but the sentiments expressed are certainly applicable to events today.

It is with this in mind that I want to say a few words about Adath Yeshurun congregation of North Miami Beach which is celebrating its 25th anniversary on December 10, 1983. This institution is dedicated to the principle of uplifting and inspiring its congregants and the entire community. Its programs, classes, and activities are each designed to educate, involve, and motivate. The end result is the creation of a dynamic and progressive congregation which is establishing a strong foundation for the future while strengthening the security of the present.

The synagogue is comprised of some 850 families. It has a Sisterhood, Men's Club, Young Couples Club, In-Betweeners Club, Mr. and Mrs. Club, Minyan Club, and three Havurah fellowship programs. The school system is comprised of over 160 tots from 2 to 5 in the B'nai Raphael Nursery School of Adath Yeshurun. Under the exciting leadership of Mrs. Joan Bergman, who has been involved in nursery school work for 30 years, the program has grown in quality and numbers.

The Sunday school and religious schools educate some 300 youngsters from 5 to 16. The Young Judaea Youth Group has over 125 members and is the largest in the Southwest. Mr. Norman Fischer has served as educational and youth director for the past 4 years. The Camp Simcha program has over 250 in attendance each summer.

Adath Yeshurun had daily and holiday religious services under the direction of its spiritual leader, Rabbi Simcha Freedman and its fine Cantor Ian Alpern. Rabbi Freedman has been written up in Who's Who in American Jewry and has served as president of the Rabbinical Association of Greater Miami. Rabbi Freedman is on the boards of the American Friends of the Technion, the Jewish Florida High School, the American Red Cross, Israel Bonds, the Greater Miami Jewish Federation, and the Magen David Adom. He has contributed articles to various newspapers and periodicals and was cited for outstanding leadership by the General Assembly of the Federation of Jewish Agencies as well as the chaplain of the Four Chaplains, B'nai B'rith, and the Israel Bond organization.

Cantor Alpern has created an outstanding volunteer choir, and he has helped organize the North Miami Brotherhood Concerts featuring some seven or eight choral groups joining in a song fest dedicated to America and good fellowship.

For the past 7 years, Morris N. Katz has served as the congregation's president. Under his direction the synagogue has grown and prospered. Adath Yeshurun merged with Temple Tifereth Israel of Miami in 1976 and with B'nai Raphael Congregation in 1978. Mr. Katz spearheaded a very successful building program which enlarged the facilities considerably in 1981. Morris and Rose Katz have been members of the synagogue for 23 years and exemplify the loyalty and selflessness of its membership.

The true meaning of Adath Yeshurun may be found in its efforts to put its ideas into action. Let met cite some examples:

The congregation has been in the forefront in efforts for human rights. It has supported freedom for Anatoly Shcharansky, Joseph Begun, Sakharov, Nudel, and other Soviet activists, Jewish and non-Jewish;

It has organized groups to visit nursing homes and to bring cheer to the lives of others. Even the children have joined in this project by contributing gifts and coming to sing;

The synagogue blood drives over the past 8 years has collected hundreds of gallons of blood for local hospitals;

The synagogue has housed meetings for such groups as ORT, Hadassah, the National Council for Jewish Women, the Optimists Club, the Boy Scouts, Pioneer Women, and so forth.

The congregation has brought culture to the community through its annual art auction and cantorial concerts as well as its speakers series which brought Chaim Potok, Dr. Yehuda Bauer of Hebrew University, Rebbitzen Blu Geenberg, and others to the synagogue.

Mr. Speaker, amongst the Jewish people there is an expression—"til 120 years." This is my prayer for this congregation, 120 years and then we all ask for more. My congratulations to Rabbi Simcha Freedman, Cantor Ian Alpern, Mr. Morris Katz, Executive Director Norman Pollack, Chairman of the Board Alan Danis, Executive Vice President Gary Y. Holtzman and all the members of this prestigious congregation on its silver anniversary.

May Adath Yeshurun grow from strength to strength.●

DEAR FIDEL . . .

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, President Reagan's decision to send troops into Grenada marks an important turning point in American foreign policy. For nearly two decades now American Presidents have shied away from a direct confrontation with Fidel Castro, and dwindling U.S. influence in Latin America has been the direct result. As Adlai Stevenson once said, the Soviets and their surrogates are content to nibble us to death, and that is what had all but occurred because of our lack of resolve.

But President Reagan put an end to that. He, along with the great majority of the American population, finally grew tired of Cuba's adventurism throughout the hemisphere. The message he sent to Havana was unmistakably clear: further expansion simply will not be tolerated.

Now it is our duty to reinforce that resolute message. Fidel Castro will closely monitor our reactions here in Congress and map out his plans for the future accordingly. If we flinch or hedge, the exportation of terror and violence will continue unabated. But if we recognize the true nature of what has happened and pledge to maintain our resolve in the future, I am convinced that unrest in this region will subside considerably.

I recommend that my colleagues take a few moments to read the following editorial from the November 14, 1983, U.S. News & World Report. Its author, Marvin Stone, offers some excellent insights into the matter.

[From the U.S. News & World Report, Nov. 14, 1983]

A MESSAGE TO FIDEL

(By Marvin Stone)

For the first time since the 1960s, an American President has taken a resolute stand against Cuban mischief-making.

By moving into Grenada in concert with six frightened Caribbean island nations, President Reagan has dealt a serious setback to Fidel Castro's ambitions as an aggressive exporter of revolution. The initiative thwarted a well-advanced plan by the Cuban dictator and his Grenadian puppets to convert the tiny island into a springboard for subverting the English-speaking nations of the Caribbean.

What could prove even more important in the end is the message that President Reagan sought to deliver of his willingness to use U.S. military power to challenge Cuban adventurism.

Now, the question is: Will Castro find the message convincing?

Castro is a close observer of the American political scene. He will stop, look and listen until he determines whether the new resolve demonstrated by the U.S. is lasting or simply an aberration. He will watch public-opinion polls. He will watch Congress. And he will act accordingly over the longer run. That is one clear lesson of the history of America's relations with the Communist dictator.

In 1962, President Kennedy blew the whistle on Castro and Russia's Khrushchev when they moved clandestinely to convert Cuba into a strategic-missile base. In the face of an American naval quarantine Khrushchev retreated and Castro endured humiliation.

In 1967, Washington helped train the Bolivian counterinsurgency forces that tracked down and killed Che Guevara, Castro's principal agent for fomenting insurrection in Latin America. That disaster led Castro to postpone his revolutionary endeavors in the Western Hemisphere.

But he did not lose his appetite for international troublemaking. Rather, he turned to Africa where he sent thousands of troops to help Marxists win a civil war in Angola and to consolidate their hold in Ethiopia.

Attracted by new opportunities in the Western Hemisphere, Castro in the late 1970s exploited anti-Somoza sentiment in Nicaragua to help the Sandinista rebels gain power there. Then he proceeded to convert Nicaragua into a base to support a Marxist rebellion in El Salvador.

As if all this were not enough, Castro in 1980 taunted the U.S. by encouraging the Mariel boatlift brought 125,000 Cuban refugees to the United States. In a move that would be difficult to match for sheer cynicism, he off-loaded onto a compassionate America a mass of desperately unhappy Cubans as well as the dregs of his prisons.

In all of this, Castro went unchallenged. Washington accepted one humiliation after another at Cuba's hands. Suddenly, the picture has changed. Cuba has lost its base in Grenada and its one ally among the Caribbean island nations. Its other ally in the hemisphere, Nicaragua's regime, is under pressure from a rebel army supported by the U.S .

Still, Castro is far from down—and certainly not out. He may reckon that the tough stand taken by President Reagan will weaken. He will do all he can to encourage a reaction in Congress against American firmness.

Castro is driven by a revolutionary zeal and the confidence that the U.S. lacks the staying power and resolve to face him down. That conviction has been fortified by his experience in successfully defying America over the past years.

The challenge for President Reagan—and the nation—is to convince Fidel Castro that the message of Grenada is serious and lasting.●

CONGRESSIONAL SALUTE TO THE HONORABLE WILLIAM V. BURKE OF PATERSON, N.J., DISTINGUISHED CITIZEN, HIGHLY COMPASSIONATE CONGRESSIONAL AIDE AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. ROE. Mr. Speaker, on Veterans Day, Friday, November 11, the residents of my Eighth Congressional District and State of New Jersey will join together in testimony to a highly compassionate individual, union representative, community leader and good friend—the Honorable William V. Burke of Paterson, N.J.—whose many good deeds on behalf of our people have earned him the highest respect and esteem among his friends and peers for his standards of excellence in working to improve the quality of life for the people of our community, State, and Nation.

Mr. Speaker, there is so much that can be said about Bill Burke and his lifetime of service to people. I have firsthand knowledge of his dedicated and devoted service to our veterans, senior citizens, young people, the working man and woman, and all of the families of our district during his tenure as my congressional assistant in my Paterson district office since I was elected to Congress in 1969 and prior to that under the sponsorship and appointive authority of my predecessor, former Congressman, now Judge Charles Joelson.

The greatest compliment that can be given to Bill is that a groundswell among the people of our congressional district and State of New Jersey has culminated in setting aside some time on Veterans Day to honor him and express our deepest appreciation for a job well done in service to the public good. I am pleased to participate and know that you and our colleagues here in the Congress will want to join with me, his many friends and colleagues in tribute to Bill and applaud his untiring and compassionate efforts on behalf of his fellowman.

Mr. Speaker, William V. Burke was born on November 4, 1915, the second son of Arthur and Margaret Ellen Burke. Throughout his 68 years, Bill has unconditionally, with warmth and generosity, come to the aid of thousands who have crossed his path. His roots can be traced back to the city of Paterson, N.J., the same city in which he is so highly respected today. From his days at Grammar School No. 6 and Eastside High School in Paterson to the present as my congressional aide in my Paterson district office, Bill is known for his unselfish outreach to others for his unassuming manner and leadership abilities. An alumnus of Paterson Teachers College and Rutgers the State University Extension School, Bill prepared himself early for the arena of politics, the policies, goals, and affairs of government as a political science major.

Throughout his 22 years at Curtiss-Wright Corp. in Wood-Ridge, N.J., a manufacturer of national and international renown and a major employer in the State of New Jersey and particularly for the people in Passaic and Bergen Counties in my congressional district, Bill was intimately involved in local Democratic circles and also served in 1944 as a delegate to the First International Convention of Local 669 UAW-CIO. We are all familiar with the goals and objectives of the UAW in their constant vigil to enhance conditions in the working place and protect our working people and their hopes for better tomorrows. As a union representative and since joining our Eighth Congressional District staff, Bill Burke has, by his representation and lifetime of dedication to these same true American ideals of everything we hold dear demonstrated his deep concern and personal commitment to the laborers in the vineyard, our families, homes, jobs, pensions, security, and opportunities to advance.

Bill Burke was a bulwark of strength in the Democratic Party. He was a member of the Democratic County Committee for 8 years and devoted 6 years—three terms—as an alderman from the sixth ward of the city of Paterson. In 1960 he was elected president of the board of aldermen. The quality of his leadership was exemplified again upon his election as president of the Sixth Ward Democratic Club. In 1963 he was appointed secretary to the park commission by Mayor Francis X. Graves, a position he held for 3 years.

In civic affairs, Bill has extended the richness of his wisdom and expertise—always giving willingly and unselfishly of his time—in helping others. To this day, Bill is still an active member of the Passaic County Democratic Association (35th District), the Passaic County Democratic Organization Committee, and the Charles J. Alfano Association where he has held the office of president for the past 14 years. He was also a past Guard of Honor of St. Joseph's Holy Name Society. Among his many affiliations, Bill still finds time for the Bit-O-Blarney Social Club and the Paterson Lodge No. 60 of the Benevolent and Protective Order of Elks, which serves their membership and the people of our community with their benevolence and understanding, promulgating the spirit of brotherhood and goodwill among all of our people. As their charitable and benevolent activities span the needs and concern of all of our people—young and adults alike—so has Bill's lifetime of outstanding public service embraced and achieved these same principles and ideals in bringing happiness and contentment to others.

Mr. Speaker, it is my great pleasure to seek this national recognition of Bill Burke and all of his good works. He has not only been of inestimable help to the Eighth Congressional District of New Jersey but has devoted a lifetime of dedication and professional expertise in many civic and charitable endeavors which have made a major contribution to the quality of life and way of life here in America. We do indeed salute a distinguished citizen, highly compassionate congressional aide and great American—the Honorable William V. Burke of Paterson, N.J.●

ANNE CRUTCHER, A TRUE RENAISSANCE WOMAN

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. KEMP. Mr. Speaker, this past Saturday, November 5, Anne Crutcher, editor of the Washington Times editorial page, passed away at her home in Washington.

"In an age of specialists and technocrats," (she was) "truly a renaissance woman", said Smith Hempstone, executive editor of the Times.

Following is an editorial from the Washington Times which tells us about this remarkable woman with an indomitable spirit and a love for her trade.

I commend this piece to my colleagues, and express my most profound respect and my prayers to the Crutcher family.

ANNE CRUTCHER

Anne Crutcher once wryly described her reaction to some event or other as "passionately indifferent." A similar combination would go a good distance to describe Anne herself, "gently formidable."

Anne Crutcher, the editor of these pages who died Saturday, was intellectually formidable. Her range of interests and knowledge was uncommon, her curiosity unbounded: Well, nearly so—there were those few things that evoked passionate indifference. Anne's capacious mind ranged from literature and history to foreign affairs, from political philosophy to art and music and food. She was an engaged and contemplative student of the world she lived in.

As readers of The Times have come well to know since the paper began publication with Mrs. Crutcher at the editorial helm, she wrote on a formidable spectrum of topics, in both signed and unsigned articles, and did it with a gentleness and sensitivity that never sacrificed forcefulness. "Anne never stopped growing in either a professional or human sense," said Smith Hempstone, The Times' executive editor and a friend for many years. "She was, in my view, nothing more or less than the finest editorial writer in the United States."

Anne once reflected whether her nature was perhaps "too friendly" for the sharp gnawing that characterized the prose of some of her editorial colleagues. Of course the answer was no: Her civility was an effective idiom; her gentleness of tone illuminated her erudition and consistently sensible insights. Her tone was invariably appropriate, whether the subject was "the peculiarly golden September light," or as she wrote in in The Times' front-page editorial after the Soviet downing of the Korean airliner, "No sensible person wants to make a Sarajevo of this incident. But national self-respect demands a response beyond the initial deplorings of the president, the secretary of state and other high government officials." She used the language she loved with precision, forcefulness and respect.

These lines from the Page 1 editorial demonstrated another facet of Anne's formidability: It was written from her home, under deadline pressure, only a few days after she returned from a period in the hospital. Her tenacity in her craft was as remarkable as the composure of her person.

Anne struggled against cancer for over a decade. She waged her fight with a quiet gallantry. During one severe period, while she was an editorial writer at The Washington Star, few of her colleagues were even aware of her immense burden. This was not stoicism particularly, but rather a sense of privacy and an unwillingness to ask others to share her troubles. She later said with—as usual—understated pride that she had not missed a day of work while undergoing treatment.

Anne Crutcher knew sufficient travail for a lifetime. Her husband, Leon, a Foreign Service officer, died after an alarmingly brief illness in 1968, leaving her with the responsibility for their four daughters, three of whom were in college. There were moments of awful uncertainty and apprehension, to be sure; yet Anne's faith in the sacredness of family sustained her, a faith she constantly asserted in her writing—often to the dismay of the feminist sisterhood.

In her years as reporter and writer for the old Washington Daily News, The Star and, as editor of The Washington Times editorial pages from the paper's first day of publication, Anne approached newspapering with delight and a conviction of its importance in smoothing some few of the rougher edges of an imperfect world. She was catholic in her interests, keen in her perceptions, and firm in her belief in traditional values.

The quality she established for these editorial and Commentary pages is both her legacy and a challenge to those who had the deep pleasure of working for and with her. Not only will her absence be a glaring one, but the journalistic craft is now diminished—even as her courage and grace elevated a trade often in deficit of both qualities.

In "Poor butterfly!," an elegantly premonitory editorial that she composed for The Times' editorial pages a few weeks before her death, she wrote:

The butterfly, that cosmic frivolity, that airborne flower, that essence of innocent, evanescent beauty, is, in some cultures, a symbol of the soul's immortality. How ironic, then, to have the scientists forcing it into a false immortality before it has a chance to spread its wings!

"It's happening, though. Up in Minnesota, there's a team of researchers slipping monarch butterflies juvenile hormones when they are mere caterpillars. The result is that they never mature—just go on chomping leaves indefinitely in a state of arrested development.

"Never, for them, the long rest in the cocoon. Never the emergence into a life of soaring brilliance, punctuated by drafts of nectar and trips to Mexico. What pangs of lepidopteran old age they are spared in exchange, we can but surmise.

"The scientists thus manipulating their inner computers have nothing against monarchs. Rather, they use them because of their availability. Lots, up there in Minnesota, preparing for the flights south—yes, these frail creatures migrate, quite like sturdy geese and ducks.

"The real goal, though, is to find out enough of their secrets to get at some of their kin that humans don't like—the gypsy moth, for example, whose caterpillar form destroys farmers' crops. If people in the labs can keep it from maturing, it won't reproduce and threaten another season's produce.

"We're all for that. It's hard enough, though, to give up the image of a bright-winged being celebrating immortality in the act of fluttering toward a mortal end."

We celebrate Anne Crutcher. We shall miss her desperately.

Dear Anne.●

IN SUPPORT OF SENATE CONCURRENT RESOLUTION 76

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. CORRADA. Mr. Speaker, I want to join in strong support of Senate Concurrent Resolution 76 to congratulate Lech Walesa on his selection for the 1983 Nobel Peace Prize.

In awarding the Nobel Peace Prize to Lech Walesa, recognition was made to his advocacy on behalf of responsible and peaceful change to allow greater worker participation in the affairs of Poland. He also believes in the sanctity of basic human rights that allow for human dignity and betterment. Lech Walesa has served as an example not only to millions of Poles, but to millions of persons around the world who have come to admire his strength and integrity in fighting for a just and noble cause.

The human spirit is warmed in the realization that a humble person can rise to become a catalyst for good and positive change. Lech Walesa is an inspiration to us all and the Nobel Peace Prize is a just recognition of him. It is my hope that he will be allowed to travel to Helsinki to take his place among the many men and women who have been so honored.●

NORWALK: ENTERPRISE ZONES WORK

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. McKINNEY. Mr. Speaker, a week ago the chairman of the House Ways and Means Committee announced hearings would be held on tax incentives targeted to distressed areas. Among the issues and solutions to be discussed will be H.R. 1955, the Enterprise Zone Employment and Development Act of 1983.

This proposal has been cosponsored by myself and 210 of my House colleagues. It is a concept which the Reagan administration has been urging Congress to consider for 3 years, and I am pleased that Chairman ROSTENKOWSKI is taking this first step toward moving enterprise zone legislation through the House.

While we have had little progress on the Federal level, the States have not been as reluctant to act. My own home State, Connecticut, was among the first to pass legislation creating State enterprise zones. I am proud to say that within my district are two of the six zones designated by Connecticut. One, the city of Norwalk, was the site of the first urban enterprise zone in the Nation.

Howie Kurtz, a staff member of the Washington Post, recently reported on the progress being made in Norwalk and other cities in implementing the enterprise zone concept. That article from the November 6 issue of the Washington Post and an earlier piece which appeared in the Post on September 1 help make the case that enterprise zones can work. I hope Congress will follow the lead of States such as Connecticut and cities like Norwalk.

Mr. Speaker, I commend both articles to the attention of my colleagues:

[From the Washington Post, Nov. 6, 1983]

ENTERPRISE ZONES WITHOUT REAGAN—CITIES ARE GOING AHEAD WHILE CONGRESS STALLS HIS PLAN

(By Howard Kurtz)

On a main thoroughfare in Norwalk, Conn., you can see the first signs of what the city fathers hope will be a 1980s-style rebirth: a row of chic restaurants, fancy shops and renovated condominiums brightening up a generally deteriorating urban landscape.

This urban oasis is part of Norwalk's "enterprise zone," a local and state project. It shows what can be done with tax breaks and other incentives to help rebuild an American city.

Ronald Reagan has been advocating just this kind of enterprise zone for 2½ years, but ironically the president cannot take credit for Norwalk's efforts. So far, his own much-publicized plan has been bogged down in a seemingly endless debate in Congress, which has yet to approve a measure that would create 75 federal enterprise zones. Like many policy disputes in Washington, this one has revolved around abstract theories, economic estimates and a sizable dose of partisan politics.

Few federal officials have bothered to visit Norwalk. Nor have they journeyed to New Orleans (where the experiment is being tried in 94 census tracts and already has snagged a couple high-tech firms) or taken up an invitation to visit Baltimore's Park Circle Industrial Park.

Had any policymakers ventured to Norwalk, an old industrial city on Long Island Sound, they would have discovered one of the more promising urban initiatives of recent years.

Although state and local tax incentives have done little to attract new business from other areas, they have been remarkably successful in keeping more than a dozen existing firms from leaving town. City officials credit the program with convincing a leather factory, a medical equipment manufacturer and a furniture warehouse to remain in South Norwalk's aging retail core when they decided to expand.

"It was enough to get them to sit down at the table and get out their calculators," said Norwalk councilman Michael Lyons, the zone's leading advocate. The lesson seems to be that while enterprise zones may not attract new business to burned-out areas such as the South Bronx, they can keep neighborhoods with some industry from slipping over the edge.

The Norwalk city government has barely noticed the missing tax revenue. "When you look at the revenues that aren't coming in, the flip side is that's the amount that was invested in an abandoned building or storefront," says Gregory Dunne of the Norwalk Redevelopment Land Agency. "If that blighted lot stays vacant, you're not getting anything for it anyway."

There's another lesson for Washington in that: Opponents who complain about the potential tax drain on the federal treasury (which the Treasury Department estimates will be at least $1.5 billion by 1987) are missing the point.

Tax breaks are fine, but Norwalk planners recognize that they don't help new businesses that aren't yet earning profits. A key to Norwalk's program has been making offers of cash grants to businesses for training poor or disadvantaged workers, or for initial investments by small "mom and pop" concerns. But the Reagan plan does not include outright grants because conservatives want to keep the costs down.

Another important lesson from Norwalk is that good roads, good public service and more traditional urban programs are also needed for enterprise zones to succeed. In the heart of Norwalk's industrial district is a four-lane highway that literally stops in midair because the city ran out of funding a decade ago. It was supposed to speed transportation in and out of the industrial area. Instead, trucks have to fight their way through traffic in crowded streets. It's clear that tax breaks aren't much benefit if delivery trucks can't get through to loading docks.

Yet none of this is being discussed in Washington, where the administration bill has passed the Senate twice but languishes in the House. Congress has been busy playing the "formula" game. The bill has been rewritten to reserve one-third of the planned zones for rural areas, even though no reason has been offered to justify this—other than congressional politics. This is the kind of congressional tinkering that reshaped the Great Society's Economic Development Administration until 80 percent of the country (read congressional districts) were eligible for antipoverty grants.

The Reagan plan would provide tax credits for investments, construction and expansion in designated zones chosen in a national competition. Businesses in the zones also would get a break on capital gains taxes and receive a tax credit of up to $525 for each low income worker hired.

Housing and Urban Development Secretary Samuel R. Pierce Jr. says that one man is responsible for holding up the program—Rep. Dan Rostenkowski (D.-Ill.), chairman of the House Ways and Means Committee. Rostenkowski only recently agreed to hold the first House hearing, and no date has been set.

But the larger problem is that there's no real consistency for enterprise zones. Many Democrats say they're afraid the program will cost too much and accomplish too little, but they also don't want to let Reagan take credit for a new urban initiative. Mayors give the idea lukewarm support; they prefer federal programs that send large checks rather than less visible, indirect aid. And conservatives say the original concept of breaking the regulatory shackles for selected districts has been buried, ironically, in a sea of paperwork.

It's hardly surprising that the states have been forced to take the lead in luring business. Local officials have learned the futility of waiting for Washington to act. Some of the most innovative ideas of recent years—such as controlling hospital costs, upgrading high school standards, curbing drunk driving and easing prison overcrowding—have taken shape in state capitals.

Back along the Potomac, however, liberals and conservatives probably will hire a couple of Washington consulting firms to study the problem, the General Accounting Office will conduct a lengthy review. Reagan will blame Congress for being obstructionist—and no one will check out what is actually happening on the streets of Norwalk.

[From the Washington Post, Sept. 1, 1983]

ENTERPRISE ZONE AIDS NORWALK

(By Howard Kurtz)

NORWALK, CONN.—A promising experiment in urban renewal slowly is transforming the worn face of this old manufacturing and oystering town, where vacant storefronts and faded tenements are giving way to chic restaurants, art galleries, woodworking shops and leather makers.

The depressed south side of Norwalk has become one of the nation's first "enterprise zones," a local version of the federal proposal that President Reagan has been trying for two years to push through a skeptical Congress.

Through a mixture of tax incentives and cash grants, officials here have saved nearly 1,000 jobs by persuading a number of businesses to remain in the city or expand their facilities. They have had less success in attracting new companies, however, and they insist the zone cannot work without support from the more traditional federal aid programs.

"The enterprise zone is not a panacea that will solve all urban problems," said Michael Lyons, a Republican city councilman who is the program's chief advocate. "But it's a really valuable tool for an urban area that is sort of on the edge, rather than one that's already burned out. It uses a conservative view of how the market works to achieve liberal goals."

Twenty-one states have adopted varying kinds of enterprise zones, which have opened for business in seven states, including Connecticut. These local zones have become something of a grass-roots movement, with their own national association and a bimonthly newsletter.

The Senate has passed the Reagan proposal twice, but it recently was dropped from a conference committee after House Democrats refused to vote for it. The Democrats agreed, however, to hold the first House hearings on the measure this fall.

The Reagan bill would allow the Secretary of Housing and Urban Development to designate 75 federal zones, where businesses would be eligible for federal tax credits for investment, expansion and hiring the disadvantaged. Some Democrats have expressed concern about the lost revenue and question whether the concept will work; others say they don't want to provide a political windfall for the administration or give Reagan an excuse to cut more direct urban aid programs.

Meanwhile, a number of cities are angling for an inside track on any future federal effort. New Orleans has designated 94 enterprise zones, some as small as a city block, which have helped create 475 jobs by luring two high-technology firms, one of them from California's Silicon Valley.

Baltimore, which, along with Hagerstown, has one of two zones operating in Maryland, has limited its zone to a 40-acre industrial park. Control Data Corp. has renovated an empty school there and rented out most of the space to new companies. Virginia and other states hope to designate zones in the coming months.

Here in Norwalk, a coastal community of 78,000 about 30 miles northeast of the Bronx, Lyons and his colleagues campaigned hard for the plan in becoming the first Republicans to run the city in 18 years. Last fall, they made Norwalk the first of five designated cities in Connecticut to open a zone.

"We suffered from the typical old Northeast industrial city syndrome," said Lyons, 28. "Many businesses wanted to expand, but they were deciding to leave because of the general decline of the area. Everyone just figured the place would sink into depression."

Under the program, companies that locate or expand in Norwalk's one-square-mile zone gets 80 percent off their local property taxes for five years and a 50 percent break on state business taxes for 10 years. The firms also get a $1,000 cash grant for every full-time job they create, so long as one-third of the new hires are disadvantaged local residents.

Unlike the federal bill, moreover, companies also can receive state job-training funds and low-interest venture capital loans, an effort to provide seed money for struggling firms that have little use for tax benefits.

Hoffrel Instruments will be the first business in the zone to receive the training grants for hiring 20 new workers. The 80-person firm, which makes ultrasonic cardiovascular scanners that can detect blocked arteries without surgery, considered leaving town last year when it decided to expand.

But the zone's new benefits helped convince company officials to rebuild the third floor of their 40-year-old factory, which had been occupied by a firm making handwoven purses.

"The tax breaks were one of the main attractions that caused us to consider staying here in town," said Hoffrel official John McGeorge. "It's pure gravy. This isn't the fanciest neighborhood in the world, but ther's a good pool of skilled labor here. I thought this part of town was going right down the drain, but now people are moving back into the neighborhood and putting up vinyl siding and mowing the grass."

Furniture store owners Irving Avrick didn't want to rebuild his warehouse after it burned down, but he changed his mind after learning of the tax abatement. "For nine or 10 years I've got a free ride," he said. "Now how the hell can I turn that down?"

Lyons hopes the South Side neighborhood, which has the city's greatest concentration of minority residents and run-down public housing, will make use of another zone benefit: interest-free loans to renovate residential property.

For now, many developers are focusing on Washington Row, a historic preservation district where workers are hammering, sanding and painting the brick facades. The street will include a Mexican restaurant (El Acapulco), an 1890s-style bar (Jeremiah Donovan's), a formal wear shop (Merit Tux 'n Tails), a jewelry store (Marshall Arts), an art gallery (A Thousand Words) and a new condominium (Haviland Arms) where units are selling for up to $90,000.

All the new construction is bothering several older stores that aren't receiving any tax breaks. "They should be helping someone who's hanging in here," said Bob Malkin, owner of Fox Hardware, whose business has dropped more than 25 percent. "I'm the one who's probably suffered the most on this street."●

A TRIBUTE TO DAN ARNOLD

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues an outstanding resident of Camden County, N.J., Daniel Arnold. I join with the local IUE's in honoring Dan for his lifelong commitment and service to his community and to organized labor. Dan's civic and labor activities have been many and his numerous awards attest to his invaluable contribution to the citizens of Camden County and to the friends and members of organized labor.

As an example of his numerous accomplishments, Dan has been the chief negotiator and service officer for the IUE-RCA Coordinated Bargaining Committee, has served as the National Director of Organization, IUE-AFL-CIO, and was the organizer and founder of 26 IUE-RCA labor unions in the United States and Canada.

Dan's awards and honors represent not only his commitment to labor nationwide, but also his dedication to the cause of organized labor throughout the world. His awards from the Israeli, Japanese, and Italian labor movements, as well as from the AFL-CIO, attest to that overwhelming dedication.

Dan's activities go beyond the realm of organized labor. Indeed, his civic leadership and commitment to humanitarian interests are well known and admired by all. The husband of Marie and proud father of Laraine and Lewis, Dan has led an exemplary life, and shows no sign of losing his desire to serve. In tribute to his lifelong dedication and service, the IUE locals, on November 11, 1983, are honoring Dan on the event of his retirement. Clearly, nobody is more deserving of such recognition than Dan.

I commend Daniel Arnold for his many fine achievements, and I am sure that my colleagues will join me in wishing him a happy and healthy retirement.●

STRAYER COLLEGE OPEN HOUSE

HON. WALTER E. FAUNTROY

OF DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. FAUNTROY. Mr. Speaker, at the Strayer College open house I delivered the following remarks:

REMARKS BY HON. WALTER E. FAUNTROY

Good afternoon, ladies and gentleman. I'd like to thank Dr. Palmer, Mr. Harrington and the rest of Strayer College for asking me to take part in this open house ceremony. I'm very pleased to be a part of this celebration for an institution which has contributed so much to the District of Columbia.

Strayer has a long history, almost eighty years, of hard work and dedication to this city and its residents. As Gladys Mack, the Mayor's representative here today, has stated so well, this commitment has meant improved job opportunities for those who live in the city, and more qualified employees contributing to the growth of businesses here.

Part of what has made that possible is Strayer's active role in the development of quality business education, making such a course of study a viable tool in helping young people achieve success. Since its founding in 1904, Strayer has remained at the forefront of that development and has continued to keep pace with the ever-changing needs of business.

These efforts have not gone unrecognized. Strayer has been awarded both national and local accreditation for its efforts. This school is an example to institutions around the country striving to develop and maintain the highest caliber of business curriculum.

This is no small accomplishment. The recent recession has driven home to each of us the need for practical knowledge and the necessary skills to enable graduates to begin and build careers in a tough marketplace. Business education has proven effective in getting people where they want to be in their careers—even in the most severe climate. Business education is necessary education; it is education with a goal, and this is increasingly important, in a time when so many young people graduate not only without knowing what they want from life, but also without the practical skills to go out and get it.

With this move, Strayer college has restated in the most meaningful way its commitment to the District of Columbia. Strayer has recognized the bright future that belongs to this city, and has stated its intention to be a part of that future and to make it even brighter.

I'm proud to be here to congratulate Strayer on its successful history and promising future and proud to have such an exemplary institution in the District of Columbia.●

DAY OF SORROW: COMMUNISM'S RUTHLESS ASCENSION TO POWER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. LIPINSKI. Mr. Speaker, today I join with Russian Americans and freedom loving people around the world in commemorating November 7 as the "Day of Sorrow," the 66th anniversary of the Communist takeover of Russia.

On the day when the leaders of the Soviet Union are celebrating communism's ruthless ascension to power, let us remember those who have died at the hands of communism, and those who continue to live under its dictatorial rule. Russian Americans mark this day with mourning and defiance, and continue to work and pray that their enslaved countrymen in the U.S.S.R. might soon breathe free. Russians living in the Soviet Union remain determined to live free, even as the terror of Soviet communism continues to spread to other countries.

It is up to free men around the globe to stop the spread of communism. We can start by commemorating the victims of communism and the many people who continue to live in the shadow of despotism and tyranny. No country is immune to the ravages of spreading communism. From Southeast Asia to the Caribbean Basin, the forces of communism are at work to defeat the proponents of freedom and liberty. We must commemorate November 7 as a day of mourning for Communist victims around the world, and work to see that the light of liberty will soon burn brightly for all peoples.●

TRIBUTE TO RAY SOLIS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. STARK. Mr. Speaker, on November 12, Ray Solis will be honored at a testimonial dinner hosted by La Familia Counseling Service and the Mexican-American Political Association.

Mr. Solis is a resident of Hayward and I am proud that he is among my constituency. He has been actively involved in numerous civic, social, political and cultural organizations since moving to Hayward and has worked tirelessly and unselfishly for the betterment of his community.

Among his achievements are winning the Little League Championship in three different divisions and founding the Charter Chapter of the Mexican American Political Association in

Hayward. Mr. Solis is on the board of directors of La Familia Counseling Service. In addition, he is a member of the San Felipe Sister City Committee, Labor Union 304, and the GI Forum.

Individuals, such as Mr. Solis, help our communities thrive and prosper. He has dedicated his life to helping others and has been a strong advocate for equal representation in legislative bodies and education helping Hispanics gain the recognition that is justly deserved.

Ray Solis is a giant among men and I join his friends in honoring him. His testimonial recognition is well deserved.●

EXTENSION OF TEMPORARY SUSPENSION OF DUTY OF 4-CHLORO-3-METHYLPHENOL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, section 230 of Public Law 97-446, enacted January 12, 1983, provides for the temporary suspension of the column 1 rate of duty on 4-chloro-3-methylphenol through June 30, 1984. This suspension should be extended through June 30, 1987, for the reasons set forth below: 4-chloro-3-methylphenol is a chemical substance used in production of a number of products including machine cutting oils. It has not been produced in the United States since 1973. Domestic consumers must rely on imports for their needs of the chemical. Master Chemical, for example, is an Ohio firm which must import 4-chloro-3-methylphenol for use as an emulsion stabilizer in the production of one product which constitutes 60 percent of its business.

If a duty were to be again applied, it would be at a rate significantly higher than that in effect prior to enactment of the Trade Agreement Act of 1979.[1] This act doubled the duty on 4-chloro-3-methylphenol in 1980 so that its cost increased as much as 17.4 percent to domestic consumers. Thus failure to extend the suspension would cause substantial harm to domestic consumers of the chemical through increased prices while causing no benefit to accrue to domestic producers.

DESCRIPTION AND USES

4-chloro-3-methylphenol—sometimes referred to as P-chlorometa-cresol—is an organic chemical used primarily as a biocide and antioxidant in the manufacture of machine cutting oils. It is also used as an ingredient in such products as dandruff shampoos and hand lotions, as a preservative for sensitive film such as microfilm and X-ray film, and as an intermediary in the formulation of more complex chemicals.

DOMESTIC COMPETITION

According to the domestic consumers of 4-chloro-3-methylphenol, there are no domestically produced chemicals which can be substituted for 4-chloro-3-methylphenol in the manufacture of machine cutting oils.[2] Nor are there substitutes which can be used as chemical intermediaries in the formulation of specific chemicals.

DOMESTIC PRODUCTION

There has been no domestic production of 4-chloro-3-methylphenol since 1973. In that year the Ottawa Chemcials Division of Ferro Corp. halted production due to increasingly stringent environmental regulations.

TARIFF TREATMENT

Prior to the temporary suspension of duty, 4-chloro-3-methylphenol entered the United States under item 403.56 of the tariff schedules of the United States (TSUS). This item is a residual category of phenol derivatives which are listed in the chemical appendix of the tariff schedules.

With the suspension of duty, 4-chloro-3-methylphenol was removed from TSUS item 403.56. The new TSUS item, No. 907.08, was created for it under subpart B of part 1 of the appendix to tariff schedules.

If the suspension is not extended, 4-chloro-3-methylphenol would again be dutiable at the rate applicable to TSUS item 403.56. In 1984, the column 1 rate for item 403.56—the rate paid by countries with most-favored-nation status—will be 1.1 cents per pound plus 19.4 percent ad valorem. This rate is scheduled to decline annually until it reaches 0.7 cents per pound plus 19.4 percent ad valorem in 1987. This is nonetheless still significantly above the rate that was applicable to 4-chloro-3-methylphenol in 1979. At that time the rate was 1.7 cents per pound plus 12.5 percent ad valorem.

Other rates of duty applicable to TSUS item 403.56 are an LDDC rate[3] of 0.7 cents per pound plus 19.4 percent ad valorem and a column 2 rate of 7 cents per pound plus 62 percent ad valorem.[4] These rates were unaffected by the legislation granting temporary suspension of duty on 4-chloro-3-methylphenol.

U.S. IMPORTS

Imports in the United States of 4-chloro-3-methylphenol for 1980 and 1981 were as follows:

Year:[1]	Quantity (lbs.)[1]
1980	106,293
1981[2]	274,472

[1] International Trade Commission, imports of benzenoid derivatives.

[2] 1981 is the latest year for which the ITC has data.

LOST REVENUE

Prior to enactment of the initial temporary suspension of duty, the International Trade Commission estimated that total lost revenue for the years 1981-83 would be $323,400. The lost revenue figure for the next 3 years should be close to this figure since usage patterns appear similar.

POSITION OF AGENCIES

The Department of Commerce, the Department of State, and the International Trade Commission had no objection to the initial suspension of duty. Although their position regarding an extension of the suspension is not explicitly known at this time, there is little reason to suppose that the extension would be opposed since no material parameters have changed since January 12, 1983, when Public Law 97-446 was enacted.

CONCLUSION

For all the above reasons, but primarily because there is no domestic producer of 4-chloro-3-methylphenol to derive benefit from reimposition of a duty on the chemical, I have again introduced legislation to extend the suspension of duty until June 30, 1987.●

EXPLANATION OF MISSED VOTES

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Ms. FERRARO. Mr. Speaker, on October 18, I was away from the House floor on official business when the House voted on the motion by the distinguished chairman of the Committee on Agriculture to request a conference with the Senate on H.R. 3385. Had I been present, I would have voted "yea."

Also, on this past Friday, congressional duties in my district forced my absence during rollcall vote No. 456, on a motion to adjourn. Had I been present, I would have voted "nay." ●

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[1] The Trade Agreement Act of 1979 created several "basket" categories of benzenoid derivatives and based the new rate of duty on an average of the ad valorem equivalents of the individual items As a result, certain items which had been assessed at a low tariff rate were assessed at a much higher rate after 1979.

[2] USITC's Memorandum to the Committee on Ways and Means of the U.S. House of Representatives on H.R. 2786, 97th Congress, May 26, 1981, p. 2.

[3] The LDDC rate is the rate paid by least developed developing countries.

[4] The column 2 rate applies to Communist and areas enumerated in general headnote 3(f) of the TSUS.

WAKE UP AMERICA!

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. YOUNG of Florida. Mr. Speaker, in the wake of Monday's bombing of our Nation's Capitol, Americans must wake up and realize that the United States is in no way immune to the terrorist attacks that are so frequent throughout the world.

The hatred of the United States and our citizens by international terrorism groups continues to grow as is evidenced by the long list of terrorist attacks against Americans around the world. Large scale attacks against Americans, such as the bombing of our Marine compound in Beirut, are widely publicized, but many smaller terrorist incidents go virtually unnoticed.

Terrorist organizations have been allowed to roam freely throughout the world and in the United States, and I have been warning for years that it is only a matter of time before incidents such as Monday's bombing of the Capitol become more prevalent in the United States. Terrorist organizations have been allowed to gain a foothold in the world because of the severe restrictions that have been imposed on our intelligence and security organizations.

These restrictions were the topic of a series of hearings in 1979 held by the Permanent Select Committee on Intelligence. During those hearings, witnesses from the FBI Terrorism Section acknowledged in response to my questioning that Federal guidelines prohibited them from penetrating or even collecting information, such as newspaper articles or flyers, about suspected terrorist organizations in the United States until such an organization committed a crime. As I said during those hearings, the FBI has not been allowed to be involved in fire prevention. It has had to wait until the fire starts.

The restrictions on the FBI, and I might add local law enforcement agencies, to collect information about potentially violent organizations, were imposed by the 1976 Domestic Security Guidelines issued by the Attorney General. At my recommendation, President Reagan ordered that these guidelines be reviewed and changes made to allow our Nation's intelligence agencies to effectively carry out their responsibilities and combat domestic terrorism. The President's action was necessary because the restrictions imposed on our intelligence agencies had become so severe that morale among our agents was declining as was the amount of valuable information they were able to gather. During our 1979 hearings, one FBI witness best summed up the overall frustration felt by those in the FBI when he quoted a recently retired agent as saying:

> Gentleman, where else is the Federal Government paying me not to investigate? If I do investigate, I can't keep a record. I could keep a record, I can't disseminate it. And if I disseminate it, I have got to exercise it and purge it. So it is in a way for a veteran of almost 30 years in the FBI, I feel as though I am not earning my money.

As a result of President Reagan's directive to review these restrictions, Attorney General William French Smith announced on March 7 new guidelines that would again allow the FBI to get back into the intelligence gathering business and allow agents to investigate suspected domestic terrorist organizations. These guidelines allow our agents in the field to once again keep files on these organizations and to use, when necessary, informers or infiltrators into terrorist groups or support organizations. The penetration of terrorist groups is essential to our ability to prevent acts of violence against our own citizens because it provides our intelligence agencies with a direct line to the group commiting or planning to commit the terrorist act.

Israel's intelligence organizations are among the best at penetrating terrorist organizations and preventing planned attacks. In a paper presented to a 1980 seminar on counterintelligence, Gen. Schlomo Gazit, the retired head of Israeli military intelligence, emphasized the value of infiltrating terrorist organizations. He said:

> Very few organizations can operate in complete or full compartmentalization and do not depend on networks of local supporters. Such supporters help the terrorist organizations, either because of ideological motivation or through fear and blackmail, without being directly involved in terrorist operations. The importance of penetrating the sympathizers' or supporters' system lies in the fact that it is easier to penetrate them than the more highly closed terrorist organization. By penetrating this supportive system, it may be possible to penetrate the organization itself or obtain indirect information about it.

Unfortunately, even though restrictions on our agents have been eased, it will take some time before our intelligence gathering capability reaches its full potential. Seven years of intelligence data that was lost due to the 1976 restrictions must be recouped. Valuable informers and contacts in the field must again be sought out and cultivated by our agents for help and information. Many of our agents must be retrained to use skills and methods that were taken away from them in 1976. And many local law enforcement agencies must get back into the intelligence gathering business. For most local agencies, their intelligence gathering units will have to start from scratch because they were phased out during 7 years of restricted activity.

Mr. Speaker, if we are to prevent future acts of terrorism within the United States, we must provide our intelligence agencies with the resources to seek out and infiltrate those groups who would perpetrate cowardly acts such as bombing our Nation's Capitol.

If we fail to provide the necessary support to our security agencies, there will be no warning of the next terrorist attack either. Instead, we will again respond after the fact by cleaning up the rubble and wondering who committed the act and how. As Members of Congress, we are charged with the constitutional responsibility of providing for the safety of our Nation's citizens, their families, their homes and their businesses. Unless we provide our intelligence organizations with the resources and authority to seek out and stop those people who threaten the safety of our fellow Americans, we are guilty of failing to fulfill that responsibility.●

GILMAN URGES U.S. MEDICAL SCHOOLS TO ACCEPT STUDENTS DISPLACED BY RECENT EVENTS IN GRENADA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. GILMAN. Mr. Speaker, today I am introducing a resolution which expresses the sense of Congress that American medical schools make the effort to accept those medical students who were recently displaced by recent U.S. actions in Grenada. The students of St. George's Medical School desire nothing more than to continue their studies, but in January they will have nowhere to go. I invite my colleagues to join me in this worthy effort, and solicit their cosponsorship at this time.

Recent events in Grenada brought these students home. Their safety was threatened, and all were evacuated, leaving behind personal possessions and textbooks. The administrators of St. George's Medical School have made arrangements for the students to complete their first semester of study at one of several institutions, including Long Island University in New York, and St. Barnabas Medical Center in New Jersey. However, these provisions are only stopgap in nature, and do not solve the greater problem of where these young men and women will study when the January semester begins.

Some students are scheduled to continue their studies at Kingstown Medical Center in St. Vincent. These St. George's students are now completing their second semester studies, and although Kingstown does not have the facilities to accommodate any more students for the rest of this semester,

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it has graciously consented to accept their incoming January students in November. Although affiliated with St. George's, there is no possibility that additional students can transfer there.

There are over 100 medical schools in the United States. There are several hundred medical students who cannot return to the St. George's campus. My resolution urges our American medical colleges and universities to depart from previous policy of not accepting midyear transfer students. These schools should and could make the effort to find room for a few students each. I have spoken with many of the 52 students, some of whom reside in my district, and I have found that the vast majority simply want to return to their studies as soon as possible. The longer they are without organized instruction, the further behind they will find themselves. These young men and women are willing to take an exam to determine their level of ability for study at an American medical school, and others have stated that they would be willing to repeat a semester of study if required.

The extraordinary circumstances of the situation in Grenada call for an exception to traditional medical school policy. Accordingly, I am calling on the more than 100 medical schools in our country to assist these displaced students who will not have a medical school to go to in January. Accommodating three or five students each would not be a hardship on our American medical schools. I urge my colleagues' support of this resolution and I ask that the full text of this measure be printed at this point in the RECORD, so that Members may review it.

H. CON. RES. 211

Concurrent resolution expressing the sense of Congress that United States medical schools should accommodate the American medical students evacuated from Grenada

Whereas United States' actions in Grenada on October 25, 1983, resulted in the evacuation of many American students attending the St. George's University School of Medicine;

Whereas the evacuation disrupted the normal course of study of these medical students through no fault of their own;

Whereas there is no branch campus of the St. George's University School of Medicine in the United States, and even though the students have been invited to complete their fall semester at several universities and medical centers, they will have no place to continue their studies without interruption after the fall semester ends; and

Whereas although the traditional policy of United States medical schools is not to accept students in the middle of an academic year, the extraordinary circumstances of the Grenada situation call for an exception to this policy, subject to any reasonable conditions the medical schools deem appropriate, such as requiring the displaced students to repeat a semester or to take an exam to determine their level of ability: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the medical schools of the United States should make an exception to their traditional policy of not accepting students in the middle of the academic year in order to assist the American medical students evacuated from Grenada in continuing their medical studies without interruption.●

CONGRESS CANNOT STOP THE CLOCK

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. MADIGAN. Mr. Speaker, later this week the House will consider legislation which, if enacted, would stop the clock of progress in telecommunications. H.R. 4102, the Universal Telephone Service Preservation Act, by reversing a recent decision of the Federal Communications Commission, would turn the regulatory clock backward and perpetuate an outmoded system of telephone rate subsidies. The end result would be higher telephone rates for all consumers and the deterioration of our telephone system as we know it today.

For more than 25 years, the telecommunications industry has been moving from a monopoly environment toward competition in the offering of products and services. This Nation has benefited greatly from the increasing diversity of products and services available, many of which were not envisioned even a few years ago. American companies have become world leaders in telecommunications technology. Congress should do everything possible to insure that this trend continues and should not erect stumbling blocks to progress in the name of consumer protection.

As all Members of this House are aware, in less than 2 months, AT&T, the world's largest corporation, will be divided into eight parts—one company providing long distance telephone service, and seven regional companies providing local telephone service. Congress cannot change this fact of life.

The inevitable result of the divestiture of AT&T is that the telephone system in the United States will be different in the future from what it has been in the past. The way that telephone equipment and services are provided will change, and the way that prices are established for such equipment and services will change. Some of these changes have already begun to take place, as competition has begun to develop in the telecommunications industry. For example, consumers may now choose to buy telephone instruments from a variety of sources, including local hardware stores and mail-order catalogs, rather than lease them from the telephone company. They may choose alternative long distance services, such as MCI and Sprint. Such changes benefit consumers by providing greater choices in products and services at a greater variety of costs.

The proponents of H.R. 4102 are afraid to face the new telephone system of the future. Their bill would perpetuate a system of subsidies of local telephone rates by long distance rates which was workable under a united AT&T but which is not feasible under a divided AT&T. It is essential to the continued excellence of our telephone system that we move to a system of basing the price of each type of telephone service on the cost of providing that service. Long distance service should no longer subsidize local service. The price of local service must reflect the cost of providing it.

Of course, it is important to provide some type of subsidy for local telephone rates for low-income individuals and those in areas of the country, such as rural areas, where the cost of providing telephone service greatly exceeds the national average. But such targeted subsidies should be based on need. The system should not provide a general subsidy of all local rates, including those for Fortune 500 companies and wealthy persons.

Just as today's telephone system provides increased consumer choice of equipment and long distance service, the telephone system of the future will also include greater choices in types of local telephone service. Increased use of measured rates for local service will enable consumers to choose the type of service which best suits their needs at prices reflecting the cost of providing that service. For example, consumers in some areas now have a choice of local service with a limited number of calls and an additional charge for each call above the limit. This service is priced far lower than flat rate service with unlimited calls. It is obviously a better choice for the person who makes few telephone calls per month. At present, telephone companies in 29 States and the District of Columbia offer some type of measured local service, and telephone companies in remaining States have filed applications for such service.

The telephone system of the future promises to benefit all telephone customers by providing them with greater choices. The move toward cost-based pricing of telephone products and services will insure the continued quality of the telephone network which all Americans take for granted.

Congress should not be afraid to face a future in which our telephone system is different from what it has been in the past. We should not turn back the clock by passing H.R. 4102.●

TRIBUTE TO CAROLE WARD-ALLEN

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. STARK. Mr. Speaker, Carole Ward-Allen, chairperson of the California Commission on the Status of Women is a woman of many accomplishments. Her most recent milestone is being the first black woman to serve as chair of the 17-member commission in its 18-year history.

Ms. Ward-Allen is committed to bringing women into the political and economic mainstream in California. She is not only politically active but shares her other talents in art, business, and education to motivate and improve the quality of life for all those whom she comes in contact with.

The numerous awards Ms. Ward-Allen has received for her community work, her contributions to women, and her contributions in the field of education and business are a testament of her exemplary display of public service.

I join Ms. Ward-Allen's friends who will gather on November 13 to pay tribute to her.

She is an exceptional member of our community and most deserving of the recognition.●

WHY MONETARY POLICY SHOULD EASE BY JAMES GALBRAITH

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 8, 1983

● Mr. KEMP. Mr. Speaker, in the context of unemployment and under utilized factories, I am very concerned with the recent series of statements and signals coming from Federal Reserve Board officials with regards to present and future monetary policies. The gyrations and declines in financial markets in recent weeks reflect, I believe, that concern.

The direction these statements are pointing is toward more tightening of credit, a prescription that is potentially very dangerous, in light of declining commodity and gold prices. The gradual and continuing ratchets upward of interest rates since May threaten to reverse the progress we have made on the growth and output fronts since the first of this year. If this pattern continues, the Federal Reserve threatens not only to slow the pace of recovery, but to send the economy into recession once again in 1984.

I urge my colleagues to watch commodity prices and the dollar price of gold as a better, by far, indicator of future price levels than the monetary aggregates. As Chase Econometrics said in a recent report, "The price of gold and other commodities remains flat and the U.S. dollar has strengthened further, suggesting that inflationary expectations are not worsening." Since that was written, the prices of these commodities have gone down further.

And as the London Economist noted in its October 8 issue, "Commodities may be regarded as the least misleading guide to the inflationary risk the Fed is taking as it tries to encourage growth. Metals, timber, and gold prices have all fallen sharply in the past few months. If the Fed draws heart from this, it might relax its policy a bit and pump in more reserves."

Mr. Speaker, I urge the Fed to heed this sagacious advice and reverse what seems to be a decision to tighten credit further. I also commend to my colleagues an outstanding column from Bondweek by James Galbraith, the deputy director of the Joint Economic Committee. Mr. Galbraith lucidly outlines the central role monetary policy plays, not only in continuing our domestic recovery, but also in averting a debt and banking crisis as a result of Third World economic stagnation. Mr. Galbraith rejects the notion that there is a tradeoff between unemployment and inflation, something Republicans and Democrats must unite on if we are to find our way out of the economic quagmire we face today.

The article follows:

[From the Bondweek, Oct. 31, 1983]

WHY MONETARY POLICY SHOULD EASE

(By James Galbraith)

Since May, the Federal Reserve has moved away from unrestrained support for economic growth. There was a fear, expressed at the time by both the [Federal] Open Market Committee and the Administration, that the recovery might be going too fast. Credit conditions were tightened, interest rates rose, and some sectors of the economy appear to have slowed down.

What's going on here? Was there a reason for this summer-time romance with tighter money? When pressed at a Senate Banking Committee hearing, Federal Reserve Chairman [Paul] Volcker defended his actions by adage: "A stitch in time may save nine."

Such vagueness places the follower of monetary decisions in difficulties, forced to guess when the stitch has been taken and when nine have been saved. Is the new order of monetary restraint merely a Duke-of-York maneuver, setting the conditions for declining interest rates from now through next year? Or is it a permanent condition, meaning rising or steady interest rates from now on? Today, the markets are rife with unhealthy uncertainty on this point, made worse by the failure of the Federal Reserve to state clearly the principles on which its policy is based.

In either case, the unspoken rationale for restraint so early in a business expansion is a fear of inflation. No one quite wants to say it, but inflation apparently has not been vanquished after all. The battle against inflation, far from being over, will continue through the expansion phase.

There is, in particular, a belief that slower recoveries mean less inflation permanently as the economy recovers. But, if this were true, then past recoveries which started slowly should have had a better inflation performance than recoveries which started quickly, in relation to the GNP growth achieved. In general, this is not the case. Experience shows that increases in inflation accompany increases in output pari passu as the recovery proceeds, and, whether the meal is eaten quickly or slowly, the check at the end is the same. If anything, faster early growth rates dampen subsequent inflation, since at such times faster growth means especially rapid productivity gains.

Monetarists recently have been arguing that rapid rates of money growth and the sharp fall of velocity since early 1982 are harbingers of a 1984 or 1985 inflation rebound, and therefore a separate cause for an immediate return to monetary restraint. Such arguments betray a lack of historical perspective. The increase in money growth in the quarters around the turning point of this business cycle has not been greater than in previous recoveries. It is certainly not greater than required to achieve lower interest rates and recovery in the first place. The declines in velocity of the past six quarters bring M2 velocity back only to the time trend which had prevailed for nearly thirty years prior to 1978. Only the early 1983 drop in M1 velocity appears to be out of the ordinary, and that is most readily explained by shifts in the public's monetary portfolio occasioned by deregulation, not by any fundamental new monetary impetus to growth and inflation.

Thus, while inflation will return slowly with recovery, there is no reason to fear rapid growth in the early recovery years, nor any reason to panic at recent monetary trends. And there are affirmative reasons why growth should be pursued without flinching in the months ahead.

DETAILING THE REASONS FOR GROWTH

First, rapid growth means high productivity gains. These improve competitiveness and help fight inflation. Since productivity gains tend to slow down as the recovery matures, gains foregone through slow growth in the early stages cannot be made up in full later on.

Second, rapid growth fights unemployment. With more than 10 million people still out of work, every day that new job creation is delayed through slow growth is a pointless mass tragedy, without justification as a matter of economics or social justice.

Third, if nominal interest rates are not lowered in the period ahead, real interest rates will again rise. This is because inflation expectations of the public are still adjusting to today's 5% inflation rate, and it takes time for the much higher inflation rates of the still-recent past to wash entirely out of current perceptions. As expected inflation adjusts downward, real rates will rise, and the recovery, which has depended so far to an astonishing extent on interest sensitive sectors like autos and housing, may falter. Even 5%, the Administration's forecast, is a lower inflation rate than many people now believe or expect. There surely can be no justification at such inflations for a T-bill rate of nearly 9%, let alone a long bond rate of 10.50%.

Finally, lower interest rates are needed to avert a political and financial crisis in Latin

America which we may not be equipped to handle. We may be approaching the point where the piecemeal approach of IMF stabilization programs, debt rescheduling and public exhortation to private banks will not keep the international financial order glued together. When that moment comes, only rapid growth in the United States and lower interest rates on both domestic and foreign loans will present a hope of preventing political and financial disorders which may—to put the matter mildly—jeopardize the security interests of the United States, not to mention inflict misery on millions of our southern neighbors.●

HERBERT FISHER ELECTED PRESIDENT OF NAHC

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. YATES. Mr. Speaker, I am pleased to report that my friend and constituent, Chicago attorney Herbert H. Fisher, was elected president of the board of directors at the annual meeting of the National Association of Housing Cooperatives held in Atlanta, Ga., October 13-16. His election was without opposition, and I know that his devotion and energy bodes well for NAHC.

Not only was Mr. Fisher elected president, but he gave an important keynote address at NAHC's 23d annual meeting, which brought together more than 400 housing cooperators from across the country. As his keynote address makes clear, housing cooperatives can provide affordable home ownership under democratic control. As more and more Americans are priced out of single family homes, housing cooperatives provide a realistic alternative which merits the attention of the Congress and the Nation.

Mr. Speaker, I commend Herb Fisher's keynote address which follows to my colleagues in the Congress.

NATIONAL ASSOCIATION OF HOUSING COOPERATIVES

Thank you, President Lydia Joseph, for those kind introductory remarks.

I am pleased to be here with all of you cooperative housing leaders.

It is you who occupy leadership positions in your own communities coming together here that makes the National Association of Housing Cooperatives the only truly national housing cooperative organization.

It is your involvement that binds together the housing cooperators and professionals into one viable and necessary organization which feels and speaks on behalf of the housing cooperative movement.

Cooperatives do represent a unique approach to dealing with a number of people who need to work together—housing cooperatives are even more unique.

I am proud to be here to welcome you housing cooperators—you do one thing—housing cooperatives—and you do co-ops right!

The convening of this Annual Conference marks the 23th time in the 33 year history of NAHC that housing cooperators, managers, accountants, attorneys, developers and others associated with or interested in housing cooperatives have gotten together to share experiences and learn from each other. My first participation in NAHC conferences was in Detroit, Michigan, in the mid 1960s. We then spent our time in discussions and experience sharing regarding what little experience existed in mutual home ownership and how to shape it into an expanding part of the housing market. Bear in mind in the 50's and early 60's planned unit developments were rare and condominiums did not exist; and Housing cooperatives represented the only mutual home ownership experience in this country. But the experience of those days not only served as the foundation of experience for later housing cooperative development but also for the later explosion of planned unit developments and condominiums putting in place boards of directors who thought they were inventing the wheel. Housing cooperators were the pioneers in the field of people living and working together to maintain and improve their residential living environment.

Early cooperative managers, auditors and attorneys brought a background of experience to the later planned unit and condominium developments not possessed by those operating rental housing. Most of the earlier shared cooperator experience was to be found in the ECHO type war housing conversions to cooperatives and the early Section 213s. I am not overlooking the earlier New York experience of the labor union and United Housing Foundation sponsored Co-ops in the Bronx and Queens and the thousands of cooperatives which spawned in the 1920s in the metropolitan centers. These cooperatives provided experiments in organizational structures and relationships but they did not tend to share their experiences—they rather represented isolated housing cooperative entities and a New York unique and isolated experience—as one might say New York itself is even today.

In the late 60's, cooperators, mostly from Section 213 cooperatives, gathered at NAHC conferences to share experiences with the new HUD insured "subsidized" mortgaged cooperatives—the Section 221(d)(3) BMIR and then the Section 236 cooperatives—which opened the cooperative housing experience to thousands of lower and moderate income families who had not previously had an opportunity to participate in the nation's home ownership market. With ingenuity and intuitiveness inherent in coping with the survival needs of the average income American, these families found ways to resolve their problems; and with the assistance of regional associations and the NAHC, the Boards of these new cooperatives successfully, in most all situations, grappled with their problems and molded healthy functioning housing cooperatives. Yes, these families who had been told for generations that they had no chance to be home owners or participate in the economic decision making of and for their communities became leaders of their communities—and more.

In the late 70's and early 80's housing cooperators gathered at these NAHC Conferences to devote their time to the requirement of the times—"survival". Inflation and periods of increasing unemployment did its best to destroy that which long hours of volunteer efforts had created. Again, in most instances, the housing cooperators, with the aid of their regional associations and the National Association of Housing Cooperatives, were successful in preserving and protecting what was theirs.

In the realm of protecting one's own, the late Senator Paul Douglas of my own State of Illinois in a report on cooperative housing recalled an incident in Detroit during the riots of the early 60's when members of an innercity housing cooperative stood outside their buildings and told the rioters who were torching the neighborhood, "Please, don't touch these buildings, they belong to us". The only undamaged property in that area of Detroit was that housing cooperative.

In later years, a cooperative in formation in Cleveland in the late 70s displayed signs proclaiming to the neighborhood at each of its entryways "We have paid for many communities. This one we own."

It was around those early Section 213s and the eastern group of converted war housing cooperatives that NAHC was created and founded. Many who felt dedicated to providing housing for lower and moderate income families felt and accused NAHC of being dominated by 213 middle and upper income cooperators: but at the same time middle and upper income cooperators began to feel that NAHC was transforming into an organization of modest income families gathered in FHA subsidized housing called cooperatives.

Undaunted, NAHC sought neither to placate the accusers or to vary from the course of seeking, to the extent its resources permitted, to serve the interests of all housing cooperators.

These efforts, struggles and conflicts of yesterday resulted in our having the National Association of Housing Cooperatives, which is hosting this 1983 Conference.

NAHC is welcoming housing cooperators, professionals working with housing cooperatives, community people and professional developers alike interested in developing housing cooperatives. We even have people just curious as to what is this creature called a "housing cooperative" which is now getting such mention in the media but was for so many long years was ignored.

We stand together, as a National Association, strong after only three years of rebuilding from the adverse circumstances of three years ago and the drain of resources related to the creation of the National Consumer Cooperative Bank and again leading the efforts to ensure a favorable climate for the functioning of existing cooperatives and the creation of new ones.

We should all be proud that during the past year NAHC has made significant strides in the right direction. Cries of anguish have come during the past two years from housing cooperatives and management agents across the country who were being told by HUD Area and Field Offices that they must essentially start operating cooperatives like rental projects and not like housing cooperatives. With its resources, talent and contacts, we are now informed that a letter is being drafted which will advise all Area and Field Offices of the Department of Housing and Urban Development that Housing Cooperatives are housing cooperatives and shall remain housing cooperatives regardless of the words which may be read in HUD Handbook 4350.3.

When housing developer advocates, no longer able to look at the potential for unbridled condominium conversion and new construction development, and the new commercial type cooperative developers all started looking more intensely with interest at the housing cooperative, they moved with their Washington contacts and friends to seek legislation from Congress which would permit a housing cooperative to become an investment vehicle in the hands of absentee owners rather than the consumer occupied and controlled entities which has been the bases of the housing cooperatives envious success. NAHC alone on the national level said—"hey wait a minute—let us not forget that the cooperative movement of this country, of which the housing cooperatives are a part, has been founded upon principles." Let us not forget that the founding principles—as much as they may have been amended, modified or otherwise altered—still maintain that the cornerstone of their existence is the cooperative's ability to provide a product or a service to its members, the consumer of that service or product. The concept of investment ownership or providing a middle man between the cooperative and its service or product is totally alien to cooperative concepts and principles. But there can be no doubt that the proposed change in Section 216—the housing cooperative section—of the Internal Revenue Code to change the definition of an eligible housing cooperator from the word "individual" to the word "person" can have no other result than to turn housing cooperatives into investment and commercial purpose vehicles and not implements of consumer satisfaction.

NAHC has recognized that there are cracks, crevices and abysses in Section 216 through which some members of NAHC could fall. NAHC has participated in meetings and discussions with other organizations raising the call that Section 216 needs to be amended—but it needs to be amended in a responsible fashion designed to avoid producing by products which could be more harmful to housing cooperatives than the problems sought to be cured. We need all be watchful.

Recognizing the need for more literature in the housing cooperative field, NAHC, in a joint undertaking with the Cooperative Housing Foundation, has published two updated publications dealing with housing cooperatives and their functioning and there is more to come.

And the scorecard can be lengthened to include NAHC's contribution to keeping the Model Real Estate Cooperative Act from defining a housing cooperative as a developer's dream and a consumer's nightmare. NAHC is moderating the push to put the resales of housing cooperative interests totaling into the ups and downs of the financial market; questioning the motivation that says housing cooperatives are great but there needs to be more control over their elected boards of directors; reminding the housing community that the strength of the housing cooperative is that it is a consumer owned entity and that principle and service takes the place of profit without sacrificing survival.

It is these old ingredients of inherent morality; of the built-in Judaic-Christian concept of service to one's neighbors; of the basic concept of democracy—which attracted me to the potential of housing cooperatives in our vast and growing and alienating urban sprawls back when I attended my first NAHC Conference in the 1960s.

The people of this Nation have had a vision—and as a child growing up in small towns of this Nation—I became absorbed by that vision—the vision of a democracy. As urban renewal destroyed hundreds of thousands of individually owned homes and small apartment and flat buildings and replaced them with corporate and investor owned vertical communities of towering little boxes stacked upon each other, I wondered about the future of democracy in my country. It was in this atmosphere, before the existence of condominium ownership, I became introduced to housing cooperatives; and it was so immediately apparent that the combination of the cooperative's ownership of its real estate and the electoral processes built into the cooperative's functional structure that here was the answer as to how democracy could survive.

The vision of democracy has historically produced the conflict between those with faith in the people of the Nation and those without it. During and after our own revolution, it was the conflict between the Hamiltonians as the spokepersons for the economic aristocrats and Jeffersonian forerunners of the later Populists.

In the same sense today there are growing differences of opinion concerning democracy within a housing cooperative—and whether there need to be brakes on the will of the cooperators. There are today those who have faith in democracy and those who question either its efficacy in these economic times or the abilities of those who are the consumers of the cooperative's product—its housing.

I along with the housing cooperators who make this vision a reality every day have faith that a housing cooperative provides that unique democratic experience in our society—an experience not available to our citizens in any other form. Hold fast to the conclusion that democracy may not be efficient but for the consumer it is a far superior form of economic ownership than any other presently available. It embodies the frustrated cry of the late 19th century for economic democracy. As was the unexpressed cornerstone of Dr. Martin Luther King, Jr.'s conclusions—political democracy cannot exist independent of economic democracy.

Beyond the beneficial democratic impact and experience inherent in the housing cooperative, is that the need is there for us to offer our cooperative housing experiences, our superior form of ownership and living to more of our cooperative's neighbors who are caught in our nation's housing crunch. This majority can cause further deterioration of housing and its remaining standards because of the pressure of the majority's need for housing. The pressure can well cause each of the existing local cooperatives to become self contained fortresses, along with the housing of the well to do, warding off the onslaughts of the housing disadvantaged.

This spectre may be rhetorically and dramatically overstated but only to make the impact of a forecast that is factually accurate.

Profit motivated and non profit housing without built-in tenant concern has and will continue to destroy what little housing stock we have compared to demand. An increasing number of multi family developments go into HUD ownership only to be vacated, abandoned or rehabilitated with taxpayer money and sold off to begin the second cycle of exploitation and eventual default and return to government ownership or control and expense.

What is this doing to people? It is making them more fearful, frightened, panicked, demanding, hostile, and alienated. Some become organized and fight tenants' battles only to become more frustrated and hostile. This occurs because they really fight without goal or solution. They have the vision of democracy—but without the means to achieve it. They do possess power—but without the vehicle through which it can be effective. The housing cooperative movement has the answer—a vehicle through which economic democracy in the controlling of one's own living environment can be achieved.

We know from experience that "people power" does work. Existing housing cooperatives speak of better values—both in terms of "bricks and mortar" and in human values.

In your discussions during the Conference, please remember you are building on the experiences of others and your contributions become that upon which others will build. With the contributions you make daily in your housing cooperatives and which you make at these conferences, we know that the totality of our experiences, housing cooperator and professionals together, offer an expressway for people to participate in a positive manner to maintain and improve that in which they have a proprietary interest, to avoid feelings of isolation, of fear, of being intimidated, and to provide not only an atmosphere—but the experience—which together make up the arena in which one can develop a sense of self worth.

Let us go to our workshops and our discussions bearing in mind that we, in the housing cooperative movement and the National Association of Housing Cooperatives, possess a most valuable asset and with it a responsibility to improve it and to improve ourselves with it.

Continue, as you have, to focus.

To focus your long term dedication to housing cooperatives.

It is your focus on that one thing which has made you the leaders.

Has made you the experienced ones.

You do one thing.

You do Co ops right.

I thank you.●

IN HONOR OF DR. CLIFFORD G. DOBSON

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. TORRES. Mr. Speaker, the Rio Hondo Community College District, serving the 34th Congressional District, is losing one of its major educational leaders in Dr. Clifford G. Dobson. Dr. Dobson was elected to the Rio Hondo Board of Trustees in 1962 and served as its first board president. This month, Dr. Dobson will be retiring after over 20 years of excellent service to the community and its educational institutions.

The Rio Hondo College campus is a living testimonial to Dr. Dobson's abilities and successes. He was instrumental in helping to pass the bonds that enabled the community college district to buy and build the present campus. Looking down upon the San Gabriel Valley, Rio Hondo Community College is one of California's most beautiful educational institutions.

Dr. Dobson also has contributed in a very large way to the entire California educational process. He has been on the board of directors of the California Community College Trustees Association, a delegate to the California School Boards Assembly, and past president of the Whittier Area School Trustees Association.

His administrative skills have translated to the classroom and numerous professional organizations. Dr. Dobson is professor emeritus and former chair of the Department of Industrial Studies at California State University, Los Angeles. Also, he has held visiting professorships in a number of universities including UCLA and USC and has served as president of numerous professional groups.

A resident of Pico Rivera, Dr. Clif[illegible] G. Dobson is a public servant who can look back on his many contributions with pride. He is a model of hard work, creativity, and discipline. He is someone whom the Los Angeles area owes much and whom the Rio Hondo Community College District, in particular, will miss.●

H.R. 1904

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. MURPHY. Mr. Speaker, it is my understanding that the House will consider, H.R. 1904, The Child Abuse Amendments of 1983 this week. At that time, an amendment which I strongly support, the family violence amendment will be introduced by my colleague, GEORGE MILLER.

This amendment would provide Federal funding to assist States in their efforts to prevent family violence and provide shelter and related services to victims of family violence and their dependents.

As chairman of the Subcommittee on Select Education which has jurisdiction over domestic violence, I would like to provide for the RECORD excerpts from letters which the subcommittee has received concerning the need for Federal assistance for domestic violence programs. These letters cite possible closings of shelters and the increased demand for services for victims, abusers, and children. They further describe how the demand for these services far exceeds the current services available.

I sincerely hope that the following excerpts bring to the realization of this body the severity of the growing problem of family violence and the need to support Federal funding for related programs. I urge your support of the family violence amendment when it comes to the floor.

The excerpts follow:

EXCERPTS

THE PUBLIC AFFAIRS COMMITTEE
OF THE JUNIOR LEAGUE OF TOLEDO.

First of all, we would like to stress the need for having permanent and reliable funding for shelters and programs geared for assisting victims of domestic violence. Secondly, we would like to stress the need for developing and implementing educational programs so as to inform the public of both the widespread existence of domestic violence, and the fact that this type of behavior is wrong and unacceptable. We will not make strides toward solving this problem until we educate society that violence in the home must be eliminated. We therefore feel that any Federal assistance targeted for the area of domestic violence should include funding for both establishing and maintaining shelters for victims, and for educating society with respect to the problem.

BARBARA R. DRAKE,
KATHRYN R. WETLI,
Chairmen.

FAMILY AND CHILDREN SERVICES,
Pittsburgh, Pa.

Our agency's experience in counseling troubled families reinforces research findings that domestic violence is more than an individual problem of the perpetrator. Causes and effects extend to other members of present and next-generation families where violence occurs, whether these are legally or informally established. Some victimized spouses with strong hopes for sustaining marriages may allow their own abuse and even stand that of powerless children. Children, whether observers or victims, meanwhile learn from their parents specific behaviors and expectations influencing their self-esteem and treatment of their own offspring.

While federal support for shelter assistance to injured spouses and children is clearly needed, so too is support for programs of intervention into the family dynamics and the context where domestic violence occurs in order to lessen possibilities for its repeated occurrence.

ALLEN R. SMITH,
Executive Director.

WOMEN'S CENTER AND SHELTER
OF GREATER PITTSBURGH.

In 1982 Women's Center and Shelter of Greater Pittsburgh, which serves all of Allegheny County and beyond, sheltered 574 women and children and turned away 585 due to lack of space. In August 1983 we are moving to larger permanent quarters to accommodate the ever increasing demand. This substantially increases our operating costs yet we feel we have no choice but to grow to meet the need. We provide vital life saving services and shelter for the homeless and we cannot continue to turn women and children away.

We experienced a 58 percent increase in services in January 1983 as compared to January 1982.

MARTHA A. FRIDAY,
Executive Director.

WOMEN IN TRANSITION,
Philadelphia, Pa.

As one of the oldest multi-faceted women's agencies in the country, Women in Transition brings eleven years of experience to the tasks of developing and providing specialized services to battered women and their families, women in marital transition, single-parent women, and women (re)entering the workforce. WIT is recognized as a leader in the development of local services for women, particularly for services to low-income and minority women.

In the past year, we have sustained a dramatic drop in funding to support our services to battered women and their families. We are making every effort to develop new sources of support for this population, most of whom cannot afford even minimal fees to cover the many services they require. The attached text is an excerpt from a new program we have developed to work with couples experiencing violence in their relationship. At this time we are seeking funding to support the implementation of this project.

SARAH LYNNE MCMAHON,
Executive Director.

YWCA,
Fresno, Calif.

To date, our program alone has served over 16,000 families affected by domestic violence. Our services include emergency refuge, food, clothing, crises intervention on our 24-hour hotline, individual and group counseling, transportation, legal advocacy and information on domestic violence. We also provide structured programs for children and for the batterers.

The Marjaree Mason Center serves over 5000 clients per year, over 500 children per year, over 300 men per year; but unfortunately, we have never been able to house all of the women and children who have needed us.

MARIANNE J. JONES,
Program Director.

WOMANSPLACE,
McKeesport, Pa.

Domestic violence legislation is crucially needed at this time. As more and more human services programs are cut on the federal level, domestic violence victims are left with fewer of the resources needed to leave violent home situations. Women have less money and less food provided for their children. They face tighter federal housing regulations, a stifled job market, and more stringent day care requirements. Traditional avenues of escape, such as family and friends, have been cut off to abused women. Most families have been affected by unemployment and welfare cuts and can no longer afford to take in the homeless.

Now that more and more doors are closed to victims of domestic violence, more victims are turning to domestic violence programs than ever before. Womansplace is privileged to be located in Pennsylvania, where we are part of a network of domestic violence programs who have the support of the Thornburgh administration, local government, and the community. Yet, we turn away at least 5 families for every family we can serve.

In the past year, with unemployment in the Mon Valley soaring, we have had women calling our center who have been sheltering their children in a car or a condemned building. The inevitable stress and tension of unemployment are taking an explosive toll on women and children. Men who have been "slappers" in the past are escalating violence in their homes in tune with the level of frustration building within them. The intensity of abuse has dramatically increased with the unemployment rate and long durations of joblessness suffered—threats with knives and guns, hospital * * *.

Abused women and their children need your help. Please join with your colleagues to work for passage of domestic violence funding legislation this year.

FRANCINE E. ROSE,
Executive Director.

STATE OF FLORIDA,
DEPARTMENT OF HEALTH AND
REHABILITATIVE SERVICES.

The Department of Health and Rehabilitative Services (HRS) has provided funding through a specific Marriage License Trust Fund to this agency since 1979. HRS has been the only public funding available for this problem. It is because of the accountability and community support that we feel the agency is most deserving.

Any additional funding resulting from Federal Legislation would most assuredly assist in extending more comprehensive quality services to all members of the families impacted by domestic violence. Our level of expertise in monitoring and allocating funds to this shelter could be a viable mechanism for delivering Federal funds.

DAVID H. DUNBAR,
District Administrator.

CASA PROTEGIDA JULIA DE BURGOS.

As founder of Casa Protegida Julia de Burgos, Puerto Rico's only service provides to battered women and their children, I urge you to hold hearings on this bill with all due speed so that the legislation can move on to the House floor as soon as possible. We here in Puerto Rico are experiencing the same serious increase in domestic violence and demand for our services as other programs nationwide. We have to turn away as many as 6 to 8 families daily for lack of space due to lack of funds and full government acceptance of their responsibility to these families. As Surgeon General Everett Koop recently said, "If we truly care about the future of our society then we have to move to confront the terrible implications of family violence in America."

MARY ANNE MALDONADO,
Vice President.

BOULDER, COLO.

Today, one of the only resources our society provides women in this outrageous situation is shelters staffed and run by members of the communities concerned with the safety of these women and their children. Funding is allocated by local charities, fund raising projects, and some city or county gov't. provision, depending on the area. Many of these shelters offer support and education for these women to inform them that as adult, noncriminal citizens of the United States of America, there is no justification that they should be treated inside or out of a domestic relationship with physical coercion. Hopefully these women learn that such relationships are very destructive psychologically and will have longterm problematic effects on their children.

Unfortunately, shelters and support for battered women only address one-half of the problem. Statistics have shown that, without intervention of some kind, the battering behavior of a man does not stop, despite his sincere intentions of stopping it. In fact, over time, it tends to escalate. Even if a woman leaves a violent man, it will not stop his battering behavior, for it will emerge in his next relationship and the next. These men need help. Many of them are Vietnam veterans. Most of them observed battering and were battered as children. The problem is deepseated. The problem is not being recognized by the local communities whose focus has been on the woman. Both women and men are victims.

BOULDER COUNTY SAFEHOUSE.●

LETTER FROM GRENADA

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. DAVIS. Mr. Speaker, after returning from my trip over the weekend to Grenada, I am all the more impressed with the tremendous debt of gratitude owed, once again, to those individuals who serve in our Nation's military forces. The case of Grenada underlines that it is not just a debt owed by the American people but by freedom-loving people all over the world who are able to enjoy that freedom, without fear of outside aggression, by virtue of the protection extended by the United States. The gratitude we feel this week is shared by many Grenadians who feel freed from a threatening force by the action of our country. During my trip, I was given a letter which was sent to General Farris which exemplifies that spirit. I include it for the RECORD today as a way of passing on the thanks of one young woman to the American people:

DEAR CHIEF COMMANDER: Greetings in the name of our great heavenly Father. My name is Cosil Garcia and I'm 23 years of age.

On behalf of the people of Grenada, I will like you to convey our greatest thanks to your President, who sent you all and then to all those under your command. Let them know that we appreciate what they have done and are doing for us. We regret very much the death of many of your fellow soldiers who gave their lives for us. Please convey our deepest sympathy to their relatives back in the United States.

Once again, I say thank you so very much. May God bless each of you.

Sincerely yours,

GARCIA,
A citizen of Grenada.●

OPPOSING WINTER NAVIGATION ON THE GREAT LAKES

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, on August 3, the Committee on Public Works and Transportation ordered reported H.R. 3678, to provide for the conservation and development of water related resources. In section 1123, the committee authorized the Corps of Engineers to implement a full-year extension of the navigation season on the Great Lakes and a 10-month extension on the St. Lawrence Seaway.

My congressional district borders a major connecting channel of the upper Great Lakes. Across my district, constituents remember all too well the attempts in the 1970's to extend the navigation season. The corps' demonstration program operated the waterway from 1971 through 1979 during the winter months to test the viability of winter navigation. While few companies could afford to operate their commercial vessels in the winter months during the demonstration program, those few that did made it more than apparent to the people living on the lakes that winter navigation must be stopped.

Since this past August, these people have almost literally taken to the streets in outrage at the current committee proposal. Letters from constitutents and resolutions from organizations and local units of government have poured into my office. These people are angry because they have already experienced winter navigation. These people know the destruction of the waterfront property; the threat to wildlife populations; the murderous impact on fisheries and submerged flora and fauna; and the deterioration of their recreation resources—an integral component of their personal and economic livelihood. They are further baffled by the decision to proceed with a multihundred million dollar project during a period of fiscal restraint.

I would like to share with my colleagues some of my constituents' recent correspondence on winter navigation.

RESOLUTION 83-50 OPPOSING WINTER NAVIGATION ON THE GREAT LAKES

Whereas, the St. Clair County Board of Commissioners views with serious concern and opposes the proposed Winter Navigation of the Great Lakes and its connecting channels, and

Whereas, such action would be unwarranted and unjustified because of the cost and the devastating effect of such navigation on the environment to all of the Great Lakes and its connecting channels and especially Lake St. Clair, the St. Clair River, and the Detroit River, and

Whereas, the financial burden upon the taxpayers of this County, the dangers to the environment in particular the fish, fowl, and mammals, are not offset by the supposed benefits to be derived from the proposed legislation to allow Winter Navigation of the Great Lakes and its connecting channels: Now, therefore, be it

Resolved by the St. Clair County Board of Commissioners speaking on behalf of all county citizens as follows: That by these Presents, the St. Clair County Board of Commissioners hereby urges the United States House of Representatives and the United States Senate, to defeat the proposed legislation to extend Navigation of the Great Lakes and its connecting channels during the winter months, be it further,

Resolved: That a suitable copy of this Resolution be presented to the Congressional Delegation representing the State of Michigan, President Ronald Reagan, and Governor James Blanchard.●

PERSONAL EXPLANATION

HON. WEBB FRANKLIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. FRANKLIN. Mr. Speaker, due to official business in my district on Friday, November 4, 1983, I was unable to be here and missed the vote on passage of H.R. 2114, the Maritime Administration authorization bill. If I had been here, I would have voted yes. The Committee on Merchant Marine and Fisheries acted expeditiously in reporting this legislation which I feel is a necessary step toward the establishment of a sound maritime policy. Of late there has been an increasing interest in the U.S. merchant marine and its role in the U.S. economy and our Nation's defense. I am pleased that the House has passed this legislation and, in doing so, has taken a positive step toward establishing and maintaining a viable U.S. merchant fleet.●

A DECISIVE LEADER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. LAGOMARSINO. Mr. Speaker, all Americans are conscious of the tense months through which the world has been passing over the last year. Terrorist attacks in Lebanon in April and October against American diplomatic and military personnel, the Soviet destruction of the Korean airliner, demonstrations in Western Europe against missile deployment and U.S. actions in Grenada. What many people do not realize is the common threat underlying all these crises is the threat posed by Soviet-inspired subversion, terrorism and disinformation. The truth of the matter is the United States has had to make some tough decisions to protect its security and national interests throughout the world. In all these crises, President Reagan has taken responsible, decisive action to meet the Soviet threat. I think the commentary by William Randolph Hearst, Jr., in the October 30 edition of the Hearst newspapers offers a clear, reasoned assessment of President Reagan's actions.

A DECISIVE LEADER

(By William Randolph Hearst, Jr.)

NEW YORK.—This has been a week when Ronald Reagan's leadership was on the line as probably no American president's has been in so many parts of the world in so short a time since the Second World War. Sometimes we forget that decisive leadership is as necessary to our democracy as is the consent of our people to what is done in their name. I would say that President Reagan has shown that decisive leadership in extremely difficult circumstances.

In Lebanon, in dealing with the pacifist wave threatening our security against Russia and, now, in Grenada, he is up against challenges a lot harder to get a grip on than Franklin D. Roosevelt faced when dealing with Hitler and Japan. Roosevelt and the American people of his day had no doubt about just who the enemy was.

These days, a disturbingly large number of Americans and Western Europeans seem completely confused on that point. Some, shutting their eyes to the plain evidence, try to tell us that there is no enemy or that, if there is one, it's our own government. I sometimes have been afraid that this muddled, mischievous kind of thinking would wind up making it impossible for the American president to carry out his responsibilities as chief of the world's leading democracy. The events of the past week have reassured me.

It may seem even farther politically than it is in miles from the big Western European "peace" rallies to the Grenada invasion by a combined U.S.-Caribbean nations force, which topped it off. But there is a vital connecting thread between them. It also winds its way around Lebanon where, between the other two events so many young Marines died in an unspeakable terrorist attack.

In all three, a sizeable and certainly vociferous body of Western opinion condemns American efforts to defend itself and its friends. Do nothing, say the nothing-doing types. To act, they insist, is "immoral" or dangerous or futile. Don't match existing Soviet missile power in Europe—it's morally wrong, it might provoke the Russians, it's militarily irrelevant. Pull the Marines out of Lebanon—they have no business there. Their presence might lead to confrontation with the Russians, they aren't doing any good, anyway. Invading Grenada was "gun boat" diplomacy and what could be worse than that? It puts the U.S. on the same "moral plane" as the Soviets, according to the nothing-doers (who, as it happens, usually find little wrong with Soviet morality).

President Reagan simply has not let himself be swayed by this pontificating. He knows instinctively that it contains the seed of political and military paralysis. That kind of instinctive knowledge is the mark of a leader. Jimmy Carter did not have it, unfortunately, but Ronald Reagan has shown he does.

On putting Pershing II and cruise missiles in Europe to restore the credibility of NATO defenses, he has displayed the self-confidence to meet the Russians halfway, but has been unintimidated by the emotional and mostly ignorant outcry against deployment. In a week like the one we have just gone through, the Euromissiles issue may look dry and undramatic, but its implications are probably even greater than those of the Caribbean and Middle East crisis.

Of the back-to-back troubles Reagan has been dealing with, Lebanon in some ways is the most complex for Americans. It has produced horrible unexpected carnage for us. There is no political solution in sight. There may never be one. Yet the president has made clear the Marines will remain. I think his decision was based on a realization that he had no choice. Occasionally, decisive leadership boils down to having no choice and grimly accepting it. A century ago, Great Britain—the America of its day—fought and endured countless, inconclusive brushfire wars in order to protect what history now looks back on nostalgically as the "Pax Britannica." Those old British leaders knew that there were not always perfect solutions of their global problems. They also knew that did not absolve them of the need to face up to them. Reagan understands that too.

The blast of outrage that greeted the Grenada landing was as one-sided as it was predictable. Both here and abroad, Reagan has been accused of treaty-breaking, aggression and endangering the lives of Americans, mostly students, on Grenada. The criticism conveniently ignores that the U.S. was asked to intervene by Grenada's frightened and worried Caribbean neighbors, a half-dozen of whom joined in the military action. And what would the critics have said if the wild men who seized control of the island after murdering its prime minister had used the one thousand or so Americans there as hostages, a la Iran. It appears now that the administration had proof positive that this was exactly what they planned to do. Reagan preferred to risk a congressional and public storm to the risk of another Iranian humiliation. A refreshing exception to the carping of Reagan's Democratic opponents has been House Leader Tip O'Neill who, putting patriotism ahead of politics, has given statesmanlike support to the President.

As President Reagan made clear in his television address Thursday, sound strategic reasons dictated swift military action in Grenada. A large shipment of heavy Soviet-built military equipment was spotted on its way there from Cuba so it was judged wise to strike before it arrived. The surprisingly heavy resistance put up by the Cuban "workers" on the island seems to have proved the correctness of that decision.

There wasn't a single, overriding reason to invade Grenada, but several. Taken together, they add up to a conclusive case for doing it. But with re-election coming up, it took more courage for President Reagan to act than not to act. That, too, is the mark of a leader.

I have a feeling we will look back on the Grenada episode as the moment the U.S. said, "no farther," to Soviet-Cuban encroachment in our backyard. If it is the end of the long period of slow retreat by us that began with the Bay of Pigs defeat, that seems to me to be something to be glad, not mad, about.●

VFW POST 1718

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. GEKAS. Mr. Speaker, I would like to take this opportunity to commend VFW Post 1718 of Penbrook, Pa., for 50 years of service to American veterans and to the American people. The work of the VFW is far from over. There are issues and events which command veterans to take part in the national debate of these issues on a daily basis. They are the same issues that are the focus of our daily debate in this Chamber. The VFW is an organization that reminds us of the veteran's role in America's history; a role that has been to fight unselfishly to keep the light of liberty burning bright. I recognize and thank the individuals of VFW Post 1718 of Penbrook for their 50 years of contributions to our free society.●

NEED FOR FINANCIALLY SOUND AGRICULTURAL ECONOMY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. SKELTON. Mr. Speaker, agriculture is our Nation's biggest industry and employer, and our biggest dollar earner in foreign trade. It is an industry whose methods and practices are envied and emulated around the world. Yet, today, American agriculture remains in its most serious financial crisis since the Great Depression.

Recently, I had the opportunity to address the 1983 Convention of the Missouri Association of Farmer Elected Committeemen. In my speech, I discussed the inadequacy of the Government's response to the crisis in agriculture, what can be done to bring about a substantial, long-term improvement in the farm economy, and the need for a comprehensive, national debate on farm policy.

Mr. Speaker, our whole economy is based on a financially sound agriculture. A healthy farm economy is vital to our national security and to economic recovery. Mr. Speaker, I include my remarks to the Missouri Association of Farmer Elected Committeemen at this point in the RECORD:

SPEECH TO MISSOURI ASSOCIATION OF FARMER ELECTED COMMITTEEMEN

Agriculture is our nation's biggest industry and employer, and our biggest dollar earner in foreign trade. As an industry, it is bigger than the auto, steel, and housing industries combined. Our whole economy is dependent upon a financially sound agriculture. It is the base—the foundation—for all else. American agricultural productivity has made us the best fed people on earth, even though we spend the lowest percentage of our income on food.

We know all this. It has become a cliche around the world. American farming is viewed here, and elsewhere, as a miracle of civilization. Economists and historians agree that the great belt of agriculture which runs through the American Midwest, and the American ingenuity at farming, has enabled our nation to achieve its central place on the world stage.

Unfortunately, American family farmers today are experiencing the most serious financial situation since the Great Depression. Farm prices continue to be too low to cover costs of production. Net farm income dropped 22 percent from 1981 to 1982. Land values have been steadily declining, and farm debt is at record levels. Interest rates remain unacceptably high. Unable to carry their heavy debt load, many farmers are faced with the loss of further credit. Farm foreclosures are at a high level.

Ominously, the value of U.S. agricultural exports is expected to decline for the second consecutive year. From a high of $43.78 billion in 1980/1981, it is forecast to be $35.5 billion for 1982/1983. Export volume likewise continues to drop. It reached 163.9 million tons in 1979/1980, but is projected to be 149 million tons in 1982/1983.

Why is this happening? Are we talking about another American industry whose time has passed, an industry whose methods and practices have become obsolete? Absolutely not. If anything, the American farmer is too good at his job, too efficient. This is not a sector of the economy which needs retraining, relocation, reindustrialization, re-education, or investment in innovative techniques or procedures. To the contrary, the American family farmer is already high-tech, and his methods and practices are envied, and emulated, around the world.

The Government's response to the financial crisis in agriculture has been, frankly, inadequate at best, and downright counterproductive at worst. The federal deficit, a major factor in high interest rates, has been running at record levels, and is projected to increase in the foreseeable future. The ill-advised 1980 grain embargo reduced the American share of the Soviet grain market from 75 percent to 20 percent as our agricultural competitors expanded production and filled the void. Moreover, the effect of the embargo extended beyond the Soviet Union, by helping to revive the image of the United States as an unreliable trading partner. The recent announcement of a new long-term grain agreement with the Soviets was a positive step, but it took almost two years after the previous one had expired for these negotiations to be completed. Even though agricultural exports have decreased in the last few years, the U.S. Department of Agriculture has refused to support Congressional efforts to utilize the enormous potential of the Agricultural Export Credit Revolving Fund to expand the markets for our farm commodities. As the original House sponsor of the legislation creating the Fund, I have been disappointed in the Administration's performance in this area. They have constantly stressed the need to increase farm exports, but their deeds have not matched their words.

You are all too familiar with another area where government rhetoric has not been supported by action. The present administration took office promising to return government to the local level. Yet, last year, we saw them come forward with the incredible proposal to reduce the number of community committees within the agricultural Stabilization and Conservation Service, cut back the number of meetings for the committees, and remove local financial control. Fortunately, this ill-advised and misguided proposal was not carried out, due in no small part to the protests raised by you and other members of the farm community.

However, indications are that USDA officials have not totally put this idea to rest. For that reason, I was pleased to join as an original cosponsor of H.R. 3746, the "Agricultural Stabilization and Conservation Committee Act of 1983", when it was introduced on August 2. As you know, this legislation requires that the number of community committees be at least equal to the number in existence on December 31, 1980. In addition, it extends the terms of members of community committees from one to three years, requires community committees to meet at least four times a year, specifies the duties of community committees, and provides for salary and travel expenses for members of county and community committees.

Community committees are the heart and soul of programs operated by the ASCS. Since they are made up of working farmers, elected by their neighbors, they have given these farm programs a grassroots participation and a responsiveness to local needs matched by few other government programs. Through the years, community committees have been instrumental in detecting waste, fraud, and abuse in USDA programs. They have returned to the government many times the cost of their operation. The proposal to reduce the level of participation of community committees within ASCS will ultimately result in the responsibility for farm programs being taken away from working farmers at the local level and placed in the hands of Washington bureaucrats. To do this at a time when our farm economy is in its worst state since the Great Depression would be a serious mistake. It should not be allowed to happen.

This summer our area of the nation experienced one of its worst droughts in nearly 50 years. Though a disaster relief program was eventually put into effect for those Missouri counties which were ravaged by the drought, it was lacking in several respects.

In my opinion, the Administration failed to use the broad authority it has under current law to provide appropriate disaster relief to farmers who were struck by drought. A particular shortcoming was the failure to provide payments to livestock producers for the purchase of feed.

Secondly, the Administration has relied too heavily on the Federal Crop Insurance Program, according to feedback that I have received from farmers in my Congressional District. Indications are that few farmers participate in the program, and those that do find the benefits inadequate when compared to the cost. When we look at farm programs again in 1985, I believe we should take a good, hard look at our disaster programs as well.

Recently, witnesses at a House Government Operations Subcommittee hearing found fault with another aspect of USDA's handling of the farm crisis. These leading agricultural economists and farm organization representatives charged that mismanagement by USDA in early 1982 contributed to lower farm income at the same time that the taxpayer cost for administering farm programs increased. Specifically, it was alleged that if USDA had instituted an aggressive paid diversion program in early 1982, not only would prices have been higher for farmers and government payments less for taxpayers, but little or no Payment-in-Kind program would have been needed in 1983. Much of the blame was laid on Office of Management and Budget Director David Stockman's approach to agriculture problems. They were referred to as "penny-wise and not merely pound-foolish, but . . . billion dollar foolish."

As many of you will recall, many farmers urged USDA to put a proper diversion program in effect for 1982. I made this a part of the comprehensive farm program which I called for in a speech on the House floor in the opening weeks of the 1982 Congressional session. The Administration response, which did not come until 1983, was the Payment-in-Kind, or PIK, program.

All things considered, I believe most farmers welcomed the PIK program. It was an indication that USDA recognized their problems, and was willing to take some action to help solve them. Undoubtedly, the program has been helpful. Perhaps it has even saved many farmers from bankruptcy. But, PIK has its drawbacks and its limitations. The first is related to exports. American farmers currently export one out of every three acres. With out acreage cut back, there is a risk that our foreign competitors may expand theirs and capture some of our overseas markets.

A second problem with PIK is that it spells trouble for small agricultural support firms, such as farm equipment dealers and those who sell fertilizer and seed. Many are finding their sales off by as much as one-third as a result of decreased agricultural production. This was brought out during a hearing which I called as Chairman of a Small Business Subcommittee. As a result, I introduced an amendment, now awaiting action by the full House, to provide loans to enable these small businesses to survive the drop in sales caused by the PIK program. Our farmers and our rural communities need these small agri-businesses if we are going to have a full recovery in the farm economy.

Lastly, because the PIK program was drawn up in haste, there have been administrative headaches. I have received reports of long delays in PIK payments being made, and of farmers receiving the wrong class or grade of grain. Newspaper reports have focused on the high cost of the PIK program, and on payments worth more than a million dollars to large corporate farms.

These problems with the PIK program indicate to me that it can only be relied on as a short-term solution to farm financial problems. In my opinion, a substantial, long-term improvement in the farm economy depends on two things: reversing the current downward trend in agricultural exports, and reducing interest rates. On a short-term basis, the PIK program can help the farm economy by reducing burdensome surpluses. But we must remember that the PIK program merely shifts funds among various sectors of agriculture and among various sectors of the economy—it redistributes the pie. In order to see a stable, reasonable commodity price level, and an economic recovery of our farms, we must create a bigger pie. This is why regaining and retaining our fair share of international agricultural trade is so vital.

It is for this reason that I have introduced legislation designed to expand the current markets for our farm products and create new ones. H.R. 2184 would make funds available for short-term financing of commercial export sales of U.S. agricultural products, export sales of U.S. breeding animals, and the establishment of grain-handling and storage facilities in importing nations, through the Agricultural Export Credit Revolving Fund. In a word, it would make us more competitive. Moreover, since the credit would be issued through a revolving fund, this program would be fully self-supporting. A second bill, H.R. 2185, would provide the Secretary of Agriculture with the authority to use government surplus commodities to promote the increased use of U.S. agricultural products by tendering them as bonuses to U.S. exporters, processors, and foreign purchasers.

It needs to be stressed that increased U.S. agricultural exports will benefit not only farmers. Every $1 billion in additional agricultural exports supports an estimated 30,000 jobs in the domestic economy. In addition, USDA estimates that a $1 million agricultural export sale generates almost $5.5 million of direct, indirect, and induced business activity. Thus, an aggressive agricultural export policy—such as that proposed in my legislation—would benefit the entire economy.

Of course, the federal deficit is the major culprit in bringing about high interest rates. We must redouble our efforts in Congress to cut federal spending and bring the federal budget into line. No program, and no government department, should be exempt from a most thorough scrutiny of its expenditures and procedures.

One overriding fact needs to be stressed as we tackle these problems: America needs a healthy agricultural economy, based around the owner-operated family farm. I sit on the House Armed Services Committee where billions of dollars are authorized each year to purchase weapons and equipment for our military forces, and to pay our military personnel. By and large, I support these expenditures because I believe we must have a strong national defense. But I also believe that a healthy farm economy is as vital to our national security as our military might. Our system of agriculture has made our nation unique in the world. All Americans need to understand what would happen if we were to lose our family farmers, or if we were to see our family farms swallowed up by large agri-business enterprises.

The lack of national debate on this issue is disturbing to me. In my view, there are few items on the domestic agenda with as much long-term significance for national security and economic health. Yet we hear little about the problems of the family farm in the national media, or in the public statements of many of our top national officials. I hope this is not because our farm problems are considered unsolvable. They are not. Neither, however, will they disappear by being ignored. A first step—an essential step—in solving our farm problems is to begin a comprehensive, national debate on the subject.

Let me close with a word of warning. The years leading up to the consideration of the next comprehensive farm bill in 1985 will be critical to American family farmers. Unless those of us from farming areas can reach a consensus on the direction we want American agriculture to go, there is a real possibility that the dramatic increase in the cost of farm programs will cause those from urban areas, and those with little understanding of farming, to seize control of the debate. Thus, our task will be twofold: Reach some agreement among ourselves on the outline of what kind of farm programs we want from the federal government, and, in addition, we must step up our efforts to educate others about the importance of agriculture to our nation. We must convince our urban friends that all Americans have a stake in a healthy productive agricultural economy. Unless we do, we may end up with an agricultural policy that is allegedly pro-consumer, but that is, in reality, not in the best interests of either consumers or farmers.

If we start now, both of these tasks can be accomplished. Some of us in Congress have already begun. I am an original cosponsor of H.R. 4023, a bill which will require the Secretary of Agriculture to survey all farmers on basic policy questions and publish the results. The survey could be conducted in conjunction with ASCS elections. I believe that if Congress is better informed about what farmers want, we will be better able to fulfill our role as policy-makers. I know I can count on you, and your organization, to be full participants in the development of national agricultural policy.●

NATIONAL ADOPTIONS WEEK AND THE PLAZA FAMILY SUPPORT CENTER

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. TORRES. Mr. Speaker, appropriately enough, the week of Thanksgiving allows many parents to give special thanks to a special bond between they and their adopted child. National Adoptions Week celebrates the joy of bringing children to a new home of love and family. The week also allows us to commend those groups that bring the child and family together.

Many organizations have been established throughout California and the Nation to make it easier for children to be adopted or be placed in foster homes. I wish today to highlight the contribution made by the Plaza Family Support Center in Los Angeles. Geraldine Zapata, director of the support center, has established a model Latino foster and adoptive parent recruitment program. Plaza's goal stated simply is to communicate as widely as possible to the Latino community accurate information on how people can become adoptive or foster parents. It is a challenging task.

Over 36 percent of the more than 10,000 cases in the Los Angeles County foster care system are Latinos. In 1981–82, the Los Angeles County Department of Adoptions placed 505 children for adoptions. Of these, 157 were Latino. It is a testimony to a skilled and caring staff that the Plaza Family Support Center is a success. Just recently, the State of California Department Social Services Adoptions Bureau recognized Plaza's excellent work by funding its program for another year.

Plaza Family Support Center is one part of the larger Plaza Community Center which was established in 1905 to provide a full program of welfare services to the needy. Under the direction of Arturo Camargo, the center offers the Latino community important and essential services such as child development programs, medical outpatient clinics, child abuse programs, domestic violence counseling and the adoption and foster care projects.

Mr. Speaker, this is a week when many parents and children are expressing their thanks to one another. I wish to express my sincere gratitude to the Plaza Community Center and the Family Support Center for its work and accomplishments.●

CONGRESSIONAL TRAVEL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, November 9, 1983 into the CONGRESSIONAL RECORD:

CONGRESSIONAL TRAVEL

Foreign travel is a privilege of members of Congress which raises doubts among constituents.

We are all aware of the abuses that attend some trips taken by members of Congress to faraway places at government expense. Frustration is the natural response of hardworking, tax-paying constituents when they see members flying off to Fiji to inspect installations, signing up before they even know a trip's purpose, or using the plush Air Force fleet maintained for "official government travel." Last year, 232 members traveled overseas at public expense, costing Congress $4 million and the Defense and State Departments millions more.

Opponents of congressional travel contend that these trips waste government money, allow members of Congress to mix too much pleasure with official business, give rise to heavy demands on American embassy personnel, and cause embarrassment abroad. Also, it is difficult to look at the itineraries of congressional trips without concluding that some are simply "junkets" taken more for pleasure than for legislative reasons.

However, we should not overlook the beneficial impact many trips have. For example, many members of Congress recently have been traveling to El Salvador to get a firsthand view of fighting there. Several have reported that their experiences help them understand better the complex situation in Central America and, in some instances, change completely their view of what our policy in Central America should be. Other trips have saved millions of taxpayer dollars by resulting lower foreign aid or defense recommendations and have helped focus world attention on human rights violations. Members, who do not represent the administration, many times can say things a diplomat cannot say, and every president and secretary of state in recent years has thought congressional travel valuable. Supporters of travel note that tax-favored "junkets" by American businessmen may be far more costly to the Treasury, that other nations encourage foreign travel by their legislators, that Congress must be represented at parliamentarians' meetings abroad, and that the alternative to government-financed travel for members is travel paid by special interests.

Given the strength of the arguments on both sides, the question is not whether to abolish congressional travel but how to get rid of frivolous travel while maintaining the worthwhile. In the past, Congress has taken several steps to try to tighten its procedures. Full reporting to appropriate congressional committees began in 1954, and public reporting in the Congressional Record commenced in 1959. The number of House committees able to spend funds for foreign travel was sharply limited in 1963, and in 1977 both the House and Senate adopted rules forbidding post-election "lame duck" travel by members who are not returning to Congress. A member cannot rush off on a "junket" with a "blank check" whenever he wishes. The trip must be authorized by the congressional leadership and committee, or an executive request, and vouchers submitted to verify expenses, usually only $75 of which may be covered by an official daily stipend. Given the cost of travel, members frequently pay additional expenses from personal funds.

All foreign travel is not bad, and steps should be taken to facilitate worthwhile travel. First, members of Congress returning from trips should publicize the benefits and accomplishments of the trip to Congress and their states and districts—showing the positive side of such travel instead of hoping it goes unnoticed. Second, members who do not take trips should be scrutinized just as members who travel are scrutinized. An appropriate question to a member professing to have a knowledgeable position on a question of foreign policy is whether he has visited the area to observe things up close. Third, delegations should invite the press along on trips. Rather than keeping itineraries from the press and fueling suspicions that too many extras have been included, we should open up the trips to show how fruitful they are.

Additional restrictions should be considered. First, congressional delegations should be prevented from using military transportation when less-expensive commercial transportation would be adequate. Second, the size of a delegation should be restricted to the number of members that can be justified by the trip's stated purpose. Third, official spending on trips should not be allowed to exceed the amount allotted to members in the form of daily stipends. Fourth, there should be some form of "peer review" to pass on the legislative relevance of trips. Fifth, members should be discouraged from taking trips during the session after they announce retirement or are defeated in a primary election. Finally, increased public disclosure of trips in the Congressional Record and in formal committee reports should be mandated. Making members fully accountable for the public funds they spend abroad is the surest way to end abuse.●

NATIONAL SCIENCE FOUNDATION OUTLINES PROGRAM TO IMPROVE PRECOLLEGE SCIENCE AND MATH EDUCATION

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. WALGREN. Mr. Speaker, much-needed attention recently has been focused upon the serious problems that exist in science and mathematics education in this country. In its annual review of the National Science Foundation's budget, the Committee on Science and Technology for a number of years has urged more emphasis on science and engineering education; and earlier this year the Science Committee and the Committee on Education and Labor developed H.R. 1310, a bill to improve math, science, and engineering education and teacher training. The House promptly passed the bill on March 2; it is disheartening that the Senate has not acted now for 8 months.

To address these issues, the National Science Board—NSF's policymaking body—established in 1982 its Commission on Precollege Education in Mathematics, Science and Technology. The Commission's report, with recommendations, was released this September. Also, NSF reestablished its Directorate on Science and Engineering Education, as announced on September 28, 1983, by NSF Director Edward A. Knapp.

Dr. Knapp met with the National Science Board on October 20, 1983, to outline NSF's program to improve science and math education in the Nation's elementary and secondary schools. I would like to share with my colleagues the text of an NSF press release on Dr. Knapp's report to the Board. I hope that Congress will see, in the fiscal year 1985 NSF budget request from the Reagan administration, a reflection of Dr. Knapp's statements supporting an aggressive NSF program to improve science and math education.

The information follows:

NSB IS PRESENTED NSF PROGRAM TO IMPROVE PRECOLLEGE SCIENCE AND MATH EDUCATION

A National Science Foundation (NSF) report, presented to the National Science Board (NSB) Thursday (October 20), outlined major components of an NSF program designed to improve the science and mathematics education of the Nation's elementary and secondary school students.

The NSB is the policymaking body of the Foundation.

The report, prepared at the direction of Dr. Edward A. Knapp, Director of NSF, said the activities focused on the precollege area were research on and development of instructional materials in science and mathematics for students and teachers; programs to provide incentives for teachers and develop their capabilities; and special programs aimed at increasing informal science and mathematics education, expanding dissemination of information about successful projects, and monitoring the state of science and mathematics education.

The key goal of the fiscal 1984 precollege activities, the report stated, was the same as that expressed recently by the NSB Commission on Precollege Education in Mathematics, Science and Technology. That goal is to strengthen by 1995 precollege science and mathematics education so as to ". . . provide all the Nation's youth with a level of education in mathematics, science and technology, as measured by achievement scores and participation levels (as well as other non-subjective criteria), that is not only the highest quality attained anywhere in the world but also reflects the particular and peculiar needs of our Nation."

The report noted that achieving this goal would produce three practical advantages: better preparation of students for wider career choices; better preparation of students for living in a high-technology, information society; and an increase in the pool of students adequately trained to pursue college and university opportunities in mathematics, science, and technology.

Precollege Materials Development and Research, the report said, would include support to:

Enable the most capable scientists and science educators to develop new or improved science and mathematics instructional materials for students and the corresponding instructional materials for teachers.

Provide for research on applying advanced technologies—particularly the computer—as educational and instructional tools for students and their teachers.

Permit the most capable scientists and science educators to research and develop new materials and approaches for: the instruction of undergraduate students who are training to become precollege science and mathematics teachers, and the continuing development of precollege teachers who are currently teaching mathematics and science.

Undertake basic and applied research on significant factors necessary for the effective teaching and learning of mathematics and science at the precollege level. These activities will be pursued in collaboration with the Biological, Behavioral and Social Sciences Directorate.

Precollege Teacher Development and Incentives projects will include such initiatives as:

Support for local and regional programs and projects that provide continuing education and professional development of precollege science and mathematics teachers. Such activities will be undertaken jointly with appropriate local educational agencies and will meet the specific needs for teachers in the project area. Full-time, part-time, and summer activities will be encouraged, as will cooperation with businesses, industries, universities, and other appropriate organizations.

Presidential Awards for Excellence in Teaching Science and Mathematics, which provide for annual recognition of outstanding secondary school teachers in science and mathematics. Increased status within their profession and awards to their schools for demonstrated professionalism provide incentives for high-quality teachers to enter and remain in their field.

Honors Workshops for Precollege Teachers of Science and Mathematics, in which precollege science and mathematics teachers of proven high quality performance will be selected to participate in workshops that provide specialized instruction, practical experience, and leadership training to further develop their effectiveness and impact as master teachers in their home communities, schools, and professional associations. Participating teachers will be expected to assist in improving science and mathematics programs at their home institutions.

Special activities, the report said, would provide the following:

Support for improved understanding and awareness of precollege students and their teachers through programs of informal science education using a variety of media, including radio, television, and museums.

Support for activities to publicize and disseminate information about highly successful programs and outstanding research in science and engineering education, including programs and research funded by Federal, State, local or private organizations.

Support for studies and analyses of existing data bases to provide a systematic and continuing understanding of the condition of precollege science education in the United States. Results will include a better understanding of science education as reflected in: student and teacher achievements and participation, course and materials selections, and national and international comparisons for use by State and local educators and policy makers.

"The Program we have developed should go a long way toward improving the quality of our Nation's precollege education in math and science," Dr. Knapp said. "I believe this to be a vital step we must take if our country is to maintain its scientific, technical and industrial leadership in a world in which other nations are constantly challenging us."●

A TRIBUTE TO MURRAY AND LYNN SINGER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. LANTOS. Mr. Speaker, it is my great pleasure today to pay tribute to two people who have made a major impact in the area of human rights around the world.

Together, Lynn and Murray Singer have succeeded in translating into every day life the ideals of a true partnership in a marriage, long before such ideals became fashionable.

Lynn Singer has served with distinction as president of the Union of Councils for Soviet Jews. For years, she was a small voice in the wilderness, trying in vain to alert the world to the suffering inflicted upon Soviet Jews and dissidents. For years, no one would listen, but still she persisted until finally the world came to pay attention to the plight of the persecuted.

It was an all-consuming occupation, and it is a great tribute to her dedication that she succeeded, And yet, it was also due to the selfless devotion of her husband, Murray, that much of her work was made possible.

Murray Singer has been a source of strength and inspiration for Lynn at the time she was pursuing her work on behalf of Soviet Jews, as well as for their children Andrea and Richard. At the same time, he was pursuing a distinguished career of his own in music and education.

Murray worked 6 nights a week while attending New York University, graduating with a bachelor's degree in music and, later, obtaining a master's degree in education. During World War II, he played with the legendary Glenn Miller.

After the war, Murray studied piano, voice, and cello at the prestigious Julliard School of Music. As a performer, he has accompanied some of the most prestigious artists of the musical world.

For most of his professional life, Murray has devoted himself to teaching young people the joys of music. He has done this through his own studios and, for 15 years, as a teacher in New York State public schools.

Those who know Murray well know how invaluable his support has been to Lynn, how devoted a father he has been to the children. It would not be stretching the point to note that one of my colleagues has called him "Saint Murray."

Mr. Speaker, Murray and Lynn Singer recently celebrated their 35th anniversary, and it is my privilege to send to them my best wishes for now and for the future.●

NEW YORK POST: MOSCOW'S MOUTHPIECE TURNS TRUTH ON ITS HEAD

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. KEMP. Mr. Speaker, the New York Post's editorial page has emerged as one of America's most important voices for strength and ideas in the pursuit of foreign policy. They refuse to let Moscow get away with lies and propaganda that distort the real reasons for the liberation of Grenada from the impending establishment of a Soviet-style tyranny. As the Post said in their excellent editorial of October 31, "the bloodbath that was unleashed on the Grenadian people was not initiated by the U.S. Marines or the Rangers or any of the other members of the Organization of Eastern Caribbean States. It was unleashed by the Soviet-controlled Grenadian Army."

There are those who are still arguing that by joining our friends in the Caribbean in restoring democracy in Grenada, we were interfering in the internal affairs of another state. The Post would answer that God help the world if there were not a United States of America that was willing to take the responsibility of keeping the light of freedom, peace, and democracy alive, not only in the Eastern Caribbean, but throughout the world.

As far as I can see, the only law we have broken in Grenada is the Brezhnev law, which says: "thou shalt not overturn a Marxist-Leninist state." The small island of Grenada is significant because it represents the first time in history that the Brezhnev doctrine has been repudiated. It is a victory for freedom-loving people everywhere, and a sign of hope for others struggling against totalitarian regimes. Never was it more truly said that "we go to war to gain peace."

I commend to my colleagues the following editorial from the New York Post, which goes a long way in sorting out the distortions and lies emanating from Moscow on the Grenadian mission, and urge them to support President Reagan on this important victory for democracy and freedom in the Caribbean.

The editorial follows:

[From the New York Post, Oct. 31, 1983]

MOSCOW'S MOUTHPIECE TURNS TRUTH ON ITS HEAD

The Soviet government turns truth upside down when it seeks to condemn the American-led military intervention in Grenada as a crime against peace and humanity.

That, of course, is no surprise. It is the standard Soviet pabulum for Moscow's "useful idiots"—the true beievers, the half-truth believers, the myopic and the naive around the world, not least in Washington's corridors of political power and among the American media.

Tass proclaims: "An attempt is being made to drown in blood the right of a whole people to free and sovereign existence."

THE REAL TRUTH

The truth is exactly the opposite.

The bloodbath that was unleashed on the Grenadian people was not initiated by the U.S. Marines or Rangers or any of the other members of the Organization of Eastern Caribbean States.

It was unleashed by the Soviet-controlled Grenadian Army led by Gen. Hudson Austin, a hardcore Communist who installed Prime Minister Bishop in 1979 and this month ousted him from power—aided and abetted all the way by Lt. Col. Hubert Lane, graduate of Moscow's Lumumba University and KGB terrorist training school.

It was Lane who was responsible for the execution of Bishop and four members of his cabinet, one of whom—a woman—was not simply shot but beaten to death.

THE SUBVERSION

As for Tass' lip service to the right of the Grenadians to be free, how does it explain the sinister role of the Soviet Ambassador to Grenada, General Gennadi Y. Sazhenev of the dreaded GRU, the counter-intelligence section of Soviet military intelligence?

Sazhenev specializes in subversion. He wasn't in Grenada for the sunshine.

His mission was to direct Grenada's conversion to a major Soviet base.

He was in charge of construction of the 10,000-foot runway airport at Point Salines which would have provided a much shorter route for Cuban military flights to Angola and, even more significantly, for Soviet and Libyan flights from Moscow and Tripoli to Cuba and Nicaragua.

He was in charge of construction of a command and control post and electronic intelligence facilities to monitor the deep-water Trinidad Channel adjacent to Grenada through which much of America's imported oil passes.

For months Soviet leaders have warned that if NATO begins deploying U.S.-built Pershing II and Cruise missiles in Europe in December to match Soviet SS-20s already aimed at Europe's capitals they would base nuclear weapons within a few minutes range of the United States.

Point Salines airport was ready to begin receiving its first demonstration flights of Bear long-range and Backfire intermediate-range bombers, both nuclear capable. Grenada's St. George's harbor had already been surveyed to receive nuclear missile submarines and mother ships. On the eve of the U.S. intervention Castro was rapidly increasing Cuban forces.

By next month Moscow would have been in a position to try to deter NATO's missile deployment by a Grenada trade-off—or, following NATO's deployment, to exploit Grenada as a forward nuclear capable base.

THE QUESTIONS

How does Tass explain the presence of East German, North Korean and Bulgarian nationals in the Soviet embassy compound?

How does Tass explain the presence of top Castro operative Ambassador Julian Enrique Torres Rizo, formerly New York City station chief of the DGI, the Cuban equivalent of the KGB? And his deputy, Gaston Diaz Gonzales, also a member of the DGI?

How does Tass explain the large Cuban armed forces on the island: in addition to 600 so-called construction workers from the Cuban Army's engineer corps, 800 combat troops and 500 "advisers."

How does Tass explain the Grenadian "security forces," trained by East German specialists in the same terrorist techniques those same East Germans taught to the security forces of South Yemen and Afghanistan and Angola?

How does Tass explain the role of Castro's subversion expert Oscar Cardenas, who as Cuban ambassador masterminded Bishop's coup and then the coup which installed the present murderous regime in Surinam—which has now thrown Cardenas and his Cuban entourage out.

"What is happening in reality," says Tass, "is outright armed aggression against a peace-loving people of a small country."

Grenada's people are, indeed, peace-loving—but their communist leaders were not. They had sold themselves and their country to Moscow, just as Castro sold Cuba to Moscow and Daniel Ortega has sold Nicaragua.

THE BLUNDERS

It was Bishop who began that sellout in Grenada by installing a controlled press and allowing the Soviets and Cubans to convert the island into a military, air and submarine base.

Bishop's mistake was to have had second thoughts after he made a trip to Eastern Europe and saw that the future didn't work.

He committed the cardinal offense of visiting Washington and talking privately to President Reagan's then-national security adviser, William Clark.

He attempted to order Grenada's representative at the Organization of American States to vote to condemn the Soviet's destruction of the Korean airliner in September—an instruction which his colleagues in the New Jewel Movement forced him to rescind.

Like President Daoud in Afghanistan, like Salim Ruba-i Ali in South Yemen, Bishop had become expendable. So had the people of Grenada.●

OUR ALLIES FORGET WHAT GUARANTEES THEIR FREEDOMS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. PORTER. Mr. Speaker, did I hear correctly that the Brits, including Margaret Thatcher, and many of our other European allies do not approve of our protecting the concept of constitutional government in Grenada in the face of Communist thugs, both of the home-grown variety and from Cuba, who took power by force?

Could Willy Brandt actually have said that liberation by the U.S. Marines for the purpose of insuring a freely elected government is "irreconcilable with the principles of human rights."

Mr. Brandt's and Mrs. Thatcher's brains must be fossilizing. What is irreconcilable with human rights is totalitarian communism foisted on a people by the working end of a gun. It is precisely to insure human rights and self-determination that we responded to the call for help of the eastern Caribbean island democracies.

Western Europe should not need reminding that only in places like their own where governments rule by the consent of the governed are basic freedoms secure.

More than this, however, I wonder whose military power they think it is that insures that the same fate does not befall their mature democracies as had overcome the young one on Grenada? ●

LOBBYING BY AT&T ON UNIVERSAL TELEPHONE SERVICE BILL

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. SWIFT. Mr. Speaker, last week, the Wall Street Journal called AT&T's effort to defeat H.R. 4102 the lobbying battle of the year. The Universal Telephone Service Act is the most important piece of consumer legislation we will address this Congress. To shed some light on Bell's lobbying effort, let me share with you briefly some of the comments I have gotten from people—Bell employees and Bell stockholders in Washington State—who have heard AT&T's arguments against the bills and who remain unconvinced.

DEAR AL: I support H.R. 3621 [now H.R. 4102].

I want it known in Congress that AT&T and its affiliated companies are taking all of their employees into conference rooms and presenting a dog and pony show telling us to oppose this consumer-oriented legislation. They are providing company time, paper, pens & pre-stamped envelopes to conduct this campaign.

I question this since, after all, the consumer pays our wages and I'm sure that with all the people who are not doing their job we are costing the consumer a sizable amount of money.

I see no reason why I should pay an access charge every month for a service I choose not to use. This is not right. I do not want to pay for something I do not use.

Thank you.

Mr. Speaker, the nine-page basic packet this Bell employee mentioned in his letter to me is being distributed to all Bell employees, all retired workers, and all present and former stockholders in my area. The information includes a letter from the local company president, a factsheet on the bill, a sample letter to write with three optional paragraphs, a copy of the letter Congress received from AT&T Chairman Charles Brown, suggestions for writing your Congressman and six postage paid envelopes.

Now, with 3 million stockholders, 1 million employees, and a half million retirees, if that is the package AT&T is sending to everyone, the postage alone would come to over $5 million—without counting printing costs, the salary and expenses for the paid lobbyist, and the costs of running full page ads in newspapers all across the country. And without counting the workers, lost time off the job—at ratepayers' expense—which this employee and others have told me about.

Let me quote briefly from another letter:

CONGRESSMAN SWIFT: I thought you would be interested in seeing the packet of information I received at work yesterday.

They're using scare tactics, telling us we may lose our jobs. As far as I'm concerned, Bell wants the "whole cake." They still have a very big hold on local lines and service and are only willing to lower long distance charges because of the growing competition. I already know where the phone company stands and why. I would like to know where you stand on this bill.

If I lose my job, I will take my years of experience and go to one of our competitors.

Another letter:

DEAR REPRESENTATIVE SWIFT: I urge you to support an amendment to protect employee pension rights when the Universal Telephone Service Preservation Act comes before you for debate and vote. (This provision was added to the bill in Committee.)

I also support the prohibition on an access charge of $2.00 per month. Sixty-six percent of the residential phone customers spend $4.00 or less on long distance calls each month. Under the FCC decision, they will pay an additional $4.00 in federal and state toll access fees. One out of six people make no long distance calls. Yet the user would pay $4.00 to the toll networks while the phone remains on the hook. The top 4 percent of long distance callers, the big corporations, account for 62 percent of long distance billing.

And, another:

DEAR SIR: I am in favor of your bill to overturn the FCC edict charging two bucks extra on my phone bill and raising it a buck every year until 1989.

You are right about all the mail being orchestrated by AT&T. I own several shares of stock and have been bombarded with lobbying mail from them.

And, finally:

DEAR AL: Here is a copy of stuff we, as stockholders of Pacific Northwest Bell, received. Enclosed were six stamped envelopes and addresses of the congressional representatives and senators in the state.

This is the most blatant lobbying I have ever seen.

P.S.—I like what you are doing.

These letters are from people who have seen through the AT&T propaganda barage. I am convinced they are not alone.●

THE "FOREIGN" INVASION OF GRENADA

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. BEREUTER. Mr. Speaker, in light of the increasing support from the public and Congress of America's recent actions in Grenada, may I call to your attention an article in the Lincoln Star of November 4, 1983.

Although we entered Grenada militarily, is it not true that the real invasion of the island occurred during the years the Russians and Cubans increasingly occupied that Caribbean nation? With this question in mind, I commend this article to the attention of my esteemed colleagues.

LOOKING FOR ANSWER TO INTERNAL SUBVERSION

While critics of the U.S. invasion of Grenada have been many, suggestions of alternatives have been few. The central issue, it seems to us, is what means does the nation have of dealing with subversion from the outside of an established government?

Granted, neither Russia nor Cuba invaded Grenada in the same sense that the United States did. But the two communist countries had taken over the small island nation just as effectively and totally as though they had landed a military contingency there.

The pattern is one of supremacy of the state which justifies anything carried out by its practitioners. Thus, the head of the Grenadan government and several of his colleagues were simply shot and replaced by a more leftist leaning coalition.

If the U.S. invasion of Grenada was a violation of any United Nations or international laws, why wasn't the military takeover of the country from within a violation of those laws? It is the Cubans and the Russians who should be condemned for their subversion of the existing government of Grenada.

But the problem with the United States and its friends and allies is that none has figured out any way of dealing with the Russian and Cuban kinds of overt and covert takeovers around the world. We are seeking covertly to overthrow the government of Nicaragua but that is not said to be a violation of international law.

But if that covert action succeeded, the end results would be no different than those of a full-scaled military invasion. We think the United States ought to leave Nicaragua alone and that it ought to fashion a more effective plan for helping South American countries develop economically. We believe the United States ought to invest in developments in South America that would help those countries gain financial integrity and political stability.

What we fail to see is any justification for the kinds of takeovers carried out by Cuba and Russia. Why should such takeovers be ignored by us when they have no backing of the local constituency and come at the hand of terrorism? What is to be the form of protection for small democracies if subversion by a more powerful enemy is to be considered a legitimate practice of foreign affairs?

Our invasion of Grenada was not an assault upon the sovereignty of another nation, but rather, a preservation of that sovereignty. If communism can convince the world that such an action is a violation of a nation's rights, then it will have greatly advanced its own cause of international conquest by deceit, murder, and subversion.

In Grenada, the Cubans and Russians represented themselves, not the 110,000 citizens of that country. How can the international community back-handedly approve of Cuba and Russian subjugation of Grenada by opposing U.S. success in giving back to the people of Grenada the nation that belongs to them?●

IN MEMORY OF LLOYD McBRIDE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. LANTOS. Mr. Speaker, I was shocked and saddened to hear of the untimely death of Lloyd McBride, the president of the United Steelworkers of America.

Mr. McBride was elected by the union in 1977 and led the Steelworkers through the steel industry's most troubled time since the Great Depression. He started his career as a steelworker at age of 14, and was a member of the Steelworkers organizing committee in 1936. Like most union leaders of his generation, Lloyd McBride rose through the ranks of the union, first as a union organizer and then as a local president, until he was chosen to replace the Steelworkers long-time leader I. W. Abel.

As a young member of the union in the 1930's, Lloyd McBride worked hard and endured many hardships to insure better wages and working conditions for steelworkers. In recognition of his leadership, he was elected a local union president at the young age of 22.

Praise for Lloyd McBride has come from many sources, from friends in the labor movement to steel industry executives.

Lane Kirkland, president of the AFL-CIO, has said that Mr. McBride will be remembered for "his strong stand in defense of his members' positions at a time of special challenge to the steel industry."

David Roderick, chairman of United States Steel, called Lloyd McBride one of the most outstanding leaders of the American labor movement.

I join with both Mr. Kirkland of the labor movement and with Mr. Roderick of the business community in the belief that Lloyd McBride's leadership will be missed in the coming years.

Mr. Speaker, the Nation has lost a great leader. I want to extend my deepest sympathy to Delores, his wife of over 40 years, to his two children,

Larry and Sharon, and to his three grandchildren. I hope they will find comfort in the knowledge that America will also miss Lloyd's wisdom and counsel in the years ahead.●

THE CRÈCHE AND THE CONSTITUTION

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. KASTENMEIER. Mr. Speaker, I would like to share with my colleagues an excellent and incisive article written by a former Member of this body, Father Robert F. Drinan. The article, entitled "The Crèche and the Constitution", was published in the most recent edition of America, November 5, 1983, published by Jesuits of the United States and Canada. The article examines the question presently before the Supreme Court of the United States in the case of Donnelly against Lynch. The specific issue before the Court is whether it is unconstitutional for Pawtucket, R.I. to continue a 40-year-old custom of erecting and illuminating a life-size crèche during the Christmas season on a private park 300 feet from city hall. Two lower courts—the district of Rhode Island and the First Circuit Court of Appeals, by a 2-to-1 vote—determined that the Pawtucket custom was unconstitutional.

In a scholarly and balanced manner, Father Drinan sets forth the facts of the case, discusses the lower court decisions, analyzes pertinent case and constitutional law, and sets forth several rationales that the Supreme Court might follow in making its decision. He concludes that Christian majorities should pay careful heed not to coerce minorities or nonbelievers into acceptance of the Christian religion. It is this threat of coercion by majority over minority, with Government support, that is central to the Lynch against Donnelly case. Notwithstanding the decision of the Supreme Court on the merits, followup controversy is likely to occur in Congress, and particularly in my subcommittee, the Subcommittee on Courts, Civil Liberties and the Administration of Justice, which has jurisdiction over freedom of religion and free speech. I thank Father Drinan, a former member of the subcommittee, for helping to prepare a firm foundation for our consideration of the important issues involved here.

The article follows:

THE CRÈCHE AND THE CONSTITUTION

(By Robert F. Drinan)

Is it unconstitutional for Pawtucket, R.I., to continue a 40-year-old custom of having a life-size crèche erected and illuminated during the Christmas season on a private park 300 feet from city hall? That is the question that the United States Supreme Court heard argued on Oct. 4, 1983, and which the Court will decide before the spring of 1984 and possibly even before Christmas this year. It will be the Court's first decision on an issue that raises deep emotional reactions whenever it arises. In the Christmas season there are literally thousands of replicas of the Nativity scene on or near public property.

The crèche in Pawtucket was purchased by the city in 1973 at a cost of $1,365. The display includes a "talking" wishing well, Santa's house inhabited by a live Santa who distributes candy and imitation reindeer pulling Santa's sleigh. The Nativity scene includes kings bearing gifts, shepherds, animals, angels and Mary and Joseph kneeling near the manger in which the Baby lies. The scene connotes an atmosphere of devotion, worship and awe.

The crèche is assembled, removed and stored by city workers; these tasks take two worker-hours. The city arranges for two spotlights to shine on the Nativity scene. The parks director of Pawtucket estimated that only $20 of the $4,500 spent on the Christmas festival is attributable to the crèche.

One of the city's motivations in staging the elaborate Christmas display is to bring shoppers and their children into the city. The display is at the heart of the downtown shopping district. The mayor opens the festival each year with appropriate fanfare. Santa arrives in a city fire truck, and the sound system broadcasts Christmas carols throughout the park. Thousands of people enter and leave the park during the Christmas season.

In 1981 Daniel Donnelly and others, members of the Rhode Island affiliate of the American Civil Liberties Union, filed suit in the Federal court in Providence against Dennis Lynch, the mayor of Pawtucket, to enjoin what they described as a governmentally sponsored celebration of Christmas. On Nov. 10, 1981, Chief Judge Raymond Pettine in Donnelly v. Lynch ruled that the city's inclusion of the crèche in its Christmas display violated the establishment clause of the First Amendment. On Nov. 3, 1982, the Circuit Court of Appeals in Boston in a two-to-one split agreed with Judge Pettine.

At the trial the plaintiffs asserted that the crèche was undeniably a religious symbol despite the fact that it was surrounded by nonreligious items. The plaintiffs took the position that the city had the right to arrange a display of Santa Claus and the Christmas tree but that the city's use of the Nativity scene meant that the city was demonstrating support for the Christian religion. Supporting the plaintiffs' case was the testimony of Dr. Michael Werle, a licensed clinical psychologist about 40 percent of whose patients are children. He asserted that the Nativity scene would have a powerful effect on a child and that this effect would be heightened by the magical quality of the display's bright lights and the gifts of candy from Santa. In Dr. Werle's opinion a child of a non-Christian family, knowing that his parents do not agree with the message of the crèche, would be perplexed and troubled. Seeing the city's practice of linking the sacred and the secular aspects of Christmas, the child might be led to think that non-Christians are "somehow less important and have less merit."

Dr. Thomas Ramsbey, a Methodist minister with a doctorate in religion, testified for the plaintiffs that in his view the city had demeaned the basic Christian symbol of the crib by setting it in the midst of other nonreligious symbols. The plaintiffs also utilized the testimony of downtown merchants who noted that 25 percent of their annual business was done between Thanksgiving and Christmas but that in their opinion this would not be adversely affected by the removal of the Nativity scene from the Christmas pageant.

The defense employed the testimony of Prof. David Freeman, professor of philosophy at the University of Rhode Island. This student of religious symbolism claimed that he saw no religious significance to the crèche in the park display; he regarded the Nativity scene as essential to the Christmas display because otherwise "it would be like having a birthday party without knowing whose birthday it was." Dr. Freeman felt that people do not go to the Christmas display to pray or worship but to "participate in the Christmas spirit."

The mayor of Pawtucket testified strongly for the city's display, likening it to the fourth of July, Memorial Day and Veterans Day festivities also sponsored by the city. He was vehement that no one was dissatisfied with the crèche until the plaintiffs initiated the suite, which in the mayor's judgment was designed to "take Christ out of Christmas."

The city argued that the celebration of a legal holiday ought not be a violation of the separation of church and state if "the religious component is placed in its appropriate secular context." The city insisted that since Christmas has been a national holiday, since at least 1870, the government is justified in celebrating that holiday while taking note of its religious origins.

Judge Pettine disagreed. In a carefully reasoned and comprehensive opinion of 15,000 words, he conceded that the state may "acknowledge" the existence of Christmas but that in financing the crèche the city of Pawtucket was deliberately "promoting" religion. The use of "a patently religious symbol raises an inference that the city approved and intended to promote the theological message that the symbol conveys." There is no independent secular justification for the use of the crèche, Judge Pettine found, and hence it violates the "secular purpose" requirement of the three-prong test developed by the Supreme Court to measure possible violations of the establishment clause.

The crèche also violates the second part of the test, the trial judge held, since its "primary effect" simply has to be the advancement of religion. The prominent place given to the Nativity scene belies the contention that the secular and the religious symbols of Christmas commingle in such a way that there is no government support of religion. The city's Christmas display, the judge ruled, cannot be equated with a museum exhibit where a religious symbol is displayed or an educational course where one learns about the secular and sacred heritage of the nation. Judge Pettine ruled that although the crèche advances "the nontheological goals of peace, charity and goodwill," it also "confers more than a remote and incidental benefit on Christianity."

The third part of the establishment clause's test centers on the question of state entanglement with religion. Judge Pettine noted that for 40 years there was no controversy over the existence of the crèche. The intense controversy that erupted on the occasion of the lawsuit's being filed against the crèche does not necessarily mean that there was no previous feeling against this practice; such feeling could have been suppressed out of a "fear of angering the predominant Christian majority." The potential for political divisiveness—a part of the entanglement test—was found by the judge to be present in the crèche situation.

The decision by Judge Pettine is a skillfully chiseled application of the Supreme Court's church-state principles developed over the last 35 years. His decision won approval from Senior Judge Thomas E. Fairchild, who agreed that the city had the intent to aid religion and that the Nativity scene had the primary effect of aiding religion. But Judge Fairchild set aside as unnecessary Judge Pettine's reliance on the political divisiveness strand of the entanglement test. Judge Hugh Bownes concurred in the result, stating that although Christmas is "a holiday with both secular and religious dimensions" the crèche is "tied firmly to the Christian religion." Judge Levin Campbell, dissenting, stressed his conviction that since Christmas is a legal holiday all of its relevant symbols, including those depicting the Nativity, are constitutional.

Prior to the case of Donnelly v. Lynch, there were very few decisions on the constitutionality of the Christmas créche. Early in 1981 a Federal judge in Denver upheld the placing of a Nativity scene in a public place as a part of the city of Denver's annual Christmas lighting program. He found no intent in civic officials to aid religion nor any effect that was beneficial to religion. The judge found after the trial that "no witness testified that he was more a Christian or less an atheist because of the city's lighting display." The judge concluded his relatively brief opinion by stating that "while government must be sensitive to the religious beliefs and disbeliefs of its citizens, it is not required to abandon common sense."

No other decision directly in point exists on the issue of the constitutionality of the créche. But several cases are in litigation throughout the country. On July 20, 1983, for example, a group of residents of Scarsdale, N.Y., went to Federal court to seek a reversal of the village board that barred the display of a Nativity scene in a public park in that community. The board banned the créche even though it had been displayed for the previous 24 years. A decision may be forthcoming before Christmas.

The options available to the Supreme Court cannot be characterized as very clear or distinct. The Court could, consistently with its precedents, follow the logic of Judge Pettine and rule that government sponsorship of a Nativity scene violates the establishment clause even though the scene is an integral part of a civic celebration involving Santa Claus and other mythical legacies to which no one has any constitutional objection. This result would be consistent with the Supreme Court's ruling in 1980 that Kentucky may not display a reproduction of the Ten Commandments in all its public school classrooms, and with a long line of decisions beginning in 1947 which decree that no financial aid or endorsement may be extended by the state to something that is clearly sectarian.

A decision upholding the findings of Judge Pettine would agree with those feelings strongly held by the spokes-persons for the A.C.L.U. and some non-Christian groups, for whom the displaying of a crèche is a symbol of the conscious or unconscious domination of a majority of the population during the Christmas season in ways that are painful and harmful to the non-Christian minority in America.

A decision along these lines by the Supreme Court will attract the vehement protests which came in Rhode Island and Denver when the community experienced legal challenges to the existence of the crèche. A protest might in fact be even more intense than the objections expressed by many over the removal by the U.S. Supreme Court of the Bible and prayer from the public shcools. In those cases the existence of a captive audience was clear. But no one is forced to look at the crèche. It is like the statues of Father Marquette, S.J., and Father Damien in the Capitol Rotunda in Washington.

The Supreme Court could, however, decline to follow the strict no-aid-to-religion approach of Judge Pettine and take the more relaxed position of the judge in Denver. The Court could begin by noting that the sacred and secular components of Christmas are almost inseparable and that the courts should not be required to make a judgment as to how far the government is required to go to separate Christ from Christmas. To do so would, the Court could argue, involve the state in making theological distinctions in a way which would involve the government with the church in a form of entanglement which would itself violate the establishment clause.

In pursuing this approach the Court could point to the minimal governmental expenses involved in the display of the crèche and analogize any aid to religion to benefits which religion receives from the operation of Sunday laws or tax exemption—two pervasive practices sustained by the Supreme Court in 1961 and 1970 respectively.

Compatible with this approach is the brief filed by the U.S. Justice Department urging the reversal of Judge Pettine's ruling. In a procedure that is unusual because no specific Federal interest is involved, the U.S. Solicitor General urges in the brief in the strongest terms that the establishment clause does not forbid the government's protection and even advancement of those truths and symbols from which the nation's morality derives. The brief of the Justice Department is very categorical: "To recognize that Christmas has something to do with the birth of Christ is not to 'prefer' Christianity over other religions, but simply to acknowledge its constituent meaning. To state that government may not prefer one religion over another does not mean that government must pretent that religious holidays have no specific meanings to different religions."

The Court could follow other paths in its first response in history to the crèche problem. It could follow the spirit of its decision in 1983 allowing chaplains to be compensated for offering prayers before the opening of legislatures on the theory that the practice was prevalent at the time the framers wrote the Constitution in Philadelphia and that it is therefore not unconstitutional. Christmas celebrations do not enjoy comparable longevity, but they could be validated as venerable traditions beyond the reach of the three-part test employed in establishment cases.

The Supreme Court could also follow the rationale of its five-to-four decision in 1983 in which it sustained a Minnesota scheme under which parents who send their children to both public and private schools are permitted to take deductions for tuition and other expenses. Even though the benefits to parents with children in private schools far outweighed the benefits available to parents with youngsters in public schools, the Supreme Court sustained the legislation on the basis that the overall intent of the state was to help all students in schools. Similarly, the Christmas pageant in Rhode Island could be viewed as a project established by the government to celebrate a legal holiday need not be struck down even if it involves some incidental promotion of religion.

The Supreme Court's decision is more unpredictable than usual because the créche situation is unique. The decision would be simpler if, for example, a community whose majority was Jewish arranged to place the Menorah for a period of time on the lawn of city hall. A court could rule against such a practice as a violation of the establishment clause. A similar result could come about if a community with a large Muslim population placed a statue of Muhammad in a public place for the month of Ramadan. Similarly, if the statue of Joseph Smith were placed for a specific period of time on public property by a heavily Mormon community a court might enjoin it. But judicial decisions in those cases might well be different if legal holidays had been decreed to commemorate the Jewish, Muslim and Mormon events involved. And that, of course, is the situation regarding Christmas. It is a unique situation since the celebration of Christmas involves simultaneously a remembrance of Santa and the reindeer as well as the manger and the Holy Family.

Some may view the forthcoming decision of the Supreme Court as inconsequential, even trivial—regardless of how it comes out. But the fact is that many people feel intensely that the Christian majority in America regularly seeks to impose its views and its piety on non-Christians. Not a few non-Christians and nonbelievers feel left out and alienated during the period of massive and pervasive celebration of Christmas each year. They do not believe in the central ideas which motivate this vast outpouring of song, pageantry and commercial excess. As a result they resent the fact that Christian churches accept the open governmental sponsorship of all that happens during the Christmas season.

Lawsuits against the presence of crèches are a protest against the churches joining in the extravagant economic and social celebrations of Christmas. To some these lawsuits seem petty and frivolous, but they are the result of deeply held convictions by the leaders of the A.C.L.U. and some, not all, leaders within the Jewish community. Logically these persons are correct when they insist that crèches should be banned just like prayers and Bible-reading in the schools. But the permeation of modern society by the mystique of Christmas is so profound that the sheer logic of the law may not be meaningful or feasible when it mandates that the government may not intermingle Christian elements in the ways it employs to help the citizenry enjoy the most festive and prolonged celebration of the year.

One of the most unusual late developments in the crèche case is the filing of a friend of the court brief jointly by the National Council of Churches (N.C.C.) and the American Jewish Committee (A.J.C). Both groups oppose the government's sponsorship of the Nativity scene and urge affirmance of Judge Pettine's decision. A statement by the N.C.C. in the brief is blunt: "This affront to non-Christians is not only unjust but no religious boon to

Christianity . . . such a display does not greatly enhance the piety of Christians while at the same time trivializing their holy symbols."

The N.C.C. adds that "the insistence upon 'keeping Christ in Christmas' by means of state action is predicated upon and arrogantly expresses the conviction that the majority rules—and is entitled to rule—in matters of religion as in secular matters."

The N.C.C.-A.J.C. brief also notes that Christian organizations can, without any difficulty, erect Nativity shrines on their own private property or on public property at their own expense and by their own efforts.

Despite this 5,000-word brief submitted by two of the top Protestant and Jewish groups in the nation, few church officials have ever seriously become engaged in the controversy over the crèche on public property. The churches have been content to watch politicians exploit the presence of a crèche for their benefit or to decide against crèches when they are opposed by an important minority in a community. If the Supreme Court rules that crèches on public property do not violate the Constitution, the churches may be tempted to take advantage of the decision and enter into a crusade to "return Christ to Christmas." If on the other hand the Supreme Court bans crèches on public property, the churches will be required to urge compliance with the decision and possibly to draw up guidelines as to how governmental and religious bodies can collaborate in the celebration of the Christmas season. In either event the churches will be confronted with new and sensitive responsibilities.

The declaration on religious freedom of the Second Vatican Council is a solemn and unprecedented affirmation of the church's dedication to religious freedom. The document does not contain any directive specific enough to be applicable to the question of a crèche placed by a predominantly Christian society on public property. But the document does warn that a Christian majority must not coerce minorities or nonbelievers into belief or acceptance of the Christian religion. It is that principle which is at issue in the controversy over the crèche. It is to be hoped that Christians of all denominations will be sensitive to the anxieties—even the anguish—of many non-Christians in America who feel that they have the right not to be confronted in the Christmas season by a governmentally sponsored display of the central symbol of a religion in which they do not believe.●

A DAY OF SORROW

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. LAGOMARSINO. Mr. Speaker, Monday was a day of infamy in the history of mankind. November 7 is the unhappy day when the Soviet Union annually celebrates the coming to power of the Communists in that country on November 7, 1917. This day, my colleagues, represents a day the free world and all peace-and-freedom loving peoples everywhere view with sorrow.

As stated eloquently in a letter I received from the Congress of Russian-Americans, Inc.:

> This year we wish to emphasize that November 7, 1917 marked not only the beginning of immeasurable sufferings of the Russian and other enslaved peoples of the Soviet Union, but also the beginning of a global human tragedy which today threatens the very existence of the Free World.

Despite all the propaganda to the contrary, the Soviet Union is not peace-loving, does not seek international détente, and does not see the United States as its sole enemy. The enemy of the Soviet Union is freedom—freedom of thought, religion, expression, speech, and the freedom to live one's life as one sees fit. A peace-loving country does not enslave its own peoples, does not persecute members of a particular religious creed or sect. The world knows the nature of the Soviet Union. And each day, we join the struggle hand-in-hand with those oppressed under the Soviet-made slave-State who do nothing more than seek peace and justice and, in one word, freedom.

November 7 is truly a day of sorrow.●

CONGRATULATIONS TO ERNIE COX, NEW CHAIRMAN OF THE AMERICAN TRUCKING ASSOCIATIONS

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, it is with great pleasure that I congratulate one of my constituents, Mr. Ernest S. Cox, of Denver, Lincoln County, N.C. At its recent meeting, the board of directors of the American Trucking Associations elected Ernie as chairman. I am especially pleased that a fellow North Carolinian and a man highly regarded in the trucking industry has moved into this position of leadership.

As many of us who have worked with ATA in the past know, it is the national association of the trucking industry which so effectively represents the interests of every type and class of motor carrier operation in the country.

This year marks the 50th anniversary of ATA. In the intervening years since ATA was founded, the trucking industry has grown from a fledgling industry to a vital and powerful component of our Nation's economy. It is no coincidence that the tremendous growth that our country has experienced in the last 50 years paralleled the rise of the trucking industry.

As ATA and the trucking industry gear up for their next 50 years, they could not have chosen a more responsible and capable leader. Ernie embodies all the characteristics that have made the trucking industry the force it is today. He has the experience, the vision and, above all, the energies to deal with the vital transportation challenges facing our country.

In his year as chairman of ATA, Ernie will draw on a wealth of experience. A native of Tabor City, N.C., he attended the University of North Carolina and went on to complete graduate work in transportation at the University of Tennessee. After stints in the traffic department of Allis Chalmers Manufacturing Co. and Caterpillar Tractor Co., he joined Dallas & Mavis Forwarding Co., a motor common carrier in South Bend, Ind., where he remained for 17 years. He returned to North Carolina in 1976 to accept his current position as president of Moss Trucking Co. and McLeod Trucking & Rigging Co. in Charlotte.

Ernie serves on the board of the North Carolina Motor Carriers Association, the Specialized Carriers & Rigging Association, and the National Association of Specialized Carriers. In addition, he has been a member of the ATA Executive Committee since 1972.

Ernie is also active in civic affairs. He is a director of the Piedmont Bank & Trust Co., the Charlotte Opera Association, and the Central Piedmont Employers Association. He is also active in the North Charlotte Rotary Club and the Denver Methodist Church.

Mr. Speaker, I congratulate Ernie Cox on becoming the highest elected official of ATA, and I know my colleagues join me in wishing him continued success in his new position. I am confident he will do a fine job and that the trucking industry will benefit greatly from his leadership for years to come.●

HENDERSON MENTAL HEALTH CENTER CELEBRATES 30TH ANNIVERSARY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. SMITH of Florida. Mr. Speaker, 1983 is the 30th anniversary of the Henderson Mental Health Center which serves Broward County, Fla. The anniversary is being celebrated by a series of events beginning on November 11. In fact, the mayor of Ft. Lauderdale, where the center is headquartered, has proclaimed the week of November 11–18, as "Henderson Mental Health Center Week."

The center provides diagnosis and treatment of problems relating to mental health on an out-patient basis at three locations: Pompano Beach, Hollywood, and Ft. Lauderdale.

The importance of the center's 30th anniversary should not be overlooked. In the 30 years of operation, it has treated 85,000 patients and has affected positively the lives of at least 170,000 family members.

In addition, the center trains psychiatric nurses, and postgraduate students work within the community. With this ongoing assistance, it is safe to say that the center has touched lives of at least half a million Broward County residents over 30 years.

The Henderson Mental Health Center is a key organization in assisting the residents of Broward. I salute them for the accomplishments of the past 30 years, and I hope that the programs of the center will be able to continue and expand.●

WELCOME TO OUR NEWLY NATURALIZED AMERICANS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I congratulate the residents of New York's 22d Congressional District who have recently chosen to become citizens of the United States, with all of the privileges, freedoms, and responsibilities that American citizenship entails.

Our Hudson Valley region in New York State is proud of its newest citizens, and I invite my colleagues to join in welcoming the following newly naturalized Americans and extending to them our best wishes for a happy and prosperous life in their new homeland:

The list follows:

Maria Catzone, Joy Madlansacay, Diane Tsou-Ming Lee, Hina Iqbal Zia, Benson Ming-Shun Wu, Stephanie Wanki Kim, Chahriar Sotudeh, Carlos Rodolpho Paniagua, Rene Ramon Castillo, Nina Moon Hong, Jonathan Marc Nadler, Lukas Athanasios Konandreas, Roger Lucas, Vijayan Pattasseril Daniel, Ahmad Abdul Muqeet Siddiqui, Edan Gavish, Ram Gayumba Verma, Jr., Maria Rodriquez, August Arevalo, Miguel Dario Cichowski.

Sarah Louise Spencer, Ernestina Cichowski, Edilberto Leano Anonuevo, Neeta Goel, Evangelos Christou Mirtsopoulos, Florian Santos San Jose, Virginia Campora Sargent, Purnima Mahendra Patel, Dagmar Drahoslava Seiner, Agripina Baguiso Galante, Coralia Hambasan, Radu Dumitru Hambasan, Eran Marom, Jagdish Vithalbhai Mistry, Iris Almeida, Robert Almeida, Naomi Huang, Stephen Huang, Brodine Kerchus, Kurt Kerchus, Beth Ann Labick, Leonard Seimon, Sandra Seimon, Benvinda Madail, Jose Madail, Matthew Solomon.

Doo Ha Park, Andree Durand, Liliana Teresa Gooler, Norberto Pena Monterey, Peggy Chen, Yvonne and Wayne Gordon, Nicole Preval, Clivia Legentus, Fiona Jean Moreno, Prabha Susan Thomas, Fernella Veronica Cabey, William Henry Cabey, Marie Carmel Paul, Hugo Reyes, Berl Gold, Micheline Borgelin, Jacques Lafontant, Natalia Pakh, Pei-Ling Kuo, Joshua Cohen, Garabed Arakelian, Kairene Arakelian, Paul Chung, Rafael Bienvenido Eyssallenne.

Nitza Shafrir, Doron Shafrir, Sidney Olive Wright, Ilias Kouris, Chaim and Chanoch Stanger, Delia Pardo Manzano, Lea Cohen, Moshe Cohen, Vivian Cecelia Matthews, Marie Victorin, Emilia Mercedes Luna Morales, Rosny Louis, Sara Felberbaum, Marie Agathe Toussaint, Malka Klein, Benilda Abanes Lagda, Joseph Camilleri, Karin Zukowski, Aviva Ashur, Irit Ashur, Richard Luckner Marseille, Yvenide Ladouceur, Lucaine Salvant, Nihal Singh Sandhu, Julio C. F. Larraz, Erszebeth Molnar, Aimee Lucie Morin, Renord Juste, Pierrette Elimene Juste, Marie Jean-Jacques, Lena Theresa Chin-Quee, Albert Chin-Quee.

Marta Maria Goendoecs, Micheal Hochberg, Tranquilino Ganzon Fajardo, Leon Agsalud Nollido, Andre Emilton Paul, Anna Molina Cruz, Benedict Robillard, Subhadra Lakshmi Nori, Goody Carino, Daisy Agatha Spencer, Joseph Maria Tessi, Carlos Cardenas, Jr., Ana Elisa Dalsgaard Tessi, Micheline Dumornay Jospitre, Eugenia Chen, Yueh-Yun Shiao, Blanca Rosa Motta, Jen-Tse Cheng, Antonia Sotiriou Bales, Jacques Jospitre, Evelina D'Oro, Meher Phiroze Vakharia, Umang Kumar Puri, Isabel Joan Ballantyne, Li-Wei Sun.

Maria Antonia Fidanza, Emelie Lorentz, Muddamma Konduru, Margaret Kuo-Li Ma Tseng, Jean Rene Belfort, Peter Stephan Tweedle, Dorrette Eloise Wilson, Bina Elizabeth Sunny Mampilly, Tapas Kumar Nag, Cirilo Roxas Rodriguez, Jr., Batia Polatseck, Marie Andree Brillant, Alberto Lachica Chang, Helen Cha Yoon, Marie Isabelle Ancion, Mary Russo, Alix Torchon, David Hsien-Wei Tseng, Marie Ingrid Dorcean, Marie Carmel Calixte Georges, Guilda Marie Audige, Karam Adigala Chandra, Shulamit Ohn, Marie Gislaine Aspilaire, Ronald Charles Cameron, Lorna Tabberrah Rodriguez, Ali Mehryari.

Yvrose Senophat, Young Don Yoon, Dickson Vir-Chilli Lee, Daphney James, Micheal Andrews Han, Nita Annie Sunny, Kenneth Weber, Agner R. M. Lopez, Shashikala Jyotikuma Agrawal, Zsolt Takacs, Chaia Chana Twersky, Edna I-Jen Hu, Virginia Anne Laus, Ghislaine Remy, Gisele Alexis, Felipe Urena, Thomas Esteves, Gerard Enelus, May Teng Ko, Exequiel Hernandez, Landislav Janda, Marie Rosita Brunache, Ketly Victorin, Sandy Santos, Jean Bazile, Matthew Pineda, Pearl Suzan Berger Weiss, Christine Elizabeth Laus, Peggyann Cody, Lucinia Mercedes Ferreira, Ernesto Joson Munsayac.

Edward Zanbrana, Maxim Sander, Lloyd Evan Goulbourne, Varsha Jiwan Gandhi, Paul Elie Mehu, Joseph Varkey Kallukalam, Helen Ilona Okolica, Fred Lopez, Rivka Tarchiss, Terry Hamilton Peter Tash, Margaret Hislop Gordon, Jean Kent, Seth Felix, Naomi Korkoi Adom, Sandra Fedelis Bartley, Ricardo Joyce Carvalho, Helene Chery, Ying Tai Zoen, George Angel Angelov, Lanoline Pulmones, Edgard Leclerc, Jovencio Realubit Rebadavia, Zoraida Encarnacion, Thomas Joseph Tharayil, Victor W. A. Adom, Eusebio Basit Jusi, Jonathan Lee DeLaura, Kyoung Soo Paik, Ilana Eshel, Fabian Ang Sy, Helen Lee Sy, Samuel Mung-Hsien Wu.

Jean Pierre Gagne, Esther Fania Loo, Teresita Saulog Villamaria, Vera Agatha Moore, Ainsworth Anthony Hunter, Surya Kumari Vemuri, Diogenes Dominguez, Paulette Alcindor Bercy, Rey Thomas Madlansacay, Luis Armando Martinez, Roselure Dejean, Marie Chantal LaPierre, Ramani Thirunarayanan, Vipin Hiralal Bhukhanwala, Evens Sainte-Rose, Gerard Elia Sebban, Marie Claude Charlot, Immacula Printemps, Jong Hyun Kim, Ananda Altagracia Angeles, Marie Michelle Francis, Victorio Puzov Escorpizo, Plocida Agatha Tutino, Castel Marseille, Leonard Beresford Rowe, Syed Atharul Huda, Goonasedkara Arachige Nandapala, Zenaida Lunuza Perez, Yung-Fang Kung Ting, Ursula Golebiowski.

Angela Charles, Moseh Uri Blau, Karine Desnoyers, Marie Josee Joseph, Louis Enee Pierre, Chaya Elka Leibler, Felix Menard, Karin Helene Marschman, Joseph Occilus Armand, Celia Ciment, Olga Duma, Gisele Anne Maire Augustin, Estine Sainte-Rose, Yon Hwa Peterson, Kyong Suk Kim, Young Naomi Didion, Subhash Chandra Gupta, Rebecca Beth Harris, Suresh Nagappa Pattanashetti, Kristin Sun Davis, Kristen Arian Presser, Victor Mendez, David John Johnston, Maire Violette Beauvilet, Sung-Rai Sohn, Christopher A. S. Murray, Shin Chin Tseng, Nicola Joy Peill.

Paul Duggul, Robert Duncan Brown, Evangelos Proestopoulos, Maria Leonne Gordon, Gesine Heike Ehlers, Kami Sur Dougherty, Halil Kolenovic, Yocheved Brown, Jesus Maria Olivo, Webert Saint Fleur, Joanne Marguerite Wooley, Roberta Diana Chabra, Adelaida Arellano Garcia, Marie Lise Ginette Seiden, Masamoto Fujimori, Jutta Koenig Craft, Carole Pauyo, Naba Krishna Chaudhuri, Joseph Maria Tessi, Rajeshwari Jayant Patel, Leila Mattison, Julita Barbara Oparski, Caridad Villalon Diaz, Leonne Gordon, Ana Darosa, Kami Dougherty, Isabella Catizone, Muddamma Konduru, Margaret Kuo-Li Ma Tseng.

Chetna Yogendra Kharode, Helen Cha Yoon, Henry Kim, Salomon Bahar, Jon-Marc Seimon, Simone Seimon, Fong-Chuan Sun, Carlota Elizabeth Bastos, Alangaram Ramalingam, Phyllis Lyttle, Cesar A. Bobadilla, Suresh C. Tewarson, Rosario L. Catizone, Teodor Groch, Joseph P. Srednicki, Kalpana D. Desai, Elaine M. Schofield, Intira Garrett, Elizabeth E. C. Robacker, Cynthia M. Rhodd, Romeo A. Mella, Mena Mazzariello, Maria I. Tulino, Yanti V. Molsing, Walter Greco, Helga Ciancuillo.

Micheal Wu, Lina Hsue Wu, Layong De Fazio, Alfredo M. Diolosa, Kathleen Coyle, Olga J. Acevedo, Cecilia J. Curbelo, Benson Ming Shun Wu, Jean Joseph Renard, Arthur Stubstad, Eleanor Belizaire, Jean-Pierre Farcy, Mahmut Karadagli, Mrs. Mahmut Karadagli, Tanmatie V. Vohra, Richard Greaser, Michael N. Rofles, Yisroel Chaim Stossel, Nikolaos, Tsakalas, Pavel Blazeski, Helmut Schumacher, Moses Rosenberg, Mrs. Moses Rosenberg, Linda Adler, Carmelo D'Angelo, Felipe Periu, Chaya M. Teichman, Gopalakrishna Darisipudi, Joaquim M. Marciano, Mrs. Joaquim M. Marciano.

Luis R. Acevedo, Rachel Gombiner, Christopher McIntyre, Rosita Yeung, J.R. Jean-Pierre, Margaret Cyrille, Krikor Spenjian, Mrs. Krikor Spenjian, Bridget G. Castro, Alice K. Chin, Kenol Francis, Hamid Keshmirian, Eugene Furono, Leslie L. Hunter, Mrs. Leslie Hunter, Punnose Punnen, Louis D. Dorante, Domingo A. Olivo, Esther L. Stuppard, Gracieuse Stuppard, Charles L. Stuppard, John Colandrea, Giuseppina Siena, Ethel R. Tirnover, Maria J. Serringer, Elizabeth M. Leen, Leonard F. Kent, Mrs. Leonard Kent, Lorraine Hintze, Marilyn Maharg, Erik Hora.

Lee Koszta, Leonora B. DeCastro, Jacob Lowy, Liba Fried, Ofelia Ramm, Samuel Friedman, Yitzchok Spielman, Stanislaw Ogonowski, Mrs. Stanislaw Ogonowski, Milosh M. Bukovcan, Mrs. M. M. Bukovcan, Bella Kramer, Marie J. Julien, Hiroshi Arai, Serge Guerrier, Mrs. Serge Guerrier, John H. Julien, Izhak Ashur, Carole Mathe, Ramona M. Reynoso, Felix M. Melendez, Alice Michaelian, Danilo Sulit, Mrs. Danilo Sulit, Bibiana E. Sibuma, Lakshmi D. Venugopal, Charito B. Cajucom, Isabelita B. Cajucom, Marjorie Williams.

Guadalupe Ferreira, Anahid Qunanian, Rosie Johnson, Trinidad A. Santiago, Ireneo G. Dedote, Lester Harris, Rina D. Nunez, Osher Y. Ron, Wai-Wan Doo, Grazia V. Surace, Sieglinde J. Salz, Isabel Snachez, Jessie C. Scott, Frantz Germain, Stefan B. Mucha, Vivian Sabbagh, Margaret H. Ferraro, Saeed A. Jafar, Timothy Chang, Mrs. Timothy Chang, Laura Ann Engel, Henry C. Thomas, Mrs. Henry C. Thomas, Scott C. Chiang, Tushar Shah, Ponciana T. Soria, Gustavo A. Dash, Nellie R. Brown.

Anton Maza, Mrs. Anton Maza, Mariela Taranto, George Pan, Mrs. George Pan, Augusta M. Robinson, Romy Lou Beau, Dilip B. Wadgaonkar, Guadalupe R. Barnes, Julia A. Taveras, Joseph Feder, David M. Kraus, Mrs. David M. Kraus, Annette Frederique, Zofia A. Zwiera, Carlo Joseph, Rosa Turla, Bernardo L. Angeles, Lester A Berbick, Mrs. Lester A. Berbick, Immaculee Pierre, Gabriel M. Kahana, Mrs. Gabriel M. Kahana, Victoria B. Kotwica, Rose D. Moise, Ismail Blonsky, Mohammed N. Abdelilah, Michel A. Despinasse, Ann Thomas, Rita D. Leonty, Laurette P. Michel, Damyanti N. Jariwala, Nazara Huda, Priscilla Baruc, Altagrace V. Marcellus, Eduvigis Henriquez, William Lorentz, Prakash Charuvanki, Kwok K. Yeung, Patricia S. Foulkes.

Joseph Blackman, Frank Pena, Mrs. Frank Pena, Isaak Gilyutin, Mrs. Isaak Gilyutin, Tak Sun Cheung, Eusebio Basit Jusi, Maria Isabel Carvalho, Angela Roberta Kirby, Shaw Ming Lee, Haimonti Chaudhuri, Antonio Martelli, Chung Cho, James Barry Eisenkraft, Sonja Maja Ladouceur, Lai Chia Yao Sun, Nancy Li-Chin Sun, Amzi Nebija, Modesto Alipio Perez, Maria de Lurdes Godi Simoes, Ana Rosa Suarez, Kazal Laszlo, Jacob Rubin, Thelma Castillo Stabile, Luisa Binabiles Arayata, Alice Jeh-Ying Liu, King Soo Kwon, Naomi Ock Kwoon, Ana Tavares.●

TRIBUTE TO LT. GEN. JAMES H. "JIMMY" DOOLITTLE

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. DIXON. Mr. Speaker, throughout the years Members of the House of Representatives have paid special tribute to American citizens who have distinguished themselves in service to their country. Today I am pleased to add the name of another notable American to this group.

Lt. Gen. James H. "Jimmy" Doolittle, USAF (Ret.) has compiled a remarkable record of military achievement. His contributions to American aviation ranks among the pioneering achievements of Charles Lindbergh. He was the first American to fly across the United States in less than 24 hours, first to fly the "outside loop," and first to take-off, fly a set course, and land without seeing the ground—thus pioneering the science of "Blind Flying."

Lieutenant General Doolittle led the first flight on Tokyo in 1942 and, as Commanding General of the 12th Air Force, was responsible for many of the policy decisions that made it easier for the 99th Fighter Squadron—America's first all-black air corps unit—to accomplish its outstanding success during its North Africa assignment in World War II.

He has received the Congressional Medal of Honor, the Distinguished Service Award, the Distinguished Flying Cross, and the Silver and Bronze Stars. Lieutenant General Doolittle's civilian achievements are equally impressive. He has been vice president and director of Shell Oil Co., board chairman of Space Technology Laboratories, and is currently director of Mutual of Omaha Growth and Income Funds.

He has been appointed to the Committee on National Security Organization, the President's Foreign Intelligence Advisory Board, the National Aeronautics and Space Council, and the Air Force Space and Missile Systems Organization Advisory Board. These are but a few of the many achievements Lieutenant General Doolittle has compiled during a career spanning over 65 years.

Few men have given more of themselves to American life than Lieutenant General Doolittle. He has made significant contributions as a military leader, and continues to provide exemplary service as a business and civic leader. His pioneering achievements have helped create a rich American history. His civic contributions epitomize a rich American spirit.

On December 2, 1983, Lt. Gen. Jimmy Doolittle will receive the Tuskegee Airmen Distinguished Achievement Award in recognition of his outstanding contributions to America. This tribute is particularly rewarding because all proceeds will benefit the Tuskegee Airmen Scholarship Fund so that underprivileged and deserving young men and women who are seeking careers in the U.S. Air Force and related aerospace programs will have an opportunity to realize their dreams. This fund will perhaps launch a career as illustrious as Lieutenant General Doolittle's. I am honored to join the Tuskegee Airmen and the many friends of Lt. Gen. James H. Doolittle in saluting a courageous and dedicated American.●

THE FIRST THANKSGIVING DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, as the 24th of this month approaches, the citizens of our great country prepare to observe and celebrate the national holiday of Thanksgiving. For those who remember Thanksgiving Day only as one of feasting on roast turkey, it is essential to point out the significance of this occasion.

The early days of our Nation were indeed trying times and our Founding Fathers saw the need to recognize, despite the everyday trials and tribulations, the many fortunes and favors our Almighty Father bestowed upon our countrymen, the most important fortune being the opportunity to establish this country as a self-governing Republic guaranteeing the right of every citizen to pursue life, liberty, and happiness.

To acknowledge this, our first President, George Washington, at the request of Congress, issued a proclamation on October 3, 1789, establishing the fourth Thursday of the month of November a day of public thanksgiving and prayer. I believe that his words of wisdom should be shared with the citizens of our Nation, especially our children, to remind them of the meaning of Thanksgiving.

I urge every schoolteacher to recite this proclamation in class on Wednesday, November 23, 1983, to add significance to our children's Thanksgiving this year.

"A Proclamation by the President of the United States of America

"Whereas it is the duty of all nations to acknowledge the Providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor; and,

"Whereas both Houses of Congress have by their joint committee requested me to recommend to the People of the United States a day of public Thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many single favors of Almighty God, especially by affording them an opportunity to establish a form of government for their safety and happiness:

"Now, therefore, I do recommend and assign Thursday, the 26th of November next, to be devoted by the people of these States to the service of that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be, that we may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation; for the single and manifold mercies and favorable interpositions of His Providence, which we experienced in the course and confusion of the late war; for the great degree of tranquillity, union and plenty, which we have since enjoyed; for the peaceable and rational manner in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted; for the civil and religious liberty with which we are blessed and the means we have of acquiring and diffusing useful knowledge; and in general for all the great and various favors which He hath been pleased to confer upon us.

"And, also that we may then unite in most humbly offering our prayers and supplications to the Great Lord and Ruler of Nations, and beseech Him to pardon our national and other transgressions, to enable us all, whether in public or private stations, to perform our several and relative duties properly and punctually, to render our National Government a blessing to all the people by constantly being a government of wise, just and constitutional laws, discreetly and faithfully executed and obeyed, to protect and guide all sovereigns and nations (especially such as have shown kindness to us) and to bless them with good government, peace and concord. To promote the knowledge and practice of true religion and virtue, and the increase of science among them and us, and generally to grant unto all mankind such a degree of temporal prosperity as He alone knows to be best.

"Given under my hand at the City of New York the third day of October in the year of Our Lord 1789.

"G. WASHINGTON."●

TRIBUTE TO C. C. "CHICK" CARLTON

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. SHELBY. Mr. Speaker, I would like to share with my colleagues in the House of Representatives a story that appeared recently in the Independent Advertiser. The article recognizes and honors Mr. C. C. "Chick" Carlton, who retired after 35 years as superintendent of Auburn University's Chilton Area Horticulture Substation, near Clanton, Ala.

Chick's story is fascinating and very special.

Following is the article as it appeared in the newspaper:

CARLTON RETIRES AFTER 35 YEARS

No one could accuse C. C. Carlton of being a job jumper. He became superintendent of the Chilton Area Horticulture Substation near Clanton, when that unit of the Alabama Agricultural Experiment Station began operations in 1948. And he has been the only superintendent of that Auburn University research facility throughout its 35 years of service to the area's agriculture.

But all that ended November 1. On that date, Carlton, known as "Chick" to friends and associates, joined the ranks of the retired to devote full time to such interests as growing beef cattle, hunting, and fishing, and maybe even to take that vacation he never found time for while keeping tabs on hundreds of fruit and vegetable research plots.

Carlton's dedicated work at the Auburn Substation drew praise from the Experiment Station's top administrator, Dean and Director Gale A. Buchanan. Buchanan said dedication of staff members like Carlton has made the Experiment Station's support system for agriculture successful through the years.

Placement of the Substation in Chilton County illustrates how the Experiment Station is organized to provide scientific support for farmers producing different commodities in each major soil area of the State. Carlton's duty as superintendent was to work with project leaders from Auburn in researching problems facing area farmers who specialize in fruit and vegetable production. Success of the area's agriculture is a striking testimonial to the accomplishments of Carlton and to the value of the research system, Buchanan said.

A native of Coos County, Carlton graduated from Auburn University (then Alabama Polytechnic Institute) in 1943. After three years of Naval service in World War II, he served with the Alabama Extension Service as assistant county agent in Chilton County for more than two years before beginning his long-lasting career with the Agricultural Experiment Station.

Peaches have received the greatest research attention at the Substation during the past 35 years, and Carlton says greatest agricultural progress in the area has been in peach production. Advances in varieties, rootstocks, replanting methods, fertility, disease and insect control, and other management practices resulting from research have helped the peach industry to develop into a highly successful enterprise, according to Carlton.

Despite the every-year concern about cold spring weather wiping out the peach crop, Carlton says, there has been a complete failure only one year out of the 35 he has been at the Substation. A low temperature of 22 degrees when peaches were about the size of peas destroyed the crop in 1955. Freezes have reduced the crop as much as 50 percent in some years, Carlton recalls, but 1955 had the only total failure.

Many other crops also got research attention through the years, and a history written for publication by Carlton recalls this work. Some of these crops, such as trailing blackberries, are no longer produced in the area, but the know-how for their production was provided through Substation research.

Sweet potatoes have grown from "patch" production into large-scale commercial production, Carlton notes, as farmers adopted research information on varieties, weed, insect, and nematode control, harvesting, and storing. Yields have gone from about 150 bushels per acre to the 500-600 bushel range in recent years.

Research on apples and plums has aided the establishment of commercial production in the area. The Substation has played a key role in the Experiment Station's plant breeding research that has developed improved varieties of plums, cantaloupes, and watermelons.

Being a "jack of all trades" has stood Carlton in good stead through his 35 years at the Substation.

He said getting the program started called for rebuilding old buildings, drilling wells, getting equipment, and hiring and training people to do plot work.

A red-letter day in Carlton's memory was when the new auditorium was completed in 1976. This provided nice office space, a comfortable auditorium to replace an open shed for farmer meetings, and a focal point to identify the unit of the Experiment Station.

Carlton's conversation leaves no doubt that he has enjoyed his 35 years in Auburn's agricultural research program—and that he is looking forward to the next phase of life.

C. C. "Chick" Carlton is truly an outstanding individual. His devotion and service to the people of Auburn University, Clanton, Chilton County, and the State of Alabama are worthy of the highest praises.

I am honored to be able to share this exceptional story with my colleagues in the House of Representatives, and certainly wish Chick well in his future endeavors.●

A TRIBUTE TO SGT. JAMES F. STEPANEK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to a respected community leader of Chicago's southwest side, Sgt. James F. Stepanek. Sergeant Stepanek has been a Chicago police officer since 1958, and he has served the Chicago Lawn Eighth District Division as a sergeant since 1963.

Jim is known throughout our area for his hard work on behalf of our community. His main concern has always been the safety and welfare of our community, and he has worked to control crime and spur community involvement. Besides protecting citizens in his job as a police officer, Jim has worked to facilitate communication between citizens and the police department. I join with the residents of Illinois' Fifth Congressional District in thanking Sergeant Stepanek for his work on our behalf, and I would like to introduce into today's CONGRESSIONAL RECORD a newspaper article honoring Jim upon his receipt of the Ray McDonald Community Achievement Award.

SERGEANT JAMES F. STEPANEK HONORED WITH MCDONALD AWARD

Sergeant James F. Stepanek, the "McDonald Award" recipient for the month of October was born and raised on the Southwest Side where he has resided all his life. Stepanek became a Chicago Police Officer in 1958 and was assigned to the Chicago Lawn 8th District Division. In 1963, he attained the rank of Sergeant, a position he currently holds. Under the direction of Commander John Corless, Jim was assigned to the Neighborhood Relations Division in 1978, an office that serves as a means of communication between community citizens and the Chicago Policy Department.

"It is an apparent proven fact that police-citizen cooperation is necessary in overcoming crime activity and other problems. Communication must be maintained if these objectives are to be met. An alerted and aroused community can thwart crime" said Stepanek. He went on to say that "We all share a common goal, and that is to have a safe community to enjoy. The aim of the

8th District and the Chicago Police Department is to service the public in every manner possible."

Jim, besides his regular duties as a neighborhood relations officer, also serves as a liaison between the 8th District Beat Representative Program and the Chicago Police Department.

Jim is married to wife Lorraine, and they have one son and daughter, and one grandson.

The staff of the Midway Sentinel expresses its thanks to Sergeant James Stepanek for his many contributions to our community. His dedication and cooperation truly exemplifies the standards and goals set by our late editor, Raymond "Riggs" McDonald.●

PERSONAL EXPLANATION

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. EDGAR. Mr. Speaker, on Thursday and Friday, November 2 and 3, I was unavoidably absent when the House was considering H.R. 2867, the Hazardous Waste and Control Enforcement Act of 1983, and H.R. 2114, the maritime bill. Had I been present, I would have voted against the Hughes amendment to the hazardous waste bill, which struck out provisions of the bill giving officers or employees of the Environmental Protection Agency (EPA) certain law enforcement authority. There have been no indictments handed down under the existing Solid Waste Disposal Act, in part due to the lack of adequate investigatory authority and the inadequate funding for criminal enforcement, but also because EPA investigators do not have the same law enforcement authority that many other Federal agencies possess. Because I believe that the EPA must have the enforcement tools necessary to protect against deliberate criminal violations of the Solid Waste Disposal Act, I would have voted against the Hughes amendment.

In addition, I would have voted against the Levitas amendment to H.R. 2867 when it was considered in the Committee of the Whole and in the full House. This amendment would have mandated congressional review of EPA rules on small quantity generators of toxic waste before the rules could become effective. I believe that this amendment was essentially a form of the legislative veto, which the Supreme Court found unconstitutional in the Chadha case. Congress does have a responsibility for oversight of executive branch regulations, but if it disapproves of specific rules, Congress should correct the situation through the normal appropriation and authorization process.

On Friday, November 3, the House voted overwhelmingly to pass H.R. 2114, the maritime programs authorization bill for fiscal year 1984. I would have joined the majority of my colleagues in voting for this important legislation.●

GENERAL MOTORS CEO ADDRESSES CONGRESSIONAL AUTOMOTIVE CAUCUS

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. TRAXLER. Mr. Speaker, Roger B. Smith, chairman of the board of the General Motors Corp., met with members of the Congressional Automotive Caucus this morning to review the future aspirations of General Motors as the auto industry tries to continue its recovery.

The meeting was quite interesting, and questions from our colleagues to Mr. Smith covered a whole range of issues: value added tax, voluntary restraints, new car model plans, fuel efficiency, and the quality of foreign-made cars compared to American-made cars.

Mr. Smith also discussed GM's Saturn project—an effort to build a completely new kind of car from the ground up, including new production techniques.

I want to provide our colleagues with the opportunity to review Mr. Smith's remarks, and I provide them for printing in the RECORD at this point.

REMARKS BY ROGER B. SMITH

Thanks very much, Bob.

I want to thank you and Bud for this opportunity to speak to the caucus and others who've been interested enough to join us this morning.

I appreciate the time all of you are taking to be here.

I think it testifies to the impact the auto industry has on the economic well being of the country and your constituents.

And I value this chance to update you on some of our plans for the future at General Motors.

Now, in planning for GM's future, we've basically been guided by two things:

First, we've attempted to make our plans with the expectation that there would be freer trade and less government involvement than in the past in the decision-making process of the private sector.

Second, our plans have been shaped by our belief that we should continue to offer a full range of products to our General Motors customers—and by our long-time policy to produce vehicles in the markets in which we sell them.

In this country, that means producing cars designed by Americans and built by Americans for purchase by the American consumer.

Now, the mandate to make a full range of products naturally includes the subcompact end of the market.

Subcompact sales have grown from about 10 percent of the U.S. industry in 1970 to around 40 percent today.

We foresee them holding at least that share of the market for the next several years.

So this is an important market segment.

But as you're all well aware, there is a big problem with that end of the market—namely the problem of making a subcompact here in the United States that is cost competitive with small Japanese cars.

All U.S. automobile companies face three major obstacles in the struggle to be cost competitive with the Japanese in this market segment:

First, we have higher labor costs per car, and by this I mean higher wage rates coupled with the greater number of hours needed to build a small car in this country.

These costs are the responsibility of both management and labor.

They could be reduced, for example, by revising outmoded work rules and too rigid job classifications and by introducing better inventory control systems and more advanced product technology.

Second, there are an excessive amount of government regulations that increase our production costs, regulations from such agencies as OSHA, EPA, etc.

And third, we are hampered by the present imbalance of the U.S. dollar against the Japanese yen.

Now, fortunately, American automakers have some major advantages that work against these obstacles:

We have the world's most highly skilled workforce.

We have a great network of suppliers with access to low-cost materials.

And at General Motors, we believe we have the world's best technology, both in design and manufacture.

As we saw it, what we needed to do at GM was to find a way to put these three advantages together in a winning combination.

And we were determined to try.

So while some of our competitors have talked about throwing in the towel, GM didn't give up on the idea of producing small cars in this country.

Despite statements by the doom-sayers and our competitors to the contrary, we never did give up.

We just went to work—the thing we know best.

We went back to the basics of Sloan and Kettering and came up with innovations and inventions.

We came up with enough of these over the past year and a half that last week we were able officially to announce our Saturn Project—the "clean-sheet" approach to making small cars that we previously referred to as our "no-year car program."

As most of you have no doubt heard by now, our Saturn group will initially develop a brand new two-door coupe, a four-door sedan, and a utility sports vehicle.

The sedan will average about 600 pounds lighter than the Cavalier 4-door and some 300 pounds less than the 5-door Chevette.

These vehicles should get around 45 mpg in the city and 60 on the highway.

But the important thing about these cars will be not only the cars themselves, but also how they're put together.

With Saturn, our goal is to use literally hundreds of innovations and inventions in design and engineering—along with unique plans for melding them together.

As a result, we will be able to build small cars in this country in a new way—a way that not only will be cost competitive with small foreign cars, but also will represent solid advances in safety, handling, and durability.

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Now, we haven't announced a production date, as yet. A lot of work still has to be done, so Saturn is still a "no-year" car.

But we're far enough along to begin the transition from the laboratory to the factory.

These cars and the innovations they represent in integrated design, engineering, manufacturing, assembly, materials management, and human relations will be an historic step toward overcoming the Japanese cost advantage in small cars.

And eventually, we plan to apply what we've learned in Saturn to the rest of our business.

We plan to "Saturnize" our other vehicles.

As Saturn's concepts are then spread throughout our entire product line, they will help ensure that the American auto industry remains competitive and is able to provide secure, good paying jobs.

There isn't time here this morning to go into many details about the Saturn Project.

And frankly, there are many things we're not ready to talk about yet.

But I would like to mention two important things.

First, Saturn will make unprecedented, fundamental changes to the assembly process.

We'll be using the modular assembly concept, which will basically break today's long assembly line into shorter, parallel lines, each handling a specific type of vehicle.

This will dramatically change assembly plant size and design, how jobs are organized, and how materials or subassembled modules are delivered to workers.

Second, Saturn will draw upon a more cooperative spirit in the workplace.

And the UAW and GM expect to make a joint announcement shortly about how we plan to work together to improve our competitiveness.

Now, development of the Saturn will take time.

And, frankly, it's more important to do it right than to do it fast.

As I said, this is still a "no-year" project.

But we went ahead with our public announcement last week because we wanted people to know that General Motors has not given up.

We believe we have "the right stuff."

And we're putting our energies and resources on the line.

But until we can bring Saturn to market, we need other programs to meet the small-car needs of our customers and our dealers.

We currently have three such programs underway.

First, we're continuing to make our Chevette subcompacts in this country.

Second, we're hopeful of obtaining FTC approval for our proposed, limited-life joint venture with Toyota in California.

That venture would produce a new and distinct model small car in a currently closed GM plant in Fremont.

And it would provide 12,000 American jobs—either at the plant itself or in supplying the operation.

Now, I want to point out that our announcement of the Saturn Project in no way diminishes the value of our proposed joint venture with Toyota.

On the contrary, the joint venture is essential to the success of Saturn.

We must learn whether Japanese management and assembly techniques can be applied in the American environment.

Our third program would import small Japanese cars to fill the current void at the low end of the market, just as our U.S. competitors have.

For instance, Chrysler has been importing complete vehicles from Mitsubishi for about the last 10 years.

These Japanese imports now account for over 10 percent of Chrysler's unit sales.

Since 1978 alone, Chrysler has delivered close to 900,000 Mitsubishi vehicles.

At present, GM does not import any vehicles, although we did import the Isuzu small pickup truck until a U.S.-made model, our highly successful S-10 truck, was ready.

Now, of course, we would like to bring in a small car from Isuzu and a mini-car from Suzuki.

We're hopeful the Japanese government will take these plans into consideration when it apportions exports to the U.S. under the new voluntary restraint program.

We believe that, to be equitable, the programs we worked out with Isuzu and Suzuki on the assumption that the restraints would be limited to three years, should be accommodated under the new, forth-year arrangement.

These programs should not be penalized by staying with export allocation formulas that are now outdated.

In the meantime, we hope our own government can provide a suitable economic climate for our Saturn Project—and all the rest of the business.

We hope it will work to reduce the federal deficit—and thereby help bring down interest rates.

Progress on the yen/dollar problem and the burden of excessive government regulations would also be helpful.

However, the fact is that we can't wait.

So we're pushing ahead.

The stakes are high—American jobs—but I am confident that, given time, we can do the job.

There has been far too much pessimism expressed about the future of industrial America.

Contrary to what you hear elsewhere, the sun is not setting on American industry.

We still have the resources, the nerve, and the know-how to accomplish what must be done.

And I firmly believe that the future is bright—if all of us work together and dedicate ourselves to getting on with the tough job of beating the competition.

Thank you very much, and now I'd be glad to take your questions.●

THANKS TO PAULA J. LEICHT

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. KOLTER. Mr. Speaker, today I rise to thank Paula J. Leicht for the valuable contributions she has made to my office over the past 3 months. In addition to working with my legislative staff, Paula has prepared statements and important technical communications for my direct use.

Paula's primary attention has been focused on timely environmental issues such as the groundwater contamination problem and hazardous wastes. This research work has been most helpful in preparing me for hearings held by the Government Operations Subcommittee on Environment, Energy and Natural Resources. Her work will also be vital for future use.

Over the last several weeks Paula has also been preparing a report for me on acid deposition. The report will summarize the many voluminous studys that have appeared on this serious environmental and economic issue. I have also directed her to attend several briefings on this topic on my behalf, and include a summary of the proceedings in her final report.

Most significant is the fact that Paula has accomplished a tremendous volume of work while spending approximately 20 hours a week in my office. For the last semester Paula has divided her time between my office and law school. She is currently completing the first term of her third year here in Washington. In January she will resume her studies at the Delaware Law School of Widener University at Wilmington, Del.

Again, I want to thank her for her intense interest and quality work.●

CELLULAR LOTTERY: THE NEED FOR A DELAY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. MARKEY. Mr. Speaker, today I am introducing legislation to prevent the Federal Communications Commission (FCC) from adopting a lottery selection process for cellular radio licensees during this congressional session. This bill delays to January 1, 1985 the date on which the Commission may adopt such a random selection procedure.

My call for this delay is based on simple grounds. The Commission began the license process with a comparative selection procedure as the basis for granting licenses. Now, in the middle of the game, the FCC seeks to change the rules without congressional approval or consultation. The delay I propose gives the Congress the remainder of the session to review the Commission's proposed rule change, and determine if it best serves the public interest.

To explain the need for this delay, I would like to offer a brief background on how the FCC arrived at this point.

The Commission's October 6 decision adopting a notice of proposed rulemaking (NPR) in this matter represents a serious departure from existing FCC policy—a policy change which has been made without the benefit of congressional input. Earlier, the Commission had noted the extensive capital investment and great technical expertise that is required to effectively provide cellular services. As a result, it adopted a comparative process for selecting license awardees.

The FCC's tentative decision negates these considerations. As a member of the Telecommunications Subcommittee, I am concerned that a lottery would foster speculation in cellular licenses and encourage nonprofessionals to enter the field for little more than the cost of purchasing a prepackaged application. Such applications are already being promoted in magazines and mass mailings. A lottery system could result in weak licensees winning licenses, and simply holding them as assets to be sold at a profit.

At the same time, a lottery will almost certainly disadvantage many small but capable operators of domestic public land mobile radio services (DPLMRS), more commonly known as radio common carriers (RCCs).

These operators have a long record of service in providing radiotelephone and paging to the public, and have made substantial investments in successful local systems. They now hope to extend their operations to the cellular field. Use of a lottery to award cellular licenses would ignore the very substantial investments made by these RCC operators, their experience, their technical skill, and the substantial benefits they presently provide to the communities in which they operate.

Furthermore, the Commission has failed to adequately address the question of what type of minority preference would be most viable for such a lottery, if it were implemented. It has also failed to consider some hybrid between the two systems, like a lottery with a qualifications threshold, for example.

Obviously, it would be both inappropriate and unfortunate if the Commission issued a final rule adopting the lottery before we in the Congress have completed our examination of the issue. That is why I believe that a delay in the adoption of the lottery plan would be most advantageous for all concerned, especially the public.

I urge my colleagues to review the proposed delay, and join me as a cosponsor of this bill.●

CIVIL SERVICE MISCELLANEOUS AMENDMENT ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mrs. SCHROEDER. Mr. Speaker, today I am introducing legislation making a number of noncontroversial miscellaneous amendments to the civil service laws which I hope we can pass next week.

I introduced H.R. 4133 on October 6 and held hearings on the bill in the Civil Service Subcommittee on November 1. Some of the provisions of H.R. 4133 have to be enacted this year. To insure their enactment, the bill I am introducing today discards every provision of H.R. 4133 which elicited any opposition whatever at our hearings. By moving forward with this bill today, I am not abandoning the other provisions of H.R. 4133. In fact, I hope to be able to bring the authorization provisions, the special counsel independence provisions, and some of the other changes to the floor next year. My purpose in introducing this bill is to create an entirely noncontroversial measure which can become law this year.

The bill I am introducing today contains the following sections:

Sec. 1: Short title: "Civil Service Miscellaneous Amendments Act".

Sec. 2: Retired Administrative Law Judges can be reemployed for a fixed term. Originally introduced as H.R. 2226 by Mr. Barnes. (Identical to sec. 102 of H.R. 4133)

Sec. 3: (a) Federal Labor Relations Authority Chairman is chief executive and administrative officer of Authority. (Identical to sec. 402 of H.R. 4133)

(b) Eliminate language relating to the initial establishment of the FLRA. (Identical to sec. 403 of H.R. 4133)

Sec. 4: Change time for filing exceptions to arbitration awards to 30 days from date award is served on party. (Same as second change made by sec. 404 of H.R. 4133; Does not impose time limits for FLRA decisions on exceptions to arbitration awards)

Sec. 5: Extend Vacancies Act to cover independent establishments in the Executive Branch. (Derived from sec. 502 of H.R. 4133)

Sec. 6: (a) Clarify that provision of Government Empolyees Training Act requiring employees to serve three times as long in government positions as length of training applies to participants in the Executive Exchange program sponsored by the President's Commission on Excutive Exchange.

(b) Make permanent authority of President's Commission on Executive Exchange to collect participation fees from companies sponsoring participants in the Executive Exchange program. (Derived from sec. 503 of H.R. 4133)

Sec. 7: Authorize continuation of personnel demonstration project at Navy facilities at China Lake and San Diego, California. (Identical to sec. 504 of H.R. 4133)●

INDUSTRIAL POLICY

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. LUNDINE. Mr. Speaker, recognition of the need for a comprehensive set of solutions to the problems ailing America's industries has led to the consideration by the Congress of a wide range of legislative proposals which include proposals for public-private sector economic cooperation councils, industrial development banks, changes in trade laws, new approaches to scientific research and manufacturing technology development, tax reform, and reform of our antitrust laws. Taken together, these proposals have come to be known as "industrial policy."

Our colleague from California, GEORGE BROWN, recently addressed the annual meeting of the National Conference on the Advancement of Research on the subject of industrial policy. His thoughtful discussion of some of the individual components of such a policy, and his emphasis on the need for coordination of these individual policies into an overall thrust serves a highly useful purpose. I commend his address to your attention, and insert it in the RECORD at this point for the information of my colleagues in the House:

NATIONAL CONFERENCE ON THE ADVANCEMENT OF RESEARCH

It is a privilege to join you here in San Antonio for the 37th annual meeting of the National Conference on the Advancement of Research. This conference has a long and distinguished record of bringing together leaders from industry, government and universities to discuss important science policy questions of current interest. The published proceedings of these conferences constitute a unique history of American science and technology policy in the Post-World War II period.

This year's theme, "New Federal Policies for Research and Development and Their Impacts" covers a wide range of topics. Much of the debate on these topics has focused on the question of Industrial Policy, what it is, and whether we should have, in some fashion, an Industrial Policy for the country, or perhaps more appropriately stated, something different from what has passed as industrial policy up to now.

The government's role in the support of research and development is, in one form or another, a major building block in any industrial policy. Whether we are discussing the policy of the current Administration, which happens to dislike the particular label "Industrial Policy", or the proposals of the Democratic candidates for President, who, with various degrees of enthusiasm espouse some form of Industrial Policy, or the wide variety of legislation being considered in the Congress, it is clear that R&D policy is a significant component in the mix of policies and proposals aimed at maintaining the industrial strength of the United States.

One of the most encouraging aspects of the current Industrial Policy debate is that there is a renewed emphasis on analyzing R&D policy in relationship to other policy objectives, such as technological innovation, economic growth, full employment, and improved science education. Although these objectives, together with national security objectives, have always been with us in our considerations of R&D policy, I think it is not oversimplification to say that in the sixties and seventies. The support of R&D was viewed and discussed as a somewhat more isolated objective, less explicitly connected to those other purposes.

If we try to analyze the present Administration's industrial policy, we find that it is based on a philosophy of minimum government intervention, but with a number of large and significant exceptions. The philosophy is well known. It states that our present free enterprise system, with the play of market forces and competition, will produce a strong and growing economy. The current problems in the economy are seen, not as structural, but as due to the effects of an aggravated but temporary business cycle, and more specifically, to faulty policies of past Democratic, and some Republican Administrations.

Consequently, government policy should be aimed at restoring the existing system to health through tax reductions, less government regulation, reduced spending, and other policies, including a minimum of adjustment and intervention in such matters as technology development. In the eyes of some administration theorists, even less support for basic research in the sciences is needed. Once economic recovery is achieved, the current discussion of Industrial Policy will beome moot, in their perspective.

But the Administration has recognized that exceptions to the non-intervention philosophy must be made. In a moderate but significant statement before he recently left government service, White House Domestic Policy Advisor Edwin Harper noted: "the marketplace must have the dominant role. Government's role should only be to build a firm foundation and keep the rules of the game fair."

The major and most significant exception that has developed to the Administration's basic philosophy in the field of Industrial Policy has come in its changed policy toward support of basic scientific research. It is particularly instructive to trace the evolution of policy in this area. Many in this audience will recall the speech to the American Association for the Advancement of Science by the President's science advisor, Dr. George Keyworth, shortly after he was appointed in 1981. He noted that, with the Federal budget badly out of balance, and with cuts being made in many government programs, Federal support for non-military science must expect to take reductions just like any other non-military government program. Valuable as scientific research is to the nation, no exception from such cuts could be expected for civilian science funding.

Within a year, however, this view was rejected, and, much to the credit of Dr. Keyworth himself, it was realized that the long-term health of the economy and the country makes it necessary to treat basic research as worthy of strong, continuous, and growing government support. A coherent rationale for this change in policy was developed, and has been followed. Some ambiguities exist around the fringes of the question, but the main thrust is clear.

A number of other areas within the general scope of Industrial Policy have similarly been singled out by the Administration for exception from the philosophy of non-interference in the marketplace. For example, the recognition that supercomputers will become of increasing importance, and that Japan is pushing ahead vigorously, led the Administration to direct the Departments of Energy and Defense to oversee this area. In the area of government support for the aviation industry through not only basic and applied research, but through development and test work, a major Office of Science and Technology Policy report recommended the continuation of the National Aeronautics and Space Administration's government laboratories in support of the industry. And in the field of cooperative, private sector research, we had, just last month, the President's message to the Congress in support of the position that joint R&D ventures should be exempted from the antitrust laws which, as we all know, are aimed at preserving competition in the marketplace. The Commerce Department has been vigorous in encouraging joint research activities of various kinds.

I personally find all of these policies laudable and I will support them as they move through the Congress. What I have some trouble with is their ad hoc, or piecemeal nature. I am prepared to argue that we need a stronger, more coherent policy based on a philosophy of closer government-industry-university cooperation instead of the present policy of government participation by exemption.

Let me first note that although I recognize the value of a healthy and vigorous debate on these questions, I am somewhat bothered by those who discuss industrial policy through slogans. It is not especially helpful to characterize the proposals of others as "a method of destroying the foundation of the economy by importing foreign concepts that are not transferable" or as "a half-baked set of schemes to Japanize the U.S. economy". Nor is it useful to label Industrial Policy as "a new mystery elexir appearing on the medicine shelves of Democratic party presidential candidates". If that keeps up, I will be sorely tempted to borrow a phrase and label the Administration's policy patchwork as "Voodoo Industrial Policy". There are good economic agruments for and against various elements of a comprehensive national industrial policy, but these arguments are not helped through sloganeering.

As part of a serious debate on the issues let us first recognize that, in its broadest sense, Industrial Policy has been with us since the founding of the republic. Alexander Hamilton argued for the support of manufacturers. In the post Civil War period, we encouraged both colleges and railroads through land grants. These actions were based on an "industrial policy" although the term had not yet been coined.

Let us also recognize that in the last 15 to 20 years declines in productivity and slow economic growth have been problems that appear to be structural in nature rather than cyclical. They have plagued the economy for more than a decade, through periods of recession and expansion, and once we recover from the present problems it is not likely that we will be going back to business as usual.

Let me also recognize that none of those, myself included, who want to see a stronger Industrial Policy in place, want to pre-empt the private sector. I suspect that the common starting point we can all agree on can be summed up in the following question: What is it that is required for national economic excellence that the private market doesn't do, or doesn't do well enough or fast enough, and that government can do better or can encourage industry to do better? Or, to put it in slightly different terms: industrial policy should be a set of government policies designed to enhance national economic competitiveness in world markets by producing an industrial structure different from what the market alone would have produced. Such an approach should also recognize, I suggest, that while we have an imperfect free market, we also must be ever mindful that we have an imperfect government.

The changes we must deal with arise from many factors. Rapid advances in technology on a broad front are perhaps the most pervasive. New products and processes are entering the marketplace every day, and whole fields, such as, for example, communications, are being transformed at a pace that is bringing about new patterns of manufacturing, work performance, and employment. At the same time, the entry of new technologies are making some technologies obsolete.

Another factor is the evolution of a world economy with strong foreign competitors having access to the American market. In the past, U.S. manufacturers faced only domestic competition, while in the future we cannot avoid this new, world competition. In the quarter century of great success following World War II, America's mass production industries acquired habits and practices that more recently have not served them well. They learned to get high productivity through long production runs with minimum model changes. Product changes were frequently incremental and too often development work became separated from manufacturing except in the small, high-technology businesses or in a few industries such as the telephone industry. A specific example is the U.S. automobile industry which had a virtual market monopoly on large cars in the United States and which, for many years, did little to apply the results of research and development to its products.

In my view we must keep the American market open to foreign competition. It is only under that pressure that U.S. industry will do the job it is capable of and which is needed, and which, in many cases, involves finding better ways of transferring the results of science into practice.

The response in the Congress to the structural changes in the American economy, due to all these factors, has been multiple and varied. To give you an idea of the great variety of legislative initiatives, all of which, in my judgment, must be considered part of an emerging Industrial Policy, let me describe some of them:

National Economic Cooperation Act of 1983 (H.R. 3443) by Rep. Timothy Wirth. Introduced with some 60 cosponsors, this bill emerged from exhaustive hearings by the House Task Force on Long-Term Economic Policy, which Mr. Wirth chairs. It would create an "economic cooperation council," designed not to be "a monolithic national planning agency" as some construe the Japanese Ministry of International Trade and Industry (MITI) to be, but an independent strategy board to identify trends and suggest additional government action.

Bipartisan National Commission on Industrial Competitiveness Act of 1983 (H.R. 1996) by Rep. John LaFalce. The Commission established under this bill would help formulate "long-range strategies for helping to assure the international competitiveness of U.S. industries."

Industrial Transition Act (H.R. 3146) by Rep. Marty Russo. A Commission on the Transition of Industry in our Future Economy created in this bill would explore "possible approaches to cooperation between the public and private sectors in assisting in the transition from an economy based upon manufacturing to an economy based upon high technology and the provision of services."

National Industrial Strategy Act (H.R. 2991) by Rep. Stan Lundine. One of the most comprehensive bills to be dropped into the hopper this year, Lundine's "national industrial strategy" would include the creation of an economic cooperation council to compile and analyze information on industrial competitiveness. It would also set up a national industrial development bank to supplement private capital investment sources.

Economically Strategic Industrial Research and Development Act (S. 428, H.R. 1243) by Sen. Paul Tsongas, and in the House by myself. This bill would create an advisory committee of industry, government, and academic experts, "to look pragmatically at a certain high technology and determine the proper federal and industry roles," and would bring the National Academy of Sciences and Engineering into the process.

The University Research Capacity Restoration Act of 1983 (S. 1537) by Senators Danforth, Eagleton and others. Would provide research facilities, research equipment, graduate fellowships, and faculty development over a five year period through six Federal agencies active in the support of scientific research.

Frontier Technologies Assessment Act (S. 632) by Sen. Lloyd Bentsen. As an alternative to the "scattergun approach" of years past, this bill would provide a "first step toward a unified and effective national technology development policy." A Presidential-level task force on frontier technologies would study policies and evaluate options for the development of emerging high-tech industries.

Manufacturing Sciences and Technology Research and Development Act of 1983 (S. 1286) by Sen. Slade Gorton. This bill would establish a manufacturing sciences and technology R&D crash program within the Department of Commerce in order to address "disturbing signs" in the performance of the U.S. manufacturing sector in recent years. Grants and matching funds would reach $57 million annually.

Robotics and Automated Manufacturing Act (H.R. 4046, H.R. 4047, and H.R. 4048) by Mr. Fuqua, myself and others. These bills would provide incentives for the development and wider use of robots and automated manufacturing systems through the establishment of a leasing corporation, through government assisted low interest leasing of robots and automated manufacturing equipment, through support for research and education by the NSF, through research at the National Bureau of Standards and through a 10 percent tax credit on the purchase of robots and automated manufacturing systems.

Defense Industrial Base Revitalization Act (H.R. 2057) by Rep. LaFalce, and others. Would amend the Defense Production Act of 1950 to direct the President to take immediate action to assist in the modernization of industries related to defense. Would limit such assistance to small and medium-sized businesses unless national security requires otherwise.

National Development Act of 1983 (H.R. 638) by Rep. Minish, et al. Would create the National Development Bank, as a government corporation, to achieve a full employment economy through loans to: (1) State and local governments for public works and facilities; and (2) individuals and corporations to establish, expand, or improve business and industries.

Reconstruction Finance Corporation Act of 1983 (H.R. 1827) by Rep. Whitten. Would establish the Reconstruction Finance Corporation with a principal office in the District of Columbia. The corporation would have a capital stock of $5,000,000,000 to be appropriated from the Treasury of the United States.

R&D Tax Act (S. 654) by Sen. Wallop. Would amend the Internal Revenue Code to permit U.S. businesses with operations in foreign countries to treat all of their domestic research and experimental expenses as deductions against U.S. source income (current IRS regulations require the allocation of a portion of such expenses against foreign source income).

Trade Reorganization Act of 1983 (S. 121) by Sen. Roth. Would establish the Department of Trade, to be administered by a Secretary of Trade appointed by the President. Directs the Secretary, among other things, to: (1) coordinate U.S. policies for promoting beneficial international trade relations; (2) negotiate U.S. international trade agreements; (3) protect American industry, agriculture, and labor from unfair or injurious foreign competition. In recent amendments in Committee, this bill, which started out with Administration support, now includes a high level industrial policy council, and an Administration for Technology and Productivity. I will comment on this later.

National Technology Foundation Act of 1983 (H.R. 481) by myself. A number of Federal programs now fragmented in various agencies would be consolidated into a single, independent National Technology Foundation under this act.

The basic idea underlying the several proposals for a national commission has a lot of merit. It involves another step toward eliminating the adversarial relationships which have for so long characterized the closed, self-contained American economy. It is notable that the idea for such a commission has been endorsed by voices in both industry and labor. For example, Ed Jefferson, DuPont's C.E.O., recently spoke in favor of it, as has Lane Kirkland, the head of the AFL-CIO. And, as we know, the President has looked favorably on the use of special commissions to tackle difficult national policy problems.

The several proposals to strengthen the manufacturing sector generally, both the part that serves the civilian market and the part that serves the defense market, must be carefully considered. It is my judgment that we cannot afford to ignore or abandon the old, established manufacturing base and the many industries that it is composed of. They form the core of our economy, and, like agriculture since the turn of the century, they are going through a difficult transition from being labor intensive to a state of higher labor productivity.

It is in this area that we have seen a proliferation of new terms which purport to describe the new situation we find ourselves in, and thereby help us understand and deal with the associated policy choices. Such terms as sunset industries, the smokestack sector, and the Midwestern "rust bowl", and, on the brighter side, the high-tech firms, the sunrise industries, the new industrial revolution, and the new information age, are finding such use in the public debate.

I believe some of the distinctions implied by the new nomenclature have become misleading. Old industries do not mean old technology; on the contrary, it is in the older industries that new technology is most urgently needed, and where a much closer coupling between research and technology is needed.

We have all heard much about the transition to a service and information economy, and I will continue to be among the first to recognize the very real nature of that transition and its significance. But any notion that we can have a viable economy based on fast food, insurance, and computer programming is difficult to accept. I think most reasonable people will agree that neither the service and information industries nor the economy itself can survive with an eroding industrial manufacturing base.

Proposals to support manufacturing or other individual sectors within the economy such as robotics involve the issue of targeting, another of the new words. Both the proponents and the opponents of such government support and encouragement for individual sectors frequently point to the Japanese experience where both successes and failures can be found. MITI's attempts, 20 years ago, to consolidate the Japanese auto industry into a few firms by, for example, telling Honda not to start building cars, was not, as we all know, a success. Nor has MITI's heavy investment in an electric-powered automobile paid off to date. Areas such as shipbuilding, steel, and aluminum are also pointed to as examples of unsuccessful targeting. On the other hand, Japan's undoubted success in many areas, such as computers, consumer electronics, energy technology, and space R&D, are attributed by many to targeting.

In our own country we can similarly point to both successes and failures. In a number of cases we have focused more narrowly on specific firms or individual projects. The Department of Transportation's proposal, some 15 years ago, to follow in the footsteps of the Concorde and the Tupolev-144 was fortunately headed off, and in no small measure I might add, with the thoughtful assistance of the legislative branch of the Government. Another high-technology dinosaur, the Clinch River breeder reactor, has survived for some years, but may finally be on the way out, again with some assistance from the Congress. But Conrail appears to be surviving and providing needed rail service in the East. The Chrysler Loan Guarantee was highly controversial, but the initiative seems to have enabled the company to pull through.

More important in the longer term will be the effort to provide direct government support for generic technology development in selected fields such as, for example, robotics. The passage by the Congress of the Stevenson-Wydler Technology Innovation Act several years ago provided the foundation for such an effort, and I regret that it has not been funded more strongly by the administration.

At the same time, I find it particularly encouraging to note that in some of these areas the private sector has on its own banded together to carry forward such generic technology development. The most well-known is Admiral Inman's Microelectronics and Computer Technology Corporation. I understand that there will shortly be announced a consortium of private sector firms to collaborate on the application of research and advanced technology to the field of welding. As an industry which is economically significant but not generally thought to be in the advanced technology category, it can surely make significant advances through cooperative research.

What all this means, in my judgment, is that the repeated expressions of concern about the government backing losers instead of winners is a bit of a strawman. The government may make mistakes and the potential for such a mistake backfiring has to be recognized. But a healthy skepticism about the government's ability to pick winners and losers should not lead us to the kind of paralysis that means that the government has no role in strengthening the nation's technology advances. I am not prepared to go as far as Lester Thurow, the

MIT economist, who has proposed, I think facetiously, that if we really think that we cannot pick the areas where government support can make the difference, we should simply use the Japanese list. But I do think that, as in the past, a critical contribution must be made by the government in helping to advance technology development.

I will not discuss in any detail the several proposals to set up a national development bank. In this area we are again faced with the more general question of the role of the market, in this case the financial market. When we observe the financial market's allocation of massive sums for such unproductive uses as mergers of giant oil companies, while funds for modernization and for entrepreneurs are in short supply, it is difficult not to conclude that imperfections exist. Industrial banks may be one way to compensate for this.

The government's organizational arrangements to carry out the function of advancing technological development is an issue that needs particular attention. In my own view the weakness in translating the results of science, especially science supported by the Federal government, into commercially useful development, is a central deficiency of the government's existing organization.

In the biological sciences the problems are less severe. Both the National Institute of Health and the U.S. Department of Agriculture have strong traditions of working with clinical practitioners and growers, respectively. However, in the other important government basic research agency, the National Science Foundation, the problem is acute. Earlier attempts to supplement the basic research function with an application mission were unsuccessful. The most prominent effort was the RANN program, which sought to focus on Research Applied to National Needs. Rann operated for about 5 years with a budget of $70 million at its peak. But it was phased out by the National Science Foundation in the late seventies.

What we need is a realignment of existing government organizations to focus better on technology development. We need an independent agency that takes basic research ideas which hold promise and applies them to user needs, and which conducts technology development as necessary. We need, in short a civilian counterpart to DARPA, the Defense Advance Research Project Agency.

My own proposal to solve this research application problem is the National Technology Foundation. I am encouraged to note that in the last few weeks a very similar proposal has been adopted by the Senate Governmental Affairs Committee. In marking up the bill which would establish a Department of International Trade and Industry, the Committee eliminated the proposed merger of the NSF and the National Bureau of Standards. Instead an amendment by Senator PERCY was adopted. This amendment would establish, within DITI, an "Administration for Productivity and Technology". Like my own proposal, that organization would include the Patent Office, the NBS, the Office of Telecommunications, and the National Technical Information Service, as well as the Office of Productivity, Technology and Innovation currently headed by Assistant Secretary Merrifield.

In the last 10 years the U.S. growth rate has averaged less than 2 percent. Only Great Britain has done worse. So it is not going too far to agree with Harvard Economics Professor Robert Reich when he said that "since the late sixties, the American economy has been unraveling". We must recognize that clearly the problem is broader than the economy. The long term social effects of a slide in productivity and technological leadership are incalculable.

The time to act is now. No short-term, one-dimensional policy will be sufficient to deal with the many faceted structural changes now taking place. American science remains immensely productive, but we still lack the long-term, durable, bipartisan Industrial Policy which will allow us to face successfully the new situation in the country and the world.

Thank you very much.●

TRIBUTE TO MR. GUY VADEPIED OF FRANCE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. LONG of Maryland. Mr. Speaker, it is my great pleasure to welcome to the United States and the Second Congressional District of Maryland a truly distinguished visitor: Mr. Guy Vadepied, Deputy of the French National Parlement.

Prior to his election in 1981 as Deputy, representing the Fifth District of L'Oise, Mr. Vadepied served as the popular and successful mayor of the town of Méru.

There may be almost 4,000 miles between Méru, France, and the Second District of Maryland, but Méru is well known to the veterans in my district. The citizens of Méru have bestowed well-deserved honors upon one Maryland veteran, Mr. Edward R. Veditz, one of the two American soldiers to liberate Méru from the Nazis in 1944.

Méru has honored Mr. Veditz's bravery by erecting a bronze and marble monument celebrating him as liberator of the town and has also named him honorary Chief of Police. It is a tribute to the patriotism and sense of duty reflected both by the citizens of Méru and their distinguished former mayor that they have not forgotten the heroic deeds performed by American soldiers almost 40 years ago.

Mr. Vadepied's visit to Maryland symbolizes the natural affinity of the French and American people, from their heroic struggle against Nazi totalitarianism in World War II to their continued alliance in the free world today. I am sincerely proud to extend our hospitality to Mr. Vadepied and hope that his visit to Baltimore County and the United States is an enjoyable and productive one.●

A LANGUID CIVIL RIGHTS POLICY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. HAWKINS. Mr. Speaker, over the past two decades our Nation has worked painstakingly toward developing a progressive civil rights policy to root out the stark reality of racial and sexual discrimination, which for so many years condemned minorities and women to second-class citizenry.

Brick by brick, a foundation was built, supported by our major governing institutions—the Congress, the President, and the courts—to forge remedies to eliminate the systemic patterns of discrimination. As a result, millions of minorities, women, handicapped persons, and older Americans have begun to have equal access to employment for the first time in American history.

With so much yet to be realized with respect to equal opportunity, it is discouraging, if not tragic, to witness the administration's lack of civil rights enforcement activity. Not only has the building been stopped, but in some instances, there are deliberate attempts to remove the bricks.

As recently as the 1960's many blacks worked as janitors, porters, and foundry workers. Black women were lodged mainly in domestic work; Hispanic men, women, and children confined to stoop labor; Asian and American Indians were victims of narrow stereotypic job classifications; disabled and Vietnam veterans burdened by such corrosive sterotypes they often could find no work at all; older workers fired on the theory that age determines competency; and women whose place in the home somehow determined what limited role they could have in the workplace.

Effective affirmative action and equal employment opportunity regulations have been highly instrumental in helping minorities overcome discriminatory barriers to employment. Supreme Court Justice Thurgood Marshall's words have special instructional meaning now, as they did in his dissenting view on the Allan Bakke case:

> The position of the Negro today in America is the tragic but inevitable consequence of centuries of unequal treatment. Measured by any benchmark of comfort or achievement, meaningful equality remains a distant dream for the Negro.

Much of the problems associated with the public acceptance of affirmative action is due to confusion and misinformation relative to its application. This confusion is regrettably contributed to by the administration's cavalier reference to affirmative action as a "racial spoils system" and their repeated attempts to characterize equal employment policy as some type of preferential treatment. These reckless and erroneous characterizations do a disservice to all Americans, as one group is played against another, dividing us socially as a nation.

The administration refuses to accept studies by their own Labor Department which stated that companies doing business with the Federal Government, subject to special affirmative action requirements, "have posted significantly greater gains in the employment and advancement of minorities and women," and that employment gains were due to "the good-faith efforts of Federal contractors to comply with their contractual obligations of affirmative action."

Affirmative action is not a system of strict job quotas, as commonly and inaccurately referred to by the administration, nor is it a permanent fixture in the American workplace. It is rather, a transitional remedy of goals and timetables which may not be applied once discriminatory personnel systems have been corrected. Affirmative action is designed to insure that otherwise qualified minorities are allowed to participate in those work areas which traditionally have been closed to them.

Quotas are remedies of last resort, which are used by the courts when discrimination has been proven and where other relief would be ineffective.

It is noteworthy that this administration often tries to equate goals and timetables with quotas, notwithstanding the clear distinction between the two devices. As Ellen Feingold, member of the board of the American Civil Liberties Union, noted in comments before the House Subcommittee on Employment Opportunities, which I chair:

> Goals and quotas are both numbers, as pineapples and lemons are fruits. But there the similarities cease. A quota is a ceiling; it is rigid, it is usually small, it has no relationship to equity or to availability, and is designed to be exclusionary. The fact that it is a number is not its essential quality.
>
> A goal is just that—it is an objective which is set and toward which one strives. It is rooted in reality—related to an organization's policies and needs, and to the constraints and opportunities of the organization's environment. It is one of the most normal business practices, described by every major treatise on good management since the 1940's as an essential component of proper business management. Goals, objectives, targets, deadlines, milestones these are standard components of good management planning, and no manager, senior or mid-level, who wishes to do well would dream of doing without these necessary tools for business success.

Mr. Speaker, the present administration's civil rights enforcement policy is the worst in recent memory. It is no mystery why there is consternation among Americans when the President of the United States questions the patriotism of Dr. Martin Luther King, Jr., a man who united this Nation morally and spiritually with his dedicated struggle against bigotry, injustice, and human oppression.

Lukewarm support and last minute endorsement of the Voting Rights Act extension; the diluting, if not dismantling of Government affirmative action mechanisms; and wholesale replacement of members of the U.S. Civil Rights Commission, are all actions which confirm the lack of commitment on the part of this administration toward a meaningful and effective civil rights policy.

So often we hear that because this is the 1980's we no longer require enforcement mechanisms which prevent discrimination. It seems almost, that the critics of affirmative action are saying that because we have eradicated the old Jim Crow laws and lynching mobs, that we no longer need a forceful civil rights policy. These same critics, are in essence deregulating a foundation which has been supported by every President and administration since Franklin Delano Roosevelt. They keep saying they are for civil rights but against affirmative action, which is like saying you are for the environment but are opposed to the Clean Air Act.

The distasteful racial tone of the recent Chicago mayoral race is evidence enough that the job of combating discrimination is not over. Nor does the argument that we have done enough erase the inescapable fact that continual generational discrimination deprived minorities from gaining cultural and educational advantage in this Nation.

This is the crucial point to make—affirmative action is not reverse discrimination, but is rather a reversal of discrimination. We must insure in the days to come, that this body, which was highly instrumental in developing national civil rights legislation, keeps a watchful eye on the regressive efforts of this administration to undermine affirmative action and equal employment opportunity requirements.●

PILLS TO AID THE DIETER: HOW SAFE ARE THEY?

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Ms. OAKAR. Mr. Speaker, Jane Brody, noted columnist for the New York Times had written an article that appeared today. It is concerned with the adverse effects and inefficacy of drugs, among them over-the-counter diet drugs which contain PPA.

I have held several hearings dealing with this problem and have requested the FDA to put these OTC diet aids under prescription medication. PPA can have extremely dangerous and long lasting effects when taken in diet preparations. It has been known to cause psychotic reactions, strokes, and kidney problems. Another problem that exists with this substance is the inefficacy of the effect promised in the ads. We had witnesses who were victimized by taking diet pills and whose health was detrimentally affected.

At this point, I insert in the RECORD, today's column in the New York Times, "Pills to Aid the Dieter: How Safe Are They?"

The article follows:

[From the New York Times, Nov. 9, 1983]

PILLS TO AID THE DIETER: HOW SAFE ARE THEY?

(By Jane E. Brody)

"Lose Weight Fast Without Going Hungry." This advertising claim for a popular diet pill promises to fulfill every dieter's dream: painless weight loss. All you have to do is take one time-release capsule a day to curb your appetite and you'll have no trouble sticking to that low-calorie diet.

The promise is apparently irresistible to millions who have suffered through scores of semistarvation diets and still find themselves burdened by unwanted body fat.

According to industry statistics, more than 10 million Americans, 90 percent of them women, swallow diet pills daily. During the last four years, these pills have been one of the hottest items on the over-the-counter drug scene.

But despite their popularity, evidence of their effectiveness is a lot slimmer than those who take them will ever be—they may, in fact, make it harder for people to lose weight permanently. With some appetite-suppressing drugs the potential for dangerous side effects is significant, according to medical authorities who have studied them. In the face of reports linking diet pills to dangerously high blood pressure, kidney failure, stroke, psychotic reactions, drug abuse and other serious complications, several experts now recommend that appetite-suppressing drugs be sold only by prescription, if at all.

Packages of diet pills usually include a leaflet describing a 1,200-calorie daily diet and urging exercise as part of the weight reduction program. Weight control experts point out that no diet pill can take weight off unless calories consumed are less that calories expended. Appetite suppressants may temporarily increase comfort during a low-calorie diet, but you won't lose an ounce unless you eat less or exercise more, or both.

There are two basic types of nonprescription drug products available to control appetite. The local anesthetic benzocaine is used in diet-aid gums, lozenges and candies. This drug, a common ingredient in first-aid sprays and creams, is said to numb the taste buds so that food loses one of its primary attractions. Serious reactions to these products have not been reported and the studies thus far undertaken are not scientifically adequate to document the effectiveness claimed in ads, according to an expert Federal panel.

Phenylpropanolamine, better known as PPA, is the more widely used, and more worrisome, diet drug. The studies that are available suggest that, in addition to the health risks it poses, it may be less effective than benzocaine. PPA, an appetite suppressant sold in pills and capsules, closely resembles amphetamine, the central nervous system stimulant that was once a popular diet drug but is now a controlled substance because it was so widely abused. The PPA diet products are sometimes sold in combination with caffeine, which is also a central nervous system stimulant that may exaggerate PPA's brain effects.

Warnings on the packages of PPA diet formulations belie claims of the drug's safety. Users are advised to have their blood pressure checked regularly, and people with high blood pressure, mental depression, diabetes or heart, thyroid, kidney or other disease are told not to use the drug. It is also not recommended for those under age 18 or over 60 or for women who are pregnant or nursing, unless a physician's advice is sought first. (The drug can cross the placenta to reach the fetus and gets into breast milk.)

PPA packages also warn against possible drug interactions with other PPA-containing products, nasal decongestants or drugs containing a monoamine oxidase (MAO) inhibitor, and people taking any drug are advised to consult their physicians before taking PPA. Dangerous interactions have also been reported with the anti-inflammatory drug indomethacin. Experts contend there might also be a hazard to women taking oral contraceptives, which themselves may raise blood pressure.

In varying doses, PPA, a nasal decongestant as well as an appetite suppressant, is also found in many popular cold and allergy remedies, including products that are commonly given to children to relieve upper respiratory and ear congestion. Indeed, someone who is taking both a decongestant and a diet pill containing PPA could end up with a dose of more than 250 milligrams of PPA in one day, or three times the daily dose of the diet products allowed by the Food and Drug Administration.

In 1979, an advisory panel to the F.D.A. concluded that both benzocaine and PPA were safe and effective appetite suppressants for over-the-counter sale. The panel's opinion was based on a number of unpublished, unnamed studies that these advisers readily admitted were scientifically deficient. The F.D.A. has yet to endorse the panel's report, and the agency is now reevaluating the safety of PPA-containing products in response to complaints by the Center for Science in the Public Interest, a consumer-health organization in Washington.

The manufacturers of diet pills did not wait for F.D.A. endorsement. As advertisements appeared proclaiming government-panel approval of PPA, diet pill sales doubled in one year—to $200 million in 1980. At the same time, reports of adverse effects of PPA also multiplied. In one study, blood pressure rose to dangerously high levels in 12 of 37 healthy young men who took the recommended dose of a diet capsule that contained 85 milligrams of PPA. Only one of 35 men who received a dummy drug experienced a similar blood pressure effect.

Nearly half the men who took PPA also experienced such side effects as dizziness, headache, heart palpitations, rashes, nausea and chest tightness. Upon learning that one dieter suffered a brain hemorrhage after taking PPA, the researchers revised their experiment to use a lower-dose product, but it too caused elevations in blood pressure.

By the end of 1979, the Swedish Adverse Drug Reaction Committee had received reports of 61 cases of bad reactions to PPA. Among them were psychic disturbances that included hallucinations, confusion, inability to recognize family members, restlessness, irritability, aggressiveness, sleep disturbances and an epileptic seizure. Forty-eight of the victims were children who were taking PPA to relieve congestion.

In 1981, Dr. Albert Dietz, who was then at the University of North Dakota School of Medicine, described in the Journal of the American Medical Association-seven cases of "amphetaminelike reactions" to PPA tremor, restlessness, agitation and hallucination, among others. The side effects appeared within an hour or two of taking one PPA diet tablet. Although most reactions subsided in a few hours without treatment, one woman who had taken 50 milligrams of PPA combined with 200 milligrams of caffeine suffered a psychotic reaction and had to be hospitalized for several days.

In an editorial summarizing the hazards of PPA last year, The Lancet, a leading British medical journal, cited reports of heart damage, epileptic seizures, strokes and even deaths from drug overdoses. "Some of the most serious adverse reactions to phenylpropanolamine have arisen in previously healthy people after ingestion of modest doses," the journal noted. It suggested that safer drugs than PPA be found to relieve nasal congestion.

Experts might be less disturbed about the risks of PPA if the evidence of its effectiveness as a diet aid were more convincing. The studies presented by the industry to the F.D.A. panel showed only "a modest benefit over short-term periods," according to Consumer Reports, which obtained transcripts of the closed hearings. Although groups taking PPA lost more weight than those who took a disguised dummy pill, the difference was only about half a pound a week. In one study, for example, the PPA group lost an average of four and a half pounds in six weeks, as against two pounds for the comparison group. In all the studies, most of the weight loss occurred during the first two weeks, with only a pound and a half lost on the average in the following four weeks on PPA.

None of the studies followed up the results to see if those who lost weight using PPA maintained their losses. At least two studies of appetite-suppressing drugs suggest that in the long run they may be countereffective. Both were conducted at the University of Pennsylvania by experts in weight reduction techniques. In one, 120 women were treated for six months and reevaluated a year later. Those who received the appetite-suppressing drug fenfluramine, with or without behavior modification therapy, lost more weight than those who had behavior therapy alone.

However, a year later there was a striking reversal of the results: those who underwent behavior therapy alone regained significantly less weight than those who had drug therapy, either alone or in combination with behavior therapy. In fact, the drug actually undermined the effectiveness of behavior therapy and speeded the regaining of weight after treatment ended, the researchers concluded. The results of a second study were similar.

PPA is in the same chemical class with fenfluramine, which is also a relative of amphetamine, and the Pennsylvania researchers said they would expect no different findings from PPA. They believe that the drugs become a crutch that undermines the self-confidence of dieters, so that once the medication is stopped they lack the self-determination to maintain their losses.●

A TRIBUTE TO TED LEVINE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. LEVINE of California. Mr. Speaker, I rise today to pay tribute to Ted Levine, a prominent Los Angeles leader who will receive the prestigious Red Yarmulka Humanitarian Award on November 13, 1983.

This unique award is presented by the National Federation of Jewish Men's Clubs for outstanding humanitarian contributions.

During World War II, Mr. Levine served his country in the Pacific, acting as chaplain for 18 months. A native of New Haven, Conn., Mr. Levine settled in California after the war, at which time he joined his family's cooperage business where he remained until he started his own cooperage business in 1962. He later became chairman of the Barrel and Drum Division of the United Jewish Welfare Fund, a position he has held numerous times. Both Ted and his wife Shirley have been honored by Bonds for Israel.

Mr. Levine was the prime mover in founding and building Temple Beth Torah in Alhambra where he later became president. Some of Ted's many additional leadership positions include past vice president of the Southwest Region of the National Federation of Jewish Men's Clubs, member of the board of governors of Sinai Temple and president of its men's club as well as member of the board of directors of Camp Ramah. He is a member of B'nai B'rith, and deeply committed to support of the University of Judaism, which bestowed upon him its merit award.

Ted and Shirley have been blessed by three very special and loving children, Louis, Ozzie, and Nina.

It is a pleasure to bring some of Mr. Levine's accomplishments to the attention of my colleagues and to commend Mr. Levine for his exemplary display of public service. He is an exceptional member of our community and I am delighted he is receiving this special award.●

NATIONAL EMERGENCY TRAINING CENTER

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. SWIFT. Mr. Speaker, too often the bureaucracy is condemned, perhaps because it is such an easy target. However, today I wish to bring to your attention an example of the good work being done at the National Emergency Training Center (NETC) in Emmitsburg, Md.

Mr. Robert A. Neale, Fire Marshal for the city of Bellingham, Wash., recently completed a 2-week course at the Federal Emergency Management Agency's (FEMA's) National Fire Academy located at NETC. His letter outlining what he thought of his study is worth reading, and I would like to include it for the record.

As most everyone knows, NETC was at one time St. Josephs College before it was purchased by the Federal Government under the auspices of FEMA. FEMA, under Director Louis O. Giuffrida, now funds three functions at NETC which encompass a wide variety of research and training in the diverse fields of emergency management.

The U.S. Fire Administration forms a portion of the training and fire programs directorate under Mr. Fred J. Villella, associate director at NETC. The fire administration continues to perform research and sponsor innovative programs in the areas of policy and coordination, arson, and fire prevention, firefighter safety and health, fire data collection, and fire data analysis. The fire administration embodies the Federal fire focus for the Federal Government.

The second function at NETC, the National Fire Academy, strives to improve the technical and managerial skills of the Nation's largest group of emergency professionals by tailoring its programs to suit the needs of both paid and volunteer fire departments. The academy's target audience includes fire service managers, on-line firefighters, fire prevention specialists, fire instructors, investigators, and inspectors as well as code enforcers, architects, city planners, and other allied professionals.

Academy resident programs are offered in three broad categories: One, the fire service technical services addresses the need to develop effective emergency management incident commanders and fire service instructors. Two, the fire service management series seeks to increase the management skills of senior fire service officers and midlevel officers destined to become fire service leaders in the future. Three, the fire prevention series presents courses for those who analyze and evaluate fire risks in their communities, either through prevention and inspection or arson detection and investigation.

Academy field programs provide effective linkage with established fire training and education systems at State and local levels. Through "train the trainer" instructor workshops, course handoffs, or direct delivery through State and local fire training agencies, courses are made available to those individuals unable to attend resident courses. Subject areas of courses offered through the field program include: arson, hazardous materials, fire prevention, management, instruction techniques, and public education.

The third function under the training and fire program directorate at NETC is the Emergency Management Institute (EMI).

EMI presently serves as the Nation's headquarters for the development, collection, and dissemination of emergency management information. The EMI is the successor to the Civil Defense Staff College which operated in Battle Creek, Mich., from 1951 thru 1980. Opening in January 1981, EMI has offered a wide range of modern courses that address the needs of government, volunteer, and private sector emergency management professionals.

EMI resident courses address four subject areas. The national security curriculum addresses the protection of U.S. security interests in time of emergency whether the threat is nuclear attack, terrorist incident, or energy disruption. The natural hazards curriculum deals with problems resulting from advances in technical processes, including hazardous materials and radiation leaks. The emergency management curriculum is designed to increase the effectiveness of emergency managers by improving their administrative planning, and interpersonal skills, as well as their ability to work effectively in an emergency environment.

EMI field courses are offered through cooperative agreements with State government organizations or through FEMA regional officers. Initial phases of the professional development series for the emergency program manager are offered in the field with final completion required at the resident facility in Emmitsburg. In addition to the professional development series program, other courses are offered in the same four subject areas as the resident courses.

Evaluations and modifications are a part of NETC's flexible training curricula which is designed to incorporate continual changes in needs.

This curricula is a broad-based series of courses accommodating many special needs—those of city managers, mayors, and emergency managers, as well as police and fire officials. Some courses are designed to be taught at State, local, and regional levels, while others are taught exclusively at the Emmitsburg campus.

NETC also works closely with other FEMA Directorates to translate ongoing programs into skills and knowledge that can be used at the State and local levels.

NETC is helping FEMA provide the training necessary to build a well-prepared, knowledgeable, and up-to-date emergency management network throughout the country. But listening and responding to the needs of people in the field and by constantly analyzing and updating its curricula, NETC will ultimately bring the process full circle—back to where the needs began, back to the people in the field.

The letter referred to follows:

CITY OF BELLINGHAM,
FIRE DEPARTMENT,
Bellingham, Wash., September 9, 1983.

Hon. Congressman AL SWIFT,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SWIFT: I recently completed a two-week training session at the U.S. Fire Administration—National Fire Academy in Emmitsburg, Maryland. This program, which was almost entirely funded by the federal government, was an outstanding educational opportunity that is not available anywhere else. It will have a substantial impact on my abilities to perform as a fire service professional.

Several other people from your District attended the Academy at the same time, and I'm certain they, too, will confirm its excellence. The quality of instruction, and the opportunity to meet other fire service representatives in this environment, will improve the fire service nationwide.

I am writing to urge your continued support of this program and the entire U.S. Fire Administration as part of the Federal Emergency Management Agency. Our local efforts, backed by the resources of the federal government, will go a long way toward improving fire safety in our country.

Thank you for your past support, and I hope you will continue to look favorably on this program.

Sincerely,

ROBERT A. NEALE,
Fire Marshal.●

NEW ENVIRONMENTAL-ENERGY INSTITUTE

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. WOLPE. Mr. Speaker, I would like to insert into the RECORD a fact sheet on the new Environmental and Energy Study Institute.

As House chairman of the Environmental and Energy Study Conference, I have been working with other Conference members and national environmental and energy leaders, from both the business and public interest communities, to establish this new nonpartisan policy analysis organization.

I am proud to note that our colleague, Congressman RICHARD L. OTTINGER of New York, who founded the Conference and turned it into the respected bipartisan organization it is today, was elected by the Institute's board of directors to chair the group.

Our friend, former Congressman Thomas B. Evans, was elected Vice Chairman.

Russell E. Train, president of the World Wildlife Fund and distinguished environmental leader, serves as Honorary Chairman.

Mr. Speaker, the board of directors is a truly impressive group and will serve the Institute well.

I believe the creation of the Institute comes at a crucial time. We in Congress more than ever need objective, nonpartisan analysis that cuts through the rhetoric on environmental, energy, and natural resources issues. Otherwise we risk continuing confrontation and stalemate. The Institute can help us move forward with sound policy solutions.

FACTSHEET

The Environmental and Energy Study Institute is being launched by the leaders of the Congressional Environmental and Energy Study Conference and concerned national leaders.

The Institute is incorporated as a nonprofit organization to conduct non-partisan public policy research, analysis and education and has received 501(c)(3) tax-exempt status.

The Institute has a private board of directors made up of more than 25 business, labor, citizen, academic and other leaders.

The Institute's board met in September 1983 to elect officers and an executive committee, review priorities and programs and develop a fund-raising plan. The Institute will be developing its programs and funding proposals in late 1983 and early 1984 and hopes to become operational in mid-1984.

The Institute's goals are to:

Elevate critical environmental, energy and natural resources issues on the national agenda.

Inform the national policy debate on these issues with objective analysis and creative public policy options.

Inject balance and moderation into the debate, with a view toward building consensus and reasonable and workable public policy solutions.

Provide an objective forum in which competing ideas can be assembled and assessed.

Serve as a clearinghouse between Congress and other policymakers.

Among the Institute's key clients will be the 380 Members of the Congressional Environmental and Energy Study Conference and other Members of Congress. Other major clients include federal, state and local officials, the media and private sector leaders, as well as the general public.

The Conference is an informal, non-advocacy legislative research and service organization made up of 85 Senators and 295 Congressmen—from both sides of the aisle and across the political spectrum. Its reputation for timely, unbiased and authoritative public policy services has helped the Conference grow into the largest of all informal organizations in Congress and become an invaluable resource inside and outside Congress.

The Institute will have a close working relationship with the Conference and share the same overall goals. Nevertheless, the Institute will be a separate and distinct entity governed by a separate board of directors.

FUNDING NEEDS

The Institute is seeking foundation grants as its primary source of support in order to maintain its independence and integrity.

Additional revenue will be generated by the sale of publications, some of which will be produced by the Congressional Conference, and seminar fees. Unrestricted corporate grants also may accepted.

WHAT MAKES THE INSTITUTE DISTINCTIVE

The Institute will:

Utilize strategies and techniques that have already proven their constructive impact on the policy process.

Be totally independent and objective. Its only interest will be in building consensus for balanced, workable policy solutions.

Have unique access to national policymakers because of its relationship to Congress and the Executive Branch, its high-level board of directors and an already established informal Washington network.

Provide a powerful communications link between and among public and private sector policymakers.

Emphasize building on the work of others, analyzing and enhancing it and bringing the result to bear on the policy process in the right form at the right time for maximum impact.

Have the capability to tap the vast reservoir of public policy expertise located in the nation's Capital at little or no cost.

THE INSTITUTE'S WORK

The Institute will continue needed research, analysis and education services that the Conference may no longer be able to carry out in the wake of new House rules governing legislative service organizations. The Institute also will continue to provide the Conference's Weekly Bulletin to organizations and people outside Congress as a public service, using the subscription revenues to help finance its work.

Just as importantly, the Institute offers the opportunity to improve and expand proven public policy services and initiate needed new services and make them available to Members of Congress, policymakers in the public and private sectors and the general public.

The Institute's operational objectives will be to identify, define and analyze critical issues; develop and evaluate policy options and their pros and cons; promote creative public policy solutions; and serve as a convener, catalyst and consensus-builder.

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Cecil D. Andrus, natural resources/energy consultant, former Secretary of Interior, former Governor of Idaho.

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VIETNAM AND KOREAN WARS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. LONG of Maryland. Mr. Speaker, it is my honor to announce that American Legion Post No. 38 in Dundalk will dedicate a plaque on Sunday, November 13, 1983, in recognition of those who lost their lives during the Vietnam and Korean wars.

There is really no adequate way to honor properly those who gave up the only life they were ever going to have. But the history of their dedication and their bravery must never be forgotten.

These wars were enormously expensive for the United States, both in terms of human and financial losses. In the Korean situation, of the 6.8 million Americans who served, over 54,000 were killed and more than 100,000 were wounded. In addition, although we were only 1 of 41 nations providing troops, military equipment, and supplies, the United States was responsible for more than 90 percent of all foreign assistance.

In Vietnam, out of the 2.7 million American troops who were involved, 300,000 were injured and 58,000 gave their lives. Beyond these statistics, the emotional and psychological strains suffered by Vietnam vets must also be calculated in the overall devastating costs borne by American society.

The courage and patriotism demonstrated by these veterans must always be considered a source of national pride. This plaque will demonstrate that the American people will never forget the bravery of its Armed Forces.●

H.R. 1234, THE DOMESTIC AUTO CONTENT BILL

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. SHARP. Mr. Speaker, I am very pleased the House of Representatives passed the domestic auto content bill.

The condition of the U.S. auto industry remains grim, and H.R. 1234 is a step in the right direction. In October, 180,000 auto industry workers remained unemployed. Opponents of the bill say there has been major improvement. It is only a grim reminder of the depth of the crisis when we can say that only 180,000 unemployed workers is a great improvement in the situation.

In 1978, at the height of employment in the industry, there were nearly 1 million people employed in the auto and equipment industry. By January of this year, direct industry employment had fallen to 668,000. Hundreds of thousands of jobs have been lost permanently. Many factories will never again operate. Many of our communities will never again be the same.

Opponents of domestic auto content pointed to increased production and sales from levels of this time last year—and indeed those figures are welcome. Let us not deceive ourselves, however, into believing the problem is solved, the crisis is over, and the best long-term policy is inaction. The auto and related industries are extremely sensitive to interest rates, currency values and foreign exchange rates. Thousands of jobs have been permanently lost, and it would take little to return to last year's production and sales levels. The voluntary Japanese auto import restriction was recently raised to 1.85 million vehicles which I believe is unacceptable. This decision clearly means that foreign auto imports will continue to perpetuate the crisis in the industry. The Department of Commerce estimates that if import restrictions are lifted, Japanese auto imports could easily take 40 percent of the domestic market within 6 years.

It is estimated that 65 percent of our $20 billion international trade deficit with Japan is a result of the imbalance in auto imports. The result is nearly 500,000 fewer U.S. jobs. Every imported automobile results in an estimated $1,750 tax loss to State, local and Federal Governments. Even under the previous import restraint agreement, the Japanese share of our market actually increased from 21.4 percent in 1980 to an estimated 22.7 percent in 1982-83 as domestic production and sales declined.

If we enact H.R. 1234 into law, we will not be the first industrialized nation to restrict auto imports. In fact, we will be among the last. Other than fuel economy, safety, and pollution control standards which were not enacted for trade restraint purposes, we have a virtually open market for foreign manufacturers. I have spoken here on the House floor repeatedly in the past urging foreign manufacturers to build production facilities here voluntarily, and to begin fulfilling a responsibility to our domestic economy. Slowly and reluctantly, limited progress was made. It has been far too little.

It is not, however, too late. The House support shown for H.R. 1234 is a signal and an unmistakable message to our trade partners: Build production facilities here if you want unrestricted access to domestic markets. If you want a share of our market, you have a stake in the condition of the economy and a responsibility to helping it remain healthy.

We are also sending a message to the administration. It is abundantly clear that major changes in U.S. foreign trade policies are long overdue. Our trade deficit climbs monthly toward a record annual level. The strength of the dollar has beneficial aspects, but it has also compounded our trade problems. It intensifies the need for action. A strong dollar encourages imports and discourages exports. The message the American people are sending to the Government is that it is time for an aggressive export program—in manufactured goods, in agricultural products, and in services. The administration has the tools for developing stronger trade policies and practices. It is time that they start using them. The American people are not satisfied with our present course.

There is also a message to American corporate leadership. The need to produce products domestically is directed as much to American business leaders as it is to foreign trade ministries and corporate suites abroad. It has become common for new plant openings to be in Taiwan, Mexico, or Korea instead of Pennsylvania, Indiana, or Michigan. It is difficult to relate to you the anger and frustration in communities when a plant closes and operations are transferred abroad. I fear the lure of lower wages abroad and the chance to maximize revenue by building plants overseas is generating long-term hostility toward American business and irreparable damage to our economy. For example, American Telephone & Telegraph recently announced the closing of its Western Electric customer premise equipment plant in Indianapolis; 5,000 employees and their families are suddenly faced with hardship and uncertain futures. It is not difficult to foresee a change in attitude of those affected and the rest of the community if we start seeing AT&T selling telephones produced abroad. That pattern reproduced nationwide as other facilities are closed and jobs exported in other industries portends ill for the effort to develop the new relationships between business, government, and labor needed to stimulate the reindustrialization we know is necessary for long-term growth and competition in international markets.

It is important for all to recognize that enactment of this legislation is not a false promise to the hundreds of thousands of auto industry workers. The industry is moving ahead in the effort to modernize and automate plants, equipment, and machinery to be able to compete more effectively with foreign producers. Although many jobs were permanently lost as a result, many more job losses have been a consequence of foreign manufacturers increasing their share of our market from 15.2 percent in the fourth quarter of 1978 to 28.2 percent in the third quarter of 1980—a 21 month period.

Many farmers have expressed objection to this legislation, and I can understand their concern. I do not, however, agree that farmers will suffer if we enact a domestic auto content law. We have the most efficient and productive agriculture industry in the world. This administration and previous ones have not pursued an aggressive agricultural export program. Stimulating demand abroad for U.S.

farm products can insulate domestic farm production from retaliation from any single nation. It would also diversify our current exports to a few major food importing countries, and provide farmers with needed income after years of low prices and increasing costs. The absence of such an effort should not prevent correcting other trade problems, but should magnify the need to develop our agriculture export potential.

Whether this administration or future ones adopt a needed change in export policy, we must face today's problems squarely and decisively. We must take a hard look at the real world and recognize that trade barriers have been erected in auto trade. Even the strongest opponents of this legislation must concede that Japan, West Germany, France, the United Kingdom, Argentina, Brazil, Mexico, Italy, and Korea have led the way in restricting auto trade. It is simply inadequate to say that we will do nothing, that the domestic industry is healthier from competition as an increasing share of our market is given to producers abroad. It is time to say, "We have had enough. We will now play by the same rules others have developed and imposed."

Free trade must be fair trade. We have been complacent too long. That policy was acceptable when the economies of our current competitors were weak and developing. They took an insignificant portion of our markets. The world has changed in the last 30 years, however, and so has the scope and nature of international trade. Many nations are deeply dependent on export trade for domestic prosperity, and specific strategies and plans are developed to penetrate and capture foreign markets. Some foreign governments subsidize exports and find other methods to aid their domestic industries' exports. It is time to recognize these facts and to act. It cannot be long, I fear, before we are forced to debate the same principles, but to defend other industries now developing, such as data processing, computer hardware and software, the microchip industry as well as banking, insurance, and other services. It is time to let foreign governments and companies know that we will play by their rules, and that we have had enough one-sided bargains.

I despair to deliver that message today because I deplore economic nationalism and trade protectionism. It is, however, the only way to force other nations to play by the same rules, the free trade rules we have been observing despite their actions and policies. Continuing to ignore the situation will not develop or encourage free trade. The situation will continue to deteriorate unless we draw the line. Enactment of a domestic auto content law is the only way we can express our resolve to correct our trade problems.●

PERSONAL EXPLANATION

HON. JAMES McCLURE CLARKE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. CLARKE. Mr. Speaker, on November 4, 1983, I was necessarily absent for two votes. I would like to make clear my position on those measures considered in the House.

On the approval of H.R. 2114, the maritime programs authorization, rollcall No. 455, I would have voted "yea."

On the motion to adjourn, rollcall No. 456, I would have voted "nay."

Mr. Speaker, I appreciate having this opportunity to make my position known for the RECORD.●

A SALUTE TO RICHARD J. BOGOMOLNY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. STOKES. Mr. Speaker, I take this opportunity to join with the members of the Cleveland Chapter of B'nai B'rith and the people of goodwill in the Cleveland metropolitan area in saluting Mr. Richard J. Bogomolny. My good friend, Richard Bogomolny will be the recipient of the Humanitarian Award from B'nai B'rith on Sunday, November 13, 1983.

As an individual who is aware of his significant contributions to the economic, social and cultural development of the Cleveland metropolitan area and its people, I congratulate Richard Bogomolny on this coveted award.

Mr. Speaker, men who give of their all to their jobs, family and fellow man like Richard Bogomolny has done are indeed rare. His efforts and character have made an indelible mark on those persons associated with him through the years. In my opinion, he is deserving of all the praise and accolades he will receive at the banquet on Sunday.

At this juncture, I would like to share which I can best categorize as the "Richard Bogomolny" story with my colleagues.

A native Clevelander, Richard Bogomolny graduated from Cleveland Heights High School and attended Harvard College through his freshman and sophomore years. Upon the death of his father in 1955, Richard returned to Cleveland and assumed the helm of the family's ice cream manufacturing business—the Eagle Ice Cream Co.

Mr. Speaker, this was an awesome challenge for a man who, at the time, was only 20 years old. However, Richard Bogomolny proved to be equipped to meet the challenge. In meeting the challenge, he showed that he was both a shrewd and talented businessman.

While working during the day to develop Eagle Ice Cream Co. into the largest and most modern ice cream manufacturing facility in northeastern Ohio, Richard completed requirements, at night, for the bachelor of arts degree in economics from Western Reserve University. Later, he received a doctor of law degree from the Cleveland Marshall Law School at Cleveland State University.

His success with the Eagle Ice Cream Co. proved to be only the beginning of a celebrated career in business for Richard Bogomolny.

In 1968, under the leadership of my good friend, the Eagle Ice Cream Co. was merged with Fisher Foods of Bedford Heights, Ohio. Richard Bogomolny assumed the position of division vice president. Mr. Speaker, his responsibilities grew within the management team. In 1970, because of his expertise and achievements within the company, Richard Bogomolny was elected administrative vice president of the corporation and assistant to the president.

In still another milestone in his business career, Richard Bogomolny in 1972 joined with Mr. Julie Kravitz and other investors in the purchase of Pick-N-Pay Supermarkets of northeastern Ohio, a chain of 57 stores then doing approximately $200 million in annual sales. Under the leadership of Richard, the company was elevated from a marginal sales level to one of the largest and most profitable supermarket firms in the area. Mr. Bogomolny was elected president and chief executive officer in June 1975.

Later, Mr. Speaker, Pick-N-Pay merged with the First National Stores of New York and New England to become one of the largest food retailers in the country.

During this time, Richard Bogomolny gained the reputation and respect of both First National Stores employees but also the respect of other businessmen throughout the Nation.

After the untimely death of the chairman of the board, Mr. Bogomolny assumed the additional duties of chairman of the board and continued as president and chief executive officer.

Mr. Speaker, Richard Bogomolny has many achievements within the business community to his credit. He has served on many boards within the food market industry. He is a former member of the board of directors of the Food Marketing Institute and director of the Ohio Council of Retail Merchants. He is also one of the founding members of the Northern Ohio Food Bank, a nonprofit organiza-

tion devoted to providing food to area hunger centers.

Mr. Speaker, if Richard Bogomolny is a giant within the business community, he is an even bigger giant in the Cleveland metropolitan area.

He is an active member of the Greater Cleveland Growth Association and the United Way of Cleveland. He is also a trustee of the Jewish Community Federation of Cleveland and a past cochairman of the Food Division of the Jewish Welfare Fund Drive.

Additionally, Mr. Speaker, Richard Bogomolny is a trustee of the New Cleveland Campaign, an organization dedicated to the revitalization of the Greater Cleveland area and a committee member of the Robert F. Kennedy Human Rights Award.

In the midst of these commitments, Mr. Speaker, Richard Bogomolny is an accomplished musician and has served as the president and principal violinist with the Cleveland Philharmonic Orchestra.

Most importantly, he is a man who has contributed to the business community, to his home base, and to mankind. For these achievements, he will receive the B'nai B'rith Humanitarian Award on Sunday in Cleveland. For these achievements, each day he has the respect and admiration of people in the Cleveland area and people across this great Nation.

Mr. Speaker, I ask that my colleagues join me in saluting my good friend, Richard J. Bogomolny.●

VUCANOVICH SUPPORTS TELEPHONE SERVICE TO RURAL CONSTITUENTS

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mrs. VUCANOVICH. Mr. Speaker, AT&T has been required by the courts to divest which will increase local service rates. Divestiture will take place on January 1, 1984, and no legislation from the Congress will change that fact.

We are today considering legislation, H.R. 4102, which claims to preserve universal telephone service. The fact is that local rates will be much higher under this bill than some will have us believe. Congressman TAUKE has introduced a substitute to H.R. 4102 which provides the best alternative for assuring affordable telephone service for everyone. The Tauke substitute will help my rural constituents by providing 60 percent more assistance to the low income and rural consumers than H.R. 4102, and these are the people who truly need such assistance in rural States such as Nevada. While we cannot avoid the increase in rates due to free competition, we can make sure that rural customers are protected.

Why will rates be higher under H.R. 4102? Large corporations who are high-volume long-distance users will find it cheaper to build their own telephone system than to use existing local facilities. The result will be that my rural constituents in Nevada will have to pay even higher local rates in order to make up for the lost revenue. For example, in Nevada today, there are four business accounts which provide 10 percent of the total revenue collected by the telephone companies. If these four companies decide to build their own telephone system in order to avoid paying the high long-distance subsidies incorporated in H.R. 4102, the local telephone rates will increase tremendously to make up that loss.

In short, while H.R. 4102 claims to benefit the individual consumer and small businesses, the Tauke substitute does much more to assure the continuation of universal telephone service at lower rates.●

CISPES: A GUERRILLA PROPAGANDA NETWORK

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, the United Students of America Federation has issued a report on the Committee in Solidarity With the People of El Salvador, a Communist front organization which is the primary organizer of the "U.S. Out of El Salvador" rally to take place in Washington, D.C., on November 12 (this Saturday). According to the foundation, CISPES is gaining considerable influence on Capitol Hill. For the education of the Members, I am including that part of the foundation's report, by J. Michael Waller, below.

The report follows:

CISPES: A GUERRILLA PROPAGANDA NETWORK

INTRODUCTION

The central force behind the "US out of El Salvador" movement has been the source of major confrontations on college campuses and in cities across America. This movement not only wants an end to American involvement in El Salvador; it openly seeks victory for the Marxist guerrillas there, and seeks to preserve the Marxist "revolution" in Nicaragua.

CISPES—the Committee in Solidarity with the People of El Salvador—is part of a worldwide support apparatus for the guerrillas, serving as the United States branch of the "World Front in Solidarity with the People of El Salvador." [1] While opposing all forms of US aid to that country, CISPES supports material aid to the guerrillas.

CISPES membership includes the most radical elements of American political society. It also enjoys support from a wide variety of radical international organizations, such as the Soviet-controlled World Peace Council and the Palestine Liberation Organization.[2]

Since its founding in 1980, CISPES has grown to become one of the most influential lobbying movements in the United states for the Marxist cause in Central America. Its activists meet frequently with Members of Congress and their staffs, as well as with other political and educational leaders in the United States and abroad.

Representative Jack Fields (R-Tex.) entered into the Congressional Record a description of CISPES as "the major grassroots organization opposing U.S. efforts to prevent a Communist takeover" in El Salvador, noting President Reagan's comment that Communist propaganda "has confused a great many people and many well-meaning people."[3]

Exactly what is CISPES? Who is behind it, and why? These two legitimate questions will be explored in this report which will raise more questions about this shadowy "solidarity committee."

BACKGROUND OF CISPIES: ITS ORGANIZATION

In February and March of 1980, Farid Handal, a Salvadoran, traveled to the United States for the purpose of "the creation of the International Committee in Solidarity with the People of El Salvador," according to a report he made after the trip.[4] The Salvadoran army captured the document, which was made public by the U.S. State Department. It revealed that Handa's committee was to have the express purpose of serving as a support apparatus for the Marxist guerrillas of the FMLN (Farabundo Marti National Liberation Front) and its political arm, the FDR (Democratic Revolutionary Front). It was to work with existing groups.

Although claiming not be be a member of the Salvadoran Communist Party (PCS), "I accepted their line and collaborated to the extent of my possibilities," Farid Handal wrote. His ties to the PCS are close; Farids brother, Shafik, is general secretary of the Communist Party of El Salvador. In addition, Shafik has served on the General Command of the FMLN.[5]

The State Department says that the Handal brothers are "Salvadorans of Lebanese descent," but the Lebanese newspaper Al Deftour and Time magazing report that they are of Palestinian parents. Time also reports that Shafik Handal "has ties to the Palestine Liberation Organization, and in particular to its leader, Yasser Arafat. Handal has been active in the purchase of arms for the Salvadoran guerrillas."[6]

On several occasions, Arafat has given his public support for the FMLN-FDR, saying in April 1981:

"We are a great revolution that can never be intimidated. We have connections with all the revolutions throughout the world, in El Salvador, in Nicaragua—and I reiterate Salvador—and elsewhere in the world." [7]

A month before Arafat made that statement, FMLN General Command member Shafik Handal met with the PLO leader and representatives of George Habash's Popular Front in Lebanon. The Israeli Ministry reports that a joint communique was issued which stated an agreement had been made to continue already existing PLO military aid to the guerrillas in El Salvador.[8]

Farid Handal had met with a PLO representative on his guerrilla "solidarity committee" trip to the United States a year earlier, noting that the PLO official "said that they could give us very valuable help. . . .

Footnotes at end of report.

he spoke about help in scholarships (training) for use of arms. He spoke of other types of help."[9]

Handal sought and received assistance from at least two American organizations which receive Soviet funding and instructions. The Communist Party USA (CPUSA) and the United States Peace Council (USPC) were both instrumental in aiding Farid Handal in his efforts to form a "solidarity committee." He wrote about his interview in New York "with members of the Directorate of the CPUSA," among them the "person responsible for the U.S. Peace Council."

This particular individual was CPUSA Central Committee member Sandy Pollack, who is listed on the letterhead of the Mexico-based World Front in Solidarity with the People of El Salvador (Frente Mundial de Solidaridad con el Pueblo Salvadoreño) as a member of the Permanent Bureau of the World Front. Handal identified Pollack as the "solidarity coordinator for the U.S. Peace Council" in his report. CISPES national coordinator Heidi Tarver is listed on the letterhead also, as a member of the Executive Secretariat of the Permanent Bureau. Over the names of WFSPES directors appears the insignia of the FMLN-FDR, with stylized clenched fists and a submachine gun.

Of the meeting with the Communist Party Central Committee members, Handal wrote that they "allowed me to speak and they began to behave more cordially and humanly; now they smiled and listened. . . . The meeting lasted several hours."

At the time, Handal also met with officials of the Cuban Mission to the United Nations, who "recommended that I should carry out work of an informational nature about the situation in El Salvador with progressive Congressmen for the purpose of making the rest of my work more natural." He wrote that he met at the home of counselor Alfredo Garcia Almeida,[10] fourth-ranking official at the Cuban Mission, adding, "They offered to facilitate contacts in Washington. And they did that." Handal then returned to Washington.

In Washington, Handal spent time with a certain "Morris," which could be a reference to District of Columbia Communist Party chairman Maurice Jackson, but this is strictly speculation. "Morris," Handal reported, had received instructions to give Handal any help he needed. Evidently, this was done, for Handal noted that the DC Communist Party members "played an important role in the arrangements for the meeting with Congressman (name deleted.) Congressman from the state of (deleted)." He added that (name deleted) is "(deleted), but very progressive."

(Name deleted)'s "political counselor made known that my visit could not have arrived at a better moment," Handal wrote in his report. "They were interested in better understanding the situation in El Salvador because they were ready to do battle against the hawks who have today strengthened their position and influence in the Senate and Congress of the USA."

"Monday morning the offices of Congressman (name deleted) were turned into our offices," Handal noted. "Everything was done there."

It is appropriate here to interrupt the sequence of events that transpired during Handal's trip to explain the importance the Soviet Union must have placed on Handal's activities. The keen interest the Communist Party USA and the United States Peace Council showed in Handal's movements points to the Kremlin's interest, as shall be explained.

Handal's mission was to "coordinate" activities of already existing "solidarity committees"—including non-Communist political, religious, and human rights groups—so as to form one nationwide umbrella organization in support of the FMLN-FDR "with the help of the CPUSA."[11]

The Federal Bureau of Investigation states that the CPUSA "is one of the most loyal, pro-Soviet Communist parties in the world and its leadership accepts Soviet directives and funding on a regular basis."[12] In addition, the CPUSA receives "substantial Soviet funding" from the International Department of the Communist Party of the Soviet Union. "The Soviets," according to this report which was released by Congressman Edward Boland (D-Mass) "use the KGB to clandestinely transfer funds to the Communist Party of the United States."[13] In this way, activities favorable to Soviet foreign policy objectives can be conducted in the US and other countries through Communist front groups. Since the Soviets control the purse strings of these organizations, they can direct the groups' actions—whose leaders already bear pro-Soviet sympathies.

This same report says that the United States Peace Council is a branch of the Soviet-controlled World Peace Council, and is led by members of the CPUSA. Handal noted this in his journal, as was mentioned earlier. CPUSA officer Michael Myerson is executive director of the US Peace Council, whose own literature openly acknowledges its direct WPC ties.[14]

The same involvement exists on a global scale. The World Peace Council is headed by Romesh Chandra, chairman of the Communist Party of India. Journalist John Barron, in his book "KGB Today—The Hidden Hand", describes Chandra as "slavish" in his loyalty to the Soviet Union. Chandra himself says, "The Soviet Union invariably supports the peace movement. The World Peace Council in its turn positively reacts to all Soviet initiatives in international affairs.[15]

The State Department describes the World Peace Council as "an instrument of Soviet foreign policy."[16] The previously mentioned report issued by Congressman Boland also stated that "Soviet support for the leftist insurgency in El Salvador" met "Soviet foreign policy objectives" with the purpose of establishing "another Communist, or at least pro-Soviet leftist government on the US doorstep." Another goal of a Soviet campaign on behalf of the FMLN-FDR, the report stated, is "to divert the US image in Western Europe by distorting US policy on El Salvador and linking the United States with objectionable aspects of the Salvadoran government through a coordinated propaganda and disinformation campaign."[17]

That campaign, the report implies, took shape in the form of CISPES, which played a central role in circulating a forgery of a State Department document referring to the role of the United States in El Salvador. This incident will be discussed at length later.

Returning to the rest of Farid Handal's February and March 1980 trip to "coordinate" existing "solidarity committees, one other event is worth noting. During his meetings in Los Angeles, the FMLN agent met with other Communist leaders, noting that some of them "took the attitude of great Marxist-Leninist philosophers." Evidently, Handal wanted to take pains to distance the public image of this fledgling FMLN support group from any overt Communist involvement. He must have told this group of the importance of public image, as he complained, "These philosophers accused as hypocrisy any attitude to not identify the solidarity movements as true Marxist-Leninist movements."[18]

By October, CISPES was finally inaugurated. The East Coast Conference in Solidarity with the Salvadoran People held that month recommended to "oppose all forms of U.S. intervention in El Salvador"; this includes opposition to humanitarian aid, which makes up 77 percent of all U.S. aid to that country. Delegates at this conference also planned to "expose the repressive nature of the agrarian reform program," and to "Denounce the role of AIFLD, the American Institute for Free Labor Development, in planning and implementing the reform." The AIFLD is a project of the AFL-CIO, which has been denounced by the US Peace Council (a steering committee member of CISPES) as "a creature of the CIA."[19]

CISPES was gathering momentum over the next few months, when an event occurred that threatened to blow its cover. The State Department released Handal's trip report to the media, in order to reveal FMLN plans to organize a political support group in the United States. Immediately, CISPES allies mobilized to reduce the impact of the document.

Associates of CIA defector Philip Agee organized a news conference on April 9, 1981, to "expose" the Handal paper as a forgery of American intelligence services. CISPES advisory board member Philip Wheaton, a contributor to Agee's Counter-Spy magazine, admitted that CISPES did meet with Handal "on two or three occasions and he has participated in some solidarity meetings around this country." Wheaton added that Handal visited the United States in October, 1980, when CISPES was formally launched; however, he denied any Handal-CISPES link.[20]

Internal security and intelligence experts say that Wheaton denied this link "because CISPES wants to appear as a US movement not connected with any foreign power."[21] This is consistent with Marxist doctrine, which stresses the necessity to form coalitions with non-Communist groups and individuals to form a "broad front," the so-called vanguard for revolutionary activities. A Washington Times reporter wrote about the July 2, 1983 rally to "Stop the U.S. War Against Central America and the Caribbean," "The organizers brag about following Trotsky's plan to gain the unwitting support of labor organizations for the rally by broadening the goals to include a number of unrelated issues and by reuniting labor support at local, rather than national, level. . . ."[22]

Such strategy is evident in the activities of CISPES, which has cosponsored events with such diverse and seemingly unrelated groups as Jesse Jackson's Operation PUSH, Philippine Support Committee, Democratic Socialists of America, National Council of Churches and other religious groups, organizations for the handicapped, Physicians for Social Responsibility, anti-draft and anti-nuclear groups such as CARD and SANE, United States Student Association, and sister groups such as the Committee in Solidarity with Free Grenada, Coordinadora de Solidaridad con el Pueblo Salvadoreno, National Network in Solidarity with the People of Nicaragua, National Network in Solidarity with the People of Guatemala, and the Committee in Solidarity with Viet Nam, Kampuchea and Laos.[23]

Openly pro-Castro groups have also sponsored events or otherwise allied with CISPES, such as the Progressive Student Network, the Institute for Policy Studies (whose senior fellow, Isabel Letelier, frequently endorses CISPES activities. Her late husband, Orlando Letelier, was also an IPS fellow who had formerly served as a diplomat for Marxist Chilean president Salvador Allende. While at IPS, Orlando Letelier worked under cover as an agent for Fidel Castro's secret police, the DGI); Mobilization for Survival, All-People's Congress, Peoples Anti-War Mobilization, North American Congress on Latin America (NACLA), Washington Office on Latin America (WOLA), and the Communist Workers World Party and Socialist Workers Party, as well as the Womens International League for Peace and Freedom, which is an associate of the World Peace Council and the East Berlin-based Womens International Democratic Federation.[24]

Soviet-funded and/or controlled fronts including the Communist Party USA, National Lawyers Guild, and of course, the US Peace Council have also openly cosponsored activities with CISPES, according to the Communist Party USA newspaper, Daily World.[25]

Even feminists have linked up with the pro-guerrilla movement, such as Gloria Steinem, editor of Ms. magazine; the National Organization of Women (NOW), and Dykes Against Racism Everywhere (DARE). Steinem signed a July 2 Emergency Mobilization advertisement protesting United States policy in Central America, which appeared in the May 1, 1983 New York Times. Many individuals of the organizations listed above also signed the advertisement, and CISPES members were also listed as endorsers.

Similar "broad front" coalitions have organized to protest United States (but not Soviet) deployment of nuclear missiles, against the state visit of Philippine President Ferdinand Marcos, against nuclear energy, against "oppression" of homosexuals, and for the funding of AIDS research. This seems to indicate a resurgence of the 1960s-style movements which saw similarly diverse groups, often made up of the same activities, who joined forces against American involvement in Vietnam, against military conscription, and for "women's liberation," sexual liberation, and legalization of marijuana and other drugs.

CISPES admits in its 1984 strategy proposal that such a resurgence is one of its goals, stating flatly, "we will recreate the mood of outrage the U.S. experienced during the Vietnam war."

[1] Information in a "Dear Friends" mass mailing letter from CISPES national office, August 23, 1982. The World Front in Solidarity with the People of El Salvador, based in Mexico City where FMLN-FDR and Cuban operatives may operate freely, is the international umbrella group for US CISPES and sister committees worldwide. It was formed at a conference in Mexico March 26-28, 1982.

[2] Information in a document written by solidarity committee organizer Farid Handal under the pseudonym "Ismael" entitled "Informe de viaje a EEUU" (Report on the trip to the USA), on his February and March 1980 tour of the United States. This document details Handal's trip, naming individuals and organizations with which he worked in organizing a national solidarity movement for the Salvadoran guerrillas.

[3] Congressman Jack Fields, "Who Really Lobbies Against Aid to El Savlador," Congressional Record, April 28, 1981, pp. E1980-E1891.

[4] Farid Handal document.

[5] El Salvador on the threshold (sic) of a Democratic Revolutionary Victory, published by the FMLN-FDR, El Salvador, January 1981. Purchased from the CISPES national office.

[6] "The Powers That Would Be," Time, March 22, 1982, pp. 30-31. Also, "The PLO in El Salvador," Near East Report, February 27, 1980.

[7] Associated Press, April 14, 1981.

[8] Israeli Ministry of Foreign Affairs briefing, May 16, 1982. As quoted by White House Digest, The White House, July 20, 1983.

[9] Farid Handal document. Handal's meeting with the PLO and Cuban representatives and the CPUSA members occurred on his second trip to New York after meetings in Washington, Chicago, San Francisco, and Los Angeles.

[10] Garica Almeida was named by John Barron, in his book KGB Today—The Hidden Hand, as "an officer of Cuban intelligence.

[11] Farid Handal document.

[12] Congressman C. W. Young, "Young Releases FBI Report," Congressional Record, March 24, 1983.

[13] Statement of Edward O'Malley, Assistant Director, Intelligence Division, Federal Bureau of Investigation, before the Permanent Select Committee on Intelligence, US House of Representatives, July 13 and 14, 1982, in a report issued by Committee chairman Edward Boland entitled Soviet Active Measures, page 201.

[14] The US Peace Council is a CISPES advisory board member, according to a March 7, 1982 Washington Post article by Terri Shaw.

[15] John Barron, KGB Today—The Hidden Hand. (New York: Readers Digest Press, 1983, p. 263.

[16] United States Department of State. "World Peace Council: Instrument of Soviet Foreign Policy," Foreign Affairs Note, April 1982.

[17] United States Congress. House of Representatives. Soviet Active Measures, Hearings before the Permanent Select Committee on Intelligence, July 13 and 14, 1982. Page 45.

[18] Farid Handal document.

[19] "US Committee in Solidarity with the People of El Salvador Formed," Peace and Solidarity, Vol. 2, No. 3, Sept-Dec 1980. Published by United States Peace Council.

[20] "How Salvadoran Red Agent Influenced US Groups," Human Events, April 25, 1981.

[21] *Ibid.*

[22] Edmund Jacoby, "Communists seen behind anti-war rally," Washington Times, July 1, 1983.

[23] A flyer from the Committee in Solidarity with Vietnam, Kampuchea and Laos advertised a "Vietnam-El Salvador" rally in which CISPES and the FDR participated. The flyer proclaimed, "Viet Nam has won. El Salvador will win." This alone should question CISPES' sincerity when it cries, "No More Vietnams!"

[24] Information from the "May 3 (1981) March on Washington"; "Ad Hoc Committee for July 2 (1983) Mobilization"; and "November 12 (1983) Coalition" flyers and posters. * * *.

[25] Communist Party, USA newspaper, Daily World, April 3, 1981, p. 3.●

TRIBUTE TO HELEN K. COPLEY

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. LOWERY of California. Mr. Speaker, I would like to take this opportunity to call attention to a woman of distinction and honor. A woman whose accomplishments in both her business and personal life have produced awards of recognition from community and national organizations.

It is citizens like Helen K. Copley, chairman of the corporation and chief executive officer of the Copley Newspapers, whose character and contributions make our blessed United States the brightest light in the free world.

Indeed, Mr. Speaker, Helen has significantly improved the community and Nation through a number of ways. For her efforts she has been recognized and rewarded by the Freedoms Foundation at Valley Forge, Washington Crossing Foundation, the American Newspaper Publishers Association, and the Inter-American Press Association.

Helen has been honored by the Mexican American Foundation as Woman of the Year, by the American Academy of Achievement as Headliner of the Year Award and Veterans of Foreign Wars with their U.S. News Media Award.

Mrs. Copley's efforts reach into the community and the State of California too. She was the first woman elected to the California Chamber of Commerce, and Helen has been honored with honorary doctorate of humane letter degrees from the University of San Diego and Coe College. In addition, she was awarded an honorary doctor of laws degree from Pepperdine University in 1979. Just today Mr. Speaker, I was pleased to learn that Helen has been awarded the medal of honor from the Daughters of the American Revolution.

Mr. Speaker, on Friday, November 11, 1983 Helen will be honored again for her unselfish efforts on behalf of those less fortunate than we. A testimonial dinner will be held at the Hotel del Coronado honoring her for her contributions and support of the March of Dimes. It is my distinct pleasure to call your attention to the efforts and contributions of a great American, Helen K. Copley, whose successes in life are inspiration for us all.●

TRIBUTE TO PEGEEN FITZGERALD

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. BIAGGI. Mr. Speaker, this past Monday, November 7, 1983, a testimonial dinner was held in New York to honor a very special person, Pegeen Fitzgerald. Since 1937, when she and her late husband, Lord Edward began working for WOR, Pegeen has become one of the most outstanding women in radio talk show history. Together with Lord Edward, Pegeen charmed and delighted radio audiences with quick wit, drama, and vivacity. The show "Ed and Pegeen" which was broadcast live from their Central Park South home, included a vast diversity of comment on local, national, and foreign affairs, as well as the trivialities of everyday living. Listeners often referred to the show as "true-life opera." Pegeen did indeed make one feel "involved" with the world.

In addition to her very successful and active career with WOR, Pegeen also became an outstanding leader in the humane movement in America. Her work on behalf of ending cruelty to animals is very well known.

Since 1944, Mrs. Fitzgerald had headed the Millenium Guild, an animal advocacy and protection organization. This organization has had a very interesting and colorful history. It was started and incorporated in 1910 in Boston by eight Americans and the great English writer, George Bernard Shaw. Its purpose was to encourage ethical vegetarianism as a way of ending cruelty to animals. Shaw, as well as all of the other American founders of the Millenium Guild, lived to be over 90 and the principles and standards set by the organization have never wavered.

Over the years, the Millenium Guild has expanded its interests and concerns to animal shelters, stopping the experimentation on live animals, including an extensive campaign against the Draize eye test, and to encouraging greater awareness of ending cruelty to animals.

Pegeen's involvement with the Millenium Guild, which is presently headquartered out of her apartment and has not paid staff, has made it one of the most important and highly regarded humane organizations anywhere.

I am especially pleased to pay tribute to Pegeen Fitzgerald, not only as one of her avid fans of radio in the past, but in the present as well. Pegeen now hosts th WNYC-Radio "Senior Edition" Mondays through Fridays from 12 to 2 p.m. During this time, she reaches out to thousands of listeners, many elderly citizens who have followed her career through its entirety. During her on-the-air hours as well as the off-the-air ones, Pegeen helps humans as well as animals. I must add, as author of legislation which stresses the importance and necessity of pets to elderly people, I am proud to know that we have such a strong and dedicated advocate in our midst.

It is my pleasure to join in the salute to Pegeen Fitzgerald this week and I add my congratulations to the many that she has received for her lifetime of caring.●

GUN OWNER PROTECTION PACKAGE

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. MARLENEE. Mr. Speaker, I want to bring to your attention and the attention of my colleagues four bills that I introduced on July 28, 1983 that I term the "Gun Owner Protection Package." It is my hope that this package will help stop the erosion of our constitutional rights by antihunter and antigun groups. These groups confiscate constitutional rights of law-abiding citizens and sportsmen every year, and the activities of these groups get more blatant and their outcry more shrill with each passing month. It is time that the lawful sportsman and the people of this country who responsibly carry firearms have a voice in Congress.

H.R. 3713, the Hunter Protection Act, will establish penalties for individuals who cross State lines or use interstate communication in the planned disruption or actual disruption of a legal hunt. This bill will protect sportsmen from the hunting/sabotage activities of antihunting groups. This group has published pamphlets on methods of disrupting hunts and has ruined sanctioned, lawful hunts in some parts of the country.

H.R. 3714, the Firearm Transportation Act, simply says that if I can legally own a firearm in my State of residence, I can carry that firearm with me in any place in the United States—even Morton Grove, Ill. The U.S. Constitution says that I have a legal right to carry a firearm, and I think the U.S. Constitution takes precedence over a Morton Grove town resolution.

H.R. 3715 and H.R. 3716 will protect the firearm manufacturer and firearm owners from personal liability if the firearm is purchased or stolen and it is then found to have been used in a criminal act. There is absolutely no way a gun owner who has his firearm stolen or a gun manufacturer who makes and sells a firearm should be held liable if that firearm is later used in the commission of a crime. That is like making Ford Motors liable for a stolen vehicle that serves as the getaway car during the robbery.

The sportsmen and firearm owners of America have rights and I intend to fight to protect those rights and I urge my colleagues to join me in this effort by cosponsoring these bills.●

JACK KENT'S 35 YEARS OF SERVICE TO BERKELEY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. DELLUMS. Mr. Speaker, few people in this world contribute both in thought and in action to the betterment of society. Such a person is Jack Kent: distinguished teacher, outstanding civic leader, and dedicated activitist in the struggle for civil rights, environmental protection, and just governance.

Jack Kent established the Department of City and Regional Planning at the University of California, Berkeley, and worked in his early years there on the loyalty oath controversy.

His activism formed the basis for Jack's involvement in building the first liberal, Democratic majority on the Berkeley City Council, bringing together a coalition that reached across racial lines, and electing the first black member of the city council.

The long work to introduce Berkeley's first master plan and realize its goals brought to the city a host of progressive changes—many new parks and recreational facilities, redesign of shopping areas, and curtailment of ruthless real estate speculation in the wake of downzoning Berkeley flatlands. A glance at neighboring cities' so-called planning clearly demonstrates the critical difference that Jack has made to Berkeley.

The struggle for racial equality found expression in Jack's work to create a fair housing ordinance and in his dedication to expanding the city's role in solving human problems.

Success in these efforts is due in no small part to Jack's dedication to rational planning in his quest to enhance the quality of life in Berkeley, in the greater bay area, and beyond.

Under Jack's leadership, Berkeley entered the campaign to "Save the Bay" and curtailed dramatically its plans for extensive additions to its marina. Concern for environmental problems throughout the region led to Jack's establishment of "People for Open Space in 1958," a group dedicated to conservation and regional planning and to his work in organizing the Association of Bay Area Governments and its 1970-90 plan for a regional greenbelt.

Jack Kent has throughout his career worked to think globally, act locally in the continuing quest for a sane and just world. I know I speak for people throughout our community in congratulating Jack Kent on his many accomplishments and in wishing him many more years of productive involvement.●

NAVY RESERVE FORCES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. SKELTON. Mr. Speaker, the Reserve Forces of the United States have assumed an increasingly important role in defense plans since the inception of the All-Volunteer Force in 1973. While the four armed services recognize the greater role expected of their Reserve Forces, they have been uneven in their support of this changed role.

The Air Force, for example, has devoted much thought, time, energy, and money to improve the capability and responsiveness of its Reserve Forces. These efforts have paid off. It is generally recognized that the response time of Air Force Reserve units is comparable to their active duty counterparts.

The Navy, by contrast, has not exerted itself in the same manner and, as a result, has been slow off the mark. I offer the following, however, as evidence that this situation is beginning to change for the Navy.

Naval Air Reserve aircrews and aircraft demonstrated their excellent state of readiness by providing valuable airlift support on very short notice to American Forces operating in Lebanon and Grenada.

A Naval Reserve C-9 jet transport aircraft supporting naval operations in the Mediterranean was diverted to Beirut to help evacuate U.S. marines killed and wounded in the attack on the battalion headquarters of the U.S. Marine contingent at Beirut Airport.

Two Naval Reserve aircrews and one aircraft from Naval Reserve Fleet Logistic Support Squadron 56 at Naval Air Station, Norfolk, Va., made four flights into Beirut. Dead and wounded servicemen were taken to both Sigonella and Naples, Italy, and to Rhein-Main Air Base in Germany.

Meanwhile, five other naval reserve aircrews and four aircraft supported U.S. operations on the Island of Grenada in the Caribbean. Once again, Reserve Fleet Logistic Support Squadron 56 in Norfolk assisted by Reserve Fleet Logistic Support Squadron 58 in Jacksonville, Fla., provided planes and reserve crews involved in the Grenada operation.

The reserve aircrews and aircraft completed 7 flights totaling some 70 flying hours in support of the Grenada operation. Over a 4-day period, reserve support of the Lebanon evacuation totaled over 30 hours of flying time.

Additionally, Naval Reserve units in the Washington, D.C., and Norfolk, Va., areas responded rapidly to calls for assistance in manning command centers. Naval reservists reported on the same day they were requested to relieve overworked members of the operational control center at Commander in Chief Atlantic Fleet Headquarters in Norfolk and at the Navy Command Center in Washington. Many of the personnel who were relieved by reservists had worked more than 72 hours without rest or sleep.

What is not generally known is that 100 percent of the Navy's airlift capability is in reserve and that the Navy has recently modernized its airlift inventory. The choice to place the function in the reserve is a sound one. The commitment to modernize has been fully justified. The total force concept is alive and well in the Navy, and I encourage the Secretary of the Navy, Chief of Naval Operations, and Chief of Naval Reserve to provide these forces even more support in the future.●

THE UNITED STATES AND THE UNITED KINGDOM AFTER GRENADA: OUR JOINT RESPONSIBILITY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. KEMP. Mr. Speaker, the U.S. action in Grenada to rescue American citizens and restore democracy has received broad support throughout the United States. A recent bipartisan delegation of our colleagues returned with the clear conviction that President Reagan was right to send U.S. forces to the tiny island, in response to the request of our eastern Caribbean allies.

Perhaps the time has come for some of our other allies to rethink their initial lack of support for the President's decision, and focus instead on what might be done to prevent future Marxist takeovers in the Caribbean and elsewhere in the world.

Sir Philip Goodhart is a British Member of Parliament and former Under Secretary of State at the Ministry of Defense under Mrs. Thatcher. A recent New York Times editorial, minimizing the threat Grenada's occupiers posed to other free, small States in the hemisphere, provoked Sir Philip to respond. He graciously provided me a copy of his letter to the editor, which I would like to share with my colleagues.

He observes that, lacking adequate defense, small States are almost as vulnerable to hostile "hijackings" as airlines are; and that what was at stake in Grenada was not just an airfield or a Soviet/Cuban arms depot, but the very safety of the other mini-States of the region.

I would like to second his hope "that the British and American Governments can join with those Caribbean States that feel the need for protection in discussing together the ground rules for sensible defense insurance agreements to provide the smaller States with some protection against the threat of random assaults."

Mr. Speaker, I insert the full text of Sir Philip's letter in the RECORD:

HOUSE OF COMMONS,
London SWIA OAA, October 31, 1983.

The EDITOR,
The New York Times,
New York. N.Y.

SIR: In the past twenty years, Great Britain has given full independence to nearly twenty mini-States—some with a population of less than 100,000—which cannot make adequate provision for their own defence. Indeed, it is arguable that these very small countries should not even try to maintain armed forces of any size, as this would absorb too much of the scarce resources at their command.

The absence of adequate defences means that these mini-States are almost as vulnerable to hi-jacking as airliners are. Within the British Commonwealth in the last six years, the Governments of Grenada and the Seychelles were successfully hi-jacked by armed forces that were not much larger than a regular army platoon, while the attempted hi-jacking of the Gambia was prevented by the fortuitous presence of a couple of British Special Air Service soldiers followed by the intervention of the Senegalese Army.

It is not surprising, therefore, that the mini-States of the Eastern Caribbean, such as Barbados, St. Lucia and St. Vincent, should have asked my country and the United States to intervene following the second coup in Grenada. What was at stake was not just "another Caribbean airfield, an auxiliary station for small-arms transfers and a modest source of new recruits for international mischief", as you suggest in your leading article, "America as Goliath" (October 30), but the safety of other mini-States.

As a British Member of Parliament and as a former Under Secretary of State at the Ministry of Defence under Mrs. Thatcher, I am sorry that my Government did not feel able to join with the United States and some of our Caribbean Commonwealth partners in providing a relief force. The Prime Minister of Barbados and his colleagues understood that failure to act in Grenada after the recent murders would have greatly increased the chances of similar assaults in other islands.

The French have generally concluded defence agreements with their former colonies which have provided the independent Francophone States with a measure of protection against casual assault. Perhaps we should learn from the French.

When the Grenada operation is completed, and when diplomatic tensions have been reduced, I hope that the British and American Governments can join with those Caribbean States that feel the need for protection, in discussing together the ground rules for sensible defence ensurance agreements, to provide the smaller States with some protection against the threat of random assaults.

Yours sincerely,
SIR PHILIP GOODHART,
Member of Parliament.●

H.R. 4295

HON. MARK D. SILJANDER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. SILJANDER. Mr. Speaker, the debate over the Universal Telephone Service Preservation Act of 1983 (H.R. 4295) has caused a great deal of confusion over the issue of access charges. Today's Wall Street Journal carried an article which I believe gives an objective analysis of the issue. I recommend that my colleagues read it before casting their vote on this bill of vital interest to all of our constituents.

The article follows:

TELEPHONE ACCESS CHARGES: WHY NEW FEES STIR CONTROVERSY AND THEIR EFFECT ON USERS

(By James A. White)

Telephone access charges have become one of the biggest issues in the restructuring of the telephone system.

Access charges are the fee that the Federal Communications Commission wants people, businesses and long-distance companies to pay for access between local phone systems and long-distance lines. The fee has been approved by the FCC and is supposed to take effect April 3. But is has bewildered politicians, investors and telephone users, and the reaction has been heated.

Bills have been introduced in Congress to limit the fee; the debate will probably move to the floor of the House today. Consumer advocates and competitors of American Telephone & Telegraph Co. have vigorously opposed the fee. AT&T, which is being split up Jan. 1, has lobbied for it just as vigorously.

The following discussion explores the controversy and how it will affect phone users.

Q. Why have access charges been proposed?

A. Customers have paid access charges for many years. They just didn't know it because the fee was part of long-distance rates. Then in the mid-1970s other companies started offering long-distance service, ending AT&T's monopoly. That meant the FCC had to untangle the old system of using revenue from AT&T's long-distance rates to pay part of the cost of local telephone service. (The subsidy was used to hold down the cost of local service, keeping it affordable for almost everyone.)

In December 1982, the FCC decided to unscramble the system by shifting more of the cost of local telephone service to those who use the service—people, businesses and AT&T's long-distance competitors, such as MCI Communications Corp. The access charge was the way chosen to shift the cost.

Q. Who gets the money?

A. The local phone companies, including the Bell companies that will be split away from AT&T.

Perhaps it's best to think of the nation's phone system as a system of highways and city streets. Long-distance telephone lines are like the highways. Local phone lines are like the web of city streets. Under the access-charge plan, consumers would pay a special flat-rate fee to the local phone companies to get onto the long-distance network. The long-distance carriers would pay a fee to the local companies for the privilege of getting traffic off the highway and onto the local roads—that is, hooking into the local phone network.

And, in effect, the additional charges to consumers would replace some of the subsidies that have been collected through AT&T's long-distance rates.

Q. If the access charges only replace old fees, why all the controversy?

A. Although the total amount paid will be the same, the cost will be distributed very differently. With the charges built into long-distance rates, people who use long-distance a lot subsidize local service more than people who don't. So because businesses are heavy users of long distance, they pay more. With the new access charges, everyone will have to pay.

Q. So will residential customers, business customers and the long-distance companies all pay the same access charge?

A. No. Under the FCC plan, people who use the telephone at home or at work will pay the "subscriber" access charge. It will start at $2 a month per line for residential customers and as much as $6 a month per line for business customers. By the end of the decade, those charges would be about $5 a month for each home or business line, or $60 a year.

Long-distance companies would pay a "carrier" access charge based on the number of calls they put through the local network. AT&T, which will still have the long-distance business after the breakup, estimates that it would pay $16.3 billion in 1984 if access charges were started on Jan. 1. MCI, GTE Corp.'s Sprint service and other long-distance carriers would pay less because they funnel fewer calls into the local system and because they would pay a lower rate than AT&T.

Q. Who favors access charges, and why?

A. AT&T is the strongest supporter. That's because with access charges, the hidden subsidy would be removed from AT&T's long-distance rates, letting AT&T charge less for long-distance calls. AT&T has proposed a $1.75 billion reduction next year in basic long-distance rates. Presumably, that would stimulate calling and increase AT&T's long-distance profit to the limits set by the FCC. Access charges would also benefit local Bell companies and other local phone companies, since the fee is being paid to them.

Heavy users of long-distance service also generally support access charges. These include the hotel industry and many large companies such as Mobil Corp. and Merrill Lynch & Co.

Q. Who opposes the charges, and why?

A. AT&T's long-distance competitors, among others. The other long-distance companies, including MCI and GTE, say they would be crippled under the FCC plan. They estimate that their payments to the local phone companies, for the privilege of hooking up, would at least double. Those companies already pay an access charge, although they pay less than AT&T because the quality of their connections is inferior. With access charges, they say their connections would still be inferior but their fees would soar. Despite having healthy profits now, the smaller long-distance companies say the access-charge plan would put them deep in the red next year.

Q. Why are some members of Congress upset?

A. Many say they are concerned that poor people won't be able to afford phone service if access fees go into effect. Also, many politicians worry about siding with big business against the little guy on a pocketbook issue.

A bill approved by the House Commerce Committee would ban access charges for residence and businesses that have only one phone line. And it would freeze the access charges paid by AT&T's long-distance competitors at August 1983 levels. A bill introduced in the Senate would delay the $2 residential access charge for two years.

But nothing in the congressional bills would stop the local phone companies from increasing rates next year by the more than $6 billion that they have requested from state regulators. Those rate requests have nothing to do with access charges.

Q. How much money is at stake?

A. If access charges for residential customers are blocked or delayed, it would save consumers about $2 billion next year. The federal government could save consumers about the same amount this year by eliminating taxes on telephone bills.

If Congress blocks access charges, AT&T has threatened to withdraw its planned long-distance price cut, and says it may even consider rate increases.

Q. When are the access charges scheduled to take effect?

A. The original date was Jan. 1, 1984, the same time as the breakup of AT&T. Last month, however, the FCC delayed the order 90 days, until April 3.

Q. Will that affect the AT&T breakup?

A. Probably not. All parties say the Jan. 1 date is firm.

Q. Is the access-charge issue important to investors?

A. Yes. The day after the FCC announced revisions to its access-charge plan in August, for example, the price of MCI's common stock fell $4.875, to $15.25 a share, a loss of $1.1 billion in market value. Higher access charges would mean higher costs for AT&T's competitors and lower costs for AT&T. Likewise, any delay in implementing access charges hurts AT&T while helping its competitors.

Residential access charges also are important to investors. Local phone companies, particularly in large cities, are worried about big business setting up their own phone networks to bypass the phone company and avoid high rates. Access charges would help reduce AT&T's long-distance rates, making bypass less of a threat.●

SELECTED CISPES ACTIVITIES

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. DANIEL B. CRANE. Mr. Speaker, elsewhere in Extension of Remarks in today's CONGRESSIONAL RECORD is part of a report on the Committee in Solidarity with the People of El Salvador (CISPES), a Communist front organization which is promoting a rally in Washington, D.C, on November 12 (this Saturday) against the U.S. effort to keep El Salvador out of the Communist camp. So that the Members will have some background on CISPES, I am requesting that this part of a report put out by the United Students of America Foundation be printed. This section of the report, "CISPES: A Guerrilla Propaganda Network" by J. Michael Waller, is entitled, "Selected CISPES Activities."

The report follows:

SELECTED CISPES ACTIVITIES

1. DISTRIBUTION OF A STATE DEPARTMENT FORGERY ON EL SALVADOR

At times when State Department personnel disagree with official United States foreign policy, they may voice their opinions through the "dissent channel" established for that purpose. Frequently, dissent papers are written by foreign policy officers for distribution throughout the media and government.

Soon after being founded in 1980, CISPES disseminated a supposed reprint of a State Department "Dissent Paper on El Salvador and Central America." This unsigned document outlined concerns of many "current and former analysts and officials" in the National Security Council, State Department, Defense Department, and Central Intelligence Agency, and admitted that a "key objective" of American foreign policy toward Central America "is to limit Cuban and Soviet bloc influence throughout the region." The paper warned that further military aid to El Salvador would eventually force the United States to intervene militarily in the region. At the same time, however, it noted that "a consensus in favor" of the Marxist Democratic Front (FDR) had emerged in Salvadoran public opinion. The FDR, it will be recalled, is the political front of the FMLN guerrillas, and was portrayed by this document as "a legitimate and representative political force in El Salvador," and as a moderate, non-Marxist organization with wide popular support. It recommended official American recognition of the FDR.[1]

This document was pronounced a forgery by the State Department, and has been traced to Service A of the First Directorate of the Soviet KGB, the division responsible for "active measures." [2]

Active measures is a Soviet term describing the use of disinformation, provocation, forgery, and other activities designed to frustrate, mislead, and confuse the Western public and Western policymakers. The intent is to influence the policies of nations outside the Soviet bloc. Initially, this particular forgery, which was distributed to news agencies by CISPES, met with some success, as journalists accepted it as genuine. (For a detailed description of active measures and of CISPES' function as a part of Soviet active measures, see John Barron's newest book, "KGB Today—The Hidden Hand," New York: Reader's Digest Press, 1983).

Before making the national headlines, the CISPES forgery appeared in the November-December 1980 newsletter of the Religious Task Force on El Salvador, a pro-Marxist organization which is a member of the CISPES national board; a December 1980 issue of Revolutionary Worker, the newspaper of the Revolutionary Communist Party; and the December 1980 CISPES newsletter.

Anthony Lewis of the New York Times was the first nationally syndicated columnist to be duped by the CISPES forgery, according to Accuracy in Media.[3] A second New York Times writer, Flora Lewis (no relation) quoted the forgery in her March 6, 1981 column as though it was an authentic dissent paper. The next day, the Times reported the State Department's denunciation of the CISPES forgery; Flora Lewis apologized to her readers on March 9, admitting that she had been fooled. However, the pro-Castro Institute for Policy Studies treated the forgery as genuine in the March 18 edition of its newspaper, In These Times.

Testimony before the House Intelligence Committee stated that "There are certain similarities of this operation with other forgeries. It is known that the Soviets attempted to surface this document in Central America through clandestine means." CISPES was mentioned by name in this context.[4]

This forgery continued to be advertised in CISPES' newsletter El Salvador Alert! as for sale from the national office. On the same page, one can order the political platform of the FDR; a publication by Counter-spy contributor Philip Wheaton on agrarian reform; copies of Counter-spy's sister publication, Covert Action Information Bulletin, which "exposes" alleged united States actions in Central America; and issues of NACLA Report on the Americas.

The North American Congress on Latin America (NACLA), for the record, is the product of the Tricontinental Conference of 1966 in Havana, Cuba. NACLA is described in a book co-authored by Latin America expert L. Francis Bouchey as an offshoot of Tom Hayden's Students for a Democratic Society, a radical, violent, pro-Hanoi organization of the 1960s. "NACLA specializes in the preparation of reports on Latin American affairs from a decidedly Marxist perspective," whose material "finds its way into the hands of journalists and government policy formulators," according to Bouchey's book. NACLA, it states, "has come to be known as the 'intelligence-gathering arm of the movement,' a movement dominated by groups and organizations of Marxist-Leninist persuasion who are part of the Tricontinental revolutionary support apparatus." [5] NACLA activists were credited by CIA defector Philip Agee (of Counter-spy) with helping him undermine the CIA.[6]

Such is the literature promoted by CISPES.

2. MAY 3, 1981 MARCH ON THE PENTAGON

"An anti-war movement similar to that which compelled the U.S. military withdrawal from Vietnam" is how the Communist Party USA newspaper Daily World announced the May 3, 1981 March on the Pentagon.[7] CISPES was there, with a banner proclaiming, "Support the FDR-FMLN."

Mentioned by the radical Guardian as one of the "main support groups" for the FMLN-FDR, CISPES was part of the "broad mobilization" taking place "within the organized left" against American aid to El Salvador. The Guardian noted in the same article that "The Workers World Party played a major role in building the May 3 demonstration, and both the Communist Party and the Socialist Workers Party have been involved in support work for some time. Marxist-Leninist forces have also been stressing El Salvador work, usually on the local level." Three lines below appears the CISPES address and telephone number.[8]

The Peoples Anti-War Mobilization (PAM), a front group of the Communist Workers World Party (WWP), organized the March on the Pentagon, as noted by both the Guardian and the conservative Human Events. Larry Holmes, a 1980 WWP candidate for vice president of the United States, co-chaired the march, according to the New York Times.[9]

Heidi Tarver of the national CISPES office was "the other emcee"; Tarver is also a member of the Executive Secretariat of the World Front in Solidarity with the People of El Salvador, as noted earlier. Another speaker was Rafael Cancel Miranda, described in the program as a "Puerto Rican nationalist and former longtime prisoner in the U.S." What the program did not say is why Cancel-Miranda was in prison; in 1954, he was part of the terrorist group that shot five US congressmen in a submachine gun attack from the House of Representatives visitors gallery. He was imprisoned until released by President Jimmy Carter in 1979. [10]

CISPES noted in its newsletter how the march helped the guerrilla cause: "The turnout didn't go unnoticed by the Democratic Revolutionary Front (FDR), the political coalition of opposition forces in El Salvador. Arnoldo Ramos of the FDR told the protestors that '. . . the greatness of this march will fill the hearts of my compatriots with hope and enthusiasm to continue their struggle.' " [11]

The report also mentioned the classic Marxist-style diversity of the groups making up the march, saying that "Blacks, trade unionists, religious workers, anti-war organizers, gay rights groups, representatives of third world movements [i.e., Marxist terrorist and guerrilla groups] and solidarity organizations were all present. Each sector had previously turned out for demonstrations organized around a particular issue or cause. But seldom in the past had a successful basis of unity freed the work of these sectors together."

Credited for this large turnout was "the successful effort made by the People's Anti-War Mobilization, the organizers of the demonstration, to tie together U.S. domestic and foreign policy issues." CISPES then quoted some of the chants made during the march: "Money for jobs, not war, U.S. out of El Salvador," and "Stop the Atlanta murders, down with the junta." [12]

The following Saturday, in spite of the "No more Viet Nams" chants, CISPES co-sponsored a "Viet Nam-El Salvador Rally" in New York, to "celebrate the 6th anniversary of the liberation of Viet Nam" and to "support struggle of El Salvadoran people." A flyer promoting the event—in which members of CISPES, the FDR, and the "Permanent Mission of Socialist Republic of Viet Nam to the United Nations" and "other U.N. missions" participated—proclaimed:

"The heroic people and government of Viet Nam have set an example for the oppressed people of the world by their courageous struggle and defeat of US imperialism on April 30th, 1975. That victory inspired national liberation struggles around the world, many already victorious. . . . We also support the heroic people of El Salvador, led by the Democratic Revolutionary Front, for their courageous struggle for self-determination. The Reagan Administration. . . . also threatens Cuba, Nicaragua, Grenada and Angola. . . .[13]

3. CISPES DECERTIFICATION CAMPAIGN

In compliance with a new law passed by Congress, the President must certify every six months that El Salvador's government is making progress in the area of human rights. Congress must receive this certification before it will permit any military aid to the embattled Salvadoran government. In addition, the President must certify that the land reform program is moving forward, and that the Salvadoran military is sufficiently controlled by the civilian government. CISPES, in anticipation of these regular certification reports, holds "educational" events, press conferences in conjunction with other organizations, and meetings with congressional staffs.

In addition, CISPES members perform acts of civil disobedience. On January 24, 1983, for example, CISPES organized a "Decertification Blockage Task Force" in front of the State Department in Washington. Of the more than 700 protestors at the event, 126 were arrested. CISPES national coordinator Heidi Tarver spoke at the beginning of the demonstration, as did a speaker from the so-called South Africa Support Project and from the National Network in Solidarity with the People of Guatemala.[14] Two US congressmen participated in a pro-CISPES news conference that evening.

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[1] Footnotes at end of report.

Anti-certification events also took place in New York City, Tallahassee, Detroit, and Boulder.

As one journalist noted,

"The CISPES demonstrations indicate a shift in both its political and tactical policies. Support for the FMLN in El Salvador has been broadened to a regional concept with the revolutionary movements of Nicaragua, Guatemala and Honduras presented as 'targets of U.S. imperialism.' Tactically, the demonstration showed that CISPES could mobilize a significant group on a working day (Monday) prepared to take part in a direct illegal, although peaceful, protest. . . . Obviously, fanaticism either by U.S. FMLN supporters or by Salvadorean (sic) FMLN members legally or illegally in the U.S. could be escalated to non-peaceful actions."[15]

Six months after these protests, a group of "Salvadoran refugees" marched for 17 days from New York to Washington "against repression and war in Central America." A pro-FMLN flyer issued by "Salvadoran Refugees Against Certification," a CISPES front group, cried, "NO to the Lie of certification!" and urged people to "Join Salvadoran refugees in protest against U.S. intervention in Central America."[16]

A march and rally at the White House was followed by an ecumenical service on July 21; the next day, the "Day of Certification," a press conference was held by the "refugees."

"U.S.-sponsored terror" was blamed for their status as refugees, according to the flyer, which echoed the FMLN-FDR line that "elections held during a state of civil war are unacceptable." Again, this is an example of CISPES disinformation, as the March 28, 1982 elections—in which over 80 percent of the electorate voted—repudiated the numerically insignificant 7,000-man guerrilla forces.

CISPES activists intend to pursue decertification by misinforming the public with half-truths and distortions, and by pressuring Members of Congress through demonstrations, letter-writing campaigns, and direct lobbying.

4. JULY 2, 1983 MOBILIZATION

The Viet Nam War memorial in Washington was exploited politically for the first time during the "July 2nd Demonstration to Stop the U.S. War Against Central America and the Caribbean."

Organized by the New York-based Ad-Hoc Committee for July 2 Mobilization, the theme of the rally and march was "No More Viet Nam Wars." Other concerns, according to the Committee literature, were:

"Stop U.S. aid to El Salvador; US troops out.

"Stop the U.S. war against Nicaragua.

"No military bases in Honduras.

"End all aid to Guatemala.

"Stop war threats against Cuba and Grenada.

"US military out of Puerto Rico and Panama.

"End racism, sexism and lesbian/gay oppression at home."

"Let's unite to build a broad and powerful rebuff to the Reagan Administration's attempt to launch a new Viet Nam war," cried the official Committee literature. "Dramatize that the vast majority of people don't want another Viet Nam type U.S. intervention in Central America."[17]

The event was organized from the office of People's Anti-War Mobilization (19 West 21st Street, 7th floor, New York, NY 10010, tel. 212-741-0633), the front group of the Communist Workers World Party. Thus, the WWP, and not the more orthodox Communist Party USA, was the driving force behind this rally and march. CISPES was a prominent participant, however.

The collection of speakers was diverse, including Tom Soto, a WWP activist representing the People's Anti-War Mobilization; Gwendolyn Rogers, of the Lesbian and Gay Task Force of PAM; former US attorney general Ramsey Clark; Arnoldo Ramos, the Salvadoran "unknown" representing the FDR; Serge Mukende, of the Congolese National Liberation Front; Sonny Marks, representing the ambassador to the UN from the People's Republic of Grenada; Larry Holmes, 1980 WWP candidate for US vice president; Michael Ratner, president of the Communist front National Lawyers Guild; a representative of the African National Congress, a Marxist terrorist group in South Africa; and, of course, a representative of CISPES. Radical religious figures were also present.

Other groups participating in the rally, but not necessarily official sponsors, included:

Armenian People's Movement, identified by the Turkish Embassy as "the legal transit for ASALA," the Armenian Secret Army for the Liberation of Armenia, a terrorist group that seeks to annex eastern Turkey to Soviet Armenia. ASALA has claimed responsibility for the bombing and assassination of Turkish diplomats in the United States and other Western nations.

Organization of Iranian People's Fedaii Guerrillas, another Marxist-Leninist group, also participated in the rally, distributing a "solidarity message" to the FMLN. The top of the literature displays a clenched fist and machine gun flanked by the hammer-and-sickle.

The Marxist-Leninist Party of the USA also participated, as did the pro-Castro Puerto Rican Socialist Party; the Committee in Solidarity with the People of Guatemala, whose literature sported a picture of Che Guevara and hammers-and-sickles; and the Bolshevik League.

Obviously, this coterie of activists had more than just the "liberation" of El Salvador in mind. One is reminded of the Marxist international revolutionary movement—as well as of Arafat's "We have connections with all the revolutions" remark mentioned earlier in this paper.

5. CISPES ASSOCIATIONS WITH FOREIGN DIPLOMATS

Many CISPES-affiliated functions include foreign diplomats and other embassy officials as guest speakers. As a support committee for the Marxist guerrillas in El Salvador, CISPES works with support groups of other "national liberation" movements, as has been detailed.

CISPES involvement with foreign diplomats at protest rallies is demonstrative of its sympathy with these governments, and could point to a possible—although as yet unsubstantiated—collaboration between CISPES and foreign embassies.

A brief perusal of CISPES and CISPES-affiliated demonstration flyers shows that officials from the Embassy of Nicaragua, the Permanent Mission of "the People's Republic of Grenada" to the United Nations, and the Permanent Mission of the Socialist Republic of Viet Nam were guest speakers at the rallies.

A blatant example of possible CISPES collaboration with hostile embassies took place on October 27, 1983, when CISPES organized a demonstration in Washington against the U.S. military action in Grenada. The protest was held in front of the Nicaraguan Embassy, and the Sandinista First Secretary and Cultural Attache was a featured speaker. District of Columbia CISPES activists were reportedly observed going in and out of the embassy during the rally, using the side door.

FOOTNOTES

[1] "Dissent Paper on El Salvador and Central America," Forgery circulated by CISPES dated November 6, 1980, and available from the CISPES national office.

[2] New World Dynamics. Foresight. Special Bulletin, May 27, 1983.

[3] Accuracy in Media. AIM Report. March 1981.

[4] O'Malley testimony, Op. Cit., page 230.

[5] Stefan T. Possony and L. Francis Bouchey, International Terrorism—The Communist Connection (Washington: American Council for World Freedom, 1978) pp. 104–105.

[6] John Barron, KGB Today—The Hidden Hand. p. 246.

[7] Cindy Hawes, "National peace demo set for May 3," Daily World, April 3, 1981, p. 3.

[8] "Salvador's diverse support mushrooms," Guardian, Spring 1981 El Salvador supplement, p. S-2.

[9] Council for Inter-American Security. West Watch, June 1981.

[10] Ibid. Cancel-Miranda has participated in several CISPES-sponsored events, including the July 19, 1981 March and Solidarity Fair to "Celebrate the 2nd Anniversary of the Nicaragua Victory!" in New York. He was listed on flyers promoting the event as one of the guest speakers.

[11] El Salvador's ambassador to the United States, Ernesto Rivas-Gallont, told this writer that no one in El Salvador has ever heard of Arnoldo Ramos, and that there is doubt that Ramos has ever been a Salvadoran citizen.

[12] CISPES. El Salvador Alert!, monthly newsletter, June 1981.

[13] Committee in Solidarity with Viet Nam, Kampuchea and Laos flyer, undated, for May 9, 1981 rally at Washington Square Methodist Church, New York City. CISPES was prominently listed on the flyer as a participant.

[14] Personal observation of author. National Network in Solidarity with the People of Guatemala shares office space with CISPES.

[15] John Rees, Information Digest, January 28, 1983.

[16] CISPES flyer re Salvadoran "refugees," for July 5-22 walk from New York to Washington.

[17] "Program for July 2 Rallies," distributed by the Ad Hoc Committee for July 2 (1983) mobilization, Washington, DC.●

CISPES: FUNDING AND PLANS FOR 1984

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. BLILEY. Mr. Speaker, elsewhere in the RECORD today are sections of a report by J. Michael Waller of the United Students of America Foundation on the Committee in Solidarity with the People of El Salvador, a Communist front organization which is planning a "U.S. Out of El Salvador" rally in Washington, D.C. on November 12. This part of the foundation's report concerns CISPES funding, CISPES Strategy for 1984, and the author's conclusion. It is well worth reading, as are the other sections, printed elsewhere.

The report follows:

CISPES FUNDING AND PLANS FOR 1984

Currently, CISPES seems to be existing largely on funds raised on the grass-roots level, although its mass mailings—like any political organization relying on donations—frequently complain of low finances.

It is still unclear as to how CISPES received its startup funds. R. Bruce McColm of Freedom House, a New York-based human rights organization, says that the United States Peace Council has helped finance CISPES operations.[1]

CISPES denies this, according to the Washington Post, but the Post reports that the US Peace Council is indeed on the CISPES steering committee.[2]

The guerrilla support group evidently has an active fund-raising program, and also raises cash through charging chapters monthly dues. These dues go not only to running the CISPES campaign, but also to "the Salvadoran people," presumably the FDR. CISPES literature shows how money is raised by local groups for their own activities and for the national office:

"Our experience has shown that it is well within the capacity of CISPES committees to pay dues as well as sustain their own work and contribute material aid for the Salvadoran people."

The national office has a training program for grassroots fundraising "to establish a regular local income that will support this." Methods range from holding raffles and festivals, to canvassing, to direct solicitation.

Dues cost from $20 per month for chapters with 10 people or less, to $75 monthly for 35 members or more, although "Those chapters who have already developed effective fundraising should pay a proportionally higher amount in relation to the number of active members."

If, however, some groups "are members of all three Central America networks" (CISPES, Network in Solidarity with the People of Guatemala, and the National Network in Solidarity with the People of Nicaragua—who share the same office at 930 F Street NW, Washington DC), and "therefore may not currently have the ability to pay the amount of dues that would correspond to their chapter."

CISPES credits "the individuals all over the country who support and carry out our work" with providing "the most stable base of financial support" for the pro-FMLN-FDR operations. This may include sales of "Solidarity bonds," an idea of Farid Handal himself, which raises funds "as a counterpart to the credits given by the U.S. Government to the junta of El Salvador," according to Handal's document. This junta was abolished after the free elections in March 1982. CISPES claims that revenues from these one, five, 10 and 25-dollar bonds is used for "humanitarian aid" channeled to "the Salvadoran people" through churches in el Salvador and Mexico.[3]

However, "Outside donations and grants" are also received, which "tend to fluctuate greatly depending on how much press coverage is being given to Central America." CISPES adds that "If we build an independant (sic) financial base that relies primarily on the commitment and work of our own activists *rather than outside sources,* we can guarantee that . . . we will remain politically independant (sic) and responsive to our own goals and the need of the salvadoran people" (emphasis added).

CISPES STRATEGY FOR 1984

USA Foundation has procured a copy of the "1984 CISPES National Administrative Committee Strategy Proposal," an internal document outlining CISPES plans to generate public support for the FMLN-FDR terrorists, and for influencing the 1984 presidential election. Actions include attacks against Republican party headquarters and against Republican events in the form of "militant mobilization."

An assessment of the Central America situation from the Left's point of view notes that "President Reagan has seized the political offensive in Central America in the last six months," and briefly spells out the Reagan Administration's Central America strategy. The CISPES Proposal notes that the President's policy "has worked in Congress—so far. . . . Most sectors of the Democratic Party have avoided the debate for fear it will weaken their possibilities for reelection and divide the Party as the issue of Vietnam did in 1968 and 1972."

"People fear prolonged Vietnam-type involvement," the document asserts; it is this fear that CISPES plans to exploit. Perceiving a "bi-partisan consensus" with regard to El Salvador, CISPES recommends destruction of that perceived unity. "The Kissinger Commission will be used to consolidate a bipartisan consensus. . . . It is an attempt to undercut the remaining Democratic opposition," the strategy proposal notes.

"The Democrats have no apparent strategy around Central America, and are divided internally on the issue. They seem ursure of the strength of public opinion," the paper says. Therefore, the CISPS strategy determines that "A Democratic 'anti-intervention' position would be tactical rather than genuine. It can, however, weaken the support Reagan needs at a critical time for intervention. . . ."

"OUR TASK"

"We need to make U.S. intervention a high-visibility presence as a key anti-Reagan issue," the document stresses. Six lines further, it is stated again—that "We can use this expanded public opposition to:

"Make opposition to intervention a key issue in the anti-Reagan movement;

"Pressure Democrats to take a clear position;

"Isolate Reagan politically and disrupt his political alliances."

"OUR GOALS FOR 1984"

CISPES plans to "impeder the escalation of U.S. intervention in Central America" politically; in addition, it seeks to "provide political and material support for the FMLN-FDR in El Salvador," and to "Defend the Sandinista revolution" in Nicaragua.

CISPES speaks of its intent to aid the guerrillas in more than just a political manner. "U.S. attempts internationally to isolate the FMLN-FDR also require a worldwide effort to give political and material support," both from the U.S. CISPES and the World Front in Solidarity with the People of El Salvador.

This FMLN-FDR support group also plans to stimulate support for the Communist dictatorship in Nicaragua: "Our defense of the Sandinista revolution will directly contribute to the Nicaraguan people's efforts to consolidate their revolution. *It will also undermine Reagan's attempts to build a 'strategic consensus' in the U.S. for intervention in all of Central America*" (emphasis added).

"The administration's key vulnerability in 1984 is its ability to build a bipartisan and popular consensus for long-term intervention," the proposal continues. "Therefore, we propose as the basic political strategies for 1984;

"1. Disrupt Reagan's alliance for intervention with the Democrats." This could be a reference to the Central America commission headed by Henry Kissinger.

"2. Make opposition to intervention in Central America a central anti-Reagan issue.

"3. Prepare for and initiate effective, powerful and popular responses to greater escalations of U.S. intervention in Central America."

CISPES does not seek to fight Ronald Reagan by itself. In order to "increase our movement's breadth and impact," CISPES seeks to "Make opposition to intervention a key issue of the anti-Reagan movement, by participating *actively* in anti-Reagan coalitions" (emphasis in original), to "Use emergency situations to mobilize and expand the active participation of new sectors," and to *"Develop strategic relations with organizations of the religious sector, labor, Blacks, Latinos, peace movement, etc."* (emphasis added). This is the same sector that is currently backing Democratic candidates for the Congress and the Presidency. It is quite likely that CISPES activists will hold key positions on the 1984 Democrat and liberal Republican campaigns.

CREATE "VIETNAM-STYLE" HYSTERIA

Some "key themes for 1984" under CISPES' "Public Projection (Propaganda) Strategies" include efforts to:

"a. Portray each stage of intervention as a step toward a Vietnam war. Project the urgency of stopping intervention."

Interestingly, CISPES cosponsored a May 9, 1981 New York rally supporting the Communist "victory" in Vietnam. A dormant sister group of CISPES, the Committee in Solidarity with Vietnam, Kampuchea and Laos, was designed as a support apparatus for the Communist regimes there.

"b. Project an emerging 'Vietnam war-type' movement," and

"c. Portray Reagan as a warmonger, and his policies a threat to world peace."

In addition, CISPES seeks to "counter Reagan's propaganda campaigns against Nicaragua, and other key issues that underlie his policies (national security, 'feet people,' etc.)."

"MILITANT MOBILIZATION"

"We propose three major programs for 1984, each designed to complement the other. *Taken together,* they focus our strategies in a manner we believe best serves our 1984 goals," by

"A. National Anti-Intervention Campaign to be conducted *movement-wide.*" In the classic Marxist broad-front strategy, CISPES plans to "initiate the idea and mobilize for the campaign," but notes that "it is critical that it not be merely a CISPES project. Therefore, this campaign should be proposed to and discussed with movement organizations and individuals with whom CISPES has worked at the *national, regional,* and *local* levels" (emphasis in original). Presumably, CISPES plans to continue its alliance with its traditional allies, which include Communist and Soviet front groups as listed earlier in this report.

"B. Confronting Reagan and Responding to Escalation." This includes projecting

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[1] R. Bruce McColm, "El Salvador: Peaceful Revolution or Armed Struggle?" (New York: Freedom House, 1982). p. 39.

[2] Washington Post, March 7, 1982.

[3] Statement of Congressman Fields.

BEST COPY AVAILABLE

"militant opposition" to American policies in Central America, to "visibly increase the political isolation of Reagan, and make support of his policies a political liability."

"We will meet them [Reagan administration officials] wherever they go with pickets, demonstrations, guerrilla theatres, civil disobedience, etc." The CISPES document continues, "At each significant stage of excalation, we will respond with militant mobilizations, projecting strong, popular opposition—brought to bear on Reagan-related targets. These might include Republican/Reagan campaign headquarters, nominating conventions (especially the Republican National Convention in Dallas), Republican Party fundraisers, etc."

"*Through these actions we will recreate the mood of outrage the U.S. experienced in the Vietnam war,*" CISPES adds (emphasis added). A second "revolution" in the 1980s, like the one of the 1960s, is one aim of CISPES and its radical leftists allies.

The third goal of CISPES for 1984 is development of a "People-to-People Solidarity Campaign" to "Provide material aid to the Salvadoran people through their organizations and institutions," to "Increase political support for the FMLN-FDR and the mass movement in El Salvador;" and to "Expand the solidarity movement."

CISPES concludes its 1984 strategy proposal by stating that a 'campaign of political support is needed. . . to provide a forum for the FMLN-FDR in the U.S. . . ."

CISPES organizers are completely aware that an FMLN-FDR victory in a Sandinista-style revolution will be damaging to the United States. While much of this strategy proposal targets the defeat of Ronald Reagan, the core of CISPES' intent lies in the defeat of the United States.

Early in the initial assessment within the strategy proposal, on page two, CISPES notes that "An FMLN victory would represent a strategic loss for the U.S. in the region, and qualitatively shift the balance of forces." Not a loss for Ronald Reagan, but a "loss for the U.S.." is what CISPES is striving toward.

CISPES spells out how it intends to ensure this "loss for the U.S.," in conclusion, by organizing well-meaning Americans to "Provide the political and material support to the FMLN-FDR" and to "Defend the Sandinista revolution."

Americans should take CISPES at its word.

CONCLUSION

After exploring the background, composition, and ideology of CISPES, more questions have been raised than answered.

For example, one of CISPES' main battle cries is "No More Viet Nam Wars," ostensibly with the intent of preventing another no-win guerrilla war that would bog down U.S. forces and exact horrible costs in life and treasure. Yet CISPES participated in pro-Hanoi activities alongside Vietnamese diplomats, as mentioned earlier.

CISPES claims to represent the vast majority of the Salvadoran people whom it says are completely behind the FMLN-FDR. Yet the number of FMLN guerrillas has remained at a constant figure of around 7,000 fighters over a three-year period, a sure sign of absence of popular support. The March 1982 elections, CISPES claims, were fraudulent.

This group also claims that the guerrillas have the support of the Salvadoran Catholic church and labor unions. Yet religious and AFL-CIO sources state clearly that this is a lie; the few religious and labor figures participating in CISPES activities are radicals, and are not representative of the mainstream. (USA Foundation will research these religious and labor connections in a later report, as there is far too much information to include in this paper).

Communist regimes in Vietnam, Angola, Nicaragua, Cuba, and Grenada, and terrorist movements in Guatemala, South Africa, and the Middle East (PLO) have been supported by CISPES activists. A double-standard is apparent regarding its "no intervention" policy, as CISPES operatives are openly supporting the violent overthrow of the governments of Chile, Puerto Rico, Guatemala, the Philippines, and South Africa—not to mention El Salvador.

Another question: is CISPES an independent organization? Is it subervient to the World Front in Solidarity with the People of El Salvador, or perhaps vice-versa? Could it be classified as a Communist front organization?

More than that, would CISPES be required by law to register under the Foreign Agents Registration Act? Its ties to the FMLN-FDR are close, CISPES has not wavered from the FMLN-FDR line, and its sources of funding remain questionable.

CISPES activities have been, without a doubt, very effective on the grass-roots level. Combined with a high profile on Capitol Hill, CISPES can justifiably claim victory in influencing public opinion and perhaps even US foreign policy.

Whatever concrete results CISPES may have achieved, they have not been on behalf of the Salvadoran people. Nor have they been in the interests of democractic principle. CISPES, it seems, is no more pro-freedom than the active measures campaign of which it is part.●

DEFICIT DAY SPEECH

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 9, 1983

● Mr. KOLTER. Mr. Speaker, today I join many of my colleagues in recognizing November 2 as "Deficit Day." This date should neither be looked upon with reverence, nor respect. It should not serve as a landmark, but rather, a setback to establishing an effective government.

Time and time again we have heard from the Reagan administration how important, how vital it was, to balance the budget by 1983. Now we rarely hear a thing. Not from the President. Not from the media. This is truly a disgrace to our Nation as a whole.

If nothing is done and we idly sit back and ignore the issue of deficit reduction we will soon find ourselves totally immersed into a recession, the likes of which we have never known.

It is essential that action is taken immediately to combat the ever-increasing apathy that is fast spreading throughout the Nation on this issue. To do this, we must commit ourselves to finding a solution and act accordingly through cooperation.

"Deficit Day," should signal our awareness of the problem and our strong desire to see this problem through.

No longer can we tolerate a $1 trillion debt. No longer should we accept, without concern, deficits totaling hundreds of billions of dollars. This is indeed a threat not only to our Nation's economy, but to the very future of our Nation as a whole.

We must resolve to hold down Federal spending levels.

We must remain firm in our stance to limit growth in defense spending to the congressionally mandated level of 5 percent.

We should treat, with serious concern, the ramifications of complacency. This is not the time to ignore what desperately needs to be done. This is the time to cast partisanship aside and cast a vote for the American people. A people too strong and too proud to be disgraced by this reckless abandon.

It is time to recognize failure for what it is. In a positive way, it can mean a form of education, nothing but the first step to something better. Let us not tell others what to do, and how to do it, but never do it ourselves.

We must step forward and as Henry Ford said: "(Take) the opportunity to begin again, more intelligently."●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, November 10, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 14

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on the role of whistle blowers in administrative proceedings.
SD-226

Joint Economic
To hold hearings on antitrust policy and competition.
2318 Rayburn Building

11:30 a.m.
Finance
Health Subcommittee
To resume hearings on long-term health care.
SD-215

NOVEMBER 15

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the direction of the development of a civil space station.
SR-253

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on the current condition of America's coal industry.
SD-366

9:30 a.m.
Governmental Affairs
To hold hearings on S. 1566, proposed Program Fraud Civil Penalties Act.
SD-342

Judiciary
Patents, Copyrights and Trademarks Subcommittee
Business meeting, to mark up S. 875, to establish penalties for trafficking or attempting to traffic in counterfeit trademarks in foreign or domestic commerce of the United States, and to permit the injured owner of a registered trademark to sue for damages in Federal court, S. 1201, to provide copyright protection for the imprinted design patterns on semiconductor chips, and S. 1538, to modify and improve patent laws.
SD-226

Small Business
Government Regulation and Paperwork Subcommittee
To hold oversight hearings on the implementation of the Paperwork Reduction Act of 1980 (Public Law 96-511).
SR-428A

Select on Indian Affairs
To hold oversight hearings on the impact of certain coal land exchanges between the Department of the Interior and Western land grant railroads, the Burlington Northern and Union Pacific, on the value of Indian-owned coal.
SD-538

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the state of Soviet agriculture.
SR-328A

Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95).
SD-406

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on Federal employees health benefit programs.
Room to be announced

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings to review international copyright communication policies.
SD-226

Labor and Human Resources
Aging Subcommittee
To hold hearings to redefine old-age provisions contained in the Older Americans Act.
SD-430

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To hold hearings on S. Con. Res. 40, proposed Grandparent Visitation Act.
SD-628

2:00 p.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold oversight hearings on acquisition of land and acquisition and termination of grazing permits or licenses issued by the Bureau of Land Management pursuant to the Taylor Grazing Act (43 U.S.C. 315 et seq.) at the White Sands Missile Range in New Mexico.
SD-366

Governmental Affairs
To hold oversight hearings on Federal regulations of the Lobbying Act of 1946.
SD-342

3:00 p.m.
Judiciary
Immigration and Refugee Policy Subcommittee
Business meeting, to consider pending private relief bills.
SD-234

NOVEMBER 16

8:30 a.m.
Veterans' Affairs
To hold joint oversight hearings with the House Committee on Veterans' Affairs on the adequacy of VA standards and procedures with respect to funeral and burial services provided for veterans whose remains are unclaimed at VA medical centers.
334 Cannon Building

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Special on Aging
To hold hearings to evaluate the payment procedures of the social security system.
SD-562

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 521, to encourage the utilization of Federal criminal justice information services and other alternative proposals for the exchange of criminal history information to assist State-run institutions in hiring individuals to work with juvenile offenders, and S. 1924, to establish a Federal information gathering system to collect and disseminate information on individuals who have been arrested or convicted for child molestation.
SD-628

Labor and Human Resources
To hold hearings on private sector initiatives to promote the health and well-being of the American family.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Forestry and Environment Subcommittee
To hold hearings on S. 1610, to designate certain lands in Wisconsin as wilderness.
Room to be announced

Armed Services
To resume hearings to review the organization, structure, and decisionmaking procedures of the Department of Defense, focusing on procurement practices.
SR-222

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to resume markup of a proposed committee amendment in the nature of a substitute to S. 1291, authorizing funds for fiscal years 1984 and 1985 for the Nuclear Regulatory Commission (pending on Senate calendar).
SD-406

Foreign Relations
To hold hearings on the future of United States and Soviet relations.
SD-419

Governmental Affairs
To continue oversight hearings on Federal regulations of the Lobbying Act of 1946.
SD-342

Judiciary
Criminal Law Subcommittee
To hold hearings on S. 1876, to allow for the advertising, transporting, mailing, or broadcasting between States of materials and information concerning State-conducted or authorized lotteries.
SD-226

10:30 a.m.
Small Business
To hold oversight hearings on the status of women in the work force.
SR-428A

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold oversight hearings on the operation and management of the Federal Crop Insurance Corporation, Department of Agriculture.
SR-328A

Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings to review current gas markets and alternatives for delivery of Alaskan gas through the Alaska natural gas transportation system to those markets.
SD-366

Judiciary
To hold hearings on pending nominations.
SD-226

2:30 p.m.
Select on Ethics
Closed business meeting.
S-207, Capitol

NOVEMBER 17

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit and Rural Electrification Subcommittee
To hold hearings on S. 1300, to insure that rural electric and telephone systems will be able to continue to provide high-quality, affordable electric and telephone service to consumers in rural America.
SR-328A

Finance
Energy and Agricultural Taxation Subcommittee
Taxation and Debt Management Subcommittee
To hold joint hearings on S. 1768, to provide energy tax credits for certain equipment used aboard or installed on fishing vessels; to be followed by the Subcommittee on Taxation and Debt Management holding hearings on miscellaneous tax bills, including S. 1332, S. 146, S. 1809, S. 1857, and S. 1758.
SD-215

Labor and Human Resources
Handicapped Subcommittee
To hold hearings on section 504 of the Rehabilitation Act of 1973, relating to institutional care and services for retarded citizens.
SR-428A

9:45 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on Federal arts policy.
SD-430

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95).
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the Hotel and Restaurant Workers' Union (HEREIU).
SD-342

Select on Indian Affairs
To hold hearings on S. 885, to provide for settlement of unresolved claims relating to certain allotted Indian lands on the White Earth Indian Reservation, Minn.
SD-124

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings on the impact of Federal spending cuts on maternal and child health care in the United States.
SD-628

2:00 p.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on Federal arts policy.
SD-430

NOVEMBER 18

10:00 a.m.
Finance
To hold hearings on S. 1804, to provide for tax treatment of foreign sales corporations and exports of goods and services.
SD-215

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on issues relating to National Family Week and National Adoption Week, November 20-26, 1983.
SD-628

NOVEMBER 29

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review targeted scarce resource provisions of the Older Americans Act.
SD-430

10:30 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on the implementation of the Toxic Substances Control Act (Public Law 94-469).
SD-406

NOVEMBER 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

DECEMBER 6

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review long-term care policy provisions of the Older Americans Act.
SD-430

DECEMBER 7

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the status of the job corp program.
SD-430

DECEMBER 14

9:00 a.m.
Labor and Human Resources
To hold hearings on pending nominations; to be followed by a business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
SD-430

CANCELLATIONS

NOVEMBER 10

10:00 a.m.
Governmental Affairs
To hold hearings on proposed legislation to modify the number of Federal holidays.
SD-342

NOVEMBER 17

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit and Rural Electrification Subcommittee
To hold hearings on S. 1300, to insure that rural electric and telephone systems will be able to continue to provide high-quality, affordable electric and telephone service to consumers in rural America.
SR-328A